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SENATE—*Thursday, June 4, 1970*

The Senate met at 12 o'clock noon and was called to order by Hon. FRED R. HARRIS, a Senator from the State of Oklahoma.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, we thank Thee for Thy word which endures forever and for the everlasting hope that nothing can ever separate us from Thy love—neither life nor death, nor things present nor things to come—for Thou art our God and our trust is in Thee. May Thy truth find lodgement in our hearts and expression in our lives. So wilt Thou guide us through the day, sharpening our intellects, controlling our emotions, directing our wills, that what we do here may be in accord with Thy will, and advance Thy kingdom among the peoples of the whole world.

Through Jesus Christ our Lord. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. RUSSELL).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 4, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. FRED B. HARRIS, a Senator from the State of Oklahoma, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. HARRIS thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, June 3, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM FRIDAY TO MONDAY, JUNE 8, 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business on tomorrow, it stand in adjournment until 12 o'clock noon on Monday next.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR YOUNG OF OHIO TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that tomorrow, after the disposition of the reading of the Journal, the distinguished Senator from Ohio (Mr. YOUNG) be recognized for not to exceed 20 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorize to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

JOHN FRANK STEVENS

Mr. MANSFIELD. Mr. President, many leaders contributed to the development of the Pacific Northwest of which my State of Montana is an important part, but few accomplished more than John Frank Stevens, a key figure in the location and construction of the Great Northern Railway to the Pacific.

In this enterprise, on December 11, 1889, in heavy snow and bitter cold, Mr. Stevens found Marias Pass through which the railroad was constructed across the Rockies with the most favorable grade in the northern part of the Nation.

The contributions of Stevens were not limited to work in the United States. While serving as chief engineer of the Isthmian Canal Commission, 1905–07, he rescued that project from chaos and potential disaster; organized the forces for construction; acquired a major part of the plant, and was mainly responsible for bringing about the great decision for the high-level lake and lock plan under which the canal was completed. For his tremendous contributions on the isthmus he has been acclaimed as the basic architect of the Panama Canal.

Other important but little known events in the notable career of John Frank Stevens were what he did in Russia, Siberia, and Manchuria, 1917–23 as president of the U.S. Advisory Commission of Railway Experts and of the Inter-Allied Technical Board with the rank of Minister Plenipotentiary.

The parts played by Mr. Stevens in the construction of railroads in the United States and in the design and launching of the Panama Canal have been adequately recorded in history. Now, the story of his achievements in Russia, Siberia, and Manchuria have been published in an article by Dr. Raymond Estep, professor of Latin American history at the Air University, Maxwell Air Force Base, Montgomery, Ala., in the March 1970 issue of the Explorers Journal.

In 1969, about 100 distinguished leaders in various parts of the United States, in and out of Government service, organized the John F. Stevens Hall of Fame for Great Americans at New York University.

Mr. President, as the article by Dr. Estep is of unusual interest, especialy to people who know of the work of Mr. Stevens in the Northwest and Panama, I ask unanimous consent to have it printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Explorers Journal, March, 1970]

JOHN F. STEVENS AND THE FAR EASTERN RAILWAYS 1917–1923

(By Raymond Estep*)

ADVISORY COMMISSION OF RAILWAY EXPERTS TO RUSSIA

In its conduct of this nation's foreign policy the U.S. Department of State has been fortunate in securing the services of a growing roster of persons endowed with a wide variety of talents. Among the most interesting and gifted of these have been scores of non-professional diplomats who have been pressed into service in times of war or crisis because of their peculiar capabilities which qualified them for a particular assignment. Some of them have rendered such noteworthy service that they have been prevailed upon to continue with the Government long after the termination of their original appointments.

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*The views expressed herein are those of the author and do not necessarily reflect the views of the Department of Defense, the United States Air Force, or Air University.

Editor's note: For a previous article on Stevens, see *Explorers Journal* XLVII. 4, 1969.

One of these amateur diplomats who responded to his country's call in the World War I era was John F. Stevens, certainly one of the world's outstanding railway builders and directors, who served the U.S. Government in European Russia, Siberia, and Manchuria from 1917 to 1922.

Born in Maine in 1853, Stevens began his railway career as a surveyor in 1876. Over the next two decades he rose rapidly through various engineering positions on the Sabine Pass & Northwestern, the Denver & Rio Grande, the Chicago, Milwaukee & St. Paul, the Canadian Pacific, and the Duluth, South Shore & Atlantic, to become Chief Engineer of the Great Northern in 1895 and General Manager in 1902. Named Chief Engineer of the Chicago, Rock Island & Pacific in 1903, he was promoted to Vice President for Operations in 1904. In July 1905 he had just been employed by the Philippine Commission as its chief railway expert when President Roosevelt persuaded him to accept appointment as Chief Engineer to the Isthmian Canal Commission at a salary of $30,000 per year. A year later the President paid him the additional honor of naming him to the Commission itself. Leaving his Canal Zone employment early in 1907, Stevens shortly became Vice President for Operations of the New York, New Haven & Hartford. From 1909 to 1911 he was President of the Spokane, Portland & Seattle and a number of other Pacific Coast railways that formed part of the railway empire of James J. Hill. In 1911 Stevens moved to New York City where he established a railway consultant practice which he continued until called to government service in 1917.

The overthrow of Czar Nicholas II in the revolution of March 1917, and the almost immediate recognition by the United States of the Russian Provisional Government, set in motion a chain of events that was to involve the United States (and Stevens) intimately in Russian affairs for half a decade, and to color Russian thinking about the United States from that day to this. No one in Washington in those hectic weeks of March and April 1917 could have foreseen how the actions taken then would eventually influence a later U.S. decision to put its troops ashore in Russian Siberia. Neither could Stevens, then enjoying a winter vacation in Bellaire, Florida, have guessed that in a few short weeks he was to be called upon for the third time in his long railroading career to act as a high representative of his government. And, even when he agreed to accept the proposed appointment, he little realized that the short two-to-three-month mission then visualized would grow into a diplomatic tour of almost six years in Europe and Asia. Neither could he have foreseen the role he would be called upon to play as a U.S. representative in the higher echelons of Far Eastern Politics.

The stage was set for these future developments in the last days of March when Daniel Willard, President of the Baltimore & Ohio Railway, was alerted to the calamitous situation prevailing on the Trans-Siberian Railway, by Stanley Washburn, the correspondent of the *Chicago Daily News* and the *London Times,* who had recently returned from the Russian front. Willard, who was at the time serving as President of the Advisory Commission of the Council of National Dedefense, immediately had Washburn brief the Council of National Defense on the critical problems confronting Russia's railway administrators. Washburn's recommendation that the U.S. Government undertake a survey of Russia's railway needs was enthusiastically endorsed by Willard, and, after three weeks, by a somewhat reluctant Russian government.

In the weeks following the receipt of the Russian approval of the U.S. proposal, Willard picked the engineers to compose the survey team, called them to Washington for briefings, and made the necessary preparations to speed them on their way. To head the group, Willard picked his long-time friend, John F. Stevens, which led someone among the "powers that were," as Stevens put it, to observe: "Yes, John Stevens is fairly intelligent, he knows a little something about railroads, guess he's honest, but he is no diplomat. It's going to take a diplomat over in that country." This declaration provoked one of Stevens's "well-meaning" friends to reply: "John Stevens, not a diplomat? Why I've known him for thirty-five years and maybe he don't [*sic*] talk often, but when he gets ready he can talk more and say less than any living man." And so, Stevens recalled, he was "picked for the job."

To assist Stevens, Willard selected such other outstanding railwaymen as Henry Miller, formerly Operating Vice-President of the Wabash Railway (Transportation); George Gibbs, formerly Chief Mechanical Engineer of the Pennsylvania Railway (Equipment); W. L. Darling, formerly Chief Engineer of the Northern Pacific Railway (Maintenance of Way); and John E. Greiner, formerly Chief Consulting Bridge Engineer of the Baltimore & Ohio Railway (Bridges).

Appointed to the Advisory Commission of Railway Experts to Russia (the survey team's official title) by Secretary of State Lansing on May 4, the members were accredited to the Russian Government as officers pro tem of the U.S. Department of State. In briefing the commission members on May 8, President Wilson plainly told them that they "were not a political or diplomatic commission" and that their "duties would be confined to advising and assisting the Russians in their transportation problems and to advise on such railway matters as they might suggest. . . ." Specifically, he told them that they were going to Russia to ask " 'what can the United States do for Russia?' but only to say 'we have been sent here to put ourselves at your disposal to do anything we can to assist in the working out of your transportation.' "

Leaving Washington on May 9, Stevens and his fellow engineers sailed from Vancouver, stopped over briefly in Japan, and arrived in Vladivostok on May 31. For two days they toured railway installations in the area, appraising, especially, the status of construction of the huge installations being erected for assembling the locomotive and freight car components purchased in the United States. They also inspected the docks area where millions of pounds of war supplies had been accumulating for months due to the clogging of the railways of Western Siberia with westward-bound coal trains, a fact the Commission was to discover as it moved westward.

En route to Petrograd aboard the Blue Train, Russia's second best, which had been sent east for their special use, the Stevens Commission, as time permitted, halted along the way to inspect railway facilities at most of the major terminals. Following the long-used route via the Chinese Eastern Railway line through Manchuria and then westward over the double-track Trans-siberian Railway across Siberia to Omsk, they then took the single-track northern route via Perm and Viatka to Petrograd, where they arrived on June 12.

After three days of talks with U.S. Ambassador David R. Francis and Russian Minister of Ways of Communications N. V. Nekrasov on the varied problems of Russian railway transportation, Stevens fell ill with erysipelas and had to be hospitalized. With Miller serving as acting head of the Commission, the other members spent the next two weeks in daily Conferences at the Railway Ministry trying to convince their Russian counterparts of the urgent necessity of changing existing operating procedures on the Trans-Siberian Railway. They strongly recommended that the line be divided into Superintendent's Districts each 300 to 400 miles in length and that locomotive engines be run straight through for 150 miles instead of 75 miles, which was the existing practice.

On July 10 Stevens, who had finally recovered from his bout with erysipelas, accompanied by a large entourage of Army officers and Cabinet Ministers and their staffs, arrived in Mogilev, the headquarters of General A. A. Brusilov, the Commander-in-Chief of the Russian Armies. Here Stevens was joined on the following day by the other four members of the Commission, who were completing a 2,800-mile inspection trip that had taken them through the important rail centers of Moscow, Kursk, Kharkov, Ekaterinoslav, and Kiev in Southern Russia. After a briefing by Brusilov on July 11, at which Stevens offered to supply one of his Commission members to superintend railway construction behind the front lines, Stevens and the others returned to Petrograd.

Back in the capital on the 12th, Stevens and his colleagues resumed their daily meetings at the Railway Ministry. Out of these conferences came a number of recommendations, the most important of which was that of the previously mentioned Superintendent's Districts for the handling of train operations on the various independent railways composing the Trans-Siberian system. A second recommendation was that the Russians make use of an instruction cadre of U.S. railwaymen trained in the operation of the Superintendent's Districts. Eventually, M. Liveroski, the new Minister of Ways of Communications, endorsed the proposals and requested the U.S. Government to recruit a group of U.S. railwaymen to train the Russians in the employment of the recommended methods. The receipt of this request in Washington triggered industry-wide recruiting of the several hundred men who eventually manned the so-called Russian Railway Service Corps (RRSC), an organization headed initially by George H. Emerson, General Manager of the Great Northern Railway, who was given the assimilated rank of Colonel.

In the meantime, the Commission completed the major portion of its work, and Gibbs and Greiner left for home on August 7. On August 24 Stevens, Miller, Darling (who had just returned from an inspection of the Murmansk Railway), and the Commission staff left Petrograd to begin an intensive survey of the facilities of the Trans-Siberian Railway. Traveling mostly by day, and joined at Omsk by Assistant Minister of Ways of Communications L. A. Ustrugov, the three engineers made detailed inspections of railway shops and yards as they proceeded eastward and did their utmost to sell Russian railwaymen on the advantages of the new operating procedures they had recommended. After almost a month, this slow-paced trip

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Stevens has been nominated for the American Hall of Fame.

Dr. Estep, Professor of Latin American history at the Air University, Maxwell Air Force Base, Montgomery, Alabama, has visited most of the Latin American nations and has written on a wide variety of Latin American subjects. One of his early projects led to his acquaintance with the world-famous accomplishments of Stevens as a railway construction engineer and administrator.

ended in Vladivostok on September 22, with Stevens bedfast with an acute sinus infection, and, according to Darling, "too bullheaded" to go to Japan to receive proper medical treatment.

Barely a week later, Ambassador Francis was insisting that Stevens return to Petrograd to inspect a railway line for worried Allied officials. Leaving Miller in Vladivostok to meet the RRSC, whose early arrival was anticipated, and dropping Darling off in Harbin to return home by way of China, Stevens and several of his staff again made the trek westward, arriving in Petrograd on October 14. Here, Stevens spun his wheels ("It is very tiresome to butt one's head against a cotton wall," he wrote), part of the time in fruitless conferences with Minister for Foreign Affairs Michael I. Tereschenko and Minister of Ways of Communications Liveroski. On October 26, after the lapse of two weeks and just at the moment when Stevens had about decided to terminate his sojourn in the West, the Russian Government asked him to inspect railway facilities between Moscow and Omsk and to suggest ways of speeding up the movement of Siberian grain to Western Russia to prevent the starvation of large numbers of people during the approaching winter. In Moscow, Stevens labored for a day or two in a largely vain effort to untangle the traffic jam created by thousands (8,000-12,000) of freight cars loaded with war supplies originally destined for the front lines. He then turned eastward to Chelybiansk, where he arranged for the early shipment of some 6,000,000 bushels of wheat to Moscow and other cities of European Russia. But time had run out for Stevens and for the Kerensky Government—the November Revolution broke out in Petrograd before Stevens could complete his trip. Hastening back to Moscow, he once found himself under fire in one of the street battles that raged through the future Soviet capital as the Bolsheviks captured the Kremlin and, eventually, the entire city.

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Unable to reach Petrograd by the direct mail route, Stevens, who had been living in his assigned private railway car at the South Station, on November 13 bluffed the Bolshevik Commissar of Railways into attaching his car to a Northern Railway train headed for Vologda. After trying for two days to get a train from Vologda to Petrograd, 350 miles to the west, Stevens had his private car, with an American flag flying, attached to the Trans-Siberian Express out of Petrograd, the last run of the Express, so Stevens later said, for over four years. After a nerve-wracking trip of nearly two weeks, Stevens arrived in Harbin on November 24. From here he cabled: "Any further efforts toward helping railroad absolutely useless. No government. . . . I cannot stand Russian winter. Will shortly leave for the United States."

His plans to return home, however, were frustrated by events and by harassed Washington officials, who had just learned that Stevens was the only one of his original five-man Advisory Commission who remained in Asia. Miller, the last to depart, had left Vladivostok early in November. In these circumstances, Willard cabled Stevens: "Please do not leave Vladivostok until Emerson arrives and until you have heard further from me. . . . Splendid work you have done is greatly appreciated, but it is not finished." Replying that he had "no ambitions other than to accomplish some good," Stevens promised to wait for Emerson and indicated his willingness to remain in Russia if there was any possibility of achieving results. The arrival in Vladivostok of the transport *Thomas* bearing Emerson and the RRSC members posed immediate problems for Stevens. Fear that the *Thomas* would be frozen in, the existence of turbulent political conditions ashore, and the presence aboard the *Thomas* of a group of "mischievous political agitators," who had somehow been engaged as interpreters for the RRSC, caused Stevens to cable for and receive authority to take the *Thomas* to Japan. Arriving in Nagasaki harbor on December 19, he had to hold the *Thomas* for three weeks as a floating barracks until he could secure sufficient U.S. funds to cover the expenses of the RRSC personnel in hotels ashore.

From Nagasaki, Stevens spelled out his hardnosed solution for the handling of the railway situation in Eastern Siberia: "We should all go back shortly with men-of-war and 5,000 troops. Time is coming to put fear of God into these people." And, in the hope that political conditions would improve in Siberia, he strongly urged Washington to hold the RRSC personnel in Japan so that they might be quickly employed as originally intended. In Tokyo on Christmas Eve, Stevens conferred with Ambassador Roland S. Morris, and in subsequent days with Viscount Ichiro Motono, the Minister of Foreign Affairs, to whom he presented his appraisal of recent political developments in European Russia, to some of which he had been an unwilling witness. Asserting his belief that power had passed "permanently and inalienably to the Maximalist constituency," he pointed out that although there might be some changes in the future in the makeup of the ruling circle in Russia, he believed that it would be a "fatal mistake for the Allied powers to attempt to support or countenance any counter-revolution," and that it would be futile and dangerous to antagonize what certainly would be the "decisive influence in Russia by attempting any sort of armed intervention even in eastern Siberia."

Informed late in January, 1918, by U.S. Consul John K. Caldwell at Vladivostok that the RRSC could land with entire safety at any time, Stevens and Emerson returned to Vladivostok to survey the situation and then proceeded to Harbin, Manchuria, where, on February 1, Stevens began negotiations with Dmitri L. Horvath, the head of the Chinese Eastern Railway, and L. A. Ustrugov, representing the recently overthrown Russian Government, in an attempt to perfect a plan for the placing of a contingent of the RRSC on the Chinese Eastern Railway as an entering wedge for the initiation of the RRSC's operations in Siberia. By March 10, Stevens thought that he had reached an understanding with the two Russian railway executives and, working under that assumption, cabled Washington that he would immediately begin assigning RRSC personnel on the Chinese Eastern Railway. Although 100 of the RRSC members had reached Harbin by March 3, five weeks went by before Stevens was able to put them to work. During this period, Ustrugov, after initially leading Stevens to think that he was in agreement with his proposals, raised one objection after another to the commencement of work by the RRSC. Finally, in exasperation, Stevens, on April 7, bluntly warned Ustrugov that unless the RRSC were allowed to begin work immediately: "I shall at once arrange to send the entire contingent back to the United States, reporting to my government that in my opinion the Russian railway authorities do not desire assistance of the Americans and that the expressions of sincerity with which I have heretofore been greeted in this matter, are not borne out by their practical actions. . . . The effect of such a report . . . can be readily understood by yourself." The threat worked wonders. Three days later, April 10, 1918, the RRSC began performing the work for which it had been recruited. But four more months were to pass before Stevens could bring the remainder of the RRSC members from Japan to Vladivostok to begin work in Russian territory.

The capture of Vladivostok at the end of June, 1918, by Czechoslovak prisoners of war, who had deserted from the Austrian Army, and who had arrived in the Far East en route to join the French forces on the Western Front in Europe, proved decisive in opening the way for the remaining RRSC members to be employed in that area. Even though Lansing asked Stevens on July 10 to move the RRSC men to Vladivostok at once, a full month passed before Stevens was able to comply with the directive. In the interval, marked by a shooting war between the Czechoslovak troops on the one hand, and Red soldiers, allegedly aided by German and Austrian prisoners of war, on the other, the United States somewhat reluctantly decided on August 3 to send in American troops, ostensibly to protect the Czechoslovaks in their withdrawal and to support Russian efforts to achieve self-government. Stevens' delay in moving the RRSC undoubtedly was related to this decision, for eight days after the U.S. Government's announcement of its intention to intervene, Stevens brought the Nagasaki contingent of the RRSC ashore at Vladivostok. In advising Lansing of the event, Stevens cabled: "We have no shadow of authority. . . . I am mixed with no political faction . . . simply trying to work with railway authorities"

INTER-ALLIED TECHNICAL BOARD

With the RRSC personnel all ashore on the Asian mainland, Stevens' work entered a new phase. Although he continued to function as the top-level U.S. railway representative by virtue of his chairmanship of the 1917 Advisory Commission, a position he was to hold until April, 1919, he left most of the day-to-day details of the operation of the RRSC to its head, Colonel Emerson. After mid-August 1918, Stevens devoted his efforts to thwarting the attempts of the Japanese to gain control of Russian railways in Manchuria, even suggesting that the RRSC be sent home should the Japanese gain their objectives. In his efforts to maintain the Open Door Policy in the face of Japan's evident intention to extend its influence in Eastern Siberia and Manchuria, Stevens was effectively supported by the U.S. Government, which early proposed that Stevens, continuing his 1917 role as "official adviser of the Russian Ministry of Ways of Communication should, with the assistance of the Russian Railway Service Corps . . . undertake the effective working of the railways in cooperation with Russian officials and personnel," a position endorsed by Russian Ambassador Boris A. Bakhmeteff, who remained in Washington as the representative of the defunct Kerensky Government. From the first the Japanese, not unexpectedly, raised objections to the proposed grant of authority to Stevens, declaring that neither the "Advisory Commission of Railway Experts under Mr. Stevens nor Russian Railway Service Corps under Colonel Emerson have been authorized to assume direction of Russian railways or generally to act as agents of Russian people outside scope of defined mission." And, as the autumn advanced, the Japanese continued in various ways to postpone endorsement of U.S. plans for the operation of the Chinese Eastern and the Trans-Siberian Railways.

Returning to Tokyo from conferences in Vladivostok and Harbin, Ambassador Morris and Stevens on October 23 began a month's-long attempt to win Japanese approval of a plan under which Stevens would assume administrative control of the Chinese Eastern Railway and the Siberian portion of the Trans-Siberian Railway. After weeks of prodding by Morris and Stevens, the Japanese on December 2 revealed their reaction in a radical revision of the Morris-Stevens plan. Specifically, the Japanese proposed that the "nations having military forces in Siberia," should create a Technical Board composed of railway experts, that the Technical Board should "act through a president elected by a majority of the members of the board," that the "management of the railways . . . be left in the hands of the Russians," that the "Russian officials shall . . . follow the advice and accept the assistance" of the Technical Board. Foreign Minister Yasuya Uchida, on presenting the revision, which nowhere mentioned Stevens, personally assured Ambassador Morris that the proposal "was offered with the distinct understanding that Stevens should be made President of the Technical Board. . . ."

The month of December passed with Morris pressing Stevens to accept this and subsequent Japanese proposals and with Stevens, from Harbin, countering with repeated suggestions for spelling out the unfettered authority of the President of the Technical Board. In a final effort to meet the demands of Stevens and Morris, the Japanese submitted an amended plan on December 27 which, among other things, provided for the election by the Technical Board of a President "to whom shall be intrusted technical operation of [the] railways." This version of the railway operating plan, and particularly the key phrase giving the president control over the "technical operation" of the railways, incorporated many of the suggestions previously proposed by Stevens. Although the new Japanese proposals did not fulfill all of his hopes, Stevens was won over to accepting them by a State Department appeal of January 4, 1919, which declared: "The Department is greatly concerned because of the reports received daily of the distress in Siberia due to the present intolerable conditions of transportation. It would seem that some plan of action must be adopted at once as the position is now such that the responsibility for further delay in attempting to solve this vital problem may be, with reason, laid upon us and that, therefore, unless we are willing to undertake the task in the face of existing difficulties we should promptly give way to others who will." To this appeal Stevens replied on January 8: "I am ready and willing to immediately go ahead with the plan of operating the railways which evolved after long negotiations. I have asked Ambassador Morris to complete formalities as early as possible. Myself and service corps are ready to act at once." Stevens' decision to cooperate paved the way for formal acceptance of the Uchida proposals by the United States Government on February 10, 1919, and for the early inauguration of the machinery suggested for controlling the railways.

On March 5, 1919, Stevens officially assumed his new position as U.S. representative on the Inter-Allied Technical Board. Joining him on the Board were railway representatives of China, France, Great Britain, Italy, Japan, and of the White Russian Government of Admiral Kolchak. (The Czechoslovakian member joined later.) Assembling in Vladivostok on that date, the members promptly elected Stevens to the presidency of the Technical Board, a position which he later described as 75% diplomatic and 25% technical in nature. At this initial meeting the Board established English as the official language and declared Stevens' powers, as President, to be supreme in all administrative matters pertaining to the Board's headquarters. After holding nine meetings in Vladivostok, Stevens, on March 19, 1919, moved the Board to Harbin and established its headquarters in a building supplied by the Chinese Eastern Railway. Here it remained until a fire destroyed the building on January 18, 1922, and forced the transfer of the Board's offices into the general office building of the Chinese Eastern, where they continued to function until the dissolution of the Board in the following November.

Except for two visits to Washington on State Department orders, the second to serve as advisor to the Secretary of State on Chinese Eastern Railway problems during the Washington Armament Conference (1921–1922), Stevens was to spend his time for the next three and one-half years in active charge of the Board's affairs. Since he was the only member of the Board who had any jurisdiction over the funds earned by or contributed to the railways under their supervision, Stevens was able to impose his will on the other members on most matters—on all votes except two in the three and one-half year history of the Board, a majority of the members supported his proposals.

From the beginning Stevens was confronted with the almost impossible task of keeping railway traffic flowing on the Chinese Eastern Railway and on that portion of the Trans-Siberian lines not under the control of the new Soviet government. In his initial year in the new post (until May, 1920), he could command the technical services of the previously mentioned Russian Railway Service Corps, first under Emerson, and later under Benjamin O. Johnson, formerly of the Northern Pacific. The experienced railroad men of this outfit did yeoman service wherever they were employed and those assigned in Central Sibera, who aided in the ultimate evacuation of the more than 70,000 Czechoslovaks, often were called upon to work under battle conditions. In effecting the Czechoslovak evacuation, Stevens had to raise some $400,000 (2 carloads) in gold rubles and 60 cars of wheat for Russian railwaymen and coal miners who refused to work unless they were paid and their families were fed.

For most of the time the Board held its meetings in Harbin, but on occasion Stevens did take or send the members out on special trains so that they might observe operating problems with which he was already well-acquainted. One such trip took the Board to Omsk at the end of May, 1919. Here, Stevens and the other Board members held numerous conferences with the members of the White Russian Government of Admiral Kolchak in what proved to be largely unsuccessful efforts to gain Kolchak's cooperation in the operation of those portions of the Trans-Siberian Railway under his nominal political jurisdiction. Farther east, along the Trans-Baikal section of the Trans-Siberian Railway, Stevens found the Board's operations hampered by Ataman Grigorii Semenov and his so-called army of 10,000 Cossack brigands, who, Stevens maintained, were encouraged by the Japanese Army as they "murdered, whipped, and otherwise maltreated the railway operators and their families," and completely terrorized the entire railway force. When Semenov turned his hostility toward the RRSC inspectors, Stevens, fearing that some might be killed, gave serious thought to withdrawing them from that sector, but finally left the decisions up to the Americans, who, to a man, refused to leave their posts.

In attacking the multitude of problems confronting him, Stevens achieved considerable success in improving the technical side of railway operations. With the cooperation of RRSC inspectors, he was able to speed up the repair of locomotives and cars, to increase train speeds through the institution of U.S. dispatching methods, and to increase tonnage moved through the use of daily reports on locomotive and car movements and by the heavier loading of freight cars. In other areas he was not so successful. His attempts to reduce the number of employees continually ran afoul of Russian work rules which made it financially prohibitive to lay off an employee. In attacking the regulation requiring the annual replacement of 25% of the crossties, after years of argument he was able to substitute a system of individual tie inspection—a process that produced a saving of $100,000 in one year.

Among his more difficult problems was that of financing the operations of the railways. Over the whole period of the Board's existence, the United States and Japanese governments supplied the major portion of the funds made available for its use—Japan put up $4,500,000 and the United States $5,000,000. It was hoped and expected that with the restoration of service the railways would earn sufficient revenues to become self-sustaining. But these hopes of Stevens and others were never fulfilled. Although a system of freight and passenger rates was laboriously negotiated, Stevens soon discovered that great numbers of those who used the railways refused to pay, and throughout the last year of the Board's life (1922) Chinese Eastern Railway deficits mounted from month to month, compelling the railway "to borrow money wherever it could by short term notes and on exorbitant terms, and also to sell advance transportation certificates in large amounts." Contributing to the deficits were the low rates assessed the various nations for the movement of their military forces, and, more particularly, the refusal of certain of them to pay anything, a fact that roused the ire of Stevens, who asserted that they "never paid a dime nor even acknowledged my requests for payment." Actually, only the United States, Japan, Great Britain, and Italy made any payments whatsoever for use of the railways by their troops. In attempting to put Chinese Eastern Railway operations in the black, Stevens was thwarted by wasteful spending on unneeded items—including a de luxe train—and, especially by overhead, where he found that administration and higher supervision constituted 28% of expenses as opposed to 3% to 4% on U.S. railways.

As the years passed, Stevens often wearied of his frustrating task and more than once asked to be relieved of his burden, only to yield to State Department pressure to continue in the service of the United States. Characteristic of these episodes was his expression in January, 1922, of a desire "to throw up at once the Chinese Eastern Railway as a hopeless problem." On this occasion, after Secretary of State Hughes personally insisted that his continuance as Chairman of the Technical Board was "essential to the preservation of American interests," Stevens subordinated his desires and agreed to continue as the U.S. representative until the Technical Board's activities could be brought to an end—an action the State Department had long sought to accomplish. Another eight months were to elapse, however, before the State Department's labors were finally rewarded by the departure of the last Japanese soldier from Vladivostok on October 25, 1922, almost two years after all other Allied troops had been called home. The receipt of this intelligence, which he had long awaited, permitted Stevens to call the members of the Technical Board together in their 133rd session on November 1, 1922. To his long-time co-workers and friends, Stevens announced that their work was at an end and then officially proclaimed the dissolution of the Board. Leaving his son Eugene, the Board's Secretary and Treasurer, behind to wind up the Board's affairs, Stevens shortly returned to the States.

On March 15, 1923, Stevens submitted to the State Department a short review of his actions as President of the Inter-Allied Technical Board—the only official report he ever prepared on his operations as a U.S. diplomat during the years from 1917 to 1922. In a lengthy acknowledgment, which he released to the press on April 4, 1923, Secretary of State Hughes wrote:

> I wish to take this occasion to assure you of the high regard in which your work as President of the Interallied Technical Board, and as the American representative thereon, is held by the President as well as by myself and the other members of the Government.
>
> . . . Your own leading part in this work constitutes a public service of the highest order. I feel that you have contributed much to the well-being of the people of Eastern

Siberia and Manchuria and to the early recuperation of their economic life, and that you have advanced the prestige and honor of the United States in that part of the world and with all who have known of your work.

Years later, in speaking of this "very commendatory letter to the Press," Stevens characterized it as "a rather unusual thing for that hardboiled outfit—the [State] Department, to do."

For his long and trying labors as President of the Technical Board, Stevens was honored by his country with the award of the U.S. Distinguished Service Medal, by France with the Legion of Honor, by Czechoslovakia with its Military Cross and its highest civilian decoration, by China with the orders of Chia-Ho and Wen-Hu, and by Japan with the Order of the Rising Sun.

Although many contemporaries and some latter-day students of the period have attempted to assess Stevens' role as a U.S. diplomat during World War I and its aftermath, no one has done it as well as Ambassador Roland S. Morris. In appraising Stevens' efforts on behalf of his country, Morris knew whereof he spoke, for from his post in Tokyo in the 1917–1920 period, he was a continuing collaborator with Stevens in the shaping of U.S. foreign policy in the Far East. Years later, in speaking of the Inter-Allied Technical Board's operations, Morris declared:

> This Board, with Mr. Stevens as its head, settled down to try to work out the operation of the Trans-Siberian system, faced by a bitter civil war, the menace of undisciplined Cossack bands, the jealousies of factions and conflicting nationalities. . . . For almost two years [after the return of the Russian Railway Service Corps] with only one or two assistants he continued to superintend the operation of the great Trans-Siberian system, thus occupying a position unique in the history of American engineering. With a life experience of sixty years, calm, cool, far-visioned, and with all his personal ambitions, I imagine, gratified and cherishing but one purpose, to serve his country as best he could, quite alone he completed the task he had undertaken. From a small apartment at Harbin he exercised a moral influence during that period of reconstruction in the Far East, the results of which will continue to operate after our generation has passed away.
>
> It is singularly interesting to try to picture the polyglot throng which poured through his office day by day as he counselled with Chinese generals, Manchurian leaders, Japanese diplomats, civilians and bureaucrats, Cossacks, Frenchmen, Englishmen and Americans of all kinds, united only in their faith in one man, who seemed to be the sole disinterested factor in that bewildering situation. It was an extraordinary service which he rendered.

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MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed a bill (H.R. 17802) to increase the public debt limit set forth in section 21 of the Second Liberty Bond Act, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 17802) to increase the public debt limit set forth in section 21 of the Second Liberty Bond Act, was read twice by its title and referred to the Committee on Finance.

PRESIDENT NIXON'S ADDRESS TO THE NATION ON CAMBODIA

Mr. CURTIS. Mr. President, last night, the President of the United States delivered to the Nation an address which was heard by millions of Americans.

I commend President Nixon on the statement that he made and the action that he has taken in these past few weeks of trial for our country.

President Nixon's statement was factual. It was forthright. It was informative.

The American people are united on one thing: their desire that the fighting in Southeast Asia come to an end.

The disagreement in this country is over how best to bring that about.

In a football game, not everyone can be the quarterback. Someone must decide on the plan, which means that that individual has a great responsibility resting on his shoulders.

The President's responsibilities are awesome. I know that no man in the United States today is more desirous of bringing to an end the fighting by American forces in Southeast Asia than the President of the United States. I think that was true when President Johnson was in the White House. The responsibilities that rest upon President Nixon's shoulders placed in his breast a greater desire for peace than any other American could possess.

I am sure that President Nixon examined and reexamined the entire problem and the course of action that he chose to follow. It is now being proved that that course of action was the wisest one to take. There is always a risk involved in dynamic action, but there is also a risk involved when we do nothing.

The President has met his responsibility. He has acted in the way he believes he would best save the lives of the greatest number of our Armed Forces in Southeast Asia. He has acted in a way that he believes will make it possible to bring the greatest number of American boys back home in the shortest length of time.

Mr. President, it is not for any of us to say that we have a monopoly on all information or on all the facts. None of us can see into the future. Historians, many years from now, will have to decide who is right. I believe they will find in President Nixon's favor. I am sure that historians will find that President Nixon gathered all the facts he could and that he searched his heart and mind over and over again before he made the decisions he did.

I believe that millions of Americans, many of whom perhaps disagreed with him 10 days ago, are today supporting the President of the United States. He is not only our Commander in Chief, which places a great responsibility upon him; he is also our chief negotiator, not only at the Vietnam peace talks in Paris but everywhere else, as well. He is the man who dispatches ambassadors here and there and who makes proposals and communicates with foreign countries. It is for the benefit of all Americans that the Nation act in unity.

Mr. President, in light of the fact that as the days go on, more and more Americans are coming to the realization of the correctness of the President's position, it is my hope that the same sentiment will prevail in the Chamber and that we will slow the critical action, turn our attention to other business, and give the President a chance to complete the course of action that he has undertaken for the benefit of the American boys now in Southeast Asia.

ORDER FOR RECOGNITION OF SENATOR THURMOND ON MONDAY, JUNE 8, 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that after the disposition of the reading of the Journal on Monday next, the distinguished senior Senator from South Carolina (Mr. THURMOND) be recognized for not to exceed 30 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FIFTY-FOURTH SESSION, INTERNATIONAL LABOR CONFERENCE AT GENEVA, SWITZERLAND—APPOINTMENTS BY THE VICE PRESIDENT

The ACTING PRESIDENT pro tempore. The Chair, on behalf of the Vice President, appoints the Senator from Texas (Mr. YARBOROUGH) and the Senator from Illinois (Mr. SMITH) to attend the 54th session, International Labor Conference, to be held at Geneva, Switzerland, on June 2 through 25, 1970.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, is there further morning business?

The ACTING PRESIDENT pro tempore. Is there further morning business?

PRESIDENT NIXON'S STATEMENT ON CAMBODIA

Mr. GRIFFIN. Mr. President, I associate myself with the remarks of the distinguished Senator from Nebraska (Mr. Curtis) concerning President Nixon's address to the Nation last evening.

The President's address was a convincing statement of the wisdom and the success of the sanctuary operation.

I believe he made it abundantly clear again that all American troops will be out of Cambodia before the end of June, and that 150,000 troops will be coming home on schedule.

In my view, his forthright statement demonstrated that there is no need for the pending Church-Cooper amendment, and I believe that a majority of the Senate will come to that conclusion.

As he has done before, President Nixon reaffirmed his confidence in the American people—and I am hopeful that confidence will be reciprocated.

I ask unanimous consent that the text of the President's address be printed in the Record.

There being no objection, the text of the President's address was ordered to be printed in the Record, as follows:

Radio and Television Address by the President on the Cambodian Sanctuary Operation

Good evening, my fellow Americans.

One month ago, I announced a decision ordering American participation with South Vietnamese forces in a series of operations against Communist-occupied areas in Cambodia which have been used for five years as bases for attacks on our forces in South Vietnam.

This past weekend, in the Western White House in California, I met with Secretary Laird, General Abrams and other senior advisors to receive a firsthand report on the progress of this operation.

Based on General Abrams' report, I can now state that this has been the most successful operation of this long and very difficult war.

Before going into the details which form the basis for this conclusion, I believe it would be helpful to review briefly why I considered it necessary to make this decision, what our objectives were; and the prospects for achieving those objectives.

You will recall that on April 20, I announced the withdrawal of an additional 150,000 American troops from Vietnam within a year—which will bring the total number withdrawn, since I have taken office, to 260,000. I also reaffirmed on that occasion our proposals for a negotiated peace.

At the time of this announcement I warned that if the enemy tried to take advantage of our withdrawal program by increased attacks in Cambodia, Laos, or South Vietnam in a way that endangered the lives of our men remaining in South Vietnam, that I would, in my capacity as Commander-in-Chief of our Armed Forces, take strong action to deal with that threat.

Between April 20 and April 30, Communist forces launched a series of attacks against a number of key cities in neutral Cambodia. Their objective was unmistakable—to link together bases they had maintained in Cambodia for five years in violation of Cambodian neutrality. The entire six-hundred-mile Cambodian-South Vietnam border would then have become one continuous hostile territory from which to launch assaults upon American and allied forces.

This posed an unacceptable threat to our remaining forces in South Vietnam. It would have meant higher casualties. It would have jeopardized our program for troop withdrawals. It would have meant a longer war. And—carried out in the face of an explicit warning from this Government—failure to deal with the enemy action would have eroded the credibility of the United States before the entire world.

After very intensive consultations with my top advisors, I directed that American troops join the South Vietnamese in destroying these major enemy bases along the Cambodian frontier. I said when I made this announcement: "Our purpose is not to occupy these areas. Once the enemy forces are driven out of the sanctuaries and once their supplies are destroyed, we will withdraw."

That pledge is being kept. I said further on that occasion, "We take this action not for the purpose of expanding the war in Cambodia, but for the purpose of ending the war in Vietnam." That purpose is being advanced.

As of today I can report that all of our major military objectives have been achieved. 43,000 South Vietnamese took part in these operations, along with 31,000 Americans. Our combined forces have moved with greater speed and success than we had planned; we have captured and destroyed far more in war material than we anticipated; and American and allied casualties have been far lower than we expected.

In the month of May, in Cambodia alone, we captured a total amount of enemy arms, equipment, ammunition and food nearly equal to what we captured in all of Vietnam in all of last year.

Here is some film of the war material that has been captured.

This is some ammunition you see. We have captured more than 10 million rounds of ammunition. That is equal to the enemy's expenditures for nine months.

Here you also see a few of the over 15,000 rifles and machine guns and other weapons we have captured. They will never be used against American boys in Vietnam.

This reality was brought home directly to me a few days ago. I was talking with a union leader from New York. His son died in Vietnam this past February. He told me that—had we moved earlier in Cambodia—we might have captured the enemy weapon that killed his son.

Now you are looking at some of the heavy mortars, rocket launchers and recoilless rifles that have shelled U.S. base camps and Vietnamese towns. We have seized over 2,000 of these along with 90,000 rounds of ammunition. That is as much as the enemy fires in a whole year. Had this war material made its way into South Vietnam and had it been used against American troops, U.S. casualties would have been vastly increased.

Here you see rice, more than 11 million pounds of rice. This is more than enough rice to feed all the enemy's combat battalions in Vietnam for over three months. This rice will not be feeding enemy troops now, but rather war refugees.

Now with the rainy season now beginning, it will take the enemy months to rebuild its shattered installations and to replace the equipment we have captured or destroyed.

The success of these operations to date has guaranteed that the June 30 deadline I set for withdrawal of all American forces from Cambodia will be met. General Abrams advises me that 17,000 of the 31,000 Americans who entered Cambodia have already returned to Vietnam. The remainder will return by the end of this month. This includes all American air support, logistics and military advisory personnel.

The only remaining American activity in Cambodia after July 1 will be air missions to interdict the movement of enemy troops and material where I find that is necessary to protect the lives and security of our men in South Vietnam.

Our discussions with the South Vietnamese government indicate that their primary objective remains the security of South Vietnam, and that their activity in Cambodia in the future—after their withdrawal from the sanctuaries—will be determined by the actions of the enemy in Cambodia.

When this operation was announced, the critics charged that it would increase American casualties, that it would widen the war, that it would lengthen our involvement, that it might postpone troop withdrawals. But the operation was undertaken for precisely the opposite reasons—and it has had precisely the opposite effect.

Let us examine the long-range impact of this operation.

First, we have eliminated an immediate danger to the security of the remaining Americans in Vietnam, and thereby reduced our future casualties. Seizing these weapons and ammunition will save American lives. Because of this operation, American soldiers who might not otherwise be ever coming home, will now be coming home.

Second, we have won precious time for the South Vietnamese to train and prepare themselves to carry the burden of their national defense, so that our American forces can be withdrawn.

From General Abrams' reports and from our advisors in the field, one of the most dramatic and heartening developments of the operation has been the splendid performance of the South Vietnamese army. Sixty percent of all the troops involved in the Cambodian operations were South Vietnamese. The effectiveness, the skill, the valor with which they fought far exceeded our expectations. Confidence and morale in the South Vietnamese army has been greatly bolstered. This operation has clearly demonstrated that our Vietnamization program is succeeding.

Third, we have insured the continuance and success of our troop withdrawal program. An April 20, I announced an additional 150,000 Americans would be home within a year. As a result of the success of the Cambodian operations, Secretary Laird has resumed the withdrawal of American forces from Vietnam. Fifty thousand of the 150,000 I announced on April 20 will now be out by October 15.

As long as the war goes on, we can expect setbacks and some reversals. But, following the success of this effort, we can say now with confidence that we will keep our timetable for troop withdrawals.

Secretary Rogers and I have been particularly encouraged by the resolve of 11 Asian countries at the Djkarta Conference to seek a solution to the problem of Cambodia. Cambodia offers an opportunity for these 11 nations, as well as other countries of the area, to cooperate in supporting the Cambodian government's efforts to maintain Cambodian neutrality, independence and territorial integrity. We shall do what we can to make it possible for these Asian initiatives to succeed.

To the North Vietnamese tonight I say

again—the door to a negotiated peace remains wide open. Every offer we have made at the conference table, publicly or privately, I herewith reaffirm. We are ready to negotiate, whenever they are ready to negotiate.

However, if their answer to our troop withdrawal program, and to our offer to negotiate, is to increase their attacks in a way that jeopardizes the safety of our remaining forces in Vietnam, I shall, as my action five weeks ago clearly demonstrated, take strong and effective measures to deal with that situation.

As all of you know, when I first announced the decision on Cambodia, it was subjected to an unprecedented barrage of criticism in this country. I want to express tonight my deep appreciation to the millions of Americans who supported me then and who have supported me since in our efforts to win a just peace.

But I also understand the deep divisions in this country over the war. I realize that many Americans are deeply troubled. They want peace. They want to bring the boys home. Let us understand once and for all that no group has a monopoly on those concerns. Every American shares those desires; I share them very deeply.

Our differences are over the best means to achieve a just peace.

As President I have a responsibility to listen to those in this country who disagree with my policies. But I also have a solemn obligation to make the hard decisions which I find are necessary to protect the lives of 400,000 American men remaining in Vietnam.

When I spoke to you a month ago, a clear threat was emerging in Cambodia to the security of our men in Vietnam.

Ask yourselves this question: If an American President had failed to meet this threat to 400,000 American men in Vietnam, would those nations and peoples who rely on America's power and treaty commitments for their security—in Latin America, Europe, the Middle East or other parts of Asia—retain any confidence in the United States? That is why I deeply believe that a just peace in Vietnam is essential, if there is to be a lasting peace in other parts of the world.

With this announcement tonight, we have kept the pledge I made when I ordered this operation, that we would withdraw from Cambodia on a scheduled timetable—just as this Administration has kept every pledge it has made to the American people regarding the war in Vietnam and the return of American troops.

Let us look at the record.

In June of 1969 I pledged a withdrawal of 25,000 troops. They came home. In September of the same year I said I would bring home an additional 35,000. They came home. In December I said an additional 50,000 Americans were coming out of Vietnam. They, too, have come home.

There is one commitment yet to be fulfilled. I have pledged to end this war. I shall keep that promise. But I am determined to end the war in a way that will promote peace rather than conflict throughout the world. I am determined to end it in a way that will bring an era of reconciliation to our people—and not an era of furious recrimination.

In seeking peace, let us remember that at this time only this Administration can end this war and bring peace. We have a program for peace—and the greater the support the Administration receives in its efforts, the greater the opportunity to win that just peace we all desire.

Peace is the goal that unites us. Peace is the goal toward which we are working. Peace is the goal this government will pursue until the day that we reach it.

Thank you, and good night.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Harris) laid before the Senate the following letters, which were referred as indicated:

Report of Department of Defense

A letter from the Deputy Secretary of Defense, reporting, pursuant to law, on disbursements made under "Contingencies, Defense" appropriations, for the period July 1, 1969, to March 31, 1970, were valued at $951,332; to the Committee on Appropriations.

Report of Department of Transportation

A letter from the Assistant Secretary for Administration, Department of Transportation, transmitting, pursuant to law, a report on purchases and contracts made by the Department under clause 11 of section 2304 (a) of title 10, U.S. Code, during the period of November 1, 1969, through April 30, 1970 (with an accompanying report); to the Committee on Armed Services.

Report of National Transportation Safety Board

A letter from the Chairman, National Transportation Safety Board, transmitting, pursuant to law, a report of the Board for 1969 (with an accompanying report); to the Committee on Commerce.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H.J. Res. 1117) to establish a Joint Committee on the Environment, was read twice by its title and, by unanimous consent, referred jointly to the Committee on Public Works, the Committee on Interior and Insular Affairs, and the Committee on Commerce, and ordered to be reported by July 15, 1970.

The remarks of Mr. Muskie when he introduced Senate Joint Resolution 207, of an identical title, appear later in the Record.)

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. Harris):

A petition presented by national aviation associations urging immediate steps to increase the capacity of airports and airways; to the Committee on Commerce.

A resolution adopted by the city council of the City of Philadelphia, memorializing the President of the United States to authorize the immediate and safe withdrawal of all American forces from Southeast Asia; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CURTIS, from the Committee on Agriculture and Forestry, with an amendment:

S. 3592. A bill to amend the Federal Meat Inspection Act, as amended, to clarify the provisions relating to custom slaughtering operations (Rept. No. 91–915).

By Mr. METCALF, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 10184. An act to provide for the disposition of judgment funds of the Sioux Tribe of the Fort Peck Indian Reservation, Mont. (Rept. No. 91–916).

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. BOGGS (for himself and Mr. Williams of Delaware):

S. 3922. A bill to authorize the conveyance of certain unneeded Federal lands of the Fort Miles Reservation, Del., to the State of Delaware for public education and park purposes, and for other purposes; to the Committee on Armed Services.

(The remarks of Mr. Boggs when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. EASTLAND:

S. 3923. A bill for the relief of Richard Miao; and

S. 3924. A bill to amend title 18, United States Code, to prohibit the transportation and possession of explosives when not in compliance with certain applicable provisions of law; to the Committee on the Judiciary.

By Mr. SMITH of Illinois:

S. 3925. A bill for the relief of Pirkko Anneli Mikkola; to the Committee on the Judiciary.

By Mr. MUSKIE:

S. 3926. A bill for the relief of Hedy Theresa Pereira; to the Committee on the Judiciary.

By Mr. HART:

S. 3927. A bill to revise and clarify the Federal Aid in Wildlife Restoration Act and the Federal Aid in Fish Restoration Act, and for other purposes;

S. 3928. A bill to amend the Fish and Wildlife Act of 1956 to authorize the Secretary of the Interior to make loans to associations of fishing vessel owners and operators organized to provide insurance against the damage or loss of fishing vessels or the injury or death of fishing crews, and for other purposes; and

S. 3929. A bill to strengthen the penalties for illegal fishing in the territorial waters and the contiguous fishery zone of the United States, and for other purposes; to the Committee on Commerce.

(The remarks of Mr. Hart when he introduced the bills appear later in the Record under the appropriate heading.)

By Mr. JAVITS (for himself, Mr. Miller, Mr. Jordan of Idaho, and Mr. Percy):

S. J. Res. 206. Joint resolution to request the Council of Economic Advisers to publish economic data; to the Committee on Banking and Currency.

(The remarks of Mr. Javits when he introduced the joint resolution appear later in the Record under the appropriate heading.)

By Mr. MUSKIE (for himself, Mr. Jackson, Mr. Magnuson, Mr. Randolph, Mr. Baker, Mr. Bayh, Mr. Bible, Mr. Boggs, Mr. Cannon, Mr. Church, Mr. Cooper, Mr. Eagleton, Mr. Gravel, Mr. Harris, Mr. Hatfield, Mr. Inouye, Mr. Kennedy, Mr. McGee, Mr. Mansfield, Mr. Metcalf, Mr. Mondale, Mr. Montoya, Mr. Moss, Mr. Nelson, Mr. Packwood, Mr. Pell, Mr. Percy, Mr. Spong, Mr. Stevens, Mr. Tydings, Mr. Yarborough, Mr. Young of Ohio, and Mr. Williams of New Jersey):

S.J. Res. 207. Joint Resolution to establish a Joint Committee on the Environment; referred jointly, by unanimous consent, to the Committee on Public Works, Committee on

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Interior and Insular Affairs and the Committee on Commerce, and ordered to be reported by July 15, 1970.

(The remarks of Mr. MUSKIE when he introduced the joint resolution appear later in the RECORD under the appropriate heading.)

S. 3922—INTRODUCTION OF A BILL TO CONVEY CERTAIN UNNEEDED FEDERAL LAND TO THE STATE OF DELAWARE

Mr. BOGGS. Mr. President, I introduce on behalf of my senior colleague (Mr. WILLIAMS) and myself, a bill which would convey five parcels of land at Cape Henlopen, Del., from the Army and the Navy to the State of Delaware.

Quite frankly, Mr. President, we in Delaware have long wanted these lands for the use of outdoor recreation for the benefit of all our citizenry.

These parcels, which total slightly more than 820 acres, are either enclaves within or barriers between parkland operated by the State of Delaware. To the north of the military lands is the 540-acre Cape Henlopen State Park. To the south is State parkland known as Gordon's Pond.

All this land is located on the Atlantic Ocean and enjoys the benefits of beautiful beaches and imposing sand dunes. It is undeveloped commercially, and the State is determined to maintain it in its natural state. There are few such places remaining on the eastern seaboard.

The Navy owns four of the parcels: One of 15 acres where some Reserve forces are trained; two totaling three-quarters of an acre on which are located some little-used equipment sheds; and another of 614 acres on which some important oceanographic work is conducted. The Army owns a 190-acre plot used for recreation and some Reserve training.

In April—during Earth Week—the Army began an operation on a 70-foot-high sand dune covering 13 acres in its area. It leveled the top of the dune, reducing its height to about 40 feet. The purpose of this operation, I understand, was to create a parking place for between five and 10 house trailers.

I can understand the desirability of such action. The land, probably worth $100,000 an acre, commands a breathtaking view of the Atlantic Ocean and a long stretch of unsullied beach.

But, in so doing, the Army destroyed one of nature's wonders. The "Big Dune," as it is known, is the largest sand dune between Sandy Hook, N.J., and Cape Hatteras, N.C. It has been the subject of scholarly articles in both Scientific American and the National Geographic.

This destruction was undertaken without consultation with Delaware officials or with people who live in the area. Quite understandably, all were upset.

The Governor of Delaware, the Honorable Russell W. Peterson, persuaded the Army to agree to hold the destruction to the 13-acre plot. He asked the congressional delegation to start an effort to convey the military land to the State.

Since that time, Representative WILLIAM V. ROTH, Jr., Senator WILLIAMS and myself have been holding discussions with the Department of Defense. We told the Department we were interested in the land and asked them to justify retention of any parts of it they could.

They since have indicated verbally that they might be responsive to conveying the 15-acre plot, the two plots which total three-quarters of an acre, and a corridor through the center of the 612-acre plot.

But we have received no confirmation of that offer and the Army maintains its need to retain the 190-acre plot.

My colleagues and I would disagree with that premise.

The 1st Army at Fort Meade, Md., which operates the land, claims it is necessary for recreation and training. And yet it admits that only 14,000 persons used it for recreation last year. By comparison, more than one million persons used the State-owned recreational beaches.

It is not our intent to deny the use of the beaches to the military, but rather to make them available to all on an equal basis.

Governor Peterson has offered to replace the training sites by finding other, more suitable areas in the State.

This bill would simply convey all the lands under military control to the State of Delaware. We realize there may be perfectly valid justification for the Navy to retain part of its land, and we are more than willing to consider such justifications and to accommodate them during the legislative process.

The PRESIDING OFFICER (Mr. BYRD of Virginia). The bill will be received and appropriately referred.

The bill (S. 3922) to authorize the conveyance of certain unneeded Federal lands of the Fort Miles Reservation, Del., to the State of Delaware for public education and park purposes, and for other purposes, introduced by Mr. BOGGS, for himself and Mr. WILLIAMS of Delaware, was received, read twice by its title, and referred to the Committee on Armed Services.

S. 3927, S. 3928, AND S. 3929—INTRODUCTION OF BILLS TO ENHANCE FISH AND WILDLIFE RESOURCES AND TO PROTECT DOMESTIC COMMERCIAL AND SPORT FISHING

Mr. HART. Mr. President, it is my pleasure today to introduce for appropriate reference three bills to enhance fish and wildlife resources throughout the country and to promote and protect domestic commercial and sport fishing.

The first of these bills would amend the Dingell-Johnson and Pittman-Robertson Acts. These acts provide funds for fish and wildlife restoration to the States through excise taxes on sporting arms, ammunition, and fishing gear. The amendments I propose would add to the Pittman-Robertson fund by switching revenue received from the existing excise tax on pistols and revolvers from the general fund to the Pittman-Robertson fund. The extra money would be used for hunter safety programs and other State projects. The remainder of the amendments are "housekeeping" changes to streamline the administration of both acts. All of these proposals, Mr. President, are the thoughtful recommendations of the distinguished conservationist and Congressman from Michigan's 15th District, Mr. DINGELL.

The second bill would amend the Fish and Wildlife Act of 1956 to authorize the Secretary of the Interior to make loans to fishermen marine insurance associations so that they may insure themselves against marine perils.

The third would increase the penalties against foreign vessels for fishing in the contiguous fishing zone of the United States, up to a maximum of $50,000.

Mr. President, all of these bills are needed and it is a pleasure for me to introduce them in the Senate. I ask unanimous consent that they be printed in full in the RECORD.

The PRESIDING OFFICER (Mr. ALLEN). The bills will be received and appropriately referred; and, without objection, the bills will be printed in the RECORD.

The bills (S. 3927) to revise and clarify the Federal Aid in Wildlife Restoration Act and the Federal Aid in Fish Restoration Act, and for other purposes;

(S. 3928) to amend the Fish and Wildlife Act of 1956 to authorize the Secretary of the Interior to make loans to associations of fishing vessel owners and operators organized to provide insurance against the damage of or loss of fishing vessels or the injury or death of fishing crews, and for other purposes; and

(S. 3929) to strengthen the penalties for illegal fishing in the territorial waters and the contiguous fishery zone of the United States, and for other purposes introduced by Mr. HART, were received, read twice by their titles, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 3927

A bill to revise and clarify the Federal Aid in Wildlife Restoration Act and the Federal Aid in Fish Restoration Act, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—FEDERAL AID IN WILDLIFE RESTORATION

SEC. 101. The first sentence of section 3 of the Federal Aid in Wildlife Restoration Act of September 2, 1937 (16 U.S.C. 669b), is amended to read as follows: "An amount equal to all revenues accruing each fiscal year (beginning with the fiscal year 1971) from any tax imposed on specified articles by section 4181 of the Internal Revenue Code of 1954 (26 U.S.C. 4181) shall, subject to the exemptions in section 4182 of such Code, be covered into the Federal aid to wildlife restoration fund in the Treasury (hereinafter referred to as the 'fund') and is authorized to be appropriated and made available until expended to carry out the purposes of this Act."

SEC. 102. Sections 4, 5, 6, 7, 8, and 8(a) of the Federal Aid in Wildlife Restoration Act of September 2, 1937 (16 U.S.C. 669c—669g–1), are amended to read as follows:

"SEC. 4. (a) So much, not to exceed 8 per centum, of the revenues covered into said fund in each fiscal year as the Secretary of the Interior may estimate to be necessary for his expenses in the administration and execution of this Act and the Migratory Bird Conservation Act shall be deducted for that purpose, and such sum is authorized to be made available therefor until the expiration of the next succeeding fiscal year, and within sixty days after the close of such fiscal year the Secretary of the Interior shall apportion such part thereof as remains unexpended by him, if any, and make certificate thereof to the Secretary of the Treasury and to the State fish and game departments on the same basis and in the same manner as is provided as to other amounts authorized by this Act to be apportioned among the States for such current fiscal year. The Secretary of the Interior, after making the aforesaid deduction, shall apportion, except as provided in subsection (b) of this section, the remainder of the revenue in said fund for each fiscal year among the several States in the following manner: One-half in the ratio which the area of each State bears to the total area of all the States, and one-half in the ratio which the number of paid hunting-license holders of each State in the second fiscal year preceding the fiscal year for which such apportionment is made, as certified to said Secretary by the State fish and game departments, bears to the total number of paid hunting-license holders of all the States. Such apportionments shall be adjusted equitably so that no State shall receive less than one-half of 1 per centum nor more than 5 per centum of the total amount apportioned. The term fiscal year as used in this Act shall be a period of twelve consecutive months from July 1 through the succeeding June 30, except that the period for enumeration of paid hunting-license holders shall be a State's fiscal or license year.

"(b) One-half of the revenues accruing to the fund under this Act each fiscal year (beginning with the fiscal year 1971) from any tax imposed on pistols and revolvers shall be apportioned among the States in proportion to the ratio that the population of each State bears to the population of all the States: *Provided*, That each State shall be apportioned not more than 3 per centum and not less than 1 per centum of such revenues. For the purpose of this subsection, population shall be determined on the basis of the latest decennial census for which figures are available, as certified by the Secretary of Commerce.

"Sec. 5. For each fiscal year, the Secretary of the Interior shall certify to the Secretary of the Treasury and to each State fish and game department the sum which he has estimated to be deducted for administering and executing this Act and the Migratory Bird Conservation Act and the sum which he has apportioned to each State. Any State desiring to avail itself of the benefits of this Act shall notify the Secretary of the Interior to this effect within sixty days after it has received the certification referred to in this section. The sum apportioned to any State which fails to notify the Secretary of the Interior as herein provided is authorized to be made available for expenditure by the Secretary of the Interior in carrying out the provisions of the Migratory Bird Conservation Act.

"Sec. 6. (a) Any State desiring to avail itself of the benefits of this Act shall, by its State fish and game department, submit programs or projects for wildlife restoration in either of the following two ways:

"(1) The State shall prepare and submit to the Secretary of the Interior a comprehensive fish and wildlife resource management plan which shall insure the perpetuation of these resources for the economic, scientific, and recreational enrichment of the people. Such plan shall be for a period of not less than five years and be based on projections of desires and needs of the people for a period of not less than fifteen years. It shall include provisions for updating at intervals of not more than three years and be provided in a format as may be required by the Secretary of the Interior. If the Secretary of the Interior finds that such plans conform to standards established by him and approves such plans, he may finance up to 75 per centum of the cost of implementing segments of those plans meeting the purposes of this Act from funds apportioned under this Act upon his approval of an annual agreement submitted to him.

"(2) A State may elect to avail itself of the benefits of this Act by its State fish and game department submitting to the Secretary of the Interior full and detailed statements of any wildlife-restoration project proposed for that State. If the Secretary of the Interior finds that such project meets with the standards set by him and approves said project, the State fish and game department shall furnish to him such surveys, plans, specifications, and estimates therefor as he may require. If the Secretary of the Interior approves the plans, specifications, and estimates for the project, he shall notify the State fish and game department and immediately set aside so much of said fund as represents the share of the United States payable under this Act on account of such project, which sum so set aside shall not exceed 75 per centum of the total estimated cost thereof.

The Secretary of the Interior shall approve only such comprehensive plans or projects as may be substantial in character and design and the expenditure of funds thereby authorized shall be applied only to such approved comprehensive wildlife plans or projects and if otherwise applied they shall be replaced by the State before it may participate in any further apportionment under this Act. No payment of any money apportioned under this Act shall be made on any comprehensive wildlife plan or project until an agreement to participate therein shall have been submitted to and approved by the Secretary of the Interior.

"(b) If the State elects to avail itself of the benefits of this Act by preparing a comprehensive fish and wildlife plan under option (1) of subsection (a) of this section then the term 'project' may be defined for the purposes of this Act as a wildlife program, all other definitions notwithstanding.

"(c) Administrative costs in the form of overhead or indirect costs for services provided by State central service activities outside of the State agency having primary jurisdiction over the wildlife resources of the State which may be charged against programs or projects supported by the fund established by section 3 of this Act shall not exceed in any one fiscal year 3 per centum of the annual apportionment to the State.

"Sec. 7: (a) When the Secretary of the Interior shall find that any project approved by him has been completed or, if involving research relating to wildlife, is being conducted, in compliance with said plans and specifications, he shall cause to be paid to the proper authority of said State the amount set aside for said project. The Secretary of the Interior may, in his discretion, from time to time, make payments on said project as the same progresses; but these payments, including previous payments, if any, shall not be more than the United States pro rata share of the project in conformity with said plans and specifications. If a State has elected to avail itself of the benefits of this Act by preparing a comprehensive fish and wildlife plan as provided for under option (1) of subsection (a) of section 6 of this Act, and this plan has been approved by the Secretary of the Interior, then the Secretary may, in his discretion, and under such rules and regulations as he may prescribe, advance funds to the State for financing the United States pro rata share agreed upon between the State fish and game department and the Secretary.

"(b) Any construction work and labor in each State shall be performed in accordance with its laws and under the direct supervision of the State fish and game department, subject to the inspection and approval of the Secretary of the Interior and in accordance with rules and regulations made pursuant to this Act. The Secretary of the Interior and the State fish and game department of each State may jointly determine at what times and in what amounts payments shall be made under his Act. Such payments shall be made by the Secretary of the Treasury, on warrants drawn by the Secretary of the Interior against the said fund to such official or officials, or depository, as may be designated by the State fish and game department and authorized under the laws of the State to receive public funds of the State.

"Sec. 8. (a) Maintenance of wildlife-restoration projects established under the provisions of this Act shall be the duty of the States in accordance with their respective laws. Beginning July 1, 1945, the term 'wildlife-restoration project', as defined in section 2 of this Act, shall include maintenance of completed projects. Notwithstanding any other provisions of this Act, funds apportioned to a State under this Act may be expended by the State for management (exclusive of law enforcement and public relations) of wildlife areas and resources.

"(b) Each State may use the funds apportioned to it under section 4(h) of this Act to pay up to 50 per centum of the costs of a hunter safety program and the construction, operation, and maintenance of public outdoor target ranges, as a part of such program. The non-Federal share of such costs may be derived from license fees paid by hunters, but not from other Federal grant programs. The Secretary shall issue not later than the 120th day after the effective date of this subsection such regulations as he deems advisable relative to the criteria for the establishment of hunter safety programs and public outdoor target ranges under this subsection.

"Sec. 8A. The Secretary of the Interior is authorized to cooperate with the Secretary of Agriculture of Puerto Rico, the Governor of Guam, and the Governor of the Virgin Islands, in the conduct of wildlife-restoration projects, as defined in section 2 of this Act, upon such terms and conditions as he shall deem fair, just, and equitable, and is authorized to apportion to Puerto Rico, Guam, and the Virgin Islands, out of the money available for apportionment under this Act, such sums as he shall determine, not exceeding for Puerto Rico one-half of 1 per centum, for Guam one-sixth of 1 per centum, and for the Virgin Islands one-sixth of 1 per centum of the total amount apportioned, in any one year, but the Secretary shall in no event require any of said cooperating agencies to pay an amount which will exceed 25 per centum of the cost of any project. Any unexpended or unobligated balance of any apportionment made pursuant to this section shall be available for expenditure in Puerto Rico, Guam, or the Virgin Islands, as the case may be, in the succeeding year, on any approved project, and if unexpended or unobligated at the end of such year is authorized to be made available for expenditure by the Secretary of the Interior in carrying out the provisions of the Migratory Bird Conservation Act."

Sec. 103. This title may be cited as the "Federal Aid in Wildlife Restoration Act Amendments of 1970".

TITLE II—FEDERAL AID IN SPORT FISH RESTORATION

Sec. 201. Section 4 of the Federal Aid in Fish Restoration Act of 1950 (16 U.S.C. 777c) is amended to read as follows:

"Sec. 4. So much, not to exceed 8 per centum, of each annual appropriation made in pursuance of the provisions of section 3 of this Act as the Secretary of the Interior may estimate to be necessary for his expenses in the conduct of necessary investigations,

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administration, and the execution of this Act and for aiding in the formulation, adoption, or administration of any compact between two or more States for the conservation and management of migratory fishes in marine or fresh waters shall be deducted for that purpose, and such sum is authorized to be made available therefor until the expiration of the next succeeding fiscal year. The Secretary of the Interior, after making the aforesaid deduction, shall apportion the remainder of the appropriation for each fiscal year among the several States in the following manner: 40 per centum in the ratio which the area of each State including coastal and Great Lakes waters (as determined by the Secretary of the Interior) bears to the total area of all the States, and 60 per centum in the ratio which the number of persons holding paid licenses to fish for sport or recreation in the State in the second fiscal year preceding the fiscal year for which such apportionment is made, as certified to said Secretary by the State fish and game departments, bears to the number of such persons in all States. Such apportionments shall be adjusted equitably so that no State shall receive less than 1 per centum nor more than 5 per centum of the total amount apportioned. Where the apportionment to any State under this section is less than $4,500 annually, the Secretary of the Interior may allocate not more than $4,500 of said appropriation to said State to carry out the purposes of this Act when said State certifies to the Secretary of the Interior that it has set aside not less than $1,500 from its fish-and-game funds or has made, through its legislature, an appropriation in this amount for said purposes. So much of any sum not allocated under the provisions of this section for any fiscal year is hereby authorized to be made available for expenditure to carry out the purposes of this Act until the close of the succeeding fiscal year, and if unexpended or unobligated at the end of such year, such sum is hereby authorized to be made available for expenditure by the Secretary of the Interior in carrying on the research program of the Fish and Wildlife Service in respect to fish of material value for sport or recreation. The term fiscal year as used in this section shall be a period of twelve consecutive months from July 1 through the succeeding June 30, except that the period for enumeration of persons holding licenses to fish shall be a State's fiscal or license year."

Sec. 202. Sections 6, 7, and 8 of the Federal Aid in Fish Restoration Act of 1950 (16 U.S.C. 777e–777g) are amended to read as follows:

"Sec. 6. (a) Any State desiring to avail itself of the benefits of this Act shall, by its State fish and game department, submit programs or projects for fish restoration in either of the following two ways:

"(1) The State shall prepare and submit to the Secretary of the Interior a comprehensive fish and wildlife resource management plan which shall insure the perpetuation of these resources for the economic, scientific, and recreational enrichment of the people. Such plan shall be for a period of not less than five years and be based on projections of desires and needs of the people for a period of not less than fifteen years. It shall include provisions for updating at intervals of not more than three years and be provided in a format as may be required by the Secretary of the Interior. If the Secretary of the Interior finds that such plans conforms to standards established by him and approves such plans, he may finance up to 75 per centum of the cost of implementing segments of those plans meeting the purposes of this Act from funds apportioned under this Act upon his approval of an annual agreement submitted to him.

"(2) A State may elect to avail itself of the benefits of this Act by its State fish and game department submitting to the Secretary of the Interior full and detailed statements of any fish restoration and management project proposed for that State. If the Secretary of the Interior finds that such project meets with the standards set by him and approves said project, the State fish and game department shall furnish to him such surveys, plans, specifications, and estimates therefor as he may require. If the Secretary of the Interior approves the plans, specifications, and estimates for the project, he shall notify the State fish and game department and immediately set aside so much of said appropriation as represented the share of the United States payable under this Act on account of such project, which sum so set aside shall not exceed 75 per centum of the total estimated cost thereof.

The Secretary of the Interior shall approve only such comprehensive plans or projects as may be substantial in character and design and the expenditure of funds hereby authorized shall be applied only to such approved comprehensive fishery plan or projects and if otherwise applied they shall be replaced by the State before it may participate in any further apportionment under this Act. No payment of any money apportioned under this Act shall be made on any comprehensive fishery plan or project until an agreement to participate therein shall have been submitted to and approved by the Secretary of the Interior.

"(b) If the State elects to avail itself of the benefits of this Act by preparing a comprehensive fish and wildlife plan under option (1) of subsection (a) of this section, then the term 'project' may be defined for the purposes of this Act as a fishery program, all other definitions notwithstanding.

"(c) Administrative costs in the form of overhead or indirect costs for services provided by State central service activities outside of the State fish and game department charged against programs or projects supported by funds made available under this Act not exceed in any one fiscal year 3 per centum of the annual apportionment to the State.

"Sec. 7. (a) When the Secretary of the Interior shall find that any project approved by him has been completed or, if involving research relating to fish, is being conducted, in compliance with said plans and specifications, he shall cause to be paid to the proper authority of said State the amount set aside for said project. The Secretary of the Interior may, in his discretion, from time to time, make payments on said project as the same progresses; but these payments, including previous payments, if any, shall not be more than the United States' pro rata share of the project in conformity with said plans and specifications. If a State has elected to avail itself of the benefits of this Act by preparing a comprehensive fish and wildlife plan as provided for under option (1) of subsection (a) of section 6 of this Act, and this plan has been approved by the Secretary of the Interior, then the Secretary may, in his discretion, and under such rules and regulations, as he may prescribe, advance funds to the State for financing the United States' pro rata share agreed upon between the State fish and game department and the Secretary.

"(b) Any construction work and labor in each State shall be performed in accordance with its laws and under the direct supervision of the State fish and game department, subject to the inspection and approval of the Secretary of the Interior and in accordance with the rules and regulations made pursuant to this Act. The Secretary of the Interior and the State fish and game department of each State may jointly determine at what times and in what amounts payments shall be made under this Act. Such payments shall be made against the said appropriation to such official or officials, or depository, as may be designated by the State fish and game department and authorized under the laws of the State to receive public funds of the State.

"Sec. 8. To maintain fish-restoration and management projects established under the provisions of this Act shall be the duty of the States according to their respective laws. Beginning July 1, 1953, maintenance of projects heretofore completed under the provisions of this Act may be considered as projects under this Act. Title to any real or personal property acquired by any State, and to improvements placed on State-owned lands through the use of funds paid to the State under the provisions of this Act, shall be vested in such State."

Sec. 203. Section 12 of the Federal Aid in Fish Restoration Act of 1950 (16 U.S.C. 777k) is amended to read as follows:

"Sec. 12. The Secretary of the Interior is authorized to cooperate with the Secretary of Agriculture of Puerto Rico, the Governor of Guam, and the Governor of the Virgin Islands, in the conduct of fish restoration and management projects, as defined in section 2 of this Act, upon such terms and conditions as he shall deem fair, just, and equitable, and is authorized to apportion to Puerto Rico, Guam, and the Virgin Islands, out of money available for apportionment under this Act, such sums as he shall determine, not exceeding for Puerto Rico 1 per centum, for Guam one-third of 1 per centum and for the Virgin Islands one-third of 1 per centum of the total amount apportioned in any one year, but the Secretary shall in no event require any of said cooperating agencies to pay an amount which will exceed 25 per centum of the cost of any project. Any unexpended or unobligated balance of any apportionment made pursuant to this section shall be made available for expenditure in Puerto Rico, Guam, or the Virgin Islands, as the case may be, in the succeeding year, on any approved projects, and if unexpended or unobligated at the end of such year is authorized to be made available for expenditure by the Secretary of the Interior in carrying on the research program of the Fish and Wildlife Service in respect to fish of material value for sport or recreation."

Sec. 204. This title may be cited as the "Federal Aid in Fish Restoration Act Amendments of 1970".

S. 3928

A bill to amend the Fish and Wildlife Act of 1956 to authorize the Secretary of the Interior to make loans to associations of fishing vessel owners and operators organized to provide insurance against the damage or loss of fishing vessels or the injury or death of fishing crews, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of the Fish and Wildlife Act of 1956 (16 U.S.C. 742c) is amended by striking out "Sec. 4." and inserting in lieu thereof "Sec. 4a.".

Sec. 2. The Fish and Wildlife Act of 1956 is amended by inserting immediately after section 4a thereof (as redesignated in the first section of this Act) the following new section:

"INSURANCE LOAN PROCEDURES

"Sec. 4b. (a) The Secretary is authorized to make loans to any fishermen's marine insurance association to enable such association to carry out its insurance operations.

"(b) The Secretary may not make loans under this section to any fishermen's marine insurance association which in aggregate amount exceed an amount equal to 50 per centum of the amount of the capital and surplus of such association.

"(c) Any loan made by the Secretary under this section shall—

"(1) bear an interest rate of not less than

(A) a rate determined by the Secretary of the Treasury, taking into consideration the average market yield on outstanding Treasury obligations of comparable maturity, plus (B) such additional charge, if any, toward covering other costs of the program as the Secretary may determine to be consistent with its purpose,

"(2) mature in not to exceed ten years,

"(3) be secured in a manner deemed satisfactory by the Secretary, and

"(4) be subject to such other terms and conditions as the Secretary deems necessary or appropriate.

"(d) The Secretary may, with respect to any loan made by him under this section, agree to a modification of—

"(1) the interest rate,

"(2) the time of payment of any installment of principal, but such modification may not extend the loan beyond ten years,

"(3) the security for the loan, or

"(4) any other terms or conditions made with respect to the loan by the Secretary.

"(e) There is created a Fishermen's Association Insurance Loan Fund which shall be used by the Secretary as a revolving fund to make loans under this section. Any funds received by the Secretary in payment of principal or interest on any loan so made shall be deposited in the Fund and be available for making additional loans under this section. There is authorized to be appropriated to the Fund the sum of $10,000,000 to provide initial capital.

"(f) As used in this section—

"(1) The term 'fishermen's marine insurance association' means any association, whether corporate or otherwise, which is formed by citizens of the United States who are owners or operators of commercial fishing vessels for the purpose of insuring themselves, in accordance with applicable State laws, against—

"(A) any loss of, or damage to, a commercial fishing vessel (including machinery, equipment, and gear) caused by marine perils, and

"(B) the injury or death of any officer, and any member of the crew, of a commercial fishing vessel incurred incident to the operation of such vessel for fishing purposes except that a fishermen's marine insurance association may not insure any commercial fishing vessel other than a vessel of which at least 75 per centum of the interest therein is owned by a citizen of the United States who is a member of such association.

"(2) The term 'citizen of the United States' includes a corporation, partnership, or association which—

"(A) is organized under the laws of any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States, and

"(B) is a citizen of the United States within the meaning of section 2 of the Shipping Act, 1916, as amended (46 U.S.C. 802)."

S. 3929

A bill to strengthen the penalties for illegal fishing in the territorial waters and the contiguous fishery zone of the United States, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 2 of the Act entitled "An Act to prohibit fishing in the territorial waters of the United States and in certain other areas by vessels other than vessels of the United States and in certain other areas by vessels other than vessels of the United States and by persons in charge of such vessels", approved May 20, 1964 (16 U.S.C. 1932), is amended—

(1) by striking out "not more than $10,000" in subsection (a) thereof and inserting in lieu thereof "not less than $25,000 and not more than $50,000",

(2) by amending subsection (b) thereof to read as follows:

"(b) Every vessel employed in any manner in connection with a violation of this Act shall be subject to forfeiture and the tackle, apparel, furniture, appurtenances, cargo, and stores of any vessel so employed shall be forfeited. All fish taken or retained in violation of this Act or the monetary value thereof shall be forfeited, and, for the purposes of this Act, it shall be a rebuttable presumption that all fish found aboard a vessel seized in connection with a violation of this Act were taken or retained in violation of this Act.", and

(3) by amending subsection (c) thereof by striking out ", including its tackle, apparel, furniture, appurtenances, cargo, and stores" each place it appears therein.

Sec. 2. The first sentence of section 3(a) of such Act of May 20, 1964 (16 U.S.C. 1083), is amended to read as follows: "Enforcement of the provisions of this Act is the joint responsibility of the Secretary of the Interior, the Secretary of the Treasury, and the Secretary of the Department in which the Coast Guard is operating, and each such Secretary may, by agreement with any other Federal department or agency, utilize the equipment (including aircraft and vessels) of that department or agency to carry out such enforcement."

Sec. 3. Such Act of May 20, 1964 (16 U.S.C. 1081–1085), is further amended by adding at the end thereof the following new subsection:

"Sec. 6. The Secretary of the Treasury may pay to any person, other than an officer of the United States or a person authorized to function as a Federal law enforcement agent under this Act, compensation of not more than $5,000 if such person submits to any such officer or authorized person original information concerning any violation, perpetrated or contemplated, of this Act and such information leads to any penalty or forfeiture incurred for violation of this Act."

SENATE JOINT RESOLUTION 206—INTRODUCTION OF A JOINT RESOLUTION ON WAGE-PRICES

Mr. JAVITS. Mr. President, I introduce a substitute wage-price joint resolution for Senate Joint Resolution 203, which I introduced on May 22. This resolution requests the Council of Economic Advisers to publish at least once a month the implications of unusually significant wage and price decisions. It is cosponsored by Senators Jordan, Miller, and Percy, the other Republican Senators of the Joint Economic Committee, and is identical to a House resolution being introduced by my ranking JEC colleague Representative William Widnall, of New Jersey. These resolutions are the outgrowth of recommendations contained in the annual Joint Economic Committee report, and place the JEC Republicans once again on record as urging the administration to adopt a more aggressive wage-and-price policy. I believe it is very significant that a consensus on this subject should have been reached by this group of Republicans, and I note with some satisfaction that several administration figures—including Secretary Romney, Undersecretary Walker, and Treasury Assistant Secretary Wiedenbaum—have also begun to urge an "incomes policy."

Mr. President, we have been told since January that excess demand in our economy has been eliminated, and we have recently learned that businesses have substantially cut back on their earlier estimates for capital spending. These developments suggest that inflationary pressures are being substantially deflated. Nevertheless, productivity has been declining since the last quarter of 1968, and falling productivity inevitably raises the unit cost—and the price—of manufactured goods. What we have, therefore, is a mixture of conditions, some laying the ground for rolling back inflation and others pointing toward further price increases.

On the productivity side, I believe we must take steps to restore an effective investment incentive for business. Failure to raise productivity by such a step as this will inevitably force business to resort to another well-known means of raising productivity: laying off employees. This fact indicates also that action on the pending manpower bill should be one of our high priority tasks as summer approaches.

On the price side—and here is where the JEC resolution comes in—I believe the administration must adopt a stronger stance on wages and prices. The resolution describes one course of action which will mobilize public opinion in the fight against inflation. To use Undersecretary Walker's words, the resolution would push, or promote the educational process in understanding why prices do what they do; Americans, who are far more sophisticated now than they were even in 1946 when the JEC was established, demand and can absorb the kind of information that this resolution attempts to give them.

I am aware that my Democratic colleagues in the Congress and in the Joint Economic Committee are pressing for stronger action on the wage-price front. Wage-price controls are talked about, as well as a wage-price freeze; we may have to come to them but the feasibility of a course of action at this time suggests the greater likelihood of immediate action along the lines of the resolution at hand. Should current efforts to reduce inflation prove fruitless—and I include in those efforts a comprehensive program to improve business productivity—we may well have to enact stricter controls.

I ask unanimous consent that the joint resolution be printed in the Record.

The PRESIDING OFFICER (Mr. Saxbe). The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the Record.

The joint resolution (S.J. Res. 206) to request the Council of Economic Advisers to publish economic data, introduced by Mr. Javits, for himself and other Senators, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the Record, as follows:

S.J. Res. 206

Whereas the goals of maximum employment, production, and purchasing power set forth in the Employment Act of 1946 affirm the need for price stability,

Whereas the level of inflation presently affecting the national economy is causing severe hardship and a loss of purchasing power for many citizens, and

Whereas an informed public debate, in the fight against inflation, would mark a sig-

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nificant advance toward our economic policy goals: Now, therefore, be it

> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That until December 31, 1971, the Council of Economic Advisers is hereby requested to publish, periodically, but at least once a month, with whatever assistance may be required from other executive branch departments and agencies:
>
> (1) the implications of unusually significant price decisions made or proposed in major industries during the preceding month
>
> (2) the implications of unusually significant collective bargaining agreements entered into or proposed in major industries during the preceding month, and
>
> (3) such other data on price and wage developments as the Council deems beneficial to the public interest.
>
> SEC. 2. (a) With respect to the data referred to in paragraph (1) of the first section, each analysis should indicate how the price decisions set forth therein can be expected to influence overall consumer and wholesale price levels, how they might affect other prices in related industries, and the arguments made by particular companies or industries why such price increases are deemed necessary.
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> (b) With respect to the data referred to in paragraph (2) of the first section each analysis should indicate the magnitude of wage and benefit increases, under different timing assumptions, represented by the proposals set forth therein; the productivity experience and wage experience in the industry; and whether industry officials believe such increases would bring about price increases.

SENATE JOINT RESOLUTION 207—INTRODUCTION OF A JOINT RESOLUTION TO ESTABLISH A JOINT COMMITTEE ON THE ENVIRONMENT

Mr. MUSKIE. Mr. President, on behalf of myself, and Senators JACKSON, MAGNUSON and RANDOLPH, and Senators BAKER, BAYH, BIBLE, BOGGS, CANNON, CHURCH, COOPER, EAGLETON, GRAVEL, HARRIS, HATFIELD, INOUYE, KENNEDY, MCGEE, MANSFIELD, METCALF, MONDALE, MONTOYA, MOSS, NELSON, PACKWOOD, PELL, PERCY, SPONG, STEVENS, TYDINGS, YARBOROUGH, YOUNG of Ohio, and WILLIAMS of New Jersey, I introduce a joint resolution to establish in the Congress a forum for the assessment of present and future problems affecting man and his environment.

The legislation is an expanded and revised version of Senate Resolution 78 which would establish a similar Senate Select Committee on Technology and the Human Environment. Senate Resolution 78 and its counterparts in the 89th and 90th Congress were the subjects of extensive hearings by the Subcommittee on Intergovernmental Relations and were reported favorably to the Senate Government Operations Committee. This new resolution extends the concept of Senate Resolution 78 to include membership from both Houses of Congress.

Mr. President, we live in the midst of a scientific and technological revolution. While we have learned many things from science and technology, we have learned many things about science and technology at the same time.

On the one hand, we have learned that the potential of our scientific and technological expertise as a force for good in the world is great. In a few generations, we have added more to our store of knowledge and understanding than the accumulation of thousands of years of human thought. We have explored our surroundings and tested our abilities so thoroughly that we have created more knowledge than we have time to digest.

On the other hand, we stand at the threshold of losing control over our own genius. We have come so far so fast that we have lost some of our sense of direction. We may have lost more than we have gained. We have discovered that the human and natural resources of our environment may be threatened by the very technology that has made America strong.

The difficult choices, the tough decisions, are just ahead of us. The longer we ignore the impact of our technological development on the natural environment, the more our days will be numbered. The longer we ignore the human price of technological development, the greater will be the price of life itself.

For all we have learned, we still know too little about the effects of what we have done with our scientific and technological genius. We know even less about the effects of what we might do.

In hearings on Senate Resolution 78, Dr. Barry Commoner, of Washington University in St. Louis emphasized this point in his testimony:

> Before the development of modern technology, human beings breathed air consisting largely of oxygen, nitrogen, some carbon dioxide and water vapor. Now the air carries into our lungs as well oxides of sulfur and nitrogen, carbon monoxide, flakes of asbestos, soot and dust, and a variety of manmade organic and radioactive substances. It is often said that technology has transformed man. Indeed it has. The new technological man unlike his predecessors carries strontium-90 in his bones, iodine-131 in his lungs. We know little about the separate effects of these and the many other new agents which burden our body. We know even less about their possible interactions, which may be far more harmful than the sum of the separate effects.

As legislators, we are responsible for understanding these changes. We must be able to make accurate predictions about new technologies and we must apply this knowledge to our decisions regarding environmental protection, resource development, food production, transportation, power supply, education, communication, health, and employment.

We should assess the undesirable consequences of technological change and devise an early-warning system to protect our human and natural resources.

We should evaluate our governmental institutions at all levels to determine their capability to adapt to these technological demands.

And we should analyze the impact of technological change on the people of our Nation so that we can help inform them.

It is not the intent of this resolution to establish a committee which would infringe the substantive jurisdiction of any standing committee. The joint committee would have no jurisdiction over legislation or powers of legislative oversight. Rather, it would provide a source of information and analysis not now available to the Congress. Information which the standing committees do not have the time nor the mandate to develop for themselves.

Standing committees are increasingly burdened with legislative proposals within their special fields, and the committee staffs have little opportunity to explore the broad relationships between other fields and the environment. The hearings developed by the joint committee would provide Members of Congress, their assistants, and committee staff members with information for the development of legislative and executive policy.

The standing legislative committees involved with the environment should help determine the areas of inquiry which they felt were most relevant to their requirements. They could help guide the effort of the joint committee along lines which would assure maximum benefit to the standing committees.

Through its hearings and reports, the joint committee also would make an important contribution to the executive branch, to scholars and academic institutions, to professional organizations, to State and local governments, and to the public at large.

The need for this joint committee has been emphasized by the testimony of eminent scientists, educators, scholars and government officials during hearings held on Senate Resolution 298 in the 89th Congress, Senate Resolution 68 in the 90th Congress and on Senate Resolution 78 in the 91st Congress.

The concept of a Joint Committee for Technology Assessment was recommended by the National Academy of Sciences in a report to the Committee on Science and Astronautics of the House of Representatives in July 1969.

A futher recommendation has been made to the Environmental Studies Board of the National Academy of Sciences and National Academy of Engineering in a report on "Institutions for Effective Management of the Environment." The study group recommended that—

> The activities of the executive branch in establishing environmental policies, evaluating and overseeing their implementation, and in general managing environmental affairs should, we believe, relate to a more broadly effective congressional organization than now exists. At present several committees of both Houses of the Congress have jurisdictions that relate to environmental matters. And while we would not presume to suggest a reorganization of congressional committees, we do recommend that a joint committee of the Congress, comprised of the chairmen and ranking minority members of the relevant committees of both Houses, would provide a much needed focal point for the informed discussion of environmental affairs.
>
> Such a joint committee would provide an open forum for annual hearings relating to the President's report, in which the important issues would be discussed and debated in public. This would, of course, in no way infringe upon existing jurisdictions relating to appropriations or other congressional activities, though careful consideration should be given to organizational realignments in the future.

During the 1969 hearings, Dr. Emmanuel Mesthene, director of the program on technology and society at Harvard University, observed that—

> The jurisdictions of existing committees and subcommittees coincide with the jurisdictions of the individual agencies or the individual economic sectors—the Armed Services, agriculture, industry, and commerce, space—which are charged with technological development. This tends to lead to a fragmentation of concern to a partial view of the implications of technological development.
>
> It seems to me, therefore, that a select, cross-jurisdictional committee could be particularly responsive to this defect in the existing committee structure, because it would be able to take an overall view and to concentrate specifically on the third-party implications, the indirect effects of technological development.

In 1967, Dr. James A. Shannon, Director of the National Institutes of Health, testified that Congress and the executive branch have approached environmental problems on an individual basis, and he endorsed the comprehensive approach of a study committee. He said:

> The holistic approach has been missing and the result has been widespread fragmentation of responsibilities. This way of doing business has diffused the discharge of Federal responsibilities. It has tended to confuse State and local relationships to these Federal efforts.

In 1967, Prof. Roger Revelle, director of the Center for Population Studies, Harvard University, noted that—

> We live in a world of such rapid change and are beset by our own actions, that thoughtful men everywhere are trying to pierce the curtain of the future with an anxiety and intensity that did not exist in past generations.
>
> Very few great problems of the real world can be solved within one discipline. They have to be solved by many disciplines together.

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Revelle viewed a joint committee as the means for bringing the knowledge of these disciplines together and providing the Government with a forum for thinking about them over longer time horizons.

Congress, as a whole, must develop a way to inform itself on the issues of the environment. We must insure that our public institutions have the capacity to evaluate the environment together with other disciplines and the ability to reduce the hazards of future technological development to an absolute minimum. These tasks of organization and commitment may pose an even greater challenge to American government than the ultimate prescription and implementation of solutions themselves.

The environment we pass on to our children will reflect our ability to define the problems we face as much as our determination to solve them. If we fail to complete the work we have begun, our children will have to pay more than the price of our inaction. They will bear the tragedy of our failure to protect them against environmental changes which can disrupt life processes and impair physical and mental health.

The future of our society depends on how well we at the Federal level provide leadership and answers concerning the critical relationship between our human and natural resources.

Therefore, I urge prompt consideration of this resolution. I ask unanimous consent that the text of the resolution be printed in the RECORD at this point.

I also ask unanimous consent that this resolution and House Joint Resolution 1117, a similar resolution passed by the House and now being held at the desk, be jointly referred to the Committees on Public Works, Commerce, and Interior with instruction to report back to the Senate by July 15.

The PRESIDING OFFICER. Is there objection?

Mr. ALLOTT. Mr. President, reserving the right to object, and I shall not, I shall do so only for the purpose of establishing a principle in the RECORD.

I have discussed this matter with the distinguished Senator from Maine. And I want to make it clear that in this instance I do not speak for the chairman of the Committee on Interior and Insular Affairs (Mr. JACKSON), because I have not discussed it with him, although I would hope that his ideas would be similar to mine.

Mr. President, is it possible while objecting to make a parliamentary inquiry?

The PRESIDING OFFICER. Would the Senator yield for that purpose?

Mr. MUSKIE. Mr. President, I yield for that purpose.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. ALLOTT. Mr. President, I would like to inquire of the Chair if this matter were handled in this way by unanimous consent, would it then be regarded as a precedent of the Senate?

The PRESIDING OFFICER (Mr. ALLEN). It would not be a precedent because this is done by unanimous consent. A joint referral could only be made by unanimous consent. No precedent would be established.

Mr. ALLOTT. Mr. President, I thank the Presiding Officer for that answer. I am very happy to hear that answer. Certainly, I am not anxious—in fact, I am very unanxious—to set up a procedure which would be a precedent in the Senate.

The Senator from Maine and I have discussed this matter. And we have both agreed that as a general principle it would be something that we would not want to establish as a precedent.

Mr. President, with this understanding, I think I am satisfied with the answer and we will have the hearings, the bill will be reported, and we can then handle it in the regular manner without getting into the setting of a precedent.

This was what greatly concerned me about the situation.

Mr. President, I have no further remarks on the matter.

Mr. MUSKIE. Mr. President, may I say that the distinguished Senator from Colorado has accurately reported the substance of our discussion.

We both agree that it would be undesirable that this sort of procedure establish a precedent.

I concur with the distinguished Senator that when more than one Senate committee has jurisdiction over a piece of legislation, the desirable approach is for each committee to handle the legislation separately from the point of view of its own jurisdiction and discharge that responsibility and then in the regular course have the matter handled by the Senate as a whole.

It is the unusual nature of this resolution, the subject matter of which covers the jurisdiction of at least three Senate committees, that finally persuaded us to take this unusual course.

I concur with the Senator. It should be regarded as unusual, it should not be regarded as setting a precedent, and any subsequent proposal of this nature should be considered on its merits at the time it is advanced.

So, Mr. President, with the approval of the Senator from Colorado I ask unanimous consent for the referral which I have requested.

The PRESIDING OFFICER (Mr. ALLEN). The joint resolutions will be received; and, without objection, will be jointly referred to the Committees on Public Works, Commerce, and Interior and Insular Affairs, with instructions to report back to the Senate by July 15, 1970; and, without objection, the Senate joint resolution will be printed in the RECORD.

The joint resolutions (S.J. Res. 207 and H.J. Res. 1117) were received, read twice by their titles, and ordered, by unanimous consent, to be referred jointly to the Committees on Public Works, Commerce, and Interior and Insular Affairs.

Senate Joint Resolution 207 was ordered to be printed in the RECORD, as follows:

S.J. RES. 207

Joint resolution to establish a Joint Committee on the Environment

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is established a joint congressional committee which shall be known as the Joint Committee on the Environment (hereafter in this joint resolution referred to as the "committee") consisting of eleven Members of the Senate to be appointed by the President of the Senate, and eleven Members of the House of Representatives to be appointed by the Speaker of the House of Representatives. Of the eleven Members of the Senate appointed under this subsection, six Members shall be from the majority party, and five Members shall be from the minority party. Of the eleven Members of the House of Representatives appointed under this subsection, six members shall be from the majority party, and five Members shall be from the minority party. In the appointment of members of the committee under this subsection, the President of the Senate and the Speaker of the House of Representatives shall give due consideration to providing representation on the committee from the various committees of the Senate and the House of Representatives having jurisdiction over matters relating to the environment.

(b) The committee shall select a chairman and a vice chairman from among its members, at the beginning of each Congress. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. The chairmanship shall alternate between the Senate and House of Representatives with each Congress, and the chairman shall be selected by members from that House entitled to the chairmanship. The vice chairman shall be chosen from the House other than that of the chairman by the members of that House. The committee may establish such subcommittees as it deems necessary and appropriate to carry out the purpose of this joint resolution.

(c) Vacancies in the membership of the committee shall not affect the authority of the remaining members to execute the functions of the committee. Vacancies shall be filled in the same manner as original appointments are made.

(d) A majority of the members of the committee shall constitute a quorum thereof for the transaction of business, except that the committee may fix a lesser number as a quorum for the purpose of taking testimony.

(e) The committee shall keep a complete record of all committee actions, including a record of the votes on any question on which a record vote is demanded. All committee records, data, charts, and files shall be the property of the committee and shall be kept in the offices of the committee or such other places as the committee may direct.

(f) No legislative measure shall be referred to the committee, and it shall have no authority to report any such measure to the Senate or to the House of Representatives.

Sec. 2. (a) It shall be the duty of the committee—

(1) to conduct a continuing comprehensive study and review of the character and extent of environmental and technological changes and their effect on population, communities, and industries.

(2) to study methods of using all practical means and measures, including financial and technical assistance, in a manner calculated to foster, promote, create, and maintain conditions under which man and nature can exist in harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans; and

(3) to develop policies that would encourage maximum private investment in means of improving environmental quality.

(b) The environmental quality report required to be submitted pursuant to section 201 of the National Environmental Policy Act of 1969 shall, when transmitted to Congress, be referred to the committee as well as to standing committees in the Senate and the House of Representatives having jurisdiction over the subject matter of such report.

(c) On or before the last day of December of each year, the committee shall submit to the Senate and to the House of Representatives for reference to the appropriate standing committees an annual report on the studies, reviews, and other projects undertaken by it, together with its recommendations. The committee may make such interim reports to the appropriate standing committees of the Congress prior to such annual report as it deems advisable.

(d) Before undertaking any study or investigation, the committee shall notify and consult with standing committees having jurisdiction over the subject matter thereof to avoid unnecessary duplication with any investigation undertaken by any other joint committee, or by any standing committee of the Senate or of the House of Representatives.

Sec. 3. (a) For the purposes of this joint resolution, the committee is authorized, as it deems advisable (1) to make such expenditures; (2) to hold such hearings; (3) to sit and act at such times and places during the sessions, recesses, and adjournment periods of the Senate and of the House of Representives; and (4) to employ and fix the compensation of technical, clerical, and other assistants and consultants. Persons employed under authority of this subsection shall be employed without regard to political affiliations and solely on the basis of fitness to perform the duties for which employed.

(b) The committee may (1) utilize the services, information, and facilities of the General Accounting Office or any department or agency in the executive branch of the Government, and (2) employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable. With the consent of any other committee of the Congress, or any subcommittee thereof the committee may utilize the facilities and the services of the staff of such other committee or subcommittee whenever the chairman of the committee determines that such action is necessary and appropriate.

Sec. 4. To enable the committee to exercise its powers, functions, and duties under this joint resolution, there are authorized to be appropriated for each fiscal year such sums as may be necessary to be disbursed by the Clerk of the House of Representatives on vouchers signed by the chairman or vice chairman of the committee.

Mr. MUSKIE. Mr. President, I also ask unanimous consent to have printed in the Record a statement prepared by the Senator from Washington (Mr. Magnuson).

The PRESIDING OFFICER. Is there objection?

There being no objection, the statement by Senator Magnuson was ordered to be printed in the Record, as follows:

Statement by Senator Magnuson

Mr. President, in this time of rapid change and progress Congress must retain flexibility as an institution and be prepared to improve its structure in order to meet and solve important problems facing the nation. There are no more pressing national problems than those embodied in the term "environment." It is time for Congress to adjust its structure to meet head-on in a coordinated fashion these problems. Therefore, I am pleased to join Senators Muskie, Jackson, Randolph and others in sponsoring the resolution to create a Joint Committee on the Environment.

The Senate Commerce Committee has begun to recognize danger signals arising from the very developments we have pursued as goals of national policy—industrial growth and innovations; the tapping of natural resources; mechanization and cybernation; and a blanketing network of fast, powerful, efficient air, land, and water transports.

We have awakened to the realization that the uninvited companion of economic progress is too often an unseen environmental hazard or poisonous byproduct. Our national cost accounts for evaluating technological progress must weigh fully in the balance the assault of that technology on our air and water and our soil, the marring of our countryside, and the brutalizing of our tranquility.

In 1970 and beyond, the commerce committee has undertaken as a first priority to evaluate, and, where necessary, balance the necessary growth of commerce against the essential preservation of the environment.

This is not a new task, though it has assumed new prominence and urgency. In the past, the Committee has both investigated and legislated on such environmental concerns as the impact of pesticides on fish and wildlife, radiation emissions from electronic products, airport and airways noise abatement, estuarine contamination, sport and commercial fisheries conservation, and rail, aviation, and motor vehicle safety—each reflecting the Committee's concern and responsibility for a sound physical environment as well as a healthy economic environment.

To meet its growing responsibilities in environmental matters as well as to facilitate its overall efficiency, the Commerce Committee established two new subcommittees in 1969: the standing Subcommittee on Energy, Natural Resources, and the Environment and the Subcommittee on Oceanography.

The work of the Committee, in particular of these two subcommittees includes such environmentally critical projects as:

(1) The stimulation of low-emission vehicle development through Federal motor vehicle procurement practices;

(2) Examination of the environmental as well as the economic implications of powerplant siting and related issues;

(3) The conservation and non-degradating development of ocean resources;

(4) Examination of the need for new measures to assure the environmental integrity of estuarine areas and coastal zones;

(5) The exploration of techniques for promoting more efficient, less polluting technology for energy generation;

(6) The comprehensive investigation of transportation-related noise from trucks to motorcycles to aircraft;

(7) The review of progress in controlling electronic radiation from television sets and microwave ovens;

(8) Review of recent developments and the need for restructuring in weather modification programs;

(9) The examination of available technology for control and improvement of the interior environment with emphasis on air purification possibilities;

(10) Study of the degradation of railroad rights-of-way because of sewage disposal procedures; and

(11) Exploration of the need and desirability for uniform procedures, insuring that all regulatory agencies consider fully the potential impact of their decisions on the environment and a review of progress toward the elimination of pesticides contamination of fish and wildlife.

With the creation of the Joint Committee on the Environment, which we propose today, our resources in dealing with problems rationally, competently, and thoroughly will be substantially enhanced.

Mr. HART. Mr. President, it is with great pleasure that I endorse the bill introduced today by the Senator from Maine.

Once again the Senator has taken the lead in identifying an important gap in our system of environmental protection and in moving quickly to alleviate the problem. The bill is but another example of his perceptive leadership in this area and of his ability to bring others who are similarly motivated together into joint action.

The need for the bill appears to me to be manifest. Although the Congress in the past years has become increasingly sensitive to problems of environmental quality, its efforts have been hampered to a significant degree by a lack of coordination. Duplication of effort has too often denied valuable resources to projects of vital importance. Laudable efforts have too often been dissipated by dispersal in different and sometimes inconsistent directions.

The bill which is introduced today gives us the opportunity to repair these deficiencies and thus constitutes a significant step in the adaptation of our institutions to environmental dangers we can no longer ignore or disparage. Rapid consideration and acceptance of its provisions, as I see it, can only operate to the public's advantage.

Mr. BAKER. Mr. President, I am pleased to join the chairman of the Subcommittee on Air and Water Pollution, the Senator from Maine (Mr. Muskie), and other Senators, including several chairmen of other legislative committees, in cosponsoring the joint resolution introduced today to establish a permanent nonlegislative Joint Congressional Committee on the Environment.

In my activities as a member of both the Committee on Public Works and the

Committee on Commerce, I have been continually impressed with the magnitude and complexity of the national and international problems regarding the environment. It is clear that environmental issues cross every area of jurisdiction and although rational management dictates a division of responsibilities, it is essential that an integrating forum be available to Congress to explore the full range of the problems arising in man's relationship to his environment.

The Joint Committee on Environment would serve this important role; having as its principal function the development of information on the broad range of problems and making that information available to the authorizing committees of Congress, thereby assisting in the development of a unifying thread holding together the multitude of congressional activities.

This session of Congress has already seen the creation of parallel organizations in the executive branch in the Office of Environmental Quality and Council on Environmental Quality and it is entirely appropriate that Congress afford itself a similar overview capability.

I would like to point out that the recognition of the scale and complexity of these problems has led me, with the cosponsorship of Senator MUSKIE, to introduce a bill, S. 3410, which would create a system of national environmental laboratories to establish a structure that would provide integrated application of the full range of scientific research and development to the environment. The Subcommittee on Air and Water Pollution anticipates hearings will begin on this measure in the month of July. I look forward to those hearings as a first step leading to the enactment of a national environmental laboratory which would provide an essential complement to the recent establishment of the executive branch agencies and the proposed Joint Environmental Committee of Congress.

It is with considerable optimism that I see emerging from Congress a responsive program dealing with the environment which is consistent with the commitment of President Nixon and his administration and, of course, with the strong interest being expressed by the public. I look forward to the early consideration of these respective proposals and I urge my colleagues to give them their close attention.

Mr. President, I ask unanimous consent that a statement by the distinguished Senator from Washington (Mr. JACKSON) relating to the introduction of the joint resolution to establish a Joint Committee on Environment, be printed in the RECORD, along with an excerpt from the committee report.

There being no objection, the statement and the excerpt requested by Senator JACKSON were ordered to be printed in the RECORD, as follows:

INTRODUCTION OF A JOINT RESOLUTION ESTABLISHING A JOINT COMMITTEE ON THE ENVIRONMENT

(Statement by Senator JACKSON)

Mr. President, I take great pleasure in joining with the Chairman of the Subcommittee on Air and Water Pollution, the Chairmen of the Commerce and Public Works Committee, and many other Senators in cosponsoring the Joint Resolution introduced today to establish a permanent nonlegislative Joint Committee on the Environment. A restructuring of the institutions of the Congress to make them more responsive to the critical environmental problems of today and of the future is in my view necessary and long overdue.

The Joint Committee which is proposed can provide the Congress and the American people with a new and an important capability for continuing review, study and assessment of environmental and technological problems.

It is clear that all Committees of the Congress have an important role to play in improving the quality of the environment and the quality of life in America. The Legislative Reference Service tabulated over 100 bills in the 90th Congress which were directly concerned with environmental issues. In the present Congress there are even more. Recent reports indicate that of the 16 standing committees of the Senate, eight have broad jurisdiction in this area. Of the 21 House standing committees, 11 are similarly involved.

On a subject so pervasive, broad, and important as "environment" and the "quality of life," no committee may exercise exclusive jurisdiction. It is also clear, however, that environmental management must be viewed in a comprehensive way. We have established the Council on Environmental Quality to provide an overview of the environmental system within the Executive Branch. We have, as yet, no comparable forum within the Congress to consider the general status of the environment at large. We must do so if our presently fragmented, problem solving efforts in this area are to be made cohesive.

In view of these considerations, I proposed in October of last year, that following enactment of the National Environmental Policy Act and establishment of the Council on Environmental Quality, that the next logical step would be the establishment of a nonlegislative Joint Committee on the Environment rather than a more limited Senate Select Committee.

Mr. President, following the Joint House-Senate Colloquium to Discuss a National Policy for the Environment in June of 1968, which Congressman Miller and I cosponsored, I requested the Legislative Reference Service to prepare a report dealing with, among other things, "Alternatives For Congressional Action" in the area of environmental Administration. I ask unanimous consent that this section from the report be printed at this point in the Record.

PART II. ALTERNATIVES FOR CONGRESSIONAL ACTION

An impressive number and variety of legislative proposals for improving the quality of our environment have been set before the 90th Congress (see appendix). Support for action has come from diverse segments of American society: from the scientific community, from business, and from public affairs groups.

The Congress should move ahead to define clearly the desires of the American people in operational terms that the President, government agencies at all levels, the courts, private enterprise, and the public can consider and act upon.

The ultimate responsibility for protecting the human-serving values of our environment rests jointly with the legislative, executive, and judicial branches of our Government. The Congress, as a full partner, has the obligation to provide comprehensive oversight of all environment-affecting programs of the executive branch, and also to participate in the overall design of national policy, thus serving both as architect of environmental management strategy and as the elaborator of goals and principles for guiding future legal actions.

Under the present organization of the Congress, varying aspects of environmental management (including air and water pollution control, strip mine reclamation, outdoor recreation, housing and space planning in urban areas, highway construction, atmospheric research, oceanography, and rural conservation) are committed to different committees. While there has been a steady expansion of independent committee interest in specific environmental problems, the Congress so far has not evaluated this field in its entirety with a view toward evolving a coherent and unified policy for national environmental management.

It should be recognized that the declaration of a national environmental policy will not alone better or enhance the total man-environment relationship. The present problem is not simply the lack of a policy. It also involves the need to rationalize and coordinate existing policies, and to provide the means by which they may be reviewed continuously, made consistent with other national policies and ranked in reasonable priority.

The proper development of such a far-reaching body of policy raises many difficult organizational, economic and legal problems. Some individuals who were present at the July 17 colloquium suggested that a congressional mandate on the subject of environment, which would necessarily encompass a very wide range of problems and issues, would be impractical and ineffective. Yet others pointed out that equally broad mandates and satisfactory organizing concepts for managing our economic welfare and for guiding the development of atomic energy have been tested over a period of years, with effective machinery now operating both in the executive and legislative branches to evaluate the extent to which national goals and activities in these fields are meeting public expectations and needs.

In any event, to those involved in the colloquium and recent hearings on this subject, it is clear that two functions must be served: coordination and information gathering. Environmental problems cut across so many existing operational organizations that coordination in both the executive and legislative branches must be improved. Further, an effective channel of information exchange and overview must exist between the Congress and the administration. If, for example, an environmental council were established in the Executive Office of the President, as has been proposed, it should be complemented with a corresponding joint congressional committee for purposes of efficient and continued interaction.

The acquisition and evaluation of information specifically for the Congress must be improved. Raw facts and data from ecological and economic studies must be interpreted to be useful in the legislative process. This function should be performed in an organization reporting directly to the Congress; for example, a strong join committee staff or an expanded Legislative Reference Service environmental unit.

Congress (regardless of present or future executive branch approaches) may exert a meaningful influence on the formulation of national environmental policy by embarking on one or a combination of the following steps:[1]

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[1] This white paper deals with action alternatives for the Congress. Obviously the spectrum of organizational and administrative alternatives for policy in the executive branch is equally important. These range from definition of rights with court defense, to regulation by Federal agency, to standard setting, to incentives for voluntary conformance, to subsidy of technology for restoration and maintenance.

A. A *concurrent resolution* could be introduced declaring the strong interest of the Congress in establishing national environmental policy.

This would represent a firm expression of concern on the part of the Congress about environmental deterioration, but would not be a direct confrontation with the task of defining national policy. The resolution might urge the creation of an appropriate body to investigate all matters relating to environmental management; to analyze the means and methods whereby the organization, administration and funding of government programs affecting the environment may be improved; and, to determine the ways whereby nongovernmental entities could be encouraged to participate in overcoming further deterioration of the environment in the national interest. Hearings on the resolution could provide a forum for a wide range of opinion.

B. A *joint resolution* calling for an amendment to the Constitution on the subject of environmental values could be introduced.

This would require approval by two-thirds of the Congress and ratification by three-fourths of the States. The amending process is both slow and cumbersome. Moreover, acceptance would require a tremendous groundswell of support. However, a proposed amendment would generate wide discussion and involve the State legislatures which are vitally important in achieving environmental quality goals. The advantage of constitutional amendments lies in the unanimity of national commitment. Such an amendment for the environment could place expanded emphasis on the judicial process as an instrument of controlling future abuse of environmental values.

C. A *joint committee or committees on environmental management* could be established to provide across-the-board oversight on Federal programs, to conduct studies with the assistance of professional staff, and to recommend legislation. Alternatively, select or permanent committees could be established in each House.

Such committees could draw membership from existing legislative committees involved with environmental matters, and perhaps focus primarily on the review of policy and coordination matters dealt with by such groups as the Office of Science and Technology, Water Resources Council, the Council on Recreation and Natural Beauty, and various interagency coordinating committees.

D. A new *environmental surveillance unit* to conduct research and information-gathering services for the Congress could be organized.

In the past, Congress has shown reluctance to add new appendages of this sort to the legislative branch. An alternative might be an expansion of the functions of the General Accounting Office to make continuing studies of environmental conflicts and to prepare appropriate reports for transmittal to the Congress. New staff positions and additional funding would be required.

E. The Congress could establish a *nongovernmental task force* to carry out in its behalf a special study of environmental policy needs.

Such a task force could engage the services of private research organizations and draw its membership from the finest talent available in the academic community. The task force could be administered directly by the Congress or made the responsibility of some arm of the Congress such as the Legislative Reference Service, Library of Congress, which has the authority to employ experts on short-term assignments.

F. A temporary *environment management council* could be organized.

Such a council might be similar in organization and operation to the National Council on Marine Resources and Engineering Development. Its purposes could be to identify all unmet needs and opportunities in the environmental field, to study impediments to sound environmental management, conflicts of interest and gaps in existing agency and congressional activities, and to develop recommendations for legislative action within a specified period of years.

The Congress would retain an overview of the council and would control the budget for its operation. Establishment of a policy planning group in the Executive Office of the President forces the generation of proposals to the Congress. A receiving committee should be set up to correspond to this Council, similar to the Joint Economics Committee and the Council of Economic Advisers.

G. A governmental *commission* could be established for the same purposes.

The commission could be composed entirely of Congressmen, perhaps the chairman of key committees which deal with environmental matters. Or it could be a Joint Commission including representation from the executive branch and the public at large. A third type would be a Presidental Commission with members chosen at the discretion of the Chief Executive. Through a combination of studies and hearings, the Commission could be asked to produce a blueprint for legislative action in the environmental field.

H. The *Legislative Reference Service* could be directed to add a central research and evaluation unit on environmental matters.

A precedent is the establishment of the Science Policy Research Division in 1964.

I. An *environmental counselor* could be placed on the staff of each appropriate standing committee of the Congress.

The purpose would be to increase the technical staff available for committee work. Each counselor could be given the permanent responsibility of advising the committee to which he was assigned on the probable environmental impact of all pending legislation.

SENATOR RANDOLPH ENDORSES PROPOSAL TO ESTABLISH JOINT COMMITTEE ON THE ENVIRONMENT

Mr. RANDOLPH. Mr. President, I am pleased to join with my distinguished colleague from Maine as a cosponsor of the resolution to establish a Joint Committee on the Environment.

The people of the United States are properly concerned over the condition of the environment. They indicate daily that they wish to halt the degradation of the world in which we live. There is growing public pressure on all levels of government to provide the legal machinery and leadership under which a clean and wholesome environment will be created and maintained.

Creation of a Joint Committee on the Environment would be an important step for the Congress to take in adjusting its own organization to the new and urgent demands being made on it.

Such a joint committee would serve as a bridge to help coordinate the work of the several standing committees with jurisdiction over environmental legislation. Under the present arrangement, there is some fragmentation of responsibility in this important area which the joint committee, even though it would be nonlegislative in nature, could ease.

Considering the urgency of the need for positive action on environmental matters, I hope the Senate will give a prompt and positive response to this proposal.

ADDITIONAL COSPONSORS OF BILLS

S. 3715

Mr. BROOKE. Mr. President, I ask unanimous consent that at the next printing the names of the junior Senator from New York (Mr. GOODELL) and the junior Senator from South Dakota (Mr. MCGOVERN) be added as cosponsors of S. 3715, the Flexible Fiscal Policy Act.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

S. 3724

Mr. MCGEE. Mr. President, I ask unanimous consent that, at the next printing, the name of the distinguished Senator from Pennsylvania (Mr. SCOTT) be added as a cosponsor of the bill (S. 3724) to amend the Internal Revenue Code with respect to ammunition recordkeeping requirements.

The ACTING PRESIDENT pro tempore (Mr. HARRIS). Without objection, it is so ordered.

HIGHER EDUCATION OPPORTUNITY ACT OF 1970—AMENDMENTS

AMENDMENT NO. 679

Mr. JAVITS. Mr. President, I submit a series of amendments intended to be proposed by me to the Higher Education Opportunity Act of 1970, S. 3636, which have been requested by the administration, and ask unanimous consent that there be included as part of my remarks an explanatory letter from the Department of Health, Education, and Welfare.

The PRESIDING OFFICER (Mr. SAXBE). The amendment will be received, and printed and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The amendment (No. 679) was referred to the Committee on Labor and Public Welfare.

The letter presented by Mr. JAVITS is as follows:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
May 28, 1970.

Hon. JACOB JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: We transmit for your consideration the enclosed amendments that we wish to propose to the Administration's bill, which you introduced on March 25 as S. 3636, to enact a "Higher Education Opportunity Act of 1970".

The amendments would effect these changes:

1. Eligibility to participate in all Federal student assistance programs under title IV of the Higher Education Act of 1965 would be extended to all accredited public and nonprofit private vocational and technical schools.

2. Students at proprietary vocational and technical schools, who would not be eligible under the amended bill for educational opportunity grants or work-study assistance, would nevertheless be eligible, under the proposed amendments, for the benefits of the program of insured subsidized loans.

3. We propose a restructuring of the bill's provisions amending the insured loan program. The restructuring would assure that subsidized insured loans will be available to eligible students on terms as favorable as those upon which National Defense student loans may now be obtained (except for loan

cancellation for teaching and military service, which the bill would repeal). Specifically, all interest charges would be borne by the Federal Government while a borrower under the program is attending an eligible institution prior to the loan repayment period and, after the repayment period has begun, during periods of further education, or military, Peace Corps, or VISTA service. Interest charges to the borrower during the repayment period (except as indicated) would be limited to 3 percent annually for up to ten years.

4. Commercial lenders would be permitted to originate subsidized loans. However, in order to assure that no student eligible for the interest subsidy will be denied an insured loan in the amount for which such subsidy is available to him, educational institutions participating in the education opportunity/work-study program would be required to establish procedures to facilitate the obtaining of subsidized loans. Under such procedures we would contemplate that educational institutions would refer their students to commercial lenders who have agreed to accept such referrals. Under regulations of the Commissioner of Education, to be promulgated after the bill's enactment, educational institutions would themselves be required to make such loans to those of their students unable readily to obtain these loans from the lenders to whom the institutions have referred them.

5. Interest on unsubsidized insured loans would be required to be deferred during the period of a student's attendance at an eligible institution prior to the repayment period, and during periods of further education, or military, Peace Corps, or VISTA service after the repayment period has begun.

6. The limitation on the amount of federally insured loans outstanding would be repealed.

7. The loan cancellation provisions of the NDEA student loan program, as extended by Public Law 91–230, would be repealed.

8. The 20 percent matching requirement for work-study programs, omitted from S. 3636, would be restored. Waiver of all or part of the requirement, now authorized by existing law under conditions to be established by the Commissioner, would specifically be available for work-study programs conducted by institutions not less than 50 percent of whose students come from low-income families, for counseling or tutoring of the educationally disadvantaged and for programs of community service where matching would involve unusual hardship. Except where such waiver is appropriate, institutions would be encouraged to provide non-Federal matching in excess of the 20 percent minimum. Non-Federal matching amounts would not reduce the student's eligibility for Federal assistance, however.

9. The amendments would also effect several minor technical improvements in the bill, including correction of the name of the proposed National Foundation on Higher Education to "National Foundation for Higher Education," and the provision of a limited exemption from State and local taxation for the proposed National Student Loan Association.

We are advised by the Bureau of the Budget that enactment of S. 3636, as modified by these proposed amendments, would be in accord with the program of the President.

Sincerely,

John G. Veneman,
Acting Secretary.

ENROLLED BILLS SIGNED

The ACTING PRESIDENT pro tempore (Mr. Harris) announced that on today, June 4, 1970, he signed the following enrolled bills which had previously been signed by the Speaker of the House of Representatives.

S. 614. An act for the relief of Franz Charles Feldmeier; and

S. 1786. An act for the relief of James Harry Martin.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, June 4, 1970, he presented to the President of the United States the following enrolled bills:

S. 614. An act for the relief of Franz Charles Feldmeier; and

S. 1786. An act for the relief of James Harry Martin.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

Marshall F. Rousseau, of Texas, to be U.S. Marshal for the Southern District of Texas for a term of 4 years, vice Marion M. Hale.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the Committee, in writing, on or before Thursday, June 11, 1970, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

ADDITIONAL STATEMENTS OF SENATORS

A DOG'S LIFE

Mr. SAXBE. Mr. President, for some time, I have feared that our society was going to the dogs. Sometimes it is so bad I have had to scratch an impulse to flea. My paw used to tell me that a dog is man's best friend. I thought that was stretching the truth too fur.

After reading the attached letter written recently to the Newberry News, I am sure of it. Dogs scare me.

If Senators will read the letter, and I ask unanimous consent to have it printed in the Record, dogs will scare them, too.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Dogs Beware

Dogs are not allowed in public unless on a leash and accompanied by some one.

Dogs are not considered a necessity.

A dog license does not give a dog owner the right to leave his dog run or out two or three times a day to go to his neighbors yard to exercise and for bathroom privileges.

If one wants a dog, one must keep him home, tied up or penned and keep the destruction and cleaning up in the yard of the owner.

It is not your neighbors duty to clean up after your dog or be pestered with the digging and scratching that goes on in ones yard and garden or dogs romping in a garden.

Dogs follow the scent of other dogs and the scratching, digging and waste kills plants. Even one small dog coming to ones yard everyday and doing his business and scratching around a favorite plant or bush will ruin it.

It is a sickening thing to go to pick flowers or vegetables and find dog waste on them. Or to run over it with a lawn mower or step in it. One could very easily slip and fall and be injured.

Also dogs bite. Four people have been bitten in the vicinity of Newberry in the last 6 months.

Dogs can run in front of cars and cause accidents.

On Center Ave. 2 dogs have been hit by cars in the last few months. One was killed.

Dogs are an imposition, a destructive nuisance, also dangerous. Cars going down Center Ave. have had to dodge kids on bicycles with their dogs running beside them.

A precautionary suggestion is, "roads are not a play ground for dogs or for children on or off bicycles."

There are 20 or more dogs running loose at the State Hospital location, that make their daily visits away from home. The majority of these dogs are not tied but come and go as they please.

If a dog owner were to take his dog for a walk 2 or 3 times a day and let him do his exercise and business in another dog owners yard, I am sure the second dog owner would soon tell the first dog owner to take his dog elsewhere. A non-dog-owner surely has the same rights and should not have to put up with the mass of dogs.

Non-dog-owners, we do not have to put up with these dogs.

A tranquilizer gun is available so these dogs can be picked up. Call the sheriffs office, and he can tell you who to call to get these dogs picked up if people continue to let them run.

CAMBODIAN SUCCESSES?

Mr. MUSKIE. Mr. President, in his television address to the Nation last evening, President Nixon made far-reaching claims as to the military success of the Cambodian invasion. I question those claims and their relevance to our long-term interests and objectives in Southeast Asia.

As I said in my reaction to the President's speech, last night, captured weapons and supplies may give the appearance of military victory, but that cannot obscure the fact that we have widened the war and added to the uncertainty as to our prospects in Southeast Asia. The President's action has, in addition, made a negotiated settlement much more difficult.

By supporting expanded South Vietnamese military action in Cambodia, we have helped to spread their forces thinner. By increasing military pressure on the Vietcong and the North Vietnamese in Cambodia, we have driven them farther into the arms of the Communist Chinese. Most important, we have complicated our political problems in Southeast Asia and in Europe by raising new obstacles to a political setlement in Indochina. In South Vietnam we have tied ourselves more closely to the fortunes of the Saigon regime. In Cambodia we have injected ourselves into a more complex political situation, where we do not even have a bargaining partner.

I am not alone in this pessimistic view of the consequences of the Cambodian invasion. Distinguished reporters who have examined the situation in Southeast Asia have raised serious doubts

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about the value of the President's moves and the basis for his optimism. I ask unanimous consent that three articles on this question—one by Robert Kaiser, from the May 31, 1970, Washington Post; one by Terence Smith, from the June 3, 1970, New York Times; and one by Joseph Kraft, from the June 4, 1970, Washington Post—be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

THE VIEW FROM SAIGON: NO END IN SIGHT

(By Robert G. Kaiser)

"O mouse, do you know the way out of this pool? I am very tired of swimming about here, O mouse!"—Alice in Wonderland.

Saigon—If the mouse knows, he isn't saying. After a month of foraging in Communist sanctuaries in Cambodia, after a year of Vietnamization and 16 months after Richard Nixon took office promising to end the war, the United States is still swimming about in Indochina. The end may be in sight in presidential speeches, but it isn't in sight from here.

The Cambodian adventure has reopened the breach between the image of the war one gets by looking at it in Vietnam, and the image conveyed by the speeches of high officials in Washington. While President Nixon and Secretary of Defense Laird imply that the Cambodian incursions will accelerate the American withdrawal and ensure the success of Vietnamization, the men most directly responsible for conducting the war in Vietnam refuse adamantly to make any such predictions.

Many American officials here are still shaking their heads at the terms of President Nixon's April 30 speech announcing the Cambodian offensive. "A move that was taken for small tactical reasons got swept up in the big strategic picture," as one senior official put it in a somewhat helpless tone of voice.

To an outsider with no claim to expertise beyond 14 months experience chasing his sense of curiosity around Vietnam and Cambodia, the qualms of these officials seem thoroughly justified. Neither the situation before April 30 nor the situation since then much resembles the descriptions coming from Washington.

From here, the fall of Prince Norodom Sihanouk in Cambodia seems to have changed the Indochina situation radically. Though spokesmen for the administration aren't saying so, the United States ability to control events on this peninsula—which has never been great—seems less now than ever before.

On April 30, the President said attacks against the sanctuaries were necessary "to guarantee the continued success of our withdrawal and Vietnamization programs." He added that the enemy is "concentrating his main forces in these sanctuaries . . . where they are building up to launch massive attacks on our forces and those of South Vietnam."

As it has turned out, that concentration of enemy troops in the sanctuaries did not exist. Thus U.S. and South Vietnamese troops met almost no opposition when they entered them early this month.

This is one of those small errors of fact that have recurred throughout the war in Vietnam, disturbing but not crucial. Much more important was the President's basic contention that the sanctuaries had to be attacked to allow withdrawal and Vietnamization to continue successfully.

On that question, like all the big questions in the history of the Vietnam war, there can be no certain answer. There is only one way to try to predict events in Vietnam: One assembles a portion of the information available (there is too much ever to consider it all), judges it on the basis of experience and intuition and ends up with a guess, more or less educated. For most who have tried it, this system has proven woefully imperfect. But it is all that exists, so we continue to use it.

A NEW DEPARTURE

President Nixon's prognostication came as a surprise in Vietnam. What he said, in effect, was that all the boasts about Vietnamization in the past were hollow: the program couldn't work because of the enemy's sanctuaries in Cambodia. Those sanctuaries existed before Sihanouk was deposed March 18. Nothing that happened after March 18 made them any more dangerous, according to Mr. Nixon's own commanders in Vietnam.

It is difficult to begrudge Mr. Nixon his decision to change his mind about the allegedly rosy future of Vietnamization. The theory that a relatively constant number of Vietnamese soldiers could grow in stature—but not in numbers—to replace half a million Americans has always been questionable. Many of the President's critics had accused him of dreaming on this score, or of deliberately misleading the public.

And yet in Vietnam, Vietnamization has looked like a reasonable bet—not a sure thing, not even a clear favorite, but by Vietnamese standards, a wager with a fair chance of success.

To be sure, it was a risky idea, not least because the North Vietnamese did have large forces in the Cambodia sanctuaries. But one could travel all around this country asking Americans and Vietnamese and outsiders, too, if they thought it would work, and the answer has been a conditional but widespread "yes" for many months.

The question had to be posed carefully: Could the United States withdraw its forces without the last men having to shoot their way to their airplanes? Could the South Vietnamese army and government hold up the tent until the Americans got out from under it? As the geopoliticians sometimes put it, could the Americans withdraw and leave behind a decent interval before fate took its course in South Vietnam?

The question had to be put in those terms because any broader assertion could not be justified. The long-term future of South Vietnam depends on so many variables, so few of them dependent on the outcome of the current shooting war, that any grander prediction would be foolhardy. Americans and Vietnamese here tend to agree about that.

When you asked those who answered a cautious "yes" if they could think of another way to get the United States out of Vietnam in an orderly fashion, you heard two answers. The first, and much the more popular, was "no", the other was that America might negotiate a settlement with the North Vietnamese that would allow a complete and quick withdrawal.

This idea, so popular among war critics in Washington, is not very popular here. Among Vietnamese and Americans in Vietnam, there is widespread doubt that the North Vietnamese will negotiate a settlement unless they can be sure it is to their advantage. From here, where the Communists appear to be weak on the ground, negotiation does not look like an appealing alternative for Hanoi. A negotiated settlement that accurately reflected the current balance of power in South Vietnam would, in effect, force Hanoi to give up most of its stated objectives. And it is hard to imagine the South Vietnamese or the United States agreeing to a settlement that did not accurately reflect the current balance of power.

BASIS FOR OPTIMISM

The limited optimism that has existed here was due to a few apparent facts about the state of the war that have gained wide acceptance in the last year or so. Briefly stated, these are the principal ones:

The government has established a dominant physical presence in all of the urban areas and in most of the countryside, including the crucial Mekong Delta, the area around Saigon and heavily populated coastal regions in the north. U.S., ARVN and local militia forces have obliterated most of the old Vietcong army, pushing its remnants out of the populated areas. The Communists now must rely on North Vietnamese to do most of their fighting.

Most of the remaining enemy force units, primarily northern, have been forced to stay close to their sanctuaries.

Without its local military forces, the Vietcong's political organization has been weakened, at least ostensibly. People in the countryside are therefore less conscious of the Vietcong's presence while more active government programs have made them more conscious of the Saigon regime.

Apparent rural prosperity has also helped the government. Economists say the prosperity is false, based entirely on props provided by American dollars, but it is real to the farmer who can buy a radio, a motorbike or a tractor.

And President Thieu, with the army, has established an unprecedented degree of political stability in wartime Vietnam. The chaos of the 1963–6 period has been superseded by a remarkable calm, relatively speaking.

If those generally optimistic assertions were widely accepted here, so were a number of doubts and questions that put any optimistic conclusions in jeopardy. The fundamental reservation must be that none of these factors can be counted on in the long term. The Vietcong have demonstrated an ability to revive their organization, and all the Saigon government's apparent strengths seem to be based on slender reeds. All could be reversed in one way or another.

The future of Vietnamization has long seemed to depend on the answers to these questions: Could the lamentable ARVN officer corps become effective? Could the local militia, now extremely erratic, assure local security without U.S. and ARVN assistance? Could the army survive without the American props that now support them at every level?

Could official corruption in Vietnam be controlled or regularized? Could the woefully weak civil administration be improved? Could economic collapse and chaos in South Vietnam be avoided? Could the non-Communists ever compete with the political organizing skill of the Vietcong? And finally, could South Vietnam ever cope with enemy forces in the northern half of the country, where the Communists have much more secure sanctuaries and a much better tactical position than in the south?

These were the long-term problems. Despite them, it seemed possible that over a short term of, say, five years, the South Vietnamese might be able to hold their own—not because of their strengths so much as because of the Communists' grave, if temporary weaknesses.

The offensive into Cambodia seems unlikely to help provide any satisfactory answer to the questions about the long-term prospects for Vietnamization. But by further weakening the Communists' tactical position, the new offensive should make the situation on the ground in South Vietnam even more hopeful.

In sum, if the Nixon's administration was pursuing a short-term strategy of getting out of Vietnam as quickly as possible without the tent collapsing in the process, the Cambodian operation might have been very helpful. Might have been, had others remained equal. But of course they have not. For reasons over which the Nixon administration had only slight control, the entire Indochina situation changed dramatically during the past several months.

THE HOPES FADED

Before this change, the United States had what seemed a fair chance of escaping more or less honorably from Indochina if it could cope with the situation in South Vietnam. The war in Laos seemed stalemated, albeit precariously. Cambodia's neutrality under Sihanouk, though benevolent to the Vietnamese Communists, seemed to assure stability in that country for the foreseeable future (in this part of the world, no more than a few years). So in those good old days, the United States just might have escaped from the region, leaving Indochina intact, at least for a reasonable period of time.

The good old days are gone. The situation in Laos looks more precarious than ever. The Communists are in a stronger position, especially after their recent offensive in southern Laos. Souvanna Phouma's neutralist government faces a gloomy future.

More important, the pretense of Cambodian stability is gone. Cambodia has become an active battlefield of the war, a third front for the North Vietnamese. In the first days after the March 18 coup, there might have been a chance for Lon Nol to negotiate a modus vivendi with the North Vietnamese. But instead, he threw down the gauntlet, and the North Vietnamese responded in kind.

The new government in Cambodia is weak, uncertain and apparently ineffectual. The same adjectives would flatter the Cambodian army. The Cambodian economy is in shambles, and will almost certainly get very much worse. The rubber industry, which provides almost all of Cambodia's exports, has already been severely disrupted by the new war.

U.S. intelligence now expects the Lon Nol regime to be challenged by a Cambodian liberation movement, led at least in name by Prince Sihanouk, whose personal popularity is said to remain high in the Cambodian countryside. The new regime's ability to cope with this challenge is, at the very best, problematical. If any prediction in Indochina is justifiable, it is that Cambodia will be in turmoil (or in Communist hands) for a long time to come.

Despite these baleful prospects, the United States seems to be tied to the new Cambodian regime almost willy-nilly. President Nixon said it was necessary to attack the Cambodian sanctuaries to assure the success of U.S. policy in Vietnam. If Sihanouk returns to power, all of Cambodia will probably become a sanctuary for the Communists. Must the whole country then be invaded?

Moreover, regardless of presidential rhetoric, it seems impossible not to interpret the offensive into Cambodia as a signal to Hanoi that the United Staets would not allow Cambodia to fall. Such a signal must have seemed unavoidable in Washington, if 50,000 dead in Vietnam were not to be written off as a bad go.

If one defends the Vietnam war for its stated purpose—to assure self-determination in South Vietnam—or for its cold war purpose—to stop the advance of communism in Asia—the reaction to events in Cambodia must be the same: Cambodia must be saved. But in the long run, barring a re-creation of the American presence in Vietnam, there appears to be no way Americans can prevent Communists (or pro-Communists under Sihanouk) from taking over Cambodia.

As a result of the coup against Sihanouk and events since, Indochina is now a maelstrom of conflicting vital interests: The North and South Vietnamese, the Laotians, the Cambodians and now even the Thais all see their vital interests in jeopardy.

President Nixon apparently sees America's vital interests at stake here too. But these vital interests are not compatible—in several combinations, they are mutually exclusive.

And there is no foreseeable way that the maelstrom can be calmed, unless North Vietnam abandons its Indochina campaign.

That, of course, has always been the dream of America officials, in both the Johnson and Nixon administrations. Someday, the United States always believed or hoped, the men in Hanoi would have to cry uncle. One can hear that talk again: They've overextended themselves, according to the new version of the old line; they can't fight on three fronts in the rainy season after losing their supplies, with hostile forces on all sides.

Perhaps this time it is true, but the small bits of evidence available suggest the contrary. Skeptical Westerners very recently in Hanoi were impressed by the apparent high morale and resiliency of the leadership. According to one of these recent travelers, the morale of the masses has apparently risen lately, because the government has cut prices and ended rationing of many consumer goods.

LONG FIGHT AHEAD

In the field, the Communists show every sign of having the patience to carry on the war. In Cambodia, according to U.S. intelligence and captured documents, they are beginning the long difficult task of building an indigenous revolutionary movement from the hamlets up.

Surely the North Vietnamese have grave supply problems, but they have already secured a new infiltration route via the Sekong and Mekong rivers into southeast Cambodia, which conceivably could be extended to their forces in southern South Vietnam.

And if it is true, as Presidents Johnson and Nixon have both said, that North Vietnam is counting on the American opponents of the war to win their victories, then the men in Hanoi must now be dancing the North Vietnamese version of a jig. Perhaps something resembling the gloomy picture that now seems to face the United States was inevitable even before Sihanouk's fall. Some old Indochina hands have long criticized American policy as shortsighted and self-deluding, because it failed to face up to the entire Indochina problem.

The United States has devoted its attention to South Vietnam, these critics have said, hoping that the Communists would do the same, thus localizing the problem. The criticism is harsh but difficult to dispute, if one assumes the United States has had long-term objectives in this region. Almost certainly there would have been serious instability in Indochina's future even if Vietnamization in the old context had been a smashing success.

Even in the new context, Vietnamization seems certain to continue. In Vietnam it is assumed that the end of the Cambodian operation on June 30 will be quickly followed by a substantial further withdrawal of U.S. troops. These withdrawals should be possible without serious repercussions in South Vietnam. Three months ago, that alone would have been very good news. It is still, on balance, good news; but now one must wonder if the orderly withdrawal of Americans from South Vietnam will be seen, a year or two from now, as a very significant achievement.

U.S. AIDES IN SAIGON QUESTION POLICY

(By Terence Smith)

SAIGON, South Vietnam, June 1—There is widespread doubt among the most experienced American observers in South Vietnam that current United States policies will bring lasting peace.

Although 110,000 American troops have been withdrawn from Vietnam and enormous strides have been made in pacification in the last 18 months, the United States still faces vast problems in extricating itself.

At the root of the pessimistic outlook are serious and widely held doubts about the following:

The efficacy of the Vietnamization program, which has yet to face major challenges.

The wisdom of the extension of the war into Cambodia, which, despite the immediate military gains it may achieve, seems likely to complicate American efforts to disengage and may eventually involve the United States—step by painful step—in the defense of yet another weak and uncertain government.

The effectiveness of the Saigon Government in dealing with increasingly serious economic and political problems in South Vietnam.

The nature of the progress achieved in the pacification program, which remains fragile and subject to the enemy's will.

Finally, there is a conviction that United States policies fail to come to grips with the central element in the Vietnam puzzle; the need for a negotiated political settlement that reflects the true balance of power among the Vietnamese people.

"We won't solve this war by cleaning out the base areas in Cambodia, or even by replacing American troops with South Vietnamese," an American who has spent five years in Vietnam said the other day.

"We have to go to the heart of the matter and find an acceptable way of distributing political power among the Vietnamese. That's what the fighting is all about, and it won't stop until we solve it."

The skepticism about American policy is shared in many quarters in Vietnam—by young, dedicated Americans working at the province and district level, and by independent observers, including journalists and foreign diplomats. It is greatest among those whose jobs permit them to travel around Vietnam.

The attitude is also evident among educated, independent South Vietnamese, people outside the Government who are deeply concerned about the future of their country after the American disengagement.

A TRACE OF BITTERNESS

Through the remarks of all those people runs a common theme: No lasting peace is possible without a political solution.

"Vietnamization, by itself, won't produce any kind of peace in this country, just or otherwise," a 31-year-old major who works as a district adviser in the pacification program said recently with more than a trace of bitterness.

"Unless it is matched by some sort of political settlement. Vietnamization just means the the fighting will go on and on. But instead of Americans killing Vietnamese, you'll have Vietnamese killing Vietnamese."

Many people here, like the major, acknowledge that Vietnamization will eventually get American soldiers off the battlefield—though not necessarily out of the country—but they insist that it will not end the war or produce a just peace.

Behind that belief is the conviction that the enemy continues to have the necessary strength, spirit, manpower and determination to continue the struggle in South Vietnam—and Laos and Cambodia—for the foreseeable future. Few military men here dispute that assessment of the Communists' capability.

LOST IN THE FUROR

President Nixon's offer, in his address April 20, to discuss at the Paris peace talks "a fair political solution (reflecting) the existing relationship of political forces in South Vietnam" had barely begun to sink in when it was lost in the furor caused by the invasion of Cambodia 10 days later. It may have been, as one American here described it, "the first casualty of Nixon's decision to go into Cambodia."

The senior members of the American mili-

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tary command are visibly defensive about the Cambodian operation and the controversy it has caused. They insist that it was a militarily justifiable tactical operation that got caught up in larger strategic and political questions.

Gen. Creighton W. Abrams, commander of United States forces in Vietnam, has indicated to friends that he feels that President Nixon drastically oversold the operation and enlarged its goals beyond realizable dimensions.

The general has said that the real purpose was to put a dent in the enemy's supply system and not, as Mr. Nixon suggested, to overrun and clean out the Communist headquarters.

The greatest peril in the Cambodian venture seems to lie in the period after June 30, when the Americans have withdrawn and the South Vietnamese are likely to continue their operations. The concensus here is that the President is going to find it far harder to get Americans out of Cambodia than it was to send them in.

CHOICE FOR AMERICANS

In the short run the Americans may be faced with the choice of either going to the aid of the South Vietnamese or watching them flounder if they come under heavy pressure. In the long run the United States could find itself committed by proxy, as a result of South Vietnamese pledges and actions, to the defense of the shaky Government headed by Premier Lon Nol, which displaced Prince Norodom Sihanouk.

If the South Vietnamese become overextended in Cambodia, the Americans are going to find it correspondingly difficult to carry out their withdrawals from Vietnam on schedule.

Apart from the complications of the Cambodian venture, Vietnamization faces other serious problems. So far a total of 110,000 Americans have been pulled out of Vietnam, leaving 429,000 behind. The real test will come in the next year, during which 150,000 more will have been withdrawn and the South Vietnamese are to take on the heavy fighting.

The first and most obvious danger is military. For the last four years the large American combat divisions have effectively manned the front lines. They have pursued the main North Vietnamese and Vietcong units relentlessly, gradually driving them from populated areas into the jungles and mountains along the Laotian and Cambodian borders.

As Vietnamization advances, the South Vietnamese divisions will take on the task while the remaining American units fall back into something approaching garrison duty. Their safety and that of an additional 250,000 or more Americans providing combat and logistical support will depend on the South Vietnamese.

HIGHER TOLL FORESEEN

Even conceding substantial improvement in the quality of the South Vietnamese armed forces, it is hard to imagine them coping with divisions of North Vietnamese regulars as effectively as the Americans did. The result may be significantly increased casualties—American as well as South Vietnamese—in the later stages of the withdrawal process.

Another consequence may be strikingly reduced security in certain areas of the countryside, most notably in the northern half of the country.

In the northernmost area, I Corps, the enemy has more than 20 battalions of fresh, well-equipped regulars in the vicinity of the demilitarized zone, and it has the capacity to reinforce them with up to three divisions at any time.

When the three divisions of Americans that are stationed there are withdrawn, the South Vietnamese will have to take on the job of patrolling along the demilitarized zone and protecting the coastal cities of Quangtri, Hue and Danang. At the very least, they will require reinforcements, and it is not clear from where additional troops would come.

There is a parallel situation in II Corps, the area south of the border region, where mountainous terrain and bad communications are a tangible asset for the enemy.

As a result of years of intensive allied operations, the Communists have been pushed from the heavily populated coastal plain into the mountains. Once the Americans are gone the South Vietnamese may be hard-pressed to keep them there.

IMPACT ON SHAKY ECONOMY

Vietnamization will also have a drastic impact on South Vietnam's already shaky economic structure. The country earns more than 90 per cent of its foreign currency from Defense Department outlays and private spending by American soldiers. As the withdrawal proceeds the supply of dollars will be cut back just when they are most needed to bolster a sorely weakened economy.

In addition, the approximately 145,000 Vietnamese who are directly employed by United States agencies and companies will have to find jobs.

Those bleak prospects are considered by knowledgeable people here to be a principal threat to the stability of the Government of President Nguyen Van Thieu.

The domestic political and economic situation has deteriorated dramatically in recent months. While the attention of the world has been riveted on Cambodia, Mr. Thieu has been coping with just about the noisiest political crises since his election.

Rather than working to rally his non-Communist political opposition behind him, as the United States Embassy has been urging him to do lately, President Thieu has come down hard on any group that has challenged his authority or criticized his regime. Individuals with the temerity to speak out have been prosecuted and jailed. Groups that have expressed their complaints in public demonstrations have been tear-gassed and beaten by riot policemen.

Now there is a rising tide of criticism of the Government in newspapers and the National Assembly that can only be expected to increase during the Senate election this fall and the presidential contest next year.

In addition, Mr. Thieu has failed to create anything approximating a national party that might be capable of mobilizing the country in preparation for a political battle with the Communists. Instead, his basic distrust of politicians—he was a general—and his reluctance to share power remain as great as ever.

As for the pacification program, there can be no question that enormous strides have been made during the last 18 months in the effort to extend the Government's control into the countryside. There is general agreement that the current program, which is the result of years of experimentation, mistakes and disappointment, is functioning better than any of its hapless forerunners.

But the progress in certain provinces has been counterbalanced by setbacks in others. A proper pacification map of Vietnam would resemble a patchwork quilt, a mixture of bright and dark patches that produce a mottled impression over all.

The combination of problems—military, economic and political—guarantees that the American disengagement, particularly during the next year, will be a painful and troubled process.

LAOS, CAMBODIA LIKELY SCENES OF MOST FIGHTING UP TO 2 YEARS

SAIGON.—"For the next year or two most of the fighting will probably be in Cambodia and Laos," Deputy Ambassador Sam Berger said the other day. And that offhand comment by one of the beakiest of the hawks here in Saigon explains why most of the Washington justifications for the Cambodian operations carry so little weight.

For the Washington apologia are based on the standards of the war as it used to be. But, in fact, there is a whole new war here, featuring new commitments to a new regime in Cambodia. That entails new forces in being, new opportunities for the other side, and a new set of criteria to measure success or failure.

In the war as it used to be, the other side had settled down to a strategy aimed at countering President Nixon's Vietnamization program. The primary objective was to weaken and discredit the South Vietnamese regime by selective strikes against its installations and officials all across the country.

This strategy did not lend itself to counterattack by American and South Vietnamese forces. Even by American estimates enemy killed-in-action fell in the first quarter of this year by about fifty per cent—from 3,000 to 2,000 per week. And there were corresponding drops in enemy losses of weapons and supplies.

Set against that measure, the Cambodian venture registers a dramatic improvement by our side. Estimates of enemy killed-in-action soared to nearly 6,000 in the first week of May, and then held about 3,000 weekly. There were well-publicized discoveries of huge stocks of rice, weapons, ammunition and other stuff. The South Vietnamese forces showed a capacity to execute highly coordinated strikes on the ground and by air and sea. The operation looks, in short, like an unqualified success.

But in the process, American objectives in the war have been raised. The United States has acquired, or at least become credited with, a new protege. Rightly or wrongly, the general view here is that the United States intervened in order to save the Cambodian government which replaced the regime of Norodom Sihanouk—the new government of Prime Minister Lon Nol.

Thus, the Cambodian foreign minister, in a speech to the Djakarta conference of Asian nations on May 16, described his government as living in a state of siege, and then added: "We have been relieved by the help brought to us by the Americans and our South Vietnamese neighbors." A South Vietnamese intelligence officer with ministerial rank told Mike Wallace of CBS and this columnist that "the Americans panicked and intervened when it looked like the Lon Nol regime would collapse." President Nguyen Van Thieu told a group of American journalists that if the Lon Nol government lasted, President Nixon would do well in the congressional elections this year, and the election in 1972.

The view here, in short, equates American interest with the Lon Nol government. If not absolutely obliged, the United States is under heavy pressure to keep the Lon Nol government going. If that regime falls, the Cambodian operations will be called a failure.

Nobody knows exactly what it will take to keep the Cambodian regime alive. Not surprisingly there is an internal fight in Saigon as to what is required. One group, centering around Vice President Nguyen Cao Ky, favors a considerable forward commitment of South Vietnamese troops to knock out the enemy. Another group, centering around President Thieu, believes it will be enough to station just across the Cambodian border strike forces that can block any threats in the center of that country as they materialize.

Probably the Thieu approach will win—the more so as the President has American backing. Still, the sorting out will not happen overnight. It will be a long time. To use a metaphor employed by a leading American commander here, before the South Vietnamese army gets over its night on the town and goes back to work.

That leaves two new openings for the Communists. In Cambodia, the Communists have the obvious possibility of doing what they refrained from doing under the Sihanouk regime. They can develop a country-wide guerrilla movement based in the rural areas. Given the urban focus of the present regime in Phnom Penh, the organization of a peasant resistance looks like child's play.

In South Vietnam, the massing of government forces on the Cambodian front exposes what one Communist leader calls "holes" behind the line. The other side is in better position than ever to pursue low level attacks on major government installations. The seizure of Dalat—which is a kind of government vacation spot—over last weekend is a perfect case in point.

Perhaps the Communists will miss these opportunities. It may be that they are too weak to get moving in Cambodia, or to step up their actions here in South Vietnam. It may even be that the decisive constraint will be the losses suffered as the result of the Joint American and South Vietnamese operation against their former sanctuaries in Cambodia.

But that is not the point. The point is that the Cambodian operation cannot be measured by the standards of the old war. The numbers of enemy killed, the amount of supplies seized, and the improved performance by the Saigon forces are not the kind of factors they used to be. A whole new war is on, and it is far too early to measure success or failure. Indeed, perhaps all that is clear is that anybody who needs a quick success is in bad trouble.

AMERICA—ADDRESS BY REV. IRVIN R. PUSEY

Mr. WILLIAMS of Delaware. Mr. President, on February 24, 1969, the Reverend Irvin R. Pusey, grand chaplain of the Grand Lodge of Delaware and pastor of the Red Lion Methodist Church, Red Lion, Del., delivered an outstanding address before the conference of Grand Masters of Masons in North America, meeting in the Shoreham Hotel, Washington, D.C.

At a time when there is so much confusion in our country I think it would be well for all Members of the Senate and others to have the opportunity to read this remarkable address outlining the principles upon which America stands.

I ask unanimous consent that these remarks be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

AMERICA

(By Rev. Irvin R. Pusey)

I consider it a privilege to be with you tonight, to share in this great meeting with great people. I come to you as a Mason; as a Minister; and as an American. I have a love for my Lodge; a love for my land; and a love for my Lord. And these themes of circumstance will color what I have to say to you tonight. They all flow together; they all mingle in; they cannot be separated. I thank God for all of these.

I should like to share with you three things you can hang your thoughts on: Masons as men of purpose; Masons as men of patriotism; Masons as men of prayer.

So to you distinguished guests; to you, Mr. Chairman; to you dear ladies and to you brethren, let me speak of these three things.

Masons as men of purpose. We live in a divided world tonight; a world where there are two Koreas; two Vietnams; two Germanys; two Chinas; two Berlins. A world that is divided by philosophical and political ideologies and even in our fair land, we see many, many problems. Freedom is under attack by Communism. Don't think it is not. Men by the hundreds are coming back from Vietnam in little wooden boxes; pant legs pinned up, coat sleeves tucked in. They know Freedom is under attack tonight. We see in America tonight the ravages of an increasing crime rate that many of our police departments are now admitting they cannot really control. Immorality in America is no longer a disgrace—it is a way of life. If there was ever a time for Masons to live by the spirit of their Fraternity, it is now. To become men of purpose, and I do not mean men of purpose just by saying "Oh, I have a purpose for my life", but as Masons to take the purposes and the spirit of Masonry and get it out of the ritual of a Lodge Room and let it live in our hearts; on the streets, in our homes and in our factories. Let Masonry come alive; let it become incarnate in our bodies, because unless it does then I am afraid of its future.

Not long ago I gave my little daughter a stuffed toy lion. She played with it, carried it around; kicked and mauled it. I often wondered what would happen if that stuffed lion ever came alive. Many Masons are treating Masonry that way. We dabble in it; we play with it. Oh, if it could only come alive. I hear people say, "you know we have got to defend Masonry". I do not believe it. You do not have to defend Masonry any more than you have to defend a lion. Let it loose. It will protect itself. Let it loose in your life and my life.

We read in the Book of Acts in the Bible, of Peter and John going up to the Temple and they met a lame man at the gate of the Temple. He was begging. It was quite surprising, because at that time most beggars used to beg on the outside of the city at the gates of the city where the marketing was done and the caravans came through. But, this man was begging at the gates of the Temple. Why? Because he expected more from those who entered the Temple; more from those who believe in God. I think he was right. And I believe tonight that the world has a right to expect more from Masons than many other groups. And God help us if we do not think so. I believe Masonry makes a man a better man and if it does, it gives him an awesome responsibility to let loose the spirit and the morals and the principles of Masonry. Let it come alive. Let that be our purpose.

I want to say that Masons ought to be Patriotic. This is a dirty word in our day and time. The thing to do if you want to be popular is to criticize America; find fault with her. And this can be done. She has got her faults and she is certainly open to criticism. I have done some myself. But I am just a little bit weary of hearing all this. Because, as I look at this land, I believe there is a lot to be said for America. And now I would like to say a good word for America. I think she is the greatest nation on earth. I make no apologies for that. Patriotism comes from the word patriarch. It means love of fatherland. Let us not be ashamed of it.

I would like to take the letters of the word America: A M E R I C A, and ascribe some thoughts for each letter.

A. A is for AHEAD. We live in a time of social and political revolution, where people are telling us that a democracy can no longer cope with the needs of the time. This is a technological age, they say, and the only way a government can control and compete and take care of its people is to become socialistic or communistic. I do not believe it. No nation has done more for her people than America. No Nation has given more dignity and freedom and opportunity to her people than America. And I know her standard of living is the envy of the world. There are some who like to compare us with the communist nations, notably the Soviet Union.

Do you realize that if we were to become equal with the Soviet Union, we would have to go backwards? We would have to cut our agricultural and industrial production by great percentages. We would not be able to meet here tonight, if this hotel was located in Russia. Such a thing as Masonry would not be tolerated. Such a society could not exist in the Soviet Union. You couldn't be here tonight and if you were, there would be secret police in the garage taking down your license numbers from your cars.

Speaking of police. The police in Russia are there to protect the government. The police in America are here to protect the public. And I am one who thinks that the police of America are doing a great job and are ridiculed unnecessarily. The Grand Master of Delaware, Warren Schueler, is a lieutenant colonel of the state police. We have three other state troopers on the staff, who are masons, and whenever I hear the cry of police brutality go up I cringe, because usually, it is just an attempt to get out of a crime a person has already committed.

And I will tell you something tonight, brethren and friends, I hope I never have to make the choice; but if I do have to make the choice, I would far rather have police brutality of the criminal rather than criminal brutality of the public the way it is being done today. And so as I look at America, I see that she is already far ahead of any other system of government. Name any system of government that has done as much for their people as the United States of America! In fact, many of these governments today exist because of the American dollar that's kept them afloat. So why should we want to change to another form of government when we are already ahead—

M stands for mighty, she is a mighty nation; and I, for one am NOT ashamed of the military power of the United States because I'm convinced tonight that the only thing that stands between the Soviet, the Red Chinese war machine and world domination is the military power of the United States! I believe they fear and respect it and I'm not ashamed of our military power! I'm proud of every one of our men in uniform because they not only represent their country, but they represent a direct challenge to a way of life that would ruin our way of life. They represent power that the enemy will respect! And to those who would burn the American flag and tear it down, burn their draft cards (and by the way, when they burn their draft cards, I would have a lot more respect for them if they burnt their social security cards at the same time). Those who burn the American flag ought to read up on history and, I'll make this statement in front of anybody—no nation has done more for the world in the history of the world than the United States of America!

Ask any Englishman if there would be an England today without America's help in World War II. Of course not! Charles De Gaulle, in France, can say all he wants to about his anti-Americanism (you notice he doesn't do it much anymore . . . not since he got stung himself by the Communists last spring when they turned on him), but he used to be very anti-American in many respects. Yet, Charles De Gaulle has a Nation to be President of tonight because there are 10,000 American graves in Normandy and throughout France that bought his country back from Hitler! I'll say this too! There wouldn't even be a Russia tonight without America! Just go back in history a few years. In 1942, Hitler's armies were at the gates of Moscow and we know that the Russian winter took its toll: But it wasn't the Russian winter that defeated Hitler's army—it was the Russian army that defeated Hitler's armies, but with what? Ships—hundreds of

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them left America and put in at Russian ports. It was *American* guns, and *American* tanks, and *American* planes, and *American* bombs in the hands of Russian soldiers that turned the tide and if she didn't have the war equipment we gave to her, she would never have done it! Hitler would have marched right into the streets of Moscow. So there is a Russia today because there was an America who pumped out of her factories war materials and armed the Soviet Soldiers. And then those who would say about America's involvement in Vietnam—how criminal we are over there—look at the past! What did we do with West Germany, this enemy that had ravaged Europe and killed many of our men? Why we turned our treasuries loose and we poured money into West Germany and today she has the fastest growing economy in all of Western Europe and her dollar is the soundest!

What did we do with Japan? Here is an enemy that made a sneak attack on Pearl Harbor and 2,700 American men died! With this enemy that stabbed us in the back, we signed a peace treaty on the decks of the U.S.S. *Missouri*. Did we go in and plunder and loot and rape that nation? No! We sent money, medical aid, food supplies, factory equipment—we went in there and we put Japan back on her feet! We also turned back to her many islands of the Pacific taken at such a high price, Iwo Jima, to name one. Today, Japan has the fastest growing economy in the whole world, thanks to her enemy, America, who treated her better than she had ever been treated before, even after Pearl Harbor. Who was the first one to come to the aid of the South Koreans, even before the United Nations involved themselves in it? And those in South Vietnam! When no other nation cared, the very finest of our young men went over there and are over there going through the ravages of war for the freedom of another country! Don't tell me we're criminal—history just doesn't prove it!

I am reminded of a story I heard when I was in theological seminary. It was told to me by one of the associate editors of the Baltimore Sun Newspaper. He said, "When I was born, my mother died in giving me birth." He said, "My father was a good man—a farmer, and I was the last of eleven children. Dad wanted to keep the family together and he did. One warm summer day I saw my dad sitting on the front porch of the old farm house and I ran and climbed up into his lap. I was then about seven years old. Dad put his big arm around me and began to tell me all about my mother, whom I never knew. Tears rolled down his cheeks and when he finished he pointed to a little cemetery across the way and said, "Son, you'll never know how much you cost me."

All across the world America can point to hundreds of thousands of little white crosses and say to the world, you'll never know how much you cost me. She is a mighty nation and I am not ashamed of her military power.

E stands for Everyone. Now we know and we have to admit that there have been injustices in this country. This is certainly true. But there have been injustices in every country. I do believe, however, that more people have been given an opportunity in this country than in any other nation. There are a lot of people tonight who are submitting bills to America. They want something. It is like the little boy who went to school. He found out from his classmates that some of them were getting a larger allowance than he was getting. When he found it out he thought he would give Mom the word. But when he got home, he chickened out and could not bring himself to tell her that he needed a larger allowance because every one else in class was getting it. He wrote her a note, and left it on the dining room table. When he went to school the next morning his mother found it. She picked it up and read it. It went something like this: (To Mom. A bill from your son. For taking out the garbage, fifty cents; for helping with the dishes, seventy-five cents; for saying thank you and please, two dollars. It all totaled up to several dollars.

When he came home that night his mother did not say a word to him and he was a little bit surprised, but he was too afraid to bring up the subject. After he finished his supper, he saw a little note sticking out from under the plate. He pulled it out and opened it up. It said something like this: To my son, a bill from your Mother. For bringing you into this world and going into the jaws of death to do it, the cost was love. For walking the floors with you at night when you were sick, the cost was love. For teaching you to talk and to walk, the cost was love. He got the idea. He could never repay his mother).

Suppose that in some way America could submit a bill to us for the privilege of being born in this country. The cost was the grace of God. For the freedom you have enjoyed, the cost was innumerable lives given at Valley Forge, Gettysburg, Iwo Jima, Korea and so on. We could never repay her for what she has done for us.

R stands for Religion. We will never be able to understand this great American phenomena apart from God. What is it that makes America unique? Not democracy. Other nations have had democracy. The Greeks had it thousands of years ago. Not her military power. Other nations have had military power. Not her resources. Other nations have great resources. I believe it is the fact that she is one nation under God. Notice that phrase—Under God. Not equal with God, or above God, or along side of God, but a nation under God. Under God's rule and law. As I have surveyed the American scene, I have wondered how people can get the idea she is supposed to be religiously neutral. Oh, I know that there was no religious denominations to be supported by our government. But I cannot buy the idea that she was supposed to be religiously neutral, not when I look at history. When the Pilgrims would rather have their Bibles than their lives, and came to these shores and wrote a Mayflower pact and stated therein that they took possession of this land in the name of God and for the propagation of the Gospel of Jesus Christ.

When I see Washington kneeling at Valley Forge, praying. When I hear Benjamin Franklin call thirteen colonies together when they were about to split up at the Continental Congress and say to those gentlemen, "let us pray". And out of that prayer meeting came much of the structure of our Government. I see the Continental Congress in 1775—one year before the Declaration of Independence—call upon the American people on July 12th to have a day of fasting and prayer in humility and recognition of Almighty God.

That was done by the Continental Congress in 1775. It was George Washington who issued a statement that he would like to see ministers or chaplains in all branches of the armed forces. And it was Washington, after he had finished his oath of office said, "so help me God", and so has every President all down through history. The Congress in 1853 decreed that the motto on our coinage and our money be "In God We Trust". Consider the National Anthem of this nation (The Star Spangled Banner). It has this phrase in it: (Praise the power that has made and preserved us a nation. Then conquer we must when our cause it is just and this be our motto In God is our Trust.) That is our National Anthen. Go to the Lincoln Memorial and there you can read his Gettysburg address which has this phrase in it (one nation under God"). Go to the tomb of the Unknown Soldier and there you can read ("Here Lies One Known Only to God"). Go to the Washington Monument and there you can read many portions of Scripture, one of which says (Suffer the little children to come unto me and forbid them not for of such is the Kingdom of God"). In 1956 the Congress of the United States had the phrase ("One Nation Under God") inserted into the Pledge of Allegience to our flag. Many of the men who wrote our great historic documents were Men of God and they did not separate their Religious Convictions from their Political Philosophy. America's history is rooted in the Bible; she was reared in the cradle of prayer and nursed at the breast of the church.

I stands for institutions! Which one of her institutions would you want to do away with? A trial by jury? I wouldn't! A free press? I wouldn't! Free Elections? I wouldn't! Some may need updating, as times change, but, those who want to eliminate them never seem to have any better alternatives. And until they do, I am not for destroying a structure of government that has served so many, so well, for so long.

C stands for capitalism. Here is another dirty word today. It simply defines an economic system that says a man has a right to make a profit and own property. And it is this economic system called capitalism that has released energies of man as no other system has, that he might achieve the capabilities God gave him. And this system, as former Rep. Walter Judd said, "has made it possible for six percent of the world's population living in the United States to own fifty percent of the world's wealth. Six percent of the world's population owns fifty percent of the world's wealth. It didn't just happen. There was an economic system that sparked it and primed it and that system is called capitalism. Although there are many nations around the world who look down their noses at it and do not want to have anything to do with it, they will take all the cream that it can produce. They will take all the money capitalism can make. They do not want the system, but they want all that it can produce."

We have this great system of capitalism because the political structure of our Government says that man is endowed with certain inalienable rights, and these rights are endowed by his Creator, including the right to own property and to make a profit. This rests on the foundation of a religious philosophy that men are important to God. That they are made in the image of God, and that freedom is not just something that we obtained. Freedom is something in the human heart. We can go back to the Book of Genesis in the Old Testament and note the creation of Adam and Eve. When God made Adam he gave him a free will. And God did it at a risk. A risk that he would rebel and disobey God. God was willing to take that risk because he thought it was so valuable for man to have freedom. Whenever the flame of that freedom planted there by Almighty God, has been imprisoned it has leaped out into the world. All are created with certain inalienable rights and endowed by their Creator. That is the philosophy that lets capitalism be what it is tonight.

A stands for abundance. America is an abundant nation. We have over 500,000 men in Vietnam; 300,000 or so in Europe; 50,000 in Korea; hundreds of thousands scattered around the world. We are fighting a costly, bloody war. We have a multi-billion dollar program in space going on now, reaching out to the stars. We have multi-billion dollar social improvement programs reaching out to the people. And not one of us has a ration card for food or gasoline. She is an abundant nation, she's been good to you and to me.

I remember several years ago a couple who celebrated their 60th wedding anniversary. Their daughter, now grown up, with children of her own, wanted to take mother and dad out for dinner. The parents said certainly we will be happy to go, but before we do, we would like to go to an old farm some miles from here. So the daughter drove them out to the farm. The barn had fallen down. Someone else was tilling the ground. The house had burned down. They got out of the car and they walked up the lane, the old farm lane, covered now with weeds. The wife said to the husband, let's stop right here. The daughter shook her head and said I do not understand it. I wanted to take you out to a very lovely dinner for your 60th wedding anniversary, and here you are in the middle of nowhere. Why did you come here before we go to dinner? The wife slipped her hand into that of her husband, saying, it was right here that your father first told me that he loved me. It is a meaningful place.

When history is written, may they look back on this troubled era of America saying of the Masonic Lodges, they were one of the first that told America they loved her.

Finally, Masons should not only be men of purpose and men of patriotism, but men of prayer. Men of faith who not only believe in the reality of God but that they can commune and communicate with God through prayer. If our prayers have simply degenerated into a little ritual that means nothing, then God help us. Whenever the Masonic Lodge loses its spiritual dimensions it will lose its life. We need to keep alive the great sinews of faith, a belief in God. A supreme being, not just an ideal but a personal God, who I as a Christian minister believe has made himself known in Jesus Christ.

Someone has said when you depend on money, you will get what money can do. And that is something. If you depend on organization, you will get what organization can provide. And that is something. If you depend on programs, you will get what programs can do. And that is something. But when you depend on prayer, you will get what God can do. I know in my life I need what God can do. What my church needs is what God can do. What America needs tonight so desperately is what God can do for her through people like you.

Abraham Lincoln in his famous Gettysburg Address said that this nation needed a new birth of freedom and in his time that was very true. I think tonight we could change the words to say that this nation needs a new birth of faith, faith in people, by the people, and for the people shall not perish from the earth.

God Bless you.

RETURN OF CONTROL OF PUBLIC SCHOOLS TO LOCAL AUTHORITY

Mr. ALLEN. Mr. President, during the first session of the 91st Congress, I submitted a resolution for a constitutional amendment which provides for the return of the control of our public schools to local authorities.

Since submitting the resolution, I have on a number of occasions on the floor of the Senate pointed out the destructive effects on our educational system of edicts from Washington which concerned problems that could have been best resolved by local officials.

My attention has recently been called to an excellent editorial in the Camilla, Ga., Enterprise which was reprinted in the Headland Observer, an outstanding weekly newspaper published in Headland, Ala., that focuses on this question of local versus Federal control of our public school system.

I commend this article to the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MORE MONEY NOT COMPLETE ANSWER

Following the popular in our thinking about public matters, the cry now is that massive amounts of Federal dollars are needed to correct what is reported to be a poor school situation. In recent weeks there has been a rash of reports about the condition of schools all around the country.

Readers Digest in their current issue has two feature articles on schools—one on the failure of integration—the other on school busing—both of which spell out a pretty bad school situation in all parts of the country.

Testimony this past week before the Senate committee was to the effect that the schools were in shambles—were poor—etc.

The President's Commission and his own proposals are for a massive new amount of money for schools in city ghetto areas, etc.

More than money, the one greatest act on the part of all concerned which would improve our schools would be return them to the teachers and the parents.

These two have been consulted the least, ignored the most, and who likewise are paying the highest price in heartaches as they witness the truth themselves.

We are sure there is a need for more funds to accomplish objectives planned and promoted by the teachers and parents—but let's let them write this bill of needs and then let's appropriate the money.

Since the courts began to apply a social principal (a Swedish social workers thinking) to the administration of our schools they have been in a tailspin downward. The proclaimed fact—separate schools are inherently not equal—has proven to be false and baseless and we proceed now in multi-directions trying to salvage, rather than build.

A good many of the orders from courts have been utterly stupid, senseless, unthinking and to say the least—not considerate of the human beings they were directed against. You would not treat anyone the way the Courts and the Federal agencies have treated the teachers, pupils and parents of this state this year. It is beyond belief that reasonable and kind men could order acts which have been put into writing.

We repeat—the greatest need of our time is to get the schools out of the courts, out of the hands of Washington bureaus—return them to the hands of professional educators and parents. For almost two hundred years these people had been doing a good job. America had grown great and was continuing to lead the world in most areas of academic achievement and thought—until the socialist, the planners, the bureaucrats took hold.

We are opposed to the State of Georgia and the Federal government putting any more money into any school program—until the operation of Public Schools are returned to the people who run them, who use them.

At a time when we could be making progress, when many new techniques and gadgets are available, when modern means and transportation are here, when students are ready and eager—we must waste all of our time dividing up and balancing on racial lines with absolutely no consideration given to the curriculum, the facilities, the faculties, the ability and desires of the students, the many other related factors which are needed to support a climate for education.

In Mitchell we must send in composition of classes grade by grade, room by room. Testing is met with opposition. Ability grouping is frowned on. Programs must be geared to averages, and classes are composed by racial formulas.

We will live through it. It appears now that some of the major publications are catching on to the truth. That the activity of the Warren Court has been detrimental to education is coming to light. In time the pendulum will swing back to sensible local control which we had before.

But in the interval many children will receive less than their share of the educational opportunities of the day.

THE ACTION BY THAILAND—THE NIXON DOCTRINE WORKING

Mr. GOLDWATER. Mr. President, in 1969, President Nixon promulgated his Guam doctrine, that Asian wars should be fought by Asians, and that our allies in Asia might expect U.S. material support, but not U.S. manpower. That became known as the Nixon doctrine and was generally widely hailed.

Newspapers here on the eastern seaboard had little but praise for the Nixon approach to Asian problems when expressed at Guam. They said good things about it because it meant lowering the American profile in Asia and eventual pullout of Americans from Vietnam.

Not only the press, but others in the media as well, were generally much in favor of what Mr. Nixon pronounced as official U.S. foreign policy.

The idea was that if any small Asian nation was attacked by aggressors from abroad, then other Asian nations would come to their rescue, if they were to be rescued at all. Americans might supply equipment for the venture but not men.

This week we have evidence that this doctrine is working. Cambodia is in trouble. For years her territory has been wilfully violated and her resources stripped by Communist invaders from North Vietnam. The whole Cambodian frontier with Vietnam has been held by foreign troops and these troops have imposed their will upon Cambodia.

For the past 5 years or so, the Cambodian Government under Prince Sihanouk has accepted this Communist domination with docility. In fact, the Communists from Vietnam dictated in those years who should be in the Cambodian cabinet, and how that cabinet should rule.

As long as the Government of Cambodia accepted the Communist role in that country, there was obviously nothing anybody could do about it. Certainly her neighbors were not inclined to intervene.

Then the dictator of Cambodia took his trip to Europe and in so doing made the classic blunder of tyrants all through history. A dictator has an uneasy seat. He can rule only as long as he himself is there to insure compliance with his dictates. He must always instantly repress rebellion. A protracted absence involves serious risk of an end to his authority.

The people of Cambodia in his absence decided they did not need Sihanouk any longer, and his own Prime Minister kicked him out.

That new Government broke its ties with the Communists and ordered North Vietnam troops to leave the country. The new Government also broke the connecting links between the Communists in eastern Cambodia and their supply bases. They closed their seaports, principally the new harbor of Sihanoukville, to the Communist forces.

The new Government of Cambodia

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also appealed to the United States and the rest of Asia for assistance.

At this point the Nixon Guam doctrine came into play.

The United States declined to send in manpower to Cambodia to help the Cambodian Government. Those American troops who did enter Cambodian territory—a relatively small number—did so not in an effort to keep the present Cambodian Government in power, but to destroy enemy bases that were being used to attack American and South Vietnamese positions.

Totally within the bounds of the Guam Declaration, the United States has agreed to send a very limited amount of arms, small arms primarily, to the Cambodian Government. We are not sending men and we do not intend to do so.

Also totally within the Guam Declaration the Government of Thailand, at the request of the Cambodian Government, is sending troops.

This is one Southeast Asian nation helping another which is attempting to throw out a Communist invader.

And so it comes as a surprise to find the New York Times on June 3 writing an editorial warning of what it calls ominous implications in the action by Thailand.

I could easily understand—and approve—such an editorial warning, were it issued against American troops participating in an effort to shore up the Cambodian Government against enemy invasion. I personally feel that the President of the United States is absolutely right when he declares, as he has repeatedly done, most notably stated at Guam, that we are not the world's policeman. We cannot forever assume that role.

I feel more strongly than the New York Times, though, about leaving any country totally defenseless against Communist aggression from without. If Thailand is capable of sending troops to help the Cambodians defend themselves from this invasion, so much the better.

I can recall how thrilled the New York Times was in 1964 when Lyndon Johnson said he would not send American boys to fight Asian boys' wars. Now, when President Nixon is attempting to carry out that long-forgotten pledge, the Times is aghast. If Cambodia saves itself from the Communist invaders, it will be with the help of other Asian countries, and Asian boys will be fighting their own battles—not American boys doing it for them.

And yet the New York Times is horrified at the thought, apparently, of anybody fighting Communist aggression anywhere in Southeast Asia.

This is what seems puzzling to me. Why should this newspaper applaud the Nixon doctrine of letting Asians solve Asia's problems, and then wring its hands and cry out about ominous implications when that doctrine bears fruit?

Were the Communist takeover in Cambodia native-born and nurtured; that is, by Cambodian Communists, the Times might have a valid point about Thailand intervention even though, by the same token, one would expect the Times to feel this was no concern of ours. But there is no such pretext involved in Cambodia. The invasion of Cambodia is by North Vietnamese and Vietcong Communist troops. They are in total violation of a series of international agreements which guarantee Cambodia's neutral status.

This blatant invasion of a small neutral country by the Communists does not seem to bother the newspaper. But an effort on the part of other Asian countries to thwart this invasion does.

POSTMASTER WINTON M. BLOUNT ADDRESSES THE DELAWARE BANKERS ASSOCIATION

Mr. ALLOTT. Mr. President, on May 14, Postmaster General Winton M. Blount gave a very sensible speech before the 75th annual meeting of the Delaware Bankers Association in Wilmington, Del.

The Postmaster General is a member in good standing of what is referred to as "the establishment." And the bankers who listened to him are also members of that much maligned institution. Therefore, it was a significant occasion for an intelligent discussion of the problems of communications between the young and "the establishment."

The Postmaster General argued persuasively that there is a continuing need to improve this communication. But at the same time, he made clear that both the young and "the establishment" have responsibilities in this field. Men in public office especially must be prepared to listen to reasoned argument and to respond with candor. And youthful critics must respect the traditions of civility when pressing their points of view. Further, they respect the duties and motives of those with whom they disagree.

If both sides meet their responsibilities, then so-called communications gaps will be bridged. If these on both sides of this gap conduct themselves with the good sense and admirable dignity of the Postmaster General, then we will enter a new era of openness and good feeling in public life.

So that all Senators may study Postmaster General Blount's remarks, I ask unanimous consent to have his speech printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ADDRESS BY POSTMASTER GENERAL WINTON M. BLOUNT AT THE 75TH ANNUAL MEETING OF THE DELAWARE BANKERS ASSOCIATION, WILMINGTON, DEL., MAY 14, 1970

I know it would be fitting, in addressing so distinguished a group of financial authorities, to discuss the state of the economy, or the outlook for business, or some such related topic. But, I think there is a matter which cuts even closer to the heart of America than her economic stability, and that is the stability of the relationship between her generations—between her sons and fathers.

One of the popular cliches of recent years has been "generation gap." I suspect it began as a way of observing that children rebel against their parents. But this is the way and the nature of life. Children break the bonds of childhood and become adults, and they make a new relationship with their parents. So there was nothing new in this.

But this last ten years was the decade of the "gap." It began with a missile gap and ended with a credibility gap, and somewhere between the phrase-makers produced some other gaps—one of which was the generation gap. And the phrase became a self-fulfilling prophecy.

In thinking about how well or how poorly Americans succeed in raising their children, I suppose we could say that we never did as well as we intended, nor as poorly as we might.

But something came unstuck in the last decade, and it came unstuck right there where most Americans live—in the family. I don't profess to know what it was, but the result was a generation with some of our young who had a lot of education and little maturity; a lot of independence and little dependability and little discipline; a generation with the normal needs of youth for security and assurance, and nowhere to turn to get it. Society turned upside down and the young were on top, where they never wanted to be.

The young cult blossomed and was fueled by business and by the media, and the young were courted and coddled wherever they laid their dollar down.

And they were used politically: sometimes in positive efforts like the Peace Corps, for their idealism; other times in more cynical or quixotic ways, simply because they brought devotion and energy to whatever course they pursued, and because they made good copy.

They warmed the hearts of those political boy scouts who featured themselves at the front of youth crusades, and they inflamed the neuroses of those politicians whose "suffer-the-little-children-to-come-unto-me" complexes thrive on adolescent adoration.

Through it all, our young people got a sense of power and importance all out of proportion to reality. And they never understood that their importance lay in their usability.

Throughout this manic period, the agony of Vietnam not only persisted, but escalated, and chewed into the lives of these young people. When they objected, they thought no one listened; when they protested, they thought no one cared, and in time they realized just what their apparent importance consisted of. They turned in on themselves in bitterness, and where once youngsters rebelled against their parents to grow and mature, there was now real alienation in the process.

Everyone talked about generation gap, and the only hands that tried to reach across it were the hands of economic or political opportunism—the so-called "peace" candidates, for example, who spoke so bravely of peace for the world when what they were really looking for was a piece of the action. So we had our young people pulled between cynicism on the left and indifference on the right. Small wonder that some of them said: "A plague on both your houses" and turned to radicalism.

And as always in this country, there was a vast majority of students and other young people who were concerned with America, but who kept silent and allowed the image of youth to be established by the radicals.

Perhaps we should fault them for not speaking up.

Perhaps we should ask ourselves who would have listened.

Whatever the questions, whatever the answers, we have been on a collision course with reality in America. We came to reality in a burst of gunfire in Ohio two weeks ago and, as the country held its breath in that dark silence, we understood finally that America cannot move to the third century of its freedom at war with its children.

In his Inaugural Address, President Nixon said: "Government will listen. We will strive to listen in new ways—to the voices of quiet anguish, the voices that speak without words, the voices of the heart—to the injured voices, the anxious voices, the voices that have despaired of being heard." And he said: "We cannot learn from one another until we stop shouting at one another—until we speak quietly enough so that our words can be heard as well as our voices."

I think the significance of the past ten days rests in the fact that Americans are beginning to lower their voices. Once might wish that we could have the time now to breathe and examine where we are without the pressures of publicity and the passions of politics, but we cannot. Still, I think our young people are ready to believe that the promise to listen to the voices that have despaired of being heard—that that promise stands, and it will be kept.

But it must be kept all over America, and not just in the halls of government. You have something to learn from our young people. I urge you to listen to them.

It is important to listen to the questions they are asking and also to examine the answers they are offering. There is a vast basis for mutual understanding with the young; there are vast differences as well. But difference is the driving force in the dialectical process that takes us forward. So let us understand those differences, and respect them.

Where we see war as a political reality, they see peace as a moral imperative. When we speak of making the world safe for democracy, they speak of making the world safe for humanity. When we point to history and the lessons of past wars, they point to the future and answer with the hope that we can put wars by. When we point to what has been accomplished, they point to what remains to be accomplished.

It is a simple matter to see in our differences that the young are naive, that their view of the world suffers from a superabundance of idealism, and a lack of reality and the hard lessons that come with responsibility. And if we see only in these terms, then we miss the more important fact that beyond our differences we share a vast community of interest from which we may together seek a newer world.

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It is from this base that we can reach out and help the young to grow and come to civil maturity. And it would be wrong to ignore what has already been accomplished here, both with and for the young.

This Administration has gotten the first positive changes in the draft system, and draft reforms continue. This is a matter which has been discussed with students. So are the SALT talks underway in Vienna. So is de-escalation in Southeast Asia. So is the effort to lower the voting age.

I think that as the young make demands, they should recognize that there is a movement—that there is progress.

These are all matters which concern them. These are matters which affect their welfare, and these issues have been discussed with students and other young people.

So there has been communication. But we can have more. We can listen to their ideas. And I think we can and must expect them to listen to ours. They have not always done this. We can weigh their concerns. We can explain our actions. We can take them into those councils where decisions are made.

Good universities have done this for years. President Nixon has asked his department heads to do this, and we have done so, and we will do more. But let business do it as well. Let industry do it. Let local government do it. Let us together find ways to bring these people into their society.

Last March, a group of students from Princeton asked if they could visit me in my office, and I invited them down. Last Friday they came.

They were naturally very much concerned about Cambodia. But in a deeper sense they were concerned about America—concerned about our priorities, and about the assumptions on which we base those priorities. And they were concerned about their place—their future in America.

I was greatly impressed with their understanding, with their ability to advance an argument, and their ability to analyze differences of opinion. I was impressed with their willingness to listen.

We reached no agreement in our discussion. We clarified some disagreements. But the most hopeful note, it seemed to me, came at the end. I asked them if young people felt so closed out and alienated that we could no longer find a mutually acceptable basis for action. And they said no. They said generally that young people wanted to try again, to stay within the system, and make it work.

I think there is cold political comfort here. They indicated they will try to change the Congress to their liking—that they will be in opposition to many of the policies of the Nixon Administration. I think we would be very foolish to underestimate the effect they are going to have in the upcoming elections, and in 1972. The brains, the devotion, and the energy they can bring to their cause is a formidable combination. So they are going to try to make their views prevail. Some of them are going to be disillusioned if they aren't completely successful. There will always be those who think that, because the whole country doesn't suddenly swing into line with their views, the system is unresponsive.

They must understand that those who have power are going to try to hold it. Those who decide are going to defend their decisions. This doesn't mean they are invulnerable, that power can't be transferred, and decisions changed. They can.

But it has to happen in the center. It has to happen through the system. It has to happen at the ballot box. I don't think our troubles are over. The radicals on both fringes can't survive without turmoil and bitterness and they're going to try to create more of it. But I think we've turned the corner. There was a silent majority too among the young, and among the students, and they are speaking out now. I think we're going to get an accommodation with this generation.

Now, I want to say a word about the action that precipitated the events of the past few weeks.

President Nixon came to office in the midst of an escalating war in Southeast Asia. He came committed to de-escalate that war and to terminate it. He has been working steadily toward that goal since he became President.

About a month ago, he announced the pending withdrawal of some 150,000 men in addition to the 115,000 that have already been withdrawn from Vietnam in the last year. He also has said that any effort by Hanoi calculated to take advantage of our withdrawal would be met with strong action. Hanoi chose to test his will. They stepped up attacks on our forces. They moved strongly in Cambodia to outflank our forces. They increased their logistical build-up in Cambodia. And they were met with strong action. It could not be otherwise if our will and our determination to meet our commitments were to continue unquestioned in the world.

This was a difficult decision to make. This is a difficult war to fight. There are those who say the President should have sought the permission of the Congress for his action in Cambodia. The Constitution does not require this, nor may the Congress demand it without amending the Constitution. And to do so would be to tie the President's hands in those life and death matters of state which do not admit of lengthy debate. In those circumstances, such as the present case, where speed and secrecy are crucial, such a requirement would be fatal.

The President put his political future on the line to do what the safety of our men in Vietnam requires. On the basis of all available advice, the decision was toughminded and it was wise. It has already proven extremely successful.

Nearly 2,500 years ago, a Greek army, outnumbered ten to one by the Persian forces of Darius, stood at Marathon. They fought there and they won, and they preserved Athens for that flowering of Greek genius which would determine the course of Western history from that time forth.

We remember the battle and the victory. We sometimes forget that the decision to stand at Marathon was taken by a scant majority—just six of the eleven Greek generals determined that the battle at Marathon had to be fought.

History proved them right. But when the decision was made, there was no way to know this.

I believe history is going to prove President Nixon right, and very soon. But when the decision was taken, there were only the best opinions, plus tremendous courage, on which to base it.

It is regrettable that the President's action was misunderstood by so many whose concern is genuine. It is more regrettable that his action is misrepresented by so many who know better, but whose concern is first and foremost to serve themselves. It is a simple thing to call for peace. It is a harder thing to make peace, and still harder to make a peace that can be kept.

This is the President's task and his goal, his responsibility to America, and his special commitment to the young of this nation—they want peace, so does the President. It is both ironic and unfortunate that the most deeply held desire of both—the desire for a world without war—should separate, rather than unite, the President and the young.

Perhaps, if we keep our voices down and keep the dialogue going, we can move together once more in the pursuit of this common goal, in the pursuit of a peace that can be kept, a peace that will buy time for some future age of innocence when, in Sandburg's words: "they'll give a war and nobody will come."

CAMBODIAN OPERATIONS—"THE CITY"

Mr. GRIFFIN. Mr. President, in his television address to the Nation last night, President Nixon briefly outlined the accomplishments in the Cambodian sanctuary operations and reported that "all of our military objectives have been achieved."

As the President indicated, allied sweeps in the Cambodia/Vietnam border area have located a number of major base complexes used by North Vietnamese and Vietcong troops. One of the largest of these bases taken by allied forces was discovered by elements of the U.S. 1st Air Cavalry Division on May 5, 1970, in Cambodia's Fishhook area. It is an immense complex some 3 square kilometers in area dubbed "The City" by the U.S. cavalrymen.

LOGISTICAL DEPOT

The logistical part of "The City" was located in three separate areas and included approximately 182 storage bunkers. About 80 percent of these bunkers, each measuring 16 by 10 by 8 feet, were being utilized and contained enemy war supplies. Sixty percent or 87 of these 145 bunkers were filled to capacity. The bunkers contained munitions, weapons, food stocks, medical supplies, and quartermaster clothing and equipment. The largest quantity of a single type was ammunition including AK–47 and 57 millimeter recoilless rifle rounds. Generally, all types of equipment and supplies were in an excellent state of preservation and in good operating condition when captured. All bunkers were serviced by bamboo-matted trails from 3 to 8 feet in width.

After a thorough investigation of the area, its contents and documents captured in the area, it is apparent that "The City" was well organized and was capable of rapid receipt and issue of large quantities of supplies. Judging from the general condition of the oldest bunkers, and from captured supply documents found in the area, it appears that the storage depot had been in operation for some 2½ years. The bunkers in the northern part of the complex appeared to have been constructed within the last 6 months.

An analysis of the documents and earlier reports indicate that this complex was a supply depot with the primary mission of obtaining supplies and equipment within Cambodia and then delivering these supplies to Communist forces in South Vietnam. In addition, this depot provided supplies to a number of training and headquarters elements. When considering the type and amount of supplies captured, the loss of this depot will certainly reduce the enemy's offensive capabilities in the III Corps area of South Vietnam.

TRAINING AREA

In addition to the logistical storage facilities, the complex contained a training area consisting of a large classroom, small-arms firing range, and mess facilities to support the training area. Also located in the southeastern part of the complex was a small animal farm. These facilities and training aids, including silhouette targets and dummy grenades as well as a large stock of items of personal clothing and equipment, indicate that a portion of this base area was used to provide refresher military and political training to recent replacements from North Vietnam. Colocated with the supply depot, the training center could also readily outfit the replacements while providing the refresher training.

Materiel captured in "The City" base complex includes the following:

Individual weapons: 50 AK–50 rifles, 922 SKS rifles, 36 MAS rifles, 48 Thompson submachine guns, 42 Chinese Communist grease guns, and 13 AK–47 rifles.

Crew-served weapons: 3 14.5 twin barrel AA guns (complete with sights), 1 20 mm machine gun, 15 7.62 mm machine guns, 60 .30 cal AA machine guns, 6 .51 cal AA machine guns (with 80 extra barrels), 40 60 mm mortars, 6 82 mm mortars, 3 4.2'' mortars, 5 120 mm mortars, 22 RPG rocket launchers, 8 75 mm recoilless rifles, and 33 Chinese Communist light machine guns.

Ammunition: 319,000 .51 cal/12.7 mm ammo, 152 anti-tank mines, 710 Chinese Communist grenades, 25,200 14.5 mm AA machine gun rounds, 411 82 mm mortar rounds, 84 4.2'' ammo, 3,035 57 mm recoilless rifle rounds, 127 75 mm recoilless rifle rounds, 142 B–50 rocket rounds, 1,559,000 AK–47 rounds, 1,400 rifle grenades, 17 122 mm rockets, 58,000 lbs. plastic explosives, 250 cases detonating cord, 144,000 non-electric blasting caps, 270,000 ft. time fuse, 2,700 fuze lighters, 42,670 7.5 mm machine gun rounds, 22 cases anti-personnel mines, 400,000 .30 cal rounds, 13 107 mm rockets, 10 85 mm field gun rounds, 780 60 mm mortar rounds, 168 120 mm mortar rounds, 200 electrical blasting caps, and 16,920 propelling charges for 120 mm rounds.

Miscellaneous: 2,800 rucksacks, 607 shovels, 470 picks, 120 entrenching tools, 45 AK–47 magazines, 4 cases AK–47 repair parts, 1 blow torch, 18 cases 106 mm repair kits, 500 bicycles, 2,750 bicycle tires, 100 pair shoes, 75 pair socks, 320 mess kits, 15 cases 122 mm repair parts, 8 two-wheeled carts, 37 gunners quadrants, 118 .51 cal ammo cans, 40 aiming stakes, 20 60 mm mortar sights, 14 82 mm mortar service kits, 20 60 mm mortar service kits, 4 82 mm mortar base plates, 2 panoramic mortar sights, 3 cases B–40 components, 25 plastic sheets, 3 hydraulic test kits, 80 batteries, 8 field telephones, 9 PRC–6 radios, 27 cases RPG–7 repair parts, 200 lbs. medicine, 86 cases coagulent medicines, and 550,000 ampules.

Food: 30 tons rice, 8 tons corn, 1,100 lbs. salt, 10 pigs, 25 chickens, and 50 baby chicks.

DISTRICT OF COLUMBIA CRIME

Mr. MATHIAS. Mr. President, I again remind Congress of our responsibility in facing and dealing with the serious crime problem in the District of Columbia, since Congress has chosen to retain virtually exclusive governmental authority within the District.

To this end, I ask unanimous consent to have printed in the Record a list of crimes committed within the District yesterday as reported by the Washington Post. Whether the list grows longer or shorter depends on Congress.

There being no objection, the listing was ordered to be printed in the Record, as follows:

Two Drugstore Employees Robbed of $2,000 at Bank

An armed man escaped with approximately $2,000 yesterday afternoon after he robbed two drugstore employees who were depositing the money in a downtown Washington bank branch and led them on a chase through the Corcoran Art Gallery, police reported.

Thomas M. Harvey, 23, and Grant Taylor, employees of the Drug Fair at 1715 Pennsylvania Ave. NW., told police they entered the Riggs National bank branch at 1750 Pennsylvania Ave. at about 1:15 p.m. to make a deposit.

A man brandishing a revolver pushed Harvey against a window, placed the gun at his head and ordered, "Give me the money bag," according to police.

After Harvey gave him the money, the gunman ran from the bank. Harvey said he and Taylor told the bank guard about the holdup, then chased the bandit for a block and a half.

They told police they lost the bandit after he entered the Corcoran gallery.

In other serious crimes reported by area police up to 6 p.m. yesterday:

ROBBED

High's dairy store, 1400 Pennsylvania Ave. SE., was held up by two youths who entered the store about 1:20 p.m. Tuesday. One pulled out a revolver and ordered, "Everybody hold it." The gunman then told two employees to put all the money into a paper bag. Grabbing the bag, the pair ran out of the store and escaped on foot.

Cornalies Gasgon, of Washington, was held up about 10:45 p.m. Tuesday as he was walking at Rhode Island Avenue and 22d Street NE. Four youths approached Gasgon from the rear and one of them placed a gun at his back. "Give us your money," ordered the gunman and Gasgon handed the youths his cash. The four then fled south on South Dakota Avenue.

Rayfield C. Blackston, of Washington, a carrier for the Evening Star, was held up shortly after 8 p.m. Monday in the 1400 block of Delafield Place NW. Two youths confronted Blackston, forced him to hand over his money and collection book, then ran east on Delafield Place.

Alberta A. Fletcher, of Washington, was robbed of a large amount of money about 9:45 a.m. by a man who approached her at 12th and H Streets NE. The man forced her to surrender her pocketbook containing the money, papers and a food stamp identification card.

Rhonda Z. Conn, of Silver Spring, was robbed of her money and a diamond wedding ring about 5:50 p.m. Tuesday when she was jostled by a pickpocket as she waited for a bus in the 1000 block of 16th Street NW.

Charles Adams, of Washington, was held up about 11:55 p.m. Tuesday by two youths, one of them brandishing a handgun, who approached him from the rear at 32d and Gainesville Streets SE. When the armed youth demanded his money, Adams handed him the bills from his pockets. The other youth then took his wristwatch and fled on foot with his companion.

Nathaniel B. Williams, 41, was held up about 10:30 p.m. Tuesday by a young man who entered his car in the rear of the 700 block of Quebec Place, NW., and asked, "Do you have any money?" When Williams hesitated, the man pulled out a 38-caliber pistol and demanded, "Give me everything you got." After Williams gave the gunman his wallet, the man forced him to surrender his watch, keys and registration for his car. He told Williams to get out of the car and drove away, heading east through an alleyway in the middle of the block.

Daisy Hunter, of 35 E St. NW., was robbed of a large amount of money about 6:30 p.m. Tuesday. A young woman stopped Miss Hunter at the rear of her building, forced her to hand over her purse containing the cash and ran north on Massachusetts Avenue.

Raymond Jones, of Greenbelt, was robbed of a large amount of cash by two men who entered his car about 11:15 p.m. Tuesday when he stopped for a traffic light at 14th and V Streets NW. One of them pulled out a knife-like weapon and told Jones to drive to the 1400 block of Florida Avenue NW. There the pair forced Jones to give them the money, then escaped into an alley.

Sporty's Carryout, 56 25th Pl. NE., was held up by a man who entered the shop shortly after 10 p.m. Tuesday and asked the clerk for a small orange soda. As he was drinking the soda, the man pulled out a dark handgun and told the clerk, "Put the money in a bag." The gunman grabbed the sack full of cash, fled from the store and boarded a D.C. Transit bus heading west on Benning Road.

Pamona Alma Hughes, of 1111 1st St. NW., was held up shortly after 1 a.m. by a youth who confronted her in front of her home. Holding a knife at her throat, he ordered, "Give it here." Miss Hughes handed the youth her pocketbook and he fled on foot.

Woodrow W. Bailey, a retired Washingtonian was held up about 11:10 p.m. Tuesday at New Jersey Avenue and P. Street NW., by three youths. One of them placed an unidentified object at Bailey's back and warned, "Don't move or say anything because I got you covered." The other youths then took a large amount of money from Bailey's pockets and the trio fled south on New Jersey Avenue.

Eugene Muir, of Hyattsville, was held up about 4:20 p.m. Tuesday by a young man wielding a gun who approached him in an alley in the 200 block of Virginia Avenue SE. "This is a gun," the youth said as he placed the weapon at Muir's side. Taking his wallet, the gunman fled on foot.

Otis Finch, of Washington, a taxi driver, was robbed about 12:45 a.m. by a man who hailed his cab at 14th and H Streets NE. and asked the hacker to drive him to the 3300 block of Croffut Street SE. At the dead end, Finch stopped the cab and the passenger pulled out a hard object which he placed at the driver's back. "Okay, this is it. Give me all the money, your watch, ring and shoes." The armed man took the items and fled on foot.

Lawrence Earl Willer, of Bowie, was robbed about 3:05 p.m. Tuesday as he left a carry-out shop in the 1600 block of Kenilworth Avenue NE. and entered his car. Three men approached the driver's side of the car and one of them indicated the gun he had concealed in a brown paper bag. While the gunman held Willer at bay and another man urged. "If he moves, shoot him. The other one frisked him and took the bills from his pockets. After grabbing all his money, the trio ran west on Eastern Avenue.

Pierre M. Sprey, of Princeton, N.J., was held up shortly after noon Tuesday by three men who approached him in the 1600 block of 4th Street NW. Two of them stayed behind Sprey while the other man walked beside him and said, "The man behind you has a gun." Sprey said the man pressed something at his back and, when he glanced behind him, he saw the man was armed with a hookbill knife. The trio forced Sprey to hand over his money, and car keys, then fled east on M Street.

Katherine Patterfield, of Washington, was beaten and robbed about 12:30 p.m. Tuesday by two youths who attacked her at the corner of 4th and Aspen Streets NW. Approaching her from behind, the youths knocked Mrs. Patterfield to the ground, causing her to injure her arm as she fell. The pair grabbed her pocketbook and ran west in the 400 block of Whittier Street NW.

Joseph Sousa, of Washington, was held up Monday morning by two young men who approached him on the east side of Logan Circle, near P Street NW. One of them drew a .22-caliber pistol, pointed it at Sousa and demanded, "Give me the money you got in your pocket." Sousa handed the men his bills and they fled toward Q Street NW.

Andrea Chavous, of Alexandria, was robbed of her money and jewelry about 5:55 p.m. Tuesday in the 1200 block of Q Street NW. Two men drove up beside her in an old car, got out and forced her to give them her pocketbook containing a large amount of money, two rings and two bank books.

Jerome Russell Williams, of Washington, was held up shortly after 7 p.m. Sunday as he was collecting for his paper route in the 900 block of Eastern Avenue NE. Someone approached him from behind, placed a hard object at his back and warned, "Don't move or I will stick it in you." Another person removed the bills from Williams' pockets, then fled with his companion.

Lucy Mae McGhee, of Mt. Rainier, was robbed of a large amount of money about 7:05 pm. Tuesday as she was riding on a D.C. Transit bus. When the bus stopped at 13th Street and Rhode Island Avenue NE., a youth grabbed her handbag, stepped from the rear door of the bus and fled on foot into the 1400 block of Saratoga Avenue NE. The handbag, without the money, was subsequently recovered in the basement of a building in the middle of the block.

Joe Brading Cox, of Washington, was robbed Monday by a man who approached him in the 700 block of 18th Street NW. and demanded his money. When Cox refused and began yelling for help, a second man yoked him and knocked him to the ground. Cox then surrendered his wallet and the pair fled on foot.

Stanley Riley, of Washington, was beaten and robbed about 11:20 p.m. Tuesday by an assailant who attacked him in the 200 block of 11th Street NE. After hitting Riley in the face and cutting him in the forehead, his attacker took his ring, watch and wallet.

Samson Reid, of Washington, was held up about 11:40 a.m. Tuesday near his home at Staples and Neal Streets NE. A youth displaying a gun threatened, "do as I say or you will die," and took the cash from Reid's pockets. After removing his wrist watch, the armed youth ran west on Neal Street.

Richard C. Blowe, of Washington, was beaten and robbed shortly after 2 a.m. by three youths who attacked him at Florida Avenue and R Street NW. After knocking Blowe to the ground and hitting him in the face, the trio removed his wallet and escaped into an alley off of R Street.

Nathaniel L. Murrell and his son Larry, of 1034 Quebec Pl. NW. were held up about 5 p.m. Tuesday by three youths who knocked on the door and asked to see Larry. One of them pulled out a revolver, pointed it at Mr. Murrell's head and said, "Take it easy." The trio then entered the home and asked where the money was. After taking the bills from Murrell's pockets, the gunman demanded the rest of the money. When Murrell said they had none, the armed youth said, "I'll blow Larry's head off." Murrell then led the three upstairs where they took a large amount of money from the bedroom and $50 in silver half dollars from the bathroom. After removing a collection of old coins and locking Murrell and his son in a bathroom, the intruders warned, "If you come out, you'll be shot," and fled from the building.

STABBED

Alvin Duson, of Washington, was treated at Washington Hospital Center for stab wounds he suffered about 9 pm. Tuesday. Two men approached Duson as he was walking in the 400 block of Kennedy Street NW. and stabbed him in the left shoulder and chest with a can opener.

ASSAULTED

Melvin S. Goodwin, of Washington, was treated at Freedmen's Hospital for injuries he suffered during a fight with two men about noon Tuesday. The men approached Goodwin at Kenilworth and Eastern Avenues NE. and one of them hit him in the mouth and head with a brick. Goodwin was treated for lip and eye wounds and released.

Wendell A. Smith, of 1839 13th St. NW. was admitted to Freedmen's Hospital for a gunshot wound in his chest. Smith told police a man approached his apartment about 3 a.m. and fired a shot at him from the doorway.

Eric Flemming, an eight-year-old Alton Elementary School student, was admitted to D.C. General Hospital after three youths robbed, stoned and beat him as he waited for his sister to walk him home from school. The youths approached Eric on a street corner near the school at 48th and Foote Streets NE and dragged him into a nearby wooded area. Eric said the trio demanded money and he gave them a dime which was all he had. "Is that all?" the youths asked and when he nodded affirmatively, they picked him up, carried him to a creek and threw him in. As Eric tried to climb out of the creek, the youths threw stones at him. Finally they allowed him to crawl back onto the street where they forced him to give them his shoes. He was treated at the hospital for head wounds and released.

John Calvin Skinner, of Washington, was treated at D.C. General Hospital for injuries he suffered when he resisted an attempted holdup about 6:30 a.m. Two youths approached him as he was waiting for a bus at 14th and Main Streets SW and demanded money. When Skinner replied, "I don't have a dime," and started to walk away, the youths grabbed him and pulled out their weapons, a knife and a gun. During the ensuing scuffle, Skinner was shot in the hand and one of his assailants was stabbed in the leg.

STOLEN

Eight cases of whiskey valued at $543.83 were stolen between 12:45 and 8 a.m. Monday from the Columbia Lodge, 1884 3d St. NW., after the rear door was forced open.

Travelers checks and movie slides with a total value of $1,075, were stolen between 11 a.m. May 27 and 8 p.m. May 29 from Chrysauthi Papastefanou, of Falls Church, when his apartment at 1426 M St. NW was burglarized.

Four typewriters, three projectors, a tape recorder and a television set were stolen from Burrville Elementary School, 801 Division Ave. NE., about 11 p.m. Saturday.

Eight cases of whiskey and $50 from a cigarette machine, with a total value of $711.70, were stolen sometime between 12:30 and 3:05 a.m. from Arbaugh's Restaurant, 2606 Connecticut Ave. NW.

A Soligor telescope lens was stolen from an office at Woodrow Wilson high school, Nebraska Avenue and Albemarle Street NW., sometime between 9:30 a.m. May 25 and 8 a.m. May 26.

PRISONERS OF WAR

Mr. MATHIAS. Mr. President, there are many crosscurrents of opinion about the war in Southeast Asia. Some Americans believe American participation in the war should be stopped immediately. Many others believe that the war should be ended gradually while still other Americans believe that we should use even the ultimate weapons if necessary, in an attempt to gain a military victory at whatever risk to our international situation.

There is, however, one facet of the war about which all Americans can agree. That is the fact that the Government of North Vietnam is grievously wrong in its treatment of American prisoners of war.

To date, the Communist treatment of prisoners has been in gross disregard of the 1949 Geneva Convention on the protection of prisoners of war. This convention, to which North Vietnam acceded in 1957, binds both North and South Vietnam as well as the United States, which ratified it in 1955.

On our side, every effort has been made to guarantee observance of the convention, including thorough investigations of alleged violations and punishment of those found guilty. At the same time, regular international inspection has shown that the prisoners held by the Allied command are treated in accordance with the Geneva requirements.

And yet, treatment of prisoners of war by the Government of North Vietnam has flagrantly and constantly breached this fundamental rule of international law, one which it and more than 120 other nations of the world have formally acknowledged as an essential minimum standard of human decency.

Of the more than 1,500 U.S. servicemen currently listed as missing in action in North Vietnam, South Vietnam, and Laos, some 435 are, with varying degrees of certainty, believed to be prisoners of war.

Basic provision of the Geneva convention which the enemy forces have consistently disregarded are: Release of sick and injured prisoners, inspection of

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prison facilities by a neutral organization such as the International Red Cross, regular flow of mail between prisoners and their families. What is a special cruelty, the North Vietnamese Government has not even released the names of men held prisoner.

Propaganda from Hanoi has repeatedly claimed that all prisoners are treated humanely. Yet information gained from men released in August 1969 indicates the contrary. These men, who had been detained by the enemy for approximately 2 years, reported long periods of isolation, near-starvation diets, inadequate medical treatment and many forms of physical torture. In addition, reports indicate that at least 19 American prisoners have been murdered by the enemy or allowed to die from disease or malnutrition. The truth or falsity of these stories would be easily established by international inspection.

Because of the enemy's refusal to provide a list of prisoners' names, as required by the Geneva convention, many American wives have made agonizing journeys to government capitals all over the world seeking help to determine whether their husbands are dead or alive. Some 75 wives and parents have had face-to-face meetings with North Vietnamese officials in foreign capitals. They have been subjected to heavy enemy propaganda and to false promises, made as long ago as last September, that in the near future they would be advised of the status of their loved ones. As President Nixon's Ambassador at the Paris negotiations so aptly stated, the handling of prisoners of war is "not simply a narrow question of legal obligations." It is a question of human decency, a question which has been given painful and urgent expression by those asking whether they are wives or widows.

Two of the three men released last August were injured at the time of their capture and under the provisions of the Geneva convention should have been released immediately by North Vietnam. Yet they were retained in captivity for 2 or more years without adequate medical treatment for their injuries. Others were reportedly injured during their capture, some more serious than the two released, but efforts to obtain their release have been futile.

I hope and believe that public and congressional concern may awaken world opinion and may have a substantial sequential impact on Hanoi. Toward this end, I joined 34 other Senators some months ago in introducing Senate Resolution 271. This measure declares the sense of the Senate to be that the government of North Vietnam and the National Liberation Front should, among other steps, provide information on the status of prisoners of war and give evidence of their treatment.

More recently, I joined in a congressional resolution which designated May 3 as a national day of prayer for American prisoners of war.

President Nixon has given the prisoner of war question special priority in the Paris negotiations and related diplomatic efforts and I support him fully in these efforts.

No resolution of the conflict in Southeast Asia will be honorable without providing for the release of American prisoners. It is imperative that the Executive continue to exert all possible energies for improving the conditions of their detention and for hastening their ultimate repatriation, and I know every Member of the Senate supports the Executive in these efforts. No action taken or contemplated by the Senate can be interpreted as an acquiescence in their plight, or as an abandonment to their already unfortunate fate.

SENATOR HANSEN JOINS IN MIDEAST LETTER

Mr. SCOTT. Mr. President, I wish to announce for the RECORD that the junior Senator from Wyoming (Mr. HANSEN) is to be considered a signer of the letter sent to Secretary Rogers on June 1 by 73 Senators concerning the situation in the Middle East and urging the sale of additional jet aircraft to Israel. The Senator from Wyoming (Mr. HANSEN) was necessarily out of Washington on the day the letter was sent. Secretary Rogers has been officially informed that Senator HANSEN is to be considered a signer of the letter.

SENATOR BENNETT CALLS FOR PATIENCE TO CALM INFLATION PSYCHOSIS

Mr. BENNETT. Mr. President, last week, Under Secretary of the Treasury Charles E. Walker said that he did not believe that the stock market and the bond market would continue depressed much longer.

The New York Times quoted him as saying:

> You've got a schizoid attitude, with the bond market fearing depression and that cannot go side by side for very long. My own feeling is that within a period of weeks, this schizoid situation will be cleared up, partly by the further unfolding of the economic indicators and by the pullout of troops from Cambodia, as that proceeds on schedule.

This is a succinct appraisal. For too long we have been overly disturbed by the stock market drop. It has been exaggerated out of all proportion—its effect on the economy is just not that great.

Monday, appearing at a luncheon before 350 financiers at the New York Stock Exchange, Budget Director Robert P. Mayo also added his voice of confidence that there would be a business upturn in the second half of 1970. Mr. Mayo told a news conference that he expected the gross national product to show a leveling trend for the second quarter and to swing upward later in the year. He did, however, concede that the economic adjustments now underway is taking longer than had been anticipated.

I might point out in this connection that Treasury Secretary David M. Kennedy made much the same assurance more than 2 weeks ago, when he spoke on May 14 in Logan, Utah, at Utah State University. He said then:

> This is a time of transition for the economy and financial markets. The inflationary pressures which built up so strongly after the mid-1960's are now beginning to recede. Fiscal and monetary restraint have successfully slowed the pace of expansion. As a temporary consequence, output is relatively flat and unemployment has been rising. In this time of transition, there is inevitably a degree of uncertainty over the future course of the economy. . . Up to a point, this uncertainty is a healthy development. It reflects the success of the policy of restraint in reducing, if not entirely removing, the widespread expectation of continued inflation.

Mr. President, I submit that the Nation has already passed through much of the painful adjustment in which inflation continued while overall business conditions dipped. What is more needed now than anything else is for us to continue the Nation's business as usual. Patience will demonstrate that such a policy pays dividends.

PROGRESS IN COURTS OF LIMITED JURISDICTION

Mr. MATHIAS. Mr. President, I have often had occasion, as a member of the bar and as a public official, to call attention to the pressing need for reforms in judicial procedures at all levels.

Chief Judge Philip M. Fairbanks, of the People's Court of Montgomery County, Md., has recently published a timely article on this subject in Trial. Entitled "Educating Judges for Courts of the Poor," it highlights current needs and recent developments in training of judges in courts of limited jurisdiction.

I commend the article to the attention of my colleagues and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

EDUCATING JUDGES FOR COURTS OF THE POOR

Anyone who has spent any time at all working with or studying the lower courts of this country is soon struck by three facts: (1) the complete lack of any uniform system either nationally or, in the majority of cases, statewide; (2) the tremendous volume of written and spoken material on the importance of lower courts and the need for upgrading and improving them; and (3) how little has actually been done until very recently to overcome the deficiencies and weaknesses of these courts.

As long ago as 1919, Charles Evans Hughes, later Chief Justice of the United States, told the New York State Bar Association:

"The Supreme Court of the United States and the Court of Appeals will take care of themselves. Look after the courts of the poor, who stand most in need of justice."

More than 50 years later, the courts of the poor are still in need of attention, despite recent efforts in many states to improve this system of justice. The courts of limited jurisdiction, while being the courts to which legislative and public attention should first be directed, are, nevertheless, nearly always last to receive consideration from the lawmakers and the legal profession as well as the lay public—despite continued lip service to the long recognized need for reform.

No better example of this philosophy exists than in the field of judicial education. Effective efforts to train and educate judges began less than 25 years ago, but except for one specialized program involving traffic courts and another for juvenile courts, no national programs to train lower court judges exist today, although two are now in the making. Moreover, local and state programs, almost without exception, started first with appellate judges or trial judges of general jurisdiction.

In our system there is no way to train to be a judge. Lawyers do not take courses in judicial decorum, nor do law schools offer programs in how to conduct a trial or how to write opinions. A few young lawyers become clerks to sitting judges, but whether the experience thus gained in the first year of law school is of any assistance 10, 20 or even 30 years later on mounting the bench, is open to question.

The transition from practicing lawyer to judge is a one-day proposition; training must come on the job and through experience and is not easy. If an experience lawyer finds the change difficult, think what the lay magistrate or justice of the peace must experience. Yet until recently no effort has been made to prepare either the lawyer or the layman for his responsibilities as a judicial officer or to educate him after he dons his robes.

A brief summary of those efforts toward judicial education which have been developing since the early 1940's might be useful as a background for the programs now being created.

Perhaps the very first attempt to bring judges together to discuss common problems and to learn new methods was the American Bar Association's Traffic Court Program. Started in December of 1942, the program sought to increase respect for traffic laws through an effective system of traffic courts and to assist in the prevention of traffic accidents. In June of 1947, the first regional traffic court conference was held bringing together judges, clerks, prosecutors, motor vehicle administrators, police and interested citizens. Since then, 110 regional conferences have been held, together with more than 200 state traffic court conference.

For about 15 years this program was the only one specifically directed to lower court judges. Even so, it was a limited program directed to traffic court problems. It did not offer training in criminal justice or civil litigation—to areas which represent substantial portions of the caseload of many lower courts.

In 1956 an annual appellate judges seminar at the Law Center of the New York University came into being. This was a two-week intensive full-time school for judges of the U.S. Courts of Appeal, state Supreme Courts and intermediate appellate courts. It has operated successfully ever since under the sponsorship and guidance of its founders, New York University and the National Institute of Judicial Administration.

As early as 1957 seminars for federal trial judges were developed. These were primarily for new judges, and at least at the outset, dealt principally with how to handle cases of extended duration.

In 1961 the Alabama Program of Continuing Legal Education was first sponsored by the University of Alabama and the Alabama State Bar. It started with a seminar for state appellate judges. Eight of these conferences have now been held and the program has been expanded to include seminars for circuit court judges and, in 1968, for municipal or lower court judges.

In 1962, the State of New York instituted a program for training all lay judges and magistrates of lower courts and required that they complete a prescribed course of study prior to assuming their judicial duties. This appears to have been the first program for lower court judges on a statewide basis and, while designed primarily for lay judges, became popular with legally trained judges also, leading to an advanced training program in 1963.

In 1967 California College of Trial Judges was created to educate and train judges of the Superior and Municipal Courts of the state. This organization had been preceded in 1964 by the California Institute for Municipal and Justice Court judges.

In 1968 the New York Academy of the Judiciary of the City of New York came into being, sponsored by the National Institute of Judicial Administration.

Over the past few years, local and state programs have been created in a number of states including Illinois, Colorado, Maryland.

No attempt is made here to cover programs specifically designed for juvenile courts. This field is a specialty and while, in the correct sense, juvenile courts are courts of limited jurisdiction, their problems and programs are separate from those of the adult criminal and traffic courts. Programs have existed since 1955 and a national program was instituted in 1961.

All of these efforts, with the exceptions of the Traffic Court Program, the juvenile court program and possibly the Appellate Judges Seminar at New York University are local in nature as opposed to national, and prior to 1962 were directed solely to appellate judges and trial judge of general jurisdiction.

In 1964 the first national program for the training of trial judges came into being in the form of the National College of State Trial Judges originally sponsored by the American Bar Association. This has been a highly successful educational program. Again the principal emphasis is on judges of courts of general jurisdiction, although a few lower court judges have attended the College in the past six years.

The social, cultural and economic changes which have so rapidly engulfed America in the last 10 to 15 years have brought with them an increased realization that our system of lower court justice must be improved and modernized. With this heightened interest by the bar and the public, and with the recognition by the judiciary that a complete program of self-improvement at all levels is necessary, attention has at last been turned to national efforts to reach judges of courts of limited jurisdiction for training and education.

In March of 1969, the Board of Governors of the North American Judges Association at a meeting held in Albuquerque, New Mexico, decided to create a program paralleling that of the American Bar Association for state trial judges at the general jurisdiction level, by establishing an institution for in-depth education and training of lower court judges. NAJA is an organization about ten years old formed by judges of courts of limited jurisdiction throughout the United States, the Virgin Islands, Canada, Puerto Rico and Guam. It is not affiliated with the American Bar Association but has maintained a close although informal relationship with that Association's Traffic Court Program and with the American Judicature Society.

Because of its independent position, NAJA represents and fosters the interests of lower court judges as no other group can do, and during its relatively short career has directed its efforts to improvement of judges and courts of first jurisdiction. NAJA also offers associate memberships to the lay magistrates and justices of the peace throughout the country who wish to join. In this respect it differs from the American Bar Association's newly created National Conference of Special Court Judges which restricts membership to judges who are members of the bar.

Having decided to embark upon a program of judicial education, a committee of the NAJA Board of Governors, assisted by Glenn Winters, Executive Director of the American Judicature Society, and Douglas Lanford, Director of the Alabama Program of Continuing Legal Education, put together a proposal for the establishment of an institution to provide in-residence schooling for the lower court judges on a national basis. The program was presented to the Annual Conference of NAJA at San Francisco in December of 1969 and unanimously endorsed and adopted. The American Judicature Society has joined with NAJA to cosponsor the program and has provided expertise and financial assistance in the establishment of the institution.

The University of Alabama and the Continuing Legal Education program of that state have offered the facilities of the University, and Douglas Lanford, director of that program, has accepted the directorship.

As a result of this planning and study, the American Academy of Judicial Education has been established. A two-week, in-residence educational program will be offered at the University of Alabama from August 16 through August 28, 1970. A stimulating and challenging program of lectures and discussion groups has been designed. Included are basic courses in evidence, problems of criminal law most commonly encountered, as well as lectures on community relations, administrative methods and conduct of trials. The Academy will be open to judges throughout the United States. Tuition, materials, board and room will be furnished free of charge and it is anticipated that sufficient financing will be available to offer transportation expenses for a substantial number, if not all, of those attending.

The long-range program of the Academy will be not only to train and educate individual judges to perform their judicial functions better, but also to encourage them to return to their own states and cities to organize and sponsor seminars and programs for judicial education with the assistance and the direction of the Academy. This is an ambitious objective but by no means unattainable and without any doubt is long overdue and badly needed.

The American Bar Association has also embarked upon a program for judicial education of lower court judges but in a somewhat different way. An organization known as the National Conference of Special Court Judges has been created within the Section of Judicial Administration of the American Bar Association with the basic purpose in mind of improving the quality of lower court judges through education and training. Members of this Conference are restricted to lawyer-judges who are members of the American Bar Association and also members of the Section on Judicial Administration.

The creation of this Conference completes the group of judicial organizations affiliated with the American Bar Association, starting with the Conference of Chief Justices through the appellate and general jurisdiction trial levels down to the lower courts. The National Conference of Special Court Judges is approaching the education of lower court judicial personnel on the basis of regional or local seminars and two are already planned, one in San Francisco in April and the other in Washington, D.C. in May of this year.

The two efforts by the North American Judges Association and the American Bar Association are the first national efforts to train lower court judges in all phases of their work. Previous programs have either been local or statewide except for the Traffic Court Program. The tremendous size of the field and the complexity of the problems involved lead inevitably to the conclusion that no one group can do the whole job alone.

NOT COMPETITIVE

Therefore, the efforts of both NAJA and the American Bar Association should be vigorously supported and continued, and the idea that they are in competition one with the other should be rejected. Hopefully, each program will be eminently successful and will lead to others, all to the end that the enormous job of training and improving the quality of lower court judges will be actively pursued. When one realizes that a substantial number of the lower court judges in this country still operate one-judge courts in localities that cannot afford or will not provide expense money to attend conferences, and that the turnover in judicial personnel at this level is extremely rapid, the difficulties in reaching these judges become readily apparent. It is easy for the well-paid, fully qualified, long-term judges of the major metropolitan areas sitting in multi-judge courts to find the time and the money to travel to educational seminars, but it is quite another thing to attract the lawyer or lay justice of the peace in the rural community who has a practice or a business on the side, and whose county or city officials have no idea of paying his expenses to go anywhere. Yet, as long as he is part of our judiciary, he is the man that must be reached.

It has been said that there can be no effective program to control crime in this country unless and until a major overhaul and upgrading of the lower courts has been achieved. I doubt that any one would seriously quarrel with that proposition. It is, however, the old story of following words with deeds, and, unfortunately, this has not been done. While substantial progress has been made in some areas, one need only read Howard James' stinging indictment of lower court justice in his book, *The Crisis In The Courts*, to realize how bad conditions still are in many cities and states particularly the large urban areas.

Judicial education is one of the many ways in which lower courts can be improved, and it is to everyone's interest to support fully any and all efforts to improve the quality and training of judges at the bottom level of our judicial system who preside in the courts of the poor.

SENATOR ERVIN JOINS IN MIDEAST LETTER

Mr. SCOTT. Mr. President, I ask unanimous consent to have printed in the RECORD a statement prepared by the Senator from Missouri (Mr. SYMINGTON).

There being no objection, the statement was ordered to be printed in the RECORD, as follows.

STATEMENT OF SENATOR SYMINGTON

Mr. President, on June 1 a bipartisan group of Senators sent a letter to the Secretary of State William Rogers requesting a meeting to discuss recent Soviet moves in the Middle East and urging the United States to provide additional jet aircraft to Israel. It is a privilege to announce that the distinguished Senator from North Carolina (Mr. ERVIN) has asked to be considered a signer of this letter. This means that 76 Senators now support this effort at resolving this serious problem.

VIETNAMIZATION PROGRAM

Mr. DOLE. Mr. President, one of the key objects of President Nixon's Vietnamization program is to allow South Vietnamese forces to assume major responsibility for defending their country. In executing the current Cambodian incursion, President Nixon has reported to the Nation that the performance of the ARVN forces was even better than had been anticipated.

Such an encouraging report signifies a hastening of the day when the last American leaves Southeast Asia.

Importantly, observers outside the administration have reached similar conclusions. The increasing strength of the ARVN forces was recently discussed in an article in Star, the Sunday magazine in the Kansas City Star.

Mr. President, I ask unanimous consent that an article written by the Star's world-national editor, Robert Pearman, and published in the Star of May 24, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ARTICLE BY ROBERT PEARMAN

The face of the president, Nguyen Van Thieu, mouth fixed in the familiar, expressionless, wooden smile, stared down from the picture frame on the wall high above the podium.

A Vietnamese lieutenant colonel, starched and polished, briefed the visitors in clipped, harsh bursts of Vietnamese, tapping his pointer on the map occasionally for emphasis and pausing periodically to allow an interpreter to translate.

"Good morning, gentlemen," the interpreter recited. "I am Lieutenant Colonel Khiem, chief of staff of the 23rd division headquartered here in Ban Me Thout."

Snap.

The metal-tipped pointer rapped the surface of the map, landing squarely on the oak-leaf shape of Quang Duc province. The story came out in short staccato bursts like the test firing of a machine gun:

"Mid-October 1969 . . . the Communists, with a tremendous force . . . 7,000 men in strength, infiltrated from Cambodia and staged numerous attacks on the Bu-Prang, Duc Lap outposts . . . the battle lasted 28 October 1969 to 28 December 1969 and the enemy used large weapons such as 107 and 122 mm rockets . . . 105 mm cannon . . . 120 mm mortars.

"These attacks, however, were all crushed by the 23rd Infantry division . . . 1,838 enemy were killed.

"This victory exemplifies the growth of the ARVN (Army of the Republic of Vietnam) and its determination to defeat the Communists."

The colonel might have said more but did not. The Bu-Prang, Duc Lap battles were extremely costly to the 23rd division and other South Vietnamese units engaged. And they were significant as the first test of the army which President Nixon now insists is able to handle its new assignments in Cambodia and later will be able to defend South Vietnam in spite of gradual withdrawal of American troops.

The colonel might have said, but didn't, that when the bloody chain of battles along the border in Quang Duc province was over it was the North Vietnamese who backed away—retreated across the border into Cambodia to reorganize and replenish. The ARVN had won the first test.

In President Nixon's reports to the nation on Indochina he probably provokes the most skepticism among Americans when he talks about the capabilities of the South Vietnamese army—"We can say with confidence that the South Vietnamese can develop the capability for their own defense. We can say with confidence that all American combat forces can and will be withdrawn."

A man from Johnson County scowls over the top of his coffee cup and lets fly—"I believe him just the same way I believed McNamara. They can't do it with all the weapons and with all the help we could give them. They can't ever do it."

What he is expressing in his frustration is that charity forbids recounting the frequent past predictions for the "coming of age," of the South Vietnamese army and when now at last it is happening no one believes it. Not even when the President of the United States says that is true.

It is the "cry wolf" story of 1970 set in the jungles of Vietnam and in the main streets of America.

Long ridiculed and maligned, and often with good reason, the Army of the Republic of Vietnam is now committed to both defense in South Vietnam and offense in Cambodia.

Can ARVN eventually do the entire job, releasing all American combat forces?

Consider the "binh si," the South Vietnamese soldier. He is a peasant in a peasant army who probably has never been to Saigon and has only the vaguest kind of idea where it is.

He is 5 feet, 3 inches tall, and weighs 98 pounds (you can put twice as many of them in a helicopter as Americans). Ready for combat he looks like an overloaded Cub Scout on a weekend hike.

He is paid $25 a month. He likes to take a nap after noon, but goes five days on 23 cents worth of rice a day. He is asked to serve in the army until the war is over, or until he is killed or until he is wounded so badly he can no longer be a soldier.

He knows that his enemy the "bo doi," the North Vietnamese infantryman, is considered by many as the best light infantryman in the world. But, says Maj. Thomas Henderson, a Texan with seven years in Vietnam: "I haven't seen a 'binh si' chicken out yet."

Bu-Prang, Duc Lap was the first test of the new ARVN and they met it. The only Americans were a handful of Special Forces men and the regular unit advisers. The Saigon troops had American air and helicopter support but Vietnamese pilots flew about one-half the strikes against enemy positions.

In recent months the Fifth ARVN division, on its own since the 1st Infantry division was brought back to Ft. Riley, has had to meet the test in Tay Ninh province on the Cambodian border. When the 9th division, the other Ft. Riley trained division sent to Vietnam, was plucked from the Mekong delta and disbanded, the 7th ARVN division, once referred to by Saigon wags as the coup division, sat back on his haunches and guarded its perimeters. As the Mandarin-style commanding general observed, there was no need to alarm Saigon with high casualty reports.

The Viet Cong rebuilt in the 7th division area, pounced on the 10th regiment of the 7th at Ben Tre and nearly annihilated it. President Thieu found a division commander.

"He's all military," says the American colonel adviser of the new division commander. "Not a political bone in his body."

Some South Vietnamese fighting units—elite Marines, air-borne troops and some battalions of rangers—have long held the admiration of Americans in Vietnam. So have some well-led ARVN divisions—the 1st in the far north, the 21st at Bac Lieu.

Gen. Creighton Abrams, the commander of U.S. forces, calls the ARVN 1st one of the finest divisions to take to the field of battle. The enemy who are in the ultimate position to judge, call its commander, Maj. Gen. Ngo Quang Truong, 39, the best division commander in Vietnam.

The Hac Bao, the Black Panther assault company of the 1st, held the Hue airfield against a North Vietnamese battalion in the Tet offensive and later emerged victorious from a 72-hour battle with overwhelming enemy forces with only 19 of its 240 men alive. The Hac Bao were the first friendly force to re-enter the Hue Citadel, captured by the Communists during the Tet offensive.

Other ARVN units are and have been less illustrious. Until about a year ago the Joint General Staff in Saigon candidly conceded that the ARVN 25th was probably "the worst division ever to enter any battlefield east of Suez." The 25th operated in the tradition of the Oriental war lord—hold strong fortified positions and do not expend equipment and manpower in combat.

I once met a rough-tough U.S. Army ranger major who served as an adviser to the ARVN in those days, who calculated that the only solution to the problem was a "Russian Army Day." On Russian Army Day, as he outlined it, every month an adviser would be given a .45-automatic with a full clip of ammunition and license to eliminate all of the incompetent officers.

Over the last few months President Thieu has quietly conducted his own style of "Russian Army Day," without such extreme measures as the American major jokingly suggested. Thieu and Thieu alone appoints the army corps and division commanders and the military province chiefs. And one by one those who held their jobs from politics and money have been reassigned. New officers, proven battle leaders, got the jobs.

What made the ARVN so bad and what now makes it better?

In a very real sense the South Vietnamese army was born in a kind of deceit and betrayed at Geneva. The French had enlisted some Vietnamese battalions, mostly Catholics and southerners, to fight on their side against the Viet Minh. Early in the war, in 1948, it officially became the Army of the Republic of Vietnam.

As the war went on and became more and more costly the French inveigled the Vietnamese to form more and more battalions to fight with the French Union forces.

But at Geneva the French cast their Vietnamese allies aside, did not consult them in the negotiations, and finally signed a cease-fire without their approval and their signature.

No signature was necessary, for at this point the national army was still under French command.

The South Vietnamese negotiating team cabled Saigon offering to resign.

"We have totally failed in our mission," they told Ngo Dinh Diem.

Out of these ashes Diem with much American advice and assistance began to fashion his army. It was shaped ot meet a conventional thrust from the north, like the attack across the 38th parallel in Korea. The guerrilla war caught it clumsy and roadbound.

In January, 1963, in the northern Mekong delta Viet Cong guerrillas hiding in a tiny palm-fringed hamlet named Ap Bac, fought off an attack by a dozen Saigon armored personnel carriers and shot down five helicopters. It was obvious that the insurgency in the South, rising since 1956, had become dangerous and that ARVN was extremely vulnerable.

Beset by political uncertainties, lacking leadership, and seldom with any real will to fight, ARVN was pummeled by the Viet Cong and increasing numbers of North Vietnamese infiltrators, and by the fall and winter of 1964–65 had abandoned much of the countryside, barricading itself in the cities and fortified compounds.

Then came 1965—the first big year of the Hawk—and the initial waves of a tide of Americans. The American fighting man walked into Vietnam with all of the confidence of a nation certain that 100,000 of its best men could quickly turn the balance in a war against a rag tag peasant army.

Coming operations were often carefully shielded from our Vietnamese allies for fear of security leaks, deception and ambush.

ARVN, in effect, was told to stay out of the way while we finished the job. In 1965 more than 9,000 Saigon soldiers were listed as missing in action. They had found their way out of the war.

Finally in 1967 came the umpteenth new Pacification program and the "bench sitting" was formalized. It was announced policy the American troops would fight the growing members of North Vietnamese army and main force Viet Cong units while ARVN guarded the pacification teams working in the villages.

How well this was working never was fully tested. The RD teams (Revolutionary Development) were suffering heavy casualties at first, but before any conclusive evidence could be drawn came Tet in 1968.

The enemy hurled 84,000 troops in a general offensive that stretched from one tip of Vietnam to the other and drove deepest into Hue and Saigon.

It was the turning point for South Vietnam's army. Now they saw that all the Americans with all their equipment could not or had not kept the enemy from launching an attack no one thought possible. Now he was in Ben Tre and My Tho and Pleiku and Ban Me Thout, in the ancient Citadel in Hue and in Saigon and Cholon itself. The Phu Tho race track where idle ARVN officers dallied at the betting windows on weekends was suddenly, overnight, the enemy command post.

Some American units were engaged, but for the most part the job of clearing the cities fell to the South Vietnamese. Half of the North Vietnamese-Viet Cong attacking force was killed, 20,300 by the Vienamese, 18,581 by the Americans and other allies.

In the weeks that followed President Thieu put the country on full mobilization for the first time in two decades of war. Before the summer was out he had added 220,000 to the armed forces, 161,000 had volunteered. More than 3 million people in the countryside put their very lives on the line by signing up to defend their communities, passing a single weapon from guard to guard.

In Hue, breeding ground of Buddhist discontent and a city almost totally alienated from Saigon before Tet, today 18,000 civilians stand guard, three shifts a day. In Saigon, once the city that simply removed itself from the rigors of war, there are trained civil defense units active on every block.

When the President started ordering American divisions home the ARVN troops were sent to face the enemy where the danger was highest . . . in the north near the DMZ, and in Cambodia. Some Vietnamese division commanders said the Americans were pushing too fast, expecting too much. But the transformation went on. Last year 9,414 Americans were killed in Vietnam. Saigon forces lost 21,833.

What do the Americans who work with the ARVN really think about its ability to do what President Nixon says?

"As things are now the ARVN can handle the situation in South Vietnam," says Col. Maurice Price, adviser to a regiment of the 5th division, the replacement for the Big Red One.

Colonel Price made it clear, however, that in his opinion the Army of the Republic of Vietnam could not deal with a major emergency beyond the scope of its previous commitments.

Others say the same thing less categorically, believing that South Vietnam will need American helicopter, air and some logistical support for another two or three years, but after that can probably handle North Vietnam's best on its own.

No one sees a miracle. The South Vietnamese army and other fighting forces they know will, in the coming months, probably face defeats, lose bases and defended positions and on occasion perform in the manner which most Americans over here have come to expect. But in the long pull they are banking on the new ARVN, they are counting on the "binh si," and a people who have somehow now endured a quarter of a century of war and still have the will to go on with this one whether the Americans go home or not.

President Nixon told the nation on April 20 that American casualties in Vietnam had reached the lowest point in five years. The following table reflects the rising South Vietnamese effort.

1st quarter of year	U.S. battle deaths	SVN battle deaths	Estimated enemy battle deaths
1968 (Tet offensive)	4,869	10,500	72,455
1969	3,184	5,922	44,846
1970 (thru April 4)	1,246	5,044	28,350+

JET FIGHTERS FOR ISRAEL

Mr. SMITH of Illinois. Mr. President, as a cosigner of a letter to Secretary of State William Rogers, requesting favorable action on Israel's request to purchase jet fighters from the United States, I invite the attention of Senators to a column recently written by Roscoe and Geoffrey Drummond, in which they discuss the Mideast balance of power. They have presented some very sound points in favor of this type of noncombat support for our allies.

I ask unanimous consent that the column, "Mideast Is Nixon's Cuban Missile Crisis," from Today's Chicago, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MIDEAST IS NIXON'S CUBAN MISSILE CRISIS

(By Roscoe and Geoffrey Drummond)

WASHINGTON.—President Nixon's bold action in Cambodia needs to be followed by bold action in the mideast—for the same purposes: There is strong interaction between the two.

What's happening in Indochina is important to the United States.

What's happening in the middle east is vital to the United States.

We cannot afford to leave the soviet challenge to the survival of Israel unmet, because it would invite massive expansion of soviet power and risk an unwanted war which could engulf both the United States and Russia.

Moscow has to be shown that further soviet brinkmanship in the middle east is perilous and cannot be safely employed on the assumption that the United States is in a mood to abandon its responsibility for peace almost anywhere in the world.

Expecting that the United States is too divided and distracted to react, here is what Moscow is now doing:

It is taking over the defense of the bulk of Egyptian air space with soviet arms and soviet personnel. It is manning the newly installed soviet SAM sites with soviet technicians. It is supplying the experts to handle the control towers and deep radar and it is providing soviet pilots to fly soviet planes, in part to free Egyptian forces to expand their war against Israel.

Its purposes are evident.

It aims to erase totally United States influence in the middle east. It aims to establish the Soviet Union as the dominating all-powerful force in the Moslem world.

Its strategic aim is to reopen the Suez canal so soviet ships and arms can move easier and faster to all of southeast Asia, where its goal is soviet dominance.

To all of these ends, it is apparently willing to go just as far as it can without rousing the United States to any effective counteraction.

The Kremlin is now confronting President Nixon with the equivalent of the Cuban missile crisis with which Nikita Khrushchev confronted President Kennedy in 1962. This is Nixon's middle eastern in "Cuban crisis" and it rests on the calculation that he will blink and look away.

We doubt that Richard Nixon will do so. He gave the reason for not doing so in his address on Cambodia:

"If, when the chips are down, the United States acts like a pitiful, helpless giant, the forces of totalitarianism and anarchy will threaten free nations and free institutions thruout the world."

It is reasonable to expect that the President:

Will warn the Russians that we do not intend to leave Israel exposed to mounting Russian military power in Egypt.

Will implement that warning by meeting Israel's request to buy United States jet fighters to counter the soviet threat.

The United States refrained from providing these planes a few weeks ago, hoping our restraint would be matched by soviet restraint. It wasn't. Mr. Nixon then felt the superior skill of Israeli pilots against superior numbers kept the balance of air power at least equal. Now Moscow is upsetting that balance by manning soviet planes with skilled soviet pilots.

Israel is the perfect application of the Nixon doctrine—that short of combat aid, the United States will help others to help themselves. Here is an independent, democratic nation, created by the United Nations, determined and able to defend itself if we will supply some of the means. It has never asked for and doesn't want a single foreign soldier to help.

The United States will be defending its own security by helping Israel to defend its own survival.

THE WAR IN INDOCHINA

Mr. FULBRIGHT. Mr. President, recently the Baltimore Sun published a perceptive and eloquent article, written by Wallace Carroll, about the war in Indochina.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

INDOCHINA STRIFE HAS WARPED OUR IDEALS, LET REDS INTO MIDDLE EAST

(By Wallace Carroll)

For 16 years we Americans have been trying to save South Vietnam. Now it is time to save the United States of America.

All wars confuse, and the war in Vietnam has confused our minds and purposes more than most. But if we stand back a moment and ignore the angry clamor at home and abroad, we should be able to establish two useful truths:

1. The United States is not losing the war in Vietnam.

2. What we are losing is something more serious than the loss of any war or territory. It is the soul of America that is being lost in Vietnam.

It is time for us to save the soul of America.

This fixes our purpose. Now what must we do? Let us begin by cutting through the underbrush of myth, sloganeering and emotional catchwords that will otherwise keep us from reaching any wise solution to our Vietnam problem.

The most persistent myth of all is that the war in Vietnam is a do-or-die struggle with "world communism"—that if we falter in Southeast Asia, the balance of power in the world could shift heavily against us.

Why is this a myth?

What we are concerned with here is the reality of power—the ability of a nation to control or precipitate events beyond its own borders.

Among the Communist nations there are two great concentrations of power, the Soviet Union and Communist China. No American who has read his history will underestimate the hostility of these two power centers to the United States. This hostility is heavily documented by 50 years of words and acts. And today, if you talk to an American ambassador or intelligence agent in any part of the world, he will tell you that the local operatives of the Russians and Chinese, though they may not be on speaking terms, are vying with each other in the damage they can do to American influence and prestige.

POWER CENTERS UNTOUCHED

Any prudent American must therefore want his country to maintain its present margin of superiority—its deterrent capability—over these two hostile power centers, and particularly over the Soviet Union. So why should the United States stop smiting the Communists in Vietnam?

It takes no special insight to see that, despite all we have done in Vietnam, we have left, the two big hostile power centers completely untouched. For 16 years we have been helping the South Vietnamese with money and brains. For the past five years we ourselves have made appalling sacrifices in blood, money, prestige and internal peace and security. Yet for all this, we have yet to singe the whiskers of a single commissar in Moscow or Peking.

During these past five years our first team—the best of our fighting men—has been bogged down in a grinding struggle with what is not even the fourth team of the Communist side.

During these five years two presidents, with all the military and civilian brains at their command, have spent fretful days and sleepless nights, week after week, month after month, year after year, absorbed by this dirty little war. And during all this time the big rascals in Moscow and Peking have been sitting back comfortably and laughing at us.

During those same five years (as we shall see in a moment), the Soviet Union especially has been able to project its power and influence into parts of the world that really weigh heavily in the strategic balance—areas that are much more vital to the United States than South Vietnam. And the United States has suffered a disastrous—yes disastrous—loss of prestige and influence in those areas.

The net effect, then, of the Vietnam war to date on the world power situation has been to enhance the strength of the Communist side and weaken our own.

But suppose that the United States persists in Vietnam. Suppose that we go on fighting for another 10 years until the last little man in black pajamas has been run to earth. Won't that change the world equation?

A STRATEGIC BACKWATER

No, it will not. The centers of power in Moscow and Peking will remain untouched. And our resources will only be squandered further in what is no more than a strategic backwater.

Consequently, if we are really alarmed by the growth of Communist power in the world, it would make much more sense to put our resources where they can count in the balance. We would do better, for example, to put $10 billion into an anti-ballistic missile system that would help maintain our deterrent capability over the Soviet Union and Red China than to put another $100 billion into Vietnam. (We could do even better by putting more money into our cities, schools, hospitals and anti-pollution programs, but we are only concerned at the moment with the power relationships outside our borders). Yet as long as we continue to waste our substance in Vietnam, Congress and the taxpayer will be reluctant to spend adequate amounts on our truly vital needs.

In sum, the continuance of the war in Vietnam is all gain for the Soviet Union and Communist China, all loss for the United States.

But other myths and catchwords persist. We are told, for example, that we cannot end this war in Vietnam short of military victory without losing our "national honor."

Certainly every American should be concerned about the honor of his country, so let us examine this argument.

American aid to Vietnam does not derive from a treaty negotiated between the two governments and solemnly ratified by the Senate. It all stems from a letter sent by President Eisenhower on October 24, 1954, to the late President Ngo Dinh Diem. In that letter President Eisenhower simply promised "assistance" to the government of South Vietnam; in return the United States expected South Vietnam to undertake "needed reforms."

Now, President Eisenhower's pledge of assistance did not mean that Americans would fight in Vietnam. In fact, no fighting men were sent for the next 10 years. The letter simply meant that the United States would send military and civilian advisers, war materials and economic and technical assistance.

On the Vietnamese side neither Mr. Diem nor any of his successors ever took the promised reforms seriously. To this day successive Vietnamese governments have done very little to build a solid base of support among their people.

THE 41,000 AMERICANS KILLED

On the American side, however, Mr. Eisenhower's promise has been fulfilled many thousand times over:

1. Forty-one thousand Americans have given their lives. Another 285,000 have been maimed or scarred. And hundreds of thousands more have interrupted their careers and left their homes and families to fight for a country from which we can never expect any material return or even gratitude.

2. The United States has spent $100 billion in the war. And it is continuing to spend at the rate of nearly $25 billion a year.

3. This vast expenditure has aggravated a ruinous inflation that eats up the earning power and savings of every family in America.

4. This same expenditure has deprived our schools, hospitals, welfare services and other programs of the funds they urgently need to meet the growing demands of our own people.

5. Our effort to help Vietnam has caused political and social strains such as this nation has not experienced in more than a century. It has set generation against generation. It has brought two presidents into a constitutional conflict with Congress. It has, indeed, ground up one President and now threatens to grind up another.

What more must we do? Clearly the "national honor" argument is a hollow one, and no responsible American should give it currency.

Still, we are told, if we leave Vietnam without "victory" our allies will never trust us again.

If we are honest with ourselves, we must admit that withdrawal from Vietnam would make shake our allies in that part of the world—particularly Thailand, Nationalist China and the Philippines.

But alliances must be based on realities, and the leaders of these countries must face the reality that the United States will never again fight anyone's battles the way it has fought the battles of South Vietnam.

Our withdrawal would therefore give the governments of these allies a healthy and needed jolt. It would tell them, in effect, to hitch up their britches, make the kind of reforms that the Vietnamese have failed to make, win the confidence of their people and be solved to fight their own battles against internal and external enemies.

MORE POTENT ALLIES

Given such energetic measures of self-help these governments might then expect advice, military supplies, economic assistance and only such additional help as a touchy Congress would be willing to give under our constitutional procedures.

But there are other more potent allies, notably in Western Europe. There we find the second great power concentration of the non-Communist world. In this power complex, symbolized by the NATO alliance, our obsession with Vietnam and our neglect of Europe have been resented and deplored by the civil and military leaders.

In this area, which is the prime battleground of the Cold War, our withdrawal from Vietnam would bring one spontaneous cheer: "Thank God the Americans have come to their senses."

On balance, then, our alliances would be strengthened and our leadership enhanced by withdrawal from Vietnam.

There remains one of the most hoary and seductive catchwords of the lot—"the falling domino theory." If South Vietnam falls to communism (so the theory goes), Laos, Cambodia, Thailand and Malaysia will inevitably follow.

Let us assume for the sake of argument that this theory is 100 per cent correct—that all these nations will slip into the embrace of their big neighbor, Communist China.

What would be the effect on the world power equation?

Power in the modern world is determined largely by industrial production and technological skills. A rough index to this kind of power is a nation's gross national product—its annual output of goods and services.

The World Bank puts the gross national product of South Vietnam at a little less than $2 billion. For purposes of comparison, the output of goods and services in the state of North Carolina is about $19 billion.

(The gross national product of Maryland in 1969 was $16.3 billion.)

The output of South Vietnam, Laos, Cambodia, Thailand and Malaysia combined is barely $11 billion. Compare this with little Belgium, which alone has a gross national product of about $22 billion.

It follows that if these five Asian countries joined up with China lock, stock and bean-sprouts, the effect on the world balance would be negligible.

As we know too well, the people of these countries can make life miserable for an intruder. But for the rest of this century they will not be able to project power—military, economic or political—beyond their borders in ways that might shape events in the world.

There is one part of the world, however, where the domino theory is working with ominous accuracy—and working relentlessly against us. This area is not a strategic backwater, an economic cipher, like Southeast Asia; it is an area of prime strategic importance in the world power equation.

MIDEAST A KEY AREA

The land, sea and air communications of three continents and the oil pipelines that feed an even wider area traverse the Middle East.

This region now leads the world in oil production. The output of countries bordering on the Persian Gulf alone is 10 million barrels a day compared with 8.8 million barrels in the United States.

This oil is wealth and power. The U.S. forces in Southeast Asia run on Persian Gulf oil. So do the U.S. and NATO forces in Western Europe. For the latter reason, the Persian Gulf has been called the eastern flank of the NATO alliance.

In addition, Western Europe gets three-fourths of its non-military oil supplies from the gulf. And Persian Gulf oil flows eastward to fuel the economy of Japan, the second leading industrial power of the non-Communist world, as well as Australia, New Zealand and most of the countries of South Asia.

It follows that any serious interruption of the oil flow from this region could cause economic disruption from London to Tokyo and hamper the military operations of the United States and its allies from Britain to the Sea of Japan.

With this background, let us see what has happened since the United States decided that everything must be sacrificed to Vietnam. The map shows how the dominos have fallen.

Start with Iraq on the eastern bank of the Arab world. Iraq is rich in oil and it leads to the still richer oil-producing sheikdoms of the Persian Gulf. (Bear in mind that for more than a century, czars and commissars have schemed to gain access to the gulf.) Iraq, like most of other Arab countries, has broken diplomatic relations with the United States. Its government is fanatically anti-American and up to its neck in Soviet advisers. Its armed forces are equipped and trained by the Soviet Union.

To the west, commanding an important stretch of the eastern Mediterranean, is Syria. Same story here. The government is saturated with Soviet influence, the armed forces equipped and trained by the Russians.

IN HOCK TO RUSSIA

Now jump to the United Arab Republic on the southern shore of the Mediterranean. Here is a country in hock to the Soviet Union. There are now said to be as many as 10,000 Soviet "advisers" in that country. Among them are more than 100 Soviet fighter pilots.

Next to the west is Libya. Only a year ago its government was pro-Western. Now a new military dictatorship, like those in other Arab countries, is flirting ominously with Egypt and the Russians. The British have been forced out of their bases at Tobruk and El Adem; the United States is being forced to withdraw from Wheelus Air Force Base, our last remaining military installation in the Middle East.

Farther to the west (skipping Tunisia, which remains friendly to the U.S.) is Algeria. Its government is so close to the Soviet Union that it permitted only Russian accounts of the invasion of Czechoslovakia to be published in 1968. The armed forces are trained and equipped by the Russians.

Let us pause here in our map-reading long enough to make a point. If anyone thinks these vast Soviet investments in the United Arab Republic and other Arab countries are aimed against Israel, he should have his head examined. They are aimed against us—against us and our allies.

For more than a hundred years the British kept the Russians out of the Mediterranean. Only five years ago this vast sea was an American lake. Now most of the eastern and southern littoral are dyed a deep pink. A Soviet fleet sails the blue waters, using former British and French naval bases that are denied to the American Navy.

The Russians are well on their way to achieving their strategic objective: to make it impossible for American sea and air power to operate in this area and to destroy American political influence as well.

Now look at the Red Sea, the link between the Mediterranean and the Indian Ocean when the Suez Canal is open. The Red Sea is becoming a very red sea indeed. On the western shore are the United Arab Republic and the Sudan. The latter, like the United Arab Republic, has a pro-Soviet government and Soviet-trained armed forces. On the eastern shore, commanding the narrow entrance to the Red Sea from the Indian Ocean, are the South Yemen Republic and Yemen. Both are armed by the Russians and are overrun with Soviet advisers.

Just to sew things up, the Soviets have equipped and trained the armed forces of Somalia, which stands on the peninsula where Africa juts out to form the Gulf of Aden.

There remains the Persian Gulf itself. For more than century, the British, who were masters there, would not let a Russian poke his nose into these sheikdoms. But now the British are leaving—their small air, ground and naval forces will be entirely out of the gulf next year.

"COURTESY CALLS"

Already the Russians have sent warships on "courtesy calls' to the gulf ports.

When the Suez Canal is again open, Soviet vessels from the Black Sea will be able to sail down the Red Sea to Aden, the old British base which the obliging South Yemen government has made available to them. From Aden they will be able to patrol the Persian Gulf at will.

All of this Soviet maneuvering, from the Persian Gulf to the Straits of Gibraltar, makes up the boldest power play of the entire Cold War (which has not come to an end, by the way, no matter what some of our eminent scholars may say).

If this power play succeeds—and it is far on its way to success—the Soviet Union will be able at a given moment to slow down industry from Western Europe to Japan and put a crimp in the military operations of the United States and its NATO partners.

The Middle East is the worst example of what has happened to American interests since we made Vietnam the be-all and end-all of our foreign and domestic policies. There are other regions, notably Western Europe, where American interests have also suffered from similar neglect. But let us move now to the home front. And again let us confine our discussion to one area—the effects of the war in Vietnam on the soul and character of this nation.

We can begin with some ancient wisdom from the Bible. The second book of Chronicles tells the story of Amaziah, a young king of Judah whose reign promised well until he set off on a foreign war. In a battle with the Edomites, Amaziah's army killed 10,000 of the enemy and took 10,000 prisoners. By Amaziah's orders these prisoners were hurled over a cliff to their death. Then the young king brought home with him the gods of his enemies and set them up and worshipped them. This was the beginning of the end of Amaziah.

NO REAL PEACE

We Americans have fought three wars in less than 30 years and we have known no real peace in between. And from each of these wars we have brought back the gods of our enemies—the gods of violence and terror. We were repelled, of course, by the bestial cruelty of Hitler's Nazis, the Japanese militarists and the North Korean Communists. But as we fought fire with fire we learned ways of war that would have appalled the soldiers of the Eighteenth, Nineteenth and early Twentieth Centuries.

All of these new and hideous forms of violence and cruelty were brought out of our arsenal in Vietnam.

Heaven knows we Americans did not introduce cruelty to Southeast Asia. Here, in fact, we met an enemy who was—if possible—even more fiendish than the Nazis. But again we let his gods become our gods—his standards our standards.

We ordered our American boys, who had been brought up to believe in justice and mercy and love of their fellowmen, to sow the land with napalm, a hellish kind of liquid fire that spared no one, no matter how innocent or unoffending.

We set up "free fire zones" and ordered our troops to shoot anything that moved. We set fire to the thatched villages of the miserable people we had come to save. If we did not torture and butcher prisoners ourselves, we stood and watched while our allies did it for us. We dabbled in the hideous arts of assassination. We sprayed the fields and forests with chemicals that wipe out the livelihoods of no one knows how many people and left side effects that may continue for generations.

A few weeks ago we saw on our television sets an American soldier known as "Killer." And why was he called "Killer"? Because he loved to kill "Gooks." How many "Killers" will come home from Vietnam, and what will happen when they re-enter the lifestream of the nation?

The horrible truth is that we have done

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things in Vietnam that would have made General Sherman retch.

"TREMBLE FOR MY COUNTRY"

"Indeed," wrote Thomas Jefferson in the days of America's innocence, "Indeed, I tremble for my country when I reflect that God is just."

But nobody trembled for America this time. Nobody, that is, except our young people.

When we talk about young people, let us shunt aside the Jerry Rubins, Abbie Hoffmans, Mark Rudds and all the other scruffy hooligans who have tried to capture and pervert the idealism of a generation.

The young we have in mind are the millions of sober, serious, hard-working students who have not been hurling rocks or burning down libraries. Anyone who has talked to these idealistic young men and women in recent years must have been struck by the kind of sadness that hangs over them like the mist on an upland meadow. These young people are sad with the sadness of impending doom.

They have seen the United States—this country they were taught to love—go to war with every kind of violence and savagery against the people of a far-away land. They have become conscious of what this violence and savagery have been doing to the American character. And they have become increasingly fearful that the "American system" has gone off the tracks and is lurching headlong toward doomsday.

For their entire generation they can see only a fiery end in the ultimate madness of a nuclear war.

For more than five years these students—the serious and idealistic ones—have been trying to tell their elders of their fears. They started out quietly, seeking to show us that the war in Vietnam was wrong—morally wrong and wrong in every other way because it could only end in futility. They tried to tell us that the war was destroying the soul of America—that, like any moral wrong, it was hurting the perpetrators more than it was hurting the victims.

But nobody would listen—nobody, that is, but a few senators, like Eugene McCarthy and Robert Kennedy.

The young rallied to these leaders and tried to make their point through the open and legitimate ways of our political system. They left the campuses and went to work for the candidates who were willing to stand for an end to the war.

VICTIM OF VIOLENCE

In this effort of political persuasion they were largely unsuccessful, and the leader who might have won for them became a victim of violence (like his brother before him).

Still, the young did not give up. After a time they resumed their rallies, their petitions, their letter-writing to the politicians, their debates and discussions. But as the nation continued, unheeding, on its course, something ugly happened.

It was the supreme irony of the student peace movement that many of the students who were revolted by the violence in Vietnam began to condone violence at home—anything that would make "the system" listen.

And this violence of the young brought the inevitable reaction. The killing of students on university campuses and the assault of an organized mob on a peace march in New York City were ominous enough. But even more disturbing was the cry of exultation over these bloody events that went up across the nation and the clamor for more student blood from supposedly civilized Americans.

If we of the older generation can overlook the students' excesses for a moment and try to be honest with ourselves, we will have to admit that these young people were right about the war when we were wrong.

These young men and women saw the folly and futility of this war and they sensed that it was poisoning the bloodstream of the nation. They saw the futility of the war long before President Johnson (who recognized it only tacitly and reluctantly in March, 1968) and well before President Nixon (who conceded it even later).

But if we still refuse to give these young people their due, let us imagine that their reaction to the war had taken the opposite course.

Suppose that when the recruiters for the napalm company came to the campus, the students had vied for those well-paid jobs in the chemical industry.

Suppose that they had shouted at their rallies: "Pour it on. Burn the mothers, scorch the children, destroy the villages, slaughter the prisoners, drop the atom bomb!"

If we had raised such a generation of fiends, would we be better pleased with them? And would the future of our country be the brighter for it?

Every consideration of internal health as well as the standing of the United States in the world thus points to the unmistakable lesson: We must get out of Vietnam.

We must get out, out, out. We must get out fast, fast, fast.

President Nixon has started the withdrawal of our fighting men. For that he should get full credit. The aim of every conscientious citizen should be to keep him on this course and to get him to move faster.

There are many citizens, no doubt, who distrust Mr. Nixon. But they might remember this: He is the only President we have, and he is by far the best President we can possibly have until January, 1973.

We should therefore rally round him when he does the right thing and let him know our displeasure when he goes off course. If he speeds withdrawals, we should applaud him. If he goes astray, as he did in Cambodia, we should let him know that we do not like it.

DISREGARD DEMAGOGUES

And when the super-patriots and jingos start abusing him with cries of "Treason" and "Betrayal" we should let him know that the sane people of this country, who are still a majority, are right behind him. As a matter of fact, the sane people can try a little jingoism of their own: Do we stand for Vietnam First or America First?

We should also support and applaud those political leaders of either party who work to speed the end of this dirty war.

We can do all this in the healthy ways open to the people of a democracy—by letters to the President himself and to other political leaders; by visits to senators and congressmen; by petitions, and by orderly rallies and demonstrations.

Finally, every conscientious citizen should close his ears to the demagogues and ranters who would try to divide us, generation against generation, black against white, region against region.

With the nation proceeding on this course toward peace, we should come down hard on the practitioners of violence. The essence of statesmanship is to identify a source trouble, correct it, then punish those who still try to exploit it. Anyone who troubles the peace of our cities, campuses or countryside should be met with the awesome severity of the law.

There remains a hard, practical question: How soon can we "decently" get out of Vietnam?

ANOTHER 10 YEARS

A high official of the State Department recently told a Senate committee that some U.S. forces would have to stay there for another 10 years.

Of all the foolish assumptions that have been made since this bloody mess began, this one is the most outrageous.

We now realize that we should never have put an army into Vietnam.

We know that as long as we keep an army there we shall risk new Cambodias, new temptations to bomb hither and thither, new massacres, new deceptions.

And we know that as long as Americans keep dying in Vietnam the home front will never be at peace.

This is a prospect that we cannot tolerate. We have done our best to save Vietnam. Now it is time to save America.

Melvin R. Laird, Secretary of Defense, has said that American units will no longer be needed in ground combat after the middle of 1971. Why can't we do better than that and aim to get all American units out of Vietnam by that date?

If that should prove to be logistically impossible, we must set the end of 1971 as the absolute deadline for every unit to be out.

By that time 17 years will have passed since we started out to help the Vietnamese to help themselves. If the Vietnamese cannot stand on their own feet after 17 years of our tutelage, it means either that they lack the will to learn or that we lack the skill to teach.

Yes, it is time to come home. It is time to bind up the nation's wounds. And it is time for the best of our youth and the best of their elders to sit down together and agree on what they want this America of ours to be.

For when this nation is again at peace with itself nothing in the world will be impossible.

THE NEWS MEDIA

Mr. DOLE. Mr. President, the news media in the United States has long been recognized as an important force for molding public opinion. And in recent months, this power has been under much discussion in the Nation.

Fortunately, in our country we have a number of sources of information aside from the news media. Often we may learn of an important Government decision directly from the source of that decision—such as the President's reports to the people on foreign policy. On the other hand, people in other nations are largely dependent for their understanding of us on what they read or hear from the American news media. The current Camodian operation is an example of the misconceptions that arise when a single source of information is available.

John P. Roche, in a June 4 Washington Post dispatch from Italy, points to an example of inaccurate information in the press leaving erroneous impressions about the conduct of the war.

Mr. President, I ask unanimous consent that Mr. Roche's column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 4, 1970]

ITALIANS VIEW UNITED STATES POLITICS THROUGH PRISM OF AMERICAN MEDIA

(By John P. Roche)

ROME.—Discussing contemporary American politics with even the best-informed Italian observers is an arduous task. The key to the difficulty is that they see the United States through a prism constructed by the American media. Despite the fact that Vice President Spiro Agnew has attacked the media for loading the dice, the charge is true (and I might add that I began complaining about it long ago when the politics of the media were conservative, and it was all a liberal could do to get a letter-to-the-editor published).

Take Cambodia, for example. If all one read for instant news about the United States was the Paris Herald Tribune, he would be convinced of the following propositions:

We invaded the Khmer nation without its consent.

The decision was a reckless gamble.

It had no real military justification.

President Nixon, responding to criticism, cutback his objectives and limited his time frame.

Just about everybody is against it.

Anybody with a fifth grade education knows that the Cambodians wanted us to bail them out. Although even Hubert Humphrey is quoted as stating that we engaged in "open aggression," it is perfectly clear that the Cambodians said, "Don't ask us, do it." The reason for this is that Cambodia, like Laos, wants to maintain its official neutrality, while unofficially taking a dim view of a Communist regime in Phnon Penh.

Nor was the decision a reckless gamble without significant military justification. It was a well-conceived, and so far well-executed, surgical operation on the Communist supply dumps which have for five years been a vital part of their leap-frog maneuvers into South Vietnam.

The papers seemed to think it was a failure because we didn't capture the high command, but this was a phony. The minute the first ARVN units went into the Parrot's Beak, the high command doubtless took off towards Laos, and we knew it.

The most outrageous charge, however, has been that Mr. Nixon initially planned to go all the way to Thailand, but then—as criticism built up—backed off and settled for an exercise limited to two months and 30 kilometers.

The evening that the President announced his decision, Henry Kissinger held a background briefing for the press at which the limited character of the operation was clearly stipulated. He even mentioned eight weeks as the time-frame.

As far as public support is concerned, the only figures I have seen (stated without any comment in the Paris Herald Tribune) showed 59 per cent of the population behind the Cambodian action. When 100,000-plus proletarians marched in New York to back Nixon, the stories in Europe made it sound like incipient fascism. This way, they can't lose, they have us coming and going.

However, how can one blame Italians, or other highly competent European observers, if they simply reflect the view of America that dominates the media in the United States? This problem keeps the brave souls who work for the U.S. Information Agency tossing in their beds.

But just as they think they have reached first base, some visiting American fireman breaks the news that Mr. Nixon will be impeached. When they deny this "fact," those listening nod their heads knowingly and say, "Poor chap. Of course, he has to say that."

In short, the government of the United States has become the main target of the American establishment. This began the day John F. Kennedy was killed, reached mature growth under Lyndon B. Johnson, and is now flexing its muscle against Richard Milhous Nixon. It has actually reached the point where a presidential (or vice presidential) defense of public policy is immediately and stridently denounced as an "act of repression" as a "muzzling of dissent"!

COMMITMENT TO AMERICA

Mr. SMITH of Illinois. Mr. President, the Quincy, Ill., Exchange Club, in an effort to reach and reward the young people of Adams County for stating the case for active, practical patriotism sponsors a "Commitment to America" essay contest. This year's winner is Tom Rupp, of Quincy. Tom is a fine young man who, while recognizing the lack of perfection in our system, writes of this optimism that the American people still retain the energy and enthusiasm to carry this country to new heights of peaceful world leadership.

I believe that Tom Rupp, in stating his commitment to America, typifies the vast majority of the young people of Illinois and the Nation. Tom Rupp is idealistic in his dreams for America and Tom Rupp understands the practical hard work needed to make his ideals a reality.

Mr. President, I ask unanimous consent that Tom Rupp's winning essay, "Commitment to America," be printed in the RECORD.

There being no objection, the essay was ordered to be printed in the RECORD, as follows:

COMMITMENT TO AMERICA

(By Tom Rupp)

Right now, America is at a crossroad. She is at the apex of her glory. From here, she will either slide back into ruin, decay, turmoil, and oblivion, or else she will move forward and accomplish more than ever before. It is my duty as a citizen of the United States to see that this country achieves even greater heights of success.

At no other time since the Civil War has this country been so divided. There is racial tension, student unrest, Vietnam, pollution, and the ever present Communist threat. Does this sound like a lot to contend with? It is. But when hasn't the United States had its troubles?

The Civil War failed to settle the racial problem. There has always been a generation gap. Possibly it was not as pronounced earlier as it is now, but it was still there. America has always had its Vietnams.

Americans have continually had it rough. We were involved in a major war only thirty years after gaining our independence. We then separated ourselves into two warring nations during the Civil War. And after that, there was the West to be settled, industry to be developed, and new laws and great leaders to civilize and make us the mature, powerful, and stable government that we are today. No, Americans never led an easy life.

What is all this background information leading up to? I just want to show that this country has always had to fight to stay alive. Many governments have challenged the principles upon which this land was founded. But the citizens of this nation have always been able to preserve that most precious of commodities—freedom. My main commitment to America is maintaining and spreading that freedom, no matter what this commitment entails. If I am called to go to the Armed Forces, I will go. If the people wish me to be a civic leader, I will serve. Or if I am called just to perform a job that enables this country to keep operating smoothly, I will try to do that job to the best of my ability.

Right now, the main threat to our freedom seems not to be the Communists themselves, but the effects of their evil deeds. Just because we have not been able to contain them is no reason to become disillusioned. We are certain to stop them. In the past half of a century, the Communists have succeeded in silencing half of the world. We simply have not been able to cope with their savage, brutal tactics of slavery. Granted, we have been stopped temporarily. There must be a solution somewhere, however. And it is up to us to find it. We shall not fail.

But is it really the Communists who are threatening the American way of life? I do not believe so. It is you and I who are actually causing the most damage, not the Communists. I can see what the Communists are doing in Southeast Asia, in Africa, in Western Europe. And when I see all this evil taking over, I became frustrated. There seems to be no stopping the Communist machine. But there is! The solution is again, you and I.

Throwing out all our pessimistic, no-win-policy thoughts and replacing them with an optimistic viewpoint is the beginning. From there, it is time for action. I can not wait for the other person to begin this time. If I do, it may be too late. I must start helping in my own hometown *right now!* By taking an active part in electing good politicians, by helping keep my city clean, by helping in drives for charity, by participating in whatever I am able, I am fulfilling my duty as a citizen. But we must all work together. If everyone helped clean up small, local ills, this country would not have any national problems. We then could focus our attention on the main issue: the world.

Beginning with the settling of Jamestown in 1607, the leaders of this country have always had a dream, a vision. They saw this land's ideals being copied by everyone. There would be world peace. Utopia at last! All this would spring from a tiny country where everyone believed in everyone else. There was trust.

What has happened to this American dream? Is it lost? I hope not. No, I believe that it is just dormant. It just seems that with all these troubles springing up, everyone has become disillusioned. There seems to be no hope. America is falling apart, we have had it. But this is not the case. The hope lies within you and me. It lies with the common man.

People, that is what America is made of. The primary natural resource of this country has always been its inhabitants. We have the endurance to overcome any obstacle in our path. From the instant of its creation, this country has stood for freedom. Our democracy allows for the individual. I am not forced to work at a particular job, I am not force to live in a certain area. I can travel freely, and I can speak my mind. This is all summed up in that one, very important word—freedom.

This country is far from perfect, but it still provides the best model of a large, working democracy that you oan find anywhere in the world. This does not mean it can not be improved! On the contrary, reform the laws where necessary, but do not advocate throwing out the government without replacing it with something better.

Millions have helped make this country what it is. Thousands have died protecting it. We can not let the sweat, accomplishments, and dreams of all those great men perish. We have always been able to overcome anything in our path. We can not quit now! With a little action, this country can easily surmount any obstacles in our way and progress ever onward.

This is my commitment to America—the preservation of that freedom that so many men hold dear. We must all keep this civilization advancing, meeting all opposition head on. With this united effort, some day we are bound to reach our common goal: World Peace.

IMPACT OF SOUTHEAST ASIA WAR ON U.S. ECONOMY

Mr. FULBRIGHT. Mr. President, earlier this week the Committee on Foreign Relations heard testimony from Mr. Thomas J. Watson, Jr., chairman of the board, International Business Machines Co., on the impact of the war in Southeast Asia on the U.S. economy.

Mr. Watson was the fourth in a series of witnesses to appear before the committee on this subject. Previously we heard Mr. Louis B. Lundborg, chairman of the board, Bank of America; Mr. Eliot Janeway, noted author, economist, and business consultant; and Mr. Gordon Sherman, president, Midas International Corp.

All of these distinguished business leaders have made what I believe to be exceptionally interesting and highly significant statements, although none has received adequate attention in the press.

Mr. Watson concurred with the earlier witnesses in stating that the war has seriously distorted our economy. He said:

> The war in Vietnam is the major factor which has turned our healthy economy into an unhealthy one.

In addition to his comments on the economy, Mr. Watson made some astute comments on other effects of the war, especially in regard to our youth. He has talked to great numbers of young people in recent months, and speaking of the way young people feel, he said:

> This intensity of feeling is a fact—one as real as body counts and defense budgets and the GNP. And it means simply this: As long as Vietnam continues, the polarization of youth and the elder generation will undoubtedly increase.

Mr. Watson heads one of the world's most successful business operations. I think his comments bear our careful consideration. I commend them to the Senate and the public and ask unanimous consent that Mr. Watson's remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

STATEMENT OF THOMAS J. WATSON, JR., BEFORE THE SENATE FOREIGN RELATIONS COMMITTEE, JUNE 2, 1970

You have asked me to discuss the economic impact of the war in Vietnam on the United States, and my views on the state of the nation and the world. This is a large order, and I shall be brief. As a matter of fact, since I received your invitation, a number of very highly qualified persons have made their views known—in the press or before this Committee—and I'm not sure there is much left to be said.

This is a personal statement which in no way reflects the policy or opinion of the IBM Company. You certainly know that I'm a layman in politics and international affairs. The only special inputs I get are from a large number of IBM installations throughout the free world.

Increasingly over the past four years, I have been concerned about our nation's course in Southeast Asia, and its effects on our country—especially young people.

The key fact, as I see it, is this: 50 percent of the population of this country is under age 25; and the longer the war continues, the more it broadens the gap between the elder generation, sometimes called the establishment, and our young men and women, who will soon be responsible for the leadership and destiny of this country. Indeed, the prolongation of the war may well set up a continuing revolution of our youth through which they may become sufficiently demoralized so that the progress of our country will be appreciably slowed.

So I have two main points for wanting a prompt end to the Vietnam undertaking. First I don't think we can afford not to heed the dissatisfaction of our youth. Second, it seems certain to me that continuing the war produces unacceptable costs: in the lives of our fighting men, in weakening of our institutions, and in the undermining of our national morale.

Furthermore, our actions in Vietnam are losing us valuable and traditional friends in the West. We present a picture of a terribly powerful, awe-inspiring nation unable to manage itself in a disciplined fashion.

Our prestige is suffering abroad. Let me illustrate the point concretely by giving you a rundown of actions against IBM properties in various parts of the world during the last six weeks. In West Berlin, nearly all the windows in one of our buildings were broken by young rioters. Then gasoline was poured about and it was set on fire. The windows in one of our Dutch facilities were broken by students. Our branch office in Cologne was attacked by protesters against the Vietnam War and the windows smashed. A powerful bomb was discovered just before it was timed to explode in an IBM Argentina office. Just a few days ago, we received bomb threats at our Amsterdam and Paris Data Centers.

And here at home, we've had many bomb threats and one actual bombing at 425 Park Avenue in New York City—our Eastern Regional Headquarters. It happened in the middle of the night and, fortunately, no one was hurt.

While I don't want to draw strong conclusions from random acts of unhappy young people around the world, I do think that if we don't draw some kind of conclusion from all of these things, we will be casting away facts which, if used correctly, can lead us to do intelligent things in the future to ameliorate the situation.

The President found this country in Vietnam and has pledged us to withdraw. I know, of course, of the deep concern and commitment he has to ending the bloodshed and the suffering. I applauded his decision for paced withdrawal as opposed to the earlier open-ended commitment. It is very important, I think, to recognize that once this policy of the President was announced to the country, the youth became quieter than at any time in the previous four years. It is significant that a plan for withdrawal brought about immediate calming and significant, too, that as soon as this timetable seemed to be interfered with by the Cambodian campaign, the violence flared up more strongly than ever before.

To continue as a great nation, our country must be drawn together again. I doubt that this can be done while we're in Vietnam. Once this is thoroughly understood, we can plan our strategy around this point.

Speaking first on the economic side, I want to make it clear that I see this country as the strongest country economically and in every other way that has ever been known to man. This is fundamentally as true today as it was a year ago or five years ago. We are just a bit out of gear. We have a crisis of confidence in ourselves. We wonder not only why we can't get out of Vietnam with dispatch, but how we ever got into it and stayed in it so long. Our children wonder about our leadership, and we wonder about their ideals.

The war in Vietnam is the major factor which has turned our healthy economy into an unhealthy one. Some years ago, many thought the United States could contain and support anti-Communist movements wherever they arose throughout the world and, at the same time, have an economy back here at home that would be almost unaffected. Obviously, this hasn't worked. The present economic prospects are discouraging. Inflation may be slowing down—though very slowly—but unemployment is up and rising, and businessmen are showing great caution and concern about the future.

Inflation always accompanies war and distorts an economy. Inevitably it must be corrected; and this brings about some difficulties for all and disasters for those of the labor force who lose their jobs and don't quickly find new ones. During the first two years of escalation in Vietnam (1965–1966), we were in a period of rising prosperity. Sales and profits were strong, and the country was reaching full employment. The war and a very strong consumer market base at home combined to overcommit us economically. This overcommitment fueled inflationary pressures, and distortions began to occur. In short, we simply overtaxed our ability to produce, and since the supply of goods could not be increased sufficiently to avoid inflation, a way of cutting down on demand had to be found. Therefore, the Administration took courageous and very necessary fiscal and monetary steps—parts of the inevitable correction process. Nevertheless, as long as the demands on our economy from the Vietnam involvement remain, it will be difficult to contain inflation fully.

When we are completely out of Vietnam, much of our economic problem will be solved. But, in the meantime, inflation may progress, and wage settlements now being made in anticipation of future inflation or in an effort to catch up with the past loss of progress build an uncertainty which is hampering a turnaround. I would, therefore, suggest on the economic side that the Administration give serious consideration to resorting at once to the guideline approach to wages and prices that worked reasonably well in the early years of the Kennedy Administration. I know this method was not successful over the long-term period, but for two or three years, I think the record will show that the approach was helpful, and it has the advantage of being able to be put into effect at once.

In summary on the economic side, as long as our involvement in Vietnam continues, it will me a major obstacle to both the short and the long-term economic health of the country.

There are important reasons other than economic for leaving Vietnam. In the past year, I have spent over one hundred hours talking to young people on college campuses and elsewhere. Just recently, I spent a full day on the California Institute of Technology campus, talking first in private with the class officers of the graduating class, and then with students in their dormitories and at various campus gatherings. I've done the same thing at Brown, at Oberlin, and elsewhere. There is absolutely no question about the sincerity and intensity of the dissatisfaction of the vast majority of these young Americans with the direction in which we are going in Southeast Asia. World War II, with which I was intimately connected welded the large majority of our country—young and old, rich and poor—together. This war has only lukewarm support from some and varying degrees of dissent from others. Most of it is fairly hot. The dissension is largely between the young and the old, so that it not only fractionates and polarizes, but it does so at one of the fundamental roots of our society, the family.

Earlier this year at Oberlin in an open forum—a give and take session—I attempted to defend the United States, as so many of us do when we're talking to younger people. I said, "You young people are filled with criticism, but where on earth could you find a better country than the United States?" The answer was surprising and in some ways noble. It was simply this—"Of course the United States is the best place in the world, but do you argue with our desire and right to make it even better?"

A young man came into my office the other day to talk to me about a "Pause for Peace." This was an idea for getting people in the United States to stop whatever they were doing for a full hour to emphasize the great desire of most of America to get out of Vietnam rapidly. He spoke with such conviction and intelligence that I asked him to come back and address the whole management committee of IBM. In the course of his discussion, he said one thing that impressed all of us profoundly. He asked us: "How would you like to have a son killed during a paced withdrawal from a war which you had decided was a bad war in the first place?" I think this chap summarizes the reason for youth's current great dissatisfaction.

This intensity of feeling is a fact—one as real as body counts and defense budgets and the GNP. And it means simply this: As long as Vietnam continues, the polarization of youth and the elder generation will undoubtedly increase.

There will be more inevitable accidents which will engender still more violence. To quell this and keep the peace, more and more National Guard and military units will have to be called out. The longer we continue, the more chaotic the nation will become. The damage we have already seen will take decades to repair, and if we continue, I believe we will soon reach a point where much of the damage will be irreparable.

For all these reasons I believe we should withdraw all of our military activities, both operational and advisory, from Southeast Asia as soon as possible.

I'm sure this Committee has been given many specific suggested dates for complete withdrawal. I won't give a date—I'll simply say that I believe that time is running out and that the situation here at home deteriorates as each month goes by. Summer vacations may produce a misleading calm. Next fall the term may open on a cooler note because of the decision of a number of colleges to recess prior to elections to permit students to campaign for the candidates of their choice. And if it looks as though we really were getting out this fall, the situation on the campuses would be a good deal more peaceful. But if we're still there actively next spring, we'll see a heightened replay of this past spring's campus disorders. And if we remain in Vietnam through the fall of 1971, the situation will become more serious.

There's a syndrome in the United States which makes it very difficult for us to cope with a situation like Vietnam—Americans are efficient and orderly; and when those with responsibility try to find strategies and moves for the future, they try to find efficient and orderly ones. We do this same thing in business. It's impossible to figure out an efficient, orderly and dignified way of getting out of Vietnam. And therefore we continue year after year to compound the situation by staying there simply because we can't find a good, orderly way of disengaging.

There isn't any comfortable way to withdraw. It's always going to be easy for the Communists to interrupt our plans, to make us look ridiculous, and to profit through our loss.

Therefore, I believe we must exhaust every possibility—however novel, however imaginative—to disengage and save as many lives as possible in the process. It seems to me that there are two places we can start. We should take a hard look once again at the Paris negotiations to make certain that in our offers we have gone to the absolute outer limit of what we can give. If we can make a compromise there and succeed, we have the possibility of some dignity as we move out. I think it's vital that the Government assure itself that the truce efforts in Paris and the concessions being offered to North Vietnam are compatible with our aims. These concessions must in fact be balanced off against what we have to lose by a continued stay in South Vietnam or by a confused and chaotic withdrawal.

Combined with our efforts in Paris, we should make major new efforts to get the United Nations involved in the work of ending the war and preserving the peace in Southeast Asia. I think this kind of third party intervention is absolutely essential if we are to have any kind of orderly departure.

We've done a lot of things outside the United Nations in the past decade and so have our opponents. There may come a time when the strength of the U.N. will be directly connected with the survival of the world. So we must help build its strength. Here is a way to let the world know that we continue to believe in the U.N. I recognize, of course, that the Security Council could reject this proposal, but I think we should initiate it.

Now, if we find a successful approach which results in real progress towards withdrawal, what will the results be? First, would be the resurgence of faith of our young people.

Second, we would have a better relationship between the Administration and Congress. I am concerned about the various legislative proposals now being considered to restrict the President's ability to move with dispatch for the security of the country. I hope that the Administration and Congress can find a common course of action so that such bills would not be necessary, and we would preserve the President's traditional freedom of action.

Third, the United States would be sufficiently united by these actions so that our governmental processes would receive the support of most of the elements in our society.

Fourth, there would be a renewal of our military flexibility—of our capacity to defend areas critical to our national security, and importantly, a regaining of national respect for our military establishment.

Fifth, a renewed respect and understanding from our oldest and staunchest free world friends and allies.

In conclusion, I do not wish to criticize any of the three presidents—Kennedy, Johnson and Nixon—who have struggled with this immensely difficult problem. I have no doubt that President Nixon—like Presidents Kennedy and Johnson before him—sincerely seeks peace in Southeast Asia. In appearing here today I wish to do just one thing: To voice one man's conviction that we stand at a crossroads of decision, with all comfortable routes closed off; that we must end this tragedy before it overwhelms us; and that we must therefore face up squarely to a tough decision and see it through with courage and dispatch.

MIKE LEON, "MR. CONSERVATION" IN WYOMING

Mr. McGEE. Mr. President, for some time now, I have been troubled by the persistent inner urge to approach the problem of our environment in a fashion somewhat different than the style currently in vogue.

In no sense do I wish to imply that what we hear and read these days about our environment and its diminishing quality is lacking in substance or attractive mode of expression. At the same time, we all recognize that the environmental rhetoric does not lack in abundance and volume. Certainly it is not my desire to add to that abundance or volume.

Other Senators, I am sure, experience from time to time a certain weariness over the repeated reminders that we are in deep trouble because of man's abuse of that fragile and delicate relationship between all life and its surroundings. It is not so much that we do not wish to heed the quite proper, not to mention imperative, warnings about pollution and our careless, if not greedy, ravishment of the world we live in; but it is instead the very human urge for freshness. If not freshness of concept, at least freshness of presentation.

Surely our scientists have developed a good many tight and high probability concepts. They have also developed massive compilations of data. None of this can we ignore; but we who are laymen, and quite as concerned, might wistfully wish for surcease from the lingual battering we so often experience by such terms as "eco-systems," "biodegradeable," "silvacultures," "eco-tactics," "neo-Malthusian," and so forth.

Somewhere in all this we need to recapture the vitality necessary to carry us closer to resolution of our staggering environmental problems. Perhaps such an approach might be placing less emphasis on the current grand design of ecology and more emphasis on how we as individuals can proceed toward the accomplishment of solutions to our environmental problems. I can think of no better example than a single and great man in Wyoming and his tireless step-by-step approach toward saving the best that is in Wyoming's incredible and varied environment.

The man is Mike Leon from Story, Wyo., ex-cowhand, ex-magazine publisher, community and statewide leader, politician, and writer with few peers. With his wife, Claire, Mike has been my conservation anchor and adviser. Along with Claire, he knows Wyoming's mountains, mesas, and streams the way a painter knows the structure and parts of his work. Mike's integrity and know-how springs from his skill as a social scientist, his knowledge of the earth sciences and his unswerving sensitivity to the necessary bonds between man and nature.

But Mike does not retreat to the arrogance that experts sometimes adopt when the world does not understand or adopt the expert's prophesy. Mike knows that political action is a must if we are to come to grips with pursuing a quality environment. Thus, Mike has stood for the State Legislature and will undoubtedly stand again. There is no doubt in my mind that he will be successful. In his last campaign, he generated the slogan, "Why Should Wyoming Be Like Every Place Else When Every Place Else Wants To Be Like Wyoming?"

This is the freshness that I believe provides the kind of handle concerned men and women need effectively to deal with our environmental problems. You see, oftentimes the thoughtless believe that if we just get enough smokestacks, all of our problems are resolved. What Mike knows, what all thoughtful men know, is that Wyoming can be a model of environmental know-how and balance for the rest of the country. It is this struggle that has engaged Mike for over 20 years. It is for this reason that Mike Leon is my mentor and Mr. Conservation in Wyoming.

When we are confronted in large scale with the consequences of man's assault upon his frangible surroundings, we quite properly wonder about the improbability of reconstituting that environment. What we need in the face of that gloomy outlook is an example of what can be done to establish a creative working approach to the problem.

XUM

It is just here that Mike Leon has demonstrated over and over again that there is a way and that Wyoming can show the way as a model for the wise use of our resources. What Mike has been saying for so long now and what I believe to be the case, is that when we consider the use of our resources, we must base our considerations on something more inclusive than just tons of coal mined and barrels of oil pumped.

Our notion of resource development must also include a veneration of the touchy balance that is nature's iron law. We must, therefore, harmonize the need for industrial development with the need for the regenerative powers to be found in nature unpillaged by profit.

Mike's careful research and observation, for example, have shown that the unchecked urge to harvest timber in Wyoming runs right square in the face of wildlife values, of aesthetic values and of silvaculture values. In short, the short range urge for lumber jobs and profits lead to nearly irreparable damage to the recreational values, not to mention confounding the delicate balance of nature in our high, dry, shallow soiled Rocky Mountain West.

It is this kind of attention to nitty-gritty done with such flair and careful attention to detail that promises resolution not only of Wyoming's environmental problems but to the country's as well. America will benefit because Mike Leon has provided a model we must emulate. It seems to me that this is what Mike meant in his campaign slogan, "Why Should Wyoming Be Like Every Place Else When Every Place Else Wants To Be Like Wyoming?"

APPEAL FOR INTERNATIONAL JUSTICE

Mr. DOLE. Mr. President, last month approximately 3,800 concerned Americans gathered in Washington at a Constitution Hall rally, cosponsored by a bipartisan group of Senators and Congressmen. The purpose of the meeting was to underscore the concern of Americans everywhere for the welfare of U.S. prisoners of war and servicemen missing in action in Southeast Asia.

Over 1,000 next of kin of American POW's and MIA's were in attendance at Constitution Hall for the appeal for international justice. They were joined by nearly 3,000 of their fellow citizens.

The plight of the POW's and MIA's and the sentiments of their loved ones back home are discussed in the June 1970, issue of Air Force and Space Digest. An article on the May 1 rally and an editorial on the rights of prisoners of war will, I believe, be of interest to the Senate.

Mr. President, I ask unanimous consent that the article and editorial be printed in the RECORD.

There being no objection, the article and editorial were ordered to be printed in the RECORD, as follows:

THE PLIGHT OF THE PRISONERS WE HAVE NOT FORGOTTEN

(By Maurice L. Lien)

Mayday! Mayday!

This call, an appeal for help known to airmen the world over, was sounded in the nation's capital the evening of May 1, the traditional May Day.

The plea, uttered from the podium by Mrs. James A. Mulligan, wife of a U.S. prisoner of war in Southeast Asia, was echoed in the hearts of nearly 1,000 other wives, parents, and children at a rally that filled Constitution Hall. They met, along with more than 2,500 others—including Vice President Spiro T. Agnew—to appeal for justice for their husbands, fathers, and sons held prisoners of war or missing in action.

Scores of senior Air Force officers, headed by the Vice Chief of Staff, Gen. John C. Meyer, were present.

The Vice President told the audience that North Vietnam was guilty of "an unforgivable breach of the elementary rules of conduct among civilized people" in its mistreatment of American prisoners of war.

"We shall never forget these men, and we shall never forget how they have been treated," the Vice President pledged.

The purpose of the rally, supported by the Air Force Association's national headquarters and attended by hundreds of AFA members from the District of Columbia, Maryland, and Virginia, was twofold: to demonstrate to the wives and families of the prisoners and the missing that Americans care; and to show the North Vietnamese and Viet Cong that their conduct is not condoned by the American public.

May 1 is also "Law Day." It was for this reason that the rally sponsors—a bipartisan congressional group headed by Sen. Robert Dole of Kansas—selected that date for the appeal. Senator Dole said that May first was "an especially appropriate day to pay this tribute" because the joint resolution passed by Congress designating Law Day specifically referred to international justice.

Other rally sponsors included Sen. Peter H. Dominick (R-Colo.); Sen. Barry Goldwater (R-Ariz.); Sen. Mike Mansfield (D-Mont.); Sen. George Murphy (R-Calif.); Sen. Edmund S. Muskie (D-Me.); and Sen. John Stennis (D-Miss.). Others were Representatives W. C. Daniels (D-Va.); Martin B. McKneally (R-N.Y.); Catherine May (R-Wash.); Richard L. Roudebush (R-Ind.); Robert L. F. Sikes (D-Fla.); and Olin E. Teague (D-Tex.).

Speakers included ten members of Congress, six wives of prisoners or missing servicemen, and Capt. James A. Lovell, Jr., USN, who recalled the world's concern over the fate of his Apollo-13 crew on its ill-fated trip to the moon. Captain Lovel asked that "now, again, people of the world unite with prayer and with pressure to bring these brave men home."

Another speaker was H. Ross Perot, the Dallas, Tex., multimillionaire who has devoted much of his time and fortune to arousing world opinion against Hanoi in its treatment of POWs. Mr. Perot, who testified on the issue before a House Foreign Affairs subcommittee earlier in the day, stressed that Hanoi "will not be moved by sentiment" or by "human emotion," but only by the pressure of 200,000,000 Americans.

Also present for the rally were four of the nine US prisoners released so far by Hanoi. Among them were Air Force Majs. Fred N. Thompson and Joe V. Carpenter, both from Maxwell AFB, Ala. They were introduced to the audience, as was AFA National President George D. Hardy.

According to rally officials, relatives of the missing men were present from every state except Hawaii. Many next of kin were flown to Washington in Air Force, Navy, or National Guard transport aircraft. Other relatives came by bus and car, some from faraway states. The morning following the rally, they filled to overflowing the Department of Interior auditorium for the first national meeting called to discuss ways to help their loved ones.

The meeting was organized by the League of Families of American Prisoners of War in Southeast Asia, an organization formed in the spring of 1969 to foster exchanges of information between families. All next of kin who attended the rally were invited to participate in the discussions.

During the meeting, a team of DoD officials, headed by Air Force Brig. Gen. Daniel "Chappie" James, Jr., Deputy Assistant Secretary of Defense for Public Affairs, stood by to answer questions.

That a major rally for MIA/POWs or a national meeting of their next of kin would be held in the nation's capital was undreamed of by most families just a year ago. Before May 18, 1969, Administration policy for the families had been, "Don't do anything to jeopardize either the delicate negotiations being conducted or the lives of your loved ones." Mr. James B. Stockdale of Coronado, Calif., wife of a senior Naval officer held in North Vietnam, was not content just to sit and wait. Almost singlehandedly she set out to form a national organization of families. She wanted a better communications net, greater exchange of information among POW families, and more positive action from government officials.

Informal local and regional groups of POW and MIA wives had been formed in many localities where families of men who are overseas tend to wait it out: near large air bases, Army installations, and Naval facilities, close to friends, medical facilities, and other servces. They exchanged information about prisoners; discussed actions being taken by government officials or international organizations; and, most important, acted as morale boosters for each other in what they knew would be many, many months of heartbreaking loneliness and frustration.

In 1968 Mrs. Stockdale began contacting wives in cities across the country, asking them to serve as area coordinators in a new, national organization, and to seek out others to affiliate with them. Her perseverance led to the formation, in early 1969, of the League.

During the League's formative stage, Administration policy had been cautious to the point that neighbors, and in some cases children, did not know fathers, husbands, or sons were missing. At that time, many families would not participate—for fear of jeopardizing the lives of loved ones. Since the reversal of Administration policy in the spring of 1969, League membership has grown to approximately 1,000 families and is active across the entire country.

Funds to support activities of the League, and of the many local and regional groups, come primarily from the families themselves. Many have spent thousands of dollars seeking information about their husbands or sons, or in trying to gain public support that might persuade the Communists to release the names of men held prisoner and to abide by the Geneva Conventions.

News coverage of the prisoner-of-war situation in the first few months following the changes of Administration policy was localized and spotty. Not enough factual information on the shocking treatment of prisoners, and the doubts and burdens their families had to bear, was published in any single article to enable the American public and the world to comprehend the extent of North Vietnam's inhumanity. This changed in October 1969, when AIR FORCE/SPACE DIGEST published what the editors referred to as "one of the most important articles ever published in this magazine." Even today, DoD officials call it the "most helpful, single article" on MIA/POWs published to date.

The article was "The Forgotten Americans of the Vietnam War," by Louis R. Stockstill.

Response to "The Forgotten Americans" was immediate and dramatic, beginning with a reading of the complete article on the floor of the US House of Representatives by Rep.

Roman C. Pucinski of Illinois. In his preamble, Congressman Pucinski said, "I call this article to the House because I consider it one of the most important documents of journalism in recent years. . . . It should shake the conscience of the whole free world." The article has been entered in the *Congressional Record* five times, most recently on March 6 at a hearing before the House Armed Services Committee, headed by Rep. L. Mendel Rivers.

The Reader's Digest ran a condensation of "The Forgotten Americans" as the lead article in its November 1969 edition. Circulation of the *Digest's* U.S. edition alone is 17,400,000. More than two-thirds of a million reprints have been requested by *Digest* readers. AFA distributed 50,000 reprints of the original AF/SD article, including copies to every Ambassador to the United Nations and to the foreign press corps in New York and Washington.

On November 11, 1969, the United States urged the UN to exert its moral influence on Hanoi to ensure humane treatment of prisoners of war. The presentation was made by Mrs. Rita Hauser, U.S. Representative to the UN Human Rights Commission. In her presentation, Mrs. Hauser drew heavily on material in "The Forgotten Americans."

Requests for reprints of the AF/SD version of Mr. Stockstill's article had begun pouring into AFA headquarters literally before distribution of the magazine was completed. Telephone calls from families of men missing or held prisoner came in from all parts of the country. It was immediately obvious that families were organized and geared for action. They were ready to tell the world what was happening to their loved ones. "The Forgotten Americans" gave them, for the first time, something they could use to arouse public opinion. Some 13,500 reprints of the article were sent by AFA directly to next of kin, at their request and at no charge.

AFA National President George D. Hardy first spoke on the plight of American prisoners in Southeast Asia in Spokane, Wash., in early October, just as the article was beginning to reach AFA members. Within a week, AFA's Washington office had received requests for copies of his remarks and the article from POW families in neighboring cities and distant states—an indication that their communications net is effective.

In his travels, Mr. Hardy meets with families whenever he can, to learn of ways in which AFA can be of help. Of these meetings, he says, "I am continually amazed that [POW/MIA families] can keep a positive attitude through all this. They know the Communists and some peace groups are trying to use them as pawns, yet they sustain each other and keep up their activities. Every time I meet with such a group, I am impressed by their patience and courage, and I leave more determined to keep up my efforts and those of AFA in behalf of these men and their wonderful families."

AFA efforts in support of MIA/POWs have generally taken two forms: first, to spark a nationwide letter-writing campaign to foreign governments, especially to those that recognize or do business with the government in North Vietnam, and to foreign publications; and, second, to directly support the families of the missing or imprisoned men and assist them in telling their stories to the world.

AFA Chapters and individual members first joined in the campaign by distributing reprints of "The Forgotten Americans" to news media, to other organizations, and to civic leaders in their communities. Many AFA Chapters invited the families to join in their meetings. This gave family spokesmen an opportunity to emphasize that the POW situation was not a remote problem but rather one of direct concern to every citizen.

An outstanding example was the campaign, led by Georgia's State AFA President William H. Kelly, who is a colonel in the Georgia Air National Guard. Colonel Kelly and his State and Chapter officers developed a plan to distribute reprints through individuals and through regional and statewide groups. Colonel Kelly sent messages and reprints to all members of Georgia's Press and Broadcasting Associations; to 550 top Jaycee members; to 100 key members of the Retired Officers Association living in the state; to religious and youth groups; and to many others. Chapters, meanwhile, concentrated on local media, organizations, and civic leaders.

Other AFA units throughout the country took up the POW cause. In Michigan, for example, State AFA President Majorie O. Hunt sent out some 600 news releases to all newspapers and radio and TV stations in the state. She included a letter explaining AFA, and a list of Chapter presidents who could be contacted for local information. She also appeared on an hour-long broadcast on radio station WMUZ in Detroit, and made a tape for another station.

Dallas, Tex., Chapter President Brig. Gen. Herbert G. Bench, USAF (Ret.), sent a reprint of the Stockstill article to each Chapter member urging them to write letters to foreign governments and to selected publications, and to keep the reprints available in their offices. In neighboring Fort Worth, Gordon Brownlee distributed 1,500 reprints and got excellent coverage in that city's news media.

In early March, George J. Burrus, III, President of the Cape Canaveral Chapter and Chairman of AFA's Florida State POW Letter Committee, reported that a community-wide project in his area had succeeded in obtaining nearly 25,000 signatures on petitions, and that local school children were writing letters. Chapters across the state are actively supporting this program.

Ten wives of men listed as missing in action or prisoners of war live in the Tucson, Ariz., area. AFA's Tucson Chapter has invited these wives to all its functions. The Chapter has helped raise funds so four of the wives could visit the capitals of the free world to tell their stories.

The Spokane, Wash., Chapter, under the leadership of Vernon L. Gomes, Chairman of their POW committee, and in cooperation with the Armed Services Committee of the Spokane Chamber of Commerce, conducted a successful fund-raising drive to help pay expenses for other wives and a mother of a prisoner of war to make a similar trip.

These are only representative examples of nationwide AFA programs to publicize the plight of American prisoners of war in Southeast Asia and to assist their families. This report would be incomplete, however, without mention of the outstanding program of the Eglin, Fla., Chapter of AFA.

Col. Harry G. Howton, USAF (Ret.), with the help of Chuck Widaman, Eglin Chapter President, and Herbert "Bud" West, Florida State AFA immediate Past President, helped develop a model program of action, and published a twenty-four-page brochure describing in detail what concerned citizens can do to help. The program involves the League of Families, the Eglin AFB and Hurlburt Field Officers' Wives Clubs and NCO Wives Clubs, religious groups, the news media, and many other organizations. Colonel Howton serves as Area Coordinator for the program.

The brochure, which has been widely distributed, includes information on MIA/POWs sample letters and resolutions with suggested addresses, and much other valuable information. The Eglin group also printed bumper stickers to help keep this problem always in the public's mind. Details on the program can be had by writing: Eglin Chapter, AFA, P.O. Box 176, Shalimar, Fla. 32579.

Many other organizations are now involved in the campaign on behalf of the POWs. Included in these are veterans and other patriotic groups, such as United We Stand, the national Jaycees, and chambers of commerce and local groups in communities across the nation. On April 8, Maj. Gen. Winston P. Wilson, Chief of the National Guard Bureau, in a letter to the Adjutants General of all states, announced a "Show Your Concern" campaign, to be conducted on a voluntary basis by Guard personnel within their local communities.

Have we accomplished our mission? The answer, obviously, is no.

Have we been of any help? Yes, but it should be borne in mind that we still have a long way to go.

There has been what DoD officials term a "significant increase" in letters received by families of men held prisoner, starting in November 1969, after publication of "The Forgotten Americans," but this is considered only a start. In testimony before the House Committee on Armed Services on March 6, Richard G. Capen, Jr., Special Assistant to the Secretary of Defense for Legislative Affairs, testified:

"It must be pointed out that the Geneva Convention clearly specifies that a prisoner of war should be allowed to write not less than six letters and cards per month. In the five years our men have been held captive, only about 175 individuals have been allowed to write. Their families have received about 1,100 letters. Usually the frequency for those few letters has been around one or two letters per year.

"If the men we believe to be prisoners were allowed to write as dictated by the Geneva Convention," he continued, "their families should receive some 6,000 to 8,000 letters per month. But there have been only 1,100 in a total of five years."

The provision for treatment of prisoners of war as prescribed in the Geneva Conventions of 1949, which have been signed by more than 120 nations, including the U.S. and North Vietnam, calls for the immediate release of sick and injured, impartial inspection of prisoner facilities, the complete identification of men held, and affirms the right of prisoners to correspond with their families.

According to DoD figures released on May 8 (as of May 2), the total number of US servicemen classified as prisoners or missing in action was 1,646. More than half—783—are Air Force (*see following table*).

Of the 450 servicemen DoD believes to be prisoners, 228 are Air Force. Of the remainder, 144 are Navy, fifty-five are Army, and twenty-three are Marines.

A total of 1,096 servicemen are missing and thought to be captive—555 from the Air Force, 337 Army, 112 Navy, and ninety-two Marines.

In March, an Army sergeant passed his sixth year in captivity. Twenty-one others have been prisoners or missing for more than five years.

A total of thirty-one Americans have been released by hostile forces to date—nine were released by Hanoi and twenty-two by the Viet Cong in South Vietnam.

At the May 1 rally, H. Ross Perot put forth his analysis of North Vietnam's leaders. They are not concerned with prisoners—theirs or ours, he said. They refuse to acknowledge the some 33,000 North Vietnamese and Viet Cong held by the South Vietnamese, and cannot comprehend that the American public, or our government, would be concerned about "just 1,500" servicemen. Prisoners are useful to the Communists only for propaganda purposes or as pawns.

Mr. Perot emphasized, as did all rally speakers, that the leaders in Hanoi must be convinced that the American people and their leaders are truly concerned over "just 1,500" men. He declared that elected leaders must speak out, and the public must write letters, so that the message will be unmistakable. Permanent alienation of all Americans by the government in Hanoi is "a risk they cannot take, over 'just 1,500' men," Mr. Perot said. "They're counting on us to protect them from the Chinese over the long haul."

In a recent review of AFA's efforts in support of this campaign, AFA President Hardy said, "We've got to continue to encourage our members, to publicize this problem in their communities, and to get everyone to write to Hanoi and to other governments. I know it takes time, but as we were reminded at the rally, the prisoners have lots of time, just sitting in their cells."

The mission for the future, then, is clear. More Americans must get involved and express their concern. According to the Air Force Judge Advocate General's Office, "There is no public-affairs objection to a military person, as an individual citizen and even using his military rank and/or title, expressing his opinion to a foreign government on the POW issue." It did caution, however, that "actual content of the letters must be restricted to the subject of humane treatment of POWs by North Vietnam and must not invade the political arena."

The government in North Vietnam must be made to believe that 200,000,000 Americans are concerned about "just 1,500" of their countrymen. That is a goal to which AFA is dedicated.

THE UPWARD TREND IN LETTER WRITING

	1964	1965	1966	1967	1968	1969 [1]
Number of men classified as POW's or as missing in action	22	173	472	878	1,243	1,428
Number of men writing letters during the year [2]	1	19	47	73	94	208
Number of men writing letters for the first time		18	28	33	23	114
Total number of letters received by families	8	35	156	165	256	699

[1] Figures for 1969 are still incomplete, since letters written by POW's late in the year are still being received by families.

[2] This tabulation does not necessarily derive from the row below it, as a cumulative total, since some families received mail on a one-time-only basis.

USAF's Prisoners of War or Missing in Action

(As of May 2, 1970, the following men of the United States Air Force—listed here alphabetically by last name—were carried by the Department of Defense as either prisoners of war or missing in action and believed captured by hostile forces in Southeast Asia.

(Because this is the first known compilation of USAF personnel to be published DoD has asked, for security reasons, that we not identify specific individuals they have reason to believe are prisoners. We have complied with this request, knowing that many of the names of known POWs have been publicly released on an individual basis. We do not wish to jeopardize, in any way, the life or well being of any man now held prisoner or who might be captured in the future.

(Some of the names are followed by reference [1], which indicates that the family of that man either has received mail from him or has been notified by an American pacifist group that such mail is en route. The names marked with the references were released to news media by the pacifist group on three recent dates—January 15, March 11, and March 27. In addition, the January 15 release also included the names of five servicemen (three of them Air Force personnel) who were listed by the North Vietnamese as dead. The three USAF members so designated, still officially listed by DoD as "missing in action," are identified below by reference [2].—The editors.)

Abbott, Joseph S., Jr., Maj.[1], Abbott, Robert Archie, 1st Lt.[1], Abbott, Wilfred Keese, Maj., Adachi, Thomas Y., SSgt., Adam, John Quincy, Sgt., Adams, Samuel, TSgt., Adams, Steven Harold, SSgt., Alberton, Bobby Joe, TSgt., Albright, John Scott II, 1st Lt., Alfred, Gerald Oak, Jr., Capt., Allee, Richard K., Maj., Allen, Henry L., 1st Lt., Allen, Thomas Ray, Capt., Allinson, David Jay, Maj., Ammon, Glendon Lee, Maj., Anderson, Warren Leroy, Maj., Andrews, Anthony Charles, Capt.[1], Andrews, Stuart Merril, Lt. Col., Andrews, William Richard, Maj., Angstadt, Ralph Harold, Maj., Apodaca, Victor Joe, Jr., Capt., Appleby, Ivar Dale, Maj., Applehans, Richard Duane, Capt., Armstrong, John William, Col., Asire, Donald Henry, Col.

Atterberry, Edwin Lee., Maj., Austin, Charles David, Capt., Austin, Joseph Clair, Lt. Col., Austin, William Renwick II, Capt., Ayers, Richard L., Maj., Backus, Kenneth Frank, Capt., Bagley, Bobby Ray, Lt. Col.[1], Bailey, John Edward, Capt., Baker, Arthur Dale, Capt., Baker, Elmo Clinnard, Maj.[1], Balamoti, Michael, Maj., Balcom, Ralph Carol, Maj., Baldridge, John R., Jr., 1st Lt., Ballard, Arthur T., Jr., Maj., Bannon, Paul W., Maj., Barbay, Lawrence, Maj., Bare, William Orlan, Capt., Barnett, Robert Warren, Maj.[1], Barras, Gregory I., Maj., Barrett, Thomas Joseph, Capt.[1], Baugh, William Joseph, Maj., Bean, James Ellis, Col.[1], Begley, Burriss Nelson, Lt. Col., Belcher, Glenn Arthur, Capt., Belcher, Robert Arthur, Maj., Bennett, William George, Lt. Col., Berg, Kile Dag, Capt., Berger, James Robert, Capt.[1]

Bergevin, Charles Lee., 1st Lt., Beyer, Thomas John, Capt., Biediger, Larry William, Maj., Bifolchi, Charles Lawrence, Capt., Biss, Robert Irvin, Capt.[1], Black, Arthur Neil, SSgt.[1], Blackwood, Gordon Byron, Capt., Blair, Charles Edward, Lt. Col., Blevins, John Charles, Capt., Bliss, Ronald Glenn, Capt.[1], Bodahl, John Keith, Capt., Bogiages, Cristos C., Jr., Maj., Bolstad, Richard Eugene, Maj.[1], Bomar, Jack Williamson, Lt. Col.[1], Booth, James Ervin, Capt., Borden, Murray Lyman, Capt. Borling, John Lorin, Capt.[1], Mors, Joseph Chester, Maj., Bossio, Galileo Fred, Lt. Col., Boston, Leo Sydney, Maj., Boyd, Charles Graham, Capt.[1], Boyer, Terry Lee, Capt., Branch, James Alvin, Maj., Brand, Joseph William, Lt. Col., Brashear, William James, Maj., Brazelton, Michael Lee, Capt., Brazik, Richard, Capt., Brennan, Herbert Owen, Col., Brenneman, Richard Charles, Capt.[1], Bridger, Barry Burton, Capt., Brinckmann, Robert Edwin, Lt. Col.

Brodak, John Warren, Capt., Brooks, William L., Maj., Brown, Earl C., Capt., Brown, Wendell L., Capt., Brown, Wilbur Ronald, Capt.,[1] Brownlee, Charles Richard, Maj., Brucher, John Martin, Capt., Brudno, Edward Alan, Capt.,[1] Brunstrom, Alan Leslie, Maj.,[1] Buchanan, Hubert Elliott, Capt., Burd, Douglas Glenn, 1st Lt., Burdett, Edward Burke, Col., Burer, Arthur William, Maj., Burkart, Charles W., Jr., Maj., Burns, Donald Ray, Lt. Col., Burns, Michael Thomas, Capt.,[1] Burroughs, William David, Lt. Col.,[1] Busch, Jon Thomas, Capt., Bush, John Robert, Capt., Bush, Robert Edward, Maj., Butler, William Wallace, Capt., Butt, Richard Leigh, Capt., Bynum, Neil Stanley, 1st Lt., Byrne, Ronald Edward, Jr., Lt. Col.,[1] Callies, Tommy Leon, Capt., Campbell, Burton Wayne, Capt.,[1] Campbell, Clyde William, 1st Lt., Campbell, William Edward, Lt. Col.

Capling, Elwyn Rex., Maj., Cappelli, Charles Edward, Maj., Caras, Franklin Angel, Maj., Carrier, Daniel Lewis, Capt., Carrigan, Larry Edward, Capt., Carroll, Patrick Henry, 1st Lt., Carter, James Louis, Lt. Col., Case, Thomas Franklin, Maj., Casey, Donald Francis, Lt. Col., Chambers, Carl Dennis, Capt., Chambers, Jerry Lee, Maj., Cherry, Fred Vann, Lt. Col.,[1] Chesley, Larry James, Capt., Chesnutt, Chambless M., Capt., Chiarello, Vincent Augustus, Capt., Christensen, Dale, MSgt., Christiano, Joseph, Lt. Col., Chwan, Michael Danield, Capt., Claflin, Richard Ames, Capt., Clapper, Gean Preston, TSgt., Clark, John C., Capt., Clark, John Walter, Capt.,[1] Clark, Lawrence, TSgt, Clark, Stanley Scott, Lt. Col., Clark, Thomas E., Capt.

Clarke, Fred L., MSgt., Clarke, George William, Jr., Capt., Claxton, Charles Peter, Maj., Clements, James Arlen, Maj.,[1] Coady, Robert F., Capt., Cobeil, Earl Glenn, Maj., Collins, James Quincy, Jr., Maj.,[1] Collins, Thomas Edward, III, Capt.,[1] Colwell, William Kevin, MSgt., Condit, Douglas Craig, Capt., Conkling Bernard, Maj., Conlon, John Francis, III, Capt., Conner, Lorenze, Capt., Connolly, Vincent John, Maj., Cook, Glenn Richard, 1st Lt., Cook, Kelly Francis, Lt. Col., Cook, William Richard, Lt. Col., Cooper, William Earl, Lt. Col., Copeland, H. C., Maj., Corbitt, Gilland Wales, Lt. Col., Cordier, Kenneth William, Capt., Cormier, Arthur, TSgt.,[1] Craner, Robert Roger, Maj., Crecca, Joseph, Jr., Capt.,[1] Crew, James Alan, Capt., Crews, John Huntter, III, Capt., Cross, James E., Capt., Crossman, Gregory John, Capt., Crosson, Gerald Joseph, Jr., Capt., Crow, Frederick Austin, Jr., Col.

Crumpler, Carl Boyette, Lt. Col.[1], Cruz Carlos Rafael, Capt., Curtis, Thomas Jerry, Maj.[1], Cushman, Clifton Emmet, Capt., Cuthbert, Bradley Gene, Capt., Daffron, Thomas C., Capt., Dailey, Douglas Vincent, TSgt., Danielson, Benjamin, Capt., Darcy, Edward Joseph, TSgt., Dardeau, Oscar Moise, Jr., Maj., Daughtrey, Robert Norland, Maj.[1], Dauten, Frederick, Maj., Davies, John Owen, Capt., Davies, Joseph Edwin, Capt., Davis, Charlie B., Lt. Col., Davis, Daniel Richard, 1st Lt., Davis, Edgar Felton, Maj., Davis, Gene Edmond, TSgt., Davis Robert Charles, Capt., Day, George Everett, Lt. Col., Deichelmann, Samuel M., Capt., Dennany, James Eugene, Maj., Derrickson, Thomas G., II, Capt., DeSoto, Ernest L., Maj., Dewispelaere, Rex. F., SSgt., Dexter, Bennie Lee, Sgt., Di Tommaso, Robert Joseph, Capt., Diamond, Stephen Whitman, Capt., Diehl, William Calvin, Jr., Maj., Doby, Herb, Maj.

Dodge, Ward Kent, Lt. Col.,[2] Donahue, Morgan Jefferson, 1st Lt., Donald, Myren Lee, Capt., Dotson, Jefferson S., 1st Lt., Doughty, Daniel James, Maj., Dove, Jack Paris, Sr., Capt., Downing, Donald William, Maj., Dramesi, John Arthur, Maj., Driscoll, Jerry Donald, Capt.[1], Duart, David Henry, Maj.[1], Ducat, Bruce Chalmers, Capt., Dudash, John Francis, Maj., Duffy, John E., 1st Lt., Dugan, Thomas Wayne, Maj., Dusing, Charles Gale, TSgt., Dutton, Richard Allen, Maj.[1], Duvall, Dean Arnold, SSgt., Dyczkowski, Robert Raymond, Maj., Earll, David John, Capt., Eaton, Curtis Abbot, Maj.

Eaton, Norman Dale, Lt. Col., Echanis, Joseph Yagnacio, Capt., Eckley, Wayne Alvin, TSgt., Edgar, Robert John, Capt., Edmundson, William Rothrock, Capt., Edmunds, Robert Clifton, Jr., Capt., Eilers, Dennis Lee, Capt., Elliot Robert Malcolm, Maj., Ellis, Jeffrey Thomas, Capt.[1], Ellis, Leon Francis Jr., Capt., Elzinga, Richard G., Capt., Engelhard, Erich Carl, Maj., Espensied, John Lee, Maj., Everson, David, Maj., Evert, Lawrence Gerald Capt., Fallon, Patrick Martin, Col., Fanning, Joseph Peter, 1st Lt., Featherston, Fielding W., Capt., Fellenz, Charles R., TSgt., Fellows, Allen Eugene, Maj., Fer. John, Capt., Ferguson, Douglas, 1st Lt., Fieszel, Clifford Wayne, Capt., Finlay, John Sewart, III, Lt. Col.[1], Finney, Arthur Thomas, Lt. Col., Fisher, Donald Ellis, Lt. Col., Fisher, Donald G., Maj., Fisher, Kenneth, Maj., Fitton, Crosley James, Jr., Maj., Fleenor, Kenneth Raymond, Lt. Col.[1], Flesher, Hubert Kelly, Maj., Flom, Fredric Russell, Capt.

Flynn, John Peter, Col.[1], Fobair, Roscoe Henry, Maj., Foley, Brendan Patrick, Maj., Forby, Willis Ellis, Maj., Ford, David Edward, Capt.[1], Foster, Paul Leonard, SSgt., Fowler, Henry Pope, Jr., Capt.[1], Francisco, San Dewayne, Capt., Franklin, Charles Edward, Maj., Frederick, Peter Joseph, Lt. Col., Frederick, William V., Maj., Fullam, Wayne Eugene, Maj., Fuller, William Otis, Maj.

Gaddis, Norman Carl, Col.[1], Galbraith, Russell Dale, Capt., Ganley, Richard O., Capt., Gerndt, Gerald Lee, Capt., Getchell, Paul Everett, Capt., Gideon, Willard Selleck, Maj., Gilchrist, Robert Michael, Capt. Gillen, Thomas, E., Maj., Gist, Tommy Emerson, Capt., Glover, Calvin Charles, TSgt., Golberg, Lawrence Herbert, Maj., Gomez, Robert A., 1st Lt., Goodrich, Edwin Riley, Jr., Maj., Goss, Bernard Joseph, Maj., Gourley, Laurent L., Capt., Govan, Robert Allen, Maj., Grace, James William, Capt., Graham, Dennis Lee, Capt., Gray, David Fletcher, Jr., Capt.[1], Gray, James A., Capt., Green, Norman Morgan, Col., Greene, Charles Edward, Jr., Maj., Gregory, Robert Raymond, Maj., Grenzebach, Earl W., Jr., Maj., Grewell, Larry, TSgt., Grubb, Peter Arthur, Capt., Grubb, Wilmer Newlin, Maj., Gruters, Guy Dennis, Capt., Guarino, Lawrence Nicholas, Lt. Col.[1], Guillermin, Louis Fulda, Capt., Guillet, Andre Roland, SSgt., Guttersen, Laird, Maj.[1], Guy, Theodore Wilson, Col.

Hackett, Harley B., III, Capt., Hagerman, Robert Warren, Lt. Col., Hall, William Warren, Maj., Hall, Donald Joe, TSgt., Hall, Frederick M., 1st Lt., Hall, George Robert, Maj.[1], Hall, James Shreve, TSgt., Hall, Keith Norman, Maj.[1], Hamilton, Eugene David, Maj., Hamilton, John Smith, Lt. Col., Hamm, James Edward, Capt., Hanley, Larry James, Capt., Hanson, Thomas Patterson, Capt., Hardy, John Kay, Jr., 1st Lt., Harley, Lee Dufford, Capt., Harris, Carlyle Smith, Maj.[1], Harris, Cleveland Scott, Capt., Harris, Stephen W., SSgt., Harrold, Patrick K., 1st Lt., Hartness, Gregg, Capt., Hartney, James Cuthbert, Lt. Col., Harworth, Elroy Edwin, TSgt., Hassenger, Arden Keith, MSgt., Hatcher, David Burnett, Maj.[1], Hauer, Leslie John, Lt. Col., Hawkins, Edgar Lee, Capt., Heiliger, Donald Lester, Maj., Heiskell, Lucius Lamar, Capt., Held, John Wayne, Maj., Helmich, Gerald Robert, Maj., Helwig, Roger D., Capt., Henninger, Howard William, Maj., Hensley, Ronnie L., SSgt., Hensley, Thomas Truett, Capt., Herrick, James Wayne, Jr., 1st Lt., Herrold, Ned Raymond, Capt., Hesford, Peter Dean, Capt.

Hess, Frederick W., Jr., Capt., Hess, Jay Criddle, Maj., Hestle, Roosevelt, Jr., Lt. Col., Hicks, Terrin Dinsmore, Maj., Hill, Howard John, Capt., Hill, Robert Laverne, MSgt., Hinckley, Robert Bruce, Capt., Hiteshew, James Edward, Lt. Col.,[1] Hivner, James Otis, Maj., Hoff, Sammie Don, Capt., Hoffson, Arthur Thomas, Capt.,[1] Holland, Lawrence Thomas, Maj., Holley, Tilden Stewart, Maj., Holmes, David Hugh, Capt., Holmes, Lester Evan, Lt. Col., Holton, Robert Edwin, Capt., Hopper, Earl Pearson, Jr., Capt., Horinek, Ramon Anton, Maj.,[1] Horne, Stanley Henry, Maj., Hoskinson, Robert Eugene, Maj., Hrdlicka, Davis Louis, Maj., Hubbard, Edward Lee, Capt.,[1] Hughes, James Lindberg, Lt. Col.,[1] Hughey, Kenneth Raymond, Maj., Huneycutt, Charles J., Jr., Capt., Hunter, Russell Palmer, Jr., Maj., Ingvalson, Roger Dean, Lt. Col.,[1] Ireland, Robert N., MSgt., Irsch, Wayne Charles, Capt., James, Gobel Dale, Maj.,[1] Jarvis, Jeremy Michael, Capt., Jayroe, Julius Skinner, Maj.,[1] Jefferson, James Milton, Capt., Jefferson, Perry Henry, Capt., Jeffords, Derrell Blackburn, Lt. Col., Jeffrey, Robert Duncan, Capt.,[1] Jensen, George William, Lt. Col., Jensen, Jay Roger, Maj.,[1] Jekell, Eugene Millard, Capt., Johns, Paul Frederick, Maj., Johnson, Harold Eugene, Capt.,[1] Johnson, Samuel Robert, Lt. Col.,[1] Jones, Louis Farr, Lt. Col., Jones, Murphy Neal, Capt.,[1] Jones, Robert Campbell, Capt.,[1] Jones, William Eugene, Capt., Jourdenais, George Henry, Capt.

Kahler, Harold, Lt. Col., Karl, Paul Anthony, Maj.,[1] Karins, Joseph John, Jr., Capt., Karst, Carl Frederick, Lt. Col., Kasler, James Helms, Lt. Col.,[1] Kearns, Joseph Thomas, Jr., Maj., Keirn, Richard Paul, Maj.,[1] Keller, Wendell Richard, Maj., Kemmerer, Donald Richard, Capt., Kerr, Everett Oscar, Capt., Kerr, John C. G., Maj., Kerr, Michael Scott, Capt.,[1] Ketterer, James Alan, Capt., Kibbey, Richard Abbott, Maj., Kiefel, Ernest Philip, Jr., Maj., Kilcullen, Thomas Michael, Capt., Killian, Melvin Joseph, Col., King., Charles Douglas, Sgt., King, Donald Lewis, Maj., Kinkade, William Louis, Capt., Kirk, Thomas Henry, Jr., Lt. Col., Klein, Russell L., MSgt., Klemm, Donald Martin, Maj., Klenda, Dean Albert, Capt., Klinck, Harrison Hoyt, Maj., Kline, Robert Earl, Lt. Col., Klingner, Michael, 1st Lt., Knapp, Herman Ludwig, Lt. Col., Knebel, Thomas Edward, SSgt., Knight, Larry Dale, Capt., Knight, Roy Abner, Jr., Maj., Kommendant, Aado, Capt., Koonce, Terry Treloar, Capt., Kosko, Walter, Capt., Kramer, Galand Dwight, Capt., Kryszak, Theodore Eugene, Maj., Kwortnik, John Charles, Maj.

Ladewig, Melvin Earl, Capt., Lamar, James Lasley, Lt. Col., Lane, Charles, Jr., Capt., Lane, Michael Christopher, Capt.,[1] Lane, Mitchell Sim, Capt., Larson, Gordon Albert, Lt. Col.,[1] Lasiter, Carl William, Maj., Lawrence, Bruce Edward, Capt., Lebert, Ronald Merl, 1st Lt.,[1] Leetun, Darel Dean, Maj., Lefever, Douglas Paul, Capt., Lehnhoff, Edward W., Jr., Capt., Lengyel, Lauren Robert, Capt.,[1] Leonard, Edward Watson, Jr., Capt., Lewis, James Wimberley, Maj., Lewis, Merrill Raymond, Jr., Maj., Ligon, Vernon Payton, Jr., Col., Lillund, William Allan, Capt., Lilly, Warren Robert, Maj.,[1] Lindsey, Marvin Nelson, Maj., Lindstrom, Ronnie, 1st Lt., Lint, Donald M., Sgt., Lockhart, Hayden James, Jr., Capt.,[1] Long, John Henry Sothorn, Capt., Long, Stephen Glen, 1st Lt., Lucki, Albin, E., Capt., Luna, Carter Purvis, Lt. Col., Luna, Donald A., Capt., Luna, Jose David, Capt.[1]

Lunsford, Herbert Lamar, Lt. Col., Lurie, Alan Pierce, Maj., Lyon, Donavan Loren, Maj., MacCann, Henry Elmer, Maj., Macko, Charles, Maj., Maddox, Notley Gwynn, Lt. Col., Madison, Thomas Mack, Lt. Col., Madison, William Louis, TSgt., Magnusson, James A., Jr., Maj., Mahan, Douglas F., Capt., Makowski, Louis Frank, Lt. Col.,[1] Mallon, Richard J., Capt., Mamiya, John Michio, MSgt., Martin, John Murray, Maj., Martin, Larry Eugene, Capt., Martin, Russell Dean, Capt., Mascari, Phillip Louis, 1st Lt., Mason, William Henderson, Lt. Col., Massucci, Martin John, Capt., Masterson, Michael John, Capt., Mastin, Ronald Lambert, Capt.,[1] Matthes, Peter R., 1st Lt., Mauterer, Oscar, Lt. Col., Maxwell, Samuel Chapman, Maj., Mayercik, Ronald Michael, Capt., McCleary, George Carlton, Col., McCrary, Jack, MSgt., McCubbin, Glenn Dewayne, Capt., McCuistion, Michael K., Capt.,[1] McDaniel, Morris L., Jr., Maj., McDaniel, Norman Alexander, Capt.,[1] McDonald, Emmett Raymond,, Capt., McDonald, Kurt Casey, Maj., McElhanon, Michael Owen, Maj., McGouldrick, Francis J., Jr., Maj., McKenney, Kenneth Dewey, SSgt., McKnight, George Grigsby, Maj., McManus, Kevin Joseph, Capt., McNish, Thomas Mitchell, Capt.,[1] McPhail, William Thomas, Capt., Meadows, Eugene Thomas, Capt., Means, William Harley, Jr., Maj., Mearns, Arthur Stewart, Lt. Col.,[2] Mechenbier, Edward John, Capt.[1]

Mellor, Fredric Moore, Maj., Menges, George Bruce, Capt., Meroney, Virgil Kersh III, 1st Lt., Merritt, Raymond James, Lt. Col., Metz, James Hardin, Lt. Col., Meyer, Alton Benno, Capt., Meyer, William Michael, Maj., Midnight, Francis Barnes, Capt., Milikin, Richard M. III, Capt., Miller, Carl Dean, Maj., Milligan, Joseph Edward, Capt., Mims, George Ivison, Jr., Capt., Mitchell, Albert Cook, Maj., Mitchell, Thomas Barry, Capt. Moe, Thomas Nelson, Capt.,[1] Monlux, Harold Deloss, 1st Lt.,[1] Moore, Herbert William, Jr., Capt., Moore, Thomas, MSgt., Morgan, Burke Henderson, Capt., Morgan, Charles Elzy, Maj., Morgan, Edwin Everton, MSgt., Morgan, Herschel Scott, Maj., Morgan, James Sheppard, Maj., Morgan, Thomas Raymond, Maj., Morley, Charles F., 1st Lt., Morrill, Merwin Lamphrey, Maj., Morrison, Glenn Raymond, Jr., Capt., Morrison, Joseph Castleman, Maj., Mullins, Harold Eugene MSgt., Mundt, Henry, Gerald II, 1st Lt., Myers Armand Jesse, Maj.,[1] Myers Glenn Leo, Capt.[1]

Nasmyth, John Heber, Jr., Capt.,[1] Neeld, Bobby Gene, Lt. Col., Nellans, William Lee, Capt., Nelson, William Humphrey, Col., Neuens, Martin James, Capt.,[1] Newcomb, Wallace Grant, Capt., Newsom, Benjamin Byrd, Lt., Col., Nichols, Hubert C., Jr., Lt. Col., Nix, Cowan Glenn, Maj.,[1] Nobert, Graig Roland, Capt., Norris, Thomas Elmer, Maj., North, Kenneth Walter, Maj.

O'Grady, John Francis, Lt. Col., Odell, Donald Eugene, Maj.,[1] Olds, Ernest Arthur, Maj., Olson, Gerald Everett, Capt., Ortiz, Jose H. 1st Lt., Osborne, Edwin Nelms, Jr., Maj., Overlook, John Francis, Maj., Owens, Joy Leonard, Lt., Col.

Pabst, Eugene Matthew, Capt., Packard, Ronald Lyle, Capt., Page, Albert Linwood, Jr., Capt., Page, Gordon Lee, Maj., Palmer, Gilbert Swain, Maj., Palmgren, Edwin David, Col., Panek, Robert J., Sr., Capt., Parker, Frank C. III, Capt., Parker, Woodrow Wilson II, Capt., Parrott, Thomas Vance, Capt.,[1] Parsley, Edward Milton, TSgt., Pasekoff, Robert Edward, Maj., Pate, Gary, SSgt., Pauley, Marshall Irvin, TSgt., Paxton, Donald Elmer, Lt. Col., Pearson, Robert Harvey, Capt., Pearson Wayne Edward, Capt.

Peel, Robert Delayney, Capt.[1] Pemberton, Gene Thomas, Lt. Col. Perkins, Glendon William, Maj.[1] Ferme, Elton Lawrence, Maj. Petersen, Gaylord Dean, Capt. Peterson, Delbert Ray, Capt. Peterson, Douglas Brian, Maj.[1] Pietsch, Robert Edward, Capt. Pike, Peter X. Capt. Pitchford, John Joseph, Jr., Maj.[1] Pitman, Peter Potter, Capt. Pittmann, Alan Dale, SSgt. Pogreba, Dean Andrew, Col. Pollack, Melvin, Capt.[1] Pollard, Ben Marksbury, Maj. Pollin, George Johnn, Capt. Pobster Russell Arden Maj. Harmon, 1st Lt. Poor, Russel Arden,, Maj. Potter, William Tod, Capt. Powell, Lynn Kesler, Capt. Powell, William Elmo, Capt. Preston, James Arthur, TSgt, Pugh, Dennis G., 1st Lt. Purcell, Robert Baldwin, Maj.[1] Pyle, Darrell Edwin, Capt. Pyle, Thomas Shaw, Capt.[1] Pyles, Harley Boyd, Maj.

Rackley, Inzar William, Jr., Maj. Ragland, Dayton William, Lt. Col. Ralston, Frank Delzell, III, Capt, Rash, Melvin Douglas, Sgt. Rausch, Robert E., Capt. Ray, James Edwin, Capt.[1] Raymond, Paul Darwin, Capt. Read, Charles H. W., Jr., Lt. Col. Reilly, Lavern George, Lt. Col. Reitmann, Thomas Edward, Maj. Renelt, Walter A., Lt. Col. Rex, Robert Alan, 1st Lt. Rexroad, Ronald Reuel, Capt. Reynolds, Jon Anzuena, Capt.[1] Richardson, Floyd Whitley, Lt. Col. Rickel, David J., Capt. Ringsdorf, Herbert Benjamin, Capt.[1] Risner, Robinson, Col. Robertson, John Leighton, Maj. Robinson, Kenneth Dale, William Andrew, TSgt.[1] Roby, Charles Donald, Lt. Col. Rocket, Alton C., Jr., Capt. Rodriguez, Albert Eduardo, Capt. Romero, Victor, Sgt. Rose, Luther Lee, MSgt. Rosenbach, Robert, Capt. Ross, Joseph Shaw, Capt. Rowley, Charles S., Lt. Col. Ruhling, Mark John, Capt.[1] Runyan , Albert Edward, Lt. Col.[1] Russell, Donald M. Maj.

Sale, Harold Reeves, Jr., Capt. Salzarulo, Raymond Paul, Jr., Capt. Sandvick, Robert James, Maj. Sawhill, Robert Ralston, Jr., Lt. Col.[1] Scharf, Charles Joseph, Maj. Schierman, Wesley Duane, Maj. Schmidt, Norman, Lt. Col. Schuler, Robert Harry, Jr., Capt. Scott, Martin Ronald, Maj. Scungio, Vincent Anthony, Capt. Seagroves, Michael Anthony, 1st Lt. Seeber, Bruce Gibson, Maj.[1] Sehonn, James Eldon, Capt. Setterquist, Francis Leslie, Capt. Shanahan, Joseph Francis, Capt.[1] Shattuck, Lewis Wiley, Maj. Shelton, Charles Ervin, Maj. Shingledecker, Armon D., Capt. Shively, James Richard, Capt.[1] Shoneck, John Reginald, TSgt. Sigler, Gary Richard, 1st Lt.[1] Sijan, Lance Peter, Capt. Silva, Claude Arnold, Capt. Silver, Edward Dean, Maj. Sima, Thomas William, Maj.[1] Simonet, Kenneth Adrian, Lt. Col. Singer, Donald Maurice, Lt. Col.[3] Singleton, Daniel Everett, Capt. Singleton, Jerry Ellen, Capt. Sittner, Ronald Nicholas, Capt. Smith, Dewey Lee, Maj. Smith, George Craig, Capt. Smith, Hallie William, Capt. Smith, Harding Eugene, Sr., Lt. Col. Smith, Harold Victor, Maj. Smith, Harry Winfred, Capt. Smith, Herbert Eugene, MSgt. Smith, Howard Horton, Lt. Col. Smith, Lewis Philip, II, Capt. Smith Phillip E., Maj. Smith, Richard Dean, Capt. Smith Richard Eugene, Jr. Maj., Smith Victor A. Capt. Smith, Warren Parker, Jr., Maj. Smith, Wayne, Ogden, Capt.[1] Spilman, Dyke Augustus, Capt. Spoon, Donald Rav, Capt. Springston, Theodore, Jr., Maj. Squire, Boyd Edwin, Maj. St. Pierre, Dean Paul, Capt. Stanley, Robert William, 1st Lt. Stavast, John Edward, Lt. Col. Stearns, Roger H., Capt. Steen, Martin William, Maj. Stephensen, Mark Lane, Maj. Sterling, Thomas James, Maj.[1]

Stewart, Peter Joseph, Col., Stewart, Robert Allan, Maj., Stickney, Phillip Joseph, TSgt., Stine, Joseph Millard, Maj., Stirm, Robert Lewis, Maj.[1] Stischer, Walter Morris, Maj., Stockman, Hervey Studdie, Lt. Col., Stonebraker, Kenneth Arnold, Capt., Storey, Thomas Gordon, Maj.,[1] Storz, Ronald Edward, Maj., Stowers, Aubrey Eugene, Jr., Capt., Stroven, William Harry, Capt., Stubberfield, Robert Austin, Maj., Stutz, Leroy William, Capt., Sullivan, Dwight Everett, Maj.,[1] Sullivan, John Bernard, III, Capt., Sumpter, Thomas Wrenne, Jr., Maj., Suprenant, Charles, 1st Lt., Swanson, John Willard, Jr., Capt., Swords, Smith, III, Maj.

Talley, Bernard Leo, Jr., Capt., Tapp, Marshall Landis, Maj., Tatum, Lawrence Byron, Lt. Col., Temperley, Russell Edward, Maj.,[1] Terrell, Irby David, Jr., Maj.,[1] Thomas, Kenneth Deane, Jr., Capt., Thompson, George Winton, Capt., Thompson, William James, Maj., Thornton, Larry C. MSgt., Thorsness, Leo Keith, Maj.,[1] Tiffin, Rainford, Capt., Tipping, Henry Albert, Maj., Tomes, Jack H., Maj., Torkelson, Loren Harvey, Capt.,[1] Towle, John C., 1st Lt., Train, Steve W., 1st Lt., Trautman, Konrad Wigand, Maj.,[1] Treece, James Allen, Maj., Trier, Robert Douglas, Capt., Tucci, Robert Leon, Capt., Tucker, James Hale, Capt., Tyler, Charles Robert, Maj., Tyler, George Edward, Maj.

Underwood, Paul Gerard, Lt. Col., Utley, Russel Keith, Maj., Uyeyama, Terry Jun, Maj.

Van Buren, Gerald Gordon, Capt., Van Dyke, Richard Haven, Capt., Van Loan, Jack Linwood, Maj., Venazi, Gerald Santo, Capt.,[1] Vinson, Bobby Gene, Col., Vissotzky, Raymond Walter, Maj.,[1] Vogel, Richard Dale, Maj.[1]

Waddell, Dewey Wayne, Maj.,[1] Waggoner, Robert Frost, Maj.,[1] Walker, Herbert C., Jr., Capt., Walker, Michael Stephen, Capt., Walker, Samuel Franklin, Jr., TSgt., Waller, Therman Morris, TSgt., Walling, Charles Milton, Capt., Walsh, Richard Ambrose, III, Lt. Col., Waltman, Donald Glenn, Maj.,[1] Ward, Neal Clinton, 1st Lt., Warren, Arthur Leonard, Capt., Warren, Eryin, TSgt., Warren, Gray Dawson, Capt., Waters, Samuel Edwin, Jr., Capt., Webb, Ronald John, Capt.,[1] Weissmueller, Courtney Edward, Maj., Welch, Robert John, Maj., Wells, Norman Louross, Maj.,[1] Welshan, John Thomas, Capt., Wenaas, Gordon James, Maj.

Wendell, John Henry, Jr., Maj.,[1] Weskamp, Robert Larry, Capt., West, John T., Capt., Westbrook, Donald Elliot, Maj., White, James B., Capt., Whitford, Lawrence W., Jr., Lt. Col., Widdis, James Wesley, Jr., Capt., Wiggins, Wallace Luttrell, Capt., Wilburn, Woodrow Hoover, Lt. Col., Wilke, Robert Frederick, Col., Willett, Robert Vincent, Jr., 1st Lt., Williams, David Richard, Lt. Col., Williams, Howard Keith, Maj., Williams, James Ellis, TSgt., Williams, James Randall, SSgt., Williamson, Don Ira, Maj., Wilson, Glenn Hubert, Maj.,[1] Wilson, Gordon Scott, Capt., Winn, David William, Col., Winston, Charles C., III, Capt., Wistrand, Robert Carl, Lt. Col., Wolfkeil, Wayne Benjamin, Maj., Wood, Don Charles, Maj., Wood, Patrick Hardy, Maj., Wortham, Murray Lamar, Capt., Wozniak, Frederick Joseph, Capt., Wright, Donald L., TSgt., Wright, Gary Gene, Lt. Col., Wright, Jerdy Albert, Jr., Maj., Wright, Thomas Thawson, Maj., Writer, Lawrence Daniel, Capt.,[1] Wrye, Blair Charlton, Maj., Wynne, Patrick Edward, Capt.

Young, James Faulds, Maj.[1]

Zook, David Hartzler, Jr., Maj., Zook, Harold Jacob, Capt., Zukowski, Robert John, Capt.

WAR PRISONERS HAVE HUMAN RIGHTS TOO

(By John F. Loosbrock)

One can make a very good case, in purely military terms for the missions into the Parrot's Beak and the Fishhook in Cambodia. It is sound military doctrine to strike, and strike hard, at an enemy's supply caches and his command and control centers. One has only to recall the immense contribution to the ending of our own Civil War, made by Sherman's March to the Sea. The history of war is studded with other examples.

The box score on weapons, ammunition, and food supplies already netted in the Cambodian raids is impressive, and it is good to know that a significant, though incalculable, number of young Americans now serving in South Vietnam will have their fair chance of living to a ripe old age as a result of these operations.

The political side effects of the Cambodian raids are another matter. However one may feel about the necessity for the action there, its divisive impact on the American body politic is as much a fact of life as are the obvious military pulses involved in limiting the enemy's ability to hurt our own troops and those of our allies.

One of the most distressing side effects we have noted is the increasing tendency to substitute knee-jerk reflexes for the rule of reason, to replace honest debate with the parroting of *ersatz* slogans. It is possible, we feel, to be moved to sorrow and anger at the unnecessary and tragic deaths of the four Kent State students without betraying in any way one's belief that a Communist-dominated Asia would be a deadly peril, not only to the United States, but to free men everywhere. But the polarization of our society is making it ever more difficult to discuss almost any issue from more than one point of view.

A friend of ours warned us years ago: "When you walk down the middle of the road, you can get hit from either side." He was right, and it saddens us to have to admit it. But because he was right, important issues, on which all Americans, regardless of color, creed, or political persuasion, should be able to unite, get lost in the shuffle.

A case in point is the plight of the Americans who are known to be either prisoners of the North Vietnamese and the Viet Cong or who are missing and believed to be prisoners. Only one week before the massive gathering on the Ellipse protested the Cambodian operations to the President, the nation, and the world, a much smaller, less vocal, and less photographed crowd gathered only a block away in Constitution Hall.

Families of the war prisoners and of the men missing in action were there, from all parts of the land. There were speeches, requests for help, calls to action, and promises of support. But media coverage was sparse and, we suspect, the Hanoi government was much more impressed and hardened in its intransigence by what happened on the Ellipse seven days later.

The Air Force Association and this magazine took the lead in the matter of the prisoners of war last fall when we published in our October issue Lou Stockstill's magnificent article portraying their plight. Much has happened since in a positive way, as is outlined in detail beginning on page 32. But what remains to be done shows clearly in the statistics—thirty-one men have been released (nine by Hanoi and twenty-two others by the Viet Cong in South Vietnam); 450 are still in prison to our certain knowledge; and 1,096 more still languish in the shadowy land of "missing in action," leaving behind women who know not whether they are wives or widows.

There is much talk of human rights among those who protest the war. But there also is a basic human right involved in the matter of the war prisoners. Any prisoner, no matter how heinous his crime—whether he is imprisoned for criminal, civil, or political reasons, or whether he is a legitimate prisoner of war—deserves the basic human rights guaranteed by domestic and international law. In the case of a prisoner of war, his family is entitled by the Geneva Convention to know where he is held, and to communicate with him.

The North Vietnamese say our men are not prisoners of war but war criminals, and hence not protected by the Geneva Convention. That is pure hogwash. The Geneva Convention does not go into the matter of the legitimacy or illegitimacy of a war. If a man is in the military service, is wearing his country's uniform, and is captured, he is a prisoner of war and entitled to humane treatment under the Convention, which North Vietnam has signed.

Surely here is a cause in which all Americans can come together. We can appreciate the purity of motive with which more and more Americans are opposing the war in Southeast Asia. This is their right and their privilege. But we can also hope that the protestors, who say they are so concerned and who say they care so much, will direct at least a portion of that concern and that care toward their own countrymen whose basic human rights are being trodden upon by the country whose flag flew last month on the Ellipse.

If it is all well and good, when one disagrees with the President of the United States, to march on Washington and "tell it to Nixon," is it not even more pertinent and even more constructive to take up the cause of the American war prisoners and "tell it to Hanoi"?—END

WE MUST NOT LOSE MOMENTUM IN THE PUSH FOR RATIFICATION OF THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, For the past 3 years I have daily urged the Senate to take action on the genocide and other human rights conventions. With respect to the Genocide Convention, there has now been widespread support for this position in this administration, in previous administrations, among many of the most prominent members of the bar, among the press, and among many of my constituents.

In April 1970, 2 days of hearings were completed by the Special Foreign Relations Subcommittee on the Genocide Convention. As with the hearings held in 1950, that the large body of testimony was in favor of the convention attests to the intense interest in the convention and the widespread support of basic human rights. Indeed, such resistance as there is to ratification of this convention seems to have abated in the 20 years since the original 1950 hearings.

I genuinely believe that this lessening of resistance can be attributed to the broader and deeper understanding of the provisions of the convention. It is most helpful that the provisions of the convention which seemed to raise so many questions and doubts have now been debated and explained by a great many eminent members and scholars of the bar, officials of the administration, and representatives in the United Nations.

Now that the momentum has been built up for the most pertinent step toward ratification—moving from the subcommittee to the committee to the floor—it is necessary to assure that the momentum grows to a force and speed which will bring the measure to the floor for debate and a vote before the end of this Congress. Adjournment is perhaps only 3 months away. I urge my fellow Senators not to let this unique opportunity for ratification slip away. Let us make the Genocide Convention one of the shining achievements of the 91st Congress.

INADEQUATE FUNDING FOR MEDICAL CARE OF VIETNAM VETERANS

Mr. KENNEDY. Mr. President, on June 1, 1970, I submitted for reprinting in the CONGRESSIONAL RECORD the testimony of the Senator from California (Mr. CRANSTON), before the Appropriations Subcommittee on Independent Offices, on the medical budget for the Veterans' Administration. The statement starts on page 17700 of the RECORD for that date.

Senator CRANSTON has also prepared backup material, in the form of appendices to his formal statement, presenting in detail his justifications for seeking an additional $189,172,000.

I ask unanimous consent to have those appendixes printed in the RECORD.

There being no objection, the appendixes were ordered to be printed in the RECORD, as follows:

XUM

APPENDIX I

(Additional funds for and other amendments to V.A. 1971 appropriation in H.R. 17548, independent offices appropriations bill, 1970—recommended by Senator ALAN CRANSTON, May 27, 1970.)

A. MEDICAL CARE ITEM

1. *Funds for 5000 additional general medical care personnel to bring overall hospital staff ratio up to 1.7:1* (administration added funds for 3600 positions and House committee/Teague amendment added funds for 1000 more, equalling 4600; cumulative personnel increases sought by VA in FY 68 (3389), FY 69 (3376) and FY 70 (3586) total 10,351 less 866 added in FY 70 yield a deficiency of 9485; leaving about 5000 more funded positions needed at approximately $10,300 per position)—$51,500,000.

2. *Funds for salaries to double present spinal cord injury staffing ratios by end of FY '71* (see item A.5.d. for training funding for these new personnel) (present VA SCI staffing level is 1.02:1 bed; whereas ratio) (excluding research and teaching personnel) at Institute of Physical Medicine Rehabilitation (NYU) is 2.17:1; total salary costs for present SCI 1145 FTE positions is $11,271,000 for FY '70; approximately one half of this—increased to $12,000,000 to cover 6 percent pay raise—is needed for salaries to reach 2:1 ratio)—$6,000,000.

3. *Funds to eliminate equipment and maintenance and repair backlogs* ($49,000,000 backlog reported to House Veterans Affairs Committee by Administrator of Veterans Affairs on April 14; $5,000,000 added in FY 70 supplemental and assuming $12,000,000 in $50 million requested by President and granted by House and $10 million in House committee/Teague amendment were for this purpose, there now is $27 million provided for this purpose; this leaves $22 million needed for equipment; in addition, HVAC questionnaire to Hospital Directors showed in 1970 deferred maintenance and repair needs totalling $24,600,000 which are as yet unfunded)—$46,600,000.

4. *Funds for dental care to eliminate June 30, 1970, case backlog and meet revised FY 71 caseload projection based on recent FY 70 experience* (end FY 1970 case backlog estimated at 44,700 examinations and 8600 treatments and for FY 1971 25,000 more examinations and 20,000 more treatments than originally projected; each fee examination costs $29.88 and each fee treatment costs $232.43, requiring $8,722,000; House Committeee/Teague amendment restored $3 million for this purpose, leaving $5,722,000 still needed)—$5,722,000.

5. *Education and Training:*

a. *Physician's Assistants* (210 students, 84 instructors, supplies, and non-recurring costs)—$4,830,000.

b. *Allied Health Training* (1274 trainees, 189 instructors, supplies and other costs, in over 20 specialties)—$9,823,000.

c. *Pilot Program to Train Health Specialists in Intensive Care* (60 trainees, 24 instructors, equipment, space renovation, miscellaneous)—$1,000,000.

d. *Training of Spinal Cord Injury Personnel to double ratio at SCI centers* (1145 trainees, 200 instructors, space renovation, supplies, miscellaneous)—$4,000,000.

Subtotal -------------------- $19,123,000

6. *Activation of 1000 additional nursing care beds* (through conversion of unused present hospital beds; FY '71 includes increase of such 1155 beds)—$5,915,000.

Total ---------------------- $134,860,000

B. MEDICAL AND PROSTHETIC RESEARCH ITEM

1. *Amend title to add "and Development"* (Present level of $59,200,000—a 3 percent increase over FY 1970—representing an actual cutback in research given 10 percent inflation costs in research; provides for no new appreciable research projects—"development" function is to translate research results directly to improvement of patient care).

2. *Add 20% for development generally* (Radioisotope; atomic medicine; pulmonary function labs; electron microscopy; automated laboratory procedures, and 65 medical and 6 paramedical additional patient care/research and education traineeships now approved by unfunded ($2,266,706))—$12,000,000.

3. *Fund demonstration project for regionalization in Los Angeles, Southern Central California, area* (Small construction projects, communications and travel to combine services of 5 hospitals and one domiciliary facility)—$1,000,000.

4. *New project to research and develop method of transferring total community-based mental health concept (including attitudinal therapy program) to VA general and NP hospitals to lead to more individualized, sympathetic and compassionate care* (VA NP Hospital, Tuscaloosa, Alabama)—$500,000.

5. *Health facilities and services delivery R&D* (Strongly recommended by former Ass't. Sec'y. for Health and Scientific Afrs.—presently Chancellor of San Francisco Medical Center—Dr. Philip Lee)—$3,500,000.

Total (Brings research budget to $76,000,000 figure sought originally by DM&S within VA) -- $17,000,000

C. MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSE ITEM

1. *Restore amount originally sought by DM&S and cut within VA* (In order to carry out other recommended expanded medical programs)—$2,487,000.

2. *Fund twenty-seven more personnel positions (architect/engineers) to carry out 37 of the designs in D.1* (at $20,000 per slot—only six additional designs can be made by present staff)—$540,000.

Total ---------------------- $3,027,000

D. CONSTRUCTION OF HOSPITAL AND DOMICILIARY FACILITIES ITEM

1. *Expedite design for air-conditioning of 43 VA hospitals qualifying for airconditioning but unairconditioned and without designs* (Listed in Appendix II; at $140,000 per design)—$6,020,000.

2. *Modernization of Brentwood NP Hospital*—$5,000,000.

3. *Design plan for replacement hospital at Bronx, New York* (8% of estimated cost)—$4,000,000.

4. *Design plan for replacement hospital at Wadsworth, L.A. VA Center, California* (8% of estimated cost—$4,000,000.

Total ---------------------- $19,020,000

E. GENERAL OPERATING EXPENSES ITEM

1. *Add to implement new "Outreach Services Program" of P.L. 91–219* (VA estimate in comment on proposed bill was $25,078,252; 2 years allowed for implementation)—$12,539,000.

2. *Add funds for 200 more DVB field staff to process benefit applications* (to eliminate continual overtime costs which for FY 1970 are estimated to be—$3,150,000; cost of 200 staff full-time is about 30 percent cheaper than overtime cost for same services and about three new positions per field office)—$2,226,000.

3. *Add funds for 75 more clerical personnel to process dental care additional authorizations* (see item A.4: $6,600 per position—average of 1½ persons needed at busiest 50 stations)—$500,000.

Total ---------------------- $15,265,000

F. NEW EDUCATION AND TRAINING

1. *Establish separate appropriation bill item for education and training of health personnel* ($99,786,000 included in initial FY '71 budget for E&T plus $19,123,000 proposed to be added in item A.1; total to be earmarked is $118,909,000 including adequate funds for instructors).

2. *Decrease total medical care item accordingly* (by $66,447,000; less than total of initial E&T earmarking to preserve medical care staff who were devoting some time to teaching).

Grand total ------------------ $189,172,000

PROPOSED INCREASES TO ELIMINATE EQUIPMENT REPLACEMENT BACKLOG

(Item A.3, Appendix I)

The Veterans Administration's approximately $49 million equipment replacement backlog which will exist at the beginning of FY 1971 includes equipment which, having lived its usual life according to established tables of amortization, will become eligible for possible replacement during the FY 1971.

According to studies made in the past to determine the distribution of the nearly $400,000,000 investment in personal property, approximately 45% of this backlog, or $22 million, consists of therapeutic and diagnostic equipment, such as:

	Million
Beds and other wards and clinical furniture and equipment	$8.8
X-ray equipment	6.3
Blood and body chemistry analyses and other automated laboratory equipment	3.2
Equipment required in surgery	3.3
Dental diagnostic and treatment equipment	.7

Studies indicate that approximately 55% of this backlog, or about $27 million, consists of general hospital equipment, some major categories of which are:

Furniture for patient day recreation & waiting rooms, solaria, visitor areas, libraries, quarters & offices	$5.3

	Million
Machinery & equipment—therapy, laundry, cleaning, food conveyors, frozen food cabinets, dishwashers, etc.	4.6
Ovens, ranges, stoves, bake shop and kitchen equipment	3.6
Office machines and equipment	5.3

APPENDIX II

PROPOSED PILOT PROGRAM TO TRAIN HEALTH SPECIALISTS IN INTENSIVE CARE

(Item A.5c, Appendix I)

Instructional staff:	*Costs*
5 Physicians	$144,715
12 Nurses	177,812
4 Technical	43,663
3 Administrative Support	23,791
Subtotal	389,981
Trainee stipends:	
60 trainees	406,769
Equipment	62,000
Space renovation	86,250
Miscellaneous (contractual services, etc.)	55,000
Grand total	1,000,000

PROPOSED PHYSICIAN'S ASSISTANT PROGRAM EXPANSION

(Item A.5.a., Appendix I)

For an additional $4.8 million, 42 physician's assistant programs can be effectively mounted, as follows:

1. Radiologist's assistant	4
2. Physician's assistant (general)	11
3. Surgical assistant	10
4. Orthopedic assistant	5
5. Pathologist's assistant	9
6. Urologist's assistant	3
Total	42

The estimated costs would be:

5 students per program x 42=210 students at $6,000	$1,260,000
2 instructors per program x 42=84 instructors at $15,000=	1,260,000
Supplies: $1,000 per student x 210 students=	210,000
Non-recurring costs, equipment and space $50,000 per program x 42=	2,100,000
Total	4,830,000

Program sites would be as follows:

1. Radiologist's assistant (4): San Francisco, California, Indianapolis, Indiana, Wood, Wisconsin, Louisville, Kentucky.

2. Physician's ass't (gen'l) (11): Durham, North Carolina, Birmingham, Alabama, Dallas, Texas, Houston, Texas, Buffalo, New York, Iowa City, Iowa, Nashville, Tennessee, Oklahoma City, Oklahoma, Minneapolis, Minnesota, San Francisco, California, Seattle, Washington.

3. Surgical assistant (10): Birmingham, Alabama, Durham, North Carolina, Richmond, Virginia, Denver, Colorado, Seattle, Washington, Chicago West Side, Illinois, Iowa City, Iowa, Houston, Texas, Miami, Florida, Nashville, Tennessee.

4. Orthopedic assistant (5): Seattle, Washington, San Francisco, California, Iowa City, Iowa, Birmingham, Alabama, Chicago Research, Illinois.

5. Pathologist's assistant (9): Durham, North Carolina, Kansas City, Kansas, Cleveland, Ohio, West Haven, Connecticut, Madison, Wisconsin, Birmingham, Alabama, Houston, Texas, Chicago West Side, Illinois, Salt Lake City, Utah.

6. Urologist's assistant (3): Minneapolis, Minnesota, Memphis, Tennessee, Undesignated.

APPENDIX II

DETAILS OF PROPOSED TRAINING OF ALLIED HEALTH AND SPECIALIZED MEDICAL SERVICE PERSONNEL (ITEMS A.5 AND E.1 OF APP. I)

Field	Additional funds required for—						
	Trainees		Instructors				
	Number	Cost	Number	Cost	Space modification	Other costs	Total
Alcoholism counseling	20	$120,000	6	$75,000		$18,000	$213,000
Blind specialist	10	60,000					60,000
Dental training	150	405,000	15	182,000	$225,000	330,000	1,142,500
Electroencephalograph technician	20	54,000	2	20,000		10,000	84,000
Histopathology technology	10	27,000					27,000
Inhalation therapy	20	66,000	5	67,000		10,000	143,000
Medical technology	90	216,000	23	266,000	100,000	100,000	682,000
Nuclear medicine technology	10	37,000				10,000	47,000
Nurse anesthetist	50	180,000	16	210,000		50,000	440,000
Pharmacist's assistant	45	153,000	4	44,000		15,000	212,000
Pharmacy interns and residents	80	600,000	16	319,500			919,500
Psychology	150	900,000	15	304,000		8,000	1,212,000
Radiologic technology	80	160,000	22	242,000	57,000	100,000	559,000
Social work	150	480,000	11	184,000	5,000	31,000	700,000
Basic nurse	(1)	(1)	46	673,000	5,000	30,000	708,000
Registered nurse	50	330,000					330,000
Practical nurse	50	326,000					326,000
Nursing intern	6	36,000					36,000
Nursing resident	6	37,000					37,000
Biomedical instrumentation technician	25	75,000	8	120,000		55,000	250,000
Certified laboratory assistant	40	60,000					60,000
Audiologist and speech pathologist	80	360,000					
Dietetic intern	15	90,000					
Occupational therapy	50	155,000					
Rehabilitation technology	67	500,000					
Total	1,274	5,427,000	189	2,707,000	392,000	767,000	9,293,000

(1) Basic nursing students are not paid stipends.

Note: The nontrainee costs do not pertain only to the increased numbers of trainees. They are applicable also to the increased need for instructors, and so forth, for trainees already in the system in order to improve quality of training. The funds indicated above will be used in all States other than Alaska and Hawaii. This is because there is training going on in all VA hospitals, and the wide variety of indicated training makes it a certainty that some funds will be distributed to VA hospitals in all States.

RATIONALE FOR PROPOSED ADDITION OF "DEVELOPMENT" TO RESEARCH ITEM

(Item B.1 and 2, Appendix I)

Two closely related issues are important to current efforts to improve the quality of health services in this country. The first is concerned with the timely translation of facts of scientific discovery into terms which can be effectively utilized by doctors in the day-to-day practice of medicine. The second is concerned with refining and coordinating methods, instruments, drugs, physical plants and human resources for the delivery of health services.

Accomplishing these goals is, in part, an educational function. In equal or larger part, however, it is a *developmental* function which bridges the gap separating the practitioner of medicine from the biomedical researcher. This gap has long been recognized by industries of every type. Hence, research budgets, both public and private, are almost invariably coupled with funds for development. The well-established practice of Research and Development (R&D) funding provides a practical mechanism for the conversion of scientific knowledge to medical utility. In the industrial, physical, pharmaceutical, engineering and other sciences, developmental costs usually run at least 4 to 5 times the cost of basic research.

The failure to provide developmental funds in the health services industry has been a serious deterrent to progress in medicine. Many excellent examples can be drawn from experiences within the medical programs of the Veterans Administration.

Some years ago, VA research was instrumental in the discovery of basic facts, methods and instruments for the use of radioisotopes in the diagnosis and treatment of human illness. In succeeding years there was an inordinate lag in the practical application of these modalities. They were no longer topics of research, but neither were they truly ready to be put into the hands of practicing physicians.

The discoveries of pulmonary physiology have likewise necessitated the same prolonged transition. Basic facts from the research laboratory were too long in arriving at the bedside of patients with chronic diseases of the lung.

Work which is not clearly research cannot successfully compete for scarce dollars which are limited to research objectives. Developmental work, on the other hand, is highly suspect when it appeals for funds clearly intended for the immediate care of patients.

At a time when we urgently need to improve health care delivery, the vital developmental function is forced either to borrow from research funds, beg from patient care funds, or, as too often happens, remain unfunded. In the first two instances, the development work competes at a disadvantage and even under the shadow of intellectual dishonesty.

The recognition of development as an integral part of the VA research mission would permit the agency more quickly to advance such vital programs as computerization of clinical laboratories, introduction of new methods for behavior modification of psychiatric and senile patients, preparation of instructional and evaluative methods for hospital employees to assure the re-humanization of health care, automation and improved coordination of patient records, and production of model programs for health service delivery in many categories.

Proposed Health Facilities and Services Research and Development

(Item B.5, Appendix I)

A new component in health care, called Health Services Research and Development has emerged with more than 300 staff people devoted to health services research. The VA has been in the vanguard of this new activity leading to the identification of criteria by which alternative courses of action may be defined for the best delivery of health care. The VA is in a unique position to undertake further major research in this field.

An area of great potential for improving patient care is research related to patient treatment. The use of the computer in physiological monitoring in intensive care units and the transmission, using telephone lines, of ECG data to a central point for interpretation are two VA projects in this general area. These projects represent only the barest beginning.

Though progress has been made in developing a patient treatment information system, research is needed to investigate and develop the automation of patient history and physical examination procedures.

An important task would be the development of one or more centers in which the interests, competencies and resources for good health services research are clustered.

The VA could play a major role in architectural design of hospitals and other facilities for optimum delivery of health care. A major emphasis of patient care research should be placed on biomedical engineering in the broadest sense to include integration of systems, structure, electronics, and computer applications.

Proposed Independent Appropriation for Education & Training

(Item F.1 and 2, Appendix I)

The table on pages 1–9 of the FY 1971 Congressional Submission may be used for reference:

The appropriation for FY 1971 should be as indicated.

The amounts, totalling $6,126,000 under the heading "Medical Administration and Miscellaneous Operating Expenses" should be subtracted, without replacement, from the appropriation of that title.

The $60,321,000 for trainee stipends should be subtracted without replacement from "Medical Care." All trainees do not receive stipends. In future years, consideration may be directed to increasing the number of stipended trainees as this may be demonstrated as of value in increasing the total number of trainees.

The $27,335,000 for instructors should be included, but should not be taken out of "Medical Care." This would permit recruitment of instructors directly, and would permit reimbursement to "Medical Care" for such educational services as are provided.

The items for administrative support and other costs should be included in this appropriation and should not be taken out of "Medical Care."

Unairconditioned VA Hospitals Qualifying for Airconditioning and for Which No Design Funds Are Requested in FY 1971

(Item D.1, Appendix I)

Albuquerque, N.M.
Amarillo, Tex.
Aspinwall, Pa.
Bay Pines, Fla.
Bonham, Tex.
Brecksville, O.
Castle Point, N.Y.
Chillicothe, O.
Coatesville, Pa.
Columbia, S.C.
Dayton, O.
Newington, Conn.
N. Little Rock, Ark.
Perry Point, Md.
Poplar Bluff, Mo.
Downey, Ill.
E. Orange, N.J.
Fayetteville, Ark.
Fayetteville, N.C.
Fort Howard, Md.
Fort Lyon, Colo.
Fort Thomas, Ky.
Grand Island, Neb.
Grand Junction, Colo.
Gulfport, Miss.
Huntington, W. Va.
Salem, Va.
Salisbury, N.C.
San Fernando, Cal.
Indianapolis, Ind. (CSR)
Kerrville, Tex.
Knoxville, Tenn.
Lebanon, Pa.
Lincoln, Neb.
Lyons, N.J.
Marion, Ind.
Martinsburg, W. Va.
Montrose, N.Y.
Mountain Home, Tenn.
Murfreesboro, Tenn.
Temple, Tex.
Tuscaloosa, Ala.
Wichita, Kan.

Appendix III

Excerpts of Testimony From Veterans Affairs Subcommittee Oversight Hearings (Nov. 21 to Apr. 28)

Dr. Hugh Luckey, president of the New York Hospital-Cornell Medical Center:

"Are we doing all we know how to do for our veterans? The answer is definitely no. Within the limitation of funds, personnel and physical resources, the Department of Medicine and Surgery is doing a fine job. However, we would be deceiving ourselves if we did not admit that we could do better. . . . Do we have reason to be apprehensive about the future of health care in the VA? I would say the answer must be a resounding yes.

"The VA is subject to the same pressures as exist in other areas of our health care system. Salaries of VA full-time professional personnel are not competitive. . . . Many VA facilities are becoming obsolete. Funds to support research are so limited as to restrict this important attraction of high-quality personnel. . . ."

Dr. Russel V. A. Lee, founder and consultant, Palo Alto Medical Clinic, and clinical professor of medicine emeritus, Stanford University:

"The veterans hospitals have done a remarkably good job in rehabilitation in many of the hospitals. Some of them are really outstanding, but they are not prepared, without some extra help, for the new burden they are going to have of getting these people back to duty. That means not only physical rehabilitation of the people to their wounds, but vocational rehabilitation so that they will be fitted for some sort of useful life into the future."

Dr. Thomas A. Gonda, professor of psychiatry, associate dean, Stanford University Medical School, and director of the Stanford University Hospital:

"I won't belabor the point as far as quality is concerned. Insofar as quantity is concerned, I have seen a gradual drift of personnel downward, and now we have an overall ratio of 1.2, or 1.25 personnel per patient in our Veterans' Administration hospital, which is a full teaching hospital; and this compares to a 3-to-1 staffing ratio at the university hospital.

"I think the answer lies somewhere in between for the most optimal veteran's care. Certainly hospitalized veterans deserve more than they are getting.

"[The X-ray facilities are] obsolete, in the worst sense of the word. Broken down in a very, very true sense. The equipment there has to be constantly repaired . . . the hospital itself has been trying to do something about [it] for some time, and has run into snags, fiscal snags."

Dr. Norman Q. Brill, professor of psychiatry, UCLA School of Medicine, consultant in psychiatry to VA Hospital, Brentwood:

"Over the years, I have personally referred many young psychiatrists to the Brentwood Hospital when they have come here looking for jobs, but in almost every instance, they lost interest when told how many patients they would have to treat and that this heavy inpatient load precluded their having time for research. There were many who, if inclined to take a job in the VA expressed a preference for the Long Beach VA Hospital or a county hospital where the doctor-patient ratio on the psychiatric service is closer to 1 to 25.

"The acting hospital medical director is occupying three positions because he can't take any of his very few doctors off their present assignment to patient care to give him some help; consequently, for almost 1 year, he has functioned as director, assistant director, and chief of professional education of the Brentwood VA Hospital."

Dr. Philip R. A. May, professor of psychiatry, UCLA School of Medicine, consultant in psychiatry to VA Hospital, Brentwood:

"As Doctor Brill told you, 20 years ago, Brentwood was the leading psychiatric center in southern California and at this time, the physical facilities are obsolete, the morale is low, treatment programs are handicapped by not being able to treat patients in the way they ought to be able to, as I see it. The overcrowding has been diminished and used to be appalling. I would say now it's only bad . . . to take two simple examples, that there are just not enough toilets, not enough washbasins—the ones that they have lack privacy—the showers: two people take a shower at the same time in the same shower stall. This is not the kind of thing which I would expect in a modern psychiatric facility."

". . . I think in terms of the physical facilities, that Brentwood—for which I speak in particular—I think they are considerably below the level that there is now at many State hospitals. That at many State hospitals, each patient has far more space than they have in Brentwood Hospital at the present time; they have research programs; in terms of treatment, they have the ability and the permission and the authorization to follow patients out into the community and do just the kind of care that I was describing to you."

Dr. Beverley Oliphant, intern, VA Hospital, Washington, D.C., and Dr. Joseph Backer, first-year resident in medicine, VA Hospital, Washington, D.C.:

"Some of the medical students from the three university hospitals who rotate through the Veterans Administration hospital as part of their training have described their rotation as 'one of the most frustrating experiences during medical school,' due primarily to 'almost complete inadequacy of ancillary personnel' and 'grossly inadequate care which is the rule at this institution'."

"I would say the care is poor, and the patient, again, in certain aspects, has good care, as far as the doctors who are present to take care of the patients. But as far as the ancillary personnel, the nursing and the laboratory and X-ray, in all these respects, I feel that the care is very much lacking.

"I am very sorry to sit here and say it, but I find that much of the eagerness that I had when I went to the VA last July as a fresh, young intern, recently graduated from medical school, much of that compassion now has just changed into an apathetic feeling that really disgusts me."

Dr. Stewart Wolf, regent professor of medicine at the University of Oklahoma School of Medicine and head of neurosciences of the Oklahoma Medical Research Foundation:

"I should like to emphasize . . . the danger of deterioration of what has been a vital force in modern medicine in this country. . . . The current national priorities, as reflected in the personnel ceiling policy and budget cuts imposed on the VA threaten the quality of the veterans medical facilities at a time when they are about to be challenged by a great wave of discharged and handicapped GI's who were drafted to fight on the battlefield without glory. . . .

"In the recent past the VA has been able to attract the highest quality of professional staff. Today, however, there is a concern among potential recruits, in part because of the financial strictures, in part due to the vulnerability of the top administration to the winds of political change, but mainly as a consequence of a subtler problem, namely the feeling that the halcyon days are over. Thus, there is a real danger that the administration and the Congress are about to see veterans' hospitals revert to the mediocre status of the 20's and 30's, where tired physicians and political job holders provided the care for the defenders of our country."

Dr. Louis Jolyon West, chairman of the department of psychiatry and medical director, Neuropsychiatric Institute, University of California at Los Angeles:

"An unhappy example of this regrettable situation can be seen at the Brentwood hospital of the Los Angeles VA Center. Despite the staff's best efforts, Brentwood simply has lacked the resources to keep up with progress being made in state and private hospitals throughout California.

"The residency training program in psychiatry at Brentwood was the leading program in Southern California after the Second World War. However, since the middle '50's, there has been a steady and progressive relative loss of ground. Typically, as the educational program declined, patient care followed. Morale is low, training is stagnant, treatment facilities and treatment programs are lagging behind modern standards. In many aspects they have fallen considerably below the quality of state and county facilities in California today.

"To be blunt, the Brentwood hospital program in 1969 is operating at a level that is mostly still at, or even below the level of 20–25 years ago. The rapid progress that has been made in psychiatry is not reflected there, and Vietnam veterans who are sent to Brentwood do not receive first-class care.

"The physical plant and facilities have not been properly improved. Air-conditioning, standard in all modern hospitals in the area has not been provided. While the previous overcrowding has diminished, certain patient areas are still too crowded, and sanitary facilities are inadequate by current standards. The furniture is mostly old and unattractive. Treatment and testing facilities are inadequate. Staffing levels, especially for physicians, are low. A number of positions lie vacant.

". . . But Brentwood is by no means the worst in the system, and I have personally visited veterans hospitals, especially those that are remote from the large population centers . . . where I believe [there are] situations even worse than Brentwood.

"In the absence of the facilities . . . which is hard work and takes very skillful personnel, it is easy enough today for whatever staff exists to fall back upon chemicals, and with chemicals we can make a person comfortable and keep him quiet so he doesn't cause a fuss and upset the routine of the hospital. . . . [He would be] a man with an invisible barrier between him and the rest of the world, a chemical cocoon."

Dr. Philip Lee, chancellor of the University of California Medical Center in San Francisco, and former Assistant Secretary for Health and Scientific Affairs at HEW:

". . . I believe the budget cuts and restrictions on personnel have seriously affected the improvements in patient care that are needed in the veterans' hospitals and clinics. I believe that a minimum of $100 million is needed merely to convert the personnel deficit that has resulted from the ceilings imposed in the past several years.

"Second, funds are needed—about $100 million annually to build new hospitals and modernize existing hospitals and clinics in order that first-rate care can be provided. . . . Third, funds are needed to construct research and teaching space. . . . These are urgent needs. They will improve patient care as no other investment by the VA can. . . . Fifth, adequate funds need to be provided the VA for a major program of health facilities and health services research.

"Finally, Mr. Chairman, in answer to your basic questions, 'Are we doing all we can about this problem? Are we doing all we must?,' the answer is an emphatic no. The tragic fact is we are asking the veteran to pay in his health for the anti-inflationary policies that are followed by the administration. I think we are asking him to pay too high a price."

Dr. Baldwin G. Lamson, director, UCLA Hospital and clinics:

"At UCLA we are currently operating under some pressure as a result of a heavily worked nursing staff, with a nursing pattern established at 5.5 hours per patient day. In contrast, at the Wadsworth Hospital on a general orthopedic nursing unit, the staffing pattern is currently at 2.7 hours per patient day, and on a medical unit 2.8 hours per patient day.

"The medical intensive care unit was built over one year ago but has never been activated for medical patients. The medical nursing service, which does not have a general purpose intensive care unit, is also unable to provide special duty nurses for critically ill patients. These are often 'specialed' by relatively inexperienced nurses aides. Nursing coverage on the night shift commonly provides only one registered nurse for sixty patients.

"At the present time it will take $600,000 to replace obsolete equipment and procure needed units to bring the Department of Radiology up to acceptable modern standards for patient care . . . . The X-ray therapy department is overloaded and must be expanded. . . . Equipment should be purchased to replace present 10-year-old obsolete machinery for the radiation therapy department at Wadsworth Hospital to remain accredited for the training of personnel which are so urgently needed, and in order to give the best service to veterans.

"The hospital is badly in need of a second special procedures room to be used for cardiac catheterization and angiographic studies, because of the current waiting list of approximately two months before these procedures can be performed.

"Shortages of personnel require, in order that the critical functions of the hospital may be staffed twenty-four hours a day, seven days a week, that several categories of personnel agree to rotate work shifts and serve periods of duty on the evening and night shifts. . . . It is imperative that night, evening, and weekend shifts be staffed with people whose circumstances make these particular shifts attractive to them. . . . In a modern, attractive, well-maintained, equipped and staffed facility, it is possible to obtain voluntary personnel for the unpopular shifts. In a borderline facility this becomes impossible."

Mr. Sam Bottone, project director, California Nurses Association, and Miss Dorothy Fogarty, RN., Los Angeles VA Center:

"Nurses at Wadsworth have told me that instead of being able to provide nursing care, they often feel as if they are offering only custodial care. The director of the VA Center, Los Angeles, which includes Wadsworth has described patient care at the Center as 'subminimal' and the staff morale as 'atrocious'. An important reason why the morale is so bad is because nurses feel that they frequently leave work at the end of a tour knowing that they were unable to provide minimal care to their patients.

"In the extended care unit of Wadsworth the nursing hours per patient day is about 1.1 hours. The minimum criteria used by the California State Department of Public Health's Bureau of Licensing and Certification is 2.5 hours. If this unit were not a federal facility, it would not be licensed to operate in California."

Drs. J. Gary Davidson and Bernhard A. Votteri, Wadsworth Hospital:

"The facilities can be summarily described as filthy. Housekeeping deficiencies lead to the accumulation of dirt including feces, bacterial counts rise, and a definite infective risk results. The facilities available for preventing the spread of infection can best be described as medieval. . . . Filthy conditions such as exist at Wadsworth daily were never seen when I was in Vietnam at the station hospital Danang. . . . We must pause to consider how this affects the patient. We have had patients with fevers of 102° and up with pain relieved only by injections, who have literally dragged themselves home rather than tolerate the above conditions. Patients who are dying from malignancies already have cause for depression without having the crowded, filthy environment as a constant depressing influence upon them."

Francis W. Stover, director of the national legislative service of the Veterans of Foreign Wars:

"Is the VA providing the quality of care intended by the Congress and to which veterans are entitled? The VFW regretfully answers this question in the negative. . . . Every indicator shows that the VA is not getting the money, personnel, equipment, services, and all those other factors which add up to the finest quality medical care. In the personnel area, the VFW has advocated and strongly recommends that the costs of medical care for veterans be considered as a war cost. . . .

"More basic than this, however, is the need for construction, renovation, and modernization funds. Back in the 1950s President Eisenhower inaugurated a 12-year $900 million program to renovate and modernize the VA hospital system. President Kennedy reviewed the program and made it a 15-year $1.3 billion program. It has been estimated that at least $90 million a year is necessary to keep this program going forward, as contemplated. In recent years, however, the budget for this category has been sharply reduced. For the year 1970, after having some of the money restored, the total is about $55 million. Because this is a discretionary item, it has suffered the deepest cuts in the VA budget."

Peter L. Lassen, executive director of the Paralyzed Veterans of America:

"We charge VA with letting down—or giving up—on those very seriously disabled who need so much help in all phases of their recovery and rehabilitation. Appearing before another committee earlier this year, Dr. Engle, Chief Medical Director of the VA, admitted: 'We acknowledge that we have been remiss and have not done an optimum job of preparing patients phychologically and socially for adjustment outside the hospital, and in many instances we may have fostered dependency by prolonged hospitalization.' "

E. H. Golembieski, director of the Ameri-

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can Legion's national rehabilitation commission:

"The American Legion is gravely concerned over the effects of repeated reductions in budget requests for the Department of Medicine and Surgery on its ability to deliver first-class health services to eligible veterans. . . . The Veterans Administration is being forced to operate what was designed to be a second-to-none medical care program for the nation's sick and disabled veterans with inadequate and arbitrary personnel limitations. . . . At a time when the veteran population is rapidly expanding by the separation of severely disabled veterans of the Vietnam fighting and the continuing routine release of large numbers of servicemen by the armed forces, the VA hospital system is being contracted by the denial of funds necessary to provide for satisfactory professional staffing, operating expenses, the modernization and construction of necessary medical facilities, and utilization of life-saving and life-prolonging facilities and equipment."

Raymond P. Neal, national commander, Disabled American Veterans:

"In our own state of California, DAV reports reveal there are new medical units, equipment, beds and wards lying idle because of lack of funds for staffing . . . similar situations exist in the VA hospitals at San Francisco and Palo Alto. The additional patient load of Vietnam veterans is placing a strain on current resources required for treatment of other eligible veterans.

"The following is a cross-section of the DAV National Service Officers' reports: 'VA hospital, Nashville, Tenn.: An intensive care-unit valued at $500,000 is completely idle. A new cardiac unit costing approximately $200,000 is also idle for lack of funds.

" 'VA hospital, Jackson, Miss.: Two intensive care units now under construction are urgently needed, but will remain idle unless additional funds are provided for necessary staffing.' "

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NATIONAL GUARD'S RECORD IN CIVIL DISORDERS

Mr. THURMOND. Mr. President, in recent weeks there has been a great deal of loose talk about the role of the National Guard. Some of it has been close to slanderous, and much of it has been disrespectful to the brave and loyal young men of our country who give of their time and service to enforce the public safety.

I quote the statement of Maj. Gen. James F. Cantwell, president of the National Guard Association of the United States:

> From January 1, 1968 until May 1, 1970, a period of more than two years culminating just three days before the Kent State episode, National Guardsmen in every section of the country were called on 191 occasions to help civil authorities restore or maintain order during civil disturbances. Approximately 224,500 National Guardsmen were involved in those unpleasant, frequently dangerously operations. Yet no more than one or two fatalities can be attributed to the actions of National Guardsmen during that entire period. The period included, incidentally, the massive, widespread riots of April, 1968.

This is a good record, and I do not think the Guard has to fear the results of the current investigation.

Mr. President, I ask unanimous consent that the statement of General Cantwell, as well as other statements which give the Guard's side of the story, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

STATEMENT BY MAJ. GEN. JAMES F. CANTWELL, PRESIDENT, NATIONAL GUARD ASSOCIATION OF THE UNITED STATES, MAY 11, 1970

The tragic occurrence at Kent State University on May 4 set off an angry, unreasoned reaction that was marked more by emotion than by any sober, factual understanding of what actually happened on that unfortunate campus.

All of us—National Guardsmen more than others—were saddened by the death of four Kent State students in a clash with Guardsmen during the campus disorders. It was indeed, as many Americans have characterized it, a tragedy.

No fair assessment of cause or blame can be made, however, until investigators have developed a full and factual account of what actually transpired. Distorted, hysterical recollections of what took place, offered by distraught eyewitnesses, cover only fragments of the sequence of events leading up to the deaths, and are no substitute for facts. Yet it is on the basis of such fragmentary, highly colored information that terms like "trigger-happy," "poorly trained," "young and immature," and others equally damning have been applied to Ohio troops and the entire National Guard.

Such accusations cannot be justified by the facts. From January 1, 1968 until May 1, 1970, a period of more than two years culminating just three days before the Kent State episode, National Guardsmen in every section of the country were called on 191 occasions to help civil authorities restore or maintain order during civil disturbances. Approximately 224,500 National Guardsmen were involved in those unpleasant, frequently dangerous operations. Yet no more than one or two fatalities can be attributed to the actions of National Guardsmen during that entire period. The period included, incidentally, the massive, widespread riots of April, 1968.

This is an almost phenomenal record considering the tense and explosive atmosphere that prevailed during most of those 191 occasions. It is even more remarkable when one is aware of the extreme physical and verbal abuse and provocation to which National Guardsmen were subjected in disorder after disorder.

It is a record of which even the best-trained police or professional troops could boast with pride.

National Guardsmen receive extensive training in riot control operations, with continual, heavy emphasis on humane techniques and restraint in use of force. They have repeatedly demonstrated both their competence and their humanity. No element among law enforcement agencies has been more insistent than the Guard in protecting the right of all citizens to peaceful, orderly protest. Only the presence of Guardsmen, in fact, guaranteed that right on numerous occasions.

NATIONAL GUARD IN CIVIL DISTURBANCE OPERATIONS, SEPTEMBER 1, 1967 TO MAY 8, 1970

[Year and number of times called]

	Number of Guardsmen involved
September 1 to December 31, 1967 (10)	8,692
1968 (101)	154,683
1969 (67)	49,264
January 1 to May 8, 1970 (23)	20,574
Total (201)	*233,213

* This figure represents the total number of National Guardsmen called for support of civil authorities during civil disturbances.

Remarks: Call-ups of National Guard for civil disturbances during this period 1 September 1967–8 May 1970 averaged more than six call-ups per month.

STATISTICS ON NATIONAL GUARDSMEN

(Based on a 10-percent sample from three States—Washington, Iowa, and Pennsylvania)

Age: 64.9% over 22 years; 7.9% over 30 years; and 15.8% under 21 years.

Marital status: 51% Single; 49% Married; 28% Married, no children; and 21% Married with children.

Education: 6.1% not high school graduates; 56.9% high school graduates; 36.9% some college; 10.2% one year college; 15.5% two to four years college, no degree; and 11.5% college graduates.

Physical profile: 99% no significant physical limitation.

OHIO: NATIONAL GUARD IN CIVIL DISTURBANCES OPERATIONS

(During period September 1, 1967—May 8, 1970)

[Year and number of times called]

	Number of Guardsmen involved
Sept. 1–Dec. 31, 1967(3)	1,244
1968 (10)	9,451
1969 (4)	1,947
Jan. 1–May 8, 1970(4)	5,775
Total (21)	*18,417

*This figure represents the total number of National Guardsmen called for support of civil atuhorities during civil disturbances.

STATEMENT OF CHIEF, NATIONAL GUARD BUREAU AT SENATE ARMED SERVICES COMMITTEE DURING STRENGTH AUTHORIZATION HEARINGS, MAY 7, 1970

A day of disorder at Kent State University on 2 May ended with the burning of an ROTC Building. In the morning 150 students became disorderly while protesting the President's position on Cambodia. Fourteen students were arrested and three policemen injured. During the day Weathermen told local merchants if they didn't put signs in their windows protesting the President's policy, then stores would be firebombed that evening. Sale of gasoline in gallon containers was reported in Kent. Telephone threats of violence were received by merchants and officials. Students vowed to protest the 8:00 P.M. curfew imposed as a result of the morning violence. At 7:30 P.M., Co A, 145th Infantry and 107th CAV elements, both Ohio Army National Guard, were ordered to the campus from standby in their armories. At 9:15 P.M., 400–500 students caused riotous conditions and hindered efforts of firemen to fight the ROTC building fire and cut fire hoses. Small bands of rioters in downtown Kent caused light damage. Approximately 150 National Guardsmen were committed to assist Kent Police downtown.

Early 3 May, small fires started on campus and numerous rock throwing incidents were reported. An additional 140 Guardsmen were on fixed post security at Kent City utility plants, and on mobile patrols with city police.

That evening disorder again broke out when approximately 1,500 students gathered on the campus in violation of a ban by the Governor against outdoor meetings. The crowd was dispersed by police and Guardsmen using tear gas after which they gathered downtown and staged a sit-in. They were were dispersed, moved back to campus and order was restored.

On 4 May at noon, a major confrontation occurred between Kent State University students and law enforcement agencies, reinforced by 98 Ohio National Guardsmen. This culminated in the death of four students and wounding of 14 others.

"Why did they have live ammunition?"

Ohio Rules of Engagement are detailed in Annex F (Pre-Employment Briefing) to their OPLAN 2 (Aid to Civil Authorities). They are carefully drawn. They begin and end with the admonition to use only the minimum force necessary and prescribe the use of sequentially increasing forces. (I have the document for your inspection).

Ohio elects to load and lock weapons before commitment. The Army unit, when determined by the Officer in Charge, in accordance with their rules of engagement, is authorized the initial selection of the same option of the round chambered and authorizes use of deadly force in self defense to avoid death or serious bodily harm, and authorizes personnel to fire their weapons when required to save their lives including the prevention of serious bodily harm.

Ohio responds to the question, when is a round chambered, and when is a round fired, as follows: "At riot scene and just before he is committed to the street, individual Guardsman will load and lock weapon upon authorization of a responsible officer. Weapon is fired when authorized by a responsible officer unless individual is fired upon or when his life is otherwise endangered."

As to "why did they fire?" We must await the results of the investigation by the Department of Justice (FBI) which was requested by the Governor and the Adjutant General of Ohio, and the results of other investigations including those of General DelCorso by Inspector General and Judge Advocate General personnel.

We can keep in mind that all persons on the green, whether or not confronting the police and Guardsmen, were law breakers in violation of the Governor's (and the University's) ban, in violation of the Riot Act and the lawful order to disperse and, for some, in violation of the Ohio code in knowingly assaulting, striking or wounding a law enforcement officer or member of the organized militia.

We can keep in mind:

The unconfirmed reports of four shots fired by a person in the dissident group;

The unconfirmed report of a non-military spent shell casing in the vicinity;

The report, unchallenged as far as I know, "Kent City and campus police established that a sniper was located on the roof of Johnson Hall of Silver Oak Apartments and was shooting at Guardsmen at the time of the shooting incident;

That a Columbus Evening Dispatch story dated 6 May 1970 contains a university report that a student photographer was beaten by demonstrators and waved a pistol in self defense and relates that a special agent of Portage County said he saw a cameraman firing his pistol between the advancing Guardsmen and the crowd of students;

And that this has been reported to the FBI:

A witness observed the following from Osborne Dormitory. A girl dashed out, fired a weapon at the Guard as they turned away. They turned back and returned the fire.

Mr. Chairman, may we also keep in mind that all Ohio National Guardsmen have received the Army prescribed training and annual refresher training. They have received, during numerous calls to State active duty, riot training far in excess of, and perhaps equal again, to the Department of Army requirement. Few troops have been more involved in civil disturbance operations than Ohio. Company A, 145th Infantry—with every man struck by rocks or bricks, 26 men treated locally and two men hospitalized in this tragic incident—served in six days of Akron disturbances in July 1968 in which they were exposed to sporadic stoning, rock and bottle throwing, riotous crowds, and firebombing. In December 1969, this same unit served two days in student disorders at Akron University, and again in 1970 were called upon to assist the local authorities in the restoration of law and order.

I expect the investigation being conducted by the FBI and State authorities to make a final determination in the events that happened at Kent.

The National Guard in Civil Disorders

Periodically in recent times, the National Guard has become the target of extensive adverse comment and criticism, resulting from its employment to halt civil disorders. Habitually, the negative comment is focussed on such terms as "poorly-trained" or "trigger-happy," and almost always are written or uttered in the heated, highly-emotional aftermath of a specific incident, before the actual facts surrounding that incident are known. A factual examination of the Guard's performance, however, tells an entirely different story. It's a story of restraint in the face of extreme provocation and abuse, and of effective performance with minimum use of deadly force.

Between January 1, 1968, and May 1, 1970, National Guardsmen were called to duty on 191 occasions to aid civil authorities in the control of civil disorders. Those calls to duty involved 224,500 Guardsmen. That period included the massive riots of April, 1968, with their accompaniment of rioting, looting and burning. Yet the record shows that virtually no fatalities were caused by the acts of National Guardsmen during that entire period of nearly two-and-one-half years! A hasty review of records seems to show no more than *two deaths* attributable to a Guardsman!

Following is a profile of what might be termed the average Guardsman, drawn from official records. As the Guard's actual record of performance belies intemperately uttered charges of trigger-happiness, so is the real-life Guardsman considerably different from the individual pictured in some of the criticism. The description provided below may serve to put National Guardsmen into better perspective.

PROFILE OF A GUARDSMAN

First and foremost, he is a responsible member of his community, who took a dual oath to defend the Constitution of the United States and to defend his nation and his State. He is sworn to obey the orders of the President of the United States and of the Governor of his State.

He joined the National Guard when he was about 21 years old and currently is in the 22–25 age bracket (64 per cent of the Guard fits into that category). He currently is about 23 years old, is healthy and physically fit.

Educationally, he has completed high school (94 per cent of all Guardsmen have), and very likely attended college for a year or more (approximately 60 per cent have a year or more of college). In fact, about 11 percent of all Guardsmen possess college degrees, a recent survey revealed.

The chances are approximately 50–50 that he is married, and he may be one of the 21 per cent who are fathers. The chances are better than 80 per cent that his annual income exceeds $5,000 and better than 50 per cent that it exceeds $7,500. (Nearly one in seven have incomes exceeding $10,000 annually).

He most likely is employed in the managerial, professional or technical fields (about one-half of all Guardsmen fit that description), although he may be one of the one-in-five whose jobs involve physical labor of some kind.

He received 5–6 months of active duty training following enlistment, given by Active Army instructors at an Active Army Training Center. Since returning to his hometown unit for continued spare-time training, he has received *at least* 16 hours of training in civil disturbance operations and riot control. He *probably* has received more than that amount, particularly if his unit is in a State that has been subjected to numerous disorders.

As a typical Army Guardsman, the chances are good that he himself has served in a civil disturbance operations, particularly if his unit is headquartered in or near a large urban center or trouble-prone campus. Many Guardsmen have served repeatedly in disorder duties, such as those in Wisconsin, Ohio, California and the District of Columbia. Thus, the typical Guardsman is not an untrained, inexperienced amateur in this field, nor are his officers and non-commissioned officers.

The average National Guard officer, for example, is 30 years old, married, father of two, and with 13.4 years of civilian schooling. He has been in the National Guard nine years, has acquired a considerable range of experience in military leadership, and has received civil disturbance training specifically designed for leaders, as well as the normal training given his unit.

SUMMARY

In summary, National Guardsmen are mature individuals who are old enough to have developed an adult sense of duty and responsibility yet young enough to understand and empathize with college students. In most cases, they themselves are students or have recently been students, and are aware of today's cross-currents of unrest and dissatisfaction. Attitude surveys show that they tend to reflect the same attitude, in the same proportions, as other young men their age, although their service in the Guard has given them a deeper awareness of the full responsibilities of citizenship in a free society. They privately will express pride in their National Guard unit and understanding of its important role, although a large majority will not extend their service beyond the initial six-year tour. They almost universally regard civil disturbance duty as unpleasant and regard the use of unnecessary force against disorderly elements as repugnant. Analyses of attitudes show, however, that they have a remarkable depth of understanding of their oath, their responsibility and their role.

Statement by Adjutant General Frank D. Pinckney

The tragic events at Kent State University this week have disturbed many people . . . myself included. I deeply regret that four young students lost their lives, and that others were seriously hurt. It is a terrible tragedy when lives are lost in a disturbance of this sort. However, I am not here to condemn or condone what happened at Kent State . . . I don't have all the facts and neither does anyone else at this stage.

Gentlemen, I am here because I am frankly disturbed at the accusing finger of "guilt by association" that is being pointed at every National Guardsman, and I am concerned about the unreasoned, emotional wave of anti-Guard sentiment this incident has created. I ask only that you look at it in perspective.

Looking at it in perspective, we can see that in the last 24 months, approximately 200,000 Guardsmen have been called upon to maintain the peace or restore order in American communities and on the nation's campuses . . . and this is perhaps the most distasteful and unpleasant duty that you can assign to a National Guardsman.

Until this tragic incident at Kent, Ohio, there hasn't been a single incident to blot the performance of these 200,000 men. They have performed with great restraint and good judgment in the face of extreme provocation, abuse . . . and sometimes injury. They have been the targets of epithets, bricks, rocks, boards, molotov cocktails and bullets. . . . Yet, significantly, for more than two years not a single person has suffered serious harm or death as a result of any action by Guardsmen in scores of cities and towns around our nation.

Look at the Guard's performance in South Carolina during this 24 month period: More than 9,800 Guardsmen have been called upon in two dozen or so incidents.

We have been called upon in Charleston—to protect the right of peaceful assembly . . . not to destroy it;

We have been called upon in Columbia to protect lives and property, not to restrict freedom but to protect it;

We have been called upon in Denmark—to protect educational rights . . . not to destroy education;

We have been called upon in Mullins—to protect lives . . . not to instill death or injury.

On all of these occasions, and others, we have performed our duty without injury or serious incident.

We have gone out in search of lost children, and we have abandoned our civilian jobs to assist the beleaguered citizens in a large area of our state in the wake of a disastrous ice storm. This too, is the National Guard.

Gentlemen, let me dispel any notions of the Guardsman as an untrained, unrestrained and trigger happy dolt. He is highly trained—both in general military training and in the tactics of crowd control. Our ranks are liberally sprinkled with men who have served this country in two . . . in some cases three . . . wars. The Guardsman is a member of the community he is called upon to protect . . . *Your* community. He is your neighbor. He may be a businessman, a teacher, a salesman, a mechanic, a clerk, an administrator . . . or a college student.

Your National Guardsmen are not anti-civil rights . . . they are not anti-youth . . . they are not anti-labor . . . they are not anti-free speech . . . they aren't anti-anything . . . They *are* a highly professional organization of ordinary American citizens who detest violence as much as anyone. They believe in serving their country . . . but not at the expense of you or anyone else. They do not seek trouble, but neither do they shirk their duty when trouble is fomented by someone else.

And they don't deserve the kind of scorn and abuse that some would so willingly heap upon them.

HUD AND THE BROOKE AMENDMENT

Mr. BROOKE. Mr. President, recently the Housing Association of Delaware Valley prepared a memorandum concerning sections 212 and 213 of the Housing and Urban Development Act of 1969. These sections represent a first step toward eliminating intolerable conditions which have been allowed to exist for far too long in public housing projects throughout the country.

This memorandum accurately sets forth the conditions in public housing, the prospect for relief which was held out by these sections and the subsequent inaction on the part of the Department of Housing and Urban Development which has served to undermine their effectiveness.

I anticipate that corrective actions will be taken by the Senate Banking and Currency Committee as it meets later this year to consider new housing legislation. In the meantime, for the edification of the Senate and the public, I ask unanimous consent that the full text of the memorandum be printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

RACISM AND EXPLOITATION IN PUBLIC HOUSING: HUD AND THE BROOKE AMENDMENT

The Housing Association of Delaware Valley believes Americans at every income level should have access to decent housing, at reasonable cost, of a type and in a neighborhood where they wish to live. Poor Americans, especially families with extremely little or no income, do not have this access, and there have never been programs designed to provide it to them.

There is one program, however, which does offer decent housing at relatively low cost, to families whose incomes are below average and yet above the income floor. This is public housing. The public housing program provides enough subsidy to begin to serve families in this low-income range. Only public housing can provide existing or new units at rents these families can afford. Only through public housing can families in this income group look forward to home ownership.

Many complaints can—and have been—justly made against public housing. It does shut out the very poor—because they cannot afford even the minimum public housing rents. In most large cities, public housing has created new and regimented ghettos, monster projects for overcrowded families in overcrowded surroundings. Operation of public housing has been marked by paternalism and bureaucratic interference in the everyday lives of tenants.

Despite its many shortcomings, public housing is, today, the only way in which federal money may effectively be used to provide homes for some families of low income. For that reason, the Housing Association of Delaware Valley, while seeking better alternatives to public housing, will continue to support meaningful changes within the program, including ways to provide housing assistance to families no matter how low their incomes may be.

I. BACKGROUND TO REFORM

The public housing program was the product of the New Deal. In the original legislation, the Housing Act of 1937, American communities were authorized to establish local housing authorities, and construct housing units with federal subsidies. These units (grouped into "projects") were to be of "low rent character." Their purpose was to provide shelter to American families in the midst of the depression and to prime the pump of the sagging construction industry. The program was administered by the Public Housing Administration (since 1965, by the Department of Housing and Urban Development, or HUD).

The federal subsidies for this program were to cover actual construction (through the sale of local housing authority bonds) and the capital costs on the structures for a period of thirty (within a maximum determined as a proportion of the development cost of the project) which would help the local housing authorities "achieve and maintain the low rent character" of the projects.[1]

The instrument for the federal subsidies to local housing authorities was (and remains) the *annual contributions contract*. This contract binds the local housing authority to manage the federally-assisted project for the sole purpose of low rent housing, unless the government agrees to the use of the site for other purposes. The local housing authority is also required to set rents and occupancy standards to meet certain conditions. In filling units, the local housing authority must consider the financial solvency of the project, since the federal subsidy does not pay for operating and maintenance costs.

This historically has meant that local housing authorities were authorized by the annual contributions contract to restrict occupancy of the units to families who could afford to pay at least a minimal rent. Families of very low or no income were simply not housed.

To summarize the first thirty years of public housing: federal money subsidized *units*, not *families*. Federal money paid for construction and capital costs of building projects—but the cost of maintaining and operating the housing was borne solely by the rent paid by tenants. People who could not afford the minimum rents to keep local housing authorities solvent did not live in public housing.

In the mid-1960s, public housing began to run into sustained difficulties. While depression families of the "submerged middle class"[2] had been able to pay minimum rents on the newly-built units (and pay higher rents as their incomes rose), the post-World War II years saw public housing acquire a whole new clientele. As young veterans and their families moved outside the cities, armed with FHA mortgages the public housing they left behind was receiving more and more chronically poor families, many from the rural South, many black, a growing number on welfare assistance. Year after year, the cities felt the wave of in-migration of families with no place to go, nowhere to live. More and more, public housing became their home.

In the late 1940s and throughout the 1950s, local housing authorities built housing projects to house thousands of these families. Ten, fifteen, twenty stories and higher, these projects rose menacingly from the predominantly low-rise residential black neighborhoods in which they were placed. Horizontal problems became vertical problems. Cost limitations and Congressional scrutiny precluded any kind of amenities in these buildings. Elevators were often made to stop on every other floor—to save money. Room sizes were small. Community facilities, laundry rooms, recreation space, were minimal. Many tenant families had three or more children. The resulting population densities would be unheard-of in private real estate, and were certainly higher than what the tenants had faced in their previous row-house or even tenement neighborhoods.

At the center of all these pressures—lower rental income, intense overcrowding, growing maintenance costs, lack of adequate community facilities—stood the public housing program in 1960s. It faced an ever-growing crisis.

In the past five years, this crisis has come to the fore. Two chains of events have brought it there: (1) tenant protests and (2) mounting criticism from within, by housing administrators and their spokesmen.

Tenant dissatisfaction with public housing was illuminated by the urban rebellions of 1964–69. In city after city, public housing projects—bleak, high-rise prisons, overcrowded, rat-infested—emerged as focal points of frustration and grievance. Central Park Village in Tampa, Florida, and Rev. Hayes Project in Newark, New Jersey, received great attention in the Report of the National Commission on Civil Disorders. So did public housing projects in Detroit, Elizabeth, Plainfield and Jersey City.[3]

Another kind of protest—rent strikes by public housing tenants—captured public attention in 1969. By refusing to pay excessive rents for indecent, unsafe and unsanitary housing, public housing tenants dramatized the failure of the program to provide acceptable homes at rents poor people could afford to pay.

The classic rent strike in public housing was in St. Louis, Missouri. In February 1969, the St. Louis Housing Authority announced a large rent increase, necessitated by an impending financial deficit in its management operations. The increase would have raised rents an average of 40%—many St. Louis tenants were on fixed incomes, unable and

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Footnotes at end of article.

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unwilling to meet such a demand on their scarce resources. Missouri has one of the lowest welfare allowances in the country; the increase would have forced welfare tenants in St. Louis public housing to pay between 50% and 90% of their total welfare grant (which includes allowances for food, clothing, shelter and incidentals), for rent.

St. Louis public housing tenants, with the help of the National Tenant Organization, went on strike for eight months. When the strike was negotiated to a close in October, they had won important concessions from the Housing Authority and achieved reform of public housing in St. Louis, including tenant control of many program operations and representation on the Housing Authority Board.

The St. Louis tenants demonstrated their unwillingness to pay for the failures of the public housing program; and they defied the HUD bureaucracy, which was pressuring St. Louis and other local housing authorities to offset deficits by raising rents.[4]

St. Louis was only the beginning. Public housing administrators in Washington, D.C., and other cities soon were confronted by tenant organizations who demanded that poor people no longer be penalized for the failures of Congress and the bureaucracy.

Speaking on behalf of the National Tenant Organization, Chairman Jesse Gray expressed the mood of public housing tenants when he told the Senate Subcommittee on Housing and Urban Affairs:

> There is a growing consensus among tenant groups that the adequate housing of low income families cannot be achieved without government aid. . . . Until recently, the public housing program was looked upon as the best and only form of relief.
>
> But closer examination of our public housing program is bringing into serious question the adequacy of that relief. It too often duplicates the worst of the old . . . rather than striking out in bold new directions . . .
>
> The lack of adequate shelter for all Americans in this land is a crisis of critical magnitude. The tragic relationship between landlord and tenant must be altered, be that landlord a ruthless slumlord or an efficient and impersonal government official.[5]

Meantime, criticism from within the public housing establishment, always present, began to swell in 1969. The *Journal of Housing* (publication of the National Association of Housing & Redevelopment Officials—NAHRO) opened up with a stinging article by the Chairman of the New York City Housing Authority.[6] It pointed out the utter impossibility of continuing public housing under its 1937 subsidy formula of paying capital costs only. It showed how tenants of public housing in New York City were paying a greater portion of their income for rent in 1967 than they had in 1952. It compared the spiraling costs of operating units with the almost stagnant incomes of very poor tenants. It demonstrated that the Housing Authority could only *begin* to break even by instituting a rent increase of $10 per unit per month—an increase that few of the tenants could possibly afford. On the strength of these facts, the article indicted public housing for failure and called for a whole new subsidy and a whole new direction.

NAHRO followed up with a campaign designed to convince Congress that the old public housing program was simply unworkable. In testimony before the Senate Subcommittee on Housing and Urban Affairs, NAHRO President William L. Rafsky made the following points:

> RAFSKY. We believe the formula in which public housing was authorized in the Housing Act of 1937 *cannot meet the needs of the lowest income families* . . .
>
> QUESTION. On the subject of increased subsidy to public housing authorities, what is the answer to those who say the threatened bankruptcy of many public housing authorities is the result of poor and irresponsible management?
>
> RAFSKY. *We reject that concept in total* and feel that it is inaccurate in terms of actual experience. I think the critics have tried to find a way to explain the failure of low-rent public housing to meet a fiscal crisis, without wanting to recognize that it can only be solved by increased funds[7] . . .

NAHRO summarized its position in a statement on the HUD budget for fiscal year 1970. In support of new subsidies, NAHRO wrote:

> The public housing program is at a crucial turning point in determining what it shall be and whom it shall serve. If it is to continue to serve really low income families, there must be a realistic recognition of the inadequacy of the present formula of federal financial assistance. Many large city housing authorities will soon be priced out of the low income market . . . *A social crisis of major proportions will develop if low-income tenants in public housing are faced with the alternative of paying an unreasonable proportion of their income for rent—or returning to the slums.*[8]

This is the background of the Housing and Urban Development Act of 1969. Pressure from public housing tenants on the one hand, and the housing establishment on the other, combined to convince Congress that fundamental changes, new directions, were imperative if the public housing program were to fulfill its purpose: decent, safe and sanitary homes for low-income families, at rents they could afford to pay.

II. THE BROOKE AMENDMENT: A NEW DIRECTION, MEANINGFUL CHANGE

Sections 212 and 213 of the Housing & Urban Development Act of 1969 mark a watershed in federal housing legislation. Departing from precedent, they authorize extensive federal subsidies to public housing programs for maintenance and operating costs. For the first time, there are subsidies allocated to tenants rather than structures. Public housing tenants, for the first time, are granted a ceiling on rents. The new law also initiates an emergency program of subsidies to local housing authorities in the nation's largest cities, enabling them to meet deficits and provide adequate levels of management and maintenance services to tenants.

Known as the "Brooke Amendment" (Senator Edward Brooke of Massachusetts was the major sponsor), these sections of the new HUD law stipulate that

1. The rent of a public housing tenant family may not exceed 25 percent of the family's income.

2. HUD may pay local housing authorities, under Section 10(b) of the original 1937 law, extra annual contributions to "ensure the low rent character" of the projects (as long as the total annual subsidy does not exceed the maximum under the legislative formula.)

3. Three entirely new subsidies are available for payment to local housing authorities for these purposes:

a. to cover an existing deficit.

b. to provide better maintenance and management services.

c. to supply additional rental income in cases where it costs more to operate the units than can be collected from tenants, using the 25% ceiling.

The Housing Act of 1937 *had* authorized annual contributions both for debt service *and* "to ensure to the low-rent character" of public housing projects (see page 1). However, the Department of Housing and Urban Development never took advantage of that authorization, claiming that the law was in need of "clarification." Though many disputed HUD's narrow interpretation of the law,[9] Congress obliged by including in the 1969 Act specific authorization for maximum contributions, and thereby mooted HUD's position.

The Brooke Amendment was designed to offer short-term, emergency relief to both local housing authorities and public housing tenants. If reasonable rents (25% of income) fail to cover the costs of operating public housing, local housing authorities can now apply for subsidy to make up the difference. Effective March 24, 1970, the law requires that no public housing tenant (excepting welfare recipients—see below) can be charged rent in excess of 25% of his income. The law also states very clearly that not all tenants are to pay 25%; it is the ceiling, not the ground floor, on rents.

III. THE HUD RESPONSE: RETRENCHMENT AND REACTION

According to the new law, HUD was required to implement the provisions of the Brooke Amendment—including a rent ceiling and guidelines for disbursement of all the subsidies—by March 24, 1970.

On March 16, 1970, HUD published the required guidelines in the form of a circular (RHM 7465.1 and RHM 7475.1).* Instead of seizing the opportunity to refocus the public housing program, the HUD guidelines are designed to encourage rent increases, not decreases, in public housing; to focus blame for program failure on tenants and "lax" management; to place subjective conditions on much-needed emergency subsidies; and, in short, to obstruct implementation of the Brooke Amendment as it was writen and intended by Congress.

The proof of HUD's philosophy is abundantly clear in the following review of the March 16th guidelines:

HANDING OUT EMERGENCY SUBSIDIES: WITH CONDITIONS AND QUALIFICATIONS

The law speaks of providing funds (a) to cover deficits of local housing authorities and (b) to enable the authorities to maintain adequate maintenance and operating services. HUD has made (b) the precondition of (a). Subsidies for operations only are completely ignored.

According to page 1 of the circular, the *only* local housing authorities who may receive funds to meet deficits are those who "have demonstrated that satisfactory standards of management and tenant responsibility have been or will be achieved." Payments of this subsidy are further contingent on the "discretion" of the Secretary.

Are preconditions and "discretion" proper interpretations of Congressional intent?

> Local housing authorities in 15 large cities are now facing serious financial problems because operating costs, in line with the economy in general, have increased at a greater rate than project income. Such localities have been required to provide housing for a progressively larger proportions of the very poor, and the rents these families can afford to pay cannot keep pace with spiraling operating costs. Subsidy payments . . . are needed to bridge this gap.

So wrote the House Committee on Banking & Currency, explaining why the Brooke Amendment was necessary.[10] Emergency subsidies to fend off financial collapse—this was the purpose and express intent.

BLAMING THE TENANTS: THE EASY WAY OUT

Besides conditioning subsidy payment on "satisfactory standards of management and tenant responsibility," the HUD circular takes time to place additional emphasis on the latter point. It quotes an excerpt from the Congressional conference committee report which calls for tenant responsibility in public housing "including responsibility for the protection and care of property."[11]

To blame the tenants for the failure of the

Footnotes at end of article.

*Copy attached as Supplement to this paper.

public housing program is a notorious ploy. But does it hold up to the facts? Is it realistic, let alone fair, to expect public housing tenants—who are *already* paying rent—to take responsibility "for the protection and care of property"? If they are going to pay rent, that rent should be *used* for the protection and care of property, and this is the job of management.

As a matter of fact, many local housing authorities, *with HUD approval,* use leases which *forbid* tenants to make any repairs on their units: to change locks, to install home improvements, to change a broken window pane, to contract for a home painting job.

It is simply absurd to make "tenant responsibility" a prerequisite for subsidy. It is obvious that in preparing this circular, HUD zeroed in on one of the few Congressional statements which puts the blame on public housing tenants, rather than on the failures of the program itself. By giving this phrase free publicity, HUD has encouraged the perpetuation of prejudice against the families who live in public housing.

RENT REDUCTIONS: REVERSING CONGRESSIONAL INTENT

Will rents be reduced? Not if HUD can help it. The Brooke Amendment explicitly states that no public housing tenant is to pay more than 25% of his income for rent, and further, *that it is not the intention of Congress that all rents be fixed at the 25% level.* This *caveat* is critical; most local housing authorities presently use a rent-income ratio of *less* than 25%. In HUD's Region II, for example, which encompasses the mid-Atlantic states, the average rent-income ratio is between 20% and 23%. No housing authority in Region II uses a 25% rent schedule across the board (though individual tenant families, particularly those paying minimum rents, may be charged that much or even more on a case basis).

Does HUD accurately implement Congressional intent? While allowing that "it is not necessary to raise all rents to 25% of income", the HUD circular *does* suggest that local housing authorities adopt a new definition of income (by which rents are computed):

"The definition of family income which is described below, and which must be used to determine eligibility for the subsidy . . . is a simple and easily administrable formula *which local housing authorities may wish to consider adopting for purposes of administering their local program.*" [12]

What this "simple and easily administrable" formula actually represents is a new and very narrow definition which eliminates many of the deductions HUD has previously recommended, which have enabled public housing tenants in many cities to increase their economic earnings without being penalized by constant rent increases. HUD's new definition of income provides only the barest deductions and exemptions from gross family income (i.e. the total income of all members of a family):

1. 10% of gross income.
2. $100 exemption for each minor and each dependent adult.
3. Casual gifts, earnings of minors in school full-time, amounts received for costs of illness or medical care, inheritances, insurance payments, scholarships, servicemen's pay.

Such a definition does not allow deductions for the earnings of secondary wage-earners (for example, a wife who takes a part-time job to supplement her husband's earnings); eliminates deductions for amounts spent on child day-care and job training, a clearly regressive step; gives only token deductions for minors and includes all income from non-student minors, a clear reversal of past HUD policy.[13]

The result of this definition of income will be to raise the apparent income of tenant families and lead to increased rents. By suggesting that local housing authorities adopt this definition as their normal working formula, HUD is deliberately sowing antagonisms between tenants and managements; it is undermining progressive local housing authorities whose current definition is more liberal than the suggested one; and it is encouraging less enlightened local housing authorities to continue in their old ways. Under such a system, long-practiced by welfare agencies, poor people are punished for their attempts to raise their standard of living. Income from extra jobs and hard work will be swallowed up in increased rents. Is this what Congress intended?

THE 25-PERCENT SUBSIDY: OPENING THE DOOR TO HIGHER RENTS

As indicated in a previous section of this paper, very few housing authorities have a rent schedule of 25%. Since this particular subsidy only applies to units where tenants do pay 25%, the only way a local housing authority could really cash in would be to contradict Congress' express intent and raise all rents to 25%. HUD has practically made this suggestion outright, in paragraph 4(d) of the circular. Who will stop the local housing authorities from taking the hint?

REDUCING RENTS TO 25 PERCENT: A BUREAUCRATIC ILLUSION

In those cases where some rents *are* currently above 25%, local housing authorities are required to reduce rents to that level. But, in performing this action, *LHAs will be using the HUD definition of income.*[14] For instance: Family X is currently paying rent which according to the *local housing authority's* definition, amounts to 30% of their income. Under *HUD's* definition however, their rent comes to only 24% of their income. *Family X will get no rent decrease.* By sleight of hand, HUD has lowered the number of tenants who appear to be paying more than 25% of their income for rent. And, in the process, HUD has lowered the number of tenant families who will enjoy the intended benefit of the law: lower rents.

WELFARE TENANTS: NO HELP FOR THEM

The language of the Brooke Amendment specifically authorizes HUD to withhold "25%" subsidy payments from local housing authorities in cases where a reduced rent would not benefit the tenant. This refers to the welfare rent system, by which welfare tenants in public housing receive a shelter allowance from their local public welfare agency, contingent on the rent they are charged. In most localities, the welfare tenant's grant would be reduced if his rent were reduced. The result: HUD subsidy would be substituting for money otherwise provided to housing authorities by HEW/state dollars, in the form of welfare shelter grants.

To prevent this the Brooke Amendment stipulated that rents for welfare tenants should not be decreased unless local welfare agencies agreed to maintain the shelter allowance at its original level and permit the extra money to remain with the tenant family.[15] The law also directs the Secretaries of HUD and HEW to perform a joint study of the welfare rent system in order to provide welfare tenants with the maximum benefits of the law in and out of public housing.

The HUD circular of March 16, 1970, indicates *no* HUD–HEW agreement on welfare rents; it says that a second circular will be published to deal with this problem. In the meantime, welfare tenants in public housing will derive no benefit from the 25% ceiling imposed by the Brooke Amendment.

"EXISTING DEFICIT": NARROW INTERPRETATION REVERSES CONGRESSIONAL INTENT

According to HUD's interpretation of the new law, "existing deficit" means an actual budget deficit which occurs during the fiscal year in which the law was signed. HUD General Counsel Sherman Unger has ruled (over objections from Congressional *sponsors* of the bill) that *no* deficit subsidy will be disbursed to any local housing authority, beyond the current fiscal year. For housing authorities currently on the brink of bankruptcy, whose coming fiscal year will show an operating deficit, HUD has closed the door on financial assistance.

For those housing authorities with *current* deficits, the prognosis is nearly as bleak. HUD has only requested $6.5 million for deficit subsidy payments for Fiscal 1970, for the whole country. Yet the Philadelphia Housing Authority *alone* has a current deficit of nearly $5 million. The Housing Authority of Newark, New Jersey, is completely bankrupt, as is the National Capital Housing Authority. $6.5 million would, perhaps, give *one* of these a decent financial status.

This kind of half-hearted subsidy will not save one single local housing authority from incipient bankruptcy. Why didn't HUD request a full $75 million for this and the other 1969 subsidies? Why didn't it formulate a full-scale emergency subsidy program, with full monies, to fulfill the promise of the Brooke Amendment?

CONCLUSIONS

One thing is clear. The Department of Housing and Urban Development has sabotaged the intent of the Brooke Amendment and done its best to ignore or render useless the new subsidies contained in the HUD Act of 1969. Worse, the HUD guidelines explicitly blame public housing tenants and local housing authorities for the troubles of the program in express violation of the opinion of Congress.

All this is no shock to long-term HUD-watchers. Time after time, year after year, its policy-makers have tried to shift attention from the inadequacy of the program subsidy; counseled housing officials to "solve" their fiscal crisis by raising rents or admitting "higher-income poor" to the projects; resisted past pleas for the statuory maximum contributions; evaded federal responsibility for the legacy of past public housing policies, including the high-rise horrors which were built under government specifications in the 1950's; and, in short, made steady efforts to obstruct meaningful reform of the public housing program, to block change and foster retrenchment of racist and repressive anti-tenant policies.

HUD is piling failure upon failure, and the victims of its campaign are the very people public housing was intended to serve: low-income American families. Families who now live in public housing, on limited incomes, facing ever-increasing rents which never seem to benefit *them:* families who *need* public housing, being told that HUD wants a "mix" and so higher income families will get a unit before them; families, in short, whose need is greatest. These are the people HUD is trying to drive—and keep out—of public housing.

If HUD persists, and goes unchallenged, then we can only echo NAHRO's prediction: *"A social crisis of major proportions"* will engulf public housing in very short order. We are heading down a dangerous road indeed.

FOOTNOTES

[1] The United States Housing Act of 1937 stipulates that:

"The term 'families of low income' means families (including elderly and displaced families) who are in the *lowest income group* and who cannot afford to pay enough to cause private enterprise in their locality or metropolitan area to build an adequate supply of decent, safe, and sanitary dwellings for their use." (Section 2(2) as amended in the HUD Act of 1965.)

"The Authority (of HUD) may make an-

Footnotes at end of article.

nual contributions to public housing agencies to assist in achieving and maintaining the low-rent character of their housing projects . . ." (Section 10(a)).

"Annual contributions shall be strictly limited to the amounts and periods necessary, in the determination of the Authority (of HUD), to assure the low-rent character of the housing projects involved. Toward this end the Authority (of HUD) may prescribe regulations fixing the maximum contributions available *under different* circumstances, giving consideration of cost, location, size, *rent-paying ability of prospective tenants,* or other factors bearing upon the amounts and periods of assistance needed to *achieve and maintain low rentals*. . . . *Provided,* that the fixed contribution payable annually under any contract shall in no case exceed a sum equal to the annual yield, at the applicable going Federal rate plus 1 per centum, upon the development or acquisition cost of the low-rent housing or . . . project involved." (Section 10(b)).

[2] For a discussion of the evolution of public housing and its clientele, see *Government and Slum Housing: A Century of Frustration,* by Lawrence M. Friedman, especially pages 116 through 146 (Chicago: Rand-McNally & Co., 1968).

[3] *Report of the National Commission on Civil Disorders* (The Kerner Report), Bantam Books, 1968.

[4] In May 1969, the NAHRO Housing Divisional Committee was informed by HUD that "a growing number of housing authorities are headed toward bankruptcy in their operations if present trends continue, because revenue derived from rents is not keeping pace with mounting administrative and maintenance expenditures." Signed by HUD Assistant Secretary Lawrence M. Cox, the letter continued,

"Therefore, local authorities must find better ways to live within their means. . . . There are two basic courses which need to be considered on the income side. One is an increase in rents. . . . The other is a tenant selection policy which admits persons with a range of incomes sufficient to produce the average rent necessary to balance expenditures . . .

"The legislation . . . does not require the program to serve only the lowest of the low-income families. . . . Nevertheless, if a community chooses to house a larger percentage of the lowest income levels than can be done in a self-supporting manner, . . . then it must be prepared to assume financial responsibility for such a decision. . . ."

(Letters from Lawrence M. Cox, HUD Assistant Secretary for Housing & Renewal Assistance, to Ronald L. Brignac, NAHRO Housing Divisional Committee, May 26, 1969.)

[5] Testimony of Mr. Jesse Gray, National Chairman, National Tenant Organization, before the Senate Subcommittee on Housing and Urban Affairs, July 18, 1969. (*Hearings,* pages 233-4).

[6] "Is Public Housing Headed for a Fiscal Crisis? by Albert A. Walsh, in *Journal of Housing,* Volume 2, February, 1969.

[7] Testimony of William L. Rafsky, President, NAHRO, before the Subcommittee on Housing and Urban Affairs of the Committee on Banking and Currency, U.S. Senate, July 18, 1969 (*Hearings,* page 198).

[8] NAHRO statement on the Budget for Fiscal 1970 of the Department of Housing and Urban Development, July 8, 1969.

[9] In its statement on HUD's Budget for Fiscal 1970, NAHRO pointed out that, "local housing authorities do not now receive even the full subsidy authorized under the (1937) statute. An *administrative* determination, in effect since the beginning of the program, has restricted the federal subsidy to debt service requirements. (Emphasis in original, reprinted in the record of the Senate Hearings before the Committee on Appropriations, page 876).

[10] *Report* of the House Committee on Banking and Currency, September 30, 1969, page 14.

[11] HUD circular, March 16, 1970, page 2.

[12] HUD circular, page 3 (emphasis added).

[13] In the HUD circular of March 22, 1968, "Social Goals for Public Housing," local housing authorities were urged to "liberalize the definition of income with respect of the income of minors. (page 2)

[14] This is a requirement of the HUD guidelines. See note 12, page 8.

[15] The welfare department of the District of Columbia *has* instituted such a policy. The National Capital Housing Authority will therefore be applying the 25% limitation to rents of welfare recipients in the District, and the tenants will be receiving the extra dollars as part of their regular grant. Such an arrangement *should* be instituted in other parts of the country. Whether it will be, depends on HUD and HEW cooperation, together with the effect of local pressures from welfare tenants and their representatives.

Implementation of Sections 212 and 213 of the Housing and Urban Development Act of 1969

1. *Purpose.*—The Housing and Urban Development Act of 1969 establishes important new policy and authorizes additional financial assistance for dealing with housing authority deficits, levels of operating and maintenance services, and amount of income which may be paid by tenants for rent. The purpose of this Circular is to outline the Department's policies and requirements with respect to implementation of Sections 212 and 213 of that Act.

2. *General:*

a. The Act provides that the rent of a public housing tenant may not exceed 25 percent of the family's income, as defined by the Secretary. (Section 213(a)). This limitation on rents becomes effective no later than March 24, 1970. (Section 213(b)).

b. The Act also provides authority for HUD to pay annual contributions in excess of debt service requirements up to the statutory annual maximum (Section 212(a)) and it provides for that purpose an additional $75 million in contract authorization (Section 212(b)) which, in accordance with the Conference Report on the Act, may be used to make payments for the following purposes:

(1) To cover existing operating deficits of public housing agencies and enable them to maintain adequate operating and maintenance services and adequate reserve funds.

(2) To make up the amount by which the proportionate share of operating and maintenance expenses attributable to a dwelling unit exceeds 25 percent of the tenant's income, provided the tenant is paying 25 percent of income for rent.

3. *Meeting existing operating deficits:*

a. The Secretary may, in his discretion, make payments to cover existing deficits of Local Housing Authorities, taking into consideration the adequacy of operating and maintenance service and reserve funds, in those cases where the LHA has demonstrated that satisfactory standards of management and tenant responsibility have been or will be achieved.

b. An existing operating deficit means a deficit including the deficiency in the normal maximum reserve existing for the LHA's fiscal year which includes December 24, 1969. Such payments do not apply to future deficits which may arise.

c. As the Conference Report stated in part:

"The Committee is deeply concerned over cases of lax management in many public housing projects which have led to high operating costs, deterioration of property, and an intolerable environment for the families who live there. . . .

"The Conferees wish to make it clear that the benefits of subsidized public housing, including those provided by this Section, cannot be achieved without tenant responsibility, including responsibility for the protection and care of property."

In seeking assistance under this provision of the Act, LHA's should be prepared to provide specific information on the positive actions they have taken or propose to take in cooperation with the tenants, to meet the concerns of the Conference Committee as stated above.

4. Payments over 25 percent of income:

a. The Secretary is authorized to provide payments to make up the amount by which the proportionate share of operating and maintenance expenses attributable to a dwelling unit exceeds the contract rent derived from a gross rent based on 25 percent of the tenant's income, as defined by the Secretary.

b. The Conference Report states that these payments may not be made with respect to a dwelling unit unless the rent paid for the unit is 25 percent of the tenant's income. The Report also states that the Conferees do not intend that all tenants in public housing should pay 25 percent of income for rent. In order for the LHA to obtain assistance on behalf of those families which are paying more than 25 percent of income for rent, it is not necessary, therefore, to increase all rents to 25 percent of income and such action is not anticipated.

c. In order to compute the amount of subsidy to which an LHA is eligible, three definitions are essential—a definition of the term "operating costs," the term "rent," and the term "family income." These definitions are set forth in paragraph 7 below. Although it is recognized that many state laws and local practices provide for differing interpretations of "family income," the Act provides for the Secretary defining the term for purposes of Section 213.

d. Except as the Act requires that no tenant pay more than 25 percent of income for rent, as defined by the Secretary, it does not otherwise affect the authority contained in Section 2(1) of the United States Housing Act with respect to the establishment of rents and income definitions for eligibility purposes by the LHA's.

e. The definition of family income which is described below, and which must be used to determine eligibility for the subsidy provided by Sections 212 and 213, is a simple and easily administrable formula which LHA's may wish to consider adopting for purposes of administering their local programs.

5. *Examination of incomes:*

a. LHA's should commence immediately to examine incomes for purposes of determining eligibility for rent adjustments. Adjustments in rent should be based, to the extent possible, on family income data obtained in connection with regular or special re-examinations now in process or recently completed. In other instances, adjustments should be based on the latest verification of family income available to the LHA, and affected tenants should be notified of the basis for such adjustments.

b. If the required rent adjustments cannot be made by March 24, 1970, they shall be put into effect at the earliest date possible, retroactive to March 24, 1970.

6. *Tenants receiving welfare assistance:*

a. Section 213(b) of the Act states that the limitation on rents at 25 percent of income shall not apply in any case in which the Secretary determines that limiting the rent of any tenant or class of tenants will result in a reduction in the amount of welfare assistance which would otherwise be provided to such tenant or class of tenants by a public agency.

b. The Conference Report explained this provision with the statement:

"The conferees are disturbed by the growing practice of stretching an inadequate welfare budget by placing in public housing increasing numbers of families who cannot pay even the operating costs of the unit they occupy. The Conferees are hopeful that within the context of the welfare program, some means can be found to provide as much support for a welfare family in public housing as would be provided for that family in private housing."

LHA's should, therefore, keep careful records of the amount of welfare payments received by tenants whose rents are adjusted under this Act, both before and after such adjustment. A separate Circular will provide instructions as to actions which should be taken with respect to tenants receiving welfare assistance.

7. *Definitions:*

a. *Rent*. "Rent" shall mean Gross Rent as defined herein.

b. *Gross Rent*. "Gross Rent" means Contract Rent plus the LHA's estimate of the value or cost to the tenant for reasonable amounts of utilities purchased by the tenants and not included in the Contract Rent.

c. *Contract Rent*. "Contract Rent" means the rent charged a tenant for the use of the dwelling accommodation, equipment, services and utilities supplied by the project. Contract Rent does not include charges for utilities which may be purchased by the project and sold to the tenant as a transaction separate from the payment of such rent, charges for excess utility consumptions, or miscellaneous charges.

d. *Utilities*. Utilities means water, electricity, gas, other heating, refrigeration, and cooking fuels, and other utilities. Other utilities include, but are not necessarily limited to, sewage and garbage or trash collection for which a separate charge is made the tenant by the LHA or others. Telephone service and electricity for tenant-installed air conditioners may not generally be included as a utility.

e. *Family Income*. "Family Income" means income[1] from all sources of each member of the family in the household, including minors, *anticipated to be received* during the twelve months following admission or redetermination of family income (as the case may be) less: (1) a deduction of 10 percent of family income; and (2) an exemption of $100 from family income for each minor (other than the head or spouse) and for each adult (other than head or spouse) dependent upon family for support.

f. *Operating Maintenance Costs*. Operating and maintenance costs attributable to a dwelling unit for purposes of determining the maximum subsidy payable under Section 213 means costs computed pursuant to the following formula:

(1) Compute the sum of Total Operating Expenditures and additions to Operating Reserve and divide by the number of rooms. This gives the cost per room. (Rooms as used herein means all rooms in all projects under a single Annual Contributions Contract except for leased housing which shall be separately calculated.)

(2) Multiply the cost per room by number of rooms in the dwelling unit. (The number of rooms for each size unit shall be computed in accordance with Low-Rent Housing Preconstruction Handbook, RHA 7410.1, Chapter 3, Section 1.) This gives the cost attributable to each unit by size.

(3) For leased housing the cost attributable to the dwelling is the sum of the rent paid to the owner and LHA costs less the fixed annual contribution payable per unit.

8. *Legislative citations:*

a. *Section 212:*

(1) Section 212(a) of the HUD Act of 1969 (PL 91–152) amends Section 10(b) of the United States Housing Act of 1937 to make clear that HUD has authority to pay annual contributions in excess of debt service requirements up to the statutory annual maximum.

(2) Section 212(b) increases the amount of annual contributions authorized under Section 10(e) of the United States Housing Act of 1937 by $75 million.

b. *Section 213:*

(1) Section 213(a) provides that the rent of a public housing tenant may not exceed 25 percent of the family's income as defined by the Secretary.

(2) Section 213(b) provides that the above limitation on rents shall be effective not later than 90 days following its enactment. It also provides that the 25 percent limitation shall not apply in any case in which the Secretary determines that limiting the rent of any tenant, or class of tenants, will result in a reduction in the amount of welfare assistance which would otherwise be provided to such tenant, or such class of tenants, by a public agency.

(3) Section 213(c) amends Section 14 of the United States Housing Act of 1937 to make it clear that the Secretary is authorized to amend annual contributions contracts to provide rates of contribution based on the current going federal rate of interest.

OUR PLEDGE TO AMERICAN PRISONERS

Mr. GRIFFIN. Mr. President, when an American citizen joins the Armed Forces, whether as an officer or an enlisted man, whether as a volunteer or as a drafted inductee, he takes an oath of loyalty to the United States.

It is an impressive ceremony, this oath-taking.

At the same time the rest of us in America are, in effect, making to the young man an equally solemn pledge. It is a pledge by implication that while he is serving America the rest of us will do what we can to insure his safe return. We will supply him with the needed training and equipment. We will provide him with adequate leadership and every possible protection.

This implied pledge by his fellow citizens goes beyond this. As he takes his oath we are saying to him, in return, that if captured or harmed, we, his fellow Americans, will make all possible efforts to restore him to health and to his family.

In other words, Mr. President, the giving is not all on one side; it must be a two-way street. We are asking the young solider to offer his life and his abilities for his country. In return we are promising to do all in our power to minimize that sacrifice and give it meaning.

In the simplest possible words that is why we in the Senate are so deeply concerned with the fate of some 1,500 of these young men who have been captured by the enemy and are presently being held in North Vietnam.

These men took an oath to serve faithfully and well. They have discharged that obligation. Some died in consequence of that oath. Some were captured by the enemy. Those who have been captured are still in the process of keeping faith with their fellow countrymen.

We can do no less than keep faith with them and with their families.

Our pledge to them may never have been spoken in words and in a solemn ceremony. Theirs was both. But our country's pledge to them is nonetheless real and is no less solemn than theirs. Indeed, by all criteria it must always be considered even more so. We will never—we can never—break our faith with them.

As a nation we must work daily, hourly, constantly to discharge this awesome reponsibility to these men. We believe there are some 1,500 of them held prisoner; we do not know for sure because we have never been informed by the enemy as to how many men they hold.

But even if there were only two prisoners, or even only one, our responsibility and our obligation would be as great to those two, or that one.

Mr. President, I say to you and to all my colleagues in the Congress that we must exert every conceivable power at our command to return these men safely home. Until that day comes when they are brought back, we must do all we can to make life for the men themselves more bearable. And we must do what we can to aid the families of these men, who live now under a heavy cloud of anxiety and concern.

The American Government and the American people are equally involved in this responsibility.

We owe it to the men and we owe it to the women and children and parents they left behind.

We cannot rest until we have completely fulfilled this responsibility.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (H.R. 12619) to amend section 11 of an act approved August 4, 1950 entitled "An Act relating to the

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[1] In the case of self-employed persons, income means the *net* income from the operation of the business or profession. Also, the following are not considered as income by HUD:

(1) Casual, sporadic and irregular gifts, earnings of minors attending school full time, and amounts which are specifically received for, or are a reimbursement of, the cost of illness or medical care.

(2) Lump-sum additions to family assets, such as inheritances, insurance payments, including payments under health and accident insurance and workmen's compensation, capital gains, and settlements for personal or property losses.

(3) Amounts of educational scholarships paid directly to the student or to the educational institution and amounts paid by the United States Government to a veteran for use in meeting the cost of tuition, fees and books, to the extent that such amounts are so used. (Any of such amounts not so used and any amounts available for subsistence are to be included in Family Income.)

(4) The special pay to a serviceman head of a family away from home and exposed to hostile fire (e.g., Viet Nam); relocation payments for moving expenses to families and individuals displaced by urban renewal or other governmental action; and, pursuant to the Food Stamp Act of 1964, as amended, the value of the coupon allotments for the purchase of food in excess of the amount actually charged the eligible households.

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policing of the buildings and grounds of the Library of Congress."

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The BILL CLERK. A bill (H.R. 15628) to amend the Foreign Military Sales Act.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate resumed the consideration of the bill.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BELLMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Oklahoma is recognized.

Mr. BELLMON. Mr. President, in his play, "King Henry VI," William Shakespeare has one of his characters use these lines:

> Not to be seen: my crown is called content. A crown it is that seldom kings enjoy.

Certainly the decisions the chief executive of a nation must make regarding the conduct of war and which involve the ultimate power which a government can vest in its leaders is a crown which those leaders seldom enjoy. Clearly for President Nixon, the decisions relating to the Vietnam war have been the most troublesome and difficult he has had to make. And the most recent one, involving the Cambodian sanctuaries, is by far the most difficult of the lot.

President Nixon is certainly not insensitive to the political price he is paying for what he considers to be an honorable course in Southeast Asia. He is not so insensitive or so uninformed as to fail to recognize that this has come to be this Nation's longest and most unpopular war and that he could become an international hero overnight if he yielded to the temptation simply to pull out American troops and come home.

Clearly, this country and much of the rest of the world is impatient for this war to be brought to an end. No one denies that there is much to be done here at home, and certainly no one denies the war is causing deep divisions among our people and serious repercussions throughout the economic system of this country. There is now evidence that these ill effects are being felt abroad.

Mr. President, I believe that President Nixon is equally cognizant that our disengagement is vitally important for the future of a viable nation in South Vietnam. He knows the South Vietnamese people and understands their need to assume responsibility as rapidly as possible if that country is ever to assume mature status. I believe he has set such a course for our countries and that the actions of his administration demonstrate his dedication to this course. Since coming into office 16 months ago, he has developed and followed a course of de-Americanization and has set for himself additional goals which will keep us on this course for at least the next 12 months.

Until the Cambodian sanctuaries were attacked there appeared to be general agreement with President Nixon's Southeast Asian policies. Certainly Mr. Nixon had critics, some in this body, some on the campuses, who felt he should be moving faster; but until Cambodia, even his critics generally supported his Vietnamization policy which had reduced American casualties and costs and increased the South Vietnamese Government's role in the defense of their nation.

The decision to enter Cambodia, even along the very narrow and restricted guidelines which President Nixon has laid down, has clearly been one of the most unsettling developments of this entire war. I can certainly understand the reasoning behind the Church-Cooper amendment and generally support the statement of the Senator from Kentucky (Mr. COOPER) who has explained to this body that the intention is merely to make certain that the President does not inadvertently become deeply mired in Cambodia as we have been since 1965 and before in South Vietnam. I recognize there are others who support this amendment because they simply do not trust President Nixon, and with these I totally disagree. I feel the President has conducted his office in a highly honorable manner and that he has and will continue to keep his word with the American people.

I also feel he has displayed a high quality of leadership in his decision to go into Cambodia and I wish to commend him for the leadership he has shown.

Mr. President, there is another element in this debate which seems worthy of exploration. The President's decision to go into Cambodia has again raised the question as to how this country became so deeply involved in South Vietnam and about the entire process of how we go to war.

While I was not a member of this body when the war in South Vietnam began, I can readily understand the frustration which has built up as the war has dragged on and on, becoming more deadly as time has passed. I can understand that some of those who initially supported President Johnson's decision to send increasing numbers of troops to South Vietnam have decided that this is a serious misadventure, because the scope of the war has vastly exceeded their earlier expectations. The whole process has reminded me of one of Uncle Remus's tales, the story of Brer Rabbit and the Tar Baby.

Mr. President, this is a story which is familiar to most of us but I would like to read a part of it for the RECORD at this time.

As the story goes, Brer Fox went to work to catch Brer Rabbit:

> He got some tar and some turpentine and fixed up a contraption that he called a Tar-Baby. He took the Tar-Baby and put it by the side of the big road. Then he went off into the bushes to see what was going to happen.
>
> He didn't have to wait very long before Brer Rabbit came prancing down the road—hippity-clippity, clippity-hippity—as sassy as a jaybird. Brer Fox just lay low. Brer Rabbit pranced along until he spied the Tar-Baby, and then he sat back on his hind legs, astonished. The Tar-Baby, just sat there, and Brer Fox just lay low.
>
> "Morning!" said Brer Rabbit. "Nice weather this morning," he said.
>
> The Tar-Baby didn't say anything, and Brer Fox lay low.
>
> "How are you feeling today?" said Brer Rabbit.
>
> Brer Fox winked one eye slowly, and lay low. And the Tar-Baby didn't say anything.
>
> "What's the matter with you? Are you deaf?" said Brer Rabbit. "Because if you are, I can holler louder," he said.
>
> The Tar-Baby didn't say a word, and Brer Fox lay low.
>
> "You're stuck up—that's what's wrong with you," said Brer Rabbit. "I'm going to cure you of that, I am," he said.
>
> Brer Fox chuckled when he heard that, but the Tar-Baby didn't say a word.
>
> "I'm going to teach you how to speak to respectable folks," said Brer Rabbit. "If you don't take your hat off, and say howdy-do, I'm going to bust you right in the nose," he said.
>
> The Tar-Baby didn't say anything, and Brer Fox sort of chuckled quietly to himself.
>
> Brer Rabbit kept on talking to the Tar-Baby, and the Tar-Baby never said a word. Finally Brer Rabbit drew back with his fist and—blip!—he punched the Tar-Baby on the side of his head. Right there's where he made his mistake! His fist stuck and he couldn't pull it loose. The tar held him fast. The Tar-Baby still didn't say anything, and Brer Fox still lay low.
>
> "If you don't let me loose, I'll knock you again!" said Brer Rabbit. And with that, he punched the Tar-Baby with his other fist! And that stuck, too! The Tar-Baby didn't say anything, and Brer Fox lay low.
>
> "Turn me loose, or I'll kick the stuffing out of you!" said Brer Rabbit. But the Tar-Baby just held on. Then Brer Rabbit struck the Tar-Baby with his feet—first one and then the other—and *they* stuck fast to the Tar-Baby, too! Brer Fox still lay low.
>
> "If you don't turn me loose," squalled Brer Rabbit. "I'll butt you with my head!" And he butted the Tar-Baby, and then his *head* got stuck.
>
> Just then Brer Fox sauntered forth, looking as innocent as a mockingbird.

Mr. President, our involvement in Southeast Asia has in many ways resembled Brer Rabbit's encounter with the tar baby.

Clearly, this is no way for a nation like ours to become involved in war, the most serious and dangerous endeavor mankind can possibly know. To send thousands of men to their deaths and billions of dollars up in flames almost by accident or inadvertence, is unthinkable in these times. The whole process clearly needs to be reexamined. The present procedures were evolved in less perilous and less confusing times than those we now face and a new look at the entire process is long overdue.

Mr. President, I therefore agree with those who have expressed a desire for a thorough in-depth reexamination of this country's war-entering process. It is my opinion that the collective judgment of the Congress would, throughout time, prove to be more reliable and less dangerous for this Nation's security than the action of one man, except in those cases when this Nation was under actual or imminent attack of such a nature as to jeopardize our survival.

This question clearly needs to be settled before another Vietnam erupts or creeps up on us as the action in Southeast Asia has done.

The present problem, however, is that all these needs existed before President Nixon announced his decision to enter Cambodia and before the first American combat troops crossed the Cambodian border. To enter upon a debate or to undertake a change in the war-entering processes at this time and without long and careful preparation is to act hastily and in a climate of high emotional feeling in this country. Such an ill-timed debate is therefore likely to produce the same disastrous type of results as those which followed the passage of the Gulf of Tonkin resolution.

The questions as to how we became so deeply involved in South Vietnam had all been raised time and time again even long before Richard Nixon became President and began the Vietnamization process. The real issues in this debate, as I understand them, are these:

First. Is the decision to destroy the sanctuaries tactical, or is this in fact a new and different war?

Second. Will this action reduce casualties and hasten American disengagement, or will it stretch out the war and cause even greater numbers of young Americans to be killed or wounded?

Third. Are we in fact disengaging in Southeast Asia, or are we becoming more and more mired down with the passage of time?

Fourth. Are the South Vietnamaese gaining in strength, stability, and unity, so that they can provide their own defense against the North and hopefully survive as a viable nation as South Korea has been able to do?

Mr. President, in endeavoring to find answers to these questions I believe it is helpful to remember our mission in South Vietnam. Our purpose there is simple: To provide security for the people of South Vietnam while they build their economy, establish the vital social functions needed by a viable nation, and to develop a stable government able to provide reasonable internal and external defense and earn the general support of the people. While my personal knowledge of South Vietnam is much more limited than that of many of the Members of this body, I am convinced that steady and discernible progress toward this objective is being made.

Twice I have had the privilege of visiting South Vietnam, first in November of 1965 and again in July of 1969. In 1965, I was a member of the group of 10 Governors of American States who spent 4 days visiting the southern provinces of South Vietnam. At that time there was genuine concern that the Vietcong would soon capture many of the provincial capitals and key defense installations in South Vietnam. Saigon was under frequent shelling. An attack on the American Embassy caused heavy loss of life and property. Heavy attacks on such cities as Da Nang were frequent. American defenses were unable to prevent the Vietcong from successfully attacking and damaging air bases with a resultant heavy loss of airmen and aircraft.

A total military government was in power in South Vietnam, right down to village and even hamlet level. Local government appeared to be inept and was frequently corrupt. Much of the countryside was held in a state of terror by the Vietcong. In a provincial capitol we visited, it was necessary for a battalion of troops to be stationed near the capitol in order to prevent its being overrun by the Vietcong and perhaps to provide security so that the essential governmental processes could continue.

All across South Vietnam roads were interdicted regularly by the Vietcong who collected taxes, terrorized travelers and inducted eligible but unwilling young men into the Vietcong forces. Bridges were frequently blown up; schools, hospitals, and powerplants were regularly destroyed; and the entire countryside was in a state of siege and virtual collapse, though there were some hopeful signs.

Successful attacks by the Vietcong on American and South Vietnamese military installations were regular. Our forces were unable to receive the logistical support they needed because of limited highway facilities and a totally inadequate transportation system—at the time we were there, 26 American ships were anchored in the Saigon harbor waiting long periods to be unloaded because there was very limited dock space and the process frequently took weeks. Facilities for the operation of our aircraft were limited and seriously inadequate to the need. Overall, the impression I received was that of a country which was in danger of being brought to its knees economically and which was in serious danger of being knocked out of existence by an aggressive, well-organized enemy that was deeply entrenched throughout the country.

Equally dangerous was the apparent lack of national unity and self-confidence. There were even serious questions as to whether the South Vietnamese forces possessed the potential to ever become an effective military organization. There was a tragic lack of trained and educated citizenry from which to draw the noncommissioned and company officers upon which a successful military operation of this kind largely depends. There was a real question as to whether or not the South Vietnamese could ever master the operation of the sophisticated military hardware which our Nation was beginning to supply. Overall, the situation, while it did hold some hope, could hardly be looked upon as ideal.

Mr. President, in 1965 there was valid reasons to doubt that South Vietnam could ever become a viable nation.

As most Senators realized, South Vietnam had long been a colony of the Chinese, the French, and the Japanese. Throughout these years the South Vietnamese people had been given very little opportunity to gain formal education, to learn modern technology, to master the skills of government, to learn and apply modern agricultural methods, to develop their abundant natural resources, to participate in a meaningful way in commerce and industry, or even to develop the self-confidence which free citizens own as a birthright. Serious racial and religious schisms existed throughout the country, and there was no reliable communication system.

The Government, such as it was, enjoyed neither popular support, proficiency, nor popularity. While there were hopeful signs, and while the South Vietnamese were fighting valiantly and sacrificing heavily in hamlets, villages, and cities, it was obvious that the road ahead was long and tortuous unless they were heavily supported by men and materiel from outside sources, or unless the North Vietnamese could be discouraged from their conquest.

Mr. President, in 1969, in the company of the senior Senator from Alaska (Mr. STEVENS), I had the opportunity to return to South Vietnam for a slightly more extended stay. On this trip, Senator STEVENS and I were privileged to visit all four corps areas and made stops of varying lengths in something like 40 different locations.

To summarize quickly, South Vietnam, in 1969, seemed like a different nation than the country I had visited in 1965. On our last trip, it was obvious that travel by highway throughout all except the most remote areas was common practice in South Vietnam. Interdiction of roads by the Vietcong had almost ended. In fact, at the time we were there, it appeared that most of the enemy military activity in South Vietnam was being carried on by regular North Vietnamese units, which had moved into the country and taken over from the weakened Vietcong. There was considerable fighting still going on, but the ever-present danger to provincial capitals and even to most villages and hamlets had apparently largely disappeared.

Throughout the country, we found that farmers were back at work in their fields. We visited a fishing village which had been totally obliterated by the Vietcong and thereafter abandoned for a period of 2 years. When we visited the village, we found that homes had been reconstructed by local effort and with the use of a very limited amount of U.S. AID funds. We found that the thrifty fishermen had already produced and preserved food to last them for several months. We found that they had rebuilt their boats and nets and reestablished their fishing industry, so that family income had already reached a level of about $200 per month. In so doing, they had increased the supply of fish for Da Nang to the point that the price of fish in the markets of that city had dropped about 30 percent.

In 1965, many seemed to feel that the Vietcong were truly agrarian reformers who enjoyed wide support among the peasants who were either confused or distrustful of the central government. The Tet offensive, which had occurred before our 1969 visit, seemed to have totally destroyed this image—this misconception—of the Vietcong and appeared to have the effect of drawing the nation together for perhaps the first time in its history. These attacks and the acts of terror which the Vietcong perpetrated appeared to have created an awareness that this was truly an outside threat by a foreign country and caused the South Vietnamese to rally to the cause of their own defense in an effective and encouraging way.

Senator STEVENS and I were taken by Marine NCO's to a village where the popular forces had recently been equipped with auomatic weapons and organized into a military unit which appeared able and willing to defend the village against future Vietcong or North Vietnamese assaults. It is highly significant to me that the Thieu government, which had been in office for many months, was secure enough in its position that it could issue arms of this kind to the civilian population at almost exactly the same time that our own Government was passing laws to make the ownership of far less deadly weapons more difficult or even unlawful in our own country.

Mr. President, one of the most impressive men I met in South Vietnam was Lieutenant General Lam, who commanded the forces of I Corps, that sector which lies closest to North Vietnam and which is, therefore, under the heaviest and most constant enemy pressure. At the time we were there, President Nixon had only recently announced and begun the withdrawal of American forces from South Vietnam, and we questioned General Lam at some length about his reactions to the President's decision.

While that conversation took place many months ago, his response is still indelibly impressed upon my mind. General Lam told us that it made little difference to him whether the Americans stayed or remained, because the war would go on regardless, and he felt secure that his people would be able to defend themselves ultimately. He feared a heavy loss of life if the Americans were withdrawn too hastily, but he assured me that he and the Vietnamese people generally knew that their lives were at stake and that they were determined to defend both their lives and their freedom with every resource at their command.

Throughout the trip, we were continually impressed with the obvious military competence which the South Vietnamese had gained. We found South Vietnamese manning our artillery pieces, using our communications and transportation equipment, flying heavily armed twin jet T–38's, and operating and maintaining our American-built helicopters.

At the time we were there, the first units of the "Riverine Forces" had been turned over to the South Vietnamese Navy, and Senator STEVENS and I spent several hours inspecting this fleet and observing the way the South Vietnamese crews handled both the operation and the maintenance of these specialized units which had been equipped to fight the war for the waterways of the Delta area.

Perhaps the most impressive experience of the entire trip was the unscheduled visit Senator STEVENS and I made to the outpost at Ben Het the morning after the battle there had ended. Unfortunately, the American press gave little notice to this, the last major military engagement of the Vietnam war to date. The outpost of Ben Het lies only about 9 miles from the Cambodian border. The significant point is that when it became apparent that a regiment or larger force of North Vietnamese troops was moving against Ben Het, the American military commander in that district began to make plans to move American and South Vietnamese troops into position to defend this outpost. It was at this point that the local South Vietnamese commander approached the Americans to urge the South Vietnamese forces to fight this battle alone and unaided by American ground troops. The American commander agreed.

As a result, South Vietnamese forces, aided by American air and artillery support, occupied defensive positions, and through a lengthy and bloody battle succeeded in inflicting heavy casualties upon the North Vietnamese and finally took the offensive, driving the enemy back into their sanctuaries across the Cambodian border.

The battle had ended only hours before Senator STEVENS and I were lifted by helicopter into the Ben Het outposts. At the time we were there, several of the artillery pieces were still knocked out of commission; many trucks and weapons carriers were in a state of total ruin; every single pneumatic tire which I saw had been punctured by shrapnel or small arms fire; and the damage done to communications and troop emplacements had not been repaired.

Mr. President, in spite of the obvious devastation which the outpost had suffered, the spirit and attitude of the successful defenders of Ben Het was highly reminiscent of many scenes—which I remembered—from my service in World War II. These men had met the very best that the North Vietnamese and Vietcong could send against them; and on their own, without the help of American ground forces, other than a handful of advisers, they had thrown back the enemy and forced him to take cover in the sanctuaries which were off limits to the South Vietnamese troops. Certainly these men felt sorrow at the loss of their comrades, but there was no hiding the pride they felt at their accomplishment and the determination which had been kindled in them to restore their devastated outpost and build up their defenses for any future assault.

Mr. President, the military proficiency and individual self-confidence of the South Vietnamese has continued to grow and is again being demonstrated in the actions in Cambodia. Two columns published in the Washington Post on May 29 testify to this fact. I ask unanimous consent that they be printed in the RECORD at this point in my remarks.

The columns are entitled "Viet Troops' Splendid Performance in Cambodia Surprises U.S. Generals," written by Rowland Evans and Robert Novak, and "South Vietnamese Servicemen Have Now Proved Their Mettle," written by Joseph Alsop.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

VIET TROOPS' SPLENDID PERFORMANCE IN CAMBODIA SURPRISES U.S. GENERALS

(By Rowland Evans and Robert Novak)

The splendid combat performance by South Vietnamese troops in Cambodia not only strengthens the Vietnamization program but casts dark clouds over the U.S. military advice going to President Nixon.

The way ARVN (Army of the Republic of Vietnam) outfits have handled North Vietnamese regulars in Cambodia's Parrot's Beak has evoked raves from the very U.S. generals who insisted they could not do the job. Gen. Creighton Abrams, U.S. commander in Vietnam, has personally expressed his surprise to the Pentagon. What's more, high officials privately make this blunt admission: The South Vietnamese could have performed the Cambodian operation *alone*, without U.S. troops.

The implications of this are staggering. It means Mr. Nixon could have enjoyed the military fruits of entering Cambodia without the calamitous political and economic consequences he now endures and without reactivating the dormant peace movement. The President could have avoided his present crisis of confidence had he rejected the counsel of the Joint Chiefs of Staff and instead heeded the advice of Secretary of Defense Melvin R. Laird, who wanted an all-ARVN operation in Cambodia.

This Cambodian dispute between Laird and the Joint Chiefs is the culmination of sharp backstage disagreement over Vietnamization between civilian and military at all levels which we observed during our recent reporting trip to Vietnam. Even before Mr. Nixon's April 20 announcement of another 150,000 U.S. troops to be withdrawn, the military felt he was pulling out too rapidly.

Adding respectability to this view was Gen. Abrams himself. No Colonel Blimp, Abrams is the most sophisticated American commander during 16 years in Vietnam. Moreover, Abrams knows all about the training of ARVN, having been originally assigned to Vietnam as Gen. William Westmoreland's deputy for that purpose.

Yet one high-ranking civilian official told us in Vietnam: "Abe just doesn't understand Vietnamization." He and other civilians feel Abrams and the uniformed military are missing an essential point of Vietnamization—that South Vietnamese troops must take over from the Americans not when they are ready, but *ready or not*. Otherwise, the South Vietnamese never will be ready.

This is best illustrated in the strategic Mekong River delta. The mighty U.S. 9th Division, only American ground troops in the delta, pulled out last August amid nervous prostration by the U.S. high command. The generals feared the 7th ARVN Division simply could not handle the job in troublesome Kienhoa and Dinhtuong provinces.

Superficially, their fears have been realized. Communist military activity in those two provinces has increased, and nobody claims the 7th ARVN performs nearly as well as the Americans. Nevertheless, since the Americans left, pacification—the Saigon government's control of the countryside—has moved steadily forward. In sum, the Vietcong are losing the delta guerrilla war.

It can even be argued that the heavy-handed U.S. 9th in the delta actually retarded pacification. Certainly, had Washington granted Gen. Westmoreland's 1966 request to send three U.S. divisions into the delta, the damage wrought by American troops—as we pointed out at the time—would have played into Vietcong hands.

That indicates the U.S. military still has not fully grasped the political complexities of guerrilla warfare. Beyond this, U.S. generals, noting that ARVN units are led by Vietnamese officers made cautious by 20 years of constant warfare, express preference for U.S. units led by venturesome young officers out to make a record in six months of combat.

Save for the fateful exception of Cambodia, however, Laird has prevailed with the President against this military resistance. For instance, this summer's offensive against North Vietnamese encampments in Vietnam's bloody Ashau Valley near the Demilitarized Zone will be borne for the first time by South Vietnamese troops. Indeed, South Vietnamese are doing most of the fighting in Cambodia.

Contrary to the uninformed contention by U.S. doves that it has failed, Vietnamization is a success from a strictly military standpoint. Its basic problem is economic, the reduced flow of dollars into the country threatening runaway inflation by increasing Saigon's war costs.

With these economic problems still unsolved, Laird is pushng ahead for even faster Vietnamization—his hand strengthened by Cambodian events. Having proved themselves in the Parrot's Beak, the ARVN troops are at a peak of battlefield morale. And military doubts about their worth will carry considerably less weight in the White House henceforth.

South Vietnamese Servicemen Have Now Proved Their Mettle

(By Joseph Alsop)

In common fairness, something more needs to be said about the performance of the South Vietnamese units in Cambodia. It is a crucial measurement of the practicality of the President's Vietnamization program; and above all, it gives the lie to a good many biased people who have made a lot of noise in this country.

From their first day across the border, the ARVN units' performance has continuously moved Gen. Creighton W. Abrams to the highest flights of praise. He is a man sparing of praise in normal circumstances; but he has used every adjective in the military book, from "outstanding" upwards, to characterize the dash and efficiency the South Vietnamese have shown.

More importantly perhaps, he is known to have described the success of the South Vietnamese in Cambodia as a "stunning psychological victory," in and of itself. This is because it has infused a quite new spirit of confidence and pride in all the South Vietnamese under arms. Until Cambodia, they had never been fully tested. Now they have been tested, and they have passed the test exceptionally well.

"Every Asian wants to be with the winner," Gen. Abrams is said to have concluded. "And now we are the winners."

The facts of the Cambodian campaign amply substantiate Gen. Abrams' assessment. Five ARVN divisions, the 9th, 21st, 22d, 23d and 25th, have been engaged, along with ARVN rangers, Marines and paratroopers from the reserve. Every one of these divisions has been portrayed, at various times, as a mere horde of cowardly scoundrels commanded by corrupt incompetents.

The corrupt incompetents have now proved to be first-rate leaders in the field, and the cowardly scoundrels have fought with relentless aggressiveness. And it must be remembered that they have been fighting the most famous North Vietnamese units assigned to duty in South Vietnam.

For example, the ARVN 25th division has successively taken on, and briskly decimated, the 88th, 271st and 272d regiments. That means that this South Vietnamese division, customarily labeled "the worst," has by now defeated all the main components of the enemy's 9th division, formerly labeled "the best."

The secret of this seeming-magical reversal of roles comes in two separate parts. "The best," obviously, was not nearly so good as everyone had come to believe, in the long period when the enemy's 9th division had no real mission beyond occasional hit-and-run attacks.

"The worst," equally obviously, has been radically altered by being given an offensive role, at long last. ARVN, one must remember, was a defeated army at the time of the U.S. intervention on the ground; and since that time ARVN has been an army mainly committed to a purely defensive role. Taking the offensive, and with great success, has naturally made a lot of difference.

You can see the difference in the Pentagon arguments about the U.S. advisers with ARVN in Cambodia. At first, it was argued that the U.S. advisers really had to go along, to "provide stiffening." But now, somewhat ironically, the same people are just as passionately arguing that the U.S. advisers are still needed, to insure reasonable prudence.

Another remarkable fact, closely linked to the foregoing, also deserves attention—which it has not been getting. After all, two South Vietnamese divisions, plus other troops, have plunged out of IV Corps; one South Vietnamese division and one American division have moved out of III Corps; and at different times, two South Vietnamese divisions have marched into Cambodia from II Corps.

For the Vietcong and North Vietnamese units inside South Vietnam, these departures of their strongest opponents should have offered a golden opportunity. With the cats away, the mice ought to have played—and played a pretty murderous game, at that. But instead, the level of enemy effort in III Corps and IV Corps has dropped by more than a half since the Cambodian venture began.

Since the beginning of the Cambodian venture, in fact, the one fairly conspicious enemy effort has been a probe by elements of the 2d North Vietnamese division, up in I Corps. The 2d ARVN division, defending the little district town that was under attack, has thus far just about abolished one of the regiments making the probe. Meanwhile the people of Hiepbuc, the isolated mountain town that was in danger, are still tilling their fields as before.

Altogether, the Cambodian venture has given President Nixon's Vietnamization program a new look. For the South Vietnamese have now proven their mettle, while the enemy has suffered what should prove a crippling setback.

Mr. BELLMON. Mr. President, along with the observations of the improvement in South Vietnam's military and economic conditions, perhaps one of the most significant improvements which took place between 1965 and 1969 was in the South Vietnamese Government. Shortly before the American governors had arrived in South Vietnam in 1965, a long series of South Vietnamese governments had come into office, lasted only briefly, and then fallen before the military aggression from the North and the internal dissension at home. At the time we were in South Vietnam, President Ky was heading a military regime and preparations were being made for the writing of a South Vietnamese constitution and for the conduct of a nationwide election to install the first popularly chosen government in South Vietnamese history.

Mr. President, the fact that elections in South Vietnam were held, the fact that participation in these elections in spite of concerted Vietcong interference was heavy, and the outcome of the elections is well known and I do not propose to belabor these points at this time.

There are many critics of the Thieu government and I would be the last to say that it is without blemish. Also, I would be the last to say that our own Government or the government of any other nation is perfect. The critics of the Thieu-Ky government should recognize the almost impossibly difficult conditions under which it came to power and the stupendous task it faced in building a country at the same time it undertook to educate and train a total populace while providing security from an aggressive outside attacker. The survival of the Thieu-Ky government is a shock to its critics, and the degree of its success is a surprise even to its friends.

In spite of its obvious shortcomings, I honestly feel that the Thieu government deserves vast credit from governmental leaders throughout the world, and I believe that it will serve as an inspiration to other nations which are undergoing the throes of developing self-governing processes of their own. I wonder how many Members of this august body could have done as well if they could have exchanged places with President Thieu and Vice President Ky at the time they took over.

In the heated debate concerning the present status of Vietnam, and efforts toward Vietnamization, much rhetoric has been directed toward what has not been done and what will not be done. Too often the prevailing attitude is one of no achievement and no prospect of achievement. In order to set the record in better perspective, it is worthwhile to look at some of the progress that has been achieved on a comparative basis. To that purpose, I present the following facts and evaluation of many aspects of progress in Vietnam.

First, in terms of population security, there is marked improvement. On March 31 of 1967, 63.2 percent of the population could be classified as relatively secure. Eighteen percent were in contested status, whereas 18.8 percent were under the control of the Vietcong. Three years later, on March 31, 1970, 89.7 percent of the population had the benefit of relative security, whereas only 7.4 percent were contested and only 2 percent were under the control of the Vietcong. Population control tells only a part of the story.

However, for with improved security, other benefits also have accrued. Under the open arms amnesty program, members of the Vietcong and the North Vietnamese Army have increasingly declared their loyalty to the Government of South Vietnam. During the entire calendar year of 1965, a total of some 11,124 enemy soldiers rallied to the Government of South Vietnam. During the first 4 months and 9 days of calendar year 1970, some 11,458 enemy soldiers rallied to that Government, a rate which, if continued, will be three times the rate of the 1965 level. From the beginning of the open arms amnesty program in February of 1963, to May 9, 1970, a total of 151,861 enemy soldiers have rallied to the Government of South Vietnam.

In the development of any nation, the education of the people is of prime importance. At the time of initial independence of Vietnam, in 1954, some 400,000 children were enrolled in elementary school. Eleven years later, in 1965, the figure had increased to 1,651,000 children. The 1970 figures indicate that 2,300,000, or 82 percent of all the school-age children in Vietnam, are currently attending elementary schools.

Although the number of children in secondary schools is not as great, the trends show a remarkable growth in high school enrollment. At the time of independence in 1954, some 53,000 children were enrolled in secondary schools. By 1965, this figure had increased to 371,000. Current 1970 figures indicate that there are now 623,000 children, or 24 percent of all high school age youths in Vietnam, attending secondary schools.

A similar growth rate is reflected in higher education enrollment, in which a 1965 level of 26,000 students has increased to a current level of 42,000. Educational efforts are important in that they reflect the preparation of the people for the development of their nation and the governing of themselves.

During the trip I mentioned earlier, which Senator STEVENS and I took to Vietnam in 1969, we visited the community of Cheo Reo, which is made up largely of Montagnard people. We were amazed to find the progress they had made in building their hospital and installing a community water system, but particularly in building a very large and attractive school. The school had facilities to accommodate approximately 700 students. When one realizes that these students were coming from the Montagnard Tribe, a people who generally do not settle in one place but who are nomadic in their living patterns, it is easy to understand the tremendous importance that even the Montagnard of South Vietnam are beginning to place on education.

By the end of 1970, under the limited land reform programs which were effective prior to enactment this year of President Thieu's total land to the tiller program, land tenancy will have been reduced from 77 percent of the country's farm land in 1954 to 58 percent. The land to the tiller program is expected to virtually abolish tenancy within 5 years, affecting 600,000 tenant families. This program will turn over more than half of the country's rice fields to families, comprising about 25 percent of the total population. The 1964–65 crop was the last big year for crop production in Vietnam until this year. The intervening years show sharp drops in rice production as the war has made rice farming hazardous in many areas. As rice farmers turn to more remunerative occupations in the cities, and other crops such as vegetables became more profitable, official estimates for the 1969–70 harvest is 5,115,000 metric tons of paddy rice. This compares with the previous year's figure of 4,366,000 metric tons, and is the largest crop since the 1964–65 figure of 5,185,000 metric tons. Although the crop year officially extends to May 31, the bulk of the rice is harvested in December, January, and February. What is remarkable is that the restoration of rice production and the delta surplus to the level of the early 1960's has come about through increased productivity, not through restoration of the crop area. During the years of declining rice production, rice yields per hectare remained mostly constant, but a noticeable increase has occurred in the last few years as farmers have increased their use of fertilizer, pesticides, and water pumps for irrigation and have increasingly adopted improved seeds. These yield increases are expected to continue, and Vietnam will probably produce enough rice to meet its domestic needs by 1971 in spite of the war, the reduction in the area seeded, and the small numbers of rice farmers.

In another area of food production, fisheries output has risen steadily from 375,000 metric tons in 1965 to 463,844 metric tons in 1969. This is an increase of over one-fourth. Production of poultry had dropped from 22,200,000 birds in 1965 to 19,700,000 birds in 1967, and again rose to 23,000,000 birds by the end of 1969. Swine output dropped from 3.5 million head in 1965 to 3.2 million in 1967 and rose to 3.9 million head by the end of 1969.

Population security also is reflected in the level of refugee population, which reached its peak of 1,400,000 people at the end of March 1969. By January of 1970, some 488,000 head returned to their home villages and 586,000 more had been otherwise resettled. The displaced population in January of 1970 existed at approximately the 270,000 level.

One of the most noticeable advances of recent years has been the growth of responsible elected local self-government. In 1965, there was no elected village or hamlet administration. Officials were appointed by the central government, and their actual authority and responsibilities were quite limited.

In 1967, the Vietnamese Government began to hold elections for such officials in the more secure areas. As those areas expanded, so did the number of local administrations. By the end of 1969, some 90 percent of all the hamlets and villages in South Vietnam had such administrations. This spring, nearly half of those had been subject to reelection, having served out their full 3-year term. From all indications, these second-round elections are also being conducted successfully and with increasing interest and enthusiasm on the part of the villagers.

One of the reasons for this increased interest is the Vietnamese Government's program of granting these local administrations greater power and greater resources for self-government. Their authority and responsibilities in the fields of local security, taxation, and financial and other activities have been significantly expanded since 1965. These programs of restoring to the villages their traditional large degree of village autonomy have apparently been very popular and effective so far in rural South Vietnam. It is helping greatly to enlist local energies and talents in the overall effort against Communist aggression.

In 1965, South Vietnam had no constitutional government. It was governed essentially by the country's military leadership ruled by decree. In September 1966, the South Vietnamese held elections for the Constitutional Assembly which drafted the present Constitution, promulgated April 1, 1967. In September and October of 1967, elections were held for President and Vice President and the national assembly. Some 60 percent of the entire adult population voted in those elections.

By 1970, all the new Government institutions called for by the Constitution were in place and functioning. The Assembly has already proven to be an independent and constructive force, not only in passing significant legislation such as land reform, but also in providing a forum for the expression of a wide variety of political views including the views of those opposed to the Government. The supreme court has also established itself as an independent force for protection of legal rights. It recently ruled against the Government in a number of specific cases where the latter's action was held to be unconstitutional.

In 1965, the national political scene in South Vietnam was a deeply disturbed and unstable one. In 1970, we find continued lively politics, a fundamental stability underlaid by the constitutional system, and growing participation in responsible political activity by all the major non-Communist groups.

In summarizing the political scene in South Vietnam, we see that at the beginning of 1965, Vietnam had appointed officials down to the hamlet level. In May of 1965, provincial and municipal councils were elected in some 44 provinces and six cities. Elections for villages and hamlets were initiated in 1967. As of December 31, 1969, some 2,048 out of 2,151 villages has elected governments. This represents 95.2 percent of all villages. At the same time, 9,849 out of 10,522 hamlets had elected governments. This represents 93.8 percent of all hamlets. On September 3 of 1967, the President, Vice President and upper house were elected to office. In October of 1967, the lower house was elected. In 1970, reelections are anticipated for provincial and municipal councils, and for half of the upper house. In projecting to 1971, province chiefs and mayors are due to be elected, and new presidential elections and lower house elections will be held.

In the environment of security and political system development, certain areas of progress have been expanded in Vietnam. The joint venture of the U.S. Army and the Vietnamese forces has initiated a nationwide process of road rebuilding, of national and interprovincial highways which has been underway since 1968. The goal of this effort is to produce 2,500 miles of surfaced highway, of which 1,000 miles had been completed by the end of 1969.

Since 1965, medical dispensaries have been constructed at 50 district towns, 300 villages, and 1,000 hamlets. Civilian hospital beds have increased from 15,000 to 18,000. Five U.S. Public Health teams in 1965 have been increased to 43 by 1970. Vietnamese production of prosthetic devices has increased from 50 a month to over 700 a month. From an annual graduation of 158 physicians in 1965, the country now graduates 191. The number of trained nurses graduated has risen from an annual 273 to an annual total now of 583.

In the area of military development, the level of South Vietnamese armed forces at the end of 1965 was 565,000, with somewhat less than 300,000 in regional and popular forces. In April of 1970, the national forces amounted to 990,000 troops, of which 530,000 were of the regional and popular forces. Projections for the end of 1970 establish troop levels to be at the 1,100,000 level. Since January 1 of 1968, regular forces have increased by some 90,000 in number, while the regional and popular forces have increased by 180,000. By contrast, we see the different pattern in the number of U.S. forces in Vietnam. At the end of 1965, the troop level was 185,000. By the end of 1966, the troop level had reached 385,000, an increase of more than 200,000 in a given year. By the end of 1967, troop levels had reached 486,000, another 100,000 increase. By April 30 of 1969, we had reached a peak involvement of 543,400 troops. Slightly more than a year following that date, May 14, 1970, the level had dropped to the current 429,950, a reduction of more than 113,000.

(At this point Mr. BYRD of Virginia took the chair.)

Mr. BELLMON. Mr. President, I was pleased last night by President Nixon's statement that the level of troop withdrawal which he announced can certainly be kept, and that another 50,000 men will be brought out very shortly.

The South Vietnamese General Mobilization Act of 1968 extended military service obligations to most males between ages 16 and 50, and will be in effect for the duration of the war. Men between the ages of 18 and 38 are liable for regular service. Those in the 16-to-17 and the 39-to-50 bracket are for popular self-defense forces. In the program of popular self-defense forces, there are currently 1,087,791 trained combat personnel available. An additional 1,014,194 are organized to provide support. The popular self-defense forces currently have 400,000 arms available for their use.

Mr. President, it is obvious from this information that real and lasting progress on many fronts is being made in South Vietnam. It is not too much to hope that a vital nation is being born in this land which has been either a colony or an occupied area for hundreds of years. It is reasonable to expect that the seeds of freedom are being sown in South Vietnam and that they will ultimately spread to adjacent lands.

Mr. President, the foregoing discussion summarizes the problem and the progress in South Vietnam. It is important in understanding the situation that President Nixon faced when he came into office, his actions since, and his decision to move against the Cambodian sanctuaries. It is important at this point to review the actions of the Nixon administration since it came into office.

First, let me ask: What has President Nixon done?

I answer by saying that he has explicitly renounced an imposed military solution. He has proposed free elections under international supervision. He has offered to withdraw all non-Vietnamese forces over a 12-month period. He has declared that we would retain no military bases after our withdrawal. He has offered to negotiate supervised cease-fires. He has indicated that we will settle for the de facto removal of North Vietnamese forces. He has announced our willingness to abide by any result of free elections. He has said that we will readily discuss the 10-point program which the other side has presented. Above all, he has, on two occasions, announced American troop withdrawals.

Sometimes I think the world can be divided into two groups—the men of propaganda and promises on the one hand, and the men of action on the other. Clearly President Nixon is in the latter category.

Men can argue about many things in this troubled season, but there is one thing no one can deny. After many years in which the American presence in Vietnam has been steadily growing, the Nixon administration has at last brought a turning of the tide. Men can argue all they want about many decisions, but no one can deny that our men are coming home again and at a rapid rate.

The trauma of the Vietnam war has not ended—but it is approaching an end. Because the President is acting, rather than just talking, because he is acting at a pace which is neither too slow nor too fast—we can at last be confident that the war in Vietnam will be ended without surrender.

THE SITUATION AS OF JANUARY 20, 1969

MILITARY CONDITIONS

Mr. President, I shall give some statistics as to what is being done on the military and other fronts in South Vietnam.

As to the situation as of January 20, 1969, when President Nixon became Commander in Chief, the number of U.S. troops to Vietnam was still increasing. When the men on their way there on January 20 finally arrived, the number reached an all-time high in February. We appeared still to be seeking a military solution.

Military operations were characterized by maximum military pressure on the enemy, through emphasis on offensive operations.

Progress in strengthening the South Vietnamese Army was slow; resources being devoted to this effort did not receive high priority.

POLITICAL CONDITIONS

On the political front we found only a general and vague set of proposals for political settlement of the war. While they called for "self-determination," they provided no specific program for achieving it.

Mutual withdrawal of forces was provided for under the Manila declaration, which envisioned that the allied withdrawal would be completed within 6 months of the withrawal of North Vietnamese forces and the subsiding of the level of violence.

THE SITUATION TODAY

MILITARY CONDITIONS

Let us compare this condition with the situation today. On the military front, we have instituted a Vietnamization program which envisages South Vietnamese responsibility for all aspects of the war—coping with both Vietcong insurgency and regular North Vietnamese forces—even if we cannot make progress in the political negotiations.

We have offered the withdrawal of U.S. and allied forces over a 12-month period, if North Vietnamese forces also withdraw.

We have declared that we will maintain no military bases. We have begun to reduce our presence in South Vietnam by setting in motion the replacement of over 265,500 U.S. troops. This is a meaningful act of deescalation.

We have emphasized to our military commanders the requirement that losses be held to an absolute minimum, consistent with their mission to protect allied forces and the civilian population.

POLITICAL CONDITIONS

On the political front, for the first time, concrete and comprehensive political proposals for settlement of the war have been made:

We have proposed free elections organized by joint commissions under international supervision.

We and the Government of South Vietnam have announced that we are prepared to accept any political outcome which is arrived at through free elections.

We have offered to negotiate supervised cease-fires under international supervision to facilitate the process of withdrawal.

We have expressed willingness to discuss the 10-point program of the other side, together with plans put forward by the other parties.

In short, the only item which has not been declared negotiable is the right of the people of South Vietnam to determine their future, free of outside interference.

Where does the Nixon administration really stand regarding peace in South Vietnam? Is the President reasonable or unreasonable, flexible or inflexible?

The following should make clear the President's intentions and his position, since the words are his:

> We have ruled out attempting to impose a purely military solution on the battlefield.
>
> We have also ruled out either a one-sided withdrawal from Vietnam, or the acceptance in Paris of terms that would amount to a disguised American defeat.
>
> When we assumed the burden of helping defend South Vietnam, millions of South Vietnamese men, women, and children placed their trust in us. To abandon them now would risk a massacre that would shock and dismay everyone in the world who values human life.
>
> Abandoning the South Vietnamese people, however, would jeopardize more than lives in South Vietnam. It would threaten our long-term hopes for peace in the world. A great nation cannot renege on its pledges. A great nation must be worthy of trust.
>
> When it comes to maintaining peace, "prestige" is not an empty word. I am not speaking of false pride or bravado—they should have no place in our policies. I speak rather of the respect that one nation has for another's integrity in defending its principles and meeting its obligations.
>
> If we simply abandoned our effort in Vietnam, the cause of peace might not survive the damage that would be done to other nations' confidence in our reliability.

If Hanoi were to succeed in taking over South Vietnam by force—even after the power of the United States had been engaged—it would greatly strengthen those leaders who scorn negotiation, who advocate aggression, who minimize the risks of confrontation with the United States. It would bring peace now but it would enormously increase the danger of a bigger war later.

If we are to move successfully from an era of confrontation to an era of negotiation, then we have to demonstrate—at the point at which confrontation is being tested—that confrontation with the United States is costly and unrewarding.

Almost without exception, the leaders of non-Communist Asia have told me that they would consider a one-sided American withdrawal from Vietnam to be a threat to the security of their own nations.

In determining what choices would be acceptable, we have to understand our essential objective in Vietnam: What we want is very little, but very fundamental. We seek the opportunity for the South Vietnamese people to determine their own political future without outside interference.

We seek no bases in Vietnam.

We seek no military ties.

We are willing to agree to neutrality for South Vietnam if that is what the South Vietnamese people freely choose.

We believe there should be an opportunity for full particiption in the political life of South Vietnam by all political elements that are prepared to do so without the use of force or intimidation.

We are prepared to accept any government in South Vietnam that results from the free choice of the South Vietnamese people themselves.

We have no intention of imposing any form of government upon the people of South Vietnam, nor will be a party to such coercion.

We have no objection to reunification, if that turns out to be what the people of North Vietnam and the people of South Vietnam want; we ask only that the decision reflect the free choice of the people concerned.

In pursuing our limited objective, we insist on no rigid diplomatic formula. Peace could be achieved by a formal negotiated settlement. Peace could be achieved by an informal understanding, provided that the understanding is clear, and that there were adequate assurances that it would be observed. Peace on paper is not as important as peace in fact.

This, then, is the outline of the settlement that we seek to negotiate in Paris. Its basic terms are very simple: mutual withdrawal of non-South Vietnamese forces from South Vietnam and free choice for the people of South Vietnam. I believe that the long-term interests of peace require that we insist on no less, and that the realities of the situation require that we seek no more.

I propose the following specific measures which seem to me consistent with the principles of all parties. These proposals are made on the basis of full consultation with President Thieu.

As soon as agreement can be reached, all non-South Vietnamese forces would begin withdrawals from South Vietnam.

Over a period of 12 months, by agreed-upon stages, the major portions of all U.S., allied and other non-South Vietnamese forces would be withdrawn. At the end of this 12-month period, the remaining U.S., allied and other non-South Vietnamese forces would move into designated base areas and would not engage in combat operations.

The remaining U.S. and allied forces would complete their withdrawals as the remaining North Vietnamese forces were withdrawn and returned to North Vietnam.

An international supervisory body, acceptable to both sides, would be carried for the purpose of verifying withdrawals, and for any other purposes agreed upon between the two sides.

This international body would begin operating in accordance with an agreed timetable and would participate in arranging supervised cease-fires in Vietnam.

As soon as possible after the international body was functioning, elections would be held under agreed procedures and under the supervision of the international body.

Arrangements would be made for the release of prisoners of war on both sides at the earliest possible time.

All parties would agree to observe the Geneva Accords of 1954 regarding South Vietnam and Cambodia, and the Laos Accords of 1962.

Let me be quite blunt. Our fighting men are not going to be worn down; our mediators are not going to be talked down; and our allies are not going to be let down.

Tonight, all I ask is that you consider these facts, and, whatever our differences, that you support a program which can lead to a peace we can live with and a peace we can be proud of. Nothing could have a greater effect in convincing the enemy that he should negotiate in good faith than to see the American people united behind a generous and reasonable peace offer.

The above was excerpted from the President's speech of May 14, 1969.

Mr. President, no rational person accuses this Nation of territorial or other aspirations in South Vietnam. This Nation has a long and noble history of assisting the spread of freedom. Many times the wealth of our land and the lives of our young men have been sacrificed to help weak and endangered nations through periods of crises. Frequently, this Nation has returned occupied territories to its citizenry. Many times have the people of this Nation held out a helping hand to our defeated enemies to assist them in rebuilding their countries and in rejoining the community of nations.

After World War II, this Nation broke up the greatest armed force, the most effective army, the most powerful air force, the greatest navy, the greatest amphibious force that the world had ever known. In addition, at that time, the United States alone possessed operational atomic weapons that gave it a military dominance that the world had never before seen and perhaps will never see again. However, in spite of the obvious advantage this Nation had and the unquestionable ability we possessed at that time to impose our will upon any country of the world, we systematically went about the job of reducing our defense forces to the point that by 1950 we were virtually disarmed. At the same time, we shared our atomic secrets with other nations so that within a matter of a few years we no longer possessed a monopoly on atomic or nuclear weapons.

Mr. President, following World War II the United States literally beat its swords into plowshares and in doing so should have established to the total satisfaction of any objective observer that this Nation's intentions are peaceful and that we are neither imperialistic nor ambitious to impose our will upon other nations of the world. Therefore, charges that this Nation plans to remain for extended periods as a military force in either South Vietnam or Cambodia certainly cannot be substantiated either by the record of the past, by the acts of the present administration, or by pronouncements of any administration leader or by any actions of this Government. Those who look upon our involvement in South Vietnam as anything but an effort to help another country help itself are clearly not willing to face or accept the facts.

The truth is that every act taken by the Nixon administration is aimed at disengagement in South Vietnam at the earliest possible time that the South Vietnamese Government can be reasonably expected to endure, and in a manner that will deter and not encourage this country's future entrapments in other Vietnams. The action we have taken in Cambodia is clearly intended to hasten the date of our disengagement and nothing else.

Mr. President, this country's actions against the Cambodian sanctuaries are only and totally a tactical maneuver and aimed at hastening the securing of our objective. The buildup of Vietcong and North Vietnamese forces there came to be recognized as a military threat which President Nixon felt could no longer be ignored. His determination to accelerate the withdrawal of American troops, and the changed condition in Cambodia dictated a move which from the tactical military standpoint had long been indicated.

Mr. President, the success of our Cambodian action is now well established. The President in his talk last night said that this action has been the most successful of the South Vietnamese war. There is no reason to recount here the military equipment and the supplies which have been destroyed, or to estimate the total damage done to the forces of North Vietnam or the Vietcong. The real question which the U.S. Senate should concern itself with is simply this: What action can we take now to further improve the possibility of peace in South Vietnam? What can we as Senators do to hasten our disengagement from this long and costly war? What can Congress do to make our potential enemies realize that this Nation has both the will and ability to finish the job that its leaders feel needs to be done?

Mr. President, in my opinion, the Church-Cooper amendment, though well-intended, falls short of the mark.

The amendment of the Senator from West Virginia (Mr. BYRD) clearly improves the Church-Cooper amendment, and I intend to support it. However, even with this improvement I am not certain at this point that the Church-Cooper amendment accomplishes any worthwhile purpose. Regardless of what its sponsors intend and regardless of what its supporters may claim, the Church-Cooper amendment is likely to be looked upon, both at home and abroad, as a serious censure of our Chief Executive and an expression of no confidence in the Commander in Chief of our Armed Forces. To adopt the Church-Cooper amendment would, in my opinion, jeopardize the lives of our servicemen who have been sent to South Vietnam by action of this body and supported there with funds appropriated by the Congress.

Mr. President, I am in accord with the

expressed desires of the authors of the proposed legislation, but I am totally opposed to the vehicle they have chosen to accomplish their end. I feel rather that the Senate would serve the cause of peace far better to express confidence in President Nixon and in this way to unify the country behind our fighting forces and show to our enemies that this Nation is not divided but rather that we are determined to finish the job we have begun. The offering of the Church-Cooper amendment has added to the confusion and divisiveness here at home. Its adoption could well create a new crisis, both here and on the battlefield. I will not be a party to such a dangerous and damaging action.

Mr. DOLE. Mr. President, will the Senator from Oklahoma yield?

Mr. BELLMON. Mr. President, I am proud to yield to the Senator from Kansas.

Mr. DOLE. Mr. President, although I have not been present in the Chamber to hear the entire speech made by the Senator from Oklahoma, I have had an opportunity to read it quickly.

I would point out, as the distinguished Senator from Oklahoma has just stated, that if there was any doubt in the minds of the American people, they should have found reassurance in the remarks of President Nixon last evening.

I detected in the statement by President Nixon perhaps an effort by the President to extend at least the tip of the olive branch to Congress. It was a very conciliatory message. The President made clear that after July 1 we would carry on very limited operations in Cambodia, not with ground troops, but only through air interdiction to protect American forces.

XUM

I share the view of the Senator from Oklahoma; the amendment of the Senator from West Virginia (Mr. BYRD) is an improvement. If the Byrd amendment could be agreed to, while the President might not endorse the Cooper-Church amendment, he might not oppose it. The Byrd amendment makes it very clear that the President would have the right—as he should have, and as he does have under the Constitution—to protect American forces.

I would reiterate, as the Senator from Oklahoma has pointed out, it is difficult to understand how we can question the credibility or the actions of President Nixon, when he is the first President to deescalate the war in Southeast Asia. He announced again last night that another 50,000 troops would be withdrawn by October 15 of this year, which indicates to me, as it does to the Senator from Oklahoma that President Nixon is on a path for peace, that he has a plan for peace, and that it is working notwithstanding enemy efforts to disrupt those plans.

I share the views of the Senator from Oklahoma that what we need now is, unity in America. What we need now is probably unity in this body. I do not believe the timing of the so-called Church-Cooper amendment is particularly appropriate, again because President Nixon has kept his faith with the American people, again because President Nixon is de-escalating the conflict in Southeast Asia, and again because he is Commander in Chief and has the inherent right under the Constitution to protect American forces. To me, that is the crux of the entire debate today, and has been for the past couple of weeks, and may be for some time in the future. Does the President, as Commander in Chief, have the right to protect American forces? Does the President, as Commander in Chief and Chief Executive Officer, have the right to make peace? Or should those functions be left to Congress—the Senate and the House? I do not believe they can be or should be.

Congress has the power to declare war. We have the power, under the Constitution, to appropriate money. We recognize that, in addition to that power, the President has corresponding responsibilities and power.

Based on the two personal visits the Senator from Oklahoma made to that area, one in 1965 and one in 1969, he clearly indicated the progress that has been made in South Vietnam. Day after day on the Senate floor, and day after day across the country, we are told about the corrupt Government in South Vietnam—many times by those who have never visited South Vietnam and have had no contact with the Government.

So I commend the Senator from Oklahoma for setting the record straight and for giving his own personal observations, based not on hearsay, but as personal contact and personal visits.

I firmly believe we have reached a new plateau in this country. I firmly believe that President Nixon says about disengaging in Southeast Asia. I firmly believe that the great majority of the American people support this effort. I commend the Senator from Oklahoma for his remarks today.

Mr. BELLMON. I thank the Senator from Kansas. I certainly agree that the Senate has a responsibility to make a decision as to whether or not we shall get into a war; but after we get into a war, it seems to me the greatest service we can render is to help to get us out of it. I think we do that best by giving an appearance and a reality of unity and letting the enemy know we are backing our President and will support the President.

As to whether or not the Senate should get itself into making tactical decisions—it has been said that a camel is a horse designed by a committee—I cannot imagine anything more dangerous than having a committee of 100, or 135, making day-to-day tactical decisions, in the glare of publicity that exists, and should exist, here, and letting our enemy know in advance what we are planning to do.

I believe the Cambodian decision was right, and I believe the President had the right to protect our forces. I regret that we are giving our enemy and other countries the appearance of disunity.

Mr. DOLE. Mr. President, will the Senator further yield? There is a feeling on the part of some that one who supports the President wants to continue the war in Southeast Asia and that he is opposed to peace. Presumably, on the part of some, one is not for peace unless he opposes the President: He is for war, and not for peace.

The Senator from Oklahoma, and other Senators, want peace in Southeast Asia. We want peace in the Mideast. Some of us have confidence in President Nixon. We know he wants peace. We are coming nearer and nearer each day to conclusion of the war in Southeast Asia, whether through Vietnamization, or, we hope, through negotiations. It is frustrating, when to support a President, the first President to make steps toward peace in Southeast Asia, and be accused of extending or widening the war. That is the last thing the Senator from Kansas wants. That is the last thing the Senator from Oklahoma wants, or the Senator from Arizona, or the Senator from Wyoming, or any other Senator.

We have every right to support our President. If President Nixon had escalated the war, if President Nixon had invaded another country to make war against that country, whatever the country, then we could question his credibility, we could question his powers; but it is clear that he has charted a course for peace, as are those who support him.

Mr. BELLMON. I certainly agree with the Senator from Kansas.

Mr. GOLDWATER. Mr. President, will the Senator from Oklahoma yield?

Mr. BELLMON. I yield to the Senator from Arizona.

Mr. GOLDWATER. First, I congratulate the Senator on his speech and the remarks he made in his speech. I think he said things that need repeating in the Senate day after day.

I was very much interested in the discussion relative to the powers of Congress so far as the making of tactical decisions is concerned. I agree with the Senator that I can think of nothing more dangerous than 100 persons, who find one-third of their membership up for reelection every 2 years, taking on the task of telling the Commander in Chief how to use his forces.

I think the Senator might agree that in the present situation we could draw a parallel with World War II. Suppose this same amendment had been offered during World War II, say when we attacked the enemy in Italy instead of confining our attacks to Africa. We would, in effect, have been telling President Roosevelt that, in the opinion of the then 96 Senators, we should not attack the Germans in Italy, nor later in France, probably.

In Indochina—and this has become the popular term for the place—we are attacking the same enemy in Cambodia that we have been attacking in Vietnam, and the same enemy that has been attacking us. To take the language of the amendment that is being offered, it would in effect be saying to the President, "You cannot fight this war against an enemy in another part of the same general area of the world."

I made a speech in the Senate the other day—and I believe in this very sincerely—that if it is the feeling of this body, and if it is the feeling of the American people, that Congress does not have enough power in the running of the war, or if the President has too much power under the Constitution, then let us correct the condition by a constitutional amendment, let Congress vote on it, and let the people of the United States vote on it. If there is sufficient backing for an amendment to delineate more clearly the powers of Congress in war or more clearly confine the powers of the President in war, then we will be approaching the problem in the proper way.

I think it is entirely wrong for us to be engaged on the floor of the Senate in telling the enemy every day what we are going to do, what we intend to do, and telling the Commander in Chief what he must do. I think it is a disservice to our country.

Again, I congratulate the Senator for having taken the position he has. He has been in that part of the world. I wish the chairman of the Foreign Relations Committee would visit Southeast Asia sometime to find out what it is like. I think it would be of great educational benefit to him and might possibly change his views somewhat. I know that other members of the committee have been there, but I think it would be much more effective for the chairman to be better acquainted with what is going on than the way it stands today.

I thank the Senator again for the courageous stand he has taken.

Mr. BELLMON. I thank the Senator from Arizona. The question he raised, as to whether the President as Commander in Chief has too much or too little power in the conduct of war, is certainly valid; but to me, to try to settle the question while we are actually engaged in combat is little short of ridiculous.

I know the Senator from Arizona has a distinguished military career. I know I was in combat in World War II. I know how we would have felt if Congress had been passing judgment on whether we should be there while we were there. These men risk their lives daily, almost every hour, and it is a matter of reality. It is not theoretical for them. So while we are still in combat, to debate the question of whether we should be there or whether the President has a right to make a decision is certainly untimely, to say the least. I think there are more critical terms that could be applied.

I really feel that the action of Congress in going into these matters, after we have once become involved, has been terribly demoralizing to our own troops and helpful to our enemy. I certainly do not feel that this is the time to go into them.

Mr. GOLDWATER. Mr. President, if the Senator will yield, if I were in command of the enemy troops, I cannot think of anything I would appreciate more than what is going on in the U.S. Senate right now. I could make my plans down to the last minute and the last second, and down to the last round of ammunition needed, if I knew exactly what my enemy was going to do.

I think we have provided too much information already for Hanoi, and I would hope we could bring this discussion to a conclusion in the near future with the tabling or removal of the Cooper-Church amendment.

Mr. BELLMON. I thank the Senator from Arizona.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. BELLMON. I am glad to yield to my friend the Senator from Wyoming.

Mr. HANSEN. Mr. President, I commend the distinguished Senator from Oklahoma for the contribution he has made toward a better understanding of what is involved as we consider the ramifications of the application of the Cooper-Church amendment.

I had the privilege of being in Southeast Asia, specifically in Vietnam, with the distinguished Senator, who at that time was Governor of the great State of Oklahoma. We spent several days in Vietnam, and I think that because of that experience and because of his earlier experience in that part of the world when, as a marine, he served our country in the days of World War II, he certainly is well qualified to speak knowledgeably and objectively on the state of conditions as they are found in that part of the world today. With that sort of background, I think his words today are particularly important as he draws the comparisons he has drawn between Southeast Asia—particularly Vietnam—in 1965 and now, as he found things just last year.

Mr. President, with a great many other Americans, I had the privilege last night of hearing the President make a progress report on the situation in Southeast Asia. I noted that President Nixon reaffirmed that the timetable to withdraw 150,000 additional American troops from Vietnam will go according to schedule, as will the plan to withdraw all American troops from Cambodia by June 30. The President advised that already 17,000 of the 31,000 Americans who entered Cambodia to seize the arms, ammunition, food, and the munitions and to clean out the enemy sanctuaries, have returned to Vietnam. The President further advised that the military objectives of the Cambodian action have been achieved.

Mr. President, this is further evidence of President Nixon's ability to establish attainable goals, to report to the Nation what the goals are, and to see that those goals are accomplished within the period of time promised.

Because the President does keep his word, there is no credibility gap in the Nixon administration. The President has the confidence of a majority of the American people. This is evidenced in the nationwide polls which indicate strong approval of the wisdom in the President's decisions.

I recently spent several days in my State of Wyoming. I found that the statewide support for President Nixon and for the Cambodian decisions is quite strong. It is my belief that this basic support for his action is reflected nationwide.

The President has the confidence of the majority of the American people, and he has their support. In my opinion, it will be most appropriate for Congress likewise to express its confidence in the President—the confidence of the people's elected representatives.

For Congress to do otherwise is to give the world a misleading picture of the courage, the patriotism, and the fortitude of the great majority of the American people. In my view, the passage by either the House or the Senate of any legislative proposal designed to discredit, in an unusual manner, the foreign policy decisions of our President, decisions that have proved successful, will confuse foreign nations.

Such an act would at best astound our allies, and we know from experience that any such move will be twisted by the enemy to feed their propaganda mill and encourage the will of their people to prolong the war, in the hope that the spirit of America will be not long in breaking. This is part of the thrust of the Senator from Oklahoma's message and has been underscored in colloquies with the distinguished Senator from Kansas and the distinguished Senator from Arizona.

Mr. President, as of 8 a.m. eastern daylight saving time today, the Saigon command reported the capture of 11,214,722 rounds of small arms ammunition in Cambodia, plus substantial amounts of weaponry, heavier ammunition and supplies. These are military supplies that will not be used against American troops, against the troops of our allies, or against civilians in Indochina.

I ask unanimous consent that the list of captured supplies be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Total operations	Number	24-hour change
Individual weapons	15, 260	[1] +1
Crew-served weapons	2, 126	+12
Bunkers/structures destroyed	8, 387	+94
Machinegun rounds	3, 339, 042	+71, 090
Rifle rounds	7, 875, 680	+965, 304
Total small arms ammunition (machinegun and rifle rounds)	11, 214, 722	+1, 036, 394
Grenades	39, 851	+5, 048
Mines	4, 196	+236
Miscellaneous explosives (pounds) (includes satchel charges)	76, 600	([2])
Antiaircraft rounds	137, 831	+5, 137
Mortar rounds	49, 640	+1, 442
Large rocket rounds	1, 761	+176
Smaller rocket rounds	26, 191	+12
Recoilless rifle rounds	22, 292	+126
Rice (pounds)	11, 146, 000	+66, 000
Man-months	245, 212	+1, 452
Vehicles	359	([2])
Boats	40	([2])
Generators	36	([2])
Radios	186	([2])
Medical supplies (pounds)	50, 800	([2])
Enemy KIA	9, 179	+40
POWs (includes detainees)	1, 919	+6
U S KIA	253	+4
ARVN KIA	569	+11

[1] Field adjustment, 8 a.m., June 4, 1970.

[2] Unchanged.

Mr. HANSEN. Mr. President, when the President observed last night that he had heard from an American citizen who had lost his son in the Southeastern Asian theater of war, and he stated that had these supplies which now have been captured and are firmly in American control been seized earlier, as many of us would agree would have been a far wiser course of action than that which we pursued, his son—that son who was struck down by an enemy bullet—might have been alive today.

Despite the efforts of some to contend that the seizure of these vast stores of supplies and munitions really misses the point, that it is beside the point in that it does not address itself to the situation

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in this country. I remind all who subscribe to that view that I find little validity in the conclusions they have reached.

These rounds of ammunition, these guns, these mortars—everything that has been captured—were designed and would have been used for one purpose only—that is, to destroy the enemies of the Vietcong and the North Vietnamese. That is why the Senator from Oklahoma is so very right when he says that this decision was a wise one. It will hasten the end of the war, as the President has assured all of us he intends to do. It will make withdrawal more orderly and will hasten the day when we can withdraw a very substantial number of our men from Southeast Asia. It will give the South Vietnamese a far better opportunity than they otherwise would have had, by giving them the leadtime necessary to do two jobs: First, to perfect their own government, so as to better serve their country and their people; and second, to train and equip their own army, and be prepared, as we withdraw, to assume responsibility for the defense of that part of the world.

The Senator from Oklahoma has made a very important contribution to the debate. I feel confident that all of us will be better informed and understand the situation better than we otherwise would have if those of us who were not able to hear him speak today take occasion to read his speech in the RECORD. I commend him for his diligence, for his interest in this problem, for his overriding concern for what is best for America, and for his dedication to the purposes that underscore the commitment that our country has made.

Mr. BELLMON. I thank the Senator from Wyoming, and I appreciate his contribution. I was particularly impressed by his report that he has recently returned from a visit of several days in the State of Wyoming, where he found that support for the President is strong and is apparently growing.

I recently spent several days in my State of Oklahoma, and I believe the same situation exists there. From what I can find out, it seems that support of the President is strong and growing nationwide. We see this from the polls as well as from expressions by many important groups. But it occurs to me that we sometimes forget that this is a very complex war. It has a military side, certainly, and there is no question that we are winning that side. It has a political side, and there is no doubt that the South Vietnamese, through the establishment of a stable government, are winning the political battle. But the battle we seem to be having trouble with is the psychological one.

The reason we are having trouble here is that many of our enemies seem to feel that there is much more division in the country and much more division in this body than actually exists. I think that if the leaders of North Vietnam could visit Wyoming and find out the unity and support there is for our involvement in South Vietnam, they would quickly recognize that they are in a hopeless situation and would allow peace to reign in that country, as we all desire.

Mr. HANSEN. Mr. President, I have received a great deal of mail on this issue in the past several weeks, as I know each of us has, and I must say that much of the mail we have received has this sort of statement: "Support the peace amendment" or " Support the end of the war amendment." I think that this sort of communication underscores the fact that most people who write that sort of message really do not know specifically the question that is now before the Senate.

The thoughtful letters I have received are those that have been written out, to say, "I want you to support the end of the war amendment" or "the peace amendment," and then gone on to speak at some limited length on this issue. The mail of this type that I have received in my office is stronger in support of the President than those that merely take a position without expressing some understanding of the Southeast Asia situation.

I am convinced, based upon my visit in Wyoming and what I have learned from the mail I have received, that a majority of the people of the country recognize the wisdom and the courage that were demonstrated by the President in going into Cambodia.

Mr. BELLMON. I thank the Senator. I also believe that the people of the country appreciate and admire the leadership President Nixon has shown in making this decision, a decision which many consider to be somewhat of a political risk to himself.

I yield the floor.

Mr. ALLOTT. Mr. President, I compliment the distinguished Senator from Oklahoma for his courage in presenting his views here today in such a forthright manner. His thoughts have been discussed on the floor of the Senate in many different ways, by Senators having different views. But when they come from a former Governor of a great State and a very able and competent Senator, they carry a special weight with all of us. I compliment him on his very clear presentation.

Mr. BELLMON. I thank the Senator from Colorado.

Mr. ALLOTT. Mr. President, over the years, the Senate has been the scene of many momentous debates concerning basic issues of American Government. Today the Senate is engaged in another such debate.

This time the subject is one aspect of a perennial problem—the relationship between the executive and legislative branches of the Government. Specifically, we are examining, with proper thoroughness, the question of the President's duties and powers in the role of Commander in Chief. The crucial question concerns the amount of independence necessary for him to perform that difficult role safely and skillfully.

Obviously, this debate grows out of the long experience of the war in Vietnam. It is interesting to notice that many of the issues—and many of the arguments—recall the debate over the Bricker amendment. This debate consumed much energy and passion in the early 1950's and reflected two powerful currents of American feeling.

On the one hand, there was the feeling of weariness stemming from the prolonged sacrifices of world war fought on two fronts, a world war which, like the First World War, had not resulted in lasting international harmony.

On the other hand, the debate over the Bricker amendment reflected America's frustration over a new kind of war—the so-called limited war. This sort of war is exasperating and makes demands that are especially hard for the American character to support. A limited war demands patience and self-restraint. It demands taking the long view, and accepting the unspectacular promise of future rewards as a substitute for spectacular instant glories.

The debate over the Bricker amendment demonstrated that the disagreeable facts about international conflict in the cold war may generate pressures and frustrations that seek release in ill-advised attacks on the most visible and exposed symbol of America's international responsibilities—the Presidency.

Today we are engaged in another debate—the outcome of which will shape the office of the President for many years. We are standing at a crucial pass in American history. Therefore it is incumbent upon all of us to seek the counsel of specialists. These specialists include men in academic life, men who have devoted their lives to studying the relevant questions of constitutional law and history, and the current dilemmas of international affairs.

I have solicited the informed judgments of respected scholars. I have received a very gratifying response. Today, and in the coming days, I shall be sharing this response with my fellow Senators.

Today I want to call attention to a wise and closely reasoned letter I have received from three distinguished professors of law from Yale University. They are Profs. Eugene V. Rostow, Ralph K. Winter, Jr., and Robert H. Bork.

These men bring to the consideration of current problems experience that derives from high scholarship and distinguished public service.

Professor Rostow is at present dean of Yale University Law School. He has been a lecturer at numerous universities including the University of Chicago, Cambridge University, the University of Michigan, the University of Colorado, Brandeis University, and Northwestern University. Professor Rostow was a member of the Advisory Council of the Peace Corps and consultant to the Under Secretary of State and is a member of the American Law Institute. He has published numerous books and articles.

Professor Winter is a senior fellow of the Brookings Institution, as well as a special consultant to the Subcommittee on the Separation of Powers, U.S. Senate Committee on the Judiciary. He has published numerous articles in scholarly journals.

Professor Bork, who has a special interest in constitutional law, has published works dealing with public policy and legal scholarship.

Mr. President, I wish to comment briefly on this letter, which is rather lengthy. It is a detailed analysis of the situation. But I think I should invite attention first to the three main things they think are absolutely clear:

1. The President's actions in Vietnam and Cambodia have in no way usurped the constitutional powers of Congress.

2. The constitutional validity of congressional action limiting the President's discretion with respect to the attack upon the Cambodian sanctuaries seems highly dubious. Given the use of Cambodia as a sanctuary from which military operations against United States forces have been and are undertaken and the attitude of the present Cambodian government, the President's order to clean out the bases there was a tactical decision and, therefore, within his exclusive powers as Commander-in-Chief.

3. Congressional action ordering a withdrawal of all American troops from Indochina by a specified date is a decision of major policy and does not, therefore, necessarily intrude upon the President's exclusive power as Commander-in-Chief. It does, however, limit his power in the field of foreign affairs, a subject for which he is importantly, though not exclusively, responsible. Quite apart from the wisdom of legislation such as that under consideration, sensitivity to a proper allocation of constitutional responsibilities suggests that Congress should be cautious about imposing precise restraints on, in contrast to giving general guidance to, the conduct of foreign affairs. This does not seem to us a proper occasion for the proposed intervention.

Mr. President, I ask unanimous consent to have this important letter printed in the RECORD, and I commend its analysis to the reading of all Senators.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MAY 26, 1970.

HON. GORDON ALLOTT,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR ALLOTT: The proposals now before Congress to limit the President's discretion in using American troops against the Cambodian sanctuaries and to force the withdrawal of American troops from Vietnam by a specified date raise constitutional issues of the first order. At stake is the constitutional allocation of powers between the executive and legislative branches, an issue of such dimensions as to justify discussion independent of the debate over the wisdom of our Vietnam policy.

Our conclusion, in brief, is that congressional action of this kind would weaken the President and the presidency as the voice of the nation in international politics, reduce the credibility of our diplomacy, and therefore increase the risk of future conflict.

We have been treated in recent weeks to rhetoric in support of these proposals before Congress ranging from assertions that the President has "usurped" Congress's constitutional prerogatives to milder and more obscure claims that it is time for Congress to reassert its power although no assertion is made that the President has acted unconstitutionally. These are matters worth responding to, for it is important that political or prudential judgments about our Vietnam policies should not warp constitutional principles and set precedents bearing the seeds of internal conflict for the future.

We think the following constitutional propositions are clear:

1. The President's actions in Vietnam and Cambodia have in no way usurped the constitutional powers of Congress.

2. The constitutional validity of congressional action limiting the President's discretion with respect to the attack upon the Cambodian sanctuaries seems highly dubious. Given the use of Cambodia as a sanctuary from which military operations against United States forces have been and are undertaken and the attitude of the present Cambodian government, the President's order to clean out the bases there was a tactical decision and, therefore, within his exclusive powers as Commander-in-Chief.

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We will state briefly our reasons for these conclusions:

1. *The President has acted within his constitutional powers both in Vietnam and in Cambodia.*

There are no judicial decisions settling the points to be discussed, nor, in the light of the magnitude and seriousness of the interests involved, is it likely that any judicial decision can ever "settle" them. A useful frame for analysis, however, is provided by Justice Robert H. Jackson's concurring opinion in the Steel Seizure Case, *Youngstown Sheet & Tube Co.* v. *Sawyer*, 343 U.S. 579. 1952. Justice Jackson said, "Presidential powers are not fixed but fluctuate, depending upon their disjunction or conjunction with those of Congress." (Id. at 635.) And he discerned three groupings or levels of power.

"1. When the President acts pursuant to an express or implied authorization of Congress, his authority is at its maximum, for it includes all that he possesses in his own right plus all that Congress can delegate."

"2. When the President acts in absence of either a congressional grant or denial of authority, he can only rely upon his own independent powers, but there is a zone of twilight in which he and Congress may have concurrent authority, or in which its distribution is uncertain. Therefore, congressional inertia, indifference or quiescence may sometimes, at least as a practical matter, enable, if not invite, measures on independent presidential responsibility." . . . "In this area, any actual test of power is likely to depend on the imperatives of events and contemporary imponderables rather than abstract theories of law."

"3. When the President takes measures incompatible with the expressed or implied will of Congress, his power is at its lowest ebb, for then he can rely only upon his own constitutional powers minus any constitutional powers of Congress over the matter."

Justice Jackson concluded that President Truman's seizure of the steel industry fell within the third category, where presidential power is at its minimum, because Congress had not left the seizure of private property an open subject but had covered it by three statutory policies that were inconsistent with the President's action.

President Nixon's actions in Vietnam and in Cambodia clearly fall within the first of Justice Jackson's three categories. Presidential power arises both from his inherent power to lead in the conduct of foreign affairs, which includes his power to protect American security interests abroad, and from his power as Commander-in-Chief. These two powers coalesce here, for the President finds himself with American troops whose safety must be protected and also with American interests in world affairs that require, when attacked, the exertion of defensive force.

Historic practice coupled with the Constitution's text makes clear that the President's role as Chief Executive includes primary responsibility for the conduct of foreign affairs. In this area his powers greatly exceed his powers in domestic affairs. The reasons are obvious. First, presidential responsibility arises from the need for secrecy and his superior access to information. Second, there is the matter of institutional structure: the executive branch is structured to make managerial decisions on a continuing basis while a deliberative branch is not. The pressing question, repeated for official purposes an infinite number of times a year, "What is American policy with regard to . . .?" cannot await in each case a legislative answer. At least, it cannot in a government that hopes to endure. Quite aside from the constitutional allocation to the President of primacy in the conduct of foreign affairs, then, the differing natures of the branches of government make such primacy inevitable. Nor is there any doubt that the President's power over foreign policy includes the power to conduct armed conflicts abroad, even when Congress has not declared war. Congressional power "to declare war," contained in Article I, Section 8 of the Constitution, does not, even semantically, exclude armed hostilities without such a formal declaration. Historically, of course, the matter is absolutely clear.

It is said that American Presidents have exercised that power at least 130 times in our past, ranging from the earliest days of the Republic to more recent uses of armed force in Korea and the Dominican Republic. This is not to mention the use of armed forces in ways which might have, but fortunately did not, lead to actual hostilities. President Kennedy's military reaction to the Berlin crisis and the Cuban missile crisis surely would not have become unconstitutional if hostile action had occurred.

This historical usage cannot be said to be contrary to the intent of the Constitutional Convention. The framers clearly understood that the President could commit American troops to battle without a declaration of war. The primary occasion they envisaged was sudden attack, but there is no indication that the framers intended to freeze their principle to that single example. The practice of the Republic from its earliest days demonstrates that this was not the sole example. In the world of the 20th century, particularly the world as it has evolved since World War II, the reasons for the presidential power to conduct armed hostilities without formal declaration of war apply to many situations other than direct invasion of American soil. Indeed, the classic case in modern times in which a declaration of war is not only unnecessary but might be highly imprudent is in the support of a friendly government against a foreign-supported guerrilla movement. A declaration of war in such a case would likely escalate a limited war and complicate, if not terminate, our relations with states friendly to the guerrillas. Similarly, it was certainly wise of Congress to conduct the Korean war without formally declaring war against North Korea or China. Congress may, as it has since President John Adam's time, authorize hostilities under legal circumstances that do not amount to a declaration of war in the full sense of international law.

There is no need to labor the point. It is clear from the fair implications of the text of the Constitution, from long-settled historical practice, and from the necessities of the case, that the President has the constitutional power and right to commit American troops to armed conflict in defense of the United States' interests abroad without a formal declaration of war by Congress.

The President's conduct of the hostilities in Vietnam and in the Cambodian border sanctuaries, however, does not rest upon his inherent powers alone. His action falls within Justice Jackson's first category, where presidential power is at its greatest, because he has acted pursuant to both an express and an implied authorization of Congress. Certainly Congress' continued appropriations for the conflict in Vietnam constitute authorizations, and beyond this is the authorization provided by both the SEATO Treaty and the Gulf of Tonkin resolution.

It is difficult to see what more express approval and authorization of the President's actions Congress could give, short of a formal declaration of war, than the SEATO Treaty and the Gulf of Tonkin Resolution. The authors of the brief entitled "Indochina: The Constitutional Crises," (hereinafter "Indochina Brief"), submitted by a group of lawyers and law professors, have attempted to dispose of these documents by arguments that do not persuade. Of the SEATO Treaty, for instance, they state that "it is at least questionable whether the United States was obligated by the terms of the treaty to come to the aid of South Vietnam." Without entering into a debate whether the United States was "obligated," it seems clear, at a minimum, that the President was "authorized" to do so. The authors go on to argue that "the SEATO Agreement cannot help answer the constitutional questions, because it specifically states that action by a signatory in response to an attack on another signatory or a 'protocol country' is to be made only after a decision made according to the 'constitutional processes' of the signatory." That is a very curious argument. Presumably the authors do not mean that the only "constitutional process' is a formal declaration of war since their own brief concedes that the President may constitutionally engage in hostilities without such declaration. The SEATO Treaty does, therefore, help answer the constitutional question, because it is, at the very least, an authorization for the President, who has the power to conduct hostilities, to make the decision whether to respond to aggression against a "protocol country."

The authors of the brief do not deny that the Gulf of Tonkin Resolution "gave the President broad discretion to respond to 'aggression' in Southeast Asia." They merely claim that it is not a valid basis for continued Congressional approval because it was passed with great speed and in the heat of emotion and because there were then few American troops in Vietnam and no separate American ground combat forces. In a word, the Tonkin Gulf Resolution does not bind Congress forever but it does authorize President Nixon's actions. One cannot disagree with that.

It is absolutely clear, therefore, that the actions of President Nixon have been well within his constitutional authority. We think this conclusion would hold even without express congressional authorization because of the President's great and essential powers as the executive primarily responsible for the conduct of foreign affairs and as Commander-in-Chief. The various manifestations of congressional approval and authorization put the matter beyond doubt.

Even the Indochina Brief urging congressional limitation of President Nixon's powers, admits, *"It cannot be said that the recent actions by the executive in Cambodia or the earlier actions in both Vietnam and Laos are clearly contrary to the Constitution."* (Emphasis in the original.) However, that brief then goes on to assert that the accumulation of acts, taken together, has nearly stripped Congress of its war power. There is a logical hiatus in that reasoning. The President has acted constitutionally, the argument goes, but he has acted constitutionally so many times that Congress has nearly lost its war power. The force of that reasoning is not at once apparent. The authors of the Indochina Brief seem to assert that Congress can "save" its war power only by declaring war or curtailing the President's options. But what of cases in which Congress has no desire to do either? The truth, of course, is that Congress in no way forfeits its war power by supporting presidential actions without declaring war.

2. *A congressional limitation of the President's power to order attacks upon the enemy's Cambodian sanctuaries seems of very dubious constitutional validity because it invades his exclusive powers as Commander-in-Chief.*

There can be no doubt that Congress has the ultimate authority to order an end to armed conflict involving the use of American troops. But there can equally be no doubt that when armed conflict is under way the President and not the Congress has exclusive constitutional authority to make strategic and tactical decisions. That is inherent in his role as "Commander-in-Chief of the Army and Navy of the United States."

Whether or not a particular action is to be classified as tactical must necessarily remain a matter of degree. A decision to launch an attack upon a major hostile power that meant the beginning of total war could by no stretch of the imagination be called tactical and hence completely within the President's power as Commander-in-Chief. But that is not even remotely the situation with respect to the attack upon the Cambodian sanctuaries. The President did not launch such an attack when Cambodia was under the control of a government that cooperated with the North Vietnamese and the Vietcong and that would have resented and resisted an American drive against the sanctuaries. The government of Cambodia does not now resent or resist the American attempt to clean out these enemy bases.

On the contrary, that government welcomes this action. There are not, therefore, the political implications that would have attended such operations earlier. The Cambodian sanctuaries were already part of the war zone, and the attack upon them has in no important sense "enlarged the war." Under these circumstances, the decision to attack these enemy bases for military action within South Vietnam is closely analogous to decisions about which enemy strongpoints within South Vietnam are to be attacked and which bypassed. Particularized congressional directives to the President in such matters seems, therefore, to be an interference with the Commander-in-Chief's prerogatives.

3. A congressional order that all American troops be removed from Southeast Asia by a specified date requires a careful balancing of presidential and congressional powers. The circumstances that would justify such an order do not appear to exist.

Congress's war power certainly gives it the authority to end armed conflicts of which it disapproves. We are not faced here, however, with a situation in which the President wishes to pursue a war indefinitely and Congress wishes to terminate it. We are faced rather with a situation in which the President, through his speech of November 3, 1969, and otherwise, has stated his determination to end American involvement in a conflict as rapidly as competing considerations, which he believes important to American interests, permit. The proposal before Congress, therefore, is not one of reversing presidential policy but one of drastically limiting the President's discretion and flexibility in carrying out that policy. It raises, therefore, serious problems of the adjustment of concurrent presidential and congressional powers under the Constitution.

First, the President finds himself with American troops engaged in active combat in South Vietnam. The safety of those troops is a matter at the core of his power as Commander-in-Chief. It is essential that any congressional directive to break off hostilities not interfere in any way with the President's ability to safeguard American armed forces. Congress obviously intends no such interference but the setting of a firm date for withdrawal raises at least the possibility of such a conflict.

More important, the decision to order by legislation a withdrawal from Southeast Asia by a specified date does bring into conflict Congress's power over war and the President's primary responsibility for the conduct of foreign affairs. The criteria by which that conflict should be adjusted in particular cases are constitutional criteria. What do those criteria suggest about the proper adjustment of roles here?

We have rehearsed some of the reasons for the President's primacy in foreign affairs. Added to factors such as the President's superior access to information, the need for secrecy, the need for quick, firm decisions and responses, there is the necessity that the President's commitments be credible both to allies and to potential opponents. A President undercut by Congress in Southeast Asia is unlikely to be able to maintain a forceful or credible policy in the Middle East or anywhere else. We have seen in the Cuban missile crisis the dangers to world peace when a President's determination and power to respond are underestimated by other nations.

The threat to the President's vital foreign policy role would be small or non-existent were Congress to express its desire, by resolution or otherwise, that the Vietnam conflict be ended and that American troops be withdrawn as rapidly as competing considerations permit. Such a declaration would be in line with the President's announced policy and would focus political responsibility for carrying it out even more clearly upon the President. The situation might also be different if Congress were prepared to say that there are no American interests at stake in Southeast Asia. But the danger to the President's constitutional role is clear if Congress admits the situation requires a balancing of considerations and nevertheless gives the President a specific date by which he must, regardless, remove all troops from Vietnam. Such an order must inevitably weaken his position in foreign affairs severely. A proper respect for constitutional roles and responsibilities would seem to dictate that such an extraordinary directive be issued by Congress only when it has strong reason to doubt the good faith of a President in carrying out his announced policy or when it has strong reason to doubt the President's judgment and determination. In such exceptional cases the cost of damaging the President's constitutional role may seem the lesser evil. There seems to us, however, no basis for any such judgment by Congress, and we conclude that legislation ordering the President to withdraw troops by a specified date would unjustifiably undermine his constitutional authority, as well as that of future presidents.

Very truly yours,

Eugene V. Rostow,
Sterling Professor of Law, Yale University.
Ralph K. Winter, Jr.,
Professor of Law, Yale University.
Robert H. Bork,
Professor of Law, Yale University.

Mr. BAKER. Mr. President (Mr. Hartke), I rise to join in the discussion of the pending amendment to the Foreign Military Sales Act of 1970. I think we all agree that this is an extremely important subject for the Congress and the Nation as a whole. Thus, most careful deliberation of the amendment itself and

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amendments to the amendment are clearly in order.

Current interest in this amendment, of course, was generated by the operations in Cambodia as announced by President Nixon in a speech to the Nation on April 30. The President made clear at that time that the allied operation, which has been carried out by a greater number of South Vietnamese troops than American troops, was an operation strictly limited both in scope and objective. The President was emphatic on April 30 in his statement that the Cambodian operation was not in response to a request for massive military aid from the new government in Phnompenh but had the entirely limited objective of disrupting a series of sanctuaries which had been used with impunity by the Vietcong and regular troops of the North Vietnamese army for over 5 years.

A few days later, the President voluntarily established geographical and temporal limitations on U.S. participation in the Cambodian undertaking. American troops were to proceed into Cambodian territory no further than 35 kilometers and they were all to be out by July 1 of this year.

The President went on to indicate, in his press conference of May 8, that all American air and logistical support would come out of Cambodia at the same time, no later than June 30.

One of the most extraordinary things about the national reaction to the President's speech on April 30, and to his press conference on May 8, was the emotional criticism of his stated intentions. Many people, especially in the academic community, in the national news media, and in the Congress, apparently, simply refused to believe what the President had said.

Time and time again I have asked students and faculty members who came to my office to discuss these issues and these developments, whether they believed that American troops would be withdrawn from Cambodia by July 1.

To my astonishment, almost invariably, they replied that they did not. Almost invariably, they replied that they did not believe the representations made by the President of the United States.

On some occasions, I have asked on what basis they asserted this disbelief that the previous representations which had been made by the President of the United States had not been kept, or kept only partially, which gave them enough of an intellectual basis for thinking that this representation was untrue or would not be kept.

I asked why they did not believe the explicit statements of fact or intention that were made by the President of the United States.

I found, on almost all occasions, that their skepticism about the accuracy of the representations of the President was far more emotional than it was rational.

They answered that the Government has been less than candid in the past, and, more often than not, they referred to the past as extending beyond January 1, 1969.

Therefore, it follows necessarily that the new President taking office at that time and the administration over which he presided cannot be believed, either.

It seems to me, Mr. President, that this situation which I found, not once, but on a number of occasions, and with different groups who visited my office expressing concern over the American involvement in Southeast Asia, and Cambodia in particular, is strictly illogical.

While I do not question the depth of feeling that the critics of the President exhibit about him personally, and about his policies in Indochina, I do question the objectivity and the fairness with which they approach these complex and difficult public issues.

Mr. President, I have, on occasion, put this question to more than one group:

Assume for the moment that July 1, 1970, has come and gone and that American involvement in Cambodia has ended; assume, for the moment, that in the fall of 1970, further, that additional troop withdrawals from Southeast Asia are accomplished, and that by the spring of 1971 an additional 150,000 have been withdrawn from Southeast Asia, as the President has promised to do; assume, for the moment, that, as time goes by, say in the fall of 1971, substantially greater numbers of troops are withdrawn from Southeast Asia to the point that there are virtually no American combat troops remaining in Southeast Asia, and that there is only a residual core of support troops; and assume, further, that the President has indicated previously, as long ago as 1970, that he intended regularly and methodically to reduce those numbers; but assume most of all that, during his campaign in 1968, the President of the United States assured and then reiterated that he intended to end the war in Southeast Asia, and that he is going to do so—as you assume all those things, for the sake of argument, and assuming them to be true, would you still protest this action, and would you feel the disenchantment that you apparently do with the judgment and the policies of the President and his administration?

Mr. President, many of my colleagues in this body are lawyers. They recognize that this question which I put has more than rhetorical but rather a valid and historical basis for placing a hypothetical proposition.

Assuming certain hypothesis as being true, then what would your answer be?

I think that most Senators would recognize the form of the question I have just outlined as being a valid basis for judging an ultimate conclusion that is based on an intellectual as distinguished from an emotional basis as one examines a given issue.

It is interesting to me, then, that most of the groups to whom I put this hypothetical question refused to answer.

Sometimes, on occasion, some of them would answer that, of course, if that were the case, they would not be exercised about the situation and that, of course, not only would they not question the validity of the judgment made by the President and his administration, but they would commend him for having done what should have been done a long time ago; namely, to disengage American combat troops from war in Indochina, but that, after all, was more often than not the case. "We do not believe that" or, "We refuse to assume that" or, "We think it is extremely unlikely that it would occur," they reply to these assumptions that I have asked them to make.

To those who listened to the assumption I have just outlined, it will be recognized that many of them have not only transpired but have been fulfilled.

They will also recognize, I believe, that none has been transgressed, that none of the hypotheses I asked them to accept in this situation, in this hypothetical question, has been unfulfilled.

We recognize further that some of them are yet to be fulfilled. And it is the purest speculation on my part, but of the specific recommendations of the President, the most general and the broadest and meaningful one was, "I shall end the war," a representation and a commitment made by the President during his campaign for the Presidency in 1968 and reiterated as late as last night in his very splendid, frank, and candid address to the Nation by the President of the United States.

The point of the matter is that I am stunned that people will not accept these hypotheses, at least to the extent that they have already been fulfilled. And I am shocked that they will not believe the representations made by the President as to his future intentions and commitments.

I think the President of the United States has, the majority of the time, a track record for candor and honesty in his representations with respect to Southeast Asia that is so good that he richly undeserves to be disbelieved in these representations.

I believe then that there is ample and abundant reason to think that the shrill criticisms of the President's policy in Southeast Asia and his determination to deprive, not Cambodians, but North Vietnamese invaders, of their privileged sanctuary in Cambodia and of their right to strike with impunity the American forces, I believe that the criticism of these policies would be less shrill if it were not for some other factors that the critics have not yet examined.

I wonder, then, in the interest of pure, sweet reason and impartial judgment if it must not be concluded that many students, academicians, and others whose motives I do not doubt, have succumbed to the unscholarly and unintellectual devices of basing their response and evaluation on the basis of prejudice and emotion outside of the range of the facts and circumstances supplied by the hypotheses themselves.

If that is the case, then the reaction to Cambodia by so many, especially in the academic community, is a remarkable situation, indeed, because not only must the academic community be free of turmoil in terms of partisan conflict, if it is to act in the university tradition, but it must also be the bastion of intelligence and civilization that requires people to move for the good of the country, and not to react—as one person suggested that many do—to the President as if he were running against Helen Gahagan Douglas for the U.S. Senate.

Some have said, and I am not sure that it is wrong, that there is a core or group of people in the United States that simply do not like the President and have not since he defeated Helen Gahagan Douglas. And nothing will change their minds.

That may be true. If it is, it is unfortunate. But it is understandable.

His decisions have to do entirely with deciding the best course for the United States in terms of terminating hostilities in Southeast Asia and providing for the common defense of the United States. That is the universal belief of most Congressmen and of most people in the United States.

I would like to ask that we take a look at the speech the President delivered to the Nation last night. I have already said, and I reiterate, that I thought it was an excellent speech. It was direct. It was factual and temperate. It was firm and fair.

I was particularly impressed with the honesty and candor exhibited by the President during the course of his speech. He addressed himself squarely to all of the issues that have been bothering his critics. And if his critics choose not to believe him, that is their responsibility.

The President made an interim report to the Nation, not coming before us with a great spectacular pronouncement, but rather with another one in a long list of representations to the public, pledges of good faith, pledges of action to be taken to disengage us from our course of action in Southeast Asia, specific action at a specific time. There were two in number that were especially impressive.

The first was to make good on the first installment of the commitment to remove an additional 150,000 American troops from Cambodia in October 1970, which I am certain—as I believe virtually everyone in this Chamber is certain—he will perform and make good on.

The second and the broadest one was a reiteration before the Nation, before the people of this country, of the promise and the commitment or covenant he undertook during his campaign in 1968—"I will end the war."

I believe, Mr. President, that the activities of this Nation in Southeast Asia and our operations against the North Vietnamese and Vietcong sanctuaries in Cambodia must be judged on the basis of the track record that the President has already earned and on the basis of the recent representations he has made of his intentions to continue on that course.

Once again nothing—I say again, absolutely nothing—in the representations of the President in this respect has earned him the disbelief of certain people in this country with respect to those representations.

Mr. President, this President of the United States, I believe, is the only President of the four who have been involved in this durable conflict in Southeast Asia that has been so direct and honest with the American people about the policy itself in terms of an open Presidency, in terms of the participation of the public in the decisionmaking process of the U.S. Government. There is no doubt that there has been more candor, there has been more discussion, more public reporting to the Nation by the President himself, and more information disseminated to the press in this Nation than by any other President in any other conflict in the history of the United States.

Everything he has said about the situation in Indochina has proven to be accurate. Every promise he has made to the American people has been kept. Every goal has been met.

Each of his announced troop withdrawals has been accomplished on schedule or ahead of schedule.

Each of the President's objectives has been achieved with the exception of the greatest goal of all, which is a just and lasting peace, a goal which he vigorously reaffirmed last night by saying that "peace is the goal that this Government will pursue until the day we reach it."

This President has been direct and honest with the people of the United States under tremendous pressure from a vocal minority of the United States and from most of the national news media who challenge the policies that he has found to be in the interest of all the people.

He has steadfastly resisted such pressure and continued to persevere in the path he has mapped out toward a peace that will reassure our other treaty partners that there will be no need for any later U.S. involvement in Asia or Southeast Asia.

If the President had failed to pursue the policies he believed in, if he had given in to the persistent and articulate pressures of his many critics, he would have violated his personal integrity and taken a course that he believed was not the correct course in the interest of all of the people taken together.

This was indeed an extraordinarily courageous move for the President to take.

After reviewing all of the military and diplomatic information available to him with his highest and best informed military and civilian advisers, the President determined that the combined allied operation in the Communist sanctuaries would be a decisive move that would affirm the ability of the United States to take effective action, even in the face of serious opposition from certain segments of the American public and Members of the American Congress. This capacity of the Government has been demonstrated, with great effect. The President also concluded that the move into Cambodia would deny the enemy forces the effective use of these sanctuaries for a minimum of 6 months and perhaps as long as a year. This would greatly inhibit the ability of the enemy to strike at American and ARVN forces during the withdrawal phases of the Vietnamization process. As the President reported to the Nation last night, the move into Cambodia has been "the most successful operation of this long and difficult war." The statistics clearly reveal that the enemy has been denied nearly 10,000 personnel and very significant amounts of war materiel. The rice, ammunition, weapons, and other supplies captured will unquestionably reduce the capacity of the enemy to harass the Vietnamization effort and to kill and wound American boys in South Vietnam. Furthermore, the monsoon rains, the denial of the Port of Sihanoukville to the enemy, and the aerial bombing of supply routes in Laos and Cambodia envisaged by the President in his speech last night will greatly hamper, if not render impossible, the ability of the North Vietnamese to replace the vast amounts of war supplies and materiel captured and destroyed by the allied forces during the operation in the Cambodian sanctuaries.

Many of the young people and their supporters who criticize the President, personally and as a national leader, speak admiringly of politicians who exhibit courage, men who become profiles in courage. Normally this means a politician who ignores the wishes of his constituency to do something that, which, contrary to the wishes of his constituency, is clearly right, with a capital R. At the same time these inexperienced young idealists criticize President Nixon and Members of the Congress for not doing what they want done. Many of the young people say that the Government is not "listening" to them. What they really mean is that the Government is not "doing" what they want it to do. There is a very great difference in these two things. I believe that the President has acted with extraordinary personal and political courage in the face of almost unimaginable criticism, pressure, and abuse. Just as he has resisted the scornful condemnation of would-be economic experts who forecast another 1929 stock market crash and who call for Government controls on prices and wages, the President has refused the counsel of those who urge immediate U.S. withdrawal from all of Southeast Asia. Just as he has steadfastly maintained his economic course, he has courageously maintained his policy in Vietnam, not because he thinks it is popular, not because it will win him votes, but because he thinks it is right. Those, like former Secretary of Defense Clark Clifford, who advised Lyndon Johnson through the war years with such questionable success, and former Gov. Averell Harriman, who had his chance in Paris with equally little success, now feel free to make public condemnations of this President's policy, the only President in the history of this tragic conflict who has reversed the bankrupt policy of escalation followed by each of his predecessors, the only President who has kept every promise he has made to the American people in connection with this tragic war that he did not make but inherited, the only President who has set out a doctrine for Asia that calls on Asians to provide for their own defense and not to lean on the power and generosity of the American people, the only President in the history of this conflict to come up with a policy that has a reasonable and reasoned chance for success.

Mr. President, in thinking of these times, the difficulties attendant to them, and the complexity of the judgments which must be and are made by courageous Presidents from time to time, it comes to my mind that there must be and, indeed, I am sure there is, something about the nature of the Presidency which brings out strength in the men who occupy that office. I am convinced that that strength served in good stead previous Presidents who were faced with conflict in the Middle East, as President Eisenhower was, who were faced with the first known nuclear threat to the mainland of the United States from Cuba, as President Kennedy was, and who are faced now with judgment on how to deescalate and end such a durable conflict that the people of this Nation, who are sovereign, have demanded that policies change.

I think it is probably a God-given grace that the requirements of this office, the Presidency, do create and do strengthen reservoirs of determination and temperance that are necessary if this country is to be governed and follow a course of intelligent foreign policy calculated to end this conflict and to provide for the ultimate defense of the United States.

I think, on occasion, as I hear these criticisms and view these courageous acts by this President, and recall the measures and actions taken by other Presidents in the history of this country, that the shrill outcry of many who charge that the President is escalating the war and widening the war must surely refer to some other time. It cannot be this President they are speaking of.

Could it be that they have in mind the Presidency of Dwight David Eisenhower, or John Fitzgerald Kennedy, or Lyndon B. Johnson, when America first became involved to any extent in this area and escalated to over 500,000 troops steadily and inexorably, calling on the strength and psychological reserves of this country where we have unprecedented domestic turmoil?

Could it be it is this administration that committed increasing numbers of troops to Vietnam that justifies these cries of outrage against this President, his administration, and his policies?

Or could it be that some overlook the fact that there was a steady and inexorable, and in some cases massive conflict in Southeast Asia until this Presidency and this administration began?

Is it this administration they speak of with such caustic anger as they charge a widening of the war, when generally they must know that this is the first of four Presidents that has had to face this conflict in Southeast Asia, and that instead of increasing the number of American troops in Southeast Asia he has reduced them?

Has the fact that this President reduced the troops in Southeast Asia richly earned him the reward of being charged with widening the war? I think on occasion surely it must be some other state of affairs and circumstances that the critics of the President and the administration are observing when they say that the efforts of this President to deprive, not Cambodians but North Vietnamese of their privileged sanctuaries in Cambodia, is a widening of the war.

I find the terms "widening the war" and "escalation of the conflict" common to virtually every conversation I have had with student groups and others who have come to my office by the hundreds—indeed, I believe by the thousands—in the last 5 weeks; but I have not found a single one who honestly claims that he has information that indicates that one additional American soldier has been sent to Southeast Asia, or who will say in good grace or with any claim of verification that one single person has been added to the troop concentrations of American forces in Southeast Asia—not one.

But I find it extremely difficult to have the same critics admit that Richard M. Nixon, the President of the United States, is the only President in the history of this Republic who has deescalated and reduced the level of the conflict rather than increased and broadened it. Surely there must be another set of facts and circumstances that these critics are examining.

Does the President earn the criticism, the anger, the wrath, in some cases the hatred of people in this Nation, for having reduced troop concentrations in the nation of Southeast Asia? Is this not what the country demanded? Have the President and the junior Senator from Tennessee somehow misunderstood the mandate of the people, that they will be satisfied only if we increase troop concentrations there instead of reduce them? Does anyone challenge that they have been reduced, and reduced only by this administration, under this President? Then why the expression "widening the war?"

And it is said on occasion that American troops have violated the territorial integrity of a neighboring country, Cambodia, and that this is widening the war. My colleagues, I do not recall any single news dispatch or any piece of information that would indicate to me that U.S. troops in Southeast Asia are fighting Cambodians on Cambodian soil. Rather, I find it extraordinary that most of the critics of this administration and its policy totally overlooked, and in some cases refuse to believe, apparently, that it is North Vietnamese that we are engaged in conflict with, that it is not the Cambodians whose treasure we are capturing, whose rockets, mortars, and missiles we are taking, to prevent them from destroying Americans; that it was the North Vietnamese who 5 years ago invaded Cambodia; and that it is the Vietcong who, together with their North Vietnamese compatriots, under a single command, have waged war from these privileged sanctuaries in Cambodia, against the South Vietnamese and against American service personnel.

Are we to assume that the United States is supposed to stand back and let the North Vietnamese invade Cambodia and provide a sanctuary in which they may concentrate their rockets, missiles, ammunition, and food, and deprive us of the ability to get out of Southeast Asia and Vietnamize that war? Are we to assume that the mandate of the people of the United States was to stay in Southeast Asia with 550,000 American troops ad infinitum and forever? That seems to be the rationale and the exclamation and the hue and the outcry of some people in this country against the administration and the President who has reduced our troop concentration there.

Mr. LONG. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. LONG. Mr. President, because of a personal tragedy in my family, I was not able to be here on the last vote. However, it did offer the Senator from Louisiana an opportunity to talk to many people in Louisiana and also in Colorado. The impression I gained in this important part of the country that I had the opportunity to visit in the last week or so was that the overwhelming majority of American citizens do not at all approve of any course that would mean a withdrawal with anything less than honor from the field of battle, and that the overwhelming majority of Americans feel the President did the right thing in going into Cambodia.

It is somewhat interesting to observe that our "hippy" friends who are seeking to influence elections are now getting their hair cut and shaving their faces, which is at least one mark for good. These people realize that if they are going to have any influence they had better be something else than what they are and have been. I submit that that is a kind of indication that they realize that they are not going to be very effective if they seek to make their case directly on the issues that are involved.

My guess is that the overwhelming majority of the people having heard the President of the United States in his presentation last night, would tend to agree that is the better course to follow. While some people may have had support for their programs and appeals to the public, in my part of the country they did not make it there. About the only people I can find who agree with them are those who perhaps have sons who are about to be drafted immediately or some persons who may fear that they may be taken immediately; but my impression is, at least from the people of the great State which I have the honor to represent, that the overwhelming majority feel that if this Nation is going to lose a war, we still want to play the part of honor.

I have no doubt of that, based on what I have been able to see in the State legislature and what I have heard from the large number of people that I have had occasion to discuss this question with in Louisiana and elsewhere. The great majority simply feel that the President did the right thing in sending the troops and that he intends to withdraw in an orderly fashion and that he is keeping his word. What more people could expect is hard for me to understand.

Mr. BAKER. I thank the Senator. I must say his observations of the sentiment of the people of his State are in accord with what I find in mine.

I have said on occasion—and I do not think it is an inappropriate cliche; I think it is appropriate—that one of the important symbolisms of our system of government is that the people of the United States are sovereign, and that you may doubt the judgment of the sovereign, but you may never doubt their authority.

When the people of the United States have said that the policy of the United States ought to be to disengage from Southeast Asia in an orderly way, and a program to accomplish that was formulated by this administration and termed Vietnamization or de-Americanization of the conflict in Southeast Asia, I have got to confess on occasion, when I hear criticism of some of the administration policies in Southeast Asia, that I have the lingering fear that their concern is that the war really will be de-Americanized and Vietnamized.

There is not the slightest doubt in my judgment, and I do not believe in many minds, that the maintenance of troops and supplies in privileged sanctuary in Cambodia would have made it extremely difficult, if not impossible, to Vietnamize the war by letting the enemy remain in a sanctuary 21 miles across the Cambodian border and shoot rockets at us. It would have at least retarded our Vietnamization process. I certainly do not want it retarded and I do not believe it will be. It is curious, but by the same token I have heard some say, "Going into Cambodia will widen the war." As I tried to say imperfectly a moment ago, Cambodia was gone into by the North Vietnamese and the Vietcong, to build and supply these sanctuaries to kill Americans from, and to make it impossible for us to disengage, to tie us down in Southeast Asia so we could not get out except by absolute, total, unilateral surrender and withdrawal. And I have never heard one speaker on the floor of the Senate—never one—who has ever denied the fact that even if we were to unilaterally withdraw from Southeast Asia, that to do so, and to protect our boys while we were doing it, would require a continuing conflict to protect ourselves while we were getting out and turning the whole thing over to the North Vietnamese, the Chinese, or whoever happened to come in to fill the vacuum.

Mr. LONG. Mr. President, will the Senator yield?

Mr. BAKER. I am happy to yield.

Mr. LONG. Is it not true that the program of helping to build up officer personnel for the South Vietnamese army and elected officials of the South Vietnamese Government who might and, let us say for the sake of argument, could successfully defend their country against an invasion from North Vietnam, making it possible for us to withdraw without having the Communists take over that whole part of the world, might at this stage prove embarrassing for some Americans, and particularly some Members of Congress, who through the years have said that our friends the anti-Communists were corrupt and unworthy of support, who hold them out as those who would abandon their native land? Does not the Senator think it might actually prove embarrassing to some of them to see that the established South Vietnamese elected government and officer personnel, the anti-Communists, can successfully fight against the Communists and defend their country?

That sort of thing was established in Korea. We were told that the Korean Government was corrupt, that it could not be relied upon; but with the support of American troops and American personnel, a fighting force was trained and is today capable of defending that land.

I would ask the Senator, does it not seem logical that if we would give the same kind of cooperation and help to the South Vietnamese, and not pull out on them prematurely in a way that causes them to doubt that they can count upon the support of the United States to provide them with the equipment and with the air support and the naval support that this Nation could continue to provide them, those people might very well prove they can defend their country successfully and, if that is the case, should we abandon them without giving them that chance?

Mr. BAKER. No, Mr. President, we should not. I thank my colleague for these observations.

It seems to me that those who have advocated immediate, instant withdrawal from South Vietnam, without some effort to provide that the South Vietnamese may have an opportunity to control their own destiny, whether successfully or unsuccessfully, are in effect expressing a strange sort of ingratitude and uncertainty of moral purpose. Because whether we were right or wrong in going into Vietnam is not in debate at this point. Whether we were right or wrong is really an academic conjecture that some day we will more fully explore—I have an idea for many years to come. But the fact is that we went there, we totally dominated South Vietnam, we in effect took over the conduct of the war with American personnel, we completely supplied it, and we ran the country—we still are, though we are trying to get out.

Now, do we not morally owe some sort of debt to the people whose country we took over, to say, "We are going to go home, but we are going to Vietnamize the conflict, we are going to do it on a time schedule, it is going to be a fairly short time frame, but we are going to do it in the reasonably near future, and we are going to try to train you up, to see what happens, to see if you can take care of yourselves"?

Mr. President, I have been rather startled after hearing observations expressed by certain of our colleagues—none of whom are now present—that the Government of South Vietnam is a paper tiger, that it cannot fight, it will not fight, and is not capable of defending itself, then, just a few days ago, to hear some of the same people say that the Government of South Vietnam is ruthless, militaristic, dictatorial, and not to be trusted. Mr. President, one of those tigers is going to have to retire. I am not sure which one.

Right or wrong, the United States intruded itself so massively into South Vietnam that we would never overcome the hostility of the rest of the world if we did not withdraw in such a way as to give those people a chance to determine their own destiny. I do not know what will happen. It may be that a month, a day, or a millennium after the United States leaves South Vietnam, as it surely will, North Vietnam will take over, or China will, or someone else. I do not know. The Senator from Tennessee will have to reserve the right to decide what we ought to do then. But the important things now are two-fold, in my humble judgment: First, to disengage, and second, to do it in such a way as to pay our debt to the people whose country we took over.

Mr. LONG. Mr. President, will the Senator yield?

Mr. BAKER. I am happy to yield.

Mr. LONG. My favorite uncle used to tell me, "Even if you are not running anything but a peanut stand, somebody is going to have to take charge and run it; otherwise, you are going to go broke."

I have never been anything more than a lieutenant in the Navy, but I would be the first to recognize that if you are going to conduct a military operation, you ought to have some command, some central command, hopefully some one man who can make the decisions; because if you have as many as two, and they cannot agree, you still might be having conflicts as to what you are trying to achieve.

We used to have some names for these joint Army-Navy operations back in World War II. Perhaps the Senator can recall some of those ludicrous names that were used to refer to a situation where you had one Army commander and one Navy commander, and half the time one did not know what the other was trying to do.

I should think if a congressional committee or a group of Senators or Representatives were to take over the conduct of the military operation over there, they ought to try to decide who is to be the commander, so we would know to whom we should look. If he is going to be a bigger commander, and supersede our Commander in Chief, it would seem to me he ought to have an appropriate costume or uniform.

The General of the Army, General Eisenhower, had about as high a decoration as we had. He was a five-star general; but I assume if one is to be over the Commander in Chief, he ought to be at least a six-star general, and perhaps should have a uniform befitting a six-star general. Then the others who would help him and be his staff perhaps should have at least five and a half stars, since they would be over a General of the Army and over the Commander in Chief.

I would ask the Senator, how would those who would run the war for the Chief Executive decide who was in authority, and who takes orders from whom?

Mr. BAKER. Mr. President, I must respond to my colleague from Louisiana by saying I do not know. I must say that is an expression I take no credit for inventing though I find it rarely used in the Senate.

I do not have any idea how we would do that. I do not have any idea how we would formulate military strategy here. By the same token, I am reminded that there has been conversation, from time to time, about Congress having equal time on television and radio for presentation of their views, under the fairness doctrine, to compare with those of the President.

As one of 535 Members of Congress, one of 100 in this body, I wonder, on oc-

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casion, who is going to speak for me, and what uniform he will wear.

It seems to me that at this point it might be appropriate, just momentarily, to think again on the division of powers—not as a dry, sterile subject, but the division of powers in this situation as the Founding Fathers gave it to us, and as we have burnished and polished it over the years. Because, in this connection, I hear people say, time and again, that there is a grave constitutional crisis abroad in the land, there is a great confrontation between the President and Congress, and we are going to lose confidence in our institutions.

Mr. President, the kindest thing I could say is that that is a serious misunderstanding of the scheme of the Government of the United States, both as to its inception and its further utilization and perfection as time has gone by. There is no constitutional crisis. Some say Congress has taken a passive role, and has been virtually feminine in its activities. In this day and age, I am not sure that "feminine" and "passive" are synonymous.

Be that as it may, there is not a constitutional crisis and a confrontation between Congress and the Presidency over Southeast Asia, any more than there was between Congress and the President over World War II or World War I or the Selective Service Act in 1940 or many other things in which the Founding Fathers of this Republic gave partial and incomplete jurisdiction of powers to the President and the Senate. The Founding Fathers intended that they would be partial and incomplete, that they would be overlapping jurisdictions, and that it would be necessary, by this design, for the dynamics of conflict to produce a discourse between those two branches of government in order to produce a foreign policy for the United States.

Once again, many misunderstand the fact that Congress does not take a separate initiative, and confuse it with the fact that they do not involve themselves in the constitutional function. These, too, are radically different things. Congress has never been docile in the matter of foreign affairs. The Presidency has never been. There has been a continuing struggle for authority and jurisdiction in this field between every Congress and every President, to one degree or another.

So it seems to me that we only injure our symbolic ability to govern when we speak of confrontation between Congress and the Presidency. It does not exist.

Mr. President, I think it is important to understand, too, that certain people in this country and certain groups, intentionally or unintentionally, are painting a picture of a conflict so grave and intensive between the President and the Senate that they imply—if they do not in fact say—that if the "Senate position" does not prevail, there is grave doubt as to whether we could continue to govern ourselves because people will lose faith in the institutions of Government. Once again, I respectfully suggest that the kindest and most appropriate remark that I may make at this moment, in a temperate mood, would be to say that these people misunderstand the meaning of selfgovernment and partial jurisdiction in the United States. I believe there is great danger in those who are promoting a crisis of leadership. I think there is a grave threat to the Republic as we continue and permit people to say that there is a confrontation between the President and Congress and that the Senate will not win and that, therefore, we cannot govern.

I am part of the Senate—I will be at least until January of 1973—representing 4 million people in the State of Tennessee, and representing this country, as a Senator of the United States. I am sure that if there is a call for equal time under the fairness doctrine of the Federal Communications Act, I will want to monitor very closely what is said on that equal time, because I may in fact require equal time myself. I may say now, for the Record and publicly, that if that is the case, I will formally request it.

Mr. LONG. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. LONG. Mr. President, I associate myself with the Senator's remarks.

If someone wants to claim equal time to respond to the President's speech, I would want equal time for those of us who do not agree with those who do not agree with the President.

Having been in Louisiana during the past week, I am satisfied that if this Senator had been stampeded by the hippie parade on Washington, the people of Louisiana would be looking for the first opportunity to vote him out of office.

So that is just not how the majority of the people in Louisiana feel.

I would say that if someone wants to ask for equal time to respond to the President, some equal time should be accorded for some of us who think that the President said pretty much what the majority of the people think—those who feel better about the matter and have better confidence—not that we necessarily needed it—that the President is doing the best he can in a trying set of circumstances, and who feel that he deserves our support, after we heard his message.

I thank the Senator.

Mr. BAKER. I thank the Senator from Louisiana.

It does occur to me, as I have tried to list the criticisms to which the President has been subjected and the abuse he has sustained, that it is important to point out that those who criticize him and on occasion those who abuse him need not bear the responsibility of their counsel; that frequently they have no connection with Government, although many have had at one time, and may have some latent desire to have something to do with Government again. But they are free to snipe from the sidelines without bearing the great personal responsibility for American lives and the future of American foreign policy that is the President's and the President's alone in many cases.

The President has been extensively criticized by many for his "usurpation of the constitutional authority" of Congress when he undertook the Cambodian operation. Let us take a closer look at that argument for a moment. Any grounds for a constitutional argument must rest either on the power to declare war, given to Congress in article I, or the power to advise and consent on treaties, given to the Senate in article II, section 2.

Mr. President, these are the parameters of the authority of the Senate of the United States in foreign policy. It is not some mystical thing that we have divined and created by the great burden of our own efforts as Members of this body. We certainly have not done that in any generous measure. It is, rather, because of these two sections of the Constitution of the United States which have been extant since the beginnings of this Republic.

This is not a declared war, and no one in Congress with whom I am acquainted has publicly stated that he felt that we should declare war. Against whom would we declare war? Would it be North Vietnam, the Provisional Revolutionary Government, the Khmer Rouge, the Pathet Lao, the Soviet Union, the People's Republic of China? Surely, no one would seriously consider any of these possibilities under the warmaking power of Congress.

With respect to the treaty power, article II, section 2, it is very difficult to see how this power could be applied to the current situation.

Some criticize the President for not at least consulting with the Senate Committee on Foreign Relations before taking his action in Cambodia. Is there a Member of this body who doubts what such "counsel" would have been from the committee? Would such counsel have been representative of the body as a whole? I am not sure that it would. Is there anyone who seriously says that the President should have come to the Senate as a whole with an open proposal for allied operations in Cambodia, on which I am sure there would have been weeks of acrimonious, extended debate? It seems to me that, at the very least, one might say that any element of strategic or even tactical surprise might have been avoided and completely destroyed. It seems to me, at the very least, that it is likely that a thousand young American soldiers would have died as a result of our being deprived of the element of surprise against not Cambodians but North Vietnamese and Vietcong.

The question is raised as to whether Congress has abdicated its constitutional responsibility to the executive. Many say that if Congress does not adopt the pending Church-Cooper amendment and the so-called amendment to end the war of Senators McGovern and Hatfield, it will have demonstrated that the institutions and processes of our Government have failed, and cannot respond to the legitimate needs and demands of the American people, which seems to me to be an extraordinary assertion. If there is any validity to the concept of partial, overlapping, and incomplete jurisdiction residing in the President and Congress and in other cases in the President and the Senate, it is essential that we consider the relative merit of the conduct of affairs of state and the relative merit of the conduct of the military from the

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floor of the Senate or from the floor of the House of Representatives as distinguished from statements of broad general policy. The latter I conceive to be the least requirement of a conscientious legislative department of government. The former I consider to be impractical. Between the range of those concerns lies the answer. The balance will change and vary from time to time, depending on the President and the make up and constitution of the Congress itself.

I believe it may be fairly said, as I said at the opening of these remarks, that there is something that supports the criticism and fuels the criticism of the President and this administration other than just the facts and circumstances, other than just the intellectual communication between two rational individuals or groups. There must be something there, that we are not communicating on a verbal basis. It must be something of a nonverbal communication.

I tried, in the earlier part of these remarks, to analyze what that might be. Some of them, at least, I think we may have identified, but one or two others I think are important and I should mention as I near the end of these remarks.

I said earlier that in this country—in fact and indeed—the people are sovereign. Any Member of Congress may doubt the wisdom of that sovereignty and that judgment, but he had better not doubt the authority of that sovereignty, because the authority of that sovereignty, made active at any polling place on any given election day, will smite him in the face and challenge his authority as distinguished from his judgment.

Mr. President, the authority of the people is reflected in Congress. It has been said by writers, on occasion, that in addition to the people being sovereign, the design of Government, of a strong, central Presidency, really creates the image of a monarchy in disguise and that the people give the "crown," or the robes of sovereignty, temporarily, to a particular President, or they withhold it, depending on their mood and judgment at that particular moment; that, in effect, there are two steps to go through in the creation of the Chief of State in the United States. One is his selection by the elective machinery, the electoral college and all of its imperfections, which produce one man, who then occupies the oval office in the White House and is the Chief of State and President of the United States, in the same person.

But then there is another step that is not fulfilled in January, every 4 years, and that is the "coronation" of the President. That is the giving and the granting to him by the people of the trappings of royalty.

If the thesis made by some, half in jest and half seriously, that this Republic is, in fact, a vestige of a monarchy, and that we do give or withhold the trappings of royalty to our Chief Executive, if that is valid and we examine the situation, it is fair to say that if the people grant the trappings of royalty to our Chief Executive and Chief of State, they will follow him anywhere, as they have. But, if they withhold it, or withdraw it, they will not follow him anywhere.

That the people are sovereign and are pretty fickle about it, is not meant to be a criticism of their sovereignty, which is unhealthy for politicians, but, rather, is just an observation as to the giving and taking away of the trappings of royalty.

To put it another way, and in less medieval terms, we can see that it is symbolism, the symbolizing of leadership. Either way, it amounts to the same thing—a nonverbal form of communication as between the American people and their Government—especially as to their President, which is a verbal and intellectual one. That is part of the problem that we have in this country.

I hope and I think that none of my colleagues will believe that I am being unusually demeaning of the President of the United States, who is of my party, for whom I campaigned very hard, and for whom I have high admiration; but it is my duty and responsibility to try to look as deeply as I can into the turmoil and the conflict of these times, and to try to look beneath the troubled waters that beset America today in order to try to find a solution.

When I do, I realize that we have not yet held the "coronation."

Mr. President, I think that if I had been elected President—which I was not, and I am under no illusions in that respect, although sometimes when there is some difficulty found on the part of some to recognize who is or who is not the President, I know that I am not—but if I were, assuming hypothetically for the moment that I had been elected President in November of 1968, solely for the purpose of trying better to understand the turmoil and conflict going on in this country and the difficulties we are having at the moment, making a basic reevaluation of foreign policy our first order of business since World War II, I would have concluded, shortly after election, in reviewing the nature and state of affairs in the country, that if I were to govern, if I were to provide according to the best of my ability for the welfare of the Republic—if you will pardon me, Mr. President, this additional remark—to provide as best I could for my own reelection, I would have found two things intolerable that had to be changed.

I would have found that in view of the status quo in Southeast Asia, the continuing war, and the continuing escalation every week to the point that we have 550,000 Americans committed to battle in a country most of us had never seen and few of us ever heard of except by other and different names when we were students in school, I had to do something about the status quo in Southeast Asia.

The sovereignty I have just spoken of, and the academicians who would debate the wisdom of the judgment of the sovereignty of the people, as well as the people's judgment, that the war had gone on too long, and that it was time to do something about it, to reverse the trend of escalation upwards and the ever-growing numbers of troops and material going into Vietnam, that is the first thing I would have found to be intolerable.

Another thing I would have found was the hue and cry over a period of years against the ravages of inflation, the steady, inexorable decrease in the value of our treasury, that in this remarkable time in our history, as the result of advances in science and technology, that we were able to produce wealth at such an abundant rate that we stand on the brink of being able to do what we have never done before, or had never been able to aspire to before, that is, to eliminate abject poverty from the face of the earth, which some would retain in the name of conservation; but even though there is a paradox there, in this time of emerging plenty concerning material things, that the heaviest tax, the most linear tax, the least progressive tax imposed on the people of the United States is the tax of inflation, and they know it. We might wonder, if we examine these things in their basic nakedness, whether they really did know, but may I admonish again that the people are sovereign. We may doubt their judgment, if we wish, in private, but do not doubt their authority, because they are jealous of their prerogatives and they tend to destroy those who challenge that authority—especially politicians.

I would conclude some day—I will make a mental note to determine whether I thought their restlessness with the rate of inflation was a quantum increase in the rate of wealth—I will do that later; but in 1968, I would not doubt the authority of their sovereignty, and I would decide that to continue the inexorable climb of the inflationary spiral was intolerable, and so I would have concluded at that time that if I were to serve my country and perform and function as head of state and lead the people with every nonverbal communication, with the trappings of royalty, and provide for my own reelection in 1972—God perish the thought that I would have to think of such matters—but had I been elected in 1968, that is what I would have thought of. And then I would have thought, good gracious, what a terrible time this must be to be elected President because of the issue of Vietnam which confronted me. I was an understudy of Dwight D. Eisenhower, a great President, who will become an institution within the framework of the Presidency in time, in my judgment.

I imagine Richard Nixon, the President-elect, may have thought, "You know, I was the contemporary of and the adversary of a young Senator from Massachusetts who succeeded to the Presidency and faced crises, personal and public, and lost his life in doing so. But my goodness, under those two administrations the war increased in its fervor and tempo. And I served with President Lyndon Johnson, a man that was credited with being a consummate politician and one of the great leaders of the Senate. My goodness, this war did, as I recall, increase and escalate during that period. And what a difficult time this will be to occupy the Presidency of the United States and to supply my own annointing as the symbolic leader of this country."

Mr. LONG. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. LONG. Mr. President, I have not

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been privileged to follow the debate during the last week. Perhaps I would be more knowledgeable if I had. However, I can follow the Senator's argument.

May I say as one Senator to the Senator from Tennessee that if I were sitting there as the President, having seen Presidents of great courage—Dwight Eisenhower, John F. Kennedy, Lyndon Johnson, and yes, I think we could go perhaps a step or two in the other direction and say men like Harry Truman, Franklin D. Roosevelt—I do not think I would leave the field of battle in dishonor and turn my back on people who were relying on the commitments of this Nation when we had never even lost a single battle and run out on people who were willing to stake their lives as our allies and fight by our side against tyranny.

I am not thinking in terms of words such as those used by Patrick Henry. It may be too much to ask Americans to think in terms of liberty or death. I am thinking simply in terms of standing one's ground when one had not lost a single battle and had lost no more than a single skirmish or two when the issue might well be that of freedom throughout the world.

I think in terms of the President playing his part with courage and seeing the thing through. It would be almost unthinkable to think of any man who could measure up to that great job.

I would ask the Senator whether he would think that any man would be worthy of the job once held by Abraham Lincoln, George Washington, or Woodrow Wilson were he simply to turn tail and run, against his own better judgment, under the pressure of a hippie parade. I should hardly think so.

A man to hold the job held by Richard Nixon today would have to have some understanding of history and the significance of it, both past and future.

I would quite agree with the Senator. Might I say that those in Congress who want to play the part of the fainthearted should be more tolerant. They can take their case to the American people in November. They are not doing too well so far, and those who have stood firmly with this Nation seem to be doing all right at the polls.

I would think that if they really think that the American people want to throw in the towel, why do they not go ahead and rely on the people to support their opinion in November?

The President should at least expect some consideration from Congress, and, particularly if that Congress was not going to impeach the President, it should for the next 2 years cooperate with him in advancing this Nation's interest.

I would think that those on this side of the aisle in Congress would like to present some sort of credible record to show that we are willing to give the man the benefit of the doubt that he will follow his conscience and do his duty as the Good Lord dictated it for him to do.

I wonder if anyone could really doubt that the President of the United States is not seeking prayerful guidance every night, as many of us are, as to what he should do about the fate of this Nation day by day.

Does the Senator have any doubt that the President is thinking about the fate of this Nation, quite apart from his own fate?

Mr. BAKER. Mr. President, I do not think that anyone doubts that the President must be responsive to the resonance of this great Nation to a degree that few people are privileged to know. That may be one great part of the Presidency itself. In trying to describe and give a vignette of this playlike scenario of what might have happened in November 1968, I am really saying that the President-elect would have come to the realization that these two items, the war in Southeast Asia, the endless, durable, terrible status quo must be disrupted and second, the voracious inflation fed by the fiscal and monetary policies of the preceding 4 or 5 years had to be changed, and that the first great call on the Presidency, the first challenge on the strength of the Presidency, and the first crisis for the new occupant of the White House would be to determine how to do that and still preserve the rulability of this country.

I had an idea that the new President-elect at that point should have decided, "I got elected President. But they did not neglect to put the problems that are so difficult and are apparently insoluble directly on my doorstep the minute the polls closed."

They were so difficult and complex that previous Presidents had been unable to solve them.

They represented a great challenge to his Presidency. And he decided that to solve the problems was going to take measures of extraordinary delicacy.

I think he might also have reasoned at that time that the only way he could earn his cape and his symbolic leadership of this great Nation and the only way the people would follow him anywhere, as he is their anointed leader, was to solve these two intolerable and insoluble problems.

There was not any great design of background of great family wealth. There was not the background of a great leader who had preserved the democracy of Western European civilization in World War II.

There was not the background of coming to the presidency with the unanimous sympathy of the people of the country because of the assassination of a young President.

None of these things could supply the symbolic leadership. He had to earn them.

That is not uncharacteristic of the present occupant of the White House. I rather think that historians will record that of all men who have occupied the office of President, none has had fewer breaks than the present occupant and that he probably in November 1968, or December or thereabouts, made some such judgments to the effect that it would be through the hard and difficult way that he would have to earn his right, his spurs, his crown, his symbolic leadership. He would have to do it by solving these two insoluble problems and disengage this Nation from Southeast Asia and stop the ravages of linear inflation.

I think the courage of this man, the President, probably led him to devise that sort of solution.

One, to provide that we are going to end the war in Vietnam. Believe me, this is not a paraphrase that the junior Senator from Tennessee is making of some other remarks of the President of the United States. This is what he has said in the campaign and since, and the latest was last night on television.

On what other basis of performance, what other commitments, what other statements with respect to Southeast Asia, what other promises does anyone in this country have to disbelieve this President? Has he failed to withdraw troops as he promised he would? Has he advised the people of the country periodically of developments? Has he failed to commit himself and his administration, even at the risk of his political destruction, to do difficult and unpopular things?

In four Presidencies we have intruded into Southeast Asia and South Vietnam. The war has completely dominated that country. In removing those forces and Vietnamizing the conflict he believes we owe a moral responsibility and duty in a way to give those people a chance to form their destiny. They may not make it. I do not know. It would be harsh and cruel to say I do not care; I do care.

The real basis for judgment is, Have we performed a moral function as the most moral nation on earth, according to our own manifestations by withdrawing from Vietnam in a way calculated to give them that fair chance and still fulfill and perform on the promise, the boldest promise any President ever made, that we will end the war in Vietnam?

Then, to look at the economy, the second of those terrible challenges, it might be said that there are two ways available. One would be the traditional application of fiscal restraints, taxation, and reducing budgetary requirements for the Federal Government, through making interest cost higher by contracting the amount of money in circulation, and the amount of credit available to the economic community. Those are traditional ways. Or to start an endless spiral of wage and price controls and profit controls and all other kinds of controls, because once you control a part of the economy, you better control all of the economy or the dynamics of that situation will produce an intolerable situation.

I expect the easy way would have been to make an immediate presentation to the people of the United States for the necessity for wage and price controls because the problem is out of control and it is difficult to handle. That would probably have been the easiest way. But I submit it would have been the most destructive, the most un-American, and the one least typical of President Nixon.

Not only did he gamble to end the war in Vietnam and at the same time perform on his commitment to give the South Vietnamese a chance to determine their destiny, but he elected to run on that knife edge between restraint and disaster that was necessary to cool the economy through the traditional means, which is certainly more time consuming and certainly more subject to criticism both within and without the Government.

I have an idea also in this scenario, this vignette, the newly elected President in November or December having made these judgments might have felt these are terrible risks for a man to take, a man who fought so hard to be the chief magistrate of the greatest nation on earth. And he said to himself, "I know things will get pretty rough, but I have to take it."

But, Mr. President, the situation now, I believe, is about to be the undoing of the prophets of gloom and doom. The stock market did not go to 250 on the Dow Jones industrials. It made a rather healthy decline, a substantial one, but there was a rise. Neither of those things may have been good but it is a fact that it did happen. The demand-pull components of inflation have at least abated.

I believe the last encounter with the stock market is the most encouraging thing I have seen in a long time, because it shows me that the tools in our kit, including the contraction and expansion of money, are likely to win in the long run. It would appear the President chose the most difficult path in each of those two situations. He did it full well knowing that, having struggled for the presidency as he did, this was the right way, and he said as much on television.

This is the greatness of the presidency and of this man. This is the gamble we have taken. This is why in the shadow of this display of courage and determination that is so clear and apparent for all to see, I urge this country and Congress not to become embroiled in issues that are not central and that we keep our eyes riveted on the two big deals; How to Vietnamize that war and withdraw our troops from Southeast Asia—not when, but how?

How do we look at the situation and respond to a President who has deescalated the war instead of escalating the war? How do we convince the people they should not doubt the credibility of this President when there has not been a single promise which he has made that has not had full credence? How do we convince them that they may be speaking of some real or imaginary credibility gap of the previous administration, but surely not this one? How do we convince the President that the country understands him and backs him and believes it is the thing to do? I know, and I have been there. One can hear the chant from the oval office.

Mr. LONG. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. LONG. It seems to me that the President, our Commander in Chief, is the man who, under the Constitution, is the only one who can make this kind of a decision. He had a choice whether he wanted to do those things which would risk a war with Red China or a war with the Soviet Union; the kinds of things the people in our State Department advise strongly against, even though I strongly felt in years gone by we should have done some of those things. He had that avenue open to him.

He had the opposite avenue open to him: Simply a shameful runout and surrender. He did not choose that avenue and I am happy he did not. He chose a middle course which was a course that we would help to build up a fighting force in South Vietnam, a country about the same size as North Vietnam, which would have the same opportunity for defending itself, at least as much as North Vietnam would have to make war upon South Vietnam.

Having built up such a force as that, we would turn the combat, the casualties, and the battle over to the South Vietnamese to defend against the North Vietnamese, with the understanding they had the United States behind them to the same extent the North Vietnamese had Red China behind them.

That would appear to be what the President had in mind. He is making progress out there. I cannot, for the life of me, understand why, when he is proceeding in that fashion, in view of the commitments he has made and the order in which he will withdraw men, the Congress wishes to disbelieve him, not take his word, distrust him totally and completely, even though he gives them all the evidence required that what he is doing is the wise way to do it under the circumstances.

The visual demonstration of all the weapons captured, all the food captured, the obvious effect on the enemy in denying him a great deal of logistics and setting back his plans for an offensive against our Vietnamese allies and the forces of the United States in South Vietnam, are very impressive and convincing. Without any evidence to the contrary, the Senator from Louisiana finds it very difficult to believe that we should support the theory that the President was seeking to enlarge the war or that he did not have enough sense to know what he was doing. It seems to me the burden of the evidence is the other way—that the President listened to his military advisers and his State Department advisers, and after listening to the advice he thought he should have, he proceeded to do what he thought he should do.

Does the Senator believe the President could have consulted Congress without anyone who was not consulted getting his nose out of joint? If the Armed Services Committee is consulted, should not the Foreign Relations Committee have to be consulted? If a Senate committee is consulted, should not the equivalent House committee be consulted? Those of us on the Finance Committee would believe we had every right to be consulted because, after all, if an additional risk is to be taken and it might cost more, the members of the Finance Committee would be expected to vote for additional taxes to pay for it, or we might be asked to raise the debt limit, and we would feel we had a right to be consulted about it.

Then various other committees would have the right to claim that they should be consulted. By that time, after every committee that should have been consulted had been consulted, someone out of the 12 or 15 who had not been consulted would feel that he should be consulted because everyone else had been consulted.

Does the Senator believe that if all the time needed for that consultation had resulted in the cost of 500 or 600 American lives, it would have been worth consulting every Senator who thought he should be consulted on that decision? Personally, I think not.

Mr. BAKER. Again I thank the Senator from Louisiana for his observations on this point, with which I agree. I think it is incumbent upon us to consider the entire picture, and not just parts of it, in looking at this subject.

Mr. LONG. The Senator knows that in any military operation against the enemy, surprise is a very important element for success. The element of surprise can oftentimes reduce casualties to a mere fraction of what they would be if there were not the element of surprise. Certainly, if the President had taken the time to consult everyone in Congress, would it not be true that the element of surprise would have been lost?

Mr. BAKER. I agree with the Senator. I thank him very much for his contribution to the colloquy.

As each of us here knows, the Congress has been presented time after time with bills, amendments, and resolutions offering different solutions to the war in Vietnam. Each time the Congress has acted, invariably by refusing to adopt such an arbitrary and inflexible policy. Just because the Congress has openly and thoughtfully declined to take the action that some want, the President's critics assert that the Congress has failed to stand up to the President, to exercise its constitutional and moral responsibilities to the people of the Nation.

Such a simplistic, moralistic, and remarkable view of what we are debating here today seems to me to express nothing but contempt for the very heart of the democratic, representative process in a large, variegated, diverse society such as ours. It is natural and human to be disappointed if your point of view fails to win majority support and to prevail; to claim that the system itself is corrupt and failing seems to me to be a kind of myopic self-indulgence that should not be seriously considered, except as a sign of potential danger.

It is important that we here in the Congress air this issue fully and carefully, because the various actions that have been proposed have many far-reaching and serious potential consequences. It is important that we not act precipitously or emotionally in the heat of the moment. It is also true that each of us should express his thoughts and feelings as best he can, so that the American people can be exposed to the broadest possible airing of these critical issues and so that they can hold us accountable for what we say and do here.

One serious responsibility that I think we have to the American people as elected representatives and makers of policy is to speak honestly and openly and not seek to manipulate and to prey on the emotions and fears of a given moment. I know that there are many people in this country who are looking for a leader in the so-called peace movement. I know that there will be con-

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tenders for that job. There are also many who are looking for a champion for swift and total victory in Indochina. There will be candidates for that position, as well.

But our responsibility is to study the complex issues and to debate reasonable directions for policy, not to come up with simple jingles and false solutions that might have public relations appeal.

I think that the amendment offered by Senators CHURCH and COOPER has been substantially improved by the modifying language that has been added to the preamble of the amendment. I recall pointing out to the Senate on May 15 that the effect of the Church-Cooper amendment as originally proposed could have been to suspend pay and benefits to American soldiers in Cambodia prior to their withdrawal by June 30. I pointed out at that time that simple language could be drawn to eliminate that unintended ambiguity. As a result, such language was drawn up and accepted by the Senate on May 26.

Several other amendments to the amendment have been offered and will be offered. I think that the pending amendment by the distinguished Senator from West Virginia (Mr. BYRD) has a great deal of merit, and I think it should be carefully and fully considered. I know that it will be, and I would not be surprised if the vote on his amendment proved to be the decisive vote on this whole matter.

In summing up, I believe that the President of the United States has performed with the most unusual personal and professional skill and courage throughout this entire episode. I think that, when all the smoke has cleared, he will have earned and will be given the gratitude and admiration of the American people. I think that his speech last night was one of the best of his career, and I think that it should demonstrate to his persistent critics that the man should be trusted. I do not believe that the President has usurped any power from the Congress or anyone else during the course of the past few weeks, and I am confident that the Congress will not repudiate him.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. BAKER. I am happy to yield.

Mr. BYRD of West Virginia. I thank the Senator for his very incisive statement. I am glad to know he feels that the vote on the amendment which I have offered, and which is cosponsored by several Senators, will be the decisive vote. I share that feeling. I feel that this is the key amendment. I believe that, if this amendment is adopted, it will then allow some of us who are presently opposed to the Cooper-Church language as presently written to vote for the Cooper-Church amendment as amended by my amendment.

I personally would like to vote for the Cooper-Church language in large part, but unless this amendment which I have offered is adopted, I would find it impossible to vote for the Cooper-Church amendment. I think that the amendment which I have offered has great merit.

I believe that the great majority of the American people, if they understand the full intent of my amendment clearly, will support it.

Our U.S. Government has sent American servicemen to Vietnam. We have 428,000 American servicemen there now. They were sent there by the U.S. Government. Some of them—most of them, I would say—went through no choice of their own. I think it is the responsibility of the U.S. Government to protect their lives while they are there, and to do everything possible to see that they return home safely. This is all that I and other Senators who are supporting my amendment are trying to accomplish. We just want to make sure that the President has flexibility, and that he has authority and power—which we think he has in any event, but we want to make it doubly clear to the enemy and to everyone concerned that the President has this power, this authority, and this flexibility—to take whatever action is necessary to protect the lives of the American servicemen who have been sent by the U.S. Government to South Vietnam and to do everything possible to bring them back home safely.

I think the parents, the grandparents, the other relatives and the friends of servicemen throughout this country would say "Amen" to my amendment, if we can just get the message out to the people of the country as to exactly what the amendment would do.

I thank the Senator for his contribution. I agree with him in his evaluation that this will be a decisive vote, and once it is taken, if the amendment is adopted, I feel that all ranks can close here, and that most of us—or certainly many of us who cannot now do so—can then vote for the Cooper-Church language, and that it will be an improved amendment by virtue of the adoption of my perfecting language.

Mr. BAKER. Mr. President, I thank my colleague from West Virginia. I entirely agree with his observations. I think that there is a point in his remarks just now that would bear further comment.

There are some quoted in the press—some in this body, some commentators, and others—who in effect say that there is a filibuster going on, that there is an extended debate, that there is some purpose to be served by continuing it for some time, to July 1 or some other date.

I recall that there have been a number of extended debates since I have been a Member of the Senate. I do not recall one that has been punctuated with votes every 4 or 5 days, as this one has.

In reading the RECORD, I notice that everyone, without exception, who has had something to say has said it, and that it has been germane and relevant to the issue at hand. Although the issue is a broad one, the speeches have been remarkably succinct, in my view.

I think that the very fact that it is beginning to appear that the vote on the amendment of the distinguished Senator from West Virginia may be the decisive vote is the purest vindication for discussing these issues at length, because I doubt that anyone will deny or challenge that some sort of accord and harmony within the Senate would be desirable. I expect that there will be other speeches and other detailed analyses of this situation, but I expect also that we are heading, surely, toward a time when the Senate will have performed and discharged its full responsibility, and, in retrospect, we will all recognize it that way.

So I commend the distinguished Senator from West Virginia for having offered this amendment, and for having tinkered with it until he got it in such shape that it appeared that it would cover the most territory, would reflect the general attitude, and would do its part toward bringing about unity within this body and this country.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. BYRD of West Virginia. I think I should state for the RECORD that I was willing to submit my amendment several days ago. I discussed it with the able majority leader and the able minority whip, who was present in the Chamber at the time, with the intention of notifying them that I had such an amendment, and that at some time before reaching a final vote on the Cooper-Church language, I wanted to be protected in the opportunity to submit my amendment, have it debated, and have it voted on up or down.

So I did not delay until yesterday for the sake of delay the submission of my amendment. The Senator from Kansas (Mr. DOLE) indicated several days ago that he would like to have his amendment submitted first and voted on. He and I discussed the matter, and we discussed it with the majority leader, and I acceded to the request of the Senator from Kansas. The able majority leader assured me that I would have an opportunity to present my amendment, and when the amendment of the Senator from Kansas was disposed of on yesterday, then, under the previous unanimous-consent agreement, which had been secured by the majority leader, I brought up the amendment which we are now considering.

So, lest anyone think that there has been any attempt to delay on my part, or on the part of those who were cosponsoring my amendment, I want to dispel that idea here and now. The amendment was ready, the intention that it would be offered was expressed, and I merely tried to accommodate myself to the wishes of other Senators who wanted to bring their amendments up ahead of mine.

As far as I am concerned, we can vote on this amendment Wednesday or Thursday of next week. I think we owe it to the four Senators who have gone to Cambodia, to delay a vote until they can return and have an opportunity to study this amendment. We also owe it to the American people to get the message out to them as to what this amendment is all about. I think it is that important; and it would seem to me that by Wednesday or Thursday of next week, we can have done both of these things. Our colleagues will have returned. The American people will have been informed as to the intent of the amendment, and as far as I am concerned, we can have a vote on it.

If my amendment is agreed to, as far as I am concerned, I shall be ready to vote on the Cooper-Church amendment. However, I am only 1 of 100 Senators.

I thank the Senator from Tennessee.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. BAKER. I am happy to yield to the Senator from Colorado.

Mr. ALLOTT. First of all, I commend the Senator from Tennessee very much on a very forceful speech today, clearly setting forth his position on the contents of the Byrd amendment.

I will say to the Senator from West Virginia that I am not sure whether or not, if his amendment were adopted, I would be willing to support the Church-Cooper amendment, unless we had had an opportunity to look at some other considerations in connection with it, despite the great merits of the amendment offered by the Senator from West Virginia, which most of us, I believe, or at least many of us, will support.

I do wish to say that I think the remarks of the distinguished Senator from Tennessee relating to the value of the debate on this matter are very well taken. When this matter first came up, there was among some Senators, and in some areas of the country, almost a feeling of panic, one might say—certainly a feeling of frustration. The events of the last 2 weeks, and particularly the report by the President last night, have shown the people of America three things. The first is that the American incursion into Cambodia was an incursion into Cambodia only as far as map lines are concerned. For 5 years Prince Sihanouk's government and the one which has succeeded it, the Lon Nol government, have not actually controlled Southeastern Cambodia.

The second thing is that this has been a very highly successful military operation. No one can deny that that operation, the ordering of which took tremendous personal courage on the part of the President, has resulted in the destruction of military materiel, which is bound to save many, many American lives and actually increase the safety of Americans and speed up the withdrawal.

Third, the President is keeping his promise to the people with respect to the troop withdrawals. Already we have seen the withdrawal of 17,000 troops from Cambodia. This total is over half of the American troops that participated in this action.

I might say, if the Senator will indulge me for just a moment, that I am still very concerned with the question of the prisoners of war, not alone in Cambodia but those in North Vietnam as well. I am perhaps dense in not being able to understand the panic of those who say they want to shut down appropriations as of a given time and who do not think of the some 1,200 men who are involved and are prisoners of war in North Vietnam as well as in Cambodia. Perhaps we will have another opportunity, on the floor of the Senate, before this matter is disposed of, to consider other ways to deal with the prisoner of war matter.

I shall speak later this afternoon on some of these matters, but I just wanted to thank the Senator for his tremendous contribution and his very critical and brilliant analysis of the situation.

Mr. BAKER. I thank the Senator from Colorado, who is chairman of the Republican Policy Committee, and who has performed magnificently in his long and distinguished service as chairman of that committee. I appreciate his remarks and look forward to the additional remarks he will make later this afternoon.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. HANSEN. Mr. President, I should like to express my gratitude and genuine appreciation to the distinguished Senator from Tennessee for the vitally important contribution he has made this afternoon.

I am inclined to agree with him and with the distinguished Senator from West Virginia that it could very well be that the vote on the Byrd amendment will be the decisive vote on the whole proposition that has been before this body for some days. I say that, first of all, because it is my conviction that the language itself cuts right down to the basic issue that must be faced by the people of America. I read from the amendment:

> Except that the foregoing provisions of this clause shall not preclude the President from taking such action as may be necessary to protect the lives of United States forces in South Vietnam or to facilitate the withdrawal of United States forces from South Vietnam.

The reason why I commend the Senator from West Virginia for having presented this body with an opportunity to face up to this issue is that he has focused attention upon the very purposes that prompted the President to move American forces into Cambodia in the first place. This is true despite the cries of anguish and dismay by many who said that this holds broad import for all Americans because it constiutes an invasion of yet another country and those who say that it reflects an expansion and an escalation of the war.

I think, by contrast, the amendment focuses attention upon the precise thought that the President of the United States had when he entered Cambodia. These two objectives, to protect the lives of United States forces in South Vietnam and to facilitate the withdrawal of forces from South Vietnam, are exactly what he had in mind, and it is well that we face up to that issue. Along with every other Member of this body, I have received a number of letters from constituents in my State and from other States as well. I have been more than a little dismayed as I have received mimeographed strips of paper signed by a person, with one color of ink and an address written in another color of ink, indicating that it was a pretty mechanical operation, and simply saying, "Dear Senator, please support the peace amendment," or "Please support the end of the war amendment."

I cannot believe that people who avail themselves of an opportunity to communicate with their legislators, or who are unable to articulate more clearly than such a petition would indicate, really know what we are talking about here. Who does not want the war to end? Who is not for peace? Everybody is. I would hope that every American—and the people throughout the world as well—would join all of us in saying that we would hope that we might have peace and that the war might end. What is not realized by those people who support the measures which I think would delay the day of peace, would postpone the time when Americans could return home from Southeast Asia, and would add to the burdens of the South Vietnamese now faced with the dual responsibility of trying to bring into being a viable government for themselves and to undertake at the same time the defense of their country, is that the action the President has taken will help achieve all these goals.

So it seems perfectly reasonable to me—and I agree wholeheartedly with the distinguished Senator from Tennessee—that the Byrd amendment is the key amendment. So far as I know, it really brings the issue into sharp focus and calls upon each Member of this body, as well as every other American, to examine his own conscience; to see if we want to take steps now that might bind the President's hand and deny him the opportunity to accomplish the goals which constitute an important part of the prayers of every American.

I hope that we will understand, as I believe some do—as I hope many will—that what the President has done directs itself to the attainment of ending the war and bringing peace. It is a matter that will require some understanding and some explaining; because the very fact that we have had so many people coming into this city in the last several weeks and so many writing to us, saying, "Support the peace amendment; support the end of the war amendment," indicates to me that not everyone does understand. Only by understanding what the issues are can we hope to clarify the issues, increase the determination of this country and add strength to the present ability of this country to achieve these goals. They are commendable goals.

As I have pointed out on previous occasions and as I said the very night the President announced his decision to move into Cambodia, the significant thing to me, was, as the President made clear: we are fighting the same enemy in Cambodia we have been fighting for the past 9 or 10 years in Southeast Asia. There is no difference. It is the same enemy. He has been using the sanctuaries in Cambodia. The only thing that has been changed by the courageous and crucial decision the President of the United States made in ordering our forces to go in and take steps so as to deny to the enemy further use of the sanctuaries, was that for the first time we have refused to continue to let the enemy exclusively decide where the battlefield shall be. That is the only difference that I can see that came about when troops were ordered into Cambodia.

Mr. President, I think that the remarks of the distinguished Senator from Tennessee will go a long way toward helping

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all of us better to understand what the issue is, and what actions are necessary in this complicated and difficult year of 1970, in order to bring about the kind of successful resolution to an action which has taken altogether too long.

I share the sentiments of the distinguished Senator from Louisiana that perhaps had these things been done several years ago, we might be nearer to peace than we are today. As a matter of fact, I am one of those who believes that we might have had peace by now had these steps been taken previously. But, nevertheless, both as Governor of Wyoming and now as a Member of this body, it has been my privilege, and I have considered it a very important duty, to support the President whether he was, as first was the case when I took office here, the late John F. Kennedy, Lyndon Baines Johnson, or the present President, Richard M. Nixon. I believe that each of these persons certainly could not be faulted on their dedication to the proposition of the survival of this Nation. They have been interested in seeing that our strength be expended to further peace and freedom throughout the world. We can argue about the manner in which the war has been directed, but we cannot argue at all with the commitment of each of these distinguished Americans to serve as best they could and as best as they knew how, the people of this country. Feeling convinced of that, I have felt that it was a real privilege to do what I could to support the high office of the President.

As we try to make certain that Congress exercises its duties and responsibilities, on the one hand, in a manner consistent with the best interests of the people of this country, and to do it in a manner that will be consonant with the duties and constitutional responsibilities of the President, on the other, I think that the Senator from Tennessee has made a most important and valuable contribution to a better understanding of the issues involved.

Mr. BAKER. I thank my colleague from Wyoming who, in his usual incisive way, has commented on the subject of debate on the amendment offered by the distinguished Senator from West Virginia and, of course, paid to me an undeserved compliment—but I appreciate it.

THE PRESIDENT'S ADDRESS ON CAMBODIA

Mr. GURNEY. Mr. President, last night President Nixon spoke to the Nation about the operations in Cambodia. I do not know what other people expected to hear in the President's address, especially those who have been critical of the Cambodian operations, but this Senator from Florida heard exactly what he thought the President was going to speak about.

It was a serious, thoughtful, and thorough accounting to the Nation and all of its people of what the Cambodian operation was all about. The President restated fully and carefully why it was necessary to go into Cambodia and that was to prevent a further and continued buildup of Communist forces and Communist supplies in the Cambodian sanctuaries along the border of South Vietnam. He again stated that this buildup if allowed to continue without interruption would have meant further loss of life of American soldiers in Vietnam as well as to put in serious jeopardy the orderly and steady Vietnamization of the war and withdrawal of U.S. troops, which has been going on under the Nixon administration.

The President pointed out that the operation has been a brilliant success, something that has been readily apparent, to all objective-looking people, almost from the beginning of the Cambodian incursion. The President outlined the enormous amounts of supplies which have been captured—weapons, ammunition, food and communication equipment and medical supplies, a capture and destruction of war material, which has seriously injured the enemy's capability to wage war in South Vietnam. It has set him back 9 months to a year.

President Nixon again reiterated his pledge to withdraw American troops from Cambodia by the end of this month of June, and he stated that more than one-half U.S. troops had already been withdrawn. This promise he made when our forces first went into Cambodia.

He again set forth his program of troop withdrawal from Southeast Asia, the additional 150,000 American troops which would be home within a year. Specially on this score, he stated that 50,000 or one-third of the projected withdrawal would be accomplished by October 15.

I think it is well to note at this time that the pledges and promises that the President has made on Vietnam since his becoming Chief Executive of the United States have been carried out in full. To use his words, "we have kept the pledge." And I say to that amen, for he certainly has.

For me, there were two outstanding features to his address to the Nation.

First, there is the kind of address which it was. I would call it the Nixon manner and presentation. He was thorough and candid. He did report to the Nation and level with its people to keep them fully advised on what is going on in Southeast Asia, something that was severely lacking in previous administrations. He exhibited the kind of leadership qualities that are greatly reassuring and encouraging, and that is the thoroughness with which the President approaches a solution and the dedication and resolution with which he carries it out.

There was no pyrotechnical display, which we have seen so often in past administrations in connection with major decisions. I for one am glad to see the absence of pyrotechnics. The time has come for thoughtful and thorough action, instead of barrages and offenses of words. The President has displayed this kind of leadership throughout his administration and it is a comforting and reassuring thing to witness in action.

The other main thrust of the speech which encouraged me was his talk about the basic commitment of his administration. He said it was to end this war and to bring peace. Of course, we all knew that was a basic aim. The important thing is that President Nixon has the overall grasp of foreign policy which is so important to securing world peace and keeping such a peace.

The President realizes, and there are those who share his views, including this Senator, that peace in Vietnam cannot be divorced from peace in the Middle East, or any other trouble spot the world around. Vietnam and Southeast Asia are simply a portion of a worldwide picture puzzle. Fitting it in place properly, effects the whole picture of world peace.

Ducking out of a commitment in Vietnam, throwing this free nation, which is valiently struggling to preserve its freedom, to the Communist wolves, is not going to satisfy their voracious appetite either in this part of the world or in other parts of the world. As all of us in the Chamber know, Russian Communists furnish 80 percent of the war supplies to the North Vietnamese and the Vietcong. Our fight there is more with them, at least as far as supplies are concerned, than it is with the North Vietnamese enemy. It is the Russian Communists that we are having the confrontation with right now in the Middle East. It was the Russian Communists which we had the confrontation with in Cuba some years ago. It was communism again in the past in the Dominican Republic. This is what many nations in Latin America are faced with today. This is what brought on the invasion of Czechoslovakia just a short time ago by Russian armed forces, an invasion which dwarfed that of Hitler's in another time.

The President is eminently correct when he says that in resolving Vietnam he is, "determined to end the war in a way that will promote peace rather than conflict throughout the world."

The speech was excellent. It was reassuring. It will be well received by the Nation as a whole.

ORDER FOR RECOGNITION OF SENATOR PERCY ON MONDAY, JUNE 8, 1970, FOLLOWING THE REMARKS OF SENATOR THURMOND

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Monday next, immediately following the remarks by the distinguished Senator from South Carolina (Mr. THURMOND), the distinguished Senator from Illinois (Mr. PERCY) be recognized for not to exceed 30 minutes.

The PRESIDING OFFICER (Mr. BAKER). Without objection, it is so ordered.

SENATOR RANDOLPH RECEIVES HONORARY DEGREE FROM BETHANY COLLEGE

Mr. BYRD of West Virginia. Mr. President, my distinguished colleague, Senator JENNINGS RANDOLPH, was honored at the annual commencement at Bethany College on Saturday, May 30.

There were 195 graduates from 15 States, the District of Columbia and Greece. The invocation was delivered by the Reverend Werdie S. VanArsdale, Jr., First Christian Church, Charleroi, Pa. and the benediction by the Reverend

James L. Stoner, National Council of Churches, New York City.

Five persons received honorary degrees from this institution nestling in the beautiful hills of West Virginia near the Pennsylvania border. In addition to Senator RANDOLPH, Joseph C. Gluck, dean of student education services at West Virginia University, was awarded the degree of doctor of laws; James M. Moudy, chancellor of Texas Christian University, received doctor of humane letters; Charles Crank, executive minister for the Christian Church—Disciples of Christ—in West Virginia, doctor of divinity, and Vernon R. Alden, former president of Ohio University and president and chairman of the board, the Boston Company, Inc., was awarded doctor of letters.

Dr. Perry E. Gresham, the beloved president of Bethany and Dr. Wilbur Haverfield Cramblet, a former president, joined in conferring the degree of doctor of public service on Senator RANDOLPH.

Dr. Gresham commented:

> Because you, Jennings Randolph, have maintained sweet reason when others came down with Potomac madness,
>
> And because you have loved learning and devoted your talents to the colleges of West Virginia,
>
> And because you have loved mankind and served your fellowman,
>
> I confer upon you the honorary degree, Doctor of Public Service, with all the rights and privileges which this honorable and old college can grant.

The President was so right in calling his institution an "honorable and old" college because it was chartered by the Virginia Assembly in March, 1840.

The commencement speaker, Mr. President, was Vernon R. Alden, of Boston. I ask unanimous consent to have excerpts from his excellent address printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BYRD of West Virginia. Mr. President, Senator RANDOLPH, as a member of the Subcommittee on Education, and I are very much interested in small colleges and we work together for the benefit of West Virginia institutions of higher learning. We feel that small colleges have a very valid place in the educational process. I call to the attention of my colleagues, two recent articles relative to the plight of small colleges. Henry Steele Commager, the noted historian, wrote an article "Has the Small College a Future," in the February 21 issue of Saturday Review. Eric Wentworth wrote "Crisis Hits Private Colleges" for the May 30 issue of the Washington Post. Both make very important observations regarding small colleges.

EXHIBIT I

CHANGE CALLS FOR BUILDERS

Dr. Perry Gresham and Bethany College stand in sharp contrast to the chaos, confusion and loss of momentum experienced by so many colleges and universities today. It is for this reason I have chosen to speak about change . . . and the crisis of leadership in America.

Change, of course, has always been fundamental in the affairs of mankind. But for long periods of history, change unfolded slowly, barely touching the lives of individuals, and imperceptibly altering the conditions of men over generations. But in the middle of the twentieth century, change has become a way of life, affecting each individual so powerfully that every year, it seems, produces violent contrasts in both technology and life style. As we look ahead to the 1970's, change will continue to accelerate.

Our nation today is undergoing profound changes in mood, in attitude and in outlook. Nowhere is this more dramatically reflected than on the college or university campus.

One of my favorite philosophers is Henri Bergson. In his book entitled "Creative Evolution," he says: "To exist is to change, to change is to mature, to mature is to go on creating oneself endlessly."

As we look ahead to the next quarter-century, changes and new developments will be even more fantastic than those we have experienced in the 25 years since I left college.

Consider the field of *transportation*, for example. When I took my first airplane ride—in a Navy plane in 1943—it took us two days to go from New York City to San Francisco. Today many people travel from Coast to Coast and back again the same day. The jet plane—developed since World War II—has given unbelievable mobility to all of us, and the Apollo Program has made science fiction transportation commonplace. It won't be too long . . . (the lifetime of most of us) . . . before new generations of planes will carry us at speeds of 8,000 miles an hour. Perhaps, before the end of this century, we'll be able to travel by rocketliners to any other place on earth in about 45 minutes. Technology seems to be moving much faster than our ability to cope with it. Airlines with their special problems of air traffic control, baggage handling and access to airports vividly illustrate this problem.

Consider the changes in the field of *communication*. In 1939 my parents took me to the New York World's Fair, making sure that I visited the wondrous "Science Exhibition Hall." Tucked away in the far corner of the building was a large black box with a fuzzy screen. My father said, "I think they call that television." Marshall McLuhan's parents may have taken him to the same exhibit. In those days not a single commercial television set existed; today 93% of all American homes have television. In our own homes, night after night, we watch riots, the war in Vietnam and other dramatic events taking place all over the world. This is the first time a war has even been fought in the living rooms of American families, and I think this is one of the reasons why the mood of the American nation—our attitude towards war—has been so profoundly changed.

Today, a one-quarter ton communication satellite can out-perform tons of transoceanic cables. We are overwhelmed with communications coming to us in a variety of forms; we almost seem to have too much data and not enough information. In the years ahead there will continue to be new breakthroughs in communication. I have been told that it will be possible to snap electrodes to our heads when we go to bed and take French lessons while we sleep. Some day we may be able to place tiny receiving sets in our back molars so that we can communicate with each other wherever we are. Wives will be able literally to chew their husbands out when they are taking too long on the golf course. Some people wouldn't call that progress!

Consider with me for a moment our *population growth*. The rapid growth in population may affect the style and quality of our lives more than any other phenomenon taking place today, especially in urban centers with their special problems of poverty, pollution, racial unrest, transportation tie-ups and lack of supporting services. Keep in mind that it took *eight million years* for the *first one billion people* to be born on the face of the earth. But in a thirteen year time-frame—from 1962 to 1975—the world population will have grown by *another one billion*.

By 1975, earth will contain four billion people, and at our present rates of growth, the population of the world will be over seven billion at the end of this century. Thereafter, an additional billion people will be added every five years.

I could present other remarkable and devastating statistics which dramatize how the world is changing; I am sure that you could, too. We could reflect upon how the pace, the style and the quality of our lives will be influenced by these changes. They will affect *all institutions* in our society—almost too rapidly for us to prepare to cope with them.

My concern—and this is really the thrust of my message—is that most established institutions have not kept pace with change. Many of our major problems—the riots in cities, prolonged strikes in companies, student protests over curriculum—are the result of our not having planned in anticipation of difficulty. All too often we are forced to respond defensively in a moment of crisis, because we have not planned and organized ourselves in advance.

Why haven't our urban school systems been able to develop creative programs to reach youngsters who have been short-changed in their schooling because of race or poverty? And why has our society been so slow to respond to the needs of those whom it has condemned to poverty and discrimination. It took the efforts and funding by the Federal government to create such programs as Headstart, Upward Bound, Vista Volunteers and the Job Corps, and even now, six years later, they are still pitifully underfinanced.

When Sargent Shriver and I were planning the War on Poverty in early 1964, we invited representatives of all the major textbook publishers to meet with us in Washington. We wanted to review the so-called "integrated readers" that had been publicized in the press. I must say that I was terribly disappointed to be handed what looked to me like the familiar old "Jack and Jane and Spot" readers. But they had been deftly modified; the main characters had now been painted in sepia tones so that the mother looked like Lena Horne and the father like Harry Belafonte. But they were still living in a suburban setting with a white picket fence around a lush green backyard with a garden hose playing on a shiny car in the driveway.

We discovered that we would have to create our own materials by sending people out to Watts, Harlem and the Hough district of Cleveland to take photographs of children playing together and to write textbooks using language with which these youngsters would be familiar.

Now, I don't believe that a paternalistic Federal government ought to solve our problems for us, any more than you do. But the Federal government has been forced to step in where there has been a void left in planning by businesses, by hospitals, by schools, by labor unions, by courts, and by other organizations. In the years ahead, we must be much more creative in our planning. And much more sensitive to the pace and direction of change. This is beginning to happen as concerned people throughout the country are sharing their experience and talents. Task forces, composed of representatives from foundations, universities, businesses, corporations and government agencies, are addressing themselves to the major problems of this country. Coalitions, alliances, consortiums and committees are producing a new layer of capability and effectiveness on the community level.

Whether the mayor of a city or a governor

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of a state is a Republican or a Democrat will become increasingly less meaningful than the quality of the man himself and the quality of the people with whom he surrounds himself. State boundary lines are becoming less relevant. New York City, for example, has little in common with up-state New York, but it has many of the same problems as Newark, Philadelphia or New Haven. Cleveland's problems are not those of southern Ohio, southern Indiana or West Virginia, but Cleveland has much in common with Detroit, Buffalo, Toledo or Chicago. For this reason, I predict that we shall be forced to approach our problems in the years ahead on a *regional* basis, forgetting narrow geographical allegiances. We must accelerate our urban planning, but we must not neglect rural, non-farm America. Many of our urban problems are compounded by the fact that thousands of people from Appalachia or the deep south have flooded into our big cities and have overwhelmed the poor school districts, the welfare agencies, the hospitals and other public service agencies. And they have done this because we permitted change to rob them of their land, their livelihood, and their dignity as productive human beings.

In the years ahead, we must utilize private institutions to solve our massive social problems to a much greater extent than we have in years past. When I was working with President Johnson and Mr. Shriver, I made the comment that private business—with Federal funding—had developed our enormous military defense system. Private corporations also planned and built our impressive capability for space exploration. Why can't we—I asked—draw upon this same talent, these incredible resources of our large corporations, to assist us in finding ways to solve *human* problems—the problems of poverty, of racial relationships, of housing, of education? Major corporations—IBM, Xerox, Westinghouse, Litton Industries, to name just a few—did take on Job Corps training centers and did an impressive job until diversion of funds to the Vietnam War curtailed government funding.

As change continues to accelerate in the years ahead, a special burden of responsibility will be placed upon leaders. As all of you know, it is not easy in these times to be a leader in either the public or private sector. No leader is immune from harsh criticism, or second-guessing, or destructive opposition. John Gardner has said that we seem to be immunizing people with "an anti-leadership vaccine."

Today a university education is no guarantee of leadership. It is true, however, that opportunity to lead is likely to come to those with the best preparation. The nature of the struggle you face as you leave Bethany is far different than that faced by any other generation in history. Throughout history, most men have been forced to devote their energies to the task of mere survival. Today's college graduate is not bound by this crippling necessity. Since he can supply his material wants in many fields, he is, therefore, free to look beyond prosperity for the area in which he can be of greatest service.

President Gresham and the faculty have tried to prepare you to become more than articulate observers or critics. I am sure that they have endeavored to make you active participants in the reshaping of society . . . builders rather than destroyers . . . leaders rather than followers.

At the time of our nation's Declaration of Independence in 1776, Alexander Hamilton was 19, James Monroe was 18, James Madison was 25, Aaron Burr was 20, Thomas Jefferson was 33, and Thomas Paine was 39. These young men, together with elder leaders such as Benjamin Franklin, John Adams and George Washington, shaped the beginning of a new and grand experiment. Somehow, Benjamin Franklin, at the age of 70, was able to work effectively with these young men, and they respected him. Thirteen years later they formed the Constitution of the United States. Several of them went on to lead our nation as President.

I don't have the foreknowledge to tell you what our future institutions will be like, or whether the institutions which serve people will be better or worse than those we now have. But I am quite sure that there will be institutions; and if they are better than we have now, it will be because dedicated builders labored mightily to build and maintain them.

What kind of future role do you choose for yourselves? Do you want to be a destroyer of institutions? Do you wish to settle only for being a critic? Do you want to be one of those silent indifferent people who don't know what is going on and care less? Or, do you want to be a builder? Whether your contribution is great or small does not matter. It's an age-old choice: Do you destroy the good in the name of perfection, or do you work to make the good better in the name of humanity?

If you want to be a builder, are you willing to take the trouble to know what is the right action for you and to prepare yourself to be effective at it? Shortly after the late John Kennedy was elected President of the United States, one of his classmates in the Class of 1940 at Harvard was asked why *he* was not President rather than Mr. Kennedy. His poignant reply was . . . "I was just as smart as Jack Kennedy was, but Jack never stopped learning and growing."

For some of you in this class, today's ceremonies may mark the highpoint, the *peak* achievement in your lives. Others of you will continue to grow, to develop responsibility and to soar to new heights of accomplishment.

The Welsh poet, Dylan Thomas wrote to his dying father, "Do not go gentle into that good night." His message is equally applicable to the young people who are leaving our campuses today. Do not be apathetic toward injustice and insensitive to human suffering. Do not, as Robert Frost said, go with the drift of things, but bend change to the benefit of mankind. You will need all the wisdom and courage you have gained to address the problems that beset our planet. And this work of your lives will be the highest test of the love you have for your fellow man and for the unborn generations which will follow us.

THE OUTER CONTINENTAL SHELF

Mr. HANSEN. Mr. President, it was with concern and misgiving that I read of the President's proposal to renounce our rights to billions of barrels of oil and trillions of cubic feet of natural gas off our shores underlying the Outer Continental Shelf.

I am afraid the Department of State has again prevailed over more reasonable voices in other departments having direct responsibility for and jurisdiction over the energy requirements and resources of this country.

Hearings by a subcommittee of the Senate Interior Committee had been postponed by the chairman, the distinguished Senator from Montana (Mr. METCALF) until the administration had decided on its position in the matter of the seaward extent of U.S. sovereign rights to explore and exploit the natural resources of the seabed and subsoil of our legal Continental Shelf.

But before the hearings, which had been scheduled last week, were held, the President announced his proposal for a treaty among coastal nations under which we would place the oil, natural gas and other minerals under international trusteeship as the "common heritage of mankind"—and to share an unspecified percentage of revenues even with Communist governments—if other coastal nations will similarly relinquish sole rights to minerals off their shores and join in a treaty regulating exploration and exploitation.

Mr. President, on April 13, 1970, I made some remarks here on what I considered the imprudence of giving up our national rights to our Continental Shelf for any reason.

As I observed at that time, about one-half of our estimated national reserves of petroleum and natural gas are located on our Continental Shelf. Therefore, the disposition of such a vast national asset is something that deserves the most careful consideration by all concerned. The consequences of a hasty or improvident disposal of this vital natural resource could visit upon us difficulties and problems of unknown magnitude for generations to come.

As Senators know, article IV, section 3, of the Constitution vests in the Congress the power and the responsibility of disposition and the making of all needful rules and regulations respecting the territory or other property belonging to the United States. Since only Congress has been granted that authority by the Constitution, the role of Congress in the disposition of our Outer Continental Shelf is paramount, and history will judge whether the Congress has adequately met its responsibility as trustee of the Nation's property.

The treaty proposal contained in the White House statement would make it the nonnegotiable duty of the United States to pay to an international agency "substantial royalties" for minerals extracted on our continental margin beyond the 200 meter depth limit.

The treaty would make it the duty of the United States to act as trustee for an international agency in a trusteeship zone near our coast but beyond the 200 meter depth limit.

I understand that there are some 37 points around the coastline where the 200 meter depth limit occurs within the 3-mile limit, so-called, or within a distance of 3 miles from our coastline.

The international agency would authorize and regulate all nations of the world and their citizens in the exploration and exploitation of mineral resources beyond the continental margins.

In addition, the White House statement noted that it was this administration's intention to impose a so-far-unknown condition on all U.S. leases in the area of our continental margin beyond the 200 meter depth limit. All leases issued beyond the 200 meter depth limit would be subject to the terms of a future treaty and the authority of an international agency it would create.

The White House statement said the President would seek legislation to impose such conditions.

Such legislation could possibly come under the jurisdiction of a number of Congressional committees. As Senators know, three Senate committees have already taken an active interest in questions concerning the Outer Continental Shelf, including the Foreign Relations Committee, the Commerce Committee, and the Interior Committee. The President's announcement will add at least one more committee to that list, and perhaps more. I am speaking of the Finance Committee, under whose jurisdiction the taxing proposals will fall.

The President's announcement stated, in part:

> I will propose necessary changes in the domestic import and tax laws and regulations of the United States to assure that our own laws and regulations do not discriminate against U.S. nationals operating in the trusteeship zone off our coast or under the authority of the international machinery to be established.

As a member of the Senate Finance Committee, I will be most interested in reviewing and analyzing such proposed changes in our import and tax laws.

A number of questions come to mind: Will such royalties and taxes paid to an international body be given similar treatment as taxes and royalties paid to a foreign government? Will production off our own coast be treated as foreign production and thereby be subject to import quotas and duties and such other regulations as may be applicable at that time? What will be the treatment of taxes paid to a foreign coastal nation which imposes taxes in addition to those imposed by the international agency?

The President's proposal also contemplates the "collection of substantial mineral royalties to be used for international community purposes, particularly economic assistance to developing countries." Is this not an avoidance of the appropriation process and congressional scrutiny of foreign aid obligations? What would prevent the international regime from using such funds for military air or ancillary aid of military operations, such as food rations, medical supplies, transportation equipment, and so on? It is well known that in certain circumstances, economic aid can be aid to the military since it may allow the diversion of the resources of a nation from civilian needs to the military.

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Another area of concern is the safety of the drilling and producing operations. It is clear that the people of this Nation want such operations conducted in such a manner as will minimize the possibility of an oil spill, commensurate with existing technology. How much authority will the coastal nation have in regulating and monitoring such operations? Or, to put it another way, at what point will the international regime declare that the affected coastal nation is interfering with its authority over the exploitation and disposition of minerals outside the 200 meter boundary, and simply ignore the protests of that nation?

These are but a few of the important questions raised by the President's announcement. Congress has a deep interest and great responsibility in all of them. It was, therefore, gratifying that Under Secretary of State Richardson, during the May 27 hearings before the Senate Interior Committee, indicated the intention of the administration to achieve an accord with Congress before proceeding with treaty negotiations.

This is of very real importance, and is the area that a number of members of Congress including myself will be following closely.

ORDER FOR RECOGNITION OF SENATOR PROXMIRE TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow, following the remarks of the able Senator from Ohio (Mr. YOUNG), that the distinguished Senator from Wisconsin (Mr. PROXMIRE) be recognized for not to exceed 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The Senate continued with the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

Mr. ALLOTT. Mr. President, the junior Senator from Arkansas recently reached a significant milestone in his distinguished career. He became the Senator with the longest service as chairman of the Senate Foreign Relations Committee in all of American history.

The junior Senator from Arkansas is a man of strong beliefs. He has a record of forceful advocacy of those beliefs. This is fortunate. Those of us seeking guidance during this difficult debate concerning foreign policy can usefully consult the words of Senator FULBRIGHT.

For example, I think we can all find much useful insight in words the junior Senator from Arkansas spoke in this Chamber in 1951.

That was a dangerous moment in recent history—almost as dangerous as the present. American troops were engaged in a land war in Asia. There, in Korea, America was having its first bitter taste of limited war. In the grim slogan of the front lines, American soldiers complained of being asked to "die for a tie." American men were being asked to fight without recourse to the full might of the American arsenal. Our troops were endangered by the existence of Communist sanctuaries north of the Yalu River.

In Europe the wartime amity between the Soviet Union and the Allies had long since vanished. America was once again being asked to send troops to Europe.

The American people were weary of war and sacrifice. Yet once again they were debating the general issue of American commitments overseas. They were also debating the question of congressional restraint on the President in his difficult role as Commander in Chief.

That was the setting on January 22, 1951, when the junior Senator from Arkansas spoke the following words:

> The Congress has the right and power to raise the Armed Forces, but the President has the responsibility for the command of those forces. If in the exercise of his best judgment the defense of this country requires the sending of troops to Europe, he has the power and the duty to do so. Congress, of course, can refuse to appropriate the money for the troops but that is a decision for which Congress must take the responsibility. In the long run decisions on military strategy are best left to the Executive. That is the plain intent of our constitutional system. It would be dangerous for our future welfare to change the underlying principle simply because a strong minority or even a majority of the Congress may lack confidence in the wisdom of the Executive in some particular instance such as the present one.

Mr. President, I think the junior Senator from Arkansas was correct in that interpretation of the intent of the Founding Fathers, and especially the Father of our Country, George Washington, agreed with the Senator's doctrine that "decisions on military strategy as best left to the Executive."

I think the junior Senator from Arkansas was not only right about the timeless constitutional doctrine, but also about the danger that can spring from tampering with fundamental constitutional principles. It is worth repeating his words:

> In the long run decisions on military strategy are best left to the Executive. That is the plain intent of our constitutional system. It would be dangerous for our future welfare to change the underlying principle simply because a strong minority or even a majority of the Congress may lack confidence in the wisdom of the Executive in some particular instance such as the present one.

At this time the junior Senator from Arkansas was also vigorously defending the policies summarized under the name of the President whose vigorous leadership created them—the policies known as the Truman doctrine. After giving a brief summation of this doctrine, he said:

> A foreign policy, of course, cannot be adequately described in so few words, but I think these brief descriptions are sufficient to give us a basis for discussion. One mistake that we are often prone to make, in dealing with matters of the greatest complexity, is to over-simplify the proposed solution. It is human nature to want to find quickly a simple, clear answer to the most difficult problem so that we can stop worrying about what we should do and get about doing it. We Americans are an impatient people and we cannot understand why our leaders do not tell us right off just exactly, in detail, what we should do and quit arguing about it. With a little reflection, I believe it becomes apparent that, in a matter as difficult as combating the imperialism of the Russian Politburo, there is no simple blueprint for action, and it is a dangerous illusion to accept one even if it is offered.
>
> In dealing with an enemy as ruthless, as resourceful, and as unpredictable as the Politburo, we must be prepared on the one hand to meet wholly unexpected moves and at the same time to agree upon certain positive objectives of our own from which we must not allow ourselves to be diverted. This means that, although we agree upon broad policy objectives, we cannot follow blindly and stubbornly a preconceived pattern, but, on the contrary, we should be able to adapt ourselves promptly to changing circumstances. There must be an element of flexibility in any policy.

The Senator's thesis was true then and it is true today. That is the way it always is with arguments of true philosophic importance—they are timeless. The principles the Senator enunciated are not so insubstantial that their truth values vary with time and place. To suggest that they do vary would do a grave injustice to the sagacity of the junior Senator from Arkansas.

He is especially cogent in stating the case for flexibility in policy designed to cope with a resourceful Communist enemy. And he understands that this requires congressional respect for Executive prerogatives in foreign dealings.

As the Senator surveyed the troubled world in 1951, he was especially concerned to draw some lessons about the nature of our Communist enemies:

> Our leaders have been severely criticized for misjudging the character and intentions of the Politburo during and immediately after the war. Our hindsight, of course, tells us that we should not have trusted the Russians. However, in America we are accustomed to taking men at their word, and I submit that it is almost beyond the capacity of civilized people to understand, even now, let alone anticipate then, the savage and relentless attack of the Russians upon allies who so recently have saved them from annihilation.

Recognizing that we were tardy in coming to understand the nature of our Communist enemy, the junior Senator from Arkansas argued that we cannot rely on a policy which limits American involvement and commitments to the Western Hemisphere. While the guns roared in Korea, he argued vigorously for further expanding America's effort in Europe. He said:

> Regardless of what might have been, we are now confronted with ever bolder aggression by the Communists, and we must agree upon a course of action. The first of the proposed policies, which I mentioned a moment ago, calls for the limitation of our commitments to the defense of the Western Hemisphere, with emphasis upon air and sea power, and was advocated recently by ex-President Hoover and former Ambassador Kennedy. More recently, the Senator from Ohio (Mr. Taft) advocated a program quite similar, with some extensions of our responsibilities to what he called island bases and to such key places as the Suez Canal and certain strategic airfields. The all-important distinction between the position of these gentlemen and the third policy mentioned above, is the policy toward Western Europe. The Hoover-Kennedy view would prevent the supplying of ground troops to a European army for the defense of Western Europe. This view, in short, would abandon Western Europe to the tender mercies of the Kremlin. Although some of the advocates of this position seek to deny that this is the intention or would be the result, I am unable to agree with their reasoning. It seems clear to me that if we refuse not only to make an equitable and fair contribution to the ground forces of a European army, but also fail to take the leadership in organizing it, we will, in effect, have abandoned those people to domination by the Kremlin. I believe that such a course is dangerous to our security and is morally dishonorable. It is dangerous to our security because the great industrial potential of Europe would fall to the Russians. It is dishonorable because it repudiates obligations to friends and allies and denies our debt of all those generations of Europeans who struggled through the centuries to bring liberty and justice to mankind.

The junior Senator from Arkansas was especially harsh in denouncing the theory that the Communist world would crumble of its own accord. He recognized that such theories are the sort of rationalizations that result when a weary people allow their wishes to father their thoughts.

He said:

> One of the arguments upon which Mr. Hoover and Mr. Kennedy rely very heavily is that it is our primary duty, not only to ourselves but also to the free world, to withdraw to the Western Hemisphere and build up impregnable military strength in order that he may be the bastion of freedom. The idea seems to be that when the Communist world begins to crumble in the distant future, we will sally forth to reestablish freedom and civilization. This thought seems to me to be a rationalization of a desired course of action rather than a serious and genuine argument. It is too obviously an attempt to justify saving oneself at the expense of others to be acceptable by any of our friends across the seas. If we accept this reasoning and voluntarily follow this course, I believe that, for the foreseeable future, we will be regarded by civilized people as unworthy of trust and confidence.
>
> I am quite willing to concede that something needed to be done to awaken the Europeans to the deadly peril of their position and to induce them to bear their full share of the burden of rearming. If the speeches advocating withdrawal into our shell had this objective in mind, they may have had some merit, but, as an expression of sound policy for us to follow, I cannot agree with them.
>
> The argument is also made that Europe has lost the will to resist and, therefore, it is useless to try to assist her. It is an insidious argument, and I believe it is unsound and misleading. Europeans may well be hesitant to assume a belligerent attitude toward Russia—at least until some progress is made toward developing a respectable army. I do not believe that basically the people of Western Europe have lost their spirit of independence or their desire to remain free men. The fact is that a few people realize how much the Europeans have already done in increasing their industrial production and in putting their house in order so that they can support increased armed forces.

Mr. President, I would like to call special attention to the Senator's clear-sightedness with regard to an argument that amounts to nothing more than "an attempt to justify saving oneself at the expense of others."

The Senator was very severe—but not, I think, excessively severe—in pointing out how insidious it is to argue that we should not defend an embattled people because they are a bit reluctant to take on a totalitarian enemy in unassisted combat. As he said, a nation may become a fine fighting force when it is assured that it is not alone. Thus he argued for an extension of American involvement in Europe:

> The Europeans need assurance, not that we will furnish all, or even a major fraction, of the ground troops for their defense, but assurance that the shifting political scene in our own country will not expose them to sudden death in a futile undertaking. In other words, they want to feel that we are in this struggle with them, that we will not repudiate our Atlantic Treaty obligations nor by legalistic interpretation nullify the treaty's meaning.

The resemblance between the Senator's thinking about embattled European nations and President Nixon's thinking about embattled Asian nations is indeed striking.

The Senator also spoke convincingly of the danger that the rhetoric of public men in our free society might undermine American attempts to exert leadership in an entire region of the world. He denounced influences toward "fatalistic defeatism," warning that such defeatism could bring about a return to the Dark Ages:

> When influential public men like the Senator from Ohio (Mr. Taft) insist that we should not assume the leadership or the initiative in organizing the defenses of Europe, in effect they are saying there can be no leadership of the western allies. Whether we like it or not, ours is the only country with the prestige and power necessary to organize and lead the free peoples in opposition to the Kremlin. To refuse to accept the leadership and to provide the initiative, when it is obvious that we alone among the free peoples have the power to provide both, seems to me to be tantamount to ultimate surrender. I believe the most powerful influence toward fatalistic defeatism in free Europe is the doubt they entertain about our willingness to lead them vigorously and confidently in this struggle. We and the Europeans possess sufficient resources and manpower to restrain or, if we must, to defeat the Russians, but as yet we have neither unity of purpose nor strong leadership. The masters of the Kremlin lead their slave world in no uncertain manner. Unless we can do likewise for the free world, a return to the Dark Ages is no idle fantasy.

The junior Senator from Arkansas struck a judicious balance in the recommendations he made in the Senate that day. On the one hand he urged the Congress to affirm the President's plans to strengthen America's commitments overseas. On the other hand, he urged Congress to abstain from meddling with details, which are properly the responsibility of the Commander in Chief:

> The broad question of policy, as to whether or not the best interests of this country require that we help Europe defend itself with troops as well as guns, is properly a question for Congress to decide. But the question of the precise number of men and machines needed to achieve the objectives should be left to the judgment of our military leaders. Such decisions are inherently executive in character.

The Senator chose a particularly felicitous and precise phrase in describing such decisions as "inherently executive in character." His defense of the Executive was of a piece with his strong denunciation of those whose handwringing and carping about our allies makes the United States appear to be a pitiful, helpless giant:

> It is high time that some of our public men—and I do not exclude Senators—stop wringing their hands, stop searching for scapegoats, stop bemoaning our fate, and stop condemning our allies. What a spectacle we must be to little Finland, or Turkey, or Sweden, calm and determined as they are, and yet confronted at their very doors by the Russian bear. We are a great Nation, a rich, powerful, productive people capable of accomplishments beyond our imagination.

Mr. President, the words I have quoted thus far were spoken by the junior Senator from Arkansas in 1951. But they did not represent a position lightly adopted or easily discarded. On the contrary, they represented the sober reflection of a mature statesman. Proof of the Senator's enduring commitment to the principle of presidential latitude in foreign dealings is to be found in words spoken much later in his career.

A full decade later, in 1961, after more than a decade and a half in the Senate, the junior Senator from Arkansas was still speaking on the question of Presidential power. He was still consistent and resolute in offering a sturdy defense of presidential prerogatives in foreign affairs.

On August 17, 1961, the Senator engaged in a significant debate concerning a proposed amendment designed to prohibit the President from giving any assistance to nations in the Sino-Soviet bloc. In the course of this debate, he spoke with commendable warmth and clarity. He was especially forceful in discussing the need for Congress to respect the President's latitude in foreign dealings. His reasoning is so cogent that I would like to quote from it at length. The following passage is from pages 16150–1 of the CONGRESSIONAL RECORD, August 17, 1961, and related to Senator DODD's advocacy of the restricting executive action:

> Mr. FULBRIGHT. The Senator has made a very moving appeal about the constitutional responsibilities of this body. As I understand the Constitution, it gives to the President of the United States primary responsibility for the conduct of our foreign relations. The Senate basically, in most cases—with respect to recognition of countries, recognition of independence, acceptance of ambassadors, and so on—is in a position of advising and consenting; scarcely in a position of dictating to the President.
>
> What the Senator proposes, I think, is to usurp the legitimate function of the President in this particular instance, by tying his hands in advance in a bill passed by Congress. If the bill were finally accepted, it would, of course, tie the President's hands. I do not think there is anything of value to the argument made in that respect.
>
> There are many things of a domestic nature, concerning which we have primary responsibility—agriculture, roads, domestic improvements, and so on—with respect to which I think there has been perhaps a loss of some of our responsibility over the years, or an erosion of our responsibility. The remarks may be appropriate in that respect. I do not think the remarks are appropriate in respect to this issue.
>
> With regard to the position of the President, the Senator stated he knew of no opposition from the President. It never occurred to me that the Senator thought the administration favored his amendment as written. I wrote to him, as I said before, and expressed our criticism of the amendment; not of the objective of the amendment, but of the terms of the amendment, which specifically named the nations involved and which also would deprive the President of any discretion, an authority the President has had in the past, as he has under the present law.
>
> In order that this may be clear, without any question, Mr. President, I ask unanimous consent to have printed in the RECORD a statement of the position of the executive branch, which I hold in my hand. It is rather long. I do not think it adds anything to what I have already said. I shall read only a sentence or two, but I am willing to read the remainder, if any Senator wishes to have me do so.
>
> "The executive branch strongly opposes the amendment as being inconsistent with both the President's program and the Senate's own policy in this matter.
>
> "First, the amendment would be contrary to a critical part of the President's program as outlined in his state of the Union address of January 30, 1961."
>
> The last sentence is:
>
> "The executive branch is at a loss to understand what conditions would now warrant a repudiation of the President's program and the Senate's recorded policy on this important question."
>
> There being no objection, the statement was ordered to be printed in the RECORD, as follows:
>
> "PROHIBITION ON ASSISTANCE TO SINO-SOVIET BLOC EXECUTIVE BRANCH POSITION
>
> "The executive branch strongly opposes the amendment as being inconsistent with both the President's program and the Senate's own policy on this matter.
>
> "First, the amendment would be contrary to a critical part of the President's program as outlined in his state of the Union address of January 30, 1961. In that address, he stated:
>
> "'Finally, while our attention is centered on the development of the non-Communist world, we must never forget our hopes for the ultimate freedom and welfare of the Eastern European peoples. In order to help reestablish historic ties of friendship, I am asking Congress for increased discretion to use economic tools in the area wherever this is found to be clearly in the national interest.'
>
> "The amendment would, for the first time since the inception of the foreign aid program, impose an absolute prohibition on the furnishing of assistance to the satellite countries at the very time that the President has made a special plea for increased authority.
>
> "Second, the amendment would be at variance with the Senate's passage of S. 1215 on May 11, 1961. That bill amends the Battle Act so as to permit the President, upon a finding that it is important to the national security, to use authorities not only under the Foreign Aid Act but also under Public Law 480 and the Export-Import Bank Act to furnish nonmilitary assistance to satellite countries. In passing S. 1215, the Senate clearly recognized the need for discretionary authority in the President to respond to situations in these areas.
>
> "The executive branch is at a loss to understand what conditions would now warrant a repudiation of the President's program and the Senate's recorded policy on this important question."
>
> Mr. FULBRIGHT. Mr. President, I do not think there is any question about the attitude of the administration. I can only reiterate what I have said with regard to the position of the senior Senator from Connecticut. It has been stated very clearly by the Senator from Kentucky, who has had experience in the executive branch under the previous administration. Those things are not all black and white. They are fluid. They shift. That is why the Executive must have discretion.

Also in 1961, in the fall edition of the Cornell Law Quarterly, the junior Senator from Arkansas deployed other elements of his theories about the President's prerogatives in foreign dealings:

> The source of an effective foreign policy under our system is Presidential power. This proposition, valid in our own time, is certain to become more rather than less, compelling in the decades ahead.
>
> The dynamic forces of the 20th century—communism, fascism, aggressive nationalism, and the explosive awakening of long quiescent peoples—are growing more and more unmanageable under the procedures of leisurely deliberation which are built into our constitutional system. To cope with these forces we must be able to act quickly and decisively on the one hand, and persistently and patiently on the other.
>
> The President is the symbol of the nation to the external world, the leader of a vast alliance of free nations, and the prime mover in shaping a national consensus on foreign policy. It is important to note, however, that while this responsibility is indeed very broad, his authority is often infringed upon or thwarted in practice by unauthorized persons.

In 1961 the junior Senator from Arkansas also spoke as follows:

> With their excessively parochial orientation congressmen are acutely sensitive to the influence of private pressure and to the excesses and inadequacies of a public opinion that is all too often ignorant of the needs, the dangers, and the opportunities in our foreign relations.

I think the Senator's 1961 enthusiasm for Presidential prerogative led him to overstate the disabilities of Congress in the field of foreign policy. I am sure the distinguished chairman of the Foreign Relations Committee does not think that Congress should have no role at all in the formation of foreign policy.

Judging from various disquisitions on this subject which the Senator has essayed during his long service in the Senate, I would judge that he feels as I do on this matter.

I would judge that he thinks that it is for Congress to cooperate with the President in stipulating the general goals and broad contours of American foreign policy, but that Congress must leave to the President decisions about details and tactics—such decisions being, in the words of the Senator, "inherently executive in character."

Mr. President, I think the words I have quoted from the record of the junior Senator from Arkansas can give us real guidance in this troubled time. The words I have quoted were spoken a decade apart. They defended the power and latitude of the presidency for two different Presidents, President Truman and President Kennedy.

But obviously the junior Senator from Arkansas was not defending the power of any particular man or men at that time. I know he considers this a Government of laws and not of men. I know that his defense of the powers of the presidency was a defense of the office, not a defense of any officerholder's convenience.

There is one clear lesson to be drawn from the thinking of the junior Senator from Arkansas. It is that Congress should not curtail the vital freedom Presidents have traditionally enjoyed in foreign dealings. If I read the Senator's words correctly, he thinks that Congress has the legal power to hinder the President, but that such hindrance would be evidence of the arrogance of power on the part of Congress.

As the junior Senator from Arkansas declared in the CONGRESSIONAL RECORD, February 2, 1954, page 1106, when opposing the Bricker amendment:

> It was never intended by the Founding Fathers that the President of the United States should be a ventriloquist dummy sitting on the lap of the Congress.

Mr. President (Mr. ALLEN), this concludes that portion of my remarks. But I want to make a few more remarks

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based upon material which has come to me.

I have been surprised and astounded at the breadth and depth of the support that has come from the academic community in the last few weeks with respect to the President's position concerning his powers as Commander in Chief. I have received many letters and memorandums expressing this support. I introduced one of these into the RECORD and made a few remarks concerning it earlier this afternoon.

The letter I now introduce is from Jon W. Fuller, assistant professor of political science at Davidson College, in Davidson, N.C. Professor Fuller is a young scholar, educated at Oxford University and Princeton University. His letter contains an extremely brilliant defense of the President's situation. Mr. Fuller starts his letter by saying:

> As a political scientist and a specialist in the field of national security policy, I am seriously concerned about several proposals now before the Senate, most immediately the Cooper-Church amendment, which would seek to challenge the constitutional power of the President as Commander in Chief, either directly or by implication.

He goes on and discusses the entire question in complete detail. But I think one part of his letter is particularly pertinent, and it should be listened to by all Americans. It reads as follows:

> President Kennedy was said to be fond of quoting some lines from a Spanish poet, Domingo Ortega; they summarize, as he surely realized, the awesome and necessary responsibility which our system must assign to the President alone:
>
> Bull fight critics ranked in rows
> Crowd the enormous plaza full;
> But only one man is there who knows,
> And he's the man who fights the bull.

I am certain that nothing could express better than those few lines President Kennedy's own feeling of solitude when he faced some of the great crises with which he was confronted.

I ask unanimous consent that Professor Fuller's letter be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DAVIDSON COLLEGE,
Davidson, N.C., May 23, 1970.

Senator GORDON ALLOTT,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR ALLOTT: As a political scientist and a specialist in the field of national security policy, I am seriously concerned about several proposals now before the Senate, most immediately the Cooper-Church amendment, which would seek to challenge the constitutional power of the President as Commander in Chief, either directly or by implication. The President's authority and the range of his discretion are indeed great, but this is because they are the product of a need equally great. The facts which justify this aspect of our constitutional development remain clear and persuasive. In the past, these facts have seemed clear to virtually all who have served in our national government and to all who have studied its structure and functions with care. Now some, including a few of those whose arguments for a strong Presidency have been most persuasive, are advocating a dangerous weakening of Presidential authority. They do so because they disagree strongly with the way in which some recent Presidents have used their awesome authority. I admit that I share many of their concerns and misgivings about specific aspects of our policy in South-East Asia during the past decade. But such disagreements about the wisdom of specific policies are not adequate grounds to deny the continuing logic of our constitutional arrangements or to suggest that the realities of the world in which we live have changed in some dramatic way. In fact, so far as I have seen, those who propose these unwise and probably unconstitutional measures do not deny that continuing logic, nor do they suggest that world politics have somehow become dramatically different. They discuss only their disagreement with specific policies, and seem to ignore the constitutional implications of the means they have chosen to express that disagreement.

We have been more keenly aware of the great and necessary power of the President as Commander in Chief in the Cold War years, as problems of national security have become more demanding and more persistent. Yet the vast power implicit in our constitutional arrangements have been recognized from the first years of our Republic. The records of the debates in the Constitutional Convention clearly show that the designation of the President as Commander in Chief was quite deliberate. They had known a brief and unhappy experiment with command by committee early in the War for Independence, and they were prepared to recognize that such arrangements were illogical and unworkable. Command must be a unitary and decisive function, and this must ultimately involve the decision and responsibility of one man. Even in Washington's Administration, there was a need to use the powers as Commander in Chief. Almost every President has made some use of these powers. Most students agree that in the first 150 years of the Republic, before World War Two and the most obvious growth of Presidential power, there were approximately 150 instances of the use of military forces by a President without specific authorization of Congress.

The constitutionality of this broad use of the authority of the President as Commander in Chief has been upheld by the courts in dozens of cases. Perhaps as significant, the necessity and logic of such power has been accepted by the Congress and by the people.

There are, of course, some dangers in giving such enormous authority to one man. In an important sense, all government is dangerous. But no government, or a government too weak to perform its essential function of protecting its people, is even more dangerous. We simply cannot operate successfully as a nation in the contemporary world without the capacity for decisive and coherent action which the President, acting as Commander in Chief, provides. This argument applies most dramatically to the problems of nuclear weapons, and to the need for rapid decision from the President if those weapons should ever have to be used. Indeed, we have come to realize that it is this capacity to use such weapons rapidly and decisively which gives important credibility to our deterrence, and thus provides us the best chance of escaping the terrors of nuclear war altogether.

But the argument for decisive action in the case of possible nuclear war, which is not under direct challenge now, cannot be separated from the need for wide discretion in the use of the President's authority over all of our Armed Forces. The capacity to use more limited forces effectively is another important component in our deterrence capacity, and is thus part of a single argument for the necessity of unimpaired Presidential authority.

The proper authority of Congress is not challenged by this necessity for wide Presidential discretion in the use of military forces. Congress has the responsibility for determining the size and general composition of our military forces. Further, it is the responsibility of Congress, with the President, to determine the goals and commitments of the United States in its national security policies. If members of Congress now disagree with some of these goals or commitments, it is entirely right and proper that they should speak out and offer resolutions to give effect to their proposals for alternative policies. A majority of the Congress has supported our general policy in South-East Asia, by means of appropriations and specific resolutions. It appears now that a majority of Congress and of the people as well support the policy of President Nixon to reduce our involvement in South-East Asia and to withdraw American troops from that war zone.

The matters in dispute are essentially matters of tactical decision. The precise pace of withdrawal, and the kinds of actions needed to make it as safe and responsible as possible are not decisions appropriately made by a vote of the 100 Senators or 435 Representatives. Indeed these are exactly the kind of questions which can only be made by a single, decisive commander. In our constitutional system, this single command responsibility belongs properly to the President and to him alone.

The simple argument of efficiency would seem powerful enough to make the necessity of such arrangements clear. Fortunately, this assignment of responsibility is also entirely compatible with ultimate control by the people. Indeed, clearly fixed responsibility is absolutely essential if such ultimate popular control is to be meaningful. The entire Congress, and certainly the citizens of the nation, are neither prepared nor able to make the detailed decisions appropriate to the President as Commander in Chief. But they can, very properly and appropriately, judge the results, and thereby determine the proper future course of American policy and the suitability of the President to continue in his responsible office. If it is decided that he has performed poorly, he can expect to be replaced. President Nixon showed that he was specifically and clearly aware of this during his address to the nation concerning our operations in Cambodia. It is in this way that our system reconciles responsibility and efficiency. If we are to survive as a democracy, we must have both. A strong President, prepared and able to make the specific decisions and take the crucial risks, allows us to have both responsibility and efficiency. We will neither increase democracy nor improve policy by taking action which ignored either logic or the real state of the world in which we must live. Any attempt to substitute the judgement of Congress for that of the President on a technical issue, which the Constitution has given to him alone to decide, will serve neither to improve our system for making national security decisions, nor will it improve the quality of those decisions. Indeed all evidence would lead us to expect that group decisions on issues of this kind will be vastly less effective, and at best no wiser.

President Kennedy was said to be fond of quoting lines from a Spanish poet, Domingo Ortega; they summarize, as he surely realized, the awesome and necessary responsibility which our system must assign to the President alone:

Bull fight critics ranked in rows
Crowd the enormous plaza full;
But only one man is there who knows,
And he's the man who fights the bull.

The deep and properly emotional concern which our war in Viet-Nam has evoked must not be allowed to distort our judgment about fundamental constitutional and logical questions. And yet, I fear that the proposals now being made, which would reduce the power and discretion of the Commander in Chief, violate both constitutional and logical principles.

I commend you for your stand in favor of full and constitutional authority for the President in national security policy, and I urge you to redouble your efforts to persuade a majority of the Senate that on issues of such seriousness and importance, emotional response and tactical disagreements must not prevail over logical and tested principles of government.

Sincerely yours,

JON W. FULLER,
Assistant Professor of Political Science.

Mr. ALLOTT. Another letter I have just received is from Mr. William Schneider, Jr., Ph. D., strategic analyst of the Hudson Institute. He is a leading member of the staff of one of the Nation's most respected policy research institutes. I shall read only two or three lines from the letter. Of course, these lines are extrapolated from the letter, and I will put the complete letter in the RECORD. Dr. Schneider says:

> I wish to take this opportunity to register my serious concern over the character of proposed legislation currently under consideration by the Senate which would have the effect of imposing significant constraints upon the conduct of foreign policy in Southeast Asia by the President of the United States.
>
> Legislation which is designed to have the effect of limiting the power of the President to commit the armed forces of the United States to the fulfillment of foreign policy objectives in situations where a declaration of war would be inappropriate could have catastrophic consequences for the United States and the cause of world peace.

Then I skip a few lines and continue:

> Various U.S. Presidents in nearly two centuries of history have employed military forces outside of U.S. territory over seventy times without a declaration of war while only five such actions were declared wars by the Congress.

Mr. President, he concludes by listing "six potentially disastrous consequences" which could result from unwise restrictions on the President. The sixth one is very important.

He says:

> The possibility of U.S. participation in multinational peace-keeping efforts, either on an ad hoc basis or through existing international organizations is seriously diminished, reminiscent of the situation which obtained during the "isolationist" period in the U.S. between the World Wars.

He concludes the letter by saying:

> It is clear, however, that the effect of such legislation would be to inhibit the President from acting in Korea, the Middle East, Europe, or elsewhere without a declaration of war. The national interest of the United States and the cause of world peace would be ill served by the passage of such legislation at this time.

Mr. President, I ask unanimous consent to have the complete letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

HUDSON INSTITUTE,
Croton-on-Hudson, May 25th, 1970.

Sen. GORDON ALLOTT,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR ALLOTT: As an individual professionally concerned with defense and foreign policy issues, I wish to take this opportunity to register my serious concern over the character of proposed legislation currently under consideration by the Senate which would have the effect of imposing significant constraints upon the conduct of foreign policy in Southeast Asia by the President of the United States.

Legislation which is designed to have the effect of limiting the power of the President to commit the armed forces of the United States to the fulfillment of foreign policy objectives in situations where a declaration of war would be inappropriate could have catastrophic consequences for the United States and the cause of world peace.

It should be noted that historically the President of the United States has frequently employed U.S. armed forces outside of our borders to accomplish foreign policy objectives without the benefit of a formal declaration of war under the explicit constitutional power granted to the President to conduct foreign policy. Indeed, the employment of military forces under a formal declaration of war is the overwhelming exception in U.S. history. Various U.S. Presidents in nearly two centuries of history have employed military forces outside of U.S. territory over seventy times without a declaration of war while only five such actions were declared wars by the Congress.

In the highly dangerous times in which we live, it is crucial that the President retain his historic power to conduct foreign policy. I would argue that there are at least six potentially disastrous consequences which could follow from the passage of such legislation.

1. Inhibiting the President from responding to low level military threats without a Congressional declaration of wars could dramatically increase the likelihood of nuclear war by making every future international conflict escalation-prone by limiting the President to a choice between inaction and requesting a Congressional declaration of war.

2. Any future military conflict in which the U.S. became involved would be far more costly in terms of lives, treasure, and political commitment because of the "all out" national effort which has historically been associated with declared wars.

3. All U.S. alliance relationships could be seriously weakened, perhaps beyond repair because of a loss of confidence in the ability of the United States to respond to levels of international violence which are below that which would justify a declaration of war.

4. The world level of violence would rise in areas where the "umbrella" of American alliances formerly acted to mitigate the scale of conflict (e.g. the Middle East) because of the uncertainty of possible U.S. intervention.

5. Limiting the flexibility of the President to respond to various levels of violence flies in the face of every serious study of the use of Presidential authority in foreign affairs since World War II. The President should have greater rather than less flexibility of response.

6. The possibility of U.S. participation in multi-national peace-keeping efforts, either on a *ad hoc* basis or through existing international organizations is seriously diminished, reminiscent of the situation which obtained during the "isolationist" period in the U.S. between the World Wars.

Most of the legislation under consideration is narrowly focused upon efforts to limit the freedom of the President to conduct military operations in Southeast Asia to carry out our foreign policy objectives. It is clear, however, that the effect of such legislation would be to inhibit the President from acting in Korea, the Middle East, Europe, or elsewhere without a declaration of war. The national interest of the United States and the cause of world peace would be ill-served by the passage of such legislation at this time.

Sincerely yours,

WILLIAM SCHNEIDER, Jr., Ph. D.,
Strategic Analyst.

Mr. ALLOTT. Mr. President, I have just one more letter to which I shall refer this afternoon. I have a multitude of these letters which I hope to discuss and analyze fully at another time. This afternoon, perhaps, but which I think are significant in light of the distinguished academic backgrounds of the writers of the letters.

The letter I hold in my hand is from Prof. Myron Rush of the Department of Government at Cornell University. Professor Rush is one of the Nation's foremost experts on the Soviet Union. I will just read two sentences:

> In the past, uncertainty about how the United States would respond to offensive actions has helped to deter such actions. The proposed restrictions upon Presidential action would reduce this uncertainty and consequently lessen its deterrent effect on the Communist states.

Mr. President, I want to state at this time that I am very deeply indebted to all the distinguished gentlemen who have written to me in support of the President's position regarding the powers of the Commander in Chief.

I ask unanimous consent to have Professor Rush's letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CORNELL UNIVERSITY,
ITHACA, N.Y., *May 24, 1970.*

Senator GORDON ALLOTT,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR ALLOTT: I am writing to express my concern about Senate proposals that would limit the President's capacity to perform his Constitutional functions as Commander-in-Chief of the Armed Forces. Quite apart from the serious Constitutional issues which they raise, action by the Senate along these lines would have the effect of restricting the President's capacity to respond to threats and to aggressive moves by the Communist states. In the past, uncertainty about how the United States would respond to offensive actions has helped to deter such actions. The proposed restrictions upon Presidential action would reduce this uncertainty and consequently lessen its deterrent effect on the Communist states.

The result could be to further weaken the stability of the international order at a time when some Communist states are already engaged in probing actions to test the United State's will and capacity to respond.

Yours truly,

MYRON RUSH.

Mr. ALLOTT. Mr. President, I mentioned awhile ago that I hope all relevant issues will receive full discussion on the Senate floor. I also mentioned some of the reasons why I hope that they will.

The President's speech last night certainly did several things. Most important, it clarified the situation in Cambodia. One of the reasons why this debate and this discussion should continue is to see what the results of the Cambodian situation will be. I am sure it will be the greatest military success of the Vietnam war. In fact, it may be the only thing we can speak of in the Vietnam war as being a brilliant military success.

I am sure that it is heartening to all Americans to know that of the 31,000 Americans who entered Cambodia, 17,000 have already been withdrawn, and that it is the intention to withdraw the remainder before the end of the month. The President is doing exactly what he previously stated to the American people that he would do. I have never doubted that he would do exactly what he pledged to do.

It was also gratifying to hear that he would withdraw another 50,000 troops by the fall, and that he intended fully to keep up the timetable of withdrawal of 150,000 troops between now and April of next year.

Mr. President, it seems to me that we are seeing some light and progress in a war that many people believe was a great mistake. This has been a difficult war for all Americans, especially for those who have lost their loved ones, and for those who will bear the scars of that war for the rest of their lives.

It seems to me that the President's policy provides some light and makes the effort that was made in Vietnam begin to have meaning.

As his aspirations and goals, as stated to the country last night and in previous speeches, are reached, we can indeed, be thankful for a President of such great courage and statue.

Mr. President, I yield the floor.

ORDER OF BUSINESS

Mr. ALLOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PERCY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEATH OF MILBURN D. AKERS, FORMER EDITOR OF CHICAGO SUN-TIMES

Mr. PERCY. Mr. President, the State of Illinois and the Nation have suffered a great loss in the death of Milburn D. Akers. Mr. Akers, known as Pete, was the former editor of the Chicago Sun-Times, the president of Shimer College, and a distinguished citizen of my State for many years.

Last week, after staying with his dying sister all night, he drove his car toward Springfield, Ill., after only an hour's sleep, in order to testify on behalf of State aid to private, higher education in Illinois. While en route, he was killed in an automobile accident.

Pete Akers loved life. He loved the State of Illinois. He loved the newspaper business. He particularly loved young people, and spent the final years of his life strengthening higher education in Illinois. He devoted his entire life to trying to find a way to make this a better world for young people.

I think it is a tragic thing that his death occurred when he had so many years of life ahead of him in which to contribute so much to society.

Pete Akers loved to talk, to share ideas late at night with friends and acquaintances on any subject of importance that was current to the day. I have engaged in such conversations with him, and they were immensely enjoyable. I remember telling him after a discussion downstate that he should get more sleep before driving back to Cook County and to Chicago to his job with the newspaper. But I do not know of anyone who knew the highways and the byways of Illinois as well or better than he did, and I always admired his capacity for driving steadily after just a few hours of sleep. I often drove with him myself while downstate.

It is, I suppose, symbolic that Pete Akers should die while giving his attention to the needs of others—to his dying sister and then to the problems of the young people of his State. Those of us who have been privileged to be his friends through the years, shall miss him a great deal.

Mr. President, I am pleased to have the honor to pay tribute to him on the floor of the U.S. Senate.

He loved this country. He loved the free institutions of the country. As an editor and as a distinguished citizen throughout the course of his lifetime, he did everything possible to strengthen and build America. I know of no person in the State of Illinois or in the Nation who has contributed more as a citizen to the growth of his country and his State. In the role of a private citizen, he played a responsible and valuable role in participatory government.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HANSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, there being no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 21 minutes p.m.) the Senate adjourned until tomorrow, Friday, June 5, 1970, at 12 o'clock noon.

HOUSE OF REPRESENTATIVES—*Thursday, June 4, 1970*

The House met at 11 o'clock a.m.

William F. Ruhl, president, B. C. Goodpasture Christian School, Nashville, Tenn., offered the following prayer:

Our Father in Heaven, we thank Thee for this quiet moment before the pressing needs of a new day come upon us. We are thankful for those who have dedicated their lives to public service, and we pray Thy richest blessings to be upon the Members of Congress today. We ask for Thy overruling providence in a day of world confusions and uncertainty. We pray, our Father, bless our President and leaders of nations around the world. May a spirit of brotherhood, an awareness of Thy equal concern for all men, and a genuine desire to live together in unity guide all their deliberations. We ask this prayer in the name of Him whose truth makes men free. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

DISTRICT OF COLUMBIA APPROPRIATIONS, 1971

Mr. NATCHER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17868) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1971, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate continue not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from Wisconsin (Mr. Davis) and myself.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Kentucky.

The motion was agreed to.

The SPEAKER. The Chair designates as Chairman of the Committee of the Whole the gentleman from Texas (Mr. Brooks) and requests the gentleman from Tennessee (Mr. Fulton) to temporarily assume the chair.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 17868, with Mr. Fulton of Tennessee, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN pro tempore. Under the unanimous consent agreement, the gentleman from Kentucky (Mr. Natcher) will be recognized for one-half hour and the gentleman from Wisconsin (Mr. Davis) will be recognized for one-half hour.

The Chair recognizes the gentleman from Kentucky (Mr. Natcher).

Mr. NATCHER. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, at this time we submit for your approval the annual District of Columbia appropriation bill for fiscal year 1971.

As chairman of the Subcommittee on the District of Columbia Budget, it is a distinct honor for me to serve with the gentleman from Wisconsin (Mr. Davis), the gentleman from Connecticut (Mr. Giaimo), the gentleman from Michigan (Mr. Riegle), the gentleman from New Jersey (Mr. Patten), the gentleman from Oregon (Mr. Wyatt), the gentleman from Arkansas (Mr. PRYOR), and the gentleman from Wisconsin (Mr. OBEY). All of these gentlemen are outstanding members of the Committee on Appropriations.

For the seventh consecutive year, the Congress has been presented a budget for the District of Columbia that is out of balance. The budget presented on March 31, 1970, is out of balance $206,300,000. For operating expenses we have a deficit of $63,200,000 and there is a loan authorization deficit of $143,100,000.

The District of Columbia is financed out of five funds: a general fund, a highway fund, a water fund, a motor vehicle parking fund, and a sanitary sewage works fund.

We carefully considered budget estimates totaling $825,158,000 for fiscal year 1971, and we recommend to the House that the sum of $642,906,000 be approved for the fiscal year 1971.

We recommend to the House that a Federal payment of $105,000,000 be approved. In our report on page 5, we set forth an updated table showing appropriations to the general fund since the year 1924. The Federal payment in the year 1960 was $25 million which was 12.51 percent of the total budget for the District of Columbia. The 1965 Congress appropriated $37,500,000 for the Federal payment and this was 12.57 percent of the total budget for the District of Columbia. The $105,000,000 recommended is the total authorized Federal payment, and this is 17.59 percent of the total budget for the District of Columbia. In addition to the Federal payment, the District of Columbia will receive Federal grants totaling $198,729,000. A summary of the Federal grant assistance to the District of Columbia appears on page 4 of our report, and this amount of money is not a part of the budget for fiscal year 1971 which was presented to our committee. The grants set forth, which total the $198,729,000, represent funds which are used in the different departments of the District government on the same basis of funds used by the 50 States which are carried under the basic legislation authorizing such money.

The amount that we recommend is $182,252,000 less than the total requested, and $7,343,600 less than the amount appropriated for fiscal year 1970.

In reporting this bill at this time we had to make severe reductions to bring the budget into balance. Unfortunately, our committee has had almost no flexibility in its action to balance the budget. A high proportion of the increases requested are to meet mandatory and uncontrollable personnel costs and the staffing of new facilities that will be ready for occupancy during the forthcoming fiscal year. In most instances only these costs have been allowed. Requests for new programs had to be deferred and many capital outlay projects have also been deferred, including those for street maintenance and water pollution control. The operating budget assumed the adoption of revenue measures including a property tax increase, an income tax increase, a Federal payment formula, and a gasoline tax increase. New revenues from these sources are estimated at $63.2 million. None of these measures have been enacted. The property tax rate is set by the City Council, and the other measures must be acted upon by the Congress.

The capital outlay budget assumed the enactment of bonding authority to fund $143.1 million of the $209,000,000 requested. The construction program is currently funded by loan authority which is expiring. No action has been taken by the Congress to provide the additional financing required.

Mr. Chairman, in order to provide a balanced budget the committee is recommending reductions of $37,533,000 in the request for operating expenses, plus the elimination of $25,522,000 in proposed reserves. Capital outlay requests have been reduced $144.7 million. Approximately $1,000,000 in loan authority in the general fund will be available for future financing of projects. Loan authority for the highway and sanitary sewage works fund is completely exhausted.

Our committee is still of the opinion that there is a place for both a freeway system and a rapid rail transit system in our Capital City. In order to meet the tremendous day-by-day growth of traffic, the freeway program must be carried out along with the rapid transit system.

The history of the problems of constructing the Interstate Freeway System in the District of Columbia is a matter of public record and is again documented in part 2 of the printed hearings accompanying this bill, commencing on page 380. Appropriations were first made in 1958 and to date over $200 million is available for the freeway system. The Federal Aid Highway Act of 1968, section 23, directed the District to proceed with construction of certain segments of the freeway system and to study others and report back to the Congress. Actions were taken to implement this section and this committee recommended the appropriation of $40,322,000 for the District's share of the 1970 subway construction program. On April 30 of this year, this committee recommended the appropriation of an additional $1,293,000 for the same purpose. In February 1970, the District government and the Secretary of Transportation submitted reports to the Congress as required by the Highway Act of 1968 which contain certain proposals that are not in compliance with the intent of the law. Another impasse has evolved. Until the current impasse on freeway construction is resolved no funds will be recommended for the District's share of the Washington Metropolitan Area Transit Authority's fiscal year 1971 construction program. For this reason, Mr. Chairman, we do not recommend at this time the sum of $34,178,000 for the District's share of the rapid transit construction program costs.

As I have previously stated, Mr. Chairman, during the hearings before our committee, I documented the history of the problems of constructing the Interstate Highway System and the rapid rail transit system. That portion of the hearings pertaining to this matter is as follows:

IMPASSE IN FREEWAY SYSTEM

The members of the committee remember full well that in September of 1969 after the impasse was solved in regard to freeways and rapid transit construction, our subcommittee recommended that the rapid transit money be released and we, in turn, in the conference with the Senate agreed to go along with the construction money for rapid transit.

Prior to this time, and, Mr. Davis, you will recall this without any trouble, President Nixon became very much concerned about the situation as it existed here in our Capital city and I want to say for the record that President Nixon has done everything that he said he would do in regard to solving the impasse that has developed and, as I have stated on the floor of the House on more than one occasion, this is the first time that a President of the United States has had nerve enough and courage enough to take a stand in this matter. This impasse existed for over 8 years and our committee after appropriating millions of dollars, a total sum of $200 million was available, naturally expected the freeway system to proceed in an orderly fashion, saying all the while that there was a place in our Capital city for both a freeway system and a rapid rail transit system. We believe that in order to meet the tremendous day-by-day growth of traffic the freeway program must be carried out along with the rapid transit system.

Operating on this premise, we approved and recommended that the construction money for rapid rail transit be released. As you will recall, Mr. Davis, I issued a statement which I placed in the Congressional Record reviewing the situation concerning freeways and rapid transit, and unless there is some objection I would like to insert that statement in this hearing record at this point.

STATEMENT OF CHAIRMAN NATCHER

Our committee is still of the opinion that there is a place for both a freeway system and a rapid rail transit system in our Capital city. We believe that in order to meet the tremendous day-by-day growth of traffic the freeway program must be carried out along with the rapid transit system.

We started appropriating funds for our freeway system following the 5-year study which was adopted by the District of Columbia in 1958. We now have available over $200 million which must be used for the freeway system.

In 1962 we started having trouble over the freeway system and this has been the situation up to July 9, 1969, when I recommended to the House that the conference report on the supplemental appropriations bill deleting the $18,737,000 for the start of construction on the rapid transit system be approved. Following our refusal to again approve construction funds for rapid transit construction until the freeway system was started and underway according to the provisions of the Highway Act of 1968, we have had certain actions starting with the District of Columbia City Council vote which approved a resolution requiring the District government to comply with the Highway Act of 1968. This was on August 9, 1969.

On August 11, 1969, the Department of Highways and Traffic received an order from the Commissioner and the Deputy Commissioner directing the Highway Department to proceed immediately to implement the provisions of section 23 of the Federal Aid Highway Act of 1968.

An August 11 the House of Representatives approved the District of Columbia Revenue Act which contained the following provision;

SEC. 903. No funds may be appropriated for any fiscal year under article VI of the District of Columbia Revenue Act of 1947 (D.C.

Code, secs. 47-2501a-47-2501b) until the President of the United States has reported to the Congress that (1) the District of Columbia government has begun work on each of the projects listed in section 23(b) of the Federal Aid Highway Act of 1968 and has committed itself to complete those projects, or (2) the District of Columbia government has not begun work on each of those projects, or made or carried out that commitment, solely because of a court injunction issued in response to a petition filed by a person other than the District of Columbia or an agency, department, or instrumentality of the United States.

On August 12, 1969, I received the following letter from President Nixon:

THE WHITE HOUSE,
Washington, D.C., August 12, 1969.

DEAR BILL: Your diligent efforts through the years to insure that the District of Columbia will enjoy a balanced transportation system are very much appreciated by all of us who are concerned with the welfare of our Capital City. As you know, I have previously expressed my desire that a fair and effective settlement of the issues involved in the transportation controversy be reached to serve the interests of all those concerned—central city dwellers, suburbanites, shoppers, employees, and visitors. It is my conviction that those steps necessary for a fair and effective settlement have been taken.

The City Council of the District of Columbia has now voted in favor of a resolution to complete the requirements of a Federal Aid Highway Act of 1968. Immediately thereafter, the Commissioner of the District of Columbia directed the Department of Highways to implement immediately the requirements of the Act. The Secretary of Transportation has directed the Federal Highway Administrator to rescind the letter of his predecessor dated January 17, 1969, thus placing these projects back into the Interstate System. Furthermore, the Federal Highway Administrator has been directed to work closely with the Highway Department of the District of Columbia in order to continue work until completion of all projects and the study called for in the Federal Aid Highway Act of 1968. I trust that these actions will fulfill the criteria which you set forth in your statement of August 11, 1969.

The District of Columbia government is firmly committed to completion of these projects as the Federal Aid Highway Act of 1968 provides. I join the District of Columbia government in that commitment, and I have directed the Attorney General and the Secretary of Transportation to provide assistance to the Corporation Counsel of the District of Columbia to vigorously defend any lawsuits which may be filed to thwart the continuation of the projects called for by this act.

A balanced transportation system is essential for the proper growth and development of the District of Columbia. I hope that this evidence of tangible progress would permit us to assure the citizens of the District of Columbia that your subcomittee will be in a position to approve the $18,737,000 deleted from the supplemental appropriation bill together with the $21,586,000 in the regular appropriation bill for the District of Columbia for fiscal year 1970.

With cordial regards.
Sincerely,
RICHARD NIXON.

On August 13, 1969, F. C. Turner, Federal Highway Administrator, directed a letter to T. F. Airis, Director of the District of Columbia Department of Highway and Traffic, stating that certain adjustments had been made in the Interstate System for the District of Columbia and that such action had reinstated the system to its status as covered in the Interstate System cost estimate referred to in the Federal Aid Highway Act of 1968.

On September 18, 1969, I received the following letter from Mr. Airis, the Director of the Department of Highway and Traffic of the District of Columbia:

GOVERNMENT OF THE DISTRICT OF COLUMBIA, DEPARTMENT OF HIGHWAYS AND TRAFFIC,
Washington, D.C., September 18, 1969.

Hon. WILLIAM H. NATCHER,
Chairman, Subcommittee on Appropriations for the District of Columbia, U.S. House of Representatives, Washington, D.C.

DEAR MR. NATCHER: On September 17, 1969, the Department of Highways and Traffic, District of Columbia, received bids for the construction of a new Potomac River crossing—Interstate Route 266—vicinity of the Three Sisters Islands—Contract No. 1—substructure river piers, Federal Aid Project No. District of Columbia-Virginia I-266-2(103)1.

A total of six bids were received, ranging from a low of $1,152,830 to a high of $1,528,480. The low bid, submitted by the Head Construction Co., Washington, D.C., is approximately 5 percent above our office estimate. The low bidder is considered competent and qualified to carry out the provisions of this contract and, as a result, the contract was awarded to the Head Construction Co. on this date, with the concurrence of the Bureau of Public Roads, Federal Highway Administration.

We anticipate that all necessary contract documents will be completely executed sometime tomorrow, and efforts will be made to have the contractor commence operations early during the week of September 22, 1969.

The above information is being furnished in order that you and your committee may be kept abreast of the progress being made by the District Government in implementing the provisions of the Federal Aid Highway Act of 1968.

With warmest regards,
Sincerely yours,
T. F. AIRIS,
Director.

On September 18, 1969, I received the following letter from Robert P. Mayo, Director of the Bureau of the Budget:

EXECUTIVE OFFICE OF THE PRESIDENT, BUREAU OF THE BUDGET,
Washington, D.C., September 18, 1969.

Hon. WILLIAM H. NATCHER,
Chairman, Subcommittee on the District of Columbia, Committee on Appropriations, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is to clarify the situation with respect to the District of Columbia appropriation requests for the proposed rapid rail transit system.

I would like to assure you that the appropriation for fiscal year 1970 of the $18,737,000, earlier deleted from the District of Columbia supplemental appropriation for fiscal year 1969, together with the appropriation of the $21,586,000 in the 1970 fiscal year appropriation request, would be in accord with the program of the President.

Sincerely,
ROBERT P. MAYO,
Director.

On September 22, 1969, I received an excellent statement from Mr. Airis, the Director of the Department of Highways and Traffic, covering all of the highway projects listed under the Highway Act of 1968 and the action the Department of Highways and Traffic is taking at this time to comply with the resolution of the City Council and the Highway Act of 1968. This statement clearly shows that the freeway program is underway.

All of these acts indicate clearly that we are in complete agreement that freeway construction as provided under the highway Act of 1968 must proceed with rapid rail transit construction.

I will now recommend that the $18,737,000 deleted from the supplemental appropriations bill together with the $21,586,000 in the regular appropriations bill for the District of Columbia for fiscal year 1970 be appropriated for rapid rail transit construction. I will further recommend that the Federal share for rapid transit construction appropriated for fiscal year 1969 totaling $43,772,000 be released. The provision concerning this amount is contained in the report accompanying the appropriations bill for fiscal year 1969 for the Department of Interior and related agencies and the following part of the report applies:

"DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

"Federal Contribution

Appropriation, 1968	------------
Estimate, 1969	$55,147,000
Recommended, 1969	43,772,000
Comparison:	
Appropriation, 1968	+43,772,000
Estimate, 1969	−11,375,000

"Funds available under this appropriation item are to enable the Department of Housing and Urban Development to pay the Washington Metropolitan Area Transit Authority, as part of the Federal contribution toward expenses necessary to design, engineer, construct and equip a rail rapid transit system, as authorized by the National Capital Transportation Act of 1965, as amended. Funds included in this bill represent two-thirds of the Federal contribution to this project, the remaining one-third to be provided by the District of Columbia.

"The committee directs that this appropriation shall be available only to the extent that an amount equal to one-half the funds provided by this appropriation has been provided by the District of Columbia as required by Public Law 89-173.

"The committee's recommendation is based on a total program of $68,763,000 consisting of $8,680,000 for engineering and design; $5,200,000 for rights-of-way and land acquisition; and $54,883,000 for construction. Deducting $3,105,000 representing that portion of the program which will be financed from prior year funds leaves a total of new obligational authority of $65,658,000. Of this total amount $43,772,000 is included in this bill and $21,886,000 would be for provision by the District of Columbia."

ACTION BY THE COMMITTEE ON PUBLIC WORKS

Mr. NATCHER. Since the reports have been made by the District Government and by Secretary Volpe as required by the Highway Act, the Committee on Public Works of the House of Representatives has given this matter attention. On February 27, 1970, Chairman George H. Fallon of the Public Works Committee directed a letter to President Nixon, in which he stated in part that the Congress had received from the District of Columbia and the Department of Transportation their respective reports as required by the Highway Act of 1968.

The letter goes on to state that the reports are, for the most part, in disagreement with each other and are radical departures from the 1968 act.

I have the permission of the chairman of the Public Works Committee of the House to place in the record at this point a copy of this letter. In addition, the chairman of the Public Works Committee, Mr. Fallon, in a statement on the floor of the House made certain observations concerning compliance with the Highway Act of 1968 by the Department of Transportation and by the District Government. The statement and the letter clearly show that the Highway Act of 1968 has not been complied with and that this fact is known by the Department of Transportation and the District Government.

I will place in the record at this point the copy of the letter to President Nixon, and also the statement of the chairman of the Public Works Committee which he made on the floor of the House concerning the reports that had been received which are not in compliance with the provisions of the Federal Aid Highway Act of 1968.

COMMITTEE ON PUBLIC WORKS,
CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., February 27, 1970.

Hon. RICHARD M. NIXON,
President of the United States,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: In a letter to you of November 12, 1969, particular exception was taken to a crash study program being planned by the District of Columbia government which went far afield of the Federal Aid Highway Act of 1968.

The letter also stated clearly the intent of the Congress in that act with respect to what was expected in the way of transportation studies.

The last paragraph of the letter clearly states the overall objective of section 23 of the act:

"The problems associated with the completion of the highway system over the years have been many and the 1968 Highway Act was intended to bring these problems to an end. It is very important that the District of Columbia and the other Federal agencies proceed with dispatch toward that objective."

The Congress has now received from the District of Columbia and the Department of Transportation their respective reports as required by the act. The reports are for the most part in disagreement with each other and are radical departures from the 1968 act.

I am enclosing a copy of my statement in the Congressional Record which expresses my concern in this regard.

Sincerely yours,

GEORGE H. FALLON,
Chairman.

STATEMENT OF THE CHAIRMAN OF THE PUBLIC WORKS COMMITTEE

Mr. Speaker, the Federal Aid Highway Act of 1968 required under section 23(c) the submission to the Congress of certain reports regarding the Interstate System in the District of Columbia.

The two reports submitted to the Congress this week, one from the District of Columbia government and one from the Secretary of Transportation have presented a confusing set of recommendations.

The intent of the 1968 Highway Act was to clarify the confusion which had reigned for so many years in the District of Columbia regarding the Interstate Highway System. The act directed that certain projects be completed and that others be studied further to enable the District to adjust the projects to whatever changing conditions had occurred during the long period of controversy.

The two reports submitted to the Congress are for the greater part in disagreement with each other, despite stories to the contrary in the press. In addition both contain wide variances from what is contained in the 1968 Highway Act. In other words the two have confused the picture to the same, if not worse, extent as that which existed when the 1968 Highway Act was passed.

While these positions have been developing, the District of Columbia Highway program has again showed signs of bogging down and for the same old reasons.

The East Leg which was to be under construction above Barney Circle has yet to see the award of a contract. The portion of this project which was directed to be under design between Benning Road and Bladensburg Road has yet to be started.

The Congress cannot sit idly by and allow millions of dollars of taxpayers money to be wasted in an unending series of studies the results of which there seems to be no intention of implementing or in which there is apparently no hope of agreement among the public bodies involved. Nor can they permit projects to proceed which have only had superficial examinations, and little, if any, factual basis.

Even the rapid transit system which required such painstaking effort on the part of so many to get underway is subject to delays by the various recommendations.

As reluctant as we are to inject ourselves into the local picture, it is imperative that the Congress act to insure the Nation's Capital a proper transportation system.

NEED TO RESOLVE IMPASSE

Mr. NATCHER. It is clear from what has transpired since our committee approved the money necessary to begin construction on the rapid transit system and since the time that we recommended to the chairman of the full Committee on Appropriations that the money heretofore approved and held in abeyance be released for construction, that the terms of the Highway Act of 1968 have not been complied with, and this is the situation that we are confronted with today.

Under no circumstances can I recommend to this committee that we continue appropriating funds for rapid rail transit construction unless the Highway Act of 1968 is complied with in its entirety. This is the law. It was passed by the House of Representatives and the Senate and signed by the President of the United States in 1968.

Since the reports were received by the Congress from the Transportation Department and from the District officials, and since the letter that was directed to the President by the chairman of the Public Works Committee was received, a meeting has been held with Secretary Volpe by the chairman of the Public Works Committee, the ranking minority member, and other members of the committee. I am reliably informed that as a result of this meeting every effort will now be made to comply with the Highway Act of 1968, and that this will take place before the District budget is approved for fiscal year 1971 by this committee.

If this takes place and the Highway Act of 1968 is complied with in its entirety, then I will be in a position to recommend to this committee that we continue appropriating funds for rapid rail transit construction over and above the 1970 fiscal year funds which we approved believing that the impasse was over and the Highway Act of 1968 would be carried out as promised on Aug. 9 and 11 of 1969. If not, then I do not intend to recommend construction funds for rapid transit for fiscal year 1971.

The committee recommends 41,290 positions for 1971. This is an increase of 308 over the current level. The budget proposed 44,855, an increase of 3,873.

Mr. Chairman, we recommend an appropriation of $48,406,000 for operating expenses for the various departments and agencies of the District government. This allowance is $3,940,400 more than has been appropriated to date for 1970 and $5,882,000 less than requested.

We recommend a total of $144,641,000 for Public Safety. This is $20,521,200 more than for 1970 and $3,751,000 less than requested.

For the Metropolitan Police Department, we recommend a total of $83,628,100. This is $15,248,200 above 1970 appropriations and $697,800 less than the amount requested.

This is the first time the committee has not been able to substantially allow the full request. This is due entirely to the lack of available revenues. The allowance recommended provides support for a uniformed force of 5,100 policemen.

We recommend $24,848,700 for the Fire Department. This is $482,200 above current appropriations to date and $923,800 less than requested. This reduction has been necessary due to the lack of available revenues. For the courts, we recommend a total of $17,299,400. No provision has been made for court reorganization proposed under pending legislation.

We recommend an appropriation of $146,353,000 for the operation of the public schools and higher educational institutions of the District of Columbia government.

For public schools, we recommend a total of $127,204,000 for 1971. This is an increase of $3,638,300 for 1970 appropriations to date and $10,407,800 less than requested. For the District of Columbia Teachers College, we recommend an appropriation of $2,674,000. This is $160,200 less than requested and $702,100 more than has been appropriated to date for 1970. For the Federal City College, we recommend an appropriation of $11,600,000. This is $5,095,000 below the requested amount and $726,000 above the 1971 appropriation currently enacted. Only the mandatory increased costs have been allowed. Due to the lack of revenue, it is not possible to provide appropriations for the 123 unfunded positions recently authorized in the Second Supplemental Appropriations Bill for 1970. For the Washington Technical Institute, we recommend $4,875,000 for 1971. This is an increase of $222,000 over current year appropriations but $1,547,500 less than the amount requested. Funds are not available for the recently authorized 31 unfunded positions.

Mr. Chairman, we recommend an appropriation of $11,141,000 for the Recreation Department. This is an increase of $1,961,300 over comparable 1970 appropriations to date and $2,387,400 less than requested. Funding responsibility for the National Capital region, National Capital parks and, the National Zoological Park has been assumed by the U.S. Government and the 1971 appropriations for those agencies are included in the Department of the Interior and related agencies appropriation bill for 1971.

We recommend a total of $156,677,000 for the six activities now grouped under the newly created Department of Human Resources. For public health we recommend a total of $87,152,000 for 1971, which is an increase of $4,460,200 over currently available appropriations and $710,400 less than requested.

For public welfare we recommend a total of $67,202,000 for 1971. This amount is $13,026,000 more than has been appropriated to date for 1970 and $4,622,900 less than requested. An increase of $9,128,000 has been allowed for public assistance payments to cover the full-year cost of the increased welfare payments

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provided last year and to meet an additional caseload. Mr. Chairman, our committee is concerned over the increasing welfare caseload. At such time as additional resources are available, every consideration will be given to restoring investigator positions to assure that those who are entitled to receive assistance and those who are not are removed from the rolls.

During the hearings the Department of Public Welfare requested $240,000 for construction services for a new school building to be located at Junior Village, which upon completion would cost $2,802,000. It developed that there would be 215 pupils to occupy this building and the daily estimated population for Junior Village for the fiscal year 1971 is 445. This, of course, Mr. Chairman, is a right expensive building just to be occupied by 215 pupils. After additional loan authority is approved by the Congress, thereby making all of the capital outlay projects eligible for consideration, the committee believes that this is one project that should be carefully considered before it is resubmitted for approval. We believe on our committee that every time a new building is constructed at Junior Village, to this extent we admit defeat.

Again we want to express our continuing concern for the well-being of homeless dependent children. It seems most unsatisfactory for our Capital City to continue to rely upon area hospitals and Junior Village for the care of infants and children abandoned or displaced from their natural parents. Certainly well babies do not belong in hospitals and growing children have no business in institutions. For many years now it has been known that institutional placement is destructive to the emotional, social, and intellectual development of children. More recent research indicates such institutional placement may have a permanent effect which cannot be overcome by later improvement in care. Our committee, Mr. Chairman, believes that the District authorities should develop, with all possible speed, programs to get displaced children into homes. We believe that every consideration should be given to innovative programs of other large cities which have successfully supplanted institutions with home care. Again we call upon the Welfare Department and the District officials to give every consideration in preparing their new budget to making a major shift in emphasis from institutions to foster homes for homeless dependent children.

We recommend an appropriation of $771,000 for the new Narcotics Treatment Agency. This new Agency is responsible for the heroin addiction program previously operated by the Department of Public Health. Only uncontrollable increased personnel costs have been allowed. Our committee, Mr. Chairman, is well aware that the appropriations recommended will not provide a comprehensive and effective treatment program adequate to the needs of addicts in the District of Columbia. The lack of funds brings about this action on the part of our committee.

We recommend an appropriation of $19,759,000 for highways and traffic.

Mr. Chairman, we recommend a total of $36,069,000 for sanitary engineering. This is $1,619,100 more than has been provided to date for fiscal year 1970 and is $1,197,000 less than the amount requested. For the Department of Sanitary Engineering we recommend a total of $31,713,400. For fiscal year 1970 we appropriated $30,454,000.

The committee recommends $15,563,000 for repayment of loans and interest on money borrowed from the Federal Treasury for financing the construction programs of the District of Columbia.

CAPITAL OUTLAY

Mr. Chairman, we recommend a total of $64,294,000 for capital outlay in fiscal year 1971. This is $56,388,300 less than has been appropriated to date for 1970 and $144,718,000 less than was requested in the amended budget. Capital outlay is financed by loans. Existing loan authority is not sufficient to finance all of the requested projects under the general and water funds. The projects allowed will be financed during 1971 from previously appropriated but unused loan appropriations. Loan authority for projects financed from the highway and sanitary sewage works funds has been completely utilized.

For public schools, Mr. Chairman, we recommend a total of $34,647,400 for capital outlay. Twenty-two projects were requested and we are able to recommend 20 for approval. This is $14,047,500 less than the amount requested for public schools.

For the Police Department our committee recommends the disapproval of construction funds for four new district station houses. The committee is concerned over the high cost of these proposed structures, which are currently estimated to cost from $3 million to $4 million. Under present plans, approximately 500 to 600 men would occupy each station house. Mr. Chairman, we recommend that the plans be reexamined and efforts made to design more austere facilities. So far, none of the sites proposed for these station houses have been acquired. We recommend a total of $1,605,100 for capital outlay items projects for the Police Department. We recommend $958,000 for capital outlay projects for public welfare. The large item totaling $4,320,000 for a new receiving home for children was withdrawn by the Department.

For the Department of General Services, we recommend $2,246,500.

For capital outlay for higher education we recommend a total of $4,086,700.

As heretofore discussed, Mr. Chairman, we do not recommend at this time the $34,178,000 for the District's share of the Washington Metropolitan Area Transit Authority's 1971 capital outlay program. Just as soon as the impasse is resolved, and the Highway Act of 1968 is complied with, we will recommend, Mr. Chairman, authority for the borrowing of the necessary $34,178,000 to be used as the District's share for rapid rail transit construction for the fiscal year 1971.

Only two of the 22 projects requested for the Department of Highways and Traffic can be approved, Mr. Chairman. Due to the lack of loan authority to finance the highway construction program only two projects can be allowed at this time. The $500,000 recommended for the Three Sisters Bridge will complete the financing for that structure and is available from existing resources. The project "street lighting and communications extensions" for which we recommend $776,000 will be financed from the general fund. All other projects, including those for street and bridge repair, maintenance, and improvements are financed from the highway fund and cannot be recommended at this time due to the fact that there are no available funds. Mr. Chairman, it is almost unbelievable that a budget would be presented to the Congress by the District officials with no available funds for repairing and maintaining the streets of our Nation's Capital. You will note on page 20 of the report accompanying this bill that street improvements and extensions costs total $3,495,000 and there are no available funds for this program at this time. We, therefore, can make no recommendation for appropriation of the necessary funds for street improvements and extensions. The table carried on page 20 further shows no available funds or loan authority for the balance of the freeway projects, and the other necessary projects requested by the Department of Highways and Traffic.

For capital outlay for the Department of Sanitary Engineering, we recommend $7,300,000.

For the Public Library, we recommend $387,600.

Mr. Chairman, for the Recreation Department, we recommend $3,316,000.

For the Police Department, we recommend $1,605,100. For the Fire Department, we recommend $1,342,500.

For public health, we recommend $2,934,000. Mr. Chairman, we recommend for the Department of Corrections $1,281,500.

For the Department of Public Welfare, we recommend $958,000. For the Department of General Services, we recommend $2,246,500, and for the Washington Aqueduct, we recommend $970,000.

Mr. Chairman, our committee recommends this bill to the Members of the House.

Mr. Chairman, I yield at this time to my distinguished friend, the gentleman from Virginia (Mr. SCOTT) who is interested in all matters pertaining to our Nation's Capital.

Mr. SCOTT. Mr. Chairman, I appreciate the gentleman yielding.

I understand the reason that there are no funds at this time in the bill for rapid transit, but I do represent a nearby district, and we are concerned about obtaining rapid transit into the suburban area. We understand this cannot be done until the facility here in the District of Columbia is constructed.

Can the gentleman tell me what the procedure is now? I understand the District of Columbia has not complied with the Highway Act of 1968, and yet, in the interest of my constituents, I wish there were some way we would not arrive at an impasse, and that we could move along.

Is the burden on the officials of the

District of Columbia to comply with the 1968 Highway Act? How can we not have any further delay on rapid transit?

Mr. NATCHER. The burden at this time is on the officials in the District government and the Secretary of Transportation and the members of his agency.

Our committee is still of the opinion that there is a place for both a freeway system and a rapid rail transit system in our Capital City. In order to meet the tremendous day-by-day growth of traffic, the freeway program must be carried out along with the rapid transit system.

The history of the problems of constructing the Interstate Freeway System in the District of Columbia is a matter of public record and is again documented in part 2 of the printed hearings accompanying this bill, commencing on page 380. Appropriations were first made in 1958 and to date over $200 million is available for the freeway system. The Federal Aid Highway Act of 1968, section 23, directed the District to proceed with construction of certain segments of the freeway system and to study others and report back to the Congress. Actions were taken to implement this section and this committee recommended the appropriation of $40,322,000 for the District's share of the 1970 subway construction program. On April 30 of this year this committee recommended the appropriation of an additional $1,293,000 for the same purpose. In February 1970, the District government and the Secretary of Transportation submitted reports to the Congress as required by the Highway Act of 1968 which contain certain proposals that are not in compliance with the intent of the law. Another impasse has evolved. Until the current impasse on freeway construction is resolved no funds will be recommended for the District's share of the Washington Metropolitan Area Transit Authority's fiscal year 1971 construction program. For this reason, Mr. Chairman, we do not recommend at this time the sum of $34,178,000 for the District's share of the rapid transit construction program costs.

If between now and the time the bill passes the Senate, or at any time the District officials and the Department of Transportation comply wtih the Highway Act of 1968, I will recommend to the members of our subcommittee, to our Committee on Appropriations and to the full House that we appropriate the $34,178,000 requested.

The CHAIRMAN. The time of the gentleman from Kentucky has again expired.

Mr. NATCHER. Mr. Chairman, I yield myself 4 additional minutes.

The action of the committee does not stop rapid transit at this time. The work that is underway today will continue. We do not want to stop rapid transit.

But I must say this: As long as there is not compliance with the law passed by this House and the Congress of the United States I will never come to the floor of the House and ask for money to continue construction.

At any time there is compliance—and the appropriate officials know what it takes to comply, I will recommend construction money for rapid transit as was done last year.

Mr. SCOTT. Mr. Chairman, I appreciate what the gentleman is doing and what his subcommittee is doing. I have no thought of any criticism of the subcommittee. I am interested in nothing being done that would hold up the construction of the rapid transit system, and especially to the suburban area.

Perhaps I could contact the Secretary of Transportation and urge him to be in touch with the District of Columbia officials, and perhaps other Members of this House could point out there is an obligation on the part of the District of Columbia to comply with the 1968 act. I am just trying to find a way to see that we do not come to an impasse in the future and that we do not delay the construction of this rapid transit system.

Mr. NATCHER. I appreciate the gentleman's observation.

I want the gentleman to know that I hope the day will come when we can come back to the House, and recommend appropriating the $34,178,000 requested. I hope it will be in the near future.

Mr. MONTGOMERY. Mr. Chairman, will the gentleman yield?

Mr. NATCHER. I yield to my distinguished friend from Mississippi.

Mr. MONTGOMERY. I thank the gentleman for yielding.

I have listened with great interest to the gentleman's remarks. I should certainly like to commend the gentleman and the members of his subcommittee for their report. I was certainly pleased when the gentleman in the well mentioned that he has recommended that there be a balanced budget for the District of Columbia, with expenditures balanced against revenues. I wanted to be associated with the gentleman in this regard.

Mr. NATCHER. I thank my friend for his remarks.

Mr. PATTEN. Mr. Chairman, will the gentleman yield?

Mr. NATCHER. I yield to my distinguished friend from New Jersey, a member of the subcommittee.

Mr. PATTEN. Thank you, Mr. Chairman.

I know, so far as the gentleman's work on the Appropriations Committee is concerned, he takes care of it. The District of Columbia is probably equivalent to the 11th State in the United States. As all the States have city problems and social problems, so does the District of Columbia.

I think you and I recognize that as members of the Committee on Appropriations we are very limited in what we can do. I do not feel that we get to the nitty-gritty of District problems. Even though you have the spirit and I have the spirit and the other members of the committee do, to upgrade our schools and do all of the things necessary for our Police Department so as to make the city safe, and make this the greatest city in the country, still all too often a responsibility is put upon our shoulders which is difficult to fulfill. Just serving on the Committee on Appropriations is actually inadequate for running the District of Columbia. The responsibility must be put where it belongs, namely, on the city administration, on the White House, and whoever else actually does the job. As members of the committee, we are very limited in our efforts. Is that not true?

Mr. NATCHER. The gentleman is exactly correct, and I thank the gentleman for his statement.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NATCHER. Mr. Chairman, I yield myself 2 additional minutes, and I yield at this time to the distinguished gentleman from Maryland, another Member of this House who is interested in the District of Columbia.

Mr. GUDE. I thank the gentleman for yielding.

I would like to say at this time that the gentleman from Kentucky has worked long and hard and has taken a deep interest in our city. I know the complexity of the problems with which he is faced with regard to the District of Columbia. It is not an easy task.

But, in regard to the question of the Metro system and the expressway system here in the city, I realize that I am one of a very small handful of Congressmen who take exception to a deepseated feeling in this House that we should not go ahead with funding the transit system unless we have corresponding progress in the expressway system. Let me say that although I stand first in wishing for a balanced transportation system of both transit and freeway, I wish it to be clear that I vigorously support every effort to build these systems which are critically needed by this city and the metropolitan area. The transit system and the freeway system should each be judged on its own merits, and I do not feel that we should hold one program hostage to the other.

But regardless, I would say despite the fact that his constituency is far removed from this area the gentleman from Kentucky has applied himself diligently trying to solve some of the very difficult problems we have in the metropolitan area of Washington. I want to thank the gentleman for that.

Mr. NATCHER. I thank my friend for his statement.

Mr. KLUCZYNSKI. Mr. Chairman, I want to most emphatically associate myself with the statement made today by that great gentleman from Kentucky, Congressman WILLIAM NATCHER concerning the District of Columbia freeway program.

As he has stated, the Committee on Public Works, chaired by that wonderful gentleman from Maryland, Mr. GEORGE FALLON, and the Subcommittee on Roads of which I am the chairman, felt that the 1968 Highway Act certainly was intended to put an end to the years of unnecessary and ridiculous bickering which had gone on in the District of Columbia concerning interstate highway routes for the Nation's Capital.

We all realize that you must have both a rapid transit system and a freeway system in the large metropolitan areas if those areas are to survive. My own city of Chicago has one of the best transportation systems of any city in the world because it has both an extensive freeway system and an excellent mass transit sys-

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tem. Just this week Mayor Daley of that great city testified before our committee concerning the 1970 Federal-Aid Highway Act. He stated in no uncertain terms that an extensive freeway system is an absolute necessity for the economic well-being of our cities if they are to remain great. I certainly agree with him.

Here in the Capital of this great Nation we only need a few more miles to complete the Interstate System. Even then it will be a system of only moderate size. It is just intolerable that the city government continues to obstruct and delay and drag its feet on this vital project.

Where positive action is required all that can be seen is negativeness coupled with a cowering every time a militant voice is raised to object. I read recently that the great Roman statesman and philosopher, Seneca remarked long ago, "that government is ill-conducted, when the mob rules its leader."

As the great gentleman from Texas, (Mr. MAHON), chairman of the Appropriations Committee also stated today, we must have a National Capital of which we are proud. We can hardly be proud of unfinished freeways and intolerable traffic congestion which has resulted from a government of indecision.

Mr. DAVIS of Wisconsin. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I rise in full support of this bill, every portion of it, and in full concurrence with the report which has been prepared. I believe the report is both informational and concise.

I certainly concur with the remarks which the gentleman from Maryland (Mr. GUDE) just made concerning the dedication and effort that our chairman has exhibited during all the years that I have had the privilege of serving with him in bringing this bill to the House of Representatives.

Unfortunately, we did not have the flexibility which we would have liked to have had in working with this bill this year. This is because of the very substantial deficit condition in which we received it. There was a $206 million difference between the budget that was before us and the funds that were available. Consequently, we could not approve substantial new programs.

There are essentially three sources of additional funds that I suspect need to be and will be made available sometime before the final chapter in this piece of legislation for fiscal year 1971 is written.

One is with respect to the Federal payment. This bill provides the maximum authorized by law. Legislation is pending to change the formula.

A second is through increased taxes. This is a joint responsibility of the Council and of the Congress. The Council does have the authority to adjust real estate taxes without congressional concurrence. The Congress has the authority and responsibility for providing additional sources of revenue.

The third source of funds, concerned primarily with capital outlay, is borrowing authority. This bill provides for the use of all the remaining authorized borrowing authority. If there are to be additional capital outlay projects and programs it will be necessary for the existing borrowing authority to be increased.

The District government has recommended a change in their borrowing authority this year. Under the present law, as I am sure members who serve on the Legislative Committee are very much aware, they cannot borrow in the traditional manner through the issuance of bonds. Instead they are authorized to borrow direct from the Treasury for capital outlay programs in the District.

The District government has recommended that they be permitted to issue bonds as do other municipalities and States. However, this involves a legislative matter upon which this committee is not in a position to pass judgment. We can only report to you that if additional capital outlay programs are to be approved, it will have to be through an extension of their existing authority or a change authorized by the legislative committee.

We know as we stand here this morning presenting this bill to you that there are some things that we could not fund that need to be funded. But we must await either increased revenue, an increased Federal payment, or increased borrowing authority before any of them can be done.

For example, there is pending legislation to revise and reorganize the courts. This, if and when it is done—and we hope it will be done while this Congress is in session early in the new fiscal year—will mean additional expenditures for both personnel and facilities.

We know there are some projects in the Department of Recreation that need to be provided. We also know that there are facilities for physical education at the institutions of higher learning that need to be provided. We know that certain of the drug and alcoholic control programs need to be implemented, and require additional funding when it can be made available.

In the Department of Highways and Traffic—and I direct your attention to page 20 of the report—you will note that there is simply not money available to do many things that we know must be done.

The same situation exists with the Department of Sanitary Engineering, the sanitary sewage works fund and, as the gentleman from Maryland has pointed out, with the subway. It is the lack of available revenue that has prohibited us from providing any more funds than are contained in this bill.

Mr. GUDE. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Wisconsin. I yield to the gentleman from Maryland.

Mr. GUDE. Mr. Chairman, I thank the gentleman for yielding. I note that the gentleman made reference to the Department of Sanitary Engineering. The President, the Department of the Interior, this Congress, and the American people have made a commitment to clean up the Nation's waters, and we in Congress are moving to fulfill our pledge with the authorizations and funding necessary to provide wholesome water.

Yesterday, members of the Maryland delegation, our two Senators and the Congressman from the Fifth District, Congressman HOGAN, and I, met with the State and local officials in regard to the sanitary sewer problem in the Washington area. We in Maryland are confronted with a State health department order which will prohibit further house construction until the WSSC alleviates certain conditions and overflows. Corollary to this is the question of the sewage load which the Blue Plains plant should ultimately handle. We must resolve both of these questions. We must have a safe sewage system so that new home construction can go forward with a guarantee of adequate sewage service. But we need the appropriations requested by the District to meet the water quality standards for the Potomac.

I believe America's commitment to clean water includes purifying the waters of the river which flows through the Nation's Capital.

I thank the gentleman from Wisconsin for indicating that the Committee on Appropriations did not delete this particular item, because the Members felt that it was a low priority issue, and did not merit funding. Our commitment to cleaning up the water includes appropriating in this session of Congress whatever funds are necessary so that construction will go forward at the Blue Plains plant and meet the timetables and standards necessary to clean up the Potomac.

Mr. Chairman, again I thank the gentleman for yielding.

Mr. DAVIS of Wisconsin. Mr. Chairman, I appreciate the comments of the gentleman from Maryland (Mr. GUDE). I do not believe that the fact that we could not do some of these things financially indicates a belief on the part of some of the committee members that they are not items of high priority. It simply was a matter of finances. I previously mentioned the sanitary sewage works fund as one of those areas where we recognize the need to do something as soon as there is proper legislation to permit us to proceed.

I think every member of the subcommittee recognizes the significance of the Blue Plains project. However, it does involve a substantial sum of money, and that money is just not available at the present time. I certainly would not want our action to be interpreted as an indication of our thinking that this item is low priority.

Mr. GUDE. Mr. Chairman, will the gentleman yield further?

Mr. DAVIS of Wisconsin. I yield further to the gentleman from Maryland.

Mr. GUDE. Mr. Chairman, I thank the gentleman for yielding. I would gather, from the gentleman from Wisconsin, speaking as one of the leaders of the committee, that the Subcommittee on Appropriations would not be adverse to granting additional appropriations provided that the authorization were made available which would make it possible to meet the water quality standards as set forth by the District of Columbia in its request.

Mr. DAVIS of Wisconsin. I cannot of

course speak for the rest of the members of the subcommittee. I can only say that the chairman is very much aware of the urgency of this subject, and so am I.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DAVIS of Wisconsin. Mr. Chairman, I yield myself 5 additional minutes.

This does represent a large commitment requested for the current fiscal year. Consequently it was one of those items that the committee felt it had to leave out at this time. The committee's hope is that there will be legislation by the time of conference with the Members of the Senate on this bill. That would then be an opportunity to review all of these capital outlays and other operational programs in light of the revenues that are available to us at that time.

Mr. GUDE. I thank the gentleman for having this concern for the purity of the Potomac River as I am sure he does for the beautiful lakes of Wisconsin.

Mr. DAVIS of Wisconsin. Mr. Chairman, I would like to say in conclusion that I do recommend the reading of this report to all of the Members. I think it is an informative report and I think a reading of it will provide insight to the committee viewpoint and to the financial problems the committee had to wrestle in bringing this bill to you.

I do regret, as I know the chairman also regrets, the necessity of considering this bill under these circumstances. They make it impossible to give a true picture of the whole program we hope we can provide for the District of Columbia for the next fiscal year. The committee is aware that some activities are not provided for in this bill which are urgently required. It is the committee's hope, of course, that revenue and borrowing authority proposed in the budget will have been considered prior to the consideration of the conference report on this bill. At that time we will have a more complete fiscal picture for the District of Columbia and we will know better what program we can provide for the District of Columbia for the next fiscal year.

Mr. Chairman, I have a very brief table of comparisons between the bill as the committee brings it to the House which I shall incorporate in my remarks. We hope it will be helpful in giving a little more complete perspective of just what we have tried to do in connection with this legislation.

Mr. Chairman, I include the following breakdown of the District of Columbia appropriation bill, for the information of the Members:

District of Columbia

1970	$650,249,600
1971 request	825,158,000
1971 bill	642,906,000
Reduction from budget request	−182,252,000
Reduction from last year	−7,343,600

Major changes from last year

	Millions
Federal funds:	
Loan appropriation to District of Columbia	−$60.3
Federal payment to District of Columbia	+.8
District of Columbia funds:	
Public safety	+20.5
Human resources	+18.8
Recreation	−6.8
Education	+5.3
General operating expenses	+3.9
Sanitary engineering	+1.6
Reimbursement to U.S. loans and interest	+4.8
Capital outlay	−56.4

Mr. NATCHER. Mr. Chairman, at this time I yield to the distinguished gentleman from Texas, the chairman of the full Committee on Appropriations (Mr. MAHON) such time as he may consume.

Mr. MAHON. Mr. Chairman, all thoughtful Americans love this great country and are proud of their heritage.

We make no claim of perfection, but we do have a wonderful country. It would not be possible to revere the country without having great respect for the Nation's Capital, Washington, D.C.

A critic might look about the House Chamber and say, in view of the rather small attendance at the moment, that the Members of the House are not interested in the District of Columbia; that the Members of the House are not interested in what goes on in Washington, D.C. But that would be inaccurate and inappropriate.

Mr. Chairman, I want to say in my opinion the Members of this House have great concern for the District of Columbia. They want to see the District run well. They want to see Washington, D.C., the pride of the Nation and the pride of the world.

I find, Mr. Chairman, that people from my area, and many of them come to Washington, are utterly surprised and amazed at what they see in the Nation's Capital. Some of them have come here with fear, wondering whether or not a visit to Washington would be safe for them and for their family.

When they come to Washington they are delighted and relieved to find that Washington is a pleasant and interesting city to visit.

Earlier this week a mother and her two daughters and son from the district I represent visited my office. Hardly have I seen people so exuberant and happy and delighted over their visit to the Nation's Capital.

They were utterly surprised to find how courteous the people of the District of Columbia are, how kind everyone is, how people went out of their way to make their visit to the Nation's Capital more delightful.

The people who live in the District of Columbia, as citizens of this area, should not be misled into thinking that the Members of the House of Representatives are unconcerned about their welfare. We regret, the members of the Appropriations Committee and Members generally, that we could not provide more funds in this bill to carry on various programs of the District, but we have to comply with the law, which requires that we have to have the funds for the District before we can appropriate the money.

Of course, we know that before the session is over, certain revenue actions will be taken that will provide additional funds and, of course, the Committee on Appropriations and the House will recommend and pass legislation providing the additional funds for essential programs.

I want to pay high compliment to Mr. NATCHER, Mr. DAVIS, and to the members of the subcommittee who have labored long and hard to enable the District of Columbia, the city of Washington, to become a lovelier and safer city for the people who live here and for the countless thousands of people from all over the Nation and all over the world who come to visit the capital of the greatest Nation in the world.

Mr. DAVIS of Wisconsin. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia (Mr. BROYHILL).

Mr. BROYHILL of Virginia. Mr. Chairman, I take the floor at this time to express my concern regarding the deletion of the funds for two major projects from this pending appropriation bill. I know there has already been some colloquy about these two projects during prior debate on this bill. I would, however, like to discuss these two points a little further in order to emphasize the seriousness of the problems.

First, the deletion of $34 million to continue the construction of the mass transit system. We are all aware of the seriousness of traffic congestion and have agreed to the necessity of a subway system. The more we delay doing something about it, the more it will cost to solve the problem.

The other matter of concern is the deletion of funds for the enlargement of the sewage treatment plant at Blue Plains. I think one of the No. 1 domestic problems with which our Nation is confronted, and certainly on which there has been a great deal of public interest, is the problem of the environment and what is happening to it. It is rather disgusting and most embarrassing to have a serious problem of pollution right here in the Nation's Capital, a problem on which we are far behind in doing what must be done to eliminate it. We have been so negligent in the past years that the proper solution will now cost more than $1 billion. To delay the relatively small appropriation of $40 million in order to do the minimum that must be done at this time I think is somewhat unforgivable. I make that statement not in criticism of the Committee on Appropriations or the Subcommittee on Appropriations for the District of Columbia. On the contrary. I commend them, particularly the chairman, the gentleman from Kentucky (Mr. NATCHER) on doing a splendid job.

Most certainly the increased cost of operating this District government is unconscionable. The idea of asking for 3,800 additional employees at a cost of $32 million a year should be looked into with a very close scrutiny. The fact that we have three or four times the number of employees per capita in the District of Columbia than there are in any other city of comparable size is something that should require a thorough investigation. So I have no quarrel with the Appropriations Committee in being very careful in what they do in their consideration of the budget requests of the District government.

But I do hope the committee will reconsider its actions in delaying the appropriation for the mass transit system and the sewage treatment plant. What I would like to ask the chairman of the subcommittee is this: What do we need to get the District of Columbia to do in order to release these funds?

I might add, before the gentleman responds to my question, that I feel the administration itself, the national administration, has been dragging its feet. I think the Department of Interior has put many stumbling blocks in the path of the transit agency. The Department of Transportation, and the Department of Labor have seriously delayed the movement forward of this construction program because they wanted to develop a set of so-called guidelines for the employment of minorities.

I agree with the gentleman from Kentucky that the District of Columbia government has been dragging its feet.

But, Mr. Chairman, what specifically can we require the District of Columbia government to do at this time in order to release these funds?

Mr. NATCHER. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL of Virginia. I yield to the gentleman from Kentucky.

Mr. NATCHER. The gentleman is asking about the release of funds for the rapid rail transit?

Mr. BROYHILL of Virginia. The subway system.

Mr. NATCHER. All down through the years, the gentleman and I have been of the same opinion that there is a need for both the highway and the rapid transit systems in this city.

The 1968 Highway Act required of the Government of the District of Columbia and the Department of Transportation a positive series of actions.

First of all, as the gentleman knows, the 1968 Highway Act directed that "all routes on the Interstate System within the District of Columbia as set forth in the document entitled '1968 Estimate of the Cost of Completion of the National System of Interstate and Defense Highway in the District of Columbia' " be constructed as soon as possible under all applicable provisions of title 23 of the United States Code.

The act further presented two steps in which to accomplish this construction, namely:

First. Not later than 30 days after enactment of the law, which was signed on August 23, 1968—almost 2 years ago, work was to be commenced on four specific projects—the Three Sisters Bridge, the Potomac River Freeway, the center leg of the inner loop, and the east leg of the inner loop.

Second. The remainder of the projects would be studied for a period of 18 months and reported back to the Congress by February 23, 1970.

With regard to the first step of the act the District government proceeded not only to completely ignore the law but within a period of about 4 months proceeded to remove from the plan three of the four required projects as they were designated by the Congress. Most of the remaining study projects were changed completely from what was indicated in the act.

The gentleman distinctly remembers we said to the Members of the House that we are for rapid transit. As soon as this takes place, we will recommend funds be released, and the gentleman remembers that action took place.

In December 1969, Mayor Washington made a public announcement that he had instructed the Department of Highways and Traffic to proceed with the second step and complete the studies for report to Congress by February 23, 1970.

The District of Columbia government and Department of Transportation did report to Congress by February 23, 1970.

Right there is where we are.

They reported on February 23, 1970. The District of Columbia did proceed in August to start on the projects required by the act.

As in the past, however, there was no clarification of the issues involved—simply more confusion.

The report to the Congress by the District of Columbia was merely a warmed over version of the plan which was rejected by the Transportation Planning Board over a year earlier. It further suggested revisions which might take place at some later date which would change the already prescribed project for the east leg of the inner loop.

The report to the Congress by the Department of Transportation proposed a still different plan than either that of the District of Columbia or that proposed in the 1968 act. Not only that but it suggested changes in two of the four projects in the first step of the 1968 act. It is my understanding that the Secretary of Transportation has now agreed to conform to the first step of the act but has retained his original position on the study projects.

We have now reached the point wherein the only thing that has been accomplished since the 1968 Highway Act was passed is to let one small contract on the piers of the Three Sisters Bridge and to begin the design of the Potomac River Freeway. Aside from that all is again in confusion.

In the words of the chairman of the Committee on Public Works in the CONGRESSIONAL RECORD of March 2, 1970—"The intent of the 1968 Highway Act was to clarify the confusion which had reigned for so many years in the District of Columbia regarding the Interstate Highway System." The intent of that act has been thwarted at every turn by the District of Columbia government. Until that situation has changed I see no alternative to the course of action taken by our committee and the action that we report today.

Let me say in conclusion, we want to be in a position tomorrow, next week, next month to be able to come to the House and say that the District and the Department of Transportation are in compliance with the Highway Act of 1968 and that the projects set out in that act, which are now in a state of confusion, are underway and that we recommend the appropriation of the district's share of the funds for subway construction. We want to be able to do that as soon as possible.

Mr. BROYHILL of Virginia. Let me say this in response to the gentleman: I acknowledge that he has assured this House time and time again that he supports the mass transit system and does not desire to do anything to delay its necessary construction. I commend the gentleman on his interest in cooperating with us here in the District of Columbia and the suburbs in trying to solve our area problems. I do not question his sincerity or the necessity to require compliance with the Highway Act of 1968; if we permit the District government to ignore the 1968 law the traffic congestion will become unbearable.

I have some additional comments and questions on this matter I intend to discuss later in debate due to the fact my allotted time has expired.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

All time of the gentleman from Kentucky has expired.

Mr. DAVIS of Wisconsin. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota (Mr. NELSEN), the ranking minority member of the Legislative Committee on the District of Columbia.

Mr. NELSEN. Mr. Chairman, I shall be happy to yield to the gentleman from Kentucky if he has not completed his statement.

Mr. NATCHER. I thank my distinguished friend from Minnesota. I believe I have completed my statement.

Mr. NELSEN. Mr. Chairman, after listening to the discussion on the floor regarding H.R. 17868, the District of Columbia appropriations bill for fiscal year 1971, as the ranking minority member of the Committee on the District of Columbia, I take this opportunity to join the gentleman from Texas (Mr. MAHON), the gentleman from Kentucky (Mr. NATCHER), the gentleman from Wisconsin (Mr. DAVIS), and others in expressing interest in and concern for our Nation's Capital and join in the view that, regardless of whether we come from distant points or whether we live nearby, we should all want to make this a model city.

I believe the gentleman from Kentucky (Mr. NATCHER) is to be commended for the work and effort he put in to get this bill to the floor at an early date. Mr. NATCHER properly recognized that $63.2 million in new revenues were not covered by revenue enactments.

I was pleased with the remarks of the gentleman from Texas (Mr. MAHON) regarding the District of Columbia. He pointed out that we should be concerned and we should be doing what needs to be done for our Nation's Capital.

Mr. DAVIS of Wisconsin likewise commented on the fact that there were many things the Appropriations Committee would like to do but could not do because of a lack of authorization to do them. However, if I understood him he did not foreclose something being done in conference if revenue measures are enacted prior to the termination of the conference. So may I say there may be things that we in District Committee may need to examine in the way of revenues. We currently have the crime bill in conference but that should not preclude some

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consideration of District fiscal needs, if they need further consideration.

I also want to make a little report, so to speak, on our Federal city relative to the Board of Education in the District of Columbia. Two members of the majority of the school board I know personally, Mrs. Rosenfield and Mrs. Allen. I think those of us who have a concern with the field of education must admit that there is evidence of new and effective leadership on the part of the elected school board in the District of Columbia which is contributing to a better environment in the schools and in the community generally. Those of us who have heard Mrs. Allen testify before our committees are impressed with her determination and resolve to do an effective job in her post as chairman of the school board. I think we can now say that the school board is beginning to do the kind of job we hoped for when we enacted legislation providing for an elected board.

I also wish to mention the fact that in our subcommittee we presently have before us the little Hoover Commission bill which I introduced in the first session. I feel that the city government can benefit greatly from such a study and I am sure we here in Congress would reap benefits from it. There can no doubt be more efficiency and responsiveness in the operation of the local government. It is my hope that our committee will take action on this measure in the near future. If nothing else the debate on the appropriation bill testifies to the need for the Commission.

Mr. NATCHER. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I am glad to yield to the chairman of the committee.

Mr. NATCHER. I would like to say this to the Members of the House in regard to the statement just made by my distinguished friend from Minnesota. I appreciate your service on the District of Columbia Committee. I know you have other committee assignments. I know a lot of the matters that are brought up before your committee on the District of Columbia do not pertain to your district or to my district, but the gentleman from Minnesota, who has the floor, has been one of the best friends that the District of Columbia has ever had, and I commend him.

Mr. DAVIS of Wisconsin. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia, Mr. SCOTT.

Mr. SCOTT. Mr. Chairman, I appreciate the gentleman yielding this time to me.

Let me commend the committee for the difficult job it has done in allocating limited funds for necessary and desirable projects.

I too am concerned about the lack of funding for the upgrading of the Blue Plains sewage treatment plants and the present polluted condition of the Potomac River. However, at this time I would like to ask the chairman of the subcommittee a question or two with regard to the table which appears on page 19 of the report that has to do with the Department of Corrections. The table refers to funds for the renovation of 22 dormitories as well as a meat processing plant at the Lorton institutions in Fairfax County, Va.

I notice that a little more than $1 million is to be appropriated for the Lorton institutions. However, there was considerable fire damage there recently due to rioting by the inmates of the institution. I understand the damage has been estimated at from $600,000 to $700,000. Now my question is: Does this measure contain any funds to restore the facilities at Lorton that have been destroyed or damaged by the rioting of the inmates?

Mr. NATCHER. Mr. Chairman, will my distinguished friend from Virginia yield?

Mr. SCOTT. I yield to the gentleman from Kentucky.

Mr. NATCHER. I say to my distinguished friend from Virginia that there is no money in this bill for that purpose, and none has been requested.

As you will see from the committee report, on page 19, we were not able to fund a great many of the projects requested for the Department of Corrections by virtue of the fact that there is no loan authority remaining to finance capital outlay projects.

Mr. SCOTT. I thank the distinguished chairman of the subcommittee. His answer points up the need for efficient administration of the correctional institutions. We just cannot afford to be paying out taxpayers money for riot damage to our prisons by inmates. I hope the conference committee now considering the District of Columbia crime bill will note this lack of funds as an additional reason for agreeing to the House version of the bill which would transfer the administration of the Lorton facilities to the U.S. Bureau of Prisons.

Mr. HOGAN. Mr. Chairman, I would like to call the attention of my colleagues to a serious problem involving the District of Columbia and the metropolitan counties of Montgomery and Prince Georges, Md. At a time when the Federal Government is committed to the highest national priority in coping with the serious problem of water pollution, the Congress and the Department of the Interior are neglecting a situation which is at hand.

Recently, the District of Columbia Appropriations Committee knocked out a $40 million provision for construction of sewage facilities for the District of Columbia. At the same time, the Department of the Interior, through its spokesman, Assistant Secretary for Water Quality and Research Carl Klein, has stated as a matter of policy that the Blue Plains sewage treatment plant in the District of Columbia can no longer be used by Prince Georges and Montgomery Counties. In doing so, the Department of the Interior has violated the longstanding agreement between the jurisdictions of the metropolitan area dating back to 1916. This agreement has been the basis for the formulation of all plans for the treatment of sewage together with subsequent acts of Congress.

The Department of the Interior has instead stated categorically that Prince Georges and Montgomery Counties should proceed immediately to construct their own sewage treatment facilities. I submit that this pronouncement is not only not feasible from a technical point of view, particularly in the light of the number of years it would require to develop plans for such facilities and to construct the plants, but also that it would seriously affect the economy of the Metropolitan Washington area.

In a meeting which was held yesterday between officials of Montgomery and Prince Georges Counties, the State of Maryland, the District of Columbia, the honorable Senators from the State of Maryland (Mr. TYDINGS and Mr. MATHIAS), my distinguished colleague from Montgomery County (Mr. GUDE), and myself, as well as officials of the Washington Suburban Sanitary Commission and the Maryland National Capital Park and Planning Commission, it was unanimously agreed that the proposal by the Department of the Interior constituted a serious economic and health problem for the jurisdictions affected. The specter of unemployment and bankruptcy was also referred to as a result of the action taken by the Department of the Interior, particularly in conjunction with the failure of the House Appropriations Committee to allow the necessary funds for the expansion of the Blue Plains facility.

The problems of simultaneously trying to reverse the trend of the pollution of the Potomac River while maintaining the necessary sewage facilities to assure that the health of the people in this metropolitan area is protected is not helped by the simplistic bureaucratic reasoning of the Department of the Interior. The truth is that there is not a clear-cut choice between cleaning up the Potomac and maintaining adequate sewage facilities but that both must be done. The State of Maryland is willing to do whatever is necessary to see that this is done. The Federal Government can do no less.

Recently, the Health Department of the State of Maryland found it necessary—in view of the pronouncements by the Interior Department with regard to the Blue Plains facility and in view of certain inadequacies in maintaining the system—to declare a moratorium on all sewage connections in certain areas of Prince Georges and Montgomery Counties. Prince Georges and Montgomery Counties and the District of Columbia are now confronted by a major crisis.

One clear example of the crisis is indicated in my own district by the failure of septic tanks in the area known as Westphalia Estates. In this area, the residents are literally living with sewage flowing in the streets creating a serious hazard to their health which could have epidemic proportions. Their problem would have been resolved if the necessary sewage connections could have been made. Because of the existing problem, they can look forward to no relief unless some immediate reversals are made.

In addition, there are numerous homeowners who have invested their savings in new homes but will not be able to move in because of the ban. The result will inevitably be not only hardships but an increased cost to them.

As a result of the meeting held yester-

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day on this problem, I have joined with my colleague from Maryland (Mr. GUDE), and Maryland's representatives in the other body, and asked that Secretary of the Interior arrange an immediate meeting of the professional and technical people from all of the local, Federal, and State agencies involved to study the problem and to issue a report identifying the points of agreement and differences so that the necessary scientific and technical information is available for a rational decision.

As Members of Congress, we should not be content to pay lipservice to the problems of solving water pollution at the national level while ignoring such problems at the very footsteps of the Capitol. It is an act of irresponsibility to ignore the urgent need for not only expanded sewage treatment facilities but also to upgrade the treatment of sewage in conformity with the recommendations of the Potomac River Enforcement Conference. If we can make the necessary financial sacrifices to put a man on the moon, if we can develop the technology and the skill necessary to achieve this feat, then, by the same effort, we can solve the water pollution problems of the Metropolitan Washington area and also abate the pollution of the Potomac.

The county is looking to the Congress for leadership. I urge each of my colleagues to study carefully the complexities of these problems and to realize that our choice is not between pollution and sewage treatment but whether or not we are willing to dedicate ourselves to committing the necessary resources and technology to solve both problems. The problem is imminent and we cannot delay. The funds for the District of Columbia must be restored. A saner policy by the Department of the Interior must be pursued.

Mr. NATCHER. Mr. Chairman, I have no further requests for time.

Mr. DAVIS of Wisconsin. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

Mr. NATCHER. Mr. Chairman, I ask unanimous consent that the bill be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. Are there any points of order against any provision of the bill? The Chair hears none.

Mr. BROYHILL of Virginia. Mr. Chairman. I move to strike the last word.

The CHAIRMAN. The gentleman from Virginia (Mr. BROYHILL) is recognized for 5 minutes.

Mr. BROYHILL of Virginia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, in further response to the colloquy between myself and the gentleman from Kentucky (Mr. NATCHER), I want to say that I agree wholeheartedly with the gentleman to the effect that there has been a lack of cooperation on the part of the District government. I think that is the result of a lack of comprehension on their part as to what this problem is all about and a lack of concern about the traffic problems here in the Nation's Capital as well as the lack of responsibility on their part with respect thereto.

My concern, Mr. Chairman, is whether or not we should continue to hold the construction of this mass transit phase as a hostage to the District of Columbia until the District of Columbia complies with the law, a law with which they should be required to comply anyway.

Mr. Chairman, there are others involved. We have an interstate compact. We have other communities contributing funds to the system.

The impact of deleting $34,178,000 from the $376,310,000 total fiscal year 1971 estimate has an escalation characteristic. First it has to be matched by $68,300,000 of Federal funds pursuant to the requirement of the 1969 authorization act. This brings the total to $102,000,000.

The effect is that we could not sell any of our revenue bonds because of the failure of one of the major participants to pay its share, which would deprive us of another $106,000,000, bringing to $208,000,000 out of the $376,000,000 the total that would be denied.

The remaining money to be made up of suburban government funds and the matching Federal funds would probably not be forthcoming because of the capital grant contribution contract being based upon full participation of all jurisdictions.

This, of course, makes it especially imperative that we also receive the $83,000,000 of Federal funds now pending before the Senate Deficiency Subcommittee as well as that the Senate restore the District of Columbia $34,000,000 to the 1971 bill when that is before the District of Columbia Subcommittee on Appropriations.

So I submit, Mr. Chairman, that the District government should be required to comply with the act of 1968, whether we construct the subway system or not or whether they are concerned as to whether or not we construct the subway system. For example, we are contributing to the further pollution of the Potomac River by the delay of the construction of the Three Sisters Bridge, because we cannot complete the interceptor sewer system until the location of the Three Sisters Bridge has been decided upon.

So I would wonder, and I would ask the gentleman this question: Whether or not he would not feel that a better approach to this problem would be to use the effect of the Broyhill-Adams amendment which we inserted in the revenue bill last year, and which actually made them take action toward compliance with the 1968 Highway Act last year? The thrust of that amendment was that the District government would be denied the Federal payment unless they complied with every detail of the Highway Act of 1968.

Would not that be a much more effective approach, and would that not force compliance by the District government with the law?

Mr. NATCHER. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL of Virginia. I yield to the gentleman from Kentucky.

Mr. NATCHER. Mr. Chairman, I would like to say to the distinguished gentleman from Virginia, that when we applied the Broyhill-Adams amendment to the revenue bill it was very much in order. I hope that it does not become necessary this year. I hope we do not have to take the kind of action required in that amendment.

Mr. BROYHILL of Virginia. Mr. Chairman, I might add further by saying that even if we appropriated the funds, and I know the gentleman will ultimately agree to permit the committee to appropriate the funds for this transit system, the District government should be made to comply with every apsect of any directive on the part of Congress. Not allowing the transit system to proceed really did not get compliance in the District government until they feared, or had cause to fear, that the Committee on Appropriations would deny their entire Federal payment.

Mr. NATCHER. Mr. Chairman, will the gentleman yield further?

Mr. BROYHILL of Virginia. I yield further to the gentleman from Kentucky.

Mr. NATCHER. Mr. Chairman, I want to say to the gentleman from Virginia that I concur with every word the gentleman has said concerning the actions of the District of Columbia government. That was the only language the District officials understood.

We have no right to come to this House and ask the House to ignore the Highway Act of 1968. It is the law.

Mr. BROYHILL of Virginia. Mr. Chairman, I am hopeful that the Committee on Appropriations will refuse consideration of any further supplemental requests on the part of the District of Columbia government until they comply in every detail with the Highway Act of 1968.

I would just like to ask this question, and it has already been partially discussed: that is concerning the Blue Plains Water Treatment Plant, and it is my understanding that the Committee on Appropriations in denying appropriation of those funds did not deny those funds on the basis of whether they thought the funds were warranted or not but, rather, on the basis of not having authority, or borrowing authority, sufficient to make the appropriation of the funds.

Mr. NATCHER. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL of Virginia. I yield to to the gentleman from Kentucky.

Mr. NATCHER. Mr. Chairman, the gentleman is correct. Loan authority, insofar as the Sanitary Sewer Works Fund is concerned, as the gentleman knows, is completely exhausted, and the construction costs of this plant would be financed from that source.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think that by and large this subcommittee has done a reasonably good job with these appropriations this year. It is one of the few committees on appropriation to make a real and, I am sure, a valiant effort to hold the line, and I want to compliment the members of the committee up to that point.

I do have a question or two I would like to ask of the chairman:

In reading the hearings, part II, page 757, it is indicated that teachers in the District of Columbia are no longer required to keep attendance records. Is this true, and if so, why?

Mr. NATCHER. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am pleased to yield to the gentleman from Kentucky.

Mr. NATCHER. Mr. Chairman, I will say to the distinguished gentleman and my friend from Iowa that this is the situation here in the District. We asked that this information be furnished to our committee so we could say to the House just what procedure was being used in the operation of the schools. No attendance records are being kept, and, as the gentleman points out, that is a part of the hearings. It is the true situation, and it is a serious mistake.

Mr. GROSS. I certainly agree with the gentleman that it is a serious mistake.

Mr. NATCHER. It is a serious mistake.

If there is any way, through the purse strings, to get to those who operate the school system in the District of Columbia to compel a change in that situation, I hope the committee will use that device.

The hearings also indicate that the District of Columbia spends $1,087 per pupil, which apparently is considerably higher than Atlanta, Ga.; Baltimore, Md.; Boston, Mass.; Cleveland, Ohio; Milwaukee, Wis.; and a number of other cities and even higher than the richest county in the United States—Montgomery County, Md. Can this be true?

Mr. NATCHER. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to my friend from Kentucky.

Mr. NATCHER. The gentleman's statement is absolutely true. The amount expended per pupil in the District of Columbia is $1,087 and that is the highest amount spent by any city in the United States of America, comparable in size with the District of Columbia.

The gentleman is exactly right.

Mr. GROSS. I know the gentleman is as appalled as I am with respect to the school system in the District of Columbia.

I want to compliment the committee for refusing to give the District of Columbia Arts Commission the funds it sought on the specious contention that the Commission could eliminate crime with a handout from the Treasury.

I understand that welfare is a booming business in the District of Columbia. It was testified that new cases in the District are at the alarming rate of 245 per month and that there are over 4,000 employees in the welfare offices in the District of Columbia. Some of these employees, perhaps a substantial number of them it is reported, are actually going out in the streets and recruiting applicants for welfare. Can this be true?

Mr. NATCHER. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes, I am glad to yield.

Mr. NATCHER. Here in the District of Columbia we have about 45,000 people on welfare. We have approximately 853,000 living in the Nation's Capital.

So far as the number now on welfare is concerned this is not too bad. I sincerely believe most of those on welfare are entitled to receive welfare payments. We had 79 investigators in the Department of Welfare and through pressure, they had to start taking them off. They have none in that category at the present time. The gates are now down. Unless investigators are used in the District Department of Welfare to see that those who are entitled to be on are eligible and that those who are not entitled are deleted, there is no telling where we are going.

They have too many employees in the Department and they do not have enough in some categories.

Mr. GROSS. May I suggest to the gentleman that unless this situation is rectified within the next year in the Welfare Department of the District of Columbia the committee, instead of giving them all of the funds they seek, pull the purse strings on them.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. NATCHER. Mr. Chairman, I ask unanimous consent that the gentleman from Iowa may proceed for an additional 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. NATCHER. Mr. Chairman, will the gentleman yield further?

Mr. GROSS. I am glad to yield to the gentleman.

Mr. NATCHER. Mr. Chairman, I would like to thank the gentleman for his interest in this bill. The gentleman has all down through the years shown that he is interested in the operation of our Capital City and believes that it should operate in the proper manner. I certainly agree with him.

There is one other matter that I want to point out to the gentleman from Iowa. We have talked of this problem over the years. I remember on the floor of this House a number of years ago when they were talking of constructing the stadium when the gentleman from Iowa inquired as to what it was going to cost. They informed the gentleman then that it would be $6 million or $7 million. But it cost $20 million.

Mr. GROSS. Will the gentleman permit me to interpose a word on that subject?

Mr. NATCHER. Yes.

Mr. GROSS. At that time we were told it was not to cost the taxpayers of Kentucky and Iowa 1 red cent.

Mr. NATCHER. That is correct. That was the statement. It would not cost any of the people in any of the States any money. In this bill we carry $831,600 to pay the interest on the principal. Not one bond has been retired. That is only the interest on the principal. The amount received from revenue from the stadium, the R. F. K. Stadium, this year was $476,000, which is inadequate to pay the interest, and we are having to borrow $358,595 to add to the amount received from the stadium to pay the interest on the debt.

Mr. GROSS. To borrow money simply to pay the interest on a debt—money already borrowed.

Mr. NATCHER. That is exactly the situation.

Mr. GROSS. Is that not a sad commentary on that "white elephant" stadium a couple of miles from here?

Mr. HALEY. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman from Florida.

Mr. HALEY. Apparently other stadiums operated throughout the Nation by private enterprise are making money. Why does not the stadium out here at least break even? Can the gentleman give us a little explanation of that?

Mr. NATCHER. Mr. Chairman, will the gentleman yield further?

Mr. GROSS. I am glad to yield to the gentleman from Kentucky.

Mr. NATCHER. I would like to say to my friend from Florida that in a great many instances stadiums throughout the United States are profitmaking institutions and projects. The gentleman is exactly correct. Here in the District of Columbia, after the stadium was completed, we had to go back and expend over $225,000 to fill the cracks in the stadium. That situation took place. The concrete was poured in extremely cold weather. As a result of the substance used, the nature and extent of it and the type of pipes behind the concrete the stadium cracked, in many places, and it cost us nearly $300,000 to fill in the cracks in the stadium.

The teams and those who use the stadium are not paying to the District government an adequate amount for use of the stadium, and that is the answer to the gentleman's question. The distinguished gentleman from Wisconsin (Mr. DAVIS) all down through the years has asked, "Why is this not a moneymaking project? Why do you not get more money?" By virtue of that fact, last year we acquired a little more money, than in the year before, and that was due to the efforts of my friend from Wisconsin (Mr. DAVIS). The gentleman from Florida is correct.

Mr. GROSS. I might add that the prime contractor who built this stadium also built the veterans' hospital in Boston, which started to fall down before it was fully opened to patients. I thank the gentleman from Kentucky for his answers to my questions.

Mr. SAYLOR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I notice in the report that accompanies this bill that there is a reduction of approximately $40 million in the amount of money necessary for the Blue Plains Sewage Disposal Plant. When I saw the figures in here I became quite concerned because the present administration has said that one of its policies is to clean up the Potomac. So I did a little investigating to find out what is wrong with Blue Plains and what is wrong with the Potomac. I have discovered that the Blue Plains Sewage Disposal Plant was originally designed to handle 250 million gallons a day. The average daily load that is coming into Blue Plains at the present time is around 300 million gallons a day, with sometimes an excess of twice its rated capacity. Anything in excess of 300 million gallons a day goes untreated into the Potomac River.

I wondered where all this sewage was coming from, and I have a little breakdown. I find that the Washington Suburban Sanitary District contributed approximately $5½ million to the construction of this plant, which is about 19 percent of its cost.

And for that investment, WSSC is only entitled to treatment of 45 million gallons of raw sewage a day. Very frankly, I was astounded to find that the average daily load from the Washington Suburban Sanitary Commission is not the 45 million gallons, plus the 22 million gallons permitted by Congress in the Dulles interceptors, but it is rather in excess of 113 million gallons. Basically one of the problems is that the people in the surrounding areas are using the District's facilities and not paying for it. This is why the proposition looks bad as it comes here to us today.

I would like to direct a question to the chairman of the subcommittee and ask whether or not, if proper agreements have been entered into between the Washington Suburban Sanitary Commission and the District of Columbia, those agreements should be lived up to? And, if so, would it be necessary for the $40 million to be reinvested or reauthorized for the construction of other facilities at Blue Plains?

Mr. NATCHER. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Kentucky.

Mr. NATCHER. Mr. Chairman, I think the gentleman is exactly correct in regard to carrying out the terms of previous commitments and agreements. As the gentleman points out, there is nothing in this bill for the water pollution control plant at Blue Plains.

There is no loan authority available to finance the construction of sanitary sewage works fund projects. That is the reason why this particular project is not in the bill.

I appreciate the statement of the gentleman in the well.

Mr. SAYLOR. I thank the chairman of the subcommittee for his comments, because while the District Committee does a good job and the people on the subcommittee of the Appropriations Committee do a good job on the appropriations, it seems to me very unfair to criticize the Appropriations Committee and to criticize the District Committee when the fault is not with at least either one of these two committees but is with the governmental authorities of the suburban counties of Maryland.

At the present time, the Blue Plains Sewage Disposal Plant does not adequately treat the affluent for which it was originally designed and no expansion should be allowed at the present site. The Blue Plains Plant must be upgraded and afford complete treatment of affluent that passes through it so that instead of degrading the Potomac Estuary it will be upgrading the quality of the water flowing into the Potomac River.

The treatment of the raw sewage above the 67 million gallons per day authorized by agreement with the District of Columbia and by act of Congress must be provided by suburban Montgomery and Prince Georges Counties and not by the District of Columbia at the Blue Plains Plant.

It will accomplish nothing in eliminating pollution to require the Virginia side of the Potomac River to properly treat their sewage and continually permit the people on the Maryland side to degrade the quality of the water in the Potomac.

Mr. GUDE. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Maryland.

Mr. GUDE. Mr. Chairman, I appreciate the gentleman from Pennsylvania's long interest in conservation and in the cleaning of our Nation's waters. The point the gentleman raises is very pertinent. Yesterday, our two Maryland Senators, the Congressman from the fifth district (Mr. HOGAN), and I met with representatives of the State of Maryland and officials of Montgomery and Prince Georges Counties. We discussed the ban which the State health department has placed on additional housing construction in Montgomery and Prince Georges Counties until the WSSC alleviates certain conditions and overflows. In taking whatever steps are necessary so that homebuilding will not be impeded, and proper health standards are followed, the degree to which Blue Plains will be utilized, must be precisely ascertained.

But first we must have a tally of just who is responsible for paying what. Everyone should pay his fair share of the cost of the operation of Blue Plains. Whether Blue Plains is expanded, or we develop some other means of adequately handling metropolitan area sewage, we want a system that works, and makes the Potomac and its tributaries clean, and does not deter healthy growth.

But regardless of cost distribution and the design of the future system the facilities at Blue Plains will have to be upgraded. We want to return clean water instead of partly treated sewage to the Nation's waters. I think this is the desire and commitment of the Appropriations Committee.

Mr. NATCHER. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. BROOKS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 17868) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1971, and for other purposes, had directed him to report the bill back to the House with the recommendation that the bill do pass.

Mr. NATCHER. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON DEPARTMENT OF AGRICULTURE AND RELATED AGENCIES APPROPRIATIONS, 1971

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight to file a privileged report on the bill making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1971.

Mr. LANGEN reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE REPORTS

Mr. SISK. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain reports.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATIONS, 1971

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1059 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1059

Resolved, That during the consideration of the bill (H.R. 17867) making appropriations for Foreign Assistance and related programs for the fiscal year ending June 30, 1971, and for other purposes, all points of order against the provisions contained under the heading "Foreign Military Credit Sales" beginning on page 16, line 3 through line 5, are hereby waived.

The SPEAKER. The gentleman from California is recognized for 1 hour.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee (Mr. QUILLEN) and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1059 provides that during the consideration of H.R. 17867 making appropriations for foreign assistance and related programs for fiscal year 1971, all points of order are waived against the provisions under the foreign military credit sales, lines 3 through 5, on page 16. The waiver of points of order was granted because of the fact that the foreign military credit sales authorization has not passed the Senate, although it has been passed by the House.

Mr. Speaker, I urge the adoption of House Resolution 1059.

Mr. QUILLEN. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, as the able gentleman from California (Mr. SISK) has explained, House Resolution 1059 merely waives points of order on title II of the bill, the Foreign Military Credit Sales Act. This authorizing legislation passed the House last March and is now under consideration by the Senate.

Mr. Speaker, of course I have always opposed foreign aid and will vote against this measure on final passage, but I have no objection to the rule.

Mr. SISK. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. ZABLOCKI).

Mr. ZABLOCKI. Mr. Speaker, I thank the gentleman for yielding.

I rise to congratulate the Rules Committee for bringing H.R. 17867 under a rule where the House can work its will. Where provisions in this particular bill constitute legislation in an appropriation bill they will be subject to a point of order.

It is my intention and that of some of our colleagues to raise points of order on every section of the bill that is legislation in an appropriation bill.

Mr. SISK. Mr. Speaker, I yield myself 1 minute.

(By unanimous consent, Mr. SISK was allowed to speak out of order.)

LEGISLATIVE REORGANIZATION ACT OF 1970

Mr. SISK. Mr. Speaker, I take this time to notify the House that the Committee on Rules has introduced a bill (H.R. 17654) on legislative reorganization, which will be before the House for consideration the latter part of this month. Particularly, Mr. Speaker, I would like to call to the attention of the Members the fact that we have a printed summary of the provisions of the Legislative Reorganization Act of 1970. Upon request we shall be happy to furnish copies of the summary to the Members.

Also, I would like to say at this time that we expect the bill to be reported within the next week or 10 days.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. PASSMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 17867) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1971, and for other purposes, and pending that motion, Mr. Speaker, I ask unanimous consent that general debate on the bill be limited to 2 hours, the time to be equally divided and controlled by the gentleman from Kansas (Mr. SHRIVER) and myself.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Louisiana.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 17867, with Mr. BOGGS in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Louisiana (Mr. PASSMAN) will be recognized for 1 hour and the gentleman from Kansas (Mr. SHRIVER) will be recognized for 1 hour.

The Chair recognizes the gentleman from Louisiana (Mr. PASSMAN).

Mr. PASSMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I recall a question that comes back to my mind very often which was asked by one of the great Members of this House from Pennsylvania time and time again when we were considering money bills, he would ask the question: "Where are you going to get the money?"

That question was never satisfactorily answered.

Mr. Chairman, at the outset I want to pay tribute to one of the great subcommittee members. The gentleman from Kansas (Mr. SHRIVER) is the ranking minority member on this subcommittee. He is untiring in his efforts to help write a good bill; even though he is on several important committees he tries very hard to attend all of the important sessions of the Subcommittee on Foreign Operations on Appropriations.

We have gone over this bill together many, many times. Insofar as I know, we are in accord with the context, especially that dealing with the amount of funds.

Mr. Chairman, I certainly also pay tribute to all of the other members of this subcommittee. We occasionally disagree, but we endeavor to do so without being disagreeable.

I had hoped that this would be the one bill reported out by this subcommittee which would move on to the floor of the House without any controversy, but it would appear that this is not going to be true.

Over the period of many years this committee, recognizing that the great Committee on Foreign Affairs may have overlooked some provisions that we thought were quite appropriate, dealing with limitations, placed those provisions in the bill. They have held firm, and have been included for many long years. They may be technically subject to a point of order. If the points are made we will try to explain why they are in the bill, and why we believe that the majority of them, if not all of them, are dealing with limitations.

Mr. Chairman, we believe this is one of the best balanced bills this subcommittee has reported out in many long years.

There are several titles to this bill. It seems that the most interest centers around title I and, therefore, most of the explanations will be built around title I. We have brought you a report that is rather comprehensive. I think perhaps this is the finest report this committee has ever brought out because it furnishes a great deal of statistics, important statistics, and some of them we shall go into briefly during the consideration of the bill.

Mr. GROSS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore (Mr. MEEDS). Evidently a quorum is not present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 151]

Adams
Addabbo
Andrews, Ala.
Ashbrook
Ashley
Ayres
Baring
Bell, Calif.
Boland
Bray
Brock
Brown, Calif.
Bush
Camp
Clark
Clawson, Del
Crane
Daddario
Davis, Ga.
Dawson
Dent
Dowdy
Downing
Dwyer
Esch
Evins, Tenn.
Feighan
Fisher
Frey
Fuqua
Gallagher
Gaydos
Gettys
Gilbert
Gubser
Hanna
Hansen, Wash.
Harvey
Hawkins
Hays
Hébert
Holifield
Jones, N.C.
Kirwan
Kyl
Lujan
Lukens
McCarthy
McKneally
McMillan
Mathias
May
Miller, Calif.
Mills
Moorhead
Murphy, N.Y.
O'Neal, Ga.
Ottinger
Pelly
Powell
Price, Ill.
Price, Tex.
Quie
Rivers
Rooney, N.Y.
Rooney, Pa.
Roudebush
Roybal
Scheuer
Sisk
Steed
Stephens
Stratton
Symington
Teague, Calif.
Tiernan
Tunney
Udall
Whitehurst
Wilson, Charles H.
Wright
Zwach

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MEEDS, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 17367, and finding itself without a quorum, he had directed the roll to be called, when 347 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Louisiana.

Mr. PASSMAN. Mr. Chairman, we were just getting started when the point of order was made that a quorum was not present. I want to repeat, Mr. Chairman, I believe this is the best balanced bill that this committee has brought to the floor of the House since the inception

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of foreign aid. It is generally known I am not a foreign aid enthusiast. But with privileges go responsibilities and I represent the committee in reporting this bill.

Mr. Chairman, we have tried to bring out a bill that would have the support of this House.

We have made substantial reductions. I want to say in all fairness to the President, he recognized that it was necessary to reduce expenditures in certain areas.

President Nixon submitted revised estimates for new budget—obligational—authority for activities authorized by the Foreign Assistance Act of 1961, as amended, title I of this bill, for fiscal year 1970 amounting to $2,710,020,000. It is interesting to note that the budget estimates submitted for title I for fiscal year 1971 amount to $2,200,500,000 or some $509,520,000 below what was submitted to the Congress last year.

In total, the President submitted estimates amounting to $2,876,539,000 for fiscal year 1971 for all programs considered in this bill, which is $803,025,000 below the amount submitted in fiscal 1970. Therefore, the committee had much lower estimates to act upon this year as compared to the previous fiscal years.

Mr. Chairman, the committee recommends the appropriation of new budget—obligational—authority of $2,300,961,000 for the programs contained in titles I, II, and III of the bill, which is $575,578,000 below the budget estimates of $2,876,539,000, and which is, incidentally, $203,299,000 below the fiscal year 1970 appropriation. The committee has approved the total limitations of $4,082,096,000 proposed by the Budget for the activities of the Export-Import Bank.

Mr. Chairman, as I mentioned earlier, I want to commend each member of this subcommittee for the contributions they have made in writing this comprehensive report, referring, of course, to the comittee's portion of the report.

On page 4 of the report, there is some information that the committee felt the Members should have available at all times because so often we receive inquiries from our constituents as to the cost of foreign aid.

May I say, Mr. Chairman, that through June 30, 1970, it is estimated that the United States will have provided economic and military assistance, of one form or another, amounting to a net total of $131,530,600,000, of which only $28,059,500,000 falls into the category of loans. But I think that I should point out that of the $28,059,500,000 in loans, only $4 billion will actually be loans that we can expect to be repaid without a subsidy. That represents the portion financed by the Export-Import Bank. The other $24 billion that we have listed as loans is technically lost, and represents a concessionary type of loan. The development loans provided by AID represent a 46-percent subsidy from the start because of the concessionary interest rates that we provide to the recipients. The balance of the total amount of assistance provided of $103,471,100,000 is in the form of grant aid.

Mr. Chairman, since we have had a surplus in the administrative budget only six times since the end of World War II, the committee has estimated and had it verified that an additional cost of $67,858,067,000 in interest has been incurred to borrow the money we have given to other countries.

There is a detailed list on pages 4 and 5 of the report showing the amount of foreign assistance provided to each country and territory and we then give the grand total cost of foreign aid since its inception.

Incidentally, total net foreign assistance has gone into 123 nations and seven territories of the world for the period from 1946 to 1970 inclusive.

Even though the fiscal 1971 request for economic and military assistance is below the previous year's request and it is one of the lowest requests since the program began, it should be noted that many assistance programs formerly funded under the Foreign Assistance Act of 1961, as amended, have been transferred to other departments and agencies and new programs have been created.

Last year, the Overseas Private Investment Corporation—OPIC—was created to encourage private investment in the less-developed countries. Similar activities, which will now be administered by OPIC, were formerly administered by the Agency for International Development—AID—under the economic assistance item of the bill.

In order to provide a list indicating the total foreign aid programs, the committee has compiled a table showing the President's requests for foreign assistance authorizations and appropriations as contained in the fiscal year 1971 budget document, and this will be found on page 6 of the report.

Now I want to be careful not to have Members misinterpret this part of the report.

On page 6, you will observe there are 27 spigots for foreign assistance requests as contained in the fiscal year 1971 budget.

The total amount is $12,133,525,000.

The committee wished to make this all inclusive so it did include the Export-Import Bank because under the bank's operations they have their regular operations, they have the long-term credit window, and they also have an operation where they do not have to follow the regular credit criteria.

So the total is $12,133,525,000.

Again for the benefit of the Members who may not have the opportunity to do the research work to understand the program as well as perhaps some of us who live with it almost 365 days of the year, we have established for the benefit of these Members a pipeline table which also appears on page 6 of the report. There is a pipeline or unexpended balance, of $18,479,704,000 estimated to be available as of June 30, 1970. This money is obligated for on-going programs and should you deny the new request, it simply means they would phase the program out and finish the contracts. Since this is money for on-going projects, it is not available to initiate new projects.

Over the years, this committee has had various experiences. Some people wanted to have the budget reduced. Others wanted it increased. I have always been with that group that wanted it reduced. But it is rather amusing to go back and read the record on some of these amendments where Members wanted to increase the budget.

The committee thought that this year it would be good to place in the report a comprehensive report on what has happened in the past.

Over the years, the committee has been criticized for making so-called drastic reductions in the foreign assistance budget program. In the last several years, the requests have been reduced by about 30 percent and in all probability the programs have still been overfunded. This can be evidenced by the fact that large unexpended balances presently exist in this program, as was previously discussed.

The committee is of the opinion that the funds provided by Congress have been adequate and this can be reinforced by the fact that the reductions made by this committee and Congress have generally held because very few requests for supplemental funds have been forthcoming.

There is a table in the report on page 7 showing that during the last 15 years the aggregate requests of the several Presidents amounted to $57,673,361,250. The committee and the Congress reduced these requests by $12,082,828,500, which is an aggregate reduction of 20.95 percent for the 15 years. You need no further proof that the program has been adequately financed in the past.

We would like to call the Committee's attention to the fact that soon after the foreign assistance program started in the United States, the U.S. international balance of payments began to experience large deficits. There is a table on page 8 of the report showing that for 20 years our balance-of-payments deficit amounted to $44,104,000,000. On only two occasions in the 20 years have we had a surplus in our balance-of-payments account. Last year was the largest deficit we have had since the inception of foreign aid.

Because of our worldwide policies to provide funds in the form of foreign assistance to countries, many nations have been able to accumulate excess dollars. With the excess dollars these countries have been able to buy gold from the United States. It might interest you, Mr. Chairman, to know that the U.S. gold holdings have decreased from $22,879,000,000 as of December 31, 1950, to $10,367,000,000 as of December 31, 1969, if you exclude the $1,492,000,000 held in the Exchange Stabilization Fund. However, the recipient countries have increased their gold holdings substantially. In addition, we think we should call to your attention that foreign nations now hold in short-term claims against the United States some $42,026,000,000 as of December 31, 1969.

Let us look at the detailed program

for fiscal 1971. First, let me say that since the inception of the foreign aid program, the United States has extended assistance to 123 nations and seven territories around the world. In fiscal year 1971 alone, it is anticipated that 103 countries and territories will receive disbursements from prior year programs or present year programs.

The fiscal 1971 proposed program indicates the following: 50 countries will receive military assistance; 77 countries will receive economic assistance; 81 countries will receive Public Law 480 assistance; and 64 countries will receive Peace Corps assistance.

Some of these countries receive only one type of assistance—either economic or military; others may receive both economic and military aid and some may receive assistance from the aid programs contained in titles II, III, and IV of the bill, as well as some of the items not carried in this bill.

The budget requests for funds to finance the activities authorized by the Foreign Assistance Act of 1961, as amended, is the lowest since the program began. This year's requests are $509,520,000 below what was requested for the same activities last year.

However, as has been noted earlier, over the years numerous activities and programs have been splintered off the annual foreign aid bill. The Department of Defense appropriation estimates contain $2,260,300,000 in military assistance funds and $117,000,000 in economic assistance funds, which are primarily for countries in Southeast Asia.

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The committee recommends an appropriation of $1,644,950,000 for activities funded under the Foreign Assistance Act of 1961, as amended, a reduction of $555,550,000 below the budget estimates and $167,430,000 below the current fiscal 1970 appropriation level.

Mr. Chairman, there has been a substantial reduction this year in the budget requests for the American hospitals and schools abroad. This year's budget calls for only $8,895,000. Most of these are to complete contracts already underway, as it would apply to the American University at Beirut in the amount of $5,500,000. Most of this is to complete phase 3 of the medical center at Beirut.

In administrative expenses, some of our Members seem to think we have kept that too high, but I have always insisted, and the majority of the committee agrees, that if you expect these people to administer this type of program well, then you should give them sufficient administrative expenses. Therefore, we are recommending in this bill $50 million, which is $1 millon below that of last year.

Mr. Chairman, I should like to discuss briefly one of the agencies that recently has been separated out of title I. That is one misgiving I have about this bill, because when we fragmentize programs and start new agencies and provide money, it is no longer considered a part of foreign aid. It seems that some Members and the press believe we are reducing foreign aid, but in most instances we are taking it out of title I and setting up new agencies. The Overseas Private Investment Corporation was previously carried as part of title I until last fiscal year. Last year in our appropriation bill we recommended $37,500,000 to start this organization. This is something the committee fought back for many years, but after new evidence, many members of the committee thought we should permit this new agency to start. However, this year, inasmuch as they had not gotten a board of directors, we considered their request of approximately $37 million to be on the high side and we made a reduction of $18,750,000.

Mr. Chairman, there is another item in this bill, and that is military assistance. The appropriation for fiscal year 1970 was $350 million simply because we had an authorization limitation. Again in 1971 the estimate had to be $350 million on account of the authorization. The committee felt because of the strong evidence presented to our subcommittee by the distinguished Secretary of Defense that we should not try to cut military assistance, because in all probability we are going to have to consider a supplemental in addition to the $350 million.

I should point out that the military assistance program is appropriated on an illustrative basis. The witnesses presenting the justifications point out they must have flexibility. They do list the countries, they feel at the time they give their justification, where the money will be spent, but conditions change, and it may be necessary for them to reduce one program and increase another program. So this is an illustrative item.

So as far as I am concerned, I am certainly going to support the administration request for $350 million. I am not going to toy with the security of this country. I am not going to slow down what the President is trying to do, and that is get us out of Vietnam. I think today, more than at any other time, we know our great President has a very definite program to get us out of Vietnam and get us out quickly. I for one am not going to do anything to pull the rug out from under the President. This is very much a part of it.

Mr. Chairman, there is one item in which the Rules Committee recommended a waiver of points of order, and that is the foreign military credit sales program. It is not my obligation to say that it is our policy to make sales to foreign countries, but it is quite obvious unless we agree to make certain sales of military equipment to foreign countries, they are going to buy military equipment from other countries and in some instances these countries have received substantial U.S. aid in the past. And as long as it is our policy to make certain military type sales, then I think this committee should recommend for consideration the full budget request of the President.

Last year the request came down for $275 million. For some reason or another the legislative committee did not act, so there were no appropriations for military credit sales last year. This year the request is $272,500,000, and I believe it will interest the committee to learn that as a usual thing, these are short-term sales. The average is about 8 years, I believe, and the rate of interest is 7½ percent. The recipient nation we sell the military equipment to pays the going interest rate, which at this time is 7.5 percent.

Mr. Chairman, I have never been afraid to state facts as they are.

I am now going to cover the "sacred cow" request at this time, and that is the Peace Corps. If ever there was a misnomer, it is the "Peace Corps." I do not know anything about the operation of this agency which would justify the word "peace."

It is really a juvenile agency, doing certain technical work, going abroad under the protection of a strange type of foreign policy. They go out as free agents. They can go into a country, tear it up, get into trouble, condemn our foreign policy, insult our Secretary of State when he goes abroad; and nothing is done about it.

So far as I am concerned, I ask the membership to look back at the type of people we have had in the Peace Corps and some of the mischief they have gotten into in some of the foreign countries. Members should ask Dr. Morgan about who participated in this trouble in Chicago at the Democratic Convention. Many of them were returned Peace Corpsmen.

If we could ever put this in proper perspective, and call it what is, another technical agency with no restrictions, then we should be able to bring it under control.

It frightens me to know what is going on and to have Members of Congress too busy to look into the facts and then come on this floor and defend them.

Members will recall that a few days ago there was a demonstration in Washington, and returned Peace Corpsmen went down and took over several offices of that building. They displayed publicly the Vietcong flag on the building. They were getting cheers. They were permitted to occupy those offices for 2 days.

Mr. Chairman, regardless of how much anyone may try to distort the record, I promise I shall not go into the record of the Peace Corps, but we should suspend this outfit until we bring them in under the same type of foreign policy other Americans have to observe when they go overseas.

Would it be of any interest to bring to the attention of Members that they have, for various reasons, been withdrawn from 11 countries, from countries where we now have other types of assistance going but not Peace Corps assistance?

I plead with the Members to go over the record, not to listen to the people who cry out for these youngsters. These people are not youngsters. They lack an awful lot of being youngsters. They may be wiser than we are. They may actually know better where they are going and what they are doing than some of us here.

So far as I am concerned, I shall not today or tomorrow apologize for anything I said about yesterday. I knew the direction in which this organization was leading us.

I certainly hope that we will go to the record, and not just listen to what these people from downtown have to say about the goodness of it.

Mr. GROSS. Mr. Chairman, will the gentleman yield for a correction?

Mr. PASSMAN. I yield to the gentleman from Iowa.

Mr. GROSS. The gentleman said the Peace Corps has been withdrawn from a substantial number of countries. They were not withdrawn. In most cases they were thrown out.

Mr. PASSMAN. I have never known the gentleman to make any statement which could not be substantiated with facts. I thank the gentleman for his contribution.

Mr. Chairman, we have another item in this bill carried under the Department of Health, Education, and Welfare; that is, assistance to refugees, the United States-Cuban refugee program. It is almost impossible to determine the actual need. Whatever it is, we are obligated to pick up the check.

The budget this year requested $112 million. The committee is recommending the full amount of $112 million.

May I say, this is one part of foreign aid I am very definitely sympathetic with. Of course, these people are running from tyranny, running from communism. To my way of thinking, so long as they make good Americans and handle themselves as any American should we should receive them with open arms and encourage them.

There are many places in America where these Cubans have settled and are making good citizens. They now have good jobs, and many of them are contributing to the local economy.

Many of them are paying taxes. Down in my own State one of the most remarkable colonies to be found anywhere is one of these colonies of Cubans. So I think we are on absolutely safe grounds in continuing to urge these people to leave Cuba.

As a usual thing, they make good citizens. They work and pay taxes. And we hope the committee will support the entire appropriation.

Now, very briefly, Mr. Chairman, we have in this bill funding for certain international organizations. Again, when witnesses appear before our committee with regard to these matters we begin to interrogate them and they begin to back off, and we find they are reluctant to give us the information that we want. I have never been satisfied with these people testifying with regard to these international institutions. It has been claimed that the amounts have been authorized and the people in the State Department have entered into these agreements and that we have no alternative other than to appropriate the money.

As far as I am concerned, I dread to see the day when we will transfer our bilateral program over to the international organizations. I think I can convince you, whether you support my views or not on foreign aid. This is an interesting exchange with one international organization. May I quote from the report:

> During testimony before the Committee, it was determined that the Asian Development Bank would have $313 million of capital left on hand after honoring all of its present commitments. Further, the Bank had invested $96.2 million in United States banks.

That was not the purpose. It was to fund programs elsewhere, but it invested $96 million in U.S. banks.

Further from the report:

> The Committee understands that an additional authorization is being requested to obtain a U.S. contribution to the special fund of the Bank. The Committee does not understand the need for these additional funds in view of the fact that the Bank has such a large amount of funds on hand.
>
> The Committee was astonished by the fact that certain information was withheld by the President of the Bank from the United States Director. The following exchange was recorded in the hearings concerning certain information on loans to staff members of the Bank:
>
> Mr. PASSMAN. Could you furnish for the record the amount of each loan? Make it all inclusive, when you say staff members, you are talking about all nations. We want to know the amount of loans you made to your staff members, the amount, and the rate of interest during calendar year 1969.
>
> Mr. ZAGORIN. Mr. Chairman, I cannot give it to you by name, nor the specific loan.
>
> Mr. PASSMAN. Why can't you?
>
> Mr. ZAGORIN. Because the President of the Bank will not disclose that information to me for this purpose.
>
> Further in the hearings, the following exchange was recorded concerning these same loans:
>
> Mr. PASSMAN. You do not know how many loans were made, to how many employees, and in what amount?
>
> This is secret information of the President only, is that correct?
>
> Mr. ZAGORIN. The specifics.
>
> Mr. PASSMAN. It is secret information specifically for the President of the Bank, is that right?
>
> Mr. ZAGORIN. Yes, sir.
>
> Because the Committee felt that more control should be exercised over these financial institutions, the following provisos are included in the General Provisions of the accompanying bill:
>
> SEC. 504. None of the funds herein appropriated for "International Financial Institutions" shall be available to assist in the financing of any project or activity the expenditures for which are not subject to audit by the Comptroller General of the United States.
>
> SEC. 505. None of the funds herein appropriated for "International Financial Institutions" shall be available to assist in the financing of any project or activity for which detailed justification is not available to the United States Senate and House of Representatives.

In addition, they are requesting $160 million for IDA. Under our policy we have no alternative other than to recommend it. But may I say, Mr. Chairman, regardless of who may chair this subcommittee in the future or who the members may be, do you realize what an awkward position you would be in with 4,408 projects and subprojects in 103 nations of the world where you have no way of examination?

Here we could not get the information and even the Director is not told all of the facts. It is a secret for the President.

Mr. Chairman, I say that this legislation should be tightened up either by this proviso or by some other committee whereby this subcommittee or any other subcommittees handling this item may have an opportunity to examine these projects.

Mr. Chairman, I suppose this is an unusual way to present a bill. However, I do not believe in ever withholding facts as they are. I have referred to this bill in this manner because I believe in stating the facts as I understand them to be. We must take into account the fact that we are committed. We have made certain commitments. Your committee certainly took that into account in marking up this bill.

We believe we have made sufficient reductions in this bill that will justify all of you supporting it. Then, if you think this bill should be further curtailed in subsequent years, as I am sure it should be, you should recommend to the authorizing committees that they make the adjustment, and not rely entirely on the Committee on Appropriations to trim this down to what we think is a proper amount.

I trust you will support this bill because it is the very best in my opinion that the committee could submit for your consideration.

Mr. ICHORD. Mr. Chairman, will the gentleman yield?

Mr. PASSMAN. Yes; I yield to the gentleman from Missouri.

Mr. ICHORD. I was very interested in the figures set out on pages 4 and 5 of the report detailing foreign aid from the year 1946 to 1970 amounting to a net total of $131,530,600,000 plus $67,858,067,000 in interest, for a total of almost $200 billion to the taxpayers of America. Of course, like many others in this body, I am greatly disheartened when I see so many programs that are going unfinanced in this country because of the lack of funds at the present time. When I think of how this money could have been used to solve some of the problems in the United States it is of great concern to me. Therefore, I would like to ask the gentleman one question: I observe that we have given the country of Kuwait the sum of $36,800,000 in foreign aid.

Mr. PASSMAN. What figure did the gentleman use?

Mr. ICHORD. The $36.8 million which appears on page 4.

It is my understanding that this country has one of the——

Mr. PASSMAN. If the gentleman would like to have the correct figures, the total amount was $131.530 billion before adding the interest.

Mr. ICHORD. Mr. Chairman, if the gentleman will yield further, I am speaking now of the amount given to the country of Kuwait, $36.8 million.

It is my understanding that this country has the highest per capita income of any country in the world. I am wondering whether that $36 million plus, was given prior to the discovery of oil in that country or after the discovery of oil, which I understand has run the per capita income up to such a great amount.

Mr. PASSMAN. The distinguished gentleman from Missouri has asked a very pertinent question. I must admit that for me to say at what times this money was given to all of these countries, I do not have that information available. I am of the opinion that these contributions or loans were made prior to their coming into their riches. However, I shall be glad to yield to the distinguished gentleman from Massachusetts (Mr. CONTE) for a further response to the question.

Mr. CONTE. I would imagine, Mr. Chairman, that most of this $36 million was in the form of military equipment taken off the shelves of the Department of Defense.

Mr. ICHORD. Could the gentleman, perhaps, supply that for the RECORD?

Mr. PASSMAN. Yes, we will provide it for the RECORD.

Mr. CONTE. Mr. Chairman, will the gentleman yield further?

Mr. PASSMAN. Yes; I yield further to the gentleman from Massachusetts.

Mr. CONTE. This is one of the reasons why we want to tighten up on that defense appropriation bill which they use as a Christmas tree to give military assistance to all of these countries. I will talk about this later in my remarks.

Mr. ICHORD. I wonder if the gentleman from Massachusetts would be in favor of a $20,000 limitation to countries like Kuwait?

Mr. CONTE. I would be for giving nothing to Kuwait; not $20,000, but nothing.

Mr. PASSMAN. Mr. Chairman, let me complete the record, if I may. Now, as Members of this body, we have a right to our own opinion about what is good and what is not good. If there should be an amendment to reduce the $350 million, the only thing that would prevent me from offering an amendment to increase it would be it would be subject to a point of order. The $350 million is not adequate to meet our commitments. Now, as to whether they should have made the commitments, that is something else, but we are in a state of war, and most of the money, I think the largest part of it, is going to that part of the world.

Now let us keep the record straight. We have not given Kuwait as much as a popgun, we have not given them as much as a toy pistol. The sum mentioned represents a $36 million hard, high-interest Export-Import Bank loan.

Does that answer the question posed by the gentleman from Missouri?

Mr. ICHORD. Yes.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. PASSMAN. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, is there any money in this bill; is there $20 million in this bill for expanding the United Nations headquarters in New York?

Mr. PASSMAN. No; that would come under a different appropriation. We provide the money for certain agencies, but not for buildings as such.

Mr. GROSS. So the answer is that the $20 million that is proposed for that purpose is not in this bill?

Mr. PASSMAN. That is my understanding; that is in another bill.

Mr. GROSS. Is this Government still putting money into Cuba through the United Nations?

Mr. PASSMAN. Not intentionally.

Mr. GROSS. Well, is it doing it unintentionally?

Mr. PASSMAN. It could be.

Now, let me give the gentleman a direct answer. The evils that may have grown up over the years could not be corrected overnight.

First I will answer the gentleman's question. Of course there are certain organizations under the U.N., such as the World Health Organization, the UNDP program, and so forth, and insofar as Cuba is concerned they are a member of the United Nations, and could be eligible to participate in these funds.

But we are always, and have always been assured that there would be no dollars going to Cuba. The gentleman knows that I am not going to try to give him the runaround. We hope that in the corrective legislation that is necessary, which will be forthcoming this year, we can correct this. Certainly the Cubans get certain aid out of certain funds in the U.N., but the witnesses tell us that under no circumstances do they get dollars. But we might as well be realistic. It does not matter very much if they are not getting dollars. All they have to do is to get a paper credit, and they requisition against that credit for their needs, so it is a subterfuge to say that they do not get aid. But I can say it is limited, and I hope our administrators are doing everything they can do to tighten it up.

Mr. GROSS. I thank the gentleman for his answer.

How about the program that UNICEF is reported to be starting in North Vietnam? Is there anything like that——

Mr. PASSMAN. I am not going to quarrel about UNICEF. That is for little children. I do not know where all the little children are, but I know that a child in Louisiana is just as important as a child in Iowa is, and I also think that maybe a little baby is entitled to as much help in one poor country as in another. This is for the little children, the crippled children, and I am very proud that this committee always recommends the full amount. I do not know where all of it may be going.

Mr. GROSS. I am talking about UNICEF in North Vietnam, whose principal——

Mr. PASSMAN. I defend babies everywhere.

Mr. GROSS. Whose principal business today—that is, the principal business of the North Vietnamese—is the killing of Americans.

Mr. PASSMAN. Of course, I do not know that the North Vietnamese are getting any money out of this act. You are asking questions, and I will try to get the answer to the gentleman.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. PASSMAN. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Chairman, in answer to that question, the answer is "No." UNICEF is in 112 countries.

But first let me say this, the Netherlands have contributed $105,000; Switzerland, $95,000—with the specific designation that it is going to be used to help the children of North Vietnam. None of UNICEF's general resources and no U.S. contributions will be used for this project.

Mr. PASSMAN. I thank the distinguished gentleman from Massachusetts.

Is that satisfactory to the distinguished gentleman from Iowa (Mr. GROSS)? If that is acceptable, then I will not go into any further research on it.

Mr. SHRIVER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, again I would commend the gentleman from Louisiana (Mr. PASSMAN), our chairman, for his diligence, for his hard work and his dedication to the problems of our committee and of the country.

As a matter of fact, every member of our subcommittee on foreign operations of the Committee on Appropriations has spent hours and hours of time in bringing before the House this legislation. They have freely given of their time in dedicated service to what I consider a balanced and a good bill.

Mr. Chairman, on May 19, the President announced that it now looks like we will have a deficit in the fiscal year 1971 Federal budget of $1.3 billion instead of a surplus as previously anticipated. In reporting this foreign assistance appropriations bill this week, the committee has recommended a figure which will cut this budget deficit nearly in half.

The appropriations requested under titles I, II, and III of this bill total $2.9 billion. The committee recommends a reduction of $575.6 million. For title I alone, that is economic and military assistance. The request was $2.2 billion, and the amount recommended in this bill is $1,644,950,000. This is a reduction of $555.5 million. It also represents a reduction of $167.4 million below the fiscal 1970 appropriation.

In reaching these decisions, the committee was fully aware of the need to determine the relative priorities of our domestic and foreign responsibilities. At a time when we are forced to hold the line at home in the fields of education, health, and capital projects, it is hard to justify increasing expenditures in these fields in other countries. We all know the serious local effects of the cutback of construction projects because of inflation here, yet testimony was presented during our hearings to increase expenditures for similar projects in Indonesia by more than $36 million, or 72 percent. Our constituents are rightly demanding that we turn our concern toward home.

This bill includes $375 million for supporting assistance. Eighty percent of this program is for Vietnam, and has a direct connection to the timetable being used to bring our troops home from that country. We have heard a lot about "Vietnamization," and the importance of it on future troop withdrawal decisions of our Commander in Chief. This supporting assistance appropriation provides the all-important monetary means by which this "Vietnamization" can be accomplished.

Thirty-six percent of the Vietnam program is for projects, including continuing assistance for civilian war victims, the new land reform program, and continuing pacification efforts. If the South Vietnamese Government is ever to achieve the trust and loyalty of its citizens, these projects must be supported.

Sixty percent of the Vietnam program is for the commercial import program, which has an even more direct impact on

Vietnamization. As South Vietnam takes over more and more of the military burden of the war, its increased expenditures naturally lead to increasing budgetary deficits and inflation, just as we have seen in our own country. More imports are needed to help soak up the excess currency in the market, but nearly 90 percent of their foreign exchange comes from U.S. activities, either military expenditures or the supporting assistance program.

As our presence in Vietnam diminishes, the military source of this foreign exchange is bound to decline. It is now estimated that South Vietnam's foreign exchange reserves are at a level where they could finance only 3 months of imports. Vietnamization means increasing the ability of the South Vietnamese Government to support a more effective military organization of its own and, at the same time, to provide a stable and responsive society for its own people.

The President's fiscal 1971 budget indicated the possibility of a supplemental authorization and appropriation request for Vietnamization of up to $100 million. However, in a letter to the committee dated May 16, the Secretary of State assured us that the administration would do its best to meet any additional requirements from within the amount originally requested. Therefore, the committee has recommended a much smaller cutback for supporting assistance than for any of the other major items in this bill.

Since Vietnamization is so important to the prompt return of American military personnel from that country, it is imperative that we appropriate the money necessary to accomplish that goal. I am certain that Congress would not want to be pennywise and pound foolish, when for a little more money these boys might be brought home sooner.

Concerning another matter, the hearings held by our foreign operations subcommittee revealed some very cloudy thinking in the area of bilateral versus multilateral foreign assistance. Dr. John Hannah, the administrator of AID testified that "it is sound to suppose that if we are in fact going to go the multilateral route, one would expect cutbacks in bilateral aid requests." Later, another aid spokesman stated that "a predominantly bilateral U.S. program is no longer politically tenable in our relations with many developing countries, nor is it advisable in view of what other countries are doing in international development." At the same time, it was admitted that an increase in the bilateral program of more than $300 million over the fiscal 1970 program was being requested, and the President is expected to ask for approximately one-half billion dollars in new funds for multilateral aid programs. The committee has reduced both the bilateral and the multilateral programs, and will continue to do so until more definite priorities are announced.

In the multilateral area, we recommend $85 million in technical assistance for the various United Nations organizations. This is a reduction of $20 million below the fiscal 1970 appropriation. And we would expect most or all of that cut to be taken from the United Nations development program. In a study of this program by a team of development experts headed by Sir Robert Jackson, it was revealed that 20 percent of its projects are not essential to the recipient country's development. As is pointed out in the report on this bill, the Jackson study also questioned the U.N. development program's administrative capacity to effectively absorb additional funds.

As is evident, the substantial reductions recommended for development loans and Alliance for Progress loans must in the end be taken from individual country programs. Based on evidence introduced during the hearings, several suggestions might be made.

The committee was told that $267 million is needed to help India continue its "increased reliance on market forces" for its development. Yet the Indian Government recently nationalized 14 of the largest banks in that country for political reasons. That Government also charges individual farmers a 10-percent excise tax on all of the fertilizer furnished under this development loan program. This is very definitely not what the American people had in mind with this program. We were also told that India has spent $1.5 billion of its scarce resources for military weapons purchased from the Soviet Union during the past 3 years. Our country discontinued weapons sales to India, as we did not believe that their resources should be used in that way. Why should we now increase our assistance to them so that they can use other funds to buy weapons from the Soviet Union?

We have a request of $81.4 million in development loans for Indonesia. Indonesia is not a poor country, and the justification we heard for this $35 million increase for capital projects was that all of their foreign exchange was needed to help pay off a $3 billion debt owed to the Communist world. This is not a very strong justification when we are cutting back on hospital construction here at home.

Under alliance for progress loans, $155 million is requested for Brazil. During the hearings, I asked if Brazil now has a dictatorial regime. I was told that while it was true that the Government's executive branch had forbidden the legislature to meet, and that "there is a current concern as to the Government's tendency to curtail adverse criticism," it was still not considered a dictatorship by the State Department. Well, it certainly would be considered so in this country.

The bill includes $18,750,000 for the new overseas private investment corporation, or half of what was requested. While the objectives of this agency are worthy of support, there has been a delay in the actual initiation of operations. Thus, it is felt that this amount will be adequate for fiscal 1971.

The committee has included the full amount requested for the Cuban Refugee Program—$112 million. However, it should be brought to the attention of the House that this program has tripled during the past 5 years. At the appropriations level, there is no choice but to reimburse the States for their assistance programs for these refugees. At the same time, Congress should be aware that an increasing percentage of these people cannot take care of themselves and require welfare assistance. Five years ago, 10 percent required these services. That has now gone up to 20 percent.

The full amount of the request for military assistance has been recommended. The $350 million is the same as the 1970 appropriations and the amount now authorized. There have been substantial cutbacks in this item over the past few years, but much of this money now appears in the defense department budget. For fiscal 1971, $2.3 billion in military assistance to other countries is included in other appropriation requests.

At the same time, the committee was pleased to note that the "pipeline" of undelivered supplies under the military assistance program has been reduced from $2.3 billion in fiscal 1966 to only $542 million this year.

We have been told in the past and will probably be told again today that the United States is not doing its share in the international development business, and that our leadership is necessary to stimulate others to contribute. The record does not bear out these allegations. It has now been shown that as our foreign assistance has been reduced by the actions of Congress during recent years, other countries have increased their efforts so that the total aid going to the developing countries is increasing, not decreasing.

As far as doing our share in this field, the United States now spends approximately 47 percent of our total Federal budget for international activities, including the defense of the free world and economic development efforts. This is far above comparable percentages for all of the other member countries of the development assistance committee with the exception of Portugal, which spends a large portion of its small budget for military purposes in its own colonies.

In conclusion, I support the committee's recommendations as the minimum amount necessary to fund foreign assistance efforts which are considered important to our national interests by the administration. It is clear that a total reevaluation of the potential of foreign assistance in general is needed. I would hope that such a reevaluation will be accomplished by the administration and the appropriate congressional committees before next year's appropriations bill is considered.

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentleman yield?

Mr. SHRIVER. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman for yielding, and I compliment the gentleman on his presentation.

I would like to ask the gentleman a few questions about the development loan programs and the very substantial 50-percent cut that was made by the Appropriations Committee. The gentleman pointed out he was sure Congress would not want to be penny wise and pound foolish. He also pointed out that other countries are spending more to help the less developed countries.

If we spend substantially less in the

development loan field, as recommended by the gentleman's committee, will this not inevitably have an effect on the multilateral arrangements whereby other countries are now contributing for example, to Indonesia or India, or Pakistan or to the other countries we are assisting, along with others?

Mr. SHRIVER. As we discontinue or reduce our bilateral programs and perhaps participate more in the multilateral programs, there would be a decrease in bilateral activities. As we participate—and we are—in many of these international institutions, such as the Asian Bank and the Inter-American Bank and the African Bank and the International Development Association, which is an international organization concerned with development, we are participating and contributing in all these areas, and they are all involved in development loans. It is a sizable amount.

Mr. FRELINGHUYSEN. If the gentleman will yield, he is surely not suggesting that all development loans are on a bilateral basis. He is aware of the fact that many of our DL are made as part of multilateral programs, that international consortia have been established for example, to assist Indonesia with its problems.

The gentleman from Kansas described Indonesia as not a poor country. The fact of the matter is that the natural resources of Indonesia are unequaled by any country in that area. But its wealth is potential rather than available now. Indonesia lacks the technical capacity to make its vast natural resources effective. It is deficient in fertilizer production, in transportation, in power, and in irrigation—to name only the most obvious. Does the gentleman not agree that assistance in programs to overcome these deficiencies is being, and should continue to be, given on a multilateral basis in which other developed countries participate, rather than on a bilateral basis with the United States?

Take the case of Korea where we still maintain a large military presence. That country has made outstanding economic progress. Though a consultative group headed by the World Bank and in which a number of international agencies participate, the United States and other developed countries are contributing to the economic viability of Korea. It is significant, I think, that other donor countries are providing an increasing share of Korea's external capital needs. Certainly this is no time for us to slacken our efforts there.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. SHRIVER. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

Going back to the Overseas Private Investment Corporation, otherwise known as OPIC, as I understand it, according to the committee hearings, they used none of the $37.5 million provided last year, yet in this bill the committee proposes to give them $18.7 million. Why?

Mr. SHRIVER. This year is not over yet. At the time of the hearings they said they did expect to put some of these funds, appropriated last year, to use.

Mr. GROSS. But up to the date of the hearings, in April, they had not done anything with the $37.8 million. Why would they be expected to commit all those funds in the 2 months remaining in the fiscal year?

Mr. SHRIVER. They testified they expected to use some of these funds during the remainder of this fiscal year. This year is not over yet.

Mr. GROSS. I have one more question on this subject. Why was the committee unable to obtain, because it was apparently classified as "secret," the amount of the guarantees that have been paid off? Why would this be "secret"? From reading the hearings one would think we were dealing with the Central Intelligence Agency.

Mr. SHRIVER. I yield to the gentleman from Louisiana for an answer to the question.

Mr. PASSMAN. The purpose is that we certainly hope we will be able to collect those accounts that have been charged off. If we make it known publicly that we have charged these accounts off, in all probability we would never collect them.

Mr. Chairman, will the gentleman yield further?

Mr. SHRIVER. I yield to the gentleman from Louisiana.

Mr. PASSMAN. In response to the question of the gentleman from New Jersey (Mr. FRELINGHUYSEN), this so-called development loan, worldwide, is kind of a catchall account. Last year the Congress appropriated $300 million. This year we are recommending $280 million.

I believe we should call to the attention of the committee the fact that there is $1,202,341,000 in this account, unexpended. Many of the programs embodied in the $1,202 million have been obligated for years. Some of them have been obligated for 5 years, some of them for 6 years, and some of them for 7 years, without the funds being disbursed.

We know that under a good shakedown, under a good audit, in all probability, if the gentleman from New Jersey would help us, we would find perhaps $250 million of the $1.2 billion will never be spent.

If the gentleman will yield further, they have so much in this padded account that every year they try to transfer out of this bilateral grouping, into international organizations. The committee, fortunately, up to this particular time has prevented them from doing that very thing.

If the gentleman will assist us in asking them to give us a spread on this $1.2 billion, when they obligated it and how much of it has been disbursed, I am sure money can be saved.

I thank the gentleman for yielding.

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentleman yield?

Mr. SHRIVER. I yield to the gentleman from New York.

Mr. FRELINGHUYSEN. I should simply like to say that I hope the recommendations are not in effect going to destroy needed development assistance that we should be providing in concert with other nations.

I should add that I am also greatly concerned by the serious reduction in the funds for multilateral programs. The committee recommends a reduction from $122.6 million to $85 million—about 32 percent. This program is a creature of the United States. Through our persistent efforts other countries have increased their contributions. In the case of the United Nations development program 48 countries have already increased their pledges by $26 million over 1969 levels. Estimates are that other governments will contribute over $150 million in 1971. It may not be too well known that our contribution is on a matching basis of 40 percent, up to a maximum U.S. contribution of $100 million. Hence any reduction will discourage contributions of other governments.

Mr. ANDERSON of Illinois. Mr. Chairman, I would like to associate myself with the remarks made earlier by my colleague from New Jersey (Mr. FRELINGHUYSEN) and others on the disturbing cutback in assistance to multilateral organizations, particularly the United Nations development program.

The administration's request for these various multilateral organizations was $122.6 million; the Appropriations Committee has recommended $85 million, or $37.6 million less than the administration request. Most of these funds will be taken out of the $100 million allocation for the U.N. development program, meaning close to a 40-percent cutback in assistance to those programs which fall under UNDP.

Let me point out that in 1969, the United Nations development program was engaged in some 3,000 technical cooperation projects in the developing world, and that this involved an outlay of more than $200 million in resources voluntarily contributed by participating governments, and a somewhat larger sum in cash or kind from the recipient countries themselves. This rounded out what is know as the first United Nations development decade during which these organizations provided close to $1.2 billion in technical cooperation assistance. These projects have been aimed at both regional groupings and individual countries, with the latter receiving about 60 percent of the assistance. It is estimated that nearly a half million people in the developing countries have benefited from technical education and training supported by the UNDP. It is further estimated that the annual rate of growth in the developing world over the last decade has been around 4.7 percent, which is close to the 5-percent goal set by the General Assembly at the beginning of the development decade. While growth rates are not necessarily an accurate measure of development, they do give some indication of the overall progress being made in the third world. There is also ample evidence available to indicate that progress has been made in strengthening the underlying conditions necessary for sustained development in these countries. The assistance provided by various multilateral organizations has been an important catalyst in this process.

And so, Mr. Chairman, it is with some concern and dismay that I note a waning of support for these efforts as reflected in the 40-percent decrease in this appropriation for multilateral organizations. Last March, the President's Task Force on International Development, under the able leadership of Rudolph Peterson, advised that—

> The downward trend in U.S. development assistance appropriations should be reversed.

The task force went on to point out that such assistance serves our long-term national interests—first, because we have "an abiding interest in bringing nations together to serve common needs;" and second, because the developing countries comprise two-thirds of the world's population, and "their future success or failure will influence profoundly the kind of world we live in."

The task force report went on to discuss the role of international organizations, such as the U.N., and their multilateral assistance programs. Let me quote briefly from that section:

> The Task Force believe that more reliance on international organizations should be built into all U.S. policies relating to international development. . . . This is basic to the new approach to foreign assistance we recommend. A predominantly bilateral U.S. program is no longer politically tenable in our relations with many developing countries, nor is it advisable in view of what other countries are doing in international development.

Mr. Chairman, I have read the committee report and am aware of the reasons given for cutting funds for these multilateral assistance organizations. The committee cites the report of Sir Robert Jackson to the effect that the United Nations development program has not been operating in the most effective manner. I am glad the committee has left the door open for a restoration of funds once certain changes are made: Quoting from the committee's report:

> Pending any positive action on the part of the U.N. development program concerning this report (The Jackson Report), the committee is of the opinion that a reduced level of funding should be allowed.

Mr. Chairman, it is my understanding that between June 9 and 26, the governing council of UNDP will be meeting to consider the type of reforms that are needed to improve the effectiveness of that organization. I am hopeful that this meeting will take the necessary steps and reforms, and that their efforts will be duly noted during hearings in that other body and later in the conference meetings on this bill. For that reason, I will not attempt to restore funds for these multilateral organizations at this time, but I do want to go on record as supporting continued American assistance to third-world development, both bilaterally and multilaterally, and to register my special concern for the future of our assistance to the United Nations development program.

Mr. PASSMAN. Mr. Chairman, I yield to the distinguished chairman of the full Committee on Appropriations whatever time he may consume.

THE APPROPRIATIONS BUSINESS, FISCAL YEAR 1971

Mr. MAHON. Mr. Chairman, I would like to make a few general remarks about the appropriations bills for the fiscal year 1971 which begins on July 1.

Today, the Committee on Appropriations reported the Agriculture appropriation bill for the forthcoming fiscal year 1971. That brings to 10 the number of regular annual appropriation bills to be approved by the committee for fiscal 1971. The Agriculture appropriation bill is due to be before the House next Tuesday.

Mr. Chairman, in some of these bills which have been before us this year, we have made some cuts and we have made some rather sharp increases. There may very well be a handful of cuts that are not enduring, that are subject to some possible later adjustment upward, but speaking generally and including the bill reported today, in the House we have reduced the budget requests for appropriations, overall, and in respect to fiscal 1971, by about $39 million. We went far above the budget in a few items.

The pending bill, however, is cut sharply, and makes the principal contribution thus far to the overall reduction in the 1971 appropriation requests

Mr. MACGREGOR. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Minnesota.

Mr. MACGREGOR. I thank the chairman for yielding.

I am wondering if, notwithstanding the fact of the nature of this Chamber at present, the distinguished gentleman from Texas would appreciate it if someone made an effort to bring some additional Members to the floor.

Mr. MAHON. I would think that would not be necessary.

Now, Mr. Chairman, I would like to say that the appropriations bills remaining to be considered with respect to fiscal year 1971 at this session, in addition to the Agriculture bill mentioned earlier, are the military construction appropriation bill, which is to be reported next week, and the Labor-HEW bill. Of course, we have already passed the educational part of that bill, and that section is now over in the other body. Then, the public works bill; and then the Defense bill.

We are somewhat concerned about bringing before you the Defense bill because it is a highly controversial measure. The other body has not yet considered the related authorization bill. We do not know what the final version of the authorization will be. So, our reporting schedule on the bills may slip a bit, but we will continue to move forward as expeditiously as we reasonably can and by the end of this month we will have the best record in this regard that has been made in quite a number of years.

THE AGRICULTURE APPROPRIATION BILL TOUCHES THE LIVES OF ALL AMERICANS

Mr. Chairman, I would like to make this statement on the bill scheduled to come up next Tuesday, the Agriculture appropriation bill.

The Committee on Appropriations today released a report which, in my opinion, ought to be read by every Member of the Congress and I hope by many people otherwise. It shows the dramatic implications of the Agriculture appropriation bill for the welfare of all of our people. We call it the Agriculture appropriation bill, and to a very considerable extent for that reason the great majority of our people who live in urban areas think they have no special interest in it but the truth is that the impact of the agricultural industry and agricultural programs on the welfare of this country and the people is tremendous. Some of the bills we consider have only a more or less indirect relationship to the average citizen. But the Agriculture appropriation bill which comes up next week touches in one way or another the lives of every man, woman, and child in the United States. And the bill has international implications.

The Agriculture appropriation bill deals with public health and safety in a very big way. Public health and safety would be seriously crippled without the Agriculture appropriation bill.

The economy of the country, without the Agriculture appropriation bill, would be very seriously injured.

The antipollution programs would be very greatly crippled without the agriculture appropriation bill.

Nutrition for the average citizen and for all citizens, and especially for the poor, would be very much adversely affected in the absence of many programs in the Agriculture appropriation bill. I refer to the food stamp program which is an important program; to the school lunch program; to the special milk program; to the school breakfast program; and all of these other programs of benefit to all of our people.

Some of our bills more or less relate to only some of our people. The agriculture appropriation bill, with all of its implications, relates to all of the people of the country.

I would hope that all Members can find the time to read the report and the bill before it comes to the floor of the House on next Tuesday.

BUDGET "SCOREKEEPING" REPORT

Mr. MAHON. I would like to say further, if I may change the subject, we have what is known as a joint Senate-House Committee on Reduction of Federal Expenditures. I shall place in the RECORD today a statement in regard to the status of congressional actions on the budget generally, prepared by the staff of that committee.

We would hope the statement, while unavoidably a bit complex because the subject of Government finances is complex—we would hope that the statement would be helpful to Members, the press, and others in giving, in summary fashion, a brief picture of congressional actions on the budget in all its essential aspects. We would hope to submit additional status reports for the RECORD from time to time.

I think, in view of the situation confronting us in which we undoubtedly will have a budget deficit this year in Federal funds of at least $11 billion, and we all have to go home and answer to our constituents, that all of us would want to be as well informed as possible in regard to the fiscal affairs of our Government because, unless we can keep this country fiscally strong, our health programs, our educational programs, and all our programs otherwise will eventually fail.

Mr. PASSMAN. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New Jersey (Mr. RODINO).

Mr. RODINO. Mr. Chairman, I would like to call the attention of the Members of the House to an amendment to the bill before us which I shall offer when the bill is read under the 5-minute rule.

My amendment is directed to one of the most serious problems facing our own society here in the United States—the problem of narcotics addiction.

Narcotics have become a plague and we are faced with what is truly an epidemic. If this epidemic is to be abated our Government must take steps to reduce the illegal importation from abroad of such drugs as heroin, morphine, cocaine, and all of the opium derivatives.

The amendment which I shall propose provides for the suspension of foreign aid to any country which fails to take appropriate steps to limit the exportation to the United States of narcotic drugs that are entering our shores unlawfully.

Mr. Chairman, such a provision is long overdue. For many years our Government, mostly through our State Department, and through international organizations, has been attempting to persuade foreign governments to curb the illegal growing of opium poppies and the illegal production of heroin, morphine, and cocaine. The little progress that has been made has been more than offset by a rapidly growing increase in the flow of narcotics into the United States. In my judgment, humanitarian appeals for the cooperation of foreign governments simply do not suffice. It has become necessary for us, instead, to impose meaningful economic sanctions on governments that do not cooperate.

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One of the most outrageous examples involves the illegal growing of opium poppies in Turkey. About 80 percent of all the heroin smuggled into the United States is made from opium grown in Turkey, where farmers have been cultivating poppy fields for hundreds of years. According to reliable information, the illegal supply of opium is so plentiful in Turkey that the amount necessary to produce a kilo of heroin can be purchased for about $350. The price to narcotic addicts in the United States purchasing one kilo of heroin is about $225,000.

The only way in which we will be able to deal effectively with this problem is for the Congress to enact a law which will impose sanctions and which will have teeth. The amendment that I am introducing today will provide such a law on a 1-year basis. I have also introduced a bill (H.R. 17883) which will incoporate the same sanctions permanently in our foreign aid program. By first adding such an amendment to this appropriations bill, it may be that foreign governments will be prodded into immediate action and that permanent provisions of this sort will not be necessary. However, in my view it is essential that we act as soon as possible to take this first step.

Mr. Chairman, the American people cannot be expected to provide aid when, in return for American dollars, foreign narcotics producers reap vast profits by preying on America's youth. I urge all of my colleagues to give my amendment their support.

The following letter from the Department of State and the various newspaper articles on the subject certainly lend force to the need for such an amendment.

DEPARTMENT OF STATE,
Washington, D.C., February 13, 1970.

Hon. PETER W. RODINO, Jr.
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN RODINO: The Secretary has asked me to reply to your letter of January 27, 1970 concerning State Department activities relating to the international control of crime in general and the international control of narcotics in particular.

With respect to the general international control of crime, primary responsibility lies with the Departments of Justice and Treasury, and the State Department's role is comparatively limited. As appropriate in individual cases the State Department, in cooperation with the Department of Justice, handles extradition matters with those countries with which we have appropriate treaty commitments. In the matters of surveillance, interception and arrest of known criminals, particularly those engaged in illicit trafficking of narcotics, this government cooperates closely with the International Criminal Police Organization (ICPO/INTERPOL), a nongovernmental organization. The Treasury Department has primary liaison relations with INTERPOL, which has no force of agents in being but provides a world-wide communications network centered in Paris. I am sure that the Treasury Department would be most happy to describe to you their working relations with ICPO/INTERPOL.

In multilateral matters dealing with narcotics, the United States has very specific treaty obligations, dating back to 1909, to monitor and control the international flow of narcotic drugs. There are two United Nations organs, both located in Geneva, which deal with the subject, the Commission on Narcotic Drugs (CND) and the International Narcotics Control Board (INCB). The United States is a member of each.

The Department of State is charged with the responsibility of ensuring that for the sessions of these bodies, the unified position of the various United States agencies concerned are correlated and approved and that, where appropriate, guidance and instructions are provided on any political matters which may arise. Further, the State Department is the official channel for all communications between the United States Government agencies and these international bodies. A member of the U.S. Mission to the United Nations and the Specialized Agencies in Geneva provides close and regular liaison with their Secretariats. However, primary responsibility for dealing with these organizations on technical matters rests with the Bureau of Narcotics and Dangerous Drugs of the Department of Justice.

The Commission on Narcotic Drugs is the technical body set up to advise the Economic and Social Council of the United Nations on narcotic affairs. The U.S. Representative is John E. Ingersoll, Director of the Bureau of Narcotics and Dangerous Drugs (BNDD) of the Department of Justice. The CND, a Functional Commission of the United Nations, provides a forum where government delegates meeting biennially attempt to solve problems and arrive at decisions concerning all phases of the narcotics problem. Although originally created to deal with issues relating to narcotic drugs, such as opium and its derivatives, the Commission has broadened its area of activity to include new synthetic preparations. Specifically, the Commission has just agreed upon a draft "Protocol on Psychotropic Substances" in order that such products as LSD and other mind-expanding substances may be placed under similar types of international control as other narcotics.

The other major multilateral organization is the International Narcotics Control Board, formerly the Permanent Central Opium Board, dating back to 1925. The INCB is composed of 11 experts in the field of narcotics, elected by the United Nations Economic and Social Council from candidates proposed by governments. These experts serve in a private capacity and in fact cannot have an official position with a national government. The U.S. Member of the INCB is Dr. Leon Steinig. In essence, INCB's purpose is to provide a control system of manufacture and international trade, based on estimates of requirements submitted by governments and examined by the Board. To bring the system into application the Board annually publishes these estimates, thereby enabling governments to satisfy themselves that the amounts manufactured, imported and exported remain within the legitimate limits contemplated by treaty. The annual statement also includes forecasts of legitimate opium production, and is supplemented by quarterly revisions. A second supplement shows licit movements of narcotic drugs from the production of the raw material to the consumption of the finished product. Tables of maximum permissible opium stocks are given, together with a comprehensive review of the trends in the licit movement of narcotics, and a brief statement of seizures in illicit traffic.

If the INCB finds that a dangerous quantity of drugs is accumulating in a given country it may recommend that other States stop shipments of the drug to the country in question. It also has the authority to make this recommendation if, in comparing the estimates and the statistics furnished by governments, it finds that a country has violated its treaty obligations relating to the maximum amount of narcotic drugs which it may manufacture or import. The Board has never taken such action, perhaps because the real power behind multilateral international control activity is the power of public opinion and the weapon of publicity. Both the CND and the INCB reports are reviewed by the UN Economic and Social Council and governments are extremely sensitive to any public accusation that they have failed to cooperate in this humanitarian and social venture.

In addition to multilateral organizations dealing with narcotics, the State Department gives high priority to bilateral representation in those countries where the production, manufacture or smuggling of illicit drugs is a factor. Such representations are of course closely coordinated with the Departments of Justice and Treasury, both through the formal mechanism of President Nixon's Task Force on Narcotics Matters, on which all concerned government agencies are represented. To cite one example, the State Department, through the Agency for International Development, made a loan to the Government of Turkey to permit phase-out of illicit poppy growth. This, of course, would reduce the possibilities for diversion. In another area the State Department, with Treasury and Justice, is working with the authorities of the Government of Mexico on "Operation Cooperation" to reduce the flow of illicit narcotics and other drugs on the southern border.

The Department of State considers the matter of illicit trafficking to be of such importance that in 1969 it created the position of Special Assistant to the Secretary of State for Narcotic Matters. Mr. Harry Schwartz is the incumbent (632-3608) and he will be happy to meet with you at your convenience to brief you privately.

Sincerely yours,

H. G. TORBERT, Jr.,
Acting Assistant Secretary for Congressional Relations.

[From the Newark Sunday News, May 31, 1970]

World Drive on Narcotics Trafficking Is Taking to the Air

LONDON (Reuters).—Spotter aircraft soon will be fanning out over Turkish farmlands to detect secret fields of opium poppies—chief source of illicit heroin shipments to Western Europe and North America.

This is one of many new methods being used by nations around the world to wipe out narcotics trafficking at the source, according to a survey by Reuters.

Another major source of opium can be found in the poppy fields of Indochina's mountainous areas and adjacent regions. The traffickers do a flourishing trade mainly for consumption in the traditional opium dens of Southeast Asia. Little filters through to Western countries.

MEDICAL USE

About 900 tons of opium are needed each year for medical purposes. Three countries—the Soviet Union, India and Turkey—provide this amount. There is little leakage into the underground market except from Turkey.

Yet the Soviet Union is not immune to the drug problem. New anti-narcotics legislation provides stern penalties for the illicit sale or use of both hard and soft drugs.

Three different plants are responsible for the drugs:

Opium poppy (hard drug)—Its unripened seed pods make opium. Morphine and heroin are derivatives. It is grown mainly in Asia.

Coca shrub (hard drug)—Its leaves make cocaine, used for medical purposes as well as chewed as a sedative by people in Bolivia and Peru where it originates. Lately some cocaine has been reaching illicit markets in North America.

Cannabis (soft drug)—Its dried leaf makes marijuana, its resin makes hashish. Mexico and North African countries are major producers but the plant grows almost everywhere on the poorest soil.

COOPERATION

The United Nations Narcotics Board, the International Police Agency and other world bodies are cooperating with national governments to curb the growth of drug trafficking.

Their guns are also aimed at the illegal use of synthetic drugs such as the chemically-produced barbiturates, amphetamines (pep pills) and hallucinatory drugs like LSD.

At present, heroin is causing the most concern, especially in the United States. The U.S. Bureau of Narcotics says there are 68,000 known addicts in America—some 30,000 of them in New York City. Unofficial estimates claim there are 100,000 heroin addicts in New York City alone.

French officials believe that about 80 per cent of the heroin reaching addicts in America is processed in secret laboratories in the Marseilles area.

PRESSURE BY U.S.

The U.S. government has been pressing Turkey to impose a complete ban on opium poppy cultivation. It has granted financial aid specifically earmarked for the purchase of spotter aircraft to fight the problem at the source.

Illicit plots of poppies are hidden in the middle of huge Turkish wheatfields and can only be detected from the air. The Turkish government restricts official poppy cultivation to nine of the 67 provinces. These poppies are considered to produce the highest-quality opium in the world.

Turkey has argued against the U.S. request for a complete ban on poppy cultivation which would affect 80,000 growers of the crop. To recoup his losses each year, a Turkish poppy farmer would have to harvest a non-poppy crop three times in 12 months.

For the Turkish government, the ban would mean a huge loss in much-needed foreign currency.

NEW METHODS

At the same time, Turkey is doing all within its power to halt the illicit trade. Police and customs officials have adopted new methods to trap traffickers and the penalties for drug offenses range from two years in prison to death.

Narcotics seized by Turkish border officers last year amounted to 5,566 pounds of raw opium and 106 pounds of morphine base, as well as 935 pounds of marijuana.

Smuggling routes have increased with the growth of tourist travel. The opening of Communist countries to Western tourists has been a boon to traffickers.

Morphine base, much easier to conceal than raw opium, and refined heroin can be hidden in false-bottom suitcases, wine bottles, cans of food, motor cars, ski poles or in clothing.

Drugs move by air, sea and overland routes from Turkey to Western Europe, carried by agents of various underworld groups. The agents may be innocent-looking tourists, airline or ship personnel or hippies.

United Nations experts estimate that some 200 tons of opium grown in Turkey reach addicts in the West each year.

Israeli authorities say that since the June 1967 war, an increasing amount of drugs—mostly hashish grown in occupied Arab areas—has been smuggled out of the country.

Profits from heroin trafficking are enormous. The U.S. Narcotics Bureau says 22 pounds of raw opium grown in Turkey and sold to an underworld broker for $350 will produce 45,000 packets containing 5 per cent heroin mixed with other substances. Each packet sells for $5 for a total sale value of $225,000.

In Paris, a narcotics expert says morphine base costs $80 a kilo (2.2 pounds) but fetches $15,000 in America after it has been processed into heroin.

Hashish sells for $336 per kilo in Turkey but fetches $8,640 for the same amount in Western Europe.

[From the Washington Post, March 6, 1970]

U.S. Narcotics Unit to Press Turkey to End Opium Trade

(By George Lardner, Jr.)

Alarmed by the rising death toll from heroin in this country, the Bureau of Narcotics said yesterday that it will press Turkey—where most of it originates—to close down all of its opium fields.

"When you have over 900 deaths in one city (New York) in one year, and 224 of them are teenagers, then I think we've got a right to start hollering," Director John E. Ingersoll of the Bureau of Narcotics and Dangerous Drugs declared at a news conference.

About 80 per cent of all the heroin smuggled into this country, he said, is made from opium grown in Turkey where farmers have been cultivating poppy fields for hundreds of years.

It makes its way into this country from clandestine processing labs in Europe, especially on the French Riviera.

The Turkish government already has agreed to cut back the number of provinces where opium cultivation is authorized, but now, Ingersoll said "we're pressing for total abolition."

He said French officials also have agreed to assign 300 officers to control narcotics in that country and another 30 to deal with international trafficking.

U.S. officials have been reluctant in the past to speak out on the "delicate" negotiations with Turkey on the opium issue.

"The United States is probably the biggest single victim of illegal narcotics traffic," Ingersoll said. In New York, he said, heroin addiction has mushroomed to the point where it is the biggest single cause of death for 18- to 35-year-olds.

A Turkish government monopoly buys some 100 tons of opium each year for world medicinal needs, but controls, Ingersoll said, are loose.

Countries such as India, the narcotics chief added, have much tighter restrictions.

The Turkish monopoly pays farmers there $165 for the opium needed to produce a kilo of heroin, but they can get $350 for it on the black market. According to narcotics agents, an addict would have to pay about $225,000 for all of the fixes he could get from a single kilo.

Turkey already is receiving a $3 million loan from the Agency for International Development to help step up its surveillance work and encourage Turkish farmers to switch over to other crops such as sugar beets, sorghum and sunflowers.

Premier Suleyman Demirel's government has agreed to limit authorized production to nine provinces this year and only four next year.

It was permitted in 21 provinces several years ago, but Ingersoll said the impact of the cutback has been nominal. The most productive provinces are still in business.

While opium production represents less than one per cent of Turkey's gross national product, the narcotics chief said it is a "deeply ingrained tradition" among Turkish farmers.

[From the Washington Post, July 28, 1966]

U.S. Seeks Ban on Opium Poppies in Mideast Area

(By Alfred Friendly)

The United States has recently proposed a strict prohibition of the cultivation of opium poppies in the Middle Eastern area that now supplies three-fourths of America's illegal heroin.

The plan was submitted in May to a meeting of the Central Treaty Organization in Tehran, but was not publicized.

It would apply almost entirely to Turkey. Iran successfully banned the growing of opium poppies in 1957, and the third CENTO power in the area, Pakistan, is a negligible source.

The American proposal, calling for a complete stop to poppy growing, with strict enforcement, spelled out no further details. But the cost of narcotics addiction in this country and the importance to it of diminishing the supply are so great that it would make sense for the United States to offer Turkey a considerable inducement to agree.

Under international treaties, Turkey licenses poppy growing and requires that all opium gum, the raw material for medical morphine and codeine, be sold to a government monopoly. But with nearly 200,000 licensed growers, enforcement is impossible. Smugglers pay the Turkish farmer three to five times the government price and as a result only a minor proportion of the gum is sold through legal channels.

Nevertheless, Turkey's legitimate exports of opium gum bring it a hard currency return of almost $3 million a year, and the value to the Turkish farmers (who sell the seeds as well, for conversion to vegetable oil) is even higher. The Turks would be hurt by the loss of that revenue.

Federal, state and local narcotics enforcement costs in the United States, however, run to more than $24 million annually. Heroin addicts, of whom there are nearly 53,000 in this country, spend close to $200 million in purchases of the drug. Accordingly, it would seem to be much to America's advantage to give Turkey money and technical aid during a transition period as an inducement to its cutting off such a large proportion of the illegal American supply.

Iran moved the whole way to total prohibition of poppy growing under the pressure of its own serious addiction problem. At that time, the United States helped it over the transition period with technical advice to farmers on ways of growng the best substitute cash crops.

Today, Iran also has an interest in stopping the Turkish product, since substantial amounts of opium gum are smuggled over the border to supply Iranian addicts.

Besides the moral considerations for halting production, Turkey faces the economic fact that sooner or later its revenue from lawful exports will be ended. American development of synthetic painkillers, not habit-forming, is proceding encouragingly. portending an end to the medical use of opium derivaties.

The present illegal traffic flows from Turkey to the Levant and thence to Marseilles, where processing is done. The resulting heroin is then smuggled to the United States.

Of the rest of Americas supply, about two-thirds comes from poppies grown in Mexico and one-third from the Orient.

If the Turkish source were cut off, scarcity and the resulting high prices would make suppression and treatment of addiction much easier, it is believed. It would take several years for the processers and shippers—mainly Italians and Corsicans who switched operations to the Marseilles area after the last war—to set up new facilities and trade channels, presumably in the Far East.

During that time, it is thought, much could be done to relieve the problem here.

[From the New York Times, Apr. 20, 1969]

IRAN, BACK IN POPPY-GROWING BUSINESS, PLANS DEATH PENALTY FOR UNAUTHORIZED OPIUM TRADERS

(By Lawrence Fellows)

TEHERAN, IRAN.—This is a land of lovely, high, windblown steppes on which the opium poppy grows so well. Perhaps two million people in Iran once liked their opium pipe so well that they felt they would die without it.

Nevertheless, the National Assembly will gather Sunday in the old Qajar Palace in Baharestan Square to debate a bill that would impose the death penalty on anyone in Iran found guilty of unauthorized traffic in opium or its derivatives, morphine and heroin. The Assembly is expected to approve this bill quickly.

A few blocks away from the Assembly the Government's Foreign Trade Company is studying the bids it had invited from pharmaceutical houses in Britain, Germany, France, Switzerland and Japan for 30 tons of opium.

A spokesman, clearly disappointed with the low bids, explained that the opium had come from poppies grown outside the country and had been confiscated, and that the morphine content was not up to the old high standard established in Iran.

And on the green, disused fields of Kerman and Kurdistan teams of government experts are seting out new fields of the pretty but powerful little white flowers. After 14 years of a strict ban imposed at the request of the United Nations, the Government has decided that Iran should get back into the poppy-growing business.

At first glance these scattered bits of activity around the poppy might seem to be contradictory, and in some features unpleasant news to health officers and law enforcement agencies around the world who have been trying to control the traffic in narcotics by stamping it out at the source.

But Iran's argument is essentially a simple one: she was willing to cooperate, but her neighbors were not, and after years of warnings that she would not suffer alone and for nothing, she has decided to go after the trade she has lost to Turkey and Afghanistan.

Since 1955 when Iran imposed the ban on poppy-growing the country has lost the $40-million it would have earned each year from the 1,200 tons of opium it was accustomed to selling yearly abroad, the Government has reckoned.

The Government has even had to lay out hard currency to import the narcotics it needs for legitimate medicinal purposes. Worse yet, the ban has cost Iran an additional $10-million yearly in gold and hard currency in illicit traffic—sums paid out by Iran's own addicts for narcotics brought to them in camel caravans over the wild, uncontrollable Afghanistan frontier.

There are fewer addicts in Iran now than there were in 1955 when the ban was imposed. From two million then, the figure dropped to 35,000 in 1962. Clinics were set up around the country to help people kick the habit.

But the number of addicts has risen again to a quarter of a million, in a population of 27 million, partly because of new addicts and partly because some of the old ones quit trying to quit, especially with the increasing ease with which the narcotics could be got from across the borders.

One unpleasant aspect of the increasing addiction in Iran is the gradual shift from smoking opium to taking the much more powerful heroin by needle.

When a man put the charcoal to opium in his pipe and the dark brown, chocolate-like substance began to ooze down into the pipe and smolder, the whole neighborhood could smell it, including the police. Heroin is more dangerous and expensive, but it is also quick and odorless.

There were other burdens for the authorities. There were the rising costs of hospitalizing the addicts, of trying and imprisoning the traders. There was the heavy cost of policing the frontiers, and this should become less burdensome when the poppies are grown locally on government fields or under government supervision.

There will be stiff penalties for those Iranians who think the Government is relaxing things all around. Civil servants who become addicted and fail to lose the habit will lose their jobs. Everyone else who stays addicted will run the risk of losing his social security benefits.

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from New York.

Mr. BIAGGI. Mr. Chairman, I thank the distinguished gentleman for yielding and I rise to commend the gentleman for his salutary amendment.

In my considered judgment, after some 23 years' service on the police department of the city of New York, and being fairly familiar with the drug problem, this is a direct blow at the heart of the drug industry. I sincerely hope the amendment passes in this bill, or if it does not in this bill, it should receive prime consideration from House of Representatives as quickly as possible.

Mr. PASSMAN. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to our distinguished chairman.

Mr. PASSMAN. Mr. Chairman, I want to commend the distinguished gentleman from New Jersey for bringing to the attention of the Committee this amendment. It is a very fine amendment. I do not believe it would be at all appropriate to offer it to this bill, but if it is offered on the legislative bill when that bill is brought out onto the floor I am certainly going to support the amendment.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Chairman, I too would like to support the gentleman's proposed amendment. I think we have to realize that, once these drugs arrive upon our shores, it is very difficult to police their distribution, and consequently we have to rely on the cooperation of other countries; certainly a quid pro quo for the aid that we are giving to these countries should be their active cooperation in cutting off this flow of drugs to America.

Mr. SHRIVER. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Chairman, I have been a member of the distinguished Subcommittee on Foreign Operations for 12 years now. During that time, I have consistently raised my voice in support of effectively planned and efficiently administered foreign assistance programs.

That support for and interest in our foreign aid programs has declined should be clear after looking over H.R. 17867. The committee has cut $536.8 million—more than half a billion dollars—from the $1.8 billion requested for economic assistance.

The biggest cuts came in the heart of the nonmilitary program—$86.8 million from technical assistance; $112.5 million from Alliance for Progress development loans; and $290 million from worldwide development loans. In addition, among other cuts, was $18.8 million from the Peace Corps.

Last year in the CONGRESSIONAL RECORD, volume 115, part 28, page 37957, I said.

> To cut off foreign economic assistance would be to turn off the lights of the less developed world. That, however, is precisely what this body will be doing if it accepts all of the committee's recommendations.

The same thing is happening all over again, and I for one have not been hardened by the repetition of such tragic action.

PEACE CORPS

The committee has cut $18.8 million from the Peace Corps and recommended $80 million. This is $18.4 million below the 1970 level.

At a time when defense spending exceeds $70 billion and when the committee made no cut from the $350 million request for military assistance, it is ironic that we must cut by 20 percent something called the Peace Corps.

The Peace Corps, with its small budget, performs a noble and important function. It serves the cause of global peace, the foreign policy of our Nation, and at a time when our young people are searching for ways to improve the "system," it provides a constructive avenue for them to take.

Moreover, the Peace Corps is now moving in directions which I believe most of my colleagues support. It is broadening its appeal to include Americans of all ages and of greater competence. It now admits families and draws from the professions, farming, and labor.

The new recruitment effort is in full

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swing. It has already succeeded by doubling the number of applicants over 30 years of age; by doubling the number of farmers available for service; by increasing by 50 percent the number of applicants with craft skills such as mechanics, carpentry, and welding; and by increasing by 40 percent the number of experienced teachers who have applied.

The Peace Corps has also reduced the size of its Washington staff by 22 percent.

The action taken by the committee is very serious indeed. It could result in serious and lasting damage to the Peace Corps.

Since the bulk of the Peace Corps budget is needed for the support of programs already in progress overseas, any sizable reduction in funds creates a corresponding cutback in the only area of any flexibility—the new training input.

The 20-percent cut by the committee would mean a 50-percent cut in new trainees, some 3,400 compared with the requested 7,000. I think this would put the future of the Peace Corps in grave doubt.

For all these reasons, I will, at the appropriate time and if a point of order is not raised because the budget has not been authorized, offer an amendment to restore $10 million of the cut and a corresponding $2 million in administrative expenses. This would result in a $90 million budget for 1971.

I urge my colleagues to join me in support of this amendment.

MULTILATERAL ORGANIZATIONS

The committee has cut $37.6 million from technical assistance for multilateral organizations. The recommendation of $85 million is $20 million less than the figure for 1970.

I strongly object to this cut. To begin with, technical assistance is what might be called the "bread and butter" of economic assistance. This is what one reads about when we help an Indian farmer grow a better grain of wheat or a Malaysian farmer grow some "miracle" rice. It is helping others directly to help themselves.

In addition, both the Pearson Commission report and the Peterson task force report have called for increased emphasis upon multilateral rather than bilateral assistance. I have long maintained that this is the direction in which our aid program should be moving.

Operating through a multilateral framework can also be more economical. Paul G. Hoffman, Administrator of the United Nations development program, has noted that each $100 million appropriated for the UNDP generates some $450 million—$150 million from other donors and another $150 million or more in matching funds.

In spite of all this, what has the committee done? It has cut the money needed to move in a new direction—a direction with great promise for the future of the developing world. It has failed to provide the means with which change could be effected. It has refused to recognize the necessity of international action in the new and developing nations of the world.

I want the record clear on the fact that I do not concur in the $37.6 million cut made by the committee.

CLASSIFICATION OF THE SECRETARY OF STATE'S TESTIMONY

On April 23, 1970, the Secretary of State, William P. Rogers, appeared before the foreign operations subcommittee. None of the testimony, except the prepared statement by the Secretary, appears in the hearings.

I must express my gravest concern over the classification of the Secretary's entire testimony as well as all the questions asked by the subcommittee members. I have done this at length in separate views to the report, House Report No. 91–1134. I was joined in these views by Mr. Yates, Mr. Giaimo, Mr. Obey, Mr. Addabbo, and Mr. Boland.

I would particularly draw my colleagues' attention to the following statement in our separate views:

> The classified treatment request was granted by the Chairman of the Subcommittee without consulting the Subcommittee members. A request on May 21 by five of the Subcommittee members to meet to consider this vital question was rejected by the Subcommittee Chairman.

The questions and answers on April 23 ranged far and wide. They were not limited to Cambodia and Vietnam. While Southeast Asia was heavily stressed, the Middle East, Latin America, Europe, Africa, and just about every section of the world was discussed.

I think the American people, under our democratic and open system of government, have the right to know what Secretary Rogers said—to the extent that such information would have no adverse effect upon the national security of the United States. To the extent that it would have an adverse effect upon our national security, and only to that extent, the committee should have approved the classification request.

As we stated in our separate views:

> National security, not embarrassment is the standard we have set forth for classifying information in our record.

We are taught at the earliest levels of learning that this is a nation of checks and balances. Congress is supposed to act as a check on the executive branch.

Congress has the right—the constitutional right—to know the answers to questions on matters it has the ultimate responsibility to authorize and to fund. Such questions were raised before the Secretary of State, and they were answered by him. I do not see how it protects the national security to keep all of these questions and answers from the general public and the other Members of this body.

For many decades now Congress has sat silent witness to the continuing erosion of its powers in the field of foreign affairs. To some extent this has represented a necessary change to meet changing times. The events of the past decade, however, have made extremely clear just how dangerously far this shift in powers has gone.

The people of this Nation are rightly demanding today that Congress reassert its power and assume the full share of its awesome responsibilities in foreign affairs and particularly in the critical area of war.

I think some basic constitutional questions are involved in this series of events. That is why five subcommittee members requested a meeting with the chairman (Mr. Passman). I regret very much that we did not have the opportunity to discuss the Secretary's request with him.

In conclusion, I would point out that the committee and the Congress have very important decisions to make regarding Federal spending for programs of foreign assistance. I hope that in the future, and in cases not specifically involving the national security, these decisions would be made openly before the Members of Congress and before the American public.

EXCESS DEFENSE ARTICLES PROGRAM

I would like to turn now to what has become one of the more controversial parts of the foreign aid program. I refer to the so-called excess defense articles program under which the United States gives away surplus military property of all kinds throughout the free world. A brief outline of my work in this area might be in order at this time.

A. JETS FOR TAIWAN IN FISCAL 1970 BILL

When the foreign aid bill for fiscal 1970 was on the floor last year, I spoke at length against the gift of some $54.5 million for jets to the Republic of China.

I said in the Congressional Record, volume 115, part 28, page 37957:

> I strongly oppose this appropriation because there has been no justification whatsoever for it. * * * Now I ask my colleagues very pointedly—how do we know whether China needs these jets? Floor debate consisted of some five pages in the Record. No supporting material was sent up to Congress. In fact, barely anyone knew anything about these jets until that fateful day in November—the 20th to be exact—when an amendment was offered calling for the expenditure of $54.5 million of the taxpayers' money.

The battle over those jets, as many of my colleagues will recall, continued into early 1970. However, the earmarking of that money was finally deleted from the bill.

But the fight was not over.

B. "CHRISTMAS PACKAGE" FOR TAIWAN

I subsequently found out that the United States had decided to give Taiwan what I have called a "Christmas package" consisting of $157 million in surplus military property. It included not only jets, but also air transports, tanks, howitzers and rifles.

The story of this disclosure and how it all came about is vividly documented in three New York Times pieces that I would like to include in the Record at this time. The first, dated March 29, 1970, is by John Finney. The other two, dated April 5, 1970, consist of an article by Peter Grose and an editorial entitled "Arms Loophole."

The material follows:

[From the New York Times, Mar. 29, 1970]

TAIWAN SECRETLY GIVEN MILLIONS IN U.S. ARMS IN 1969

(By John W. Finney)

Washington, March 28.—The United States secretly presented Nationalist China last year with fighter planes, cargo planes, destroyers, anti-aircraft missiles, tanks and rifles reportedly worth $157 million.

Except for approximately $1-million paid for four destroyers, the Government of President Chiang Kai-shek in Taiwan received the weapons free out of stocks that had been declared surplus by the Defense Department.

Such large-scale use of "surplus" weapons as an indirect form of military assistance is a relatively new development and is raising unresolved policy questions within the State Department and Congress.

With the reduction of the United States military forces and withdrawal of troops from South Vietnam, billions of dollars' worth of weapons are being declared surplus by the military services. A study by the staff of the Senate Foreign Relations Committee suggests that the total may come to $10-billion, although State Department officials believe this estimate is too high.

The Defense Department never announced, either publicly or to Congress, the transfer of the weapons to Taiwan, and the gift would probably have gone unnoticed if some questions had not been raised in a recent meeting of a House appropriations subcommittee by Representative Silvio O. Conte, Republican of Massachusetts.

At a closed-door hearing, Representative Otto E. Passman, Democrat of Louisiana, the subcommittee chairman, was once again raising the possibility of providing $54-million so the Government in Taiwan could buy a squadron of F–4 Phantom jet planes. A similar proposed grant in the military-assistance program was approved last year by the House, but blocked by the Senate.

As the debate in the foreign aid subcommittee warmed up, Lieut. Gen. Robert H. Warren, Deputy Assistant Secretary of Defense for military assistance and sales, broke in and was said to have observed: "I want you to know we have given them quite a bit," Then, under questioning by Mr. Conte, the details of the military goods supplied to the Chinese Nationalists were disclosed by General Warren.

During floor debate last week, when the House approved legislation lending three submarines to Taiwan, Mr. Conte listed some of the "military goodies" that were included in what he described as the "beautiful Christmas present" for the Chiang Government. In an interview, he listed additional items that had been included in the package.

These included four 20-year-old destroyers that had been decommissioned by the Navy; equipment for a Nike Hercules missile battery that had been decommissioned by the Navy; 35 F–100 Super Saber jets, which are relatively old supersonic interceptors; more than 20 F–104 Starfighters, which are supersonic fighter planes still in use by the United States Air Force and the North Atlantic allies; more than 30 C–119 flying boxcars, which are 15-year-old troop and cargo transports; some 50 medium tanks, and about 120 Howitzers and thousands of M–14 rifles.

On the basis of the Warren testimony, Mr. Conte placed the total cost of the package at $157-million.

PENTAGON WON'T COMMENT

In response to inquiries, the Defense Department declined to confirm or deny the details of the package described by Mr. Conte. The explanation offered by a department spokesman was that the Pentagon normally does not discuss the transfer of arms to foreign allies and furthermore that the information gets to "the order of battle" of the Chinese Nationalist armed forces.

State Department officials, who were not so reluctant to discuss the transaction, said the transfer had been worked out in negotiations last summer and fall. Confirming the general outlines of the package, these officials said the weapons were needed to modernize Taiwan's air defenses and to replace obsolete ships.

State Department officials described the transaction as part of a general program of using surplus arms to bolster the defenses of such "forward defense" countries as South Korea, Turkey and Taiwan. In recent months, for example, the Defense Department has transferred 790,000 used rifles, carbines and submachine guns to South Korea for use by its home defense reserve forces.

AID PROGRAM REDUCED

Within the last year or so, the Pentagon has embarked on a major program to use surplus weapons to supplement its military assistance program, which has been sharply reduced in recent years.

This was a principal justification offered by State Department officials for the major shipment of surplus arms to Nationalist China.

Since the end of World War II, Nationalist China, known formally as the Republic of China, has received $2.7-billion in military assistance from the United States, primarily in arms provided as grants. But in recent years, this direct military assistance has been drastically curtailed, falling from $117-million in fiscal 1968 to about $25-million in the current fiscal year, which ends June 30.

"One reason we provided the Republic of China with so much in such a short time," a State Department official explained, "is that grant assistance was dropping drastically but at the same time China, as an exposed forward-defense country, had unfulfilled military requirements."

The policy question now being raised by the Senate Foreign Relations Committee is what controls, either by the executive branch or by Congress, are being exercised over the Pentagon's use of its growing stockpile of surplus weapons as a form of military assistance.

In other areas of military assistance, Congress and the executive branch have established tight controls over the Pentagon.

Direct military grant assistance, for example, is subject to annual authorizations and appropriations by Congress, which thus sets a limit on how much aid can be provided country by country.

In the area of military sales—an area in which the Pentagon used to have complete latitude with its own "revolving fund" to finance credit sales of arms—Congress in the last three years has imposed tight controls. Under legislation first enacted in 1968 and now up for renewal, the Pentagon must obtain Congressional authorization for credit sales and Congress in turn imposes an annual ceiling on the amount.

But in the disposal of surplus arms abroad—through sale or gift—the Pentagon needs no Congressional authorization and faces no Congressional limitation. The only requirement is that the Defense Department report the surplus arms transportations annually when it appears before Congress for its military-assistance appropriations, but as one Foreign Relations Committee staff member observed: "The reporting usually comes considerably after the fact."

Within the executive branch, the Pentagon in principle has to obtain State Department clearance for the disposal abroad of any major item of surplus equipment. But State Department officials acknowledge that the controls over surplus equipment are not as tight as those that have been worked out for sales of military equipment.

One of the current efforts within the State Department's Bureau of Politico-Military Affairs, therefore, is to establish tighter interagency controls over the disposal of surplus weapons. A corresponding effort to establish stricter Congressional controls is certain to be made by the Senate Foreign Relations Committee as it considers extension of the military sales legislation, already approved by the House.

A foreign relations subcommittee, headed by Senator Stuart Symington, Democrat of Missouri, got its first insight into the Pentagon's growing use of surplus weapons as a form of military assistance when it held still-secret hearings last fall into United States military arrangements with Nationalist China.

One of the operations discovered by the subcommittee was that Maj. Gen. Richard G. Ciccolella, chief of the United States Military Assistance Advisory Group in Taiwan, had sent a special team to South Vietnam with the mission of finding used or damaged equipment that could be turned over to Taiwan.

The subcommittee also determined, according to Congressional sources, that General Ciccolella had arranged for establishment of a military equipment repair facility in Taiwan.

The repair facility, according to these Congressional sources, was proving profitable to the Nationalist Government in two respects. First, it was receiving money to repair equipment under contracts with the Defense Department. Second, it was receiving free equipment by taking over weapons that had been declared irreparable by the United States.

General Ciccolella had been scheduled to testify before the Symington subcommittee last fall, but his appearance was postponed when he was hospitalized with a back ailment. The general has now been reassigned to Fort Meade in Maryland, and the subcommittee plans to have him testify before closing the Taiwan phase of its investigation.

[From the New York Times, Apr. 5, 1970]

PENTAGON SLIPS ITS "GOODIES" TO ITS FRIENDS

(By Peter Grose)

WASHINGTON.—The Pentagon, already battered in a season of Congressional suspicions, was thrown on the defensive once again last week—this time on the issue of free military hardware flowing quietly to friendly foreign governments.

Voices on Capitol Hill asked if something was going on that Congress was not being told about. Both the State and Defense Departments replied firmly in the negative, scarcely concealing their impatience that the sturdy old Military Assistance Program (MAP) should suddenly be cast in a sinister light.

Sinister or not, the episode stirred lingering doubts among those so inclined about the supervision of arms sales and outright gifts, and about the relation between military aid and over-all foreign policy.

The trigger was pulled by Representative Silvio O. Conte, Republican of Massachusetts, who said he stumbled on the fact by accident in an appropriations subcommittee hearing that nearly $160-million worth of what he called "military goodies" had been slipped quietly—and almost free—to the Nationalist Chinese government of Generalissimo Chiang Kai-shek last year.

TAKEN UNAWARES

Officials at the State and Defense Departments were taken unawares, and it took them a few days to sort out their complex statistics and present an intelligible reaction. Yes, they said, the Republic of China was one of the four major recipients of United States military aid. Yes, the figure was not wildly off if one calculated the value of brand new equipment—but what was sent to Taiwan was used, military surplus, and thus had an assigned "utility" value of only one-third or less of what the Congressman had estimated.

But, most vehemently, they said Congress already had the full information on this and all military assistance transactions.

For nearly two decades of so-called MAP aid, precise dollar amounts of aid to each country had been appropriated by Congress; voluminous annual reports have been submitted in both public and more detailed classified versions, officials said. "It's not our

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fault if people don't bother to read them," said one harried expert.

Attention quickly focused on the technique of declaring supplies surplus, valued at one-third the new acquisition cost, and thus tripling the amount of military hardware that can be given to friendly governments under the dollar ceiling imposed by Congress.

FRANK EXPLANATION

On this point, the fine print in a new Defense Department pamphlet provided a frank explanation. Military aid administrators have become increasingly frustrated at the dwindling authorizations for the program, which include executive training and construction as well as gifts of equipment, from a high point of nearly $6-billion in 1952 to $350-million for 1971.

The requested authorization "is not adequate to permit optimum use of military assistance," the Defense Department noted. "Fortunately, therefore, efforts along other lines to augment the amount of material which may be used to increase that support are proving productive. One such source is Department of Defense stocks in long supply and excess."

By week's end, the Executive Branch argument was in line. First, why is so much attention paid to gifts of military equipment when much more is sold on credit or for cash? Only four countries—Greece, Turkey, South Korea and Nationalist China—still receive significant hardware for nothing. Most of the other recipients of outright grant aid in the 1950's are now paying customers of the United States.

And second, in the words of the Defense Department, "The Nixon Doctrine places new and greater emphasis on the contribution of allied and friendly forces to their own national and common defense. However, many of our most willing and potentially helpful friends and allies simply do not have the resources or technical capabilities to assume greater responsibilities."

In other words, the Administration is telling Congress, if this country no longer wishes to let its own forces get deeply involved abroad, it should not at the same time cut back on the training and material support for the force on the spot.

[From the New York Times, Apr. 5, 1970]

ARMS LOOPHOLE

Congressmen seeking to extend their control over United States military assistance and sales abroad have stumbled onto a loophole big enough to encompass billions of dollars in weapons. That loophole takes the form of Pentagon disposal of surplus arms.

As the lawmakers have curtailed foreign military aid appropriations and introduced new restrictions on credit sales of weapons, the Defense Department has stepped up its overseas gifts of military equipment it has declared to be in excess of United States needs. In fiscal 1969, for example, the United States gave away secondhand weapons valued by the Pentagon at $117.3 million. The original cost of these weapons to the American taxpayer was about $470 million, substantially more than the $350-million military aid appropriation for that year.

One major beneficiary of this give-away program has been Taiwan. Representative Silvio Conte, Republican of Massachusetts, extracted from a Defense Department witness recently an admission that the Administration last year quietly turned over to the Chiang Kai-Shek Government jet war planes, cargo planes, destroyers, tanks, howitzers and rifles valued by the Pentagon at $40 million. Mr. Conte placed the total cost of the package at $157 million, based on the original purchase prices.

The Administration says that the surplus disposal program is supervised by a joint control group of State and Defense Department officials. It examines each proposed grant, both in terms of over-all foreign policy interests and of certification that the equipment has been legitimately designated as surplus. Some members of Congress are not persuaded that this control mechanism is fully effective, and for good reason.

For example, it is difficult to reconcile massive arms shipments to Taiwan with President Nixon's attempts to improve relations with Peking. Some question whether all the arms that are being given away would be considered "excess" if a tighter rein were kept on regular defense spending. And there is a further question of the long-range impact on international peace of any continuing large-scale disposal of the legitimate castoffs of the lavish United States military establishment.

Congress has a duty to look more deeply into these questions and to assert its authority over the disposal of arms that have been bought by the American people. Quite apart from the waste of Government funds urgently needed for unmet domestic priorities, a curb on the international arms race is of vital concern to the United States. Global conflicts can grow out of the profligate distribution of instruments of destruction made in America.

C. CONTE AMENDMENT TO H.R. 17867

With that as background, I would like to explain my amendment to H.R. 17867. It is the last proviso under the military assistance section and reads:

> *Provided further*, That the Excess Defense Articles program for any country shall not be increased beyond twenty per centum of the amount presented to the Congress.

In a letter to me dated May 11, 1970, Lt. Gen. Robert H. Warren, Deputy Assistant Secretary of Defense for Military Assistance and Sales, described the excess defense articles program this way:

> The distribution of excess assets to eligible MAP recipients is controlled by a well-defined system. Requirements are developed, in accordance with DOD guidance, by our Military Assistance Advisory Groups in the foreign countries and are reviewed and approved by the Unified Commands and the Department of Defense. The Military Departments identify available assets under strict formulae. A Defense Control Group, which includes representation from the Joint Chiefs of Staff, the Department of State and all interested elements of the Office of the Secretary of Defense, supervises the distribution, against approved requirements, of the assets reported by the Military Departments.

The proposed program that emerges after this joint State-Defense review is presented on a country-by-country basis to the Foreign Operations Subcommittee, on which I have sat for 12 years.

As a result of what I discovered in the case of China last year, I became concerned over the accuracy of the estimates that were being presented to the subcommittee. Therefore, I did a little more work on the subject.

On April 6, 1970, I wrote General Warren requesting some more figures on the worldwide and the Taiwan programs.

Two sets of figures are now used in the excess property program. "Utility value" represents approximately 25 percent of new value. "Acquisition value" is the new value or the cost at purchase. For purposes of my remarks, I will be using "acquisition value."

By letter dated April 20, General Warren sent me the figures I had requested. They showed that the proposed 1970 program for Taiwan was $341,000 and that the midyear program had jumped over 400 times to $143.9 million. They also showed that the 1970 worldwide program had increased from $79.6 million to $523.3 million, or almost eight times the original estimate.

The worldwide and Taiwan figures for preceding years reflect similar increases, and I would like to include them in the RECORD now so that my colleagues can see these increases:

WORLDWIDE TOTAL—EXCESS STOCKS AT ACQUISITION VALUE

[In thousands of dollars]

Year	Proposed program	Program at midyear	Final program
Fiscal year:			
1971	[1] 521,177	[1] 521,177	[1] 521,177
1970	79,603	[1] 523,369	[1] 523,369
1969	106,974	164,262	[1] 335,321
1968	129,667	139,517	221,677
1967	66,275	82,080	112,484
1966	65,040	151,992	154,777
1965	19,944	57,763	253,062
1964	48,704	27,562	122,499
1963	48,179	112,535	105,827
1962	28,952	121,963	141,112
1961	77,219	44,355	54,787
1960	84,593	60,207	115,321
1959	74,349	330,757	225,138
1950–58	(2)	(2)	2,009,967
total (fiscal year 50–71)	(2)	(2)	4,896,518

[1] Estimated.

[2] Not available.

REPUBLIC OF CHINA—EXCESS STOCKS AT ACQUISITION VALUE

[In thousands of dollars]

Year	Proposed program	Program at midyear	Final program
Fiscal year:			
1971	438	(1)	(1)
1970	341	143,985	(1)
1969	19,127	41,683	76,953
1968	27,263	47,459	34,480
1967	2,007	3,581	7,128
1966	5,226	2,755	10,913
1965	270	2	7,701
1964	249	6	8,841
1963	1,147	78	5,204
1962	3,926	2,274	2,271
1961	1,930	1,683	1,683
1960	25,224	2,149	38,392
1959	2,793	168,706	109,763
Cumulative 1950–58			237,334

[1] Estimate of final program for this fiscal year available only as a world-wide total. It has not been distributed by country.

The extent and consistency of these overruns troubled me. I wrote General Warren again on April 30 to get figures for all our surplus property recipients. And again, I found many overruns.

For example, the estimated fiscal 1969 program for Greece was $12.9 million. The final program was $67.4 million.

The estimated 1969 program for Korea was $1.5 million. The final program skyrocketed to $81.2 million.

The estimated fiscal 1968 program for the Philippines was $634,000 and the final program was $2.5 million.

Finally, turning to Latin America, the estimated fiscal 1965 program for Brazil was $228,000. The final program was $2.2 million.

I would like to include the breakdown on these four countries in the RECORD at this point:

EXCESS STOCKS PROGRAMED

[In thousands of dollars]

	Acquisition value		
	Proposed program	Program at midyear	Final program
GREECE			
Fiscal year:			
1969	12,928	46,678	67,447
1968	17,715	18,607	52,113
1967	10,698	25,445	31,427
1966	14,483	19,081	19,973
1965	597	13,521	28,512
1964	298	611	4,069

	Acquisition value		
	Proposed program	Program at midyear	Final program
Cumulative fiscal years 1950–63	(1)	(1)	129,702
KOREA			
Fiscal year:			
1969	1,554	1,534	81,288
1968	3,218	1,426	49,540
1967	4,159	6,998	10,039
1966	12,599	22,361	30,782
1965	362	3,723	11,618
1964	2,788	219	35,775
Cumulative fiscal years 1950–63	(1)	(1)	211,154
PHILIPPINES			
Fiscal year:			
1969	1,130	438	971
1968	634	915	2,536
1967	439	233	6,506
1966	10	88	639
1965	187	10	836
1964	767	802	1,215
Cumulative fiscal year 1950–63	(1)	(1)	55,015
BRAZIL			
Fiscal year.			
1969			
1968	102	11	217
1967	855	1,423	1,523
1966	2,498	3,201	5,058
1965	228	992	2,252
1964	3,667	1,450	1,116
Cumulative fiscal years 1950–63	(1)	(1)	72,513

(1) Not applicable.

The point I am trying to make is that we must exercise greater control over the excess defense articles program and we must require a greater degree of accuracy in the estimates for each country as well as the worldwide total. My amendment to the bill would do just this.

As I indicated earlier, it would require accuracy in the country by country estimates, and therefore in the world total. I might note that there is no escape clause from the prohibition against exceeding estimates by more than 20 percent.

I think approval of my amendment by this body will show the American people that Congress means business and that it will not tolerate abuses in the military aid program.

VIETNAM AID PROGRAM

During the subcommittee hearings, I had a very interesting discussion with Mr. Donald G. MacDonald, Director of the U.S. AID mission to Vietnam. I was trying to find out the extent to which the Vietnam AID program depended upon U.S. military assistance.

The following discussion appears on page 733 of part 2 of the foreign aid hearings:

> Mr. CONTE. May I ask one question? There is a growing movement in Congress to cut out all the funds for the military in Vietnam. If this prevails, do you feel you are in a position to carry out an AID program in Vietnam without the military?
>
> Mr. MACDONALD. Well, if the military weren't there, if that implies the coming of peace, we could carry out a whale of an AID program, sir.
>
> Mr. CONTE. I am not saying that. * * * My question to you is: You have been out there 4 years. Can you run an AID program without any U.S. military combat troops in Vietnam?
>
> Mr. MACDONALD. Yes.
>
> Mr. CONTE. You are not going to be bothered by Communists or anybody else? You can go ahead and do it?
>
> Mr. MACDONALD. We can run an AID program.

I consider this an interesting discussion because here we have an AID official who has spent 4 years in Vietnam and is now Director of the mission there saying AID could go on without U.S. combat troops. I am sure my colleagues will find it equally interesting.

CONTE-LONG AMENDMENT

I would finally like to turn to a military assistance problem that I have followed closely over the years. I refer to the transfer of military hardware by the United States to the developing nations.

I have long felt that the United States should not become the weapons arsenal for the free world.

It is bad enough when the recipient can afford our new and shiny weapons. It is even worse when the recipient cannot, and that is why I amended the foreign aid bill back in 1967 to prohibit the transfer of sophisticated weapons to less developed countries.

In view of efforts last year and now to water down my amendment, I would like to explain what the committee did with it. In effect, it took the same action that it did on the fiscal 1970 bill.

You will note that in the second proviso under military assistance, we have retained a general prohibition on the use of aid funds to furnish sophisticated weapons to developing nations. There are five exceptions—Greece, Turkey, China, the Philippines, and Korea.

We have also retained section 119, the penalty clause. The President must withhold in economic assistance the amount a less developed country, except the five just mentioned, spends on sophisticated weapons. This is mandatory, unless the President himself determines such purchase is important to our national security and reports such determination to us in 30 days.

The addition of new section 120 to the fiscal 1970 bill, and its inclusion again this year, does not change what I have said.

In other words, the intent of the committee is to retain the Conte-Long amendment as it was. I certainly support this action because, as I have said many times in the past, these countries do not have the money to waste on elaborate weapons systems.

CONCLUSION

I conclude these remarks by repeating my opposition to the huge cuts made by the committee in the area of economic assistance. I think foreign aid has a role to play in the 1970's just as it had a role to play in the 1960's, the 1950's, and the late 1940's.

I recognize, however, and I have for some time, that changes must be made in this program. One such change would be a new and increased emphasis upon working through a multilateral framework. I have already discussed the unfortunate action taken by the committee in this regard.

In ending my remarks last year, I said:

> Our noble efforts to lift the development burdens of the less-developed nations have been offset by a misguided and unfortunate preoccupation with military adventures—a preoccupation at odds not only with the goals of our economic aid program, but also with the resources necessary to accomplish those goals.

We remain, in my opinion, preoccupied with military adventures, and so long as we do, our economic assistance programs will suffer.

The Pearson report gave a good answer to the question of "Why Aid?" when it appealed not only to morality but also to enlightened and constructive self-interest. It went on to say:

> In short, we face an essential need and an unprecedented opportunity. International development is a great challenge of our age. Our response to it will show whether we understand the implications of interdependence or whether we prefer to delude ourselves that the poverty and deprivation of the great majority of mankind can be ignored without tragic consequences for all.

I urge my colleagues to study these words carefully.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I am glad to yield to the gentleman from Maryland.

Mr. LONG of Maryland. One of the reasons given for classifying this information was that, in the release that was made public, the Secretary of State had been quoted out of context. Would not the best way—if he really wanted to clear up whether he had been quoted out of context—be to release the whole document so the public would see for itself whether he had in fact been quoted out of context?

Mr. CONTE. As I said earlier, I have sat on the Foreign Operations Subcommittee for 12 years. During that time, Secretary of State Dulles, Secretary of State Herter, Secretary of State Rusk, and now Secretary of State Rogers have appeared before the subcommittee.

The same is true of the various Secretaries of Defense who have held that position during the past 12 years. I remember when the current Secretary of Defense, Melvin Laird, was on the committee with me. He used to send documents back to Secretary of Defense McNamara and argue that they should not be classified.

I am sure the distinguished chairman will bear me out on that. It is the way we have worked during my 12 years on the committee.

I have never leaked anything out of the committee that was of a secret or confidential nature.

Now during the hearings on April 23 with Secretary of State William Rogers, I asked questions on a great number of things. I asked about Latin America, especially in light of the Rockefeller report and President Nixon's emphasis on this part of the world. I asked about the French sale of jets to Libya and the effect it would have upon the balance of arms in the Middle East. I asked about the entire Middle East situation, which I am sure my colleagues would agree is one of the most explosive ones facing the

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world today. And I asked about many other issues.

These are all important questions that the public should know about. Yet now they are buried in the committee where nobody can read them.

The worst part about it is that my questions were classified. How is the national security adversely affected by what I have to ask? They were just plain frank questions that are being asked each and every day by citizens and constituents coming into our offices.

Mr. Chairman, if I sound disturbed, I am disturbed. I think that we in the Congress—we Members of the legislative branch of the Government—must stand up for our rights. Since the days of the late President Franklin D. Roosevelt, our power—the power of the legislative branch—has been eroded by the executive branch. Our power has also been eroded by the judicial branch where the Supreme Court has, upon occasion, taken a license to legislate through its decisions.

If you like what you are doing, and you believe in what you are doing, then you must fight for your rights and you must stand up for your rights. That is why I am so disturbed.

Let me repeat, so that it is absolutely clear, that I do not fault Secretary Rogers. He was merely doing his job, and I think he is doing a very good job. I told him so during the subcommittee hearings. The burdens that he must bear are extremely heavy.

The final decision, however, should be with the committee, and it is with the action of the committee that I am upset.

As I said earlier, basic constitutional questions are involved in this series of events. That is why five subcommittee members requested a meeting with the subcommittee chairman. I regret very much that we did not have the opportunity to discuss the Secretary's request with him.

The committee and the Congress have very important decisions to make regarding Federal spending for programs of foreign assistance. I want to see the committee and the Congress make them forthrightly, and in cases not specifically involving the national security, openly before all the Members of this body and before the American public.

Mr. SHRIVER. Mr. Chairman, I yield 5 minutes to the gentlewoman from Illinois (Mrs. REID).

Mrs. REID of Illinois. Mr. Chairman, as a member of the Foreign Operations Subcommittee of the Committee on Appropriations, I would like to say a special word of commendation for our subcommittee's dedicated chairman, the gentleman from Louisiana (Mr. PASSMAN), and our extremely able ranking minority member, the gentleman from Kansas (Mr. SHRIVER), for the capable leadership they have provided as we have endeavored to evaluate and assess foreign assistance requests for fiscal 1971. In view of the enormity of our Nation's aid commitments throughout the world—to 103 countries and territories in 1971—and the increasing domestic needs at home during a period when it is necessary to curtail Federal expenditures wherever possible because of continuing inflationary pressures, this annual reappraisal has been a most difficult task, to say the least, and we are fortunate to have the special knowledge and experience these gentlemen contribute to this discussion. I believe the record of the hearings this year as well as the committee report gives all of us a better understanding of the strengths and weaknesses of our foreign assistance program. I consider it an honor and a privilege to serve on the subcommittee.

The appropriations included in House Resolution 17867 are based on the second of a 2-year authorization program passed by the Congress and enacted into law last year. My subcommittee has reported to the House the lowest foreign aid recommendations in the history of these programs. We have reduced the total bill some $203 million below the fiscal 1970 level and $575 million below the budget requests submitted by the President.

Another factor which we considered in marking up the bill—in addition to the present financial situation confronting the United States—is the pending submission of recommendations by the President concerning the future direction of foreign assistance programs which may embrace various recommendations submitted by the Peterson task force in March 1970.

President Nixon has determined that continued foreign aid is in our national interest and I feel that the appropriations recommended by the committee will provide adequate funding for a low-level program pending the major redirections in our aid programs and a redefinition of the aid process itself which must come early next year. The purpose of foreign assistance is to help less-developed countries achieve self-sustaining growth and then to go out of business. AID has achieved this objective and hence phased out its operations in some countries and it is close to its objective in other countries which are expected to attain self-sustaining growth rates during this decade. With the establishment of the new Overseas Private Investment Corporation there will be greater incentive for investors to join in partnership with the Government in providing opportunities for private enterprise in the developing countries and thus reduce the need for assistance.

The Nixon administration has announced its intention to reduce our Armed Forces by a million men as the Vietnamization program proceeds and men are brought home from various other parts of the world. Under the new Nixon doctrine, it has been determined that each nation must do its share and make its fair contribution. However, as part of this doctrine, it has been stated that a continued and revitalized economic and military assistance program is necessary if we are to honor our obligations, support our allies, and reduce the likelihood of having to commit American forces to overseas battle.

Although I have not been an enthusiastic supporter of foreign assistance in past years, I do intend to vote for this bill. In my opinion, my committee has done a capable job in reducing the request to the bare essentials and I feel the President should be given this latitude to carry forward the program for an additional year until he has had an opportunity to decide what new direction should be taken in the future.

Mr. SHRIVER. Mr. Chairman, I yield 7 minutes to the gentleman from Kansas (Mr. MIZE).

Mr. MIZE. Mr. Chairman, I rise to express my concern with sections 504 and 505 of the appropriation bill which would provide for the ADB and IDA to be subject to a GAO audit, and for each project these institutions finance, to be brought before the Congress for detailed justification.

These two sections of the bill contradict the whole concept of the multilateral approach—where we have other countries take on a share of development finance. They violate the charter and basic principles on which the Asian Bank and IDA are established. Legally, it seems to me that the charters of the two institutions would prevent them from being able to accept this U.S. payment with such conditions attached—a payment which Congress has earlier authorized the U.S. Government to pledge.

The basic question is: Does the United States favor the use of the multilateral banks—where others share the costs with us—as one technique for financing economic development in the developing nations of the world?

I know many of us feel that the multilateral banks provide distinct advantages. That is why the United States has played such a key role in establishing these banks. That is also why Congress has authorized the United States to join and to provide its appropriate share of the resources needed by these banks.

I stress one of the advantages to the United States of the multilateral banks and that is burden sharing. They provide perhaps our most effective machinery for assuring that all donor countries share the assistance burden—not the United States paying the bill alone. It is no accident that reliance on these banks increased sharply during the 1960's, when the United States was trying to get the industrial countries of Europe and Japan to take on a share of the aid burden which the United States had largely borne before.

The bill before us gives ample evidence of the burden-sharing benefits of the multilateral banks. In the Asian Development Banks, for every $1 which it is proposed we put up for ordinary capital, other countries will put up $4. In IDA, for every U.S. contribution of $1, other countries put up $1.50.

I think the multilateral banks have time and again proved their usefulness—not only for burden sharing, but for their experience and knowledge in dealing with complicated development problems. There is a political importance too, for we remove the mendicant relationship and the appearance of meddling in other countries' domestic affairs. The multilateral banks also serve a useful role as intermediaries between aid donors and recipients. I do not think it is in the interest of the United States—or the world community—for us to shift away from the multilateral banks. Quite the contrary. The experience of recent years has been toward greater rather than less emphasis on the multilateral channels for assistance. The Peterson Commission has strongly recommended increased multilateralism, and President Nixon has stated he intends to follow that approach.

But multilateralism means we are one participant in a cooperative effect. We do not have the same degree of control that we have over bilateral, wholly U.S.-financed programs. It would not be appropriate for us or for any one member to have that degree of control. The United States is a minority stockholder in these institutions. We have a major voice and influence in the banks but the views of other members must also be reflected. In the Asian Bank we are one member out of 34. In IDA we are one member out of 104. The banks must operate on the basis of consensus of all members, large or small, donor and recipient. That is the multilateral concept and it is the only way these banks can operate if they are to be genuinely multilateral institutions.

Sections 504 and 505 are alien to this multilateral concept. Section 504 calls for GAO audit of the institutions. The banks are now audited by independent auditing firms of international repute—Haskins and Sells audits ADB and Price Waterhouse audits IDA. The results of these audits are available to all member nations and are carefully examined each year by the U.S. agencies responsible for our participation in the banks. These audits and the loan transactions are reported to the Congress.

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A requirement for an additional audit on the part of the United States or any other member, would not be in keeping with the international character of the two banks, their charters, their status and congressionally approved immunities. The U.S. voice in the operations of the banks is appropriately reflected through our membership on the Board of Governors and the Board of Directors. For each of the 34 members of the Asian Bank to have a separate audit of the bank's operations, each filing its reports on how it thinks the bank should operate, and how it should have spent its funds would make a mockery of multilateralism.

Similarly, the proposal in section 504 calling for detailed justification before the Congress for each project or activity would be completely alien to the multilateral concept and would place an improper restraint on the bank's activities. If each donor country were to have its own rigid controls over how the bank's funds were spent, it would mean that we would be running a series of bilateral assistance programs under the guise of a multilateral bank. Not only would this be improper but it would be entirely unacceptable to all other members.

In sum, I think there are major advantages for the United States in following the multilateral approach, and I think that if we are to participate in these banks we must do so honestly, recognizing that we should not try to exercise detailed control over the banks.

We cannot have a baseball team where each player has his own umpire and his own set of rules. We cannot have a corporation where each stockholder controls how his share of the company funds is used. I think this body should consider this issue long and hard, and be extremely careful in deciding to attack the multilateral agencies in the manner here proposed.

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentleman yield?

Mr. MIZE. I yield to the gentleman.

Mr. FRELINGHUYSEN. It want to compliment the gentleman on a very penetrating statement. I agree with him. There is really an apparent distrust of multilateral organizations shown in this bill. This is true of reductions in the development loan requests, and the cutbacks in international organizations, and also in the proposed audit of the international banks.

Mr. MIZE. I thank the gentleman.

Mr. SHRIVER. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. Reid).

Mr. REID of New York. Mr. Chairman, I thank the distinguished gentleman from Kansas for yielding me this time.

Mr. Chairman, I am concerned about the reduction of $37,620,000 in the funds requested for multilateral organizations. This cutback would allow only $85 million for these vital programs and would particularly affect the operations of the United Nations development program.

UNDP is now receiving $100 million a year from the United States. This generates almost twice as many dollars from the developing countries assisted by UNDP. In 1970, UNDP has a total program of $225 million which generates almost $450 million. Our investment, therefore, is one that has a significant multiplier effect.

More importantly, it is very much in the American interest to speed the development of developing countries. Beyond the obvious humanitarian reasons, UNDP assistance helps to encourage productivity which in turn increases real income in the recipient nation. These nations then become customers for American exports, and surely there is no argument over the fact that we need foreign importers for American products.

While there has been some concern expressed over the ability of UNDP to handle an increased program, Mr. Paul Hoffman, UNDP Administrator, informs me that he has assured the gentleman from Louisiana (Mr. Passman) that changes are being made in programing and operation. I have full confidence in Mr. Hoffmann's proven ability to manage a successful program of whatever size and surely there is no justification for a reduction in the ongoing appropriation. The United States has a direct economic interest in the work of the United Nations development program and I would hope that the funds will be restored to their full $100 million level in the Senate.

Mr. SHRIVER. Mr. Chairman, I yield 1 minute to the gentleman from Maryland (Mr. Long).

Mr. LONG of Maryland. Mr. Chairman, I want to compliment the ranking minority Republican member, the gentleman from Kansas (Mr. Shriver), for the very conscientious work which he has done in the course of developing this bill and, particularly, I want to compliment the chairman of the subcommittee, the gentleman from Louisiana (Mr. Passman), who has been indefatigible in bringing to the attention of the Congress and the taxpayers the history and the dimensions of our foreign aid. He has shown that foreign aid, far from being a small and insignificant program is, in fact, a growing and proliferating one. He has drawn to the attention of the Members of the House of the fact that efforts to extend loan guarantees and multilateral programs are efforts to hide from Congress and the public the manner in which our aid money is being expended.

Mr. SHRIVER. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. Riegle).

Mr. RIEGLE. Mr. Chairman, I thank my good friend the gentleman from Kansas for yielding to me at this time.

Mr. Chairman, I rise to speak briefly about the fact that in the committee report I have presented some supplemental views. I have very strong feelings about the subject matter of those supplemental views, and I would recommend them to the Members of the Committee of the Whole for your consideration.

However, Mr. Chairman, I want to go further and repeat a comment I made in our subcommittee when Secretary of State Rogers appeared as a witness. I said at the time and I say again today I think he is one of the outstanding men in the Nixon administration and one for whom I have great personal regard. I think Secretary Rogers has done a good job under difficult circumstances. Certainly, I would not want my supplemental views to be construed as an expression of a lack of confidence in the Secretary of State. I have great confidence in him. I think he is an outstanding man and I hope he will continue to serve through the remainder of this administration.

Further, Mr. Chairman, I would not want my supplemental views to indicate any lack of feeling or high regard for my subcommittee chairman whom I consider a good friend.

The point I wish to make is this. What we need to recognize is the fact that over a long period of time the Congress has seen its coequal responsibilities as an independent body of the Federal Government whittled away by the executive branch, and in some instances by the judicial branch of the Government. This is a pre-Nixon administration problem and I raise it not as a matter of a new problem with this administration, but a problem of long-term duration.

Mr. Chairman, it is my opinion that when we allow our constitutional prerogatives to be invaded or eroded or whittled away, we do so at great peril to the basic concept of our Government. Under our Constitution we are supposed to operate as co-equal branches and I think this works well in practice. I do not think we have to apologize for the Constitution of the United States and the government structure which it brought into being. I think to the extent we have difficulties it is often because we do not let that structure work in the manner in which it was intended to work. It's time for the Congress to step up to the full measure of its responsibilities—and resist the steady encroachment of the executive branch.

Mr. Chairman, I would conclude by saying that my supplemental views are presented in that frame of reference. I hope that every Member will read these views, I insert them at this point in the Record:

Separate Views of Representative Donald W. Riegle, Jr.

It should be brought to the attention of House Members that Secretary of State Rogers—in an act without precedent on this Subcommittee—asked that his entire cross-examination testimony before our Committee be erased from the public record. It is my belief that all the subcommittee members were willing to agree to reasonable modifications and deletions; but to erase all the testimony—including all the questions of the subcommittee members—sets an unreasonable and potentially dangerous precedent. For reasons that are not clear, my good friend and colleague the Chairman of our Subcommittee agreed to this unusual request.

Although I have grave reservations about this—particularly the classifying of the Members' questions—I will defer to the Secretary and his apparent concern about the national security impact of these questions at this time. However, certain things should be made clear.

Although five Members of this subcommittee asked, in writing, to formally discuss this matter, the press of time and events prevented such a subcommittee meeting.

The testimony in question involved a broad range of issues relating to foreign aid and foreign policy—including a detailed discussion of Cambodia and the possible use of United States troops in that country some seven days before the movement of American troops into Cambodia.

The issue of Mr. Rogers' testimony before the Subcommittee has important significance to the House and to the country. As is well known by now, a portion of his testimony was apparently released by another Subcommittee Member and found its way into public print. These excerpts have been widely quoted from coast-to-coast.

Without repeating the verbatim quotes that have already appeared in public print—the Secretary, as quoted in the press, expressed the gravest reservations about the possible use of American forces in Cambodia. Further, he indicated that the Administration was absolutely pledged to consult in detail with the Congress prior to any introduction of American troops an Cambodia.

Taken as a whole, the Secretary's testimony was exactly contrary to Administration policy as it was revealed just seven days later. For the Secretary to now erase all his testimony from the record is a very dubious step and can only result in damaging the credibility of the Administration. It is one more pointed example of an ever-weakening House of Representatives willingly surrendering its co-equal Constitutional prerogatives to an increasingly all-powerful Executive Branch.

By his testimony, Secretary Rogers was inadvertently telling the Committee that another opposing opinion existed in the Executive Branch that apparently wields immense power and influence but does not report to the Congress.

I refer to the President's special advisors on national security affairs. This exclusive inner circle of men who are making our national strategic decisions have Congressional immunity. They are isolated from Congressional opinion and interrogation, they are not required to meet the press, and they answer directly to no constituency. The base of power that they maintain in the Executive Office building falls outside our established system of checks and balances. As was demonstrated by the country's recent move into Cambodia, they exert far greater influence over national security affairs than our Congressional leaders—or members of the President's own Cabinet.

The President's reliance on an elite group of men to help him make strategic foreign policy decisions is not unique to the Nixon Administration. President Kennedy entrusted similar responsibilities to McGeorge Bundy and Theodore Sorenson, and former President Johnson's reliance on Mr. Rostow with respect to the Vietnam War is well known. Like Mr. Kissinger, President Nixon's current advisor on national security affairs, these men also worked under the protective umbrella of the Executive office and were thus shielded from public scrutiny and the veto power of the ballot box. It has been correctly observed that the Congress is not always hearing from the men who are making the critical decisions in the Executive Branch. Instead, it is often hearing from official spokesmen or functionaries who may be outside the decision-making process.

Given the potentially divisive nature to foreign policy initiatives like the Cambodian invasion, common sense suggests that these men should be required to appear before the Congress. If Cabinet Secretaries are required to justify their policies and programs to the Congress, it is not too much to ask these other advisors—who deal with the issues of war and peace—to also testify. The Constitution is most specific in placing the war power, the ultimate instrument of foreign policy, in the hands of Congress, and it could never be concluded that this group of advisors inherited this responsibility directly, or indirectly, because of their seat on the National Security Council.

In addition to the accumulated "war power" role of these men, there is the more practical question of how the Congress can make intelligent decisions on Committee Appropriations when some of the best information in the Executive Branch is being withheld from them. Under present circumstances, we are being asked on the Foreign Operations Subcommittee to allocate taxpayers' dollars without access to the total body, and apparent controlling portion, of opinion in the Executive Branch. This can only dilute the effectiveness of this Committee and the Congress, and cause the public to wonder if its money is being intelligently spent. I would hope that in any future hearings before this Committee on military or economic assistance, these advisors would appear in person so that the Congress can better discharge its Constitutional responsibilities. Cambodia has vividly demonstrated that there is too much at stake to do otherwise.

Mr. SHRIVER. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. Bow).

Mr. BOW. Mr. Chairman, the gentleman from Michigan has just spoken in regard to the separate views that have been filed. May I say that I am not in agreement with those separate views. It has been the precedent of the committee for many years to assure the Secretary of State, the Secretary of Defense, or whoever may be testifying on matters concerned with our national security, that they will have the opportunity to review their remarks and to classify those discussions that may affect the national security.

The distinguished gentleman from Louisiana, the chairman of the subcommittee, announced before Mr. Rogers testified that he would have this opportunity. When Mr. Rogers came up he was given this assurance. This testimony was received before the Cambodian decision was made. The precedent of the committee has been to permit deletion of things that may be of importance to the national security. I would hope that no one would understand that this incident establishes any new precedent.

Mr. Chairman, I support the gentleman from Louisiana in the position he has taken in permitting these matters to be taken out of the printed hearings.

The question of taking only answers out of the record is a separate problem. This could cause more trouble than leaving the answers in, because one could infer answer from the questions that could be worse, or even more damaging then the actual replies.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHRIVER. I yield 2 additional minutes to the gentleman from Ohio (Mr. Bow).

Mr. PASSMAN. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman from Louisiana.

Mr. PASSMAN. Mr. Chairman, I certainly concur in the remarks made by the distinguished gentleman from Ohio.

During the general conversation in the committee, prior to the Secretary testifying, the Secretary said that he would welcome general questions, but with respect to certain questions, if the responses were to be very meaningful the discussion should be off the record.

So we assured the Secretary that he could speak on the record, and then could remove from the record everything that he felt would not be in the best interest of our national security.

Furthermore, it was later indicated in a letter concerning the testimony that "the questions themselves often contain classified material drawn from previous responses. The sensitivity of material throughout the exchange is such that we remain strongly of the opinion, as stated in the Secretary's letter, that the published record should show only the prepared statement, and the rest of the text remain classified."

I support the views of the gentleman from Ohio, and I support the Secretary's views. I think the best interests of our country have been served by the actions of the Secretary, because I must admit that we went into court with dirty hands. Now, the distinguished gentleman who is accused of leaking information was quite forthright, and he did not go behind the curtains. He said, "Yes, I made the remark," and I praise the gentleman for being so forthright. Some other leaks that have occurred on the committee, the individuals have not been so forthright.

The Members may go in the committee room and read every word the Secretary of State said, and they themselves can form their own opinions. But

I support the Secretary's statement, and the views of the distinguished gentleman from Ohio (Mr. Bow).

The CHAIRMAN. The time of the gentleman has again expired.

Mr. SHRIVER. I yield 2 additional minutes to the gentleman from Ohio (Mr. Bow).

Mr. BOW. Mr. Chairman, I appreciate what the distinguished gentleman from Louisiana (Mr. PASSMAN) has said. In my opinion it is most unfortunate that this information was actually given out. This is something that had never been done before by the Committee on Appropriations. I hope it will not happen again.

These are days in which we have to be very careful of what we do and say. I submit that a release of this type a few days after the testimony was given is a great mistake.

We have to respect and protect the integrity of the executive and legislative branches of Government. I would hope that this would never happen again.

I appreciate the gentleman yielding to me. I would like to say that I heard the gentleman from Wisconsin, a member of the Committee on Foreign Affairs, congratulate the Committee on Rules today for bringing out the rule concerned with this bill. This is fine. I wish I were able to congratulate the Committee on Foreign Affairs today for having brought out all the necessary legislation prior to today so we would not have had to request a rule.

Mr. ADAIR. Mr. Chairman, will the gentleman yield?

Mr. BOW. I am glad to yield to the gentleman.

Mr. ADAIR. I wonder if my friend, the gentleman from Ohio, is talking about an authorization for foreign assistance?

Mr. BOW. Necessary authorization is exactly what I am talking about. In the past the Committee on Appropriations has been accused of not bringing out their bills in due time. This year we announced a schedule but we have still not had the necessary Committee on Foreign Affairs bill upon which to appropriate.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman.

Mr. CONTE. The gentleman from Ohio is absolutely right.

What he meant was the Peace Corps, because they have no foreign assistance authorization this year. They passed a 2-year authorization so they had nothing to do—nothing to do but to pass the Peace Corps authorization bill.

Mr. ADAIR. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman.

Mr. ADAIR. I say the gentleman from Massachusetts has pointed out the incorrectness of the statement of my friend, the gentleman from Ohio. The Committee on Appropriations has had authorizing legislation for foreign aid since last year. Now how much longer than that do you need a bill upon which to appropriate?

Mr. BOW. I will say this to the gentleman from Indiana. I understand the gentleman from Wisconsin has questions that he wants to raise about this bill, but we have not received all the necessary authorization from the Committee on Foreign Affairs. I only wish we could have acted on the necessary authorization bill first, so we would not have had to ask for a rule. I do not like to ask for rules. I would hope we could get all the legislative committees to promptly bring their bills to the floor before we appropriate.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. BOW. I am glad to yield to the gentleman.

Mr. CONTE. What the gentleman from Ohio is saying is—yes, we had an authorization bill but we did not have a Peace Corps authorization bill and we did not have the military sales credit authorization bill. There we were—wanting for youth corps—we have been through with all the hearings for months—at least 2 months, and we were waiting until your committee would pass out that small piece of legislation.

Here we are today and they are going to raise a point of order against it as I understand, and that is going to set us back another 2 weeks in the Congress.

Mr. SHRIVER. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. MORSE).

Mr. MORSE. Mr. Chairman, there is probably no Government program which receives more scrutiny and more criticism than our foreign assistance program. At the same time, however, there is probably no program which, for a very limited investment, can make a greater contribution to future world stability and peaceful development.

The foreign aid program has not been perfect. After the astounding successes of the Marshall plan, following World War II, we have been perplexed and frustrated by the slower, far less spectacular, and problematic progress that is involved in helping developing countries. Too often, limited and parochial political perspectives obscure our view of the long range importance, as much to ourselves as to the other peoples of the world, of contributing to the development of other countries.

Mr. Chairman, the bill which is before us today would appropriate $2.4 billion for all foreign and military assistance. Of that figure, only $1.3 billion would be allocated to all the programs of economic technical and development assistance, throughout the world. That figure is some $555 million less than the budget request, and more than $167 million less than was expended last year.

At a time when literally millions and millions of people around the world are in need of every assistance they can get in order to build up their own capacities as nations, to feed, clothe, and house themselves, the United States, the most powerful and wealthiest country in the world, will not provide the financial and technical assistance of which we are capable.

Mr. Chairman, I point to one example in the present bill. Some $122 million was requested for multilateral organizations providing technical assistance. This is the program through which the United States contributes her vast technical and professional expertise to the developing countries in an effort to build their own capability to meet and solve problems. This technical assistance includes U.S. contributions to such programs as the United Nations Children's Fund, which tries to help those young and innocent victims of war, poverty, and disease all over the world, the U.N. world food program, the U.N. population program, the World Health Organization, and other equally obviously meritorious efforts, including the United Nations Development Fund. The UNDP is the major source of multilateral technical and preinvestment aid to poorer countries. It conducts surveys of mineral, land, and power resources and provides training and aid to industry and agriculture, which will then stimulate needed financing from the World Bank, private investment, and other sources. It has been acclaimed for its positive accomplishments.

The committee bill recommends an appropriation of $85 million for all these programs—multilateral programs to which we are only asked to contribute modest amounts in the promise of far greater returns. And the returns are great.

Of all the studies of our foreign assistance which have been made over the years, none has failed to note the importance of channeling more U.S. assistance through multinational organizations. When the United States is coming under increasing criticism in other countries for the way in which our aid is handled—and when such criticism has often led to severe reaction in the Congress in terms of reducing the amounts of foreign assistance—what could be more obvious than the advantages of making an increased contribution to solving world problems, in concert with other nations. The merits are clear—the assistance can be given where it is needed, but at the same time, the United States does not become the brunt of critical attack.

And the less the United States contributes to multilateral organizations, such as the U.N. development program, the less other moneys that program is able to generate. The fact is, that for every dollar the United States contributes to multilateral organizations, one and a half times that amount is generated from from other contributing countries. And, perhaps more important, these contributions have a multiplier effect in the recipient country, generating two and a half times the original contribution in terms of economic development.

The committee report states the rationale for so reducing the U.S. contribution to the U.N. development program—referring to a recent study carried on by the U.N. of its own development program's capacities, the committee argued that the report found the UNDP "has not been operating in the most effective manner."

Mr. Chairman, the report, submitted by a group headed by Sir Robert Jackson of Australia, did indeed note the problems faced by the U.N. development program. These problems result from the tremendous growth in the program's size and the need for a better organization to effectively administer the anticipated future growth of the program. Certainly this is no reason to reduce our contribution. If the capacity of the UNDP to handle the burgeoning problems of development all around the globe is overextended, the response should not be to reduce our support, but to increase it.

We need to recognize one basic fact. The needs of developing countries will increase in the future—they will certainly not be met by a declining interest in and support of this Government's modest aid programs by those of us in the Congress. Do we not have the foresight to see that if we permit the gap between ourselves and the poorer countries of the world to continue, inexorably, to widen, that in the end it is we ourselves who will be in need of help?

Mr. HALEY. Mr. Chairman, this bill to continue our program for the redistribution of the wealth of the United States to other countries of the world—in this case to 99 countries and six territories—comes before us at a very significant time.

It comes only a day after the House has been forced again—forced by the necessity for keeping up with our obligations—to increase the national debt ceiling. The significance lies in the fact that over the years of the foreign aid program, its expenditures have closely parallelled the increase in the national debt.

I would point out to you, for example, that the national debt in fiscal year 1960 stood at $286 billion, 330 million. In fiscal 1969 it had risen to $353 billion, 720 million. And in that period, the total of U.S. foreign aid expenditures was $54 billion, 190 million. It is a simple exercise in mathematics to see, therefore, that foreign aid outlays accounted for about 82 percent of the increase in the national debt in those years—and they were years of war.

The able chairman of the Foreign Operations Appropriations Subcommittee, Mr. PASSMAN, has included in the report on this bill now before us a table which shows that our total outlays for foreign aid since inception of the program have amounted to $133,444 million. This compares with an increase of $146,230 million in the public debt in the same period. Thus, foreign aid represents about 90 percent of the debt increase.

But—listen to this: The same table in the report contains an informed estimate that—as it was necessary for us to borrow most of the money poured into this giveaway—the accumulated interest on those borrowings amounted to more than $66 billion. Thus, the real cost of foreign aid to the taxpayers has been $199 billion—or 136 percent of the increase in the national debt.

Personally, I need no other evidence to prove that the foreign aid program has gravely damaged the national economy and that its continuance can bring disaster to us. I wholeheartedly commend the gentleman from Louisiana and his subcommittee for achieving a reduction of $575 million in the budget request for this program. But I cannot support this bill.

Mr. HALPERN. Mr. Chairman, the foreign assistance and related programs appropriation bill for fiscal year 1971 adds two qualifications to the appropriations for the ADB and IDA. The appropriations involved are the fifth and final installment of $20 million for our subscription to the paid-in capital of the Asian Development Bank and the third and final installment of the U.S. contribution to the second replenishment of the International Development Association.

In sections 504 and 505 of the bill there are two conditions on the availability of these funds for expenditure. First, there must be a GAO audit of the expenditures. This means that there must be a GAO audit of the ADB and IDA expenditures of these appropriations. Second, there must be a detailed justification to Congress of each project or activity. This provision may imply that each loan of the ADB and IDA as it comes up for board approval would have to be justified.

Mr. Chairman, I submit that these two provisions contained in the bill before us would most seriously impair our ability to participate in the ADB and the IDA. The terms and conditions on which the U.S. contribution and the contributions of all other countries are made available to the Asian Bank and the IDA are laid down in their articles of agreement and in certain resolutions of the Board of Governors of these institutions. It would be legally impossible for these institutions to accept the U.S. contribution with new conditions not contained in these documents without amendment of these documents requiring the consent of the other member nations.

Moreover, there is a broad policy question involved. If the United States can impose conditions on its contribution then any member could equally impose conditions on its own contribution. If this were to happen we would not have multilateral banks that have achieved such great success but a series of individual special funds governed by a complex of conflicting rules and regulations. The effect would be to destroy multilateral banks.

I strongly feel that a GAO audit and detailed advance justifications of particular projects and loans are completely inconsistent with the multilateral character of these highly desirable multilateral financial institutions. It is basic to their character that no individual member can impose its own auditing requirements on the bank as a condition of the use of its funds. It is essential to their multilateral character that no member can refuse to allow its funds to be used for a particular project because that project had not been justified to its internal authorities, including its Congress or Parliament.

The issue of U.S. audits of international institutions has been considered by Congress before and the Congress has rejected such audits. Congress has provided for GAO audits of certain funds under international administration where all the funds were contributed by the United States—the Mailliard amendment. Congress has provided for a directive to the U.S. executive director to request the executive board of the IDB to establish a multilateral audit of that institution—the Selden amendment to the Inter-American Development Bank Act. Congress has specifically rejected GAO audits of the multilateral institutions because such audits would be inconsistent with their multilateral character.

There is no argument, Mr. Chairman, that audits are an important management tool and should be used to assure effective and efficient operations. But it should be pointed out that IDA and the ADB are now subject to comprehensive audits by independent accountants of international reputation—Haskins and Sells in the case of the ADB and Price Waterhouse for IDA. Of course, more can always be done to improve the internal management systems of all institutions both public and private and every effort will be made in multilateral channels to accomplish this objective.

While the objectives of the amendments are commendable to provide full information to the Congress on the activities of the IDA and ADB, this goal should be accomplished without placing a limitation on the use of U.S. contributions. Full justifications are now provided at the time contributions are authorized and during annual appropriations hearings. In addition, the distinguished Secretary of the Treasury has emphasized the need for closer and continuing communication between the Treasury and the Congress including information on matters of particular interest to the Congress.

Sections 504 and 505 do not belong in this legislation and should be deleted from the bill.

Mr. ROGERS of Florida. Mr. Chairman, I rise in opposition to H.R. 17867, the foreign aid bill. In reading the report on this bill, I would say that it voices many of the same concerns that have troubled me about our foreign aid program.

I would like to quote from the committee report:

> The Committee is also aware of a few cases where aid recipient countries have exappropriated or "nationalized" property owned by U.S. investors. While the Committee realizes that nations around the world are soverign entities and the U.S. should not try to impose its will over these nations, it is highly critical of the practice of providing increased aid programs or continuing present programs of assistance to recipient countries who are often the most flagrant violators of our foreign aid program objectives.

And again, later in the report:

> In the last several years, the requests have been reduced by about 30% and in all probability the programs have still been overfunded. This can be evidenced by the fact that large unexpended balances presently exist in this program, as was previously discussed.

I would add that these comments were not part of the separate views, but were in the body of the report.

My contention today, as it has been in the past, is that the State Department has proceeded along a direction but has not checked that course on a systematic basis and thus, we find that no proper evaluation has been made as to our investments abroad through the foreign aid program. As a result, I feel we are misspending millions of dollars. Giving aid to friends is one thing.

But, for instance, sending $1.9 million to Jordan after that nation's government condoned riots against the American Embassy in Amman, is something else again. Our Assistant Secretary of State, Joseph J. Sisco, was forced to cancel his official visit to Jordan because of these riots.

Jordanian demonstrators burned four official cars, tore down the American flag, ripped the seal of the United States from the Embassy wall and trampled it.

I hardly think this is sound reason why the United States should continue to help prop up the Government of Jordan, especially in light of the fact that the United States literally paid for the Jordanian budget for several years.

There are other examples. But we should look also at the situation here in the United States. The President has just asked for an $18 billion increase in the national debt ceiling. This very morning there was evidence that our own budget would run a $5 to $8 billion deficit for 1970 when we anticipated, according to the President's statement last year, a surplus. Taxes are high and the cost of living is continuing to climb. Unemployment is rising and building is down.

In general, I think that we should look to the many problems we have here at home and try to solve them before we send almost $2 billion overeas.

Mr. BIAGGI. Mr. Chairman, I rise in support of the amendment which directs itself to the problem of the illegal traffic in narcotics flowing into this country from foreign sources. Essentially the foreign aid bill is a perfect vehicle to implement what should be the beginning of our efforts internationally to stop the illegal flow of drugs into this country.

By allowing the President to determine whether or not foreign aid recipients are directly or indirectly contributing to our drug problem through neglect or apathy or Government corruption, the threatened loss of foreign aid assistance dollars will be a viable weapon in the war against drugs and crime here in the United States.

Producer-grower nations which are also recipients of U.S. foreign aid, should not be allowed to accept millions of hard earned American tax dollars and ignore, at the same time, our pleas for cooperation and assistance in cracking down on international dope smuggling rings that operate in their countries. By forcing the recipients of foreign aid dollars to consider the consequences of a possible loss of this economic assistance, foreign government leaders will, of necessity, have to look within their own bureaucracy to uncover those that either knowingly aid the underworld through bribes, or apathetically ignore their duties.

Foreign controls of foreign aid dollars in this instance will reap vast economic benefits for the United States. By cutting off the supply of drugs at the source, we lessen the spread of narcotics abuse in America. Ultimately this will reduce our crime rates that result from narcotics addiction. The cost of crime directly attributable to narcotics addiction runs into the billions annually. I need not say what physical effects narcotics has on its victims, nor need I repeat the horrifying effects of drug abuse at the grade schools level in this Nation.

This amendment parallels, in content and substance, a bill I have introduced today to provide the President with the power to suspend American economic and military assistance to any nation which fails to take appropriate action to prevent narcotics from entering the United States through their supply routes.

I urge my colleagues to support the passage of this floor amendment today and to consider the value of this legislation when it is applied to other foreign aid programs.

Mr. BINGHAM. Mr. Chairman, I am dismayed that in the bill before us the Appropriations Committee has made such deep cuts in the economic and technical assistance aspects of the foreign assistance program, and I hope that these cuts will be restored in the future progress of this legislation through the Congress.

It is discouraging to hear Members attack this program as if we in the United States had no interest whatsoever in the welfare of our fellow citizens of the world in less fortunate areas. I should have thought that the vision of the earth, as seen from near the moon, would have increased the realization that mankind occupies a relatively small neighborhood, and that we cannot escape our obligations to serve as good neighbors, one to another.

Other nations, following the urging of American representatives, have gradually increased their contributions to the development of the so-called third world. It is tragic that the contribution of the United States, as the richest nation in the world, should be going steadily down.

I particularly deplore the drastic cuts in the multilateral programs, such as the United Nations development program. These programs cost the United States a tiny fraction of what we pay for a single nuclear aircraft carrier. The small investment we and other members of the United Nations make in these programs are multiplied many times by the investments, many of them private, that follow after the initial steps have been funded by the UNDP. If an amendment is proposed to increase the appropriations for these purposes to the original amounts requested, I would gladly support such an amendment, but I am sorry to have to conclude that in the present mood of the House, such a move would serve no purpose.

Mr. HANNA. Mr. Chairman, in recent years the United States has played an important role in providing financial assistance to the developing countries of the world. Significantly, this assistance has been channeled more and more through international organizations, two singular examples of which are the Inter-American Development Bank and the Asian Development Bank. The emergence of these organizations has encouraged the participation of many of the recipient countries by permitting them a voice in the allocation of the available funds. I commend the Congress for the foresight and responsibility evidenced by the support this body has offered those institutions.

However, now, in an apparent pique of jealousy over an alleged loss of jurisdiction over the funds appropriated to these institutions, this Congress is considering a move which would arrogate to it the power to control and audit the financial actions of these organizations. For the United States to unilaterally assert this power over a multinational body is, to put it mildly, unthinkable.

The implications, both in international law and in international politics, of such a move cannot be fully comprehended at this point in time. Suffice it to say that such an action by the United States would severely detract from the financial support for and the confidence in these bodies by the other member nations.

Finally, if the Members of this body will take the time to recall, your Banking and Currency Committee, in considering the requests for funds by these institutions, carefully investigated and evaluated the allegations against these banks relative to their "proper" use of funds. The conclusion of your committee was that there was in fact no substance to the allegations.

Thus, if the House would but pause and seriously, and responsibly, consider the reports of its committees and the inevitable international repercussions of such an action, it would realize that this body cannot, in all good conscience, so move.

Mr. SCHWENGEL. Mr. Chairman, a nation just as a person that receives help should also be willing to share at least from the benefits it receives.

Mr. Chairman, as I have pointed out many times, our country has received more foreign aid than any country in history. Foreign aid has come to us in various forms. It came with the 45,000,000 who have immigrated to this country. It came with many needed material things brought here to help build the institutions that serve America. It came with the ideals and ideas that serve the basic freedoms. It came with the millions of dollars that were needed to carry us through crisis periods and it came with the military aid to help us win the military battles to protect and promote the freedoms in critical times in our history.

Let us not shrink from opportunities to serve freedom wherever in the world where the people want help to the institutions that can serve people and the cause of liberty and justice under law.

THE COST OF FOREIGN AID

Mr. Chairman, I think a realistic understanding of the cost of foreign aid is needed to counterbalance the notion that the program is bankrupting us or depriving us of needed domestic programs.

Too many people overestimate the proportion of the taxpayer's dollar that goes into foreign aid.

Even some of my colleagues here may be surprised to learn that less than a penny of that dollar goes for foreign assistance in all its forms.

Economic assistance extended on a

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concessionary basis, has decreased in recent years to a level of only about one-third of 1 percent of Gross National Product.

This should be viewed in the light of a recent recommendation by the Pearson commission, a distinguished commission headed by former Canadian Prime Minister Lester Pearson, that all developed countries extend concessionary aid to the extent of seven-tenths of 1 percent of GNP by 1975, if possible.

The figures for 1969 show that we have dropped to ninth place among donors, when ranked by relationship between GNP and our contribution to the developing countries. This year we may drop to tenth.

What does AID cost in terms of the balance-of-payments deficit?

This may surprise some of my colleagues more: in fiscal 1969 we actually had a surplus in our foreign aid account. Nearly all of our aid funds are required by law to be expended in the United States. AID money thus helps provide jobs for American workers and profits for U.S. business firms. Last year, more than $1.8 billion of AID funds were spent in the United States, and $143 million were spent overseas.

At the same time, developing countries were paying interest and amortization on past AID loans to the amount of $385 million, giving us a net balance surplus for 1969 of $242 million.

Mr. Chairman, the cost of foreign aid is very small indeed. But this comparatively small amount represents a critical margin of help for the poor nations of Africa, Asia and Latin America who are struggling to end centuries of famine, disease, illiteracy and despair.

One thing is certain. There will be much less hope for peace if we isolate ourselves in a world of hungry and frustrated neighbors.

Mr. BUCHANAN. Mr. Chairman, I rise in support of the foreign operations appropriation bill. There are at least two reasons why every Member of the House should support this legislation.

The first is that if the Nixon doctrine is to succeed, the passage of this legislation is essential to that purpose. Mr. Nixon has indicated his intention and desire to substitute economic and military assistance by the United States, plus greater help from our allies and the threatened peoples themselves, for the kind of involvement in which we are now engaged in Southeast Asia, when a nation to which we have commitments or which we deem vital to our security is threatened by aggression.

Of course, we can heed the voices of the neo-isolationists and retreat to our own shores, letting the aggressors do what they will elsewhere.

Such a policy, however, would find us soon faced by a hostile and probably predominantly Communist world in which we might find ourselves engaged in combat on the shores of California.

The only other alternative to adequate economic and military assistance to the countries in question is to continue to spend billions in active military involvement in such places as Vietnam and Korea.

Our only real choice is whether we will send our men or our money, our economic and military support or our sons to defend such nations as the Republic of Vietnam against aggression.

Even more important, the safe and honorable extraction from Southeast Asia of 400,000 Americans presently in Vietnam depends in part upon the funding in this bill. These funds undergird the Government of Vietnam and support its military efforts.

The degree of strength and success of that government and that military force constitutes the key to the success or failure to the whole plan of Vietnamization and phased withdrawal.

It is folly to spend billions through the Department of Defense and refuse to spend the millions required to provide essential economic support to the Nation in which the billions of dollars and so many thousand American lives have been invested.

It is my confidence that the Republic of Vietnam can continue to exist as a viable non-Communist nation and its military can take the entire burden of combat against the Communists.

This is simply not possible at this time, however, without the economic support provided in this legislation.

All those who want to end American military involvement in Southeast Asia and bring American servicemen home should support this legislation.

All those who stand behind the President in his new foreign policy of avoiding involvements like the present one and his phased withdrawal of American troops should support it as an essential part of that proposal.

If we are not willing to provide the President with the essential economic support provided in this bill, we might just as well join the demonstrators and actively oppose his policy.

The second and more positive reason that all Members should support this legislation is because it provides a relatively small investment which can pay rich dividends for the developing countries and for our Nation as well.

In helping them help themselves make economic progress we move from a sick toward a healthy world and one made stronger and safer by progress in Asia, Africa, and Latin America. It also opens vast new markets for our economy.

There is, for example, one revolution we should all support and that is the Green Revolution.

We have heard a lot about the Green Revolution in some of the developing countries. It is true that India, Pakistan, Turkey, the Philippines and a few other nations are enjoying significantly bigger harvests of their basic foodgrains, wheat and rice. But it is also true that many other developing countries have not yet reaped the benefits of the new high-yield grains. Furthermore, the Green Revolution itself has posed new problems and underlined old ones.

Our foreign assistance program was instrumental in spreading the Green Revolution across the fields of the needy nations. But the job is nowhere near finished. There is still much hunger in the world.

The initial task of helping to provide the fertilizer, pesticides, seeds, irrigation and know-how must continue. But the Green Revolution is also taking on new directions. High-yield varieties of rice and wheat have helped boost overall food production in the developing countries by 14 percent in just 3 years. As a result, new problems of grain storage and shipment have emerged. The bountiful harvests have tended to benefit large landholders more than the subsistence farmers.

There is an additional problem. When we talk about hunger, we are not talking about starvation alone. Relatively few people are presently starving to death, but one person in every five in the developing countries is malnourished. The result is people physically and mentally below par—unhappy people who are unable to contribute fully to the development of their countries. One of the pillars of our aid program is research into ways to provide the kind of protein-rich food to minimize malnutrition. This program has helped develop the corn, soya, milk blend known as CSM, which eased the suffering of victims of the Nigerian civil war. The program also helped develop WSB, a wheat soy blend of high protein content. U.S. foreign aid is financing research at the University of Nebraska which seeks wheat varieties which will contain more of the amino acids essential to a health diet. Already almost 11,000 wheats have been tested out of an expected total of 17,000. Research is also underway to find strains of corn which will supply similar basic dietary needs.

This research, solutions to the new problems resulting from the very success of the Green Revolution, and the escalation of the revolution itself depend in large measure upon our foreign aid program. It is up to us to see that the program is not emasculated.

Mr. Chairman, the bill before the House is not entirely adequate to meet the needs and challenges of helping ourselves through help to developing countries, but the funds which it will make available are important toward that end and I urge its passage by the House.

Mr. OTTINGER. Mr. Chairman, I urge a closer look at this bill which comes before us as a foreign assistance appropriation. I refer specifically to the $350 million for military assistance and $272,500,000 for foreign military credit sales in titles I and II of H.R. 17867. An examination of the committee report does not reveal much, but a study of the hearings held earlier this year brings out some alarming evidence of the uses to which these funds will be put.

In testimony on American military activity in Laos, Defense Secretary Laird claimed that our policies have not changed for the past 4 years. He further explained:

> I want to make it clear we are not sending combat troops to Laos. We have a total of approximately ——— military personnel in Laos. They are serving there as military attaches and as military personnel who give military assistance. They are military assistants to the Royal Laotian Forces.

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Secretary Laird went on to place the total number of U.S. personnel, military and civilian, in Laos at 1,040.

Mr. Chairman, I recently sent two of my staff members, one of whom was a military adviser to the Royal Lao Army in the early 1960's and the other a regional director of the U.S. AID refugee program, on a 10-day inspection trip to Loas. They reported back to me that at least half of the Air Force's 48,000 men now stationed in Thailand are directly involved in air strikes over Laos, and that an unknown number of U.S. military personnel are assigned to Laos on "temporary duty" from military base in Southeast Asia. Air America carries personnel and arms throughout Laos, American pilots are serving as forward air controllers, and other American pilots fly missions over Laos from carriers in the South China Sea and from other Southeast Asia bases.

Mr. Chairman, these observations confirm that the administration is fully committing American personnel to the war in Laos and keeping the facts carefully concealed from the American people. The subterfuge of reporting a military unit as being assigned to Vietnam when it is actually operational in Laos can only be called a massive deception, one more example of executive usurpation of the congressional prerogative to declare where in the world American fighting men shall be committed. These activities are largely carried on under the auspices of the CIA, and the fact that many of our military "advisers" operate in civilian clothing instead of khaki does not lessen the implications of a massive American involvement in Laos.

Furthermore the estimated American air sorties over Laos are now placed at approximately 900 a day, seven times the level of 2 years ago, at a cost of billions of dollars to the American taxpayers. Since the administration by design refuses to disclose the exact costs of our Laos involvement, as well as the commitment of American troops, it becomes our role in Congress to turn back foreign military spending bills like this one until we have a full and complete disclosure as to where this money is going and why.

Furthermore, Secretary Laird testified before an Appropriations Subcommittee on March 10, 1970, that to the best of his knowledge there had been only one American military assistant killed in Laos to that date. If it is indeed true that this is the only combat death that the Defense Secretary knows about, then we must ask by what authorization and by whom is this clandestine war being waged. We must ask why the facts cannot be revealed to the American people. We must insist on being told what independent warmaking body exists within the executive branch of our Government.

The pertinent information is either deleted from the hearings, or it is not being presented to Congress, and yet we are expected to go on giving blank checks for military ventures without any congressional scrutiny as to the implications for our foreign policy vis-a-vis Southeast Asia. This has been the sorry story ever since our tragic and seemingly endless intervention in Indochina began, and it is finally time for us in the Congress to stand up and say "The buck stops here." If the American people are to be denied the facts about our foreign policies, then it is indeed a sorry day for representative democracy in this country. This appropriation bill and all others with military funds should be defeated until a full accounting is made to the Congress and to the American people.

Mr. PRICE of Texas. Mr. Chairman, yesterday the House passed legislation to raise the ceiling on the national debt. I opposed this proposal because I believe what this Nation needs is sound financial management, not just more debt piled upon our existing indebtedness. As of the first quarter of 1970, the national debt totaled approximately $373 billion, an $11-billion increase over last year. The annual interest on this amount will cost the taxpayers $18 billion.

To facilitate economic recovery Congress should cut unnecessary spending rather than raising the public debt. This is the surest route to national financial health.

Today, Congress has the opportunity to facilitate economic stability not by increasing tax liabilities, but by decreasing Federal spending. It can do this by refusing to appropriate additional money for foreign aid this year. This would not be fatal to our foreign aid program; it would, however, help flush out the foreign aid pipelines. Presently, in addition to the requests for authorizations and appropriations, there is approximately $18.5 billion left from previous years lying unspent in the pipelines. These funds fall in the following general categories:

Unexpended balances in pipeline from prior years for selected aid programs

Foreign assistance (mutual security)	$4,450,356,000
Export-Import Bank, uncomcomitted borrowing authority	4,454,200,000
Export-Import Bank, long-term credits	3,006,000,000
Export-Import Bank, Regular Operation	345,100,000
Export-Import Bank, Expansion Program	162,200,000
Inter-American Development Bank	2,259,494,000
Military Assistance (in defense budget)	1,330,000,000
Public Law 480 (agriculture commodities)	851,426,000
Permanent military construction overseas	448,000,000
Foreign Military Credit Sales Fund	406,215,000
International Development Association	350,000,000
Asian Development Bank	140,000,000
Overseas Private Investment Corporation	135,500,000
Peace Corps	27,157,000
Education exchange	26,706,000
International military headquarters	20,000,000
Trust Territories of the Pacific Islands	15,849,000
Economic Assistance (in defense budget)	15,000,000
Inter-American Highway	11,152,000
MAAG's missions and milgroups	9,000,000
Ryukyu Islands	8,162,000
Migrants and refugees	4,519,000
Contributions to international organizations	$3,668,000
Total	18,479,704,000

In addition to the unspent $18.5 billion in the pipelines, over $2 billion in counterpart funds are located in countries around the world. The respective nations and their balance of counterpart funds according to the most recent U.S. Treasury reports are as follows:

World sources of U.S. counterpart funds

	Balance on hand
Excess currency countries:	
Burma	$19,135,279
Ceylon	4,582,099
Guinea	28,666,833
India	897,491,699
Israel	19,692,556
Morocco	24,726,893
Pakistan	209,501,271
Poland	438,705,022
Tunisia	24,320,176
United Arab Republic	259,856,876
Yugoslavia	66,796,728
Total	1,993,475,438
Near-excess currency countries:	
Bolivia	3,290,431
Ghana	3,467,076
Indonesia	2,032,242
Sudan	6,735,378
Total	15,525,127
Nonexcess currency countries:	
Afghanistan	----------
Algeria	69,201
Angola	----------
Argentina	----------
Australia	----------
Austria	213
Bahamas	----------
Bahrein	----------
Barbados	----------
Belgium	5,414
Bermuda	----------
Brazil	3,104,946
British Honduras	----------
Bulgaria	----------
Burundi	----------
Cambodia	367,665
Cameroon	23,830
Canada	----------
Chad	411
Chile	----------
China	10,956,211
Colombia	254,744
Congo	350,247
Costa Rica	2,585
Cyprus	----------
Czechoslovakia	994,660
Denmark	1,798
Dominican Republic	84,640
Ecuador	910,979
El Salvador	----------
Ethiopia	771,613
Finland	68,700
Fiji	----------
France	166,754
Gambia	----------
Germany	3,536
Germany	2,584
Greece	5,990,345
Guatemala	----------
Guyana	----------
Haiti	----------
Honduras	3,536
Hong Kong	----------
Hungary	36,502
Iceland	45,470
Iran	187,693
Iraq	----------
Ireland	1,766
Italy	10,651,695

Country:	*Balance on hand*
Ivory Coast	$109
Jamaica	---
Japan	22,411,741
Jordan	224,932
Kenya	18,931
Korea	2,119,041
Kuwait	---
Laos	3,932,335
Lebanon	---
Liberia	---
Libya	---
Luxembourg	---
Malagasy	---
Malawi	821
Malaysia	---
Mali	410,016
Malta	---
Martinique	---
Mauritius	---
Mexico	---
Mozambique	---
Nepal	597
Netherlands	497,390
Netherlands Antilles	---
New Zealand	2,406
Nicaragua	---
Niger	---
Nigeria	38,683
Norway	---
Panama	---
Paraguay	3,050,368
Peru	34,901
Philippines	917,118
Portugal	681
Rumania	---
Rwanda	---
Saudi Arabia	---
Senegal	47,335
Sierre Leone	129
Singapore	---
Somali	100,761
South Africa	201
South Arabia	---
Southern Rhodesia	---
Spain	2,649,098
Surinam	---
Sweden	---
Switzerland	1,984,358
Syrian Arab Republic	5,043,269
Tanzania	---
Thailand	1,399,378
Togo	---
Trinidad	---
Turkey	11,092,665
Uganda	---
Union of Soviet Socialist Republics	---
United Kingdom	2,455,766
Upper Volta	60,697
Uruguay	45,172
Venezuela	---
Vietnam	32,683,396
Yemen	---
Zambia	-1
Various	---
Total	126,280,058
Total all countries	2,135,280,624

This $2.1 billion in counterpart funds has accrued by operation of Public Law 480, the law under which the United States disposes of surplus agricultural commodities. To utilize the abundant agricultural productivity of this Nation to combat world hunger and malnutrition and to encourage economic growth in the developing countries, we sell agricultural products for foreign currencies based on bilateral agreements with the purchasing country. When the sale is completed, the foreign currency resulting therefrom is deposited in a designated foreign bank.

By law, counterpart funds can only be spent in the particular nation involved; they cannot be released for expenditure in the United States. Through faulty planning on the part of foreign aid policymakers, these funds have been allowed to lie idle and accumulate in certain countries. Accordingly, rich sources of U.S. foreign assistance expenditures have developed almost by default.

Mr. Chairman, I propose that no more money be allocated to foreign aid programs until earmarked counterpart funds and present pipeline funds are spent. This would allow us to continue foreign assistance efforts while at the same time providing considerable tax relief to the American wage earner. Moreover, while these backlogged surpluses are being diminished, Congress should channel the allocations with the purpose in mind of only funding those aid projects that are strictly designed to promote our national interest. The United States should give foreign assistance only to advance the economic development and well-being of nations that are firm allies or potential allies and who are committed to the doctrine of self-help.

In my judgment, this Nation has far too long engaged in an international welfare program which, like its domestic counterpart, has corrupted both the giver and the receiver. Corrective action must be taken and taken now. The dictates of commonsense and fiscal responsibility call for nothing less.

Mr. RANDALL. Mr. Chairman, I rise once again in opposition to our annual foreign aid program, this year being H.R. 17867, entitled foreign assistance and related programs appropriations bill, 1971.

There were some very interesting tabulations in the report which accompanied the bill but on page 5 of the report there appeared a most revealing figure that the grand total of the cost of foreign assistance from 1946 to 1970 stands at $199 billion. Then on page 41 of the report the grand total of this appropriation will be $2,300 million which means that we have now spent over $201 billion on so-called foreign assistance.

No one can deny that the Marshall plan after World War II was a success. Western Europe had to be put back on its feet and those countries today serve as a bulwark against world war III. But the day has long since passed to continue on and on with these foreign assistance programs.

Yesterday, we were requested to raise the debt ceiling. That was a difficult thing for some of us to have to support. Facts are it did not cost us anything nor did it save us any money. In this regard the Federal Government is sort of like a family. We have gone to the grocery store and bought groceries and now we have to pay for them. The time to avoid debt ceilings is when we appropriate money. Now is the time, today, to stop this appropriation for further Federal assistance to the tune of $2,300,000,000.

It has been established again and again that you cannot buy friendship in the world community. Again and again it has been demonstrated that the more we spend on foreign aid the fewer friends we have in the world to show for it. For the sake of saving ourselves another increase in the public debt ceiling, we should defeat this appropriation bill today. More importantly, for the sake of our own good among the community of nations we should recognize that each year as we appropriate more and more for foreign aid we have fewer and fewer friends in the world community. Then, in our own self-interest, we should suspend the foreign assistance program because the facts have proven that we are certainly going in the wrong direction.

Mr. DELLENBACK. Mr. Chairman, the economic situation in the country is such that the Congress absolutely must realine the Nation's economic priorities. Every proposed appropriation must be carefully examined and cuts made in low priority spending. And that thinking applies not just to programs which we oppose, but even to measures and programs which we basically favor.

There is no question but that properly conceived foreign aid programs are among the soundest possible investments in the long run best interests of America. We would be in serious error to completely eliminate or even to cut too much our assistance to the rest of the world community. Because of the seriousness of our own economic situation, however, it is obvious that we must make some reductions in what we would otherwise like to appropriate in this area. I want to commend the Committee on Appropriations for its careful attention to the need to prune appropriations in H.R. 17867.

Nevertheless, I regret that the committee did not make an even stronger effort to redirect certain expenditures of funds within the bill. I note that in title I, for instance, the only area which has not been cut back in appropriations is that of military assistance. It is unfortunate that we continue to lean so heavily on military strength for a solution of the world's ills, instead of directing more of our efforts toward raising the standard of living in underdeveloped nations. It is my opinion that such a move would be a much wiser investment in the future of the world.

I intend to support this bill on final passage and urge my colleagues to do likewise.

Mr. HARRINGTON. Mr. Chairman, I will vote today for the foreign aid appropriations bill. I do so reluctantly, however, because I believe that the funding for economic assistance is inadequate. While I recognize that there are many problems involved in both the administration and effectiveness of our present foreign aid program, I nevertheless deplore the attitude apparently gaining strength with the majority of the Congress and the country which questions the necessity for such economic aid at all.

The question is whether America, as the richest Nation in the world, can expect to assure her own stability while half the world's population remains abjectly poor and peoples become increasingly conscious of the contrast between their lives and those of the developed nations. Such awareness creates a frustration which can lead to violence.

Robert McNamara, in a speech given in 1966, stated:

> There is a direct and constant relationship between the incidence of violence and the economic status of the countries affected.

As an example, McNamara cited the fact that of 27 rich nations in the world, only one had suffered major internal violence between 1958 and 1966, while of the 38 very poor nations, 32 suffered significant conflicts within that same time period, McNamara added:

> Indeed they have suffered an average of two major out-breaks of violence per country in the eight year period. That is a great deal of conflicts.

This year more than half the world's population lives in independent countries south of the equator. Yet these 1½ billion people have only one-sixth of the total world goods and services.

Obviously, we cannot ignore such a vast segment of the world's population. The potential for violence and instability in these countries cannot help but affect our own security. We would do far more to assure our own security by providing a realistic level of economic aid than we do with continually spiraling investments in the hardware of war, Mr. McNamara made the point well in the same speech when he said:

> A nation can reach the point at which it does not buy more security for itself simply by buying more military hardware—we are at that point.
>
> The decisive factor for a powerful nation—already adequately armed—is the character of its relationships with the world.

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During the past decade, our relationship with the rest of the world has assumed an aspect of imperialism and militarism. Confidence in our credibility and our honesty has been badly shaken. We have poured $100 billion into Southeast Asia in military aid in the past 5 years, yet at the same time our small commitment of economic aid to the other underdeveloped nations of the world has decreased. In 1961 we appropriated $2,381,400,000 for foreign economic aid. In 1965, this figure had dropped to $2,195,000,000, and in 1970 it is $1,294,000,000. The most dramatic decreases have come in the past 4 years. By 1968 the United States had dropped to eighth among the 16 principal aid donors of the world.

More recently in September 1969 the Commission on International Development chaired by the Honorable Lester B. Pearson, former Prime Minister of Canada, issued a report which warned that:

> International development is a great challenge of our age. Our response to it will show whether we understand the implications of interdependence or whether we prefer to delude ourselves that the poverty and deprivation of the great majority of mankind can be ignored without tragic consequences for all.

When we speak of the need for foreign aid, we are really speaking of the miseries of overpopulation, poverty, illiteracy, hunger, and disease.

Many experts say that at least half the people of the world are undernourished which increases their vulnerability to disease and mental retardation.

There have been estimates that 5 million children in India die of malnutrition each year. The population in the underdeveloped countries is growing three times as fast as the United States. In some cases, such as Kenya, Turkey, and Nigeria the population is doubling about every 25 years.

By the year 2000 7 billion people will inhabit this earth. Of those, 80 percent will live in underdeveloped countries. It is questionable that food production can keep pace with this tremendous growth, and there are predictions that per capita economic gain will be cut in half by increased population growth in these nations. At the present time the average per capita income of an underdeveloped country is less than $100. It is well over $2,000 in the United States.

Availability of medical care in underdeveloped countries is wholly inadequate. In the United States, where we are considered to have a doctor shortage, there is one physician for every 700 people. Latest available figures, however, show that in Africa there is one doctor for every 9,200 persons; In East Asia one doctor for every 7,400; and in the Near East one for every 3,300.

Adequate education for people in these countries also is sorely lacking. Of every 100 children entering primary school in developing countries, no more than 30 finish. In most African and Latin American countries, more than half of primary school pupils do not return to school after the second grade. Without adequate education, it is impossible to substantially improve the quality of life in these countries.

America can well afford to contribute more than it is toward alleviating some of this misery.

In 1968, we allocated a little more than one-third of 1 percent of our gross national product to foreign aid programs. During that same year Americans spent nearly five times that amount on cigarettes and nearly eight times the foreign aid allocation on alcohol. The Federal Government for fiscal year 1970 allocated 40 times the amount spent on foreign aid for national defense. With our national security so clearly linked with that of the developing nations, I suggest that an expenditure of $40 of national defense funds for every $1 of foreign aid is both myopic and dangerous.

Here is one example of wastefulness in defense spending.

This year the Congress authorized $544.4 million for the "procurement" of the C-5A, the Air Force's monster airlift aircraft. Of this amount, $344.4 million will pay for cost overruns and $200 million will go to Lockheed, the producer, to take care of extra costs which the Air Force maintains are not the Air Force's responsibility.

Over the years we have willingly paid the price which the military has asked and only recently even questioned their rationale. We pay for the mistakes of the military—cost overruns are amounting to billions of dollars in all facets of military hardware—yet we are unwilling to spend even a minimum amount on the essential economic aid which all of the developing countries so desperately need.

Our involvement in Vietnam has made us wary of giving aid to other countries of the world. There is a growing, and I believe dangerous, trend toward isolationism. Our fate is intrinsically bound with that of the rest of the world. Our security lies in helping other nations to achieve internal stability—a stability which will only come from a decent standard of living for their citizens. Economic—not military—aid is the solution.

Mr. SHRIVER. Mr. Chairman, I believe I have 1 minute remaining.

The CHAIRMAN. The gentleman from Kansas is correct.

Mr. SHRIVER. Mr. Chairman, I yield that 1 minute to the gentleman from Louisiana, the chairman of the committee.

Mr. PASSMAN. I thank the distinguished gentleman from Kansas for yielding, but the part of the bill that I desired to explain has already been explained. I yield back the time.

The CHAIRMAN. All time having expired, the Clerk will read.

The Clerk read as follows:

ECONOMIC ASSISTANCE

Technical assistance: For necessary expenses as authorized by law $310,000,000, distributed as follows:

(1) World-wide, $150,000,000 (section 212);

(2) Alliance for Progress, $75,000,000 (section 252(a)); and

(3) Multilateral organizations, $85,000,000 (section 302(a)), of which not less than $13,000,000 shall be available only for the United Nations Children's Fund: *Provided*, That no part of this appropriation shall be used to initiate any project or activity which has not been justified to the Congress, except projects or activities relating to the reduction of population growth: *Provided further*, That the President shall seek to assure that no contribution to the United Nations Development Program authorized by the Foreign Assistance Act of 1961, as amended, shall be used for projects for economic or technical assistance to the Government of Cuba, so long as Cuba is governed by the Castro regime.

Mr. ZABLOCKI. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ZABLOCKI. If a Member desired to raise a point of order to paragraph (3) on page 2, would he have to wait until the Clerk had read the entire title?

The CHAIRMAN. No, he would have to wait only until the Clerk had read the paragraph carrying the language to which the gentleman wishes to make his point of order.

Mr. ZABLOCKI. Mr. Chairman, I have a point of order to language appearing on page 2. The gentleman from Wisconsin was on his feet.

The CHAIRMAN. The Clerk has read the section to which the gentleman wishes to make his point of order.

Mr. ICHORD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ICHORD. I wish to offer an amendment affecting lines 9, 10, 11, 12, 13 and 14 on page 2. Is the amendment in order at this time?

Mr. PASSMAN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. PASSMAN. It is my understanding that the Clerk has already read that section and has even gone into a reading of the third page of the bill.

The CHAIRMAN. The gentleman from Wisconsin was on his feet seeking recognition, and the Chair will protect his rights.

Mr. ZABLOCKI. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman from Missouri will defer offering his amendment. The Chair will hear the gentleman from Wisconsin on his point of order.

Mr. ZABLOCKI. Mr. Chairman, I make the point of order that the entire proviso beginning on line 20 and ending on line 25 of page 2 is legislation in an appropriation. I am for its objectives, but in effect it simply says that the President should try to enforce existing law. The provisions in existing law, section 620 of the Foreign Assistance Act are stronger and there is no sense in this useless repetition in an appropriation.

Mr. Chairman, I make the point of order that this is legislation on an appropriation bill.

The CHAIRMAN. Does the gentleman from Louisiana wish to be heard on the point of order?

Mr. PASSMAN. Yes, sir, Mr. Chairman. The proviso was added by the Committee on Appropriations in the foreign assistance appropriation bill for fiscal year 1965 in order to insure that no U.S. contribution to the UNDP would be used to give any type of economical or technical assistance to Cuba as long as Cuba is governed by the Castro regime.

I would like to interpret this as a limitation on an appropriation bill and ask for a ruling.

The CHAIRMAN. The language in question is as follows: Line 20, page 2:

> *Provided further*, That the President shall seek to assure * * *

And so forth.

That is obviously a directive to the President of the United States, it is not limited in application to the funds appropriated in this bill or any section thereof, and the Chair sustains the point of order.

AMENDMENT OFFERED BY MR. ICHORD

Mr. ICHORD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. ICHORD: Amend H.R. 17867, title I, page 1, as follows:
>
> At line 10 strike out the figure "$310,000,000" and insert in lieu thereof "$155,000,000".
>
> At line 11 strike out the figure "$150,000,000" and insert in lieu thereof "$75,000,000."
>
> At line 12 strike out the figure "$75,000,000" and insert in lieu thereof "$37,500,000".
>
> At line 14 strike out the figure "$85,000,000" and insert in lieu thereof "$42,500,000".

Mr. ICHORD. Mr. Chairman, this amendment is a 50-percent cut across the board in technical assistance. As we realize, Mr. Chairman, the Foreign Aid Appropriations Committee—the gentleman from Louisiana and the members of his committee—have cut this foreign aid bill $203 million below last year's bill, and $575,578,000 under the budgetary request. I applaud this action of the committee.

But the bill, I submit, is still too high in view of the many domestic projects we have in this country which will go unfinanced because of our very serious budgetary problems. Yesterday we acted to permanently increase the national debt $13 billion, and I just simply cannot see the necessity of spending the $2.3 billion which this bill will cost, money which we just do not have.

Our financial situation, Mr. Chairman, calls for a more drastic cut, I submit, than the committee has made. We hear a great deal today about the reorienting of our priorities. Regardless of how beneficial the technical assistance program may be to the emerging undeveloped nations of the world, I cannot see sufficient priority to justify the further borrowing of money to finance this program.

When I look at the figures on pages 4 and 5 of the report, I am sickened at the way the money has been wasted. It is $200 billion, almost two-thirds of the national debt. Look at the figures: There is $36,800,000 to the country of Kuwait, which I understand has the highest per capita income of any country in the world. I realize there is no money in this bill today for that country, but this is just an example of how the money has been wasted. With the exception of the money spent under the Marshall plan, most of the money in the foreign aid bill, I submit, has been wasted. How I wish we had this $200 billion to attack some of the problems that have been building up in this country, when we have been so obsessed with trying to solve all the ills of all the nations of the world.

I would point out to the members of the committee that the amount contained in this bill is just a small part of the total foreign aid cost to the United States of America.

I would remind the distinguished chairman of the committee of the argument which he made last year when this bill was submitted before the Congress. I believe his argument was that foreign aid had been fragmentized into several different bills and that the total foreign aid cost was in excess of $10 billion, rather than the $2 billion plus the bill called for last year.

Mr. Chairman, I propose by this amendment to give the members of the committee a choice, to make a real reduction, instead of the $200 million sum already cut by the committee to cut another $155 million.

If this amendment carries, I shall have similar cuts to offer to other provisions of the bill.

Mr. FRASER. Mr. Chairman, will the gentleman yield?

Mr. ICHORD. I yield to the gentleman from Minnesota.

Mr. FRASER. How much would the amendment cut the contributions to multilateral organizations?

Mr. ICHORD. It would cut it 50 percent across the board, I would say to the gentleman from Minnesota, by reducing the total technical assistance program to $155 million, and the worldwide also would have a 50-percent cut, the Alliance for Progress a 50-percent cut, and multilateral organizations likewise a 50-percent cut.

Mr. FRASER. May I say to the gentleman, as I understand the effect of the amendment, then, it would cut even further our participation in the United Nations development program.

Mr. ICHORD. I would cut the whole assistance program.

Mr. PASSMAN. Mr. Chairman, I rise in opposition to the amendment.

It is a great experience to serve as a Member of this body. Everyday I learn something new from the great Members who serve in this body.

Less than 20 minutes ago one of the very able Members of this body objected to the cuts which the committee had already recommended. Now we see another gentleman, equally as conscientious, who objects to the amount, and he wants to cut it.

As I said in my remarks, we brought to the floor a balanced bill, a good bill, if there is such a thing as a good bill in foreign aid.

I want to bring to the attention of the Members of this House the fact that this is the heart of the foreign aid bill. It is the point 4 program. It is the old Truman Doctrine of technical aid, to send technicians to countries to teach people our techniques. This is the oldest part of the foreign aid program.

The budget requested $396,870,000, and the committee made a reduction of $86,870,000.

We believe these three particular spigots of technical aid—worldwide, Alliance for Progress, and multilateral organizations—can live with what we have recommended.

But I should like to call to the attention of the Committee the fact that this is not like some of the other items in the bill, where there have been no commitments made. As to this particular item, about 70 percent of this money goes to ongoing projects which are already underway. Some of them may be 80 percent complete, some of them 60 percent, some of them 40 percent, and some of them 30 percent. So this in all probability is the most important part of the bill, because it is the technical aid portion; that is, this is where we send technicians out to train the people in the foreign countries.

We have brought out a bill every year based upon the justifications. We mark it as scientifically as we can. We believe this is the minimum amount with which we can carry on a satisfactory program.

I certainly hope that the Committee will vote down this amendment and follow the recommendation of the committee. This was brought out, so far as I know, with a unanimous vote.

Mr. CONTE. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Missouri (Mr. ICHORD).

As I pointed out earlier, the committee has already made substantial cuts in technical assistance. This is the "bread and butter" of the whole economic assistance program. This is what you read about when we help a poor farmer in some developing nation grow a better wheat or construct an irrigation project.

The emphasis this year in technical

assistance will be on agriculture and on family planning. Overpopulation, which is tied in with agricultural production, is one of the most difficult problems facing the world today. India is a prime example. The increase in population there offsets the increase in agricultural production. That is why AID is emphasizing family planning.

What disturbs me, Mr. Chairman—and I think the RECORD should be clear on this for all the American people to read—is the identity of those who are today trying to kill the foreign aid program with the amendment offered by Mr. ICHORD.

These are the same voices—I repeat, the same voices—that appear right here in the well of this body to ask for billions upon billions of dollars for instruments of war, not instruments for peace. They ask billions for defense but not a cent for family planning. They ask billions for missiles but not a cent for agricultural production. They ask billions for a manned bomber, new aircraft carriers, new tanks, new air transports, and you name it, but not a cent for fertilizer, water, transportation, and a helping hand for those less fortunate than us in the world today.

We have spent more than $120 billion in Vietnam. The committee is recommending $1.2 billion for economic assistance for 1971. We are spending for war, but we do not seem to be willing to spend for peace—for peace throughout the world.

The money in the bill would enable needy people in the developing nations of the world get some water and grow some food with which to feed their families.

Mr. Chairman, I urge my colleagues to defeat this amendment.

Mr. ANDREWS of Alabama. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment which has been offered by the gentleman from Missouri (Mr. ICHORD).

Mr. Chairman, if I understand correctly this amendment proposes to cut across the board 50 percent. As I have stated, I rise in support of the amendment but, frankly will tell you if the amendment proposed a 100-percent cut, I would support it more enthusiastically.

I remember years ago, many years ago, when the military people came before our Defense Subcommittee on Appropriations with charts showing the countries that would benefit under our foreign aid program, and the Army divisions that they would have and that they would supply to support us if we got into war with the Communists. In other words, this little country on the chart would have two divisions, this little country would have 10, this one would have 15, and the purpose of this program, this foreign aid program, was supposed to do that. It has been with us and will be with us like the poor, forever. If we got in trouble with the Communists, the advocates of the program said they would come in and help us. All right, we are in trouble with the Communists today in Vietnam. We have been in trouble down there since the memory of man runneth not to the contrary. Look at the list of recipient countries in the foreign aid program on pages 4 and 5 of the report. Call the roll in Vietnam. How many of them will answer? Maybe three, and we are paying dearly for their assistance down there. One of them has pulled out and another one is threatening to pull out.

So, if you go into Vietnam looking for our friends which we were supposed to make under this program, you will not find them. Not only are they not helping us, most of them are highly critical of our position in Southeast Asia.

Mr. Chairman, it frightens me to read here where this program has cost $199 billion, plus. I assume that is correct. It is in the committee report. The interest on that figure amounts to $6 or $7 billion, plus, and do not forget that every dime we give away in this program is borrowed money.

You know, Mr. Chairman, the easiest thing on this earth to do is to spend the money of someone else. I will venture to say that if you took a hat and passed it around this Chamber, passed it in front of the Members of this House, asking for voluntary contributions out of your pocket, you would not get enough to say grace over. You know it. But this is the taxpayers' money.

Oh, how easy it is to say this lousy small sum of $2.3 billion. Well, down my way that is not a paltry sum.

Mr. Chairman, I want to say a word to my liberal friends over on this side of the aisle—and there are some of them over there, too—who have been looking under the bed and everywhere else to get money to carry on some of the programs that they sincerely believe this Nation needs. I want to help you. Here is a wonderful place to get some of that money. You had better send out an SOS to your study group right now and get them to come in here and vote in a bloc like they do on many occasions, vote for this amendment and then vote on final passage "No" against this bill.

I hope that the Members of this House will give the poor downtrodden, overburdened taxpayers of America a break this afternoon. Let him see the end of the tunnel. Let us at least refuse to take $2.3 billion more out of his pocket.

Mr. Chairman, I support the gentleman's amendment and then will vote against the bill.

Mr. SHRIVER. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, the amendment of the gentleman from Missouri would reduce technical assistance by 50 percent. I would remind all of the Members that the committee has already reduced technical assistance $86 million from the amount that was in the budget, $86 million, and $43 million less than last year.

Your committee has done an excellent job in connection with reasonably reducing this particular program. It is one of the better parts of the foreign aid program, and I think most everyone will admit that.

In agriculture alone we have been urging other countries to attempt to help themselves. The agricultural programs instituted under the technical assistance aid program have helped other countries help themselves. We have had a green revolution as a result of the agricultural programs in India, Pakistan, and incidentally in South Vietnam. We have assisted in the growing of new kinds of rice and new kinds of wheat, and other products and commodities in these countries, and it has been most beneficial.

Something was mentioned about what help to our country comes from technical assistance. During our hearings in answer to a question by the gentlewoman from Illinois (Mrs. REID), in which she asked, "How many research and educational institutions are receiving grants, or have contracts to do research and carry on technical assistance?"

Dr. Hanna stated: "At the moment there are 125 U.S. colleges and universities which have contracts or grants for research or technical assistance," assisting us in helping other countries help themselves, and that is what technical assistance is.

Mr. PASSMAN. Mr. Chairman, will the gentleman yield?

Mr. SHRIVER. I yield to the gentleman from Louisiana.

Mr. PASSMAN. Mr. Chairman, would the gentleman agree with my previous statement that this appropriation is mainly to finance on-going programs; that the technicians are already there in these programs in most instances, and about 70 percent of it goes to finance ongoing programs, some of them as much as 70 or 80 percent completed?

Mr. SHRIVER. The gentleman is right.

Mr. LONG of Maryland. Mr. Chairman, would the gentleman yield?

Mr. SHRIVER. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Would the gentleman not agree that the committee wrote a sum of money into the bill, and spent considerable time examining the programs on their merits? Would not the gentleman agree that some of those who want to cut it so much should at least have the burden of explaining why they chose 50 percent instead of some other figure? And does not the amendment smack a bit of swinging the meat-ax blindly?

Mr. SHRIVER. We were more selective about this, and I would emphasize we reduced it $86 million from the budget figures.

Mr. FRASER. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I am struck by the fact that the arguments made in support of this amendment are derived from the committee report itself. I think if one looks in the committee report they can make a good argument in favor of reducing this program. Which brings me to the point that I do not believe the committee report adequately describes the nature of the foreign aid over the last 25 years.

Out of that total of $131 billion that

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is identified as the net total foreign aid program of the United States since 1946, the fact of the matter is that only $65 billion of that represents foreign economic aid to the third world, only $65 billion. Another $20 billion is represented in the Marshall plan aid, and the balance of this is military assistance.

I do not find anybody trying to cut military assistance in this program. In fact, it is the one item in the request from the administration which is not cut. I am unable to understand how so many Members are able to follow our Presidents into a war, and defend them in the war, and spend billions of dollars in the war, all solidly lined up behind the President, both Democrat and Republican, and yet be unwilling to follow our President in his request for peaceful works in the world.

Mr. ICHORD. Mr. Chairman, will the gentleman yield?

Mr. FRASER. Let me continue on for a moment, and then I will yield to the gentleman.

Clearly these economic assistance programs are the only positive works for peace that we have. The United States today ranks eighth among the wealthy nations in the world in the proportion of our wealth that we give to try to help other less developed nations, I would think that we would want to present a better face not only to the world, but to our own people, this is a matter of simple decency.

We are clearly so wealthy in relation to the rest of the world that to devote to the positive side of American policy 5 percent of what we spend for the instruments of war hardly seems an excessive expenditure. If one measures foreign aid against educational needs, poverty programs, and so on, I would say we ought to cut it, but if you measure it against the instruments of war for which we spend $70 or $80 billion, then it seems to me this economic aid is a miniscule amount that ought to be raised.

Finally, one element that really disturbs me in this appropriation measure is the cut already made by the committee for the United Nations. This is the one multilateral agency which is free of national political constraints. It is the one institution in the world that offers yet some hope for peace and for the future of mankind.

I had considered an amendment to increase the multilateral organizational aid, but I shall forgo that for the moment.

I hope the figures will come up in conference because if we really want to follow the Presidential leadership, why do we not follow it on the positive side of American policy? Why follow it only in terms of war—the body counts and villages destroyed and pacification progress?

Mr. ICHORD. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman.

Mr. ICHORD. I would want some clarification of the gentleman's statement, in regard to people being willing to follow the President into a war in South Vietnam and then not following him with regard to the foreign aid program.

As I recall, in the vote on the Tonkin Gulf resolution there was only one vote in this House against the Tonkin Gulf resolution. Was the gentleman the one who cast that vote?

Mr. FRASER. No, I am sorry my name is not on the list of those who voted against it. Very honestly, my feeling is that we were put on by that resolution.

Mr. ICHORD. Judging from the gentleman from Minnesota's language, you have a strange way of interpreting the Tonkin Gulf resolution. I think the Tonkin Gulf resolution was quite clear. There are people who have run away from the language of that resolution. I happen to be one who will not run away from it and it is quite clear so far as I am concerned.

Mr. FRASER. Let me say to the gentleman that I supported the war at that time and I defended the U.S. position. I changed my mind—I changed my mind and perhaps there are not enough of us who have changed their mind.

Mr. FASCELL. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the technical assistance program is one of the most valuable undertakings in our entire international development effort. It involves the sharing of our skills and our know-how with peoples and countries which are trying to help themselves and which are striving to create a better environment and a better way of life for their people. This is a program which goes back to the early post World War II days—the days of the point IV program—and which has been consistently supported by the American people.

The tremendous growth in the technology of the developed countries, particularly of the United States, has served to widen the gap that exists between the developed and the underdeveloped nations. It has made it much more difficult for those on the bottom of the economic ladder to push themselves up. For this reason, any effort to reduce U.S. technical assistance, which helps to share the fruits of technology with others, ought to be resisted.

I am particularly concerned, Mr. Chairman, about the reduction in the technical assistance for Latin America recommended by the Appropriations Committee. I would have hoped that the committee could have gone along with the full budget request. The committee itself admits that technical assistance is one of our most valuable undertakings and that it has accomplished many desirable objectives. This is particularly so in Latin America where throughout the years of the Alliance for Progress we in the United States and the governments and peoples of our sister republics have made some impressive gains in creating the foundations for future economic and social progress.

For these reasons, I would oppose any further reduction in the appropriations for technical assistance, and I would hope that the full amount proposed by the executive branch for fiscal 1971 could be approved.

Mr. Chairman, I should further like to say that I share the concern of some of my colleagues about the proposed appropriation for U.S. contributions to a number of multilateral organizations and programs.

The Appropriations Committee has reduced the executive request for these purposes by some $37.6 million—from the $122.6 million proposed for fiscal 1971 to $85 million. This is a very substantial reduction when one considers the uses to which this money is going to be put.

When we set aside the $13 million which is reserved by specific language of the bill for the United Nations Children's Fund, as well as the approximately $9.6 million which has been programed for eight other U.N.-related activities, the balance remaining will amount to $62.4 million.

This balance will in effect constitute the U.S. contribution to the United Nations Development Program—a program which has proved very valuable in promoting international development activities in many parts of the world.

I want to stress that I fully appreciate the reasons which prompted the Committee on Appropriations, and particularly the subcommittee headed by my able colleague from Louisiana (Mr. PASSMAN), to recommend these economies.

Surely our own domestic needs are quite pressing, and the performance of the U.N. system engaged in carrying out technical assistance and other developmental tasks is in need of improvement.

I do not quarrel with those conclusions. As a matter of fact, a report which my good colleague from Pennsylvania (Mr. WHALLEY) and I submitted to the House earlier this year after our service as U.S. Delegates to the 24th General Assembly of the United Nations, stressed the same points.

Entitled "To Save Succeeding Generations," our report urged that the U.N. system be strengthened and improved along the lines suggested by Sir Robert Jackson so that it would become a more modern, more efficient, and more effective instrument for promoting the development effort in the decade of the 1970's.

I still believe that the implementation of the reforms suggested in the Jackson study and several other reports, is essential if the United States and other developed countries are to place increased reliance on the United Nations mechanism in the technical assistance field.

These reforms, I should add, are presently being reviewed and gradually implemented within the U.N. system. This process cannot be accomplished overnight. It will take some time. Its progress will depend in large measure on the actions of the U.N. Governing Council which will be meeting on this issue in Geneva beginning next week.

The thrust of the point which I would like to make is that this does not seem like an opportune time for the United States to start cutting back, and cutting back very sharply, on our support for the U.N. development program.

For the second year in a row now, the U.S. Government has proposed a $100 million contribution to the U.N. development program. Last year, because of congressional cuts in appropriations, our contribution had to be limited to approximately $82 million. This year, if the amount recommended in the bill before us is approved, it may go down to $62 million, or nearly 25 percent below the level in fiscal 1970.

This, in my view, could result in a serious setback for the U.N. development program because a lowering of our contribution has the effect of triggering an even larger reduction in that program.

In this regard, I would like to point out that a $100 million contribution on the part of the United States can support a U.N. development program of about $425 to $450 million during the coming year. It would have, in effect, a 4-to-1 multiplier effect. This is so because each dollar contributed by the United States has to be matched by $1.50 from other countries and by an additional donation representing local costs assumed by the developing countries themselves.

Consequently, a reduction in the U.S. contribution of the size recommended by the Appropriations Committee could shrink the overall development effort of the U.N. development program by as much as $150 million.

I do not believe that this is the intent of the Appropriations Committee and I would hope that the cut proposed in this instance would be reconsidered.

Mr. CARTER. Mr. Chairman, I move to strike out the last word and rise in support of the amendment.

Mr. Chairman, I would like to point out the deficiencies of the foreign aid legislation in one South American country.

Mr. Chairman, for the past 2 years, I have had a friend, a graduate in agriculture, in Guatemala.

He is employed by a company to work with the people of that country to develop their agricultural capabilities. He is in an excellent position to observe the effectiveness of our AID program. He states that in his opinion only 5 to 10 percent of the money allotted to Guatemala filters down to the poor for which it is intended. One specific AID venture involved construction of a water system in a village called El Rancho. On two occasions materials for construction of this water system were hauled to this village and were promptly stolen. On the third occasion the system was built. This shows the lack of regard in which our AID programs are held.

Within a mile from this village an irrigation system was constructed in which large concrete conduits were built. Near the largest conduit is a sign stating:

> This system constructed by the Office of the Secretary of Agriculture of Guatemala.

No mention is made of the fact that Uncle Sam—Uncle Sugar—provided the money for such construction.

This year, Guatemala will receive 6,549,000 of our taxpayer's dollars. From experience, we know that only $654,000 will get down to the poor.

Many of these people have a saying, "Trade—not aid."

I agree that trade between the United States and these countries would be helpful. However, there is one hindrance: When an ordinary car from the United States enters Guatemala, a tariff of 100 percent is immediately levied. When a car of the same quality from Japan is shipped into Guatemala, a tariff of only 70 percent is levied.

Again, we see that the $347 million given to Guatemala since 1946 has not improved the commercial relations between our countries. Neither has it appreciably improved the economic condition of the people of Guatemala.

Not only do these Central American countries today demand that AID be given in increasing amounts, but also they would use this aid and have used some of the aid to purchase from countries other than the United States.

The taxpayers of the United States are tired of throwing their money into this giant maw which has consumed so much and shows so little in the way of economic improvement.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I should like to ask the gentleman from Louisiana (Mr. PASSMAN), a question. How much does the gentleman estimate will be in the foreign handout pipeline on June 30, the end of this fiscal year?

Mr. PASSMAN. As usual, the distinguished gentleman from Iowa, who is a member of the Committee on Foreign Affairs, has asked a question, a question about which his committee has knowledge long before the subject gets to my committee. But I am flattered that he would ask the question of me. If the gentleman will permit me to refer to page 6 of the report, he will find that the amount in the pipeline for title I, all parts of title I, is $4,450,356,000. But these funds are already obligated. These are not for new starts.

Mr. GROSS. Cannot these funds be deobligated and reobligated? And we do not need any new starts.

Mr. PASSMAN. Some of it will be deobligated, I am sure. That has been the history of this program.

Mr. GROSS. So that as of June 30 there will be $4½ billion in the pipeline of this program, and according to the gentleman's report, this giveaway program has already cost the taxpayers of this country almost $200 billion.

Mr. PASSMAN. That is correct. Will the gentleman yield?

Mr. GROSS. Yes, briefly.

Mr. PASSMAN. I have been issuing this report for 15 years. I hope the gentleman has observed the reports in previous years. If so, he will have observed that we have brought in this year an amount $575 million below the amount requested in the budget.

Mr. GROSS. I am aware that it has been cut below the administration's asking price, but we all know that is like a horse trader who always asks far more for an old, spavined horse than he expects to get. The facts are that the money provided in this bill is only slightly less than was approved last year, and the financial condition of the Government called for a drastic cut this year.

Mr. PASSMAN. The amount is $200 million below last year and, of course, we are prepared to follow what the gentleman recommends from his committee.

Mr. GROSS. The gentleman from Iowa does not recommend any foreign aid from his committee, and the gentleman well knows it.

Mr. Chairman, I well remember how the promoters of this program back in the 1940's, tripped the light fantastic onto the floor of the House saying "It will be over in 5 years—this foreign handout program—and all we will spend is $5 billion." Now the gentleman from Louisiana says we have already spent almost $200 billion. A 5-year program that was going to cost the taxpayers of this country only $5 billion.

The gentleman from Texas (Mr. MAHON), now chairman of the Appropriations Committee, was here when they tripped down the aisle, the original proponents of this legislation, asserting "It will be over in 5 years, and we will have spent only $5 billion."

It was amusing to hear some of the Members this afternoon talk about this country being the wealthiest and the most prosperous in the world. Only yesterday—and the gentleman from Texas voted for it, which is his prerogative—the House approved an increase of $18 billion in the debt ceiling, taking the ceiling up to $395 billion. And yesterday he told us that a year from now the Federal debt will be close to that figure of $395 billion.

Moreover, Mr. Chairman, it should not be necessary to point out to any Member of Congress that this Government has more debt than all the rest of the world put together. Yes, it is less than funny, to hear all this talk about the wealth and prosperity of this Nation when it threatens to come apart at the financial seams.

Yet, through this bill and the Export-Import Bank we are guaranteeing the financing of car wash equipment in Switzerland to the tune of $200,000—guaranteeing payment in Switzerland, of all places in this world.

And there is $10,000 in this bill for entertainment purposes by the Overseas Private Investment Corp.

Now why should the Overseas Private Investment Corp. spend $10,000 or any part of that amount for entertainment? Why should American taxpayers entertain anyone to induce them to invest money in foreign countries?

In this world of make believe, Mr. Chairman, it is fitting that the House of Representatives should raise the debt ceiling $18 billion and the very next day approve a $2½ billion handout to foreigners. What a dream world this is especially when every Member of the House knows that the $2½ billion will have to be borrowed.

This is fiscal irresponsibility at its worst, both on the part of the administration and the House of Representatives.

Mr. WYLIE. Mr. Chairman, as I reviewed the report on the foreign assistance and related programs appropriation bill for fiscal year 1971, I came upon some startling statistics.

On page 5, under the section labeled "Extent of U.S. foreign aid and assistance," I discovered that the "total net

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disbursements to foreign nations," 1946 through 1970 were $131,530,600,000. The "total net interest paid" on what we have borrowed to give away during that time has cost our citizens $67,858,067,000. This interest charge is a sum equal to almost one-half of the total amount we disbursed in foreign aid. Add together the disbursements and interest paid between 1946 and 1970 and the grand total comes to $199,388,667,000.

In 1946, when this all began, the entire Federal budget outlay was only $61,738,000,000. The accumulated interest on foreign aid alone is greater than the entire 1946 budget, a year when this Nation was still basically operating on a full wartime economy. The House just voted to raise the national debt ceiling to $395 billion. The debt limit in 1946 was $269.9 billion. The difference is $125 billion or only slightly less than the amount given away in foreign aid during that period.

Is it any wonder that year after year this country must continually resort to deficit financing and continually increase the public debt limit? If this is how we husband the taxpayers dollars, is it any wonder that we are now beset by inflation?

I also ask my colleagues: What have we received for the $199⅓ billion we have poured into the bottomless pit of foreign aid? To be sure, there have been a few successes, but will anyone suggest that the American people have received their money's worth?

Mr. Chairman, I cannot in clear conscience support this continual drain on our citizens for the dubious results received. I will vote against H.R. 17867.

At this moment, there is an unexpended balance of $18,479,704,000 in the foreign aid "pipeline." It is my opinion that we should clean out the "pipeline" before clogging it more.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. MAHON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, one of my fans in the House of Representatives is the gentleman from Iowa, who performs many useful functions, and his cooperation is always welcome. At times he is most helpful. The gentleman called my name on a couple of occasions here, once in connection with my vote yesterday to support President Nixon in his request to raise the debt limit.

This legislation did not cost any money, and it did not save any money. The way to save money is not to authorize and not to appropriate for these programs.

Of course, I did not vote against the bill to raise the debt limit, because we have gone to the grocery store, so to speak, and bought the groceries, and we have to pay for them. Honesty is becoming to an individual, but even more so to a nation, and to repudiate the debts of the United States and make it impossible for the United States to pay its bills would not only rock this country, but it would also rock the world—and talk about a stock market slump, and economic chaos, we would have it if we did not raise the debt ceiling. So, of course, in defense of my country and the taxpayer, I voted, along with many others yesterday, with the majority, to raise the debt limit.

Now, with respect to foreign aid, I did not originate foreign aid, and I did not trip down the aisle and say it would be over in 5 years or 4 years or 6 years. But it is true, I have been in this House since 1935, and I was here following World War II, and I realized then that this country ought to do what it could to help put Western Europe on its feet.

Through foreign aid, we did help put Western Europe on its feet, and we did help Western Europe erect the strongest bulwark against war that has ever been erected in the history of mankind, and the erection of that bulwark has, in my opinion, made a major contribution toward preventing world war III, which would have cost vastly more than $200 billion plus millions of lives. Such a war would make $200 billion look like chickenfeed. The foreign aid in the Marshall Plan recommended by both Democrats and Republicans and by the President made a great contribution toward the preservation of humanity on this earth.

So while there have been mistakes made in foreign aid, this great Nation during the so-called foreign aid era has had the most fantastic growth in all the history of mankind. We cannot live in this world alone. Yes, we have helped the other nations help themselves for the benefit of the United States. We have had a selfish purpose, but also this purpose has redounded to the benefit of others.

Of course, mistakes have been made, and we apologize for the mistakes, and further mistakes will be made.

We have drastically reduced President Nixon's foreign aid request. He strongly supports foreign aid as his predecessors have done. He says it is important and necessary in order to promote the economic and military power of the United States. He endorses it as a means to help save the lives of our fighting men and hasten the end of the war. He is trying as our representative and spokesman to do his best to bring about peace and stability in the world.

So I stand here, not in apology, but in pride, that I have been a Member of this Congress during this period of tremendous growth on the part of the United States, and I am tremendously proud of the fact that through all our programs we have been able to prevent world war III and enable mankind to have an opportunity to survive and move forward.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Chairman, let me say I think the gentleman from Texas has most eloquently made the justification for the actions he has taken and the actions I have taken, because on this issue, I believe for the last 21 years we have been almost arm in arm.

The eloquent presentation and argument made by the gentleman from Texas fully sustains what has been done and what the committee is trying to do this year. I am tremendously impressed by the fact that the committee has reduced the appropriation for the item of technical assistance for the next fiscal year by $86,870,000 compared to the appropriation for the current fiscal year.

I believe the amendment should be defeated.

Mr. MAHON. I thank the gentleman and I too urge the defeat of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. ICHORD).

The question was taken; and on a division (demanded by Mr. ICHORD) there were—ayes 19, noes 53.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MILITARY ASSISTANCE

Military assistance: For expenses authorized by section 504(a) of the Foreign Assistance Act of 1961, as amended, including administrative expenses and purchase of passenger motor vehicles for replacement only for use outside of the United States, $350,000,000: *Provided*, That none of the funds contained in this paragraph shall be available for the purchase of new automotive vehicles outside of the United States: *Provided further*, That none of the funds appropriated in that paragraph shall be used to furnish sophisticated weapons systems, such as missile systems and jet aircraft for military purposes, to any underdeveloped country other than Greece, Turkey, the Republic of China, the Philippines, and Korea, unless the President determines that the furnishing of such weapons systems is important to the national security of the United States and reports within thirty days each such determination to the Congress: *Provided further*, That the military assistance program for any country shall not be increased beyond twenty per centum of the amount justified to the Congress, unless the President determines that an increase in such program is essential to the national interest of the United States and reports each such determination to the House of Representatives and the Senate within thirty days after each such determination: *Provided further*, That the Excess Defense Articles program for any country shall not be increased beyond twenty per centum of the amount presented to the Congress.

Mr. ZABLOCKI. Mr. Chairman, I make a point of order against the language of the proviso contained in lines 1 through 9 on page 6. This is patently legislation in an appropriation bill. It is not a limitation of funds. It does direct the Executive that funds cannot be appropriated for or furnished to support sophisticated weapons, with certain exceptions listed.

Mr. Chairman, similar provisions and restrictions are contained in sections 504 and 620(s) of the Foreign Assistance Act, and also section 35 of the Military Sales Act.

Therefore, Mr. Chairman, I say this is legislation on an appropriation bill and is unnecessary because of similar provisions in the Authorization Act.

The CHAIRMAN. Does the gentleman from Louisiana desire to be heard on the point of order?

Mr. PASSMAN. Mr. Chairman, I desire to be heard.

The committee felt this to be a limitation, because the words "none of the funds appropriated * * * shall be used" appear in this paragraph.

This provision was added by the committee to the foreign assistance appropriation bill for fiscal year 1968 in order to stop underdeveloped countries from buying sophisticated weapons systems with U.S. grant-aid funds. The provision was subsequently modified to encourage countries away from arms races. We believe it is a limitation and we ask for a ruling.

Mr. CONTE. Mr. Chairman, I desire to be heard on the point of order.

This is an amendment that I had offered and it has been in the bill for 4 years now. I believe it comes within the Holman rule. It is a retrenchment of Federal expenditures. It is negative in nature. It is germane, and I do not see where it imposes any addition or affirmative duties on anyone. I think the point of order should be ruled against.

The CHAIRMAN. The Chair is prepared to rule.

On September 20, 1966, a point of order was sustained against language which was contained in a foreign aid appropriation bill prohibiting aid to any nation that sells or permits ships on its registry to transport cargo to North Vietnam and containing the phrase "unless the President determines." The important language there is "unless the President determines." The language here appears to be identical, and the Chair sustains the point of order.

POINT OF ORDER MADE BY MR. ADAIR

Mr. ADAIR. Mr. Chairman, I make a point of order against the proviso on page 6, lines 9 through part of 16. This is clearly legislation in an appropriation in that it provides for a Presidential determination on military assistance under certain circumstances.

Mr. CONTE. Mr. Chairman, I desire to be heard on the point of order.

Mr. Chairman, I feel here again that this is a limitation on funds. This would provide that the Pentagon could not give away more than 20 percent of the amount of military equipment that they come up here to the Congress with in their presentation book. It is clearly a retrenchment and is saving money for the taxpayers. It is a limitation on an appropriation bill, and I do not feel that the point of order should be sustained.

The CHAIRMAN. The Chair is prepared to rule.

The point of order is essentially the same as the one made a moment ago by the gentleman from Wisconsin, and the precedent is substantially the same. Therefore, the Chair sustains the point of order.

POINT OF ORDER MADE BY MR. ZABLOCKI

Mr. ZABLOCKI. Mr. Chairman, I make a point of order against the proviso on lines 16 through 19. This is clearly legislation in an appropriation and is not a proper appropriation limitation. It attempts to provide that excess defense articles programs may be increased up to 20 percent for any country beyond the amounts presented to the Congress.

As I stated earlier, Mr. Chairman, it is not my intention to go into the substance of the proviso since this language is not in the authorization act. I do want to point out, however, that this proviso particularly is not in the interest of our national security nor is it in the interest of our economic well-being.

Therefore, Mr. Chairman, I want to renew my point of order that this is legislation in an appropriation bill.

Mr. SIKES. Mr. Chairman, I wish to be heard on the point of order.

I support the point of order made against this language. Again this is legislation on an appropriation bill. Beyond that, no funds are contained in this bill for the excess defense articles program other than modest amounts for repair, rehabilitation, packaging, and crating of such equipment. The proviso limits the amount of equipment which can be provided to the various countries. It does not limit the funds in this bill. In other words, it is not a limitation on the use of funds in this bill but, rather, it seeks to limit the amount of excess equipment that can be disposed of pursuant to authority contained in the basic law.

And, finally, Mr. Chairman, the proviso interferes with Presidential discretion which is provided for in the basic legislation.

Mr. Chairman, I believe the point of order should be sustained.

The CHAIRMAN (Mr. BOGGS). The Chair is prepared to rule.

The gentleman from Wisconsin has raised a point of order against the language appearing on page 6 of the bill, lines 16 through 19, relating to excess defense articles, on the ground that the proviso is in the nature of legislation on an appropriation bill in violation of rule XXI, clause 2.

The Chair has examined the Foreign Assistance Act of 1961, as amended. Section 503 of that act bestows authority for military assistance and gives the President wide discretion in the furnishing and allotment of such assistance, subject of course to the general authorization levels set in section 504. The Chair is of the opinion that the proviso to which the point of order is directed places a limitation upon that Executive discretion as contained in the basic act and is therefore legislation on an appropriation bill that is not in order under the rule.

The Chair therefore sustains the point of order.

Mr. SIKES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I feel very strongly that this is language which should not be in the bill. The language has been ruled out of order.

Mr. Chairman, I had proposed to strike from the bill by amendment the proviso beginning on line 16, page 6. This has been accomplished by a point of order. However, I wish to discuss the proviso which states, "that the excess defense articles program for any country shall not be increased beyond 20 percent of the amount presented to the Congress." The language would simply create a can of worms without beginning or ending. It would make a complete shambles of the present program which permits excess defense articles to be made available to allied and friendly nations. It would make attainment of our objectives in helping deserving nations more difficult, and it could very well defeat its own purpose by hampering the efforts of the countries we are urging to assume greater responsibility for their own defense and for the common defense.

It is important to understand what is meant by the excess defense articles. We are speaking of equipment and other materials which become excess to the needs of the Department of Defense. This occurs each year. These materials have been bought and paid for through the defense budget. They have served the purpose for which they were acquired. Practically all of the equipment is old and extremely well used. By our standards it is generally obsolete or obsolescent. Nevertheless, this material is of potentially significant value to foreign countries whose weapons standards are not as high as ours. By rework and rebuild programs, our allies are able to utilize much of this equipment for their own defense requirements. This lessens the burden on their defense budgets and places no significant additional burden on ours.

The alternative, of course, is to scrap the weapons and equipment through the surplus property disposal processes. That means it brings a few cents on the dollar and really serves no useful purpose. It leaves our allies without needed equipment which is usable for their purposes, and it adds to their budget problems.

We are not talking about large amounts in terms of total U.S. budget requirements. The actual value today of the excess articles, which could be used to meet previously validated country requirements, is set forth in justifications presented to the Congress by the executive branch at $152 million.

If the equipment were bought new, it would cost several times as much. In fact, it will be worth several times as much to our allies, for it represents equipment which can be rebuilt to serve their requirements. We can no longer serve our needs. If it goes to scrap, it will bring only a fractional part of the declared value. We should not tie down and destroy this useful program in its application.

The language to which I object would limit the use of excess to fill established military assistance requirements to 120 percent of the illustrative amounts shown in the justifications on a country-by-country basis for 11 selected countries. Those amounts reflect only major items of equipment which could be foreseen as excess when the program was developed many months ago.

At that time, they totaled slightly over $13 million; and the bulk of the excess defense articles program—$139 million—was presented on an undistributed worldwide basis. Since the two amounts were intended to be additive, and the proposed language applies to the illustrative country programs only, the impact of the limitation would be far greater than may be readily apparent.

In other words, the restriction, if enacted into law, would disallow the use of any of the $139 million estimated excess presented on a worldwide basis, and the 20 percent allowable increase would apply only to the some $13 million in individual country programs set forth in the justifications. Thus the total amount of excess materials which could be used in support of valid military assistance objectives, and to meet already established military assistance requirements would be approximately $16 million—a net reduction of 90 percent in the total program originally proposed.

Such a reduction is, I submit, inconsistent with both our national interest in the maintenance of an adequate defense posture and our efforts to provide for that posture at minimum cost. It would preclude optimum use of excess defense articles as one means of strengthening allied and friendly armed forces while, at the same time, saving money and preventing the waste of potentially valuable equipment. It fails to take into account the fact that, except for a relatively few items, it is unrealistic to expect any precise prediction as to what articles may become excess as much as a year in advance. Legislation which would limit the program to those few items which can be foreseen as excess could only choke off a potentially valuable source of supply and result in the wasteful scrapping of equipment which can and should be put to effective and productive use by the armed forces of nations we are asking to make increasingly greater effort in their own and the common defense.

I urge you to join with me in voting against that legislation and thereby insuring the Department of Defense the opportunity to make optimum use of a valuable asset and continue to realize all possible savings therefrom.

Mr. PASSMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, subsequent to the approval by the subcommittee of this language, and the full committee, it was necessary that I discuss this amendment in detail with General Warren, the Administrator of the military assistance program.

Had I known at the time what was involved in the amendment as it pertains to excess equipment, I would have opposed the amendment at the time of the markup.

Under the law you only have excess military equipment when it is no longer being used by our defense forces. It is excess equipment. It has no actual value other than salvage value.

The law prohibits the sale of this equipment to civilians. So, unless it is disposed of through one of our allies then, of course, this equipment must be demolished or it can only be sold for junk for only a few pennies on the dollar.

In many instances this excess equipment is already in the recipient country. When you give them the excess equipment then, of course, it saves dollars because it takes the place of wornout equipment and reduces transportation costs.

Therefore, I feel it is only proper, if this amendment had not been stricken on a point of order, that it should have gone out on an amendment, because we should place the military in the position where it could take such equipment and allocate it to other nations. If not, it would have to be junked, and the value would be only a few pennies on the dollar.

Mr. CONTE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think we should set the record straight on this provision. I offered this amendment in committee, and it was accepted by the committee.

The excess defense articles program has been greatly abused. That is why I offered my amendment to limit overruns to 20 percent of the original presentations.

It is interesting to note that the people opposing my amendment today are the same people who supported giving Taiwan $54.5 million worth of offensive jets last December. Those jets had not been requested by the administration, the Department of Defense, or anyone else. No hearings were ever held on the request. Nonetheless, these same people—the same ones opposing me today—eagerly supported the jets for Taiwan last December.

And while we were debating whether or not to give $54.5 million in jets to China, someone treated Taiwan to a nice "Christmas Package." The package consisted of $157 million in so-called surplus or excess property, and it made the $54.5 million deal look small by comparison.

The chairman has called this "Christmas Package" junk. Well, I would like to have that junk. I am sure Israel would also like to have that junk with the very serious problems it is facing in the Middle East.

The "Christmas package" to Taiwan contained jet fighters, air transports, tanks, rifles, and even SAM missiles which the general that Mr. PASSMAN is speaking about called "brand new." Would my colleagues call something that is "brand new" junk?

Mr. PASSMAN. Mr. Chairman, would the gentleman yield?

Mr. CONTE. I will be glad to yield to the gentleman from Louisiana.

Mr. PASSMAN. Mr. Chairman, I am told—and I have a letter that I will be very happy to make available to the gentleman—that says that, when it is declared excess, there is no further need for it in the United States, and it may be sent to some other nations, but it is given because it has no further use in support of our Nation.

A good part of this is used, some of it is new, but it is excess, and our own defense is not affected by it.

Mr. CONTE. I think it is a fair statement that the gentleman from Louisiana just made. Some of it is new. But you can declare anything excess. They can come over here and tell the committee that all these jet fighters are excess and that we should give them to Taiwan, the Philippines, or Korea. That is the way the program has been run.

There are tanks sitting in a European country, whose name I cannot disclose, ready to go to one of the recipient nations. Any day now we will hear once again in the papers that tanks have been given to this or that country.

I think this program has been abused. I think Congress should assert itself and see to it that the program is no longer abused.

I talked to Gen. Robert H. Warren, head of the military assistance program. He agreed with me. He also indicated that, as a result of new programing, the Defense Department would have no trouble meeting the limits established by my amendment.

The other amendment that the gentleman from Wisconsin has deleted was one that I put in this bill several years ago to prevent the United States from giving or selling sophisticated weapons of war to developing nations, except the five specifically mentioned in the provision. I am terribly sorry that the gentleman raised a point of order against this amendment. The Foreign Affairs Committee has not done anything about it in the 12 years I have been here. Yet we are building up a jet club in Latin America. Argentina got jets, and so Bolivia wanted jets, and so the Peruvians wanted jets, and so on. The Peruvians went out and purchased $25 million worth of French Mirage jets. The Peruvians need jets like I need a hole in my head. They are building up this great jet set in Latin America. That is all I was trying to do by this amendment—stop an arms race throughout the world. I am sorry the gentleman raised a point of order against it.

The CHAIRMAN. The time of the gentleman has expired.

PARLIAMENTARY INQUIRY

Mr. HALL. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. HALL. Mr. Chairman, my parliamentary inquiry is this:

Does the proviso on page 5, line 22, remain in the bill?

The CHAIRMAN. The Chair has examined the bill and the Chair will state that we have passed that paragraph and no point of order was raised and it does stay in the bill.

Mr. HALL. I thank the Chairman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 105. The Congress hereby reiterates its opposition to the seating in the United Nations of the Communist China regime as the representative of China, and it is hereby declared to be the continuing sense of Congress that the Communist regime in China has not demonstrated its willingness to fulfill the obligations contained in the Charter of the United Nations and should not be recognized to represent China in the United Nations. In the event of the seating of representatives of the Chinese Communist regime in the Security Council or General Assembly of the United Nations, the President is requested to inform the Congress, insofar as is compatible with the requirements of national security, of the implications of this action upon the foreign policy of the United States and our foreign relationships, including that created by membership in the United Nations, together with any recommendations which he may have with respect to the matter.

POINT OF ORDER BY MR. FRASER

Mr. FRASER. Mr. Chairman, I seek recognition to raise a point of order.

The CHAIRMAN. The gentleman will state the point of order.

Mr. FRASER. Mr. Chairman, I make a point of order as to the language on page 7, line 25, and continuing on page 8 to line 16.

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I make a point of order against the language set forth on the ground that this is an effort to insert a major foreign policy statement in the middle of an appropriation bill.

Mr. Chairman, I make the point of order without prejudice to the merit or wisdom of the provision, but simply on the ground that it does not belong in this appropriation measure.

The CHAIRMAN. Does the gentleman from Louisiana (Mr. PASSMAN) desire to be heard on the point of order?

Mr. PASSMAN. Yes, Mr. Chairman.

Mr. Chairman, this provision was added by the Senate to the fiscal 1957 bill because the Congress does not want Communist China to sit in the United Nations.

It has been carried in this bill for 14 years.

If it should be technically subject to a point of order, at least it is extremely desirable and I certainly hope this bill will never be enacted into law until either the authorizing committee of this body or the Senate will make this permanent legislation because I think it is very dangerous to be striking this type of language out of the bill after it has been there and has sustained itself very well for 14 years.

Mr. Chairman, I ask for a ruling on the point of order.

The CHAIRMAN. The Chair is prepared to rule.

The language states among other things, in the point of order made by the gentleman from Minnesota, on page 8, "it is hereby declared to be the continuing sense of Congress that the Communist regime in China * * *".

Then further down on line 10, page 8, the language reads, "The President is required to inform the Congress * * *".

These are clearly: First, the expression of the sense of Congress and second, a direction to the President of the United States. Both of which clearly violate rule XXI, clause 2.

The Chair sustains the point of order.

The Clerk read as follows:

> SEC. 106. It is the sense of Congress that any attempt by foreign nations to create distinctions because of their race or religion among American citizens in the granting of personal or commercial access or any other rights otherwise available to United States citizens generally is repugnant to our principles; and in all negotiations between the United States and any foreign state arising as a result of funds appropriated under this title these principles shall be applied as the President may determine.

POINT OF ORDER BY MR. FRELINGHUYSEN

Mr. FRELINGHUYSEN. Mr. Chairman, I make a point of order against section 106, lines 17 through 25 on page 8 on the ground that it constitutes legislation in an appropriation bill.

Mr. Chairman, I would like to add further that the essential wording of this section is already in existing law, and has been so for many years. I refer to section 102 of the Foreign Assistance Act. That section reads as follows:

> The Congress further declares that any distinction made by foreign nations between American citizens because of race, color or religion in the granting of, or in the exercise of personal or other rights available to American citizens, is repugnant to our principles.

The CHAIRMAN. Does the gentleman from Louisiana (Mr. PASSMAN) desire to be heard on the point of order?

Mr. PASSMAN. Yes, Mr. Chairman; we concede the point of order.

Mr. BOW. Mr. Chairman, will the gentleman yield?

Mr. PASSMAN. I yield to the gentleman.

Mr. BOW. Mr. Chairman, I do not believe the entire paragraph has been read. I think the Committee of the Whole is entitled to know all the language that is being sought to be stricken.

The CHAIRMAN. Without objection, the Clerk will re-read the full paragraph, section 106, beginning on line 17 and continuing through line 25.

The Clerk read as follows:

> SEC. 106. It is the sense of Congress that any attempt by foreign nations to create distinctions because of their race or religion among American citizens in the granting of personal or commercial access or any other rights otherwise available to United States citizens generally is repugnant to our principles; and in all negotiations between the United States and any foreign state arising as a result of funds appropriated under this title these principles shall be applied as the President may determine.

The CHAIRMAN. Does the gentleman from Louisiana care to be heard on the point of order?

Mr. PASSMAN. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The gentleman from Louisiana concedes the point of order, and the Chair sustains the point of order.

The Clerk will read.

The Clerk read as follows:

> SEC. 107. (a) No assistance shall be furnished under the Foreign Assistance Act of 1961, as amended, to any country which sells, furnishes, or permits any ships under its registry to carry to Cuba, so long as it is governed by the Castro regime, in addition to those items contained on the list maintained by the Administrator pursuant to title I of the Mutual Defense Assistance Control Act of 1951, as amended, any arms, ammunition, implements of war, atomic energy materials, or any other articles, materials or supplies of primary strategic significance used in the production of arms, ammunition, and implements of war or of strategic significance to the conduct of war, including petroleum products.

Mr. FRELINGHUYSEN. Mr. Chairman, I make a point of order against section 107(a) on the ground that it is legislation in an appropriations bill.

The CHAIRMAN. Does the gentleman make his point of order against the entire section?

Mr. FRELINGHUYSEN. When I get the opportunity, I shall certainly make the point of order against section (b) also. If it is in order, I shall be glad to make the point of order against both sections (a) and (b) at this time.

The CHAIRMAN. The Chair would prefer to rule on the sections separately. The gentleman has made a point of order against section 107(a). The Chair will hear the gentleman.

Mr. FRELINGHUYSEN. Mr. Chairman, section 620 of the Foreign Assistance Act contains similar restrictions, but they are much more detailed, specific, and restricted than those contained in the provision which I am seeking to strike from the appropriation bill.

The CHAIRMAN. Does the gentleman from Louisiana care to be heard?

Mr. PASSMAN. Mr. Chairman, your committee felt that the language contained a very definite limitation. The language itself states—

> No assistance shall be furnished under the Foreign Assistance Act of 1961, as amended, to any country which sells, furnishes, or permits any ships under its registry to carry to Cuba—

That provision has stood up over the years as being a limitation. We feel that it is, and we ask the Chair for a ruling.

The CHAIRMAN. The Chair is ready to rule. As the gentleman from New Jersey has pointed out, the language is similar but it is not identical with the provisions of section 620 of the Foreign Assistance Act as amended. In addition, it relates to provisions other than those contained in this bill, and the Chair sustains the point of order.

Mr. BOW. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Ohio is recognized.

Mr. BOW. Mr. Chairman, it is rather interesting to me to see what has been stricken out of this bill—language that has been in the bill for a number of years. Because of a question of jurisdiction we now say that the part which prevents U.S. funds from being used "to pay pensions, annuities, retirement pay, or adjusted service compensation for any persons heretofore or hereafter serving in the armed forces of any recipient country" is stricken out.

We also say that language opposing the seating of Communist China in the United Nations, and requiring the President to inform the Congress of the implications of this action upon the foreign policy of the United States should be stricken out.

For a number of years the bill has also provided that the principle of no discrimination because of race or religion should be applied in all negotiations between the United States and any other nation with respect to economic assistance. This has been stricken.

Another provision has been stricken which has been in the bill for some time. This provides that no economic assistance shall be furnished to any country which sells, furnishes, or permits any ships under its registry to carry to Cuba or North Vietnam arms, ammunition, or items of economic assistance.

These provisions have all been stricken—but they have been in this bill for a number of years.

Again I point out that the distinguished gentleman from Texas, the chairman of the Committee on Appropriations, announced to this House early in the session a schedule of appropriations. This schedule was provided to give every legislative committee the opportunity to

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bring their bills before the House, on the floor, before our committee passed on the related appropriation. If all of these items had been in a legislative bill, then it would not have been necessary for the Appropriations Committee to include them. Because they had not been in the legislative bills—and some are still not—the Appropriations Committee put them in.

Mr. Chairman, I am completely opposed and I am sure my chairman is, to legislation on an appropriation bill. But we are interested in bringing appropriation bills before the Congress, so they may be acted upon.

The legislative committees should bring in bills with this language. This would give us a chance to debate them, and support or defeat them on the floor of the House. If the legislative committee will bring bills with this language in and give the Congress the opportunity to pass upon these questions of legislation, then we will not have to come in here with legislation on appropriation bills, or be forced to seek necessary rules.

Mr. FRASER. Mr. Chairman, will the gentleman yield?

Mr. BOW. I am delighted to yield to the gentleman from Minnesota.

Mr. FRASER. Mr. Chairman, the gentleman was informed earlier there is only one bill relating to this appropriation that has not been passed by the House, at least, and that is the Peace Corps.

Mr. BOW. Would the gentleman tell me what bill includes these limitations.

And if they are included, then why does the gentleman object to our including them again.

It is only a matter of jurisdictional dispute.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. Mr. Chairman, I would like to call the gentleman's attention to section 620 of the authorization act. There are five full pages of limitations. Also in the same act there are two pages containing limitations in the statement of policy.

The limitations in the authorization act contain the same wording, and certainly the basic policy and limitations as the provisions in the appropriation bill before this committee. I submit these provisions violate House rules.

May I ask the gentleman from Ohio, if the Foreign Affairs Committee decided to provide for appropriations and funding in the foreign aid bill, will the distinguished gentleman from Ohio agree? He will not object?

Mr. BOW. The gentleman knows the answer to that.

Mr. ZABLOCKI. The gentleman would not agree?

Mr. BOW. The gentleman from Ohio could not agree. This is a matter of the rules of the House, which the gentleman knows.

Mr. Chairman, I will not yield further at this point, but is the gentleman only complaining because the Appropriations Committee has included these provisions. If the gentleman is really interested in saying all these things that are in the bill, why does he object?

Mr. ZABLOCKI. Mr. Chairman, if the gentleman will yield, I object for the same reason the gentleman from Ohio would object: It is a violation of the rules of the House. The gentleman from Ohio should join the gentleman from Wisconsin not to permit legislation in an appropriation bill.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman from Ohio as a member of the Appropriations Committee is understandably chagrined that certain language is being stricken out on points of order, but as he pointed out himself, these are being stricken out because they constitute legislation in an appropriation bill.

As I just finished explaining, in my point of order to strike section 107(a) of this appropriation bill, there is comparable language already in the Foreign Assistance Act, and it has been there for many years.

It is far more explicit and detailed and restrictive than the language of the appropriation bill.

In a sense, perhaps, this is a contest between two committees. I feel that the legislative committee should have the responsibility for developing suitable legislative language on these points. In almost every case it has done so, and has done so many years ago.

What we are trying to do is to regularize a situation where language proposed by the Appropriations Committee has been protected in the past by the nature of the rule that has been granted. As members of the Foreign Affairs Committee we have complained against legislation in appropriation bills but we have been unable, because of the rule which has been adopted, to do anything about striking the language.

Mr. BUCHANAN. Mr. Chairman, I move to strike the requisite number of words.

There is an incident related in the Old Testament Scripture, in which King David was rebuked by the Prophet Nathan, after he had killed Uriah, having sent him in the front of the ranks and had him killed, in order that he might proceed to commit adultery with his wife, and to marry her—Bathsheba.

And Nathan said to David, that there was a man, a rich man, who had many flocks, and there was another man who had nothing but one little ewe-lamb, yet, he slew the poor man and made off with his one lamb.

The great Appropriations Committee is respected by us all. The House Committee on Foreign Affairs has but one little lamb left. Our jurisdiction has been raided by committee after committee. We are down, really, to nothing more than this little foreign assistance legislation, which is all we have left to deal with.

I want to say, you ought to leave us with our one little lamb.

The second thing, Mr. Chairman, is simply this: If there has ever been a time when this country needed a balancing voice in foreign policy, that time is now. If there has ever been a time when the Congress needed a voice to balance foreign policy, that time is now. I would say the dominant voices in the other body do not reflect the views of many Americans and of many Members of this House.

Recently, when our President was asked to meet with members of the Foreign Relations Committee, he insisted that members of the House Foreign Affairs Committee attend the meeting, too, to discuss Cambodia. In this way he indicated his confidence that the House of Representatives ought to have a voice in foreign policy.

If we are going to have a voice, we must do so through our committee, the House Foreign Affairs Committee. We must respect that committee and show such respect in the House, if it is to have the respect of the other body of the Congress and of the people of the United States.

Mr. BOW. Mr. Chairman, will the gentleman yield?

Mr. BUCHANAN. I am glad to yield to the gentleman from Ohio.

Mr. BOW. I am very interested in what the gentleman had to say. The first few sentences disturbed me a little. I would hope the gentleman is not accusing the Appropriations Committee of having any of those desires portrayed in some of his first statements.

Mr. BUCHANAN. I would say to the distinguished gentleman, my committee has been raped more than once on the floor of the House.

PARLIAMENTARY INQUIRY

Mr. FRELINGHUYSEN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FRELINGHUYSEN. Has section 107(b) been read?

The CHAIRMAN. It has not been read. The Clerk will read.

The Clerk read as follows:

(b) No economic assistance shall be furnished under the Foreign Assistance Act of 1961, as amended, to any country which sells, furnishes, or permits any ships under its registry to carry items of economic assistance to Cuba, so long as it is governed by the Castro regime, or to North Vietnam.

Mr. FRELINGHUYSEN. Mr. Chairman, I make a point of order that the language on lines 13 through 17, page 9, section 107(b) constitutes legislation on an appropriation bill and therefore should be stricken.

I should like to point out, also, there is comparable language, but stronger language, already in the Foreign Assistance Act. I refer to section 620(a)(3) with respect to the prohibition against trade with Cuba, and section 620(n), the language with respect to North Vietnam.

The CHAIRMAN. Does the gentleman from Louisiana desire to be heard on the point of order?

Mr. PASSMAN. Mr. Chairman, the committee believes now, as we have believed for many years, that this was a limitation on expenditures. It says:

No economic assistance—

Referring first to U.S. dollars—

shall be furnished under the Foreign Assistance Act of 1961, as amended, to any country which sells, furnishes, or permits any ships under its registry to carry items of economic assistance to Cuba, so long as it is governed by the Castro regime, or to North Vietnam.

According to the committee's interpretation, this is a limitation, and I ask for a ruling.

The CHAIRMAN. The Chair is prepared to rule.

The first two lines read:

No economic assistance shall be furnished under the Foreign Assistance Act of 1961—

It is entirely possible that there is a variety of programs under the Foreign Assistance Act of 1961. Therefore, this is clearly a limitation upon the act and not on the bill and comes within the prohibition of rule XXI, clause 2, and the point of order is sustained.

PREFERENTIAL MOTION OFFERED BY MR. GROSS

Mr. GROSS. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. GROSS moves that the committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

The CHAIRMAN. The gentleman from Iowa is recognized for 5 minutes in support of his motion.

Mr. GROSS. Mr. Chairman, the analogy of the flocks of sheep and the lamb is particularly appropriate here today, because the taxpayers are about to get their annual shearing if this bill is approved.

I ask for a vote on my motion.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Iowa.

The question was taken; and on a division (demanded by Mr. GROSS) there were—ayes 18, noes 70.

So the preferential motion was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 108. Any expenditure made from funds provided in this title for procurement outside the United States of any commodity in bulk and in excess of $100,000 shall be reported to the Senate and House of Representatives at least twice annually: *Provided*, That each such report shall state the reasons for which the President determined, pursuant to criteria set forth in section 604(a) of the Foreign Assistance Act of 1961, as amended, that foreign procurement will not result in adverse effects upon the economy of the United States or the industrial mobilization base which outweigh the economic or other advantages to the United States of less costly procurement outside the United States.

POINT OF ORDER MADE BY MR. ADAIR

Mr. ADAIR. Mr. Chairman, I make a point of order against section 108.

The CHAIRMAN. The gentleman will state it.

Mr. ADAIR. This is legislation in an appropriation bill. It requires a report to the Congress of all procurements of more than $100,000 made outside of the United States and prescribes the type of justification that the President must give. Thus, in my opinion, it is clearly legislation.

Furthermore, Mr. Chairman, to answer a point that has been made earlier by the gentleman from Ohio, this same general subject matter is in existing law in section 604 of the Foreign Assistance Act, where again, in my opinion, it is set forth more fully and effectively.

The CHAIRMAN. Does the gentleman from Louisiana desire to be heard on the point of order?

Mr. PASSMAN. Mr. Chairman, we ask for a ruling.

The CHAIRMAN (Mr. BOGGS). The Chair is prepared to rule. The language in question, the significant part of it, section 108:

Any expenditure made from funds provided in this title for procurement outside the United States of any commodity in bulk and in excess of $100,000 shall be reported to the Senate and the House of Representatives at least twice annually:

That, obviously, is an imposition of new duties upon the Executive and it clearly falls within the prohibition of section XXI, clause 2.

Therefore, the Chair sustains the point of order.

Mr. FRASER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, when the Clerk reads the next section, I propose to raise a point of order against both clauses (a) and (b), and I rise at this time to inquire if I can make the point of order against both clauses and have it considered at the same time.

The CHAIRMAN. The Chair will state to the gentleman from Minnesota that that can be done only by unanimous consent.

Is there objection to the request of the gentleman from Minnesota?

Mr. PASSMAN. Mr. Chairman, I object.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 109. (a) No assistance shall be furnished to any nation, whose government is based upon that theory of government known as communism, under the Foreign Assistance Act of 1961, as amended, for any arms, ammunition, implements of war, atomic energy materials, or any articles, materials, or supplies, such as petroleum, transportation materials of strategic value, and items of primary strategic significance used in the production of arms, ammunition, and implements of war, contained on the list maintained by the Administrator pursuant to title I of the Mutual Defense Assistance Control Act of 1951, as amended.

Mr. FRASER. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. FRASER. Mr. Chairman, I make a point of order against section 109, paragraph (a). This provision duplicates a restriction in section 620(f) of the Foreign Assistance Act against any form of assistance to Communist countries. In fact, the wording of the provision in the authorizing legislation is much more specific as to the countries which may be considered "Communist" countries. This provision in the appropriation bill is therefore unnecessary.

I make the point of order that this language constitutes legislation in an appropriation bill.

The CHAIRMAN (Mr. BOGGS). The Chair is prepared to rule.

The language in question in section 109(a) is similar but not identical to the language in the authorization legislation and, therefore, does constitute legislation on an appropriation bill.

The Chair sustains the point of order.

The Clerk will read.

The Clerk read as follows:

(b) No economic assistance shall be furnished to any nation, whose government is based upon that theory of government known as communism, under the Foreign Assistance Act of 1961, as amended (except section 214(b)), unless the President determines that the withholding of such assistance would be contrary to the national interest and reports such determination to the House of Representatives and the Senate. Reports made pursuant to this subsection shall be published in the Federal Register within seven days of submission to the Congress and shall contain a statement by the President of the reasons for such determination.

Mr. FRASER. Mr. Chairman, I rise to make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. FRASER. Mr. Chairman, I make a point of order against section 109, paragraph (b). The provision forbids any economic assistance to Communist countries. As with reference to the previous paragraph, this one is duplicative of section 620(f). In fact, it is far less precise than the provision contained in the authorizing legislation. Therefore, I make the point of order that the language in section 109, paragraph (b) constitutes legislation in an appropriation measure.

The CHAIRMAN. Does the gentleman from Louisiana wish to be heard on the point of order?

Mr. PASSMAN. Mr. Chairman, I ask for a ruling.

The CHAIRMAN. The Chair is prepared to rule.

The language is similar but is not identical to the Foreign Assistance Act of 1961. It imposes new duties upon the President of the United States and as such clearly falls within the prohibition of rule XXI, clause 2.

The Chair sustains the point of order.

The Clerk will read.

The Clerk read as follows:

SEC. 111. None of the funds appropriated or made available by this or any predecessor Act for the years subsequent to fiscal year 1962 for carrying out the Foreign Assistance Act of 1961, as amended, may be used to make payments with respect to any contract for the performance of services outside the United States by United States citizens unless the President shall have promulgated regulations that provide for the investigation of such citizens for loyalty and security to the extent necessary to protect the security and other interests of the United States: *Provided*, That such regulations shall require that any such United States citizen who will have access, in connection with the performance of such services, to information or material classified for security reasons shall be subject to such investigation as may otherwise be provided by law and executive order.

The CHAIRMAN. For what purpose does the gentleman from Wisconsin rise?

Mr. ZABLOCKI. Mr. Chairman, I rise to make a point of order against section 111.

The CHAIRMAN. The gentleman will state his point of order.

Mr. ZABLOCKI. Mr. Chairman, section 111 constitutes legislation in an appropriation bill. This provision has been carried in legislation since 1963.

I am in sympathy with this provision, and will do my best to include even stronger language in the next authorization bill. The time has come when we should clearly define the responsibilities of our committees and prevent further encroachment, and although I favor this language personally I must insist on my point of order because of the principle involved, that it is legislation in an appropriation bill.

The CHAIRMAN. Does the gentleman from Louisiana desire to be heard on the point of order?

Mr. PASSMAN. Mr. Chairman, the committee felt that this year, as in the previous years, that this was a limitation provision which was added by the committee to the fiscal year 1963 bill in order to require investigation of the U.S. citizens outside the United States who are performing service on U.S.-funded contracts, and for security to protect the U.S. interests. We felt it was a limitation, and that we had carried it for 7 years.

Mr. Chairman, I ask for a ruling.

The CHAIRMAN. The Chair is prepared to rule.

The significant language is found on line 17, where it defines the duties of the President of the United States in saying that "unless the President"—on line 18—"shall have promulgated regulations that provide for the investigation of such citizens," and so on. That again is clearly legislation on an appropriation bill, and falls within the prohibition, and the Chair sustains the point of order.

The Clerk will read.

The Clerk read as follows:

> SEC. 116. No assistance shall be furnished under the Foreign Assistance Act of 1961, as amended, to any country that sells, furnishes or permits any ships under its registry to carry to North Vietnam any of the items mentioned in subsection 107(a) of this Act.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise to make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. FRELINGHUYSEN. Mr. Chairman, I make the point of order against section 116 in that it constitutes legislation in an appropriation bill. I would like to add, furthermore, it is almost word for word part of a prohibition which is already contained in existing law, and that is section 620(n) of the Foreign Assistance Act. The fact is the existing law is stronger and broader in its restrictions than the language in this appropriation bill.

The CHAIRMAN. Does the gentleman from Louisiana desire to be heard on the point of order?

Mr. PASSMAN. Mr. Chairman, I ask for a ruling on the point of order.

The CHAIRMAN. The Chair is prepared to rule on the point of order.

The language is similar and almost like the language contained in the Foreign Assistance Act of 1961. However, it is clearly legislation on an appropriation bill, and the point of order is sustained.

The Clerk will read.

The Clerk read as follows:

> SEC. 117. None of the funds appropriated or made available in this Act for carrying out the Foreign Assistance Act of 1961, as amended, shall be available for assistance to the United Arab Republic, unless the President determines that such availability is essential to the national interest of the United States.

Mr. MAHON. Mr. Chairman, I move to strike the last word.

Mr. ZABLOCKI. Mr. Chairman, I was on my feet to make a point of order as to section 117 that was just read.

The CHAIRMAN. The gentleman from Wisconsin has a point of order on section 117?

Mr. ZABLOCKI. That is correct, Mr. Chairman.

The CHAIRMAN. The Chair will hear the gentleman from Wisconsin on his point of order.

Mr. ZABLOCKI. Mr. Chairman, I will gladly defer to the gentleman from Texas (Mr. MAHON) if I do not lose my opportunity to make my point of order in so doing.

The CHAIRMAN. The Chair will state that the point of order takes precedence.

POINT OF ORDER BY MR. ZABLOCKI

Mr. ZABLOCKI. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state the point of order.

Mr. ZABLOCKI. Mr. Chairman, I make the point of order against section 117 on the ground that it constitutes legislation in an appropriation bill.

It is almost identical with the prohibitions contained in section 620(p) of the existing Foreign Assistance Act.

The CHAIRMAN. The Chair is prepared to rule.

The language on page 13, line 19, "unless the President determines," is clearly legislation on an appropriation bill and clearly violates clause 2 of rule XXI.

The Chair sustains the point of order.

Mr. MAHON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the exercise in the House today demonstrates the difficulty we have had through the years with the foreign aid appropriation bills.

In order to make the foreign aid program more effective, if such is possible, the Congress through the years has written into the appropriation bill various restrictions such as prohibitions against aiding Communist countries and many other provisions which it has been felt were in the best interests of the United States.

These various legislative provisos have found their way over a period of years or decades into the bill, and these restrictions and prohibitions and modifications have tended to make the appropriation bill more acceptable and capable of passage through the House and the other body.

We realize that we are having a field day here by knocking out certain of these provisions which have established over the years a settled congressional policy. If these were new provisions, it would be different. But here we are dealing with what could be called settled congressional policy.

The gentleman from Alabama talked about King David and Bathsheba. He also talked about going to the White House and he welcomed the opportunity for the Congress to have a voice in foreign policy. That is what we have been doing through the years in this bill, asserting our authority over foreign policy. We have had a very significant voice on foreign policy. But the gentleman from Alabama and others have objected to proposals in the bill designed to strengthen the hand of Congress in foreign policy matters.

What we have done through the years is to build up this appropriation bill with these policy provisions. They are being summarily knocked out today.

We do not complain. We went before the Committee on Rules and asked for a rule with respect to some of the provisions in the bill, and particularly the provision as to the Peace Corps. The Peace Corps is not too palatable—I hold no brief for it—some are for it and some are against it. But we asked for a rule on that. I assume that since the rule was not granted on the appropriation of $80 million—some $18 million below the budget for the Peace Corps—that it will be stricken out on a point of order. That can be done. I shall not complain.

The Committee on Appropriations has brought in thus far about 11 appropriation bills and resolutions involving more than $40 billion. I hope we have worked diligently and with some degree of effectiveness.

When you walk down the corridors of the Capitol, members say, "How are we coming along on appropriations? When do you think we can get them behind us? How are we moving toward the time when we might adjourn insofar as appropriations are concerned?" We say, we are doing the best we can. We announced months in advance that we were going to have bills up at a certain time, generally speaking. For example, with respect to the Peace Corps, the Committee on Foreign Affairs—and it is a great committee and headed by a very able chairman and has very able members—that Committee on Foreign Affairs has known for many months that there would have to be an authorization on the Peace Corps.

I realize that the Peace Corps authorization involving about $100 million is a serious matter, but it had been thought that these authorizations would be approved and that we would be able to handle appropriations by this late date.

In a sense, we are trying ourselves today. Is our system able to function or are the critics right, that the Congress is outmoded, incompetent, and unable to do its job? I do not know just how we are going to be rated when we are weighed in the balance on these matters.

More points of order will be made. This bill will be stripped of a series of provisions which I think probably 75 or 80 percent of the Members approve. It will be made less acceptable. But the Committee on Appropriations has done the best it could under the circumstances.

We have labored long and hard in the vineyard trying to help the Members to get the job done so they could go home earlier during this campaign year.

I would hope that while this bill is stripped of many of its helpful provisions, nevertheless, you will understand the plight in which we find ourselves as we approach the end of the fiscal year without the benefit of an authorization bill. Authorization bills must be passed on a timely basis if we are to avoid a chaotic situation.

Mr. PASSMAN. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Louisiana is recognized.

Mr. PASSMAN. Mr. Chairman, I respectfully suggest that the members of the great Committee on Foreign Affairs have a good, close look at some of the provisions that have been stricken out today on points of order. These helpful and desirable provisions have been carried in this bill for many years. The test will come later today. But I am of the opinion that any vote on the merits of the provisions would be in the affirmative. I can understand why they are jealous of their prerogatives. They have supported these amendments, some of them, for many years, recognizing that they were good amendments. Now, today, they say they are good, but they constitute legislation on an appropriation bill. They have not said they would adopt these provisions in the Foreign Affairs Committee. They have said they would try.

I am of the opinion that if the House goes along with this bill today with all these provisions stricken, it may afford the Foreign Affairs Committee an opportunity to bring out legislation; and if they fail to do so, there will be no more foreign aid bills.

(Mr. PASSMAN asked and was given permission to revise and extend his remarks.)

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. PASSMAN. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. I want to thank the gentleman from Louisiana for yielding, because I want to add my commendations to those who have commended and congratulated the gentleman from Louisiana. The Appropriations Committee has done a splendid job in the amounts reported. I refer particularly to the gentleman from Louisiana. No one can quarrel with his sincerity, his conscientiousness, and his objectiveness. We applaud you, commend you, and salute you. To the extent that you guard, and jealously guard, the prerogatives of your Appropriations Committee, we want to assure you that we are just as jealous of the prerogatives of our Foreign Affairs Committee.

I want to again to commend the gentleman for bringing into proper perspective the entire ball of wax of our foreign aid program, which is worldwide. The gentleman has done an excellent job.

Mr. PASSMAN. I thank the distinguished gentleman for those compliments. I am very fond of every member of the Foreign Affairs Committee. I have never known whether they were too busy doing something else, but for some reason or other we are always waiting for authorization. Let us put it on the line. For most of the 16 years we have had to move this bill with some type of provision waiving points of order. For some reason this great committee never gets these bills out. We have been forced to write provisons into this bill to protect the American people from abuses.

Now I hope it is time to take a rest. If they are too busy, then some of you should take the initiative and clean this up, because you are going to get this bill defeated after this year if you do not bring out a measure reestablishing these provisions.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. PASSMAN. I yield to the distinguished gentleman from Texas.

Mr. MAHON. Mr. Chairman, I was going to ask with respect to the Peace Corps if since the Committee on Appropriations has reported this bill, the Committee on Foreign Affairs has taken action on the Peace Corps bill? This being the fourth day of June, would it have been possible for this great committee to have taken action in February or March or April or May? Or has the committee had such a rugged schedule on the floor that the committee just could not do it?

This is the thing that has concerned us. We all try to work hard and get our work done. Often we do not get the authorization on the foreign aid until late in the year, at times not until October or later.

Mr. MAHON. We are in a difficult situation, and we want help in connection with this matter.

Mr. ADAIR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think perhaps the record should be set straight here this afternoon. A number of Members have complained, especially members of the Committee on Appropriations, that they have not had the authorizing legislation for foreign assistance for an adequate amount of time. I want to point out, as I said earlier, that this legislation was authorized last year when the aid program was authorized for 2 years. The Committee on Appropriations, contrary to some of the things that have been said on this floor this afternoon, has had that authorization for all of this year. I do not know how much more time could be required than that.

Mr. PASSMAN. Mr. Chairman, will the gentleman yield?

Mr. ADAIR. I yield to the gentleman from Louisiana.

Mr. PASSMAN. Mr. Chairman, I commend the gentleman for bringing to the attention of the committee that for this one time since I have been chairman of this committee the gentleman's committee did get a bill out in time for us to move on it. However, the committee did not get out a legislative bill on the Peace Corps.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. ADAIR. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. Mr. Chairman, I thank the gentleman for yielding.

I would like to ask our committee chairman if it is not true the Foreign Affairs Committee has studied the entire Peace Corps program in depth, and that there was considerable controversy on several matters? There was objection to the so-called reverse Peace Corps suggestion. The Committee on Foreign Affairs took great time and used much zeal in looking into details of the Peace Corps operation before deciding when the authorization was ready to report. I am sure the Subcommittee on Foreign Aid of the Committee on Appropriations could have waited 1 more week while the bill was reported.

I am sure that since the chairman of the Foreign Affairs Committee is here, the gentleman from Indiana will yield to the chairman.

Mr. ADAIR. Before yielding to the chairman, let me add one other point.

Something has been made of the fact that provisions in this appropriation bill have been stricken out on points of order today, and the gentleman from Louisiana expressed concern that these provisions were not in the law. As a matter of fact, almost every provision that has been stricken out is in existing law where it ought to be, in the authorizing legislation. In almost every case, in my opinion it is in better and more explicit language than that which has been proposed here. So I want to give assurance to those who are here that almost without exception these provisos are in existing law.

Now I yield to the chairman of the Foreign Affairs Committee.

Mr. MORGAN. Mr. Chairman, I want to say the Foreign Affairs Committee did not have the opportunity this year to even look at a copy of the foreign operations bill until almost just before this committee went before the Rules Committee.

We did not have the courtesy of a notice from the Appropriations Committee that this bill would include legislative matter within our jurisdiction as the authorizing committee.

When I went to several members of the subcommittee, they said the chairman of the subcommittee had a closed, tight security arrangement, that nobody could talk about this bill.

XUM

Of course, we did not have an adequate opportunity to examine this bill.

I want to say, so far as the Peace Corps is concerned, we needed a little more time to look at the Peace Corps and to examine its operation. We completed our hearings on the Peace Corps in April, but our consideration was extended and we did not file the report until today, after modifying the bill in several particulars.

Of course, I was alarmed about some of the publicity on the Peace Corps. I was alarmed when some people who are Peace Corps volunteers put an advertisement in a metropolitan paper. I wanted to find out what happened. I was concerned about several other things.

An authorizing committee must have time to authorize its own legislation. After all, when this committee voted out this bill it was only June 3, 1970. No one can blame the Foreign Affairs Committee because the foreign operations appropriation did not become law until February 9, 1970. The Foreign Affairs Committee was not responsible for the delays that held up the final approval of the foreign aid appropriation bill of the last session.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. ADAIR. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

Mr. CONTE. Mr. Chairman, reserving the right to object—and I shall not object—I believe we have heard a thorough discussion here on jurisdiction and who is to blame. I hope we can get on with this bill, vote on it, and let us go home.

Mr. Chairman, I withdraw my reservation.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. ADAIR. Mr. Chairman, I believe comment needs to be made also about the matter of the Foreign Military Sales Act. All members of the committee here this afternoon are aware that that legislation was considered, was reported, was passed by this House weeks ago, and is now involved in debate in the other body. Certainly that cannot be charged to the Committee on Foreign Affairs.

Mr. PASSMAN. Mr. Chairman, will the gentlemna yield?

Mr. ADAIR. I yield to the gentleman from Louisiana.

Mr. PASSMAN. The gentleman is absolutely correct. We are not blaming the great Foreign Affairs Committee for the military credit sales portion of this bill.

I do want to say, with compassion and understanding, it is a fact that this bill was passed after a struggle in October, November, and sometimes in December, so if this little exchange is considered a barb by the Foreign Affairs Committee, we have accomplished something. I hope the gentleman agrees.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

> SEC. 119. The President is directed to withhold economic assistance in an amount equivalent to the amount spent by any underdeveloped country for the purchase of sophisticated weapons systems, such as missile systems and jet aircraft for military purposes from any country other than Greece, Turkey, the Republic of China, the Philippines, and Korea, unless the President determines that such purchase or acquisition of weapons systems is important to the national security of the United States and reports within thirty days each such determination to the Congress.

Mr. ZABLOCKI. Mr. Chairman, I make a point of order against the language on page 14, lines 13 to 22, section 119, that this is clearly legislation on an appropriation bill.

It is a good provision, again, but it has no legitimate place in an appropriation bill, especially when even stronger restrictions are already contained in section 520(s) of the existing Foreign Assistance Act.

The CHAIRMAN. Does the gentleman from Maryland (Mr. LONG) desire to be heard on the point of order?

Mr. LONG of Maryland. Mr. Chairman, section 119 was put into this bill to prevent a hideous waste of the taxpayers' money. That surely is the main purpose of the Committee on Appropriations.

This amendment is in the nature of a limitation which would withhold an equivalent amount of aid in cases where underdeveloped countries otherwise recipients of U.S. aid undertake to make purchases of sophisticated weapons systems with their own funds. This limitation applies solely to the appropriation under consideration and does not operate beyond the fiscal year in which the appropriation is made.

Section 119 has saved the taxpayers money. The United States withheld a $30 million development loan to Peru because of that nation's purchase of Mirage jets in 1968. Section 119 was added to the Foreign Assistance Act for 1968. At that time Argentina purchased U.S. A4–D jet fighters and Chile bought English Hunters and Peru was reportedly negotiating for the purchase of $20 million of French Mirage jets.

The CHAIRMAN. The gentleman from Maryland is not talking to the point of order.

Mr. LONG of Maryland. I am arguing that this section was put in to save money and that it has saved money.

The CHAIRMAN. Does the gentleman argue that it is in order?

Mr. LONG of Maryland. I am arguing it is in order.

The CHAIRMAN. Will the gentleman state his argument?

Mr. LONG of Maryland. Under the rules and precedents, limitations may be written into appropriations bills. As Chairman Dingley, of Maine, wrote in 1896:

> The House in Committee of the Whole has the right to refuse to appropriate for any object, either in whole or in part, even though that object may be authorized by law. That principle of limitation has been sustained so repeatedly that it may be regarded as a part of the parliamentary law of the Committee of the Whole.

Asher C. Hinds, clerk to the Speaker from 1881 until 1891, and editor of the "Rules, Manual and Digest" of the House of Representatives in 1899, and of "Hinds' Precedents" in 1908:

> Thus the power of limitation is solely a negative power, capable of setting up a barrier, and not a positive power, capable of creative functions. The appropriation may interfere with Executive discretion only in a negatve way. It may decline to appropriate for ships to be built in a navy yard by saying that no part of the appropriation shall be used for that purpose. These negative prohibitions are within the power of the appropriation bill.

In the past, limitations have prohibited such measures as the payment of troops stationed in certain geographical locations, the appropriations for repair of vessels in private shipyards, and appropriations for the return of a Reserve Force to active duty—Cannon's Precedents.

The CHAIRMAN. The Chair finds the precedent cited is not germane. Section 119 as it is now drafted reads as follows:

> The President is directed to withhold economic assistance in an amount equivalent to the amount spent by any underdeveloped country—

And again on line 19 it says—

> unless the President determines that such purchase or acquisition of weapons systems is important to the national security of the United States and reports within 30 days each such determination to the Congress.

It is obviously legislation in an appropriation bill, and the Chair sustains the point of order.

The Clerk will read.

The Clerk read as follows:

> SEC. 120. (a) In order to restrain arms races and proliferation of sophisticated weapons, and to insure that resources intended for economic development are not diverted to military purposes, the President shall take into account before furnishing development loans, Alliance loans, or supporting assistance to any country under this Act, and before making sales under the Agricultural Trade Development and Assistance Act of 1954, as amended:
>
> (1) the percentage of the recipient or purchasing country's budget which is devoted to military purposes.
>
> (2) the degree to which the recipient or purchasing country is using its foreign exchange resources to acquire military equipment; and
>
> (3) the amount spent by the recipient or purchasing country for the purchase of sophisticated weapons systems, such as missile systems and jet aircraft for military purposes, from any country.

Mr. ZABLOCKI. Mr. Chairman, I make a point of order against section 120. It clearly constitutes detailed legislative provisions in an appropriation. Furthermore, in essence and detail, its language is already in existing law—section 620(s) of the Foreign Assistance Act.

Mr. GROSS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GROSS. Did the gentleman not make a point of order to the entire section?

The CHAIRMAN. The Chair was going to ask the gentleman whether or not the point of order relates to section 120(a) or 120 (a) and (b).

Mr. ZABLOCKI. To the entire section, Mr. Chairman. Page 14, line 23, through line 19 on page 15. The entire section 120, Mr. Chairman.

The CHAIRMAN. The Clerk has only read section 120(a), so the Chair will advise the gentleman to make his point of order on paragraph (a) rather than the whole section.

Does the gentleman from Louisiana care to be heard on the point of order?

Mr. PASSMAN. Mr. Chairman, I ask for a ruling.

The CHAIRMAN. The Chair is prepared to rule.

Again a careful reading will show that the President is directed to take into account various considerations, all of which constitute legislation on an appropriation bill.

Therefore, the Chair sustains the point of order.

The Clerk will read.

The Clerk read as follows:

(b) The President shall report annually to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate his actions in carrying out this provision.

Mr. ZABLOCKI. Mr. Chairman, I repeat my point of order that I made earlier against section 120.

The CHAIRMAN. The Chair is prepared to rule.

Again the President is required to take certain action, and it clearly falls within the prohibition. Therefore the Chair sustains the point of order.

The Clerk will read.

The Clerk read as follows:

FUNDS APPROPRIATED TO THE PRESIDENT

PEACE CORPS

For expenses necessary to enable the President to carry out the provisions of the Peace Corps Act (75 Stat. 612), as amended, including purchase of not to exceed five passenger motor vehicles for use outside the United States, $80,000,000, of which not to exceed $28,000,000 shall be available for administrative expenses.

The CHAIRMAN. For what purpose does the gentleman from Minnesota rise?

Mr. FRASER. Mr. Chairman, I rise to make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. FRASER. Mr. Chairman, I make a point of order against the language on page 16, lines 9 through 14, because this is an effort to appropriate money for an authorization which does not yet exist. The House Foreign Affairs Committee has passed out an authorizing bill but the House has not yet had time to act. I would ask, therefore, that this language be stricken.

The CHAIRMAN. For what purpose does the gentleman from Louisiana rise?

Mr. PASSMAN. Mr. Chairman, the committee concedes the point of order.

The CHAIRMAN. For what purpose does the gentleman from Massachusetts rise?

Mr. CONTE. Mr. Chairman, I think the gentleman from Minnesota meant lines 7 through 14.

Mr. FRASER. Yes; it would be lines 7 through 14.

The CHAIRMAN. The gentleman from Minnesota offers that in the form of an amendment to his point of order, lines 7 through 14?

Mr. FRASER. That is right.

The CHAIRMAN. The Committee concedes a point of order. The Chair sustains the point of order.

The Clerk will read.

The Clerk read as follows:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

ASSISTANCE TO REFUGEES IN THE UNITED STATES

For expenses necessary to carry out the provisions of the Migration and Refugee Assistance Act of 1962 (Public Law 87-510), relating to aid to refugees within the United States, including hire of passenger motor vehicles, and services as authorized by section 3109 of title 5, United States Code, $112,000,000: *Provided*, That funds from this appropriation shall be used to reimburse the Secretary of State to cover the costs incurred by the Department of State in connection with the movement of refugees from Cuba to the United States.

AMENDMENT OFFERED BY MR. CLAY

Mr. CLAY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CLAY: Page 18, beginning in line 15, strike out "$112,000,000" and all that follows down through line 19 and insert in lieu thereof the following: "$111,200,000: *Provided*, That no part of this appropriation shall be used to reimburse the Secretary of State to cover the costs incurred by the Department of State in connection with the movement of refugees from Cuba to the United States."

Mr. CLAY. Mr. Chairman, it is incumbent upon me to call to the attention of my colleagues that the continuation of the Cuban airlift is an unjustifiable drain on the taxpayers' purse. Such an expenditure is a wasteful and unnecessary spending of the Federal tax dollar, and it perpetuates a program that is not in the best interest of this country.

More than 11 years ago, Fidel Castro forceably captured political control of Cuba. During the intervening years, our Government has established a policy of nonrecognition of the Castro regime. In addition, we agreed to give political asylum to those Cubans who ideologically and politically differed with Castro. Most Americans wholeheartedly agreed with that decision.

In 1965, this Government began what is known as Freedom Airlift in connection with our policy for admitting persons considered refugees fleeing an oppressed state. Most Americans also gave their endorsement to the Freedom Airlift for Cubans.

Today, 11 years after Castro's successful revolution, we are not only continuing to admit Cuban citizens as refugees—but we continue to fly 1,000 Cuban refugees into this country each week. In the last 6 years, we have admitted more than 225,000 Cuban refugees at a cost of $300 million.

I take sharp issue with this official and costly policy whereby this Nation has opened the doors for unlimited Cuban immigration. No longer can this policy be couched or obscured in refugee terminology. The real refugees of Cuba left in the early 1960's when they had to flee for sanctuary. They were the ones who opposed Castro politically and who faced oppression and mistreatment at the hands of the Castro regime.

What we have now in our Cuban refugee policy is a direct subsidizing of the welfare program of an alien nation. Many of those now coming to this country are the aged, the blind, the invalids, and the unemployables.

Though the United States will not recognize Castro's government, we volunteer to handle his social and economic problems. We spend tax money to solve the social problems of an enemy nation, thereby compounding the overwhelming social and economic problems of our own.

We have set up special programs for Cuban immigrants in order to relocate, educate, train, and to feed them. We pay out school impact aid in the amount of $17 million in Dade County, Fla., alone to accommodate the schools suffering from the massive influx of Cuban citizens. There are an estimated 50,000 Cuban refugees now on State welfare for which the Federal Government reimburses the States. The Office of Education administers a special Cuban Loan Section in the Division of Student Financial Aid—just to handle and operate our special loan program for Cuban students.

In addition to the madness of the cost and special programs addressed to Cuban citizens, the policy runs counter to all basic immigration thought, law, and practice. It is grossly unfair to impose strict limitations and requirements on the numbers of immigrants we will accept from other nations in the Eastern or Western Hemisphere—and to exclude Cubans from that same criteria.

Once the Cuban refugee becomes an American resident, he is counted in the number of persons we will admit from the Western Hemisphere, thereby greatly reducing the number of immigrants from other Western Hemisphere countries.

The policy toward Cuban refugees was instituted as an emergency measure. That emergency condition no longer exists. The airlift and other measures were never intended to become permanent institutions.

Finally, the operational cost of Freedom Airlift is $800,000 a year. I recommend that you support my amendment to strike out that section of the foreign assistance appropriation bill relating to the cost of the airlift—this would assure that this program will eventually come to a close when those refugees now living in this country are fully disseminated into our society.

Mr. PASSMAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, those of us living in Louisiana live in a little bit closer to the situation than some of the other Members of this House.

XUM

In a newspaper article entitled "Cuban Exiles Make a New Life," there are some interesting observations. It says that instead of becoming a burden on the U.S. cities to which they have settled, the Cuban refugees are contributing to the economy. In fact, these exiles possess initiative, ambition, pride, energy, various skills, intelligence, and other traits that enabled Americans in pioneer days to overcome great hardships and obstacles.

Mr. Chairman, I do not know about the gentleman's State of Missouri, but I do know in Louisiana there is a lot of jealousy growing up because these Cubans are willing to work, and it embarrasses some of these people who would rather live on a handout.

Here is one program I consider to be an excellent one, and this can be verified.

In the State of Louisiana it says that the success of the Cubans in starting life anew puts to shame lazy native Americans who look to the Government to rescue them from poverty. The Office of Economic Opportunity might do well to get Cubans to take charge of certain antipoverty programs.

Now repeating, if I may, we have found that some of these Cubans have initiative and they have ability and they are willing to accept jobs in keeping with their qualifications. They do not come over here wanting to be bookkeepers or airplane pilots or steamboat captains. They are willing to accept positions in keeping with their qualifications. A great many citizens in my State and others do not subscribe to their policy; they want to be bookkeepers, whether or not they can make 2 and 2 add up to 4. So I have nothing but praise for these Cubans. They are coming out of a Communist country and I think we should embrace them with compassion and welcome them to our shores.

Remember, these people are writing back to their relatives not only in Cuba but in other Communist countries. So we should fund this entire program and encourage these people to come to America where they can make a new life and maybe they can impart some knowledge to some of these citizens who prefer to live on a handout rather than to accept a job in keeping with their qualifications.

Mr. Chairman, I hope this amendment is voted down.

Mr. FASCELL. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I commend the gentleman from Missouri for raising this issue. I can thoroughly understand his feelings.

There is certainly some validity to the arguments presented by our colleague from Missouri. Our domestic needs are pressing. This is particularly the case when we consider the condition of some of our educational, housing, social welfare, and other facilities in our larger cities—as well as the plight of the low-income families in rural areas.

However, the vast bulk of the money contained in this bill for the Department of Health, Education, and Welfare is designed to assist local communities throughout the United States which have been subjected to special demands as a result of Cuban airlift.

This money is intended for local communities from Florida to Michigan, from New York to the west coast, to help them provide the necessary facilities and services to their residents—primarily those who have arrived in recent years from Cuba.

If this money is cut off, local communities which have felt the impact of this very unique inflow of new residents, will find themselves even more hard pressed to meet the basic needs of their people.

Their problems will increase, instead of diminishing.

Cuban refugees have been resettled in all 50 States and more than 3,000 communities. The 15 States and District of Columbia, other than Florida that have the greatest number are—as of April 30, 1970:

New York	68,995
New Jersey	45,298
California	31,211
Illinois	18,222
Massachusetts	6,941
Louisiana	6,356
Texas	4,748
Pennsylvania	3,452
Connecticut	3,125
Ohio	2,209
Michigan	2,310
District of Columbia	2,164
Georgia	1,993
Virginia	1,915
Maryland	1,512

Mr. Chairman, I would like to add some comments about the whole issue of the Cuban airlift.

This undertaking, conceived in good faith and for plainly humanitarian reasons, has offered an opportunity for a new life in freedom for nearly 200,000 refugees from Cuba. That is precisely what those people were. They could not live, indeed survive, in the totalitarian Communist order imposed on Cuba by the Castro regime. Further, most of them had very close family ties in the United States. And so the airlift, if we look at it from the American side, from the point of view of American citizens of Cuban ancestry, afforded our own fellow citizens an opportunity to become reunited with their immediate families—reunited here in the United States.

The United States, over the long history of our national existence, has extended similar preferential opportunities to other groups of American citizens who wanted to bring their children, parents, and brothers and sisters to this free soil.

In this respect, the Cuban airlift program was not unique in our historical panorama. It was consistent with what our country has done, time and again, for other groups within our own society.

This special treatment, special consideration, has worked to the benefit of our entire society. The Cuban relatives who have come here since 1965 have proved, in the largest part, a great asset to the communities in which they have settled. They have brought new skills, and energy, and talents which they have put to constructive use. They have worked and created and helped our country move ahead. And they have paid taxes. I am informed that the amount of taxes paid by these recent arrivals to our shore greatly exceeds the cost of the entire airlift and resettlement program.

Nevertheless, Mr. Chairman, no program, no matter how good and constructive, can continue indefinitely without periodic review and reexamination. And I am pleased to say that, at least partly at my initiative and urging, the executive branch is in the process of carefully reviewing all aspects of this undertaking, and I hope it can orderly and properly phase this program to a successful conclusion.

Early last year, when it became apparent that the immediate objective of the Cuban airlift—the reunification of the immediate families of Americans of Cuban ancestry, and of Cubans residing in this country—was being achieved. I urged the executive branch to start looking ahead and deciding where we should go.

I was advised by the executive branch at that time that an estimated 100,000 Cuban citizens were still registered for migration to the United States. At the rate of movement of 40,000 to 50,000 persons a year, the airlift should be able to complete that phase of our undertaking by the end of this calendar year, or not long afterward.

The Memorandum of Understanding between our Government and the Castro regime, relating to the Cuban airlift, has, however, some further provisions—provisions which go beyond our primary and immediate objective of reuniting the immediate families which were separated when that understanding was signed.

That memorandum includes a provision which leaves the way open for other Cuban nationals to leave Cuba and try to make new lives for themselves in an environment of freedom.

The task of giving those people such an opportunity is, it seems to me, a matter that should properly concern the entire inter-American community. It is not a matter for the United States alone.

I would hope, therefore, and I have suggested, that the U.S. Government consider raising this issue in an appropriate organ of the Organization of American States in order that our sister republics of this hemisphere could participate jointly in arriving at some practical and acceptable long-term solution to this question.

I sincerely hope that this matter is being given careful thought within the framework of the overall review of the Cuban refugee airlift being conducted by the executive branch.

As all of us are aware, Mr. Chairman, many issues and complex considerations are involved in this. There are humanitarian, political, economic, and international implications to this movement of Cubans to freedom. They have to be weighed carefully, and they should be so weighed by all the free republics of our hemisphere.

But, Mr. Chairman, I do not think it is equitable, humanitarian, or moral to abruptly terminate these flights today. Thousands of families have relied on the U.S. commitment. They have lost all they own; subjected themselves to harassment and abuse; in some cases considerable danger; and are now on the waiting list. They must be considered.

But it is time to orderly phase out our

commitment, and urge that the inter-American community cooperate fully for that purpose.

Mr. DANIELS of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from New Jersey (Mr. DANIELS).

Mr. DANIELS of New Jersey. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I rise in support of H.R. 17867 and the provision to continue funding for the aid of refugees from Cuba. I believe we have an international commitment to honor, as well as a commitment to thousands of Cubans who have served notice on Premier Castro that they wish to leave. Moreover, as a result of this Federal commitment, States and local communities must provide services for refugees settling in the United States.

After Premier Castro's government settled into the typical Communist syndrome of repression, thousands of Cubans sought to escape Cuba in small boats. Many hundreds were drowned.

On September 28, 1965, Fidel Castro, concerned with being blamed for the loss of life, said that he would open a port in Cuba to which all Cubans in the United States could come and pick up their relatives who were still in Cuba. He said:

> Now it will be known who is at fault if someone drowns trying to reach the American paradise, the Yanqui paradise. That! For the well-prepared imperialists. Let's see what they say or do.

President Johnson responded on October 3, as he signed the new Immigration and Nationality Act of 1965 at the Statue of Liberty. He said:

> I declare this afternoon to the people of Cuba that those who seek refuge here in America will find it. The dedication of America to our traditions as an asylum for the oppressed is going to be upheld.

In an effort to create a safe and orderly flow of refugees, the United States, through the Swiss Embassy in Havana, negotiated a memorandum of understanding with Cuba. Under this international agreement, the United States agreed to provide air transportation for between 3,000 and 4,000 refugees a month.

The memorandum provided for priority to be given in this movement to the relatives of Cubans in the United States in order to reunite families that had been split as the result of some members having come to the United States and others not having been able to leave Cuba.

Under the memorandum, the Cuban refugee airlift was established December 1, 1965. Two flights a day, 5 days a week, bring refugees from Cuba to the Miami International Airport.

There is no question that this airlift ranks with the Berlin Airlift as one of the greatest humanitarian efforts any nation has ever undertaken to provide refuge from tyranny and oppression.

Since the airlift was established, through May 22, 1970, 192,159 refugees have been airlifted to the United States. Of these 136,594 have been resettled outside Miami.

The characteristics of the refugees who have arrived on the airlift are: professional, semiprofessional, and managerial workers, 6.5 percent, clerical and sales, 11.7 percent; skilled workers, 9.3 percent; semiskilled, 3.6 percent; service occupations, 3.1 percent; farming and fishing, 1.8 percent; children, students, and housewives, 64.0 percent. The proportion is the same as one could expect in any general family movement, with three out of four persons in an average family consisting of the mother and children.

With respect to age, 7.3 percent of the airlifted refugees have been over 65 years, and 4.1 percent between 61 and 65.

All of the refugees who have arrived on the airlift are relatives of refugees already in the United States. Practically all are persons who registered in Cuba during the period from November 1965 through May 1966, when Castro permitted persons who wished to leave Cuba to register.

From the day these persons indicated their desire to leave, until the day of their departure they have been subjected to continued harassment, loss of jobs, confiscation of property, and forced labor.

It is my understanding that there are many thousands of Cubans remaining who have indicated a desire to leave. To deny them this opportunity, to cut off their escape after they have acted in reliance of our promise, would serve notice to all peoples that we do not honor our commitments. An amendment to cut off these funds would leave in an untenable position thousands of Cubans who have chosen freedom over repression and have jeopardized their lives in Cuba by doing so.

When the airlift was originally devised, it was believed that the refugees would disperse throughout the country. Like other previous immigrants, however, these people are more comfortable among their own people and, like previous immigrants, it is not likely that their first generation will disperse.

Thus, four States, New York, New Jersey, California, and Illinois, bear the brunt of 82 percent of refugees who resettle in the 15 States which have the greatest number of resettlers.

The experience of my own State of New Jersey and the two communities which receive the greatest number of refugees may indicate the effect of a sudden refugee settlement into a community. The greatest impact is upon the school system. As for welfare expenses, our experience in Hudson County has been that most Cubans who do apply for welfare are only on the rolls for an average of 6 months, and thereafter, probably because of skills developed in Cuba, become self-sufficient and do not reapply. Nevertheless, because of the continual inflow and the long time it takes for their taxes to pay for community services, there is a substantial drain on the local community which the Federal Government has a duty to offset.

Refugees have settled in our communities at an increasing rate. They bring with them more children who must be educated.

In the school systems of the two communities, more than 50 percent of the pupils are of Spanish origin and most of them are Cuban refugees. Some of the children are totally illiterate.

I understand, for example, that in the September 1969 enrollment alone, several hundred Cuban refugees were registered for school. One child, 11 years of age, was illiterate not only in the English language, but the Spanish language as well.

Some classes, which are large—composed of about 35 to 40 students—have children who are mostly of Cuban origin. Moreover, in the past few months the enrollment of children of Cuban refugees has steadily increased rather than leveled off, and projections indicate a continued increase.

In 1965–66, the total population in our public schools was 11,752. In 1969–70, it is already 14,757, and we estimate that there will be almost 16,000 children in the schools of Union City and West New York by the end of the school year. This represents an increase of more than 4,000 for both communities in 5 years.

During this same period 6,363 children of Cuban refugees came to our schools. In the first year they only represented 17.3 percent of the total school population. Now 45.4 percent of the children in our communities are from Cuba.

For every American-born child in the public schools, there is a Cuban refugee child sitting next to him in the classrooms. Overcrowding is the order of the day.

These two communities, as well as others throughout the United States, want to meet their obligations. They understand that so long as these people are here, it is in the public interest that they be educated rather than becoming a possible drain on the community.

It is to the national benefit to provide the resources and the opportunity for the poor and oppressed, whether indigenous Americans, immigrants, or refugees, to live independent lives and maintain a decent standard of living.

Mr. PASSMAN. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I yield to the chairman.

Mr. PASSMAN. Is it not true that these people make good citizens? They are anxious to accept jobs and they do accept jobs. They go into communities and become taxpayers. We have had very little trouble, if any, with Cuban refugees.

Mr. FASCELL. Mr. Chairman, that is absolutely true. We have in any number of States, at least in the Miami area, where we have a great number of these people, Cubans who are good citizens. Their difficulty with the law is no greater than anybody else's.

Mr. O'HARA. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Michigan is recognized.

Mr. O'HARA. Mr. Chairman, I am a little confused after hearing the statements on this amendment, and I wish to ask a couple of questions of the gentleman from Missouri. Is it correct that your amendment would not affect any

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Cuban refugee who is presently in the United States?

Mr. CLAY. That is correct. The amendment calls only for the striking of the $800,000 which would be provided for the cost of transporting Cubans from Cuba to the United States.

Mr. O'HARA. But it would not affect any who are now here; is that correct?

Mr. CLAY. The amendment would not affect the $111 million that we are now spending for special Cuban refugee programs, such as health, education, relocating in this country, finding them jobs, finding them homes, and then putting cash dollars into their pockets. It will not affect that part of the program.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I want to ask the gentleman from Missouri one additional question, and then I shall yield to the gentleman from Florida. Did I correctly understand the gentleman to say that the only people who can come out on the Cuban airlift are people that Castro has approved?

Mr. CLAY. That is correct. Castro has imposed certain restrictions on those who may leave, and no males between the ages of 17 and 29 are now leaving Cuba. Most of the people who are leaving Cuba at this time are invalids, the aged, the blind, and children. The refugees that they are talking about coming to this country and making a significant contribution are Cubans who have escaped Cuba through Mexico and have come to this country at their own expense.

What I am saying is that we ought to stop bringing Cuban rejects to this country when we have so many of our own problems that we ought to be trying to correct.

I would like to ask the gentleman a question with regard to the statement that was made that these people are industrious, and that these people coming here seek work. If that were the case, why are 50,000 Cubans, or 10 percent of the Cuban refugees in this country, now on welfare that the U.S. Government has to pay for?

Mr. O'HARA. Does the gentleman from Florida wish me to yield?

Mr. FASCELL. When the gentleman from Missouri finishes.

Mr. CLAY. One additional question. We talk about the financial contribution that Cuban refugees are making to this country. I would like to point out that in this gentleman's home district the U.S. Government pays $17 million in impact aid for Cuban refugee children in the school system, but that is only 60 percent of the cost of educating those children, which means that the gentleman's constituents have to pay an additional $13 million a year for the education of those children. If we continue to bring Cuban refugees into this country at the rate of 1,000 per week, as we have been bringing them in since 1965, the cost of the Cuban program is going to be, not $112 million, but $500 million.

I think it is unfair to have unlimited, unrestricted immigration of Cubans and restricted, limited immigration for other people in the Western Hemisphere. Every time a Cuban refugee comes into this country we reduce the quota that we impose upon all the other Western Hemisphere countries—Mexico, Canada, and Latin America.

We talk about humanitarianism, and we talk about reuniting families. There are Mexicans in the western part of this country who would like to have some of their relatives come in and reunite with them, but every time a Cuban comes into this country, that eliminates the possibility of a Mexican bringing one of his relatives into this country to reunite with him.

There is one other point I would like to make. We talk about the humanitarian principle involved and talk about people escaping oppression. Are we going to be selective about the kinds of oppression we are concerned about? Or are we going to admit the people of Haiti or Brazil who want to escape oppression in their countries on the same basis as we admit the refugees from Cuba?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. CLAY).

The question was taken; and on a division (demanded by Mr. CLAY) there were—ayes 40, noes 45.

So the amendment was rejected.

Mr. KOCH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to use the time I have available to pose a question or two to the distinguished chairman of the committee. The first question I have is: Is there any money in this bill which can be used to assist the 30,000 refugees in Peru who have suffered as a result of the earthquakes?

Mr. PASSMAN. Mr. Chairman, may I say to the gentleman, the entire bill, that is on the economic side, appropriates on the illustrative basis. If the President should determine that out of certain funds in this bill he wants to make an allocation to Peru, he could do so.

Mr. KOCH. The second question I have is this: Last year we were told that whatever moneys were set aside for military arms to Greece were not going to be used. It is my understanding, however, that a change is taking place, at least on the administration side, and that the bill before us contains military funds for Greece. I am very distressed about this, because I think it is wrong for us to support a country which has been declared as one that engages in barbarism and terrorism of its own people. I wonder how we can rationalize using funds in an aid bill to provide military assistance to a government which, in effect, may use these very arms against its own people.

Mr. PASSMAN. I might say to the distinguished gentleman that for about 3 years, the amount of military assistance to Greece has been very limited—restricted, I believe, to mostly maintenance costs.

Again, military items in this bill are on an illustrative basis. The witnesses indicate where they may have a need, but it is appropriated in a lump sum, and they may delete completely one nation and add another.

Mr. KOCH. Then let me ask this question: Is it the position of the gentleman that he would not favor the use of these moneys for Greece and that he would suggest to the President that they not be used for this country?

Mr. PASSMAN. I might say to the distinguished gentleman, we usually challenge it on the basis of policy. The policy question has been well established before this is presented to our committee, so what we do is examine on the request, and again, we would be in the field of foreign policy trying to dictate to the President where he should or should not make specific allocations. This program is on an illustrative basis.

I believe the gentleman should correspond with the executive branch and ascertain where the President intends to allocate these funds. This committee has not.

Mr. KOCH. Mr. Chairman, I thank the gentleman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 504. None of the funds herein appropriated for "International Financial Institutions" shall be available to assist in the financing of any project or activity the expenditures for which are not subject to audit by the Comptroller General of the United States.

Mr. REUSS. Mr. Chairman, I make a point of order against the language on page 22, lines 19 through 23.

The CHAIRMAN. The gentleman will state his point of order.

Mr. REUSS. Mr. Chairman, this is clearly, once again, legislation in an appropriation bill. It requires amendment of the basic legislation setting up our participation in the International Development Association, the Asian Development Bank. Far from being a retrenchment, it actually requires the expenditure of more money by interposing the Comptroller General into the international process.

It is therefore clearly, under the rulings already made this afternoon, legislation on an appropriation bill and thus subject to a point of order.

The CHAIRMAN. Does the gentleman from Louisiana desire to be heard on the point of order?

Mr. PASSMAN. Yes, Mr. Chairman.

The committee feels that this is a limitation on expenditures. It does not require any additional duties. It applies only to the appropriation in this bill. The language is:

> None of the funds herein appropriated for "International Financial Institutions" shall be available to assist in the financing of any project or activity the expenditures for which are not subject to audit by the Comptroller General of the United States.

We feel it is purely a limitation, and we ask for a ruling.

The CHAIRMAN (Mr. BOGGS). The Chair is prepared to rule.

The Chair finds that the language states "none of the funds herein appropriated."

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The Chair finds that this is a limitation on funds appropriated in the bill and is clearly distinguishable from the other points of order heretofore raised today, and the Chair overrules the point of order.

The Clerk will read.

The Clerk read as follows:

SEC. 505. None of the funds herein appropriated for "International Financial Institutions" shall be available to assist in the financing of any projcet or activity for which detailed justification is not available to the United States Senate and House of Representatives.

AMENDMENT OFFERED BY MR. PASSMAN

Mr. PASSMAN. Mr. Chairman, I offer an amendment to correct a printing error.

The Clerk read as follows:

Amendment offered by Mr. PASSMAN: On line 1, page 23, strike out "projcet" and insert "project".

The amendment was agreed to.

AMENDMENT OFFERED BY MR. RODINO

Mr. RODINO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RODINO: On page 23, after line 3, insert the following additional section:

"SEC. 506. The use of the funds herein appropriated to assist any country shall be suspended by the President in whole or in part when the President determines that the government of such country has failed to take appropriate steps to prevent narcotic drugs (as defined in Sec. 4731 of the Internal Revenue Code of 1954, as amended) produced or processed in whole or in part in such country from entering the United States unlawfully. Such suspension shall continue until the President determines that the government of such country has taken appropriate steps to prevent such drugs from entering the United States unlawfully."

Mr. ZABLOCKI. Mr. Chairman, I am in complete sympathy with the gentleman's amendment, but I have to reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from New Jersey is recognized for 5 minutes in support of his amendment.

Mr. RODINO. Mr. Chairman, I appreciate the gentleman's action in reserving the point of order. I was impelled to offer this amendment notwithstanding its vulnerability to a point of order because I want to alert the House and alert the Committee on Foreign Affairs. More importantly, I also want to alert some of the governments of foreign countries which are exporting narcotic drugs to the United States which have preyed on the youth of America. I think they should be dealt with. Despite exhortation by our State Department and international organizations, we have not been able to get cooperation from the governments of foreign countries which are illegally producing and processing these narcotic drugs. As a result I believe it is necessary that we enact a provision of the type embodied in my amendment. Although, because of the point of order I will withdraw my amendment, I am hopeful that the Committee on Foreign Affairs and other appropriate committees of the House will soon take this kind of action.

It is outrageous to know that Turkey, which exports almost 80 percent of the illegal opium entering this country, still refuses to abolish opium production entirely. There is an illegal growth of opium abroad and there is unlawful importation. My God, in one city of the United States alone last year—and this was a declaration which was given at a news conference by the Director of the Bureau of Narcotics and Dangerous Drugs—Mr. John Ingersoll—stated there were 900 deaths due to narcotics, 224 of them infants. This is one result of the unlawful entry of narcotics into our country. Another result is that in New York City alone more than 1,000 babies each year are born addicted to heroin because of the addiction of their mothers during pregnancy. Still another result is that the typical heroin addict steals some $50,000 worth of property per year to feed his habit.

Mr. Chairman, I believe that my amendment, which I call to the attention of the House Committee on Foreign Affairs, would deal with this simply by directing the President to suspend foreign assistance to any country that does not take the appropriate steps to see to it that illegal narcotics do not come into this country.

Mr. PASSMAN. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I am glad to yield to the chairman of the committee.

Mr. PASSMAN. I want to commend the distinguished gentleman for offering this amendment. It is an important amendment and it is a good amendment. I should support the amendment if I am subsequently given an opportunity to do so. I am sorry it is possibly subject to a point of order, but when the amendment is returned in the Foreign Affairs Committee bill, I will certainly try to support the amendment offered by the gentleman. Again I commend him for offering this amendment.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the chairman of the Committee on the Judiciary.

Mr. CELLER. Mr. Chairman, I rise in support of the Rodino amendment and I commend the gentleman from New Jersey for proposing what I believe to be an essential step against the terrible scourge of narcotics that is now threatening all of our communities.

As the gentleman from New Jersey has pointed out, it is now possible for illegal traffickers in heroin in foreign countries to purchase for a few hundred dollars enough illegally grown opium to reap hundreds of thousands of dollars of illicit profits from sales to addicts in the United States. My own State of New York, containing the major port of entry in the United States, is especially subject to devastation from the inflow of illegal narcotics.

Over the past 4 years, New York State has spent $90 million on treatment and research with respect to narcotics addiction, and an additional $160 million on addiction treatment facilities. This year alone, the State is prepared to spend $145 million more on treatment programs and has authorized $200 million in loans for facilities for treating addicted youths.

I find it appalling that while my State, as well as our entire Nation, is being plagued by narcotic addiction and the crime which it produces, our Federal Government continues to use dollars raised from American taxpayers to aid countries which do not fully cooperate in controlling the illegal production of narcotics.

The amendment offered by the gentleman from New Jersey has my complete support. It is an amendment which no fairminded person, either in the United States or abroad, ought to oppose.

Mr. FARBSTEIN. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from New York.

Mr. FARBSTEIN. Mr. Chairman, I, too, want to compliment the gentleman for what I think is a very salutary amendment. Irrespective of whether or not we are permitted to vote upon it, I think this will serve notice particularly upon Turkey to the effect that the Congress is cognizant of what is going on and, if the amendment does not pass today, it will certainly be given good attention by the Committee on Foreign Affairs in the future, of which committee I happen to be a member. I trust that it will pass. In the meantime let me say that I compliment the gentleman.

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from New York.

Mr. BIAGGI. Mr. Chairman, I wish to compliment the gentleman from New Jersey for offering this amendment. I would say that in view of the rather poor results which we have had in dealing with the addiction problem in the United States, this amendment will serve as a good effort toward the death knell and to the end of drug traffic in the United States. It will put Turkish officials on notice to make the decision as to whether or not they are interested in foreign assistance from this country, or else eliminate the corruption which makes this traffic possible in Turkey.

I commend the gentleman from New Jersey upon his amendment.

Mr. Chairman, the increasing tempo of drug abuse across the Nation is reaching critical proportions. We must focus more attention on the international drug traffic which continues to be the supply of the narcotics traffic in this country. Too little has been done to induce foreign countries to cooperate with us in cracking down on international drug smugglers because we have relied on a humanitarian appeal for help instead of implementing forcible and effective controls to combat this problem.

Today I am introducing another drug control bill which I feel rounds out my legislative efforts to halt the drug traffic in heroin, morphine, and cocaine from foreign sources.

Specifically, this bill directs itself to the originating source of the narcotics supply—foreign growers and producers of opium, narcotics, and their ingre-

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dients. It attempts to jar these offending nations into an attitude of cooperation in policing the illegal traffic in narcotics internationally by directing the President to suspend American economic and military assistance to any nation which fails to take appropriate action to prevent narcotics from entering the United States through their supply routes.

This legislation would add a new dimension to the drug control picture internationally. The threat of economic sanctions would put teeth in our efforts to dry up the supply of narcotics at its foreign source. It would force producers or growers of narcotics or their byproducts to weigh the value of foreign aid and military assistance dollars against intensified efforts on their part to eliminate the corruption that allows the illegal drug traffic to continue, unabated.

Government corruption in these nations is rampant, even where opium is legalized. The possible loss of American dollars that helps these nations to develop industrially, militarily, and which helps to feed their poor will cause government leaders to look to these within their bureaucracy that are counter-contributors to the illegal drug traffic to America, either through bribery or apathy. It might even prompt new and intensified controls on the part of these nations to curb the sale and export of opium and other narcotics to known American distributors.

Turkey, who is one of the worst offenders, produces about 80 percent of all the heroin which is ultimately smuggled into this country by organized crime. A NATO ally, and recipient of millions of American dollars annually through foreign aid, military assistance, and agricultural trade and development programs, Turkey and nations like her utilize hard-earned American tax dollars while profiting from the illegal sale of opium products that ultimately have a damaging effect on our economy. The kilo of heroin that can be purchased for $350 in Turkey is resold in the United States for $225,000, and that is just the beginning of the drug problem in the United States.

Narcotics addiction has consigned thousands of our youth and their families to a living hell. It costs this society billions each year in stolen property. The heroin habit results in approximately $50,000 a year in thefts per addict, and the initial sales of the pure narcotics nets organized crime millions which they invest in licit and illicit enterprises for profit throughout the United States. This illegal traffic in narcotics must be wiped out.

The economic sanctions provided in this bill would, in my estimation, be an effective stimulus to cooperative efforts between the United States and grower-producer nations. At the very least it would allow us to cut off the flow of American dollars into the treasuries of nations which continue to exhibit ambivalent or apathetic attitudes toward our efforts to stop the illegal supply of narcotics into the United States.

Mr. Speaker, I have reviewed the drug problem from every conceivable angle. I have introduced legislation to promote Federal aid to law enforcement agencies to attack the problem on a grass roots level. I have sponsored legislation to tighten our drug control laws and give Federal, State, and local law enforcement officials the type of legal tools they need to launch an effective counterattack on the domestic traffic in drugs and illegal narcotics. Considering the victims of drug abuse, I have sponsored legislation to institute comprehensive drug rehabilitation and treatment programs. In addition, I have considered the need to implement effective drug education programs on the community level and in our schools.

This bill closes what I believe to be the the last hole in the drug supply circle. Certainly it is not the ultimate answer to our international efforts to prod foreign nations into a more active role in combating drug abuse, but it is a good start.

Mr. HUNT. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to my colleague from New Jersey.

Mr. HUNT. Mr. Chairman, I wish to associate myself with the remarks of the gentleman from New Jersey (Mr. RODINO) and rise in support of this amendment.

With respect to the point of order which will be raised, I do want to call to the attention of the Members of the Committee that heroin is not from the country of Turkey, but the basic ingredient, opium, comes from that locale. One will find, upon examination, that for the past 15 years I have called attention to the clandestine heroin laboratory operations in and about the French port of Marseilles. The French port of Marseilles for years has been the focal point for the operations of these clandestine laboratories.

I am hopeful that with this amendment, if we can get it through today, and if not today, we can get it through in another bill that we will compel them to stamp out this drug traffic which is so tragically ruinous to our young people.

The CHAIRMAN. Does the gentleman from Wisconsin renew his point of order?

Mr. ZABLOCKI. Mr. Chairman, very reluctantly, I must press the point of order. However, it was my understanding that the gentleman from New Jersey was going to withdraw his amendment.

Mr. RODINO. Mr. Chairman, I thought I had, but I now make that request.

The CHAIRMAN. Does the gentleman ask unanimous consent to withdraw the amendment?

Mr. RODINO. I do, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk concluded the reading of the bill.

Mr. PASSMAN. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BOGGS, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 17867) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1971, and for other purposes, had directed him to report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. PASSMAN. Mr. Speaker, I move the previous question on the bill and the amendment thereto to final passage.

The previous question was ordered.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. BOW

Mr. BOW. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. BOW. I am, Mr. Speaker?

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. Bow moves to recommit the bill H.R. 17867 to the Committee on Appropriations.

Mr. PASSMAN. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant-at-Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 191, nays 153, not voting 85, as follows:

[Roll No. 152]

YEAS—191

Albert
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Barrett
Berry
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Brooks
Broomfield
Brotzman
Brown, Mich.
Buchanan
Burke, Mass.
Burton, Calif.
Button
Byrne, Pa.
Byrnes, Wis.
Carey
Cederberg
Celler
Clay
Cohelan
Conable
Conte
Conyers
Corbett
Corman
Coughlin
Culver
Cunningham
Daniels, N.J.
Davis, Wis.
Dellenback
Dennis
Diggs
Dingell
Donohue
Dulski
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Erlenborn
Fallon
Farbstein
Fascell
Findley

Flood
Foley
Ford, Gerald R.
Ford,
William D.
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Gallagher
Garmatz
Giaimo
Gibbons
Gonzalez
Gray
Green, Oreg.
Green, Pa.
Gude
Halpern
Hamilton
Hanley
Hansen, Idaho
Harrington
Hathaway
Hawkins
Hébert
Heckler, Mass.
Helstoski
Hogan
Holifield
Horton
Hosmer
Howard
Jacobs
Johnson, Calif.
Jones, Ala.
Karth
Kazen
Kee
Keith
Kluczynski
Koch
Kyros
Lloyd

McClory
McCloskey
McCulloch
McDade
McEwen
McFall
MacGregor
Madden
Mahon
Mailliard
Mann
Mathias
Matsunaga
Mayne
Melcher
Mikva
Minish
Mize
Monagan
Moorhead
Morgan
Morse
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Nedzi
Nelsen
Nix
O'Hara
O'Neill, Mass.
Passman
Patten
Pelly
Pepper
Perkins
Philbin
Pickle
Pike
Pirnie
Podell
Pucinski
Railsback
Rees

Reid, Ill.
Reid, N.Y.
Reifel
Rhodes
Riegle
Robison
Rodino
Rogers, Colo.
Rooney, Pa.
Rosenthal
Roth
Ruppe
Ryan
St Germain
Scheuer
Schneebeli
Schwengel
Shriver
Smith, Iowa
Smith, N.Y.
Springer
Stafford
Stanton
Steiger, Wis.
Stokes
Sullivan
Taft
Teague, Calif.
Teague, Tex.
Ullman
Van Deerlin
Vigorito
Whalen
Widnall
Wiggins
Wilson, Bob
Wold
Wolff
Wright
Wydler
Yates
Yatron
Young
Zablocki

NAYS—153

Abbitt
Abernethy
Adair
Anderson,
Tenn.
Andrews, Ala.
Belcher
Bennett
Betts
Bevill
Blackburn
Bow
Brinkley
Brock
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Cabell
Caffery
Carter
Casey
Chamberlain
Chappell
Chisholm
Clancy
Clausen,
Don H.
Cleveland
Collier
Collins
Colmer
Cowger
Cramer
Daniel, Va.
de la Garza
Delaney
Denney
Derwinski
Devine
Dickinson
Dorn
Downing
Duncan
Edwards, Ala.
Edwards, La.
Eshleman
Flowers
Flynt
Foreman
Fountain

Galifianakis
Goodling
Griffin
Gross
Grover
Hagan
Haley
Hall
Harsha
Hechler, W. Va.
Henderson
Hull
Hungate
Hunt
Hutchinson
Jarman
Johnson, Pa.
Jonas
Jones, Tenn.
Kastenmeier
King
Kleppe
Landgrebe
Landrum
Langen
Latta
Leggett
Lennon
Long, La.
Long, Md.
Lowenstein
McClure
McDonald,
Mich.
Macdonald,
Mass.
Marsh
Martin
May
Michel
Miller, Ohio
Minshall
Mizell
Mollohan
Montgomery
Myers
Natcher
Nichols
Obey
O'Konski
Olsen
Patman
Pettis

Poff
Pollock
Price, Tex.
Pryor, Ark.
Purcell
Quillen
Randall
Rarick
Roberts
Roe
Rogers, Fla.
Ruth
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Scott
Sebelius
Shipley
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Snyder
Staggers
Steed
Steiger, Ariz.
Stephens
Stubblefield
Stuckey
Talcott
Taylor
Thompson, Ga.
Thomson, Wis.
Waggonner
Waldie
Wampler
Watkins
Watson
Watts
Whalley
White
Whitten
Williams
Winn
Wyatt
Wylie
Wyman
Zion

NOT VOTING—85

Adams
Addabbo
Alexander

Ashbrook
Aspinall
Ayres

Baring
Beall, Md.
Bell, Calif.

Blanton
Bray
Brown, Calif.
Burton, Utah
Bush
Camp
Clark
Clawson, Del
Crane
Daddario
Davis, Ga.
Dawson
Dent
Dowdy
Dwyer
Esch
Evans, Colo.
Evins, Tenn.
Feighan
Fish
Fisher
Frey
Fuqua
Gaydos
Gettys
Gilbert

Goldwater
Griffiths
Gubser
Hammer-
schmidt
Hanna
Hansen, Wash.
Harvey
Hastings
Hays
Hicks
Ichord
Jones, N.C.
Kirwan
Kuykendall
Kyl
Lujan
Lukens
McCarthy
McKneally
McMillan
Meeds
Meskill
Miller, Calif.
Mills
Mink

O'Neal, Ga.
Ottinger
Poage
Powell
Preyer, N.C.
Price, Ill.
Quie
Reuss
Rivers
Rooney, N.Y.
Rostenkowski
Roudebush
Roybal
Stratton
Symington
Thompson, N.J.
Tiernan
Tunney
Udall
Vander Jagt
Vanik
Weicker
Whitehurst
Wilson,
Charles H.
Zwach

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Aspinall for, with Mr. Jones of North Carolina against.

Mr. Adams for, with Mr. Hammerschmidt against.

Mr. Addabbo for, with Mr. Evins of Tennessee against.

Mr. Weicker for, with Mr. Blanton against.

Mr. Preyer of North Carolina for, with Mr. Del Clawson against.

Mr. Rivers for, with Mr. Meskill against.

Mr. Reuss for, with Mr. Camp against.

Mr. Rooney of New York for, with Mr. Kuykendall against.

Mr. Beall of Maryland for, with Mr. Fuqua against.

Mr. Price of Illinois for, with Mr. Ottinger against.

Mr. Hicks for, with Mr. Baring against.

Mr. Meeds for, with Mr. Dowdy against.

Mr. Hanna for, with Mr. Burton of Utah against.

Mr. Thompson of New Jersey for, with Mr. Crane against.

Mr. Fish for, with Mr. Frey against.

Mr. Roybal for, with Mr. Goldwater against.

Mrs. Dwyer for, with Mr. Ashbrook against.

Mr. Esch for, with Mr. Bray against.

Mr. McKneally for, with Mr. Lujan against.

Mr. Hastings for, with Mr. Kyl against.

Mr. Vander Jagt for, with Mr. Lukens against.

Mr. Hays for, with Mr. Davis of Georgia against.

Mr. Ayres for, with Mr. Dent against.

Mr. Daddario for, with Mr. Gaydos against.

Mr. Gilbert for, with Mr. Gettys against.

Mr. Rostenkowski for, with Mr. McMillan against.

Mr. Udall for, with Mr. O'Neal of Georgia against.

Mr. Miller of California for, with Mr. Roudebush against.

Mrs. Hansen of Washington for, with Mr. Ichord against.

Until further notice:

Mr. Alexander with Mr. Bell of California.
Mr. Clark with Mr. Whitehurst.
Mr. Evans of Colorado with Mr. Gubser.
Mr. Feighan with Mr. Bush.
Mr. Fisher with Mr. Zwach.
Mrs. Griffiths with Mr. Quie.
Mr. Symington with Mr. Harvey.
Mr. Brown of California with Mr. Powell.
Mr. Stratton with Mr. Charles H. Wilson.
Mr. Vanik with Mr. Tunney.
Mr. Tiernan with Mrs. Mink.
Mr. Mills with Mr. Kirwan.
Mr. McCarthy with Mr. Dawson.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. PASSMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

AUTHORITY FOR CLERK TO CORRECT SECTION NUMBERS AND CROSS REFERENCES ON H.R. 17867

Mr. PASSMAN. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill H.R. 17867, the Clerk be authorized to correct section numbers and cross references.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

GENERAL LEAVE TO INCLUDE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members who spoke on the bill just passed, in addition to having permission to revise and extend their remarks, may also insert pertinent extraneous extracts.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. ARENDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARENDS. Mr. Speaker, I have requested this time in order to ask the distinguished majority leader if he can advise us as to the program for next week.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, in response to the inquiry of the distinguished minority whip, Monday is District Day but there are no District bills.

We have programed for Monday the following bills:

H.R. 15712, to amend Public Work and Economic Development Act, under an open rule with 1 hour of debate.

House Resolution 976, to authorize a select committee to study recent developments in Southeast Asia, with 1 hour of debate.

Tuesday, there is scheduled the Department of Agriculture appropriation bill for fiscal year 1971.

For Wednesday and the balance of the week, H.R. 17070, the Postal Reorganization and Salary Adjustment Act of 1970, subject to a rule being granted.

This announcement is made subject to the usual reservation that conference reports may be brought up at any time and that any further program may be announced later.

May I say further that should a rule not be granted on the Postal Reorganization Act, we will announce an additional program because we have other bills with rules. It is expected that the Postal Reorganization and Salary Adjustment Act will take at least 2 days.

Mr. ARENDS. May I ask the gentleman from Oklahoma if this concludes the program for this week?

Mr. ALBERT. We have one matter of agreeing to Senate amendments right now. That is all.

Mr. ARENDS. I thank the distinguished majority leader.

ADJOURNMENT TO MONDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that, when the House adjourns today, it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. GROSS. Mr. Speaker, reserving the right to object, what has happened to the arts and humanities bill?

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I would be glad to yield to the gentleman from Oklahoma.

Mr. ALBERT. The Rules Committee has not yet acted on that bill.

Mr. GROSS. I noticed that it had been programed.

Mr. ALBERT. It was programed subject to a rule being granted.

Mr. GROSS. I just wondered if the country could endure another week without that $20 million additional cost that was put on by the administration.

Mr. ALBERT. I think the country might endure, but I do not think the program will unless we get it out before June 30.

Mr. GROSS. If we never get it out, it will be too soon insofar as I am concerned.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

DISPENSING WITH BUSINESS IN ORDER UNDER THE CALENDAR WEDNESDAY RULE ON WEDNESDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that business in order under the Calendar Wednesday rule be dispensed on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

RIVER BASIN MONETARY AUTHORIZATION AND MISCELLANEOUS CIVIL WORKS AMENDMENTS ACT OF 1970

Mr. JONES of Alabama. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 15166) authorizing additional appropriations for prosecution of projects in certain comprehensive river basin plans for flood control, navigation, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, in the table following line 2, strike out:

"Central and Southern Florida June 30, 1948 20,000,000"

Page 2, line 4, strike out "$830,000,000" and insert "$810,000,000."

Page 2, after line 4 , insert:

"SEC. 2. In addition to previous authorizations, there is hereby authorized to be appropriated the sum of $25,000,000 for the prosecution of the central and southern Florida comprehensive plan for flood control and other purposes approved in the Flood Control Act of 1948, and subsequent Acts of Congress: *Provided,* That not to exceed $5,000,000 of this authorization shall be available solely for the accelerated construction of borrow canal L–70, canal C–308, canal C–119W, and pumping stations S. 326, together with such other works in the plan of improvement as the Director of the National Park Service and the Chief of Engineers agree are necessary to meet the waiver requirements of the Everglades National Park: *Provided further,* That as soon as practicable and in any event upon completion of the works specified in the preceding proviso, delivery of water from the central and southern Florida project to the Everglades National Park shall not be less than 315,000 acre-feet annually, prorated according to the monthly schedule set forth in the National Park Service letter of October 20, 1967, to the Office of the Chief of Engineers, or 16.5 per centum of total deliveries from the project for all purposes including the park, whichever is less."

Page 2, line 5, strike out "2." and insert "3."

Page 2, line 10, strike out "3." and insert "4."

Page 2, line 20, strike out "4." and insert "5."

Page 4, line 20, strike out all after "subsection" down to and including line 24 and insert "on an equitable basis among such preference customers."

Page 6, strike out lines 3 and 4.

Page 6, after line 4, insert:

"SEC. 6. That the Act entitled 'An Act to provide for municipal use of storage water in Benbrook Dam, Texas', approved July 24, 1956 (70 Stat. 632), is amended by inserting immediately after "Fort Worth" the following: ', and with the Benbrook Water and Sewer Authority'."

Page 6, after line 4, insert:

"SEC. 7. That the project for Libby Dam, Kootenai River, Montana, is hereby modified to provide that funds available for such project, in an amount not to exceed $750,000, may be used in participation with the State of Montana in the construction, operation, and maintenance of fish hatchery facilities, and the performance of related services, by the State for mitigation of fish losses occasioned by the project, in a manner deemed appropriate by the Secretary of the Army, acting through the Chief of Engineers."

Page 6, after line 4, insert:

"SEC. 8. That subsection (c) of the first section of the Act entitled 'An Act authorizing the city of Rock Island, Illinois, or its assigns, to construct, maintain, and operate a toll bridge across the Mississippi River at or near Rock Island, Illinois, and to a place at or near the city of Davenport, Iowa,' approved March 18, 1938 (52 Stat. 110), as amended is amended by striking out '1970' and inserting in lieu thereof '1972'."

Page 6, after line 4, insert:

"SEC. 9. That section 15 of the Act entitled 'An Act creating the Muscatine Bridge Commission and authorizing said commission and its successors to acquire by purchase or condemnation and to construct, maintain, and operate a bridge or bridges across the Mississippi River at or near the city of Muscatine, Iowa, and the town of Drury, Illinois', approved July 26, 1956 (70 Stat. 669; Public Law 811, Eighty-fourth Congress), as amended, is amended (1) by striking out 'three years' and inserting in lieu thereof 'six years', and (2) by striking out 'five years' and inserting in lieu thereof 'eight years'."

Page 6, after line 4, insert:

"SEC. 10. (a) That the project for Denison Dam (Lake Texoma), Red River, Texas and Oklahoma, authorized by the Flood Control Act of 1938 (52 Stat. 1215), as amended, is hereby modified to provide that the city of Sherman, Texas, is authorized to construct a barrier dam across the Big Mineral Arm of Lake Texoma so as to create a subimpoundment of not to exceed ninety-five thousand acre-feet, for the purpose of providing a municipal and industrial water supply in an amount not to exceed fifty-two thousand acre-feet annually. The city of Sherman shall reimburse the United States the costs, as determined by the Secretary of the Army, acting through the Chief of Engineers, allocable to an amount of storage in Lake Texoma equal to that in the subimpoundment, in accordance with the provisions of the Water Supply Act of 1958, as amended (43 U.S.C. 390(b)–(f)), including the loss in power revenues attributable to the subimpoundment.

"(b) The location and plans for the barrier dam shall be submitted to the Chief of Engineers and the Secretary of the Army for approval prior to construction in accordance with section 9 of the Act of March 3, 1899 (33 U.S.C. 401).

"(c) Prior to construction of the barrier dam, the city of Sherman shall agree in writing to (1) provide satisfactory means for the transferral of small pleasure craft to and from the subimpoundment and Lake Texoma; (2) obtain any necessary State water rights required for use of the stored waters; (3) hold and save the United States free from all damages due to construction, operation, and maintenance of the barrier dam and subimpoundment; (4) operate and maintain the barrier dam and subimpoundment in accordance with regulations issued by the Secretary of the Army; and (5) pay the costs of any alterations or relocations of Federal facilities necessitated by the subimpoundment.

Page 6, after line 4, insert:

"SEC. 11. This Act may be cited as the 'River Basin Monetary Authorization and Miscellaneous Civil Works Amendments Act of 1970'."

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

Mr. GROSS. Mr. Speaker, reserving the right to object, would the gentleman from Alabama propose to give us an explanation of what transpired in the conference?

Mr. JONES of Alabama. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Alabama.

Mr. JONES of Alabama. Mr. Speaker, we did not have a conference, we are proposing to agree to the Senate amendments.

Mr. GROSS. Oh, you agreed to the Senate amendments?

Mr. JONES of Alabama. Yes, that is correct.

Mr. GROSS. Will the gentleman give us at least a brief explanation on the amendments? I would like to withdraw my reservation of objection. I do not want to object, but we should at least have a brief explanation of the Senate amendments.

Mr. JONES of Alabama. Will the gentleman yield further?

Mr. GROSS. I yield further to the gentleman from Alabama.

Mr. JONES of Alabama. I would be pleased to give the gentleman from Iowa an explanation.

H.R. 15166 was originally passed by the House of Representatives on December 9, 1969. The legislation provided for increased monetary authorizations for the prosecution of 13 river basin plans for flood control, navigation and related purposes by the Secretary of the Army and the Chief of Engineers.

Monetary authorizations were first put into effect by the Flood Control Acts of 1936 and 1938. They limit authority to appropriate and expend funds within specified basins or specified major projects, to levels below the total costs of the authorized basin or project developments. In this way they give the Congress opportunity to review and control the rate of accomplishment of the basin plans and major projects to which they apply.

In these plans, the Congress has approved an entire plan for development of a river basin in the interest of flood control, navigation, power, and allied water uses, but limited the amounts of funds to anticipated appropriations for a specified period of years, allowing accomplishment of only part of the plan.

Subsequently, the Congress has augmented some of the previously approved plans, by authorizing additional projects, or modifications of projects, and increased the monetary authorization, to provide for additional appropriations. When the monetary authorization limit of a plan is approached, legislation is required to provide additional authorization so that appropriations can be made to permit the plan to continue. If such legislation is not forthcoming when needed, construction of projects in the basin plan cannot proceed, even if funds have been appropriated for this purpose.

At the present time there are 22 basin development plans which are subject to monetary authorization limitations. The authorization provided to date is, in most instances, adequate for work to be performed through the 1969 construction season, but it is not sufficient to cover the work to be performed during the 1970 construction season.

Deficiencies in monetary authorization will exist in 12 basins, totaling around $365 million through the end of calendar year 1970. Based on projection by the Corps of Engineers for calendar year 1971, the deficiencies for the 2 years would involve 13 basin and the total deficit would amount to approximately $830 million.

H.R. 15166, as it passed the House of Representatives last December contained a table giving a list of the basins, the dates of orginal authorization, and the amount of increased authorizations needed for the work to be performed through calendar year 1971. The table which I will include in the Record contains the 13 basins listed in section 1 of the House version. The total amount of increased authorization needed for work to be performed through calendar year 1971 is approximately $830 million.

The table follows:

Basin	Act of Congress	Amount
Alabama-Coosa River	Mar. 2, 1945	$45,000,000
Arkansas River	June 28, 1938	89,000,000
Brazos River	Sept. 3, 1954	5,000,000
Central and southern Florida	June 30, 1948	20,000,000
Columbia River	June 28, 1938	263,000,000
Lower Mississippi River	May 15, 1928	167,000,000
Missouri River	June 28, 1938	109,000,000
Ohio River	June 22, 1936	69,000,000
Ouachita River	May 17, 1950	18,000,000
San Joaquin River	Dec. 22, 1944	18,000,000
South Platte River	May 17, 1950	21,000,000
Upper Mississippi River	June 28, 1938	2,000,000
White River	June 28, 1938	4,000,000

Section 2 of H.R. 15166 as originally passed by the House would authorize to completion the present ongoing Chesapeake Bay Basin Comprehensive Study. This very important study was authorized by the River and Harbor Act of 1965 in the amount of $6 million. Section 2 would permit its completion by authorizing an additional $9 million.

Section 3 modified the flood control project for the Scioto River, Ohio, originally authorized in the Flood Control Act of 1962, and modified by the Flood Control Act of 1965, so as to change the order of construction and permit the construction of urgently needed local protection works at Chilicothe to proceed prior to initiation of work at the Big Darby Reservoir.

Section 4 modified the authorization for the Tocks Island Dam and Reservoir, to be located on the Delaware River, between Pennsylvania and New Jersey, to clarify the authority of appropriate Government agencies to consider an application providing for the use of Tocks Island project water releases as part of a proposed comprehensive pumped storage hydroelectric power development by certain New Jersey electric companies.

The existing Tocks Island authorization provides for the use of those releases by a conventional Federal power plant. The modification clarifies the authority of the licensing agencies to consider a proposal that such releases be used by New Jersey companies, instead, as part of a comprehensive pumped storage development.

It has been estimated that this modification will result in a direct construction savings to the United States of $26 million. In addition payments are to be made by the companies for use of the Government dam in an amount not less than $1 million annually for at least 50 years.

The Senate version of H.R. 15166, as it passed the Senate on May 28, 1970, essentially accepted all the House provisions; however, there were some minor variations and additions of several features.

In connection with the increased authorization for the central and southern Florida River Basin in section 1 of H.R. 15166 as passed the House, the Senate eliminated this river basin from the list of basins in section 1 of the bill and made the central and southern Florida comprehensive plan, section 2 of H.R. 15166. In lieu of the $20 million which was authorized in the House-passed version, $25 million was authorized for the prosecution of the project in the Senate version; $5 million of that authorization was reserved for the construction of specified works necessary to meet the water requirements of the Everglades National Park, and as soon as practicable, and in any event, upon completion of the specified works, the Secretary of the Army is directed to deliver to the park not less than 315,000 acre-feet annually or 16.5 percent of total deliveries from the project for all purposes including the park, whichever is less.

Section 5 of the Senate version pertaining to Tocks Island is essentially similar to that passed by the House, except that it omits as unnecessary the clause inserted by the House. It is understood that the power made available under subsection (c) will be allocated with regard to the critical water resource requirements of the Delaware River Basin area as explained in House Report 91-748, which accompanied H.R. 15166.

I might note at this time the excellent cooperation of my good friend, the gentleman from New Jersey (Mr. Thompson) who cooperated so splendidly with the Committee on Public Works in the inclusion of this provision.

Section 6 relates to the Benbrook Reservoir, Tex. It authorizes the Secretary of the Army to contract with the Benbrook Water and Sewer Authority for the beneficial use of a portion of the waters now impounded by the Benbrook Dam and Reservoir, Tex., for municipal water supply purposes. This provision in H.R. 15166 is identical to H.R. 5278 as it was reported from the House Committee on Public Works on November 17, 1969, and passed the House on December 1, 1969. The gentleman from Texas (Mr. Wright) managed that bill on the floor of the House and did his usual excellent work in securing its passage.

Section 7 modifies the Libby Dam project, Kootenai River, Mont. This section provides that funds made available for that project in an amount not to exceed $750,000 may be used in participation with the State of Montana to the construction, operation, and maintenance of fish hatchery facilities, and related services by the State of Montana, for mitigation of fish losses occasioned by the project.

Section 8 amends subsection (c) of the first section of the act approved March 18, 1948, as amended by section 108(b) of the act of November 7, 1966, which authorized the city of Rock Island, Ill., to construct an additional span to the existing bridge between Rock Island., Ill., and Davenport, Iowa, by extending for 2 years, until April 1, 1972, the time for commencing construction of the additional span.

Section 9 amends section 15 of the act of July 26, 1956, as amended by Public Law 89–499, approved July 8, 1966, which authorized the Muscatine Bridge Commission to construct a replacement bridge to be located on the Federal-aid primary highway systems of both the States of Iowa and Illinois, by extending for 2 years, until July 8, 1972, the time for initiating bridge construction, and for completion of such work until July 8, 1974.

Section 10 grants the consent of Congress to the construction by the city of Sherman, Tex., of a barrier dam in Lake Texoma which is the reservoir formed by the Denison Dam, in order to provide a municipal and industrial water supply for the city of Sherman, Tex. The language in section 10 is identical to the language contained in H.R. 15207 which passed the House on April 20, 1970, as a separate bill. I would point out that the gentleman from Texas (Mr. ROBERTS) worked long and hard at getting this bill through the House last April, and I congratulate him on his successful efforts which are now culminated by the inclusion of this section in the Senate version of H.R. 15166.

Finally, a Senate amendment changed the title of the bill to the "River Basin Monetary Authorization and Miscellaneous Civil Works Amendments Act of 1970."

Mr. Speaker, this legislation is urgently needed to carry out the highly important water resources development program of this Nation.

I would include at this point in the RECORD a letter written by the Director of Civil Works, U.S. Army Corps of Engineers to the chairman of the Committee on Public Works pointing out the critical need of securing this legislation.

DEPARTMENT OF THE ARMY, OFFICE
OF THE CHIEF OF ENGINEERS,
Washington, D.C., May 12, 1970.

Hon. GEORGE H. FALLON,
Chairman, Committee on Public Works, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Please refer to my letter of 10 September 1969 which furnished information with respect to the status of river basin plans subject to monetary authorization limitations and the need for additional monetary authorization for some of the basins.

You were informed in the referenced letter that the two most critical basins were the Arkansas River and the Upper Mississippi River, where authorizations provided to date were considered insufficient to cover anticipated appropriations through the end of Fiscal Year 1970. We have recently reviewed the situation with respect to existing monetary authorizations in these and other basins, with the following results.

In the Arkansas River Basin, available monetary authorization will be inadequate to permit award of all contracts scheduled through the month of June 1970. Thus, award of further contracts on projects in this basin will need to be discontinued in June, unless additional monetary authorization is provided at a very early date. Among the contracts scheduled for June is a contract calling for payment to the Missouri-Pacific Railroad Company for the value of a railroad bridge, which will be abandoned in connection with the construction of the Arkansas River Navigation Project, and for which funds were recently released from budgetary reserve by the Bureau of the Budget to permit consummation of the contract. With respect to the Upper Mississippi Valley Basin, although it now appears that the existing monetary authorization will be sufficient for the current fiscal year, it is anticipated that monetary authorization will expire in July 1970.

In addition to the above, it is currently anticipated that, without additional monetary authorization, three other basins will exhaust available monetary authorization early in Fiscal Year 1971. In summary, there are five basins on which existing monetary authorization would be exhausted during the current calendar year unless further authorization is provided. These basins are listed below, showing the month in which we anticipate the monetary authorization would be exhausted.

Basin and estimated month in which authorization would be exhausted

Arkansas River	June 1970.
Upper Mississippi River	Do.
Columbia River	Do.
Missouri River	September 1970.
Ouachita River	Do.

The above information concerning the urgent need of additional monetary authorization has been furnished the Chairman of the Senate Public Works Committee in connection with his consideration of H.R. 15166 passed by the House of Representatives on 11 December 1969.

Sincerely yours,

F. J. CLARKE,
Lieutenant General, USA, Chief of Engineers.

Although there are some differences between the House and Senate versions of H.R. 15166, the urgency for securing the necessary monetary authorizations for these basins do not permit the luxury of time for working these differences out in conference. This bill should be passed today—as I have stated before—it is urgently needed.

At this time I would like to express apprecation for the leadership given by the gentleman from Maryland, the chairman of the Committee on Public Works (Mr. FALLON), the gentleman from Minnesota, the chairman of the Subcommittee on Rivers and Harbors (Mr. BLATNIK), and the splendid cooperation and participation of Members from both sides on the Flood Control Subcommittee and the Committee on Public Works.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

Mr. JONES. Mr. Speaker, I yield to the distinguished chairman of the Committee on Public Works, the gentleman from Maryland (Mr. FALLON).

Mr. FALLON. Mr. Speaker, beginning with the 1936 and 1938 Flood Control Acts, Congress has approved a number of basin and project plans but provided limited authority for appropriations. This limitation on authority has been increased by the Congress periodically to permit proceeding on schedule with the construction of the projects in the authorized plan.

There are 22 basin development plans presently subject to monetary authorization limitations. The authorization provided to date, although adequate for work to be performed through the 1969 construction season, is not sufficient in all the basins to cover the work to be performed during the 1970 construction season.

There will be a deficiency in monetary authorization in 12 basins, totaling around $365 million during calendar year 1970, and the deficiencies through calendar year 1971 would involve 13 basins and would amount to about $830 million.

H.R. 15166 would authorize the needed additional appropriations for the prosecution of the 13 river basin plans, through calendar year 1971.

Section 3 of the amended bill is of utmost importance to my home State of Maryland and to the other States bordering on the Chesapeake Bay. This section authorizes to completion by the Corps of Engineers the Chesapeake Bay Basin Comprehensive Study in an estimated additional amount of $9 million.

I had the privilege of introducing the original study authorization which was included in the River and Harbor Act of 1965. This study consists of a complete investigation and study of water utilization control of the Chesapeake Bay Basin, including the waters of the Baltimore Harbor and including but not limited to navigation, fisheries, flood control, control of noxious weeds, water pollution control, water quality control, beach erosion, and recreation.

A hydraulic model of the Chesapeake Bay Basin and associated technical center was authorized to be constructed, operated, and maintained in the State of Maryland for this purpose. The model and center are to be utilized by any department, agency, or instrumentality of the Federal Government, as well as the States of Maryland, Virginia, and Pennsylvania in connection with any research, investigation, or study to be carried on by them of any aspect of the Chesapeake Bay Basin.

This study is a comprehensive estuarine study, multidisciplinary in scope, encompassing engineering and the physical, chemical, biological and social sciences. The first year of the study, fiscal year 1967, was used in developing broad concepts and constraints for this study for unprecedented scope and magnitude.

The second year was used for a more detailed evaluation of procedures for accomplishing the study, for interagency coordination, and for a public hearing at which the views of affected local interests were obtained. The analysis was reevaluated by the Corps of Engineers in fiscal year 1969 in response to a request by the House Appropriations Committee with the objective of reducing the cost, including the model, the Corps of Engineers' analysis response to that request included consideration of reducing the physical size of the model, substituting a mathematical model for a hydraulic model, and reducing the scope of the resource study.

It was found by the corps that any of the less costly programs considered would fail to comply with the intent of the original authorization and would not insure success of the study. The corps also further found that the total cost for the study would be $15 million and not the $6 million originally authorized and estimated. Thus, the corps has estimated it will need an additional $19 million to complete the study.

There are many urgent problems which challenge the environment of Chesapeake Bay which makes it necessary that this study be accelerated and completed as early as possible. Waste disposal is a pressing problem. The Baltimore-Washington urban complex had a population of approximately 3.8 million people in 1960, a number which is expected to double in 25 years. Little study has been done concerning the intricate relationship between exploding urbanization and the estuarine environment. The Washington area places 8 million pounds of phosphorus and 25 million pounds of nitrogen in the Potomac River annually. These quantities are estimated to double in 25 years. The Patuxent River receives the wastes of 78,000 people and has lost 10 species of fish. The rapidly expanding rate of urbanization provides the additional threats of increased thermal loads and other very hard to manage compounds. There are numerous other inflows, the invasion of noxious weeds, land and shore erosion, and silt inflows as a function of increased urban development, agricultural activity, and navigation projects.

This comprehensive study, when completed, will project economic development within the bay area and the consequent resource demands. It will serve as a viable management guide to maintaining the environmental integrity of the Chesapeake Bay while encouraging beneficial resource use and enjoyment.

Mr. Speaker, I wish to express my appreciation for the excellent work on this bill by the chairman of the Subcommittee on Flood Control, the gentleman from Alabama (Mr. JONES), and all members of the full committee and the subcommittee who, in spite of so much other pressing business, devoted so much time and effort to the consideration of this bill.

Mr. CRAMER. Mr. Speaker, the River Basin Monetary Authorization Act, H.R. 15166, was sent to the Senate last year. I do not know why it was delayed so long. Due to the fact that many of the basin authorizations have already run out of fund approval and it is essential to pass this additional authorization for the projects to continue in an orderly fashion, this bill is being considered today.

As chairman of the Flood Control Subcommittee, the gentleman from Alabama (Mr. JONES), has assured me that, with relation to the amendment adopted in the Senate concerning the central and southern flood control project in Florida, his subcommittee will continue to oversee the effects of the water allocation amendment and has further agreed to consider the matter when and if the circumstances justify.

Everyone agrees that the Everglades National Park must be supplied water from the storage area. There were no hearings on the House side on this specific amendment. It will be necessary in the future to make sure no inequities will result and to make sure that this is the most practical solution relating to all users. Due to the time exigency, the gentleman from Alabama is bringing the bill up today, but he has assured me that full consideration of the matter will be given when time permits, should any problem develop.

BENBROOK WATER AUTHORIZATION

Mr. WRIGHT. Mr. Speaker, section 6 of the bill as amended by the Senate is a provision which permits the Benbrook Water and Sewer Authority, acting for and in behalf of the city of Benbrook, Tex., to purchase from the Army Corps of Engineers untreated water from the Benbrook Dam, until such time as those waters are needed for navigation purposes on the Trinity River.

This provision, inserted by amendment in the Senate, is identical to a separate bill which the House passed earlier in the Congress.

This provision amends the act of 1956 which allows certain of the waters from that Federal reservoir to be used on a standby basis for the city of Fort Worth. This provision simply extends that same identical right to the city of Benbrook, and with all of the same restrictions applying.

The Congress has received assurances that this right will be willingly relinquished, and the act of 1956 provides that it shall be relinquished, at such time as these waters are needed for navigation purposes on the Trinity River.

The SPEAKER. Is there objection to the request of the gentleman from Alabama (Mr. JONES)?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. JONES of Alabama. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just considered.

The SPEAKER pro tempore (Mr. MATSUNAGA). Without objection, it is so ordered.

There was no objection.

THE PRESIDENT IS LIKE ALICE IN WONDERLAND

(Mr. KOCH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. KOCH. Mr. Speaker, after listening to President Nixon's Cambodian report to the Nation last night, I was reminded that President Nixon is like Alice in Wonderland: he means what he says, but as Alice was instructed, so should the President be—to say what he means.

No doubt the President meant what he said about keeping to his timetable of withdrawal. But he did not say what that means—after mid-1971 there still will be 260,000 American troops in Vietnam.

No doubt the President meant what he said about winning a just peace. But, he did not say what that means—a slow and partial withdrawal costing the lives of thousands more American young men.

No doubt the President meant what he said that only his administration can end the war. But, he did not say what he means—that he considers Congress and the American people powerless to end the war except on his terms.

Frankly, Mr. Speaker, I think most Americans are weary and disgusted with so-called progress reports about the Vietnam war. For almost 6 years, we have listened to the Alice in Wonderland talk that hides behind the rhetoric of freedom, democracy, and peace to justify the prosecution of this cruel and wasteful war. Freedom, democracy, and peace are powerful and precious concepts and they ought not to be used as slogans to intimidate and deceive the American people.

In the name of freedom, it is claimed we are fighting for the simple principle that North Vietnam should leave its neighbors alone. And yet, the South Vietnam army now intends to remain in neighboring Cambodia to protect Vietnamese living there; and Thais move in to both Laos and Cambodia as a preemptive strike force.

In the name of democracy, our Government continues to prop up a corrupt and repressive Saigon regime that refuses to negotiate a political settlement that reflects the true balance of power among the Vietnamese people.

In the name of peace, American air power has bombed North and South Vietnam with impunity—then Laos and now Cambodia. I remember the late Robert Kennedy invoking the words of Tacitus—"They made a desert and called it peace."

I never have been able to reconcile Presidential speeches with American deeds in Indochina. And last night, President Nixon said nothing that offers any hope of closing that credibility gap.

So while respecting the sincerity of the President's speech last night—he means what he says—I cannot accept, nor should this House or the American people accept, the continuing price the President assumes we will pay for his morally bankrupt policy.

The meaning of what I have said is that the President is wrong—his administration does not have sole jurisdiction in ending this war. The Congress and the American people can and must work together in the weeks ahead to effect the total withdrawal of American troops from the Asian mainland.

ELECTRONIC VOTE COUNTERS CAN MAKE YOU NERVOUS

(Mr. VAN DEERLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VAN DEERLIN. Mr. Speaker, voters in California's most populous counties again this year must wait—and wait—on computers for the electronically dictated final results of Tuesday's primary elections.

Forty hours after the polls closed in Fresno County, for example, not a single vote had been officially counted, because "the program wouldn't check out."

In my county, San Diego, the situation was somewhat brighter. Our electronic gear had managed to tabulate roughly five votes in every six. Nevertheless, a delay of even this modest sort could leave a candidate and his supporters in a prolonged state of suspense following a reasonably close race.

Our biggest county, Los Angeles, fared well in the first hours of vote counting. By midnight Tuesday, some 2,000 of the 7,000 precincts had been accounted for. But, after that promising start, another "program problem" gummed up the electronic works, and Angelenos at last report were only 92.2 percent certain how they voted Tuesday.

Similar difficulties were reported in Orange County, where computers by a late hour this morning had been able to digest and properly record just 90.9 percent of the vote—36 hours after the polls closed.

I have always been one for progress, as I hope my record in this body attests.

But it is terribly difficult to remain enthusiastic about these costly electronic marvels which have fallen so woefully short of their primary goal of providing swift and accurate returns for the voting public.

Surely our great electronics industry, with its dazzling array of accomplishments in so many fields, can do better in this one.

PRESIDENT NIXON COMMENDED FOR RESUMING WITHDRAWAL

(Mr. MELCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MELCHER. Mr. Speaker, President Nixon's statement to the American people last night was welcome yet sobering news to our citizens.

I commend the President for his announcement that troop withdrawals from Southeast Asia will be resumed. That is good news to those of us committed to complete American withdrawal. It is noteworthy that the President is confident that the results of the Cambodian intervention assures a more rapid and more complete withdrawal. I hope his assessment is correct and we will progress surely and rapidly toward that goal.

The path to peace is not easy, and the sobering part is the difficulties that hinder the President and our country to establish peace in Indochina. It is also sobering that the President's withdrawal plan is conditioned on the effectiveness of the Southeast Asians. I believe we should turn the war and a settlement of Southeast Asian problems over to the Southeast Asians themselves by broadening the Vietnamization program to an effective Asian alliance against aggression.

We now see South Vietnam, Cambodia, and Thailand cooperating to curb the aggressions of the Hanoi regime.

I urge the President to turn the conduct of the conflict, and negotiation of a settlement with Hanoi over to this emerging alliance of Southeast Asians. Our presence in the conflict, and domination of the negotiating tables carries with it an outside interference, repugnant to Asians, which complicates rather than encourages settlement. The concerted efforts of the block of Southeast Asians, South Vietnam, Thailand, Cambodia, and Laos, should prove more effective in peace negotiations than what has been accomplished to date. President Nixon noted encouragement from the Djakarta Conference of 11 Asian nations on maintaining Cambodian neutrality. It would be encouraging to the world if this Asian initiative could be broadened toward settlement of the conflict.

In the months and years ahead, only the Asian people themselves can carry the responsibility for stability and peace in that part of the world, and bring it about. It is apparent that the time has come when they can and must cooperate among themselves, and bring about a settlement of, by and for Asians, without an outside power taking all the initiative and exercising a veto.

UNVEILING OF POW REPLICAS

(Mr. ZABLOCKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ZABLOCKI. Mr. Speaker, this morning authenic replicas of the methods by which American prisoners of war are kept confined in Southeast Asia were unveiled in the Capitol during a brief ceremony. Taking part were our Chaplain, Rev. Dr. Latch; our beloved Speaker, Mr. McCormack; Dr. G. Warren Nutter, Assistant Secretary of the Pentagon's Prisoner of War Policy Affairs Committee; and Mr. H. Ross Perot, the Texas businessman whose efforts to help free our prisoners are well known. Also present were several Members of Congress as well as the wives, mothers, and loved ones of our prisoners of war together with many citizens of this country.

I know that if I commend my colleagues to view this display, which includes a bamboo cage, an isolation cell, a tree with manacles, and an earthen pit—all used by the North Vietnamese and Vietcong to confine American prisoners of war—all who see it will rededicate their efforts in contacting Hanoi and bringing pressure upon Hanoi for an early release of our American prisoners.

Mr. Speaker, I include with my remarks the proceedings of that ceremony.

The proceedings are as follows:

UNVEILING OF POW REPLICAS: REMARKS OF PARTICIPANTS, JUNE 4, 1970

Mr. ZABLOCKI. We are gathered here today to unveil replicas which depict the methods by which our American prisoners of war are kept confined by the Vietcong in Southeast Asia. It is only fitting and proper to open this ceremony with a prayer. Reverend Latch.

PRAYER OF CHAPLAIN EDWARD LATCH

Let us pray. Almighty God, our heavenly Father, source of wisdom and power and light without whom no one is strong, no one is good, no one is wise, we pause a moment in Thy presence, lifting our hearts unto Thee in prayer, for our leaders and for our people, that we may be led wisely and well and that our people learn to dwell together in concord and in peace. We pray for the Armed Forces of our country wherever they are and pray that Thou will protect them from all evil and keep them ever in Thy holy presence. And especially, we pray for our prisoners of war, praying with all of our hearts that Thou will grant unto them courage and strength and keep alive in them the hope of ultimate freedom, that they may be returned to our country and to their loved ones once again. And, we pray for their families, that through these difficult and very trying days they may be aware of Thy presence and receive from Thy hands the kind of strength they need for the facing of this experience. And hasten, we pray Thee, the end of the conflict and the coming of peace when our prisoners of war can be reunited with their loved ones and live again in this free land we love with all our hearts. In Thy holy name we pray. Amen.

STATEMENT OF REPRESENTATIVE ZABLOCKI

Thank you Rev. Latch for your beautiful and inspiring prayer.

I want to welcome all of you who have taken time from busy schedules to come here today for the unveiling of this display. I believe this exhibit graphically depicts the hardships of the Prisoners of War. By exhibiting these cells in the very center of the Capitol of our Nation we pay special tribute to the brave men and we further demonstrate the deep concern this Nation has for our American military personnel who are being held captive in Southeast Asia. These replicas can only begin to suggest under what conditions hundreds of young Americans are confined in Southeast Asia.

We cannot duplicate the tremendous heat, the humidity, the insects, the stenches, the bad and inadequate food, the brutality and indifference of the captors, the lack of needed medical treatment, the terrors of isolation, the fears of tomorrow and the agony of today.

We cannot recreate those conditions. We cannot even imagine them adequately.

Yet it is under just those conditions that hundreds of American servicemen have been living—some of them for five and six years.

In no war in the past have American fighting men been forced to endure captivity for so long or under such inhumane circumstances. In no past war have American fighting men been forced to endure captivity so harsh in its physical and mental demands.

It should be noted that every nation participating in the Vietnam war has signed or acceded to the 1949 Geneva Convention Relative to the Treatment of Prisoners of War—including North Vietnam. For that reason, the treatment of prisoners should not be an issue.

Unfortunately, it is an issue and one of the most pressing of the Vietnam conflict, because the North Vietnamese and the Vietcong have refused to abide by the provisions of the convention and have been guilty of inhumane treatment of the American servicemen.

The full nature of Hanoi's unjustifiable and illegal acts against American prisoners should be understood by all Americans. It is my hope that this display of replicas will help inform our people of the cruel realities.

On two occasions, last November and last month, the House Foreign Affairs Subcommittee on National Security Policy and Scientific Developments has held hearings on the problem of American prisoners of war.

The November hearings resulted in a resolution calling on Hanoi to live up to its re-

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sponsibilities under the Geneva Convention. That resolution later was passed unanimously by both Houses of Congress.

The replicas which we are unveiling today were one result of the Subcommittee hearings last May. In his testimony H. Ross Perot, the Texas businessman who has been very active on behalf of our prisoners and their families, suggested that an exhibit of this kind be placed in the Capitol.

At the time of the hearing, I promised Mr. Perot that his suggestion would be fully considered. When I conferred with our beloved Speaker McCormack, he was most receptive and enthusiastic about the idea. Within a few days, I was able to tell Mr. Perot that he could go ahead. The display which you see was provided by him, through the organization he founded called "United We Stand."

The replicas were constructed according to descriptions which have been given by former American prisoners of war who either were released by the enemy or were able to escape.

I hope that each of the thousands of tourists who stream through this building—and by this spot—each day will take time to view this display and read the descriptions which are attached to them.

The result must certainly be to banish any ignorance or indifference about the plight of U.S. prisoners and to swell the chorus of Americans who are protesting Hanoi's inhumane conduct toward our men.

By turning the spotlight of adverse world opinion and publicity on Hanoi, we hope to force North Vietnam to live up to its international obligations by providing humane treatment and ultimate release for all prisoners.

At this time I would like to introduce our beloved Speaker, the Hon. John McCormack.

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REMARKS OF THE HON. JOHN W. M'CORMACK, SPEAKER OF THE HOUSE

It is indeed a pleasure for me to have the opportunity to participate in these ceremonies today.

We stand today in a room which is known as the Capitol crypt. Like many of the rooms in this great parliamentary building, it is a room steeped in history.

It is also a room of historical exhibits. Here, in recent years, we have shown—through objects, pictures and text—some of the highlights of American history, with emphasis on the part which the Congress has played in the growth and progress of our Nation.

Today we are gathered to open a very different kind of display.

It is an exhibit which does not remind us of the past glories of our Nation—but rather of the present sufferings of American prisoners of war held captive by hostile nations and powers.

Yet I believe this exhibit is completely appropriate to this setting. When Congressman Zablocki requested permission for these replicas to be built here, I was quick to respond affirmatively for it seemed to me that the idea was a worthy one.

One cannot help but be affected by what is shown here. We see men—human beings endowed with dignity and great spirit worth—treated in ways which we would not treat an animal.

We can be told—as we have been told a thousand times—of the conditions under which our prisoners must try to survive in North Vietnam, in South Vietnam, in Laos and now, perhaps, in Cambodia. Yet seeing these replicas brings home the reality in a way words can never match.

It rends our hearts to see such cruel conditions—to know that some American servicemen have spent every day of the last five years in just such confinement.

And, yes, our hearts are saddened too by the thoughts of the wives and children, the mothers and fathers, the brothers and sisters, of our American boys who are prisoners of war or listed as missing in action.

If families are not certain their missing loved one is a prisoner, then their lives are filled with anguished uncertainty about whether he is alive or not.

Yet at last learning that a loved one is alive, is a prisoner, provides only temporary solace. Then the family must face the cruel truth of the conditions under which these men are being held. Those are the conditions we see before us today.

They tell me that the American people are apathetic. I do not for a moment believe it. I do not believe for a moment that the thousands of visitors to the Capitol from all across our great land who see this exhibit will remain unaffected by it.

I believe that they—like us—will be spurred to get involved in the problem of our prisoners of war, to write in protest to Hanoi, to cooperate in the campaigns sponsored by various civic and humanitarian groups.

That is why I have given permission for the replicas to be built here and why I am so happy to be associated with this project.

I pray—as I know all of us do—that in some small way this exhibit and its impact will, in some small way, help hasten relief to our prisoners and perhaps contribute indirectly to their ultimate release.

If only one American military man is able to come home even one hour sooner than might otherwise be the case because of the efforts which have resulted in this display and this ceremony, then we are all more than amply repaid.

Mr. Zablocki. At this point in the program I would like to express our gratitude to Senator Everett Jordan of North Carolina. As Chairman of the Senate Rules Committee, he gave permission for one of the replicas to be located on the Senate side of the Capitol.

Senator Jordan had hoped to be here with us this morning to say a few words, but the press of Senate business has prevented him from coming.

At this time I am pleased to introduce the man who has been the moving spirit behind this exhibit—a man who has spent great amounts of his own time and money on behalf of our American prisoners of war and their loved ones here at home—Mr. H. Ross Perot. Mr. Perot.

STATEMENT OF H. ROSS PEROT

Speaker McCormack, Congressman Zablocki, Members of the House and Senate, members of the prisoners' families: Talking to released and escaped prisoners living under these conditions my first logical question was: How did you stay alive?

Inevitably, this is what their reply is: A deep, religious conviction, the memory of their families, a great love for their country and finally, and this is the essence of what we're all here about today, a strong intuitive belief that in our country we would do everything possible to get them out. So the clinging to life is based on those four factors, not upon the living conditions. The living conditions would destroy life but the belief that we will get them out keeps the men alive. Some of these men have been in these conditions for nearly six years. The men are literally rotting. The North Vietnamese simply cannot understand and don't believe that the American people could care about just 1500 men. From their cultural point of view a prisoner is a disgraced man. You can confirm this by talking to North Vietnamese prisoners in the prison camps in the South. They simply can't understand why from our point of view we are so deeply interested in getting these men back.

I concluded a long time ago that I could not gain the release of these men, but about that same time I concluded that I knew how to get these men back. They have no value to the North Vietnamese; their wives and children need them desperately. The key to the release of these men is an aroused America, on the prisoner of war issue. The North Vietnamese never will understand when they see the American people become aroused on this issue that they are extremely practical people. Ending the war is the big issue, the prisoners are an insignificant issue. They don't want the time and attention of the American people distracted at all from what they consider the major issue. They can certainly never understand how people could disagree with the Administration's position on the war and yet stand completely united in outrage about the treatment of these prisoners. It is not important that they understand it; it's all important that they see it. When they see it and when they finally realize that for some reason it's happening, we'll get these men back.

Keep in mind as you look at these exhibits that every American citizen bears part of the responsibility for the fact that those men are there. It's our country. We sent them there. We could be there in their place. And if we were there in their place we, too, would be clinging to life with the intuitive feeling that the people back in our country somehow, some way would get us out. I certainly want to thank the Congress and the Senate on behalf of the families of these men for allowing these replicas to be here. They're not real and yet they are accurate. I challenge the North Vietnamese as they, and they read the papers very carefully, as they see these pictures and look at these cells and cages, to point out anything that's not absolutely accurate. And then to prove their point, by letting the world see as they agreed on the Geneva Accords, how these men are being treated. Thank you very much."

Mr. Zablocki. We are privileged to have with us today, a distinguished spokesman for the Department of Defense who himself has been deeply involved in the prisoner of war problem as the chairman of the Pentagon's P.O.W. Policy Affairs Committee. He is Dr. G. Warren Nutter, Assistant Secretary of Defense for International Security Affairs.

Dr. Nutter, would you please say a few words to us.

REMARKS OF HON. WARREN NUTTER, ASSISTANT SECRETARY OF DEFENSE FOR INTERNATIONAL SECURITY AFFAIRS

Mr. Chairman, Mr. Speaker, Mr. Perot, wives and families of our prisoners of war, ladies and gentlemen:

I appreciate the opportunity to share this memorable occasion with you and your colleagues. On behalf of the Department of Defense and particularly its Prisoner of War Policy Committee which I chair, I should like to extend our sincere thanks to the Congress for making possible this quite unprecedented display in the nation's Capitol. We are grateful, too, to Mr. Ross Perot for his energy and imagination in proposing and arranging for the placement of these models. There is no matter of greater concern to Secretary Laird and the Department of Defense than that of obtaining humane treatment for our prisoners of war and their early release.

This grim portrayal of the plight of our men reflects and stirs the conscience of the entire nation. It is most fitting that it should speak its message from these halls, where so many noble causes of this country have found their finest expression. Words are quite superfluous today, for we have here a message more telling than words alone can be.

Let this occasion serve to redouble our resolve to do our utmost to bring these brave, unfortunate men home as soon as we possibly can. You may all be assured that we in the Department of Defense are fully dedicated to that cause.

HOW FAR WILL THE ADMINISTRATION ALLOW THE ECONOMY TO SLIP BEFORE IT ACTS?

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PATMAN) is recognized for 30 minutes.

Mr. PATMAN. Mr. Speaker, today I challenge President Nixon and the Republican leaders in the Congress to tell the American people just how far they are willing to allow the economy to slip before there is action.

Mr. Speaker, it is time for a moratorium on rosy statements concerning the economy. It is time for action. Assurances and reassurances will no longer suffice.

Mr. Speaker, President Nixon and the Republican leaders here in the House as well as in the Senate should give some indication of when the rhetoric will stop and the action begin.

How far are they willing to allow unemployment to go before there is action? Since President Nixon has been in office, unemployment has gone from 3.4 to 4.8 percent. At what point do the Republicans act on unemployment? Is it at 5, 6—or will they wait until we are at 8, 10, and 12 percent unemployment?

How long will this administration allow high interest rates to destroy the economy? At what point will the administration act to reverse the high interest rates—to roll them back? I call on the Republican leaders of the House, who often meet with the President of the United States, to give us some idea of the administration's timetable for action against high interest rates.

Mr. Speaker, high interest rates have forced homebuilding down to 1.1 million new units a year. The high interest rates of the Nixon administration are eliminating at least a million and a half housing units every year. How far will the administration allow the housing industry to sink into depression before there is action on interest rates?

High interest rates are forcing thousands of small businessmen to the wall and are contributing to the concentration of economic power in the hands of the giants of big business. How many bankruptcies of small businessmen will be allowed before the administration acts on the economy and to roll back high interest rates.

Mr. Speaker, the farmer—the family farmer—is in dire straits, and high interest rates are the root of his problems. The farmer must borrow large sums for his seasonal operations and for his equipment and high interest rates are requiring many of our family farmers to sell out and leave the land. How many family farmers will be wiped out before the administration acts?

The stock market, of course, has seen a mild rebound in the past week. But the market is still down in a deep slump. In fact, Mr. Speaker, the paper losses in the market have been between $150 and $200 billion since President Nixon came into office. And once again, I state that high interest rates are the No. 1 reason behind the drop in the stock market. The market may rebound to some degree but it will never recover its full vigor and prosperity until the administration acts to roll back high interest rates.

On Tuesday, financial columnist Joseph R. Slevin noted that the administration and the Federal Reserve officials had repeatedly made mistaken predictions that interest rates were coming down. Mr. Speaker, this is a large part of the problem—the administration is depending too much on rosy predictions and too little on action.

Mr. Speaker, I place in the RECORD a copy of Mr. Slevin's column, which bears the headline, "Administration Needs Prediction of Lower Rates To Come True":

[From American Banker, June 2, 1970]

ADMINISTRATION NEEDS PREDICTION OF LOWER RATES TO COME TRUE

(By Joseph R. Slevin)

WASHINGTON.—The Administration is predicting that lower interest rates are ahead.

It is a prediction that is touched with hope for the Administration badly wants borrowing costs to decline. Steep interest rates are causing grave distortions in the U.S. economy and are politically unpopular to boot.

Top corporations have been paying more than 9% to sell bonds. Some local governments have had to pay more than 7% to sell tax exempt bonds—which yield a mouthwatering 14% to an investor in the 50% income tax bracket.

The steep rates are pricing many would-be homebuyers and small businessmen out of the market. Some cannot—and others will not pay the record-smashing rates that lenders have been demanding.

Secretary of the Treasury David Kennedy, who repeatedly and prematurely has forecast lower interest rates, now is renewing his prediction.

"I think we are at the peaks," the white-haired Cabinet officer told Congress last week.

Mr. Kennedy has two reasons for anticipating lower rates. One is that the Federal Reserve System is pumping money into the banks, which means more money is becoming available for loans. The other is that business activity has been slowing and common sense says a reduction in business activity should lead to a reduction in loan demands.

Federal Reserve Board chairman Arthur Burns, who mistakenly allowed on April 30, that rates "have already passed their peak," has made it plain that he shares the current Kennedy expectations. So, for that matter, do Under Secretary of the Treasury Paul Volcker and of the Bureau of the Budget Director Robert Mayo.

The Federal government has a direct, pocketbook enthusiasm for seeing rates come down. When President Nixon sent his 1971 budget to Congress four months ago, he predicted that interest charges on the public debt would cost $19 billion. He now is glumly estimating that the government will have to pay out $20 billion interest money and Mr. Volcker forecasts that the outlay will approach $21 billion if rates stay at their present levels instead of falling.

Interest rates did drop sharply during February and March but they bounced back again during April and May. The government and the bond markets have to share the blame for the disturbing roller-coaster action.

Mr. Nixon and Mr. Burns excited the markets by leading them to expect a far more stimulating Federal Reserve credit policy than actually emerged. "We have not been idle," Mr. Burns assured Congress in early March, and rates fell rapidly in the wake of his statement.

Bond dealers aggravated the drop because they eagerly bought bonds in a belief that the Federal Reserve would make it possible for them to earn huge profits by creating enormous amounts of money—as it has done in past periods of slowing business activity.

But rates began rising sharply again in early April when the Federal Reserve startled the financial community by mopping up some of the extra money it had created in March. Mr. Nixon's decision to send U.S. troops into Cambodia then gave a fresh thrust to the upward movement.

The official view is that interest rates have overdone the recent advance just as they overdid the earlier decline. The hope is that borrowing costs now will move down into a range that meshes with the business slowdown and with the continuing Federal Reserve drive to expand the money supply.

Again, Mr. Speaker, I call on the administration to explain why it has failed to act; why it has failed to use the authority that it has to roll back interest rates; why it has failed to require the Federal Reserve System to pursue a course which would bring down interest rates and allocate money to the sectors of the economy in serious need of credit.

The President of the United States has tremendous power, both implied and real, and he should use this against the No. 1 evil in the economy—high interest rates.

The Banking and Currency Committee of the House originated additional powers for the President in this area last December. The Congress passed that law—Public Law 91–151—to give the President standby authority to control all aspects of credit transactions. Part of that power includes the ability to roll back interest rates and to allocate credit to sectors of the economy in need.

Mr. Speaker, the President has not used that power, and he has not explained the reasons for his inaction. Once again, if the Republican leaders here in the House of Representatives have some information on this, I hope that they will share it with us.

Mr. Speaker, there may be many who do not fully realize the wide authority that we gave the President in that law and, therefore, I place in the RECORD a copy of that law, Public Law 91–151:

PUBLIC LAW 91–151

An act to lower interest rates and fight inflation; to help housing, small business, and employment; to increase the availability of mortgage credit; and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—AMENDMENTS TO EXISTING ACTS

SECTION 1. Section 7 of the Act of September 21, 1966 (Public Law 89–587; 80 Stat. 823) is amended to read:

"SEC. 7. Effective March 22, 1971:

"(1) So much of section 19(j) of the Federal Reserve Act (12 U.S.C. 371(b)) as precedes the third sentence thereof is amended to read as it would without the amendment made by section 2(c) of this Act.

"(2) The second and third sentences of section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) are amended to read as they would without the amendment made by section 3 of this Act.

"(3) The last three sentences of section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) are repealed.

"(4) Section 5B of the Federal Home Loan Bank Act (12 U.S.C. 1425b) is repealed."

Sec. 2. (a) Section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) is amended by adding at the end thereof the following new sentences: "The authority conferred by this subsection shall also apply to noninsured banks in any State if (1) the total amount of time and savings deposits held in all such banks in the State, plus the total amount of deposits, shares, and withdrawable accounts held in all building and loan, savings and loan, and homestead associations (including cooperative banks) in the State which are not members of a Federal home loan bank, is more than 20 per centum of the total amount of such deposits, shares, and withdrawable accounts held in all banks, and building and loan, savings and loan, and homestead associations (including cooperative banks) in the State, and (2) there does not exist under the laws of such State a bank supervisory agency with authority comparable to that conferred by this subsection, including specifically the authority to regulate the rates of interest and dividends paid by such noninsured banks on time and savings deposits, or if such agency exists it has not issued regulations in the exercise of that authority. Such authority shall only be exercised by the Board of Directors with respect to such noninsured banks prior to July 31, 1970, to limit the rates of interest or dividends which such banks may pay on time and savings deposits to maximum rates not lower than 5½ per centum per annum. Whenever it shall appear to the Board of Directors that any noninsured bank or any affiliate thereof is engaged or has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of the provisions of this subsection or of any regulations thereunder, the Board of Directors may, in its discretion, bring an action in the United States district court for the judicial district in which the principal office of the noninsured bank or affiliate thereof is located to enjoin such acts or practices, to enforce compliance with this subsection or any regulations thereunder, or for a combination of the foregoing, and such courts shall have jurisdiction of such actions, and, upon a proper showing, an injunction, restraining order, or other appropriate order may be granted without bond."

(b) Section 5B of the Federal Home Loan Bank Act (12 U.S.C. 1425b) is amended to read as follows:

"Sec. 5B. (a) The Board may from time to time, after consulting with the Board of Governors of the Federal Reserve System and the Board of Directors of the Federal Deposit Insurance Corporation, prescribe rules governing the payment and advertisement of interest of dividends on deposits, shares, or withdrawable accounts, including limitations on the rates of interest or dividends on deposits, shares, or withdrawable accounts that may be paid by members, other than those the deposits of which are insured in accordance with the provisions of the Federal Deposit Insurance Act, by institutions which are insured institutions as defined in section 401(a) of the National Housing Act, and by nonmember building and loan, savings and loan, and homestead associations, and cooperative banks. The Board may prescribe different rate limitations for different classes of deposits, shares, or withdrawable accounts, for deposits, shares, or withdrawable accounts of different amounts or with different maturities or subject to different conditions regarding withdrawal or repayment, according to the nature or location of such members, institutions, or nonmembers or their depositors, shareholders or withdrawable account holders, or according to such other reasonable bases as the Board may deem desirable in the public interest. The authority conferred by this subsection shall apply to nonmember building and loan, savings and loan, and homestead associations, and cooperative banks in any State if (1) the total amount of deposits, shares, and withdrawable accounts held in all such nonmember associations and banks in the State, plus the total amount of time and savings deposits held in all banks in the State which are not insured by the Federal Deposit Insurance Corporation, is more than 20 per centum of the total amount of such deposits, shares, and withdrawable accounts held in all banks, and building and loan, savings and loan, and homestead associations (including cooperative banks) in the State, and (2) there does not exist under the laws of such State a bank supervisory agency with authority comparable to that conferred by the first two sentences of this subsection, including specifically the authority to regulate the rates of interest and dividends paid by any such association or bank on deposits, shares, or withdrawable accounts, or if such agency exists it has not issued regulations in the exercise of that authority. Such authority shall only be exercised by the Board with respect to such nonmember associations and banks prior to July 31, 1970, to limit the rates of interest or dividends which such associations or banks may pay on deposits, shares, or withdrawable accounts to maximum rates not lower than 5½ per centum per annum.

"(b) In addition to any other penalty provided by this or any other law, any institution subject to this section which violates a rule promulgated pursuant to this section shall be subject to such civil penalties, which shall not exceed $100 for each violation, as may be prescribed by said Board by rule and such rule may provide with respect to any or all such violations that each day on which the violation continues shall constitute a separate violation. The Board may recover any such civil penalty for its own use through action or otherwise, including recovery thereof in any other action or proceeding under this section. The Board may, at any time before collection of any such penalty, whether before or after the bringing of an action or other legal proceeding, the obtaining of any judgment or other recovery, or the issuance or levy of any execution or other legal process therefor, and with or without consideration, compromise, remit, or mitigate in whole or in part any such penalty or any such recovery.

"(c) Whenever it shall appear to the Board that any nonmember institution is engaged or has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of the provisions of this section or of any regulations thereunder, the Board may, in its discretion, bring an action in the United States district court for the judicial district in which the principal office of the institution is located to enjoin such acts or practices, to enforce compliance with this section or any regulations thereunder, or for a combination of the foregoing, and such courts shall have jurisdiction of such actions, and, upon a proper showing, an injunction, restraining order, or other appropriate order may be granted without bond.

"(d) All expenses of the Board under this section shall be considered as nonadministractive expenses."

Sec. 3. Section 11(i) of the Federal Home Loan Bank Act (12 U.S.C. 1431(1)) is amended—

(1) by striking out "$1,000,000,000" and inserting in lieu thereof "$4,000,000,000";

(2) by striking out the last sentence thereof and inserting in lieu thereof the following: "Each purchase of obligations by the Secretary of the Treasury under this subsection shall be upon terms and conditions as shall be determined by the Secretary of the Treasury and shall bear such rate of interest as may be determined by the Secretary of the Treasury taking into consideration the current average market yield for the month preceding the month of such purchase on outstanding marketable obligations of the United States"; and

(3) by adding at the end thereof a new paragraph as follows:

"The authority provided in this subsection shall be used by the Secretary of the Treasury, when alternative means cannot effectively be employed, to permit members of the Home Loan Bank System to continue to supply reasonable amounts of funds to the mortgage market whenever the ability to supply such funds is substantially impaired during periods of monetary stringency and rapidly rising interest rates and any funds so borrowed shall be repaid by the Home Loan Bank Board at the earliest practicable date."

Sec. 4. (a) Section 19(a) of the Federal Reserve Act (12 U.S.C. 461) is amended by inserting after the word "interest," the following: "to determine what types of obligations, whether issued directly by a member bank or indirectly by an affiliate of a member bank or by other means, shall be deemed a deposit,".

(b)(1) The fourth sentence of section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) is amended to read as follows: "The Board of Directors is authorized for the purposes of this subsection to define the terms 'time deposits' and 'savings deposits', to determine what shall be deemed a payment of interest, and to prescribe such regulations at it may deem necessary to effectuate the purposes of this subsection and to prevent evasions thereof."

(2) Section 18(g) of such Act is further amended by inserting after the fifth sentence the following: "The provisions of this subsection and of regulations issued thereunder shall also apply, in the discretion of the Board of Directors, to obligations other than deposits that are undertaken by insured nonmember banks or their affiliates for the purpose of obtaining funds to be used in the banking business. As used in this subsection, the term 'affiliate' has the same meaning as when used in section 2(b) of the Banking Act of 1933, as amended (12 U.S.C. 221a(b)), except that the term 'member bank', as used in such section 2(b), shall be deemed to refer to an insured nonmember bank."

(c) The first sentence of section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) is amended by inserting "or dividends" after "interest".

Sec. 5. Section 19(b) of the Federal Reserve Act (12 U.S.C. 461) is amended by adding at the end thereof a new sentence as follows: "The Board may, however, prescribe any reserve ratio, not more than 22 per centum, with respect to any indebtedness of a member bank that arises out of a transaction in the ordinary course of its banking business with respect to either funds received or credit extended by such bank to a bank organized under the law of a foreign country or a dependency or insular possession of the United States."

Sec. 6. (a) Effective as of the close of December 31, 1969, section 404 of the National Housing Act is amended

(1) by striking out "plus any creditor obligations of such institution" in subsection (b)(1), and the amendment made by this subdivision (1) shall be applicable also to any then unexpired portion of any then

current premium year under subsection (b)(1).

(2) by striking out "and creditor obligations" in subsection (b)(2).

(3) by striking out "and its creditor obligations" in subsection (c).

(4) by striking out "and creditor obligations" each place it appears in subsection (g). The condition in the first sentence of that subsection shall be deemed to be met as of the close of December 31, 1969. The words "such year" in that sentence shall be deemed to include also the year beginning January 1, 1970.

(b) The Federal Savings and Loan Insurance Corporation is authorized by regulation or otherwise

(1) to make such provisions as it may deem advisable with respect to the order in which and the extent to which the components of a pro rata share of its secondary reserve shall be applied or be deemed to have been applied in the case of a reduction of such share through a use under the second sentence of such 404(e) of the National Housing Act or the first sentence of section 404 (g), a transfer of part of such share under the third sentence of section 404(e), or otherwise.

(2) to take such action, including without limitation such adjustments and refunds and such deferrals of premium payments and other payments, as it may determine to be necessary or appropriate for or in connection with the implementation of this section or other legislation amending or supplementing said section 404.

SEC. 7. (a) The following provisions of the Federal Deposit Insurance Act are amended by changing "$15,000", each place it appears therein, to read "$20,000":

(1) The first sentence of section 3(m) (12 U.S.C. 1813(m)).

(2) The first sentence of section 7(i) (12 U.S.C. 1817(i)).

(3) The last sentence of section 11(a) (12 U.S.C. 1821(a)).

(4) The fifth sentence of section 11(i) (12 U.S.C. 1821(i)).

(b) The amendments made by this section are not applicable to any claim arising out of the closing of a bank prior to the date of enactment of this Act.

SEC. 8. (a) The following provisions of title IV of the National Housing Act are amended by changing "$15,000", each place it appears therein, to read "$20,000":

(1) Section 401(b) (12 U.S.C. 1724(b)).

(2) Section 405(a) (12 U.S.C. 1728(a)).

(b) The amendments made by this section are not applicable to any claim arising out of a default, as defined in section 401(d) of the National Housing Act, where the appointment of a conservator, receiver, or other legal custodian as set forth in that section becomes effective prior to the date of enactment of this Act.

SEC. 9. (a) Section 708(b) of the Defense Production Act of 1950 (50 U.S.C. 2158 (b)) is amended by striking out everything after "United States", the first time it appears, and inserting a period in lieu thereof.

(b) Section 708(f) of that Act (50 U.S.C. 2158(f)) is repealed.

TITLE II—AUTHORITY FOR CREDIT CONTROL

Sec. 201. Short title

This title may be cited as the Credit Control Act.

Sec. 202. Definitions and rules of construction

(a) The definitions and rules of construction set forth in this section apply to the provisions of this title.

(b) The term "Board" refers to the Board of Governors of the Federal Reserve System.

(c) The term "organization" means a corporation, government or governmental subdivision or agency, trust, estate, partnership, cooperative, or association.

(d) The term "person" means a natural person or an organization.

(e) The term "credit" means the right granted by a creditor to a debtor to defer payment of debt or to incur debt and defer its payment.

(f) The term "creditor" refers to any person who extends, or arranges for the extension of, credit, whether in connection with a loan, a sale of property or services, or otherwise.

(g) The term "credit sale" refers to any sale with respect to which credit is extended or arranged by the seller. The term includes any rental-purchase contract and any contract or arrangement for the bailing or leasing of property when used as a financing device.

(h) The terms "extension of credit" and "credit transaction" include loans, credit sales, the supplying of funds through the underwriting, distribution, or acquisition of securities, the making or assisting in the making of a direct placement, or otherwise participating in the offering, distribution, or acquisition of securities.

(i) The term "borrower" includes any person to whom credit is extended.

(j) The term "loan" includes any type of credit, including credit extended in connection with a credit sale.

(k) The term "State" refers to any State, the Commonwealth of Puerto Rico, the District of Columbia, and any territory or possession of the United States.

(l) Any reference to any requirement imposed under this title of any provision thereof includes reference to the regulations of the Board under this title or the provision thereof in question.

Sec. 203. Regulations

The Board shall prescribe regulations to carry out the purposes of this title. These regulations may contain such classifications, differentiations, or other provisions, and may provide for such adjustments and exceptions for any class of transactions, as in the judgment of the Board are necessary or proper to effectuate the purposes of this title, to prevent circumvention or evasion thereof, or to facilitate compliance therewith.

Sec. 204. Determination of interest charge

Except as otherwise provided by the Board the amount of the interest charge in connection with any credit transaction shall be determined under the regulations of the Board as the sum of all charges payable directly or indirectly to the person by whom the credit is extended in consideration of the extension of credit.

Sec. 205. Authority for institution of credit controls

(a) Whenever the President determines that such action is necessary or appropriate for the purpose of preventing or controlling inflation generated by the extension of credit in an excessive volume, the President may authorize the Board to regulate and control any or all extensions of credit.

(b) The Board may, in administering this Act, utilize the services of the Federal Reserve banks and any other agencies, Federal or State, which are available and appropriate.

Sec. 206. Extent of control

The Board, upon being authorized by the President under section 205 and for such period of time as he may determine, may by regulation

(1) require transactions or persons or classes of either to be registered or licensed.

(2) prescribe appropriate limitations, terms, and conditions for any such registration or license.

(3) provide for suspension of any registration or license for violation of any provision thereof or of any regulation, rule, or order prescribed under this Act.

(4) prescribe appropriate requirements as to the keeping of records and as to the form contents, or substantive provisions of contracts, liens, or any relevant documents.

(5) prohibit solicitations by creditors which would encourage evasion or avoidance of the requirements of any regulation, license, or registration under this Act.

(6) prescribe the maximum amount of credit which may be extended on, or in connection with, any loan, purchase, or other extension of credit.

(7) prescribe the maximum rate of interest, maximum maturity, minimum periodic payment, maximum period between payments, and any other specifications or limitation of the terms and conditions of any extension of credit.

(8) prescribe the methods of determining purchase prices or market values or other bases for computing permissible extensions of credit or required downpayment.

(9) prescribe special or different terms, conditions, or exemptions with respect to new or used goods, minimum original cash payments, temporary credits which are merely incidental to cash purchases, payment or deposits usable to liquidate credits, and other adjustments or special situations.

(10) prescribe maximum ratios, applicable to any class of either creditors or borrowers or both, of loans of one or more types or of all types.

(A) to deposits of one or more types or of all types.

(B) to assets of one or more types or of all types.

(11) prohibit or limit any extensions of credit under any circumstances the Board deems appropriate.

Sec. 207. Reports.

Reports concerning the kinds, amounts, and characteristics of any extensions of credit subject to this title, or concerning circumstances related to such extensions of credit, shall be filed on such forms, under oath or otherwise, at such times and from time to time, and by such persons, as the Board may prescribe by regulation or order as necessary or appropriate for enabling the Board to perform its functions under this title. The Board may require any person to furnish, under oath or otherwise, complete information relative to any transaction within the scope of this title including the production of any books of account, contracts, letters, or other papers, in connection therewith in the custody or control of such person.

Sec. 208. Injunctions

Whenever it appears to the Board that any person has engaged, is engaged, or is about to engage in any acts or practices constituting a violation of any regulation under this title, it may in its discretion bring an action, in the proper district court of the United States or the proper United States court of any territory or other place subject to the jurisdiction of the United States, to enjoin such acts or practices, and upon a proper showing a permanent or temporary injunction or restraining order shall be granted without bond. Upon application of the Board, any such court may also issue mandatory injunctions commanding any person to comply with any regulation of the Board under this title.

Sec. 209. Civil penalties

(a) For each willful violation of any regulation under this title, the Board may assess upon any person to which the regulation applies, and upon any partner, director, officer, or employee threof who willfully participates in the violation, a civil penalty not exceeding $1,000.

(b) In the event of the failure of any person to pay any penalty assessed under this section, a civil action for the recovery thereof may, in the discretion of the Board, be brought in the name of the United States.

Sec. 210. Criminal penalty

Whoever willfully violates any regulation under this title shall be fined not more than $1,000 or imprisoned not more than one year, or both.

TITLE III—SMALL BUSINESS ADMINISTRATION ACTIVITY

Sec. 301. The Small Business Administration shall promptly increased the level of its financing functions utilizing the business loan and investment fund established under section 4(c) (1) (B) of the Small Business Act (15 U.S.C. 633(c) (1) (B) by $70,000,000 above the level prevailing at the time of enactment of this Act. The Small Business Administration shall submit to Congress a monthly report of its implementation of this section.

Mr. Speaker, as I have remarked on many occasions, I am puzzled by the administration's inaction. I am convinced that an overwhelming majority of the House of Representatives would vote the President additional authority to stabilize the economy and to roll back interest rates if we had some assurances that he would act. The President should confer with the Congress on these economic matters and let us know what is holding up action. The American people rightfully expect the Congress and the President to do something about the economic crisis before we fall into a total depression.

Mr. Speaker, I sat in this Chamber when President Herbert Hoover was in the White House. The Nation was in a serious economic crisis and we had great difficulty through the land. The President refused to act and all that we got from him were broad rosy reassurances without any action behind them.

Mr. Speaker, this was one of the sad chapters in the history of the Presidency of the United States and many people suffered as a result of inaction and ineptitude in the executive branch.

Mr. Speaker, none of us want to see a repeat of those dark days when a President was unable to bring himself to move to save the economy. Therefore, many of us in the Congress intend to speak out early in the present crisis and to goad the President into action on the economic crisis.

Mr. Speaker, the Nation cannot survive another Herbert Hoover, even if his name is Richard Nixon.

Mr. Speaker, I wrote President Nixon on May 20 urging that he permit a meeting with the Banking and Currency Committee so that we could better understand his thinking on the economy and so that we might know of any legislative desires of the administration in the areas of our jurisdiction. Mr. Speaker, I place a copy of that letter in the Record:

House of Representatives, Committee on Banking and Currency,
Washington, D.C., May 20, 1970.

The President,
The White House,
Washington, D.C.

My Dear Mr. President: Many Members of the Banking and Currency Committee are deeply concerned by the apparent inaction on the part of the Federal Government in the face of a mounting economic crisis.

The continued lack of vigorous action is leading to a severe crisis of confidence in the ability of the Federal Government to deal with the dual problems of inflation and recession. This lack of confidence undoubtedly accounts for the downward plunge of the stock market. All of the economic indicators make it obvious that we cannot long endure a passive attitude by the Federal Government.

Last December, the Banking and Currency Committee originated legislation to provide you with standby authority to control all aspects of credit, including the level of interest rates, down payments, and the allocation of available loan funds. This eventually became Public Law 91-151, which was signed by you on December 23, 1969. The credit control authority was given to you on a "standby" basis with the anticipation that you would trigger the authority immediately when economic conditions deteriorated.

We are deeply concerned that this authority has not been used despite rising unemployment, continued high interest rates, a falling stock market, and a totally-depressed housing industry. The Banking and Currency Committee, and the Congress, are in a position of having passed a law which the Executive Branch fails to carry out despite obvious need. Such a situation creates a serious crisis between the Executive and the Legislative branches, and raises basic questions on the scope and nature of future Congressional action to alleviate the current chaotic economic conditions.

In addition to Public Law 91-151, there have been other expressions of Congressional intent for the Administration to take vigorous action to lower interest rates and provide general economic stability. All appear to have fallen on deaf ears.

Mr. President, I think I speak for the overwhelming majority of the Banking and Currency Committee when I say that we are willing to give you any legislative tools which you feel are needed to bring the current economic situation under control. In light of your failure to carry out our earlier actions, however, many of us are puzzled as to your intentions and desires in this area. Many of us in the Congress feel an urgent need for action which will restore economic stability and renew confidence in our entire economic system.

But such action on the part of the Congress is difficult if the Executive Branch is determined not to carry forward the programs and not to use the weapons which are provided through legislation. It is important that areas of doubt about the Administration's intentions be cleared up before further legislative steps are attempted.

Therefore, I hereby urge and respectfully request that you permit the Banking and Currency Committee of the House of Representatives to meet with you concerning the economic crisis facing the nation. Such a meeting, I am convinced, would do much to clear the air and provide a solid background on which the Committee could take action in the remaining days of the 91st Congress. Such a meeting also, I am convinced, would aid in restoring confidence and making it plain that the legislative and executive branches are willing to act and not allow the U.S. economy to go down the drain.

Mr. President, I hope that you will act favorably on this request at your earliest possible convenience.

Sincerely,

Wright Patman,
Chairman.

Mr. Speaker, the people of all political persuasions are sick and tired of the talk about economic conditions. They want some concrete action that will bring relief from high interest rates before the economy is totally destroyed.

The administration and the Congress can ignore these pleas for action only at their peril. This feeling is deep seated, and it will not go away simply by holding lavish White House dinners to reassure big bankers and big businessmen.

Mr. Speaker, the St. Louis, Mo., Globe-Democrat, on May 22, urged President Nixon to take action on interest rates. I place a copy of this editorial in the Record:

Accept Patman's Challenge

Rep. Wright Patman, chairman of the House Banking Committee, has challenged President Nixon to use existing powers to bring down high interest rates.

Patman said that Congress five months ago passed legislation that gave the President broad powers to control credit and interest rates. He contended the President hasn't acted to use the law.

The Texas Congressman also has asked that Mr. Nixon meet with the House Banking Committee to consider actions to deal with the current economic crisis.

The President probably is reluctant to use the standby powers, given him under the law referred to by Patman, because he has been advised by his chief economists that the Federal Reserve Board's monetary policies should be allowed to take their course without his intervention.

But in our opinion Rep. Patman is right about the interest rates. They should come down. Until they do, the housing industry will remain depressed. It is hard to see how the economy can move ahead strongly with rates where they are.

It may well be true, as Patman says, that if the President doesn't use the power of his office to reduce the high money costs, Congress "will bring down interest rates by statute."

If Patman and the Banking Committee have ideas which could help lower interest rates and ease the current economic slowdown, Mr. Nixon would be wise to hear them, and take action where indicated.

Mr. Speaker, I also place in the Record a copy of a transcript of a recent radio interview with Mr. Nat Goldfinger, research director of the AFL-CIO, which contains an excellent analysis of present economic conditions and the need for Presidential action:

Current Economic Trends

Mutual Announcer. The following time is presented as a public service by this station and the Mutual Broadcasting System.

Hardin. Labor News Conference. Welcome to another edition of Labor News Conference, a public affairs program brought to you by the AFL-CIO. Labor News Conference brings together leading AFL-CIO representatives and ranking members of the press. Today's guest is Nathaniel Goldfinger, director of the AFL-CIO's Department of Research.

In the view of the AFL-CIO, President Nixon's campaign against inflation has been a complete failure. Prices continue to rise while unemployment soars. Many feel that the economy has already sagged into a recession. Here to question Mr. Goldfinger about the current state of the national economy and what the labor movement feels can and must be done to stem and reserve the downward trend, are Frank Swoboda, Washington

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correspondent for Business Week magazine, and Neil Gilbride, labor correspondent for the Associated Press. Your moderator, Frank Harden.

And now, Mr. Gilbride, I believe you have the first question?

GILBRIDE. Mr. Goldfinger, we see prices still rising at a six percent rate, the highest in some 20 years. At the same time, we see most business indicators going down very rapidly—the stock market plunging to the lowest point in almost 10 years. How would you describe the economy today?

GOLDFINGER. Well, Mr. Gilbride, I don't think that there is any doubt that this country is in a recession.

Furthermore, I don't believe that this country can afford a continuation of the Administration's experiment in classical economy theory.

The Administration's so-called anti-inflation program is utterly bankrupt. It has led us down the garden path into a situation of declining production and rising unemployment, while at the same time, as you pointed out, the Consumer Price Index continues to increase at a six percent yearly rate.

We have the worst of all the possibilities here.

We have the wrost inflation in 20 years; we have the sharpest increase in unemployment in 10 years; we have sky-high interest rates—higher than at any time in the past 100 years or more. And in addition, we have a continuing downward drift of the economy, and a continuing drift of government economic policy.

I believe that the situation at present is dangerous.

There is a threat of loss of confidence, because all of this drift just keeps moving with an upward movement of price levels eating away the buying power of working people and everybody. Working hours are being cut back, production is being cut back, and unemployment is increasing.

SWOBODA. Mr. Goldfinger, isn't it more than a "threat" of loss of confidence? Recently, the markets in Europe—the money markets in Europe and Asia—have also started to slump. Isn't this a reflection of how those people—those investors—look upon the Nixon Administration's policies?

GOLDFINGER. Well, unfortunately—most unfortunately—there does seem to be, Mr. Swoboda, a spreading loss of confidence in the Administration's economic policies.

For example, right here at home, in the past couple of weeks, a major public utility corporation floated a bond issue at an effective interest rate of well over nine percent. That's a fantastically high interest rate for a bond issue by a triple-A public utility corporation.

If that's what is happening to major utilities, think of the actual interest rates that are being paid by home builders, ordinary businessmen, and consumers.

Such sky-high interest rates push up all costs and all prices.

SWOBODA. Well, you recently, I believe, met with Labor Secretary George Shultz, as a result of President Nixon's visit to the AFL–CIO Executive Council. Did you come away reassured—did you get any assurance or indication of change at all?

GOLDFINGER. A number of trade union economists and staff people from 11 different international unions and AFL–CIO Headquarters did meet with Secretary of Labor Shultz some days ago. We entered the meeting concerned about the state of the economy—very concerned and very worried about the Administrations' policies.

Unfortunately, Mr. Swoboda, we left the meeting at least as concerned and worried as we entered it.

We have seen no evidence whatsoever that the Administration is taking hold of this situation, except for one move by the Federal Reserve Board a couple of weeks ago, and it was exactly the kind of move that was not needed.

A few weeks ago, after the stock market began to drop rather drastically, the Federal Reserve Board reduced its margin requirements for the purchase of stock, to stimulate speculation in the stock market.

Well, we don't need increased speculation in the stock market—we need the proper allocation of resources—we need increased production—we need increased employment. And we have to get at some of the urgent social needs in this country, such as rebuilding the cities and residential construction.

Home building, as you know, has been clobbered in the past year and one-half, as a result of the tight money and very high interest rates policy. Everthying has been going off, and there is no indication—to date, at least—that the Administration is changing its policies.

GILBRIDE. Mr. Goldfinger, you described the Administration's approach to the problem of inflation as a "classical economic approach." The word "classical" usually implies something that is well-established, which has worked in the past, and supposedly, should work again. In this case, why hasn't it worked? They have deliberately dampened business demand. Why haven't prices responded to that and started to level off?

GOLDFINGER. Well, by "classical approach," Mr. Gilbride, I meant an approach developed 100 or 150 years ago by English economic theorists. It's the kind of classical theory that you find in the textbooks. This, apparently, is what Mr. Nixon's Administration has picked up, right out of the textbooks—from the economic theorists in London and the English universities of 100 and 150 years ago. Well, what may have been applicable in England, or even in the United States, 50 or 100 years ago, is not applicable today. This American economy is large—it's a huge continental economy, with all kinds of different structures. The tightened money supply meant that, in effect, from May, 1969, to the end of 1969, we had no increase in the money supply at all.

There has been a very severe squeeze on this economy. The banks have been rationing out the available credit to those people who have lines of credit at the banks—the blue-chip corporations, and the wealthy families, and some other people who can afford to pay these sky-high interest rates. The ordinary businessman can't afford them—the ordinary consumer can't either. Yet this is what's been happening.

Money has been available in the economy, but the banks have been rationing out credit for things like the out-flow of capital to foreign subsidiary operations, and money is moving out of the United States with the export of American jobs.

Money has been available through the banks for building gambling casinos.

Money has been available from the banks for conglomerate takeovers, business mergers, and things of that sort.

But it is in the ordinary business operations that the difficulties have arisen.

The first part of the American economy that got clobbered—by February 1969, one month after President Nixon took office and shortly after the tight money squeeze on the economy became effective—was the home building industry, which immediately went into decline.

This is not only an important industry, in terms of production and employment, it's very important in social terms. We have a build-up now of the housing shortage in this country. We have the continuing spread of slums in the central cities. We have a shortage of houses, and furthermore, people—ordinary people—even middle-income people—can no longer afford to buy a home or even to rent a new apartment.

Rents have moved up very sharply.

The prices of homes have moved beyond the ability of any ordinary family to buy. Things have gotten way out of control.

SWOBODA. Mr. Goldfinger, one of the fall-out results of that economic theory you mentioned before is a trade-off of high unemployment to cool the economy. Well, we have high unemployment, but we haven't, apparently, cooled the economy. Where do you see unemployment going, and, is there any way out of that in the near future?

GOLDFINGER. Well, Mr. Swoboda, you may recall that the AFL–CIO Executive Council, back about a year and one-half ago, stated that the economic theories of this Administration, with this tight money squeeze, can actually work in slowing down the rate of inflation only by bringing down the whole house.

Sure, if we had a depression and massive unemployment—a large army of unemployed people—with nobody able to buy anything, the rate of inflation would probably slow down.

But nobody that I know of wants a repetition of that kind of disaster.

Unemployment is rising. I don't know how high it is going to go. It certainly has been rising much faster than the Administration said it would.

You may recall that last February, AFL–CIO President George Meany stated that there was a distinct possibility that unemployment may rise to six percent.

Administration economists scoffed at that. But, unemployment has shot up. It's now at a 4.8 percent rate, and it's moving up sharply.

All of the things that have been happening have been the reverse of what's needed.

We need credit controls, where the government would somehow directly control the flow of available credit, rather than permit the private bankers to ration credit in the way that they want to.

We need the available credit that is around—the available money—to flow into needed production, for increased employment and so on. State and local governments, in addition to home building, have been very hard hit by the tight money squeeze and sky-high interest rates.

Small- and medium-sized businesses have been hard hit. Often, they haven't been able to get loans at all—and if they've been able to get loans from the banks, you know, for expanded production and ordinary business operations, they have had to pay extremely high interest rates, which then go right into the cost structure and the price structure. At the end of the line is the American consumer—you and I and all the rest of us, who have to pay the price.

In addition, many workers are paying the additional price, in the form of reductions in working hours and higher unemployment.

The rise in unemployment, since December, has been 1,100,000.

GILBRIDE. How would you go about changing the credit system, so that large amounts of money could go into such things as housing and the kind of business that creates jobs?

Would you have two different sets of interest rates, and the government telling the banks that they must loan to, say, housing construction firms at four or five percent, and that somebody with an un-needed project would have to pay the 10 percent, or whatever?

GOLDFINGER. Well, something along those lines. This kind of program did work back in the early 1950's. From roughly 1950 to 1953, we did have selective credit controls in the United States, and they worked.

Moreover, Mr. Gilbride, last December, Congress passed a bill entitled "Lowering Interest Rates, Fighting Inflation, Helping Small Business and Expanding the Mortgage Market," which grants broad authority to the President to set selective credit controls to curb the specific causes of credit inflation. On the other hand, it would expand the amount of credit and money needed for ordinary business operations, for home building, and for state and local governments. It also gave the government a flexible means to rebalance the whole credit structure of the country—to prohibit the banks from rationing credit into places where it is not needed, such as gambling casinos and foreign business operations of U.S. companies—and to get this thing going on the right track here at home—in the United States.

Well, more than four months have gone by since Congress passed this bill and the President signed it.

It's now the law, but the President has not used it.

The AFL–CIO Executive Council, on May 12th, said, "confronted by the President's failure to use his authority, we urge the Congress to direct the Federal Reserve System to establish selective credit controls, maximum interest rates on specific types of loans, and allocation of available credit to where it will do the most good for America."

GILBRIDE. Mr. Goldfinger, there has been a good deal of talk also, in Congress and elsewhere, about the possibility of flat-out federal controls—freezes on wages, prices, rents, corporate income, and all that. How do you view that—how does the Federation view that?

GOLDFINGER. Well, Mr. Gilbride, the AFL–CIO does not believe that voluntary "jawboning" or voluntary guideline approach can work.

We don't believe that it's effective or workable in the American economy.

However, ever since the beginning of 1966, the AFL–CIO leadership has said and repeated, in convention resolutions, Executive Council statements, speeches by the leadership—President Meany and others—that if the President of the United States determines that the situation warrants overall stabilization controls—that's real direct controls—the AFL–CIO would cooperate, so long as such controls are equitably placed on all costs and incomes, including all prices, profits, dividends, rents, executive salaries and other executive compensation, as well as the wages and salaries of employees.

GILBRIDE. Mr. Meany has been even stronger than that. I believe that he has said a year or so ago, that the only way to stop it is with such controls. Is this still the feeling, do you think? Would you advocate that?

GOLDFINGER. Well, as Mr. Meany pointed out when he said that, Mr. Gilbride, we're not advocating controls, but we believe that temporary controls can work, and we would cooperate, provided that they are equitably placed across the board.

However, I want to emphasize that price controls like these we would cooperate with, if necessary, in themselves, would not do the job that is needed, unless we have selectiev credit controls to stop the misallocation and bad rationing of credit by the banks.

Somebody has to get in—and it can only be the U.S. government—it has to get in there and direct the banks to stop loaning the scarce amount of available money for all kinds of unnecessary ventures, such as foreign out-flows of capital, gambling casinos and things like that, and get the money where it's needed—into home building, and state and local government projects, and ordinary business operations.

SWOBODA. Mr. Goldfinger, the chairman of the Federal Reserve Board, Arthur Burns, a close economic advisor to the President, recently suggested that maybe we need a form of income policy, on a short term basis. Do you see any real indication that this will happen, or is it just a bit of fluff?

GOLDFINGER. Well, I can't make head nor tail of what's going on within the Administration, Mr. Swoboda. I'm afraid this is one of the difficulties in the economy.

One spokesman for the Administration says one thing, and another spokesman for the Administration says another.

But the actual fact is that we have a drift—we have a downward drift in the economy—we have a downward drift in confidence in the American economy—and we have a drift in government policy.

Te government seems to be moving on the basis of this classical economic theory that they picked up in the old textbooks.

SWOBODA. We've talked about recession, is it possible that we could drift into a depression in these times—in this age?

GOLDFINGER. Well, I sure would hope not. I would not rule out a depression, but the current situation certainly is one of economic recession, and the economic recession is getting worse.

There is no sign of improvement in production, in employment, and there is no sign of improvement on the inflation front.

GILBRIDE. Do you see any good news in the fact that the wholesale price index seems to have eased off a little bit? Do you think it could be a tip-off that that six percent rise might start coming down, as the wholesale feeds into the retail level?

GOLDFINGER. Well, I certainly hope so, Mr. Gilbride. But I don't believe that there is any assurance that this will happen.

Actually, the price level has been aceclerating, rather than slowing down. The rise in consumer prices last year was 5.4 percent, and in the past four months—since December 1969—the increase in consumer prices has been at a yearly rate of six percent.

SWOBODA. Can the nation win under the Nixon Administration "economic game plan?"

GOLDFINGER. I don't think that this forecast or "game plan" of the Administration will necessarily hold at all.

Their "game plan" spells rising unemployment for the next several months, and they have admitted it. However, even that kind of "game plan" may well go off. There is no assurance that we're going to get the kind of strengthening—the kind of improvement in the economy that the Administration's economists talk of, even by the end of the year.

Things may continue down.

There is absolutely no assurance that this so-called "game plan" is working. It hasn't worked up to now, and there is no reason to believe that it will work in the next several months.

We are extremely concerned about what they have been up to—what they have been doing.

HARDEN. Thank you, gentlemen. Today's Labor News Conference guest was Nathaniel Goldfinger, director of the AFL–CIO's Department of Research. Representing the press were Neil Gilbride, labor correspondent for the Associated Press, and Frank Swoboda, Washington correspondent for Business Week magazine. This is your moderator, Frank Harden, inviting you to listen again next week. Labor News Conference is a public affairs production of the AFL–CIO, produced in cooperation with the Mutual Broadcasting System.

Mr. Speaker, it is time for the President and his Republican leaders to speak up and let the American people know what they plan to do to reverse the present economic trends. It is time that the administration announced a definite program to roll back high interest rates.

BITTER MEDICINE FOR A BAD DISEASE

The SPEAKER pro tempore (Mr. MATSUNAGA). Under a previous order of the House, the gentleman from Missouri (Mr. RANDALL), is recognized for 10 minutes.

Mr. RANDALL. Mr. Speaker, I take this time to call attention to a bill which I have today introduced which will bear the title: "A bill to aid and control inflationary pressures."

Our country today faces a lot of problems. Our country is divided over the incursion into Cambodia. Student unrest is at the highest level that any of us can remember. The crime problem remains unsolved. Notwithstanding, the urgency of the foregoing matters have one overriding problem in my judgment that affect all of us adversely and that is the present condition of our country's economy.

Last week we saw the stock market plunge to the lowest level in 8 years. Not since 1962 were the Dow-Jones averages as low as 641. The only day in recent times the market had plunged as low as 20 points was on November 22, 1963, the day President Kennedy was assassinated.

It is true the stock market has made somewhat of a recovery but not a substantial one and that decline in the values of stocks on the big board was a reckless way of saying that our country is in trouble and we may be approaching an economic crisis. Whatever the contributing causes may be, whether it is heavy Vietnam expenditures and now additional Cambodian costs; whether it is the prospect of a large Federal deficit; whether it is the necessity to raise the debt ceiling this past week by $18 billion; the fact remains that inflation goes on unchecked and the greatest worry on the minds of most of the people in this country is this cancerous growth of inflation. The prescriptions we have been using have failed. We tried the surtax and it did not work. There are some who honestly believe that the surtax was really inflationary. Tight money has certainly failed and has resulted in a burdensome load on the backs of just about everyone in our society.

Mr. Speaker, in my judgment, the time has come we can no longer postpone the day for administering a more effective measure against inflation. It is for this reason that I have prepared and today introduced a measure which will provide the President with authority to freeze prices and wages for a 90-day period. My bill will further provide at the end of 90 days that the Congress could, by concurrent resolution, extend further authority to the President or, at the end of 90 days, the Congress could determine controls were no longer necessary and

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the freeze, if ordered by the President, would be immediately lifted by a concurrent resolution of the Congress.

A most appropriate and timely question that may be asked is why have I reached the conclusion that such bitter medicine as price and wage controls are now needed? Well, the action of the stock market should be reason enough. But there are more compelling reasons. In the 29 months since January 1, 1968, the ravages of inflation have eaten 16.3 cents out of every consumer dollar. This is not only a burden on consumers but a most unfair kind of burden and hurts badly those young people who are struggling to raise a family. It most adversely affects those homebuyers who are trying to maintain their payments on their equity. Those who may be more affluent and are trying to save a few dollars are hurt along with the rest as the following statistics will demonstrate. Take, for example, those who made deposits in their savings accounts in January of 1968. If they analyze the facts they will find that dollar is no longer in that savings account. The reason is that after drawing interest at 5 percent for 29 months those who have tried so hard to save will find they have only 82 cents today in that savings account measured in terms of purchasing power.

I am most mindful that price and wage controls are strong medicine, but we are in a most unusual economic state in this century if not in all economic history. We have been witnessing cutbacks in business and increasing unemployment but with an uninterrupted price rise. The question we must ask ourselves is are we in an inflationary recession or are we in a recessionary inflation?

All of us in Congress know we have tried to help those who need help most. We enacted a 15-percent increase in social security retroactive to January 1 of his year. We followed that with a 15-percent increase for railroad retirees, but the awful facts are the growth of inflation has already wiped out over one-half of those increases. The average median settlement won by organized labor through the process of collective bargaining in 1969 was a 8.2-percent increase. Once again, the reality we must face is that those gains have nearly all been absorbed by inflation.

If the Congress and the executive branch fail to take the needed steps to check inflation, then all of the present Federal aid programs may be to no avail. If we fail to stem the tide of inflation, we will be giving with one hand Federal grants and loans, but taking away from the recipients with our other hand in the form of unchecked inflation.

Let me emphasize that I, for one, want to be fair with our President. There is nothing partisan about my remarks on this proposal or any other that would be advanced to try to control inflation. So far as I know, he has been sincere in his efforts to control inflation, but, once again, the realities have demonstrated that the methods he has used to control inflation in the past 6 months have just not worked.

Recognizing the danger of being boresome by repetition, I must say again that while price and wage controls are bitter medicine, in the case of inflation we are fighting a stubborn disease. A drastic remedy is indicated. Controls were proven to be effective remedies in World War II and the Korean emergency.

Some of my colleagues told me that my proposal would meet with resistance from the AFL-CIO. It is my understanding organized labor will support controls if there is a national emergency. I submit that we may be close to a national emergency, particularly after the recent behavior of the stock market.

I am told that the U.S. Chamber of Commerce will oppose economic controls. As I understand the attitude of the chamber, they have clearly stated that "controls have no place in a peacetime economy." Well, then the chamber should be for such controls because we are are not at the present in a peacetime economy.

If I may, Mr. Speaker, I would like to point out some of the specifics of how my proposal would work. The Congress gives authority to the President to order prices and wages frozen at the highest level prevailing 30 days before the freeze. After the freeze, it would be unlawful for any goods, commodities, services, or properties to be sold at a higher price than the freeze level. Penalties would be imposed on persons who knowingly pay higher price than the ceiling, as fixed by the freeze.

Wages would be treated similarly; that is, frozen at the highest level prevailing in the 30 days before the freeze, with accompanying penalties against those who either pay or receive a higher wage, salary, or commission than set by the freeze.

My bill provides that the President could use any existing facilities in the Federal bureaucracy to administer and enforce price and wage ceilings. Under my proposal the President could declare an economic freeze for a period of less than 90 days but Congress will still retain the option to extend controls beyond the initial 90 days or end the period of freeze if controls are no longer needed.

There is nothing in my proposal to prevent the President from extending ceilings for a second 90-day period if Congress did not act by resolution to avoid such an extension.

Mr. Speaker, I am glad to be able to point to these built-in safety valves. Here we have set up provisions which enable the Congress to leave controls in effect for longer than 90 days and yet suspend the controls at any time by a simple concurrent resolution.

I firmly believe all of our people are entitled to enjoy the least possible governmental controls. That is a principle which is best for the country over the long pull. But to cope with what will hopefully be a short-lived emergency the inconvenience of controls become a necessity. I am convinced our people are at the present the victims of rampant inflation without the ability to help themselves without governmental assistance.

My friends tell me that my farm constituents will not be happy with controls because their prices will be frozen at a level they feel will be too low. On the other hand, I have consulted with many farmers and I came away convinced they believe controls will be beneficial to them because it will put a clamp on the prices of things they will have to buy.

One of the best comparisons that I can point to is that our economy is running unrestrained like a wild horse out of control. We all know that the horse can ruin itself or can kill itself. That same thing can happen to our economy. We have all hoped that we would see a leveling off of prices and wages. Now we can no longer rely on hopes. We must take a positive, assertive action.

We hear today that everyone is tax conscious. If we do face the facts we should be ready to agree that inflation is really a tax and the cruelest and most discriminatory of all taxes.

Controls may be onerous and somewhat burdensome. Yes, controls may not be popular, but neither will a prolonged recession or depression. Those of us who lived through the 1930's remember the great depression. We all believe in a free economy. None of us will exactly welcome price and wage controls. The point is, there may be no other way.

THE TREATY OF TRIANON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HALPERN), is recognized for 10 minutes.

Mr. HALPERN. Mr. Speaker, 50 years ago today the Allied Powers concluded a peace treaty with Hungary, one of the successor states to the Austro-Hungarian monarchy which for centuries preserved a power balance and provided security and relative material affluence to the peoples of Central Europe.

Hungary formed an independent yet interrelated part of the monarchy. It possessed its own government and the 1,000-year-old Hungarian Kingdom was a bulwark of Western culture in this marginal zone of Europe, defending time and time again the area against Tartar, Turkish, and other raids.

Unfortunately the peacemakers of 1920 did not consider the past accomplishments and merits of the Hungarian nation which did not seek the First World War and whose Prime Minister in the Crown Council warned against the ultimatum to Belgrade in July 1914.

Among the peacemakers our President Wilson had relatively the most sympathy for them. He tried to create ethnically contiguous territories in this racially hopelessly mixed region. Following this principle, the peace conference began its work, only to be bogged down by the demands of the smaller allies claiming Hungarian territories not only on the basis of ethnicity, but also on economic and strategic grounds. Our generation which has seen the use of this argument by totalitarian aggressors like Hitler, is aware of the absurd character of such nationalist demands by any nation. The peacemakers of Trianon were not, especially as it was in the French interest to punish Hungary. The proposals of the American delegation for a just peace were too often disregarded, and in the end accepted even by the American negotiators. On June 27, 1968, I spoke about the American proposals on the frontiers between Hungary and Rumania which were never followed, and the examples could be multiplied by reading the documents of the peace conference and Miller's diary of the same. Finally, 3.3 million Hungarians were put under the rule of the neighboring nations who usually treated them as second-class citizens and tried to assimilate them as soon as possible. This created an irrendenta which could not be disregarded by any Hungarian Government in the interwar period and helped to fan the flames of extreme nationalism and fascism all over the region, pitting nation against nation. The result was, as we know the collapse of the anti-Hungarian Little Entente and Hitler's predominance in the region until expelled by the Red Army. The latter brought its own dictatorship with it, in the case of Hungary, an even bloodier one than before.

Hungary gained nothing by exchanging masters. The peace treaty of 1947 only reconfirmed the settlement of 1920 and to this day, the Hungarian minorities, especially the largest group in Transylvania, is exposed to the subtle, or often even overt, pressures of the neighboring countries' government to deny their national identity and to become Communist in ideology and spirit.

Thus, unfortunately we have the national ethnic issue still smoldering in the region, overshadowed, but not erased by the present anti-Soviet nationalism of the region which is held down by sheer Russian military power.

Under these circumstances, it is only proper that those American citizens of Hungarian origin remember the anniversary and use it to express their views and the need for new initiatives in the general problem which, in the last analysis can only be solved by the peoples themselves upon a withdrawal of Soviet forces. Thus, it is my privilege to ask for unanimous consent for the insertion of the memorandum drafted by the American-Hungarian Federation in active cooperation with other American Hungarian national organizations on this sad anniversary, a copy of which was submitted to President Nixon.

The memorandum follows:

DECLARATION OF AMERICAN HUNGARIAN NATIONAL ORGANIZATIONS ON THE 50TH ANNIVERSARY OF THE TREATY OF TRIANON TO THE U.S. GOVERNMENT

Fifty years ago, the peace treaty of Trianon redrew the political map of the Austro-Hungarian Monarchy and mutilated the Hungarian Kingdom. In contravention to the right of self-determination, the Trianon Treaty distributed almost sixty percent of population and two-thirds of the territory of Hungary among states which either did not exist before, or constituted small entities.

The new order created a number of multinational states of limited political and economic viability in Central Europe and forced over three-million Hungarians (about one-third of all Hungarians then living in the Carpathian Basin) to live against their will under foreign governments. Repression practiced against the Hungarians by the successor states of the Austro-Hungarian Monarchy filled volumes of League of Nations proceedings and contributed both to a lowering of living standards and to politico-military weakness of the nations of the region. This created a vacuum filled first by Hitlerite, and later, by Soviet Russian imperialism against the wishes of United States policies.

The 1920 Settlement, reconfirmed under Soviet pressure in the 1947 Treaty of Paris, again destroyed the geopolitical and economic unity of the Carpathian Basin (the area of the Hungarian Kingdom) which for a millennium provided economic prosperity and military security to the peoples there. This violent disintegration of a historically and geopolitically integrated area constituted a grave injustice to all the nationalities living in the Basin.

The consequences of these unfortunate settlements still survive and the grievous errors committed at the expense of stable peace must be faced also by us in the United States. Three and a half million Hungarians still live in the neighboring countries under foreign rule, and are repressed both on ideological and nationality grounds by the Czechoslovak, Rumanian, and to a lesser degree, by the Yugoslav Government. These Hungarians do not enjoy their basic human rights, not even cultural autonomy. In turn, the continued partition of the Carpathian Basin reenforces Soviet Russian imperialism in the region.

Grievous consequences suffered during half of a century compel the undersigned organizations of American citizens of Hungarian heritage to declare their opposition to the existing settlement and to Soviet hegemony in the region. We earnestly hope that the United States Government will establish a policy aiming at applying in the long run the right to self-determination and basic human rights and cultural autonomy to the Hungarian minorities in the Carpathian Basin with as short a delay as it is feasible. We also hope that the United States Government will, when opportunity presents itself, work for an equitable general settlement created by the 1920 and 1947 Treaties. Such a new settlement would have to include a reestablishment of the geopolitical and economic unity of the Carpathian Basin in particular, and Central Europe in general, organized for collaboration and peace, thereby restoring the national independence and individual freedoms of the Hungarian people.

Dr. Tibor Eckhardt, Chairman, North American Common Hungarian Foreign Policy Council; Prof. Andras H. Pogany, President, Hungarian Freedomfighters Association (U.S.A.); Dr. Stephen Eszterhas, Chairman, Hungarian Liberation Committee; Mr. Ernest Czike, Chairman, Collegial Society of Hungarian War Veterans (U.S.A.); Mr. Laszlo Sirsich, President, Hungarian National Committee on Hungarians of Czechoslovakia; Mr. Louis Löte, President, Committee on Transylvania; Dr. Janos Nadas, President, Hungarian Society; Mr. Gabriel Bodnar, President, Hungarian Boy Scout Association of U.S.A.; Prof. Charles Pulvari, President, Piarist Alumni Association; Hon. Albert A. Fiok, National Chairman, American Hungarian Federation; Rt. Rev. Zoltan Beky, D.D. Bishop emeritus, President, Hungarian Reformed Federation of America; Dr. Laszlo Varga, President, Federation of Free Hungarian Jurists; Mr. Remig Papp, Executive Vice President, American Transylvanian Federation; Dr. Antal Leibach, President, Council for the Liberation of Southern Hungary; Mr. Stephen Miko, President, American Hungarian Federation of State of New York, Inc., Msgr. John Sabo, President, Hungarian Catholic League of America; Professor Albert Wass de Czege, Chairman, American Hungarian Literary Guild.

Mr. PATTEN. Mr. Speaker, I am joining with pleasure the speech of my distinguished colleague from New York (Mr. HALPERN) in remembering the 50th anniversary of the peace treaty of Trianon which deprived Hungary of two-thirds of her territory and 60 percent of the population in 1920.

Recently, I was given a background paper on the subject by the American-Hungarian Federation which was drawn up in active cooperation with several other national organizations who also signed the Trianon Declaration inserted by my distinguished colleague. I include the background paper in the RECORD as it is well written, objective, and expresses in great detail not only the losses and grievances of Hungarians everywhere, but also their undaunted will to overcome them in cooperation with the neighboring peoples and to rid themselves from the yoke of Soviet communism.

The paper follows:

BACKGROUND PAPER OF AMERICAN-HUNGARIAN NATIONAL ORGANIZATIONS ON THE 50TH ANNIVERSARY OF THE TREATY OF TRIANON, JUNE 4, 1920

In 1918 President Wilson called in his Fourteen Points for an equitable peace. He included in these demands also a call for the free development of the peoples of the Austro-Hungarian Monarchy.

The efforts of the American delegation to the Paris Peace Conference, aiming at the application of the principle of national self-determination in Central Europe remained unsuccessful, however.

The victim of the new settlement became Hungary which for a millennium occupied the leading position in the Carpathian Basin which area forms a natural geopolitical and economic unit. Almost sixty percent of the population and two-thirds of the territory of the Hungarian Kingdom were transferred to selfish claimants, and close to three and a half million Hungarians were detached from the surviving Hungarian state. A large percentage of them still live in areas immediately adjacent to the frontiers of the surviving Hungarian state.

However, the creation of several new nationality states in lieu of the one multinational Austro-Hungarian Monarchy failed to solve the problem of equitable coexistence in a racially mixed area. The only beneficiaries were the protagonists of ethnic nationalism, and the peace treaty created a power vacuum by destroying the historical unity of Central Europe while lowering living standards, a sad result of new tariff walls and trade wars.

Oppressive measures against the Hungarian minorities, despite the Minorities Treaties imposed upon the new states by the Allies, filled many volumes of League of Nations proceedings, but failed to resolve the underlying issue of excessive chauvinisms, resulting in a second-class citizenship status and persecution of the Hungarians in the neighboring countries. Under Hitler's control, national passions were further exacerbated and

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helped in the long run only the task of the second invaders: Stalin's Red Army.

Hungary was again the victim of the new peace treaty signed in 1947 at Paris. The returning Czechoslovak and Rumanian authorities in the areas reattached to Hungary under the First and Second Vienna Awards (northern Transylvania and some districts in Upper Hungary with Hungarian majorities) treated the Hungarian population as if they were not entitled to the protection of any laws. Thousands of them were expelled, and hundred thousands of them were forced to declare themselves Slovak in Czechoslovakia. These facts were even exposed by the Hungarian Communist cultural organization in Czechoslovakia during the spring of 1968. In Rumania, reemerging Rumanian nationalism resulted in widespread oppression against them particularly in the 1960s. Many instances of this oppression were exposed and denounced in both Houses of Congress of the United States.

The national organizations of American citizens of Hungarian descent reiterate therefore, that even beyond the present oppression of the peoples of the region by the Soviet Union, the present state structures can accommodate only inadequately the aspirations and interests of the peoples of Central Europe.

They believe that a stable peace in Central Europe cannot be achieved until Soviet control is removed by a neutralization agreement on the Austrian model and until thereafter the peoples of the region are allowed to concentrate upon their outstanding ethnic, political and economic problems, leading to a reorganization of the area.

This reorganization must be left to the peoples involved. We believe that American policy should promote the integration of the Carpathian Basin and Central Europe which formed an economic and political unit, for many centuries.

However, even until such a reorganization may be realized, there are short-term measures which may be taken. Even according to Leninist principles, discrimination on the basis of nationality is a grievous error. Supporting the demand to national self-determination cannot be considered a forbidden intervention. We believe that the nationalities of Central Europe should be entitled to enjoy equal rights with the majority and that ethnic nationalism should not be the guiding force of state politics regardless of the general ideological line adhered to.

The national organizations of American citizens of Hungarian descent know that the politico-economic interests of the Soviet Union do not favor the above approach. Today, the U.S.S.R. exploits the surviving enmities among the nations of Central Europe in order to maintain her own hegemony. She is afraid that the undeniable rise of a new, anti-Soviet nationalism, based on the common aspiration of freedom by all oppressed peoples of the region could provide the nucleus of a more powerful and united resistance against the Soviet Union and create a more prosperous region.

The national organizations of American citizens of Hungarian descent strongly believe that while Hungarians, whether living in Hungary, Czechoslovakia, Rumania, or Yugoslavia can and will not accept the unjust settlements imposed upon them at Trianon (1920) and Paris (1947), they are interested in working out with the interested peoples a reintegration of the Carpathian Basin and of Central Europe.

They call, therefore, on our Government to take whatever steps are feasible in the coming talks with the Soviet Union on European security to effect the withdrawal of Soviet forces from the Carpathian Basin and to promote closer ties among the nations of Central Europe. They also call for initiatives to secure the protection of the three and a half million Hungarians living as minorities in the Carpathian Basin until a lasting solution of the regional problems may be found.

PANAMA CANAL SOVEREIGNTY AND MODERNIZATION: LATEST DEVELOPMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Flood), is recognized for 15 minutes.

Mr. FLOOD. Mr. Speaker, despite the series of problems in Southeast Asia, the Near East, and on the domestic front that have been thronging upon us, there are other matters of the gravest importance requiring attention and which cannot be safely ignored. In recent weeks a convergence of events relative to the Panama Canal is most significant.

First, on April 22, 1970, Gov. Walter P. Leber of the Canal Zone, in a statement before the Subcommittee on the Panama Canal of the Committee on Merchant Marine and Fisheries, discussed some little understood angles of the interoceanic canal question. He confirmed the wisdom of the choice of the high-level lake and lock canal and expressed the view that the Panama Canal will survive the new competition of oil pipelines and supersize vessels, predicting a long and healthy future.

Because of the importance of the Governor's statement, I wrote an appraisal of it to Chairman Leonor K. Sullivan of the subcommittee emphasizing that its effect is to place additional nails in the coffin of the sea-level-canal cadaver.

The full text of the April 22 hearings will be available at an early date and should be consulted in connection with comments that I have circulated to all Members of the Congress.

A second development of significance was the White House announcement on May 16, 1970, of the appointment of 33-year-old Daniel W. Hofgren, a Presidential assistant with no background of Canal experience, as Special Representative of the United States for renewed interoceanic canal negotiations between the United States and Panama with the personal rank of Ambassador. He would become the principal assistant for Chief Negotiator Robert B. Anderson who is also the Chairman of the Atlantic-Pacific Interoceanic Canal Study Commission and an advocate for the surrender of U.S. sovereignty over the Canal Zone to Panama, the construction of a sea-level canal, and eventually giving to Panama not only the existing Panama Canal but also any new canal constructed at the expense of the American taxpayer, all all without a cent of compensation.

In this connection, the attention of the Congress is invited to the fact that more than 100 Representatives are supporting identical House resolutions in opposition to any surrender at Panama, either of the Canal Zone or the Canal; also to the fact that measures have been introduced in both House and Senate to provide for the major modernization of the existing Panama Canal.

Because of the relation of the recent developments to the overall canal situation, I quote as parts of my remarks my April 27, 1970, letter to Chairman Sullivan, the May 16 White House release on the Hofgren appointment, and a May 18 editorial of the Chicago Tribune as follows:

April 27, 1970.

Hon. Leonor K. Sullivan,
Chairman, Subcommittee on Panama Canal, Committee on Merchant Marine and Fisheries, House of Representatives.

Dear Madam Chairman: I have read with much interest the statement by Governor Walter P. Leber of the Canal Zone on April 22, 1970, before your subcommittee. Though the views expressed by him were ably delivered and contain much valuable information for future reference, the picture presented is not complete. It is regrettable that he did not give his observations on the Third Locks Project and that no questions touching this subject were asked him at the hearings.

The task before the Congress as regards the Panama Canal is twofold: (1) increase of capacity and (2) improvement of operations. What is needed to effect both of these objectives is a two way ship channel in the summit level with ample and logically located consolidated locks at each end of the Canal. The required increase of capacity and operational improvement would be attained under identical bills for the major modernization of the existing Canal now before the Senate and House, S. 2228 and H.R. 3792.

The program for the full modernization therein contemplated, known as the Terminal Lake-Third Locks Plan, in the opinion of competent experienced canal experts not only would provide the needed increase of capacity and improvement in operational efficiency, but also would enable the maximum utilization of all work on the Canal so far accomplished, and with the certainty of success. This plan would supply the best operational canal practicable of achievement at least cost and, most importantly, without the necessity for negotiating a new treaty with Panama.

By way of explanation, the original Third Locks Project was authorized in 1939 pursuant to a 1932 report of the U.S. Army Interoceanic Canal Board at a cost not to exceed $277,000,000. This Board estimated that additional lock capacity would be required about 1970. (H. Doc. No. 139, 72d Congress, p. 27).

Construction on the Third Locks Project started in 1940, but was suspended in May, 1942, because of the exactions of World War II. The total expenditures on it were $76,357,405, mainly on lock site excavations at Gatun and Miraflores, which are usable in the full modernization program. No exacavation was started at Pedro Miguel, which is fortunate.

The enlargement of Gaillard Cut, scheduled for completion in 1971 at a cost of more than $81,000,000, together with the expenditures on the suspended Third Locks Project, totals more than $157,000,000 expended toward the major modernization of the existing canal. Including defense, the Panama Canal represents an investment of more than $5 Billion of our taxpayer's money. If converted into 1970 dollars, this figure would be far greater.

There are a number of points in Governor Leber's statement which I shall summarize:

1. Despite the competition of oil pipe lines, giant tankers and ore carriers, huge aircraft and "land bridges" (railroads), the Panama Canal is not about to go out of business but is destined for "a long and healthy future". (See Par. 4 of the Governor's statement).

2. History confirms the wisdom of the 1906 adoption of the high level lake and lock type

canal, described as a "prudent decision". (Par. 10).

3. The super ocean vessels now being constructed were planned because of toll considerations, for use on trade routes that do not require transit of the Panama Canal, and which vessels would not use this canal even if they could transit it. (Par. 16).

The three points just summarized are important in the evaluation of misleading propaganda as regards type of canal, for they are never presented by advocates of the so-called sea level plan. Thus, they are additional nails from an official source in the coffin of the cadaver of the ancient sea level idea.

In the 1945–47 lock canal studies by the Governor of the Panama Canal Zone under Public Law 280, 79th Congress, it provided for raising the present Gatun Lake maximum water level of 87 feet to 92 feet, a raise of 5 feet doubling the reserve water supply, for a "fully modernized lock canal at Panama". (A.S.C.E. Transactions, Vol. 114 (1949), p. 619).

As to the current short and long range canal improvement programs discussed by Governor Leber (See pars. 26–30), with exception of the question of additional water, these consist of routine repairs, alterations or maintenance projects of non-basic character necessary for efficient administration. Even if all such programs are accomplished, the canal would still remain essentially what it was in 1914, with the same navigational bottleneck at Pedro Miguel causing a series of operational problems and reducing capacity.

In regard to Governor Leber's discussion of provisions for additional water (Par. 29(b)), he does not mention the raising of the Gatun Lake water level. This angle is fundamental and cannot be ignored in any program that purports to be realistic.

Instead of expanding large sums for the improvement of the existing canal (87' maximum water level), past experience in its operations indicated that the wiser course would be to authorize its major modernization so that the improvement program could be developed and applied to the canal of the future at a higher lake level and not to that of 1914. Unless this is done, much of the improvement expenditures could prove a waste of money.

A recent example of poor planning in the Canal Zone was the construction of housing at Pedro Miguel in an area that will be flooded if and when the present Miraflores Lake is elevated to the level of Gatun Lake.

Governor Leber's testimony is a step in the right direction—but only a step. Much remains to be clarified before the Congress can legislate with confidence that its action is in the best interest of the United States, Panama and shipping in general.

Though the Governor's statement is very helpful so far as it goes, it should be followed up with extensive hearings on the above indicated bills. Otherwise, the Congress will not have adequate information on this vital matter and be limited by Governor Leber's testimony now under discussion. Certainly, Governor Leber's views on the subject of the fully modernized canal should be obtained.

I would add that the problems presented can be satisfactorily solved only by enactment of the pending legislation for the full modernization of the existing canal at far less cost and on which more than $157,000,000 will have been expended on completion of Gaillard Cut widening, all of which can be constructed without treaty involvement with Panama.

Sincerely yours,

DANIEL J. FLOOD,
Member of Congress.

WHITE HOUSE PRESS RELEASE

The President today announced the designation of Daniel W. Hofgren of New York City as Special Representative of the United States for Inter-Oceanic Canal Negotiations, with the personal rank of Ambassador. He succeeds John N. Irwin II, who resigned on April 21, 1968.

The Inter-Oceanic Canal Negotiations between the United States and Panama were undertaken in 1964 for the purpose of reaching new agreements regarding the Panama Canal, to replace the original 1903 treaty. Robert B. Anderson, former Secretary of the Treasury, has headed the United States negotiating team since the talks began. Daniel Hofgren will become Ambassador Anderson's principal assistant.

Hofgren, 33, has served as a Special Assistant to the President since January, 1969. Prior to joining the White House staff, he had spent seven years as financial advisor to the Edwin Jay Gould estate in New York and had been active in the investment business in the United States and Latin America. In the summer of 1957, while still an undergraduate at Colgate, Hofgren worked at the White House as an aide to Cabinet secretary Robert Gray. Following his graduation in 1958, he had several assignments in international youth affairs—in 1958 as a consultant to the American Council on NATO for Atlantic Youth Affairs and in 1959 as Director of the Paris Conference for Political Youth Leaders and Organizations and as a delegate to the Atlantic Congress in London. Hofgren was a member of the Board of Foreign Scholarships from 1959 to 1962.

Hofgren is married to the former Alexandra Walton Smith; they have one son.

[From the Chicago Tribune, May 18, 1970]

LET'S KEEP THE CANAL WE ALREADY HAVE

The White House has announced that Daniel Holfgren, a Presidential assistant, will leave soon to take charge of negotiations with Panama for a new Atlantic-Pacific canal. This is an ominous step, not only because no new canal is needed but also because it portends revival of proposed treaties with Panama on the status and defense of the existing canal.

Under a secret agreement between the Johnson administration and the government of Panama, the 1903 treaty granting effective sovereignty in the Canal Zone to the United States "in perpetuity" would be replaced by a new treaty expressly acknowledging Panama's sovereignty in the zone and surrendering ownership and control of the canal to a joint United States-Panamanian authority. A second treaty on the defense of the canal would restrict United States bases to a smaller area and require Panama's consent for operations outside the zone in case of aggression. A third treaty would authorize the construction of a sea level canal with the same concessions to Panama.

The proposed treaties were shelved by both governments when their texts were obtained and published by THE TRIBUNE and a storm of controversy ensued. Solomon Cady Hollister, dean emeritus of engineering at Cornell university and former chairman of a board of congressional consultants which had studied problems of the canal exhaustively, said the proposed treaties would jeopardize the existing canal as a dependable waterway and that no new canal was needed.

President Johnson appointed a commission headed by Robert B. Anderson, former secretary of the treasury in the Eisenhower administration, to study possible sites for a sea level canal, and its report is due late this year. Without waiting for it, however, the Nixon administration has moved to resume negotiations with the Panamanian government, now headed by a military dictator, Brig. Gen. Omar Terrijos.

Maj. Gen. Walter P. Leber, governor of the Canal Zone and president of the Panama Canal company, recently presented to a House of Representatives subcommittee the results of two expert studies, one on the capacity of the canal with projected improvements and one on potential traffic. These studies indicated a traffic potential of 18,400 transits a year [17,900 of them commercial] by 1985, compared with 14,602 transits [13,150 commercial] in 1969. Improvements now being made or projected will permit more than 19,000 transits a year by 1985, and the ultimate capacity of the canal is 26,800 transits a year. This would be sufficient for all potential traffic well into the next century, and Gen. Leber said the improvements, with an ultimate cost of 92 million dollars, could be made "at a very favorable cost-benefit ratio."

Gen. Leber explained that the advent of the superships—tankers, bulk carriers, and container ships for general cargo—has changed the economic importance of canals. They are designed to avoid payment of canal tolls by taking longer routes, which they can do economically because of their size. The closing of the Suez Canal in 1967 meant a tremendous loss of revenue to Egypt, but it has had little impact on world shipping because it is cheaper for super-tankers to go around the Cape of Good Hope than it would be to pay Suez canal tolls.

A ship from Japan saves 13 days by going through the Panama canal to the east coast of the Unted States, but the transportation cost for a ton of coal in a 150,000-ton ship going around the Cape of Good Hope to Japan is only $2.25, compared with $3.11 in a typical 50,000-ton ship using the Panama canal.

A sea level canal, costing billions of dollars, would have to charge tolls so high that no ships that are too big for the present canal would use it.

REFORM AND REORGANIZATION OF THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS), is recognized for 10 minutes.

Mr. REUSS. Mr. Speaker, this morning Congressman VANIK and myself proposed that the Democrats in the House of Representatives who aspire to leadership positions make clear their stands on reform of the House. I hope that between now and the leadership elections in January all of my colleagues will give thoughtful consideration to the reforms needed in this body, and to the role of the House leadership in bringing about those reforms.

I ask that the joint statement of Congressman VANIK and myself be included in the RECORD at this point:

STATEMENT OF CONGRESSMEN HENRY REUSS AND CHARLES A. VANIK, REFORM AND REORGANIZATION OF THE HOUSE OF REPRESENTATIVES

The House Democratic Caucus will choose a new Speaker and a new Majority Leader in January.

It is important that the candidates for these positions make clear now their positions on reform and reorganization of the House of Representatives. The House of Representatives as it now operates cannot deal effectively and responsibly with the problems of the 1970's, a conclusion shared by an increasingly large number of Americans.

The needed changes can come about only with the vigorous support of those who aspire to lead the House. Accordingly, we believe that candidates for the leadership posts should make clear now—to their colleagues and to the country—their stand on the following four essential reforms:

(1) Seniority: Open, democratic selection

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of Committee chairmen in the Democratic Caucus through record ballots;

(2) Record voting: Provision for record votes in the House on all important issues, by abolishing the Committee of the Whole;

(3) Committee democracy: Divesting Committee Chairman of arbitrary powers;

(4) Secrecy: Abolition of all secret sessions of Committees except where national security is clearly involved.

PROGRESS AT THE FCC FOR LAND MOBILE

(Mr. DINGELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DINGELL. Mr. Speaker, on May 20, 1970, the FCC took what is for it and for the public a historic step in meeting its responsibilities to make possible and encourage the larger and more effective use of radio in the public interest, as required by the Congress in the Communications Act of 1934. It was a historic step for the FCC because, by its own statement, it had been "studying the land mobile frequency congestion problem for over 13 years" without taking any action to deal with the basic problem of an apparent imbalance in spectrum allocation, and the problems faced by the land mobile services were, in the words of the FCC, urgent enough to require decisions "without further delay."

It was a historic step in the public interest because of the importance of adequate land mobile radio communications to our society. Even the Commission has said that this is beyond question. It has also said that there is little, if any, dispute that "congestion and the unavailability of frequencies are seriously affecting the public interest in that vital services are being hampered because of inadequate radio communications."

For their part in bringing these actions about, much credit must be given to the present chairman of the FCC, Dean Burch, and to his immediate predecessor, Rosel Hyde. It was not until Mr. Hyde became chairman in 1966 that the FCC stopped its foot dragging, and began to focus on the need for doing something to solve this problem, and the present chairman has indicated a determination to keep up the pressure to achieve the solution. Indeed, the situation had become so critical even by the time the 1966 annual report of the FCC was prepared that the Commission described the congestion in the land mobile services as one of the thorniest problems confronting the Commission and it compared the land mobile congestion to "a main highway on a summer weekend, so overcrowded with vehicles that traffic has come to a standstill."

So, at last, after 13 years of study the FCC has taken the first steps to provide additional frequency spectrum in order to make improved land mobile communications possible. These land mobile communications include not only the radio communications used by police and fire departments, but also by business and Government activities ranging as widely as airline terminal operations and the operation of public zoos, and including small businesses, taxis, telephone and utility repair crews, doctors, and ambulances. They are all included under the term "private land mobile communications services" because they are communications systems serving specialized purposes.

The situation had become so desperate that, after the FCC had been studying this matter for over 9 years without taking any action, the Select Committee on Small Business found it necessary to hold a series of hearings on the matter to provide specific evidence of the harm which was being done to the country by the failure of the FCC to take the necessary action. These hearings were conducted by a subcommittee, of which I have the honor to be chairman, under the able direction of the gentleman from Tennessee, Congressman JOE L. EVINS, who is chairman of the full committee. I am pleased to note that the record of those hearings and the conclusions and recommendations which followed, which were transmitted to the House of Representatives by the chairman of the Select Committee on Small Business, have been taken note of by the FCC and that action has now been taken by that agency to at least begin to provide the urgently needed relief.

The subcommittee began its inquiry into this problem in 1966, by hearings which included witnesses from Salisbury, N.C.; Dearborn, Mich.; Chicago, Ill.; Northampton, Mass.; Atlanta, Ga.; Belleville, Mich.; Charlotte, N.C.; and New York City. All of these witnesses pointed out the urgent need for the FCC to make additional spectrum space available in order to permit improved land mobile radio communications.

Then, in a series of hearings beginning in February 1968, our subcommittee heard as witnesses the Special Assistant to the President of the United States for Telecommunications, the chairman of the Joint Technical Advisory Committee of the Institute of Electrical and Electronics Engineers and the Electronic Industries Association, the director of Radio Communications for the city of New York, a director of the National Association of Business and Educational Radio, a physicist with the Institute of Telecommunications Sciences, Department of Commerce, the executive director of the Association of Maximum Service Telecasters and its consulting engineer, the president of the National Association of Broadcasters, and the chairman of the Frequency Utilization and Administrative Committee of the joint FCC-industry Land Mobile Advisory Committee, as well as witnesses from New Jersey, Detroit, Chicago, and Los Angeles.

In order to obtain the greatest possible understanding of the problem, the committee personally visited many of these communities. The witnesses which appeared before it at the hearings included police chiefs, a State police director of communications, representatives of Government agencies, and utility companies providing water and electricity to the people, officials of State highway agencies and city transit authorities, as well as the wide range of other business activities which provide services to the public.

In 1969, we heard from representatives of the utilities industry, the airline industry and the newspaper publishers, and also from a doctor from Miami, the director of communications for the city of Miami, the Assistant Secretary for Research and Technology, Department of Transportation, the National Institute of Law Enforcement and Criminal Justice, Department of Justice, the Director of the Institute for Telecommunications Sciences, Department of Commerce at Boulder, Colo., the Director of Telecommunications Management in the Executive Office of the President, the International Association of Chiefs of Police, the Assistant Secretary of Commerce for Science and Technology, the Land Mobile Communications Council, the chairman and members of the FCC, and representatives from the television broadcasting industry.

There was no doubt from the testimony our committee received in these hearings that it was essential that additional frequency spectrum be provided by the FCC for land mobile communications, and I am proud of the role which our committee, a part of the Congress, played in nailing this point down.

However, while there has been progress at the FCC, much more remains to be done. The Commission has provided relief only in the largest of our cities and we have heard witness after witness from communities of smaller size across the country who have also eloquently stated the need for relief applicable to their areas. Now that the FCC has established the principle that it can provide additional spectrum space for the land mobile radio services without, in its own words, "any significant interference to television reception," it is essential that it apply this same principle throughout the country in order to make additional spectrum available for land mobile use. I will not consider that the Commission will have carried out its responsibility of serving the public interest in the communications field until it has expanded the relief it has now found possible to provide to include land mobile users wherever they may be.

I also do not consider that the Commission will have carried out its responsibility to the public until it has provided an adequate amount of frequency spectrum. By its own admission, in just the next 10 years communications requirements now being met in the private land mobile service can be expected to at least double. And yet, in its actions on May 20, 1970, the FCC provided only a fraction of the additional spectrum space which will be useable to accommodate requirements now being met in the private land mobile service. It is essential that the Commission take the necessary steps now to insure that useable additional land mobile spectrum will become available during the next 10 years to meet the needs of the users in the private land mobile services.

Our urban areas are constantly growing in population and the need for mobile radio communications is increasing even more rapidly as a result of this growth. Furthermore, our smaller cities are becoming larger and their needs cannot, and must not, be permitted to be

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stifled by an inadequate amount of frequency spectrum for land mobile communications, as has been the case in our largest cities today. The test for relief in such areas should be whether additional spectrum can be made available without significant interference of television reception, not just whether a city's land mobile communications are as congested as they are in New York, Los Angeles, or Chicago.

Indeed, the same type of test should be applied everywhere as a first step. The FCC cannot rest until it achieves the goal for providing additional land mobile spectrum in adequate quantities wherever it can be made available without such interference to television reception. At times this may necessitate making use of unused or idle UHF TV assignments, as the FCC has proposed. In its actions of May 20, 1970, the FCC has dealt with the tip of the iceberg. It must now cope with the whole problem.

"HEART-SAVER SQUADS" BILL

(Mr. DANIELS of New Jersey asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DANIELS of New Jersey. Mr. Speaker, on February 18, 1969, I introduced legislation to amend title IX of the Public Health Service Act in order to provide Federal assistance and encourage local initiative to demonstrate the effectiveness of emergency "heart-saver squads" for heart attack victims.

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At that time I called to my colleagues' attention the fact that proper medical care administered to victims of congestive heart failure within the first 60 minutes following the heart attack can mean the difference between life and death.

Nearby Montgomery County, Md., has one of the five such "heartmobile" units in this country. According to an article in Sunday's Washington Post, this emergency heart-care unit has been operational since March 16, 1970, and has already responded to about 140 calls for help.

There are few counties that have the resources of Montgomery County, and the purpose of my legislation is to provide the necessary Federal assistance so that appropriate local units can establish their own heartmobile facilities. Funds could be used to provide emergency care for the patient by dispatching specially trained persons in specially equipped ambulances. The bill also provides funds to supplement the training of specialized personnel in the use of pertinent portable equipment and emergency care techniques.

I want to include the entire article from the Washington Post so that the Members can note a vivid example of the kind of lifesaving services provided by this heartmobile. Without this unit, no doubt many men and women stricken with congestive heart failure would not have survived the attack.

I hope that my distinguished colleagues will unite with me to secure passage of H.R. 6956 which will result in sharply lowering the fatality rate of one of this Nation's greatest killers—heart attacks.

The text of the article follows:

LIFESAVING HEARTMOBILE SPEEDS CARE TO VICTIMS

(By Stuart Auerbach)

Abraham Katz had not been feeling well all week. He thought he had the flu, and was taking antibiotics and orange juice.

Suddenly, he started gasping for breath. It was about 6:30 p.m.

His wife did not know it, but Katz, 75, was suffering an attack of congestive heart failure. His heart was unable to pump out all the blood that was flowing into it. As a result, his lungs became so filled with fluid he was unable to breathe.

As his breathing became more labored, Mrs. Katz called a Montgomery County rescue squad. An ambulance arrived at the Katz apartment, 1220 East-West Highway, within 2 minutes.

At the same time, buzzers sounded in the emergency room and cardiac care unit at Holy Cross Hospital, a few miles from the Katz apartment.

The buzzer sent into action the heartmobile—a 21-foot-long van completely equipped to give sophisticated, on-the-spot care to heart attack victims. Five days a week, 16 hours a day, the van responds to all calls that sound like heart attacks within a four-mile radius of Holy Cross—an area that includes half a million people.

Nurse Mary Beth Lagoey and cardiovascular technician John A. White ran down seven flights of stairs from the hospital's cardiac care unit—they find it faster than the elevator—while driver Dan Hutchinson raced from the emergency room and started the van. Technician Al Fagles was already aboard.

The van arrived at the Katz apartment less than minutes after the rescue squad was called, bringing with it everything modern medicine offers to save heart attack victims.

Mrs. Lagoey grabbed a black bag filled with drugs, syringes, intravenous fluids and other medical equipment.

Fagles picked up the most sophisticated piece of portable equipment on board—an electronic box that records the patient's heart rhythm so the heartmobile crew can see it while at the same time transmit it by radio to a machine in a doctor's home or office so he can diagnose the problem.

SHOCK MACHINE

The same battery-powered machine also can be used to apply a severe shock to the patient's chest in case he goes into fibrillation—wild, uncontrolled heart beats that fail to produce pumping power and lead to death.

The heartmobile team's performance in the Katz apartment was swift, sure and practiced.

Mrs. Lagoey quickly asked Mrs. Katz what had happened and tried to calm her. Fagles and Hutchinson attended Katz, who was gasping for breath on his bed.

The rescue squad attendants already had clamped an oxygen mask over Katz' face to help him breathe. One held the paddles on his chest to provide the electrocardiogram. Recognizing the symptoms of congestive heart failure, Fagles began putting tourniquets on Katz' arms and legs to cut the flow of blood to the heart and reduce the amount of work it had to do.

Mrs. Lagoey, relying on standing signed orders from doctors in charge of the program, began giving drugs to stop some of the heart's premature contractions.

HEART MONITOR

In the van, White spoke by radio to the doctor on call, who was watching the electrocardiogram sent from Katz' bedroom the same way doctors in Houston monitor astronauts' heart action during space flights.

Katz was clearly in pain. His breathing, despite the oxygen and the drugs, became increasingly labored. He fought the oxygen mask on his face.

"Okay, Mr. Katz. You're going to breathe easier now," said Mrs. Lagoey. "Don't move. This will make you breathe easier. You're going to be all right."

Within 20 minutes of his wife's call to the rescue squad, Katz was breathing easier and looking better. By 7:14 p.m., he had been carried down to the van where he was given other drugs. By the time the van reached Holy Cross Hospital, he looked like a new man and was talking to the attendants.

Katz had been treated by one of the newest and most sophisticated weapons of medicine.

RECENT WEAPON

Mobile coronary care units, relying on space-age technology, were first used in Belfast, Northern Ireland, two years ago. The first one in the United States was put into service last year in New York.

Montgomery County's heartmobile put in service March 16, is only the fifth in the nation. It already has answered about 140 calls.

The Montgomery County unit is unique in that no doctors ride on it. It relies, instead, on the intensive training of nurses and technicians and the close radio communication with one of six cardiologists who always are on call.

Saving heart attack victims, doctors agree, demands quick action—the use of drugs and sophisticated equipment as soon as the heart stops or begings to beat wildly.

Heart attack deaths have been cut in half since hospitals opened special cardiac care units, with their constant monitoring of patients and ready response to crises. But 65 per cent of all heart attack deaths occur outside a hospital. These are the people mobile coronary care units are designed to help.

DEATH REDUCTION

Dr. William J. Grace of St. Vincent's Hospital in New York, who ran the nation's first unit, estimated heart attack deaths could be halved by a network of mobile units.

The problem is they are expensive, and the highly trained staff they demand are in short supply.

The Montgomery County unit cost $145,000 to build, equip and run for a year.

It was financed by a $100,000 grant from the Regional Medical Program to the Montgomery County Heart Association, $35,000 donation from American Optical Co. for the electronic equipment and $10,000 from the fraternal Order of Eagles.

A shortage of trained staff members means that the heartmobile now operates on the limited 16-hour, five day schedule.

COMPLEX EQUIPMENT

The equipment on board is so complex the technician has to be a combination master electrician and doctor's assistant to run it. As on spaceships, everything has a backup unit. Besides the portable electrocardiogram machine, there is one attached to the van. The van has its own defibrillator.

If the patient stops breathing, there is a portable resuscitator that massages the heart and pumps air into the lungs.

And if a doctor should need it, there is even a demand pacemaker on the van.

Despite the cost, Katz' son Julius has no doubt about the value of the mobile coronary unit.

"My father would be dead now if it wasn't for that heartmobile," he said. "I think it's a wonderful thing. There should be more of them."

DEPARTMENT OF LABOR AND UMW ELECTION

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, recently, Secretary of Labor George P. Shultz testified before the Senate Labor Subcommittee on his Department's role in the United Mine Workers election last year. Having personally participated in that campaign, I was amazed by the Secretary of Labor's statements. It is a sad commentary that the Department of Labor was guilty of inaction and lack of responsibility in facing up to the tyranny and violence which marked the 1969 UMW election campaign. The following sworn rebuttal statement by Joseph A. "Chip" Yablonski, son of the late Joseph "Jock" Yablonski, and Attorney Joseph L. Rauh, Jr., is pertinent to the issues raised in the UMWA election campaign and Secretary of Labor Shultz:

MAY 26, 1970.

Hon. HARRISON WILLIAMS,
Chairman, Senate Labor Subcommittee, Senate Office Building, Washington, D.C.

DEAR SENATOR WILLIAMS: On May 4, 1970, the Secretary of Labor, George P. Shultz, his Assistant, Willie J. Usery, and his Solicitor, Laurence H. Silberman, testified before your subcommittee in connection with the Department's activities concerning the United Mine Workers of America, with particular emphasis on the recent UMWA election. That same day we requested by telegram and telephone the opportunity to respond and rebut the guilt-ridden and baseless statements made by the Secretary and his associates. We were denied this opportunity. Having been denied this right to respond promptly in person, we wish to insert in the record our review of the Secretary's statement and indicate for the subcommittee its most serious inaccuracies.

Refusal to conduct pre-election investigation.—Let us begin with the Secretary's continued insistence that the Labor Department's policy of refusing to conduct an investigation during the course of an election is a proper one. That policy flies in the face of the Secretary's admissions concerning the "broad language of section 601" (p. 2) and the decisions of "two courts of appeal [that] have held that the broad investigatory authority under Title VI is not limited by the express procedural requirements of section 402" (p. 4). These damaging admissions conclusively establish that the Secretary's refusal to investigate in the pre-election period had no basis in the law (LMRDA) or in the court decisions interpreting it.

Indeed, the primary justification for the Secretary's inaction is his own previous inaction and that of his predecessors since 1959. The other asserted reason, stripped of the obfuscating rhetoric, is that to enforce the law—to conduct an investigation—might injure or harm the party accused of breaking the law. The Secretary's fear that an investigation might help or hurt candidates is no reason to decline to carry out his responsibilities. The emphasis should be placed on screening the allegations and charges to discard the baseless and frivolous ones, and to investigate those with merit. A policy against pre-election investigation might make some sense in the ordinary case; an inflexible rule against pre-election investigation in the face of the UMWA bosses' massive violations of law makes no sense at all. The Secretary's investigatory presence would insure greater compliance with the law and no accusatory proceedings would be required until after the returns are in. Thus, the Secretary's fear that his action "would almost surely influence the outcome of the election" (p. 6) is a hollow one. It is simply a boogie man erected to justify a bureaucratic indifference that contributed to the murder of the Yablonski family. Contrary to the Secretary's suggestion that the Act must be amended to permit pre-election investigations, it is clear from the foregoing and the general intent of the legislation to protect union members' rights and promote union democracy, that the Act need not be amended so much as the Secretary must be directed to perform the responsibilities Congress imposed on his office.

In dealing with his inaction in the UMWA election case, the Secretary states that "the only purpose of such a pre-election investigation in this case would have been to publicize the existence of violations of the statute" (p. 6). But that was not the reason we requested an investigation; we have said since the outset that a *federal presence* would have prevented further violence and other daily violations of the law. Only through the most tortured reasoning could the Secretary arrive at the conclusion that because the UMWA had broken the law—and that Mr. Yablonski's pre-election suits conclusively demonstrated this—Mr. Yablonski's requests for an investigation should not have been heeded. The Subcommittee should have recognized this as sophistry, but the Secretary was not even questioned on this matter.

Violence.—The discussion of violence during the campaign further demonstrates the Secretary's lack of candor. On February 21, 1970, we wrote to the Secretary describing in detail much of the violence that occurred during the course of the campaign. The letter ended with the following request:

"We know we cannot affect your decision, but we do have the right as American citizens to demand answers to our verified evidence of violations of law. *We ask that you give us an answer point by point to each illegality we have charged.* We ask you to take each such illegality separately and tell the public whether it was proven, erroneous, or not investigated."

To this day, we have never received a seriatium disposition of our verified charges. We have yet to be informed of the results of any investigations or even to be informed that there were any investigations on most of these incidents, despite the Secretary's assertion that "[e]very one of those allegations was investigated" (p. 7).

The testimony on the two incidents of violence which were allegedly investigated is illuminating. Contemporaneous with the events in Shenandoah, the Shenandoah Evening Herald carried a banner headline, pictures and a very descriptive article and editorial relating to the manner and fashion that the meeting was broken up. Subsequently, we obtained affidavits which corroborated the impartial newsmen's story. In sum, they disclose that a union meeting of union members supporting the candidacies of Yablonski and Brown was scheduled for the Shenandoah High School at 3:00 o'clock p.m. on June 29, 1969. *Before* the meeting started, International and District representatives, including John Karlavage and Boley Ovara, led a group of shouting, placard waving individuals into the school auditorium. They prevented the meeting from being held and threatened the old pensioned miners and ordered them to go home. The attached newspaper story and affidavits speak for themselves. The Secretary's indication that the law permits this type of conduct is so incredible that it should easily have been discredited by the committee.

No one paragraph in the Secretary's 22 page statement more clearly illustrates the manner in which the federal agencies combine *not* to enforce the law than the one on page eight where the Secretary describes the events at Springfield, Illinois on June 28, 1969 where Mr. Yablonski was brutally assaulted and knocked unconscious. Within a day after the incident the Justice Department through Henry Peterson was given a factual summary of what had occurred. In another day or so, the names of eight people who attended the meeting were also given to him. Neither Mr. Yablonski (to our knowledge) nor anyone else was ever interviewed at that time concerning this incident.

On December 23rd, Mr. Peterson informed Mr. Rauh that the F.B.I. had been unable to determine who the assailant was, and that the matter had been dropped. Secretary Shultz, nevertheless, testified that the assailant had been identified, that he stated that he had struck Mr. Yablonski on the chin from the front,[1] and "that it was strictly a spontaneous action and that he was not paid or otherwise induced to commit the assault . . ." (p. 8). A phone call to the Department of Justice after the Shultz testimony revealed that the assailant had indeed been identified but not until the investigation was reopened *following the murders.*

But neither Mr. Rauh nor anyone in the Yablonski family or anyone connected with the Yablonski campaign has ever been interviewed or consulted during this investigation. Apparently the Labor Department feels compelled to accept the explanations of the perpetrators of union crime without reservation. The testimony of Messrs. Usery and Silberman on this point are illustrative of their utter refusal to discuss this matter with Mr. Yablonski, his sons or campaign aides. The Justice Department was initially informed that the Springfield meeting had been set up by a Mr. George Morris, Jr., who was erroneously believed to be a leader of the anti-Boyle forces in Illinois. Only a dozen or so local union officials attended the meeting in a hotel room at the State House Inn. It was not a "rally" (as Mr. Usery stated, p. 666), but was a preliminary, introductory session with a handful of local leaders. Though Mr. Yablonski was led to believe those in attendance favored his candidacy, he was not warmly received. Thus, when Mr. Usery states the group was "Yablonski supporters", he is again wrong. Finally, his statement about the substance of the discussion—voting rights of pensioners—is drawn directly from a Tony Boyle press release. Mr. Yablonski never at any time, let alone in the company of a dozen hostile Boyle supporters, maintained that pensioners should not vote. Either Boyle propounded this lie for the assailant which the Secretary readily accepted, or Mr. Boyle has access to the Department's investigatory files. Nevertheless, even the contrived set of facts described by Shultz and Company makes out a prima facie case of a violation of Section 610 rather than being deserving of the whitewash applied by the Labor Department.

But more significantly, after the Shultz testimony the Labor Department admitted they did not know that George Morris, Jr., the man who set up the meeting, had received more than $1500 from UMWA District 12 (Illinois) last year. Nor did they know that four of the other men that Mr. Yablonski identified as attending the meeting received more than $500 each from District 12 in 1969.[3] Mr. Chairman, the investigation of the Springfield matter was a massive cover-up operation. It indicates that in the enforcement of this law (LMRDA), the Government accepts the word of the attackers and does not even interview the victim.

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[1] The F.B.I. interviewed Emil Sposato, M.D., the doctor who examined Mr. Yablonski, the night of the incident. But neither the F.B.I. nor Labor Department ever interviewed or asked to see the report, records and notes of the treating physician, Robert Schwartz, M.D. Doctor Schwartz has unequivocally stated that Mr. Yablonski was struck on the back of the neck. Nor has the treating neurologist, Doctor Stahl, ever been interviewed to our knowledge.

Blatant misrepresentations by the Secretary.—Needing an opportunity to cast doubt on the motives of those critical of his performance, the Secretary next resorts to an outright lie. Our pleas to have him commence an investigation are regarded as "appeals . . . to the Department . . . [for] assistance in [the] campaign" (p. 8). The only evidence cited by the Secretary to support this assertion is that in the meeting of December 15, after the election was over, we "stated that an early investigation was necessary to maintain the campaign's momentum" (p. 89. The word "momentum)" was Mr. Silberman's; it was used by him to describe our contention that a prompt investigation was necessary because readily available sources of information would dry up after the official results of the election were made known. Local union members and officers would be more cooperative if they believed the election was still hanging in the balance, that reprisals might not be visited on them for cooperating. Though Solicitor Silberman used this word "momentum" in the presence of no less than a dozen people, his brazen effort to distort the word, as *he* used it, is conduct which even the Labor Department should find reprehensible.

The Secretary tries to but cannot justify his conduct by saying that both sides found fault with his performance (p. 9). The matters contained in the Department's November 26, 1969 Summary Report of Investigation, though sharply criticized by UMW incumbents, were not earth shaking; most were, in fact, public knowledge. If this was the sum total of six months investigative work, the investigation uncovered little.

The same can be said of the post-election investigation. The manner in which the Secretary glosses over the $30 million purchase of pensioner votes shocks even our by now dulled senses. Our research has uncovered nothing in the history of the LMRDA which compels a restrictive reading of the words "improper interference" with an election, as used in Section 401(e). Indeed, basic principles of statutory construction require that the words be broadly defined; othérwise they are redundant with the other words in the series: "subject to penalty, discipline, or improper interference or reprisal of any kind . . . " Apparently recognizing the shallowness of this line of reasoning, the Secretary trots out another boogie man—that a proper reading of the statute might imperil collective bargaining during an election campaign (pp. 14–15). We urge the committee to see through this transparent effort by the Secretary to evade his responsibility for enforcing the Act. In no way could the Secretary bring into "question any agreement negotiated . . . during an election campaign." The agreement itself could not be set aside; only the election could be set aside and it should not unless improper motive (an intent to influence the election by aiding an incumbent) could be demonstrated—a fact highly unlikely since most unions, unlike the UMWA, deal at arms' length with employers. The Secretary's vague generalizations concerning the soundness of the increase are in no way related to any complaint to that effect. We have never contended that the soundness of the increase was subject to his or anyone else's review. It is merely illustrative of the haste and political motivation behind the increase itself.

The Secretary's position regarding bogus locals is but another example of blindly accepting the word or position of the UMW. Unwilling to make a decision concerning this matter, the Secretary has refused to examine the plain language of the UMW Constitution, which states that "local unions shall be composed of ten or more workers . . . working in or around coal mines" and "[i]f any mine or colliery is abandoned . . . the [local union] charter and all its moneys . . . shall be taken over by the International Union [and] . . . any remaining members . . . given transfer cards." Despite statements like Judge Hart's—"they apply the Constitution when they want to, they don't when they don't"—the Secretary accepts the weak explanation that the union has always interpreted the constitution to permit nonfunctioning locals to exist. Mr. Chairman, is it a defense to an unconstitutional act that one has always disregarded the constitution? Only Secretary Shultz could answer this in the affirmative.

The most incredible display of naivete is his concluding statement on the bogus local question that "even if there had been a technical violation [of the Constitution], it could not have had any effect on the outcome of the election" (p. 17). Apparently, the Secretary believes there is no difference between 1250–1300 locals voting in an election and about 700 locals voting. Apart from the logistics of supplying observers, etc., to about half of the number of locals that supposedly voted, there was the additional problem of finding the polling places of these locals, and the myriad of difficulties of guaranteeing a secret ballot vote once they were found and observers sent. Worst of all, old pensioners were the prey for the hired Boyle men that "ran" the elections in these "bogus" locals.

The other remaining matter which the Secretary left out of the "election case" was the massive group of dust committeemen, organizers, etc., that were added to the UMW payroll in 1969 at an estimated cost of more than $500,000. First, let us deal with the question of "organizers," since Mr. Usery suggested that the union "had stepped up its organizing at that time" (p. 680). Aside from the union's bald assertion, where does Mr. Usery gets his facts? From Lou Antal, who testified before this subcommittee that he was paid $400 a week, but did no organizing? From Tony Dovshek, who told the Labor Department investigators that he was paid for "organizing" though he was in Canada fishing? How many new mines were organized last year? At what mines were these organizing drives conducted? How many NLRB elections were held in comparison with prior years? Why were so many organizers hired in Mr. Yablonski's Pennsylvania home dstrict (which is predominantly organized) when the most substantial unorganized territory is in Eastern Kentucky, where none were hired? Could it be because of the torrid election contest in Pennsylvania whereas Mr. Yablonski hardly campaigned in Kentucky for fear of violence?

The same applies to "dust committeemen". What did they do? They weren't allowed inside the mines to check the dust; and even if they were, they had no equipment to monitor it. Why were six full time dust committeemen added to the payroll in District 4 (which borders Mr. Yablonski's home) at a cost of $70,000, while District 20 (Alabama), which has more mines and more active miners than District 4, had no dust committeemen? Neither did Utah or Colorado. Was it because there was no dust in the mines in those states or because there was no real election campaign in those states? Why are some of these all important dust committeemen being laid off and required to return to work after the election? If these men could not get inside the mine, what did they do—educate the men that dust exists in coal mines? Why is it that regardless of the designation given to employees hired in 1969, they come from the coal areas where Boyle had the stiffest election fight (West Virginia, Pennsylvania, Ohio)?

Then there is the separate question of lobbyists (contrary to the Secretary's testimony, the "dust committeemen" were not lobbyists). All were apparently paid two or three times their lost salaries for participating in lobbying junkets. The fact that most of these novice lobbyists were pro-Boyle boosters was apparently of no consequence to the Secretary.

Finally, there is the argument that many of these 1969 hirees were put on the payroll before Mr. Yablonski announced his candidacy (p. 18), as though that would legitimatize the practice. But the Secretary should know that other anti-Boyle candidates had surfaced early in 1969, and certainly Boyle and Company were aware that nominations and an election would be held (regardless of who the opposition would be) during the year. The Secretary seems to say that any union incumbents may hire at exhorbitant salaries as many partisans as they wish at union expense, and that so long as they appear to perform some type of work—the Department will not interfere with their freedom to campaign for their benefactors. We trust that the subcommittee does not share this construction of the Act.

The Secretary seems to go out of his way to characterize us as being uncooperative in not making available the names and addresses of Mr. Yablonski's election observers (p. 19). Having failed in his duty to investigate, he now seeks to shift the blame to those who begged for action. Again, the Secretary must resort to a distortion of the record to serve his purposes. The facts are that sometime in mid-January a caller from the Department asked for the names and addresses of our observers. The Department was furnished with hundreds of observer reports, but there was also a small card catalogue containing additional names and the addresses of observers assigned out of Mr. Yablonski's Washington, D.C. Campaign Headquarters. Mrs. Clarice Feldman informed the Labor Department that the card catalogue was in Mr. Yablonski's home, which was under guard by the FBI and state authorities. Since no family member was to be admitted, Mrs. Feldman advised the Department to check with the authorities. Apparently this was never done; nor was the request ever renewed after the house was finally released. Yet, the Secretary castigates us for his Department's own failure.

The Yablonski murders.—The final two pages of the Secretary's statement deserve special mention. The Secretary says this was just another election campaign, and then in an effort to publicly cleanse his conscience he says twice that the murders had nothing to do with the election. Who is the Secretary of Labor to make such an assertion? Has he read the indictments returned by the Cleveland Grand Jury? Is he aware that one count deals with a conspiracy to violate a union member's rights, and that another involves an obstruction of justice to prevent Mr. Yablonski from testifying before a UMW Grand Jury Probe in Washington, D.C.? Is he aware that Mr. Silas Huddleston, President of a Local Union of the UMWA in La-Follette, Tennessee, has been indicted on these charges? Is he aware that the United States Attorney in seeking the grand jury indictment had to have evidence of probable cause and that the grand jury had to find that probable cause to indict? While no one questions that all five of the indicted persons are innocent until proven guilty, the fact remains that all the evidence to date points to a clear connection between the murders and the election through the participation of Huddleston (and another Local

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[3] Erne Bigham, $548; Robert Elmore, $755.45; Bernard Martin, $1,115.85; Jack Ponsetti, $530.

Union President indicted for perjury); the presumption of innocence does not require an administrative official to reject known facts. Indeed, the real remaining question is not whether this was an election-connected offense, but just how high in the union the culpability runs. What Secretary Shultz did in his testimony was to challenge the F.B.I., the United States Attorney and the Grand Jury; only a guilt-stricken man would deliberately undercut the enforcement efforts of his own Government.

* * * * *

Before concluding this statement, Mr. Chairman, we would like to call to your attention one paragraph from our letter of February 21, 1970, to Mr. Shultz. That paragraph reads as follows:

"Mr. Secretary, you and your advisers are apparently the only people in the whole United States who do not know how rotten things are in the Mine Workers. Why do you refuse to see what even a blind man could not miss? Is it the influence of Mr. Usery who denounces the Yablonski group with allegations that they accepted money from Walter Reuther and the UAW (a false statement which Joseph A. (Chip) Yablonski under oath denied as "garbage" before the Senate Labor Subcommittee)? Is it your lawyers' prattlings about "volunteerism" in the labor movement and Mr. Silberman's desire to play the wheeler-dealer role with the UMWA? Or is it your own personal desire not to take any steps of which the powerful UMWA might not approve? We do not know your motivation for inaction and apathy in the face of tyranny and violence, but there is one thing we do know: We shall keep up this fight, whatever you do, because the American people will not forever tolerate bureaucratic indifference to UMWA corruption any more than they would in the case of the Teamsters. The Yablonski supporters will *never* let you sweep this mess under the rug."

Sadly enough, Mr. Shultz's testimony was just such a deliberate effort to do what we feared—to try and sweep the mess of the United Mine Workers of America under the rug. You and your Subcommittee have the opportunity to prevent this from happening. We have been disappointed in the investigation to date, but we hope and trust that you and your Subcommittee will soon undertake a real investigation in the great tradition of the United States Senate.

In sum, Mr. Chairman, we are shocked and appalled at the Secretary's distortions, innuendoes, and fabrications. It is frightening to believe that such a high public official would resort to such conduct to justify his unjustifiable actions. Your Subcommittee unfortunately did little to clear the air while Messrs. Shultz, Usery and Silberman were before you. At least you could have required the Secretary and his associates to go under oath as have all other witnesses.[3] But, in any event, we reiterate our request to appear before the Committee, hopefully, *simultaneously with the Secretary*, so that the real facts can be made known. In the event the Secretary should decline a new invitation, we ask that you recommend to the President that all of the Mine Workers' investigations be conducted by a crime task force under the jurisdiction of the Attorney General. Surely, you would agree that Mr. Shultz and the Labor Department have demonstrated an unwillingness to enforce the law which Congress entrusted to them. They should not be permitted to impede and frustrate the work of the Justice Department and the F.B.I., which appear to be genuinely concerned with cleaning up this union.

JOSEPH L. RAUH, Jr.,
JOSEPH A. ("CHIP") YABLONSKI.

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[3] To highlight this failure, we have sworn to this rebuttal.

TRIBUTE TO CONGRESSMAN JEFFERY COHELAN OF CALIFORNIA

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, one of the ablest and most beloved Members of the House of Representatives is Congressman JEFFERY COHELAN of California.

JEFF COHELAN has earned a reputation as one of the most constructive and conscientious legislators among the distinguished membership of this body. His solid record of achievement, especially in the areas of education, conservation, and peace through processes of law, has marked him over six terms of service as one of the most valuable Members California has ever sent to Congress.

Mr. Speaker, I take this time both to pay tribute to my dear friend and colleague and to say how sadly distressed his friends and admirers in Congress, on both sides of the aisle, were by the news of his primary election defeat in California last Tuesday.

JEFF COHELAN will be sorely missed in the 92d Congress.

I believe, Mr. Speaker, that this morning's New York Times contained an editorial commenting on the California primary election and Mr. COHELAN's defeat which should be read by every Member of the House.

I insert the text of the editorial at this point in the RECORD:

AND YOUTHFUL ENERGIES

Elsewhere in the country Tuesday's primaries were the usual mixed bag. Perhaps their greatest significance lay in the fact that young citizens, rejecting the extremism of the streets to work within the democratic context, made a showing that should at least convince them that they are on the right track.

A considerable proportion of their efforts seemed to be concentrated in two Congressional districts and a senatorial campaign. In California's Seventh, which includes the Berkeley campus, hundreds of student volunteers, working day and night, put across the nomination of a young Negro councilman running for the House of Representatives. Their success in this case was not only remarkable but excessive, for the victory of Ronald V. Dellums, however good a Congressman he may turn out to be, meant the elimination of Jeffery Cohelan, a first-rate incumbent with twelve years experience who was one of the most valuable members of the California delegation.

It is too bad that these newcomers to California politics failed to take on more deserving targets—like the two Birch Society candidates who won Republican nomination in districts all but certain to impose them on the country in November. In the same way, we regret that they poured out their energies to get the Democratic senatorial nomination for Representative George E. Brown, who lost to Representative John V. Tunney. Both were good candidates, with Tunney the likelier bet to beat the ineffable George Murphy in the fall. At the other end of the country, Princeton students did themselves proud in helping a young antiwar candidate wage a strong if vain campaign against an old-line Democratic incumbent.

Irrespective of one's opinion on the merits of the choices of these young campaigners, the basic question was how effective could they expect to be in a political world which too many of their contemporaries had already written off as hopeless. The answer seems to be that, working an extremely short time, they have been decidedly if not decisively effective. As they gain experience, they will be even more so, with the result that by 1972 they should be in a position—if they avoid the quixotic—to have a real voice in local and national policies and politics.

I should also like, Mr. Speaker, to draw the attention of the Members of the House to another article which aptly describes the splendid contributions of Congressman COHELAN to his district and to the Nation.

This article, by Leo Rennert, entitled, "Another Test in Berkeley," appeared in the May 26 issue of the Sacramento Bee:

ANOTHER TEST IN BERKELEY

(By Leo Rennert)

WASHINGTON.—Of all the contests in California's primary elections, the race for the Democratic congressional nomination in Berkeley may provide the most accurate measurement of the ravages of polarization in major urban centers.

Fighting for his political life is Rep. Jeffery Cohelan, 55, a six-term veteran with impeccable liberal credentials. His challenger is Ronald Dellums, 34, a Negro city councilman who claims the incumbent has outlived his political usefulness.

Their race has attracted nationwide attention because it is viewed as a clear test of the attitudes of key groups in large cities toward sharply different brands in politics.

The district is a microcosm of urban America. It has a growing proportion of minority groups, sizable pockets of poverty, a dwindling middle class, a fair mixture of professional people and a big slice of the student and faculty population of the University of California.

In this setting, a Cohelan victory would be a big morale boost to hundreds of other big-city elected officials who still cling to the notion of "one society" and the belief that solid progress is possible within the system.

A Cohelan defeat would mean just the opposite—a warning cities are splitting apart, that radical politics is the wave of the future and that the days of ethnic bridge-builders may be numbered.

Rules—By the old rules of the game, Cohelan should be a shoo-in. Since his election to the House in 1958, he has been a consistent champion of labor, the poor and the oppressed. He has fought relentlessly for urban programs, aid to education, civil rights and conservation. He has opposed with equal vigor the war in Vietnam, the ABM and other new expensive weapons systems.

Moreover, he has been eminently successful. And that perhaps could be the biggest offense in the eyes of many of his opponents. After all, what happens to the claim of the New Left that the political system is thoroughly rotten if it can be shown that Cohelan consistently has managed to produce outstanding results for his community, his state and the nation?

Exponents of confrontation politics do not want to be reminded that Cohelan, by working diligently and without fanfare, has managed to:

Lead a successful fight which shattered President Richard Nixon's effort to reduce education expenditures and ended up adding more than $600 million to the administration's budget request for school aid programs.

Blunt the perennial attempts of Rep. Jamie Whitten, D-Miss., to cripple federal enforcement of school desegregation.

Win congressional authorization and funding for Redwood National Park and the Point Reyes National Seashore as one of the most tireless and effective conservationists on Capitol Hill.

Muster growing congressional resistance to the ABM, MIRV and other multibillion-dollar weapons systems which siphon precious dollars away from domestic programs.

Incredible—In view of this record, it seems almost incredible that Cohelan admittedly should be in the toughest primary race of his political career. What other member of the California congressional delegation can point to as many accomplishments?

But that, of course, is not what concerns his opponents. They appear far more interested in symbols than substance. They want a crusader, not a legislator. A dashing orator, not a quiet political craftsman. His style is too old-fashioned, his method too conventional.

"One, two, button my shoe," is a favorite Cohelan saying when he discusses political strategy. The point he tries to make is that there are no instant, heroic solutions; problems must be surmounted a step at a time, however tedious the process.

Target—Four years ago, the New Left also singled him out as a prime target. But he survived that challenge.

What remains to be seen is whether the intervening, strife-ridden years have boosted the level of anger and despair in one corner of urban America to a point that a major unifying, constructive voice finally is drowned out.

If that time has arrived, Cohelan will not be the only loser when the votes are counted on primary night in Berkeley.

ADDITIONAL COSPONSORS OF RESOLUTION URGING PRESIDENT TO CALL FOR WITHDRAWAL OF RUSSIAN PERSONNEL FROM THE MIDDLE EAST

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BRADEMAS. On Tuesday, June 2, 1970, I introduced, on behalf of myself and the gentleman from New York, Mr. Reid) House Resolution No. 1052, a resolution urging withdrawal of Russian personnel from the Middle East.

I take this opportunity to list those Members of the House of Representatives who, as of this date, have indicated their cosponsorship of this resolution:

Cosponsors

Brock Adams of Washington, Glenn Anderson of California, William Barrett of Pennsylvania, Jonathan Bingham of New York, Benjamin Blackburn of Georgia, Edward Boland of Massachusetts, Frank Brasco of New York, Jack Brinkley of Georgia, James Burke of Massachusetts, Phillip Burton of California.

Daniel Button of New York, Don Clausen of California, Barber Conable of New York, Silvio Conte of Massachusetts, John Conyers of Michigan, William Cramer of Florida, Emilio Daddario of Connecticut, Don Edwards of California, Gerald Ford of Michigan, Donald Fraser of Minnesota.

Richard Fulton of Tennessee, James Hanley of New York, Richard Hanna of California, William Hathaway of Maine, Ken Hechler of West Virginia, Henry Helstoski of New Jersey, Andrew Jacobs of Indiana, Peter Kyros of Maine, Joseph McDade of Pennsylvania, Frank Horton of New York, James Mann of South Carolina.

Clark MacGregor of Minnesota, Lloyd Meeds of Washington, Thomas Meskill of Connecticut, Abner Mikva of Illinois, Joseph Minish of New Jersey, Robert Mollohan of West Virginia, Bradford Morse of Massachusetts, David Obey of Wisconsin, Richard Ottinger of New York, Claude Pepper of Florida.

Otis Pike of New York, Bertram Podell of New York, Thomas Rees of California, Fred Rooney of Pennsylvania, Benjamin Rosenthal of New York, Edward Roybal of California, William Ryan of New York, James Scheuer of New York, William Steiger of Wisconsin, Robert Taft of Ohio.

Fletcher Thompson of Georgia, Lowell Weicker of Connecticut, Lawrence Williams of Pennsylvania, Charles Wilson of California, Lester Wolff of New York, John Wydler of New York, Louis Wyman of New Hampshire, Gus Yatron of Pennsylvania, Roman Pucinski of Illinois, Paul McCloskey of California.

BILL TO OBTAIN PARKLANDS

(Mr. ROTH asked and was given permission to extend his remarks at this point in the Record.)

Mr. ROTH. Mr. Speaker, I am introducing today a bill which would convey five parcels of land at Cape Henlopen, Del., from the Army and the Navy to the State of Delaware.

I think, Mr. Speaker, that this proposal may be of more than ordinary interest to you and the other distinguished Members of Congress, their families, and their staffs, for it concerns an area where many of you vacation: Rehoboth Beach, Del. I believe it is safe to say that many of you and thousands of others in this metropolitan area will have a personal stake in the course and outcome of this bill.

The parcels of land in question are all either enclaves within or barriers between parkland already operated by the State of Delaware. To the north of the 820-acre military land is the 540-acre Cape Henlopen State Park. To the south is another State park, known as Gordon's Pond.

All of this land—worth about $100,000 per acre—is located on the Atlantic Ocean, where it enjoys the benefits of beautiful beaches and imposing sand dunes. The land is undeveloped commercially, and the State is determined to maintain it in its natural state.

Four of the parcels are owned by the Department of the Navy. Reserve forces are trained on one 15-acre plot; some little-used equipment sheds are located on two other plots totaling three-quarters of an acre; and on the remaining 614 acres of Navy land some important oceanographic work is conducted. The Army owns a 190-acre plot used for recreation and some Reserve training.

Quite honestly, Mr. Speaker, we in Delaware have long wanted these lands for the use of outdoor recreation and for the benefit of all our citizens. Our resolve and desire were recently strengthened by recent actions by the Department of the Army.

It was on the Army land during Earth Week last April that an operation began; an operation that caused consternation and shock among the citizens of Delaware. I should note here that located on the Army land is—or was—one of nature's wonders, which we in Delaware call the "Big Dune." It is—or was—the largest sand dune between Sandy Hook, N.J., and Cape Hatteras, N.C. The Big Dune was over 70 feet high and had been the subject of scholarly articles in both Scientific American and National Geographic magazines. I say was, because during Earth Week the Army began an operation covering 13 acres of the Big Dune's area. As I understand it, the purpose of the operation was to create a parking space for five to 10 trailers. To create this parking place, the 13 acres were leveled, reducing their height to 40 feet.

This destruction was undertaken without consultation with Delaware officials or with the citizens who live in the area. Quite understandably, all of us were upset. Since then, Senators John J. Williams and J. Caleb Boggs, and I have been discussing this matter with the Department of Defense. We told them that we were interested in the land, and asked that, if possible, they justify military retention of any parts of it.

In response to our inquiries, officials at the Department of Defense said verbally that they might be responsive to conveying the 15-acre plot, the two plots totalling three-quarters of an acre, and a corridor through the 614-acre plot. We have received no confirmation of that offer.

The Army, however, maintains its need to retain the 190-acre plot. They say the land is necessary for recreation and training, even though only 14,000 persons used it for recreation last year. On the other hand, more than 1 million persons used the State-operated recreational beaches last year.

As I indicated earlier, many—perhaps even most—of the 1 million vacationers last year were from the Washington area. I am sure you are all familiar with this portion of Delaware. If you personally have not visited the area, members of your staff almost certainly have. The fine beaches provide a momentary respite from the daily drive of work here in Washington.

In light of these and other facts, my colleagues and I cannot agree that the Army needs this land. If, in fact, the Army requires land for training, the Governor of Delaware has agreed to find them other, more suitable sites.

Mr. Speaker, this bill would simply convey all of the lands in question to the State of Delaware. We realize that there may be a perfectly valid justification for the Navy to retain its part of the land, and we are willing to consider such justifications and accommodate them through the legislative process.

CATALOG OF FEDERAL DOMESTIC ASSISTANCE

(Mr. ROTH asked and was given permission to extend his remarks at this point in the Record.)

Mr. ROTH. Mr. Speaker, I am pleased to announce the availability of the latest Government-wide "Catalog of Federal Domestic Assistance," dated April 1970. This latest official effort lists and describes 1019 assistance programs administered by 57 Federal departments and agencies, and is the single authoritative Governmentwide compendium of Federal domestic assistance program information produced by the executive branch of the Federal Government.

Congressional offices should have, or

should be receiving copies of this, and the public can purchase it through the Superintendent of Documents, Government Printing Office, Washington, D.C. 20401 for $6.75.

I would like to applaud this effort as a substantial improvement over the previous edition issued April 1969. The introduction to the new catalog lists three basic improvements: namely, first, it contains more detailed and specific information on each program; second, it has an expanded and improved system of indexing to provide quicker access to the appropriate programs; third, it is packaged in a looseleaf format to permit periodic updating of information.

These improvements are important, and I am pleased to observe that on the whole they have been made.

In remarks on the floor of the House, in the CONGRESSIONAL RECORD, volume 115, part 8, page 10222, I pointed out, "The OEO catalog fails to set forth clearly the eligibility requirements for a particular program." A strong effort has been made in the new catalog to provide such information in greater detail and with greater specificity. The distinction in the new catalog between "applicant eligibility" and "beneficiary eligibility" should help local governments and educational institutions in particular. Often, a local government or a local group—the beneficiary—must submit an application to a State or city governmental body—the applicant—in order to receive Federal aid. Or, students—the beneficiaries—must submit their requests for aid to the educational institution—the applicant at the Federal level—before they may receive aid. This chain of applications is most confusing to people back home and needs to be clarified; the catalog is the first step in this direction.

Likewise, on April 24, 1969, I pointed out that the only source of cross-referencing in the 1969 comprehensive catalog was "a 16-page, generalized subject-matter index of little use, characterized by generality and lack of coherent precision." The new catalog contains considerable improvement. There is a list of programs, by agency. Such a listing can be of great use, because related programs are often administered by the same agency.

In my 1969 "Listing of Operating Federal Assistance Programs" I subdivided this agency listing down farther than did the latest Government-wide catalog. For example, I subdivided the Office of Education into the following categories: Civil rights, education of the handicapped, education in foreign languages and world affairs, education professions development, elementary and secondary education, higher education, libraries and community services, miscellaneous, research and training, school assistance in federally affected areas, Teacher Corps, and vocational education. I think this is more useful than just to list 105 programs under the Office of Education as was done in the latest catalog.

In addition, the catalog includes a 34-page subject index that is more useful than that in previous editions. What will assist people back home even more, I believe, is the functional index placed at the beginning of the new catalog. A good effort has been made to group Federal domestic assistance programs according to their primary function or purpose. One hundred and twelve categories have been chosen that attempt to relate to people's needs back home—"air pollution control," "education—handicapped"—and programs have been listed under them. This 35-page effort helps considerably to identify Federal programs in terms of people's needs, rather than in terms of organization or Federal administrative convenience, which has been the general practice until now. I hope this kind of index will continue to be included.

As I said, however, on September 17, 1969, before the Senate Subcommittee on Intergovernmental Relations, "I have found that one of the most serious defects in the present federal system is the lack of information about related programs. I believe it to be vitally important to establish what programs are interrelated and for this information to be easily accessible to the average user of the catalog as part of the program descriptions." The Program Information Act, H.R. 17112, would require that each description of a Federal domestic assistance program also identify closely related programs. People back home may not understand the Federal jargon which describes related Federal assistance; an index would only confuse them—assuming the indexer would know what programs are, in truth, related.

Second, only a program manager will possess the knowledge and expertise in his field to know of other, closely related programs. He will, for instance, know that some Federal programs can accomplish much the same results as his; and that one program, in time, leads to a second program—that is, preschool assistance for the disadvantaged leads, in time, to inschool assistance for the disadvantaged. I hope that all future editions of the catalog contain an entry under each program for "closely related programs."

The final improvement mentioned is that the catalog provides for periodic updating. September 17, I said, "Current information is essential if the catalog is to be relied upon." It has been a source of great satisfaction to me that the Bureau of the Budget Circular A-89, dated September 30, 1969, was modified after this to provide that the catalog shall be "issued annually with quarterly updating supplements." And, the Program Information Act (H.R. 17112) requires that these revisions reflect changes in program information, current status of funding, and other relevant changes, as well as provide full information on any new or reorganized programs. I am hopeful that with greater accuracy and timeliness, the Government-wide catalog will be relied upon more and more, which will reduce the need and dependence on other duplicative information sources and simplify the job of those who attempt to apply for Federal assistance.

I do not wish to indicate by all of this that the job is over, or that the catalog is perfect. It is not. Some agencies obviously have made a more thorough and complete effort to satisfy the program description format than others. Under the item, "Output measure," called for in each program description, a distressingly large number of program managers answered, "Not available." I do hope that the program managers in truth know what their outputs are, and will let us know what they are, perhaps in the next quarterly updating of their program descriptions.

The problem of defining a program is and has been most difficult. My 1969 listing describes 1,315 operating Federal assistance programs; the current catalog describes 1,019. I do not wish to quibble over what is largely a matter of judgment, but I do hope that every effort will be made to make the different kinds of Federal assistance available as visible as possible. People back home are primarily interested in program descriptions which identify available benefits and the possible beneficiaries.

Administrative criteria such as financial accounts, departmental organization, and legal authorities have often been used as the basis for defining and describing programs. Such administrative criteria are basically irrelevant to the person back home. He is interested in his needs and qualifications, and not the sometimes erratic organization of Federal Government. The catalog and its list of programs should reflect the needs of the people back home, not provide a means of forcing Federal organizational attitudes and thinking patterns on the public.

In light of this improved catalog, and the interest that has been shown in it, I hope that the Congress will give prompt attention to the Program Information Act (H.R. 17112). This proposed legislation calls for the creation of a basic catalog of Federal domestic assistance programs to contain all information required by a potential applicant.

If this legislation is enacted, the catalog should provide a single, reliable overview of all sources of Federal assistance, divided into visible, discrete program entities. It should provide the potential applicant or beneficiary with an overview of all programs which might bear on his needs; it should provide a basis for him to evaluate and make a preliminary choice of programs best suited to his needs; and it should provide him with contact points for further inquiry. Furthermore, to help Congress, the catalog should list all programs, including those not funded at present.

The latest catalog is an improvement. The Program Information Act would improve it still further. I emphasize that legislation is still required to perfect the catalog.

Passage of the Program Information Act (H.R. 17112)—with one useful amendment proposed by the Bureau of the Budget—would accomplish the following:

First. A demonstration of congressional support for such disclosure efforts as the recent catalog and a set of minimum standards for future catalogs;

Second. An assurance that the executive branch will maintain the higher standards of disclosure evidenced by the new 1970 catalog:

Third. An assurance that all agencies will describe their programs in detail and will participate fully in the collection effort; and

Fourth. An established principle of one basic catalog for all Federal activities. Other publications could be continued only as the need were established.

I am also happy to report that the Bureau of the Budget, in a recent letter to the chairman of the House Committee on Government Operations, recommended early enactment of H.R. 17112, with one clarifying amendment. I seek your support in accomplishing this.

MR. BLOUNT'S ADDRESS ON THE PROBLEMS OF OUR YOUTH

(Mr. ROTH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ROTH. Mr. Speaker, recently the Postmaster General of the United States, the Honorable Winton M. Blount, addressed the annual meeting of the Delaware Bankers Association in Wilmington, Del. In his speech, Mr. Blount commented on what I believe may well be the most pressing problem confronting our Nation today—the confusion and disenchantment of our youth. Many of the Postmaster General's observations were cogent and well-taken. I recommend them to your attention. Therefore, Mr. Speaker, I ask unanimous consent that Mr. Blount's address be entered into the RECORD.

ADDRESS BY POSTMASTER GENERAL WINTON M. BLOUNT

I know it would be fitting, in addressing so distinguished a group of financial authorities, to discuss the state of the economy, or the outlook for business, or some such related topic. But, I think there is a matter which cuts even closer to the heart of America than her economic stability, and that is the stability of the relationship between her generations—between her sons and fathers.

One of the popular cliches of recent years has been "generation gap." I suspect it began as a way of observing that children rebel against their parents. But this is the way and the nature of life. Children break the bonds of childhood and become adults, and they make a new relationship with their parents. So there was nothing new in this.

But this last ten years was the decade of the "gap." It began with a missile gap and ended with a credibility gap, and somewhere between the phrase-makers produced some other gaps—one of which was the generation gap. And the phrase became self-fulfilling prophecy.

In thinking about how well or how poorly Americans succeed in raising their children, I suppose we could say that we never did as well as we intended, nor as poorly as we might.

But something came unstuck in the last decade, and it came unstuck right where most Americans live—in the family. I don't profess to know what it was, but the result was a generation with some of our young who had a lot of education and little maturity; a lot of independence and little dependability and little discipline; a generation with the normal needs of youth for security and assurance, and nowhere to turn to get it. Society turned upside down and the young were on top, where they never wanted to be.

The youth cult blossomed and was fueled by business and by the media, and the young were courted and coddled wherever they laid their dollar down.

And they were used politically: sometimes in positive efforts like the Peace Corps, for their idealism; other times in more cynical or quixotic ways, simply because they brought devotion and energy to whatever course they pursued, and because they made good copy.

They warmed the hearts of those political boy scouts who featured themselves at the front of youth crusades, and they inflamed the neuroses of those politicans whose "suffer-the-little-children-to-come-unto-me" complexes thrive on adolescent adoration.

Through it all, our young people got a sense of power and importance all out of proportion to reality. And they never understood that their importance lay in their usability.

Throughout this manic period, the agony of Vietnam not only persisted but escalated, and chewed into the lives of these young people. When they objected, they thought no one listened; when they protested, they thought no one cared, and in time they realized just what their apparent importance consisted of. They turned in on themselves in bitterness, and where once youngsters rebelled against their parents to grow and mature, there was now real alienation in the process.

Everyone talked about generation gap, and the only hands that tried to reach across it were the hands of economic or political opportunism—the so-called "peace" candidates, for example, who spoke so bravely of peace for the world when what they were really looking for was a piece of the action. So we had our young people pulled between cynicism on the left and indifference on the right. Small wonder that some of them said: "A plague on both your houses" and turned to radicalism.

And as always in this country, there was a vast majority of students and other young people who were concerned with America, but who kept silent and allowed the image of youth to be established by the radicals.

Perhaps we should fault them for not speaking up.

Perhaps we should ask ourselves who would have listened.

Whatever the questions, whatever the answers, we have been on a collision course with reality in America. We came to reality in a burst of gunfire in Ohio two weeks ago and, as the country held its breath in that dark silence, we understood finally that America cannot move to the third century of its freedom at war with its children.

In his Inaugural Address, President Nixon said: "Government will listen. We will strive to listen in new ways—to the voices of quiet anguish, the voices that speak without words, the voices of the heart—to the injured voices, the anxious voices, the voices that have despaired of being heard." And he said: "We cannot learn from one another until we stop shouting at one another—until we speak quietly enough so that our words can be heard as well as our voices."

I think the significance of the past ten days rests in the fact that Americans are beginning to lower their voices. One might wish that we could have the time now to breathe and examine where we are without the pressures of publicity and the passions of politics, but we cannot. Still, I think our young people are ready to believe that the promise to listen to the voices that have despaired of being heard—that that promise stands, and it will be kept.

But it must be kept all over America, and not just in the halls of government. You have something to learn from our young people. I urge you to listen to them.

It is important to listen to the questions they are asking and also to examine the answers they are offering. There is a vast basis for mutual understanding with the young; there are vast differences as well. But difference is the driving force in the dialectical process that takes us forward. So let us understand those differences, and respect them.

Where we see war as a political reality, they see peace as a moral imperative. When we speak of making the world safe for democracy, they speak of making the world safe for humanity. When we point to history and the lessons of past wars, they point to the future and answer with the hope that we can put wars by. When we point to what has been accomplished, they point to what remains to be accomplished.

It is a simple matter to see in our differences that the young are naive, that their view of the world suffers from a super-abundance of idealism, and a lack of reality and the hard lessons that come with responsibility. And if we see only in these terms, then we miss the more important fact that beyond our differences we share a vast community of interest from which we may together seek a newer world.

It is from this base that we can reach out and help the young to grow and come to civic maturity. And it would be wrong to ignore what has already been accomplished here, both with and for the young.

This Administration has gotten the first positive changes in the draft system, and draft reforms continue. This is a matter which has been discussed with students. So are the SALT talks underway in Vienna. So is de-escalation in Southeast Asia. So is the effort to lower the voting age.

I think that as the young make demands, they should recognize that there is movement—that there is progress.

These are all matters which concern them. These are matters which affect their welfare, and these issues have been discussed with students and other young people.

So there has been communication. But we can have more. We can listen to their ideas. And I think we can and must expect them to listen to ours. They have not always done this. We can weigh their concerns. We can explain our actions. We can take them into those councils where decisions are made.

Good universities have done this for years. President Nixon has asked his department heads to do this, and we have done so, and we will do more. But let business do it as well. Let industry do it. Let local government do it. Let us together find ways to bring these people into their society.

Last March, a group of students from Princeton asked if they could visit me in my office, and I invited them down. Last Friday they came.

They were naturally very much concerned about Cambodia. But in a deeper sense they were concerned about America—concerned about our priorities, and about the assumptions on which we base those priorities. And they were concerned about their place—their future in America.

I was greatly impressed with their understanding, with their ability to advance an argument, and their ability to analyze differences of opinion. I was impressed with their willingness to listen.

We reached no agreement in our discussion. We clarified some disagreements. But the most hopeful note, it seemed to me, came at the end. I asked them if young people felt so closed out and alienated that we could no longer find a mutually acceptable basis for action. And they said no. They said generally that young people wanted to try again, to stay within the system, and make it work.

I think there is cold political comfort here. They indicated they will try to change the Congress to their liking—that they will be in opposition to many of the policies of the Nixon Administration. I think we would be very foolish to underestimate the effect they are going to have in the upcoming elections, and in 1972. The brains, the devotion, and the energy they can bring to their cause is a formidable combination. So they are going to try to make their views prevail. Some of them are going to be disillusioned if they aren't completely successful. There will always be those who think that, because the whole country doesn't suddenly swing into line with their views, the system is unresponsive.

They must understand that those who have power are going to try to hold it. Those who decide are going to defend their decisions. This doesn't mean they are invulnerable, that power can't be transferred, and decisions changed. They can.

But it has to happen in the center. It has to happen through the system. It has to happen at the ballot box. I don't think our troubles are over. The radicals on both fringes can't survive without turmoil and bitterness and they're going to try to create more of it. But I think we've turned the corner. There was a silent majority too among the young, and among the students, and they are speaking out now. I think we're going to get an accommodation with this generation.

Now, I want to say a word about the action that precipitated the events of the past few weeks.

President Nixon came to office in the midst of an escalating war in Southeast Asia. He came committed to de-escalate that war and to terminate it. He has been working steadily toward that goal since he became President.

About a month ago, he announced the pending withdrawal of some 150,000 men in addition to the 115,000 that have already been withdrawn from Vietnam in the last year. He also has said that any effort by Hanoi calculated to take advantage of our withdrawal would be met with strong action. Hanoi chose to test his will. They stepped up attacks on our forces. They moved strongly in Cambodia to outflank our forces. They increased their logistical build-up in Cambodia. And they were met with strong action. It would not be otherwise if our will and our determination to meet our commitments were to continue unquestioned in the world.

This was a difficult decision to make. This is a difficult war to fight. There are those who say the President should have sought the permission of the Congress for his action in Cambodia. The Constitution does not require this, nor may the Congress demand it without amending the Constitution. And to do so would be to tie the President's hands in those life and death matters of state which do not admit of lengthy debate. In those circumstances, such as the present case, where speed and secrecy are crucial, such a requirement would be fatal.

The President put his political future on the line to do what the safety of our men in Vietnam requires. On the basis of all available advice, the decision was tough-minded and it was wise. It has already proven extremely successful.

Nearly 2,500 years ago, a Greek Army, outnumbered ten to one by the Persian forces of Darius, stood at Marathon. They fought there and they won, and they preserved Athens for that flowering of Greek genius which would determine the course of Western history from that time forth.

We remember the battle and the victory. We sometimes forget that the decision to stand at Marathon was taken by a scant majority—just six of the eleven Greek generals determined that the battle at Marathon had to be fought.

History proved them right. But when the decision was made, there was no way to know this.

I believe history is going to prove President Nixon right, and very soon. But when the decision was taken, there were only the best opinions, plus tremendous courage, on which to base it.

It is regrettable that the President's action was misunderstood by so many whose concern is genuine. It is more regrettable that his action is misrepresented by so many who know better, but whose concern is first and foremost to serve themselves. It is a simple thing to call for peace. It is a harder thing to make peace, and still harder to make a peace that can be kept.

This is the President's task and his goal, his responsibility to America, and his special commitment to the young of this nation—they want peace, so does the President. It is both ironic and unfortunate that the most deeply held desire of both—the desire for a world without war—should separate, rather than unite, the President and the young.

Perhaps, if we keep our voices down and keep the dialogue going, we can move together once more in the pursuit of this common goal, in the pursuit of a peace that can be kept, a peace that will buy time for some future age of innocence when, in Sandburg's words: "they'll give a war and nobody will come."

KEENE SENTINEL ACTS ON HIGHWAY SAFETY

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, last year I inserted in the CONGRESSIONAL RECORD a series of articles and background materials on highway safety. My purpose then was, and now is to bring this appalling slaughter to the attention and, hopefully, concern of the American people. I am ceaselessly amazed that the news media, government, and the people tolerate and even seem to accept this unending, mounting carnage on the highways.

We are now killing more than 50,000 people a year, more than have died from all causes in the entire Vietnam war. One well-known Senator has described Indochina as a "bloodbath." Yet needless accidents in the United States are much worse killers and maimers than the war. Where is our perspective? Where is our concern and alarm?

Since the waste of lives and resources was brought vividly to my attention in hearings before the House Public Works Committee, on which I serve, I have been looking for ways to focus needed attention and reflection on this issue. It is a serious matter, and the news media are in an excellent position to make a constructive contribution towards its alleviation.

The type of educational service which the press can provide is evident in a recent editorial in the Keene, N.H., Evening Sentinel, a daily newspaper with an outstanding record of community service. In citing a Department of Transportation study of the importance of the use of seat belts, the Sentinel points out that there is no known case of a highway fatality when the occupants were wearing lap and shoulder belts and the vehicle was traveling at less than 60 miles an hour. In pointing out this remarkable study, the Sentinel makes an important and perhaps life-saving contribution to its community.

At this time when some segments of the news media are under what in my opinion is deserved criticism for certain failings, it is especially good to be able to point to an example of the press at its best, in performing a constructive, educational public service in an area where education of the public is most needed.

This excellent editorial follows:

[From the Keene (N.H.) Evening Sentinel, June 1, 1970]

SEAT BELT SAFETY

Many automobile safety experts have for years been stressing the importance of seat and shoulder belts as a means of reducing traffic injuries and deaths.

There is now a report from a federal highway safety agency which indicates there are no known fatalities in accidents in which occupants were using safety belts and the vehicles were traveling at less than 60 miles an hour.

This fact alone should make legislators pass laws requiring all vehicle occupants to use the safety belts, both lap and over-the-shoulder. Legislation requiring such vehicle safety items as sound brakes and tires, leak-free exhaust equipment and adequate lighting is fully accepted, so why not now require operators and occupants to use one more proven means to save lives?

Often heard in discussion of compulsory use of seat belts is the argument that a person should be permitted to do as he pleases and that compelling use of seat belts is somehow an infringement on one's liberties. The same sort of hyperbole was raised recently in the instance of compulsory use of protective helmets while riding on motorcycles.

The answer, of course, is that society inevitably bears some or all of the burden of death or injury from auto or motorcycle accidents.

The person injured in an auto accident occupies space in a hospital that some other person needs; the person killed in a traffic accident often leaves a family without a breadwinner.

Dr. Sven Gundersen of Hanover, at the time of his retirement from the staff of the Dartmouth-Hitchcock Medical Complex, cited the mounting carnage on U.S. highways as one of the greatest public health problems facing the country.

If the means exist in the form of a simple safety harness to reduce substantially the number of deaths and injuries, does it make sense from a health standpoint to delay any longer mandatory use of such devices?

SALE OF .22 CALIBER RIMFIRE AMMUNITION

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, I am introducing a measure designed to remove the remaining restrictions on the sale of .22 caliber rimfire ammunition. These restrictions were imposed as a part of the 1968 gun control law. Subsequently, restrictions on sales of other rifle ammunition and shotgun ammunition have been eliminated by an act of Congress but the sale of .22 caliber ammunition still requires reporting and recordkeeping by dealers. There has been general dissatisfaction with all features of the present gun control law. Law-abiding citizens simply resent the type of regulation which it requires. Criminals ignore the law and this the general populace realizes. At the time the bill was approved by Congress, it was the lesser of the evils which had been proposed as antigun legislation. This, however, has not made it palatable to the public.

Possibly the most aggravating single

feature of the present act is the restriction on the sale of .22 caliber ammunition. It is part of the pattern of our outdoor heritage in America that marksmanship training should begin at home or in clubs under proper supervision. Through this type of training, restraint and good sportsmanship in the good use of weapons is best taught. This is important not only in later life but important as an adjunct to the military training many young men will receive. It is more than a little significant that today young lads can be drafted to fight at age 19 in Vietnam but they are unable to purchase a box of .22 caliber ammunition for practice at home. It is also inescapably true that States and cities which have the most stringent antigun laws, including Washington, D.C., are experiencing a constantly worsening crime problem.

The .22 caliber weapons are among those most generally used by law-abiding sportsmen, and particularly younger people. It should be very clear that the removal of the restrictions on the sale of .22 caliber ammunition will be welcomed by law-abiding sportsmen and in particular by young people who are just being taught the pleasures that come with the proper use of firearms. This action also will be welcomed by businessmen who have been steadily harassed by the recordkeeping restrictions required by the present law.

In the introduction of today's bill I am joined by a substantial number of my colleagues. They are: Mr. Abbitt, Mr. Albert, Mr. Anderson of Tennessee, Mr. Andrews of North Dakota, Mr. Blackburn, Mr. Bray, Mr. Burlison of Missouri, Mr. Bush, Mr. Caffery, Mr. Chappell, Mr. Clausen of California, Mr. Cleveland, Mr. Dellenback, Mr. Dennis, Mr. Dickinson, Mr. Dingell, Mr. Edwards of Louisiana, Mr. Fisher, Mr. Flowers, Mr. Flynt, Mr. Fulton of Pennsylvania, Mr. Fuqua, Mr. Haley, Mr. Hall, Mr. Hammerschmidt, Mr. Hansen of Idaho, Mr. Harsha, Mr. Hunt, Mr. Ichord, Mr. Johnson of California, Mr. Kleppe, Mr. Lukens, Mr. Marsh, Mr. Melcher, Mr. Moss, Mr. Myers, Mr. Nichols, Mr. Pollock, Mr. Rarick, Mr. Scherle, Mr. Slack, Mr. Snyder, Mr. Staggers, Mr. Wampler, and Mr. Wyatt.

SOME CALL IT DISSENT

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, our distinguished colleague from Florida, the Honorable Bill Chappell, enjoys the unique distinction of having had a speech selected for inclusion in the Vital Speeches of the Day magazine. The speech appeared on May 1, 1970. This is a distinct honor which attests to the high caliber of the work and statements of the Congressman from Florida's Fourth District.

The speech was presented on March 30, 1970, before a joint civic clubs meeting of Rotary and Kiwanis in his district in Ocala. It is, indeed, an outstanding address and one which I feel should be called to the attention of the Congress. I submit it for printing in the Record, as follows:

SOME CALL IT DISSENT

(By Congressman Bill Chappell)

On December 6, 1967, San Francisco State College erupted into a state of chaos. Rioting students and off-campus militants broke into buildings, smashed property, and beat students and newsmen. Some called it dissent.

In Washington, several weeks ago, four thugs ran out from a darkened building, surrounded an elderly lady, robbed her of the fifty cents she had on her person, and bludgeoned her into unconsciousness. Some excused their behavior as dissent.

On April 4, 1969, shots rang out in Memphis, Tennessee, and Martin Luther King was dead from the unlawful use of an assassin's gun. Minutes later, thousands of people marched into the streets of Washington and for five days they burned and looted like invaders from another land. Fire after fire lighted the night. One . . . then another . . . a total of 711 were reported. 645 buildings were damaged or completely destroyed, while people wandered at will into the broken store fronts and walked away, weighted down with their plunder. Over one thousand people were injured, eleven were killed and property damage cost $24,000,000. Some excused the assassin's act and the mob's behavior as dissent.

A few months ago, the Black Panthers in San Francisco handed out coloring books to little Negro children. The book portrayed blacks shooting and knifing policemen, with the caption: "The only good pig is a dead pig." Should such action be excused as lawful dissent?

In Los Angeles, drug addicts Charles Manson and his cohorts are awaiting trial for the brutal slaying of Sharon Tate. Last week, Manson threw a copy of the United States Constitution into the waste basket in defiance of law and order. His supporters called it dissent.

What do *you* call it when a man robs another, when he steals, when he burns a building, when he threatens another with a gun, when he murders, when he teaches others to burn and to kill? I call it crime.

Crime . . . and the paralyzing fear of crime . . . has exploded into one of the most serious threats to America today. And if we are going to correct this problem, then we must understand a few of the reasons behind the rising crime rate.

Many in this country have come to regard the Supreme Court with such reverence that they believe it can do no wrong—even when it hands down irresponsible decisions that cripple the police in their efforts to prevent crime, detect criminals and prosecute them. Its rulings on mob marches, riots, pornography and subversive activity are all contributing to the crime wave.

One of the great deterrents to crime is realistic penalty. A criminal law without an enforced realistic penalty is no law at all. Yet, the courts have encouraged criminal irresponsibility by handing out light and unrealistic sentences.

During the past forty years, one man has been arrested fourteen times—seven of them for violent crimes—but he has served only thirty days in jail on five convictions. Recently convicted of a serious gambling violation in connection with the dice operation he was running with a payroll of over $350,000, he is still free while appealing the length of his sentence—obviously unaccustomed to a realistic one.

Rulings by the courts on subversive activity in this country have left the door wide open for these groups to continue their activity.

The Students for a Democratic Society flaunt their disregard for any bounds to their subversive speech, press and demonstrations. Last year, their national secretary told his organization: "Our primary task is to build a Marxist-Leninist revolutionary movement." They followed up by sending hundreds of students to Cuba for training in the ways and methods of Communism.

Too often we underrate the influence of the New Left in creating chaos in our midst. J. Edgar Hoover says that many of our disturbances and campus riots are caused by a "steadily increasing degree of hard-core Communist influence."

The Constitution guarantees to every American the right to lawfully dissent, to speak his piece, but not to do as he pleases. Our forefathers gave us one of the most powerful methods of dissent that any country has ever known—the ballot box, a free press, the right to lawfully assemble. But when the courts ruled that certain disruptive marches were in order because of their own sense of social reform, the destruction and riots that followed must be laid at the judicial doorstep.

In the city everyone is a stranger . . . and the criminal is the first to take advantage of the fact that he's just another "face in the crowd." He feels more secure in escaping detection for his acts. And, of course, mob looting and violence, the latest scourge of the urban area, seems to be the easiest of all; a riot-type situation is natural camouflage for law breakers of all sorts. But we hear the tongues of permissiveness echoing the voice of the courts—such is the right of the underprivileged to express their dissent. Since when did being poor give reason for being a criminal? It is not so. Witness the Depression when crime was much less prevalent. Look at the poor in European countries—Britain, France, Germany—their crime rates are far lower than ours.

Pornography and smut peddlers certainly benefit from Court rulings which allow them to publish and profit from their filth. Surely they contribute as much to the crime problem as does television violence. Yet, they continue their $2 billion-a-year smut operations unhindered.

Another factor in the alarming crime rate is the very institution which is supposed to rehabilitate criminals. FBI reports show that 46% of persons arrested for serious crimes have been previously convicted. The parole practices and bonding procedures are often so lax and ineffective as to encourage lawlessness of the paroled or bonded offender.

In June, 1967, a twenty-four-year-old parolee was killed by gunshots after he had committed armed robbery at a District of Columbia store. It is interesting to note that he was:

1—on parole for auto theft;

2—free on bond for a 1966 robbery;

3—on probation for housebreaking; and

4—free on a $2,500 bond posted the day before on charges of shooting a high school student who had tried to remove him from the school grounds for yelling profanities at girl students.

Could it be, however, that the reasons for our high crime rate spring from even deeper rooted causes than smut peddling, subversive groups, outmoded penal practices and too-lenient Supreme and lower Court rulings? The very prevalence of these conditions are brought on by the type of society in which we live today.

America has never cradled a more permissive society than she does now. Parental, educational and religious guidance and governmental enforcement have all permitted and encouraged the individual to "do his own thing," even to the extent of participating in civil disorders, and of selecting the laws which he will or will not obey. As Americans, we find ourselves virtual prisoners within our own walls . . . with the criminals in control of the streets.

Our society leans over backward in an apparent effort *not* to influence and discipline our young people toward our ideals and

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hopes, lest we spoil their personalities. How alienated and unloved many of them must feel!

Police in New York City were able to identify Diana Outhton by the tip of a finger found in the wreckage from a sensational blast. According to news reports, this young woman was killed as she helped manufacture powerful dynamite bombs to be used in terrorist raids on Columbia University. Teachers admitted they knew of the planned bombing, but didn't want to "interfere." The sister of the dead girl was quoted as saying that her father "never, never told the girl she was wrong," and that he would never condemn her or her sister for their actions. This young woman's actions included sit-ins, a trip to Cuba, an arrest for inciting mob action in Chicago, participating in the Moratorium, working actively as a Weatherman in the S.D.S., and living in a commune in Ann Arbor, Michigan.

Permissiveness by the parents of America spreads its tentacles into the courts, into our churches, and imbeds itself deeply in our schools. It encourages our young people to form revolutionary groups, stimulates illegal sales and uses of drugs, fosters organized criminal activity and heightens every area of crime.

Consider how we let organized crime flourish behind its facade of respectability.

The syndicates of organized crime have both the power and money to control such operations as global smuggling of heroin and cocaine and other dangerous drugs. Young people throughout the country have been their victims. This is a challenge which we must meet as parents, as citizens, as lawmakers. Loan sharking, gambling, labor racketeering are other sources of income to them, although they do not limit themselves to these areas. They seek more money and power while they hide vast sums of money in Swiss bank accounts, as they continue their prey on our society.

Those of you familiar with the problem, realize that illegal traffic in drugs is an important factor in the rising crime rate. As much as 75% of the street crime is attributed to the drug addict, and juvenile arrests involving the use of drugs rose 800% in the United States between 1960 and 1967. There isn't much the drug addict won't do to support his $100-a-day habit.

Crime has risen over 120% since 1960—11% alone in 1969. While most crime previously has been in poor and ghetto areas, the largest increase now is in suburban and even rural areas. The cost of crime zoomed past $31 billion in 1968. And one of the most heartrending statistics we have noted is that 75% of the serious crimes are committed by the under-twenty-five age-group.

There can be no doubt that our nation is in the grips of a wave of lawlessness and subversion which can only be combated by immediate action against those who would act wantonly without regard for the just laws and ideals of order upon which this country was founded.

Crime certainly will not fade away by itself. Everyone has his share of responsibility—the federal government . . . the state government . . . and the local government . . . as well as every individual citizen.

Let us look at some of the things being done to combat this staggering wave of crime:

The Law Enforcement Assistance Administration of the Department of Justice provides funds to police to cut down on street crime, furnishing $63 million in 1969 for police training, community relations, new electric alarm systems in high burglary rate areas and statewide teletype networks. It also creates a federal-state racket squad in New York City to combat organized crime with the coordinated efforts of both governments. If this proves successful, it will pave the way for more cooperation in the crucial fight against organized crime.

The new appropriations for the Bureau of Narcotics and Dangerous Drugs provides $35 million for the Bureau's enforcement operations and to train 22,000 state and local law enforcement officers in the latest and most effective ways of combatting the drug problem. The Illegal Gambling Business Control Act directed against organized crime, additional penalties for people who use guns in the commission of crime, and anti-smut measures are pending bills which we hope to pass to help cut crime.

Too often, however, we find people looking to the federal government as a cure-all for their problems. Even now, there are those who are suggesting a federal law enforcement system. We hope no American really wants this, for only local law enforcement can be both creative and flexible enough to respond to the particular needs of a community. None of us want a federal police.

All the federal legislation in the world won't help this country if its citizens are not aware of their invaluable function to keep our communities safe. Many of you are aware of some strange trends which have developed in this country. There are people willing to overlook crimes which imperil us each and every day.

Many shirk their responsibility for the crime rise by "scapegoating" the police and other law enforcement officers. But I believe all responsible people will agree that the accusing finger has been pointed at our nation's law enforcement officers too long. It is the local law enforcement officer who stands between the law abiding citizen and the criminal . . . between the looter and the shopkeeper . . . between the child and the molester . . . between the Students for a Democratic Society and the targets of their storm trooper tactics . . . between anarchy and violence and the peace and security of the United States. And too often he has stood alone.

How long will we permit the tacit acceptance of criminal acts just because some thug was raised in a "poor environment," or because some murdered had an unhappy childhood?" There are always those who are ready to explain the "motivation" behind criminal activity . . . but are unwilling to lift a hand to protect the innocent against a killer or rapist.

In our schools, we must teach with greater emphasis respect for and obedience to law and order. Let us demand that teachers get back to the job of teaching and leave the changing of the social order to other forces.

Let us return to our law enforcement officers the power to enforce the laws.

Let us join together in support of our Crime Control Committee in the Fourth District. Already citizens are offering their pledges and suggestions for ridding our area of crime.

We must bring crime under control in order to preserve the freedoms guaranteed by the Constitution. Whenever we allow conditions to exist that permit people to select the laws they will or will not obey, we have surely created anarchy.

The law abiding citizen must not be stifled by fear of the lawless. Americans can again know the peace and security that comes from obedience to the law. The strength we gain . . . the peace and security we have . . . is up to each of us.

Let us, the citizens of the Fourth District, lead the way. We can make the Fourth District of Florida a shining example of what can be done to control crime.

Each one of us has a job to do—

First, a turn-around on permissiveness . . . in the home, school, church or court. Quit coddling criminals insist courts do their job; deal more firmly with subversives; teach our own child respect for discipline.

Second, work for community safety through street lighting campaigns, as a volunter police "aide", by reporting suspicious loiterers, by helping organize anti-delinquency programs, by offering job opportunities to released prisoners under proper supervision.

Third, support measures to cut down the drug trade.

Fourth, enlist the positive aid of young people. The 95 percent of our college youth who support the American way, need to know how to help our institutions back to order.

Fifth, show respect for our law enforcement officers and support research for crime control techniques.

Within each of us, then, lies the power to control crime. Let us use that power wisely and for the good of all. Let us, by our actions, transmit to future generations a clean and lawful land.

FIFTIETH ANNIVERSARY OF THE PEACE TREATY OF TRIANON

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD).

Mr. GERALD R. FORD. Mr. Speaker, today we mark the 50th anniversary of the Peace Treaty of Trianon, which redrew the frontiers of Hungary and detached from her two-thirds of her territory and 60 percent of her population.

Americans of Hungarian descent regard this as a day of mourning, because as a result of this treaty, three and a half million Hungarians in the Carpathian Basin became a minority and were treated as second-class citizens by the regimes of the successor states of the Austro-Hungarian Empire.

In reflecting upon these events, Americans recognize that this 50-year-old treaty destroyed the economic unity of a region and thereby eased the way for Nazi, and later Soviet, invasion of the area.

Today the Hungarians and other successor nations of the Austro-Hungarian Empire, except for the Austrians, live under Communist domination. And as the Hungarian and Czechoslovak examples in the last 15 years have shown, they are still ruled by the leaders of the U.S.S.R.

I express my sympathy to the American-Hungarian community on this day and the hope that Soviet domination will ultimately recede from their homeland and from the countries where their brethren live as a minority. I also hope that more cooperation will become possible between the peoples of the Carpathian Basin and Central Europe, leading to increased collaboration for peace and freedom. In the meantime, we will pay sharp attention to the mistreatment of Hungarians and other peoples of the region by their governments on ideological and nationality grounds.

OUR SPEAKER RETIRES

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, it is difficult for someone who has been in this grand House for any length of time to contemplate the workings of the body without the guiding hand of the Honorable JOHN W. McCORMACK of Massachusetts as Speaker of the U.S. House of Representatives.

I have been privileged and honored to have been called "friend" by the gentleman from the Bay State. As my colleagues know, that is a very great honor.

I know that my own effectiveness as a minority member of the House has been enhanced because of the advice and counsel of our Speaker. One measure of our Speaker's greatness is that he never allowed his partisanship to obscure the merits of legislation, nor did he allow his position as Speaker and majority leader to dictate his personal and warm relations with all Members.

The Speaker has enjoyed a long and distinguished career in this the greatest legislative body in the world. His expertise, experience and intelligence during 40 years of dedicated service has been stamped onto every piece of major legislation debated in this House during that time. Many tributes have been spoken regarding JOHN McCORMACK's record tenure as Speaker of this House, and such accolades are richly deserved, but I will always remember with a special sense of awe, the times when JOHN McCORMACK relinquished the prominence and security of the rostum and came into the Well of the House to debate the issues. When in the well, JOHN McCORMACK was at his very best—in debate, he had no peers.

In times of peace and in times of war, during times of domestic tranquility or domestic turbulence, JOHN McCORMACK's steadying influence, fully consistent with the great and honorable traditions of the House has been influential, necessary and welcomed. One cannot simply pick out one or two or a half dozen major achievements and say that "this" represents the spirit of the Speaker's impact on our work. Rather, one must look at the soundness of the Nation, the integrity of its institutions, and the position of the United States of America in the world today to truly assess the measure of this man we honor.

We shall miss JOHN McCORMACK when the 92d Congress convenes next year, but we pray that he and his lovely wife have many years of enjoyable and well-deserved retirement together.

XUM

FIELD AND STREAM AND THE CHALLENGE OF OUR ENVIRONMENTAL PROBLEMS

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, in the 75th anniversary, June 1970, issue of Field and Stream, the editors have published an impressive array of articles on the subject of the future of man's environment.

However, before commenting on the substance of the articles therein, I want to extend my congratulations to the editors and publisher of the magazine on their diamond jubilee. As an avid sportsman and lover of America's natural wonders, as one reared in a family of outdoorsmen, I consider it a special and pleasurable duty to extend my felicitations to those responsible for the publication of one of America's leading magazines of interest to the outdoorsman and the conservationist. For myself, I cannot remember a time when I have not read the magazine, and usually, from cover to cover.

During its years of service to the American sportsman, its aim to inform and arouse America to the protection and enhancement of our natural resources has been a consistent policy. For most of the 75 years of its history, the magazine has fought a lonely battle. In the past 2 or 3 years the "environmental concern" has captured the attention of the American public and more and more people are joining the crusade to save America from despoilation which Field and Stream has been leading for three-quarters of a century.

In the current issue of the magazine, Mr. Franklin S. Forsberg, publisher, outlines the policy of Field and Stream for the future. It is an important statement for old and new conservationists alike and I commend its message to our colleagues. The message follows:

A SYMPOSIUM ON THE SHAPE OF TOMORROW

A seventy-fifth anniversary is a fitting occasion to celebrate; to reflect upon Field & Stream's past achievements and to take pride in what we presently stand for as the voice of America's sportsmen. It is, however, more meaningful to reflect upon the challenges of the future, especially because of the threat to our natural resources posed by the problems of pollution, overpopulation, and exploitation of resources.

From the beginning, Field & Stream has been deeply rooted in the American tradition of the great outdoors. Field & Stream has been the crusader, from conservation to sportsmen's product innovation. This magazine has fought against those things that threatened our fish, game, and the very land itself. In its earliest years, Field & Stream crusaded for an end to market hunting, and for laws to protect the rights of future generations to the natural bounty of this country. It campaigned for the purchase by Government of wild lands so that they would be continually protected from private profiteering. Today Field & Stream, in its tradition, turns to the problems we face and asks its readers to involve themselves in the hard questions of the future.

In this June Anniversary Issue, Field & Stream publishes a statement of environmental purpose by President Richard M. Nixon and a symposium of leading North American scientists and educators, all active in classroom and laboratory and the broad areas of decisionmaking. They offer hope for our precious natural heritage that could help stem the tide of its destruction. President Nixon states his belief to Field & Stream readers that we will be able to both conserve what we have and refurbish much of what has been overused. For any of this to materialize, sportsmen throughout America must continue to be dedicated and informed. Millions today have become aware of the environmental crisis in America. It has become a popular cause. This powerful concern must spread to millions more so it will not fade away or be turned aside. Field & Stream looks to you, America's sportsmen, and pledges to continue in the spirit of its past seventy-five years to work for the preservation and broadening of our fields, streams, and waterways.

FRANKLIN S. FORSBERG,
Publisher.

The lead article in the Diamond Anniversary edition of Field and Stream is entitled "The State of the Union Between Man and Nature," and is written by President Nixon. The President makes a particular point of stressing the dual problems of conservation and restoration and sounds the clarion call for this environmental decade when he says:

> We now realize that conservation and restoration are not the exclusive cause or rhetorical domain of any single group—they are the duty of all Americans.

Knowing our duty and following through are two very different matters as I am sure the President would agree. This administration has announced some giant and long overdue steps designed to follow-through and those of us who read Field and Stream are heartened by the depth of the President's commitment to improving this land of ours.

The public does not question the President's commitment to improving the environment but here is the rub—translating the President's desires into action throughout the Federal bureaucracy is a problem of herculean proportions. I want to make it very clear that by this I mean to include the bureaucracy which has become the White House staff. The goals, challenges and desires outlined by the President, approved by conservationists, environmentalists and most of the public, are frustrated day-in and day-out by bureaucratic lethergy and "mind sets" against conservation in the agencies. Unless this state of affairs in the Government itself ends, there is little hope for saving the American environment. Perhaps the way to drive home the President's environmental commitment is to make his article required reading throughout the Government.

Following the President's article, many of the scientists we have come to associate with the new national thrust of environmental concern speak out on various segments of the pollution problem. The writers include Dr. Paul R. Ehrlich, Dr. Barry Commoner, Dr. Charles F. Wurster, Dr. Douglas Pimlott, Dr. Hugh H. Iltis, and Dr. Eugene P. Odum. The President's article and those just mentioned follow—I urge their close examination by our colleagues.

THE STATE OF THE UNION BETWEEN MAN AND NATURE

(By Richard M. Nixon)

The January 1899 issue of Field & Stream contained an article, "Hunting the Grisly," written by Theodore Roosevelt. It recounted his true hunting adventures, culminating in the killing of a "huge grisly" bear. Roosevelt's great feeling for the wonder and beauty of the outdoors was reflected in this sentence: "At my feet ran a rapid mountain torrent, its bed choked with ice-covered rocks; I had been lulled to sleep by the stream's splashing murmur, and the loud moaning of the wind along the naked cliffs."

That same sentence seems to mock us today, when so many of our rivers and streams are choked not with ice but with municipal and industrial waste, while the moaning wind carries deadly pollutants. In a sense, it is our nation that has been "lulled to sleep" during these years—and we have only recently awakened to a discovery of the terrible price we have paid for ignoring the ever-increasing perils to our natural surroundings.

Theodore Roosevelt loved nature and fought for it. We can do no less. In my State of the Union address and subsequent message to the Congress, I outlined a program to meet the challenge of the present state of another union: the union between man and nature in the United States.

Readers of Field & Stream are no strangers to the struggle for conservation. Yet as we enter the last third of the century, conservation, while it is admirable and needed, is not enough. What we need today is not only *conservation*, but *restoration* as well. We must continue to conserve our remaining natural resources and wild places—but we must also restore to our nation and our people much that has been taken away from them.

Our task is not so much to bring Americas "back to nature," but to bring nature back to Americans. The United States must become a nation in which Americans can, if they wish, retreat for a time from the glories of technology. All Americans should be able to find places where the leisure that a technological society has made available is not spoiled by the harmful side effects a technological society has often created.

Can we do it? We can, provided we understand the profundity of the problem and the commitment necessary to solve it. We need the resources, the knowledge, and, above all, the will to bring about this restoration. I am convinced that we have these—and something more. We also have finally reached an understanding that unless we begin to conserve and restore now, there can be an ecological point of no return for future generations.

Nearly three-quarters of a century separates us from the America of which Theodore Roosevelt wrote in Field & Stream in 1899. We know—all too well—what has occurred to the state of the union between man and nature during that time. But what will that state be seventy-five years from now? What will an American President have to say about the state of our natural wonders and resources in the year 2045?

If we do our work well—if we not only restore in our own time but also teach our children the importance of this restoration so they can continue the work—I am certain that the citizens of that far-off decade will find an America in which:

There is *more* land than we now have in use for recreational and leisure purposes. Not only will thousands of square miles of wilderness remain undisturbed, but thousands of acres in cities, suburbs, and rural areas will be turned to recreational uses. One of the chief restoration priorities of this Administration is to see to it that the Federal Government contributes as much land as it can to this need.

There is a *diversity* of recreational uses to match the diversity of needs of Americans. Some love hunting and fishing amidst the rugged grandeur of the mountains and forests; others love quiet strips of beach, unmolested by man and his works; still others simply need a park within easy reach of home where a person can enter a green and restful world.

A firm, continuing commitment to the conservation and restoration of our natural resources has become one of the cornerstones of our national policies. The restoration of nature in the United States is not a political fad—it is an ecological imperative.

Too often in the past the conservation struggle was hampered by a misunderstanding of its fundamental and universal importance to all Americans. Some saw "conservation" only in the narrowest of terms, as something that would protect what a special group enjoyed—and nothing else. Others saw it as a good excuse to set aside some parts of the land in order to do what they wanted with the others. Still others were convinced that it concerned nothing but the wilderness and its wonders.

We now realize that conservation and restoration are not the exclusive cause or rhetorical domain of any single group—they are the duty of all Americans.

Whether we succeed in our struggle to bring a humane balance between what we do with nature and what nature can do for us is up to us—up to all of us. The man who never tracked a bear must be as concerned with preservation of the wilderness as the most avid hunter. The man who has lived all his life outdoors must be as much concerned as the city-dweller with the need for green places in urban and suburban areas.

We can never go back to the comparatively simple America of Theodore Roosevelt, but neither can we retreat from his commitment to the protection of the natural wonders of our nation. I am confident that with the help of all Americans, we will see in the coming years a restoration of the American environment in the spirit of Theodore Roosevelt, and perhaps even beyond his dreams. We must conserve; we must restore. On the state of the union between man and nature depends the physical and psychological well-being of all Americans—not just those alive today, but those who will come after us.

I urge the many readers of Field & Stream to continue their fine efforts in this field, and to join with all Americans in a national effort to restore the environment so that we—and later generations—can use it in a way in keeping with our total human needs.

POPULATION OVERGROWTH—THE FERTILE CURSE

(By Paul R. Ehrlich)

In the early 1960's I was able to catch my limit of trout regularly on the East River (a tributary of the Gunnison) in an hour or so before dinner. The western slope of Colorado in those days was relatively empty of tourists—a sportsman's paradise.

Now all that has changed. Mobs of vacationers roam up and down the dirt roads in clouds of dust, often driving bulky campers. Artificial flies often seem to outnumber their natural counterparts over the trout streams, and to fish in solitude one must hike high into the back country. The same story is, of course, being repeated all over the nation as population growth and increased mobility produce crowding in what once was unspoiled wilderness.

The same population growth that is turning our country into an esthetic shambles is, through its coupling with a waste-oriented economy and an ecologically incompetent agricultural system, causing much more serious and subtle problems.

Chlorinated hydrocarbons, including such pesticides as DDT and polychlorinated biphenyl industrial chemicals (PCBs), have been released into the ecological systems of the planet in such quantities that they may now threaten the very ability of Earth to support humanity. Serious effects are already appearing in animals that feed high on food chains (several steps removed from the green plants that are the source of food for all animals). We are now watching the process of extinction of many sea birds, which occupy that unenviable position and fishermen may soon be bidding farewell to the larger game fishes.

Indeed, it is conceivable that in a decade or two all marine fishing, both commercial and sport, will have ceased because of irreversible changes in the oceans.

Furthermore, if we continue dosing our environment with chlorinated hydrocarbons and related compounds, we may soon lose the trout and numerous other freshwater game species.

But, then again, if we keep it up we ourselves may follow the game fairly rapidly, since a loss of a substantial portion of the ocean fisheries would create a world protein famine that could lead to the end of civilization.

There are many threats to the animals treasured by the sportsmen besides those posed by chlorinated hydrocarbons. Deterioration of our fresh waters can only increase if we don't change our ways. More chemical pollution from industry, more thermal pollution from power plants, more dams, more use of inorganic nitrogen fertilizers, more high-powered cars (each a miniature fertilizer factory), more sewage-producing feedlots, and more sewage-producing people threaten all the fresh waters of our continent.

The increased demands of burgeoning population will take precedence over the maintenance of game fishes. And, of course, overpopulation and pollution will take their toll of game animals also. Already many species around the world are jeopardized, as they represent a source of decorative apparel for the thoughtless affluent or competition for the domestic animals of increasing numbers of people.

Furthermore, a pollution-induced change in the climate could—and soon may—throw the United States into a grave food crisis. This could lead to the quick extermination of our edible wildlife. In a world which already has many more human beings than it can properly support and which is adding 70 *millions* to its population each year (in spite of 10–20 million deaths by starvation annually), the future of "useless" large animals is easy to predict.

I could continue with horror stories galore—but presumably most readers of Field & Stream are already aware of the immense threat both to our wildlife and to ourselves. What can we do about it? We have a few years to act, at most.

First, we must force the government to take the responsibility for stopping the growth of the U.S. population and then reducing its absolute size. It must be made clear to all Americans that from now on it is unpatriotic and irresponsible for a family to have more than two children. Subsidized contraception and abortion must be made available to all, and if necessary, financial incentives provided for small families.

Then, we must convert from a "cowboy economy" which emphasizes waste, pollution, and growth-for-growth's-sake to a "spaceman economy" which emphasizes the quality and durability of everything—especially the quality of life. America is the prime example of an overdeveloped country, looting the world's resources and polluting the air, water, and land of our globe, all in the name of making the gross national product even grosser. We must clean up our mess; achieve population, economic, and environmental equilibrium; and then lead others to do the same.

For the average sportsman such a change would perhaps mean driving one small, very durable low-emission car for most of his life. He might have to get by with one color TV, and no electric toothbrush, electric can opener, power mower, or trail bike.

But he *would* be able to raise two healthy children, free of the fear of thermonuclear war, disease, and starvation. He would be able to introduce them to the beauty of the out-of-doors. He would be able to fish a major river, own a gun, stalk a bear, and bring home pheasant for his family. He would retain the freedoms that are possible only when people are not jammed together cheek-by-jowl. Are we going to fight to preserve the things that impart quality to each individual's life, or shall we just sit back and wait for total regimentation or the fate of the passenger pigeon to catch up with us? The choice is up to you.

NEEDED—LAND TRUSTEESHIP, NOT JUST OWNERSHIP

(By Eugene P. Odum)

Human ecology, rather than wildlife ecology, must become the chief concern of sportsmen and other conservationists in the coming decades.

If we don't intelligently "manage" our own population, there not only will be no outdoor recreation as we now enjoy it, but the quality of human existence in general will deteriorate just as surely as the quality of the individual deer or elk deteriorates on an overcrowded range. Fortunately, attitudes toward the natural environment are slowly changing as people (and especially the youth) realize that the optimum density is something less than the maximum that could be supported, and, therefore, that control of both human population growth and economic development is necessary.

Clearly, it is time for the conservationist to relate to the larger picture of human needs by campaigning for natural area preservation on the basis (1) that natural-area open space is a necesssary part of man's total environment, and (2) that land-use planning can be a most effective means of preventing overpopulation of his own species.

Here is what we face in the next fifty years. As of 1970, the average population density of the U.S. (and, interestingly enough, also the world) is one person to ten acres of ice-free land area. Even with the expected reduction in birth rates our population will double in the next thirty to fifty years, leaving us with only about five acres for every man, woman, and child. Although as little as one-third of an acre can produce enough calories to sustain one person, the kind of quality diet we want—one that includes a lot of meat, fruit, and leafy vegetables—requires almost two acres per person to produce. We also need another acre to produce the fibers we now use in this country (paper, wood, cotton, etc.). This would leave only two acres per person for all the other diversity of uses that makes man something more than an "organic machine."

It is becoming increasingly evident that adequate living space free from water and air pollution, not food, should be the key to determining the optimum density for man. We can feed more "warm bodies" than we can support quality human beings who have a reasonable chance for liberty and the pursuit of happiness! A reasonable goal is to make certain that at least a third of all land remains in protective open-space use.

This means that this portion of our total environment must be in national, state, or municipal parks, forests, refuges, green belts, or wilderness areas; or, if in private ownership, it must be protected by scenic easements, zoning, or other definitive legal means.

The individual sportsman and his organization can play a key role in achieving the quality environment objective through sensible land-use planning. He should focus on his own state and region first because his best strategy will vary with the region. In the Western States, for example, 40 to 60 percent of land is already in the public domain; here the problem is to build strong public opinion against any reduction in extent of these natural areas, and any uses that degrade them. In the Southern States there is a lot of "open space," but very little of it is protected. Here open-space acts, statewide zoning laws and commissions, and more parks and refuges are needed. In the East all states should do as New Jersey has done, that is, enact a "green acres" act that empowers cities to buy up all available unoccupied land for preservation and use in its natural state.

Throughout the country a special effort must be made immediately to preserve wetlands. Coastal marshes, swamps, fresh-water marshes and lakes are not really suited for intensive "production" of food, fiber, or goods, even though considerable harvest can be obtained as a byproduct of recreational and other use. The public, not to mention some segments of our Federal Government, has not yet been completely "sold" on the value of wetlands for water and air conservation and recreation. Wetlands now loom as extremely valuable as just plain "buffers" to prevent overcrowding. Most people and some government bureaus still think marshes and swamps are somehow "unhealthy" or "undesirable," and must be drained on general principle. "Selling" wetlands preservation is a job that can be done by the sportsman who knows these resources!

Finally, the conservationists should join, and help direct, our young people's all-out war on pollution. The first thing to do is to find out if one's state has adequate laws that are being enforced. The next step is to convince industry that waste treatment and control is good business. To do this there must be economic pressure on pollutors.

I am optimistic enough to believe that the next fifty years will see Aldo Leopold's "Land Ethic" become a part of the human Bill of Rights. The land ethic is based on the old English concept that land ownership is a "trusteeship" in the sense that ownership entails the responsibility for maintaining its quality and is not a privilege to exploit and destroy. I foresee the courts increasing rule against the despoilers (whether they be individuals, corporations, or even our own Government) and in favor of man's right to a quality environment.

Until such time as the legal basis for this can be worked out, there is no time to lose in making certain that at least one-third of the environment remains under nature's wise management for our own protection.

Man's Forgotten Necessity—Eco-Variety

(By Hugh H. Iltis)

Cornfields and cows inherited the tamed earth, the curse of concrete spread upon a denatured land, and woe became the soul of forsaken man.

This is a world no reader of Field & Stream would wish to live in! Yet in *less* than seventy-five years of current technology, production-oriented economics, and exploding populations continue, one can safely predict utter destruction of wild animal and plant life from Alaska to the Amazon, from Africa to Australia, a simplification of biotic communities serving but one end—the feeding and housing of the billions of Man.

To any man whose heart belongs to the out-of-doors, the main lesson of the 20th century should be clear: the earth is well on the road to becoming a crowded cesspool, an ultracivilized wasteland with thousands of factories for wingless, feather-less chickens and mutated blobs of "cow" perpetually milked, with synthetic bacon for breakfast and algae steak for lunch, with controlled climates without season, a world of plastic flowers, endless television and frantic tedium, an inhuman inferno, a "Human Zoo."

Though you hunters, who read this, can still dream today about stalking bear, mountain lion, tiger, or rhinoceros, these and a thousand others are considered by some to be endangered species. In seventy five years, most mammals, birds, reptiles, even fish, clams, and insects, might well be stuffed curiosities in museums or pretty pictures in books, as irreversibly extinct as the magnificent Dodo.

The living world then will indeed not be the same, but a simplified biological factory producing corn, cows, and people and, perhaps, tame semi-domesticated deer.

So what? Has not human vision always been shortsighted: to kill, to use, to destroy all living things edible, cutable, plowable, or salable; has this not been man's essence for a long, long time? Should we not simply accept the inevitable?

The innate "wisdom" of our bodies will not let us. We cannot change our animal nature to fit a polluted, crowded, denatured, technological environment, since our genes were shaped by natural selection of the uncrowded, clean, *natural* environment over millions of years. If each person has "a fundamental and inalienable right to a healthful environment," then *we must accept the natural environment as indispensable* and modify our culture to satisfy the environmental demands of our genes.

To the endless arguments as to what kind of environment man needs, the generalized answer is obvious: The optimum human environment is one in which the human animal can have maximum contact with the natural (evolutionary) environment in which he evolved, and for which all his basic processes are innately programmed, yet one in which at the same time the many advantages of urban civilization are not sacrificed.

This compromise is not simply something to work toward; it is necessary and possible. The powers of man, the speed and extent of his destruction, are of an unprecedented magnitude, true; but so are his powers for cultural change. While his science and technology, his brain, allowed man to escape temporarily the laws of evolution, to conquer, exterminate, pollute and disrupt the environment in every corner of the earth, this very same science could lead man back to ecological sanity.

We need clean air and water, open spaces and forests, hunting and fishing, uncrowded towns and quiet streets, human companionship and love. We also need a diverse environment for very practical reasons. Thus, studies of insect pollination on alpine meadows, of territoriality in white rhinos or red-winged blackbirds, of energy cycles in tropical forests along the Congo River, or of social behavior of chimpanzees in the wilds of Africa are all essential to understanding man's role and control of the environment, are all impossible to know without undisturbed, *deliberately preserved* "wild" nature.

Super Technology—Will It End the Good Life?

(By Barry Commoner)

With startling suddenness, environmental pollution has soared to the top of the agenda of public concern. The immediate reasons for this intense concern are not difficult to detect, for they constantly assail our senses. Our eyes smart from smog; our ears throb with the noise of automobiles, aircraft, and construction tools; we are assailed by the obnoxious odors of polluted waters and the repugnant sight of mounting heaps of rubbish.

Less apparent than pollution itself is what can be done about it. The problems are enormous in size. Cities are running out of places to dump garbage and rubbish, and a lake as large as Erie has been nearly totally polluted. The problems are bewildering in their complexity. If we expand sewage treatment facilities, we only intensify the pollution due to rotting masses of algae; if we incinerate garbage, we intensify air pollution. If we attempt to control smog by means of exhaust devices which reduce waste fuel emission, we worsen the pollution due to nitrogen oxides.

Why has a society which is so enriched by the progress of technology now become so impoverished in the quality of the life which that technology supports? What are the causes of this dismaying paradox? What can be done to resolve it?

I believe we are in an environmental crisis which threatens the survival of this nation, and of the world as a suitable place of human habitation. Environmental pollution is *not* to be regarded as an unfortunate but incidental by-product of the growth of population, the intensification of production, or of technological progress. It is, rather, an intrinsic feature of the very technology which we have developed to enhance productivity.

Our technology is enormously successful in producing material goods, but too often is disastrously incompatible with natural environmental systems. Yet, the survival of all living things—including man—the quality of life, and the continued success of all human activities—including technology, industry, and agriculture—depends on the integrity of the complex web of biological processes which comprise the environment—the earth's ecosystem. And what man is now doing on the earth violates this fundamental requisite of human existence.

With tragic perversity we have linked much of our productive economy to precisely those features of technology which violate the environment that supports us.

Unless we start now with a *fundamental* attack on the environmental crisis, we will find ourselves, in a decade, locked into an irreversible, self-destructive course.

President Nixon has declared enhancement of the environment a major goal of his administration. I hope that he truly recognizes the urgency of a *fundamental* attack on the environmental crisis, and that he will lead in mobilizing the total resources of the nation for this task.

For example, the President should enable the scientific community to take the first steps toward environmental survival by releasing it from the paralyzing effects of the most severe cutbacks in the research support in twenty-five years. In addition, he can find the immediate means to devote Federal resources to a simple, yet enormously meaningful, program: Let us declare that every piece of land not in actual use by its owners must be returned, until otherwise needed, to grass and trees; let us find the means to remove the abandoned buildings and junk piles from blighted city streets and restore them to nature's green. Once cleared, these parks will be nurtured, I assure you, by the people who enjoy them.

I would hope, as well, that the President will see the wisdom, in the name of ecological sanity, of halting the development of the SST—an environmental horror which, if it is ever flown in the nation's airlanes, will expose a fourth of the nation to noise equivalent to that which surrounds our airports.

In sum, I hope *the President can lead the people in the fight for environmental survival by declaring a state of national ecological emergency.*

For, clearly, these huge undertakings cannot even be begun unless we dramatically reorganize our national priorities. We cannot continue to devote the talent of our engineers and the competence of our workers to the production of overpowered, pollution-generating cars that do violence on the road and in the ecosystem. We cannot continue to waste manpower and resources on a futile war, and on weapons that become obsolete before they are produced—and which if ever used, will destroy this planet as a place fit for human life.

The environmental crisis has brought us to the most awesome turning point in this country's history. We have become a nation that wields the greatest power in the saga of man: power in the form of food, industrial plants, vehicles, and the weapons of war. We have also become a nation beset by violence: on the battlefield, on the highways, and in personal encounters—but more fundamentally in the destruction of the natural, harmonious fabric of the environmental system which supports us. It is this fundamental violence to the world in which we live that divides us, as we compete among ourselves for the earth's goods, unaware that each of us, in his own way, is thereby contributing to the destruction of the whole that supports us all.

The time has come to forge a grand alliance in this nation. All of us now know that if we are to survive, the environment must be maintained as a balanced, harmonious whole. We must all work together to preserve it. If we fail, we shall abandon the place where we must live—the thin skin of air, water, soil, and living things on the planet Earth—to destruction. The obligation which our technological society forces upon all of us, young and old, black and white, right and left, scientist and citizen alike, is to discover how humanity can survive the new power which science has given it. Every major advance in the technological competence of man has enforced new obligations on human society.

The present age of technology is no exception to this rule of history. We already know the enormous benefits it can bestow, and we have begun to perceive its frightful threats. The crisis generated by this knowledge is upon us.

The environmental crisis is a grim challenge. It also is a lofty opportunity. From it we may yet learn that the proper use of science is not to conquer nature, but to live within its scope. We may yet learn that to save ourselves we must save the world that is our habitat. The time is at hand to devote the wisdom of science and the power of technology not simply to the welfare, but to the survival, of man.

PRODUCT PUSHERS VERSUS THE PEOPLE

(By Charles F. Wurster)

As we look ahead into the decades to come, we might well wonder whether our lovely blue-and-white spaceship called Earth will gradually turn to various shades of gray. If our biosphere is to be burdened by a continued exponential increase in human populations—if billions upon billions of people are to consume and degrade the irreplaceable natural resources of our planet—then our future is bleak indeed. The present rates of population increase cannot continue on a little world of finite, limited resources. No scientific miracles can bail us out of that truth. We cannot overflow to some other celestial body or create resources out of empty space.

Although continued population increase is the road to sure and certain disaster, population stability itself is no guarantee of paradise on Earth, for even a thin population can plunder its environment. It is essential that we protect at all costs the environmental quality on which the quality of human life depends; yet our polluted air, waters, and land, the rapid depletion of natural resources, and the unbalanced biotic communities tell us we have often been unwise masters, rather than guardians of our precious planet.

Most obvious pollution problems are not created by gangsters and fly-by-night operators, but by many of our respected private and public enterprises that are not yet housebroken. It is cheap and "profitable" to discharge wastes into the water or air—profitable for the polluter. But the total social cost somehow seems forgotten as the rest of society picks up the tab in the form of a degraded environment.

Another group of environmental problems, also caused by respected private and public enterprises, we might lump under the category of "product pushing"—the salesmanship of a product that damages the environment more than it benefits society. DDT and certain other chlorinated hydrocarbons fall into this category. There was a time when DDT had no substitutes, but that time is long past. We can have its benefits by employing a variety of biological and chemical techniques that are often more effective in controlling insects anyway.

Exhaustive studies by scientists all over the world show that DDT has contaminated our biosphere and is causing serious, permanent, and irreparable environmental damage. DDT residues are found in nearly all human food, including foods never treated with DDT, and in the tissues of all human beings. Unlike the cyclamates, people cannot choose to avoid DDT, and their tissues remain contaminated from conception to the grave. DDT constitutes a threat to human health because it causes cancer.

Sportsmen should recognize the particular impact of DDT on wildlife. Because its residues are chemically stable, mobile, virtually insoluble in water but soluble in fatlike material, DDT residues leave the site of application and contaminate the tissues of living, nontarget organisms far from where the chemical has been used. Residues become increasingly concentrated as they move up the food chain, thereby reaching the highest levels in certain fish, birds, and man at the top of the food chains. By reducing the reproductive success of fish and birds DDT threatens important fresh-water and marine fisheries, and has caused the great decline of the osprey, bald eagle, brown pelican, black duck, Cooper's hawk, peregrine falcon, and other species.

DDT inhibits reproduction in birds by causing them to lay abnormally thin-shelled eggs, which break prematurely in the nest and thereby do not produce chicks. It inhibits reproduction in fish by killing the fry after the contaminated adult female passes the residues into the eggs.

Residues do great damage to useful invertebrates of many species. Insect communities are frequently disrupted by the killing of beneficial predatory and parastic insects, thereby frequently aggravating the very insect pest problem DDT was intended to control. It kills pollinating insects, and damages crustaceans, such as crab and shrimp. Even phytoplankton, at the base of oceanic food chains, can have their photosynthetic activity reduced by a few parts of DDT per billion parts of water.

DDT usage continues nevertheless because narrow interests among pesticide manufacturers and the agricultural establishment want it that way, have a position of political power over national pesticide polices, and will fight to keep it.

Cyclamates were ordered from the market only five days after the Secretary of Health, Education and Welfare received evidence that they cause cancer in mice, yet the Federal Government has not taken any effective action in dealing with the chlorinated hydrocarbons. In spite of much talk from Government, the use of DDT continues. More than 100 million pounds of DDT are released into the environment each year. Instead of recognizing the truth about these chemicals and helping to alleviate the problem, the product pushers in the pesticide industry attack and attempt to discredit those scientists who research and describe it. In future decades we must hope that such forces will become responsible and responsive to environmental and human values rather than the dictates of their own economic interests.

Although pressures on legislative and administrative bodies for protecting the environment are growing, these bodies are slow to respond. A direct way of countering the economic and political pressures of vested interests lies in the judicial—the courts. Environmental law has emerged as a powerful new tool for protecting the environment, and litigation has been used with striking success by such organizations as the Environmental Defense Fund and the Sierra Club.

The Environmental Defense Fund (EDF), founded in 1967, has centered much of its attention on efforts to eliminate DDT. It is a nonprofit, public benefit coalition of scientists, attorneys, and distinguished citizens devoted to the protection of environmental quality. Where more conventional approaches fail to achieve a public policy that makes wise use of natural resources, EDF is prepared to take legal action to protect these resources. It believes the judiciary is the one social institution structured to provide the wise decisions that may enable us to avert ecological disaster. Scientific support for EDF actions is provided through the Scientists Advisory Committee, which includes more than 200 scientists who serve without fee.

Experience shows clearly that scientific knowledge presented as testimony from the witness stand exerts far greater influence on public policy than the same knowledge exposed through the more conventional channels of scientific literature or the advisory panel. This has been repeatedly demonstrated in actions against persistent pesticides on Long Island, and in Michigan and Wisconsin. Joined by the Sierra Club, National Audubon Society, West Michigan Environmental Action Council, and six California individuals, EDF more recently asked the United States Court of Appeals in Washington, D.C., to require the U.S. Departments of Agriculture and Health, Education, and Welfare to take effective action in eliminating the use of DDT.

EDF is also investigating the supersonic transport plane (SST). If we are not vigilant, this will become the DDT of the future for similar economic and political reasons—the environmental nightmare that takes three decades to eliminate from use. For the benefit of aircraft manufacturers and airlines, and their willing collaborators in Government, vast sections of the Earth will be subjected to powerful, ear-shattering sonic boom that will make our current jets sound like mosquitoes by comparison. Why? Because those who stand to benefit from construction and use of the SST are politically powerful, while those who worry about environmental quality, though more numerous, are disorganized and politically weak.

We are promised that the SST will not fly over densely populated areas; this means it will fly over thinly populated areas, so those who most hate the noise, and therefore retreat from large cities, will be the most intensively boomed. Once built, however, there will be pressures to fly the SST everywhere to recoup the investment in the name of "progress," and the promises of 1970 will be long forgotten. If the public permits the SST to be built, we will likely find ourselves in a world without solitude, where sportsmen and other vacationers will find no refuge from noise.

Product pushers who degrade the environment are by no means limited to the private sector; the U.S. Army Corps of Engineers is a public enterprise whose empire exists to build dams and canals, dredge wetlands, and do other unnatural things with water. In its own myopic way it proceeds with a project at public expense, whether we need it or not, and regardless of the environmental price. In northern Florida it is building a canal we don't need by destroying a priceless and irreplaceable wild river that we *do* need. Litigation to block the project is pending in a Federal court.

The hour is late and there is no time for complacence. The world we save will be our own, and we had better set to it for we will not get another. If the meek someday inherit the Earth, they will have to thank the activists for saving it for them. Sportsmen, in particular, will have to become activists themselves, learning to identify the environmental problems and zeroing in on the target issues.

CANADA IN THE 1970's—MAKE OR BREAK

(By Douglas H. Pimlott)

If the sportsmen of the United States have hopes that their sons and daughters will enjoy the "unspoiled wilds" of Canada during the years to come, they should be apprised of the environmental crisis north of the border. We are at the crossroads.

Until now, nature has not fared badly in Canada. Salvation has not been in our foresight, but in the fact that our population of twenty-one million people lives in a relatively narrow ribbon of land. But big changes are coming on fast.

Many options are still open. They won't remain so for long. The 1960's witnessed a tremendous surge of exploitation in areas critical to the future. At the current rate, the shape of things for the next century will be cast in the 1970's, or the 1980's at the latest. Constructive action is imperative, or Canada will go down the drain. We need to work closely with our conservation colleagues below the border; we need to forge an environmental entente for North America, for the good of all.

This is abundantly plain in the Arctic, where the big things center around the potential development of oil and minerals. Panarctic Oil, a consortium which includes the federal government, is moving ahead very rapidly with oil exploration over a large area. "Canadian Prudhoe Bays," with all the damage they imply, are definite prospects. Even now, a pipeline is planned to cross the Yukon and Northwest Territories from Alaska. A major strike of iron ore has been made on Baffin Island. Prospecting teams are everywhere running their tests.

Exploration for oil and minerals poses almost as big a problem as pollution from mining, since both tracked vehicles and seismic equipment cause serious erosion. The notion of transporting oil through Arctic ice packs in 250,000-ton tankers causes Canadian ecologists—as well as those of the United States and other nations—to grow green around the gills, for sooner or later one must sink; yet no one knows how long it takes oil to decompose under arctic conditions, so the potential consequences to ducks, geese, sea birds, seals, and whales are awesome to contemplate.

Developments in forestry and agriculture are equally disturbing. Eighty percent of the ducks harvested in North America are raised in the wetlands of Canada's great plains. But for how long can this resource endure, considering these areas are being steadily drained through one form of subsidy or another? Likewise, our Canadian forests are used primarily not to sustain wildlife, but to produce raw materials for pulp and paper products. The logging industry has gone mechanical in a big way; it is clear-cutting larger and larger areas in dimensions it might not get away with in some of the more progressive States. At one time the cutovers provided excellent habitat for big game, but now they leave the country in such poor condition that it is almost unusable by deer and moose in winter.

The prospects for water resources are about the same as those of the land. The fact that the ten provinces have primary responsibility over water means that Canada will never have an organization comparable to the U.S. Army Corps of Engineers developing high-pressure schemes for rivers all across the nation. Good, you say? Yes, I almost thought so, too, until the 1950's and 1960's, when the provincial governments began damming everything in sight without making any pretext of multiple-use management. Except in Ontario, the great majority of water impoundments are a sea of treetops or an almost impenetrable mass of floating debris.

The big moves in water are likely to be in the diversion of north-flowing rivers. The first "Grand Design" was to have been the Churchill River, at Southern Indian Lake in Manitoba. But the people rebelled when they learned the full implications of the scheme, and a change in government resulted in killing it. Ontario has several rivers flowing into James Bay that are also being surveyed with a view to diverting them into the Great Lakes. No one has any idea of what the diversion of rivers might mean to the ecology of James Bay and Hudson Bay. No one is conducting studies to find out. No one is yet considering the value of maintaining such glorious rivers in their free-flowing state for the benefit of young people of days still to come.

Canada is also thwarted by complexities of jurisdiction over natural resources that make it extremely difficult to develop integrated national programs for protection and management. Simply stated, the British North America Act (BNA), which serves as Canada's constitution, made lands and forests a provincial responsibility. It gave the federal government jurisdiction, but not proprietary rights, over fisheries. Wildlife was not mentioned and became a provincial responsibility as a result, though the federal government became involved with wildlife when the Migratory Bird Treaty was signed in 1916 and now has considerable initiative in this important area.

The issues of resource protection under the BNA are currently being hotly debated, but the fact is that Canada has no national forests or national lands comparable to those managed by the Forest Service or the Bureau of Land Management in the United States. The few national parks, such as Banff and Jasper, are merely showpieces, brought into the system when the western provinces were still territories. Quebec and Ontario, the large central provinces, resolutely refuse to turn over any sizable portions of land to the national system. Even in the Yukon and Northwest Territories, where it is still the boss, the federal government is too "chicken" to establish parks or wilderness areas against the wishes of mining interests which dominate the Territorial Councils.

In the face of such imponderables, what are the prospects of maintaining a quality environment in Canada? The answer is not very bright unless big things happen and happen fast. But there is hope. There was dynamic evidence in the late '60's that the sleeping giant of public opinion has finally awakened and opened its eyes to the problems.

In Ontario, the government suddenly found itself fighting major battles over water and air pollution, park policies, the use of DDT. In March it declared that DDT was not a serious problem at all, then banned it in August. Quebec and the federal government climbed on the band wagon and also introduced restrictive regulations.

Also in the late '60's a major fertilizer industry was closed down for several months in Newfoundland because of a phosphate pollution problem. The federal government became very concerned about pollution in the Arctic and elsewhere and announced new legislation to protect the environment. The Algonquin Wildlands League began fighting a major battle for parks and wilderness and got a nationwide hearing; people at last began saying, "We want wilderness close to where we live." Anglers and hunters joined together to form the Canadian Wildlife Federation and received an immediate payoff in direct action programs. Students at the University of Toronto formed Pollution Probe, turning dissent into very constructive channels, and similar organizations are now being established at many other college campuses.

Canadians need the cooperation and expertise of scientists, sportsmen, and citizen conservationists of the United States. Above all, the lesson of the '60's is that battles of the environment can be fought successfully—but not by diplomacy. Success or failure in keeping options on North America open during the critical '70's will depend on how willing we all are to fight battles harder and longer. The organizations now exist; all they need are people willing to take off their gloves and get into the fray. How North America exercises its options—whether it is a continent of the future or of the past—will depend on how hard and how skillfully the battles of the '70's are fought.

THE PRESIDENT'S INTERIM REPORT ON THE CAMBODIAN OPERATION

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include an address by the President of the United States.)

Mr. GERALD R. FORD. Mr. Speaker, I was most pleased to see the President make an interim report to the American people last night on the results of the Cambodian operation.

I was personally impressed by that report and I feel certain that most other Americans were also. It seemed to me that President Nixon's presentation could not help but reassure the Nation regarding the Cambodian operation.

The President's report was a dramatic outline of the facts surrounding events in Cambodia. I agree with the President that the Cambodian operation must be described as the most successful military mission we have ever undertaken in the Vietnam war.

I was glad the President reviewed the reasons for our attack on the Communist sanctuaries in Cambodia. Americans now recognize the necessity for the Cambodian operation since, as the President explained last night, the Communists were making the entire 600-mile Cambodian-South Vietnamese border a launching area for attacks on American and allied forces in Vietnam.

There is no question but that we have achieved the basic objectives of the Cambodian operation. And those Americans concerned about a widening of the war should be reassured by the President's promise that the only U.S. activity in Cambodia after July 1 will be air missions to interdict the movement of enemy troops and materiel. They should also be reassured by the President's statement that the door to a negotiated peace is "wide open."

Mr. Speaker, the President deserves the broadest possible public support for his continuing efforts to win a just peace in Vietnam. I believe his report to the Nation last night will earn him support except from those persons and groups who would be satisfied with nothing less than immediate withdrawal from Vietnam, regardless of the consequences.

President Nixon has kept his word to the American people. He has demonstrated himself to be a strong leader, a man the people can look to for strong decisionmaking, a man they can trust, a man in whom they can believe. The American people should give peace a chance by giving the President a chance.

The President's address follows:

RADIO AND TELEVISION ADDRESS BY THE PRESIDENT OF THE CAMBODIAN SANCTUARY OPERATION

Good evening, my fellow Americans.

One month ago, I announced a decision ordering American participation with South Vietnamese forces in a series of operations against Communist-occupied areas in Cambodia which have been used for five years as bases for attacks on our forces in South Vietnam.

This past weekend, in the Western White House in California, I met with Secretary Laird, General Abrams and other senior advisors to receive a firsthand report on the progress of this operation.

Based on General Abrams' report, I can now state that this has been the most successful operation of this long and very difficult war.

Before going into the details which form the basis for this conclusion, I believe it would be helpful to review briefly why I considered it necessary to make this decision, what our objectives were; and the prospects for achieving those objectives.

You will recall that on April 20, I announced the withdrawal of an additional 150,000 American troops from Vietnam within a year—which will bring the total number withdrawn, since I have taken office, to 260,000. I also reaffirmed on that occasion our proposals for a negotiated peace.

At the time of this announcement I warned that if the enemy tried to take advantage of our withdrawal program by increased attacks in Cambodia, Laos, or South Vietnam in a way that endangered the lives of our men remaining in South Vietnam, that I would, in my capacity as Commander-in-Chief of our Armed Forces, take strong action to deal with that threat.

Between April 20 and April 30, Communist forces launched a series of attacks against a number of key cities in neutral Cambodia. Their objective was unmistakable—to link together bases they had maintained in Cambodia for five years in violation of Cambodian neutrality. The entire six-hundred-mile Cambodian-South Vietnam border would then have become one continuous hostile territory from which to launch assaults upon American and allied forces.

This posed an unacceptable threat to our remaining forces in South Vietnam. It would have meant higher casualties. It would have jeopardized our program for troop withdrawals. It would have meant a longer war. And—carried out in the face of an explicit warning from this Government—failure to deal with the enemy action would have eroded the credibility of the United States before the entire world.

After very intensive consultations with my top advisors, I directed that American troops join the South Vietnamese in destroying these major enemy bases along the Cambodian frontier. I said when I made this announcement: "Our purpose is not to occupy these areas. Once the enemy forces are driven out of the sanctuaries and once their supplies are destroyed, we will withdraw."

That pledge is being kept. I said further on that occasion, "We take this action not for the purpose of expanding the war in Cambodia, but for the purpose of ending the war in Vietnam." That purpose is being advanced.

As of today I can report that all of our major military objectives have been achieved. 43,000 South Vietnamese took part in these operations, along with 31,000 Americans. Our combined forces have moved with greater speed and success than we had planned; we have captured and destroyed far more in war material than we anticipated; and American and allied casualties have been far lower than we expected.

In the month of May, in Cambodia alone, we captured a total amount of enemy arms, equipment, ammunition and food nearly equal to what we captured in all of Vietnam in all of last year.

Here is some film of the war material that has been captured.

This is some ammunition you see. We have captured more than 10 million rounds of ammunition. That is equal to the enemy's expenditures for nine months.

Here you also see a few of the over 15,000 rifles and machine guns and other weapons we have captured. They will never be used against American boys in Vietnam.

This reality was brought home directly to me a few days ago. I was talking with a union leader from New York. His son died in Vietnam this past February. He told me that—had we moved earlier in Cambodia—we might have captured the enemy weapon that killed his son.

Now you are looking at some of the heavy mortars, rocket launchers and recoilless rifles that have shelled U.S. base camps and Vietnamese towns. We have seized over 2,000 of these along with 90,000 rounds of ammunition. That is as much as the enemy fires in a whole year. Had this war material made its way into South Vietnam and had it been used against American troops, U.S. casualties would have been vastly increased

Here you see rice, more than 11 million pounds of rice. This is more than enough rice to feed all the enemy's combat battalions in Vietnam for over three months. This rice will not be feeding enemy troops now, but rather war refugees.

Now with the rainy season now beginning, it will take the enemy months to rebuild its shattered installations and to replace the equipment we have captured or destroyed.

The success of these operations to date has guaranteed that the June 30 deadline I set for withdrawal of all American forces from Cambodia will be met. General Abrams advises me that 17,000 of the 31,000 Americans who entered Cambodia have already returned to Vietnam. The remainder will return by the end of this month. This includes all American air support, logistics and military advisory personnel.

The only remaining American activity in Cambodia after July 1 will be air missions to interdict the movement of enemy troops and material where I find that is necessary to protect the lives and security of our men in South Vietnam.

Our dicussions with the South Vietnamese government indicate that their primary objective remains the security of South Vietnam, and that their activity in Cambodia in the future—after their withdrawal from the sanctuaries—will be determined by the actions of the enemy in Cambodia.

When this operation was announced, the critics charged that it would increase American casualties, that it would widen the war, that it would lengthen our involvement, that it might postpone troop withdrawals. But the operation was undertaken for precisely the opposite reasons—and it has had precisely the opposite effect.

Let us examine the long-range impact of this operation.

First, we have eliminated an immediate danger to the security of the remaining Americans in Vietnam, and thereby reduced our future casualties. Seizing these weapons and ammunition will save American lives. Because of this operation, American soldiers who might not otherwise be ever coming home, will now be coming home.

Second, we have won precious time for the South Vietnamese to train and prepare themselves to carry the burden of their national defense, so that our American forces can be withdrawn.

From General Abrams' reports and from our advisors in the field, one of the most dramatic and heartening developments of the operation has been the splendid performance of the South Vietnamese army. Sixty percent of all the troops involved in the Cambodian operations were South Vietnamese. The effectiveness, the skill, the valor with which they fought far exceeded our expectations. Confidence and morale in the South Vietnamese army has been greatly bolstered. This operation has clearly demonstrated that our Vietnamization program is succeeding.

Third, we have insured the continuance and success of our troop withdrawal program. On April 20, I announced an additional 150,000 Americans would be home within a year. As a result of the success of the Cambodian operations, Secretary Laird has resumed the withdrawal of American forces from Vietnam. Fifty thousand of the 150,000 I announced on April 20 will now be out by October 15.

As long as the war goes on, we can expect setbacks and some reversals. But, following the success of this effort, we can say now with confidence that we will keep our timetable for troop withdrawals.

Secretary Rogers and I have been particularly encouraged by the resolve of 11 Asian countries at the Djakarta Conference to seek a solution to the problem of Cambodia. Cambodia offers an opportunity for these 11 nations, as well as other countries of the area, to cooperate in supporting the Cambodian government's efforts to maintain Cambodian neutrality, independence and territorial integrity. We shall do what we can to make it possible for these Asian initiatives to succeed.

To the North Vietnamese tonight I say again—the door to a negotiated peace remains wide open. Every offer we have made at the conference table, publicly or privately, I herewith reaffirm. We are ready to negotiate, whenever they are ready to negotiate.

However, if their answer to our troop withdrawal program, and to our offer to negotiate, is to increase their attacks in a way that jeopardizes the safety of our remaining forces in Vietnam, I shall, as my action five weeks ago clearly demonstrated, take strong and effective measures to deal with that situation.

As all of you know, when I first announced the decision on Cambodia, it was subjected to an unprecedented barrage of criticism in this country. I want to express tonight my deep appreciation to the millions of Americans who supported me then and who have supported me since in our efforts to win a just peace.

But I also understand the deep divisions in this country over the war. I realize that many Americans are deeply troubled. They want peace. They want to bring the boys home. Let us understand once and for all that no group has a monopoly on those concerns. Every American shares those desires; I share them very deeply.

Our differences are over the best means to achieve a just peace.

As President I have a responsibility to listen to those in this country who disagree with my policies. But I also have a solemn obligation to make the hard decisions which I find are necessary to protect the lives of 400,000 American men remaining in Vietnam.

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When I spoke to you a month ago, a clear threat was emerging in Cambodia to the security of our men in Vietnam.

Ask yourselves this question: If an American President had failed to meet this threat to 400,000 American men in Vietnam, would those nations and peoples who rely on America's power and treaty commitments for their security—in Latin America, Europe, the Middle East or other parts of Asia—retain any confidence in the United States? That is why I deeply believe that a just peace in Vietnam is essential, if there is to be a lasting peace in other parts of the world.

With this announcement tonight, we have kept the pledge I made when I ordered this operation, that we would withdraw from Cambodia on a scheduled timetable—just as this Administration has kept every pledge it has made to the American people regarding the war in Vietnam and the return of American troops.

Let us look at the record.

In June of 1969 I pledged a withdrawal of 25,000 troops. They came home. In September of the same year I said I would bring home an additional 35,000. They came home. In December I said an additional 50,000 Americans were coming out of Vietnam. They, too, have come home.

There is one commitment yet to be fulfilled. I have pledged to end this war. I shall keep that promise. But I am determined to end the war in a way that will promote peace rather than conflict throughout the world. I am determined to end it in a way that will bring an era of reconciliation to our people—and not an era of furious recrimination.

In seeking peace, let us remember that at this time only this Administration can end this war and bring peace. We have a program for peace—and the greater the support the Administration receives in its efforts, the greater the opportunity to win that just peace we all desire.

Peace is the goal that unites us. Peace is the goal toward which we are working. Peace is the goal this government will pursue until the day that we reach it.

Thank you, and good night.

Mr. EDWARDS of Alabama. Mr. Speaker, in the last few days we have heard some carping and sniping at the President of the United States for going before the American people on television to report to them on a war which divides us all and troubles us all.

I rise in response to that criticism.

We are divided about this war—but God knows the more information and candor we can receive on how it is progressing, on how American troops are doing, the better. A month ago, the President ordered American troops into Cambodia—and last night he presented to the Nation one of the most open and candid assessments of that operation or any operation I have heard. Now what is wrong or partisan or political about that? Do the American people not have the right to know what is going on. Does their elected leader not have the right to go before them to tell them of the success their sons have achieved, when they will be coming out of Cambodia, and when they will be coming home from Vietnam.

I fear that some of the critics of the President's policy on Vietnam have become so acerbic and hostile to this war effort that they have indeed, like Oedipus, blinded themselves. Not only do they reserve the right to attack the President at the time of his decision—they want now to deny him the right to merely describe what has been accomplished; and today of course they are working to tie his hands so that he cannot act freely again in defense of the 400,000 men for whom he is responsible.

Last night's open, candid, forthright report was the President's right—and to the Nation and peoples' benefit—all of them, dissenters as well as supporters. Indeed, both enjoy the right to know and the President has the obligation to tell them.

Let us disagree about policy but not carp about the President's right to communicate freely for 15 minutes with the Nation that elected him to end this Vietnam war.

Mr. COLLIER. Mr. Speaker, in these past 4 weeks, we have seen headlines in magazines and newspapers—and heard ponderous voices on radio and television—sloganeering about a "crisis of leadership" in the United States.

How wrong can these pundits be?

President Nixon studied a most complicated problem in Southeast Asia, made a most courageous decision, stuck with it through a storm of violent and mindless criticism, and now has reported success. American lives have been saved. American men are coming home. The end of the war is nearer.

This is leadership. This is the very essence of a great Presidency at work. Can the critics be so blinded that they cannot see this?

What we have, I submit, is a crisis of readership. And I ask all of the pundits who have been thrusting their knives into the back of the President—and into the backs of American fighting men in Southeast Asia—to change their ways and to inform their readers and viewers and listeners rather than try to sell their own distorted opinions.

Let us end this crisis of readership.

Mr. DUNCAN. Mr. Speaker, it has long been a premise of democratic theory that if the people of a nation are properly informed they will usually reach a true and proper judgment. I believe the accuracy of that premise is being demonstrated anew these days in connection with the President's decision to send American troops to clean out Communist sanctuaries in Cambodia. For a majority of the people have continually supported that decision—despite the loud voices of opposition. And every indication is that the President's latest effort to better inform the citizens of the United States concerning the results of the Cambodia action are producing even more strong support for his action.

There is nothing like a little evidence, after all, to dispell all of the abstract doubts and uncertainties which inevitably arise concerning a difficult decision. There is nothing like a little evidence, moreover, to answer critics who have been so active in recent days. And evidence—hard evidence—is what the President presented. He has seen to it that the American public is properly informed—and he has every confidence that they will as a result make even better decisions about the great issues of our time.

Mr. TEAGUE of California. Mr. Speaker, if there is a single virtue which all Americans admire in a man, it is honesty. We like a man who keeps his word, who can be trusted to do what he says.

President Nixon is such a man. When he makes the American people a promise, they can count on it being kept.

President Nixon promised to end this war and bring our boys home. He is keeping that promise. In the last year, over 115,000 men came home from Vietnam; in the next year another 150,000 will join them.

When he announced the attacks on the Communist sanctuaries in Cambodia, the President promised that all American forces would be withdrawn from that operation by July 1. He is keeping that promise.

Mr. President, one would assume that frankness of purpose and honesty of speech would characterize all who occupy positions of trust, but unfortunately we know this has not always been the case. It is, therefore, worthy of our notice that the President is such a man, that he is a man of his word. He has earned the confidence of the American people by his courage, by his firmness of purpose, and by his determination to keep his word. He has closed the credibility gap and that, Mr. President, is no small achievement.

Mr. PELLY. Mr. Speaker, when I turned off my television set last night, after listening to President Nixon's speech on the Cambodia operation, I sat for a moment and then one thought went through my mind: I now thank God the President had the courage and the foresight to move against the enemy sanctuaries in Cambodia. Now I have many of the facts he had then.

During these past 4 weeks, when the critics were screaming at our President in a strident and hysterical chorus, I will admit that at times I had some doubts about whether this operation in Cambodia was worth all the bedlam that these shortsighted negativists were stirring up in our country.

But, despite the uproar, despite the abuse, despite the vilification, President Nixon calmly stood his ground.

And now, after 4 weeks, there he was with the hard evidence that his difficult decision had been proven to be right. There he was—calmly, coolly, quietly—saying that he understood the critics but pointing out that the Cambodia operation is an enormous success, that American lives have been saved, that our withdrawal of American troops can proceed and that we can and will turn the war over to the South Vietnamese.

I submit that we have seen one of the great examples of Presidential leadership under the most difficult circumstances.

Mr. CHAMBERLAIN. Mr. Speaker, the Presidency of the United States has been called the loneliest office in the world. I imagine that it is never more lonely than during the period between the time when a great decision is made and the time when the results of that decision are clear.

The month of May was such a time for President Nixon. He made a tough decision in the closing days of April. He announced that decision on April 30—and then had to sit patiently by while his critics conducted a vigorous attack on his policy. He knew that the most convincing answers to those attacks would come only with time—and he waited confidently until those results vindicated him.

During this interval between the decision and the clear result, a majority of Americans did stand by the President. The President's report on the success of the Cambodian operation indicates that this loyalty was well placed.

Mr. RHODES. Mr. Speaker, I was impressed with the President's speech last night, not merely because I believe he made a convincing case for the wisdom of his original decision, but because I admire his courage as a man and his determination as a President.

There has been tremendous pressure on the President since he first announced the operation against the Cambodian sanctuaries. Students have staged large, frequently violent, demonstrations. Columnists and commentators have bitterly criticized him, some in rhetoric lacking in restraint and moderation. Some political leaders have seized the occasion to launch a frontal assault upon the President and a flanking attack against the powers of the Presidency. Yet, in spite of all, President Nixon has remained cool, firm, resolute.

Presidents, even great Presidents, are not always correct; but great Presidents are always courageous, firm, determined. It is no small consolation in these troublesome times to know that we have such a President, a man who is moved by logic and reason and not by emotion and passion—a man who does his duty as he understands it without regard to the temporary whims of an aroused minority. I salute him, Mr. President, for his courage, his honesty, his sense of purpose—all of which were evident to the American people last night.

Mr. DICKINSON. Mr. Speaker, for 4 weeks now, we have heard in this land a din of strident criticism of President Nixon's decision to send U.S. forces into Cambodia to clean out the enemy sanctuaries. Last night, the President reported on the overwhelming success of that operation—a success that means American lives saved and American men coming home. It is clear, now, that the critics were wrong.

And so today, I invite those critics—Members of the Congress, journalists, educators, students—to join with the supporters of the President in recognizing genuine Presidential leadership at its best under the most trying conditions.

I do not ask the critics to apologize or even to openly confess error. I simply ask them to examine their own consciences now, and chart their future words and deeds on what is good for their country and not on what relieves their own frustrations.

President Nixon made a most difficult decision. He suffered the most vile of criticism with the greatest restraint. He has been proven right.

Now let us all—for the good of the United States of America—and without recrimination—support our President in his consistent effort to end this war with honor.

Mr. DEVINE. Mr. Speaker, President Nixon last night laid out for the Nation the success of the Cambodian campaign. At the same time he reiterated his pledge that all American troops will be out of Cambodia by the end of June. In fact, he said, 17,000 already are out.

The President described the operation as "the most successful" of this war. I have no doubt that it is.

Mr. Speaker, President Nixon has dared and has succeeded. At one bold stroke he has set the enemy back from 6 months to a year. With this one stroke he has turned the South Vietnamese Army into a competent and proud fighting force.

It is evident that he has, in fact insured the success of our plans for an orderly withdrawal through the Vietnamization process.

Mr. Speaker, I believe that through the President's unwavering leadership we have taken a giant stride toward peace. For this, we can all be thankful.

Mr. ANDERSON of Illinois. Mr. Speaker, President Nixon's progress report last night on the Vietnam war was candid, succinct, direct—and most hopeful. Once again he took the American people into his confidence and performed the service of education and leadership.

The President has made clear that he has no intention of widening the war, that he will have American troops out of Cambodia by the end of this month, and that the entire purpose of the Cambodian operation was to shorten the war and our involvement in it, not to lengthen it. For those who may have questioned either the wisdom or the procedures involved in making this decision, I believe we owe it to the President of the United States to take him at his word, and to give him time to implement his full purpose.

I believe that the President should have the support of the American people in his announced objective of ending the war.

Mr. ARENDS. Mr. Speaker, "Peace is the goal that unites us," the President said to a divided nation in his report on the military operations in Cambodia. The details of that report demonstrated clearly that the action in Cambodia has brought the goal of peace closer than it had been before the action was begun. And that means that the cause of national unity has also been served—despite the apparent divisions of the last few weeks.

Because of the success of the Cambodian incursion all U.S. troops will be out of Cambodia by July 1.

Because of the success of the Cambodian incursion another 50,000 U.S. troops will be out of Vietnam by October 15.

Because of the success of the Cambodian incursion still another 100,000 U.S. troops will come out of Vietnam between next October and next June.

All of these benefits give strong and direct answers to the unprecedented barrage of criticism which the President has recently received. The appropriate response of the American people at this point would be to give the President an unprecedented outpouring of support.

GENERAL LEAVE TO EXTEND

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent that all Members may have permission to insert their remarks in the RECORD concerning the President's address.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

CAMBODIA

(Mr. KLEPPE asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. KLEPPE. Mr. Speaker, 5 weeks ago when President Nixon made his decision on Cambodia we heard many voices calling his decision a tragic mistake. The job is far from done yet, but I think those who criticized and added to the chaos and turmoil that ensued ought to come up with a new line. After hearing the President's report last night and recognizing the facts as they are, any American must know that the security of 400,000 men in Vietnam and our withdrawal program are in much better shape than they were.

I applaud the President for his courage and wisdom and add my further support to his open invitation to the enemy to come forward to negotiate a just and peaceful end to this difficult war.

LEGISLATION TO REMOVE RESTRICTIONS ON SALE OF .22 CALIBER AMMUNITION

(Mr. KLEPPE asked and was given permission to extend his remarks at this point in the RECORD).

Mr. KLEPPE. Mr. Speaker, today I am cosponsoring legislation intended to re-

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move the remaining restrictions on the sale of .22 caliber ammunition from the recordkeeping requirements of the 1968 Gun Control Act.

Last year we accepted a Senate amendment to the interest equalization tax bill which repealed certain recordkeeping requirements with respect to the purchases of shotgun ammunition and ammunition suitable for use only in rifles generally available in commerce. Ammunition presently interchangeable between rifles and handguns, such as .22 caliber rimfire ammunition, has continued to be subject to the recordkeeping requirements.

H.R. 9056, a bill I sponsored earlier, would have accomplished the same goals of the Senate amendment to the interest equalization tax bill, with the exception that .22 caliber ammunition, while included in my bill, was not included in the amendment.

I have received numerous complaints from citizens in my district in North Dakota about the Treasury Department's regulations. It does not make sense to require the sportsman in North Dakota to register himself every time he wants to buy a box of .22 caliber ammunition.

The tight restrictions placed upon the American sportsman by the passage of the 1968 Gun Control Act were unfair, unnecessary, and a needless burden. I do not believe that persons buying .22 caliber rimfire ammunition should be subject to registration. It was not the intent of Congress to burden the hunter and sportsman as the present Treasury regulations are doing. We have already acted to remove some of the burdens. Let us now act to remove the restrictions on .22 caliber ammunition.

XUM

ROBERT F. KENNEDY

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, June 6 marks the second anniversary of the death of Robert F. Kennedy. Two years have passed since that tragedy, and during this period the Nation's fabric, which he sought to mend, has been further torn.

Robert Kennedy understood that a nation off course had to be led in the right direction.

Robert Kennedy believed that our policy in Vietnam was having disastrous consequences for both Vietnam and America.

Robert Kennedy believed that America could not fulfill its promise as long as injustice and prejudice exist.

Robert Kennedy realized the lack of responsiveness of our institutions and our Government to our citizens' needs.

Robert Kennedy acknowledged the crisis in the cities and the need for a reevaluation of our national goals.

Robert Kennedy believed that every American had the right to decent housing, education, health care, transportation, and a suitable living environment.

Robert Kennedy stressed the need to bridge the gap between generations by listening to and hearing our youth.

And Robert Kennedy deplored the violence that he felt was splitting America apart.

If he were alive today, this country might be reaching for some of these goals. It might be moving in the right direction.

But he is dead. The country has lost its way, and the situation today is even more perilous than it was in 1968.

The war in Vietnam continues and has been expanded. If Robert Kennedy had become President, this Nation would have taken the steps necessary to end the conflict long ago. Instead, the Government pursues an illusory military solution to a political problem.

Injustice and prejudice still exist. If Robert Kennedy had become President, this Nation would have had a Government dedicated to enforcing civil rights laws and making equal rights a reality. Instead, the Government has turned its back on civil rights.

Our Government institutions have become no more responsive. If Robert Kennedy had become President, American citizens would be able to communicate with, and be listened to, by their Government. Instead, the Government not only does not hear the people, but Cabinet members find they are unable to reach the President.

The crisis in our cities is still unsolved, and little has been done to help stem the crisis. If Robert Kennedy had become President, the Government would be devoting its resources and energies to the cities and to housing, health, and education needs. Instead, the health, education, and welfare budget is vetoed as inflationary, while massive funds are spent on the SST.

Today, the gap between youth and the Government is wider than ever. If Robert Kennedy had become President, the Government would be listening to what youth is saying, because it would realize that the future cannot, and should not, be ignored. Instead, the leaders of our Government not only do not listen to the voice of youth, but denounce young people through name calling.

And last, violence is as prevalent, if not more so, than in 1968. If Robert Kennedy had become President, we might be living in a country where love and understanding transcended hate and violence. Instead, we are living in a Nation that has seen within the past month, the deaths at Kent State and Jackson State, the beating of peace demonstrators by construction workers in New York, and calls for violence from many segments of our fragmented society.

When Robert Kennedy died, many Americans decided to dedicate themselves to those values for which he stood. Today, 2 years later, that dedication seems all but forgotten.

If America is ever to be the Nation that Robert Kennedy envisioned, we must earnestly rededicate ourselves to picking up the torch where it was dropped 2 years ago, and lighting up our Nation again.

Let us rededicate ourselves by remembering and committing ourselves to his vision. Let the words he spoke the night that Martin Luther King, Jr., was murdered make the vision clear:

> What we need in the United States is not division; what we need in the United States is not hatred; what we need in the United States is not violence or lawlessness, but love and wisdom, and compassion toward one another, and a feeling of justice toward those who still suffer within our country, whether they be white or they be black.
>
> So I shall ask you tonight to return home, to say a prayer for the family of Martin Luther King, that's true, but more importantly to say a prayer for our own country, which all of us love—a prayer for understanding and that compassion of which I spoke.
>
> We can do well in this country. We will have difficult times. We've had difficult times in the past. We will have difficult times in the future. It is not the end of violence; it is not the end of lawlessness; it is not the end of disorder.
>
> But the vast majority of white people and the vast majority of black people in this country want to live together, want to improve the quality of our life, and want justice for all human beings who abide in our land.
>
> Let us dedicate ourselves to what the Greeks wrote so many years ago: to tame the savageness of man and to make gentle the life of this world.
>
> Let us dedicate ourselves to that, and say a prayer for your country, and our people.

THE SITUATION IN SOUTHEAST ASIA

(Mr. BROYHILL of Virginia asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. BROYHILL of Virginia. Mr. Speaker, the tremendous amount of mail I have received concerning our military moves into Cambodian sanctuaries is an expression of citizen interest unprecedented during my 18 years in the Congress. I am most pleased to have heard from so many northern Virginians, both young and old, and while it has been impossible for me, due to staff limitations, to respond to each individually, I would like to take this opportunity to reaffirm my own views concerning the situation in Southeast Asia for their benefit.

In Congress and in rallies and meetings across the Nation, Americans have argued all aspects of this matter. Many have expressed strong support for the President, but many others have expressed concern about whether he had constitutional authority to move into Cambodia; whether the action would involve expansion of the war; whether it would cause misunderstanding throughout the world; whether it involved needless risk of the lives of American soldiers; whether it would delay bringing American boys home from Vietnam.

President Nixon, in speaking to the Nation last night, has laid many fears to rest. When he took office last year, he inherited a full-scale war in which approximately 542,000 U.S. military personnel were already engaged. The "morality" or "legality" of the war was beside the point, since it already existed and he had to try to bring it to a conclusion without endangering American men fighting it or prisoners of it.

Already 112,000 Americans have been brought home, one out of every four who were there when he became Commander in Chief. He has done exactly what he said he would do within the timetables he has announced. To reasonable people this fact alone should be ample assurance that he will continue to do what he says.

Last night the President said our military objectives have been achieved in Cambodia, and that as a result of the gains made there 50,000 of the 150,000 men he had promised to bring home by spring will now be home by October 15.

This will mean that by spring force levels will fall below 280,000, almost a 50-percent cut from the high mark, and for all practical purposes we will have withdrawn our combat troops and the forces remaining will be primarily supply and logistics units. We will have disengaged and turned the fighting over to a well-trained, million-man South Vietnamese Army, and our noncombatants also can come home as this army develops its capability to handle the supply and logistics tasks. Anyone remotely familiar with military operations knows these things cannot be accomplished instantly.

All of us want out of this war as fast as possible, the President of the United States most of all. We have differed not about whether to get out, but about how to do it; about the minimum time required to do it without inviting costly consequences.

Those who say we should "cut and run to stop the killing" are silent about what would happen to 11 million South Vietnamese, at least half of whom would be liquidated by the North Vietnamese regime if they got their hands on them. Abandoning them a few short months before the South's capability is developed to prevent a bloodbath would, far from stopping the killing, facilitate it. To do so would make the United States a passive accessory to an act of genocide. And the fate to which it would relegate over 1,500 American prisoners of war is unthinkable.

The President has chosen the alternative of withdrawing in stages while building the South's ability to defend itself. The strategy was endangered when, immediately after his April 20 withdrawal announcement Hanoi ordered 40,000 troops in the sanctuaries to take over most of Cambodia, and particularly to reopen the Port of Sihanoukville through which 80 percent of its munitions used against the lower two-thirds of South Vietnam had reached the sanctuaries until the fall of Prince Sihanouk. Had Hanoi succeeded, an intolerable situation would have stretched for 600 miles along South Vietnam's western border. By our capture of vast amounts of Communist war material, we have prevented Hanoi's troops from carrying out their orders to kill no less than 100 Americans per week from the sanctuaries to keep the political pressure on Washington.

The President's move against the Cambodian sanctuaries was, despite assertions to the contrary, legal both under article 51 of the U.N. Covenant and under international law. Cambodia's inability to enforce its own neutrality gave injured parties the right to take action, and both the United States and South Vietnam did so and notified the United Nations. This right of action does not depend on a declaration of war, because war is a fact which may legally exist independently of a declaration, and when war exists, declared or undeclared, the rules of war apply. The only illegality in Cambodia is on the part of North Vietnam, which invaded a part of a neutral country and took it for its own use.

The so-called "end the war amendments" are being hailed by some as a means to make the war disappear. Actually they would use the withholding of money as a means to restrict how, when, and where the President can take action to get us out of the mess, and they are extremely dangerous in my opinion. Hamstringing the President cannot possibly speed the end of the fighting, and a lot of men in uniform might easily get killed waiting for Congress to repeal some unwise restrictions on something they might have to do immediately to protect themselves. We can only try to imagine how World War II might have ended if Congress had tried to make such military decisions for Generals Eisenhower and MacArthur.

Mr. Speaker, I do not have all the answers, but I believe the President, who has more information available to him concerning this conflict than any other man, deserves our support in attempting to resolve it. I respect the right of those who disagree with me to their own outlook. If I am in error, I am prepared to change my mind, and I hope all others, regardless of their opinion at the moment would do likewise. The important thing here is ending this war and keeping out of others. Whether we agree or disagree with the way in which the President is attempting to end it, it is of the utmost importance that in any debate and dialog concerning the war we maintain decent respect for our country and its President. It is likewise essential that we never lose sight of the deep and grave responsibility which rests with the Hanoi government for its perpetuation.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. SYMINGTON (at the request of Mr. ALBERT), for June 4, 1970, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following members (at the request of Mr. MYERS) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. HALPERN, for 10 minutes, today.

Mr. MILLER of Ohio, for 5 minutes, today.

Mr. RANDALL, for 10 minutes, today; to revise and extend his remarks and to include extraneous matter.

(The following Members (at the request of Mr. MELCHER) to revise and extend their remarks and include extraneous material:)

Mr. GONZALEZ, for 10 minutes, today.

Mr. FLOOD, for 15 minutes, today.

Mr. REUSS, for 10 minutes, today.

Mr. PEPPER, for 60 minutes, on June 9.

Mr. WOLFF, for 60 minutes, on June 9.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. KLUCZYNSKI, to extend his remarks following those of Mr. NATCHER.

Mr. DAVIS of Wisconsin, to include tables and extraneous matter with his remarks made today in the Committee of the Whole on H.R. 17868.

Mr. NATCHER, to revise and extend his remarks made in the Committee on the Whole today on H.R. 17868 and include extraneous matter.

Mr. BENNETT.

Mr. RODINO, to revise and extend his remarks in debate on H.R. 17867.

Mr. PERKINS, and to include extraneous matter.

Mr. WYLIE, to extend his remarks following those of Mr. GROSS during general debate today on H.R. 17687.

Mr. ANDERSON of Illinois (at the request of Mr. FRELINGHUYSEN), to extend his remarks following those of Mr. FRELINGHUYSEN during general debate today on H.R. 17867.

Mr. PASSMAN, during general debate today and to include extraneous matter and tabular material.

Mr. BUCHANAN, during debate on the foreign aid bill in the Committee of the Whole today.

(The following Members (at the request of Mr. MYERS) and to include extraneous matter:)

Mr. SCHADEBERG.

Mr. HASTINGS.

Mr. RIEGLE.

Mr. FULTON of Pennsylvania in five instances.

Mr. PELLY.

Mr. MYERS in two instances.

Mr. MORSE in two instances.

Mr. DUNCAN in two instances.

Mr. LANGEN.

Mr. NELSEN in three instances.

Mr. SCHERLE.

Mr. WYMAN in two instances.

Mr. ROBISON in two instances.

Mr. MICHEL.

Mr. STEIGER of Wisconsin.

Mrs. HECKLER of Massachusetts in three instances.

Mr. FINDLEY in three instances.

Mr. HARSHA in two instances.

Mr. WHALEN in three instances.

Mr. LLOYD.

Mr. BURTON of Utah.

Mr. BOB WILSON in four instances.

Mr. BUTTON in two instances.

Mr. DEL CLAWSON.

Mr. PRICE of Texas in two instances.

Mr. RUTH in two instances.

Mr. HUNT.

Mr. BOW.

Mr. HOSMER in two instances.

Mr. DERWINSKI in two instances.

(The following Members (at the request of Mr. MELCHER) and to include extraneous matter:)

Mr. MAHON in two instances.

Mr. SCHEUER in three instances.

Mr. DENT in two instances.

Mr. Eilberg.

Mr. Gonzalez in two instances.

Mr. Hull.

Mr. Montgomery.

Mr. Fraser in seven instances.

Mr. Kyros.

Mr. Waldie in four instances.

Mr. Ryan in six instances.

Mr. Dingell in three instances.

Mr. Garmatz.

Mr. Jacobs.

Mr. Anderson of California.

Mr. William D. Ford in two instances.

Mr. Rarick in two instances.

Mr. Harrington in three instances.

Mr. Kluczynski in two instances.

Mr. Fountain in two instances.

Mr. Friedel in two instances.

Mr. Fascell in two instances.

Mr. McFall in five instances.

Mr. Donohue in two instances.

Mr. Dorn in three instances.

Mr. Murphy of Illinois.

Mr. Edwards of California.

Mr. Bingham.

Mr. Fallon in two instances.

Mr. Nedzi.

Mr. Rooney of Pennsylvania.

Mr. Murphy of New York in two instances.

ENROLLED BILL SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 12619. An act to amend section 11 of an act approved August 4, 1950 entitled "An act relating to the policing of the buildings and grounds of the Library of Congress."

ADJOURNMENT

Mr. MELCHER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 45 minutes p.m.), under its previous order, the House adjorned until Monday, June 8, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2109. A letter from the Deputy Secretary of Defense, transmitting a report of disbursements made against the appropriation for "Contingencies, Defense" during the period July 1, 1969–March 31, 1970, pursuant to the provisions of the Department of Defense Appropriations Act, fiscal year 1970; to the Committee on Appropriations.

2110. A letter from the Deputy Assistant Secretary of the Interior, transmitting a copy of a proposed concession contract for the provision of facilities and services for the public within the portion of Bighorn Canyon National Recreation Area lying within the State of Montana, for a term ending December 31, 1999, pursuant to the provisions of 67 Stat. 271, as amended; to the Committee on Interior and Insular Affairs.

2111. A letter from the Chairman, National Transportation Safety Board, Department of Transportation, transmitting the annual report of the Board for 1969, pursuant to the provisions of section 5(g) of the Department of Transportation Act; to the Committee on Interstate and Foreign Commerce.

2112. A letter from the president, Communications Satellite Corp., transmitting the annual report of the corporation, pursuant to the provisions of section 404(b), title 4, of the Communications Satellite Act of 1962; to the Committee on Interstate and Foreign Commerce.

2113. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d)(3) of the Immigration and Nationality Act was exercised in behalf of certain aliens, together with a list of the persons involved, pursuant to the provisions of section 212(d)(6) of the act; to the Committee on the Judiciary.

2114. A letter from the executive vice president, the American Society of International Law, transmitting the annual audit of the association, for the year ended March 31, 1970, pursuant to the provisions of 64 Stat. 869; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 4587. A bill to declare that the United States holds in trust for the Washoe Tribe of Indians certain lands in Alpine County, Calif.; with amendments (Rept. No. 91–1149). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 14984. A bill to provide for the disposition of funds appropriated to pay judgments in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets Nos. 142, 359–363, and for other purposes; with an amendment (Rept. No. 91–1150). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY; Committee on Interior and Insular Affairs. H.R. 15866. A bill to repeal the act of August 25, 1959, with respect to the final disposition of the affairs of the Choctaw Tribe; with an amendment (Rept. No. 91–1151). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 16416. A bill to reimburse the Ute Tribe of the Uintah and Ouray Reservation for tribal funds that were used to construct, operate, and maintain the Uintah Indian irrigation project, Utah, and for other purposes; with amendments (Rept. No. 91–1152). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. S. 885. An act to authorize the preparation of a roll of persons whose lineal ancestors were members of the Confederated Tribes of Weas, Piankashaws, Peorias, and Kaskaskias, merged under the treaty of May 30, 1854 (10 Stat. 1082), and to provide for the disposition of funds appropriated to pay a judgment in Indian Claims Commission Dockets No. 314, amended, 314–E and 65, and for other purposes; with amendments (Rept. No. 91–1153). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. S. 887. An act to further extend the period of restrictions on lands of the Quapaw Indians, Okla., and for other purposes; (Rept. No. 91–1154). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Comerce. H.R. 11833. A bill to amend the Solid Waste Disposal Act in order to provide financial assistance for the construction of solid waste disposal facilities, to improve research programs pursuant to such act, and for other purposes; with an amendment (Rept. No. 91–1155). Referred to the Committee on the Whole House on the State of the Union.

Mr. MORGAN: Committee on Foreign Affairs. H.R. 16327. A bill to amend the Peace Corps Act to authorize additional appropriations, and for other purposes; with amendments (Rept. No. 91–1156). Referred to the Committee of the Whole House on the State of the Union.

Mr. WATTS: Committee on Ways and Means. H.R. 10517. A bill to amend certain provisions of the Internal Revenue Code of 1954 relating to distilled spirits, and for other purposes; with an amendment (Rept. No. 91–1157). Referred to the Committee of Whole House on the State of the Union.

Mr. SISK: Committee on Rules. House Resolution 1063. Resolution for consideration of H.R. 15361, a bill to establish a pilot program designated as the Youth Conservation Corps, and for other purposes (Rept. No. 91–1158). Referred to the House Calendar.

Mr. MATSUNAGA: Committee on Rules. House Resolution 914. Resolution providing for agreeing to the Senate amendments to the bill (H.R. 4249) to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices (Rept. No. 91–1159). Referred to the House Calendar.

Mr. ANDERSON of Tennessee: Committee on Rules. House Resolution 976. Resolution to authorize a select committee of the House to study firsthand the recent developments in Southeast Asia and then report its findings to the House of Representatives within thirty days of its adoption; with amendments (Rept. No. 91–1160). Referred to the House Calendar.

Mr. WHITTEN: Committee on Appropriations. H.R. 17923. A bill making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1971, and for other purposes (Rept. No. 91–1161). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 13601. A bill to release and convey the reversionary interest of the United States in certain real property known as the McNary Dam Townsite, Umatilla County, Oreg.; with an amendment (Rept. No. 91–1148). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BIAGGI:

H.R. 17914. A bill to amend section 620 of the Foreign Assistance Act of 1961 to suspend, in whole or in part, economic and military assistance and certain sales to any country which fails to take appropriate steps to prevent narcotic drugs produced in such country from entering the United States unlawfully; to the Committee on Foreign Affairs.

By Mr. BINGHAM:

H.R. 17915. A bill to define the authority of the President of the United States to intervene abroad or to make war without the express consent of the Congress; to the Committee on Foreign Affairs.

By Mr. BURKE of Massachusetts:

H.R. 17916. A bill to investigate, study, and construct a project for flood protection at Quincy, Mass.; to the Committee on Public Works.

H.R. 17917. A bill to amend the Tax Reform Act of 1969; to the Committee on Ways and Means.

By Mr. NELSEN:

H.R. 17918. A bill to provide for orderly trade in textile articles, articles of leather footwear, and mink skins; to the Committee on Ways and Means.

By Mr. PERKINS:

H.R. 17919. A bill to amend the Railroad Retirement Act of 1937 to provide a 20-percent increase in annuities; to the Committee on Interstate and Foreign Commerce.

By Mr. SIKES (for himself, Mr. Dennis, Mr. Fulton of Pennsylvania, Mr. Kleppe, Mr. Edwards of Louisiana, Mr. Hunt, Mr. Wampler, Mr. Flynt, Mr. Snyder, Mr. Bush, Mr. Caffery, Mr. Hansen of Idaho, Mr. Dellenback, Mr. Fisher, Mr. Rarick, Mr. Marsh, Mr. Hall, Mr. Bray, Mr. Fuqua, Mr. Haley, Mr. Chappell, and Mr. Albert):

H.R. 17920. A bill to amend section 4182 of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. SIKES (for himself, Mr. Dickinson, Mr. Burlison of Missouri, Mr. Flowers, Mr. Staggers, Mr. Hammerschmidt, Mr. Scherle, Mr. Slack, Mr. Johnson of California, Mr. Wyatt, Mr. Cleveland, Mr. Myers, Mr. Don H. Clausen, Mr. Blackburn, Mr. Moss, Mr. Melcher, Mr. Lukens, Mr. Pollock, Mr. Dingell, Mr. Nichols, Mr. Andrews of North Dakota, Mr. Ichord, Mr. Harsha, Mr. Anderson of Tennessee, and Mr. Abbitt):

H.R. 17921. A bill to amend section 4182 of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. WEICKER:

H.R. 17922. A bill to amend the Tariff Schedule of the United States with respect to the rate of duty on whole skins of mink, whether or not dressed; to the Committee on Ways and Means.

By Mr. WHITTEN:

H.R. 17923. A bill making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

By Mr. ASPINALL (for himself and Mr. Saylor):

H.R. 17924. A bill to provide that the unincorporated territories of Guam and the Virgin Islands shall each be represented in Congress by a delegate to the House of Representatives; to the Committee on Interior and Insular Affairs.

By Mr. BOLAND:

H.R. 17925. A bill to amend the Tariff Schedules of the United States with respect to the rate of duty on whole skins of mink, whether or not dressed; to the Committee on Ways and Means.

By Mr. BURLESON of Texas (for himself and Mr. Bush):

H.R. 17926. A bill to eliminate the 50-percent fraud penalty against an innocent spouse and to relieve an innocent spouse of the tax liability for stolen or embezzled funds; to the Committee on Ways and Means.

By Mr. COWGER (for himself, Mr. Stokes, Mr. Chappell, Mr. Holifield, Mr. St Germain, Mr. McDade, and Mr. Eilberg);

H.R. 17927. A bill to improve law enforcement in urban areas by making available funds to improve the effectiveness of police services; to the Committee on the Judiciary.

By Mr. CULVER:

H.R. 17928. A bill to amend the Federal Aviation Act of 1958 to authorize reduced rate transportation for elderly people on a space-available basis; to the Committee on Interstate and Foreign Commerce.

By Mr. EDWARDS of California:

H.R. 17929. A bill to permit expenditures in connection with the provision of certain public improvements or public facilities in the city of Hayward, Calif., to be counted as local grants-in-aid to federally assisted urban renewal projects in the city of Hayward, Calif.; to the Committee on Banking and Currency.

By Mr. FOLEY:

H.R. 17930. A bill to authorize the purchase, sale, and exchange of certain lands on the Kalispell Indian Reservation, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HAMILTON:

H.R. 17931. A bill to exempt from certain deep-draft safety statutes passenger vessels operating solely on the inland rivers and waterways; to the Committee on Merchant Marine and Fisheries.

By Mr. HECHLER of West Virginia:

H.R. 17932. A bill to amend title IX of the Public Health Service Act so as to extend and improve the existing program relating to education, research, training, and demonstrations in the fields of heart disease, cancer, stroke, and other major diseases and conditions, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 17933. A bill to adjust the postal revenues and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HUNT (for himself, Mr. Sandman, Mr. Watkins, and Mr. Patten):

H.R. 17934. A bill to amend section 106 of title 4 of the United States Code relating to State or local taxation of the income of residents of another State; to the Committee on the Judiciary.

By Mr. McCARTHY:

H.R. 17935. A bill to amend title 38 of the United States Code to provide improved medical care to veterans and certain of their dependents; to improve recruitment and retention of career personnel in the Department of Medicine and Surgery, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 17936. A bill to extend benefits under section 8191 of title 5, United States Code, to law enforcement officers and firemen not employed by the United States who are killed or totally disabled in the line of duty; to the Committee on the Judiciary.

By Mr. PEPPER:

H.R. 17937. A bill to authorize the use of Federal funds for the National System of Interstate and Defense Highways to pay for certain toll roads on that system; to the Committee on Public Works.

By Mr. QUIE:

H.R. 17938. A bill to reduce the salaries of certain officials of the Federal Government; to the Committee on Post Office and Civil Service.

By Mr. RANDALL:

H.R. 17939. A bill to aid in controlling inflationary pressures; to the Committee on Banking and Currency.

By Mr. RIEGLE:

H.R. 17940. A bill to amend the Solid Waste Disposal Act in order to establish economic incentives for the return, reuse, and recycling of packing, to reduce the public costs of packaging and other solid waste disposal, to require national standards for controlling the amount and environmental quality of packaging, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 17941. A bill to help prevent pollution which is caused by litter composed of soft drink, beer, and alcohol containers, and to eliminate the threat to the Nation's health, safety, and welfare which is caused by such litter, by imposing a tax on such containers (subject to refund in certain cases) when they are filled and sold on a no-deposit, no-return basis; to the Committee on Ways and Means.

By Mr. ROTH:

H.R. 17942. A bill to authorize the conveyance of certain unneeded Federal lands of the Fort Miles Reservation, Del., to the State for public education and park purposes, and for other purposes; to the Committee on Armed Services.

By Mr. SPRINGER:

H.R. 17943. A bill to amend the Clean Air Act to provide for a more effective program to improve the quality of the Nation's air; to the Committee on Interstate and Foreign Commerce.

By Mrs. SULLIVAN:

H.R. 17944. A bill to amend section 16(a) of the Food Stamp Act of 1964, as amended; to the Committee on Agriculture.

By Mr. WAMPLER:

H.R. 17945. A bill to authorize the lease and transfer of Burley tobacco acreage allotments; to the Committee on Agriculture.

By Mr. HATHAWAY:

H.J. Res. 1249. Joint resolution proposing an amendment to the Constitution of the United States to require the advice and consent of both Houses of Congress before any treaty or agreement providing for the commitment of U.S. Armed Forces to a foreign nation may be made; to the Committee on the Judiciary.

By Mr. KING:

H. Con. Res. 656. Concurrent resolution expressing the sense of the Congress that the question of the maintenance of the neutrality and territorial integrity of Cambodia and the human rights of the Cambodian people be referred to the Security Council of the United Nations; to the Committee on Foreign Affairs.

By Mr. HATHAWAY:

H. Res. 1064. Resolution expressing the sense of the House regarding the combat use of U.S. Armed Forces as an instrumentality of foreign policy; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CORMAN:

H.R. 17946. A bill for the relief of Fernando Jesus Ontiveros; to the Committee on the Judiciary.

By Mr. FOLEY:

H.R. 17947. A bill for the relief of Trinidad Trevino-Perez; to the Committee on the Judiciary.

By Mr. FRASER:

H.R. 17948. A bill for the relief of Konrad Ludwig Staudinger; to the Committee on the Judiciary.

By Mr. WATSON:

H.R. 17949. A bill for the relief of Ieonor Creus Matro; to the Committee on the Judiciary.

MEMORIAL

Under clause 4 of rule XXII,

397. The SPEAKER presented a memorial of the Legislature of the State of California, relative to vehicle license plates, which was referred to the Committee on Interstate and Foreign Commerce.

EXTENSIONS OF REMARKS

BLACK BUSINESS CURES POLLUTION PROBLEM

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. ROBISON. Mr. Speaker, currently there are those who argue that the recent emphasis by Congress, by students, and by others on pollution and the environment is a "copout" on the entire issue of racial justice. Clearly if we allow the emphasis on pollution to replace our concern for racial equality, then this would amount to a desertion of one fundamental concern for another. However, I believe that both areas are important and both merit our attention. Recently in the Christian Science Monitor, Merelice Kundratis wrote of a merging of the two concerns into a black-owned and operated paper recycling plant. This business, while providing employment and income to black residents of Chicago, is also contributing to the national effort to stop pollution. The article is illustrative of one of the opportunities which exists whereby two important national interests not only become compatible, but complement one another. I commend this article to the attention of my colleagues:

WASTE PAPER RECYCLED—BLACK-RUN BUSINESS JOINS CHICAGO POLLUTION FIGHT

By Merelice Kundratis

CHICAGO.—Old newspapers—instead of adding to waste woes—are helping to build economic power in one of Chicago's large black communities.

Cashing in on the popular pollution fight are certain businessmen, environment-concerned citizens, and black-community developers here. At the same time, they still seek to benefit the black community.

These Chicagoans contrast with many discouraged civil-rights workers throughout this nation who charge that fighting pollution is a "cop-out" which leaves ghetto problems unresolved while a new cause gets popular. The Chicagoans ask instead whether the many crusades which bombard the public can be combined rather than competing for attention.

Because of them, the cycle now reads: from trees, to pulp, to paper, to newsprint, and then to a black-owned and black-run business.

The business is the West Side Paper Stock Corporation. Backed up to the far end of the plant, a trailer truck dumps its cargo of old newspapers little by little.

Two young men rake the papers onto a large conveyor belt which carries the papers up to an automatic unit that fluffs and then compresses them for baling by another man.

"Each ton of newspapers recycled saves 17 trees," explains Edward Kress. Mr. Kress was the first manager of the paper stock corporation. Now he is out drumming up suburban support and finding good locations for the huge, steel paper-collection boxes which are picked up each week and replaced with empty ones.

Among the staunch suburban workers are Dallas Jones and his wife, Mary Lou.

"My husband was working through our church with the West Side and learned of the need for paper," Mrs. Jones explains. "In the meantime, I have been concerned not only about the city but about the entire environmental problem."

When her community of Wilmette, Ill., began to talk about needing a garbage train to transport waste to burying spots, Mrs. Jones decided it was time to let people know that at least some of their waste was raw material for a business.

Now, boxes collecting about 100 tons of paper a month are placed at three permanent locations.

"The response is terrific," notes Mrs. Jones, adding that people respond for different reasons and run the gamut politically and socially.

ANTIPOLLUTION EFFORT AIDED

"We accept all kinds of newspapers—underground to the conservative Chicago Tribune," she quips.

Observes Mrs. Kress: "This also helps the community that is helping us because pollution is a problem." His promotion efforts soon will result in boxes being placed in at least five more Chicago suburbs. Each filled drop box saves 187 trees or 1,060 cubic feet of landfill, Mr. Kress emphasizes.

Quiet catalysts behind this emerging urban-suburban cooperation have included Container Corporation, the First National Bank of Chicago, and Robert C. Strom, president of Metropolitan Consulting Associates, Inc.

Mr. Strom, energetic and determined, brought business together with the West Side Community Development Corporation (WSCDC), a coalition representing the five main West Side power groups: Garfield Organization, Conservative Vice Lords, Egyptian Cobra Nation, Student Afro-American Group, and the West Side Organization.

PAPER SUPPLY NEEDED

He points out that the Pioneer Paper Stock Division of Container Corporation is always looking for new sources of old newspaper which is baled and ready to be whisked off to its de-inking plant, otherwise recycled, and used again.

Confirms Lloyd E. Williams of the Pioneer Division: "Our company is the nation's biggest recycler of waste papers—about 10 percent of all that is recycled and made into new products."

To tap Chicago as a source of newspapers, Container Corporation helped set up the West Side Paper Stock Corporation by:

Guaranteeing a loan of $250,000 from the First National Bank of Chicago to buy the plant and equipment.

Providing training and continuing technical help for black employees at the new plant largely through Leroy H. Murphy, who periodically spends several days on site.

Purchasing all the baled paper the black-run plant produces at agreed-upon prices.

THREE SHIFTS PLANNED

"Obviously we want them to succeed," Mr. Williams sums up.

The fledgling plant needs more paper before it breaks even, but those involved speak of running three shifts at the plant as more and more people join the antipollution brigade.

For WSCDC, the paper plant is just a first step. It is, in fact, described by some as only a "psychological boost to the community" not a "cure-all."

"The community has been frustrated by failing attempts," explains Frederick Douglas Andrews, director of the Garfield Organization. Mr. Andrews sees the paper plant as a "concrete symbol" that the black community can obtain "the accounting and management skill to receive money and be successful."

When the plant gets in the black, the profits will go to WSCDC to be plowed back into other community projects.

Among them, the five groups in WSCDC have launched such businesses as gasoline stations, a car wash, restaurants, ice cream franchises, and a supermarket. The paper plant is their first joint venture—bringing together former rival groups, including two youth organizations that at one time vented their energies on street-gang activities.

Next on the docket are plans to develop a chain of dry-cleaning franchises and to establish a key punch and computer center.

"Instead of depending on proposals and handouts year after year, the organizations are trying to work on economic development," stresses Chester Robinson, director of the West Side Organization and president of WSCDC.

Jointly with Malcolm X College here, and with the support of leading Chicago businessmen, WSCDC is in the midst of a $5 million fund-raising drive to finance more "do-it-yourself" ventures.

Entertainer Sammy Davis Jr., who with his recent bride has just finished a two-week Chicago engagement, plans to do benefits throughout the world on behalf of these West Side efforts. His two benefit performances here brought in some $250,000.

He says he sees a connection between the West Side help-yourself philosophy and that of his own book, "Yes, I can."

"Does this solve all the problems of Chicago?" he asks rhetorically. "No, it does not," he notes. "But if street-corner guys can get a program 'cooking' here, then the brothers elsewhere have got to follow suit."

QUESTIONS ON VIETNAM: VII. EFFECTS ON THE AMERICAN ECONOMY

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. FRASER. Mr. Speaker, the war in Vietnam has hurt the United States in many ways besides just the tragic losses of American lives. It also has hurt the stability of the U.S. economy as we can clearly see in the current rising inflation and the wild gyrations of the stock market. In this final question the Committee of Concerned Asian Scholars at Cornell University talks about how the war has hurt our economy:

WHAT IS THE EFFECT OF THE WAR ON THE AMERICAN ECONOMY?

Contrary to popular notions of "war prosperity," the Vietnam war has (i) been costly for Americans in terms of the things most needed and (ii) been the *source* of our most pressing current economic problems, inflation and unemployment.

(i) Costs of the War

The personal income tax surcharge, the telephone and other excise taxes have been necessitated by the Vietnam war. The total dollar costs of the war now exceed $100 billion. Examples of what this figure means in terms of opportunities foregone; nationally, the cost is $2 million dollars per hour; New York City spends more on the war than on New York, the Vietnam war share of personal income taxes paid by New Yorkers exceeding the city budget; Tomkins County (population 60,000) spends over $700 per hour to support the war. Begin to think about what these figures mean in terms of schools, hospitals, public transportation, housing, etc.

(ii) Current Economic Problems

a. Our present rapid inflation arises from deficit spending required to finance the war; the federal budget deficit for 66–68 was over $32 billion, the biggest inflationary shock to the economy in the post-World War II period.

b. The measures adopted by the Nixon administration to deal with inflation leave untouched the heart of the problem—military expenditures, expecially for the war. Inflation cannot be stopped short of a cutback in military expenditures and a corresponding redirection of the economy towards increasing the supply of needed goods and services. Such a 'reconversion' policy would allow increasing employment, whereas administration tight money policies have increased unemployment.

c. One of the areas hardest hit by administration tight money policies is housing. By government standards we need at the very least 26 million new units over the next decade; at the current depressed level of housing starts, we will have fewer than 10 million additional units by the end of the 70's.

THE NATION'S HEALTH NEEDS

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. PHILBIN. Mr. Speaker, one of the things facing us today is that the basic, funding cycle, which involves the local community turning to the States, and the States turning to the Federal Government, is putting the Congress in a position where we have a rapidly escalating number of very heavy demands, and little assurance of adequate, incoming funds to meet all of them; in fact we cannot hope to fund them all. But we must do our best.

Under the present manipulations, the deficits could be felt in many critical areas of governmental and socioeconomic programs of great moment to the economy and the people.

I have in mind one which we all evaluate very highly as to priority, and that is medicare and health programs.

Where are we going with these programs with our hospitals crowded, hospital rates going through the ceiling, shortages of doctors, nurses, specialists and technicians appearing on almost every scene in the land?

Lack of sufficiently trained doctors coming out of the medical schools every year, and all the deficiencies that we have in trying to implement the overall medical care program, and make it the effective and helpful one we had great hope for, when it was first inaugurated, are plaguing us no end. Millions of sick people are being denied the care to which they are entitled and so badly need. Countless lives are in this precarious balance of deprivation of adequate medical care and treatment.

I am greatly concerned about the very serious problems developing in health, medical, and hospital care and treatment, because the rates and costs are bounding into infinity, while the money and programs available to meet basic needs are generally inadequate, and will become much more so with the passage of time. This fact does not seem to be fully recognized, even in Congress which is moving too slow, so I suggest with utmost respect.

Obviously, the big problems are money and proper planning, and the people can not help that very much except by paying more taxes which many are not able to do, and planning wisely, adequately and well is for government and private hospital and health leaders.

Fundamentally, we must face up to the facts that our entire hospital system, its equipment and personnel are presenting gigantic problems, because obviously we do not have enough of the necessities to go around in the country, and we have great needs. More new hospitals should be constructed, more should be implemented with adequate, modern equipment and personnel, including doctors and nurses, specialized talents, and be furnished with much more modern equipment that is becoming available so fast in our technology, and yet is very expensive, costly, and in many instances beyond the reach of the ordinary hospital, if indeed the larger ones can afford them and are being squeezed by funding needs. Domiciliary and rest homes, modern theories to cope with killer diseases, chronic disabilities, for children and adults are urgently needed.

I have thought for a long time that Congress must take a new and careful look at this whole hospital-medical picture and complex, because to my mind the situation is deteriorating very fast, and the time may come soon—if it is not already here—when many more people no longer will have the means to pay out of their own pockets or plans for total, modern, medical care, not to speak of the crying needs of unfortunate children and adults.

High rates, shortages of doctors, nurses and developing shortages of hospital beds and up-to-date hospital buildings for all classes and ages are compelling problems. But they must be solved real soon, and we will have to find some way too before long to step up the number of spaces in medical schools, so that thousands of aspiring medical students may be assured of admission to medical schools, and later to up-to-date hospitals, where they can take their internships and residencies without suffering from the welter of delay, rejection, favoritism and discrimination that attends their present efforts for medical education and training.

We all have known of many capable, dedicated, well-trained young men applying across the board to get into medical schools, who are frustrated and disappointed they could not pursue the career of their choice because of lack of openings for highly qualified boys, who often must step aside for their inferiors from home and from abroad.

I think that the Congress will have to set up a huge, coordinated program with massive funding that will embrace all our health, medical, hospital, nursing, specialist and medical school needs, and we must act now, and we cannot wait any longer.

I hope and urge that the appropriate committees of Congress will get together with all possible dispatch to make the elaborate studies and analyses necessary to ascertain the total needs, and then set up the remedies and the implementations that we need to insure adequate, reasonably priced, medical services for all. The alternative is socialized medicine, which we are likely to have sooner than we think, if we fail to move now.

At the present time, medical costs are anything but reasonable for the average person and family. Neither current medical and health plans or incomes can possibly meet them, as everyone must know.

In fact, the rich can afford these high costs; the poor can usually have them paid by welfare. But the rank and file of hard-working breadwinners, and ordinary working men and women of this great and prosperous Nation, are hard put, because they do not have the means to pay for excessively high-level costs, medical and hospital services, yet, since they are gainfully employed, they are not considered for special assistance payments.

I hope that the leaders and the members of the Congress, and particularly the chairman and members of pertinent committees will take careful note of my suggestions having to do with our urgent, present needs for greatly increased and vastly enhanced hospital-nursing medical care, service and treatment and medical school needs as well as many special programs for specially afflicted groups.

REPRESENTATIVE BLACKBURN'S ANSWER TO REPRESENTATIVE UDALL

HON. BENJAMIN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. BLACKBURN. Mr. Speaker, I would like to take this opportunity to reply to the statement of my colleague (Mr. UDALL) which appeared on page 16814 of the May 22 CONGRESSIONAL RECORD.

Mr. Speaker, it is apparent that Mr. UDALL is unaware of the current status of the Nation's postal employees in regard to the right to join or not to join union organizations. Mr. UDALL states that H.R. 17070, the postal reform bill, "neither advances nor retards the right-to-work movement." He states that H.R. 17070 "retains the status quo." Nothing could be further from the truth.

The "status quo" refers to Executive Orders 10988 and 11491, the former issued by the late President John F. Kennedy, the latter issued by President Nixon:

> Each employee of the executive branch of the federal government has the right, freely and without fear of penalty or reprisal, to form, join, and assist a labor organization or to refrain from any such activity,

and each employee shall be protected in the exercise of this right.

Section 222 of H.R. 17070 states labor-management relations would be "subject to the provisions of subchapter II of chapter 7—the National Labor Relations Act, as amended—of title 29." Under this clause in the National Labor Relations Act, the employees have the right to refrain "except to the extent that such right may be affected by an agreement requiring membership in a labor organization as a condition of employment."

Mr. Speaker, this is by no stretch of the imagination an extension of the "status quo." I would classify it rather as a complete repudiation of the aforementioned Executive orders and an open invitation for proponents of involuntary union membership.

I would suggest that my colleague read the National Labor Relations Act and section 222 of H.R. 17070 for himself. The conflict between these two clauses and the Kennedy-Nixon Executive orders is apparent to even a cursory study. I am compelled to remind my colleague that local postal installations are Federal property and there is a legal question as to whether or not the local State right-to-work laws would be applicable. There have been instances in many of the 19 States having right-to-work laws where workers on Federal property have been subjected to compulsory unionism. In my own State of Georgia, the State right-to-work legislation specifically excludes employees of "the United States, or any State, or any political subdivision thereof," from its provisions. I do not want to subject Georgia residents, who enjoy freedom of choice, to compulsory unionism. My colleague's own State, Arizona, enjoys the benefits of a right-to-work law; is he willing to risk the negation of his State's law?

In closing I would like to address myself to Mr. UDALL's comments on the congressional offices "being flooded right now with alarmist mail." I suspect if Mr. UDALL had received a heavy volume of mail in favor of his position, he would have termed it "a sincere expression of public support." However, since the mail is running adverse to his position, he terms it "alarmist." I have a heavy volume of mail on this vital issue, and I welcome it. I am more than happy to answer my constituents' queries and to read their views. I only wish that more of them would give me the benefit of their opinions. But as to the mail being "alarmist," I must disagree. My definition would be that it is "concerned."

Mr. Speaker, two letters in particular of the many that I have received on the issue of compulsory unionization of the postal workers are especially worthy of note to my colleagues.

One is from the Governor of the State of Arizona, the Honorable Jack Williams. The other is from the Governor of the great State of Wisconsin, the Honorable Warren P. Knowles. I trust that no one will consider these two letters as "alarmist," but rather as informed and concerned. I attach these letters for the benefit of my colleagues:

XUM

MADISON, WIS.,
May 14, 1970.

Hon. BEN B. BLACKBURN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN BLACKBURN: I have your letter of May 6 and certainly agree that the whole area of collective bargaining in the public sector is a difficult one to deal with. We in Wisconsin have had more experience in this area that most other states in that collective bargaining procedures have been authorized since 1961. I personally vetoed the agency or union shop provision, and we are studying the entire problem at the present time trying to bring about some mechanism whereby good labor management relations in the public sector may be maintained.

The difficulty that we encountered, of course, is that all our public bargaining units attempt to apply the rule of the private sector and it simply won't work. We are not dealing with a profit-making business but rather a service organization which is financed by taxes, and the ultimate goal of most bargaining is economic and translated into dollars. I am advising members of my congressional delegation and hope that they will support your proposal for reasonable legislation.

Sincerely,
WARREN P. KNOWLES,
Governor.

OFFICE OF THE GOVERNOR,
Phoenix, Ariz., May 18, 1970.

Hon. BEN B. BLACKBURN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN BLACKBURN: As Governor of a Right To Work State, I certainly agree with your letter of May 6th.

I have discussed this with Senator Paul Fannin and am taking the liberty of sending him your letter with a request for any recommendations that he may have for this office to undertake.

Sincerely,
JACK WILLIAMS.

DRUGS ARE BIG BUSINESS

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. ROBISON. Mr. Speaker, the problem of drugs can no longer be considered a local problem, rather it has taken on national significance in America, stretching from our inner city ghettos to our well-to-do suburban neighborhoods to our midwestern rural farming areas. To shut our eyes and say that the problem does not exist is to close our eyes to obvious reality. To date no one has come up with the answer to solve what is fast becoming a crisis in this Nation.

Part of the problem is our seeming lack of perspective about the drug trade in general and the particular application to the United States. We are all too ready to believe that the users are the social out casts who gather together for a quick "trip" or who "shoot up" in a dark alley. Unfortunately the truth is that the problem runs deeper than that—much deeper.

To put the local drug trade in perspective, I believe that the following article—the first in a series to be published by the Christian Science Monitor—describes how drugs are, in reality, big business on the world market. Just as demand increases, supply is all too ready to expand to fill the need. Before one can have a full understanding of the breadth of the drug problem, one must appreciate the fact that the traffic in drugs is a most lucrative occupation. John Hughes describes that business in the following article:

WORLD "JUNK" TRAFFIC—"WE'RE DEALING WITH AN EPIDEMIC"

(NOTE.—During the past few months enough heroin has been smuggled into the United States to supply 150 million individual shots for addicts. In other words, enough for all the young people in the U.S. between the ages of 15 and 24 to have at least four "fixes." Staff correspondent John Hughes has followed the narcotics trails round the world. In the first of 10 reports he spells out the international drug situation.)

BEIRUT, LEBANON.—A five-month investigation by this newspaper into the international narcotics traffic reveals that illicit drugs are swirling like a floodtide down the clandestine channels that lead to the addict user.

To the United States, the principal consuming country, the flow is massive, and increasing.

True, seizures are up. Heroin seizures by American customs agents have increased 1,200 percent over the past five years.

The Nixon administration is devoting major effort to disrupting the traffic. At home and abroad, American narcotics agents are doing a yeoman job. Whether shooting it out with opium traffickers in Turkey, or penetrating the heroin factories of Marseille, France, they are often men of remarkable courage, working undercover for long periods at considerable risk.

But the market for narcotics has expanded phenomenally, too. Some believe it has doubled in the past six months. It now caters to 11- and 12-year-olds. President Nixon says 180,000 Americans are addicted to heroin. Each requires several "fixes" a day of the white powder that has brought death to hundreds and so-called "living death" to thousands more.

So far as "soft" drugs are concerned, more than 6 million Americans are using marijuana, according to a United States congressional committee of inquiry.

FLOW INCREASED

Ironically, increased governmental attention to the drug traffic has boosted the current flow. Traffickers fear that traditional sources and channels may be sealed off. So they have been moving large consignments while they can.

Narcotics agents believe 3,500 kilos of heroin have been hastily funneled down the pipeline from Turkey to the United States in the past few months. When diluted, that is enough to supply more than 150 million individual shots of heroin to addicts.

Turkey is the largest grower of illegal opium. France is the major converter of opium into heroin. The process is dominated by a tough Corsican underworld ring operating in Marseille. From these two countries originates 80 percent of the heroin used in the United States. Much of the balance comes from Mexico. Two other countries with booming opium production—Iran and Afghanistan—are likely to cause trouble.

But even if production could be wiped out overnight, enough has been stockpiled to meet world demand for several years. Buried in remote areas of Turkey are several hundred tons of opium. It is guarded by fierce hill folk for whom defiance of authority is practically a point of honor. They can dispose of their caches at leisure. Neither opium, nor morphine (its next stage), nor heroin (the end product) deteriorates with age.

The United Nations says the drug traffic is snowballing and that it is "imperatively urgent" to find ways to cope with it.

A top American narcotics agent puts it more bluntly. "We're dealing," he says, "with an epidemic."

The United Nations estimates illegal production of opium at 1,200 tons a year. Many experts find that calculation conservative. As for marijuana, it grows untended like a weed in dozens of countries.

Last year a startled London housewife found two stands of it growing 6 feet high in her back garden. In New Orleans, agents picked up a college professor and his wife found growing 260 marijuana plants. Across the Mexican border alone, authorities believe, some 1,100 tons of marijuana flow into the United States each year.

For the past several months I have been exploring the pipelines down which this illegal traffic flows and the men who control them. In the course of a round-the-world trip I found that with no especial entrée to underworld circles it was possible, with time and money, to buy every major illegal drug.

In Afghanistan, Pakistan, and Thailand, I came easily to the point of purchase for opium. In Laos I could have bought it by the small planeload.

Sometimes there were difficulties when sellers suspected me of being an undercover narcotics agent or a police officer. But with only a little more effort, I could have bought opium in India, Turkey, and Mexico. In Hong Kong I need walk but a few steps from my office to get the distinctive scent of smoking opium from the neighborhood vendor.

In Beirut a Western diplomat offered me introductions to cocaine sellers in a number of nightclubs.

Second-grade heroin in small doses was easily obtainable in Mexico and Hong Kong. But in Marseille I could have bought top-grade heroin by the kilo (2.2 pounds). It would have taken an advance payment of $3,000 and several days isolation in a hotel room while the sellers checked me out. If they were satisfied. I could have been reasonably sure of emerging with a kilo of pure heroin. So skillful and careful are the traffickers, however, that the transaction would have been completed without my ever meeting the deliverer.

The movement of heroin from southern France to the United States was once dominated by the American Mafia. But now the Corsican heroin manufacturers have so much to sell that they meet all the Mafia's requirements and have plenty to spare. So in addition, they sell to Cuban, American Negro, and Puerto Rican buying rings who have newly set up shop around Marseille, as well as to "independent" purchasers.

As for hashish and marijuana, I could have bought this as easily as toothpaste or candy throughout much of Asia, the Middle East, and parts of Mexico. In Afghanistan, hashish sellers distribute pamphlets advertising their own special brands. Hospitable policemen offer foreign hippies a puff of "hash." In Nepal, hashish comes cheaper than tobacco. In Pakistan, a police officer opposed to the narcotics traffic told me he had sold a kilo of hashish to make money for his son's birthday present.

CHILDREN ACCOSTED

For the new synthetic drugs—the amphetamines, the barbiturates, the hallucinogens—the trail started no farther than the beach in front of my home in Hong Kong. There the pushers are trying to proposition American children from the international school nearby. American schools in Bangkok, Thailand, and Ankara, Turkey, have encountered similar problems.

One finding of this Monitor survey is that in addition to the traffic in cultivated drugs, there is a sharp upsurge in the movement of the synthetics. Pioneered in the United States, they are flowing in particularly across the borders of Western Europe.

A leading Italian psychologist says 30 percent of young people between 14 and 22 in Rome are using some kind of drug. Use of stimulants is so serious in Sweden that the Swedish Government is in the forefront of a campaign for strict new international controls. Deaths from heroin use have startled France.

Even the Soviet Union has admitted some "thefts of narcotic drugs from pharmacies and hospitals." The Soviets say illicit traffic poses "no problems" in their country. Other sources say Soviet officials are quietly concerned about the smuggled inflow of drugs from the West.

Pep pills are in volume with some Czechoslovakian youths. The Prague weekly Kvety says drug addiction in the capital is reaching alarming proportions. Some addicts have been getting high on cactus extract stolen from Prague's botanical gardens.

There may be one positive aspect to this. European governments, which until now have paid only lip service to drug abuse and traffic, are beginning to take it more seriously.

Though it is relatively easy to buy illegal narcotics, smuggling them across international borders, and particularly into the United States, is a much more hazardous business.

In countries like Turkey and Lebanon, the narcotics seller is often an informer, too, particularly upon small-time or amateur traffickers. Having made the sale, he tells the police. For this service, he gets immunity from prosecution. But the buyer is picked up.

In some countries, the police go out of their way to arrest foreigners. This helps build their case that foreigners, not local citizens, are responsible for the narcotics traffic.

Several hundred Americans have had tormented personal experience of this. They are serving long sentences for narcotics offenses in such hellholes as Sands prison, just outside Beirut.

Crammed 40 to 50 in a cell, the prisoners have one hole in the floor for a toilet, one faucet for a shower. Many have suffered the humiliation of violent homosexual assault. A fortunate few have bribed their way into mental institutions where treatment is better.

Despite the hazards, the profits from drug smuggling are immense. If transported successfully to the United States and "cut" into 45,000 packets for individual users, a kilo of heroin that costs a few thousand dollars in Marseille sells for more than a quarter of a million dollars.

With this kind of money to be made, involvement in the narcotics traffic extends into the most pseudo-respectable circles and into the highest ranks of a number of governments.

In Lebanon, a leading politician is one of the largest owners of hashish-producing land.

The uncle of one Middle Eastern monarch reputedly controls the transportation of narcotics through his country.

The sister of another head of state is persistently linked to the operation of a morphine-producing factory.

In one Asian country, an American diplomat told me:

"We want the drug traffic out of here stopped. But we have a problem. If American narcotics agents start nosing around here too closely, they're going to uncover some links to pretty high places."

In Laos the Army is involved in the opium business, and Lao Air Force planes transport opium.

In Thailand the massive outflow of narcotics could hardly take place without collaboration at fairly high levels. In the past, involvement in the drug traffic has extended into the Cabinet. It may still today.

AMBASSADOR ARRESTED

The diplomatic bag, immune from customs scrutiny, is an ideal vehicle for narcotics traffic. A number of Latin-American diplomats have been caught moving narcotics, including ambassadors from Mexico, Guatemala, and Uruguay.

This year Italian police arrested a Pakistani ambassador on narcotics charges. Other diplomats are being watched. Personnel of a number of international agencies with diplomatic privileges, particularly in Southeast Asia, are under suspicion.

In Lebanon, a traveler in trouble with the law who needs new documents can visit the ambassador of one Central-American country. No questions are asked. The fee for a brand-new passport of that country is $1,000 in cash. One recent purchaser was an LSD chemist on the run from British police. He used his new passport to travel to North America.

Money, however, is not always the reason for involvement in the drug traffic. Sometimes the motive is political or ideological.

Western agents, for instance, believe the Israeli intelligence service permits Arab smugglers to move shipments of narcotics across Israeli-held territory. The smugglers are Bedouin tribesmen. In return for the transit route, they give the Israelis military information about Arab positions.

There is also narcotics-smuggling across the Arab-Israeli border for straight gain. The hashish that visiting Jewish hippies buy in Israel comes from Lebanon.

In Laos, some of the main growers of illegal opium are tough mountain tribesmen upon whom the American Central Intelligence Agency (CIA) relies heavily in the campaign against the Communists. Opium is the principal cash crop in the non-Communist part of the country. Clearly, the CIA is cognizant of, if not party to, the extensive movement of opium out of Laos.

One charter pilot told me that "friendly" opium shipments get special CIA clearance and monitoring on their flights southward out of the country. The same source alleged two or three flights without this "protection" crashed under mysterious circumstances.

Communist intelligence agents are similarly involved with the use and transportation of narcotics.

Soviet agents posing as newsmen in India are known to have made use of narcotics in the course of their intelligence work. In the no-holds-barred world of espionage, it is a logical instrument.

The Soviets accuse the Chinese Communists of manufacturing narcotics and unloading them on the world market with political design. The Chinese undoubtedly do manufacture drugs. But there is no evidence that they are employing them abroad on such a massive scale, for instance, as did the Japanese prior to their invasion of China in the 1930's. Before their military onslaught, the Japanese poured in opium to sap Chinese resistance.

SANCTUARIES PROVIDED

For drug smugglers from Turkey and the Middle East, Communist countries on the road route to Western Europe are a sanctuary. Opium shipments are stored there, road trailers dropped off or switched, and truck registration papers and licensed plates changed.

XUM

A café in Sofia, Bulgaria, is the known haunt of Arab smugglers. Yet rarely do the Communists interfere with narcotics shipments from Middle Eastern countries for whose friendship they are anxious.

Whatever their motivation, the merchants engaged in this multimillion-dollar "junk," or narcotics, business resort to the most bizarre, the most extreme, the most ingenious methods to get their wares through.

Along the Turkish-Syrian border, the authorities have strung barbed wire and planted minefields. But the smugglers moving convoys of raw opium snip the wire and drive herds of goats ahead of them to explode the mines.

Camels carry opium in metal cylinders in their stomachs. One cheerful Afghan showed me how to slit the skin of a sheep, slip a wad of opium in, and sew the skin up again before herding the shaggy animal across the border into Iran.

From Laos, charter pilots air-drop opium in watertight bags in the Gulf of Siam. Deep-sea fishing boats from Thailand pick it up, sail to Hong Kong, then sink it in shallow water off the coast. Chinese fishing junks trawl for it later and quietly run it ashore.

HIDING PLACES ARE MANY

Narcotics are smuggled in hollowed-out books, in scuba tanks, and molded into chessboards. They are disguised as lemons, and hidden in pierced watermelons, and sealed in cans of peaches, coffee, and olive oil. They are carried in dolls, and toy horses, and even in babies' diapers.

Women couriers conceal them in girdles and brassieres. California customs agents caught one "pregnant" woman coming off a President liner with 40 pounds of narcotics in a false stomach. In Turkey, police found a "hunchback" with nine pounds of narcotics in his "hump."

From Colombia, one smuggler tried to ship 95 pounds of marijuana into the United States in a crate full of boa constrictors.

Others have tried molding narcotics as rosary beads.

But still favorite hiding places for traffickers are the false-bottomed suitcase and the concealed compartment in a truck or automobile. A surprisingly large amount of narcotics travels through the international mail labeled as innocent gifts. In one big haul in Hong Kong, narcotics were packed as insulation in the walls of a shipment of refrigerators.

One more interesting fact about the major criminals behind the narcotics traffic: Rarely do they use drugs themselves. They know better.

XUM

A SAD DAY FOR COUNTRY, BUT A TIME TO PAY TRIBUTE

HON. M. G. (GENE) SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. SNYDER. Mr. Speaker, on Memorial Day this year, Saturday, May 30, the Kentucky Post—which serves many of my constitutents in the northern Kentucky area—ran a front page story listing the men who have given their lives for their country in Southeast Asia. The four paragraphs preceding the list of brave men expresses the sentiments of many people in the Fourth District and across America. The article follows:

A SAD DAY FOR COUNTRY, BUT A TIME TO PAY TRIBUTE

This is the sadest Memorial Day in the recent history of this republic. For added to the people's grief for the fighting men who have fallen in the cause of American liberty, there is a cloud of disloyalty and disunity that reaches from sea to shining sea.

Political distrust is natural and proper in a popular form of government like that of the United States. But today subversive forces evoking the name of political dissents, but directed by traitors and deadly enemies, have seduced the minds of groups of Americans who are immature, disturbed, gullible or disgruntled.

And in the name of a false peace which they hypocritically do not actually seek, they make war to the death on the mind and soul of America. Thus they seek to discredit the heroism of this country's military martyrs—a vicious enterprise that we condemn as utterly contemptible.

With the hope of compensating in one small way for the attempts of the unworthy to diminish the stature of the brave men who have died for this country, we inscribe below the names of the servicemen of northern Kentucky who have lost their lives in the war against the tyranny of pagan communism in southeast Asia. We salute them; we honor them; we remember them with tears in our eyes and a thrill in our hearts for their deathless valor.

KENTON COUNTY

1. Pfc. William Joseph Gallagher, 21, Covington, Oct. 13, 1965, Marines.
2. Sgt. Robert Lovelace, Taylor Mill, Feb. 9, 1966, Marines.
3. Pfc. Louis R. Randall, 20, Covington, Sept. 25, 1966, Army.
4. Sp. 4 Donald Robert Duncan, 22, Morning View, Nov. 24, 1966, Army.
5. Sp. 4 Carl William Mueller, 22, Covington, Feb. 13, 1967, Army.
6. Sp. 4 Louis Ray Soward, 20, Covington, Feb. 15, 1967, Army.
7. Cpl. Donatus Joseph Geilen, 23, Covington, Feb. 28, 1967, Marines.
8. Sp. 4 Guy Eckman McNay Jr., 22, Erlanger, May 19, 1967, Army.
9. Sp. 4 Timothy Matthew Flammer, 21, Elsmere, July 3, 1967, Army.
10. Pfc. Roderick Lee Weiss, 20, Erlanger, July 24, 1967, Marines.
11. Lance Cpl. Everett Stratton Jr., 22, Ludlow, Aug. 4, 1967, Marines.
12. Lance Cpl. Nicholas Owen Wagman, 19, Ludlow, Sept. 2, 1967, Marines.
13. 1st Lt. James Louis Ante, 25, Covington, Sept. 3, 1967, Army.
14. Staff Sgt. Frank Bellew Dunford III, 20, Covington, Oct. 22, 1967, Army.
15. Lance Cpl. Paul H. Webb, Elsmere, Jan. 11, 1968, Army.
16. Medic Jeffrey Aker, 20, Taylor Mill, Jan. 18, 1968, Navy.
17. Lance Cpl. Thomas Retschulte, 20, Covington, Jan. 21, 1968, Marines.
18. Sp. 4 Samuel G. Hurry, 24, Covington, Feb. 3, 1968, Army.
19. Lance Cpl. Samuel T. Marshall, 26, Erlanger, Feb. 7, 1968.
20. James Penny, 19, Covington, July 15, 1965.
21. Sgt. Ronald Lee McCollum, 20, Covington, Feb. 18, 1968.
22. Lt. Dennette A. Edwards, 25, Independence, Feb. 27, 1968.
23. Pfc. Gary W. Litton, 19, Edgewood, March 5, 1968.
24. William Eldridge, 22, Covington, April 18, 1968.
25. Sp. 4 Danny Lee Boone, 18, Ludlow, May 19, 1968.
26. Lance Cpl. Thomas Lee Loschiavo, 21, Winston Park, May 31, 1968, Marines.
27. Staff Sgt. Emmett S. Orr, 37, Covington, Oct. 10, 1968.
28. Sgt. Randall Welch, 20, Covington, Oct. 18, 1968, Army.
29. Pfc. Howard Wilhoit Jr., 19, Ludlow, Nov. 23, 1968.
30. Pfc. Raymond B. McKinney, 18, Covington, Nov. 25, 1968.
31. Sgt. Ronald Niewahner, 20, Villa Hills, Dec. 13, 1968, Army.
32. Pvt. 1C Clifford Lee Newberry, 18, Crescent Springs, Jan. 25, 1969, Marines.
33. Seaman 1C. James Everett Pierce, 21, Covington, Feb. 10, 1969, Navy.
34. Pfc. Steve Tanner, 19, Bromley, Feb. 19, 1969, Marines.
35. Pfc. Alan Morris Sharp, 19, Covington, Feb. 25, 1969, Marines.
36. Pvt. Chester Wartman, 19, Ft. Mitchell, May 11, 1969.
37. Sgt. James L. Todtenbier, 21, Lookout Heights, June 6, 1969, Army.
38. Pvt. Hank Sally, 18, Independence, June 6, 1969.
39. Pfc. William Hammons, Covington, July 23, 1969, Marines.
40. Cpl. Michael Dwyer, Covington, July 25, 1969, Marines.
41. Pfc. Frankie Stanley, 21, Covington, Aug. 26, 1969.
42. 2d Lt. David Stoppelwerth, 26, Ft. Mitchell, Jan. 18, 1970.
43. Sgt. Gary Schoborg, 20, Covington, April 13, 1970.

CAMPBELL COUNTY

1. Pfc. Frank Leslie Adamson, 20, Dayton, June 24, 1965, Marines.
2. Cpl. Ronald Vincent Silbersack, 25, Cold Spring, April 20, 1966, Army.
3. Pfc. Charles Marshall Bradford, 22, Newport, Oct. 4, 1966, Army.
4. Capt. Charles Frederick Swope, 32, Newport, Nov. 9, 1966, Air Force.
5. Lance Cpl. Jay C. Tipton, 21, Newport, Nov. 22, 1966, Marines.
6. Pfc. Gary Stephen Jordan, 21, Newport, Feb. 24, 1967, Marines.
7. Sp. 4 Richard Barry Sams, 21, Southgate, March 11, 1967, Army.
8. Pfc. Edward Arthur Smith, 20, Newport, June 17, 1967, Army.
9. Lance Cpl. Marvin Schafer, Grant's Lick, April 30, 1967, Marines.
10. Pfc. Gerald Rolf, Newport, June 29, 1966, Army.
11. Sgt. Albert Francis Sayer Jr., 31, Ft. Thomas, Sept. 8, 1967, Air Force.
12. Sp. 4 Clarence Hall, 19, Newport, Nov. 20, 1967, Army.
13. Sp. 4 John C. Freppon, Silver Grove, Dec. 12, 1967, Army.
14. Lance Cpl. Delmer Anderson, 19, Bellevue, Jan. 13, 1968, Marines.
15. Cpl. David A. Jones, 22, Ft. Thomas, May 1, 1968.
16. Sp. 4 Fred Bauerle III, 19, Dayton, April 28, 1968, Army.
17. Pfc. Micky Ray Highlander, 21, Dayton, Aug. 17, 1968, Army.
18. Crop. John B. Becker, 22, Cold Spring, Aug. 27, 1968, Marines.
19. Pvt. Bobby R. Sumpter, 19, Alexandria, Sept. 8, 1968, Marines.
20. Sgt. Eugene Spencer, 23, Dayton, Oct. 30, 1968.
21. Sgt. Kenneth M. Bryant, 21, Cold Spring, Dec. 25, 1968, Army.
22. Sp. 4 Robert J. Blaut Jr., 18, Alexandria, Feb. 23, 1969, Army.
23. Pfc. Patrick E. Blagg, 20, Newport, April 12, 1969, Marines.
24. Lance Cpl. Troy E. Powell, 20, Newport, May 2, 1969, Marines.
25. Sp. 4 Dennis L. Henry, Bellevue, Sept. 3, 1969.
26. Pfc. John Edward Cottingham, Newport, Sept. 23, 1969.
27. Sgt. Thomas Jefferson Gabbard, Highland Heights.

BOONE COUNTY

1. Pfc. John Wayne Malapelli, 23, Burlington, Feb. 9, 1965, Army.
2. Sp. 4 George Columbus Roden Jr., 27, Hebron, Oct. 8, 1965, Army.
3. Sgt. Montague Lyons, Walton, Dec. 11, 1967, Marines.
4. Arthur T. Kramer Jr., 22, Burlington, May 4, 1968.

5. Sgt. Harlan Secress, 21, Hebron, Dec. 31, 1968, Army.

6. Sp. 4 Gary Leslie Moore, 21, Elsmere, March 12, 1969, Army.

7. Sp. 4 Jimmy R. O'Banion, 20, Florence, April 8, 1969, Army.

8. Sp. 5 Edward A. Barlow, 21, Hebron, May 11, 1969.

9. Sgt. Charles C. Fleek, 21, Petersburg, May 27, 1969, Army.

10. Sp. 4 Marion L. Zipp, 23, Elsmere, Aug. 12, 1969.

11. 1st Lt. William J. Brewer Jr., 23, Erlanger, May 14, 1970, Army (first Northern Kentuckian to die in Cambodia).

BOURBON COUNTY

1. Staff Sgt. Walter Kenneth Morris, 40, Paris, Oct. 24, 1963, Air Force.

2. Pfc. Francis Allen Hughes, 20, Paris, July 11, 1967, Army.

3. William Daniel Collins, 21, Paris, July 29, 1967, Army.

HARRISON COUNTY

1. Staff Sgt. Clifton Frederick Jr., 37, Cynthiana Jan. 22, 1967, Army.

2. A1C David Glenn Woodruff, 20, Cynthiana, Sept. 5, 1967, Air Force.

3. Sp. 6 Paul B. McKinley, 28, Cynthiana, Nov. 22, 1967.

4. Pfc. Paul J. Lively, Cynthiana, Jan. 11, 1968, Army.

5. Sgt. James Harvey Bennett Jr., 24, Cynthiana, Feb. 15, 1968.

6. Sp. 4 James O. Fryman, 19, Cynthiana, Sept. 18. 1968, Army.

MASON COUNTY

1. 1st Lt. William Boyd Tully, 31, Maysville, Nov. 5, 1962, Air Force.

2. Staff Sgt. Billy Eugene Snipes, 33, Maysville, May 17, 1966, Army.

3. Cpl. Ernie Wayne Rosser, 21, Maysville, Dec. 11, 1966, Marines.

4. Lance Cpl. Donald Randell Lewis, 21, Maysville, Feb. 25, 1969, Marines.

5. Sp. 4 Billy Ray Lucus, 20, Maysville, May 19, 1970, Army.

OWEN COUNTY

1. Cpl. John R. Grimes, 19, Owenton, Feb. 18, 1967, Army.

2. Pfc. William Lee Juett, 26, Owenton, Nov. 8, 1967, Army.

3. Sp. 4 Robert A. Osborne, 21, Needmore, March 23, 1969, Army.

FLEMMING COUNTY

1. Pfc. Billy Gene Conley, 24, Flemingburg, Feb. 18, 1967, Army.

2. Sp. 4 Ray Melvin Harmon, 22, Flemingburg, Feb. 21, 1967, Army.

CARROLL COUNTY

1. Sgt. Paris Dale Dusch, 34, Carrollton, Nov. 15, 1965, Army.

2. 1st Sgt. Luther M. Chappel, 34, Worthville, June 30, 1969.

GALLATIN COUNTY

1. Staff Sgt. James Albert Smith, 31, Warsaw, Aug. 18, 1965, Marines.

GRANT COUNTY

1. Cpl. Ernest Howard Wilson, 22, Corinth, Jan. 11, 1967, Marines.

2. Pfc. Edgard L. Tomlinson, 19, Williamstown, Sept. 12, 1968.

3. Sp. 4 David Knight, 21, Williamstown, Dec. 31, 1968, Army.

4. Lance Cpl. Gary Hisle, 20, Williamstown, May 23, 1969, Marines.

PENDLETON COUNTY

1. Pvt. 1st Class, Bradley Bowling, 21, DeMossville, May 31, 1968, Marines.

2. Boatswains Mate 1C John Franklin Bobb, 25, DeMossville, Navy.

3. Cpl. Clyde David Downard, 19, Falmouth, Oct. 24, 1968.

FEDERAL CIVILIAN EMPLOYMENT, APRIL 1970

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. MAHON. Mr. Speaker, I include a release highlighting the April 1970, civilian personnel report of the Joint Committee on Reduction of Federal Expenditures:

FEDERAL CVILIAN EMPLOYMENT, APRIL 1970

Total civilian employment in the Executive, Legislative and Judicial Branches of the Federal Government in the month of April was 3,089,175 as compared with 3,011,293 in the preceding month of March. This was a net increase of 77,882, due primarily to temporary Census employment.

These figures are from reports certified by the agencies as compiled by the Joint Committee on Reduction of Federal Expenditures.

EXECUTIVE BRANCH

Civilian employment in the Executive Branch in the month of April totaled 3,053,060. This was a net increase of 77,868 as compared with employment reported in the preceding month of March. Employment by months in fiscal 1970, which began July 1, 1969, follows:

Month	Employment	Increase	Decrease
July 1969	3,049,502	+9,140	
August	3,015,864		−33,638
September	2,945,752		−70,112
October	2,927,741		−18,011
November	2,913,598		−14,143
December	2,912,661		−937
January 1970	2,893,593		−19,068
February	2,892,469		−1,124
March	2,975,192	+82,723	
April	3,053,060	+77,868	

Total employment in civilian agencies of the Executive Branch for the month of April was 1,830,924, an increase of 83,852 as compared with the March total of 1,747,072. Total civilian employment in the military agencies in April was 1,222,136, a decrease of 5,984 as compared with 1,228,120 in March.

The civilian agency of the Executive Branch reporting the largest net increase was Commerce Department with 74,257, reflecting an increase of 74,389 in temporary employees involved in taking the Nineteenth Decennial Census.

In the Department of Defense the largest decreases in civilian employment were reported by the Navy with 3,320, Army with 1,809 and Air Force with 652.

Total Executive Branch employment inside the United States in April was 2,820,120, an increase of 80,806 as compared with March. Total employment outside the United States in April was 23,940, an increase of 2,938 as compared with March.

The total of 3,053,060 civilian employees of the Executive Branch reported for the month of April 1970 includes 2,567,613 full time employees in permanent positions. This represents a decrease of 4,754 in such employment from the preceding month of March. (See Table 2 of accompanying report.)

The Executive Branch employment total of 3,053,060 includes some foreign nationals employed abroad, but in addition there were 106,317 foreign nationals working for U.S. agencies overseas during April who were not counted in the usual personnel reports. The number in March was 108,022.

LEGISLATIVE AND JUDICIAL BRANCHES

Employment in the Legislative Branch in the month of April totaled 29,501, an increase of 229 as compared with the preceding month of March. Employment in the Judicial Branch in the month of April totaled 6,614, a decrease of 215 as compared with March.

DISADVANTAGED PERSONS

The total of 3,089,175 reported by the Committee for April includes 18,642 disadvantaged persons employed under federal opportunity programs, an increase of 501 over the preceding month of March. (See Table 4 of the accompanying report.)

In addition, Mr. Speaker, I would like to include a tabulation, excerpted from the joint committee report, on personnel employed full time in permanent positions by executive branch agencies during April 1970, showing comparisons with June 1969 and the budget estimates for June 1970:

FULL-TIME PERMANENT EMPLOYMENT

Major agencies	June 1969	April 1970	Estimated June 30, 1970[1]
Agriculture	83,425	82,030	83,000
Commerce	25,364	25,260	25,600
Defense:			
Civil functions	31,214	30,049	30,700
Military functions	1,225,877	1,154,177	1,165,900
Health, Education, and Welfare	102,941	103,913	102,500
Housing and Urban Development	14,307	14,341	14,900
Interior	58,156	59,573	59,300
Justice	35,106	37,033	37,600
Labor	9,723	9,836	10,300
Post Office	562,381	565,048	567,000
State	24,658	23,825	23,900
Agency for International Development	15,753	14,633	15,000
Transportation	60,386	62,012	63,600
Treasury	79,982	85,331	86,700
Atomic Energy Commission	7,047	6,971	7,000
Civil Service Commission	4,970	5,070	5,300
General Services Administration	36,176	36,343	36,400
National Aeronautics and Space Administration	31,733	31,391	31,400
Office of Economic Opportunity	2,856	2,139	2,400
Panama Canal	14,731	14,624	14,700
Selective Service System	6,584	6,756	6,600
Small Business Administration	4,099	4,027	4,100
Tennessee Valley Authority	11,987	12,481	12,300
U.S. Information Agency	10,500	10,012	10,200
Veterans' Administration	147,606	146,951	148,500
All other agencies	26,200	23,787	27,800
Contingencies			10,000
Total	2,633,762	2,567,613	2,602,800

[1] Source: 1971 budget document; figures rounded to nearest hundred.

QUESTIONS ON CAMBODIA: VI. NEGOTIATING A PEACE SETTLEMENT

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. FRASER. Mr. Speaker, with the recent invasion into Cambodia the administration is understandably pessimistic about the possibility of peace negotiations. In a May issue of Newsweek, President Thieu made it very clear in an interview with editor Osborn Elliot that he had no intention of negotiating a peace settlement with the Communists. Prof. George Kahin further explains the reasons why we cannot expect successful peace negotiations since the Cambodian invasion:

Questions on Cambodia

THE ADMINISTRATION'S QUESTION

Are we accompanying these operations with any new diplomatic initiatives?

THE ADMINISTRATION'S ANSWER

Obviously we may make some new diplomatic initiatives at some point. But we see no sense in ignoring the fact that the other side has steadfastly refused to negotiate seriously. It will be up to them to decide whether or not they are ready to negotiate a settlement or spill more blood.

OUR ANSWER

President Thieu's most recent response to this question was given in a May 11, 1970 interview with *Newsweek* editor Osborn Elliot. Thieu made clear that he had no intention of negotiating a peace settlement with the Communists and that Vietnamization is a policy which permits continued fighting toward the goal of winning a military victory.

With respect to prospects for "new diplomatic initiatives at some point", one simply cannot overlook Thieu's intransigence on the question of diplomatic initiatives which is well-known and of long standing. Further, the invasion of Cambodia and allied involvement in the Cambodian civil war make diplomatic solutions to the Vietnamese conflict infinitely more difficult. Clearly the responsibility for initiating negotiations does not fall entirely on the enemy. The responsibility for shedding more blood also lies with the U.S. and its allies, particularly our intransigent dependent, President Thieu. Indeed, if there is any one aspect of the Administration's strategy upon which there is widespread agreement, it is that negotiations have been definitely downgraded. This has been evidenced by the President's refusal for some time to name a man of political stature to replace Ambassador Lodge in Paris. Instead, the President appointed a foreign service officer who served as an assistant to earlier negotiators and who never even occupied the post of Ambassador.

XUM

THE PROUD HERITAGE OF IDAHO BASQUES

HON. FRANK CHURCH

OF IDAHO

IN THE SENATE OF THE UNITED STATES

Thursday, June 4, 1970

Mr. CHURCH. Mr. President, there recently appeared in the Idaho Free Press of Nampa and the News-Tribune of Caldwell, a long feature on the Basques of Idaho, the proud people who have so enriched my State over the years with a heritage and unique culture dating back thousands of years.

Basques are very unique people. Coming from the Iberian peninsula of Northern Spain and Southwestern France, these people are known for their love of freedom and independence, despite their persecution by the Franco Government of Spain. Euzkadi—the Basque country—was independent until 1789, when France annexed that portion north of the Pyrenees. The southern portion lost its independence in 1839. Euzkadi regained its independence briefly during the Spanish civil war, only to lose it again. The years since have been marked by continuing repression of the Basque people by the Franco Government. Despite this, the Basques continue to maintain their heritage and their culture.

Idaho now has the largest Basque community outside of the Iberian peninsula. Centered in Boise, the Basque community is active in all walks of life and in all professions. They have made a remarkable addition to the life of my State.

Mr. President, I ask unanimous consent that the feature from the Idaho Free Press and the News Tribune, written by Barbara R. Miller, be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Idaho's Basques Proud To Retain Own Heritage

(By Barbara R. Miller)

The days of the lonely Basque sheepherder are past.

Today's Basque is found in offices, classrooms, factories and department stores.

He is a second or third generation Basque who probably knows little of the native language. One of his parents may be of Irish or German descent, or one of the other "melting pot" nationalities.

His home is typical Americana, except for the occasional "txorizuak" or other Basque dish which may be prepared for special events.

If it weren't for his name, and possibly his dark coloring, he would be indistinguishable from a Smith or a Jones whose ancestors immigrated from other parts of Europe.

He is an American.

But despite the fact that he is absorbed in the life and culture of modern America, there are occasions when his sense of heritage is vividly awakened—not with the nostalgia his newly-migrated parents may have felt, but with pride in the knowledge that he has a birthright to a great historical treasure.

His son or daughter may be one of the young Oinkari Dancers, and he may feel this awakening of pride watching them perform the traditional La Jota—or while taking a turn at it himself during one of the annual Basque celebrations held in the Boise Valley.

The third generation Basques are causing an upsurge in interest in the Basque culture, according to one of the leading Basque citizents of this area, Joe Eiguren of Homedale.

Eiguren, who is an aide at the Nampa office of the State Department of Employment, said he felt his generation tended to lose contact with the Basque culture in their efforts to "fit in." Young people today, however, are recognizing the value of the old language and customs.

"Basques are beginning to realize they can adapt and still retain their own heritage," he said.

That heritage includes a mystery. Who are the Basques? Why is their language unrelated to any other spoken language today?

Scholars have advanced several theories, but answers to satisfy everyone have yet to be found.

One theory states that the Basques are direct descendents of the Iberians, the original inhabitants of the peninsula now occupied by Spain and France.

The Iberian peninsula was invaded by several groups of people, but according to this theory, they had very little influence on the life or language of tribes who lived high in the Pyrenees, present home of the Basques.

Another theory contends that Basques are the descendants of inhabitants of the legendary Atlantis, a continent which was supposed to have extended into the present Atlantic Ocean, uniting Africa with North America. The continent gradually sank into the ocean, so the theory goes, and some of the people fled into Africa and from there to Spain.

Other scholars have compared the Basque language with the ancient Chaldean language of the Near East, giving support to the legend that the Basques are descendants of Tubal, the fifth son of Japheth, one of Noah's sons.

Still another theory is that the Basques are descendents of Paleolithic, or Stone Age, people who inhabited the Pyrenean region and borrowed from the Iberian language. The theory is supported by the fact that in Basque practically all the names of sharp instruments and tools are derived from a word which means "stone."

The only point of agreement among scholars seems to be that the Basque language is the oldest language spoken in Europe and that it dates back at least 10,000 years.

The Basque Country, or Euzkadi, is located in the north-central part of the Iberian Peninsula and southwestern France, extending both north and south of the Pyrenees. Three-fifths of the land is in Spain and the rest in France.

It extends approximately 80 miles inland at the farthest point and stretches 110 miles along the coast.

The seven states of Euzkadi were for the most part independent until 1789, when at the end of the French Revolution France annexed the section north of the Pyrenees.

The southern states lost their independence to Spain in 1839. Spain then proceeded to try to stamp out the Basque culture, prohibiting use of the language in schools or other public places and even in homes.

Euzkadi gained its independence again briefly in 1936 after the inception of the Now Republic of Spain, only to lose it after Fascism took over the Country.

Again, an attempt is being made in Spain to prohibit all use of the language.

The performance of ancient Basque dances is also prohibited, along with the operation of all Basque institutions and centers of learning.

Basque people continue to speak the native tongue in their own homes. However, the language is in danger of dying out, according to Eiguren, who spent much of his youth in the Basque country and recently wrote a textbook on the language.

Eiguren said the language is being "diluted" with Spanish and is not being kept active by the addition of new words adapted to modern life.

The language is also fading in France, where the number of Basque people is small, he said.

The complexities of the language discourage most young American Basques from learning it, Eiguren said, even though they may be interested in preserving the culture.

Progress is being made with the addition of a course in Basque at the University of Nevada, and the beginning of a collection of historical items at the University of Idaho.

Several European nations have made an even greater effort to preserve the unique tongue by establishing institutes for its study. These are located in England, Belgium, France and Czechoslovakia. Similar institutes have been established in South and Central America, Mexico, Venezuela and Argentina.

Presently, there is an estimated 2.5 million Basques in Euzkadi, of whom only one million can speak Basque. Another 2.5 million reside in other parts of the world, many of them in the Americas and Australia, and of that number it is estimated that well below one million can speak the language.

Eiguren estimated that there are some 12,000 Basques in Southwestern Idaho and Eastern Oregon, including the second and third generations.

They began coming to Idaho in the 1890s from California and Nevada, most of them accepting jobs as sheepherders because the lonely task did not require knowledge of English and offered a chance to accumulate a nest egg.

Contrary to what is widely believed, the scrubby Idaho desert did not remind the Basques of their homeland.

As one Basque noted, Idaho is "the farthest from it." The Portland area does remind him of Euzkadi, he said.

The real drawing card of the Western United States was the opportunity to be free and independent, a right denied the Basques in Spain.

Husbandry and agriculture were not the occupations of many of the Basques before they migrated here. Those from the coastal regions were fishermen, shipbuilders, carpenters and masons. Nevertheless, they took naturally to the job of sheepherding and were soon in demand. Those who enjoyed the new life they found wrote to their relatives and friends in Euzkadi, and soon those people were on their way.

Jordan Valley, Ore., became one of the most typical Basque colonies in the West, with more than half the population Basque from about 1910 to 1950.

The first Basques arrived there in 1897. They were Antone Azcuenaga and Joe Navarro, who started out as sheepherders and eventually built a small financial empire.

Other Basques like them worked hard at sheepherding or other ranch work, living frugally and saving their money for the chance to buy a piece of land of their own.

As Basques settled in the communities, boarding houses and hotels sprang up where they could gather and speak their own language. Boise had several such establishments.

Through the years, the sheep business dwindled in importance and Basques gradually diffused into every other occupation. Many remained in ranching, however, and in this area today names like Basel Aldecoa, George Goiri and Dick Gabica are prominent in the business.

Others have gone into the professions, commerce and politics, with the name of Pete Cenarrusa, Idaho's secretary of state, the most well known in the latter category.

Other states have their well-known Basques, too, including Nevada, whose governor, Paul Laxalt, is a French Basque.

Although Basques have "gone their separate ways" economically, they still enjoy getting together socially.

Some 500 individuals from Ontario to Mountain Home belong to an organization based in Boise called "Euzkaldunak," or literally, "The Basques."

Their main activity is the Sheepherder Ball, held each December at the Basque Center, 601 Grove. The proceeds have been donated to charity every year since inception of the event in 1928.

Similar dances are an annual event in other area communities. They all feature lively music by the Jim Jausoro band, hot-dog-like "txorizuak", a lamb auction and lots of fun for the entire community.

Another special event is the St. Ignatius Day picnic, held the last of July or first of August at the Boise Municipal Park. St. Ignatius of Loyola is the saint of the Basques."

The day-long celebration is begun with Mass, either at the park or at St. John's Cathedral, and ends with street dancing in front of the Basque Center. In between, there are traditional food and sporting events, including weight-lifting and wood-chopping.

A highlight of most Basque activities is a performance by the Oinkari Dancers ("Oinkari" means "fast feet"), a group of young people first organized in 1962 to represent the Basques at the Seattle World's Fair.

The group today consists of some 40 youths, ages 14 to 22. To join, a boy or girl must have at least one Basque parent who belongs to Euzkaldunak.

The dedicated youths have performed the traditional Basque dances at the New York World's Fair in 1964, the Denver Folk Festival in 1965, Milwaukee Folk Festival in 1966, The Smithsonian Institute in 1968 and at Boy Scout and Girl Scout Jamborees.

Family events are celebrated with the same fervor as the community-wide affairs. The Basque center is the scene of many wedding receptions that stretch into the wee hours of the morning, with eating, drinking and dancing.

Observing the Basques at one of their traditional celebrations, it is easy to pinpoint the qualities that enabled them to adapt so readily to a strange new land.

Basque blood runs strong in even the second or third generations. A Basque will always be a Basque—proud, vigorous and self-confident—even if he is an American.

And America is so much richer for it.

VICE PRESIDENT AGNEW GIVES GOOD ADVICE FOR ALL AMERICANS, BOTH IN AND OUT OF PUBLIC LIFE

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. MICHEL. Mr. Speaker, Vice President AGNEW addressed the graduating class at the U.S. Military Academy in West Point, N.Y., yesterday and while the bulk of his text was directed to the graduates, I believe his comment that we should all emphasize what is right with our country and encourage pride in our country while recognizing that there will always be difficult problems to solve, was good advice for all Americans, both in and out of public life.

I insert the text of his remarks in the RECORD at this point:

ADDRESS BY THE VICE PRESIDENT

It is an honor to address you on your graduation day and to speak also to those classes you have helped to train as well as to your families and friends. There is an intense sense of shared pride in you, not just among those here, but among most other Americans who believe deeply in the traditional values of this country. A great deal depends on you and on what you will accomplish.

While it would be an honor to give the commencement address at West Point in any year, it becomes especially meaningful to me at this time. These are years of great national confusion, much of it contrived confusion brought about by a clever, sustained assault on America's system and institutions. This is a time when application, achievement and success are derided as callous, corrupt and irrelevant. This is a time when the criminal misfits of society are glamorized while our best men die in Asian rice paddies to preserve the freedoms those misfits abuse. This is a time when the charlatans of peace and freedom eulogize foreign dictators while desecrating the flag that keeps them free.

No one need tell you that this is a difficult time, especially for those who serve their nation by defending it in a world which many wishfully view as less dangerous than the recurring hard realities reveal it to be. But difficult times are not unfamiliar to our Army—indeed, they may be said to be the customary circumstances of the American soldier. To these recurring challenges generations of West Pointers have brought courage, strength, resolve, and dedication as strong and dependable as the rock foundations of these Highlands. I believe these qualities are founded in the solidity of the West Point experience. What makes it so solid and so valuable is what I would like to turn to first.

West Point fosters an ethically informed and achievement-oriented system of values. It is based on a belief instilled in each man that demonstrated merit will be rewarded, and likewise that shortcoming will be penalized. Since the system is run by human judgment, it is not perfect; but it still remains valid to a high degree. This idea of life "played by the rules" may very well be the most important part of the West Point experience. It is reflected in nearly every aspect of cadet life, from academics to standards of personal conduct, to leadership and military aptitude. There is constant recognition that education for high public responsibility has two purposes: first, to teach; second, to remove and reorient those whose talents are incompatible to the skill sought or those who lack the personal commitment to succeed.

The constant testing and challenging which are integral to cadet life implement the second principle. To survive, one must have both the talent and the heart to continually rise to the occasion, to meet the requirement, to produce under pressure with no prospect of respite. Those who excel are rewarded with more difficult leadership responsibilities, advanced and enriched academic challenges, and opportunities for independent effort. Those who fall short must look elsewhere for a career.

This kind of orientation is indispensable to men in training for the defense of the nation, where a good try that fails is not enough. Equally important, the training is coupled with ethical values which emphasize that the means must be as admirable as the ends. The result, ideally, is a high-principled and achievement-oriented leader who can get things done.

A man so constituted can have enormous impact upon those he interacts with in his professional and personal life. He is a man who has made the transition to maturity. He has accepted the discipline and standards of an institution he believes in and transformed them through self-discipline into standards of achievement that are with him for the rest of his life. The strength of this system of values seems to me to be the solid contribution of West Point. Her graduates have influenced the Army, and indeed the nation as a whole, with these beliefs.

Our hopes for you who are graduating today stem from America's great need for the perpetuation of such values. There is a need for balance in one's concept of his role in society. With such balance "doing your own thing" includes being responsible for your own actions. It means being self-controlled, self-motivating, and self-correcting. It means feeling a sense of obligation to make the most productive use of one's given abilities and opportunities, no matter how modest or extensive they may be.

It also means recognizing the individuals responsibility to others—to the unit he serves, to the colleagues who share his hardships, disappointments, successes, and ultimately, to his oath of office and the nation he represents. This kind of responsible maturity recognizes the possibility of genuine differences among reasonable men, approaches their reconciliation with earnest good will, and exercises restraint in pursuit of one's own legitimate goals so as not to interfere with others in pursuit of their own.

You are going out into an Army today that has borne the brunt of a lonely and difficult war, far from home, and in the face of open and hostile lack of support from a minority of our citizenry. Despite that, our deployed forces have stood between our Vietnamese allies and powerful enemies who were on the verge of enslaving them. They have simultaneously fought the big battles, advised and trained Vietnamese forces, helped them mobilize and expand, re-equipped and armed them, and protected a remarkable series of genuinely free elections resulting in the formulation of a constitutional government in the midst of war.

All of this has been done without complaint by a magnificent Army of military professionals, citizen/soldiers and mobilized Reservists. In the midst of the hard, tough going they have also found time and heart to turn to the Vietnamese with compassion and brotherhood. This is the side of the story you seldom see reported. Our soldiers have tended the sick, helped build schools, fed children, collected and distributed clothing, and done a thousand other things which said, "I care." You can go out into this Army and assume the positions of leadership entrusted to you with gratitude, pride and humility.

In these days, in which we hear so much talk about involvement, you can also take pride in a profession which exacts the ultimate involvement—an unlimited commitment in the service of something greater than self. As John Gardner has pointed out, the geniuses of history have been "characterized not only by very high intelligence, but by the desire to excel, by perseverance in the face of obstacles, by zeal in the exercise of their gifts." We have need of such future in our nation.

A leader in today's world needs a strong resistance to adversity. He needs also to realize that leadership in a free society, unable to call on authoritarianism, must rely all the more heavily on the persuasive and inspiring example—on the authority of superior competence, and the impact of demonstrated and effective dedication and concern. He must lead by resisting and rejecting a way of life in which reckless agitation becomes an end in itself, and in which the institutions that have made the Republic possible are being gradually destroyed in the name of improving it.

At any level of responsibility, a leader must be motivated by legitimate objectives, must have the wisdom to choose policies which will advance them, and the moral courage to pursue those policies even in the face of opposition. Particularly is this true when there are requirements for contradictory goals such as peace *and* security, and the existing situation presents only the options of peace with tyranny or security through war.

All our knowledge of the history of the world indicates that conflict is rooted in the nature of man. Perpetuation of the hard-won elements of civilization and the ideals of a society of free and responsible men will not come about through happenstance. Only if we are prepared to defend our freedom can be expect to retain it. That preparedness includes not only the means of defense, but also the will to resist aggression.

General Pershing wrote in his final report as Commander in Chief of American Expeditionary Forces in World War I that "our armies were conscious of the support and cooperation of all branches of the Government. Behind them stood the entire American people, whose ardent patriotism and sympathy inspired our troops with a deep sense of obligation, of loyalty, and of devotion to the country's cause never equaled in our history."

I believe that a nation possessed of that kind of resolve and common purpose in pursuit of noble ends is indomitable. The lack of that kind of support leaves the United States a precarious existence in this dangerous world. We are privileged to be citizens of a remarkable nation. Probably no other in any time has been so generous with its wealth, so sympathetically concerned with the affairs of all mankind, so unselfish in making sacrifices so that others could continue to enjoy freedom.

Our armed forces have turned back aggression in Europe and Asia. Our partnerships with other nations committed to peace and freedom have done much to prevent renewed violence. In the wake of conflicts not only our allies, but our former enemies as well, have prospered with our assistance. The Marshall Plan and the successor foreign aid programs have provided billions of dollars to those in need in other parts of the world. The success stories of West Germany, Japan and South Korea would not have been possible without America's help.

We often lose sight of the essential grace and nobility with which America has played her role as a great power. We should not let preoccupation with our problems diminish our pride in our wonderful country. Certainly we have problems, and they command all of our abilities and earnestness of purpose.

We will, no doubt, always have problems of one kind or another. That is the human condition. We are constantly in process of becoming. But the man who devotes all his best efforts to moving us toward our ideal, not the one who stands aside loudly bewailing the distance yet to go, is the true producer. And it is the sum of the contribution of millions of people who in their daily lives do the best they can, then try to make that best a little better, that establishes the national character. Given this, we can meet our problems with optimism and good will bolstered by remembering all that is right with America.

There is an important lesson in this for each of you as you approach your first assignments. Your years at West Point have been, in many ways, an idealization of life. You have been privileged to consider, under the tutelage of one of the best schooled and motivated faculties in America, all manner of things of the broadest compass. Matters of national policy have been discussed with you by many of the most senior officials of the Government. From this somewhat rarefied atmosphere you move now as the young leaders of our troop units to close daily contact with a multitude of problems and challenges.

You may feel some pain in making the transition. You may feel that you are at the bottom of the funnel. You may often find yourself with too few men, not enough spare parts or gasoline, and too many requirements to be met. But you will make do, you will get the job done, and you must never doubt that your individual actions are significant.

At this time, as we move toward an Army of volunteers, the quality of Army life is all-important. This administration is committed to providing major improvements in pay, housing, and other benefits. But what *you* must provide, and it is perhaps the most important factor of all, is an environment and a way of life that our best people will find challenging, meaningful and satisfying. There are no magic schemes for achieving this. It is largely an intangible result of the bond between a commander and his men.

People like to be in a good outfit doing a worthwhile job. They like to be challenged and find, in meeting the challenge, that they are more than they thought they were. They like to work for someone who is bright, but not overbearing, understanding, but not permissive, ambitious, but not callous. They respond to loyalty, enthusiasm, encouragement and good will. Your individual actions, then—the kind of man you are and the kind of inspiration and example you set—will be extremely important.

Even more important will be the cumulative impact of all of you as a class. Going as you are to many parts of the world and to nearly every major unit, you will have a very real and immediate influence on the quality of Army life. Coming at this particular time in our national life, that influence may be every bit as important as anything you will do individually or collectively in more senior positions in the years ahead.

You are embarking upon careers that offer challenge and opportunity in abundance. You will deal in what may practically be viewed as the primary indispensable: survival of the sovereign nation. You will find little ease and fewer tangible rewards than you deserve. Much of what you will be called upon to do will be dangerous, arduous or unpleasant. But it will matter, and you never need doubt that you count—for what you do or fail to do will make the difference.

We all have need for purpose in our lives, and for authority as well. Happiness cannot be pursued as an end in itself. It comes, as the Greek philosophers recorded long ago, only as a by-product of giving our best efforts for a cause in which we can believe. West Point teaches this, not only as an abstract theory, but as a satisfying and meaningful way of life. It accounts for her solidity and for our high hopes as you go forth today. I am proud of you for achieving this goal, and wish for you all good luck and Godspeed in the years ahead.

MEMORIAL DAY

HON. WILLIAM B. SPONG, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, June 4, 1970

Mr. SPONG. Mr. President, last Saturday, Mr. Wilbur C. Hall, a prominent attorney in Leesburg, Va., delivered the annual Memorial Day address at the courthouse square in Leesburg.

I ask unanimous consent that Mr. Hall's Memorial Day address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

MEMORIAL DAY

How very good it is that so many of you have found it possible to be here today—to gather in this historic and lovely courthouse square on such a truly significant day for all citizens of this great Commonwealth and great nation. I want you to know how happy I am to be a part of this program. I am so very grateful—for so many reasons—for this opportunity to share with you a few thoughts I have about this day we know as Memorial Day.

I am certain that many of you read the long article about Leesburg that appeared in the May 21st issue of the Washington Post. I shall not attempt to comment on the accuracy of its appraisal of the future of our community, but I do want to refer to its closing thought. The article concluded:

"It is hard to think about the future when the past is so present."

Our past is very much with us on this day. It is here about us, physically, in these buildings that have looked out upon so many gatherings of this kind, on so many generations of citizens of this town and this county. We live in a historic community, and each of us is touched in different ways by this sense of history that is always at our fingertips.

But our past is present today in other ways. There is a spiritual presence that is manifested in our tribute today to those who sacrificed all *their* tomorrows that we might have *ours*. The memory of all those who have died for this beloved country of ours is uppermost in our thoughts at this hour.

The tender reflections of the moment make it difficult for us to contemplate the future and the responsibilities each of us bears for what we will do with it. Yet, we cannot escape the obligation we feel so deeply, the obligation not to waste this precious gift that so many others have made possible.

The future is present today, also, in a physical, tangible way. The young people who are in our audience are indeed the future—

of Loudoun County, of Leesburg, of Virginia, and of America. I am particularly pleased to see such a large group of Boy and Girl Scouts. They have always symbolized for me all that is fine and good and wholesome in American youth. It is young America at its best. I congratulate you young men and women for being present today; I pray that you will take away from this program a renewed awareness of your dedication to unselfish service in behalf of your God and your country.

I wonder if everyone here realizes that this is the last time that we shall observe Memorial Day exactly as we have for 102 years. In 1968, just a few weeks more than 100 years after May 30th had first been proclaimed as Memorial Day, our national law was changed to make patriotic holidays such as Memorial Day and Veterans Days a part of a new American tradition—the long, three-day weekend. Beginning next year, Memorial Day will fall on the last Monday in May. Every so often, May 30th will indeed be Memorial Day again, but as for me, I am saddened that such concessions are made by our Congress. I submit that this day should be one of solemn remembrance and sober introspection—and not a planned part of the summer's first big outing. Isn't it ironic that May 30th has already become identified with an automobile race in Indianapolis—where men try to go faster and faster around a vast circle, where even the winner winds up exactly where he started.

The true symbolism of this day was established long ago in heartfelt gestures of sweetness, tenderness, and sorrow. Columbus, Mississippi, does not rank among the great battlefields of the War Between the States—Manassas, Antietam, Gettysburg—but the tides of war had washed nearby, and the cemetery at Columbus had become the final resting place of many fallen men. There were graves of both Confederate and Union soldiers, and among them were many who had marched off to battle from Columbus itself. On a spring day in the mid-1860's—perhaps a day much like this one—three young women took flowers to visit the graves of their husbands and sweethearts. Soon they were joined by a fourth young woman whose heart was filled with extraordinary compassion for the wasted promise that the graves symbolized. She hesitated—as we are often hesitant to share our very innermost thoughts with others—but then, gathering courage, she suggested to her companions: "Why don't we break our bouquets and place a flower on each grave?" Quietly, without further word, they united their flowers, and as long as the blossoms lasted, they placed a loving remembrance on the graves of the fallen heroes. When others saw what had occurred, they, too, were deeply touched, and soon a procession of the women of Columbus wound among the crosses, and every grave—Confederate and Union—was decorated with loving care.

Many others came to know of what had taken place at Columbus, Mississippi, and wherever Christian sensitivity and love dwelt in the hearts of man and women, they, too, adopted the practice of setting aside one special day when fresh flowers would be carried to the gravesides. In the North, as well as throughout the South, the practice became widespread, and various forms of official recognition followed. In 1868, the Grand Army of the Republic adopted May 30th as the day when special floral tributes would be made to its dead comrades. The New York legislature gave the date a legal status that became nationwide. In some states the day is known as Decoration Day—in others, as here, it is Memorial Day. The name matters little—it is the purpose that is noble and sacred.

In the century that has followed our epic War Between the States, many thousands of Americans have been called upon to give their lives in the name of liberty, justice, and human dignity. Today, we honor the dead of all our battles.

Because Americans hold so dear their freedom, we have been willing to oppose those who would deprive us of it, and we have been willing to help defend for others this precious right. America's finest young men have met the enemy on distant fields of battle, in the hope that war's horrors might never again visit this land.

So it is on this day we turn our thoughts to friends and loved ones who kept faith with us and our country at places like San Juan Hill, the Argonne Forest, Iwo Jima and Guadalcanal, Normandy and Bastogne, Korea's Heartbreak Ridge, Viet Nam's jungles mountains.

Three years ago it was my privilege and honor to speak here on another Memorial Day observance. Now, it may seem to many of you that one who has lived as long as I have does not consider three years a very long time. But when one looks upon each individual day as a single, treasured gift from God, then three years is indeed a long, long time.

When I spoke to you then, I said how very distressed I was that American boys were continuing to die in Viet Nam, that the rows of crosses were lengthening. Words cannot bespeak the sorrow and anguish I feel that the passage of these three years has not brought an end to this far-flung military effort. I spoke then of the tragedy of Viet Nam, but today that tragedy has taken on new dimensions that are affecting each of us in alarming ways.

No matter how we may feel about the best ways to achieve this illusive goal of peace, all of us must certainly feel caught up in a tremendous, almost overpowering sense of frustration.

We are caught in a paradox of frustration. On the one hand we suffer the frustration of the powerful, on the other the frustration of the powerless.

The United States is the most powerful nation the world has ever known. We have sent men to the moon and brought them back. We enjoy a standard of living virtually incomprehensible to the bulk of this world's population. We have overcome disease and we have mastered science and technology. We are approaching a trillion dollar national economy. We are the recognized leader of the free world, and we have become, for better or for worse, a global policeman, with military outposts across the world. We have such vast resources, yet we have this immense sense of natural frustration. I am reminded of the Uncle Remus story of Brer Rabbit and the Tar Baby—no matter what we may do to break free, our very efforts tend only to increase our difficulties, to deepen our frustrations. We are powerful, but there are limitations—often self-imposed limitations—upon the ways in which we as a nation can use that power.

And, then, there is the frustration of the powerless. Many of us must feel this kind of frustration as individuals. We ask ourselves what can we do, as individuals, to help in this hour of need and crisis. And no matter how clear the answer may be to each of us, we tend to feel frustrated because the accepted, established procedures of rational discourse and action seem so slow, so unresponsive. We know the frustration of speaking out and being uncertain that anyone has heard us. We see and read of events in Viet Nam and Cambodia, at Yale and at Kent State University, and we feel frustrated because we cannot fully understand the forces that are at work within our nation and our society. With horror, we witness the spectacle of Americans shooting other Americans because we cannot agree on how to stop a war. We feel so helpless, the frustration of the powerless.

And in this situation, our self-imposed restraints often give way. Some turn to overt acts of violence to vent their feelings, to make certain that somebody takes notice. I cannot and do not accept this. I condemn this alternative in the strongest terms possible. I have devoted my life to the study and practice of the law. Unless we are to slip into utter despair, we must hold to the belief that rationality, sound judgment, and wisdom will prevail. I believe our greatest hope rests in the preservation of law and order amongst all our citizens. We must not become anarchists, in action, in words, or in attitudes. We must resist, as best we can, both violence and any over-reaction to the threats of violence. History will teach us, if we only pause to listen, that repression can emerge from situations such as the one in which our nation finds itself today. Dissident groups assemble and say things that offend our sensibilities—and many cry out for controls that would not only limit the dissidents, but would impose restraints on the rights and privileges of all Americans. Small fractions of student bodies erupt into violence on our campuses, and many cry out for repressive measures that would punish all students by depriving them of funds and other support. We must be careful—in thought and in action.

Anyone who has worked within the structures of our court systems and the American system of jurisprudence has had to learn the necessity of patience. Not every issue can be decided *now*, or tomorrow, or the next day. If time is sometimes the enemy, it can also be your ally. We must be patient—with our youth, with our President, with our Congress, with ourselves. I believe that this great nation is still responsive to the national will, of the majority of its citizens. I have faith in its legally constituted processes. I hope you do, too.

We are all familiar with the term "the silent majority". Many of us present today might be considered members of this silent majority. Our "demonstration" here is orderly and non-violent, and in that respect only is it silent. We are, in a real sense, speaking out. One might assume that the soldiers, sailors, and airmen whose memories we honor today are also silent now in their sleep. But they, too, are speaking out—especially on this Memorial Day.

John McCrae gave his life in World War I, but before he died he wrote a poem that continues to pull upon our emotions at times like this. I know you are familiar with it:

> "In Flanders Fields the poppies grow
> Between the crosses, row on row,
> That mark our place; and in the sky,
> The larks, still bravely singing, fly,
> Scarce heard amid the guns below.
>
> "We are the dead; short days ago
> We lived, felt dawn, saw sunset glow,
> Loved and were loved; and now we lie
> In Flanders Fields.
>
> "Take up our quarrel with the foe!
> To you from failing hands we throw
> The torch; be yours to hold it high!
> If ye break faith with us who die,
> We shall not sleep, though poppies grow
> In Flanders Fields.

This is what the skirmisher who died at Cold Harbor is saying to us today. This is what the soldier who died defending Corregidor is telling us. This is what the Marine who perished in the bitter cold of the Chosin Reservoir is crying to us across the years. This is what the young man who fell yesterday to a sniper's bullet in Cambodia is wanting us to hear. Simply this:

Keep faith with me!

Keeping faith means more than finding an honorable solution, an honorable peace in Viet Nam. It means more than military victory. It means making certain, both in our national resolve and in our personal resolve, that we never abandon the values of mind and spirit that have made America worth dying for.

We must preserve our freedom as a nation and as a people. We must be free both from violence and from repression. We must hold tight to our dignity as human beings and our pride as American citizens. If we do this, we will have kept faith.

Our dead will not have died in vain.

In the words of Roselle Montgomery, who said "What does it mean to be an American?"

What does it mean?
I look across the years . . . I see them come,
But through a mist of tears, our gallant forebears,
Full of hopes and fears.

I see them leave behind for conscience sake
The home they left,
The ties so hard to break,
Their questing, wandering, westward way to take.

I see them face and fight the wilderness,
Undaunted by its danger, its duress,
And from its wilderness,
Wrest and win success.

I see them take their living from the soil,
The men and women join in homely toil,
Where they then planted,
Now our heart roots coil.

I see them build their homes, their house of prayer,
And when its bell rings out upon the air,
I see them kneel in simple worship there.

I hear the drum of war's alarm beat,
I see them seize their arms, rise to their feet,
Their enemies—and liberty's to meet.

I see them face and conquer every foe,
I see their cities rise, a nation grow,
To whose broad breast earth's eager pilgrims go.

To be an American is to be one,
In whom these brave inheritances run,
A worthy daughter or a noble son.

INFLATION IN NEW YORK CITY

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. SCHEUER. Mr. Speaker, inflation has been wreaking chaos throughout our country. In no place has there been more harmful damage than in New York City. The most recent damage inflicted on New York City residents is the raise in rent for rent controlled apartment units.

I would like to insert a brief statement on this development into the RECORD for the benefit of my colleagues:

Mayor Lindsay's rent control law as it is now proposed is quite complex. It would raise rents on all apartments that have not had raises within the last two years based on complicated formulas that would result in an approximate 10% raise for most tenants.

LINDSAY BILL WILL BE CHANGED BY COUNCIL

As a former Chairman of the Citizens Committee for Rent Control, I was among those testifying against the bill because it would throw a heavy burden on many people who can least afford it. I am certain that the City Council will change the bill and I will keep you informed of new developments.

MORE HOUSING WITH FEDERAL AID IS THE ONLY ANSWER

With today's high interest rates, construction costs, operating and city taxes, private builders can not build low or moderate income housing.

We are in a state of housing emergency and New York City and State must build a vast flow of low and moderate income housing, with Federal aid. I have and will continue to fight in Washington for more aid to housing.

Decent housing must come before Supersonic Transports, moonshots, foreign intervention and aid, rivers and harbors pork barrel, highway programs, and agricultural subsidies on our list of priorities.

We must demand!

No more destruction of sound housing;

No rent raises for the elderly;

No rent raises unless there is adequate maintenance and service.

While this emergency exists there must be no more destruction of sound apartment dwellings to create office buildings, parking lots or luxury apartments.

The plight of many of our senior citizens living on Social Security must be recognized, and special provisions made to see that they are not driven onto welfare by rent hikes.

Furthermore, in any case where a rent raise may seem to be warranted, provisions should be made to assure that no raise is given to any landlord not providing adequate maintenance and services.

In no circumstances should a new owner be allowed a raise during the first two years of his ownership.

I testified in opposition to the administration's rent control bill before the Board of Estimate on May 26, 1970. My testimony was similar to that in this statement. I will continue my fight to support rent control.

NAMES OF IDAHO COUNTIES

HON. FRANK CHURCH

OF IDAHO

IN THE SENATE OF THE UNITED STATES

Thursday, June 4, 1970

Mr. CHURCH. Mr. President, in 1805, Lewis and Clark passed through the area that was later to become Idaho. Their journals recorded many interesting and colorful place names which the Indians had given the topographical features in the area.

Since that time, additional names have been added to the maps of Idaho. These names are varied in their origin. For the most part they are English, American Indian, Spanish, and French.

Dr. Lalia Boone, a member of the faculty of the University of Idaho and an authority on place names, is currently doing a study on place names in Idaho.

I ask unanimous consent that Dr. Boone's article, "Names of Idaho Counties," be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NAMES OF IDAHO COUNTIES

(By Lalia Phipps Boone)

What we know of the earliest place names in Idaho comes from the records of the Lewis and Clark Expedition, 1805.[1] The explorers encountered small, scattered groups of Indians who had been pushed westward by the white man and weakened by tribal wars. From these Indians, they learned and recorded many tribal names for topographical features and trail markers; none commemorated great battle scenes or historic events. The penchant for name-giving however, was as strong in the white explorers as in the Indians. To Clark goes the credit for the first English place name of a major feature in Idaho, *Clearwater River*, which he translated in 1805 from Nez Perce *Koos-koos-kia* "water-water-clear"—*Clearwater* was later given to the county drained by the river.[2]

From that date until the last county was created in 1919, British-American influence dominated the area in politics and commerce, and therefore in nomenclature as well. The British-American fur traders who streamed in and out of the area for the 50 years after 1805 brought French trappers and traders with them, hence the French place names that dot the Idaho map from Lake Pend Oreille to Boise.[3] Then came the miners, mostly American. Spanish interest in the area ended in 1819, but some indirect Spanish influence on place names continued until 1900.

The names of the existing 44 counties of Idaho come from the four language groups that played a part in the early history of the state. Twenty-nine come from English, nine from Indian dialects, five from French, and one from Spanish.

English: Ada, Adams, Bear Lake, Bingham, Blaine, Bonner, Bonneville, Boundary, Cassia, Clark, Clearwater, Custer, Elmore, Franklin, Fremont, Gem, Gooding, Jefferson, Jerome, Lemhi, Lewis, Lincoln, Madison, Owyhee, Payette, Power, Twin Falls, Valley, Washington.

Indian: (Shoshoni) Bannock, Idaho, Minidoka, Shoshone; (Nez Perce) Latah; (Coeur d'Alene) Benewah; (Kutenai) Kootenai; (Chinook) Camas; (Iroquois) Oneida.

French: Boise, Butte, Caribou, Nez Perce, Teton.

Spanish: Canyon.

This division might well be questioned, since there has been so much modification, commingling between the source languages. Some of the names designated as English, for example, are so classed because they derive from the names of English-speaking people, regardless of the ultimate origin of the names themselves. Clearwater, as already noted, is a translation of a Nez Perce word; Owyhee is a phonetic spelling of Hawaii; and Lemhi, which suggests Hebrew origin but for which no etymology has been found, makes its first appearance in an English-language publication, The Book of Mormon. Nez Perce is a Canadian-French name for Indians of the Shahaptan family who called themselves Chopunnish; it is classified French, though it might well be considered Indian as it commemorates the tribe whose own name gave way to the French. The Indian names come from six language divisions. Furthermore, the Iroquois word Oneida is a toponym of Oneida, New York, which in turn was a name of an Iroquois tribe; and Idaho, which is thought by Rees and Brancroft to be of Shoshone origin and is so classed here, has been in such dispute that one hardly knowns whether to call it an Anglicized Indian word or a coined word.[4]

The patterns of place-naming of the counties show little variety. Sixty percent of the names commemorate either individuals or Indian tribes. Thirty-three percent derive from descriptive features—topographical, natural, and man-made. And the few remaining names are almost equally divided between toponyms and local incidents.

White persons of national and local importance account for 20 of the 44 county names. (Indian names will be discussed separately.) Five presidents are represented:

Footnotes at end of article.

Washington, Lincoln, Adams, Jefferson, and Madison. Blaine County honors American statesman James G. Blaine. Only one county, Gooding, bears the name of a state governor, though Governor Bunn (1885) was privileged to name Bingham County for his friend Congressman Bingham, of Pennsylvania. Lewis, Bonneville, and Fremont counties bear the names of early explorers Captain Merriwether Lewis and Captain B. L. E. Bonneville, and pathfinder John C. Fremont respectively; and Custer County, that of General George A. Custer.

Early settlers and developers account for the names of six counties: Bonner, Caribou, Clark, Franklin, Jerome, and Payette. E. L. Bonner established the first ferry across Kootenai River, and the settlement that grew up near the ferry is to this day known as *Bonners Ferry*. "Caribou" Fairchild, nicknamed "Caribou" by Canadian-French when he was a prospector in the Caribou fields of British Columbia, was important in the development of the silver mines in North Idaho. Sam Clark was an early settler; whether the fact that he bore the same name as the explorer affected the choice of his name for Clark County is not recorded, but I strongly suspect that it did. Franklin D. Richards, a Mormon who led the first permanent colony of settlers into Idaho (1860), gave rise to the name *Franklin County*. Jerome County honors Jerome Kuhn, one of the promoters of the Twin Falls North Side Irrigation Project, which sparked development of the area. The Hudson Bay Company placed Francis Payette in charge of old Fort Boise during its existence, and Payette County, created in 1917, was named in his honor. Ada County is named after the first white child born in Boise City, Ada Riggs, daughter of the Honorable H. C. Riggs. In somewhat the same manner in which *Ada* symbolizes the birth of a white community, *Lemhi* symbolizes the birth of a Mormon community (Lemhi is a character in *The Book of Mormon*).

Donald McKenzie, leader of the Snake River Expedition sent out by the Hudson Bay Company in 1818, named Bear Lake because of the great number of black bears in that area; and the name was transferred to the county in which the lake is located.[5] *Cassia* derives from the cassia plant growing plentifully along Cassia Creek, also named by Hudson Bay trappers. In a similar manner *Twin Falls, Clearwater, Canyon, Teton,* and *Valley* are named for their most distinctive features. All of these except Valley might be called "shift" names, for they are transfers from the names of topographical features. Clearwater County is named for Clearwater River; Butte, for Big Butte, the largest of three buttes serving as a landmark to early immigrants traveling the Oregon Trail; Teton, for Teton Peaks in Eastern Wyoming, which overlook the county; and Canyon County, for the Snake River Canyon, which forms a natural boundary on the southwest. Valley derives its name from the very beautiful valley forming the most important portion of the county.

Non-topographical descriptive titles are to be seen in the nomenclature of Boundary, Elmore, and Power counties. Boundary County joins the boundary lines between the United States and Canada. Elmore is named for the Ida Elmore Quartz Mine, one of the greatest gold-producing mines of the 1860's; this is the only county name known certainly to be derived from the precious minerals that gave fame to the state during this period. And Power County is named for the American Falls Canal and Power Company, which drew settlers to the area after 1908. The last county, Gem, is now an agricultural "gem," though it was the gold rush that attracted its first settlers. The name *Gem* is said by local residents to be a clipped form of the popular state epithet, "Gem of the Mountains."[6]

Local incidents evoked the "shift" names of Boise and Owyhee Counties. In 1834, French-Canadian trappers, when they came upon a wooded area along a stream after many days' travel through sagebrush and dust in the heat of summer, exclaimed, "Les bois! Les bois! Voyez les bois!" The Boise River is still often called "Wooded River" and the town, "City of Trees." Owyhee County receives its name from an incident of 1819. Donald McKenzie, Hudson Bay trapper, outfitted three Owyhees to trap the stream draining the southeastern part of Idaho. Indians found and murdered the men and their bones were found on the banks of the stream; hence the river and the area came to be called *Owyhee*.[7]

Counties bearing Indian names follow two patterns: those derived from names of tribes or chieftains, and those from descriptive words. The Bannack, Kootenai, Coeur d'Alene, Nez Perce, and Shoshone tribes continued to hold tribal councils, gather camas roots, fish, and hunt in Idaho long after statehood was achieved; and some of these tribes still follow their ancient tribal customs to some degree despite the supposedly civilizing effects of reservation life. All of the tribes listed above except Coeur d'Alene gave rise to names of counties.

The meaning of the names has some interest for the etymologist. The Bannack tribe belongs to the Shoshonean family and derives its name from two Shoshone words meaning "hair" and "backward motion," from the manner in which the tribe wore a tuft of hair thrown back from the forehead. The name of the county, however, is "*Bannock*, rather than *Bannack*. *Kootenai* means "water people," for these Indians lived, virtually, in the water. The *Nez Perce* Indians were so called by French-Canadian trappers, one source says because of the custom of piercing their noses; however, this tribe did not practice nose piercing. It is more likely that the correct translation of *Nez Perce* is "pressed nose," as the nose of the *Nez Perce* is naturally flattened, or compressed. The primitive sign of this tribe, made by seizing the cartilage of the nose between the thumb and index finger of the right hand, lends credence to the latter translation.[8] Benewah County is named for an old Coeur d'Alene chief. *Oneida*, as explained earlier, comes ultimately from the name of an Iroquois tribe and was brought to Idaho by permanent settlers from New York.

Idaho, Latah, Minidoka, and *Camas* come from descriptive Indian words. *Idaho* has been interpreted as an Indian expression meaning "light on the mountain," though Rees says that the county was named after the Steamboat *Idaho*, which plied the Columbia River throughout the 1860's.[9] *Latah* is an acronym of two Nez Perce words: *lakah* "place of the pines" and *tah-ol "pestle."* In tribal days the Nez Perce found a stone in present Benewah County out of which they made pestles for grinding and pulverizing camas roots; pines grew plentifully there. *Minidoka*, Shoshone for "broad expanse," is especially appropriate, for the county occupies the broadest part of the Snake River plains. And Camas County bears the Chinook name for the edible root found over much of the state, but especially plentiful in this area.

Further examination of the county names in relation to the chronology of their assignment reveals a significant change in the place name patterns, as well as the sophistication of the name-choosing body.[10] This change reflects both a growing pride in statehood and a diminishing influence of Indian nomenclature.

Idaho Territory was established by congressional act in 1863 with four counties: Shoshone, Nez Perce, Idaho, and Ada. The first three of these names are either of Indian origin or name an Indian tribe; they were assigned by Washington Territorial Legislature and retained by the newly created Idaho Territory. From 1863–67, Idaho Territorial Legislature established five new counties. Two (Kootenai and Oneida) are of Indian origin, and two (Boise and Owyhee) derive from local incident.

The period from 1867–1890, when Idaho achieved statehood, saw new influences on nomenclature. Problems with the Indians had been fairly well settled, and the gold rush had ushered in a new breed of transients and settlers. With the increased population, establishment of 12 new counties became mandatory, for the seats of government were too far apart. Only one of these, Latah, is of Indian origin; but six are namesakes of famous statesmen and pathfinders—Washington, Lincoln, Bingham, Blaine, Fremont, and Custer; three are descriptive—Bear Lake, Cassia, and Elmore; and one is from *The Book of Mormon*.

Though it was under the administration of Lincoln that the Idaho Territory was established, his name was to be proposed several times before he was to be honored with a namesake. *Lincoln* was proposed in 1879 for the county established as Washington, but the proposal was defeated because the legislators felt that no other president should be honored before the first. Then mindful of the great contribution made by early pathfinders, they named Fremont County after John C. Fremont, who headed a government expedition in 1843–50 to survey routes to the West. Again in 1881, the name *Lincoln* lost to *Custer*, for Custer's last stand and his death at the Battle of Little Big Horn were fresh in the minds of Idaho settlers. Governor Bunn might have chosen *Lincoln* for the name of another county in 1885, when the Territorial Legislature gave him the privilege; however, he chose *Bingham* instead. The same session saw the creation of Blaine County, named after the American statesman the Honorable James G. Blaine. Then 13 days later, when division of Blaine County seemed advisable, Lincoln finally came into his own, for the new county was named in his honor, 22 years after he had exerted considerable influence in establishing the Idaho Territory.

Thus, the period of 1867–1890 marks a time of recognition of statesmen, pathfinders, and generals important to the development of the area, and the initiation of names descriptive of certain natural and developmental features. In the next ten years are seen only two addition to the existing counties, one descriptive (Canyon) and the other Indian (Bannock).

The number of names derived from people of importance to the development of the state rises sharply in the period between 1900 and 1919. Bonner, Caribou, Clark, Jerome, and Franklin reflect local importance; Lewis, Bonneville, Payette, Benewah, and Gooding, state and regional; and Adams, Madison, and Jefferson, national. It seems that Jefferson, who was responsible for acquiring the area for the United States in the first place, was even more flagrantly neglected than was Lincoln, for he was not given a namesake until 1913.

Descriptive titles also assume a new importance during this period. Twin Falls, Clearwater, Teton, Butte, and Valley are topographic names; Boundary, geographical; Gem, a clipped toponym; and Power, Camas, and Minidoka, descriptive. The last two and Bannock and Benewah are the only county names derived from Indian sources after Idaho achieved statehood.

It is obvious that English influence on the nomenclature of Idaho counties has increased in proportion to the growing importance of English-speaking people to the development of the state. In like manner, the influence of French and Indian has de-

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Footnotes at end of article.

creased, and that of Spanish (indirect by any explanation, the one name being a transfer of a Spanish generic term from the Southwest) disappears altogether. Moreover, the patterns of English-derived names show somewhat more variety than do those from other languages. Spanish, French, and Indian names are either descriptive or commemorative of individuals or tribes, with some influence from local incident. English names, on the other hand, are commemorative of people of local, regional, national, and religious significance; descriptive of topographical, geographical, and man-made features, and of flora and fauna; plus some local incident and one coined word.

FOOTNOTES

[1] O. D. Wheeler, historian, traveled over the Lewis and Clark Trail in 1904, comparing it with the diaries of the Lewis and Clark Expedition and noting changes found. He quotes copiously from the diaries and includes some photostats of pertinent pages; he also points out errors made by the explorers resulting from misinterpretation of their Indian informants. Both the photostatic excerpts and Wheeler's commentaries pertaining to the Idaho portion of the Trail have been examined. O. D. Wheeler, *Trail of Lewis and Clark, 1804–1806,* 2 vols. (New York, 1904), *passim.*

[2] "Major feature" is referred to here, for there are records of at least two other instances of the assignment of names, *Hungry* and *Colt-killed Creeks* (both have been renamed), before this instance.

Lewis and Clark recorded *Koos-Koos-kia* "Kooskooskee." Wheeler cites evidence that the explorers possibly misunderstood the word as being the name of the stream, when it was only descriptive of the waters of the stream. His information comes from Silas B. Smith, grandson of Chief Comowool, Clastop Tribe; Smith, an educated and intelligent man, has this to say about Indian name-giving: "I wish to state this proposition, which cannot be overthrown, that the Indians of the Northwest country, extending as far back as the Rocky Mountains, never named a river *as* a river; they name localities. . . . they may say this water leads to such a place . . . but never name a stream" Wheeler, II, pp. 19 and 224.

[3] Cram's Superior Map of Idaho, based on U.S. Land Survey, shows the following place names of French origin in this area: *Pend Oreille, Caribou, Chatcolet, St. Maries, Santa, Desmet, Nez Perce, Bruneau,* and *Boise.*

[4] John E. Rees, *Idaho: Chronology, Nomenclature, and Bibliography* (Chicago 1919), pp. 46–51; H. H. Brancroft; *History of Washington, Idaho, and Montana* (San Francisco, 1890), pp. 399–400; John P. Harrington (Bureau of American Ethnology), "Origin of Our State Names," *Journal of the Washington Academy of Sciences,* Vol. 34, No. 8 (August 15, 1944). These authorities attribute the word *Idaho* to *Shoshoni* origin, but they interpret the word variously as "Gem of the Mountains," "Light on the Mountains," "Sunrise Mountain," and "Riverite." Both Rees and Bancroft knew Shoshoni, and Harrington consulted adepts in the Shoshoni language; I have therefore accepted their classification. Others dispute the Shoshoni origin, but they did not know the language. For the most complete bibliography on this subject, see Erl. H. Ellis, "That Word 'Idaho' " *Studies in Humanities,* No. 2 (University of Denver Press, 1951).

[5] See Rees, pp. 54–55, and *Idaho Encyclopedia,* compiled by Vardis Fisher (Caldwell, Idaho, 1938), p. 221.

[6] *Idaho: American Guide Series* (New York, 1950), p. 281, and Rees, p. 67. The contour of Gem County resembles that of the state and may have influenced this choice.

[7] Rees, pp. 68 and 99.

[8] *Nez Perce* is discussed under Indian names primarily because it honors the tribe that gave up its own name for the French designation; it reflects Indian influence. For an explanation of its meaning, see Rees, p. 95.

[9] Rees, p. 48.

[10] See the following references for the dates and accounts for establishing Idaho counties: *Idaho Encyclopedia,* pp. 210–346; and *The Idaho Almanac,* published by the Idaho Department of Commerce and Development (Boise, Idaho, 1963).

GENERAL CARROLL E. ADAMS, JR.

HON. GEORGE H. FALLON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. FALLON. Mr. Speaker, on May 12, 1970, Brig. Gen. Carroll E. Adams, Jr., commanding officer of the 937th Engineer Combat Group of the U.S. Army Engineer Command in Vietnam was killed as a result of a helicopter accident caused by hostile fire. General Adams, known by his many friends affectionately as "Hap" was an outstanding officer and leader and was highly respected among the men he served with.

General Adams was born in Pawtucket, R.I., on June 7, 1923. He was graduated from the U.S. Military Academy, West Point, in 1945. He held a masters degree in civil engineering from the Massachusetts Institute of Technology, 1949, and a masters degree in international affairs from George Washington University, 1963. He graduated from the Engineer School, Fort Belvoir, Va.; Command and General Staff College, Fort Leavenworth, Kans.; Industrial College of the Armed Forces, Washington, D.C.; and the Army War College, Carlisle Barracks, Pa.

He served for 1 year, 1949 to 1950, as assistant division engineer, New England division, where he had responsibilities for both water resource and military construction programs in that area. Miscellaneous assignments followed, interspersed with educational periods.

General Adams served from 1959 to 1960 in Baffin Island, Canada, and Keflavik, Iceland, on military construction work. From 1960 to 1962, he was assigned to the Corps of Engineers Ballistic Missile Construction Office, Los Angeles, Calif.

After graduating from the Army War College, in 1963, he was on the college staff for another year. In 1965 he went to Europe as battalion commander, 3d Engineer Battalion, 24th Infantry Division, U.S. Army Europe. From January 1966, to January 1967, he was with the Central Group Headquarters, near Heidelberg, Germany, and, from January 1967 to January 1970, he served with great distinction as District Engineer of the U.S. Army Engineers' Norfolk District in Norfolk, Va. General Adams did an excellent job as district engineer in Norfolk, where he was responsible for the Corps of Engineers program for this district. Nearing the completion of this assignment he requested duty in Vietnam and reported there in early February 1970 as commanding officer of the 937th Engineer Combat Group.

On June 9, 1945, General Adams, then a second lieutenant, and Dorothy Ronne were married at Pawtucket, R.I. They had three sons—Robert A., a graduate of the U.S. Military Academy, West Point, in the class of 1968, who was on duty in Vietnam at the time of his father's death and was severely burned about his hands and arms in Vietnam 4 days before the death of his father while rescuing and saving the lives of a pilot and copilot from a burning helicopter; Jonathan, a student at Deerfield Academy, has received an appointment to the U.S. Military Academy—William, at home in Norfolk—and a daughter Ronnie, a schoolteacher at the Army Dependent School System in Germany. I know I speak for all the members of the committee in expressing our sincere regrets to his wife, Dorothy, and his sons, Robert, Jonathan, and William, and his daughter Ronnie.

Immediately prior to the crash of the helicopter in which he was a passenger, a promotion to brigadier general had been approved. Because of his excellent and outstanding record as an officer he was promoted to brigadier general posthumously. General "Hap" Adams served in the finest tradition of engineer-soldier of the Corps of Engineers and he will be missed by all of us.

TRIBUTE TO MRS. DOROTHY O'HARA

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. ANDERSON of California. Mr. Speaker, an article in the San Pedro, Calif., News Pilot recognized an active and personable lady, Mrs. Dorothy O'Hara. Mrs. O'Hara, who is the newly elected president of the San Pedro Garden Club, has a most interesting background. I would like to further honor her by commending to my colleagues and inserting in the RECORD the following article dated May 22, 1970, which reveals the grand personality and activities of Dorothy O'Hara:

GARDEN CLUB INSTALLS MRS. O'HARA

Dorothy O'Hara newly elected president of the San Pedro Garden Club, calls herself a geographical oddity.

She is probably the only native Californian who reversed the usual procedure, and went to live in Arkansas. Usually it is just the opposite. Because her father was in the mining business, she spent most of her childhood traveling all over North America.

She was the first white baby in Gold Field, Nevada, learned to walk in Mexico City, and went to school in San Antonio for three months. This was the only formal schooling she had till she was in the ninth grade. Because of all the traveling, she required a private tutor, who let her do about as she pleased. She was far ahead in English, history, and languages, but confesses that she still does not know her multiplication tables, or whether to spell Cat with one or two K's.

After her father switched from mining to oil, he settled down in Little Rock long

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enough for two years of high school for his orbiting daughter. The late Dick Powell was one of her close friends, but no one in the teen age crowd ever thought it would be curly headed, cherub faced Dick, who would make it big in Hollywood.

In 1921 Dorothy moved to Los Angeles and was graduated from Los Angeles High, then on to USC to major in creative writing. Then off again for a junket through Europe, four years in Florida and West Texas, Amarillo, where her father brought in the largest gas well ever drilled. It remained the world's biggest fire hazard for years.

She lived in Vienna one year until she returned to California for good.

It was in 1942, when she moved to the Harbor Area, and lived in a house for the first time in her life, that she became interested in gardening.

Living in hotels and being the perennial gypsy, does not give one much chance to put down roots.

It was when she discovered that flowers did not always come from florists, or parks, that she bought a package of Zenia seeds. The results were quite baffling to her, till a neighbor explained that the reason so many different kinds of plants grew from one packet of seeds, was that about half of them were weeds.

Once she learned to tell the difference, the Zenias grew fabulously. Nothing she has planted since has done as well. Beginners luck, but it was all it took for her to get hooked and become a flower child.

Two years ago, it became evident that the weeds were far more persistent than the flowers, so when they started giving aid and comfort to the gardener's arch enemy, the snail, she sold her home and moved into a dandelion free apartment at 677 W. Thirteenth St.

This makes her the only garden club president without a garden, unless you count a plant stand full of ferns, and an 18 by 36-inch replica of a desert, landscaped with small, unusual cacti. There is even a miniature ceramic snail creeping over the sand dune, "Just for old time sake."

Mrs. O'Hara is the mother of two sons, John and Danny. John is personnel and public relations director at Todd Shipyard Corp. Both live in the San Pedro area and have made Mrs. O'Hara a grandmother three times over.

In addition to active participation in the garden club, she has been a member of United Church Women, women's fellowship at First Christian Church and president of Tenth District PTA.

Mrs. O'Hara still keeps a hand in creative writing, and studies current events as they relate to history (the Plantaganet kings) and Shakespeare. She loves music as well.

ANOTHER SETBACK FOR THE HOUSE COMMITTEE ON AGRICULTURE

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. FINDLEY. Mr. Speaker, following months of discussion and debate, the House Committee on Agriculture, Tuesday, experienced another setback. On the eve of expected approval of a compromise farm bill the committee adjourned in confusion with the outlook for completion of its work more uncertain than ever.

The committee has been meeting in continued sessions for more han a year attempting to iron out differences but hit a serious snag. The snag developed when a political issue rather than a policy decision seemed to dominate the thinking of several members of the committee.

I am proposing today that in view of the excessive delays of the committee in reporting out a bill, despite the valiant efforts of the committee leadership and the generous cooperation of the Secretary of Agriculture and his staff, time has come, indeed it is past, when the Secretary should proceed with plans for a wheat referendum.

The law states that failing the adoption of new legislation, the Secretary is required to hold a referendum of wheat producers not later than August 1 regarding their choices for a program for next year's wheat crop. Time is getting late. The last wheat referendum in which the farmers overwhelmingly defeated a quota-certificate system, was held May 21, 1963—more than 2 months ahead of statutory deadline. The law requires the referendum to be held at any time before August 1.

With the farmers in the wheat producing areas of the Southwestern States normally planting their wheat in mid-August or early September, the date of the referendum is already late. I am certain it has been delayed by the Secretary in the hope that new legislation would be approved, making the referendum unnecessary.

Further delay would be an injustice to farmers and to Congress. It would take the pressure for new farm legislation off the House Committee on Agriculture. What the committee needs is more pressure—not less.

Farmers are entitled to know well in advance what program will be in effect. A further delay in the referendum would deny them proper notice.

From the standpoint of the Congress, delay will serve only to give the House Committee on Agriculture an excuse for more wheel spinning and possibly delay adjournment of this session of Congress. Legislation on farm programs is one of the main obstacles to adjournment. Appropriation bills have been moving on schedule. For weeks the appropriation bill for agriculture has been ready, except for changes the legislative committee product may require.

In past years, the rush toward adjournment has often been used as the excuse to overcome objections and win quick approval of controversial farm bills. A delay in the wheat referendum would play into the hands of those who would use such tactics, and I for one want the House to have ample time to study and consider improvements on whatever the Committee on Agriculture produces.

On the other hand, several members of the committee are not pleased with the alternatives, which under present law, would be presented in the August referendum. They want a different program for wheat farmers, one which would have the effect of setting aside the referendum.

The committee has been considering farm program legislation for nearly 16 months—nearly twice a normal gestation period. The imminence of a wheat referendum hopefully will induce labor pains in the committee and give birth to a healthy offspring.

I talked yesterday with Secretary Hardin and urged him to delay no longer in setting the date of the wheat referendum in light of the most recent failure of the committee to reach agreement. By this means, I announce my intention to oppose any legislative efforts to delay the wheat referendum. I understand several Senators are considering such a move.

SECRETARY OF AGRICULTURE COMMENTS ON ALLEGATIONS OF INADEQUATE INSPECTION OF IMPORTED MEATS

HON. JOHN C. KLUCZYNSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. KLUCZYNSKI. Mr. Speaker, I have noted in the Congressional Record recently charges that the current procedures for inspection of imported meats are inadequate. As chairman of the Select Committee on the House Restaurant and a restaurateur of many years experience, I was naturally deeply concerned by allegations that the inspection regulations for imported meats are not comparable to those applicable to our domestically produced meats. Some of these assertions flatly stated that imported meats were allowed to enter the country containing all sorts of impurities.

I was under the impression that inspection regulations for imported meats were fully comparable to those applicable to our domestic product and provided an equal assurance to the consumer of a wholesome product. In light of the recent allegations to the contrary, I wrote to the Secretary of Agriculture requesting his comments on these allegations of inadequate inspection of imported meats.

I am pleased to have the facts in his reply and insert it in the Record at this point as a matter of interest to all Members of Congress:

Department of Agriculture,
Washington, D.C., May 22, 1970.

Hon. John Kluczynski,
House of Representatives.

Dear Mr. Kluczynski: Thank you for your letter of May 5 about certain items in the Congressional Record concerning imported meats.

We believe there are some points raised in the articles that should be clarified.

The eligibility of foreign countries to export meat to the United States is contingent on their ability to demonstrate that they have an organized inspection program that produces results equal to that of the Federal program in this country. The actual inspection is carried out by nationals of the exporting country. Visits by Department experts are made to insure that such inspections are being done properly and that product to be exported to the United States meets the standards. Further, officials of the foreign program are required to make supervisory visits to each export plant at least once monthly and report on performance in meeting U.S. standards.

Our review officers visit each exporting plant at least once a year, and in many cases more frequently. When they find that the required inspection and sanitation standards are not being applied in foreign plants, the eligibility of such plants to export to us is removed.

Inspectional staffing of foreign plants compares very favorably with our domestic plants. In calendar year 1969, there were almost 7,500 foreign inspectors assigned to the 1,141 plants eligible to export meat to the United States. On the home front, we had about 4,600 inspectors in the approximately 3,200 domestic plants operating under Federal meat inspection.

In addition, all imported meats are inspected lot-by-lot as they arrive at the port of entry. To provide uniformity of inspection as it is applied to both programs, our import inspection is structured to the examination of randomly selected, statistically sound sampling plans on the same basis as similar domestic products. Such sampling methods are recognized as valid for many food items and other types of products.

The sampling plans were drawn to give a high confidence level that a lot of meat must be well within the proper quality level before it is passed for consumption. In our judgment, the emphasis in the articles on possible fecal contamination is not realistic.

The table of defects and their classification were established by studying samples of domestic boneless meat produced under clean, sanitary conditions in U.S. plants. Our inspectors tabulated and seized each defect found. At the conclusion of the study, our statistical staff analyzed the data and provided us with acceptable quality levels based upon best commercial practice in this country.

Our inspection system, the same for imported and domestic meat, is designed to give an analysis of the type and number of defects found in the sample that will be a dependable indicator on which to base rejection or acceptance. Shipments that fail to qualify are refused entry.

We should also point out that the United States is the only meat importing country maintaining this level of strict surveillance by personal review over foreign producing establishments. The United States also exports a large amount of meat byproducts to many foreign countries. The sale of these meat byproducts helps to maintain and stabilize meat prices and the livestock market in this country.

Sincerely,

RICHARD LYNG,
Assistant Secretary.

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HONORABLE LESLIE ARENDS CELEBRATES 27TH YEAR AS MINORITY WHIP

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. RODINO. Mr. Speaker, on the occasion of his 27th year as minority whip, I commend and congratulate the Honorable LESLIE C. ARENDS for his dedicated service in the House of Representatives and to his constituents.

While we sit across the aisle, I consider LES a personal and special friend with whom I have had the opportunity and pleasure of serving as a delegate to the NATO Assembly.

My warmest good wishes upon the achievement of this milestone are extended to my good friend and his charming wife.

ELECTRIC COOPERATIVES—THE PRODUCT OF PEOPLE POWER

HON. W. R. HULL, JR.

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. HULL. Mr. Speaker, I was privileged to receive a copy of a prize-winning essay written by a high school student in Purdin, Mo.

The essay was submitted to the Rural Electric Cooperative's Youth to Washington Contest by Jeff McKenzie, who will be touring Washington with the other winners from June 12 to 20.

Under leave to extend my remarks in the RECORD, Jeff's outstanding essay follows:

ELECTRIC COOPERATIVES—THE PRODUCT OF PEOPLE POWER

One of the first things I remember learning from my parents was about God, and Faith in Jesus Christ. They taught me that anything is possible if one only believe and the Lord is willing. They stressed to me that my goals may look insurmountable at times but if I would get a good education sparked with a little good old-fashioned horse sense I would achieve my goals. I must have the courage to accept disappointment and if I first don't succeed to keep trying. This must be how the Product of People Power came about by the visions and dreams of the generations past put to work.

I love to hear my parents talk of times past and how they lived before they had electricity. It seems so long ago to me that my Dad was farming with horses, milking cows, raising hogs and sheep with no modern facilities. My Mom washed the lamp flues of kerosene lamps every morning because they were always smoked. Milk, butter, and cheese were stored in a celler because there were no refrigerators. There was the everlasting cleaning, as she called it, because of the wood-burning stove. She really believed in the adage "Cleanliness is next to Godliness". This is so vividly clear to them and only history to me. Electric Cooperatives and the Product of People Power has changed that way of life. The development of rural electric power and its contribution to my home would have been unbelievable a few years ago.

At first it was doubted if electricity would ever pay its way. Some electric companies would have extended service to farmers who were willing to pay for the lines and the construction. It was so costly that it was too much for the average farmer to spend, and if they did the power companies would retain the title to the lines. During President Franklin D. Roosevelt's Administration the giant step was taken, and the federal government decided to lend a hand. After this the farmer who had been dreaming of improvements went into action on upgrading America's rural economy. The difference in working standards between the rural and city dweller has been erased by electric power in the quiet revolution. As Abraham Lincoln once said, "It is right and proper for the government to help the people to help themselves". This is the Rural Electrification Administration program of today.

Main Street impact of the rural electrification movement has been felt all over the country. New appliance stores and equipment dealers appeared in towns to meet the growing rural demands for electrical equipment.

Non-profit cooperatives were organized and owned by the rural people using the electrical services. Rural Electrification Administration is the banker for Rural Electric Cooperatives. Missouri's co-ops starting from nothing have built more than 90,000 miles of power lines. Central Station Electric Service includes both the farm and non-farm population (under 1,500 people) which is an important factor by itself.

Time has proven the service to be sound and practical. Ninety-eight percent of rural America has electricity today.

President John F. Kennedy, during his administration, and congress voted to help export the idea of rural electrification to the newly developing nations of the world. This makes the R.E.A. global in scope.

Benjamin Franklin and his kite have a special significance to the world in the first expressway for electricity. The farmer, urban family, modern housing, hospitals, education and industries are just a few of the benefactors. Electric power is used to enrich, sustain, and protect our economy and our culture.

I'm looking forward to telling the next generation about the space program. The marvel of going to the moon will just be history to them. They will take it for granted as I have the power across the land. I can only try to visualize how we shall be living in the future. If we had a Rip Van Winkle to awaken now he wouldn't think of going back to sleep in this challenging world of ours with our democratic free enterprize system.

We should cast our eyes to the horizon and never stop reaching for improvement. We're not taking away from the beauty and wonder of nature, we're just adding to nature. The Product of People Power is our world today. It is a contributing factor for women in living to raise their children to adulthood, and to grow old gracefully and in comfort. Men accomplish much more than feeding the world. They make it a greater and better place to live. Children have a chance to grow up and make the new world of tomorrow.

What will the Engineers of tomorrow build? To stand still would be to stagnate. It will be so much more fun to work for improvement than student revolts, draft card burnings or hippie movements. America has so much to offer and I for one am going to forge full speed ahead and not waste the opportunity she offers. The Lord willing tomorrow will be a better day and closer to peace.

THE 1970 SMALLER BUSINESS ASSOCIATION OF NEW ENGLAND, INC., PROPOSALS FOR CONGRESSIONAL ACTION

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. MORSE. Mr. Speaker, the Smaller Business Association of New England has again distinguished itself on behalf of small business by its outstanding congressional presentation given to both the House and Senate Select Committee on Small Business and the New England congressional delegation on Wednesday, May 20.

I consider it a great privilege to have the opportunity to work with SBANE, which is the only regional association for small business in the country. Its continuous quality educational efforts and responsible legislative proposals are important contributions for all those concerned about the vital role of small business. SBANE, founded in 1938 as a private nonprofit, nonpartisan organization has offered its proposals to the Congress in an annual visit for many years.

The 1970 proposals focus on three critical areas for congressional concern; a small business surtax exemption, assistance in pollution control, and the strengthening of the Small Business Administration. Other subjects included are patents, pension plans, procurement, transportation, and labor.

The Washington presentation team was headed by SBANE President Richard G. Lee, president of Lee Packaging Machinery Corp., Needham, Mass. Mr. Douglas S. Dillman, vice president, Horn Packaging & Paper Co., Cambridge, Mass., gave the presentation, which included an outstanding graphic display, to the Small Business Committee.

I want to call the attention of my colleagues to the activities of this association which provides so many excellent services to our region. I feel that these 1970 proposals are truly worthy of national interest.

The presentation follows:

The 1970 Smaller Business Association of New England, Inc., Proposals for Congressional Action

(Presented by Richard G. Lee)

INTRODUCTION

Before presenting our 1970 Proposals for Congressional Action, I thank you for providing this opportunity to offer some constructive suggestions and commentary which we believe vital to a healthy small business environment.

For a better insight into the Association and its purposes, I refer to some of the highlights of the SBANE Fact Sheet as it appeared in the February 3, 1970 Congressional Record.

SBANE is a private, non-profit Association of over 800 New England small companies representing manufacturers, retailers, banks, wholesale distributors, lawyers, accountants, and other service firms of every description.

SBANE's services include substantial efforts in the areas of educational-informational programs to encourage self-improvement in executive management.

The SBANE magazine, New England Business, features articles circulated to some 1,700 small business subscribers providing an excellent medium for management-educational subjects.

SBANE's "Live-In" Seminar on the campus of the Harvard Business School, has for the last several years had as its Educational Director, Dean Frank L. Tucker, who served on President Nixon's Task Force on Improving the Prospects of Small Business.

The Annual Meeting and Small Business Conference, Breakfast Club, Trade Development Programs, Group Insurance, Unemployment Cost Control Program and Business Counselling are just some of the many additional programs we offer our growing membership.

SBANE is the only regional Association for small business in the country. Although there are national small business associations, their services are almost exclusively legislative. They do not offer the extensive educational programs or membership liaison which our regional Association does.

SBANE's legislative programs, instead of simply pointing to the problems affecting small business, aim at keeping the Congress aware of the legislative needs that can be effected by you, our lawmakers. SBANE makes specific proposals on behalf of the nation's small businessmen—a highlight of our legislative program is today's Washington Presentation. SBANE also appears at various committee hearings and provides the membership with timely Flash Bulletins covering important issues and bills under consideration.

When inserting the SBANE Fact Sheet in the CONGRESSIONAL RECORD, Congressman F. Bradford Morse, a recent Breakfast Club speaker, stated that since its incorporation in 1938, "SBANE has served with distinction a great number of New England small businesses, and, indirectly, their national counterparts. I personally have had many opportunities to work with SBANE and have come to depend upon it as a valuable and responsible source of small business information. I want to call the attention of my colleagues to SBANE's recently published 'Fact Sheet' which provides an idea of the breadth of its activities."

Senator Alan Bible, Chairman of the Senate Small Business Committee, speaking on the floor of the Senate in February on the occasion of the 20th anniversary of that Committee stated, ". . . and certainly the most dynamic, live-wire and capable regional association is the Smaller Business Association of New England, headquartered in Boston, Mass. These organizations, their individual members and their staffs assist tremendously in the mutual efforts to help the small businessman with his myriad of problems."

Today's visual presentation, at the suggestion of many in the Congress, will be limited to cover three main subject areas rather than a general over-view of the broad spectrum of issues of concern to small business. We trust this more concentrated approach will be more effective in highlighting in greater depth the three areas where your efforts, in our opinion, are needed the most—Tax Reform, Pollution and the Small Business Administration. Presenting proposals on these subjects is the Chairman of the SBANE Washington Presentation Committee and Past President of the Association, Douglas S. Dillman, Vice President, Horn Packaging & Paper Company, Cambridge.

TAXATION

Committee Chairman: Richard M. Glennon, Partner, Peat, Marwick, Mitchell & Company, Boston, Massachusetts.

Limited increase in surtax exemption to $50,000

One of the three major problems confronting small business is its need for capital to sustain its operations and to provide for growth. This need is recognized by all who concern themselves with small business. The means for satisfying this need are twofold; infusions of capital from the outside and the retention of internally generated resources. The report of the President's Task Force on Improving the Prospects of Small Business recommends, among other things, the application of tax incentives to aid in accomplishing desired results. The report recommends that those suppliers of credit and equity capital to small business be provided with favorable tax treatment on the income from their loans and that a preferential rate for capital gains on investments in small enterprises be provided. Further the report recommends the establishment of a ten-year carryover period for net operating losses during the first ten years of business existence and a deduction from taxable income for an addition to a "small business risk reserve." SBANE endoses these proposals. However, we also recommend that the exemption from surtax be increased for small businesses as a means of directly building up working capital.

Since 1938 corporations have paid a tax at a normal rate on the first $25,000 of income and at a surtax rate on the income in excess of $25,000. The difference in tax rate on the first $25,000 has since come to be known as the surtax exemption. The exemption has remained the same for 32 years and in view of the elimination by the Tax Reform Act of 1969 of multiple surtax exemptions, we believe this to be an appropriate time for a limited increase in the exemption to $50,000.

The simplest means of effecting an increase in the surtax exemption would be to make it applicable to all corporations; however, the following schedule indicates that to do so would result in a reduction in the revenue of approximately 368.9 million dollars. This estimate, as are all of the succeeding estimates, is based upon statistics taken from 1965 corporation income tax returns which were the latest data available to SBANE. We do not believe that a reduction in corporate income taxes of such a substantial amount is appropriate at this time as a matter of fiscal policy. In addition, over $258 million of the tax reduction would inure to the benefit of corporations having taxable income in excess of $50,000.

TAX EFFECT OF UNLIMITED INCREASE IN SURTAX EXEMPTION TO $50,000—UNCONTROLLED CORPORATIONS HAVING TAXABLE INCOME BY INCOME CATEGORIES

Number of corporations	43,735	20,913	9,187	73,825
Taxable income	$26–50,000,000	50–100,000,000	100–150,000,000	Total
Tax savings (millions)	$110.8	135.9	122.2	368.9
Tax savings as percent of total tax savings paid by group	24.9	24.6	(1)	
Tax savings as percent of total tax savings by all	30.03	36.84	33.13	100.00
Average tax savings per corporation	$2,533	6,500	6,500	
Tax savings as percent of total corporation tax revenues collected in 1965				1.42
Tax savings as percent of total taxes collected in 1965				0.31

[1] Figures not meaningful due to limitations of data

Since we believe that the increased exemption should apply only to smaller corporations, it becomes necessary to define what a smaller corporation is for this purpose. There are several criteria for distinguishing between smaller and larger businesses, such as gross assets, net worth, and gross sales. However, after a considerable amount of study, it would appear that to restrict the benefit of the increased surtax exemption using one of these standards would result in its inequitable application in many cases. Thus, we believe that a standard that is based on the tax itself would be most direct and equitable.

Accordingly, SBANE proposes an increase in the surtax exemption as follows:

1. Corporations having taxable income of $50,000 or less would have a surtax exemption of $50,000.

2. Corporations having taxable income of more than $50,000 but less than $100,000 would have a surtax exemption of $50,000 reduced by 50% of each dollar of taxable income in excess of $50,000.

3. Corporations having taxable income in excess of $100,000 would have a surtax exemption of $25,000.

Only a single surtax exemption would be available to members of a controlled group of corporations consistent with the provisions of the Tax Reform Act of 1969.

The application of this change in the surtax exemption to corporations having varying levels of income, is set forth below.

Taxable income	$40,000
Surtax exemption	40,000
Tax: 22% × $40,000	8,800
Taxable income	80,000
Surtax exemption:	
Basic exemption	50,000
Less 50% (80,000 − 50,000)	15,000
Total	35,000
Income subject to surtax	45,000
Tax:	
22% × $35,000	7,700
48% × 45,000	21,600
Total	29,300
Taxable income	120,000
Surtax exemption	25,000
Income subject to surtax	95,000
Tax:	
22% × $25,000	5,500
48% × 95,000	45,600
Total	51,100

The following table sets forth the tax rates presently in effect and after application of the proposed limited surtax exemption to corporate taxable income at various levels from $20,000 to $100,000.

Taxable income	Present rates		New rates		Tax savings
	Tax[1]	Effective rate (percent)	Tax[1]	Effective rate (percent)	
$20,000	4,400	22.0	4,400	22.0	0
25,000	5,500	22.0	5,500	22.0	0
30,000	7,900	26.3	6,600	22.0	1,300
35,000	10,300	29.4	7,700	22.0	2,600
40,000	12,700	31.8	8,800	22.0	3,900
45,000	15,100	33.6	9,900	22.0	5,200
50,000	17,500	35.0	11,000	22.0	6,500
55,000	19,900	36.2	14,050	25.5	5,850
65,000	24,700	38.0	20,150	31.0	4,550
75,000	29,500	39.3	26,250	35.0	3,250
85,000	34,300	40.4	32,350	38.1	1,950
95,000	39,100	41.2	38,450	40.5	650
100,000	41,500	41.5	41,500	41.5	0

[1] Excludes surcharge.

If this proposal were to be adopted we project (again using 1965 statistics) that the total reduction of revenues would approximate $196 million annually after the six year phase-in period that we recommend. This would approximate three-quarters of 1% of the total taxes collected in 1965 from corporations.

Of the total saving, 56.5% or $110.8 million would be realized by corporations having taxable income of $50,000 or less and the remaining benefit would be realized by corporations having between $50,000 and $100,000 of taxable income. The following table sets forth the reduction in tax under the limited increase in surtax exemption.

TAX EFFECT OF LIMITED INCREASE IN SURTAX EXEMPTION TO $50,000—UNCONTROLLED CORPORATIONS HAVING TAXABLE INCOME BY INCOME CATEGORIES

Number of uncontrolled corporations	43,735	20,913	64,648
Taxable income	$26–50 million	50–100 million	Total
Tax savings (millions)	$110.8	85.2	196.0
Tax savings as percent of total tax paid by group	24.9	15.4	
Tax savings as percent of total tax savings by all	56.5	43.5	100.0
Average tax savings per corporation	$2,533	4,074	
Tax savings as percent of total corporate taxes collected in 1965			0.75
Tax savings as percent of total taxes collected in 1965			.17

We recommend that Congress consider phasing in the limited increase in surtax exemption over the period of time that the multiple surtax exemption is being phased out under the Tax Reform Act of 1969. Benefits of multiple surtax exemptions will be gradually reduced beginning in 1970 and will be completely removed by the end of 1975. We believe that the increase in revenue achieved by such phase-out should be considered in reaching a decision whether the limited increase in surtax exemption should be adopted.

SBANE's interest in the Small Business Administration dates back many years to the preceding agencies such as the Reconstruction Finance Corporation and the Smaller War Plants Corporation which were charged with some of the same responsibilities prior to the creation of the Small Business Administration in 1953.

SBANE's role in shaping the SBA Act is well known to the Congress and it is only natural that the Association should continuously scrutinize the functions and operations of the SBA and offer both deserved praise and constructive comment.

INTERVIEW OF FORMER ADMINISTRATORS

To provide a more complete assessment of this agency and its problems, members of the Association have interviewed several former Administrators. Nearly every previous Administrator for the past two decades was interviewed for his evaluations of the agency as its roles and areas of concentration have varied.

This project was initially undertaken in an attempt to determine the cause of the excessive turnover of Administrators especially during the past 10 years. We thought that maybe a pattern could be determined as to why there had been as many as nine Administrators in the last 11 years. We had expressed alarm last year that this short term of leadership made it difficult for the agency to maintain continuity of direction and purpose.

During interviews with these past Administrators, it became evident that there was no single reason for their departure from the SBA except for more attractive offers in related fields of interest. Although job stability in the position of the Administrator was our initial reason for the interviews, they all had additional comments about the functioning of this Agency which we will share with you.

First, they mentioned the apparent shifting of the loan policy from a merit basis to one more socially motivated without the usual standard, business-like requirements especially with minority loans. Behind this concern over the SBA's loan procedures lies this question: What will happen to the SBA should facts reveal a high percentage of minority loan failures? The Congress has always held the SBA in high regard and provided good support. However, since the SBA is lending public money, what will happen to the future of the agency should the Congress react if it feels that SBA loans were instead grants or subsidies? It is the feeling of many that safeguards should be developed that will prevent the devastating effects of a possible over-reaction to the SBA on its financial programs.

For this reason, this Association recommends that minority loans be handled through a Special Management-Finance Group within the SBA with its own funding programs. In addition, we believe that the Office of Minority Business Enterprise, established within the Department of Commerce last year to promote and expand business ownership by minority groups, should be the complete responsibility of the SBA. Further, that the SBA should be properly manned to carry out these responsibilities rather than the past policy of manning new programs by shifting personnel into unfamiliar areas at the expense of other important programs.

MINORITY ENTERPRISE STUDIES

Much has been said and written about minority entrepreneurship or compensatory capitalism. This Association has studied the report of Sam Harris Associates that evaluated the SBA and its role in minority economic development from August, 1968 to February, 1969. We were very impressed with this report and its recommendations, and we urge they be given careful thought and consideration.

We also recommend that the committee obtain a copy of a very interesting thesis by W. Bruce Springer, entitled, "The Prospects for Black Business Development." This recent Harvard graduate wrote this thesis after studying a vast number of census reports, studies and books on the subject of black business development.

It is interesting to note some of the similarities of the Harris Report and Springer's thesis.

The first is that SBA's past emphasis has been quantitative rather than qualitative. It would seem that the agency was more interested in the "numbers game" and promoting the establishment of "Mom and Pop" stores rather than emphasizing the growth and development of more stable, promising companies. Both studies also point up the need for more management and technical assistance in developing companies and recommend that the SBA put more emphasis on non-retail businesses, such as services, manufacturing, wholesaling and construction. Both Springer and Harris also recommend more attention be paid to the Local Development Company or "502" loan programs in the black community. We would recommend that, rather than devoting so much emphasis on starting marginal businesses, the SBA develop programs to upgrade existing operations.

SBANE agrees with Springer's recommendation that SBA should scrap its goal of 20,000 minority loans a year and replace it with programs that have qualitative dimensions: for example, $40,000,000 in minority loans a year, at least one-fifth of which is to be granted in loans of $100,000 or more as compared to the average minority loan during the first five months of 1969 which was $19,829.42.

The Harris report stated that 45% of the Minority Entrepreneurship Program (MEP) team members, who felt the effect of Project Own would be insignificant, gave the reason that the "size and volume of loans granted is too small".

We would also recommend that the SBA develop comprehensive data, on the distribution of its loans by size and type of business and, in addition, follow the progress of the companies carefully to determine a pattern and level of progress with which to guide future loan commitments.

Both the Springer and Harris studies represent exhaustive, intelligent appraisals of the SBA involvement in Project Own. The Association believes strongly that the SBA should be the agency to foster entrepreneurship and realizes the great challenges it faces. If the agency is to merely serve as a transfer of resources to marginal companies in the ghetto, then it is wasteful. In our opinion, programs should be developed to provide financial and technical assistance to develop larger, non-retail business firms for minority entrepreneurs and not the present emphasis on number of loans rather than number of dollars loaned.

Many recent studies have revealed the lack of sufficient management assistance followup to recipients of SGA loans. Many small businesses have failed after receiving financial assistance and then being left alone to face the many problems that confront beginning business during its formative years. The problem is further aggravated by lack of sufficient manpower to carry out the SBA's mounting responsibilities. To some the SBA is almost exclusively a lending institution. We believe this is wrong. The original Act calls for technical and management assistance programs, among others. We believe the only way this important function can be accomplished is by making the necessary manpower provisions.

MANPOWER REDISTRIBUTION

We would, therefore, recommend that the manpower distribution of the SBA should be reduced in the Washington office in favor of more representatives in the field, particularly in management assistance. When a small business has a problem or needs assistance, he does not have the manpower or time to travel about to seek solutions. The SBA would be much more effective if it had more qualified management assistance representatives in the field to offer help to small businesses.

As of January 1, 1970, some 23% of the total SBA manning was in Washington. (Total 4,032—Washington 929—Field 3,103). Many states have but one or two specialists in procurement, management assistance and financial assistance available. A serious workload burden presently exists in many states particularly in the rural states.

With some 5,000,000 small businesses throughout the country, it is obvious that Washington is not "where the action is". Not only should the manpower be distributed but the Administrator's major emphasis should be on visitations into the field to highlight SBA programs through an extensive program of public information.

POLLUTION

Over 100 years ago a famous New England philosopher, Henry David Thoreau, sounded a warning of our environmental crisis by stating that machines "insult nature." In the ensuing decades man pushed westward industrializing and developing new technologies to meet society's demand for greater consumption and affluence. Now the frontiers are gone and man must truly pay the price of progress by improving the environment and quality of life or he faces extinction.

Business and the government should share the responsibility of improving our environment. For many small businesses cost of pollution control through capital expenditures will be substantial—it may even be insurmountable. Corrective deadlines will be difficult to meet especially in industries where the state of art in pollution control lacks sufficient technology.

What concerns small business most are the methods by which the government requirement will be carried out in directly dealing with the problem. Such government characteristics as overlapping responsibilities, excessive bureaucracy, impersonal, haphazard and unbending interpretation of government regulations and a lack of comprehension of the economic effects of control devices are matters of serious concern to small business everywhere.

One United States Senator has advocated what may be the best approach to alleviate these problems. Senator Edmund Muskie has submitted legislation to create an Environmental Control Administration, "an independent agency charged with the responsibility for developing and implementing Federal environmental quality of standards, supporting basic research on problems of environmental quality, stimulating and supporting basic research, control techniques and providing technical assistance to State, interstate and local agencies which would reflect the national commitment we need if we are to avoid ecological disaster."

To determine the effect of our environmental quality programs on small business, SBANE recently surveyed its membership. Response was large, immediate and representative. It reflects the intense interest that small business has in this subject. The results of the survey are as follows:

28% indicated they are facing a pollution problem, or were not sure if they were causing pollution.

30% indicated they had no knowledge of federal or state requirements.

62% indicated that the Small Business Administration should give loans correcting pollution a priority.

59% felt that the Small Business Administration should create a separately funded loan program for pollution equipment and abatement.

Our survey indicates that many small businesses either already have or are in the process of solving their contribution to the problem. Some of those that have not yet begun to take corrective measures are hampered by a lack of technology in their particular problem area, or have not yet solved the problem of how to finance their pollution problem. It should be noted that not only will the private capital expenditure produce no financial return, but it will also increase operating costs on a continuing basis.

Based on SBANE's survey and frequent discussion of small business pollution problems, we strongly recommend the following programs to enable small business to meet the environmental crisis.

1. That the Small Business Committees hold hearings to determine the economic effects of environmental control on small business.

2. That the SBA loan program be specifically adjusted to give loans at special rates for pollution control and be placed equal to disaster loans on the loan priority list. Similar to Senator McIntyre's Bill, S. 3528.

3. That the SBA through its Technology Utilization Program, establish Field Specialists to assist small businesses in pollution control counselling.

4. The creation of tax incentives to spur business to correct pollution problems.

LABOR

Committee Chairman: Benjamin E. Gordon, Attorney, Gordon & Leiter, Boston, Massachusetts.

1. Injunctive relief against unlawful types of picketing and strikes

SBANE recommends legislation to amend the Norris-La Guardia Act so as to permit injunctive relief in the exceptional cases involving the kinds of union picketing and strikes which are illegal because:

a. They involve violence or seizure of property; or

b. They are in violation of a non-strike pledge in a collective bargaining agreement.

The Norris-La Guardia Act was passed in 1932 at a time when unions were weak and ineffective, a condition due in great part to wide-spread and perhaps indiscriminate use of the labor injunction particularly in the early years of this century. Forbidding the use of the injunction in a labor dispute appeared, at the time, a necessary measure to effectuate the salutary national policy of ensuring full freedom of self-organization and designation of representatives of one's own choosing. Since that time, however, the underlying condition has changed and the cure may be seen to have gone far beyond the malady. The organized labor movement no longer needs special privileges and immunities, such as this immunity from effective legal remedy in cases of unlawful conduct, in order to grow and survive. The strong, established international labor union is no longer at a disadvantage vis-a-vis the business enterprise. Though there may perhaps be a "standoff" with the major corporation, the small businessman is at an acute disadvantage vis-a-vis the large union representing his employees. The small businessman who lives up to his legal responsibility to deal with a union of his employees' choosing finds the same union disregarding its own legal responsibilities with the knowledge that its special immunity prevents effective relief even in cases where it openly engages in violence or a breach of contract.

An awareness of the change in the underlying conditions, in our system of law should dictate a change in the legislation governing those conditions. Yet the Norris-La Guardia Act has not been amended since 1932. It still contains, in Section 8, the blanket prohibition against immediate injunctive relief by the Federal Courts regardless of the legality of the strike or picketing activity.

At present, injunctive relief is not available to the employer, no matter the degree of violence with which he is confronted, before he has gone through the process of arbitration, even if there is no "dispute" that can be resolved by arbitration and even though this would involve so much time as to force capitulation because of the effect of unlawful violent activities. Many of our Courts, State and Federal, have decried this condition, but have deemed themselves bound by the Anti-Injunction Act that permits of no exception. Therefore, we urge that the Norris-La Guardia Act be amended to authorize the Federal Courts to grant injunctions in the exceptional cases of Union conduct involving violence, mass picketing, interference with peaceful ingress to or egress from private property, and actual seizure of private property.

Similarly, the Courts have considered themselves bound by Norris-La Guardia prohibition even in cases of admitted breach by a union of its no-strike pledge in its contract. Even our Supreme Court has recently indicated the unfairness of, and its frustration with, being bound by this unyielding law. At present, the only relief available is a damage suit in the courts or before arbitrators which, again, can involve such an amount of time, with the customary procedural delays, as to force capitulation to the unlawful union acts. Therefore, we propose, as a second exception to its blanket ban, that the Norris-La Guardia Act be amended to authorize the Federal Courts to grant injunctive relief against a union strike in defiance of a contractual no-strike pledge.

Our two proposed exceptions will do no more than ensure the preservation of peace, of law and order during the peaceful resolution of a dispute, in the first instance, and, in the second, ensure that unions abide by the terms of their agreements just as all others must do.

2. Require secret ballot election for union recognition

The Congress, in enacting the National Labor Relations Act, as amended in 1947, while wisely preserving the guarantee to employees to designate representatives of their own choosing for collective bargaining, also wisely established the secret ballot election as the vehicle for making that choice. Since then, the National Labor Relations Board has disregarded the Congressional intent, as well as our democratic processes, by ordering employers to recognize unions as the bargaining representative of their employees where they either were not given the opportunity to vote in such an election or even where an election was conducted in which the union was rejected.

The obligation thus imposed, by the NLRB theory, is based upon employee signatures on union authorization cards. These are usually secured at the time of initial employee contact by the union, and have often been shown to have been secured by coercion, fraud and misrepresentation. Thus, they have been viewed by many as altogether unreliable indicia and not reflective of the true desires of the employees. Despite the criticism by many Federal Courts of this device for establishing a union's representative status without a successful secret ballot election, the U.S. Supreme Court in June, 1969, in the case of ***NLRB* v. *Gissell Packing Co.***, approved of it.

Thus, this year, with the Supreme Court having upheld the NLRB theory, legislation is necessary so that the Congress can ensure adherence to its expressed intention and reestablish the use of secret ballot elections for choice of bargaining representation in every case. Therefore, SBANE supports such legislation as was offered by Rep. Fisher in the 1st Session of this Congress, H.R. 12917, which would amend the National Labor Relations Act to require bargaining only with unions whose representative status has been established by a secret ballot election among the employees.

3. Prohibit involuntary union membership

While we favor the principle of voluntary union membership, we are opposed to that of compulsory membership. We see no justification for forcing and requiring any employee to join, and pay dues to, any labor union against his will in order to obtain or keep a job. The declared purpose of our labor laws is to preserve and protect the individual employee's freedom of choice. Compulsory membership in a private organization not only violates this principle but is foreign to a democratic system which should preserve individual liberties and the rights of the minority as well as the majority.

The issue is dramatized this year because of the Senate's action in December, 1969 in defeating Senator Fannin's amendment to the tax-reform bill which would have removed the tax-exempt status of organizations that use membership dues or other charges for political purposes. Thus, in effect, there has been legislative approval of the practice of labor organizations, in which membership is compulsory, to use compulsory membership dues in support of political activity which they favor, but which may not be favored by their members. As a result, today there is required not only union membership but also the obligation to support political causes favored by the organization leadership. To us, this heightens the need for legislative reform on the compulsory membership question.

In 20 states, compulsory union membership has been declared illegal by legislative action pursuant to Section 14(b) of the National Labor Relations Act. But a uniform, national policy is the only fair way for all. Therefore, we urge that the Act be amended to permit only voluntary union membership.

To the argument of the leadership of the organized labor movement's power structure that anything short of compulsory union membership will weaken and destroy the labor movement, we can only rejoin by quoting Justice Louis D. Brandeis who said:

"The union attains success when it reaches the ideal condition, and the ideal condition for a union is to be strong and stable and yet to have in the trade outside its own ranks an appreciable number of men who are nonunionist. Such a nucleus of unorganized labor will check oppression by the union as the union checks oppression by the employer."

XUM

PATENTS

Committee Chairman: Robert T. Dunn, Patent Attorney, Bedford, Massachusetts.

A U.S. Department of Commerce study published in 1967 reported that some $100 billion had been spent in the past 20 years on research and development, a large share, by big business with the facilities and manpower. Despite this enormous investment, over 50% of the technical innovations in the U.S. are the creation of individual inventors and small business. For this reason during the past three years, this Association has given careful study to the recommendations of former President Johnson's Commission on Patent Reform and legislation that has been filed in the Congress as a result of this study.

We would urge your opposition to any legislation that would curb this individual and small business incentive to invent and innovate.

1. Favor "first to invent" over "first to file"

Of particular interest to small business is the proposal to change the system of priority from "first to invent" to "first to file" or various modified "first to file" rules that have been submitted to the Congress.

SBANE opposes legislation that would change the present system under which patents are issued to the first inventor.

The average cost of a patent application to an inventor is from $500–$1,500 and higher in complex cases. These changes in the patent laws would impose a serious financial burden on small business and the private inventor who often lacks the funds to file patent applications that have not demonstrated commercial utility. These inventors must conserve their funds to develop inventions for which there is substantial expectation of commercial use and value. Large businesses, however, can afford to file and prosecute patent applications on all likely inventions without knowing their commercial value.

The present cost to the Patent Office in conducting first invention contests and interferences is about $350,000 with a staff of 20 employees. This low expenditure of manpower and money to insure the patent goes to the first inventor is a good indication of the efficiency, economy and reasonableness of the present system. Furthermore, interferences are won by the inventor second to file as often as they are won by the inventor first to file. The proposed changes would encourage half-baked applications that would lead to more expensive contests and a greatly increased workload on the Patent Office.

These proposed changes would preclude an inventor from contesting the priority of an invention merely because he failed to file a patent application within a prescribed period before another who claims the same invention.

We ask that you resist any changes in the patent laws from the present first to invent system that has successfully protected and encouraged American inventiveness for so many years.

The two bills in Congress, S.2756 and S.1569, propose changes in the patent system. SBANE in general, favors these bills because they both preserve the "first to invent" priority system. However, certain parts in these bills are disapproved by SBANE as follows:

A. SBANE disapproves of an arbitrary limitation on the date of invention which can be accorded to a party in a priority contest.

B. SBANE disapproves of the requirement that the applicant pays expenses in the Court of Appeals if the Patent Office takes an appeal.

C. SBANE disapproves of the publication of applications without the consent of the applicant.

D. SBANE disapproves of more than one re-examination after a patent has issued.

E. SBANE disapproves of the re-examination of patents after issuance with request to public use and prior inventorship.

2. U.S. Trademarks

A bill in the Congress, S. 766, The McClellan-Scott Bill, amends the Trademark Act of 1946. It broadens and puts more teeth in the Trademark Act. The bill is broadened to protect not just registered trademarks, but to protect against "unfair competition" which is generally defined in four categories: (1) that which is likely to cause confusion or deception as to the origin of products or services, (2) that which falsely represents goods or misrepresents other's goods, (3) that which wrongfully discloses or misappropriates trade secrets and, (4) that which otherwise misrepresents or misappropriates.

The Bill is strengthened by allowing recovery of profits, damages, court costs and attorneys' fees and permits the court to take possession of all violating paraphernalia.

SBANE favors the changes proposed by this bill because of the broadened protection against unfair competition and the increased recovery. The latter makes litigation less burdensome from an economic standpoint and so benefits small business. SBANE is generally opposed to any trademark legislation which would permit rights in a trademark to be gained even though the mark has not been used. Consequently, SBANE is opposed to S. 1568 which would afford registration rights to trademarks where only "intent to use" has been expressed.

3. U.S. Government relations to patents

A. Inventions Infringed by Government Contractors (H.R. 2898—90th Congress)

It has been proposed by the American Bar Association and H.R. 2898, that Federal agencies adopt as a policy that the government procure a patent license from the owner of any patent which will be infringed by a government procurement and that the government pay the owner a royalty no greater than the lowest commercial rate for the license. H.R. 2898 proposes that the government royalty be added to the bid of all unlicensed bidders. The ABA proposes that invalidity or non-infringement of the patent can be shown by the non-licensed bidders, whereas, H.R. 2898 proposes that the government decide these matters.

Small business may gain more than it loses from the general proposition of pre-procurement licenses. Small business usually bids only on government procurements for which it has particular competence, which usually means some patents. H.R. 2898 will put such a small business in a better bidding position.

NASA has practiced on a limited scale "Instant Licensing" which is similar to preprocurement licensing for over a year. It has been reasonably successful and does get the work done.

B. NASA and AEC Contracts

The contractor with these agencies gets no title to any invention conceived or first reduced to practice in performance on the contract. The contractor can petition the agency for a waiver of title (subject to a government license) and succeeds by showing the contractor's ability to promote the invention for the public's benefit. Big business can do this, but small businesses frequently cannot.

SBANE proposes that small business not be obliged to show the capacity to promote the invention, but only show a willingness to license others to promote the invention, in order to qualify for a waiver of title.

C. Armed Forces Contracts

The contractor with these agencies gets title subject to government license according to ASPR provisions. Clearly, these inventions are not the subject for "Instant Licensing" on pre-procurement licenses provided for in H.R. 2898.

SBANE proposes that exceptions be made to the ASPR provisions with respect to particularly significant inventions made by the contractor. SBANE proposes that the contractor in such cases need not give a royalty free license to the government; but enable the contractor to give a license for minimum royalty similar to the pre-procurement license proposed in H.R. 2898. Thus, the contractor would be rewarded for his significant invention even though he would not be able to compete with larger businesses in the implementation of the invention for government use.

PENSION PLANS

Committee Chairman: Norman R. Minor, Actuary, Johnson & Higgins, Boston, Massachusetts.

Last year SBANE discussed the concepts of Vesting, Portability, Reinsurance and Minimum Funding that have been contained in proposed Pension legislation. The Association is opposed to concepts such as these which will tend to limit or prohibit small businesses from establishing pension plans. Legislation is still being filed which contains the four objectionable elements.

This year rather than repeat the arguments of last year, we will take just one of these elements: vesting, and demonstrate why we oppose such legislation.

Prior to the early 1940's, pensions were usually paid on an out-of-pocket basis, similar to salary. The unfortunate thing was that the retirement benefit was dependent on the employer's cash flow, even after retirement. But whatever pension was paid had to be paid in that way, because of the inflexible federal tax law of the day. So, as a result, employers paid as little pension as possible, and competed for employees on the basis of wages.

Then, in the early 1940's, two changes affecting pensions were legislated by the Congress: wage controls and deferred taxes. The problem was solved; private pensions were reborn. Employers, no longer free to compete for all-too-scarce labor on the basis of wages, used the pension as a weapon in their fight for workers. Unpredictable costs no longer presented a problem, since the employer could pre-fund the cost of the pensions, and get immediate tax relief. This was indeed a fine solution to a vexing problem. Employees got higher pensions; employers got their labor force; Uncle Sam agreed to wait for his taxes.

How many people saw in that solution the seeds of today's problem? From that time, pensions took on an aspect of "wages", both from the point of view of the employee, the employer and the Internal Revenue Service.

So what's the problem? Pensions are wages; wages belong to employees. Thus the concepts of vesting and portability are sound ideas.

But wait—

First, the employee is not taxed on the money put into a qualified plan when it is put in; and

Second, neither employer nor employee pays taxes on the investment earnings during the prefunding period.

These two points are not true of wages received and invested.

So maybe pensions aren't "exactly" wages. So what are they?

What are pensions?

We feel that if everyone really understood what a pension is, the question of pension legislation could be dealt with quite effectively.

But, pensions are a mumbo-jumbo of actuarial jargon quite obviously beyond human interpretation.

Suppose an employer says: "I will give you $100 this minute." How much money does he need? That's easy, $100.

Now suppose he agrees to give you $100 one year from now. How much money does he set aside now to guarantee you the $100?

You don't know—but if he said: "how much money should I set aside if I will be earning 5% on the amount," you would know the answer, since $100÷1.05=$95.24. Which means, in effect, that if he sets aside $95.24, it will grow, with interest at 5% to $100 at the end of the year. Then he will give you the $100.

In the first instance, the employer needs $100; in the second instance $95.24. In the second case there is a condition attached; this being that the $100 is not paid until a year has elapsed.

Suppose our employer offers to pay you $100 in one year if you are still alive? Similar to the second illustration, he says that—

(1) He will earn 5% on the amount;

(2) the probability that you will die before one year has elapsed is 2%.

Now how much money should he set aside: If you said $93.33 you're correct again, since (100÷1.05) × .98=$93.33. This is to say: one must first "discount" for interest, then multiply by the probability that you will be alive to receive the $100.

Now the employer says: "I will give you $100 one year from now if you do not quit your job in the meanwhile." What amount should he set aside? Here, we are faced with still another concept. The amount set aside will grow with interest at 5%; it will be paid if you are alive (probability: 98%) and have not quit your job. Similar to the above, we know that there is a 7% chance that you'll quit your job before the end of the year. The amount to be set aside is (100÷1.05) × .98 × .98=$86.80. (That is, $100, discounted at 5% interest, then multiplied by the probabilities that you will be alive and in the same employ at year-end, equals the required amount.)

As before, we have determined the value, or wage-equivalence, at the beginning of the year of a benefit paid at the end of the year. (When talking money, time is of the essence.)

To re-cap: An employer says: "I'll pay you $100 one year from now if you satisfy certain conditions and here's the value now of that promise. You agree, and since you won't get the $100 until and unless all conditions are satisfied, you will not pay taxes on it until that time." And I.R.S. says: "Fine. I'll wait patiently for my taxes until you get your $100."

Notice that as we attached more conditions, we reduced the "price". Similarly, if the price were fixed, addition of "conditions" would increase the benefit.

Based on the wage-equivalent value of the $100, we set the benefit level, according to what value the employee has to the employer.

Suppose now some third party steps into the picture after the employer has made his promise to you, and set aside $86.80, and says that he insists the agreement be changed so as to provide that you will get a payment if you're simply alive at year-end. Now what happens?

To begin with, that third party has no right to interfere in a legally valid contracted agreement between two private parties. Our right to contract in private is constitutionally protected.

Yes, but suppose we forgot that archaic idea for a while.

Well, you say, something's got to give. Either the employer must come up with more money, or I have to settle for less than the $100.

But $86.80 is your value to the employer, as both agreed; so you'll have to be content with $93.00. ($86.80×1.05÷.98: or, simply, the value of the $86.80 at year end, with "benefit of interest and survivorship", as the Actuaries say.)

Well, you say, I'm sure glad our rights to contract in private are protected by the Constitution. This third party could sure mess up our arrangement.

Now it is granted that we have not presented a polished actuarial treatise in our example. We have been crude in our approach to such actuarial niceties as multiple-decrement theory, gain and loss, theory of a group valuation, etc., etc. (We have even assumed that 2% of a person could die in a year.) But the point is made very clearly.

We have demonstrated that pensions are a form of wages. But they are not wages in the sense of cash salary. When benefits are pre-funded, there is no instant right to the benefit. A condition must first be satisfied. The fact that there is no immediate taxable income to the employee certainly supports this argument. The pre-funding is simply an orderly way of "smoothing" the cost of the pension. It is also a way to ensure that persons may elect to retire in a given year and not have to be concerned about the employer's cash flow situation and whether or not there is money for their pensions.

Probably the clearest appreciation of the wage-equivalent theory of pensions arises in the case of the so-called "Taft-Hartley" plans. In each of these cases a committee, representing in equal voting strength the employee and the employer, decides how best to spend a sum of money over which the committee has no control. The money comes as a result of a collective bargaining agreement between Union and Management. It is the only source of funds. Employee and employer consider the benefits available in terms of a fixed budget. There are retirement benefits, death benefits, termination benefits, disability benefits, etc., etc. Each has a price tag. Benefits and benefit levels have to be juggled until a plan fits the budget. If we have just a retirement benefit, the pension level is so much; if we want a death benefit, the pension level must be lower; if we want a death benefit and a termination benefit, the pension level is still lower. Once we put a benefit package together that fits the budget, there's no money to add more benefits. If the committee has decided to omit a termination benefit in favor of a higher pension, that's that. You can't have your cake, etc.

This is similar to an individual who considers the purchase of life insurance. He looks at "Term" insurance, which provides a benefit only at death during the term and sees he can afford $10,000 of coverage. He looks at "Endowment" insurance which provides a benefit if he dies during the period or if he survives the period, and sees that, for the same money, he can afford $3,000 of coverage. After considering the relative advantages he elects to buy the Term coverage. Then, to his dismay, he is still alive at the end of the term and so gets no benefit. Has he been "gypped?" Of course not. He bought a conditional benefit. Had he satisfied the condition his money would've been returned "One hundred-fold". He didn't, and should not expect to get a refund. Should the Congress legislate such a refund? We think not.

Insurance companies also sell "life" annuities, whereby a person pays, say $1,000, and gets an annuity for life. Should the Congress legislate a refund if his life happens to end after one monthly payment of $10. Of course not.

These examples suggest that a contingency, or a condition, has a price-tag. The tougher the conditions: the greater the prize. This has always been the case. To legislate otherwise is to destroy the basis of the insurance industry.

Conclusion

We have taken just one of the many recurring elements of proposed pension legislation and discussed it, seeking its real meaning. We have shown that Vesting, so often purported to be a "protection" of the employee, is nothing more than a termination benefit, and, like the other benefits, has a price tag.

We have taken this tack, not only to demonstrate the fallacy in the treatment of Vesting in proposed legislation, but to suggest an approach for considering all elements of pension legislation.

SBANE is vitally interested in the Congress's passing legislation that will encourage the growth of private pensions and so alleviate the burden on the public pension system, and thus ease the tax burdens of the country.

SBANE suggests that poor pension legislation will force companies to discard the private pension, and go back to competing for employees on the basis of salary, thus adding to the problem of inflation, as well as forcing Social Security benefits, and taxes, up.

It is the feeling of SBANE that as the company prospers, so does the employee. Thus we believe that the views presented to the Congress over the years are equally compatible with both employee and company interests.

This mutuality of interest is amply demonstrated by the fact that the SBANE 1970 Pension Committee, chaired by an Actuary, included representatives of both labor and industry.

SBANE suggests that the private pension, so vital to this country's well-being, be accorded the type of examination suggested in this Presentation before legislation regarding it is passed.

PROCUREMENT

Committee Chairman: Donald F. Barry, President; Container Services, Inc., Lowell, Mass.

In 1961 President Kennedy notified the Department of Defense of his alarm over the declining small business percentage of total procurement—it was then at 16%. The results of this Presidential concern resulted in a steady increase in total procurement percentage to a peak of 21.8% in fiscal year 1966. At present, due to several adverse factors, the small business percentage is now back to 16%.

Small business percent of total procurement

[In percent]

Fiscal year:	
1966	21.8
1967	20.6
1968	18
1969	17.8
July–Nov. 1970	16.3

Of serious consequences to small business is also the fact that the percentage of small business set asides of total government procurement has declined by 30% in the last five years from 6.3% in 1965 to 4.1% in fiscal year 1970.

Set asides percent of total procurement

[In percent]

Fiscal year:	
1965	6.3
1966	5
1967	4.7
1968	4.4
1969	4.5
July–Nov. 1970	4.1

Based on the experience of many SBANE members in government procurement, we offer the following recommendations to stop this alarming trend in the serious small business decline in procurement.

1. SBANE recommends mandatory set asides

When the Federal Government places enormous contracts requiring large financing, production and engineering capabilities, it has an adverse effect on small business participation. When voluntary programs do not produce desired results, incentive and/or mandatory programs must be installed.

The concept of weapons systems management through total package procurement restricts small business participation on many items that normally they could produce. The program vests the contractors with maximum authority to manage the total package, eliminating the possibility of the government contracting direct with small business for the many thousands of parts and components required not only to introduce but to sustain a system in the defense inventory.

At the present time other than a voluntary small business subcontracting program, there is no way for the Department of Defense Small Business Specialists or the Small Business Administration to require participation in a definite subcontracting program.

Despite the efforts of the DOD Small Business Specialists and the Small Business Administration in coaxing and pleading with larger businesses to participate, we feel that a voluntary subcontracting program will not provide what is intended by Congress. A review of the record of the performance of the 100 largest government contractors will substantiate the fact that there are some dedicated large firms with good programs but many making only a minimal effort with a great amount of rhetoric.

For many years, SBANE has advocated a change in the weighted guidelines to provide incentive to large business for subcontracting to small business. This has been supported by Congress, small business, large business and most recently, by the President's Task Force on Small Business. We ask Congress to initiate legislation requiring a change in the weighted guidelines.

SBANE also would like to see a subcontract set aside program established in connection with the total package procurement program to be negotiated prior to the award of the prime contract. At the present time, the DOD Small Business Specialists and the Small Business Administration are powerless in efforts to channel work to small contractors.

A contractual obligation to subcontract is necessary if it is hoped to give the small businessman an opportunity to complete and participate in the total package procurement program.

2. SBANE recommends that DOD small business specialists be transferred to the SBA

After careful study of the present DOD Small Business Specialists' role in overseeing procurements for small business, this Association believes that an independent champion responsible to the SBA is needed. We believe the Small Business Specialists should be transferred from DOD to the SBA to provide them with a freer rein in their surveillance of procurements. SBANE realizes the helpfulness of the Small Business Specialists but realizes no man can equitably serve two masters, i.e. the DOD and SBA, and recommends a transfer to the Small Business Administration, so that their prime responsibility will be to help small business.

3. Direct subcontract appeals

SBANE has long advocated the need of the small subcontractor to have access to the contracting officer in the event of a contract dispute. In a report prepared for the Senate Select Committee on Small Business, by Professor Harold C. Petrowitz, dated July 28, 1966, the compelling logic for a "disputes clause" are well-presented:

"The federal boards have steadfastly refused to decide direct subcontractor appeals of any kind giving as a reason the specious argument that the subcontractor is not in privity of contract with the government. It is noted that the privity argument presents no obstacle when the government desires to enforce certain contract policies such as minimum wage requirements, examination of records, contract termination regulations to name a few. It seems clear that as far as government contracts and subcontracts are concerned, the privity concept has become outworn tradition."

4. Procurement Study Commission lacks small business representation

This Association regrets that the newly established Procurement Commission does not contain a member from the small business community. The Commission contains representatives of Congress, government agencies and larger businesses. We call your attention to the minority views of the House Committee on Government Operations which stated, "Unless the appointment of Non-Congressional members of the proposed Commission is to be made with the greatest degree of care and circumspection, a bias could well develop in favor of contractors, or in favor of Government Procurement Agencies, or in favor of large businesses over small businesses, (emphasis added) or in favor of the status quo, or in favor of Government in house capabilities over private enterprise, or in favor of almost any special interest over the taxpayers' interests."

We are looking forward with much interest to the report of this extremely important study Commission.

TRANSPORTATION

Committee Chairman: Gordon H. Fay, Associate, Systems Analysis & Research Corporation, Cambridge, Mass.

1. Need for Small Claims Courts.
2. Support H.R. 8138, S. 1653.
3. Position Against Carrier Concealed Loss and Damage Claim Rules.

Members of SBANE and other shippers and receivers of freight throughout the United States are vitally concerned about fair and reasonable settlements from transportation companies for merchandise lost or damaged during shipment. There are two areas of immediate concern where Congress can significantly improve small business's ability to receive prompt and equitable payment on loss and damage claims.

The first area of concern is fair consideration by transportation companies of smaller loss and damage claims. The second involves rules recently promulgated by the carriers which limit their liability for concealed loss and damage.

Settlement of freight loss and damage claims by carriers is not subject to ICC jurisdiction except for certain rules providing for time limits on acknowledgement and decisions on claims. There is no remedy for disputes except through the courts. The problem for small businesses is that most claims are less than $1,000 not justifying long and costly court proceedings. As a result, carriers pass off many valid claims by just saying "No" because they have learned that small business has neither the technical knowledge nor financial resources to fight. Larger companies with professional traffic managers can fight and have established a record for winning, so carriers handle their claims with more consideration.

Small businesses need a means to require carriers to give fair, impartial and timely consideration to small claims. SBANE urges that Congress take action by, (1) creating a small claims court system within the Federal courts, and (2) passing H.R. 8138 which permits the recovery of reasonable attorneys' fees in cases of successful action for recovery of damages sustained in the transportation of property. (This bill passed the Senate as S. 1653.)

The first action, the establishment of a loss and damage small claims court, is neces-

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sary because state and local small claims courts are inadequate to meet the needs. Two immediate problems arise with the local courts. First, as many claims involve interstate shipments by carriers domiciled in jurisdiction other than the claimant, the question of what court has jurisdiction can be an obstacle to seeking relief under present small claims procedures. Second, the maximum amount of claims which will be heard in small claims courts varies by state, but in general the maximum is $200. Establishment of a Federal small loss and damage claims court would provide uniform maximum claim standards (recommended level is $2,000) and would solve the jurisdictional problem by providing that the claimant's residence would govern.

The second action, passage of H.R. 8138, is a direct attack at the heart of the whole loss and damage claim problem which is the reluctance of carriers to honor valid claims. Requiring carriers to pay reasonable attorneys' fees to successful claimants should stimulate them to make reasonable settlements before the claimant brings court action. Small business does not usually bring suits against carriers because of high attorneys' fees and court costs which can easily exceed the value of the claim.

Carriers are aware of this and use this financial barrier to protect themselves when offering inadequate settlements of valid claims. H.R. 8138 removes this artificial protection and provides small business with a significant weapon in the fight to receive fair treatment.

The second major area of concern to SBANE involves rules promulgated in August 1969 by motor carriers, railroads and freight forwarders, concerning the settlement of concealed loss and damage claims. These claims cover items which were received by the consignee in apparently good condition, but upon subsequent inspection (opening of cartons, for example) the shipment was found to be damaged.

The new motor carrier rules have the effect of limiting the carrier's liability for concealed loss and damage claims and set forth numerous restrictions on the filing of such claims. Briefly, the rules state that the motor carriers will pro-rate the payment of claims among the carriers handling the shipment, taking into consideration intervening public or private warehouse handling. While appearing to be a fair method of allocating the liability over those who might have caused the loss or damage, the rule has the effect of reducing carrier liability and thereby lowering the amount which a shipper or consignee might otherwise recover. The key is the inclusion of warehouses in the pro-rate because the carriers can not collect from warehouses for their "share" and the shipper has little recourse to them under the law.

The following is an example of how the rule works. Suppose a shipment valued at $1,000 is made by common motor carrier from Cleveland to a warehouse in Columbus. After storage it is shipped via another common motor carrier to Boston, thence via a third to Portland, Me. for final delivery. The consignee inspects the package and signs the bill of lading indicating receipt of an undamaged shipment. Upon opening the package a week later, the consignee finds the contents damaged beyond repair and then files a $1,000 concealed loss and damage claim with the delivering motor carrier. The carrier accepts the claim as valid and pays the consignee $750 because under the rule the warehouse is responsible for ¼ or $250 of the claim. The warehouseman would decline payment of the claim in absence of clear proof of negligence on the basis that his only obligation is to handle materials as if it were his own. The consignee is out $250 unless he can collect from the shipper on the basis that he was the one who chose to warehouse the product.

The railroad and freight forwarder rules are even more restrictive than those imposed by the motor carriers. On concealed loss and damage, the railroads and freight forwarders set the maximum payment at 50% of the "proven net monetary loss." This means that a consignee must fully and carefully inspect every item, including opening every package, in a rail shipment at the time of delivery if he wants to recover the full value of any loss or damage. As a practical matter, such an inspection is difficult without destroying packaging to the point of making resale, storage or transportation to another location difficult. Imagine the housewife's reluctance to buy goods in opened packages which are labeled "do not accept if seal is broken!"

Aware of the concern about the rule, the Association of American Railroads (AAR) cancelled the rule effective February 1, 1970. However, the AAR advised that individual railroads may still apply the principle of the rule so that the shippers and consignees are still in the burdensome position of having to take unreasonable steps to protect themselves from the reduced liability under concealed loss and damage procedures. The freight forwarder rules are still in effect.

Clearly, the new rules put a burden on the shipper and consignee to which they have little recourse. These rules were not submitted to nor approved by the Interstate Commerce Commission (ICC). As a result of increasing shipper pressure, the ICC in December 1969 established Docket No. 35198 to investigate ICC jurisdiction over concealed loss and damage claim rules and practices of regulated carriers. On February 9, 1970 the ICC established Ex Parte No. 263, "Rules, Regulations, and Practices of Regulated Carriers with Respect to the Processing of Loss and Damage Claims." This proceeding is consolidated with Docket No. 35198 and has been established to review not only concealed loss and damage rules, but also to investigate charges by shippers and receivers of deliberate and unreasonable delay by carriers in the payment of claims where the carrier has already admitted liability.

It is the position of numerous shipper groups that the ICC does have jurisdiction and should investigate the lawfulness of the rules. SBANE urges Congress to be aware of the outcome of Ex Parte 263 and to be prepared to take action on legislation to protect shippers from carrier action which unduly limits their liability.

DEDICATION OF GREATER MIAMI JEWISH FEDERATION BUILDING

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. FASCELL. Mr. Speaker, on Monday, June 8, 1970, the Greater Miami Jewish Federation will dedicate its new building in downtown Miami. This building will house an organization which, for 32 years, has been identified with the Jewish concern for the welfare of all mankind.

Representing the fourth largest Jewish community in the United States, the Greater Miami Jewish Federation has provided direct aid to over 3 million persons, resettling more than 1.5 million in Israel, the United States, and other free lands. The federation evolved from strictly a fundraising organization to a community-service facility of broad scope, becoming the most important outlet for total Jewish philanthropic participation.

I believe it is fitting that I call the accomplishments of this organization to the attention of my colleagues, and that we wish its members continued success in their new building.

THE NEED FOR RESPONSIVENESS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. WALDIE. Mr. Speaker, the events of the past month coupled with the extraordinary reactions of the American public to those events have pointed out the profound need for the institutions of this Nation to make a very real effort to adjust to the times.

A constituent of mine, Mr. John E. Manning, of Richmond, Calif., recently wrote me describing his own views regarding this most vital and important subject.

I would like to share his words with the Members of the Congress:

RICHMOND, CALIF.,
May 17, 1970.

Hon. JEROME R. WALDIE,
Cannon House Office Building,
Washington, D.C.

DEAR MR. WALDIE: May I congratulate you on your perceptiveness and courage in attempting to reorganize the leadership of the majority party in the House of Representatives. Whatever it may have cost you in the political gamesmanship of the House, it will repay you in the esteem not only of your constituency, among whom I am proud to number myself, but among the growing number of persons who know that the time for fun and games has long since passed. If it did not pass with the assassination of President Kennedy or his brother, Senator Robert Kennedy, it did with the assassination of the Reverend Martin Luther King.

This Nation is pledged to high purposes: "life, liberty and the pursuit of happiness" in the words of the Declaration of Independence; ". . . to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity . . ." Where do we stand in achieving those high purposes now?

We are told—or is it "they," the college students; "they," the minorities; or all the other "they's"—to renounce violence and work within the system. But what of the President, who in the name of bringing an earlier end to the war in Vietnam, circumvents the system to increase the violence in Southeast Asia by sending American troops into Cambodia? This is the same President who searches for a "strict constructionist" to serve on the Supreme Court. How would a strict constructionist construe the provision of Section 8 of the Constitution: "The Congress shall have power . . . to declare war."? If in the name of shortening the war, of bringing our troops home, the making of war on another nation should have been undertaken, should not this decision have been a matter for the Congress to decide?

And yet, how much has Congress forfeited the power, perhaps the desire, to exercise the power with which it was originally entrusted by the Constitution in favor of playing games, of emphasizing form rather than substance, of dallying in the luxuries the office affords rather than pursuing the responsibilities with which the office is endowed? Congressmen visit every part of the world in pursuit of often exotic and ephemeral information and the answers to elusive problems when the most important unsolved problems this nation faces are here at home. When matters of great debate are before the Congress, the floors of its houses are nearly empty. Why should the nation listen when what is said is not worth the time of its Congressmen?

The answer, I know, is that the real work of the Congress is done in committee. But what of the high incidence of absenteeism at committee meetings and the inability of committees to hold a meeting because they lack a quorum or the presence of a chairman because they or he are junketing somewhere, or either or both are piqued by some inconsequential occurrence? And what when representatives of state government, even when headed by the Governor, appear to present testimony before a Congressional committee of which their Congressman is a member, he makes a courtesy appearance if at all?

Not only do we have laws made and shaped by Congressional staff with often, I am afraid, little understanding of the Congressmen who passed on them; but then we have their interpretation and often their distortion entrusted to the bureaucrats. What do we make of the situation in which middle bureaucrats distort the finding of scientists in the Food and Drug Administration in the transmission of those findings to the top administrators who are entrusted with guarding the nation's health? If I believed this were an unusual incident, I would not be greatly concerned; but I have heard informed opinion that makes me believe it is not.

What we come down to, I guess, is, "Who is minding the store?" Who is making the decisions? Who is running the country?

It is my understanding of the Constitution and what I have learned about it by my study and reading that the founding fathers intended that the members of Congress—the representatives of the people—should make the laws and establish the policy by which the affairs of the people should be conducted. It is hard in the light of current events to believe that such is the present condition of this country. What some of the young militants may be saying is that they are in contempt of our nation's government because its most representative body, the Congress, evidences contempt for itself.

There is talk of bringing the system to a halt, of overthrowing the establishment, but is there a system to halt or an establishment to overturn? Aren't we in the position we are with respect to the environment, our cities, our racial antagonisms, the violence of our young and of our military precisely because there is no system, no establishment to order these matters? There should be; there must be. The drifting must end and a reordering of priorities must be undertaken.

When this nation puts its mind and will to work, it can accomplish great things. I cannot believe that a nation that can put a man on the moon cannot bring its men home from Vietnam and Cambodia where they never should have been and then proceed to end poverty and racial hatred and intolerance in this country. I hope you will do all within the power of your office to forward these matters.

I write to you, Mr. Waldie, because you are the closest representative I have in the Federal government and because you have shown courage in trying to make the House of Representatives more responsive to the people's will. But I shall send copies of this letter to President Nixon, Senator Cranston and Senator Murphy for I would that they be as responsive as yourself to the needs of this nation.

Thank you for your patience in hearing me out.

Sincerely yours,

JOHN E. MANNING.

THE 1971 BUDGET "SCOREKEEPING" REPORT—AS OF MAY 21, 1970

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. MAHON. Mr. Speaker, the staff of the Joint Committee on Reduction of Federal Expenditures prepares periodic "budget scorekeeping reports" showing how various actions of the Congress affect the President's budget estimates. The latest of these reports is cumulative to May 21, 1970, and shows the impact of actions by the Congress during the current session on the budget estimates submitted in February for both fiscal years 1970 and 1971 as they have been revised and amended to that date by the President.

In briefest summary, the report discloses that as of May 21, Congress, in all its final actions affecting the fiscal 1971 budget:

First. Has added about $383 million above the budget in new budget obligational authority, and

Second. Has added about $420 million to the budget estimate of outlays expenditures.

This most recent scorekeeping report on the 1971 budget has been mailed to all Members of the Congress. It is the only generally available source showing how congressional actions on each appropriation bill and each legislative bill directly affects the finances of the Federal Government. The report brings together all facets of the Federal budget; that is, appropriations, spending authorizations in basic legislation other than appropriation bills, the status of revenue proposals, the estimated cost of proposed legislation, and it shows what the actions or inactions of the Congress on these many proposals do to the financial outlook for the Federal Government.

This report is entirely factual and objective. It is based upon the best information the committee staff has been able to obtain from various sources.

CONGRESS ACTS ON BUDGET AUTHORITY, NOT EXPENDITURES

Except for overall spending ceilings, Congress, for the most part, acts upon budget requests in terms of new budget—obligational—authority, mostly in the form of appropriations. Appropriations provide obligating authority which may be paid out—expenditures—over a period of several years. It is not difficult to keep track of what Congress does to various appropriation requests in terms of new budget obligational authority. Except for a few indefinite type appropriations, congressional actions on appropriation requests are in precise terms and can be readily tabulated and accounted for.

However, the budget is generally thought of and expressed in terms of projected budget outlays or expenditures. Converting the effects of congressional actions on appropriations providing obligating authority, which may be spent over a period of years, into the effects of such actions on estimated outlays or expenditures in a particular budget year is far from an exact science; precise translation is not possible. The best that can be provided are approximations or estimations of how various congressional actions affect the outlay or expenditure budget for a given year.

Mr. Speaker, it is important to a good understanding of the figures to emphasize this difference between what the Congress does to the budget in making an appropriation and the effect of such action on what the Congress does to the budget in terms of outlays or expenditures. A reduction in appropriations is an equivalent saving in expenditures but all of that saving—in terms of budget outlays—may not be realized in the first year but rather over a period of several years. This is a source of some confusion each year when reporting on what the Congress has done in acting upon various legislative and appropriation requests in the President's budget.

This report by the staff of the Joint Committee on Reduction of Federal Expenditures is an attempt to provide the Congress with a reasonable translation of the effects of various Congressional actions on budget authority or appropriation requests into the effects of such actions on the outlay or expenditure budget which people generally think of as the Federal budget.

The scorekeeping report is about 24 pages of largely statistical data related to the budget and requires some study for a full understanding of a necessarily complex subject.

SCOREKEEPING REPORT—BILL BY BILL

Supporting table No. 1 is the table that shows, bill by bill, what the Congress is doing to change the outgo side of the President's budget. I am inserting this table in the RECORD.

By referring to the various subtotal lines on the table, the cumulative change from the budget estimates can be readily determined.

This table is in several parts.

APPROPRIATION BILLS

The first part of the table shows the effects of actions taken—to May 21—at this session on appropriation bills.

The report indicates that the net effect of House actions on appropriation bills to May 21 have resulted in increasing 1971 appropriations of budget authority by about $228 million and increasing estimated outlays over the President's budget estimates by about $159 million. The outlay figure includes the effect in fiscal 1971 of the Labor-HEW-OEO appropriation bill for fiscal 1970 passed at this session—the budget for fiscal 1971

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submitted in February did not reflect final congressional action on this appropriation bill, but did reflect final congressional action on all other appropriation bills for fiscal 1970, except, of course, the current supplemental.

BACKDOOR BUDGET AUTHORITY

The second part of this table shows changes in the budget made in the form of new budget authority through the so-called backdoor appropriations process. To May 21, the House has voted $224 million in budget authority over the President's budget requests. Since only contract authority is involved, no change is shown for outlays. The figures shown in parentheses are for actions taken during the last session on bills still pending before the Congress.

LEGISLATIVE BILLS MANDATING SPENDING

The third part of this table reflects estimates for budget increases or decreases which result from congressional action on legislation containing mandatory spending authorizations such as pay or pension increases for which spending does not wait until an appropriation is made as is the case for most legislation authorizing new or expanded programs.

The net effect of House actions to May 21 for such legislative items is a decrease in 1971 budget authority of $89 million and a decrease in 1971 budget outlays of about $6 million—largely as a result of a later effective date than proposed in the budget for the family assistance program legislation. This does not reflect enacted or pending Federal or postal pay increases which were proposed by the President as increases to his own February budget and therefore not accounted for as congressional increases in the budget.

A similar tabulation, giving the details of congressional actions affecting fiscal 1970 estimates, is included at the bottom of this table.

OVERALL CONGRESSIONAL EFFECT

Translating these actions as of May 21 on the fiscal 1971 budget, it will be seen that all bills—appropriation and legislative—enacted as of this time—which increase or decrease the President's budget—have added about $383 million in new budget obligational authority and about $420 million in budget outlays to the budget totals.

ACTION ON REVENUE SIDE OF BUDGET

The surplus or deficit in a budget is the difference between outlays and receipts. Thus, to determine what Congress has done to the deficit so far one must point to the increase in estimated outlays as a congressional increase in the deficit, unless that increase is offset by an increase in taxes also voted by the Congress. The report also keeps track of revenue proposals and congressional action thereon—table 3 of the report.

There have been some revenue increases voted by the Congress amounting to about $146 million more than the budget anticipated.

SURPLUS-DEFICIT SITUATION

The increase in the projected 1971 deficit chargeable to the Congress to date is the difference between the $420 million increase in outlays offset by a $146 million increase in revenues, or about $274 million.

In his statement of May 19, 1970, the President revised his February budget estimates for fiscal 1971 to reflect a projected deficit for the year of about $1.3 billion—a change of $2.6 billion from his February projection of a $1.3 billion surplus. This latest projection included some actual and anticipated congressional actions. These surplus and deficit estimates are on the unified budget concept. They do not reflect changes in the national debt.

For Federal funds—funds not earmarked for social security and such purposes—the deficit is now projected at more than $10 billion. This more nearly reflects the true increase in the Federal debt expected for fiscal 1971.

The February budget included about $5.4 billion for proposals which offset the projected deficit. These were the new revenue proposals, postal rate increases, legislative proposals resulting in negative budget outlays and the President's projected program terminations, restructuring and reductions—most of which require legislative action to achieve them. Had the budget not reflected estimates for these things the deficit, on a unified budget basis, would presumably have been projected at $4.1 billion instead of a surplus of $1.3 billion.

On the basis of the May 19 reestimates announced by the President, proposals which offset the projected deficit had increased from $5.4 billion to $8.9 billion, including the speed up in estate and gift tax collections, the leaded gasoline tax and some additional postal revenue increases not in the February budget estimates. Eliminating these offsetting proposals from the May 19 budget estimates would increase the projected deficit for 1971 to $10.5 billion from the President's stated $1.3 billion.

Going through the same type of calculations for just the Federal funds part of the budget, the May 19 projected deficit for these funds was $10 billion. Adding the various offsets would increase this deficit in Federal funds to about $18.4 billion.

Carrying the matter a little further and adding the $3.2 billion loss in projected budget revenue recently estimated by the staff of the Joint Committee on Internal Revenue Taxation, these possible deficits for 1971 could be as high as $13.7 billion on the unified budget basis and $21.6 for the Federal funds portion of the budget.

The table referred to follows:

SUPPORTING TABLES

SUPPORTING TABLE NO. 1.—EFFECT OF CONGRESSIONAL ACTIONS DURING THE CURRENT SESSION ON INDIVIDUAL BILLS AFFECTING BUDGET AUTHORITY AND OUTLAYS (EXPENDITURES) (AS OF MAY 21, 1970)

[In thousands of dollars]

Items acted upon	Congressional actions on budget authority (changes from the budget) House (1)	Senate (2)	Enacted (3)	Congressional actions on budget outlays (changes from the budget) House (4)	Senate (5)	Enacted (6)
Fiscal year 1971:						
Appropriation bills (changes from the 1971 budget):						
Labor, Health, Education and Welfare, and related agencies, 1970 (H.R. 15931, Public Law 91-204)				[1] +248,000	[1] +248,000	+248,000
Education (H.R. 16916)[2]	+319,590	+700,597		+215,000	+367,000	
Legislative Branch (H.R. 16915)	−9,394			−8,750		
Treasury, Post Office, and Executive Offices (H.R. 16900)	−73,053			−65,000		
Second Supplemental, 1970 (H.R. 17399)				−19,700		
Independent Offices and Department of Housing and Urban Development (H.R. 17548)	+173,389			−114,650		
State, Justice, Commerce, the Judiciary and related agencies (H.R. 17575)	−136,949			−50,000		
Interior and related agencies (H.R. 17619)	−731			−3,350		
Transportation and related agencies (H.R. 17755)	†−44,635			†−43,000		
Subtotal, appropriation bills	+228,217	+700,597		+158,550	+615,000	+248,000
Legislative bills with "backdoor" spending authorizations (changes from the 1971 budget):[3]						
Navajo Road (S. 404)		(+5,000)				
Land and water conservation (S. 2315)	†+30,000	(+30,000)				
Unemployment trust fund (H.R. 14705)	[1] +194,000	+194,000	†+194,000			
Outdoor advertising controls (S. 1442)		(+15,000)				
Federal-aid highways (H.R. 14741)	(+26,000)					
NSLI trust fund for veterans home loans (H.R. 9476)				(†+1,000,000)		
Subtotal, "barkdoor"	+224,000	+194,000	+194,000			

Footnotes at end of table.

Items acted upon	Congressional actions on budget authority (changes from the budget) House (1)	Senate (2)	Enacted (3)	Congressional actions on budget outlays (changes from the budget) House (4)	Senate (5)	Enacted (6)
Legislative bills with mandatory spending authorizations (changes from the 1971 budget):						
Additional district judges (S. 952)	−2,370	[1] +1,473	††−727	−2,370	[1] +1,473	††−727
Court leave for Federal employees (H.R. 12979)	(N.A.)			(N.A.)		
Uniform relocation assistance (S. 1)		(N.A.)			(N.A.)	
Employee health benefits (H.R. 16968)	†+140,000			†+140,000		
Defense: overseas mailing privileges (H.R. 8434)	(+8,900)			(+8,900)		
Military lawyers retention (H.R. 4296)	(+7,000)			(+7,000)		
Family separation allowance—residence (H.R. 110)	(+17,000)			(+17,000)		
Family separation allowance—POW (H.R. 9486)	(N.A.)			(N.A.)		
Air evacuation subsistence (H.R. 9654)	(+50)			(+50)		
Dependents' health care (H.R. 8413)	+255			+255		
Reserve retirement—Berlin-Vietnam (H.R. 3813)	(N.A.)			(N.A.)		
Reserve retirement—aviation midshipmen (H.R. 11265)	(N.A.)			(N.A.)		
Legislative bills with mandatory spending authorizations (changes from the 1971 budget)						
Public Health Service retirement (S. 2452, Public Law 91-253)	+259	[1] +259	+259	+259	[1] +259	+259
Family assistance (H.R. 16311)	−450,000			−350,000		
Federal lands for parks (reduces offsetting receipts) (S.1708)		(N.A.)			(N.A.)	
Foreign Service retirement (Public Law 91-201)	(N.A.)	(N.A.)	(N.A.)	(N.A.)	(N.A.)	(N.A.)
Veterans' hospital care for 70-year-olds (H.R. 693)	(+7,000)	(+7,000)	(‡)	(+7,000)	(+7,000)	(‡)
Veterans non-service-connected benefits (H.R. 372)	(+8,538)			(+8,538)		
Veterans education assistance (Public Law 91-219) [4]	[1] +185,500	[1] +185,500	+185,500	[1] +169,000	[1] +169,000	+169,000
Veterans additional $5,000 insurance (S. 1479)	+45,000	(+45,000)	(‡)	+45,000	(+45,000)	(‡)
Veterans compensation increase (S. 3348)		+114,370			+114,370	
Redefine "child"—(dependency compensation) (H.R. 10106)		+6,900	††+3,552		+6,900	††+3,552
Railroad retirement (H.R. 15733)	−7,700			−7,700		
Subtotal, mandatory	−89,056	+308,502	+188,584	−5,556	+292,002	+172,084
Subtotal, legislative bills	+134,944	+502,502	+382,584	−5,556	+292,002	+172,084
Total, fiscal year 1971 [5]	+363,161	+1,203,099	+382,584	+152,994	+907,002	+420,084
Fiscal year 1970:						
Appropriation bills (changes from the revised 1970 budget):						
Foreign Assistance (Public Law 91-194)	[1] −150	[1] −150	−150	[1] −100	[1] −100	−100
Labor, Health, Education, and Welfare and Related Agencies (H.R. 15931, Public Law 91-204)	[1] +567,000	[1] +567,000	+567,000	[1] +335,000	[1] +335,000	+335,000
Second Supplemental, 1970 (H.R. 17399)	−153,957			−121,300		
Subtotal, appropriation bills	+412,893	+566,850	+566,850	+213,600	+334,900	+334,900
Legislative bills with spending authorizations (changes from the revised 1970 budget):						
Food for needy children (Public Law 91-207)				[1] +30,000	[1] +30,000	+30,000
Veterans education assistance (Public Law 91-219)	[1] +107,400	[1] +107,400	+107,400	[1] +94,000	[1] +94,000	+94,000
Airports and airways development (Public Law 91-258)			+840,000			(N.A.)
Subtotal, legislative bills	+107,400	+107,400	+947,400	+124,000	+124,000	+124,000
Total, fiscal year 1970	+529,293	+674,250	+1,514,250	+337,600	+458,900	+458,900

[1] Reflects conference or final action for comparability.

[2] $425 million budget authority ($212,000,000 outlays) for impacted area school aid, carried in budget as "proposed legislation," is regarded as budget appropriation request for scorekeeping purposes although no formal amendment has been transmitted.

[3] "Backdoor" refers to budget authority and outlays provided in basic legislation not requiring further appropriation action.

[4] Congressional increase of $185,500,000 subsequently included in budget amendment (H. Doc. 91-312).

[5] Excludes actions taken in previous session, shown in parentheses above.

‡Subject to or in conference.

†Committee action.

††Pending signature.

N.A.—Not available.

QUESTIONNAIRE

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. WILLIAM D. FORD. Mr. Speaker, in March of this year, I mailed questionnaires to each of the more than 140,000 homes in my congressional district, the 15th of Michigan, to give my constituents an opportunity to express their views on some of the many complex issues facing our Nation today.

This was the sixth consecutive year that I have conducted a questionnaire survey. The response, as usual, was very gratifying. The number of replies was so great it has taken volunteer workers in my district office nearly 2 months to tabulate the results.

I would like to note that the first set of questions on Vietnam were similar to questions asked in a national Gallup poll, also conducted in March. In giving the tabulations on these replies, I have also included the national sample results for the same question. It should be kept in mind that both polls were taken well over a month before President Nixon's decision for direct military involvement in Cambodia. The questionnaire follows:

1. VIETNAM

The War in Vietnam continues to be one of our nation's most perplexing problems. Which of the following four plans do you think the United States should follow:

[In percent]

	15th District	National
A. Withdraw all troops from Vietnam immediately	22	21
B. Withdraw all troops by the end of 1970	35	25
C. Withdraw all troops, but take as many years to do this as are needed to turn the war over to the South Vietnamese	36	38
D. Send more troops to Vietnam and step up the fighting	7	7

NOTE—The Gallup poll totals also included 9% no opinion.

President Nixon has proposed a plan to Vietnamize the war. If this plan does not succeed, because of the inability of the South Vietnamese to effectively carry on the combat, what, in your opinion, should be done?

	Percent
A. Continue steady U.S. troop withdrawal	60
B. Increase U.S. troops	3
C. Make all-out effort for military victory	25
D. Other	12

2. MILITARY SPENDING

Military spending has now reached an annual rate of nearly $80 billion. Opponents claim that this spending should be drastically reduced, and the money shifted to help solve crucial domestic problems. Proponents say that continued high military spending is vital to the security of our nation? Which of the following most closely represents your view?

	Percent
A. Military spending should be maintained at the present level	29
B. Military spending should be substantially reduced	65
C. Military spending should be increased	6

3. BUDGET PRIORITIES

If the Vietnam war ends, and budget pressures cease, which of the following should be given top priority by the President and Congress?

(The following categories are listed in order of the number of votes they received.)

XUM

1. Air and Water Pollution.
2. Crime Prevention and Control.
3. Poverty and Hunger.
4. Aid to Education.
5. Reduce Taxes.
6. Health Research.
7. Space Research.
8. Defense, including the ABM.
9. Foreign Aid.
10. Other (Common suggestions were drug control, stop inflation, reduce the national debt, consumer protection and population control).

4. AID TO EDUCATION

Congress recently added more than $1 billion to President Nixon's recommended budget for education, which included aid for hardpressed local school districts to operate elementary and high schools. President Nixon vetoed the increase. Which of the following most closely represents your views:

	Percent
A. Federal aid to education should be increased	50
B. Federal aid to education should be maintained at about the same level	25
C. Federal aid to education should be decreased, and more of the operating costs should be raised by increasing taxes:	
(1) In the local school districts	9.5
(2) At the state level	15.5

5. THE DRAFT

Which of the following proposals most closely fits your views in regard to draft policies under the Selective Service System?

	Percent
A. Continue the present lottery system with student deferments	23
B. Continue the lottery system, but do away with student deferments	29
C. Eliminate the draft, and substitute professional, all-volunteer Armed Forces	41
D. Others	7

6. VOTING AGE

Would you favor lowering the minimum voting age to 18?

	Percent
No	54
Yes	46

What do you believe to be the best age to begin voting?

(These figures represent a breakdown of the 54% who opposed lowering the voting age to 18.)

	Percent
Age 19	4
Age 20	8
Age 21	88

7. NATIONAL PROBLEMS

List in order of importance the three most important problems facing our nation today. (The following are listed in order of the number of times they were mentioned)

(1) Crime
(2) Pollution
(3) Viet Nam
(4) Poverty & hunger
(5) Taxes
(6) Inflation
(7) Education
(8) Civil disorder
(9) Overpopulation
(10) Racial problems
(11) Drug abuse
(12) Health

TRIBUTE TO HON. LESLIE C. ARENDS

HON. ROBERT T. STAFFORD

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1970

Mr. STAFFORD. Mr. Speaker, for many years it has been an honor and a pleasure to have served under the leadership of the House Republican whip. Throughout my tenure of service in this body, the Honorable LESLIE ARENDS has continually displayed qualities of leadership and legislative expertise that have seldom been matched. A wise and temperate leader, he has earned the respect of all of the Members of the House of Representatives, regardless of their political persuasion.

Serving as one of LES ARENDS regional whips, I have quickly come to recognize the welcome effect of this man's honesty and diligence. For 27 years he has labored long and hard for effective legislation, never sacrificing integrity for victory and always preserving friendship, no matter how close the contest.

It has often been said that the true mark of excellence and quality is the ability to endure the passing of years without the loss of brilliance and character. This certainly is that case with the distinguished gentleman from the 17th District of Illinois. He has served his people and the Congress for 18 terms. There are only four others serving in this House who have dedicated themselves to public service as a Representative longer. As a knowledgeable member of the Armed Services Committee, and senior Republican member of that committee, the House Republican whip has, without fail, been in the forefront of the vigorous and successful efforts to provide our country with a strong foreign policy and a credible national defense. Ever willing to listen to differing views, LES ARENDS has always approached any legislation and every problem with a studied and firm resolve to do that which is best for his country and his party.

Yet beyond his capabilities as a legislator, we have come to know LES ARENDS as a man of good will and good humor. A gentleman and a trusted compatriot, LES ARENDS is and will continue to be a credit to this body and to the people he so ably represents.

Mr. Speaker, I know that we all join together to congratulate the distinguished gentleman from Illinois, the honorable LESLIE C. ARENDS.

DIMINISHING INFLATIONARY PRESSURES

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. MYERS. Mr. Speaker, one of the most persistent ills facing all Americans today is inflation. We face it every day when we shop at the grocery store, when we buy clothes, and when we try to get an auto loan or purchase a house.

But if you look at the statistics—the so-called economic indicators—one can see that the inflationary pressures which built up so strongly during the mid-1960's and into 1970's are now beginning to recede. This has been reflected in the continued decline—albeit small, but nonetheless a drop—in interest rates and the easing of general financial market conditions.

Note well that while the administration is advising us that the anti-inflation program is working, that the policies are on track, we have also heard from private economists saying the very same thing.

Only a few days ago, one of the Nation's leading brokerage house economists, Albert Cox, chief economist at Lionel D. Edie & Co., a division of Merrill Lynch, Pierce, Fenner & Smith, told the American Management Association that the United States has set a proper economic course.

More recently, the Organization for Economic Cooperation and Development, a European-based economic group, forecast an upturn in the U.S. economy in the second half of this year.

Thus, while the struggle against inflation occupies a major part of everyone's attention—and the administration's efforts—I believe the necessary pain of adjustment we now feel will soon subside.

Although we are still in the midst of an absolutely necessary transition period, I believe the next major economic turn will be an upward movement—and that means the beginning of less pain—and diminished inflationary pressures.

CONGRESSIONAL MEDAL OF HONOR SOCIETY SUPPORTS ROTC

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. TEAGUE of Texas. Mr. Speaker, under leave to extend my remarks in the RECORD, I wish to include a copy of the resolution adopted by the Congressional Medal of Honor Society reaffirming their belief in the concepts of the ROTC program in this country.

The resolution follows:

RESOLUTION OF CONGRESSIONAL MEDAL OF HONOR SOCIETY OF THE UNITED STATES

Whereas the Congressional Medal of Honor Society of the United States is composed of individuals who have sworn to defend our country against all enemies, foreign and domestic, and

Whereas its members are citizens concerned with the future leadership of our armed services, the Congressional Medal of Honor Society of the United States in a regular business meeting in its biennial convention at Houston, Texas,

Resolved, That it reaffirms its belief in the concept of civilian control of the armed forces; be it

Resolved further, that the members of the society believe that it is in the best interest of our country that Army, Navy and Air Force ROTC programs and acadamic instruction be retained on civilian campuses; and be it

Resolved further, that, inasmuch as the society's interest in ROTC transcends the political and the philosophical, the members of the society believe that through obtaining a major portion of the officers from civilian oriented institutions of higher learning, the armed services and the Nation will continue to benefit from the leadership introduced from this source.

Approved and passed this 10th day of October 1969

ARTHUR ANDERSEN & CO. RAPS PLANNED CHANGES IN MERGER ACCOUNTING

HON. SAMUEL N. FRIEDEL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. FRIEDEL. Mr. Speaker, a recent article in the Wall Street Journal raises some very serious questions, particularly for those of us who sit on the Commerce Committee. The article is headed "Arthur Andersen & Co. Raps Planned Changes in Merger Accounting."

The changes alluded to are those being considered by the accounting principles board of the American Institute of Certified Public Accountants. These changes are attacked by the prominent accounting firm of Arthur Andersen & Co., according to the article, as so questionable that their implementation would make it inevitable that the courts would enforce some correction.

In addition to the brief cited in this article, other material concerning these changes has alluded to the significant economic impact which could follow from the board's action. It has been claimed that the great majority of mergers would not qualify under the board's criteria, that the effects of this accounting decision will reach far beyond the accounting profession and deep into our entire economic structure. Changes with such great effect would appear to properly be in the legislative province. They are matters with which the Commerce Committee has particular concern. Serious questions arise when positions of such magnitude and impact are formulated by Government agencies or by groups in the private sector and not by Congress.

I include the Wall Street Journal article in the RECORD at this point:

ARTHUR ANDERSEN & CO. RAPS PLANNED CHANGES IN MERGER ACCOUNTING—ATTACK CIRCULATED BY FIRM SEES PRINCIPLES BOARD'S PROPOSALS HURTING INVESTORS, PROFESSION

NEW YORK.—The fight over pooling of interests escalated as Arthur Andersen & Co., one of the nation's largest accounting firms, circulated a stinging denunciation of the stricter merger rules proposed by the Accounting Principles Board, the profession's top rulemaking body.

The Chicago firm charged that the draft proposals before the board, if adopted, "would cause great injury and damage to public investors" and lead to chaos in the preparation of business financial statements. "Attempts at enforcement," the Andersen firm predicted, "would result in eventual disaster for the accounting profession."

Arthur Andersen said the principles board's proposals are "so questionable" that their implementation would make it "inevitable that . . . (the) courts would enforce some corrections." Some corporations have threatened legal action against an accounting firm that would hold them to the proposals if they become final.

The Andersen firm's comments came in a printed 23-page brief hearing tomorrow's date but already sent to members of the principles board and to the Securities and Exchange Commission. A copy was obtained from sources outside the firm, but last evening the firm said it was mailing copies to the press.

The substance of the Chicago firm's views came as no great surprise, but the vehemence of its language was probably unsurpassed among the more than 300 letters of comment the principles board has received on its "exposure draft" on merger accounting. Leonard Spacek, head of Arthur Andersen & Co., has been outspokenly critical of the principles board's proposals.

STUDY MADE IN 1968

In addition, the Chicago firm was responsible for a 1968 research study that recommended a ban in pooling of interests but otherwise differed sharply from the merger proposals currently before the principles board. In its current brief, Arthur Andersen essentially reiterates the study's recommendations.

Leonard M. Savole, executive vice president of the American Institute of Certified Public Accountants and considered an advocate of the exposure draft, last night declined to comment in detail on the Andersen firm's criticisms. Mr. Savoie said the draft was admittedly tentative, but "we think it represents a reasonable solution to a difficult problem."

In a pooling of interests, two merged companies are treated as though they always had been combined. The two combine their current financial results and restate past results to reflect the merger. The acquiring company carries its newly acquired assets at the values given them on the old company's books, no matter how unrealistic. The acquiring company isn't required to amortize—deduct from future earnings—any excess it paid for a concern over the book value of its assets.

The board's exposure draft would limit poolings of interests to mergers effected by an exchange of common stock for common stock. Also, among other restrictions, no company entering a pooling could be more than three times the size of its merger partners.

If a merger failed to qualify as a pooling, it would be accounted for as a "purchase." The acquiring concern would enter the acquired assets on its books at their fair value at the time of merger. The difference between the total value of identifiable acquired assets and the overall cost of the acquisition would be termed "goodwill." This goodwill would have to be charged against future earnings over 40 years or less.

TREATMENT OF GOODWILL

The Andersen firm strongly agrees that acquired assets be given their fair value, but it strongly advocates that any resulting goodwill immediately be charged off against the acquiring company's surplus, rather than against its future earnings. It contends that regarding goodwill as an asset to be written off would exaggerate the combined company's assets. This "could be as disastrous" as accounting practices that "contributed to the financial collapse of 1929," the Andersen brief said.

It also argued that charging goodwill against earnings was arbitrary and would misrepresent a company's post-merger earnings. It attacked the proposed three-to-one size test as discriminatory and arbitrary.

The Andersen recommendations included no size test. They also said the same accounting should be followed regardless of whether a company paid cash, stock or debt issues for another company.

The 18-member principles board made public its exposure draft in early March and invited public comment to be submitted by tomorrow. The board is scheduled to consider the draft at its meeting next month. A two-thirds vote is required to adopt the draft as a formal opinion binding on the nation's accountants.

SIGNIFICANT LABOR LAW DECISION

HON. SHERMAN P. LLOYD

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. LLOYD. Mr. Speaker, the Supreme Court has handed down a significant decision which allows an injunction against some strikes that are in violation of a no-strike agreement. The Taft-Hartley Act of 1947 has been to encourage peaceful settlement of disputes through arbitration, collective bargaining and no-strike, no-lockout contract agreements. Yet the Court's decision in the Sinclair case in 1962 prohibited injunctions in the Federal courts against strikes that were in violation of no-strike contracts. There has clearly been a discrepancy between the intent of Congress and the Sinclair ruling.

An editorial published in today's Washington Post is in my view an excellent analysis of the Supreme Court's decision.

The editorial follows:

THE SUPREME COURT: NO-STRIKE CONTRACTS

The Supreme Court's decision that some strikes in violation of a no-strike agreement may be enjoined in the federal courts is an important step in modernization of labor law. The 1962 decision in the *Sinclair* case, which outlawed anti-strike injunctions in the federal courts even though the labor contract in question contained a no-strike clause and provided for binding arbitration of grievance disputes, had long been under challenge. The court, quite properly in our view, acknowledged its error and in effect made the dissenting opinion of 1962 the law of the land.

The problem before the court on both occasions was one of reconciling the Norris-LaGuardia Act forbidding the use of injunctions to suppress the activities of organized labor and the Taft-Hartley Act regulating labor-management relations. In 1962 the court, with Justice Black as spokesman, took a very literal view of the Norris-LaGuardia provision denying federal courts jurisdiction "to issue any restraining order or temporary or permanent injunction in any case involving or growing out of any labor dispute . . ." Congress did not specifically modify this language when it passed the Taft-Hartley Act in 1947, but it adopted a comprehensive labor-management policy and left the job of reconciliation to the courts. We agree with Justice Brennan's comment that this task involves "more than concentration upon isolated words." The thrust of Taft-Hartley and later statutes is to encourage arbitration and the peaceful resolution of industrial disputes. That policy was being undercut by the 1962 decision allowing unions to strike in violation of their own voluntary agreements, with immunity from any effective restraint. In those circumstances, the reasonable course for the court was to modify its own view of the law—a view that seemed out of harmony with congressional intent.

The result is not less desirable because it was made possible in part by changes of personnel on the court. Only one member who participated in both decisions changed his mind, and Justice Stewart gracefully acknowledged the switch by quoting Justice Frankfurter: "Wisdom too often never comes, and so one ought not to reject it merely because it comes late."

Justice Black, in dissent, wrapped himself in the robes of strict constructionism and lectured the majority on the evils of legislating from the bench. It was a very strange doctrine that he evolved, however, to perpetuate his own view of the Norris-LaGuardia Act. When the law has once been settled by the Supreme Court, he said, any change in that interpretation "is no different in effect from a judicial alteration of language that Congress itself placed in the statute."

Noting that Congress had not acted on the bills which sought to overturn his 1962 opinion, he assumed that this was equivalent to an expression of the congressional will. Why should the court take upon itself the responsibility for enactment of the amendment that Congress refused to adopt? But this is clearly a distortion of what happened. Congress never really came to grips with the problem growing out of the Sinclair decision and a subsequent one making it possible for strikers to shift injunction cases out of state courts (where Norris-LaGuardia did not reach) into federal courts. It would certainly be far-fetched to assume that its silence was equivalent to enactment of a policy.

Instead of encroaching on the legislative function of Congress, the Supreme Court did nothing more in this case than to correct its own error. We surmise that the current reconciliation of the two statutes will be far more acceptable to a majority in Congress than was the previous ruling. In any event, the present court has an obligation to interpret statutes in accord with its own view of the intent of Congress with due deference to precedents that are still worthy of respect.

PROPOSAL TO ELIMINATE INJUSTICE OF STATE OR LOCAL INCOME TAXES ON OUT-OF-STATE RESIDENTS

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. HUNT. Mr. Speaker, I am introducing today a proposal which is intended to alleviate the highly inequitable and grossly unfair situation whereby a State or one of its political subdivisions imposes a tax on the income of an individual, legally residing in another State, who happens to commute to work at a Federal installation within the taxing jurisdiction of such State or political subdivision. This penalty has long plagued New Jersey residents who commute to work at the Philadelphia Naval Shipyard, many of whom travel by boat and never set foot upon soil under the jurisdiction of the city of Philadelphia. A comparable situation exists in the district of my colleague, the Honorable Richard White of Texas, in that a substantial number of his constituents commute across the Texas State line to work at the White Sands Missile Range and are forced to pay the New Mexico State income tax. Another factor which makes these situations very similar is the fact that neither the State of New Jersey nor the State of Texas levy a State income tax against which reciprocal tax credits might be allowed.

The intent of the proposal is to prohibit a State or one of its political subdivisions from taxing the incomes of out-of-State residents who work on a Federal installation in the taxing State, "unless such State or political subdivision thereof provides to such person material and proportionate benefits and protection." It is integrally related to a measure that I first introduced in the 90th Congress, and again in the present Congress, which takes a broad approach to the problem inasmuch as it would prohibit any State or political subdivision thereof from levying taxes on the income of any person who is not a resident of such State. The proposal now before us, however, takes a more limited approach in that it would apply only to those cases where an out-of-State resident works at a Federal installation which is situated within a taxing jurisdiction comprising the State or one of its political subdivisions.

In my estimation, it is this situation which highlights the injustice and inequity of taxes on the incomes of out-of-State residents. First, from the vantage point of having representation where one is required to pay taxes, those who commute to work to a Federal installation from another State have as much a right as residents who pay a tax on income at an equal rate to be represented in the councils of government which determine how their taxes are to be spent. Second, and more significantly, is the fact that those who work at a Federal installation and live in another State realize the least amount of benefits from the taxes paid to the surrounding State or adjacent municipality. Although the courts have, to my knowledge, never voided taxes of this nature on the grounds of discrimination by class or equal protection, there are ample precedents for taxing jurisdictions levying a lesser rate of income tax on residents, and these taxes, too, have been upheld by the courts. This strengthens my belief that a legislative policy should be adopted so as to protect that class of out-of-State resident citizens paying a State or local income tax in a foreign state, disproportionate to the benefits received, who have no other representation in this matter than we in Congress.

I respectfully urge the Members on the House Judiciary Committee to give their earnest attention to this subject on behalf of the thousands of individuals around the country who seek relief from this injustice. I encourage the sponsorship of the Members who would like to demonstrate their support for this proposal.

As the text of the measure is brief, I include it at this point in my remarks:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 106 of title 4, United States Code, is amended by adding at the end thereof the following new subsection:

(c) No State or political subdivision thereof may levy or collect any income tax on income received from transactions occurring or services performed within a Federal area by any person who does not reside within such Federal area or within the State wherein such Federal area is located and who commutes to such employment, unless such State or political subdivision thereof provides to such person material and proportionate benefits and protection.

VIEWS OF A FORMER HAWK

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. WALDIE. Mr. Speaker, much of the heavy mail I have received on the subject of the President's decision to place American troops inside Cambodia, has come from informed and concerned citizens who have been supporters of the war effort in Vietnam.

While not all have changed their opinion, many have done so, and have gone to some length to describe to me their reasons for doing so.

Mr. Speaker, I would like to include in the Record a letter from Mr. D. C. Bryan of Orinda, Calif., which I consider to be representative of those who have changed their opinion:

May 11, 1970.

Representative Jerome Waldie,
U.S. House Office Building,
Washington, D.C.

Dear Representative Waldie: As a registered voter and a most concerned citizen, who since 1961 has read over two dozen books on the Indochinese war, and who as recently as 1968 was a hawk. Having spent three months in Southeast Asia traveling among the people to learn of their cultural and political aspirations, having witnessed the Detroit riots of 1967, the Shinjuku station riots in Tokyo of 1968 and finally, the Berkeley student riots of 1967–70. Having been General Manager of a manufacturing division of a $60 million Corporation, and most recently, at age 42, having gone back to U.C. Berkeley to get a Ph.D. in business in order to share my experience in the "real world" with the younger people. I feel that the time has come when this member of the silent majority must speak out in opposition to the United States foreign policy in all of Indochina. I therefore would like to outline my position on the following points.

We are not involved in a legally declared war—we are acting upon precedents (i.e. Gulf of Tonkin resolution). Therefore, abandoning South Vietnam for the U.S. will not constitute "losing a war". As a matter of fact, militarily we have probably won the conflict. However, politically we have not and cannot get the peasants or the urban younger people of our side, South Vietnamese, to whole heartedly fight *their* war for political independence.

There will be, as a result of our pull out, wholesale slaughter of South Vietnamese who actively supported our presence, and some of whom profited handsomely. I would say about 100 thousand will die, or about the same number as our firebombing of Tokyo and Dresden, "nucing" Hiroshima and Nagasaki killed in 1945. If we remain, even with a "reduced profile," for another five years will not an equal number die? Or to put it another way, why, after sixteen years of U.S. presence, military and economic, do the people of that country appear to be no more and probably somewhat less politically motivated to fight the V.C.? I wonder further, if a referendum were held in "our Vietnam" with a choice between: our continued military presence, with *absolutely* no opportunity for personal profit vs. a complete U.S. withdrawal by the end of 1970, I think the people in this hypothetical vote would choose the latter. Remove the opportunity for personal profit from our establishment in their country and we would be as loved as the French were in May of 1954.

2. Cambodia is an extension of what was

outlined above, and while it may be another example of winning militarily it does not address itself to the political problems of South Vietnam or the realities of the political climate in this country. President Nixon, for whom I have twice voted, in his speech did much to insult the intelligence of the U.S. public. His comment that we cannot afford to "lose the war," and the implication that one more sweep will make it possible to disengage with honor, sounded too much like Hitler's winning all the way to Stalingrad, or Tojo's winning all the way to Midway!

3. What is the attitude of the student as seen through eyes of a member of the establishment? For sixteen months I have witnessed and experienced how a very small group of less than three hundred highly vocal activists and anarchists can force confrontations with the establishment. These confrontations inevitably lead to death and martyrs. This is precisely what the activists need and want! Today our government is *giving* the activist a cause filled with emotional and idealistic content. Whether or not the campuses return to academic pursuits this spring, America will never be the same!

The younger people believe, whether or not true, that they forced the President of the United States to hold a press conference at which he announced that in less than 96 hours he would have troops moving back out of our Cambodian operation. I feel that now they will move much more actively against the draft and our military establishment. I personally have lived through a remarkable change in attitude towards military service—in 1944 I volunteered at age 17; in 1950, while at M.I.T., I was among students whose only thought was how to beat the draft; in 1970 ROTC programs have been closed down on several campuses. My concern is that if in the future this country is involved in a so called "good war" the vast majority of the educated younger people will not serve, because they will have been thoroughly indoctrinated by the youth of today, that four establishmentarian Presidents led the American people into an ever increasing, immoral and totally irrelevent war to preserve an ever increasing and somewhat immoral gross national product. In this I see a clear and present danger to the viability of America's foreign policy as it tries to avoid war III, because it may be reduced to one of two choices: appeasement or a nuclear holocast, with no options in between.

Let us get out of Southeast Asia; if the Philippines, New Zealand, Australia, Singapore, Malaysia, Indonesia, Burma, and India, don't consider the contest worth their treasure and blood why should we!

The students of this country are today a force with which the establishment must reckon. There are areas of accommodation that must be explored, recognizing that they will "demand" more than they hope to get or even want, and that they truly have lost confidence in the establishment's ability to lead this nation towards a better life for *all* Americans, not merely for some Americans. I am working on this and I hope that you will join me in pursuit of a *United* States

Thanks for your help.

DUNCAN C. BRYON.

ORINDA, CALIF.

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MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

THE WAR AND MR. NIXON

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. ROSENTHAL. Mr. Speaker, the President's address last evening on our war in Indochina was a great, and even bitter, disappointment.

It has been a long and dismal journey from Candidate Nixon who had a "plan" to end the war, to President Nixon who told us last night that our latest expansion into Cambodia was "the most successful" operation of the entire war.

That superlative is a pitifully hollow consolation in a war marked with great military promises and even greater disappointments. The President indicated once again that he measures progress in Indochina by military standards. Nowhere last night did he indicate an awareness that Vietnamese and Cambodians populate the areas we occupy and invade, that the Indochina war is about who shall govern these ancient lands, or that the United States recognizes and accepts a limit to the possibilities of military power.

"The most successful" military operation in a singularly unsuccessful war means exactly nothing, as the President surely must soon recognize. One fears that his other explanations last evening about similar progress in his war policies are similarly fatuous.

For example, the President told us that withdrawals of American troops would now "resume." When were withdrawals suspended?

The President announced that while all American military personnel will be withdrawn from Cambodia by June 30, bombing of Cambodian targets will continue when the President finds it necessary.

Before the crossing of the Cambodian border, we presumably did not maintain a policy of bombing enemy troops and materials in that country. Now we do. That is not escalation of the war.

The President also announced in April a withdrawal of 150,000 American troops from Vietnam within a year. Last night he said that one-third of that number would leave Vietnam by October 15—a point almost 6 months through that year. This means that the rate of withdrawal from October to April 1971, must be twice as fast as the rate from April to October—a sobering prospect. This withdrawal policy produces increasingly long odds against an early end to our role in Indochina.

The President still fails to accept, or to understand, the basic contention of his opponents who want a withdrawal of American troops without regard to actions taken or not taken by either Hanoi or Saigon. This is the gulf separating the President from his critics. His speech last night shows, to my great regret, his failure to understand this criticism which is based on 5 years of watching military men propose military solutions which would give us military victory. Presidents come and go but the mirage of a military victory in Vietnam remains.

The final reflection that comes to me after considering the President's speech was the lack of vigor and fervor which marked his presentation. After nearly 17 months in office, President Nixon seems burdened, much as his predecessor was burdened, by the weight of this impossible war. Hopes that President Nixon did have a plan for peace have all but vanished. We are left, once again, to wait for the passage of time to change men and perhaps, policy.

TRAINING FOR REVOLUTION

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. WYMAN. Mr. Speaker, the following item appeared in a recent publication entitled "In a Nutshell" published in Chicago, Ill.:

TRAINING FOR REVOLUTION

Information filtering out of Cuba shows that American troublemakers and revolutionaries are being trained there and then returned here "to do their thing." A copyrighted story in the *Detroit News* stated that it had information "that most of the 500 young Americans now in Cuba, ostensibly as cane cutters, are in fact learning revolutionary warfare in a camp 30 miles east of Havana . . ." *Verde Olivo,* Castro's military journal, published a statement by Julie Nichaman (one of the alleged cain cutters) saying that American youths in Cuba "have a new determination to bring back to our brothers and sisters a dedication to destroy the imperialist monster from within just as the rest of the people of the world are destroying it from without."

Ralph Featherstone and William Payne, black terrorists who were killed in Maryland when a bomb they were transporting exploded, had been trained in Cuba. Cathleen Wilkerson and Kathy Boudin who disappeared from a house in New York which was being used as a bomb factory after the house blew up and three terrorists were killed, had been in Cuba. Three of the seven defendants in the "Chicago 7 conspiracy trial" had been in Cuba. These are just a few of many. This is all further evidence of the terrible mistake our country made in permitting the Communist takeover of Cuba.

In relation to the trouble this country is having domestically, vis-a-vis violence, it is significant.

What we are witnessing today in many respects are the bitter fruit of the trees grown from seeds of hatred deliberately planted years ago in the minds and hearts of some of our young people. Some day, the Lord willing, justice will be done by fixing the responsibility of those in America who did this.

"THERMAL POLLUTION" THEORY UNDER CHALLENGE

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. HOSMER. Mr. Speaker, because of the widespread congressional interest in so-called thermal pollution, more accurately referred to as thermal effect, I would like to call to the attention of this body an article from the Washington Evening Star of May 29 by Peter Bernstein.

The article reports on a study conducted by Daniel Merriman, a Yale University biologist, on the effects of the heated effluent from the Haddam Neck nuclear power plant in Connecticut on fish and plants in the river.

After 5 years of study—2 years prior to operation of the reactor and 3 years since—Mr. Merriman reports:

> The level of heating we are encountering may even turn out to have beneficial long-range results.

The article states that this work lays open to question the entire concept of thermal pollution damage to fish and plants.

Mr. Merriman points out that while there is an upper limit to the amount of heat that can be introduced into such waters, the present State and Federal regulations regarding thermal effects appear to be unnecessarily harsh.

The article follows:

STUDY OF RIVER CHALLENGES "THERMAL POLLUTION" THEORY

(By Peter Bernstein)

New research claiming that fish and plants thrive in rivers warmed by electric power plants is challenging the government's whole concept of "thermal pollution."

Until now, officials at the Federal Water Pollution Control Administration have maintained that an increase in temperature of only a few degrees could kill a variety of marine plants and animals.

As a result, new federal regulations have curbed the number of nuclear power plants on rivers and lakes, And electric utilities have blamed this, in turn, as contributing to present power shortages.

Research by Yale biologist Daniel Merriman amounts to a direct attack on current government concepts and promises to provoke more controversy over the siting of large power plants.

RIVER STUDIED

Writing in the May issue of Scientific American, Merriman says under certain environmental conditions "thermal pollution" as it is currently understood may be a fallacy.

His attack is based on what he calls a "short-term evaluation" of a portion of the Connecticut River he has studied almost daily for the last 5 years. The study focused on the impact of heated water from the Connecticut Yankee Atomic Power Co.'s nuclear plant at Haddam Neck. The plant is 15 miles upriver from Long Island Sound.

Merriman claims the atomic plant, which opened 3 years ago, "has so far had no drastic biological consequences" on the river. "The levels of heating we are encountering may turn out to have beneficial long-range results."

Merriman points out that on several occasions the temperature near the point where the heated water was discharged rose 10 degrees above the river's normal temperature. This is more than twice as high as the federal limit of 4 degrees.

Recently, federal water quality officials recommended that four states bordering Lake Michigan set a standard for thermal pollution that would severely restrict the construction of power plants on the lake's banks.

Their proposed standard would require that the temperature of discharged water not exceed the lake's natural temperature by more than 1 degree. The states—Illinois, Wisconsin, Indiana and Michigan—have questioned whether the proposal is necessary.

"Clearly there is an upper limit to the amount of heat that can be introduced into such waters without harmful results," Merriman says. But he indicates a rise of 10 degrees should be allowed.

Among the fish unharmed by the plant's discharge of almost 370,000 gallons of water per minute were shad, herring, striped bass, pickerel, sunfish, and catfish, his report says.

TRIBUTE TO HON. JOHN W. McCORMACK

HON. WAYNE N. ASPINALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. ASPINALL. Mr. Speaker, I am most pleased to join with my colleagues in paying personal tribute to the Honorable JOHN W. McCORMACK, present Speaker of the House of Representatives, who has announced his intention to retire from the House of Representatives at the end of this term.

In the over a fifth of a century during which I have served under his unselfish, capable, industrious, fair, and effective leadership, I have come to know and genuinely appreciate all of his contributions of service which he has given to his colleagues in the Congress, officials of the executive department with whom he has worked, and the peoples of the Nation and the world, generally. His political sagacity, understanding, and leadership are so well known that a colleague and coworker need not call these qualifications and attainments to the attention of his fellows. They are now and have been taken and accepted as a matter of unquestioned fact and are written indelibly in the history of our Nation.

A man inherently noble in spirit can be nothing else than noble in his relations with his fellow man. JOHN McCORMACK possesses such nobility. In the years of our work and acquaintanceship, an inherent gentleness of personality, fervor for the causes in which he has honestly believed, and love for his fellow man have been the most appealing traits of his personality to me.

Throughout the years, he has been firm when firmness was needed. He has been constructively critical when criticism was in order. He has been patient when patience could be effective. He has been understanding at all times. Nobility? Yes. What more can people desire in a fellow citizen and in a recognized leader? With all of this responsibility and leadership, there has been a desire to serve his fellow man with complete honesty and sincere humility.

I sincerely wish for him and his beloved companion, Mrs. McCormack, many years of happiness and a continuing feeling of work well done.

QUESTIONS ON VIETNAM: VIII. CONSEQUENCES OF CAMBODIAN INVASION

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. FRASER. Mr. Speaker, the recent invasion of Cambodia by ground troops of the United States and South Vietnam has added greatly to the complications of the Indochina situation. Now we are involved in a war which is not just a Vietnam war but a full Indochina war with Laos and Cambodia added to the area of conflict. The President has opened a Pandora's box of trouble with the Cambodian invasion. In the following two questions, prepared by the Committee of Concerned Asian Scholars at Cornell University, the consequences of the Cambodian invasion and the source of the information for the President's decision are discussed:

QUESTIONS ON VIETNAM

7. What are the consequences of the invasion of Cambodia?

By invading Cambodia, the United States has expanded the battleground. Although President Nixon has promised that all American forces will be withdrawn from Cambodia by the end of June, he has not yet said that they will not be sent back at a later date. Our ally, General Thieu, however, has made it clear that for the next six months—through the American elections of November as he so candidly put it—the South Vietnamese army will have the responsibility of sustaining the government of General Lon Nol, training his army, and providing it with military support in at least the eastern half of Cambodia.

The invasion has had highly adverse results. It provides no significant military benefits; it widens the war and undermines Vietnamization; it upsets the political balance within Cambodia; it weakens the American position in the whole of Southeast Asia; and it damages prospects of a negotiated settlement.

American attacks on enemy border bases in Cambodia can have no lasting effect on the security of South Vietnam's Western frontier. Although substantial supplies of food and military equipment have been captured and destroyed, COSVN (enemy headquarters) has not been captured and few enemy troops have been killed or even committed to battle. Nothing prevents the enemy from returning to the border areas once American and South Vietnamese troops have departed. The small inexperienced Cambodian army will be no more capable of controlling the frontier enclaves in the future than it has been in the past. The enemy troops which have moved back from the border districts deep into central Cambodia place Phnom Penh and General Lon Nol's government in greater jeopardy making it ever more dependent on outside assistance.

If it is true that Vietnamization cannot succeed without denying eastern Cambodian districts to the enemy, then the Administra-

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tion must occupy these areas with South Vietnamese and/or American troops and make a major and continuing commitment to shore up the Lon Nol government. The scope of the war has been greatly expanded without any significant change in the balance of forces.

While the defense of South Vietnam remains critically dependent on American military forces, South Vietnamese troops have been expanded into Eastern Cambodia, thus far a 50% increase in its area of responsibility. The number of Vietnamese troops available to relieve Americans is reduced and the prospects of bringing American soldiers home have diminished.

8. Doesn't the President have access to more information on Vietnam than we do?

Yes, the President does have access to information from government agencies, as well as information from academic specialists, newspapers and journals available to the public However, availability of information does not necessarily make for its thorough digestion and does not ensure that the judgments made on the basis of it are sound—as it is generally agreed was the case in President Johnson's decision to send U.S. forces to Vietnam in 1965.

Moreover, in making his decision to invade Cambodia, President Nixon did not consult with the Secretary of State, the Secretary of Defense, or with his special assistant for National Security Affairs. (See the full coverage concerning this in the New York Times and Washington Post.) In fact, the Department of State was not informed in advance by U.S. officials in Saigon concerning the Cambodian decision because of fear of its opposition. Although the President was free to call upon many sources of advice, it is clear that at least in the Cambodian decision he did not do so.

Furthermore, the constitution of the U.S. clearly stipulates an important role for the Senate to "advise and consent" on foreign policy. Not only was the Senate Foreign Relations Committee not consulted on the Cambodian decision, they received the impression from the (perhaps uninformed) Secretary of State that there would be no move into Cambodia.

PRISONERS OF WAR

HON. BURT L. TALCOTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. TALCOTT. Mr. Speaker, it is regretted that a number of our newsmen have been lost while covering the war in Southeast Asia. We can hope and pray for their safety and their early return to freedom and their families.

I am assuming that all were unarmed; that none were engaged in any military or belligerent activity; and that none can be considered a war criminal as the Communists are designating our military nationals who are their prisoners of war. None were antagonistic or unfair to the North Vietnamese or the Vietcong.

I am also assuming that our newsmen who have been captured will be treated with particular care and extraordinary consideration both because they cannot be considered unfriendly belligerents and because the Communists are not likely to want to incur the wrath of public opinion by any mistreatment. For this, we and their families, can be enormously grateful.

Our military prisoners of war have been almost forgotten by the news media. Their plight has been neglected. Only the families of the POW's and MIA's have been able to stir a little attention. The national news media is able to focus enormous attention upon other small groups and causes. The national media is able to mold public opinion—even world public opinion—on many issues. I am hopeful that the reporting of the circumstances, conditions, treatment, and developments concerning our captured newsmen will also, even if incidentally, focus attention and concern upon the plight of our captured servicemen.

STATEMENT OF THE STUDENT COUNCIL AT MOREHEAD STATE UNIVERSITY

HON. CARL D. PERKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. PERKINS. Mr. Speaker, during this period when our attention is focused on the college and university campuses around the Nation, I feel I should share with the Members of this House a statement issued a day or two ago by the Executive Committee of the Student Council at Morehead State University, in Morehead, Ky.

The statement follows:

Representative CARL D. PERKINS,
Washington, D.C.:

The Morehead State University Student Council requests that the following statement be read to the House of Representatives.

The executive committee of the Morehead State University Student Council meeting today unanimously passed the following statement to be presented to the total university community with copies to be forwarded to the President of the United States, all members of the Congress of the United States and the Governor of the Commonwealth of Kentucky: "We recognize the perplexing questions and staggering problems with which America is faced at home and abroad.

We are disturbed by the armed conflict which is taking place in Vietnam and the escalation of the war in Southeast Asia by the entry into Cambodia.

We are saddened and indignant over the violence to which participants have resorted on the campuses of colleges and universities reulting in martial law and the loss of lives of students at Kent State University.

We are concerned with the division which has occurred among the various elements of the American public over the manner in which our domestic and foreign affairs are being handled.

The citizens of the Morehead State University community have engaged in peaceful dissent and have used reasonable means to express this dissent during the past week.

We believe it is now time for the students, faculty, administration and staff of Morehead State University to focus their attention during the remaining weeks of this semester to the educative process in the classroom and laboratory so that each may complete his task successfully.

We further propose that the attention and efforts of all of us be directed to the executive and legislative branches of our Federal Government with a strong petition that the President and Congress act with haste and wisdom in bringing the war in Southeast Asia to a speedy end.

Furthermore, we ask the university community at Morehead to address itself to those campus problems and their solutions which will guarantee continued academic freedom, personal rights and human relations. And finally, we call upon everyone at Morehead State University to concern himself during the remaining weeks with teaching and learning in the hope that we may set a pattern for the citizens of all academic communities of America to follow.

OFFICE OF PUBLIC INFORMATION,
MOREHEAD STATE UNIVERSITY.

THE PRESIDENT WAS RIGHT

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. DERWINSKI. Mr. Speaker, now that some of the results sweeping into Cambodia are being recognized, it is well to ponder the fundamental validity of the President's decision.

In an article which appeared in the Elgin, Ill., Daily Courier-News, Friday, May 15, by one of the most penetrating observers of the international scene, Mr. Dumitru Danielopol of the Copley Press, very thoughtfully analyzes the President's decision and I insert that column in the RECORD at this point:

[From the Elgin (Ill.) Daily Courier-News, May 15, 1970]

THE PRESIDENT WAS RIGHT

(By Dumitru Danielopol)

GENEVA.—There can be no doubt that President Nixon's decision to send American troops into Cambodia to prevent a Communist takeover is the most important he has made as President.

It was the right decision.

It was the only alternative the Communists left him.

He came into the White House to open a new era in the cold war of negotiations rather than confrontation. President Nixon honestly believed that the Communists were ready to negotiate.

To show his desire for peace the President reduced the bombing by 20 per cent, withdrew a number of GIs and promised to withdraw a large contingent in the months to follow. He was ready to negotiate all issues except the future of South Vietnam to be determined by the people of South Vietnam" themselves.

The Reds took these conciliatory moves as signs of weakness and despite Presidential warnings, showed intransigeance and belligerence and escalated the war into Cambodia.

But the warnings were not just a face saving device. The President meant what he said and acted. He sent in the GIs to prevent the country from falling to the Reds.

As was to be expected his decision raised the same cries of horror and despair as one has heard for years now from "peace at any price-nicks" inside and outside Congress.

The same Senators, J. William Fulbright, Edward Kennedy, Charles Goodell, George McGovern, Eugene McCarthy and Jacob Javits are wringing their hands, though over these years they have come with no other solution to the war in Vietnam other than what amounts to complete surrender.

The New York Times editorials were also true to expectations. They deplored the President's decision and accused him of breaking campaign pledges.

"This is not the 'new' Nixon," says the New York Times, "it is more like the old Nixon who as vice-president in 1954 said the

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United States would have to send troops into Indochina if there were no other way to prevent its fall to the Communists."

It could add to that. It is more like Nixon, the Vice-President who urged President Eisenhower to help the Hungarian fighters in 1956; like the Richard Nixon who when asked by President John F. Kennedy after the debacle of the Bay of Pigs, in 1961 what he would do about Cuba, answered: "I would find any legal excuse and go in."

History proved that in all three cases Mr. Nixon's judgment was right. Had we helped the French in 1954, we might never have had to fight another war in Indochina. In 1956 Khrushchev—desirous to avoid confrontation with the United States—waited a few days for U.S. reaction. When none came he sent in his tanks to crush the Hungarians.

Had President Eisenhower acted on his advice not only Hungary but the whole of Eastern Europe might be free by now.

As for Cuba, had President Kennedy acted on Mr. Nixon's advice and cleaned out Castro he wouldn't have had to face the possibility of a nuclear war during the Cuban missile crisis of 1963.

Responsible Americans and Swiss opinion considers the President's decision on Cambodia right. They deplore the fact that while North Vietnam was using Cambodia for sanctuary—liberal opinion never protested for the violation of its neutrality, while the moment the U.S. takes action to protect its flank—there are cries of shame and horror.

"Mr. Nixon," said a well known Swiss newsman, "acted as the wise, statesmanlike, and responsible President he is. Those who expected anything else have been mistaken in their evaluation of him."

CONGRESSMAN WHALEN CONGRATULATES REV. HARVEY C. HAHN UPON HIS RETIREMENT FROM A CAREER OF SERVICE TO HIS FELLOW MAN

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. WHALEN. Mr. Speaker, it is with a sense of great personal pleasure that I rise on this occasion to pay tribute to a man whose life has been a constant dedication to love of his fellow man.

He is the Reverend Harvey C. Hahn, who will step down from his pulpit as the pastor of the Otterbein United Methodist Church, in Dayton, Ohio, and retire on June 15.

Dr. Hahn prepared for a career in business. The holder of a bachelors degree in business administration from Fenn College, in Cleveland, Ohio, he was working as the purchasing agent of a large retail store in Cleveland when he decided to enter the ministry.

Thus, in 1929, he entered Dayton's United Theological Seminary. In that same year, he was assigned as a student pastor to the Otterbein United Methodist Church and began his more than 40 years of service there.

During the four decades of Dr. Hahn's direction, the church has grown from 81 members to several hundred and is now housed in a million-dollar center of worship and community activity. Despite the impact of a massive urban renewal program, the new church remains in the old neighborhood where it first took root in 1853.

Dr. Hahn was a driving force in the success of that urban renewal project, called the East Dayton urban renewal program. It was one of the largest renewal projects undertaken up to that time. Dr. Hahn contributed to that momentum by making the courageous decision to construct his new church in the old community to set an example for both private and public enterprise in the East Dayton area.

Active in many areas, Dr. Hahn speaks on Dayton radio station WING nine times a week, is one of the 10 speakers for the General Motors Corp's. speakers bureau, is the Protestant chaplain for the city of Dayton Safety Department and the national chaplain for the Imperial Shrine of North America. Dr. Hahn also serves on the boards of the Leukemia Society of Greater Dayton, the Miami Valley Hospital, Boy Scouts of America, YMCA, Extermital Chemicals, Inc., United Theological Seminary, Boys Club of Dayton, East Dayton Community Council, East Dayton Businessmen's Association and the Dayton Society for the Blind. He is the chairman of the professional committee of the United Fund, former head of the Dayton Red Cross from 1946 to 1950, past president of the Miami Valley Hospital Board from 1959 to 1966, past president of the Mental Health Association, and currently president of the Montgomery County Mental Health and Retardation Board.

Dr. Hahn's citations and awards include honorary member Junior Chamber of Commerce, the Walter Winchell Award for work with the unfortunate and the underprivileged, the Silver Beaver Award in the Boy Scouts, doctor of divinity degree from Otterbein College, and 33d Degree Mason. He also was elected Dayton's Most Outstanding Citizen in 1955 by the 48 service clubs in the Greater Dayton area.

I have known Harvey Hahn personally and have been the better for it. He is the kind of man who leaves his mark on all he touches and serves as an inspiration to everyone who has had the good fortune to come into contact with him.

Mr. Speaker, I congratulate Dr. Hahn on his formal retirement and wish him many more years of deserved joy and happiness.

VIETNAM: ASSENT, DISSENT, AND POSSIBLE SOLUTIONS

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. BENNETT. Mr. Speaker, I would like to include at this point in the CONGRESSIONAL RECORD comments of assent, dissent, and possible solutions about the situation in Vietnam, which may be of interest.

An editorial from the Florida Times-Union of May 29, 1970, reads as follows:

THERE IS ALSO A RIGHT OF ASSENT

Today many Jacksonville and area citizens will gather at noon at City Hall to accentuate the positive about America.

The occasion is an Americanism rally sponsored by—but not limited to—the Northeast Florida Building and Construction Trades Council and 32 other organizations.

It comes at a time when Americans are deeply troubled about the future of their land.

It comes at a time when America is trying to extricate itself with honor from one of the most, if not the most, unpopular wars in its history.

It comes at a time when criticism of America is voiced in hyperbolic terms in some quarters both within and without the nation. The faults are magnified beyond recognition in many instances and the virtues are scoffed at and sneered at.

It comes at a time when mob violence is being practiced by a tiny minority as an instrument designed to shape public policy.

We have constantly upheld the right of peaceful dissent from public policies and frequently engage in such ourselves. We just as vigorously uphold the right of peaceful assent and, again, we frequently engage in it ourselves.

Responsible dissent has always been a big factor in shaping public policy in America. The same way be said of responsible assent.

We would venture to guess that no person in attendance at today's rally would pretend that his or her nation is perfect. It is our belief, however, that there is no nation on this earth so committed to curing its imperfections and living up to its ideals.

Whether or not one believes that the original commitment of ground troops to Vietnam was a mistake—and this belief is by no means limited to those of liberal persuasion—the fact remains that American troops are there in force.

We believe that the conduct of a war must basically be decided by the President of the United States.

We supported the bombing halts called by President Lyndon Johnson and the policy of gradual withdrawal announced by President Nixon as well as the President's decision to send troops into Cambodia to mop up enemy sanctuaries.

It is not blind support but rather it stems from a belief that the President is as committed to peace as is any American and has the most knowledge of any individual about ways to achieve it with honor.

We believe that in order to carry out his program he not only needs substantial support from the American people but also needs to know that he has that support.

We are repeating on this page an editorial which appeared in last Sunday's Florida Times-Union and Journal to give those persons who support the President's actions an opportunity to let him know it through their signatures. So far 12,810 signatures have been received.

We endorse the idea behind today's rally because we believe it is time that the positive side of America was also expressed.

It isn't jingoism or chauvinism. It is rather an answer to hangdogism.

If speakers and participants in the rally succeed in setting a tone of affirmation for—and commitment to—the ideal of a nation "with liberty and justice for all," it will be a success.

If it succeeds in persuading any of us to translate the American dream more fully into action in our own lives, it will be a solid plus for this area and the nation.

A news account of May 21, 1970, from the same newspaper reads as follows:

GIS—PRESENT AND PAST—PAID HOLIDAY SALUTE BY ADMIRAL

(By Doug Sease)

"The civilians of this country determine national policy, not the men of the armed forces.

"The men and women in the services execute this policy and honor our commitments around the world."

With these words Rear Adm. Lawrence Heyworth Jr., commander of Fleet Air Jacksonville, urged Americans not to belittle servicemen for doing their jobs "in an outstanding, dedicated manner."

Heyworth, speaking at Memorial Day observances at the Memorial Flagpole in Evergreen Cemetery Saturday morning, told an audience of several hundred citizens, both young and old, that the continuance of freedom in the United States will be achieved only by means of patriotism and love of country.

Many people who gathered around the memorial were veterans of America's wars.

Many canes were in evidence, yet backs straightened and hands went to foreheads as the American flags were massed beneath the flagpole in a precise military manner by color guards from the services.

"Patriotism too often carries the connotation of just flag-waving," said Heyworth.

"But it's more—Much, more.

"It is the sum of one's outlook on life—a state of mind.

"It's backing your country and defending your country against all enemies.

"In the same breath," the admiral said, "it is not banning of dissent or persecuting those who do dissent peacefully and lawfully. But for the dissenters there should be an underlying sense of responsibility.

"Today we remember countless men who have given the supreme sacrifice—their lives—for this country. But showing support for our living men and women in uniform is also important on Memorial Day.

"They are the defenders of our freedom."

Heyworth then posed two questions—"What is freedom?

"Is it freedom from obligations and responsibilities?

"No!—for if the answer to the question is 'yes,' we are accepting anarchy or saying in effect 'We don't give a damn.'

"The question is—What do I do with my freedom? Freedom will act only through our actions," he said.

"Don't be afraid of patriotism and do not apologize for it.

"It's still alive and it is freedom's most potent protector," he concluded.

Mayor Hans Tanzler introduced Heyworth and took a few minutes to comment on the Patriotism Rally held Friday behind City Hall.

"As I looked out into that crowd Friday, I was reassured as to the direction our country is going," the mayor said.

He said on a recent trip to Washington, D.C., he took a half-day tour of Arlington Memorial Cemetery.

"It was an experience I'll never forget," said Tanzler. "Every American owes it to himself, his children and his fellow Americans to go through that cemetery.

"It's impossible to see the Iwo Jima Memorial and the Tomb of the Unknown Soldier and not realize that freedom isn't free. It has to be paid for, often in terms of the highest sacrifice a person can make—his life.

"If every student and dissident would go through there we wouldn't have the problems we have today," he said.

Following Adm. Heyworth's address a wreath ceremony was conducted and memorial floral arrangements were placed at the bottom of the flagpole, where the colors stood at half mast.

Then a squad of U.S. Marines fired a volley of shots and taps was played by the Comfair Jax Band from the Naval Air Station.

Ceremonies also were held Saturday morning by the West Jacksonville Branch of the Fleet Reserve Association in Memory Gardens Cemetery on Blanding Boulevard.

Robert Nolan, town manager of Orange Park, addressed the gathering.

By order of President Nixon, flags remained at half staff throughout the day in honor of American dead in all wars.

A news account from the May 30, 1970, edition of the Florida Times-Union reads as follows:

Three Thousand Five Hundred Patriots Stand Up To Be Counted Americans

It wasn't the Fourth of July, or Flag Day or even Memorial Day, but for several thousand Jacksonville citizens it was Patriotism Day.

Standing under dark and threatening clouds, with the increasing winds whipping the St. Johns River and snapping the colors in the city park lot, more than 3,500 Americans came to remember and salute their birthrights as Americans.

Held on Memorial Day Eve, the Stand Up for America rally was not a protest meeting; it was a meeting of assent, of approval.

It was a time for remembering the thrill of seeing the flag-trooped by and of listening to tunes which never fail to stir emotions.

It was a time for listening to words born of time and history and experience, as well as dreams and hopes and maybe even fears and dreads. Spirited words, not hollow words.

Mayor Hans G. Tanzler set the tone for the rally when he told the assembled crowd, "We've seen enough burning of buildings, and draft cards, but when they go so far as to burn the flag, friends, they ripped it with me."

Standing on the parking lot sidewalks or on the patches of grass and expanses of pavement, some of those who had come not only to remember the patriotic rallies of the past but to rekindle that stimulating feeling—love of country—carried placards and signs as they listened to the speakers on the bunting-swathed platform.

An elderly man with a large flag, wore a straw hat proclaiming, "God Bless Spiro Agnew."

A small sea of faces beamed from under vari-colored construction workers' "hard hats" in approval of speakers denouncing America's detractors as Communist, or Communist dupes.

Some held up placards proclaiming "America, Love It, or Leave It," and "Back Our Boys in Vietnam."

Keynote of the one-hour rally sponsored by the Building Construction Trades Council of northeast Florida was aimed at rallying support for President Nixon's Cambodian venture and for national unity in times of peril.

The featured speaker, U.S. Rep. William Chappell of Ocala drew shouts of approval when he shouted disdain for "Americans who spit on the flag and grind it in the ground."

"The President made a vital decision a few days ago (the Cambodian action) and he did what should have been done long ago," Chappell said.

"Too many people in America are not proud to hold the flag high," he said.

Loud shouts of "amen" greeted his next statement: "We are privileged to live in a country that has given more freedom to its people than any other."

"We've tied the hands of American soldiers too long. If we're willing to fight, we should be willing to win. I believe our President will bring our men out of Cambodia by June 30, as he promised, and return the others from Vietnam as soon as possible."

Campus dissenters drew special attention from Tanzler and Chappell.

"Any American who desecrates the flag should be deported, or ordered to walk through Arlington National Cemetery (Washington, D.C.) and pause before every grave," the mayor said.

"I can't understand why students slip out to Cuba and help Castro cut cane, and then slip back and brag about it," he said.

Referring to campus anti-war demonstrations, Tanzler said, "Who the devil are we to know better than our informed leaders that we shouldn't go into Cambodia?"

Noting that Nixon is a Republican and himself a Democrat, Tanzler said, "I know we want peace, but if we must fight, let it not be on our shores, but in Indochina."

Praising most American youth for being level-headed, Chappell said, "Some of what I see on campuses is so far off base it scares me to think where they'd take this nation, if they could."

Chappell's charge that campus unrest involves some of America's "best known Communists" brought a loud shout from the audience to "throw them out."

"It's not enough to be a good American; you've got to be against communism," he said, and the crowd roared approval.

"Too many Americans are soft on communism and Americanism," Chappell concluded.

State Attorney T. Edward Austin, master of ceremonies, introduced the speakers.

The first, John Bowden, president of the sponsoring building trades council, said, "I get sorta choked up about Old Glory waving around and people singing the Star Spangled Banner.

"One thing that made America great is that when we get in trouble we forget our differences and back the president, whoever he is," Bowden said.

On May 13 I wrote the President as follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., May 13, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: As you know, I have attempted to support you fully in your efforts to end the war in South Vietnam. Although I originially felt we should press for a military victory, the time seems to have run out for that—primarily because of our reluctance to use the degree of force required. I am not wise or informed enough to know that this reluctance was not well founded, or is not now well founded; although it was not my original opinion that such reluctance was well founded. I believe major errors on our part are apparent: first, not to decide in advance what to do if we started winning the war and China then came in; second, our employing troops under politically-arrived-at guide lines that prevented victory.

Under the circumstances now prevailing, it is my opinion, and apparently yours, that all U.S. troops should be withdrawn as promptly as possible. I have apprehensions about what this may do in making less credible the chances for world peace, by making less credible our willingness to assist small nations resisting aggression. With this in view, I have some suggestions I would like to make which would minimize, or offset, this loss to our efforts for world peace.

My first suggestion is that you call upon the United Nations to hold free, U.N.-supervised, elections in South Vietnam, to determine if the people of South Vietnam wish to go forward with the war by themselves or to end the war by negotiations with the North Vietnamese. If the election goes for ending the war, then U.S. troops could be removed immediately. If the election goes the other way, then the total withdrawal of U.S. troops could be postponed for one year, but only for one year. If the U.N. fails to act within sixty days or acts unfavorably to holding an election, then the U.S. could nevertheless withdraw all U.S. troops by one year from the time limit of sixty days or rejection of the election plan, whichever is first.

My second suggestion is that (since we are inferentially downgrading the chances of our intervention in cases of future aggressions), we substitute in place of this war-deterrent an offer to help finance (but not to man) an international standing police force to act to put down aggression in future cases wherein the U.N. recommends intervention. The troops should be drawn from volunteers from small nations throughout the world. This would not prevent our unilateral intervention but would diminish or eliminate the need for it. No U.S. sovereignty would be eliminated or impaired.

My third suggestion is that a separate agency be created in the Federal government to study the causes and preventions of war, a research agency solely, not an agency allowed to establish policy, but to get this needed research and information for the President, the State Department, and the Congress. There should also be a joint committee in Congress to secure congressional oversight in this field.

I hope these ideas may be worthy of your consideration. I know you will do what you feel is best for our beloved country and for mankind.

With kindest regards, I am

Sincerely,

CHARLES E. BENNETT.

A May 25, 1970, news release from Dr. Lois S. Gold of the political science department of the University of California reads as follows concerning a survey of communities in southern California:

> A new plan for peace in Vietnam has received widespread support from people in the East Bay. While plans for a U.S. cease-fire have been researched by such groups as Clark Kerr and the late Walter Reuther's National Committee for a Political Settlement in Vietnam, cease-fire proposals have not been widely discussed, and little has been known of public opinions about them.
>
> A randomly selected survey of over 1000 people residing throughout the cities and towns of the East Bay were asked their opinions about many different Vietnam peace proposals. A U.S. cease fire-U.N. supervised elections proposal, received majority support from all segments of the community: Republicans and Democrats, young and old, college educated and those with less than college education.
>
> People were asked: "Here is a single proposal for ending the war that has 3 parts: (1) The U.S. would cease fire in South Vietnam. (2) The U.S. would then call for free elections, open to all parties, and supervised by the United Nations, and (3) The U.S. would then ask Hanoi also to cease fire and to join in declaring before the elections to accept the outcome and withdraw troops if requested. Do you approve or disapprove of this proposal?"
>
> In all, 67% voiced approval of this plan, and only 16% voiced disapproval. 75% of the Democrats, 72% of the Independents, and 58% of the Republicans approved; 69% of the college-educated and 68% of those with high school education or less approved. Even among those who voted for Nixon in the last election, 58% said they approved of this plan. Similar widesperad support for this proposal was found in a poll of San Francisco, reported in the press ten days ago.

THE NATIONAL GUARD

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. DORN. Mr. Speaker, Maj. Gen. Frank D. Pinckney, adjutant general of the State of South Carolina, has devoted a lifetime of dedicated and superb service to our country. Recently General Pinckney wrote a splendid and timely letter which I commend to the attention of the Congress and to the American people:

STATE OF SOUTH CAROLINA, MILITARY DEPARTMENT, OFFICE OF THE ADJUTANT GENERAL,
Columbia, May 20, 1970.

Hon. WILLIAM J. B. DORN,
U.S. House of Representatives,
House Office Building,
Washington, D.C.

DEAR MR. DORN: It is my purpose in this letter to provide you with a report on the South Carolina National Guard which you may find useful in your deliberations in the Congress.

In recent weeks, the National Guard has become the target of extensive criticism by the press, resulting from the Kent State deaths. I want to ensure you that the South Carolina National Guard has made a major contribution to the security of our State, and these guardsmen deserve the highest praise that can be given.

The Kent State episode was unfortunate; but I am highly insulted to hear such terms as "trigger-happy" and "poorly trained" used against Guardsmen. Let me give you some facts about South Carolina Guardsmen.

In support of civil authorities during civil disorders, the South Carolina National Guard was on State duty in 1968 for 17,640 mandays; in 1969 for 32,776 mandays; and thus far in 1970, over 9,000 mandays. Not one incident has marred these Guardsmen's record.

Since February 1968, the South Carolina Guard has been called to State duty 24 times to support civil police. Our Guard's performance has been a story of restraint in the face of extreme provocation and abuse, and of effective performance with minimum force.

Just last week, with over 700 South Carolina Guardsmen on duty at the University of South Carolina, it was necessary to use tear gas on two occasions to quell the disorder. Many of our Guardsmen were hit with thrown objects, and two received hospital treatment in one evening. Yet, they were without error in their performance; and finally they brought order to a rioting group of disorderly students.

Why can't the nation, and particularly the press, recognize that Guardsmen are human beings the same as the dissidents? Since 1968, 224,500 Guardsmen in our nation have been called to duty 191 times to back up civil authorities. Any criticism of their record has to come from uninformed persons.

The average Guardsman in South Carolina has received more than 40 hours of training in civil disturbance operations; but this is not his best asset. Our Guardsmen in general possess an awareness of the responsibilities of citizenship in a free society. We rely upon their understanding of the mood that is sweeping America and their determination that our freedom will not be destroyed. Their honest indoctrination largely accounts for their superb performance in tense circumstances, often where the tempers are heated and the aftermath highly emotional.

I urge your full and overt support of the National Guard of South Carolina and of the United States. They are doing their best to keep American strong.

Yours sincerely,

FRANK D. PINCKNEY,
Major General, SCARNG,
The Adjutant General.

SENATOR MARGARET CHASE SMITH'S TIMELY WARNING

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. KYROS. Mr. Speaker. I am sure we are all aware of the timely remarks made on the floor of the other body June 1, 1970, by the senior Senator from my State. These remarks were timely for two reasons: First, they were made on the 20th anniversary of the Senator's declaration of conscience, which I believe to be one of the most important speeches of our time; second, these remarks were made on Monday at a time when they are sorely needed.

Senator MARGARET CHASE SMITH was right 20 years ago, and she is right in her present judgment of the danger posed to our Nation by the forces of extremism. I would like to hereby bring to the attention of my colleagues two editorials, the first appearing in the New York Times of June 3, 1970, and the second appearing in the Washington Star of that date. I would also like to extend my personal appreciation to the Senator, for marking the 20th anniversary of her declaration of conscience in such a fitting manner.

The editorial follows:

[From the New York Times, June 3, 1970]

MRS. SMITH'S GOOD COUNSEL

As she did twenty years ago in her "declaration of conscience" against the right-wing excesses of Senator Joseph R. McCarthy, Senator Margaret Chase Smith is attempting to rally the country to moderation and good sense. One can only hope profoundly that it will not take four years this time for her counsel to be heeded.

The basic message of the Senator from Maine is that the deep pool of centrist opinion in the country, that essential guarantee against violent political upheavals, is being dangerously shaken. Primarily the threat this time is from the "radical left that advocates and practices violence and defiance of the law"

But beyond that present danger lurks the threat of repression, just beginning to show itself in a governmental defense that is "too extreme and unfair and too repetitive." One feeds on the other. But between the extremes of anarchy and repression, Mrs. Smith has no doubt that the American people, if they feel driven to choose, would take repression in the name of order.

Every present sign makes it plain that she is right. Nor do we doubt that once a national reaction set in against the nihilism and intolerance of the extreme radicals, now so visible in the streets and on television, decent distinctions would tend to disappear. Actually only a few make the campuses of the nation, in the Senator's words, "a rendezvous for obscenity, for trespass, for violence. . . ." But even now their activities are enough, in the eyes of some Americans, to discredit all students, all faculties, all intellectuals.

Many more students, minority groups and radicals—though far from a majority of any of them—are in truth guilty of "refusing to listen while demanding communication." Freedom of speech is scandalously often denied these days, even to people of national stature, by shouting them into silence or even by physically seizing microphones and platforms. And while very few stoop to such stupidity as desecrating the flag, it does not take many instances of such grossness to outrage the feelings of citizens for whom the flag is still a symbol deserving respect.

No one who wants to preserve that civilized discourse without which democracy is unworkable can take issue with Senator Smith's timely warning. We wish only that she had added some notice of the many young Americans today who do know and appreciate what she is talking about and who are working, in increasing numbers within the political system to promote, their views on the great issues of the day.

For they know, as she does, that with all its imperfections, the American Constitution has given people the longest span of self-government, of rule subject to popular change, however gradual, in the whole history of the world. That is not something that any of us—left, right or center—should willingly see endangered by anyone else, no matter what his ideology or degree of self-righteousness.

[From the Washington Star, June 3, 1970]

A New Declaration of Conscience

Senator Margaret Chase Smith on Monday delivered the speech President Nixon should have given some time ago.

The frail but formidable lady from Maine, who 20 years before, to the day, had defied the late Senator Joseph McCarthy in her "declaration of conscience speech," put the blame for the disorders which today afflict our campuses and our cities exactly where it belongs.

Firmly but without rancor, she castigated "the political extreme left" and "militant intellectuals" for "refusing to listen while demanding communication," and for making American campuses "a rendezvous for obscenity, for trespass, for violence, for arson and for killing." At the same time, Mrs. Smith characterized the defense made by some administrative spokesmen as "too extreme and unfair and too repetitive," adding that it had "gone beyond the bounds of reasonableness and propriety and fanned, instead of drenching, the fires of division.

In the latter instance, Mrs. Smith, as is her wont, named no names. Could it be that she had in mind Vice President Agnew? The senator from Maine keeps her own counsel, but certain it is that the vice president's rhetorical excesses, while they may have been provoked by greater excesses from the left, have done nothing to fulfill the administration's promises, to "bring us together."

If Mrs. Smith is right—or even half-right—in her statement that the extremism of the political left is rapidly confronting the country with "the narrow choice between anarchy and repression," it is not good enough for President Nixon to leave it to Agnew to do his talking for him, or for his administration.

Any president, as presidents so frequently point out to us, is president of all the people. If we are in fact confronted with a national emergency—and Mrs. Smith concedes that "anarchy may seem nearer to many of us than it really is"—then the President owes it to the country to speak out, as Mrs. Smith put it Monday and 20 years ago, without "irresponsible words of bitterness and selfish political opportunism."

There is small hope that the extremists of the left will heed Mr. Nixon any more than they will respond to Mrs. Smith. But the nation—in Mrs. Smith's words, "the great center of our people, those who reject the violence and unreasonableness of both the extreme right and the extreme left"—is desperately in need of leadership.

The vice president, committed as he is to partisan fishing in the troubled waters of dissent, cannot provide that leadership. The President alone can provide it, and he ought to try to do so.

NELSEN BILL TO PROVIDE FOR ORDERLY TRADE IN TEXTILE ARTICLES, ARTICLES OF LEATHER FOOTWEAR AND MINK SKINS

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. NELSEN. Mr. Speaker, I am introducing today a bill which is similar to that presently under consideration by the House Committee on Ways and Means. With one exception, my bill is identical to that originally offered by Chairman Wilbur Mills. The chairman's bill (H.R. 16920) would primarily affect the imports of textiles and leather goods from foreign nations. It would stabilize the trade in these items to prevent the flood of incoming goods from destroying these industries. My bill would extend this important principle to the domestic mink industry. This is an industry that has suffered more than textiles or leather goods, and the prime victims have been small businessmen. There is, however, a parallel: A prosperous domestic industry hit by an unreasonable flood of imports.

The Mills' bill would establish a base year for imports of leather and textiles at 1967–68. Because the remedy is so late in coming, I have selected the base year of 1959–60 for application to mink imports. The imports of that year would represent a level of 2,810,492 pelts a year, or a figure equal to 28 percent of domestic consumption last year.

I am in hopes that the Committee on Ways and Means will see fit to include these provisions on mink imports in any bill they recommend for enactment.

In recent weeks, Mr. Walter Taylor, a mink rancher from Connecticut, has visited with me concerning the development of this bill. Mr. Taylor has written a most eloquent summary of the situation faced by mink ranchers today, and I am including it in my remarks at this time:

Mink Farming In Or Out

Mink ranchers have tamed the wild animal, improved it by selection, created new natural mink fur colors, and built markets for them to a maximum of over one hundred million dollars a year for mink pelts.

They have developed a significant business in feed and supplies and created jobs for agricultural workers.

Taking food products that are too low in quality or otherwise not suitable for human consumption,[1] mink farmers have transformed these into the world's most beautiful furs.

Mink ranching has been a veritable modern classic of the possibilities of free private enterprise. Most ranchers started small, many of them on a part time basis, and by hard work and intelligent managing and marketing built thousands of profitable, mostly family size, farms.

In the face of rising costs and lower pelt prices, mink raisers have increased operating efficiencies and cut cost at every possible point. They have also modernized and increased their advertising, but in spite of all this, the remaining ranchers are now faced with bankruptcy due to conditions beyond their control.

Up until 1967 there had been a continuous increase of imports. The domestic market was able to absorb these large numbers of mink pelts because of demand created by a fantastically successful advertising campaign conducted and paid for by United States mink ranchers. In this campaign they appealed directly to the consumer and developed a lucrative market for furrier's garments made from American raised mink sold by U.S. Fur Auctions.

Our ranchers have assessed themselves a percentage of the gross pelt sales at auction. In the past 25 years or so, the ranchers have spent more than twenty million dollars building a market for mink.

This campaign was so successful that mink became one of the most prominent status symbols. Mink became and still is today, one of women's most cherished possessions. A woman does not buy a mink garment for warmth. Nor does she buy it primarily for style. She buys it because it gives her a sense of beauty and softness and luxury and the feeling that she has the ultimate of all garments. She buys it for a state of mind. It gives her the feeling that she has the best and no one can top that. This, of course, is the exact opposite of commonness.

During most of the sixties the opinion that mink was the ultimate fur along with the great affluence of the American public made it possible to absorb increasing quantities of mink at profitable levels and the image of mink remained relatively untarnished.

But in 1966 and 1967, the inevitable happened, imports captured 54% of the U.S. market. Even the tremendous image and desirability that had been so carefully and expensively nurtured by the American ranchers could not withstand the terrible weight of eleven million pelts imported in two years.

This flood of imports broke the market in 1967, and the inevitable deterioration set in.

We had built such a tremendous image for mink that any mink was considered luxury and a touch of mink on any garment increased its salability. This almost universal opinion of mink made it possible for the U.S. market to absorb the millions of low end, poor quality imports that were dumped on the U.S. market year after year. It has been very distressing to observe the European market reports over the years stating that the lowest qualities were sold to United States dealers.

This exploitation of our market with low grade pelts has been dragging down the image of mink. I think it is obvious that without this flood of imports the American Mink Industry would have had many more years of profitable prices.

The Scandinavians entered our market after it had been built by the U.S. ranchers. The desire and the demand were there and the image of mink was impeccable. They did not have to build a market; it was already established and, of course, completely exposed to their assaults since there were no import controls of any kind.

To make matters worse, the Scandinavians did not see fit to chart a course that would uphold the image of mink and maintain this market. They proceeded immediately to sell their mink as a common commodity rather than as a luxury item. They sold by size and rough quality separations in large quantities and without selling limits.

This initially proved very profitable to them with the American market firmly established and bolstered by a desperate effort on the part of domestic rancher associations to sustain the market by limiting quantities on sales and setting auction price selling limits.

In fact our attempts to defend the market played right into their hands since their policy of tremendous quantities on early[2] sales sold without limits moved their mink, but lowered the market and made our attempts to maintain a profitable market here extremely difficult.

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[1] That is, fish racks, a residue from fileting, poultry heads and entrails, packing house by-products that have been condemned for human consumption, low-grade dairy and egg products and over-aged cottage cheese.

[2] The time of winter fur growth on mink is determined by the shortening of the length of the day. Since the Scandinavian countries are farther north than the United States, they can pelt earlier.

XUM

Year after year, we attempted to raise the market level in our "prestige" sales following the low market levels set in Europe. We were surprisingly successful in this for many years but the weight of free imports was just too much for us and we failed in 1967 and the years since . . . this in spite of the superior quality of American raised mink!

Moreover, the Scandinavian approach has been primarily to concentrate on the first buyer, that is the dealers and brokers. Their very limited advertising in the fashion magazines has not, in my opinion, been of the proper quality to sustain the image of mink as a prestige and luxury item.

This Scandinavian approach to our market only made sense in a short term, quick profit, complete disregard for the future, policy. With this cynical approach to the mink market, is it any surprise that they now turn to newer fields such as Europe where they will undoubtedly repeat their destructive policies.

Both the fashion acceptance erosion and the U.S. business decline has acted to reduce mink pelt consumption in the United States. This decline in luxury purchases has not yet been reflected in Europe. Their general business has remained at a high level and 1969 was a banner year in the European fur business. Since the European fur market was very strong the Scandinavians found a ready sale at home for their pelts and consequently sold less to the United States.

The American mink ranching situation is deadly serious; in fact the industry now faces the possibility of extinction.

The number of ranchers has been reduced from 7200 in 1962 to 2400 in 1969.

Pelt prices have now reached disaster levels. After suffering the price break due to the flood of imports in 1967, the market is now further depressed by slowing business, restricted credit and a major decline in the stock market. Average gross auction price received for pelt sales from 1960 through 1966 was slightly over $18.00 per pelt; in 1967, '68, and '69 the average was $14.75, a drop of 18%. Preliminary figures for the first three months of 1970, show a gross average of $12.75, a drop of 30.4% from the first quarter of 1969.

It is most important to realize that these gross sales prices *do not* represent net to the rancher. Sales costs must be deducted. For example, the gross average sales price for mutation pelts for the first three months of 1970 are reported to be $11.41 per pelt. After the auction commission of 5¼%, Association deduction of 2¼% and $1.75 per pelt tanning costs (56% were dressed), the true average net return to the rancher was $9.53. These prices are definitely conflscatory. Almost every American mink rancher is operating at a loss at current market levels.

Mink ranchers receive their money when the pelts are sold after a year of costly operation. This means that they have to finance a whole year's operation in advance. The usual credit sources have been the auction companies, production credit and local banks. All of these sources have understandably been tightening up. Just recently another major blow was delivered to mink ranching's future when the New York Auction Company announced that they will not make their traditional livestock loans to ranchers this year. The seriousness of this is apparent when it is realized that their livestock loans have averaged between four and five million dollars a year.

Since final announcement of this credit policy was made just recently, affected ranchers had already invested five months' cost into a new crop. This refusal of credit will drive even more ranchers out of business and some will be forced to turn them loose or pelt their animals now when the pelts are worthless.

The low market has eaten up the mink rancher's working capital and these continually dropping prices along with the drying up of credit sources has set mink farming on a ruinous course.

In our experiences, from 1959 on, in trying to gain some relief from excessive imports we have consistently been rebuffed on the basis that we must demonstrate actual injury rather than prospective harm. It seems that a corpse must be shown to prove sickness. Well, we now have plenty of dead mink ranches to exhibit but still have no relief.

Unless substantial help is extended quickly, the American Mink Ranching Industry will go bankrupt and disappear from the American business scene.

Gentlemen, please don't permit it to be said that the mink ranching industry died because of the lack of protective legislation.

Mink Ranchers are vulnerable from almost every angle:

1. They gamble a whole year's investment before coming to market.
2. They are completely open to world competition without any import control or government price support.
3. They have no patent protection for their new genetic color inventions even though horticulturists can patent new plants.
4. There is inadequate protection against imported pelts being passed off as United States products.
5. Mink is a fashion item and mink is a luxury commodity and, therefore, extremely susceptible to changes in business conditions; under current conditions the mink ranching industry is in a depression.
6. Mink equipment and particularly housing of the animals is not adaptable to other uses. Across the country hundreds and hundreds of mink ranchers have their life savings invested in mink shelters, pens and nest boxes (one for each mink); and when they are forced to quit, there is no recovery value in this equipment. Lucky is the rancher who can realize five cents on each dollar invested!

WALTER TAYLOR.

FED-UP PROFESSOR

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. DORN. Mr. Speaker, while in Charleston, S.C., I read a splendid and timely editorial in the News and Courier which I commend to my colleagues and to the people of our country who have supported and provided the greatest free educational system in the history of the world:

FED-UP PROFESSOR

It is decidedly encouraging, after a year of chaos on so many college campuses, to find a professor who describes himself as a "liberal" striking out against what he describes as "the tyranny of spoiled brats." Prof. K. Ross Toole, 49, father of seven children, is professor of history at the University of Montana at Missoula.

Universities in California, in the East and points in between sorely need more men of Prof. Toole's caliber. "I'm," he writes in an article in The Washington Post, "sick of the 'young generation,' hippies, Yippies, militants and nonsense . . . I am tired of being blamed, maimed and contrite. I am tired of tolerance and the reaching out (which is always my function) for understanding. I am sick of total irrationality of the campus 'rebel,' whose bearded visage, dirty hair, body odor and 'tactics' are childish but brutal, naive but dangerous and the essence of arrogant tyranny, the tyranny of spoiled brats."

This is strong stuff, to be sure, especially coming from a man who classifies himself as a "liberal." There are far too many so-called liberal professors on college campuses who not only sympathize with student rebels but support their lawless activities.

Prof. Toole says it is time to call a halt. It's time, he says, "to live in an adult world where we belong and time to put these people in their places. We owe the 'younger generation' what all 'older generations' have owed younger generations—love, protection to a point and respect when they deserve it. We do not owe them our souls, our privacy, our whole lives, and above all, we do not owe them immunity from our mistakes, or their own."

Since when, asks Prof. Toole, have children ruled this country? "By virtue of what right," he asks, "by what accomplishment should thousands of teen-agers, wet behind the ears and utterly without the benefit of having lived long enough to have either judgment or wisdom, become the sages of our time?"

Prof. Toole does not spare himself or his colleagues. "We (professors and faculties in particular), in a paroxysm of selfabnegation and apology, go along, abdicate, apologize as if we had personally created the ills of the world—and thus lend ourselves to chaos. We are the led, not the leaders. And we are fools."

What to do about it? Prof. Toole endorses a simple remedy. "Faculties," he says, "should stop playing chicken . . . demonstrators should be met not by police but with expulsions. The power to expel (strangely unused) has been the legitimate recourse of universities since 1209 . . . Expulsion is merely the assertion of an old, accepted and necessary right of the administration of any institution. The failure of university administrators to use it is one of the mysteries of our permissive age—and the blame must fall largely on faculties because they have consistently pressured administrators not to act."

Prof. Toole also describes himself as "a square." If he is, there are plenty more people in this nation who share his views. It is too bad that most of them do not seem to be as articulate as the Missoula professor.

A parent of the sort of college student Prof. Toole says he is "sick of" has the power to exercise an alternative to the professor's proposed use of expulsion. The parent can simply tell his offspring that if he wants to go to college for the purpose of destroying and fomenting rebellion, he can pay his own way. It will be interesting to see how many parents will begin withdrawing financial support from children who insist on being campus militants. Parents, as well as faculties, should stop playing chicken.

A CITIZEN LOOKS AT THE WAR

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. WALDIE. Mr. Speaker, the fantasy of the "silent majority" has been dissolved in the wake of the events of this past May. I have received a tremendous number of letters and wires on the subject of the war in Indochina and these letters, Mr. Speaker, demonstrate more than just a passing interest in the war.

An excellent example of an insightful and penetrating look at this conflict was sent to me by J. William Pezick of Berkeley, Calif.

I would like to place Mr. Pezick's letter in the CONGRESSIONAL RECORD and urge my colleagues to read it.

The letter follows:

BERKELEY, CALIF.,
May 10, 1970.

Representative JEROME WALDIE,
House Office Building,
Washington, D.C.

SIR: I am writing of my concern about current United States action in Cambodia, its by-products in domestic problems, and the Indo-Chinese war in general. Though I am not one of your constituents, I hope you will find the following observations about this matter of national concern to be relevant, and I beg you not to discard this letter at this point.

Wednesday morning there was a convocation of about 15,000 people—half or more of our University community—and opinion of those present clearly favored a long-term cessation of customary academic activities—I hesitate to say "strike" because of possible misleading connotations. The process discussed not intended as a holiday, or to be like a breath-holding temper tantrum, or a hunger strike, but as an arrangement which will allow full-time work on research and dissemination of information regarding the Indochinese situation and associated problems. I am writing to encourage the Congress to act so that this burden of research and promulgation need not be carried out only by those individuals financially least able to bear it.

I personally over a period of time have become convinced of presumptive arguments for and limited evidence of the following and suspect further investigation could reveal substantial corroboration:

1. Atrocities are commonplace, rather than the exception. This seems so in two senses: first, when official policy demands them. Khe Sanh seems a case in point, described by an official U.S. spokesman as "the first major ground action won by air power." The village area is described as having been turned into a "cratered desert" by more than 100,000 tons of bombs; the atomic device released over Hiroshima, a larger area, was only 20 kilotons. And in this instance the victory may be questioned further: the village may have been purposefully abandoned by the North Vietnamese as a sign of their sincere interest in peace talks. In general, defoliation, crop destruction, saturation bombing, and free-fire bombs would fall in this category.

The second category is that where "individual initiative" receives token or no punishment. I believe that assorted spontaneous public confessions following the My Lai disclosures are only a slight indication of common practice. I have heard various remarks made privately by individuals that while lining people up and shooting them in orderly fashion may not be standard operating procedure, the same less orderly killing by a group of individuals, having the same results on village populations, is common under some sort of better-safe-than-sorry principle. I have from a friend the story of a man who methodically would shoot any "gook" he saw wearing a G.I. shirt, on the presumption that the shirt was a battle souvenir, and the wearer—whether suspected enemy or just a scavenger—deserved immediate execution.

Worse are the accounts of our Saigon "allies," whether in joint action with American troops or old-fashioned political terror. I have from another friend stories of joint engagements, where captured suspects were "interrogated" by being pushed out of helicopters. Yesterday a local radio station broadcasted accounts of ten academic and religious persons arrested in late April by the Saigon government, tortured for a week, and then released recently. They told stories of soapy water, drugs, truncheons, chair legs, lighted cigarettes, and electric devices being repeatedly applied to sensitive body areas. This was apparently confirmed by independent medical examination and by testimony of doctors employed by the government to treat them between periods of torture.

2. The costs of this war have been phenomenal, particularly when one considers what we—as a nation—could buy instead. Rough preliminary compilations of official figures by a committee in the Department of Economics at the University here indicate that $100 billion has been spent on the Indochina war since 1960, twice the expected lifetime income of all the Vietnamese. One could argue it would have been cheaper to bribe them. Expenses for 1969, about $25 billion, could more than fund the U.S. Guaranteed Annual Wage program at the recommended $3,200 level.

In addition, neutral policy experts contend that defense expenditures are among the most inflationary types of expenditure, the effect being much more with respect to GNP than proportional to the amount of expenditure made: major sections of our economy are oligopoly; whether they collectively will more resemble in their behavior a free market or a monopoly depends upon the constraints the market exerts on them. Major defense contracts may weaken those constraints for a significent number of suppliers.

Furthermore, reduction of defense expenditures is conspicuous among policy measures designed to try to reduce inflation in that it has a strong effect on aggregate demand not soon countered by pressure for rising wages, since its effect is not necessarily to raise the cost of living, as is the case with most taxes.

I see no particular reason to believe that quick demobilization will cause recession. If high temporary unemployment is foreseen, veterans pensions comparable with current pay scales could be authorized. That disbursement domestically, without transportation and additional battle costs, would presumably still be much more economical than the current level of involvement.

I will not attempt to put a value on human losses.

3. I have heard legal experts' opinion that many of our actions in Indochina over the years, particularly the Cambodia invasion, are flagrantly illegal. I wonder whether practical consequences of this aspect of the situation may not far outdistance already grave abstract moral ones. If the U.S. chooses not to adhere to past agreements in this spectacular fashion, taking actions of a kind which nullify or reverse recent "diplomatic signals," and without consultation, one can only imagine the unusual danger involved when other great nations, jealous of their own vital interests, try to predict what the U.S. will do.

Even more, I am concerned by the private interests which benefit from the war and are close to the conduct of it and the excessive planning initiatives which appear to be taken in military circles. I am disturbed by reports of there having been two CIA CAS teams in Cambodia, one reassuring Sihanouk of U.S. support, the other working actively for Lon Nol. One has the impression of quasi-independent action by this arm of the executive, who appear to deal consistently in terms of support of something which can be labeled a government—regardless of popular commitment, when popular commitment is a necessary condition for success of the policy involved. I am concerned with the tradition over years and Administrations of increasing action in one area of Indochina following reduced action in another. I am concerned with reports that half the troop sanctuaries are in Vietnam rather than Cambodia, and that there was no build-up of enemy forces in the Cambodian area attacked, and that the Cambodian involvement was simply a *compromise* with the military, who wanted to attack Sihanoukville, where Chinese and Russian advisers have been said to be arriving. I am frightened by reports such as those of regular low-level night-time flights over mainland China by pilots of Air America airlines—apparently under contract to the CIA with some financing from Chinese nationalist interests—as part of a long-term strategic plan for revolution on the mainland (interview with pilot, Dallas morning news, 4/13/70).

All this suggests to me a great widening of the war, perhaps beyond where increasing American involvement can be readily reversed; it suggests to me that the Executive branch may not be able—neglecting volition—to curb the war.

No matter how much the Congress may want to end the war, if they resolve to "support our troops already involved" under any circumstances, though a totally humane and correct notion on the face of it, I am confident the military are canny enough to plead the necessity of further troop commitments, perhaps in situations where by field or general staff initiative we are already so committed with already-available resources, that not to commit further resources is in the short run flatly irrational, though it may be in the long run disastrous.

I should like to emphasize the distrust I feel and others appear to feel for the Nixon administration. Nixon is overstating the obvious and at best glossing over the crucial. Everyone knows that Nixon would like to end the war in Indochina, but on what terms? or to reduce participation of U.S. ground troops, but with what alternatives? Even "Vietnamization" will not be full relief apparently: though fewer of our own troops will die, air search-and-destroy missions by private American contractors, supported by Vietnamese ground troops will continue U.S. participation in the same scorched earth—to say nothing of people—policy. Everyone knows Nixon would like to "get along" better with "dissenters," but is there any indication that he understands or will respect formulations of the problem other than his own?

His recent meeting with student representatives gives me no confidence. His telephone opinion survey on Cambodia (UP 5/9/70) where positive opinions were forwarded and negative opinions not accepted gives me no confidence.

I therefore urge you to support attempts for independent Congressional investigation of all aspects of the conduct and implications of the Indochinese war, and meanwhile to support all measures or control of the Executive's initiative, whether by limitations of funds, discussion of a formal declaration of war, censure—or impeachment, if nothing else will scare him. I hope that funds resolutions will not be worded in so open-ended a manner that the war can be further prolonged or extended unnecessarily, and another label attached to the action to make it superficially legitimate. Mr. Nixon has already demonstrated, to my mind, with his interpretation of the Constitution in the Cambodian matter and in the Carswell nomination, that he will seize any vague phrases he can find and make a bludgeon of them. One should be blinded by this time, with so much "light at the end of the tunnel." I think also that Mr. Nixon should be made aware of the errors in this sort of tactic, generally. It would be a piecemeal resolution to the problem if he were suddenly to reverse his Cambodian policy, the furor would die out, and then next month he chooses to embark on some new advanture in coercion, whether at home or abroad.

I believe the semi-secretive double-talk in which the decision to send troops into Cambodia was presented to the American public is largely responsible for the mass expression of confusion, frustration, and violence. Even many of those with ideas which may be considered radical do not and will not turn to

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radical tactics, unless the issues are not given a fair hearing or any hearing, and unless these people are convinced the official position cannot be rationally defended. A quick voting down of "anti-war" resolutions, with perfunctory debate, would not be a fair hearing. The current strike at the University here is conspicuous for mass participation of people with moderate views who still have faith in the democratic system. If Congress will not permit full debate of these issues, I fear many incidents far, far worse than that at Kent State, and if such should occur under those circumstances, Congress will be as responsible as anyone else for them.

Sincerely yours,

J. WILLIAM PEZICK.

A LETTER FROM A FIGHTING MAN IN VIETNAM

HON. ODIN LANGEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. LANGEN. Mr. Speaker, I have received a letter from Sp/4 Peter J. Martinson, a resident of my congressional district who is presently serving his country in Vietnam, which I consider worthy of having the attention and careful consideration of all Americans who might attempt to evaluate the wisdom of the President's recent decision to send American soldiers into Cambodia.

The author of the following letter judges the President's decision from the position of one who is himself making the sacrifice involved in upholding the policy his Government has chosen to pursue. I commend his thoughts to all who are really concerned about our citizens in military service:

SAN FRANCISCO,
May 26, 1970.

Representative ODIN LANGEN,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. LANGEN: Sir, I am a serviceman serving in Vietnam. My home is in Fergus Falls, Minnesota. I follow current events as much as possible, and I would like to share with you some of my views on certain issues. I am sure that you like to hear from your constituents so that you are more aware of their views and feelings on particular issues.

First of all, I would like to commend you on the way you are representing us of Minnesota's Seventh District. I have been impressed by your conscientious, responsible representation. I trust that this kind of service and leadership will continue.

I am very pleased with President Nixon's leadership as Chief Executive. I am impressed by his prudence, his sense of responsibility and his far-sightedness. Also, I favor his "conservative" approach to government. I hope you will support President Nixon and his administration whenever your conscience and good judgment permit.

As far as this war in Indochina is concerned, I find myself agreeing with the President. Furthermore, I tend to agree with the principle that brought American troops to Vietnam. No country likes to send its young men off to war, but to ignore aggression in the present is to invite a larger, costlier confrontation later. History teaches us this.

Since we have made the investment here that we have, a gradual withdrawal is the only reasonable solution. A total, immediate withdrawal is unthinkable because it would mean the useless forfeiture of billions of dollars, the effort of millions of men and, most tragic of all, the lives of over 40,000 Americans.

I can't help admiring President Nixon for his decision to strike against Communist sanctuaries inside Cambodia. I am moved that he would make such a difficult, unpopular decision to insure the safety of us Americans who remain in Vietnam.

The violence that has accompanied recent campus demonstrations disturbs me. All of us should have the right to express our views, but the lack of respect for law and order that some demonstrators show threaten to destroy our society. I am sure you too are concerned about the lack of respect for the law in our country and are doing what you can to promote respect for the law and peaceful channels for change.

Sir, there is one more thing I would like to bring to your attention. I have become aware of an inequity in the draft laws that I think ought to be corrected. This inequity has to do with the deferment and virtual exemption of ministerial students from any military service. Under the present arrangement anyone who declares his intention of entering the ministry is deferred from service throughout all his schooling and is never called into the service. I plan to enter the ministry after completing military service and more education, and I feel that ministers have as much of an obligation to serve as anyone else. The nature of ministers' work should not exempt them. Furthermore, ministers enjoy the benefits of our democracy and way of life and so should do their part to preserve and defend that democracy and way of life.

It has been my observation during nearly two years in the Army that the ministry of more chaplains would be an improvement. Many chaplains carry on a gallant ministry, but ungodliness abounds. I am sure that many a decent young man has been corrupted during his military service. If men trained in spiritual things were in the service, their influence would help counteract the unhealthy influence of ungodliness. So a correction of this provision of the draft law would not only be just, but it would also lead to the spiritual benefit of men in the Armed Forces.

I would favor a method of deferment for ministerial students similar to that applied to medical students. Defer ministerial students through their college and seminary training, unless they choose to enter the service earlier. Then call them into the service after completion of seminary training.

In closing, may I mention one more thing? I would like to follow the events in the Congress and your part in those events. Please send me your periodic newsletter.

Thank you, sir, for your time and consideration.

Respectfully,

Sp4 PETER MARTINSON,
64th Finance Section, APO San Francisco.

IS A LOW-INFLATION, HIGH-EMPLOYMENT ECONOMY POSSIBLE?

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. BURTON of Utah. Mr. Speaker, there is no more persistent nor pressing problem confronting Americans today than inflation. The May 1970 issue of Fortune contains a penetrating discussion of the subject by Gilbert Burck. The article follows:

HARD GOING FOR THE GAME PLAN

(By Gilbert Burck)

Not since the great depression has a U.S. Government found itself tackling a thornier economic problem. The nation seems stuck with both inflation and slump. Unemployment is rising along with prices, while the size of wage settlements seems to keep on increasing. This phenomenon, to be sure, was not a total surprise. Months ago Paul McCracken, Chairman of the Council of Economic Advisers, warned the nation to expect the worst of both worlds for a while, and the council still regards the country's current troubles as a temporary episode in the unfolding of the Administration's "Game Plan" for subduing inflation. If all goes according to plan, inflation will gradually subside over the next two and half years, to a tolerable level of perhaps 2.5 percent while unemployment will steady at something between 4 and 4.5 percent.

But it now seems clear that the tides of inflation have been running stronger, and that the job ahead is a lot tougher, than most people thought. For one thing, the usual cures for inflation don't work as readily as they used to because of resistances or rigidities in our economic structure. Administered prices, construction codes, featherbedding, price supports, welfare payments, minimum-wage laws, and other rigidities do not usually cause inflation, but they tend to keep wages and prices from being flexible and so fortify inflation once it has gained strength.

At the same time, high unemployment has become socially and politically unacceptable. The authorities can no longer tame prices by resorting to harsh deflationary measures. This, in turn, has thrown an aura of implausibility over predictions of deflation and has tended to feed long- or medium-term inflationary expectations.

And yet the Administration must live with an economic reality: either the U.S. accepts the dire consequences of a high inflationary rate or it lives through the pain of slowing it down. Although high inflation would maximize employment, at least for a while, this would be offset by the fact that no fewer than 29 million retired and disabled Americans are living on more or less fixed incomes, and that millions of them would be severely strapped and even impoverished by high inflation. More important, the economy faces immense demands on its capacities that it cannot meet without a sound foundation for expansion. A high rate of inflation, because it creates innumerable distortions in the economy, simply could not provide the basis for strong, healthy growth. Sooner or later it would collapse or have to be throttled, at a cost and pain far exceeding the cost and pain of subduing it early.

THE TUG OF POLITICS

Subduing inflation without excessive unemployment, as the Game Plan hopes to do, will demand knowledge and skill—and lots of luck. Unfortunately, what economists still have to learn about inflation would fill more than one book. As Professor G. L. Bach of Stanford University confessed to a recent bankers' symposium, "The dynamics of the economy are more complex than most of us had ever dreamed. The system is full of interactions and feedbacks, all operating with different time lags." The past decade, moreover, demonstrates that economists are likely to find themselves hauled up by politics even if they understand perfectly how to contain inflation. Back in 1957–58, and again in 1960–61, the fiscal and monetary authorities of the Eisenhower Administration, determined to maintain the purchasing power of the dollar, bludgeoned down prices and in the process pushed unemployment up to more than 7 percent. This policy was tough on the country, but it provided an ideal setting for the expansionist policies of the New Economics. For five booming years, while wholesale prices remained even and consumer prices rose gently, unemployment declined steadily, and by late 1965 was down almost to 4 percent. But then the costs of the Vietnam war began to mount, and prices suddenly began to rise steeply. During the next three years the combination of too little knowledge and too much politics, manifesting itself mainly in ill-timed fiscal and monetary policies, ended up with the hottest inflation since World War II. As people came to expect more inflation and tried to offset it, they added to its momentum. Early in 1969, when the Nixon Administration took over, consumer prices were rising at a rate of 5 percent, and the rate was plainly heading higher.

The Administration's Game Plan, logically enough, was based on avoiding the mistakes of its predecessors, such as the excessive deflation of 1957–58 and the excessive ease of 1967–68. Its chief architect was the eminent Arthur Burns, who had left Columbia University to become Nixon's economic preceptor. Burns's chief helper was Paul McCracken, who had learned a lot as a member of the Council of Economic Advisers under Eisenhower, and who had been recommended by Burns himself for the top job on the council. Now that Burns has ascended to the chairmanship of the Federal Reserve Board, McCracken is in command at the firing line. But they confer frequently, together with Secretary of the Treasury David Kennedy and Budget Director Robert Mayo, the other two members of the quadriad that is responsible for broad economic policy.

Like all honest practitioners of his art, McCracken is well aware that the more a man knows about economics, the more he has still to learn, and he is neither too proud nor too cocksure to ask questions. Recently he surprised and flattered a dozen of the country's leading corporate economists by inviting them to fare to Washington and discuss the outlook for capital spending. This unprecedented levee may sound like a smart piece of public relations, but it was not intentionally so. McCracken simply wanted to hear what experts in the outer world had to say.

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McCracken is similarly modest about the Administration's strategy for subduing inflation. It was he who first appropriated the term Game Plan from football, a sport he greatly enjoys. The term is apt. A game plan is not a book of rules or a detailed guide, but a strategy that seems most logical in the light of all available but necessarily incomplete information about the forces in the contest. The Game Plan strategy started by accepting the fact that there had to be a trade-off between unemployment and inflation. Then as now there was a certain clamor for price and wage controls, but the plan rejected them because they would only obscure, not cure, the fiscal and credit excesses that had been causing the trouble. For similar reasons it also shunned jawboning, guidelines, and other suasive measures.

This left the Administration with only one course—to create the conditions under which natural economic forces could bring about disinflation. Monetary and fiscal policy would be used to slow or halt the economy's growth for a while: the Federal Reserve would tighten the money supply while the Treasury aimed for a budget surplus. As the economy's growth ground to a halt, sales would be harder to make and costs would increase; business would be unable to raise prices at will, and would even be forced to reduce them. Profits would be squeezed, and unemployment would rise. The combination would force business to reduce costs and to resist labor's inflationary wage demands. Once the rate of price increases began to fall, monetary and fiscal policy could be eased. And provided the economy was not allowed to expand too fast, the rate of price increases, following a new momentum, would continue to decline. As McCracken explains it, the gap between potential and actual output would be sufficient "to generate the back pressures needed to counteract the momentum of inflation." To put it yet another way, there would be enough slack in the economy to keep the rate of price increases on its downward course.

THE DEPLORABLE BONER

So far, the plan has brought the economy's growth to a halt and indeed has slightly reduced real G.N.P. Sales have been sluggish, profits have fallen, short-term interest rates are down substantially, unemployment is around 4.5 percent, and the all-important rate of price increases has finally begun to decline. Now the hard part of the game begins: easing monetary and fiscal policy without inflaming demand and forcing prices to soar. McCracken is optimistic. By the end of the year, he reckons, the annual rate of price increase, as measured by the G.N.P. deflator, should be down to about 3.5 percent and, what is more, should be heading lower, even though the economy is expanding again.

Mostly for political reasons, the Administration made several policy mistakes that have not helped the Game Plan. Its spokesmen, anxious to avoid alarming the electorate, talked too much about the new policy's "gradualism" and played down the necessity for some increase in unemployment. A lot of businessmen accordingly did not believe the government meant what it said about subduing inflation. Last August, McCracken himself waxed a trifle too optimistic about the date when price rises would slow down. Congress pulled a deplorable boner in doubling the President's salary and increasing its own pay 40 percent not long before Nixon proposed to postpone civil-service and military pay rises from July 1, 1970, to the end of the year. Arthur Burns suggested that the President and Congressmen take a token cut, but nothing came of his idea. When the postmen struck and got raises, civil-service employees and military personnel were also handed their raises, not six months late, but six months early. In all, the wages of some five million people, equal to 7 percent of the nonfarm labor force, were raised 6 percent.

Moreover, politics got in the way of many specific measures that could have enabled economic forces to help keep prices down. One reason food costs are so high is that the Department of Agriculture, which all too often resembles a cartel operation dedicated primarily to pushing up prices, last year set grain acreages too low, and so production of both hogs and grain languished. Hendrik Houthakker, McCracken's colleague on the Council of Economic Advisers, argued for higher quotas on imported beef to increase domestic supply, but import quotas were actually reduced. President Nixon himself rejected his task force's recommendation that imported-oil quotas be abolished in favor of a tariff, and he topped that by asking Congress to restrict the flow of crude oil from Canada.

THE PRESIDENT'S FEAR

With the general concept and aims of the Game Plan, practically all economists, including former council members, are in remarkable agreement. Most criticism of the plan deals with the way it is being implemented. On the one hand, there are economists, bankers, commentators, and other advocates of sharp, quick deflation who argue that the Administration hasn't been harsh enough in retarding the economy. They shake their heads over the SEC-Commerce survey of last March that suggested business would increase its capital spending by more than 10 percent in 1970. They purse their lips over climbing prices, forgetting that prices traditionally ease very late in a downturn. They deplore the Federal Reserve's intimations of a relaxed monetary policy. So they see the Administration "chickening out" on its resolution to conquer inflation.

On the other hand, there are those who fear a recession and the high unemployment that would accompany it; among them is Richard Nixon himself. And some economists and commentators regard the Federal Reserve's policy as practically guaranteeing a recession. One of them is Milton Friedman, the country's leading monetarist, who argues that a sharp reduction in the money supply is bound to hurt business some time later. The Federal Reserve's super-tight money policy, which kept the money supply practically constant from the summer of 1969 until early this year, he says, augurs for a deeper and longer slump than most people are counting on. This may tend to check price rises more than a gentle correction, Friedman concedes, but it may do the opposite. For the authorities may over-react in stimulating the economy, and so refuel and accelerate inflation.

Neither of the two points of view, as this is written, can be wholly discounted. As Arthur Burns told the Joint Economic Committee recently: "The Board cannot overlook the possibility that the present slowdown in economic activity, which is a healthy development, may yet be followed by a recession. . . . There is also the possibility, however, that the inflationary processes with which we are dealing may prove more stubborn than we realize. . . . For some time this year, our monetary and credit policies are therefore likely to tread a narrow path between too much restraint and too much ease. . . ."

Although prices, as already noted, are finally beginning to rise at a slower pace, the great worry is labor costs. It is true that 1970's wage settlements, which will doubtless surpass those of 1969, will be partly offset by rising productivity, which dropped during 1969 and should soon be regaining its normal rate of close to 3 percent. But some recent strike settlements have been grossly excessive. And the government's capitulation to civil-service and military personnel may generate a whole new round of wage demands. All this, combined with a new intractability, not to say belligerence, of labor's rank and file, is disturbing, and even alarming.

The part that organized labor plays in the inflationary process is a subject of considerable contention. Most economists agree that both business and labor often enjoy market power that enables them to keep the prices of their products and services at higher levels than they could in perfectly competitive markets. During the past twenty years or so it has been fashionable to pin the concrete medal on business. Dozens of papers and books show how prices are administered and how administered prices make for inflation. Others explain how innocent business practices like so-called target-return pricing (trying to set prices to bring a certain profit rate) are inflationary, or how rising prices and wages in one sector of the economy make for rising prices and wages in others.

LABOR'S INFLATIONARY EXPECTATIONS

The contribution of labor costs to inflation, by contrast, has often been overlooked or talked away. Some economists of the monetary school, anxious to account for everything in terms of the money supply, aver that a real cost- or labor-push inflation is rare, at least until the expansion of the money supply by the authorities has reduced the value of money and so added an inflationary component to wage demands. They thus tend to blame the wage boom on government. Labor monopoly, they say, affects the pattern rather than the average level of wage rates.

Union leaders today, moreover, are brandishing timely and urgent reasons for their extreme demands. Wages have risen during the past five years, they admit, but the increase in living costs has practically offset their gains. The ones who signed three-year contracts when prices were considerably lower complain indignantly that those contracts shortchanged them. Now they are full of inflationary expectations, and commonly talk in terms of increases of around 10 percent a year, calculated not only to catch up with past price increases but to offset future ones.

These labor leaders, naturally enough, have exaggerated their case. During the past ten years, as the chart (not printed) shows, pay per hour (including fringe benefits) has increased 70 percent, more than twice as fast as consumer prices. During 1961–65 the increase was just about offset by the increase in productivity, so that unit labor costs (and wholesale prices) remained virtually steady. Between 1965 and 1970, however, pay per man-hour shot up steeply, a great deal faster than productivity.

Much of this increase, it is true, has recently gone into fringe benefits and taxes and has been partly offset by shorter hours, so that take-home pay has often shrunk. In addition, productivity gain in 1967 and 1969 was not up to par. The fact remains, however, that pay in the past five years has gone up faster than productivity and has been inflationary by definition. For this increase has raised production costs, which business has passed on (sometimes in extra-good measure) as price increases. And because the government, up till the end of 1968, was anxious to avoid the recession that customarily occurs when costs and prices are rising faster than aggregate demand, it used easy money to swell aggregate demand.

FLEXIBLE ONLY UPWARD

What can now be done about wage inflation? The Game Plan is based on the proposition, elaborately worked out from experience, that a small rise in unemployment will reduce the demand for labor, which has been very scarce at least in the skilled categories. Mostly because of this scarcity, and partly because of rising minimum wages, the wages of nonunion labor, which constitutes more than 75 percent of the nonfarm labor force, actually rose more last year than the wages of union labor. The reasoning now is that nonunion wages, which were so sensitive to the rising demand for labor, will be equally sensitive to a softening demand.

Union wages, by contrast, are not very sensitive to the state of the general labor market. Negotiating directly with management, unions have allowed the price of a man-hour to be flexible only one way, and that is upward. How much the price of labor moves upward, therefore, depends on how successfully business keeps it down. Union-wage inflation, in other words, can be braked only when business, confronted with tough markets and falling profits, resists extravagant union demands. At the same time, business must cut other costs and bring down the rate of its own price increases, if not prices themselves. It is a large order, but whatever can be said about business' sticky pricing practices, most prices have proved to be flexible and have responded to the supply-and-demand forces of the market. The fact that they did respond to the market is a major reason why the economy has managed successfully to climb out of four recessions since World War II. And it is because they still respond to the market that the Game Plan has a chance of being successful.

Suppose, to make the point a bit sharper, that business behaved in the fashion of organized labor. Suppose that the leaders of the refrigerator industry journeyed to Miami, and there in congress assembled deplored the ravages of inflation on their financial condition. Suppose they agreed unanimously to "fight" inflation by increasing the price of their products 10 percent in 1970 and 8 percent both in 1971 and 1972. Suppose, for good measure, that these embattled industrialists then appointed a committee to deal with backsliders in their ranks, and instructed the committee to be alert to take such measures as picketing the backsliders, boycotting their suppliers, and hijacking their truck and rail shipments. Within two hours after their convention adjourned, there would begin such a public uproar as the nation has never seen. The planes and Metroliners to Washington would be bulging with nascent Naders, and no doubt Congress would convene in special session, as if for a declaration of war.

This is not to pin all the responsibility for inflation on labor unions. Inflation like pollution is everybody's fault and everybody's business. But a major reason inflation rages is that wages have been rising faster than total production. It is also a major reason why the Game Plan, or for that matter any plan that attempts to tame inflation, finds itself forced to reduce total demand by reducing production and throwing people out of work at just the time when common sense says production should be increased.

Abating the inflationary wage rise plainly means some harsh confrontations between business and labor. Unless business succeeds in keeping most of the rest of this year's settlements in the neighborhood of last year's increases, price-rise abatements will come harder than ever. Not only will the Game Plan have trouble in bringing annual price increases down to 3.5 percent by this year's end, it will need more time than it now counts on to reduce the 3.5 figure to a tolerable one.

LIVING WITH 3.5 PERCENT

And why isn't a rate of 3.5 percent tolerable? A lot of countries have survived and even flourished when their prices were rising several times as fast. The main reason the authorities can't quit at 3.5 percent is that such a rate would not suffice to extirpate inflationary expectations. Manufacturers would still tend to accumulate excessive inventories. Their cost-control programs and productivity would tend to languish. They would find it easy to succumb to unions' demands, which would themselves be inflated by expectations of higher prices. Businessmen, as they so often do when prices are rising, would find themselves with depreciation schedules insufficient to replace their capital. At the same time, because a new high rate of wage increases would justify more capital spending than a lower one, they would be compelled to spend more on new plant and equipment. And profits would probably suffer, for costs would generally rise at least as fast as prices. Since late 1965, as a matter of fact, profit margins have been declining.

Capital markets would be distorted. Expectations of more inflation would keep interest rates high, adding 3 percent or even more to the rate that bonds and loans would otherwise command. Lenders, hoping to offset their expectations of continuing if not accelerating inflation, would tend to demand ever higher rates. Soon or late, too much capital would tend to flow into real estate and equities, and to bid them up to eventually unsustainable prices.

Perhaps the most urgent reason why the U.S. could not tolerate a 3.5 percent rate of inflation is that such a rate would be likely to increase greatly the deficit in its balance of payments and cripple its options in foreign economic policy. Granted that inflation in Europe is worse than in the U.S., the fact is that the U.S., with its high labor costs, can compete in foreign markets only by keeping its rate of inflation considerably below that of its foreign competitors. The U.S. would continue to import too much and export too little, and the protectionist movement would gain ammunition. The dollar would come under speculative attack; and the world monetary system, which is based on a fairly sound dollar, might approach another crisis.

RISKS AT THE GAP

And so the Game Plan aims to reduce the rate of inflation by the end of 1972 to a level much more tolerable than 3.5 percent. What are the chances for bringing the rate down to 2.5 percent or even 2 percent? By the end of 1970 the gap between potential and actual output should amount to 4 percent, and unemployment may exceed 5 percent. In 1971, McCracken hopes to begin narrowing the gap very gradually, even while reducing unemployment very gradually. But even a gradual narrowing of the gap has its hazards. When the economy is operating below potential, inflation automatically tends to moderate. Like a racing car that has stopped to cool an overheated engine, however, the economy can make up for lost time only by running faster than normal. As it speeds up, some prices may firm up. When trade and commerce heat up again, can prices and wages stay cool?

The last sizable disinflation, that of 1958–60, is edifying. Raymond Saulnier, who was Chairman of the Council of Economic Advisers at that time, remarks that the present Administration is now trying to cure a worse inflation with a G.N.P. gap much narrower than it was then. "For twice as bad a disease," he says, "it's using half as much medicine." This is a slight exaggeration, but the point is well taken. In 1956–57 prices rose at 4 percent (as measured by the G.N.P. deflator), and the rate of pay increases ran between 6 and 6.5 percent. Thereupon the Administration went in for aggressive restraint. The Federal Reserve clamped down hard on the money supply, the government cut its spending, and by early 1958 prices were rising only at 1.6 percent. But President Eisenhower and Secretary of the Treasury Anderson, hot for a sound dollar, insisted on more restraint, and a $12-billion budget deficit in 1959 was followed by a $3-billion surplus in 1960. Thus in 1958 and 1961 the gap between actual and potential output, as shown in the chart on page 282, widened to no less than 10 percent. By late 1960 the rate of pay increases was down to less than 3 percent.

Inflation today is certainly stronger than in 1956–58. Consumer prices are rising at about 6 percent a year, and labor costs between 7 and 8 percent. Yet the gap between potential and actual output, to repeat, is expected to widen to no more than 4 percent by early 1971, and to narrow later on. As Saulnier himself has often noted, the Eisenhower Administration ladled out the medicine in horse doctor's doses, often against his own express advice, and produced a real recession. The Game Plan is trying to avoid doing just that. But it is possible what with labor's aggressiveness and inflationary expectations, that the gap between potential and actual output may have to last longer than the plan anticipates. And the country may have to put up with more unemployment, and put up with it longer, than the projections call for.

IMPROVING THE TRADE-OFF

But assume that the day will come, on time or somewhat late, when the gap between potential and normal output is drawing to a close and inflation has been damped down to a rate of around 2.5 percent. If the economy is then constituted as it is now, experience has pretty well demonstrated, the Administration could not let unemployment fall much below 4.5 percent without risking a sharp rise in the rate of inflation. Only if the trade-off between employment and inflation is improved, in other words, can the Administration aim to reduce unemployment to a rate of 4 percent or even less.

Direct price and wage controls could improve the trade-off temporarily; or, to put it more precisely, they could provide a substitute for the trade-off and keep it from functioning. But if only because such controls would be impossible to administer fairly and efficiently, they would not work. And even if they should miraculously be made to work, they would merely conceal the trouble for a while. Significantly, none of the ex-members of the council are for direct controls.

What many of them are for, however, is "jawboning"—for setting up explicit or implicit price guidelines and persuading business and labor to follow them by pleading, threatening or arguing, according to the case at hand. Advocates and opponents of jawboning wield some impressive arguments but, at best, jawboning would be just a short-term expedient.

Probably the most practical way of fundamentally improving the trade-off soon is to soften and eventually destroy one rigidity whose destruction nobody can reasonably deplore. This rigidity is defined by the paradox that the country is for all practical purposes fully employed when 4 percent (or a little more) of its labor force is unemployed. For a large proportion of today's 3,700,000 U.S. unemployed cannot be easily employed. They live in the wrong place or lack the right skills or both. The nation's reserve of skilled unemployed labor amounts to less than 2.5 percent of the labor force, which constitutes a tight reserve in any country. Given a little increase in the demand for them, their price tends to rise. And any attempt by the government to reduce over-all unemployment below 4 percent by boosting final demand as the Johnson Administration did, ends up with too much demand and higher prices. The alternative is not hard to find, and it is indeed being put into effect. About two million people a year are now being trained under various programs. These programs will take time to pay off, but by 1972 the realistic rate of full employment should be higher than it is now.

Enlarging the labor force, however, is no substitute for expanding supply and keeping demand in line with it. It would be just as easy, if not easier, to start a roaring inflation when normal unemployment is 2 percent as when it is more than 4 percent. The great goal should be not merely to cure but to prevent inflation and inflation is the result not only of bad or timid monetary and fiscal policy, but of all the restrictions, codes, tariffs, price riggings and supports, quasi cartels, and other rigidities that infest the economy and hobble natural economic forces. If even some of these are extirpated, the preventive task of monetary and fiscal policy will be a lot easier.

A FIFTY-FIFTY CHANCE OF SUCCESS

The Game Plan may fail to reduce inflation very soon. Wage and price rises may yet refuse to abate despite growing unemployment, which would mean that the country's inflationary expectations, combined with the economy's rigidities, have been too strong for the plan's moderate strategy. The advocates of a sharp, quick deflation will revive the argument that the Administration hasn't been harsh enough, and the partisans of direct controls will press their case louder than ever. The plan may then have to be changed to accommodate tighter fiscal and monetary policy or a temporary wage and price freeze.

Success, however, is at least a fifty-fifty possibility. For success lends itself to wide definition. If by the end of 1972 inflation is down to 2 percent and unemployment stands around 4 percent, the Administration can claim a noble victory. But even a 4.5 percent unemployment rate, in an economy whose total employment will be increasing by 1,400,000 a year, is both politically and economically tolerable, given adequate welfare support. A combination of 2.5 percent or even 3 percent inflation with 4.5 percent unemployment would enable the Administration to take a lot of credit. Even so, the job of reconciling reasonable price stability with a reasonable unemployment level would still remain an urgent piece of unfinished business.

SOUTH VIETNAMESE TROOPS IN CAMBODIA INDEFINITELY, SANCTIONED BY LAIRD

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. FRASER. Mr. Speaker, despite President Nixon's original indication that South Vietnamese troops would withdraw from Cambodia with American troops, Saigon has stated firmly that they will stay, and Defense Secretary Laird has sanctioned that statement. The following editorial from the May 24 New York Times raises this issue and discusses hints of even more far-reaching activities in Southeast Asia:

VIETNAMIZING CAMBODIA

Saigon's announced determination to keep South Vietnamese troops in Cambodia indefinitely, which has now been publicly sanctioned by Defense Secretary Laird, is a direct challenge to the Administration's own professed efforts and those of Congress to reestablish limits to the Southeast Asian conflict.

It should be noted that the South Vietnamese are not speaking in terms merely of further operations against the border sanctuaries, as Secretary Laird indicated, but of a wider general effort against the Communists throughout Cambodia in support of the Lon Nol Government. South Vietnamese troops already have penetrated to within three miles of the Cambodian capital, they say, and are operating in other areas far beyond the 21-mile limit imposed on American forces.

If these operations are prolonged, there can be little doubt that they will provoke a strong reaction from the Communists and possibly also from Cambodians who are showing increasing signs of malaise over South Vietnamese activities within their borders. It is straining credibility to suggest that the South Vietnamese, who are not yet capable of defending their own country, can fight successfully alone in an alien environment where they must also confront the deep traditional antipathy of the native people.

Vice President Nguyen Cao Ky has boasted that South Vietnamese forces "have the capability of mounting military operations independently in Cambodia as well as in Vietnam." If this is so, there is no further excuse for continuing to maintain American forces in South Vietnam to fight Saigon's battles there. If it proves false, as is most likely, Americans have a right to ask what fresh demands will be made on the United States to help pull Saigon's chestnuts out of this foreign fire.

The Administration has failed so far to make clear its own intentions regarding future allied operations in Cambodia. President Nixon declared on May 8—and the White House reiterated last weekend—that it is expected "that the South Vietnamese would come out approximately at the same time that we do, because when we come out our logistical support and air support will also come out with them." Vice President Ky has scornfully dismissed this "hypothesis" as "a silly argument of silly people." Secretary Laird and some other more recent Administration spokesmen seem to agree with him.

Even more disturbing are recent State Department hints that the United States Government is actively promoting a new defense alliance in Southeast Asia that would link South Vietnam and Thailand—and perhaps others—militarily with the shaky Lon Nol Government in Pnompenh, forging a new anti-Communist alliance across the southern half of Southeast Asia. Congress will certainly want to explore thoroughly the implications of such a far-reaching development and especially the role that the United States would be expected to play.

In the meantime, the Senate can help to restrain Saigon's reckless ambition by enacting the Cooper-Church amendment which prohibits, among other things, "paying the compensation or allowances of, or otherwise supporting directly or indirectly, any person in Cambodia who . . . engages in any combat activity in support of Cambodian forces."

PESSIMISM ON VIETNAMIZATION

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. BINGHAM. Mr. Speaker, the President's optimism concerning the results of the expansion of the Vietnam war into Cambodia, reflected so clearly in his television speech last evening, is likely to prove misplaced. I believe that the President, for a number of reasons, will find it much more difficult to pull American troops out of Cambodia than he did to send them in, and that pulling them out will not be the end of our involvement with Cambodia, as the President apparently assumes. Furthermore, the prospect of continuing South Vietnamese military action in Cambodia, which the President alluded to, certainly raises serious questions about the prospects for success in the Vietnamization program on which the U.S. troop exit depends.

These and other significant problems that seem to me reasons for anything but optimism were outlined with great insight in an article in yesterday's New York Times by veteran Vietnam Reporter Terence Smith. Smith has just completed a 15-month assignment as New York Times bureau chief in Saigon. His article, "U.S. Aides in Saigon Question Policy," follows:

U.S. AIDES IN SAIGON QUESTION POLICY

(By Terence Smith)

SAIGON, SOUTH VIETNAM, June 1.—There is widespread doubt among the most experienced American observers in South Vietnam that current United States policies will bring lasting peace.

Although 110,000 American troops have been withdrawn from Vietnam and enormous strides have been made in pacification in the last 18 months, the United States still faces vast problems in extricating itself.

At the root of the pessimistic outlook are serious and widely held doubts about the following:

The efficacy of the Vietnamization program, which has yet to face major challenges.

The wisdom of the extension of the war into Cambodia, which, despite the immediate military gains it may achieve, seems likely to complicate American efforts to disengage and may eventually involve the United States—step by painful step—in the defense of yet another weak and uncertain government.

The effectiveness of the Saigon Government in dealing with increasingly serious economic and political problems in South Vietnam.

The nature of the progress achieved in the pacification program, which remains fragile and subject to the enemy's will.

Finally, there is a conviction that United States policies fail to come to grips with the central element in the Vietnam puzzle: the need for a negotiated political settlement that reflects the true balance of power among the Vietnamese people.

"We won't solve this war by cleaning out the base areas in Cambodia, or even by replacing American troops with South Vietnamese," an American who has spent five years in Vietnam said the other day.

"We have to go to the heart of the matter and find an acceptable way of distributing political power among the Vietnamese. That's what the fighting is all about, and it won't stop until we solve it."

The skepticism about American policy is shared in many quarters in Vietnam—by young dedicated Americans working at the province and district level, and by independent observers, including journalists and foreign diplomats. It is greatest among those whose jobs permit them to travel around Vietnam.

The attitude is also evident among educated, independent South Vietnamese, people outside the Government who are deeply concerned about the future of their country after the American disengagement.

A TRACE OF BITTERNESS

Through the remarks of all those people runs a common theme: No lasting peace is possible without a political solution.

"Vietnamization, by itself, won't produce any kind of peace in this country, just or otherwise," a 31-year-old major who works as a district adviser in the pacification program said recently with more than a trace of bitterness.

"Unless it is matched by some sort of political settlement, Vietnamization just means that the fighting will go on and on. But instead of Americans killing Vietnamese, you'll have Vietnamese killing Vietnamese."

Many people here, like the major, acknowledge that Vietnamization will eventually get American soldiers off the battlefield—though not necessarily out of the country—but they insist that it will not end the war or produce a just peace.

Behind that belief is the conviction that the enemy continues to have the necessary strength, spirit, manpower and determination to continue the struggle in South Vietnam—and Laos and Cambodia—for the foreseeable future. Few military men here dispute that assessment of the Communists' capability.

LOST IN FUROR

President Nixon's offer, in his address April 20, to discuss at the Paris peace talks "a fair political solution [reflecting] the existing relationship of political forces in South Vietnam" had barely begun to sink in when it was lost in the furor caused by the invasion of Cambodia 10 days later. It may have been, as one American here described it, "the first casualty of Nixon's decision to go into Cambodia."

The senior members of the American military command are visibly defensive about the Cambodian operation and the controversy it has caused. They insist that it was a militarily justifiable tactical operation that got caught up in larger strategic and political questions.

Gen. Creighton W. Abrams, commander of United States forces in Vietnam, has indicated to friends that he feels that President Nixon drastically oversold the operation and enlarged its goals beyond realizable dimensions.

The general has said that the real purpose was to put a dent in the enemy's supply system and not, as Mr. Nixon suggested, to overrun and clean out the Communist headquarters.

The greatest peril in the Cambodian venture seems to lie in the period after June 30, when the Americans have withdrawn and the South Vietnamese are likely to continue their operations. The consensus here is that the President is going to find it far harder to get Americans out of Cambodia than it was to send them in.

CHOICE FOR AMERICANS

In the short run the Americans may be faced with the choice of either going to the aid of the South Vietnamese or watching them flounder if they come under heavy pressure. In the long run the United States could find itself committed by proxy, as a result of South Vietnamese pledges and actions, to the defense of the shaky Government headed by Premier Lon Nol, which displaced Prince Norodom Sihanouk.

If the South Vietnamese become overextended in Cambodia, the Americans are going to find it correspondingly difficult to carry out their withdrawals from Vietnam on schedule.

Apart from the complications of the Cambodian venture, Vietnamization faces other serious problems. So far a total of 110,000 Americans have been pulled out of Vietnam, leaving 429,000 behind. The real test will come in the next year, during which 150,000 more will have been withdrawn and the South Vietnamese are to take on the heavy fighting.

The first and most obvious danger is military. For the last four years the large American combat divisions have effectively manned the front lines. They have pursued the main North Vietnamese and Vietcong units relentlessly, gradually driving them from populated areas into the jungles and mountains along the Laotian and Cambodian borders.

As Vietnamization advances, the South Vietnamese divisions will take on the task while the remaining American units fall back into something approaching garrison duty. Their safety and that of an additional 250,000 or more Americans providing combat and logistical support will depend on the South Vietnamese.

HIGHER TOLL FORESEEN

Even conceding substantial improvement in the quality of the South Vietnamese armed forces, it is hard to imagine them coping with divisions of North Vietnamese regulars as effectively as the Americans did. The result may be significantly increased casualties—American as well as South Vietnamese—in the later stages of the withdrawal process.

Another consequence may be strikingly reduced security in certain areas of the countryside, most notably in the northern half of the country.

In the northernmost area, I Corps, the enemy has more than 20 battalions of fresh, well-equipped regulars in the vicinity of the demilitarized zone, and it has the capacity to reinforce them with up to three divisions at any time.

When the three divisions of Americans that are stationed there are withdrawn, the South Vietnamese will have to take on the job of patrolling along the demilitarized zone and protecting the coastal cities of Quangtri, Hue and Danang. At the very least, they will require reinforcements, and it is not clear from where additional troops would come.

There is a parallel situation in II Corps, the area south of the border region, where mountainous terrain and bad communications are a tangible asset for the enemy.

As a result of years of intensive allied operations, the Communists have been pushed from the heavily populated coastal plain into the mountains. Once the Americans are gone the South Vietnamese may be hard-pressed to keep them there.

IMPACT ON SHAKY ECONOMY

Vietnamization will also have a drastic impact on South Vietnam's already shaky economic structure. The country earns more than 90 per cent of its foreign currency from Defense Department outlays and private spending by American soldiers. As the withdrawal proceeds the supply of dollars will be cut back just when they are most needed to bolster a sorely weakened economy.

In addition, the approximately 145,000 Vietnamese who are directly employed by United States agencies and companies will have to find jobs.

Those bleak prospects are considered by knowledgeable people here to be a principal threat to the stability of the Government of President Nguyen Van Thieu.

The domestic political and economic situation has deteriorated dramatically in recent months. While the attention of the world has been riveted on Cambodia, Mr. Thieu has been coping with just about the noisiest political crisis since his election.

Rather than working to rally his non-Communist political opposition behind him, as the United States Embassy has been urging him to do lately. President Thieu has come down hard on any group that has challenged his authority or criticized his regime. Individuals with the temerity to speak out have been prosecuted and jailed. Groups that have expressed their complaints in public demonstrations have been tear-gassed and beaten by riot policemen.

Now there is a rising tide of criticism of the Government in newspapers and the National Assembly that can only be expected to increase during the Senate election this fall and the presidential contest next year.

In addition, Mr. Thieu has failed to create anything approximating a national party that might be capable of mobilizing the country in preparation for a political battle with the Communists. Instead, his basic distrust of politicians—he was a general—and his reluctance to share power remain as great as ever.

As for the pacification program, there can be no question that enormous strides have been made during the last 18 months in the effort to extend the Government's control into the countryside. There is general agreement that the current program, which is the result of years of experimentation, mistakes and disappointments, is functioning better than any of its hapless forerunners.

But the progress in certain provinces has been counterbalanced by setbacks in others. A proper pacification map of Vietnam would resemble a patchwork quilt, a mixture of bright and dark patches that produce a mottled impression over all.

The combination of problems—military, economic and political—guarantees that the American disengagement, particularly during the next year, will be a painful and troubled process.

BETTER AIRLINE SERVICE NEEDED

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. NELSEN. Mr. Speaker, one of the keys to improving life in rural Amer-

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ica is to expand business and industrial opportunities in the countryside, creating new jobs and better income. This expansion, in turn, is dependent on a decent transportation network to move goods to the urban consumer markets. Our Second Congressional District has been hampered in this regard for several reasons. Delays in completing Interstate 90 and Highway 60 in the southern region of the district has made it difficult for cities and towns in this area to stimulate business development. The ongoing curtailment of rail service has also complicated our problems. And several of our major cities—Mankato, Worthington, Fairmont—have had continuing difficulties in maintaining good air transportation service.

Consequently, I have introduced a concurrent resolution in the House expressing the need in small and medium sized cities for service by certificated air carriers. This resolution declares that the welfare of such cities requires frequent, reliable schedule air service. It maintains that Federal agencies are encouraging the substitution of carriers without Federal certificates on low-traffic routes without adequate guarantee of reliability or continuance of the substitute service. It urges that the concerned Federal agencies, including the Department of Transportation, the Department of Housing and Urban Development, and the Civil Aeronautics Board, review these problems and report to Congress with recommendations for improvement.

Specifically, these Federal agencies are to investigate the need for policy changes involving subsidies, the development of suitable aircraft and air navigation aids for smaller cities, the adjustment of fares and rates which discourage traffic, and the safeguards or subsidies needed in route substitutions by air carriers without Federal certificates.

Importantly, the resolution also declares that pending this review, the CAB shall maintain federally certificated air service to all points now served on a frequency not less than at present.

This legislation was suggested by a concerned citizen in Fairmont, and I am happy to note his example of local responsibility and initiative.

As a further indication of the airlines headaches that plague our area, I am placing in the RECORD a May 5 commentary which appeared in the Mankato Free Press, edited by Kenneth Berg:

AIRLINES ON COLLISION COURSE

With two airlines showing willingness to serve Mankato and a third ordered to live up to its certificate when the new municipal airport is finally opened, it would appear that the city's air service future is secure.

Unfortunately this is not the case, as the three carriers are flying something of a collision course.

North Central Airlines doesn't want to return to Mankato, a stop it was forced to abandon without shedding of tears when the old airport could not handle the heavier 44-passenger prop-jet Convairs being introduced. In fact, North Central would like to drop all intermediate stops (Fairmont and Worthington) on its run from Minneapolis to Sioux Falls.

But North Central must continue service at least until 1971 when its federal certificate again is reviewed. And according to that certificate, it must return to Mankato if Mankato wants it—and the city council says we do.

In the other two corners of this triangle ring are Imperial Airlines and Mississippi Valley Airways, third-level or local service carriers who have been filling the vacuum in North Central's absence.

Imperial, which flies jet-powered helicopters between Mankato and the Twin Cities, was coaxed in by North Central after Fleet Airlines went defunct after a short-lived existence. Imperial offers unique, convenient flights . . . and it is justifiable speculation whether at first North Central saw in Imperial a permanent solution to Mankato's plight that would obviate North Central's having to return once the new airport was ready.

Mississippi Valley came along later, also at North Central's behest and support. This was confusing in terms of Imperial's good track record, and also leads to ligitimate wonder if North Central belatedly saw in Mississippi Valley a carrier capable of eventually taking over the entire Mankato-Fairmont-Worthington route.

Unless and until Mankato gains direct connection to Chicago with no less than Convair-type equipment, we will remain a satellite to the Twin Cities International Airport. And there obviously is not sufficient shuttle business generated by the Mankato area to insure the financial soundness for more than one airline.

North Central appears to have gone too far in its gamble to serve Mankato's immediate needs with shuttle service (Imperial) while at the same time looking to the future by doing its best to see that Mississippi Valley is not excluded.

The council didn't like the resulting feel of it all, and that's why it wouldn't let North Central off the hook.

This, then, is the apparent collision course. Just who survives, and whether the impact holds any long-term good for the airlines and the city, may not be known until the first commercial plane lands on the new municipal airport in June.

A LETTER FROM THE FATHER OF A YOUNG MAN WHO HAS JUST BEEN DRAFTED

HON. LUCIEN N. NEDZI

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. NEDZI. Mr. Speaker, in the torrent of speeches, mail, newspaper columns, and petitions on the Vietnam issue which over the years have competed for our attentions, occasionally there is one which states with brilliant clarity some truths that have eluded us.

The other day I received a letter from a friend of mine in Detroit, Mr. David P. Miller. He wrote with a troubled and probing passion, with honesty, and with such basic love of country that the tragedy of the Vietnam war took on a further dimension, stark and indefensible.

I think this letter deserves a wider audience. Accordingly, with the permission of Mr. Miller, and under leave to extend my remarks in the RECORD, the letter follows:

DETROIT, MICH.,
June 1, 1970.

Hon. LUCIEN N. NEDZI,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN: In the last year or two I have responded to your opinion surveys with an indication of my growing distress with the government's war policy in Vietnam.

There was a time when I believed that our purpose was good and that our so-called "limited" commitment was worth the effort. I supported it. But the government has not kept its promise. Our reason for being in that sector of the world is not clear and I am convinced that our military effort has been a sad and wasteful failure.

It is incomprehensible to me why we cling stubbornly to a war policy which gains us nothing, saps our strength, alienates our friends and destroys the peoples' faith in the government and in themselves. When it is really needed where will America find the will to support it? I hope that you will not consider this mere rhetoric. I am deeply concerned for the future of this country because of the disunity and mistrust engendered and I fear deliberately encouraged by a cynical government hell bent on a war in which the people have little interest, faith or belief.

It has been said that the President acted with great courage in making the decision to go into Cambodia. I think not! I believe it was the least courageous choice of the options facing him. Are we so lacking in leadership courage that we cannot admit that this endless war has been a horrible, senseless mistake and upon that admission act promptly to correct it? The American people know that we cannot recoup our sad and shameful losses. But must we continue forever on a course which takes the lives of our people, erodes our economy and undermines our will and spirit—all on the pretense that we are doing good and succeeding. I cannot and will not support such a disrespectful course of conduct.

The argument has been made that a hasty pullout from Indochina will result in a horrible "bloodbath." But is no one concerned for the major role America plays in the continuing bloodbath announced weekly in the cold statistics of the dead and wounded—hundreds of Americans, thousands of allies and untold numbers of neutrals, non-combatants and forces of the enemy. I cannot accept the idea that the blood of any man counts for nothing. Or are we to pretend it is not really happening, that it is only something that might happen if we were to withdraw. Clearly, the world knows the answer and I fear it is one that will forever stain the image of America.

I earnestly request and urge you to speak and act as forcefully as possible to end the war now and refuse support for any continuation of it in any form. We need leadership and it is your constitutional responsibility to give it. I cannot help but express impatience with the adages which may suffice in other circumstances. It does not satisfy the need to say we are limited by the "art of the possible" and the practicalities of political life. This war will be remembered not for those who sustain it but for those who end it. I hope that you will speak out now to end the war.

It may be that my sources of information are limited and thus not wholly reliable. But my work takes me from coast to coast and north and south and I have the opportunity to talk with many people of diverse interests—leaders of business and labor, conservatives and liberals, young and old, work-

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ing men and neighbors. All are "fed up" with the war and I can honestly say I have not heard one person in recent months express the view that our effort in Vietnam should be continued. All want it brought to an end as quickly as possible and, with few exceptions, none are concerned with the foolish and phoney notions about "saving face". There can be no quarrel about "honor" as an objective. But it is not our faces that need saved. The critical question is whether America can avoid the dishonor and ruin now threatened in all aspects of our lives by continued pursuit of an objective beyond our will and understandable need.

There can be no doubt that the vast majority of Americans oppose the violent and unlawful acts of dissidents, particularly student dissidents. We do not want our buildings destroyed, our law officers hurt or abused or our flag desecrated. I share this view without reservation. Those who engage in such tactics should be apprehended and punished as the law provides. But we cannot allow the outrages of a few blind us from the real abomination which nurtures dissent in the land. It is painfully clear that our government is now invoking its highest office to incitement against all dissidents to divert attention from its own miserable failures and misdeeds in keeping America in a war it does not want. I hope and trust that you will not be led into the belief that the peoples' opposition to unlawful dissent in any way diminishes their opposition to the war. There are many, including the "hard hats", who believe as I do not only that violent dissent at home is wrong, but also that a violent, costly and futile war is wrong. Neither can be justified. But as long as the war continues the unwanted symptoms of destruction will remain to undermine and weaken all that is good in America.

It seems that the government demands unquestioning support of its war policy. I cannot give it nor can I give in to its effort to stifle dissent. But it is a sad and sobering thought that the climate in this land is such as to make me feel compelled to explain myself. I am not an anarchist or a radical. I am merely an uncomfortably middle-aged American who grew up in the depression and managed to survive almost five years of service in World War II. I remember Europe as an infantryman from Omaha Beach to the Elbe River. My war relics include a Purple Heart, a Bronze Star and a lot of memories. Most of all those experiences left me with the certain knowledge that war is essentially and inherently brutal—and, short of a cause upon which the life of the nation depends, indefensible.

Finally, I write this in one other important capacity—the father of a young man who has just been drafted. For the government he may be just another number of the long line of those few who have been "selected" from among many to serve a purpose which is unreal and misunderstood and for which he has no voice. We visited Washington and the House Chambers when he was thirteen. The Vietnam conflict was in its infancy. Now it is our longest war and he is nineteen—elgible to serve as the essential instrument in the only plan his government has been able to devise to solve its problems. I expect that he will do what he must. He knew there were ways to avoid this consequence, but he has not chosen them.

It is the government—not America—that has called my son to service. It has not done it well or even with decent consideration of his needs. I thought he was entitled to fair notice and a reasonable chance to arrange his affairs for departure. That has been denied. I hoped he would enter the service with faith and pride. The government has not given him that chance. I hope it will. I hope the government understands that it is responsible for his well being, that he is more than a number—that he is our son and that we believe that he and all like him deserve to be treated with decency and care.

Sincerely,

DAVE MILLER.

SUPPORT FOR NORTH COASTAL RIVERS PROTECTION LEGISLATION

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. WALDIE. Mr. Speaker, since the introduction of a bill to prevent high dams from being constructed on three free-flowing rivers in the north coast area of California, H.R. 16854, I have received a great number of supportive letters and wires on this measure.

I believe that it is imperative that the plans of State and Federal agencies to construct some 20 high dams on the Eel, Klamath, and Trinity Rivers be stopped, and that a full study be made on the preservation of these rivers.

I would like to enter into the RECORD a letter I received from a past president of the California division of the Izaak Walton League of America which describes the situation in northern California in full and accurate detail.

The letter follows:

MAY 22, 1970.

JEROME R. WALDIE,
Member of Congress,
Cannon House Office Building,
Washington, D.C.

DEAR CONGRESSMAN WALDIE: In reply to your letter of May 6, 1970 regarding the Klamath, Eel and Trinity Rivers. I am happy to tell you that at the California State Convention of the Izaak Walton League of America held in San Francisco on May 15, the California State Division endorsed your bill in the Congress.

Conservation is defined as the "wise use of our natural resources" but who decides who is wise? The consumers of our natural resources, be they loggers, miners, dam builders or agriculture all say they are conservationists. Loggers are killing themselves off unless they replant timber, the miners are driving down a dead end street and the dam builders are a pestilence, for their end is not yet in sight.

In the meantime the reservoirs and the waters downstream become polluted. Trout and other fish have diseases that were unknown a few years ago. The streams have lost their shade, the rains add to the siltation and our fish can no longer spawn, Pesticides are used by agriculture and the timber industry to the ultimate death of us all. This is a truly sad picture! But we can be saved, our streams can be saved. Out of the thirty-five streams in California only three are left and they are sick.

The dam builders talk of water for the thirsty children in Southern California. Actually nine out of ten gallons are used by agriculture. An agriculture that is producing crops in the United States that are bought and stored by the Federal Government, that are subsidized by the Federal Government and that the Federal Government pays not to plant. How about inflation?

Who can appreciate the beauty of a wild stream without gaining a respite from present day pressures? Who can contemplate Nature in her natural glory without learning that Nature is the true Mother of us all? How can mere man claim to enhance the esthetics of natural environment? A wild and scenic river enchances every man, woman and child deep in their souls. Perhaps I am a dreamer but I love California and I hate to see what is being done to her in the name of progress. Flood control is a myth as Egypt is beginning to find out from the Aswan Dam in the Nile Valley and as we have found out in our coastal streams. Let the waters be free!

"Enhancement" and "recreation" are the twin deceivers that the dam builders hope will be a sop to the vast number of people who do not realize how close a desert we are becoming. Enhancement is another name for trying to put the horse back into the barn after the barn has burned down. We don't want catfish in a muddy pond when we can keep our trout in a live pure stream. Recreation means resorts, water skiing, pollution, boat races, noise and air pollution with fishing a poor last.

And finally, observe the Great Experimenters of the Department of Fish and Game! The trial and error boys! Their policy is to bring in alien species of fish and game instead of making the needed improvements in our natural ancient environment. In over third years that I worked for the Department we have gone down hill with our resources but we certainly have raised a huge ineffective bureaucracy.

Mr. Waldie, we need more men like you! It is later than we think.

Respectfully,

LEE C. SHEA, Jr.,
Past President, California Division I.W.L.A.

RESOLUTION

Whereas, the Trinity, Klamath, and Eel Rivers, in their free flowing condition, are magnificent and irreplaceable assets which support a wealth of fish, wildlife and scenic beauty; and

Whereas, the California Department of Water Resources, the United States Army Corps of Engineers, and the United States Bureau of Reclamation, are planning the construction of between ten and twenty high dams on the Trinity, Klamath and Eel Rivers designed primarily for water export; and

Whereas, the construction of such dams would mean the end of abundant salmon and steelhead fisheries on those rivers and would inundate over 620 miles of choice salmon and steelhead waters and hundreds of thousands of acres of valuable timberland and essential winter deer range; and

Whereas, the damming of the Trinity, Klamath and Eel Rivers would be an incalculable loss to all Californians; and

Whereas, Congressman Jerome Waldie has introduced H.R. 16854 in Congress which would include the Trinity, Klamath and Eel Rivers in the National Wild and Scenic Rivers system; and

Whereas, H.R. 16854, if enacted into law, will preserve forever the Trinity, Klamath and Eel Rivers in their free flowing condition to be enjoyed by all Californians in perpetuity; now

Therefore Be It Resolved, that the Izaak Walton League of America, San Francisco Chapter by a unanimous vote of its Board of Directors, hereby endorses and urges the enactment into law of H.R. 16854 to include the Trinity, Klamath and Eel Rivers in the National Wild and Scenic Rivers System.

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WSPA EDITORIAL

HON. JAMES R. MANN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. MANN. Mr. Speaker, in August of last year I had occasion to visit with Ambassador Armin H. Meyer in Tokyo. I found him to be remarkably aware of the problems being caused to our domestic textile industry by Japanese and other foreign imports. He was eager to receive additional information so as to improve his effectiveness in dealing with the Japanese in an attempt to prevent an economic disaster to certain areas of the United States. He recognized that continued good relations between Japan and the United States required moderation in the increase of textile imports to this country.

Ambassador Meyer demonstrated his interest and concern with this problem by visiting textile plants and areas in the United States earlier this year. I want to personally pay tribute to the efforts of this exceptional man.

Radio Station WSPA, Spartanburg, S.C., in a recent editorial also recognized the efforts being made by Ambassador Meyer. I place their editorial in the RECORD at this point:

WSPA EDITORIAL

A WSPA staff member is in Japan, and our editorial today we are giving some of his observations.

Regardless of how the fight comes out to impose quotas on textiles from cheap labor Asian countries, no one can ever contend that the U.S. Ambassador to Japan did not put the full prestige of his position behind the effort for a voluntary agreement to bring relief to "injured" American textile mills.

It is this word "injured" around which much of the argument in Japan revolves in imposing quotas. Japanese textile manufacturers contend the "injury" is not real, and that it is only temporary and is not caused entirely by Japanese exports.

Fortunately Ambassador Armin H. Meyer, on his own initiative visited the Carolinas on a recent trip to the United States and saw firsthand the effects of what he termed the "flood" of textile exports from Japan and other cheap labor countries.

Only a short time ago he made a speech at Osaka in connection with the opening of EXPO '70. This was made for Japanese consumption. It was directed especially to the textile manufacturers who are resisting Prime Minister Sato's efforts to carry out his pledge for voluntary limitation of textile imports.

No spokesman for the American textile industry could have presented better the justification for textile quotas.

After pointing out that in South Carolina two-thirds of the industrial workers are in textile related industries, Ambassador Meyer reviewed how earnings of textile mills in the Carolinas had dropped and cited a number of mills which had closed recently.

Then the Ambassador put his finger on the problem:

"In 1958, American exports and imports, with respect to textiles, were virtually in balance. In 1959, a deficit had reached $200 million. Then years later, last year 1969, America's textile deficit soared to a staggering $1.3 billion. The fact is that America virtually alone has kept its doors open to textile imports. A flood is the result, and it has surged beyond tolerable bounds."

Ambassador Meyer wants to see some voluntary agreement worked out. He is not optimistic but hopeful. He fears if the Japanese refuse to limit quotas, then Congress will act, and the Mills Bill could become a "Christmas tree" and the $8.4 billion in trade between the two countries could deteriorate.

In a way, Ambassador Meyer is walking a tightrope in trying to preserve friendly trade relations between the two countries and also bring protection to American textile mills.

But it should be encouraging to the American textile industry that the United States has an Ambassador in Tokyo who is not afraid to speak out and call the shots as he sees them.

And it should be pointed out that Mr. Meyer comes from Illinois, a state that exports a lot of soybeans to Japan.

OPIUM IN TURKEY

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. ROBISON. Mr. Speaker, I would like to insert in the RECORD the second in a series of articles concerning the illicit drug traffic that appeared in the Christian Science Monitor. This particular installment deals with the growing of opium in Turkey and the efforts of the United States and Turkish Governments to halt that opium production. The article vividly portrays the problem and should be most informative for those who desire a better understanding of the difficulties involved in stopping the flow of heroin. It follows:

TURKEY PRINCIPAL U.S. SOURCE—LEGAL OPIUM PRODUCTION SPAWNS ILLEGAL TRAFFICKING

(By John Hughes)

ISTANBUL.—American tourists breathlessly pounding the Mediterranean circuit probably give little thought to the ownership of the pleasant hotel near Istanbul's Taxim Square where many of them stay.

Undoubtedly, they would be startled to learn that it is owned by one of Turkey's major traffickers in narcotics and built with the proceeds of the heroin trade to the United States.

Besides the hotel business, Turkey's "junk," or narcotics, merchants are involved in a shipping company, a trucking firm, an export-import agency, and a string of other lawful enterprises.

The names of the top 9 or 10 men behind the Turkish narcotics racket are known to American, Turkish, and other narcotics agents. But there is little hope of catching them. Aloof behind a facade of respectability, they are protected by bodyguards from their competitors and by clever attorneys from the law. They are rich. And they are powerful.

This is the organizational, and money, end of the business which makes Turkey one of the world's principal suppliers of illegal opium, and thus the origin of some 80 percent of heroin used in the United States.

"BIG NAMES" NEVER CAUGHT

Like major traffickers everywhere, the big names in the Turkish narcotics business are never caught in possession of their merchandise, never tainted with the smell, like fresh-cut hay, of newly gathered opium.

They are the wheeler-dealers who finance, buy, sell, and arrange transit out of the country. It is the middle-men, the small-fry couriers, the growers, who run the risk.

Each year on the eve of the opium-planting season, the men who mastermind the Turkish narcotics business dispatch their "commission" men to the growing areas. The bright lights of Istanbul are put behind. The city's skyline, with its soaring spires and minarets and Islamic domes of exquisite contour, recede beyond the Bosporus.

The "commission" men head out across Anatolia toward southern Turkey into some of the most wild and craggy country in the world. Mountain streams twist and turn through the terrain in frenzy, rushing through gullies and leaping down into gorges. Goat tracks snake upward to peaks which afford smugglers total vantage and total surprise.

PEOPLE HIGHLY SUSPICIOUS

The Turks who live here are jealous of their independence and suspicious of intruders. Says one law enforcement officer:

"They come out with their hunting dogs snarling and their guns blazing. Later, they ask questions."

Provinces like these—Afyon, Usak, Konya, Denizli—are the heart of the opium country. "Afyon" in fact means "opium." Here the "commission" men, renewing their long-standing contacts, set their quotas for the amount of illegal opium they will buy, and that therefore the farmer must grow, in the coming year.

Usually this illegal quota is a percentage diverted from the crop which the farmer grows quite lawfully for the government. Some 110,000 farmers grow opium in Turkey, which is a major producer for medicinal purposes, as well as the foremost illegal source of narcotics for the American market.

Turkey's legitimate opium production has been running at more than 100 tons a year. But the farmer in legal production plants a few more hectares of opium for his private use.

His legal output he must sell to the government. The price he gets is around $10 a kilo. For whatever he can divert and sell to the illegal buyers from Istanbul, he gets around $30 a kilo.

Opium production is supposed to be controlled by Toprak, the Turkish Government Land Office. Farmers are licensed and in theory must hand over their entire crop to the state buying organization. But in practice there is little policing. The growing areas are remote from central authority. The Toprak agent on the scene may be paid to keep quiet about illicit production. If he reports evasion, he may be killed.

Turkish policemen are vulnerable. A city cop earns about $40 a month. That is somewhat less than the earnings of an energetic shoeshine boy hustling tourists. A police captain with long service may make $100 a month.

In the countryside, some of the gendarmerie earn 36 cents a month. Often they are assigned to their own villages. And as one lawman says, "they're unlikely to turn in their own fathers and brothers."

HARVEST LOOSELY SUPERVISED

There are brave and honest policemen in Turkey. But they are short of equipment to hunt down illegal opium-growers and smugglers. This shortage the United States now is beginning to remedy. Until the United States started distributing new Smith and Wesson .38's, a Turkish policeman could not be sure that his ancient revolver would not explode in his hand when fired.

Thus it is that when the Turkish opium farmer harvests his crop, about this time of year, he does so with little supervision from the government.

The poppy plants have grown to their full height and flowered in delicate shades of mauve and pink. Soon after the petals fall, the farmer and his family move in, carefully slitting the pods of the poppies which are left behind.

Out through the incisions oozes a milky liquid. This is opium. For a few hours it is allowed to harden. During this time it turns dark brown. Then, from each pod, it is scraped off and kneaded into a ball until the farmer has collected a lump several pounds in weight.

In this manner begins the long journey which terminates with the injection of heroin into the veins of the quivering, shaking "junkie" in New York, or one of a dozen other American cities.

Legally grown opium is turned into the government buying station. But for illegal opium, the next step is delivery of the agreed quotas to the "commission" men from Istanbul.

At a quiet meeting place, usually at night, they take it over and make payment. Everyone is armed, everyone suspicious. This is the time for a doublecross, or an ambush by narcotics agents who have penetrated the organization. When agents do spring a trap, the firefight is usually furious.

NEXT STEP THE BORDER

If the transaction goes through without incident, the opium moves by truck or van on the next stage of its journey out of the country.

Traditionally, the opium smugglers' route has been to Kilis, in Gaziantep Province, on Turkey's border with Syria. Specialists there move the loads—as much as a man or mule can comfortably carry—across into Syria. It is a dangerous business, because both governments have strung the border with barbed wire, sewn it with mines, and dotted it with machine-gun posts.

But some border guards can be bribed, and even the honest ones cannot be everywhere at once. The smugglers know the best times and places to cross. They evade patrols, snip the wire, and drive sheep, goats, or other animals ahead of them to clear a path through the minefields.

Once into Syria, the opium is handed over either to an agent of the Istanbul drug merchants, or an agent of a new ring which has bought the shipment. In a primitive laboratory or at a well-guarded camp, remote in the hills, the opium is converted into morphine.

It is a simple chemical process. In a series of steps the morphine content is boiled, filtered, and precipitated out of the opium. About 10 parts opium make one part of morphine base. In the Middle East it is shipped onward as yellowish powder, in plastic bags. In Asia, the morphine is packed into rectangular blocks.

Besides being much smaller to carry and conceal, the morphine base now is more valuable. Ten kilos of opium at $30 a kilo are worth $300 in Turkey. Converted into a kilo of morphine, they are worth $500. Delivered in Marseille to the Corsican narcotics ring which will convert it to heroin, the same kilo of morphine doubles its value to $1,000.

But getting it there taxes the drug smugglers' ingenuity. After conversion to morphine base in Syria, the traditional route has been down into Lebanon. There the morphine is smuggled aboard ships bound for Marseille, France, or other convenient ports in the western Mediterranean. There has also been some conversion from morphine to heroin in Lebanon itself.

But Lebanese authorities, stung by international criticism, have lately cracked down on the morphine traffic.

SMUGGLING MORE DIFFICULT

Captain Antoine Saadi, chief of the Lebanese police narcotics bureau, says Lebanon's own heroin factories have been put out of business. Only one heroin chemist is still at large. He is Omar Makkouk, hiding across the Syrian border. Though an elderly man, he is renowned throughout the international underworld for the quality of his heroin.

Last year, Lebanese police seized couriers carrying 10 kilos of Makkouk's heroin. But 49 kilos of this batch had already gone through undetected, via Amsterdam and Curacao, to Miami.

Though the flow of hashish is still rampant through Lebanon, the crackdown on morphine and heroin has caused traffickers to develop alternative routes for these "hard" drugs. The morphine laboratories still operate in Syria, but now once opium has been converted to morphine the morphine is often smuggled back into Turkey for movement to France by road or sea. Lebanon is considered risky.

Recently one Lebanese trafficker made plans for processing morphine with maximum security. The laboratory equipment was sealed in watertight containers and sunk at sea. It was to be brought up and used only when a shipment came in from Syria, and then submerged again. But his Syrian supplier balked.

"Bring morphine into Lebanon these days!" said the supplier. "You must be crazy."

With their penchant for trade and finance, the Lebanese still act as brokers and financiers in the narcotics traffic. They bring buyers and sellers together. They underwrite shipments themselves. Occasionally they slip. One, caught in France last year, got five years in jail and a fine of $200,000.

But the Turks have recently been developing and managing their own transportation routes. Many tons of Turkish opium flow eastward into Iran. But to the west, and in the heroin-hungry market of the United States, lies the big money.

SHIPS HARD TO SEARCH

Ships are still especially good bets for smuggling narcotics. They have thousands of hiding places. Two Turkish vessels, the Karadeniz and the Akdaniz, which regularly cruise westward through the Mediterranean, are held suspect by narcotics agents.

Agents caught two French traffickers redhanded with 86 kilos of morphine as they tried to get it ashore from the Karadeniz in Marseille. Recently, agents seized 125 kilos from the Akdaniz. But she carried 400 kilos more which the agents did not get. This was dropped overboard and retrieved by scuba divers in the employ of narcotics merchants.

Many narcotics shipments now travel by road from Turkey to Western Europe. One advantage for the smugglers is that part of the route lies through Communist countries where Western narcotics agents find it difficult to operate. Agents may have a narcotics shipment under surveillance as it enters Bulgaria from Turkey. But they lose it until it emerges in a non-Communist country at the other end of Europe.

Thus traffickers sometimes send a truck through with two trailers. One is "clean" (without narcotics), the other "dirty" (carrying morphine). In one or other of the Communist countries, the "dirty" trailer is dropped off.

TRUCKS WELL DISGUISED

The traffickers wait to see if the truck with the "clean" trailer gets "hit" (thoroughly searched) at a Western European customs post. If not, it means narcotics agents are unaware of the shipment. So the second, "dirty" trailer is sent through on another truck.

Besides dropping off shipments for storage in Communist countries, traffickers also use the opportunity to do paint jobs and switch license plates and registration papers. Thus agents may have complete details of a truck with narcotics aboard when it enters Bulgaria. But when it emerges in Italy or Germany, it may have different drivers, different papers, and be a different color.

Turkey's smugglers have developed specialists who concentrate on various parts of vehicles. Some split gasoline tanks on cars and trucks and fit secret compartments almost impossible to find even with steel probes. Others suspend "traps" from various parts of a chassis. Still others build undetectable boxes into drivers' cabs.

In one case, American and French agents seized a truck carrying watermelons from Turkey to France. They slashed open every watermelon—and found nothing. Then agents ran tape measures over the inside and outside of the truck. They came up with an abnormal discrepancy. Then they ripped open the built-in compartment which hid 525 kilos of opium and 54 kilos of morphine.

A large migrant Turkish community in Western Europe also offers traffickers an opportunity.

More than 200,000 Turks work in West Germany. They travel back and forth to their homeland. As they do, some of them smuggle narcotics. Out of Turkey they carry morphine. Back to Turkey they smuggle weapons. These are high-priced and in big demand in a gun-conscious country. A Smith and Wesson revolver worth $80 in the United States sells for $400 in Turkey.

With the production and smuggling of narcotics so widespread and blatant, what is the Turkish Government doing to cut back traffic?

In 1967 the Turks announced they would get out of the opium business altogether by the crop of 1970–71. This seemed to mean that they would reduce the areas of legal opium cultivation until by 1971 nothing would be left.

From 21 opium-growing provinces in 1967 they did cut back to 18 provinces in 1968, 11 provinces in 1969, and 9 this year. The target for next year is 7 provinces.

FARMERS NOT LIKELY ALIENATED

Then the big question is: What happens after that? In theory the legal opium crop should have been eliminated. In practice it looks unlikely that it will be. While legal production continues, illegal production appears inevitable.

In an obvious attempt to jog the Turks along, United States narcotics chief John E. Ingersoll issued some sharp comments at a press conference earlier this year. Director of the Justice Department's Bureau of Narcotics and Dangerous Drugs, Mr. Ingersoll charged that provinces to which opium production had been limited were in fact the most productive.

He said efforts to wipe out opium production had become bogged down in Turkish politics.

Mr. Ingersoll's remarks needed little interpretation here in Turkey. The hard-core, opium-growing provinces are of considerable political significance to the government of Premier Suleyman Demirel and his ruling Justice Party. Turkish opium farmers number some 110,000. No government lightly alienates them.

Further, Mr. Ingersoll's criticism came in the midst of a government crisis. Right-wing rebels in the Justice Party were challenging Premier Demirel's authority. Obviously no government was anxious at that particular juncture to press such a manifestly unpopular issue as elimination of the opium crop.

There was in Mr. Ingersoll's comment, however, a phrase which stirred some Turks.

UNITED STATES SENDING AID

"We're asking a great deal of them [the Turks]," said Mr. Ingersoll. "But they've got the courage to do it." That touched a chord in a nation with martial leanings, where bravery and honor are highly prized.

With the political crisis behind him,

Premier Demirel now has the opportunity to show how serious he is about taking Turkey out of the opium business.

The United States is giving him help. About $1 million of a $3 million American loan for opium-eradication has already been advanced. Half the money goes on a program to substitute other crops for opium. The other half is spent on boosting the antinarcotics effort of the Turkish police.

The Turkish national police force has assigned 420 men to a new narcotics bureau, and specially trained 330 gendarmes in narcotics work. The United States has helped with training and equipment. Washington has supplied police cars, new weapons, and a spotter plane from which police will be able to detect illegal opium plots.

This program is about one-third operational. As the Turks implement it successfully, additional equipment and funds will be doled out.

Some observers think the Turks are tackling the difficult opium problem about as speedily as they can, and that the government's intentions are good. Others are impatient.

One thing seems clear. Even if legal production should be eliminated, there will still be illegal growers ready to take high risks for high profits. Says one American narcotics expert:

"Even if we knock out most of Turkey's opium production, the traffickers will still be in business somehow."

Second of 10 reports. Next: "Marseille—hub of the heroin manufacturing industry" appears Friday, June 5.

CITIES SAID TO LAG ON ERIE'S CLEANUP

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. DINGELL. Mr. Speaker, the New York Times of June 4, 1970, carried an article under a Detroit dateline which was headlined, "Cities Said To Lag on Erie's Cleanup."

The article points up the fact that both municipalities and industries are lagging in the drive to control and abate pollution along the Detroit River and Lake Erie. However, the article also makes it clear that the Federal Government must share the blame for delay in meeting this water pollution problem since it has failed to provide sufficient Federal funds to carry out its obligations under the Clean Water Restoration Act of 1966.

So that my colleagues may have an opportunity to see the article I include its text at this point in the CONGRESSIONAL RECORD:

CITIES SAID TO LAG ON ERIE'S CLEANUP—WATER INVESTIGATORS ALSO ACCUSE SOME INDUSTRIES

(By Jerry M. Flint)

DETROIT, June 3.—Federal investigators charged today that most cities and some industries were falling far behind their pledges to clean the water that flows into Lake Erie.

And the Federal Government was accused of failing to provide promised money and to clean its own waste waters.

The charges came at a Federal-state pollution conference on enforcement in the Lake Erie Basin, called by Walter J. Hickel, the Secretary of the Interior. The beginning of the mercury cleanup program for the lakes were also announced here.

The goal has been a clean Lake Erie by 1972, but the Federal Water Quality Administration investigators said that 78 of 110 cities were not meeting their original cleanup schedule and that 49 were more than one year behind schedule.

On the industry side, 44 of 130 industries were said to be behind the cleanup schedule, 38 more than a year behind.

"The problem is much greater from the cities," said George Harlow, director of the water agency's Lake Erie Basin office.

The water quality agency plans six workshops in mid-month around the Lake Erie Basin to see why cleanup programs have been delayed. Murray Stein, assistant commissioner for enforcement, said that there could be some toughening by his agency to speed enforcement, possibly through court action.

CITIES ARE LISTED

Among the major cities listed as polluters were:

Detroit, with sewage improvements running two years late.

Cleveland, with plants that are still insufficient, where "disinfection has not been practiced even though chlorination facilities exist" and where "typhoid organisms have been isolated in the effluent.

Euclid, Ohio, which has not drawn even preliminary plans for secondary treatment plants, although June 30, 1970, was to be the construction completion deadline. The city is discharging raw sewage and concentrated industrial wastes "containing oil, cyanides and other toxic substances" into the lake.

Some of the major industries listed as behind schedule were:

The Union Bag Corporation, Time Container Corporation, and Consolidated Packaging Corporation, all paper companies at Monroe, Mich., southwest of Detroit.

The Ford Motor Company at Dearborn, where the cleaning of suspended solids from water is 12 months behind schedule.

The Great Lakes Steel Company in Detroit, 18 months behind schedule with oil spills numerous, and Republic Steel and J. & L. Steel in Cleveland.

Mobil Oil, 32 months behind in pollution control at a Buffalo plant.

The Federal Government was not immune from the criticism. Gerald Remus, director of Detroit's water department, said that "inflation is crunching us" and "we must question the sincerity of the Federal Government's war on pollution in light of legislation providing Federal funds for 55 per cent of our projects when it has actually provided only 5 per cent or less."

FUNDS RUNNING SHORT

"The Government is getting good at calling attention to water pollution problems," he said. "But one of the biggest water pollution problems of 1970 appears to include those responsible for our national priorities."

State and local funds "are running short" because Federal grants did not arrive, he added.

The Water Quality Administration conceded that it operated in a large Navy-owned facility that did not meet water quality standards and that there was no detailed plan to complete the cleaning of sewage wastes. The facility is at Grosse Isle, a village near Detroit.

The Government also issued a report at the conference today saying that "mercury was present in fish throughout the St. Clair River-Lake Erie area" and noting that fish sales in the Middle West had dropped 15 per cent since the mercury scares began.

JAMES EARL RUDDER MEMORIAL PARK

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. TEAGUE of Texas. Mr. Speaker, under leave to extend my remarks in the RECORD, I wish to include the dedicatory address of Maj. Gen. Al Luedecke, USAF, retired, at the James Earl Rudder Memorial Park, Eden, Tex., Saturday, May 30, 1970.

General Luedecke is the acting president of the Texas A. & M. University, the post held by Maj. Gen. James E. Rudder prior to his untimely death last month.

The address follows:

DEDICATORY ADDRESS BY PRESIDENT A. R. LUEDECKE, AT JAMES EARL RUDDER MEMORIAL PARK, EDEN, TEX., MAY 30, 1970

We are met here today to dedicate this historic park to the name and fame of James Earl Rudder. Nothing that we can say today can add to that fame, but the patriotic devotion of the Earl Rudder Memorial Day Committee has made it possible for us to make this park a city shrine, to which through the ages the countrymen of Earl Rudder may come, and from which they may draw inspiration from the example of his life.

Here Earl Rudder dreamed and planned his life, and from here he went forth strengthened to his greatest victories. After reaching many of the highest honors which can be conferred by his country, here we return today to honor his life. Such a life was filled with years of devotion to country and to the ideals of democracy, of great accomplishment, of sympathy for the men and women who constitute the great mass of people—this was Rudder, whose life we honor today, and whose memory we seek to bring home to the thousands who enjoy the fruits of his labors.

History records the achievements of this man. They will be inscribed on bronze. I wish to pay tribute to the child who was born here in this community and the boy who grew up in your midst. I want to pay tribute to his deceased parents, Mr. & Mrs. Dee Forest Rudder, who give him life and nurtured those characteristics which became the guiding force of a great, great man. His life and achievements should serve to highlight the extreme importance of the guidance provided in the maturing years of any human being. I wish also to pay tribute to his wife—the person who shared his mature life in supplying the patience, love, and affection and the constancy of moral strength so essential to bridging the gaps of depression that are bound to occur in our daily lives. Our major achievements speak for themselves but they spring from the basic tools provided by our early environment and by those whose unstinting love provides a staff to lean upon in time of need.

A product of the highlands of West Texas, reaching maturity in the decades of the thirties, Rudder knew the dry, critty taste of the sandstorms carrying the topsoil of our states to the north. He knew the feel of trickling sweat from the long, hot days of making a living on the farms and ranches. He also knew and understood the violence and extremes of our thunderstorms with their hail, thunder and lightning.

He understood the quiet clam and the odor of superlative cleanliness after their passing. He understood the ingredients of a

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relationship with his neighbors of the same environment. Their feelings, those understandings, these judgments became indelibly incorporated as a part of his character as he in later years was to face other challenges in other parts of the world for other reasons. They permitted him to understand the still just before the barrage, to pass through the noise and fragments of bursting shells through scathed and move undaunted through the stench of destruction which enabled him to be a leader in war. These same understandings gave balance to and nurtured those characteristics of patience and compassion which permitted him to live in grace and harmony with his fellow man, permitted him to work with energy and reason toward an objective and to reflect lack of patience with those who refuse to understand and to be loyal to their established goals.

I speak not as a stranger nor as one who knew him recently, nor as one who has merely informed himself on Rudder's lifetime achievements. I speak as one who knew him intimately in his college days and as one who has shared with him many endeavors, challenges, successes and failures over a period of nearly half a century. I know the strength of his resolve, the depth of his courage, the absoluteness of his integrity and the energy of his drive.

I know some of the strength of his dreams and some of the deep-seated pleasures of his triumphs. For the same reason, I know the depth of his conviction about right and wrong, of the care he exercised in arriving at a judgment that his actions would be beneficial to his Nation and to his people. I know of his desire to reflect glory upon the way of life he loved so deeply and upon those who shared his devotion to uphold it. I know also of his disdain for those who did not.

I know of his pride in a job well done and of his ability to transmit this pride to other participants. This was part of his ability to stimulate those who worked with him and for him and those for whom he worked. This ability to reflect pride of achievement was one of his characteristics which was infectious and served to strengthen the efforts of those who worked with him. It was one of his qualities of leadership.

He was a splendid man, of great intellect and big heart. As we pause in our daily routine to honor this great man, our thoughts turn to him in light of his accomplishments as a soldier and statesman. Each of us assembled here today is fully aware of Earl Rudder's heroic deeds on D-Day when he led his beloved Ranger battalion up the Cliffs of Pointe Du Hoc for which he, incidentally, received the Distinguished Service Cross—the Nation's second highest award for valor.

We know of his untiring service to this great State in his capacity as Mayor of Brady and land commissioner for the State of Texas. But, I doubt seriously if those in attendance at this occasion today are fully aware of the esteem which his friends—the great students of Texas A&M—held for him.

In Earl Rudder's term of service as president and chancellor of the Texas A&M University system, which spanned a period of 12 years, he was personally known by members of 18 graduating classes. His concern for the future of mankind might most accurately be gaged by his concerns for these students. He loved them for what they were and what they stood for. His ambition was that each of them should have the best opportunity provided to any person getting an education and the opportunity to better understand the meaning of becoming a man or woman. His pride in them was unbounded, his belief in them profound. This conviction provided the basis for his expression of that pride and for his risking of commitments which depended upon their performance. They never let him down and he never let them down. He took advantage of every opportunity to praise them in every part of the world that he visited. Those 18 graduating classes, numbering in the range of 18,000, had some reason to know him personally; and they constitute a formidable force in today's world. I am confident that each of them carries a part of this man with them in their day-to-day living.

I can find many definitions of greatness. When a man has worked for noble purposes and has accepted each challenge which in succession came before him and when he has mastered those challenges to the credit of his fellow man, his nation, his family and himself, I feel he has fulfilled the best of definitions. In the case of Earl Rudder, I could genuinely characterize his as an exemplary citizen, loving husband and father, brave soldier, dedicated educator and courageous statesman. He walked his path of life with patient pride, mindful of his obligations as a human being. His life gave real meaning to the qualities of compassion, humility, courage and integrity.

Yes, here was a man of superlatively high standards, with boundless enthusiasm for whatever task he took in hand. He never refused to accept a job if it needed to be done. No one whose privilege it was to know him is likely to forget the depth of his conviction, the courage of his faith or the warm and glowing brightness of his friendship. What he believed he believed deeply; what he did he did with his soul. The things he did were good and right. This my friends was Earl Rudder.

HON. J. GEORGE STEWART

HON. WILLIAM T. MURPHY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. MURPHY of Illinois. Mr. Speaker, it is with great sadness that I join with my colleagues in paying tribute to the memory of J. George Stewart, the distinguished Architect of the Capitol.

A native of Delaware, George Stewart received his bachelor's degree in civil engineering from the University of Delaware in 1911. He served as Member of the U.S. House of Representatives from 1935 to 1937. Both before and after his service in the Congress he was involved in the operation of his family's construction firm. In 1954 President Dwight Eisenhower appointed Mr. Stewart as Architect of the Capitol. He was only the eighth man to hold this important office.

I became acquainted with George Stewart when I came to Congress in 1958. We discussed that as fellow professional engineers we shared many common interests. A warm friendship grew between us through the years and I knew George Stewart to be a man of great vision and integrity, and devoted to public service. No man was more dedicated to the Capitol nor loved it more than he did. No man understood its construction better than he did.

Mrs. Murphy joins me in extending to his family our deepest sympathy on their loss.

TRACING THE INSIDIOUS VINE

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. ROBISON. Mr. Speaker, the Christian Science Monitor, in conjunction with their current series on drugs, has printed an editorial which describes the problem in an incisive manner. I commend this editorial to the attention of my colleagues.

TRACING THE INSIDIOUS VINE

It might seem easy to lose heart over the narcotics problem as it is surfacing, at epidemic rate, in Western nations. In the United States alone, some six million persons are thought to be using marijuana. When heroin and any of the synthetic drugs, such as amphetamines or halucinogens, are added the total is vastly higher. A Roman expert says that 30 percent of that city's youth between 14 and 22 are using drugs. And so it goes in other nations, and it is getting worse.

Not only is the use of drugs widespread, but the delivery system is fastened on the globe like a rank and fast-holding vine. Monitor correspondent John Hughes has spent five months tracing the lines of that vine. In a 10-part series he is describing the scope and nature of the international narcotics traffic.

The findings are grim. The drugs industry is complex as well as covert. It starts with peasant growers in the hinterlands of Turkey, Iran, Mexico, Afghanistan, and Indo-China. It is promoted or abetted by Corsican manipulators and strong-arm men who control chemical labs in Marseille, by politicians, diplomats, American or other servicemen, tourists.

Drugs are distributed using all the wiles of old-time smuggling and sophisticated jet craft and other appurtenances of the modern era. In short, the international narcotics traffic has rooted itself on the globe, has developed its own sources of production, and has intruded itself into the lifestream of society. The world seems aware of it only as more and more addicts are found. Many of them, increasingly younger, forfeit their lives.

It isn't likely that much progress can be made against the narcotics traffic until drugs are seen as a world problem. The attempts of Iran to restrict the legal growing of opium are a case in point. Though Iran managed to cut the number of heroin addicts within its borders rom 1.5 million to .5 million in recent years by a hold-down on growing, it has found that the illegal influx of heroin from Turkey is off-setting further gains. Hence Iran recently increased the quota of opium that can be grown within its borders, raising the likelihood that more Iranian narcotics will be smuggled abroad.

Far more could be done in the way of international agreements and policing, to be sure. When one considers the funds diverted into wars or economic development, the scant resources directed toward uprooting the noxious vine of drug traffic is appalling. For instance, only 10 agents are assigned to southern France, where most of the world's heroin factories are located.

This is hardly the time to lose heart over the drug threat. If the challenge of cutting off the drug traffic is great, then so must be the effort of doing so. Exposing the traffic's workings may at least help to awaken the world's youth to the stupefying menace confronting them.

SERMON BY REV. JOHN V. STROM

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. MYERS. Mr. Speaker, I would like to share with my colleagues a sermon preached by the Reverend John V. Strom, pastor of St. Thomas Lutheran Church in Bloomington, Ind., home of Indiana University. In the midst of all the shouting about this Nation's involvement in Southeast Asia, I believe the words of Pastor Strom represent a prayerful approach to understanding the scope of this controversy and the challenge it poses to all Americans. What follows is the text of that sermon delivered on Mother's Day, May 10, 1970:

SERMON BY REV. JOHN V. STROM

"And the angel said . . ., Fear not, Mary, for thou hast found favor with God. And behold, thou shalt conceive in thy womb, and bring forth a son, and shalt call his name Jesus." (Luke 1: 30, 31)

"And when they saw him, they were astonished; and his mother said unto him, Son, why hast thou thus dealt with us? behold, thy father and I sought thee sorrowing. And he said unto them, How is it that ye sought me? knew ye not that I must be in my Father's house? And they understood not the saying which he spake unto them. And he went down with them, and came to Nazareth; and he was subject unto them; and his mother kept all these sayings in her heart." (Luke 2: 44–51)

Preparation for this Sunday's sermon has not been easy, if indeed sermon preparation is ever easy; but this week it has been doubly difficult for me. The events of this past week have left me in a state of depression. Part of the problem, for me at least, is that I am too optimistic to despair and old enough to realize that there are no "simple" situations and no "simple" answers. The issues of the past week are very complex, I submit. And because of this I hesitate to come to conclusions which are clear-cut. However, this much I believe: We are living in perilous times! We are living in confused times! We are living in a day when reason is giving way to passion, when honest debate is giving way to mindless confrontation! Civilization is taking a step backwards in the direction of the jungle.

The Bible verses read at the outset have to do with a young woman hearing the news that she was to have a baby. Imagine her joy at that announcement. When the child reached the age of 12 both father and mother were unable to understand the attitudes and actions of the child. Nevertheless, the son was living in their house and was responsible to his parents. There was respect and love in that home. Over those years a mother's love was constantly alive for her son. She kept a mother's memories of experiences in her heart. Yes, a baby is born, a child grows, normal growing pains focused in a home, love is there, and above all a mother's heart.

Mary is a symbol of motherhood. She filled a mother's role. And that role was difficult. She was not liberated from that role. In the end her son died on a cross—as a common criminal. What heartache for that mother. But let's move up from Mary's time to the present. I believe that there is no more difficult task in today's world than that of being a mother. It has always been rough; but now it is many times more difficult. Why do we say this?

In the first place, a mother's son may grow up to be a soldier. He may grow up and be a member of the National Guard. He may have grown up to believe that he could best serve his country in that way. He graduated from the same high schools that all others his age graduated from. He went to the same prom. He is a human being even though he wears a uniform. He is a man under orders and it is his responsibility to fulfill his duties. He is also a man who, when pressed to the wall by sheer dint of circumstances, can react—even as any human being will react. He is a man who has a right to defend himself when stones and bricks are thrown at him. A brick is a very deadly weapon. Stoning was the Hebrew method of capital punishment, as you will recall from biblical testimony. Further, a soldier puts his very life on the line whenever he is called upon to defend the citizens of the State or the Nation. Soldiers, per se, are not beasts, not brutes, not animals. They are very human. They feel pain. They bleed. They weep under pressure. They have families. They probably sense awful frustration when their country appears to be suffering an internal breakdown.

The incident of this past week was a tragedy. I refer to the event in Ohio. But when reason gives way to violence, then tragedies happen. It is a common theme in history. Today you would do well to say a short prayer in your heart for the mothers (and fathers) of those students who lost their lives in the fray. But (and I say this fully aware of the broken hearts of those mothers and fathers) please find it in your hearts to offer a prayer for those mothers of the soldiers who, because of circumstances, did what was done. I doubt if those Guardsmen enjoyed their day.

It is difficult to be a mother because a mother's son may grow up to be a soldier. What mother wants her son to go to war? To Vietnam? I feel for every mother who has a son; I feel for that mother because of the uncertainties of our time. I believe that a mother in our day (especially if she has a son) has to be made of stern stuff. I do not pretend to know what course our Nation should take in Southeast Asia. I am a theologian. I presumably know a little about God and about human nature. But I am not schooled in the art of politics; I am not schooled in logistics; I am not a legislator; I am not a lawyer. I can only stand with many of you and cry out, "How long, Lord, how long?"

Secondly, it is difficult to be a mother because one's son or daughter may grow up to be a radical. Only about 5% of the student population falls under this rubric, I know. And by "radical" I mean the violent and disruptive kind. There is room within our system for both conservatives and liberals. But no problems are solved by burning University buildings to the ground. No problems are solved by resorting to mindless and emotional binges. What I am saying this morning might be construed to mean that I am unaware of what many students (and faculty) are protesting against, or that I do not care about the issues in the present. Permit me a personal reference. I, as a student over the years, have had to take courses which seemed to me to be quite pointless. I, as a citizen, am extremely distressed over the course of the conflict in Vietnam. I, as a citizen, was shook up over the incident in Ohio this past week. You know, there is a notion abroad, and I am not sure of its origin, that those over 40, those in the "Establishment," whatever that may mean, are insensitive or do not share a concern for the Nation or the world.

But it is the height of misunderstanding to claim that the President of the U.S. somehow delights in making war. I believe it is extremely cruel when his motives are impugned, when some say that President Nixon gets his kicks by killing the enemy! I believe that the President's heart aches at the situation; I believe that his guts are tied in knots—even though he may manage a smile for T.V. viewers. He needs the prayers of a People; he does not need obscenities and ill-will thrown at him!

The extremists on the left, and those on the right, would have us believe that we can solve our problems by jumping on their respective band-wagons. But remember this, for its is a cardinal principle: when one government takes over an existing government, the first item on the agenda is the matter of who is going to be the new leader. There will be a new establishment, so it is said. New policies will be determined, so it is said. By the people? Nonsense; New policies will be determined by the new leader, the revolutionary symbol, or the dictator—depending upon whether the left or right prevails. Aristotle was right when he insisted that when you mess around too much with the large "middle" you are in for trouble. The task in a democracy is to incorporate more and more of the fringe areas within the large "middle." Only then can the social fabric avoid being torn to shreds. Only then can genuine and lasting progress be made.

I still believe in the student population in our land. I still believe that the vast majority of students in our universities and colleges are thinking deeply about our social ills. It is those who abdicate reason and embrace violence that are the cause for concern. And I suggest that we must not follow those who holler the loudest, whether from the far left or the far right. I suggest that we must in our day use efforts previously unknown to maintain a balance. We must make every effort to keep cool. We must make every effort to avoid extremes. We must use our God-given brains in the service of the Nation. We must not give free rein to our impulses and emotions. There is a word which might suggest a course of action in our time: it is the word "self-control." It must become the watchword of every citizen; it must be the watch-word of the Nation; it must guide our steps in the days and weeks and months ahead.

You who are mothers of sons—you deserve our prayers. You cannot be liberated from your role. You cannot abdicate your responsibilities. You deserve the respect and admiration of all of us. You want your sons to grow up loving their country, and you want them to grow up as creative and thinking citizens—which implies higher education—or at least some form of training beyond high school. Both avenues are fraught with peril. May God give you, mothers of sons (and daughters), a full measure of grace. May you be able to say that your children are making their way and that you are very proud of them. Modern mother, modern daughter of Mary, we salute you in 1970. Amen.

QUOTATIONS OF THE PRESIDENT

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. JACOBS. Mr. Speaker, it is my duty to announce a brief departure from, followed by a rapid return to "precedent" at the White House.

In his address to the Nation on April 30, 1970, the President said:

It is customary to conclude a speech from the White House by asking support for the President of the United States. Tonight I depart from that precedent. What I ask is far more important. I ask for your support for our brave men.

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Wednesday night—June 3, 1970—the President said to the Nation:

When I first announced the decision on Cambodia, it was subjected to an unprecedented barrage of criticism. I want to express my deep appreciation tonight to the millions of Americans who supported me.

MENTAL ESCAPISM

HON. EARL B. RUTH

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. RUTH. Mr. Speaker, parents in Sanford, N.C., recently heard the young ideas of their Deep River High School valedictorian, James William Wicker, Jr. I would like to share Mr. Wicker's remarks with each Member of the House of Representatives.

Mr. Wicker's address follows:

VALEDICTORY ADDRESS BY JAMES WILLIAM WICKER, JR.

Good evening, ladies and gentlemen.

We, as graduates, are facing our future, the future of the world. If the world is to become better, or to survive at all, it is we who must make it so. We must face our present problems, and the myriad of new ones which will undoubtedly assail us.

A universal set of young people, with talent, education, and a new sense of perspective should be well able *not* just to cope with these problems, but to relieve the bulk of human suffering: Physical, mental, and spiritual.

To accomplish such a task, a realistic outlook must be maintained. Facts *must be faced,* not in order to place limitations on ourselves, but so that our energies will be well directed.

We must avoid the pitfall of escapism. Escapism is just what its name implies: An escape from reality. It is the desire of an idyllic existence. As such, it is a useless goal in today's world of relevance.

Television has often been criticized as a purveyor of escapism. Television programs which show the American life as a race from one ridiculous situation to another, filled with human nonentities who are always solving their petty problems through blind luck or not at all, do little to improve our minds or enhance our image.

But think! What do viewers complain about? The news programs. Why? Because the news programs show too many bad things, too many problems. Because the news programs intrude on the small opaque walls which too many people build around their minds.

Mental Escapism, the squelching of one's own attempt to think constructively, must be constantly guarded against. What are some of the forms of this mental escapism? There are two forms which come to my mind. They are anarchism and reactionary non-thinking.

Much publicized in recent years have been the actions of people who lead in student demonstrations, rioting, and violence over the country. In general, the reaction of the American public to these people has been one of anger and disgust. At first, I thought the average American was against them simply because they generally were long haired and dirty, and were against some ambiguous ideal. Generally, this is why. However, hair length and cleanliness are *not* what make these people and their ideals unhealthy. These people are escapists in their own way.

They have stereotyped themselves. They have made their own actions meaningless. In their battle to destroy the Establishment, they have limited themselves to being against *everything* the Establishment does, whether good or bad. Like puppets, they have pat criticisms for any and every action. Everything done by the government to aid people is an attempt to placate the people, according to them. All their thoughts are destructive ones. Preoccupation with tearing down a corrupt system has closed their minds to the construction of a new one. Worthy goals are lost as the ends they were originally seeking become lost in the means they are using.

Abbie Hoffman, a well known anarchist, has written a book which attempts, through farce, to justify revolution for its own sake. It accurately describes how he and many others have escaped from useful dissent into meaninglessness. I would like to point out at this time that I am not referring to students who use marches, rallies, and non-violent civil disobedience to express dissent and achieve the often noble goals which they seek. *They* represent the very opposite of escapism.

But, the anarchist's story is different and it is a tragic story. Very often these people are remarkably intelligent, entertaining, and clever. But, they *are not strong*. They saw the strangling power of the workings of the system, and instead of working to straighten it out, they gave up. Now their noise is only noise, and their violence is ignoble. Their lives are meaningless.

There is another form which escapism takes that I call reactionary non-thinking. People who practice this are not as publicized as the anarchists, but their danger to society is even greater because they are more numerous. The reactionary non-thinker is a person who does not keep informed, is inflexible, and does not try to improve anything. He merely reacts to what happens around him and tries to cope.

Most of the time, this escapist tries to stay asleep. Only when something happens that really hits him in the face does he wake up. Unfortunately all his new found energy is then used up in a short-lived burst of anger, whereupon he turns over and goes *back* to sleep.

Many times, it is not true that these people don't care, they are afraid to care; it isn't that they can't think; they are afraid to think or are too lazy to think. Until they are changed, they are a cancer of frustration to those who would build a better world.

To those who would not give in to escapism, I would say first of all, learn. Keep up with what is going on and with new ideas. Second, think for yourself. Decide what you really believe in your own mind and soul. And finally, do something about it! Get involved. Struggle and work with all your power to help your fellow man. Tell the anarchist not to give up. Tell him he is not alone. Tell the reactionary that ignorance is no excuse. Tell him that silence is no virtue, and is often immoral.

Anyone can try to escape from the world. It is difficult to stand up and be strong. A recent song asks a question: How can people be so heartless, so cold? Then, it answers itself, "Easy, easy to be hard." Don't take the easy way. Care.

NEED FOR RESPONSIBLE ACTION FOR STUDENTS, FACULTY, AND ADMINISTRATORS

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. BOB WILSON. Mr. Speaker, Dutch Higgs will be completing a distinguished 2-year term as chairman of the board of regents of the University of California on July 1. There has been considerable national concern over the turmoil on our campuses and I am pleased to share with by House colleagues Dutch's pointed comments on the need for responsible action on the part of students, faculty, and administrators to preserve our campuses from the excesses of hard-core militants and revolutionaries.

The comments follow:

The provocation and violence at Berkeley earlier this week appear to me to have sheer anarchy, inspired and led by hard core revolutionaries who swept up in their cause many who are not students at the University of California as well as those who are. Swift and sure legal action must be taken by the courts and disciplinary action by the University. Every measure must be taken to protect life and property and insure an atmosphere in which the education of the hundred thousand young people in this University who are not making trouble may proceed. I urge the news media and the parents of this state to distinguish between those in these mobs who are students at the University and those who are pre-college age, as well as older drop-outs, rejects, misfits and others who would destroy our society. I want it made crystal clear that we support Chancellor Heyns and his associates in restoring order on his campus and we are grateful for those individuals engaged in law enforcement who have carried out their duties with discretion and firmness to protect those lives and property which were endangered.

The infiltration of campuses and the location near campuses by those who pamphleteer and conspire to damage the University and our system of government appear to be growing in number. I call upon all of those in the University community who are concerned about the threat to the University's survival to note the fact that Chancellors, administrators, Regents, and police alone cannot cope with what is going on.

If the University is to survive—and it will survive—it will require responsible students and responsible faculty to speak up and act in accordance with their convictions before it is too late.

SILENCE IS NOT GOLDEN WHEN IT COMES TO FIGHTING INFLATION

HON. HAROLD D. DONOHUE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. DONOHUE. Mr. Speaker, there is no doubt that our overriding domestic concern today is the state of our ailing economy. Inflation, that cruelest and most discriminatory of all taxes, continues unabated, while real economic growth has completely stopped. Over the past 15 months, 1 million additional Americans have been forced onto unemployment lists. The housing industry has virtually collapsed as interest rates for mortgage money have skyrocketed.

Clearly, Mr. Speaker, the administration's "tight money" policy can no longer be relied on as the prime means of combating inflation. Not only has it proved ineffective, but the side effects directly attributable to it have been disastrous. The time has come, I believe, for a broader, more flexible course of action by the administration on the economic front.

Mr. Speaker, the President has at hand a wide variety of alternative policies with which to respond to this domestic challenge. We in Congress already have provided him with almost unlimited discretion in controlling and regulating the flow of credit to the various sectors of the economy. Many responsible economic analysts from all points on the political spectrum have reluctantly endorsed the principle of mandatory wage-price-profit controls.

Certainly, Mr. Speaker, the administration should at least seriously consider what is by far the mildest of the suggested economic remedies, a system of voluntary restraints for wages, profits, and prices, so-called incomes policies. Indeed, we are beginning to hear a number of voices from within the executive branch making the same proposal. The longtime presidential adviser, Arthur Burns, now head of the Federal Reserve Board, has acknowledged that incomes policies may have a role in dealing with inflation. The Treasury Department's chief economist has expressed similar sentiments, as has George Romney, Secretary of Housing and Urban Development and a highly respected ex-businessman himself.

All of us, Mr. Speaker, look to the White House for leadership in matters such as these, and I am sure that any proposals made by the administration at this point would receive the most sympathetic, nonpartisan cooperation from virtually every Member of Congress. What is disturbing to many of us, Mr. Speaker, is the complete silence—an "inflationary silence" to be sure—from top administration officials on economic measures. The thoughtful editorial I am appending, published in the June 2, 1970, Washington Evening Star, observes that—

> It is somehow demoralizing for the President to remain silent as prices and wages zoom upward without check.

Mr. Speaker, not only the Congress, but the entire Nation, desperately needs responsible leadership from the White House if we are to successfully bank the fires of inflation and regain the high employment levels that are indispensable to the economic well-being of America.

The editorial follows:

INFLATIONARY SILENCE

Pressures are increasing for the Nixon administration to take a more active role in achieving the goal of an economy combining non-inflationary growth with high employment. At the moment there is no real growth, joblessness is rising, corporate profits are falling and inflation continues at a canter if not a gallop. The original ailment, inflation, is the focus of several proposals for more direct government action.

The most influential backing for some form of "incomes policy" to discourage excessive price and wage increases came recently from Arthur F. Burns, chairman of the Federal Reserve Board. Burns was unspecific about the kind of program he had in mind, but it would be voluntary and would serve as a transitional aid until the current slowdown cuts into inflation.

"Incomes policies" include the wage-price guideposts of the Kennedy-Johnson years, presidential "jawboning" against inflationary actions and government watchdog activities to point the finger at erring industries and labor organizations. Such measures are gaining adherents in and out of the government as inflation continues strong despite slowing business and rising joblessness. (Some congressmen are thinking in terms of sterner control measures: Democrats on the House Banking and Currency Committee would give the President authority for an eight-month freeze on wages, prices and rents.)

President Nixon and his chief economic advisers oppose "jawboning" and similar efforts on philosophical and practical grounds. Such policies intrude on the free market, they feel, and are not effective on a long-term basis.

There is impressive evidence, however, that voluntary controls can be made to work for a limited time, and this might be long enough for past monetary and fiscal restraints to reduce inflationary pressures later this year.

An intensified anti-inflationary effort could help the President restore the credibility of his economic policy. This credibility—important for combatting inflationary psychology—has been battered by war fears and the emergence of federal deficits for fiscal 1970 and 1971.

It is somehow demoralizing for the President to remain silent as prices and wages zoom upward without check. The President should embrace some program for using the moral force of his office to hold down the inflationary spiral. The effort cannot worsen the present dreary economic picture, and it could help.

IS THE MEDIA A PRODUCT OF THE TIMES—OR HAS IT HELPED CREATE THEM?

HON. EDWARD A. GARMATZ

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. GARMATZ. Mr. Speaker, much has been written and said about press, radio, and TV coverage in this country of events, important and unimportant. In this connection I want to bring to the attention of the Members an address made recently by the Chairman of the Federal Maritime Commission, Mrs. Helen Delich Bentley, to the Pennsylvania Press Conference at Harrisburg. As a former member of the press, and one of the most outstanding in the country in her field, and producer and director of her own weekly television program, Mrs. Bentley is well qualified to speak on the subject.

I strongly urge it be given the careful and thoughtful reading it deserves:

IS THE MEDIA A PRODUCT OF THE TIMES—OR HAS IT HELPED CREATE THEM?

It is not only a pleasure to be present today at this luncheon sponsored by the Pennsylvania Women's Press Association, but an honor of which I am fully appreciative in being asked to address the delegates to the Pennsylvania Press Conference.

By its very nature, such an invitation constitutes a challenge to speak only to what one considers of particular significance and of real import. Such a determination, however, is of necessity a matter of personal judgment, and I can only hope that those present will agree as to the importance of the subject chosen, agree or disagree as they may with my own viewpoint.

I probably should have selected something on the maritime field, since yesterday was National Maritime Day throughout the United States and we did observe it nationally. But there has been something very, very much on my own mind in recent months, so I have entitled my topic today: "Is the Media a Product of the Times—Or Has It Helped Create Them?

None is more aware than a group such as this that perhaps the greatest strength of our nation rests on the fact that, both individually and collectively, we can express opinions and exchange viewpoints, sometimes at variance, but with an open mind and a willingness to listen one to another. Admittedly, such a subject bluntly put could be considered controversial, and undoubtedly will be so considered by many. I have not chosen it for that reason. On the contrary, I speak to it only in the belief that we should examine ourselves as members of the press—journalists, if you will—operating not only in the newspaper field, but in all media. To set the record in order, let me say that except for the past seven months I have been one with you during my entire adult life, and will undobtedly rejoin you in the future as a newspaperwoman.

You on your part represent an important segment of the press, of those whose professional careers and lives are closely associated with it. You have a major stake in the future of the press in all its media, since one affects the other, and we as individuals are interchangeable between media. Indeed, you have a stake not only in the future of the press, but as citizens and as men and women in the future of this nation of ours.

Let us then hold up the mirror to ourselves and study our own image. Let us see if we are what we imagine ourselves to be.

Since on the whole we are anonymous, we must look at the end product of our efforts, speak of ourselves as the press, and evaluate ourselves on the basis of its accomplishments.

To begin with, however, let us disabuse ourselves of the idea that we are part of some vaguely philanthropic organization, a nonprofit group dedicated solely to public service.

Newspapers, magazines, TV and radio stations and networks do comprise an industry, a business enterprise. This is not so in many other nations, where the press in all its segments is state owned, state operated, state controlled. For this we have reason for thanks, that we of the press of this nation are part of the free enterprise system subject to no dictates and directions to follow a party line or serve as the medium of propaganda. We are fortunate, but more fortunate are the American people.

We are fortunate, too, in our guarantee of "freedom of the press" written into the Bill of Rights as Article One of the first ten Amendments to the Constitution in 1791.

Yes, we are fortunate to enjoy a free press in a free society. Many others do not.

Too, there is the "power of the press." Certainly that power is not exaggerated, and in this age of mass media—and, at times it appears, mass hysteria—it is one with which to conjure in its ability not only to form and to sway opinion, but to provide false as well as true impressions of the American scene. Nor is a recognition of this fact limited to the press, to officials of government, to budding or established politicians, to advertisers. It is recognized, also, by those who agitate and lead others to riot in our midst.

Indeed, do we of the press ourselves fully recognize the extent of that power and its implication in the impact of our press coverage on the nation and on the world?

If we do not, we should—for viewed in its true light, it is an awesome power that we wield, a power to serve the nation, to serve

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the freedom we enjoy, the way of life that is ours, or to damage all these perhaps irreparably.

This being the case, does not the guarantee of such freedom, does not the exercise of such power carry also a major responsibility with it? By its very nature, does it not require responsible reporting and coverage of the news, honest and fair handling of it on the part of all concerned? My answer—and yours, as well, I am certain—is an unqualified "yes".

The question then becomes—but are we so doing? Let us all answer then, each for himself or herself, the further question: *Is the media a product of the times, or has it helped create them?*

Undoubtedly there are those who will take exception to the question, viewing it as a charge rather than as what it is, an attempt to determine if we of the press are indeed meeting our responsibilities to the public, the nation and ourselves who comprise the press. Have we regressed to the days when headlines sold extras and sensationalism was the measure of success in the City Room? Are we reporting accurately, objectively, and judiciously the events of our city, of our nation and of the world, or are we reaching so hard for circulation or ratings that we seek only the sensational, even to blowing up the statements of professional agitators out of all proportion to their importance? Are we who cry out in such anguish about even the least suspicion of management of news by others actually the most flagrant managers of the news? It is simple for us to do so by the slant of coverage we give it, the extent of that coverage, the positioning of a story on page one or farther back in the paper or the magazine, or featuring it or relegating it to limbo on our TV or radio programs.

Let me again say, speaking to responsibility that I consider to be inherent in the freedom of press that we enjoy, it is a responsibility to report the news objectively, not color it to serve ulterior motives or personal opinions or prejudices. And by objectively I mean, plainly and clearly, both sides—the pros and cons, if such there be.

According to Herbert Brucker in the May 9 issue of *Saturday Review*, a study group reporting to Milton Eisenhower's National Commission on the Causes and Prevention of Violence had the following comment: "Few American institutions are as free from responsible and systematic analysis as the American press. The press, which performs the role of reporter and critic for other institutions, has been reluctant to undertake self-analysis." Mr. Brucker states "that comment promises to be the understatement of the year."

An example of lack of what might be considered impartial coverage of both sides of the news would seem evident in last week's pages of a prominent newspaper in a major city located within a radius of some 150 miles of here. This newspaper, incidentally, has other major media interests, including—but not limited to—a TV station affiliated with a national network.

A friend called my attention to the heavy coverage given by this paper to antiwar demonstrations, campus disruptions and strikes, preliminary threats and actual picketings of military bases, but the paucity of coverage of activities or statements that ran counter to such opposition. He was unable to check all editions for each day because he was advised that they were not maintained on file at the newspaper office.

Let me tell you what he found in regard to the massive amount of equipment captured in the drive against the North Vietnamese sanctuaries in Cambodia. This is it—a single column of some four inches on May 11th on page 21 of the first news section, headed: "10 Months of Ammo Captured, Aide Says." Credited to UPI. And that was all. This despite the fact that massive amounts of equipment, ammunition, and rice have been captured. This despite the fact that the GI's there are saying how glad they are to capture mortars and rifles rather than having them throwing bullets and shrapnel into their backs.

Let me tell you of some other things that my friend found, or rather didn't find. One, coverage of a UPI story out of San Diego which told of a college student standing on guard for three hours to protect his nation's flag from about 100 campus radicals intent on insulting it. Two, he found no coverage of the senior citizen—widow of a former veteran—who jumped from her car and tore the flag from the hands of antiwar demonstrators at Key Biscayne. But the paper carried a picture of the motley crew of demonstrators with the flag being paraded upside down. Three, the paper carried photos of a programmed confrontation at Fort Dix, but it did not extend its coverage a few miles farther north to carry either a picture or story on the Armed Forces Day Parade in New York City.

These are but small examples of the lack of balanced coverage in one paper, and I maintain that this is "managed news" and "news censorship" in the editorial rooms with a vengeance!

As a sidebar, it can be noted that other papers in that same city carried stories or photos on one or all of the same subjects ignored by the paper to which I have reference.

Two weeks ago great play was given in many of our national papers about a 25-year old man who announced himself as resigning from the Nixon Administration because he was disgusted. He was headlined as Nixon's Youth Advisor. I made some inquiry about this young man after I returned from Europe. Nobody in the Administration had ever heard of him before! He was a GS-11 hired on in government by the Johnson Administration—and I am not criticizing administrations—in January of 1968. In addition, a GS-11 in the Federal Government is pretty far down the totem pole. But the newspapers never checked with the officials to see whether or not this young man was actually President Nixon's Youth Advisor. I did. Nobody in the White House or the Executive Office Building had ever talked to him. Mr. Finch had never talked to him; the President had never talked to him. But he set himself up as a Youth Advisor and the papers carried him as such. In the mass hysteria of that week, they played it up.

In another instance, the question of "what is news today?" comes up in relation to the prestigious *New York Times*. On May 13th, the Governor of New York, three State Senators, and the Director of the New York Narcotics Program met in Washington for two hours with 17 New York Congressmen, Republicans and Democrats alike. In the bipartisan session the State's immediate need for Federal assistance in drug enforcement, education and treatment were detailed. Representative Shirley Chisholm and State Senator Stewart, both representing districts primarily black, spoke urgently of the problem and the necessity of immediate action.

Broad agreement by the New York Congressional Delegation was arrived at on three major points. They were: First, Congressmen from New York would put in for an appropriation to get a number of additional Federal narcotics agents—possibly several hundred, it's that serious in New York—into the State to further stop drugs at the point of import. Second, they would sponsor an amendment to the foreign Aid Bill to bar aid to any country permitting the manufacture of drugs for import to the United States. Third, they agreed to attempt to obtain more Federal funds allotted for work in New York in education against drug use and for treatment of addicts.

At a briefing following the meeting, participated in by Governor Rockefeller and by others, including Representatives Celler and Chisholm, the press was informed of what had taken place. A *New York Times* reporter was present, yet not one word of the meeting on the narcotics problem in New York State was reported in the next day's *Times*. Indeed, on that very day, May 14th, the *Times* carried an editorial criticizing state and city officials for failure to "move responsibly to take remedial action." Somewhere within the *New York Times*, communications certainly did break down.

As a sidebar, the *Times* of May 14th did recognize that pie-throwing in Washington is "news", after a fashion, for it gave 20 column-inches to the story of a young man throwing a pie into the face of a participant in a hearing in Washington on the 13th.

I ask you, which story was of greater significance to the reading public?

I couldn't help noticing on a television newscast last night that Vice President Agnew was given 30 seconds of time relative to his criticism of the media, but Jane Fonda, the publicity-seeking revolutionary who was born with a gold spoon in her mouth and who has never had to work a day in her life, was given nearly two minutes of time to denounce the United States and call for youth and the military to destroy this country and its Establishment.

In my travels last week—and I make it a point wherever I go to pick up all the newspapers on the stands just to read and check and balance out—I picked up a paper in Los Angeles and this columnist had this to say—he was on the same subject I am on today of the "play" of news:

"The latest example: Clark Clifford, Sec. of Defense under LBJ, blasts the Cambodian operation as 'an infinitely greater mistake' than the Bay of Pigs, and gets the red carpet treatment. Yet when LBJ, at a Democratic rally—which made it all the more newsworthy—recently asked for support of RMN's decision, he got small mention in our liberal papers and even shorter shrift on TV. Ask around—as I have—and you'll find most of your friends know the Clifford views, but very few are aware of LBJ's appeal."

Then there is the "continuing story", building up out of all proportion as we keep it going day after day, bleeding it to the full by canvassing comments from the great, the near-great, the not-so-great, the witless, or those with an axe to grind. It is tempting to do so, to keep a story going, and to do it the easy way.

Again, do we let the opinions of the few who admittedly provide "good copy" because of the denunciatory character of their attitude and remarks steal our front pages and our prime-time TV and radio news coverage? Is it possible that we who think of ourselves as being objective, intelligent practitioners of journalism are being taken in by the sheer propaganda of hard-core dissidents, misfits and malcontents of our society? They think so.

For those of you who haven't had the very questionable privilege of reading Jerry Rubin's book, let me read you a few quotes from it. They will make your hair stand on end as they did mine.

One quote: "Within two hours I was on the steps of San Francisco City Hall in front of four television cameras, five photographers, four newspaper reporters, and seven radio stations, denouncing HUAC (House Un-American Activities Committee) as a 'witch-hunter.' I raved. 'The government is trying to stifle antiwar dissent.' The press hung on every word. I was playing Angry Radical, but inside I was laughing, standing on my hands and turning somersaults."

Another quote: "We needed a spectacular press conference to grab the imagination of the world and play on appropriate paranoias. For that we needed the help of America's baddest, meanest, most violent nigger—then H. Rap Brown. Rap's presence at the press conference, whether or not he even showed up at the Pentagon, would create visions of fire. Rap agreed to come. We needed to fill out the script with the other right character actors—a Vietnam veteran, a priest, a housewife from Women Strike for Peace, a professor, an SDS leader and then such folks as Dick Gregory. Dave Dellinger was Leading Man, combining stirring guerilla-war rhetoric with a kindly, benign appearance; he could be your Uncle Dave. Bob Greenblatt, national coordinator of MOB and then a Cornell professor, lent the prestige of the academy. And my wild hair and handlebar mustache suggested the anarchist bomb-thrower, capable of *anything*."

A third quote: "The press was great. They picked up an offhand remark by Dave—'There will be no government building left unattacked'—and made pacifist Dave sound like a terrorist. AP reported, 'When asked if his followers would practice nonviolence in Washington, Rap Brown turned away without answering.' It added, 'A spokesman for Defense Secretary McNamara had no comment.' "

And I'll give you one or two more: "Every Revolution Needs a Color TV . . . [He cited Walter Cronkite as] SDS's best organizer. [Cronkite] brings out the map of the U.S. with circles around the campuses that blew up today. The battle reports . . . Television proves the domino theory: One campus falls and they all fall . . . The first 'student demonstration' flashed across the TV tubes of the nation as a myth in 1964. That year the first generation being raised from birth on TV was 9, 10 and 11 years old. 'First chance I get,' they thought, 'I wanna do that, too.' The first chance they got was when they got to junior high and high school five years later—1969! And that was the year America's junior high and high schools exploded! A government survey shows that three out of every five high schools in the country had 'some kind of active protest' in 1969. TV is raising generations of kids who want to grow up and become demonstrators."

And a fifth quote: "Have you ever seen a boring demonstration on TV? Just being on TV makes it exciting. Even picket lines look breathtaking. Television creates myths bigger than reality. Demonstrations last hours, and most of that time nothing happens. After the demonstration we rush home for the six o'clock news. The drama review. TV packs all the action into two minutes—a commercial for the revolution. The mere idea of a 'story' is revolutionary because a 'story' implies disruption of normal life. Every reporter is a dramatist, creating a theater out of life."

And it goes on and on. And if those quotes don't make you stop and think, then I'd be very disappointed. But this is what is happening today and how they feel they are controlling the media.

I ask you indeed, are we just acting the gullible part of the "fall guy", and entirely guiltless of cooperating with the perpetrators of "manufactured news" because it makes good copy? Is it possible that we who pride ourselves upon being objective journalists, and our editors in all media fall for "contrived news" or the "scheduled riot"?

If such is the case, then we should all have our IQ's checked, for collectively we have been "taken". We have been used in a way that seems well-nigh impossible. We have covered riots, near riots, and pseudo-riots on prime-time TV news programs, the radio, and on the front pages—with continuations—ad infinitum. One might even say ad nauseam.

We have covered them in depth, even when they were "contrived". We have covered them in detail, even when they were "manufactured". We, who eschew the professional and usually respectable press agent and would not give him the time of day, to all appearances have fallen for the amateurs—who it now develops are the real propaganda pros—so long as they are from the "Liberation" this, the "Democratic" that, the "Black Panthers", the "SDS" or some other home-grown, self-named, self-styled committee *alleged* to be protesting an *alleged* breach of their freedoms. *Yet in their cavortings for newspaper and TV cameras they have no hesitancy in denying the rights of other citizens.*

In the pages of the newspapers, often the front page, and on TV screens across the country, their contrived performances are witnessed by tens of millions of Americans. Taken out of context, blown up out of all proportion by its very coverage, it has a disruptive effect on the nation. A handful of demonstrators intent on confrontation with the police, a violent few strategically located in cities across the country, can give the impression on any day that much of the nation seethes with violence, that the American scene is one of complete discord.

Then there was the contrived news, datelined Chicago, covered daily and in great detail throughout the country as the trial of the so-called "Chicago Seven", whose aim in court and elsewhere, along with that of their counsel, appeared to have one intent—to disrupt and embarass the legal system, and bring our laws into disrepute, which could be achieved only through the cooperative coverage of the nation's media. The question I feel we must ask ourselves is whether we believe the extent of that coverage—and the coverage still being given to its Chief Counsel and the others—was or is warranted as news. Is it news—or propaganda?

I return to my initial question. By such coverage, are we accurately reflecting the state of the nation today, and thereby merely doing our job by reporting the times, or are we helping to create disruption on an ever-widening scale?

If the latter is the case, then isn't it time that we realize that this great power of the press that we wield, this freedom that we hold to print, or show on the TV screen, what we please is a two-edged sword that can not only strike out for laudable purposes, but can inflict deep wounds on the body politic?

Perhaps as important, what image are we of the media projecting of ourselves as a stable people abroad?

In a recent speech at Tulane University before both labor and management leaders of the maritime industry, I called upon all of them to build together in their field of activity—to be Americans first, and to be shipbuilders, shipowners, labor leaders, seamen and dockworkers second. In short, to be Americans first, last and always. To those present and to all members of the press of all media, from top to bottom, I say the same. It is time for all of us to be Americans first, and journalists, editors, publishers, newscasters and commentators, owners of newspapers and magazines, radio and TV stations second.

Some may disparage and call that waving the flag. Let them. For my part, I am proud to be an American. I am proud of this land of mine. It may not be perfect, but its imperfections are far outweighed by its virtues, its freedom for the individual—yes, its freedom of the press—its opportunities, its way of life.

Perhaps I have a greater appreciation of what is is to be an American than most. If so, the reason is simple. I am a "first generation" American, the daughter of immigrants. My Yugoslav father and mother loved this land that took them to it and welcomed them, accepted them as citizens, gave them the fulfillment of a new life of freedom and opportunity for themselves and their children to be. That love of America and of its institutions they passed on to me. They passed on also, so that it was cut deep into my mind, their memories of the hardships, the frustrations, the oppressions of the Old World at the turn of the century. I, who have never known anything but freedom, have their deep-etched memories to remind me that it is not so elsewhere in the world. I have the knowledge that the opportunities given me, that were mine by right from just having been born an American, would not have been mine in any other land. A copper miner, my father could have afforded no paid schooling, no college education. But it was not necessary, for the nation provided the grade school, the high school—and assiduous study and scholarships took care of college. And no one closed the door on a job because I was "first generation"—a "Bohunk", if you please.

I would be the most crass ingrate were I not to cherish this country and all that it means to me and meant to my parents.

This is a great nation, this America of ours. If it is not Utopia, it is the closest approach to it that man has achieved throughout the whole history of his existence. For my part, I feel that we of the press do the public, the nation, the world, and ourselves a great disfavor in seeking at great length to expose our faults—and in many cases, alleged faults—but rarely our virtues.

As Salim Rizk, author of "A Syrian Yankee," and himself an immigrant, said recently in speaking to the Phi Beta Kappa Chapter in Washington: "I do not have to tell you that these days it does not pay to write or say one good word about America or Americans. On the contrary, you can become rich and famous and important, you can make headlines and parade before the cameras and the microphones every day if you write about America and speak of America as if it were Nazi Germany, or Communist Russia, or even old Imperial Turkey, and dishearten young Americans and make them despise their institutions—even themselves—and doubt the greatness and the humanity of their country, and the loyalty and patriotism of their neighbors, and their teachers, and their leaders.

"And you stand those who disparage you before microphones and cameras to make statements to the world, statements that indicate that the heroes of humanity were not George Washington, Ben Franklin, Thomas Jefferson, Abraham Lincoln, but instead Che, Fidel and Mao."

I offer you Mr. Rizk's statement as an indictment for, if he is right, we of the press have failed our young who someday must take our places. What is more, we have failed our nation—and it is the only nation we have.

Millions of other people around the world welcome the opportunity to come to this country, to become citizens despite our induced and programmed turmoil if they but could. It takes walls and machine guns and land mines to keep them within the confines of their own countries. There are no walls to keep us in—but there is need for none. Even those who berate us know full well that there is nowhere the equal of this nation and its freedom in all the world. There is no other America to which to go!

To borrow the expression, however, of the chanters on the streets of Chicago in 1968, "the whole world is watching," and it is up to those of the press to have the world see us as we are, not as the relatively small numbers of professional propagandists within our midst would make us appear to be.

For that matter, isn't it time that we Americans see ourselves as we are? Isn't it time that we get off the psychiatrist's couch as a people? Isn't it time that we stop crying "Mea culpa! Mea culpa!" to every charge—true or false—leveled against us?

Let me give you a prime example of what

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I mean, then come to your own conclusions at to whether the media is the product of the times or has helped create them.

I knew my informant first as a fellow reporter on the *Baltimore Sun*, one who worked with me on the newspaper, and was always considered a top-notch reporter. Later, he worked on national news magazines. Now he is on the personal staff of Governor Nelson Rockefeller. As one of the key members of the party that accompanied the Governor on his four trips to South and Central America at the request of President Nixon, he said that the official party was amazed upon its return to the United States and had time to look over the press coverage, the reports back home.

As a former newspaperman he had to find an answer as to what had happened, and why newspaper and TV coverage while the party was away did not jibe with the facts as he knew them. He discovered that because the airplane carrying the official Rockefeller party always landed in the foreign airport first and the party then was swept on to the halls of negotiation and discussion immediately, the press was left on their own. They had little to write about, and so some began going to the universities *and urged the students there to demonstrate* so they would have something to photograph and report.

One photographer, with whom he had worked while they had both been on one of the weekly magazines, told the Rockefeller staffer that, after the first few days in Latin America, he had instructions from the news desk of his network television headquarters to include in what he sent back at least two minutes of film each day showing rioting and demonstrations. That they wanted, definitely.

As a good factual newspaperwoman, I cannot vouch for this from personal knowledge; I repeat it as having been told me by an individual in whom I have full confidence. However, he has no objection to my naming him as my source. He is Jim Cannon, formerly of the *Baltimore Sun, Time Magazine*, and *Newsweek*.

All this being true, then those responsible have committed an unpardonable breach of journalistic ethics, and done great damage to the nation, both within and without its borders.

Then, too, where is the concern of the press for the vast majority of students attending our schools who seek an education, who want to attend classes without constant disruptions? Here is a generation that has received more consideration on the part of our society, more concern with its welfare than any other in our history. Are we, then, to turn our backs on the vast majority of this generation in which we as a people have a massive investment of time and effort and allow the few to disrupt classes and campuses, denying them the right to that education—the few even subjecting the many to the possibility of physical harm or death as the result of arson, or, still worse, possible bombings? Even if there were but one who desired to attend class and learn, it would be his right to do so. Why, then, do we of the press and the editorial pages of our papers, the TV commentators, not speak out in this regard? That, certainly, would be a public service.

Indeed, do we of the press not owe it to the public that our media serves to differentiate between an entire student body and the hundred, the five hundred, the thousand, or even two thousand, who may constitute the total number resorting to violence in a confrontation with the authorities? The violent protesters may comprise only a small minority in many instances, out of a total student enrollment of ten, fifteen or twenty thousand. Yet our headlines and our stories on the whole lead the reader to believe that all students are involved—and, also, that all involved are students! Do we not thus further the propaganda efforts of the anarchists?

If we are to retain our form of government, our guarantees under the Constitution and the Bill of Rights,—yes, and our "freedom of the press"—then it is time that we reverse our thinking, stop overemphasizing discord, "made news", "contrived events", and start concentrating our efforts in the media toward showing what is right with this nation of ours.

However, before anyone rushes out to proclaim that "Government Official Seeks To Muzzle Press"—"Says Papers Should Be Instruments for Propaganda", let me make myself very clear, so that any such reporting will be with the full intent to mislead. I have spoken with no such idea in mind, nor could I—a newspaperwoman for some 25 years—embrace or accept it. But as a newspaperwoman I also know that the presentation of the news determines its impact. I do not say that we should not report the legitimate news. On the contrary, I say that we should report it impartially, whether bad or good. I do say that we should not be taken in by the "contrived" nor stoop to the "manufactured". I hope I have made myself plain beyond question of a doubt.

Let me also make clear the fact that, in what I have said, I have spoken for myself, and myself alone. It seems but a sign of the times that I must say: "This speech is mine own poor child—and mine own alone!" I am not required to clear it.

As for my statement that we should be Americans first and all other things second, I stand by that, and you may quote me to the ends of the earth—for I am proud just to be an American!

Now let me finish with a story from Hans Christian Andersen that would appear to be apropos when taken in conjunction with the attempts at disruptions of our universities, indeed in relation to our entire society.

You may be acquainted with this tale in which, to find a husband for the princess, it was proclaimed that whoever in the country achieved the most incredible thing would be chosen. One man worked hard and for long years to design, create and construct a beautiful and wonderful clock. It not only told the time, but served as a calendar as well. It showed the ages of the past and those of the future. The greatest spiritual and cultural minds in the history of mankind were represented by sculptured figures surrounding the face of the clock. It was a creation of love, of patience, of skilled hands. Magnificent in its mechanism and a thing of great beauty, the many at the judging unanimously agreed it to be a thing of incredible beauty and practicality. But before the princess' hand could be given to the constructor of the incredible clock, another of no understanding, who had nothing to offer in comparison, pushed forward. "No" he bawled out. "Leave it to me. I am the man to do the most incredible thing." And he swung his axe at the craftman's clock. It was wrecked beyond repair. "I did that," said the lout. "My work beat his, and bowled you over, all in one stroke. I have done the most incredible thing!"

But wouldn't it be even more incredible if the intelligent youth of our nation on the campuses of their universities were to continue to be misled into allowing a handful of agitators and anarchists to make a mockery of academic freedom, denying it to all but the malcontents—faculty and students alike—and wreck their institutions?

In similar fashion, if we Americans, the press included, with all our freedoms were to permit them to be stolen from us—even abetting those who openly declare intention to do so by creating a state of anarchy—then wouldn't that constitute the most incredible thing in the history of mankind?

COLUMBIA INTERNATIONAL LAWYERS FIND CAMBODIAN INVASION ILLEGAL

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. FRASER. Mr. Speaker, there are strong constitutional questions about the U.S. invasion of Cambodia. It has been asserted that the President has overextended his powers as Commander in Chief. But also very important to our standing in the international community of nations is our adherence to international law. The world community depends on the functioning of international law as we depend on our own laws. Members of the Columbia Society of International Law and the Columbia Journal of Transnational Law have prepared the following statement about the legality of the Cambodian invasion under various international agreements to which the United States is a party:

Legality of Cambodian Invasion

Throughout history, and especially since World War II, the United States has been a leading proponent and defender of freedom and independence for all nations of the world. It has helped initiate and has supported efforts to establish a system and a world community based upon respect for international law, for the right of self-determination of all people of the world, for the peaceful settlement of disputes and for all the principles of the United Nations Charter.

UNITED NATIONS CHARTER

In the Preamble to the U.N. Charter we affirmed our determination "to save succeeding generations from the scourge of war, . . . to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, . . . and for these ends . . . to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest . . . ."

Article One states that one of the purposes of the United Nations is ". . . to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace . . . ." Most importantly, in Article Two we agreed to act in accordance with the principles that "All members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered. All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations."

By unilaterally sending United States military units into the neutral territory of Cambodia, without the invitation or consent of the Cambodian government, and without consulting the Security Council, the United States has committed a grave breach of international law. This decision seriously threatens the principles of the United Nations, the principles which in the past the United States has staunchly supported.

This intervention also violates the domestic law of the United States. After due ratification, the United States Constitution declares that a treaty becomes the "Supreme Law of the Land." No action short of total withdrawal from and renunciation of the Charter can terminate our obligation to act in accordance with every one of its terms. Since we have not renounced or withdrawn our ratification of the United Nations Charter, our actions are an unconstitutional and unjustified violation of United States Law. Clearly, the U.N. Charter is in full force as law of the United States, and just as clearly, we have violated its provisions and its spirit.

SEATO TREATY

Under the South-East Asia Collective Defense Treaty, Secretary of State Dulles told the Committee on Foreign Relations in 1954 that action would be taken by the United States only "in accordance with its constitutional processes." This, he explained, meant that action would be taken only after consultation with Congress. In approving the SEATO Pact, it is clear that Congress expected to be consulted prior to each United States military intervention in a country covered by the Treaty.

Cambodia did not become a member of the SEATO pact. The SEATO signatories, however, included Cambodia as a protocol party and not as a member of the organization. Cambodia has renounced its protocol status and has proclaimed its neutrality for many years. But even the SEATO Treaty itself, which accords to its members a unique power of unilateral intervention in the territory of a protocol party as well as members, specifically states that "no action shall be taken except at the invitation or with the consent" of the government. The United States has violated this provision by initiating military action without obtaining Cambodia's prior consent.

UNITED STATES POLICY

The State Department has repeatedly justified our involvement in Vietnam on the basis of the SEATO Treaty, and has said that additional legal support was given to this position by the Joint Resolution of Congress of August 10, 1964 (The Tonkin Gulf Resolution). Section 2 of that Resolution, however, affirms that the minimum condition for military engagement on the soil of a non-belligerent nation is the request of the other government. It states that ". . . the United States is . . . prepared . . . to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty *requesting assistance* in defense of its freedom."

The fact that our administration has failed to cite any request for armed intervention shows that it has failed to satisfy the most basic requirements of the Tonkin Guld Resolutions as well as of the SEATO Treaty. It is inconsistent and hypocritical for this country to condemn the Soviet Union for invading Czechoslovakia and then to invade Cambodia without the invitation of the Cambodian government.

It has been suggested that although Cambodia did not invite the United States to enter its sovereign soil in force, it has ratified our intervention by subsequent actions. The belated acquiescence in or "appreciation" of our intervention by the weak and unstable Cambodian government, faced with a military *fait accompli* by the world's greatest military power, cannot detract from the fact that the United States invaded a small country without its consent or invitation, in total disregard of its sovereign rights.

The United States is in fact applying the very kind of power politics for which we condemn the Soviet Union. But the consequences of their invasion of Czechoslovakia cannot compare to the devastation and prolonged civil war which will now engulf this defenseless country. Our latest military expansion is likely to lead to direct confrontation with the other major powers in an area in which China has particularly strong regional interests, at least as strong as those claimed by the United States in the Western Hemisphere.

If we are opposed to anarchy and contempt for the law domestically, we should also be opposed to it internationally. Recently under-Secretary of State Richardson announced the doctrine of spheres of mutual restraint. The breach of our own doctrine would encourage other powers to act unilaterally in the areas in which they have superior conventional power. What we do, we cannot expect other nations to refrain from doing.

The President has attempted to justify American actions as necessary to protect American troops and the Vietnamization program. It is clear, however, that this is not a valid exercise of the right of self-defense embodied in Article 51 of the U.N. Charter. It has long been accepted, and was affirmed by the Nuremberg Tribunal that invasion of a neutral territory for self-protection is justified only if there is a necessity for self-defense, instant, overwhelming and leaving no choice of means and no moment for deliberation. The United States' massive, unannounced strike into Cambodia failed to meet this standard at the outset—and reports from Cambodia fail to disclose evidence of a threat sufficient to satisfy the requirement of overwhelming necessity.

The administration has made no effort to justify its actions in the light of international law. Not even lip service was given to law when our troops crossed the Cambodia border. Just five days before Operation Total Victory began, Secretary of State Rogers censured North Vietnam for violating its treaty commitments to respect Cambodia's neutrality. He went on to say, "A more explicit and unprovoked violation of the fundamental provisions of the Charter of the United Nations and of additional specific international obligations to respect the territory of others could hardly be imagined." The Secretary's words describe exactly our invasion of Cambodia. This action is demonstrative of the administration's contempt for and disregard of international law.

CONGRESSIONAL RESPONSIBILITY

It has been asserted that the President has sole decision-making power in this area as Commander-in-Chief. Although, by an evolutionary process, the Executive has gained the power to use the military in the conduct of foreign affairs *short of war*, the Congress still retains the sole power to declare war and to appropriate funds to support any military involvement.

Inherent in the power to declare war is the power to limit war activities and to declare the end to wars. The recent Resolution on Laos and Thailand was an expression of this power in declaring that the geographical extent of our ground involvement in Southeast Asia would stop at the borders of those countries. This was not an attempt to limit the Executive's power to conduct foreign in those areas, but was an expression of Congress' sole responsibility to declare and limit war. Congress has the power to exercise the same responsibility in regard to our action in Cambodia.

We request the Congress of the United States to resolve that United States forces be immediately withdrawn from Cambodia, and to reaffirm our intention to respect the principles of the United Nations Charter and of international law.

AMERICA'S FINEST—THE GOLD STAR FAMILIES

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. COLLINS. Mr. Speaker, the speech I made on Memorial Day included a few words. But the real message came from the faces of the families.

Our memorial program out at Laurel Land Cemetery was held on a beautiful morning. American flags were flying everywhere in the breeze. Legion and VFW caps were abundant. The Carter Band provided stirring music. I said a few words—there was a benediction and then we visited for about a half hour with the neighbors who came to honor our heroes. I thanked my good friend, George Young, who arranges this fine tradition each year at Laurel Land and Restland.

As I started walking back by myself to the gate, I saw a family in a group and went over to visit. It was the Gomez family. We had all been together back in December when I gave a Christmas party for all the children with relatives in Vietnam.

The family still had the wholesome, clean-cut look. The big girl was in a pretty, red, white, and blue dress. Her little sister still had her cute twinkling eyes. Little brother was still shy, but when he put out his right hand he shook firmly like a man. The other fellows in the family were quiet, polite, and well mannered.

I saw Mr. Gomez standing at the side all alone. Tears kept streaming down his face. We started to talk but he speaks little English. But this man's face spoke more than words. He loved his family dearly. The sweet Mrs. Gomez and I talked on about this young hero. It was a fresh grave with the dirt still loose. He had just come home.

Gomez was named after his dad, but in his outfit the fellows all called him Tex. He used to tell them great stories about Texas because his heart was always with his family. As his mother said, he wrote a letter home every day. Wherever he was, he wrote that letter to stay in touch. And the family saved and still treasured every one of them.

She told me how much he appreciated the picture that I had sent him of all of us at the Christmas party at Dallas. And he told mom that the Congressman wrote him about how proud we were of his service.

I did not know a few months ago that we would all be grouped around this small mound. And we all shed some quiet tears as we gazed softly at the American and Texas flags flying side by side over the grave.

Tex Gomez was only 20 but he was all man. He had been overseas for 9 months. Just recently he had received a battlefield promotion to sergeant in his infantry outfit. Just a few weeks ago in

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the jungles of Vietnam, the name of Tex Gomez was reported killed in action.

Every day I am reminded of so many mixed-up youngsters, and it was so inspiring to talk about Valentine Gomez. He went to church every Sunday. Every brother and sister in the family loved each other closely. He respected his dad deeply and the tears in dad's eyes told us how close they were. And mother Gomez quietly repeated over and over about how he was such a good boy, always a help, always considerate.

Thank God for families where children are close to their mother and dad. And we are all so thankful for parents who were so concerned and so close as a family.

We in Texas have many glorious names. This year in Laurel Land we inscribed the names of Stanley Adams, Danny Berrier, Richard Boswell, Jr., Martin Droigk, Jerry Ervin, Roy Hammonds, Kenneth Heath, Paul Janto, Donald Kelly, Stephen Lane, David Larson, Michael Loyd, Charles Manning, George Mitchell, Roddie Perry, Dennis Phillips, Don Robertson, Charles Robinson, John Rosemond, Robert Russell, Savas Trevino, Donald Ray Washington, and Jimmy Willeford. These are the heroes buried here during the past year, who died while serving their country.

These names add to a heritage begun with Houston, Austin, Travis, and Crockett. And as we joined around the flags over Tex Gomez, we realized that we had lost one of our sons, but the Gomez spirit will be with us always.

THE INESCAPABILITY OF INTERDEPENDENCE

HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. BOW. Mr. Speaker, I wish to share with the Members an outstanding exposition of the new directions in foreign policy delivered by U.S. Ambassador Glenn Olds to the Economic Commission of Asia and the Far East. This statement deserves the widest possible circulation and I compliment Ambassador Olds on putting our new policies in perspective. The speech follows

THE INESCAPABILITY OF INTERDEPENDENCE

(By Ambassador Glenn A. Olds)

There is an ancient Chinese proverb that "one picture is worth a thousand words". And, swimming as we do at these conferences is a sea of words, I am sure you would welcome a simple picture. Indeed, as one who marvels at the mastery of my native tongue, English, by so many of you from so many different cultures and traditions, and my own impoverished effort to master yours, I feel reduced to the simplicity of a picture. I want you to see it as a symbol and a setting for what I have to say in this opening debate.

About a year ago a good friend of mine, now a grandfather, was visiting his son, a university professor, over the winter holidays. The grandfather was a world traveler and wished to give their first and only grandson, then five years old, a gift. He bought him a round globe, a map of the world, which could be set and spun on a desk, which the grandson carried around, cradled in his arm, during their whole visit. The last evening, my friend, the grandfather, was sitting in the living room describing a trip he had just made to Africa, when his son remarked he did not know where to locate one of the new African nations mentioned. Just then they could see the little boy asleep through the open door into his bedroom with his world locked in his arms.

The father said, "Just a moment and I'll get the globe you gave the boy and you can show me."

He tip toed softly into his boy's room, slipped the son's sleepy fingers from around the world, took it up and was just on the threshold of the living room when the little boy leaped bolt upright in bed and shouted,

"Hey, dad, where are you going with my world?"

The picture is powerful! The question is prophetic! With over half the population of the southern hemisphere young, under twenty-one, and a world restless and resentful of what the older generation has done, and is doing with their world, their voices rise in a chorus even in this quiet hall, "Where are *you* going with my world?"

Deeper than statistics, GNP's, trade balances, and economic plans, important as they are, is the deeper stirring of our times, the rumbling of a world awakening to the hunger for a larger measure of personal freedom, a wider range of social justice, a knowledge that poverty, disease and ignorance are not God given, ordained by nature, birth, or station—but are man made, and as such are amenable to change, can be broken, need not continue as they are. Like those who listen to the beat of a distant drummer, they may seem out of step with our sense of times, but they are on the march, and as our friend from Fiji reminded us, we do well to listen.

My own remarks are set in this wider, deeper setting. They are shaped by the convictions that the changes through which we are now passing are far deeper and ultimately more consequential than our conventional economic analyses, that they implicate, the whole human family, our entire globe, and every aspect of man; that they will make earlier epochs of man, and episodes of human history seem pale by comparison and that rightly understood and channeled, they will usher in an unparalleled period of human development; but misunderstood, neglected or mismanaged, and we may well ring down the curtain on the whole human race. If this may seem overly dramatic, undiplomatic, emotional, or sensational. I hope you will hear me out, for I do not intend to philosophize. Instead, I intend to let the facts speak for themselves, and around four points:

(I) Interdependence is the fact of life, only reluctantly and fitfully grasped as the condition of our economic and social life;

(II) Such a fact calls for a fresh strategy and new response in international affairs, and a look at U.S. efforts of the new administration in this direction illustrate the trend;

(III) Viewed in this light our problems are really a product of our successes not our failures, and are opportunities in disguise; and

(IV) Innovations of interdependence lie near at hand as the frontiers for development, national, international, and human, providing the frame-work of the future.

(I) INTERDEPENDENCE IS THE FACT OF LIFE

It may seem trivial to remind us of what nature has been trying to teach us from the dawn of our history—that we live in *one* world, in a *uni*-verse not a multiverse, in a cosmos, not a chaos, that every aspect of our splendid world, whether in outer space or the inner recesses of the atom is intrinsically and ultimately inter-connected. Poets have spoken of it, "Touch a flower and you stir a star," said Francis Thompson. Religious seers have spoken of it, "That are thou," says the wisdom of India. But only in our time, have we been stubbornly, inescapably confronted with the fact, that this is not the creation of poetry, religion, or philosophy—it is the very nature of things, *the stuff of our world*.

We do not defy the law of gravity when we leap from a cliff. We illustrate it! We do not set the universe aside, when we try to live, as though we could, alone, cutting our world up into accidental (I almost said occidental!) pieces rooted in historic accident, arbitrary history, or human preference—we merely invite the consequences of our folly in conflict, destructive and discordant disorder.

We have found *economically* it is one world or none! Virtually every basic commodity is an international citizen. Every cup of coffee, every teaspoon of sugar reminds us of our inter-connected world. Scientifically we know knowledge is one. Truth has no nationality. We are able to understand and predict because it is one world; its structure and processes are open to understanding on the same conditions for anyone and everyone. Socially, we know, beneath all the differences of culture, language, and human condition, there is a human continuity which links us inexorably on this shrinking spinning ball, and that no effort at divisive ideology can rob man of his elemental sense of human identity and unity. The rallying of the world to the fate of the astronauts is no American phenomenon—it is universal and human. And our gratitude is matched only by the generosity of all those whose help and hope fastens on that tiny craft in space—man against the elements—hurrying "home."

It was this sense of our economic and social solidarity which was grasped and given expression in that swift moment of sudden illumination at the end of World War II, when men and nations saw in the mirror of history the folly of their failure to grasp this fact, and sought to give a rational human frame to this interdependence—and the United Nations was born. However, attractive or wistful it may appear to some to wish to return to a simpler segregated, insulated world, freed from the corruption of contact with others, there is no way back. We have passed the point of no return.

(II) A FRESH STRATEGY AND NEW RESPONSE OF THE UNITED STATES

It is the logic of these events which have been at work in the transformation of our own foreign policy, and the earnest effort of President Nixon and our new administration to chart a fresh course. We know the charges that have been made against our power, our motives, our ambivolent isolationism, involvement with the needs of others. Even the report before us remarks on the inordinate role of good or ill we play, the import of reduction of U.S. aid, implications of our fluctuating monetary policies to contain our inflation; implications of shifts in Asian security arrangements, and regional reconstruction efforts. Yet, as our President recently remarked in his address to the Latin American nations, we are learning! He said:

"For years, we in the United States have pursued the illusion that we could re-make continents. Conscious of our wealth and technology, seized by the force of our good intentions, driven by our habitual impatience, remembering the dramatic success of the Marshall Plan in postwar Europe, we have sometimes imagined that we knew what was best for everyone else and that we could and should make it happen.

"But experience has taught us better.

"It has taught us that economic and social development is not an achievement of *one* nation's foreign policy, but something deeply rooted in each nation's own traditions.

"It has taught us that aid that infringes pride is no favor.

"It has taught us that each nation, and each region, must be true to its own character.

"What I hope we can achieve, therefore, is a more mature partnership in which all voices are heard and none is predominant—a partnership guided by a healthy awareness that give-and-take is better than take-it-or-leave it."

Underscoring this desire for partnership in an interdependent Asia in his remarks in this city of Bangkok, on July 28 of last year, the President pointed out our desire to participate as appropriate in such a community, (1) as a Pacific power, (2) as a benefactor of the diversity of the vital and gifted peoples of Asia, and (3) through sharing with those increasingly able a wider responsibility for the security and development of the region.

The very concept of "partnership," our President spelled out in great detail in his February report to the nation on "U.S. Foreign Policy for the 1970's—a new strategy for Peace". It roots in (1) the integrity and dignity of every nation and culture—respected and treasured in every relationship; (2) mutuality of interest, not paternalism, charity, or exploitation, and (3) underpinned by principles and practices to give expression to mature partnership.

These principles have been spelled out in detail in a number of recent policy statements, and relate to several of the comments made by other distinguished delegates in this opening debate. An illustrative but not exhaustive list of the President's recommendations follows:

(1) Affirmation of the primary initiative and responsibility for setting priorities and programs with each country itself in developing regional cooperation;

(2) Modification of U.S. trade and aid policies to facilitate expansion of developing countries' exports, including semi-manufactured and manufactured goods as well as conventional raw materials and foodstuffs. In the ECAFE region alone from 1960 to 1969 our exports increased 95% while our imports from that region increased 224%.

(3) Reduction of non-tariff barriers to trade and increased technical assistance to promote trade expansion of developing countries.

(4) A liberal system of generalized tariff preferences for *all* (I repeat *all*) developing countries, with broad product coverage and no ceilings on preferential imports, with equal access to industrial markets. In this recommendation the President has been supported by the U.N. General Assembly resolution 2503 (XXIV) of November of last year, the Pearson Commission, the National Foreign Trade Council (November 1969), the U.S. Chamber of Commerce, the AFL-CIO Labor support, and if you will, the *Wall Street Journal* (November 13, 1969).

(5) Elimination of "tied" aid for Latin America, and review of these practices everywhere "with the objective of modifying or eliminating them".

(6) Reconsideration of external debt service and recommendation that international financial organizations seek possible remedies.

(7) Encouragement of private investment *where it is desired* and under conditions designed to enhance social and economic development, and security against unwarranted or arbitrary risk.

(8) Sharing our rapidly advancing science and technology for purposes of international development. To use our President's prophetic words: "This I pledge to you tonight: The nation that went to the moon in peace for all mankind is ready to share its technology in peace with its . . . neighbors."

Incident to these principles of partnership, is rejection of the mistaken notion and polarization of nations into so-called "developed" and "developing" nations. No nation that we know of is "developed"—all of us in one way or another is "developing". We give lip service to the view that development is a complex, comprehensive, and organic matter, involving much more than money, G.N.P. or economic measures; that it involves human, as well as natural resources, *qualitative* as well as quantitative factors. Yet we continued to speak of rich and poor nations, "developed" and "developing" as though material measures were the only real ones. Is there anything more pathetic than a man rich in things but poor in spirit, of whom T. S. Eliot wrote, speaking of such hollow men—"Whose only monument is an asphalt road and a thousand lost golf balls". And who has not been moved by those who measure maturity of culture not by possessions but by perfection of the spirit.

This does not, of course, excuse or ignore the real struggle to survive of millions of peoples, or the mounting gap between rich and poor. It does not make sleep easier to know that two thirds of the people of the earth will go to bed hungry, will die before they are 45, and struggle to achieve an annual per capita income between $100 and $300 a year. But it does remind us that affluence is no unmixed measure of cultural maturity; that the price of pollution of air and water, urban and industrial squalor, mechanized and dehumanized relationships exact a high price. In short, it reminds us that we are all "developing" nations, with a rich variety of needs and gifts, that elude sweeping and simple generalities.

Finally, our response to the world's interdependence has been a renewed *emphasis on international mechanisms* for realizing a more rational order, just distribution of resources, and on an instrument of global development. Though we contribute 30% of the assessed budget of the U.N., 40% of the UNDP which sustains multilateral assistance, and over 50% of some of the international agencies, we recognize that we and others must do more to strengthen the *quality* and *volume* of this effort.

We have welcomed the Jackson capacity study and its emphasis on strengthening the coordination and delivery capability of the U.N. system. The President has announced his intention to dramatically increase our contribution to the Asian Development Bank by a pledge of $100 million to its Special Funds and to respond positively to proposals for replenishment of the International Monetary Fund.

These and other means, though quantitatively small in the terms of gross need, still constitute the *catalytic* conditions to multiply through other means acceleration of development.

(III) OUR PROBLEMS AS OPPORTUNITIES

We have viewed our problems so long from the distortion of our fragmented and parochial perspective, we have often failed to see they are frequently a product of our *success* not our failures. Even as cancer is not a degenerative disease, but rather the reverse—a growth—so rapid it outruns the cell and organ structure which surrounds it that it strangles and kills; so also many of our problems are rooted in growth—not degeneration—but growth so rapid, and out of balance as to strangle and not enhance life.

Three illustrations will suffice: (1) The population explosion, (2) the widening development gap, and (3) the threatened human environment.

The population explosion rests on our amazing medical triumph over infant mortality, the ability to sustain and prolong life. It takes from a morally neutral nature the winnowing of the weak from the strong, and provides a rational basis for completing life we are able to create. But it is precisely this rational condition which must be applied to the whole process, if we are to sustain only wanted children, and ensure the health, welfare, and education of all the children we bring into the world.

Rational application of medical measures *to save life we beget* must also influence the process of *begetting the life we would save*. We have only begun to turn this problem into an opportunity—the opportunity to control the life we release on earth to insure that it be sustained and perfected in the fact of our limited resources.

Similarly, the widening development gap underscores the unsavory wisdom of the Biblical proverb, "To him that has shall much be given; to him that has not, shall be taken even that which he has." It would appear that the richer nations *are* getting richer, and the poorer, by comparison, and relatively, are getting poorer. It is staggering to realize that our G.N.P. is 30 times greater than ⅓ of the nations of the world; that 34% of the world's population living in the industrialized countries live on 87½% of the world's product, while 66% of the rest of the world live on 12½% of the product; and that whereas the income gap between the rich and poor nations is now about $3,500 per capita, it is estimated that by the year 2000 it will be $9,000 or 3 times the present, unless dramatic changes are made.

Yet, the clue to the change is implicit in the problem. It turns on accelerating the human resources and knowledge, generating, thereby, scientific and technological adaption to productivity which radically and rapidly multiplies goods, services and capital. Held in balance, nations small in size and natural resources, like the United Kingdom and/or Japan, may achieve remarkable development—and often, in a very short time. Though there is no simple shortcut, the conditions for generating this acceleration of knowledge, and transformation of human resources are reasonably well known, open to special national and regional adaptation, and constitute a remarkable alternative to discouragement or despair.

Finally, our threatened human environment reflects the ambitious success we have achieved in the mastery of nature. So swift and certain has been our mastery of nature's secrets, we have sought to accelerate and reconstruct those processes to suit our needs and advantage, with small regard for the ecology—the interrelation of the whole—in which our contrived efforts are given a disruptive part. Bulldozers can sweep across a landscape, alter the course of rivers, realign the soil it would take a million years to make or restore. Subtler adjustments are forgotten, and before we know it, we have destroyed what we intended to improve.

But here, too, the problem is not met by a retreat to a more primitive state; it lies in pursuing to a new harmony that same knowledge of nature with which we have destroyed it. We are well within reach of breaking the carbon monoxide—oxygen code, so that we might substitute for the photosynthesis process of chlorophyll a new technical process taking our polluted carbonated air and water, releasing the free oxygen, and reducing the carbon to a primitive usable fuel again. And how far are we from tapping solar energy, to be programmed from cycling satellites, back to earth in a usable energy form, without pollution or fallout? We are just beginning to scratch the surface of our marvelous interdependent world whose energy and partnership, locked up in her order and power, is only beginning to be open to man—and open to every man on the same conditions—*wonder, discipline, dedication* and *sharing!*

(IV) INNOVATION OF INTERDEPENDENCE

Even as our problems prophecy new possibilities, our interdependence invites innovation. What we could not do alone, or singly, we may be able to do together. Two illustrations made it clear.

The language of one world, we are finding in science and technology. Here cultural and ideological differences pale before the demands and disciplines of ordered thought. Guided by the universal language of mathematics, and the real, stubborn, public world

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of fact, the scientists of the world are drawn together in a common quest that is celebrating the fact and promise of one real world

If one were to call the role of the scientists who paved the way toward man's venture into space, it would include most of the major cultures of the world. Adaptation of that conquest of space involves the peaceful cooperation of everyone. Indeed, as today's efforts to rescue three lone men in space testifies, the whole world seeks to help.

A month or so ago, we took about 40 ambassadors at the U.N. to our manned spacecraft center in Houston, Texas, where even now men wait in fateful anxiety over the return of Apollo 13. We were learning about the earth resource sensor program which, through camera, radar and ultra-violet photography, permits impressions of the earth to be taken from a moving airplane and eventually a satellite, which could, at 60,000 feet and up to 65 miles, locate water, certain mineral resources, identify the conditions of trees and foliage, the type and condition of crops, the presence of fish, water currents, weather cycles, and eventually measure air and water pollutants. What revolutionary possibilities are in store for man from this—and how totally they depend on global cooperation to be effective.

This could be multiplied for our other frontiers: the open and deep sea—its food, fuel and minerals—all requiring international agreement and collabaration for discovery and exploitation; and so too for our symbolic world of communications, with telstar satellites, radio and television capability of instantaneous transmission—shared educational skills in every field of technology and development, and so on through transportation and the inter-connecting links drawing us more closely and vitally together.

Finally, the *language* of one world must be filled with the *life* of one world which lives in the aspiration, attitudes, and action of our most precious and precocious possession, our youth. Their hunger for personal freedom and social justice is a universal phenomenon. Their restlessness is the sound and shape of tomorrow—the distant drummer to whose beat they march.

Their weariness of dying for narrow national goals is no act of cowardice. They want only to live for a larger loyalty, for a wider world of man. Their appetite for change is a large part of the "Economic Situation in Asia"—and the world, and we can be grateful for that.

So, I end as I began—with another picture. This time it concerns a little girl, hardly five. I was passing her on the sidewalk, as she was trying to fold her doll blanket into the wind on a breezy March day back in Oregon. Every time she tried to throw out the blanket into the wind, it blew over her face. She was almost frantic with frustration. I watched a moment, then knelt down beside her and said,

"Honey, the wind is your friend. Just turn around, don't fight it, let it help you."

She looked up as though to say, "Go on old man. Nothing this frustrating can be that easy."

But slowly and cautiously she did turn around. To her delight and surprise, the wind did help her—holding her blanket in gentle folds as she neatly put it in place.

The lesson was simple and complete! The winds of change are blowing. They root not in angry downdrafts frustrating anxious children, but in the very nature of things. The interdependence of our world celebrated in nature and science can inform our economies, social and political institutions, and finally invite a new ethic for man.

We can continue to fight it like small children, with a whimper or cry, lash out in violence at even the stranger or passerby; or learn to turn around, go with its logic and reconstruct our institutions and our world. As for me, *this is the new realism* as it is for my country! It roots in no inordinate pretensions or sniveling sentimentality, but in that guarded optimism which knows that this crowded little island in the sky is a very rare and precious home for man and even as it is held together in delicate interdependent balance, so we too must be held together—interindependent, balanced, respecting the space and traditions that separate us and sharing the world and its goods that bring us together.

Then we shall be able to respond to our startled children who cry, "Hey dad, where are you going with my world?" And as with our astronauts in space, we can reply, "We are finally, as the family of man, headed home!"

PROJECT CROSSROADS—IS AT ITS CROSSROADS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. BROWN of California. Mr. Speaker, we have become too uncreative in our solutions toward crime. More jails, more police, more guns will not halt crime—it will only put it in abeyance. To solve crime we must attack its causes as well as its effects. We must rehabilitate our cities as well as the offenders.

Project Crossroads of the District of Columbia is a program sponsored by the Labor Department in an effort to keep young first offenders out of jail and put them into jobs. Project Crossroads helps the city as it assists the offender. By putting offenders (not defendants—the project gets its participants before the court adjudges them) into useful jobs the city benefits by getting additional productive taxpayers while the individual betters himself by gaining pride and involvement in society.

Project Crossroads saves money and lives. So many congressional hearings, crime reports, and criminologists have told us of the high costs and meager success of our penal system. Mr. Leon Leiberg, executive director of the program has demonstrated that Project Crossroads is economically sound, personally benefiting and unequivocally successful. He should be commended for his efforts and leadership.

Now it is our turn. Project Crossroads is at its crossroads. It will either terminate its 2-year experiment program with only the District of Columbia utilizing its work and efforts or it will go across the country into all the troubled cities as a full-fledged program. I prefer the latter. And, I urge my colleagues to support this program as a permanent part of our rehabilitation system.

I was happy to hear WRC in its editorial endorse the program. I insert that editorial into the RECORD:

PROJECT CROSSROADS

Have you ever heard of Project Crossroads? Probably not. It is a two-year experiment with more than a thousand young first offenders from the inner city who became involved with the law in both Juvenile and General Sessions Court.

When a youth is arrested for an offense, but prior to his processing through the legal channels, a Project Crossroads counselor moves into the case. If accepted for the program, the counselor works with the first offender to provide intensive, pre-trial rehabilitation services—a job, training and added education.

After three months the Project Crossroads counselor reports to the court on the progress made with the youth and recommends the action to be taken.

The results have produced a number of plus values. The first offender who goes through the program is unlikely to be a repeater. General Sessions Court Judges were so impressed with the result that charges against 74 percent of the 346 young people who finished the program were dropped before trial. In only three of the cases did the court refuse to follow the recommendation of Project Crossroads. Thus, it is an alternative to delinquency adjudication and criminal prosecution and can appreciably reduce the case backlog.

Project Crossroads, funded by the Labor Department, will come to an end in September. It has been so successful the Court of General Sessions intends to ask that it be made an independent arm of the court system.

WRC–TV supports this proposal and urges that the Project Crossroads concept be greatly expanded.

BEEF FOR FATHER'S DAY

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. FINDLEY. Mr. Speaker, in a little more than 2 weeks that annual event known as Father's Day will again be observed. Most of the Members of this body are fathers and no doubt will be asked for Father's Day menu suggestions.

When that question arises in your household, and in the households across the country, I suggest the answer be beef.

Again this year the American National CowBelles—the women's auxiliary of the American National Cattlemen's Association—is sponsoring the "Beef for Father's Day" event in their efforts to see that all American families can share in the delights of a dinner featuring beef while assuring the product they produce continues to enjoy expanded sales.

It seems entirely fitting that beef should be the featured dish for Father's Day dinners. Some of our Nation's best known fathers had a decided preference for beef.

George Washington, the father of our country, enjoyed roast beef with Yorkshire pudding and round of cold boiled beef with horseradish at festive meals in his Mount Vernon estate.

Abraham Lincoln personally planned the menu for his inaugural luncheon served at Willard's Hotel at noon on March 4, 1861. He ordered corned beef.

John Philip Sousa led the U.S. Marine Band at President Garfield's inaugural ball in the Smithsonian Institution where guests marveled at an early electric light bulb and enjoyed roast beef.

This body saw fit in November of 1775 to approve a resolution outlining the daily rations for each soldier in the U.S. Army and heading that list was the requirement that each man should receive 1 pound of beef daily.

More recently, our Nation's astronauts before leaving on their epic journeys into space enjoyed a hearty breakfast featuring beef steak.

Whatever your household custom for dining might be or whatever your favorite cut of beef, no doubt the entire family will be happy with "Beef for Father's Day."

SOVIET UNION UPSTAGES THE WEST IN NIGERIA

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. BOB WILSON. Mr. Speaker, Col. Irving Salomon, the distinguished head of our San Diego County World Affairs Council, has an extensive set of credentials in foreign affairs. His activities include being a member of the U.S. delegation to the United Nations and chairman and vice chairman of the American delegation to the UNESCO conferences in Paris and Geneva. He has traveled extensively in Africa and is recognized for his expertise in Soviet and African affairs. I know my House colleagues will find his analysis of Soviet opportunism in Nigeria of great interest and am pleased to share his recent article from the San Diego Union:

SOVIET UNION UPSTAGES THE WEST IN NIGERIA

(By Irving Salomon)

The Soviet Union is prone to seize any opportunity whenever a major nation of the West becomes persona non grata and where there is a chance to enhance its future position.

No greater international opportunist for extending influence exists in the world today than Russia. Whenever there are impatient stirrings among the citizenship of an undeveloped country and wherever there is disenchantment with a former colonial nation or with any major power, Russia can be counted upon to step in.

A case in point is Nigeria which is attempting to recover from its years of warfare with the Biafrans. While the conflict was still in progress, Gen. Yakubu Gowon made the statement that he was going to avoid the danger of economic domination by any one country or group of countries, and to seek a balance of foreign interests. That gave the Soviet Union just the cue.

This condition was made possible for Russian opportunism by the fact that the British press coverage favored Biafra and the British refused to give Nigeria the bombers or big guns they requested.

France also has been distinctly at a disadvantage because of the widespread ill feeling toward it due to its support of Biafra. Under these circumstances, and as could be expected, the Soviet Union came forth with MIGs and Ilyushins as well as a couple dozen 122mm guns. This material was accompanied by a flood of Russian propaganda.

It was particularly publicized for the U.S.S.R. when Gen. Gowon called in the Soviet ambassador, Alexander Iosifovich Romanov, just after the war, to express his personal thanks.

The Russians also took careful note that the United States lost its stance in Nigeria because of its careful non-commitment in the Biafran struggle. So with Britain, France and the United States of America cashiered, Russia could cash in—easily—and today has the strongest position.

Nigeria's economic development was interrupted by the war, but it has many interesting investment opportunities for the United States and other Western nations. How the Russian influence will affect American potential investors is a question.

It will be interesting to watch what the Soviet Union will do both politically and economically with the foothold it has established.

SPIRO MAY SAVE AMERICA

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. DERWINSKI. Mr. Speaker, an editorial commentary in the Wednesday, May 27 Greek Press of Chicago, is interesting in its emphasis and timing coming as it does from a publication whose publishers and editors have been keen observers of the public career of Vice President SPIRO AGNEW. The editorial, in my opinion, merits attention and, therefore, I am pleased to insert it in the RECORD at this point:

SPIRO MAY SAVE AMERICA

These days of intensive communist efforts aiming at the creation of confusion and leading to anarchy with an ultimate goal the destruction of the American Society, voices like Spiro T. Agnew's assume a crucial significance.

If any one man in America today can save the country from deluge this man is Vice President Spiro T. Agnew.

Because Spiro is a man.

He stands up and calls a spade a spade without mincing words.

He said the other day in Texas: "I have sworn I will uphold the Constitution against all enemies, foreign and domestic. Those who would tear our country apart or try to bring down its government are enemies, whether here or abroad, whether destroying libraries and classrooms on a college campus, or firing at American troops from a rice paddy in Southeast Asia."

This is the crux of our troubles today. The minute we identify our enemies we have diagnosed our disease. The cure is easy. Because the body of America is strong. And it is strong because we have men in our Society like Spiro.

Spiro's critics want him to "cool it." And who are his critics?

"The loudest complaints," Spiro tells us, "come from those really illiberal, self-appointed guardians of our destiny who would like to run the country without ever submitting to the elective process as we in public office must do."

These are the so-called "liberals" who tell our students that "until you people are prepared to kill your parents you aren't ready for the revolution . . . The American school system will be ended in two years. We are going to bring it down. Quit becoming students. Become criminals. We have to disrupt every institution and break every law."

These are the dirty young rebels who invoke the Constitution in order to destroy it.

"That happens to be my Constitution too," Agnew reminds them. "It guarantees my free speech as much as it does their freedom."

We pray God blesses America and Spiro T. Agnew. Because if the Constitution guarantees our Freedom, Spiro guarantees the preservation of our Constitution.

CAMBODIA THROUGH ASIAN EYES

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. EDWARDS of California. Mr. Speaker, viewed through Asian eyes, the present military role of the United States in Indochina has its historical precedent in Japan's militarist expansion. According to Tokuma Utsunomiya, member of the Japanese House of Representatives, it was under the banner of anticommunism that the Japanese militarists expanded their battlefronts throughout Asia, on the pretext of severing enemy supply lines and destroying enemy rear bases, a policy which eventually led to the Pacific war. While the analogy is not exact, it is uncomfortably close to what is taking place in Indochina today—close enough to provide a clear warning to us. Such a warning from Asians who are friendly to the United States is contained in the following declaration unanimously adopted by the 110-member Afro-Asian Problems Research Group of Japan's Liberal Democratic Party. After the declaration, I would like to insert in the RECORD Mr. Utsunomiya's observations on President Nixon's intervention in Cambodia.

The material referred to follows:

DECLARATION ON CAMBODIA

The series of actions undertaken recently by the United States against Cambodia is very similar in nature to the mistakes made by the militarists of our country in the process leading from the China Incident to the outbreak of the Pacific War. Because Japan's militarists possessed overwhelmingly superior military forces, they believed that problems could be solved by military might and they launched one large-scale military campaign after another. This endless expansion of hostilities finally led to the Pacific War and brought our country to the verge of extinction. The greatest mistake lay in the belief in the possibility of military victory over nationalism.

The sole aim of Japan, as a friend of the United States, in participating in the Asian Conference on Cambodia, should be to give sincere advice to the United States on the basis of the experiences which Japan gained at the sacrifice of several million lives. Further, more than anything else, Japan must advise the United States that it is Asian nationalism—even before Communist expansionism—that the United States is facing in Indochina and that there can be no military solution there. Further, Japan must advise the United States that the continuation of military action beyond the present stage and the expansion of hostilities would simply force into the arms of Communism the great masses of the peoples of Asia in whom nationalism has just been awakened, would intensify the confrontation between Communist China and the free countries of the world and would give rise to an irrevocably serious situation in Asia.

Further, the schism in the public opinion within the United States is deep and many political leaders of good sense in the United States, such as Senators William Fulbright and Mike Mansfield, are worried that if the military escalation is allowed to continue blindly the United States could disintegrate from within.

If Japan loses this opportunity of showing her true friendship to the United States, Japan would be betraying the confidence in

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her of the people of the United States and would be losing forever the trust of the peoples of Asia.

In face of this truly serious situation in Asia, the Afro-Asian Problems Research Group of the Liberal Democratic Party strongly urges Prime Minister Eisaku Sato and Foreign Minister Kiichi Aichi to give courageously their sincere counsel to the United States and, thereby, fulfill their responsibilities to the peoples of Japan and the countries of Asia.

Tokuma Utsunomiya's Observations

President Richard Nixon says that the United States has advanced into Cambodia, in order to ensure the security of the American forces, by destroying the military bases of the North Vietnamese and the South Vietnamese Liberation forces in Cambodia; and is not committing aggression against Cambodia. However, whenever campaigns in South Vietnam were undertaken against the National Liberation Front near the Cambodian territory, the battlelines were often confused and action was fought from time to time within Cambodian territory. It is also a fact that, at times, National Liberation Front forces, overwhelmed by the military might of the United States, fled into the remote mountain fastnesses of Cambodia. We cannot call this aggression. Because the NFL forces sought sanctuary in the remote mountain valleys along the border, the Sihanouk regime did not sweep out these forces by use of arms and, as a matter of reality, recognized their presence. In this way, he was able to maintain a policy of neutrality and enable his people to leave in peace. This was a problem which would have been solved when the Vietnam War was settled.

The developments which changed this situation drastically were the expulsion of Sihanouk and the establishment of Lon Nol Regime, both said to be instigated by the CIA. The Lon Nol Regime launched, in collaboration with the South Vietnamese military regime, the large-scale massacre of Vietnamese in Cambodia, in an effort to consolidate its shaky foundations. This served only to increase the instability of the Lon Nol regime and certain American influences decided to intervene forcibly in Cambodia in order to save this regime. This is the truth of the situation. Clearly, the military in the United States, where civilian control is supposed to be in effect, took this action on its own initiative.

The United States Senate, which was deeply disturbed by the possibility of the war spilling over into Cambodia, summoned Secretary of State, William P. Rogers, to the Senate the day before the advance of U.S. forces into Cambodia, in order to prevent the extension of the war into Cambodia. Secretary of State Rogers confirmed, with full confidence, that there were no plans for military escalation into Cambodia. However, at that time, the advance into Cambodia was already under way. President Nixon had on his own initiative approved the de facto situation created by the military in Cambodia, without consulting either the U.S. Congress or the competent ministers in his own cabinet. Thus, the authority of the Senate, as laid down in the Constitution, was, as a matter of fact, ignored. In the political world, criticisms are being levied at President Nixon from politicians other than those belonging to the dove faction.

President Nixon, during his presidential election campaign, changed the image of the old Nixon and, as the new Nixon, promised the American people he would deescalate and de-Americanize the war in Vietnam. His Guam Doctrine was the embodiment of this promise. And, in accordance with this doctrine, he publicly declared that he would withdraw an additional 150,000 U.S. troops from Vietnam, even after the establishment of the Lon Nol regime.

Erroneous reports are being circulated in Japan regarding the restlessness spreading among the people of the United States. However, the incontrovertible truth is that the great majority of the American people are critical of the continuation and the escalation of the meaningless war in Asia. One of the reasons is that the economy of the United States can no longer stand the burden of war.

For this reason, the advance into Cambodia, which seems to indicate a sudden change in President Nixon's plans to deescalate the war, has come as a great shock to the American people. This is evident from the sharp plunge on the New York stock market. Moreover, several hundred universities, even those which had not experienced any student unrest until now, as well as university presidents, and professors, have launched movements in opposition to the intervention in Cambodia. According to a UPI dispatch, only 23 Senators are in favor of President Nixon's decision to intervene in Cambodia, while 51 are openly opposed. Further, not only the Communist countries of China and the Soviet Union, but also the governments of the great powers of the free camp, including Great Britain, France and West Germany, are either very worried over or are critical of the U.S. military intervention in Cambodia.

Thus, at this juncture, the Japanese Government should restrain itself in both word and action, lest Japan give the impression that it is supporting U.S. military intervention. For Japan to adopt the attitude of supporting the military actions of the United States, contrary to the trend of world opinion, would be to arouse fears toward Japan's policies not only in China but in all the countries of Asia. There is, furthermore, the danger of deeply implanting a sense of wariness toward Japan, in view of the past experiences of these countries. Further, there is also danger that such a move would create distrust among the people of the United States rather than appreciation.

As was the purpose of the Santa Barbara Conference, Japan should urge and cooperate with the United States in reducing its military intervention in Asia as quickly and as smoothly as possible and in linking this effort to the consolidation of peace in Asia. There is a growing trend among political leaders of the United States to look increasingly to Japan to play such a role and, in this sense, they welcome the contacts now being made between Japan and China. Representative of these leaders are Senators William Fulbright, Mike Mansfield, and Mark Hatfield, who have been strongly critical of the President and the U.S. military for their unilateral actions.

If we, Japanese politicians, were to stand by with arms folded, saying nothing, these leaders would lose all faith and trust in Japan and Japanese politicians as playing their role in Asia. This is, again, another reason why we should make our views known with all candor.

We believe that the Japanese Government should request the earliest possible withdrawal of U.S. forces from Cambodia, and, at the same time, we should ask for the withdrawal of foreign troops from Cambodia and the restoration of Cambodia's neutrality, with the condition that Sihanouk be returned to power. This may seem for the present Japanese Government a bold and difficult proposition to make. However, unless Japanese diplomacy takes such a posture, Japan will not be able to make any positive contributions to Asian peace and, although Japan may be a great economic power, the time will come when Japan will be regarded with lower esteem as a politically trite country even by the people of the United States.

LEO PAULIN CHALLENGES TODAY'S YOUTH

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. TEAGUE of Texas. Mr. Speaker, last week I inserted in the Record, the May 13 editorial of Mr. Leo Paulin in which he dealt with student demonstrations and strikes against the so-called "establishment." He has followed up this editorial with his column in the May 20 edition in which he lays down a challenge for these same youth to do something constructive rather than seeking to tear down our Nation on the presumed grounds of their objection to the taking of a human life.

The editorial follows:

Stop the War, Now!

In all my contacts with people, in all walks of life, in all my appearances before a wide range of groups of differing philosophies and religions, in all commentaries that I have read and heard, I have never encountered anyone who is not opposed to war as an instrument for settling disputes between nations.

When I ask for reasons I get a melange of answers. Many respond that we should be more civilized and others give the repulsive line, "Better Red Than Dead." The current student protest, and that of a number of well-meaning, peace-loving adults seems to be based upon the very reasonable abhorence of the act of one man killing another. This certainly is a sane approach and one that is common to almost all citizens.

And for that very reason, I suggest to the student protestors and others of similar sympathies that they involve themselves with a war in addition to Vietnam in which we are engaged. This war is the war of our nation's highways. Since 1961, the year of our first significant involvement in Vietnam, to May 9, 1970, 41,901 American military men have lost their lives in those distant rice paddies. In the same period our wounded numbered 276,725 of which just a little more than half required hospitalization. From 1961 through 1969, almost half a million of our citizens were killed and over 36 million were wounded in highway accidents.

In 1969 alone over 56,500 were killed and 4.7 million injured on our streets and highways. And our gung-ho youth was responsible for a disproportionate share of the slaughter. One fifth of our drivers are under 25 but they are involved in one third of all fatal auto accidents. Where are their protests and demonstrations against this kind of killing? Do they burn their draft cards and run to Canada because they don't want to kill or is it because they don't want to risk their own lives in a cause to which the administrations of four presidents of this nation have been dedicated?

Are we, as a people, really concerned with the taking of life, period? Or does it make a difference how and where the killings occur? To the parents, wives, husbands and sweethearts of a citizen killed at home, the tragedy is as brutal and as traumatic as the news that a son or husband has lost his life in Vietnam.

During 1969, there were 14,607 homicides in the United States. Many of them were innocent victims (black and white) of criminals. Who marched in protest? Where are the Fulbrights, the McGoverns, the Coopers, the Hugheses, the Mathiases, the Churches, when they read evidence that more people die of homicide in this country than are killed by our enemies in the far Asian countries? Congress is still piddling with a crime bill that has been sitting in its lap for months. Have any among the doves of Congress raised his voice over the appalling leniency of the courts which permit confessed felons to roam the streets? Where are their anguished cries over the slaughter in traffic accidents?

Sure, we all hate war and I deplore the Vietnam fiasco as much as anyone. But let's be consistent. If we truly respect life, let's mount an offensive against death from criminal attack, against death from the drunken driver, the hopped up youth, and from the stupid speeder.

If youth wants a cause, if it wants to be involved in an area, where perhaps, it is better informed than it is in the Vietnam war, then let youth pick up the sword and do battle with the street criminal whether he has a gun in hand or a steering wheel. The stakes in terms of life are infinitely higher.

YOUTH INVOLVEMENT IN ENVIRONMENTAL PROGRESS

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. BUSH. Mr. Speaker, on April 8, 1970 I introduced legislation that would establish a National College of Ecological and Environmental Studies. This college, funded mainly by the private sectors of the country, would provide for an organized nonpolitical youth forum where needed communications can be channeled into solving environmental problems. The Republican Task Force on Earth Resources and Population of which I am chairman, has studied environmental problems for the past year, and we have become aware of the necessity of providing the means by which our young people may actively participate in solving many of our pollution problems. This bill, H.R. 16847, has been referred to the House Committee on Science and Astronautics and we are hoping to hear a favorable report from this committee in the near future.

I would also like to draw attention to a program sponsored by the Department of Labor that will enable young people to participate in summer oceanography programs. This is the type of activity that will give our young people an opportunity to participate in a constructive manner, and I commend the administration and the Department of Labor for the development of this program. I would like to have a release of this program discription printed in the RECORD at this point for the benefit of my colleagues:

NYC HELPS 75 YOUTHS PARTICIPATE IN SUMMER OCEANOGRAPHY PROGRAMS

About 75 disadvantaged youths will get summer jobs in Federal oceanographic laboratories in Miami, San Diego, and Seattle, the U.S. Department of Labor announced today.

The Labor Department will assign 25 of its authorized Neighborhood Youth Corps (NYC) training positions in each of the cities to provide this special summer employment to gifted high school students from poor families.

The Manpower Administration has the cooperation of the Departments of Interior and Commerce, the National Council on Marine Resources and Engineering Development, and the three city school systems.

Based on a pilot program conducted last summer in Miami, the students will be selected by each local school system. They must be in the 11th or 12th grade, come from low economic backgrounds, and have an interest in oceanography.

Last year's pilot program was conducted on a limited basis in Miami by the Interior Department's Tropical Atlantic Biological Laboratory and the Commerce Department's Environmental Science Services Administration.

The seven students in the program sorted plankton (microscopic sea life), sorted and sampled fish larvae, analyzed samples and cores from ocean basins, recorded and assembled data on physical oceanography, and categorized oceanographic data.

BATH VETERANS' ADMINISTRATION CENTER PRAISED FOR TREATMENT OF VETERANS

HON. JAMES F. HASTINGS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. HASTINGS. Mr. Speaker, recently Life magazine published a cover story purporting to show neglect in the treatment of patients at the Bronx Veterans' Administration Hospital. The story, with its accompanying photos, was shocking and deeply disturbing to me as it must have been to the thousands of families whose loved ones are patients at VA hospitals throughout the Nation.

It was reassuring to see a quick and incisive rebuttal of this article come from Donald E. Johnson, VA Administrator. Staged pictures and the use of selected information, he said, provided a wholly distorted picture of the VA medical program. Such articles tend to unjustly indict all VA hospitals and could have a lasting demoralizing effect on the thousands of devoted VA employees now serving our wounded veterans.

Recently, as the Memorial Day speaker at Bath, N.Y., in my home district, I was privileged to be taken on a personal tour of the Veterans' Administration Center in that community. I am happy to say I found every indication that only top quality medical care, for which the VA is noted, was available and was being provided. To be sure, the Bath VA Center is suffering from a shortage of personnel because of the increase in our veteran population. But it is to the credit of hospital Director M. Michael, Jr., and the entire staff that this was in no way affecting the care and treatment of the patient. The entire Bath VA Center was a model of cleanliness and efficiency and everywhere I went there was a warm, homey atmosphere.

It is no accident that the Bath VA Center is regarded with great pride by the community. Its tradition is a long and historic one going back to the days after the Civil War. Some 25,000 persons attended a cornerstone-laying ceremony on June 13, 1877, for a new building which was to become a home for Union veterans. The speaker was Henry Ward Beecher. A year and a half later, it was opened by the Grand Army of the Republic as a New York State Soldiers home as 25 Civil War veterans sat down to a holiday dinner. From that beginning, it has grown to a 40-building complex deservedly considered as one of the showplaces in the Finger Lakes region.

It is one of the few VA facilities which maintains its own cemetery, a quiet tree-shaded hillside where 7,000 veterans rest in peace. It is the only facility in northeastern United States to have a building designed especially for the housing and care of the blind and wheelchair patients. Its theater and recreation center, considered one of the finest in the southern tier, is the scene for many dances and parties arranged for the veterans by a host of area residents who view the hospital as a very special part of the community.

There are 166 VA hospitals in the Nation and all are fully accredited by the Joint Commission on Hospital Accreditation, a body composed of representatives of the American Medical Association, the American Hospital Association, the American College of Physicans and the American College of Surgeons. I think this says something about the quality of care being offered our veterans. It should also be noted that President Nixon is asking Congress for $1.7 billion for the fiscal year, starting July 1, for the VA medical care program. That's the highest figure in VA history. This extra money will allow for the hiring of more than 5,700 employees for VA hospital staffs, permitting a continued improvement in service.

I do not know what damage the Life magazine article has done to the morale of VA hospital employees or how much needless alarm it has caused the families of our veterans. But I do know, if the Bath VA Hospital is any criterion, there is no neglect in treatment and VA staff people are totally dedicated and hard working, concerned only with providing the best in medical care for our veterans.

TRIBUTE TO SPEAKER McCORMACK

HON. FRED B. ROONEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. ROONEY of Pennsylvania. Mr. Speaker, I would like to join with my colleagues in expressing my feelings on hearing the announcement of your retirement. Sadness at your leaving was my first emotion, and this remains, but alongside this rests a great pride.

The sadness comes from the knowledge that we are losing a courageous leader, a man who has brought great wisdom and 42 years of experience to this chair. Your leadership has facilitated the passage of far-reaching legislation that has enabled this country to keep abreast of the times. There will be a new Speaker chosen and I am confident we will choose a worthy successor, but this man, whoever he is, will be guided and inspired by the matchless tradition you leave behind.

The pride comes from having been fortunate enough to be your friend and colleague for the past 7 years. Your stature adds stature to the Congress and to all of

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its Members. I am proud to be a colleague of one of the greatest statesmen in the history of this Nation. It is appropriate that as we approach the 200th birthday of the United States, Mr. Speaker McCORMACK will join the other great patriots that have made this Nation the great Nation it is.

I congratulate you, Mr. Speaker, on your glowing career and I extend my best wishes for a rewarding retirement of many years of health and happiness to you and your devoted wife.

THE POLLUTION OF MIND AND BODY

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. SIKES. Mr. Speaker, the honorable Carl Harper, county solicitor for Escambia County in my congressional district, has made an appropriate and timely address on the dangers of pollution of mind and body by drugs, obscene literature, and mass apathy. This speech was made in Pensacola on May 27 to the Gopher Club, an organization of the chamber of commerce. I feel that it would justify the attention of my colleagues in the Congress.

The speech follows:

SPEECH BY CARL HARPER

It is indeed a real privilege and an honor for me to come before you this morning and to discuss with you two forms of criminal activity that constitute a real threat to our community and our basic morality.

Most of you will agree that our bodies are threatened by the pollution of our rivers and streams and of the air we breathe. Yet, there are forms of pollution that not only threaten our bodies, but our minds as well. I am speaking of drug abuse and the public distribution of obscene materials, both of which are illegal under Florida law.

Our legislature, in its wisdom, has made it a felony to unlawfully use, possess or sell narcotic drugs to another, punishable by confinement in the State prison for five years, unless the sale is to a minor in which event the confinement is for a minimum of five years or a maximum of life in prison.

Also, under the Florida drug abuse law, it is a felony for any person to possess or deliver to another any dangerous drug, such as barbiturates, central nervous system stimulants or hallucinogenic drugs, punishable by imprisonment in the State prison for two years.

Yes, we are a pill oriented society. We take pills to promote pregnancy, pills to prevent pregnancy; pills to gain weight, pills to lose weight; pills to stay awake and pills to induce sleep. Some take pills to turn on—others to turn off.

Last year, in the court of record alone, we prosecuted about 65 cases of drug abuse, involving the sale of heroin, marijuana, LSD, STP, amphetamines and barbiturates. These cases represent only those violators who were caught.

According to investigator Marco White of the Escambia County sheriff's office, there are about 2500 known drug offenders in this county, ranging in ages between 16 and 23 years. Let me emphasize, these figures relate only to the known offenders—there is substantial evidence to believe there are thousands unknown to us who experiment with these dangerous drugs.

It cannot be denied that there is ample medical proof that these drugs, when abused, can bring about serious physical and mental problems, and even death. Just recently here in our community, a young man caused his own death by an overdose of tuinol, a barbiturate.

Yes, we do have a serious drug problem in our community, but we are making successful strides. Our laws are ample to meet the drug problem, with the exception that I do believe the penalty provisions of our drug abuse laws should be increased to provide for maximum sentence on sale of dangerous drugs to correspond with sale of narcotics.

While our laws are ample to meet this drug problem, we are failing to provide ample enforcement in this field, manpowerwise. To my knowledge, there are only 3 investigators working full time in the drug abuse field—two from the city police department and one from the sheriff's office. In a county of over 200,000 population, this is, in my judgment, inexcusable.

These three men have done an admirable, almost miraculous job, but they will be the first to tell you they have hardly scratched the surface, and need more help and support.

We can never eliminate the drug problem for I believe it is here to stay. However, we can control it with stronger enforcement by adequately staffing and funding full time narcotic squads, properly trained and supervised on legal procedures to be employed.

While we have the support of our courts in the drug abuse field, unfortunately the same is not true, insofar as the Federal courts are concerned, regarding the public distribution of obscene materials.

It is a misdemeanor under Florida law for any person to sell or distribute obscene materials and subsequent convictions are felonious. The Florida anti-obscenity laws are easy to enforce, but our difficulty here is with the courts—and I should point out—the Federal courts.

In 1957, the U.S. Supreme Court, by virtue of the first amendment, pre-empted the field of public dissemination of obscene materials, handing down a legal definition of obscenity binding on all 50 States. According to the Supreme Court, a thing is obscene if to the average person applying contemporary community standards the dominant theme of the material, taken as a whole, appeals to the prurient interest in sex and is utterly without redeeming social value.

Shortly after this decision, the Florida Legislature in regular session adopted the Federal definition, but failed to include the element of no redeeming social value. Because of this, challenges are being made as to the constitutionality of our obscenity statutes. However, the Supreme Court of Florida, in construing our statute, read into it the element of no redeeming social value and has held our statute to be constitutional. Nevertheless, prosecutors throughout Florida are being restrained from the enforcement of our obscenity laws by Federal courts who consistently hold there is a substantial doubt as to the constitutionality of our law.

Even in those cases where there was no assault on the constitutionality of a State's obscenity laws, the U.S. Supreme Court and lower Federal courts, in split decisions, have reversed the overwhelming majority of obscenity convictions, resulting in a legal quagmire or hodge-podge.

As a result, pornographers have made millions of dollars peddling their filth, under the pretense of free speech, but in reality, in quest of the almighty dollar.

As you know there are a number of cases pending here in our county and throughout Florida brought on behalf of this State in an attempt to enforce the obscenity laws of this State as enacted by the majority of our people. These cases involve the filthiest movies and magazines imaginable containing pictorial accounts of nude males and females, posed together in such a manner as to allow the unimpeded view of the camera to the genitals of each and engaged in sexual intercourse including cunnilingus, fellatio and bestiality.

What then is the cause for the growing incidents of drug abuse and the public dissemination of obscene materials?

To me, there is a combination of reasons. At the top of the list is our complacent, apathetic and permissive society. For too long now, the so-called silent majority has been content to sit back and allow a liberal mass media, certain national political leaders and members of the Federal judiciary to openly advocate disobedience of a law deemed unpopular to them. Many educators, and even church leaders, advocate legalizing marijuana and encourage civil disobedience, violent dissent and consequently promote anarchy and disrespect for the law.

Furthermore, in the past, the U.S. supreme court, or rather the Warren Majority of five justices, has extended our socalled constitutional freedoms and safeguards far beyond that ever intended by the framers of our constitution. Hopefully, with a new majority now on this court, we will return some sanity to our judicial system. There can be no doubt that our judicial system, especially the supreme court of the United States, has fallen into disrepute over some of its controversial decisions, and justices like Warren, Fortas, Black and Douglas. However, with the appointments of justices Burger and Blackmun, we are hopeful that the pendulum is beginning to swing back toward constitutional Government, with law and order.

Several years ago, Nikita Khrushchev said that he would bury us without firing a shot. There is more truth than fiction in that statement unless the vast silent majority of our people stand and be counted. We must use every legal means to combat those crimes that tear down our social, educational, political and religious institutions and which destroy the basic morality of our people. Our Government will fail, as did the Roman Empire, when our morality is destroyed. I can think of no crime which affects morality of young and old alike as much as drug abuse and public distribution of obscenity.

The silent majority cannot afford to be silent any longer. We must speak out to our national leaders in Congress and to the supreme court that we will no longer tolerate disobedience and disrespect of our laws, or acts of violence and civil disobedience, nor will we permit treasonable and unpatriotic conduct by anyone or any other activity adversely affecting our moral fiber.

Over 600 years ago, an Italian poet, Dante, wrote the epitaph of the silent majority when he said: "The Hottest Places in hell are reserved for those who, in a period of moral crisis, maintain their neutrality."

In conclusion, President Abraham Lincoln gave us the answer to the moral crisis we find ourselves in today when he said:

"Let every American, every lover of liberty, every well wisher to his posterity, swear by the blood of the revolution, never to violate in the least particular, the laws of the country; and never to tolerate their violation by others.

"Let reverence for the laws be breathed by every American mother to the lisping babe that prattles on her lap; let it be taught in schools, in seminaries and in colleges;

"Let it be written in primers, spelling books and in Almanacs; let it be preached from the pulpit, proclaimed in legislative halls and enforced in courts of justice. And in short, let it become the political religion of the nation: and let the old and the young, the rich and the poor, the grave and the gay, of all sexes and tongues, and colors and conditions, sacrifice unceasingly upon its altars."

OUR COLLEGES AND UNIVERSITIES HAVE GROWN PROGRESSIVELY WORSE

HON. WILLIAM H. HARSHA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. HARSHA. Mr. Speaker, college campuses, apparently quieting down for the summer, are in the process of recovering from the upheaval of violent student confrontation and from the paralysis of student strikes in the past months.

Still, the question remains unanswered as to how we can avoid similarly harrowing times next year. It is the same question we asked last year, but the legislation introduced by my colleagues and myself in the Congress which might have helped considerably in curbing campus disorders, for the most part, is still sitting in the Democrat-controlled committees of the House and Senate. All the while we have waited for congressional action, however, the disturbances cropping up at our Nation's colleges and universities have grown progressively worse than the ones preceding them.

In the wake of the weeks-long student strikes and extended shutdowns which occurred recently, however, another question has been asked: What happens to the many students who do not want their education threatened, interrupted, postponed, or delayed by a small group of militant dissidents violently disrupting the college campuses?

Often, these law-abiding students and their families have made great financial sacrifices to attend college, and for this high price, they should not be subjected to unnecessary, violence-caused school closings. But, because of the failure of some school administrations to cope with these problems at the local level and the present limitations in the law, these students have had no recourse except to put up with this injustice. As early as last July, however, I cosponsored legislation which would afford a student the legal means of protest when he is denied free access to his school's facilities by disruptive students. This measure, entitled the "Student Antiviolence Act," as I am sure you are well aware, also permits the Attorney General to proceed on his own without such a complaint whenever he determines that prosecution is in the public interest.

Mr. Speaker, I feel it is long past time for serious consideration of this bill, especially when we observe the recent disorders and resultant shutdowns at educational institutions across the country. One of the mysteries of our permissive age is the toleration and even acceptance of the arrogance, destructiveness and ignorance of the small minority of radical students. Violence and destruction should be met with expulsion by university officials, but where faculty and administrators fail to take firm disciplinary action, the vast majority—the serious-minded, law-abiding students—must be provided a means to assure themselves of a meaningful education without fear of violence or intimidation. Passage of this Student Antiviolence Act will equip these students with the adequate legal weapons for combating the radicals who are disrupting and closing our universities.

I would like to take this opportunity to outline the major provisions of this bill, H.R. 13261. Essentially, it stipulates that a student may file a complaint, asserting that his educational rights have been denied, with an appropriate U.S. attorney. It would, in effect, cover every campus in the Nation since H.R. 13261 is directed at campuses receiving Federal funds. It provides for penalties of not more than $1,000 or imprisonment for not more than 1 year for those convicted of interfering with services, privileges, or advantages of an educational institution. In addition, the Student Antiviolence Act closes a loophole in the Firearms Control Act by including a separate penalty of up to $10,000 and up to 10 years in prison for anyone using a firearm or any other destructive device in a campus disturbance.

Mr. Speaker, I strongly urge my colleagues to take prompt action on this measure and aid the serious students who are in college not to provoke violence but to obtain an education. When we provide them with the proper legal means for dealing with today's radicals, I am sure they will personally solve many of the campus problems and, internally, bring about an end to the violence and disruption. Furthermore, I have a tremendous amount of confidence in the integrity and responsibility of most of America's youth; however, it is the school administrators who are shirking their responsibility. Hopefully, this legislation will provide the students with the necessary tools to insure a calm and tranquil atmosphere on the campus that is necessary and conducive to obtaining a meaningful education.

TO CONTROL POLLUTION CAUSED BY NONDEGRADABLE OR NONREUSABLE PACKAGING

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. RIEGLE. Mr. Speaker, today I am introducing two bills which meet headon the problem of packaging wastes and their adverse impact upon our environment.

My first bill deals specifically with the problem of nondisposable bottles and, through the imposition of taxes, seeks to encourage the use of returnable, glass bottles. My bill would give a bottler two choices—he could either fill deposit bottles which could be easily reused, or he could fill taxed bottles where the tax would be refundable if the bottle was returned to the bottler.

The bill also addresses the problem of the increasing use of plastic containers that either exude toxic poisonous fumes when burned or do not burn. It would place a 25-cent tax on each plastic container that is nonrefundable. This tax could only be lifted if the Secretaries of the Departments of the Interior and Health, Education, and Welfare both certify that the plastic does not pose a waste disposal problem.

The bill applies to containers filled with soft drink, beer, ale, malt liquor, and wine or distilled spirits. Fruit juices and food products, medicines, and other are not included.

However, Mr. Speaker, since my deposit beverage bottle bill only deals specifically with the problem of nondisposable bottles, I am also introducing much broader legislation that attempts to relieve the stress that all packaging wastes place upon our environment.

The Packaging Pollution Control Act directs the Secretaries of the Departments of the Treasury and Health, Education, and Welfare to study the packaging problem and put into effect a schedule of national packaging charges that are scaled to reflect the level of adverse environmental effects which each type of packaging has. For example, the charges for a returnable beverage bottle might be minimal or nonexistent while the charges for an aluminum beverage can that is nondegradable might be quite high. Hopefully, these charges would encourage packagers to use those materials that could be returned, reused, or recycled, or could be easily degradable when discarded into our environment.

Second, this bill would provide an additional source of revenue for solid waste facility construction because the funds generated by these packaging charges would be returned to local governments in the form of grants.

Finally, the bill instructs the Secretary of Health, Education, and Welfare to develop and publish national packaging standards that will insure that all types of packaging will either be easily degradable or able to be reused or recycled.

Mr. Speaker, we simply cannot afford the luxury of so much nondisposable or nondegradable packaging. The consumer pays and pays and pays—for the additional prices of a nonreturnable bottle, for the collection agency that has to pick up that bottle, and other mounds of garbage, and for the construction of the waste disposal facility that must destroy that garbage because there are no more "open" areas where we can simply toss our garbage. He pays again when we use up our natural resources at too great a pace and when we foul our environment with mounds of trash.

I suggest, Mr. Speaker, that when all these "payments" are added up, the price is too great. We need to pass strong legislation that will enable us to come to grips with the solid waste disposal problem, and I urge early hearings to consider these bills.

THIS, TOO, SHALL PASS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. DERWINSKI. Mr. Speaker, objectivity is too often lacking in discussions of current complications and this has been the case in public commentary in the situation which prevails on campuses and among our young people. One of the more thought-provoking and

penetrating articles that I have seen in recent months appeared in the Blue Island Sun-Standard on Thursday, May 28, in a column written by Leonard Carriere whose law and civic work certainly qualifies him to penetrate the complexities of the day and to philosophize in a responsible fashion. The article follows:

IN PASSING

(By Leonard Carriere)

Discipline! Discipline in the home! Discipline in the schools! Discipline has taken on the aura of an all-encompassing solution that afflicts the young in our schools. This is true in the sense that if everyone behaved, there would be no trouble. This begs the question in that it is a fact of life that people, including the young, do not always behave for one reason or another. Hence there is strife; there is commotion; there are jails full to the brim with people; there are police departments; and there are armies.

The rebelliousness in our midst cannot be attributed to any single cause. Rather, it is the manifestation of many causes, remote and subtle, direct and indirect. It is not a question of our young people in this place for any specific localized reason. It is not race alone though that is being given undue emphasis; it is not failure to communicate; it is not that no one listens. It is in part these things, but it is also ever so much more.

Neither is it more black teachers nor more Afro-American studies, though they contribute. There are communities without these things where there is no trouble. There are communities with these things with trouble. We seem to be looking for simplistic answers to an involved problem that has all but engulfed us at a national and international level. We put the blame in many quarters on many people, from the President of the United States down to an insignificant local school board; on God; on the death of God. Where haven't we put it?

It is that in part and yet it is not that at all. We are all concerned with the problem. There are as many solutions as there are people. Everyone has the answer and no one has the answer. It is in that concept that our problem actually lies. We are confused and bewildered groping but not finding.

Over the last twenty years, for an infinite number of reasons, the world has become a complicated, terrifying place, not only for the young, but for the older generation as well. Where there once was faith, there is now only disbelief. No one willed it this way yet it came to pass, as it has come to pass on numerous occasions in the past. It never was a pleasant experience at the time but somehow people survived, times changed, and as we are wont to believe, they changed for the better.

We are in the midst of a plague that afflicts the mind, a plague for which no cure has been found. Perhaps there is a cure, perhaps not. Plagues for which there was no cure ran their course and came to an end pretty much as they had begun. In the process an immunity was built up in the people afflicted. If you survived, the chances were you would not die from the cause although you were bound to die from some other cause sometime. The plagues of the past were specific and pathological. This time we have been hit with several at the same time, all psychological. They are more difficult and take a little longer.

This does not mean we should not attempt to cope with the situation, but rather that we had better accept the fact that there is no speedy, simple, specific solution. There is going to be more of the same. The world has gone mad before. It did manage to regain its sanity for a time only to go mad again. Our sophistication has brought us to the brink of disaster. We will stop short of the precipice. Not all will go over. We are in for a bad time. Something within us failed. I do not know what it is.

The clergy can pray a little more enthusiastically, as one of our school board members implies, yet the turmoil will continue with or without their prayers. It doesn't hurt, however. As a wise man once said, "This, too, shall pass,"—and so it shall, but not tomorrow. Meanwhile let us do what we can, not the impossible.

MAYBE MR. AGNEW IS RIGHT

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. QUILLEN. Mr. Speaker, this coming Sunday there will be aired over radio station WJFC in Jefferson City, Tenn., a speech by Dr. D. Harley Fite, my good friend who is president emeritus of Carson-Newman College which is located in Jefferson City, on the subject of "biased news reporting."

A good example of biased news reporting is right in the middle of the Nation's Capital. Both major Washington newspapers are biased to the point that it is impossible to get the true story on any matter. Our national television networks also show a great amount of expertise in the field of confusing the issues.

Dr. Fite's timely article is entitled "Maybe Mr. AGNEW Is Right," and it is an excellent analysis of the conditions which exist within the news departments of radio, television, and newspapers across the country.

I would like to submit Dr. Fite's article for the readers of the RECORD:

MAYBE MR. AGNEW IS RIGHT

(By Dr. Harley Fite)

Newspaper editors and reporters, radio and television newscasters take the liberty of criticizing the President, Vice President, Governors, Congressmen and any other person at will. Yet, when the Vice President criticized the news media for biased reporting, they became angry and accused him of wanting to curb a free press, which was a false accusation Mr. Agnew is not asking for no criticism; he is asking that they tell it as it is.

It seems that three questions are in order. One, why is it so much worse for them to get a *little* of what they have been "dishing" out in such *enormous amounts?* Could it be that they know they are guilty of biased reporting? The hit dog yelps, you know. Why have the people of the news media reacted so violently to Mr. Agnew's statements of opposing views expressed in polite, genteel English and have found nothing wrong about dissidents using the vilest, four letter words to describe the President and Vice President of the United States?

Mr. Agnew has raised his voice against biased news reporting and news casting less than once per week since he was elected Vice President. But not a single day has passed since the election that some newscaster has not criticized the Administration. During the last six months there has been violent criticism by the news media—yes, every day, seven days a week. Recently one weekly news journal, with possibly the largest circulation of any journal of its kind in the United States, devoted 18 pages in one issue to praise for the rioters and criticism of the government, the war, the president, the police and the courts.

Biased news is one of the greatest dangers to American freedom. What happened in Germany when Hitler controlled the press? What happened in Italy when Mussolini controlled the news? What happened in Russia? In one generation the youth of three nations were turned into maniacs, hating the rest of the world and all people who disagreed with them. What will happen in America if we have a controlled press and biased newscasting? The same thing that happened in these other countries; only here it is not the government that is controlling the news media, but opponents of the government. Of course, they can do it faster when they get their men elected—and they are trying to do this very hard indeed. If the controlled press gets much worse, they may do it; for when people hear only one side of the story, and hear it over and over again, they begin to believe it.

Broadcasters, some university presidents, and others are urging the president to demand that all criticism of rioters cease. They say criticism makes them worse. Why don't these same people follow their own prescription and cease their criticism of the Courts and law enforcement officials? This would do more good than anything I know. Their joining in with the rioters encourages them and inflames them to do more. In fact, those who uphold the rioters and criticize judges, the courts, and other law enforcing people are aiding and abetting the criminals and hard core revolutionists.

During the riots at the National Democratic Convention in Chicago and at other riots, television cameras were there in abundance. They photographed everything; but when the news broadcasts were televised to the public, the acts of violence which caused the police and National Guard to have to take over were not shown. The telecasts did not show policemen getting hit with rocks; they did not show the metal spikes used by the rioters; they did not show rioters kicking the police with razor blades in the toes of their shoes, or the violent resistance to arrests; but they did show the policemen when they had to get rough to keep from getting killed. Even in the Black Panther raids and the Kent State University episode, the use of guns and other deadly weapons by the students and other protestors has been played down.

The police and National Guard have been accused of starting the riots in Chicago and elsewhere. How could this be true when the riots were planned months in advance? Could these weapons have been picked up on the spot without premeditated plans for rebellion and rioting?

Let's see what others have to say about biased reporting. Maybe, just maybe, Mr. Agnew is right.

Henry J. Taylor, columnist, said in a recent article (Knoxville News-Sentinel, May 3, 1970) entitled "Inciting via Networks," "The pigs are in the pasture on TV, weakening America around the clock; and if we don't see through this vicious and deliberate push, we need our heads examined. CBS, NBC, and ABC are obviously infiltrated. A full hour CBS handed over to convicted "Chicago Seven" riot instigator Abbie Hoffman on the Merv Griffin show was hardly off the air when CBS unabashedly pushed another convicted criminal's venomous propaganda into the nation's homes. This time it was infamous Jerry Rubin on the Joseph Benti program—three days in a row during a single week.

"Under the subterfuge, as usual, of 'news' CBS aired Rubin's all-out pitch for revolution, murder, city burning, the destruction of the police, and violence of every kind. 'Thank you for coming', said Joseph Benti—three days in a row . . ."

Let's look at another report on bias. Ralph de Toledano, in an article (Knoxville Journal, May 5, 1970) entitled "Conservatives Target of Double Standard" says, "Fred Friendly made a career of touting free speech and the free conscience of journalism." Whenever there was the slightest hint that the rampant liberalism of the networks was under even the mildest attack, Friendly would speak out loud and clear.

"What happened when he was notified (by the station manager) that William Woestendick, news editor of a program on Washington's educational station WETA–TV had been fired? Mr. Friendly, now with the Ford Foundation, which supplied the money for the TV program, said not a word."

Mr. Toledano further states, ". . . I think it is worth pointing out that had Mrs. Woestendick gone to work for Abbie Hoffman, or for Students for a Democratic Society, or for Kingman Brewster of Yale (instead of for the wife of a conservative government official) Friendly and the Ford Foundation might have been thundering from every New York and Washington rooftop about civil rights, dissent, and the black silence of fear. And probably thundering along with them would have been every jackanapes editorial writer who had nothing better to fulminate about that day . . ."

There are many other columnists who have voiced the same opinion—that the news media are giving us biased reports—but these seem sufficient for this broadcast.

Many of the people these two columnists had in mind have openly opposed the democratic process of trial for the eight panthers for kidnapping, murder, and conspiracy. These people who are being tried are not idealistic, non-violent protestors; they are hard core anarchists and revolutionists bent upon destroying this government. What kind of bias would one have to have to oppose justice by court trial? Well, your opinion is as good as mine.

All of us who believe in America and our Democratic form of government should oppose vigorously any attempt to control the news. In the meantime, I shall take with a grain of salt much of that which I hear over the networks and read in the editorial columns of some newspapers.

LABOR DEPARTMENT MEETING NIXON GOAL FOR TRAINING "UNPOLLUTERS"

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. STEIGER of Wisconsin. Mr. Speaker, the Nixon administration is moving on many fronts to combat pollution. It is doing so realistically and carefully. The task is enormous and not fully understood. Work, therefore, is proceeding carefully.

One of the most interesting and important areas in the fight is to be found in the Manpower Administration of the Department of Labor. The Department is undertaking to fill one of the most urgent needs in the pollution battle—trained manpower. There is a great shortage of this, both in terms of actual numbers of persons engaged in it and in terms of the quality of their training.

Equipment is getting increasingly sophisticated and techniques for disposing of waste materials are becoming more complicated.

Through its manpower training efforts, the administration is helping to meet the need for skilled technicians in the pollution field. At the same time, it is opening a new area of opportunity for the disadvantaged. These jobs pay well and have high personal status.

At this point, I would like to include in the RECORD an article from the current issue of Manpower, the official publication of the Manpower Administration. It is called "Training Unpolluters" and is an excellent description of how the Nixon administration is moving on one major front in its battle against pollution. I commend them for it, particularly Secretary of Labor George P. Shultz and his Manpower chief, Assistant Secretary Arnold Weber. Their work today is already bearing fruit. Over the years it will enrich the lives of thousands of individual Americans whom they are benefiting directly. It will also enable the fight against pollution to go forward properly staffed with qualified personnel.

The article follows:

TRAINING UNPOLLUTERS

On June 22 last year, a fire in Cleveland burned two railroad bridges, melted the tracks, and caused $50,000 in damage before firemen put it out. What made it unusual was that the blaze started in a river. The Cuyahoga is so fouled with oil and other flammable material that it is called "the only river in the world that is a fire hazard."

"It's a funny thing," said a Cleveland Plain Dealer reporter, "if you don't live in Cleveland."

The signs today are that the humor of it is lost on people outside Cleveland as well. For what has happened to the Cuyahoga is an extreme example of what is happening elsewhere. "Virtually every stream, river, lake, and estuary in the country is polluted to some degree," according to the National Wildlife Federation. "The Great Lakes are becoming dirtier every year. . . . The once great commercial and sport fishing industry in Lake Erie is dead, and recent DDT threats to Lake Michigan foretell the same fate for it."

The Federal Water Pollution Control Administration (FWPCA) estimated 2 years ago that only 55 percent of the Nation's population lived in areas where sewage treatment was adequate.

The public, the business community, and the Federal and State governments have given ample evidence of their mounting concern over water pollution. A recent Fortune Magazine poll of 270 chief executives of the Nation's largest corporations showed that 57 percent want the Federal Government to step up regulatory activities in water pollution.

Between 1964 and the spring of 1969, statewide ballots in nine States were taken on water pollution control bond issues. Seven were approved and the other two attracted majority voter support. The total "yes" vote was 11,725,444, or 66 percent of the 17,625,254 ballots cast.

California last year completed the first major revision of its State water quality laws in 20 years. It provides for fines of up to $6,000 a day for violations, improves enforcement procedures, and requires violators to pay cleanup costs.

President Nixon, in his February 10, 1970 message to Congress, asked for more stringent control of water pollution by cities and industries, and fines up to $10,000 per day for offenders.

The Federal Government already has programs in operation to help train manpower to battle water pollution. Among these is a new 44-week training course worked out by the Departments of Labor, Interior, and Health, Education, and Welfare for waste water treatment plant operators. Training for more than 1,900 operators was funded in fiscal 1969 and this number is expected to rise 2,900 in 1970.

Cleansing water is a complex job because pollution has become so complex. The major contaminants are bacteria and viruses, pesticides, and weed killers, sewage, fertilizers and animal wastes, trace amounts of metals, acid from strip mining, chemicals and drugs, and heat. The Public Health Service lists 51 contaminants or characteristics of water supplies that should be controlled.

Pouring from municipal sewers and industrial outlets, or washed down by storm water, these contaminants trigger a process that kills the oxygen in the receiving rivers and lakes faster than it can be restored by nature.

Adding to the difficulty is the sheer volume of water required in the U.S. Americans use 387 billion gallons of water per day, according to the FWPCA, and this figure will rise to 494 billion in 1980. Each American now uses fours times as much water as did his 1900 counterpart, and industrial use is now at 202 billion gallons daily, 13 times more than in 1900.

SKILLED MANPOWER SHORT

Despite Federal and other efforts already underway, the shortage of trained manpower remains a troublesome problem that will have to be overcome as the national attack on water pollution accelerates. Total manpower needs are not large when spread out over the national scene, but they are complicated by the fact that cleaning up dirty water requires a high degree of skill. Training and education programs to date have been inadequate. "In small communities, the guy who runs the treatment plant also has to run the snow plow in winter and cut the courthouse grass in the summer," said one FWPCA top official. The Public Administration Service, a private consulting firm, noted 2 years ago that "Pennsylvania has over 200 schools with small plants, usually operated by the janitor." As a consequence, too many facilities operate at low efficiency levels.

Experts have attacked the false economy involved in putting undertrained low-paid employees in charge of expensive modern water-cleaning machinery. "I cannot see the logic of building a half-million dollar treatment plant and hiring a man with absolutely no qualifications to operate it at $5,000 a year," the director of New York State's Erie County Division of Environmental Health, told a congressional committee. "The $3,500 a year saved on an operator can result in 10 times that in extra maintenance costs."

The total manpower in the country involved in treating waste water, in both the public and private sector, was 11,300 professionals (about half of them engineers), 10,300 technicians, 23,500 sewage treatment plant operators, and 50,000 operator assistants and maintenance workers, the FWPCA reported to Congress in August 1967. By 1972, the FWPCA said, the need for professionals would rise 219 percent to 36,000, for technicians 225 percent to 33,500, and for operators 80 percent to 42,000. (No estimate was made on assistants and maintenance personnel.)

Today, however, the FWPCA reports that these estimates were highly conservative—by as much as 50 percent in some categories. Among the factors that threw the estimates off was industry's practice of using personnel for other tasks than sewage treatment. The professional engineer in a factory in charge of purifying sewer wastes may also double as chief of the power plant.

LIVELY COMPETITION SEEN

But the figures, even though understated, do indicate that competition is likely to be lively for the available manpower as government and business race to meet their needs in the next few years. Engineers, other professionals, and technicians are always in short supply, and while the shortage of sewage treatment plant operators is less drastic, "the skill levels of many . . . are unsatisfactory," the FWPCA believes, Federal and private employers will do all right, pollution officials feel, because of their generally higher pay rates. But States and municipalities may suffer.

A survey made by the National Society for Professional Engineers last year among 32,000 of its members bears out this view, at least on the professional level. The overall salary median was $16,490 annually. Above this figure was median pay for engineers in the Federal service ($16,730), industry ($16,440), consulting firms ($17,890), and construction ($19,000). Below it were county and municipal engineers ($15,280), and State ($14,580).

There is some evidence, however, that on the nonprofessional level cities are becoming more competitive with industry, thanks to recent pay increases. Sewage treatment operators in Cincinnati, for example, have received boosts of up to $1,000 in the past 3 years, depending on classification. As a result, a noncertified beginner starts at $6,400 and can work his way up to a Class 4 certified operator earning $10,000. The Ford Motor Company at its plant in nearby Sharonville pays sewage disposal employees a flat $3.72 an hour, or about $7,700 annually.

A look at the type of manpower needed for water pollution control and how it is trained and recruited can throw some light on what may be needed to forestall serious shortages. About one-half the professionals in the trade are chemical, mechanical, and sanitary engineers. The rest are biologists, oceanographers, chemists, economists, and public administrators. All require college educations and they may be drawn into pollution work from other fields. Many sanitary engineers, for example, earn bachelor's degrees in civil engineering and then return to school for an extra year for a master's in sanitary engineering.

Technicians are employed in a variety of tasks. Some collect and prepare water and biological samples for laboratory examination. Others perform routine lab exams or help professionals with more complex analyses. Drafting, data processing, computer programing, and repair and maintenance of equipment are also classified as technicians' jobs. Technicians generally are recruited from technical-vocational schools and junior colleges, or from other trades.

The training and recruitment of waste treatment plant operators is haphazard in the extreme. Standards vary from State to State, both in educational requirements and in training. Some plants will hire men with only an eighth grade education but with a knack for mechanical work and let them advance through experience and on-the-job training. Others require a man with college training for top treatment plant jobs.

"It's a question of semantics," said William G. Hamlin, manager of field services for the American Society of Civil Engineers. "Waste treatment plant operator is a term used for a scientist or engineer, and for a common laborer who took a short State training course. Basically in large municipalities you need a professional who understands the very complicated waste treatment system and he has to have large numbers of men working under him. In a small community of 1,500 you have an operator and a laborer, and employ a consulting engineer to oversee the operation."

Until recently, the main tool for preparing operators for treatment plant work, other than on-the-job training, has been short State training courses. These range from 1 to 2 days up to 5 weeks; the States usually make the courses available through a college or vocational school and invite cities to send their men for training and instruction.

CERTIFICATION ADVOCATED

Forty-four States had such training in 1968, according to the Water Pollution Control Federation (WPCF), a professional association of people interested in water pollution prioblems. They provided at least 100 courses and 306 actual programs of instruction, attended by more than 16,000 people. The average course lasted 31 hours. The weakness of these programs is that they often fail to reach the people who need them most, the small plant operators.

"Most States find that their voluntary programs reach a maximum of 45 to 50 percent of the eligible plant operators," the Public Administration Service reported 2 years ago. "Smaller towns, for the most part, never become involved, either because they are not cognizant of the benefits or because they have only one operator and he cannot leave the plant for any length of time."

Some States get around this barrier by taking the training to the operators. The Engineering Extension Service of Texas A & M University holds up to 80 short school sessions throughout the State annually. They last 2 weeks with students meeting for 2½ hours 4 nights a week.

Professionals and technicians as well as operators attend State short-course schools. The FWPCA noted that nationwide in 1968 some 23 percent of the courses offered instruction in administration, and only one-third were identified as practical in-plant instruction.

With professionals and technicians in short supply and with so many operators badly trained, what can be done to assure the most effective use of the waste water treatment facilities now in place and the new plants that will be built in the years ahead? The answer is coming down to this: Upgrade the nonprofessional, nontechnician waste water treatment plant operator. This can be done in two ways, according to experts: By certification and by intensive training.

The WPCF for years has been a leading advocate of both methods, and has taken a particularly strong role in promoting certification. "It is the knowledgeable and skilled maintenance and operation of waste water systems that will ultimately determine the success of our national pollution control effort," says Heinz B. Russelmann, task force chairman of the Federation's Personnel Advancement Committee. The Federation, jointly with the American Water Works Association and the Conference of State Sanitary Engineers, has drawn up a model law and regulations for mandatory certification of operators, and has pushed for its adoption throughout the United States.

This campaign is paying dividends. In 1969 alone, six States adopted mandatory certification, bringing the number to 23. All but three States now have some form of certication, voluntary or mandatory, sponsored either by the State or by a member association of the Federation.

The Administration has thrown its support to certification. President Nixon in his February 10 message announced that in the future "federally assisted treatment plants will be required . . . to be operated only by State-certified operators." Under certain conditions the Federal Government funds up to 55 percent of the construction costs of a municipal or county treatment facility. From the inception of this program in July 1956 to January 31, 1970, the Federal Water Pollution Control Administration and its predecessor agency had invested $1.3 billion in 9,331 projects; spending in this area in fiscal 1969 alone was nearly $212 million. This sum will escalate sharply in the coming years. The total FWPCA construction appropriation in 1969 was $214 million; in 1970 it is $800 million.

The FWPCA has been moving on a broad front to ensure better training for waste water treatment personnel. It has expanded the short-course training programs for professionals and subprofessionals which have been offered at the Robert A. Taft Sanitary Engineering Center in Cincinnati. Similar courses are now offered at Federal water pollution control laboratories in five other locations. Thirty different courses lasting up to 2 weeks are offered annually and about 1,500 people will attend this year. It also makes money available to universities for instructing faculty and students in water pollution; in fiscal 1969, nearly $4 million was awarded 76 schools for research fellowships, and for professional and technical training grants for nearly 1,000 people.

But these efforts are subordinate today to the agency's innovative new 44-week training program aimed directly at converting ordinary workmen into certified treatment plant operators. The curriculum was worked out in cooperation with the Departments of Labor and Health, Education, and Welfare, and the program is funded through the Manpower Development and Training Act (MDTA).

Under a national contract approved last year some 940 people in 28 communities, most of whom were already working in municipal or county plants, are now being trained at a cost of $1,031,000. MDTA-funded State programs to train another 981 persons were also approved last year at a cost of $1,161,555 through the Cooperative Area Manpower Planning System (CAMPS). The CAMPS target for fiscal 1970 is more than $2.5 million to train another 2,900 operators.

The year-old national program has had a good measure of success. Less than 50 men have dropped out so far, and more than 900 are still in training or have graduated. The 44-week program calls for 320 hours of classroom instruction including basic education and training-related courses. This is supplemented by 11 weeks of combined classroom and on-the-job training, and in the final weeks by straight on-the-job training. Each man is entitled to 70 hours of individual on-the-job training by an instructor. (These national guidelines also apply to the States MDTA programs generally, but have been adapted in some cases to local conditions.) Nearly all the trainees work for public employers, though in Gary, Ind., 10 private plant operators whose facilities discharge waste water into Lake Michigan were admitted.

TRAINING PROGRAM OUTLINED

Classroom subjects include basic math, communications, chemistry, biology, physics, measurement, and drafting. The trainees also learn how to operate the equipment in a modern sewage treatment plant, and how to clean waste water, chemically and mechanically.

In St. Louis, 18 men being trained for jobs with the Metropolitan Sewer District are scheduled to complete the program this month. Unlike the other projects, most of the St. Louis trainees were new hires. To make up for their lack of knowledge of plant operations, their classroom instruction was increased to 335 hours. And of the 23 trainees, five quit or were fired, a higher dropout rate than normal. Otherwise, the St. Louis program is fairly typical of the others being conducted throughout the Nation.

The trainees range from 19 to 54 years of age; eight are over 40. One man, 23, with a wife and child to support, had been unemployed 48 weeks when recruited through the State employment service. He finished the course 3 months early.

The men began their training as local civil service employees officially classified by the Sewer District as apprentice treatment plant operators. Starting pay was $2.77 an hour. In November they were raised to $3.15. Minimum qualifications for each trainee were that he be a high school graduate and have 1 year's experience in mechanical work or in maintaining power equipment. But experience was allowed to count as a substitute for academic qualifications. For every 2 years of experience he had, a man was credited with 1 year of high school. Two of the trainees were not high school graduates.

A 4-week initial phase was devoted to orientation and basic instruction in math, physics, chemistry, and communications. The classes were taught by a high school teacher and a chemist, who worked part time, and the program's regular instructor, Gordon Perley. (Perley, 34, has been in the waste water treatment field for 12 years and has been a licensed stationary engineer, qualified to handle power equipment, for the past 4 years. He and other full-time instructors in other cities were taught how to teach the courses through a series of seminars held around the Nation last year under the direction of the U.S. Office of Education.)

A good deal of the instruction in the first phase was by movies and slides. The trainees also toured a number of water treatment plants and learned the fundamentals of handling chlorine.

The second phase lasted 21 weeks and the course of instruction became somewhat less tightly structured as the men spent only 1 day a week in class and 4 in on-the-job training at four different plants. They now studied their basic courses in some depth. And they learned about the tanks, pumps, meters, valves, and mixers in a treatment plant and actually performed some of the tasks in the treatment of water wastes, under the expert guidance of skilled foremen.

After the second phase they graduated from the apprentice ranks. Each was classed as an Operator I, the first step on the career ladder, was tested, and received a raise in pay.

During the third and final phase, they have been spending all 5 days a week in on-the-job training, with Perley exercising general supervision in the four plants. To reach Operator II status, each man will be required to have 1 year's experience.

One of the trainees is Walter Davis, 45, a high school dropout. Unlike most of the recruits, he was not a new hire. He had been a janitor for the St. Louis Sewer District for 2 years, earning $2.67 an hour, when he entered the program. He is now an Operator I and plans to make waste water treatment plant operation a career.

"At first you're kind of frightened, especially with the math, and with so much equipment to get acquainted with," he said. "But when you get into it, it's not as hard as you think."

SHORTER COURSE URGED

He was not bothered by the classroom training as high school dropouts often are. "It's better than just on-the-job training, where they just explain it and you get too much to remember," he said. "We got the basic principles (in class) and when you go on the job, you know what to expect and to look for. It makes it much easier."

He said he liked the training and the work "very much." He added: "They say they're short of people in this particular trade. So it's steady work and there's no telling how far you can go. People think it's a dirty job but usually it isn't. It's got great possibilities and really looks promising for the future. Once you get the training you can get a job anywhere."

The program was deliberately designed nationally to upgrade in-plant employees like Davis. The idea was that moving such men upward out of routine jobs would help create a more flexible career ladder within local civil service structures. Moving men upward also opens entry-level jobs to the hard-core unemployed.

"It's a good thorough course," said Perley. "But 44 weeks is long and I'd like to see it shortened. We need more manpower and we need it now. I'd like to see the classes cut down from 320 hours to about 160. It's worth a try. We could use 20 to 30 more trained men right now (in the St. Louis system)."

FACT SHEETS OF COMMITTEE OF CONCERNED ASIAN SCHOLARS

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. HARRINGTON. Mr. Speaker, the Committee of Concerned Asian Scholars is comprised of students and faculty who believe in the necessity of relating the professional study of Asia to current ethical and political problems. Founded in 1968, the committee now has chapters at every major university center for the study of Asia in the United States.

The Harvard chapter of the Committee of Concerned Asian Scholars has revised and updated its packet of fact sheets. I think my colleagues in the House would be most interested in the information presented by CCAS and at this point I insert the fact sheets in the RECORD:

A REBUTTAL TO PRESIDENT NIXON'S APRIL 30 SPEECH

(A fact sheet issued by the Committee of Concerned Asian Scholars, Harvard University.)

In an attempt to justify his decisions, President Nixon "explains" the situation in Cambodia and tells us what we will do.

"For the past five years . . . North Vietnam has occupied military sanctuaries . . . Vietnamese Communists began to expand these sanctuaries four weeks ago."

In fact, on March 18 a right wing coup in Cambodia replaced Prince Sihanouk (the man who had kept Cambodia neutral and spared her the agonies of the war) with General Lon Nol, whose troops began attacking Vietnamese Communist forces. When the Vietnamese Communists begun fighting back, they were driving away from the Vietnamese border, toward Phnom Penh, where rightist Lon Nol has his headquarters.

"The aid we will provide will be limited to the purpose of enabling Cambodia to defend its neutrality."

Cambodian neutrality was destroyed in mid-March when General Lon Nol, in anticipation of U.S. backing, overthrew the neutralist government of Prince Sihanouk and turned Cambodia into a battlefield for foreign powers.

"Once enemy forces are driven out of these sanctuaries and their military supplies destroyed, we will withdraw."

Even if the U.S. withdraws its combat forces from Cambodia, the Saigon regime has indicated that it has no similar intention regarding withdrawal of its own forces. The South Vietnamese Army is reliant upon the U.S. for everything from spare parts to transportation to advisers to tactical combat support. By creating a situation in which the South Vietnamese could invade Cambodia, Nixon has opened a wider Indochina war and jeopardized the withdrawal of American troops from South Vietnam.

"I warn the North Vietnamese that if they continue to escalate the fighting when the United States is withdrawing its forces, I shall meet my responsibility as Commander-in-Chief of our Armed Forces to take the action that I consider necessary to defend the security of our American men."

Since the North Vietnamese "escalation" of which Nixon speaks is self-defense, he seems to be telling them that he reserves the right to employ U.S. forces in any way he sees fit, but if they fight back, he will escalate even further.

"We have stopped the bombing of North Vietnam."

Yes, but four air raids were flown during the week following Nixon's speech and the Secretary of Defense has threatened that more raids will be launched if the North Vietnamese attempt to interfere with the daily U.S. violations of North Vietnamese air space.

". . . the future of South Vietnam (should) be determined not by North Vietnam, not by the United States, but by the people of South Vietnam themselves."

These are strange words from a country that actively supported a regime (Diem's) which obstructed the holding of elections for all of Vietnam in 1956, and since then has virtually dictated the political life of the southern half of Vietnam. Not only would the Thieu regime fall if it did not have our support, it would never have come to power had we not been there.

"American policy since then [1954] has been to scrupulously respect the neutrality of the Cambodian people . . . from 1965–69, we did not have any diplomatic mission whatever [there].

It was not due to voluntary disengagement that we had no diplomatic mission in Cambodia from 1965–69. Prince Sihanouk refused all U.S. military and civilian aid after 1963, and broke off diplomatic relations entirely in 1965 when it appeared that the CIA was attempting to overthrow him. Since then, the CIA has continued to recruit, train, and pay elements of the Khmer Serei, a right-wing group opposed to Sihanouk.

The President's final remarks reveal what seems to be the real reasons for his decision:

"If when the chips are down the U.S. acts like a pitiful giant, the forces of totalitarianism and anarchy will threaten free nations and free institutions throughout the world."

The fear that we will be regarded as weak and spineless if we withdraw from Southeast Asia is contrary to the opinions expressed by the majority of the world diplomatic community. Many countries, rather than seeing us now as a staunch defender of peace and freedom, consider us stubborn and senseless in our continued attempts to win a clear-cut victory. As a leading Japanese official said recently, "What we are concerned about in Vietnam is not your good faith, but your good judgement." The most prominent result of our actions seems to have been to alienate our allies and bring untold horror and suffering to hundreds of thousands of American and Vietnamese soldiers and families.

"A Republican Senator [Aiken, Vermont] has said that this action means my party has lost all chance of winning the November elections. Others are saying today that this move against the enemy sanctuaries will make me a one-term President. No one is more aware than I of the political consequences of the action I have taken. It is tempting to take the easy political path. . . ."

This tone of martyrdom is distasteful. He insists on attempting to strengthen his arguments by calling attention to the difficulty of the decisions he must make. The difficulty of a decision however is no insurance of its correctness. Unless his decision can be justified on other terms, his emotional appeal merely clouds the issue.

One does not "withdraw" by attacking. One does not stop a war from "dragging on interminably" by widening it. One does not "keep casualties down" by sending troops into battle.

CAMBODIA

(A fact sheet issued by the Committee of Concerned Asian Scholars, Harvard University.)

Area: 70,000 square miles.

Population: 6½ million; 85% Cambodian, 8% Vietnamese, 6% Chinese.

Government: Neutralist Kingdom until Army coup of March, 1970.

Capital: Phnom Penh (pop. 450,000).

Armed forces: The Cambodian Army

XUM

(FARK) has a strength of approximately 40,000.

HISTORICAL BACKGROUND

For centuries, Cambodia has sought to preserve its independence and neutrality. Since the 1600's Cambodian territory has been the center of big-power rivalry in Southeast Asia. In 1884, King Norodom was compelled to abandon independence by placing his country under the control of France in order to prevent Cambodia's partition between Vietnam and Thailand.

It was not until 1953 that Cambodia, under the leadership of Prince Norodom Sihanouk, became independent. Sihanouk abdicated his throne in 1955, organized a political party, won an overwhelming majority in national elections, and brought his country into the United Nations.

Sihanouk was convinced that too close an association with one side in the cold war would entail the risk of provoking hostilities from the other side as well as diminish Cambodia's independence in foreign and domestic affairs. He therefore waged a ceaseless and brilliant political effort to repel the advances of both the Communists in Indochina and right-wing forces encouraged by the U.S. As a result, Cambodia survived and acquired prestige and influence far in excess of what the mere size and strength of the country would seem to have justified.

In the process of maintaining neutrality, Sihanouk found it necessary in 1964 to sever relations with the U.S. when it appeared that the CIA was seeking to overthrow him. He renounced U.S. aid, even though he thereby ran the risk of increased domestic pressure due to the resultant economic austerity. On the other hand, Sihanouk in 1967 denounced Communist Chinese intervention into Cambodian affairs and announced the withdrawal of the Cambodian embassy in Peking. In 1968, he rejected an offer of substantial direct aid from China because too many strings were attached. Last year, after prolonged negotiations, Sihanouk resumed diplomatic relations with the U.S. after Washington finally agreed to recognize Cambodia's frontiers and territorial integrity.

In carrying out this balancing act in order to preserve a policy of virtually unarmed neutrality, Sihanouk unwillingly was forced to submit to a modicum of foreign military intervention. On the one hand, the Viet Cong used portions of Cambodia's eastern provinces for logistical purposes. On the other hand, the CIA and Green Berets recruited within Cambodia, and paid and trained in Vietnam a Cambodian mercenary force (the Khmer Serai, or Free Khemer) to fight the Viet Cong in the largely Cambodian-populated southwestern provinces of South Vietnam. The Khmer Serai was dedicated to the overthrow of Sihanouk.

RECENT DEVELOPMENTS

From 1966 on, Sihanouk's policies came under increasing attack from the right-of-center General Lon Nol, who exploited the Cambodian army's discontent with economic austerity necessitated by Sihanouk's rejection of foreign aid. For the army, this policy meant aggravating cutbacks in military spending. To strengthen his hand, Lon Nol played up the issue of the Viet Cong in Cambodia in order to force Sihanouk to abandon neutrality in favor of a more militaristic approach which would step up the flow of funds into the hands of Cambodia's generals.

Sihanouk felt compelled last summer to establish Lon Nol as premier of Cambodia. Once in a position of political power, Lon Nol soon took steps to increase army salaries and attempted to remove foreign policy from Sihanouk's control. This past March, in an attempt to further Cambodia's neutralism, Sihanouk traveled to Moscow and Peking to seek support for reducing the Viet Cong presence on Cambodian soil. While he was away, Lon Nol instigated riots against the North Vietnamese and Chinese Embassies in Phnom Penh in an attempt to embarrass Sihanouk. Then, aware of Washington's long-standing coolness toward Sihanouk, and relying upon the U.S. to support an anti-neutralist coup, Lon Nol overthrew Sihanouk's government and launched a massacre of Vietnam residents of Cambodia (most of whom were not communists, but nationals of the Saigon government).

Sihanouk was regarded as the embodiment of the Khmer nation and as such held the devotion of the masses of Cambodian people, particularly those in the villages. In contrast, Lon Nol represents an urban, privileged, foreign-oriented elite. Since the coup, nothing has revealed the depth of Sihanouk's support among the Cambodian people so much as Lon Nol's frantic, fearful propaganda attempts to slander the man he ousted.

WHAT HAS THE U.S. ACCOMPLISHED IN CAMBODIA?

The U.S. response to nearly two decades of Cambodian neutrality was to mount an invasion of Cambodia. As a result, the Cambodian countryside, which had been an island of tranquility in war-torn Indochina, has been devastated by U.S. "search and destroy" tactics. Entire towns, such as Snoul, have been rendered virtually uninhabitable. Now the U.S. withdrawal has begun and the Nixon administration is calling on our "allies" in Saigon and Bangkok to intervene militarily in order to save Cambodia—a cruel joke in view of Cambodia's centuries-old struggle to avoid being carved up between its more powerful neighbors. Already the Saigon regime is on record as having suggested a cessation of part of Cambodian soil to Saigon in return for the latter's arms aid and diplomatic recognition. Saigon has declared it has no plans to withdraw its forces from Cambodia for the time being.

At the same time, Sihanouk has been forced to accept the support of Peking and Hanoi for an all-Indochina united front against the U.S. This already has given new life to the "Red Khmer" movement which reportedly has begun military operations in northeast Cambodia.

What does it all mean for Cambodia? As Sihanouk, speaking from exile, said: "the liberty, democracy, relative prosperity, and national union which our people enjoyed not long ago have all been destroyed, reduced to nothing". Khmers now fight Khmers and the U.S. has set the stage for the traditional racial and national rivalries between Thais, Vietnamese, and Khmers to take their bloody course while the great powers sit by and lend encouragement.

VIETNAMIZATION

(A fact sheet issued by the Committee of Concerned Asian Scholars, Harvard University.)

What is "Vietnamization," President Nixon's announced formula for military disengagement from Vietnam? What are the prospects for its success?

WHAT IT IS

By "Vietnamization" the President means two things. First, that the United States has not abandoned and will not abandon the aim of a "victory" on the battlefield. Secondly, that such a victory can be won by South Vietnamese forces, the ARVN or Army of the Republic of Vietnam, however poorly equipped and inadequately led, although this goal has eluded our own far better led and infinitely better equipped military forces for the last five years. So far, President Nixon has given no indication that Vietnamization will permit the total withdrawal of U.S. troops from South Vietnam. Rather, Vietnamization seems to imply a continued U.S. support role requiring the indefinite stationing of some 250,000 U.S. troops in Vietnam. It is a formula for prolonged fighting and destruction in the already ravaged nation of Vietnam.

ITS PROSPECTS

There are good reasons for believing that "Vietnamization" is an illusion even more cruel than the Johnson Administration's earlier objective of a military victory by the U.S. forces. Vietnamization fails to take account of basic political, military, and social realities in South Vietnam.

In the first place, the President and his advisors have sought to train the ARVN to fight a war against well-trained guerrilla adversaries, using the same tactics, essentially American tactics, which have failed in the past. These tactics rely heavily on the use of helicopters and such sophisticated equipment as "starlight scopes" (permitting soldiers to see clearly at night) which the Pentagon cannot make available to the South Vietnamese in numbers sufficient to make any difference.

ARVN MORALE

The South Vietnamese Army (ARVN) in sharp contrast to the North Vietnamese Army and the Viet Cong, retains the rigid class distinctions characteristic of Vietnam's traditional society. A few top-level officers live in luxury, usually by virtue of equipment and money filched from American sources. They and the government in Saigon which they represent have shown unconcern for both the material well-being and the group morale of their own troops, as well as for the South Vietnamese people in general. On-the-scene reports in the September 29, 1969, and February 9, 1970, issues of *Newsweek* magazine provide evidence of the ARVN's disenchantment with such leaders and their reluctance to fight for the government they represent. Suppression of even the most basic freedoms by the Saigon government only intensifies the reluctance of the ARVN soldier to fight for goals laid down by President Nixon.

More fundamentally, the reluctance of the ARVN soldier to do the fighting is connected with the nature of the war that is being fought in Vietnam. Predictably, the Vietnamese soldier finds it difficult to fight in a war that requires him to destroy villages and evacuate thousands of his countrymen to barbed wire compounds. A group of Vietnamese Catholics has described this succinctly: "Those whom the United States accuses in its ignorance as Communists, are in reality our relatives, our brothers, our sisters, our friends dispersed in villages and hamlets." The ARVN soldier cannot participate with enthusiasm in a war which must destroy his country in order to "save it."

The results of trying to win a military victory by using the South Vietnamese Army might be predicted from the record of the ARVN in the strategic Mekong Delta where they have already largely replaced American troops. "Vietnamization" in this area has enabled the North Vietnamese and the Viet Cong to increase the numbers of their forces to 80,000 troops, a level they have not achieved in the Delta since 1963.

HEARTS AND MINDS

Most fundamentally, President Nixon and his advisors, like their predecessors in the Johnson Administration, have failed to understand the underlying political issues at stake in the Vietnam War. The Viet Cong and the North Vietnamese fight well because they believe they have something to fight for. Their government and the nationalistic beliefs it espouses elicits a far more enthusiastic response from the average Vietnamese peasant than the Saigon government's traditional authoritarianism and its lack of any semblance of badly needed social, economic, and political reforms.

SELF-CONTRADICTORY POLICY

Even if Vietnamization were to be successful, the war in Vietnam would not end. On the contrary, Vietnamization would only prolong the civil war and postpone, at the expense of thousands of Vietnamese lives, the reconciliation of political forces that must take place if there is to be peace. The cynicism of the Vietnamization should also be noted. The success of the policy entails stopping the killing of Americans but the continuation and even escalation of the destruction of Asians. This emerges clearly in Ellsworth Bunker's statement that Vietnamization simply means changing the color of corpses. Vietnamization is doomed to failure.

There is no reason to believe ARVN will be more successful without U.S. combat support now than it was when the U.S. had only "advisors" in South Vietnam. As Vietnamization proceeds, we are likely to see a series of military defeats of the South Vietnamese Army and large-scale ARVN defections to the Viet Cong. As in 1965, this will present the U.S. with the choice of commiting our troops to Vietnam in the search for victory or accepting the defeat of the Saigon regime. This is the inherent contradiction of Vietnamization: it represents an effort to stave off defeat by means that will only emphasize the weakness of our position in Vietnam.

BUYING TIME?

This contradiction can be resolved by assuming that Vietnamization is really a policy for accepting defeat slowly. It is an effort to save face for the U.S. by "buying time" for a withdrawal that can temporarily be camouflaged as victory. If so, it is a cruel hoax on the many South Vietnamese and Americans who will die in the fighting in the next few years.

THE EFFECTS OF AMERICAN-STYLE WAR ON PEASANT SOCIETIES

(A fact sheet issued by the Committee of Concerned Asian Scholars, Harvard University.)

Most of the people—80 or 90%—in the countries of Southeast Asia are peasants who live in small villages in the countryside. Transportation in these areas is apt to be difficult (Laos, for example, which is the size of New York and Pennsylvania together, has only 3,500 miles of roads), and many peasants have never traveled more than a few miles from their villages. Often there is little contact with the national government, which exists primarily in the cities, except for paying taxes and getting drafted. There is a considerable gulf between the peasants and the city people, most of whom either work for the government, live off rents from the peasants, or engage in commerce and services for government personnel and landlords (and in South Vietnam and Thailand the Americans). The city dwellers, richer and better educated than the peasants, often dressed in Western clothes and able to speak a foreign language, are the ones the Americans deal with.

WEAPONS AND DEFOLIANTS

The United States has been able to build enormously destructive weapons of war. Our airpower ranges from the Huey helicopter with the firepower of a World War II infantry battalion, to the B–52 bomber which drops 30 tons of bombs from so high that it cannot be seen or heard. Out of these efficient American machines of war have come more tons of explosives than were dropped on the Axis powers in all of World War II; 750-lb. bombs which have left in South Vietnam three million craters 45 feet in diameter and 30 feet deep; cluster bomb units which scatter fragments all over; machine-gun fire at the rate of 6,000 rounds a minute, enough to shred and disintegrate a man; phosphorous rockets, napalm cannisters, and fire bombs which can set fire to 50 square miles of jungles at a time;[1] herbicides and chemical defoliants which destroy crops and poison people (since 1966, 10 million gallons of herbicides per year have been sprayed in South Vietnam over an area of four million acres, the size of Massachusetts; the National Cancer Institute has found that some of these may cause gross birth defects such as the Saigon press has been increasingly reporting [2]).

DISREGARD FOR LIFE

Because of the nature of guerilla war and of our impersonal machines of war, we are unable to distinguish enemy soldiers from peasants in South Vietnam. Individual pilots and ground commanders have virtual freedom to destroy anything that looks suspicious. In areas considered under Viet Cong control, which means most of South Vietnam, peasants are legitimate targets. The "Iron Triangle" (an area of 60 square miles) and other free-strike zones have been completely devastated by bombing and artillery. The American soldier often feels contempt for the peasants whose way of life is so different from his own. The peasant comes to feel that the Americans are big, rich, overfed foreigners, distant and fearsome with their deadly machines and withering firepower. The American soldier may react to this distrust with racial hatred for all "slant-eyes." And so search and destroy missions, of which there have been thousands since 1965, become, in the words of a Marine colonel, "savagery," and there arise incidents like the one at Song My, where 450 to 500 civilians, mostly old men, women, and children, were murdered (and three weapons captured).

The American style of war affects the peasants in three ways.

1. Many are killed and wounded. In 1967, 95% of the surgical cases in Quang Ngai province's civilian hospital were war injuries (from cannon, bombs, bullets, and war burns.[3] In 1968, Senator Edward Kennedy's subcommittee on refugees found that about 150,000 civilians in South Vietnam were being wounded annually because of the war.[4] How many are killed nobody knows, because of the common practice of reporting all dead as enemy soldiers; the 450–500 peasants killed at Song My, for example, turned up in military statistics (and in *The New York Times*) as 128 North Vietnamese Army dead.[5] Secretary Laird said last November that there had been 566,501 "enemy" combat deaths in South Vietnam since 1961; how many have been defenseless peasants is any body's guess. After three weeks in Cambodia, our military say we have killed five thousand "enemy" so far. But most have been killed from the air. Who can say who or how many they are?

2. Many others become refugees. In South Vietnam perhaps a quarter of the peasants have been uprooted by the war, and this country which was once 85% rural is becoming almost half urban as large areas of the countryside become burnt-out wasteland. Saigon has quadrupled in size in the last few years, and the overcrowding is terrible. Conditions in refugee camps resemble prisons: over-crowded, lacking adequate sanitation, food, or medical care, people with nothing to do but just sit. In 1969 it was thought three million peasants had gone to the cities during the previous three years: 1.5 million as refugees and another 1.5 million lured by hopes of employment at U.S. bases, where they do everything from shining shoes and washing cars to prostitution.[6] In the cities, the economic and social effects of the enormous influx of Americans and American money has been, in the words of former Information Minister Ton That Thien, "devastating, disintegrating, and explosive." The government has become more oppressive than even under Diem, and a Vietnamese Senate committee reports that by the end of 1969, 50,000 people had been detained without trial. In Laos, the same thing is happening. Our air strikes have increased to the rate of 20,000 sorties a month. Laos now has 600,000 refugees, or 20% of the total population; 150,000 of these have been generated in the past year.[7]

3. Finally, many peasants join the guerrillas (or at least support them with food, shelter, and information), for *they* are not foreigners, bombing and burning villages, killing indiscriminately, and allied with a corrupt and far-out government. When the government is largely limited to the cities, and the guerrillas are the only ones with an effective organization in the countryside, foreign troops and planes increase the strength of the enemy. In China in World War II, the result of Japanese bombing and pacification was to increase Chinese Communist strength tenfold, from 10 million to 100 million. In an anti-popular war in Algeria, the French could not win even with 10 to 1 superiority in troops. And in N. Vietnam, millions of tons of American bombs only increase the resolution of the people, just as they did in London in World War II. The kind of war we fight tends to destroy the society and turn peasants into enemies. This is what has happened in South Vietnam; it is happening in Laos; and it will happen in Cambodia.

FOOTNOTES

[1] Frank Harvey, *Air-war Vietnam,* Beacon Paperback, 1967.

[2] *I. F. Stone's Weekly,* December 15, 1969, p. 4.

[3] Jonathan Schell, *The Military Half: An Account of Destruction in Quang Ngai and Quang Tin* (Vintage paperback, 1968), p. 208.

[4] *New Republic,* June 8, 1968, p. 11.

[5] Seymour M. Hersh, "My Lai 4," *Harper's,* May 1970, p. 72.

[6] *Newsweek,* January 20, 1969, p. 32.

[7] *Nation,* January 26, 1970, p. 76–77.

CONGRESSIONAL EFFORTS TO END THE WAR

(A fact sheet issued by the Committee of Concerned Asian Scholars, Harvard University.)

The Founding Fathers placed on the Congress the responsibility for deciding on offensive action by the armed forces. In the course of the 20th century, presidents have gradually usurped the powers of Congress in foreign policy. Now in Congress a number of efforts are being made to reassert Congress's role in making war.

ACTIONS BEING CONSIDERED BY CONGRESS

Twenty Senators and twenty Congressmen, both Republicans and Democrats, plan the following actions:

1. Amend a foreign military sales bill to provide that no funds be expended for keeping U.S. forces in Cambodia or for air operations over Cambodia except for those operations required to keep Communist troops and supplies from entering Vietnam. (Sponsored by Senator Church of Idaho and Senator Cooper of Kentucky.)

2. Repeal the "Gulf of Tonkin" resolution under which Congress (misled by what proved to be a vastly exaggerated Pentagon report) gave Lyndon Johnson a free hand to make war in Asia.

3. Amend a military procurement bill to provide that all U.S. military operations cease in Cambodia in 30 days, in Laos by December 31, and that all U.S. forces be withdrawn from Vietnam by June 30, 1971. ("The Amendment to end the War," sponsored by Senators Hatfield of Oregon and McGovern of South Dakota.)

THE PRESIDENT'S USURPATION OF POWER

The backers of these proposals argue that the President has usurped the Constitutional powers of Congress, and furthermore has involved the military in essentially civilian decisions. In this latest escalation, he even ignored the expertise of the chief foreign policy advisers of his own administration—the Secretary of State and the Secretary of Defense. Our representatives in Congress no longer can depend upon the President or his administration to inform them reliably of the truth of our foreign involvements. The truth about the Tonkin Gulf incident, about the U.S. military involvement in neutral Laos, about the My Lai massacre, was dug out of the administration only after months, even years, of probing. Most recently, Congress was misled by Secretary of State Rogers who, himself left in ignorance by the President, assured the Senate that the U.S. had no intention of invading Cambodia.

SOME QUESTIONS ABOUT THE PROPOSALS

1. The Cooper-Church Amendment: *If we cut off funds, won't we deprive our troops of the guns and ammunition they need to defend themselves?* Certainly not. The amendment is carefully drawn to specify that no funds be earmarked for "retaining" U.S. forces in Cambodia, that is, for establishing installations of a permanent nature. The amendment would prohibit long-term bases in Cambodia, but in no way endanger the security of our men. If this amendment passes, no item of equipment would be withheld from our troops during the process of exiting Cambodia. Equipment already "in the pipeline" from American arsenals in Thailand and the Philippines will supply our troops' every need.

2. The Tonkin Gulf Resolution: *If we repeal this resolution won't we tie the President's hands in the event of some future emergency?* No. Mr. Nixon apparently has recognized that the highly questionable evidence surrounding the Tonkin Gulf incident has rendered the resolution virtually meaningless. He has stated that he does not rely upon the authority of the resolution, but rather upon his position as Commander-in-Chief. Nothing in this or the other two proposals diminishes the President's proper Constitutional role.

3. The Hatfield-McGovern Amendment to End the War: *Thirty days may not be enough time to allow our men to withdraw from Cambodia in safety, and as for Vietnam, why give the enemy a timetable of what we're going to do?*

Since the enemy apparently had two or three days warning of our invasion (they were better informed than the Secretary of State) they were able to evacuate the border areas. Therefore, there is no substantial enemy force in the vicinity to hinder or take advantage of our withdrawal. The main point of this proposal is to ensure that the President honor his pledge to have all American troops out of Cambodia in 4 to 8 weeks without providing surplus time during which our soldiers might be ordered into further adventures and the enemy given time to regroup and counterattack. Since our forces are nowhere more than 20 miles inside the border, 30 days is more than ample time.

As for Vietnam, it has been our unwillingness to commit ourselves formally to withdraw our troops that has obstructed the Paris Talks. Once we make our intentions definite and official, the way will be opened for the negotiated settlement which Mr. Nixon has so often said is our goal.

THE WAR AND THE ECONOMY

(A Fact Sheet issued by the Committee of Concerned Asian Scholars, Harvard University.)

Everyone knows that hundreds of thousands of men have been killed and maimed in the Vietnam War. However, some think that the war has somehow been good for business, jobs, and paychecks—that without it more people would be out of work and get less pay.

In fact, the war has had the effect of decreasing pay, increasing prices, and creating an unhealthy boom that will be cured only by a recession and unemployed workers. It has cost $140 billion, or $3,000 for the average American family. Let us look at what happened before and after the war started.

Wages.—Every housewife knows that what really counts is the purchasing power of her money. If meat prices go up more than her food allowance, she has to buy less meat. The real value (corrected for price increases) of an average worker's take-home pay was $78.87 in 1961, $88.06 in 1965 and $87.27 in 1969. Before war, incomes were going up; after war, they went down. This trend continues into 1970.

Unemployment.—Unemployment dropped from 6.7% in 1961 to 4.5% in 1965. It showed every sign of continuing to go down without any war spending. After war spending began, the economy did at first employ more people—in 1969 the unemployment rate was 3.5%. This was not due to the war, but to the continuation of the pre-war trend. Soon the war overinflated the economy. At present in order to recover and slow down inflation, the government has had to adopt policies which cause the unemployment rate to go up. It was 4.8% in April and is rising. Bad times are ahead.

Prices.—Before the war, prices were practically even. From 1961–1965, they increased less than 1.5% per year. Since 1965 they have gone up 4% per year. They are continuing to increase in 1970 at an even faster rate of 6% a year.

Taxes.—Everybody knows that tax rates are going up. We complain about increasing school costs, surcharges, state taxes, and can only wonder what it will cost to clean up our air and water. The $140 billion (by conservative estimate) for war costs is money taken away from schools, hospitals, and housing. So long as we spend as much money on Vietnam in a year as we spent for a decade to get a man on the moon, we can expect to be hit by higher taxes and worse government service.

Housing.—Rents are soaring today and mortgages are expensive and hard to get. The main reason for this is the war. It has caused inflation, and in an effort to fight inflation the interest rate has been increased. This has made it harder to build houses and apartments. Total housing starts were 1.6 million in 1963 and only 1.5 million in 1969. This level of activity is regarded as much too low, unless Americans will settle for substandard crowded housing.

The future.—Let's not kid ourselves. The next year or two will be rough. Prices will go up, people will be laid off. This is because of the mistakes we have already made. If we want to concentrate on our own problems, we can use the money we spend on bombs to put people to work. We can smooth the way ahead if we are smart enough to see that our own affairs need first priority. Wasting money abroad never was good sense and it isn't now.

SOURCES

Most of the figures presented here have come from the 1970 *Economic Report of the President*. The $140 billion figure on the cost of the war can be calculated by taking the increase in defense spending from the pre-Vietnam period. As non-Vietnam items have been slashed, this is probably an underestimate. Tables on wages, prices, and unemployment are available in the appendix of the report. More recent data are available in the *Survey of Current Business*, issued by the Department of Commerce.

THE PARIS TALKS: WHY HAVE THEY STALLED?

(A fact sheet issued by the Committee of Concerned Asian Scholars, Harvard University.)

From the outset of America's military involvement in Indochina, a negotiated end to the war has been undermined by Washington's persistent attempts to impose a solution by heightened military activity rather than by diplomacy.

U.S. MILITARY ACTION DELAYED OPENING NEGOTIATIONS

Lyndon Johnson's attempt to "bring them to the conference table" by bombing failed. The Vietnamese Communists steadfastly refused to agree to negotiations during the period of U.S. bombing raids from 1965 to 1968. Instead, as in the case of the Nazi blitz of London, civilian morale rose and Hanoi's position hardened. Once the partial bombing halt took place in March 1968, the Vietnamese (according to former Undersecretary of the Air Force, Townsend Hoopes) responded quickly and affirmatively to Johnson's new call for negotiations. The talks began to deal with substantive issues after the U.S. announced a complete bombing halt, just in time for the U.S. Presidential election.

At this time even China, which had long pressured Hanoi to reject negotiations, appeared to credit Mr. Nixon's "plan to end the war" and his pledge to pull U.S. forces back from areas "where they are over-extended." As a result, Peking in the autumn of 1968 seemed ready to support Hanoi's decision to negotiate. But six months later this promising atmosphere had evaporated. Why?

U.S. COMMITMENT TO A MILITARY SOLUTION HAS STALLED THE TALKS

Mr. Nixon, who was on record as saying there can be no military solution, has insisted on trying to accomplish just that.

At the first substantive session of the Paris Talks (Jan. 25, 1969), the U.S. called for mutual withdrawal of U.S. and North Vietnamese troops from South Vietnam. Vietnam is *de jure* one nation, and would be so in fact had Saigon not refused to hold free national elections in 1956 as provided in the Geneva Accord. Moreover, the great bulk of Vietnamese forces from the north did not enter the south until after the huge U.S. military buildup of 1965 and U.S. bombing of the north. Clearly, the Vietnamese Communists could not be expected to concede that they invaded their own country nor to ratify a justification of U.S. intervention.

But rather than treat the unrealistic U.S. position as negotiable, Mr. Nixon chose virtually to ignore the Paris Talks in favor of an old idea in a new format: "Vietnamization." "Vietnamization" amounts to a military solution and is therefore inconsistent with a negotiated end to the war. Washington is using the Paris Talks to gain time to strengthen the Saigon regime and army to a point where they are capable of going forward with the war. While tabling apparently generous offers at Paris we have exerted maximum pressure to enlarge the areas under Saigon's control and to destroy the forces of those who sit across the negotiating table from us. This is what lies behind the Vietnamese Communists' assertion that the U.S. is pursuing a "two-faced peace talk plot" or simultaneous "political deception and military adventure."

WHAT IS THE OTHER SIDE'S POSITION AT PARIS?

The Vietnamese Communists call for the establishment of a provisional democratic coalition government for South Vietnam, for the complete withdrawal of U.S. forces, and for free general elections. While Mr. Nixon says that withdrawal and elections are our aim, he has termed a coalition government wholly unacceptable. By so doing, Washington has rendered negotiations impossible—for after 25 years of struggle against outside intervention, how could the other side be expected to agree to a settlement which left them no future governmental role in their country?

U.S. RELIANCE ON ARMED FORCE CONTINUES TO OBSTRUCT A NEGOTIATED SOLUTION

Mr. Nixon has refused to replace Ambassador Lodge at Paris, leaving our delegation in the charge of middle-level officers who lack the authority to carry on serious negotiations.

Recognizing that the Paris Talks are deadlocked, the British recently attempted to reconvene the Geneva Conference on Indochina. Washington not only failed to lend support to this move, but the invasion of Cambodia has derailed the British attempt entirely.

Washington tried to justify the invasion of Cambodia as a means to force the other side to be "more forthcoming" at Paris. Instead, the Vietnamese Communists cancelled the latest session of the Talks. Mr. Nixon insists on going through the same painful learning process as Mr. Johnson.

INTERNATIONAL AGREEMENTS AND INTERNATIONAL RELATIONS OF SOUTHEAST ASIA

(A fact sheet issued by the Committee of Concerned Asian Scholars, Harvard University)

The Geneva Conference of 1954.—The conference met from April to July 1954. Participants were France, Great Britain, Russia, China, Cambodia, Laos, and Vietnam (Communist and non-Communist representatives). The U.S. participated in observer status.

The Agreement consisted of two parts: 1) *ceasefire accords* between France and the Viet Minh in relation to Vietnam, Cambodia, and Laos. Temporary zones for military regroupment were established at the 17th parallel. A ban was instituted on the introduction of military supplies or personnel, the establishment of military alliances or bases. 2) An unsigned declaration was issued noting the political conditions of the ceasefire: no permanent political division of Vietnam; elections to reunify the country in two years.

Comments.—The Viet Minh, on the verge of a military victory, accepted a political compromise forced on them by Russia and China with the understanding that reunification would come after elections. The U.S. disliked the conference results but pledged not to disrupt them by the threat or the use of force. Laos and Cambodia were recognized as independent, non-Communist, neutral states.

Southeast Asia Treaty Organization.—The treaty was signed in September 1954 by Australia, France, New Zealand, Pakistan, the Philippines, Thailand, Britain and the U.S. Its *purpose* was to counter alleged threats of Communist aggression in Southeast Asia through collective self-defense. Cambodia, Laos, and South Vietnam were designated by SEATO as areas of concern where aggression would trigger response ("protocol states").

Comments.—Conceived by Dulles as a link in the chain of anti-Communist alliances, SEATO has long been moribund. The Treaty has served as a legal cover for American intervention in Southeast Asia.

The Geneva Conference on Laos, 1962.—The conference met from May 1961 to July 1962. Fourteen nations participated including the U.S., Russia, Britain, France, China, and Laos.

The *Agreements* consisted of two parts: 1) A *Declaration* respecting the independence and neutrality of Laos and pledging no military intervention. (This followed the establishment of a coalition government under Souvanna Phouma); 2) A *Protocol* regulating the withdrawal of foreign forces (U.S. and North Vietnamese) from Laos.

Comments: The settlement represented a great-power effort to defuse an explosive situation in Laos where internal factions were receiving foreign support (U.S., Soviet, North Vietnamese). The settlement was abortive, however, because the coalition government was unstable and soon broke down. Political and military conflict resumed. The U.S. and North Vietnam soon became actively involved militarily in Laos.

Cambodia's International Relations.—Under Sihanouk from 1956 to March 1970, Cambodia sought to maintain its independence in a position of neutrality by balancing between the U.S. and its allies (Thailand and South Vietnam which were Cambodia's traditional enemies) and China and North Vietnam. Cambodia broke off relations with the U.S. in 1964 because of alleged American support for internal dissidents and the failure of U.S. allies to guarantee Cambodian independence and territorial integrity. Relations were resumed last year.

Cambodia tolerated the existence along its borders of Vietnamese Communist bases which did not pose a threat to internal peace. Since the March coup Cambodia has abandoned its neutrality and moved to align itself with the anti-Communist position in Southeast Asia. In response China has broken relations with the Lon Nol regime and recognized Sihanouk's government-in-exile. Russia is expected to follow. North Vietnam and the Viet Cong have also severed relations with the Lon Nol regime.

THE PATTERN OF SOUTHEAST ASIAN HISTORY

(A Fact Sheet issued by the Committee of Concerned Asian Scholars, Harvard University.)

THE TRADITIONAL PERIOD

"Southeast Asia" is not a place, it is a geographical expression—there are no unifying factors of race, religion, or language, and each of the present countries is made up of successive overlays of invasions and migrations which began before recorded history and continue down to the present day. The rugged terrain invites fragmentation, while cultural influences further divide the area. The Indian style of kingship, religion, art, and social organization exerted a profound gravitational pull on all of the peoples except the Vietnamese, who looked to China for their model of Confucian emperor, bureaucracy, and village government. Even Vietnamese Buddhism, although ultimately derived from India, was put through the strainer of Chinese civilization, and is different in many respects from the Buddhism of other Southeast Asian countries. After the Mongol invasions of the 13th century, the political geography of the area took roughly its present shape, with a wrangling triangle of "great powers," Burma, Vietnam (located in present-day North Vietnam), and Siam (Thailand), dominating the declining Khmer (Cambodian) and Laotian kingdoms. Thus these countries, like those of Europe, were and are not passive "dominoes," but active and politically sophisticated forces in their own destiny.

THE EARLY COLONIAL PERIOD

A period of European piracy and adventurism merged into a period of commercial expansion, only then followed, in the 18th and 19th centuries, by acquisition of extensive territory.

Burma. The Burmese, after a bloody but superficial unification in the 16th century, continued to hold up their end in the seemingly endless series of wars with their neighbors and occasional outside invaders. Unfortunately for the Burmese, however, their country lay between the British spheres of influence in India and Malaya. The British took over the kingdom, bit by bit, during the 19th century, with the final annexation coming in 1886. Since independence, the Burmese have cut off contact with the West, and maintained correct although not intimate relations with Peking.

Thailand (Siam). The Siamese have a long tradition of balancing strong but distant foreign powers against her own neighbors—first the Chinese emperors, then the various European imperialists, then the Japanese, and most recently the Americans. Sandwiched between the Burmese and the Vietnamese, the Siamese have carried on wars with each. These were interrupted by the colonial powers. Thailand, however, is the only country in Southeast Asia never ruled by Europeans.

Laos and Cambodia. The Khmer kingdom, of which Cambodia is the heir, was one of the great powers in the area until the Mongol invasions. Like Laos, it was caught in a series of epic battles between the Siamese and the Vietnamese, although Laos could not maintain Cambodia's degree of unity and had only a transient existence. When the French took over the various states of Vietnam in the 19th century, they succeeded to traditional Vietnamese claims in Laos and Cambodia, and justified their control of these two countries on these grounds. Some Vietnamese still support these territorial claims.

Vietnam. The present territories of North and South Vietnam have never been politically united for any considerable length of time, although they have considered themselves culturally one. France established a foothold around the time of the American Revolution (the French ships which fought for American independence went next to fight in Vietnam), and during the following century the territories of Vietnam, Laos, and Cambodia were brought piecemeal under varying degrees of French control.

THE EFFECTS OF COLONIALISM

Most people would accept the fact that the colonial governments existed for the glory and profit of the home countries, but many still do not realize the implications for the people these governments attempted to rule. At first the Europeans tried to make use of the existing political structure to rule indirectly, later assuming direct control in many areas. Thus, the traditional system was either destroyed or discredited as collaborationist. Rising generations of local leaders and ambitious youth, dazzled by the prestige of foreign power, were bought off or prevented from independent political activity on the popular level. Foreign education tended to Europeanize the student and to lead him to prefer bureaucratic advancement and the comforts of "modern" life in the cities to confrontation with the colonizers and development within his own tradition. In the economic field, the colonial governments fostered mainly extractive industries and foreign trade. There was a degree of economic development, but it took place outside the traditional sector, and did little good for most of the people.

The colonial powers never managed to control politics on the local level or the lives of the overwhelming majority of the people. Europeanized education and ideals instilled in some the message of liberty, equality, and fraternity. When the Japanese threw out the colonialists at the start of the Second World War, the aura of European invincibility was shattered beyond recovery. The resistance and nationalist movements organized on the local level and carried out widespread mobilization. The twin appeals of nationalism (independence and self-development) and revolution (in the sense of social and economic justice) prevented any return to either colonial status or traditional forms of government.

When independence came, the Asian nations were left with an array of essential but uncompleted tasks: the establishment of effective governments with legitimate popular bases; the development of traditional ways of life and thought to deal with new problems; the reform of unjust and inefficient traditional social and economic structures; and the agonizing process of moving peoples and boundaries so as to form viable national entities. In short colonization and imperial rule set up an irreversible process of in-

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ternal and external nation formation but did not carry it very far. The completion of the process, now in full swing, is proving painful and prolonged.

COMMUNISM IN ASIA

(A Fact Sheet issued by the Committee of Concerned Asian Scholars, Harvard University.)

One of the main foundations of American public support for the government's war policies in Southeast Asia has been fear of aggressive communist expansionism in Asia. Is there any basis to the idea that we'll be in worse trouble "if we don't stop them here"? To answer this question we have to know just what we're talking about when we speak of communism.

COMMUNIST DIVISIONS

When Russia was the only communist state, it was the center of an international Communist movement which was held toegther through the Communist International and dominated by Stalin. After World War II the coming to power of communist parties in Eastern Europe as well as in China and parts of Korea and Vietnam signaled the beginning of the end of an international communist movement dominated by a single center. In 1948 Tito's Yugoslavia successfully defied Russia. After Stalin's death in 1953 Eastern Europe began to acquire greater independence vis-a-vis Russia. In Asia, with the exception of Korea, the various communist movements (notably in China and Vietnam) owed almost nothing to Moscow in their struggles for power.

The most striking evidence of the absence of a unified communist movement has been provided by the conflict between Russia and China. *Although both Moscow and Peking have supplied Hanoi with aid it has been in competition with each other rather than in cooperation.* From the very beginning of the escalation the Chinese Communists pointedly rejected Russian overtures to coordinate military aid to North Vietnam. As a result, Hanoi was placed in the unenviable position of having to balance carefully between the two powers. The strain which this caused was evidenced by the last testament of North Vietnamese leader Ho Chi Minh who died last September. He pleaded for the reconciliation of the two antagonistic communist states.

COMMUNISM AND NATIONALISM

The fear of monolithic communism fails to account for the incorporation of nationalistic aspirations into the programs of the various communist parties of Asia. These parties, having arisen in circumstances peculiar to different national experiences, have proven to be as defensive of their nation's autonomy as non-communist political groups have been.

In recent years, for example, China has encouraged "national liberation" or guerrilla movements in a number of Asian countries as part of its effort to eliminate American influence along its borders and thereby increase its own security. But the Chinese have not been able to control these movements nor have they committed military personnel or significant material aid. *The Chinese message to the national liberation movements, based on their own experience, has been "do it yourself."* Significantly, in the cases of China and Vietnam it was the ability of the communist parties to identify themselves with the aspiration for national independence that was the key factor in their success. If more communist revolutionary movements come to power in Asia there is no reason to believe they will accept domination from China or anywhere else. Both North Vietnam and North Korea, for example, have maintained their independence from both Moscow and Peking.

COMMUNISM AS A VIABLE ALTERNATIVE

Beyond the question of power lies the far deeper question of what the communist movements offer to Asian peoples. Democracy versus communism is not the issue, for in Asia, communist movements are often opposing corrupt and oppressive dictatorships which offer little freedom to their people.

Where communist parties have come to power (in China, North Korea and North Vietnam), the evidence is that they have begun the mobilization of resources necessary for national development. They have succeeded in ending the vast gulf between rich and poor and in eliminating the extreme deprivation of the majority. This indicates that communism, as a system of political, social, and economic organization, is a viable system in developing nations. Very often, in fact, the communists have responded to the the needs of the Asian peoples better than the ruling classes which the U.S. supports. They often represent the better hope for the future.

"DEMOCRACY" IN SOUTH VIETNAM

(A fact sheet issued by the Committee of Concerned Asian Scholars, Harvard University.)

VIETNAM

Traditional Local Democracy: Vietnam has not traditionally had democratic government on the national level, but on the local level village headmen have always been elected by the village. After consolidating power in 1955, Diem replaced these elected headmen with outsiders commissioned to carry out Saigon's programs of taxation, conscription, corvee, and relocation of people. These outsiders were ignorant of village ways, and by universally applying, for example, the 30% tax on crops without regard for varying local situations, they often put a heavy burden on the villagers. Former Viet Minh endeared themselves to the villagers by assassinating these outsiders and wresting control of the villages away from the Saigon government. (Such cases are prominent among the "terrorist assassinations" we heard about in the West.)

1954–1955.—With almost total control of Vietnam in 1954, the Viet Minh agreed to withdraw to the North in exchange for nation-wide elections in 1956 promised by the Geneva Convention to reunite Vietnam.

The U.S. was determined to preserve South Vietnam as a separate pro-U.S. state. After commitment and initiation of American support for such a state and the signing of the SEATO agreement for similar purposes, the U.S. moved to consolidate power by establishing Ngo Dinh Diem as head of the South Vietnamese government in Saigon. The U.S. told Diem to close off the DMZ and turn it into a border between two countries (a clear violation of the Geneva treaty). They then proceeded to stage an election between Diem and the last emperor Bao Dai, who had already been ejected from the country. Ballot gimmickry prevented secrecy in voting, and reprisals for wrong voting were widespread. Life Magazine on May 13, 1957 reported that American advisers had told Diem that a 60% "success" would have been quite sufficient, but Diem "insisted on 98%." In fact, Diem got 605,025 votes in Saigon from a total of 450,000 registered voters.

Over the next few years Ho Chi Minh appealed to Saigon and the Geneva powers at least seven times for carrying out of the nation-wide election promised at Geneva. As President Eisenhower recorded in his memoirs, however, the U.S. supported Diem's refusal to hold those elections; for we knew that at least 80% of the Vietnamese people would have voted for Ho Chi Minh.

1967 Elections.—The present Thieu-Ky government claims legitimacy on the basis of these widely-publicized elections. The scope of this election, the nature of the campaign, and even the voting itself lend little legitimacy to the results of the election.

1. It was highly restricted. The most popular competitor, Duong Van Minh (the man who overthrew Ngo Dinh Diem), was exiled to Thailand and forbidden to run for office. Parties advocating a neutralist solution were at times prohibited, and even the press was forbidden to voice neutralist opinions.

2. The Thieu-Ky regime made laws to restrict campaigning, and then broke those laws in its own all-out election campaign. Opposition candidates were harassed, detained, and delivered by the military to places miles away from their waiting audiences. Funds from the Vietnamese treasury and even from American aid were used in the massive effort to spread "Thieu and Ky" to thousands of peasants who did not know the names of the other people running.

3. Voting was restricted to those parts of South Vietnam considered "safe" by the Thieu-Ky government. The entire army—under Thieu and Ky—voted the army ticket, sometimes twice (where stationed and at home) or more. Villages and large refugee groups voted under the force of threatened starvation. Finally, reports of actual ballot frauds and miscounts were common. Even then, the Thieu-Ky ticket got only 35% of the vote. The runner-up Truong Dinh Dzu was put in prison (he remains there now) for talking about "peace" and "neutrality" in his campaign. South Vietnamese law prescribes death or a long-term jail sentence for discussing "peace" or "neutrality."

The National Assembly of South Vietnam established a special subcommittee to investigate the election. The committee found 11 types of "irregularities" committed at 5,105 polling stations. Under pressure the subcommittee ruled that only 2,531 of those stations had committed these violations intentionally. These 2,531 stations involved 1,695,558 votes, and the election law stipulated that if over 800,000 votes were involved the election should be ruled invalid. Nonetheless, the National Assembly, literally at gunpoint with Thieu's army in their Chamber, voted validation of the election results.

LAOS

Elections have been held in 1955, 1958, and 1960.

The 1955 Election was unilateral: the Royal Government and the Pathet Lao reached agreement in October of that year, but the filing date for the election was not extended to permit the Pathet Lao to place their candidates on the ballot. Thus only the government was able to participate.

In the 1958 Election leftist candidates were permitted on the ballot. American funds were used to provide $10,000 "abstention bounties" to opposition candidates who would promise not to run against the U.S.-approved ticket. Additional "presents" were given to large numbers of village leaders in what the American mission called "Operation Booster Shot." In spite of such efforts, although only 21 of the 59 seats in the Assembly were put up for election, leftists won 13 of these seats. In view of the results, Pathet Lao leaders should have been invited to join the government, but the U.S. announced that no aid would be given to any country with Communists in its cabinet. Since the members of the Assembly, like the officers of the Army, received large monthly paychecks from U.S. funds, they responded by voting in a rightist government which abandoned neutrality, repudiated the Geneva agreements, and began arresting leftist politicians.

In 1959 a more extreme right-wing faction generally identified with the CIA staged a military coup. The new government sought electoral sanction; they proclaimed an election for 1960.

In 1960 Western journalists reported CIA agents passing out money in attemtps to buy votes. During the campaign the U.S.-funded army was used in a "mopping up" operation against political opposition. The government counted the vote and announced a major victory. In one province they got 2,000 more votes than there were voters. In another province—long a stronghold of the Pathet Lao—the government won by a tally of 18,189 to 4 (the opposition candidate had five voters in his immediate family). This election has not been taken seriously in diplomatic circles.

Actually elections have not been the important political process in recent Laotian history. Throughout this period power rested with the Army and the National Assembly, both groups supported entirely by the U.S. Numerous times the U.S. threatened to hold back the monthly check—and each time the Assembly voted in a new government with policies favorable to the U.S.

CAMBODIA

Norodom Sihanouk's regime relied on a mass base. Sihanouk's political movement, the Sangkum, penetrated throughout the country. He remains immensely popular in the Cambodian countryside.

The current Lon Nol regime represents an effort of the bourgeoisie and aristocracy to regain traditional privileges from a ruler who had bypassed them to rule with the direct consent of the people.

LAOS

(A fact sheet issued by the Committee of Concerned Asian Scholars, Harvard University.)

Area: 91,000 square miles, about the size of New York plus Pennsylvania. Bounded on the north by China, on the west by Thailand, the south by Cambodia, on the east by North and South Vietnam. Except for a narrow plain along the north side of the Mekong River, the terrain is rugged and mountainous.

Population; 2,825,000, consisting (in descending order of numbers) of ethnic Laos living in the lowlands, ethnic Thais living in the northern valleys, and tribal Meos and Khas living in the mountains.

Capital: Vientiane (pop. 200,000).

Military Forces: *Royal Lao Army:* 60,000 men. Largely a defensive force, not an affective aggressive force. *Armee Clandestine:* 12,000 men. CIA supported, led by General Vang Pao. Consists of Meo, Thai, Cambodian, and Burmese mercenaries. Used in harassing guerrilla-style operations. The existence of this army was uncovered by U.S. newspapers in late 1969. *Pathet Lao:* 20,000 men. These are Laotian communist forces, heavily supported by the Meo and Kha tribesmen. *North Vietnamese Army:* 40–50,000 men in Laos.

HISTORICAL BACKGROUND

Laos is made up of many tribal groupings owing little allegiance to the central government. From the early 18th century, the country was divided into three kingdoms. It was united after the Second World War and attained independence in 1954. Laos had enjoyed peace and independence only when her two neighbors, Thailand and Vietnam, were in equilibrium or were too weak to extend into Laotian territory. The central government has never been effective—territory has been carved up among rival warlords.

The cold war imposed a pattern of left-right confrontation on the divided Laotian scene. From 1954, the U.S. built up a pro-American government and military force centered in Vientiane, based on the old Laotian nobility and a new military-commercial class oriented primarily toward U.S. aid.

The North Vietnamese gave aid and advisors to the Pathet Lao, the leftist liberation movement formed in 1950 to combat the French attempt to reimpose colonial control in Indochina. The Pathet Lao organized mainly in the countryside. Combining a nationalist appeal with efforts to improve the quality of rural life, the Pathet Lao gained control over about half of Laos by the mid-1950's.

In 1962, the conflict between the two having reached a serious level, an agreement was reached at an international conference in Geneva guaranteeing the independence and neutrality of Laos. The Geneva Conference did not long interrupt the mutual build-up of pro- and anti-U.S. forces in Laos. The coalition government of rightist, neutralist and leftist factions installed in the wake of the Geneva Conference was increasingly dominated by the pro-U.S. elements under Souvanna Phouma. Pathet Lao and North Vietnamese forces grew each year.

RECENT DEVELOPMENTS

When the U.S. made its major troop commitments to Vietnam in 1965, it stepped up the bombing (begun in 1964) of both the Ho Chi Minh trail in eastern Laos and Pathet Lao territory in the north. After November, 1968, when the bombing of North Vietnam was ended, the U.S. sharply increased the amount of bombing within Laos, reaching at times as many as 20,000 sorties a month. The bombing was intended not only to interdict the Ho Chi Minh trial, but to force the residents of northern and eastern Laos to evacuate in order to deprive the North Vietnamese troops of rice and labor.

Throughout the Laotian War, the Plain of Jars has served as a buffer area between the Ho Chi Minh trail in the east and the pro-U.S. forces in the west, centered on Armee Clandestine headquarters at Long Cheng and on the capital, Vientiane. The Plain of Jars changed hands regularly, without great casualties to either side. In 1969, the Armee Clandestine attacked Pathet Lao troops and drove them to the eastern edge of the Plain of Jars. In a counter-offensive in early 1970, the Pathet Lao and North Vietnamese troops drove farther west than customary, taking Sam Thong, a U.S.-run refugee center and supply point, and threatening Long Cheng. Their purpose was apparently to try to protect their strategic interest in the Ho Chi Minh trail by forcing the Vientiane government to ask the U.S. to stop the bombing. The Pathet Lao offered to enter a new coalition on this condition but the offer was not accepted.

On March 6, as a result of the escalation of the war in Laos and newspaper revelations about the U.S. role there, President Nixon made a statement minimizing the extent of U.S. involvement in Laos. Corrections were later issued showing a greater U.S. presence than originally stated. Nixon stated the U.S would not expand its involvement in Laos.

Throughout its recent history, Laos has been a pawn in the struggle between the U.S. and North Vietnam. North Vietnam would view control over Laos by a hostile foreign power as a serious strategic threat to her security.

NATURE OF AMERICAN POLICY

The U.S. policy over the last fifteen years has been to expand its own presence in Laos in order to threaten and contain North Vietnam and to protect Thailand from the threat which a communist neighbor would supposedly represent. In recent years, most counter-insurgency techniques used in Vietnam have been applied to Laos, with the exception of an actual U.S. combat troop commitment. The most intensive aerial bombardment in history has been the main military effort by the U.S. But on the ground, as in Vietnam, villagers have been put into controlled compounds to keep them from contact with the Pathet Lao. The Plain of Jars, once the home of 150,000 people, has been entirely evacuated.

THE COST OF THE WAR IN LAOS

The cost in lives and equipment to the U.S. has been great. Just under 400 men are listed as dead or missing in Laos and 300 to 400 planes have been destroyed.

To the Laotians the cost is much greater. Though there are no statistics on the Laotian dead, one can safely assume that the number will reach into the thousands. Moreover, according to Souvanna Phouma, the pro-U.S. Prime Minister, the war has generated 600,000 refugees, about 20% of the population.

Politically, the American intervention has destroyed the possibilities for Laotian neutrality. The American presence has exacerbated imbalances in Laotian political and has prevented indigenous political forces from coming to terms with one another. American support for the right wing has undermined tendencies to arrive at neutralist, coalition solutions. Instead the American presence has precipitated a bloody conflict among political factions.

BOMBING IN INDOCHINA: A MILITARY-POLITICAL ANALYSIS

(A fact sheet issued by the Committee of Concerned Asian Scholars, Harvard University).

There is now some controversy over the bombing policy of the United States in Indochina: Should the U.S. continue its present bombing in Laos, Cambodia, and South Vietnam? Should we resume the bombing of North Vietnam? Should we escalate our bombing to a higher level than before? In our first year we dropped more than a ton of bombs for every "enemy soldier" in Vietnam. By 1968 we had dropped twelve tons of bombs for every square mile in North and South Vietnam. How has it been rationalized?

TO THE CONFERENCE TABLE

Bombing North Vietnam was often described as putting pressure on that country to negotiate. The Vietnamese react to such pressure much as the British did in World War II. Rather than seeing this as a sign of strength, Ho Chi Minh called our bombing "the agony convulsions of a grievously wounded wild beast." The war is in the villages and jungles; taking to the air is seen as a frustrated turning away from the real battlefield.

Bombing is seen as an escalation that requires greater effort in opposition. Our President coupled peace offers with bombing escalation as a warning that the enemy had better talk on our terms. Hanoi saw the repeated coincidence of peace talks and escalation as an attempt to dampen the hostile reaction every escalation was sure to bring. For three years we escalated the bombing; not until our bombing was curtailed did negotiations begin.

TO THE STONE AGE

It has been suggested that total destruction of enemy war-production plants and supply depots would render the enemy incapable of making war. Actually the U.S. did destroy such targets in North Vietnam by August 1967 and found that the NLF could still wage war in the South quite effectively. At that time the only remaining industry in North Vietnam was either invulnerable (e.g. underground) or, according to Secretary McNamara, not worth bombing. Guerrilla warfare was no less effective in the Stone Age.

CUTTING THE SUPPLY LINES

Much argument has been based on the assumption that war in the South depends on constant large-scale supplies from the North—perhaps a projection of our own method of making war. Defense intelligence indicated in 1967 that forces in the South only needed 15 tons of supplies per day, and that the pipeline capacity is over 200 tons per day. Since transport is often by sampan or modified bicycle (600 lbs/bike), it is unlikely that saturation bombing could close

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off the war in the South. The negative results of U.S. bombing between 1965–68 bear this out.

TO THE CITIES

Since the countryside belongs to our enemy, we have long tried saturation bombing of the countryside (Laos and South Vietnam) both to destroy the enemy's territory and to force the people into the cities. In this manner the Plain of Jars has been depopulated. Since urbanization is assumed to be an index of modernization, the resulting statistics have been used to demonstrate U.S. success in "developing" South Vietnam. This policy has the tendency to politicize previously uninvolved young peasants who suddenly see reason to fight for the liberation of their country. Pentagon figures show a tripling of the number of Southerners recruited by the NFL following the initiation of U.S. bombing in 1965.

In Laos and South Vietnam some 20–25% of the population—now numbering in the millions—have been uprooted. The refugee problem may be the most serious both during and after the war.

INTO A MUD PUDDLE

Barry Goldwater's suggestion that we bomb Haiphong into a mud puddle is not a new one. Congress asked Secretary McNamara about bombing the harbor back in 1967, and he demonstrated statistically that offshore landings could easily and invulnerably handle the load now being shipped to Haiphong.

There would of course be the danger of bombing a Russian or Chinese ship. Remember the *Maine*.

SOME NEGATIVE EFFECTS

Its own economy disrupted, North Vietnam is now much more firmly wedded to the support and the policies of the Soviet Union and more especially the Peoples' Republic of China.

Escalation is risked in 1) accidental bombings in China (some planes have been shot down over Chinese territory), 2) threatening total destruction of a buffer state necessary to China's security, and 3) involving other countries like Thailand, currently used as bases for our bombing missions.

The simple cost of the material we've lost in North Vietnam is, according to Secretary MacNamara, five times the value of the targets we've destroyed.

Mass destruction of a people and their land turns that people and the whole world against us. General Gavin, now a businessman, testifies that this has now reached the point where it even hurts American trade in Europe.

Even in crass military and political terms, bombing fails to accomplish its alleged ends. In humanitarian terms, it represents a policy of deliberate, concentrated destruction unparalleled in history—a policy which threatens to destroy both the land and its people.

TO THE ABSURD

There is no doubt that the United States could do major damage to the people and the country of North Vietnam. Such civilian-directed measures as the use of nuclear weapons or bombing the Red River dikes would betray an unrestrained policy or purely military conquest, in clear disregard for international law. It would unquestionably jolt the world into active opposition to the U.S., and would quite possibly bring Russia and China into the war. In any event, this is but one more strategy based on the assumption that destroying the North would somehow disable the Southerners from continuing their struggle.

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Alternatives for U.S. Military Policy in Vietnam

(A fact sheet issued by the Committee of Concerned Asian Scholars, Harvard University.)

What are the alternatives for the U.S. in Indochina today? What are the pros and cons of the various alternatives?

1. Step up military pressure on the Communists, bombing or invading their sanctuaries to force them to respect South Vietnam's territorial integrity.

Pro. The U.S. should not accept a military defeat. We have overwhelming power which can be brought to bear in order to save our world prestige. Anything less than victory will encourage communists around the world to attempt aggression and subversion.

Con. The U.S. has no national interest in Vietnam. The only reason to step up military investment in that area is to save face. The cost in lives and money, in domestic dissent and inflation is too great when the purpose is so minor. Bombing has proved to harden rather than weaken the resolve of the North Vietnamese while an invasion of the north is likely to cause China to enter the war against us, a war we could never win. It is not true that our withdrawal from Vietnam would cause other nations to lose respect for us; rather our present policy is losing us friends throughout the world. The loss of Vietnam or all of Indochina does not affect one way or another the problem of aggression and subversion elsewhere in the world.

2. Withdraw most of the U.S. forces in Vietnam, leaving about 200,000 U.S. troops to support the South Vietnamese Army to fight the Communists (Vietnamization).

Pro. This will prevent a communist takeover of South Vietnam. It will demonstrate the U.S. determination to keep its commitments around the world and will enhance our national prestige.

Con. This policy will simply mean an indefinite continuation of the war in Vietnam. Despite U.S. government propaganda, Vietnamization has been shown to be a failure by the use of U.S. troops to invade Cambodia even though the III Corps area from which the invasion was launched was supposedly fully Vietnamized. The South Vietnamese army has proven incapable of defeating the Viet Cong and the North Vietnamese with U.S. help and so could hardly do so without it. The continued U.S. presence will simply add to the Viet Cong's nationalist appeal. The open-ended involvement will constitute a continuing drain on our national resources and will continue to cause domestic dissent. Furthermore, the 200,000 young Americans in Vietnam will be hostages to the Viet Cong and the North Vietnamese army, who might eventually outnumber and surround them.

3. Withdraw slowly (over two years or so) and completely.

Pro. This will give the South Vietnamese an adequate opportunity to pull themselves together and thus demonstrate that the U.S. will keep its commitments to its allies. By withdrawing slowly, we can plan our moves in such a way as to guarantee the safety of the U.S. troops who remain near the end. Even if the National Liberation Front does win as a result of this policy, it will not harm the national interest. Fears of a bloodbath are highly exaggerated since there was no bloodbath when the Viet Minh took over North Vietnam, rumors to the contrary notwithstanding. If South Vietnam cannot stand on its own within two years, the U.S. cannot do anything about it.

Con. 1. The ultimate result of this policy will be a communist takeover and a bloodbath of those South Vietnamese who associated themselves with us. This will harm U.S. prestige around the world.

2. There is no point delaying our withdrawal for another two years. Vietnamization is a sham. The South Vietnamese have had their chance and they obviously are not interested enough in defeating the Viet Cong to get together and do it. Meanwhile the cost in lives and dollars continues to mount. (See also *Pro* argument for alternative 4.)

4. Withdraw immediately.

Pro. We lost the war in Vietnam long ago and there is no way to win it now. It is not worth a single life to prolong our presence there as a way of trying to paper over the fact that we have lost. The Vietnamization policy simply prolongs the destruction of Vietnam's society and people which has been the result of U.S. policy all along. The primary desire of the South Vietnamese people now is for a regime which brings peace and security and which does not ally itself with foreigners. China's view of the U.S. bases in South Vietnam as a threat to her security, and Hanoi's desire to see Vietnam unified are legitimate, while U.S. intervention has always been unjustified.

Con. The U.S. will suffer a severe loss of face if it withdraws from South Vietnam immediately, and our friends in that country will be purged by the Communists.

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NEW GLORY FOR OLD GLORY

HON. JOHN J. McFALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. McFALL. Mr. Speaker, the National Institute of Drycleaning will this year again sponsor a "New Glory for Old Glory" campaign. During this campaign, cleaners are urged to clean American flags at no charge. The institute will provide special posters for participating cleaners to display in their windows stating that flags will be cleaned free from June 1 to 12.

On June 14, 1777, the Congress of the United States resolved "that the flag of the United States be 13 stripes, alternate red and white; that the Union be 13 stars, white in a blue field, representing a new constellation." This was the origin of the national flag.

Today, 193 years later, Americans continue to revere their flag. Old Glory, the symbol of a fledgling Republic, has come to be synonymous with freedom whereever the flag and the men who fight for it may be.

Encouraging the flying of the flag has become an annual project for drycleaners in conjunction with the American Legion. This year is the 17th year of the "New Glory for Old Glory" campaign.

During the 2-week period prior to Flag Day, June 14, drycleaners are being urged to encourage their customers to keep Old Glory waving more proudly than ever, not only on its birthday but throughout the year.

This campaign has blossomed into prominence in many communities in recent years. The American Legion has been most cooperative and annually asks its local posts to cooperate with local drycleaners who are willing to dryclean the flag free during the 2 weeks prior to Flag Day.

The program was first conducted jointly in 1954 by the Detrex Corp.—a manufacturer of drycleaning equipment—and the American Legion. The corporation sent letters to drycleaners urging them to cooperate with American Legion posts in their communities by cleaning American flags free of charge during the period June 1–12, prior to Flag Day, June 14. The object of the program was to obtain maximum display of the flag on June 14.

Cleaners are being urged to contact their local papers to inform them of the "New Glory" campaign, and to work with local American Legion officials to obtain proclamations from local officials recognizing Flag Day, and asking local citizens to participate by displaying flags.

U.S. AIDES IN SAIGON QUESTION POLICY

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. HARRINGTON. Mr. Speaker, despite the statement of the President last night that recent U.S. activities in Cambodia have been "the most successful operation of this long and difficult war, there remains a good deal of questioning on the part of concerned citizens and experienced American observers as to whether the new forays into a previously neutral country will contribute at all to a peace.

The President told the American people that all our military objectives have been achieved. This is most doubtful since there was no mention in the President's talk about the Communist headquarters that the President had previously indicated was a prime target. But beyond the immediate tactical consideration it has become increasingly clear that the war in Indochina is not subject to a military solution.

It is highly probable that our forays into Cambodia will not guarantee a swifter peace; indeed, peace and our withdrawal from the area may both receive a setback.

Terence Smith, chief of the Saigon bureau of the New York Times, who has just completed a 15-month assignment in South Vietnam addresses himself to just this problem in an article appearing in the New York Times, Wednesday, June 3. I include that article in the RECORD so that my colleagues might have the benefit of Mr. Smith's thoughts on this critical matter:

U.S. AIDES IN SAIGON QUESTION POLICY

(By Terence Smith)

SAIGON, SOUTH VIETNAM, June 1.—There is widespread doubt among the most experienced American observers in South Vietnam that current United States policies will bring lasting peace.

Although 110,000 American troops have been withdrawn from Vietnam and enormous strides have been made in pacification in the last 18 months, the United States still faces vast problems in extricating itself.

At the root of the pessimistic outlook are serious and widely held doubts about the following:

The efficacy of the Vietnamization program, which has yet to face major challenges.

The wisdom of the extension of the war into Cambodia, which, despite the immediate military gains it may achieve, seems likely to complicate American efforts to disengage and may eventually involve the United States—step by painful step—in the defense of yet another weak and uncertain government.

The effectiveness of the Saigon Government in dealing with increasingly serious economic and political problems in South Vietnam.

The nature of the progress achieved in the pacification program, which remains fragile and subject to the enemy's will.

Finally, there is a conviction that United States policies fail to come to grips with the central element in the Vietnam puzzle: the need for a negotiated political settlement that reflects the true balance of power among the Vietnamese people.

"We won't solve this war by cleaning out the base areas in Cambodia, or even by replacing American troops with South Vietnamese," an American who has spent five years in Vietnam said the other day.

"We have to go to the heart of the matter and find an acceptable way of distributing political power among the Vietnamese. That's what the fighting is all about, and it won't stop until we solve it."

The skepticism about American policy is shared in many quarters in Vietnam—by young, dedicated Americans working at the province and district level, and by independent observers, including journalists and foreign diplomats. It is greatest among those whose jobs permit them to travel around Vietnam.

The attitude is also evident among educated, independent South Vietnamese, people outside the Government whq are deeply concerned about the future of their country after the American disengagement.

A TRACE OF BITTERNESS

Through the remarks of all those people runs a common theme: No lasting peace is possible without a political solution.

"Vietnamization, by itself, won't produce any kind of peace in this country, just or otherwise," a 31-year-old major who works as a district adviser in the pacification program said recently with more than a trace of bitterness.

"Unless it is matched by some sort of political settlement, Vietnamization just means that the fighting will go on and on. But instead of Americans killing Vietnamese, you'll have Vietnamese killing Vietnamese."

Many people here, like the major, acknowledge that Vietnamization will eventually get American soldiers off the battlefield—though not necessarily out of the country—but they insist that it will not end the war or produce a just peace.

Behind that belief is the conviction that the enemy continues to have the necessary strength, spirit, manpower and determination to continue the struggle in South Vietnam—and Laos and Cambodia for the foreseeable future. Few military men here dispute that assessment of the Communists' capability.

LOST IN THE FUROR

President Nixon's offer, in his address April 20, to discuss at the Paris peace talks "a fair political solution [reflecting] the existing relationship of political forces in South Vietnam" had barely begun to sink in when it was lost in the furor cause by the invasion of Cambodia 10 days later. It may have been, as one American here described it, "the first casualty of Nixon's decision to go into Cambodia."

The senior members of the American military command are visibly defensive about the Cambodian operation and the controversy it has caused. They insist that it was a military justifiable tactical operation that got caught up in larger strategic and political questions.

Gen. Creighton W. Abrams, commander of United States forces in Vietnam, has indicated to friends that he feels that President Nixon drastically oversold the operation and enlarged its goals beyond realization dimensions.

The general has said that the real purpose was to put a dent in the enemy's supply system and not, as Mr. Nixon suggested, to overrun and clean out the Communist headquarters.

The greatest peril in the Cambodian venture seems to lie in the period after June 30, when the Americans have withdrawn and the South Vietnamese are likely to continue their operations. The consensus here is that the President is going to find it far harder to get Americans out of Cambodia than it was to send them in.

CHOICE FOR AMERICANS

In the short run the Americans may be faced with the choice of either going to the aid of the South Vietnamese or watching them flounder if they come under heavy pressure. In the long run the United States could find itself committed by proxy, as a result of South Vietnamese pledges and actions, to the defense of the shaky Government headed by Premier Lon Nol, which displaced Prince Norodom Sihanouk.

If the South Vietnamese become overextended in Cambodia, the Americans are going to find it correspondingly difficult to carry out their withdrawals from Vietnam on schedule.

Apart from the complications of the Cambodian venture, Vietnamization faces other serious problems. So far a total of 110,000 Americans have been pulled out of Vietnam, leaving 429,000 behind. The real test will come in the next year, during which 150,000 more will have been withdrawn and the South Vietnamese are to take on the heavy fighting.

The first and most obvious danger is military. For the last four years the large American combat divisions have effectively manned the front lines. They have pursued the main North Vietnamese and Vietcong units relentlessly, gradually driving them from populated areas into the jungles and mountains along the Laotian and Cambodian borders.

As Vietnamization advances, the South Vietnamese divisions will take on the task while the remaining American units fall back into something approaching garrison duty. Their safety and that of an additional 250,000 or more Americans providing combat and logistical support will depend on the South Vietnamese.

HIGHER TOLL FORESEEN

Even conceding substantial improvement in the quality of the South Vietnamese armed forces, it is hard to imagine them coping with divisions of North Vietnamese regulars as effectively as the Americans did. The result may be significantly increased casualties—American as well as South Vietnamese—in the later stages of the withdrawal process.

Another consequence may be strikingly reduced security in certain areas of the countryside, most notably in the northern half of the country.

In the northernmost area, I Corps, the enemy has more than 20 battalions of fresh, well-equipped regulars in the vicinity of the demilitarized zone, and it has the capacity to reinforce them with up to three divisions at any time.

When the three divisions of Americans that are stationed there are withdrawn, the South Vietnamese will have to take on the job of patrolling along the demilitarized zone and protecting the coastal cities of Quangtri, Hue and Danang. At the very least, they will require reinforcements, and it is not clear from where additional troops would come.

There is a parallel situation in II Corps, the area south of the border region, where mountainous terrain and bad communications are a tangible asset for the enemy.

As a result of years of intensive allied operations, the Communists have been pushed from the heavily populated coastal plain into the mountains. Once the Americans are gone the South Vietnamese may be hard-pressed to keep them there.

IMPACT ON SHAKY ECONOMY

Vietnamization will also have a drastic impact on South Vietnam's already shaky economic structure. The country earns more than 90 per cent of its foreign currency from Defense Department outlays and private spending by American soldiers. As the withdrawal proceeds the supply of dollars will be cut back just when they are most needed to bolster a sorely weakened economy.

In addition, the approximately 145,000 Vietnamese who are directly employed by United States agencies and companies will have to find jobs.

Those bleak prospects are considered by knowledgeable people here to be a principal threat to the stability of the Government of President Ngu-yen Van Thieu.

The domestic political and economic situation has deteriorated dramatically in recent months. While the attention of the world has been riveted on Cambodia, Mr. Thieu has been coping with just about the noisiest political crisis since his election.

Rather than working to rally his non-Communist political opposition behind him, as the United States Embassy has been urging him to do lately, President Thieu has come down hard on any group that has challenged his authority or criticized his regime. Individuals with the temerity to speak out have been prosecuted and jailed. Groups that have expressed their complaints in public demonstrations have been tear-gassed and beaten by riot policemen.

Now there is a rising tide of criticism of the Government in newspapers and the National Assembly that can only be expected to increase during the Senate election this fall and the presidential contest next year.

In addition, Mr. Thieu has failed to create anything approximating a national party might be capable of mobilizing the country in preparation for a political battle with the Communists. Instead, his basic distrust of politicians—he was a general—and his reluctance to share power remain as great as ever. As for the pacification program, there can be no question that enormous strides have been made during the last 18 months in the effort to extend the Government's control into the countryside. There is general agreement that the current program, which is the result of years of experimentation, mistakes and disappointments, is functioning better than any of its hapless forerunners.

But the progress in certain provinces has been counterbalanced by setbacks in others. A proper pacification map of Vietnam would resemble a patchwork quilt, a mixture of bright and dark patches that produce a mottled impression over all.

The combination of problems—military, economic and political—guarantees that the American disengagement, particularly during the next year, will be a painful and troubled process.

UNITED STATES TALKING BILLIONS, BUT SPENDING PENNIES

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. DINGELL. Mr. Speaker, the June 1970 issue of the Mid-Atlantic Sportsman carried an article which was headlined, "United States Talking Billions, But Spending Pennies." The article, by Wheeler Johnson, goes on to discuss the grossly inadequate funding requests for various environmentally related programs.

So that my colleagues will have an opportunity to read this excellent article, I include its text at this point in the CONGRESSIONAL RECORD:

UNITED STATES TALKING BILLIONS, BUT SPENDING PENNIES

(By Wheeler Johnson)

Exactly one year ago this Mid-Atlantic Sportsman column complained . . . "evidence begins to mount that this administration hardly will be listed as the great friend of the conservationist."

We went on to point out that the administration was recommending a $30 million whack in the Federal share of the Land and Water Conservation Fund, bringing its portion down to $124 million. The fund provides matching aid to states and localities in building waste treatment plants.

We also pointed out that there was a big backlog of authorizations under the fund including about $6 million for Maryland, and none of the local governments had seen more than a minor part of the Federal Government's promised share.

Only two months later, August, 1969, we

reinforced the prophecy that the Nixon administration wouldn't win many paeans on its positive actions to save the environment. This was in connection with Assistant Secretary of the Interior Carl L. Klein's statement that states and localities must clean up their own waste because the administration's war on inflation left no money for pollution control.

FORECAST IS TOO GOOD

We wish we hadn't been such good prophets. In the ensuing months the administration has been talking a helluva game on saving the environment. Conservationally they've been tossing more billions around for corrective projects than one can count. But when it comes time to actually put the money up, this hot air cash disappears like most hot air—polluted hot air at that.

So here we are back to the clean water thing again.

The Clean Water Restoration Act of 1966 calls for an expenditure of $1.25 billion during fiscal 1971. Great, but the Nixon administration has not asked for one thin dime under this legislation for the fiscal year. It has its own plans and that's right where the ball game is going to be lost, unless great pressure is brought to bear to see that, at least, the money already authorized is turned loose.

$4 BILLION BILL OFFERED

The administration has introduced a bill that would provide $4 billion over four years to be allocated on the basis of $1 billion per year. This would be $250 million less for 1971 than the original authorization.

Many observers agree that there is much to be said for four or five year advance federal commitments to states and localities for funds to construct badly needed waste treatment plants.

But they think of several things. They remember that this same administration asked for only $200 million for this program for fiscal 1970 when Congress had authorized $1 billion. They recall that this is an election year and they seriously doubt that anyone could get an extended funding bill through Congress in an election year.

PROGRAM COULD END

If all the eggs are placed in the administration's $4-billion-for-the-future basket, the entire funding program could come to a halt. If Congress fails to clear a Public Works Appropriations bill by the beginning of the new fiscal year, July 1, 1970, it must approve a continuing resolution to appropriate at the level of the preceding year, or at the proposed figure for 1971, whichever is least.

Last year, when the administration asked only $200 million for the program out of an authorized billion, some members of Congress and environmental groups throughout the country were so upset it led to formation of the Citizens' Crusade for Clean Waters. They managed to put on such pressure that Congress finally appropriated $800 million.

Now the Crusade is back in business in an effort to see that the full $1.25 billion is appropriated for fiscal 1971. The Crusade is a coalition of 34 non-governmental organizations concerned about water pollution control, with Louis S. Clapper, conservation director for the National Wildlife Federation, as coordinator.

Clapper reports that his group had written President Nixon on March 30, urging full funding of the Federal Construction Grants Program. The reply came from a Budget Bureau spokesman on April 9, which said that the President's proposed four-year commitment of $4 billion "is the best means for the Federal Government to demonstrate that it is serious about meeting our water pollution control needs."

In the light of the Nixon administration's past performances in this direction, some of us doubt that this is so.

RICHARD K. MELLON: PITTSBURGH RENAISSANCE LEADER

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, the city of Pittsburgh and the Commonwealth of Pennsylvania have lost a strong and progressive leader, Richard K. Mellon. The son of Richard Beatty Mellon and the nephew of Secretary of the Treasury Andrew W. Mellon, Dick Mellon devoted a great part of his time and energy to the civic development and renaissance of the city of Pittsburgh and western Pennsylvania. He was a great assistance to our educational institutions and the fine arts.

Born and raised in Pittsburgh, Dick Mellon attended the Shady Side Academy in Pittsburgh and Culver Military Academy in Indiana. He entered Princeton University, but his education there was cut short by his service in World War I.

Following the death of his father in 1934, Dick Mellon was elected president of the Mellon National Bank of Pittsburgh. By 1937 he held directorships in 34 corporations, and his fine abilities in finance, management, and business are recognized nationwide. He was active in T. Mellon and Sons, Mellon National Bank, Gulf Oil Corp., Aluminum Company of America to mention a few.

Dick Mellon returned to U.S. military service during World War II as a major. He advanced to the rank of lieutenant colonel and was Assistant Chief of Staff of the War Department's International Division in Washington, D.C. For performance of his duties in that office he was awarded the Distinguished Service Medal. Discharged in 1945 with the rank of colonel he continued as an officer in the Army Reserve Corps, and earned promotions. In 1961 he retired from the Reserves with the rank of lieutenant general.

Following World War II military service, Dick Mellon returned to Pittsburgh and gave the outstanding leadership on the programs which brought about the renaissance of the city of Pittsburgh. Under his leadership, legislation on smoke control, sewage disposal, and better highways passed the State legislature and within 2 years the smog ridden city of Pittsburgh saw the dawn of clean, clear days, which exist to this day.

New buildings sprang up from old railroad yards, open squares with trees and flowers flourished, and Pittsburgh has become a beautiful and successful city. Along with renaissance came civic pride, and many individuals and corporations have joined in the revitalization of the city and western Pennsylvania.

A friendly and quiet man, Dick Mellon did not seek publicity or praise. He made his home in the beautiful and historic Ligonier Valley, among the mountains, horses, and fishing streams he loved.

Dick Mellon leaves his family, and indeed all the citizens of Pittsburgh and western Pennsylvania a wonderful legacy of public service and civic responsibility. As a long time admirer and friend, I join with my fellow Pennsylvanians in extending to Mrs. Mellon and the whole Mellon family my deep sympathy in their loss which is shared by us all.

AD HOC COMMITTEE OF NONACADEMIC ENGINEERS AND SCIENTISTS AGAINST THE WAR

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. RYAN. Mr. Speaker, today approximately 250 eminent industrial and other nonacademic engineers and scientists visited Washington to express their deep concern about the war in Vietnam and Cambodia, as well as the administration's policy toward scientific research and development. This effort was organized in 10 days by concerned professionals employed in such large industrial firms as IBM, General Electric, and RCA, as well as Brookhaven National Laboratory, as a spontaneous reflection of their distress about the direction of our country.

Among the participants in their panel which, along with the rest of the delegation, met with Members of Congress were the following: Dr. Edward Ramberg, research physicist, RCA Research Laboratory, Princeton, N.J.; Dr. Ralph Alpher and Dr. M. Fiske, physicists, General Electric Research and Development Center, Schenectady, N.Y.; Dr. R. Hanneman, research staff, General Electric; Dr. Seymour Koenig, director, IBM Watson Laboratory, New York City; Dr. Donald Streeter, director, computing systems department, IBM Watson Research Center, Yorktown Heights, N.Y.; Dr. Harry Palevsky, senior physicist and group leader, Brookhaven National Laboratory, Upton, N.Y.; Dr. Alice Mary Hilton, author and consultant on computing machines; Dr. J. Tieman, electrical engineer, General Electric.

I should like to commend all of those who participated in this visit to Washington for their significant contribution to the dialog which is taking place all over our country. This action of a responsible group of senior scientists should remind Members of Congress that the opposition to our continuing involvement in Indochina and the demand for a reordering of our national priorities is widespread, existing in all segments of our society. I urge my colleagues to read and reread the following statement which was presented today by Dr. Harry Palev-

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sky, senior physicist at Brookhaven National Laboratory, on behalf of the delegation of scientists and engineers for peace:

STATEMENT BY DR. HARRY POLEVSKY

We are here today as concerned human beings, citizens and engineers and scientists, to call on Congress, on the President, and on all Americans to join in ending the war in Indochina. In particular, we urge Congress to adopt the "Amendment to End the War" introduced by Senators Hatfield, McGovern, Goodell, Hughes, and Cranston.

We are deeply troubled. We see our nation diverted in its drive toward social justice and general economic well being. We see students and our fellow workers losing faith in the ultimate value of the application of their skills. We see many promising young people turning from our professions in disillusionment.

We see our country, once the major advocate of peace on earth, turning more and more to force to achieve its objectives.

As professionals, whose careers are dedicated to reason and the power of the human mind, we decry the atmosphere of hysteria and anti-intellectualism that the war has engendered.

With our country in a tragic crisis, we deem it our moral duty as thoughtful citizens to speak our minds on the Indochina war.

The weakened Constitutional checks and balances between the Legislative and Executive Branches of government, made possible an imprudent involvement in the Vietnam war and its escalation throughout Indochina.

Personal lives have been torn by the moral decay and polarization caused by the war. Our indiscriminate use of violence on an international level has fostered a domestic reliance on force which is destroying the fabric of our society.

As a first step toward improving this serious situation, Congress must reassert its Constitutional Rights and Powers by immediate adoption of the Amendment to End the War. Moreover, reduction of military expenditures is necessary so that engineers and scientists can attack the problems of the environment, not military problems; so that skilled craftsmen can build homes instead of missile sites; so that doctors can tend the sick instead of more wounded; so that all people can turn their talents and energies to constructive rather than destructive ends.

The problems of our cities, our economy, and our environment, and the alienation of our youth can be dealt with only if we turn from making war to building peace. We believe that moderation and moral leadership on the part of the United States Government will lead to moderation and morality at home and in the world.

CLARENCE A. BARNES

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mrs. HECKLER of Massachusetts. Mr. Speaker, the recent death of Clarence A. Barnes, who served as attorney general of the Commonwealth of Massachusetts from 1945 to 1948, leaves a great void in Massachusetts political and legal circles. He was a brilliant lawyer, an advocate and defender of both popular and controversial causes toward which he generally had strong and deep-felt convictions. As the Attleboro Sun asserts, he was "a man of positive opinion, political acumen, and legal keenness." He was much more.

He was a power in Republican Party politics, both in the State and nationally, for more than 50 years. He lived most of his life in Mansfield, in the 10th Congressional District which I serve, where his political career began in 1907 when he was elected to the board of selectmen. He was later a State representative.

He served on the Governor's council, as I did also, before his election to two terms as attorney general. He was one of the members of the Governor's council to whom I could point with great pride.

I think Clarence Barnes was a truly remarkable man, and I want to extend my condolences to his wife, Doreen, his surviving eight children, his grandchildren, and to other members of the family.

I think it appropriate that the Attleboro Sun's editorial, which I am pleased to insert in the RECORD, takes note of some of his outstanding political and legal accomplishments and adds the fact that "he was equally as astute in defending a fellow townsman, if he were called upon."

Clarence Barnes was a great legal defender of individual rights. He was best known for his successful defense of a Boston police commissioner, Eugene C. Hultman, who then-Governor Curley tried to remove from office. But he was always ready to defend the little man, and his clients included the ordinary citizen and his Mansfield neighbors.

For more than 30 years he was active in Mansfield's civic, political and legal affairs, serving as town moderator and town counsel as well as on the board of selectmen. The editorial makes clear the respect he enjoyed.

While many fascinating aspects of his life could be related, his interest in sports deserves special mention. He was nicknamed "Home Run" Barnes when he broke up a Yale-Harvard baseball game to give Yale a ninth-inning victory. He was named to Walter Camp's All America baseball team in 1905, but he turned down a contract with the Boston Red Sox.

He began a career in law, but sports remained prominent in his life. In fact, he first drew national attention in 1928 when, at the request of New York Gov. Alfred E. Smith, he established an office in Albany, N.Y., where he investigated the rigging of an Albany baseball pool by racketeers and succeeded in convicting several manipulators of the pool.

In 1952 he helped to coordinate the campaign of the late Senator Robert A. Taft for President, and led the pro-Taft Massachusetts delegation to the 1952 Republican National Convention where Senator Taft lost the nomination to Dwight Eisenhower. Clarence Barnes also ran unsuccessfully for Governor of Massachusetts in 1950.

I believe that the editorial expresses well my own thoughts regarding the death of Clarence Barnes—indeed, it also refers to this "void that will never be filled." The text of the editorial follows:

CLARENCE A. BARNES

Politically, at least, Clarence A. Barnes was Mansfield's most illustrious citizen; having served the town as moderator and selectman, and the state as a representative, governor's councillor and attorney general.

It would require considerable space just to list the accomplishments in those offices and the many other activities of Clare Barnes, but for those privileged to call him friend, no detailed summary of his long life is necessary. Sufficient that he was always a joy to meet, keenly interested in his community, his state and the nation. He was a man of positive opinion, political acumen, and legal keenness.

There is plenty of witness to all of these qualities. Of the latter, however, the brilliant defense of the late Eugene C. Hultman who the then governor James M. Curley tried to remove as Boston police commissioner, is best remembered. But he was equally as astute in defending a fellow townsman, if he were called upon.

By today's standards, Clare Barnes was an ultra conservative Republican and often branded as a foe of labor. This was not so; he sought only for an equipollent standard for business and labor and he never gave up his fight. Less than three months ago he sat in this editor's office and discoursed at length on the matter. While he may have mellowed on many matters, he did not on that one.

Clare Barnes' athletic career may have been climaxed with a home run that beat Harvard and became Yale legend but his interest in the sport remained intact and he was the anonymous "savior" of many a semi-pro team in Mansfield. Golf became his personal sport in later years and he was a member of the Highland Country Club and also served Attleboro as a member of the board of trustees of Sturdy Memorial Hospital. He lived a long, active life and a full one; that was his joy and his reward.

His death at his beloved Oak Bluffs leaves a void that will never be filled.

A EULOGY TO SUSAN JAMESON

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. CLAUSEN. Mr. Speaker, each of us have days in our respective lives that leave lasting and marked impressions, indelibly inscribing a joyous occasion or, in some cases, a tragic incident, that, to most of us is unexplainable.

On Thursday, May 28, I experienced two such contrasting events in one day—separated by some 2,600 air miles, as I flew from our Nation's Capitol to our First Congressional District.

At 0800, Washington time, it was my privilege to attend a joint Senate-House prayer breakfast, with a very distinguished and important international leader, President Suharto, of the Republic of Indonesia, as our guest of honor and principal speaker.

I was filled with enthusiasm, elation, and a renewed sense of confidence, regarding the Southeast Asian problems and current events, as I talked to him privately on two occasions and listened to his very eloquent and reassuring address to our congressional prayer breakfast group. Later in the day, as I arrived at San Francisco airport, I was told of the tragic news regarding the death of a lovely young lady, Susan Jameson, of Petaluma, Calif.

Understandably, my enthusiasm of the morning was dampened by the tragedy of the afternoon news—the news media told the story that was as shocking to me as though I had been told that one of my own daughters was suddenly taken from our midst.

Sue Jameson had served as a secretary in our First Congressional District office in Santa Rosa. She had served me, our staff, and the people of the Redwood Empire with extraordinary talent, loyalty, and dedicated service—she was efficiency personified—she was everything one could ask for in a qualified staff member.

So great were her talents, I offered her a position of increased responsibilities in our Washington office—it had been my plan to build her to the position of personal secretary because of the trustworthy ability displayed, her perceptive judgment, and most importantly, her total dedication to any cause she truly believed in. Sue decided to dedicate her life to a specific cause, wherein she felt she could do the most good for mankind—the education and teaching profession.

It is somewhat ironic, in light of what has happened, that I did not press her to accept the Washington position, because of my personal concern for her safety and well-being in the then riotous and crime-ridden city of Washington, D.C.

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One might wonder why, in a eulogy, I would refer to these seemingly very contrasting events.

Life is filled with many contracts and each day brings forth many challenging and rewarding experiences, and yet by nightfall, the world seems to be coming apart at the seams. On Thursday morning, May 28, I had the strong feeling that I had been a participant in an historical event that could and would make far-reaching and constructive contributions to the ultimate peace and stability we all seek in Southeast Asia, because of President Suharto and because of Indonesia's potential leadership and diplomatic initiative role she is playing in seeking free-Asian accord on the neutrality of Cambodia, or regional economic and security integration, leading to the stabilization of Indochina and Southeast Asia.

Sue Jameson had that same quality and determination to do her bit to bring peace on earth by extending good will to all who knew her.

She, like President Suharto, had deep religious convictions—differing in faith or specific denominational objectives, but both unwavering in their desire to see that God's will and His work would be done.

It seems appropriate that I close this eulogy to Sue Jameson by quoting, partially, from President Suharto's address:

> I come from a nation deeply devoted to religion—110 million Indonesians. It is this religious character, which imparts man and society; harmony between man and the universe, harmony between wordly life and the hereafter.
>
> Another essence of the teachings is the unity of mankind, which is a vital force for strengthening the Nations' sense of unity, and a prerequisite for the growth of young Nations.

As a teacher, Sue Jameson would have paraphrased these remarks by saying, "Unity of mankind will only come when our Nation's strength establishes as a prerequisite the educational and spiritual growth of all young people—at home and abroad."

Susan Jameson gave her life to that cause and to those teachings. She will be remembered as one who lived a life of harmony in her worldly life, thereby assuring her a richly endowed hereafter.

PUBLIC LAW 91-190 PROTECTS AND ENHANCES THE ENVIRONMENT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. DINGELL. Mr. Speaker, the National Environmental Policy Act of 1969, Public Law 91-190, is rapidly proving itself to be most helpful in the drive to protect and enhance the quality of our environment. A significant benefit flowing from the act derives from the provision requiring all Federal agencies to file with the Council on Environmental Quality and others a statement as to the environmental impact of legislative proposals and actions significantly affecting the quality of the human environment. A longer range benefit will flow from another provision of the act requiring each agency to review their present statutory authority, administrative regulations, and current policies and procedures for the purpose of determining whether there are deficiencies or inconsistencies therein which prohibit full compliance with the act and, if such are found, to propose to the President not later than July 1, 1971, such measures as may be necessary to bring their authority and policies into conformity with the act.

While I am optimistic about the worth of Public Law 91-190 as a device to protect and enhance the environment, I do have some concern about the degree of understanding which some agencies have as to the intent of the act. As the original sponsor of the legislation which became Public Law 91-190, I wish to make it clear that insofar as my understanding is concerned the provisions of Public Law 91-190 apply to all legislative proposals and all actions of all Federal agencies which have or will have an impact on the environment of any significance, whether that impact is local in its scope or of wider range.

To illustrate my point, I would like to advise my colleagues of action I took in response to a letter which I received from a resident of New Hampshire complaining of the use of chemical defoliants along the United States-Canadian border. As will be noted in the correspondence, I shall include as a part of these remarks, the land area involved in this matter was not large and there is no significant number of persons residing in the area.

However, the matter was pursued and I am pleased to report that Richard L. Herman, U.S. Commissioner, International Boundary Commission, United States and Canada, has responded in what I find to be an exemplary manner. His letter to me of May 28, 1970, shows that he understands the provisions of Public Law 91-190 and his obligations to come into compliance with said provisions. I expect other officials of all Federal agencies to proceed in the same manner.

In accordance with my earlier request, I insert at this point in the CONGRESSIONAL RECORD the text of correspondence related to the matter which I have been discussing:

INTERNATIONAL BOUNDARY COMMISSION,
Washington, D.C., May 28, 1970.

Hon. JOHN D. DINGELL,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: This will acknowledge receipt of your letter of May 12, 1970. I sincerely regret that you found my letter of April 20 unresponsive to your inquiry regarding compliance by the International Boundary Commission with the requirements of the National Environmental Policy Act of 1969 in its use of herbicides.

In conformity with Executive Order 11514 and the interim Guidelines distributed pursuant thereto on April 30, 1970, we have prepared a report on the methods used by the Commission in maintaining boundary vistas. This report considered each of the five areas required to be considered in the detailed statement to be published pursuant to Section 102(2)(C) of the Act. This report has been submitted to the Working Group of the Subcommittee on Pesticides of the Cabinet Committee on the Environment, which is composed of representatives of the various interested federal departments.

We plan to meet with the Subcommittee on Pesticides at its requests, and are prepared to agree to modifications in our operations that the Subcommittee may recommend, which are consistent with our obligations under the 1925 Treaty.

Upon approval of the report by the Subcommittee on Pesticides, we plan then to publish notice in the Federal Register, to give affected states notice of, and opportunity to submit objections to, our operations.

After consideration has been given to the views submitted, we plan then to submit the detailed statement of our operations to the Council on Environmental quality, as required by the Act.

With respect to our obligation under Section 103 of the Act, we have had under consideration for some time submission of proposed legislation to clarify the powers of the Commission under the Treaty. We expect to complete our consideration of possible legislative proposals by September 1, 1970, and will be giving thorough attention to the purposes and provisions of the Environmental Policy Act in making these proposals.

It has long been the objective of the Commission, as well as that of its Canadian counterpart, to maintain the international boundary in a manner which not only makes its location apparent, but which also preserves and enhances the scenic beauty and lining resources of the wilderness areas through which much of this boundary passes. You may be assured that we share your concern that the environmental resources of this area not be impaired by our activities, and that your ideas and suggestions to this end will always be welcomed and considered.

I would be happy to meet with you and discuss the operations of the Commission at any time.

Sincerely yours,

RICHARD L. HERMAN,
U.S. Commissioner.

MAY 12, 1970.

Hon. RICHARD L. HERMAN,
U.S. Commissioner, International Boundary Commission, United States and Canada, Washington, D.C.

DEAR MR. HERMAN: Your letter of April 20, 1970 is entirely unresponsive to my earlier communication dated April 9, 1970 which it purports to answer.

In my letter of April 9, a copy of which is enclosed, I specifically called your attention to Public Law 91–190, the National Environmental Policy Act of 1969, with regard to a new national policy on environmental matters and asked specifically what action your agency has taken to bring its operation into conformity with Public Law 91–190. In response I received a rather general reply totally lacking in specificity and in comment on implementation of the statute alluded to.

That statute and an executive order issued by the President impose a number of requirements on your agency in utilization of herbicides and similar substances.

I call your attention to the following sections in Title I of Public Law 91–190:

Section 102(C) include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

(i) the environmental impact of the proposed action,

(ii) any adverse environmental efforts which cannot be avoided should the proposal be implemented.

(iii) alternatives to the proposed action, the relationship between local short-term uses of men's environment and the maintenance and enhancement of long-term productivity, and

(iv) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality and to the public as provided by section 552 of title 5, United States Code, and shall accompany the proposal through the existing agency review processes;

* * * * *

Section 103. All agencies of the Federal Government shall review their present statutory authority, administrative regulations, and current policies and procedures for the purpose of determining whether there are any deficiencies or inconsistencies therein which prohibit full compliance with the purposes and provisions of this Act and shall propose to the President not later than July 1, 1972, such measures as may be necessary to bring their authority and policies into conformity with the intent, purposes, and procedures set forth in this Act."

If your agency cannot give me a responsive reply to my inquiry on this matter, it may be necessary to have your agency before my Subcommittee on Fisheries and Wildlife Conservation, which originated the legislation from whence I have been quoting, to more fully outline your behavior and responsibility in the light of the National Environmental Policy Act of 1969.

Sincerely,

JOHN D. DINGELL,
Chairman, Subcommittee on Fisheries and Wildlife Conservation.

INTERNATIONAL BOUNDARY COMMISSION,
Washington, D.C., April 20, 1970.

Hon. JOHN D. DINGELL,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: In reply to your letter of April 9, 1970, this Commission has always endeavored to fulfill its obligations in maintaining the boundary line in accordance with existing laws and regulations. With regard to the 20-foot wooded boundary vista areas, the overall aim is to establish a park like appearance which would eliminate the brush growth and encourage the development of grasses and wild herbaceous plants. Once this low growth is established, brush control would be easier and more time could be devoted to the other phases of boundary maintenance work.

Cutting the brush alone will not achieve this aim, as we observed from the results of many years of hand cutting the trees and other growth. The felled growth certainly did not enhance the appearance of the boundary vista. In fact, this made subsequent clearing even more difficult due to suckering of brush plants and trees. The Commission, therefore, sought the assistance of the Dept. of Agriculture of both countries in using selective chemicals approved and recommended for right-of-way brush control. In applying these chemicals, we have used all recommended safeguards near orchards, gardens and water areas.

Tordon 101 mixed with a thickening solution of Norbak, to prevent drift, has been applied by helicopter equipped for this type of work, in the maintenance of the wooded vista along the 49th Parallel, Washington-Montana-Idaho-British Columbia-Alberta boundary, 27 miles of the Southeast Alaska Boundary and 208 miles of the 141st Meridian Alaska Boundary. In the northeast boundary, Tordon 101 mixed with water was applied on the Vermont-Quebec, Maine-Quebec and Maine-New Brunswick boundary vistas, only in the wooded areas. This maintenance work was done by parties from both sections of the Commission, supervised by engineers from the Commission.

In several sections of the northeast boundary, the vista has already achieved a low growth appearance which makes the boundary monuments visible, as you will see from the enclosed photo taken along the Vermont-Quebec boundary in July 1969. It has also been noted that birds and small game use this low growth vista area for food and shelter as there is an abundance of berry bushes.

The Commission has also endeavored to cooperate with the property owners along the boundary areas, and we have enjoyed a very good relationship with these people by explaining our maintenance work and answering any questions they may have.

In continuing the maintenance of the wooded boundary vistas, the Commission will only use products permitted by the Department of Agriculture of both countries, and abide by regulations and recommendations for their use. The Commission has always followed this guideline and we believe it is consistent with the recommendations of Public Law 91–190, the National Environmental Policy Act of 1969.

With personal regards,

Sincerely yours,

RICHARD L. HERMAN,
U.S. Commissioner.

APRIL 9, 1970.

Hon. RICHARD L. HERMAN,
U.S. Commissioner; International Boundary Commission, United States and Canada, Washington, D.C.

DEAR COMMISSIONER HERMAN: This is in reference to your letter of March 6, 1970, with enclosures, regarding my request for information on the use of defoliants along the border of the United States and Canada.

I realize your obligation under the 1925 treaty to maintain an open area or vista along the land boundary. However, I am sure that we both realize that there is more than one way in which to maintain such vista and I question the validity of the proposition that the use of herbicides is the proper way in which to maintain a vista.

There is a growing awareness of the many dangers inherent in the use of chemicals to manipulate the environment. While the quantities of Tordon 101 which were used along the Vermont-Quebec boundary line may not have been sufficient to have had a substantial adverse ecological impact, I am convinced that the International Boundary Commission would not contend that the use of this chemical enhanced the environment.

I call your attention to Public Law 91–190, the National Environmental Policy Act of 1969, signed by President Nixon on January 1, 1970, with appropriate statements of concern about the need for environmental quality. This statute sets a new national policy with regard to environmental matters and may very well make those complaints which the Commission found to be lacking in legitimacy to be quite legitimate, indeed.

I would appreciate being advised as to the steps which the Commission has taken or plans to take to bring its operations into conformity with Public Law 91–190.

Additionally, in your letter you make reference to the some 63 miles of vista between Vermont and Quebec which was treated with Tordon 101 last summer. I would appreciate being advised as to any other portions of the United States boundary on which Tordon 101 or any other herbicide has been used or upon which it is planned to use such substances.

With every good wish,

Sincerely yours,

JOHN D. DINGELL,
Member of Congress.

INTERNATIONAL BOUNDARY COMMISSION,
Washington, D.C., March 6, 1970.

Hon. JOHN D. DINGELL,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: The Attorney General has forwarded to us your letter of February 25 requesting information on the maintenance of the boundary between the United States and Canada.

There is enclosed an article by a former Commissioner which gives the history of the boundary and explains the work of this Commission. Enclosed is also a statement on the use of herbicide in vista maintenance work as many periodicals have written untrue and inaccurate accounts about this work.

This Commission has used only Department of Agriculture approved herbicides for control of unwanted growth in the various wooded sections of the boundary. These have been carefully applied in accordance with prevailing instructions and requirements under supervision of engineers from this Commission. We have at all times taken every precaution in applying any herbicides, especially near streams, farms or gardens. Our crews have had the cooperation of local property owners and during the fifteen years we have used herbicides, we have not had one legitimate complaint.

As we abide by the recommendations of

the Departments of Agriculture of both countries, anything that would be restricted for use in our type of work in maintaining the wooded vista certainly would not be used.

In maintaining the boundary last summer, we used Tordon 101 mixed 1 gallon with 99 gallons of water, and this was applied along 63 miles of the wooded 20-foot vista between Vermont and Quebec, using 270 gallons of Tordon 101.

If we can be of further assistance to you, please let us know.

Sincerely yours,

Richard L. Herman,
United States Commissioner.

February 25, 1970.

Hon. John N. Mitchell,
Department of Justice,
Washington, D.C.

Dear Mr. Attorney General: It has come to my attention that defoliants are being used along the United States-Canadian border to mark the boundaries.

I wish to be informed whether your agency administers this program and, if so, what defoliants are used, when, and in what amounts. I wish to have you state to me with considerable precision the safeguards which are applied to prevent pollution of air and water and other environmental hazard from this use.

Thank you for your attention to my request.

Sincerely,

John D. Dingell,
Member of Congress.

U.S. Department of Justice, Immigration and Naturalization Service,
Washington, D.C.

Hon. John D. Dingell,
House of Representatives,
Washington, D.C.

Dear Congressman Dingell: Reference is made to your letter addressed to the Attorney General dated February 25, 1970, concerning use of defoliants along the United States-Canadian border to mark the boundaries.

Responsibility for defining, marking, and maintaining the damarcation of the international boundary line between the United States and Canada is within the purview of the International Boundary Commission, United States and Canada. Your letter has been referred to that office for response.

Sincerely,

Raymond F. Farrell,
Commissioner.

XUM

NATIONAL AIRLINES INAUGURATES NONSTOP DC–8 SERVICE BETWEEN MIAMI, FLA., AND LONDON, ENGLAND

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. FASCELL. Mr. Speaker, on June 15, 1970, National Airlines plans to inaugurate its daily round trip nonstop DC–8 service between Miami, Fla., and London, England.

Mr. Frank Callahan, president-elect of the Greater Miami Chamber of Commerce, recently issued a public statement in which he foresaw a fantastic opportunity to make Miami the No. 1 entrance to the Continent.

I share Mr. Callahan's enthusiasm for the future of Miami and the State of Florida, based on the opening of a new gateway between Miami, Fla., and London, England, with nonstop air service between the two cities.

The planned service, however, had been crippled due to a lengthy strike which prevented flights by National Airlines, the U.S.-flag carrier chosen to fly the route. The strike is now over and we look forward to new opportunities for Florida. In reaching agreement, leaders of both labor and management have made a major contribution to efforts to expand the Miami International Gateway.

Frank Callahan expressed the Greater Miami community's relief upon learning that the strike was settled and commended National Airlines' president, "Bud" Maytag, for taking back all employees, adding that "this has to represent a new essence in corporate responsibility. This climate of harmony helped heal a tough situation."

Mr. Callahan concluded his statement:

> This fantastic opportunity to make Miami the number one entrance to the continent, can now progress. Our home town airline, with its local employees are now together. This we appreciate and sincerely hope both parties can pick up their great work where they left off and continue on to even more significant accomplishments.

NIXON ADMINISTRATION SEEKS EXPANDED MEDICAL PROFESSION

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. NELSEN. Mr. Speaker, the American Medical News issue of May 18 carries a most interesting editorial describing the Nixon administration's physician augmentation program. This student medical schools grant program will certainly result in more and better trained professional doctors, and they are greatly needed throughout the Nation, particularly in rural America. I am pleased to call this progressive program to the attention of my colleagues, and insert the editorial in full at this point in my remarks:

More Students

The $7.6 million in federal grants to medical schools under the Physician Augmentation Program (AMN, May 11, 1970), is welcome news to everyone concerned with increasing the physician population.

The grants, to 25 medical schools and two schools of osteopathy, will enable the schools to increase their freshman enrollments by 395 students this fall, making the total first-year class nearly 10,900.

This figure is not high enough, of course, but it should be remembered that four years ago, the first-year enrollment was 8,964.

The Physician Augmentation Program was developed in 1969 by HEW Secretary Robert Finch, and was backed by the Nixon Administration. Its original goal was to raise enrollments 1,000 a year for four years, although it seems doubtful that such a rapid increase can be attained. Nevertheless, most experts agree that by 1975, there will be at least 11,000 medical school graduates each year; last year, 8,059 new MDs were graduated.

Recipients of the grants were chosen on the basis of national competition conducted by the National Institutes of Health's Bureau of Health Professions Education and Manpower Training. A major factor was intent to develop three programs: clinical training in outpatient and ambulatory facilities; experience aimed at encouraging students to enter family practice; and improving distribution of physicians geographically and among various socioeconomic groups. Schools agreeing to conduct programs aimed at reducing the cost and length of medical education also received special consideration.

Awarding of these grants is a significant step toward the solution of what may well be the nation's most pressing health problem; however, it is only a single step out of many that must be taken.

More than two years ago, the AMA and the Assn. of American Medical Colleges joined in emphasizing the "urgent and critical need for more physicians if national expectations for health services are to be realized." That statement stressed expansion of the enrollment of existing schools, and said governmental and private financial support would be necessary for success.

This statement, and others issued by the two groups, obviously had a significant influence on HEW, which commented that "With such enthusiasm and declaration of purpose, it is imperative that the opportunity be fully met."

HEW's action is not the complete answer to the physician shortage, although it is a highly encouraging move. But 11,000 physician graduates a year will not meet the country's growing demand for physicians' services. The medical profession, the government, medical schools, and private sources must unite to develop imaginative and innovate programs to boost enrollments still further.

HON. JOHN W. McCORMACK

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. DERWINSKI. Mr. Speaker, I wish to join my colleagues in paying tribute to the long and distinguished service of our respected Speaker, the Honorable John W. McCormack of Massachusetts, who will retire at the end of this session after having served continuously as Speaker longer than any previous occupant of that high office.

John McCormack served in the highest traditions of that office and always exhibited a keen insight into the motions of the House and knew when individual Members were interested in a particular piece of legislation and has rendered throughout his career a great service to his constituents from his district and to our country.

The spontaneous and heartfelt tribute the Members are paying to the Speaker demonstrate our recognition of his leadership, admiration, and his devotion to the legislative branch of Government which represents the most effective branch in interpreting its service to the people of America.

Personally, I have appreciated the Speaker's willingness to meet and confer with parliamentarians from foreign lands on the many occasions that I have escorted individuals and groups from foreign legislative bodies into his office and in speaking to them he always very vigorously emphasized the role of parliamentarians in serving the public. His knowledge of history, his tremendous grasp of world affairs with the threat to freedom from communism and his belief in our American system are very properly recognized by all of us.

WHITHER WE GOETH?

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. DERWINSKI. Mr. Speaker, a constituent of mine while traveling in Florida recently sent me an editorial from the May 6 Englewood, Fla., Herald with the request that I introduce it into the RECORD. This particular editorial is certainly sharp, penetrating commentary on issues which now face the Nation and it is unusual in that it is a straight-from-the-shoulder message which I recognize should properly stimulate our thoughts on the future path of our Nation. It follows:

WHITHER WE GOETH?

Have you asked yourself lately, "Where in the world are we headed?" Are you concerned with what is going on in America today—what with the campus rebellions, malicious destruction of property, armed militants both black and white, the youthful turn to drugs for either kicks or escape?

Sure we all are, but we don't seem to be coming up with any answer—just more questions.

The staid old answer used to be, "ignore this phenomenon. It involves just a small minority". But that isn't true any more. There are more and more so-called Americans getting wrapped up in the "in thing" of fighting the establishment. They are out to literally destroy the very foundation which gives them the right to self destruct. Why?

Have you considered the fact that America is in its third generation of affluency? Our children of these generations have not, with certain exceptions, wanted really for anything. They have had comfy, cozy room and board. They have had everything from Tinker Toys to Corvette convertibles before the age of 18.

The blacks of today even are better off than those who remember the Great Depression of the 1930's. Of course, the youth of today don't want us to mention that Depression. It is old hat to them. But why sweep it under the rug, when it was just as much a part of the American way of life as the rockets to the moon. It made weak men and women strong and strong men and women stronger. It welded families together in a bond of pure survival.

We don't espouse another Depression—certainly not. But we do warn that hard times can befall any or all of us at any moment. It is this that we must always brace ourselves for. What happens if such a fate befalls us now? Do we panic after lo these many years of affluency? Or do we pull ourselves up by the bootstraps and hang in there together and survive it? We certainly have our doubts at the present time.

A minister remarked to us the other day that the nation and world "are in a mess." We agree, Reverend, but it irritates us no end that in too many cases on national TV ministers and priests of varying faiths are out in front leading and preaching violence and defiance of the law. Why? Is this their true belief? Is this what they are preaching from their pulpits? If they are not, then they are the most hypocritical of all hypocrits.

Getting back to the college campuses of America, many have reservations about sending decent, honest, law abiding children onto these campuses. When buildings are stormed, burned, bombed or otherwise desecrated, we ask, "Send my daughter or son there?" Hell no. Corrupting a young mind is an easy task if a pro is doing the corrupting. And these are pros—we kid you not.

A pamphlet passed out at the University of California Campus at Berkeley preaches the following:

1. We will make Telegraph Avenue and the south campus a strategic free territory for revolution.
2. We will create our revolutionary culture everywhere.
3. We will turn the schools into training grounds for liberation.
4. We will destroy the university unless it serves the people.
5. We will struggle for the full liberation of women as a necessary part of the revolutionary movement.
6. We will take communal responsibility for basic human needs.
7. We will protect and expand our drug culture.
8. We will break the power of the landlords and provide beautiful housing for everyone.
9. We will tax the corporations and not the working people.
10. We will defend ourselves against law and order.
11. We will create a soulful socialism in Berkeley.
12. We will create a people's government.

There, Mr. and Mrs. Charlotte County and America, are 12 reasons to get alarmed about the strange turn of events. Don't kiss it off as another "goldfish swallowing" fad on these campuses. It isn't. It truly is a planned and well financed attempt on the part of certain forces to overthrow our government. And, unfortunately, they are suckering far too many innocents into their way of thinking.

This affluent society has almost made it mandatory that Johnny or Suzie go to college, regardless of whether they are college material or not. So off they go to the big university in the sky, arriving as malcontents in many cases and remaining malcontents as they plod from freshman to sophomore. When asked why they are going to college, they reply, "My Old Man made me." And he did. So misery loves company and that is where the trained and dedicated revolutionists step in quickly and adroitly. Don't sell them short. They are shrewd and knowledgeable in this field.

So a few hundred mounts to a few thousand, and soon several million—ad infinitum.

Wake up silent majority—those of you who hated the thoughts of fighting World War I, World War II, the Korean War and equally the Vietnam War. No war has been fun. They all have brought heartache to millions of us through the loss of loved ones. The hearts of our young today are no different than the hearts were a couple of generations back. Woodrow Wilson, Franklin D. Roosevelt, Harry Truman and Dwight Eisenhower hated war and killing equally. So does Richard Nixon. But they all faced it.

Unless the truly concerned Americans stand up soon and demand that this democracy be saved from a boring from within, then it will be too late.

The money being spent through certain Federal agencies and private foundations to support rebellion are your dollars. Who pays to keep the questionable OEO and HEW projects going? Who feeds money into the Ford and Rockefeller Foundations? You do through taxes and purchasing from these vast industrial empires.

The road from affluence to slavery under socialism is not too long. Wake up Americans. Time is growing short.

NINETY CONGRESSMEN SEND BIPARTISAN LETTER TO PRESIDENT NIXON URGING NEW INITIATIVES IN THE MIDDLE EAST

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. OTTINGER. Mr. Speaker, I am pleased to announce the forwarding of a letter to the President on June 4 by 90 Members of Congress, urging the sale of additional jets to Israel and increased efforts to establish a cease-fire in the Middle East. This letter was the culmination of a bipartisan effort in which I participated with Representatives OGDEN REID of New York, JOHN BRADEMAS of Indiana, and GILBERT GUDE of Maryland, in gathering support from colleagues on both sides of the aisle who wished to join us in expressing our concern to the President. The text of the letter and the signatories follow:

HOUSE OF REPRESENTATIVES,
Washington, D.C., June 4, 1970.

DEAR MR. PRESIDENT: We are writing to express our deep concern over the shift in the balance of power in the Near East adverse to Israel which has occurred recently as a result of the introduction of Soviet pilots and SAM sites in the United Arab Republic.

The United States has long viewed an arms imbalance in the area as being a prescription for widespread hostilities. In addition, these new developments represent a challenge to NATO's southeastern flank. As you noted in your report to the Congress, "The U.S. would view any effort by the Soviet Union to seek predominance in the Middle East as a matter of grave concern."

It would appear that your action in holding in abeyance the sale of the additional Phantoms and Skyhawks requested by Prime Minister Golda Meir has not been met by similar restraint on the part of the Soviet Union. Indeed, the introduction of Soviet combat pilots is unprecedented in the Near East with the brief exception of Yemen.

Accordingly, we hope that you will now, following the Administration's review of this question, make an early and affirmative decision to provide Israel with the additional Skyhawks and Phantoms essential to her deterrent strength. We believe that this would serve to make clear to the Soviets the seriousness with which we view their action and would be the best guarantee against the outbreak of major hostilities.

Concomitant with this action, we hope that you will continue to pursue serious arms limitation talks with the Soviets on the Near East which could be effective only when there is a relative arms balance, not an arms imbalance. We believe these steps could facilitate progress toward direct negotiations on the Rhodes formula, consistent with the Security Council Resolution of November 22, 1967.

We also suggest prompt consultation with our NATO allies because of the dangers posed to their own security by the Soviet build-up in the Near East. We urge that you exert your influence to re-establish the cease-fire as a preliminary step to eventual peace negotiations. These steps would demonstrate to the Soviet Union that we do not intend to abdicate our responsibilities in the Near East, as well as our earnest desire for peace.

Sincerely yours,

OGDEN R. REID,
Member of Congress, New York.
GILBERT GUDE,
Member of Congress, Maryland.
JOHN BRADEMAS,
Member of Congress, Indiana.
RICHARD L. OTTINGER,
Member of Congress, New York.

This letter has also been signed by the Members of Congress whose names follow:

Watkins Abbitt of Virginia, Joseph Addabbo of New York, William Barrett of Pennsylvania, Jonathan Bingham of New York, Edward Boland of Massachusetts, Frank Brasco of New York, William Broomfield of Michigan, John Buchanan of Alabama, Jack Brinkley of Georgia.

James Burke of Massachusetts, Laurence Burton of Utah, Philip Burton of California, George Bush of Texas, Daniel Button of New York, Bob Casey of Texas, William Clay of Missouri, James Cleveland of New Hampshire, Barber Conable of New York.

Silvio Conte of Massachusetts, John Conyers of Michigan, Lawrence Coughlin of Pennsylvania, William Cramer of Florida, Philip Crane of Illinois, Emilio Daddario of Connecticut, John Dingell of Michigan, Don Edwards of California, Joshua Eilberg of Pennsylvania.

O. C. Fisher of Texas, Donald Fraser of Minnesota, James Fulton of Pennsylvania, Richard Fulton of Tennessee, Martha Griffiths of Michigan, James Hanley of New York, Orval Hansen of Idaho, William Hathaway of Maine.

Margaret Hechler of Massachusetts, Henry Helstoski of New Jersey, Floyd Hicks of Washington, James Howard of New Jersey, William Hull of Missouri, Joseph Karth of Minnesota, James C. Corman of California, Samuel S. Stratton of New York.

Edward Koch of New York, Peter Kyros of Maine, Allard Lowenstein of New York, Joseph McDade of Pennsylvania, Clark MacGregor of Minnesota, Thomas Meskill of Connecticut, Joseph Minish of New Jersey, Robert Mollohan of West Virginia, William Moorhead of Pennsylvania.

F. Bradford Morse of Massachusetts, John Moss of California, John Murphy of New York, Robert Nix of Pennsylvania, Thomas O'Neill of Massachusetts, Thomas Pelly of Washington, Claude Pepper of Florida, Otis Pike of New York, Alexander Pirnie of New York.

Melvin Price of Illinois, Thomas Rees of California, Peter Rodino of New Jersey, Benjamin Rosenthal of New York, Edward Roybal of California, William F. Ryan of New York, David Satterfield of Virginia, James Scheuer of New York, B. F. Sisk of California.

Louis Stokes of Ohio, Robert Taft of Ohio, Fletcher Thompson of Georgia, Frank Thompson of New Jersey, John Tunney of California, Charles Vanik of Ohio, Lowell Weicker of Connecticut, William Whitehurst of Virginia.

Lawrence Williams of Pennsylvania, Charles Wilson of California, Lester Wolff of New York, John Wydler of New York, Gus Yatron of Pennsylvania, Paul McCloskey of California, Harold Donohue of Massachusetts, Seymour Halpern of New York.

A STUDENT SPEAKS OUT

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. SPRINGER. Mr. Speaker, I doubt if there is a Member of Congress in either the House or Senate who has not been visited by or received correspondence from students relating to the unrest on the campuses, the war in Vietnam, our environmental problems, and you-name-it. Scott Michel, a 19-year-old Yale sophomore and son of our colleague, BOB MICHEL, from Peoria, was asked by his hometown paper, the Peoria Journal Star, to express his views on the campus problems. Scott is a young man any parent would be proud to claim and has exhibited maturity and responsibility in the statements he has made. His article in substantial part follows:

(EDITORS NOTE.—Although at last report Yale University was peaceful, and normal classwork had been resumed, earlier this month the campus was torn with dissent which spilled over into the New Haven community.

(The Journal Star asked Scott Michel, a Yale sophomore from Peoria, to write his views of the unrest, and this is his report.

(Scott, 19, is the son of U.S. Rep. and Mrs. Robert H. Michel. He is both a scholar and an athlete. A 1968 Sterling Merit award graduate of Peoria High School, where he was the leading scorer on the basketball team, Scott played this year as a member of the Yale varsity.)

(By Scott Michel)

NEW HAVEN, CONN.—The student strike here at Yale University has left me both disturbed and dismayed.

Originally called by the Black Panther Bobby Seale, the strike seemed to lack direction, purpose, and definite goals.

For one thing the three demands were soon revised and five new ones appeared.

At one point 75 per cent of the student body was out of class, the strikers ranging from guilt-ridden liberals to the Weatherman faction of SDS.

The strike was supposed to be non-coercive, with those students wishing to continue with classes able to do so. But when I tried attending classes my professors didn't show up; when they did, they said classes would be cancelled in support of the strike. This action was due to a Yale faculty meeting at which members voted to support the student strike.

To me this is fine, and I respect each individual faculty member's opinion—they have just as much right as anyone to their point of view, and just as much right to express that view.

But I also feel that the professors and teachers are educators first, and therein lies their first priority.

It seems to me that they have an obligation to students who want to attend class and are paying astronomical fees for that right. The faculty's primary responsibility is to academics, not politics.

Further, by suspending classes and the normal activities of the university, the faculty deprived us of our most effective means of examining the issues, and of our justification for being here in the first place.

The academic structure of the university coupled with the social atmosphere of the residential colleges is a remarkably effective way of communicating knowledge. By ending this process our ability to examine anything objectively was severely crippled and our capacity for rational discussion practically destroyed.

It is the common commitment to the academic process that unifies our student body. If this is brought to a halt, we lose our ability to relate to this community as individuals and to function in the outside world as a community.

If the shutdown is indeed justified by the belief that academics is honestly irrelevant, then we should disband this institution altogether.

However, this is not the case. The problem rests with those who are unable or unwilling to relate academics to "real" problems to the extent that they abandon their commitment to the academic process.

The massive demonstration billed as a "blood-bath for pigs" and devastating for the Yale campus turned out to be quite a peaceful weekend.

The only exception was a brief confrontation with police involving several hundred students, who were quickly dispersed with tear gas.

The Black Panther sponsors pulled a last-minute about face and called for a non-violent demonstration. This, coupled with the outstanding job done by student marshals, police, and military officials kept things calm in an atmosphere of tension and fear.

The sudden reversal of the Black Panther Party in calling for non-violence came at their realization that violence would be suicidal. They said that planned, cold-blooded violence was a better tactic than hot-headed lash-out at those in power.

Doug Miranda, a New Haven Black Panther chieftan, suggested that "people" move in small groups of two or three at night to "off the pigs."

The one issue of which the Black Panther Party has not equivocated is killing police. They have been both for and against race war and violence, as the situation demanded. They will restrain their violence against police and whites until a more opportune moment comes.

If the Black Panther Party is to come to power, it must have white liberal support—therefore it can preach neither violence nor race war now, since white liberals oppose both.

One thing is clear: the Panthers may be sincere in their commitment to the defense of the black community, and to their social program, but they are opportunistic in their drive to power and are willing to use violence against all who oppose them.

Probably the person most influential in keeping New Haven cool on May first was Kingman Brewster, Yale's president.

In addition to the already tense situation, the Nixon announcement that troops were moving into Cambodia further inflamed and frustrated students.

Mr. Brewster's open expression of sympathy for their frustration, his sensitivity to students' attitudes and feelings, his ability to communicate with the faculty, and his delegation of much power to groups of students all helped produce student action which was non-violent.

Although he deserves all the praise he received, I think Mr. Brewster fell down when he said that he was skeptical that Black revolutionaries could get a fair trial anywhere in the United States.

I cannot really abide his apparent lack of faith in our judicial system. The fact that he voiced his opinion as a private citizen and not as head of a university is no justification whatsoever.

The be a University President and a private citizen are not mutually exclusive and at such a high level of responsibility he should realize that to attempt to differentiate between the two is absurd.

The events of the past several weeks have emphasized once again how polarized our society has become.

The action in Cambodia rekindled the already burning frustration felt by students resulting from their seeming inability to find any way of affecting the political system.

The Natonal Student Strike is an outlet for this frustration, but it seems to me that to curtail education is the least effective of all methods to express dissent and effect political action.

A program of student communication with congressional leaders and other government officials, like that which took place in Washington, serves a much more constructive purpose. I therefore do not support the National Student Strike.

I not only disapprove of the methods, but also of the national demands. I can understand the concern and fear generated by haunting similarities to President Johnson's escalation of the Vietnam war, but it appears that Nixon's plan of Vietnamization is working and the gamble has thus far been successful.

I see no reason to doubt, with the continued withdrawal of American troops, the added time bought with the Cambodian excursion, and all the preliminary deadlines that have been set and kept, that our involvement in Southeast Asia will come to an end. The policy initiated by the President seems to be the proper alternative, rather than an immediate pullout.

Having spent the last two years in an institution replete with liberal thought after being raised in the conservative Midwest, I have had a unique opportunity to examine and be exposed to both poles of the political spectrum.

I thus had the privilege of judging for myself what views fit my conscience. I hope my viewpoint as a student will give some insights into today's campus problems.

LETTER FROM A DEAD SON

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. RYAN. Mr. Speaker, Cpl. Keith Franklin of Salamanca, N.Y., left a letter for his parents on his last day of leave before going to Vietnam. The letter was to be opened only in the event that he be killed.

On May 12, Corporal Franklin died—the victim of "hostile action" in Cambodia.

His letter tells of his vehement opposition to the war, and his feeling that his death and the deaths of other young Americans have been in vain.

I am including in the RECORD a copy of Keith Franklin's letter to his parents for my colleagues to read I think it speaks for itself.

FEBRUARY 24, 1970.

DEAR MOM AND DAD: As I sit here writing this letter, the hours are ticking away until my departure for Vietnam. But if you are reading this letter, you will never see me again. The reason being that if you are reading this it means that I have died.

The question now is whether or not my death has been in vain. My answer is yes. The war that has taken my life and many thousands of others before me is immoral, unlawful and an atrocity unlike any misfit of good sense and justice known to man.

I have opposed the war since the time when my mind was able to truly comprehend and weigh its pros and cons. However the powers-to-be handed down the decision that my friends and I should go and fight it.

We will go and we will fight, and I have died. But there is still a blank space in the mind as as to why.

President Nixon and President Johnson before him have told the American public time and time again that it was our obligation to the people of South Vietnam to save them from the surging wave of communism which has plotted to engulf them. This is a lie, the magnitude of which is witnessed only by the hundreds of thousands of GIs in South Vietnam. The inhabitants of this bug-infested, backward, god-forsaken, hell-on-earth want no part of the American war machine. But they have no choice. Their fate is determined not by their own wills but by the political monsters of the so-called free world and those of the Communist bloc.

I, too, had no choice as to my fate. But rather it was pre-determined by the war mongering hyprocrites in Washington.

So as I lie dead, please grant my last request. Help me to inform the American people, the silent majority who have not yet voiced their opinions. Help me let them know that their silence is permitting this atrocity to go on and on, and that my death will not be in vain if by prompting them to act I can in some way help to bring an end to the war that brought an end to my life.

Your son,

KEITH FRANKLIN.

HISTORY-WRITING IS THE ART CONSERVATOR OF ALL THE ARTS

Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. MONTGOMERY. Mr. Speaker, about this time every year we hear and are given the opportunity to read about history, its meaning, and its importance.

It is my privilege to represent the same district that some years ago was represented by Mr. John Sharp Williams, who came to Congress from the Sharp Place sometimes called Cedar Grove Plantation in Yazoo County, Miss.

The sixth annual meeting of the Mississippi Historical Society was held in the Citizens' Opera House in Yazoo City on April 23 and 24, 1903. Gen. Stephen D. Lee, the president of the society, presided throughout the meeting. He introduced Hon. John Sharp Williams, who had been appointed to deliver the address of welcome to the society.

A constituent of mine, a retired naval officer, Comdr. Robert W. Collins, has provided me a copy of the long-out-of-print address of Mr. John Sharp Williams. The point is made that history-writing is the art conservator of all the arts. I take real pleasure in sharing this masterpiece of an address with my colleagues and include it in my extension of remarks.

The welcoming address of Hon. John Sharp Williams, Member of Congress, to the Mississippi Historical Society on April 23, 1903, follows:

APPENDIX TO PROCEEDINGS

(Address of welcome, by Hon. John Sharp Williams)

Mr. President and Members of the Mississippi Historical Society: It is my pleasant task, if task indeed it, in any sense, can be called, to welcome you to the hospitalities and the freedom of our big little town. The occasion is twice blessed: blessed in the giving and in the receiving of your presence. The task is twice pleasant: because I know it will end by your falling in love with our people for the same reason that all others that have known them have fallen in love with them because they couldn't help it. It is pleasant also because of the general character and local significance of the study to further which your Society was organized and exists.

There is no study more interesting certainly and probably none more important than that of history. "I know of no light to guide my footsteps other than that of the past," said Patrick Henry in effect. The study of history furnishes us with that light and makes us acquainted with its use. There has long been and long will be a discussion—somewhat academic—of the question: "Which is of the greater utility, the man of action or the man of study"—the man who *makes* history or the man who *writes* it? A young lady once asked one of my little boys: "Which of us is the sweetest?" and he replied with singular frankness "Both of us." So both of them are the most useful. The man of action—whether on the field, in the cabinet, in legislative hall or on the bench—the man who makes history; we cannot do without; his the initiative and his for the greater part the plaudits of mankind. But if it were not for him who records what has been done—the things accomplished and the things atttempted, which were failures—the world would have to live its life, virtually, over again every generation or two; most of the conquests of man's brain and the lessons of his experience would be constantly in a state of being forgotten and relearned. Continuity in progress would be destroyed. We can not build a Pyramid of Cheops today because after the work of its erection there was no recorder of the manner of its doing. The world has lost Tyrian purple and for a long time had lost the art of making glass because no record of the processes came down to us. Progress in civilization is first the work of individuals in a given generation; then comes the work of conservation, without which there could be no great development, improvement or extension—one generation building on the foundation, or post-foundation structure of another. This is the "mounting on our dead selves to higher things" of which Tennyson speaks. It is thus only that "through the progress of the suns one increasing purpose runs." It would not run very far nor increase very much except for the labors of the Muse of History—the muse conservative of human progress. The whole discussion is best relegated to the debating societies, however, for the simple reason that there are no two such distinct classes as are here assumed—they intermingle always, and as enlightenment goes on, more and more. The men of action write history and write it most interestingly and instructively—witness: Sallust, Caesar, Thucydides, and Froissart, and Gen. Dick Taylor, and those known best as historians only were yet men engaged in large affairs of state or of industry—making history as members of parliament, colonial administrators, soldiers or diplomats, witness: Macauley, Motley, Bancroft, Guizot, etc.

Out of this comes this lesson—the historian must know much of many things, certainly much of the thing or science whose history he undertakes to write; because history-writing *is* the art conservator of all the arts. Hence too the truth which Sir Francis Bacon, Lord Verulam, wrote and which has been read without digestion and quoted without understanding by so many since. After telling us that reading makes a full man, speaking a ready man and writing an accurate man, he adds: Poetry makes a man witty, mathematics makes him subtle, philosophy makes him grave and *history makes him wise*. History is necessarily written, whether by pictures or heiroglyphics on the eternal rocks, or by printed words still more imperishably on perishable paper and because it is written cultivates accuracy in the writer and reader. Then "history makes a man wise." Why? Is it not because the historian *must* keep in his mind's eye many peoples, many times and many sciences? Breadth is almost wisdom; narrowness is almost its opposite. Old Homer attributed the wisdom of the wisest of his Greecian chieftains to the fact that he had seen "many cities and many men." The historian cannot be a mere specialist, who *may* have much knowledge, or many knowledges, with little wisdom. A specialist may emerge from among details about which his "knowledges" are wonderful, like one who walking in a great beautiful forest and examining there with a microscope, bark and leaf and acorn, comes out with no correlation of the whole, "no bird's eye view," and who, once in the open, says he did not see the forest for the leaves or the bark—like Yankee Doodle, who "couldn't see the town for the houses."

Thus in *space*, comprehension is necessary for the historian—he cannot be a mere "chronicler of small-beer"—a mere "classifier of chalks." And in *time* duration—longsightedness—is necessary for him. His is not the work of a mere to-day; it is the work of recording the work of many yesterdays; and, if wisely, well or interestingly recorded, recording the work of many yesterdays with a view of hastening and well-ordering the work of to-day and of to-morrow.

"Knowledge comes but wisdom lingers." Waits or "lingers" on what? *On the generations and the lessons of the generations.* On the slow processes of material, intellectual, social, political and racial evolution; hence wisdom comes especially from history, which study alone presents *in one view* these slow processes. Out of the confusing maze of the many knowledges of to-day and yesterday—the many sciences—*scientia*—history gathers wisdom—the fruit—that which has fructified—that which has ripened—that which is digestible for man in the building up—culturing—his social system for further growth. This then *is* civilization. Is is not?

It is said that a pygmy on the shoulder of a giant can see further and in a wider horizon than the giant. Thus a historian of today, though a pygmy, can see further into the future than a giant of Napoleon's day—of which day he was—by the way—himself *the* giant—further than Solon who made laws, as he fondly imagined, for many generations, or Lycurgus, who still more fondly fancied that he had moulded institutions for all time.

There will always be two classes of historians and much discussion which class writes history best. One class consists of those who tell "a plain unvarnished tale," "as they themselves have heard it;" "naught extenuating, naught setting down in malice" and naught explaining either. Some of them mere wonder-eyed children, like Heroditas, as much astonishing themselves, as others, by the stories they repeat; some mere chroniclers, like the old monks, mere "Dry-as-dusts" as Carlyle called them, though, by the way, much of Carlyle's best work had been left perforce undone but for the previous labors of these same "Dry-as-dusts"; others of them, like old Froissart, stirring your soul as with a trumpet blast out of the past. Then the second class consists of those who "point a moral," as well as "adorn a tale;" some of them beautifully keeping the thread of the story, like Von Sybel, Carlyle, Gibbon, Macaulay, Hume, and Tacitus; some, like Bunsen, for example, with so much pointing of morals and so much philosophizing about causes, that there is scarcely any tale told at all, becoming rather narrative metaphysicians, theologists, or politicians than history writers—producing a result like Wagner's music with so many variations of sound that there is no tune or melody left. It must ever be remembered that the word history means, etymologically, "a *story*"—a tale told—only it must be a true tale, that is all. The first class simply pictures the moving panorama of facts—*facts*—things done—collated, proportioned and, in a way, made dramatic—leaving the reader to read *into* the book between the lines by the application of his own intellect, with its peculiar coloring or light derived from his own peculiar place, time, individuality and heredity, his own lesson or philosophy; the other class furnishes the lesson, as seen in the writer's light or coloring, "ready-made," teaching "Geschichtliche-wissenscaft," as the Germans word it, the "philosophy of history," as we phrase it. Which class writes history best? The answer is again "both of us." Both are necessary. The chronicler, indispensible and first in order of time, is perhaps the most instructive and pleasing, if he tells his tale eloquently and well, to those few, who are able to do their own digesting and whose intellectual light is strong enough to enable them, without help from others, to illumine the page with its lesson. The second class is equally, but later indispensable, and more instructive, perhaps, for that "wider many" who must have their food cooked for them and who read only *out of* a book and never anything *into* it.

So much for the importance of the study of history generally.

A few words as to the local significance of its study—its bearing upon us as residents of a State and a section. The history of Mississippi—in fact, of the whole South—has yet to be written. Indeed, the history of no one Southern State can be written except as a part of the History of the South. In many fields even the local chronicler has not yet done his first work. Much of the material has been lost and will never be regained. Let us save what is left. Then let the broad chronicler, with his "plain unvarnished story" come next. And then in God's own time, will come the historical philosopher, he who can draw for all men the *lesson*—buttressing it with the admitted or proven facts. I believe, that when the time and the man shall have come, the philosophy of our sectional history—the purpose, conscious or unconscious, of our sectional strivings—will be shown to have been always consistent, always at one with itself and with the eternally right—one "increasing purpose" running through it all—a purpose divinely unvarying. And that purpose—whatever shibboleth of the hour, whether States' rights, secession, sanctity of slavery, equal citizenship in the territories, anti-reconstruction, or what not, may more or less have obscured it to the eyes of others and for a time to our own—that unvarying purpose being this; the preservation of our racial purity and racial integrity—the supremacy in our midst of the white man's peculiar code of ethics and of the civilization growing out of it—equally peculiar to him. It will show that there has been no "lost cause" but a *preserved cause*, though many things thought at many times to be a necessary part of the cause have been lost. For example secession has been lost, but it was never our *Cause*. It was the remedy resorted to in order to assert the *Cause*. Slavery has been lost, but it was not our *Cause*, though we thought so once and fought for it among other things. But why? Was it not because our people thought that with the enfranchisement of the negroes would necessarily come the downfall of the white man's civilization and the destruction of his family life, whence is evolved his code of ethics and upon which is based his civilization? The event has proven that the *apprehended* result was not a *necessary* result, but how well founded was the apprehension, judging by San Domingo, Mexico and South America whose experience alone history had then furnished us! Moreover how hardly did we escape it? Would we have escaped it at all, but for the fortitude, patience, constancy, self-discipline, self-command, and solidarity and *capacity for organization* learned during four years of hardship and war?

But we, the people of Yazoo, "came not here" to talk but to welcome you and to listen, and I can not therefore go into all that I have suggested. History will go into it. The world has yet a lesson to learn from us and from our struggles, has yet to learn our part in the "increasing purpose" of "the God in History." Never fear; the world will learn it. "Wisdom lingers" but it comes after a time. Only save the material—the "knowledges"—the quartz; the miner will come and then the smelter and then the purifier. Perhaps he is here already though we do not know it. Your Society and others like it throughout the South—all doing noble work—can furnish the opportunity, perhaps the man. Mr. President, we welcome you with hand and tongue and heart to our "City of Beautiful Roses," where you will be so much more sweetly welcomed, later on, by the scarcely less beautiful women, who grew the beautiful roses.

PHOSPHATES IN DETERGENTS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. CRANE. Mr. Speaker, the outcry that has arisen in recent months against the pollution of our air, land, and water has not, in my opinion, focused sufficiently on the part that each of us can play in the battle to preserve our environment.

In addition to the obvious contributions we can make to this effort, such as picking up our trash, there are a number of things the concerned American can do. One of these is to use products, such as detergents, that are relatively low in polluting ingredients.

For the benefit, therefore, of those who may be interested I am inserting in the RECORD a list, provided by the League of Women Voters of Skokie, Ill., of common household detergents indicating the percentage of phosphates in each. Phosphates are an essential nutrient of algae, which clog our waterways and kill large numbers of fish by depriving them of oxygen. It is clear that those products that have a high phosphate content are the more serious polluters, and that those with little or no phosphates do far less damage. The following list is merely one indication that the battle against pollution need not be left entirely to Government.

XUM

Phosphates in detergents
[In percent]

Axion	43.7
Biz	40.4
Bio-Aid	35.5
Salvo	35.3
Oxydol	30.7
Tide	30.6
Bold	30.2
Ajax Laundry	28.2
Punch	25.8
Drive	25.3
Dreft	24.5
Gain	24.4
Duz	23.1
Bonus	22.3
Breeze	22.2
Cheer	22.0
Fab	21.6
Cold Power	19.9
Cold Water All	9.8
Whisk	7.6
Diaper Pure	5.0
Trend	1.5
Blue Luster	None
Borateen	None
Ivory Snow	None
Lux	None
Lux Flakes	None
Vel	None

CONCERN EXPRESSED BY CONGRESSMAN WHALEN OVER THE SOVIET ROLE IN THE MIDDLE EAST AS OUTLINED IN AVIATION WEEK MAGAZINE

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. WHALEN. Mr. Speaker, it is abundantly clear that the Soviet Union has gone beyond the role of a mere supplier of military equipment in the Middle East to that of a participant.

Russian pilots now are standing alert to fly intercept missions as part of the Egyptian air defense system against deep Israeli air penetrations. Soviet crews also will have to operate the new SA–3 low-altitude missile emplacement being constructed in Egypt. There are other examples as well.

The question that logically follows then is: What is the Soviet intent in the Middle East?

One thesis that I find particularly persuasive and distressing was articulated in the May 18 issue of the highly regarded Aviation Week & Space Technology magazine. I have no reason to believe that the main thrust of the article, that the Soviet Union's goal is control of the Suez Canal, the Red Sea, and the Persian Gulf States, is incorrect. I have detected no evidence that the State Department, or Mr. Kissinger in the White House basement, care to dispute this contention.

Therefore, Mr. Speaker, I believe that it would be of benefit to my colleagues to insert herewith the Aviation Week article:

SOVIETS ACCELERATING MIDEAST DRIVE

(By Edward H. Kolcum)

GENEVA.—Soviet Union is accelerating its massive penetration into the Middle East and employing strategy designed to give it control of the Suez Canal, the Red Sea and ultimately the oil-rich, defenseless states that border the Persian Gulf.

At the same time, Russia has started to court Libya directly with the objective of torpedoing the French sale of 108 Dessault Mirages to that country. In this move, Russia has the strong support of Egypt, Libya's eastern neighbor.

The feverish burst of Soviet activity is being viewed in Europe as a clever exploitation of the internal dissension in the U.S. triggered by President Nixon's controversial Cambodian campaign. While America, and much of the remainder of the western world, is engrossed in the U.S. domestic turmoil and events in Southeast Asia, Russia has been able to accelerate its Middle East timetable by:

Taking over the complete operation of three Egyptian military airfields and controlling three others.

Selling Libya 25 Mig-21 Mongol trainers.

Increasing the number of seasoned airmen and ground troops in Egypt to 15,000. Another 5,000 Soviet civilian technicians and advisers are in the UAR.

Delivering 80 low-level surface-to-air SA–3 Goa missile launchers and 160 Goa missiles to Egypt.

Constructing 15 T-shaped Goa concrete-shelter sites along the entire 109-mi. length of the Suez west bank. Sites are being built at standard 7:5-mi. intervals along the Suez narrows. This interval allows a range overlap for the SA–3s, providing a serious potential threat to low-level Israeli strike missions against massed Egyptian artillery emplacements along the west bank. The Goas probably will be manned by Russian military personnel.

Deploying four Tupolev Tu–16 strategic reconnaissance aircraft to Aswan, from which they will keep watch on the Red Sea.

Stationing a picket destroyer off the Sinai coast to furnish early warning data to Egypt of Israeli air activity.

Increasing air- and sea-lift between Russian and Egyptian ports to the point where deliveries now are at the heaviest pace since the end of the 1967 Arab-Israeli war.

A new intelligence assessment is that Russia will bring a total of 150 MiG–21J interceptors and 250–300 interceptor pilots into the UAR to defend the country's interior. Three airfields now completely under Soviet command and control are at Inchas, 30 mi. to the northeast of Cairo; Jiyanklis, 70 mi. to the northwest of Cairo, and Al Mansura, 70 mi. north of the UAR capital. Russian pilots also fly from Beni Suef, Cairo West and Aswan. They probably control these bases, but Egyptians also fly from them.

Soviet aircraft are protected by camouflaged shelters at all bases. There are about 450 hardened shelters in Egypt.

In addition to interior air defense of Egypt and reconnaissance of the Red Sea, Russia also conducts routine reconnaissance of the U.S. 6th Fleet and the Mediterranean, using seven Tu–16s, with Egyptian markings but flown by Russian vcrews (AW&ST Mar. 30, p. 16).

The 15,000 uniformed Russian airmen and troops in Egypt are responsible not only for operating and maintaining MiG–21J interceptors and Goa missiles, but also for manning and maintaining associated search radars and the artillery defending the missiles and radar. Russia has deployed two low-level radars to Egypt. They have the code names Low Blow and Flat Face. The 23-mm. antiaircraft artillery used for defense is radar controlled.

Russian flying elements in Egypt are organized into 12-aircraft units. Three such units, with 36 aircraft, form a fighter regiment. The entire Soviet interceptor fleet in Egypt goes on alert whenever Israeli aircraft penetrate UAR airspace.

New equipment delivered to Egypt in recent weeks also had included 16 additional Sukhoi Su-7 fighter bombers. This brings to 86 the number of these strike aircraft in Egyptian hands, and the new deliveries indicate that Egypt intends to increase its air pressure on the occupied Sinai.

As of late last week, Egypt's tactical combat air fleet also consisted of 55 MiG–21Cs and 44 MiG–21Ds. The UAR also has 73 tactical helicopters—mainly the Mil Mi-1, -4, -6 and -8.

In Russia's Middle East and North African penetrations, Egypt has been the strategic pivot point. There is a new fear that Egypt is convincing Libya to back out of its deal with France to buy Mirages. The rationale for this is that 25 Mongol trainers have been delivered to Egypt, which does not need them. They are apparently awaiting further shipment to Wheelus Air Base when the U.S. completes its withdrawal from this base June 30. Egypt and Libya will establish a master Arab air training center and air academy at Wheelus when the U.S. leaves (AW&ST Mar. 23, p. 14).

French sources dispute the conclusion that Libya is about to default on the Mirage deal and say that first deliveries will be made on schedule next January and February. They point out that Libya already has lost $80 million by canceling the missile air defense package with Britain. It is estimated that Libya has paid at least $30 million down on the $400-million Mirage deal, which includes spares, training and maintenance as well as the 108 aircraft.

Oil looms ever larger as the major strategic and economic factor behind Russia's Middle East and North African push (AW&ST Mar. 30, p. 8). Although the Persian Gulf states have largely been overlooked by intelligence experts as a Soviet goal, the departure of Britain from the five states there makes the area highly attractive at minimum risk.

Britain will begin its East-of-Suez withdrawal this summer and complete it by the end of next year. This will leave the weathly states of Bahrain, Qatar, Kuwait, Muscat and Oman, and the Trucial states open to Soviet incursions.

These developments are evidence to some western observers that land-based military airpower is the real strategic key to the Soviet Middle East intervention. To Israeli planners, the speed at which Russia is moving means the price Egypt is paying to the Soviets for military and economic aid is the control of the Suez Canal.

With Soviet control of the Suez, a direct confrontation between Russia and Israel will be unavoidable if Israel continues its basic policy of holding the Sinai territory it captured in the 1967 war. A critical aspect of Israeli strategy is to pin the enemy down along a 15-mi. strip behind the Suez cease-fire line to prevent an Arab buildup for retaking the Sinai (AW&ST May 11, p. 18).

At this point, Israel appears willing to allow the Soviets to defend enclaves in Egypt's interior but believes its existence depends on maintaining the Sinai as a buffer zone. Doubtless, both sides will probe the other to determine how far they can go short of exploding the area into a general war.

CHEAP LABOR

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. GAYDOS. Mr. Speaker, in the current hue and cry over foreign imports and their disastrous effects on American industries and American workingmen, we often hear the charge the United States cannot compete on fair grounds because foreign producers take advantage of cheap labor costs.

The following article, the second in a series of five written by Sylvia Porter for the Pittsburgh Post-Gazette, refutes that charge. Nor does Miss Porter agree with the contention Japan dumps her goods on the American market at cut-rate prices.

Instead, she pinpoints the reason for Japan's almost unbelievable production growth to other reasons: the close-knit relationship between government and industry; her ability to copy technology from other nations and improve on the product; the dedication of the Japanese worker; and the strong protectionist policies erected by the Japanese Government.

The article is most informative and I invite the attention of my colleages to it:

"CHEAP LABOR" DOES NOT EXPLAIN JAPAN'S GO-GO

(By Sylvia Porter)

TOKYO.—It's a portable pop-up, TV, the first of its kind in the world. I touched the lid and up popped a 5-inch screen for a black and white picture. I touched the lid and back folded the screen into a case which also included an FM/AM radio and which altogether weighed a mere 13 pounds. It works on any house current or a built-in rechargeable battery with a life span of 500 hours. Matsushita Electric of Japan will introduce it to the U.S. market this June to sell for under $180.

It's a 5½ by 9½-inch electronic calculator weighing 3 pounds. On the simplest of keyboards, I added, subtracted, multiplied, divided (and erased my mistakes) in an instant. Sharp Corp. of Japan has this one for the U.S. at $390, cheapest on the market.

It's a tiny tape recorder with a tiny microphone which works with an easy standard cassette and can be carried in a man's coat pocket. All the big Japanese electronics companies have models which are available in the $80–$90 range.

I could go on and on, detailing the exciting consumer electronics products I saw on the assembly lines at Matsushita Electric in Osaka, at the opening of the 1970 Electronics Show in Tokyo, at Expo '70.

For while the pioneering U.S. electronics industry has been concentrating on extremely complicated military and commercial equipment, a gap has opened in the home and small office field. Into this gap, Japan has happily moved and now she's challenging us on all sides.

The phenomenal electronics boom in Japan is almost unbelievable. Her production has been climbing at a rate of 35 to 38 per cent a year! The U.S. Ambassador to Japan, Armin H. Meyer, estimated for me that her output would reach $7.4 billion this year.

While our output is at $26 billion, thoughtful projections show the U.S. and Japan reaching the same level—$45 billion—within 15 years.

How come? The answer, I cannot overemphasize, is not, as you may think, cheap labor!

While her wage scale is nowhere near ours—what nation's is?—she's up to Italy's level and moving toward England's. What's more, Japanese companies take on costs and responsibilities for their employes beyond anything the U.S. even dreams of.

Nor is the reason Japan's unfair dumping at cut-rate prices. She does not export cheaper brands and sell higher-priced items in the home market but so do we. No. The reasons, I am convinced after this trip to Japan's industrial centers, are much more subtle.

Her uniquely close government-trade-industry-financial relationships and the way all segments plan together for growth in specified, selected areas. This sort of relationship is absolutely alien to us; our anti-trust laws abhor it.

But in each of 22 major industries, just three Japanese Zaibatsu-Mitsubishi, Mitsui and Sumitomo—account for one-third to 100 per cent of all production.

The bigness of these family trusts alone helps control Japan's production, markets, prices, profits, competition and promote national goals.

Her astounding capacity for copying the technology of other nations, building superior "Japan-ized" products on this knowhow, and then creating on her own.

Her highly skilled, educated, dedicated and fantastically industrious labor force. I never saw anything like the concentration and cheerfulness of the young men and women on Japan's assembly lines.

Her protectionist policies which safeguard her industries from foreign competition while her companies freely penetrate other markets. Japan is now lowering her barriers, but they are still far too high for a nation at her advanced stage of economic development.

What does it all mean?

To you and me, the buyers of electronics products, the competition is great. We benefit from new, improved and cheaper products.

To the electronics industries of both Japan and the U.S. the competition is a challenge: Japan must give us fair access to her markets and permit us to invest, develop joint ventures and licensing agreements and we must continue to permit her to compete freely for you and me, the consumers.

To both our governments, it's a warning: they must help promote a new era of cooperation and competition between us as equals.

Chujiro Fujino, president of the powerful Mitsubishi Kaisha, Ltd., put it perfectly, I think, when at the end of a long interview he said:

"We must not repeat the mistakes of World War II. We will either collide or cooperate. But since we both must keep growing, there is only one way to go: cooperation.

"D-DAY—1970"

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. SIKES. Mr. Speaker, in June 1944, it was my privilege to have inserted in the CONGRESSIONAL RECORD an editorial on D-Day by Mr. Pete Wehmeier. At that time, Mr. Wehmeier was editor of the Gosport, a publication of the U.S. Naval Air Station, Pensacola, Fla. At this time, Mr. Wehmeier is an employee of the State of Florida on the Governor's Safety Committee. He has written another timely D-Day editorial, and it is my pleasure to submit it for reprinting in the CONGRESSIONAL RECORD. The editorial follows:

"D-DAY—1970"

(By Pete Wehmeier)

On June 6, 1970, we will observe the 26th anniversary of "D-Day", the Allied invasion of the beaches of Normandy, World War II.

Today, 1970, we face another "D-Day"—the battle for survival on our streets and highway. "D-Day—1970", printed below, dramatizes the needless slaughter and the constant current battle against instant death on our streets and highways; also the urgent need for all responsible and concerned motorists and pedestrians to join in the 1970 war against traffic deaths.

To date, 1970, U.S. traffic fatalities exceed those for the same period a year ago. During the past decade (1960's) there were 475,024 traffic fatalities in the United States—more than our World War II battle deaths. Currently, there are more U.S. traffic fatalities each year (56,400 in 1969) than our battle dead (42,118 as of May 16, 1970) during nearly 9½ years of fighting in Vietnam. We get concerned about our war dead and air pollution, and rightly so, but remain complacent and show little concern over our increasing traffic fatalities.

During the past decade U.S. traffic deaths, if concentrated in one small area, would total enough to wipe out completely the entire population of a city the size of Buffalo, Portland, Louisville, Newark, Oakland, Minneapolis, Toledo, Long Beach, Fort Worth, or Nashville.

The new decade (1970's) *could* and *should* show a decrease in traffic fatalities, but will it? *The answer will be determined largely by the degree public apathy can be decreased, and safety involvement participation by millions of drivers and pedestrians can be increased.*

The novel traffic safety editorial follows:

DEADLINE: "D-DAY—1970"

"*Dedication.*—Defenseless, defensive drivers.

"*Denouncing.*—Disobedient, discourteous, disrespectful, dispicable, drunk, drugged, despotic, decapitating death-dealing, dangerous driving daredevil demons . . . desecrating democracy . . .

"*Death drives daily.*—Describable dramatic driving deaths definitely disables, destroys, deprives dozens daily, doubles doctors debts. Dependents destitute—due drink, dope, drugs, disregard, domineering, dizzy, dazed, damn dangerous, deceitful, delusive "donkey" drivers duplicating devastation, disorder, dastardly deeds.

"*Detention.*—Dandy Dads drink/drive, dodge death, do disturbance. District deputy dispatched . . . drunkometer . . . docket . . . driver donates dollars . . . defendant detained. Dad's driving denied, disallowed . . . dungeon . . . desiccate.

"*Doomsday.*—Dreamy, discrete "deletcable dish" dolls, dainty, delicate, diminutive, divine dancing, dating, darling debutante daughters—distressed, depressed, discomforted, disfigured, dislocated, dismembered, disintegrate—dead! Doleful drum dirge. . . .

"*Drink, drugs.*—Dipsomanic, debonair, dashing, daring, daggered, dungaree dressed dropouts . . . defiant, despiteful, delinquent, double-dealing, disgustingly debased, depraved, drivelling, drunk-drugged dumb deleterious devilish demagogues . . . "dragging" dreadful defective "dreadnaughts"—deny, disclaim Deity, dethrone decency, defy desired dutiful defense driving—deal, distribute destructive damage, demolished dashboards, debris, disaster . . . depravation . . . dismal death . . . damnation.

"*Damage, destruction.*—Discouraged, disheartend, disingenious, disconsolate, despondent, disenchanted, disillusioned, disbelieving, disoriented, disorganized, distressed, dejected, depressed, distrusting, deprived, dissipated, deaf, discredited, demented debilitated, doting, dillydallying drivers—die drowning. Decompose. Ditto distasteful, disgusting, disgraceful.

"*Disagreement.*—Drowsy, dozing, dopey, daffy, dazzling damsels (dames, dowager drivers), deem disfavor disemboweling domain, disbelieve, deny discovered damage. . . duress . . . disagreement . . . disown . . . divorce . . .

"*Dissatisfaction.*—Disappointed, discontented, diligent, dexterous, decent drivers . . . deplore deceitful, deucedly dispicable dirty driving—desire disarming disobeying, defrauding, devastating, destructive, depreciative, dishonorable, detestable, demoralized disappearing demon-driving devilish dragon "diseased" dupes.

"*Desire.*—Distinguished, degree'd, dutiful, deferential, dictatorial, dedicated defensive driving disciples, do disapprove death, disaster, desructive damage, depredation, dessolation—display definite desirous devotion—declaim, denunciate, delve, dig, detect,

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deduce, detour, design, discount, disallow, discard, deviate, draw, draft, decipher, diagnose, discover, discuss discourse . . . debate, digress, define, document, demur, deem, devise, divulge, declare data . . . disseminate, disburse, decree, dictate direct deliberate drive . . . dogmatic determination demanding drastic disarming, defeating, debarring, disbanding, demobilizing, dethroning disinterested decapitating drivers, 'Deacons' dearly defend defensible democratic driving doctrine.

"*Decision.*—Dynamic denizens drive defensively definitely diluting disastrous demise. Don't delay donating, dollars, dimes, doubloons, ducats, drachma, dough . . . displaying desired denunciation demanding decisive death decrease! Desegregate defensive/dangerous drivers!

"*Drive defensively.*—Drizzle. Driveway-damp, devious . . . design-displeasing . . . darkness displeasurable driving, discouraging, dusty, desolate, disillusioning, dismal, difficult, doubtful. Detour-deranged, dreary, distracting, dull, deserted, depleted, denunciated, deluged, delaying, deformed, defunct, defaced. Deadly . . . discontinuing, discordant, discredited, discrepancies, disdainful, disorderly, dubious damaging . . . denoting *danger! Drive Defensively!*

"*Democracy—destiny.*—Dedicated drivers Dusk . . . darkness . . . dawn . . . daybreak . . . daylight. *Desired dignity* . . . devotion . . . *dwells during democracy! Divine deliverance day—death's diminish!*"

PRESIDENT NIXON'S DECISION TO SEND TROOPS INTO CAMBODIA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

WASHINGTON REPORT

This past week, President Nixon called an unusual meeting of Congressional leaders to defend his decision to send American troops into Cambodia. I was among those called to the White House for the two-hour briefing. I have grave reservations about the Cambodian venture. I came away reassured, at least in part, that the President wants very much to reduce American involvement in Vietnam and to limit the Cambodian thrust. Because of its importance, I want to summarize the President's report.

The President's theme was that the U.S. action was designed to buy time—time to allow the Vietnamization program to work, to bring the South Vietnamese Army up to strength, and to continue the withdrawal of American troops.

The action was taken at this time, he said, because of recent, rapid developments in Cambodia and in South Vietnam. Cambodia, under the rule of neutralist Prince Sihanouk, permitted the North Vietnamese to maintain supply and staging areas on the South Vietnam border, and to receive supplies through Cambodian harbors on the Gulf of Thailand.

When a anti-Communist military group recently overthrew Sihanouk the North Vietnamese moved to attack the new government and protect their supply lines in Cambodia.

The President said he refused a request from the new government for massive military assistance because of the obvious danger of being drawn into an Asian war and because of the inability of the Cambodian military to use effectively the arms.

The Cambodian operations are being limited in extent, purpose and duration, he said. American troops are to penetrate not more than 30 kilometers, their primary mission is to destroy stockpiles of arms and food, and their operation is to be completed by July 1.

The move against the Cambodian sanctuaries, he insisted, was legal. He emphasized that the operation was not an invasion of Cambodia since the sanctuaries have not been under the control of Cambodia for some time. There are no limitations of international law in the right of self-defense, he said. International law permits the use of reasonable force to attack an enemy which occupies a neutral country.

Repercussions, both international and domestic, have been quick. The North Vietnamese delegates appear to be boycotting the Paris Peace Talks. Reaction from other nations, however, has been restrained. The Communist countries have objected strenuously, but, so far, they have taken no overt action. The President said he is making it very clear to the Soviet Union and Red China that the U.S. is not attempting to defeat the North Vietnamese or invade Cambodia—only cleaning out sanctuaries on Cambodian soil.

Reaction at home has been swift, and in many cases, violent. The President acknowledged rising student unrest, but said his action was designed to help end the war, assist the complete American withdrawal, and make an all-volunteer army feasible—matters which have been fermenting student discontent.

I have supported the President in his efforts to disengage our forces from Vietnam. He has made a sincere effort to de-escalate the conflict and withdraw our troops. Recent experience in Vietnam, however, raises doubts whether the Cambodian exercise will lead to negotiation or heightened confrontation and whether the political price will be too high for a relatively minor military gain.

The action was taken without advising or consulting with the Congress, and right after Secretary Rogers had assured the Congress that no troops would be committed to Cambodia without consulting with Congress. While the President has talked of reducing our profile in Asia, this exercise extends our presence in that area.

Recent events show, too, that the internal stability and tranquility of the Nation have been disrupted, and the country is not drawing together on the issue of Vietnam, but polarizing, separating even more.

SIXTH FLEET STATUS DECLINES

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. BOB WILSON. Mr. Speaker, I am deeply concerned over the decline of our naval superiority in the past decade, particularly in view of the Russian Navy's massive expansion and modernization. I know my House colleagues will find the following San Diego Union article by T. T. Cross on the plight of our 6th Fleet of special interest and concern:

SIXTH FLEET STATUS DECLINES

(By T. T. Cross)

BEIRUT.—As recently as five years ago the American 6th Fleet in the Mediterranean Sea was a spear aimed at the industrial and demographic Achilles' heel of Soviet Russia.

Its carrier task forces, forever on the prowl, could launch toward targets the breadth of European Russia as many as 200 supersonic jets, each carrying in its belly enough atomic thunder to obliterate 100 Hiroshimas.

This awesome fleet was virtually invulnerable to sneak attack—and only such an attack could prevent its launching planes in the event of war. Its high-flying round-the-clock radar pickets guaranteed a warning of approaching aircraft and missiles in time for the fleet to mount a counterstrike and disperse.

Its 24-hour steaming radius of 700 miles forced the enemy to guess where in 1.5 million square miles of sea it would be found on a given day. As for submerged enemy submarines, they simply couldn't keep up with the flying task forces.

The 6th Fleet was—and still is—supplied directly from the United States by a sea-train of cargo vessels, conserving American gold by limiting dollar purchases abroad. Fueling and provisioning at sea also eliminated a need for expensive land bases which, like Wheelus Air Force Base in Libya, were regarded by local populations as bastions of American imperialism and—again like Wheelus—had to be abandoned at enormous cost in the end.

The ships' crews were welcome wherever they went ashore, for the sailors and Marines were well-policed by their own tough shore patrol, and customarily spent upwards of $3 million during an average 10-day port visit. As a combination of strategic power and political invisibility, the 6th Fleet was perhaps unrivaled by any naval unit in recent history.

No more.

The status of the 6th Fleet has so radically degenerated in the last three years, in fact, that there is reason to suspect that it can no longer perform is primary mission of providing retaliatory strike capability against Russia should war come.

The 6th Fleet's decline began through no fault of its own, years ago when a penny-wise Congress and computer-led Pentagon slowed new ship development and procurement to a funeral pace, precisely at the moment Russia was building a new navy from the keel up.

Except for its nuclear submarine fleet, the U.S. Navy must now face its enemies with slightly modernized vessels basically of World War II design. Russia, meanwhile has concentrated its naval budget on the construction of fast guided missile cruisers and destroyers, helicopter carriers, and other new-generation ships tailor-made for today's wars, and for which the American Navy can offer no equivalents in the numbers it needs.

The erosion of the 6th Fleet's effectiveness rapidly accelerated after the brief Arab-Israeli war of 1967. America's mild reaction to Israel's killing over 30 sailors aboard the 6th Fleet intelligence ship, USS Liberty, followed by its jubilation over the Israeli victory, convinced the Arabs that America's commitment to Israel was coldly considered, complete and irreversible.

Accordingly, the welcome mat to Arab ports, with the exception of those in non-strategic Morocco and Tunisia, was abruptly pulled out from under the 6th Fleet and laid ceremononially before the Russians.

Today, American vessels are forbidden entry to Syria's Latakia, Egypt's Alexandria and Algeria's Mers-el-Kebir, where Russian men-of-war crowd the docks.

These Russian ships are now deployed in the Mediterranean in ever-increasing numbers. By American count, there some 63 of all types, as compared with approximately 100 (other, non-American observers say 40-odd) U.S. ships, including three carriers with 240 aircraft.

The Russians are not known to have any carriers in the Black or Mediterranean seas, and a consensus of informed naval sources therefore gives the Americans a healthy edge in firepower especially if, as is believed, the Russian Mediterranean fleet does not carry atomic weapons.

Probably overriding these diplomatic functions is the stricly military consideration of keeping a sharp eye on the Americans. Fast Russian fleet units shadow every 6th Fleet task force, sending back to Moscow regular position reports. They are aided by long-range Russian reconnaissance planes carrying Egyptian markings (and perhaps Russian crews) which insure that no major American fleet movement passes unobserved.

It is almost axiomatic that, should Russia decide to launch a preemptive missile attack against mainland United States, it would simultaneously launch an attack with nuclear weapons against the 6th Fleet, now pinpointed by that unbliking Peeping Tom, the Russian Mediterranean fleet.

Five years ago, had the crunch come, the 6th Fleet would have inflicted appalling devastation on Russia. Today, should Russia shoot first, there may not be time for the 6th Fleet to heave its anchors.

TOWARD A FAIR FARM POLICY

HON. ALLARD K. LOWENSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1970

Mr. LOWENSTEIN. Mr. Speaker, the rich are getting richer and the poor are getting poorer in rural America, and the sad fact is that our own agricultural program has contributed greatly to widening the gap.

Through the farm-subsidy program of the Department of Agriculture, which paid $3.5 billion last year, much of it to wealthy farmers, we are helping to create what amounts to a Government-subsidized landed aristocracy and an impoverished rural peasantry of poor black and white farmers. Michael Harrington has described this sort of thing as "socialism for the rich and capitalism for the poor."

That I am from an urbanized part of the country does not decrease my eagerness to see an equitable farm program developed, a program that would be fair to farm people and to all the rest of us alike. This ought not to be a matter that sets some Americans against others on vocational or geographical lines. What happens in rural areas in our tightly woven, interdependent society affects urban areas, and vice versa; for one thing, when people cannot make a living on the farm, they move to town, with all the consequences for the Nation implied by this continuing urbanization.

So I, and many other Members who represent urban and suburban constituencies, would like to be able to vote for a fair farm support program, and will do so if we are given the opportunity.

In this spirit, I want to call to the attention of the House an article by Mr. William Robbins of the New York Times, which I am inserting in the RECORD for those who may have missed it. Mr. Robbins raises some basic questions about the Nation's farm policy, both as legislated and administered, and I have written the Secretary of Agriculture in hopes of obtaining his thoughts about these matters.

The article mentions the case of a Texas farmer who receives both subsidy payments from the Department of Agriculture and grants for irrigation projects from the Department of the Interior. If this is so, we need to know how widespread this practice is, and so I have asked the Secretary for a list of those receiving payments under both programs, together with the amount of money involved in each instance. Furthermore, if this kind of situation exists at all, I assume we will all agree that legislation is needed to prevent crop-limiting and crop-increasing programs from operating simultaneously on the same property.

Examples of the work of extension service agents cited in the article include teaching hamster care and lawn care, and working with hobby farmers and suburban pony clubs. Although I agree that the extension service should not be limited to serving and educating solely those who are farmers by profession, I wonder if Federal funds are wisely expended on peripheral projects when there are so many poor farmers, often inadequately educated about agricultural skills and technology and desperately in need of whatever help ESA might be able to give.

I have therefore asked the Secretary for his thoughts on the appropriate range of extension-service projects, together with a statement of Department policy regarding the extent to which agents are encouraged to involve themselves in efforts to solve the problems of poor farmers.

I am particularly concerned about the plight of small farmers who find themselves unable to make ends meet. I have asked Mr. Hardin to describe what programs the Department is pursuing to assist in the relocation of such farmers, and how extensively these programs are being utilized. I have also asked for details of the Department's approach to the serious problem of developing water resources and insuring that water tables in crucial areas do not fall to precariously low levels. I am especially interested in what precautions, if any, are being taken to conserve the Ogallala pool in the Midwest, which Mr. Robbins mentions in his article.

I have been impressed during my short term on the Agriculture Committee with the diligent and conscientious efforts of many members of the committee to work out an equitable bill. I am still hoping that we will, in fact, finally produce a bill that will end some of the unfairness that inflicts farmers and the general public alike under present legislation.

If we are unable to produce such a bill—if we are unable to do something as basic, as necessary, and as just as placing a reasonable limit on individual subsidy payments—it will be very difficult to persuade millions of Americans that they should approve the passage of any legislation continuing support programs for farms. We may not be able to correct in 1 year all the inequities that have arisen in our farm program, but we will have to move more clearly and decisively in that direction or the laudable goals that underlie the concept of farm price supports will be forgotten in the reality of the peculiar perversions of these goals have grown up through the years.

I am grateful to Mr. Robbins for this difficult work he has done in so conscientious a way, and I am looking forward to Secretary Hardin's reply to my inquiry. It is not too late to produce a farm bill that would be fair to all involved, and I cannot believe that we will not have the help of farsighted and dedicated leaders of agriculture in working urgently toward that goal.

The article by Mr. Robbins follows:

[From the New York Times, Apr. 5, 1970]

FARM POLICY HELPS MAKE THE RURAL RICH RICHER

(By William Robbins)

WASHINGTON, April. 4.—Young Fred Salyer swung his little red and white monoplane through a bright California sky, looking down on the flat expanse of the San Joaquin Valley. His father had faced bankruptcy there in the early thirties. Now the land supports a thriving farm, with operations so extensive that only in an airplane can they all be checked in one day.

Three thousand miles away, on a muddy road leading to a sagging house in South Carolina, Thomas Washington looked out over his 67 sandy acres summed up the result of a year's work. "Mister," he said, "there wasn't nothing left."

Both men are wards of the Department of Agriculture, but both get widely different benefits. The department pays the Salyer family nearly $1.7 million a year in subsidies; it pays Mr. Washington slightly more than $300.

Trips to the major agricultural regions of the United States, interviews with economists and Government officials and examination of official Government budgets and documents over several months show that the stories of Mr. Salyer and Mr. Washington are not unusual.

After three and a half decades and costs of billions of dollars the Department of Agriculture's farm programs continue to widen the gap between the rich and the poor.

"They have helped create a class of wealthy landowners while bypassing the rural poor—and that means 40 per cent of the poor people in this country," Dr. C. E. Bishop, agricultural economist and vice president of the University of South Carolina, said recently.

Meanwhile the problems of the rural poor have spilled over into the cities, which are trying to cope with millions of displaced farmers and farm workers. But the records show that the Government continues to spend more on middle-class and wealthy farmers than it does on a variety of national problems such as hunger, housing, urban transportation or air and water pollution.

Congress has a new opportunity this year to alter the focus and change direction as legislation that authorizes the farm programs expires. But the bill now in the House Agriculture Committee follows the same course as the vehicles that have brought the programs from the 1930's to 1970.

Critics are sure to mount a determined attack when the bill reaches the House floor. But the farm-oriented Congressmen who control the committee shaping the legislation have been able to beat down revolts against rising farm outlays in the past and are expected to do so again, with only a few compromises. And no compromise is likely to be sweeping enough to change the pattern of the Department of Agriculture, which keeps growing bigger while the farm population is dwindling.

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Twenty years ago. when families living on farms totaled 20 million people, the department had appropriations of $1.5-billion ($2.3 billion in today's dollars) and a staff of 84,000. Today the farm population has dropped to about 10 million but the department's rolls have grown to 125,000, operating under appropriations of $7.4-billion. The actual payroll, as under appropriations of $7.4-billion. The actual payroll, as of last June 30, is substantially larger than estimate reported earlier in testimony before the House Appropriations subcommittee.

The department points to increasing responsibilities for food programs, which have been greatly expanded in reaction to a wave of national concern over hunger, and for rural housing and consumer affairs, but the biggest part of its funds is still budgeted for the old farm agencies.

Supporters of present farm policy contend that over the years the Government programs have created a highly efficient agricultural industry, the greatest in the world, with substantial benefits for consumers in the form of relatively low food prices. Critics acknowledged that the nation's farm industry in general is a monumental success, but they narrow the focus to the costs. They ask where the dollars go.

Some pay the Federal share of salaries for state and county agricultural and home extension services. The county agents' numbers, not officially included in the department's rolls, have grown from 6,796 in 1940 when there were six million farms to 10,282 today, when the number of farms has dropped to three million.

The service, which was started in 1911 but won its greatest acclaim for helping poor farmers in the Depression, now has agents who occupy themselves with teaching the care of hamsters to suburban children, lawn care to urban homeowners and investing to suburban wives.

In suburban Montgomery County, Maryland, the county agent's staff has nearly quadrupled while a third of the county's cropland was being cut up into housing and industrial lots. It was a 4–H agent who counsels clubs of suburban children on puppie-training and pony-care projects, a horticulturist who coaches weekend gardeners, an agriculture agent who says he spends a quarter of his time on hobby farmers and a home-extension woman who devotes most of her time to middle-class wives in exclusive communities.

The suburban pony club is operating without a pony.

However, two agents, working with low-income families come closer to the old image of the county and home extension agents than most of those in rural communities do.

In Abilene, Kans., where blowing dust in the nineteen-thirties turned noonday to night, agriculture extension agents have long finished teaching farmers to hold the earth in place with cover crops, and women extension agents no longer need to teach the nutritional value of green vegetables. They have moved on to other things.

Recently, the home extension agent met at a dinner with one of the 32 clubs that are her major responsibility. The women, well-dressed and obviously middle-class, were headed by the wife of the local gas distributor and was gathered to see a service film on weight-watching called "The Oopsies." Other clubs were scheduled for programs on investing, air-conditioning, folk music, politics and famous women of Kansas.

In the same week, the agricultural agent's farm visits focused on some of Dickinson County's most successful farmers.

But while some of the Agriculture Department's money goes into that sort of thing, the biggest part of it is allotted to farm subsidies, paid to those who agree to limit their crop acreage and help relieve pressure on prices by controlling surplus.

There is little coordination between Government programs. The Agriculture Department spent $3.5-billion on subsidies last year, while the Interior Department's Bureau of Reclamation was spending $85-million a year for irrigation projects to bring arid lands of the West into production.

On Arlin Hartzog's farm in Parmer County, Tex., as on others across the country, both the crop-liming and crop-increasing programs were in action at the same time. Mr. Hartzog received more than $30,000 in Federal subsidies last year for limiting his acreage while the Government was helping him pay for an irrigation system that enables him to make up for the production of the land he had diverted.

The Government puts out millions in such farm counties in subsidy payments to control surplus commodities. But it does not require the counties to help surplus people pushed off the land by the agricultural revolution produced in part by its research and farm programs.

Parmer County, whose farmers received $12-million in Federal payments last year, has no food program although many of its hungry are farm workers like Reuben Gallardo, who lives with his family in a boxcar at Bovina.

Mr. Gallardo is unemployed part of every year, but for farm workers there is no unemployment pay, no compensation for accidents, no maximum to the hours they can be made to work without overtime pay, no minimum wage on most farms and no right to have a union bargain to improve their lot.

Contradictions also exist within the subsidy system. Payments encourage farmers in places like the High Plains of the Texas Panhandle to plant cotton, a crop unsuited to the climate. Payments to farmers like Clarence Martin, who receives about $14,000, brought Parmer County's total in cotton subsidies to about $2.5-million last year, while in the favorable California climate the Salyer farm could have equaled all of the Texas county's production, with or without a subsidary. Yet the Government paid the Salyer family $942,000 to limit its cotton acreage.

The Agriculture Department's agency that helps pay for irrigation systems and other practices that increase production is also linked, under what is called the Agricultural Conservation Program, to depletion of vast water resources. In the Salyer family's area it helps pay for piping and land-leveling in deep-well irrigation systems that are lowering the water table.

The big farmers in the area are not worried, however, because projects of the Bureau of Reclamation will provide a new supply although, by law, its benefits are confined to 160 acres per farmer.

Some say that in a generation many sections will be left dotted with ghost towns, but there is no Federal control to curb further tapping of the resource. In Yuma County, Colo., the Gates Rubber Company has more than 60 wells and is still drilling, while all around its 10,000-acre Big Creek farm the water is being used so lavishly that pastures ar now being irrigated.

The new irrigation systems are bringing a boom to parts of Yuma County and land values are multiplying, as Ruth Warrick, the home agent in Wraye noted.

There is no prospect, however, of replenishing a vast water resource that is being depleted in the Midwest—the Ogallala pool, which has been accumulating for centuries under parts of Texas, Oklahoma, Colorado, Kansas and Nebraska. In Parmer County, Bruce Parr's wells have already grown weak and experts say his water will be gone before his son is ready to take over the farm.

The Department of Agriculture now describes itself as a department of rural affairs. Besides meat-inspection and other activities for the general consumer, its agencies handle food programs, protect forests, lend money for rural homes and farms, help develop water and sewer systems and soil-conserving watersheds, perform economic research, report on crops and markets and direct extension service through state land-grant colleges and universities.

In its rural affairs role, its mission is the well-being of 55 million rural people. But most of its budget is spent on three million farmers, a big part of it on the million its officials call "serious commercial producers"—the big farmers who produce most of the $50 billion a year in crops and earn most of the $16 billion a year in net farm income.

But 14 million poor people remain in rural areas after the flight of 20 million migrants to the cities.

The farm programs began in the early 'thirties when the Roosevelt Administration was floundering about in efforts to aid distressed farmers. There were nearly seven million of them then, most losing their shirts and a million losing their land. Surpluses were mounting as prices fell.

The farmer became stereotyped through the rich literature of the period as a man in patched overalls, bowed by debt and overwork, plodding behind a mule through eroded fields. He and his inevitably large family were undernourished though eating plentifully of heavy, overcooked meals.

Acreage controls and price supports were instituted to begin his economic rescue. Researchers at land-grant colleges stepped up their studies, county agriculture agents spread the word of their findings and women trained as home demonstration agents taught the farmers' wives about balanced diets that would end the wide-spread plague of pellagra.

The years since have brought a technological revolution on the farm. Instead of the man behind the mule, today's commercial farmer is more likely to be like Mr. Hartzog, a university trained planter who lives in a solid brick house set at the edge of the 1,300 acres he farms in Parmer County.

Mr. Hartzog, resting a muscular arm on the door of his pickup truck the other day, discussed at length the problems of the cities as well as the farms. The topic that stirred him most was farm subsidies.

"The payments are really a subsidy to consumers," he said. "They mean that the graduated income tax helps the average man pay for his food, and in this country that's the world's best bargain. But the farmer still earns less than other groups in the economy."

In general, what he said was supported by statistics. But these show that the income disadvantage fades among larger farmers.

As he suggested, the consumer has benefited, too. With the advances in technology spurred by the Department of Agriculture and brought to the farm by the extension agent, the American farmer has become highly efficient. As a result the average consumer pays 17 cents out of a dollar for his food and is left with more for other necessities and for luxuries than anyone else in the world.

But while technology and the farm programs have produced men like Mr. Hartzog, others like Mr. Gallardo, the Texas laborer, and Mr. Washington, the low-income farmers in South Carolina, have been left behind.

Mr. Gallardo is among the one-third of farm workers who are under-employed—a statistical way of saying that they are often unemployed—and at such times often hungry.

"The judge says we can't afford a food-distribution program," said Lorenzo Granada, a young poverty worker operating out of a dim little office off a side street in the village of Bovina, not far from the Gallardos' boxcar home. Mr. Granada, who haunts the local welfare office seeking funds to aid families like the Gallardos, said that the county costs would total about $380 a month.

STILL AWAITING COUPONS

County Judge Archie L. Tarter, head of the local government, a smiling affable man, told a visitor at the courthouse nearby in Farwell:

"I could see a lot of benefits in a food program. But you see our welfare system handles the problem for a lot less money. We could put up maybe $100 a month, though, if somebody else would set up a program."

The Department of Agriculture has promised to bypass the Parmer officials with food stamps, but the hungry are still waiting for the coupons.

Judge Tarter's farm, run by his two sons, received about $11,000 of the $12-million in Federal payments distributed last year to Parmer County's fewer than 1,300 farmers.

Mr. Gallardo and millions like him work at wages below poverty levels.

In South Carolina, the average farm laborer gets about $1 an hour when he works. But Thomas Washington would be hard-pressed to pay that for help on his 67 acres near Kingstree in Williamsburg County. Last year he tried to scratch a living from about two acres of tobacco, 20 acres of cotton, some corn and pigs.

Low wages paid to laborers on bigger farms are reflected in the prices men like Mr. Washington receive for their crops and thus in their income for their own labor.

"Mister, all I had left were debts," Mr. Washington said after detailing the $1,400 he had grossed from tobacco and about $800 for cotton, including a little over $300 in Federal payments.

He is one of more than a million low-income farmers who average less than $400 in Federal subsidies while the top 100,000, or less than 4 per cent of all three million farmers, receive more than a third of the subsidies. Payments for the latter group range from $5,000 to more than $4-million for the J. G. Boswell Land Company, which has farms in California and Arizona as well as land interests abroad.

Aside from the differences in subsidies, men like Mr. Washington get fewer benefits from other farm programs than the big farmers do. The Parmer County farm agent is a well-known visitor at Mr. Hartzog's farm. Mr. Washington does not know his county agent's name, and Mrs. Washington, like Mrs. Gallardo, has never been visited by a home economist.

Among the ammunition of those expected to attack the disparity between farm subsidies and aid for the poor when the new farm bill comes up for debate will be a study made by John A. Schnittker when he was Under Secretary of Agriculture.

CALLED FOR REDUCTION

Mr. Schnittker found that the biggest farm subsidies could be reduced, producing substantial savings for the budget. He says a total of $500-million could be diverted to rural development and projects for the poor without hurting the effectiveness of surplus controls.

But Mr. Schnittker, now a professor of economics at Kansas State University, also found, as he said recently: "The Boswells have powerful friends in Washington."

Orville L. Freeman, then Secretary of Agriculture, quietly buried Mr. Schnittker's report.

In an interview the present Secretary of Agriculture, Clifford M. Hardin, said he saw no early prospect of substantial reductions in the subsidy costs. He said:

"The payments have been capitalized in land prices and mortgage structures. With a sudden change you could force some farms out of business and bring on a general struggle for survival."

He expressed the hope that future programs would give farmers greater latitude in making their planting decisions and permit a transition from the payments system "under their own volition."

He did not explain how the transition would take place, although he has proposed a move away from strict application of crop allotments.

The Secretary said that among his greatest concerns were the problems of rural poverty and rural development. "We have to find ways to create jobs in the rural areas," he said. "We have to find ways and means of redirecting rural population, as it expands, into rural America and away from the cities."

The recent report by the Presidential committee, calling for unspecified amounts of Government spending on rural development, drew a cool reception, however, when it was presented to the Nixon Administration.

The bill now in Congress, described by Secretary Hardin as a "consensus" program, would reduce some of the largest payments but, if passed in its present form, would be expected to produce an over-all saving of no more than $10-million a year out of future farm subsidies, which will climb next year to about $3.7-billion.

Critics in Congress have gained strength and now stand a good chance of some further savings as well as some additional increases in food programs.

But when the speeches are over and the votes have been counted, the department of rural affairs is expected still to be a growing Department of Agriculture devoting the biggest part of its money and energy to a dwindling farm clientele.

REFORM OF THE HOUSE OF REPRESENTATIVES

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. VANIK. Mr. Speaker, ours is a government of laws and not men. Congress should be governed by rules and not men.

The Constitution and the laws of the land contemplate each Congress as a new and separate entity. Legislation does not carry over from one Congress to the other—neither should one Congress commit another on either seniority or rule-making authority.

The rules which we adopt should be directed toward providing a sense of equality to those who serve only for a short time—whose contribution must be quickly made within time framework of their term.

Under the Constitution and the laws of the land, the most junior Congressman is presumed to be equal to the most senior. The rights of seniority are arbitrary. The rights of seniority are usurped at the expense of other Members.

Our purpose should be to give every Member of the 92d Congress the full measure of his rightful share of responsibility and authority. As a Member of a new Congress, he should have a right to select leaders and be considered for leadership and the making of rules.

The great majority of the Members of Congress are men who have served or who will serve less than four terms. Some of our great leaders have been developed through service and seniority, but we can never calculate how many we have lost or how many we have suppressed.

Many Members who serve for only a short time are brief in service not because they are not qualified, enterprising or of good judgment. It may be that they lacked only the ability to compromise for survival—a process in aging and seniority which gradually tends to erode the idealism with which most Members start and which only a few can safeguard through seniority.

A new Member gets elected to this Congress with high hopes, with great expectations, with idealism, with dedication, and high purposes.

Very suddenly after his arrival, he is appalled for he receives the prerequisites of his office and gradually begins to learn that he is not an equal Member of Congress. He is subordinate, he is less than others, he is junior.

He sees the power of leadership, the awesome power of committee chairmen, those—who decide in their own usurpation of authority—what bills shall be considered and when they shall be considered, and how. He sees klieg lights when his chairman and important witnesses appear, but he is never in them. He is in their shadow. When the time arrives for his important questions, the press is gone, the room is empty. His part comes after the curtain has been dropped.

He sees the fiefdoms of committee chairmen, subcommittee chairmen, men whose profundity stems from power rather than from wisdom. He sees the power of ranking committee members who are consulted while he is not. He sees the fiefdom of the powerful committees which he can never see in action because they are exclusive and secret to him.

He learns soon that some Members of his same Congress—equal Members to the body to which he has been elected—are cleared for secrets he does not share. That almost all of the business of some committees are total secrets to which he is not entitled. He learns that five or six men in a subcommittee can transfer the spending of billions of dollars under circumstances in which he is not informed.

After all of this, he is shocked by the sudden discovery of his insignificance. He awakens to learn that he is a nobody in the citadel, and he never comes to realize that he and the other nobodies in the Congress are, indeed, the great majority who have let the power drift and accrue in the hands of a few who have usurped it. The Congress itself, the world's greatest showcase of representative government, if shown inside out, would reveal itself as a process of questionable democracy where few have usurped the power which, indeed, belongs to the many.

It is not seniority alone that dwarfs the new Member. It is the custom which is not part of the law. It is these customs and traditions which are outside of the law and the Constitution, which have developed the Congress into an institution at least one and one-half generations behind the times it is intended to serve.

JOHN J. RHODES REPORTS

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. RHODES. Mr. Speaker, I am inserting herewith in the RECORD the June 1 issue of my Newsletter—John J. Rhodes Reports—which I send periodically to my constituents in the First District of Arizona:

SOUTHEAST ASIA REPORT

With the far-ranging debate in recent weeks over our military operations in Southeast Asia, some of the more basic issues in that conflict have become clouded. Let us look at the situation as we find it today: Whether we like it or not, we are in Vietnam. Most Americans want us out of Vietnam, including President Nixon. The question is how best to accomplish that goal, protect American troops in the process, and insure that millions of South Vietnamese will not be killed immediately following our departure.

President Nixon has concluded that lasting peace in Vietnam depends upon the ability of the South Vietnamese to determine their own form of government and to defend it against aggression from the North. While the President did not abandon the negotiating table, he directed that top priority be given to the training of the South Vietnamese so that they would be able to assume the burden of their own defense. This is the program of "Vietnamization." The result of this policy has been the withdrawal of 115,000 Americans from South Vietnam to date, and the announced withdrawal of another 150,000 Americans by next spring.

I was in Vietnam a short time ago and am pleased to report on this situation first hand. I have never seen finer or more dedicated men than I saw among those wearing the uniform of the United States in Southeast Asia. Thanks to them, Vietnamization is working. The 1st South Vietnam Infantry Division, for example, is an outfit that can stay on anybody's battlefield. This is in striking contrast to the situation I found there in 1964 when every South Vietnamese I met gave me the impression that the North Vietnamese were invincible on the battlefield. Today it is different. They have confidence. They know they can get the job done.

The true test of Vietnamization, however, will come when the second 150,000 U.S. troop withdrawal has been completed. Remaining in Vietnam will be American troops—mainly communications, maintenance, and supply personnel. This is when the North Vietnamese may decide that they can strike quickly at our diminished force, humiliate the United States of America, and earn a cheap victory. The real mettle of the South Vietnamese will be tested when they try to defeat this attack.

However, we want to do everything we possibly can now to insure that this attack, if and when it comes, will be unsuccessful. The neighboring nation of Cambodia had for many months been an unwilling sanctuary for the troops of North Vietnam. At the end of the Ho Chi Minh Trail and the Sihanouk Trail supplies were cached in sanctuaries which our troops and allies did not hit. They did not hit them because Cambodia was a neutral nation.

As a result, the supplies in these areas were built up and the areas of South Vietnam nearest to Cambodia, particularly in the IV Corps Mekong Delta, became strongholds of the Vietcong and the North Vietnamese. A few months ago the situation began to change. Prince Sihanouk, then the ruler of Cambodia, recognized that his people did not appreciate large numbers of North Vietnamese within their country. Moreover, he could see that large numbers of well-equipped North Vietnamese represented a danger to his own regime. Consequently, he began to cut off the supplies which came through the port of Sihanoukville and asked the Soviet Union and Red China to order the Vietnamese to leave.

When Sihanouk left the country, he was overthrown and another government took control. Not only did this government continue to cut off the supplies at Sihanoukville, but it also cut off the Sihanouk Trail. In addition, the Government let it be known that it expected the North Vietnamese and the Vietcong to quit using Cambodia as a sanctuary.

This put the North Vietnamese to the test because they had some extremely difficult decisions to make. One alternative, of course, was to withdraw troops before they used up their supplies. A second alternative was to keep their troops in place and try to supply them, using the Ho Chi Minh Trail. A third alternative was to attack, widen their area of domination, and increase their supply system's capability. Soon, movements of North Vietnamese into the interior of Cambodia and toward Sihanoukville made it apparent that Hanoi had chosen the third alternative, and was trying to turn all of Cambodia into a real supply-and-operations bastion of Communist aggression in the South.

Such a bastion would outflank the Mekong Delta and the Saigon area. The delta situation had so improved that American troops had been pulled out. The improvement accelerated after the closing of Sihanoukville.

Sihanoukville supplied the IV Corps which is the Mekong Delta of Vietnam and the III Corps, which is the area in which Saigon is located, with great quantities of goods and supplies. In fact, it is my understanding that the IV Corps got 75 percent and the III Corps got 50 percent of their supplies and equipment from Sihanoukville. Thus, this was a very important port which the North Vietnamese were most anxious to reopen.

It was at this time that the President of the United States and the President of South Vietnam went through a rather agonizing reappraisal. As long as the troops who occupied these sanctuaries were in relatively small pockets, there was not an overwhelming danger that could not be contained even by our diminished American forces and the South Vietnamese.

However, when the North Vietnamese began to connect those pockets and build them into a continuous chain of supply depots, thereby increasing the supply capability of the Ho Chi Minh Trail, it became apparent that Cambodia was about to become a real arsenal for attack against the South Vietnamese and the remaining Americans. The President of the United States and the President of South Vietnam came to the conclusion that this constituted a risk to the lives of our men which they could not and would not take. As a result, the Cambodian operation was begun.

As a consequence of this operation, a major threat to the continued withdrawal of American military personnel from South Vietnam has been met. The elimination of these sanctuaries, I believe, will prove to have saved American lives, allowed Vietnamization to proceed on schedule, and made possible the continued withdrawal of American troops.

As the first American troop withdrawals from Cambodia got underway, President Nixon characterized the operation to clean out these Communist sanctuaries as "an enormous success—far exceeding expectations." American, and South Vietnamese units have already captured or destroyed tons of enemy arms and supplies which would have been used against allied forces. I received one report that more enemy materiel had been either captured or destroyed in the first two weeks of the Cambodian operation than in the previous 19 months of the war.

By destroying the enemy's logistics systems, facilities, supplies, and equipment, the operation in Cambodia makes it impossible for the enemy to use these areas effectively for many months. Meanwhile, the United States and South Vietnamese forces have been given vital additional time to handle their own defense. All of this has taken place in one of the swiftest military operations of this magnitude.

Nevertheless, various proposals have been offered in the Congress recently to deny to the President the use of funds to conduct various types of military operations or to curtail his authority in other respects. In effect, Congress, through its power of the purse, rather than the President, as Commander-in-Chief of our Armed Forces, would shape future military operations in a war in which we are already deeply involved.

I oppose this position. I believe that it would undercut the real hope we have for peace in Southeast Asia today. First, Congress cannot *manage* a war, as this action would imply. Second, the President is trying to get us out of Vietnam, not accelerate our activities. We should support him.

It should be noted that there were no such proposals offered at the time American forces in Vietnam were increased from the 653 there were when President Eisenhower left office, to over 16,000 by the late President Kennedy. There were no amendments offered to limit the authority of President Johnson as Commander-in-Chief of the Armed Forces of the United States when he ordered the bombing of North Vietnam. There were no such limitations offered when that same President raised our troop level in Vietnam from time to time until it reached 546,000 as it was when President Nixon was inaugurated.

The mistakes of the past cannot be remedied by cutting the ground out from under the President today in the midst of an ongoing inherited war. On the contrary, one of the worst mistakes we could now make would be to issue an open invitation to the North Vietnamese to return to their privileged sanctuaries and, henceforth, use them freely as bases from which they could attack our diminished forces. This is no way to protect American lives. It would actually give encouragement to the enemy at a highly critical juncture. In short, such an action, in my opinion, would prolong the war rather than hasten the day when American troops can return home.

I know of no one who wants to end this war and withdraw American troops more quickly or more urgently than I do. But I want to see American troops withdrawn after we have fulfilled our objective of seeing the process of Vietnamization through to its culmination; of seeing a courageous people choose their own national destiny in freedom. This will occur when the South Vietnamese can defend themselves against North Vietnamese aggression.

I am confident that the actions which President Nixon has taken will bring us a step closer toward that end and, in turn, toward a just and lasting peace in Vietnam. I support the President in his efforts to achieve that long awaited peace.

VISITORS

Phoenix.—Barney Burns, Charles W. Miller, Melinda D. Stevens, Frank G. Benites, Glynn Ross, Sid Magness, Jack Kienstra, Tom Parrish, Russ Hulse, Jack Pfister, Charles F.

Woods, Dr. John S. Young, Lt. Col. John Norviel, Leroy Michael, Honorable Walter E. Craig, David Barnes, Mr. and Mrs. Matt Hanhila, Richard D. Burke, Mr. and Mrs. Harold Evans, Mr. and Mrs. K. H. Vincent, Mr. and Mrs. David Roberts, Wiley Roberts, N. A. Winters, Jr., Mabel, Barbara, and John Reeder, J. A. Riggins, Jr., Mr. and Mrs. T. E. Clark and Georgia, Dr. Louis C. Kossuth, Elmer C. Coker, Don Payne, Sam Mardian, Margaret Fisher, Mr. W. S. Fisher, Mrs. Randolph Young, W. F. Mahan, Marian R. Mortano, Michlos Sakis, Honorable Jack Williams, Nolan Terrill, Edgar F. Scheibel, James E. Barry, Tom McSpadden, Dr. and Mrs. R. C. Behrens, Mrs. Paul Fannin, Frank Scussel, Wes Steiner, Rich Johnson, Roger Ernst, William P. Reilly, Reverend Clifford F. Peterson.

Paradise Valley.—John D. Roeder.

Tucson.—Richard H. Tower, David H. Nix.

Tempe.—Mr. and Mrs. W. S. Gookin, Jr., Joseph C. Bernier, Victor E. Rothe, Daniel K. Phippen.

Kearny.—Audrey D. Stevens.

San Carlos.—Barbara Hiebert.

Guadalupe.—E. L. Pastor.

Litchfield Park.—Pete Espil.

Gilbert.—Thomas E. Cady.

Window Rock.—Leo F. Haven, Peterson Zah, Tom Galbraith.

Chandler.—Orval A. Knox, Mr. and Mrs. Norma L. Knox.

Scottsdale.—Duncan H. Newell, Jr.

Mesa.—Dr. Richard M. Lott, Jerald Green, Mrs. Harold Frederickson, Jim Foran, Rev. and Mrs. James Dingman.

CHANGE OF ADDRESS

If there are any changes that should be made in your name or mailing address, I would appreciate it if you would tear off the address on the brown envelope and return it to me with the applicable changes indicated thereon. (Congressman John J. Rhodes, 2312 Rayburn House Office Building, Washington, D.C. 20515)

XUM

THE BIG BONIFAY SING

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. SIKES. Mr. Speaker, from a lively little Pensacola publication, the Singing News, comes the following interesting story of the big Bonifay All-Night Sing to be held in my First District in Bonifay, Fla., on the night of July 4. This is an annual affair, frequently referred to as "the world's largest sing," and a tremendously popular event which attracts thousands for the rousing gospel singing and fireworks display. I would like to reprint this article about this great event in the CONGRESSIONAL RECORD for the information and pleasure of my colleagues:

BONIFAY SING—JULY 4

To the people who live there, Bonifay is home—a thriving rural typical small town, U.S.A., with most of its businesses centralized on U.S. 90 and its one main street. These people take pride in the town where they live, work, worship, and bring up their children. They channel their community efforts through two principal civic clubs and thus have made the name "Bonifay" synonymous with the most spectacular gospel singing on earth.

The Bonifay Kiwanis Club, which sponsors the biggest all-night singing on earth, joins hands with the Lions' Club, whose members direct 10 acres of parking lots, and with promoter J. G. Whitfield in producing this "granddaddy" of the sundown-to-sunup singings.

This year the program will feature The Statesmen Qt., The Rebels, The Sego Bros., and Naomi, The LeFevre, The Happy Goodman Family, The Florida Boys, The Thrasher Bros., Steve Sanders, The Lewis Family, The Blue Ridge Quartet, The Klaudt Indians, The Stroup Family, The Messengers, The Blackwood Singers and The Singing Evangels. This year's sing will be on July the 4th. Tickets are $2.00 for adults and $1 for children.

Even in the early days of this annual event, the crowds were large but mostly from Florida, Alabama, and Georgia. Today they come from Maine to California, from Canada to Mexico. And they come by the thousands—on campers; pickup trucks; large air-conditioned buses; Cadillacs; sleek, new sports cars; the family station wagon; and some of them walk; but they come as faithfully as the Fourth of July comes around.

A stranger to Memorial Field in Bonifay this Fourth of July evening might think at first glimpse of the huge crowd that he was at a rock festival. But he would spend only a few minutes on the field before he would be caught up in this old-fashioned camp-meeting atmosphere and would soon be humming along with the gospel quartets. He'd see children asleep on homemade quilt pallets; he'd smell the fried chicken from the picnic baskets all over the field; he'd drool at the chocolate cake given to a singer by a fan; and he'd probably be offered a slice of red, juicy watermelon.

He would experience a surge of patriotism at the fireworks display, and he'd find himself praying a prayer of thanksgiving for freedom and liberty. The word "America" would take on a new meaning for him; and, for the first time in a long time, he'd acknowledge his Christian heritage and would find self-expression for the compassion and concern stirring inside what he thought had become a cold, indifferent heart.

He might shed a few tears of homesickness as he sees happy reunions among friends and relatives; but he would have to laugh too because the joy and happiness of the multitudes are contagious.

Soon he would be listening attentively to such familiar songs as "The Old Rugged Cross" and he might be surprised to find himself clapping his hands in time with the music of a modern, rousing spiritual.

He might drop off to sleep in the wee hours only to wake up refreshed and ready to enjoy some more singing and eat another drumstick. Long before the sun comes up, he'd realize that he was no longer a stranger, that he was one of them.

As he followed the crowd off the field Sunday morning, he'd know that this night had been an experience he'd never forget; and chances are, the following year, he'd be back and would bring someone with him. That's how it is at Bonifay.

AMERICAN LEGION SUPPORTS PRESIDENT

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. DORN. Mr. Speaker, I was delighted that my own American Legion Post No. 20 in Greenwood, S.C., of which I am flattered to be a member, adopted the following resolution at their May meeting. I commend this excellent and timely resolution to the attention of my colleagues and to the American people:

RESOLUTION BY THE AMERICAN LEGION POST NO. 20, GREENWOOD, S.C.

Whereas, the war in Vietnam has lingered too, too long for reasons which prevented the combined arms strength of the South Vietnamese and the United States of America from achieving a just and honorable military victory over a vastly inferior enemy;

Whereas, because of international commitments, involvements and fear of world-wide criticism, the combined forces of the United States and South Vietnam were not allowed to pursue the enemy across the narrow stretch of South Vietnam over the border into Cambodia where vast military buildups by the enemy and operating headquarters were allowed to exist;

Whereas, the military buildups by North Vietnam and the Viet Cong had imperilled the very existence of the Cambodian government which desperately sought the military assistance of the United States;

Whereas, President Nixon responded to the call from the Cambodian government and the dictates of his own office as Commander-in-Chief of the Military Forces of the United States by sending American troops into this enemy's sanctuaries along the borders of Cambodia and South Vietnam.

Whereas, reaction from President Nixon's decision to engage in winning warfare rather than continuing a course of limited surrender to the enemy became unexpectedly hostile among the students on the American college campuses, many of which were engulfed in acts of insubordination all the way to insurrection and open warfare with our own military troops at home;

Whereas, we believe that President Nixon acted in good faith and wisdom in pursuing a course of knocking out well-entrenched enemy positions and whereas, we believe that some of our college students over-reacted to the President's decision in shamefully anti-American led demonstrations which are anathema and repugnant to our traditional American way of life;

Therefore, be it resolved that American Legion Post Number 20 in Greenwood, South Carolina, on this day, May 12, 1970, do hereby go on record as commending President Nixon for his efforts to end the Vietnam war and further commend him for standing by his decision to pursue the enemy into his sanctuaries across the borders from South Vietnam and assure him of our support in the future to bring this long-fought war to an honorable end.

Be it further resolved that our young people who want to be heard should exercise restraint, politeness and be more circumspect in having their voices heard on this and other issues of vital national and international concern. We share the view of the nation's youth in wanting to end all wars but we believe that the end of any war must come from mutual desires of the opposing forces to do so, and we fail to see where the Viet Cong-North Vietnamese "Communists" have met our negotiators half way or even close to half way in trying to resolve the issues that have permitted the Vietnam war to continue.

Be it further resolved that a copy of this resolution be sent directly to President Nixon and that copies be sent to Senators Strom Thurmond and Ernest Hollings and Representative Dorn by the Post Commander hereof.

SENATE—*Friday, June 5, 1970*

The Senate met at 12 o'clock noon and was called to order by Hon. WILLIAM B. SPONG, JR., a Senator from the State of Virginia.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal God, the same yesterday, today, and forever, who hast made our bodies to be a temple of Thy spirit, guide us now by Thy truth. Look not upon our pretentions but upon the reality of our inmost being. Direct our actions which are seen and control our thoughts which are unseen. Strengthen us with the realization that in testing times the supreme test is always a test of character and spirit. So help us to walk and work with Thee and be guided by Thy clear light this day and unto the end.

In Thy holy name we pray. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. RUSSELL).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 5, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. WILLIAM B. SPONG, JR., a Senator from the State of Virginia, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. SPONG thereupon took the chair as Acting President pro tempore.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H.R. 15166) authorizing additional appropriations for prosecution of projects in certain comprehensive river basin plans for flood control, navigation, and for other purposes.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 17867. An act making appropriations for Foreign Assistance and related programs for the fiscal year ending June 30, 1971, and for other purposes; and

H.R. 17868. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1971, and for other purposes.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred to the Committee on Appropriations:

H.R. 17867. An act making appropriations for Foreign Assistance and related programs for the fiscal year ending June 30, 1971, and for other purposes; and

H.R. 17868. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1971, and for other purposes.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on June 2, 1970, the President had approved and signed the following acts:

S. 952. An act to provide for the appointment of additional district judges, and for other purposes;

S. 2624. An act to improve the judicial machinery in customs courts by amending the statutory provisions relating to judicial actions and administrative proceedings in customs matters, and for other purposes; and

S. 3818. An act to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. SPONG) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, June 4, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, in view of the fact that the distinguished Senator from Ohio (Mr. YOUNG) has vacated his order for recognition for 20 minutes today, I ask unanimous consent that there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes, pending the arrival of the distinguished Senator from Wisconsin (Mr. PROXMIRE).

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 11:30 A.M. ON MONDAY, JUNE 8, 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11:30 a.m. on Monday next.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR YOUNG OF OHIO ON MONDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, immediately after the disposition of the reading of the Journal on Monday, the distinguished Senator from Ohio (Mr. YOUNG) be recognized for not to exceed 20 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR PERCY ON MONDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, following the remarks of the distinguished Senator from Ohio (Mr. YOUNG) on Monday morning next, the distinguished Senator from Illinois (Mr. PERCY) be recognized for not to exceed 30 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR THURMOND ON MONDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, following the remarks of the distinguished Senator from Illinois (Mr. PERCY) on Monday morning next, the distinguished Senator from South Carolina (Mr. THURMOND) be recognized for not to exceed 30 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the remarks of the distinguished Senator from South Carolina (Mr. THUR-

MOND) on Monday morning next, there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PRESIDENT NIXON SUPPORTS THE BYRD AMENDMENT

Mr. GRIFFIN. Mr. President, the distinguished Republican leader, the Senator from Pennsylvania (Mr. SCOTT), is attending the funeral of an outstanding Pennsylvania citizen, Mr. Richard K. Mellon, and cannot be in attendance today.

Last night, the Senator from Pennsylvania (Mr. SCOTT) received a letter from the President regarding the pending Byrd amendment to the Cooper-Church amendment.

I ask unanimous consent that the letter from the President to the Republican leader be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, June 4, 1970.

Hon. HUGH SCOTT,
U.S. Senate,
Washington, D.C.

DEAR HUGH: You have requested my views on an amendment offered by Senator Robert Byrd of West Virginia to the Cooper-Church amendment to the Foreign Military Sales bill now being considered by the Senate.

As you know, I am opposed to the language of the Cooper-Church provision in its present form. Nevertheless, I fully appreciate the concerns of many Senators anxious that the Cambodian expedition not involve our nation in another Vietnam-type conflict. As I reported to the American people last night, this has been the most successful operation of this long and difficult war and will be completed by June 30. The results will be fewer casualties and continued withdrawals from Vietnam—objectives that Senators share with me.

The Byrd amendment reaffirms the Constitutional duty of the Commander in Chief to take actions necessary to protect the lives of United States forces and is consistent with the responsibilities of my office. Therefore, it goes a long way toward eliminating my more serious objections to the Cooper-Church amendment.

You will recall that last year in Guam I outlined the Nixon doctrine establishing a policy for Asian nations to defend themselves, with American material assistance and technical help. If a stable lasting peace is to emerge in that beleaguered region, it is important that we promote regional cooperation. Therefore, I should hope that the Senate would also adopt an amendment supporting the Nixon doctrine of American material and technical assistance toward self-help.

I appreciate your continued deep interest in this subject and the untiring effort you and your colleagues have made in an effort to achieve meaningful legislation in the best interest of the American people.

Sincerely,

RICHARD NIXON.

HENRY CABOT LODGE URGES SUPPORT OF ABM PROGRAM

Mr. GRIFFIN. Mr. President, a distinguished American who has served his country in many capacities, including service in the U.S. Senate, has taken a close look at the Safeguard anti-ballistic-missile proposal.

Henry Cabot Lodge gives his views on the ABM in the June issue of Reader's Digest. His statement of support is reasoned and logical, and deserves the close study of every interested citizen.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Reader's Digest, June 1970]

A CITIZEN LOOKS AT THE ABM

(By Henry Cabot Lodge)

(The choice is clear, says this respected patriot: unless we protect our vulnerable retaliatory forces, the chances for world peace will be placed in serious jeopardy.)

Once again the vexing question of how far and how fast to proceed with a defense of our country by anti-ballistic missile (ABM) is before Congress and the nation.

Last summer the decision to make a limited start with our anti-ballistic missiles—Safeguard—cleared the Senate by a single vote. That decision, fiercely disputed, authorized the Defense Department to go only as far as deployment of the first two anti-missile installations.

This summer Congress is debating whether to carry the deployment somewhat further. The Administration wants funds to add a third site and to do the advance work on five more sites so as to be ready should an urgent expansion of the country's defenses against a nuclear attack be needed.

Our security needs were stated by President Nixon on March 14, 1969, when he disclosed the three functions that a "measured" deployment of the Safeguard system was intended to serve. The system, if fully extended, would provide:

1. A shield, or cover, for the land-based Minuteman intercontinental ballistic missile (ICBM) force and the Strategic Air Command's B-52 bombers against a direct attack.

2. A defense of American cities from a terroristic nuclear fusillade of the kind that could be mounted with relatively primitive nuclear ICBMs during the 1970s by a nation not in the first rank of nuclear powers.

3. A guard to ward off a nuclear shot or volley fired by accident or as a demonstration of force, or a warning shot "across the bow."

For a number of reasons, including the hope that the current disarmament talks with the Soviet Union may eventually slow the accumulation of long-range nuclear weapons, the Nixon Administration has refrained from attempting to go to a full Safeguard system immediately.

Safeguard and Stabilization.—Our current strategic-land-based offensive system consists of two main elements: SAC B-52 manned-bomber wings are deployed across the United States; the Minuteman force, some 1000 ICBMs in deep concrete silos, are arrayed in six wide fields in five states. The first two Safeguard complexes are separately to cover the Minuteman squadrons in place around Malmstrom Air Force Base in Montana and around Grand Forks Air Force Base in North Dakota. The third complex called for in this year's budget is to cover the Minuteman field near Whiteman Air Force Base in Missouri. These three complexes protect about half of the entire Minuteman force.

While the major function of the Safeguard system that Congress is now being asked to strengthen is to defend Minuteman, there is also a need to provide cover for our manned bombers. They are increasingly exposed on their fields to missiles launched by submarines in positions just off our coasts. All that is requested in the new budget for this important function is funds for advance work on forward defenses.

Heretofore, one of the principal arguments against our investing seriously in a missile defense was that such an action, by "destabilizing" (as the jargon goes) the condition of mutual deterrence, would "goad" the Soviet Union into still heavier deployments of ICBMs. It was argued that the Soviet Union was maneuvering only for ICBM equality with the United States, in the interest of making a condition of mutual deterrence absolutely certain.

The fact which challenges this assumption is that the Soviets show no signs of stopping the arms race.

In mid-1966, before the debate in the United States over the ABM became serious, our intelligence credited the Soviet Union with 250 land-based ICBMs, then deployed, with a growth rate of about 150 missiles a year. These reports said further that an unusually powerful new ICBM, the SS-9, was also undergoing test firing.

Only a year later the count rose to 570. Last September the Soviet ICBM force in being passed 1000. If Soviet deployments continue at the present pace (a new ICBM every other day), the ICBM force in operational readiness will number more than 1300 nuclear long-range attack vehicles by the end of this year. This compares with a total of about 1000 weapons in the U.S. Minuteman force, which was leveled off four years ago on the assumption that it was already big enough.

The Deepening Shadow.—Numbers alone, however, are not the only reason for the deepening shadow which this expansion casts across the prospects for American security. Last year Defense Secretary Melvin Laird predicted that the Soviet force of huge and ready SS-9 missiles, which then numbered 150, could grow to about 230 missiles by this summer if the pace continued. The Soviets are reaching that goal. (Far bigger than the Minuteman, the SS-9 is believed to be able to hurl either a 25-megaton warhead or a cluster of three 5-megaton warheads more than 5000 miles and strike a target at a so-called miss-radius of less than half a mile.)

The experts believe that 400 SS-9s (with MIRV, independently targeted multiple warheads), launched more or less simultaneously, could with the benefit of surprise destroy 95 percent of the entire Minuteman force if it were left unprotected.

The continuing expansion of the Soviet land-based ICBM force has been paralleled by the growth of a Polaris-type submarine force, the so-called Y class. Last year the Soviet navy sent no fewer than six and perhaps as many as nine of these craft to sea. Since then, several more have been launched and as many more are under construction. Like our Polaris, the Soviet subs are each armed with 16 missiles. Military experts conclude that the Y-force is capable of destroying the SAC bombers, based for the most part only a few miles back from our coasts. The warning interval available to bomber crews on alert would be shrunk to minutes if the attack were to come from submarines launching a rain of flat trajectory warheads

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from concealments in the ocean close to the American shore.

The Soviets, according to reports, have also been experimenting diligently with a strategic-attack space machine, an orbiting version of the ICBM designed to respond on command and attack a ground target.

Nuclear Pearl Harbor.—This fast-emerging threat last spring caused Secretary Laird to warn that the Russians seem to be headed for a first-strike capability; that is, the capability of destroying our total retaliatory force in one sudden strike—in a nuclear Pearl Harbor from which there could be no recovery. I know of no one who even suggests that the Soviets intend to do such a thing—to use a first-strike capability. What is important in maintaining world peace, however, is that no power have a capability such as this which it *could* use, without our having an adequate defense.

In the span of three or four years, while Americans have been absorbed in domestic strife and the Vietnam war, it appears to those in a position to know that our margin of strength in strategic-nuclear-weapons systems—the basis of our deterrent against attack—has been seriously reduced. It is thus no longer only the American cities that lie under nuclear threat, but our retaliatory defense as well. We thus can no longer afford the luxury of debating the ABM in abstract terms.

Obviously, the decision before us can be crucial to our survival. According to the respected Rand Corp. strategist, Dr. Alfred Wohlsteter, if the American Minuteman force should be left undefended; and if before 1975—the year the proposed initial elements of Safeguard should be in place—the Russians should match the accuracy and reliability already attained in our own systems; and if, too, the Russians should continue to add SS-9s while bringing on modest numbers of MIRV-type warheads for it—*then it is mathematically certain that by the middle of this decade virtually all the Minuteman force could be wiped out in a matter of minutes.*

Balance of Terror: A fresh look must therefore be taken at the two principal assumptions which, through the early and mid-1960s, regulated the U.S. approach to the strategy of mutual deterrence and which rejected the ABM as an essential reinforcing element in such a strategy.

One was the expectation that the Soviet Union would stop accumulating strategic offensive nuclear weapons as soon as equality was reached with the United States. Instead, as noted earlier, the Soviet Union is pushing ahead to numerical superiority.

The other assumption was that each nuclear super-power could achieve a balance of terror by leaving its cities in hostage to the other. So long as both the Soviet Union and the United States retained a capacity to retaliate by inflicting "assured destruction" equal to wiping out (by former Defense Secretary Robert McNamara's estimates) from one fifth to one third of the attacker's population, they would stand mutually self-deterred. Correspondingly, for one side or the other to start investing seriously in city-defending anti-ballistic missile systems would, by this theory, have the practical consequence of taking the hostages off the board. That would, presumably, unsettle the strategic balance, loosen the rein of self-deterrence, and spur the adversary into either following suit or putting more capital into the strategic strike forces. But now the argument that any ABM is "destabilizing" is, in the face of the rapid Soviet buildup of offensive systems, no longer valid.

The further argument that a decision by us to move ahead with an ABM would either frighten the Soviets out of discussing limitation of strategic offensive systems or would provoke them also has no validity. The Senate vote last year to proceed with the initial phase of Safeguard was followed by an immediate Soviet decision to join the disarmament talks at Helsinki in November. Indeed, one might argue that the U.S. decision helped bring about these talks.

Glassboro and "Galosh."—The most authoritative reports available of the meeting at Glassboro, New Jersey, in mid-1967 between President Johnson and Premier Kosygin are that the meeting was largely concerned with the ABM question. The year before, the Soviets seemed to be constructing around Moscow what was eventually identified as a full-blown and unmistakable ABM system, named "The Moscow System"; it materialized as a grouping of four huge installations, each intended to serve 16 "Galosh" anti-missile missiles, depending for guidance upon elaborate radar-computer combination.

That the Soviets became engrossed in the science of missile defense as soon as they grasped the science of offensive missiles was well known to American intelligence. Evidence gathered in the winter of 1961-62, after the Soviets broke the nuclear-test moratorium of 1958, established that their rocket forces had, with some success, attempted to intercept and destroy another rocket with a nuclear explosion at high altitude. There is also the so-called Talinn system, which became and remains, for American technicians, a subject of controversy: whether it is designed to shoot down U.S. bombers, or ICBMs, or possibly both, is in dispute. But it appears that there never was any serious doubt about the purpose of "Galosh," the first true anti-missile missile to become operational.

At Glassboro, according to the most authoritative reports, Secretary McNamara tried to persuade the Russians not to press on with the "Galosh" system. He is said to have made the argument against "destabilizing" the strategic balance. At that point, we Americans were holding back a prototype ABM system of our own. (This was the Nike X concept, from which have come most of the fundamental subsystems of Safeguard: the elaborate "phased-array" radars for tracking and identifying dozens of oncoming missiles individually; the long- range Spartan missile for intercepting and destroying nuclear warheads hundreds of miles out, above the earth's atmosphere; and the short-range, low-altitude Sprint for attacking nuclear warheads inside the atmosphere.)

Evidently the Soviets did not consider the ABM "destabilizing." Premier Kosygin was quoted in London in the same year as saying that a defense system had the merit of saving lives and that under no circumstances could such a mechanism be blamed for the arms race.

In the aftermath of Glassboro, the decision was made to deploy our first ABM system, named Sentinel. The deployment was aimed primarily at providing an area defense for American cities against the expected ICBM threat—albeit primitive—from other countries not in the front rank of nuclear powers. Secretary McNamara did, however, wisely foresee a possible need to provide a specific defense of the Minuteman force if the Soviet ICBM force kept expanding. That provision proved timely.

The Soviets, for their part, remain engrossed in the Moscow ABM System—probably to be refitted with a superior missile. They thus already have a fully operational system.

Tipping the Balance.—Why have the Soviets invested so heavily in an ABM system of their own? Looking at it from their point of view, and setting aside a possible intent to achieve a first strike, we see they may well believe it necessary to have protection against an irresponsible, terroristic attack from some "minor" nuclear power. This is quite understandable; our experts feel a similar need. For that reason, the Soviets do not view their ABM system as speeding up the nuclear-arms race, but rather believe their ABM to be essential to their defense.

But in a world where so much is delicately balanced, even an understandable action must be scrutinized. Even if we assume that the Soviet ABM is built as a protection against a near neighbor, its existence, coupled with the Russians' increasing offensive capacity, can upset the strategic balance between the Soviets and ourselves.

What can we do to stabilize the situation without provoking another step down a dangerous road? We could, if we had to, increase our offensive capability to compensate for the new Soviet offensive and defensive systems—an invitation to further escalation. Or we could, as the President wishes to do, "stabilize" defensively—by building an ABM system that protects the United States.

Amid all the confusing terminology and sophisticated chess-playing, a certain common-sense fundamental stands out: *The only time an arms race can be controlled is when both sides feel "safe," and the only time both sides feel safe is when neither side has an offensive or defensive advantage.*

Another basic question arises: can we afford it?

The best information available to me indicates that the Administration's ABM program, in its second phase, would not unreasonably burden the American economy. Capital outlays for the total system thus far requested add up to $5.9 billion. This compares with the cost of $20 billion for putting a man on the moon.

Meanwhile, the reviewing arrangements set up by President Nixon will allow him to halt the project completely, or stretch it out, or turn it in a new direction as the technological situation might require. Furthermore, this flexibility will enable him to try a diplomatic initiative in the current disarmament talks, or as world political conditions might dictate.

Summing up. Judged by these standards, Safeguard seems a modest program. Defense Secretary Laird said in February that what is contemplated really represents "the minimum we can and must do, both in cost and system development, to fulfill the President's security objectives."

The case, then, for moving on with Safeguard seems clear-cut. Safeguard holds out these propositions:

It provides a shield for the Minuteman and B-52 forces at a juncture when their retaliatory credibility is coming into jeopardy.

It offers the President a hedge against a hostile threat at a time when he has deliberately withheld production money from new strategic offensive forces.

It protects us from "nuclear blackmail" and the possible catastrophe of an attack from an irresponsible third power.

It widens the choices open to the United States if the disarmament talks should fail or be extended for a protracted period.

Finally, maintaining the development of ABM should strengthen the American trading position in the disarmament talks. As it is, their ABM strength is now greater than ours.

For me, therefore, the evidence is persuasive that the President's requests are wise.

In sum, what is at stake here is nothing less than protecting the deterrent forces of the United States, and thus the survival of the country. In the face of this awesome proposition, four arguments are heard.

The first is that the ABM is technically faulty. This is an argument on which no

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layman can pass. The judgment of the expert officials whose solemn duty it is to pass on such matters is clearly favorable to ABM. Furthermore, the Soviets have perfected such a system. Can it be that our scientists are any less capable?

The second argument is that both sides have so much capacity to "overkill" each other's populations that ABM is not necessary. This is the so-called "balance of terror." But if party A can actually overwhelm party B's weapons, party B will have lost his capacity to kill anything. There will be "terror," but no "balance."

The third argument is that it would be better to spend the money which is asked for ABM on domestic peacetime pursuits. We can all agree that it would be more satisfying to spend the money on housing or anti-pollution but, almost at the same moment that we say this, the question presents itself: If our country is not secure, what do domestic programs avail? Professor Hans Morgenthau, assuredly no hawk, was quoted recently as saying: "A nation which refuses to accept the primacy of foreign policy over domestic politics has doomed itself."

Much as we may hope that other nuclear powers will live quietly within their own borders, common sense tells us that we cannot accept a state of affairs in which these powers are superior to us in nuclear missiles. Surely in a matter involving the survival of the nation, the burden of proof must rest on those who contend that the international order is so lamb-like that such superiority is acceptable.

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It is bleak to have to admit that the international order is dangerous, disorderly and complicated, and that we therefore must expect that life will consist of a series of alerts—as it has for a large part of the 20th century. It is only human to exclaim, as many have done: "I don't want to live out my life in this kind of a world!" This human cry is understandable, but our chance of survival is greatest if we see the international order as it is—not as we would wish it to be. In all of this we, of course, are keeping the door open in the event that the disarmament talks should produce some sort of an agreement or new opportunity.

Far from criticizing ABM, should we not recognize that it is perhaps the one glimmer of light in an otherwise bleak prospect? The ABM is defensive; it can attack no country. It can be actually "de-escalatory"; it could work toward a shrinkage—a slowing—of the arms race, an easing of the tension.

The fourth argument—that for us to undertake this ABM program would be provocative—seems unconvincing. Whatever force it may once have had has been wiped out by the Soviet gains, by their obvious determination to build a system for their own protection, by the defensive character of the ABM, and by the fact that the President can modify or suspend the program entirely if it seemed that by so doing he could reach a satisfactory international agreement.

It can thus be a force for peace making. It might even augur the beginning of a more stable international order.

This being said, can we prudently turn away?

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMUNICATION FROM AN EXECUTIVE DEPARTMENT

The ACTING PRESIDENT pro tempore (Mr. Spong) laid before the Senate the following letter, which was referred as indicated:

Report of the Proceedings of the Judicial Conference of the United States

A letter from the Chief Justice, Supreme Court of the United States, transmitting, pursuant to law, a report of the proceedings of the Judicial Conference of the United States, March 16–17, 1970 (with an accompanying report); to the Committee on the Judiciary.

ENROLLED BILL SIGNED

The ACTING PRESIDENT pro tempore (Mr. Spong) announced that on today, June 5, 1970, he signed the enrolled bill (H.R. 12619) to amend section 11 of an act approved August 4, 1950, entitled "An act relating to the policing of the buildings and grounds at the Library of Congress, which had previously been signed by the Speaker of the House of Representatives.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. HOLLINGS:

S. 3930. A bill for the relief of Mrs. Maria Jose Pereira; to the Committee on the Judiciary.

By Mr. COTTON (for himself and Mr. McIntyre):

S. 3931. A bill for the relief of Vani Angelica Dos Santos; to the Committee on the Judiciary.

THE MILITARY PROCUREMENT AUTHORIZATIONS FOR 1971—AMENDMENTS

AMENDMENTS NOS. 680 AND 681

Mr. PROXMIRE submitted two amendments intended to be proposed by him to the bill (H.R. 17123), the military procurement authorizations for 1971, which were referred to the Committee on Armed Services and ordered to be printed.

(The remarks of Mr. Proxmire when he submitted the amendments appear later in the Record under the appropriate heading.)

ADDITIONAL COSPONSORS OF AN AMENDMENT

NO. 667

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Alabama (Mr. Allen), the Senator from Pennsylvania (Mr. Scott), the Senator from Tennessee (Mr. Baker), and the Senator from Arizona (Mr. Fannin), I ask unanimous consent that, at the next printing, their names be added as cosponsors of amendment No. 667, as modified, to the Cooper-Church amendment, to the Foreign Military Sales Act.

The PRESIDING OFFICER (Mr. Allen). Without objection, it is so ordered.

NOTICE OF HEARING ON S. 3070, THE PLANT VARIETY PROTECTION ACT

Mr. BYRD of West Virginia. Mr. President, on behalf of the distinguished Senator from North Carolina (Mr. Jordan), I wish to announce that the Subcommittee on Agricultural Research and General Legislation of the Committee on Agriculture and Forestry has scheduled a hearing on S. 3070, the Plant Variety Protection Act, on Thursday, June 1, at 9:30 a.m., in room 324 Senate Office Building.

THE CALENDAR

Mr. MANSFIELD. Mr. President, with the understanding that the rule of germaneness does not apply, I ask unanimous consent that I may call up Calendar Nos. 915, 916, 917.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DISPOSITION OF EXECUTIVE PAPERS

The Senate proceeded to consider the bill (H.R. 14300) to amend title 44, United States Code, to facilitate the disposal of Government records without sufficient value to warrant their continued preservation, to abolish the Joint Committee on the Disposition of Executive Papers, and for other purposes which had been reported from the Committee on Post Office and Civil Service with amendments on page 2, after line 15, strike out:

> "(b) Authorizations granted under schedules submitted to the Administrator under section 3303(3) of this title shall be permissive and not mandatory.

And, in lieu thereof, insert:

> "(b) Authorizations granted under lists and schedules submitted to the Administrator under section 3303 of this title shall be mandatory, subject to section 2909 of this title. Authorizations granted under schedules promulgated under subsection (d) of this section shall be permissive.

On page 3, after line 12, insert:

> "(d) The administrator may promulgate schedules authorizing the disposal, after the lapse of specified periods of time, of records of a specified form or character common to several or all agencies if such records will not, at the end of the periods specified, have sufficient administrative, legal, research, or other value to warrant their further preservation by the United States Government.
>
> "(e) The Administrator may approve and effect the disposal of records that are in his legal custody, provided that records that had been in the custody of another existing agency may not be disposed of without the written consent of the head of the agency.

And on page 4, at the beginning of line 1, after the quotation mark, strike out "(d)" and insert "(f)".

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

THE FEDERAL MEAT INSPECTION ACT

The Senate proceeded to consider the bill (S. 3592) to amend the Federal Meat Inspection Act, as amended, to clarify the provisions relating to custom slaughtering operations which had been reported from the Committee on Agriculture and Forestry with an amendment on page 2, line 13, after the word "basis", insert a colon and "*Provided further*, That custom operations at any establishment shall be exempt from inspection requirements as provided by this section only"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Meat Inspection Act (34 Stat. 1260, as amended by the Wholesome Meat Act, 81 Stat. 584), is hereby amended by deleting the proviso from paragraph (a) of section 23 of the Act, and the colon preceding said proviso, and substituting therefor the following: "; nor to the custom preparation by any person, firm, or corporation of carcasses, parts thereof, meat or meat food products, derived from the slaughter by any person of cattle, sheep, swine, or goats of his own raising, or from game animals, delivered by the owner thereof for such custom preparation, and transportation in commerce of such custom prepared articles, exclusively for use in the household of such owner, by him and members of his household and his nonpaying guests and employees: *Provided,* That in cases where such person, firm, or corporation engages in such custom operations at an establishment at which inspection under this title is maintained, the Secretary may exempt from such inspection at such establishment any animals slaughtered or any meat or meat food products otherwise prepared on such custom basis: *Provided further,* That custom operations at any establishment shall be exempt from inspection requirements as provided by this section only if the establishment complies with regulations which the Secretary is hereby authorized to promulgate to assure that any carcasses, parts thereof, meat or meat food products wherever handled on a custom basis, or any containers or packages containing such articles, are separated at all times from carcasses, parts thereof, meat or meat food products prepared for sale, and that all such articles prepared on a custom basis, or any containers or packages containing such articles, are plainly marked 'Not for Sale' immediately after being prepared and kept so identified until delivered to the owner and that the establishment conducting the custom operation is maintained and operated in a sanitary manner."

Mr. CURTIS. Mr. President, I wish to thank the distinguished majority leader (Mr. MANSFIELD) for calling up S. 3592. He has been very helpful in this matter. This measure means a great deal to our rural areas. The bill was introduced by me to meet a very urgent problem. The measure is cosponsored by Senators HRUSKA, BELLMON, BURDICK, DOLE, JORDAN of North Carolina, YOUNG of North Dakota, PROXMIRE, MCGEE, and MANSFIELD.

This legislation is greatly needed. The enactment of this bill will not in any way hinder or thwart the objectives of the Wholesome Meat Act, which is now the law. The enactment of this bill is necessary in order to make that law workable and to make it do justice, particularly in rural areas.

Section 23 (a) of the Federal Meat Inspection Act at present exempts from inspection custom slaughtering. This is as it should be. Custom slaughtering can be defined as that slaughtering that is performed for hire by a slaughterer who kills and perhaps processes hogs and cattle and other meat animals for the owner of such meat animals, and all of the meat and meat products are returned to that owner and used by him in his own household. In other words, just as an owner can kill his own animal and eat the meat without being subject to the Federal inspection, he can hire someone else to do the work. It was sound and right that custom slaughtering be exempt from the Meat Inspection Act that was passed sometime ago.

The problem arises by reason of the proviso to that section which prohibits custom slaughterers to engage in the business of buying or selling any carcasses, parts of carcasses, meat or meat food products. In other words, if an individual is a custom slaughterer, he cannot under existing law engage in either the retailing or wholesaling of meat. The effect of this proviso is to make it impossible for thousands of small businessmen to continue to operate. The income from custom slaughtering is not sufficient to make their business economically feasible. They need to continue to have the opportunity of selling meat to the public as most of them have been doing through the years.

Unless this legislation is passed we will see the closing of a great many small businesses—particularly in the rural areas—but the problem does not end there. Those businesses are a necessary and important part of their community If those businesses close, it will bring hardship and possible closing upon other businesses, and it will be a setback for our small communities at the very time that it is the policy of our Government to promote the economic opportunities of rural America.

Mr. President, the bill S. 3592 has been carefully worked out. It will fully protect the public. It is a compromise measure. It will not give to every local meat processor all that he desires. It will enable him to survive. At the same time the public is assured clean and wholesome meat to the same extent as it is now under existing law.

Here is what this bill would do. It would permit a custom slaughterer, who also very likely might be operating a locker plant, to engage in the buying and selling of meat, but the meat that he sells to his customers must come from an inspected plant.

This means that the passage of this bill will not authorize 1 ounce of uninspected meat to be sold, either at wholesale or at retail. The public will be fully protected.

The measure is supported by the Department of Agriculture and numerous farm organizations. It is supported by locker plant operators, custom slaughterers, and merchants. As shown by the report it is supported by consumers, and one group of well-organized consumers, the Consumers Federation.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CURTIS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE SIOUX TRIBE OF THE FORT PECK INDIAN RESERVATION, MONT.

The bill (H.R. 10184) to provide for the disposition of judgment funds of the Sioux Tribe of the Port Peck Indian Reservation, Mont., was considered, ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Pursuant to the previous order the Chair recognizes the Senator from Wisconsin for a period not to exceed 30 minutes.

Mr. PROXMIRE. Mr. President, I shall address the Senate on two matters. The principal matter I had asked time for is the very unfortunate Lockheed matter involving the C–5A. I think it is time the Senate and the country had a report on that situation and that we face up to what is one of the most difficult and painful tasks before us. Before I get into that I would like to discuss the very unfortunate statistics which have come to the attention of the country in the last few hours.

THE RISE IN THE UNEMPLOYMENT RATE

Mr. PROXMIRE. Mr. President, it was announced just this morning that the unemployment rate has now reached 5 percent. This is dramatic evidence of our thoroughly unsatisfactory economic situation. Unemployment is high and it is rising. Yet, after these many months of waiting and searching for some slackening of inflation, we can still find no evidence that price increases are slowing down.

Let me point out that the insured unemployment rate, the rate which measures the employment situation among steady, experienced workers—men with families to support—rose to 3.6 percent in May. Over the past 2 months, this insured unemployment rate has shown the sharpest increase since 1959. Statistics such as this demonstrate the seriousness of the failure of current policies to cure our economic ills.

Mr. President, I would like to point out further that since December unemployment has risen by nearly 1.3 million, and that includes the 600,000 adult men, 425,000 adult women, and 225,000 teenagers. Of the increase, 60 percent were persons who lost their last jobs, 20 percent were reentrants to the labor force, and 10 percent were persons who had never worked before and job leavers. All of the April-to-May unemployment increase was among the job losers.

Thus far this year, the unemployment rate has risen from 3.5 percent in December to 5 percent in May, the sharpest increase for a 5-month span in more than a decade. Most of the current increase has been among full-time workers, although the part-time rate has also risen. The May increase occurred entirely among full-time workers, whose rate rose from 4.4 to 4.7 percent.

Unemployment rates for craftsmen and operatives rose over the month, as jobless rates in manufacturing and construction increased markedly. Rates in these two industries had been virtually unchanged for the past 3 months. At 5.2 percent, the manufacturing rate was 2 percentage points above its year-ago level, while the unemployment rate in construction—11.9 percent—was double the May 1969 rate.

Mr. President, that is one of the most ironic statistics we can contemplate in our economy. We have a housing shortage which is the worst in 20 years. People urgently and desperately need homes.

In 1968, Congress established housing goals of 26 million housing starts in the next 10 years, or 2.6 million starts a year. This year we will be lucky with one-half of that number. Yet, construction workers who could work on these houses are unemployed. Obviously, our policies are drastically mistaken, and it is time that we improve them.

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It is easy to criticize any administration, whether it be Democratic or Republican, in times like this, but it seems to me it is necessary to point out what can be done about the situation.

As I have pointed out on numerous recent occasions, the absence of a price and incomes policy is a major deficiency in this administration's efforts to control the economy. We have heard a lot of excuses about the difficulties of formulating guideposts or other mechanisms which would be effective in the present situation. As evidence that it is not impossible to formulate sensible specific proposals, I would like to place in the RECORD today an editorial from the May issue of Fortune magazine. This editorial contains a very specific proposal for logical and equitable guideposts which would contribute to the reduction of inflation.

Fortune magazine's particular formula may or may not be the best possible one, but certainly it is worthy of consideration. The administration should be considering this plan, and it should be considering other specific alternatives. I hope that they are doing so. The situation does not permit of further delay and equivocation.

I ask unanimous consent to insert in the RECORD an editorial from the May issue of Fortune magazine and also the release from the Department of Labor regarding the employment situation as of May 1970.

There being no objection, the editorial and release were ordered to be printed in the RECORD, as follows:

[From Fortune magazine, May 1970]

A CASE FOR GUIDEPOSTS

Warily and reluctantly, FORTUNE has come to the conclusion that the federal government should set up voluntary wage-price guideposts, something like those of the early 1960's. We don't *like* the idea of guideposts, even noncompulsory ones, and we would make only modest claims for their efficacy. Moreover, the advocacy of government intervention in the workings of the market is philosophically at odds with the principles of economic freedom to which we subscribe. But in the present situation, with psychology getting in the way of economics, with inflation proving more persistent than economists had expected, it could be temporarily useful to establish governmental standards designed to guide wage settlements and price decisions in the direction of price stability.

This is easier said than done, to be sure. There is not even a generally accepted label for such a policy, much less a blueprint. But under one label or another, a good many people are advocating reconsideration of guideposts. Walter Heller, who as chairman of the Council of Economic Advisers helped set up the original guideposts in 1962, speaks of the present need for "ground rules." Arthur Okun, chairman of the council during the last year of the Johnson Administration, calls for a "speed limit." J. Dewey Daane, a governor of the Federal Reserve Board, urges adoption of some form of "incomes policy." Other advocates have taken up the somewhat yogurty term "moral suasion." In Congress, most of the Democratic members of the Joint Economic Committee have put their names to a report urging that the Council of Economic Advisers publish "specific quantitative standards . . . such that voluntary compliance by business and labor will contribute to the restoration of greater price stability."

TOO LITTLE CHIPPING

The Administration, however, has so far sturdily adhered to the position Richard Nixon took at his first press conference as President. "I do not go along," he said, "with the suggestion that inflation can be effectively controlled by exhorting labor and management and industry to follow certain guidelines." Labor leaders and business managers, he added, "much as they might personally want to do what is in the best interest of the nation, have to be guided by the interests of the organization that they represent."

Strong support for the Administration's stand has come from a number of outside economists, including the University of Chicago's formidable Milton Friedman. Trying to re-establish guideposts, Friedman says, would be like "replaying a cracked record." That sort of policy, he argues, represents an effort to shift to labor leaders and businessmen the blame for inflation brought on by government. "Inflation is made by Washington and in Washington and nowhere else."

There is much to be said, certainly, for letting wages and prices—within a framework of appropriate fiscal and monetary policies—work themselves out in the market. That invisible hand, arthritic though it sometimes seems, is not dead. But once again we are confronted with unsatisfactory results: unemployment up, housing depressed, profits squeezed, yet consumer prices still rising unpleasantly fast.

The underlying difficulty, as the article beginning on page 152 details, is that in the U.S. economy the trade-off between inflation and unemployment is worsened by numerous structural rigidities—high minimum wages, oil-import quotas, and the building trades' monopolistic control of the labor supply, to mention only a few. As a result, full employment is attended by unacceptably rapid inflation, and efforts to stabilize prices by reducing demand tend to produce unacceptably high unemployment. In the quarter-century since the passage of the Employment Act, both Democratic and Republican administrations have notably failed to make sustained efforts to improve the trade-off by chipping away at the rigidities. We urge the Nixon Administration to chip away energetically. But this task, unfortunately, promises rather little in the way of swift results.

To a great extent the arguments currently advanced against guideposts appear to be directed against what happened after the original guideposts collapsed in 1966. During 1966–68, in a time of surging excess demand, the Johnson Administration pursued recklessly inflationary policies and tried to "jawbone" business into moderating the inevitably inflationary consequences. It was like bailing a badly leaking boat with a demitasse spoon.

But economic conditions and policies are now very different. Fiscal and monetary restraint have pretty much choked off demand inflation. The present inflation is mainly a lingering cost-push hangover, kept going by inflationary psychology rather than by underlying economic realities. Unions with contracts coming up for negotiation are demanding not only catch-up increases this year but stay-ahead increases in subsequent years. Wage increases that allow for future inflation tend, of course, to perpetuate inflation.

Under these circumstances, as Walter Heller maintains, some updated version of guideposts might help to "hasten the translation of less demand-pull pressure into less cost-push pressure." The existence of guideposts—public standards with the moral authority of the national government behind them—would provide support for those who are being pushed into inflationary courses despite their better judgment, and perhaps have some deterrent effect on those who are doing the pushing.

The working out of new guideposts would certainly involve the Council of Economic Advisers, but it would be well if the council left actual case-by-case applications to some new office created for that purpose. This need not be a very big outfit, and its only sanctions should be exposure to public scrutiny.

AUTOMATIC SHRINKAGE

Some of those who advocate a return to guideposts, by one name or another, urge that this time the government establish the rules only after consultation with representatives of labor and business. This seems a sound idea. In the meantime, after discussions with a number of economists who have thought about these matters, we offer some tentative suggestions.

Formulation of reasonable guideposts is much harder now than it was in 1962. The lags and grievances created by past inflation, and the expectations of continued inflation, make it impossible just to reinstate the 1962–1966 guidepost principle that wage increases should not exceed productivity gains. But any formulation has to start with productivity, for it is from increasing output per worker that labor's gains in real income flow. The long-term trend rate of annual productivity gains in the U.S. is about 3 percent, and this is the figure to use.

A wage guidepost for inflationary times should be so constructed that it (1) makes some allowance for inflation, (2) contributes to curbing inflation, (3) automatically shrinks as inflation recedes, and (4) comes down to the basic productivity rate when price stability is restored. One formula for meeting these criteria is to take the 3 percent rate of productivity gain and add *one-half* of the preceding year's inflation in consumer prices.

ALLOWING FOR UPCREEP

That word "inflation," in this context, needs a bit of defining. During the first half of the 1960's, with wages advancing moderately and the wholesale price index virtually stable, the consumer price index nevertheless crept upward by somewhat more than 1 percent a year, partly because service wages tend to advance faster than industrial wages. It must be assumed that, until much else in the economy changes, an annual rise of 1 percent in consumer prices is as close as we can come to price stability. To allow for the upcreep, we define inflation, for guidepost purposes, as one percentage point less than the year's percentage increase in the consumer price index. Last year the rise came to about 6 percent, and inflation, so defined, was 5 percent. Adding half of this to the 3 percent productivity base yields a current wage guidepost of 5.5 percent—meaning that this year's labor contracts should provide for increases in compensation (wages plus fringes) no greater than 5.5 percent a year.

Under such a formula, obviously, the guidepost level would move downward as inflation subsided. If the consumer price index rose only 1 percent in a year, the wage guidepost the following year would come to 3 percent, matching that long-term rate of increase in productivity.

Organized labor would be exceedingly reluctant, of course, to accept any such formula right now, and there would have to be some bait. For one thing, contracts would probably have to provide for reopening, or for some automatic increase, if the inflation rate failed to drop below specified levels in subsequent years. Also, the agreed-upon rate of increase in compensation, say 5.5 percent, would hold over the life of the contract even if the rate of inflation went down. So in return for moderating his demand for a highly inflationary wage increase in a three-year contract, the worker would get a chance of significant gains in real wages next year and the year after if inflation recedes.

The corresponding price guidelines should (1) permit some adjustment of prices to reflect increases in costs, (2) contribute to disinflation, and (3) help make the wage guidepost acceptable to labor by giving up a quid pro quo. Under almost any formulation of a price guidepost appropriate to 1970, an employer whose employees accepted a guidepost" contract would absorb out of profits some fraction of the resulting increase in unit labor costs. Price increases, that is, would not fully reflect cost increases.

With profits already pinched, business would doubtless find this aspect of the guideposts highly objectionable. But acceptance of an additional cut into profits can be looked upon as a temporary price business has to pay for labor's cooperation in moving back toward price stability. And the last several years, with their burdensome borrowing costs, steeply rising labor costs, and stagnant profits, have once again abundantly demonstrated how valuable price stability is to business.

HOPE FOR REDUNDANCE

Fortune, as we have noted, advocates wage and price guideposts with some reservations and misgivings. For one thing, guideposts cannot be expected to have large effects upon wages and prices in the whole economy. In practice, guideposts mainly apply to large unions and large industrial corporations. This reach leaves out a lot of the U.S. economy, including some of the sectors that contribute most troublesomely to inflation—notably medical care and construction. What's more, it must be emphasized again that guideposts are not intended to substitute for appropriate fiscal and monetary policies or for structural reform of the economy. An economist who can be considered an advocate of a guidepost policy observed some time ago: "In a highly flexible, perfectly competitive economy, there would be no place for guideposts . . ." We agree, and we look forward to enough progress in that direction to render guideposts redundant.

Still, with so much inflationary bias in the economy, it would be well to give them another try. Guideposts may be a "cracked record," but the inflation-or-unemployment quandary is a cracked record too, and it makes a very unpleasant noise.

The Employment Situation: May 1970

The unemployment rate increased for the fifth consecutive month in May, while employment declined (seasonally adjusted), the U.S. Department of Labor's Bureau of Labor Statistics announced today.

The overall unemployment rate rose from 4.8 percent in April to 5.0 percent in May, the highest since February 1965. The increase occurred entirely among adult workers, particularly those seeking full-time work. The unemployment rate for workers covered by State unemployment insurance programs rose sharply in May to 3.6 percent, up from 3.1 percent in April.

Nonfarm payroll employment declined by 270,000 in May, after seasonal adjustment, although about 100,000 of the drop was due to increased strike activity. Nearly all of the decline occurred in manufacturing, where employment fell in both durable and nondurable goods. The factory workweek and overtime hours continued to edge down in May.

UNEMPLOYMENT

The number of unemployed persons was 3.4 million in May, down 170,000 from April. Unemployment usually falls more than this in May and, as a result, joblessness was up by 160,000 after seasonal adjustment to 4.1 million.

Since December, unemployment has risen by nearly 1.3 million—600,000 adult men, 425,000 adult women, and 225,000 teenagers. Of the increase, 60 percent were persons who had lost their last jobs, 20 percent were reentrants to the labor force, and 10 percent each were persons who had never worked before and job leavers. All of the April-May unemployment increase was among job losers.

Thus far this year, the unemployment rate has risen from 3.5 percent in December to 5.0 percent in May, the sharpest increase for a 5-month span in more than a decade. Most of the current increase has been among full-time workers, although the part-time rate has also risen. The May increase occurred entirely among full-time workers, whose rate rose from 4.4 to 4.7 percent.

The unemployment rate for adult men rose from 3.2 to 3.5 percent between April and May; this rate has risen continuously for the last 6 months. The jobless rate for married men, at 2.6 percent in May, was up from 2.4 percent in April and 1.5 percent a year ago. Rates for both groups of workers equaled levels of early 1965.

After remaining virtually unchanged in April, the unemployment rate for adult women rose from 4.4 to 5.1 percent in May. Although increases in joblessness have not been as great for adult women as for men over this past year, the May rise also brought their rate to early-1965 levels.

The teenage unemployment rate in May moved down from 15.7 to 14.3 percent, primarily among girls. The teenage rate had risen sharply in April, after changing very little in the first 3 months of this year. With the exception of April, the May teenage rate was the highest in more than 4 years.

The jobless rate for workers covered by State unemployment insurance programs was 3.6 percent in mid-May, up from 3.1 percent in mid-April. The May rise of 0.5 percentage point was the sharpest over-the-month increase since November 1959 and followed an increase of 0.4 percentage point in April. At a seasonally adjusted level of 1.9 million in mid-May, the volume of insured unemployment was up 300,000 from mid-April and 900,000 from a year ago.

All of the increase in unemployment in May occurred among white workers, whose jobless rate rose from 4.3 to 4.6 percent. The Negro jobless rate fell from 8.7 to 8.0 percent but was still above the 7.1 rate of March. The ratio of the Negro to white unemployment rates in May was less than 2 to 1, as it had been in 7 out of the 8 months. The over-the-month increase for whites occurred among adult workers, while the only significant decline for Negroes was among teenagers.

Unemployment rates for craftsmen and operatives rose over the month, as jobless rates in manufacturing and construction increased markedly. Rates in these two industries had been virtually unchanged for the past 3 months. At 5.2 percent, the manufacturing rate was 2 percentage points above its year-ago level, while the unemployment rate in construction—11.9 percent—was double the May 1969 rate.

With unemployment increasing for the fifth consecutive month, the average jobless period lengthened in May. The number of persons who had been unemployed for 5 to 14 weeks rose by 140,000 (seasonally adjusted), and long-term unemployment of 15 weeks or longer edged up for the seventh consecutive month to 610,000. The average (mean) duration of unemployment, which had remained about steady from December to April, was 9.0 weeks in May, slightly above the level of the past 2 years but below the average of most of the preceding decade.

The number of persons who were working part time for economic reasons—such as slack work, material shortages, could find only part-time work, or started or stopped a job within the survey week—fell by 110,000 in May to 2.2 million; however, this followed a jump of 425,000 in April. The percent of labor force time lost by the unemployed and by persons involuntarily working part time rose from 5.1 percent in April to 5.4 percent in May, its highest point since April 1965. (Labor force time lost is a measure of man-hours lost to the economy as a percent of potentially available labor force man-hours.)

CIVILIAN LABOR FORCE AND TOTAL EMPLOYMENT

The civilian labor force declined in May, falling by 320,000 to 85.8 million, after seasonal adjustment. All of the decline occurred among adult women, particularly those in the part-time labor force. The May labor force decline followed substantial rises in the December-March period. Although the labor forces for adult men and teenagers were still above December levels (by 650,000 and 310,000, respectively), that for adult women has fallen back to the December level.

Total employment, instead of increasing substantially as it usually does from April to May, decreased and, after seasonal adjustment, was down 475,000 to 78.4 million. All of the decline occurred in nonagricultural employment.

INDUSTRY PAYROLL EMPLOYMENT

Nonagricultural payroll employment increased less than it usually does in May, and, after seasonal adjustment, was down by 270,000. Increased strike activity, mainly in contract construction and manufacturing, accounted for about 100,000 of this drop. (Workers on strike are not counted as employed in the payroll employment series, whereas they are classified as "employed—with a job but not at work" in the household series.)

As in recent months, the April-to-May cutback in employment occurred largely among the manufacturing industries. Since September, employment in manufacturing has declined by 700,000. In contrast, employment in the service-producing industries has increased by 1.0 million during the same period. Beginning in March, however, employment gains posted in the service-producing industries have been very small and were due mostly to Federal government hiring of temporary Census workers.

The May decline of 225,000 (seasonally adjusted) in manufacturing reflected widespread decreases among both durable and nondurable goods industries. Employment in durable goods fell by 130,000, while the nondurable goods industries posted their first sizeable over-the-month decline (90,000) since manufacturing employment began its current reductions. In durable goods, cutbacks of about 20,000–25,000 occurred in the electrical equipment, primary metals, machinery, and fabricated metal products industries. Within nondurable goods, the largest decline occurred in the rubber products industry—35,000—due entirely to a strike.

Contract construction payrolls declined by 80,000 in May, after seasonal adjustment, with three-fourths of the drop accounted for by increased strike activity. Employment in this industry was about unchanged from a year ago, after allowance for strikes.

Payroll employment in trade fell slightly in May, the third consecutive small monthly decline. State and local government employment rose by 40,000, partially due to the return of strikers. There was little change in the other service-producing industries.

HOURS OF WORK

The workweek for all rank-and-file workers on private nonfarm payrolls inched down to 37.2 hours, seasonally adjusted, in May. Since early fall, average weekly hours have gradually drifted downward, with the decline totaling 0.6 hour.

In manufacturing, average weekly hours edged down by 0.1 hour, seasonally adjusted, between April and May. Since December, the average factory workweek has fallen by over three-fourths of an hour. Over-the-month declines were concentrated in the nondurable goods industries, with the largest drops registered in textiles and rubber products and in machinery.

Factory overtime continued its downward trend of recent months, falling by 0.1 hour in May to 2.9 hours (seasonally adjusted). The decline reflected reduced overtime hours in nondurable goods. Since May a year ago, factory overtime hours have dropped by 0.8 hour.

The only industry to post a substantial gain in the workweek in May was transportation and public utilities. At 40.5 hours after seasonal adjustment, the average workweek increased by 0.3 hour between April and May. (Beginning with this release, separate data on the transportation and public utilities and services industries have been added to the series on hours and earnings. See tables B-2 and B-3.)

EARNINGS

Average hourly earnings for production and nonsupervisory workers on private payrolls rose by 2 cents in May to $3.20. Compared with a year ago, hourly earnings were up by 19 cents, or 6.3 percent.

Average weekly earnings increased $1.06 between April and May to $118.72. Compared with May 1969, weekly earnings have advanced by $5.24, or 4.6 percent. Among the major industries, gains were posted in all industries except finance, insurance, and real estate.

Over the year ending in April 1970, average weekly earnings rose by 5.3 percent; after adjustment for consumer price changes, however, earnings were down by 0.7 percent.

TABLE A-1.—EMPLOYMENT STATUS OF THE NONINSTITUTIONAL POPULATION BY SEX AND AGE

[In thousands]

				Seasonally adjusted				
Employment status, age, and sex	May 1970	April 1970	May 1969	May 1970	April 1970	March 1970	February 1970	January 1970
TOTAL								
Total labor force	84,968	85,231	83,085	85,783	86,143	86,087	85,590	85,599
Civilian labor force	81,741	81,960	79,563	82,555	82,872	82,769	82,249	82,213
Employed	78,357	78,408	77,264	78,449	78,924	79,112	78,822	79,041
Agriculture	3,725	3,531	3,894	3,613	3,586	3,550	3,499	3,426
Nonagricultural industries	74,632	74,877	73,370	74,836	75,338	75,562	75,323	75,615
On part time for economic reasons	1,951	2,107	1,509	2,249	2,360	1,936	1,821	1,915
Usually work full time	1,116	1,308	806	1,253	1,400	1,093	1,044	1,036
Usually work part time	835	799	703	996	960	843	777	879
Unemployed	3,384	3,552	2,299	4,106	3,948	3,657	3,427	3,172
MEN, 20 YEARS AND OVER								
Civilian labor force	47,067	47,027	46,134	47,226	47,199	47,060	46,836	46,826
Employed	45,664	45,529	45,324	45,593	45,667	45,709	45,534	45,674
Agriculture	2,696	2,636	2,786	2,625	2,602	2,537	2,479	2,473
Nonagricultural industries	42,968	42,893	42,538	42,968	43,065	43,172	43,055	43,201
Unemployed	1,403	1,498	810	1,633	1,532	1,351	1,302	1,152
WOMEN, 20 YEARS AND OVER								
Civilian labor force	28,033	28,382	27,262	27,885	28,274	28,295	28,066	28,073
Employed	26,828	27,210	26,395	26,476	27,022	27,016	26,925	27,060
Agriculture	634	521	696	567	571	583	630	586
Nonagricultural industries	26,194	26,689	25,699	25,909	26,451	26,433	26,295	26,474
Unemployed	1,205	1,171	867	1,409	1,252	1,279	1,141	1,013
BOTH SEXES, 16-19 YEARS								
Civilian labor force	6,641	6,551	6,168	7,444	7,399	7,414	7,347	7,314
Employed	5,865	5,669	5,545	6,380	6,235	6,387	6,363	6,307
Agriculture	396	374	412	421	413	430	390	367
Nonagricultural industries	5,469	5,294	5,133	5,959	5,822	5,957	5,973	5,940
Unemployed	776	883	623	1,064	1,164	1,027	984	1,007

TABLE A-2.—FULL- AND PART-TIME STATUS OF THE CIVILIAN LABOR FORCE BY SEX AND AGE

[Numbers in thousands]

			Seasonally adjusted					
Full- and part-time employment status, sex, and age	May 1970	May 1969	May 1970	April 1970	March 1970	February 1970	January 1970	May 1969
FULL TIME								
Total, 16 years and over:								
Civilian labor force	69,383	67,818	71,116	70,810	70,557	70,407	70,623	69,273
Employed	66,541	66,018	67,742	67,720	67,707	67,781	68,235	67,128
Unemployed	2,842	1,799	3,374	3,090	2,850	2,626	2,388	2,145
Unemployment rate	4.1	2.7	4.7	4.4	4.0	3.7	3.4	3.1
Men, 20 years and over:								
Civilian labor force	44,742	43,907	45,061	44,898	44,715	44,536	44,604	44,143
Employed	43,423	43,163	43,554	43,487	43,460	43,348	43,561	43,293
Unemployed	1,319	744	1,507	1,411	1,255	1,188	1,043	850
Unemployment rate	2.9	1.7	3.3	3.1	2.8	2.7	2.3	1.9
Women, 20 years and over:								
Civilian labor force	21,705	21,331	21,937	22,054	21,982	21,965	22,146	21,501
Employed	20,695	20,643	20,736	21,042	20,982	21,087	21,332	20,684
Unemployed	1,010	687	1,201	1,012	1,000	878	814	817
Unemployment rate	4.7	3.2	5.5	4.6	4.5	4.0	3.7	3.8
PART TIME								
Total, 16 years and over:								
Civilian labor force	12,358	11,745	11,425	11,949	11,958	11,634	11,803	10,844
Employed	11,816	11,245	10,689	11,064	11,109	10,828	10,946	10,165
Unemployed	542	500	736	885	849	806	857	679
Unemployment rate	4.4	4.3	6.4	7.4	7.1	6.9	7.3	6.3

Note.—Persons on part-time schedules for economic reasons are included in the full-time employed category; unemployed persons are allocated by whether seeking full- or part-time work.

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TABLE A-3.—MAJOR UNEMPLOYMENT INDICATORS

[Persons 16 years and over]

Selected categories	Thousands of persons unemployed		Seasonally adjusted rates of unemployment					
	May 1970	May 1969	May 1970	April 1970	March 1970	February 1970	January 1970	May 1969
Total (all civilian workers)	3,384	2,299	5.0	4.8	4.4	4.2	3.9	3.5
Men, 20 years and over	1,403	810	3.5	3.2	2.9	2.8	2.5	2.0
Women, 20 years and over	1,205	867	5.1	4.4	4.5	4.1	3.6	3.7
Both sexes, 16–19 years	776	623	14.3	15.7	13.9	13.4	13.8	12.4
White	2,783	1,841	4.6	4.3	4.1	3.8	3.6	3.1
Negro and other races	601	458	8.0	8.7	7.1	7.0	6.3	6.4
Married men	877	508	2.6	2.4	2.2	2.0	1.8	1.5
Full-time workers	2,842	1,799	4.7	4.4	4.0	3.7	3.4	3.1
Part-time workers	542	500	6.4	7.4	7.1	6.9	7.3	6.3
Unemployed 15 weeks and over [1]	660	431	.7	.7	.7	.6	.5	.5
State insured [2]	1,689	916	3.6	3.1	2.7	2.7	2.5	2.0
Labor force time lost [3]			5.4	5.1	4.8	4.5	4.2	3.8
OCCUPATION [4]								
White-collar workers	943	641	2.8	2.9	2.7	2.3	2.1	2.0
Professional and managerial	297	196	1.7	1.7	1.8	1.4	1.3	1.2
Clerical workers	477	338	3.9	4.0	3.6	3.2	3.1	2.9
Salesworkers	170	107	4.4	4.1	3.5	3.4	2.8	2.9
Blue-collar workers	1,601	967	6.2	5.7	5.2	5.0	4.6	3.8
Craftsmen and foremen	385	208	4.2	3.5	3.1	2.5	2.3	2.3
Operatives	920	558	6.7	6.3	6.2	6.0	5.1	4.1
Nonfarm laborers	296	201	9.1	8.8	7.4	7.7	8.5	6.5
Service workers	434	365	4.9	5.0	4.9	4.8	4.5	4.2
Farmworkers	70	39	3.5	2.1	2.3	1.9	2.1	1.8
INDUSTRY [4]								
Nonagricultural private wage and salary workers [5]	2,718	1,776	5.2	4.8	4.6	4.3	3.9	3.5
Construction	355	157	11.9	8.1	8.1	7.9	7.1	5.7
Manufacturing	1,031	617	5.2	4.7	4.7	4.6	3.8	3.1
Durable goods	558	332	4.9	4.9	4.8	4.7	3.8	2.9
Nondurable goods	473	285	5.7	4.5	4.6	4.4	3.8	3.4
Transportation and public utilities	126	90	3.3	3.9	3.1	2.4	2.9	2.4
Wholesale and retail trade	620	465	5.1	5.5	4.7	4.7	4.3	4.1
Finance and service industries	568	431	4.2	3.9	4.0	3.2	3.1	3.3
Government wage and salary workers	210	161	2.2	2.2	2.1	2.0	2.2	1.7
Agricultural wage and salary workers	73	43	9.3	5.9	6.4	5.8	6.2	5.3

[1] Unemployment rate calculated as a percent of civilian labor force.

[2] Insured unemployment under State programs—unemployment rate calculated as a percent of average covered employment.

[3] Man-hours lost by the unemployed and persons on part time for economic reasons as a percent of potentially available labor force man-hours.

[4] Unemployment by occupation includes all experienced unemployed persons, whereas that by industry covers only unemployed wage and salary workers.

[5] Includes mining, not shown separately.

TABLE A-4.—UNEMPLOYED PERSONS 16 YEARS AND OVER BY DURATION OF UNEMPLOYMENT

[In thousands]

Duration of unemployment			Seasonally adjusted					
	May 1970	May 1969	May 1970	April 1970	March 1970	February 1970	January 1970	May 1969
Less than 5 weeks	1,744	1,352	2,219	2,295	1,995	1,973	1,756	1,720
5 to 14 weeks	980	516	1,214	1,075	1,154	1,016	914	639
15 weeks and over	660	431	612	569	545	465	409	400
15 to 26 weeks	416	303	352	372	363	306	276	263
27 weeks and over	243	128	260	197	182	159	133	137

TABLE A-5.—UNEMPLOYED PERSONS BY REASON FOR UNEMPLOYMENT

[Numbers in thousands]

Reason for unemployment			Seasonally adjusted					
	May 1970	May 1969	May 1970	Apr 1970	March 1970	February 1970	January 1970	May 1969
NUMBER OF UNEMPLOYED								
Lost last job	1,658	892	1,912	1,613	1,503	1,390	1,202	1,029
Left last job	447	325	550	573	466	473	460	400
Reentered labor force	944	796	1,168	1,207	1,225	1,089	1,106	985
Never worked before	333	286	464	550	479	477	509	399
PERCENT DISTRIBUTION								
Total unemployed	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Lost last job	49.0	38.8	46.7	40.9	40.9	40.5	36.7	36.6
Left last job	13.2	14.1	13.4	14.5	12.7	13.8	14.0	14.2
Reentered labor force	27.9	34.6	28.5	30.6	33.4	31.8	33.8	35.0
Never worked before	9.9	12.4	11.3	13.9	13.0	13.9	15.5	14.2
UNEMPLOYED AS A PERCENT OF THE CIVILIAN LABOR FORCE								
Lost last job	2.0	1.1	2.3	1.9	1.8	1.7	1.5	1.3
Left last job	.5	.4	.7	.7	.6	.6	.6	.5
Reentered labor force	1.2	1.0	1.4	1.5	1.5	1.3	1.3	1.2
Never worked before	.4	.5	.6	.7	.6	.6	.6	.6

TABLE A-6.—UNEMPLOYED PERSONS BY AGE AND SEX

Age and sex	Thousands of persons		Percent looking for full-time work May, 1970	Seasonally adjusted unemployment rates					
	May 1970	May 1969		May 1970	Apr. 1970	Mar. 1970	Feb. 1970	Jan. 1970	May 196
Total, 16 years and over	3,384	2,299	84.0	5.0	4.8	4.4	4.2	3.9	3.5
16 to 19 years	776	623	66.1	14.3	15.7	13.9	13.4	13.8	12.4
16 and 17 years	368	305	45.9	15.6	18.7	15.7	16.3	17.2	14.0
18 and 19 years	408	318	84.3	13.8	13.8	12.4	11.7	11.6	11.5
20 to 24 years	721	455	92.2	8.1	7.7	6.8	7.3	6.1	5.5
25 years and over	1,886	1,221	88.3	3.3	3.1	3.0	2.6	2.4	2.2
25 to 54 years	1,466	1,000	90.7	3.4	3.2	3.1	2.7	2.5	2.3
55 years and over	420	221.	79.8	3.3	2.8	2.7	2.4	2.0	1.7
Males, 16 years and over	1,843	1,114	86.5	4.4	4.2	3.6	3.6	3.3	2.7
16 to 19 years	440	304	62.7	15.0	15.2	12.5	13.0	12.6	11.1
16 and 17 years	222	180	41.9	16.4	17.2	14.6	15.4	14.9	13.9
18 and 19 years	219	125	83.1	14.6	13.9	10.8	11.0	10.8	9.2
20 to 24 years	383	223	94.0	7.7	7.9	6.4	6.9	6.1	4.8
25 years and over	1,019	586	94.0	2.9	2.6	2.4	2.2	2.0	1.7
25 to 54 years	756	455	9.70	2.8	2.6	2.3	2.1	2.0	1.7
55 years and over	263	132	85.6	3.1	2.8	2.8	2.4	2.1	1.6
Females, 16 years and over	1,541	1,185	80.9	5.9	5.7	5.7	5.1	4.8	4.8
16 to 19 years	335	319	70.7	13.4	16.4	15.6	13.9	15.2	14.0
16 and 17 years	146	125	52.1	14.6	20.6	17.0	17.3	20.3	14.2
18 and 19 years	189	194	85.2	12.9	13.7	14.3	12.7	12.4	14.1
20 to 24 years	338	232	90.2	8.7	7.5	7.2	7.6	6.2	6.4
25 years and over	867	635	81.3	4.2	3.8	4.0	3.3	3.0	3.1
25 to 54 years	710	546	83.9	4.3	4.2	4.4	3.6	3.3	3.4
55 years and over	157	89	69.4	3.6	2.7	2.5	2.3	1.7	1.9

TABLE B-1.—EMPLOYEES ON NONAGRICULTURAL PAYROLLS, BY INDUSTRY

[In thousands]

Industry	May 1970	April 1970	March 1970	May 1969	Change from		Seasonally adjusted			
					April 1970	May 1969	May 1970	April 1970	March 1970	Change from April 1970
Total	70,779.0	70,721.0	70,460.0	70,065.0	58.0	714.0	70,855	71,124	71,256	−269
Mining	620.0	616.0	610.0	614.0	4.0	6.0	620	622	626	−2
Contract Construction	3,338.0	3,284.0	3,161.0	3,434.0	54.0	−96.0	3,345	3,424	3,481	−79
Manufacturing	19,418.0	19,619.0	19,794.0	20,027.0	−201.0	−609.0	19,562	19,787	19,944	−225
Production workers	14,070.0	14,236.0	14,385.0	14,655.0	−166.0	−585.0	14,184	14,384	14,512	−200
Durable goods	11,358.0	11,484.0	11,607.0	11,857.0	−126.0	−499.0	11,394	11,525	11,648	−131
Production workers	8,179.0	8,279.0	8,379.0	8,624.0	−100.0	−445.0	8,199	8,313	8,409	−114
Ordnance and accessories	252.4	260.0	271.0	328.2	−7.6	−75.8	254	261	271	−7
Lumber and wood products	582.4	574.3	578.6	611.6	8.1	−29.2	585	585	593	0
Furniture and fixtures	452.0	463.5	468.6	480.6	−11.5	−28.6	457	468	471	−11
Stone, clay, and glass products	632.8	639.7	635.1	651.9	−6.9	−19.1	633	644	651	−11
Primary metal industries	1,308.8	1,327.2	1,338.1	1,354.1	−18.4	−45.3	1,298	1,321	1,337	−23
Fabricated metal products	1,383.3	1,401.3	1,416.1	1,434.1	−18.0	−50.8	1,392	1,410	1,425	−18
Machinery, except electrical	2,016.2	2,041.2	2,058.3	2,022.7	−25.0	−6.5	2,014	2,033	2,046	−19
Electrical equipment	1,932.6	1,962.2	1,983.2	2,011.2	−29.6	−78.6	1,956	1,982	1,995	−26
Transportation equipment	1,913.0	1,923.0	1,963.4	2,050.2	−10.0	−137.2	1,913	1,919	1,950	−6
Instruments and related products	463.9	469.2	471.3	476.6	−5.3	−12.7	467	471	472	−4
Miscellaneous manufacturing	420.7	422.3	423.0	436.2	−1.6	−15.5	425	431	437	−6
Nondurable goods	8,060.0	8,135.0	8,187.0	8,170.0	−75.0	−110.0	8,168	8,262	8,296	−94
Production workers	5,891.0	5,957.0	6,006.0	6,031.0	−66.0	−140.0	5,985	6,071	6,103	−86
Food and kindred products	1,723.1	1,722.5	1,735.6	1,726.5	.6	−3.4	1,791	1,806	1,823	−15
Tobacco manufactures	70.2	71.1	73.8	71.1	−.9	−.9	81	81	81	0
Textile mill products	965.2	975.1	977.3	995.7	−9.9	−30.5	969	979	980	−10
Apparel and other textile products	1,374.0	1,379.8	1,402.8	1,414.9	−5.8	−40.9	1,377	1,391	1,396	−14
Paper and allied products	704.2	713.6	714.9	703.6	−9.4	.6	711	721	721	−10
Printing and publishing	1,105.7	1,110.8	1,112.3	1,077.6	−5.1	28.1	1,111	1,112	1,113	−1
Chemicals and allied products	1,055.1	1,063.2	1,064.1	1,056.8	−8.1	−1.7	1,057	1,062	1,066	−5
Petroleum and coal products	190.0	190.1	189.7	188.1	−.1	1.9	191	192	194	−1
Rubber and plastics products, n.e.c	546.1	579.9	585.0	589.9	−33.8	−43.8	551	585	589	4
Leather and leather products	326.4	328.5	331.6	345.6	−2.1	−19.2	329	333	333	−34
Transportation and public utilities	4,464.0	4,428.0	4,443.0	4,411.0	36.0	53.0	4,473	4,464	4,502	−9
Wholesale and retail trade	14,868.0	14,803.0	14,700.0	14,517.0	65.0	351.0	14,958	14,975	14,984	−17
Wholesale trade	3,806.0	3,800.0	3,797.0	3,678.0	6.0	128.0	3,852	3,850	3,847	2
Retail trade	11,062.0	11,003.0	10,903.0	10,839.0	59.0	223.0	11,106	11,125	11,137	−19
Finance, insurance, and real estate	3,676.0	3,661.0	3.639.0	3,533.0	15.0	143.0	3,683	3,676	3,665	7
Services	11,630.0	11,552.0	11,433.0	11,237.0	78.0	393.0	11,561	11,552	11,537	9
Government	12,765.0	12,758.0	12,680.0	12,292.0	7.0	473.0	12,653	12,624	12,517	29
Federal	2,824.0	2,838.0	2.758.0	2,740.0	−14.0	84.0	2,840	2,851	2,780	−11
State and local	9,941.0	9,920.C	9,922.0	9,552.0	21.0	389.0	9,813	9,773	9,737	04

Note: Data for the 2 most recent months are preliminary

TABLE B-2.—AVERAGE WEEKLY HOURS OF PRODUCTION OR NONSUPERVISORY WORKERS [1] ON PRIVATE NONAGRICULTURAL PAYROLLS, BY INDUSTRY

Industry	May 1970	April 1970	March 1970	May 1969	Change from		Seasonally adjusted			
					April 1970	May 1969	May 1970	April 1970	March 1970	Change from April 1970
Total Private	37.1	37.0	37.2	37.7	0.1	−0.6	37.2	37.3	37.4	−0.1
Mining	43.2	43.1	42.4	43.4	.1	−.2	43.1	43.1	43.2	0
Contract construction	38.2	37.9	37.2	38.2	.3	0	38.2	38.3	38.0	−.1
Manufacturing	39.9	39.7	40.0	40.7	.2	−.8	39.9	40.0	40.2	−.1
Overtime hours	2.9	2.8	3.0	3.6	.1	−.7	2.9	3.0	3.2	−.1
Durable goods	40.5	40.2	40.6	41.4	.3	−.9	40.5	40.4	40.7	.1
Overtime hours	2.9	2.8	3.1	3.7	.1	−.8	3.0	3.0	3.2	0
Ordnance and accessories	40.8	40.8	40.8	40.5	0	.3	40.8	41.1	41.1	−.3
Lumber and wood products	40.7	39.9	39.5	40.7	.8	0	40.3	39.9	39.5	4.0
Furniture and fixtures	38.7	38.7	39.1	40.4	0	−1.7	39.1	39.3	39.4	−.2
Stone, clay, and glass products	41.4	41.4	41.3	42.4	0	−1.0	41.2	41.5	41.8	−.3

Footnotes at end of table.

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TABLE B-2.—AVERAGE WEEKLY HOURS OF PRODUCTION OR NONSUPERVISORY WORKERS[1] ON PRIVATE NONAGRICULTURAL PAYROLLS, BY INDUSTRY—Continued

Industry	May 1970	April 1970	March 1970	May 1969	Change from		Seasonally adjusted			
					April 1970	May 1969	May 1970	April 1970	March 1970	Change from April 1970
Primary metal industries	40.6	40.4	40.8	41.9	.2	−1.3	40.4	40.1	40.7	.3
Fabricated metal products	40.7	40.7	40.9	41.7	0	−1.0	40.6	41.0	41.2	−.4
Machinery, except electrical	40.9	41.5	42.1	42.6	−.6	−1.7	40.9	41.5	41.8	−.6
Electrical equipment	39.7	39.6	40.1	40.5	.1	−.8	39.8	40.0	40.2	−.2
Transportation equipment	41.0	39.3	40.0	41.3	1.7	−.3	40.9	39.8	40.4	1.1
Instruments and related products	40.4	40.3	40.7	40.7	.1	−.3	40.5	40.5	40.7	0
Miscellaneous manufacturing	38.6	38.8	39.0	39.0	−.2	−.4	38.7	39.0	39.0	−.3
Nondurable goods	39.0	38.9	39.2	39.7	.1	−.7	39.1	39.3	39.4	−.2
Overtime hours	2.8	2.8	3.0	3.3	0	−.5	2.9	3.0	3.2	−.1
Food and kindred products	40.5	39.8	40.0	40.5	.7	0	40.7	40.5	40.5	.2
Tobacco manufactures	38.9	37.1	36.4	37.6	1.8	1.3	39.2	38.3	37.5	.9
Textile mill products	39.7	39.9	40.1	40.9	−.2	−1.2	39.8	40.6	40.2	−.8
Apparel and other textile products	35.2	35.4	35.8	36.1	−.2	−.9	35.2	35.5	35.5	−.3
Paper and allied products	42.0	41.7	42.0	43.0	.3	−1.0	42.0	42.1	42.2	−.1
Printing and publishing	37.6	37.7	38.0	38.3	−.1	−.7	37.7	37.9	38.0	−.2
Chemicals and allied products	41.4	41.6	41.8	41.9	−.2	−.5	41.3	41.4	41.8	−.1
Petroleum and coal products	42.1	42.1	41.8	43.3	0	−1.2	41.8	41.8	42.2	0
Rubber and plastics products, n.e.c	39.7	40.2	40.4	41.2	−.5	−1.5	39.8	40.6	40.7	−.8
Leather and leather products	37.1	36.3	37.1	37.3	.8	−.2	37.3	37.4	30.4	−.1
Transportation and public utilities	40.3	39.7	40.2	40.5	.6	−.2	40.5	40.2	47.6	.3
Wholesale and retail trade	35.0	34.9	35.0	35.4	.1	−.4	35.4	35.3	35.3	.1
Wholesale trade	40.0	39.9	40.0	40.0	.1	0	40.2	40.1	40.1	.1
Retail trade	33.4	33.3	33.4	33.9	.1	−.5	33.8	33.7	33.8	.1
Finance, insurance, and real estate	36.7	36.9	37.0	37.0	−.2	−.3	36.8	36.9	37.0	−.1
Services	34.4	34.5	34.7	34.5	−.1	−.1	34.6	34.6	34.7	0

[1] Data relate to production workers in mining and manufacturing: to construction workers in contract construction: and to nonsupervisory workers in transportation and public utilities; wholesale and retail trade; finance, insurance, and real estate; and services. These groups account for approximately ⅘ of the total employment on private nonagricultural payrolls.

Note: Data for the 2 most recent months are preliminary.

TABLE B-3.—AVERAGE HOURLY AND WEEKLY EARNINGS OF PRODUCTION OR NONSUPERVISORY WORKERS[1] ON PRIVATE NONAGRICULTURAL PAYROLLS, BY INDUSTRY

Industry	Average hourly earnings						Average weekly earnings					
					Change from						Change from	
	May 1970	April 1970	March 1970	May 1969	April 1970	May 1969	May 1970	April 1970	March 1970	May 1969	April 1970	May 1969
Total private	$3.20	$3.18	$3.17	$3.01	$0.02	$0.19	$118.72	$117.66	$117.92	$113.48	$1.06	$5.24
Mining	3.00	3.79	3.78	3.50	.01	.22	164.16	163.35	160.27	155.37	.81	8.79
Contract construction	5.09	5.08	5.06	4.72	.01	.37	194.44	192.53	188.23	180.30	1.91	14.14
Manufacturing	3.35	3.32	3.31	3.16	.03	.19	133.67	131.80	132.40	128.61	1.87	5.06
Durable goods	3.50	3.52	3.51	3.35	.04	.21	144.18	141.50	142.51	138.69	2.68	5.49
Ordnance and accessories	3.57	3.58	3.57	3.40	−.01	.17	145.66	146.06	145.66	137.70	−.40	7.96
Lumber and wood products	2.97	2.89	2.86	2.69	.08	.28	120.88	115.31	112.97	109.48	5.57	11.40
Furniture and fixtures	2.75	2.73	2.71	2.60	.02	.15	106.43	105.65	105.96	105.04	.78	1.39
Stone, clay, and glass products	3.36	3.34	3.32	3.17	.02	.19	139.10	138.28	137.12	134.41	.82	4.69
Primary metal industries	3.93	3.90	3.86	3.75	.03	.18	159.56	157.65	157.49	157.13	2.90	2.43
Fabricated metal products	3.52	3.50	3.48	3.32	.02	.20	143.26	143.45	142.33	138.44	.81	4.82
Machinery, except electrical	3.76	3.76	3.75	3.56	0	.20	153.78	156.04	157.88	151.66	−2.26	2.12
Electrical equipment	3.28	3.25	3.24	3.07	.03	.21	130.22	128.70	129.92	124.34	1.52	5.88
Transportation equipment	4.06	4.00	4.01	3.83	.06	.23	167.69	157.20	160.40	158.18	10.49	9.51
Instruments and related products	3.30	3.29	3.28	3.12	.01	.18	133.32	132.59	133.50	126.98	.73	6.34
Miscellaneous manufacturing	2.80	2.80	2.80	2.64	0	.16	108.08	108.64	109.20	102.96	−.56	5.12
Nondurable goods	3.05	3.04	3.03	2.88	.01	.17	118.95	118.26	118.78	114.34	.69	4.61
Food and kindred products	3.16	3.12	3.10	2.95	.04	.21	127.98	124.18	124.00	119.48	3.80	8.50
Tobacco manufactures	3.05	2.99	2.90	2.74	.06	.31	118.65	110.93	105.56	103.02	7.72	15.63
Textile mill products	2.43	2.43	2.42	2.30	0	.13	96.47	96.96	97.04	94.07	−.49	2.40
Apparel and other textile products	2.37	2.37	2.37	2.29	0	.08	83.42	83.90	84.85	82.67	−.48	.75
Paper and allied products	3.40	3.37	3.35	3.20	.03	.20	142.80	140.53	140.70	137.60	2.27	5.20
Printing and publishing	3.87	3.85	3.84	3.66	.02	.21	145.51	145.15	145.92	140.18	.36	5.33
Chemicals and allied products	3.63	3.61	3.60	3.43	.02	.20	150.28	150.18	150.48	143.72	.10	6.56
Petroleum and coal products	4.31	4.27	4.23	4.03	.04	.28	181.45	179.77	176.81	174.50	1.68	6.95
Rubber and plastics products, nec	3.14	3.16	3.15	3.04	−.02	.10	124.66	127.03	127.26	125.25	−2.37	−.59
Leather and leather products	2.50	2.48	2.47	2.35	.02	.15	92.75	90.02	91.64	87.66	2.73	5.09
Transportation and public utilities	3.72	3.71	3.71	3.61	0.01	0.11	149,92	147.29	149.14	146.21	2.63	3.71
Wholesale and retail trade	2.70	2.69	2.68	2.54	0.01	0.16	94.50	93.88	93.80	89.92	.62	4.55
Wholesale trade	3.41	3.39	3.40	3.20	0.02	0.21	136.40	135.26	136.00	128.00	1.14	8.40
Retail trade	2.42	2.42	2.41	2.29	0	0.13	80.83	80.59	80.49	77.63	.24	3.20
Finance, insurance, and real estate	3.03	3.03	3.05	2.90	0	0.13	111.20	111.81	112.85	107.30	−.61	3.90
erv ices	2.83	2.82	2.82	2.60	0.01	0.23	97.35	97.29	97.85	89.70	.06	7.65

[1] Data relate to production workers in mining and manufacturing: to construction workers in contract construction: and to nonsupervisory workers in transportation and public utilities; wholesale and retail trade; finance, insurance, and real estate; and services. These groups account for approximately ⅘ of the total employment on private nonagricultural payrolls.

Note: Data for the 2 most recent months are preliminary.

MILITARY PROCUREMENT AUTHORIZATIONS, 1971—AMENDMENTS NOS. 680 AND 681

Mr. **PROXMIRE**. Mr. President, I am today submitting two amendments which I intend to propose to the military authorization bill, the first of which would strike $200 million for the procurement of C–5A aircraft by the Air Force.

The bill contains a total of $544.4 million for the C–5A. Of this amonnt, $344.4 million is urged to pay for prior year production commitments.

But the bill also contains another $200 million as a "contingency fund." These are expenditures which the Air Force itself claims are the responsibility of the contractor. They say that the contractor is responsible under the contract to cover expenditures beyond the $344.4 million.

However, the Air Force has no confidence that Lockheed, the contractor, has the ability to cover these expenditures and has asked for the $200 million as a "contingency fund" to cover such expenditures in that case.

BAIL-OUT MONEY

To put it baldly, the Air Force is picking up at least $200 million of the check which Lockheed itself should pay. And Secretary Packard has said that if the Air Force does not pay it, the C–5A program would have to be terminated under confusion and uncertain circumstances without any clear picture of just what the Government could get for its large investment in the program.

That, in fact, is a fantastic admission of failure.

But what the Air Force has done is to submit meekly to the claims of the company and has asked Congress to provide $200 million of the "bail out" money the company says it needs.

But this is being done without getting the facts. Lockheed has refused to give to the Air Force and to Congress a cash flow analysis—the fundamental document which would give its precise financial condition.

NEED FACTUAL INFORMATION

It has asked for $641 million bail-out money, and the Air Force and Mr. Packard are urging us to provide at least $200 million of that amount in the bill, almost entirely on the word of the company and under its threat that they will stop production unless they get the funds.

But we do not have a cash flow analysis—a document without which no bank would loan a non-defense business $1 million, let alone $200 million or $641 million.

I might point out that the $1 million is not a loan; it is a gift.

The company claims that such a document is "proprietary information"—that is, the cash flow statement—and has refused my requests through the GAO and the Air Force to produce it.

What we need to know is first, how much cash is available to the company, second, what its cash needs for all of its major programs will be over the next 18 months to 2 years, third, the cash deficits and surpluses for all major Lockheed programs, including the L–1011, which is a commercial operation, on both Lockheed premises and customer premises, fourth, where additional funds will be coming from, including sales of its commercial and its military goods, and fifth, what alternative means of getting cash there are, including the disposal of some of its assets or the availability of loans.

We need this information. Lockheed's needs should not be taken on faith.

WITHHOLD FUNDS

I say that if they are unwilling to produce such fundamental facts, we should not appropriate the money. As trustees for the taxpayers of the United States, we have even a greater responsibility than a bank does to its depositors and shareholders.

The Air Force is already remiss in its failure to demand such a document and in its continuous supine behavior toward this company. This situation must not be compounded by an equally weak, supine, and irresponsible act on the part of the Congress.

FURTHER EXPENDITURES CONDITIONAL ON RECEIVING INFORMATION

My first amendment provides, therefore, that the $200 million be denied to the Air Force. It further provides that none of the 1971 funds $344.4 million may be expended such time as fundamental pieces of information are provided to the Air Force and publicly transmitted to the Congress.

The first is the detailed and comprehensive cash flow analysis giving the precise financial condition of the company I have described above.

The second is the status of the production schedule of the plane, including the detailed determination of the number of planes delivered and in process, the precise status of the work in progress based on factory data, and the near- and long-term projections for the production and delivery of the plane.

And by the public transmission of the information to Congress, I do not mean that the Air Force is to deliver it in an envelope market "secret" to one or two Members of the Congress. This is public information and should be made public. It obviously has no business being so classified. It is of no value to any potential enemy of the United States.

We have just been through a situation where Lockheed issued $125 million in debentures which were bought by the public in good faith. But the company failed to disclose that the Air Force had warned them on their overrun position. As a result, a great many people who bought those debentures have been hurt very much indeed. But the stockholders and the taxpayers have a right to full disclosure, especially when the latter, the taxpayer, is asked to pick up the tab.

It is in fact a very sad state of affairs that such information is not now available. We should have a cash flow analysis. We need desperately to know the status of the work on the plane, including a number of very real alternative production schedules, because of the technical defects in the plane.

If this were merely a private commercial company producing commercial goods, it would have a good argument that the information is of a proprietary nature. But this company is producing a Government plane, in a Government-owned plant, with up to 90 percent advanced payments for costs incurred. In addition, it is asking for $641 million in additional funds from the U.S. Government, $200 million of which is to be appropriated in the bill soon to be before us. In those circumstances this is hardly proprietary information. It is information which the taxpayers have a right to know.

My second amendment would require all this information before any of the funds provided in fiscal year 1971 could be expended.

PRESENT PROBLEMS DUE TO AIR FORCE FAILURES

The production of this plane is in a precarious situation. And one of the reasons this is so is because the Air Force has been unwilling to stand up and demand certain information from the company. Instead of acting as the hard nosed customer of the company, with a legal contract which should be fulfilled, the Air Force has repeatedly acted as if it were the agent of the company. And this has not only been done privately but publicly as well.

Item: We had testimony a year and a half ago that there was a $2 billion overrun on the plane. The Air Force denied it. They fired the man who made the information public. But it was true.

Item: During the debate last year I warned that by the end of this year the Air Force would have spent all the funds they legally owed Lockheed under the contract, but that we would not receive the planes we had contracted for. I predicted they would be back for $500 million on the C–5A. That was pooh-poohed. Now this has come true. Almost precisely $500 million is the amount Lockheed has demanded for additional work on the C–5A. The Air Force has spent all the funds it is legally entitled to spend under the contract. Instead of the 120 planes those funds were originally to have provided, we may—and I repeat, may—get 30 planes and perhaps only 20 planes, and maybe even less. That is a scandal.

Item. We have repeated testimony, that the technical specifications for the plane had been degraded. The Air Force said this was not true. It asserted again and again that this plane is performing even better than expected. We were denounced for inquiring about it. The Air Force public relations crew wrote speeches or provided information for the proponents of the plane inside and outside the Air Force, denying this was true.

But it is true. Not only have the specifications been degraded; we now find that the wing defect is so serious that there is a grave question whether the plane itself can be salvaged to perform its original mission.

Mr. President, I should like to read from the Armed Forces Journal of this month. The Armed Forces Journal, I might stress, is not a magazine that is usually critical of the Defense Department, but is a magazine that has established an outstanding competence in this area, and is sympathetic toward our military mission.

The Armed Forces Journal in an article entitled "C–5A Fatigue Life in Question; So Is Approved 81-Aircraft Buy," reports as follows:

> A blue-ribbon technical panel told Air Force Secretary Robert Seamans early this month that fatigue life of Lockheed's controversial C–5A transport will come up to only one-fourth of what is required for Military Airlift Command's planned usage of the $4-billion giant cargo fleet. The Air Force was strongly advised to consider designing an entirely new wing for the plane, on the basis that there is virtually no chance fixes could be incorporated into the current C–5A design to give it the 30,000-hour maximum design fatigue life matching MAC's current mission requirements.
>
> A wing crack was discovered in static test last July on a C–5A. Since, the Air Force has imposed operating restrictions which limit the plane's gross takeoff weight to 575,000 lbs. 203,000 lbs short of its design point. In February Air Force officials gave Congress an estimate of $10- to $15-million to fix the wing crack. That estimate presumably is now out the window.
>
> ### WING ALREADY REDESIGNED ONCE
>
> Sources contacted by The Journal would not estimate what design, test, and production of a new C–5A wing might cost. Lockheed has already had to redesign the wing once; the company says this happened after it was advised it had won the C–5A contract, but before the contract was awarded formally, because the "Air Force established new, stiffer performance requirements which required extensive aero-dynamic changes."
>
> In a "Fact Sheet" now being briefed to the press, the company attributes a large part of the C–5A's cost growth to this original re-

design, which added some 600 square feet of wing area, compared to the wing proposed when Lockheed won the controversial contract.

Lockheed's bid for 120 aircraft had a target Boeing bid of $2.216-billion for a design that an Air Force Evaluation team unanimously recommended, on 23 September 1965, be bought instead.

The Air Force says that, if it "wins all the arguments" with Lockheed on the disputed contract, the currently planned buy of only 81 aircraft will cost "about $4-billion," but adds that "if the contractor wins all his points, the cost will be considerably higher, on the order of $500- or $600-million."

On 2 March Lockheed asked DOD for an advance of $435- to $500-million against the disputed claim to help ease what the company called a "critical financial problem."

Findings of the independent blue-ribbon advisory group which briefed Secretary Seamans on the C–5A's fatigue problems are sure to complicate an already complex dispute between the Air Force and Lockheed: responsibility for the fatigue life limitation is sure to be hotly contested.

The panel headed by Dr. Raymond L. Bisplinghoff, Dean of Engineering at MIT, reportedly gave Seamans its interim assessment orally on 4 May. Details of the meetings are being held on a very "closed hold" basis, and Air Force officials asked by The Journal to confirm or deny—and to clarify—news of the panel's findings were able to offer little information. A spokesman said, however, that while The Journal appeared to have "some facts," a completely accurate picture would not be available until the Bisplinghoff panel makes its full written report. This is supposed to be due in mid-June.

The spokesman did observe that the real significance of Dr. Bisplinghoff's findings "hinges on a question of interpretation of MAC's 1965 mission requirements versus those that MAC is using now."

SPECS MAY NOT MATCH MISSIONS

This oblique reference to one of Dr. Bisplinghoff's key findings may touch on the heart of an Air Force-Lockheed dispute which now seems to be building up on the fatigue life problem. By one report the Bisplinghoff panel is said to have found that design specifications given Lockheed by the AF's Systems Program Office at Wright Field do not match the operational usage factors on which the user, Military Airlift Command, has been planning C–5A operations.

Lockheed, for instance, is reported to have designed the C-5A against fatigue life specifications which assumed that only about 20% of payload capacity—e.g., a 45,000-lb payload—would be used on the cargo carrier's return leg flights. A more typical MAC flyback mission, however, would use something like 150,000 lbs of payload. Another assumption apparently now at issue was that the aircraft would take off at its maximum 778,000-lb gross weight on only 2% of its missions. But the smaller C-141 cargo jet takes off at max gross weight on about 80% of its missions; MAC presumably has been counting on similar usage for the C-5A.

Also contributing to the aircraft's below-mission fatigue life is Lockheed's use in the wing of an alloy which has a high stress corrosion factor but poor fatigue life characteristics.

PANEL FINDINGS

Bisplinghoff is said to have told the Air Force that as the result of these and other problems:

The C-5A will have only about one-fourth of the 30,000-hour fatigue life required to actually fly the spectrum of missions which MAC has planned;

There is virtually no chance of beefing up the present C-5A wing to meet MAC's mission requirements;

There is doubt that Lockheed could meet the fatigue life specifications implicit in even the less stringent "original" mission ground rules:

With enough "boilerplate" and fixes, the present C–5A design could probably be made to withstand the aircraft's basic static test requirements, but not the dynamic test requirements;

The Air Force should strongly consider going to a new wing.

Bisplinghoff's 4 May report apparently caught Air Force officials by surprise. Just two months ago, on 17 March, Secretary Seamans told the House Armed Services Committee: "It is our belief, based on the preliminary judgment of Dr. Bisplinghoff and the people he has with him, that Lockheed has a good solution to the problem."

LOCKHEED: C-5A WILL MEET RFQ REQUIREMENTS

A Lockheed spokesman told The Journal the company has not been given any new mission requirements. He said that, while "engineers at Marietta" may have had "conversations" with MAC about revised mission profiles, the company has been given no advice that MAC was considering "any extension" of the C–5A's original fatigue life goals. The company gave The Journal this statement:

"The C–5A Air Force transport is designed to a set of fatigue requirements specified in its original Request for Quotation. The C–5A will meet these fatigue requirements."

CONTRADICTORY CLAIMS?

The statement, however, appears to contradict a key sentence in Lockheed's new 23 April C–5A "Fact Sheet." In a section explaining why C–5A costs have escalated, the so-called White Paper says:

"C–5A technical problems have been tougher than anticipated. *Just before the C–5A contract was awarded, the Air Force established new, stiffer performance requirements which required extensive aerodynamic performance changes.*" (Italics added.)

It is not known if the "new, stiffer performance requirements" relate to the more stringent MAC missions which the Bisplinghoff panel has considered. But observers here said they find it hard to understand why Lockheed stresses that the C–5A was designed to and will meet fatigue life requirements laid down at the beginning of the competition (in the RFQ) if—as Lockheed also says—different, more stringent performance requirements were specified "just before" the contract was awarded.

"ROTATE THE FLEET"

The Lockheed spokesman contacted by The Journal to check out the Bisplinghoff report said that "from where we sit, they [the different mission profiles] are easily reconcilable." He suggested that MAC could "rotate the fleet"—indicating that the more stringent fatigue life specification considered by Dr. Bisplinghoff assumes unrealistically that all aircraft will fly the more stringent missions during their entire service. The spokesman said that, instead of having one aircraft fly all the heavy missions, the light and heavy missions should be distributed among all the aircraft. He said the fatigue life problem was a controversy more over specifications than over deficiencies in the C–5A design.

If Lockheed can successfully contend that it has met the specifications given to the company by the Air Force—whether or not they were the right ones—the Air Force would have a difficult if not impossible problem getting Lockheed to absorb some of the cost growth already in dispute, much less any new cost growth stemming from the new fatigue life flap.

The company also noted, in the statement given to The Journal, that it is now beginning "a long series of fatigue tests of a complete aircraft to prove its ability to meet the required spectrum of loads. These tests will continue until the test article completes four normal aircraft lifetimes in order to prove structural soundness."

Air Force Chief of Staff General John Ryan told the House Defense Appropriations Subcommittee in late February that, as the result of a C–5A wing crack discovered last July on the static fatigue airplane, MAC has imposed operating restrictions on the C–5A which limit takeoff weight to 575,000 pounds. Other restrictions limit the aircraft to 2.0g loads, to operation on hard surface runways only, and to airdrop of cargo in single loads not exceeding 10,000 pounds.

During the same hearings Air Force Secretary Seamans told the subcommittee "in all candor" that the C–5A "probably does not" look as good as the C–141 did at a comparable stage in its development.

He referred to the C–5's structural problems as well as others which stem from its sophisticated set of avionics. One function of the Bisplinghoff Committee, Seamans said, would be to determine whether less sophisticated radars and antennae could substitute for the low-level and ground-mapping system originally specified. The complete C–5A avionics equipment costs out at $1.7-million per aircraft.

DOD MAY ASK EQUAL COST TRADE

General Ryan testified earlier this year that the Air Force had requested authority in its FY 71 budget request to buy 10 additional C–5As at a cost of $234.7-million. DoD denied the request, which was intended to "squeeze out" five operating squadrons from a 91-aircraft buy.

Sources in the Office of the Secretary of Defense tell The Journal the Air Force now may be asked to pay for Lockheed's higher cost claims on the aircraft by "trading off" other programs approved within the Service's present fiscal guidance.

One plan currently being studied by DoD would give Lockheed relief from its current "critical financial problem" by reimbursing the company in full for its C–5A expenditures, but require the Air Force to fund the extra costs by proportionately reducing its planned 81-aircraft buy.

A DoD source told The Journal that Air Force budget analysts "don't seem to believe yet that we'd do this: but it's reasonably clear the Army and Navy don't want the money to come out of their hide; it's unlikely that Bureau of the Budget and the President would sit still for a supplemental budget request on Lockheed's behalf; and Congress probably would not approve one if it was made."

Mr. GOLDWATER. Mr. President, will the Senator yield at that point?

Mr. PROXMIRE. Yes, indeed.

Mr. GOLDWATER. The report that the Senator is reading from is only a partial report, I might say. This information was leaked to the press by, I forget the name of the committee, headed by a prominent scientist from MIT.

Mr. PROXMIRE. Dr. Ramond Bisplinghoff.

Mr. GOLDWATER. Dr. Bisplinghoff. I just wanted to call to the attention of the Senate that the complete report has not been received, that what the Senator has read is a leak. I am not saying that the complete report would not substantiate what the Senator has read, but I did not want the impression to remain that the Air Force has received the complete study by that scientific committee.

Mr. PROXMIRE. The Senator from Arizona is absolutely correct about that. This is not the complete, final report. I said at the time that report came out that I wanted to see the full report, in detail.

But since the report came out, there has been no denial of it. These people were questioned at some length. Dr. Bisplinghoff is a competent person, and I think this should be a matter to which the Senate and the country should be alerted. They should be aware of this report; although the Senator from Arizona is correct, it has not been completed, at least publicly.

Mr. GOLDWATER. I might add that I would not be surprised if the entire report would reflect what the Senator has read. The weakness has been known for a long time. The airplane has been subjected to a 128-percent static test, which is more than we submit our airliners to. However, the Air Force would like to have it undergo a 150-percent test, which is what they generally apply.

But Lockheed's problem on this—and it is a money problem—is due to the fact that Lockheed discovered an aerodynamic problem with the wing structure before it ever flew, and I think it cost them $140 million or $150 million to correct that aerodynamic deficiency, which I understood was near the wing roof.

Since that time, there have been cracks, and the Air Force and Lockheed are both well aware of it, and are trying their best to see if what appears to be a deficiency can be corrected without a complete wing redesign.

If the Senator needs more time, I will ask unanimous consent that he have it, because he has brought up an amendment that is also going to be offered by a member of the Armed Services Committee, namely, to take $200 million out of the authorization that is intended to go to Lockheed.

I would hope that the Senator would give serious consideration to this. I am not trying to defend Lockheed. I am not trying to defend anybody in this matter. But the C-5A is very important to our military plans for the 1980's. In fact, the whole restructuring of the Army is going to be based pretty much on the availability of this type of aircraft. If it is available, I think we will see a greatly reduced Army, which will mean a greatly reduced defense budget.

I would hope we would do nothing now that would prevent the Air Force from getting this plane. I do not suggest that we withhold any criticism of it, but I do think its overall importance to America is so great that maybe we are going to have to give this $200 million, because this is only part of our problem. The whole problem involves over a billion dollars. They have received money from 24 different banks, which evidently thought enough of Lockheed's possibilities to extend them a credit line of $400 million.

I do not think, frankly, they can ever get out of this.

Mr. PROXMIRE. May I say to the Senator from Arizona, my position is that we should insist, before we provide any funds for Lockheed, on knowing precisely what the needs for funds are. We should not simply take their word that they need an additional $200 million. We ought to have a cash flow statement that spells out clearly how much cash they have available, what other resources they do have, where the money is going, and what they expect their sales to be over the next few years, so we can make our own judgment. When we are asked to provide this much money in addition to what at least some people thought was a reasonable contract at the time it was signed, we should insist that we be given full information on it, and not be stopped by their insistence that the information requested is proprietary in nature.

Mr. GOLDWATER. Mr. President, I will state to the Senator that I will do all I can to influence my friends at Lockheed to see if this information cannot be supplied. I have never discussed it with them, and they did not discuss it with me. The matter did not come up in Secretary Packard's two presentations to the committee.

While I do not like it any more than the Senator from Wisconsin likes it, this is something that is engaged in almost daily by this Congress. I recall last year we had to balance out the Kennedy Center for the Arts because it was short of money.

Mr. PROXMIRE. I voted against that, incidentally.

Mr. GOLDWATER. I did, too. But we pass any number of bills to cover deficiencies in agencies, and yet we never seem to find any fault with that. But when we come up with something that is needed by the military, that has run into unusual cost problems under a contract such as I am sure the Senator from Wisconsin would never have signed, nor would I, it is a different story. We have a problem here that has developed partly from the fact that nobody had ever tried to build an airplane this big, and they frankly ran into some problems they did not anticipate.

But we do need it; that is my overall argument; and if we have to spend $200 million to keep the company in business long enough to give the Air Force and the Army its lift, I think it is incumbent upon us, even though we can be criticized for it, and can criticize ourselves for it. I think this is one of those things where you are sort of out on a limb, and if you saw it off, somebody is going to get hurt.

Mr. PROXMIRE. At any rate, we are already into this program to the extent of hundreds of millions of dollars. We are being asked to go into it to the extent of another $200 million, in addition, plus $341 million under the contract. Before we do this, I say we ought to get the kind of information any prudent banker would require if he is to make a loan. We ought to insist on getting all of it, knowing precisely how much is needed, and making our own best judgment on that.

I agree with the Senator from Arizona that there is a strong military case for a plane of that kind.

Mr. GOLDWATER. If that information were forthcoming, would the Senator be willing to withdraw his amendment to take off the $200 million? I have no idea what the cash flow position is; I have a hunch it is not too good. I have not seen their books. I am not a stockholder in the company. I happen to have been interested in aviation for 40 years, and I know people in all these companies, but they do not tell me their family secrets.

I will be glad to talk to my friends, and see if they cannot provide the Senator with a cash flow chart. This is a company with stock on the board, and while they are engaged in a lot of defense work—in fact, with the exception of the 1011, I expect all their work is defense—I have some doubt as to whether any corporation would want to have made public details such as a cash flow position. But if it would satisfy the Senator to see it, without making it public—unless the company had no qualms about it—then I think we would at least try to arrange it. I would take that on myself.

Mr. PROXMIRE. There is another reason. Let me go ahead, and the Senator will see.

The next item: We charged on numerous occasions that the company was in deep financial trouble. We said they were in trouble because of their commercial venture. We were castigated for saying so.

But now the company is in such grave financial condition that it has demanded payment of $641 million or threatens to stop production under its military weapons contracts. And it is true that this year's adverse financial condition is due to trouble with their commercial venture, the L-1011, which is a commercial plane. This has been confirmed to me by responsible Defense officials. I know it is a fact, and under these circumstances I think it is a different kind of ball game than if we were simply concerned with getting a military plane without having to pay more than the contract provided for. This is another aspect of getting this information.

Are we simply providing funds to Lockheed which they will be able to use to provide a commercial plane which will be of profit and benefit to them in the commercial market? This is part of the implications that develop, from the information I have received.

Mr. GOLDWATER. It is my understanding that not one penny of this will go to the 1011 problems. The 1011 problems are being experienced to some degree by most of the aircraft manufacturers in the country today, because there just has not been money at a decent interest rate with which to buy new planes. Lockheed is not the only one who is not able to go out and develop airplanes these days. As the Senator knows, they are terrifically costly, and we have had high interest rates.

I might say that I do not think the Nixon administration can be blamed for interest rates that were 8½ percent a year ago or even before Mr. Nixon became President. So if we are looking for a place to throw blame, I think we can blame it on the Johnson administration for a high rate of domestic spending when a high rate of domestic spending was not needed. But this is the major problem they have. They have no aerodynamics problems.

I might say that all aircraft companies have problems now getting engines, because for nearly 10 years when Mr. McNamara was Secretary, he did not like research and development in engines. Here we sit with airframes, waiting for engines, whereas historically engines had been waiting for airplanes.

I just wanted to mention that Lockheed's problem with the 1011 is not uncommon in the market today. The $200 million, we have been told, would not be used to cover any problems of the 1011.

Mr. PROXMIRE. I hope the Senator is correct.

That is one of the reason why I think the cash flow statement would be helpful. I was told that the additional funds were required because of the financial difficulties Lockheed has gotten into with the 1011. The research, the prototype, and so forth, have been far more costly than they anticipated, and this has drained their resources, and they need these funds.

Mr. GOLDWATER. The 1011 is the least of Lockheed's problems. They have the Cheyenne, which has not been perfected to the point that we can place procurement in the authorization bill. They have the SRAM missile with Boeing, which has now solved all their engine problems.

Mr. PROXMIRE. And the shipbuilding.

Mr. GOLDWATER. And the shipbuilding deal.

In other words, this is a company that has a big mouthful—a little bit bigger than I think it should have gotten—but I hate to see us do anything in this body that would prevent us from getting the C-5A, even though it is going to take some help that we might be criticized severely for giving. I will be the first to admit that. But we do it day after day. We have never done it in this big a manner.

Mr. PROXMIRE. Another reason why I am concerned about this is whether, when we get this plane—if we get it—it will be a worthwhile plane to get.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PROXMIRE. I ask unanimous consent that I may proceed for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Item: We questioned whether after the expenditure of billions of dollars from the public treasury we will get any workable planes at all. This was ridiculed. But now the preliminary report of the special scientific committee established to determine the technical status of the plane has raised the most serious questions about the fundamental structure of the wing. If their doubts turn out to be true, the cost of redesigning and producing a new wing may be so exorbitant that neither the few existing planes nor those now in production can be salvaged.

That is the sad state of affairs.

As the Senator has pointed out, this is not a final report. This is a highly responsible publication, and they say that in their judgment there is a prospect that it may be necessary to cancel the whole operation. Certainly, we should not pour another $200 million or another $600 million into a program in which we might end up with no plane at all.

Mr. GOLDWATER. Finding a deficiency such as this in a new design aircraft is not unusual. In fact, to create a new concept and have it fly and have it perform in a complete way, to my memory, has never been done. One might point to the 747, an extremely successful airplane, but it had design background. I felt that the major problem with the C-5 might be that the Lockheed people felt they could use the wing off the 141, or that concept, and put it on the C-5. I think they tried it and got into some trouble with it.

But finding bugs in aircraft is not unusual. This is a big bug, I will admit. It is the biggest airplane ever built. It is an airplane that has performed well. It has been restricted in weight lift because of the deficiency found last July. But the Air Force is confident that it can be corrected. If there is a deficiency, I think the scientists will come up with a suggestion that will be workable. The design of the wing need not be changed. It may be that new metal will be needed in some parts of it, just as we found the trouble in the B-111, and we are now in the process of correcting that.

I do not want to take up the Senator's time, but I would close by hoping that we do not get into the position in this body of denying the military something we have to have. This may be a very expensive airplane, but if we can cut, say, 400,000 men out of the Army on a permanent basis—and I am just pulling that figure out of the air—we are talking about a $4 billion saving a year. This, in itself, in my opinion, would make the investment worthwhile. Without it, I am afraid we will have to stay with the old concepts of large armies and outmoded means of transport around the world, if we have to transport them.

Mr. PROXMIRE. I agree with the Senator that if we can build a plane of this size, with this capability, this mission can be very useful to us, and perhaps it can be economical in the long run.

We can take a look at what Boeing has done with the jumbo jet, which is not the same plane, but a similar plane. It does not have the same load capacity. It has a little different loading system. Their cost is $20 million per copy, compared with over $50 million per copy for the C-5A.

It would seem to me that we ought to consider alternative ways of getting this kind of plane for less money, and a more reliable plane, one which will do the job that is required.

Mr. GOLDWATER. I can assure the Senator that that is being done.

Mr. PROXMIRE. I hope it is being done. As I have said, we have poured much money into this project, and we have repeatedly been given the wrong information. We are now asked to pour a little more money into it, on the basis of faith, without being given any information at all as to the justification for those funds being necessary in order to produce the plane. Certainly, we should not do this until we get the technical report and get some basis for judging whether this is a plane we can fly for the full 30,000 hours.

No. 2, we should not do it until we have a cash flow analysis.

Mr. GOLDWATER. I will do all I can to help the Senator. I hope that his actions will not result in hamstringing the effort to help our Armed Forces in a way that I am sure he would agree with; namely, making the planes a little bit smaller so that we can move them more quickly and more compactly when we have to around the world.

Mr. PROXMIRE. Mr. President, I thank the Senator from Arizona.

We have continually been given no information or bad information or false information.

I believe it is imperative for the Congress, as the protector of the public interest, to make certain that this plane will be produced and that the United States will get what is has paid for, before we spend any more money.

There is no reason to throw good money after bad. There is even less reason to do so in the dark.

MODEST AMENDMENTS

That is why I am submitting my amendments. The first would cut out the $200 million—for which the Government of the United States has no contractual or legal obligation whatsoever.

The second would prevent the expenditures of the 1971 funds until we get what should be a routine cash flow analysis, and until we find out from factory data what the precise production schedule and work in progress on this plane really is.

I know that a number of my colleagues feel as I do, including some members of the committee. I have reason to believe that they will offer similar amendments in the committee, and I plan to offer them on the floor of the Senate.

Mr. President, I send my amendments to the desk and ask that they be appropriately referred.

The PRESIDING OFFICER (Mr. ALLEN). The amendments will be received and appropriately referred.

The amendments were referred to the Committee on Armed Services.

THE 16TH ANNUAL REPORT ON DELINQUENT FEDERAL TAXES

Mr. WILLIAMS of Delaware. Mr. President, today I am incorporating in the CONGRESSIONAL RECORD my 16th annual report on delinquent Federal taxes.

First, I want to express my appreciation to Commissioner Thrower for his cooperation in assembling the statistics for this report. With his cooperation this is the most detailed annual report that I have been able to assemble over the years, and the breakdown is in a manner which I am sure will be of greater interest and easier to understand than any heretofore.

For years I have been taking the position that the public has a right to the identification of those individuals or corporations who do not pay their taxes and which are ultimately marked off or set aside as uncollectable. Insertion No. 2 identifies this list of those who have accounts of $25,000 or over reported in 1969 as uncollectable.

The third category represents a list of the 100 largest compromise settlements, including in each instance the name and address as well as the amount of tax plus penalties and interest due and the terms of the compromise settlement.

Category No. 1 is a breakdown by individual districts showing the amount of current delinquencies and listing figures for both 1968 and 1969, thereby showing the extent of increase or decrease in such accounts.

These charts will all be incorporated

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in the RECORD at the conclusion of my remarks along with a letter from the Commissioner of Internal Revenue explaining in greater detail the progress the Internal Revenue Service is making.

It is with regret that I report that the delinquencies for calendar year 1969 show an increase of 27 percent above 1968, or $2,018,789,000 on December 31, 1969, as compared with $1,586,611,000 the year before, or an increase of $432,178,000.

In addition to the $2,018,789,000 carried as delinquent at the end of 1969 the report shows that $228,711,000 were set aside in a special category and listed as uncollectable.

What makes this 1969 report even more disturbing is the fact that delinquent employment taxes have jumped from $339,428,000 at the end of 1968 to an all-time-high $545,924,000 on December 31, 1969, or an increase of 60 percent.

It must be remembered that these employment taxes represent moneys—or taxes—withheld from the employees' paychecks and that under no circumstances should they be used as corporate funds. These are trust funds, and the employers do not have any right to commingle these withheld payroll taxes from the employees and to use the money as a part of their business operations.

I ask unanimous consent that a breakdown of the 1969 delinquencies by collection districts be printed in the RECORD.

This 16th annual report shows delinquent and uncollected taxes in 1969 at an alltime high with all offices except five—Chicago, Omaha, Albuquerque, Boise, and Helena—showing a record high in employment tax delinquencies.

I mention again that these employment taxes are taxes withheld from the wages of employees, and they should be treated as trust funds. Under no circumstances does the employer have a right to divert these funds for his own use.

While this report shows delinquent or uncollected taxes for the year 1969 at an alltime high it should be pointed out that the Government today, percentagewise, is doing a better job in collecting these taxes than when this type of annual report was first initiated in 1954.

At that time the total amount of delinquent taxes in all categories was $1,614,494,000. The total at the end of 1969 was $2,018,789,000, an increase of about $400,000,000; however, it should be pointed out that in fiscal 1954 the total taxes collected by the Federal Government was substantially lower than those collected today, or $69.9 billion in fiscal 1954 as compared to $187.9 billion in fiscal 1969.

Prior to 1954 the Treasury Department had not compiled these statistics; hence there is no method of comparison with prior years. Since that date, however, the Department has, upon my request, been compiling and submitting an annual report of these delinquent accounts. As indicated in my earlier remarks the report submitted this year by Commissioner Thrower was the most comprehensive report to date. These annual statistics have helped to keep the various districts alert to the problem.

I also ask unanimous consent to have printed in the RECORD at the conclusion of my remarks insertion No. 1 which show a detailed breakdown of the delinquencies and amounts listed as uncollectible in each of the various regional offices for the years 1968 and 1969.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NORTH-ATLANTIC REGION

Albany, New York.—Delinquent income taxes rose from $6,688,000 in 1968 to $8,960,000 in 1969, but employment taxes jumped 64 percent, or from $4,639,000 in 1968 to $7,616,000 in 1969. Delinquent taxes listed as "other" (representing excise taxes, inheritance taxes, etc.) dropped from $4,014,000 in 1968 to $785,000 in 1969 while at the same time taxes written off or set aside as uncollectible dropped from $5,134,000 in 1968 to $2,966,000 in 1969.

Augusta, Maine, has a below average report. Delinquent income taxes in this office jumped from $1,909,000 in 1968 to $4,530,000 in 1969, or more than double. Delinquent employment taxes in this office jumped nearly 135 per cent, or from $576,000 in 1968 to $1,351,000 in 1969, while total uncollected taxes in this office rose from $2,759,000 in 1968 to $6,321,000 in 1969.

Boston, Massachusetts.—Delinquent income taxes rose from $27,865,000 in 1968 to $35,357,000 in 1969 while employment tax delinquencies rose from $17,518,000 in 1968 to $23,724,000 in 1969, or an increase of 35 per cent. Uncollectibles in Boston dropped from $10,127,000 in 1968 to $5,352,000 in 1969.

Brooklyn, New York.—Delinquent income taxes jumped $10,000,000, or from $48,757,000 in 1968 to $58,501,000 in 1969, and delinquent employment taxes jumped 37 per cent, or from $25,901,000 in 1968 to $35,691,000 in 1969; however, the amounts listed or set off as uncollectible in the Brooklyn office dropped from $25,836,000 in 1968 to $11,823,000 in 1969.

Buffalo, New York.—Delinquent income taxes nearly doubled, jumping from $7,512,000 in 1968 to $13,665,000 in 1969, while delinquent employment taxes rose from $11,656,000 in 1968 to $14,278,000 in 1969.

Burlington, Vermont.—Delinquent income taxes rose from $1,422,000 in 1968 to $1,985,000 by the end of December 1969. Delinquent employment taxes rose 16 per cent from $666,000 in 1968 to $773,000 in 1969.

Hartford, Connecticut.—Total uncollected taxes in this office increased spectacularly. Delinquent income taxes more than doubled, jumping from $12,759,000 at the end of 1968 to $30,292,000 at the end of 1969. Employment taxes nearly doubled, rising from $5,240,000 in 1968 to $10,227,000 in 1969.

Manhattan, New York.—Delinquent income taxes rose from $144,165,000 in 1968 to $160,298,000 in 1969 while delinquent employment taxes jumped $20,000,000, or from $52,348,000 in 1968 to $72,398,000 in 1969.

Portsmouth, New Hampshire.—This is another office with a bad report. Delinquent income taxes nearly doubled, rising from $1,184,000 in 1968 to $2,232,000 in 1969, while delinquent employment taxes rose over 70 percent, or from $926,000 in 1968 to $1,587,000 in 1969. Likewise taxes set aside as uncollectible nearly trippled, increasing from $233,000 in 1968 to $681,000 in 1969.

Providence, Rhode Island.—Delinquent income taxes rose about 50 percent, or from $2,489,000 in 1968 to $3,678,000 in 1969, but delinquent employment taxes more than doubled, jumping from $1,377,000 in 1968 to $2,998,000 in 1969.

MID-ATLANTIC REGION

Baltimore, Maryland.—Delinquent income taxes rose from $27,845,000 in 1968 to $34,216,000 in 1969 while delinquent employment taxes jumped nearly 80 percent, or from $6,911,000 in 1968 to $12,218,000 in 1969; however, the accounts classified as uncollectible in this office dropped during 1969 from $6,055,000 in 1968 to $3,878,000 in 1969.

Newark, New Jersey.—This office reported a decline in delinquent income taxes, dropping from $50,835,000 in 1968 to $46,292,000 in 1969; however, delinquent employment taxes more than doubled, jumping from $14,422,000 in 1968 to $29,750,000 in 1969. The delinquencies of other taxes (excise, inheritance, etc.) rose from $9,973,000 in 1968 to $15,119,000 in 1969.

Philadelphia, Pennsylvania.—Delinquent income taxes rose slightly, or from $26,794,000 in 1968 to $28,628,000 in 1969; however, delinquent employment taxes jumped nearly $10,000,000, or from $9,663,000 in 1968 to $19,391,000 in 1969; however, the amount listed as uncollectible in this office dropped from $15,169,000 in 1968 to $10,681,000 in 1969.

Pittsburgh, Pennsylvania.—This is another office which showed a reduction in delinquent income taxes, dropping from $14,080,000 in 1968 to $11,503,000 in 1969; however, delinquent employment taxes rose over 40 percent, or from $7,667,000 in 1968 to $10,857,000 in 1969, and amounts set aside as uncollectible nearly doubled, rising from $1,790,000 in 1968 to $3,404,000 in 1969.

Richmond, Virginia.—This office has a bad report showing delinquent income taxes jumping from $9,786,000 in 1968 to $13,611,000 in 1969. Delinquent employment taxes more than doubled, jumping from $5,031,000 in 1968 to $13,042,000 in 1969. Other type delinquencies likewise increased substantially, from $1,685,000 in 1968 to $3,162,000 in 1969, while at the same time taxes marked off or set aside as uncollectible rose from $1,858,000 in 1968 to $3,362,000 in 1969.

Wilmington, Delaware.—Delinquent income taxes in this office rose from $2,121,000 in 1968 to $2,398,000 in 1969, but employment taxes more than doubled, jumping from $531,000 in 1968 to $1,144,000 in 1969; however, taxes marked off or set aside as uncollectible in this office dropped from $1,273,000 in 1968 to $270,000 in 1969.

SOUTHEAST REGION

Atlanta, Georgia.—Delinquent income taxes rose from $8,122,000 in 1968 to $9,367,000 in 1969 while delinquent employment taxes jumped 63 percent, or from $4,427,000 in 1968 to $7,218,000 in 1969.

Birmingham, Alabama.—Delinquent income taxes in this office rose over 50 per cent, or from $4,287,000 in 1968 to $6,489,000 in 1969. Employment tax delinquencies rose 48 per cent, or from $3,638,000 in 1968 to $5,390,000 in 1969.

Columbia, South Carolina.—Delinquent income taxes declined from $5,394,000 in 1968 to $5,073,000 in 1969 while delinquent employment taxes rose over 75 percent, or from $1,629,000 in 1968 to $2,882,000 in 1969. Other type delinquencies in this office dropped by about $600,000.

Greensboro, North Carolina.—Delinquent income taxes declined slightly, or from $12,289,000 in 1968 to $11,716,000 in 1969, but delinquent employment taxes jumped 95 per cent from $3,213,000 in 1968 to $6,250,000 in 1969. Other type of delinquent taxes and the amounts listed as uncollectible likewise rose, from $988,000 and $2,073,000 in 1968 to $1,328,000 and $3,108,000 in 1969 respectively.

Jackson, Mississippi.—Delinquent income taxes rose from $2,973,000 in 1968 to $3,811,000 in 1969 while delinquent employment taxes in Jackson jumped 92 per cent, from $1,378,000 in 1968 to $2,653,000 in 1969.

Jacksonville, Florida.—This office reports a decline in delinquent income taxes from $74,691,000 in 1968 to $68,267,000 in 1969; however, delinquent employment taxes in Jacksonville rose nearly 60 per cent, from $12,691,000 in 1968 to $20,247,000 in 1969. Other type tax delinquencies also increased from $6,302,000 in 1968 to $11,336,000 in 1969; however, the amounts of taxes marked off or set aside as uncollectible dropped $9,000,000 or from $19,316,000 in 1968 to $10,473,000 in 1969.

XUM

Nashville, Tennessee.—Delinquent income taxes increased from $10,102,000 in 1968 to $12,756,000 in 1969 while delinquent employment taxes rose 32 percent from $4,560,000 in 1968 to $6,030,000 in 1969.

CENTRAL REGION

Cincinnati, Ohio.—Delinquent income taxes in this office remained about stationary, or $11,767,000 in 1968 as compared to $11,367,000 in 1969; however, employment tax delinquencies showed an increase of 70 per cent from $4,785,000 in 1968 to $8,189,000 in 1969. At the same time other type tax delinquencies rose from $2,402,000 in 1968 to $4,465,000 in 1969. The amount of tax delinquencies set aside as uncollectible dropped from $7,642,000 in 1968 to $3,532,000 in 1969.

Cleveland, Ohio.—Delinquent income taxes rose from $29,874,000 in 1968 to $33,773,000 in 1969. Delinquent employment taxes jumped 90 percent from $7,010,000 in 1968 to $13,453,000 in 1969. Other type tax delinquencies and amounts set aside as uncollectible likewise increased.

Detroit, Michigan.—Delinquent income taxes rose from $28,565,000 in 1968 to $35,736,000 in 1969. Delinquent employment taxes jumped over 70 percent from $14,046,000 in 1968 to $24,113,000 in 1969. Other type tax delinquencies dropped from $14,016,000 in 1968 to $9,753,000 in 1969.

Indianapolis, Indiana.—This office shows a large increase with delinquent income taxes jumping from $15,647,000 in 1968 to $27,687,000 in 1969. Employment taxes jumped 76 percent from $6,142,000 in 1968 to $10,844,000 in 1969. Other type delinquencies showed some decline.

Louisville, Kentucky.—Delinquent income taxes remained about the same, or $9,913,000 in 1968 as compared with $9,997,000 in 1969. Delinquent employment taxes, however, jumped 65 percent from $3,222,000 in 1968 to $5,330,000 in 1969. Other type tax delinquencies more than doubled, jumping from $1,515,000 in 1968 to $3,672,000 in 1969. Amounts set aside as uncollectible rose from $1,532,000 in 1968 to $2,188,000 in 1969.

Parkersburg, West Virginia.—Delinquent income taxes rose from $3,219,000 in 1968 to $4,318,000 in 1969 while delinquent employment taxes in this office jumped 77 percent from $1,623,000 in 1968 to $2,888,000 in 1969.

MIDWEST REGION

Aberdeen, South Dakota.—Delinquent income taxes rose from $850,000 in 1968 to $942,000 in 1969. Delinquent taxes jumped 65 percent from $284,000 in 1968 to $470,000 in 1969. Other type delinquencies rose spectacularly, or from $111,000 in 1968 to $713,000 in 1969. Amounts listed as uncollectible likewise jumped, rising from $94,000 in 1968 to $274,000 in 1969. This office has a bad report.

Chicago, Illinois.—Delinquent income taxes in this office jumped from $31,329,000 in 1968 to $43,617,000 in 1969 while delinquent employment taxes rose 22 percent, or from $14,185,000 in 1969 to $17,415,000 in 1969. Other type tax delinquencies more than doubled, jumping from $2,695,000 in 1968 to $7,196,000 in 1969.

Des Moines, Iowa.—Delinquent income taxes rose slightly from $3,149,000 in 1968 to $3,492,000 in 1969 while delinquent employment taxes jumped 75 percent, or from $1,249,000 in 1968 to $2,187,000 in 1969. Other type delinquencies rose from $728,000 in 1968 to $1,244,000 in 1969.

Fargo, North Dakota.—Delinquent income taxes nearly doubled from $456,000 in 1968 to $925,000 in 1969. Delinquent employment taxes rose 108 percent from $389,000 in 1968 to $811,000 in 1969.

Milwaukee, Wisconsin.—Delinquent income taxes rose from $6,473,000 in 1968 to $7,686,000 in 1969 while delinquent employment taxes rose 47 per cent from $2,957,000 in 1968 to $4,370,000 in 1969. Other type tax delinquencies nearly doubled from $1,122,000 in 1968 to $2,156,000 in 1969.

Omaha, Nebraska.—This is another office which does not have a good report. Delinquent income taxes jumped from $3,826,000 in 1968 to $6,365,000 in 1969 while delinquent employment taxes rose 42 per cent, or from $741,000 in 1968 to $1,058,000 in 1969.

St. Louis, Missouri.—Delinquent income taxes rose from $10,523,000 in 1968 to $14,723,000 in 1969 while delinquent employment taxes rose 30 per cent from $5,375,000 in 1968 to $6,995,000 in 1969. Other type delinquencies declined from $4,199,000 in 1968 to $2,500,000 in 1969.

St. Paul, Minnesota.—Delinquent income taxes rose from $5,201,000 in 1968 to $5,968,000 in 1969 while delinquent employment taxes rose 65 per cent from $2,531,000 in 1968 to $4,181,000 in 1969.

Springfield, Illinois.—Delinquent income taxes rose from $4,051,000 in 1968 to $4,404,000 in 1969. Employment tax delinquencies rose 54 per cent from $1,730,000 in 1968 to $2,672,000 in 1969.

SOUTHWEST REGION

Albuquerque, New Mexico.—Delinquent income taxes rose slightly from $4,928,000 in 1968 to $4,977,000 in 1969. Delinquent employment taxes rose 39 per cent from $1,147,000 in 1968 to $1,595,000 in 1969.

Austin, Texas.—Delinquent income taxes rose from $42,131,000 in 1968 to $43,035,000 in 1969, while delinquent employment taxes rose 31 per cent from $8,585,000 in 1968 to $11,301,000 in 1969.

Cheyenne, Wyoming.—Delinquent income taxes rose from $533,000 in 1968 to $601,000 in 1969. Delinquent employment taxes rose 33 per cent from $432,000 in 1968 to $576,000 in 1969.

Dallas, Texas.—Delinquent income taxes rose from $50,974,000 in 1968 to $65,920,000 in 1969 while delinquent employment taxes increased 43 per cent from $6,486,000 in 1968 to $9,320,000 in 1969. Other type tax delinquencies rose spectacularly from $2,632,000 in 1968 to $21,338,000 in 1969, while the amounts set aside as uncollectible dropped from $7,219,000 in 1968 to $4,758,000 in 1969. This office still does not have a good report.

Denver, Colorado.—Delinquent income taxes rose from $6,663,000 in 1968 to $8,372,000 in 1969 while employment tax delinquencies rose 30 per cent from $3,703,000 in 1968 to $4,810,000 in 1969. Other type delinquencies rose from $1,952,000 in 1968 to $2,730,000 in 1969.

Little Rock, Arkansas.—This office shows a sizeable reduction in delinquent income taxes dropping from $6,642,000 in 1968 to $4,307,000 in 1969; however, delinquent employment taxes rose 56 per cent from $1,444,000 in 1968 to $2,260,000 in 1969.

New Orleans, Louisiana.—Delinquent income taxes for 1968 and 1969 were about the same, or $11,799,000 and $11,982,000, respectively. Employment tax delinquencies rose 21 per cent from $7,372,000 in 1968 to $8,937,000 in 1969. Likewise other type tax delinquencies and amounts set aside as uncollectible declined. This office has a better than average report.

Oklahoma City, Oklahoma.—This office shows a decline in delinquent income taxes from $7,087,000 in 1968 to $6,199,000 in 1969. Employment tax delinquencies, however, jumped 53 per cent from $3,184,000 in 1968 to $4,886,000 in 1969. Other type delinquencies nearly doubled, rising from $2,550,000 in 1968 to $5,178,000 in 1969.

Wichita, Kansas.—Delinquent income taxes rose from $7,197,000 in 1968 to $7,818,000 in 1969, while delinquent employment taxes rose 55 per cent from $2,096,000 in 1968 to $3,254,000 in 1969. Amounts set aside as uncollectible rose from $878,000 in 1968 to $1,468,000 in 1969.

WESTERN REGIONS

Anchorage, Alaska.—Delinquent income taxes rose from $979,000 in 1968 to $1,074,000 in 1969. Delinquent employment taxes rose 57 per cent from $946,000 in 1968 to $1,489,000 in 1969.

Boise, Idaho.—This office has a good report, showing a decline in delinquent income taxes from $2,508,000 in 1968 to $1,408,000 in 1969, while delinquent employment taxes, although rising, show a less than average increase, rising from $826,000 in 1968 to $921,000 in 1969.

Helena, Montana.—Delinquent income taxes rose from $1,081,000 in 1968 to $1,467,000 in 1969, while delinquent employment taxes jumped 93 per cent from $368,000 in 1968 to $711,000 in 1969.

Honolulu, Hawaii.—Delinquent income taxes rose from $2,191,000 in 1968 to $2,469,000 in 1969, but delinqeunt employment taxes jumped over 100 per cent from $1,199,000 in 1968 to $2,452,000 in 1969.

Los Angeles, California.—Delinquent income taxes in this office for 1968 were about the same as 1969, or $74,011,000 and $74,450,000, respectively. Delinquent employment taxes, however, jumped over 130 per cent from $16,021,000 in 1968 to $37,093,000 in 1969. Other type delinquencies likewise increase spectacularly from $28,653,000 in 1968 to $46,352,000 in 1969; however, the amounts written off or set aside as uncollectible dropped from $66,107,000 in 1968 to $29,569,000 in 1969.

Phoenix, Arizona.—Delinquent income taxes rose from $5,032,000 in 1968 to $6,151,000 in 1969. Employment tax delinquencies rose 110 per cent from $2,113,000 in 1968 to $4,440,000 in 1969. Other type delinquencies tripled jumping from $2,145,000 in 1968 to $6,759,000 in 1969. The amounts set aside as uncollectible did drop from $3,380,000 in 1968 to $1,505,000 in 1969.

Portland, Oregon.—Delinquent income taxes jumped from $5,757,000 in 1968 to $9,076,000 in 1969 while delinquent employment taxes jumped 71 per cent from $2,860,000 in 1968 to $4,917,000 in 1969.

Reno, Nevada.—Delinquent income taxes jumped from $4,937,000 in 1968 to $8,477,000 in 1969. Employment tax delinquencies rose 51 per cent from $2,038,000 in 1968 to $3,078,000 in 1969.

Salt Lake City, Utah.—Delinquent income taxes rose from $2,433,000 in 1968 to $3,425,000 in 1969. Employment tax delinquencies rose over 100 per cent from $1,032,000 in 1968 to $2,090,000 in 1969, and amounts set aside as uncollectible rose from $991,000 in 1968 to $1,535,000 in 1969.

San Francisco, California.—Delinquent income taxes rose from $28,484,000 in 1968 to $31,469,000 in 1969. Delinquent employment taxes jumped 77 per cent from $9,752,000 in 1968 to $17,348,000 in 1969. Other type tax delinquencies rose from $21,137,000 in 1968 to $30,289,000 in 1969 while amounts set aside as uncollectible in this office rose from $11,896,000 in 1968 to $19,963,000 in 1969. The report of this office is below average.

Seattle, Washington.—Delinquent income taxes doubled, jumping from $6,102,000 in 1968 to $12,193,000 in 1969 while delinquent employment taxes more than doubled, jumping from $2,754,000 in 1968 to $6,547,000 in 1969.

INTERNATIONAL OPERATIONS

Puerto Rico.—Income taxes rose from $1,256,000 in 1968 to $1,444,000 in 1969 while employment tax delinquencies rose 73 per cent from $1,441,000 in 1968 to $2,505,000 in 1969.

All other.—This designation shows an increase in delinquent income taxes from $62,408,000 in 1968 to $64,432,000 in 1969 while employment tax delinquencies in this category increased 259 per cent from $752,000 in 1968 to $2,703,000 in 1969. Other type international delinquencies rose from $3,911,000 in 1968 to $5,305,000 in 1969; however, amounts set aside as uncollectible in this group dropped from $7,536,000 in 1968 to $1,306,000 in 1969.

INVENTORY OF TAXPAYER DELINQUENT ACCOUNTS AS OF DEC. 31, 1969, AND 1968

NORTH ATLANTIC REGION

[Figures in thousands]

	1969	1968	1969	1968
	Albany, N.Y.		Augusta, Maine	
Delinquent:				
Income	$8,960	$6,688	$4,530	$1,909
Employment	7,616	4,639	1,351	567
Other	785	4,014	249	81
Listed uncollectible	2,966	5,134	191	193
Total	20,327	20,475	6,321	2,759
	Boston, Mass.		Brooklyn, N.Y.	
Delinquent:				
Income	$35,357	$27,865	$58,501	$48,757
Employment	23,724	17,518	35,691	25,901
Other	5,233	4,800	11,789	12,378
Listed uncollectible	5,352	10,127	11,823	25,836
Total	69,666	60,310	117,804	112,872
	Buffalo, N.Y.		Burlington, Vt.	
Delinquent:				
Income	$13,665	$7,512	$1,985	$1,422
Employment	14,278	11,656	773	666
Other	2,828	2,957	152	329
Listed uncollectible	2,167	1,974	195	176
Total	32,938	24,099	3,105	2,593
	Hartford, Conn.		Manhattan, N.Y.	
Delinquent:				
Income	$30,292	$12,759	$160,298	$144,165
Employment	10,227	5,240	72,398	52,348
Other	17,103	19,224	30,282	25,193
Listed uncollectible	1,318	2,160	18,667	26,903
Total	58,940	39,383	281,645	248,609
	Portsmouth, N.H.		Providence, R.I.	
Delinquent:				
Income	$2,232	$1,184	$3,678	$2,489
Employment	1,587	926	2,998	1,377
Other	56	90	488	1,602
Listed uncollectible	681	233	1,247	1,493
Total	4,556	2,433	8,411	6,961

MID-ATLANTIC REGION

	1969	1968	1969	1968
	Baltimore, Md.		Newark, N.J.	
Delinquent:				
Income	$34,216	$27,845	$46,292	$50,835
Employment	12,218	6,911	29,750	14,422
Other	3,392	3,511	15,119	9,973
Listed uncollectible	3,878	6,055	5,381	7,392
Total	53,704	44,322	96,542	82,622
	Philadelphia, Pa.		Pittsburgh, Pa.	
Delinquent:				
Income	$28,628	$26,794	$11,503	$14,080
Employment	19,391	9,663	10,857	7,667
Other	6,586	5,874	2,733	2,260
Listed uncollectible	10,681	15,169	3,404	1,790
Total	65,286	57,500	28,497	25,797
	Richmond, Va.		Wilmington, Del.	
Delinquent:				
Income	$13,611	$9,786	$2,398	$2,121
Employment	13,042	5,031	1,144	531
Other	3,162	1,685	324	235
Listed uncollectible	3,362	1,858	270	1,273
Total	33,177	18,360	4,136	4,160

SOUTHEAST REGION

	1969	1968	1969	1968
	Atlanta, Ga.		Birmingham, Ala.	
Delinquent:				
Income	$9,367	$8,122	$6,489	$4,287
Employment	7,218	4,427	5,390	3,638
Other	3,645	4,347	779	1,050
Listed uncollectible	4,856	3,612	2,259	1,980
Total	25,086	20,508	14,917	10,955
	Columbia, S.C.		Greensboro, N.C.	
Delinquent:				
Income	$5,073	$5,394	$11,716	$12,289
Employment	2,882	1,629	6,250	3,213
Other	513	1,153	1,328	988
Listed uncollectible	1,416	1,147	3,108	2,073
Total	9,884	9,323	22,402	18,563
	Jackson, Miss.		Jacksonville, Fla.	
Delinquent:				
Income	$3,811	$2,973	$68,267	$74,691
Employment	2,653	1,378	20,247	12,691
Other	322	418	11,336	6,302
Listed uncollectible	1,931	1,982	10,473	19,316
Total	8,717	6,751	110,323	113,000
	Nashville, Tenn.			
Delinquent:				
Income	$12,756	$10,102		
Employment	6,030	4,560		
Other	1,314	1,587		
Listed uncollectible	3,674	4,671		
Total	23,774	20,920		

CENTRAL REGION

	1969	1968	1969	1968
	Cincinnati, Ohio		Cleveland, Ohio	
Delinquent:				
Income	$11,367	$11,767	$33,773	$29,874
Employment	8,189	4,785	13,453	7,010
Other	4,465	2,402	9,164	7,516
Listed uncollectible	3,532	7,642	5,895	4,096
Total	27,553	26,596	62,285	48,496
	Detroit, Mich.		Indianapolis, Ind.	
Delinquent:				
Income	$35,736	$28,565	$27,687	$15,647
Employment	24,113	14,046	10,844	6,142
Other	9,753	14,016	2,697	3,599
Listed uncollectible	4,119	3,849	3,749	6,487
Total	73,721	60,476	44,977	31,875
	Louisville, Ky.		Parkersburg, W. Va.	
Delinquent:				
Income	$9,997	$9,913	$4,318	$3,219
Employment	5,330	3,222	2,888	1,623
Other	3,672	1,515	1,457	1,752
Listed uncollectible	2,188	1,532	870	568
Total	21,187	16,182	9,533	7,162

MIDWEST REGION

	1969	1968	1969	1968
	Aberdeen, S. Dak.		Chicago, Ill.	
Delinquent:				
Income	$942	$850	$43,617	$31,329
Employment	470	284	17,415	14,185
Other	713	111	7,196	2,695
Listed uncollectible	274	94	13,191	19,128
Total	2,399	1,339	81,419	67,337
	Des Moines, Iowa		Fargo, N. Dak.	
Delinquent:				
Income	$3,492	$3,149	$925	$456
Employment	2,187	1,249	811	389
Other	1,244	728	128	199
Listed uncollectible	704	696	109	135
Total	7,627	5,822	1,973	1,179
	Milwaukee, Wis		Omaha, Nebr.	
Delinquent:				
Income	$7,686	$6,473	$6,365	$3,826
Employment	4,370	2,957	1,058	741
Other	2,156	1,122	731	495
Listed uncollectible	2,491	2,384	450	562
Total	16,703	12,936	8,604	5,624
	St. Louis, Mo.		St. Paul, Minn.	
Delinquent				
Income	$14,723	$10,523	$5,968	$5,201
Employment	6,995	5,375	4,181	2,531
Other	2,500	4,199	1,062	972
Listed uncollectible	3,203	3,099	1,159	1,131
Total	27,241	23,196	12,370	9,835
	Springfield, Ill.			
Delinquent:				
Income	$4,404	$4,051		
Employment	2,672	1,730		
Other	1,038	933		
Listed uncollectible	1,222	712		
Total	9,336	7,426		

SOUTHWEST REGION

	1969	1968	1969	1968
	Albuquerque, N. Mex.		Austin, Tex.	
Delinquent:				
Income	$4,977	$4,928	$43,035	$42,131
Employment	1,595	1,147	11,301	8,585
Other	801	335	15,633	13,027
Listed uncollectible	1,262	686	10,128	12,140
Total	8,635	7,096	80,097	75,883

INVENTORY OF TAXPAYER DELINQUENT ACCOUNTS AS OF DEC. 31, 1969, AND 1968—Continued

[Figures in thousands]

SOUTHWEST REGION—Continued

	1969	1968	1969	1968
	Cheyenne, Wyo.		Dallas, Tex.	
Delinquent:				
Income	$601	$533	$65,920	$50,974
Employment	576	432	9,320	6,486
Other	99	75	21,338	2,632
Listed uncollectible	249	171	4,758	7,919
Total	1,525	1,211	101,336	68,011
	Denver, Colo.		Little Rock, Ark.	
Delinquent:				
Income	$8,372	$6,663	$4,307	$6,642
Employment	4,810	3,703	2,260	1,444
Other	2,730	1,952	452	270
Listed uncollectible	1,760	2,246	811	2,315
Total	17,672	14,564	7,830	10,671
	New Orleans, La.		Oklahoma City, Okla.	
Delinquent:				
Income	$11,982	$11,799	$6,199	$7,087
Employment	8,937	7,372	4,886	3,184
Other	2,513	2,700	5,178	2,550
Listed uncollectible	3,908	4,496	1,932	2,414
Total	27,340	26,367	18,195	15,235
	Wichita, Kans.			
Delinquent:				
Income	$7,818	$7,197		
Employment	3,254	2,096		
Other	1,207	1,194		
Listed uncollectible	1,468	878		
Total	13,747	11,365		

WESTERN REGION

	1969	1968	1969	1968
	Anchorage, Alaska		Boise, Idaho	
Delinquent:				
Income	$1,074	$979	$1,408	$2,508
Employment	1,489	946	921	826
Other	173	324	125	160
Listed uncollectible	704	424	229	148
Total	3,440	2,673	2,683	3,642
	Helena, Mont.		Honolulu, Hawaii	
Delinquent:				
Income	$1,467	$1,081	$2,469	$2,191
Employment	711	368	2,452	1,199
Other	65	116	478	348
Listed uncollectible	$474	$486	$654	$581
Total	2,717	2,051	6,053	4,319
	Los Angeles, Calif.		Phoenix, Ariz.	
Delinquent:				
Income	$74,450	$74,011	$6,151	$5,032
Employment	37,093	16,021	4,440	2,113
Other	46,352	28,653	6,759	2,145
Listed uncollectible	29,569	66,107	1,505	3,380
Total	187,464	184,792	18,855	12,670
	Portland, Oreg.		Reno, Nev.	
Delinquent:				
Income	$9.076	$5,757	$8,477	$4,937
Employment	4,917	2,860	3,078	2,038
Other	1,642	1,344	5,841	5,164
Listed uncollectible	650	1,268	1,229	3,636
Total	16,285	11,229	18,625	15,775
	Salt Lake City, Utah		San Francisco, Calif.	
Delinquent:				
Income	$3,425	$2,433	$31,469	$28,484
Employment	2,090	1,032	17,348	9,752
Other	611	694	30,289	21,137
Listed uncollectible	1,535	991	19,963	11,896
Total	7,661	5,150	99,069	71,269
	Seattle, Wash.			
Delinquent:				
Income	$12,193	$6,012		
Employment	6,547	2,754		
Other	2,103	2,916		
Listed uncollectible	1,930	2,107		
Total	22,773	13,069		

INTERNATIONAL OPERATIONS

	Puerto Rico		All other	
Delinquent:				
Income	$1,444	$1,256	$64,432	$62,408
Employment	2,505	1,441	2,703	752
Other	309	0	5,305	3,911
Listed uncollectible	234	292	1,306	7,536
Total	4,492	2,989	73,746	74,607

Mr. WILLIAMS of Delaware. Mr. President, next I ask unanimous consent to have incorporated in the RECORD a letter dated March 20, 1970, signed by Mr. William H. Smith, Acting Commissioner of Internal Revenue, which accompanied these statistical reports and which letter explains in greater detail the effort the Department is making toward improving its collection system.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. TREASURY DEPARTMENT,
INTERNAL REVENUE SERVICE,
Washington, D.C., March 20, 1970.

Hon. JOHN J. WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: This is in response to your letter of January 23, 1970, requesting a list of those accounts which have been classified as uncollectible, in each office in 1969, a list of the one hundred largest compromise settlements, and a report of inventory as of December 31, 1969, which includes all outstanding tax delinquencies. Data on the compromise settlements are being transmitted separately.

As previously explained, uncollectible accounts are those on which the likelihood of collection is so remote that it would be unwise to devote further manpower to them when it can be better used on more productive work. Typical of these are no asset cases, taxpayers who cannot be located, and those where collection would cause undue hardship to the taxpayer of his family. Under stringent controls and procedures, these accounts are classified as uncollectible. Attachment 1 contains a district-by-district tabulation of accounts classified as uncollectible in 1969.

In total there were 18,167 fewer accounts and approximately $98.1 million less classified as uncollectible in 1969 when compared to 1968. This is a significant improvement which is due to two major factors, only one of which is within the Service's control. Specifically, during 1969, we did not have as many large dollar cases classified as uncollectible as we did during 1968. Secondly, the reduction, in part, also reflects the effectiveness of the Data Processing system. The system now analyzes subsequent returns filed by taxpayers who have accounts classified as uncollectible. If a refund is due, it is offset against the uncollectible amount; if uncollectible because taxpayer could not be located and a new address is shown, or if uncollectible because of inability to pay and income is in excess of a predetermined level (based upon the taxpayer's financial circumstances) the accounts are reissued for further collection effort.

As explained last year, we are still not in a position to give you a report on all accounts reported as uncollectible in previous years on which the statute for collection has not expired. The Data Processing system has now accumulated a minimum of three years' data (depending upon date data processing was implemented in the various regions) on uncollectible accounts. We are now engaged ing programming the system to eliminate those accounts on which the statutory period for collection has expired. Hopefully, by next year, we should be in a position to give you a substantial portion of this data.

Attachment 2 is the year-end inventory broken down by the various tax groups and showing the inactive accounts in the columns to the right. The figures in the inactive category are included in the figures shown in the columns under the various tax groups as well as in the total column. All offices were current in their issuances as of December 31, 1969.

The following table summarizes as of December 31, 1968 and 1969, the taxpayer delinquent accounts broken down as to active and inactive status. Accounts in the inactive category are those in which collection action has been deferred pending the outcome of audit examinations, court cases, or other contingent actions.

TDA INVENTORY

[Dollars in thousands]

	Active	Inactive	Total
Amount:			
Dec. 31, 1968	$948, 250	$638, 361	$1, 586, 611
Dec. 31, 1969	$1, 366, 820	$651, 969	$2, 018, 789
Change from Dec. 31, 1968 to 1969	+$418, 570	+$13, 608	+$432, 178
Percent of change	+44	+2	+27
Number:			
Dec. 31, 1968	$741, 987	$117, 630	$859, 617
Dec. 31, 1969	$964, 510	$100, 672	$1, 065, 182
Change from Dec. 31, 1968 to 1969	+$222, 523	−$16, 958	+$205, 565
Percent of change	+30	−15	+24

The above statistics show a sharp deterioration from the position reported last year, which was also unfavorable relative to amount. There are three major currents at work here, two of which, unfortunately, operate to increase the size of our inventory. Those factors working to increase the inventory are the growing caseload itself, that is the increased volume of accounts receivable, coupled with the decline in Service manpower available for this work. The third counterbalancing factor is the increased productivity in the Service's collection operations. You can appreciate, therefore, that the increase in inventory does not reflect inefficiency but rather the combination of factors outlined.

	Number, calendar year—		Amount calendar year—	
	1968	1969	1968	1969
Delinquent accounts issued	2, 223, 139	2, 689, 203	$2, 251	$3, 208
Delinquent accounts closed	2, 231, 854	2, 470, 741	$2, 053	$2, 786
Man-years utilized	6, 303	6, 264		

Even though there were 39 fewer man-years available for closing delinquent accounts, the Service closed 238,887 more accounts valued at $733 million during 1969 than 1968. An unknown portion of this increase in workload is directly attributable to the current state of the Nation's economy. Inflation pressures and higher interest rates have made delay in payment of taxes an attractive alternative to borrowing money. Unfortunately, when taxpayers refuse to respond to bills and notices, there's no other alternative than the costly process of making personal contact. The Service sponsored certain legislative proposals that would have provided rather substantial penalties for failure to pay taxes. The Tax Reform Act of 1969 took a step in this direction although the legislation enacted was something less than the Service had recommended. This legislation is now being implemented and we will closely monitor its administration to see if the provisions adopted will bring about the desired deterrent effect.

Attachment 3 is a listing of the names of taxpayers who in 1969 had obligations to the Government in excess of $25,000 designated as uncollectible, together with the type of tax involved and the district office in which this action took place. This listing has been compiled on the same basis, and with the same restrictions, as that furnished you with my letter of May 6, 1969.

Attachment 4 contains a district-by-district tabulation of abatements. Abatements are entirely different from uncollectibles. As a general rule, an assessment is abated only if it is in excess of the tax amount actually due and legally owing at the time. These cannot be reinstated except through a subsequent assessment.

With kind regards.

Sincerely,

WILLIAM H. SMITH,
Acting Commissioner.

Mr. WILLIAMS of Delaware. Mr. President, upon my request Commissioner Thrower has furnished a list of all individuals or companies whose tax liabilities of over $25,000 were reported as uncollectible during the calendar year 1969. This report shows the names of the individuals and the types and amounts of taxes reported as uncollectible.

At this point I ask unanimous consent that this list be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

INSERTION III—ACCOUNTS OF $25,000 OR MORE REPORTED AS UNCOLLECTABLE IN 1969

Taxpayer	Type of tax [1]	Amount reported as uncollectable
NORTH ATLANTIC REGION		
Albany:		
Samuel Feldman	720	$300, 052
Henry A. Adams	1040	59, 740
James Cocca	EX–135	1, 729, 459
Augusta: None over $25,000 reported as uncollectable in 1969.		
Boston:		
John Blizzard [2]	3–N	115, 774
State and Canada utilities	1120	206, 979
Isadore Muchnick	1040	303, 091
Joseph Pacheco	1040	123, 326
Fraser J. Cameron [2]	3–N	341, 421
David A. Berenson	3–N	332, 704
Neil Ochs [2]	3–N	345, 600
George and Eleanor Carney	1040	98, 274
James Sandel [2]	3–N	333, 904
Brooklyn:		
Ely Batkin	1120	107, 313
Stanley Kirshner	1040	206, 409
H. and D. Gazevitz	1040	172, 349
Jacob Ragan	1040	100, 830
Max Friedman (deceased)	1040	157, 323
Mayer and Sally Sohnen	1040	415, 444
Harry Berger	1040	153, 184
Greenpoint Piece Dye Works, Inc.	941/940	152, 921
Enrique Lopez	Various	206, 231
George and A. Krieger	1040	185, 683
Solomon Roman	1040	110, 454
T. and B. Polley	1040	215, 497
Titan-Marby Corp	941	122, 098
Merkel, Inc	941	109, 553
Morris Sklar	941	674, 937
Buffalo:		
Antonio Berreras	3–N	310, 400
Orlando Herrera Vega	3–N	310, 400
Burlington: None over $25,000 reported as uncollectible in 1969.		
Hartford:		
Lane Machine	941	40, 166
Tyrus and Joan Davis	1040	119, 369
Leo Nunnink	941	121, 629
L. Deberadinis	941	73, 736
Fred Paquette	730	104, 607
W. P. Stewart	1040	47, 380
Manhattan:		
Sam H. Feldman	1040	236, 843
George B. and Betty Mahler	1040	1, 311, 646
Michael Katoff [2]	EX–124	204, 168
Pennwest Investing Corp	1120	227, 874
Alton Blauner	720	1, 220, 948
American Business Audit, Inc	1120	205, 982
John and Virginia Severino	1120	687, 324
Manlie Severino	1120	687, 324
Kullack Tool Corp	1120	172, 898
Irving and May Bronstein	1040	523, 404
Amos Treat Co., Inc	1120	375, 129
Frankini Corp	1120	144, 939
Joel Lozaw [2]	EX–124	237, 661
Alice Jayson	1040	397, 943
Irving and May Bronstein	1040	698, 968
Herbert J. and Rhys Steel	1040	2, 634, 383
Juan Luis Bernal [2]	3–N	237, 661
Howard A. Collins	941	112, 851
Jose Antonio Ruiz Bello [2]	3–N	237, 651
Richard S. Jones & Co., Inc., of California.	1120	964, 112
Anthony Rose	1040	124, 095
Irvin Gluck (Glover) and John Sloan.	730	286, 305
Carlos Garcia [2]	EX–124	237, 661
Portsmouth:		
Richard Baker	941	$76, 143
D. and J. Erectors	941	71, 324
T. Gordon Hutchinson	941	46, 288
Providence:		
Benevolent Educational Association	1120	33, 821
Bruce G. Carline	1040	108, 390
Frank Manfredi	1040	26, 441
Maurice Rivet [2]	EX–124	330, 584
Imperial Weaving, Inc	941/940	71, 243
Anthony and Philomena Altieri	1040	143, 140
Morse Salons, Inc	941	33, 713
Morrow Colorplate, Inc	941	76, 924
MID-ATLANTIC REGION		
Baltimore:		
Fred B. Jr. and Nina R. Black	1040	83, 154
Hadden G. and Glenda Garvin	1040	105, 390
Mango Corporation	1120	532, 020
Adolph and Lydin Furman	1040	89, 877
Newark:		
Standard Service Corp	1120	245, 019
Leo Sagal	1040	119, 776
Allen Kramer [2]	EX–124	292, 006
J. and J. Lomuscio	1040	112, 853
Ferando Benito [2]	EX–124	176, 800
Adelbert Gonzales [2]	3–N	267, 410
Sherman S. Sharwell (deceased)	1040	178, 815
Philadelphia:		
Coates Coal Co	1120	139, 374
Menin Furniture Co	1120/941	778, 245
Joseph V. Fiorini	1040/730	388, 517
George J. and Helen Daileda	1040	790, 390
Bernard and Jeanette Babis	1040	1, 920, 214
L. P. and E. R. Levy	1040	383, 410
Passing Parade Films, Inc	1120	488, 914
Abe Serot	1040	134, 069
Thomas A. Douglas	11–C/730	128, 419
Solomon and Delores Burke	1040	125, 941
George J. and H. Y. Daileda	1040	106, 111
Elias Dubas	730	179, 458
Harry P. Canaris	1040	174, 185
P. & W. Building Main Cl. Co., Inc.	941/1120	378, 859
Pittsburgh:		
Henry R. Cassatt	941	57, 127
Charles C. Wilson	1040	189, 845
James Gardner	1040	61, 160
Edward Silverman	941	54, 594
Estate of V. R. Massock	1040	888, 491
Hobart and Beryl Darling	1040	109, 942
Adam E. Eidemiller	1040	56, 569
Thomas E. Whitten	1040	120, 080
Pittsburgh Courier Publishing Co., Inc	941	107, 700
R. E. Kaplan (deceased)	1040	51, 098
Branna Construction Corp	1120	231, 905
Jerome J. and V. Stenger	1040	92, 191
Victor Lisotto, Inc	941	61, 990
Richmond:		
Coy N. and Verna Tester	1040	62, 677
Robert Clark [2]	3–N	446, 000
Henry L. Eggleston [2]	3–N	446, 000
Geroge LaParade	941	51, 608
George Christofis	720/1040	153, 520
Eastern Trailer Sales	1120	74, 668
Wilmington: None over $25,000 reported as uncollectable in 1969.		
SOUTHEAST REGION		
Atlanta:		
Howard Monroe Jones	730	93, 476
Robert L. and Sara O. Yearwood	1040	172, 271
Municipal Theatre, Inc	941	59, 220
Henry Grady (Jelly) Jones	730	390, 605
Irbco	1120	81, 364
Municipal Theatre	941	76, 871
Stanley and Evelyn Martin	1040	77, 820
Birmingham:		
O. M. Cummings	1040	57, 536
Benjamin and Rose Kahn	941	61, 817
Whitehead Plbg. Co	941	126, 233
Carlos M. H. Rumbout [2]	EX–124	560, 673
G. C. McCullough	2749	165, 199
Columbia:		
A. H. and Margie M. Becker	1040	31, 329
Charleston Drydock & Shipbuilding Co	941	135, 762
J. W. Genaty III	2749	106, 342
James C. Hammond	730	64, 182
Haskell Blizzard	154	38, 098
M. K. Petty and J. W. Addison	730	338, 191
Industrial Electric. Co., Inc	941	57, 346
Greensboro:		
Vance McLean Sales	1120	890, 886
Lola Mae Helms	11–C/730	119, 387
Robert W. Joiner	730	118, 571
J. E. Phillips	730	70, 632
J. R. and G. K. Stiller	1040	107, 438

Footnotes at end of tables.

INSERTION III—ACCOUNTS OF $25,000 OR MORE REPORTED AS UNCOLLECTABLE IN 1969—Continued

Taxpayer	Type of tax [1]	Amount reported as uncollectable
SOUTHEAST REGION—Continued		
Jackson:		
Walter Earl Davidson	154	$48,772
Carolyn Wright	1040	219,734
George and Lillian Mitchell	1040	45,374
Walter Earl Davidson	154	60,759
T. Bond Kellum	1040	173,082
Jacksonville:		
Jesse D. Wright	1040	106,912
American Equity Underwriters, Inc	1120	290,136
David T. Swidler	1040	457,237
J. S. Maio	EX-135	149,144
Sari Posner	1040	687,523
Placid Ridge, Inc	1120	117,590
Sylvia Goldring	1040	459,174
Albert and Alice L. Gilday	1040	120,199
Nicholas Vilord	1040	130,080
Morgan Mfg. Corp	720/940	262,845
Joyce Kaplow	1040	162,729
J. F. Corrigan	11-C/730	241,534
Indian Lake Estates, Inc	1120	1,601,449
H. L. and Isabelle Francis	1040	155,477
Joe W. Sullivans Conc	941	226,172
Harris Leveson, Jr	11-C/730	237,145
Michael Meyerson	1040	921,248
Cresskill Plumbing, Inc	940/941	146,670
R. G. Wheeler	1040	113,704
Mall Mortgage Loan, Inc	1120	168,289
Raphael Enrique Milon Cantillo [2]	EX-124	167,535
Mario Presti	730	864,907
Myles H. Johns	1040/941	322,198
Mike Bradford & Co	1120	144,222
Howard C. Hageman	1040	122,153
Nashville:		
Sims, Armstrong & Brown	11-C/730	107,455
Burks Motor Freight Lines, Inc	940/941	35,975
A. J. Banks	730	25,283
A. J. and Mary Banks	1040	166,779
R. and A. L. Johns	1040	142,670
Glasco Construction Co	941	28,800
Dallas King	1040	108,171
Jack B. Littleton	1040	277,246
Leonard J. Barker	1040	215,997
James E. Collier	11-C/730	317,147
Evelyn V. Davidson	709	50,320
Thomas & Higdon Printing Co., Inc	940/941	26,145
Burke Construction, Inc., of Lobelville	941	66,318
Kenneth Vogt Plastering Co., Inc	941	68,057
Kingsport Broadcasting Co., Inc	1120	98,238
Ridgefield Farms, Inc	1120	61,906
Nathan Bellamy	11-C/730/940/941.	144,732
A. E. and Lola (deceased) Horn	1040	47,979
CENTRAL REGION		
Cincinnati: Karol and Alice Blanor	1040	87,944
Cleveland:		
Robert D. and Joan Brown	1040	438,430
V. E. and F. K. Shutrump	1040	202,058
Andrew D. Adams	1040	135,248
Leonard Smith	730	359,777
Thomas P. Clifford, Jr	1040	147,903
Detroit:		
Edward Lee Richards [2]	3-N	100,677
LaKepointe Country Club	720	114,589
James K. Bradford	1040	165,705
Louis Garavaglia, Inc	1120	115,077
Indianapolis:		
Wayne and Joyce Leyser	1040	284,835
Philip and Virginia Meade	1040	623,269
Louisville:		
Glen Corp	1120	357,209
Daniel J. Andrews, Jr	730	120,921
United Brokerage Co	1120	122,071
Norman Hart	730	40,245
Charlie R. and L. Brown	1040	67,166
Parkersburg:		
Diane Twitchell	1040	64,410
Charles R. and Beulah West	1040	87,713
Estate of Edwin A. Haddad (deceased)	1040	42,634
E. E. and D. D. Workman	1040	41,466
Hope Mann	1040	68,405
Finley M. Painter	1040	40,842
Troitino Bros., Inc	941	27,906
MIDWEST REGION		
Aberdeen: None over $25,000 reported as uncollectible in 1969.		
Chicago:		
Vee-Jay Records, Inc	1120	254,197
Do	720	185,386
Herman Greisdoref	1040	2,298,876
Christian P. Paschen	1040	130,922
Lester R. Peilet	1040	336,585
American Motel Construction Co	940/941	112,418
Kenner's Charitable Hospital, Inc	1120	329,408
William H. and Eleanor V. Kenner	1040	427,646
Thomas Salinas, Jr.[2]	EX-124	162,903
Katschke Land Developers	1120	710,533
John Speroni	1040	390,885
Dixon Quality Oil Co	720	117,873
Des Moines:		
Impact Milling Co., Inc	941	$30,713
R. Sam Krage	941	52,089
Tickal Construction Co	941	26,567
Fargo: None over $25,000 reported as uncollectible in 1969.		
Milwaukee:		
Auto Acceptance & Loan Corp	1120	64,577
Auto Acceptance Corp	1120	90,609
Simplex Shoe	1120	50,422
William P. Cole	730	75,429
Anthony and Blanche Verdone	1040	59,720
Laufenberg Bros. Corp	941	52,708
Marshall Palakow	1040	404,691
R. C. Hosking	941	66,579
Marman Soap Co	1120	70,459
E. D. and A. Pollock	1040	93,732
James M. Herbarge and Justin C. Williams[2]	EX-124	83,002
Ace Refrigeration	941	68,456
E. A. Knab Heating & Plumbing	940/941	70,406
Omaha:		
Kelly Ryan Equipment Co	940/941	67,927
Charles Graziano	941	42,070
Edward B. Voyd	941	35,999
St. Louis:		
Plez Lewis	941	52,309
Crown Ins. Co. of W. Virginia	1120	888,860
H. C. and M. B. Howard (Herbert C. Camien and Melita B. Howard (ex-wife))	1040	122,479
St. Paul:		
Donald Brandvold	941	69,345
Robert C. Leonard	1040	36,295
Robert G. Ruud	941	28,888
Wm. O. Strand, Jr	941	26,848
Springfield:		
Jack H. Dyer	720	35,832
Edgar F. and Edna Smith	1040	75,977
George W. White	1040	285,762
Robert Bilyeu	940/941	31,058
J. W. and B. J. McDaniel	1040	35,759
Arthur Pipeline, Inc	941	30,329
Baxter L. Adkins	1040	29,988
B. L. and B. Adkins	1040	149,236
SOUTHWEST REGION		
Albuquerque:		
Oliver C. and Peggy Reese	1040	52,200
Virgil John Bland, Jr.[2]	EX-124	320,000
R. B. Wright Co., Inc	941	163,641
Crusader Dairies, Inc	940/941	32,188
Jeffrey Allen Spreen [2]	EX-124	319,500
Austin:		
Bonnie M. Munoz	1040	122,225
Luz N. Munoz	1040	137,801
Merced and Lu Munoz	1040	262,105
Pedro J. Munoz	1040	180,182
Pedro J. and Bonnie Munoz	1040	68,604
Jesse and Dorothy Daley	1040	216,571
Leslie E. and Kathryn Peek	1040	111,738
Walter Sekaly, Sr	11-C	773,878
William Dingler, (deceased), c/o Margaret Dingler	1040	275,232
International A. C	1120	109,922
Jose Estaban Garza [2]	EX-124	296,600
Alicia Carrillo [2]	EX-124	296,600
Don Clay Wilson [2]	EX-124	1,200,000
Raymond Keith and Charlotte Marie Smith.[2]	EX-124	1,199,112
Mount Franklin Homes	1120	182,544
Ralph Bolton, Simon Walker, (deceased), and Walter Sekaly	730	924,863
Cheyenne: None over $25,000 reported as uncollectible in 1969.		
Dallas:		
Kenneth S. Boehm	730	119,643
Enco Construction Co., Inc	941	103,670
Claude T. Potts	11-C/730	191,448
Denver:		
Sanders & Son, Inc	1120	89,003
Jacob and Ida Hayutin	1040	108,316
James W. Egan	1040	109,365
Walton A. Dumesmil, Jr.[2]	EX-124	83,200
Lloyd W. Hammer	1040	56,920
Robert E. Woolverton	730	57,418
Little Rock: None over $25,000 reported as uncollectible in 1969.		
New Orleans:		
Popich Marine Construction, Inc	940/941/1120.	163,436
Supreme Construction Co., Inc	1120	169,111
Barbara C. Recile	1040	571,993
Benjamin Franklin Cook	720	235,873
Edwin A. Vincent	1040	175,301
Mildred H. Bradford	1040	144,171
Universal Marine Corp	1120	93,458
Oklahoma City:		
Buford S. Kirtley	1040	110,659
Wilma Kirtley	1040	111,020
C.P.M. Constructors	941	179,394
Whit Pate	1040	69,171
Mrs. Thomas J. Redd	1040	55,942
Premium Laundry & Dry Cleaners	941/940	127,097
Wichita:		
John V. Prather	1040	$79,809
Jose I. Rangel [2]	EX-124	503,230
WESTERN REGION		
Anchorage:		
Carrol Creek Logging Co	941	50,286
Hennings & Murray Corp	941	26,089
Boise: None over $25,000 reported as uncollectible in 1969.		
Helena:		
George Anderson	1040	146,905
James Anderson	1040	32,442
Honolulu:		
Theodore III and Rose Mar Dunham	1040	79,906
Randy Wayne Yawn [2]	EX-124	34,160
Dennis Ray Hankins [2]	EX-124	43,844
American Sanitation Inc	940/941	38,780
A & B Distributors, Ltd	1120	35,438
Capitol Engineers, Inc	941	61,073
Los Angeles:		
Gilbert Rance Dart [2]	EX-124	547,688
Kin Evan Travers [2]	EX-124	408,212
Willie Sloan [2]	EX-124	223,823
Paul Hardeman, Inc	1120	1,146,698
Thomas Brown Buchanan [2]	EX-124	811,302
Jane Ellen Kenmir [2]	EX-124	811,302
Paul Hardeman, Inc	720	337,879
Robert Gould [2]	EX-124	207,868
Anthony Earl Ramsey [2]	EX-124	120,000
Howard Ed Jordon [2]	EX-124	1,058,854
King Electric Co	941	65,150
Luis Ayala Rivera [2]	EX-124	101,820
Michael G. Mills [2]	EX-124	651,200
Stev. Leuenberg	1040	113,238
Dexter Porter [2]	EX-124	651,200
Michael Dare [2]	EX-124	619,283
R. Wellington [2]	EX-124	614,404
Joanne Temple	1040	509,100
Floyd R. and Enna Clodfelter	1040	342,263
Donald Mottola [2]	EX-124	232,800
John F. Lindley [2]	EX-124	217,620
Odell Andrews [2]	EX-124	221,967
P. E. Robertson	1040	137,732
Jerry L. Darnell [2]	EX-124	120,000
M. Schiaffino [2]	EX-124	118,482
Boyd Productions	1120	90,005
Gerald E. McCannon [2]	EX-124	224,000
Timmons & Timmons, Etc [2]	EX-124	136,120
Ralph Luis Villalobos [2]	EX-124	3,160,367
Quinton Prochaska [2]	EX-124	342,000
Jerry Sherwin Lisner	EX-135	194,386
Cleveland Washington [2]	EX-124	136,000
Leonard Dixon [2]	EX-124	105,363
Sheldon and Doris Graff	1040	1,641,824
Lee Duane Hart [2]	EX-124	159,988
Martin M. Greisiger [2]	EX-124	435,202
Phoenix:		
Burnett Walker, Jr	941	35,231
Waldo Plumbing and Heating of Arizona	941	255,991
Calvin M. and Charlene Dressel	1040	41,068
Frank Hector, Jr. and Josephine Lares.[2]	EX-124	55,041
Thomas Anthony Fisher [2]	EX-124	91,949
William Brent Whalen [2]	EX-124	91,600
Robert Stanley Wallace, Jr.[2]	EX-124	42,700
Abraham Minker	1040	63,930
Reynolds Robert Rast [2]	EX-124	49,182
Portland: None over $25,000 reported as uncollectible in 1969.		
Reno:		
George Ullom	1040	36,557
George Saxton	941	68,388
Elranco, Inc	1120	86,439
Moulon Rouge	941	48,839
Vista Rock Products, Inc	1120	36,210
Spiros and Victoria Kallas	1040	151,404
Contractors Services, Inc	941	29,049
Salt Lake City:		
James E. Bagley [2]	EX-124	54,800
Chas. D. Coddington [2]	EX-124	54,800
Horace J. Knowlton	1040	68,137
Reed R. and M. S. Maxfield	1040	359,062
Payroll Service Co	941	26,564
Miracle Drilling Co	941	27,365
San Francisco:		
Lasont Corp	1120	134,960
Michael Gregory McGuire [2]	EX-124	395,157
E. Philip Michaels	1040	171,576
Develop-A-Matic Engineering	1120	259,654
Thomas M. Truax	1040	135,886
Kenneth Fredrick Oldright [2]	EX-124	719,308
Joel Anderson [2]	EX-124	423,000
Robert Jeffrey Adams [2]	EX-124	1,259,600
David Wesley Petty [2]	EX-124	1,071,700
Robert T. Mailheau [2]	EX-124	502,781
John Floyd Lindley [2]	EX-124	553,900
Thomas A. Pavlis	2749	104,921
Pedrel, Inc	1120	264,408
Terry Joseph Wing [2]	EX-124	800,400
Don C. and Ann G. Silverthorne	1040	2,047,340
Darren Guy and Eloise Erlin [2]	EX-124	553,463
Judith Ann Sloper [2]	EX-124	412,850
R. P. Sangemino [2]	EX-124	437,800

Taxpayer	Type of tax [1]	Amount reported as uncollectable
Seattle:		
Roger Dean Folland and John S. Borowicka [2]	EX-124	$223,118
Edward R. Hicks	1040	57,578
Puerto Rico: None over $25,000 reported as uncollectible in 1969.		
All other:		
Robert H. and Doris E. Miller	1040	185,575
Clark D. Bramwell	1040	141,526
Jorge Silvert Carillo [2]	EX-124	105,599
Jesus Mandel P. Garcia [2]	EX-124	105,599
C. R. and O. M. Bone	1040	118,054
Columbia Insurance Co.	1120L	133,516

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[1] Types of Tax—The above table of accounts reported as uncollectible lists type of tax by the form number of the return on which the tax is filed. Those taxes involving narcotics and marihuana are denoted by an asterisk. An explanation of all the forms listed follows:

3-N: Narcotics.
EX-123: Excise tax on narcotics.
EX-124: Excise tax on marihuana.
EX-125: Excise tax on oleo, butter, and cheese.
EX-135: Excise tax on wagering.
154: Alcohol and tobacco tax.
706: Estate tax.
720: Excise tax.
730: Wagering tax.
941: Witholding and FICA.
1040: Individual income tax.
1042: Income tax withheld at the source.
1120: Corporation income tax.
2749: Withholding and FICA.
3780: Interest equalization tax.

[2] Refers to a narcotics tax (marihuana, heroin, etc.).

Mr. WILLIAMS of Delaware. Mr. President, following this insertion I incorporate in the RECORD a list of the one hundred largest compromise settlements for the year 1969. This list gives names and addresses, the total amounts of the taxes including penalties and interest, and the amount and terms of the compromise settlements.

I ask unanimous consent that this chart listed as Insertion IV be printed at this point in the RECORD.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

Approval date: 3-17-69.

Sam R. Alley, 1026—16th Street, N.W., Apt. 606, Washington, D.C.

Tax due and compromise settlement: $53.531.08.

Year involved: 1960.

$8,000.00 to be paid from escrowed proceeds of sale upon delivery of Certificates of Release of Lien together with waiver of refunds, default agreement and other provisions on Form 656. In addition, the taxpayer has agreed to pay a graduated percentage of his income in excess of $7,500.00 for the years 1968–74.

Approval date: 11-16-69.

J. W. Barnett, Sr., Vossburg, Mississippi.

Tax due and compromise settlement: $25,659.94.

Year involved: 1956.

$14,499.65 payable in full within 30 days after notification of acceptance of this offer, together with a waiver of refunds, interest, default agreement, and other provisions on Form 656 (Rev. 7-57).

Approval date: 7-1-69.

John Barsky, 1908—31st Street, San Diego, California.

Tax due and compromise settlement: $194.853.13.

Years involved: 1954–60.

$33,000.00, payable $15,000 within 60 days after notification of acceptance, the balance of $18,000.00 to be paid at the rate of $250.00 or more per month, on the 15th day of each month, commencing on the 15th day of the first month after notification of acceptance, together with interest at the rate of 6% per annum from the date the offer is accepted until the respective payments are made in full. This offer contains the waiver of refunds, default agreement and other provisions on form 656 (Revised 7/57). In addition, the taxpayer has agreed to pay a graduated percentage of his future annual income in excess of $7,500.00 per year, for the years 1968 to 1977 inclusive, and to the assignment of certain notes, loans and accounts receivable, as itemized in the addendum to the collateral agreement, to the United States of America, plus an agreement not to claim capital losses on any of the assets itemized in the addendum.

Approval date: 10-29-68.

Verne D. & Linda J. Batchelor, 857 N. Edgemoor, Wichita, Kansas.

Tax due and compromise settlement: $49,026.26.

Years involved: 1958–60.

The amount of the offer is $5,000.00 payable in deferred payments as follows: $50.00 per month commencing December 1, 1968 and to be paid the first of each month thereafter for a period of 12 months, and then $75.00 per month commencing December 1, 1969 and to be paid the first of each month thereafter for a period of 12 months, and then $100.00 per month commencing December 1, 1970 and to be paid the first day of each month thereafter until the balance of the amount offered together with interest at the rate of 6% per annum from the date this offer is accepted, is paid in full together with waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayers have agreed to pay a graduated percentage of their future income in excess of $10,000.00 for the years 1970 to 1973, inclusive, and in excess of $8,000.00 for years 1974 to 1975.

Approval date: 8-11-69.

Nat Berman, 23 West 73rd Street, New York, N.Y.

Tax due and compromise settlement: $65,711.69.

Years involved: 1957–60.

$35,000.00 payable as follows: $8,000.00 submitted with the offer, and balance payable in equal monthly installments of $750.00 commencing on the 15th day of the month following notice of acceptance, together with waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayer has agreed to pay a graduated percentage of his future income in excess of $7,500 to the District Director for years 1968 to 1977 inclusive.

Approval date: 3-7-69.

Homer L. Blackwell, 5611 West 97th Street, Overland Park, Kansas.

Tax due and compromise settlement: $91,497.58.

Years involved: 1943–46 and 1948.

$500.00 cash paid with the offer together with waiver of refunds and other provisions on Form 656 (Rev. 7/57).

Approval date: 5-15-69.

John A., Jr., and Allyce A. Boland, P.O. Box 312, Rapid City, South Dakota.

Tax due and compromise settlement: $88,839.59.

Years involved: 1962–67.

$15,000.00 payable $12,500.00 within 60 days after receipt of notice of acceptance of the offer and $2,500.00 to be paid in ten monthly installments of $250.00 each. The first installment being March 1, 1969 and subsequent payments being due on the first day of each month thereafter through December 1, 1969, together with interest at the rate of 6% per annum from date this offer is accepted until the respective payments are made in full, together with waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayer has agreed to pay a graduated percentage of his future income in excess of $7,500.00 for the years 1969 to 1974, inclusive. Such amounts as may be collectible under the terms of this offer and collateral agreement are not to exceed the liability sought to be compromised.

Approval date: 8-29-69.

W. I. & Carolyn Sue Buchanan, 2619 Princeton, San Angelo, Texas.

Tax due and compromise settlement: $21,432.73.

Years involved: 1964 and 1966.

$500.00 paid with this offer and $1,500.00 to be paid upon notification of acceptance of the offer, and waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/59). In addition, the taxpayers have agreed to pay a graduated percentage of their future income in excess of $7,500.00 for the years 1969 to 1973, inclusive.

Approved date: 3-12-69.

Coronado Homes, Inc., and Frank Arvidson, Boyd Small, Lloyd Small, 1208 Thomas Lane, Renton, Washington.

Tax due and compromise settlement: $31,301.24.

Year involved: 1964.

$1,200.00 already paid, plus $100.00 to be paid on February 15, 1969, and $100.00 to be paid on the 15th of each succeeding month, together with interest at the rate of 6% per annum on the deferred payments from the date the offer is accepted until the respective payments are made in full, with waiver of refunds, default agreement, and other provisions on Form 656 (Rev. 7/57). (The refund provisions of the offer refer to the corporation only and not to the proponents.)

Approval date: 11-7-68.

Don L. Corum, 2366 Eastwood Place, Memphis, Tennessee.

Tax due and compromise settlement: $25,403.51.

Year involved: 1950.

$2,500.00 to be paid within 30 days after accpetance of offer. Waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition the taxpayer has agreed to pay a graduated percentage of his future income in excess of $7,500.00 for the years 1968 to 1972, inclusive.

Approval date: 12-19-68.

Clifton S. & Dorothy S. Crawford, 30 Thunderbird Parkway, S.E., Apt. B-3, Tacoma, Washintgon.

Tax due and compromise settlement: $36,244.46.

Years involved: 1962–63.

$3,000.00 paid with the original offer 01-15-68 and $817.07 paid with the amended offer dated 07-31-68 and waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition the taxpayers have agreed that for the purpose of computing income taxes of the taxpayers for all taxable years beginning after December 31, 1967 any unused portion of the net capital loss sustained by the taxpayers in any prior year shall not be claimed as a short term capital loss for any succeeding year under the provisions of Section 1212 of the Internal Revenue Code of 1954. The taxpayers have also agreed to pay a graduated percentage of their future income in excess of $7,500.00 for the years 1968 to 1974, inclusive.

Approval date: 1-22-69.

C. S. Day and Pearl Day, Route 2, Brookhaven, Mississippi.

Tax due and compromise settlement: $92,654.56.

Years involved: 1947–48, 1963–66.

$3,175.00 payable in full upon notification of acceptance of his offer, together with a waiver of refunds, interest and default agreement, and a collateral agreement whereby taxpayers have agreed to pay a graduated percentage of their future income in excess of $7,500.00 for the years 1968 to 1977 inclusive.

Approval date: 4-3-69.

Pat J. DeCicco, a/k/a Pasquale DeCicco, Apartado 5008, Madrid, Spain.

Tax due and compromise settlement: $50,041.58.

Year involved: 1960.

The sum of $33,656.60 payable on the deferred basis as follows: $12,500.00 cash with offer and balance in three annual installments of $7,052.20 beginning one year after acceptance of the offer, together with interest at 6% per annum on the deferred payments from the date the offer is accepted until paid in full together with waiver of refunds, default agreement and other provisions of Form 656 (Rev. 7/57).

Approval date: 8-21-68.

H. Gordon & Muriel C. Dorland, 703 Harding, Belle Fourche, South Dakota.

Tax due and compromise settlement: $18,073.91.

Years involved: 1956, 1958-64.

$11,000.00—payable $1,000.00 with the amended offer and the balance payable at the rate of $200.00 per month, beginning September 1, 1968, and each month thereafter, together with interest at the rate of 6% per annum from date this offer is accepted until the respective payments are made in full, together with waiver of refunds, default agreement, and other provisions on Form 656 (Rev. 7/57). In addition the taxpayer has agreed to pay a graduated percentage of his future income in excess of $7,500.00 for the years 1969 to 1973, inclusive. Such amounts as may be collectible under the terms of this offer and collateral agreement are not to exceed the liability sought to be compromised.

Approval date: 3-21-69.

Ralph and Rhea Downing, 10403 Columbia Avenue, Munster, Indiana.

Tax due and compromise settlement: $33,809.16.

Years involved: 1956-66.

$4,550.00 payable with the offer together with waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayers have agreed to pay a graduated percentage of their future income in excess of $7,500.00 for the years 1969 to 1978, inclusive.

Approval date: 10-16-69.

Henry D. Duarte, Sr. and Dorothy F. Duarte, Dec'd, 104 Johnson Avenue, Englewood Cliffs, New Jersey.

Tax due and compromise settlement: $58,967.20.

Years involved: 1950-64.

The total sum of $48,000.00 payable on the deferred payment basis as follows: $11,500.00 deposited with the offer: $6,000.00 on deposit: $7,500.00 to be paid within three months of formal notice of acceptance of this offer; the balance of $23,000.00 to be paid at the rate of $1,150.00 per quarter, the initial payment of $1,150.00 to be made on February 15, 1970, and each subsequent payment to be made on the 15th day of each third calendar month following, until the balance is paid in full.

Approval date: 3-18-69.

Estate of John F. Duke, Sr. (deceased), c/o Executors Leman P. Duke and John F. Duke, Jr., Fort Valley, Georgia.

Tax due and compromise settlement: $146,506.04.

Years involved: 1949-54, 1956-58.

$34,406.66, payable within 30 days after acceptance of this offer and waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57.)

Approval date: 3-18-69.

John F. Duke, Jr., and Virginia M. Duke, Route 1, Fort Valley, Georgia.

Tax due and compromise settlement: $85,688.87.

Years involved: 1949-54, 1956-58.

$36,141.49, payable within thirty (30) days after acceptance of the offer and waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayers have agreed to pay a graduated percentage of their future income which is in excess of $7,500.00 a year for the year 1969 to 1978, inclusive.

Approval date: 3-18-69.

Leman P. Duke and Carolyn S. Duke, 120 Anderson Avenue, Fort Valley, Georgia.

Tax due and compromise settlement: $107,993.43.

Years involved: 1949-54, 1956-58.

$47,751.85 payable within thirty (30) days after acceptance of the offer and waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition the taxpayers have agreed to pay a graduated percentage of their future income in excess of $7,500.00 a year for the years 1969 to 1978, inclusive.

Approval date: 11-15-68.

Robert K. and Dorothy B. Ellis, 767 Burr Road, San Antonio, Texas.

Tax due and compromise settlement: $27,214.92.

Years involved: 1961-63.

$750.00, together with waiver of refunds and other provisions on Form 656 (Rev. 7/57), payable $100.00 within thirty days after notification of acceptance of the offer is given and the balance at $40.00 per month on the fifteenth day of each month thereafter, together with interest at the rate of 6% per annum from the date this offer is accepted until the respective payments are made in full. In addition, Mr. and Mrs. Ellis have agreed to pay a graduated percentage of their future income in excess of $9,000.00 for the years 1969 to 1978, inclusive, and they have agreed to establish a cost basis of zero in 12,250 shares of common stock in Western General Corporation for the purpose of computing income taxes for all taxable years beginning after January 1, 1968.

Approval date: 4-14-69.

Silvestro Fiorentino & Lillian Margolet (former spouse), 13 North Lakeside Drive, Medford, New Jersey.

Tax due and compromise settlement: $25,642.40. Years involved: 1959-66.

$7,000.00 payable $500.00 within thirty days upon notice of acceptance and balance of $6,500.00 payable at the rate of $500.00 per month on the 30th day of each month thereafter, together with interest at the rate of 6% per annum from the date this offer is accepted until the respective payments are made in full and waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayer has agreed to pay a graduated percentage of his future income in excess of $7,500.00 for the years 1969 to 1978, inclusive.

1959, joint account; 1960-1966, a/c Silvestro Fiorentino.

Approval date: 2-24-69.

David A. Fleming, 401 Hunt Street, Milton, Florida.

Tax due and compromise settlement: $22,464.80.

Years involved: 1950-63.

$9,500.00, payable within 60 days after notice of acceptance, together with waiver of refunds, default agreement and other provisions of Form 656 (Rev. 7/57). In addition, the taxpayer has agreed to pay a graduated percentage of his future income in excess of $6,000.00 for the years 1969 through 1973, inclusive.

Approval date: 12-13-68.

Fort Myers Travel Agency, Inc., 2070 Main Street, Fort Myers, Florida.

Tax due and compromise settlement: $72,249.13.

Years involved: 1962-66.

$10,000.00, payable $1,000.00 with the offer and the balance at $193.33 per month commencing 30 days after notice of acceptance and each month thereafter together with interest at the rate of 6% per annum from the date the offer is accepted until the respective payments are made in full and waiver of refunds, default agreement, and other provisions of Form 656 (Rev. 7/57). In addition, the taxpayer has agreed to pay a graduated percentage on the future income of the corporation in excess of $10,000.00 for the years 1968 to 1977, inclusive.

Approval date: 7-17-69.

Dr. Jerry A. Fortenberry, 935 North Main Street, Columbia, Mississippi.

Tax due and compromise settlement: $25,704.34.

Years involved: 1962-67.

$1,000.00 cash submitted with the original offer and $100.00 to be paid on the first of the month following the month wherein notification of acceptance of the offer is given and $100.00 to be paid on the first of each succeeding month thereafter for a total of 60 monthly payments, together with interest at the rate of 6% per annum from the date the offer is accepted until the respective payments are made in full and waiver of refunds, default agreement and other provisions of Form 656 (Rev. 7/57). In addition, the taxpayer has agreed to pay a graduated percentage of his future income in excess of $10,000.00 for the years 1969 to 1976, inclusive.

Approval date: 11-20-68.

Joseph T. Frendak, Sr., 124 Main Street, S. W., Warren, Ohio.

Tax due and compromise settlement: $16,491.77.

Years involved: 1956-63.

$6,000.00, $75.00 to be paid on January 8, 1968, and $75.00 to be paid each two weeks thereafter until paid in full, with interest at the rate of 6% per annum on deferred payments from the date this offer is accepted until paid in full, together with waiver of refunds, default agreements, and other provisions on Form 656. In addition the taxpayer has agreed to pay a graduated percentage of his future income in excess of $7,500.00 for the years 1968 to 1978, inclusive.

Approval date: 7-11-69.

Maxine G. Gilmore (Formerly: Maxine Durham), 10404 Mountain Road, N. E., Albuquerque, New Mexico.

Tax due and compromise settlement: $20,002.78.

Years involved: 1963-64.

$3,425.00 to be paid within thirty (30) days from the date of Notice of Acceptance together with interest at the rate of 6% per annum from date offer is accepted to date of payment, waiver of refunds and other provisions contained in Form 656. (Rev. 7/57). Taxpayer has also agreed to pay an amount based on a graduated percentage of her future income in excess of $7,500.00, for the years 1969 to 1974, inclusive. She has also executed a Collateral Agreement—Taxpayer Involved in Joint Assessment.

Approval date: 9-24-69.

Dave Goldfarb, 1906 Halifax Avenue, Portsmouth, Virginia.

Tax due and compromise settlement: $16,906.14.

Years involved: 1954-63.

$8,610.00, payable $3,000 by cashier's check and $85.00 per month on 5th day of each month beginning month following acceptance of offer, together with interest at the rate of 6% per annum from the date this offer is accepted until the respective payments are made in full and waiver of refunds, default agreement, and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayer has agreed to pay a graduated percentage of his future income in excess of $7,500.00 for the years 1969 to 1977, inclusive.

Approval date 9-30-68.

Frank W. (Deceased) and Geneva Gordon, 3903 E. Curtis Avenue, Tampa, Florida.

Tax due and compromise settlement: $22,427.03.

Years involved. 1944–59 and 1961.

$3,560.00 payable $1,000.00 with the offer, $2,000.00 on notice of acceptance of the offer and $560.00 to be paid within 45 days after notice of acceptance of the offer, with interest at the rate of 6% per annum from the date the offer is accepted until the respective payments are made in full together with waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57).

Approval date: 8–15–69.

Phoebe D. Green in the liability of William C. and Phoebe D. Green—Formerly: 2616 Country Club Prado, Coral Gables, Fla. Now: 1451 Mercado—Coral Gables, Fla.

Tax due and compromise settlement: $122,871.10.

Years involved: 1957–58, 1962, and 1965.

$22,875.24 payable $100.00 with the offer and the balance within 10 days after date of acceptance of the offer, with interest at the rate of 6% per annum from the date of acceptance to the date of final payment together with waiver of refunds default agreement and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayer has agreed to pay a graduate percentage of her future income in excess of $7,500.00 to the District Director for the years 1969 to 1972, inclusive and also executed a co-obligor agreement that provides that this offer covers her liability only and if accepted, shall not be construed as operating to release or discharge the co-obligor William C. Green from the liability.

Approval date: 3–12–69.

Spencer B. Hanes, Jr. (Deceased) Macbovia Bank and Trust Company, Adm. of Estate of Spencer B. Hanes, Jr. c/o Leon L. Rice, Jr., Attorney, 2400 Macbovia Building, Winston-Salem, North Carolina.

Tax due and compromise settlement: $335,956.94.

Years involved: 1945–65.

$130,000.00 payable with the offer in compromise and the balance, being $37,514.85 plus any additional sums or earning accruing to the estate until notice of acceptance of the offer is received and until said sums are paid over to the United States, to be paid immediately upon notice of acceptance of the offer, together with waiver of refunds and other provisions on Form 656.

Approval date: 10–23–68.

Barbara J. Harper, 7519 Cottontail Lane, Wichita, Kans.

Tax due and compromise settlements: $46,891.88.

Years involved: 1959–61.

$100.00 by Cashiers check No. 20094, dated July 31, 1967, and $800.00 cash on July 29, 1968.

Approval date: 10–23–68.

Donald J. Harper, 6125 East Indian School Road, Apt. 172, Scottsdale, Arizona.

Tax due and compromise settlement: $45,780.79.

Years involved: 1959–61.

$1,400.00 paid by Cashiers Check No. 52902 and $610.00 upon notification of acceptance.

Approval date: 9–25–69.

Russell C. and Ruth J. Harris, P.O. Box 422, Cordele, Georgia.

Tax due and compromise settlement: $132,493.08.

Years involved: 1961–62.

$22,500.00 cash payable upon acceptance of the offer, together with interest at the rate of 6% per annum from the date this offer is accepted until the respective payment is made in full and waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayers have agreed to pay a graduated percentage of their future income in excess of $7,500.00 for the years 1969 to 1978, inclusive.

Approval date: 3–17–69.

George W. & Ester P. Hawthorne, 312 Brook Avenue, Bay Shore, New York.

Tax due and compromise settlement: $33,492.43.

Years involved: 1956–59, 1961–64.

$7,000.00 payable at $60.00 per month for 36 months commencing August 13, 1967, with the balance of $4,840.00 to be paid on or before August 15, 1970, together with interest at the rate of 6% per annum from the date this offer is accepted until the respective payments are made in full and waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayers have agreed to pay a graduated percentage of their future income in excess of $7,500.00 for the years 1968 to 1977, inclusive.

Approval date: 1–13–69.

Lewis A. and Jacqueline J. Heinen, 28016 Lobrook Drive, Palos Verdes, California.

Tax due and compromise settlement: $163,102.95.

Years involved: 1959–64.

The total sum of $20,000.00 payable on the deferred payment basis as follows: $3,250.00 already paid, plus $250.00 to be paid on September 25, 1968, and $250.00 to be paid on the 25th day of each succeeding month to August 25, 1970, inclusive, then $300.00 to be paid on the 25th day of September 1970, and $300.00 to be paid on the 25th day of each following month, together with interest at the rate of 6% per annum on the deferred payments from the date the offer is accepted until the respective payments are made in full, with waiver of refunds, default agreement, and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayers have agreed to pay a graduated percentage of their future income in excess of $7,500.00 for the years 1969 to 1978, inclusive.

Approval date: 3–17–69.

Sol & Beatrice Herzog, 5476 Poplar, No. 4, Memphis, Tennessee.

Tax due and compromise settlement: $18,813.80.

Years involved: 1953–58, 1960, 1964–65.

$5,000.00, $2,500.00 to be paid on acceptance of the offer and the balance payable at the rate of $500.00 per annum beginning May 1, 1969, with interest at the rate of 6% per annum on deferred payments from date this offer is accepted until paid in full, together with waiver of refunds, default agreements, and other provisions of Form 656. In addition the taxpayers have agreed to pay a graduated percentage of their future annual income in excess of $7,500.00 for the years 1969 to 1978, inclusive.

Approval date: 3–26–69.

Dr. James E. Hines, Jr., 1325 Foisy Avenue, Alexandria, Louisiana.

Tax due and compromise settlement: $38,080.82.

Years involved: 1951–54.

$29,933.33 payable in full upon acceptance of the offer, together with interest at the rate of 6% per annum from the date the offer is accepted until the payment is made in full and waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayer has agreed to pay a graduated percentage of his future income in excess of $14,500.00 for the years 1970 to 1979, inclusive. The taxpayer has also submitted a collateral agreement whereby the acceptance of his offer will not discharge his co-obligor—Odette H. Hines.

Approval date: 3–19–69.

Russell M. Johnson, 151 Hawthorne Street, Dayton, Ohio.

Tax due and compromise settlement: $26,487.71.

Years involved: 1954, 1956–58, 1962.

$500.00 already paid—The remaining $12,500.00 payable 30 days after date of notice of acceptance of the offer and waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition the taxpayer has agreed to pay a graduated percentage of his future income in excess of $7,500.00 for the years 1970 to 1979, inclusive.

Tax due and compromise settlement: $75,865.70.

Years involved: 1959–62.

Approval date: 1–15–69.

E. Pym Jones, Deceased, c/o Aline Jones, Former executrix, Taylor & Winokur, Attorneys at Law, 351 California Street, San Francisco, California.

$50.00 payable upon acceptance of offer. Proposed assessments on income tax delinquencies for the years 1959, 1960 and 1961 are involved in proceedings before the Tax Court, Docket No. 4892–66. If this offer is accepted, a stipulated decision will be entered on the years 1959, 1960 and 1961.

Tax due and compromise settlement: $47,730.84.

Years involved: 1951–65.

Approval date: 10–9–68.

Thomas D. & Marguerite W. Jones, 6972 Parkview Drive, Cincinnati, Ohio.

$2,500.00 paid with the offer; and $18,113.88 to be paid within thirty days after date of acceptance to the offer, together with interest at the rate of 6% per annum from the date this offer is accepted until the respective payment is made in full and waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayers have agreed to pay a graduated percentage of their future income in excess of $7,500.00 for the years 1969 to 1978, inclusive.

Approval date: 4–28–69.

Hilda Posner Kaplan, 245 Chestnut Drive, East Hills, N.Y., R/A 146–08 28 Avenue, Flushing, L.I., N.Y.

Tax due and compromise settlement: $16,357.63.

Year involved: 1954.

The taxpayer is seeking to compromise under Section 7122 of the 1954 Code, the above described liability. The amount offered is $2,050.00, payable $100.00 submitted with the Offer dated 2–17–69, $650.00 payable 30 days after acceptance, and balance of $1,300.00 payable $100.00 per month, starting 60 days after acceptance of the Offer.

Approval date: 2–20–69.

Sidney Kokol, 103–25 68th Avenue, Forest Hills, N.Y.

Tax due and compromise settlement: $87,473.47.

Year involved: 1947.

The amount of the offer is $36,000.00 payable with the offer together with waiver or refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayer has executed a Collateral Agreement providing that he pay a graduated percentage of his future income each year in excess of $7,500.00 to the District Director for the years 1969 to 1978, inclusive.

Approval date: 10–22–69.

Thomas F. Kushi, as Transferee of Moldmaster Engineering Co., Inc., 40 Westminster, Pittsfield, Massachusetts.

Tax due and compromise settlement: $95,285.14.

Years involved. 1955–58.

$8,252.73, payable within 30 days after acceptance, together with interest at the rate of 6% per annum from the date this offer is accepted until payment is made in full and waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayer has agreed to pay a graduated percentage of his future income in excess of $6,000.00 for the years 1969 to 1975, inclusive.

Approval date: 10–22–69.

Thomas F. Kushi, 40 Westminster Street, Pittsfield, Massachusetts.

Tax due and compromise settlement: $131,672.43.

Years involved: 1957–59.

$11,039.26, payable within 30 days after acceptance, together with interest at the rate of 6% per annum from the date this offer is accepted until payment is made in full, and waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayer has agreed to pay a graduated percentage of his future income in excess of $6,000.00 for the years 1969 to 1975, inclusive, and to an agreement that he is compromising only his individual liability of a joint assessment for the years 1957, 1958 and 1959.

Approved date: 10-22-69.

Thomas F. Kushi, 40 Westminster Street, Pittsfield, Massachusetts.

Tax due and compromise settlement: $61,322.46.

Year involved: 1960.

$4,938.76, payable within 30 days after acceptance, together with interest at the rate of 6% per annum for the date this offer is accepted until payment is made in full, and waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayer has agreed to pay a graduated percentage of his future income in excess of $6,000.00 for the year 1969 to 1975, inclusive.

Approval date: 2-25-69.

Agnes C. Lacy, 7414 West Northwest Highway, Apt. 3, Dallas, Texas.

Tax due and compromise settlement: $69,511.07.

Years involved: 1961-62.

$5,000.00 payable in full within 30 days from date of notice of acceptance of the offer, together with 6% accrued interest, waiver of refunds, default agreement and other provision on Form 656 (Rev. 7/57). In addition the taxpayer agreed to pay a graduated percentage of her future income in excess of $7,500.00 for the years 1969 thru 1973.

Approval date: 5-9-69.

Emil Lastition, RFD No. 1, Austinburg, Ohio—(Former), 1025 N. Federal Highway, Lake Park, Florida—(Current).

Tax due and compromise settlement: $77,891.03.

Years involved: 1951-1956.

$500.00 paid with Offer. Balance of $2,300.00 payable in 46 consecutive monthly installments of $50.00. Installment payments to begin 30 days following notice of acceptance, together with interest at the rate of 6% per annum from the date this Offer is accepted until respective payments are made in full, and waiver of refunds, default agreement, and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayer has agreed to pay a graduated percentage of his future income in excess of $6,000.00 for the years 1969 to 1978, inclusive.

Approval date: 6-9-69.

Adelaide A. Lehman, 8242 Shawnee Street, Philadelphia, Pennsylvania and Estate of James A. Lehman, Deceased, c/o 12th Flr. Packard Bldg., Phila., Pa.

Tax due and compromise settlement: $370,404.47.

Years involved: 1954-60, 1962, 1964.

$10,500.00 cash of which $10,000 is held on deposit and $500.000 will be paid within 60 days of receipt of notice of acceptance of the offer and within the time limits particularly set forth in the offer the following shall also be paid; the proceeds of certain insurance policies consisting of the cash surrender value or cash loan value thereof; the net proceeds from the sale of certain securities after taxes, expenses of the sale and an attorney's fee; and, the proceeds from the redemption of certain bonds.

1962, a/c James A. Lehman, deceased; 1964, a/c Adelaide A. Lehman.

Approval date: 6-6-69.

George and Mildred Lerner, 1301 Woodlock Avenue, Wanamassa, New Jersey.

Tax due and compromise settlement: $27,298.99.

Years involved: 1958-67.

$4,000 payable thirty days after notice of acceptance with interest at the rate of 6% per annum from the date this offer is accepted until the respective payment is made in full and waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition the taxpayers have agreed to pay a graduated percentage of their future income in excess of $7,500.00 for the years 1969 to 1975, inclusive.

Approval date: 6-12-69.

John M. and Eva Levy, 342 East Alvarado Road, Phoenix, Arizona.

Tax due and compromise settlement: $65,363.05.

Years involved: 1961-67.

$4,000.00 payable in full on the first day of the month following notification of acceptance of the offer. Also, waiver of refunds and other provisions on Form 656 (Rev. 7/57). In addition the taxpayer has agreed to pay a graduated percentage of future income in excess of $7,500.00 for the years 1969 to 1978, inclusive.

Approval date: 2-13-69.

Burton R. Lekowitz, 5145 North 10th Place, Phoenix, Arizona.

Tax due and compromise settlement: $49,587.94.

Years involved: 1956-60, 1964-67.

$5,000.00, payable $1,000.00 deposited with the Offer and the balance of $4,000.00 to be paid in monthly installments of $100.00 on the 15th day of each month commencing on the 15th day of the month following notification of acceptance of the Offer. Also, waiver of refunds and other provisions on Form 656 (Rev. 7/57). In addition the taxpayer has agreed to pay a graduated percentage of his future income in excess of $7,500.00 for the years 1969 to 1974, inclusive.

Approval date: 6-16-69.

Herbert H. W. Lindholm, Jr., 34 Corriente Drive, Merritt Island, Florida.

Tax due and compromise settlement: $32,524.22.

Year involved: 1961.

$6,350.00 payable $1,000.00 with the Offer, with the balance due and payable within 30 days after Notice of Acceptance of the Offer, together with interest at the rate of 6% per annum from the date this offer is accepted until the respective payments are made in full and waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayer has agreed to pay a graduated percentage of his future income in excess of $6,000.00 for the years 1969 to 1973, inclusive.

Approval date: 7-23-69.

M. Brown Timber Company, Washington and Jackson Streets, Matawan, New Jersey.

Tax due and compromise settlement: $105,310.76.

Years involved: 1955-58.

$27,000.00 payable $5,000.00 upon written notice of acceptance of the offer and the balance as follows: $7,334.00 on or before the 30th day of the 12th month after written notice of acceptance of the offer, $7,333.00 on or before the 30th day of the 24th month after written notice of acceptance of the offer and $7,333.00 on or before the 30th day of the 36th month after written notice of acceptance of the offer together with interest at the rate of 6% per annum from the date the offer is accepted and waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57).

Approval date: 12-8-69.

Arthur Ray Manning, 413 Bethlehem Road, Rocky Mount, North Carolina.

Tax due and compromise settlement: $108,349.35.

Years involved: 1957-65.

$27,800.00 to be paid within 30 days after acceptance of the offer, together with interest at the rate of 6% per annum from the date of this offer's acceptance until paid in full, and waiver of refunds, default agreement and other provisions of Form 656 (Rev. 7/57). In addition the taxpayer has agreed to pay a graduated percentage of his future income in excess of $7,500.00 for the years 1969 through 1978, and to waive certain bad debts for Federal income tax purposes.

Approval date: 8-25-69.

James C. Manning, 393 Dunn Street (Former), 402 Dunn Street (Current), Smyrna, Georgia.

Tax due and compromise settlement: $17,327.74.

Years involved: 1961-64.

$2,500.00, payable within 60 days after notice of acceptance, together with interest at the rate of 6% per annum from the date the offer is accepted until the payment is made in full and waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayer has agreed to pay a graduated percentage of his future income in excess of $7,500.00 for the years 1969 to 1978, inclusive.

Approval date: 8-6-69.

Markel Service, Inc., 5001 West Broad Street, Richmond, Virginia.

Tax due and compromise settlement: $2,959,270.60.

Years involved: 1946-53.

$1,825,905.75 payable as follows: $1,000,000.00 on acceptance of offer plus proceeds of loan from Estate of Samuel A. Markel, deceased in an amount not to exceed $825,905.75. If funds provided by sale of Estate assets are insufficient to provide said loan of $825,905.75, the balance due under the offer after payment of $1,000,000.00 plus such sum as is available from sale of estate assets shall be paid in annual installments of $100,000.00, the first installment being due and payable one year after date of acceptance of this offer in compromise. Interest payable at 6% on any deferred payments.

Approval date: 6-10-69.

Louis and Nettie Marks, 656 Emerson Street, Woodmere, N.Y.

Tax due and compromise settlement: $37,013.47.

Years involved: 1953-55.

The amount of the offer is $19,500.00 payable on a deferred basis, $10,650.00 now on deposit, $4,050.00 to be paid ninety days after notice of acceptance, and balance to be paid at the rate of $92.50 per month beginning 90 days after notice of acceptance and payable on the first day of each month thereafter, together with interest at the rate of 6% per annum, from the date this offer is accepted until paid in full, and waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition taxpayers have agreed to pay a graduated percentage of their future income in excess of $7,500.00 for the years 1969 to 1976, inclusive.

Approval date: 10-20-69.

Walter L. & Betty L. Marquette, Jr., 8280 Foxhills Avenue, Buena Park, California.

Tax due and compromise settlement: $167,087.32.

Years involved: 1959-62.

The total sum of $25,000.00, payable on the deferred payment basis as follows: $7,000.00 paid with original offer; $3,000.00 to be paid on or before July 1, 1974, and the balance to be paid in quarterly installments of $750.00 per quarter beginning July 1, 1969, together with interest at the rate of 6% per annum on the deferred payments from the date the offer is accepted until the respective payments are made in full, with waiver of refunds, default agreement, and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayer has agreed to pay a graduated percentage of his future income in excess of $7,500.00 for the years 1969 to 1978, inclusive.

Approval date: 6-2-69.

Jeff and Betty Lees Marshall, 908 Illges Road, Columbus, Georgia.

Tax due and compromise settlement: $17,915.07.

Years involved: 1960-65.

$3,000.00 payable within 30 days after acceptance, together with interest at the rate of 6% per annum from the date the offer

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is accepted until the payment is made in full and waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayers have agreed to pay a graduated percentage of their future income in excess of $7,500.00 for the years 1969 to 1978, inclusive.

Approval date: 9–30–69.

Joseph & Mary Martuscello, 18 Coolidge Road, Amsterdam, N.Y.

Tax date and compromise settlement: $189,601.60.

Years involved: 1944–45, 1953–59.

$93,700.00 to be paid. $9,118.32 submitted with offer-in-compromise, $30,548.26 paid upon cash surrender of life insurance policies and the balance of $54,033.42 to be paid in installments of $2,701.67 each commencing April 1, 1969 and every 3 months thereafter until the full amount of the offer has been paid together with interest at the rate of 6% per annum from the date the offer is accepted until the respective payments are made in full plus waiver of refunds, default agreement and other provisions on Form 656. In addition taxpayers have agreed to pay a graduated percentage of their annual income in excess of $7,500.00 for the years 1969 through 1978, inclusive.

Approval date: 7–31–69.

Louis J. and Marie G. Masserano, 1960 Mignon Avenue, Memphis, Tennessee.

Tax due and compromise settlement: $17,533.47.

Years involved: 1959–63.

$12,500.00, payable $8,000 with the amended offer and the balance payable at $900.00 per year commencing August 1, 1969 and $900.00 payable August 1st of each year thereafter, together with interest at the rate of 6% per annum from the date this offer is accepted until the respective payments are made in full and waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition the taxpayers have agreed to pay a graduated percentage of their future income in excess of $7,500.00 for the years 1969 to 1978, inclusive. (July 17, 1969.) The taxpayers have also agreed that no amount paid on the offer (including Collateral Agreement) shall be considered as a payment of interest until all tax and penalty sought to be compromised has been paid in full.

1959, a/c Louis J. Masserano; 1960–1963, joint account.

Approval date: 1–24–69.

Orris A. & Wyrelene Mays, 970 Sunbury Road, Columbus, Ohio.

Tax due and compromise settlement: $30,690.13.

Years involved: 1954–55, 1957–62, 1964.

$6,000.00 payable in full upon acceptance, together with interest at the rate of 6% per annum from the date this Offer is accepted until the respective payment is made in full and waiver of refunds, default agreement and other provisions of Form 656 (Rev. 7/57). In addition, the taxpayer has agreed to pay a graduated percentage of his future income in excess of $7,500.00 for years 1969 to 1974, inclusive. This $6,000.00 is payable 30 days after the date of acceptance of the offer in compromise.

Approval date: 8–11–69.

Henry J. and Evelyn Meier, 517 South Walnut Street, Shattuck, Oklahoma.

Tax due and compromise settlement: $22,439.36.

Years involved: 1955–59, 1961–62, 1964–66.

The amount of the Offer is $3,000.00 payable within thirty (30) days from the date of Notice of Acceptance. In addition, the taxpayers have agreed to pay a graduated percentage of their future income in excess of $7,500.00 for the years 1969 to 1975, inclusive, as stipulated in Collateral Agreement.

Approval date: 3–26–69.

Joseph S. & Pamela Montaldo, 6461 Marcie Street, Apt. B, Metairie, Louisiana.

Tax due and compromise settlement: $22,529.66.

Years involved: 1959–60, 1962, and 1967.

$1,500.00 payable within 30 days of notice of acceptance together with interest at the rate of 6% per annum from the date this offer is accepted until the respective payment is made in full and waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayers have agreed to pay a graduated percentage of their future income in excess of $7,500.00 for the years 1968 to 1975, inclusive.

1959–1960 & 1962, a/c Joseph S. Montaldo; 1967, joint account.

Approval date: 6–26–69.

Colie and Annie B. Morse, 105 Chateau Street, North Charleston, South Carolina.

Tax due and compromise settlement: $41,496.61.

Years involved: 1959–60, 1962–65.

$10,000.00, payable $3,100.00 on the original offer and the balance payable $300.00 on February 1, 1969 and $300.00 on the first of each month except the months of July, August and September of each year until paid, together with interest at the rate of 6% per annum from the date the offer is accepted until the respective payments are made in full, and waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayers have agreed to pay a graduated percentage of their future income in excess of $7,500.00 for the years 1969 to 1978. inclusive.

Approval date: 3–20–69.

William Muller, 1590 E. 102nd Street, Brooklyn, N.Y.

Tax due and compromise settlement: $18,224.10.

Years involved: 1960–63.

$100.00 payable with offer, balance of $900.00 to be paid at the rate of $25.00 per month during the period the offer is pending and balance to be paid in full within 60 days after notice of acceptance, with waiver of refunds, and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayer has agreed to pay a graduated percentage of his future income in excess of $7,500 for the years 1968 through 1977.

Approval date: 12–20–68.

Grant E. Naegle, 343 West Glenrosa Avenue, Phoenix, Arizona.

Tax due and compromise settlement: $28,370.59.

Years involved: 1956–60.

The total sum of $6,000.00 on the deferred payment basis as follows: $100.00 per month effective June 1, 1968 and $100.00 per month for July, August and September 1968. Then $50.00 per month for a period of 13 months with payments to commence on the 15th day of the month following notification of acceptance of the offer. Then $75.00 per month for a period of 12 months with payments being made on the 15th day of each month. Then $100.00 per month for a period of 12 months with payments being made on the 15th day of each month. Then $125.00 per month for a period of 12 months with payments being made on the 15th day of each month. Then $150.00 per month for a period of 9 months with payments being made on the 15th day of each month. Also, waiver of refunds and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayer has agreed to pay a graduated percentage of future income in excess of $7,500.00 for the years 1969 to 1975, inclusive.

Approval date: 6–3–69.

William J. P. O'Brien, 2084 Xavier Court, Santa Clara, California.

Tax due and compromise settlement: $24,182.79.

Year involved: 1952.

$9,000.00 payable $1,000.00 with the offer and $8,000.00 upon notice of acceptance of the offer together with waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57).

Approval date: 8–6–69.

Genevieve K. Oliver, 2519 Midland Avenue, Syracuse, New York.

Tax due and compromise settlement: $402,372.75.

Years involved: 1953–54.

$700.00 to be paid within 30 days of notification of acceptance of offer, together with waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayer has agreed to pay a graduated percentage of her future income in excess of $7,500.00 for 1969 through 1976 under the terms of the Collateral Agreement Form 2261. As additional protection of the rights of the Government, the taxpayer has submitted a co-obligor letter dated January 9, 1969, wherein it is agreed that the United States of America expressly reserves all its rights of collection for the years 1953 and 1954 against the co-obligor, Charles A. Oliver.

Approval date: 9–3–60.

Estate of Thomas F. Palmer, Desmond G. Palmer, Executor, 1534 N. Washington Avenue, Scranton, Pennsylvania.

Tax due and compromise settlement: $73,036.14.

Year involved: 1960.

To be paid in full upon acceptance of offer.

Approval date: 2–4–69.

Joseph & Mildred Paquin, P.O. Box 172, Cassadega, Florida,

Tax due and compromise settlement: $56,345.20.

Years involved: 1959–61.

$35,000.00, $100.00 paid with the offer and $34,900.00 payable within 30 days after notification of acceptance of the offer, together with waiver of refunds and other provisions on Form 656 (Rev. 7/57), payment to be made simultaneously upon receipt of release of all Federal tax liens on all properties belonging to the taxpayers. Also as additional consideration for the acceptance of this offer in compromise, the taxpayers have agreed to a reduction in the "tax basis" of certain assets for Federal Income tax purposes.

Approval date: 6–16–69.

Richard A. and Audrey C. Parker, St. Leonard, Maryland.

Tax due and compromise settlement: $43,311.88.

Years involved: 1961–64.

The total sum of $3,000.00 to be paid as follows: $1,500.00 paid with the amended offer; $500.00 to be paid within 30 days after notification of acceptance; and the balance of $1,000.00 to be paid in consecutive monthly installments of $30.00 each, the first such payment to be made 60 days after acceptance and the succeeding installments to be paid on the corresponding day of each month thereafter until paid in full. In addition the taxpayers have agreed to pay a graduated percentage of their future income in excess of $7,500.00 for the years 1969 to 1973, and to waive all refunds during the years the collateral agreement is in force.

1961–1963, a/c Richard Parker; 1964, joint account.

Approval date: 12–6–68.

Olive F. Perisick, 1164 Coldwater Canyon Drive, Beverly Hills, California.

Tax due and compromise settlement: $21,626.67.

Years involved: 1957–59.

Payment of $1,500.00 in full upon notification of acceptance, together with interest at the rate of 6% per annum on the deferred payment from the date of acceptance to date of payment and waiver of refunds, default agreement, and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayer has offered to pay a graduated percentage of her future income in excess of $7,500.00 for the years 1968 to 1972, inclusive.

Approval date: 3–7–64.

Hardy R. & Lena A. Phipps, 105 Trilby Court, Chesapeake, Virginia.

Tax due and compromise settlement: $38,972.44.

Years involved: 1957, 1960–61.

$1,125.00 now on deposit pursuant to prior offer-in-compromise. $375.00 submitted with the current offer-in-compromise. $18,500.00 to be paid five days after notice of acceptance together with waiver of refunds, interest, and default agreement and other provisions on Form 656.

Approval date: 9–6–68.

John T. Porea, Jr. & Mildred K. Porea, 2313 Shipley Road, Wilmington, Delaware.

Tax due and compromise settlement: $30,726.72.

Years involved: 1944–47.

$18,551.34, paid with the offer.

1944–1946, a/c John T. Porea, Jr.; 1947, joint account.

Approval date: 11–26–69.

William C. Powell, 404 W. Madison Street, Starke, Florida.

Tax due and compromise settlement: $103,409.79.

Years involved: 1960–64.

$19,000.00 to be paid in full within 30 days after date of notice of acceptance of offer together with interest at the rate of 6% per annum from the date this offer is accepted until the respective payment is made and waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayer has agreed to pay a graduated percentage of his future income in excess of $6,000.00 for the years 1969 to 1978, inclusive.

Approval date: 10–17–69.

Regina Praver, c/o Chapman & O'Connell, 1001 Connecticut Avenue, Washington, D.C.

Tax due and compromise settlement: $116,754.87.

Year involved: 1954.

$13,151.85 was received on February 9, 1967 and deposited with the cashier, District Director, Internal Revenue Service, Brooklyn, New York. This amount represents payment in full on the Offer in Compromise. In addition, Regina Praver has agreed that the United States reserves all rights for collection from the Estate of Sam Praver, which is jointly and severally liable for the tax liability which is the subject of this offer.

Tax due and compromise settlement: $19,346.45.

Years involved: 1958–59.

Approval date: 3–14–69.

John H. Preston, R. D. No. 2, Mt. Pleasant, Pennsylvania.

$1,000.00 cash, together with waiver of refunds and other provisions on Form 656 (Rev. 7/57).

Tax due and compromise settlement: $58,396.39.

Years involved: 1962–64.

Approval date: 5–15–69

Mary Joe Kell Putty, 2309 Miramar, Wichita Falls, Texas.

$5,000.00 payable upon notice of acceptance of this offer, together with waiver of refunds, default agreement and other provisions on Form 656. In addition, the taxpayer has agreed to pay a graduated percentage of her future annual income in excess of $7,500.00 for the years 1969 to 1978, inclusive.

Tax due and compromise settlement: $55,199.26.

Years involved: 1958–59.

Approval date: 3–28–69.

Edward & Isabel Queenan, Prien Lake Road, Route 3, Box 218–X, Lake Charles, Louisiana.

$15,000.00 payable in full thirty (30) days after acceptance of the offer. In addition, the taxpayers have agreed to pay a graduated percentage of their future income in excess of $12,000.00 for the years 1969–72, inclusive, and a graduated percentage of their future income in excess of $7,500.00 for the years 1973 to 1978, inclusive, and also agreed to waive any net operating carry-back or carry-over losses sustained for the years 1969 to 1978, inclusive.

Approval date: 6–23–69.

Reliance Intercontinental Corp., 1225 Broadway, New York, N.Y.

Tax due and compromise settlement: $153,463.22.

Years involved: 1961–62.

$35,000.00 cash paid with this offer, together with waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayer has agreed to pay over to Internal Revenue Service all future annual income for the period 1968 through 1978. Taxpayer has also agreed to turn over to Internal Revenue Service all monies received from loans receivable outstanding, and distributions from Proof of Claim filed, as more particularly described on collateral agreement Form 2261–A (Rev. 9/63).

Approval date: 10–9–69.

Dolores J. Rooney, 9111 Alton Parkway, Silver Spring, Maryland.

Tax due and compromise settlement: $189,044.55.

Years involved: 1961–62.

The total sum of $12,000.00 to be paid on the deferred payment plan as follows: $500.00 paid with the second amended offer and the balance of $11,500.00 to be paid within 60 days after notification of acceptance. In addition, the taxpayer has submitted a collateral agreement whereby the United States has reserved all of its rights against her co-obliger.

Approval date: 10–16–69.

Edwin L. and Rosalie M. Rose, 397 Lima Street, Sierra Madre, California.

Tax due and compromise settlement: $162,850.07.

Years involved: 1957–59.

$10,000.00, payable as follows: $4,000.00 already paid, and the balance of $6,000.00 to be paid within 30 days after notification of acceptance, together with waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayers have agreed to pay a graduated percentage of their future income in excess of $7,500.00 for the years 1969 to 1973, inclusive.

Approval date: 3–20–69.

Leonard Rutman, 2260 Gabriel Drive, Las Vegas, Nevada.

Tax due and compromise settlement: $38,903.77.

Year involved: 1962.

Taxpayer originally offered $1,250.00 to be paid within 30 days following notification of acceptance of the offer. He has agreed to amend this offer by increasing the amount offered to $2,950.00, to be paid within 90 days following notification of acceptance of the offer, plus a future income collateral agreement wherein taxpayer agrees to pay over to the District Director a graduated percentage of his future annual income in excess of $500.00 for the calendar years 1969 to 1974, inclusive, together with the waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). The future income collateral agreement was negotiated as stated above after consideration of separate annual earnings of taxpayer's wife, approximately $7,500.00 per year.

Tax due and compromise settlement: $21,998.16.

Years involved: 1959–61.

Approval date: 10–21–68.

August J. Seamon and August J. Seamon and Estate of Claire Seamon, 6 Horizon Road, Fort Lee, New Jersey.

$4,500.00 payable $1,000.00 within 30 days after notice of acceptance; $300.00 to be paid 120 days after notice of acceptance and the balance payable at the rate of $300.00 every 90 days thereafter until paid in full, and waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57).

1959, a/c August J. Seamon and Estate of Claire Seamon; 1960–61, a/c August J. Seamon.

Tax due and compromise settlement: $79,481.07.

Years involved: 1943–44.

Approval date: 6–9–69.

Jesse Seidenwurm, 95 Oxford Road, Rockville Center, N.Y.

$1,000.00 submitted with the original offer, dated Oct. 7, 1967, $50.00 per month on or before the 15th day of each month beginning Oct. 15, 1967 (as per original offer), $14,000.00 (representing, in part, cash loan values of proponent's insurance policies) to be paid on or before August 15, 1969, and $450.00 per month on or before the 15th day of each month after Notice of Acceptance of the offer, together with interest at the rate of 6% per annum from the date this offer is accepted until the respective payments are made in full and waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayer has agreed to pay a graduated percentage of his future income in excess of $7,500.00 for the years 1969 to 1978, inclusive.

Approval date: 4–11–69.

Thelma J. Selzer, 857 Gorge Boulevard, Akron, Ohio.

Tax due and compromise settlement: $30,007.12.

Years involved: 1952–66.

Three Thousand dollars deposited with the offer, together with waiver of refunds, interest, and other provisions on Form 656 (Rev. 7/57).

Approval date: 6–10–69.

Raymond B. and Barbara R. Sharwell, 3649 Peachtree Road, N.E., Apt. No. 204, Atlanta, Georgia.

Tax due and compromise settlement: $58,813.61.

Years involved: 1959–62, 1965.

$12,829.67, payable $400.00 under terms of previous offers, $829.67 with this amended offer, the balance at the rate of $200.00 per month for a period of 58 months beginning April 1, 1969, and on the same day each month thereafter, together with interest at the rate of 6% per annum from the date this amended offer is accepted until the respective payments are paid in full and waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayers have agreed to pay a graduated percentage of their future income in excess of $7,500.00 for the years 1969 to 1978, inclusive, and to a reduction in the "tax basis" of certain assets for Federal Income tax purposes.

Approval date: 2–6–69.

Harold L. and Martha J. Shaw, 2737 Comstock Circle, Belmont, California.

Tax due and compromise settlement: $1,879,256.83.

Years involved 1952–57, 1960–61.

$720,000.00 to be paid at the rate of $10,000.00 or more on the 15th of each month, commencing on the 15th of the first month after notification of acceptance, together with other provisions on Form 656 (Rev. 7/57). In addition, taxpayers have signed a collateral agreement wherein they have agreed to pay a graduated percentage of their future income in excess of $7,500.00 per year, for the years 1968 to 1977, inclusive. Also another collateral agreement has been signed by taxpayers wherein they have agreed to a reduced basis of one asset and a zero basis of five others.

Approval date: 2–6–69.

United Associates, Inc., and Harold L. and Martha J. Shaw, as Alter Ego, Nominee, Agent and Transferee, of said Corporation, 2737 Comstock Circle, Belmont, California.

Tax due and compromise settlement: $1,125,825.35.

Years involved: 1955–56.

$16,500.00 already paid in, together with other provisions on Form 656 (Rev. 7/57). In addition, the taxpayers have signed a collateral agreement wherein they have agreed to pay a graduated percentage of their future income in excess of $7,500.00 per year, for the years 1968 to 1977, inclusive. Also another collateral agreement has been signed by taxpayers where they have agreed to a reduced basis of one asset and a zero basis of five others.

Approval date: 2-6-69.

San Jose Land Company and Harold L. and Martha J. Shaw as Alter Ego, Nominee, Agent and Transferee, of San Jose Land Company and Various Multiple Corporations as per attached list, 2737 Comstock Circle, Belmont, California.

Tax due and compromise settlement: $81,892.35.

Years involved: 1958-60.

$13,750.00 already paid in, together with other provisions on Form 656 (Rev. 7/57). In addition, taxpayers have signed a collateral agreement wherein they have agreed to pay a graduated percentage of their future income in excess of $7,500.00 per year, for the years 1968 to 1977, inclusive. Also another collateral agreement has been signed by taxpayers wherein they have agreed to a reduced basis of one asset and a zero basis of five others.

Approval date: 2-6-69.

Shaw Construction Company and Harold L. and Martha J. Shaw as Alter Ego, Nominee, Agent and Transferee, of Shaw Construction Company and Various Multiple Corporations as per attached list, 2737 Comstock Circle, Belmont, California.

Tax due and compromise settlement: $2,751,441.83.

Years involved: 1952-60.

$519,750.00 already paid in, together with other provisions on Form 656 (Rev. 7/57). In addition, taxpayers have signed a collateral agreement wherein they have agreed to pay a graduated percentage of their future income in excess of $7,500.00 per year, for the years 1968 to 1977, inclusive. Also another collateral agreement has been signed by taxpayers wherein they have agreed to a reduced basis of one asset and a zero basis of five others.

Approval date: 9-22-69.

Estate of C. Lawton Shaw, Sr., Deceased, Lillie E. Shaw, Executrix and Lillie E. Shaw, Individually, 2420 Peachtree Road, N.E., Apt. 8-B, Atlanta, Georgia.

Tax due and compromise settlement: $43,460.49.

Years involved: 1956-58.

$135,000.00 payable in full in cash upon notification of acceptance together with interest at the rate of 6% per annum from the date the offer is accepted until the payment is made in full, waiver of refunds and other provisions on Form 656.

Approval date: 12-30-68.

Lawrence and Muriel Sherman 0-41 Morlot Avenue, Fairlawn, New Jersey.

Tax due and compromise settlement: $80,048.75.

Years involved: 1958-62.

$200.00 submitted with the offer, $4,500.00 within thirty days after notice of acceptance of the offer and the balance of $800.00 within ninety days after notice of acceptance of the offer with interest at the rate of 6% per annum and waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayers have agreed to pay a graduated percentage of their future income in excess of $8,500.00 for the years 1968 to 1977, inclusive.

Approval date: 10-16-69.

Thomas M. and Florence M. Skinner, 505 South LaFayette Park Place, Apt. 212, Los Angeles, California.

Tax due and compromise settlement: $104,460.61.

Years involved: 1963-64.

The total sum of $6,000.00 payable on the installment basis as follows: $100.00 paid with the offer, $100.00 to be paid on April 15, 1969, and $100.00 to be paid on the 15th day of each following month until the sum of $6,000.00 is paid, plus Thomas M. Skinner's ⅓ principal interest and any income and/or profits from the Frances M. Bagley trust estate held by Security Pacific National Bank as Trustee, distributable on or about June 15, 1970, at the termination thereof, together with interest at the rate of 6% per annum on the deferred payments, from the date the offer is accepted until the respective payments are made in full, is hereby tendered voluntarily with the request that it be accepted in compromise of the above described liability (plus any accrued interest on the liability covered by this offer) of the taxpayers aforesaid, together with waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). The proponents further agree that should the distribution of the Frances M. Bagley trust estate be made in the form of stock shares instead of cash, Thomas M. Skinner, as distributee, will furnish to a stock broker any authorization required for the sale on the open market of his interest in said shares and concurs that the net proceeds shall be paid to the Internal Revenue Service. In addition, the taxpayers have agreed to pay a graduated percentage of their future income in excess of $7,500.00 for the years 1969 to 1978, inclusive.

Approval date: 1-2-69.

Ann S. Smith, 5061 Foothill Boulevard, San Diego, California.

Tax due and compromise settlement: $19,558.23.

Years involved: 1961-66.

$15,112.03 cash with amended offer, together with waiver of refunds, default agreement, and other provisions on Form 656 (Rev. 7/57).

Approval date: 1-7-69.

Charles T. & Betty G. Smith, 2123 Arcola Avenue, Silver Spring, Md.

Tax due and compromise settlement: $53,241.37.

Years involved: 1956-63 and 1965.

Date and Place Notice of Lien Filed—12/8/64; 7/13/65; 7/19/65—Montgomery County, Maryland; Rhea County, Tennessee; Bledsoe County, Tennessee. 9/16/65; 9/28/65; 7/26/66—Montgomery County, Maryland; Bledsoe County, Tennessee; Rhea County, Tennessee.

$11,000.00 consisting of $100.00 deposited with the offer; $1,000.00 to be paid 30 days after acceptance; $100.00 per month starting 60 days after acceptance for a period of 6 years; $1,000.00 payable 2 years after date of acceptance; $1,000.00 payable 3 years after acceptance; and $700.00 payable 4 years after acceptance, together with interest at the rate of 6% per annum from the date the offer is accepted until the payments are made in full, together with waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayers have agreed to pay a graduated percentage of their future annual income in excess of $7,500.00 for the years 1968 to 1977, inclusive. The taxpayers also waived the right to receive future income tax refunds or credits for the period specified in the agreement, and waive the right to claim as net operating carry-backs or carry-overs, the net operating losses sustained during any period which would offset the years specified in this agreement; subject to the limitations provided in paragraph 5 of the Collateral Agreement. This appears to be the second amended offer submitted by the taxpayers. Originally, the taxpayers submitted an individual and also a joint offer, which has been consolidated in this second amended joint offer.

1956-1960 and 1965, a/c Charles T. Smith; 1961-1963, joint account.

Approval date: 1-31-69.

Marshall H. Sowers, 316 Columbia Street, Cumberland, Maryland.

Tax due and compromise settlement: $31,231.23.

Years involved: 1959-63.

$5,100.00, $2,698.21 having been paid with the offer, the balance to be paid at the rate of $70.00 per month starting 30 days after notice of acceptance and each month thereafter for 34 consecutive months, final payment on the 35th month to be $21.79, together with interest at the rate of 6% per annum on the deferred payments from the date this offer is accepted until the respective payments are made in full together with waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayer has agreed to pay a graduated percentage of his future income in excess of $7,500.00 for the years 1968 to 1977, inclusive.

Approval date: 9-23-69.

Richard B. Talbot, 7422 Lakespur Avenue, Mentor on the Lake, Ohio.

Tax due and compromise settlement: $25,557.30.

Years involved: 1952-59 and 1965.

$2,500.00 payable in full 30 days from the notice of acceptance of the offer, along with waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayer has executed a collateral agreement to pay a graduated percentage of his future income in excess of $8,000.00 for the years 1969 to 1978, inclusive.

Approval date: 9-30-69.

L. P. and Lou Vannelli, 234 South Avenue, Guernsey, Wyoming.

Tax due and compromise settlement: $41,867.03.

Years involved: 1950-54.

$2,500.00, payable in full within 30 days after notice of acceptance of the offer together with interest at 6% from the date the offer is accepted until payment is made, together with waiver of refunds and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayers have agreed to pay a graduated percentage of their future income in excess of $7,500.00 for the years 1968 to 1973, inclusive.

1950, a/c L. P. Vannelli; 1949 and 1951-54, joint account.

Approval date: 7-8-69.

Bernard L. White, Sr., 218 North College Street, South Bend, Indiana.

Tax due and compromise settlement: $24,856.50.

Years involved: 1950-65.

$4,500.00, payable $1,500.00 with the offer and $50.00 per month for 60 months, to be paid on the first day of each month starting with the first day of the month following the month in which the Notice of Acceptance of the offer is dated, with interest at the rate of 6% per annum from the date the offer is accepted until the payments are made in full and waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayer has agreed to pay a graduated percentage of future income in excess of $6,500.00 for the years 1969 to 1975, inclusive.

Approval date: 2-26-69.

Gordon F. Williams, 2008 S. W. 10th Avenue, Ft. Lauderdale, Florida.

Tax due and compromise settlement: $71,487.60.

Years involved: 1946, 1952-54.

$25,000.00, payable $18,000.00 upon notice of acceptance and the balance in three consecutive annual installments of $2,333.33 beginning 12 months after notice of acceptance together with interest at the rate of 6% per annum from the date this offer is accepted until the respective payments are made in full and waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayer has agreed to pay a graduated percentage of his future income in excess of $7,500.00 for the years 1969 to 1973, inclusive, and to a reduction in the tax basis of certain assets for Federal income tax purposes, after December 31, 1968.

Approval date: 6-12-69.

Steele D. William, 18 North Seminole Drive, Chattanooga, Tennessee.

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Tax due and compromise settlement: $180,880.74.

Years involved: 1961–62.

$1,200.00, $500.00 paid with the offer and the balance at $50.00 per month commencing on the 15th day of the first month after notification of acceptance of the offer, and each month thereafter, with interest at the rate of 6% per annum from the date the offer is accepted until the respective payments are made in full, together with waiver of refunds, default agreements, and other provisions on Form 656 (Rev. 7/57). He has executed Waiver of Net Operating Carry-back Losses—Delinquent Penalty-Income Tax, to waive any refunds for the years 1961 and 1962 resulting from net operating loss of investment credit carry-back from subsequent years. In addition, the taxpayer has (1) assigned certain claims to the Internal Revenue Service, agreed to remit any recoveries to the District Director, and agreed that he has no basis for tax purpose in such claims, (2) waived his right to any net operating loss carry-overs or capital loss carry-overs to any year from 1961 or 1962, (3) executed a covenant not to sue to assure that Edith M. Williams is not discharged or released as to the 1962 liability.

Approval date: 6-26-69.

Robert D. Wilson, 9L Yorktown Town House, Greenville, South Carolina.

Tax due and compromise settlement: $21,799.49.

Year involved: 1964.

$3,960.00 payable $500.00 with the offer and $100.00 per month beginning June 15, 1969 and $100.00 on the 15th day of each month thereafter, together with interest at the rate of 6% per annum from the date this offer is accepted until the respective payments are made in full, and waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayer has agreed to pay a graduated percentage of his future income in excess of $7,500.00 for the years 1969 and 1978, inclusive.

Approval date: 6–26–69.

Robert D. and Marian H. Wilson, 9L Yorktown Apartments, Greenville, South Carolina.

Tax due and compromise settlement: $8,309.31.

Year involved: 1963.

$1,540.00 payable $1,000.00 with the offer and $15.00 per month beginning June 15, 1969 and $15.00 on the 15th of each month thereafter, together with interest at the rate of 6% per annum from the date this offer is accepted until the respective payments are made in full, and waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayers have agreed to pay a graduated percentage of their future income in excess of $7,500.00 for the years 1969 to 1978, inclusive.

Approval date: 5–6–69.

John H., Jr., and Nancy D. Winfree, 214 Alfred Drive, Jamestown, North Carolina.

Tax due and compromise settlement: $16,432.21.

Years involved: 1960–63 and 1966.

$4,800.00 payable at $100.00 per month commencing on the 30th day of the month after notice of acceptance and $100.00 to be paid on the 30th day of each month thereafter, together with interest at the rate of 6% per annum from the date this offer is accepted until the respective payments are made in full and waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayers have agreed to pay a graduated percentage of his future income in excess of $7,500.00 for the years 1969 to 1978, inclusive.

Approval date: 11–3–69.

D. Woodrow and Inez Worthington, Winterville, North Carolina.

Tax due and compromise settlement: $520,529.54.

Years involved 1952–54.

$15,000.00 cash paid with the offer, together with waiver of refunds and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayers have agreed to pay a graduated percentage of their future income in excess of $7,500.00 for the years 1969 through 1978.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HANSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE AMERICAN ECONOMY

Mr. HANSEN. Mr. President, within recent weeks, we have heard much from critics about the current state of the U.S. economy. However, many of these critics seem to be more concerned with short-term economic considerations than they are with the administration's long-term plans for achieving a more stable growth pattern for our economy.

The administration has avoided making frequent adjustments in its fiscal policies that would merely cover up problems. Such adjustments would only temporarily counteract shifting pressures in the U.S. economy, and would tend to treat symptoms rather than the inflationary disease which has built up so strongly since the mid-1960's.

I believe that the administration is following a sound course which will help to alleviate these past inflationary pressures—if given time.

This process is not, by its very nature, a fast one, and as Secretary of the Treasury Kennedy said in a May 20 speech in Hot Springs, Va.:

> The present sluggishness and uncertainty is an inevitable part of a period of transition to more orderly growth. Indeed, it may be necessary and desirable in terms of refocusing attention of businessmen and labor on the fundamental need for efficiency and productivity, and wage and price restraint. We fully recognize there are risks on both sides of the equation as we move ahead. But we mean to stay the course with a blend of fiscal and monetary policies consistent with orderly expansion and the restoration of reasonable price stability.

Progress is being made, and one indication of this appears to be the curtailment of most of the excess demand which was contributing to the country's rising prices. Although prices have not yet ceased to climb, this is now primarily attributable to a continuing push from the cost side rather than from increasing demand.

In this time of transition, it is extremely important that we give our support to the Government's current policy for economic stability. The reaction on Wall Street last week showed that the financial community is becoming more optimistic, rather than pessimistic, about the economy.

I urge all Senators to lend their support to the farsighted economic policies which the Government is currently pursuing—and I feel certain that this patience and confidence will be rewarded with the achievement of the stable and growing economy wihch we all desire.

Mr. BAKER. Mr. President, will the Senator from Wyoming yield?

Mr. HANSEN. I am happy to yield to the Senator from Tennessee.

Mr. BAKER. I thank my colleague for yielding to me. May I say that I am in entire agreement with his remarks in this respect.

I think that one of the greatest contributions the Senate as an institution and its Members individually can make to the stabilization of the economy is to begin to propagate a sudden wave of stability in our utterances and our estimates of the future, and to resist the blandishments and temptations that present themselves to the alarmists.

I believe that the economy is sound and that the conventional and traditional methods of fiscal restraint are working. There is exquisite precision in the efforts of the administration to control the delicate situation brought about by the inflationary spiral of many years' standing. The Senator's remarks are especially appropriate on that point.

Mr. HANSEN. I thank my distinguished colleague for his generous remarks. With his keener insight and vision than most of us, he appreciates the demanding and exacting necessity these times require and, as a consequence, his endorsement of the policies and programs of the administration is doubly reassuring and appreciated.

ORDER OF BUSINESS

Mr. HANSEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPEAL TO SWEDEN ON BEHALF OF AMERICAN PRISONERS OF WAR IN SOUTHEAST ASIA

Mr. DOLE. Mr. President, this morning I sent a telegram to the Swedish Prime Minister, Olaf Palme, who is visiting this country. The telegram was with reference to American prisoners of war and Americans missing in action in Southeast Asia.

The text of the telegram reads:

> Mr. Prime Minister: Knowing of the Swedish Government's long-standing concern for and efforts on behalf of international human rights, and having a deep personal interest in the status and wellbeing of United States military personnel being held prisoners of war by the Democratic Republic of Vietnam, I respectfully request, in the interest of international justice and humanitarian practices that the Government of Sweden intercede with the Government of the Democratic Republic of Vietnam on behalf of these Americans.

> I would suggest that this intercession take the form of a request to the Democratic Republic of Vietnam that it comply with the terms of the 1949 Geneva Convention Relative to the Treatment of Prisoners of War, of which that government is a signatory.
>
> Failing a satisfactory response by the Democratic Republic of Vietnam to this request, I further suggest that the Swedish Government, in accordance with the 1949 Geneva Convention, offer to intern within Sweden, United States personnel held prisoners of war by the Democratic Republic of Vietnam until agreement can be reached on the release of all prisoners.
>
> Internment within Sweden would assure these Americans of the treatment to which they are entitled by the law of nations and concepts of civilized society.
>
> On the part of the families of these prisoners and the entire American public, I appeal to Your Excellency and the government of Sweden to take all possible steps to secure humane treatment for Americans held as prisoners of war in Southeast Asia.
>
> Bob Dole,
> *U.S. Senate.*

ADMINISTRATION SUPPORT FOR BYRD AMENDMENT

Mr. DOLE. Mr. President, I wish to commend the President of the United States on the letter forwarded to our distinguished minority leader, the senior Senator from Pennsylvania (Mr. Scott), in which the President indicates his willingness to compromise and to work out some accommodation with the Senate with reference to the pending business, the so-called Cooper-Church amendment.

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The President indicates in clear and concise terms his support for the Byrd amendment. He states that the Byrd amendment does reaffirm his constitutional power and the constitutional power of any Commander in Chief to take necessary action to protect the lives of American forces consistent with his responsibilities and obligations.

I believe that the President by indicating his intentions is saying to the Senate that now is the time for compromise, not the time for confrontation.

I believe that the President has clearly indicated his sincere desire to work out this accommodation. He has indicated his clear concern and clear recognition that we do have certain powers and responsibilities in the Senate when it comes to declaring war and appropriating money for any engagement.

At the same time, the President recognizes, as any Commander in Chief would, his responsibility and his overriding responsibility to protect American forces.

He also suggests in the letter that there be some minor amendment to section 3 of the Cooper-Church amendment so that it does not in any way negate and conflict with the so-called Nixon Asian doctrine announced in Guam last year.

I again must emphasize that President Nixon is the power to peace in Vietnam. He wants to cooperate with the Senate and with the House of Representatives. And he has so demonstrated in his letter to the minority leader under date of June 4, 1970.

FURTHER ACADEMIC SUPPORT FOR THE PRESIDENT'S POSITION

Mr. ALLOTT. Mr. President, yesterday I introduced into the Record some communications I have received from distinguished scholars who have written to me expressing support for the President's position concerning his powers as Commander in Chief.

I have been very pleased by the evidence of widespread academic support for the President's position on this question. I have received many score of very reflective letters and memorandums from colleges and universities in every section of the Nation. I plan to introduce these communications into the Record as we continue to explore these complex issues with proper thoroughness.

Today I want to share with all Senators a most interesting letter I have received from Prof. Morton A. Kaplan.

Professor Kaplan is a member of the department of political science at the University of Chicago. He is also chairman of the Committee on International Relations at the University of Chicago.

His scholarly publications include numerous articles and such books as "System and Process in International Politics," "The Political Foundations of International Law," "United States Foreign Policy: 1945–1955," "The Revolution in World Politics," "Some Problems of Strategic Analysis in International Politics," and "The Communist Coup in Czechoslovakia."

In his letter Professor Kaplan gives a preview of his forthcoming book, "Dissent and the State of Peace and War: An Essay on the Grounds of Public Morality." In this book Professor Kaplan takes exception to some of the very recent thinking of the junior Senator from Arkansas regarding the question of Presidential latitude in the role of Commander in Chief.

Professor Kaplan says this:

> The executive refused to countenance armed intervention in Vietnam in 1954, largely as a consequence of the experience of Korea. By 1961, this had largely been forgot. The greater danger, even from the senator's present perspective, lies in his mechanical proposals for the control of the executive branch of government. These would produce unimaginable rigidities in our foreign policy that would be exceptionally inadequate with respect to guerilla wars and the small power confrontations and exceptionally dangerous in crises that might invoke nuclear powers in confrontation.
>
> Numerous polls have demonstrated that the American public soon wearies of limited wars that are fought for limited objectives. On those occasions on which we did intervene, the senator's proposals would reinforce the public impulse for military escalation and total victory. They would sharpen rather than mute alternatives. They would lead to American retreats and then to overreactions. They would minimize the prospects for creative statesmanship and cater to the most simplistic minds. In that advice lies the prospect of catastrophe in a nuclear age.

In his forthcoming book Professor Kaplan gives a very realistic view of the feelings that tempt people to want to bind down the President in foreign dealings:

> There are no facile solutions for the problems of foreign policy. Mistakes are inevitable. Decisions press and there is not enough time to consider any but the most central. The disturbances to the system overload the capacity for decision making. Efforts to tie the hands of the executive only make the process more cumbersome, more inefficient, more deadly. If the executive runs the risk of operating within an intellectual framework based on a set of fixed ideas and therefore needs criticism and the input of ideas from outside, the one thing it does not require is the further internal complication of the decision-making process. It may need a slap in the face but it does not need its collective arm in a sling.
>
> Naturally all critics, including this writer, believe they have better solutions for particular problems than does the government. Sometimes we are right. At a minimum, there ought to be effective channels for the communication of these opinions. Some critics, however, seem to feel a need to control the government. They appear not to recognize that others would like to control it from a different point of view. They complain that their advice is not being listened to; but it could be listened to only at the expense of someone else's advice. The president especially must feel a prisoner within a process that includes so many conflicting demands and so much in the way of conflicting advice.

Professor Kaplan is a distinguished scholar who obviously possesses the most rare and precious of the worldly virtues—the virtue of prudence. I would conclude my remarks by calling special attention to the words with which Professor Kaplan begins his letter:

> The attempts by some members of the U.S. Senate to control the President's actions in Cambodia in specific, and in foreign policy-making in general, are understandable but, in my opinion, most unwise. Even those who differ profoundly with President Nixon over his conduct of American foreign policy should be wary of attempting institutional adjustments to correct these policies. They cannot substitute their policies for his but run the very real risk of preventing any coherence or rationality in the decision process.
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> It is quite common for governments and public opinion to seek to correct the real or believed policy mistakes of the past. Institutional tinkering is also a device often resorted to in an attempt to avoid previous errors. These attempts almost invariably fail of their well-intentioned purposes.

I ask unanimous consent to have Professor Kaplan's letter printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

> The University of Chicago,
> Committee on International Relations,
> *Chicago, Ill., May 22, 1970.*
>
> Senator Gordon Allott,
> *U.S. Senate,*
> *Washington, D.C.*
>
> Dear Senator Allott: The attempts by some members of the U.S. Senate to control the President's actions in Cambodia in specific, and in foreign policy-making in general, are understandable but, in my opinion, most unwise. Even those who differ profoundly with President Nixon over his conduct of American foreign policy should be wary of attempting institutional adjustments to correct these policies. They cannot substitute their policies for his but run the very real risk of preventing any coherence or rationality in the decision process.

It is quite common for governments and public opinion to seek to correct the real or believed policy mistakes of the past. Institutional tinkering is also a device often resorted to in an attempt to avoid previous errors. These attempts almost invariably fail of their well-intentioned purposes.

I attempt to treat both mistakes in a book entitled *Dissent And The State In Peace And War: An Essay on the Grounds of Public Morality*, which will be published by the Dunellen Company in August of this year. Short excerpts are included below:

"Foreign policies are often reactions to past lessons or supposed lessons. Often the public and also statesmen react by changing policies that seemed to fail rather than by adjusting policies to new circumstances. Even those who consider our intervention in Viet Nam as in some sense a 'disaster' should not entirely overlook the problems that were avoided by intervention. Depending upon circumstances, the transformation of the regimes of Southeast Asia into Communist regimes might have given rise—and this is not that unlikely—to a myth of betrayal. Had such a myth developed, this might have led to a later intervention under more explosive and less controllable circumstances.

"These remarks are speculative. However, consideration of one reactive sequence from the past might serve an appropriate cautionary note. For instance, the results of the appeasement process during the 1930's are not so well understood. The usual explanation is that Hitler could easily have been stopped—or even overthrown—in the 1935–1938 period but that British appeasement, particularly at Munich, only whetted his appetite, consolidated his support, and produced the war. The first half of this proposition is correct; but the second half, to the effect that appeasement produced the war, is somewhat misleading, for other intervening variables were necessary to produce war—at least at the time at which it occurred. The British actually stood up to Hitler during the first Czechoslovak crisis in the spring of 1938. The shock produced by their temerity then led, even if not directly and without qualification, to the capitulation at Munich. Disillusionment of the British public with appeasement followed its wholehearted support for the process. The March 1939 occupation of the remainder of Czechoslovakia by Germany led to the ill-advised British rigid guarantee to Poland—a guarantee that constituted a blank cheque for Polish foreign policy. The guarantee to Poland virtually insured German involvement in the West if Germany went to war with Poland and thus minimized the possibility that the German armies would continue eastward against the Russians. Without such an assurance, the pact with the Nazis likely would have looked excessively menacing to Stalin. A direct border with the Germans in the absence of a German war with Britain and France probably would have been the last thing Stalin wanted. However, without the pact with Russia, Germany would have faced a major war on two fronts and, therefore, would not have been as likely to follow a policy leading to general war. Although the description offered here is an oversimplification and surely does not involve logical entailment, it does indicate the extent to which attempts by human beings to correct the errors or supposed errors of the past sometimes lead them into even more compromising predicaments. We might do well to avoid the siren call of those who would like to reverse our policies or even to reverse or to correct in substantial ways our institutional processes in order to guard against the errors of the past.

"There are no facile solutions for the problems of foreign policy. Mistakes are inevitable. Decisions press and there is not enough time to consider any but the most central. The disturbances to the system overload the capacity for decision making. Efforts to tie the hands of the executive only make the process more cumbersome, more inefficient, more deadly. If the executive runs the risk of operating within an intellectual framework based on a set of fixed ideas and therefore needs criticism and the input of ideas from outside, the one thing it does not require is the further internal complication of the decision-making process. It may need a slap in the face but it does not need its collective arm in a sling.

"Naturally all critics, including this writer, believe they have better solutions for particular problems than does the government. Sometimes we are right. At a minimum, there ought to be effective channels for the communication of these opinions. Some critics, however, seem to feel a need to control the government. They appear not to recognize that others would like to control it from a different point of view. They complain that their advice is not being listened to; but it could be listened to only at the expense of someone else's advice. The president especially must feel a prisoner within a process that includes so many conflicting demands and so much in the way of conflicting advice.

"This attempt to control the government manifests the same neurotic characteristic that the American government sometimes displays in attempting to control every minor situation abroad, even though it lacks appropriate information and administrative personnel. We must learn to control this impulse, both at the governmental and at the private organizational levels, unless we are to impede and eventually corrupt the decision-making process in a way that will be destructive of American values. Foreign policy protests seem to be a curious equivalent of adolescent rebellion; although sometimes there is genuine ground for complaint, the results are rarely salutary.

"The suggestions made by the Senate Foreign Relations Committee for control of American foreign policy are peculiarly unresponsive to the nature of the world in which we live. Senator Fulbright complains that American involvement in Laos was never submitted to the United States Senate for approval. But such submission would have been inconsistent with the objectives of the intervention. It is the informal character of the intervention that allows other states not to overreact. For instance, in the Korean War, the Chinese troops were officially classed as 'volunteers,' although they were in organized Chinese divisions. This fiction allowed the United States to avoid a direct war with China on the Chinese mainland and served valid purposes of both sides. Similar fictions may provide a major barrier to a nuclear escalation in some future crisis or, alternatively, to a severe defeat of American interests.

"Senator Fulbright distrusts executive control of foreign policy. His suggested reforms, however, would hobble policy. They would delay interventions until the situation had deteriorated and until enemy states had so overcommitted themselves that direct confrontations would be difficult to avoid. Although he has argued that the administration had no right to go to war in Vietnam without Senatorial consent, would he have preferred a declaration of war with its implications for dissent and for military escalation? Does he desire to force us to choose in every case between nonintervention and the most radical type of military confrontation?

"The nuclear age is too dangerous a time for such simplistic solutions. Admittedly, great and dangerous discretion now lies in the hands of the executive. But the executive, unlike the Senate, is at least accountable for its mistakes. Moreover, would the Senate have avoided the mistakes Fulbright believes occurred in Vietnam or would it have supported a declaration of war in 1965 had that been the only alternative then to withdrawal? With the experience of Vietnam behind it, is the executive likely to engage in another major intervention soon in any case? And, after a lapse of five or more years, will the Senate remain the same watchdog it is today—particularly if Vietnam should be taken over by the Communists?

"The executive refused to countenance armed intervention in Vietnam in 1954, largely as a consequence of the experience of Korea. By 1961, this had largely been forgot. The greater danger, even from the senator's present perspective, lies in this mechanical proposals for the control of the executive branch of the government. These would produce unimaginable rigidities in our foreign policy that would be exceptionally inadequate with respect to guerrilla wars and small power confrontations and exceptionally dangerous in crises that might invoke nuclear powers in confrontation.

"Numerous polls have demonstrated that the American public soon wearies of limited wars that are fought for limited objectives. On those occasions on which we did intervene, the senator's proposals would reinforce the public impulse for military escalation and total victory. They would sharpen rather than mute alternatives. They would lead to American retreats and then to overreactions. They would minimize the prospects for creative statesmanship and cater to the most simplistic of minds. In that advice lies the prospect of catastrophe in a nuclear age."

Sincerely,

MORTON A. KAPLAN, *Chairman,*
Committee on International Relations.

Mr. ALLOTT. Mr. President, I want to express my deep appreciation to Professor Kaplan for his very serious analytical discussion on this subject, which I think will contribute very much to the debate.

ADDITIONAL STATEMENTS OF SENATORS

COMMENCEMENT ADDRESS BY ROBERT T. H. DAVIDSON AT JAMESTOWN COLLEGE

Mr. YOUNG of North Dakota. Mr. President, recently I listened with great interest to a most thought-provoking commencement address by Robert T. H. Davidson at Jamestown College, in Jamestown, N. Dak.

His address deals not only with problems on our campuses today, but of the serious financial difficulties faced by practically all private colleges. Jamestown College is one such college. It has an unusually fine record of quality education and it is one of the outstanding colleges in the Nation.

Mr. President, Mr. Davidson's address deals not only with problems of private colleges, but education in general, and very eloquently.

Mr. President, I ask unanimous consent that the commencement address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

A SKEPTIC'S VIEW OF ACADEMIC EXCELLENCE

(By Robert T. H. Davidson)

Mr. President, Reverend Gentlemen, Members of the Administration, Faculty, Students and friends of the College:

Mark Twain said: "Soap and education are not as sudden as a massacre, but they are more deadly in the long run."

I speak today on that deadly subject of education.

If you put yourself in the position of Mark Twain's audience, his words become not just funny but poignantly so. He was a mid-westerner, addressing mid-westerners at the end of the Nineteenth Century. Many of them had heard about the great Indian massacres from their parents. Such sudden death was still close enough to cause a shudder.

The old farmer reading Twain by his kerosene lamp on Saturday night had some instantaneous reactions to the words "soap" and "education": they were luxuries to him. He was still struggling to survive in the terrible harshness of the central plains. All day long he had sweated in the fields. If he had the time for a bath (and the water, and a tub to squeeze into) he would still have doubts about the soap—certainly store-boughtn soap. First, it was expensive, and second, it might smell nice. He feared that nice smell for himself and for his family. They might get used to such refinements and come to despise sweat which was the essence of their survival.

As to education: he was doubtful about that, too. He had had little schooling himself, because his parents had needed him on the farm, just as he probably still needed his own children to help in the desperate business of staying alive. He was skeptical about allowing their minds to be lathered up with perfumed ideas that seemed to have little to do with plowing and planting and harvesting.

But like all parents he also hungered for a richer life for his children, and he knew in his heart that education was the only door that led to it. That's why he could laugh at Mark Twain, and at himself. The statement was both true and ridiculous at the same time.

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Since Mark Twain's time, American higher education has performed a miracle in providing a place for virtually every student who wishes to go to college and has the brains to get in, whether or not his family can pay the cost. It has also provided a place for a good many without the brains. The pressure on the educational system that brought this about has been enormous, and a lot of it arises from the peculiar and often artificial prestige attached to a college degree. In performing this miracle of numbers, the colleges have often lost sight of quality. The production line has always been more interesting to Americans than the quality of the product. Many colleges have tended to produce not educated men and women who think independently, understand their world broadly, and possess genuine mental muscle, but merely *trained* graduates who possess a specific, useful skill; or *knowledgeable* graduates, whose heads are stuffed like a mattress ticking with uncoordinated facts.

While engaged in this energetic enterprise, those who run such colleges have batted around the term "Excellence" like a balloon. Like most balloons it is pretty but empty, except for a little hot air. They seem to believe that a scholarly faculty, a fine campus, and students selected merely for their brains add up to excellence in the fields of education.

Far from excellence, I think this constitutes failure.

Part of the failure stems from a specific and glorious achievement of the American education system: the ability to sort out students according to their scholastic aptitude. Those of you who are educators know the extraordinary degree of accuracy of those tests, when combined with the student's record in high school. The intellectual capacity of an entering freshman may be measured to a nicety. In the whole murky fog of predicting human behavior, these tests provide a single brilliant light—in fact, not just brilliant, but blinding.

And college administrators have often been blinded by putting too much emphasis on scholastic aptitude while ignoring other essential qualities of students. The most important other quality is motivation—maddeningly difficult to measure, frustrating to encourage and impossible to change once its direction is set. Motivation lies at the core of an individual's personality, like the nuclear reactions that boil in the center of the sun. The outpouring of energy is visible on the surface, and the warmth and light of extraordinary accomplishments may be admired, but until psychology is a more mature science the sources may only be guessed at.

Further, the sources of motivation keep changing. At one time America was a hard land, and in the mid-west this was not so long ago. Some of you remember when these northern plains were not the rich and friendly area we now enjoy. The land and the environment were hostile, and the simplest needs of human life—food, shelter and a little warm clothing—had to be earned by bitter work. At an earlier time the sodbusters who opened up this land did so with a plow pulled by oxen or horses through soil that had never been turned since the world began. Month after month they swore and sweated and struggled and suffered to till, plant, harvest and start all over again. These men were face to face with the most terrible reality of all: either keep going or die. They changed the land, but the experience changed them. They were tough beyond comprehension.

Not long after the industrial revolution finally furnished these marvelous men with the tractors, combines and other tools they needed for an easier life, the Great Depression struck them down with hardship of another sort. The plains became economically hostile. Their motivation was tested once more in a terrible way; and if their motivation was lacking, disaster was their reward. As though this weren't enough, the tribulations of the Dust Bowl days were visited upon them, when the wind literally lifted the topsoil off their farms and carried it away into the black sky.

The Great Depression and the Dust Bowl are not forgotten. All of America has become a garden of affluence and educational opportunity. But with these blessings has come flabbiness in the moral fiber. The desperation and some of the challenge is gone. Everyone in this audience detects it, the students most clearly of all. They are suspicious about what has happened in recent years to this country. They do not respect the phony standards in America which value national pride above humanism, and property above lives.

This year students are disturbed about two big issues: Southeast Asia, and the pollution of our environment. They have authority of history to back them up. Rome declined and finally died in part for these two factors. Foreign military adventures bled the Empire economically and fractured it politically. And lead poisoning from the use of lead pipes in the water supply of Rome caused infertility among the most able Romans and their birthrate fell drastically.

We have overcome physical hardship and to a great degree economic hardship, but we haven't replaced these motivating forces with anything else.

I have no formulas to propose. I am as bewildered as the next person about what might be done, but I sense that motivation must now be aroused by focusing on the responses of individuals, rather than by focusing on broad social incentives.

Physical and economic hardships as broad social incentives were strong, but if we could, we would not wish to bring them back. The price is too high. To be sure economic motivation of a sort still exists: people still work for dollars, but the dollars most of them work for now are marginal dollars that will buy a second car or a color T.V. set. At one time they worked for the minimum food to stay alive and the coat that kept the cold out of their homes. Money and goods as incentives are no longer as important as they once were.

What else makes people stretch themselves? A hundred things, and in thousands of different combinations. Some men are driven by sheer red blood, the desire to use themselves against existing challenges. Hillary said he climbed Mount Everest simply because it was there.

A desire to improve the world—pure altruism—is not to be underrated as a human force. We are social animals, and whether we admit it or not, all of us care to a greater or lesser degree about the welfare of our fellow man. "Never send to know for whom the bell tolls: it tolls for thee." We all believe it, and some of you are driven by it.

A hunger for power cannot be ignored, and it is not necessarily destructive. Many of our finest politicians and our builders of business empires are driven by the taste for power. They live to control things, and they must earn their power by producing what society needs.

Pride and a sense of obligation to one's family or one's own expectations are deep incentives. The student who knows keenly the sacrifices made by his family for his education may well earn grades far beyond his normal achievements. The businessman whose pride would be shattered by failure is more apt to succeed.

Curiosity has been the principal motivating force in the lives of history's greatest scientists. Madame Curie could not anticipate the benefit her discoveries would have for mankind; she was simply and very purely fascinated by nature's mysteries.

The hunger for creative satisfaction drove Thomas Edison and most of the artists who have graced our planet. Picasso, when asked what he would do if imprisoned and denied all brushes and paints, said he would draw with the head of a burnt match or his own finger dipped in mud. Such men are intoxicated by the satisfactions of their own work.

There are dozens of other motivations that are still valid, most of them positive and relating to the temperament of the individual rather than negative and arising from broad social events like the Depression. Perhaps this is a measure of civilization: that men will be increasingly driven by positive impulses rather than by hunger and fear and deprivation.

Motivation varies enormously among children. None are born without it. Some seem to lose it at an early age—and even on occasion to regain it. Teachers know the happy phenomenon of the "late bloomer". He didn't develop a better mind, but something happened to his motivation.

Every teacher is aware of the motivational facts of life, and delights in the responsive student; but the colleges have too often filled his classroom with bright students with lead in their intellectual pants.

American private colleges face other problems besides trying to educate students some of whom are unmotivated, and those problems are practical, urgent and far from esoteric.

First, the private colleges face competition from the state universities that are huge and getting bigger in response to public demand. They perform a necessary public function, and they are encouraged by the high protein diet of feeding at the public trough. In the end they will have trouble maintaining their quality because they must concentrate so much on quantity. They will also have trouble with their independence, because the legislatures which feed them will wish to some extent to control them. What has happened to universities owned by the government in socialist countries could happen here, and it is sad. In the long run, the very independence of private colleges may be their most important asset.

The second practical and very urgent problem is money, and it is heartbreaking. Just when the cost of running colleges has leaped beyond their means, the government has seen fit to discourage private philanthropy to a significant degree with the Tax Reform Act of 1969.

Private colleges, including Jamestown, are suffering and will continue to suffer for a while from this competition and this poverty. They have no choice but to tighten their belts, re-examine their functions and make sure that the education they sell is something society needs to buy.

Before Jamestown college can re-examine its function and set a new course, it must take stock of its assets. Some of them are not evident to the casual eye: its location, the character of its students, its alumni, its lack of graduate programs, its faculty, its history, and its managers.

It sits in the middle of a vast and rather empty plain from the static of cities and far from many of the groups who would try to push it around if it were within reach. It is geographically disengaged, and this enables it to do its work serenely and thoughtfully. One of the most corrosive contaminants of our atmosphere is noise—actual noise and cultural noise. Jamestown has been spared.

Your students are a balanced group, a little closer perhaps to the basic realities of this world than some students in more densely populated parts of the country who inevitably are more susceptible to fancy or faddish or extreme notions. Your students, following the leadership of the senior class this term, have demonstrated their belief that reason can be more effective than raw emotion, and constructive action than violence.

There are a hundred colleges that wish they had students such as you in their classrooms.

Your alumni are the preachers of Jamestown's gospel in the world at large, the financial supporters of its programs, the encouragement of its efforts and in a sense the justification of its existence. Perhaps no one listens to the alumni while the students get all the attention; but what is a student except an embryo alumnus? Graduation is just a big hatching process.

On occasion this college may have wished it had a range of graduate programs. They are conceived to be the academic big time. For small colleges they are largely disastrous. Their expense is uncontrollable and the competition they face for money, faculty and students is intense. Jamestown is administratively compact and academically efficient.

The faculty is tailored to the function. With all those poisonous jokes about North Dakota being passed around the educational world, no teacher comes here unless he has the sense of purpose to pursue his high calling with dedication.

One of the greatest strengths of this school has been its hard history. Like the women of Berlin after World War II, Jamestown might well adopt the motto "what doesn't kill me, strengthens me." The college has developed sinews out of its adversity. Those who run this college talk no nonsense, as a reflection of the fact that the college has never been in a position to afford nonsense.

One of those no-nonsense people is John L. Wilson, the chairman of your board, who has modestly devoted to this college more courage, generosity, educational wisdom and just plain horse sense than many of you may know about. One of his most significant acts of horse sense was to select, with the help of his fellow trustees, Roy Joe Stuckey as president. Jamestown College is in good hands.

Those are some of the assets. What can Jamestown make of them, without risking its solid achievements, or incurring expenses that will ultimately cripple it?

Here I speak with real diffidence. I am not a professional educator. I am a lawyer, and the law is said to sharpen a man's mind by narrowing it. What's more, as a guest on this campus I'm well advised to mind my manners and not try to tell my academic host what to serve for dinner.

My ideas are only suggestions. After you think about them, you may reject them—but in the process you may also develop ideas of your own.

For what it's worth I suggest that Jamestown College quietly but deliberately start to focus its main attention on the highly motivated student. Those with brains *and* the incentive to use them are certain to be the movers of this world. There is no reason why Jamestown should not be highly selective about whom it chooses to educate. It is already. I merely suggest it select its students increasingly for motivation.

How could this be accomplished, when there are no tests or other sure guides to measure that quality?

Awareness of the goal is the first step. Embracing the policy will carry the intention part of the distance.

Admissions would have to be held down as far as economically possible. This is a tricky financial problem and calls for careful judgment, but obviously under a supply and demand theory, the smaller the supply for a given demand the greater the chance to be selective.

In weighing applicants, the college must balance motivation against scholastic aptitude. Most colleges settle for the better brains (which are measurable) rather than take a chance on the average student who conceals a jet engine in his tail feathers. That jet engine may carry his average ability to extraordinary heights. Academically he's a good bargain.

Further, your faculty and admissions officers may be able to devise admissions procedures to test a student's hunger for a college education. Such tests might well be rather artificial—just as the procedures for screening lawyers for the bar in some states are almost ridiculously artificial. If the machinery seems eccentric, never mind, so long as it separates the nuggets from the mud.

If this highly motivated bird can be caught, how then do you care for him and feed him during the four years he stays in the academic cage?

In general, he must learn tight intellectual discipline in an atmosphere that will maintain his morale at the highest level.

You must expose him to a faculty selected more for its teaching ability than for its scholarly qualifications. I deeply respect scholars, but they pursue a different course than those whose first love is to deal with students. Our colleges have often failed to distinguish the two functions clearly, and the ambiguity has led to unhappiness.

A teacher who can inspire—or drive—students of high native motivation will inevitably stretch their minds. One helpful academic device is to require a good deal of individual work, particularly work involving careful writing. Nothing is so demanding of a student, nothing is so sure to stretch him, nothing is so sure to expose to his eye weaknesses of his own thought than having to write lucidly. The pain of learning may be great, but no skill is more to be cherished by an educated man.

Sensitive individual counselling of students would be an essential part of such a program, to help to uncover the mainsprings of the student's incentive and act on them with the carrot and with the stick. Jamestown, with imagination, has already undertaken a strong counselling program. To be effective, such a program must not be content to hold the student's hand but must require him to use his own intellectual muscles, to exert himself till he is sore with the effort.

Further, much could be accomplished merely by reminding students and faculty at every turn of their function: not merely to learn and teach, but to expand the capacities of the student's mind. During World War II, a marine recruiting poster demanded of everyone who read it: "Are you man enough to be a marine?" This college might well challenge each student in the same way: "Are you man enough to be an educated person?"

This little sketch doesn't begin to complete the picture. Every member of the faculty, every administrator and every trustee could add a dozen different elements. And certainly the students, if anyone bothers to ask them, can seed more ideas on this subject than the rest of you can harvest. Their own future is at stake, and they also happen to be the only ones who know for sure what turns them on.

What I propose calls for no major revisions of the curriculum, no major changes in faculty except a change of emphasis, no need for new plant, new administrators, or new expenses of any significant amount that would not normally be incurred. Such a policy contains little drama or glamor, but it would be founded on the great assets this college already possesses, and the great need of our country.

In effect I suggest a program of academic stress combined with high morale that would demand from strongly motivated students an enlargement of their abilities and a stiffening of their intellects. I suggest an academic program to accomplish for the minds and hearts of students what the unplowed sod of these plains did for their great-grandfathers: it called forth the best they were capable of giving, because it was so difficult.

That old farmer is a man to contemplate. He drove his plowshare through the stubborn soil while the rain tried to wash him away and while the sun tried to broil him. He must have loved nature because he was so directly dependent on her, and he must also have hated her for the droughts that killed his grain, the grasshoppers that ate it, the hail, the blizzards and all the other miseries that she gratuitously gave him. After a time even his own feelings, all that love and all that hate, must have been submerged beneath the overwhelming will to be strong enough and smart enough and enduring enough to conquer his environment.

In the end that old sodbuster became larger than life-size, and he *did* conquer his environment. As a man, he had stretched himself in a way that few of us can fully comprehend. He had made himself bigger, and he accomplished more than can reasonably be expected of a man.

He's dead now, but we need people just like him worse than ever.

Perhaps this college can devise a way to reinvent him for the good of the country.

THE VIETCONG TERROR AGAINST THE FREE TRADE UNION MOVEMENT OF SOUTH VIETNAM

Mr. McGEE. Mr. President, critics of the South Vietnamese Government are prone to seize on every aberration from utopian democracy as a proof that this Government is dictatorial and unworthy of support. More than one of them has argued that there is really nothing to choose between the dictatorship in the south and the dictatorship in the north.

I am not among those who are prepared to give blanket endorsement to every single action of the South Vietnamese Government. I believe that that

Government has been guilty of certain mistakes and certain excesses. In particular, I deplore the recent imprisonment of Tran Ngoc Chau, an official who has been given the highest rating by all Americans who have worked with him. But if the critics want to be fair, they must also be prepared to give credit where credit is due.

Under the present Government, a constituent assembly was elected, in elections that were given high marks for fairness by virtually all observers and correspondents; a democratic constitution was hammered out after months of vigorous debate; free elections were held for the National Assembly and for the Senate and for the provincial assemblies; village self-government, which was suspended by President Diem, was restored, and over the past 3 years some 2,100 villages have elected their own governing councils, in harmony with the centuries-old Vietnamese pattern of village democracy. An ambitious land reform program has been introduced, under which the land will be turned over to those who till it, very much along the lines of the enormously effective land reform program in Taiwan.

For all of these things the Thieu government must be given credit—and all the more credit because this progress has been achieved in the midst of a bloody and bitterly fought conflict.

Apart from ignoring the truly remarkable progress that has been achieved in many fields, I have the impression that some of the critics who equate the Saigon government with the Hanoi regime simply do not know the meaning of totalitarian dictatorship.

How false their equation is should be apparent to anyone who is willing to take the time to look at a few basic facts.

Hanoi has one political party, the Communist Party. Saigon has several score political parties, competing with each other frantically for cuts of the political pie at various levels.

Hanoi has one newspaper, which faithfully reflects the Communist Party line and only the Communist Party line. Saigon has 25 Vietnamese newspapers, 10 Chinese newspapers, two English and one French. And while there is censorship, there is also much vigorous criticism of the Government in the Saigon press.

But perhaps the most impressive evidence that there is far more democracy in South Vietnam than there is dictatorship is provided by the existence of a free trade union movement.

In the North, of course, there is no free trade union movement. As in every other Communist country, there are government controlled unions, in which membership is compulsory and whose officials are selected by the Communist Party. Strikes of any kind are not tolerated by these unions, because in Communist countries unions are instruments for government control over the workers, rather than instruments through which the workers may seek to improve their lot.

In South Vietnam, in contradistinction, there is a free trade union movement—the Vietnamese Confederation of Labor, or CVT—500,000 strong. The officials of the affiliated unions and of the confederation are elected by the workers themselves. The unions engage in strikes and fight militantly on many fronts to improve the lot of their members.

The tenant farmers' union, for example, played an extremely active role in lobbying for the land reform legislation approved earlier this year by the National Assembly. And recently, the CVT announced that it planned to organize a farmer-labor party of its own, on a program approximating the political programs of the European social democratic parties, and compete in its own name in the political arena.

The CVT is headed by Mr. Tran Quoc Buu, a veteran of more than 20 years' trade union activity, whose courage and independence is respected even by his enemies and who served a term in prison under President Diem. A measure of the esteem in which Buu is held, not merely in Vietnam but throughout the western Pacific, is the fact that he has for some time now served as president of the major regional trade union organization, the Brotherhood of Asian Trade Unions—BATU.

Sometimes the CVT has had to operate against government opposition. But on other occasions it has received welcome support from the Thieu-Ky government. In 1968, for example, the provincial police sought to suppress the textile workers strike in Gia Dinh by arresting the woman organizer and ordering a blockade of food supplies to starve out sympathy strikers. At that point, Nguyen Cao Ky, who was then prime minister, intervened to release the union organizer and end the blockade and suspend the overzealous police chief.

Despite their many political differences with the Government, the leaders of the CVT unions have been bitterly and militantly anti-Vietcong because they know only too well what has happened to the free trade union movement and to free trade union leaders under the Communist regime in the north. Because of this, the free trade union officials of South Vietnam have been favorite targets of the Vietcong terrorists.

Mr. President, for the purpose of illustrating the kind of terror that can be expected if the Vietcong takes over, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks a tabulation I have received from the CVT, listing over 60 officials of their union movement who have been assassinated by the Communists over the past 10 years.

I also ask unanimous consent to have printed in the RECORD the statement issued by the Vietnamese Confederation of Labor on February 7, 1968, condemning the Communists for the treacherous attacks they made on so many Vietnamese cities in their so-called Tet offensive.

Finally, I ask unanimous consent to have printed in the RECORD a statement adopted by the AFL-CIO executive council in March of 1969, reiterating its support for the Vietnamese Confederation of Labor.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

LIST OF CVT CADRES WHO HAVE LOST THEIR LIVES IN SOUTH VIETNAM FOR THE FREE TRADE UNION MOVEMENT

Name	Age	Union local	Union position	Profession	How, where, when assassinated by VC
Giao Can	54	Farmers local Dien Ban district	Local representative	Farmer	Assassinated while carrying on union activities on Mar. 15 1965.
Doan Kiem	35	Farmers province union of Quang Nam	District secretary	do.	Assassinated while carrying on union activities on Mar. 15 1968.
Nguyen Luong	55	Farmers local of Quang Nam province	Provincial representative	do.	Assassinated while carrying on union activities on Apr. 20, 1968.
Nguyen Buong	54	Hang Gon local	Treasurer	do.	Assassinated while carrying on union activities in 1968.
Tran Minh Chanh	45	Plantation workers' local Thanh An district	Local representative	Worker	Assassinated while carrying on union activities on Apr. 9, 1964, at Than An.
Nguyen Van Do	53	Plantation workers Phu-My Hung local	Treasurer		Kidnaped in July 1961 and presumed killed.
Nguyen Van Nua	52	do.	Local representative		Assassinated by VC on Dec. 23, 1960 at Phu My Hung.
Bao Van Thanh	40	Lambretta drivers Union, Binh Duong province	President	Driver	Assassinated by VC on Dec. 23, 1960 at Binh Duong.
Nguyen Van Hai	58	Trade Unions Council Vinh Long province	Secretary General	Worker	Kidnaped and presumed killed by VC.
Nguyen Ngoc Anh	56	Farmers union	Treasurer	Farmer	Assassinated by VC in 1962.
Nguyen Van Nghia	60	do.	Vice President	do.	Assassinated by VC in 1965.
Le Cong Tap	56	do.	Secretary of My Loc local	do.	Assassinated by VC in 1960.
Phan Van Kieu	38	do.	Local Representative of Phuoc Hau village.	do.	Assassinated by VC in 1964.
Le Hoang Vinh	60	do.	Local propagandist-organizer	do.	Assassinated by VC in 1964.
Nguyen Van Cho	48	Farmers Union of Binh Thuan province	President	do.	Killed by VC at VC Offensive of Mau-Than New Year holidays (1968).
Le Van Huong	43	Farmers Local of Bac Lieu province	Representative	do.	Assassinated by VC in 1965
Tran Van Hoai		Farmers local of Phong Thanh village, Baclieu province.	Local secretary	do.	Assassinated by VC in 1962.
Tran Van Doi	55	Farmers local	Treasurer	Farmer	Died from torture in 1959.
Pham Trung Giao	63	do.	Committee member	do.	Assassinated by VC at Thanh My in 1969.
Le Van Mieng	45	do.	Vice president	do.	Died from torture in 1965.
Kim Choc	63	do.	Committee member	do.	Assassinated by VC at Da Loc village, Vinh Binh province, on Aug. 22, 1969.

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LIST OF CVT CADRES WHO HAVE LOST THEIR LIVES IN SOUTH VIETNAM FOR THE FREE TRADE UNION MOVEMENT—Continued

Name	Age	Union local	Union position	Profession	How, where, when assassinated by VC
Nguyen Toan	42	Farmers local of Quang Ngai province	Secretary of Tu Nguyen local	Farmer	Assassinated by VC at Tu-Nguyen in 1964.
Nguyen Sau	39	do.	Secretary of Tu-Luong local	do.	Assassinated by VC at Tu Luong in 1963.
Le Tan Tham	41	do.	Vice president of Tu-Luong local	do.	Assassinated by VC in 1966 at Tu Luong.
Nguyen Huu Nghia	40	do.	Secretary of Nghia Loc local	do.	Assassinated by VC in 1967 at Nghia Loc.
Tran Cao Nghiep	45	Farmers union of Quang Ngai province	President of Nghia Loc local	do.	Assassinated by VC when carrying on union activities at Hghia Loc in 1967.
Ton Ngoc Trang	45	Horse-vehicles workers union of Quang Ngai	Member	Driver	Assassinated by VC in 1968.
Le Van Hong	30	Lambretta drivers union of Quang Ngai	Local vice president	do.	Assassinated by VC when carrying out union activities on July 14, 1969.
Huynh Van Trang	35	do.	Secretary	do.	Do.
Phan Them	37	MIC tobacco workers union	Treasurer	Superintendent	Assassinated by VC on Dec. 6, 1968.
Le Van Huong		Farmers local of Ba Xuyen province	Local representative	Farmer	Assassinated by VC in 1955.
Nguyen Van Nhiem	60	Farmers union of Dinh Tuong province	President	do.	Assassinated by VC when carrying out union activities on Oct. 1, 1969, at Tan Hoa Thanh, Dinh Tuong province.
Nguyen Du	56	Fishermen's union of Quang Tin province	Vice president	Fisherman	Kidnaped by VC and assassinated by VC in 1961.
Le Khanh	40	Fishermen's local of Ky-Anh	Local president	do.	Assassinated by VC at his home in 1965.
Dang Duc Tan	40	Farmers local of Ky-Ly	Local vice president	Farmer	Kidnaped and assassinated by VC in 1961.
Dinh Thanh	46	Farmers local of Ky-Nghia	Local president	do.	Assassinated by VC at his home in 1964.
Nguyen Luan	45	Farmers local of Ky-Phu	Local secretary	do.	Assassinated by VC at his home in 1963.
Ho Van Anh	53	Farmers local of Ky-Nghia	do.	do.	Killed by warfare in 1965.
Dang Dat	50	Farmers local of Binh Quy	Local vice president	do.	Killed by warfare in 1967.
Tran Quang Phuc	43	Farmers local of Ky Sanh	do.	do.	Killed by warfare in 1966.
Nguyen Doi	60	Farmers local of Ky-Nghia	Local treasurer	do.	Assassinated by VC in 1961.
Luong Van Quang	47	Farmers local of Ky-Sanh	Local committee member	do.	Assassinated by VC in 1963.
Vo-Thong	50	Farmers local of Binh-Quy	do.	do.	Assassinated by VC at his home in 1966.
Vu-Van-Nhang	57	Lambretta drivers Union of Saigon-Giadinh	Social committee driver member	Driver	Assassinated by VC in 1962.
Le Van Ven		Plantation workers Union of Tay Ninh	President	Foreman	Assassinated by VC at Cau-Khoi on July 8, 1965.
Dao Ngoc Tam	55	Plantation workers' Courtenay local	Financial officer	Sapper	Abducted on Oct. 13, 1962, and presumed dead.
Lai Bao Ngoc	34	Plantation workers union of Long Khanh	Secretary	do.	Kidnaped on Dec. 2, 1965, and presumed dead.
Dang Van Tich	37	do.	President	Technician	Kidnaped on Dec. 6, 1962, and presumed dead.
Nguyen Van Huan	39	Plantation Hang Gon local	Representative	Sapper	Kidnaped at Long Khanh in July 1962.
Nguyen Dang	50	do.	Committee member	do.	Do.
Nguyen Bieu	54	do.	Member	do.	Do.
Vu Qaan Quy	35	do.	Secretary	do.	Kidnaped at Long Khanh in May 1963.
Nguyen Van Truy	55	Planatation workers' Courtenay local	Member	do.	Kidnaped at Long Khanh in October 1962.
Le Van Lang	45	Plantation workers' union "Tran Van Phong"	Representative	Carpenter	Kidnaped at Long Khanh on Nov. 6, 1963.
Tran Van Thai	43	Plantation workers local "Tran Van Phong"	Financial officer	Tapper	Kidnaped by VC at Long Khanh and presumed dead on Nov. 6, 1963.
Phan Van Tot	32	do.	Committee member	do.	Do.
Le Van Moc	57	do.	Controller	Superintendent	Do.
Le Van Nuoc	29	do.	Committee member	Tapper	Do.
Le Thai Tuy	40	do.	Member	Foreman	Do.
Huynh Thi Hieu		Trade Unions Council of Binh Duong	Secretary general	Nurse	Kidnaped by VC at Binh Duong in 1956 and presumed dead.
Phan Thanh Giau	40	Goldsmiths' Union of Vinh Long	President	Goldsmith	Kidnaped by VC and presumed dead.
Bach Le	47	Farmers Union of Quang Ngai	Secretary general	Farmer	Presumed dead after 8 years jail.
Tran Chanh Hoi	42	Fishermen's Union of Quang Tin	President	Fisherman	Kidnaped by VC and presumed dead.
Le Thang	34	Fishermen's local of Ky-Xuan	Local president	do.	Do.
Tran Van Co	42	Fishermen's local of Binh Dao	do.	Fisherman	Do.
Bui Thuoc	57	Farmers' local of Ky Sanh	Committee member	Farmer	Do.
Do Phien	57	Farmers' local of Ky Anh	do.	do.	Do.
Lo Tai Nguyen	70	do.	do.		
Le Tai Nguyen	70	Farmers' union of An Trach, Gia Rai district	Farmers' union cadre in village		
Le Trung Quoi	42	Farmers' Federation	Federation's cadre in charge of management of a village of implantation of refugees (An-Luong).		Kidnaped by VC on Dec. 25, 1964, and presumed killed.
Nguyen Van Chi		Federation Plantation workers of Phuoc Tuy	Secretary of Binh-Ba local	Worker	Kidnaped at Phuoc Tuy in 1957, and presumed killed.
Pham Cong Dao		Federation Plantation workers of Phuoc Long	President of union	Superintendent	Kidnaped by VC at Bu Dop on July 19, 1966.
Nguyen Nang Tiep		Plantation workers' union of Phuoc Long	Treasurer of Thuan-Loi's local	Teacher	Kidnaped by VC at Thuan Loi in June 1965 and presumed killed.
Huynh Van Tu		Plantation workers' Federation in Phuoc Tuy	Cadre	Worker	Kidnaped by VC on July 24, 1961, at Phuoc Tuy.

FREE VIETNAM LABOR DENOUNCES VIETCONG ATTACKS

President Tran Quoc Buu of the Vietnamese Confederation of Labor (CVT) on February 7 sent the following cable to the AFL–CIO:

"We at the CVT are safe and sound. We appeal urgently to free world union organizations to aid the workers and other Vietnamese who were savagely attacked by the Communists during the truce of Tet, the traditional sacred feast of Vietnam."

President Tran Quoc Buu and General Secretary Tran Huu Quyen of the Vietnamese Confederation of Labor (CVT) issued the following statement on February 2:

"Considering that the armed forces of the Vietcong have invaded the capital area of Saigon, Cholon, Gia-Dinh and in chief towns during the new lunar year's truce; considering that the people's quarters generally and the working class quarters especially were treacherously used by the Vietcong for concealment and as a battleground to combat the army of the Republic of Vietnam; considering that the workers and their families have become as a matter of fact the miserable victims of street fighting inside the cities; considering that the permanent position of CVT is anti-war and for realization of peace by constructive social action, based on brotherhood, in order to protect the sacred freedom of man within the framework of social communities;

"The Bureau of CVT, in its extraordinary meeting on February 2, 1968 in Saigon issued the following communique:

"'We condemn the criminal actions of the Communists causing war in the days of truce.

"'We earnestly appeal to all brothers and sisters, cadres and members over the country to be calm and to tighten their ranks in these troubled and perilous days. We earnestly request the government to apply suitable measures to protect the lives and property of the people and to restore quickly the general security and the public order.'"

AFL–CIO BACKS CVT

(Statement by the AFL–CIO Executive Council)

The Executive Council notes the visit of President Buu of the CVT. After hearing his report about the activities of the Confederation of Vietnamese Workers and his being encouraged by the cooperative attitude manifested by the head of state, President Nguyen Van Thieu, we reaffirm our policy of cooperating with the CVT for the advancement of free trade unionism, democracy, social justice and a just and enduring peace.

In this connection, we note with satisfaction the recently announced readiness of AID to contribute substantially towards a $100 million undertaking for helping the government of South Vietnam speed a massive program of land reform and redistribution.

We emphasize that the success of this program and its being safeguarded against the sabotage by Communist infiltrators and undermining by corrupt forces can be best assured through organizations like the CVT participating actively in its execution so as to assure that the full benefits of the agrarian reform be enjoyed by the tillers of the soil.

BIASED NEWS MEDIA

Mr. DOLE. Mr. President, a story published in Variety for May 27 is of interest to some of us who think that the news media could do a little more objective job in some cases.

The story, interestingly enough, is not exactly free of bias, either, but even so the reporter could not get around the fact that officials of the affiliated television stations of the National Broadcasting Co. think its network news coverage of the war is biased.

The reporter gratuitously blames this attitude by the officials on a lack of professional understanding of journalism and a "deep conservative core of the station side of the broadcast industry."

Mr. President, I do not think it takes a "professional understanding" to recognize when a report is one-sided or is loaded with personal opinion, nor do I think a man can be called a conservative just because he recognizes a slanted story.

Perhaps it was the 40 percent who claim that NBC is not biased who, themselves, have a bias that slants the same way as NBC news.

The fact remains that the management of 60 percent of those TV affiliates who have no choice other than to take NBC news think they are getting a slanted product.

If this is true, the American people deserve better from a Government-licensed industry.

I ask unanimous consent that the Variety story, entitled "60 Percent Say TV Web Slanted Versus War," be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Sixty Percent Say TV Web Slanted Versus War

(By Bill Greeley)

NBC–TV's affiliate convention last week in New York was on the surface the usual round of mutual congratulations and self-promotion, but on the underside the network was confronted by its own silent majority.

At an open luncheon honoring departing news correspondent Chet Huntley, the subject received a gold watch and a standing ovation. His longtime partner David Brinkley (heard via a recording from Arizona where he was on location for filming of a news documentary) also was granted sustained applause.

But in their closed meeting Thursday morning (21), the affiliates by a hand vote of about 60% to 40% declared the network's news coverage biased. Specifically, the 60% majority was accusing the network news division of being slanted against the war in Vietnam.

The vote of the majority called for the affiliates' board to confront NBC president Julian Goodman with the charge of news bias when it met with him the following morning (Friday).

Spearheading the charge was Stanley Hubbard Jr. of KSTP stations in St. Paul-Minneapolis. Prominent in the minority defense of the network's news was William Putnam, president of Springfield Television Broadcasting and head of WWLP–TV Springfield, Mass.

In his charges from the floor of the closed meeting, Hubbard may have unconsciously been reflecting the deep conservative core of the station side of the broadcast industry when he said, "If I have a John Bircher (on the air), I put someone on from the other side."

LETTER FROM A DOCTOR

It was Hubbard who called for the vote which was taken by affiliate board chairman Harold Grams, veepee for broadcasting of the Pulitzer Publishing Co., St. Louis. Grams had defended the network news—as a good affiliated board chairman should.

It would be foolish to expect thoroughly business-oriented local station owners and managers to have a professional understanding of journalism, electronic or otherwise. But their rationale raises the suspicion that, as one minority affiliate summed it up after the majority victory, "They saw the buck." There was one majority delegate who stood up to say that he had a letter right in his pocket from a *doctor*, complaining to him about NBC's slanted coverage. The datum would hardly register, with the FCC as a community survey, and as another affiliate asked after the meeting, "Does the station advise the doctor on surgery?"

The doctor datum might well be a cover up for the affiliate's own bias, for there are indications that broadcasting's silent majority would rather continue to print money without declaring themselves publicly in any direction, as re the affiliate who stood up at the closed meeting to warn that the press should not be advised "of this news discussion."

ECHOES OF CBS

Also revealing were the private comments of a major market station head who was vocally among those "shocked" by CBS News coverage of American soldiers' reluctance to invade Cambodia, as shown to that network's affiliates at its recent convention. He later said—off the record—"There are a lot of important people in my town who are very conservative, and we have to keep that in mind."

In the interests of diplomacy, it is quite likely that NBC prez Goodman didn't respond with his deepest convictions in the matter when confronted by the board with the charge of bias. He was a professional journalist before he was a network administrator.

But, the question is, what effect will the silent majority uprising ultimately have on network news? As the country has become more and more divided on the war and other critical issues—and particularly since the Cambodian invasion—network news, often without trying all that hard, has at least seemed more probing and more critical of government policy. Will it continue that way against an inside silent majority?

STRETCH-JET AIRPLANES AT NATIONAL AIRPORT

Mr. SPONG. Mr. President, for some time I have called attention to the decision of the Federal Aviation Agency to permit stretch-jet airplanes to use National Airport.

An editorial in this connection was broadcast on May 27 and 28 on WRC–TV which expresses the danger of continued expansion of National at the expense of Dulles and Friendship Airports and the public.

I ask unanimous consent that the WRC editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

National Airport

Washington National Airport is here to stay and it should. It is a tremendous asset to the entire metropolitan area, but it must not be permitted to become a monster.

The recent decision of the Federal Aviation Agency to permit the stretch-jet to continue to use National raises just such a specter. The issue is the future of the facility and what part should it play in the overall concept of air transportation in the Washington area.

In the early 1960's, the FAA said jets would not be permitted into National—but they were. The decision was proper. Then the FAA said the stretch-jets with higher passenger capacity would not be permitted. But during the recent controllers slow-down, they were, and now they will be continued.

The next threshold is the airbus. If that is permitted, plus the stretch-jets, the whole concept of National will be changed. The tremendous passenger flow will necessitate additional ground facilities, including new access roads to move people into and out of the airport.

But perhaps most important, it will mean that Dulles will cease orderly growth and continue as a major burden to the taxpayers and Friendship may wither on the vine.

Preserve National by all means, but not at the expense of the area's environment and the development of other airport facilities.

WRC TV recommends that a major study of an integrated air facilities system for the Washington-Baltimore region be undertaken at once, and if necessary, an authority set up to properly utilize the present facilities and plan for the future.

A KANSAS CHAIRMAN FOR THE INTERSTATE COMMERCE COMMISSION

Mr. DOLE. Mr. President, recently the President announced the appointment of George Stafford, of Valley Falls, Kans., to the chairmanship of the Interstate Commerce Commission. The people of Kansas are honored that one of our own should merit such confidence by President Nixon.

The issues that confront the ICC are important to every American, and we are confident that George Stafford will provide the leadership needed to direct this vital Government agency.

Mr. President, I ask unanimous consent that an editorial concerning Mr. Stafford's appointment and the future of the ICC, published in the Kansas City Times of May 15, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

A Kansas Chairman for the ICC

The first Kansan ever to be named to the Interstate Commerce commission is in line to become the first permanent, presidentially-appointed chairman of this oldest federal regulatory agency. President Nixon has nominated George M. Stafford of Valley Falls, who served 21 years as administrative assistant to Frank Carlson during Carlson's years as governor of Kansas and U.S. senator, to the ICC chairmanship.

Stafford has been a member of the commission since his 1967 appointment by President Lyndon B. Johnson and acting chairman since January. For this area, it is good news that a man familiar with the Mid-West and such problems as the perennial wheat harvest boxcar shortage now will head the federal body which has jurisdiction over 17,000 carriers. Kansas City is a hub of railroading and truck line operations.

But for the nation as a whole, it is even better news that the reorganization of the ICC, recommended to Congress last July by President Nixon, now will become effective with the Stafford appointment.

Heretofore the commission has appointed its own chairman, and in practice has rotated the honor annually among all 11 of its members. The result has been no effective leadership or continuity of leadership. It was an arrangement which, as the President pointed out, no modern business corporation could tolerate.

Under the new plan, not only will the President appoint the permanent ICC chairman—as he does for all other major federal regulatory bodies—but that chairman will be vested by law with the executive and administrative functions of the commission.

Two decades ago the Hoover commission noted that "administration by a plural executive is universally regarded as inefficient." Now this wasteful practice will be terminated in the ICC. For George Stafford, who knows his way around Washington as well as Topeka, it is an honor long deferred. For the

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Interstate Commerce Commission, the change should mean more effective leadership at a time when the nation's transportation problems, including those of the surface carriers, are growing almost daily more difficult and complex in such areas as freight rates, labor, safety and the hauling of passengers.

THE NATION IS READY FOR SENATE RATIFICATION OF THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, there is now a sense of urgency about speedy ratification of the Genocide Convention, because the Nation is today absorbed with efforts to deal with internal and external disruptions, many of which are an outgrowth of persons struggling for a full exercise of human rights.

Of the several conventions dealing with human rights issues which are currently before the Senate, that convention dealing with the prevention and punishment of the crime of genocide has a possibility of progressing through the Senate to the point where it could be considered on the floor before the end of this Congress. Senate ratification of this convention would be the type of positive action which is compatible with and could enhance our efforts toward preserving human rights.

President Nixon, when he asked the Senate last February to ratify the convention, wrote:

> In asking the Senate approval of the Convention twenty years ago, President Truman said:
>
> "By the leading part the United States has taken in the United Nations in producing an effective international legal instrument outlawing the world-shocking crime of genocide, we have established before the world our firm and clear policy toward that crime."
>
> Since then, I regret to say, some of our detractors have sought to exploit our failure to ratify this Convention to question our sincerity. I believe we should delay no longer in taking the final convincing step which would reaffirm that the United States remains as strongly opposed to the crime of genocide as ever.
>
> By giving its advice and consent to ratification of this Convention, the Senate of the United States will demonstrate unequivocally our country's desire to participate in the building of international order based on law and justice.

In the accompanying February 5, 1970, report of the Secretary of State, Mr. Rogers concluded:

> I am convinced that the American people together with all peoples of the world will hail United States ratification of this Convention as a concrete example of our dedication to safeguarding human rights and basic freedoms.

Mr. President, I believe that these recent words of the President of the United States and of the Secretary of State set a tone of urgency which we, as Members of the Senate, should pick up and carry through to completion; namely, ratification of the convention.

Mr. President, with the possible exception of the year 1949, when the convention was first transmitted to the Senate, there has been no year when ratification of this convention would have been more timely than this year of 1970. The country, indeed the world, is ready, right now, for such an affirmative action of the United States as ratification of the Genocide Convention, which would carry a positive, loud message.

Mr. President, let us act quickly and assure ratification of this convention before the end of this Congress.

BAKER TO USE 100 PERCENT ENRICHED FLOUR

Mr. DOLE. Mr. President, we are all concerned with proper nutrition. President Nixon has outlined some nutrition requirements that would help alleviate malnutrition and provide more nutrition for the people of the Nation.

I ask unanimous consent to have printed in the RECORD an article published in the May 12, 1970, issue of the Southwestern Miller. The article announces that the Kroger Co., one of the Nation's leading food chains, is the first major baker to convert to using only enriched flour in their bakeries. All flour is enriched at the mill before it is shipped to the bakeries. Kroger says it is inaugurating the program to provide more nutritious products for the consumers in line with the recommendation of the White House Committee on Nutrition.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

KROGER USING ONLY ENRICHED FLOUR IN BAKING

CINCINNATI, OHIO, May 11.—The Kroger Co., the nation's third-ranking supermarket chain, announced on Thursday, May 7, that it is using only enriched flour in production of virtually all of the baked foods produced in the company's own plants. The company will use only flour which has been enriched at the mill prior to delivery to Kroger bakeries and processing plants. The program was disclosed as part of a major program "designed to help fight malnutrition and provide more nutritious products for the consumer's food dollar."

According to Kroger, use of only enriched flour in baking and processing will mean that 230 food items baked by Kroger and not previously enriched are now being enriched.

Kroger is the first food retailer and baker in the United States to use only enriched flour in its processing operations. In making the move, the company gave major attention to the fact that the use of enriched flour in all processing operations was one of the recommendations of the White House Conference on Food, Nutrition and Health.

Formal announcement of the enrichment move was made by Kroger officials at a press conference in Indianapolis on Thursday. In attendance were leading newspaper foods editors from 14 cities where Kroger has regional offices. The editors were given a tour of the Kroger bakery in Indianapolis where at present all products are being baked from enriched flour.

ENRICHMENT MOVE IN FOUR PHASES

The Kroger program will be in four phases:

All white flour used in Kroger's 10 regional bakeries serving 1,500 supermarkets will be enriched with riboflavin (Vitamin B–2), thiamine (Vitamin B–1), niacin and iron in accordance with the standards of identity established by the U.S. Food and Drug Administration.

In addition, outside food manufacturers who pack Kroger private brand products are being contacted regarding the use of enriched flour in Kroger products. This group includes such items as cake mixes and refrigerated biscuits, which are among several dozen products using white flour which are packed for Kroger by other food manufacturers.

Low-cost, nutritionally-balanced recipes and menus will be featured in newspaper food advertising to help educate consumers concerning better diets for their families.

Research into the development of entirely new food products which are high in nutrition has been instituted.

Kroger's broadened enrichment program will now include such items as snack crackers, sweet rolls, cakes, doughnuts and ice cream cones.

SEEKING BROADEST POSSIBLE GROUP

The company, in making the announcement, stressed that the move brings the benefits of enrichment to the broadest possible group of consumers. Previously, only white bread and roll items had been enriched, while the latest move recognizes the changing eating patterns of the 1970's by including many additional products. Many of the states in which Kroger operates require enrichment of bread and rolls, as well as white flour sold in the household trade.

FOLLOWED MALNUTRITION EVIDENCE

"This major step to improve the nutritional intake of all consumers has been under consideration for some time," B. D. Reusser, vice-president of the company's baked foods division, said. "The final decision came after evaluation of mounting evidence of persistent malnutrition in the United States at every economic level."

BAKERIES ON ENRICHED BY MAY 18

Mr. Reusser indicated all of Kroger's bakeries will be using only enriched flour by May 18. The changeover to enriched flour by flour mill suppliers of Kroger required about two months. Some mills experienced individual delays while adequate supplies of enrichment material were obtained. All future enrichment will be at the mill except for some small lots of specialty flour where bakery enrichment would be more economical.

Kroger is paying a fixed additional charge to mills for the enrichment.

MILL LEEWAY AS LONG AS COMPLY

Individual mill suppliers have been given leeway on the precise enrichment compounds to be used as long as they meet the requirements of the Standards of Identity. Kroger officials stressed that initial flexibility was a necessity because of the difficulties experienced by some mills in obtaining sufficient enrichment to begin the program in a relatively short period of time. Flour samples reaching individual bakeries will be carefully assayed by the company's technical departments and further adjustments in requirements made where necessary.

The timetable covering outside food manufacturers who pack Kroger private bread products is more indefinite. Company officials indicated a rapid changeover would be sought.

DETERIORATION IN AMERICAN DIETS

In announcing the Kroger enrichment program, Mr. Reusser stressed that nutritional studies have indicated a steadily-dropping percentage of Americans who are consuming proper diets.

For example, the Department of Agriculture conducted nutritional surveys in 1955 and again 10 years later. By 1965, only 50% of Americans were consuming diets which provided as much as two-thirds of the recommended daily allowance of nutrients—a decrease of 10%. Evidence is that this problem is growing each year in the United States.

The White House Conference in Washington last December identified problem areas and made recommendations on how to alleviate them. The food and nutrition experts from throughout the country who gathered for the Conference reported that:

Malnutrition in the U.S. is not confined to low-income groups, but extends to the affluent as well.

Private industry should take immediate steps to provide foods with a higher nutritional content for consumers.

Food companies should begin by improving the nutritional qualities of those foods which people enjoy and are accustomed to eating.

Changing eating patterns of the American public should also be recognized. Snacks and sweet goods are forming a large part of the cereal portion of the diet of many consumers, particularly young people and the poor.

KROGER IN ENRICHMENT SINCE 1941

Kroger has produced enriched white bread and rolls since 1941 when current standards of enrichment were formulated, Mr. Reusser stated. At that time, white bread was chosen as the vehicle for enrichment because it is a basic food and was considered probably the most universally consumed food throughout the country.

The use of enriched flour and bread has been credited with virtual elimination of such deficiency diseases as pellegra, which was prevalent in the United States as late as the 1930's.

RECIPE AND MENU PROGRAM PLAN

The recipe and menu program, which will be made available throughout Kroger's 23-state area, has been planned to emphasize meals that are well-balanced and nutritional and make them more attractive to homemakers.

Menus and recipes were planned around the Department of Agriculture "Smart Shopper" releases (based on plentiful foods) and the "Low Cost Cookery" series developed by Hunt-Wesson Foods, Inc. (using U.S.D.A. recommendations).

TENTH LARGEST BAKER IN U.S.

Kroger, which produces in excess of 300,000,000 lbs. of baked goods a year, ranks itself as the 10th largest baker in the United States. The company has operated bakeries since before the turn of the century. B. H. Kroger, who founded the company in Cincinnati in 1883, is recognized as the first grocer to operate his own bakeries.

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ECONOMIC DISPOSAL OF JUNKED AUTOMOBILES

Mr. METCALF. Mr. President, at a time when there appears to be an overabundance of rhetoric in response to a national concern over environmental problems, it is refreshing and encouraging to find real progress in this area. As most of us are aware, technological solutions to many environmental problems exist, but cannot be placed into practice because of the associated economic impact. Engineers in the Bureau of Mines have apparently contributed substantially toward one of the Nation's major environmental problems, the economic disposal of junked automobiles.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Mineral Information, Service, May 1, 1970]

NEW INCINERATOR PROVIDES SMOKELESS BURNING OF JUNKED CARS

A low-cost way to avoid the air pollution caused by open-air burning of junked automobiles has been developed through research now being pushed to completion by the U.S. Bureau of Mines.

Bureau engineers have developed a relatively inexpensive smokeless incinerator that can efficiently process all the junked cars from a metropolitan area with a population of 300,000. Preliminary tests of the incinerator have been successfully completed. Further testing is underway to get more precise information on performance and operating costs.

Principal attraction of the new incinerator is its construction cost, quoted by the Bureau as about $22,000. This is roughly one-tenth the cost of smokeless models now commercially available and should stimulate interest among scrap processors whose open-air burning practices are being increasingly restricted by new regulations aimed at curbing air pollution.

Burning is considered the cheapest way to rid junk cars of combustible material. The cost of using hand labor to remove upholstery, plastic parts and similar substances could make the recovery of metals uneconomic.

Because smokeless incineration has been so expensive, the burning has usually been done in the open where it generates dense clouds of black smoke. With growing public concern over air pollution, many cities already have outlawed open burning and many others are moving to do so. As a result, some auto scrapping operations may be forced to close down, and car hulks will be either used in ways that leave their metals unreclaimed or will be left to rust in vacant lots or on city streets.

The Bureau's smokeless incinerator was developed at its Metallurgy Research Center in Salt Lake City, Utah, as part of a varied program to facilitate recovery of millions of tons of valuable metals now discarded annually as waste. Other facets of the program are aimed at recovery of minerals from municipal incinerator residues, more effective use of fly ash accumulated at power plants burning pulverized coal, and conversion of garbage and other city refuse into an energy source.

Capable of processing 50 junked cars every eight hours, the new incinerator is simple in operation. Burning two cars at a time, the incinerator heats combustion gases to temperatures of more than 1,350° F in an afterburner chamber. At such temperatures, the carbon particles which normally constitute smoke are oxidized and are drawn upwards to the atmosphere with other combustion gases through a 54-foot stack.

Once incinerated, the junked auto can be dismantled in the usual manner for its metal values and the scrap sorted, baled, or bundled for sale and re-use.

REGIONAL POLLS SHOW SUPPORT OF PRESIDENT'S VIETNAM POLICIES

Mr. DOLE. Mr. President, independently taken, regional polls continue to show strong support by the people for President Nixon's policies in Southeast Asia.

The Wichita Eagle, in my State of Kansas, reports a poll taken by my colleague, Representative GARNER E. SHRIVER, which shows that about 75 percent of the people in his district, the Fourth Congressional District, support the President.

Another poll, taken for the Indianapolis News by a professional polling organization, showed that 64 percent of all Indianians approve of the way the President is handling his job, and 53 percent approve of his move into Cambodia.

Mr. President, I believe the continued solid support of the President and his leadership by Americans all across the Nation deserve the careful consideration of the Senate.

I ask unanimous consent that these two articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Indianapolis (Ind.) News, May 26, 1970]

NEWS' POLL SHOWS STATE FOR NIXON

An independent poll conducted for The News by a professional polling organization shows a majority of Indiana's citizens support President Nixon and his controversial decision to send American troops into Cambodia.

The poll was conducted May 15–17 in 36 Indiana cities. Experts questioned 500 people at 74 sites in the Hoosier cities.

The President received 64 per cent endorsement of the way he has handled the presidency, the poll showed. The breakdown by political parties showed:

[In percent]

	Democrat	Republican	Independent
Approve	43	89	60
Disapprove	42	2	28
Don't know	15	9	12

The over-all percentage of those who disapproved of the way President Nixon is handling his office was 24 per cent, with 12 per cent saying they had no opinion.

Sixty-eight per cent of the Republicans, 40 per cent of the Democrats and 50 per cent of the Independents said they agree with the President's decision to send U.S. troops to fight in Cambodia.

The breakdown, again by party affiliations, showed:

[In percent]

	Democrat	Republican	Independent
Yes	40	68	50
No	50	18	39
Undecided	10	14	11

The over-all figures showed 53 per cent of those polled endorsed the President's action; 35 per cent opposed it, and 12 per cent were undecided.

[From the Wichita (Kans.) Eagle, May 30, 1970]

POLL BY SHRIVER SHOWS KANSANS SUPPORT NIXON

WASHINGTON.—Solid support for President Richard Nixon's southeast Asia policies is revealed in early returns of his opinion poll, Rep. Garner E. Shriver, R-Kan., said Friday.

Shriver released a sample tabulation representing 10 per cent of the first ballots received from his constituents in the Kansas 4th congressional district.

His office mailed out about 110,000 ballots.

Shriver's sample tabulation showed 75 per cent support for the President's decision to conduct a military operation in Cambodia, 19 per cent opposition and 6 per cent "no opinion".

68 per cent said America should follow the Nixon policy of gradually phasing out U.S. troops and replacing them with South Vietnamese; 20 per cent indicated they favor immediate withdrawal from Vietnam.

The returns also showed that in the fight against inflation, 62 per cent favored wage and price controls, with 32 per cent opposed and 6 per cent with no opinion.

On other issues, 62 per cent were against lowering the voting age, 37 per cent favored it and 1 per cent were undecided.

51 per cent favored higher taxes to pay for an all-out anti-pollution fight; 42 per cent were opposed and 7 per cent undecided; 54 per cent wanted an all-volunteer army, 38 per cent were opposed and 8 per cent undecided.

Shriver emphasized that tabulations are continuing and results will be announced after final tabulations.

REPORT OF STEERING COMMITTEE OF CONGRESSIONAL COMMITTEE FOR A VOTE ON THE WAR

Mr. CRANSTON. Mr. President, on behalf of Members on both sides of the aisle in both Houses of Congress, I am pleased to present to the Senate the report of the steering committee of the Congressional Committee for a Vote on the War.

The report is a significant document because it is a serious effort by Senators and Representatives to explain to the American public what must be done to end the war in Indochina.

The Congressional Committee for a Vote on the War was formed in early May as a bipartisan endeavor to seek alternatives to a policy that has promised peace but has bought only a widened war and more American lives lost.

However, the amendment to end the war is more than another policy alternative. It is a fundamental effort to end American military involvement in Southeast Asia through a reassertion of Congress' constitutional power to declare war and fund armies. We are asking the President to share with Congress the burdens and responsibilities of ending the war, ordering a safe and systematic withdrawal of American forces, and making the peace.

The report of the steering committee endeavors to explain the purpose of the amendment and the effects it will have in America and abroad as it comes nearly two decades after we became involved in the extremely complex political situation in Indochina.

The report makes it very clear that the amendment to end the war should not be regarded as a symbolic effort to change the course of events in Southeast Asia. The millions of people who have written Members of Congress in its support do not consider it as a mere symbol or pious hope for peace. Neither do the amendment's 24 cosponsors in the Senate who are determined to see that the representatives of the American people have the chance to vote "yea" or "nay" on whether more American lives should be lost in Indochina pursuing a military solution to a political problem.

Mr. President, I ask unanimous consent that the report of the steering committee of the congressional committee for a vote on the war be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

THE AMENDMENT TO END THE WAR

(Report of the Steering Committee of the Congressional Committee for a Vote on the War)

INTRODUCTION

The Committee for a Vote on the War was created early in May by a bipartisan group of Senators and Representatives who share a deep feeling of the need to find a new method of affecting national policy in Southeast Asia.

They are among members of Congress, in numbers growing apace with the multiplication of public dissatisfaction over the Vietnam war, whose attempts to persuade the Presidency to a different course have been constantly frustrated, and who perceive a Congressional duty to participate more fully in decisions on war and peace.

There seems to be little doubt that if the President or the Congress were blessed with a new opportunity to decide whether American lives and treasure should be invested in Vietnam, with the benefit of the knowledge gained over seven years of expanding conflict but without the burden of having to justify its costs, the declaration would be firmly against. While the United States may have preference as to the political character of Vietnam's rulers it has no paramount interest even nearly equating the heavy toll demanded by an effort to establish and preserve palatable leadership in Saigon. Moreover, decisionmakers with an ability to perceive the future would have probably been convinced that the mission could not be accomplished anyway without taking risks far more profound than any possible advantage.

Yet we continue in a war we do not want, cannot win, but will not end. An accumulation of seven years of dissent, a collection of costs so obvious that accounting is superfluous, the election of two presidents pledged to peace over opposition identified with war, all have failed to work a decisive change in basic national policy.

Meanwhile the passage of time erodes the new President's ability to escape the mistakes of his predecessors. Each sacrifice under his command makes him feel a greater share of the total responsibility for the ultimate outcome of a war he did not start, wedding him tighter to an approach whose lack of promise fairly glows in the eyes of more detached observers. Critical analysis only prompts more expansive descriptions of America's stake in the war and more excited portrayals of the consequences of failure.

Against this background the Committee rejected more speeches and resolutions as clearly ineffectual. Little hope was seen in any gesture, no matter how dramatic, which would be aimed at the same objective which had eluded all past efforts—to convince the White House in favor of a sharp change in policy.

Rather it turned to an option always available but never employed. Instead of offering more advice to the President on how he should exercise the authority granted to him by the Constitution, the Committee determined to focus on the powers held by its members themselves in concert with their colleagues in the Congress.

The Committee's vehicle for reasserting Congressional authority over the Vietnam conflict is the "Amendment to End the War." The Committee's premise is that Congress can do directly what its indirect efforts have failed to accomplish, through its undisputed control over the resources without which the war cannot be prosecuted.

The amendment offers to each member of Congress an effective, temperate and responsible alternative to the President's policy.

To the White House it is an offer to share the burden of decisions over which the Constitution assigns at least equal responsibility to the Congress, and to assume a proper share of any blame or any credit ensuing from a plan to bring American involvement to an orderly end.

Before Americans of all ages and all stations who are distressed by the war it places a vehicle for peaceful, lawful political action. It says that the "system" can work.

The Senators and Representatives who formed the Committee for a Vote on the War and who have since swelled its ranks have no regard for the amendment as a symbolic act. They mean to see it approved, and they have committed their full energies and resources to that end.

THE AMENDMENT TO END THE WAR

The Amendment to End the War would require adherence to an orderly plan for U.S. disengagement from Cambodia, Laos and Indochina. Its authors are convinced that only such a committed procedure for ending military involvement can succeed in extricating the United States from protracted Indochinese conflict.

Specifically, the Amendment provides that none of the monies authorized by the bill to which it is offered, or by another law, shall be spent for any military operation or assistance in Cambodia from 30 days after enactment; for military operations in Laos after December 31, 1970; or in Vietnam— for purposes other than the process of withdrawal and other carefully defined activities—after the same date.

It would permit all necessary expenditures after December 31, 1970, for the "safe and systematic" withdrawal of U.S. armed forces, for terminating U.S. military operations in Vietnam, for prisoner exchanges, and for arranging asylum for South Vietnamese who might be physically endangered as a consequence of the withdrawal. Further funds would remain available on a continuing basis for any military and civilian assistance to South Vietnam, in the amounts authorized by the Congress and approved by the President.

Finally, the Amendment provides that U.S. armed forces would be totally withdrawn from Vietnam no later than June 30, 1971, unless Congress—by joint resolution—were to approve a determination by the President that additional time is required and authorized an extension.

Similar plans to achieve a vote on a binding Indochina withdrawal program are underway in the House of Representatives. Since procedures in that body are more complex, initial activities center upon achieving broad cosponsorship of a House resolution in support of the same basic objectives as the Amendment to End the War.

SAFEGUARD NATIONAL INTERESTS AND HUMAN LIVES

Any major initiative affecting American posture in Indochina must be carefully and critically examined.

The American people are united in wanting the war to end. They are also united in wanting to know how any adjustment in policy, regardless of its source, will weigh on such overriding concerns as the safety of American forces now in Vietnam, the prospects for return of prisoners of war, the security of Vietnamese citizens, the negotiations in Paris, and the future position of the United States in world affairs.

The Amendment to End the War obviously deserves such scrutiny. There is, of course, little dispute over the premise that it would end the involvement of American combat personnel and reduce the costs of conflict more quickly than the program likely to be pursued in its absence. It sets forth a definite, unambiguous process for returning United States forces, and will thus fulfill most effectively that primary objective upon which all can agree.

But what of other major interests?

Protection of American lives

If the protection of American troops is a primary concern it can best be accomplished by bringing them home—so long as that step does not dismantle more pressing national interest. The Amendment will save lives that would otherwise be lost.

If the return of U.S. forces is wise policy, as the Amendment contends, then their safety during disengagement and withdrawal is the focal point of concern, and for this the Amendment makes thoroughgoing provision.

There is no question of taking ammunition from combat troops while they are facing or engaged in combat with the enemy. The Amendment lays down a withdrawal plan with very wide latitude for such tactical options as are necessary to protect U.S. life and limb.

Offensive combat activities are to be brought to an end in six months and withdrawal is to be completed in twelve, allowing ample time for safe and deliberate redeployment. If the time is insufficient Congress can extend the deadline by joint resolution.

Throughout this period appropriated funds may be spent in whatever ways are deemed necessary by the Commander in Chief to insure that maximum safety is achieved. This would include all forms of defense against attack. The most prudent course might be to withdraw combat troops last, but in any case the entire range of protective options would be available to commanders. These are prerogatives with which the Amendment does not, and with which the Congress certainly should not, interfere.

Just as relevant is the likely reaction of enemy forces, the source of whatever dangers exist. It is, of course, impossible to predict how the North Vietnamese and Vietcong will respond to the short run. But it is difficult indeed to calculate a motive for them to attack troops which are in the process of being removed from battle. On the contrary, the Amendment puts them on explicit notice—with its provision for extension of the deadline—that anything they do to endanger U.S. forces may result in a longer American presence than would otherwise be the case. Something approaching an informal cease-fire during the withdrawal period is quite plausible, with a reduction in the overall level of violence.

Prisoners of war

Whatever Vietnam policy is pursued by the United States cannot alter the fact that the North Vietnamese have life and death control over Americans shot down and captured over years of conflict. Surely this truth accounts in some measure for the depth of concern for their safety which has been so broadly exhibited; concern heightened by a sense of helplessness and frustration.

The same truth renders impossible a guarantee by advocates of any policy that the course they recommend—be it escalation, Vietnamization, or withdrawal—will result in the certain return of American prisoners. Again, as in the case of the safety of U.S. forces in combat, predictions can only be based on estimates of intentions and motives of the adversary.

The Amendment to End the War will, however, hold out hope not available under the alternative of continued conflict. The latter, coupled with sharp protestations and invocations of international law from Americans of virtually every shade of political philosophy, has accomplished nothing and probably never will. So long as everything the United States does militarily is guided by goals unrelated to the prisoner issue—primarily the preservation of the Thieu-Ky government—and perhaps so long as we are deeply involved in Vietnam, our options for action on that single matter will be severely limited.

If, on the other hand, it is true that the prisoners are being held as hostages in order to influence American policy, then the Amendment to End the War will eliminate much of the reason for their continued incarceration. Moreover, by enhancing the outlook for meaningful negotiations on all war-related issues, it will advance the resolution of the issue, which is essential to any acceptable settlement. The amendment does, of course, continue authority for spending on arrangements for exchanges of prisoners as required.

The negotiations

In the January, 1969, issue of *Foreign Affairs,* Presidential Adviser Henry Kissinger supplied an apt description of the military realities which assure that if and when the war in Vietnam does end, it will be through political rather than military process. "The guerilla wins," he wrote, "if he does not lose. The conventional army loses if it does not win." The combined armies of the United States and South Vietnam, as assumed by the stated policies of the current President as well as by those adopted in the last year of his predecessor's term, cannot achieve a military victory, while the other side does not need one. The war will be interminable without political arbitration of the deep antipathies in Indochina.

Meanwhile the Paris negotiations are clearly failing. They are stalemated, and there is no evidence that the stalemate will be broken without the introduction of some new factors. The United States, although agreeable to free elections, insists that the Thieu-Ky government as now composed must remain in power until and unless a successor is chosen.

It holds that coalition with the Communists is unacceptable. The Thieu-Ky government is, if anything, even more adamant on this point, for obvious reasons.

North Vietnam and the National Liberation Front, on the other hand, believe that the outcome of such elections depends directly on the identity of the organizers and administrators of the electoral process, and they refuse to accept such control by those now in power. In turn this also makes the U.S. proposal for "mutual withdrawal" unacceptable, since it would leave the Saigon administration—while still unable to win—still in exclusive command of all governmental machinery in South Vietnam.

The United States has essentially two options in these circumstances. One—the application of military pressure and the threat of even more damaging applications, both seeking bargaining advantage by force on the battlefield—has been tried without success. In a sense it was the touchstone of American policy throughout all the years of military escalation even before the talks started in Paris. It differs little from a strategy of military victory.

The other option is to seek a true reconciliation of the differences between the negotiating parties.

Present American policy, as evidenced by the "decisive" military moves of recent weeks, appears to tend more toward the first option. Although it is carried out in the context of a gradual withdrawal program, the withdrawals are made contingent upon moderated enemy activity. The threat of military response is explicit.

One strong element in the stalemate appears to be the ambiguity as to ultimate U.S. intentions. Successful bargaining usually begins when the parties perceive that their adversaries' positions are predictable, systematic and clear-cut. The United States position in Vietnam has been anything but that, partly because of inconsistent rhetoric and partly due to rapid swings in military policy.

The Amendment to End the War would meet this problem directly by laying down our plans with precision and clarity in a program espoused not by the Executive alone, whose capacity for shifts of strategy must be painfully evident, but by a bipartisan, broadly representative Congress. It would inject a new element of order and reliability to the U.S. position.

But the Paris stalemate has a more complex genesis, and that is the refusal of both North Vietnam and South Vietnam to work toward a breakthrough in negotiations. It is here that the Amendment would have its most salient effect.

Initially it would provide a strong inducement to Hanoi and the Vietcong to bargain while the United States is still a party to the negotiations and before U.S. withdrawal is complete. The present government of South Vietnam is notoriously less flexible than the United States. Hence, it is to the advantage of the adversary to bargain while the United States has a negotiating presence coupled with a direct battlefield interest. That presence will constitute a leavening influence toward accommodation.

In addition, without an unacceptable loss in negotiating strength and with momentous benefit in terms of conditions in South Vietnam, the Amendment would set a definite date for U.S. withdrawal which could be extended only by Congressional action. Such a commitment would dispose of one of the most serious impediments to meaningful talks.

By the same token, the Amendment would give the Saigon government incentives to seek political accommodations as well, by meeting what is perhaps the central dilemma facing American policy. The Thieu-Ky Administration has been vocally and embarrassingly unwilling to make any of the concessions and commitments necessary to break the deadlock. Its intransigence—and even on occasion Saigon's willingness to pull the rug out from under the U.S. position—derives in large measure from our blank-check commitment to its preservation. No regime, born as this one in the heat of war, would be likely to hazard its fortunes in peacetime politics as long as it would enjoy the underwriting of the most powerful military nation in the world.

Our commitment, in effect, gives Saigon almost dictatorial power over the direction of U.S. policy. Paradoxically, it is a power best exercised by political and military shortcomings. Palpably the Thieu-Ky government's interests lie in continuing the conflict which keeps it in power; in retaining the hazards of war and avoiding the hazards of politics. To further this interest Saigon can prevent agreement indefinitely unless the United States sets precise, unquestioned limits upon the extent and duration of its commitment—as the Amendment to End the War would do.

If this route is followed it is not difficult to imagine the terms of an agreement which, while perhaps not reflecting the preferences of Saigon, would square fully with U.S. advocacy of self-determination for the Vietnamese people.

South Vietnam after withdrawal

The Amendment's effect on Saigon's attitude toward negotiations in Paris would have a parallel influence on its manner of facing military and political challenges back in South Vietnam. Again the result would coincide with the goal of U.S. policy.

It is appropriate to first address the dismal predictions of terror and bloodshed which have come to attend nearly all discussions of fixed disengagement from Vientam. The Amendment includes provisions for dealing with such eventualities by suggesting and funding arrangements for asylum for Vietnamese who might be physically endangered by the withdrawal of U.S. forces. But it neither abandons allies nor invites their destruction.

The Amendment would by no means force Saigon to capitulate. Although it is difficult to make exact estimates, it would leave South Vietnam with roughly one million men under arms in the regular forces, plus perhaps another quarter-million in national police, all arrayed in combat against enemy forces only one-fourth to one-fifth as large. This numerical superiority would hold even if North Vietnamese troops held back thus far were committed to battle. The ARVN is, in comparison to North Vietnamese and Vietcong forces, elaborately equipped and metic-

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ulously trained. And the Amendment preserves continued aid, both civilian and military, in amounts to be determined by the Congress.

Suggestions that South Vietnam would be overrun and its people slaughtered after withdrawal do not, therefore, reflect the realities of existing power—unless the Saigon government is unable to marshal the support of its people—so that no amount of American help can preserve it. A conclusion to that effect clearly destroys the premise that Vietnamization can ever be more than a faint hope.

The Amendment does not abandon the Saigon government nor demand its removal from power. Rather it would confront its leaders with a series of choices, based upon realistic assessments of their own strength without the artificial inflation of an American guarantee. As noted, they might assume a more amenable posture in Paris. They might implement the kind of economic and political reforms long recognized by American advisers as essential to the achievement of broad indigenous support. It might adopt less ambitious military strategies aimed at defense of critical areas instead of seeking to control the entire countryside and parts of other countries as well.

The President made it clear in his Guam statement that Asian nations must chart their own destiny without relying upon open-ended commitments of American help. This can be no less true for Vietnam than for other nations of the region. The Saigon government must learn to walk by itself.

The Amendment to End the War would leave it with this choice. Without just such an explicit decision it is probable that the choice will never be made.

Effect on U.S. global posture

An argument in favor of our continued military presence in Vietnam has been that disengagement there would somehow do irreparable injury to our entire global posture.

The Committee is convinced, however, that the opposite is true—that disengagement would enhance the return of global standing and influence.

The war does not improve the U.S. position in Asia; it weakens it.

The Vietnam experience has clearly shown that the United States cannot establish a bridgehead in an Asian nation in defiance of indigenous forces of nationalism. A reason for our lack of success in Vietnam is that we permitted ourselves to become identified as the foreign occupier and the successor of the French colonist in a country in which anticolonialist and nationalist sentiments far surpass the appeal of any other political ideology or system.

Nationalism is also the great catalyst in the rest of Southeast Asia—and for that reason our continued involvement in what is widely regarded as a colonial war has and will seriously undermine our credibility in the region.

The war has been advertised as a deterrent to Communist expansion in Asia, but thus far has succeeded chiefly in being a magnet for it. Our stand in Vietnam appears to have precipitated, rather than prevented, the spread of the war into the rest of Indochina. Our new involvement in the internal affairs of Cambodia has, for the first time, drawn the Communist Chinese into unequivocal support of a "war of national liberation" in that country.

The way to influence in Asia does not lie in continuation of the war and the propping up of unpopular regimes in the face of the rising forces of nationalism. It lies, rather, in ending the war and forging strong economic and political links with independent and internally strong nations. We have much more to gain, for example, from improving our ties with Japan—now one of the world's leading industrial and economic powers—than in propping up a sagging military dictatorship in Cambodia by force of our arms.

On a global basis, the war has been weakening, not strengthening, our influence and power. By tying down our resources, our military capacities, our energies and our attention to a futile and endless war in one corner of the world, it has drained our capacity to influence developments in Europe, in the Middle East and elsewhere, and damaged our credibility and prestige in the view of our allies.

Above all, the war has weakened us in the eyes of the world by dividing us internally. American power and resources were never in doubt—but our ability to utilize these capacities for global objectives have been placed in serious question by our profound internal split over Vietnam.

And if it is our moral leadership with which we are concerned, this can only be enhanced by ending a war that the rest of the world largely regards as an immoral and futile effort to rescue a corrupt dictatorship.

Those who argue that disengagement would make us seem, in the President's words, a "pitiful helpless giant" have forgotten their recent history. The Russians themselves were compelled to disengage their missiles from Cuba in 1962—a move that certainly had the appearance of a setback, if not a defeat. Yet no one—least of all the architects of Vietnamization within the Administration—ever discounted Russian power. The reverse in Cuba did not undermine that power because like our own, it was based upon overwhelming and incontestable economic and military resources. Similarly, the French termination of the colonial war in Algeria proved a prelude of a sudden resurgence of French prestige and influence. The same holds true of us, were we to terminate the war in Vietnam. No rational observer in the Kremlin or elsewhere would regard our nation—with its armies and rockets and missiles and technology and riches, and with a sense of renewal born of the ending of a divisive and hopeless war—as anything but a force to be reckoned with very seriously.

THE CONSTITUTIONAL BASIS

Quite apart from its value in setting a more promising direction in Indochina, the Amendment to End the War will establish a precedent of major consequence: By their simple exercise it will give vitality and meaning to Congressional powers which—although among the most critical vested in the Legislative Branch—have suffered from disuse.

The constitutional arrangement of shared power was devised against the background of two centuries of vigorous contest between King and Parliament in England, centering on the location of the power to make war. In many respects it was seen as an exclusive prerogative of the monarch, but Parliament had set out long before the American Revolution to exert a negative influence through its control of the purse. Thus, for example, the Supply Act of 1678 was passed for the express and sole purpose of financing and disbanding the Charles Army in Flanders.

The Founding Fathers were vividly aware of the history of this struggle and were determined not to repeat it. Their inclination in nearly all areas, but particularly in issues of war and peace, was toward a broadened legislative scope and function.

The first power and duty of the Congress under the Constitution was: "To lay and collect Taxes, Duties, Impost and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States." For the purpose of providing for the common defense, Congress was empowered in Article I, Section 8, to "declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water." It was to "raise and support armies," to "provide and maintain a navy," to "make rules for the government and regulation of the land and naval forces," to provide for the calling out of the militia to execue the laws, suppress Insurrection and repel invasions, and to "provide for organizing, arming, and disciplining the Militia, and for governing such Part of them as may be employed in the Service of the United States." Appropriations for the army, though not for the navy, were limited to a term of two years, the only such limitation prescribed in the Constitution on the duration of funding for a particular purpose.

An elected President replaced the King as "Commander in Chief" of such forces as the Congress might determine to put into the field. Article II, Section 2, established him in that office, thus assuring civilian control and leadership even down to the most minute tactical detail.

The point of division of war powers between the President and the Congress has not been precisely defined. It has long been recognized, for example, that the President can use the forces available to him to repeal invasions without a declaration of war, a conclusion which finds support in the legislative history of the Constitution itself. In an early draft Congress was given power to "make war", but the words "declare war" were substituted with the intent, according to the authors of the motion, of "leaving to the Executive the power to repel sudden attacks."

Beyond that, the scope of the President's asserted authority as Commander in Chief has been much debated, both in general and with specific reference to Vietnam. Reasonable men differ as to whether we are at war in the constitutional sense in Indochina, and whether Congress should have declared that war; whether the Gulf of Tonkin Resolution was an adequate substitute for such a formal declaration; and whether the President is otherwise acting within his constitutional prerogatives in directing military operations in South Vietnam, Cambodia and Laos.

It must be recognized, however, that the Amendment to End the War does not demand resolution of those issues. The question whether the war is legal or illegal is not relevant to a determination whether Congress may, based upon its evaluation of prudent uses of American military power and of the benefits and costs attending a given military action, choose to stop a war no matter how begun. The Amendment does not seek to declare the Vietnam policies and measures of four presidents unlawful. It does not adjudicate the past; rather it creates a procedure for the present and the future.

If there is a constitutional issue it is whether the Congress may do that much without infringing upon the President's powers as Commander in Chief. The Constitution itself and a century and a half of practice answer firmly in the affirmative.

The view of Alexander Hamilton, a partisan of a strong executive, is in point in construing the breadth of the office, "Commander in Chief." He pointed out that the President's power "amounted to nothing more than the supreme command and direction of the military forces, as first General and Admiral of the Confederacy. . . ." The implication is that the President is empowered to determine how forces can be best managed in pursuit of agreed objectives. An attempt by the Congress to substitute one particular combat tactic for another would be seen as an improper interference with presidential discretion.

But the military resources available to the President remain the exclusive domain of Congress, along with its decisive share of the power to choose which objectives shall be pursued and which shall not. It is these prerogatives which the Amendment to End the War would exercise.

Congress has, of course, consistently qualified its appropriations and authorizations in all areas The use of funds it appropriates is limited by riders and amendments in many cases each year, as witness programs requiring satisfactory desegregation plans as a condition of Federal school aid.

Military appropriations, moreover, are of a special character, as established by the unique constitutional requirement that they may never be made for a period exceeding two years. They represent—and were designed by the Founding Fathers to force—a continuing, affirmative re-examination of the record of the Executive Department in the military arena.

Such examinations and limitations are by no means unusual. One of the most detailed directives to be found was included in the 1909 Naval Appropriations bill, through which the Congress required that the Marine Corps should serve alongside Naval personnel on battleships and cruisers, in contradiction of an order of President Roosevelt. Upon request of the Secretary of the Navy, Attorney General George Wickersham ruled that the act, which conditioned the appropriation upon compliance with the Congressional mandate, was constitutional and that the President was obliged to follow it. He said:

"Inasmuch as Congress has the power to create or not create, as it shall deem expedient, a marine corps, it has the power to create a marine corps, make appropriations for its pay, but provide that such appropriations shall not be available unless the marine corps be employed in some designated way. . . ."

More recently, and in more direct parallel to the Amendment to End the War, the Defense Appropriations Act of 1970 provides that:

". . . none of the funds appropriated by this Act shall be used to finance the introduction of American ground combat troops into Laos or Thailand."

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The proviso is an obvious limitation on the kinds of actions and the locations in which the President may command the military forces made available to him. Its propriety under the Constitution is beyond question.

The Amendment under consideration here leaves the President with full discretion as Commander in Chief, to manage the removal of United States forces from Indochina. It does no more than exercise a power clearly held by the Congress to determine that military forces shall not be available for a particular purpose, and thus comports exactly with the constitutional arrangement.

If Congress does have the power to decide upon military appropriations, it follows that such appropriations can properly be construed as a Congressional mark of approval for the military programs they fund.

President Johnson made this clear with explicit reference to Vietnam on May 4, 1965, when he said in requesting a further $700 million for the war:

"This is not a routine appropriation. For each member of Congress who supports this request is also voting to persist in our effort to halt Communist aggression in South Vietnam. Each is saying that the Congress and the President stand united before the world in joint determination that the independence of South Vietnam shall be preserved and the Communist attack will not succeed."

Congress has, therefore, as much responsibility as the Executive for the continued conflict in Vietnam. It cannot turn aside that conclusion by claiming that the President is Commander in Chief and, in that role, desires the appropriation. Nor can its responsibility be avoided by noting that Vietnam funds have in each instance been included in large authorization and appropriations bills, for the opportunity to amend or limit has always been available. Congress does not acquiesce in appropriations; it makes them.

The one procedural difference between the Amendment to End the War and prior votes on the conflict in Indochina is that the Amendment singles out the issue and calls for a direct decision. In this sense it fulfills much more completely than has previously been the case the constitutional mandate for scrupulous review of military activities.

It will, moreover, make war once again a shared decision and, by an act of respectful and solemn law-making, reassert the responsibility of the Congress in the most momentous area of national policy. The practice of recent years—the President bearing alone the grave burdens of deciding to send U.S. troops to battle and death; the Congress retreating from its own role—is unstable, undignified and unwise. By engendering a renewed understanding of and willingness to assert Congressional obligations, it can make a positive contribution to the process of U.S. foreign policy far beyond Vietnam and share the burden of responsibility for declarations of war and peace, as intended by the Constitution.

THE ORIGINS OF INVOLVEMENT

The United States first moved into Vietnam in the closing days of World War II, when it appeared that neither England nor France would be able to recover the dominance they had achieved prior to World War II.

As World War II drew to a close, the Vietnamese resistance movement, led by Ho Chi Minh and his military commander, Nyugen Giap, established control over much of Vietnam and, on September 2, 1945, proclaimed the establishment of the Democratic Republic of Vietnam. The same month General Philip D. Gallagher arrived to head a U.S. military mission; and an office of the OSS was set up. This first U.S. presence supported Vietnamese independence under Ho Chi Minh. However, the British, who had liberated the southern part of Vietnam, permitted the French to return. The French proceeded to sign an agreement recognizing the Democratic Republic of Vietnam as "a free state with its own government, army, and finances, forming a part of the Indo-Chinese Federation and the French Union." In exchange for this recognition of autonomy, Ho Chi Minh agreed to the return of 15,000 French troops. In subsequent months, the French position on Vietnamese independence hardened, and by November the war for Indo-China had begun, with a deadly French artillery barrage on the city of Haiphong. The French also began the process of setting up a rival government in Saigon under Bao Dai, who had served as emperor under the Japanese. This set the pattern for later, anti-communist governments in Saigon.

The United States first began to take a serious interest in Indo-China in the summer of 1949, after the final victory of the Communists in China. Secretary of State Dean Acheson directed an assessment of U.S. policy in Asia with the premise that "it is a fundamental decision of American policy that the United States does not intend to permit further extension of communist domination upon the continent of Asia or in the Southeast Asia area." Early in 1950 the government of Bao Dai was granted independence by the French, and the United State immediately recognized this regime as the government of Vietnam. Several months later we agreed, for the first time, to provide direct military and economic aid to the French, who were continuing the war against the Vietminh based in Hanoi. Before the French pulled out in 1954 we were to give more than $1.5 billion in aid for this struggle.

In spite of this massive assistance, the French effort went downhill, culminating in the decisive battle of Dien Bien Phu. Some advisors strongly advocated U.S. intervention in the form of a large-scale air strike, but the British would not support us and there was intense congressional resistance to American intervention on the land mass of Asia. President Eisenhower refrained.

Without direct American intervention, the French were unable to carry on the struggle. The State Department, in assessing the causes of the French defeat, observed that "failure of important elements of the local population to give a full measure of support to the war effort remained one of the chief negative factors." The French agreed to meet in Geneva to settle the war.

The United States refused to join in the resulting accords, fearing that they would lead to the surrender of all of Indo-China to communist domination. Geneva represented a genuine compromise which satisfied neither side. Although he had achieved the clear military advantage, Ho Chi Minh somehow was *persuaded*—apparently by a joint Sino-Soviet effort—to settle for half the country. Ho knew that his regime was popular throughout Vietnam—President Eisenhower later observed that "80% of the population would have voted for the communist Ho Chi Minh"—and he agreed to a nationwide election as the means of ending foreign control of Vietnam. Eisenhower, of course, provided for a provisional zone of demarcation along the 17th parallel pending "the general election which will bring about the unification of Vietnam." The Geneva Accords stated that "the military demarcation line is provisional and should not in any way be interpreted as constituting a political or territorial boundary."

In spite of these provisions, the United States was determined to establish a non-communist regime in the southern part of Vietnam. Three days after the Geneva Accords were signed, the *Wall Street Journal* observed that "the U.S. is in no hurry for elections to unite Vietnam; we fear Red leader Ho Chi Minh would win. Secretary Dulles plans first to make the southern half a showpiece—with American aid." A coalition of American military officers, professors, bureaucrats, and publicists joined forces to convert the provisional government south of the 17th parallel into a "viable" non-communist state. Ngo Dinh Diem was imported from the Maryknoll Seminary in New Jersey to serve as premier of the new regime; the U.S. began the process of "nation-building". The U.S. supported Diem in his refusal to permit the national elections provided for in the Geneva Accords, and provided his regime with $3 billion in economic and military aid between 1955 and 1959. Experts in land reform, currency control, police administration, and, eventually, counterinsurgency, sought to buttress the fledgling regime.

The land reform program was hindered by opposition from the landlords. Diem's ruthless suppression of opposition led, by 1957, to a beginning guerrilla warfare within South Vietnam. These efforts were initially led by the anti-communist National Salvation Movement and the Dai Viet; Hanoi initially atacked the insurgents for losing patience in the Geneva settlement and advocating a prematurely radical program. Eventually, Hanoi gave its support to the guerrillas in South Vietnam. During those early years there were many reports of dissension between guerrilla forces in the south and the communist government in Hanoi. At one meeting of the National Liberation Front, the anti-Diem coalition set up in South Vietnam, agents from Hanoi were greeted with scorn: "What are you waiting for to help us? If you don't do anything, you communists, we will rise up against you, too?"

With the aid of Hanoi, the guerrillas grew in strength and, by the time the Kennedy Administration took office, the Diem regime was near collapse. In May, 1961, the U.S. ambassador in Saigon thought "it would be a miracle if South Vietnam lasted three months longer." The Kennedy Administration decided to send in large doses of military assistance, including thousands of "advisors", backed by helicopters and massive amounts of supplies. By the summer of 1964 there were 25,000 American soldiers in Vietnam, but the government was more unstable than ever. The Diem regime had been overthrown and six successive military juntas had attempted unsuccessfully to govern.

The guerrillas, opposing a succession of weak and unpopular regimes in Saigon and expressing Nationalist opposition to the influence of the Americans, continued to grow in strength. Even in late 1964, when the Johnson Administration was planning large-scale intervention and the bombing of the North, there was still very little direct intervention from the North, Pentagon figures show that there were only 400 North Vietnamese soldiers south of the 17th parallel at that time. Nevertheless, the Johnson Administration saw, in Secretary McNamara's words, that the Viet Cong were "approaching possible victory" and they moved, in February 1965, to strengthen the fragile regime in the South by carrying the war to the North. The result was bombing on a scale exceeding even that carried on during World War II and the introduction of more than 500,000 American soldiers. But with even this level of support (with U.S. expenditures exceeding $150 billion) and with the loss of more than 45,000 American lives, and the devastation of much of the country, the guerrillas, with assistance from North Vietnam, are still carrying on the fight, and the regime in Saigon must resort to political repression and American force of arms to maintain itself in power.

THE ALTERNATIVE—VIETNAM

Any resolution of the Vietnam conflict short of an impossible military victory will be distasteful to many Americans, and the Amendment to End the War cannot avoid such consequences.

But the Amendment cannot be considered in a vacuum. A truly satisfactory solution is not available under either alternative—the Amendment or the program announced by the Administration. What, then, will be the consequences of a Congressional refusal to act?

Prospects in that event depend in large part on the Thieu-Ky government, which has been maintained in power for years almost solely by the American military presence.

Its political base continues to rest mainly on a small group of army officers and North emigrees. It has steadfastly refused to permit any participation by perhaps the most important non-communist elite in Vietnam—the Buddhist leadership. Despite pretentions at legitimacy, its constitution and electoral system are carefully structured to support present war policies and deny effective participation by dissident political elements. It has systematically branded as "neutralists" and "traitors" noncommunists who have expressed interest in any negotiated settlement. The imprisonment of Tran Ngoc Chau and the closing of more than two dozen newspapers by government censors are dramatic examples of such political repression.

If such a regime were able to survive at all after the departure of American forces, it could only do so by undertaking drastic reforms and by permitting the participation in the country's political life of elements that are now completely excluded. The simple truth is that the Saigon government presently has no intention of going forward with this painful process—painful because it would require the regime to share its power with others—since it can cling to the hope of an almost indefinite presence of at least a residual force of American troops.

The overriding interest of a clear majority of the South Vietnamese people is peace—to stop the killing, to stop the destruction of the cities, villages and farms of Vietnam.

The overriding interest of the military regime of South Vietnam is war—for it is the war that is the basis of the regime's power.

We have long ago made the choice of government for the South Vietnamese people. We have done so by supporting with our armies and with enormous sums of money a military regime which is totally dependent on that support, and which suppresses all political opposition. As long as such a narrowly based government remains in power, there can be no real "self-determination" for the South Vietnamese people.

Vietnamization is nothing new—it is as old as the Indochina war. It was attempted by the French, by the Kennedy Administration, and by the Johnson Administration in its first year. In each case this strategy—of arming, training and directing the South Vietnamese armies has not worked, and has proven the prelude to further military involvement.

Vietnamization is not, therefore, a true policy of disengagement. It is not a delayed version of the complete withdrawal policy proposed by the Amendment. It is, at best, a troop reduction strategy—a plan aimed at reducing the American presence to a level that would sustain the Saigon government and army and at the same time seem "acceptable" to American public opinion.

So far only about one-fifth of American troop strength has been withdrawn from Vietnam. If the President's announced withdrawal schedule were followed, there will be nearly 300,000 American troops in Vietnam well into the third year of the Nixon Administration's term in office. That is about the same as American force level in Vietnam in mid-1966.

By all indications, the Administration is contemplating the retention of a "residual force" in Vietnam for an unspecified and possibly indefinite period. Even a relatively "low" residual force figure represents a permanent troop commitment of the same order of magnitude as that which existed in early 1965, when we initiated bombing of the North.

The price of so large an American commitment will be from 5,000 to 10,000 or more American dead by the end of 1972. It will be from 25,000 to 50,000 or more American wounded by that time. And the cost will be $30 to $50 billion or more—a cost that must be measured in the opportunities forgone to respond to urgent domestic needs.

No U.S. interest in Vietnam justifies such sacrifice in this seemingly interminable war.

This is the staggering price if Vietnamization works as planned. And recent developments in Cambodia show that Vietnamization is plainly unlikely to work.

The South Vietnamese army, whose capacity to defend even South Vietnam is still critically dependent upon American military forces, now seems intent upon spreading its resources ever more thinly in long-term ground operations over half of Cambodia. It is clear that the number of Vietnamese soldiers available to relieve American manpower in Vietnam is now drastically reduced. To extend assignment of Saigon's forces to wide areas of Cambodia makes a travesty of whatever prospects for success Vietnamization might have enjoyed, had the role of Saigon's troops been confined to Vietnam. Since Vietnamization means substitution of Vietnamese soldiers for Americans, it is clear that the process set in motion by the Cambodian invasion works directly against prospects for achievement of that policy and bringing American soldiers home.

Moreover, the invasion threatens the American position in areas of Southeast Asia not previously contested in earnest. North Vietnamese forces have already responded by expanding their position in Southern Laos—seizing Attopeu and menacing Saravene, both major strategic centers. The U.S. intervention also invites the North Vietnamese to extend their operations anywhere within Cambodia—including the area around Phnom Penh and districts opposite the Thai frontier. This, in turn, would threaten the security of Thailand, whose open southeastern flank was previously protected by the existence of a neutralist Cambodia.

The loss of Cambodian neutrality thus presents a striking illustration of the fragility of a policy which relies upon military pressure in a widening war with shrinking numbers of men. Encouragement of an alliance between Saigon and Phnom Penh will weaken rather than strengthen the U.S. position. It brings into the fray a dismally weak new military force on the allied side while extending the battlefront over thousands more square miles of jungle. It offers both political and military advantage to the enemy, by identifying American interests with a new narrow dictatorship and in opposition to a deposed leader enjoying broad respect and support among the populace.

Vietnamization has emerged in recent months as a formula for an indefinite U.S. presence in Vietnam. Coupled with a strategy of decisive, military response—a procedure for making the war bigger quicker—it gravely endangers the life of each serviceman who is obligated to remain in Vietnam with shrinking support. Nearly any alternative would be more in keeping with U.S. interests.

THE ALTERNATIVE—AMERICA

The most damaging, irretrievable cost of any war to any society, and particularly to one that respects individual life and liberty, is measured in blood spilled. Now some 50,000 young Americans have made the greatest sacrifice any government can exact; dead, lost to their families and to the country, because of the war. Hundreds of thousands more have been injured.

Perhaps some would have the war continue precisely because of those tragic costs; to seek justification for lives already ended and bodies already torn. But surely most of us must recognize as cruel and intolerable a premise that further sacrifice in a futile cause can give meaning to sacrifice already made. The great national contribution of Vietnam war dead can be found instead in the wisdom and maturity the Vietnam experience can bring to the American character, traits that can avoid more loss of life both in the immediate and more distant future. Instead of the casualties we can expect from further conflict, their memory can be best honored by the preservation of life.

For America the basic alternative to the Amendment to End the War is to continue these losses and to postpone these lessons. Surely the burden of persuasion must lie with those who choose that course.

The war and the economic crisis

If some bear the burdens of war most heavily, no one in America can escape its pervasive, pernicious influence. The economic crisis engendered by the war touches each of us.

During the 1960's the United States experiences one of the longest periods of sustained economic growth ever recorded. In the first half of the decade the purchasing power of the dollar held firm. Every new dollar that contributed to growth was worth a full dollar.

Since the mid-1960's, however, the United States has seen the dollar's value eroded to the point that any apparent growth in the national economy has in fact been offset by

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a decline in real worth. This economic stagnation, in tandem with an endless round of rising prices and rising wages, is the result of marked, uncontrolled inflation.

The country actually faces two kinds of economic maladies. Inflation is a crisis in itself and its causes and effects merit priority attention. But the second set of problems—the economic impact of measures designed to halt inflation—should cause equal concern. They create serious obstacles to meeting the nation's pressing needs, and they have meanwhile brought us to the brink of recession—while still not ending the price spiral.

Inflation is a self-propelled movement. As prices rise, labor legitimately asks for higher wages. Wage increases in turn push prices higher, and the process continues as long as the basic causes are not countered. Today they have not been, and selected economic indicators record the bleak reality:

Gross National Product, the dollar value of all the goods and services produced in the economy, has ceased to grow as the decline in the value of the dollar more tnan eats up any gains made in production.

The Consumer Price Index, which shows the cost of the average market basket for individuals, rose 28% in the 1960's, but three-quarters of this increase came after 1965.

Corporate profits grew by more than 50% in the first part of decade, but the growth rate dropped to less than 17% between 1966 and 1969 as industry shifted to war production.

The nation's debt ceiling has had to be lifted repeatedly. It is now about $400 billion.

The effect of war spending on the United States balance of payments has been estimated to be about $4 billion a year, a figure that the Defense Department has accepted. The United States is "losing" this much each year on international transactions, and the outflow has increased the pressure on the dollar and has contributed to the massive loss of American gold.

But the average person is more concerned with more concrete indicators:

Telephone service is declining due to a lack of men, material and adequate research and development.

Food prices are going up 5% every year.

In some areas, the price of a house has gone up 25% in two years.

Steel prices are raised several times a month, making everything from refrigerators to cars more expensive. New auto price increases are planned for the fall models.

Property taxes have climbed as much as 10% in one year and Federal taxes have gone up thanks to the surcharge.

The cost of going out to the movies or to dinner has doubled in the big cities in the last five years.

Indochina war spending—estimated by Professor James Clayton in his book *The Economic Impact of the War* at about $350 billion—is the central cause of inflation. Dr. Roy L. Reierson, Senior Vice President and Chief Economist at Bankers Trust, sums up the grim outlook and its origins this way:

"The enhanced involvement in military operations in Asia in mid-1965 resulted in sharp boosts in defense orders, production and spending, and these had their normal inflationary impact. These war-engendered inflationary forces were strengthened by a serious mismanagement of fiscal policy, including greatly underestimated defense spending and its impact on the economy, lack of restraint on non-defense spending at a time when defense spending was rising rapidly, and delay in taking action to raise taxes. This culminated in a massive $25 billion deficit in fiscal 1968 in the face of an overheated economy and acute labor shortages."

The answer to inflation is to end the war. Until that is done it is probable that every American will be doubly-taxed, by regular taxes and by the cruel tax of inflation, bearing most heavily on those least able to pay. Early in 1969, Arthur Burns, then counsellor to the President and now Chairman of the Federal Reserve System, said that inflation could be reduced to a 3 percent rate by the end of the year. April, 1970, estimates set the rate at 7 percent. The economic prognosis is more trouble, more distortion of a delicate economy, so long as the war goes on.

Lost opportunities

The Indochina War has a direct effect on the allocation of resources in the American economy. The high cost of the war simply means that the government has less money for other programs. In addition, the measures that the Administration has adopted to stop inflation, without halting the war, determine in large part "who gets what" from national wealth and productivity.

In 1969, Senator Ralph Yarborough described the kind of economic choice implicit in the continuation of the American military effort in Indochina: "There are an estimated 240,000 North Vietnamese and Viet Cong now in South Vietnam," he said. "If we take that 240,000 and divide it into the $5.2 billion they (the Defense Department) want for ammunition alone, that is $21,666.67 for ammunition to shoot at each Viet Cong and North Vietnamese soldier, whether they hit him or not. But they (the Administration) ask only $3.2 billion for elementary and secondary education for 72 million school children, which is $44 for each child."

Every hour the United States spends $2 million on the Indochina War. These are some of the programs that are not receiving necessary funds because of the war effort and *all of which* could be financed out of war expenditures in a two-year period:

Provisions of public libraries for 12 million Americans who have no access to libraries.

Four years of training for 125,000 nurses and 50,000 doctors.

Construction of 296,000 new elementary classrooms.

Provision and equipment of 600,000 hospital beds.

Capital spending program for mass transportation systems amounting to $10 billion over 10 years.

Federal grants for urban renewal of $14 billion over 10 years.

Provision of the Federal government contribution of $13 billion to end air and water pollution. Sewage plants cannot be built at present, because there is little Federal money available to match local bond issues.

There is no assurance today that the money made available from an end to the war would be made available for these or similar programs. The decisions on how the money should be spent is in the hands of the Administration and the Congress and, ultimately, of the people. But it is absolutely certain today that money will not be available for these or similar programs unless the war is ended.

In order to stem inflation while continuing the Indochina War, the Administration has adopted a stringent economic policy. It is aimed at cooling off the economy by reducing at the same time industrial production and consumer purchasing. The key elements in this policy is raising interest rates, which makes it more difficult to raise money for industry. Theoretically this policy is also designed to encourage saving by individuals who could expect to get high interest instead of spending all their income. In fact, however, the rising interest rates charged for all purchases—from a washing machine to a home—have eaten up the money that individuals might have been expected to save.

The effects of reduced consumer demand and higher costs for producers have led to a recession. Industry must lay off workers. Unemployment across the country has risen to 4.8%, the higest in five years. In some areas this means an unemployment rate of 8% and for some less-skilled groups a rate of 15%. For each percentage point on a national basis, almost one million wage earners are thrown out of work. They are called "soldiers" in the war against inflation; in fact, because inflation is caused by the Indochina War, they are making a major and involuntary contribution to the pursuit of that conflict.

Industrial production is declining steadily as manufacturers find that fewer consumers are able to purchase their goods. In the nine months ending on April 30, 1970, it fell 2.5%. American industry is now operating at only 80% of capacity.

Reduced production means reduced profits. As was mentioned earlier, corporate profits rose more than 50% from 1962 to 1965, but increased only about 17% from 1966 to 1969.

Falling profits have undermined investor's confidence in American industry. In May, 1970, prices on the New York Stock Exchange hit a seven year low in two days in succession. In April 1970, in the face of a falling Stock Market, President Nixon said: "Frankly, if I had any money, I'd be buying stocks right now." Apparently, like many other Americans, he did not have any money. But if he had bought stocks that day, he would have lost money in the next 30 days, when the Dow Jones index plunged from 735 to 665.

Slower economic activity has also resulted in decreased revenues from taxes paid to the Federal government. Thus, at the same time as the Administration is increasing expenditures related to the Indochina War, its income has fallen below expectations. A deficit in the Federal budget is expected through mid-1972, according to the White House. The only method proposed to close this gap is the imposition of a new tax on leaded gasoline. And if the Administration succeeds in "getting the lead out" through this measure, the fiscal benefits will be slight and the deficit will remain. This deficit becomes a part of the national debt and must be repaid later with interest.

In sum, the war has upended national priorities. It has shrunken the supply of resources needed to meet domestic goals, public and private, both by its direct consumption of those resources and by consequential deterioration in their worth.

Again each American, regardless of his view toward America's involvement in Indochina, must account its costs in terms of lost opportunities at home. Our contributions for the preservation of one government in one country 10,000 miles away have been great indeed.

Spiritual Decline

The costs of inflation resulting from the Indochina War and of the measures employed to combat it can be calculated objectively. There is little room for debate about the economic impact of inflation and recession. But beyond these costs are those which are less easy to calculate, though they may be far higher. These are stresses placed on the roots of American society by the continuation of the War.

Whether an American's concept of his patriotic duty leads him to support fully the President's policy in Southeast Asia or to oppose it and support an early withdrawal of American forces, he will undoubtedly recognize that the prolonged debate over the War is having harmful effects on the cohesion of his country.

The United States was conceived by its Founding Fathers as a nation in which divergent views could exist in an atmosphere of freedom made possible by common acceptance of a democratic form of government. Now this common will is in danger of being torn asunder.

Violence as a form of political expression

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either in favor of or against the war is increasing. Tolerance of unorthodox forms of dress and speech, of the right to hold a different opinion, of the right to speak out for or against government policies, is fading fast. Invective and name calling have become the order of the day.

The political system seems to many to have become unresponsive to their viewpoint. Successive administrations have made a point of demonstrating that they will not be affected by opposing opinions and that they would prefer it if these opinions were not even expressed. This attitude has led to a growing sense of frustration. Frustration has in turn led to growing dissatisfaction with the political system itself.

The strength of the American political system is that it has continually evolved since the Articles of Confederation and then the Constitution were adopted. The unyielding policy on Vietnam, which has clearly become the national issue of paramount importance, marks a step back from this tradition. Those who have sensed this change have reacted vigorously, occasionally violently, to it. Their acts have provoked counterviolence and sometimes repression.

The major question before the American people is whether the pursuit of the Indochina War, a war which will not be won on the battlefield in any case, is worth the real chance of permanent damage to the American political system.

Not only does the debate over the War endanger society through its menace to the underlying consensus that has enabled America to become a great nation, but it prevents energies from being devoted to the great issue of American history—the construction of a society in which men of all races, religions and national origins can live together.

The Amendment To End the War seeks to preserve the American political system by using it. Its ultimate success depends on the willingness and the ability of those who support its objectives to work and to persevere within that system, so that the system itself will survive to cope with problems and challenges that lie ahead.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 15628) to amend the Foreign Military Sales Act.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate resumed the consideration of the bill.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 667, as modified.

The Chair recognizes the Senator from Wyoming (Mr. HANSEN).

Mr. HANSEN. Mr. President, it has become the fashion today for the vocal minority to undertake a game of second guessing the President of the United States. It is increasingly apparent to all of us that this minority, which takes pride in using clear hindsight, will question the President on every move he makes.

When the President announced he was going into Cambodia, there was an instant cry by many that this was a mistake. Many jumped on the President's decision as a vehicle to express displeasure with the President—regardless of the reason. For many, I would guess that the decision on Cambodia served as the vehicle for purely political displeasures.

Nevertheless, Mr. President, it is evident to me that the President's decision was the right and correct decision to make. In order to continue the plan for Vietnamization, I believe the President had no other choice but to destroy the Cambodian border strongholds. The President's decision was justified and necessary. What it means is that fewer American lives are going to be lost, and we can bring our fighting men home at an earlier date.

When I heard that the President had made his decision to knock out sanctuaries over the Cambodian border, I expressed my complete support for his decision.

In fact, I had been concerned for some period of time with the fact that the enemy had been able to walk across an imaginary line in the night, strike and kill Americans and Vietnamese under the shadow of darkness, and then retreat back over this same imaginary line before sunrise.

Be that as it may, there were significant events leading up to the President's decision. Let me summarize some of those events:

Prior to the overthrow of Prince Sihanouk on March 18, Cambodia had in large part avoided the fighting in Vietnam. This was the case despite the fact that North Vietnam had established bases for an estimated 55,000 to 70,000 of its troops on the Cambodian side of the South Vietnamese border. It is true that from 1965 until March 18, 1970, the Cambodian Government did little to interfere with these bases.

The Vietnamese Communists have made use of its territory for tactical sanctuary, for base areas, for infiltration of personnel, and for shipment of supplies. They have also procured arms, food and other supplies from Cambodian sources.

The utility of Cambodia to Hanoi became crucial in 1969, when the North Vietnamese decided after the defeat of their Tet offensive and two subsequent offensives in 1968, that they would shift to a strategy of "protracted struggle." This strategy, as outlined in detail in a document issued August 1969 by COSVN, the "Central Office for South Vietnam," which is Hanoi's main headquarters in the southern part of South Viet Nam, called for the withdrawal of the bulk of the Communist main forces into the Cambodian base areas, from which they would wait out the U.S. troop withdrawals under Vietnamization, stage occasional forays, or "high points," to maintain military pressure on the allies, and support the Communist infrastructure and local forces left behind in South Vietnam. Here the Communist forces enjoyed sanctuary, a particularly important feature for the forces operating adjacent to the relatively open, densely-populated, and heavily-garrisoned areas of IV Corps and southern III Corps—the delta and the Saigon region. (Safe haven in Cambodia is less important farther north where the rugged, densely-forested and lightly held South Vietnamese highlands provide more elbow room for Communist forces on the move or at rest.)

These base areas have now been turned by the NVA–VC elements into comprehensive military installations where troops and new recruits are received, supplied, and trained; military and political staffs maintain their headquarters; and fighting forces receive refuge and medical treatment. Some base areas contain sizable ordnance depots, weapons and ammunition factories, petroleum storage facilities, truck parks, and POW camps. Clearly, the base areas provide the foundation upon which rest Communist expectations of maintaining an effective military-political apparatus in southern South Vietnam while the U.S. withdrawal proceeds.

The more northerly base areas, opposite II Corps and northern III Corps, serve as safe havens for Communist troops operating into these areas, and also facilitate the southward movement of North Vietnamese troops and supplies toward COSVN and eastward into the highlands of South Vietnam. They constitute, in effect, an extension of the Laos corridor—but a sector in which the NVA has enjoyed virtual immunity from Allied attack. To the extent that the Communists were denied free use of these areas, their forces in the highlands of South Vietnam could suffer a loss in combat effectiveness and increased casualties.

The southerly base areas, opposite the delta and the Saigon region, have grown rapidly in size and importance since August 1969 as Hanoi has sought to limit exposure of its main force units and reduce casualties while attempting to halt the erosion of its political-military base in this populous and decisive theater. The bases are situated in well-populated areas, many in villages and plantations inhabited by ethnic Vietnamese and and controlled by Communists since the days of the Viet Minh.

The Cambodian sanctuaries play a key role in Hanoi's response to the Vietnamization and pacification programs. Because of their existence, especially the sanctuaries in southern Cambodia along the III and IV Corps frontiers, Hanoi can always mass large hostile forces in close proximity to major South Vietnamese population concentrations. This ability enables Hanoi to pose a continuing threat to South Vietnam's internal security that progress in pacification or Vietnamization cannot eradicate.

The Cambodian base structure, as noted above, supports infiltration of NVA personnel into South Vietnam, and the shift of units from one portion of South Vietnam to another, as in the case of the movement of NVA regiments into the

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delta last year. The infiltration system through Cambodia handled nearly 55,000 to 70,000 NVA personnel in 1969, an estimated 60 percent of total NVA infiltration into South Vietnam last year. About 45,000 to 55,000 of these enemy troops moved as far as the southerly base area subordinate to COSVN. The foot trails used lie very close to the border and occasionally cross into South Vietnamese territory; they are, for the most part, heavily canopied and secure from aerial observation. The trip from the Laos border to the "Parrot's Beak" opposite Saigon takes 45 to 60 days.

The Communists' north-south logistic route through Cambodia has few motorable segments and is mainly a network of trails and waterways. Occasionally, it utilizes the same trails as the personnel infiltration system. It has never been possible to quantify the north-south movement of supplies to VC–NVA forces; there is evidence that the trails are being constantly improved and that supplies are being moved.

Large quantities of heavy weapons and bulk supplies have moved until recently through the port of Sihanoukville and along west-east routes to III and IV Corps in South Vietnam.

Over the past year, the demands of the new NVA force in the delta would have greatly increased Communist supply requirements there. These increased supply requirements probably account in part for the actions of the Communist forces in attacking Cambodian police and military posts in provinces adjacent to the delta region of South Vietnam. Food needs had evidently been met in part earlier by clandestine shipments of rice to the NVA–VC forces through Cambodia, but the recent decision of the Cambodian Government to halt such shipments has evidently induced the Communists to drive the Cambodian authorities entirely out of large sections of the country so that the Communists can then draw directly on the civilian population for their food supplies. Other purposes which the Communists undoubtedly have in mind in attacking the Cambodian forces are to strengthen and deepen the area from which they can threaten the allied forces in South Vietnam, as well as to threaten the overthrow of the neutral Government of Cambodia.

When the government of General Lon Nol assumed power on March 18, he was committed to getting the Vietnamese Communists out of Cambodia. Lon Nol's original plan was to achieve this goal through negotiations, as well as limited pressure such as closing the port of Sihanoukville. This failed when Sihanouk declared his intent, on March 23, to return to power with Communist support. It was at this point that North Vietnam recalled their diplomats from Phnompenh and began to occupy all of eastern Cambodia. By April 20, they controlled most of the territory east of the Mekong River and were threatening to isolate Phnompenh from the sea. In fact, the Communists were within 18 miles of the Capital.

As the end of April approached, the United States began to give serious consideration to full-scale allied attacks against the sanctuaries because it was felt that a Communist takeover of Cambodia would enable North Vietnam to strengthen and enlarge its sanctuaries and thereby create a permanent threat along the entire border to South Vietnam's security and to U.S. troops.

Moreover, the administration believed that it needed to do something to relieve the pressure on the Lon Nol government. It decided to attack the sanctuaries and destroy the Communist facilities while capturing Communist supplies. By so doing, it was hoped that we would eliminate the usefulness of the sanctuaries for Hanoi for up to 8 months.

On April 29, South Vietnamese forces attacked the Parrot's Beak region of Cambodia; and 1 day later, the President announced that American and South Vietnamese troops had moved into the Fish Hook area.

From the Fish Hook, U.S. and Vietnamese forces have continued in their search-and-destroy missions of sanctuaries along the Cambodian border.

Last Wednesday night, President Nixon brought the American people up to date on how the Cambodian action is progressing. At that time, the President announced that the major military objectives in Cambodia have been achieved and, in fact, the combined forces of South Vietnam and the United States have moved with greater speed and success than had originally been anticipated. More war materiel has been captured and fewer American and allied casualties have resulted than was first anticipated.

The President assured the American people that the June 30 goal for complete withdrawal will be met and, in fact, that 17,000 of the 31,000 American soldiers who have been in Cambodia have already returned to Vietnam.

I quote, Mr. President, from President Nixon's radio and television address on Wednesday night regarding the Cambodian sanctuary operation:

> Now with the rainy season now beginning, it will take the enemy months to rebuild its shattered installations and to replace the equipment we have captured or destroyed.
>
> The success of these operations to date has guaranteed that the June 30 deadline I set for withdrawal of all American forces from Cambodia will be met. General Abrams advises me that 17,000 of the 31,000 Americans who entered Cambodia have already returned to Vietnam. The remainder will return by the end of this month. This includes all American aid support, logistics and military advisory personnel.
>
> The only remaining American activity in Cambodia after July 1 will be air missions to interdict the movement of enemy troops and material where I find that is necessary to protect the lives and security of our men in South Vietnam.
>
> Our discussions with the South Vietnamese government indicate that their primary objective remains the security of South Vietnam, and that their activity in Cambodia in the future—after their withdrawal from the sanctuaries—will be determined by the actions of the enemy in Cambodia.
>
> When this operation was announced, the critics charged that it would increase American casualties, that it would widen the war, that it would lengthen our involvement, that it might postpone troop withdrawals. But the operation was undertaken for precisely the opposite reasons—and it has had precisely the opposite effect.
>
> Let us examine the long-range impact of this operation.
>
> First, we have eliminated an immediate danger to the security of the remaining Americans in Vietnam, and thereby reduced our future casualties. Seizing these weapons and ammunition will save American lives. Because of this operation, American soldiers who might not otherwise be ever coming home, will now be coming home.
>
> Second, we have won precious time for the South Vietnamese to train and prepare themselves to carry the burden of their national defense, so that our American forces can be withdrawn.
>
> From General Abrams' reports and from our advisors in the field, one of the most dramatic and heartening developments of the operation has been the splendid performance of the South Vietnamese army. Sixty percent of all the troops involved in the Cambodian operations were South Vietnamese. The effectiveness, the skill, the valor with which they fought far exceeded our expectations. Confidence and morale in the South Vietnamese army has been greatly bolstered. This operation has clearly demonstrated that our Vietnamization program is succeeding.
>
> Third, we have insured the continuance and success of our troop withdrawal program. On April 20, I announced an additional 150,000 Americans would be home within a year. As a result of the success of the Cambodian operations, Secretary Laird has resumed the withdrawal of American forces from Vietnam. Fifty thousand of the 150,000 I announced on April 20 will now be out by October 15.

As of 8 o'clock this morning, the stores of weapons, foodstuffs, medicine, and other supplies which have been captured in Cambodian operations are as follows:

Enemy killed	9,241
Detainees	1,920
Individual weapons captured	15,365
Crew-served weapons captured	2,135
Rice (tons)	5,742
Rice (man months)	252,648
Rockets rounds captured	28,170
Mortar rounds captured	50,037
Small arms ammunition captured	11,280,832
Land mines captured	4,329
Bunkers destroyed	8,549
Vehicles destroyed or captured	360

One can only speculate about what this means; but, converted into hard facts, it is obvious that the Communists will not be able to replace these supplies for up to 6 months.

How many lives will be saved because of our action at this time? How many American men's lives will be saved? How many women? Children? We can only speculate, but the thing that we must constantly keep in mind is that the President is convinced that this action is necessary and important to our Vietnamization program.

I support the President in this program and I believe him. Evidence shows that the President's decision has been successful.

The announcement that was made by the President to move across into the sanctuary areas in Cambodia is tied very closely with the Vietnamization program and the protection of American lives. As we withdraw Americans from Vietnam under the Vietnamization program, the President must take such actions as he deems necessary so that those Americans who remain in South Vietnam will not be in excessive danger because the enemy is allowed to use hit-and-run tactics from sanctuaries in Cambodia.

Basically, the history of American troop involvement in Vietnam can be summarized as follows: When President Eisenhower left the White House on January 20, 1961, we Americans had 685 military advisers in Vietnam. On that sad day in 1963 when President John F. Kennedy was assassinated, we had more than 16,000 military advisers in Vietnam. Then, under President Johnson, that number of 16,000 advisers under President Kennedy, and the 685 on the day that President Eisenhower left the White House, had grown into an armed force of more than 500,000 men in South Vietnam. When President Nixon took office, the number had grown to 538,500.

At the present time, the best estimation that I have is that there are about 429,950 American troops remaining in Vietnam.

That Vietnamization is working is seen by a decrease of 21 percent in our American troops over the past year. By next year, if everything works out, the President will be able to withdraw an additional 150,000 troops.

General Blanchard, in a May 1 news conference, analyzed the programs on Vietnamization of the war as follows:

> In terms of the tactical areas of responsibility for which U.S. troops are responsible, U.S. troops have now turned over or withdrawn from some 26 percent of the tactical areas for which we, the U.S. forces, were responsible.
>
> One significant and worthwhile result has been a reduction in U.S. troops killed in action. There was a two-thirds reduction in U.S. killed in action from the first quarter of '69 to the same time in 1970 U.S. wounded were reduced more than half during the same period.
>
> In the overall equipment area, Vietnamization is either on schedule or ahead of schedule on all our deliveries.
>
> U.S. troops have turned a considerable number of military installations over to the Vietnamese. For instance, the 9th Division in the Dong Tak area is now the headquarters of the 7th Vietnamese army. The Navy My Thoi installation has been turned over and is now an installation of the Vietnamese Navy.
>
> The Vietnamese Air Base at the U.S. Base area in Nha Trang has been turned over to the Vietnamese Air Force.
>
> Shortly, additional installations will be turned over in Da Nang, Vung Tau, Bien Hoa, Lai, Khe, Binh Thuy, and Can Tho.

Shortly after the first of this year, the newspapers started carrying reports of specific instances indicating that Vietnamization was becoming successful.

On February 25, the U.S. Army was reported to have given up its second division-size base camp to Vietnam. This was a major step toward South Vietnamese assumption of the responsibility for guarding the northern approaches to Saigon.

Then, on March 6, 1970, the United States was reported to have turned over its biggest port facility to the Mekong Delta to South Vietnamese troops thereby giving the Saigon government responsibility for most of the supplies coming into the region by sea.

Additional reports of successful instances of military Vietnamization are now frequent in the news media.

The training task is an enormous one for the Vietnamese, and U.S. troops have aided and assisted in establishing considerable additional facilities and better facilities. There is a current annual average training load approaching 600,000. It is up a third from 1969 and up over half from 1968.

A very substantial number of Vietnamese have been brought to the United States for training in those areas where technical training is not yet available for them in Vietnam. This year over 7,000 Vietnamese military are here in the United States with a wide variety of advanced skills being taught—skills which will be helpful to them not only in the military in which they presently will be using them but also in the future as Vietnam turns to peace. Last year, by way of contrast to the 7,000 there were 2,600 technical trainees.

The largest number of these trainees are the Air Force pilots who are being trained by the U.S. Army and U.S. Air Force for Vietnam.

One of the most visible and best indications to the Vietnamese peasant of Vietnamization is the actual deployment of facilities and services to the hamlet. The deployment of police, increased health services, improvement of roads, security for roads and canals—the kinds of things that affect the peasant are greatly improving. The police, for example, numbered 17,000 in 1964, but are almost 90,000 strong today. More than 6,000 of them have actually been deployed into the 1700 villages that exist in Vietnam. More are coming as they finish their training.

Amid the fighting, a major indication of success in Vietnam relates to the new program of land reform. Land ownership has been one of the major problems which faces South Vietnam.

Ever since 1945 when Vietnam regained her independence, the question of land reform has been regarded as of paramount importance by every government of the land, whether nationalist or Communist.

On March 26th, South Vietnam celebrated its first annual "National Farmers' Day." It was on that occasion that President Nguyen Van Thieu promulgated a new land reform law designed to have a dramatic impact on the Nation's future.

Basically the law is a key element of Thieu's program for reforming Vietnamese society and providing greater economic opportunity for the average citizen.

Under this new land reform, the farmer will receive the land he has been tilling free of charge. Under the new statute, how a farmer gained access to the land he is tilling, whether by rent, Vietcong title or by squatting on abandoned property, is of no consequence. What is important is that he is actively tilling it. Successful claimants will receive up to 2.5 acres of land in the central and northern regions of the country and up to 7.5 acres in Vietnam's rice basket in the rich and populous Mekong Delta.

The new land reform program reflects the thoughtful consideration not only of Vietnam's President and National Assembly but also of 10 high-level task forces working for several months to develop policies and to devise procedures for solving such problems as land valuation, compensation methods, title issuance, survey and registration.

Something that we do not often hear about is the progress that has been made in the field of health and in the joint civilian military health planning. The United States, as it departs, will turn over large amounts of health facilities to the Vietnamese.

Educational facilities also have really taken an upgrading. The present facilities for training children are: 85 percent of the total school-age population can be accommodated, and over 80 percent of them are in school today, right now. Secondary school enrollment too is up from some 472,000 last year to 543,000. Teachers also have increased in numbers fortunately, from 11,500 to over 13,500, in the same period.

There are five universities and five normal schools and their enrollment at this time is a little over 41,000 students.

It is evident that the President's plan of Vietnamization is working. There has been progress toward the Vietnamese takeover in the war in Vietnam. Nevertheless the President's critics have been so enamored with their own movement that they refuse to see the progress. Their rhetoric is consistent. Translated it says "we have lost the war so we must get out now—regardless of the consequences."

This is easy for the demonstrator to say. He can clothe himself in the raiments of self-righteousness declaring that love, peace, and individual liberties are his goals and that anything that conflicts with his view is immoral, brutal, and dehumanizing. Some go so far as to resort to the practice of reading the names of the Vietnam war dead claiming they speak for those who have died as heroes for their nation. How insulting it would be if these young men could hear their names being used by those opposing that for which they died. They died proving their allegiance to each of us and the Nation. They deserve better treatment for their sacrifice.

During the last weeks, there have been many who have decried the invasion of Cambodia. Unfortunately, they have falsely accused the President. Our action in Cambodia does not even resemble an invasion. As President Nixon has stated, the areas in which these attacks were launched are completely occupied and controlled by the North Vietnamese forces. Our purpose is not to occupy these areas. Once enemy forces are driven out and their sanctuaries and military supplies destroyed, we will withdraw.

I believe the President when he said it was not necessary to the Vietnamization program to knock out these North Vietnamese strongholds and I believe him when he says he does not intend to remain in Cambodia. Nevertheless, let me say that if events develop which would force the President to stay in Cambodia past June 30 or would force the return of American troops into that area, the President must have the power to make these decisions.

There are those who say the President should not have gone into Cambodia without first consulting with Congress. That he must not be empowered to make necessary decisions.

In this respect, let me quote an article which was written by my distinguished colleague, Senator Fulbright, in the Cornell Law Quarterly of 1961.

He says:

> The dynamic forces of the 20th century—communism, facism, aggressive nationalism, and the explosive awakening of long quiescent peoples—are growing more and more unmanageable under the procedures of leisurely deliberation which are built into our constitutional system. To cope with these forces we must be able to act quickly—and decisively on the one hand, and persistently and patiently on the other. We must make decisions which are painful and some which do violence to our fundamental values. We must do these things if we are to survive in a world that obstinately refuses to conduct its affairs under Anglo-Saxon rules of measured and orderly procedure.

Senator Fulbright said later in his article:

> The question I put, without presuming to offer solutions, is whether in the face of the harsh necessities of the 1960s we can afford the luxury of 18th century procedures of measured deliberation. It is highly unlikely that we can successfully execute a long-range program for the taming, or containing, of today's aggressive and revolutionary forces by continuing to leave vast and vital decision-making powers in the hands of a decentralized, independent-minded, and largely parochial-minded body of legislators. The Congress, as Woodrow Wilson put it, is a 'disintegrated ministry,' a jealous center of power with a built-in antagonism for the Executive.
>
> I have no objection to this arrangement in its own terms, and I wish that the conditions of tranquility in which this system flourished were still in existence. They are not, however, and I submit that the price of democratic survival in a world of aggressive totalitarianism is to give up some of the democratic luxuries of the past. We should do so with no illusions as to the reasons for its necessity. It is distasteful and dangerous to vest the executive with powers unchecked and unbalanced. My question is whether we have any choice but to do so.

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Mr. President, the old phrase "When the going gets tough, the tough get going" was never more applicable or relevant than today. It is easy to sit in our overstuffed chairs and question the President. It would be even easier to just say "I quit." Indeed, that seems to be the general idea behind some of the statements I have heard on the floor recently.

I do not subscribe to that philosophy. I applaud and compliment the President for taking measures, as unpopular as they might be with some, which he feels he must in order to protect lives in Vietnam.

The present assault by Congress on the powers of the President is viewed in different light by different dissenters.

For some, it is simply a matter of being against the war in Vietnam. For others, the problem becomes a complex constitutional argument over the prerogatives of the Congress as opposed to the Executive. For still others, this is a matter of returning to the principles and the intentions of the Founding Fathers. For a few, I suspect their stand is based on political prejudice and bias.

But it is really far more than any of these things. What the argument is all about is, in fact, the role that the United States should play in the world today. What we are witnessing could turn out to be the greatest resurgence of classic isolationism that has been seen in this country for nearly half a century.

The matter we are debating today goes far beyond the borders of Vietnam, Cambodia, Laos, or Thailand. When we cast our vote on the Cooper-Church amendment we will be making policy which is going to have a direct effect on our position in Latin America, and most certainly Israel.

Looming in the backdrop of this amendment is the question of how far the Congress will go in restricting the President in the next international clash. For instance, are we going to allow the Arab nations to run over Israel? Given the mood of some Americans, they would be willing to accept an Israel defeat. That course might, for the time being, avoid war. Undoubtedly, that is what dissidents want—to avoid war.

In this regard, let me say that I was one of the Senators who signed the letter which was sent to the White House urging the President to sell needed jets to Israel. Although I was in Wyoming when the letter was circulated and was somewhat tardy in having my name added to the letter, I felt that it was most important that the President take this action in order to maintain a balance of arms between the Arab countries and Israel. Based on my knowledge of the situation, I believe that these jets are necessary and the President should proceed with this sale.

Nevertheless, I must admit that I am somewhat puzzled by the overwhelming support of some of the Senators who saw fit to sign this letter to the President on the one hand and who persist in their contentions that we must bind the President's hands in Cambodia on the other. In fact, for the most part, those who propose that we should limit the President's authority to make necessary military decisions concerning Cambodia and Southeast Asia are also the same ones that have urged the President to sell jets to Israel. I noted with interest that 44 of the 54 Senators who voted against the Dole amendment on Wednesday had also signed the letter to the President on the sale of jets to Israel.

Although I realize that there were some of these 44 who voted against the Dole amendment for reasons other than the fact that it would modify the effect of the Church-Cooper amendment, I would guess that the substantial majority voted against Senator Dole's amendment because it would have limited the Church-Cooper amendment.

To sign a letter urging that jets be sold to Israel while at the same time urging withdrawal and limitation of the President's authority in Southeast Asia seems to me to be a completely inconsistent position. I realize that there are those who try to reconcile their inconsistency by pointing out that the Middle East is much more strategically important to the United States than Vietnam. I take issue with those who assert this position. The Russian-built aircraft which apparently justify our selling jets to Israel is not any different from the Russian-built rockets, mortars, rifles, and machineguns that have made it necessary for us to go into Cambodia. I believe it is an extremely difficult position to say that we must sell jets to Israel so as to protect against Russian-supplied aggressors in the Middle East and then to turn around and advocate a policy whereby the President is without the power to make decisions which he feels are necessary to protect against Russian- and Communist-supplied aggressors in Cambodia.

Let me say again, I certainly concur with all the Senators who signed the letter urging the President to sell jets to Israel. My only contention is that there is a blatant inconsistency in urging the President to get out of Cambodia and Vietnam and then turning around and urging the sale of these jets.

Be that as it may, I submit that there are a great number of the dissenters throughout the country—and not only Jews—who believe that the safety of Israel is worth keeping. It is clear that these factions, who have now clothed themselves with armor of the anti-Nixon and anti-Vietnam movement, have shown some interest in helping people who have been discriminated against. For instance, certain factions urged the United States to intervene and assist the people of Biafra.

But if the dissidents do not care to think about Israel, the rest of us must. Israel's brief invasion of Lebanon underscored how quickly the Middle East feud could be expanded into a big war.

How many times over the past several weeks have my colleagues heard from those who say it is our "moral responsibility to stop the war in Vietnam"? How many times have we heard these dissidents shout with outrage over the killing and the bloodshed that is going on in Vietnam and Cambodia? These are familiar thoughts and words and have provided a peg for dissenters on which to hang their hats.

Unfortunately, Mr. President, those who decry the killing, bloodshed, and the homelessness that are occurring now in Vietnam take little time to think what would happen if we were to pull out of Southeast Asia without leaving a country that is able to protect itself and its citizens.

On May 14, Douglas Pike, who is recognized as one of the U.S. Government's leading experts on the Vietcong and North Vietnamese, reported that if the Communists win decisively in South Vietnam, all political opposition, actual or potential, would be systematically eliminated. According to Pike, 3 million persons would be killed.

What then would be the position of those who say that we must stop our involvement in Vietnam and Cambodia so that the killing and bloodshed would be ceased?

By the adoption of the Cooper-Church amendment as it was originally submitted, we would in effect be setting a precedent. Congress would be saying to the President: "You have the responsibility for sailing this ship, but it is up to us to chart the course."

Mr. President, the President of the United States has to have authority to make decisions which he feels are in the best interest of the people and the United States. While this authority should not be absolute, it is wrong to place him in a position where he is constantly flinching for fear he will get his hand slapped.

The clear implication is that if the Congress succeeds in interposing its collective wisdom between the President and the conduct of American foreign policy, a new spirit of caution and restraint will result.

I do not feel that we should restrict the President. The best statement which I have seen on this subject came from the distinguished chairman of the Foreign Relations Committee. Senator FULBRIGHT said in 1961:

> As Commander-in-Chief of the armed forces, the President has full responsibility, which cannot be shared, for military decisions in a world in which the difference between safety and cataclysm can be a matter of hours or even minutes. The President is the symbol of the nation to the external world, the leader of a vast alliance of free nations, and the prime mover in shaping a national consensus on foreign policy. It is important to note, however, that while this responsibility is indeed very broad, his authority is often infringed upon or thwarted in practice by unauthorized persons.

Mr. President, by adopting the proposed Cooper-Church amendment, without any modification, we would be placing the President in a position where he has full responsibility with little or no authority. I submit that the President must have sufficient authority to make those decisions which he sees in the best interest of the United States.

The presence of North Vietnamese headquarters and bases in Cambodia is an accepted fact. I am one who feels that the enemy that has killed almost 42,000 American men in Vietnam is the same enemy that has been stepping across an imaginary line and yelling "Kings X," or "I'm on base—you can't touch me now."

During the last few days, I have listened to many who denounce the President's plan for Vietnam. But I have also heard from a great number of those that support the President and endorse his stand to destroy the Cambodian sanctuaries.

One letter that made a great impression on me was received from Mr. Dave Egloff who grew up in Casper, Wyo. He has just returned from Vietnam and is pursuing graduate studies at the University of Maryland.

Mr. Egloff was with the 20th Combat Engineer Battalion stationed at Ben Het. While there, he served as a combat engineer platoon leader, and as an assistant operations officer. In speaking about the problem of the North Vietnamese using the Cambodian sanctuaries Dave says:

> I don't know the count, but quite a few Americans have lost their lives defending Ben Het, Duc Co, and Plei Djereng from NVA soldiers who were based in Cambodia and Laos. It was especially frustrating to me, as an American, to see and hear about the killing of American troops by NVA soldiers based in Cambodia and Laos and be able to do nothing about it. It made me very angry to know that the VC and NVA soldiers who were rocketing and mortaring Ben Het at night would easily walk back across the border before daylight and laugh at all of our suffering and anguish!
>
> After so many years of waiting for an invitation from Cambodia to pursue the NVA into that country it is disappointing to hear so many people vocally opposed to the President's policy. It might interest you to know that, with all of the opposition to the war being expressed at home, I found no lack of enthusiasm for the war among the GI's I commanded. I am confident that men such as those that I commanded who are presently fighting the war in Vietnam much prefer the President's plan over that which has existed in the past.
>
> Based on the experience that I gained in Vietnam, I am firmly convinced that President Nixon's plan of allowing no sanctuary for the NVA in Cambodia can only shorten the war and decrease the total number of American lives lost.

As pointed out by Mr. Egloff's letter, the logic behind the President's move to knock out the North Vietnamese bases is apparent. For years the enemy has used the Cambodian sanctuaries to evade allied forces in Vietnam. Cambodia has been used as a refuge for rest, training, medical care, storage of supplies, and as a convenient and secure route for the infiltration of personnel along the Ho Chi Minh Trail from North Vietnam.

The hard facts are that the President made this decision on Cambodia to save America and Vietnamese lives. As we withdraw Americans from South Vietnam, as the South Vietnamese forces become stronger, the President has determined that those Americans who would remain in South Vietnam will not be sitting ducks for the enemy that can hide on a hit and run basis in the sanctuaries of Cambodia.

On Wednesday evening President Nixon reviewed the long range impact of the operation in Cambodia. Basically, he covered the following points:

First. Our thrust in Cambodian sanctuaries has eliminated an immediate danger to the security of the remaining Americans in Vietnam. Seizing the weapons and ammunition can only mean that more American soldiers will live to return home.

Second. The supplies and ammunition that we have destroyed in Vietnam will mean that the South Vietnamese will have additional time to train and prepare themselves to carry on the defense of their own national security so that American forces can be withdrawn.

The President cited the effectiveness the South Vietnamese army has displayed in the Cambodia operation as one more indication that Vietnamization is working.

Third. The success of our troop withdrawal program has been assured and a total of 50,000 U.S. troops will be out of Vietnam by October 15 of this year.

President Nixon's Wednesday interim report clearly points out the excellent progress that we are making.

The President said:

> With this announcement tonight, we have kept the pledge I made when I ordered this operation, that we would withdraw from Cambodia on a scheduled timetable—just as this Administration has keep every pledge it has made to the American people regarding the war in Vietnam and the return of American troops.
>
> Let us look at the record.
>
> In June of 1969 I pledged a withdrawal of 25,000 troops. They came home. In September of the same year I said I would bring home an additional 35,000. They came home. In December I said an additonal 50,000 Americans were coming out of Vietnam. They, too, have come home.
>
> There is one commitment yet to be fulfilled. I have pledged to end this war. I shall keep that promise. But I am determined to end the war in a way that will promote peace rather than conflict throughout the world. I am determined to end it in a way that will bring an era of reconciliation to our people—and not an era of furious recrimination.
>
> In seeking peace, let us remember that at this time only this Administration can end this war and bring peace. We have a program for peace—and the greater the support the Administration receives in its efforts, the greater the opportunity to win that just peace we all desire.
>
> Peace is the goal that unites us. Peace is the goal toward which we are working. Peace is the goal this government will pursue until the day that we reach it.

Mr. President, yesterday I had the opportunity to enter into a colloquy with the distinguished junior Senator from Tennessee (Mr. BAKER) about the importance of the Byrd amendment.

As many of my colleagues know, the President of the United States has written the distinguished senior Senator from Pennsylvania (Mr. SCOTT) who serves as the Republican leader in the U.S. Senate.

I want to read the President's letter in regard to the pending Byrd amendment.

The letter says:

> THE WHITE HOUSE,
> *Washington, D.C., June 4, 1970.*
>
> Hon. HUGH SCOTT,
> *U.S. Senate,*
> *Washington, D.C.*
>
> DEAR HUGH: You have requested my views on an amendment offered by Senator Robert Byrd of West Virginia to the Cooper-Church amendment to the Foreign Military Sales bill now being considered by the Senate.
>
> As you know, I am opposed to the language of the Cooper-Church provision in its present form. Nevertheless, I fully appreciate the concerns of many Senators anxious that the Cambodian expedition not involve our nation in another Vietnam-type conflict. As I reported to the American people last night, this has been the most successful operation of this long and difficult war and will be completed by June 30. The results will be fewer casualties and continued withdrawals from Vietnam—objectives that Senators share with me.
>
> The Byrd amendment reaffirms the Constitutional duty of the Commander in Chief to take actions necessary to protect the lives of United States forces and is consistent with the responsibilities of my office. Therefore, it goes a long way toward eliminating my more serious objections to the Cooper-Church amendment.
>
> You will recall that last year in Guam I outlined the Nixon doctrine establishing a policy for Asian nations to defend themselves, with American material assistance and technical help. If a stable lasting peace is to emerge in that beleaguered region, it is im-

portant that we promote regional cooperation. Therefore, I should hope that the Senate would also adopt an amendment supporting the Nixon doctrine of American material and technical assistance toward self-help.

I appreciate your continued deep interest in this subject and the untiring effort you and your colleagues have made in an effort to achieve meaningful legislation in the best interest of the American people.

Sincerely,

RICHARD NIXON.

Mr. President, I support the amendment of my colleague from West Virginia. His amendment would perfect the Cooper-Church amendment so that the President would have the power to take such action as may be necessary to protect the lives of U.S. forces in South Vietnam, or to facilitate the withdrawal of U.S. forces from South Vietnam.

To me, there is great logic in this amendment and I feel that it is imperative that the President be given enough of a free hand so that he may take action to preserve American lives throughout Southeast Asia.

I have referred to the necessity of the President having authority to make necessary decisions to protect American interests abroad.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I have discussed the request which I am about to propound with the able assistant Republican leader and the able Senator from Idaho, and it seems to meet with their approval. I have also cleared it with the able majority leader.

I therefore propose the following unanimous-consent agreement:

Ordered, That the Senate proceed to vote at 1 o'clock p.m. on Thursday, June 11, 1970 on the pending amendment (No. 667) by the Senator from West Virginia (Mr. Byrd) and that the time on Thursday after the disposition of the Journal be equally divided and controlled by the Majority and Minority Leaders or their designees. Should a motion to table be made, the vote on that motion would occur at 1 o'clock, to be followed immediately by a vote on the amendment if the motion to table should fail.

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The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. Mr. President, reserving the right to object, would it be the case that a motion to table could not be made until immediately prior to the vote on the amendment?

The PRESIDING OFFICER. The Senator is correct.

Is there objection? The Chair hears none, and it is so ordered.

ORDER FOR RECESS FROM THE CLOSE OF BUSINESS ON WEDNESDAY NEXT UNTIL 11 A.M. ON THURSDAY, JUNE 11, 1970

Mr. BYRD of West Virginia. Mr. President, I would like to couple with the agreement a unanimous-consent agreement that when the Senate completes its business on Wednesday next, it stand in recess until 11 o'clock on Thursday next.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia. Mr. President, has everything been agreed to thus far?

The PRESIDING OFFICER. Is there objection to the unanimous-consent requests? The Chair hears none, and it is so ordered.

ORDER FOR CLEARING THE CHAMBER PRIOR TO THE VOTE ON THURSDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I have one further unanimous-consent request. I ask unanimous consent that, at 5 minutes before 1 o'clock p.m. on next Thursday, the Sergeant at Arms be directed by the Chair to clear the floor and the Senate lobby of all staff personnel except those on the staffs of the Sergeant at Arms, the Secretary of the Senate, the secretary for the majority, the secretary for the minority, and their respective assistants, and those attachés assigned by the Democratic and Republican policy committees, and that such staff personnel remain cleared from the floor and the Senate lobby until the vote is complete and the Chair rules that they may again be admitted to the Senate Chamber.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

A RADICAL THEORY OF THE PRESIDENCY IS OPPOSED

Mr. CHURCH. Mr. President, the extended debate now occurring in the Senate is in actuality less about Cambodia than about the dimensions of the constitutional powers of the Presidency in respect to warmaking.

Sporadically throughout our history the ambit of the power between the executive and legislative branches of the Federal Government in this sector has been fiercely contested.

Section 2 of article II of the Constitution states:

> The President shall be Commander in Chief of the Army and Navy of the United States . . .

Juxtaposed to this is section 8 of article I of the Constitution which states that the Congress shall have power to declare war, to raise and support armies, to provide and maintain a Navy, to make rules for the Government and regulation of land and naval forces.

Those who were deeply involved in the workings of the constitutional convention may help us to understand the sense of these clauses.

Where is lodged the power to raise armies?

Alexander Hamilton, in Federalist Paper No. 24, informs us without qualification that—

> The whole power of raising armies was lodged in the legislature, not in the executive . . .

Is the power of declaring war assigned exclusively to the Congress?

James Madison in Federalist Paper No. 41 responds to this question very succinctly:

> No man will answer this question in the negative. It would be superfluous, therefore, to enter into a proof of the affirmative.

Surely Madison's answer is simple, uncomplicated, and unencumbered by qualifications.

Obviously, then, the Chief Executive is not intended under the Constitution to have, or exercise, sole war powers. To assert otherwise is to espouse a radical theory of the presidency which stems not from the fundamental law of our land. Moreover, I am distressed that such a radical notion should be so vigorously pressed here in this Chamber, where we sit as members of in independent, coordinate branch of the Federal Government. If the Congress of the United States is not to become subservient to the Presidency, we must be willing not only to proclaim, but to assert the power which belongs to Congress, and especially so when the issue involves a matter so vital as how far the United States should wander into the quicksands of a spreading Asian war.

The extent of Presidential prerogative at a time when our military forces fight overseas has been an occasional subject of judgment by the Federal courts. I refer specifically to a leading decision of the U.S. Supreme Court in the case of *Youngstown Sheet & Tube Co.* v. *Sawyer* (343 U.S. 579) issued in 1952. The Court was asked to decide whether the President was acting within his constitutional power when he issued an order directing the Secretary of Commerce to take possession of most of the Nation's steel mills. This order was issued at a time when our combat troops were engaged in an earlier "undeclared war," this one in Korea. In contradiction, the millowners argued that the Presidential order amounted to lawmaking—a legislative function which the Constitution expressly reserved to Congress. The President insisted the order was necessary to avoid a work stoppage at the mills which would affect the war effort.

The Court upheld the steel mills and denied the validity of the Presidential order by a vote of 6 to 3.

Mr. Justice Jackson, as was his fashion, furnishes us compelling language in support of the Court's decision. He wrote:

> That comprehensive and undefined presidential powers hold both practical advantages and grave dangers for the country will impress anyone who has served as legal adviser to a President in time of transition and public anxiety. While an interval of detached reflection may temper teachings of that experience, they probably are a more realistic influence on my views than the conventional materials of judicial decision which seem unduly to accentuate doctrine and legal fiction.

Then Mr. Justice Jackson discussed Presidential acts consistent and inconsistent with express or implied powers of the Congress:

> 1. When the President acts pursuant to an express or implied authorization of Congress, his authority is at its maximum, for it includes all that he possesses in his own right plus all that Congress can delegate. In these circumstances, and in these only, may he be said (for what it may be worth) to personify the federal sovereignty. If his act is held unconstitutional under these circumstances, it

> usually means that the Federal Government as an undivided whole lacks power. A seizure executed by the President pursuant to an Act of Congress would be supported by the strongest of presumptions and the widest latitude of judicial interpretation, and the burden of persuasion would rest heavily upon any who might attack it.
>
> 2. When the President acts in absence of either a congressional grant or denial of authority, he can only rely upon his own independent powers, but there is a zone of twilight in which he and Congress may have concurrent authority, or in which its distribution is uncertain. Therefore, congressional inertia, indifference or quiescence may sometimes, at least as a practical matter, enable, if not invite, measures on independent presidential responsibility. In this area, any actual test of power is likely to depend on the imperatives of events and contemporary imponderables rather than on abstract theories of law.
>
> 3. When the President takes measures incompatible with the expressed or implied will of Congress, his power is at its lowest ebb, for then he can rely only upon his own constitutional powers minus any constitutional powers of Congress over the matter. Courts can sustain exclusive presidential control in such a case only by disabling the Congress from acting upon the subject. Presidential claim to a power at once so conclusive and preclusive must be scrutinized with caution, for what is at stake is the equilibrium established by our constitutional system.

As his written argument continued, Justice Jackson focused his incisive intelligence upon the Federal Government's claim that wartime conditions justified the action. The Justice, in reply, stated:

> The clause on which the Government next relies is that "The President shall be Commander in Chief of the Army and Navy of the United States . . ." These cryptic words have given rise to some of the most persistent controversies in our constitutional history. Of course, they imply something more than an empty title. But just what authority goes with the name has plagued presidential advisers who would not waive or narrow it by nonassertion yet cannot say where it begins or ends. It undoubtedly puts the Nation's armed forces under presidential command. Hence, this loose appellation is sometimes advanced as support for any presidential action, internal or external, involving use of force, the idea being that it vests power to do anything, anywhere, that can be done with an army or navy.
>
> That seems to be the logic of an argument tendered at our bar—that the President having, on his own responsibility, sent American troops abroad derives from that act "affirmative powers" to seize the means of producing a supply of steel for them. To quote "Perhaps the most forceful illustration of the scope of Presidential power in this connection is the fact that American troops in Korea, whose safety and effectiveness are so directly involved here, were sent to the field by an exercise of the President's constitutional powers." Thus, it is said, he has invested himself with "war powers."
>
> I cannot foresee all that it might entail if the Court should indorse this argument. Nothing in our Constitution is plainer than that declaration of a war is entrusted only to Congress. Of course, a state of war may in fact exist without a formal declaration. But no doctrine that the Court could promulgate would seem to me more sinister and alarming than that a President whose conduct of foreign affairs is so largely uncontrolled, and often even is unknown, can vastly enlarge his mastery over the internal affairs of the country by his own commitment of the Nation's armed forces to some foreign venture. I do not, however, find it necessary or appropriate to consider the legal status of the Korean enterprise to discountenance argument based on it.
>
> Assuming that we are in a war *de facto*, whether it is or is not a war *de jure*, does that empower the Commander in Chief to seize industries he thinks necessary to supply our army? The Constitution expressly places in Congress power "to raise and *support* Armies" and "to *provide* and *maintain* a Navy." (Emphasis supplied.) This certainly lays upon Congress primary responsibility for supplying the armed forces. Congress alone controls the raising of revenues and their appropriation and may determine in what manner and by what means they shall be spent for military and naval procurement. I suppose no one would doubt that Congress can take over war supply as a Government enterprise. On the other hand, if Congress sees fit to rely on free private enterprise collectively bargaining with free labor for support and maintenance of our armed forces, can the Executive, because of lawful disagreements incidental to that process, seize the facility for operation upon Government-imposed terms?
>
> There are indications that the Constitution did not contemplate that the title Commander in Chief *of the Army and Navy* will constitute him also Commander in Chief of the country, its industries and its inhabitants. He has no monopoly of "war powers," whatever they are. While Congress cannot deprive the President of the command of the army and navy, only Congress can provide him an army or navy to command. It is also empowered to make rules for the "Government and Regulation of land and naval Forces," by which it may to some unknown extent impinge upon even command functions.

And he summed up this phase of his argument in this impressive manner:

> That military powers of the Commander in Chief were not to supersede representative government of internal affairs seems obvious from the Constitution and from elementary American history.

Justice Jackson concluded his argument by an observation that corresponds to the one I have sought to make here on the floor during these many hours of debate on the Cooper-Church amendment. The Justice tells us, in effect, that the Constitution may assign authority and power, but this is only the first part of the subtle equation. The recipient of this power must have the will to exercise the power. Justice Jackson's view, though stemming from a different situation, is nevertheless legitimate in its application to the issue we are arguing here today.

What Justice Jackson wrote was:

> But I have no illusion that any decision by this Court can keep power in the hands of Congress if it is not wise and timely in meeting its problems. A crisis that challenges the President equally, or perhaps primarily, challenges Congress. If not good law, there was worldly wisdom in the maxim attributed to Napoleon that "The tools belong to the man who can use them." We may say that power to legislate for emergencies belongs in the hands of Congress, but only Congress itself can prevent power from slipping through its fingers.

To employ the thought of Justice Jackson to the present circumstances, a President is the Commander in Chief of the military forces, but it is for the Congress to determine how the public money—even that appropriated to finance the war—shall, or shall not, be spent.

A WORD OF ADVICE FOR CAMBODIA

Mr. CHURCH. Mr. President, I noticed in the news the other day that Cambodia has received an experienced word of caution from Mr. Adam Malik, Foreign Minister of Indonesia, as to the consequences of massive foreign intervention in their affairs. "Don't do it," Mr. Malik says, in effect.

In an interview with the Associated Press, Mr. Malik is quoted as declaring:

> In Vietnam, you remember four years ago the people said, "Let the Americans fight for us." It did not work, and after a while they understood they must do something for themselves.
>
> That is why when Cambodia said they wanted arms I told them arms are secondary—first you must look to your people.

Later on, the Foreign Minister pointed out:

> Suppose we send them (the Cambodians) troops. That is not a solution. It would be the same as Vietnam. If we send troops, the Cambodians would say, "Let Indonesians or Americans fight for us." If the people will not fight for themselves, how can you fight for them? If the people do not resist, you have to expect a Communist takeover. That is their fate.

I would only add that the late Dr. Bernard Fall, a specialist in Indochina affairs, described a lethal cycle in connection with American military assistance:

> Aid to sustain the land. Weapons to guard the land. Advisers to demonstrate the weapons. Helicopters to bear the advisers. Troops to guard the helicopters. Planes to protect the troops. More troops to build the bases. Still more troops to defend the builders. Shoot when shot at. Shoot to keep from being shot at. Shoot to protect. Shoot to destroy. Bomb to kill. Kill.

I ask unanimous consent that the AP interview with Mr. Malik be printed in the Record at this point in my remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

Indonesia Warns Cambodia Not To Rely on Outside Aid

Jakarta.—Foreign Minister Adam Malik today said Cambodia should fight its own battles without relying on Asian nations and the United States for help.

Malik said 21 Asian and Pacific nations he has invited to a conference May 16–17 should speak out strongly to prevent Cambodia from becoming a "second Vietnam," but the actual fighting was Cambodia's responsibility.

"The situation in Cambodia is the same as it was in South Vietnam," he said in an interview. "If the Cambodians really do not want a Communist regime, then they must resist. The ultimate solution must come from within Cambodia.

"In Vietnam, you remember four years ago the people said, 'Let the Americans fight for us.' It did not work, and after a while they understood they must do something for themselves.

"That is why when Cambodia said they wanted arms I told them arms are secondary—first you must look to your pepole."

XUM

He said rumors in Bangkok and Phnom Penh about the imminent arrival of assistance from Indonesia were unfounded.

"I do not know why Cambodia expected arms from Indonesia," he said. "We have to get our own spare parts from the Russians. How can we help them?

"Suppose we send them troops. That is not a solution. It would be the same as Vietnam. If we send troops, the Cambodians would say, 'Let Indonesians or Americans fight for us.'

"If the people will not fight for themselves, how can you fight for them? If the people do not resist, you have to expect a Communist takeover. That is their fate."

Malik said the Asian and Pacific conference, which will most likely be held in Jakarta, will be "aimed entirely at preventing Cambodia from becoming a second Vietnam."

Though Communist China and other Communist states were invited to the conference, Malik said, "the Communists are solidly against the conference, but for us we have no choice. We must do something. We cannot keep quiet."

He said if Asia's voice in support of Cambodia's independence and neutrality and reactivation of the international control commission is ignored, the question must go to the United Nations.

THE IDAHO STATESMAN SPEAKS OUT

Mr. CHURCH. The Idaho Statesman, one of the leading daily newspapers in the State I represent, has once again evidenced its temperate treatment of a vital public issue. A recent occasion was an editorial entitled "Senator Church and His Critics," which appeared late last month.

The editorial, while not speaking to the full implications of my position about American involvement in Southeast Asia, nevertheless finds merit in the Cooper-Church amendment, now pending before the Senate, as an attempt "to limit U.S. involvement in Cambodia, and to reassert the power of Congress to participate in the making of wars."

The Statesman continues:

> President Nixon may have been right to go into Cambodia, but he was wrong in failing to consult Congress.
>
> Whether his (the President's) decision is right or wrong, those who contend the Congress has no right to question his decision . . . seem to be saying that the President alone can make decisions of peace and war.
>
> If that were the case, the very thing that the Constitution's framers feared when they gave Congress the war-making power would exist. They didn't intend for a President to exercise such power.

I ask unanimous consent that the entire editorial be printed in the Record at this point in my remarks:

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Senator Church and His Critics

Senator Church is getting a thorough working over from people who disagree with his Indochina views. Some writing letters to the editor to express themselves attack his integrity or his loyalty, as well as his logic.

Clearly there is a wide disparity of opinion about the Indochina war. The thrust into Cambodia has heated up emotions on all sides.

Some see in it a dramatic move that could speed the end of the war. Others see it as permitting the President to maintain his withdrawal pledges. Still others see it as involving the United States in a longer war, giving up more lives in a dubious quest.

No one, neither the critics in the Senate, the President, nor his military advisers, can be certain.

Whatever the war brings, it could leave the nation with a bitter legacy. At best a negotiated settlement or a U.S. withdrawal, either partial or complete, would leave the question of future political developments in Indochina unresolved.

Both the concept of a clearcut military victory, and the idea of tidy, complete withdrawal appear to be unattainable.

In the long run, the impact of Vietnam on the people of the United States may be more profound than its impact on the future of Indochina. There have been two recent wars in the Mideast, and there is still fighting.

Nuclear weapons make it impossible for the United States to eradicate communism by force, or for the other side to change the American system by force. Those who speak of a decisive showdown are talking nonsense.

Senator Church, through the Church-Cooper amendment, hopes to limit U.S. involvement in Cambodia, and to reassert the power of Congress to participate in the making of wars.

President Nixon may have been right to go into Cambodia, but he was wrong in failing to consult with Congress. Had he done some consulting there would be less steam behind this amendment.

Whether his decision is right or wrong, those who contend the Congress has no right to question his decision or to take such action seem to be saying that the President alone can make decisions of peace and war.

If that were the case, the very thing that the constitution's framers feared when they gave Congress the war-making power would exist. They didn't intend for a president to exercise such power.

President Nixon may have been on good ground militarily when he made the decision on Cambodia, but he was on weak ground constitutionally.

CONFUSION AT CREDIBILITY GAP

Mr. CHURCH. Mr. President, two Washington, D.C., daily newspapers have carried dispatches from Southeast Asia that are at variance with the claims and expectations of the Nixon administration in respect to the extension of the war into Cambodia. The reports indicate that Americans themselves in Saigon are dubious about the premises and predictions of President Nixon himself.

The Washington, D.C., Evening Star, which editorially has supported our Southeast Asia involvement for many years, carried a page 1 commentary from its correspondent, Henry Bradsher, from Hong Kong. Mr. Bradsher states that President Nixon "presented an oversimplified prospect on peace or war." And he concludes:

> In the short-term military thinking which seemed to be the dominant thinking done on the decision, it was the easiest way and the most temptingly quick way. It was thinking in terms of the "war in Vietnam," but the war now reaches much wider.

An intriguing direct quotation from Samuel D. Berger, our Deputy Ambassador in South Vietnam, is contained in a column by Joseph Kraft that appeared in the Washington Post.

Writing from Saigon, Mr. Kraft begins his column:

> "For the next year or two most of the fighting will probably be in Cambodia and Laos," Deputy Ambassador Sam Berger said the other day.

The column then continues:

> And that offhand comment by one of the beakiest of the hawks here in Saigon explains why most of the Washington justifications for the Cambodian operations carry so little weight.

The Kraft column reviews the whole dismal record of our strategy and tactics in Indochina and then correctly concludes:

> A whole new war is on, and it is far too early to measure success or failure. Indeed, perhaps all that is clear is that anybody who needs a quick success is in bad trouble.

I ask unanimous consent that the two columns be printed in the Record at this point in my remarks:

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Washington Star, June 4, 1970]

Nixon Takes a Narrow View

(By Henry S. Bradsher)

Hong Kong.—President Nixon has presented one aspect of the Indochina war situation, an aspect favorable for the United States.

But there are other aspects.

Seen in its whole, the situation is not so favorable as Nixon's optimistic television report indicated.

The old Cambodian border sanctuaries have been pretty well cleaned out. But the significance of this now looks far less than Nixon had hoped on April 30 or claimed last night.

The reason is that the Communists are regrouping and developing new supply bases farther back in Cambodia from the South Vietnamese border. Hanoi shows no slackening of determination to go on fighting a long, tough war for control of Indochina, with South Vietnam still the main target.

Nixon said that before he ordered U.S. troops into Cambodia the Communists were trying to link up their separate sanctuaries.

Their extension into "one continuous hostile territory . . . would have meant a longer war," the President said.

So he ordered destruction of the sanctuaries, and the results have been better "than we had planned . . . anticipated . . . expected," Nixon said. "The purpose of ending the war in Vietnam . . . is being advanced."

This is taking a narrow view of the situation. The "war in Vietnam" itself is only part of the problem.

It is possible to argue—some observers in Saigon do—that the U.S. move into Cambodia has insured a longer Indochinese war, albeit at a lower level of fighting. If it doesn't become longer, certainly it's not noticeably any shorter, others argue.

A lower level of fighting will mean fewer Americans killed, the result that Nixon emphasized to an American audience.

For Cambodian and South Vietnamese audiences, however, there was not such cheerful news. Their prospect is continuous war, perhaps now less bloody in South Vietnam but more costly to Cambodia.

Only some of the increased fighting in Cambodia can fairly be attributed to the U.S. incursions, however.

The North Vietnamese and Chinese decision to help Prince Norodom Sihanouk oust the Lon Nol government from Phnom Penh had already been taken. The "summit conference of Indochinese peoples" on this was held in China in late April, about the time Nixon began to wrestle with the question of intervention.

Nonetheless, the main point of Communist military actions in Cambodia now seems to be developing and protecting areas from which they can continue to carry on the Vietnam war, with the overthrow of Premier Lon Nol only a secondary aim.

A curious result is developing from this situation.

With the Americans pulling back in one direction, into South Vietnam, and with the Communists being forced back in the opposite direction, into Cambodia, a buffer zone—leaky and imperfect, but still a sort of cordon sanitaire—is being developed.

It can only continue to exist by the efforts of South Vietnamese, and to a lesser or zero extent by Cambodian troops, who remain in that zone.

So the Asian allies—helped by U.S. planes—will be providing a short of shield for the U.S. soldiers who, Nixon emphasized, now enjoy greater safety.

But this should not be confused, as Nixon tended to do, with ending the war. It only means someone else is more exposed to attack than the Americans.

This is the old problem that has been plaguing Washington's claims about the war. It is the probable incompatibility of extricating American soldiers and of achieving an end to the war.

All the indications visible from here or from Saigon are that North Vietnam, which does not expect the war to end any time in the foreseeable future, would happily watch the Americans leave without changing its objectives.

Nixon presented an oversimplified prospect on peace or war.

Once again, he repeated that "we are ready to negotiate." But then, in again threatening "strong and effective measures" if remaining U.S. troops are jeopardized by increased Communist attacks, the President blurred things.

The possibilities are not limited simply to peace negotiations or increased atttacks. There is the middle course, which Hanoi seems to be following, of hanging on with fighting at approximately the same level, without border sanctuaries but with a strong support position in southeastern Laos and northeastern Cambodia.

Nixon did not deal with this awkward aspect of the problem.

There is another interesting distortion of alternatives in his speech.

The linking together of Cambodian sanctuaries was "a clear threat . . . to the security of our men in Vietnam," Nixon said. Had he failed to meet that threat, he indicated, America's allies would have lost confidence in the United States.

The President's implication was that the only way to meet that threat was by sending U.S. troops in Cambodia, so he had to do it for worldwide reasons.

There is debate in Saigon about the degree of the threat or whether that was the only way to meet it.

In the short-term military thinking which seemed to be the dominant thinking done on the decision, it was the easiest way and the most temptingly quick way. It was thinking in terms of the "war in Vietnam," but the war now reaches much wider.

[From the Washington Post, June 5, 1970]

LAOS, CAMBODIA LIKELY SCENES OF MOST FIGHTING UP TO 2 YEARS

(By Joseph Kraft)

SAIGON.—"For the next year or two most of the fighting will probably be in Cambodia and Laos," Deputy Ambassador Sam Berger said the other day. And that offhand comment by one of the beakiest of the hawks here in Saigon explains why most of the Washington justifications for the Cambodian operations carry so little weight.

For the Washington apologia are based on the standards of the war as it used to be. But, in fact, there is a whole new war here, featuring new commitments to a new regime in Cambodia. That entails new forces in being, new opportunities for the other side, and a new set of criteria to measure success or failure.

In the war as it used to be, the other side had settled down to a strategy aimed at countering President Nixon's Vietnamization program. The primary objective was to weaken and discredit the South Vietnamese regime by selective strikes against its installations and officials all across the country.

This strategy did not lend itself to counter attack by American and South Vietnamese forces. Even by American estimates enemy killed-in-action fell in the first quarter of this year by about fifty per cent—from 3,000 to 2,000 per week. And there were corresponding drops in enemy losses of weapons and supplies.

Set against that measure, the Cambodian venture registers a dramatic improvement by our side. Estimates of enemy killed-in-action soared to nearly 6,000 in the first week of May, and then held about 3,000 weekly. There were well-publicized discoveries of huge stocks of rice, weapons, ammunition and other stuff. The South Vietnamese forces showed a capacity to execute highly coordinated strikes on the ground and by air and sea. The operation looks, in short, like an unqualified success.

But in the process, American objectives in the war have been raised. The United States has acquired, or at least become credited with, a new protege. Rightly or wrongly, the general view here is that the United States intervened in order to save the Cambodian government which replaced the regime of Norodom Sihanouk—the new government of Prime Minister Lon Nol.

Thus, the Cambodian foreign minister, in a speech to the Djakarta conference of Asian nations on May 16, described his government as living in a state of siege, and then added: "We have been relieved by the help brought to us by the Americans and our South Vietnamese neighbors." A South Vietnamese intelligence officer with ministerial rank told Mike Wallace of CBS and this columnist that "the Americans panicked and intervened when it looked like the Lon Nol regime would collapse." President Nguyen Van Thieu told a group of American journalists that if the Lon Nol government lasted, President Nixon would do well in the congressional elections this year, and the election in 1972.

The view here, in short, equates American interest with the Lon Nol government. If not absolutely obliged, the United States is under heavy pressure to keep the Lon Nol government going. If that regime falls, the Cambodian operations will be called a failure.

Nobody knows exacty what it will take to keep the Cambodian regime alive. Not surprisingly there is an internal fight in Saigon as to what is required. One group, centering around Vice President Nguyen Cao Ky, favors a considerable forward commitment of South Vietnamese troops to knock out the enemy. Another group, centering around President Thieu, believes it will be enough to station just across the Cambodian border strike forces that can block any threats in the center of the country as they materialize.

Probably the Thieu approach will win—the more so as the President has American backing. Still, the sorting out will not happen overnight. It will be a long time. To use a metaphor employed by a leading American commander here, before the South Vietnamese army gets over its night on the town and goes back to work.

That leaves two new openings for the Communists. In Cambodia, the Communists have the obvious possibility of doing what they refrained from doing under the Sihanouk regime. They can develop a countrywide guerrilla movement based in the rural areas. Given the urban focus of the present regime in Phnom Penh, the organization of a peasant resistance looks like child's play.

In South Vietnam, the massing of government forces on the Cambodian front exposes what one Communist leader calls "holes" behind the line. The other side is in better position than ever to pursue low level attacks on major government installations. The seizure of Dalat—which is a kind of government vacation spot—over last weekend is a perfect case in point.

Perhaps the Communists will miss these opportunities. It may be that they are too weak to get moving in Cambodia, or to step up their actions here in South Vietnam. It may even be that the decisive constraint will be the losses suffered as a result of the joint American and South Vietnamese operation against their former sanctuaries in Cambodia.

But that is not the point. The point is that the Cambodian operation cannot be measured by the standards of the old war. The numbers of enemy killed, the amount of supplies seized, and the improved performance by the Saigon forces are not the kind of factors they used to be. A whole new war is on, and it is far too early to measure success or failure. Indeed, perhaps all that is clear is that anybody who needs a quick success is in bad trouble.

BEHIND THE KHAKI CURTAIN

Mr. CHURCH. Mr. President, occasionally the khaki curtain in Saigon is raised and the American people catch a glimpse of the true state of affairs in South Vietnam. Such an occurrence took place in the New York Times recently.

Terence Smith, a Times correspondent in Southeast Asia, led off his analysis in this fashion:

> There is widespread doubt among the most experienced American observers in South Vietnam that current United States policies will bring lasting peace.

Mr. Smith reports that "at the root of the pessimistic outlook are serious and widely held doubts" about:

First. The efficacy of the Nixon administration's much publicized Vietnamization program.

Second. The wisdom of our military extension into Cambodia.

Third. The effectiveness of the South Vietnam Government.

Fourth. The fragile nature of the civil pacification program.

In addition, the analysis points out, the creation of a sound political formula has eluded policymakers. An Army major is quoted as saying:

> Vietnamization, by itself, won't produce any kind of peace in this country, just or otherwise. Unless it is matched by some sort of political settlement, Vietnamization just means that the fighting will go on and on. But instead of Americans killing Vietnamese, you'll have Vietnamese killing Vietnamese.

Interestingly enough, according to the analysis:

> Gen. Creighton W. Abrams, commander of United States forces in Vietnam, has indicated to friends that he feels that President Nixon drastically oversold the (Cambodian) operation and enlarged its goals beyond realizable dimensions.

I ask unanimous consent that the Times article be printed in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

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[From the New York Times, June 3, 1970]

U.S. AIDES IN SAIGON QUESTION POLICY

(The following assessment of the situation in Indochina was written by the chief of the Saigon bureau of The New York Times, who has just completed a 15-month assignment in South Vietnam.)

(By Terence Smith)

SAIGON, SOUTH VIETNAM, June 1.—There is widespread doubt among the most experienced American observers in South Vietnam that current United States policies will bring lasting peace.

Although 110,000 American troops have been withdrawn from Vietnam and enormous strides have been made in pacification in the last 18 months, the United States still faces vast problems in extricating itself.

At the root of the pessimistic outlook are serious and widely held doubts about the following:

The efficacy of the Vietnamization program, which has yet to face major challenges.

The wisdom of the extension of the war into Cambodia, which, despite the immediate military gains it may achieve, seems likely to complicate American efforts to disengage and may eventually involve the United States—step by painful step—in the defense of yet another weak and uncertain government.

The effectiveness of the Saigon Government in dealing with increasingly serious economic and political problems in South Vietnam.

The nature of the progress achieved in the pacification program, which remains fragile and subject to the enemy's will.

Finally, there is a conviction that United States policies fail to come to grips with the central element in the Vietnam puzzle: the need for a negotiated political settlement that reflects the true balance of power among the Vietnamese people.

"We won't solve this war by cleaning out the base areas in Cambodia, or even by replacing American troops with South Vietnamese," an American who has spent five years in Vietnam said the other day.

"We have to go to the heart of the matter and find an acceptable way of distributing political power among the Vietnamese. That's what the fighting is all about, and it won't stop until we solve it."

The skepticism about American policy is shared in many quarters in Vietnam—by young, dedicated Americans working at the province and district level, and by independent observers, including journalists and foreign diplomats. It is greatest among those whose jobs permit them to travel around Vietnam.

The attitude is also evident among educated, independent South Vietnamese, people outside the Government who are deeply concerned about the future of their country after the American disengagement.

A TRACE OF BITTERNESS

Through the remarks of all those people runs a common theme: No lasting peace is possible without a political solution.

"Vietnamization, by itself, won't produce any kind of peace in this country, just or otherwise," a 31-year-old major who works as a district adviser in the pacification program said recently with more than a trace of bitterness.

"Unless it is matched by some sort of political settlement, Vietnamization just means that the fighting will go on and on. But instead of Americans killing Vietnamese, you'll have Vietnamese killing Vietnamese."

Many people here, like the major, acknowledge that Vietnamization will eventually get American soldiers off the battlefield—though not necessarily out of the country—but they insist that it will not end the war or produce a just peace.

Behind that belief is the conviction that the enemy continues to have the necessary strength, spirit, manpower and determination to continue the struggle in South Vietnam—and Laos and Cambodia—for the foreseeable future. Few military men here dispute that assessment of the Communists' capability.

LOST IN THE FUROR

President Nixon's offer, in his address April 20, to discuss at the Paris peace talks "a fair political solution [reflecting] the existing relationship of political forces in South Vietnam" had barely begun to sink in when it was lost in the furor caused by the invasion of Cambodia 10 days later. It may have been, as one American here described it, "the first casualty of Nixon's decision to go into Cambodia."

The senior members of the American military command are visibly defensive about the Cambodian operation and the controversy it has caused. They insist that it was a militarily justifiable tactical operation that got caught up in larger strategic and political questions.

Gen. Creighton W. Abrams, commander of United States forces in Vietnam, has indicated to friends that he feels that President Nixon drastically oversold the operation and enlarged its goals beyond realizable dimensions.

The general has said that the real purpose was to put a dent in the enemy's supply system and not, as Mr. Nixon suggested, to overrun and clean out the Communist headquarters.

The greatest peril in the Cambodian venture seems to lie in the period after June 30, when the Americans have withdrawn and the South Vietnamese are likely to continue their operations. The consensus here is that the President is going to find it far harder to get Americans out of Cambodia than it was to send them in.

CHOICE FOR AMERICANS

In the short run the Americans may be faced with the choice of either going to the aid of the South Vietnamese or watching them flounder if they come under heavy pressure. In the long run the United States could find itself committed by proxy, as a result of South Vietnamese pledges and actions, to the defense of the shaky Government headed by Premier Lon Nol, which displaced Prince Norodom Sihanouk.

If the South Vietnamese become overextended in Cambodia, the Americans are going to find it correspondingly difficult to carry out their withdrawals from Vietnam on schedule.

Apart from the complications of the Cambodian venture, Vietnamization faces other serious problems. So far a total of 110,000 Americans have been pulled out of Vietnam, leaving 429,000 behind. The real test will come in the next year, during which 150,000 more will have been withdrawn and the South Vietnamese are to take on the heavy fighting.

The first and most obvious danger is military. For the last four years the large American combat divisions have effectively manned the front lines. They have pursued the main North Vietnamese and Vietcong units relentlessly, gradually driving them from populated areas into the jungles and mountains along the Laotian and Cambodian borders.

As Vietnamization advances, the South Vietnamese divisions will take on the task while the remaining American units fall back into something approaching garrison duty. Their safety and that of an additional 250,000 or more Americans providing combat and logistical support will depend on the South Vietnamese.

HIGHER TOLL FORESEEN

Even conceding substantial improvement in the quality of the South Vietnamese armed forces, it is hard to imagine them coping with divisions of North Vietnamese regulars as effectively as the Americans did. The result may be significantly increased casualties—American as well as South Vietnamese—in the later stages of the withdrawal process.

Another consequence may be strikingly reduced security in certain areas of the countryside, most notably in the northern half of the country.

In the northernmost area, I Corps, the enemy has more than 20 battalions of fresh, well-equipped regulars in the vicinity of the demilitarized zone, and it has the capacity to reinforce them with up to three divisions at any time.

When the three divisions of Americans that are stationed there are withdrawn, the South Vietnamese will have to take on the job of patrolling along the demilitarized zone and protecting the coastal cities of Quangtri, Hue and Danang. At the very least, they will require reinforcements, and it is not clear from where additional troops would come.

There is a parallel situation in II Corps, the area south of the border region, where mountainous terrain and bad communications are a tangible asset for the enemy.

As a result of years of intensive allied operations, the Communists have been pushed from the heavily populated coastal plain into the mountains. Once the Americans are gone the South Vietnamese may be hard-pressed to keep them there.

IMPACT ON SHAKY ECONOMY

Vietnamization will also have a drastic impact on South Vietnam's already shaky economic structure. The country earns more than 90 per cent of its foreign currency from Defense Department outlays and private spending by American soldiers. As the withdrawal proceeds the supply of dollars will be cut back just when they are most needed to bolster a sorely weakened economy.

In addition, the approximately 145,000 Vietnamese who are directly employed by United States agencies and companies will have to find jobs.

Those bleak prospects are considered by knowledgeable people here to be a principal threat to the stability of the Government of President Nguyen Van Thieu.

The domestic political and economic situation has deteriorated dramatically in recent months. While the attention of the world has been riveted on Cambodia, Mr. Thieu has been coping with just about the noisiest political crisis since his election.

Rather than working to rally his non-Communist political opposition behind him, as the United States Embassy has been urging him to do lately, President Thieu has come down hard on any group that has challenged his authority or criticized his regime. Individuals with the temerity to speak out have been prosecuted and jailed. Groups that have expressed their complaints in public demonstrations have been teargassed and beaten by riot policemen.

Now there is a rising tide of criticism of the Government in newspapers and the National Assembly that can only be expected to increase during the Senate election this fall and the presidential contest next year.

In addition, Mr. Thieu has failed to create anything approximating a national party that might be capable of mobilizing the country in preparation for a political battle with the Communists. Instead, his basic distrust of politicians—he was a general—and his reluctance to share power remain as great as ever.

A DISTRESSING SITUATION

Mr. CHURCH. Mr. President, for some time many of us in the Senate have sensed that military considerations have been permitted to overwhelm the larger political and diplomatic aspects of foreign policymaking. This is not a new

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weakness, but it is a distressing one nevertheless, particularly in view of the avowals of the Nixon administration when it came to office in January 1969.

A newspaper column by Peter Lisagor, appearing in the Evening Star, sets forth details of this military approach to foreign affairs. The State Department is not an institution without flaws. But the less it is permitted to exercise its proper role in foreign policy, the less capable it becomes of doing so. It is, indeed, time for a change.

I ask unanimous consent that the informative article by Mr. Lisagor be printed in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Star, June 3, 1970]

STATE FEELS LEFT OUT ON WAR

(By Peter Lisagor)

To the surprise and chagrin of diplomatic officials here, President Nixon apparently considers the Cambodian invasion and the present status of disengagement from Vietnam in strictly military terms.

His failure to include any top-level State Department official in his weekend meeting at San Clemente, Calif., underscores what diplomatic sources believe to be an indifference to the political implications of his moves in Southeast Asia.

It further downgrades, in their judgment, the ultimate necessity to find a negotiated solution to the war, even though the Vietnamization process can be carried out in theory without concern for the political outcome of the conflict.

Moreover, the absence of a high diplomatic official plainly tends to minimize the role of the State Department in the development of a policy with international consequences of a political nature.

Diplomatic sources say they have no explanation for the exclusion of a top departmental adviser.

Secretary of State William P. Rogers could not have attended personally inasmuch as he returned to the United States Sunday night from Europe.

But the two undersecretaries of state, Elliot Richardson and Alexis Johnson, have been intimately involved in Vietnam policy councils, and either could have represented Rogers, the sources said.

It is assumed that the President wanted a "progress report" from Gen. Creighton Abrams, allied commander in Vietnam, and other top brass on military operations in Cambodia and South Vietnam. But diplomatic officials regard the military and political factors as so closely linked as to require concerted attention.

Nixon has been criticized in Congress for appearing to ignore the peace talks in Paris. He has yet to replace Henry Cabot Lodge as chief negotiator and has left the task in the hands of a career Foreign Service officer, Philip Habib.

The North Vietnamese have refused to negotiate seriously with Habib and have turned over the desultory meetings in Paris to second-level representatives.

Administration sources say that Henry A. Kissinger, the President's assistant for national security affairs, attended the California meeting and undoubtedly will inform top State Department officials about the discussions.

But to the veteran diplomats, that hardly explains what they view as a serious rebuff to the operational and policy-making role of the State Department.

DEEPER IN THE MORASS

Mr. CHURCH. Mr. President, as I have previously stated, the preponderance of editorial comment that has reached me is critical of our engagement in Cambodia. The Vice President would have us believe that this criticism is restricted to a handful of "eastern" newspapers and periodicals. This is not so.

The Chattanooga, Tenn., Times has spoken out in an editorial entitled "Deeper in the Morass?" The editorial underscores inconsistencies in the Presidential decision. I wish to cite several passages:

> Six weeks or so from now, we can expect claims of success to emanate from Saigon and Washington. But we have listened to these claims for eight years, and one by one they have proved to be exaggerated at best. In the end, it may be impossible to judge what actually has been accomplished.
>
> At best we can expect major cuts in the Communist supply lines and meaningful destruction of war materials, blunting for a time their ability to attack across the border; all this accompanied by withdrawal of our forces back into South Vietnam; and unaccompanied by Chinese entry into the war.
>
> There was a time when cleaning out the Cambodian rats' nest might have been an effective move. We are trying to do it now within a context of withdrawal; and it seems to us it can have little lasting meaning unless President Nixon puts the whole policy of withdrawal on the block. Such a move would be disastrous domestically and internationally.

In its concluding paragraph, the editorial quotes approvingly an observation:

> There is something basically illogical about getting involved in Cambodia when our fundamental policy is to withdraw from neighboring South Vietnam.

I ask unanimous consent that the text of the editorial be placed in the RECORD at this point in my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DEEPER IN THE MORASS?

The commitment of thousands of American troops to the Cambodian fighting, unannounced for 24 hours after the American backing for the South Vietnamese Parrot's Beak operation was revealed, was such a stunning surprise—even to many officials high in our own government—as to lend an air of unreality.

There are indications this was a last-minute decision.

For Mr. Nixon acted even as *Time* magazine hit the streets quoting a White House aide: ". . . the last thing we want is involvement of U.S. ground troops in Cambodia."

Still virtually wet was the ink in Thursday's *Wall Street Journal,* like *Time* a supporter of Vietnamese policy through three administrations, quoting a State Department official as saying flatly: "Richard Nixon is not—repeat not—going to commit American troops to Cambodia in an election year."

The same article quoted Sen. Stennis as opposing the step. Now, the Senator is in support. Sen. Goldwater had been against; and now is for, in that mysterious alchemic process that has led us down the road of protracted tragedy before.

If the employment of air and other support to the Vietnamese was so risky as to bring the near-total opposition of the Senate Foreign Relations Committee, why are American rather than Vietnamese troops being used in the Fishhook? In his distressing message of Thursday night, the President did not say. But there could be only one reason, providing this move is not simply a taste for war: We do not feel the Vietnamese alone can handle the job. All of which does not speak for the Vietnamization that Mr. Nixon said only a few days ago was proceeding so satisfactorily that "we finally have in sight the just peace we are seeking."

Now, the President puts the Cambodian invasion importantly in terms of a move of absolute necessity to the security of American forces in Vietnam, the withdrawal timetable and even our national destiny.

Quickly granting that the North Vietnamese have committed naked aggression in Cambodia now for years, and that their troops recently and increasingly threatened the Cambodian government, could the strategic security situation possibly have changed that much in the brief time since Mr. Nixon said things were going so well that another 150,000 Americans could be pulled out?

We do not believe it.

The decision seems more designed to "save" the Cambodians, and to grasp an opportunity to lead from strength in smashing the enemy, than it was defensively designed to improve security in South Vietnam.

As such, its aims are perfectly legitimate. We do not agree with Sen. Muskie's insistence at this point upon negotiation to end the Vietnamese war. There, the prospects are bleak. The Communists are as yet not interested.

But can it succeed?

Mr. Nixon speaks grandly of destroying the headquarters of COSVIN, hub of the entire enemy effort in that secton of Indochina. The Americans and South Vietnamese will indeed capture some enemy supplies and weapons and destroy some facilities. But the enemy has proved masters of mobility before. It is quite certain that their plans have included the possibility of just such an attack as was launched Wednesday.

And on the ground in the Parrot's Beak, Correspondent James Sterba of *The New York Times* reported that many enemy units had pulled out, albeit in a hurry, carrying supplies with them. He quoted several South Vietnamese and American officers as complaining that commanders waited too long in beginning the thrust, one American saying, "I think if we would have come in here a day earlier, we would have gotten them. But we waited in Tay Ninh for four days and everybody there knew something big was up."

The cost, meanwhile, in American casualties and American lives is escalated.

We must hope, as we have hoped so often in vain before, for success.

The more one listened to the President Thursday night, and the more he spoke of putting his political future on the line, the more impression of confidence one received.

Six weeks or so from now, we can expect claims of success to emanate from Saigon and Washington, But we have listened to these claims for eight years, and one by one they have proved to be exaggerated at best. In the end, it may be impossible to judge what actually has been accomplished.

At best we can expect major cuts in the Communist supply lines and meaningful destruction of war materials, blunting for a time their ability to attack across the border; all this accompanied by withdrawal of our forces back into South Vietnam; and unaccompanied by Chinese entry into the war.

There was a time when cleaning out the Cambodian rats' nest might have been an effective move. We are trying to do it now within a context of withdrawal; and it seems to us it can have little lasting meaning unless President Nixon puts the whole policy of withdrawal on the block. Such a move would be disastrous domestically and internationally.

All in all, the *Wall Street Journal*, a day before the American foray, had precharacterized the matter aptly in quoting a United States general with considerable experience in Vietnam:

"There is something basically illogical about getting involved in Cambodia when our fundamental policy is to withdraw from neighboring South Vietnam."

"TIME TO COME HOME"

Mr. CHURCH. Mr. President, "It's time to come home."

With that sentence, an influential publisher, John S. Knight, concludes his column on Southeast Asia, as published in the Boise, Idaho, Statesman on May 24, 1970.

After 50,000 American servicemen dead and an expenditure of more than $110 billion in Southeast Asia, we have "not singed the whiskers of a single commissar in Moscow or Peking," as another American editor, Wallace Carroll, vividly has phrased it.

Mr. Knight suggests that "mental laziness has led to the proliferation of dangerous myths which, unfortunately, cloud our thinking on many important issues." He lists two. One of these is the myth of "victory," although successive presidential administrations have referred to our Vietnam involvement as that of fighting a limited war for limited objectives. A second myth is that we must live up to our "commitments." Mr. Knight correctly points out that no treaty has been ratified by the Senate which states that the United States is automatically bound to provide South Vietnam with military forces.

Mr. Knight concludes on this proper note:

> To those who remonstrate with our failure to slavishly back the President, let the answer be made that we seek not to drive him from office but to help persuade him that a continuation of the war to save Asia risks the destruction of America in the process.
>
> It's time to come home.

Indeed, it is, Mr. President.

I ask unanimous consent that Mr. Knight's persuasive column be printed in the RECORD at this point in my remarks.

There being no objection the article was ordered to be printed in the RECORD, as follows:

[From the Boise (Idaho) Statesman, May 24, 1970]

ASIAN WAR: TIME TO COME HOME

Lyndon Johnson used to be fond of quoting from Isaiah, "Come now, and let us reason together."

How unfortunate it is that this wholly admirable precept is today almost totally ignored in the shallow sounding of a strident society.

For when, if ever, is one able to engage in a rational dialogue on any subject—be it the war in Indochina, campus revolts, the President of the United States or our sagging economic situation?

As the old saw goes: "It's not the things you don't know that get you into trouble, it's the things you know for sure that aren't so."

So many of us are so certain about everything, and never mind hearing the other side or even sides of an issue or question. What passes for courage in taking a position may actually be a manifestation of ignorance. To arrive at firm conclusions without adequate information is a form of frightening self-delusion.

In these days of tube-fed trivia and slovenly reading habits, America's intellectual underdevelopment is indeed a worrisome thing.

We come to judgments without bothering to examine the facts. We know for sure the things that aren't so. Such mental laziness has led to the proliferation of dangerous myths which, unfortunately, cloud our thinking on many important issues.

An example: When the New York Times interviewed a number of lower Manhattan demonstrators who support President Nixon's march into Cambodia, printer John Nash made this statement: "We've got to beat the Communists somewhere. So we're fighting them. Victory. No substitute for victory."

Mr. Nash, a veteran of World War II is a good and patriotic American. His devotion to flag and country is admirable. Yet his assumptions are based upon a cruel myth.

For we have not turned back communism in Southeast Asia, nor are we likely to do so. In the 16 years that we have been helping South Vietnam, the two great Communist powers—Russia and Red China—remain completely untouched.

The latest casualty figures reveal that 42,118 Americans have been killed and 278,006 wounded since 1954. Cost of the war exceeds $100 billion and is continuing at the rate of $25 billion a year.

Yet, as Wallace Carroll of the Winston-Salem Journal and Sentinel observes, "we have not singed the whiskers of a single commissar in Moscow or Peking."

Now as to the "victory" myth. It has long been iterated and reiterated by our government that "we are fighting a limited war for limited objectives." So wherein lies the hope of victory?

Another myth propagated by the Johnson administration and accepted under Nixon is the statement that we must live up to our "commitments."

No treaty was ever negotiated or ratified by the Senate which stated that the United States was automatically bound to provide South Vietnam with military forces.

Under the SEATO pact and in the event of aggression, the signatory powers were obligated only to act "in accordance with their constitutional processes." This provision was never implemented by the United States.

The famous Eisenhower letter of October 24, 1954, to the late President Ngo Dinh Diem of South Vietnam is often cited by the interventionists as a "commitment."

In this communication President Eisenhower promised military and civilian advisers, war materiel, economic and technical assistance in exchange for certain "needed reforms." The reforms were never made and for nine years only a few fighting men went to South Vietnam.

Yet the commitment myth still persists in the minds of the State Department and the Pentagon, and in all likelihood at the White House.

A sizable sector of our citizenry is obsessed with the notion that either we must defeat the Communists or they will defeat us.

From a military standpoint, the United States could not possibly "defeat" either Russia or Red China in conclusive fashion. The Russians, if we can believe Defense Secretary Laird, are approaching parity in the arms race. And the Red Chinese will number a billion by 1980.

A nuclear war with Russia might be our last one.

What should concern all Americans is the mounting evidence that we are in the process of being destroyed by the Communists without the loss of a single life to them.

The cost of our Indochina adventure is bankrupting the country, and fanning the flames of a ruinous inflation which consumes our savings and pensions. Billions spent upon Indochina are sorely needed for our domestic needs.

If the Communists had arranged this nation's course, no more devious plan for our destruction could have been devised.

The war and campus riots have polarized our thinking to an alarming degree. Many people class all demonstrating students as hippies or Yippies or even revolutionaries.

Yet the fact is that the vast majority, despite their concerns and outward protests, are seeking only a better world for themselves and all mankind.

The President, by using the term "bums" to describe a group of demonstrators, served only to widen the gap between young and old.

The vice president, by observing that the anti-war demonstrators in Washington included "a lot of students on a typical spring lark more inclined to get into the fountain than listen to the speeches," revealed a typical insensitivity to what the students were attempting to say to the country.

Wiser counsel comes from John E. Sawyer, president of Williams College where there has been no violence or threat of violence on the campus. Mr. Sawyer says: "The great majority or reasonable and constructive young people care intensely about the best in America and are desperately worried about where it is headings.

"If the leadership of this nation," President Sawyer continues, "does not stop and listen to them, it is simply playing into the hands of extremists by undercutting the basic trust of youth in the processes of government and even the traditional goals of our society."

Some politicians and many older people abhor the thought of reducing the voting age to 18 or 19. Yet at the same time they maintain that change should come through our established institutions.

How better could we enlist the interest of young people in working for progress through the system than by giving them freedom of the ballot?

Finally, and when all other arguments are exhausted, the indignant citizen attempts to clobber his adversary by saying: "We should all stand back of our President. He knows more than we do."

I yield to no one in my desire to support the President.

Yet there are times when one must take issue with the President on substantive questions—the war, economic policy and the fomenting of unnecessary divisions within the country.

That is the precious right of every citizen and its exercise infuses vitality into our democratic processes which have survived for nearly two centuries under the Constitution.

To those who remonstrate with our failure to slavishly back the President, let the answer be made that we seek not to drive him from office but to help persuade him that a continuation of the war to save Asia risks the destruction of America in the process.

It's time to come home.

A MARINE'S WIFE AND FIVE SERVICEMEN WRITE AGAINST THE WAR

Mr. CHURCH. Mr. President, in recent days there have begun to arrive at my office letters from servicemen and their families protesting the Vietnam war.

I have selected seven of these letters,

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withholding names to avoid any possibility of retaliation.

One serviceman writes that he is compelled, at long last, to write because he refuses any longer to be what he terms: "the 'silenced majority,' maybe the 'muffled majority.'"

I ask unanimous consent that these letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

MAY 20, 1970.

DEAR SIR: One and a half years ago I was a resident of Boise and a freshman student at Boise State College. Today I am a member of the U.S. Navy Hospital Corps.

Being a member of the Armed Forces, I am forbidden to participate in any form of nonviolent protest against the course of my country in the Indochina war. This is a helpless feeling, but I can, by writing to you and expressing my views, do the next best thing.

I am ashamed to say this is the first move I have ever made to voice my opinion of the war and the policies of my country toward it. Better late than never.

I have little to say, but I do think I have an obligation to say it.

First: We don't belong in Indochina

Second: Put the power to wage war into the hands of Congress where it belongs

Third: Praise to you for your support of the McGovern-Hatfield Amendment

Thank you sir, in every way, for being so deeply involved on both State and National levels, in standing up for the ideals you believe in.

Senator FRANK CHURCH,
U.S. Senate,
Washington, D.C.

DEAR SIR: I heartily support your amendment to cut off funds for the wars in Cambodia, South Vietnam, & Laos.

I only hope more can be done.

DEAR SENATOR CHURCH: I am a member of the "silent majority", but I feel as though it could be more aptly termed the "silenced majority" or maybe the "muffled majority".

Over the years we have felt the awesome bigness of the government spreading over us like giant rain clouds billowing up from the horizon. Our silence is held as a simple expression of approval, when in reality it is a deadening numbness created by those dark clouds whose haunting presence continually reminds us that we are just little people with an inherited responsibility to wave the flag on the 4th, go to polls in November, dutifully take up arms at the government's will, and to, quite frankly, keep our damn mouths shut.

Let me offer my support of your courageous legislation to stop American military action in Cambodia and your valiant efforts in "seeding the clouds of governmental authority". You are helping to make that vast "muffled majority" aware of what the military is actually doing in Southeast Asia: killing people!

MAY 10, 1970.

SENATOR CHURCH: I am a soldier currently serving in the Republic of Vietnam. I feel I have been silent far too long. I am not a member of the President's "silent majority" and do not wish my silence to be construed as such. Therefore, I am writing to you.

First, let me congratulate you in your efforts to block the President's usurption of power in Cambodia. It is reassuring to know the people of America still elect men of your convictions.

Senator, I further urge you to do all within your powers in your battle to curtail military expenditures in Cambodia, to assure that effective legislation is passed that would accomplish this end. I do not feel that the President will honor his pledge to withdraw Cambodian invaders from that nation. Why else do his Congressional supporters fight so hard to see that your proposed restrictions are not passed?

Our Constitution calls for the Legislative Branch to act as a censure to assure that the Executive Branch does not misuse it's powers. I feel that the President has done so and that only through the efforts of men like yourself can this grave mistake be corrected.

DEAR SENATOR CHURCH: At this given time, I would like to state my complete support of all of your policies thus far, and commend you on your proposals for the future. I can honestly say that I consumately believe in your superlative integrity, and I offer my unmitigated support, as I said before to all of your future endeavors! You in my sincere estimation epitomize the kind of American that all should be proud to know. I have watched you and your subsequent actions with a clinical eye thus far, and I certainly have not been disappointed by what I have observed and heard!

In summation, I would like to say that I am proud that individuals of your superlative calibre are United States Senators, and I wish you the best of luck and God's speed and good fortune in your future plans.

God bless you,

MAY 22, 1970.

DEAR SENATOR CHURCH: My husband is in the United States Marine Corps and has been stationed in Viet Nam since July, 1969. He is one of the most patriotic men I have ever known.

But since he has been in Viet Nam he has become terribly disillusioned with our government. He says our men feel they are being kept there because the American economy would fall apart if they were withdrawn. What a sad plight our young men have been thrown into!

I beg of you, Senator. Please do not allow the possible death of my husband and countless innocent men. Please support the Hatfield-McGovern Amendment.

DEAR SENATOR CHURCH: Congratulations on your proposed bill to limit funds for Cambodian operations.

The time to end this tragedy is long past.

My role over here is very slight. But I do know the feelings of some of my buddies here. Many support Nixon, but an equal number feel we are only digging ourselves in deeper.

Many of us resent being lumped into a vast undifferentiated generality as "our boys over there." It may be easy for one to think of us in such terms and thus use us as an incontestable bloc of silent support for whatever policy is thought to be necessary. However, it is not generalities who bear the blunt of those policy decisions—it is individuals, the loss of each bring a tragedy to our country.

I do not feel our country's future or pride is attached to the future of South Vietnam. We have done our best to infuse these people to assume responsibility for themselves. The future of this country rests in their hands, not in our assistance programs. Our country is not a pitiful, impotent giant. Instead, it is a pitiful impotent personality which demands that our posture be that of a present-day goliath.

If sanity and reality is to be returned to our collective national awareness, then men such as yourself—representatives of the people—must assume the responsibility for that action.

DIVERSE GROUPS SPEAK OUT ON CAMBODIAN VENTURE

Mr. CHURCH. Mr. President, the malaise over Cambodia continues to spread through both professional and non-professional ranks. Some of these occupational groups are normally noted for reticence when it comes to speaking out against government policy. However, the American intervention in Cambodia has changed this.

For example, Mr. President, I cite a brief article in the New York Times on May 24, 1970, that reported a 'march for peace by an estimated 500 nurses and student nurses; a statement by Jacob S. Potofsky, president of the Amalgamated Clothing Workers of America, splitting with organized labor by announcing his opposition to the war; a notification by the American Institute of Planners that its Board of Governors has urged the 6,000 AIP members to oppose "escalation of the American involvement in Indochina;" and, finally, an announcement that the Senate of the Academic Council of Stanford University has voted overwhelmingly to "condemn the war in Southeast Asia."

I ask unanimous consent that these items be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 24, 1970]

Five hundred nurses and nursing students, about two-thirds of them in white uniforms, marched from Bryant Park down Fifth Avenue to Union Square yesterday singing, "All we are saying is give peace a chance."

They wore buttons reading "Nurses for Peace," the city-wide organization that had been preparing the parade for the last week, and carried signs saying, "Thou shalt not kill to honor America" and "No system can endure that does not march—Florence Nightingale."

Passers-by gave the smiling, singing young women a generally sympathetic response, saluting them with the "V for Peace" sign or simply saying "Peace."

[From the New York Times, May 25, 1970]

POTOFSKY, IN LABOR SPLIT, DENOUNCES WAR POLICY

(By Emanuel Perlmutter)

ATLANTIC CITY, May 24.—The head of one of the nations' largest trade unions broke today with the leadership of the American Federation of Labor and Congress of Industrial Organizations and condemned the Vietnam and Cambodian war policies of the Nixon Administration.

Jacob S. Potofsky, president of the 417,000-member Amalgamated Clothing Workers of America, praised the United States Senators who have been seeking to cut off funds for further military operations in Cambodia.

"Let us pray that success may crown their efforts," he said in an interview on the eve of the union's 27th biennial convention, which opens here.

"Congress must exercise its constitutional responsibility of not leaving the war-making decisions to the President alone," he added.

The American presence in Cambodia has been supported by George Meany, president of the A.F.L.-C.I.O., who said two weeks ago that he spoke for nine-tenths of the federation's 35-man Executive Council. Mr. Potofsky is a member of the council.

In opposing the federations' stand, Mr. Potofsky joined a number of labor leaders who are critical of the Cambodian decision. On the West Coast, 451 union officers last week signed newspaper advertisements opposing the move.

Criticism of the Administration's war policies is also contained in the text of Mr. Potofsky's keynote address tomorrow before 1,500 delegates.

"Our members, like all working people and like the majority of all Americans, want peace," he says in his prepared speech. And they want peace now, without delay, without further military adventures, without more killings.

"I talk of peace now. If we do not end our involvement in Southeast Asia, which is tearing us apart, our nation and the democratic processes are in danger of dying."

Mr. Potofsky says in the speech that the Cambodian invasion is hurting chances to bring peace in the Middle East.

"A damaging consequence of the Cambodian maneuver is the definite weakening of American power to influence the situation in the Middle East," he says.

Mr. Potofsky says in the speech that the war in Southeast Asia has done "great damage to the spirit of America."

"A climate of fear has descended upon our land," he says. "The war has set men against each other. It has caused division between the people and their Government. It has aroused suspicions and false accusations. It has brought back some of the McCarthyism era—an evil which we all hoped would never reappear."

AMERICAN INSTITUTE OF PLANNERS,
Washington, D.C., May 20, 1970.

U.S. Senate,
Washington, D.C.

XUM

DEAR SENATOR: I would like to bring to your attention the attached letter, which the Board of Governors sent today to all 6000 members of the American Institute of Planners. It urges them to take a stand against escalation of the American involvement in Indochina. The diversion of American energies and resources and the climate of polarized dissent currently reacting to our Cambodian involvement seriously hamper the professional planner's ability to help solve crucial physical, social and environmental problems which require political consensus for action.

The American Institute of Planners is the national professional society of urban planners. Its members work for city, county, regional, state and national government, as well as with consulting firms whose clients are largely public agencies. Their main daily concern is with the crucial issues of urban growth and environmental and social balance which require constant setting of financial and other priorities to program improvements and development into the future.

Overwhelming grassroots requests from members of AIP encouraged the Board to call a special session via telephone to discuss and take official action on this issue.

Sincerely yours,
THOMAS H. ROBERTS,
AIP Executive Director.

AMERICAN INSTITUTE OF PLANNERS,
Washington, D.C., May 20, 1970.

DEAR AIP MEMBER: I am writing this letter to each of you on behalf of the Board of Governors of the American Institute of Planners on a matter which we unanimously feel has reached crisis proportions, which endangers the very foundation of our society, and which seriously curtails the ability of professional planners to do their job of helping to solve America's domestic urban and regional problems.

To those of you who may not agree with the position set forth below, we only ask that you read the entire letter and make your own determination as to what your own personal action should be.

The recent escalation of the war in Indochina, the killing of students at Kent State University and Jackson State College, and the rampage by New York City construction workers, have all caused the most severe rift in the social fabric of this nation. If something is not done, and done soon, to change this situation, there is grave danger that the democratic structure of our society may be shattered permanently.

This is an issue which transcends our concern as individual American citizens. It goes to the heart of our ability as professional planners to do our job effectively, in at least two ways. First, our work as planners in the improvement of our nation's physical and social environment is totally frustrated by the misdirection of its resources, energies, and attention. We deplore this diversion even though we know that every dollar not spent militarily is not necessarily and automatically available for domestic programs which planners support. Second, our ability to reach the kinds of consensus on which planning must depend for its consideration and implementation is seriously hampered by the widening divisions between races, classes, generations and polarized political convictions.

We deplore the rhetoric which equates withdrawal with defeat, rather than recognizing that it would constitute merely the ratification of a dreadful error of judgment which misconceived both the nature of Southeast Asia's underdeveloped society and the American interest in that part of the world. A continuation of this type of rhetoric deepens domestic divisions and raises a specter of reaction and repression too real to be ignored.

We deplore this country's continued military involvement in Southeast Asia and believe that it should be brought to an end with maximum speed, conditioned only by assuring the safe withdrawal of our troops now there. We applaud the President's stated commitments toward this end, but we urge that they be intensified and strictly adhered to.

We, therefore, ask each member of the American Institute of Planners to think through clearly the momentous alternatives that are now before this nation, and to express his or her commitment through active representations wherever decisions are made—in the Administration, Congress, state houses, and state legislatures—so that planners and all citizens may again become engaged in healing the divisions in our society and is raising American civilization to that level of excellence which it could easily attain if only this nation's energies and resources will be direct to that end.

Sincerely yours,
WALTER J. MONASCH, AIP,
President, on behalf of the Board of Governors, American Institute of Planners.

STANFORD UNIVERSITY,
Stanford, Calif., May 13, 1970.

To the Honorable Members of the United States Senate and House of Representatives

DEAR SIR OR MADAM: I am commissioned to transmit to you officially the enclosed copy of a resolution which was adopted on May 7, 1970, by the Senate of the Academic Council of Stanford University by a vote of 40 to 7.

In addition to 11 ex officio non-voting members, this Senate is composed of 53 Representatives elected by proportional representation from the Academic Council of the faculty. The Academic Council numbers 1,017 and includes all regular Professors, Associate Professors and Assistant Professors at Stanford University.

Also enclosed is a copy of the "additional statement" referred to in the faculty Senate resolution. As you will note, this statement was signed by 51 members of the Senate. On the copy which is going to you, the names of signatories are arranged alphabetically and titles are included for information only.

Respectfully submitted.
H. DONALD WINBIGLER,
Academic Secretary.

RESOLUTION ADOPTED BY THE SENATE OF THE ACADEMIC COUNCIL OF STANFORD UNIVERSITY ON MAY 7, 1970

The Senate sympathetically receives the Resolution on Cambodia passed by the Academic Council on May 1, 1970, and is instructed by it.

Traditionally, the Senate of the Academic Council does not, as a corporate body, express its views or adopt resolutions on matters of national politics. Our proper concerns are with the academic, educational, and research activities of this institution; and we respect the distinction between Senate Representatives as morally concerned individuals and as officers concerned with the governance of the University. Recognizing that some Representatives do not believe that the Senate should take corporate positions on such issues, we call the attention of the Senate to an additional statement which may be signed by members of the Senate as individuals.

Without challenging the view that the proper role of the Senate is to deal with academic issues, we must today address ourselves to a national and international issue which has brought devastating repercussions to our campus.

The extension of the Asian war into Cambodia has had an enormous shock-effect on students and faculty alike—far exceeding the widespread outrage over the Vietnam War. We share the pain and the despair of our students and join in their search for constructive responses. This intensified war has shattered the hopes aroused during the past year that an early end of the fighting was in sight, and that we could at last turn our nation's energy to solving the poignant human problems of our own country.

This startling turn of events has drastically worsened the campus atmosphere. It has done more than anything in our memory to jeopardize that rational and peaceful climate without which a University cannot function. The extension of violence abroad undermines our ability to cope with violence at home. We can no longer regard campus disruption as a purely local problem.

Therefore, we, the Senate of the Academic Council, condemn the war in Southeast Asia and our entrance into Cambodia as acts having profoundly damaging effects on the lives of our students and on the work of this and other educational institutions. We implore the President and the Congress to take immediate steps to bring this war to an end.

The undersigned members of the faculty of Stanford University, all of whom are members of the Faculty Senate, join personally in the following statement on the decision of President Nixon on April 30, 1970, to commit American ground combat forces to action on Cambodian territory.

The President's action was taken without Congressional authorization or even knowledge, thereby circumventing the institutional checks that are the very core of our Constitution and structure of government. It will probably result in widening and complicating a war that an ever growing number of our people regard as immoral and wish to see liquidated.

We share the view that the Vietnam war has already taken a cruel toll as well in destruction of the bonds of consensus and authority that allow a society to operate both at home and abroad. By now, the danger of disintegration here is far more serious than any military threat to the United States in Indochina.

Running in immediate terms so directly counter to an announced policy of withdrawal, President Nixon's action will serve at home to widen the gulf of distrust and despair that separates so many from their Government and convinces them of the bankruptcy of our foreign policy, and will serve abroad to undermine further the confidence of other nations in the leadership and policies of our Government.

We therefore take this means of expressing our condemnation of President Nixon's action as an unwise gamble, a needless extension of human suffering and loss of life, and destructive of our social fabric as an open society. We urge all members of Congress to use the powers with which they are entrusted to reverse the course on which this decision sets us once again, and bring about the prompt withdrawal of all American combat and non-combat military personnel from Southeast Asia.

Moses Abramovitz, Professor of Economics.

Robert W. Ackerman, Professor of English Philology.

Lawrence J. Altman, Assistant Professor of Chemistry.

Richard C. Atkinson, Professor of Psychology.

G. L. Bach, Frank E. Buck Professor of Economics and Public Policy in Graduate School of Business and Professor of Economics.

Harold M. Bacon, Professor of Mathematics.

Malcolm A. Bagshaw, Associate Professor of Radiology.

J. Victor Baldridge, Assistant Professor of Education.

Joseph Ballam, Associate Director of Research and Professor of Stanford Linear Accelerator Center.

Paul W. Berg, Professor of Mathematics.

Walter F. Bodmer, Professor of Genetics.

Arthur E. Bryson, Jr., Professor of Applied Mechanics and Aeronautics & Astronautics.

J. Merrill Carlsmith, Assistant Professor of Psychology.

Roy B. Cohn, Professor of Surgery.

Arthur P. Coladarci, Associate Dean and Professor of Education and Psychology.

Lorenz E. A. Eitner, Osgood Hooker Professor of Fine Arts History.

Jerome A. Feldman, Assistant Professor of Computer Science.

Robert J. Glaser, Vice President for Medical Affairs, Dean of the School of Medicine, and Professor of Medicine.

Roger W. Gray, Professor and Economist in the Food Research Institute.

Robert E. Greenberg, Associate Professor of Pediatrics.

David A. Hamburg, Professor of Psychiatry.

Arthur C. Hastings, Assistant Professor of Public Address.

Albert H. Hastorf, Dean of Humanities and Sciences and Professor of Psychology.

William M. Kays, Professor of Mechanical Engineering.

Stephen J. Kline, Professor of Mechanical Engineering.

Robert L. Kovach, Associate Professor of Geophysics.

Robert C. Lind, Assistant Professor of Engineering-Economic Systems and, by courtesy, of Economics.

John G. Linvill, Professor of Electrical Engineering.

Richard W. Lyman, Vice President, Provost, and Professor of History.

Roy H. Maffly, Associate Professor of Medicine.

Alan S. Manne, Professor of Operations Research and Economics.

Bayless A. Manning, Dean and Professor of Law.

Walter E. Meyerhof, Professor of Physics.

Arjay Miller, Dean of the Graduate School of Business and Professor of Management.

Lincoln E. Moses, Dean of Graduate Studies, Professor of Statistics and Preventive Medicine.

Joseph M. Pettit, Dean of the School of Engineering and Professor of Electrical Engineering.

Kenneth S. Pitzer, President and Professor of Chemistry.

Sidney Raffel, Professor of Medical Microbiology.

William R. Rambo, Associate Dean of Research and Professor of Electrical Engineering.

Ronald A. Rebholz, Assistant Professor of English.

Philip H. Rhinelander, Professor of Philosophy and Humanities.

Halsey L. Royden, Professor of Mathematics.

Lawrence V. Ryan, Associate Dean of the School of Humanities and Sciences and Professor of English.

Kenneth E. Scott, Associate Professor of Law.

Douglas A. Skoog, Professor of Chemistry.

Herbert Solomon, Professor of Statistics and Education.

Wilfred Stone, Professor of English.

Robert L. Street, Associate Professor of Civil Engineering.

George A. Thompson, Professor of Geophysics.

William A. Tiller, Professor of Materials Science.

Leslie M. Zatz, Associate Professor of Radiology.

AN UNCONVINCING PROPOSITION

Mr. CHURCH. Mr. President, the extension of American military involvement in Southeast Asia into Cambodia has disaffected many Americans who hitherto accepted our policies in that theater of war. A respected and informed academic, Dr. Zbigniew Brzezinski, former member of the State Department Policy Planning Council and now director of the Columbia University Research Institute on Communist Affairs, has arrived at the judgment that the Cambodian affair has had a "seriously damaging effect." It has, he suggests in an article published in the Washington Post on May 24, 1970, undermined our vital credibility.

At one point in the article, Dr. Brzezinski writes:

> The public simply will not accept the idea that the future of world peace and the security of this country depend on the Cambodian action, and the President—who only two weeks earlier gave an entirely different version of Vietnamese developments—just was not convincing.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AN UNCONVINCING PROPOSITION

(By Zbigniew Brzezinski)

It is conceivable that in the short run, President Nixon's Cambodian action will turn out the way he has predicted. U.S. troops will return to their starting bases in Vietnam; the enemy will have been hurt and his resources set back by at least half a year; even Cambodia itself may have been saved by his action. Less probably but still possibly, U.S. domestic dissent will decline in zeal and intensity, even though the alienation of the youth from this country's political and social system will have been both widened and intensified.

Yet whatever the short-term accomplishments—even allowing for the possibility of success in Mr. Nixon's own terms—the longer-range effects of Mr. Nixon's actions are likely to prove disproportionately costly. More than ever before, the President's ability to conduct an effective and stable foreign policy requires strong bipartisan support and a firm popular base. The domestic crisis initiated by his Cambodian action has already narrowed his future options, denying him the flexibility that he had apparently gained with his Nov. 3, 1969, speech.

That speech was remarkably successful in convincing the public at large that he was moving the country out of its engagement in Vietnam. Even the more radical youth had begun to shift from Vietnam to other issues, particularly ecology. Indeed, perhaps that speech was too effective; it apparently lulled the President into excessive optimism concerning the extent of domestic support for his policy.

AN UNCONVINCING PROPOSITION

The real tragedy of the recent events is that the public reaction—especially of Congress and the young—to the Cambodian initiative could have been easily predicted. The public simply will not accept the idea that the future of world peace and the security of this country depend on the Cambodian action, and the President—who only two weeks earlier gave an entirely different version of Vietnamese developments—just was not convincing.

Even many supporters of his earlier policy interpreted his initiative as needlessly widening and lengthening the Vietnamese war. This might not have happened had the President not made his speech and had the Cambodian action been confined primarily to South Vietnamese forces.

Some of Mr. Nixon's assistants have argued that the Cambodian action was necessary for broader international reasons. It is their premise that had he not acted, the North Vietamese, who have become bolder in Laos and Cambodia, and the Russians, who have been escalating their engagement in the Middle East, might have misunderstood his restraint as a sign both of personal weakness and of American national decline.

There was thus, they have argued, a conjunction between the practical requirements of stability. Parallels have even been drawn with the action taken by President Eisenhower in Lebanon in 1958 and President Kennedy's response to the Cuban missile crisis in 1962.

In examining this argument, it is essential to be aware of some fundamental differences. First and foremost, the present crisis occurred in a setting in which the United States no longer enjoys massive nuclear superiority. That superiority, whatever the subjective thinking of U.S. decision makers might have been during the earlier crisis, gave American moves additional credibility, be it in Moscow, Peking or Havana. The American public, convinced both of American supremacy and of America's constructive role in stabilizing world peace, tended to give uncritical support to American foreign policy makers.

Today, the situation is infinitely more complex and calls for a much more subtle appreciation of international realties. American supremacy is changing into a relationship of relative parity with the Soviet Union. This new relationship might eventually have the effect of inducing on all sides a greater sense of restraint, but it could also have the initial effect of reducing the credibility of American moves.

PSYCHOLOGICAL DANGER

This is particularly so if other nations begin to believe that America is both declining internationally and disintegrating internally. Some Soviet statements indicate ominously that this is what the Soviet leaders want their public to believe. Recent coverage of American events in the Soviet press has emphasized the aggravating crisis in American society, with special note (Pravda, May 2) that "discontent is increasing even in the U.S. armed forces."

The Soviet view is reinforced by the self-flagellating and apocalyptic mood that has seized a good part of the American intellectual world. The fashionable talk is all on the subject of America's imminent doom; any expression of optimism in America's future is condemned either as naive or as reflecting a fundamental commitment to "imperialism" and subservience to the "military-industrial complex." The more pessimistic the prediction, the greater enthusiasm it evokes.

With the frustration and alienation of the young people as a backdrop, this mood makes certain that almost any American action in the foreign field is bound to elicit widespread opposition. The Senate is registering its inclination to restrain presidential power in foreign affairs. Yet in the difficult years ahead, as the international system adjusts to the new setting of nuclear parity, it may be occasionally necessary for the United States to act decisively and even—in extreme circumstances—unilaterally.

The seriously damaging effect of the Cambodian action might be that both our adversaries and friends abroad will henceforth doubt that the United States is capable of undertaking firm action even when the stakes are truly vital. This is why the international repercussions of the Cambodian initiative could turn out to be as greatly damaging as the domestic consequences already have been.

LETTER FROM THE GRAVE

Mr. CHURCH. Mr. President, this month, an Army medical corpsman from Salamanca, N.Y., Keith K. Franklin, was killed in Vietnam. Previously he had sent his parents a letter with instruction not to open it except if he were killed.

The parents opened the letter and there they read their son's poignant writing in which he denounced American military involvement in Vietnam.

I ask unanimous consent that an Associated Press story, containing the contents of the letter, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LETTER FROM THE GRAVE

SALAMANCA, N.Y.—"The war that has taken my life and many thousands of others before me, is immoral, unlawful, an atrocity unlike any misfit of good sense and justice known to man."

So wrote Keith K. Franklin, 19, of Salamanca, in a letter he told his parents not to open until after his death. Franklin, an army medic, was killed May 5 in Cambodia.

"If you are reading this letter, you will never see me again," Franklin wrote. "If you are reading this, it means that I have died."

"The question now is whether or not my death has been in vain. My answer is yes," he wrote.

The letter continued:

"However, the powers-to-be handed down the decision that my friends and I should go and fight. We will go and we will fight, and I have died but there is still a blank space in my mind as to why.

"President Nixon and President Johnson before him have told the American public time and time again that it was our obligation to the people of South Vietnam to save them from the surging wave of communism which has plotted to engulf them. This is a lie, the magnitude of which is witnessed only by the hundreds of thousands of GIs in South Vietnam.

"The inhabitants of this bug-infested, backward, God-forsaken hell-on-earth want no part of the American war machine. But they have no choice. . . .

"So as I lie dead, please grant my last request. Help me to inform the American people, the silent majority who have not yet voiced their opinion.

"Help me to let them know that their silence is permitting this atrocity to go on and that my death will not be in vain if by prompting them to act I can in some way help bring an end to the war that brought an end to my life."

Franklin volunteered for the draft in March, 1969. He was sent to Vietnam Feb. 24. His parents, Mr. and Mrs. Charles B. Franklin, said his body would be returned Wednesday or Thursday.

"We'll have the funeral Sunday, Franklin said. "It won't be military. He wanted a civil funeral."

PEKING REACTION TO OUR CAMBODIAN MOVE

Mr. CHURCH. Mr. President, President Nixon's decision to order American troops into Cambodia had the impact of a brick thrown into a goldfish bowl. One reaction which should have been anticipation was that of Communist China.

Harrison E. Salisbury of the New York Times, has written that the Communist Chinese Government has seemingly "arrived at an entire new posture since the opening of the Cambodian phase of the war."

In his report, Mr. Salisbury writes:

> Those who have had a first-hand opportunity to assess the situation in Peking and Hanoi describe it "as a wholly new ball game." What faces the United States now in Southeast Asia, they believe, is protracted war with virtually no possibility of arriving at a settlement in Vietnam unless there is a settlement covering Laos and Cambodia at the same time.

In physics, for every action, there's a reaction. And we are learning, to our sorrow, that the rule holds true in foreign affairs, also.

I ask unanimous consent that the Salisbury article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CAMBODIA WAR SAID TO CAUSE MAJOR PEKING SHIFT

(By Harrison E. Salisbury)

Information reaching New York from sources close to Communist leaders in Asia suggests that the United States move into Cambodia has transformed the Indochina situation more radically than originally estimated. This evaluation is being taken seriously in Washington.

United States specialists there say the evaluation conforms in many respects to other information becoming available concerning China and its role in Southeast Asia.

"WHOLLY NEW BALL GAME"

The key to the changed aspect in Indochina was said to be agreement by North Vietnam, the Vietcong, Prince Norodom Sihanouk and the Communist Pathet Lao organization in Laos on an all-for-one and one-for-all arrangement to which China has pledged full support.

Those who have had a firsthand opportunity to assess the situation in Peking and Hanoi describe it "as a wholly new ball game." What faces the United States now in Southeast Asia, they believe, is protracted war with virtually no possibility of arriving at a settlement in Vietnam unless there is a settlement covering Laos and Cambodia at the same time.

In fact, some who are close to Peking's thinking even suggest that the settlement would have to cover "all of Southeast Asia, including Thailand."

It is conceded by United States specialists that the sweeping description of changes in Hanoi's attitudes as well as in those of the others in the new Indochina association may be offered for bargaining purposes. But those who have been following Peking's attitudes with the greatest care believe that it has arrived at an entirely new posture since the opening of the Cambodian phase of the war.

Peking is said to have made it clear that the Indochinese people have its full backing. This goes not only for supplies and materials but for specialists and experts if needed, and for "volunteers" if requested. It does not mean a joint military command, it was said, but it does mean common strategy, military and diplomatic.

What China, North Vietnam and their associates now foresee, it was said, is a protracted war. According to this view, they see no possibility that a diplomatic move by Washington, even if couched in the most generous terms, would provide an answering response from Hanoi—except in the unlikely event that the United States was prepared to negotiate complete withdrawal from Southeast Asia.

Prior to the United States entry into Cambodia, it was said, it was possible to envisage a settlement embracing only North Vietnam and South Vietnam, with Cambodia and Laos left to one side, presumably continuing in their theoretically neutral status. Now, it was said, there is no question of such an approach.

THE CAMBODIAN IMPASSE

Mr. CHURCH. Mr. President, Joseph Kraft, writing from Paris, suggests in a recent dispatch that American military involvement in Cambodia has resulted in strengthening the position of the "hawks" among the leaders of the National Liberation Front, the Vietcong, and the Government of North Vietnam.

Mr. Kraft, in his column published in the May 24, 1970, edition of the Washington Post, concludes with the following statement:

> And the more the United States intensifies its operations, the more it expands the war and supports the present regime in Saigon, the more it strengthens the hand of those on the other side who believe they can achieve their goals only in protracted war.

Conversely, Mr. Kraft writes, those among the enemy who are inclined to resort to negotiations to end the hostilities have been placed at a disadvantage by our Cambodian incursion.

I ask unanimous consent that Mr. Kraft's column be printed in the RECORD:

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE CAMBODIAN IMPASSE

(By Joseph Kraft)

PARIS—Crazy as it may seem in Washington, the American actions in Cambodia have stirred a wild elation on the other side. Paris representatives of the insurgent movements in South Vietnam, Laos and Cambodia are

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suddenly talking up the Chinese theory of winning a "total victory" over the United States.

A few leaders in North Vietnam, backed by Russia, continue to push for a political settlement. But in the heady atmosphere engendered by the Cambodian foray, they are having hard going.

The Chinese theory of "total victory" over the United States is old stuff. The basic idea is that American forces can be lured into extended ground combat on the Asian mainland. These forces will spread themselves thin holding onto occupied cities. Eventually—as Mao Tse Tung's designated successor, Marshal Lin Piao, put it—"The countryside will overcome the cities."

The transfusion of that idea to the guerrilla movements operating in South Vietnam, Laos and Cambodia took place at the Indochinese People's Conference of April 24–25. The meeting was held in China a couple of hundred miles southwest of Canton. It brought together the chief Vietnamese insurgent leaders—Chairman Nguyen Huu Tho, from the Revolutionary Government of South Vietnam; Prince Norodom Sihanouk, the recently deposed ruler in Phnom Penh, for Cambodia, and Prince Souphanouvong for the Pathet Lao.

Premier Chou En-Lai of China went to the meeting for the final banquet. But the Chinese have made almost no use of the fact in their propaganda. Peking does not want to seem to be influencing the Indochinese insurgents who are, all by themselves, pushing the Chinese thesis.

For example, Prince Sihanouk in his speech to the conference stressed the line of never coming to terms with the United States. He said that "diplomacy, negotiations, conferences and even friendly neutrality represent a mortal danger"; only "armed combat could annihilate this danger."

Chau Seng, Sihanouk's representative here in Paris and a colleague at the conference, goes even further in pushing the Chinese line. "If the United States wants to clean out the Vietcong sanctuaries," he said the other day, "they will find these sanctuaries everywhere—even as far away as Peking." And when I asked him whether the Cambodian guerrillas planned to retake Phnom Penh for Prince Sihanouk, he replied: "Why, so you Americans can bomb us?"

Though the Vietcong, or provincial government of South Vietnam, are supposed in Washington to be pure puppets of Hanoi, their representatives are also working the Chinese theme. The other day, Nguyen Van Tien, the number two man in their delegation to the peace talks, observed: "You couldn't win fighting in South Vietnam. What makes you think you can win by spreading yourself thin over a much wider area? That just opens holes for us behind your lines."

Maybe this is all bravado and propaganda, put on for an American journalist. But those North Vietnamese known to be interested in keeping negotiations alive don't act that way. On the contrary, they are bestirring themselves to prevent the foreclosing of the negotiating option.

The presence of Premier Pham Van Dong at the conference in China is indicative. Normally Hanoi should have sent a party figure—not a man from the government. But the available party leader was Truong Chinh, a well-known partisan of the Chinese approach. Presumably Pham Van Dong, a leader with Moscow ties, was sent to prevent tipping the balance all the way in the Chinese direction.

In that connection, it is notable that Hanoi, not Peking, broke the news that the conference took place in China and in the presence of Chou En-lai. For Hanoi's interest is to emphasize that the new, bellicose line is not indigenous to the insurgents but more a product of Chinese influence.

The same point emerges from the recent long stay of Lee Duan, the first secretary of the North Vietnamese party, in Moscow. Lee Duan, another leader with Moscow ties, is also thought to be a partisan of a negotiated settlement. Almost certainly, he was trying to work out with the Russians a joint strategy for holding the negotiating possibility open against the Chinese pressure to go to protracted warfare. In that connection, it may be that the curious statement made by the Soviet ambassador to the United Nations, Jacob Malik, on behalf of another Geneva conference was really an effort to break up the push of the Asian Communists to seal off the negotiating possibility.

Right now, the outcome of this maneuvering on the other side seems to be in doubt. The three chief North Vietnamese representatives in the Paris talks—politburo member Le Duc Tho, Ambassador Xuan Thuy and Col. Ha Van Lau—are all back in Hanoi for consultation. Almost certainly there is a question as to whether the Paris talks should be continued.

Whatever the outcome of these discussions, there is at least available now a much better picture of the lineup on the other side as regards negotiations. There are important partisans for political settlement in Hanoi. They are not soft-liners. They insist that American troops withdraw entirely from Vietnam, and on changes in the Saigon government to include figures known to favor political settlement. However, they still think they can achieve these goals through jawing as well as warring.

But there are also important partisans of the fight to the finish—in China and among the various guerilla movements. They are deeply suspicious of negotiations as an American trick designed to weaken their morale and slow down their military operation.

And the more the United States intensifies its operations, the more it expands the war and supports the present regime in Saigon, the more it strengthens the hand of those on the other side who believe they can achieve their goals only in protracted war.

DOES THE SENATE DARE?

Mr. CHURCH. Mr. President, Mary McGrory brings her acute perceptions into play in an article discussing the current debate in the Senate over a decision of President Nixon to send American combat forces into Cambodia. One dimension of the dispute, as she properly points out, is the difficulty confronting many Members, including myself, as we seek to reclaim for the Senate its self-discarded role in foreign policymaking. An erosion of will by the Senate during the cold war period to exercise its constitutional powers has played no little part in our present predicament. The Senate is now challenged to insist that it be readmitted to a coordinate role in the formulation of foreign policy, particularly with regard to the fateful questions of war and peace.

I ask unanimous consent that the article, published in the Washington Evening Star on May 31, 1970, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DICK NIXON WEARS A HARD HAT

The Senate was extremely polite, almost apologetic, as it wound the first delicate threads around the hands of a President bent on some unknowable venture in Indochina.

Sen. Frank Church, D-Idaho, one of its least partisan members and co-sponsor of the Cooper-Church amendment, explained that "no disrespect was intended" by this tentative, preliminary attempt at preventive detention of the war-making executive.

"We are strengthening the President's hand," said Church, "helping him overcome the evasions and foot-dragging by bureaucrats and foreign allies."

The language of the preamble of the amendment, which merely holds the President to his promise to bring all American troops "home" to Vietnam by July 1, was so softened that even Chairman John Stennis of the Armed Services Committee, a fierce and unwavering hawk, said it was "meaningless."

The Senate is extremely nervous on its first expedition into composite dissent, which probably will come to a vote this week. Since 1967, individual members like Sens. J. W. Fulbright and Eugene McCarthy have formed and led resistance, but the Senate as a whole has been content to let the commander-in-chief, who is the proprietor of the flag, the definer of "patriotism" and the protector of "our boys," make all the decisions.

The Senate is not built for speed or defiance. Nor had it seen itself in the role of savior of the country, which it has now assumed in the eyes of millions of troubled and despairing Americans.

Since Cambodia, it has been swamped by mail and besieged by lobbyists—not the old comfortable kind who bought them lunch, but lean and hungry hordes of students, housewives, doctors, lawyers and clergymen demanding justice and threatening retribution at the polls. The senators are told that if they could reject Carswell, they can reject the war.

The President is free of such pressures. He is surrounded by servants and courtiers in his splendid mansion. He is told by his staff that the men who oppose him never did or would vote for him, and merit his contempt.

While George W. Ball, former undersecretary of state, the celebrated, tame dove of the Johnson years, was telling the House Foreign Affairs Committee that "congressional consultations," not congressional curbs, were the answer, the President was receiving the construction workers, the most vocal and violent supporters of his Cambodian decision, in the Oval Room. The day before, he had seen the head of the far-right Young Americans for Freedom.

"I'm only a senator," moaned Warren G. Magnuson, D-Wash., when importuned by the Yale Law School student lobby to stand up to the President.

It is, to be sure, an unequal contest. The President has symbolic and actual superiority. He did not even tell the Senate he was sending troops into Cambodia. Eight thousand were over the border when the Senate, with the rest of the country, learned about this new expansion to shorten the war.

When the howls of outrage went up, the White House virtuously claimed "fear of security risks on Capitol Hill."

Sen. George D. Aiken of Vermont, dean of Republicans and ranking member of the Senate Foreign Relations Committee, sputtered, "I have never betrayed a president's confidence. He didn't tell us because he knew we would not approve."

The President reckons, apparently, that disunity and fear will strike the anti-war forces in the Senate, who, after they deal with Cooper-Church, must face the radical McGovern-Hatfield fund cutoff. His marksmen have no convenient personal target, the sponsorship is bipartisan. No stars have yet been born during the struggle and to date, no deep divisions. His spokesmen are invoking the prisoner-of-war issue to delay the vote.

It seems unlikely the Senate will part him from his money. For many of them, it would smack of regicide, and the presidency has become, partly due to the Senate's compliance, something of a monarchy.

What is needed more is an effort to separate the President from his memories and suspicions. He came of age in the 1950s, came into prominence as a Red-hunter and cold warrior. He was a leader in the hue and cry against the Democrats that they "lost China," never mind that we never had it. He is incapable of believing that the Democrats would not, some day, accuse him of "losing Indochina," even though some of them are committing their futures to the proposition that it might be the best thing that ever happened to this fractured and anguished country. The President has, in short, put on his hard-hat, and the Senate is going to have a nasty, awkward time getting him to take it off.

THE WAR'S DREADFUL TOLL ON VIETNAMESE CIVILIANS

Mr. CHURCH. Mr. President, each week the Pentagon faithfully issues a body count of Vietcong and North Vietnamese military personnel killed as a result of American air and ground action. What the Pentagon does not tell the American people each week is the gruesome toll of Vietnamese civilians of all ages who are killed or wounded.

However, Dr. George Roth, a member of the Committee of Responsibility composed of physicians, has seen the horrific effect of the war upon civilians.

A columnist for the Washington Post, Nicholas von Hoffman reprints some of Dr. Roth's observations in an article published on May 27, 1970, in the Washington Post.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

"An Elegant Contempt"—A Commentary

(By Nicholas von Hoffman)

Dr. George Roth practices family medicine in San Francisco and teaches at the University of California medical school where he does not hold an academic title because he refuses to sign the loyalty oath the state somewhat quixotically demands of professors of mathematics, biology or medicine. Dr. Roth is a member of the Committee of Responsibility, a little-known organization dominated by dozens of physicians from America's most prestigious schools of medicine: Harvard, Columbia, John Hopkins, UCLA, Cornell, University of Pennsylvania and so on.

The committee's reason for being is to bring war-wounded Vietnamese children to the United States for the medical attention not available to them there. It would appear that there are many, many such children. Witnesses before Sen. Edward Kennedy's subcommittee looking into these matters have testified that civilian casualties probably run to two or three or even more hundred thousand a year. Sixty per cent of them are believed to be children, who being children, are less prudent and less able to protect themeslves from the fire and steel, the flechettes and fragmentation shots which precede the imposition of a regime sufficiently democratic to meet rigorous American standards. These same witnesses estimate that 80 per cent of all civilian war casualties are caused by us and our allies, another testimonial to our superior firepower.

Since Dr. Spock and other peace creeps are associated with the committee, our government is inclined to view its work as a rather sneaky form of treason. Nevertheless, the committee perseveres in its reprehensive humanitarian goals; from time to time, Dr. Roth goes to Vietnam to find patients, and, if possible, smuggle them in to save their lives. He is recently back from his third ambulance-chasing trip. While there, he was able to inspect the medical facilities available to civilians throughout most of the country. He has written a report about what he saw and thought. Here are excerpts:

". . . Cho Ray in many ways is the finest public hospital in all of Vietnam. We visited the pediatric ward. There were 25 children there in fairly depressing circumstances. Twelve of these were war injuries, two of them quite severe from flare burn. Apparently, the number of duds that are fired is very high, and the children find them and use them as toys and they explode . . . These flares were phosphorous and magnesium and gave rise to very severe, deep, penetrating burns with contracture, destruction of tissue and very often, unfortunately, the burns occur about the eyes with destruction of the cornea and irreversible blindness. There is not an ophthalmologist on the staff of the Cho Ray Hospital . . . X-rays are poor, all of them terribly overdeveloped and underexposed . . . Sterile technique is in essense unknown.

". . . He (high American AID official) continues to talk about three civilian hospitals which the United States government constructed in Vietnam. He is vague about the dates when this was done and, under questioning, agreed that it was not three but two, and he is not quite sure where these hospitals are. The point of fact is that they do not exist. This is typical of so much that Americans do in Vietnam. The myth is repeated again and again and it becomes a reality and the problem disappears because the myth satisfies the problems . . . He believes that there are more paraplegics created by Honda accidents than by military activity, and the implication is that the Committee of Responsibility ought to address itself to traffic control.

"The entrance to the orphanage (at Bienhoa) is marked by a sign which gives the name and below this a plea which says, 'Please do not shoot our children, they are all orphans.' . . . 2,200 children. The orphanage is now three years old and is supported almost exclusively by the Buddhist movement in Vietnam . . . The director stated that, in the past two years, 42 children had died . . . He stated that many of the children who died in the orphanage had died with sudden onset of abdominal cramping and diarrhea preceding to bloody stool and death. He spontaneously offered that it was his experience that the children tended to become ill this way shortly after large amounts of defoliants had been used just off the perimeter of the camp . . . The pillars of the building are made exclusively of shell cases from American mortars. The young monk who took us about offered the comment that these American contributions to the welfare of the children were most welcome.

"Massive numbers of empyema secondary to tuberculosis or pneumonia," Dr. Roth writes of his visit to a hospital in Nhidong. Empyema or pus in the lungs is, according to Dr. Roth, unknown where antibiotics are administrated in the proper dosages, which, he says, is seldom the case in Vietnam, for he writes, "It is an unforgettable sight to see child after child walking down the halls with a chest tube protruding from his thorax, carrying his bottle filled with the yellow-green familiar pus."

One last excerpt concerning conditions in the hospital at Danang:

"There is no blood bank, and instead, blood is sent when it is outdated from the nearby military hospital. There are many problems, some of them quite severe, associated with giving outdated blood, particularly potassium intoxication. I saw blood being given that was over five weeks old. In the United States, it is not used after five days.

"We spent a very large amount of time in the burn wards. This is a quonset hut, a rusty dilapidated and dirty structure with 28 beds and 37 patients. There are no screens. The screen door lies on the ground outside. Children from the nearby pediatric medical ward are brought here each morning and, on little benches, school is conducted. The notion of bringing tuberculosis patients into a burn ward is so beyond my comprehension that, in telling of it, I am simply overwhelmed. The burn ward at Danang is purgatory and inferno and hell itself.

"In the fifth bed from the door, there is a nude 24-year-old woman, burned over 70 per cent of her body. She is dying very rapidly, and I suspect will not last the day. Her mother, black teeth, string hair, flits about like some great beetle, fanning madly to keep the flies from a woman who no longer can appreciate that they have settled on her burns. In the bed next to her, a 12-year-old, burned over 40 per cent of her body. This child is constantly in pain and, during the two hours we were there, we hear nothing more poignant than her endless whimpering.

"In the middle of the floor at the far end of the hut, there is a galvanized tub . . . I sat and watched as the nurse filled it with cold soapy water. A 9-year-old girl, burned over 30 per cent of her body and who had grafts and is encased in bandages, comes and stands in the bucket. The child's mother is given a pair of sterile gloves, which she promptly proceeds to contaminate. She has a green plastic sauce pan. She stands beside her child and dips the water from the large bucket out with the pan and then proceeds to pour it over the dressings of the child, who each time screams as the cold water hits the burns. The woman, with a mad methodicalness, does this again and again, and the child screams louder each time as the water penetrates deeper each time through the dressings. Finally, the nurse comes and with forceps and scissors begins to remove the dressings. Each pull of the dressing is accompanied by a cry. Each pull of the dressing removes more of the graft, and finally after 30 agonizing minutes, the child stands lobster red and naked, trembling and crying in the water. The dressings lie on the floor. The child steps out, and the mother leads the child back to the dirty bed.

"The next patient comes and stands in the same water and with the same saucepan is similarly baptized. The whimpering and crying spreads like an epidemic as the child who is waiting becomes aware that in a few moments it will be his turn to suffer; he begins to cry, and it spreads from bed to bed. The cries bounce off of the metal of the Quonset huts and everything becomes unreal and totally inhuman and I wonder what I am doing in Danang in this hut watching people step in and out of a dirty bucket of water."

Back in this country a month now, Dr. Roth is still raked over by emotion. "A Vietnamese child dies clinging to life as my child dies clinging to life," he tells you in a condition that is near tears, and then stops to total up what the deaths, the pain, the unspeakableness will have gotten us in the end:

"If the Vietnamese hated us, they'd be exhausted and would have died by now, but they don't hate us; they have an elegant contempt for us. They call us big-nosed, and they say, 'One day you will go, and when you go, the rain will come and the rain will wash away your every smell.' "

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, is the Pastore germaneness rule still operative?

The PRESIDING OFFICER. Yes; the Pastore rule is operative until 4:30 p.m.

Mr. BYRD of West Virginia. Mr. President, I see no Senator in the Chamber who wishes to address himself to the unfinished business.

Therefore, I ask unanimous consent that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERIOD FOR THE TRANSACTION OF FURTHER ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there be a period for the transaction of further routine morning business, with statements therein limited to 3 minutes, and that the able Senator from Massachusetts be permitted to speak for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts is recognized.

Mr. BROOKE. I thank the distinguished acting majority leader.

ACADEMIC FREEDOM AND ACADEMIC NEUTRALITY: A FIRST PRINCIPLE

Mr. BROOKE. Mr. President, in a time of great national distress individuals and institutions alike are in peril of losing their way. The extraordinary stresses of recent weeks and the deep passions which have been aroused have created special hazards for members of the academic community. Students, teachers, administrators, and institutions of higher learning themselves have suffered from the commotion and confusion which have gripped the land.

As one deeply committed to the precious traditions of academic freedom, I must admit that I have been gravely disturbed by the tendency of some colleges and universities to jeopardize that heritage by adopting, as institutions, specific positions on current political issues. I believe it is imperative that colleges and universities continue to foster thorough study and personal commitment to the political process. But I believe we must view with honest alarm the adoption of institutional political positions, however serious the issue and however anguished the academic community may be.

The divisive war in Southeast Asia and the bubbling discontents at home have brought some colleges and universities to the brink of a threshold beyond which may lie not the sanctuary of impartial and objective study, but the vulnerable reaches of passion and political pressure.

For academic freedom can only mean individual freedom—the freedom of individual scholars and students to pursue the truth under the shelter of a hospitable environment within and without the academy. That individual freedom is impaired as much by a collective imposition of political judgment by the college or university, as by a comparable imposition by the Nation at large. When an academic institution expresses a collective political opinion, it does so at considerable cost to the neutrality it requires to perform its fundamental mission of stimulating the search for truth by remaining constantly open to varying opinions, new information, and fresh insight. It does so also at the cost of ignoring or misrepresenting dissident views within its own family.

Significant political issues are almost always controversial. But even if they were not, and even if the institution could speak with unanimity, it could do so only by flouting the vital heritage of perpetual openness. In short, to voice political judgments, colleges and universities must pass from the posture in which the possibility of present error and future truth is the cornerstone, to the posture in which the permanent obligation to root out falsehood is in danger of being subordinated to the prevailing opinion of a shifting majority.

At moments like these, those who truly value the life of the mind, those who realize that the integrity of inquiry is incompatible with institutional political action by colleges and universities, should stand and be counted. They should send forth a plea for the most careful reconsideration by the academic community of that community's proper relationship to the world of public affairs. Such a plea has been published by a large group of distinguished members of the faculty of Smith College.

In brief, their open letter to their colleagues and students at Smith defines a number of the concerns which many persons, both academics and outsiders, are feeling. By no means are their arguments or my own to be taken as a demand that colleges and universities isolate themselves from politics. Indeed, I believe their argument and mine would be that the greater contribution of the academic community to the public life of the United States lies in diligent cultivation of political interest and political activism on the part of students and faculty. But such interest and activism can best be nourished when educational institutions are adamantly open.

I would submit that the first principle of academic freedom for individuals is academic neutrality by institutions. To neglect the latter is to jeopardize the former, and those who fight for one must be no less ardent defenders of the other. I commend to my colleagues and others the thoughtful statement by members of the Smith College community, and ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MAY 12, 1970.

To Members of the Smith Community:

We, the undersigned, believe that some of the decisions taken by majorities of both students and faculty during the week of May 4th have endangered the academic character of Smith College.

We hold it to be the fundamental aim of an academic institution to foster the pursuit of knowledge through careful inquiry, rational discourse and the development of individual sensibility. This fundamental aim has been protected by a tradition of academic freedom from political pressures. That freedom is endangered when the College speaks with a collective public voice in support of particular political issues. Institutional neutrality in matters of partisan politics is not merely an act of political prudence; it also maintains that openness of the academic environment which is essential for the exercise of reason and the development of moral and aesthetic sensibility.

It is indeed a legitimate academic function to seek to clarify and to investigate political issues, but it is not a proper function of an academic institution to support a particular political stand or to organize political campaigns. In the absence of unanimity, statements claiming to speak for the College as a whole infringe on the moral autonomy and misrepresent the views of its individual members. We believe neither that the official neutrality of an academic institution is in itself a political act, nor that the institutional neutrality of a college in any way constrains the political expression or activity of its members in their capacity as individual citizens. While we respect their motives, we regret that a majority of our colleagues have endorsed, as a Faculty, an academic strike directed toward political ends. The strike has engendered an atmosphere which has made it difficult for those students who wish to do so to continue their academic work, students who, whatever their political views as citizens, do not believe that they must suspend one type of education in order to provide for another.

It is not the political concerns of the members of Smith College who support the strike which are in question. It is whether the Faculty, meeting in academic session, the President of the College presiding, appeared to make a political pronouncement and thereby as a body (1) exceeded its legitimate function and (2) misrepresented the views of the minority. We believe it did. We recommend that henceforth faculty deliberations involving non-academic matters should take place at informal meetings and that stands on partisan political issues should not be taken under the real or feigned auspices of the College.

Cecelia M. Kenyon; Vernon J. Harward; Joachim W. Stieber; Jochanan H. A. Wijnhoven; Robert M. Haddad; Michael Gemignani, and Lawrence A. Fink.

Nelly S. Hoyt; Margy Gerber; Stanley M. Elkins; Klemens von Klemperer; Elizabeth von Klemperer; Robert M. Harris, and Elsie Koester.

Raymond A. Ducharme, Seymour W. Itzkoff; Charles Henderson Jr.; David A. Haskell; Allan Mitchell; Daniel Aaron, and Margaret Skiles.

Helen Rees; Paul Pickrel; Kenneth H. McCartney; Joyce M. Greene; Elsa Siipola; Marshall Schalk, and George Durham.

Dorothy Merrill; D. J. Doland; Neal McCoy; Jess Joseph; Richard Bambach; Robert T. S. Baxter; and Elliott M. Offner.

Stanley Rothman; Leo Weinstein; Erna B. Kelley; Alice R. Clemente; Harold L. Skulsky; Gretchen M. Singleton; Lita T. Roberson, and Jane A. Mott.

Martha Clute; Louis E. Auld; Bert Mendelson; Dorothy Bacon; Peter N. Rowe; Wendy J. Willett; Joaquina Navarro, and Helen L. Russell.

David W. Cohen; Milton D. Soffer; George de Villafranca; Elizabeth Robinton; Caryl M. Newhof; Rita M. Benson; Judith L. Ryan, and Alan Burr Overstreet.

H. Robert Burger; William Youngren; Herman Edelberg; Reuben G. Miller; Elizabeth B. Horner; Igor Zelljadt; Donald Trumpler; Charles MacSherry; and Thalia A. Pandiri.

Mr. BROOKE. Mr. President, another perceptive and important commentary on many of these issues has been offered by the president of Beloit College, Mr. Miller Upton.

I doubt whether any more poignant expression has come from the academic community. A conscientious objector to war, a leading proponent of rapid withdrawal from Vietnam, a respected and dedicated educator, Mr. Upton has earned a special right to offer an informed view of the present troubled relations between academe and politics. I will not discuss quite eloquently for himself, but I believe the Senate and the citizens of the United States should study his comments with the care and appreciation they deserve.

I ask unanimous consent that Mr. Upton's open letter to the President be printed at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Beloit College,
Beloit, Wisc., May 11, 1970.
President Richard M. Nixon,
The White House,
Washington, D.C.

Dear Mr. President: As a college president, a past scholar-teacher, and one who has consciously devoted his whole life to the cause of higher education in the conviction that it offers the greatest hope for social progress and the elevation of man to his highest potential, I wish to apologize to you and the nation for the grotesque failure of the academic community at this hour of national trial and turmoil.

I am fully aware of how extremely presumptuous it is for one to represent himself to apologize for the many, but I am constrained to do so nonetheless for the shame I feel for the community with which I have been so intimately related for so long and in which I have placed so much confidence in the past. Those who do not agree with me will, of course, be able and willing to speak for themselves.

Let me establish a point about myself at the outset so that my position can be more accurately interpreted. I was a conscientious objector during World War II, and were I of draft age now I would be a conscientious objector again. But my moral opposition to war, however deeply and conscientiously held, does not entitle me on any ethical or moral grounds to take violent action against those who disagree. I must bear witness to truth as I see it, but I must also respect the right of the other person to do the same. Certainly, I must never hurt or demean another simply because he won't go along with my own conviction.

This commitment to respect for the individual, intellectual openness, and freedom of inquiry is the transcendent value to which an academic community must be subservient. In fact, it is the only value to which the academy can pledge allegiance if it is to be consistent with itself. To evaluate any other value is to break faith with this transcendent value and it is at this point that we have violated our public trust as professional educators: we have given into violence and threats of violence in support of a particular point of view, and in doing so we have allowed the academic integrity of our individual institutions and the academic community at large to be violated.

Being a conscientious objector to war and one who would issue such an open letter as this, I clearly am not opposed to dissent and protest. But I am vigorously opposed to violence in any form and for any reason, and most of all I am opposed to would-be leaders capitulating to intimidation and violence. Those who respect violence when used against them will inevitably employ violence when it suits their cause.

We in the colleges and universities have tolerated unspeakable intimidation and thought control on the part of radical students, faculty and others, and yet when Vice President Agnew speaks out forcefully against such the only voices that are heard from the academy are those who castigate him and you for repressing dissent. There are few college campuses, if any, where Vice President Agnew, or any member of your cabinet for that matter, could speak without disruption and even physical abuse and intimidation. But a convicted murderer, dope peddler, or one committed to the forceful overthrow of the government will receive not only a respectful hearing, but will be paid a handsome honorarium in addition. In the light of his high position, I have been embarrassed by some of the Vice President's intemperate language. But surely he has as much right to dissent and to be given a respectful hearing as any of the criminal element of our society.

Much of the academic community is now telling you how to settle the war in Vietnam and being critical of your effort to protect lives and shorten the war by moving troops into Cambodia. I find it highly unbecoming of us to presume to tell you how to fight the war in Vietnam when we aren't even able to settle the wars on our own campuses. Nor do I use the word war in this context lightly. The throwing of missiles to do physical harm, the throwing of firebombs to burn buildings, the use of guerrilla tactics via arson and vandalism, the shooting and killing of combatants and noncombatants is every bit as much war as that which prevails in Vietnam, Cambodia, and the Near East. I have often wondered sardonically how many protestors of napalm have themselves thrown fire bombs or engaged in arson.

I have also been appalled by a certain arrogance and inconsistency on our part with regard to the way we are free to tell you and others how to handle your jobs but become deeply resentful, insulted, and even hostile where there is any suggestion of your intrusion into "our" domain. I am quite sure that I am able to run Beloit College better than you, but by the same token I am sure that you are able to deal with the issues of the Presidency of the United States, including fighting the war in Vietnam, better than I. The widespread propensity of members of the "intellectual" community to make judgments without benefit of facts is one of my greatest disillusionments and embarrassments.

As a matter of fact, my early naivete led me to embrace the academic life because of my belief that members therein were committed to intellectual honesty, rational behavior and humanistic concern and compassion. Recent incidents have merely confirmed all the more what my life's experiences have suggested. Academic man is as much motivated by vested interest, is as much controlled by base emotion, and reasons as much from prejudice as any other mortal. My readings of Ecclesiastes, the New Testament and the life of Mahatma Gandhi should have prepared me for this, but they didn't.

We who work closely with young people and should know and understand them best have not been very helpful to them or to you and others of the adult community in serving as a vehicle of communication. We have too often taken sides ourselves and been critical of one group or the other and not been sufficiently discriminating in our communicative role.

Maybe we can be forgiven on the grounds that the task is such a difficult one. I know that the great bulk of college students are genuinely concerned about the inhumanity and futility of war and deeply question the legitimacy of a life that sanctions and even glorifies indiscriminate killing and maiming. I also know that the great bulk of adults and members of the establishment are sincere dedicated individuals with the same hopes and aspirations as the young. But I also know that in each group there are examples that support the worst stereotype of each. The great frustration of the day is that despite this great community of interest and concern there is a growing separation based upon the sinful tendency to judge by stereotype and preconception. We in the academic community are frequently party to this sin even though our training should particularly help us to know better.

Although my own sentiments are basically with the young people, I must admit that there is a general pandering to the young at the present time that is both disgusting and irresponsible. Dispusting because it prostitutes normal respect and effection. Irresponsible because it is creating an unrealistic cleavage age groups.

Of course, young people on the whole are wonderful, what's new about that? The great reward of college work is the opportunity it affords to associate regularly with this age group. The idealism, absolutism, intellectual honesty and great aspiration of the young are the eternal attributes of this age group upon which society is dependent to preserve its vital, dynamic quality. These attributes are the standards of behavior to be expected, not glorified as unique in any narrow time span of human history.

Young people are first and foremost people. Those who are young today will be old tomorrow and having to relate to those who are younger then. As people they represent all types, some taller than others, some fatter than others, some with higher IQs than others, some more criminally inclined than others, some more saintly than others, some more hostile than others, some more vocal than others, etc. There is no general virtue attributable to youth any more than there is general evil. We have done all young people a great disservice in recent years by suggesting to them that they are of a different breed from the rest of us and beyond reproach. They are nothing more than the fresh blood being pumped into the human society, just as we were in the past and their children will be in the future. We in Academe should have known this better than anyone else and not have failed them and you in your common need for understanding.

We have been quick to tell you that you are alienating the youth of America, but we seem to pay little attention to the way we are alienating our own constituencies by our failure to protect the authentic academic integrity of our institutions. Implicitly we are also alienating the youth of America over the long run by our failure to be faithful to our leadership responsibilities.

The pain that hurts most of all is the realization that I bear partial responsibility for the unnecessary deaths of four young people on the campus of Kent State University. The National Guard troops should never have been there in the first place, because we should never have permitted the conditions to develop which necessitated the presence of troops. Once this die was cast, it was simply a matter of time before tragedy would strike. If fault lies anywhere for the Kent State deaths it lies not with you and the Vietnam War but with the radical acts and excesses we have tolerated in the name of dissent.

I am sure you know, Mr. President, that I do not say these things with tongue in cheek to placate others, to curry favor, to advance partisan interest, or to defend your war policies. Last fall I joined with a number of other college presidents to urge your rapid withdrawal of troops from Vietnam. I reaffirm this plea. But when I consider the whole matter fully and objectively, I have to concede that you have been more faithful to your leadership responsibilities than we in Academe have been to our own.

With respect for the tremendous burdens you must bear for the rest of us and the conscientious way you are bearing them and with apology for the cruel injustices that have been foisted upon you by the professional community of which I am a part, I remain,

Respectfully yours,

Miller Upton.

The PRESIDING OFFICER. What is the will of the Senate?

Mr. GURNEY. Mr. President, I suggest the absence of a quorum.

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The PRESIDING OFFICER. The clerk will call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT TO MONDAY, JUNE 8, 1970, AT 11:30 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11:30 a.m. on Monday morning next.

The motion was agreed to; and (at 3 o'clock and 29 minutes p.m.) the Senate adjourned until Monday, June 8, 1970, at 11:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 5, 1970:

IN THE COAST GUARD

The following-named officers of the Coast Guard for promotion to the grade of Rear Admiral:

Austin C. Wagner
William A. Jenkins

IN THE NAVY

Adm. Ignatius J. Galatin, U.S. Navy, for appointment to the grade of admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

IN THE ARMY

The following-named persons for appointment in the Regular Army of the United States, in the grades specified, under the provisions of title 10, United States Code, sections 3283 through 3294 and 3311:

To be major

Anderson, Gerald O., 116–24–6929.
Barrens, Clarence G., 445–28–2333.
Call, Thomas W., 347–20–2477.
Carney, James H., Jr., 246–48–7159.
Lautzenheiser, Russell D., 278–30–7462.
Sutliff, Lawrence N., 056–26–9791.
Tapscott, Eugene D., 578–42–2097.
Wilson, Wesley C., 162–26–9700.

To be captain

Bedsole, William K., 419–44–0782.
Brayboy, James E., 247–66–6080.
Burns, Ray L., 463–56–5491.
Buscemi, Jon H., 465–68–8464.
Darmody, William J., 097–26–8543.
Foote, Brian G., 466–54–0862.
Franklin, Forrest E., 519–32–7597.
Hammack, Louis B. R., 406–42–4197.
Hammer, Theodore W., 473–30–9211.
Hubert, Leo A., Jr., 027–28–9888.
Iller, Alfred J., Jr., 567–26–8858.
Jones, Harold L., 217–34–4861.
Kosty, Jon A., 181–28–9852.
Krebs, Carl S., 164–26–5552.
Little, Milton L., 466–40–2315.
Margolius, Benjamin W., 227–50–5920.
McElroy, Roger L., 429–68–3067.
Newberry, Joseph H., 440–38–1079.
Orr, Jerry P., 439–48–4651.
Rosso, Walter F., 076–28–0292.
Solseth, Harold L., 477–40–4291.
Spinner, Charles R., 056–28–6515.
Strickland, Robert L., 527–44–1945.
Thomas, Bruce A., 031–26–7840.
Wiernik, Gerald D., 099–28–3290.

To be first lieutenant

Antholt, Steven M., 398–42–0340.
Backman, Dorn B., 216–42–5665.
Bergsagel, Errol R., 574–14–9108.
Beskalo, Gregory G., III, 016–34–9636.
Blanchard, Randall L., 238–60–2102.
Blank, Frederick C., Jr., 155–34–3801.
Borst, Joseph C., 157–34–4868.
Bowen, Wallace J., 429–78–0105.
Carter, Leslie W., 217–44–8326.
Carusi, Joseph J., Jr., 157–28–9316.
Cheeks, Robert F., 214–40–9973.
Clark, Glen D., 527–50–2829.
Conley, Hampton P., 260–70–3231.
Ehrig, Gary J., 565–60–3625.
Espree, Allen J., 436–56–0162.
Fink, Jerry K., 260–66–5745.
Florence, Gary M., 485–42–2349.
Flynn, William G., 145–32–9725.
Gillespie, Ray W., 513–36–5205.
Hart, John, Jr., 254–62–0375.
Hedges, Paul C., 463–72–3815.
Henderson, Donald R., 463–60–5530.
Higgins, William J., 047–32–2742.
Hill, Karl B., Jr., 556–54–1487.
Hoffman, Wynn R., 571–60–3140.
Huffman, Rodney B., 418–54–5509.
Jackson, Jerry D., 444–32–5872.
Kohl, Charles L., Jr., 497–46–6727.
Lee, Raymond H., Jr., 254–64–0894.
Long, John M., 206–32–0270.
Lynch, Lawrence A., 525–46–0225.
Manley, Mark J., 416–56–0920.
McCleney, Dickie H., 453–68–6929.
McKinley, Edmund R., 375–44–1391.
Milroy, Patrick G., 378–40–9979.
Montgomery, Edgar A., 429–72–4418.
Montgomery, Richard L., 488–46–7995.
Morimoto, Joshua T., 576–42–2498.
Morse, Jon R., 061–32–0888.
Morse, Thomas J., 060–32–9506.
Murphy, William F., 163–36–8462.
Nelson, Grant O., 485–48–4016.
Newton, John P., Jr., 299–44–8995.
O'Donoghue, James F., 130–34–9867.
Olivarez, Cayetano, 460–74–6568.
Kersey, Douglas A., 234–62–9088.
O'Sullivan, Eileen, 010–34–7790.
Parker, Stanley R., 245–60–8196.
Patterson,. Allison C., 402–56–1160.
Riedman, John A., 055–34–9018.
Riley, John E., Jr., 249–74–3833
Rollison, Rembert G., 252–64–4459.
Salter, Stephen M., 064–34–2733.
Sayles, Raphael H., 500–38–0931.
Scott, Huey B., 435–62–5193.
Sharpe, Edward E., Jr., 266–66–2229.
Shepps, Robert J., 191–34–6906.
Shiffer, Jon M., 560–46–5004.
Shuler, Richard D., 564–56–8502.
Taylor, Carl T., 403–52–4423.
Warren, Brian C., 005–42–9024.
Whitehead, Howard E., 224–54–5257.
Wild, John W., 248–70–1177.
Wilson, Henry T., Jr., 463–56–8753.
Ziacik, John E., Jr., 161–32–6014.

To be second lieutenant

Browder, Dewey A., 491–46–2729.
Byrnes, Michael T., 039–28–3271.
Campiglia, Michael E., 050–36–9714.
Cherry, Roy W., 225–60–7064.
Dyer, Charles E., II, 454–64–4892.
Hauck, Kenneth W., 212–36–2404.
Jones, Jerry G., 467–66–1336.
Kuykendall, John L., 551–54–2481.
Lester, Ronald L., 519–46–0934.
Menard, Edward J., 025–34–5585.
Sebacher, Ralph I., 489–42–3385.
Tardy, John C., 430–66–2285.
Tryon, John E., 314–48–2936.
West, Kathryn G., 434–74–9452.
Woody, Carl E., 486–50–1389.

The following-named distinguished military students for appointment in the Regular Army of the United States, in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2106, 3283, 3284, 3286, 3287, 3288, and 3290:

Aponte, Antonio, 584–30–9789.
Atwood, David M., 105–40–2175.
Backlund, William V., Jr., 381–52–6560.
Bailey, William P., 379–46–6555.
Begnaud, Darrel, 138–42–8678.
Biniok, Jeffrey, W., 391–46–1497.
Boggs, Thomas L. Jr., 277–44–4206.
Bootz, Robert J. 395–46–4215.
Bradley, Charles, Jr., 452–72–5323.
Buckley, Edward T. Jr., 387–44–2325.
Burgess, Robert D., 445–50–6254.
Cantu, Jose N., 462–88–6378.
Carter, Thomas H., 260–82–7129.
Chapel, Terry B., 442–44–4614.
Chubinski, Adam G., 331–40–7732.
Cook, Curtis L., 430–88–0172.
Cooper, James S., 153–32–6074.
Cowan, Alvin E. III, 228–68–4111.
Crocker, Ronald J., 404–62–1977.
Cunniff, Jeffrey L., 517–56–0554.
De la Cruz, Rolando, 532–44–5465.
De Leon, Abraham, 584–20–8844.
Engel, Richard A., 393–52–6657.
Erickson, Karl J., 396–44–6831.
Farace, Patrick J. Jr., 585–22–3937
Gabrilson, Gregory B., 482–56–4365.
Garbis, Dennis J., 227–64–9397.
Garrison, John L., 444–46–4551.
Goodloe, John T., 450–78–6295.
Grub, Craig B., 532–48–4326.
Hauck, Stephen J., 135–42–2936.
Heimsoth, Larry W., 444–48–0571.
Jones, Michael S., 442–46–8147.
Kincannon, Ronald L. 445–44–3199.
Lightner, Denver C., 281–48–1413.
Lowe, James L., 431–92–7133.
Luisi, William A., 183–36–1632.
Maher, John J. III, 253–78–0329.
Maraman, David L., 405–62–8079
Marquez, Francisco A., 076–36–7806.
McClintock, Richard H., 001–38–3860.
McGraw, Gary E., 432–82–3580.
Melville, Thomas G., 528–66–3087.
Moravits, Michael E., 459–78–7195.
Neils, Scott R., 516–54–0631.
Oblander, Gary W., 440–48–5912.
Orzulak, Francis M., 184–40–2218.
Paavola, Fred G., 517–50–6566.
Pagan, Miguel A., 584–07–8536.
Pederson, William A., 501–52–3868.
Pettibon, Joseph P. 459–82–4482.
Ratliff, Johnnie N., 404–66–9359.
Rice, George D., 449–74–7434.
Richard, Gerald A., 008–38–1580.
Rowe, Edgar A., Jr., 423–60–4977.
Scanlan, David E. L., 586–20–5249.
Schmidt, Alexander F., 539–44–9202.
Schoonmaker, Edward L., 146–38–8836.
Schott, William L., 441–50–0918.
Serwatka, Stanley M., Jr., 274–40–2849.
Swanson, Roger W., 504–50–6266.
Szymanski, Dennis, 058–42–3160.
Thorn, Charles T., 431–84–6403.
Tucker, Michael P., 565–72–4533.
Vega, Benjamin, 582–98–6353.
Wemp, David M., 547–68–2897.
Wendell, Roger P., 228–62–6990.
Wheeler, Stephen H., 114–40–8474.
Whitfield, Donald D., II, 188–38–2417.
Williams, Sirvan, 430–96–1341.
Willows, Richard L., 501–52–3690.

The following-named scholarship students for appointment in the Regular Army of the United States in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2107, 3283, 3284, 3286, 3287, 3288, and 3290:

Archer, Michael F., 215–46–6762.
Barry, Jimmie R., 216–52–1725.
Bignon, Richard W., 267–84–4645.
Carvalho, Dennis M., 576–48–1661.
Davis, Paul R., 218–48–9886.
Dunn, Thomas A., 452–82–2488.
Fitch, Robert J., 135–40–5320.
Gates, Stephen H., 218–54–3507.
Hargreaves, Robert C., 537–52–5576.
Hilburn, Donald L., 255–76–8967.
Jaggers, Thomas R., 441–48–1519.
Mathews, Thomas R., 366–52–2690.
Moran, Joseph R., Jr., 536–46–5498.
Olsen, Kenneth L., 264–80–3596.
Park, Craig A., 571–68–1338.
Peckitt, Fred D., 045–42–1667.
Peterson, William R., 416–66–4335.
Potts, Thomas G., 441–50–5406.
Richardson, Douglas D., 268–48–0766.
Scotello, Frank J., 355–40–1720.
Sever, Edward J., 384–46–4951.
Vordermark, Jonathan S., II, 228–72–4910.
Winter, Felix D., 401–68–6299.

EXTENSIONS OF REMARKS

FOSTER GRANDPARENTS PROGRAM

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Friday, June 5, 1970

Mr. METCALF. Mr. President, if there is one program which has proven unqualifiably successful in the gamut of Federal projects of assistance to the disadvantaged in our society, it is the foster grandparents program. This program provides important jobs for the low-income aged and it provides loving, human guidance for children with mental or other disabilities. The results of a foster grandparent's help to a retarded child have been obvious to all who have participated in or viewed the project: An elderly citizen gains fulfilling employment, and a child's personality blossoms under the care and love of a lasting relationship.

I recently received a letter which describes in moving terms the beautiful results of one case of a foster grandparent's assistance. Unfortunately the program described in this letter has been subjected to the same blind 5 percent across-the-board cut that many excellent services have suffered during the present fiscal year. As a consequence, five people are being eliminated from a total of 35 participants. It is tragic that a program which has demonstrated its truly wonderful results for such a small cost should be chopped back by simplistic budgetary hacking—another victim of the blind flailing of Nixonomics.

Mr. Chairman, I ask unanimous consent that this touching letter from Mrs. Lawrence J. Turner be printed in the Extensions of Remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

HELENA, MONT.,
May 12, 1970.

Hon. LEE METCALF,
U.S. Senator, Senate Office Building,
Washington, D.C.

DEAR SENATOR METCALF: It was recently called to my attention that funds for the "Foster Grandparents" program for the Helena area had been sharply curtailed for the coming year. Since I understand that these funds are entirely Federal, I feel impelled to tell you what the program has meant to one Montana family.

In the summer of 1969 I uprooted my family and moved them to Helena because of the good schools here but primarily because Helena had a program for retarded children in the school system and we had a six year old we hoped to enroll under that program. You can imagine our disappointment when we found that Helena had no class last fall to fit our Matthew! The school officials knew of our problem and our concern and put us in touch with the director of the "Foster Grandparents" program in this area, Miss Joan Duncan.

Since last September, Matthew has spent between 4 and 5 hours daily five days per week in town with his "Foster Grandmother" Mrs. Henry Strandberg. He is picked up at our door and returned home by a driver who is also a "Foster Grandparent." All of this however, would be irrelevant, were it not for the growth and change we see in Matthew. Where before he was so painfully shy that he would hide his face sometimes when I asked him a question—now he smiles and answers when spoken to even by casual acquaintances.

There will be a special education class for Matt in the regular school system next fall but without the attention and care given him by Mrs. Strandberg and others like her. His progress would have been slower and less certain. I feel that other children who have mental or emotional or environmental handicaps can benefit far beyond the dollar cost from this program.

There is another side to the program too that certainly should receive consideration. I have been strongly impressed with the caliber of people who are "Foster Grandparents" and who direct the program. How fullfilling it must be to these elderly people to be able to use a lifetime of wisdom, love, happiness and sorrows to help some youngster who desperately needs just the kind of help that they can give and have the time to give thanks to the small income the work gives them. How much better to have this marvelous work to do than to feel that life is over just because one has become gray haired and had to slow down.

Locally, the work has had another accidental dividend for Miss Duncan happens to be a Negro. This is the first contact Mattie has had with one of her race and it makes all of us happy that he has accepted her as casually as any other friend, a priceless experience for him.

I know that the pressure for funds is great but will appreciate your giving this matter some thought at least, Senator.

Sincerely,

LAWRENCE J. TURNER.

THE REPUBLIC OF ITALY: 24TH ANNIVERSARY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. BIAGGI. Mr. Speaker, June 2 marked the 24th anniversary of the birth of the Republic of Italy. That historic event of 24 years ago has proved of immense significance to the people of Italy, to Europe, and to the free world.

During the last war the people of Italy suffered under their Fascist leaders, and they were sadly misled. Fortunately, with the victory of the Allies, Italians felt that under Allied supervision, they had a better claim for the form of government under which they wanted to live. Their claim was not in dispute; the governments of the Allies gladly allowed the Italians to vote for the form of government they wanted, and this they did on June 2, 1946. In the plebiscite held then they voted for the establishment of a republican form of government, thereby ushering in a new era in the modern history of Italy.

Today the Republic of Italy is of age, and has become a real and dependable force in the free world's struggle against totalitarian tyranny. The Italian people are justly proud of their form of government, and have shown firm determination to maintain it.

Under the republican form of government, Italy has significantly increased her economic, cultural, and religious contributions to the nations of the free world. America in particular has enjoyed the benefits of Italian industry, art, and science as well as the spiritual leadership of the Vatican.

The exchange in trade and ideas of the last two decades has materially strengthened the ties between our two countries and has served as an inspiration to the millions of faithful Italo-Americans who look with pride to Italy, their country of national origin.

I, therefore, wish the people of the Republic of Italy fortitude in their worthy resolve and I know that, together with their American counterparts, the United States, Italy, and the free nations of the world will benefit by their endeavors.

FEDERAL INTEREST SUBSIDY NEEDED FOR MITCHELL-LAMA HOUSING

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. RYAN. Mr. Speaker, on Wednesday, June 3, it was my privilege to appear before the Subcommittee on Housing of the Committee on Banking and Currency to testify on the 1970 housing legislation. I was particularly concerned, in presenting my views, about three bills which I have introduced—H.R. 49, H.R. 14435, and H.R. 17885—which are of direct and immediate relevance to easing the disastrous plight of the thousands of tenants in Mitchell-Lama housing in New York. Because of soaring interest rates and tight money policy, these middle-income individuals and families are experiencing exhorbitant increases in rentals and carrying charges which they simply cannot afford.

Under the Mitchell-Lama middle-income housing program, New York City and New York State float bonds, the proceeds of which may be loaned to private sponsors of middle-income housing who agree to limit their rate of return. Local real estate tax abatement also helps to keep down rentals and carrying charges.

Two years ago, the Subcommittee on Housing incorporated in the Housing and Urban Development Act of 1968 my bill to make State and locally financed limited profit middle-income housing programs, such as Mitchell-Lama, eligible for section 236 interest subsidies and rent supplements. This was an important step forward.

However, already existing developments were not covered. Yet, clearly this assistance is necessary, since many Mitchell-Lama developments are still under temporary financing. To provide

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this assistance, which would apply to all Mitchell-Lama-type programs—in Connecticut, Illinois, Massachusets, Michigan, New Jersey, New York, and Pennsylvania—I introduced H.R. 49 on the first day of the 91st Congress. I subsequently introduced this bill with 11 cosponsors as H.R. 4308. My colleagues who joined me in this bill were: Mr. BIAGGI of New York, Mr. CONYERS of Michigan, Mr. FARBSTEIN of New York, Mr. GAYDOS of Pennsylvania, Mr. HALPERN of New York, Mr. HELSTOSKI of New Jersey, Mr. JOELSON of New Jersey, Mr. KOCH of New York, Mr. MCCARTHY of New York, Mr. NIX of Pennsylvania, and Mr. ROSENTHAL of New York.

The aim of the bill is to allow existing housing projects to apply for the relief they need to keep rents, carrying charges and interest rates within the reach of the middle-income residents whom the projects are designed to serve. It does little good to construct new projects if facilities already in existence cannot maintain costs that are commensurate with the means of their tenants. And in light of the exorbitant interest rates that now exist, these costs are reaching such heights that in some way they must be stemmed.

An important advantage of this proposal is that it would cost the Federal Government less to subsidize the interest rate on a Mitchell-Lama housing project down to 1 percent than to subsidize a privately financed project down to an interest rate of 1 percent. This is because interest rates for the Mitchell-Lama program are already at levels which are lower than the regular market rate. Since the State does not finance the interest rate—but simply offers a below market interest return to the holders of its bonds—the Federal subsidy would not constitute a second subsidy. I should note, also, that subsidization down to 1 percent is, of course, the optimum but, as section 236 is written, subsidization could be down to 3 percent or 2 percent and the relief afforded would still be significant and welcome.

A companion bill to H.R. 49 (H.R. 4308) is H.R. 14435. This bill lowers from 25 percent to 20 percent the part of a tenant's income that is spent for rent in the section 236 program and in the rest supplement program. I offered this as an amendment to section 236 on the floor last October 22, during consideration of the 1969 housing legislation, and it was adopted then. Unfortunately, in the conference this provision was dropped.

The need for this amendment is no less today. The high costs of housing have caused serious problems for many tenants who cannot afford to pay 25 percent of their income for rent.

Finally, I have introduced H.R. 17885, which amends paragraph 2 of section 236(i) of the National Housing Act. Currently, eligibility for section 236 housing is largely limited to families whose incomes do not exceed, at the time of initial occupancy, 135 percent of the maximum income limits for public housing in the area. Only 20 percent of section 236 funds can be used for families whose income exceed this 135 percent limit, but even then, their incomes cannot exceed 90 percent of the limits set for section 221(d)(3) housing. Actually, in New York City, the 135 percent of public housing limits formula and the 90 percent of section 221(d)(3) formula come out quite close.

The simple fact of the matter is that these eligibility limitations are too stringent. There are many families for whom section 236 subsidization is necessary, yet whose incomes exceed the present statutory limits. H.R. 17885 rectifies this problem by abolishing the percentage limits now in the law, and substituting in their stead the administrative discretion of the Secretary of the Department of Housing and Urban Development to set income limits taking into account the housing costs of the area in which the project receiving subsidization is located.

Obviously, the extremely high costs in metropolitan areas will persuade the Secretary to set income limits sufficiently high to meet the needs of those families who, while possessed of income apparently sufficient in amount, actually cannot pay the rentals which follow upon these high costs.

By this approach, middle-income families whose incomes exceed the present eligibility limits, yet who cannot afford conventional housing, would be made eligible.

I want to express my appreciation to Chairman BARRETT and the other members of the subcommittee for their courtesy and concerned attention yesterday in listening to, and querying with penetrating and concerned questions, the witnesses who testified on the legislation which I have introduced to ameliorate the problem.

The members of the subcommittee commended the witnesses who appeared and testified as one of the most intelligent and articulate panels they have heard. Their abilities, expertise, and messages were, indeed, impressive. These witnesses were: The Honorable Charles J. Urstadt, New York State Commissioner of Housing and Community Renewal; the Honorable Avrum Hyman, New York State Assistant Commissioner of Housing and Community Renewal; State Senator Manfred Ohrenstein, New York State Senate; Miss Shirley Sanderson, vice president, board of directors, RNA House and chairman, joint action committee, West Side Mitchell-Lama; Warren Holder, Westgate Tenants' Association; Mrs. Edna Luftig, chairman, Mitchell-Lama Action Committee, Metropolitan Council on Housing and vice president, board of directors, Franklin Plaza; Harold Ostroff, executive vice president, United Housing Foundation, Inc.; Jack Braunstein, legislative director, Council of Limited Profit Mutual Housing Companies, Inc.; Murray Raphael, president, Council of Limited Profit Mutual Housing Co's., Inc.; and Joseph Cox, vice president, Council of Limited Profit Mutual Housing Co's., Inc.

All of the witnesses emphasized the critical situation facing tenants and cooperators of Mitchell-Lama housing. I should like to commend to my colleagues State Senator Ohrenstein's testimony, a copy of which follows. Senator Ohrenstein's cogent statement makes eminently clear the dire housing situation that now exists and the consequent urgent need for passage of H.R. 49—companion bill H.R. 4308—and H.R. 14435:

STATEMENT OF STATE SENATOR MANFRED OHRENSTEIN

I am here today to support in the strongest possible way Congressman William F. Ryan's bill, H.R. 49 (companion bill H.R. 4308), and its companion measure H.R. 14435, authorizing the extension of the FHA interest subsidy program to existing middle-income housing projects and adjusting the eligibility requirement to include tenants who spend twenty percent of their income on housing. We also are supporting H.R. 17885, which permits the Secretary to adjust the maximum allowable income requirements in accordance with local housing costs.

Although, of course, I speak particularly on behalf of my own constituents who live on the West Side of Manhattan, I want to emphasize that I am also very specifically representing the will of the entire Legislature of the State of New York. Less than two months ago the Legislature enacted a resolution I introduced urging Congress to "make interest subsidy assistance available to existing state and locally aided middle income housing." Therefore, in a very real sense, I speak today not only for my constituents, but for all the citizens of New York State. I emphasize this point because I want to make it clear that although the housing crisis is most acute and most inflammable in New York City, the same problems are rapidly reaching crisis proportions in all of our cities.

Fifteen years ago New York State recognized its obligation to provide and maintain adequate housing for its large proportion of moderate income citizens. Many of these were and are elderly people on fixed incomes; most of the rest are civil servants and others in occupations where incomes do not rise concurrently with increases in the cost of living. At its inception, and for several years thereafter, New York's Mitchell-Lama program was adequately financed through tax abatement and "low interest" loans. Drastic shifts in economic conditions over the last five years, however, have completely bankrupted the program. The old tools just cannot be stretched any further. Construction and operating costs have skyrocketed to such a degree that tenants and co-operators face increases of 15 percent or more every two years. For example, one building occupied in 1967 at about $30 a room has already had an increase, bringing the rent to $39 a room, and now is being asked to take another increase of $11.00 per room.

The single largest factor in the spiraling cost picture is the mortgage interest rate, now at an all time high. The fact that money itself is the most expensive and least adjustable item in government's effort to provide decent living conditions for its citizens is, I think, a most regrettable comment on our economy and our sense of priorities.

The city and the state have exhausted their resources for subsidizing construction and maintenance of moderate income housing. To arrange permanent financing at the present astronomically high interest rates would demand increases in rents and carrying charges so far beyond the middle income range that the Mitchell-Lama program would no longer reach any of those for whom it was designed.

Gentlemen, we absolutely *must* have an extension of the interest subsidy program to cover existing moderate income houses. We ask only that you provide the same aid to already occupied buildings as you offer to new projects. Without such aid we will be unable to continue a moderate income housing program in New York

At the same time we are urgently seeking a chance in the federal eligibility regulations from 25 percent to 20 percent so that this subsidy program will have maximum impact. Insistence on the tenant spending more than one fourth of his gross income on housing as a pre-requisite for subsidizatoin is, in our current economy, unrealistic. Further, the program under which these projects were occupied is based on a much lower housing to income ratio. Thus, only with a twenty percent housing/income ratio requirement can H.R. 49 (comparison bill H.R. 4308) provide effective aid to existing middle income buildings and their tenants.

The extent and seriousness of the crisis in middle income housing cannot be exaggerated. If this crisis is not substantially alleviated very soon—that is within a matter of months, we believe the city may very well suffer permanent harm. Certainly flight, however reluctant—from the city by any group of its citizens cannot easily be reversed. For any city to lose a substantial number of its stable, responsible middle class is a disaster of immeasurable proportions.

As I said at the beginning of my testimony, New York—the state *and* the city—were pioneers in recognizing their obligation to provide decent housing for their citizens. For fifteen years we have provided increasingly substantial aid, often at not inconsiderable sacrifice to other programs. Now our resources are exhausted. We must have help—and we must have it now, before an already dangerous crisis becomes an irrevocable disaster.

I also include in the RECORD the very persuasive statement of Harold Ostroff, executive vice president of United Housing Foundation, Inc.:

STATEMENT OF HAROLD OSTROFF BEFORE THE COMMITTEE ON BANKING AND CURRENCY, HOUSE OF REPRESENTATIVES, JUNE 3, 1970

Mr. Chairman, members of this distinguished Committee, my name is Harold Ostroff. I am Executive Vice President of the United Housing Foundation, which maintains its offices at 465 Grand Street in New York City. Since 1951, the United Housing Foundation has been engaged in the organization and development of low and moderate cost housing cooperatives in the City of New York. Some 50,000 units of such housing have been created through the efforts of the Foundation and its member organizations.

I appreciate the invitation to testify in support of H.R. 4308. This bill could be of great assistance to tens of thousands of families who are witnessing the steady erosion of their pay checks due to the insidious inflation which has gripped the nation for the past several years. I would hope that every governor, every mayor and every housing administrator would support the passage of this legislation.

Mr. Chairman, I believe our nation is facing an economic and social disaster of unparalleled proportions. I believe only Congress can save us from such disaster. In my opinion, we face this critical situation because those who control the monetary policy of the nation don't—to use the slogan of the New York Coalition—"give a damn" for the welfare of those families with low and moderate incomes, and these are the great majority of the American people.

The high interest policy of the banks, insurance companies, the Federal Reserve System and the present Administration, has created a situation whereby people simply cannot afford to buy homes or rent apartments at today's high costs. Let me illustrate:

Today, in New York City, the cost of producing an apartment is estimated at approximately $20,000 to $25,000. Using an average figure of $22,500, the amount of mortgage funds required, after a small allocation for equity, would be $20,000.

At the current rate of interest in the conventional market, the debt service would amount to approximately 10%; in other words, at least $2,000 per year would have to be set aside out of operating income to pay for debt service. This means that each month each apartment unit would have to provide a little over $167 for the interest and amortization payments.

All other operating expenses exclusive of real estate taxes in a non-profit housing company would amount, at a very conservative estimate, to about $40 per month, bringing the monthly payment for an apartment to $207. Assuming, with the aid of real estate tax adjustment at the local level, a real estate tax payment of only 10% of shelter rent, we would have to add an additional $20 per month per apartment for taxes. This would bring the total monthly rental to $227 per apartment. This means an annual payment of $2,724 for shelter. To be able to support this rental, a family would have to earn at least $13,500 per year.

It is readily apparent, therefore, that approximately 90% of our citizens cannot afford this kind of housing.

Let us now substitute for 10% on the conventional money market a figure of close to 7%, which is the current estimate for financing in New York State under its Limited-Profit housing program. The $227 rental would be reduced by approximately $50 to a figure of $177 per month, still far above the means of the low and moderate income family in our cities.

I believe this illustrates quite dramatically the problem and suggests that the solution must focus on the ability to subsidize either the original capital cost or the annual interest payments.

In 1965 we estimated the cost for financing Co-op City, a 15,372 unit cooperative development we are building in New York City. Mr. Chairman, in four years the carrying and finance charges for this cooperative have increased from $16,700,000 to $32,900,000, a 100% increase. The cost of construction has increased from $267,000,000 to $307,000,000, a 15% increase. In four years the monthly carrying charges per room have been increased by 16%.

One final illustration: Two and a half years ago we estimated the cost for building a six thousand unit cooperative. Based on a 4.25% interest rate, the interest and amortization would amount to $6,510,000. At today's interest rates the interest and amortization costs have increased to $10,793,000—an increase of 65.8%. This and other increased costs would necessitate average carrying charges of $37.18 a room per month, instead of the proposed charges of $23.64.

Unfortunately, Mr. Chairman, these are not unique examples of what has happened under a program which was designed to produce housing at $18–20 a room under the New York State Limited-Profit Housing Companies Law. As a matter of fact, the examples I have cited are not typical because most of the housing being produced under that program today is renting from $50 to $60 a room per month. This certainly is not housing that families with moderate incomes can afford.

The housing crisis this nation is experiencing is not simply an urban problem. It is a national situation affecting rural areas, the suburbs and small as well as large cities. Many of our urban problems have their roots in rural slums and rural poverty. Unless we face up to the realities of the fact that housing is a national situation affecting all regions of the country, we are not going to solve these problems. Most states and most cities have gone about as far as they can go to meet these housing problems. I submit that once and for all it is the duty and responsibility of Congress to take effective action which will result in attaining the objectives of the Housing Acts which were passed in 1949 and 1968.

Mr. Chairman, the Housing Act of 1968 kindled the hopes of millions of Americans that the omnibus provisions of that legislation and, in particular, the sections which provided for mortgage subsidies and for rent subsidies, would alleviate the deplorable national housing situation. Frankly, those hopes have not been realized. The housing situation is worse today than it has been at any time since the end of World War II.

There is but one reason for the chaotic housing situation. It is high interest rates. It is the reason housing is not being built in quantities needed to meet the needs of the nation. It is the reason the housing which is being built is beyond the means of ninety percent of the people. No matter how much money is available for housing mortgages, it is not going to provide housing for the vast majority of people who desperately need it, as long as the present high interest rate policy is permitted to continue.

It seemed to many people that in 1968, largely through the efforts of this distinguished Committee, Congress had made a commitment for a workable program for creating low and moderate cost housing when it passed the 1968 Housing Act, which contained section 236. However, when it came time to translate the commitment into reality by appropriations, the commitment almost vanished by the meager funds which were voted to implement the Act.

In my mind it is a cruel and callous hoax for an Administration or for Congress to raise the hopes of people that a meaningful program will be initiated, and then dash them by inadequate appropriations.

The Housing Administrator of the City of New York, Albert Walsh, recently proposed an expenditure of 4½ billion dollars annually for mortgage, tax and operating payments. This amount, over what people can reasonably be expected to pay for housing, would make it possible to provide good housing for all. This is, indeed, a small fraction of our national budget.

I propose, Mr. Chairman, that over and above any presently budgeted amounts for the rebuilding of our cities, an additional 10 billion dollars be provided annually, either for direct capital cost subsidies or interest subsidies for housing, education, mass transportation and environmental improvements.

I would propose that the monies thus created be administered by a government agency. This agency would have the authority to make either outright grants or direct loans.

A direct lending program could have the competitive result of bringing down the usurious rates now in effect in the private money markets. Since the funds to be lent should be derived from general revenues and not borrowed by the government agency, it would be entirely sound, economically, to make loans at rate simply sufficient to cover administrative costs and to provide a reserve against possible losses. Experience with other similar direct lending programs clearly indicates that the government could "make money" at a 3% or even perhaps 2% lending rate.

How can our nation provide this sum? We take tremendous pride in the fact that our gross national product is fast approaching the astounding figure of one trillion dollars a year. If we are as concerned about the problem as we all declare, a 1% allocation of the gross national product, towards providing additional funds for the above purposes, would be a relatively minor sacrifice.

I have deliberately stayed away from suggesting a time period, but do suggest that this allocation be continued until we have solved the problem.

Is it asking too much to suggest that this nation's goods and services should produce a meager 1% of additional monies to tackle

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on a massive basis the massive problems facing us?

I believe this Congress has an obligation and a grave responsibility to the American people to reorient the nation's priorities. It is not only the youth of this nation who are calling for an immediate end to the senseless war which is sapping the physical and moral resources of the country. It is the aged, the middle-aged, as well as the youth, who are calling for an end to an economy based on feeding an insatiable military-industrial machine.

The people are looking to Congress to be constitutional constructionists and to end a war they never declared. To end the senseless killing, maiming and mass destruction which has been going on for so long and which has cost us all over one hundred billion dollars. We are looking to Congress for constructive programs which will provide the means for using our resources to achieve decent homes, adequate schools and hospitals in all sections of the country, for mass transit facilities and for an environment free of contamination.

We look to Congress for total commitment towards these ends. Total commitment to programs of social improvement is what has made this country great. The welfare of large numbers of people were placed before the special interests of a few when, through past Congress, the nation became totally committed to such monumental projects as the Tennessee Valley Authority, the Rural Electrification system and the St. Lawrence Seaway. I submit that it is urgent for this same kind of commitment to be made to elimiinate the blight which is the shame of the nation, and to achieve the kind of a society all citizens have a right to expect.

I urge you to improve the 236 housing program by approving this bill, H.R. 4308. I urge that you keep your commitment to the American people by making the 236 program meaningful, viable and practical by providing the necessary funding to make it possible for all Americans to live in decency with dignity.

SPEAKER JOHN W. McCORMACK

HON. JOHN DOWDY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. DOWDY. Mr. Speaker, I would like to join my colleagues in paying tribute to our distinguished Speaker of the House, the Honorable John W. McCormack, of Massachusetts.

In the days that have followed his announcement of plans to retire at the conclusion of the current session of Congress, Speaker McCormack has been honored by my colleagues in many laudatory remarks about his many outstanding attributes. I endorse and echo each sentiment so expressed.

It has been a district privilege to serve in this body with such a fine person. The gentleman from Massachusetts is a true gentleman. He has always been a kind and considerate person, and I have always valued him as a genuine friend.

Above all, John McCormack is a great American. The House will sorely miss his leadership and his unceasing efforts to do the things he believed right for our Nation. But as he leaves this body, we may all take comfort from the fact that he shall never stop working for the good of his country.

FACULTIES AND PARENTS SHOULD REASSERT AUTHORITY

HON. BARRY GOLDWATER

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Friday, June 5, 1970

Mr. GOLDWATER. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks a letter entitled "Faculties, Parents Should Reassert Authority, History Professor Says," written by Dr. K. Ross Toole, professor of history at the University of Montana, and published in the Baltimore Evening Sun on May 11, 1970.

There being no objection, the letter was ordered to be printed in the Record, as follows:

A Voice of the Older Generation—Faculties, Parents Should Reassert Authority, History Professor Says

(By Dr. K. Ross Toole)

I am 49 years old. It took me many years and considerable anguish to get where I am—which isn't much of any place except exurbia. I was nurtured in depression; I lost four years to war; I am invested with sweat; I have had one coronary; I am a "liberal," square and I am a professor. I am sick of the younger generation, hippies, Yippies, militants and nonsense.

I am a professor of history at the University of Montana, and I am supposed to have "liaison" with the young. Worse still, I am father of seven children. They range in age from 7 to 23—and I am fed up with nonsense.

I am tired of being blamed, maimed and contrite; I am tired of tolerance and the reaching out (which is always my function) for understanding. I am sick of the total irrationality of the campus rebel, whose bearded visage, dirty hair, body odor and tactics are childish but brutal, naive but dangerous, and the essence of arrogant tyranny—the tyranny of spoiled brats.

AN APOLOGY

I am terribly disturbed that I may be incubating more of the same. Our household is permissive, our approach to discipline is an apology and a retreat from standards—usually accompanied by a gift in cash or kind.

It's time to call a halt: time to live in an adult world where we belong and time to put these people in their places. We owe the younger generation what all older generations have owed younger generations—love, protection to a point, and respect when they deserve it.

We do not owe them our souls, our privacy, our whole lives, and above all, we do not owe them immunity from our mistakes, or their own.

Every generation makes mistakes, always has and always will. We have made our share. But my generation has made America the most affluent country on earth; it has tackled head-on a racial problem which no nation on earth in the history of mankind had dared to do.

WAR ON POVERTY

It has publicly declared war on poverty and it has gone to the moon: it has desegregated schools and abolished polio; it has presided over the beginning of what is probably the greatest social and economic revolution in man's history.

It has begun these things, not finished them. It has declared itself and committed itself, and taxed itself, and damn near run itself into the ground in the cause of social justice and reform.

Its mistakes are fewer than my father's generation—or his father's or his. Its greatest mistake is not Vietnam; it is the abdication of its first responsibility, its pusillanimous capitulation to its youth, and its sick preoccupation with the problems, the mind, the psyche, the raison d'etre of the young.

Since when have children ruled this country? By virtue of what right by what accomplishment should thousands of teen-agers, wet behind the ears and utterly without the benefit of having lived long enough to have either judgment or wisdom, become the sages of our time?

The psychologists, the educators and preachers say the young are rebelling against our archaic mores and morals, our materialistic approaches to life, our failures in diplomacy, our terrible ineptitude in racial matters, our narrowness as parents, our blindness to the root ills of society. Balderdash!

Society hangs together by the stitching of many threads. No 18-year-old is simply the product of his 18 years; he is the product of 3,000 years of the development of mankind—and throughout those years, injustice has existed and been fought; rules have grown outmoded and been changed; doom has hung over men and been avoided; unjust wars have occurred; pain has been the cost of progress—and man has persevered.

As a professor and the father of seven, I have watched this new generation and concluded that most of them are fine. A minority are not—and the trouble is that that minority threatens to tyrannize the majority and take over.

AS A FATHER

I dislike that minority: I am against that the majority takes it and allows itself to be used. And I address myself to both the minority and the majority. I speak partly as an historian, partly as a father and partly as one fed up, middle-aged and angry member of the so-called establishment—which, by the way, is nothing but a euphemism for society.

Common courtesy and a regard for the opinions of others is not merely a decoration on the pie crust of society, it is the heart of the pie. Too many youngsters are egocentric boors. They will not listen, they will only shout down. They will not discuss but, like 4-year-olds, they throw rocks and shout.

Arrogance is obnoxious; it is also destructive. Society has drastically ostracized arrogance without the backing of demonstrable accomplishment. Why, then, do we tolerate arrogant slobs who occupy our homes, our administration buildings, our streets and parks, urinating on our beliefs and defiling our premises?

OUR FAULT

It is not the police we need (our generation and theirs); it is an expression of our disbust and disdain. Yet we do more than permit it. We dignify it with introspective flagellation. Somehow it is our fault. Balderdash again!

Sensitivity is not the property of the young, nor was it invented in 1950. The young of any generation have felt the same impulse to grow, to reach out, to touch stars, to live freely and to let the minds loose along unexplored corridors.

Young men and young women have always stood on the same hill and felt the same vague sense of restraint that separated them from the ultimate experience—the sudden and complete expansion of the mind, the final fulfillment. It is one of the oldest, sweetest and most bitter experiences of mankind.

Today's young people did not invent it; they do not own it. And what they seek to attain, all mankind has sought to attain throughout the ages. Shall we, therefore, approve the presumed attainment of it through heroin, speed, LSD and other drugs?

And shall we, permissively, let them poison themselves simply because, as in most other

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respects, we feel vaguely guilty because we brought them into the world?

VAGUELY GUILTY

Again, it is not police raids and tougher laws that we need; it is merely strength. The strength to explain, in our potty, middle-aged way, that what they seek, we sought; that it is somewhere but not here and sure as hell not in drugs; that, in the meanwhile, they will cease and desist the poison game. And this we must explain early and hard and then police it ourselves.

Society—the establishment—is not a foreign thing we seek to impose on the young. We know it is far from perfect. We did not make it; we have only sought to change it. The fact that we have only been minimally successful is the story of all generations—as it will be the story of the generation coming up. Yet we have worked a number of wonders. We have changed it.

SEA OF TROUBLES

We are deeply concerned about our failures; we have not solved the racial problem but we have faced it; we are terribly worried about the degradation of our environment, about injustices, inequities, the military-industrial complex and bureaucracy. But we have attacked these things. We have, all our lives, taken arms against our sea of troubles—and fought effectively.

But we also have fought with a rational knowledge of the strength of our adversary; and, above all, knowing that the war is one of attrition in which the unconditional surrender of the forces of evil is not about to occur. We win, if we win at all, slowly and painfully. That is the kind of war society has always fought, because man is what he is.

Knowing this, why do we listen subserviently to the violent tacticians of the new generation? Either they have total victory by Wednesday next or burn down our carefully built barricades in adolescent pique; either they win now or flee off to a commune and quit; either they solve all problems this week or join a wrecking crew of paranoids.

IMPATIENT IDEALISM

Youth has always been characterized by impatient idealism. If it were not, there would be no change. But impatient idealism does not extend to guns, fire bombs, riots, vicious arrogance, and instant gratification.

That is not idealism; it is childish tyranny. The worst of it is that we (professors and faculties in particular) in a paroxysm of self-abnegation and apology, go along, abdicate, apologize as if we had personally created the ills of the world—and thus lend ourselves to chaos. We are the led, not the leaders. And we are fools.

As a professor I meet the activists and revolutionaries every day. They are inexcusably ignorant. If you want to make a revolution, do you not study the ways to do it? Of course not! Che Guevarra becomes their hero. He failed; he died in the jungles of Bolivia with an army of six. His every move was a miscalculation and a mistake.

Mao Tse-tung and Ho Chi Minh led revolutions based on a peasantry and an overwhelmingly ancient rural economy. They are the pattern-makers for the SDS and the student militants.

JEFFERSON, WASHINGTON

I have yet to talk to an activist who has read Crane Brinton's "The Anatomy of Revolution," or who is familiar with the works of Jefferson, Washington, Paine, Adams or even Marx or Engels.

And I have yet to talk to a student militant who has read about racism elsewhere and/or who understands, even primitively, the long and wondrous struggle of the NAACP and the genius of Martin Luther King—whose name they invariably take in vain.

An old and scarred member of the wars of organized labor in the U.S. in the 1930's recently remarked to me, "These radicals couldn't organize well enough to produce a sensible platform let alone revolt their way out of a paper bag." But they can, because we let them destroy our universities, make our parks untenable, make a shambles of our streets, and insult our flag.

I assert that we are in trouble with this younger generation not because we have failed our country, not because of affluence or stupidity, not because we are anti-deluvian, not because we are middle-class materialists—but simply because we have failed to keep that generation in its place and we have failed to put them back there when they got out of it.

We have the power; we do not have the will. We have the right, we have not exercised it.

SELF-APPRAISAL

To the extent that we now rely on the police, mace, the National Guard, tear gas, steel fences and a wringing of hands, we will fail.

What we need is a reappraisal of our own middle-class selves, our worth and our hard-won progress. We need to use disdain, not mace, we need to reassess a weapon we came by the hard way, by travail and labor, by firm authority as parents, teachers, businessmen, workers and politicians.

The vast majority of our children from 1 to 20 are fine kids. We need to back this majority with authority and with the firm conviction that we owe it to them and to ourselves, enough of our abdication of responsibility, enough of the denial of our own maturity and good sense.

The best place to start is at home. But, the most practical and most effective place right now, is our campuses. This does not mean a flood of angry edicts, a sudden clamp down, a "new" policy. It simply means that faculties should stop playing chicken, that demonstrators should be met not with police but with expulsions. The power to expel (strangely unused) has been the legitimate recourse of universities since 1209.

GROUND RULES

More importantly it means that at freshman orientation, whatever form it takes, the administration should set forth the ground rules—not belligerently but forthrightly.

A university is the microcosm of society itself. It cannot function without rules for conduct. It cannot, as society cannot, legislate morals. It is dealing with young men and women, 18 to 22.

But it can, and must, promulgate rules. It cannot function without order—and, therefore, whoever disrupts order must leave. It cannot permit students to determine when, what and where they shall be taught; it cannot permit the occupation of its premises, in violation both of the law and its regulation, by militants.

There is room within the university complex for basic student participation but there is no room for slobs, disruption and violence. The first obligation of the administration is to lay down the rules early, clearly and positively, and to attach to this statement the penalty for violation. It is profoundly simple—and the failure to state it—in advance—is the salient failure of university administrators in this age.

DREADED VERDICT

Expulsion is a dreaded verdict. The administration merely needs to make it clear, quite dispassionately, that expulsion is the inevitable consequences of violation of the rules. Among the rules, even though it seems gratuitous, should be these:

1. Violence, armed or otherwise, the forceful occupation of buildings, the intimidation by covert or overt act of any student or faculty member or administrative personnel, the occupation of any university property, field, park, building, lot or other place, shall be cause for expulsion.

2. The disruption of any class, directly or indirectly, or the destruction of any university property, shall be cause of expulsion.

This is neither new nor revolutionary. It is merely the reassertion of an old, accepted and necessary right of the administration of any such institution. And the faculty should be informed, firmly, of this reassertion, before trouble starts.

This does not constitute provocatism. It is one of the oldest rights and necessities of the university community. The failure of university administrators to use it is one of the mysteries of our permissive age—and the blame must fall largely on faculties because they have consistently pressured administrators not to act.

A MATTER FOR COURTS

Suppose the students refuse to recognize expulsions, suppose they march, riot, strike. The police? No. The matter, by prearrangement publicly stated, should then pass to the courts.

If buildings are occupied, the court enjoins the participating students. It has the awful power to declare them in contempt. If violence ensues, it is a violation of the court's order. Courts are not subject to fears, not part of the action.

Too simple? Not at all. Merely an old process which we seem to have forgotten. It is too direct for those who seek to employ Freudian analysis, too positive for academic senates who long for philosophical debate and too prosaic for those who seek orgiastic self-condemnation.

This is a country full of decent, worried people like myself. It is also a country full of people fed up with nonsense. We need (those of us over 30)—tax-ridden, harried, confused, weary and beat-up—to reassert our hard won prerogatives. It is our country, too. We have fought for it, bled for it, dreamed for it, and we love it. It is time to reclaim it.

VIETNAM QUESTIONNAIRE

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. PELLY. Mr. Speaker, I am sure my colleagues of the Congress will be interested in a tabulation of responses to my latest questionnaire. First I should explain that I sent this questionnaire to the first 1,000 names in each of the nine legislative districts in my congressional district as they appeared in the telephone directory. This provided a fair balance of representative views of this predominantly urban population. From the 10,000 questionnaires sent out I have received a return of more than 22 percent. These replies have been tabulated, and the results appear hereinafter.

Of special interest is the fact that I used the exact wording of Newsweek magazine's poll which reflects intensity of public feeling. The following comparison indicates a strong similarity of these two polls:

NIXON AS PRESIDENT

How satisfied are you with the way Richard Nixon is handling his job as President?

	Percent
Very satisfied:	
Newsweek poll	30
Pelly poll	38
Fairly satisfied:	
Newsweek poll	35
Pelly poll	26

	Percent
Not too satisfied:	
Newsweek poll	18
Pelly poll	17
Not at all satisfied:	
Newsweek poll	13
Pelly poll	19

A second comparison was with the results of identical questions I included in my newsletter sent to constituents in December 1969. The President's planned phase out of the Vietnam war is still preferred by my constituents.

DISENGAGEMENT OF U.S. TROOPS FROM SOUTHEAST ASIA

Should we?

	Percent
Carry on limited military action, pursue the peace talk in Paris:	
December 1969	4
June 1970	2
Follow the Nixon policy of gradually phasing out U.S. troops and replacing them with South Vietnamese:	
December 1969	63
June 1970	58
Resume and expand bombing of North Vietnam:	
December 1969	16
June 1970	10
Withdraw immediately:	
December 1969	16
June 1970	30

The other questions dealt with presently proposed Senate amendments to limit the war. The questions and results are as follows:

CONGRESSIONAL ACTION TO LIMIT U.S. INVOLVEMENT IN CAMBODIA

Senators Frank Church (D. Ida.) and John Sherman Cooper (R. Ky.) have drafted an amendment to the Foreign Military Sales Bill which would prohibit the use of any funds to retain U.S. forces in Cambodia, pay U.S. instructors there, and conduct any combat activity in the air above Cambodia in support of Cambodian forces, unless Congress authorizes such operations. The amendment is intended to prevent further U.S. involvement in Cambodia; it would not have retroactive effect on the U.S. "clean-up" operations already underway unless those activities were expanded both in scope and duration. Do you?

	Percent
Approve	36
Disapprove	64

CONGRESSIONAL ACTION TO END U.S. MILITARY INVOLVEMENT IN SOUTHEAST ASIA

Senators George McGovern (D. S. Dak.) and Mark O. Hatfield (R. Ore.) announced they planned to offer an amendment to eliminate spending for military operations in Southeast Asia by the end of 1970. Do you?

	Percent
Approve	40
Disapprove	60

Mr. Speaker, one thing is clear; namely, in spite of college campus sentiment, the majority of my constituents support President Nixon's plan to end the war.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

SWEDISH PRIME MINISTER OLOF PALME SPEAKS BEFORE NATIONAL PRESS CLUB

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. REUSS. Mr. Speaker, today, in a thoughtful speech before the National Press Club, the Swedish Prime Minister, Mr. Olof Palme, sets out the reasons for Sweden's neutrality and gives some examples of Swedish contributions to international peacekeeping and improved international cooperation. I would especially like to bring the attention of Members to Sweden's initiative in proposing and organizing the United Natons Conference on the Human Environment which will be held in Stockholm in 1972. I commend Prime Minister Palme's speech to my colleagues:

ADDRESS BY THE SWEDISH PRIME MINISTER, MR. OLOF PALME, TO THE NATIONAL PRESS CLUB, FRIDAY, JUNE 5, 1970

I would like to devote this introduction to Swedish foreign policy to some general remarks on the relations between small countries and great powers and finally a few words about our internal problems.

We usually describe the fundamental principle of our Swedish foreign policy as freedom of alliances in peacetime aiming at neutrality in case of war.

It is essential, I think, to face up to the fact that the political attitudes of the various European states—including the neutrals—are almost always motivated by their geographical and strategic position as well as their historical experience. Sweden is no exception. Our longstanding neutrality is firmly rooted in our history and is based on the requirements of our position in the center of Scandinavia between East and West. Indeed, half of the East-West border in Europe is within the Scandinavian region. It is supported by all political parties in Sweden and by an overwhelming majority of our people. We are not going to depart from it.

And why should we? There has in fact been a remarkable stability prevailing in the north of Europe during the whole postwar period. We have reason to believe that this is due to the well-balanced political system which is formed by the Nordic countries. Denmark and Norway have joined the North Atlantic Alliance. Sweden and Finland are neutrals, Finland having a special treaty on friendship, cooperation and assistance with her great neighbor. This system has a good deal of inherent logic. It has proved to be a useful element of the postwar European structure. You cannot change a part of it without endangering the total stability.

A few years ago neutrality was looked upon in some quarters if not as an aberration then at least as a sign of questionable morality. This attitude is rare today. It was a satisfying experience for me when, during my recent visits to Bonn, London and Paris, I heard the governments of these countries expressing, in more or less the same words, that it was also in their interest that our policy of neutrality should be continued because it served the interest of peace and stability in Northern Europe.

Nordic cooperation is a keystone of our foreign policy. In spite of a difference in our external policies it has been possible to bring the Nordic countries ever closer to one another. We have abolished passports within Scandinavia. We have formed a common labor market, and we have achieved a high degree of coordination in our social legislation. Through EFTA we have abolished customs barriers between our countries. As a result, inter-Scandinavian trade has increased fourfold over the last decade and a far-reaching industrial cooperation has been initiated between our countries. We have concluded negotiations on an agreement for a more advanced economic cooperation—the so-called Nordek Plan—which is, however, yet to be signed. When we now enter into negotiations and discussions on a wider cooperation within Europe it is an important objective for us that this Nordic cooperation should be maintained.

A policy of neutrality must be credible. It must be possible to rely on our sincerity when we declare that our policy of no alliances in peacetime is a demonstration of our firm resolve to maintain our neutrality in war. People should be able to feel confident that neither Swedish territory nor Swedish resources will ever be used for aggression. Our policy of neutrality requires that the world can rely on our ability to remain neutral. It is for this reason that Sweden has built up what is, for a country like ours, a relatively powerful defense. Our per capita expenditure for defense purposes makes us number four in the world, after the United States, Israel, and the Soviet Union.

Neutrality does not mean isolation. A small country cannot permit herself to be isolated. The Swedish society is becoming more and more internationalized. We export about 50 per cent of our industrial production. Immigration is increasing rapidly. Mass media bring the world's troubles into our living rooms. We naturally feel involved and cannot turn our backs on the outside world.

Our neutrality does not condemn us to silence. Participation is to hold views and take stands. This follows already from our membership in the United Nations. We do not pretend to possess any superior wisdom, nor to have deeper insight than other nations. But the opinions of a small, neutral country like Sweden can never be reasonably conceived as an expression of ambitions of power politics or as hostility toward other nations. When we express opinions on different questions they are based on our own independent judgment. This is fully compatible with a foreign policy based on strict neutrality as far as the national security is concerned.

When we express our opinions on international problems, they generally reflect the same basic values as we try to implement in our internal development, and they also reflect our positions as a small country.

In his memoirs, the late President of Finland, Mr. Paasikivi, expresses, on the basis of a life-long practical experience, some very pessimistic thoughts on the future for small nations.

"We place our trust in the law," he wrote in a memorandum in 1940, and by that we mean the law as it is written. We also believe that every sovereign state and sovereign people have equal importance. But that is not so in practice. Estonia and Finland, with populations of 1 million and 3.5 million respectively, do not enjoy the same status nor, in reality, the same value as Germany with 70 to 80 million, or England with 50 million, or the Soviet Union with 180 to 200 million. International law was born at a time when there were numerous nations of similar size and importance and with the same kind of sovereignty. In real life things appear differently. This is a sad and dangerous fact for us small nations. Aside from the judicial equality there exists a vast difference between a small nation and a big power. The tasks and the ambitions of a big power are different from those of the small nations. History shows that small countries must yield before big powers, even endure humiliation at their hands. "But small nations," he pointed out later on, "are constantly drawn against their will into major conflicts and into the maelstrom of international events. The danger that the small shall perish is ever-present."

His conclusion was that small nations should be very careful, very humble, and should try to keep out—then they might be allowed to live in peace. If small fish are sufficiently quiet and invisible they might escape the big fish.

Paasikivi was a very wise man who gave immense service to his country. His practical policy remains unchanged. If his conclusions as a general rule are no longer wholly tenable this is because the circumstances have changed towards a growing interdependence between all states in the world.

The power and the responsibility of the superpowers, as well as the difference in importance between small and big nations, have increased immensely. The vast arsenals which the super powers possess are an expression of this inequity between nations and of a growing insecurity in the world. At the same time they signify an immense technological superiority in many fields. Because of their technological capacity the great powers have access to the enormous resources of the ocean floor. The same superiority is evident in the exploration of outer space. We now witness a trend towards a kind of duopoly between the super powers. I hasten to add that this is not a wholly negative development. These powers are fully aware of their destructive potential. They know that open conflict might make life on earth impossible and they accordingly feel a responsibility to try to prevent local conflicts from developing into major conflagrations. Thus the balance of terror is a guarantee—though an increasingly fragile one—of peace. And if duopoly means cooperation then the danger of annihilation is reduced.

But the preeminence of the superpowers also carries certain risks for smaller nations. Great power superiority gains an increasing importance through the growing interdependence in the world. This is due to the economic and technological developments; to improved communications; and to the growing awareness especially among young people of a global unity. No country can escape or insulate itself from this development. Again, the arms race is a dramatic illustration of this. Armed conflict between the great powers would directly affect the whole world and cause unimaginable destruction and suffering to all mankind.

In this world of growing interdependence the idea of national independence and state sovereignty might seem obsolete. At the same time nationalism is on the upsurge. Nationalism is very much a reality for people who live under oppression. In newly independent countries it gives social cohesion and a sense of solidarity necessary for social and economic progress. And in all smaller nations sovereignty provides a kind of shield against the overpowering political, economic and military influence of the great powers.

This is legitimate. But it should not and must not be equivalent to hostility between small and large nations. Small nations have every reason to maintain good and friendly relations with great powers, not only because of their immediate self-interest but also because the great powers hold the keys to war and peace in the world of tomorrow.

It is in cooperation with great powers that small countries can make a constructive contribution towards a peaceful development.

Let me at this point make the observation that these general principles naturally hold true in regard to the relations between the United States and Sweden. But, above all, the relations between the American and Swedish people are characterized by a long traditional friendship, of personal ties, of a wide exchange in the economic and cultural fields, of a common heritage in the development of a free and open society. Yet sometimes I have seen Sweden characterized as anti-American because we have at times been critical towards American policies. We in Sweden have not for a moment seen things this way. One would rather put the question in the following way: What kind of friends do we want? Do we want people to stand up and be counted or do we want them to stand up for their honest opinions, also, when they do not coincide with ours? For our part we will not give up the long-standing tradition of genuine friendship with the American people.

The development towards greater interdependence between nations will continue. This means that small nations must be prepared to give up more and more of their sovereignty. Otherwise their chances to survive with a degree of independence are small. But there is an important distinction to be made. Sovereignty must become gradually limited, not by the use of the tremendous might of the great powers, but by the very exercise of sovereignty, through voluntary agreements dictated by enlightened long-range self-interest. The positive alternative to national sovereignty is international agreements and international structures and regimes.

For this reason it is essential that the right of small countries to national independence and self-determination should be safeguarded. In this they share a common responsibility. Their power is not great. But small nations have to show solidarity with each other in order to defend their right to exist.

But it is even more important to stress the positive aspects of interdependence. Small nations have a duty to participate, within the limits of their possibilities, in international strivings for peace and global cooperation. For us it has been natural to seek to use as far as possible the United Nations as an instrument and to concentrate our contributions to certain special areas. Let me give a few examples.

We have taken part in virtually all of the peace-keeping operations of the United Nations—in Korea, Lebanon, Kashmir, the Congo, Cyprus, etc. Through the United Nations' effort it has been possible to limit the spread of local conflicts and to gain time for reaching a political solution. Swedish citizens have served as high officials in the United Nations, as mediators, observers and so forth.

We have taken a very active part in the disarmament negotiations, at present as one of the non-aligned nations at the Geneva Conference.

We took up the population question in the United Nations and were at first met with considerable resistance.

Sweden took the initiative to the United Nations Conference on the Human Environment which is to be held in Stockholm in 1972. Pollution and the demand for a better environment is now in the foreground of the debate. It is being increasingly recognized that effective measures can be taken only through international action and agreements.

There is a growing opinion in my country for increased aid to the developing countries. Over the last few years we have increased our appropriations for these purposes by 25 per cent annually. Also in this field we firmly believe that international cooperation in the widest possible sense provides the most effective means to prevent a widening of the gap between rich and poor nations.

Our endeavors in these areas may not be very significant. We do not feel called upon to play the role of a world conscience, to teach lessons to others, to moralize, etc. We are indeed acutely aware of our limited possibilities to influence the cause of events but we try with some consistency to take up problems that are decisive for our common future on the premise that peace and goodwill shall prevail. This would be rather meaningless if we did not keep up defiant optimism that a better future can be created.

Over the past few years we have heard many prophecies of an impending catastrophe. The scientists speak of the '70s as the decade of possible annihilation, of worldwide starvation, of destruction of our environment and of increasing violence. Their message is becoming common knowledge. And very little is done about it.

In my first speech in my present capacity I reacted against a pessimism that is somewhat dangerous when the dreadful is becoming commonplace. The catastrophe that threatens us is by no means inevitable. Armament can be turned into disarmament. Together the nations can stop the destruction of the environment. The decade of development that never came true in the '60s can become reality in the present decade. The social causes of violence can be done away with. These problems cannot be solved in 10 years. But the '70s are still the decade of possible turning points.

But these changes will not come about by some anonymous forces or by the activity of some kind of elite. Catastrophe, if it comes, would essentially be a result of misguided political decisions or failure to take political decisions at all. The knowledge is growing that today's decisive problems are social and political and thus have to be solved by political and social methods. Therefore our fundamental hope lies in a democratic process within and between nations that will make possible the rather profound changes in the structure of societies and in international relations that are a condition for peace.

The roots of international tension are often to be found in internal problems. Our first contribution to international cooperation is therefore to promote the development of our own countries.

Sweden does not excite any tremendous international interest. We tend to exaggerate the interest we sometimes attract abroad as well as magnify the importance of what is said about us. By some observers we are described as a country where all essential problems have been solved. We are impeccable, but very dull—relieved only by occasional fits of collective neurosis. To others we are a nightmare state where private initiative is allowed only in the field of morals to an extent at which suicide comes as an inevitable end to a pitiful existence.

Neither of these pictures is very accurate.

Sweden is a technically advanced country enjoying a fairly high standard of living. We devote a bigger proportion of our total resources than other countries to employment policy, education, housebuilding, social security, and medical care. Consequently, we also pay higher taxes. Industry is mostly privately owned, but the importance of the public sector is growing. We are beset by the familiar problems of rising prices, the credit squeeze, imbalance in our forign trade, etc. But it is fair to say that, basically, we have a strong economy.

Of more fundamental interest is the fact that we meet the same basic problems as do other advanced industrial countries, namely: the social effects of technological development; the inequalities which largely are the result of the automatic forces of a market economy; shortages caused by the rising expectations of people; the threat to our environment; the inadequacy of traditional

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democratic procedures in meeting the demand of people for participation and real influence, etc.

These problems could not be solved by seeking stability in terms of a status quo. They can only be solved by social change and determined action with the aim of achieving better guarantees for individual security and a higher degree of social equality and solidarity in our society. We do not base our action on fixed doctrine and we cannot offer any patent solutions to our problems. Politics, like many other fields of human endeavor, is a matter of innovation. We look for our innovations in the everyday problems of people, and try to transfer their demands into political actions. One such innovation is the labor market policy. The number of workers who participate in retraining every year is as high as the number of students in our universities. Another such field is educational policy, especially adult education. Another is our efforts to give handicapped people a chance to take part in productive life. Others could be mentioned with varying degrees of practical success. We have learned that in order to succeed we have to be very firm in our basic values but very undogmatic in our choice of means.

In this way—and that is the wider significance of it—we would like to prove the practical possibility of social progress. We would like to show, as has been done in the past, that it is possible to change a society by peaceful means, on the basis of a vital and participating democracy, simply on a foundation of a reformist ideology.

In this way we could possibly make a small contribution towards a more peaceful and reasonable world.

RAIL PASSENGER SERVICE ACT OF 1970

HON. DANIEL E. BUTTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. BUTTON. Mr. Speaker, in a recent editorial, the Albany Times-Union strongly endorsed the Rail Passenger Service Act of 1970, which has passed the Senate by an overwhelming vote and is now pending before the Interstate and Foreign Commerce Committee. I hope that the committee will take prompt action on this important legislation. The serious financial condition of the Penn Central Railroad and its massive discontinuance petition now pending before the ICC made it clear that if something is not done soon there will be very little, if any, passenger service remaining in the East.

I have long argued for the need for high-speed modern rail service in our urban corridors. The run from Albany to New York is 142 miles; given the volume of traffic between New York City and the State's capital, it would relieve the strain on our overcrowded airports and for distances such as this would be more economical and efficient than the airplane. I am confident that the independent corporation to be established by the pending bill would certainly maintain and improve Albany-New York service as part of a basic intercity passenger system.

Equipment and technology which is now available, such as the turbotrain, would be ideal for this route. New management, devoted entirely to serving the rail passenger and not to driving him away, would provide the type of rail service which will surely increase ridership and revenues. This new corporation, when established, will help to meet the transportation needs of Albany. I am pleased that it has already received strong editorial support from the Albany Times-Union, and I include the editorial in the RECORD at this point:

[From the Albany (N.Y.) Times-Union, May 9, 1970]

RAIL PLAN

The Senate has overwhelmingly approved bi-partisan legislation to help save the nation's intercity passenger railroad systems.

The most basic provision of the proposed plan would provide for $175-million in federal loans and grants to a semi-public corporation to operate passenger trains in heavily traveled intercity corridors.

No doubt the 15-month success of the experimental and federally subsidized, high speed "Metroliner" service over the heavily traveled industrial corridor between New York and Washington had much to do with the compromise legislation.

It has proven that customers for intercity rail travel are readily available if service is good. Aside from that, it is profitable.

The proposed legislation undoubtedly will undergo changes before it ever reaches the President's desk. But it should and must be pushed if we are to relieve the impossible traffic jams over the nation's airports and on its highways.

Large scale federal support for a modern passenger railroad system could go a long way toward encouraging railroad companies, which have in the past 25 years neglected passenger service for more lucrative freight hauling, to resume the excellent rail service this country enjoyed in pre-World War II years.

CONGRESSIONAL REPORT TO NINTH DISTRICT RESIDENTS—MAY 18, 1970

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following from my Washington report:

SOCIAL SECURITY

Congress soon will be considering new amendments to the Social Security Act, which, if enacted, will increase benefits by 5 percent and allow recipients to earn up to $2,000 a year without loss of benefits. The proposed amendments also would permit widows and dependent widowers, 65, and over to receive 100 percent of the spouses' retirement benefits.

The fact that Congress is considering new amendments—even before amendments passed last year can be put into effect—highlights the continuing dilemma over the cost vs. benefits of the Social Security Act.

Social Security was created during the Great Depression, initially to provide some measure of income for retired workers. Since its enactment in 1935, however, it has become both a tax, and a subsidy, of major social importance. It equals, and many times exceeds, the Federal income tax levy for low and moderate income families.

Benefits for dependents and survivors were added in 1939, and, through increases in both the tax rate and the earnings base, the tax has been raised 13 times over the years. Five additional steps between now and 1987 will increase the maximum amount of tax from the present $748 to $920.

These increases also have had a significant impact on the pattern of Federal tax collections. Social Security taxes accounted for less than 3 percent of all Federal tax revenues in the middle 1940s. Today they make up nearly 20 percent of the total. Correspondingly, benefit payments make up a larger component of Federal budget outlays. For Fiscal Year 1971, it is estimated that all benefits under Social Security—Old Age, Survivors, Disability, and Hospital Insurance—will amount to 35 percent of all Federal expenditures for domestic purposes.

As Social Security has grown in scope and impact upon our society, so has the controversy over its future. The argument is divided roughly into two views: (1) the moderates, who believe the present system is relatively adequate, and (2) the expansionists, who believe the system should provide full economic security for the majority of Americans.

The moderates favor the continuation of the present self-supporting financing of Social Security, believing that benefits should provide only a basic floor of protection. They oppose the drawing of money from the general revenues of the Federal government arguing that subsidies from general revenues would seriously weaken the cost controls over the program. Further, they warn that such government contributions to Social Security would not be entirely dependable under the Nation's ever-changing priorities. It is conceivable that late or reduced appropriations to the fund could affect benefit payments.

The expansionists believe Social Security should provide full economic security and they favor increases in benefit levels to the point where they would provide for many of the services now administered by public agencies. They favor a government contribution, out of general revenues, in an amount equal to 50 percent of the combined employer-employee contributions. They favor doubling the present benefit level, and expanding disability and medical care benefits.

I favor the moderate view, but with the provision that the program should be kept up to date with changes in economic conditions and that the operation of the program should be kept under continuous study.

The future issues of Social Security will center on: (1) Whether the tax burden will become unduly heavy on the working population, and the limits of the payroll tax, and (2) whether Social Security should operate on the contributory self-supporting principle, or a "social adequacy" concept, providing full economic security for most of the population.

PUBLIC SERVICE AWARD, 1970

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. EILBERG. Mr. Speaker, on Wednesday evening, May 27, 1970, the Philadelphia Public Relations Association, observing the 25th anniversary of their founding, presented their 1970 public service award to His Eminence, John Cardinal Krol, the archbishop of Philadelphia.

The Philadelphia Public Relations Association's membership is made up of public relations counsel and advertising directors of a very representative number of the major corporations in the Delaware Valley area; the newspapers, radio, and television executive personnel; the public information officers of the city of Philadelphia and a number of the municipal agencies in the general Philadelphia area. This group makes a meaningful contribution to the economic, social, and cultural growth of one of the major metropolitan areas of this country.

I believe it is appropriate that we acknowledge the contribution of this association on its 25th anniversary and, at the same time, the contribution which their associates throughout the country make to the growth and development of our country.

Especially meaningful, in my opinion, was their selection of His Eminence, John Cardinal Krol, to be the recipient of their silver jubilee award.

In the award citation, the Association acknowledges the work of the Archbishop of Philadelphia, not only in matters pertaining to the Catholic Church itself, but also of tremendous benefit to the entire community within the jurisdiction of the Archdiocese—a five-county area embracing all of southeastern Pennsylvania.

Mr. Speaker, the citation recognized the work of the Cardinal's Commission on Human Relations, the Catholic Charities Appeal, the Economic Opportunity Program, and the Community Service Corps. As I say, each of these agencies serves the entire population in this five-county area without regard to differences among races, creeds, or color. In many instances, the creation of these agencies, under the direction of Cardinal Krol, were pioneer efforts among the many dioceses throughout the country and it was because of their initiation in the Philadelphia area and the fact that they have been used as pilot programs in other parts of the country, that the association unanimously selected Cardinal Krol for this honor.

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Mr. Speaker, I request unanimous consent to have the text of the award citation and the remarks of Cardinal Krol in response to the presentation published in the CONGRESSIONAL RECORD:

CITATION

The Philadelphia Public Relations Association observing its 25th Anniversary we note our times of tension, stress and deep concern among our national and international community.

In equal terms, we acknowledge the work and efforts of purposeful men of good will to advance the recognition of human values implicit in the fundamental nature of man—the achievements of those committed to advancing the ecumenical spirit of brotherhood among all men—the dedication of those striving to reach the threshold of equality, justice and true charity for all men.

Accordingly, we offer our 1970 Public Service Award to His Eminence, John Cardinal Krol, Archbishop of Philadelphia; Metropolitan Archbishop for the Province of Pennsylvania; Vice President of the National Conference of Catholic Bishops; Member of the Secretariat which administered Vatican Council II.

We acknowledge his work through the Cardinal's Commission on Human Relations, the Catholic Charities Appeal, the Economic Opportunity Program, the Community Service Corps.

Done this twenty-seventh day of May, 1970.

ACCEPTANCE OF THE 25TH ANNIVERSARY GOLD MEDAL

From: The Philadelphia Public Relations Association.

By: His Eminence, John Cardinal Krol.

Esteemed Guests and Members of The Philadelphia Public Relations Association: It is said that speech should be an improvement on silence. We read in the Book of Proverbs (17, 27) that a man who controls his tongue has knowledge, and even a fool can pass for wise and clever if he holds his tongue. Every instinct of prudence bids me to hold my tongue—to be silent. The task of matching the eloquence of the illustrious men whom you have honored in the past, as well as the task of expressing adequately my sentiments of deep gratitude for the 25th Anniversary Gold Medal Public Service Award are as tempting as they are impossible.

Moreover, the pleasure of receiving awards is flavored with some misgivings. My life commitment is to increase the glory of God and advance man's progress in divine life. The correct balance between the secular and the sacred demands that I work for the good of mankind, but that I do so for the ultimate purpose of bringing men to God. I dare not work for self-glory or for the glory of other men. Our Lord cautioned: "Be careful not to parade your good deeds befode men to attract their notice; by doing this you will lose all reward from your Father in heaven" (Mt. 6, 1).

You were good enough to allay some of my misgivings by noting that the award was also given in recognition of the varied programs of the Archdiocese which benefit the community. I am pleased, therefore, to accept the award as a merited tribute to the dedicated work of the priests, religious and laymen of the Archdiocese for the good of the community, and for the cause of unity through a brotherhood which transcends all the accidental differences which divide men;—a brotherhood which derives from our common heavenly Father, and which impels us to acknowledge Him in truth, and to serve Him in holiness.

For the award and for the cordial motives which prompted its conferral, I am deeply grateful. On this 25th anniversary of the founding of your Association, I offer to you my sincere congratulations, and invite you to reflect briefly on some other important events that occurred in that same year—1945.

We greeted the new year 1945 with evident battle fatigue. We were in the fifth year of the global World War II and we were reeling from its increasing fury. We desired peace. We prayed for peace. We fought with the conviction that total victory would end the war and a reign of peace would automatically follow.

In the first quarter of 1945 there was a rapid succession of events. The start of massive air raids on Tokyo was followed by the invasion of Iwo Jima and later Okinawa. In March, the last of the V-rockets fell on Britain. In April, President Roosevelt died, Mussolini was killed by the partisans and the death of Hitler was reported. Atom bombs dropped on Hiroshima and Nagasaki on August 6th and 9th were followed by Japan's surrender on August 14th and with it the end of World War II.

The Yalta and Potsdam Conferences in February and July determined the terms of surrender and the reapportionment of Europe into spheres of interest and control. Millions of people in different nations were "liberated" into the Kremlin camp of captive and controlled nations. In the same year, the Independent Vietnam Republic with Ho Chi Minh as President was formed. The rupture between Chiang Kai-shek and Mao Tse-tung led to the continuing conflict between Chinese Communists and Nationalists. Egypt, Iraq, Syria and Lebanon served notice that the creation of a Jewish state in Palestine would lead to war. The Arab League was founded. In December, the Foreign Ministers of Britain, the United States and the U.S.S.R. met in Moscow to form a provisional government in Korea.

In the same year of 1945, the atom bomb—a product of our laboratories, added frightening dimensions of destructive power to wars, and the United Nations Charter—a product of our national experience—was established as an international effort to restrain and control such power.

We prayed fervently for the end of World War II. Tremendous sacrifices, including 230,173 killed and 613,611 wounded Americans, were made to bring the war to an end. We welcomed the end of the war with unrestrained joy and with the conviction that the end of the armed conflict would introduce a period of peace. Upon a reflection, however, we can now see that the end of the war was attended by certain events which contained the seed of new conflicts—including those in Indochina and the Middle East.

The events of 1945, viewed in a quarter of a century perspective, teach that war is a terrible menace. Military power can win a war, but it has failed to secure peace. Even the United Nations—an organized international effort—has not thus far achieved a lasting peace. What is the solution? Where do we look for an answer? The answer is as simple as its implementation is difficult. It is man who makes war! It is man who must make peace.

Man's continued discovery of the secrets of nature is not matched by his discovery of his own spiritual nature. Man's increasing control of the forces about him is not matched by the control of the forces within him. Pope Paul told the United Nations: "The real danger comes from man himself who has at his disposal ever more powerful instruments, which can be used for destruction as well as for lofty conquests." These powerful instruments must be used for the good of mankind. Man must destroy the instruments of death or be destroyed by them.

In a similar vein, the editorialist, David Lawrence, wrote: "We must find a way to disarm the belligerency of man himself. . . . We turn to moral force . . . as the hopeful alternative to military force . . . what we need in the world is a spiritual influence . . . a spiritual rebirth of man—responsible individualism. . . . This is nothing else than the responsibility of man to God Himself." (U.S. News & World Report, June 1, 1970 reprint from issue of June 14, 1957).

Faith is indeed a necessary condition for peace. Without faith—without a sense of responsibility to God—peace is impossible. Peace is the work of justice given life and direction by charity. These two moral ingredients of peace are rooted in man's divine origin and in the equality of his nature. The solidarity of the human family and of the international community rests ultimately on the brotherhood of men under the Fatherhood of God. We cannot deny or ignore God without denying the one necessary bond which makes all men brothers. If God and His order in the world are denied, there can be no law which would bind the international community.

To achieve and preserve peace, man must acknowledge God. He must acknowledge his dependence upon and responsibility to God. He must also acknowledge that there is a necessary and knowable order in the world which God has placed under the control and management of man. The history of mankind proves that there is no substitute for God's blueprint for world order: there is no instant or miracle formula for peace.

Peace is not a vain hope, nor a sentimental dream. It is a philosophy of action. Man must live and act with the conviction that international affairs are neither self-regulatory, nor beyond control; that international controversies can be resolved by negotiations based on mutual trust, confidence and willingness to forgive; that such negotiations must respect the right and dignity of all persons and peoples, and must enlist their cooperation in the pursuit of the shared hopes of mankind.

Peace should not be equated with pacificism. Nor can it be invoked to protect discord, injustice, or the violation of human rights or human dignity. Peace demands the courage to substitute moral strength for brute force; the courage to undertake risks and sacrifices for the common good of the human family; the courage to redirect the minds of men to go—Who in the Old Testament was called Yahweh—Shalom—God is Peace; and His Son in the New Testament was identified as the Prince of Peace—His gospel was "the gospel of peace."

Today, a gratifying increase in the awareness of the urgent need for peace is matched by a diversity of views on how peace is to be attained. Such diversity, if reasoned and restrained, can be profitable. It is no tragedy to have hawks and doves; hard-hats and long-haired dissenters; the impatient young and the determined old; interventionists and hardened isolationists; those who would abandon smaller nations to imperialistic aggression and enslavement, and those who consider the defense of such nations as the first line of defense of our own nation. In our nuclear age, with its jet system of travel and communication, there is an interdependence among nations which does not permit any nation to turn its back on the rest of the world without hurting itself.

It is good that the young are interested and articulate and that solons defend their convictions. We should not exaggerate the age gap. The world has always been peopled by young and old. Neither has a monopoly on wisdom, vision or courage. Neither is omniscient or infallible. The cause of peace needs the wisdom, knowledge and experience of the old as urgently as it needs the vision, the courage and the daring of the young. Both must work together in patience, in faith and in mutual trust. Order cannot be achieved through disorder. Peace cannot be achieved through violence—on the battle front or on the home front.

The first rung of the ladder to peace is the spiritual rebirth of man. David Lawrence labels this as "responsible individualism" and defines it in the words: "This is nothing less than the responsibility of man to God Himself." Without such a sense of responsibility military victories, international laws and treaties, and even the laudable efforts of the United Nations will avail little.

As members of the Public Relations Association, you may well appreciate the delicate and formidable task of religious leaders. Working in the sphere of our special competence, and always keeping a proper balance between the sacred and the secular, we must provide men and society with a light and a leaven—a knowledge of God and of His blueprint for individuals and for the world. We must help men to develop a sense of personal responsibility to God which must serve as a norm for all human action.

In an age when some writers are reviving the "God is Dead" theory, we must explain that light exists even though it is not seen by a blind man; that sound exists even though it is not heard by a deaf man; that the full beauty of stained glass windows is not seen from without, but from within the church. We must show that God is alive and that His commandments, even though disregarded or violated, do exist and do bind all human beings.

Since apostolic times, there has been a tendency to fashion a secular or world religion; to accept some of the tenets of the Gospel and to ignore or reject others. Truth is one and indivisible. The presentation of the truth must be adjusted to the circumstances of time, place and persons. But truth—doctrine—cannot be modified to please the listeners.

Since God is infinite and man is finite, there must be mysteries in religion. Truths revealed by God in the Scriptures are no less truths because they transcend human comprehension. Our teaching of religion, therefore, places a heavy demand upon the human mind—a demand for faith—a faith which must be lived and expressed in charity.

The teaching of religion to be effective also places a heavy demand upon the human will. It must echo Our Lord's call to penitence—a call to self-discipline and self-denial—a call to the discipleship of the cross—which to the pagans was a sign of rebuke and reproach, but to the Christians is a symbol of victory. We must echo Our Lord's call to a love which is demonstrated by the observance of the commandments—a love which calls for sacrifice. We must time and again repeat the "Thou shall not" of the commandments and of the Gospel.

Having challenged the faithful to faith in the sacred mysteries which exceed human comprehension, and having challenged them to self-discipline and to overcome the temptations of our frail human nature, we then call on the faithful to support the entire endeavor with their contributions. Would you say that ours is a formidable task of public relations?

In some quarters the Church is equated with intransigent authoritarianism and insensitivity to the people of God. There is and must be absolute fidelity to the Gospels—to the integrity and orthodoxy of doctrine entrusted by Our Lord to the Church. But absolute authoritarianism exists only in theory. Even absolute despots will not survive without some sensitivity to the people. The Church could not survive unless it had the confidence of the people. It depends entirely upon the free-willed offerings of the people.

The Archdiocese of Philadelphia, for example, depends entirely upon the free-will offerings of the faithful. It has no secure source of revenue; no taxing power; no income producing enterprises and no unrestricted reserves. Just recently it had to negotiate a loan from a commercial bank to meet the high school payroll. Yet the people of the Archdiocese help to maintain a system of elementary and high schools with an enrollment of 265,000 students. The operating cost of the Archdiocesan Schools was 40 million, but if the same children were educated at the prevailing-per student cost in public schools, the taxpayers would have to produce an additional 180 million dollars for operating costs alone. This would cost the average Philadelphia taxpayer an additional $240 annually.

The same people of the Archdiocese funded a Social Service program, which grants, reimbursements for service and contributed services had a value of 29 million dollars. These and other programs supported by the people of the Archdiocese and of the community help the Church to carry on its mission "To unite men with God and with each other". We teach men to know God and to meet his responsibility to God and to all his fellow men, because all men are made to the image and likeness of God.

I have been a citizen of Philadelphia for almost ten years. I try to take nothing for granted. I know of no city that has the natural beauty—the varied topography—the hills and rills, the mountains and valleys, the geographical enclaves with individual culture and speech inflections, the rivers and creeks, the large parks, the rich historical shrines that lie within the confines of Philadelphia. I'm certain that no bishop travels a more beautiful route to his office than does the Archbishop of Philadelphia along the river drives.

The greatest wealth and the greatest asset of our city are the people of Philadelphia. We have the widest diversity of people—many saints and some sinners; the sophisticated and the simple; the highly educated and the humble; the wealthy and the poor, but nowhere can one encounter so much good will, so much genuine cordiality and so much just plain every-day kindliness as I and my visitors from over the world have encountered in the City of Brotherly Love. Philadelphia has been and will be the target of envy—of good natured jokes. Some wags repeat the old question—Who would want to spend a week-end in Philadelphia? My answer is: "I certainly would not want to spend a week-end in Philadelphia. I would much prefer to spend the rest of my life in the City of Brotherly Love—in dedicated service to its good people—and to all of you."

JAPAN'S RISE AS WORLD INDUSTRIAL POWER

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. GAYDOS. Mr. Speaker, I offer for inclusion in the RECORD today the third in a series of articles written by Sylvia Porter about Japan's almost meteoric rise as a world industrial power.

The article, one of five appearing in the Pittsburgh Post-Gazette, concerns the spirit of the Japanese worker and its effect on the Japanese economy. According to Miss Porter, the worker in Japan saves nearly 20 percent of his take-home pay, 18 to 20 cents, out of every dollar. Compare that to the 6-percent level of savings in America.

That savings rate, the highest in the world, provides the capital, the fuel, which is driving Japan to the top of the hill in world production and trade.

The article follows:

THE JAPANESE WORKER IS A DEDICATED SAVER

(By Sylvia Porter)

TOKYO.—The Japanese worker saves 18 to 20 cents out of every $1 of take-home pay—the highest savings rate in the world and dwarfing the 6 per cent savings level in our country. This is the pool of capital which has fueled the Japanese economy's breathtaking upsurge. And this force alone is a major key to the Japanese economic miracle.

"Find out," said a U.S. Government official to me before I left for Japan, "what makes their workers willing to save that much. It's a vital factor in any economy and maybe we can learn something."

I think I've found out.

But whether we can "learn something" depends on whether we develop a new sense of national purpose and regain our pride in America's economy—and that's sort of up to you. To begin with the most obvious, the Japanese worker saves so much:

(1) Because of Japan's heritage of poverty and thus Japan's tradition of thrift. "The frugal nature of the Japanese worker is crucial," said Toshiharu Kubo, economic editor of the influential Yomiuri Newspapers, "and his nature won't change. Thus, he'll continue his high rate of savings. He saves for

his old age, he saves to finance his children's education, he saves for future luxuries."

(2) Because his annual income is climbing far more rapidly than his cost of living, so despite Japan's serious inflation today, he can still put money aside to satisfy his desire tor future higher living standards.

This annual rise in the Japanese worker's pay is built into the economic system.

The scheduled—and published—rate of rise in wages between now and 1975 is more than 12 per cent a year. Since the rise is programmed and approved by government and industry, over 12 per cent it will be.

Prices are rising sharply now, but nowhere near 12 per cent, and the target for 1975 is a rate of price rise down to under 4 per cent.

Even if this lower rate isn't achieved, workers will be getting a substantial "real" pay increase per year which will permit them to boost their standards and to save too.

"I anticipate no difficulty because of this rate of wage increase," Yusuke Kashiwagi, vice minister of finance, told me, "for worker productivity will increase up to 15 per cent a year and industry therefore will be able to offset the wage increase. Productivity will be raised by shifting workers from non-productive farm work to industry and by continued automation of plants."

(3) Because, and this is fundamental, of the way workers in Japan are paid.

You probably are aware that paternalism is the foundation of the Japanese pay system; that employers take on the responsibility for a worker from the day he is employed until his retirement and the employee in turns repays this with an intense loyalty and pride in his work.

But basic to this story on savings is the additional fact that on top of his monthly pay, a worker receives a bonus—each averaging two to three months pay—twice a year, usually in June-July and in December. The bonuses are expected and a large chunk each time goes immediately into savings (often right at the factory).

It's really a form of compulsory savings, and this, said Bunji Kure, chief economist of the Bank of Japan, "will continue because the pay system will continue. A shortage of capital will not be our problem during the next several years."

(4) And finally, the Japanese worker saves so much because his government is asking him to save to help finance his country's economic growth, and to this he is deeply, emotionally committed.

He thinks in terms of his own contribution to his country's economic expansion and overall prosperity as few Americans in similar roles do.

The Japanese are being called—with not so pleasant connotations—"economic animals."

But the description can be a compliment too. And the Japanese I met, at all levels, certainly were not ashamed of their own aggressiveness, devotion to work, dedication to economic expansion.

You will notice I'm coming back to this intangible of Japan's "spirit" repeatedly in this week's series on Japan, for this is what struck me so profoundly in Japan and this is what I wish so much we could regain.

What happened to our spirit, my America?

SAMUEL C. SUISMAN

HON. EMILIO Q. DADDARIO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. DADDARIO. Mr. Speaker, I rise to note with sadness the passing of my friend, Samuel C. Suisman of West Hartford, Conn. Sam was a fine athlete, successful businessman, and one whose philanthrophies and personal participation showed great concern for the community in which he lived.

At Hartford High School Sam starred as quarterback in football and second baseman on Hartford's State championship baseball team. After giving up contact sports, he continued to demonstrate his athletic ability as a golfer of statewide renown. He and his brother, Eddie, made a championship team on many occasions. The natural skill, determination, and ability so clearly evidenced on the athletic field was further demonstrated in Sam Suisman's business career. And all of those who dealt with him regarded him as a friend which is a rare tribute.

While Sam's athletic and business careers made him well known throughout the Hartford area, it was his unstinting contribution of his time and resources to a great variety of civic endeavors which makes his passing such a loss to the greater Hartford community. This regard is clearly expressed in an article in the Hartford Times by Art McGinley, recently retired dean of Connecticut sports writers, and an editorial and article by sports editor, Bill Lee, in the Hartford Courant.

I include these tributes to a fine citizen, whose passing was a great loss to the Hartford community, in the RECORD at this time:

[From the Hartford (Conn.) Courant, June 2, 1970]

SAMUEL C. SUISMAN

The qualities which marked Samuel C. Suisman were as diverse as they were numerous, and together it was easy to see how they had made him a leader in the community in which he had spent his life.

Mr. Suisman was prominent in the business world of Hartford, a sportsman and a former athlete, and active in a variety of civic affairs in which he held responsible posts. These activities would entitle anyone to be called an all-around citizen.

But beyond this Mr. Suisman was also an outstanding philanthropist, initiating numerous projects on his own for the benefit of the community, and contributing generously of time and money to others. He was one of the founders of Mt. Sinai Hospital and continued to serve it for years as head of some of its most important committees. In a similar way he had taken a leading role in the Hartford Jewish Federation.

Subsequently, with his brother, Edward Suisman, he was a founder of the Suisman Foundation and its president. As was pointed out in the news account of his death, through the foundation and with his brother he contributed to a wide variety of charitable causes of all faiths. Indeed, his philanthropy often helped set a pattern which accelerated the standards of charitable giving in the community.

Thus, Mr. Suisman's lifetime in the community was as dedicated as it was long. Many causes and undertakings which are the better for his help therefore will remain as monuments to him in his passing.

[From the Hartford (Conn.) Courant, June 3, 1970]

WITH MALICE TOWARD NONE

(By Bill Lee)

PASSING OF A GOOD MAN

Many persons for many different reasons mourn the passing of Sam Suisman. His unstinted labors on behalf of Mt. Sinai Hospital, his many charitable works and his stature in the business community have been extolled in Senator Ribicoff's eulogy and on the editorial page. I can speak only of the remarkable quality of his athletic youth and the bright, warm feeling he brought to the game of golf long after his football, baseball and basketball days had come to an end.

Sam had exceptional ability and leadership almost from the time he was big enough to pick up a baseball bat or throw a football 15 yards downfield. Dr. Morris Cohen, who represents Bloomfield in the Connecticut Legislature, remembers when Sam Suisman captained the West Middle School baseball team and Rube Cohen the Lawrence Street School. The grammar school rivals later were to team up at the forward positions on the HPHS quintet.

Sam passed his first tests as a competitor and leader at West Middle in a period when grammar school baseball was one of the biggest things in town and before educators decided that playing baseball in a league was a terribly damaging thing for boys of grammar school age.

TALENTED LEADER IN MAJOR SPORTS

At HPHS, Sam Suisman became something of a high school Frank Merriwell. He played shortstop on a team that won the state championship by beating Bridgeport on neutral Yale Field.

The HPHS football team he quarterbacked ended a long drought by beating New Britain High for the first time in several years, an accomplishment that so pleased Sam's father, the late Michael Suisman, that he took the entire HPHS squad to dinner.

This writer came to know Sam well in his later years, when he had turned to golf. As a player he lived somewhat in the shadow of his brother Eddie, but few had more fun playing the game. The Suisman brothers made Tumble Brook one of the toughest tandems in the Central Connecticut Golf Association four-ball league. Sam was to give the same dedication to the CCGA that he gave to so many more important things as the years advanced.

It was a joy to know Sam in those days. I regret I saw all too little of him in recent years, when his value to the community had expanded far beyond the scope of the sports pages.

[From the Hartford (Conn.) Times, June 2, 1970]

SUISMAN MORE THAN AN ATHLETE

(By Art McGinley)

When I was first in Hartford, Sam Suisman was one of the best in schoolboy sports here, his name often on the sports pages of the local newspapers.

That was the beginning of a friendship of a half century and I was one of countless friends saddened when he died late last week.

Sam Hyman, who went from high school stardom to college baseball and then to many years as a pitcher in professional baseball, had been a teammate of Sam Suisman at Hartford High in football and in baseball.

"He was a fine athlete," Sam Hyman said. "He had very good timing, fine coordination and a lot of drive. He was an infielder with the Hartford High baseball team that won the state championship in a game played at Yale and I remember Sam having had a fine day at second base; in football he was a quarterback.

"But it is not as an athlete that I shall think of Sam Suisman, it is for his fine qualities. I never have known a finer man."

There was an item in San Suisman's days as an athlete that perhaps too many do not know—when he was at Peddie School, he won the call as the prep school's No. 1 quarterback over a youthful athlete who was to become a motion picture star and who now is a U.S. Senator from California—

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George Murphy. Nate Freedman told me that, when he met Sen. Murphy in California and told him he was from Hartford, George Murphy mentioned the days at Peddie and asked Nate to give Sam his best when next he should see him.

ARDENT GOLFER

Golf had been Sam's great love after he had left more strenuous sports and he became, as in all the games he ever essayed, a fine player. For years he and his brother Eddie seemed to alternate in winning the club championship at Tumble Brook Country Club.

As in all his activities, Sam did much for the promotion and general good of golf in this area as an officer of golf associations.

I never have known a stronger bond between brothers than that between Sam Suisman and his brother Eddie, when you thought of one, you inevitably thought of the other. Eddie, too, had ben a fine athlete at Hartford High and both a baseball and basketball player at Yale.

KIND AND GENEROUS

Sam Suisman was affable, kind and generous. His kindnesses on a personal basis were many and he contributed liberally to countless charitable causes and generally under the cloak of anonymity which gives such giving a special quality.

Sam had served in many capacities on the local scene, giving freely of his time and his ability. Nothing had a stronger claim on his interest than the Mt. Sinai Hospital to which he had devoted himself from its inception.

He never courted publicity, attention and the simple, dignified funeral services Sunday morning at the Morris L. Silverman Auditorium of Emanuel Synagogue seemed uniquely to fit the character of the man to whom the hundreds in attendance were saying a reluctant farewell.

All who knew Sam and the community he served so well will miss him.

LOW INCOME SUPPORT YOUTH HEALTH CARE

HON. ARNOLD OLSEN

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. OLSEN. Mr. Speaker, I wish to call your attention to an article in the Helena, Mont., Independent Record of May 17. It describes the success being enjoyed by the Lewis and Clark children and youth program. I submit it for the RECORD at this point:

LOW INCOME SUPPORT YOUTH HEALTH CARE

The task force study of the delivery of health care to low-income persons being conducted by the comprehensive Health Planning Division of the Department of Health will be terminated following hearings in eastern Montana May 25 and 26.

Hearings have been conducted in Helena, Butts, Bozeman, Mineral County, Ravalli County, Missoula, Great Falls, and Billings. Statements made by low-income persons and providers of health care are being transcribed from tapes and will form the basis for a report to Montana's Comprehensive Health Planning Advisory Council which meets in Helena, June 12, according to Robert Johnson, acting director of the health planning program.

POSITIVE ATTITUDES IN HELENA

There are many similarities, according to Johnson, between the comments made in each of the communities. However, it is worth noting that in the Helena hearings many positive attitudes were expressed by the low-income people about the quality of health care they are getting, Johnson said.

A little further investigation has revealed that one of the reasons for these attitudes in Helena, according to Johnson, is, in part, the Children and Youth Project.

The project, according to Johnson, is being observed closely by health planners because of its potential for preventing health and social problems through comprehensive services to children. "It represents one of the few federal efforts to use health dollars where they will provide society with the greatest cost benefit," Johnson said. There are only 58 such projects in the entire country.

The legislation enabling this program provides that there will be nutritional, speech and hearing, psychological, and social work services as well as medical and dental care.

The impact of the program has been felt by Helena's low-income population, Johnson believes, because of the project's emphasis on creating behavior patterns conducive to the maintenance of good health.

Diagnostic workups are provided by members of the Children and Youth staff and the treatment of conditions found—and illness of the child between visits—is done by the child's own physician or dentist. In later years, it is expected that this pattern of behavior—of seeing a physician or dentist regularly—will prompt the person to use his own initiative to seek regular and adequate care.

OUTSTANDING FEATURE

The most outstanding feature about the program to a health planner, according to Johnson, is its comprehensiveness. "For instance, a four-year-old deaf boy in Helena has been receiving valuable therapy by the staff's speech therapist in language learning. The value of this and the therapy given the four-year-old cleft palate child, and numerous others in the program, is not entirely understood until one realizes that, as Dr. Sheppard Kellam put it at a recent meeting of health planners in Chicago, 'if a child isn't feeling good and 'making the scene' in the first grade, chances are great that he won't make it at all in this educating stage of his life.' It is the speech therapist's job to see to it that these children have a greater chance of making it, by preventing speech problems, as early as possible, from influencing or hindering necessary maturation and development. This is part of a comprehensive approach to a health problem," Johnson stated.

Closely related to this example would be the child who isn't receiving proper nutrition and is either hungry or fat as a result. Both children stand much greater chances of not being able to "make it". The C & Y nutritionist is able to work with the family, the child and appropriate agencies to re-educate the family in sound eating habits.

Follow-up by public health nurses and other professional C & Y staff ensures that the child gets to the care he needs; later, an understanding of how this care helps the child grow healthy, perform better in school and be happier, leads parents to follow through by themselves.

DOING THINGS THEMSELVES

"It's getting people to do things for themselves and avoiding the monetary and social costs of poor heatlh by attacking the problem of poor health at a point in time—during childhood—when there is the greatest opportunity for preventing the problem," Johnson said.

The importance of these allied health activities, coupled with medical and dental treatment, is in their capacity to make meaningful the word "health" to Helena children by acting on many of the factors that make up total health, Johnson believes. "A health program which does not take into consideration environment and behavior patterns is not comprehensive, and if it's not comprehensive it will not, in the long run, affect the total health of those involved," Johnson said.

"Helena should feel fortunate that it has a Health Board backing this comprehensive approach to health care delivery to low-income persons," Johnson said.

LETTER FROM A KENT STATE FRESHMAN

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. WHALEN. Mr. Speaker, recently one of my constituents took the time to express his views on polarization in a most thoughtful letter addressed to me. This young man, Michael E. Seitz, is a freshman mathematics major at Kent State. He was present at the tragedy on May 4.

Reading Michael's unemotional, yet perceptive, account of what happened at Kent State, one cannot help but feel that by failing to listen to our young people, we are surely ignoring many voices of reason and understanding.

As Michael points out, "The solutions to this trend that is dividing the Nation are not easily implemented." Nevertheless, he offers suggestions for restoring order to our campuses and for ending the polarization which, I believe, are worthy of consideration by those on both sides of this dilemma.

Therefore, I insert the letter at this point in the RECORD, and I commend it to the attention of my colleagues:

DAYTON, OHIO,
May 22, 1970.

DEAR CONGRESSMAN WHALEN: The recent deaths at Kent State University is a tragedy of which I am gravely concerned, not only because the dead were my fellow classmates, but for the extent of polarization as well.

Standing along the parking lot aside Prentice Hall (on May 4), I was among the crowd of students on which the Guard opened fire. After the salvo a state of shock existed among the students. The idea of a group of well armed Guardsmen firing a volley of shots into an unarmed crowd, many of whom were bystanders like myself, without warning and without apparent provocation was too unbelievable. Only the blood and cries of the wounded relayed the reality of the situation. As the dead and wounded were carried off, the mood of the majority of students present changed to a somber anger. Could some shop windows and a twenty-three year old R.O.T.C. building be so important?

Admittedly the destruction of public and private property can not be condoned, but the crass overreaction by the Guard is no way to instill order. Indeed, the dispatching of troops on campus to enforce an injunction barring all rallies was a disgracefully naive display. The Guardsmen were sent on a task that was impossible for them to fulfill, and this futility in unison with the Guard's antipathy toward the student movement precipitated the tragedy. In perspective, both the students' destruction of property, and the Guardsmen's use of their position to enact their enmity for student demonstrations illustrate this nation's continued polarization.

The solutions to this trend that is dividing the nation are not easily implemented. Limited use of the Guard on campuses with the bulk of the responsibility for peace keeping on campus in the hands of the students and faculty is a temporary solution to the present crisis on our colleges. If the students and faculty are unable or unwilling to keep things "cool" then the university should close. Nationally, we must reexamine our commitment with a new emphasis on the welfare of man. Nothing constructive can be accomplished, however, until American involvement in Vietnam is ended. Its drain on the economy and damage to the spirit of this nation necessitates the war's termination before all else. Whether our withdrawal is immediate and total or phased by Vietnamization, the crux of the matter is withdrawing as fast as possible without anymore reversals like Cambodia.

I am hopeful that you will continue your dedication to the withdrawal of our troops from Vietnam, and I respectfully urge you to support the amendments before the House that would prevent such reversals from occurring again. In so doing, the power of the Congress would be reaffirmed, and our college campuses may once again be restored to peace.

Respectfully,

MICHAEL E. SEITZ.

BUFFALO MARINE RECEIVES NAVY CROSS FOR HEROISM

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1970

Mr. DULSKI. Mr. Speaker, many men have served their country in the armed services over our Nation's history. Many have given their lives in service.

Combat service imposes great responsibilities upon individuals. Some are called upon to go beyond the call of duty.

The Secretary of the Navy has informed me of the President's recognition of the extraordinary heroism of S. Sgt. Victor J. Guerra, a U.S. marine, while on duty in Vietnam.

The President has conferred upon him the coveted Navy Cross, our Nation's second highest award for gallantry in combat action.

Mr. Speaker, Sergeant Guerra is a resident of my congressional district. He resides at 19 Andover Avenue, Buffalo, N.Y.

This is a high honor, a deserved recognition for Sergeant Guerra. It is a proud day for men, and all Buffalonians in particular, as well as the Nation in general.

The citation by the President tells the story of the sergeant's valor:

NAVY CROSS CITATION

The President of the United States takes pleasure in presenting the Navy Cross to Staff Sergeant Victor J. Guerra, United States Marine Corps, for service as set forth in the following citation:

For extraordinary heroism while serving as a Platoon Sergeant with Company L, Third Battalion, First Marines, First Marine Division in connection with combat operations against the enemy in the Republic of Vietnam. On the night of 27 October 1969, while Staff Sergeant Guerra was returning to the Company Patrol Base with his men, he saw an enemy grenade land before him on the road in proximity to three of his companions. Fully aware of the possible consequences of his actions, he shouted a warning and then unhesitatingly threw himself over the grenade. Although realizing that every second's delay increased his chances of being mortally wounded, he remained in a prone position over the grenade until he was satisfied that the other Marines had attained covered positions. Then, rising to his knees, he hurled the grenade away from the Marines where it detonated harmlessly. His heroic and determined actions inspired all who observed him and undoubtedly saved three comrades from serious injury or possible death. By his courage, bold initiative, and selfless devotion to duty in the face of great personal risk, Staff Sergeant Guerra upheld the highest traditions of the Marine Corps and of the United States Naval Service.

For the President,

JOHN H. CHAFEE,
Secretary of the Navy.

DEDICATION OF LAPEL PIN

HON. HENRY C. SCHADEBERG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. SCHADEBERG. Mr. Speaker, someday very soon each and every Member of this Congress will be receiving a small lapel pin which is the product of a young man and his brother and sister in my district.

Joe Pregont, 11, and his brother Dan, 14, and his sister Ann, 12, have been swept up by a rare feeling among our young people for patriotism. Their father, an industrialist in Janesville, Wis., has provided some materials and some tools and a little of his own ingenuity and together they have designed these red, white, and blue lapel pins.

This week the young Americans have been working hard to hand-produce these lapel pins in order that each Member of Congress may receive one. I hope that you will wear yours proudly.

The children's father Jack E. Pregont has asked that I publicly declare his dedication of this original pin as a product of and for the American people:

DEDICATION

This dedication dated 25 May, 1970, witnesseth:

Whereas I, Jack E. Pregont verily believe myself to be the originator of an ornamental design for a patriotic emblem comprising the words GO USA GO on a red, white and blue background: and

Whereas the aforesaid emblem has recently received considerable publicity in various news media and has been the subject of inquiries from a number of organizations wishing to use the same: and

Whereas my principle interest in the subject emblem is directed to its use for expressing the patriotic theme of the basic soundness of the United States way of life and system of government, rather than to the exploitation of said emblem for personal gain:

Now therefore, I hereby dedicate to the public any rights of exclusivity that might be available to me with regard to the subject design or emblem under the patent or copyright laws of the United States or under any other State or Federal laws, for the purpose of enabling any person or entity to reproduce the same, for profit or otherwise, without any obligation to me.

In witness whereof I have hereunto set my hand and seal this 25 day of May, 1970.

JACK E. PREGONT,
DAURE STEPHENSON.

State of Wisconsin, County of Rock.

Subscribed and sworn to before me this 25 day of May 1970.

MEXICAN AMERICANS AND THE ADMINISTRATION OF JUSTICE IN THE SOUTHWEST

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. ROYBAL. Mr. Speaker, the U.S. Civil Rights Commission recently released a comprehensive report entitled "Mexican Americans and the Administration of Justice in the Southwest," concluding, as a result of an extensive series of hearings and surveys conducted over a period of 2 years, that Mexican Americans in the southwestern United States are subject to widespread patterns of discrimination and denial of the equal protection of the laws in the administration of justice.

The Commission found evidence which indicated patterns of police misconduct against Mexican-Americans in the Southwest, including excessive police violence, discriminatory treatment, and abuse of the arrest power. The Commission also found underrepresentation of Mexican-Americans on State and local juries and bail abuses.

Serious deficiencies also exist in legal representation for Mexican-Americans. Many Spanish-speaking persons have difficulty communicating with law enforcement officials who speak only English. Interpreters are readily available and employment of Mexican-Americans by law enforcement agencies and other agencies charged with administration of justice is disproportionately low.

The Commission's report makes a number of recommendations. Among them are: That Congress enact legislation authorizing civil actions by the Attorney General to enjoin law enforcement officers and agencies from discriminatory treatment of persons on account of race, color, or national origin, and that Congress enact legislation to insure that no person is excluded from service on State juries on account of race, color, religion, sex, national origin, or economic status.

And in a covering letter of transmittal to the President and to the Congress, the Commission declares:

Our investigations reveal that Mexican American citizens are subject to unduly harsh treatment by law enforcement officers, that they are often arrested on insufficient grounds, receive physical and verbal abuse, and penalties which are disproportionately severe. We have found them to be deprived

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of proper use of bail and of adequate representation by counsel. They are substantially underrepresented on grand and petit juries and excluded from full participation in law enforcement agencies, especially in supervisory positions.

Our research has disclosed that the inability to communicate between Spanish-speaking American citizens and English-speaking officials has complicated the problem of administering justice equitably.

We urge your consideration of the facts presented and of the recommendations for corrective action in order to assure that all citizens enjoy equal protection as guaranteed by the Constitution of the United States.

Mr. Speaker, I would like to include at this point in the CONGRESSIONAL RECORD news articles from the Washington Star and Washington Post, as well as an editorial from the Washington Post, on the Civil Rights Commission's report, together with the conclusion, and major findings and recommendations of the report.

The items follow:

[From the Evening Star]

Rights for Mexican-Americans Pushed

(By Philip Shandler)

Stronger safeguards for the legal rights of Mexican-Americans have been demanded by the U.S. Commission on Civil Rights in a report today to President Nixon and Congress.

Investigation has produced "widespread evidence that equal protection of the law in the administration of justice is being withheld from Mexican-Americans," the commission said.

It called for new laws by Congress to permit federal suits against patterns of discrimination, to broaden liability for mistreatment and to bar bias in jury selection.

At the state and local level, the commission called for independent review of complaints against police, compensation for injuries by police, bail-reform and legal-defense systems.

FULLER PROBES URGED

It also urged fuller investigations by the Justice Department and the FBI of civil rights complaints and the hiring of more Mexican Americans by them and state and local police, especially as supervisors.

Both the patterns of treatment described and the remedies suggested parallel earlier circumstances in which blacks were the subjects of concern.

The CRC report is the second expression in recent weeks of attention by federal agencies in the Nixon administration for Mexican Americans and other minorities in the South and West. The Equal Employment Opportunity Commission recently announced a public hearing, due in June, on job discrimination in Houston, Tex.

The CRC report covers Mexican-American conditions in Texas, New Mexico, Colorado, Arizona and California. All of the investigation leading up to it was conducted in 1967 and 1968, during the Johnson administration. Says the report:

CALLED UNDERREPRESENTED

"Our investigation reveals that Mexican-American citizens are subject to unduly harsh treatment by law-enforcement officers, that they are often arrested on insufficient grounds, receive physical and verbal abuse, and penalties which are disproportionately severe."

"We have found them to be deprived of the proper use of bail, and of adequate representation by counsel," the report added.

"They are substantially underrepresented on grand and petit (trial) juries and excluded from full participation in law-enforcement agencies, especially in supervisory positions," the commissioners said.

Some of the troubles of the Mexican-Americans are attributable to the fact that many of them speak little English, the commission said. One remedy for this would be the appointment of more translators, it said, as well as the hiring of more Mexican-Americans.

But it also cited demeaning, and deliberate abuse in law-enforcement and judicial processes.

Police, for example, use excessive force and make frequent arrests for investigation, and in retaliation for complaints—which often must be made at police stations and rarely are reviewed by independent bodies, the report said.

In courts, Mexican-Americans are often held on usually high bail, have trouble getting lawyers, and rarely are chosen for juries, according to the report.

Both the FBI and the Texas Rangers come in for criticism. FBI agents investigating alleged civil rights abuses "have often failed to interview important witnesses," or interviewed them in a "perfunctory and hostile manner." And the Rangers have harassed protesters, the report asserts.

[From the Washington Post]

U.S. Unit Reports Police Brutality—Mexican-American Abuse Cited

(By William Greider)

The U.S. Commission on Civil Rights painted "a bleak picture" yesterday of abusive and violent treatment that Mexican-Americans receive from law enforcement agencies in the five Southwestern states, ranging from casual insults to brutal beatings.

As a result, the commission warned, Mexican-American citizens are "Distrustful, fearful and hostile. Police departments, courts, the law itself are viewed as Anglo institutions in which Mexican-Americans have no stake and from which they do not expect fair treatment."

The commission's survey of police and courts covered Arizona, California, Colorado, New Mexico and Texas where the more than 4 million residents with Spanish surnames constitute the largest minority group.

Federal agencies, particularly the FBI and the Justice Department, also drew criticism in the report both for not employing more Mexican-Americans and for not pursuing their complaints of police brutality more vigorously.

The commission cited a general pattern of under-representation for Mexican-Americans in the legal machinery—trial juries and grand juries, police forces and sheriff's departments, courts and prosecutor's staff. The report recommended federal legislation both to insure better representation on juries and grand juries and to strengthen the hand of federal officials in halting discrimination by local and state police.

In the four-year period from 1965 to 1969, the report said, the Justice Department received 256 complaints of police abuse from Spanish-surname residents in the five states. In the last two years, 174 complaints of "serious police brutality" against Mexican-Americans were also filed with the American Civil Liberties Union of Southern California.

While the commission said it cannot assert that each complaint was valid, it cited example after example from recent years to suggest that a serious problem exists.

In Denver, an elderly man complained that a police beating resulted in a broken jaw. A Los Angeles resident testified that when he protested the arrest of his children, he was hospitalized by a police beating. In San Antonio, a woman said her 13-year-old son had 40 stitches in his scalp from a clubbing by police.

In addition to the lack of local review boards which might act against police brutality, the commission complained that federal officials should strengthen their enforcement "by more intensive investigations." In recent years, the report said, only two prosecutions have resulted from the 256 complaints.

In one case cited by the commission, a San Antonio resident was shot and killed by a city policeman, but two years later the Justice Department closed its investigative file with the notation that "prosecution of a white police officer for the shooting of a Mexican would have little chance of successful prosecution in the Southern District of Texas."

The commission concluded, "More aggressive investigations, taking into account prior complaints against the same officer and showing less deference to local action, can make this sanction (of federal prosecution) more effective." It also recommended new federal legislation to permit the Justice Department to seek civil injunctions against local authorities who display a pattern of discrimination against minorities.

The picture of Mexican-American representation varied sharply from community to community, but a survey of 243 police departments in the five states found only 5.7 per cent of police employees were Mexican-Americans, though they make up 11.8 per cent of the population.

On the federal level, 7.3 per cent of the Justice Department employees in the five-state area were Mexican-Americans, according to the report.

However, none of the legal division employees from GS12 to 18—the lawyers and top professionals—was Mexican-American. The Federal Bureau of Investigation had 1,137 employees in GS9 to 18 in the five states, but only six of them were Mexican-Americans.

[From the Washington Post]

The Rising Mexican American

Among the nation's minorities who are increasingly less silent about their lot is the one of 6½ million Mexican-Americans. The poverty they suffer is as bad or worse as the bleakest conditions endured by the blacks, Appalachians or Indians. Unemployment is roughly twice the rate of Anglo Americans. In the Southwest, more than a third live below the poverty level. In 1968, only 600 of 22,000 graduates of the Southwest's five main universities were Mexican-Americans. Last week, the U.S. Commission on Civil Rights added another dismal fact about Mexican-Americans: they suffer large amounts of abuse and violence from law enforcement agencies, ranging from casual insults to brutal beatings. The commission's survey covered the Southwest, where more than four million Mexican-Americans live.

None of this information is new, either to the victimized themselves or to those who work to help them. What is new is that a growing number of organizations are being formed by Mexican-Americans to confront and change the powers and institutions that deal with them so unfairly either directly or indirectly.

The test of the coming years is not so much how the Mexican-Americans will use their growing power—violently or nonviolently—but whether the larger Anglo society continues to ignore their rights and needs. Commissioner Vicente Ximenes of the U.S. Equal Employment Opportunities Commission warned last June, "You must have a rising awareness in the nation, and especially in the Southwest, of the obligations of government officials and certainly the people, the obligation to a very important segment of the population. It would seem to me that we are taking five million people in this area for granted at our own peril. It would be a tragedy if we had to wait for something explosive to happen before we acted."

The Mexican-Americans are basically the old story of the poor wanting in, the longest running drama on the American stage. The hope this time around is that perhaps the old story, through public legislation and private compassion, will have a new ending.

CONCLUSION

This report paints a bleak picture of the relationship between Mexican Americans in the Southwest and the agencies which administer justice in those States. The attitude of Mexican Americans toward the institutions responsible for the administration of justice—the police, the courts, and related agencies—is distrustful, fearful, and hostile. Police departments, courts, the law itself are viewed as Anglo institutions in which Mexican Americans have no stake and from which they do expect fair treatment.

The Commission found that the attitudes of Mexican Americans are based, at least in part, on the actual experience of injustice. Contacts with police represent the most common encounters with the law for the average citizen. There is evidence of police misconduct against Mexican Americans. In the Southwest, as throughout the Nation, remedies for police misconduct are inadequate.

Acts of police misconduct result in mounting suspicion and incite incidents of resistance to officers. These are followed by police retaliation, which results in escalating hostilities.

The jury system is also not free from bias against Mexican Americans. At times, bail is set discriminatorily and inequalities in the availability of counsel lead to other injustices in trial and sentencing. Skilled interpreters, sensitive to the culture background of Mexican Americans, are rare in areas of the Southwest where Mexican Americans predominate. Finally, Mexican Americans have been excluded from full participation in many of the institutions which administer justice in the Southwest. Mexican Americans are underrepresented in employment in police departments, State prosecutor's offices, courts, and other official agencies. Consequently, these agencies tend to show a lack of knowledge about and understanding of the cultural background of Mexican Americans.

The Commission recognizes that individual law enforcement officers and court officers have made positive efforts to improve the administration of justice in their communities. The fact however, that Mexican Americans see justice being administered unevenly throughout the Southwest tends to weaken their confidence in an otherwise fair system. In addition, the absence of impartial tribunals in which claims of mistreatment can be litigated to a conclusion accepted by all sides tends to breed further distrust and cynicism.

This report is not intended to burden the agencies of justice with responsibilities which lie with society as a whole. The police and the courts cannot resolve the problems of poverty and of alienation which play a large part in the incidence of crime which they attempt to control; and the police and the courts often treat legitimate demands for reform with hostility because society as a whole refuses to see them as justified. The Commission recognizes that the job of law enforcement is extremely difficult. Nevertheless, it finds no justification for illegal or unconstitutional action by the very persons who are responsible for the enforcement of the law.

This report shows that Mexican Americans believe that they are subjected to such treatment again and again because of their ethnic background. Moreover, their complaints bear striking similarities to those of other minority groups which have been documented in earlier Commission studies of the administration of justice. The inequalities suffered by black Americans and Indians described in the Commission's 1961 "Justice" report and its 1965 "Law Enforcement" report, are of a similar nature. Consequently, the Commission's recommendations in this report are designed to be sufficiently broad to be applicable to all minority groups.

The essence of this situation is summed up in the words of a Mexican American participant in the California State Advisory Committee meeting, who said: "I think that my race has contributed to this country with pride, honor, dignity, and we deserve to be treated as citizens today, tomorrow, and every day of our lives. I think it is the duty of our Government to guarantee the equality that we have earned."

FINDINGS

1. POLICE MISCONDUCT

There is evidence of widespread patterns of police misconduct against Mexican Americans in the Southwest. Such patterns include:

(a) incidents of excessive police violence against Mexican Americans;

(b) discriminatory treatment of juveniles by law enforcement officers;

(c) discourtesy toward Mexican Americans;

(d) discriminatory enforcement of motor vehicle ordinances;

(e) excessive use of arrests for "investigation" and of "stop and frisk";

(f) interference with attempts to rehabilitate narcotics addicts (pp. 2–12).

2. INADEQUATE PROTECTION

Complaints also were heard that police protection in Mexican American neighborhoods was inadequate in comparison to that in other neighborhoods (pp. 12–13).

3. INTERFERENCE WITH MEXICAN AMERICAN ORGANIZATIONAL EFFORTS

In several instances law enforcement officers interferred with Mexican American organizational efforts aimed at improving the conditions of Mexican Americans in the Southwest (pp. 14–18).

4. INADEQUACY OF LOCAL REMEDIES FOR POLICE MALPRACTICE

Remedies for police malpractice in the Southwest were inadequate:

(a) in most Southwestern cities the only places where individuals can file complaints against the police are the police department themselves. Internal grievance procedures did not result in adequate remedies for police malpractice;

(b) some cities in the Southwest have established independent or quasi-independent police review boards but these have not provided effective relief to complainants;

(c) civil litigation by Mexican Americans against police officers accused of civil rights violations is infrequent;

(d) there are few instances of successful local prosecutions of police officers for unlawful acts toward Mexican Americans;

(e) there have been instances of retaliation against Mexican Americans who complain about law enforcement officers to the local police department or to the FBI (pp. 20–21).

5. FEDERAL REMEDIES

(a) Agents of the Federal Bureau of Investigation have often failed to interview important witnesses in cases of alleged violation of 18 U.S.C. 242 or interviewed such witnesses in a perfunctory and hostile manner.

(b) More aggressive efforts to implement 18 U.S.C. 242 by the Department of Justice are needed (pp. 28–33).

6. UNDERREPRESENTATION OF MEXICAN AMERICANS ON JURIES

There is serious and widespread underrepresentation of Mexican Americans on grand and petit State juries in the Southwest:

(a) neither lack of knowledge of the English language nor low-incomes of Mexican Americans can explain the wide disparities between the Mexican American percentage of the population and their representation on juries;

(b) judges or jury commissioners frequently do not make affirmative efforts to obtain a representative cross section of the community for jury service;

(c) the peremptory challenge is used frequently both by prosecutors and defendants' lawyers to remove Mexican Americans from petit jury venires.

The underrepresentation of Mexican Americans on grand and petit juries results in distrust by Mexican Americans of the impartiality of verdicts (pp. 36–46).

7. BAIL

Local officials in the Southwest abuse their discretion:

(a) in setting excessive bail to punish Mexican Americans rather than to guarantee their appearance for trial;

(b) in failing to give Mexican American defendants an opportunity to be released until long after they were taken into custody;

(c) by applying unduly rigid standards for release of Mexican Americans on their own recognizance where such release is authorized.

In many parts of the Southwest, Mexican American defendants are hindered in their attempts to gain release from custody before trial because they cannot afford the cost of bail under the traditional bail system (pp. 48–52).

8. COUNSEL

There are serious gaps in legal representation for Mexican Americans in the Southwest:

(a) the lack of appointed counsel in misdemeanor cases results in serious injustices to indigent Mexican American defendants;

(b) even in felony cases, where counsel must be provided for indigent defendants, there were many complaints that appointed counsel often was inadequate;

(c) where public defender's offices are available to indigent criminal defendants, they frequently did not have enough lawyers or other staff members to adequately represent all their clients, many of whom are Mexican Americans;

(d) in parts of the Southwest there are not enough attorneys to provide legal assistance to indigent Mexican Americans involved in civil matters;

(e) many lawyers in the Southwest will not handle cases for Mexican American plaintiffs or defendants because they are "controversial" or not sufficiently rewarding financially;

(f) despite the enormous need for lawyers fluent in Spanish and willing to handle cases for Mexican American clients, there are very few Mexican American lawyers in the Southwest (pp. 54–59).

9. ATTITUDES TOWARD THE COURTS

Mexican Americans in the Southwest distrust the courts and think they are insensitive to their background, culture, and language. The alienation of Mexican Americans from the courts and the traditional Anglo-American legal system is particularly pronounced in northern New Mexico (pp. 60–62).

10. LANGUAGE DISABILITY

Many Mexican Americans in the Southwest have a language disability that seriously

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interferes with their relations with agencies and individuals responsible for the administration of justice:

(a) there are instances where the inability to communicate with police officers has resulted in the unnecessary aggravation of routine situations and has created serious law enforcement problems;

(b) Mexican Americans are disadvantaged in criminal cases because they cannot understand the charges against them nor the proceedings in the courtroom;

(c) in many cases Mexican American plaintiffs or defendants have difficulty communicating with their lawyers, which hampers preparation of their cases;

(d) language disability also adversely affects the relations of some Mexican Americans with probation and parole officers (pp. 66–71).

11. INTERPRETERS

Interpreters are not readily available in many Southwestern courtrooms:

(a) in the lower courts, when interpreters were made available, they are often untrained and unqualified;

(b) in the higher courts, where qualified interpreters were more readily available, there has been criticism of the standards of their selection and training and skills (pp. 71–74).

12. EMPLOYMENT BY LAW ENFORCEMENT AGENCIES

Employment of Mexican Americans by law enforcement agencies throughout the five Southwestern States does not reflect the population patterns of these areas:

(a) neither police departments, sheriffs' offices, nor State law enforcement agencies employ Mexican Americans in significant numbers;

(b) State and local law enforcement agencies in the Southwest do not have programs of affirmative recruitment which would attract more Mexican American employees;

(c) failure to employ more Mexican Americans creates problems in law enforcement, including problems in police-community relations (pp. 78–83).

13. COURTS AND PROSECUTORS

Other agencies in charge of the administration of justice—courts, district attorneys' offices, and the Department of Justice—also have significantly fewer Mexican American employees than the proportion of Mexican Americans in the general population (pp. 84–86).

RECOMMENDATIONS

LAW ENFORCEMENT

Recommendation 1—Federal Civil Actions

The Commission recommends that Congress enact legislation authorizing civil actions by the Attorney General against law enforcement officers and agencies to enjoin patterns of discriminatory treatment as well as interference with lawful organizational efforts of minorities in furtherance of their civil rights.

Justification

There is at present no authority in the Department of Justice to deal with patterns of police misconduct. The criminal statutes designed to prevent violations of citizens' rights by State and local officers acting under color of law, 18 U.S.C. 241 and 242, only apply to individual acts of misconduct or to conspiracies to commit such acts. The Department receives many complaints of violations of individual rights, such as unlawful arrest, unreasonable detention for investigation, or the excessive use of force which may not warrant prosecution or show the existence of a conspiracy, but which do show a pattern of police misconduct. In these cases, if the local law enforcement agencies do not take steps to prevent the recurrence of such practices, the authority proposed herein would enable the Attorney General to remedy this situation.

Systematic patterns of discriminatory police action have been the basis for lawsuits by individual plaintiffs as members of a class. In *Lankford v. Gelston*, 364 F. 2d 197 (4th Cir. 1966), the Fourth Circuit held that the Civil Rights Act of 1966 (42 U.S.C. 1983) authorized an injunction against the police commissioner of Baltimore, forbidding the continuation or repetition of widespread warrantless searches of Negro homes on the basis of unverified anonymous tips. Several current suits involve similar complaints. *Kidd v. Addonizio*, D.C.N.J. No. 899–68, July 1967; *Robinson v. Los Angeles Police Department*, D.C. Cal. Civ. No. 68–1763–R Nov. 1968 and *Figueroa v. County of Riverside*, CA 9th Cir. No. 23931, June 1969. Since these complaints allege denials of equal protection of the laws under the 14th amendment, the Attorney General may have power to intervene in these suits under Title IX of the Civil Rights Act of 1964, which permits such intervention in cases of "general public importance." This power, however, does not negate the need for independent authority in the Department of Justice to initiate such law suits. Authorizing the Attorney General to sue would make the resources of the Department of Justice, which are superior to those of individual plaintiffs (especially in respect to investigation of departmental policies of law enforcement agencies), available at a much earlier stage. In addition, the Attorney General is informed concerning patterns or practices of discrimination through complaints filed with the Department and can make a more informed judgment than an individual on where to initiate such actions. Congress similarly recognized the limitations of private litigants to deal with discriminatory patterns in the areas of public accommodations, employment, and housing by empowering the Attorney General in the Civil Rights Acts of 1964 and 1968 to bring suits on his own initiative.

Recommendation 2—Municipal liability

The Commission recommends that Congress amend 42 U.S.C. § 1983, which provides Federal civil remedies for police malpractice, to make the governmental bodies who employ officers jointly liable with those officers who deprive persons of their civil rights.

Justification

This recommendation was made in the 1961 and 1965 Commission reports dealing with justice and law enforcement. It seeks to assure the victim in a police misconduct case as adequate Federal remedy against a defendant (the city or county) who has the money to pay a judgment for damages (as individual officers often do not), who, like other employers, bears some responsibility for the actions of persons he has employed, and who is in a position to take corrective action to prevent further violations of the kind complained of. At present, although a Federal court may issue an injunction against governmental bodies under § 1983, no liability in damages exists. *Monroe* v. *Pape*, 365 U.S. 167 (1961).

It has been argued that public entities are liable for police malpractice under 42 U.S.C. § 1983 to the same extent that they would be liable under State law, *Figueroa* v. *County of Riverside* (supera) but this position has not been generally adopted by the courts. In any event although the principle that governmental bodies should be liable for the torts of their employees has gained increased adherence in recent years,[1] immunity under State law is still quite prevalent and, where governmental liability for police misconduct exists, it varies in kind and extent.

Federal power to enforce the equal protection clause of the 14th amendments would appear sufficiently broad to reach governmental bodies. The Supreme Court has held that Congress may use any rational means to protect citizens from denials of equal protection. *South Carolina* v. *Katzenbach*, 383 U.S. 301 (1966), *Katzenbach* v. *Morgan*, 384 U.S. 641 (1966). This proposal would not only give citizens an effective remedy against denials by individual governmental officials, but it might have the effect of inducing governmental entities to take steps to prevent such violations.

Several State bar associations have recommended that States and municipalities may be induced to take such steps in exchange for a relaxation of the rule excluding illegally obtained evidence from criminal proceedings. The purpose of the exclusionary rule is to curb one variety of illegal police action, namely unconstitutional searches and seizures, *Mapp* v. *Ohio*, 367 U.S. 643 (1961). The New York County Lawyers Association and the Federal Bar Associations of New York, New Jersey, and Connecticut have suggested that where municipalities assume liability for police malpractice and establish effective procedures for redress of violations, important evidence obtained illegally but in good faith may be admissible in criminal prosecutions under careful safeguards. *Hearings of the Sub. on Criminal Laws and Procedures, Senate Committee on the Judiciary*, 91st Cong., 1st Sess., at 225 to 227 (1969); 3 Criminal Law Bulletin 630 (1967).

Recommendation 3—Improved Federal investigations

The Commission recommends that the Department of Justice review and revise its procedures for ascertaining whether there have been violations of 18 U.S.C. 241, 18 U.S.C. 242, and Title I of the Civil Rights Act of 1968, the statutes which impose criminal penalties for misconduct of police officers toward citizens. Such measures should include:

(a) the requirements of a full, rather than merely a preliminary investigation, by the Federal Bureau of Investigation in a higher percentage of cases before a decision is made that a complaint lacks prosecutive merit;

(b) increased supervision of the Bureau's investigative practices, including more frequent reinvestigation of complaints by the Department's attorneys.

Justification

In its 1961 *Justice* Report, the Commission discussed the need for a more vigorous policy of investigating and prosecuting violations of 18 U.S.C. 241 and 242. In 1965, the Commission noted some improvement but also noted that the number of prosecutions was still very low. U.S. Commission on Civil Rights *Justice* at 67; U.S. Commission on Civil Rights, *Law Enforcement* (1965) at 117. In the Southwest, the criticisms and suggestions of the Commission to the Department of Justice in 1961 and 1967 are still applicable. These recommendations follow Commission views expressed in those reports:

(a) a large number of cases are closed by the Department of Justice because of inadequate evidence in support of the plaintiff's complaint. Often, however, this inadequacy results from insufficient investigation of the complaint. In many cases, a full investigation could result in corroboration of the victim's allegations;

(b) the adequacy of the FBI's search for witnesses and general investigative practices can only be ascertained by more frequent reinvestigation by the attorneys of the Department of Justice.

Recommendation 4—Federal enforcement program

The Commission recommends that the Civil Rights Division increase the manpower available for prosecuting violations of 18

Footnotes at end of article.

U.S.C. 241 and 242 by law enforcement officials, including:

(a) the hiring of a number of criminal lawyers specializing in prosecution and

(b) the establishment of a unit of independent investigators.

Justification

(a) In 1961, the Commission criticized the Department of Justice for not assigning sufficient priority to enforcement of 18 U.S.C. 241 and 242 (see n. 3, p. iv). Additional manpower was suggested. At present, although the Civil Rights Division is much larger than it was in 1961 [its authorized strength in the fall of 1960 was 117 attorneys] it has not assigned sufficient manpower for an effective, continuous program to enforce the statutes and to reinvestigate many complaints or to initiate investigations. In addition, until now few of the Division's lawyers have had specialized experience in criminal prosecutions. As a result, areas such as law enforcement in the Southwest have been comparatively neglected.

Under the September 24, 1969 reorganization of the Division, for the first time 15 attorneys and two research analysts have been assigned to the new Criminal Section with full-time responsibility to enforce a number of Federal criminal civil rights statutes, including 18 U.S.C. 242. Between 1964 and 1968, the Civil Rights Division received approximately 1,600 complaints of police brutality each year. Unless the complaint load decreases, it will be extremely difficult for 15 attorneys to implement a vigorous enforcement program.

(b) A recommendation for the establishment within the FBI of a special unit of investigators trained in civil rights work was made by the President's Committee on Civil Rights [the Truman Committee] in 1947 in its report "To Secure These Rights." The Commission's recommendation is a variation on that recommendation. A special unit is required because of the inadequacies which now exist in the investigation of civil rights complaints and the absence of manpower to reinvestigate many complaints. Enforcement of the criminal statutes in this area can only be as effective as the investigations conducted under them. However, the 1947 Committee's recommendation did not go far enough. The investigators should be directly responsible to the office in charge of enforcing the statutes. They may be detailed from within the FBI or hired from outside sources.

Recommendation 5—State remedies

The Commission recommends that States take steps to control and lessen the injuries to individual rights created by police abuse of authority. Such steps should include administrative procedures for rapid and adequate compensation of claims for injuries suffered through police malpractices.

Justification

States share with the Federal Government responsibility for providing equal protection of the laws to their citizens. Administrative compensation for malpractice claims is suggested because a complaint to the police department or to a police review board can only result in disciplinary action against an officer, which does not compensate the victims of police misconduct for medical expenses, pain, suffering, and other damages. Liability of municipalities under 42 U.S.C. 1983 (recommended above) is a somewhat similar remedy to this but more difficult and expensive for an individual to obtain. The State remedy would be in addition to the Federal remedy, although a victim could not recover twice for the same injuries.

Recommendation 6—Local remedies

The Commission recommends that internal complaint procedures of police departments be handled by independent agencies or boards within the departments with an independent investigative staff and the power to recommend appropriate disciplinary action against officers guilty of misconduct. A complainant should have a right to be present at the hearings of such agencies or boards and be represented by counsel who may cross-examine witnesses.

Justification

Similar recommendations were made by the President's Commission on Law Enforcement and the Administration of Justice (the Crime Commission) and endorsed by the National Advisory Commission on Civil Disorders (the Kerner Commission).

The Crime Commission emphasized the need for adequate procedures for full and fair processing of citizen grievances. The same Commission's Task Force on the Police stated that police investigative procedures and hearing procedures needed substantial improvement to achieve fairness to all parties. More recently, the Kerner Commission specifically recommended independent investigations and complaint participation in hearings.

JURIES

Recommendation 1—Federal legislation relating to State juries

The Commission recommends that Congress enact legislation to insure that no person be excluded from service as a grand or petit juror on State juries on account of race, color, religion, sex, national origin, or economic status. This statute should require the revision of State jury selection systems, substituting random selection of jurors on the basis of objective and comprehensive lists, such as voter registration lists or actual voting lists, for keyman systems or other systems vesting undue discretion in judges, jury commissioners, or clerks. The Federal statute should also:

(a) require State courts to keep records of jury selection by race and major ethnic categories, including Spanish surname. Such records also should include the race and major ethnic category of jurors peremptorily challenged;

(b) require State courts, where representative panels result in an unrepresentative jury because members of a group are eliminated by English language disability, to call a proportionately larger number of persons from that group as veniremen, to insure a fair chance of a representative jury;

(c) require the State to increase the pay of jurors and shorten the terms of grand juries, to facilitate service by poor people.

Justification

The Commission's findings indicate that the same rationale which led to the adoption of legislation requiring random selection for Federal juries is applicable to State juries: discrimination in selection can only be avoided by eliminating the bias inherent in the keyman system of selection and the substitution therefore of a system of random selection. Federal power to guarantee nondiscrimination in juries, under the 14th amendment, is broad enough to allow Congress to fashion any rational means to remedy discrimination including changes in the States' methods of selection of jurors (*South Carolina v. Katzenbach*, 383 U.S. 301 (1966); *Katzenbach v. Morgan*, 384 U.S. 641, (1966)).

(a) the recordkeeping requirement is necessary to insure enforcement of the law's basic purpose, to insure representative juries. It is particularly important to keep records of the use of the peremptory challenge by race or other census category because it is not possible to prove the discriminatory use of the challenge without such records:

(b) the proposal to call a proportionately higher number of Mexican American veniremen would go into effect in those counties in which even under random selection a disproportionate number of Mexican Americans are disqualified from jury service by their inability to meet the English language requirement. Affirmative efforts to select representative juries, which take into account the race of veniremen, have been upheld in court decisions. (See *Brooks v. Beto*, 366 F.2d 1 (5th Cir. 1966), *cert. den.*, 386 U.S. 975 (1967); *Rabinowitz v. U.S.*, 366 F.2d 34 (1966));

(c) the proposal to increase jury pay is based on the theory that to set jury pay levels so low as to make it practically impossible for poor people to serve on juries without considerable financial hardship results in juries which are not representative of all elements of the community. The proposal to shorten terms is based on the fact that some States, for example, California, require grand jurors to sit for a whole year. Poor people cannot afford to serve for such long periods of time at low pay.

BAIL

Recommendation 1—Bail Reform

The Commission recommends that the States should enact bail reform legislation designed to ensure that indigent defendants will not be unfairly detained in jail until trial because they are unable to afford the traditional cash bail.

Justification

The traditional bail system, which requires a defendant to make a cash deposit or bond before he can be released, unfairly discriminates against those defendants who are too poor to meet such financial conditions. As a result, many indigent defendants who probably would appear for trial remain in jail until trial while other defendants charged with similar crimes go free because they can afford bail. In addition, defendants who cannot afford bail and remain in jail until they are tried are hampered in their efforts to prepare for trial and their family lives and employment are unnecessarily disrupted.

The President's Commission on Law Enforcement and Administration of Justice recommended that the States enact bail reform legislation patterned after the Federal Bail Reform Act of 1966.[2] That act requires that every person charged with a noncapital offense must be released on his personal recognizance unless a judicial officer determines, upon showing of good cause, that the release will not assure the appearance of the accused for trial.

In order to ensure reform of their bail practices, the States will need personnel to evaluate defendants' eligibility for release, and to supervise them after their release. Funds for such programs are available from the Law Enforcement Assistance Administration of the Department of Justice (LEAA).[3]

Recommendation 2—Prompt proceedings

All persons should be brought before a judicial officer to be charged and given an opportunity to seek release on bail or on their own recognizance without unnecessary delay.

Justification

In some communities criminal defendants are held for periods of time ranging from a few hours to several days before being charged or given an opportunity to seek release on bail or on their own recognizance. Each arrested person should have an opportunity to secure his release from custody without unnecessary delay in order to avoid disruption of his life and the life of his family and to prevent improper detention. The Federal rule requires judicial presentation "without unnecessary delay"[4], and has been interpreted as ordinarily requiring production of the accused in less than 24 hours.[5] According to the President's Crime Commis-

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Footnotes at end of article.

sion it is the practice in 29 States as well.[6] The ultimate responsibility for determining what is "unnecessary delay" must remain with the courts and will be determined in the light of all the facts and circumstances of each case.

REPRESENTATION BY COUNSEL

Recommendation 1—Legal assistance

Legal assistance should be made available to every indigent defendant immediately after his arrest in all criminal cases arising in State and local courts regardless of the nature of the charge.

In order to implement this recommendation, the State should establish statewide systems of legal representation for defendants in all criminal cases.

Justification

Serious injustices arise in the lower courts because of the lack of adequate legal representation for indigents. It has been recognized by most people familiar with the administration of criminal justice, including the Supreme Court of the United States, *Powell* v. *Alabama*, 287 U.S. 45 (1932), *Gideon* v. *Wainwright*, 372 U.S. 335 (1963), that representation by counsel is a necessary part of a fair trial in serious criminal cases. Yet, the consequences of even minor fines or short sentences can be extremely serious, too, and disproportionately so for indigent defendants and their families. For these reasons the States should provide adequate counsel for all indigent defendants, no matter what the offense with which they are charged.

The legal assistance to be provided by the States should be available immediately after the defendant's arrest to ensure that he is given an opportunity to be released on bail or on his own recognizance and to protect his rights through other early, but critical, stages of the judicial process.

The initial responsibility for the establishment of programs of adequate legal representation rests with the States. California, for example, provides counsel to all indigent criminal defendants who request such assistance, either through the public defender's office or by assigned counsel. Federal funds are currently available from LEAA for such programs.[7] State planning agencies should include such programs in their requests. In Fiscal Year 1969 only a small amount of the approximately $25 million distributed by LEAA was designated for use in a few States in programs to provide indigent defendants with legal assistance.

Some of the States might have an initial problem providing legal assistance to all indigent criminal defendants because of manpower shortages. The Commission suggests that States and localities consider, among other possible sources of manpower, using law students under proper supervision to assist in representing defendants in lower courts. This has already been done in some communities. The Boston University Roxbury Defender Project provided legal representation by third year law students for indigent defendants in misdemeanor cases under faculty supervision. A similar project has been underway at Harvard University Law School.[8]

The American Bar Association, the Urban Coalition, and other groups concerned about the quality of legal services for indigents are urged to continue their efforts to see that such assistance is provided wherever it is necessary.

Recommendation 2—Legal Services Programs

Congress should amend the Economic Opportunity Act of 1964 to repeal the provision which prohibits Legal Services Programs (LSP) funded by the Office of Economic Opportunity (OEO) from representing defendants in criminal cases.

Justification

A possible source of legal manpower to represent criminal defendants is the OEO Legal Services Program. Under existing legislation, however, these lawyers are barred from representing anyone indicted (or proceeded against by information) for the commission of a crime, except in extraordinary circumstances where the Director of the Office of Economic Opportunity has determined that adequate legal assistance will not be available for an indigent defendant unless such services are made available.[9]

Recommendation 3—Training programs for Mexican American lawyers

Congress should substantially increase the funds available to the Office of Economic Opportunity (OEO) for programs designed to help law schools recruit and train Mexican American law students.

Justification

There is a severe shortage in the Southwest of Mexican American and, generally, Spanish-speaking lawyers. Currently there are some programs, both publicly and privately financed, designed to recruit and train minority group lawyers, including Mexican Americans. The Council on Legal Education Opportunity (CLEO) has received grants of $493,530 from the Office of Economic Opportunity and a Ford Foundation grant of $450,000. The Mexican American Legal Defense Fund also gives law scholarships. However, if the gap between the actual number of Mexican American lawyers and the number needed is to be closed these programs will have to be substantially increased.

LANGUAGE DISABILITY AND INEQUALITY BEFORE THE LAW

Recommendations 1—Interpreters

The States in the Southwest should establish programs for the recruitment, training and employment of court interpreters to be used in areas where there are large concentrations of Mexican Americans.

Justification

A serious problem in the Southwest is the absence of qualified interpreters in courtrooms handling large numbers of Mexican Americans who have difficulty communicating in the English language. A minimum of fairness requires that all persons concerned be able to understand what is being said. In some communities, however, the courts do not have interpreters or merely rely on untrained citizens or on regular court or law enforcement personnel to act as official interpreters. Comparable problems arise in other parts of the United States for primarily Spanish-speaking Puerto Ricans and Cubans. In areas with large concentrations of such groups similar steps should be taken to overcome the problems of language disability.

Federal funds for the recruitment, training and employment of court interpreters are available from LEAA.[10]

Recommendation 2—Bilingual personnel

(a) State and local governments in the Southwest should establish programs for training in conversational Spanish for those individuals responsible for the administration of justice in areas of the Southwest where there are large concentrations of Mexican Americans.

(b) Bilingual capability in Spanish and English should be recognized by Federal, State, and local agencies responsible for the administration of justice as a special qualification for employment in areas of the Southwest where there are large concentrations of Mexican Americans.

Justification

Many Mexican Americans in the Southwest have difficulty with English and are most comfortable using Spanish, while most law enforcement officers and court officials do not speak Spanish. This fact has led to misunderstanding and has sometimes resulted in injustices to Mexican Americans. Justice cannot be administered fairly or effectively if the officials responsible for its administration cannot communicate with a substantial segment of the community. Law enforcement officers, probation and parole officers, judges, and other officials responsible for the administration of justice in the Southwest should be trained in conversational Spanish in order to help bridge this gap.

Federal funds for the training of personnel in conversational Spanish are currently available from LEAA.[11]

Another step that can be taken to improve communication between Mexican Americans and agencies adminstering justice is the employment of bilingual personnel. In order to attract such personnel it is necessary to recognize that their bilingual capabilities are a unique advantage that makes them particularly well qualified for the job. Special steps must be taken to attract them to these positions. This can be done through a variety of methods such as incentive pay, employment bonuses, or other programs that recognize their special qualification.

PARTICIPATION

Recommendation 1—Affirmative recruitment program

The Commission recommends that State and local law enforcement agencies establish:

(a) affirmative recruitment programs specially designed to increase the number of Mexican American law enforcement personnel;

(b) training programs to increase the ability of Mexican Americans and other minority persons employed by law enforcement agencies to obtain promotions to supervisory positions.

Justification

Additional Mexican American officers can contribute significantly in reducing the present feeling of apprehension and distrust which generally pervades the Mexican community toward law enforcement agencies. Such officers often can serve as on-the-spot interpreters and thus ease tense situations even, in some instances, preventing miscarriages of justice which result from misunderstandings.

In the report of the Kerner Commission a reference is made to the Crime Commission Police Task Force's finding that Negro policemen help provide insight into ghetto problems; often can provide advance information in anticipation of tensions and grievances that might lead to disorders; and are particularly effective in bringing disorders under control once they do break out.[12] The Kerner Commission's report continued by pointing out that more Negro police officers were needed at all levels and ranks, and recomemnded that police departments intensify their efforts to recruit more Negroes, review their promotion policies to ensure that Negro officers are afforded equitable promotion opportunities, and ascertain that Negro officers are assigned on a fully integrated basis visible to the Negro community.[13] These findings and recommendations by the Kerner Commission support the Commission's recommendation for efforts to increase the number of Mexican American law enforcement officers at all levels of authority. In its recent report on State and local employment, the Commission discussed in detail the component elements of a successful affirmative action program. That discussion may be useful to agencies seeking to implement this recommendation.[14]

We recognize that in some cases police departments will have difficulty recruiting members of minority groups. The recent report of the Commission on equal employment opportunity in State and local government, indicated that . . . "The tension, suspicion, and hostility which exists between

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Footnotes at end of article.

the Negro community and the police department are obstacles to the recruitment of black policemen."[15]

Nevertheless, those departments that have made an effort to reverse their image in the minority communities and who have used special recruiting efforts designed to attract minority applicants have had a degree of success.[16] The Commission believes that similar efforts especially designed to attract Mexican American applicants will have a similar effect in increasing the number of Mexican American law enforcement personnel.

Recruitment of more Mexican Americans by law enforcement agencies would not affect the agencies' policies unless Mexican Americans also have opportunities to be promoted to supervisory positions. If they are not qualified for promotion because of lack of education or training, agencies should provide them with opportunities to make up for such deficiencies. Such programs should offer training both to recruits and to present law enforcement officers desirous of advancing to supervisory positions. Federal funds under LEAA are available for this purpose.[17]

Recommendation 2—Qualifications

Law enforcement agencies should review their qualifications for appointment and eliminate those who may not be job-related and which may tend to discriminate against Mexican American applicants.

Justification

Both Federal and private industry officials have informed the Commission in the past that many job requirements have little or no relationship to the actual work to be performed. For example, many private companies have abolished some of their application requirements, since they have determined that they had little or no bearing on actual job performance. Rather, the majority of the job requirements of new employees was readily attainable through on-the-job training. If such techniques can be utilized to train semi-skilled and skilled technicians, the Commission believes that similar techniques can be developed and employed to properly train Mexican American law enforcement applicants.

In its report *For ALL the People*, the Commission on Civil Rights has pointed out the difficulty that many police applicants encounter in taking lengthy written intelligence tests. Furthermore, the validity of such tests has not been proven and at least one police department in a major city—Detroit—is now using a general intelligence test, which takes only 12 minutes to complete, in contrast to the former 2½-hour intelligence test.[18]

Age, weight, height and vision requirements are invariably more stringent for police applicants than elsewhere in State or local government employment. However, when police departments have made special efforts to recruit minorities they have seen fit to make many of these requirements more flexible. For example, in an effort to recruit more Negro officers, Detroit has recently liberalized its age, height, and vision requirements.[19] Other large cities have reduced their height requirements from 5'9'' to 5'7'', in response to pressure from their Spanish-speaking communities.[20]

The elimination of lengthy written tests and the substitution of shorter, more meaningful job-related tests, together with the relaxation of certain physical qualifications, can result in the ultimate hiring of greater numbers of Mexican American applicants.

Recommendation 3—Judges

The President of the United States and the Governors of the five Southwestern States of Arizona, California, Colorado, New Mexico, and Texas should use their power to appoint qualified Mexican American attorneys to the Federal and State courts.

Justification

The Commission is aware that, with the execption of Colorado, virtually all of the State judges and justices are elected. However, deaths, resignations, and retirements do afford Governors some opportunity for judicial appointments, and the Commission urges them to use their appointive powers to increase the number of Mexican American judges.

Recommendation 4—Department of Justice

The Department of Justice, including the Federal Bureau of Investigation, should take affirmative action under its continuing equal employemnt opportunity program both to hire additional Mexican Americans in the Southwest and particularly to train and promote their present Southwestern Mexican American employees into supervisory and profressional level positions. The Civil Service Commission should review and evaluate the equal employment opportunity of the Department of Justice to ensure that this program will:

> ". . . provide the maximum feasible opportunity to employees to enhance their skills so they may perform at their highest potential and advance in accordance with their abilities: . . .[21]

Justification

The employment statistics furnished the Commission on Civil Rights by the Department of Justice clearly show the disparity that exists in the middle and higher grade categories, which include supervisors, lawyers, and other professional personnel. Virtually no Spanish surnamed employees are found in any of these categories.

Robert E. Hampton, Chairman of the United States Civil Service Commission, stated on August 8, 1969:

> "Despite significant gains in overall employment of minority group persons in the Federal service, too many of our minority employees are concentrated at the lower grade levels, victims of inadequate education and discrimination. . . ."

On this same date, August 8, 1969, President Nixon issued Executive Order 11478, which restated the long standing Federal Government policy of equal employment opportunity, pointing out that each department and agency had the duty and responsibility of establishing and maintaining affirmative action programs designed to achieve the goals of equal employment opportunity. In this same Executive order, the President ordered the Civil Service Commission to provide leadership and guidance in the operations of such programs, and to review and evaluate such programs periodically to determine their effectiveness.

FOOTNOTES

[1] McQuillan, *Municipal Corporations*, Vol. 18, 53, 29a. The Federal Government is liable for many torts of its agents under the Federal Tort Claims Act of 1948, 28 U.S.C. 2671 *et seq*. Eight States—Idaho, Illinois, Indiana, Kentucky, Minnesota, Ohio, Oregon, and Pennsylvania—have enacted statutes relating specifically to police activities which waive to some extent municipal immunity in this area. McQuillan, Vol. 18, 53, 79d Of the five Southwestern States involved in this study, Texas and Arizona have not waived governmental immunity for torts. California has made public entities liable on a respondent superior basis in those cases in which their employees are liable. Cal. Gov. Code §§ 815, 815.2 (West 1966). In Colorado, public entities are authorized to insure their employees and agents against liability although immunity of the entity is not waived. Colo. Rev. Stats. § 72-16-2 (1963). New Mexico has a similar insurance statute, which provides that the employing public entity shall be liable for torts to the extent that it is covered by insurance. N. Mex. Stats. Ann. § 5-6-20. (1953).

[2] President's Commission on Law Enforcement and Administration of Justice, *The Challenge of Crime in a Free Society*, at 132 (1967).

[3] U.S. Department of Justice, Law Enforcement Assistance Administration, *Guide for State Planning Agency Grants* (1968) at 2 (hereinafter cited as SPA Guide). For the text of the act under which such grants are made, see Appendix A.

[4] Fed. R. Crim. Pro., 5(b).

[5] *Mallory* v. *United States*, 354 U.S. 449 (1957).

[6] President's Commission on Law Enforcement and Administration of Justice, *Task Force Report: The Courts* 84 (1967).

[7] SPA guide at 2.

[8] President's Commission on Law Enforcement and Administration of Justice, *Task Force Report: The Courts* (1967) at 62.

[9] 42 U.S.C. 2809(a)(3).

[10] SPA guide at 2.

[11] *Id.*

[12] Report of the Advisory Commission on Civil Disorders at 165.

[13] *Id.* at 166.

[14] For ALL The People at 121-23.

[15] *Id.* at 72.

[16] *Id.* at 72-73.

[17] Section 301(b) and 406(b) of the Omnibus Crime Control and Safe Streets Act of 1968.

[18] For ALL the People at 74.

[19] *Id.* at 75.

[20] *Id.* at 76.

[21] Sec. 2, E.O. 11478, Aug. 8, 1969.

PIGS ARE BEAUTIFUL

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. MIKVA. Mr. Speaker, political crises seem to have a way of generating their own peculiar phraseology. Of late, the rhetoric of polarizations—with slogans to rouse the faithful and epithets to hurl at the opposition—has been a source of dismay and sometimes amusement to many of us. "Tomentose," which means, for those who have not lately perused the dictionary: covered with densely matted hair," "impudent snobs," "yippies," "fascists," and "pigs"—all have become part of the lexicon of current political brand names. Like brand names, these words are symbols, in this case, symbols of certain products of our political system—all too often products of misunderstanding, alienation, and hatred which accompany the deep rifts within our society.

As dissension and violence has escalated both at home and abroad, so too has the political rhetoric. A most popular target for absolute praise and absolute blame have been the law-enforcement officers of this country. As the personal representatives of governmental authority at times of physical confrontation, the police have on the one side been praised and on the other denounced for their actions—correct or incorrect. The tragedy of such absolutism on both sides has been that the real problems both for and of law enforcement officials in this

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country have gotten lost in the rhetoric. However, in the following article Lieutenant Governor of Illinois Paul Simon has added a moderate, and much needed, sensible twist to this area of debate. He has voiced concern for those times when police behavior has been less than exemplary, while emphasizing that the job of the policeman is a difficult and crucially important service to this Nation's citizenry—made more difficult in the face of lack of concern and desire not to "get involved" on the part of many citizens.

The article follows:

PIGS ARE BEAUTIFUL!

(By Paul Simon)

After speaking to a recent meeting of the Illinois Farmers Union, I was presented with a large picture of two hogs by the Illinois Park Producers Association. Underneath the picture it said "Pigs Are Beautiful."

Very frankly, I don't like the use of names which are in any sense derogatory to describe a group of people. I don't like the use of the word "pig" to describe Police. I don't like the use of the word "niggers" to describe our black population, I don't like the use of the word "Dagos" to describe our Italian population, nor the use of the word "Polack" to describe our Polish population. Generally speaking people who use this kind of phraseology tell more about themselves than of the group they are trying to run down.

But to those who insist on referring to policemen as "pigs," my response would be the same as the words on the bottom of the picture I received: "Pigs Are Beautiful."

I do not suggest that there have not been policemen who have done wrong, just as there have been those in other professions. I do not suggest that there has not been a time when there was a deficiency in the training of policemen in the state of Illinois, both as far as professional police background and in the field of human relations. But I am also keenly aware of the fact that my life is safer because of the police, and the life of every other citizen in the state is safer because of the work that the police have done.

My responsibility in government and the responsibility of all citizens is to support the police in their endeavors to protect the rights of all human beings. I think there are practical ways of doing this:

1. Whenever we are witnesses to a crime or an accident, we should be willing to testify.

2. When a crime occurs, we should call the police immediately.

3. We should support efforts to increase the salaries and to improve working conditions for the police.

4. We should support efforts to improve the pension funds and pension available to both local and state police.

5. Because of the special hazards which a policeman has (as well as a fireman), we should make sure that the benefits to the families of the policemen who may be killed or permanently disabled are more adequate.

These things by themselves will not, of course, massively reduce crime. We should not expect a policeman to do what we have failed to do in the home; we should not expect a policeman to do what we have failed to do in the schools; we should not expect a policeman to do what we have failed to do in our churches.

Probably the most effective support we can give the police, in addition to the items I have mentioned already, is to tackle the basic problems that affect society.

By making sure that job opportunities and a good education are available to all Americans, we will be reducing crime rates. Our prison rehabilitation programs also need improvement.

Other social problems need to be tackled honestly.

But in the meantime as we tackle these problems we can be extremely grateful for the protection and assistance that the police are giving our cities, our counties and our state.

I, as one citizen, am deeply grateful.

FOREIGN TRADE EFFECT ON UTAH EMPLOYMENT

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. BURTON of Utah. Mr. Speaker, there are 22 counties in my district. Twelve of them are areas of substantial unemployment. In 1968 a total of 20,040 of my constituents were employed in manufacturing jobs in 12 industries with establishments in the district. Nationally, nine of these 12 industries suffered a loss of employment in the first quarter of 1970 compared with average employment in 1969. In two of these industries, employment in the first quarter of 1970, either in the months of March or April, depending upon which appeared in the latest data published by the Bureau of Labor Statistics, was lower than in the year 1964. In two other industries, employment in the first quarter of 1970 was lower than the average employment in the year 1967.

This loss of jobs in these industries nationally has also been felt in my district. The job impacted industries are food and kindred products, apparel and other textile products, lumber and wood products, stone, clay, and glass products, fabricated metal products, electronic semiconductors, motor vehicles and equipment, and engines and parts for aircraft.

The total job loss in these nine industries nationally, March or April 1970 compared with the average employment for 1969, is as follows:

[In thousands]

Food and kindred products	74.9
Apparel and other textile products	34.1
Lumber and wood products	33.9
Stone, clay, and glass products	12.5
Primary metal industries	26.4
Fabricated metal products	40.6
Electronic semiconductors	2.3
Motor vehicles and equipment	39.0
Aircraft engines and parts	11.7
Total	275.4

Employment in my district in 1968 in these job loss industries totaled 9,978. The national decline in employment in these industries has been registered in my district to the tune of about 400 jobs. There is every indication that this job loss will continue.

Foreign trade trends are a major factor in this unemployment both nationally, and in my district. Every one of these nine industries has been heavily impacted by sharply rising imports during the past 5 years. Here are the facts:

U.S. IMPORTS OF PRODUCTS LIKE OR COMPETITIVE WITH THOSE PRODUCED BY THE MAJOR MANUFACTURING INDUSTRIES WITH ESTABLISHMENTS IN THE 1ST CONG. DIST., UTAH, 1964-69

[Data in millions of units, as indicated, except aircraft engines, in units]

Industry	Units	1964	1967	1969	Percent change 1964-69	Percent change 1967-69
Food and kindred products	Dollars	2,991.2	3,577.9	3,953.7	+32	+11
Apparel and other textile products	Square yards	560.7	877.3	1,518.1	+171	+73
Lumber and wood products	Dollars	686.0	750.9	1,161.1	+69	+55
Stone, clay, and glass products	do	277.1	354.2	533.0	+92	+50
Primary metal industries	do	1,794.3	2,935.2	3,353.4	+87	+14
Fabricated metal products	do	306.6	459.5	689.1	+125	+50
Electronic semiconductors	Number	76.9	654.4	1,534.4	+1,895	+134
Motor vehicles and equipment	Dollars	754.7	2,480.9	4,838.9	+541	+95
Aircraft engines and engine parts	Number of engines	281.0	944.0	23,279.0	+8,184	+2,366

In addition to the import problems faced by these manufacturing industries, which adversely affect employment in my district, the wool textile problem is hurting the wool growers in my district and State. We are an important wool producing area, and the very heavy volume of imported wool textiles is injuring those textile and apparel establishments which consume domestically produced wool. You have been supplied with the detailed facts on the wool textile problem, so I shall not repeat them here. Suffice it to say that wool textile imports hurts my people where they are least able to fight back—the independent sheep rancher who is suffering the double impact of wool textile and lamb imports.

Sources of data cited:

1. Areas of substantial unemployment, U.S. Dept. of Labor, Manpower Administration, Area Trends in Employment and Unemployment, April 1970.

2. Major industries with establishments, and the amount of employment in such establishments, in the 1st District of Utah, U.S. Dept. of Commerce, Bureau of the Census, 1968 County Business Patterns, CBP 68-46.

3. National employment in the major industries with establishments in the 1st District of Utah, U.S. Dept. of Labor, Bureau of Labor Statistics, Employment and Earnings Statistics for the United States, 1909–68; Employment and Earnings, March 1968 and 1970, May 1970; U.S. Department of Commerce, Bureau of the Census, 1967 Census of Manufactures (employment in the electronic semiconductor industry estimated based on the ratio of employment in 1963 and 1967 in industry 3674 to industry 3674.9).

4. U.S. Imports of products like or competitive with those produced by the major industries with establishments in the 1st Congr. District, Utah, U.S. Dept. of Commerce, Bureau of the Census, IM 146, December 1969; FT 210, Annual volumes, 1964 and 1967; FT 124, December 1969, annual volumes 1964 and 1967.

CALIFORNIA SUPREME COURT UPHOLDS RIGHT TO VOTE FOR AMERICAN CITIZENS WHO ARE LITERATE IN THE SPANISH LANGUAGE

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1970

Mr. ROYBAL. Mr. Speaker, I want to take this opportunity to call to the attention of my colleagues in the House of Representatives a recent landmark decision of the California State Supreme Court upholding the right to vote for American citizens who are literate in the Spanish language, though not in English, on the ground that there is sufficient political information available through Spanish language newspapers, periodicals, and radio and television to assure an informed electorate.

This decision, in the case of *Castro* v. *State of California*, 85 Cal. Rptr. 20, 466 P. 2d 244 (1970), has the immediate effect of providing full voting rights to some 200,000 Spanish-speaking Californians, by ruling that the State's present English literacy requirement violated the guarantee of equal protection of the laws under the 14th amendment to the U.S. Constitution.

In a significant reference to California's rich Spanish/Mexican cultural, linguistic, and historical heritage, the court added this note:

> We cannot refrain from observing that if a contrary conclusion were compelled, it would indeed be ironic that petitioners, who are the heirs of a great and gracious culture, identified with the birth of California and contributing in no small measure to its growth, should be disenfranchised in their ancestral land, despite their capacity to cast an informed vote.

The ruling, however, has even broader implications in extending the franchise, in that the court applied its holding not only to Spanish-speaking citizens, but also "to any case in which otherwise qualified prospective voters, literate in any language other than English, are able to make a comparable demonstration of access to sources of political information."

Briefly, the case held that the requirement of the California Constitution conditioning the right to vote on literacy in English could not be used to keep from registering and voting persons who were literate in another language when such persons had access to political materials in newspapers and periodicals and in radio and TV broadcasts in the language.

The basis for the holding was that the right to vote is such a prime right that a state distinction between classes of persons with regard to the right to vote bears an extremely heavy burden of justification not to fall afoul of the equal protection clause of the 14th amendment.

Here, the justification traditionally cited was the necessity for an intelligent electorate able to gain knowledge of the questions and the candidates to be voted on.

But, since persons literate in another language with access to information in that language, were as able to inform themselves as persons literate in English, the court ruled it was unconstitutional to deny them suffrage.

Because of the importance of this case, Mr. Speaker, I would like to include in the CONGRESSIONAL RECORD the text of this landmark California voting rights decision:

[In the Supreme Court of the State of California, in Bank, L.A. 29693]

GENOVEVA CASTRO ET AL., PLAINTIFFS, PETITIONERS, AND APPELLANTS, *v.* STATE OF CALIFORNIA ET AL., DEFENDANTS AND RESPONDENTS

In this case we are called upon to determine whether that portion of article II, section 1 of the California Constitution which conditions the right to vote upon an ability to read the English language is constitutional as applied to persons who, in all other respects are qualified to vote, are literate in Spanish but not in English. As we explain, *infra*, we have concluded that the challenged provision, as so applied, violates the equal protection clause of the Fourteenth Amendment and is, therefore, a constitutionally impermissible exercise of the state's power to regulate the franchise.

Insofar as is here relevant, article II, section 1 provides ". . . no person who shall not be able to read the Constitution in the English language and write his or her name, shall ever exercise the privilege of an elector in this State; . . ." Various sections of the California Election Code implement the constitutional exclusion. Section 100 limits eligibility to vote to those persons who qualify "under the provisions of Section 1 of Article II of the Constitution of this State and who [comply] with the provisions of this code governing the registration of electors. . . ." Section 200 requires each prospective voter to complete, in the presence of a county clerk, an affidavit of registration as a precondition to inclusion in the register of voters and section 310 prescribes that the affidavit set forth, inter alia, "Whether the elector is able to read the Constitution in the English language and to write his name. . . ." (Elec. Code, § 310, subd. (h).)[1]

Plaintiffs-petitioners (petitioners)[2] are adult, native born United States citizens residing in Los Angeles County. Both are fully qualified to vote except for their inability to read English and both were denied registration on this basis alone.[3] Defendant-respondent (respondent) Frank M. Jordan is the Secretary of State of respondent State of California and is charged specifically with the enforcement of its electoral laws, including article II, section 1 of the Constitution and the Election Code sections just referred to. Respondent Ben Hite is the Registrar of Voters and County Clerk of Los Angeles County and is charged with the supervision of the registration of voters in that county.[4] Authorized representatives of respondent Hite refused to register petitioners because of their inability to prove literacy in English and sign the required affidavit attesting to such literacy.

After having thus been denied registration, petitioners instituted the present action challenging the constitutionality of the English literacy requirement and seeking the following relief: (a) A declaration that the English literacy requirement of article II, section 1 is unconstitutional as applied to them and to other Spanish literates; (b) mandatory relief requiring respondents to register petitioners; and (c) mandatory relief requiring respondents to print a reasonable percentage of the ballots at each election in Spanish, or otherwise to facilitate their ability to vote in Spanish.

The case was tried on the basis of the pleadings, evidence contained in a stipulation of facts, and documentary evidence submitted by the petitioners. Petitioners sought to prove that they have access to Spanish language periodicals, newspapers and other communication media adequate to inform themselves about local, state and national issues and candidates. Included in the stipulation, for this purpose, were the names, estimated circulations, and brief descriptions of 17 newspapers and 11 magazines printed wholly or partially in Spanish and available to residents of Los Angeles County. Petitioners also sought to prove that the historical purpose of the English literacy requirement was to disenfranchise immigrant groups on the basis of their ancestry and national origin. To this end, petitioners introduced substantial documentary evidence setting forth debates in the State Assembly regarding the proposed constitutional amendment which added the literacy requirement to article II, section 1, contemporary newspaper editorial comment, and letters purporting to demonstrate the popular attitude toward the requirement.[5] Respondents introduced no evidence on either issue. They included, however, in the stipulation of facts, a list of the schools maintained by the Los Angeles Unified School District at which instruction in English as a second language is provided, without tuition, for non-English speaking adults.

The trial court gave judgment for respondents. It refused petitioners' proposed finding to the effect that residents of Los Angeles County who were literate only in Spanish would be able adequately to identify and familiarize themselves with political candidates and issues from Spanish-language news media, on the ground that the record did not contain sufficient evidence as to the contents of and coverage afforded by such media.[6] It likewise refused petitioners' proposed finding on the issue of discriminatory legislative and popular intent in enacting the literacy requirement. Viewing *Lassiter* v. *Northampton Election Bd.* (1959) 360 U.S. 45, as dispositively upholding the constitutionality of literacy tests, the court concluded that a requirement of literacy in English is a rational state policy, that the challenged provision is designed to serve a legitimate state interest, that its classifications are valid and nondiscriminatory and that it is, accordingly, constitutional on its face and as applied both to petitioners and to all persons who are literate in Spanish but not in English.[7]

We do not propose to consider in detail the substantial evidence which petitioners introduced in an effort to establish that the English literacy requirement was a direct product of the narrow and fearful nativism rampant in California politics at the end of the Nineteenth Century.[8] We refrain from doing so in part because inquiry into legislative intent or motive is a perplexing conceptual and epistemological problem and, for the judiciary, a "hazardous" undertaking at best. (Flemming v. Nestor (1960) 363 U.S. 603, 617; see also discussion in *Developments in the Law—Equal Protection* (1969) 82 Harv. L. Rev. 1065, 1091–1097.) A more practical reason for our restraint is, as petitioners concede, that the question of motive is not determinative of the present constitutionality of the literacy requirement. (See United States v. O'Brien (1968) 391 U.S. 367, 382–386.) We cannot accept, however, respondents' contention that because the requirement is fair on its face and not unfairly administered, evidence of a discriminatory purpose in its enactment is irrelevant.

One of the primary purposes of the Fourteenth Amendment was to strike down discriminatorily motivated state legislation directed against racial minorities.[9] (McLaughlin v. Florida (1964) 379 U.S. 184, 192.) Thus "Irrespective of the express terms of a statute, particularly in the area of racial dis-

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crimination, courts must determine its purpose as well as its substance and effect. . . . '[A]cts generally lawful may become unlawful when done to accomplish an unlawful end.' [Citation.]" (Fn. omitted.) (Hall v. St. Helena Parish School Board, 197 F. Supp. 649, 652, affd. per curiam (1962) 389 U.S. 515.) In Katzenbach v. Morgan (1966) 384 U.S. 641, the court mentions "evidence suggesting that prejudice played a prominent role in the enactment of [New York State's English literacy] requirement" (Fn. omitted.) (384 U.S. at p. 654), as among the grounds upon which Congress could reasonably have concluded that the requirement violated the Fourteenth Amendment.[10] Just last term, in a case involving a challenge to Ohio's electoral laws, the court stated, "In determining whether or not a state law violates the Equal Protection Clause, we must consider the facts and circumstances behind the law, . . ." (Williams v. Rhodes (1968) 393 U.S. 23, 30. See also this court's discussion of the relevance of historical context in Mulkey v. Rietman (1966) 64 Cal.2d 529, 534, affd. (1967) 387 U.S. 369.) The following summary of the evidence, therefore, is intended simply to provide a brief account of the origin of the California literacy requirement. It is relevant to an understanding of our ultimate conclusion that the requirement violates petitioners' rights under the Fourteenth Amendment, but it is in no way crucial to that holding.

The English literacy requirement was introduced as a proposed constitutional amendment in the State Assembly in 1891. Its author was Assemblyman A. J. Bledsoe who, five years previously, had been a member of the vigilante Committee of Fifteen which expelled every person of Chinese ancestry from Humboldt County.[11]

Assemblyman Bledsoe was forthright about the purposes of his amendment. In introducing it he quoted from article V of the 1890 platform of one of the major political parties:

"We look with alarm upon the increased immigration of the illiterate and unassimilated elements of Europe, and believe that every agency should be invoked to preserve our public lands from alien grasp, to shield American labor from this destructive competition, and to protect the purity of the ballot-box from the corrupting influences of the disturbing elements . . . from abroad." [12] He continued: "If we do not take some steps to prevent the ignorant classes, who are coming here from Europe, unloading the refuse of the world upon our shores, from exercising the right of suffrage until they have acquired knowledge of our Constitution, our system of government, and our laws, it will soon come to pass that this element will direct in our politics and our institutions will be overthrown." [13] Nevertheless, the Assembly remained unconvinced and the proposal was defeated on January 21, 1891. (Assembly Journal (1891) p. 143.) This setback was only temporary; an immediate flood of petitions to the Assembly favoring the literacy requirement resulted in passage of legislation which placed it up for an advisory vote at the 1892 election. (Assembly Journal (1891) pp. 332, 387, 425, 448, 623; Senate Journal (1891) p. 684.)

The advisory vote showed overwhelming support for the Bledsoe proposal and in 1893 the Legislature hastened to adopt it as a constitutional amendment subject to ratification at the next general election. (Assembly Journal (1893) p. 178; Senate Journal (1893) p. 214.) The English literacy requirement was again approved by the people in 1894 and became part of article II, section 1, which set forth existing voter qualifications.[14]

It is obvious that fear and hatred played a significant role in the passage of the literacy requirement. Perhaps a genuine desire to create an intelligent and responsible electorate was equally important for many of its supporters. We, no more than the trial court, need decide this issue. Our primary task is to determine whether the challenged provision is compatible with the demands of equal protection as they apply in contemporary society. Its historical origin, whether odious or admirable, cannot fully answer that question.

The last decision of the Supreme Court to rule directly [15] upon the constitutionality of state literacy requirements under the equal protection clause is Lassiter v. Northampton Election Bd., *supra*, 360 U.S. 45, relied on by the courts below. In *Lassiter*, a Negro resident, qualified to vote except for her refusal to submit to a literacy test, challenged the provision of the North Carolina Constitution which required it. A unanimous court upheld the constitutionality of the test. Pointing out that states "have long been held to have broad powers to determine the conditions under which the right of suffrage may be exercised," the court held that the right to vote, while guaranteed by the federal Constitution, was subject to the imposition of nondiscriminatory state standards. Since the ability to read and write was "neutral on race, creed, color and sex" and bore "some relation to standards designed to promote intelligent use of the ballot" literacy (like age, citizenship, residency, and previous criminal record) could legitimately be considered in determining voter qualifications. (360 U.S. 45 at pp. 50–51.)

Putting to one side for the moment the court's subsequent ruling on state laws which restrict or dilute voting power, it is nevertheless apparent that *Lassiter* does not control our decision here. The appellant in *Lassiter* made no claim to literacy in any language other than English or to access to news media written in any other language. The constitutional issue, therefore, was whether the distinction between literate citizens and those totally illiterate was a permissible one upon which to condition access to the polls. We do not here face the general question of a nondiscriminatory literacy requirement which *Lassiter* upheld; we confront a provision which discriminates *among* literate citizens, disenfranchising all who are literate in languages other than English, as well as those literate in no language. Justice Douglas, the author of the opinion in *Lassiter*, made the distinction explicit in his dissent in Cardona v. Power, *supra*, 384 U.S. 672, stating "A State has broad powers over elections; and I cannot say that it is an unconstitutional exercise of that power to condition the use of the ballot on the ability to read and write. That is the only teaching of *Lassiter*. . . . But we are a multi-racial and multi-linguistic nation; . . . And so our equal protection question is whether intelligent use of the ballot should not be as much presumed where one is versatile in the Spanish language as it is where English is the medium." (384 U.S. at pp. 675–676.) [16]

However, although *Lassiter* does not govern the constitutionality of excluding literate persons from the polls, it does identify the permissible state interest to be served by excluding illiterates: the promotion of an "'independent and intelligent' exercise of the right of suffrage." (Fn. omitted.) (360 U.S. at p. 52.) What we must decide in this case is whether, applying the constitutional standards which have evolved since *Lassiter*, California's presumed desire for "intelligence" and "independence" in voting may be satisfied by the exclusion of those of its citizens who, while unable to read the dominant language, English, nonetheless have access to, and the ability to utilize, those materials available through Spanish language publications.

Lassiter did not overtly adopt a standard by which the compatibility of the legislative classifications with the equal protection clause was to be determined. After having assured itself that no racially discriminatory purpose or application was involved, however, the court gave only a cursory examination to the relationship between literacy and intelligent voting.[17] No effort was made to rationalize the admitted lack of congruity between the class of intelligent voters and the classes of literate citizens and illiterate citizens. Nor was there an attempt to balance the detriment imposed on those excluded from voting against the gain in the quality of the franchise reasonably to be expected from their exclusion. In sum, the court invested the legislation with a presumption of constitutionality and deferred to a legislative decision for which rational grounds could be suggested—the posture traditionally associated with review of fiscal and economic regulatory matters.[18]

Commencing with the reapportionment decisions following Baker v. Carr (1962) 369 U.S. 186, the high court has given ever-increasing recognition to the importance of the franchise and has abandoned the tolerance of *Lassiter* in favor of strict scrutiny of restrictions on it. For example, in Wesberry v. Sanders (1964) 376 U.S. 1, the court observed that "No right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live. Other rights, even the most basic, are illusory if the right to vote is undermined. Our Constitution leaves no room for classification of people in a way that unnecessarily abridges this right." (376 U.S. at pp. 17–18.) In Reynolds v. Sims (1964) 377 U.S. 533, the court made explicit the need for more rigorous and critical analysis of legislation restricting or denying the right to vote. Comparing such restrictions on the right to vote to the compulsory sterilization laws struck down by Skinner v. Oklahoma *ex rel* Williamson (1942) 316 U.S. 535, the court characterized the right of suffrage as "a fundamental matter in a free and democratic society. Especially since the right . . . is preservative of other basic civil and political rights, any alleged infringement of the right of citizens to vote must be carefully and meticulously scrutinized." (377 U.S. at pp. 561–562.) More significant than the language used was the result in *Reynolds*, i.e., the invalidation under the equal protection clause of classifications despite the fact that such classifications were supported by a "clearly rational state policy of according some legislative representation to political subdivisions, . . ." (377 U.S. 581.) *Reynolds* signaled the end to approval of restrictions on the right to vote once a rational connection between the constraint and a legitimate state policy was demonstrated.

The following year, in Carrington v. Rash (1965) 380 U.S. 89, the court for the first time held state voter qualifications subject to the equal protection clause. (See the dissenting opinion of Harlan, J., 380 U.S. at pp. 97–99.) *Carrington* held invalid a provision of the Texas Constitution prohibiting all members of the armed forces from voting in any election, on the conclusive assumption that they were not state residents. While restricting the franchise to Texas residents was considered a legitimate state objective, the disenfranchising classification was invalid since it was both under-inclusive and over-inclusive (see, fn. 17, *ante*.) Less restrictive alternatives were available and, although more costly and difficult to administer, were required by the equal protection clause.

In Harper v. Virginia Bd. of Elections (1966) 383 U.S. 663, the court struck down as violative of the equal protection clause of the Fourteenth Amendment a provision of the Virginia Constitution and implementing Virginia statutes conditioning the right to

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vote upon the payment of a poll tax. Declaring that "Wealth, like race, creed, or color, is not germane to one's ability to participate intelligently in the electoral process," the court termed such a requirement an "'invidious' discrimination [citation] that runs afoul of the Equal Protection Clause." (383 U.S. at p. 668.) Yet both dissenting opinions proposed justifications for a poll tax which are certainly rational. (E.g., Justice Harlan's suggestion that the "payment of some minimal poll tax produces civic responsibility, weeding out those who do not care enough about public affairs to pay $1.50 . . . a year for the exercise of the franchise.") (383 U.S. at p. 685.) The clear implication of *Harper* is that more than "rationality" must be demanded of state voter qualifications. The case thus represents the conjunction between the more exacting standard of review set out in *Reynolds, supra,* and the extension of the equal protection clause to cover voter qualification laws accomplished by *Carrington, supra.*[19]

The necessity to impose more stringent equal protection standards to disenfranchising legislation, implicit in *Harper,* was stated explicitly in two cases decided last term, Kramer v. Union School District (1969) 395 U.S. 621 and Cipriano v. City of Houma (1969) 395 U.S. 701. The court announced the new consitutional standard in a terse paragraph in *Kramer:* "Statutes granting the franchise to residents on a selective basis always pose the danger of denying some citizens any effective voice in the governmental affairs which substantially affect their lives. Therefore, if a challenged state statute grants the right to vote to some bona fide residents of requisite age and citizenship[20] and denies the franchise to others, the Court must determine whether the exclusions are *necessary* to promote a compelling state interest." (Fn. omitted.) (Italics added.) (395 U.S. 621, 626–627.)[21] At issue in *Kramer* was a New York statute which limited the vote in local school district elections to owners or lessees of taxable property, their spouses, and parents or guardians of children attending district schools—that is to those persons thought to be "'primarily interested' in school affairs" including those "'directly' affected by property tax changes. . . ." (395 U.S. at p. 631.) Without deciding whether a state could properly limit voter eligibility in certain elections to those considered to have a unique interest in the outcome, the court held the statutory restrictions invalid. Assuming that New York could legitimately limit the franchise in school district elections to those primarily concerned with school affairs, the statute failed to accomplish that purpose with adequate "precision." Noting that the classifications "permit inclusion of many persons who have, at best, a remote and indirect interest" while excluding others "who have a distinct and direct interest" the court held the statutes invalid since they did "not meet the exacting standard of precision [required] or statutes which selectively distribute the franchise." (395 U.S. at p. 632.)[22]

The issue before us, therefore, is whether California's restriction of the right to vote to those literate in English is necessary to achieve a compelling state interest.

The most obvious nondiscriminatory[23] purpose which a literacy test serves (and one which *Lassiter* intimated was the *only* permissible purpose, 360 U.S. at p. 51) is to confine participation in the electoral process to those who, because of their access to printed sources of political and electoral information, are thought capable of some degree of intelligence and independence in their voting. Since *Lassiter,* the Supreme Court appears to have implicitly accepted the purpose of ensuring informed voting as a valid justification for restricting the franchise. *Harper* held the poll tax unconstitutional precisely because it did *not* measure "ability to participate intelligently in the electoral process." (383 U.S. at p. 668.) Similarly, in the instant case, we believe that California's concern that those of her citizens who are eligible to vote likewise be capable of informed decisions on matters submitted to the electorate, constitutes a "compelling" state interest.[24]

Whether this conceded state interest is an informed electorate necessitates a literacy requirement is less obvious today than when *Lassiter* was decided, in light of the wider availability and greater sophistication of nonwritten modes of communication (i.e., radio and, especially, television). The question of the validity of literacy requirements per se is not before us, however, and we intimate no opinion in the matter. The question which is raised is whether this interest necessitates that literacy, if required, be limited to literacy in *English*. The answer, after *Kramer* and *Cipriano,* depends on whether those excluded—residents literate in Spanish—are substantially more isolated from political events and issues (hence more likely to exercise the franchise in an uninformed manner) than are those whom the law includes. This, of course, in turn depends upon the amount of politically relevant information available to them in Spanish.

At trial, the petitioners introduced evidence of a substantial network of Spanish language news media to which, as residents of Los Angeles County, they have ready access.[25] This evidence, the accuracy of which was stipulated to by respondents, reveals that eight Spanish language newspapers are published in Los Angeles County, two of which are published daily, the remainder at weekly intervals.[26] Nine additional Spanish language newspapers which are published elsewhere in the United States, in Mexico, or in South America also circulate in Los Angeles County.[27] Eleven Spanish language magazines are available, two of which, *Grafica* and *La Raza,* are published in Los Angeles and are devoted primarily to discussion of national and local political affairs. The nine remaining include Spanish translations of Life (*Life en Espanol*) and Reader's Digest (*Selecciones*). Apart from what has been set forth above, the stipulation contained only fragmentary information as to the content or quality of the Spanish language news media and the trial court made no finding as to the availability of political information to those situated as are petitioners.

Petitioners contend on appeal, as they did in the court below, that their proof of access to 17 Spanish language newspapers and 11 Spanish language magazines was sufficient to shift to respondents the burden of producing evidence to show that the newspapers involved do *not* provide their readers with information about political candidates, events and issues. (Evid. Code, § 550.) In the absence of such rebutting evidence, they assert, the trial court erred in not finding that some of the material in evidence was devoted, at least to the degree that typical English language newspapers are, to news of political signficance.[28] We concur. In the light of the evidence presented by this record, the facts required to be judicially noticed by us,[29] and in the absence of any evidence[30] indicating any substantial difference between the newspapers described in the stipulation of the parties and those English language publications commonly denominated as "newspapers," we are satisfied that petitioners have demonstrated access to materials printed in Spanish which communicate substantial information on matters, not only of national, but also of state and local political concern.

It is in this factual context that the necessity of excluding petitioners from any orderly and effective expression of their political preferences must be judged.

Respondents argue that the question as to how much information is necessary or desirable for a voter to have access to, in order to insure his intelligent and independent exercise of the franchise, is one to be determined by the Legislature and that California has decided that voters should "have access to that quantum of information, comment and argument concerning candidates and issues as is available only to those who can read English." This, of course, simply begs the question. More importantly, it fails to recognize that the issue is not what is "desirable" nor whether the legislative judgments are reasonable. "A more exacting standard obtains" (Kramer v. Union School District, *supra,* 395 U.S. at p. 633), which respondents' argument fails to meet.

First, respondents appear to misapprehend the permissible state goal. No case has intimated that a "compelling state interest" requires restriction of the franchise to persons manifesting the political acumen generated by the use of even a fraction of that "quantum of information, comment and argument . . . available only to those who can read English." (See fn. 24, *ante.*)

Elaborate educational qualifications for voters are incompatible with our commitment to full and equal participation in the political life of the nation. (See, e.g., Baker v. Carr, *supra,* 369 U.S. 186; Harper v. Virginia Bd. of Elections, *supra,* 383 U.S. 663; Williams v. Rhodes, *supra,* 393 U.S. 23.) The state may have a compelling interest in establishing standards which tend to ensure a minimal degree of competence and capacity to become informed. It has no such interest in excluding voters who meet these standards on the ground that they do not also have access to mammoth quantities of information which the state does not and could not demand that other voters utilize. Exclusion of all who cannot read English is obviously *necessary* to accomplish the goal of creating an electorate which can read all material of political significance printed in English. While that may be a desirable state policy it is hardly so compelling that it justifies denying the vote to a group of United States citizens who already face similar problems of discrimination and exclusion in other areas and need a political voice if they are to have any realistic hope of ameliorating the conditions in which they live.[31]

Second, respondents have in no way demonstrated that access to the full range of political commentary available in English is *necessary* to achieve an electorate capable of informing itself sufficiently to make intelligently self-interested choices at the polls—which is the more modest state interest we accept as compelling. In light of evidence disclosing a significant number and diversity of sources of political information available in Spanish to petitioners, it is futile to contend that they are substantially less able than are most voters literate in English to inform themselves about candidates for elective office or issues whose resolution is submitted to the people. It is only such a substantial distinction between classifications that will satisfy the "exacting standard of precision" demanded by the United States Constitution of state laws which "selectively distribute the franchise." (Kramer v. Union School District *supra,* 395 U.S. 621, 632; Cipriano v. City of Houma, *supra,* 395 U.S. 701, 706.)

Although accorded only the briefest mention by respondents, there is another source of potential state interest in preserving the absolute quality of the English literacy requirement. We refer, not to the state's concern with standards for voter qualification, but to its professed desire to avoid the cost and administrative complexity entailed in providing a bilingual electoral system. Most

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significant would be the expense of translating, printing and distributing ballots, sample ballots, and ballot pamphlets (which contain texts of proposed measures, an analysis of them prepared by public counsel, and arguments in support and in opposition) in both English and Spanish.

In addition, increased difficulties in the counting and reporting of returns reasonably could be anticipated.[32] It is clear, as respondents appear to concede, that the question of constitutionality cannot turn on this issue alone. Avoidance or recoupment of administrative costs, while a valid state concern, cannot justify imposition of an otherwise improper classification, especially when, as here, it touches on "matters close to the core of our constitutional system." (Carrington v. Rash, *supra*, 380 U.S. 89, 96. See also Shapiro v. Thompson, *supra*, 394 U.S. 618, 633; Griffin v. Illinois (1956) 351 U.S. 12.)

Whether such a radical reconstruction of our voting procedures is constitutionally compelled, however, is a separate question. It is clear that the goal of efficient and inexpensive administration, while praiseworthy, cannot justify depriving citizens of fundamental rights. But this does not imply that the state must not only provide all qualified citizens with an equivalent opportunity to exercise their right to vote, but must also provide perfect conditions under which such right is exercised. The equal protection clause does not require, for example, that California provide explanatory material (see Elec. Code, § 3566) of varying degrees of complexity and sophistication even though the ability to comprehend an analysis of a technical ballot measure may vary widely among voters.

Similarly, California is not required to adopt a bilingual electoral apparatus as a result of our decision today that it may no longer exclude Spanish literates from the polls. The state interest in maintaining a single language system is substantial and the provision of ballots, notices, ballot pamphlets, etc., in Spanish is not necessary either to the formation of intelligent opinions on election issues or to the implementation of those opinions through the mechanics of balloting. It reasonably may be assumed that newly enfranchised voters who are literate in Spanish can prepare themselves to vote through advance study of the sample ballots with the assistance of others capable of reading and translating them. In addition, such voters will have access to the translations of ballot provisions and electoral commentary afforded by the Spanish news media.

We hold, therefore, that as applied to petitioners (and to all residents of Los Angeles County who are otherwise qualified to vote and literate in the Spanish language) the English literacy requirement of article II, section 1 of the California Constitution violates their right to the equal protection of the laws. Our holding, of course, will apply to any case in which otherwise qualified prospective voters, literate in a language other than English, are able to make a comparable demonstration of access to sources of political information.

In this regard, we emphasize that our holding is *not* confined to residents of Los Angeles County. We do not intend to introduce into our jurisprudence the anomalies of geographically determined degrees of constitutional protection or county-by-county adjudications of eligibility to vote. Voter qualifications have traditionally been matters of statewide concern and application.[33] There is no indication that, had those who initially drafted and approved the literacy provision contemplated its unenforceability in a major area of the state,[34] they would have desired its continued application elsewhere. Rather, it seems more likely that they would have preferred the uniform enfranchisement of a foreign language minority once it became clear that it was no longer realistic to equate literacy in that language alone with political ignorance. It thus appears that the unconstitutional *application* of article II, section 1 in Los Angeles County (See Hamer v. Town of Ross (1963) 59 Cal. 2d 776, 789) enters so entirely into the pattern of the law as it governs those literate in Spanish, that it cannot be severed from its statewide application. (See Danskin v. San Diego Unified Sch. Dist. (1946) 28 Cal.2d 536, 555; People v. Lewis (1939) 13 Cal.2d 280, 284. See also Mulkey v. Reitman, *supra*, 64 Cal.2d 529, at pp. 543–544.) Accordingly, we hold that the English literacy requirement of article II, section 1 cannot be applied, consistently with the Fourteenth Amendment, to California citizens, wherever resident, who are literate in Spanish and in all other respects qualified to vote.[35]

We add one final word. We cannot refrain from observing that if a contrary conclusion were compelled it would indeed be ironic that petitioners, who are the heirs of a great and gracious culture, identified with the birth of California and contributing in no small measure to its growth, should be disenfranchised in their ancestral land, despite their capacity to cast an informed vote.

The judgment is reversed and the cause is remanded with directions to amend the findings of fact and conclusions of law and to enter judgment ordering the issuance of a peremptory writ of mandate commanding respondents to determine the qualifications of petitioners to vote in accordance with the views herein expressed.

SULLIVAN, J.

We concur: Tobriner, Acting C.J.; McComb, J.; Peters, J.; Mosk, J.; Burke, J.

FOOTNOTES

[1] The California Constitution also requires that a voter be a citizen of the United States, at least 21 years of age and a resident of California for at least one year, of the county in which he claims his vote for at least 90 days, and of the election precinct at least 54 days. (See Cal. Const., art II, § 1.) Petitioners meet these citizenship, age, and residency requirements and do not challenge them.

[2] A "Complaint for Declaratory Judgment and Petition for Alternative and Peremptory Writs of Mandate" was filed in the court below on September 13, 1967, by Genoveva Castro and Jesus E. Parra, "Plaintiffs-Petitioners" against State of California, Frank M. Jordan as Secretary of State, State of California, and Ben Hite as Registrar of Voters and County Clerk, County of Los Angeles "Defendants-Respondents." On the same day, an alternative writ of mandate issued, directed to all respondents. Strictly speaking, the record discloses no return filed to the alternative writ either by answer or demurrer. But the record does show that all "defendants-respondents" filed an answer to the *complaint*.

The cause appears to have proceeded to trial on the above pleadings, the parties being referred to throughout by their respective dual designations. The court below made no attempt to isolate the proceeding as one exclusively a civil action for declaratory relief (see Code Civ. Proc., pt. 2, §§ 1060–1062) with issues framed by a complaint and answer, or as one exclusively a special proceeding of a civil nature for a writ of mandate (see Code Civ. Proc., pt. 3, §§ 1084–1097) with issues framed by a petition (§ 1086) and answer (§ 1089). Indeed the answer filed although directed to the complaint appears to have served the double purpose of a response to the initial pleading howsoever regarded. (See 3 Witkin, Cal. Procedure (1954) pp. 2555–2556.) The trial court thus seems to have fused both forms of civil proceeding into one with dual aspects and to have carefully preserved this integration in the findings of fact and conclusions of law, and in the judgment, designating the parties throughout by their dual titles. To be consistent we will do the same, although for the sake of brevity we will refer to "plaintiffs-petitioners" as "petitioners" and to "defendants-respondents" as "respondents."

[3] It was stipulated that both petitioners are able to read an accurate Spanish translation of the California Constitution and to write their names. For purposes of this case, they may thus be considered literate in Spanish. "Literacy," as generally defined, requires both the ability to read and the ability to write a language. (Webster's Second New Internat. Dict.) Article II, section 1, however, requires merely an ability to read and to write one's name. Thus when we refer, *infra*, to "literacy" or to the constitutional provision as an "English literacy requirement" we use the term in the narrower sense consistent with the Constitution's actual requirements.

[4] After this action was filed, the office of the registrar of voters was joined with the office of the recorder and Ray Lee appointed to the consolidated position of registrar-recorder. Mr. Lee was substituted by stipulation as a party respondent in place of Ben Hite.

[5] It was stipulated that the materials introduced were true and correct copies of writings or portions of writings, the originals of which are located at the Bancroft Library of the University of California at Berkeley and the State Library at Sacramento. (See Evid. Code, §§ 1401, 1500.)

[6] The court's findings of fact on this issue stated simply: "The amount of written material in Los Angeles County relating to public or political issues printed in English exceeds that printed in Spanish."

[7] No charge is made that the literacy requirement is applied in any but an impartial manner. On the contrary, it was stipulated that respondent Hite, "to the best of his ability, administers the English literacy requirement of Article II, Section 1 of the California Constitution fairly and uniformly." Thus we need not stop to consider the argument (made not by petitioners but by an amicus curiae) that because of the lack of standards set out in the constitutional provision, the provision under review is equivalent to a grant of uncontrolled discretion to county voting registrars to determine who is and is not literate in English. Such discretion in administrative officials over fundamental rights is traditionally suspect (see Saia v. New York (1948) 334 U.S. 558, 560–562) and was condemned in the context of literacy tests in Louisiana v. United States (1965) 380 U.S. 145, 153.

[8] California was a stronghold of the American Protective Association (A.P.A.), a powerful anti-immigrant political party which advocated an English literacy requirement as a method of disenfranchising voters of foreign ancestry. (D. Kinzer, An Episode of Anti-Catholicism (University of Washington Press, 1964), pp. 15–16; B. Soloman, Ancestors and Immigrants (Harvard University Press, 1956), pp. 115–117, 196–198.) During its heyday, 1890–1897, two of the A.P.A.'s national officers were Californians and the nativist group published several newspapers and magazines in the state. (Kinzer, *op. cit.*, pp. 254–258.)

[9] The United States Supreme Court has applied the Fourteenth Amendment to bar state-imposed discrimination based upon ancestry, whether racial or national. (See, e.g., Loving v. Virginia (1967) 388 U.S. 1, 11 ("race"); Hernandez v. Texas (1954) 347 U.S. 475, 482 ("national origin or descent"); Hirabayashi v. United States (1943) 320 U.S. 81, 100 ("ancestry" and "race"); Truax v. Raich (1915) 239 U.S. 33, 41 ("race or nationality"); Yick Wo v. Hopkins (1886) 118 U.S. 356, 369 ("race, color, or nationality").)

[10] The evidence to which the court referred included statements made by the sponsor of the measure, "reinforced by an understanding of the cultural milieu at the

time of proposal and enactment, spanning a period from 1915 to 1921—not one of the enlightened eras of our history." (384 U.S. 654, fn. 14.)

[11] Carranco, *Chinese Expulsion From Humboldt County* (1961) 30 Pacific Historical Review, pp. 329, 332. Both the Chinese and Japanese were subjected to widespread and systematic discrimination. The Constitution adopted in 1879 excluded "natives of China" from voting. In 1891 the children of those thus excluded were nearing voting age and, since the Chinese tended to retain their language and customs, partly as a response to intense discrimination, the proposed literacy test would serve to prevent them from voting as well. (See Gaylord, "History of the California Election Laws," West's Elec. Code, p. 41.) The judiciary was not immune from anti-Chinese prejudices. Chief Justice Murray termed the Chinese a "distinct people . . . whose mendacity is proverbial; a race of people whom nature has marked as inferior, and who are incapable of progress or intellectual development beyond a certain point, as their history has shown; . . ." (People v. Hall (1854) 4 Cal. 399, 404–405.)

[12] The debate in the Assembly was not recorded. Mr. Bledsoe's remarks are derived from the record of the debate printed in the Sacramento Record Union, January 20, 1891. Where there is no official record of debate "newspaper articles [quoting debate] are admissible to show purpose." (United States v. State of Louisiana (1963) 225 F. Supp. 353, 375, fn. 59, affd (1965) 380 U.S. 145.)

[13] Fear of growing influence of alien classes appears to be a traditional impetus for literacy requirements. "Throughout the greater part of its history the literacy test for voters has been used as a weapon against specific groups which . . . were considered dangerous to the dominant group. Its convenience as a method of restricting the suffrage without violating the fundamentals of democratic dogma . . . was recognized as early as 1795, when it was incorporated into the constitution of the year III in order to keep the sansculottes from the polls. . . . In the United States it was first introduced in Connecticut in 1855 and two years later in Massachusetts, the occasion being the inpour of tumultuous Irish immigrants and the organizers of native American indignation being the Know-Nothing party." H. Sullivan, "Literacy and Illiteracy," 5 Encyclopedia of the Social Sciences (Macmillan 1937) pp. 511, 520.

[14] Newspaper editorial support for the proposal prior to the crucial 1892 advisory vote followed the tenor of the earlier debate in the Assembly. It appears, from the evidence in the record, that scant attention was given to discussion of the merits of the literacy requirement as a neutral method of promoting an informed electorate. Rather, adoption was urged in order to "Wipe out the ignorant foreign vote" (Redlands Facts, September 23, 1892), to exclude, from voting at least, the "increasing flood of debased and ignorant Europeans" (Anaheim Gazette, September 8, 1892), the "thousands of ignorant and vicious, illiterate and reckless [immigrants]," (The Argonaut, November 7, 1892) and the "ignorant and vicious foreigners who are a constant menace to our free institutions." (San Bernardino Weekly Courier, October 8, 1892).

[15] The court has considered the issue of English language literacy tests as applied to those literate only in Spanish in two cases decided subsequently to *Lassiter:* Katzenbach v. Morgan, *supra*, 384 U.S. 641 and Cardona v. Power (1966) 384 U.S. 672. In those cases, however, the court did not itself pass on the constitutionality of such tests under the equal protection clause. *Katzenbach* involved section 4(e) of the Voting Rights Act of 1965, which invalidated state English literacy requirements as applied to certain foreign language literates—principally Spanish-speaking residents of New York State.

The decision was limited to holding that section 4(e) was a proper exercise of the power vested in Congress under section 5 of the Fourteenth Amendment and that Congress could reasonably have concluded that the imposition of such tests on those literate in Spanish in the geographic area to which the section in fact principally applied was a violation of equal protection. *Cardona* was initiated by a Spanish literate before the enactment of section 4(e). The New York Court of Appeals held (4 to 3) that the English literacy requirement was constitutional. (261 N.Y.S.2d 78.)

The Supreme Court remanded for the purpose of determining whether the case had been rendered moot by the enactment of section 4(e) and the issue presented by the instant case was specifically left open by the majority opinion (See Bikel, *The Voting Rights Cases,* 1966 Sup. Ct. Rev. 79, 96.) Four members of the court would have reached the constitutional issue Justices Douglas and Fortas would have held New York's literacy requirement unconstitutional as applied to those literate in Spanish (384 U.S. 675–677.) Justices Harlan and Stewart would have held the literacy requirement constitutional under the equal protection clause. (384 U.S. 659–664.)

[16] See also United States v. County Bd. of Elections of Monroe Co., N.Y. (W.D.N.Y. 1965) 248 F.Supp. 316, 322, which correctly anticipated the distinction drawn in *Cardona:* "In *Lassiter* . . . the English-language aspect of the [literacy requirement] law was not before the Court since no claim was made that the plaintiff was literate in a foreign language."

[17] In fact, the court admitted that the correlation between the purpose and the classifications used to achieve it was not perfect. "Literacy and intelligence are obviously not synonymous. Illiterate people may be intelligent voters." (360 U.S. at p. 52.) The other proposition, left implicit in the opinion, is also obvious—literate people may vote very unintelligently. No explanation was considered necessary to justify the under-inclusiveness and over-inclusiveness of the statutory scheme. (See Tussman and tenBroek, *The Equal Protection of the Laws* (1949) 37 Cal. L. Rev. 341, 344–353, wherein the authors propose that a "reasonable classification is one which includes all persons who are similarly situated with respect to the purpose of the law" and excludes all others.) (*Id.* at p. 346.)

[18] See, e.g., Williamson v. Lee Optional Co. (1955) 348 U.S. 483, 489; *Developments in the Law—Equal Protection, supra*, 82 Harv. L. Rev. 1077–1087 and cases cited therein.

[19] We noted the significance of *Harper* in Otsuka v. Hite (1966) 64 Cal. 2d 596, a case involving a challenge to another of the disenfranchising provisions of article II, section 1 of our state Constitution. We there observed: "In ruling on the validity of state-imposed restrictions on this fundamental right the United States Supreme Court has in effect tended to apply the principle that the state must show it has a compelling interest in abridging the right, and that in any event such restrictions must be drawn with narrow specificity." (64 Cal. 2d at p. 602.)

[20] The omission of literacy from this list of requirements is significant. Previously, in cataloging permissible state grounds for voter disqualification, the court had included literacy along with age, citizenship and residence. The inference seems inescapable that statutes imposing literacy requirements are among those to which courts must apply the analysis indicated in *Kramer*

[21] *Kramer* also provided an additional justification for the "special scrutiny" to which the New York statute was subjected, a justification obviously relevant to the case at hand. The usual doctrinal rationale is that the franchise occupies a unique position in a democracy. (See, e.g., Carrington v. Rash, *supra,* 380 U.S. 89, 96: "close to the core of our constitutional system"; Reynolds v. Sims, *supra,* 377 U.S. 533, 555: "of the essence of a democratic society.") *Kramer* observed that judicial deference to legislative judgments and the approval given "rational" classification is based on the assumption that "the institutions of state government are structured so as to represent fairly all the people. However, when the challenge to the statute is in effect a challenge of this basic assumption" the traditional deference of the judiciary is illogical and inappropriate. (395 U.S. 621 at p. 628. See also *The Supreme Court, 1968 Term* (1969) 83 Harv L. Rev. 7, 81–82.)

[22] Cipriano v. City of Houma, *supra,* 395 U.S. 701 was decided on the same ground of imprecision of classification. The court in *Cipriano* held that a Louisiana law confining the vote in a municipal utility revenue bond issue election to "property taxpayers" denied equal protection to those excluded who were equally interested in or affected by the election results. See also Hall v. Beals (1969) 396 U.S. 45, which involved a challenge to state durational residency requirements in presidential elections. The majority dismissed the case as moot. Dissenting, Justices Marshall and Brennan would have reached the merits and declared the residency requirement unconstitutional: "[I]f it was not clear in 1965 it is clear now that once a State has determined that a decision is to be made by popular vote, it may exclude persons from the franchise only upon a showing of a compelling interest, and even then only when the exclusion is the least restrictive method of achieving the desired purpose. *Harper v. Virginia Board of Elections*, 383 U.S. 663, 667 (1966); *Kramer* v. *Union School District*, 395 U.S. 621, 626–628 (1969). (396 U.S. at p. 52.)

[23] See footnote 13, *ante*.

[24] The only extended judicial discussion of the history of the "compelling interest" doctrine is that of Harlan, J., dissenting in Shapiro v. Thompson (1969) 394 U.S. 618 [22 L.Ed.2d. 600, at pp. 627–631]. The contours of compulsion are not clearly discernible. *Compare* Korematsu v. United States (1944) 323 U.S. 214 (wartime conditions of "direct emergency and peril" (*id.* at p. 220) did constitute "pressing public necessity" (*id.* at p. 216)); Otsuka v. Hite, *supra,* 64 Cal. 2d 596, 602–603 (need to prevent election frauds which could affect election outcome held to be a "compelling state interest.") *with* Bates v. Little Rock (1960) 361 U.S. 516, 524 (occupational licensing tax administration held not sufficiently "compelling" to warrant compulsory disclosure of association's membership list); Sherbert v. Verner (1963) 374 U.S. 398, 406 (preventing fraudulent welfare claims not compelling enough to support infringement on First Amendment religious rights); McLaughlin v. Florida, *supra,* 379 U.S. 184, 192–193 (restraining sexually indecent conduct not an "overriding statutory purpose" so as to justify racial classification); Williams v. Rhodes, *supra,* 393 U.S. 23, 31–33 (state desire for two-party system, majority rather than plurality election, and prevention of voter confusion not "compelling" enough to support limiting rights of voting and association); Shapiro v. Thompson, *supra,* 394 U.S. 618, 634–638 (facilitation of budgetary planning, providing objective residency standards, encouraging rapid entry into work force and minimizing welfare frauds not adequately "compelling" to permit restriction on right to travel).

[25] The parties stipulated that the question of petitioners' access to Spanish language political information be determined on the basis of materials available in Los Angeles County alone, without regard to the balance of the state.

[26] The daily newspapers published in Los

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Angeles County are *La Opinion* and *El Mexicano*. Those published weekly include *El Pueblo*. Mexican American Sun, Eastside Sun, Wynerwood Chronicle, Eastside Journal and Belvedere Citizen. The five last mentioned papers are only partially printed in Spanish. During election campaigns, however, the amount of Spanish language material increases due to advertising by political figures.

[27] These papers are *Excelsior*, *La Prensa*, *Diario las Americas*, *Novedades*, *El Tiempo* *El Sol de Mexico* (all of which are published daily) and *La Nacion*, *El Heraldo*, and *El Fronterizo*, which are published weekly.

[28] Petitioners rely, in support of this contention, on Evidence Code section 451 which provides, in pertinent part, that "Judicial notice *shall* be taken of: . . . (e) The true signification of all English words and phrases. . . ." (Italics added.) Webster's Third New International Dictionary of the English Language, Unabridged defines a "newspaper" as "a paper that is printed and distributed daily, weekly, or at some other regular and usu[ally] short interval that contains news, articles of opinion (as editorials), features, advertisements, or other matter regarded as current or new." Magazines, on the other hand, do not as a matter of definition devote themselves in part to political matters and petitioners' showing in this regard is limited to the stipulated degree of political coverage in *Grafica* and *La Raza*. But a publication which, appearing at daily or weekly intervals, consistently and studiously ignores political news is simply not a "newspaper" in the common understanding of that term in our language and culture.

[29] Evidence Code section 459 provides in relevant part as follows: "(a) The reviewing court *shall* take judicial notice of (1) each matter properly noticed by the trial court and (2) each matter that the trial court was required to notice under Section 451 or 453 [of the Evid. Code]." (Italics added.)

[30] Evidence Code section 550 provides in pertinent part: "The burden of producing evidence as to a particular fact is on the party against whom a finding on that fact would be required in the absence of further evidence."

[31] Respondents suggest additional goals to be served by the English literacy requirement. *First*, they advance the notion that restricting the franchise in this manner permits only those who can "mingle" with and "have contact with" the entire electorate to vote, and excludes those who confine their business and social contacts to a small minority group. Presumably, this results in a more knowledgeable electorate.

But while such catholic intermingling may be an admirable ideal, it does not appear *necessary* to achieve an electorate which has access to sufficient information to make intelligent electoral decisions. And to the extent that it indicates a fear of and effort to preclude the unified expression of minority community political sentiment, it is constitutionally unacceptable. (See Carrington v. Rash, *supra*, 380 U.S. 89, 94: "'Fencing out' from the franchise a sector of the population because of the way they may vote is constitutionally impermissible.")

Second, respondents suggest that limiting the franchise to English literates will exclude those "so indifferent to the language and political affairs of their country . . . that they would not exercise the franchise with responsibility." Exclusion of the indifferent, however, is far from a compelling state interest, especially since it is left to conjecture how indifference leads to a serious lack of "perspective."

In any event, the indifferent may, presumably by definition, be relied on to exclude themselves with far greater precision than is possible through legislation and without legislation's concomitant exclusion of those who, like petitioners, are vitally interested but unable to read English. Precision is crucial to the constitutionality of any state effort to select out for interest. (See Kramer v. Union School District. *supra*, 395 U.S. 701, 704–706.)

Finally, respondents maintain that this limitation on eligible voters excludes those "so . . . intellectually incapable" that they, too, could be expected to exercise the franchise without perspective. The mysterious quality of "perspective" remains undefined, but even assuming an adequate definition were provided, the argument is unpersuasive.

California has already established minimum standards of mental acuity required of eligible voters; it excludes "idiots" and "insane persons." (Cal. Const., art. II, § 1.) Should California desire additional, more stringent, intellectual standards, it must adopt a far more accurate method of measuring the relevant quality, intelligence, than is provided by the crude and psychologically unsupported expedient of equating linguistic ability with intelligence.

[32] The difficulties in efficient distribution of both English and Spanish electoral materials may not be as severe as respondents intimate. For instance, prospective voters could be required to inform the registrar at the time they registered whether they would use the English or the Spanish system. Thus the state could anticipate the requisite number of Spanish language ballots that would be needed at specific precincts, and it would know the addresses to which sample ballots and ballot pamphlets should be mailed in each language.

Other states have adopted such bilingual systems. In Hawaii, where literacy in either English or Hawaiian suffices, candidates' names may be printed in both languages. (Hawaii Rev. Laws, § 11–38.) (1963 Supp.) New Mexico statutes provide that ballots and instructions are to be printed in both Spanish and English and authorize personal assistance in voting for those literate in neither language. (New Mexico Stat. Ann., §§ 3–2–11, 3–2–41, 3–3–7, 3–3–12, 3–3–13.) In Louisiana, one can vote if he can read either English or his "mother tongue." (La. Rev. Stat., tit. 18, § 31.) And, of course, the problem of assuring intelligent and accurate balloting has been met by those more than 30 states which have no literacy requirement at all. Florida, for example, permits voters not literate in English to request assistance of any person, including but not limited to official voting inspectors, who may enter the polling booth with the voter in order to provide such assistance. (Fla. Stats. Annot. § 101.051.)

[33] Indeed, we note that a contemplated amendment to article II, section 1 proposes an extension of the franchise to *all* California citizens who are literate in Spanish, on a *statewide* basis. (Assembly Constitutional Amendment No. 7, Resolution ch. 308, 1969 Stats., pp. 3983–3984.)

[34] Los Angeles County is by far the most populous county in the state, with over 35 percent of all Californians residing therein. As of January 1969, the population of Los Angeles County was estimated at 7,140,100. (1969 Cal. Roster of Federal, State, County, and City Officials, p. 115.)

[35] Unless respondents decide to adopt a new method of determining literacy (see, for example, that employed by New York, which is described by McGovney, The American Suffrage Medley (1949) at p. 63 and reprinted in Katzenbach v. Morgan, *supra*, 384 U.S. 641 at pp. 663–664) literacy in Spanish is to be determined by the same standard as is currently employed to determine literacy in English. That is, applicants must demonstrate an ability to read the California Constitution either in English or in an accurate Spanish translation. This assumes, of course, that the respondent registrar-recorder (and his counterpart in other counties) will require an identical level of competence in either language and will employ sections of comparable difficulty in estimating this level of competence.

HOUSE OF REPRESENTATIVES—*Monday, June 8, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

The spirit of the Lord is upon me because He hath sent me to heal the brokenhearted, to preach deliverance to the captives, and to set at liberty them that are bruised.—Luke 4: 18.

O God and Father of us all, whose concern for the welfare of Thy children never fails and who calls us to be concerned about the well being of our people, prosper, we pray Thee, the labors of those who seek to minister to the needs of our countrymen, especially our prisoners of war. For these prisoners we offer a special prayer. Comfort them with Thy heavenly grace, strengthen them in their trials, and keep alive in them the hope of release from capture and a reunion with their families.

May the replicas picturing the state of our prisoners in our Capitol crypt arouse our people to the need of doing all we can to relieve their suffering and may we not rest until it is done.

In the name of Him who is the strength of our lives, we pray. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, June 4, 1970, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 10184. An act to provide for the disposition of judgment funds of the Sioux Tribe of the Fort Peck Indian Reservation, Mont.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 14300. An act to amend title 44, United States Code, to facilitate the disposal of Government records without sufficient value to warrant their continued preservation, to abolish the Joint Committee on the Disposition of Executive Papers, and for other purposes.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 3592. An act to amend the Federal Meat Inspection Act, as amended, to clarify the provisions relating to custom slaughtering operations.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON MILITARY CONSTRUCTION APPROPRIATION BILL

Mr. SIKES. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the bill making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes.

Mr. CEDERBERG reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

TOWARD BETTER UNDERSTANDING OF AGRICULTURAL APPROPRIATIONS

(Mr. MAHON asked and was given permission to address the House for 1 minute.)

Mr. MAHON. Mr. Speaker, on tomorrow the House is scheduled to consider the annual appropriation bill for the Department of Agriculture. This bill is especially significant this year. It is always significant and always important.

The committee report on the bill, which was prepared under the direction of the subcommittee chairman, the gentleman from Mississippi (Mr. WHITTEN), and the ranking minority member, the gentleman from Minnesota (Mr. LANGEN), is extremely well done. I would hope that all Members, especially those from urban areas, might study the report which has been available to the Members since Thursday last.

The report points out that the bill might well be termed a bill for the protection of public health; or, it might well be termed a bill to help stabilize the American economy; or, it might well be termed a bill to encourage rural development; or, it might well be termed a bill to fight pollution; or, it might be termed a bill to help provide better nutrition to the American people, especially the poor; or, it might be termed a bill to help farmers, and it does help farmers and it contains some subsidy for farmers. Or, it might be termed a bill to subsidize consumers, because the subsidy which goes to farmers is actually a subsidy to consumers.

I would hope, in order to get this bill in better perspective, the report on the bill might have the attention of Members of the House.

EXTENSION OF AUTHORIZATION, PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1045 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1045

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15712) to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for titles I through IV through fiscal year 1971. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from California (Mr. SISK) is recognized for 1 hour.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee (Mr. QUILLEN), and pending that I yield myself such times as I may consume.

Mr. Speaker, House Resolution 1045 provides a straight open rule with 1 hour of general debate for consideration of H.R. 15712 to extend the Public Works and Economic Development Act of 1965.

The purpose of H.R. 15712 is to extend to June 30, 1971, the present annual authorizations for titles I through IV of the Public Works and Economic Development Act of 1965. Title V authorizations relating to regional economic development will expire on June 30, 1971.

The current amounts are as follows: Title I, section 105, $500,000,000; title II, section 101(c), $170,000,000; title III, section 302, $50,000,000; and title IV, section 403(g), $50,000,000.

The act provides Federal help, in cooperation with the States, to assist communities, areas, and regions which are suffering from excessive unemployment or underemployment by providing financial and technical assistance needed for the creation of new jobs.

Mr. Speaker, I urge the adoption of House Resolution 1045 in order that the bill may be considered.

Mr. Speaker, I am particularly concerned, as I know a number of my colleagues are, in connection with some recent decisions by the Department in decertifying certain counties within the Nation, and since I happen to have one of those counties in my own district, I am very much concerned about the criteria that have been used in such decertification under the Economic Development Act, and along with many other Members of Congress I am seeking some reconsideration in connection with that. This indeed has been an excellent program for the benefit of certain areas of the country where we have been faced with substantial and continuing unemployment.

Mr. QUILLEN. Mr. Speaker, I yield myself as much time as I may consume.

House Resolution 1045 makes in order for consideration of H.R. 15712 under an open rule with 1 hour of general debate.

The purpose of the bill is to provide for an extension of the present authorized amounts to those titles of the act—titles I through IV—which expire this year, in order to continue the authority to operate the programs through June 30, 1971.

No substantive amendments in the organic statute are made by the bill beyond the 1-year extension.

Funds previously authorized by prior legislation which are carried forward by the bill for 1 year include:

For title I, section 105, $500,000,000; for title II, section 101(c) $170,000,000; for title III, section 302, $50,000000; authorization total, $770,000,000.

The Economic Development Act of 1965 applies to many areas of the country the policies developed for Appalachia. It seeks to find solutions to the unemployment and underdevelopment in several poorer areas of our Nation. Financial and technical assistance is made available to assist in creating new jobs in such areas. Long-range planning and development is emphasized. The Department of Commerce supports the legislation. There are no minority views.

I have no further request for time but I reserve the balance of my time.

This is a good program and should be passed—I urge adoption of the resolution.

Mr. SISK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. FALLON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15712) to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for titles I through IV through fiscal year 1971.

The SPEAKER. The question is on the motion offered by the gentleman from Maryland.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15712) with Mr. SLACK in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. TEAGUE of California. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 153]

Abernethy
Adair
Alexander
Ashbrook
Ashley
Aspinall
Ayres
Baring
Barrett
Bevill
Bingham
Bolling
Brasco
Bray
Brock
Brown, Calif.
Broyhill, N.C.
Buchanan
Burton, Calif.
Bush
Cabell
Carey
Carter
Casey
Celler
Chisholm
Clark
Clay
Conte
Conyers
Corbett
Cowger
Crane
Culver
Daddario
Daniel, Va.

XUM

Dawson
de la Garza
Derwinski
Dickinson
Diggs
Dingell
Dorn
Dowdy
Downing
Dulski
Esch
Farbstein
Fascell
Feighan
Fish
Fisher
Foley
Ford, Gerald R.
Frelinghuysen
Fulton, Tenn.
Gallagher
Gaydos
Gettys
Giaimo
Gilbert
Green, Oreg.
Griffiths
Hagan
Halpern
Hanley
Hansen, Wash.
Harrington
Hastings
Hawkins
Hébert
Hungate
Jonas
Jones, Ala.
Jones, Tenn.
Kirwan
Kyros
Landrum
Long, La.
Lowenstein
Lujan
McCarthy
McCulloch
McEwen
McMillan
MacGregor
Mailliard
Mann
Mathias
Mayne
Meskill
Michel
Miller, Calif.
Mills
Mollohan
Moorhead
Moss
Murphy, N.Y.
Nix
O'Neill, Mass.
Ottinger
Passman
Pepper
Pike
Pollock
Powell
Preyer, N.C.
Price, Ill.
Railsback
Reid, N.Y.
Reuss
Rivers
Robison
Rooney, N.Y.
Roudebush
Ruth
St Germain
Schadeberg
Scheuer
Staggers
Steed
Stratton
Symington
Taft
Teague, Tex.
Thompson, N.J.
Tiernan
Vigorito
Watkins
Watson
Weicker
Whalley
Whitehurst
Whitten
Williams
Wilson, Bob
Wold

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. SLACK, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 15712, and finding itself without a quorum, he had directed the roll to be called, when 292 Members responded to their names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. Under the rule, the gentleman from Maryland (Mr. FALLON) will be recognized for 30 minutes and the gentleman from Florida (Mr. CRAMER) will be recognized for 30 minutes.

The Chair now recognizes the gentleman from Maryland (Mr. FALLON).

Mr. FALLON. Mr. Chairman, I rise in support of H.R. 15712 which is legislation to renew and extend the authorization of funds for titles I through IV of the Public Works and Economic Development Act of 1965, as amended through the fiscal year of 1971. This bill simply provides for an extension of the present authorized amounts to those titles in the act that expire this year in order to continue the authority to operate through June 30, 1971, and permit the Economic Development Administration to continue the operation of its programs under the existing authority in the legislation for the next fiscal year. The bill, if enacted into law, will mean that all of the authorizing legislation under the Economic Development Act will expire on June 30, 1971.

Mr. Chairman, this bill has been reported unanimously by the Committee on Public Works. It has the full support of both the administration and the members of the Committee.

The provisions of the Public Works and Economic Development Act when passed in 1965 were based on the best features of the Public Works Acceleration Act, the Area Redevelopment Act, and the Appalachian Regional Development Act. There were no duplications or repetitions of these programs. The Area Redevelopment Act, enacted into law in May of 1961, expired on June 30, 1965. The public works acceleration program enacted in September of 1962 was financially exhausted in about 2 years. The Appalachian Regional Development Act provided for specific programs for that region and does not permit any duplication of projects under this legislation within that region.

Titles I through IV of the act provide for assistance to "redevelopment areas" and "economic development districts," where unemployment and underemployment conditions have been persistently greater than in the Nation as a whole. Programs for assistance in these expiring titles include direct and supplementary grants for the construction or improvement of development facilities; long-term low interest loans for development facilities and for commercial and industrial establishments; and technical assistance, planning, research and demonstration projects.

Title V which provides for the establishment and funding of the regional commissions under the act does not expire until June 30, 1971.

Since 1965 there has been a broadening of the authority of the title V regional commissions by amendments enacted in 1967 and again in 1969. Last year the technical assistance provisions were amended to permit demonstration projects and this year's authorization was increased by $25 million for this title. The special impact criteria of the Economic Opportunity Act was added to title IV last year to further expand the designation of "redevelopment areas." However, there has not been a thorough review and examination of this legislation since its enactment in 1965.

With this purpose in mind, I have our own Subcommittee on Economic Development programs to make an in-depth study and evaluation of the economic development programs. The evaluations by the subcommittee as well as those by the Economic Development Administration are now underway. There is a great need for this kind of legislation. The committee expects to find more effective ways to coordinate our many programs which provide public works facilities on a broad scale to combat both the growing problems in urban areas as well as the outmigration problems in rural communities which in turn compounds the problems of our cities.

Before the end of this session, the committee intends to begin extensive hearings to obtain the benefit of the evaluations, as well as to receive substantive proposed changes to this legislation.

We welcome the assistance of all the Members who wish to present their ideas or amendments.

As I conclude my remarks, I would like to express my thanks and congratulations to all the members of the committee for their continued cooperation and bipartisan efforts in working together toward developing the future course of this legislation. I particularly want to thank Mr. BLATNIK, Mr. EDMONDSON, Mr. HARSHA, and Mr. CLEVELAND for their guidance. Under the leadership of Mr. EDMONDSON, as chairman of the Special Subcommittee on Economic Development Programs, and Mr. CLEVELAND, as senior minority member, their subcommittee has been of immeasurable assistance to the full committee in dealing with economic development legislation. Their evaluations, when completed, should also be of great assistance to the full committee in its deliberations on the proposed changes to this legislation.

I respectfully recommend my colleagues to support the passage of this bill.

Mr. Chairman, I yield such time as he may consume to the gentleman from Oklahoma (Mr. EDMONDSON).

Mr. EDMONDSON. Mr. Chairman, basically, this bill is a straight extension of four titles of the Public Works and Economic Development Act of 1965, as amended, continuing those four titles through to the same termination date that presently is in the law for title V which provides authorization for the regional commissions that are established under this act.

Titles I through IV of the act provides for assistance to "redevelopment areas" and "economic development districts," where unemployment and underemployment conditions have been persistently greater than in the Nation as a whole. Programs for assistance in these expiring titles include direct and supplementary grants for the construction of improvement and development facilities; long-term interest loans for development facilities and for commercial and industrial establishments; and technical assistance, planning, research, and demonstration projects.

A brief analysis of the sections of H.R. 15712 as they would amend the Public Works and Economic Development Act of 1965—Public Law 89–136—is as follows:

Subsection (a) would amend section 105 to continue for 1 year the $500 million authorization for grants and supplementary grants for public works and development facilities.

Subsection (b) would amend section 201(c) to continue for 1 year the limitation of $170 million on title II's open-end authorization for public works loans and business loans and guarantees.

Subsection (c) would amend section 302 to continue for 1 year the $50 million authorization for technical assistance, research, and demonstration projects.

Subsection (d) would amend section 403(g) to continue for 1 year the $50 million authorization for EDA grant and loan assistance to economic development centers and districts.

I might say with regard to this latter point that there was a little confusion a few weeks about whether or not the money for these economic development districts would be continued. We have received, and you will find in the report on this bill, a firm commitment from Secretary of Commerce Stans that these grants will continue to be made to the economic development programs during the period of the extension.

This bill, therefore, simply provides for an extension of the present authorized amounts to those titles in the act that expire this year in order to continue the authority to operate through June 30, 1971.

The committee intends to hold extensive hearings in the near future to obtain the benefit of the evaluations of these programs that are presently underway as well as to receive substantive proposed changes to this legislation.

The appropriations bill—H.R. 17575—which provides for the appropriations for fiscal year 1971 for this agency was passed by the House on May 14, 1970. This bill provides $160 million for grants and loans for development facilities as authorized by titles I, II, and IV of the act. The bill included $50 million for loans and guarantees of working capital loans for industrial development pursuant to titles II and IV of the act and provided $20,200,000 for payments for technical assistance, research, planning grants, and demonstration projects as authorized by title III of the act.

With the enactment into law of this bill, all of the authorizing provisions of this act will expire on June 30, 1971.

Mr. Chairman, the total amount of the authorizations for these titles for the next fiscal year is $770 million. Fundamentally, the Appropriations Committee is continuing the policy of the Congress of funding approximately one-third of the authorization level of this program. I think in consideration of the fact that financing has been only one-third of the authorization level that we have been able to demonstrate considerable achievement under this bill and under this program since it was enacted in 1965. I think the Public Works Committee correctly reached the judgment that a further extension of 1 year was in order.

XUM

We are hoping to have hearings during next year to consider the administration's recommendations for improvements and changes in this program. We expect to have some new program recommendations to present to the House at the next Congress.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. EDMONDSON. I yield to the gentleman from Kentucky.

Mr. SNYDER. The gentleman from Oklahoma, of course, is the chairman of the Subcommittee on EDA Investigative Matters of the Committee on Public Works.

If I recall correctly, it seems that it was about a year ago that the subcommittee had hearings and there were, I felt, some serious allegations made against the operation of the program. At that time, if my memory serves me correctly, there were loans and/or grants made to fund many different enterprises that were in competition with various enterprises already in the community with the same kind of operation. I believe it involved motels and the nursery business.

I believe I am correct that there was going to be a staff investigation of those allegations, and I am wondering what the outcome of those investigations have been.

Mr. EDMONDSON. The gentleman from Kentucky says that there were allegations of many loans and grants of this type. However, I think as a matter of fact you could count on the fingers of one hand the specific allegations of this type that were presented to the subcommittee with specific complaints regarding particular projects. We have in the case of each of the projects on which we received specific complaints gone into some detail with the department, and with the sponsors of the projects who in each instance are local people who bring these projects to the Government to determine the merits of the complaint.

I will say to the gentleman from Kentucky that in several instances I have personally reached a conclusion, and I think members of the subcommittee have concurred in some instances, that there have been some cases in which there have been projects that on second sight or second consideration it would have been wiser not to have made the loans. There has been serious question in one or two instances of the spirit of the law being followed, if not the letter of the law.

However, I do think those instances are rather rare. I do not think that that is a general criticism that can be leveled against this program. And I think the department in charge of these programs, since these complaints were made, and since there were investigations, has been proceeding rather cautiously and carefully to check out this question of competition with local business activities before they make a loan.

Mr. SNYDER. Has the gentleman from Oklahoma, as the chairman of the EDA Subcommittee, been able to get any more cooperation through the people downtown who have to do with these programs than he was able to get a year or so ago, when he was expressing some concern about them cooperating with him, or giving him some information on these loans?

Mr. EDMONDSON. I would not say that their cooperation has been 100 percent, but I will say it has been well above 90 percent, and in comparison with some Government agencies dealing with congressional committees, that is pretty high.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. EDMONDSON. I yield to the distinguished majority leader.

Mr. ALBERT. Mr. Chairman, I appreciate the gentleman yielding to me, and I rise to compliment my distinguished colleague from Oklahoma for the work that he has put into this matter, and also the great Committee on Public Works. I certainly wish to associate myself with the remarks made by the gentleman.

Mr. Chairman, I rise in support of the committee amendment authored by the Public Works Committee which would prevent the de-designation of any redevelopment areas from June 1, 1970 to June 1, 1971. This is not a local or parochial amendment. As of today it involves close to 100 counties in this country. Faced as we are with a general deterioration in our national economy, nationally, unemployment has now reached 5 percent, the matter will certainly involve the welfare of many additional development areas in the very near future.

Should the committee amendment not be adopted, we would undoubtedly during the next few months be faced with an extremely anomalous situation. The Economic Development Administration would be mandated pursuant to old and imprecise economic data, to remove many areas from the eligible list at the very same time that those areas were sharing in the general increase in unemployment. This, of course, would constitute a nonsensical situation. At the very time a community's unemployment were rising and it was most acutely in need of the very type of assistance authorized by the Public Works and Economic Development Act of 1965, we would be barring that community from any further such assistance. The bar against further grants for public facilities under these circumstances would be particularly unfortunate. Adequate local water and sewer facilities are necessary prerequisites for future industrial expansion. In addition, however, economists are in agreement that periods of economic slack such as we are now experiencing are the ideal time to undertake public works. Unused manpower and resources are available and thus the construction of public works would not have to compete with the demands of the private sector of the economy. The creation of inflationary pressures would be avoided and most important idle men would be put back to work.

It is my understanding that the Committee on Public Works will soon undertake a comprehensive re-evaluation of the Public Works and Economic Development Act with a view to bringing this 1965 legislation up to date. The measure which we enacted in 1965 has accomplished a great deal of good. It has fully met the expectations of those of us who fought for its enactment at that time. But come next year, 6 years will have elapsed and the time will undoubtedly have arrived for its updating and recasting. The whole subject of regional economic development is a relatively new one and one that obviously the Congress must thoroughly review from time to time in order to make sure that we are maximizing our goals in this area. I am told that the increased efficiency and rapidity with which statistics on deteriorating economic conditions within these areas are available will be a subject to which the committee is to devote a considerable portion of its attention. I commend the committee for its plans to look into this subject.

Mr. Chairman, I reiterate my support for the committee amendment, urge its adoption, and endorse final passage of the bill as so amended.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. EDMONDSON. Mr. Chairman, I yield to the gentleman from California (Mr. DON H. CLAUSEN).

Mr. DON H. CLAUSEN. Mr Chairman, I should just like to respond further to the questions posed by the gentleman from Kentucky (Mr. SNYDER) and say that that is one of the reasons why we felt it wise to only extend the program for 1 year, so that the committee in its entirety can evaluate information based on the staff investigation and will therefore be able to incorporate any suggestions by next year.

Mr. SNYDER. Mr. Chairman, if the gentleman will yield further, and the gentleman has probably answered the question already, but has that staff investigation been completed?

Mr. EDMONDSON. The investigation by the staff is proceeding on a number of different fronts, and in a number of different projects, and at this time we have men in the field, and the staff is evaluating some of the projects on which there have been some questions raised.

Mr. SNYDER. Could I ask the gentleman if at the time it was determined to pass this bill out any of these folks who had complained about these loans in competition to them, and putting them out of business, were any of them invited in to express their concern in the hearings?

Mr. EDMONDSON. I will say in answer to the gentleman from Kentucky that at the particular time this bill was marked up no public witnesses were invited to testify at that time.

Mr. SNYDER. There were just executive hearings, is that correct?

Mr. EDMONDSON. That is substantially correct.

Mr. SNYDER. With people from downtown, and members of the committee?

Mr. EDMONDSON. There were public and executive hearings.

Mr. SNYDER. Yes, but there were no public hearings?

Mr. EDMONDSON. There were public hearings but there were no public witnesses invited in at the time of the actual markup. We had held public hearings and we have heard some of the people in communities where there have been complaints of competitive businesses started.

Mr. SNYDER. But not preliminary to reporting of this bill? The hearing you mention was some months ago.

Mr. EDMONDSON. I would say not in the last few weeks—no.

Mr. SNYDER. I thank the gentleman.

Mr. HARSHA. Mr. Chairman, will the gentleman yield?

Mr. EDMONDSON. I yield to the gentleman.

Mr. HARSHA. Mr. Chairman, in further response to the gentleman from Kentucky, we must keep in mind that not only is the committee conducting an in-depth study and review of this program, but so is the Department of Commerce and the Economic Development Administration.

Because these reviews and studies are in progress, this is the reason we have continued this program for 1 year to let not only the Department of Commerce but the committee also continue this in-depth study so that we can come up with suggestions to correct any of these inequities similar to what you are bringing forth here.

But you must also remember that when there is a project approved by the Economic Development Administration, that is originated at the local level and it is the local people who requested the assistance for this particular project and they surely should be aware of any inequities insofar as it affects their local economy. Apparently, in some cases they have not, if the situation is as you have indicated.

But because of this in-depth study, we hope to go over some of these problems but here again you must realize the department is not at fault in this. It is the local people who initiate these projects.

Mr. SNYDER. Mr. Chairman, will the gentleman yield for just one observation?

Mr. EDMONDSON. I yield to the gentleman.

Mr. SNYDER. I would say to the gentleman that regardless of where these projects originate, the question is whether or not they merit the loans that are requested. I am sure in the gentleman's local community, you will find one businessman objecting to the use of Federal funds to establish competition to his business, and that would be true in anybody's local community.

I am not alleging that these charges we have heard a year ago are well founded or not well founded—I do not know. But I do recall that the gentleman from Oklahoma chaired a subcommittee in which certain allegations were made and I am attempting to inquire into what determination has been made on those charges and if, in fact, an investigation has been completed, which apparently it has not.

Mr. EDMONDSON. I yield to the gentleman.

Mr. LANGEN. I thank the gentleman for yielding. During recent days and weeks, there has been some concern expressed on the part of several of us regarding the classification of counties that participate in the EDA program.

In my own instance in Minnesota, we have several counties that have been declared ineligible within recent days and weeks. In my judgment something is wrong with the formula which is being used for the purposes of determining eligibility. Because, in three counties in my district, two of them are what might well be said to be the poorest counties in the district and in the greatest need of help. But with small populations and a small labor force, and a good number of the population in those communities being on farms, they are not classified in the same manner as where there are industrial areas. For some reason or another, it works out that they do not meet the unemployment requirements and so they have been taken off the eligible list.

This is positive evidence that there is something wrong with this formula. I understand that some consideration has been given to this and that there is the possibility of an amendment being offered that might leave eligible counties, as of now, to continue for another year. Is the gentleman acquainted with this?

Mr. EDMONDSON. The gentleman has raised a point that has been of real concern to our full Committee on Public Works. The chairman of the full committee, the gentleman from Maryland (Mr. FALLON), sent a letter to the Secretary of Commerce more than a week ago raising the question of dedesignation and the criteria used for dedesignation. The Committee on Public Works considered the situation and considered the fact that the data available to us was proven to be inadequate in the case of many of these counties and that the outmigration data being used to establish outmigration from these counties is certainly not current.

For these reasons, the gentleman from Minnesota (Mr. BLATNIK), will offer an amendment at the appropriate time that would block any further dedesignations of any of these counties now designated EDA areas without a specific request from the local governing bodies that they should be dedesignated. I believe the amendment to be offered by the gentleman from Minnesota (Mr. BLATNIK) will take care of the point the gentleman has very appropriately raised, and I am quite sure it will have the overwhelming support of the Public Works Committee, and I hope we will adopt it in the Committee of the Whole and in the House of Representatives itself.

Mr. LANGEN. May I express my gratitude to the gentleman for his explanation and compliment my colleague from Minnesota for his intention to offer the amendment. I am sure that through a reevaluation of the program next year these inequities can probably be corrected.

Mr. BLATNIK. Mr. Chairman, will the gentleman yield?

Mr. EDMONDSON. I yield to the gentleman from Minnesota.

Mr. BLATNIK. The gentleman from Oklahoma has explained to the gentleman from Minnesota that I plan to offer an amendment which would maintain the status quo and to direct that the counties which have been dedesignated will continue to be eligible under the EDA program. A thorough reevaluation, reappraisal, review and reexamination of the EDA program, is now underway. I understand that a major part of the work is already done. When the Assistant Secretary of Commerce for Economic Development and his staff come before our Public Works Committee, which we hope will be early next year, they will have some very comprehensive proposals to recommend. They will give us a very detailed report of how the program has worked in the past 5 years. What sections of the program ought to be beefed up or enlarged; where they have worked well and those areas that ought to be strengthened that have not worked well, and what parts might even have to be trimmed off as unnecessary and superfluous.

We do assure the gentleman that the amendment will be offered under the 5-minute rule when general debate is over. I appreciate the gentleman's remarks.

Mr. LANGEN. I shall be glad to support the amendment, and again I thank the gentleman for his efforts.

Mr. EDMONDSON. Mr. Chairman, I yield back the remainder of my time.

Mr. BLATNIK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as cosponsor of this bill, I rise in support of H.R. 15712. I was the original author of this legislation. Over the years I have seen how desperately it is needed to provide permanent jobs and opportunities through growth for the people of undeveloped areas.

The committee bill simply makes the following changes to the existing law:

Subsection (a) would amend section 105 to continue for 1 year the $500 million authorization for grants and supplementary grants for public works and development facilities.

Subsection (b) would amend section 201(c) to continue for 1 year the limitation of $170 million on title II's open-end authorization for public works loans and business loans and guarantees.

Subsection (c) would amend section 302 to continue for 1 year the $50 million authorization for technical assistance, research, and demonstration projects.

Subsection (d) would amend section 403(g) to continue for 1 year the $50 million authorization for Economic Development Act grant and loan assistance to economic development centers and districts.

Therefore, the total amount of authorizations for these titles for the next fiscal year is $770 million.

The Public Works and Economic Development Act became law in 1965 to permit the Federal Government, in cooperation with the States, to help areas, districts and regions of substantial and persistent unemployment and underemployment to take effective steps in planning the overall economic development of these areas by providing financial assistance to enable these areas to help themselves achieve lasting improvement. It is time now to take a new look at what has been accomplished and what is needed for the future.

In a large measure, the success of this program can be attributed to the emphasis the act places on long-range planning and programing to be developed locally. The purpose of these plans are to develop within the community what is needed for the permanent development of a stable and diversified local economy. An area must develop its own overall economic development plan before its projects are eligible for assistance. Therefore, the projects given assistance under the act originate in the community it will serve based on the needs of the community established by its development plan.

PUBLIC WORKS FACILITY PROGRAM

Of particular interest to me is the public works and development facilities program authorized in title I of the act. Public works activity is the necessary first step toward building a foundation that enables industry to establish new plants.

A study of 129 Economic Development Administration public works projects which have been completed and in operation for at least 1 year shows that about 19,400 new permanent jobs have been generated. Economic Development Administration provided about $20 million for these 129 projects.

Of the 129 projects studied, 78 involved industrial park development. The study indicates that companies and businesses establishing operations in these parks have generated about 15,850 new jobs.

Economic Development Administration is not a large agency, but size certainly has nothing to do with results. The funds provided by Economic Development Administration are used as seed money to stimulate new local and private investment.

As of May 8, 1970, Economic Development Administration had obligated $878.9 million for 1,753 public works grants and loans.

What we should keep in mind is that long-range economic development takes time. So the real impact of Economic Development Administration activity cannot be measured today. We can see what has been set in motion and it is considerable.

But it is what will come next month, next year, and 5 years from now in the way of new jobs and growing industries that will tell the real story.

Economic Development Administration had completed 742 public works projects as of May 19, 1970. Another 510 were under construction, and 507 projects were in preconstruction stages.

Mr. Chairman, I urge my colleagues to support the passage of this bill.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. BATNIK. I am happy to yield to the gentleman from Missouri.

Mr. HALL. Mr. Chairman, I appreciate the gentleman's explanation and that which he is putting into the record in his extension. I appreciate the background of combining the old Public Works Law into the Area Redevelopment Law, as well as making titles I–IV jibe with previously extended title V, but I am in a rather paradoxical position and really rise to gain information and maybe throw out a new view, other than has been brought up here on this continuing legislation.

My paradoxical position is that perhaps no group uses this authorization any more than the southwestern counties of Missouri, the so-called Ozarks Mountain area. In fact, we have resources and development surveys of 11 counties going on, authorized by and contracted for by the Economic and Development Agency, and also we participate in the four-State Ozarkian Regional Commission, which would be involved in title V.

I understand we are simply extending the various studies of the committee and of the Department of Commerce downtown as to ways to change this, but I wonder if in the meantime we have caught ourselves on the horns of a dilemma, of either control of taxpayers' funds granted through this agency directly or decentralization and control of the funds through the various Governors or the planning agencies.

It strikes me, Mr. Chairman, that maybe we have just about planned ourselves out of existence. I think we have plans in almost every agency, and some of these are regional or multicounty planning agencies that operate under funding from the EDA are now insisting through the local appointing authorities of the planning agencies, usually the Governors and/or the various county courts in some representation assembled, that we cannot get rid of them, and we cannot stop the planning, that they must be consulted on all projects, and they get continuous grants of taxpayers' money for more planning; yet, they seek to control the allocation, if it is decentralized down through the States to the respective Governors of the States. The end result is that, because of the dilemma, because of the power grants versus the duplicity and overlapping, because of planning versus control, because of government versus local private industry assuming the initiative, we have come to a dead stop.

My real question, as a result of this preamble, that I ask the distinguished gentleman is: Have we not about arrived at the time where we ought to quit planning and start action? And, if so, how can we control it directly without this being segmental legislation?

Mr. BLATNIK. Mr. Chairman, all I can say at this point is that the gentleman has put his finger on the nub of the problem as far as the regional commissions are concerned under title V.

May I explain to the Members that title V is not affected by this legislation, because we extended that last year for a 2-year period. At that time we made it abundantly clear to the Governors and the Governors' representatives who appeared before our committee at that time, that the committee was not one bit pleased with much of the work that was going on. I will be candid and say on this floor that I must confess we were particularly dissatisfied with how our commission in the Great Lakes area operated. It has a choked-up, incomplete, and superficial program. The so-called plan for the Great Lakes did not have the real concept of a regional plan as was envisioned by the committee when the EDA act was set up. It did not have the depth nor the breadth nor the type of operation of programs that had been put into effect very successfully in Appalachia on a much larger scale.

Some of the commissions have come up with a good report. I think the commission covering the area represented by the gentlemen in the Ozarks, has done a good job. It depends a great deal on the administrator, it seems.

But the gentleman raises a really valid point. All I can say is that this matter will be given a really thorough going over, a really good going over, when the EDA makes its report and its recommendations on titles IV and V early next year.

Mr. HALL. If the gentleman will yield further, I want to reiterate I understand this was bringing titles I through IV up to the same termination date as title V, and I do not want to be speaking in opposition to it, nor be faultfinding with the various regional commissions at this particular point, although they are under study locally also, in addition to the department, and in addition to this fine commitment.

I believe it is quite wise and proper that the committee brings this legislation to the floor today in order to extend for 1 year the time limitation, pending all the studies that are going on. In addition to the regional commissions, there are some planning groups that are set up under EDA, and there are surveys being made under titles I through IV also, which have the same end result and put us on these horns of the various dilemmas of control versus decentralization, of Federal Government versus State government, of power groups versus duplicity.

XUM

I believe it is wise to point out, if indeed the economy of the times has not overtaken the event, to the place where we are at the end of this final fence-gate instead of starting point; the termination, we seriously consider letting these things lapse and the regular economy take over.

I thank the gentleman for yielding.

Mr. BLATNIK. Mr. Chairman, I have concluded my remarks.

Mr. RYAN. Mr. Chairman, will the gentleman yield?

Mr. BLATNIK. I am pleased to yield to the gentleman from New York.

Mr. RYAN. I thank the distinguished gentleman from Minnesota for yielding.

I am particularly concerned about a provision in title IV of the Public Works and Economic Development Act of 1965 which was enacted last year. This is the special impact program, which was included in the 1969 amendments—Public Law 91-123. The purpose was to make parts of counties and municipalities eligible as redevelopment areas. In our urban centers there are area of hard-core unemployment, containing large concentrations of low-income persons, which did not qualify for assistance until the special impact program was created last year.

For title IV, last year, $50 million was authorized. I understand that $50 million is authorized again this year.

I commended the committee last year for its inclusion of these pockets of poverty within major cities, an objective which I and others had long sought. In fact, I had introduced legislation to accomplish this since 1963 and testified before the Public Works Committee on several occasions. Unfortunately, the Economic Development Administration has not as yet designated any special impact area, nor has it set aside any funds or established guidelines for the special impact program. The failure of EDA to fund the program is distressing.

My question is this: Was it not the intention of the committee last year in approving the special impact program to have the EDA fund it and move ahead with it?

Mr. BLATNIK. The gentleman is right.

There is a problem in those areas of the so-called severe concentrated unemployment, which technically we could not define as a redevelopment district. Actually they had severe economic distress and were truly and justifiably entitled to assistance, and should be getting assistance.

All I can say at this point is that we will certainly check with EDA to see what assistance they are planning to give to these hard-core unemployment areas. They certainly should have been doing something by now. I assure the gentleman that we will check on that promptly and report.

Mr. RYAN. I appreciate the gentleman's concern.

Mr. BLATNIK. I do want to underline that we are very much concerned about this and look with great favor on this type of assistance, which we feel is thoroughly justified in those areas.

Mr. RYAN. I know the committee believed that assistance was urgently needed. That is why the special impact program was enacted. The situation is more critical now than last year because hard-core unemployment persists and is even more acute than it was last year.

I appreciate the gentleman's assurance that he will do whatever he can to see that EDA does in fact implement the program.

(Mr. JONES of Alabama (at the request of Mr. EDMONDSON) was granted permission to extend his remarks at this point in the RECORD.)

Mr. JONES of Alabama. Mr. Chairman, as a strong supporter of the Appalachian regional development concept, which legislation I had the privilege to cosponsor and in which I believe I have played a part in developing legislation covering that program since the introduction of the original bill, I rise today to support another very worthwhile program—the Economic Development Act of 1965.

I believe the action by the Committee on Public Works in extending the authorization for titles I through IV of this program through fiscal year 1971 is needed and necessary. The total amount involved in this authorization is $770 million.

This program has proved to be an effective one in the past. I am certain in the years to come as the law is further refined and the Economic Development Administration within the Department of Commerce obtains an even better understanding of the problems involved under the legislation its effectiveness will steadily increase.

In the light of the present economic situation and the problems we may be facing in the months ahead with rising unemployment and the resulting ever widening spread across the Nation of many of our citizens without work it is good to know a program such as EDA is already on the books. It combines the best features of the old Area Redevelopment Act, the Public Works Acceleration Act of 1962, and, of course, the act I have previously mentioned, the Appalachian regional development program.

Its effectiveness has been proven in many ways across the country and has already provided assistance in my home State of Alabama in such areas as Scottsboro, Bridgeport, Moulton, and Athens.

I reiterate my strong support of this legislation pending before us and I urge its adoption by this body.

I conclude by complimenting the distinguished chairman of the Committee on Public Works, the gentleman from Maryland (Mr. FALLON) for his fine, overall leadership on this legislation, and the distinguished gentlemen from Minnesota and Oklahoma (Mr. BLATNIK and Mr. EDMONDSON) for the diligence and efforts with which they have pursued this program to make it the meaningful one that it is. I also commend the distinguished Members of the minority side of the committee, and in particular, the gentleman from Ohio (Mr. HARSHA), the gentleman from California (Mr. DON H. CLAUSEN), and the gentleman from New Hampshire (Mr. CLEVELAND).

Mr. PIRNIE. Mr. Chairman, will the gentleman yield?

Mr. BLATNIK. I am pleased to yield to the gentleman from New York.

Mr. PIRNIE. I thank the gentleman for yielding.

I should like to express approval of this proposal for an extension of 1 year. This is appropriate action.

I have had an opportunity to observe operations under the Act in certain areas where it truly has fulfilled its announced objectives. Whatever shortcomings may be ascertained as a result of pending in depth studies, can be corrected. The program serves a very useful purpose and must be continued in force.

Mr. HARSHA. Mr. Chairman, I yield myself such time as I may consume.

Mr. HAMMERSCHMIDT. Mr. Chairman, will the gentleman yield?

Mr. HARSHA. I yield to the gentleman from Arkansas.

Mr. HAMMERSCHMIDT. Mr. Chairman, I rise in support of this bill, the 1-year extension of the Public Works and Economic Development Act of 1965. I would like to associate myself with the remarks of the gentleman from Missouri (Mr. HALL). He has very well expressed the same concerns that I and some of the other members of the committee have had as it pertains to accomplishing more effective coordination of economic development programs. There has been a great deal of misunderstanding at times on the part of local planning groups because various titles of the act have been considered as separate legislation with differences in expiration date. This has also compounded the overall work of our committee and perhaps tended to confuse many of the Members of the House. The bill, H.R. 15712, simply extends all titles into a common expiration date of June 30, 1971. This year's extension will afford the time needed to complete studies and evaluations now going on as to the best way to mold the program after that date.

Since the public works and economic development program was brought into existence in September 1965, it has been strengthened and extended to cover additional depressed regions, including the Ozark region in which most of the Third Congressional District of which I have the privilege to represent in Arkansas lies.

The regional commission program, as well as the public works and development facilities program, have been very meaningful toward my district's, and in fact a large part of our entire State's, long-term economic development. They also have had significant short-term impact on the income level of workers who have been involved in the actual construction of certain projects. The EDA business development loan and guarantee program is also most important in stimulating industry and business to locate investments in disadvantaged areas. The planning and technical assistance program also has helped to supplement private and public initiative with assistance to government entities in low-income areas that will be valuable in obtaining lasting economic improvement.

Mr. Chairman, I am a strong believer in this legislation and while realizing that it needs and is going to be further improved, it is even now a very meaningful Federal-State-local partnership approach that is effectively up-grading and creating jobs in areas where the per capita income level has been lagging far behind the national average.

In looking over reports of EDA projects funded in my district and the EDA investment per direct job, it appears to me that it will not take the Federal Government too long to make a net profit on the additional or newly created personal income.

Mr. GRAY. Mr. Chairman, will the gentleman yield to me?

Mr. HARSHA. I am happy to yield to the gentleman from Illinois.

Mr. GRAY. Mr. Chairman, I rise in support of H.R. 15712, an act to extend for 1 year the Economic Development and Public Works Act.

Mr. Chairman, I had the privilege of helping my distinguished friends on the Committee on Public Works write the first EPA Act 5 years ago, in 1965. Although the program has been encumbered with administrative redtape, it has been a great tool for the people of southern Illinois in helping themselves. We have built industrial parks, water and sewer projects, access roads, and other needed programs. Although the Nixon administration has had a marked slowdown in funding for southern Illinois projects, we have several meritorious applications pending, and I am hopeful that with the passage of this legislation that we can now move forward with more funds for southern Illinois and other similar areas which have been suffering from outmigration due to lack of job opportunities.

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The 1970 census just completed in my district shows a net loss of 3,000 additional people. This is much, much less than the loss between 1950 and 1960, and much of the improvement in our economy has been directly due to Government self-help programs such as EPA. In the next 10 years we will be able to stop all outmigration and bring back many of the 250,000 people who have left southern Illinois over the past 20 years.

Programs such as EPA are a must if we are to complete the job we started out to do—full prosperity for southern Illinois and the Nation.

In closing, I want to thank our distinguished chairman (Mr. Fallon), the distinguished gentleman from Minnesota (Mr. Blatnik), the distinguished gentleman from Oklahoma (Mr. Edmondson), the distinguished gentleman from Florida (Mr. Cramer), and the distinguished gentleman from Ohio (Mr. Harsha), and the other members of our Committee on Public Works for their hard work on this legislation.

I want also to commend our very able chief counsel, Mr. Sullivan, and Mr. Lorenz, EDA Counsel, and Mr. Enfield, minority counsel, for their hard work.

Mr. Chairman, to be poor is to die a little each day. This legislation is one way to help them live.

Mr. HARSHA. I thank the gentleman from Illinois.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. HARSHA. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

Do I understand that this bill would authorize in the next fiscal year $770 million?

Mr. HARSHA. That is correct.

Mr. GROSS. What has been the authorization request in the past?

Mr. HARSHA. This is a continuation of the same authorization we requested last year.

Mr. GROSS. Was the authorization fully funded last year?

Mr. HARSHA. It has never been fully funded, I might advise my good friend from Iowa. As a matter of fact, the funds have been historically about one-third of what we authorized over the years. As a matter of fact, this year we have already passed an appropriation bill for this program. There are only $230.2 million exclusive of administrative expenses of the $770 million authorized that have been appropriated.

Mr. GROSS. Is there a pipeline in connection with this legislation?

Mr. HARSHA. Not in the usual sense. But there are authorizations that have not been fully funded that could subsequently be funded.

Mr. GROSS. Then, there is money in the pipeline. Is that correct?

Mr. HARSHA. In this respect there is. The authorizations are already enacted and do not lapse. The Committee on Appropriations could come in and adopt a supplemental appropriation to pick up any of the unspent authorization funds that have not heretofore been appropriated.

Mr. GROSS. Can the gentleman give me an estimate of the expenditures under the previous authorizations since 1965?

Mr. HARSHA. I can say this: Beginning in fiscal year 1966 there has been a total of $3.8 billion authorized under this program. There has only been $1,449 million appropriated of the $3.8 billion.

Mr. GROSS. And some of that remains unspent. Perhaps committed but unspent. Is that correct?

Mr. HARSHA. Yes. There is some carryover. However, any uncommitted funds lapse.

Mr. GROSS. I wonder if the gentleman will put that in the Record in connection with his remarks.

Mr. HARSHA. In 1968 there was $631,000 carryover, but that was unobligated and died.

Now, the unobligated appropriations lapsed. In fiscal year 1969 it was $870,000 unobligated. That has lapsed but there is nothing to prevent the Appropriations Committee from coming in and appropriating the remaining unfunded authorizations.

Mr. GROSS. I thank the gentleman.

Mr. HARSHA. Mr. Chairman, I rise in support of H.R. 15712, which I had the privilege to cosponsor. The utilization of economic development programs to boost the lagging economics of those areas which have not been able to keep pace with the rest of the Nation, has been proving its merit since the inception of the idea. The Economic Development Administration began in fiscal year 1966 with 1,280 such areas qualified for assistance. This number had been reduced by July 1, 1969, to 910 qualified areas attesting to the success of the program. However, due to economic conditions, austerity programs by the Department of Defense and other factors this has now risen to 982 qualified areas as of May 21 this year, and there are additional areas to be increased. This increase pointedly indicates the need for continuance of this very successful program.

These long-range economic development programs stimulate local interest, local planning, and local private capital investment which serves to reduce unemployment and underemployment invariably present in disadvantaged areas. Such programs, in addition, help reduce the rural outmigration to cities, which outmigration decreases the rural tax base while it increases urban problems. Such programs have another advantage which should not be overlooked. Although historically funded at less than one-half the authorized amounts, the remaining unauthorized balances in any 1 fiscal year represent a cushion for subsequent appropriations—that was what I was trying to point out to the gentleman from Iowa—during that year as a temporary job-producing measure in the event of a slackening in the national economy.

Under the Public Works and Economic Development Act of 1965, such programs as basic grant-in-aid, and supplementary grants for public works and development facilities, public works and business loans and loan guarantees, as well as grants for technical assistance, research, and demonstration projects, make up the assistance given to areas, districts and regions—the three economic development levels. An area may be a city or a county; a district is usually several counties banded together to combat lagging economy by grassroots planning and investment; and regions are multi-State organizations formed to stimulate economics on a broader scale.

Mr. Chairman, I would like to briefly discuss the business loan program, title II, of the Economic Development Administration inasmuch as others will discuss other titles of the bill.

EDA is the only agency in the Federal Government which has the authority to make business development loans direcly to industrial firms. It also can guarantee related working capital loans.

And EDA makes these loans where they are most needed—in areas where economic problems are severe—in many cases so severe that without help from EDA there would be no sizable industrial activity at all.

A survey of new and expanding industrial and business facilities that have been assisted under this program produced some notable findings.

The survey covered 120 businesses now in operation.

Although not all of these firms are in full production, these 120 projects have produced about 11,900 permanent jobs.

When these plants and businesses are in full production, it is expected that more than 16,800 jobs will have been created.

As of May 8, 1970, EDA had obligated $210.7 million for 245 business development loans, and guaranteed 55 working capital loans, for a total of $24 million. Keep in mind that this money is to be repaid, with interest, to the Federal Government.

Such are some of the accomplishments of the very important business loan program which is funded under title II of the Public Works and Economic Development Act, and which would, under H.R. 15712, be extended for 1 more year at a maximum authorization of $170 million.

The economic development regions, or regional action planning commissions, are already authorized through fiscal year 1971 and it is, of course, the purpose of H.R. 15712 to continue authorizations for programs such as the business loan program I have just mentioned, for areas and districts through the same period. This legislation would also permit the Committee on Public Works to complete its current indepth oversight and evaluation of these programs, in addition to the evaluation now being made by the Department of Commerce, and to shortly begin its hearings which should bring into focus whatever legislation is needed to strengthen this vital relief for economic distress.

One other important point. Although H.R. 15712 would authorize for fiscal year 1971 for titles I through IV of the Public Works and Economic Development Act a total of $770 million, I wish to emphasize that on May 14, 1970, the House passed H.R. 17575, the State-Justice-Commerce appropriation bill for fiscal year 1971, which would appropriate for the same four titles and for the same fiscal year a total of $230.2 million exclusive of operation and administration moneys. Such an appropriation would represent less than one-third of the authorization for these programs.

In short, the passage of H.R. 15712, which legislation has been endorsed by the administration, would allow the continuance of these all important economic development programs while evaluations are being completed and determination is made concerning the necessity of basic amending legislation.

I strongly urge the House to adopt this bill.

Mr. GROSS. Mr. Chairman, will the gentleman yield for one further question?

Mr. HARSHA. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, again I thank the gentleman for yielding.

Does the committee have any figures as to the number of faucets that are spewing out dollars to so-called distressed areas, economically depressed areas, or what ever you want to call them? How many faucets are there in this Government spewing dollars out to these areas and communities?

Mr. HARSHA. We have the Appalachia program which is confined to the Appalachian area. We have the economic development program——

Mr. GROSS. A program of this kind comes right in on top of Appalachia, or does it?

Mr. HARSHA. Yes. It supplements, you can get supplemental grants under the Appalachian program.

Mr. GROSS. In other words to qualify under this program an area or community must declare itself at least started toward the poorhouse; is that right?

Mr. HARSHA. All you have to have is a certain degree of unemployment, and a certain degree of persistent underemployment, and this has to have continued for a number of years. There is a formula which is set up in the law which you must comply with in order to become eligible. It has to exist and have existed a substantial time, that is, a condition of substantial unemployment for an extended period of time, and in those areas in which the Secretary has determined that there has been a substantial loss of population due to the lack of employment opportunity.

Mr. GROSS. May I suggest to the gentleman—and I know of his interest in this matter—may I suggest to the gentleman and to his committee, since they deal with this legislation, that when they come again to the House floor for an authorization of this kind that if it is possible to do so they compile some figures as to the number of faucets and where they are located, in what agencies, and departments of the Government, that are funneling money out for the purpose for which this bill is directed, or similar purposes.

Mr. HARSHA. While we found that the Appalachian program, for example, has been a very successful program, there was need found by the committee for an additional assistance not only in the Appalachian areas, but other areas which were not covered by the Appalachian program which the EDA would cover. Only certain limited areas could qualify for Appalachian help but there were other areas of chronic unemployment that needed EDA assistance.

Mr. GROSS. I would be very much interested to know how many agencies and departments of the Government are funneling money out on this basis to allegedly distressed areas. I hope the committee will provide that information. In the meantime, let me say that I take a dim view of this legislation for the reason that I am convinced it duplicates a number of programs in other agencies and departments—programs costing additional millions.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. HARSHA. I yield to the gentleman from Kentucky.

Mr. SNYDER. The gentleman from Ohio has just enunciated some of the criteria that is necessary to qualify a county for EDA assistance, such as unemployment, and so forth.

Now am I correct in believing that if the amendment proposed to be offered by the gentleman from Minnesota (Mr. BLATNIK), is adopted, that these criteria then will go out the window because these counties would remain in, they would be wedded in unless the local authorities request that they come out from under the program?

Mr. HARSHA. As I understand the proposed amendment to be offered by the gentleman from Minnesota (Mr. BLATNIK), I would not say that is quite accurate. It will probably wed in certain counties who have exceeded this criteria now for the past few months, but I will gladly yield to the gentleman from Minnesota to respond to that inquiry since it is his amendment.

Mr. BLATNIK. If the gentleman will yield, will the gentleman repeat the question?

Mr. SNYDER. Basically, the question was that under the existing law there are certain criteria that have to be met in order to qualify under the program. I know that there is some controversy as to whether or not they are using the most current material in making such determinations. If the amendment proposed to be offered by the gentleman from Minnesota, that has been mentioned earlier, is adopted, then we in effect will throw out these criteria for the purpose of dedesignation, not for the purpose of designating new counties, but for the purpose of dedesignating; is that correct?

Mr. BLATNIK. Not really. The formula will still be in effect; it will still exist, it will still apply, but certainly we do provide a moratorium for these 96 counties. In fairness, some of the figures used in determining the designated counties are several months old, and we know what has happened to the unemployment rates in the last eight months. They are up over 5 percent now, and we have 130,000 more unemployed now than we had in April, and in May. There are more unemployed month by month, so we should take a relook to find out realistically whether the figures used, the criteria figures that the EDA gets from the Bureau of Statistics and the Department of Labor, are accurate.

It is not the fault of EDA. We directed them to use these figures when we enacted the legislation 5 years ago, but we thought we would have recommendations for changes and improvements by now.

They need more time. We will give it to EDA to make necessary recommendations. We support them in this by another year's extension of their authorizations. In the meantime, all we do in fairness to the 96 counties is that we direct that remain eligible under the act till we revise the law.

Mr. SNYDER. The only way a county would be dedesignated is if your amendment is adopted, is on the recommendation of the local officials; is that correct?

Mr. BLATNIK. That is correct. The local people can ask for dedesignation.

Mr. SNYDER. I thank the gentleman.

Mr. HARSHA. Mr. Chairman, I yield to the gentleman from Tennessee (Mr. DUNCAN), a member of the committee.

Mr. DUNCAN. Mr. Chairman, I rise in support of the amendment of the gentleman from Minnesota and I wish to commend him for bringing this to the attention of the House. In my congressional district the county I consider to be my poorest county would be redesignated this month unless this amendment is adopted. The decision was made upon inaccurate data from the Department of Labor. I think this is a good amendment and it should be adopted.

(Mr. CLEVELAND (at the request of Mr. HARSHA) was granted permission to extend his remarks at this point in the RECORD.)

Mr. CLEVELAND. Mr. Chairman, I rise in support of H.R. 15712, of which I am a cosponsor. I have supported this legislation since initial consideration before our committee in 1965, and I have continually made every effort to improve its effectiveness, beginning with efforts in committee at that time.

In my supplemental views to House Report No. 89-539 on the original legislation, I cited four amendments which did not pass in committee and which I declared I would offer on the floor. I offered three and supported the fourth, which, by previous arrangement, was offered by another Member of this body. Two of these four amendments were adopted; one prohibited assistance under the act when the market to be assisted was already in oversupply. This amendment became section 702 of the act. The other amendment provided that every State would have at least one area entitled to the advantages of the Public Works and Economic Development Act.

FOUR STATES NOT COVERED

I was gravely concerned with the necessity of adopting this latter amendment, especialy since the Senate-passed version of this legislation contained no such protective provision, and I so stated in my supplemental views to the 1965 House report:

> It is only fair to States which do not have areas that qualify for the benefit to have at lease one area, however small. Under the present state of the law and the facts, New Hampshire, Vermont, Hawaii, and Delaware will be left without any area covered as soon as the first annual review is completed. The reason that they have areas now is because of the so-called Proxmire amendment, which requires the broadest possible distribution of the program, and because of the grandfather clause in the bill.
>
> I cannot speak for Vermont, Delaware, or Hawaii, but the reason that New Hampshire will not qualify under the first annual review is because the unemployment rates in our most disadvantaged area (northern New Hampshire) do not qualify under the criteria of S. 1648. This is because people in northern New Hampshire, when they have not been able to obtain work, have had the 'get-up-and-go' spirit to go out to find work, often at great personal sacrifice. They do not stay at home on unemployment, but their departures leaves a diminished number of taxpayers to bear the burdens of the communities which they have left. This problem of out-migration, which is a real one, has been almost totally ignored and overlooked by ARA officials who rely too heavily on official unemployment statistics. The committee has amended the bill to force upon the ARA Administrator consideration of out-migration problems, but apparently he remains unconvinced. It is unfortunate that the four States that will be excluded from ARA are small States, but hopefully the House of Representatives will protect them in this instance by adopting my amendment.

XUM

I was particularly gratified that two of my four proposed amendments passed, in view of the fact that only four amendments were accepted out of a total of 18 offered on the floor.

The bill we have before us is, of course, a simple 1-year extension of existing levels of authorization for those four titles of the Public Works and Economic Development Act which would otherwise expire on June 30, thus extending all of our economic development legislation to an expiration date of June 30, 1971. The authorizing legislation for the EDA title V regions, as well as the Appalachian region, are currently authorized through fiscal year 1971.

It is particularly important to extend these titles because the Special Subcommittee on Economic Development Programs, of which I am ranking minority member, is currently conducting indepth evaluations, which should lead in the very near future to hearings directed toward necessary major legislative changes in this field. The administration is simultaneously conducting evaluations of these programs and will shortly submit their recommendations for legislative changes.

This is not to say that the present legislation has not produced beneficial results to needy and disadvantaged areas. On the contrary, while sufficient funding to adequately combat the problems of all such areas has not been available, our subcommittee evaluations, though not complete, have already documented the saving provisions for many troubled economies.

TECHNICAL ASSISTANCE

One particular area of economic development assistance, and one which is often overlooked, is that of the technical assistance, planning, and research programs provided under title III of this act. Subsection (c) of the bill we are now considering would extend the current authorization of $50 million for 1 more year for these programs.

EDA technical assistance funds are used to help communities and areas pinpoint their problems, measure their resources, recognize growth opportunities, and implement development programs through broad community involvement.

Technical assistance projects being supported by EDA are in operation in both rural and urban areas.

Many of these projects consist of feasibility studies to determine how to combine the human and natural resources of an area to stimulate economic growth.

I have the results of a survey of 290 technical assistance projects which have been implemented on the local level throughout the country. Its results are remarkable.

The survey shows that each EDA program dollar of technical assistance has stimulated an average $33 in new investment, the overwhelming majority of it from private sources.

New private investment for the 290 projects totaled about $253 million and new public investment was about $39 million.

Planning grants from EDA enable a community or county or multicounty area to establish and carry out a systematic development program. This program is the tool needed to reach the long-range goals of EDA—more than better permanent jobs and flourishing industry and business in the less fortunate areas of the country.

These EDA planning grants give local citizens the means to start and continue their long-term growth programs. These grants enable a community to determine just where it stands, where it wants to go, and how it intends to get there.

The third major program under this title is research, which is used to help measure the effectiveness and to determine the future course of Federal economic development efforts. A major part of EDA's research program involves exploring capital markets and their role in economic development.

As of May 8, 1970, EDA obligations totaled $47 million for 929 technical assistance projects; and $15.7 million for 336 planning grants. EDA also had obligated $10 million for research projects as of that date.

These and other economic development programs covered under this act must be continued until those disadvantaged areas of our Nation no longer suffer the severe job and income gaps between the measure of their economies and that of the Nation's average.

Mr. Chairman, I urge my colleagues to support the passage of H.R. 15712.

(Mr. ALEXANDER (at the request of Mr. EDMONDSON) was granted permission to extend his remarks at this point in the RECORD.)

Mr. ALEXANDER. Mr. Chairman, it is my understanding that the administration has asked for this simple 1-year extension in order to give it still more time in which to develop its own proposals. I do not want to be an obstructionist and, therefore, will agree to this proposal and will support H.R. 15712.

I would like to make a few comments about this program, however, about its past and its potential.

As stated in the committee report, this act was approved 5 years ago "to provide Federal help, in cooperation with the States, to assist communities, areas, and regions in the United States which are suffering from excessive unemployment and underemployment by providing financial and technical assistance needed for the creation of new jobs. Its emphasis is on long-range planning and programing for economic development with the objective of enhancing the domestic prosperity by the establishment of stable and diversified local economies. This is accomplished by developing and expanding new and existing public works, providing loans for businesses, and technical assistance necessary to create directly or indirectly new opportunities for long-term employment and economic growth."

These are realistic and attainable objectives. Coming from an area of the country to which this act applies directly, I am in full support of these goals. The possibilities that are inherent in the economic development program are exciting.

It is because we have legislation on the books, providing the authority to attack long-standing problems, that I am disappointed. We simply have not made the progress that is possible under this legislation to develop the natural resources and the potential in economically depressed areas of the country. There is no need for new legislation. There is simply a need for improvement and efficient implementation of existing legislation.

Since coming to Congress, I have examined the EDA program in great detail. I have been saddened in what I have found. The conditions existing in the legislation—State and local efforts and initiative—have been fully met.

The people of northeast Arkansas have worked diligently to cooperate with officials of the Economic Development Administration. We have dipped into meager funds in order to acquire minimum professional assistance required in meeting the demands of this agency. We have tried in good faith to satisfy the requirements of the EDA.

Yet, these people, who as taxpayers are actually paying for the program, are rebuffed, and turned down with little or no reasoning. Most people are not involved in these efforts for personal gain, but out of civic pride. They contribute their time, their talents, their efforts and, in many cases, their personal funds. Their only goal is to see their towns and cities develop economically. Their primary incentive is a carrot held out by the Economic Development Administration. This carrot cannot then be withdrawn abruptly, with little or no explanation, without doing great damage to private citizens' inherent trust in their Government. Many of these communities, excited with the prospect of economic development through EDA assistance, have now lost faith and have virtually given up on the future. This is not the way to accomplish the goals set forth in the Public Works and Economic Development Act. And I do not believe it was the way the Congress intended that this program should be operated.

One example might be given to illustrate my point. The States of Arkansas and of Oklahoma, which is represented by my good friend Congressman EDMONDSON, who is chairman of this subcommittee, are now involved in a project which could help us realize much, if not most, of our potential. That is the Arkansas River navigation project. I would like to submit an excellent article in the May 25 issue of U.S. News & World Report concerning this project and its potential, at the conclusion of my remarks today.

This project can open up the entire interior of Arkansas and much of Oklahoma to the trade arteries of the world. With the availability of low-cost transportation, the industrial opportunities in our region become most attractive.

The people of Arkansas have worked in good faith to assist this important project, developing resources along the river. Ports are being developed. I would like to point out, however, that this entire development has gone forward without the support or even the encouragement of the Economic Development Administration which should be viewing this project with as much excitement as we are.

Two applications for port projects in northeast Arkansas, which border the Mississippi River that has been open to navigable traffic for 150 years, have even been turned down. Yet, these projects offer the "new opportunities for long-term employment and economic growth" to which this program is addressed.

In short, Mr. Chairman, I shall support this request for a single 1-year extension of the Public Works and Economic Development Act. I will be anxiously awaiting the new proposals being drafted by the Department of Commerce, however, and I can give assurances that I will examine these proposals closely. If the program is not achieving its stated goals, then I feel it is our responsibility to make whatever changes might be necessary to make sure that it does meet its objectives. There is no other justification for existence. And if the purposes of this legislation are not being served, then there is reason to question the right to continued existence of this program. I can assure my colleagues that the people of northeast Arkansas are not enamored with the idea of passing laws just for the sake of putting them on display. They should exist to serve, or they should cease to exist.

The article follows:

Seaports for an Inland Empire

Tulsa, Okla.—A land with plenty of room and abundant resources is opening up here in mid-America. Its development promises relief for some of the population pressure that is threatening to overwhelm major U.S. urban areas.

Lifeline for this emerging region is the Arkansas River Navigation Project, a waterway soon to be open all the way from the Mississippi River to Tulsa. This shipping channel, 450 miles long, will give the sparsely populated Arkansas River Basin access to the sea and to 14,000 miles of navigable rivers and canals.

Commerce on U.S. inland waterways has increased fivefold since the end of World War II. The Arkansas River Basin, which includes parts of six States, is looking forward to getting a piece of this kind of action.

Tulsa, with 465,000 population in its metropolitan area, is alive with preparations for the beginning of navigation late this year or early in 1971.

"I have to keep pinching myself when I think of Tulsa becoming a port," says a banker who has been a prime mover in the project. "To think that this area was once a dust bowl and the Arkansas produced nothing but floods!"

TAMING A RIVER

The once-wild river has been tamed by upstream reservoirs that will provide an even flow of water for a channel 9 feet deep. A series of 17 locks will lift barges a total of 420 feet from the Mississippi River to the Port of Catoosa on Tulsa's doorstep.

The project's total cost of 1.2 billion dollars financed from the U.S. Treasury, makes it the most expensive public-works project in the nation's history.

Tulsa's Port of Catoosa is just three miles east of the city's limits. Its development, at a total cost of 20 million dollars, is well under way. An industrial park of 1,500 acres will adjoin the port.

Tulsa officials say that the official estimate of 13 million tons of freight a year on the waterway, made some years ago, is on the lowside. They see the Port of Catoosa alone handling 12.5 million tons by 1980. That is more freight than presently moves through any one of such busy river ports as St. Louis, Memphis and Pittsburgh.

PROSPECTS FOR GROWTH

Tulsa, as the head of navigation on the Arkansas, is seen as the funnel through which the varied products of a vast region will flow to market. At the same time, supplies for this region will come up the River. For example, steel for construction and fertilizer for grain farms are expected to be two major items handled in early days of navigation on the River.

The Arkansas River Basin stretches from the cotton lands of Arkansas through the unspoiled Ozark country, into the cattle ranges of Oklahoma and Kansas, and across the Great Plains wheat fields to the Colorado Rockies.

Cities of the Basin are young and vigorous, with plenty of room to grow. In addition to Tulsa, there is Little Rock, the capital of Arkansas with a metropolitan-area population of 323,000, Oklahoma City with 605,000, and Wichita, Kans., with 405,000.

Resources include 65 different minerals, and one of the largest caches of energy fuels to be found in the U.S.

Coal and limestone are major resources along the waterway. This combination offers the base for steel plants and cement plants. A natural-gas field, 50 miles wide and 200 miles long, stretches along the River where it crosses the Oklahoma-Arkansas border.

Navigation was opened to Little Rock in October, 1968. It reached Fort Smith in the spring of 1970, and is expected to reach Tulsa by January, 1971.

A million tons of freight was forecast for the first year of operation to Little Rock. Actually, 2.225 million tons moved.

EXPANSION OF INDUSTRY

Little Rock's public port, with terminal and warehouse facilities, is in operation. A steel plant is going up in the industrial area that adjoins the port. A million tons of bauxite from Caribbean sources moved across private docks to nearby aluminum plants in 1969.

A few miles upstream, at Russellville, Arkansas Power & Light Company is building a nuclear power plant at a cost of 140 million dollars. When it starts producing power in 1973, this facility will increase the company's generating capacity by 20 per cent.

At Dardenelle, barges are unloading corn and other feedstuffs for the booming chicken and turkey industry of northwest Arkansas.

At Fort Smith, a community of 70,000, a subsidiary of the Kansas City Southern Lines Railway has set aside 2,000 acres for a port and industrial park. This is a furniture-manufacturing center.

At Muskogee, Okla., population 40,000, a port costing 4 million dollars is under construction.

Many of the nation's big corporations have picked sites for development along the Arkansas River.

On April 20, Kerr-McGee Corporation dedicated a 25-million-dollar uranium-processing plant near Sallisaw, Okla. This company also plans to establish a coal-mining facility, costing 20 million dollars in the region.

Armco Steel, North American Rockwell, Skelly Oil, and Phillips Petroleum all have plants, or will have, along the River.

Water-based recreation already is a booming industry along the waterway. More than a million visitors were counted in 1969 at 14 recreation sites around the Dardanelle reservoir.

Upstream are man-made lakes behind dams with such names as Eufaula, Tenkiller, Fort Gibson, Markham Ferry, Oologah and Keystone.

ACCESS TO MARKETS

Water transportation brings this landlocked Basin into a network of 14,000 miles of adjoining inland waterways. Along these channels, everything from grain to iron ore moves at the cheapest rate offered by any form of transportation.

For a dollar, rivermen claim, you can move a ton of cargo 333 miles by waterway, compared with 66.7 miles by rail, and 15.4 miles by truck.

Railways and trucking companies say that water transportation enjoys an unfair advantage in the Government-built waterways. Rivermen counter that low-cost water transportation is a stimulus to rail and truck lines.

Their region, as Arkansas Basin leaders see it, has been handed the opportunity to develop without the mistakes that have led to overcrowding and pollution in other areas of the U.S. Arkansas Senator John McClellan promises:

"We don't intend to let the River become polluted. It is easier to prevent it than to remedy it."

Pollution standards have been set, and industries must promise to abide by these before their plans can be approved.

Emphasis is to be on balanced growth. A special study published May 11 by the Department of Commerce recommended that 32 port sites at small communities on the waterway be reserved now.

Over-all development is anticipated that will meet the guidelines laid down by President Nixon in calling for a national growth policy in his 1970 state-of-the-union message. Said Mr. Nixon:

"We must create a new rural environment which will not only stem the migration to urban centers, but reverse it."

This response to the President came from Jetah Taylor, lawyer in Ozark, Ark., who was one of the original boosters of navigation on the Arkansas River:

"There has been so much talk about the Government spending billions to build new cities. I think projects like this will develop our rural areas, and the people will come naturally. The people will do the building."

(Mr. MILLER of Ohio (at the request of Mr. HARSHA) was granted permission to extend his remarks at this point in the RECORD.)

Mr. MILLER of Ohio. Mr. Chairman, I would like to take this opportunity to express my strong support of H.R. 15712 which extends the authorizations for title I through V of the Public Works and Economic Development Act of 1965.

As a member of the House Public Works Committee, I am proud to have had a part in the promotion and continuance of the EDA program. Since 1965, this legislation has helped to stimulate industrial and community development in many areas across the country which have suffered from chronic low incomes and high unemployment. Unemployment is a tragic waste of productive potential and creates serious social problems. Through this legislation we are dramatically succeeding in creating employment opportunities where they are most needed. We are also witnessing a regeneration of community spirit and initiative to solve local problems. Through investments in job opportunities we are also stimulating community participation in the economic development process.

Most areas that are qualified for assistance from the Economic Development Administration are rural communities which have been plagued with the outmigration of many of its young and able-bodied citizens. These communities, most of which have been dependent on farming and mining, are now victims of automation and resource depletion. By stimulating rural growth through public works investments, we are reversing this outmigration and thus helping to alleviate the awesome problems in the urban areas.

I would briefly like to cite the experience we have had in southeastern Ohio with the EDA program. Through the last year EDA investments helped create new and expanded water and sewer systems, as well as numerous other community development programs. These facilities have induced numerous industries to establish plants in the area and hold promise for increasing industrial locations in the future. Local enthusiasm and planning has been excellent. Tangible and meaningful results are being seen throughout our area and a new direction of progress is taking hold.

There is still extensive work and review that must be done on the Public Works and Economic Development Act, to make the program more responsive to local conditions. Based on current criteria for development areas, 96 counties have been recently de-designated for assistance. According to the unemployment data that is now being used, Perry County in the 10th District has been de-designated under the provisions of this act although the county suffered a population decline of nearly 1,000 from 1960 to 1970.

Therefore, we need to reevaluate the bookkeeping policies and interpretations of data we use, especially in those areas still witnessing substantial outmigration. Therefore, I wholeheartedly support the amendment offered by my colleague, Mr. BLATNIK, which would provide that no area's designation be terminated after June 1, 1970, or before June 1, 1971.

(Mr. JOHNSON of California (at the request of Mr. HARSHA) was granted permission to extend his remarks at this point in the RECORD.)

Mr. JOHNSON of California. Mr. Chairman, nearly 5 years have passed since the Congress authorized the establishment of the Economic Development Administration.

During this period, the achievements of this agency have been noteworthy. And I think the reason is that these programs go directly to the heart of the problem burdening distressed areas of the Nation.

The basic problem, of course, is that in these areas there are too few jobs and too little personal income. Building the foundation necessary for industrial and commercial growth is the fundamental way to solve that problem.

Although pockets of severe poverty often are isolated from the mainstream of the American economy, poverty itself is not an isolated problem.

So it is not enough to say that a man without a job is a man without a future. That is certainly true.

But we also ought to consider the fact that there are millions of Americans living in poverty who are unable to contribute to the overall productivity and strength of the country.

Their names are on welfare rolls instead of payrolls.

Are not the American poor our greatest undeveloped market? I, for one, believe they are.

It is economically sound—if not imperative—to do what we can to help develop this market. At the same time, we are helping those who are most in need of help.

Economic development means different things to different people.

Obviously, for the unemployed man, it means a job that provides decent wages and self-satisfaction.

For the workingman, it means the chance to move ahead by securing a better job.

For the young man, it means a useful education, one that will enable him to compete on an equal footing for his share of what the Nation has to offer.

For the family man, it means giving his children opportunities he may never have had.

For the businessman, it means success and the prospect of expansion.

For the community, it is all of these things and much more. Without economic health, social health cannot exist.

The Economic Development Administration offers less fortunate areas of America a balanced package of programs designed to deal with all aspects of economic growth.

These programs help distressed communities restore economic vitality in many ways. This aid might involve preparing land for industrial use, or making a business loan to an expanding manufacturing firm, or providing planning funds for a municipal development agency, or determining the best use of an area's resources, or constructing a vocational training school.

The people I represent live in the largest congressional district of California. They live in a 20-county area bigger than many of our States. Many parts of this district are remote. Many parts are rich with natural resources. Some of these counties have high unemployment rates. Some have suffered from excessive outmigration.

Many of these areas are in need of long-range economic development. And these programs are helping to provide the support necessary to stimulate this development.

The EDA has approved more than $20 million in public works funds, business loans, planning grants and technical assistance to help communities in my district.

I wish to cite a few examples of projects EDO has approved and what their impact will be:

Public works funds totaling $2.85 million will be used to construct reservoirs and water and sewer systems at Donner Summit, a fine ski resort area in the High Sierras.

These projects are expected to create almost 400 jobs at area resorts and businesses. Skiing and tourism form the major source of jobs and income for residents of this area.

In Madera County, construction of a bottle-manufacturing plant has begun. EDA approved a business loan of $3 million to help make this venture possible. When operational, the plant is expected to have a work force of at least 325.

A $435,000 grant was approved to enable the Tahoe City Public Utility District to install sewer lines and pumping stations on the west shore of Lake Tahoe.

Not only will this help curb pollution of the lake, but it will stimulate commercial and tourism growth in Placer County and help protect one of the Nation's outstanding scenic attractions.

Last year, a $1.27 million grant was approved to build a water treatment plant and extend the Nevada irrigation district's water system north of Grass Valley.

Local officials report that this project will result in the expansion of several industrial firms now operating in the area and the creation of more than 600 jobs.

Projects in my district also have been approved for airport expansion programs, road construction, local development planning, water and sewer systems, dam and bridge construction, and feasibility studies.

I wish to emphasize that these projects did not originate in Washington. One of the many benefits from this legislation is often overlooked—and that benefit is—that local initiative and participation are strengthened.

As a former mayor of a city in my district, I know from firsthand experience that if the process of long-range economic development is to succeed, it must be spurred by community concern and dedication.

And I can assure you that in my district this concern and dedication are abundant.

I fully support the programs of the Economic Development Administration. It is my conviction that this legislation has proven itself to be a vital step toward balanced national growth.

(Mr. PELLY (at the request of Mr. HARSHA) was granted permission to extend his remarks at this point in the RECORD.)

Mr. PELLY. Mr. Chairman, at the outset let me say I fully support the purpose of the Public Works and Economic Development Act of 1965. The EDA has as its purpose to provide Federal help, in cooperation with the States, to assist communities, areas, and regions in the United States which are suffering from excessive unemployment or underemployment by providing financial and technical assistance needed for the creation of new jobs.

However, Mr. Chairman, EDA's grant purpose has been darkened by documented boondoggling since its inception. The history of EDA, in a number of instances, has been more a case of replacing private industry with taxpayers' financed projects than helping local communities. I would like to cite some of these examples.

One such case was when EDA financed a $650,000 barge which has been fully equipped to freeze and store 500,000 pounds of salmon. The announced purpose of this project was to permit the Alaskan Eskimos to become directly involved in private business. This, certainly, was a commendable objective. However, the fact, as I am told, are that this barge will be in direct crippling competition with an earlier Small Business Administration-financed plant in Alaska that still owes the Federal Government money.

The SBA had granted a $300,000 loan for an individual to build a freezer plant ashore on the Yukon River. If, however, as it appears, the EDA competition puts this man out of business, then the SBA will sustain a loss, but also private enterprise will suffer, which I happen to believe is an important issue.

Another such case took place in Dillingham, Alaska. In 1968 and 1969, two fisheries companies were contacted by EDA, according to reliable sources, with the suggestion that this Government agency do something to assist or participate in some way to help get a federally financed fisheries project. Evidently, EDA could not release the funds as nobody in Dillingham seemed qualified to give the necessary assurances or provide the know-how to get the project underway.

So, these private firms were told early in the summer of last year that the lease requirements would be softened somewhat so that it could proceed. This lead to a careful investigation by these two firms, to determine if they really wanted to lease such a federally financed project that includes a dock, cold storage warehouse, and freezing plant. These companies made their proposal to lease the new facilities, but in the middle of this, a native fishery co-op was formed, yet no official word was given the two companies. Quickly, the co-op was given the lease, and it is said the co-op received a loan from some Government source to bring them up to the necessary financial responsibility to qualify.

The point is that these private firms did not seek involvement; they were asked by the EDA to do so. Then, EDA turned around and gave the project to the native co-op with the word around Dillingham being that if the co-op did not get it, nobody would. The result is that this is Federal funding of a commercial project to operate in competition with private industry.

There are other cases, I am informed, whereby EDA has made grants in other parts of the country and many without economic feasibility being made so that the projects are not successful.

The question of feasibility of a project is graphically demonstrated in a proposed fisheries freezing plant at Yakutat, Alaska. I related this case to the House on May 13, during debate on the Department of Commerce appropriation bill.

This is the case of the Economic Development Administration going into a small Eskimo community in Alaska and granting a $1,800,000 loan for the construction of a freezing plant. The purpose, according to EDA, was to provide several hundred jobs for the low-income, high-unemployment area. That is a quote, Mr. Chairman, because the fact is that this town has a native population of 300. Those who either are able to or want to work have employment in a private enterprise freezing plant in that community. Again, the pattern of establishing facilities with Federal funds to operate in competition with private enterprise shows through.

The present facility at Yakutat has been built at considerable cost to its owners. They have invested some $200,000 of their own money. And, yet, they are faced with being driven out of business by this bureaucratic boondoggle.

The point is that the need has not been proved. Indeed, those familiar with the fishery resources of Alaska, including the Commissioner of that State's Fish and Game Department, say the area will only support one fish freezing plant and, in short, it means that the privately owned, existing plant will not be able to compete with the amount of fish available. No feasible study was made of the immediately-available supply of fish to accommodate two plants.

I have pursued this particular example deeply within the confines of the Government. The frustration was overwhelming.

On March 2, 1970, I sent a letter to Robert A. Podesta, Assistant Secretary for Economic Development, stating that I was informed the plans for this plant were about to be approved, that I knew no feasibility study had been made, that there were no surplus fish or crabs in adjacent waters, and that the natives themselves were opposed to the project. I urged reconsideration of EDA's plans for approving the project.

Four days later the grant was approved. Although even after I repeated my request for a delay, I was not informed of this approval. It was immediately after my protest that the bureaucracy quietly took control and proceeded.

Let me make my part in this clear. I am speaking as a representative of all the parties concerned. The owners of the present plant have their office in my district, as do not only the lessee of the proposed plant in Yakutat, but also the construction company that would build it. My position is one of criticizing the manner in which this project has been handled, in sheer disregard for the facts. It is being run, Mr. Speaker, to perpetuate a system under which no concern is given as to the effect of projects on local private enterprise.

In the case of Yakutat, Mr. Chairman, I have had a native of that tiny Alaskan town tell me, "If you want to help the natives of Yakutat, grant them loans to improve their fishing fleet. They don't want to work in a plant, they want to fish."

Mr. Chairman, I urge that the committee find out what EDA is doing; to delve into these examples and others so that we can bring a halt to this obvious practice of taking tax dollars to stifle or eliminate private industry.

Mr. RUPPE. Mr. Chairman, I wish to take this opportunity to announce my support of the Economic Development Administration. The basic objective of this agency is to help communities with economic problems develop long-range industrial and commercial growth programs.

Such a process results in the creation of good, permanent jobs.

Because EDA projects are initiated and implemented on the local level, they meet the specific needs of the people of the community.

Based on my experience in business and banking, I cannot emphaize too much the importance of strong community effort in fostering economic growth. EDA support is linked to this type of effort.

I would like to offer a few examples of projects in my district which have received support from EDA.

First. EDA approved a grant of $366,000 to help build what is the first ski-flying complex in the Western Hemisphere. Called the Copper Peak Ski-Flying Hill, it was the site of an international meet held in late February with more than 20,000 persons attending. The ski-flying structure is the world's highest artificial slide—equivalent in height to a 24-story building.

Development resulting from the Copper Peak complex is expected to create at least 400 jobs in the area over a 5-year period.

The nonprofit Gogebic Ski Range Club is the developer of Copper Peak. The cost of the project exceeded $1 million.

Second. Tourism and recreation are vital to the overall economy of my district. Among the tourism projects EDA has approved recently are the construction of marinas in Marquette and Alpena counties.

The cities of Alpena and Marquette are the applicants for the Federal funds. EDA's share of the cost of these marina projects will total $368,000. The EDA portion is being matched with State and local funds.

EDA has provided assistance to several communities in Michigan for marina construction to accommodate the resurgence of sport fishing.

Third. At Bessemer, a new wood-products plant began operations in January of this year with the help of an EDA business loan.

The Ironwood Timber & Development Co., received a $1.9-million loan from EDA to establish the plant. Total project cost exceeded $2.9 million.

More than 250 persons are expected to be employed at the facility when it is in full production, according to company officials.

Fourth. At Sault St. Marie in Chippewa County, EDA approved more than $1.5 million to expand a street-and-bridge system to serve two industrial parks, a tourism center, and a waterfront industrial complex. This long-range development will have a significant impact on the local economy.

Fifth. About 200 industrial and service-type jobs will be generated at Baraga in Baraga County because of an $860,000 project to expand the village water system. EDA has approved a grant of $499,000 to help the community meet this cost.

Baraga officials report that nine businesses in the area will expand their operations after the EDA project is completed.

Sixth. EDA has approved a grant and loan of $606,000 to help develop an industrial park at Iron River in Iron County. The project cost will be $673,000.

Local officials report three industrial firms will locate in the park after it has been developed. These companies estimate that their operations will require a total workforce of about 220.

EDA has approved a total of about $12 million for projects in the 11th Congressional District. Every program this agency offers has been put to use.

Projects other than those I have mentioned involve airport construction, installation of water and sewer lines, construction of waste-treatment plants, feasibility studies and the supplying of administrative funds for economic development districts.

By helping communities to help themselves, the Economic Development Administration is carrying out a vital mission. I am confident the value of this agency will continue to grow in future years.

Mr. MacGREGOR. Mr. Chairman, I rise in support of the pending amendment to extend eligibility of those redevelopment areas currently falling under the Public Works and Economic Development Act of 1965, from June 1, 1970, to June 1, 1971.

It is imperative that the Economic Development Administration take a closer look at its decision to dedesignate 96 counties across the Nation, including nine Minnesota counties, on the basis of more complete and current statistics. EDA's decision to dedesignate these counties was based on 1969 unemployment figures. In addition to the most current unemployment figures, such a decision should take into consideration outmigration statistics compiled in the 1970 census, which give a more realistic picture of economic conditions. For example, a large number of counties in northern Minnesota have lost population in the last 10 years. These figures indicate that the unemployment problem in these counties is far from being solved, and I am certain that these Minnesota counties are not the only ones which have experienced an outmigration as a result of unemployment.

EDA is in the process of developing a more realistic formula on which to base EDA eligibility. It would seem more logical for EDA to wait to take these counties off the eligibility list until this new formula becomes operational and EDA presents its new legislative program at this time next year.

I must also stress that EDA's decision to move its Duluth office to Chicago is unwise. In announcing this decision EDA has stated:

> The communities which have been serviced by the Duluth office have steadily attracted a large number of projects. The office has developed a 5-year total of 543 projects at $143 million.

Moving the office from Duluth to Chicago might bring a change in emphasis, stressing urban problems vis-a-vis rural development. Also the move itself would be extremely costly. Its location at the head of the Great Lakes is a strategic one for the economic development of not only Duluth and the Iron Range, but the entire region of northern Minnesota, northern Wisconsin and upper Michigan, an area designated under title V of the act that lags behind the Nation.

In light of EDA's objectives of improving the quality of life in nonmetropolitan areas and providing job opportunities on location to encourage people to remain in their home areas, I hope that EDA will reconsider these decisions to drop 96 counties from its eligibility list and to move the Duluth office, whch has done such an outsanding job in its present location.

Mr. BOLAND. Mr. Chairman, I want to express my support for H.R. 15712, the bill to extend the authorization of funds for titles I through IV of the Public Works and Economic Development Act of 1965, through fiscal year 1971.

I am pleased with and favor the committee amendment which states:

> No area designated as a redevelopment area for the purposes of such Act shall have such designation terminated or modified in accordance with such section (sec. 402) after May 1, 1970, and before June 1, 1971, unless the local governing body of the county qualified under existing criteria for dedesignation specifically requests de-designation action.

As one of the original sponsors of the Public Works and Economic Development Act of 1965, I have discussed this amendment with members of the Public Works Committee, and am delighted that Chairman FALLON and his committee have agreed to the language of the amendment.

Mr. Chairman, this amendment is important because there are many communities and counties which have completed their overall economic development plans and are in the process of applying for, or have actually submitted applications, for public works grants. It would be disastrous for them now to be cut off from this source of Federal assistance because of de-designation after many months of labor have been put into planning and paperwork.

My own Second Congressional District of Massachusetts experienced sudden rises in unemployment twice within a few months as a result of two disastrous fires, at Bondsville, in the town of Palmer, on October 4, 1968; and in Webster, on January 1, 1969.

As a result of these fires in two industrial complexes hundreds of people were without jobs. I joined with Senators KENNEDY and BROOKE, and then Gov. John A. Volpe, in requesting Federal assistance through the Economic Development Administration. Subsequently, the towns of Palmer, Webster, Charlton, Douglas, Southbridge, Dudley, and Sturbridge were declared eligible by EDA for Federal assistance as a result of high unemployment due to the tragic fires.

I have been notified, in a letter dated May 28, 1970, by Charles A. Fagan III, Deputy Assistant Secretary of Commerce for Economic Development, that the towns of Webster, Charlton, Douglas, Southbridge, Dudley and Sturbridge will be de-designated for eligibility on June 30, 1970. I fear that the same notice will be given to the town of Palmer.

Mr. Chairman, I think it would be tragic to remove these towns from the EDA eligibility list at this time when their plans and goals for economic development are now within sight. I commend Chairman FALLON and members of his committee for including this amendment, and include Deputy Assistant Secretary Fagan's letter at this point in my remarks:

OFFICE OF THE ASSISTANT
SECRETARY OF COMMERCE,
Washington, D.C., May 28, 1970.

Hon. EDWARD P. BOLAND,
House of Representatives,
Washington, D.C.

DEAR MR. BOLAND: As required by Section 402 of the Public Works and Economic Development Act of 1965, the Economic Development Administration has conducted an annual review of all areas which qualified for designation under the terms of the Act during the current fiscal year.

Based on statistics supplied by the U.S. Department of Labor for the calendar year 1969, it is apparent that some of these areas

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no longer fulfill the qualification requirements of either Section 102 or Section 401 of the Act. The qualification or designation of each of these areas, therefore, will be terminated, effective June 30, 1970. In other cases, areas which previously qualified under one of the foregoing Sections, now qualify under the other. These changes will become effective July 1, 1970.

Enclosed are copies of letters sent to officials in areas you represent. We fully realize that some of the areas whose designated status must be terminated may still fall short of their full economic potential. It is hoped, however, that the planning which has been done by committees in local communities will be continued and that additional economic gains will be attained.

At the end of June, we will notify officials in areas which will continue to qualify during the coming fiscal year. Copies of the letters relating to areas you represent will be sent to you at that time. Please feel free to call on us for such advice and assistance as we may be able to render.

Sincerely,

CHARLES A. FAGAN III,
Deputy Assistant Secretary for Economic Development.

Mr. DELLENBACK. Mr. Chairman, local involvement is the key to the success of the programs conducted by the Economic Development Administration. This action is assured by the requirement of the Public Works and Economic Development Act that the preparation of an Overall Economic Development program precede approval of Federal funds to assist communities in their efforts to create new jobs and boost personal incomes.

The preparation of the economic development plan, which is referred to as the OEDP, requires community leaders to consider their assets as well as their liabilities. This planning activity brings representatives of all segments of the community together for a single purpose.

It also assures logical investment of public funds in support of community development.

The Economic Development Administration operates a wide range of programs which have the versatility to meet specific local needs.

In one area the need may be an industrial park with facilities to accommodate job-generating private industry. In my neighboring State of Washington, EDA approved a $2,073,000 public works grant to help Klickitat County develop a major industrial park.

Through its business loan program, the agency approved a $3,000,000 long-term, low-interest loan to encourage one of the Nation's major chemical companies to locate a plant in the park. This new chemical plant is expected to serve as the nucleus for economic growth throughout the area.

Another outstanding example of the flexibility of programs conducted by the Economic Development Administration is the technical assistance being provided the Lummi Indians in Washington State.

EDA is providing technical assistance funds to help the Lummi Tribe conduct research and demonstration projects in connection with the proposed establishment of a tidelands aquaculture program. This innovative fish and oyster farming operation in the Lummi Bay has the potential for hundreds of new jobs, and new hope for the Lummi Tribe.

For a community in my own district, the key to economic development proved to be William Shakespeare.

In April 1969 EDA approved an $896,000 public works grant to help the city of Ashland, Jackson County, build an indoor theater.

In planning and working to create year-round jobs, Ashland and Jackson County officials realized that tourism holds great potential for the area.

The Oregon Shakespearean Festival started in 1935 and has played to capacity audiences throughout the years. It is one of southern Oregon's chief tourist attractions, but it has been limited to the summer months only.

Now, the new theater will enable the festival to operate on a year-around basis and play before larger audiences. This means more jobs and tourist dollars for the area. It means that many of the more than 10,000 persons who were turned away from the theater's west coast ticket offices in 1968 will not have to delay any longer on their plans to attend the festival.

The indoor theater is opening 100 new job opportunities in Ashland. But perhaps more important, it will schedule its plays so visitors will be encouraged to remain more than one night. This will give them time to visit scenic spots throughout the Rogue River Valley.

The theater was dedicated this March—proof that a Federal agency responding to a local need can act quickly.

Ashland raised $896,000, the local share of the project cost, through a public subscription conducted by the Festival Association. Thus, local involvement was extended from the planning stage to theater patrons throughout Oregon.

Angus Bowmer, the founder of the Shakespearean Festival, was one of the speakers at dedication ceremonies for the indoor theater. He said:

> Thanks will come from the young actors who come to Ashland to learn the profession. They will express thanks indeed—by inspired performances in seasons yet to come.

Thanks also will be expressed by the men and women whose livelihood is earned in tourist-related services and businesses.

Another EDA-assisted project is playing a key role in the growth of the Coos Bay and North Bend communities in my district. With the aid of a $710,000 grant, the Coos-Bay North Bend Water Board developed a new source of fresh water to meet the needs of local industries and residents. The increased water supply enabled two area firms to expand and employ additional workers. It also is making additional business growth possible, thereby strengthening the tax base of the area.

Mr. Speaker, I feel it a privilege to speak in behalf of EDA, whose programs are bringing new hope to our economically lagging areas. I urge extension of the Public Works and Economic Development Act, H.R. 15712.

Mr. HARSHA. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 105 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3135) is amended by striking out "June 30, 1970" and inserting in lieu thereof "June 30, 1971".

(b) Subsection (c) of section 201 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141) is amended by striking out "June 30, 1970" and inserting in lieu thereof "June 30, 1971".

(c) Section 302 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3152) is amended by striking out "for the fiscal year ending June 30, 1970" and inserting in lieu thereof "per fiscal year for the fiscal years ending June 30, 1970, and June 30, 1971".

(d) Subsection (g) of section 403 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3171) is amended by striking out "June 30, 1970" and inserting in lieu thereof "June 30, 1971".

Mr. BLATNIK (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and be open for amendment at any point under the 5-minute rule.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

AMENDMENT OFFERED BY MR. BLATNIK

Mr. BLATNIK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BLATNIK: On page 2, after line 9, add the following:

"SEC. 2 Notwithstanding section 402 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3162), no area designated as a redevelopment area for the purposes of such Act shall have such designation terminated or modified in accordance with such section after May 1, 1970, and before June 1, 1971, unless the local governing body of the county qualified under existing criteria for de-designation specifically requests de-designation action."

Mr. BLATNIK. Mr. Chairman, the amendment in effect would declare a moratorium for those 96 counties which have been designated by law under the EDA program passed by the Congress. Those counties have been de-designated based upon figures of the Department of Labor. The validity of the Bureau of Labor Statistics as applied to the EDA counties, particularly the smaller counties, the rural and semirural counties, is questionable. The figures were aimed at the larger metropolitan areas, such as Philadelphia, Pittsburgh, Cleveland, Gary, Duluth, and the Minneapolis-St. Paul area. We did not feel the figures are realistic or accurate, particularly as they applied to the situation in recent months with the rapid increase of unemployment that has taken place.

The figures compiled a few months ago are being used to establish the unemployment percentage and, as Members know, an area must reach 6 percent unemployment to be eligible under the program.

Furthermore, underemployment is not given the consideration and the weight it should be given.

Another factor considered hardly at all is outmigration. Counties have lost population. For example, last year St. Louis County lost, I believe, 19,000 in population, mostly because people could not find jobs. They left the county, and as they left, of course, the number of unemployed dropped. So all of a sudden there were no job opportunities, or very limited job opportunities, and the county found itself dedesignated, which is an injustice to the county which is trying to make an economic comeback and needs more economic assistance to get it over the hump; it will get over the hump with this assistance.

In fairness to those counties we feel we should continue their designation for the balance of the year and into early next year, and that EDA, having prepared a complete review, reappraisal and reevaluation of these areas for the past 5 years, will be in a position to make some very significant recommendations for changes, modifications, alterations, and improvements to the program, or cuts where they may be justified.

Let me, because this amendment is that important, explain it in full detail including the background of events that led to my proposing this amendment.

Mr. Chairman, this amendment is offered in the nature of a committee amendment to the bill. It amends section 402 of the act that provides for an annual review of all areas designated in accordance with the criteria set forth in the previous section and provides for the termination of eligibility of areas on the basis of this annual review. The purpose of this amendment would be to declare a moratorium to those areas about to be redesignated from eligibility to assistance for a period of 1 year to allow the committee sufficient time to improve upon the present criteria establishing eligibility without penalizing the areas about to be dropped from the eligibility status based on unreliable statistics.

BACKGROUND

Word reached the committee members on the Memorial Day weekend that notices were being sent to about 96 counties across the Nation advising them of the termination of their status as "redevelopment areas" eligible for assistance under the act, based largely on unemployment data in the affected counties. Recent studies by the committee staff into the subject of estimating unemployment in small labor areas have indicated that the current estimating process is inadequate to establish valid, real workable unemployment rates. In view of these facts and in further consideration of the existing national economic situation and its impact on unemployment on a national basis, the bill scheduled for floor action last Monday was postponed for 1 week.

Last Monday, our chairman, Mr. **Fallon**, directed a letter to Secretary of Commerce Maurice H. Stans calling for a 9-month moratorium on "dedesignation" of the depressed area counties in the Nation, and scheduled a Public Works Committee meeting for Thursday, June 4, 1970, on the subject of unemployment data in such areas.

The letter to Secretary Stans from Chairman **Fallon** is as follows:

COMMITTEE ON PUBLIC WORKS,
U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., June 1, 1970.

HON. MAURICE H. STANS,
The Secretary of Commerce,
Department of Commerce,
Washington, D.C.

MY DEAR MR. SECRETARY: I have just been informed of action by your Department to de-designate a number of counties across the Nation as redevelopment areas under the Public Works and Economic Development Act of 1965, based largely on unemployment data in the affected counties.

While the de-designations may be justified under criteria established under the statues, a serious question has been raised in our Committee regarding dependability of these criteria as a true index of current economic and employment conditions in some of these counties. Recent staff studies indicate strongly that complete overhaul of unemployment record-keeping procedures may be needed, and we have long been concerned by the inadequacy of data used to establish outmigration trends and problems.

In view of these questions, and in further consideration of the existing national economic situation and its impact on unemployment on a national basis, I would like to request an immediate moratorium on designation of all counties classified as redevelopment areas as of May 1, 1970—this moratorium to remain in effect for a minimum period of 9 months, to March 1, 1971. Of course, should the local government body of any county request de-designation based on present criteria, I would see no objection to de-designation under such circumstances if the criteria now in use appear to justify it.

It would also be my hope that major changes in EDA office locations might be deferred for the same 9 month period in the spirit of the "status quo" agreement on the EDA program recently concluded between our Committee and your Department.

I have scheduled a meeting of our full Committee on Thursday, June 4, 1970, at 10:30 a.m., to consider these matters and to afford to you or your designated representative an opportunity to comment on them. I hope you will find it convenient to meet with the Committee at that time.

With kindest regards, I am
Sincerely yours,
GEORGE H. FALLON,
Chairman.

NATIONAL UNEMPLOYMENT PICTURE TODAY

Since the beginning of the year the national unemployment picture has shown a steady rise in unemployment across the Nation. Economic indicators prepared for the Joint Economic Committee by the Council of Economic Advisers for the month of May of this year show that the civilian labor force seasonally adjusted increased by 103,000 in April. Employment decreased by 188,000 and unemployment rose by 291,000. The decrease in employment was concentrated in nonagricultural industries where employment fell by 224,000. The national unemployment rate shown by percent of civilian labor force seasonally adjusted shows that in January it was 3.9 percent; in February it was 4.2 percent; in March it was 4.4 percent; and in April of this year the unemployment rate is 4.8 percent. Figures just released on Friday for the month of May show an increase of .2 percent so that our national unemployment rate has now reached 5 percent.

STAFF REVIEW OF ESTIMATING UNEMPLOYMENT IN SMALL LABOR AREAS

Committee staff have inquired into the subject of estimating unemployment in small labor areas and its attendant problems. This detailed staff study leaves us no alternative but to conclude that the current estimating process is inadequate to establish valid, workable unemployment rates which can be used with confidence for the smaller labor areas and counties to which so much of the EDA effort is directed.

The procedures were designed over 10 years ago for use in large labor areas and are just not applicable to small areas, mainly because of their different composition and small labor force.

The Department of Labor itself, is concerned about the reliability of the estimating methods for these small areas and studies are now underway seeking the necessary improvement.

SECTION 401 CRITERIA

Among the criteria set forth for qualifying areas and by far the most important is the unemployment rate of an area established through the U.S. Department of Labor. U.S. Department of Labor assembles, evaluates, and forwards annually, on or before April 1, average unemployment rates for the preceding calendar year to the Economic Development Administration. A recent review disclosed that the unemployment rate was the factor in the qualification of 550 of the 982 redevelopment areas designated by the Economic Development Administration.

An area may qualify under:

Section 401(a) of the act when any one of the following six criteria is met:

First. Unemployment during the most recent calendar year has averaged 6 percent or more, and the rate of unemployment has:

Averaged 6 percent or more and has been at least 50 percent above the national average for 3 of the preceding 4 calendar years, or;

Average 6 percent or more and has been at least 75 percent above the national average for 2 of the preceding 2 years, or;

Average 6 percent or more and has been at least 100 percent above the national average for 1 of the preceding 2 calendar years.

Second. A median family income of 40 to 50 percent of the national average and a population loss of 25 percent or more over the last 10 years—1950-60—as the result of out-migration.

Third. A median family income of 40 percent or less of the national average.

Fourth. Suffered the loss of employment resulting or expected to result in the sudden rise in unemployment during the 3 years past or 3 years in the future exceeding the national average by 50 percent or more.

Fifth. Indian reservations or Indian-owned areas which manifest the greatest degree of economic distress as determined by the Assistant Secretary for Economic Development based on information supplied by the Secretary of the Interior or appropriate State agency.

Sixth. Selected for assistance under the special impact programs of the Economic Opportunity Act or the Secretary of Commerce determines meets that criteria.

Title I only of the act when it has an annual average unemployment rate of 6 percent more during the preceding calendar year. In States where no area can satisfy the criteria listed above, one area which most nearly satisfies the criteria becomes qualified.

From the enumeration of the criteria

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which establishes eligibility or assistance under the act it can be readily seen that accurate unemployment figures are vital to locate those areas which have the greatest need for assistance under this legislation. The committee is now convinced that the unemployment figures now in use do not accurately reflect the areas of need as Congress intended.

REPLY OF SECRETARY STANS TO MR. FALLON'S LETTER

The committee met in executive session on Thursday of this past week. At this meeting a reply to Chairman FALLON'S letter to Secretary Stans was presented.

This letter reads as follows:

THE SECRETARY OF COMMERCE,
Washington, D.C., June 4, 1970.

Hon. GEORGE H. FALLON,
Chairman, House Public Works Committee, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for your letter dated June 1, 1970 expressing concern over the de-designation of certain counties as redevelopment areas under the Public Works and Economic Development Act of 1965 and the question of whether changes in EDA office locations should occur during the nine month period beginning May 1, 1970.

On May 5, 1970 Robert A. Podesta, Assistant Secretary of Commerce for Economic Development, delivered a letter from me to you acknowledging the importance of preserving the status quo while your committee and the administration conducted evaluations of the EDA program, including designation criteria standards, with a view toward possible revision of its authorizing legislation. He was assured by your committee, sitting in executive session, that it, too, was concerned with maintaining the status quo. In the spirit of this mutuality of feeling I directed that EDA's so-called 10% bonus program be continued during fiscal 1971 despite a previous decision to discontinue that program.

In your letter you request that de-designations, determined in the ordinary course of business and based on Department of Labor and Bureau of Census statistics in accordance with the present statute, be suspended. You also request that executive decisions on the proper locations of EDA offices for the efficient and effective operation of that Agency by itself and in the overall scheme of the management of the Department of Commerce and the federal government be suspended for a like period.

It has always been the practice of EDA to terminate the eligibility of areas based on an annual review of the qualifications of those areas for designation. As you know, de-designation of redevelopment area does not affect the validity of an application for a project where the application has been filed prior to the effective date of de-designation. Possible changes in the de-designation procedures or in methods of compilation of qualifications statistics are under review in the course of the committee's and the administration's evaluations.

Similarly, I feel that a constant review of office locations is necessary for proper management by me of the Agency. In fact, EDA recently announced a merger of the Portland, Maine and Wilkes-Barre, Pennsylvania area offices into a single office to be located in Philadelphia, Pennsylvania.

We consider that both the carrying out of annual review and de-designation procedures, and the administration of EDA's offices, are normal actions in the management of EDA in accordance with our authorizing legislation. I would hope, therefore, that you would agree that we should not be inhibited in our efforts to administer this program in the most effective manner possible.

Kindest personal regards.

Sincerely,

MAURICE H. STANS,
Secretary of Commerce.

I have gone into some detail in this particular explanation so that this body will have a full grasp of the problem that faces both the committee and the Congress today in light of what I have previously emphasized—the growing difficulties in our present nationwide economic position. Last Thursday the Committee on Public Works met and heard testimony from representatives of the Economic Development Administration and the Department of Labor which substantiated the points I have previously made.

At that time a reply was also received from Secretary of Commerce Stans as I have indicated. In the light of this situation we now face on the unreliability of some of the factors which are the basis for designation of redevelopment areas and in the light of the pressing economic situation across the Nation, the committee feels that any area which up to now has been eligible for assistance under this program should continue in that category until a firm and full review is made of the criteria both by the administration and by the committee.

For this reason, this amendment is being presented to this body today and I urge its acceptance with the further proviso that when the time comes for the committee to act to meaningfully amend the EDA program any and all Members who have problems affecting their districts that this program covers will be heard and with your assistance and with the work of the committee itself we will be able to develop an even better program than we have at the present time.

Mr. ZWACH. Mr. Chairman, will the gentleman yield?

Mr. BLATNIK. I am pleased to yield to my colleague from Minnesota.

Mr. ZWACH. I thank the gentleman for yielding. I rise in support of the amendment offered by the gentleman from Minnesota, my worthy colleague. I know the problem. My district borders his district. As you know, the Cuyuna Iron Range in this area is to be dedesignated. It seems difficult to understand how such a determination is made. I believe the amendment should be adopted so that the qualifications used in this measure can be brought up to date. I rise in support of the amendment.

Mr. BLATNIK. I appreciate the gentleman's remarks. It is true that the Cuyuna Range, to which the gentleman has referred, has been hard hit, and unemployment in that county and in the State of Minnesota has risen as a result. I know of no other instance where an iron range was totally exhausted and closed. In fact, it is a minuscule or miniature Appalachia Region. How one could explain to people in that area that they are so prosperous that their area should be de-designated I do not know, but that situation shows the type of inequity and injustice that could be carried out by these dedesignations.

Mr. Chairman, to save time and to allow me time to respond to questions with relation to areas of particular interest or concern to Members, I shall include at this point in my remarks the correspondence of the chairman of the committee (Mr. FALLON) with the Secretary of Commerce, Mr. Stans on this question of de-designation. Mr. FALLON'S letter to Mr. Stans on the subject and Mr. Stans' reply are the letters I refer to at this time.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. BLATNIK. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Chairman, the able gentleman from Minnesota has made very clear the reasons for this amendment. I thoroughly and strongly support it.

The gentleman also touched on a point that I think in all fairness should be emphasized. The current administration in a very real sense has considered itself more or less bound by the terms of the statute and the existing practice with regard to dedesignating and the action in dedesignating. Some of these actions actually have been ones they thought more or less were compelled by the previous practices that had been followed and the statute as they interpreted it.

Under the circumstances, I do not believe the enactment of this amendment today should be considered as any kind of critical action or action in direct disagreement with the administration with regard to this fact. I think it is a necessary action that is made sensible by the availability of current census data and realistic reappraisal of what is happening in unemployment and outmigration.

Mr. HARSHA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to make this point, and I would ask the indulgence of the gentleman from Oklahoma. Is it not true the administration has followed the law and the regulations, has followed the letter of this law and the full intent of that law as we drafted the legislation?

Mr. EDMONDSON. Mr. Chairman, if the gentleman will yield, I have just endeavored to make that point. I think the administration in good faith has been trying to follow the practice of the previous administration both as to designation and dedesignation. We are simply moving into the situation where current data available indicate that if we continue as we have been, we will be doing some real injustice to the people in some counties, and we are trying to avoid that injustice.

Mr. HARSHA. I thank the gentleman. I wanted to make it abundantly clear the EDA was following the legal requirements of this legislation to the letter, that it was acting in good faith with the committee and the intent of Congress, and was in no way at fault for this situation in which we find ourselves. The EDA has, as a matter of fact, found its hands tied in this respect and until the Congress changes the formula or amends the basic act it will be confronted with this problem.

Mr. LANGEN. Mr. Chairman, will the gentleman yield?

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Mr. HARSHA. I yield to the gentleman from Minnesota.

Mr. LANGEN. Mr. Chairman, I rise in support of the amendment offered by my friend and senior member of the Minnesota delegation.

The fact that numerous economically depressed counties in Minnesota alone have been notified that their eligibility for EDA assistance will be withdrawn as of June 30 shows that the whole framework under which eligibility for EDA assistance is determined must be reviewed. It is clear that economically viable areas are included under the EDA umbrella while those that need help are cast out.

The criterion generally used by EDA is the unemployment rate. The trouble with this criterion is that it fails to show what is really going on in a given area. For instance, in a rural area such as Minnesota the unemployment rate does not show marginal or submarginal farmers, seasonal workers, self-employed blue-collar workers, or businessmen—all of whom can and do suffer from near economic starvation without being reflected in the usual unemployment rates. Likewise, the economic state of county or other local governments is not reflected in the rates.

Unemployment rates are particularly suited for urban areas or rural areas where there is substantial economic growth. In urban areas almost everyone works under the umbrella of either a corporation or a union. Thus seasonal work shows up in unemployment statistics as well as occasional unemployment. In rural areas with substantial economic growth, the self-employed generally become employers and there is a general influx of people to the area, almost insuring a higher unemployment rate because of the greater economic potential.

One can readily expect persons without jobs in an economically depressed area to migrate to places where there is greater employment potential and an opportunity to support one's family. This outmigration has long been a primary reason for the loss of economic growth in rural America. A business is not so likely to survive with fewer and fewer people to serve, yet many businesses have tried to hold on in the face of the tremendous outmigration from rural America. The employees have long left the area, but the employer who is barely making a living is not included in the unemployment rate.

One final factor, particularly valid in rural Minnesota, which has a real bearing on the economic well-being of an area but is not considered is the amount of land which is Government owned. Land is the primary tax base of most local governments, but Government-owned land goes off the tax rolls. One county in my congressional district which was recently notified it would be ineligible for EDA assistance as of June 30 has more than 50 percent of its land owned by either the Federal or State Government. This county has no industry other than moderate tourism, and the various county governmental units barely know how they are to support the services they are required by law to give. This county is poor—and now EDA wants to deprive it of what little assistance it could get out of that administration.

Mr. Chairman, the two neediest counties are among those scheduled to be deprived of EDA assistance under present criteria. This cannot be allowed to happen. The amendment offered by my Minnesota colleague must be passed so that an appropriate review may be made of this aspect of Federal economic assistance without prejudice to those areas which clearly need assistance but would be deprived of it under current criteria.

Mr. BLATNIK. Mr. Chairman, if the gentleman will yield, I am glad the gentleman from Ohio raises that point. I did not have time to stress it. It was inadvertence.

I join the gentleman from Ohio and the gentleman from Oklahoma in making it clear we do not wish to cast any reflection on EDA's operation. They are required by law to make an annual review, and under the regulations of the Department established for some time that review must be undertaken by June 1 of each year.

Under section 402 of the Public Works and Economic Development Act the Secretary is required to conduct an annual review of all areas in accordance with section 401 of this act, and on the basis thereof shall terminate or modify the designation of such areas, in accordance with objective standards he shall prescribe by regulation. By regulation the designation takes place by June 30 with notification usually 30 days in advance.

This in no way reflects any unwarranted action on the part of the Department of Commerce. It does come at a time when these counties are entitled to support and for this reason I am proposing this amendment.

Mr. PICKLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am concerned about eligibility requirements of counties in my State, particularly in my district. For over 3 years I have been trying to get some changes made that would allow counties to be eligible based on either outmigration or unemployment.

Mr. HARSHA. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Ohio.

Mr. HARSHA. Is the gentleman offering an amendment?

Mr. PICKLE. I moved to strike the requisite number of words. I have not offered an amendment yet.

Mr. HARSHA. I thank the gentleman.

Mr. PICKLE. My concern is that there are counties in my district which should be eligible, I would think, for EDA participation, yet in the space of 5 years they have never been able to get under the act.

When I talk with people at the regional office, they are in sympathy that something should be done. When I talk to members of the committee, they are in sympathy that it ought to be changed. When I talk down the street to the EDA offices, they say this is a problem.

I was going to offer an amendment. I want to read it, so that it will be in the RECORD. It will take only a minute. My amendment would have read as follows:

> Section 403 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3171) is amended by adding at the end thereof the following new subsection:
>
> "(l) Notwithstanding any other provision of this Act any area within an economic development district designated in accordance with subsection (a) of this section which area is not eligible for designation as a redevelopment area under section 401 of this Act, shall be deemed to be a redevelopment area for the purpose of receiving financial assistance under all titles of this Act for so long as such area is within such economic development district."

The intent and import of that amendment would be to say that if a county has been designated as eligible to receive planning money in an EDA district that county would automatically also be eligible to be considered in line to receive funds under the EDA program.

I will give an example. We have an economic EDA district in Bryan, Tex. Seven counties are in the district but two counties are not eligible for funds. One of those counties happens to be in my district. For 4 years I have been trying to get that little county brought in under this umbrella, yet we are no closer today than we were 4 years ago.

My amendment would say that if a county is eligible to receive planning money it ought to be eligible to be a part of this EDA program. As it is, they cannot participate.

The designations were made many years ago, when we had the old ARA program. The eligibility requirements were rather automatic, and a lot of counties were classified as "poor" counties and they were brought under it, or under the requirements established by law and interpreted down the street, and they would say they could be brought under it.

We have heard a dozen different Members today say that they have counties which have lost a great deal of population or employment yet they cannot be helped. I do not believe this is the intent.

I wanted to offer an amendment. This measure today catches me somewhat by surprise. Last year when it came up it came up under a continuing resolution and in a conference report, and we could not amend it under those circumstances. Now we face, in effect, the same situation.

What does the committee plan to do? What is the intent about trying to bring in the counties which are receiving planning money, so that they would be able to receive EDA funds? Would the chairman of the committee care to comment on that?

Mr. BLATNIK. I shall be pleased to comment.

I want to say at the outset that if anybody deserves an apology it is the gentleman from Texas. No one has been more courteous or more consistent, yet thwarted more often. His patience has exceeded all the limits of frustration.

I can assure the gentleman that certainly the staff of the Public Works Committee and the committee members, and

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certainly myself as the chairman of the subcommittee and one of the original authors of the program, not only will give the gentleman's recommendation every consideration, but also will work closely with the EDA to see what recommendations they can come up with, and why these counties to which the gentleman refers cannot be declared eligible.

We thought, in all sincerity, a year ago, that by this March these recommendations would be ready and would be put before us. Had that happened, the gentleman's proposal would have received full consideration. Perhaps action already would have been taken.

Due to circumstances beyond our control, we were unable to get that done. We do ask the gentleman to abide with us for another 6 to 9 months.

The CHAIRMAN. The time of the gentleman has expired.

(Mr. PICKLE (at the request of Mr. Harsha) was allowed to proceed for 5 additional minutes.)

Mr. PICKLE. Mr. Chairman, I thank the gentleman.

What assurance can we have that the Economic Development Administration will come up with these recommendations? We have been waiting for these things for 3 or 4 years, but we have not moved one bit closer to resolving this problem.

Mr. BLATNIK. All I can say at this point is the gentleman has a very legitimate complaint. I can assure the amendment offered by the gentleman will receive every consideration on the part of the committee and the Economic Development Administration.

Mr. HARSHA. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. Yes. I yield to the gentleman.

Mr. HARSHA. I would like to assure the gentleman that this matter is under study and review by the Economic Development Administration and that they will come up not particularly or specifically with this but with various changes and improvements that they feel are necessary in the law. I will advise the gentleman further that there are a number of other members of the committee who feel sympathetic to his approach to this problem. In addition to that, there are other citizens who have come up with these same problems and who have recommended the same change that the gentleman recommends. I assure the gentleman, also, from the minority point of view on the committee, that we are most sympathetic with his recommendation and will give it every consideration at the proper time when the full committee goes back to review the total program and come up with a recommendation not only on the part of the subcommittee and the full committee studying the problem but also the Economic Development Administration.

Mr. PICKLE. I thank the gentleman for those comments.

Mr. DON H. CLAUSEN. Will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. I want to state to the gentleman in the well that this is one of the primary reasons why our committee has made the decision simply to extend this legislation for the one year. In this way we can take into account all the factors such as the one the gentleman is concerned about.

Mr. PICKLE. I thank the gentleman.

I do hope that the Economic Development Administration will come up with a solution to this matter. Here in this county of my district they have been planning for 4 years and getting ready to do something, but they have never been brought under the program. This ought to be changed. The gentleman recognizes this, I am sure. I want the gentleman to understand that I am not trying to rewrite the eligibility standards. I believe they should be changed. But in this particular instance, if a county is to receive planning money, it ought to be a part of this program. So at the time that this bill is presented in a year from now or when it comes up in the other body, we should get some relief. This does not automatically mean that the county will get the money. It means they will have to still be approved. It means that they will be considered eligible and not necessarily that they will receive the money.

Mr. HARSHA. I hope, with the assurance of the Members on the floor today that we will give your proposition very serious consideration, you will withhold offering any amendment at this time and let us take it up in due course in the full committee.

Mr. PICKLE. In view of the fact that you have asked the Economic Development Administration's office downtown to give you specific recommendations looking toward working this solution, together with the Department of Labor, and the strong assertions made here on the floor, I will not offer the amendment. But I do ask the committee to try to correct this inequity.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. Blatnik).

The amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Slack, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 15712) to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for titles I through IV through fiscal year 1971, pursuant to House Resolution 1045, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. ZION

Mr. ZION. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. ZION. I am in its present form, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. Zion moves to recommit the bill H.R. 15712 to the Committee on Public Works.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. HARSHA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON NATIONAL PARKS AND RECREATION, COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, TO SIT DURING GENERAL DEBATE TODAY

Mr. HALEY. Mr. Speaker, I ask unanimous consent that the Subcommittee on National Parks and Recreation of the Committee on Interior and Insular Affairs may sit today during general debate.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

AUTHORIZING SELECT COMMITTEE TO STUDY RECENT DEVELOPMENTS IN SOUTHEAST ASIA AND TO REPORT ITS FINDINGS

Mr. ANDERSON of Tennessee. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 976 and ask for its immediate consideration.

The Clerk read the resolution as follows:

> *Resolved*, That
>
> (1) The Speaker of the House shall appoint a select committee of eleven Members of the House, two from the Armed Services Committee, two from the Foreign Affairs Committee, and seven from the House at large and shall designate one Member to serve as chairman, which select committee shall immediately proceed to Southeast Asia to investigate all aspects of the United States military involvement in Southeast Asia. The select committee shall, within thirty days of the adoption of this resolution, report to the House the results of its investigation.
>
> (2) For the purpose of carrying out this resolution the committee is authorized to sit and act during the present Congress at such times and places whether the House is sitting, has recessed, or has adjourned.

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Mr. ROSENTHAL (during the reading). Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. ROSENTHAL. Mr. Speaker, in the resolution according to the copy that has been given out what the Clerk read has been stricken from the resolution, the "whereas" clauses.

The SPEAKER. The Chair will state to the gentleman that that is a committee amendment. The Chair was about to instruct the Clerk to report the committee amendments after the original resolution had been read.

The Clerk will report the first committee amendment.

COMMITTEE AMENDMENT

The Clerk read as follows:

Committee amendment: On page 2, line 1, strike out all of line 1, and insert the following: "committee of twelve Members of the House, six of which shall be from the majority party and six from the minority party, as follows: two from the".

The SPEAKER. The question is on the committee amendment.

Mr. CAREY. Mr. Speaker, reserving the right to object, will it be in order under the resolution to attempt to reinstate the "whereas" clauses if it be stricken without objection?

The SPEAKER. The Chair will state that if the committee amendment is voted down then of course the original language will be before the House.

Mr. CAREY. Mr. Speaker, I object to the committee amendment.

PARLIAMENTARY INQUIRY

Mr. HOSMER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. HOSMER. What is the matter now being considered by the House?

The SPEAKER. The Chair will state that the matter now before the House is the committee amendment to House Resolution 976, page 2, beginning in line 2 and going down to the words "from the" in line 4. That is the committee amendment that is pending at the present time. The question is on the committee amendment.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. CAREY. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 227, nays 95, not voting 107, as follows:

[Roll No. 154]

YEAS—227

Abbitt
Adair
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Beall, Md.
Belcher
Bell, Calif.
Bennett
Berry
Betts
Bevill
Biester
Blackburn
Blanton
Blatnik
Boggs
Brinkley
Brock
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Burton, Utah
Button
Byrnes, Wis.
Caffery
Camp
Casey
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins
Conable
Corbett
Coughlin
Cramer
Crane
Cunningham
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Dellenback
Denney
Dennis
Devine
Dickinson
Duncan
Dwyer
Edmondson
Edwards, Ala.
Edwards, La.
Erlenborn
Esch
Eshleman
Evins, Tenn.
Fallon
Feighan
Findley
Flowers
Flynt
Foreman
Fountain
Frelinghuysen
Frey
Fuqua
Galifianakis
Garmatz
Goldwater
Goodling
Gray
Griffin
Grover
Gubser
Gude
Haley
Hamilton
Hammerschmidt
Hanna
Hansen, Idaho
Harsha
Harvey
Heckler, Mass.
Henderson
Hogan
Horton
Hosmer
Howard
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, N.C.
Kazen
Kee
Keith
King
Kleppe
Kluczynski
Kuykendall
Kyl
Landgrebe
Langen
Latta
Lennon
Lloyd
Long, La.
Lukens
McClory
McCloskey
McClure
McCulloch
McDade
McDonald, Mich.
McKneally
Madden
Mahon
Mailliard
Marsh
Martin
Matsunaga
May
Mayne
Meeds
Melcher
Michel
Minshall
Mize
Mizell
Montgomery
Morse
Morton
Mosher
Myers
Natcher
Nelsen
O'Neal, Ga.
Pelly
Pettis
Pickle
Pirnie
Poage
Poff
Price, Tex.
Pryor, Ark.
Purcell
Quie
Quillen
Rarick
Reid, Ill.
Reifel
Rhodes
Riegle
Roberts
Rogers, Colo.
Rogers, Fla.
Roth
Ruppe
Sandman
Satterfield
Saylor
Schneebeli
Schwengel
Scott
Sebelius
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Stanton
Steiger, Ariz.
Steiger, Wis.
Stephens
Stubblefield
Stuckey
Taft
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Udall
Vander Jagt
Waggonner
Wampler
Watson
Watts
Whalen
White
Widnall
Wiggins
Wilson, Charles H.
Winn
Wright
Wyatt
Wydler
Wylie
Wyman
Zion
Zwach

NAYS—95

Adams
Addabbo
Albert
Anderson, Calif.
Biaggi
Bingham
Boland
Brademas
Brooks
Burke, Mass.
Byrne, Pa.
Cabell
Carey
Celler
Clark
Clay
Cohelan
Corman
Delaney
Dent
Donohue
Eckhardt
Edwards, Calif.
Eilberg
Evans, Colo.
Flood
Ford, William D.
Fraser
Friedel
Fulton, Pa.
Gibbons
Gonzalez
Green, Pa.
Griffiths
Gross
Hall
Hathaway
Hawkins
Hays
Hechler, W. Va.
Helstoski
Hicks
Holifield
Hull
Jacobs
Karth
Kastenmeier
Koch
Leggett
Long, Md.
Lowenstein
McFall
Macdonald, Mass.
Mikva
Miller, Ohio
Minish
Mink
Monagan
Morgan
Moss
Murphy, Ill.
Nedzi
Obey
O'Hara
O'Konski
Olsen
Patman
Patten
Perkins
Philbin
Pike
Podell
Randall
Rees
Rodino
Rooney, Pa.
Rosenthal
Rostenkowski
Roybal
Ryan
Scherle
Shipley
Stokes
Sullivan
Tiernan
Tunney
Ullman
Van Deerlin
Vanik
Waldie
Wolff
Yates
Yatron
Young
Zablocki

NOT VOTING—107

Abernethy
Alexander
Ashbrook
Aspinall
Ayres
Baring
Barrett
Bolling
Bow
Brasco
Bray
Brown, Calif.
Burton, Calif.
Bush
Carter
Chisholm
Colmer
Conte
Conyers
Cowger
Culver
Daddario
Daniel, Va.
Dawson
Derwinski
Diggs
Dingell
Dorn
Dowdy
Downing
Dulski
Farbstein
Fascell
Fish
Fisher
Foley
Ford, Gerald R.
Fulton, Tenn.
Gallagher
Gaydos
Gettys
Giaimo
Gilbert
Green, Oreg.
Hagan
Halpern
Hanley
Hansen, Wash.
Harrington
Hastings
Hébert
Hungate
Jones, Ala.
Jones, Tenn.
Kirwan
Kyros
Landrum
Lujan
McCarthy
McEwen
McMillan
MacGregor
Mann
Mathias
Meskill
Miller, Calif.
Mills
Mollohan
Moorhead
Murphy, N.Y.
Nichols
Nix
O'Neill, Mass.
Ottinger
Passman
Pepper
Pollock
Powell
Preyer, N.C.
Price, Ill.
Pucinski
Railsback
Reid, N.Y.
Reuss
Rivers
Robison
Roe
Rooney, N.Y.
Roudebush
Ruth
St Germain
Schadeberg
Scheuer
Staggers
Steed
Stratton
Symington
Thompson, N.J.
Vigorito
Watkins
Weicker
Whalley
Whitehurst
Whitten
Williams
Wilson, Bob
Wold

So the committee amendment was agreed to.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Gerald R. Ford.

Mr. O'Neill of Massachusetts with Mr. Bob Wilson.

Mr. Staggers with Mr. Bray.

Mr. Whitten with Mr. Bow.

Mr. Passman with Mr. McEwen.

Mr. Pepper with Mr. Lujan.

Mr. Roe with Mr. Pollock.

Mr. Hanley with Mr. Reid of New York.

Mr. Rivers with Mr. Williams.

Mr. Gilbert with Mr. Halpern.

Mr. Vigorito with Mr. Watkins.

Mr. Stratton with Mr. Fish.

Mr. Thompson of New Jersey with Mr. Conte.

Mr. Symington with Mr. Cowger.

Mr. Rooney of New York with Mr. Robison.

Mr. Gaydos with Mr. Ruth.

Mr. St Germain with Mr. Meskill.

Mr. Reuss with Mr. Schadeberg.

Mr. Daddario with Mr. Weicker.

Mr. Murphy of New York with Mr. Hastings.

Mr. Moorhead with Mr. Ayres.

Mr. Baring with Mr. Ashbrook.

Mr. Fulton of Tennessee with Mr. Carter.

Mr. Daniel of Virginia with Mr. Whitehurst.

Mr. Ottinger with Mr. Nix.

Mr. Mann with Mr. Whalley.

Mr. Nichols with Mr. Roudebush.

Mr. Miller of California with Mr. Mathias.

Mr. Fisher with Mr. Bush.

Mr. Fascell with Mr. MacGregor.

Mr. Dingell with Mr. Railsback.

Mr. Aspinall with Mr. Wold.

Mr. Colmer with Mr. Derwinski.

Mr. Abernethy with Mr. Jones of Alabama.

Mr. Price of Illinois with Mr. Steed.

Mr. Hagan with Mr. Dowdy.

Mr. Barrett with Mr. Dulski.

Mr. Brown of California with Mrs. Chisholm.

Mr. Alexander with Mr. Culver.

Mr. Dorn with Mr. Gettys.

Mr. Scheuer with Mr. Diggs.

Mr. Brasco with Mr. Gallagher.

Mr. Conyers with Mr. Harrington.

Mr. Burton of California with Mr. Powell.

Mr. Preyer of New Jersey with Mr. Mollohan.

Mr. Mills with Mr. Hungate.

Mr. Downing with Mr. Pucinski.

Mr. Dawson with Mr. Kirwan.

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Mr. Farbstein with Mrs. Hansen of Washington.

Mr. Giaimo with Mr. Foley.

Mrs. Green of Oregon with Mr. McCarthy.

Mr. Landrum with Mr. Jones of Tennessee.

Mr. Kyros with Mr. McMillan.

Messrs. **DENT**, **ALBERT**, **BYRNE** of Pennsylvania, **FRIEDEL**, **EILBERG**, **MONAGAN**, **MACDONALD** of Massachusetts, and **DONOHUE** changed their votes from "yea" to "nay."

Messrs. **HALEY** and **HAMMERSCHMIDT** changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

COMMITTEE AMENDMENTS

The **SPEAKER**. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 2, line 5, strike out the word "seven" and insert in lieu the word "eight".

The committee amendment was agreed to.

The **SPEAKER**. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 2, line 7, after the word "as", strike out "chairman, which" and insert in lieu "chairman. The".

The committee amendment was agreed to.

The **SPEAKER**. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 2, line 10, strike out the word "thirty" and insert in lieu the word "forty-five".

The committee amendment was agreed to.

The **SPEAKER**. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 2, line 15, after the word "places", insert "as it deems appropriate".

The committee amendment was agreed to.

The **SPEAKER**. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 2, following line 16, insert:

"(3) The select committee may appoint and fix the compensation of such clerks, experts, consultants, technicians, and clerical and stenographic assistants as it deems necessary and advisable. The select committee is authorized to reimburse the members of its staff for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the select committee other than expenses in connection with meetings of the select committee held in the District of Columbia.

"(4) The expenses of the select committee shall be paid from the contingent fund of the House of Representatives upon vouchers signed by the chairman of the select committee."

The committee amendment was agreed to.

The **SPEAKER**. The gentleman from Tennessee (Mr. ANDERSON) is recognized for 1 hour.

PARLIAMENTARY INQUIRY

Mr. **CAREY**. Mr. Speaker, will the gentleman yield for a parliamentary inquiry?

Mr. ANDERSON of Tennessee. I yield to the gentleman from New York.

Mr. CAREY. Mr. Speaker, at what point did the Speaker put the committee amendment which appears on page 1 to strike out the preamble?

The SPEAKER. That question will come after the adoption of the resolution.

Mr. CAREY. I thank the Speaker.

Mr. ANDERSON of Tennessee. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Nebraska (Mr. MARTIN), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 976 provides for the establishment of a select committee of 12 members, six from each side of the aisle, to go to Southeast Asia as soon as practicable on a high priority fact finding mission and to report back its detailed observations to the full membership of the House within 45 days of the adoption of the resolution. The members of the select committee would be appointed by the Speaker, with two being from the Committee on Armed Services, two from the Committee on Foreign Affairs, and the remainder from the membership generally.

Mr. Speaker, I do not need to elaborate to this body on the acute, urgent responsibilities we all face relative to Southeast Asia—as individual Members and as the legislative body in closest contact with the people. I believe this is an excellent resolution, a very timely resolution, a very important resolution, and one which should be passed by an overwhelming majority this afternoon. To do otherwise, I believe, would be a keen disappointment to most Americans who are so seriously concerned and so very considerably divided over our involvement in the war in Southeast Asia and what the future course of that involvement will be.

I am impressed by the fact that the proposed select committee would not come back with briefcases full of recommendations. Rather, its function would be to report accurate, detailed, objective observations and facts which I believe would be of great value to each individual Member in deciding his own approach to the problems of Southeast Asia. While I am sure the special Presidential task force will do a good job, nothing can replace a firsthand report from one's own colleagues. While each of us may differ very much as to viewpoints, we stand on one great area of common ground in that we each represent and are directly responsible to 470,000 constituent American citizens. Thus, I believe a report from a small committee of the House would be of greater value than a report from any other group.

I am confident that our great Speaker would see that this committee would be composed of Members of varied viewpoints that no one could validly label it a committee of hawks or a committee of doves. He has always been most fair and prudent in these matters.

Mr. Speaker, there are some who will say this committee will cost the taxpayers some money. Of course it will, but only a minute amount compared with the more than $20 billion we are spending on that war.

There are also some who will say, with justification, that the presence of the committee will add to the worries and workload of our commanders out there. This is true, but as one who has in past years been on the receiving end of congressional visits, I believe I can reassure my colleagues that the additional workload and responsibility on the part of the commanders will be welcomed and is more than offset by the appreciation by the troops and others that a committee of Congress has enough interest to come out and talk with them.

The committee would be authorized to appoint and fix compensation for necessary employees and consultants and reimburse them for travel and subsistence, subject to action of the House Administration Committee and approval on the floor.

Mr. Speaker, I understand this resolution, or its equivalent, has a bipartisan sponsorship of 71 or more of our colleagues. I want to commend the gentleman from Mississippi (Mr. MONTGOMERY) for being its author and chief sponsor and for all the hard work he has put in on it.

Mr. Speaker, I strongly urge the adoption of House Resolution 976.

Mr. MARTIN. Mr. Speaker, I yield myself such time as I may consume.

The SPEAKER. The gentleman from Nebraska is recognized.

Mr. MARTIN. Mr. Speaker, as the gentleman from Tennessee has explained, House Resolution 976 provides for a select committee of 12 members to be appointed by the Speaker to go to Vietnam and Southeast Asia, and to make a report as to what is going on over there within 45 days. The resolution provides that six Members shall be appointed from each side of the aisle, including two from the Armed Services Committee and two from the Foreign Affairs Committee, the balance to be appointed from the membership at large. I understand that 72 Members have cosponsored this resolution which we are considering this afternoon.

Mr. Speaker, as you know, the resolution provides for a legislative committee to go to Vietnam and Southeast Asia and to make a report to the House. We have a similar committee at the present time that I understand is currently, or at the present moment, returning from Southeast Asia, a committee appointed by the President, which is composed of some Members of the legislative branch of our Government. I do feel that the legislative branch of our Government has very definite responsibilities in this area, and I feel that our branch of the Government should have a committee to go there with adequate time to check into the situation and the various things they find, come back, and make a report—that is all this resolution does.

I was astounded yesterday, if the CBS news reporting was correct, when they showed a picture of the Presidential committee 10 miles inside Cambodia. The comment was that the battalion they inspected was equipped with new uniforms and new boots, and their rifles were all polished up, which I think was more or less a superficial view of what is going on over there.

I trust this select committee, if the resolution is adopted, will be able to make a more objective review of what is going on in South Vietnam than appeared from the CBS broadcast yesterday.

I reserve the balance of my time.

Mr. ANDERSON of Tennessee. Mr. Speaker, I yield 6 minutes to the distinguished author and sponsor of the resolution, the gentleman from Mississippi (Mr. MONTGOMERY).

Mr. MONTGOMERY. Mr. Speaker——

Mr. YATES. Mr. Speaker, will the gentleman yield for a question before he starts? Will the gentleman tell us why he wants to strike out the "whereas" clauses of the resolution?

Mr. MONTGOMERY. May I answer the gentleman after I make my remarks? At that time I shall try to answer the gentleman's question.

I want to thank my distinguished colleague from the State of Tennessee (Mr. ANDERSON) for allowing this time and compliment him on the fine manner in which he has explained the merits of House Resolution 976 to our colleagues.

In my remarks today I will be appealing to the good judgment and commonsense of each Member to consider this measure on the basis of its merits. And this resolution does have merit.

In simple language, House Resolution 976 would pave the way for the Speaker to appoint a select committee of 12 Members to go to Southeast Asia on a high priority factfinding mission. The committee would be equally divided between the majority and minority parties with two coming from the House Armed Services Committee, two from the House Foreign Affairs Committee, and eight from the House at large.

This group of 12 colleagues would be representing each one of us. It would be their duty and responsibility to look into many aspects of our involvement in Southeast Asia. I would expect each Member of the House to be given the opportunity to offer suggestions, if they so desire, to the select committee on what to see and what to do. In this way we could accomplish what is logistically impossible to do—that is, send all 435 Members to Southeast Asia.

The select committee would be given 45 days in which to report back their findings to this body from the date of adoption of the resolution. I feel this will allow them ample time to make their pretrip plans, conduct a thorough on-the-site investigation, and draw up their final report for the House.

Mr. Speaker, I would like to make one very important point at this time about the objectives of the select committee. It will be their duty to gather as much factual and current information as possible on the situation in Southeast Asia and make a detailed report to their colleagues and only a report. They would supply the information this body needs to reach decisions, and then it would be up to each individual Member to reach his or her own opinions. Each Member will have the facts, the same facts. The conclusions reached from these facts would be at the discretion of each Member.

Earlier I mentioned the merits of House Resolution 976. One of the first that comes to mind is the fact that the resolution was cosponsored by 71 members representing both parties and the entire spectrum of political philosophies. The select committee possibly should be made up of members with varied opinions on the Far East situation but members who would be open minded on their onsite inspections and observations in Indochina.

One of the most obvious merits to me is that we will be sending 12 Members to Southeast Asia to act as our eyes and ears. My three trips to South Vietnam have convinced me of the importance of seeing for yourself exactly what is taking place in Southeast Asia. Briefings and situation reports such as we receive from time to time are of help, but they are not the complete answer. To use an expression, "You have got to be where the action is."

You have to actually talk to our servicemen in the field, you have to observe the capabilities of the South Vietnamese, you have to talk to national and local Vietnamese leaders in private, you have to get out in the countryside to see our pacification program at work, and you have to talk to American civilians such as missionaries. It is necessary to do these and other things on a firsthand and personal basis if you expect to really learn about American involvement in Southeast Asia.

As I stated earlier, the ideal or utopian situation would be to send all 435 Members to see for themselves. I wish this were possible. But since it is not, the next best choice we have is to send 12 of our colleagues to observe for each of us and have them report back to us in a factual, objective and unbiased manner.

Another merit to House Resolution 976 is the answer it would provide for a small group of critics of the Congress who say we are not exerting the leadership we should as far as the conflict in Vietnam is concerned. I do not wish to dwell on what we have or have not done in the past. We need to look to the future. I want my vote to be cast on the most current and thorough information at my disposal. I want to know that my vote will be cast on the basis of the facts and not an assumption on my part. I believe that my 12 colleagues we will be sending to Southeast Asia will be able to provide me with these facts.

Mr. Speaker, I have tried to cover only the high points and the most compelling merits of House Resolution 976. There are others which I am sure my colleagues will be able to ascertain for themselves by reading the resolution.

In closing, I would only hope that the arguments I have presented today will stir the good judgment of my colleagues to vote in the affirmative for House Resolution 976.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Speaker, may I ask the gentleman two questions? First, why is it proposed to strike the preamble? Why is it the committee recommends striking the preamble to the resolution as amended? Second, do the 71 sponsors of this resolution favor the striking of the preamble which apparently states the rationale for the resolution?

Mr. MONTGOMERY. Mr. Speaker, answering the second question, that would have to be left up to the 71 sponsors whether they would agree to support what the Rules Committee has done. I will support the Rules Committee. They acted in their wisdom, I am sure.

Mr. COLMER. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Mississippi (Mr. COLMER.)

Mr. COLMER. Mr. Speaker, I thank the gentleman for yielding. Permit me to say first to the gentleman from Illinois and to any other interested parties that so far as I, personally, am concerned, it makes no difference to me whether the preamble is stricken or not stricken. I can only enlighten the gentleman, I hope, by saying that when the Committee on Rules considered this resolution, the question was raised by a member of the committee that the preamble was such that the resolution itself covered all the aspects of it and, therefore, it was not necessary to have the preamble.

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield me 3 additional minutes?

Mr. ANDERSON of Tennessee. Mr. Speaker, I yield the gentleman 3 additional minutes.

Mr. COLMER. Mr. Speaker, will the gentleman yield further?

Mr. MONTGOMERY. I yield further to the gentleman from Mississippi.

Mr. COLMER. In substantiation of that view let me call the attention of the House to lines 7 through 12 on page 2 of the resolution. That portion of the resolution reads:

> The select committee shall immediately proceed to Southeast Asia to investigate all aspects of the United States military involvement in Southeast Asia. The select committee shall, within forty-five days of the adoption of this resolution, report to the House the results of its investigation.

In other words, the resolution itself provides for the investigation of all aspects of the war, whereas the preamble would only point out and emphasize Cambodia.

Mr. SISK. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from California (Mr. SISK).

Mr. SISK. I appreciate the gentleman's yielding.

I ask the gentleman to yield for this purpose: I am the one who moves to strike the whereas clauses on every resolution which ever appears before the Committee on Rules. I have done that since I have been a Member because basically I feel the information as to the matter and the point of the resolution is generally contained in the report.

I merely believe that the whereas clauses are surplusage. This is a traditional position with me and has nothing

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to do with anything that might have been used in the whereas clauses.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Illinois.

Mr. YATES. May I point out the incongruity which exists in the resolution, in view of the statement by the distinguished chairman of the Committee on Rules. The gentleman refers to the language which appears on page 2, lines 7 through 9, which read:

> The select committee shall immediately proceed to Southeast Asia to investigate all aspects of the United States military involvement in Southeast Asia.

Then on page 3 the following appears:

> Amend the title so as to read: "To authorize a select committee of the House to study firsthand the recent developments in Southeast Asia and then report its findings to the House of Representatives within forty-five days of its adoption."

What is the purpose of the committee? Is it to study all aspects of the war in Southeast Asia as the first provision states, or is it to study what has happened in Southeast Asia following the invasion of Cambodia and the other facts or allegations which are alleged in the whereas clauses? What will the committee be expected to do?

Mr. MONTGOMERY. Will the gentleman permit me to try to answer the question?

I tried to state that this provides for a fact-finding committee, which will report to the gentleman from Illinois and the Congress. They will come back and report to the gentleman all the information they can get about all aspects of the war, as possible. The gentleman can take the information and handle it in any way he sees fit.

The SPEAKER. The time of the gentleman from Mississippi has again expired.

Mr. ANDERSON of Tennessee. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. CAREY. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from New York.

Mr. CAREY. I have been listening very carefully to the remarks of my distinguished colleague from Mississippi, because, as the primary author of the resolution, I think his viewpoint on how it should be constructed, as well as that of the committee, is most important to all of us.

The gentleman has indicated the committee should have varied points of view, should be broadly representative of the House, should be openminded and totally unbiased.

I totally support this position. I support the stricken as well as the unstricken whereas clauses, which are an indication of the interpretation of the author of the resolution.

I am trying to bring out that my support of the resolution is in terms of an openminded unbiased committee. I wonder if the gentleman would agree on this point: I should like to serve on this committee the gentleman has authored. I might suggest myself to the Speaker. I should like to do all I can to get all the facts possible for this House to pass judgment on. However, I happen to be a colonel of infantry in the inactive reserve. I therefore feel my judgment could be colored by my rank in the military, and if chosen on the committee I would resign because of the affiliation with the military, in order to have no problem with respect to my judgment as a member of the military serving in the House.

Would the gentleman believe that this situation might have an effect on anyone serving on this committee?

Mr. MONTGOMERY. I think the gentleman is aiming at one of the authors of the bill, namely, myself, but if the gentleman has any objection to my serving on this committee that will be selected, I certainly believe he should make his intentions known to the Speaker.

Mr. CAREY. I certainly have no personal objection to the gentleman.

Mr. MONTGOMERY. Speaking for myself, I think I could have an unbiased opinion even though I do hold a commission in the National Guard of the United States. I feel as though I could. In the three trips that I have made over there before I feel as though I gained something.

Mr. ANDERSON of Tennessee. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from New York for purposes of debate only.

Mr. BINGHAM. Mr. Speaker, may I ask the gentleman from Tennessee, handling the bill on behalf of the Rules Committee, whether it is true that he has declined to yield to me for the purpose of offering an amendment?

Mr. ANDERSON of Tennessee. That is correct. Yes.

Mr. BINGHAM. Mr. Speaker, I regret that the procedure, apparently standard procedure of the Committee on Rules is that no amendment to this resolution can be considered or debated. I have prepared to offer an amendment. It was circulated to the membership last Friday, as soon as I heard about this resolution, proposing language to be added to the resolution that the Members to be appointed should be "representative of the varying points of view on the President's actions in Indochina, including both critics and supporters."

Now, with due respect to the Speaker—and I am sure the Speaker would intend to appoint representatives of varying points of view on this matter—a provision like this should be in the resolution. It would assist the Speaker in his task of appointing a representative group. I want to state that I am not personally interested in being appointed to this study team, but I think those who share some of my views should be represented.

There are at least four major different points of view on this subject. There are those who are so strong in their opposition to the Vietnam war that they support the so-called end the war amendment, set forth in House Resolution 1000. There are those who are critical of the Cambodian operation and who were among the 145 who voted on May 7 for an opportunity to vote against extension of the war into Cambodia amendment. There are those who support the President. The fourth group comprises those who favor much stronger military action than we have taken to date.

If this committee is to be created it ought to include representatives of all these points of view. It should also include Members who will have the inclination to question what they are shown, to look behind it and to make inquiries on their own.

A story in today's New York Times shows the kind of tour that the military in Vietnam likes to arrange for visiting dignitaries, a real Potemkin village type of tour.

How many Members who will be appointed to this committe can speak Vietnamese? Probably none. But there should be some who will at least undertake to get their own interpreters, so they can talk with confidence directly to the Vietnamese people.

In short, there are all kinds of reasons why there should be a representative group on this committee.

Mr. HOWARD. Mr. Speaker, will the gentleman yield?

Mr. BINGHAM. I yield to the gentleman from New Jersey.

Mr. HOWARD. I want to commend the gentleman from New York for the concern he has shown that the committee shall be representative of all the viewpoints on both sides of the Southeast Asia question. I agree with him, and I would like to state for his information that this has been the declared intent from the inception of the introduction of this resolution. I did not put my name on the resolution until after conferring with the gentleman from Mississippi and having heard that it was his intent that this be broad based. In testimony before the Committee on Rules it was discussed by the Committee on Rules, and everyone who testified that if this was going to be a worthwhile committee and an assignment on behalf of the Congress and the country, it should be broad based. I believe the Speaker has every intention of making it that.

Mr. BINGHAM. I take it that the gentleman from New Jersey shares my viewpoint that the four Members who were appointed to the President's study team from the House were representative of only one point of view on the Vietnam war and did not constitute a representative selection of the membership of the House.

Mr. HOWARD. I would not care to prejudge the President's selection, but I would say to him I feel certain, on the basis of this resolution, that the Speaker will appoint a group to go to Southeast Asia which will be more responsive to the broad-based feelings of the Members of Congress than the group returning at the present time.

Mr. BINGHAM. I thank the gentleman for his statement, but I will nonetheless seek an opportunity to offer my amendment. To that end, I will demand a vote on the previous question on the resolution. I urge those who would support an amendment of the character I have offered or who object to the procedure which permits no amendments to vote down the previous question at the end of the debate so that we can have an opportunity to debate and vote on amendments on their merits.

Mr. HOWARD. I would hope that the gentleman would not seek a vote on that because I believe the legislative history has already been set.

Mr. MARTIN. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri (Mr. HALL) for the purpose of debate only.

Mr. HALL. Mr. Speaker, I have listened with great interest to this debate. I have watched this resolution arise and I certainly have nothing against those who have journeyed to South Vietnam at their own expense and have come back with their own information. I have no inclination to oppose additional information of any type for the Members of the House, but with the one reminder that "information" does not become "intelligence" until it is distilled on the basis of "need to know" in the military, and is truthfully portrayed.

I have nothing against architects exercising oversight and surveillance of the many problems of the Federal Government.

But, Mr. Speaker, I feel that we need an extra commission or another group of our own or any other going into a theater of operations like South Vietnam, just about as much as we need extra holes in the head.

There have been far too many people who have gone there already. This is an area for invitation into a high-risk area, of foreign speech, by another sovereign nation, primarily. Our armed services are there on this basis and are far too busy to become impressed hosts.

We have just, by action or call of the Chair, voted an open-ended proposition on the resolving clause hereto, and we certainly are subverting and overlapping the powers of the Committee on Armed Services of this House which is properly constituted to exercise section 8, article 1 of the Constitution, to say nothing of the Defense Subcommittee on Appropriations, or the Foreign Operations Committee or the Committee on Government Operations.

The function, Mr. Speaker, of actually running the war and how it can be operated after the policy is set by Congress, for the Army, Navy, and Air Force and the broad policies such as numbers and funding set by the legislative branch of the United States—is that of the executive branch. Congress can set the broad policy as we did in the case of the Fulbright resolution, but the strategic and tactical military procedures and the "how," are constitutionally delegated to the Commander in Chief, the President of the United States.

In my opinion and for a long time, Mr. Speaker, we have had too much congressional quarterbacking and second guessing of the commanders in the theater of operations. To paraphrase, never have so many armchair generals said so much about so little they never should have said in the first place. There is unnecessary duplication.

Mr. Speaker, I am one of those who the records will show, turned down a position on the present Presidential fact-finding delegation, on the basis that somebody needed at this time to say "No, take the expense of going over there and back, which is a questionable trip, and apply it on the Federal deficit and let us protect the taxpayers at home." Especially is this applicable here in the legislative body of the people where trade, taxes, tariffs, and levies must originate.

Mr. Speaker, this is unnecessary duplication. It is a waste of the taxpayers' money. It is a chance for a "junket" with a "well-earned stopover in fair Hawaii" for a few days on the way back.

The "hawks" and "doves" are being turned into carrier-pigeons and are mimicking the myna bird.

Therefore, Mr. Speaker, I think we should vote this down out of hand, and vote down both the whereas and resolving clauses, and then I think we should vote down the entire resolution.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I commend my colleague from Missouri and join him in his opposition to this resolution and unjustified junket. It seems to me that the least the House could do would be to postpone action, if that is possible, until the special congressional committee that was this morning in Hawaii gets back here from Vietnam and reports.

This is a further unnecessary expenditure of the taxpayers' money at this time. Again, I agree with the gentleman in his opposition, and I hope the resolution will be voted down.

Mr. HALL. Mr. Speaker, I appreciate the gentleman's contributions. I realize that there are some here who think that that was a window-dressing commission, and all facts will not be ascertained. I doubt if more facts can be obtained in 45 days in canned briefings by the military than were obtained in 7 days. I doubt they could learn more if setting in the ARVN General Assembly in view of the language barrier. Be that as it may, an unofficial but personal count of Representatives of Congress journeying to the theater of operations indicate that over 175 have been there in the last 5 years. I think it is time we quit the feather-merchants touring to the theater of operations, and who subsequently make the convenient stopover in Hawaii on the way back, and let the generals and the buck privates, the seamen and the admirals, the Air Force generals and the airmen, get on with winning the war, and bring our men back home safely.

Mr. ANDERSON of Tennessee. Mr. Speaker, I yield to the gentleman from North Carolina (Mr. GALIFIANAKIS) such time as he may consume.

Mr. GALIFIANAKIS. Mr. Speaker, I rise in support of House Resolution 976, a resolution to send a select committee of House Members to Southeast Asia.

Surely this is not the time for partisan thoughts, not while American soldiers are dying every hour in Vietnam and in Cambodia. Today is not the occasion for the executive branch and the Congress to sit in opposite corners and sulk instead of joining together to end the war.

Mr. Speaker, the problem of Communist activities in Southeast Asia has now been with us for 25 years and has shadowed the terms of five Presidents and 12 Congresses. And in recent years, as public dissension over the war has increased, the conflict has begun to tear at the foundations of our Government itself.

Because we in the Congress appropriate the funds to continue the war, we have our own constitutional responsibility in military affairs. Under article I, the Congress has the power to declare war, to provide for the common defense, and to raise and support armies—with the provision that no military appropriation shall last longer than 2 years. These are clear constitutional responsibilities. It is time that we met them.

As Congressmen, we must share in the burden which this war has become. And we can—if we do not play the game of obstruction—help the President to achieve his announced goal of ending the war. To do so we must meet our own constitutional obligations.

That is why I support this resolution. It is only a hesitant first step, but it is a beginning toward confronting the problem of ending the war.

This select committee will enable the Congress to reach its own conclusions about American commitment in Southeast Asia based on the facts, not on emotions or dead theories. It is answerable to the Congress and to no one else. I would not predict what information the committee might bring back, of whether that information would sustain, supplement, or differ from the information of other sources.

Mr. Speaker, during his campaign, the President announced that he would try to bring us together. On no issue is it more important that we come together than on the way to end the war. If we do not work for this goal—Congress and President, Republicans and Democrats—then the war will continue like a machine that is beyond our control.

But if we do cooperate, then we can end the war and end it safely and quickly. And we can do much to restore the proper role of the Congress in foreign policy by meeting the constitutional responsibilities which have been evaded for so long.

I urge each of my colleagues to give favorable consideration to this resolution. It is not a partisan attempt to detract from the President. Rather, it is an effort to provide the Congress with the facts to act intelligently—in concert with the administration, and not against it.

Mr. ANDERSON of Tennessee. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York (Mr. ROSENTHAL) for the purpose of debate only.

Mr. ROSENTHAL. Mr. Speaker, I come to the same conclusion as the distinguished gentleman from Missouri, but I think for somewhat different reasons.

Very candidly, the operative language in the resolution suggests that the select committee shall proceed to Southeast Asia to investigate all aspects of the U.S. military involvement in Southeast Asia. I am one of those who believe that Congressmen can learn a great deal from

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being out in the field, and I have urged all my colleagues to travel the world over to learn about our military involvement and foreign aid institutions, but in this connection I think we ought to just hesitate for a moment.

The fact of the matter is that we do have committees of Congress constitutionally charged with these responsibilities. I feel personally aggrieved that the Committee on Foreign Affairs is shunted aside while this special committee is raised to stardom to render what could be a very important report, and have a very significant public relations aspect on the American public.

My view of why this would not be useful at this time is that if any Member of the Congress is legitimately interested in all aspects of the U.S. military involvement in Southeast Asia, then the way to properly do this is to hold open public hearings on the basis for our involvement in Southeast Asia. There should be a review and analysis of the secret treaties and commitments that the U.S. Government is involved in in Southeast Asia.

If this visit is going to be a quickie military inspection of Cambodia and the caches involved, then may I say it is going to turn into a charade and virtually a whitewash, and then it would do a great disservice to this body that we all have the greatest respect and affection for.

Frankly, I feel aggrieved that more senior members of the Committee on Foreign Affairs did not see fit to make this argument, but the fact of the matter is that that committee has indeed the responsibility and ability and the wherewithal to conduct this kind of investigation. One military investigation will lead to another. We will find out that we collected x number of rifles and have reported x number of dead.

But the American people—and they should be genuinely concerned in what we are doing in Southeast Asia—should listen to all sides of the case, and to what George Ball said before our committee the other day, when he said that he regretted the decisions that the Nixon administration has so far taken with respect to Cambodia, because it is a repeat of the fateful earlier decisions taken by its predecessors. And he said, in leading up to that:

> We mistook Tonkinese aggression for Chinese imperialism and, failing to scrutinize the menace in terms of its marginal relevance to the power balance, we committed the power at our command to a terrain where, for both physical and political reasons, it was impossible to use it effectively.

Mr. Speaker, there are political issues and answers to the problem of Southeast Asia and until those political issues can be settled the involvement of the United States will not be terminated. For that reason, I oppose this resolution.

Mr. MARTIN. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. FULTON) for the purpose of debate only.

Mr. FULTON of Pennsylvania. Mr. Speaker, in times of emergency and in times of pressure, there is often made poor law by those having the responsibility of decision. This House of Representatives should take the time to debate extensively and in depth what is meant by this resolution, House Resolution 976. It is amazing to find such broad cosponsorship by Members, and such disagreement as to what the resolution means. For example, to strike the preamble from the resolution, strikes the reason for the resolution, the area of reference and constitutional responsibilities of the Congress, as well as the need for Congress to have accurate and detailed information, from the bill. Is this expedition of House Members to set out to Southeast Asia with the general instruction "to investigate all aspects of the United States military involvement in Southeast Asia," as a line and a half on page 2 of the resolution provides? One half of line 8, and line 9 on page 2 of the bill are the only authority for a world-shaking investigation officially made on behalf of the House of Representatives. Imagine making the investigation in depth for the purpose of U.S. official congressional action, with no hearings, no witnesses, no sources, no checking of briefings by military personnel of our own, or any other country, with the requirement of report shall be made within 45 days of adoption of the resolution. Queen Isabella did better in her instructions to Columbus.

The House of Representatives has formally set up standing committees that have jurisdiction of the military policy in this House, the Armed Services Committee, and we have a committee on the relations with foreign countries, the Foreign Affairs Committee of this House. The House has given jurisdiction of obligation and expenditure of Federal funds to the Committee on Appropriations, with the particular appropriation subcommittees, who have jurisdiction of these various elements of U.S. monetary and financial commitments abroad, stemming from everything from U.S. aid of a military type to peacetime economic and development aid, even to education and cultural welfare programs.

I raise a question on what is meant by the vague generality on page 2, line 9, "in Southeast Asia." Our study committee of the House Foreign Affairs Committee went to nine countries in South and East Asia: Vietnam, Thailand, Philippines, Formosa, Okinawa, Japan, South Korea, India, and Pakistan, and also Hong Kong. We were unable to cover Australia, New Guinea, New Zealand, Indonesia, Malaysia, Burma. How can South Korea with 47,000 troops fighting in South Vietnam be ignored? Seoul is certainly not in Southeast Asia, nor is Tokyo, and so forth.

What countries comprise the term "Southeast Asia"? This can be any number of countries. It is not just a few countries. Does this just include North Vietnam, Laos, and Cambodia? Of course not. Such a limited view and such a limited study, as proposed, is not only impossible, imbecilic, but dangerous. "Facts" based on this study can very adversely affect the carrying on of the war, but our U.S. relations around the world, our many U.S. treaty commitments, and cause disruption of well-founded and longtime friendly relations with many countries.

Second, is this resolution meant to be limited to authorization for an investigation of facts? What kind of facts? Or is it an investigation of U.S. policy? Is that U.S. military policy? Is it U.S. foreign relations policy? Economic or trade policy? Is it U.S. foreign aid policy? Is it CIA policy?

When the resolution says "all aspects" that, of course, includes military policy all around the world because any of the great powers and their allies, even nonalined countries, have some influence in Southeast Asia. The world is such an untidy place, and this resolution is such a small broom. We Members on the Foreign Affairs Committee who have studied, read volumes of history, heard thousands of witnesses on world conditions, causes, and probabilities, peoples, customs, and wars and disruptions, can hardly wait for this report in 45 days with the "true facts." When this report is made, it may disagree with the investigators who are just now on their way back, the President's factfinding commission. If the reports are each unanimous then no member of the investigations is thinking very much, or very deeply. If these reports disagree with the State Department, the CIA, in what position does this put the Members of Congress who have already served on the regularly constituted and standing committees of the U.S. House of Representatives who have jurisdiction in these very fields and what is more, the responsibility for action, and not just debate?

What does the President of the United States, or the Joint Chiefs of Staff, do with the "facts" found by the President's own current factfinding commission, if there is a disagreement?

Should the U.S. Congress have the responsibility for the day-to-day running of a war 10,000 miles away in an area that most Members have never been nor had any experience? My answer is the answer of the U.S. Constitution, "No." I have spent almost a year in the Orient after my graduation from Harvard Law School, have been a member of the House Foreign Affairs Committee almost 20 years, have visited these countries from time to time, and have studied, listened to experienced witnesses, read volumes of history and current events, but I would refuse to serve on any such select committee with such little time, shallow investigation, and forced quick judgment.

I strongly believe we should have some considered answers before the House quickly sponsors another "study" committee with no legislative jurisdiction but which is simply to make a quick report in 45 days.

I would ask the managers of the resolution specifically—Is it facts that the select committee is looking for or is it policy that they are looking for?

Mr. GRAY. Mr. Speaker, will the gentleman yield?

Mr. FULTON of Pennsylvania. I yield to the gentleman.

Mr. GRAY. I know that my friend is sincere in his remarks, but I just heard that the factfinding committee to which he alluded is on its way back after 2 days. Does the gentleman from Pennsylvania really believe that a searching inquiry could be made in a small time period of 48 hours?

Mr. FULTON of Pennsylvania. You are right; I do not. I do not believe a conducted military tour or State Department tour of House Members is going to come up with very many facts, upon which the judgment of the Members of the House should rest, in decisions involving the very lives and security of the men in our U.S. Armed Forces, as well as the freedom and security of the citizens of the countries of Southeast Asia. Here we have a committee such as this select committee which goes to Southeast Asia really with no specific instructions as what to do and they are just taken around, and shown fragments, and preordered spots. Who makes the decisions why they may be taken to certain places?

In 1965, with the Asian Subcommittee of the House Foreign Affairs Committee, we made a long and serious study of the Asian situation at first hand, visiting nine countries, including Vietnam. We studied to prepare for the trip, consulted with heads of state, foreign ministers, military leaders, members of parliaments, business and labor leaders, religious members of many faiths, studied when we came back, and made recommendations against escalation of U.S. military forces in Vietnam at that time, 1965. Our study committee report was filed as House Report No. 1345 of the 89th Congress, second session. It contains 89 pages and much reference material. I would strongly advise the Members generally, as well as the select committees, to study this excellent source material.

The question is this: Is the House to have this committee come back and comment on escalation or on deescalation on further U.S. involvement in Cambodia, Laos, and Thailand? On immediate withdrawal of U.S. forces, Vietnamization?

I have always opposed committing U.S. ground troops to a land war in Asia. I have studied the strategy carefully and will give the basis of my opinion, through statements and studies by most competent U.S. officials.

I read into my comments the warnings of our U.S. military leaders from the U.S. News & World Report issue of April 26, 1966, in the article "Should United States Fight a Land War in Asia? Views of Military Leaders," as follows:

SHOULD UNITED STATES FIGHT A LAND WAR IN ASIA? VIEWS OF MILITARY LEADERS

The question of U.S troops' fighting a land war in Asia is up for debate again. In the past, most U.S. military men have opposed getting tied down with ground forces so far from home. Now, as the number of Americans in South Vietnam increases, military observers are giving the problem a new look.

Below is what some prominent officials have had to say on the subject in the two decades since World War II.

Douglas MacArthur, late General of the Army:

"No man in his right mind would advocate sending our own ground forces into continental China."—*Address to Congress, April 19, 1951.*

Omar Bradley, General of the Army, former Chairman, Joint Chiefs of Staff:

"I do not believe we should get involved in a land war in Asia if we can possibly avoid it. . . . It of course depends on the circumstances at the time, but right now I feel as I said in my statement here, I think we would be fighting a wrong war at the wrong place and against a wrong enemy."—*Congressional Hearings, May, 1951.*

Dwight D. Eisenhower, former President:

"I told my associates in January of 1954 that I could not at that moment see the value of putting United States ground forces in Southeast Asia. . . . If the United States were, unilaterially, to permit its forces to be drawn into conflict in Indo-China and in a succession of Asian wars, an end result would be to drain off our resources and to weaken our overall defensive position.

"If we, without allies, should ever find ourselves fighting at various places all over the region, and if Red Chinese aggressive participation were clearly identified, then we could scarcely avoid, I said, considering the necessity of striking directly at the head instead of the tail of the snake, Red China itself."—*From President Eisenhower's book, "Mandate for Change," which was published by Doubleday and Company, Inc., in 1963.*

Maxwell D. Taylor, General, former Chairman, Joint Chiefs of Staff, and former Ambassador to South Vietnam:

"I have been among the officers who have said that a large land war in Asia is the last thing we should undertake. I was slow in joining with those who recommended the introduction of ground forces in South Vietnam."—*Interview published in "U.S. News & World Report" on Feb. 21, 1966.*

I am also reading into my comments the excellent study by the Legislative Reference Service of the Library of Congress of July 13, 1965, entitled "Land War in Asia: views of Generals MacArthur, Bradley, and Eisenhower," by Thomas C. Lyons, Jr., Analyst in Military Affairs and World Demography of the Foreign Affairs Division.

This study impressed me strongly after our study trip to Southeast Asia in 1965.

LAND WAR IN ASIA: VIEWS OF GENERALS MACARTHUR, BRADLEY, AND EISENHOWER

In light of the present situation in Viet Nam, it has been stated on a number of occasions, especially in the American newspapers, that three well-known and respected American generals, one of whom is a former President of the United States, had warned of the inadvisability of placing large numbers of American ground troops in Asia for the purpose of fighting a land war. The purpose of this brief paper is to present those views in the context in which they were given.

DOUGLAS MACARTHUR [1]

Senator McMahon. . . . General, your recommendations for operations in China would still be a limited war. We would not commit American ground forces to the operation in China under any circumstanes, as I understand it.

General MacArthur. I would not advise it; no sir. That is, of course, with the general limitation of the contingencies of campaign.

I believe it would be master folly to contemplate the use of United States ground troops in China. I do not believe it would be necessary. (p. 103)

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Senator Kefauver. But you said, General MacArthur, you nor no one else had recommended that American troops actually engage in any part of the ground warfare on the continent, in China proper; that it be limited to blockade and bombing by air and reconnaissance by air.

I wondered if any substantial number of technicians actually went along with Chiang's troops, what kind of situation that puts us in.

General MacArthur. I see no objection to it at all, Senator. It is common practice. We have had our advisers with them in the past. We have had missions there. We had a mission in Greece. We have got missions in a great many countries. They go and advise, but it does not commit us beyond the technicality of the assistance that the individuals can render.

I don't think it would be material one way or another whether they went in with them or not, as far as the efficacy of the forces is concerned. I can see no reason why if our Air and our Navy are engaged against the Red Chinese, and our troops in Korea are engaged against the Red Chinese why the use of a few hundred technicians would be a matter of any serious import.

My recommendation that ground troops should not be committed to China was not on the basis of avoiding any concept that we were not utilizing our force to the maximum. It was because of the sacrifice that would be involved in our forces because of our inability with our bases 10,000 miles away to maintain large units of ground troops there.

I had nothing to do with anything except a military decision that ground troops should not be committed in force—our ground troops.

Senator Kefauver. As I understand, your conception was based upon our inability to get enough troops there, and that you have no feeling that if we had sufficient ground troops, that we shouldn't use them on the continent of Asia, on the mainland of China proper.

General MacArthur. I believe that as a strategic conception it is an impossible one, sir. I do not believe . . .

Senator Kefauver. Your conception is based upon the feeling that we do not have sufficient troops to accomplish that purpose; is that correct?

General MacArthur. That is one of the reasons. Another reason is that the manpower of those countries is sufficient; if we aid and assist them in their training and in their supply features, they do not need the assistance of our ground forces. They would need assistance probably from the Air and the Navy. (pp. 106–107)

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Senator Cain. General MacArthur, Morgan Beatty of the National Broadcasting Co. said in a recent hook-up that on the 26th day of last June, General MacArthur himself made the following statement to Ambassador Dulles and to accredited news reporters:

Anybody who commits the land power of the United States on the continent of Asia ought to have his head examined. May I inquire if you recall having made such a statement to Ambassador Dulles?

General MacArthur. I don't know whether I made the statement, but I confirm absolutely the sentiments involved.

Senator Cain. This reference to Morgan Beatty was made by a colleague of mine, who thought that you, General MacArthur, had made that statement to Beatty on June 26, and at a later date had said something different.

The Senator to whom I refer went on to say that, with reference to the Beatty statement:

"I say that I not only agree with that, but I believe that any man in a responsible position in our military forces who would do that, which would amount to committing our land forces against Red China on the mainland of China, not only ought to have his physical

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[1] All MacArthur quotations from: Military Situation in the Far East. Hearings before the Committee on Armed Services and the Committee on Foreign Relations, United States Senate. 82d Cong., 1st Sess. Part I. Washington, U.S. Govt. Print. Off., 1951. (May 3 through May 14, 1951.)

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head examined, but ought to have his official head cut off."

May I inquire if, in your opinion, there is any legitimate reference to any attitude of yours, or any kind, character or description, in that comment made on the 11th day of April, on the floor of the United States Senate?

General MacArthur. None whatsoever; and the other comments—all I can say as to them—"Amen." (pp. 156–157)

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OMAR BRADLEY [2]

Senator Bridges. What about Korea—when we entered the Korea conflict a day or two after June 25, 1950, did the Joint Chiefs of Staff take into consideration all of the potential risks at that time militarily?

General Bradley. Yes sir. We had always hoped we would not have to fight in Korea, and that's why we were in favor of getting out of Korea as far as our occupation was concerned. Because strategically it is a poor place to fight. And we did consider these things at the time the question of interceding in Korea was taken.

Senator Bridges. Now you are of the theory that has been expressed here that we should not get involved in a land war on the mainland of Asia?

General Bradley. Yes. I do not believe we should get involved in a land war in Asia if we can possibly avoid it.

Senator Bridges Then you do not agree with a certain United States Senator who said the other day that in case Communist China or Russia attacked India we would be in war in an hour, or something like that?

General Bradley. I did not hear the statement. I still repeat that I would hate very much to see us involved in a land war in Asia.

Senator Bridges. Then what I am getting at, you are consistent whether it is China, Indochina, India, or Siam or what not, you have a basic thought for considering all factors that we should not be involved with our own troops on the mainland of Asia.

General Bradley. It of course depends on the circumstances at the time, but right now I feel as I said in my statement here, I think we would be fighting a wrong war at the wrong place and against a wrong enemy. (p. 753)

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DWIGHT D. EISENHOWER [3]

General Eisenhower's views on Viet Nam are clearly defined and explained in Chapter XIV of his book, Mandate for Change. The Chapter gives the reader a clear insight into how one President tried to cope with the diplomatic and military situation during the time of the French fighting in Indochina.

Early in 1954, Eisenhower wrote that he had the following thoughts on the war on Viet Nam:

"Another consideration in any conceivable intervention was the type of forces which might be employed. There seemed to be no dearth of defensive ground strength in Indochina. I told my associates in January of 1954 that I could not at that moment see the value of putting United States ground forces in Southeast Asia.

"One possibility was to support the French with air strikes, possibly from carriers, on Communist installations around Dien Bien Phu. There were grave doubts in my mind about the effectiveness of such air strikes on deployed troops where good cover was plentiful. Employment of air strikes alone to support French forces in the jungle would create a double jeopardy; it would comprise an act of war and would also entail the risk of having intervened and lost. Air power might be temporarily beneficial to French morale, but I had no intention of using United States forces in any limited action when the force employed would probably not be decisively effective." (p. 341)

Throughout early 1954 Eisenhower and Dulles tried to sell the idea abroad that any American intervention in the fighting would have to meet at least two qualifications: One, there would have to be approval from Congress, and two, American ground troops would be committed to Viet Nam only if there were several Allied countries joining simultaneously in the fighting.

On April 4, 1954, President Eisenhower wrote to Winston Churchill explaining his ideas of a "regional grouping" of several countries, who would come to the aid of the French forces. Near the end of the letter, the following sentences appear: "The important thing is that the coalition be strong and it must be willing to join the fight if necessary. *I do not envisage the need of any appreciable ground forces on your or our part. . . .*" [Emphasis added.] (p. 347)

As events at Dien Bien Phu were coming to a devasting conclusion and the meetings in Geneva were starting to go into high gear, President Eisenhower wrote to General Gruenther at NATO headquarters:

"As you know, you and I started more than three years ago trying to convince the French that they could not win the Indochina war and particularly could not get real American support in that region unless they would unequivocally pledge independence to the Associated States upon the achievement of military victory. Along with this—indeed as a corollary to it—this Administration has been arguing that no Western power can go to Asia militarily, except as one of a concert of powers, which concert must include local Asiatic peoples." (p. 352)

As the situation at Dien Bien Phu became hopelessly lost, Eisenhower commented in the following way:

"We discussed once more the possibility of United States intervention by an air strike in Indochina. Although the three service chiefs—Army, Navy, Air Force—had recommended against this course, there was some merit in the argument that the psychological effect of an air strike would raise French and Vietnamese morale and improve, at least temporarily, the entire situation.

"During the course of this meeting I remarked that if the United States were, unilaterally, to permit its forces to be drawn into conflict in Indochina and in a succession of Asian wars, the end result would be to drain off our resources and to weaken our over-all defensive position. If we, without allies should ever find ourselves fighting at various places all over the region, and if Red Chinese aggressive participation were clearly identified, then we could scarcely avoid, I said, considering the necessity of striking directly at the head instead of the tail of the snake, Red China itself." (p. 354)

Throughout this chapter there are a number of inferences that Eisenhower had serious reservations about engaging the Communists with all-out military force in Indochina.

Mr. ANDERSON of Tennessee. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. Hanna).

Mr. HANNA. Mr. Speaker, you see my name on this resolution, and I do not cavalierly or casually sign anything in this House.

I became a signer of this particular resolution for three reasons—the first because I appreciate and understand the beliefs of the American people. The American people believe that Congress ought to have a balance of power with the President. The American people have just learned that the President has sent his group out to back up or to bring a report on the basis of his action. They think, and they question in my district and I suspect some in your districts, are questioning and wondering what the Congress is doing.

I think the fact that the President did name this commission on his behalf is even more strongly an argument why the House should take the action suggested by this resolution. You may say that what people believe is wrong, and you may be right. Beliefs are often operative facts. I remind Members of the story of Othello. We as readers know that none of the things Othello believed about his wife are true, but she is just as dead in the third act as if they were true. That is the operative effect of belief.

The American people believe that the American Congress ought to be more active in terms of the problems in Vietnam. I think we ought to back up that belief by an examination to find out what the facts are and the answers to questions that have been raised and especially to those that have not yet been raised.

Some Members have spoken about a military review. I am not interested, and I hope that the committee will not be interested in jawboning or justifying what has been done. The important question to us is, What has happened to the options for our policy in Vietnam? We have to have an assessment of those options that is independent so that we can take our stand on the basis of our power as an independent branch of Government.

Mr. Speaker, I have two other reasons for backing this resolution. The next reason is the House needs to have enlightenment on the status of our existing options.

Third, because of the need of the House to find alternatives to our military involvement in Vietnam, we ought to support the resolution. When we take out 500,000 men, we are going to be doing something to the economy of that country which must be balanced out. When we begin to remove our troops, we leave our installations, and I am anxious to know where the $3 to $6 billion of investment in installations is going. The House should have the answer to such questions. I hope the House will go out and find the answer to these questions.

I thank the gentleman for yielding.

Mr. MARTIN. Mr. Speaker, I yield 2 minutes to the gentleman from New Hampshire (Mr. Cleveland).

Mr. CLEVELAND. Mr. Speaker, as one of the cosponsors of the resolution, I rise in support of the resolution and commend the gentleman from Mississippi for taking the initiative in sponsoring the legislation. I subscribe to most of the reasons that have already been stated for supporting the resolution.

I would like to make a couple of additional comments. I find it strange indeed that some of the people who are opposing the resolution on the floor of the House are echoing the same sentiments, and are talking about getting all sides of the spectrum represented. I have great confidence in the leadership of this House that it will be fair in selecting this committee. But those gentlemen who are questioning this resolution are precisely akin to some people who have been coming into my office day after day after day for the last 45 days, and they have been saying, "Oh, is it not terrible? Is it not terrible? The President is too powerful. The Congress should take action but they are not doing anything."

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[2] The Bradley quotation is from: Military Situation in the Far East. Hearings before the Committee on Armed Services and the Committee on Foreign Relations, United States Senate. 82d Cong., 1st Sess. Part 2. Washington, U.S. Govt. Print. Off., 1951. (May 15 through May 31, 1951.)

[3] All Eisenhower quotations from: Mandate for Change. Dwight D. Eisenhower. Garden City, New York, Doubleday and Company, Inc., 1963. Chapter XIV, "Chaos in Indochina."

Here is a chance for Congress to do something. I commend the gentleman from Mississippi for taking the initiative in doing something. The point many people are missing in dicussing the balance of power between the Executive and Congress is the fact that if an imbalance exists, and I think it does, a contributing factor is the failure of Congress to reform its procedures as a first step toward redressing that imbalance.

The other point I wish to make in support of this resolution is that although it is perfectly true that there are other committees of this House which may have jurisdiction in this general area, the sad fact of the matter is that for the time being, at least, those committees do not appear to be acting in this area. I commend the gentleman from Mississippi for taking the initiative.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. CLEVELAND. I yield to the gentleman from Ohio.

Mr. HAYS. Just because someone happens to oppose this resolution is no sign they are all in the category you are talking about.

Mr. CLEVELAND. If I made that implication, I take it back. I said "some of them." That is what I really meant to say. I did not mean to include the gentleman from Ohio.

Mr. Speaker, I yield back the balance of my time.

Mr. MARTIN. Mr. Speaker, I yield 10 minutes to the gentleman from California (Mr. HOSMER).

Mr. HOSMER. Mr. Speaker, I certainly do not feel that either the Armed Services Committee of the House or the Foreign Affairs Committee has slackened in any way in its attention to matters having to do with Southeast Asia or any part of that area. This resolution to my mind is not in response to that kind of situation or anything of that nature. These two regular standing committees have general longtime jurisdiction of all kinds in the area of their definition, and to have a select committee to find facts with respect to a particular ad hoc situation has long been the practice of this body.

That is all that is being sought by the resolution before us. It is in response to the fact that there is in this country a tremendous interest at this point in the military affair in Southeast Asia. Many people have come to Washington not only to make their views and concerns about this war known to the President of the United States, but, as each Member of this body well knows, they have also come to Capitol Hill to make their views known to their elected representatives in the legislative branch of this Government of ours.

To ignore a responsibility in respect to the war and to state that it is a matter solely in the jurisdiction of the executive branch is to ignore the very basic division of powers and responsibilities of our Government which are shared by the three branches and which this legislative branch has, since the beginning of the situation in Southeast Asia, had to assume considerable responsibility.

Mr. ANDREWS of Alabama. Mr. Speaker, will the gentleman yield?

Mr. HOSMER. I yield to the gentleman from Alabama.

Mr. ANDREWS of Alabama. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I support this resolution. I want to express the prayerful hope that those who are appointed to go to South Vietnam and to Southeast Asia do not come back brainwashed as many did who have been over there.

I have been on the Defense Appropriation Committee for years. I have had all kinds of glowing promises made about the war. At one time we were told by our former Secretary of Defense that the boys would be home by Christmas. The next year he said that now we see the end of the tunnel. The next year he said that we have stopped losing the war. Then the next year he said that we are winning the war. I am threadbare with these glowing pictures painted by those who go over there. Again I say, my prayerful hope is that those who go will not be brainwashed by certain people in South Vietnam.

Mr. HOSMER. Mr. Speaker, I thank the gentleman from Alabama. I think what the gentleman has said is quite important.

It is quite important also that this body have its own independent judgment and knowledge with respect to such recent developments as the Vietnamization program and how good it is, and how fast the armed forces of Vietnam are coming along in order to assume the burden of that war, and how well pacification is coming along, and how realistic is the pace of withdrawal that has been announced by the executive branch of the Government. What can we tell the people we represent about these things? They ask us. They expect us to know. We have a responsibility to find out for ourselves.

Further, I hope if it is at all possible that the select committee might be able to turn up facts which would be helpful in the prisoners-of-war problem.

Mr. WOLFF. Mr. Speaker, will the gentleman yield?

Mr. HOSMER. I yield to the gentleman from New York.

Mr. WOLFF. Mr. Chairman, I want to make a comment relative to the committee appointed by President Johnson at the time of the elections in South Vietnam, when I had suggested a committee such as the one being suggested today. The committee was appointed and went out. I did not serve as a member of that committee, but I went out there on my own, and strangely enough the committee appointed by the President viewed the elections from the Caravelle Hotel and had very little time in the countryside.

I think an important point was an observation made by one of the gentlemen before, that if this committee goes out, it must have some Vietnamese interpreters, so the members can understand what is going on and not be led around by the nose as the previous committees have been.

Mr. HOSMER. I thank the gentleman from New York for his comments about the previous committee that went there to observe the election several years ago. It triggers my mind to state what the relationship might be between this proposed select committee and the committee sent to Vietnam by the President.

In the first place, that is an executive committee. Its itinerary and its actions and its makeup were determined by the executive department. It functions under and serves that branch of Government.

I would hope that the select committee, if formed, would give due consideration to whatever facts are determined by that Presidential committee, use whatever information it found available from it, but would cover the bases which had not been covered by that committee and would cover the bases which needed to be covered more thoroughly than it has covered during its short existence.

Mr. RANDALL. Mr. Speaker, will the gentleman yield?

Mr. HOSMER. I am delighted to yield to the gentleman from Missouri.

Mr. RANDALL. I presume the gentleman from California is speaking in support of the resolution? Does he have any information as to the accuracy of the figures given by the gentleman from Missouri (Mr. HALL) who said 173 Members of Congress had made factfinding trips to Vietnam? Does the gentleman know whether the number has been 175 or 200 or more?

Mr. HOSMER. I do not have the figure. I know many of the Congressmen, in response to their responsibility as high officials of the U.S. Government, to handle whatever questions the Congress has to handle, have felt it wise to go out there. I know that the gentleman himself has taken the time and trouble to do so.

Mr. RANDALL. Yes, you will recall we were in Vietnam, you as a member of the Joint Atomic Energy Committee and myself as a member of the Committee on Armed Services, I recall we were there together in January 1968 just prior to the Tet offensive of that year. Does the gentleman feel that our trip was completely successful and we were able to get all the facts we would hope or preferred to have come home with? I cannot speak for the gentleman from California but the only time I felt I was really learning anything or not being led about to see only what we should see, was when I managed to separate myself from our escorts on two different afternoons. I learned more on those two days than all the other time combined. The reason was I was not in company with the military, and without an escort. During those hours, I saw and learned much more than when I was guided and directed where to go and what to do.

Mr. Speaker, I have no way to know by what vote of the Rules Committee this resolution comes to the floor today. Like other Members, I can observe that House Resolution 976 has portions struck through and other portions printed in italics which indicate it is a much changed resolution from that which was submitted by the joint sponsor of the resolution.

There are several reasons why I cannot support this resolution. The foremost reason is that some portions of the resolutions are inconsistent with other portions. In other words it is inconsistent within itself. It is an incongruous document. To emphasize such a charge one has only to look at page 2, line 7, where it is stated the select committee is to proceed immediately to Southeast Asia to investigate all aspects of our involvement there. Then on page 3, after line 3, the title has been amended to state that the purpose of this resolution is to authorize the select committee of the House to study the recent developments of Southeast Asia. Thus while on page 2, the committee is charged to investigate all aspects of our involvement; on page 3 they are excused from such strenuous duties and permitted to investigate only recent developments. Perhaps that was a well taken afterthought because no committee, no matter how efficient or no matter how large a staff, can accomplish a very thorough investigation of all aspects of our involvement and proceed to write any kind of a report on the results of their investigation within 45 days. It is just not humanly possible. Yet that is what the committee is required to do under the language of line 10 on page 2 of the resolution.

The second reason that prompts me to oppose this resolution is that the preamble which should serve as a guideline to the select committee has has been stricken. That preamble contained three paragraphs, the first of which is not factually true but the second and third paragraphs should have been retained to serve as directions of the House to the select committee which it is creating by this resoltuion.

Mr. HOSMER. Everyone has his own techniques for obtaining and evaluating information.

I may say to the gentleman, until one gets to the Congress itself, even, one really does not understand what this great institution really is and its manifold implications. That is an indication of the value of personally taking a look at things which you should know about if you are to deal with them responsibly.

And, I would like to respond to whoever brought up the matter of a reservist being unable to function fairly on this select committee. The purpose of the committee is to ascertain facts, not whitewash anybody and it could not do so if it wanted to. It appears to me that a person with some past or present military experience might better be able to determine the facts than someone else. At least, he would understand the lingo.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. HOSMER. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. In answer to the gentleman from Missouri (Mr. HALL) said that there were about 175 Members who had been to Vietnam during the war years. We have been over there about 6 years. If we divide six into 175 we get an average of less than 30 Members per year who have been over there.

Mr. HOSMER. Which averages 2½ per month.

Mr. MONTGOMERY. It seems to me that less than 30 Members a year going to Vietnam is certainly not too many.

Mr. DE LA GARZA. Mr. Speaker, will the gentleman yield?

Mr. HOSMER. I yield to the gentleman from Texas.

Mr. DE LA GARZA. I should like to ask a question, but first I should like to make a statement.

The men in Vietnam are doing their duty in winning that aspect of the war. We are losing it back here. What earthly reason could we have to go there and investigate policy formulated here in the State Department, here at the White House and here at the Pentagon? What could we learn about policy at the battlefield in Vietnam?

Mr. HOSMER. I am going to regard the gentleman's words as entirely a statement rather than in part a question.

Mr. BIAGGI. Mr. Speaker, will the gentleman yield?

Mr. HOSMER. I yield to the gentleman from New York.

Mr. BIAGGI. I thank the gentleman for yielding.

I rise in support of this resolution.

With relation to the question of economy I believe this is a poor time to permit such a minuscule sum of money to interfere with any action that would aid in resolving the overriding problem of our Nation—the war in Southeast Asia.

Intelligence comes in many and varied forms. If the select committee is properly apportioned and selected, Congress and the Nation can only benefit.

However, my relationship with military investigation has been extensive and enlightening. I can assure the gentleman that if the committee follows the prescribed route I would suggest very strongly it would result in an exercise and be nothing more than a futile effort.

My productivity increased when I ceased to inform the military of my presence on military installations in the course of conducting investigations of abuses on the various bases throughout the country.

I suggest strongly that this committee be sent. However, before they embark they should uncover or develop sources of information so that they will have contacts when they get there. The opponents of this resolution bewilder me in the light of hue and cry across the Nation seeking an end to the war and greater participation by Congress. This is Congress' constitutional prerogative and duty. Hence it ill behooves anyone to deny Members of the House any source of information. This source may well be received with greater creditability than some have been provided to date, and is oft contradictory.

Mr. HOSMER. If the gentleman will permit me to say this, I believe we can find 12 Members in this House who are not about to be conned by anybody, who can come back with facts upon which their colleagues can rely.

Let me say further that, after listening to the copious words of tribute to the Speaker only a week or two ago, I think we can feel full confidence in his ability and determination to form a balanced committee which will do its job in a balanced way.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. HOSMER. I yield to the gentleman from Ohio.

Mr. HAYS. I would like to make a suggestion. Since it is going to take a couple of battalions to protect these 12, and since the gentleman from Mississippi thinks that everybody wants to take a look, I do not want to go, but I think the other 422 plus the 12 should be sent over and give them all a rifle, and in that way we can release the two battalions from having to give protection to them.

Mr. HOSMER. Let me say, having been there a couple of times, that the gentleman's statement is an exaggeration by at least two battalions.

Mr. PRICE of Texas. Mr. Speaker, as one of the original sponsors of the proposal, I urge my colleagues to lend their support to House Resolution 976, a bill to authorize a 12-man select committee to go to Southeast Asia, study firsthand recent developments in the area, and within 30 days from its inception report its findings to the House. In this connection, I commend the distinguished gentleman from Mississippi (Mr. MONTGOMERY) for his dedicated and tireless efforts which have been instrumental in bringing this proposal before the House today.

In my judgment, the need for this committee is in no way diminished by the fact that the President's Special Factfinding Commission is in the process of compiling a report on its trip to the battle zone. I believe the House should act to provide a balance to the President's Commission because although the factfinding group certainly will provide a valuable service to the country by virtue of its activities and report, I believe the situation in Southeast Asia to be so complex that more than 96 hours would be needed to be spent in the area if any individual or group were to obtain the most functional perspective.

Mr. Speaker, the bill before the House would provide a 30-day investigation and report period. This would be far more appropriate a time frame to operate under. I say this based on personal experience, for 2 years ago I spent approximately 1 week touring the embattled area of South Vietnam. In the course of my travels I achieved a much greater understanding of the forces at work in Vietnam and the progress we were making in the war; however, I believe my perception and judgments would have been even more acute had I been able to spend more time in the country itself.

Mr. Speaker, I believe this select committee would provide an extremely valuable internal factfinding instrument for the House of Representatives. As such it would provide a needed balance in the present reporting mix on the status and level of our current involvement in Southeast Asia. This balance would be enhanced by the Speaker's insuring that the 12 Members appointed to the committee will be of varying points of view with regard to present policies in Southeast Asia. This issue is far too important for its resolution to be affected by partisan politics, or political ambitions.

I urge the passage of House Resolution 976.

Mr. ANDERSON of Tennessee. Mr. Speaker, for the purposes of debate only I yield 2 minutes to the distinguished gentleman from California (Mr. Moss).

Mr. MOSS. Mr. Speaker, this resolution, if adopted, will create something that cannot possibly work. For 15 years, I have chaired investigating committees of this House. One of them has gone out to Vietnam at least three times in the last 4 years and it has taken literally months of careful and diligent work in advance of the committee going out in order to have information showing where investigative effort should be concentrated to produce any meaningful results. This contemplates immediate departure upon adoption. It will take 45 days to find a competent staff. Yet the committee must go out, investigate, and report back. I can assure you, again speaking from a great deal of experience, that you cannot do it. It just is not within the realm of possibility. You can have 45 men who will go out and look and see and learn something, but they will not make a comprehensive investigation of even the activity in Vietnam much less the involvement in Cambodia, in Laos, or in Thailand. This is self-delusion.

Mr. Speaker, I would strongly urge that the House not indulge in it. Let us, if we are going to have a committee, give them the time, give them the staff, and let them go out and do the kind of a job that this Congress is worthy of producing. Let us not give an inferior product hastily put together to the American people.

Mr. MARTIN. Mr. Speaker, I yield such time as he may use to the gentleman from Ohio (Mr. TAFT).

Mr. TAFT. Mr. Speaker, with many reservations I will support this resolution on the chance that it will produce even one iota of information that will be helpful in bringing about a peaceful solution and in preventing future Vietnams. Properly, it would be preferable for the Foreign Affairs Committee to have acted to provide the background on present, past, or future foreign policy aspects of the problem, with other standing committees making appropriate inquiries within their jurisdictions.

But my feeling is that these committees do not seem to have handled the problem comprehensively to date, nor have executive factfindings done so.

It is essential that the Congress, and especially the House, strengthen its role in factfinding and policy formation in foreign affairs. Perhaps the proposed commission can help do that. If so it will be worth the effort.

Mr. MARTIN. Mr. Speaker, I would like to confirm what the gentleman from California (Mr. SISK) said earlier in the debate; that is, it is the policy of the Committee on Rules to eliminate all "whereases" in the resolutions that are reported out of the Committee on Rules. This has been a standard practice for many years, and that is the reason why, as the gentleman from California explained, the "whereases" in the preamble of this resolution were eliminated. It was to follow out the general policies of the Committee on Rules over the past many years.

Mr. ANDERSON of Tennessee. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. CAREY).

Mr. CAREY. Mr. Speaker, I rise in support of this resolution. I am convinced we can do no more than profit by all of the information we get in any manner on what is going on in Southeast Asia. I rise because I support the integrity of every Member of this body and the belief that they will go out and do a fair factfinding job and come back with valuable knowledge, and, of course, all knowledge has some value.

Moreover, I support the resolution because the only place I can find this House is on record in terms of the President's policies in Southeast Asia refers back to the date when we voted over my opposition for the resolution which the gentleman from Texas (Mr. WRIGHT) presented, which, in a sense, subscribed to all that the President was doing in Southeast Asia. That resolution was so interpreted by the minority leader (Mr. FORD) as an endorsement, a vote of confidence, in President Nixon's policies.

Now, Mr. Speaker, the record is clear in this resolution that we think we had better take a second look and send a select committee over there to take that second look. Evidently, we are less confident in the undertakings of the executive branch.

So, I look upon this resolution as a repealer of the Wright resolution and I shall, therefore, support it.

Mr. ANDERSON of Tennessee. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Texas (Mr. CABELL).

Mr. CABELL. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, there is no man in this House that I admire more as a friend and as a legislator than I do the author of this resolution. But, I must rise in opposition to it.

Mr. Speaker, if this Congress wants to do something about the affair in Southeast Asia, then why not fall in behind our Executive leadership in fighting this war to a successful conclusion. There can be no political negotiations as long as we are dealing from weakness. Let us get the military advantage which we must have. Let us unite behind our leadership. Let us show the people of America that we are not yellow dogs and run with our tail between our legs at every sign of opposition. Let us get the military superiority and prove it and then they will come to the conference table. We can deal from strength and not from weakness and we can get this thing over.

Mr. ANDERSON of Tennessee. Mr. Speaker, I yield the remaining time on our side to the distinguished gentleman from Illinois (Mr. GRAY).

Mr. GRAY. Mr. Speaker, the only way to make our dreams come true is to stay awake. We have before us a resolution that is going to provide us with information so we can go home and talk to our constituents between now and November about what the Congress, the House of Representatives that is charged with passing all appropriation bills first is doing about Vietnam, about Cambodia, and about the way we are spending money for the defense of this great Nation.

Mr. Speaker, I will say to my colleagues that I am a little bit surprised that we have opposition to this resolution, much less what the consequences will be if you vote it down.

Mr. Speaker, we are the elected Representatives of the people. If we are not even willing to find out from Members of our own body as to what is really going on in Southeast Asia, how can we be spokesmen for our people? If you heard a burglar outside your door would you call someone downtown to come and find out what the noise is or would you go see for yourself?

Let us determine for ourselves what is going on and then maybe we can speak with a little bit of authority. I have before me a copy of the Thursday, June 4, issue of the southern Illinoisan newspaper with two Associated Press dispatches. One headline reads "Objectives Won, Nixon Tells United States." Then, on the same page in daring headlines "Senior Military Officers on Cambodia Say, 'It's Too Early To Tell.' "

Mr. Speaker, if the President and the top military people in the field fighting the war are in disagreement about what is going on, how can we possibly know? I hope the President is right, but I want the Congress to report, then we can make a better judgment on what to do.

Mr. Speaker, I want to commend my distinguished friend from Mississippi (Mr. MONTGOMERY) for allowing me to join with him in cosponsoring this important proposal and also to commend him for his hard work in bringing out the resolution.

Mr. MARTIN. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I came here with an open mind and have listened to this debate.

It appears to me that this resolution, if it passes, will accomplish nothing. They will come back with varying opinions and muddy the water. I agree with the gentleman from Texas who spoke a moment ago to the effect that I have full faith and confidence in the Committee on Foreign Affairs, in the Committee on Armed Services, and above all in the Commander in Chief. I do not think we should cloud the picture any further as it has already been clouded by the varying pronouncements of the approximately 175 Members who have already visited Southeast Asia. This proposed

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trip indicates lack of confidence in the two great committees of the House: Foreign Affairs and Armed Services.

I supported President Johnson and I strongly support President Nixon, our one and only Commander in Chief. I am going to vote against this resolution for those reasons. To do otherwise is to prolong the war because of the various political viewpoints which the committee members will express and can only lead the enemy to believe we have no guts to see this struggle through to a successful conclusion. The news media will really have a field day exploiting this foolish trip.

Mr. ROGERS of Florida. Mr. Speaker, I rise in support of House Resolution 976, a resolution to immediately send a select committee of 12 Members of the House of Representatives to Southeast Asia to investigate the aspects of U.S. military involvement in that area.

I am cosponsoring this resolution with my good friend and colleague, Mr. Montgomery of Mississippi, and many other Members of the House in a bipartisan effort to obtain the facts regarding past and present developments in Southeast Asia.

The use of military forces in Vietnam and now in Cambodia has been the subject of intense concern and debate across the Nation and in Congress. I am very concerned about the many conflicting reports on the factual situation in Southeast Asia, which seem to be coming from a number of different sources.

I certainly think that the people of our Nation and the Members of Congress would greatly benefit from the proposed committee's accounting of the facts surrounding our involvement in Southeast Asia, particularly in view of recent developments.

Therefore, I urge my colleagues to join with me in supporting House Resolution 976.

Mr. COHELAN. Mr. Speaker, I will vote against House Resolution 976, a bill to establish a 12-member select committee to study the recent developments in Southeast Asia.

We have been over and over this ground. The central question that we face is: When are we going to extricate ourselves from this Southeast Asian "quagmire"? I have constantly fought to have our military commitments in Southeast Asia ended. As a member of the Foreign Operations Subcommittee of the House Appropriations Committee, I have studied these issues in depth. My conclusion has been consistent. We should get out now.

The central question, Mr. Speaker, is whether we have enough information to make a reasoned decision. I feel that the correct congressional response is not further "study" but a positive assertion of congressional authority.

This is an unnecessary bill and should be defeated.

Mr. RANDALL. Mr. Speaker, I intend to oppose House Resolution 976. One portion of the resolution states that there shall be an investigation of all aspects of our involvement. This is completely incongruous with another portion of the resolution which relieves the committee after they have studied only the recent developments in Southeast Asia. It is quite obvious and apparent that two sections of the resolutions fly in the face of each other. They tend to pull the committee in opposite directions. Maybe that portion which holds the committee only to the study of recent developments is a more reasonable commission because the resolution requires not only that all facts be investigated about our military involvement but that a detailed report be prepared and submitted to the House all within 45 days following the adoption of this resolution. I submit this is impossible to accomplish.

Most of us would gladly support this resolution if it were not a fact that there have already been an overwhelming number of investigations by Members of the Congress in the past. I suppose it would take quite a bit of book work to find out exactly how many Members of Congress have visited Vietnam since the commencement of hostilities. One Member has said facetiously that the body count of the Members of Congress who have served in Vietnam runs over 175 and is approaching the 200 mark. Yes, Vietnam has been investigated and investigated and investigated. Some valuable information has been brought back but along with this has been a lot of misinformation.

I will not support this resolution today because one committee recently appointed by the executive branch had Members from both bodies of Congress. It is my understanding that this committee worked somewhat over 3 days but less than a total of 4 days and are now on their way home. Certainly this House should weigh and consider the report of this committee before we indulge in the formation of another select committee.

Mr. Speaker, one of the paramount reasons that we should defeat this resolution today is that the House and Senate have established regularly constituted committees to do this job. It should be done with the Foreign Affairs Committee or the Armed Services Committee or the Defense Appropriations Subcommittee. What are these regular committees for if it is not to investigate our involvement in Southeast Asia?

This resolution seems to leave the implication or the innuendo that the Congress is not now possessed of the facts about our military involvement in Southeast Asia. The adoption of this resolution would be an admission that all we have done about Vietnam and all that has been approved by the standing committees and then once again approved on the floor of both bodies of Congress had been done without any knowledge or any investigation of the facts of our involvement. Of course, such an innuendo or implication is not only inaccurate, it is ridiculous.

To oppose this resolution today is not to ignore any responsibility of the Congress or to turn anything over to the executive branch. Our standing committees have worked long and diligently to get the facts.

Mr. Speaker, I fail to understand why the preamble of this resolution was stricken. I could not have supported the resolution if the first paragraph alone had been retained and the last two stricken because the first paragraph alleges that the Cambodian incursion has added a new dimension to the war. Many of us do not believe this to be the fact. The second paragraph is harmless and inoffensive. We all know that deployment of our military forces has been the subject of intense debate in the Congress. That is a truism. But why was the third paragraph stricken? The Congress needs as much accurate and detailed information as possible to fulfill its constitutional responsibilities. If this resolution is to mean anything then this paragraph of the preamble should have been retained as a guideline for the select committee. In other words, the preamble itself is somewhat like the content of the body of the resolution. Part of it is untrue, part of it is unnecessary and meaningless, and an important part that should have been retained has been stricken out.

Now I am not suggesting that if this resolution is approved and if this committee is appointed by the Speaker that it will be weighted by those members who would prejudge before they investigate, or develop preconceived conclusions before the report was written. I am not suggesting that there would be a whitewash in any sense of the term. I do not believe that it would be fair to say this would be just another junket for about a dozen members. I do suggest that this is no way to investigate our involvement. Our fighting men are trying to do their duty. If there is any failure of policy it is not in Vietnam but right here in Washington. Our military personnel are trying hard to achieve their objective. Someone has said it would take nearly a battalion of our troops to protect this committee. That may be exaggeration, but I think the Members of Congress should keep out of the way of our men.

If we pass this resolution today, it means we will telegraph ahead that another committee had been formed and when it will arrive in Vietnam. All the window dressing will be ready upon arrival. Another committee is not needed. It will not accomplish a thing. It will cost a substantial sum of money after all the experts, consultants, technicians, clerks, and stenographic assistance called for on page 2 have been paid and then reimbursed for their travel and subsistence. While the expense will be substantial there is no assurance of a productive result or even any possible forecast of the consequences such a report might produce.

This resolution should never have been brought to the floor at this time. It should be defeated.

Mr. ANDERSON of Tennessee. Mr Speaker, I move the previous question on the resolution.

PARLIAMENTARY INQUIRY

Mr. BINGHAM. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore (Mr. ALBERT). The gentleman will state his parliamentary inquiry.

Mr. BINGHAM. Will the Chair entertain a motion to recommit with an amendment to the resolution?

The SPEAKER pro tempore. The

Chair will state to the gentleman from New York that a motion to recommit is not in order on a resolution from the Committee on Rules.

Mr. BINGHAM. I thank the Chair.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BINGHAM. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 246, nays 80, not voting 103, as follows:

[Roll No. 155]

YEAS—246

Abbitt
Adair
Albert
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Beall, Md.
Belcher
Bell, Calif.
Bennett
Berry
Betts
Bevill
Biaggi
Blackburn
Blanton
Blatnik
Boggs
Boland
Bow
Brinkley
Brock
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Burton, Utah
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Camp
Casey
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins
Colmer
Conable
Corbett
Corman
Coughlin
Cramer
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Dennis
Dent
Devine
Dickinson
Donohue
Dowdy
Duncan
Dwyer
Edwards, Ala.
Edwards, La.
Erlenborn
Eshleman
Evins, Tenn.
Feighan
Findley
Flowers
Flynt
Foreman
Fountain
Frelinghuysen
Frey
Friedel
Fuqua
Galifianakis
Garmatz
Gibbons
Goldwater
Gray
Griffin
Gross
Grover
Gubser
Haley
Hall
Hamilton
Hammerschmidt
Hanna
Hansen, Idaho
Harsha
Harvey
Hastings
Hays
Hébert
Henderson
Hogan
Holifield
Hosmer
Howard
Hull
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Kazen
Kee
Keith
King
Kleppe
Kluczynski
Kuykendall
Kyl
Landgrebe
Langen
Latta
Lennon
Lloyd
Long, La.
Long, Md.
Lukens
McClory
McCloskey
McClure
McCulloch
McDonald, Mich.
McFall
McKneally
Madden
Mahon
Mailliard
Marsh
Martin
Matsunaga
May
Mayne
Melcher
Michel
Miller, Ohio
Minish
Minshall
Mize
Mizell
Montgomery
Morton
Myers
Natcher
Nelsen
O'Neal, Ga.
Pelly
Perkins
Pettis
Philbin
Pickle
Pirnie
Poage
Poff
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Randall
Rarick
Reid, Ill.
Reifel
Roberts
Robison
Rodino
Roe
Rogers, Fla.
Rostenkowski
Roth
Ruppe
Sandman
Satterfield
Saylor
Scherle
Schneebeli
Schwengel
Scott
Sebelius
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Stanton
Steiger, Ariz.
Steiger, Wis.
Stephens
Stubblefield
Stuckey
Sullivan
Taft
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Udall
Waggonner
Wampler
Watts
White
Widnall
Wiggins
Williams
Wilson, Charles H.
Winn
Wright
Wyatt
Wylie
Wyman
Young
Zablocki
Zion
Zwach

NAYS—80

Adams
Addabbo
Ashley
Biester
Bingham
Brademas
Broomfield
Burke, Mass.
Button
Carey
Clay
Cohelan
Cunningham
Eckhardt
Edwards, Calif.
Eilberg
Esch
Evans, Colo.
Flood
Foley
Ford, William D.
Fraser
Fulton, Pa.
Gonzalez
Green, Pa.
Griffiths
Gude
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Horton
Jacobs
Karth
Kastenmeier
Koch
Leggett
Lowenstein
McDade
Macdonald, Mass.
Meeds
Mikva
Mink
Monagan
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Nedzi
Obey
O'Hara
O'Konski
Olsen
Patman
Patten
Pike
Podell
Rees
Riegle
Rogers, Colo.
Rooney, Pa.
Rosenthal
Roybal
Ryan
Shipley
Stokes
Tiernan
Ullman
Van Deerlin
Vander Jagt
Vanik
Waldie
Whalen
Wolff
Wydler
Yates
Yatron

NOT VOTING—103

Abernethy
Alexander
Ashbrook
Aspinall
Ayres
Baring
Barrett
Bolling
Brasco
Bray
Brown, Calif.
Burton, Calif.
Bush
Carter
Chisholm
Conte
Conyers
Cowger
Crane
Culver
Daddario
Daniel, Va.
Dawson
Derwinski
Diggs
Dingell
Dorn
Downing
Dulski
Edmondson
Fallon
Farbstein
Fascell
Fish
Fisher
Ford, Gerald R.
Fulton, Tenn.
Gallagher
Gaydos
Gettys
Giaimo
Gilbert
Goodling
Green, Oreg.
Hagan
Halpern
Hanley
Hansen, Wash.
Harrington
Hungate
Jones, Tenn.
Kirwan
Kyros
Landrum
Lujan
McCarthy
McEwen
McMillan
MacGregor
Mann
Mathias
Meskill
Miller, Calif.
Mills
Mollohan
Moorhead
Murphy, N.Y.
Nichols
Nix
O'Neill, Mass.
Ottinger
Passman
Pepper
Pollock
Powell
Preyer, N.C.
Price, Ill.
Railsback
Reid, N.Y.
Reuss
Rhodes
Rivers
Rooney, N.Y.
Roudebush
Ruth
St Germain
Schadeberg
Scheuer
Staggers
Steed
Stratton
Symington
Thompson, N.J.
Tunney
Vigorito
Watkins
Watson
Weicker
Whalley
Whitehurst
Whitten
Wilson, Bob
Wold

So the previous question was ordered.

The Clerk announced the following pairs:

Mr. O'Neill of Massachusetts with Mr. Gerald R. Ford.

Mr. Barrett with Mr. Ayres.

Mr. Downing with Mr. Bray.

Mr. Dulski with Mr. Carter.

Mr. Fallon with Mr. Fish.

Mr. Giaimo with Mr. Halpern.

Mr. Staggers with Mr. Goodling.

Mr. Steed with Mr. Meskill.

Mr. Rooney of New York with Mr. Pollock.

Mr. Price of Illinois with Mr. Railsback.

Mr. Whitten with Mr. Watkins.

Mr. Thompson of New Jersey with Mr. Weicker.

Mr. Baring with Mr. Bob Wilson.

Mr. Aspinall with Mr. Cowger.

Mr. Brasco with Mr. Conte.

Mr. Landrum with Mr. Ashbrook.

Mr. Kyros with Mr. Crane.

Mr. Miller of California with Mr. Derwinski.

Mr. Murphy of New York with Mr. Bush.

Mr. Dingell with Mr. Lujan.

Mr. Fascell with Mr. McEwen.

Mr. Fulton of Tennessee with Mr. MacGregor.

Mr. Gallagher with Mr. Reid of New York.

Mr. Hagan with Mr. Ruth.

Mr. Hanley with Mr. Schadeberg.

Mr. Stratton with Mr. Watson.

Mr. St Germain with Mr. Whalley.

Mr. Pepper with Mr. Roudebush.

Mr. Nichols with Mr. Mathias.

Mr. Moorhead with Mr. Whitehurst.

Mr. Mann with Mr. Wold.

Mr. McMillan with Mr. Mollohan.

Mr. Hungate with Mr. Jones of Tennessee.

Mr. Abernethy with Mr. Preyer of North Carolina.

Mr. Alexander with Mr. Passman.

Mr. Daddario with Mr. Vigorito.

Mr. Brown of California with Mrs. Chisholm.

Mr. Conyers with Mr. Burton of California.

Mr. Scheuer with Mr. Diggs.

Mr. Powell with Mr. Kirwan.

Mr. Culver with Mr. Gettys.

Mr. Dorn with Mr. Daniel of Virginia.

Mr. Farbstein with Mr. Harrington.

Mr. Rivers with Mr. Mills.

Mr. Dawson with Mr. Symington.

Mr. Fisher with Mr. Gilbert.

Mrs. Green of Oregon with Mr. Ottinger.

Mr. Reuss with Mr. Nix.

Mrs. Hansen of Washington with Mr. Gaydos.

Mr. Edmondson with Mr. Rhodes.

Mr. MONAGAN changed his vote from "yea" to "nay."

Mr. BROOKS and Mr. YOUNG changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER pro tempore. The question is on the resolution.

Mr. HALL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 224, nays 101, not voting 104, as follows:

[Roll No. 156]

YEAS—224

Abbitt
Adair
Adams
Addabbo
Albert
Anderson, Calif.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Bell, Calif.
Bennett
Bevill
Biaggi
Biester
Blackburn
Blanton
Blatnik
Boggs
Brademas
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Button
Byrne, Pa.
Caffery
Camp
Carey
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Cleveland
Collins
Colmer
Corbett
Corman
Coughlin
Cramer
Daniels, N.J.
Davis, Ga.
Dellenback
Dennis
Donohue
Dowdy
Duncan
Dwyer
Edmondson
Edwards, La.
Eilberg
Erlenborn
Esch
Eshleman
Evins, Tenn.
Feighan
Findley
Flowers
Foley
Foreman
Fountain
Fraser
Frelinghuysen
Frey
Friedel
Fuqua
Galifianakis
Garmatz
Gibbons
Goldwater
Gonzalez
Gray
Green, Pa.
Griffin
Grover
Gubser
Gude
Haley
Hamilton
Hammerschmidt
Hanna
Hansen, Idaho
Harsha
Hastings
Hathaway
Hébert
Hechler, W. Va.
Heckler, Mass.
Henderson
Hogan
Holifield
Hosmer
Howard
Hunt
Ichord
Jacobs

XUM

Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Kazen
Kee
Keith
King
Kleppe
Kluczynski
Koch
Kuykendall
Kyl
Landgrebe
Langen
Latta
Lennon
Lloyd
Long, La.
Long, Md.
Lukens
McCloskey
McClure
McCulloch
McDade
McDonald, Mich.
McFall
McKneally
Macdonald, Mass.
Madden
Mahon
Mailliard
Marsh
Martin
Matsunaga
May
Meeds
Melcher
Michel
Miller, Ohio
Minish
Mink
Mizell
Montgomery
Mosher
Myers
Natcher
Nelsen
Obey
Olsen
O'Neal, Ga.
Patten
Perkins
Pettis
Pickle
Pike
Pirnie
Poage
Podell
Poff
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Rarick
Rees
Reid, Ill.
Reifel
Riegle
Roberts
Robison
Rodino
Roe
Rogers, Fla.
Rostenkowski
Roth
Roybal
Ruppe
Sandman
Satterfield
Saylor
Scott
Sebelius
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Snyder
Springer
Stafford
Stanton
Steiger, Ariz.
Stephens
Stubblefield
Stuckey
Taft
Taylor
Teague, Tex.
Udall
Ullman
Van Deerlin
Vander Jagt
Waggonner
Wampler
Watts
White
Widnall
Wiggins
Williams
Winn
Wolff
Wright
Wyatt
Wydler
Zwach

NAYS—101

Anderson, Ill.
Beall, Md.
Belcher
Berry
Betts
Bingham
Boland
Bow
Brinkley
Brock
Brooks
Broomfield
Buchanan
Burleson, Tex.
Burton, Utah
Byrnes, Wis.
Cabell
Casey
Celler
Clark
Clawson, Del
Clay
Cohelan
Collier
Conable
Cunningham
Davis, Wis.
de la Garza
Delaney
Denney
Dent
Devine
Dickinson
Eckhardt
Edwards, Ala.
Edwards, Calif.
Evans, Colo.
Flood
Flynt
Ford, William D.
Fulton, Pa.
Griffiths
Gross
Hall
Harvey
Hawkins
Hays
Helstoski
Hicks
Horton
Hull
Hutchinson
Karth
Kastenmeier
Leggett
Lowenstein
McClory
Mayne
Mikva
Minshall
Mize
Monagan
Morgan
Morse
Morton
Moss
Murphy, Ill.
Nedzi
O'Hara
O'Konski
Patman
Pelly
Philbin
Randall
Rhodes
Rogers, Colo.
Rooney, Pa.
Rosenthal
Ryan
Scherle
Schneebeli
Shipley
Smith, Calif.
Steiger, Wis.
Stokes
Sullivan
Talcott
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Tiernan
Vanik
Waldie
Whalen
Wilson, Charles H.
Wyman
Yates
Yatron
Young
Zablocki
Zion

NOT VOTING—104

Abernethy
Alexander
Ashbrook
Aspinall
Ayres
Baring
Barrett
Bolling
Brasco
Bray
Brown, Calif.
Burton, Calif.
Bush
Carter
Chisholm
Conte
Conyers
Cowger
Crane
Culver
Daddario
Daniel, Va.
Dawson
Derwinski
Diggs
Dingell
Dorn
Downing
Dulski
Fallon
Farbstein
Fascell
Fish
Fisher
Ford, Gerald R.
Fulton, Tenn.
Gallagher
Gaydos
Gettys
Giaimo
Gilbert
Goodling
Green, Oreg.
Hagan
Halpern
Hanley
Hansen, Wash.
Harrington
Hungate
Jones, Tenn.
Kirwan
Kyros
Landrum
Lujan
McCarthy
McEwen
McMillan
MacGregor
Mann
Mathias
Meskill
Miller, Calif.
Mills
Mollohan
Moorhead
Murphy, N.Y.
Nichols
Nix
O'Neill, Mass.
Ottinger
Passman
Pepper
Pollock
Powell
Preyer, N.C.
Price, Ill.
Railsback
Reid, N.Y.
Reuss
Rivers
Rooney, N.Y.
Roudebush
Ruth
St Germain
Schadeberg
Scheuer
Schwengel
Smith, N.Y.
Staggers
Steed
Stratton
Symington
Thompson, N.J.
Tunney
Vigorito
Watkins
Watson
Weicker
Whalley
Whitehurst
Whitten
Wilson, Bob
Wold
Wylie

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. O'Neill of Massachusetts with Mr. Gerald R. Ford.
Mr. Barrett with Mr. Ayres.
Mr. Downing with Mr. Bray.
Mr. Dulski with Mr. Carter.
Mr. Fallon with Mr. Fish.
Mr. Giaimo with Mr. Halpern.
Mr. Staggers with Mr. Goodling.
Mr. Steed with Mr. Meskill.
Mr. Rooney of New York with Mr. Pollock.
Mr. Price of Illinois with Mr. Railsback.
Mr. Whitten with Mr. Watkins.
Mr. Thompson of New Jersey with Mr. Weicker.
Mr. Baring with Mr. Bob Wilson.
Mr. Aspinall with Mr. Cowger.
Mr. Brasco with Mr. Conte.
Mr. Landrum with Mr. Ashbrook.
Mr. Kyros with Mr. Crane.
Mr. Miller of California with Mr. Derwinski.
Mr. Murphy of New York with Mr. Bush.
Mr. Dingell with Mr. Lujan.
Mr. Fascell with Mr. McEwen.
Mr. Fulton of Tennessee with Mr. MacGregor.
Mr. Gallagher with Mr. Reid of New York.
Mr. Hagan with Mr. Ruth.
Mr. Hanley with Mr. Schadeburg.
Mr. Stratton with Mr. Watson.
Mr. St Germain with Mr. Whalley.
Mr. Pepper with Mr. Roudebush.
Mr. Nichols with Mr. Mathias.
Mr. Moorhead with Mr. Whitehurst.
Mr. Mann with Mr. Wold.
Mr. McMillan with Mr. Mollohan.
Mr. Hungate with Mr. Jones of Tennessee.
Mr. Abernethy with Mr. Preyer of North Carolina.
Mr. Alexander with Mr. Passman.
Mr. Daddario with Mr. Vigorito.
Mr. Brown of California with Mrs. Chisholm.
Mr. Conyers with Mr. Burton of California.
Mr. Scheuer with Mr. Diggs.
Mr. Powell with Mr. Kirwan.
Mr. Culver with Mr. Gettys.
Mr. Dorn with Mr. Daniel of Virginia.
Mr. Farbstein with Mr. Harrington.
Mr. Rivers with Mr. Mills.
Mr. Dawson with Mr. Symington.
Mr. Fisher with Mr. Gilbert.
Mrs. Green of Oregon with Mr. Ottinger.
Mr. Reuss with Mr. Nix.
Mrs. Hansen of Washington with Mr. Gaydos.
Mr. McCarthy with Mr. Schwengel.
Mr. Tunney with Mr. Wylie.

Messrs. JACOBS and DUNCAN changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. ALBERT). The Clerk will report the preamble.

The Clerk read as follows:

Whereas the use of United States troops in Cambodia and increased air activity over North Vietnam have added a new dimension to the war in Southeast Asia, and

Whereas such use of military forces of the United States has become the subject of intense debate in the Congress, and

Whereas the Congress to fulfill its constitutional responsibilities should have accurate and detailed information regarding the extent of the United States involvement in Southeast Asia: Now, therefore, be it

COMMITTEE AMENDMENT TO PREAMBLE

The SPEAKER pro tempore. The Clerk will report the committee amendment to the preamble.

The Clerk read as follows:

Committee amendment: On page 1, strike out the preamble.

The SPEAKER pro tempore. The question is on the committee amendment to the preamble.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WOLFF. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 212, nays 85, not voting 132, as follows:

[Roll No. 157]

YEAS—212

Abbitt
Adair
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Beall, Md.
Belcher
Bell, Calif.
Bennett
Berry
Betts
Bevill
Blackburn
Blanton
Bow
Brinkley
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Burton, Utah
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Camp
Casey
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins
Colmer
Conable
Corbett
Cramer
Cunningham
Davis, Ga.
Davis, Wis.
de la Garza
Dellenback
Denney
Dennis
Devine
Dickinson
Dowdy
Duncan
Edmondson
Edwards, Ala.
Edwards, La.
Erlenborn
Eshleman
Feighan
Findley
Flood
Flowers
Flynt
Foreman
Fountain
Fuqua
Galifianakis
Garmatz
Gibbons
Goldwater
Gray
Griffin
Grover
Gubser
Gude
Haley
Hall
Hamilton
Hammerschmidt
Hansen, Idaho
Harsha
Harvey
Hastings
Henderson
Hogan
Hosmer
Howard
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Kazen
Kee
Keith
King
Kleppe
Kluczynski
Kuykendall
Kyl
Landgrebe
Langen
Latta
Lennon
Lloyd
Long, La.
Long, Md.
Lukens
McCloskey
McCulloch
McDonald, Mich.
McFall
McKneally
Madden
Mahon
Mailliard
Marsh
Martin
Matsunaga
May
Mayne
Melcher
Michel
Miller, Ohio
Minshall
Mize
Mizell
Montgomery
Morse
Morton
Myers
Natcher
Patten
Pelly
Perkins
Pettis
Philbin
Pickle
Pirnie
Poage
Poff
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quillen
Rarick
Reid, Ill.
Rhodes
Roberts
Rogers, Colo.
Rogers, Fla.
Rostenkowski
Roth
Ruppe
Sandman
Satterfield
Saylor
Scherle
Scott
Sebelius
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Steiger, Ariz.
Steiger, Wis.
Stephens
Stubblefield
Stuckey
Sullivan

Taft
Talcott
Taylor
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Udall
Vander Jagt
Waggonner
Wampler
Watts
White
Widnall
Williams
Winn
Wright
Wyatt
Wydler
Wyman
Zablocki
Zion
Zwach

NAYS—85

Adams
Addabbo
Anderson, Calif.
Ashley
Biaggi
Biester
Bingham
Blatnik
Brademas
Broomfield
Burke, Mass.
Carey
Cohelan
Corman
Coughlin
Daniels, N.J.
Donohue
Dwyer
Eckhardt
Eilberg
Esch
Evans, Colo.
Foley
Fraser
Friedel
Fulton, Pa.
Gonzalez
Green, Pa.
Griffiths
Gross
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Horton
Hull
Jacobs
Karth
Koch
Leggett
Lowenstein
McDade
Macdonald, Mass.
Meeds
Mikva
Minish
Mink
Monagan
Morgan
Mosher
Moss
Murphy, Ill.
Nedzi
Obey
O'Hara
O'Konski
Olsen
Patman
Pike
Podell
Randall
Rees
Riegle
Robison
Rodino
Rooney, Pa.
Roybal
Ryan
Schneebeli
Shipley
Stanton
Stokes
Tiernan
Tunney
Ullman
Van Deerlin
Vanik
Waldie
Whalen
Wolff
Yates
Yatron

NOT VOTING—132

Abernethy
Alexander
Ashbrook
Aspinall
Ayres
Baring
Barrett
Boggs
Boland
Bolling
Brasco
Bray
Brock
Brown, Calif.
Burton, Calif.
Bush
Carter
Celler
Chisholm
Clark
Clay
Conte
Conyers
Cowger
Crane
Culver
Daddario
Daniel, Va.
Dawson
Delaney
Dent
Derwinski
Diggs
Dingell
Dorn
Downing
Dulski
Edwards, Calif.
Evins, Tenn.
Fallon
Farbstein
Fascell
Fish
Fisher
Ford, Gerald R.
Ford, William D.
Frelinghuysen
Frey
Fulton, Tenn.
Gallagher
Gaydos
Gettys
Giaimo
Gilbert
Goodling
Green, Oreg.
Hagan
Halpern
Hanley
Hanna
Hansen, Wash.
Harrington
Hébert
Holifield
Hungate
Jones, Tenn.
Kastenmeier
Kirwan
Kyros
Landrum
Lujan
McCarthy
McClory
McClure
McEwen
McMillan
MacGregor
Mann
Mathias
Meskill
Miller, Calif.
Mills
Mollohan
Moorhead
Murphy, N.Y.
Nelsen
Nichols
Nix
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Passman
Pepper
Pollock
Powell
Preyer, N.C.
Price, Ill.
Quie
Railsback
Reid, N.Y.
Reifel
Reuss
Rivers
Roe
Rooney, N.Y.
Rosenthal
Roudebush
Ruth
St Germain
Schadeberg
Scheuer
Schwengel
Shriver
Staggers
Steed
Stratton
Symington
Teague, Tex.
Thompson, N.J.
Vigorito
Watkins
Watson
Weicker
Whalley
Whitehurst
Whitten
Wiggins
Wilson, Bob
Wilson, Charles H.
Wold
Wylie
Young

So the committee amendment to the preamble was agreed to.

The Clerk announced the following pairs:

Mr. O'Neill of Massachusetts with Mr. Gerald R. Ford.

Mr. Barrett with Mr. Ayres.

Mr. Downing with Mr. Bray.

Mr. Dulski with Mr. Carter.

Mr. Fallon with Mr. Fish.

Mr. Giaimo with Mr. Halpern.

Mr. Staggers with Mr. Goodling.

Mr. Steed with Mr. Meskill.

Mr. Rooney of New York with Mr. Pollock.

Mr. Price of Illinois with Mr. Railsback.

Mr. Whitten with Mr. Watkins.

Mr. Thompson of New Jersey with Mr. Weicker.

Mr. Baring with Mr. Bob Wilson.

Mr. Aspinall with Mr. Cowger.

Mr. Brasco with Mr. Conte.

Mr. Landrum with Mr. Ashbrook.

Mr. Kyros with Mr. Crane.

Mr. Miller of California with Mr. Derwinski.

Mr. Murphy of New York with Mr. Bush.

Mr. Dingell with Mr. Lujan.

Mr. Fascell with Mr. McEwen.

Mr. Fulton of Tennessee with Mr. MacGregor.

Mr. Gallagher with Mr. Reid of New York.

Mr. Hagan with Mr. Ruth.

Mr. Hanley with Mr. Schadeberg.

Mr. Stratton with Mr. Watson.

Mr. St Germain with Mr. Whalley.

Mr. Pepper with Mr. Roudebush.

Mr. Nichols with Mr. Mathias.

Mr. Moorhead with Mr. Whitehurst.

Mr. Mann with Mr. Wold.

Mr. McMillan with Mr. Mollohan.

Mr. Hungate with Mr. Jones of Tennessee.

Mr. Abernethy with Mr. Preyer of North Carolina.

Mr. Alexander with Mr. Passman.

Mr. Daddario with Mr. Vigorito.

Mr. Brown of California with Mrs. Chisholm.

Mr. Conyers with Mr. Burton of California.

Mr. Scheuer with Mr. Diggs.

Mr. Powell with Mr. Kirwan.

Mr. Culver with Mr. Getty.

Mr. Dorn with Mr. Daniel of Virginia.

Mr. Farbstein with Mr. Harrington.

Mr. Rivers with Mr. Mills.

Mr. Dawson with Mr. Symington.

Mr. Fisher with Mr. Gilbert.

Mrs. Green of Oregon with Mr. Ottinger.

Mr. Reuss with Mr. Nix.

Mrs. Hansen of Washington with Mr. Gaydos.

Mr. Boggs with Mr. Boland.

Mr. Celler with Mr. Nelsen.

Mr. Delaney with Mr. McClure.

Mr. Dent with Mr. Schiver.

Mr. Edwards of California with Mr. Clay.

Mr. Evins of Tennessee with Mr. Stanton.

Mr. Hanna with Mr. Frey.

Mr. Hébert with Mr. McClory.

Mr. William D. Ford with Mr. Quie.

Mr. Holifield with Mr. Reifel.

Mr. Roe with Mr. Schwengel.

Mr. Young with Mr. Wiggins.

Mr. Teague of Texas with Mr. Brock.

Mr. O'Neal of Georgia with Mr. Wylie.

Mr. Clark with Mr. Kastenmeier.

Mr. McCarthy with Mr. Rosenthal.

Mr. ASHLEY changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

TITLE AMENDMENT

The SPEAKER pro tempore (Mr. ALBERT). Without objection, the amendment to the title is agreed to.

Mr. VANIK. Mr. Speaker, reserving the right to object—and I shall not object—to the amendment to the title, I would simply like to point out that today we have had many rollcalls on matters of very little importance under the same rules that deny and prevent rollcalls on major issues such as the ABM, the SST, water pollution, the nuclear carrier and a great many other vital issues. I think this points out one of the important needs for revising and improving the rules of this House.

Mr. Speaker, I have no objection to the amendment to the title.

The title was amended so as to read: "To authorize a select committee of the House to study firsthand the recent developments in Southeast Asia and then report its findings to the House of Representatives within 45 days of its adoption."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the resolution just agreed to.

The SPEAKER pro tempore (Mr. ALBERT). Is there objection to the request of the gentleman from Hawaii?

There was no objection.

AUBURN FINDS ROAD TO PEACEFUL DISSENT

(Mr. NICHOLS asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. NICHOLS. Mr. Speaker, colleges and universities throughout the country have been plagued with violence and disruptions during the past few weeks. Almost every institute of higher learning has had some type of disturbance, but the great majority of our campuses have remained peaceful.

Auburn University is an excellent example of school officials handling a touchy situation in such a way as to avoid violence and to promote understanding between the students and the administration.

Auburn President Dr. Harry Philpott spent 6 hours on a park bench outside his office talking with individuals and groups of students. This action countered a proposed day-long strike called for by a liberal student group to protest U.S. involvement in Cambodia.

The following article from the May 24 edition of the Birmingham News outlines the peaceful dissent at Auburn University recently:

[From the Birmingham News, May 24, 1970]

NO VIOLENCE: AUBURN FINDS ROAD TO PEACEFUL DISSENT

(By Charles Nix)

The longest day had ended very late on the Auburn campus. It had ended without a single reported violent incident. Students, faculty and administrators—many bone-weary, some exhausted—were quietly jubilant that Auburn had found the way to air disagreement and dissent within a framework of mutual respect and orderliness.

The substance of violence had been on the campus Thursday, but what seemed like an overwhelming spirit of restraint prevailed.

The Human Rights Forum had called for a strike to protest U.S. involvement in Cambodia, the war in Vietnam and the deaths of students, black and white, across the nation.

The forum had brought in speakers. Some of the speakers urged the students to "recognize your enemies," "get in step" with other university students and to "push for what you believe."

Then there was a change that put a night meeting into the day's schedule, and calls for a candlelight march on the university president's home.

Tension built. People got tired.

The conditions were never better at Auburn University than Thursday for student violence to mar the unblemished record that

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has set the college apart from many across the nation.

But when it was over, student leaders and administrators could call it a day of "intelligent, rational discussion of the issues."

"I was proud of Auburn today," said Dr. Harry M. Philpott, president of the university, at the most tense moment of the day.

He urged the students gathered on his lawn at midnight to continue the peaceful action that had marked the day.

But he was not the only one who had counseled for peace. The ranks of peacekeepers had been filled by Student Government Association marshals, students in the barefoot, long-haired uniform of protesters, conservative students, ministers and speechmakers.

There was a conspicuous absence of policemen, except for the ever present campus Police Chief M. E. Dawson.

And yet, the protesters could claim a victory of sorts. The Rev. Carl Jones of St. Dunstan's Episcopal Church could tell students, "You have won the hearts of administrators . . . teachers . . ."

But with the hardening of attitudes that has become apparent across the nation in the last few weeks, probably the most important thing was the respect those on each side of the issues had for those of the opposite stance.

Bob Douglas, Student Government Association president, said most students were "upset" by the call for a strike. The call mustered little support.

Yet, students with free time between classes stopped in largest classroom building on campus, to hear speakers.

In the same area, tables had been set up where students could sign petitions backing President Nixon on his Southeast Asian actions or backing a McGovern amendment to end the war in Vietnam.

Students wearing black armbands mingled with those wearing armbands with the American flag and the statement: "Fly your flag proudly."

And a crowd listened attentively as a veteran of two tours of duty in Vietnam rationally discussed the war with a liberal minister.

Even the debaters of the Cooper-Church amendment that would bar American soldiers from Cambodia admitted the faults of their arguments in a question-and-answer period, seemingly in an honest effort to give the students a better understanding of the amendment.

And their was applause for members of the audience who stood up and expressed opposite views.

Dr. Philpott spent six hours in front of Samford Hall, which contains most of the administrative offices, to talk with students. The unusual move won much respect among the student body.

Philpott was met with a burst of applause as he strolled across his front lawn at midnight to meet 500 students, some of them chanting "We want Harry. We want Harry."

"You got him, what do you want?" Philpott said. The students had marched several blocks to demand an end to curfews on women students.

Philpott said he made no decision at that time of night.

"The only thing I can advise you, if you are subject to regulations in the dormitories, I suggest you go back there."

The minority of women students in the crowd were already out past the 11:30 p.m. curfew.

"What you are doing tonight will not get you anywhere," he said.

"Your opinion is vital and important, but it's not the only one. We've reasoned today, and that is the only way we're going to get anything going," Philpott said.

He reminded the students that "practically all your speakers urged you to work in the system."

As the crowd began shouting back at the president, one student hollered, "Why don't y'all be reasonable, he's done everything he can do in one day." Later another student shouted to the crowd, "There is no order here, you're staging a circus and you know it."

The students speaking were what the protesters call "straight," but there were those in the protester's uniform that called for peace, like Bill Lloyd, who jumped up on the concrete railing being used as a speaker's stand at the president's lawn, and urged peace.

Another went through the crowd outside a women's dormitory later and told male students to leave. Girls were standing on top of the multistoried dormitory shouting to students below.

"Get out of here. Let the girls handle it," the student pleaded.

And across a ditch, a large group of boys sent up a chant, "Boys come back."

The day ended without a reported violent incident. This can be attributed only to the understanding of students of both sides of the issues, their understanding of administrative stumbling blocks to change and the actions of Dr. Philpott, Rev. Jones and other members of the university community.

"CATALOG OF FEDERAL DOMESTIC ASSISTANCE"

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, on Thursday, June 4, I advised my colleagues that the latest edition of the Government-wide "Catalog of Federal Domestic Assistance" was available. Since then, I have carefully studied the information contained in the latest catalog and must conclude that many of our tax dollars are being wasted by needless duplication and overlapping of Federal assistance programs.

While no one can deny that some special needs necessitate the duplication of a few programs—that is, veterans and military hospitals—unnecessary proliferation siphons off national resources which are already in short supply. I believe that this catalog, if utilized properly, could help both the Members of this body and the President in maximizing service to the people while minimizing the manpower and money power required to implement needed programs.

As I indicated Thursday, the new catalog has included a functional index which groups the Federal domestic assistance programs according to their primary function. Although this index is designed to help potential applicants sort their way through the maze of Federal programs, it also vividly illustrates the duplication and overlap which now exists in our Federal Government. This may be the reason the information was not forthcoming in the past. Some of the areas of duplication reflected in the catalog include: 25 rural community development programs administered in five agencies; 33 elementary and secondary education programs administered by seven agencies; 23 agricultural production and operations programs administered by five agencies; and 54 education resource development and support programs administered by seven agencies.

Since these are but four of the many examples of duplication revealed by the catalog's index, I am attaching the index to the text of my statement to show the full extent of possible overlap and duplication. I have indicated in this index how many Federal agencies are involved in the administration of each category of programs.

In making these observations, I want to emphasize that all duplication and overlapping is not per se undesirable. However, it is imperative that maintenance of any such duplication be strongly justified in light of current needs and only for special purposes.

It is apparent that in most areas there has been little progress in the consolidation of programs since I spoke to the Members on June 25, 1968. In fact, in some areas, the number of programs has proliferated alarmingly. For example, my original listing of operating Federal assistance programs, published in the Congressional Record on June 25, 1968, indicated there were, on a rough count, 74 economic and business development programs spread among 10 separate departments and agencies. My 1969 listing indicated that there were 79 business and economic development programs—including small business—spread among at least 14 Federal agencies. And the latest official governmentwide catalog lists 78 such programs administered in 18 different Federal agencies.

In my 1969 listing, I listed 28 transportation—excluding maritime—programs in five separate agencies. The latest 1970 catalog includes 31 programs administered in seven separate agencies.

In my 1969 listing, I list 11 outdoor recreation programs administered in four agencies. The latest governmentwide catalog lists 16 programs for recreation planning and land and facility acquisition administered in six agencies.

My original 1968 listing indicated there were 56 water conservation and control programs administered by seven separate agencies. The latest 1970 catalog, in its index in the back, lists at least 53 programs under the various items referring to water pollution and control administered in at least nine Federal agencies, and those index items under "water" refer to at least nine additional possible items such as "flood prevention and control," and "sewage facilities and treatment." The prospects for consolidation are not totally without hope, however.

I was heartened this weekend to note an article in the Washington Post stating that the President plans to merge our existing pollution programs into a single independent agency. Although there has been no official confirmation of the article, it appears to be an important step in the right direction. I heartily applaud such efforts on the part of the administration. I believe the Congress could also greatly help consolidation efforts by acting in a variety of ways.

As you know, President Nixon has called for passage of the Grant Consolidation Act, H.R. 10954. If passed, this law would grant the President freedom to clarify and consolidate the confusing multiplicity of administrative channels required to accomplish the same goals. The President would take the initiative in this area, while Congress would maintain its traditional prerogative of advise and consent.

We must remember, however, that the Grant Consolidation Act will not in itself fulfill our goal of spending the tax dollar with minimum waste. Now and in the future, we must carefully consider whether programs—either existing or proposed—are truly necessary. The consolidation of superfluous programs would be a shocking incongruity. In order to properly evaluate existing and proposed programs, more than 160 of my colleagues have cosponsored my bill to establish a Hoover-type body, the Commission for the Improvement of Government Management and Organization. As presently envisioned, the Commission would be charged with finding more imaginative solutions for our present problems. In addition to the traditional functions of a Hoover Commission, the proposed body would be required to study our Federal programs from the ground up. Too frequently, we here in Washington organize our Government to suit administrators and not recipients. While line charts of government organization are very important, they do little to help a bewildered mayor who is seeking Federal assistance in the solution of his community's problems. We should carefully study the effects of Federal programs on the interrelationships of Federal, State, and local governments, especially with a view to preserving and strengthening our decentralized system of government. We should also attempt to organize the Federal Government so that local officials can treat it as a single entity. As the new catalog demonstrates, a mayor who needs assistance in the improvement of his city's elementary and secondary education programs is required to select from among 33 programs and deal with seven different agencies. Such variety hardly seems necessary or desirable, and the Hoover-type commission which I have proposed would deal specifically with such problems as this.

However, a few days after the other body scheduled hearings on such Hoover-type commissions, President Nixon announced a presidentially appointed "Ash Council" to study and recommend changes in the organization of Federal Government. I applauded that action, but at the same time, I believe that all of these efforts—the Program Information Act to require periodic listing of all Federal domestic assistance programs; the Grant Consolidation Act to require consolidation of Federal domestic assistance programs; and the Commission for the Improvement of Government Management and Organization to require a "bottom-up" restructuring of Federal domestic assistance programs—require immediate and continuing attention. Thus far, we have taken but one small step by promulgating the new 1970 catalog of Federal domestic assistance. This catalog can be used in a variety of ways to help us increase the efficiency of our Government. I trust that the overlap and duplication which the catalog reveals will impress you, as it has me, with the pressing need for prompt action. I hope that it will be utilized by the Ash Commission in analyzing and improving Federal Government, and I hope that it will be utilized by congressional committees proposing or altering legislation. Most of all, I hope that it will spur the Congress to press for prompt enactment of the Program Information Act. The publication of this catalog should signal a true beginning in the providing of meaningful information to the public and the Congress. Although the catalog is an accomplishment, there remains much to be done to insure the continuing success of efforts like this.

The material follows:

FUNCTIONAL INDEX

(NOTE.—The following is the Functional Index to the catalog of Federal Domestic Assistance, April 1970, compiled for the Executive Office of the President by the Office of Economic Opportunity. Added to this, in parentheses after each functional heading, is the number of programs listed and the number of agencies which administer them. This catalog is available from the Government Printing Office, Washington, D.C., 20401 for $6.75.)

AGRICULTURE

Resource conservation and development (see also Natural Resources) (21 programs by three agencies)

10.054 Emergency Conservation Measures.

10.050 Agricultural Conservation Programs.

10.901 Resource Conservation and Development.

10.414 Resource Conservation and Development Loans.

10.900 Great Plains Conservation.

23.007 Appalachian Land Stabilization, Conservation, and Erosion Control.

10.902 Soil and Water Conservation.

10.416 Soil and Water Loans.

10.508 Extension Program for Soil and Water Conservation.

10.409 Irrigation, Drainage and other Soil and Water Conservation Loans.

10.419 Watershed Protection and Flood Prevention Loans.

15.501 Irrigation and Drainage Systems Loans.

15.503 Small Reclamation Projects.

15.502 Irrigation Systems Rehabilitation and Betterment.

10.903 Soil Survey.

10.650 State and Private Forestry Cooperation.

10.501 Extension Programs for Forestry Production and Marketing.

15.119 Indian—Range Management.

15.126 Indian—Soil and Moisture Conservation.

15.106 Indian—Construction, Maintenance, and Operation of Irrigation Projects and Related Power Systems.

15.112 Indian—Forestry Development.

Production and operations (23 programs by five agencies)

10.406 Farm Operating Loans.

10.402 Economic Opportunity Farm Resource Loans.

10.401 Economic Opportunity Farm Operating Loans to Cooperatives.

10.407 Farm Ownership Loans.

64.112 Veterans Farm Loans.

10.404 Emergency Loans.

10.408 Grazing Association Loans.

14.143 Property Improvement Loan Insurance—Construction of Nonresidential Farm Structures.

10.056 Storage Facilities and Equipment Loans.

17.209 Farm Labor Contractor Registration.

10.405 Farm Labor Housing Loans and Grants.

10.051 Commodity Loan and Purchase.

10.450 Crop Insurance.

62.001 Fertilizer Development.

10.052 Cotton Production Stabilization.

10.055 Feed Grain Direct Payments.

10.058 Wheat Direct Payments.

10.057 Sugar Program.

10.059 Wool and Mohair Payments.

10.002 Plant and Animal Disease and Pest Control.

15.601 Animal Damage Control.

10.501 Extension Program for Forestry Production and Marketing.

15.603. Farm Fish Pond Management.

Marketing (17 programs by one agency)

10.505 Extension Program for Marketing and Distribution.

10.156 Marketing Service—Matching Fund Grants.

10.155 Marketing Agreements and Orders.

10.154 Market Supervision.

10.401 Economic Opportunity—Farm Opportunity Loans to Coops.

10.153 Market News.

10.158 Plentiful Foods.

10.150 Agricultural Product Grading.

10.800 Livestock and Poultry Market Supervision.

10.053 Dairy Indemnity Payments.

10.157 Meat and Poultry Inspection.

10.151 Assistance to States for Intra-State Meat and Poultry Inspection Programs.

10.501 Extension Program for Forestry Production and Marketing.

10.600 Foreign Market Development and Promotion.

10.300 CCC Export Credit Sales Program.

10.152 Export Payments on Agricultural Products.

10.301 Export Payments.

Research (five programs by two agencies)

10.001 Agricultural Research—Basic and Applied Research.

10.201 Research Facilities.

10.250 Agricultural Economic Research.

10.200 Contracts and Grants for Scientific Research.

15.607 Pesticide Appraisal and Monitoring.

General Information and Services (see also Information and Statistics) (11 programs by two agencies)

10.502 Extension Program for Improved Family Living.

10.504 Extension Programs for Improving Farm Income.

10.504 Extension Program for Soil and Water Conservation.

10.506 Extension Program for Pesticides Safety and Rural Civil Defense.

15.101 Indian Agricultural Extension.

10.350 Technical Assistance to Cooperatives.

10.002 Plant and Animal Disease and Pest Control.

10.509 4-H Youth Development.

10.750 Information on Agricultural Activities.

10.950 Agricultural Statistical Reports.

10.700 National Agricultural Library.

ARTS AND HUMANITIES

Arts (17 programs by five agencies)

45.001 Promotion of the Arts—Architecture and Design.

45.002 Promotion of the Arts—Dance.

45.003 Promotion of the Arts—Education.

45.004 Promotion of the Arts—Literature.

45.005 Promotion of the Arts—Music.

45.006 Promotion of the Arts—Public Media.

45.007 Promotion of the Arts—State and Community Operations.

45.008 Promotion of the Arts—Theater.

45.009 Promotion of the Arts—Visual Arts.

19.100 Cultural Presentations—Foreign Tours.

13.474 Research and Development—Arts and Humanities.

60.010 Smithsonian Associates.

60.016 Smithsonian Special Foreign Currency Grants for Museum Programs and Related Research.
60.007 Museums—Assistance and Advice.
60.003 Authentication and/or Repair of Oriental Objects and Translations of related Inscriptions.
60.008 Registral Programs.
15.850 Indian Arts and Crafts Development.

Humanities (Nine programs by three agencies)

45.100 Promotion of the Humanities—Afro-American Fellowships.
45.101 Promotion of the Humanities—Education.
45.103 Promotion of the Humanities—Senior Fellowships—Faculty Development Grants.
45.106 Promotion of the Humanities—Senior Fellowships.
45.102 Promotion of the Humanities—Fellowships and Summer Stipends.
45.104 Promotion of the Humanities—Public Programs.
45.105 Promotion of the Humanities—Research and Publication.
13.474 Research and Development—Arts and Humanities.
60.006 International Exchange of Scientific and Literary Publications and Governmental Documents.

BUSINESS AND COMMERCE

Small Business Development (23 programs by nine agencies)

59.012 Small Business Loans.
59.003 Economic Opportunity Loans for Small Businesses.
59.004 Lease Guarantees for Small Business.
59.005 Management Assistance to Small Business.
12.602 Small Business Prime Contracting.
12.603 Small Business Subcontracting.
59.011 Small Business Investment Companies.
59.009 Procurement Assistance to Small Business.
11.800 Minority Business Enterprise.
59.007 Minority Enterprise—Technical Assistance.
59.006 Minority Business Development.
10.403 Economic Opportunity Non-Farm Enterprise Loans.
64.108 Veterans Business Loans—Guaranteed and Insured Loans.
59.013 State and Local Development Company Loans.
59.001 Displaced Business Loans.
59.002 Economic Injury Disaster Loans.
14.001 Flood Insurance.
36.001 Consumer and Business Protection.
59.010 Product Disaster Loans.
59.008 Physical Disaster Loans.
39.001 Business Services.
44.001 Federal Credit Union Charter Examination and Supervision.
39.007 Sale of Federal Surplus Personal Property.

Economic Development (see also Community Development) (27 programs 11 agencies)

11.303 Economic Development—Technical Assistance.
12.600 Community Economic Adjustment.
12.601 Contracting with Labor Surplus Area Concerns.
14.002 Urban Property Protection and Reinsurance.
59.013 State and Local Development Company Loans.
61.002 Trade Adjustment Assistance—Firms.
61.003 Trade Adjustment Assistance—Workers.
61.001 Tariff Adjustment (Industry).
39.001 Business Services.
36.001 Consumer and Business Protection.
24.026 Payments in Lieu of Property Taxes.
35.002 Wholesale Electric Power Service.
35.003 Wholesale Natural Gas Service.
35.001 Water Resources Development.
41.001 Interstate Commerce—Cooperative Enforcement Agreements with States.
41.002 Interstate Commerce—Investigation of Complaints.
15.901 Domestic Travel Promotion.
11.102 Foreign Investment Development in the United States.
11.950 Visitor Services.
15.802 Minerals Discovery Loan Program.
15.303 Minerals Research—Grants and Contracts.
15.117 Indian—Industrial and Tourism Development.
15.124 Indian—Revolving Fund for Loans.
15.123 Indian—Revolving Fund for Expert Assistance Loans.
15.120 Indian—Real Estate Appraisal.
15.129 Indian—Tribal Accounting Services.
15.118 Indian—Investment of Indian Tribal Trust Funds and Individual Indian Monies.

Commercial fisheries (11 programs by two agencies)

15.003 Commercial Fisheries Research and Development.
15.005 Fisheries Loan Fund.
15.002 Commercial Fisheries Disaster Assistance.
15.004 Fishermen—Reimbursement of Losses.
15.006 Fishery Marketing Assistance.
15.007 Fishery Products Inspection and Certification.
15.008 Fishing Statistics and Market News.
15.009 Fishing Vessel Mortgage and Loan Insurance.
19.201 Protection of Ships from Foreign Seizure.
15.600 Anadromous Fish Conservation.
15.001 Anadromous and Great Lakes Fisheries Conservation.

Maritime, General (11 programs by three agencies)

11.501 Development and Promotion of Ports and Intermodal Transport Systems.
11.500 Construction—Differential Subsidies.
11.504 Operating—Differential Subsidies.
33.001 Shipping—Investigation of Complaints.
11.505 Ships Exchange and Sales.
11.502 Federal Ship Mortgage Insurance.
19.201 Protection of Ships from Foreign Seizure.
11.503 Maritime War Risk Insurance.
11.507 U.S. Merchant Marine Academy.
11.506 State Marine Schools.
11.401 Nautical Charts and Related Data.

International (17 programs by five agencies)

11.101 Export Trade Promotion.
11.100 Export Licensing Service and Information.
11.103 International Commercial Information.
10.600 Foreign Market Development and Promotion.
31.001 Medium-Term Guarantees to Commercial Banks.
19.004 Foreign Investment Guaranties.
19.005 Foreign Investment Insurance.
19.001 Foreign Currency Loans.
19.006 Institutional Centers To Aid Foreign Development.
19.007 Technology Applications for Less-Developed Countries.
19.002 Foreign Housing Investment Guaranties.
19.003 Foreign Housing Investment Guaranty Program—Latin America.
11.102 Foreign Investment Development in the United States.
37.001 Claims Against the Government of Bulgaria.
37.002 Claims Against the Government of Italy.
37.003 Claims Against the Government of Rumania.
19.200 Claims Against Foreign Governments.

Statistics, general (see also information and statistics) (11 programs by three agencies)

11.001 Census and Statistical Reports.
11.005 Census Special Tabulations and Services.
11.003 Census Geography.
11.700 Measures and Analyses of the United States Economy.
17.003 Prices and Cost of Living Data.
17.004 Productivity, Technology, and Growth Data.
17.005 Wages and Industrial Relations Data.
17.002 Manpower and Employment Data.
17.001 Foreign Labor Data.
15.008 Fishing Statistics and Market News.
15.304 Mineral Research and Resource Information.

Special technical services (21 programs by seven agencies)

11.200 Business Assistance, Services, and Information.
11.002 Census Data Access and Use Laboratory.
11.603 National Standard Reference Data System.
11.604 Standard Reference Materials.
11.900 Patent and Trademark Technical Information Dissemination.
24.003 Granting of Patent Licenses.
11.605 State Invention Program.
11.601 Calibration and Testing Services.
11.606 Weights and Measures Service.
15.801 Map Information.
15.803 Topographic Surveys and Mapping.
15.800 Geologic and Mineral Resource Surveys and Mapping.
11.400 Geodesy.
24.001 Access Permits.
24.029 Uranium Industry Workshops.
24.030 Work Experience.
41.001 Interstate Commerce—Cooperative Enforcement Agreements With States.
32.001 Communications — Information, Regulation, and Investigation of Complaints.
50.004 Telecommunications Management.
11.800 Minority Business Enterprise.
12.309 Civil Defense—Industrial Participation.

COMMUNITY DEVELOPMENT

Planning, research, training (see also housing and facilities subcategories of education and health) (56 programs by 16 agencies)

14.203 Comprehensive Planning Assistance.
14.208 New Communities Supplementary Grants.
14.214 Urban Systems Engineering Demonstration Grants.
14.215 Workable Program for Community Improvement.
14.207 New Communities—Loan Guarantees.
14.125 Mortgage Insurance—Land Development and New Communities.
14.602 Community Renewal Planning Grants.
14.504 Urban Planning Research and Demonstration.
13.604 Planning for Human Resources Development.
15.200 Land Lease for Airports.
13.491 University Community Service—Grants to States.
20.504 Urban Mass Transportation—Research, Development, and demonstration.
20.503 Urban Mass Transportation—Managerial Training.
20.400 Transportation Planning Information—Environmental and Urban Systems.
20.211 Traffic Operations Program to Increase Capacity and Safety.
20.210 State and Community Highway Safety Program.
13.700 Aging—Grants to States for Community Planning and Services.
16.200 Community Relations Service.

15.400 Outdoor Recreation—Financial Assistance.

49.002 Community Action Operations.

49.012 Volunteers in Service to America.

49.011 Special Impact.

47.027 Science Planning and Policy Studies.

14.201 City Planning and Urban Studies Fellowships.

14.202 Community Development Training Grants.

14.205 HUD Clearinghouse Service.

11.302 Economic Development—Planning Assistance.

11.303 Economic Development—Technical Assistance.

12.600 Community Economic Adjustment.

35.003 Wholesale Natural Gas Service.

35.002 Wholesale Electric Power Service.

35.001 Water Resources Development.

23.011 Appalachian State Research Technical Assistance and Demonstration.

15.702 Water Pollution Control Data Publications Service.

15.703 Water Pollution Control—Direct Training.

15.951 Water Resources Research—Assistance to States for Institutes.

15.952 Water Resources Research—Matching Grants to State Institutions.

15.804 Water Resources Investigations.

15.801 Map Information.

15.803 Topographic Surveys and Mapping.

11.400 Geodesy.

11.600 Building Code (Regulation) Assistance to States.

24.026 Payments in Lieu of Property Taxes.

51.001 Intergovernmental Relations and Liaison.

22.001 Intergovernmental Relations Advisory Service.

25.001 Spanish Surnamed Americans Assistance.

56.001 Youth Opportunity.

11.950 Visitors Services.

49.007 Federal Information Exchange System.

11.004 Census Intergovernmental Services.

11.005 Census Special Tabulations and Services.

11.001 Census and Statistical Reports.

11.003 Census Geography.

12.312 Civil Defense—National Fallout Shelter Survey.

12.304 Civil Defense—Community Shelter Planning.

12.303 Civil Defense—Community Involvement.

Construction, Renewal, Operations (see also Housing) (26 programs by five agencies)

14.200 Basic Water and Sewer Facilities Grants.

11.300 Economic Development—Grants and Loans for Public Works and Development Facilities.

15.700 Construction Grants for Wastewater Treatment Works.

15.201 Leases, Permits and Easements for Public Works.

15.701 Water Pollution Control—Comprehensive Basin Planning Grants.

14.609 Urban Renewal Projects.

14.601 Code Enforcement Grants.

16.603 Demolition Grants.

14.606 Neighborhood Development.

14.608 Relocation Assistance and Payments.

14.605 Interim Assistance for Blighted Areas Grants.

14.300 Model Cities Supplementary Grants.

14.206 Neighborhood Facilities Grants.

14.210 Public Facility Loans.

14.505 Urban Renewal Demonstration Grants.

14.607 Public Housing—Modernization of Projects.

14.502 Mortgage Insurance—Experimental Projects Other Than Housing.

14.123 Mortgage Insurance—Housing in Older Declining Areas.

14.122 Mortgage Insurance—Homes in Urban Renewal Areas.

14.109 Major Home Improvement Loan Insurance—Rental Housing in Urban Renewal Area.

14.107 Major Home Improvement Loan Insurance—Homes in Urban Renewal Areas.

14.106 Interest Subsidy—Purchase of Rehabilitated Homes by Lower Income Families.

20.501 Urban Mass Transportation Capital Improvement Loans.

20.500 Urban Mass Transportation Capital Improvement Grants.

20.101 Federal-Aid Airport Program.

11.301 Economic Development Loans—Loans for Business and Development Companies.

Urban beautification, open spaces (see also Recreation) (six programs by two agencies)

14.212 Urban Beautification and Improvement Grants.

14.213 Urban Parks and Open Space in Built-Up Urban Areas.

14.209 Open Space Land Acquisition and Development Grants.

20.204 Highway Beautification—Landscaping and Scenic Enhancement.

20.203 Highway Beautification—Control of Outdoor Advertising.

20.202 Highway Beautification—Control of Junkyards.

Historic preservation (six programs by three agencies)

14.204 Historic Preservation Grants.

15.904 Historic Preservation.

39.006 National Historical Sources Grants.

15.903 Historic American Buildings Survey.

15.202 Public Land for Recreation, Public Purposes, and Historic Monuments.

39.002 Disposal of Federal Surplus Real Property.

Rural (25 programs by five agencies)

10.418 Water and Waste Disposal Systems for Rural Communities.

10.901 Resource Conservation and Development.

10.414 Resource Conservation and Development Loans.

10.400 Comprehensive Area-Wide Water and Sewer Planning Grants.

15.501 Irrigation and Drainage Systems Loans.

15.502 Irrigation Systems Rehabilitation and Betterment.

10.904 Watershed Protection and Flood Prevention.

10.903 Soil Survey.

15.126 Indian—Soil and Moisture Conservation.

10.413 Recreation Facility Loans.

10.412 Recreation Association Loans.

10.850 Rural Electrification Loans.

10.851 Rural Telephone Loans.

13.246 Migrant Health Grants.

13.245 Migrant Health—Technical Assistance.

49.009 Migrant and Seasonal Farmworkers Assistance.

10.350 Technical Assistance to Cooperatives.

10.403 Economic Opportunity Non-Farm Enterprise Loans.

10.500 Extension Program for Assisting in Community Development.

10.507 Extension Programs for Recreation, Wildlife, and Natural Beauty.

14.144 Property Improvement Loan Insurance—Construction of Non-residential Non-Farm Structures.

14.143 Property Improvement Loan Insurance Construction of Non-residential Farm Structures.

14.121 Mortgage Insurance—Homes in Outlying Areas.

14.108 Major Home Improvement Loan Insurance—Housing Outside Urban Renewal Areas.

15.301 Control of Fires in Inactive Coal Deposits.

Indians (see also as subcategory of Welfare) (27 programs by two agencies)

15.113 Indian—General Assistance.

15.104 Indian—Community Development.

13.229 Indian Sanitation Facilities.

15.106 Indian—Construction, Maintenance, and Operation of Irrigation Projects and Related Power Systems.

15.127 Indian—Transfer of Federally-Owned Buildings, Improvements, and/or Facilities.

15.107 Indian—Engineering Technical Asstance.

15.122 Indian—Reservation Roads and Bridges.

15.125 Indian—Roads Maintenance.

15.130 Indians—Assistance to Non-Federal Schools.

15.128 Indian—Transfer of Indian School Properties.

15.105 Indian—Contracts with Indian School Boards.

15.109 Indian—Federal School Facilities—Dormitory Operations.

15.102 Indian—Aid to Tribal Governments.

15.131 Indian—Law and Order.

15.129 Indian—Tribal Accounting Services.

15.123 Indian—Revolving Fund for Expert Assistance Loans.

15.124 Indian—Revolving Fund for Loans.

15.118 Indian—Investment of Indian Tribal Trust Funds and Individual Indian Monies.

15.117 Indian—Industrial and Tourism Development.

15.850 Indian—Arts and Crafts Development.

15.115 Indian—Housing Development.

15.116 Indian—Housing Improvement.

15.120 Indian—Real Estate Appraisal.

15.121 Indian—Real Property Management.

15.119 Indian—Range Management.

15.112 Indian—Forestry Development.

15.101 Indian—Agricultural Extension.

Regional, specific (20 programs by eight agencies)

23.001 Appalachian Regional Development.

23.002 Appalachia—Supplements to Federal Grant-In-Aid.

23.011 Appalachian State Research, Technical Assistance, and Demonstration.

23.012 Appalachian Vocational Educational Facilities.

23.003 Appalachian Development Highway System.

23.004 Appalachian Health Demonstrations.

23.005 Appalachian Housing Fund.

23.006 Appalachian Housing Technical Assistance.

23.007 Appalachian Land Stabilization, Conservation, and Erosion Control.

23.008 Appalachian Local Access Roads.

23.009 Appalachian Local Development District Assistance.

23.010 Appalachian Mine Area Restoration.

10.900 Great Plains Conservation.

62.002 Tennessee Valley Region—General Resources Development.

62.003 Tennessee Valley Region—Water Resources Development.

28.001 Coastal Plains Regional Economic Development.

38.001 Four Corner Regional Economic Development.

48.001 New England Regional Economic Development.

52.001 Ozarks Regional Economic Development.

63.001 Upper Great Lakes Regional Economic Development.

Federal surplus property (nine programs by five agencies)

39.002 Disposal of Federal Surplus Real Property.

39.007 Sale of Federal Surplus Personal Property.

39.003 Donation of Federal Surplus Personal Property.

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13.606 Surplus Property Utilization.

15.202 Public Land for Recreation, Public Purposes, and Historic Monuments.

15.204 Real Property Sales for Residential, Commercial, Agricultural, Industrial, or Public Uses or Development.

14.211 Surplus Land for Community Development.

12.308 Civil Defense—Surplus Personal Property Donation.

15.203 Public Land for Rights-of-Way.

CONSUMER PROTECTION AND PERSONAL SAFETY

Consumer protection (see also Legal Services) (eight programs by four agencies)

52.500 Consumer Affairs.

36.001 Consumer and Business Protection.

10.503 Extension Program for Improved Nutrition.

10.154 Market Supervision.

10.150 Agricultural Product Grading.

10.800 Livestock and Poultry Market Supervision.

15.007 Fishery Products Inspection and Certification.

15.607 Pesticide Appraisal and Monitoring.

Personal safety (six programs by four agencies)

17.304 Workers Safety and Labor Standards.

13.010 Occupational Health Research Grants.

13.011 Occupational Health Training Grants.

15.300 Coal Mine Health and Safety.

15.302 Mine Health and Safety Counseling.

10.506 Extension Programs for Pesticides Safety and Rural Civil Defense.

DISASTER PREVENTION AND RELIEF

Emergency preparedness, civil defense (30 programs by six agencies)

50.003 State Plans for Disaster Assistance to Individuals.

50.001 Continuity of Government and Management of Resources in Emergencies.

50.004 Telecommunications Management.

39.003 Donation of Federal Surplus Property.

11.402 River and Flood Forecasts.

11.403 Seismological Investigations.

11.404 Weather Forecasts and Warnings.

24.027 Radiation Control—Training Assistance and Advisory Counseling.

12.312 Civil Defense—National Fallout Shelter Survey.

12.311 Civil Defense—Marking and Stocking Public Shelters.

12.309 Civil Defense—Industrial Participation.

12.307 Civil Defense—Exhibits.

12.305 Civil Defense—Emergency Operating Centers.

12.304 Civil Defense—Community Shelter Planning.

12.303 Civil Defense—Community Involvement.

12.302 Civil Defense—Community Action.

12.300 Civil Defense—Architect and Engineering Faculty Development.

12.308 Civil Defense—Surplus Personal Property Donation.

12.301 Civil Defense—Architect and Engineering Professional Development.

12.400 Construction Program, Army National Guard.

13.404 Civil Defense Education.

12.310 Civil Defense—Inspection, Maintenance, and Calibration of Civil Defense Radiological Equipment.

12.320 Civil Defense—University Extension.

12.319 Civil Defense—Survival Supplies and Equipment.

12.314 Civil Defense—Staff College.

12.318 Civil Defense—Shelter Information.

12.317 Civil Defense—Radiological Equipment Donation.

12.316 Civil Defense—Radiation Shielding Design and Advisory Services.

12.315 Civil Defense—Personnel and Administrative Expense.

12.313 Civil Defense—National Organization Liaison.

Flood prevention and control (10 programs by four agencies)

10.904 Watershed Protection and Flood Prevention.

10.419 Watershed Protection and Flood Prevention Loans.

15.503 Small Reclamation Projects.

14.001 Flood Insurance.

12.104 Flood Plain Management Services.

12.103 Flood Fighting and Rescue Operations, and Emergency Protection of Coastal Protective Works Federally Authorized.

12.105 Protection of Essential Highways, Bridge Approaches, etc.

12.108 Snagging and Clearing for Flood Control.

12.106 Small Flood Control.

12.101 Beach Erosion Control.

Emergency Health Services (see also Health) (six programs by three agencies)

13.214 Emergency Health—Community Preparedness.

13.216 Emergency Health—Medical Stockpile.

13.215 Emergency Health—Hospital and Ambulance Services.

13.213 Emergency Health—Civil Defense Medical Self-Help.

49.005 Emergency Food and Medical Services.

24.028 Radiological Safety Assistance.

Disaster relief (20 programs by eight agencies)

50.002 Disaster Relief to States.

12.306 Civil Defense—Emergency Water Supply Equipment.

12.103 Flood Fighting and Rescue Operations, and Emergency Protection of Coastal Protective Works Federally Authorized.

12.102 Flood Control Works and Federally Authorized Coastal Protection Works, Rehabilitation.

13.709 Emergency Welfare Assistance.

14.002 Urban Property Protection and Reinsurance.

14.119 Mortgage Insurance—Homes for Disaster Victims.

20.200 Federal-Aid Highways—Emergency Relief.

15.111 Indian—Forest Fire Suppression and Emergency Rehabilitation.

10.054 Emergency Conservation Measures.

10.404 Emergency Loans.

10.450 Crop insurance.

10.550 Commodity Distribution.

10.650 State and Private Forestry Cooperation.

10.506 Extension Programs for Pesticides Safety and Rural Civil Defense.

59.002 Economy Injury Disaster Loans.

59.008 Physical Disaster Loans.

59.010 Product Disaster Loans.

11.503 Maritime War Risk Insurance.

15.004 Fishermen—Reimbursement of Losses.

EDUCATION

Facilities and equipment (22 programs by six agencies)

13.477 School Assistance in Federally Affected Areas—Construction.

13.456 Higher Education Academic Facilities—State Comprehensive Planning.

13.458 Higher Education Academic Facilities Construction—Public and Private Colleges and Universities.

13.459 Higher Education Academic Facilities Construction—Public Community Colleges and Technical Institutes.

13.457 Higher Education Academic Facilities Construction—Interest Subsidization.

13.369 Schools of Nursing—Facilities Construction.

47.011 Graduate Science Facilities.

47.031 Specialized Research Facilities and Equipment.

13.445 Handicapped Innovative Programs—Deaf-Blind Centers.

13.408 Construction of Public Libraries.

13.413 Educational Broadcasting Facilities.

13.479 School Equipment Loans to Nonprofit Private Schools.

14.101 College Housing Direct Loans.

14.100 College Housing Debt Service.

13.483 Strengthening Instruction Through Equipment and Minor Remodeling.

24.021 Nuclear Education and Training—University Reactor Sharing.

24.022 Nuclear Education and Training—Used Nuclear-Type Equipment Grants.

39.002 Disposal of Federal Surplus Real Property.

39.003 Donation of Federal Surplus Personal Property.

36.606 Surplus Property Utilization.

15.128 Indian—Transfer of Indian School Properties.

15.109 Indian—Federal School Facilities—Dormitory Operations.

General research (15 programs by three agencies)

13.422 Educational Research and Development—General Education (Project) Research.

13.411 Educational Research and Development Centers.

13.476 Research and Development—Regional Research.

13.412 Educational Research and Development—Regional Education Laboratories.

13.423 Educational Research Dissemination—ERIC System.

13.487 Supplementary Educational Centers and Services.

13.498 Vocational Education—Research.

13.447 Handicapped Physical Education and Recreation Research.

13.443 Handicapped—Research and Demonstration.

47.029 Social Sciences Research Project Support.

13.474 Research and Development—Arts and Humanities.

13.401 Adult Basic Education—Special Projects.

47.028 Scientific Conference Grants.

60.016 Smithsonian Special Foreign Currency Grants for Museum Programs and Related Research.

13.481 Special Foreign Currency Program—Training, Research, and Study.

Resource development and support (54 programs by seven agencies)

13.486 Strengthening State Departments of Education Grants to States.

13.485 Strengthening State Departments of Education—Grants for Special Projects.

13.484 Strengthening School Administration—Training Grants.

13.425 Educational Staff Training—School Personnel Utilization.

13.421 Educational Personnel Training Grants—Career Opportunities.

13.426 Educational Staff Training—Teacher Leadership Development.

13.417 Educational Classroom Personnel Training—Special Education.

13.416 Educational Classroom Personnel Training—Early Childhood.

13.415 Educational Classroom Personnel Training—Black Colleges.

13.419 Educational Personnel Development—Support Personnel.

13.490 Trainers of Teacher Trainers.

13.414 Educational Classroom Personnel Training—Basic Studies.

13.402 Adult Basic Education—Teacher Education.

13.430 Educationally Deprived Children—State Administration.

13.451 Handicapped Teacher Education.

13.448 Handicapped Physical Education and Recreation Training.

13.452 Handicapped Teacher Recruitment and Information.

13.450 Handicapped Regional Resource Centers.

13.473 Preschool, Elementary, and Secondary Personnel Development—Grants to States.

13.504 Vocational Education Personnel Training—State Professional Development.

13.503 Vocational Education Personnel Training—Fellowships.

13.455 Higher Education Academic Facilities—State Administration.

13.454 Higher Education—Strengthening Developing Institutions.

13.453. Higher Education—Land Grant Colleges and Universities.

13.461 Higher Education Personnel Development—Institutes, Short-Term Training, and Special Projects.

13.462 Higher Education Personnel Fellowships.

13.407 College Teacher Graduate Fellowships.

13.489 Teacher Corps—Operations and Training.

13.491 University Community Service—Grants to States.

19.102 Educational Exchange—University Lectures (Professors) and Research Scholars.

19.101 Educational Exchange—Graduate Students.

13.438 Fulbright-Hays Training Grants—Faculty Research Study.

13.437 Fulbright-Hays Teacher Exchange.

13.439 Fulbright-Hays Training Grants—Foreign Curriculum Consultants.

13.440 Fulbright-Hays Training Grants—Foreign Studies Extension.

13.436 Foreign Languages and World Affairs—Language and Area Research.

13.435 Foreign Languages and World Affairs—Language and Area Centers.

19.006 Institutional Centers to Aid Foreign Development.

13.405 Civil Rights Technical Assistance and Training.

13.420 Educational Personnel Development—Drug Abuse Education.

13.424 Educational Research Training.

47.032 Undergraduate Instructional Personnel Development.

47.019 Pre-College Instructional Personnel Development.

60.002 Academic Appointments.

47.035 University Science Development.

47.004 Departmental Science Development.

47.012 Institutional Grants for Science.

11.201 Importation of Duty-Free Educational and Scientific Materials.

47.014 International Cooperative Science Activities.

60.019 Visiting Research Appointments in Astrophysics, Geodesy, Meteorites and Space Sciences.

45.103 Promotion of the Humanities—Fellowships—Faculty Development Grants.

12.300 Civil Defense—Architect and Engineering Faculty Development.

47.022 Sea Grant Institutional Support.

13.468 Library Training Grants.

Handicapped (14 programs by two agencies)

13.427 Educationally Deprived Children—Handicapped.

13.444 Handicapped Early Childhood Assistance.

13.449 Handicapped Preschool and School Programs.

13.445 Handicapped Innovative Programs—Deaf-Blind Centers.

13.443 Handicapped—Research and Demonstration.

13.467 Library Services to the Physically Handicapped.

42.001 Books for the Blind and Physically Handicapped.

13.446 Handicapped Media Services and Captioned Films.

13.450 Handicapped Regional Resource Centers.

13.451 Handicapped Teacher Education.

13.448 Handicapped Physical Education and Recreation Training.

13.447 Handicapped Physical Education and Recreation Research.

13.452 Handicapped Teacher Recruitment and Information.

13.733 Rehabilitation Training.

Vocational (see also Job Training subcategory of Employment) (15 programs by four agencies)

13.493 Vocational Education—Basic Grants to States.

13.500 Vocational Education—State Advisory Councils.

13.497 Vocational Education—Planning and Evaluation.

13.498 Vocational Education—Research.

13.496 Vocational Education—Curriculum Development.

13.495 Vocational Education—Cooperative Education.

13.502 Vocational Education—Innovation.

13.499 Vocational Education—Special Needs.

13.501 Vocational Education—Work Study.

13.504 Vocational Education Personnel Training—State Professional Development.

13.503 Vocational Education Personnel Training—Fellowships.

13.494 Vocational Education—Consumer and Homemaking.

23.012 Appalachian Vocational Education Facilities.

64.116 Vocational Rehabilitation for Disabled Veterans.

12.001 Machine Tool Loan to Educational Institutions.

Elementary and secondary (33 programs by seven agencies)

13.432 Elementary and Secondary Education—State Planning and Evaluation.

13.478 School Assistance in Federally Affected Areas—Maintenance and Operation.

60.005 Educational Services, Elementary and Secondary Education.

13.600 Child Development—Head Start.

13.601 Child Development—Technical Assistance.

13.473 Preschool, Elementary, and Secondary Personnel Development—Grants to States.

13.487 Supplementary Educational Centers and Services.

13.430 Educationally Deprived Children—State Administration.

13.431 Educationally Deprived Children in Institutions for the Neglected or Delinquent.

13.429 Educationally Deprived Children—Migrants.

13.428 Educationally Deprived Children—Local Educational Agencies.

13.410 Dropout Prevention.

13.433 Follow Through.

13.400 Adult Basic Education—Grants to States.

13.401 Adult Basic Education—Special Projects.

13.422 Guidance, Counseling, and Testing.

13.472 Nonpublic School Testing.

13.488 Talent Search.

47.019 Pre-College Instructional Personnel Development.

47.021 Pre-College Student Development.

47.020 Pre-College Instructional Program Development.

16.100 Desegregation of Public Education.

13.405 Civil Rights Technical Assistance and Training.

13.403 Equal Bilingual Education.

13.420 Educational Personnel Development—Drug Abuse Education.

13.479 School Equipment Loans to Nonprofit Private Schools.

20.100 Aviation Education.

55.006 Physical Fitness Program Development.

55.005 Physical Fitness Demonstration Center Schools.

55.007 Presidential Physical Fitness Award.

15.105 Indian—Contracts with Indian School Boards.

15.110 Indian—Federal Schools.

15.100 Indian—Adult Education.

Higher education, general (55 programs by 11 agencies)

13.456 Higher Education Academic Facilities—State Comprehensive Planning.

13.454 Higher Education—Strengthening Developing Institutions.

13.453 Higher Education—Land-Grant Colleges and Universities.

13.455 Higher Education Academic Facilities—State Administration.

13.459 Higher Education Academic Facilities Construction—Public Community Colleges and Technical Institutes.

13.457 Higher Education Academic Facilities Construction—Interest Subsidization

13.488 Talent Search.

13.442 Guidance, Counseling, and Testing.

13.472 Nonpublic School Testing.

13.492 Upward Bound.

13.463 Higher Education Work-Study.

13.482 Special Services in Institutions of Higher Education for Disadvantaged Students.

13.418. Educational Opportunity Grants.

13.460 Higher Education Act Insured Loans—Guaranteed Student Loan Program.

13.471 National Defense Students Loans—Direct Loan Contributions.

13.469 National Defense Education Act Loans to Institutions.

13.470 National Defense Student Loans Cancellations for Teachers.

64.111 Veterans Educational Assistance.

64.117 War Orphans and Widows Educational Assistance.

13.409 Cuban Education—Student Loans.

16.504 Law Enforcement Education Program—Student Financial Aid.

20.003 Student Shipboard Opportunities Program.

20.002 Coast Guard Cooperative Marine Sciences Program.

11.506 State Marine Schools.

11.507 U.S. Merchant Marine Academy.

13.489 Teacher Corps—Operations and Training.

47.034 Undergraduate Student Development.

47.033 Undergraduate Instructional Program Development.

60.002 Academic Appointments.

13.462 Higher Educational Personnel Fellowships.

13.461 Higher Educational Personnel Development—Institutes, Short-Term Training, and Special Projects.

13.740 Social Work Manpower—Training Grants.

47.013 Interdisciplinary Research Relevant to Problems of Our Society.

47.005 Doctoral Dissertation Research in the Social Sciences.

13.006 Community Environmental Management Fellowships.

47.009 Fellowships and Traineeship Programs.

47.010 Graduate Instructional Program Development.

13.424 Educational Research Training.

17.218 Manpower Research—Doctoral Dissertation Grants.

20.208 Highway Safety Research Fellowships.

12.300 Civil Defense—Architect and Engineering Professional Development.

16.505 Law Enforcement Research and Development—Graduate Research Fellowships.

16.508 Law Enforcement Research and Development—Visiting Fellowships.

13.002 Air Pollution Fellowships.

15.706 Water Pollution Control Research Fellowships.

13.407 College Teacher Graduate Fellowships.

13.434 Foreign Languages and World Affairs—Fellowships.

13.441 Fulbright-Hays Training Grants—Graduate Fellowships.

45.100 Promotion of the Humanities—Afro-American Fellowships.

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45.102 Promotion of the Humanities—Fellowship and Summer Stipends.

45.106 Promotion of the Humanities—Senior Fellowships.

45.103 Promotion of the Humanities—Fellowships—Faculty Development Grants.

16.100 Desegregation of Public Education.

13.114 Indian—Higher Education.

13.110 Indian—Federal Schools.

Dental Education and Training (Eight programs by one agency)

13.325 Dental Research—Grants.

13.326 Dental Research—Training Grants.

13.324 Dental Research—Fellowships.

13.322 Dental Health—Research Grants.

13.323 Dental Health—Research Training Grants.

13.321 Dental Health—Fellowships.

13.320 Dental Health—Continuing Education Training Grants.

13.319 Dental Auxiliary Utilization Training Grants.

Medical Education and Training (Thirty-one programs by one agency)

13.365 Physician and Allied Health Manpower Research Grants.

13.367 Research Resources—Fellowships.

13.368 Research Resources — Training Grants.

13.371 Special Research Resources.

13.300 Allergy and Infectious Diseases—Fellowships and Research Career Development Awards.

13.302 Allergy and Infectious Diseases—Training Grants.

13.307 Arthritis and Metabolic Diseases—Fellowships.

13.308 Arthritis and Metabolic Diseases—Graduate Training Grants.

13.309 Arthritis and Metabolic Diseases—Research Grants.

13.311 Cancer—Clinical Training.

13.313 Cancer Research Fellowships.

13.314 Cancer Research Grants.

13.315 Cancer Research Training Grants.

13.330 Eye Research—Fellowships.

13.331 Eye Research—Grants.

13.332 Eye Research—Training Grants.

13.334 General Medical Sciences—Fellowships.

13.335 General Medical Sciences—Research Grants.

13.336 General Medical Sciences—Training Grants.

13.344 Heart and Lung Research—Fellowships.

13.345 Heart and Lung Research—Graduate Training Grants.

13.346 Heart and Lung Research—Grants.

13.347 Heart and Lung Research—Undergraduate Training Grants.

13.354 Neurological Diseases and Stroke—Fellowships.

13.355 Neurological Diseases and Stroke—Graduate Training Grants.

13.356 Neurological Diseases and Stroke—Research Grants.

13.357 Neurological Diseases and Stroke—Training Grants.

13.238 Mental Health—Hospital Staff Development Grants.

13.244 Mental Health—Training Grants.

13.241 Mental Health—Fellowships.

13.011 Occupational Health Training Grants.

Health education and training (29 programs by two agencies)

13.208 Comprehensive Health Planning—Training, Studies, and Demonstrations.

13.225 Health Services Research and Development—Fellowships and Training.

64.003 Education and Training of Health Service Personnel.

13.343 Health Sciences Advancement Awards.

13.342 Health Professions—Student Loans.

13.341 Health Professions—Scholarships.

13.339 Health Professions—Educational Improvement Grants.

13.338 Graduate Training in Public Health—Project Grants.

13.366 Professional Public Health Personnel—Traineeships.

13.370 Schools of Public Health—Formula Grants.

13.337 General Research Support Grants.

13.303 Allied Health Professions—Advanced Traineeship Grants.

13.304 Allied Health Professions—Basic Improvement Grants.

13.305 Allied Health Professions—Developmental Grants.

13.316 Child Health and Human Development—Fellowships.

13.317 Child Health and Human Development—Research Grants.

13.318 Child Health and Human Development—Training Grants.

13.310 Biomedical Sciences Support Grants.

13.203 Communicable Diseases—Training Public Health Workers.

13.717 Mental Retardation Hospital Improvement and Inservice Training (HIST).

13.238 Mental Health—Hospital Staff Development Grants.

13.244 Mental Health—Training Grants.

13.301 Allergy and Infectious Diseases—Research Grants.

13.012 Radiological Health—Research Grants.

13.013 Radiological Health—Training Grants.

13.214 Emergency Health—Community Preparedness.

13.327 Environmental Health Sciences—Fellowships.

13.328 Environmental Health Sciences—Research Grants.

13.329 Environmental Health Sciences—Training Grants.

Nursing (eight programs by one agency)

13.369 Schools of Nursing—Facilities Construction.

13.361 Nursing Research Grants.

13.362 Nursing Research Training Grants.

13.364 Nursing Student Loans.

13.358 Nurse Traineeships.

13.363 Nursing Scholarships.

13.359 Nurse Training—Project Improvement Grants.

13.360 Nursing Fellowships.

Nuclear Education and Training (21 programs by one agency)

24.022 Nuclear Education and Training—Used Nuclear-Type Equipment Grants.

24.021 Nuclear Education and Training—University Reactor Sharing.

24.006 Nuclear Education and Training—Faculty-Student Experiments.

24.005 Nuclear Education and Training—Faculty-Student Conference.

24.004 Nuclear Education and Training—Faculty Research Participation.

24.007 Nuclear Education and Training—Faculty Training Institutes.

24.008 Nuclear Education and Training—Faculty Workshops.

24.009 Nuclear Education and Training—Honors Program for Senior Science Majors.

24.010 Nuclear Education and Training—Laboratory Graduate Fellowships.

24.011 Nuclear Education and Training—Loan of Material to Nonprofit Institutions.

24.012 Nuclear Education and Training—Medical Radioisotope Course.

24.013 Nuclear Education and Training—Mobile Radioisotope Laboratory.

24.014 Nuclear Education and Training—Nuclear Medical Technology Course.

24.015 Nuclear Education and Training—Radioisotope Techniques Training Courses.

24.016 Nuclear Education and Training—Reactor Fuel Cycle Assistance.

24.017 Nuclear Education and Training—Special Fellowships in Nuclear Science and Engineering.

24.018 Nuclear Education and Training—Special Fellowships in Radiation Science and Protection.

24.019 Nuclear Education and Training—Summer Student Training.

24.020—Nuclear Education and Training—Traineeships for Graduate Students in Nuclear Engineering.

24.030 Work Experience.

24.027 Radiation Control—Technical Assistance and Advisory Counseling.

Libraries and Technical Information Services (26 programs by six agencies)

13.468 Library Training Grants.

13.475 Research and Development—Library Research.

13.480 School Library Resources, Textbooks, and Other Instructional Materials.

13.406 College Library Resources.

13.466 Library Services—State Institutional Library Services.

13.465 Library Services—Interlibrary Cooperation.

13.423 Educational Research Dissemination—ERIC System.

13.464 Library Services—Grants for Public Libraries.

13.408 Construction of Public Libraries.

13.467 Library Services to the Physically Handicapped.

42.001 Books for the Blind and Physically Handicapped.

13.446 Handicapped Media Services and Captioned Films.

40.001 Depository Libraries for Government Publications.

42.007 Research and Referral Services in Science and Technology.

42.005 Library of Congress Publications.

42.006 Library of Congress Reference and Bibliographic Services.

42.003 Distribution of Library of Congress Catalog Cards.

60.012 Smithsonian Institution Libraries.

60.015 Smithsonian Publications.

60.013 Smithsonian Institution Traveling Exhibition Service.

60.009 Science Information Exchange.

60.006 International Exchange of Scientific and Literary Publications and Governmental Documents.

39.004 National Archives Reference Services.

39.005 National Audiovisual Center.

13.413 Educational Broadcasting Facilities.

16.400 Citizenship Education and Training.

EMPLOYMENT

Planning, Research, and Demonstration (Eight programs by two agencies)

17.205 Cooperative Area Manpower Planning System.

17.217 Manpower Experimental and Demonstration Projects.

49.011 Special Impact.

17.214 Labor Mobility Demonstration Projects.

17.220 Manpower Research and Evaluation.

17.221 Manpower Research Project Grants.

17.219 Manpower Research—Institutional Grants.

17.218 Manpower Research—Doctoral Dissertation Grants.

Job Training (see also Vocational subcategory of Education) (12 programs by three agencies)

17.211 Job Corps.

17.215 Manpower Development and Training—Institutional Training.

17.216 Manpower Development and Training Act—On-the-Job Training Program.

17.200 Apprenticeship Outreach.

17.201 Apprenticeship Training.

17.213 Journeyman Training.

17.212 Job Opportunities in the Business Sector.

17.222 Neighborhood Youth Corps.

13.720 New Career Opportunities for the Handicapped.

18.001 Postal Academy Program.

13.745 Vocational Rehabilitation Training Services Grants.

13.721 New Career Opportunties in Vocational Rehabilitation.

Comprehensive Training, Development (Six programs by three agencies)

17.204 Concentrated Employment Program.

17.223 Operation Mainstream.

17.226 Work Incentive Program—Training and Allowances.

13.748 Work Incentive Program—Child Care.

13.730 Rehabilitation Services Expansion—Contracts with Industry.

15.108 Indian—Employment Assistance.

Placement and Referral Services (see also Employment Rights and Labor Relations in Legal Services) (11 programs by five agencies)

17.210 Job Bank.

17.224 Public Service Centers.

25.001 Spanish Surnamed Americans Assistance.

27.003 Federal Employment for Disadvantaged Youth—Part-time.

27.004 Federal Employment for Disadvantaged Youth—Summer.

27.006 Federal Summer Employment.

27.005 Federal Employment for the Handicapped.

27.002 Federal Employment Assistance for Veterans.

27.001 Federal Civil Service Employment.

18.001 Postal Academy Program.

15.108 Indian—Employment Assistance.

Bonding and Certification (Five programs by one agency)

17.206 Employment Bonding Assistance.

17.208 Exemplary Rehabilitation Certificates.

17.209 Farm Labor Contractor Registration.

17.203 Certification for Immigrant Nonagricultural Workers.

17.202 Certification of Foreign Workers for Seasonal Agricultural Employment.

Special Promotional Services (five programs by four agencies)

53.001 Handicapped Employment Promotion.

11.800 Minority Business Enterprise.

17.224 Public Service Centers.

30.003 Job Discrimination—Technical Assistance to Employers, Unions, and Employment Agencies.

30.002 Job Discrimination—Special Project Grants.

Unemployment Support (four programs by four agencies)

17.225 Unemployment Insurance—Grants to States.

57.001 Social Insurance for Railroad Workers.

61.003 Trade Adjustment Assistance—Workers.

12.601 Contracting with Labor Surplus Area Concerns.

Assistance to State and Local Governments (five programs by three agencies)

17.207 Employment Services—Grants to States.

27.009 Training Assistance to State and Local Governments.

27.008 Recruiting and Staffing Assistance to State and Local Governments.

27.007 Personnel Management Assistance to State and Local Governments.

13.605 State Personnel Merit System—Technical Assistance.

Statistics (see also Information and Statistics) (six programs by one agency)

17.002. Manpower and Employment Data.

17.003. Prices and Cost of Living Data.

17.005 Wages and Industrial Relations Data.

17.004 Productivity, Technology, and Growth Data.

17.101 Labor Organization Reports.

17.001 Foreign Labor Data.

ENVIRONMENTAL IMPROVEMENT

Water Pollution Control (15 programs by one agency)

15.713 Water Quality Management Technical Planning Assistance.

15.706 Water Pollution Control Research Fellowships.

15.705 Water Pollution Control Research, Development and Demonstration.

15.701 Water Pollution Control—Comprehensive Basin Planning Grants.

15.707 Water Pollution Control—State and Interstate Program Grants.

15.704 Water Pollution—Interstate Cooperation and Uniform Laws.

15.709 Water Pollution Control—Technical Assistance and Pollution Surveillance.

15.708 Water Pollution Control—State and Local Manpower Development.

15.710 Water Pollution Control Training Grants.

15.711 Water Quality and Pollution Control Data.

15.712 Water Quality and Pollution Control Orientation and Training Seminars.

15.703 Water Pollution Control—Direct Training.

15.702 Water Pollution Control Data Publications Services.

15.700 Construction Grants for Wastewater Treatment Works.

15.503 Small Reclamation Projects.

Air Pollution Control (seven programs by three agencies)

13.004. Air Pollution Research Grants.

13.001 Air Pollution Control Program Grants.

13.005 Air Pollution Survey and Demonstration Grants.

13.003 Air Pollution Manpower Training Grants.

13.002 Air Pollution Fellowships.

15.301 Control of Fires in Inactive Coal Deposits.

11.404 Weather Forecasts and Warnings.

Solid Waste Management (four programs by one agency)

13.016 Solid Wastes Research Grants.

13.015 Solid Wastes Planning Grants.

13.014 Solid Wastes Demonstration Grants.

13.017 Solid Wastes Training Grants.

Research, Education, Training (25 programs by five agencies)

47.008 Environmental Sciences Research Project Support.

15.902 Environmental Study Areas.

13.009 Environmental Control Training Institute—Direct Training.

15.905 National Environmental Education Development.

13.007 Community Environmental Management Research Grants.

13.008 Community Environmental Management Training Grants.

13.006 Community Environmental Management Fellowships.

60.004 Chesapeake Bay Center for Environmental Studies.

13.328 Environmental Health Sciences—Research Grants.

13.329 Environmental Health Sciences—Training Grants.

13.327 Environmental Health Sciences—Fellowships.

15.705 Water Pollution Control Research, Development and Demonstration.

15.706 Water Pollution Control Research Fellowships.

15.708 Water Pollution Control—State and Local Manpower Development.

13.018 Water Hygiene Research Grants.

13.019 Water Hygiene Training Grants.

13.004 Air Pollution Research Grants.

13.005 Air Pollution Survey and Demonstration Grants.

13.003 Air Pollution Manpower Training Grants.

13.002 Air Pollution Fellowships.

13.016 Solid Wastes Research Grants.

13.017 Solid Wastes Training Grants.

13.014 Solid Wastes Demonstration Grants.

10.507 Extension Programs for Recreation, Wildlife, and Natural Beauty.

60.018 Smithsonian Tropical Research Institute.

FOOD AND NUTRITION

Children (five programs by one agency)

10.553 School Breakfasts.

10.554 School Lunch Program—Non-Food Assistance.

10.555 School Lunches.

10.552 Non-School Food.

10.556 Special Milk Program for Children.

Individuals, general (seven programs by three agencies)

10.551. Food Stamps.

10.550 Commodity Distribution.

49.005 Emergency Food and Medical Services.

10.158 Plentiful Foods.

10.503 Extension Program for Improved Nutrition.

10.153 Market News.

13.494 Vocational Education—Consumer and Homemaking.

Food inspection (five programs by one agency)

10.151 Assistance to States for Intra-State Meat and Poultry Inspection Programs.

10.157 Meat and Poultry Inspection.

10.800. Livestock and Poultry Market Supervision.

10.150 Agricultural Product Grading.

10.154 Market Supervision.

Research (two programs by one agency)

13.100 Food and Drug Research Project Grants.

13.248 Regional Medical Programs—Nutrition.

HEALTH AND MEDICAL SERVICES

Facility planning and construction (20 programs in four agencies)

13.340 Health Professions—Facilities Construction.

13.223 Health Facilities Construction—Technical Assistance.

13.221 Health Facilities Construction—Long-Term Care Facilities.

13.220 Health Facilities Construction—Hospitals and Public Health Centers.

13.219 Health Facilities Construction—Diagnostic and Treatment Centers.

13.222 Health Facilities Construction—Rehabilitation Facilities.

13.236 Mental Health—Construction of Community Mental Health Centers.

13.240 Mental Health—Staffing of Community Mental Health Centers.

13.716 Mental Retardation Community Facilities Construction.

13.715 Mental Retardation—Initial Staffing of Community Facilities.

13.235 Mental Health—Community Assistance Grants for Narcotic Addiction.

64.005 Grants to States for Construction of State Nursing Home Care Facilities.

13.333 General Clinical Research Centers.

13.369 Schools of Nursing—Facilities Construction.

14.128 Mortgage Insurance—Non-Profit Hospitals.

14.116 Mortgage Insurance—Group Practice Medical Facilities.

14.129 Mortgage Insurance—Nursing Homes and Intermediate Care Facilities.

39.003 Donation of Federal Surplus Personal Property.

39.002 Disposal of Federal Surplus Real Property.

13.606 Surplus Property Utilization.

Health services planning and technical assistance (13 programs by two agencies)

13.207 Comprehensive Health Planning—Grants to States.

13.206 Comprehensive Health Planning—Area-Wide Grants.
13.208 Comprehensive Health Planning—Training Studies and Demonstrations.
13.209 Comprehensive Health Services—Standard Setting and Resource Developments.
13.226 Health Services Research and Development—Grants and Contracts.
13.249 Regional Medical Programs—Operational and Planning Grants.
13.223 Health Facilities Construction—Technical Assistance.
13.370 Schools of Public Health—Formula Grants.
13.717 Mental Retardation Hospital Improvement and Inservice Training.
13.245 Migrant Health—Technical Assistance.
13.200 Communicable Disease Prevention and Control—Consultation and Technical Assistance.
13.227 Health Statistics Analysis and Technical Assistance.
11.201 Importation of Duty-Free Educational and Scientific Materials.

Research, general (see also education subcategories on dental, medical, health and nursing) (26 programs by three agencies)

13.335 General Medical Sciences—Research Grants.
13.337 General Research Support Grants.
13.365 Physician and Allied Health Manpower Research Grants.
13.371 Special Research Resources.
13.226 Health Services Research and Development—Grants and Contracts.
64.001 Biomedical Research.
47.002 Biomedical Sciences Research Projects Support.
13.301 Allergy and Infectious Diseases—Research Grants.
13.309 Arthritis and Metabolic Diseases—Research Grants.
13.312 Cancer Research Centers.
13.314 Cancer Research Grants.
13.317 Child Health and Human Development—Research Grants.
13.231 Maternal and Child Health Research.
13.202 Communicable Diseases—Research Grants.
13.322 Dental Health Research Grants.
13.325 Dental Research—Grants.
13.328 Environmental Health Sciences—Research Grants.
13.331 Eye Research—Grants.
13.346 Heart and Lung Research—Grants.
13.356 Neurological Diseases and Stroke—Research Grants.
13.361 Nursing Research Grants.
13.012 Radiological Health Research Grants.
13.010 Occupational Health Research Grants.
13.100 Food and Drug Research—Project Grants.
13.018 Water Hygiene Research Grants.
13.333 General Clinical Research Centers.

General health and medical services (11 programs by two agencies)

49.003 Comprehensive Health Services.
13.210 Comprehensive Public Health Services—Formula Grants.
13.224 Health Service Development—Project Grants.
13.714 Medical Assistance Program.
13.246 Migrant Health Grants.
13.725 Refugees in the United States—Health Services.
49.001 Alcoholic Counselling and Recovery.
49.004 Drug Rehabilitation.
13.215 Emergency Health—Hospital and Ambulance Services.
13.800 Health Insurance for the Aged—Hospital Insurance.
13.801 Health Insurance for the Aged—Supplementary Medical Insurance.

Communicable diseases (six programs by one agency)

13.202 Communicable Diseases—Research Grants.
13.200 Communicable Disease Prevention and Control—Consultation and Technical Assistance.
13.204 Communicable Diseases—Tuberculosis Control.
13.205 Communicable Diseases—Venereal Disease Control.
13.203 Communicable Diseases—Training Public Health Workers.
13.201 Communicable Diseases—Laboratory Improvement.

Maternity, Infants, children (12 programs by two agencies)

49.006 Family Planning.
13.217 Family Planning Projects.
13.234 Maternity and Infant Care Projects.
13.230 Intensive Infant Care Projects.
13.232 Maternal and Child Health Services.
13.213 Health Care of Children and Youth—Special Projects.
13.211 Crippled Children's Services.
13.212 Dental Health of Children.
13.600 Child Development—Head Start.
13.601 Child Development—Technical Assistance.
13.233 Maternal and Child Health Training.
13.231 Maternal and Child Health Research.

Mental Health (18 programs by two agencies)

13.242 Mental Health Research Group.
13.236 Mental Health—Construction of Community Mental Health Centers.
13.240 Mental Health—Staffing of Community Health Centers.
13.238 Mental Health Hospital Staff Development Grants.
13.237 Mental Health Hospital Improvement Grants.
13.244 Mental Health Training Grants.
13.241 Mental Health Fellowships.
13.235 Mental Health—Community Assistance Grants for Narcotic Addiction.
13.239 Mental Health—Narcotic Addict Treatment.
13.243 Mental Health Scientific Communications and Public Education.
13.734 Repatriated United States Nationals Assistance.
13.603 Mental Retardation Coordination and Information.
13.719 Mental Retardation Research.
54.001 Mental Retardation Evaluation.
13.718 Mental Retardation Rehabilitation Service Projects.
13.717 Mental Retardation Hospital Improvement (HIP) and Inservice Training (HIST).
13.716 Mental Retardation Community Facilities Construction.
13.715 Mental Retardation—Initial Staffing of Community Facilities.

Physical Fitness (seven programs by one agency)

55.001 Governor's Councils on Physical Fitness.
55.006 Physical Fitness Program Development.
55.005 Physical Fitness Demonstration Center Schools.
55.004 Physical Fitness Clinics.
55.002 National Summer Youth Sports Program.
55.003 Physical Fitness and Sports Information.
55.007 Presidential Physical Fitness Awards.

Veterans (see also as subcategory of WELFARE) (nine programs by one agency)

64.115 Veterans Information and Assistance.
64.116 Vocational Rehabilitation for Disabled Veterans.
64.011 Veterans Outpatient Care.
64.012 Veterans Prescription Service.
64.009 Veterans Hospitalization.
64.007 Rehabilitation of Blind Veterans.
64.013 Veterans Prosthetic Appliances.
64.006 Prosthetics Research.
64.008 Veterans Domiciliary Care and Restoration.

Indians (see also as subcategory of Welfare) (two programs by one agency)

13. 228 Indian Health Service.
13.229 Indian Sanitation Facilities.

Information and Education Services (see also Information and Statistics) (17 programs by five agencies)

64.004 Exchange of Medical Information.
13.250 Regional Medical Programs—Smoking and Health.
13.247 Regional Medical Programs—Kidney Disease Control.
13.248 Regional Medical Programs—Nutrition.
13.243 Mental Health Scientific Communications and Public Education.
13.603 Mental Retardation Coordination and Information.
54.001 Mental Retardation Evaluation.
15.300 Coal Mine Health and Safety.
15.302 Mine Health and Safety Counseling.
13.213 Emergency Health—Civil Defense Medical Self-Help.
13.214 Emergency Health—Community Preparedness.
13.227 Health Statistics Analysis and Technical Assistance.
55.003 Physical Fitness and Sports Information.
13.351 Medical Library Assistance—Research Grants.
13.348 Medical Library Assistance—Library Resources Grants.
13.350—Medical Library Assistance—Regional Medical Libraries.
13.349 Medical Library Assistance—Publications Support Grants.

HOUSING

Homebuying, homeownership (20 programs by three agencies)

14.147 Public Housing—Home Ownership.
10.410 Low to Moderate Income Housing Loans.
14.604 Housing Rehabilitation Loans and Grants.
14.131 Mortgage Insurance—Purchase of Rehabilitated Homes by Low Income Families.
14.106 Interest Subsidy—Purchase of Rehabilitated Homes by Lower Income Families.
14.120 Mortgage Insurance—Homes for Low and Moderate Income Families.
14.105 Interest Subsidy—Homes for Lower Income Families.
14.140 Mortgage Insurance—Special Credit Risks.
14.123 Mortgage Insurance—Housing in Older, Declining Areas.
14.130 Mortgage Insurance—Purchase by Homeowners of Fee Simple Title from Lessors.
14.117 Mortgage Insurance—Homes.
14.110 Mobile Home Loan Insurance—Financing Purchase of Mobile Homes as Principal Residence.
14.112 Mortgage Insurance—Construction or Rehabilitation of Condominium Projects.
14.113 Mortgage Insurance—Conversion of Below Market Rate Rental Housing to Condominium Ownership.
14.122 Mortgage Insurance—Homes in Urban Renewal Areas.
14.119 Mortgage Insurance—Homes for Disaster Victims.
64.113 Veterans Housing—Direct Loans and Advances.
64.114 Veterans Housing—Guaranteed and Insured Loans.

14.118 Mortgage Insurance—Homes for Certified Veterans.

64.106. Specially Adapted Housing for Disabled Veterans.

Home improvements—Homeowner (six programs by two agencies)

10.417 Very Low-Income Housing Repair Loans.

10.410 Low to Moderate Income Housing Loans.

14.142 Property Improvement Loan Insurance—All Existing Structures.

14.107 Major Home Improvement Loan Insurance—Homes in Urban Renewal Areas.

14.109 Major Home Improvement Loan Insurance—Rental Housing in Urban Renewal Areas.

14.001 Flood Insurance.

Cooperatives (seven programs by one agency)

14.103 Interest Reduction Payments—Rental and Cooperative Housing for Lower Income Families.

14.114 Mortgage Insurance—Conversion of Below Market Rate Rental Housing to Cooperative Ownership.

14.124 Mortgage Insurance—Investor Sponsored Cooperative Housing.

14.115 Mortgage Insurance—Development of Sales Type Cooperative Projects.

14.132 Mortgage Insurance—Purchase of Sales Type Cooperative Housing Units.

14.126 Mortgage Insurance—Management Type Cooperative Projects.

14.150 Supplemental Loan Insurance—Management Type Cooperative Projects.

Rural (14 programs by five agencies)

10.411 Mutual and Self-Help Housing Loans.

14.121 Mortgage Insurance—Homes in Outlying Areas.

10.407 Farm Ownership Loans.

64.112 Veterans Farm Loans.

10.410 Low to Moderate Income Housing Loans.

10.417 Very Low-Income Housing Repair Loans.

14.108 Major Home Improvement Loan Insurance—Housing Outside Urban Renewal Areas.

14.143 Property Improvement Loan Insurance—Construction of Nonresidential Farm Structures.

14.144 Property Improvement Loan Insurance—Construction of Nonresidential or Nonfarm Structures.

10.415 Rural Rental Housing Loans.

10.405 Farm Labor Housing Loans and Grants.

49.009 Migrant and Seasonal Farm Workers Assistance.

23.005 Appalachian Housing Fund.

23.006 Appalachian Housing Technical Assistance.

Multifamily (see also Community Development) (25 programs by two agencies)

14.141 Non-Profit Housing Sponsor Loans—Planning Projects for Low and Moderate Income Families.

14.146 Public Housing—Acquisition, Construction, and Rehabilitation.

14.607 Public Housing—Modernization of Projects.

14.148—Public Housing—Leased.

14.149 Rent Supplements—Rental Housing for Low Income Families.

14.111 Mortgage Insurance—Acquisition and Rehabilitation of Homes for Resale to Low Income Families.

14.104 Interest Subsidy—Acquisition and Rehabilitation of Homes for Resale to Lower Income Families.

14.136 Mortgage Insurance—Rental Housing for Low and Moderate Income Families, Below Market Interest Rate.

14.137 Mortgage Insurance—Rental Housing for Low and Moderate Income Families, Market Interest Rate.

14.135 Mortgage Insurance—Rental Housing for Low and Moderate Income Families.

14.134 Mortgage Insurance—Rental Housing.

14.139 Mortgage Insurance—Rental Housing In Urban Renewal Areas.

14.151 Supplemental Loan Insurance—Multifamily Rental Housing.

14.103 Interest Reduction Payments—Rental and Cooperative Housing for Lower Income Families.

14.102 Housing Loans—Rental Housing for the Elderly and the Handicapped.

14.138 Mortgage Insurance—Rental Housing for the Elderly.

14.145 Property Improvement Loan Insurance—Existing Multifamily Dwellings.

14.133 Mortgage Insurance—Purchase of Units in Condominiums.

14.127 Mortgage Insurance—Mobile Home Courts.

14.609 Urban Renewal Projects.

14.600 Certified Area Grants.

14.603 Demolition Grants.

14.601 Code Enforcement Grants.

11.600 Building Code (Regulation) Assistance to States.

14.608 Relocation Assistance and Payments.

Experimental and development projects (see also Community Development) (11 programs by two agencies)

14.207 New Communities—Loan Guarantees.

14.208 New Communities — Supplemental Grants.

14.125 Mortgage Insurance—Land Development and New Communities.

14.501 Mortgage Insurance—Experimental Homes.

14.503 Mortgage Insurance—Experimental Rental Housing.

14.502 Mortgage Insurance—Experimental Projects Other Than Housing.

14.500 Low Income Housing Demonstration Grants.

14.504 Urban Planning Research and Demonstration.

14.505 Urban Renewal Demonstration Grants.

14.300 Model Cities Supplementary Grants.

11.600 Building Code (Regulations) Assistance to States.

Indians (five programs by one agency)

15.115 Indian Housing Development.

15.116 Indian Housing Improvement.

15.111 Indian—Forest Fire Suppression and Emergency Rehabilitation.

15.127 Indian—Transfer of Federally-Owned Buildings, Improvements, and/or Facilities.

15.109 Indian—Federal School Facilities—Dormitory Operations.

INFORMATION AND STATISTICS

(See also all other Categories having similarly titled subcategories.)

Libraries, clearinghouses, archives (eight programs by five agencies)

10.700 National Agricultural Library.

11.602 Clearinghouse for Federal Scientific and Technical Information.

14.205 HUD Clearinghouse Service.

39.004 National Archives Reference Services.

40.001 Depository Libraries for Government Publications.

29.001 Clearinghouse Services and Civil Rights Complaints.

39.005 National Audiovisual Center.

40.002 Government Publications — Sales and Distribution.

Library of Congress and Smithsonian services (13 programs by two agencies)

42.005 Library of Congress Publications.

42.003 Distribution of Library of Congress Catalog Cards.

42.006 Library of Congress Reference and Bibliographic Services.

42.004 Library of Congress Photoduplication Service.

42.002 Copyright Service.

42.007 Research and Referral Services in Science and Technology.

60.010 Smithsonian Associates.

60.012 Smithsonian Institution Libraries.

60.015 Smithsonian Publications.

60.008 Registral Programs.

60.001 Smithsonian Institution Programs in Basic Research and Public Education.

60.017 Smithsonian Special Public Affairs.

60.013 Smithsonian Institution Traveling Exhibition Service.

Census data (five programs by one agency)

11.001 Census and Statistical Reports.

11.005 Census Special Tabulations and Services.

11.003 Census Geography.

11.004 Census Intergovernmental Services.

11.002 Census Data Access and Use Laboratory.

General (nine programs by seven agencies)

21.003 Tax Information and Training.

11.404 Weather Forecasts and Warnings.

11.402 River and Flood Forecasts.

56.001 Youth Opportunity.

11.700 Measures and Analyses of the United States Economy.

17.003 Prices and Cost of Living Data.

22.001 Intergovernmental Relations Advisory Service.

51.001 Intergovernmental Relations and Liaison.

49.007 Federal Information Exchange System.

LAW ENFORCEMENT

Planning and operations (five programs by two agencies)

16.500 Law Enforcement Assistance—Comprehensive Planning.

16.502 Law Enforcement Assistance—Improving and Strengthening Law Enforcement.

16.501 Law Enforcement Assistance—Discretionary Grants.

16.503 Law Enforcement Assistance—Technical Assistance.

15.131 Indians—Law and Order.

Research, education, and training (14 programs by four agencies)

16.507 Law Enforcement Research and Development—Project Grants.

16.506 Law Enforcement Research and Development—Pilot Grants.

16.505 Law Enforcement Research and Development—Graduate Research Fellowships.

16.508 Law Enforcement Research and Development—Visiting Fellowships.

16.504 Law Enforcement Education Program—Student Financial Aid.

16.005 Public Education on Drug Abuse—Technical Assistance.

16.003 Law Enforcement Assistance—Narcotics and Dangerous Drugs—Technical Laboratory Publications.

16.302 Law Enforcement Assistance—FBI Field Police Training.

16.300—Law Enforcement Assistance—FBI Advanced Police Training.

16.004 Law Enforcement Assistance—Narcotics and Dangerous Drugs—Training.

21.100 Secret Service—Training Activities.

21.002 Alcohol, Tobacco, and Firearms—Training Assistance.

15.602 Conservation Law Enforcement Training Assistance.

11.606 Weights and Measures Service.

Narcotics and dangerous drugs (six programs by two agencies)

16.004 Law Enforcement Assistance—Narcotics and Dangerous Drugs—Training.

16.001 Law Enforcement Assistance—Narcotics and Dangerous Drugs—Laboratory Analysis.

16.003 Law Enforcement Assistance—Narcotics and Dangerous Drugs—Technical Laboratory Publications.

16.002 Law Enforcement Assistance—Narcotics and Dangerous Drugs—State Legislation.

16.005 Public Education on Drug Abuse—Technical Assistance.

13.239 Mental Health—Narcotic Addict Treatment.

Crime analysis and data (six programs by two agencies)

16.301 Law Enforcement Assistance—FBI Crime Laboratory Support.

16.001 Law Enforcement Assistance—Narcotics and Dangerous Drugs—Laboratory Analysis.

21.001 Alcohol, Tobacco, and Firearms—Laboratory Analysis.

16.303 Law Enforcement Assistance—FBI Fingerprint Identification.

16.304 Law Enforcement Assistance—National Crime Information Center.

16.305 Law Enforcement Assistance—Uniform Crime Reports.

LEGAL SERVICES

General services (23 programs by 14 agencies)

49.008 Legal Services.

36.001 Consumer and Business Protection.

29.001 Clearinghouse Services and Civil Rights Complaints.

16.200 Community Relations Service.

16.104 Protection of Voting Rights.

16.102 Equal Enjoyment of Public Accommodations.

16.100 Desegregation of Public Education.

13.602 Civil Rights Compliance Activities.

58.001 Investor Protection—Complaints and Inquiries.

11.006 Personal Census Search.

21.003 Tax Information and Training.

42.002 Copyright Service.

11.601 Calibration and Testing Services.

11.606 Weights and Measures Service.

11.600 Building Code (Regulations) Assistance to States.

61.002 Trade Adjustment Assistance—Firms.

61.001 Tariff Adjustment (Industry).

61.003 Trade Adjustment Assistance—Workers.

33.001 Shipping—Investigation of Complaints.

19.201 Protection of Ships From Foreign Seizure.

41.002 Interstate Commerce—Investigations of Complaints.

41.001 Interstate Commerce—Cooperative Enforcement Agreements with States.

32.001 Communications—Information, Regulation, and Investigation of Complaints.

Employment rights (eight programs by three agencies)

16.101 Equal Employment Opportunity.

17.301 Equal Employment Opportunity by Federal Contractors.

17.303 Minimum Wage and Hour Standards.

30.001 Job Discrimination—Investigation and Conciliation of Complaints.

30.003 Job Discrimination Technical Assistance to Employers, Unions, and Employment Agencies.

30.002 Job Discrimination—Special Project Grants.

17.102 Veterans Reemployment Rights.

17.300 Age Discrimination in Employment.

Labor-management relations (five programs by three agencies)

46.001 Labor-Management Relations.

34.001 Labor Mediation and Conciliation.

17.100 Labor-Management Relations Services.

17.304 Workers Safety and Labor Standards.

17.101 Labor Organization Reports.

Housing rights (two programs by two agencies)

14.400 Equal Opportunity in Housing.

16.103 Fair Housing.

Claims against foreign governments (four programs by two agencies)

19.200 Claims Against Foreign Governments.

37.001 Claims Against the Government of Bulgaria.

37.002 Claims Against the Government of Italy.

37.003 Claims Against the Government of Rumania.

NATURAL RESOURCES

Mineral research (four programs by one agency)

15.308 Minerals Research—Grants and Contracts.

15.802 Minerals Discovery Loan Programs.

15.800 Geologic and Mineral Resource Surveys and Mapping.

15.304 Mineral Resource Information.

Water conservation and research (seven programs by three agencies)

65.001 Water Resources Planning.

15.951 Water Resources Research—Assistance to States for Institutes.

15.952 Water Resources Research—Matching Grants to State Institutes.

15.950 Additional Water Resources Research.

15.500 Atmospheric Water Resources Research.

15.804 Water Resources Investigations.

62.003 Tennessee Valley Region—Water Resources Development.

Wildlife research and preservation (seven programs by two agencies)

15.610 Wildlife Research.

15.611 Wildlife Restoration.

15.609 Wildlife Enhancement.

15.900 Disposal of Surplus Wildlife.

15.604 Fish Research.

39.002 Disposal of Federal Surplus Real Property.

15.606 Migratory Bird-Banding and Data Analysis.

Land conservation (14 programs by five agencies)

65.001 Water Resources Planning.

35.001 Water Resources Development.

15.907 Park Practice Program.

15.602. Conservation Law Enforcement Training Assistance.

15.002 Commercial Fisheries Disaster Assistance.

10.050 Agricultural Conservation.

10.901 Resource Conservation and Development.

10.414 Resource Conservation and Development Loans.

10.650 State and Private Forestry Cooperation.

10.904 Watershed Protection and Flood Prevention.

10.902 Soil and Water Conservation.

23.007 Appalachian Land Stabilization, Conservation, and Erosion Control.

23.010. Appalachian Mine Area Restoration.

15.126 Indian—Soil and Moisture Conservation.

RECREATION

Planning and technical assistance (see also Community Development) (eight programs by two agencies)

15.400 Outdoor Recreation Planning—Financial Assistance.

15.401 Outdoor Recreation—Financial Assistance.

15.402 Outdoor Recreation Technical Assistance.

15.906 Park and Recreation Technical Assistance.

15.907 Park Practice Program.

10.901 Resource Conservation and Development.

10.507 Extension Programs for Recreation, Wildlife, and Natural Beauty.

15.010 Jellyfish Control.

Land and facility acquisition and maintenance (see also Community Development) (eight programs by six agencies)

14.209 Open Space Land, Acquisition and Development Grants.

14.212 Urban Beautification and Improvement Grants.

15.202 Public Land for Recreation, Public Purposes and Historic Monuments.

39.002 Disposal of Federal Surplus Real Property.

10.413 Recreation Facility Loans.

10.412 Recreation Association Loans.

12.101 Beach Erosion Control.

35.001 Water Resources Development.

Fish and game management (seven programs by one agency)

15.601 Animal Damage Control.

15.603 Farm Fish Pond Management.

15.604 Fish Research.

15.605 Fish Restoration.

15.608 Sport Fish Management.

15.001 Anadromous and Great Lakes Fisheries Conservation.

15.600 Anadromous Fish Conservation.

SCIENCE

Research general (20 programs by four agencies)

10.200 Contracts and Grants for Scientific Research.

47.016 National and Special Research Programs.

47.028 Scientific Conference Grants.

10.201 Research Facilities.

47.027 Science Planning and Policy Studies.

47.012 Institutional Grants for Science.

47.011 Graduate Science Facilities.

47.035 University Science Development.

47.004 Departmental Science Development.

60.001 Smithsonian Institution Programs in Basic Research and Public Education.

47.013 Interdisciplinary Research Relevant to Problems of Our Society.

47.006 Engineering Sciences Research Initiation Grants.

47.007 Engineering Sciences Research Project Support.

47.029 Social Sciences Research Project Support.

47.005 Doctoral Dissertation Research in the Social Sciences.

47.002 Biological Sciences Research Project Support.

47.016 Mathematical and Physical Sciences Research Project Support.

47.008 Environmental Sciences Research Project Support.

10.001 Agricultural Research—Basic and Applied Research.

19.007 Technology Applications for Less-Developed Countries.

Specialized research (see also Nuclear Education subcategory of Education) (15 programs by five agencies)

47.017 National and Special Research Programs.

47.031 Specialized Research Facilities and Equipment.

24.024 Nuclear Science and Technology—Research and Development.

24.030 Work Experience.

47.018 Oceanography—Basic Research Grants.

20.002 Coast Guard Cooperative Marine Sciences.

47.023 Sea Grant Project Support.

47.022 Sea Grant Institutional Support.

60.004 Chesapeake Bay Center for Environmental Studies.

60.019 Visiting Research Appointments in Astrophysics, Geodesy, Meteorites and Space Sciences.

60.011 Smithsonian Center for Short-lived Phenomena.

15.500 Atmospheric Water Resources Research.

47.001 Antarctic Research.

60.018 Smithsonian Tropical Research Institute.

60.016 Smithsonian Special Foreign Currency Grants for Museum Programs and Related Research.

Information and technical services (see also Information and Statistics) (28 programs by six agencies)

47.026 Science Information Services and Publications.

47.024 Science Information Activities—System Development and Improvement.

11.602 Clearinghouse for Federal Scientific and Technical Information.

11.603 National Standard Reference Data System.

11.604 Standard Reference Materials.

42.007 Research and Referral Services in Science and Technology.

60.015 Smithsonian Publications.

60.009 Science Information Exchange.

60.006 International Exchange of Scientific and Literary Publications and Governmental Documents.

60.013 Smithsonian Institution Traveling Exhibition Service.

60.014 Smithsonian Oceanographic Sorting Centers.

47.014 International Cooperative Science Activities.

47.015 International Travel.

43.002 Technology Utilization.

24.023 Nuclear Science and Technology—Literature and Information Services.

24.025 Nuclear Science Lecture Demonstrations for Secondary Schools.

24.029 Uranium Industry Workshops.

24.002 Atomic Energy Motion Picture Film Libraries.

24.001 Access Permits.

43.001 Space Science Education Project.

11.403 Seismological Investigations.

11.601 Calibration and Testing Services.

47.003 Computers—Research and Educational Activities.

47.030 Special Computer Services for Research and Science Education.

11.201 Importation of Duty-Free Educational and Scientific Materials.

11.605 State Invention Program.

24.003 Granting of Patent Licenses.

11.900 Patent and Trademark Technical Information Dissemination.

TRANSPORTATION

Urban mass transit (seven programs by one agency)

20.500 Urban Mass Transportation Capital Improvement Grants.

20.501 Urban Mass Transportation Capital Improvement Loans.

20.503 Urban Mass Transportation—Managerial Training.

20.504 Urban Mass Transportation—Research, Development, and Demonstration.

20.502 Urban Mass Transportation Grants for University Research and Training.

20.505 Urban Mass Transportation Technical Studies Grants.

20.300 High Speed Ground Transportation Research and Development.

Highways and roads (18 programs by five agencies)

20.205 Highway Planning and Construction.

20.206 Highway Planning and Research Studies.

20.211 Traffic Operations Program to Increase Capacity and Safety.

20.210 State and Community Highway Safety.

20.207 Highway Safety Demonstration Projects.

20.208 Highway Safety Research Fellowships.

20.204 Highway Beautification—Landscaping and Scenic Enhancement.

20.203 Highway Beautification—Control of Outdoor Advertising.

20.202 Highway Beautification—Control of Junkyards.

20.200 Federal-Aid Highways—Emergency Relief.

12.105 Protection of Essential Highways, Highway Bridge Approaches, etc.

20.209 Public Lands Highways.

20.201 Forest Highways.

11.400 Geodesy.

23.003 Appalachian Development Highway System.

23.008 Appalachian Local Access Roads.

15.122 Indian—Reservation Roads and Bridges.

15.125 Indian—Roads Maintenance.

Water Navigation (seven programs by four agencies)

20.001 Boating Safety.

12.107 Small Navigation Projects.

12.100 Aquatic Plant Control.

12.108 Snagging and Clearing for Flood Control.

15.010 Jellyfish Control.

11.401 Nautical Charts and Related Data.

11.402 River and Flood Forecasts.

Air (six programs by four agencies)

20.101 Federal-Aid Airport Program.

39.002 Disposal of Federal Surplus Real Property.

39.003 Donation of Federal Surplus Personal Property.

15.200 Land Lease for Airports.

26.001 Air Carrier Payments.

20.100 Aviation Education.

General (three programs by two agencies)

20.400 Transportation Planning Information—Environment and Urban Systems.

11.501 Development and Promotion of Parts and Intermodal Transport Systems.

11.404 Weather Forecasts and Warnings.

WELFARE AND SOCIAL SERVICES

Research, demonstration, training (18 programs by two agencies)

13.739 Social Welfare Cooperative Research and Demonstration Grants.

13.740 Social Work Manpower—Training Grant.

13.723 Public Assistance Demonstration Projects.

13.724 Public Assistance Staff Development—Formula Grants to States.

13.728 Rehabilitation Research and Demonstration Grants.

13.729 Rehabilitation Research and Training Centers.

13.731 Rehabilitation Services Expansion Grants.

13.732 Rehabilitation Services Innovation Grants.

13.733 Rehabilitation Training.

13.706 Child Welfare Research and Demonstration Grants.

13.708 Child Welfare Training.

13.711 Juvenile Delinquency Planning, Prevention and Rehabilitation.

13.712 Juvenile Delinquency Prevention and Control—Model Programs and Technical Assistance.

13.713 Juvenile Delinquency Prevention and Control—Training.

13.701 Aging—Research and Development Grants.

13.702 Aging—Training Grants.

49.010 Older Persons Opportunities and Services.

49.012 Volunteers in Service to America.

Families and Child Welfare (see also Health) (25 programs by four agencies)

13.703 Aid to Families With Dependent Children.

13.737 Social Services—Families with Dependent Children.

13.709 Emergeny Welfare Assistance.

10.502 Extension Program for Improved Family Living.

49.006 Family Planning.

13.217 Family Planning Projects.

13.600 Child Development—Head Start.

13.601 Child Development—Technical Assistance.

49.002 Community Action Operations.

56.001 Youth Opportunity.

13.711 Juvenile Deliquency Planning, Prevention, and Rehabilitation.

13.712 Juvenile Delinquency Prevention and Control—Model Programs and Technical Assistance.

13.713 Juvenile Deliquency Prevention and Control—Training.

13.748 Work Incentive Program—Child Care.

13.710 Foster Grandparent Program.

13.707 Child Welfare Services.

13.708 Child Welfare Training.

13.706 Child Welfare Research and Demonstration Grants.

10.551 Food Stamps.

10.550 Commodity Distribution.

49.005 Emergency Food and Medical Services.

49.003 Comprehensive Health Services.

13.494 Vocational Education—Consumer and Homemaking.

13.727 Refugees in the United States—Welfare Assistance and Services.

13.726 Refugees in the United States—Resettlement.

Disabled and Handicapped (see also Education) (25 programs by four agencies)

13.736 Social Services—Aid to the Permanently and Totally Disabled.

13.705 Aid to the Permanent and Totally Disabled.

13.735 Social Services—Aid to the Blind.

13.704 Aid to the Blind.

42.001 Books for the Blind and Physically Handicapped.

13.720 New Career Opportunities for the Handicapped.

53.001 Handicapped Employment Promotion.

13.802 Social Security—Disability Insurance.

13.806 Special Benefits for Disabled Coal Miners.

64.109 Veterans Compensation for Service-Connected Disability.

64.104 Pension for Nonservice-Connected Disability for Veterans.

13.718 Mental Retardation Rehabilitation Service Projects.

13.728 Rehabilitation Research and Demonstration Grants.

13.729 Rehabilitation Research and Training Center.

13.730 Rehabilitation Service Expansion—Contracts with Industry.

13.731 Rehabilitation Services Expansion Grants.

13.732 Rehabilitation Services Innovation Grants.

13.733 Rehabilitation Training.

13.747 Vocational Rehabilitation Services for Social Security Beneficiaries.

13.746 Vocational Rehabilitation Services—Basic Support.

13.721 New Career Opportunities in Vocation Rehabilitation.

13.745 Vocational Rehabilitation Training Services Grants.

13.744 Vocational Rehabilitation—Technical Assistance.

13.742 Vocational Rehabilitation—Facility Improvement Grants.

13.743 Vocational Rehabilitation—Initial Staffling.

Social security insurance (10 programs by four agencies)

13.802 Social Security—Disability Insurance.

13.803 Social Security—Retirement Insurance.

13.805 Social Security—Survivors Insurance.

13.804 Social Security—Special Benefits for Persons Aged 72 and Over.

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57.001 Social Insurance for Railroad Workers.

13.806 Special Benefits for Disabled Coal Miners.

17.302 Longshoremen's and Harbor Workers' Compensation.

64.103 Life Insurance for Veterans.

13.800 Health Insurance for the Aged—Hospital Insurance.

13.801 Health Insurance for the Aged—Supplementary Medical Insurance.

Old age assistance (12 programs by three agencies)

49.010 Older persons Opportunities and Services.

13.710 Foster Grandparent Program.

13.738 Social Services—Old Age Assistance.

13.722 Old-Age Assistance.

13.714 Medical Assistance Program.

13.800 Health Insurance for the Aged—Hospital Insurance.

13.801 Health Insurance for the Aged—Supplementary Medical Insurance.

13.803 Social Security—Retirement Insurance.

13.804 Social Security—Special Benefits for Persons Aged 72 and Over.

57.001 Social Insurance for Railroad Workers.

13.700 Aging—Grants to States for Community Planning and Services.

13.701 Aging—Research and Development Grants.

Indians (see also as subcategory of community development, employment, health and housing) (10 programs by three agencies)

15.113 Indian—General Assistance.

15.104 Indian—Community Development.

15.102 Indian—Aid to Tribal Governments.

15.103 Indian—Child Welfare Assistance.

15.118 Indian—Investment of Indian Tribal Trust Funds and Individual Indian Monies.

15.129 Indian—Tribal Accounting Services.

49.005 Emergency Food and Medical Services.

13.228 Indian Health Services.

15.100 Indian—Adult Education.

15.114 Indian—Higher Education.

Veterans (see also as subcategory of health) (36 programs by three agencies)

64.115 Veterans Information and Assistance.

64.107 Veterans Assistance Centers.

27.002 Federal Employment Assistance for Veterans.

64.116 Vocational Rehabilitation for Disabled Veterans.

64.111 Veterans Educational Assistance.

64.100 Automobile Grants for Disabled Veterans.

64.108 Veterans Business Loans—Guaranteed and Insured Loans.

64.106 Specially Adapted Housing for Disabled Veterans.

64.113 Veterans Housing—Direct Loans and Advances.

64.114 Veterans Housing—Guaranteed and Insured Loans.

64.112 Veterans Farm Loans.

64.007 Rehabilitation of Blind Veterans.

64.103 Life Insurance for Veterans.

64.109 Veterans Compensation for Service-Connected Disability.

64.104 Pension for Nonservice-Connected Disability for Veterans.

64.012 Veterans Prescription Service.

64.011 Veterans Outpatient Care.

64.013 Veterans Prosthetic Appliances.

64.006 Prosthetics Research.

64.001 Biomedical Research.

64.009 Veterans Hospitalization.

64.010 Veterans Nursing Home Care.

64.015 Veterans State Nursing Home Care.

64.002 Community Contract Nursing Home Care.

64.005 Grants to States for Construction of State Nursing Home Care Facilities.

64.014 Veterans State Home Program.

64.008 Veterans Domiciliary Care and Restoration.

12.500 U.S. Soldiers Home.

64.102 Compensation for Service-Connected Deaths for Veterans Dependents.

64.110 Veterans Dependency and Indemnity Compensation for Service-Connected Death.

64.105 Pension to Veterans' Widows and Children

64.117 War Orphans and Widows Educational Assistance.

64.101 Burial Allowance for Veterans.

12.201 National Cemeteries.

12.200 Memorial Plots in National Cemeteries.

12.202 Headstones and Markers.

Other specialized services (15 programs by eight agencies)

13.741 State and Local Administration of Public Assistance Programs.

11.006 Personal Census Search.

49.008 Legal Services.

13.734 Repatriated United States Nationals Assistance.

44.001 Federal Credit Union Charter Examination and Supervision.

17.103 Welfare and Pension Plan Reports.

49.004 Drug Rehabilitation.

49.001 Alcoholic Counseling and Recovery.

49.009 Migrant and Seasonal Farm workers Assistance.

13.727 Refugees in the United States—Welfare Assistance and Services.

13.725 Refugees in the United States—Health Services.

13.726 Refugees in the United States—Resettlement.

14.608 Relocation Assistance and Payments.

25.001 Spanish Surnamed Americans Assistance.

16.400 Citizenship Education and Training.

THE PRESIDENT GAINS SUPPORT

(Mr. ARENDS asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. ARENDS. Mr. Speaker, the American people are not easily fooled.

They have made this clear in the latest Gallup poll which shows that 59 percent of them approve of the way President Nixon is doing his job. This is more than twice as many as the 29 percent who disapprove and is an increase of 2 percent over last month.

The American people have for nearly a year and a half rallied around the President's leadership as he unflinchingly has made the tough decisions in South Vietnam, in the Mideast, and at home.

Americans have proved once again that they admire and respect and will follow the kind of leadership the President is giving.

They will follow it despite the bleatings and bleedings of those who seek to polarize our Nation in the name of surrender, those who seek to divide us on the issues of economy or justice or law and those who seek to make political gain at the expense of our Nation's security.

They know the talk about credibility gaps, about crises of leadership, about "isolation of the President" is purely a political propaganda gimmick. They are proving once again that you cannot fool all of the people all of the time.

The poll referred to follows:

[From the Washington Post, June 5, 1970]

THE GALLUP POLL: NIXON GAINS SUPPORT DESPITE CAMBODIA

(By George Gallup)

PRINCETON, N.J.—President Nixon has registered steady gains in popularity over the last two months. In the latest survey, completed prior to his report to the nation last Wednesday on Cambodia, 59 per cent of adults expressed approval of his performance in office.

The previous survey, conducted soon after the President's announcement on April 30 of his decision to send troops into Cambodia, showed him with an approval rating of 57 per cent, up a point from his pre-Cambodia rating. The President's ratings have climbed steadily since late March when his popularity had hit its low point to date, 53 per cent approval.

One factor helping to explain the latest survey result is the overwhelming (5-to-1) opposition of the adult population to recent student strikes that focused on Mr. Nixon's Cambodian action.

Another factor that undoubtedly is helping sustain the President's approval rating is his policy of "Vietnamization"—the staged withdrawal of U.S. troops as South Vietnamese forces are trained to take over the fighting. This plan has been popular with the American people for more than four years, as reported in numerous Gallup Poll surveys.

President Nixon is accorded a higher popularity rating than his predecessor, former President Lyndon B. Johnson, at a comparable point in time.

A year and a half after President Johnson took office, in January, 1965, for his first full term, his approval rating stood at 47 per cent. Shortly after Mr. Johnson began his second term, the U.S. greatly stepped up its commitment in Vietnam.

A total of 1,509 adults were interviewed in person in the survey that covered more than 300 scientifically selected localities across the nation. Field work was undertaken May 22–25. Following is the question asked and the trend since January:

Do you approve or disapprove the way Nixon is handling his job as President?

[In percent]

	Approve	Disapprove	No opinion
May 22–25	59	29	12
May 2–5	57	31	12
Apr. 17–19	56	31	13
Mar. 20–22	53	30	17
Feb. 28–Mar. 2	56	27	17
Jan. 30–Feb. 2	66	23	11
Jan. 16–19	63	23	14
Jan. 2–5	61	22	17

President Nixon's popularity is greatest among whites living in the South, where approval outweighs disapproval 3-to-1. The President is least popular with Negroes, with disapproval outweighing approval by a 2-to-1 ratio.

The larger the community or city, the more likely the resident is to disapprove. In cities of one million people or more, 50 percent express approval of the President's performance in office. In the smallest communities of the nation—those under 2,500—67 percent voice approval.

WATER RESOURCE DEVELOPMENT

(Mr. SEBELIUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SEBELIUS. Mr. Speaker, today I have introduced a bill designed to save and conserve our national environment.

Action on this legislation would not only help conserve our land and water, but would help revitalize rural and small-town America as well.

This bill would authorize inclusion of all relevant benefits to determine the cost feasibility of all water resource projects. If this legislation is enacted, the benefit-cost ratio would include such important secondary and intangible benefits as:

The economic impact of additional domestic, municipal, agricultural, and industrial water supply;

Outdoor recreation, conservation and development of fish and wildlife resources, preservation of unique areas of natural beauty;

Protection of unique archeological, historical, or scientific values, and

Area development and population dispersal.

If we are to continue our Nation's water resource development program, a more favorable investment picture resulting from the inclusion of these secondary benefits is essential. This legislation would provide new life for many projects ruled unfeasible by the current interest rate of 4⅞ percent. The interest rate most likely will be increased again in July to 5⅛ percent, causing additional delay and cancellation of vital water resource projects.

Recently the President's Task Force on Rural Development concluded water resources are vital to rural development. The task force report states:

> Whatever is done to develop rural America—whether rural industry, recreation, housing, transportation, or open space—it will be built on land and depend on water.

President Nixon also emphasized the importance of rural development when he said:

> The population of our country is likely to grow by 50 per cent in the next 30 years. Where these next hundred million persons locate is a tremendously important question for our society. After an era in which people have moved steadily from the countryside to large and crowded cities, we must now do what we can to encourage a more even distribution to our population.

Success of this program depends on accelerated water resource development.

In dealing with the pressing emergencies that compete for our immediate attention and limited resources today, we cannot neglect the conservation and wise use of our natural resources if we are to be blessed with a beneficial environment and a better quality of life in the future in both rural and urban America.

The future quality of the American environment in the cities, as well as the country is dependent on water resource and rural development. The proper development will set the tone of new living in the country, development that will ease the environmental pressures in our cities.

Mr. Speaker, I feel this legislation I am introducing today could certainly help attain these most needed goals.

VETERANS CARE

The **SPEAKER** pro tempore. Under a previous order of the House the gentleman from Iowa (Mr. SCHWENGEL) is recognized for 10 minutes.

Mr. **SCHWENGEL**. Mr. Speaker, I am gravely disturbed over recent allegations and distorted news reports that have cast a pall of gloom over the Veterans' Administration and seriously concern its Administrator, the Honorable Donald E. Johnson, who is a long-time devoted friend.

Don Johnson took command of the VA last June only after a close Presidential examination of his brilliant business ability and background in veterans affairs.

This 46-year-old veteran of World War II climbed the ladder of success from a highly unusual start. He joined his foster father in the conduct of a very successful farm supply business. Don Johnson interrupted his college education to serve his Nation with valor as an enlisted man. He returned from the battlefields of Europe as a buck sergeant wearing, among other decorations, the Bronze Star from the U.S. Government, and the Croix de Guerre awarded to him by a grateful Belgium Government.

He returned to Iowa State University after his war service.

This giant of a man was elected department commander of the American Legion in Iowa in 1952 and 12 years later, his devotion to the cause of veterans was recognized on a national level when he was named head of the national American Legion.

I want you to know, Mr. Speaker, that during these years that he advanced with the American Legion, he still found time to direct the activities of six very successful Iowa business firms.

He also found time to rear his nine wonderful children in the truest traditions of America. He assisted not only his own children, but other children, too. He has been very active in church and social work, in the Boy Scout movement, and PTA activities.

His accomplishments were so great that the radio and television broadcasters in the State of Iowa voted Don Johnson as Iowan of the Year in 1965.

This man now administers the affairs of 27.5 million living veterans and the widowed and orphaned of those who paid the supreme sacrifice in service to their country.

Mr. Speaker, it is utterly foolish and outright stupid to believe that a man of his compassion, character, and stature would condone or tolerate neglect of, or lack of concern for our veterans.

He knows of the horrors of war—of the anxieties of parents and wives who have husbands or brothers in Vietnam. Don Johnson has personally visited in Vietnam. He has a son who just returned from combat in Vietnam.

In his brief time as Administrator, Don Johnson, because of his keen business ability, his understanding of veterans and their families, has made many improvements in the quality of medical care. He is cognizant of other improvements that must and will be made.

It must be realized, Mr. Speaker, that the Veterans' Administration is the largest independent Federal agency with an annual budget of more than $8.7 billion. It administers to more than 800,000 veterans a year in its network of 166 hospitals. It employs more than 5,100 physicians and 15,000 nurses.

It operates one of the largest life insurance programs in the world and education and training programs that will soon involve 1 million veterans and dependents in training at the same time.

I repeat when I say, Mr. Speaker, that it is utterly ridiculous to think for one minute that the Veterans' Administration is not headed by a capable, industrious, compassionate and understanding man with the highest moral character that we look for in public administrators.

I believe that Don Johnson is all of these and more. We are indeed very fortunate to have Don Johnson as Administrator of Veterans' Affairs.

And now, Mr. Speaker, I would like to read some excerpts from a press statement issued by the Administrator on May 25, 1970, as the result of news attacks on the Veterans' Administration—attacks that have created a terrible blow to the morale of not only servicemen who expect to be transferred to VA hospitals and to veterans already confined to VA hospitals, but to many of the 134,000 people employed by VA's Department of Medicine and Surgery.

Don Johnson declared to the news media, and I quote:

> I have invited you here—not to criticize—but to ask your help in establishing a more balanced perspective in regard to the VA medical program. I ask this help for the sake of the thousands of veterans who will become our patients, for the morale of our hospital staffs, and in the interest of a better understanding by a concerned public.
>
> I ask your help for these reasons only, and not because I am trying to duck criticism. I firmly believe that every agency of government, and every public official should not only expect—but should welcome—criticism. Sincere and constructive criticism helps all of us to do a better job.
>
> In recent days, weeks and months, however, there has been some criticism in some media so exaggerated as to lead our veterans and the public to fear that VA is practicing grossly inferior medicine with hospital staffs that have little or no concern for their veteran-patients. . . .
>
> This kind of criticism does a great deal of damage. It serves to tear down the very program these critics say they are trying to strengthen. It serves to needlessly alarm the thousands of patients VA is treating, and will be privileged to treat in the future.
>
> There is increasing evidence that it is demoralizing the competent and hard-working staffs at VA's 166 hospitals. The competition for scarce-category medical personnel is always intense, and these stories make VA staff recruitment efforts even more difficult.
>
> It is perhaps for all of these reasons that the Council of Deans of the American Association of Medical Colleges—at a regularly scheduled meeting held May 21, 1970, here in Washington unanimously went on record in two particulars.
>
> The Council, composed of the Deans of the 101 medical schools in America that set the pace for the best there is in medicine, condemned—as completely unjustified—what that body referred to as intemperate and inaccurate attacks on the VA medical program that have recently appeared in some news media, and expressed the Council's confidence in the continuing ability of VA hospitals to render high quality medical care.

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Certainly we are not perfect, nor will we ever be. I can promise, though, that we will keep trying to the very limit of our capabilities and endurance to constantly improve, and to give veterans the very best possible medical care.

The very finest care possible is what they deserve. VA's motivation will never wane, for our medical personnel feel just as do I that we are privileged to serve America's finest citizens—our veterans.

A PART OF THE SILENT MAJORITY NOW SPEAKS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN), is recognized for 15 minutes.

Mr. BROWN of Ohio. Mr. Speaker, I take this time to convey to the Congress a communication from a self-proclaimed portion of what has become known as "the silent majority."

Albert Zerges, State secretary of the Ohio Junior Order of United American Mechanics, has sent me the following letter with which I am happy to comply:

JUNIOR ORDER,
UNITED AMERICAN MECHANICS,
Cincinnati, Ohio, May 28, 1970.

Hon. CLARENCE BROWN,
House Office Building,
Washington, D.C.

DEAR BROTHER BROWN: At the meeting of the State Board of Officers of the Junior Order, United American Mechanics, on May 23d, 1970 at the Sheraton-Gibson Hotel in Cincinnati, Ohio, the enclosed Statement of Support of our President was unanimously approved.

We have faith in our President and believe in him. We also have a lot of confidence in you as a real American, and are asking you to read this Statement of our Support of our President and have it recorded in the Congressional Record. We believe this will get others to sit up and take notice that there are many Americans who support those we put into office, with the confidence that they will handle things wisely.

If it is possible to get a copy of the Congressional Record that this will be printed in, I would appreciate a copy.

Yours fraternally,

ALBERT ZERGES,
State Secretary, Jr. O U. A. M.

The Junior Order has 60,000 members in the United States in about half the States and over a thousand local chapters. Originally founded to protect the interests of working craftsmen and laborers, it was a forerunner of the labor movement in America. But it has become a fraternal organization since the development of the more militant labor movements which evolved from the assembly line industrialization of this century. Now Junior Order members are dedicated to the preservation and independence of public education, American freedoms, thoughts of labor and advocates of teaching moral principles to our youth in the home. The organization maintains a national orphans' home, life insurance benefits and a national legislative committee and a publication called "Junior American."

The following is the statement of support for our President which the Ohio Junior Order unanimously adopted:

JUNIOR ORDER, UNITED
AMERICAN MECHANICS,
Cincinnati, Ohio.

A PART OF THE SILENT MAJORITY NOW SPEAKS

The President during his campaign for that High Office, told the American people that if elected he would bring an end to the Vietnam War and return the American Troops back home. Likewise, after his election, and as Commander in Chief of the Armed Forces of the United States, he had the responsbility of protecting lives of the Troops and to inaugurate a program which would in time bring this War to a close, and return the Armed Forces of America back to their homeland.

In the responsibility assumed by the President, he did inaugurate such a program, it being to train and equip the South Vietnamese fighting forces until they had reached that point of being able to defend themselves against an enemy. Likewise, he initiated a program for the people of South Vietnam in which they would understand what he was doing and the people of South Vietnam by their actions and conduct merely shows that they were in favor of same. There were less desertions, there was more dedication to country, and the fighting forces of South Vietnam are now more powerful as a fighting organization than they have ever been since the very beginning of the war, and they are carrying a great deal of the burden in protecting their land at this time with the help of the American Forces by air power and otherwise. This program has been more rapid in its development than any one could foresee when it was begun, and during the year of 1969 the casualties in this war so far as the Americans were concerned were lower than ever before in the history of the war, and President Nixon has returned one hundred thousand boys back home.

During the term of the President to this time the North Vietnamese and the Viet Cong have had sanctuaries in Cambodia against the will of the Cambodians, which gave to them a great advantage, being able to stockpile supplies, food, ammunition, technical equipment, drugs and hospitals, and the enemy saw where they could rush across the Cambodian line using the ammunition to kill American troops and then fall back across the line into Cambodia feeling that they were perfectly safe.

The President many times has advised the North Vietnamese that if they escalated the war he would respond quickly with appropriate action.

A few weeks ago the President took that quick and positive action and ordered American troops across the line into Cambodia, together with the South Vietnamese troops, not with the idea of invading or destroying Cambodia, but for the purpose of destroying the sanctuaries of the enemy which would reduce the casualties to the boys of the Armed Forces of the United States which as Commander in Chief the President must always protect.

Even during the first year of the President's Administration there were demonstrations upon the campuses of the colleges all over this United States, and they were demonstrating against the South Vietnamese War. During that time we witnessed the burning of buildings and the looting of property, the destruction of personal property, taking over universities, all in the guise of peaceable dissent, but at the same time throwing rocks, beer botles, molotov cocktails, cutting fire hose. After crossing the lines into Cambodia by our troops these campus unrests took on the aspect of mob violence. They burned millions of dollars of buildings of the educational institutions, stoned firemen, cut their hose, used molotov cocktails to destroy personal property and demanded the closing of the universities. This all under the guise of peaceable protest. Such actions can amount to no more or no less than mob violence with but one purpose in mind—not to stop the Vietnam War, but to destroy the institutions of learning.

Unfortunately the college administrators and those who are hired for the purpose of educating the young folks within the colleges, give in to the small militant majority amounting to less than three percent, and close the colleges, depriving the other ninety-seven percent of pursuing an education to prepare them for taking their place in American society upon graduation. Certainly no American citizen or no group will find any fault with peaceable protest. The Constitution guarantees freedom of speech, peaceable assembly and protest and freedom of religion; but a brick in one pocket and a molotov cocktail in the other by a screaming mob is not a peaceable protest and it is not guaranteed under the Constitution of the United States.

Such conduct shall not be tolerated.

It would seem that a good study should be made of the make-up of those who operate the colleges and the professors therein who teach the youth. If these militants are registered into a college and they participate in this mob violence, then they should be prosecuted immediately and removed from the campus of that institution.

The Junior Order of the United American Mechanics had its founding some one hundred and sixteen years ago by twelve young men, all under the age of twenty-one. They were God-fearing young men. They came from Christian homes. They loved their country for the freedom they then enjoyed, and they desired it to be protected and perpetuated so that their posterity likewise might enjoy its many blessings. They believed in protecting the jobs in America for the American people, wanted a home and organization that no one would be in who did not believe in a Supreme Being. If you did not believe in a Supreme Being you could not join that organization. It taught the beauty of a Christian home wherein people cry together, pray together, play together and stay together. They envisioned an America that would be one which would be envied by the world and where freedom and opportunity, pursuance of life and happiness would prevail, and live for future generations. This Organization loves the Flag of this Nation. They love its Institutions. They love its freedom. And they are willing to protect it and defend it by the use of all their property and their lives as well.

In every Council Hall in this great Organization is displayed upon the Altar the open Holy Bible and the Flag of the United States of America, and we are happy to salute that Flag and give our pledge of allegience to it and to our Government, the institutions, constitution and laws. We do this weekly, and are glad to do so.

The Junior Order of United American Mechanics is a part of the silent majority, but the time has arrived, and because of the conditions we find ourselves in, we no longer desire to be silent. We want to speak out in defense of the land we love and the land that we are willing to die for. Thank God we have a praying President and we are certain that before any of these great decisions have been made by him up to this time or in the future he will talk and commune with his God more than anybody knows, before he makes these decisions.

The President has initiated several proposals for the help of the poor, he has instituted some proposals to make free and clean our air and the water of this Nation. He has made proposals to stop and curb inflation. Any thinking person knows that this cannot be accomplished over night, but he is trying.

Therefore, Mr. President, the State Board of Officers of the State Council of Ohio, Junior Order of United American Mechanics, in meeting assembled at Cincinnati, Ohio, May 23, 1970, desires to convey to you by this document the very fact that we are one hundred percent in accord with your domestic policies that you have initiated, and likewise, we support your foreign policy as relates to the Vietnamese War. We believe you, Mr. President, we know you would not lie to us purposely, because you are too much of a God-fearing man to do that. Our prayer to our God at this time, Mr. President, is that your health will be protected and that you keep on praying, because the Bible says if God is on your side, who have you to fear. We are certain that you want peace more than anybody in the world and that you will accomplish it with honor, and that our boys will return. We thank you for your courage; we thank you for your sincerity; and may God bless you, Mr. President, is our prayer.

Harold J. Bayersdorfer,
State Councilor.
Earl W. Holland,
Junior Past State Councilor.
Otto J. Rado,
State Vice Councilor.

Attest:

Albert Zerges,
State Council Secretary.

Mr. TAFT. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I am glad to yield to the gentleman from Ohio.

Mr. TAFT. Mr. Speaker, I am pleased to join with my good friend and colleague, Hon. Clarence J. Brown, Jr., in recognizing in the Record the statement adopted by the State Board of Officers of the Junior Order, United American Mechanics, on May 23, 1970, in Cincinnati.

The statement is in support of President Nixon's handling of the Vietnam war, and his efforts to bring about an early, responsible end to the involvement of American combat men in that conflict.

I salute the Junior Order, United American Mechanics, for their patriotism and understanding. I know that the President has been greatly heartened by their support and the support of millions of Americans across the country. It will help show that support, and thus help to expedite the responsible withdrawal and achievement of just peace that we seek.

HOUSE BANKING AND CURRENCY COMMITTEE HEARINGS

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the Record.)

Mr. PATMAN. Mr. Speaker, for the benefit of the House and interested parties, the full Committee on Banking and Currency schedule following conclusion of the hearings on the housing legislation—H.R. 16643, H.R. 17845, and H.R. 16647—is as follows:

On Friday, June 12, and Monday, June 15, the full Committee on Banking and Currency will meet to consider H.R. 17795, a bill to amend title VII of the Housing and Urban Development Act of 1965. This legislation would authorize the appropriation of up to $1 billion for the fiscal year commencing June 1, 1970, for grants for basic water and sewer facilities.

Beginning on Tuesday, June 16, the full committee will meet to hear testimony on H.R. 17880, a bill to amend the Defense Production Act of 1950, and for other purposes.

STATEMENT ON THE ECONOMY BY ATTORNEY TOM BOGGS

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, our economy is in serious trouble because of poor economic policies. We are suffering from recession and inflation at the same time. Meanwhile, high interest rates are ruining the housing industry and starving our cities and towns of capital.

I was very pleased to receive recently a highly competent analysis of our economic problems and the requirements for correcting them. Tom Boggs, a local attorney and a former member of the Joint Economic Committee staff, has authorized this penetrating analysis of our present ills and has indicated with wisdom what we might do about them.

I call this fine analysis to the attention of my colleagues:

Statement on the Economy, June 4, 1970

Our economy is in a troubled state. Unemployment is at the highest level in six years and is still rising. The rate of price increases worse than anytime since the Korean War.

We are facing the worst possible combination of economic ills: simultaneous inflation and recession. Millions of Americans have suffered reduced incomes not only because of lay-offs but also shorter work weeks, forced pay cuts, and lower commissions. Yet, these families are forced tc pay even higher prices for necessities under our sky-rocketing inflation.

The consumer price index has risen by more than 8 percent since January, 1969 and more than 6 percent since January, 1970. In April alone it was at an annual rate of 7.2 percent. Meanwhile, GNP, in real terms, is just about where it was in the first quarter of 1969. There is practically no growth. There is, however, substantial growth in unemployment: from 3.3 percent in January, 1969, to over 5 percent at the present time.

Nor is the employment and income situation of consumers the only indication of economic illness. Interest rates are higher than anytime in our history. Mortgage money is so difficult to obtain and mortgage interest rates so prohibitively high that only the higher income groups are buying houses these days. The rest of us have to pay more and more rent.

Our housing starts dropped from over 1.8 million in January, 1969, to about 1.1 million at present. Interest rates have jumped from 6.5 percent in January, 1969, to 8.3 percent, and municipal bonds in that same period have risen from 4.9 percent to 6.7 percent. The stock market, as measured by the Dow Jones Industrial Average, declined from 968 in December, to 627 at the end of May—a decline of over one-third.

The stock market is an important indicator of the health of our economy—especially the mental health and confidence of our economy. Since the present Administration took office, the market has suffered a devastating decline and even recent improvement does not do much for the demoralized state of the market. We find many brokerage houses over extended and some close to bankruptcy. The prevailing atmosphere on Wall Street is one of gloom and depression. We haven't seen anything like this, I am told, since the 1929 crash.

All of these painful symptoms are not the result of some uncontrollable plague from outer space. They are the direct results of poor, ill-advised and distorted policy put into effect by the Administration. As such, they can be corrected by wiser policies.

Perhaps the most shocking aspect of all of this is that it was the financial community that took the lead in backing Mr. Nixon. They thought that he was the type of conservative Republican whose prudent conservative policies would assure continued growth and prosperity. How angry and frustrated they are now to find that the very leader they chose became the Pied Piper to lead them to economic disaster and with it most of the rest of the country.

How did this come about?

Actually, the Administration's policies are open to severe criticism on two counts. First, their original plans were wrong, and second, even those erroneous original plans were based on false optimistic assumptions.

Let us look at the position the Administration outlined in January.

They predicted that we must suffer some recession in order to stabilize the economy. Now any responsible Government engaged in producing such a development should also propose, at the same time, contingency programs to be put into effect if the anti-inflationary policies get out of hand and cause serious unemployment or recession. But nowhere in the Administration does one see any indication of such programs. The subject was completely ignored in their economic policy statement, as submitted to the Congress at the beginning of this year.

This is all the more surprising because during 1969 unemployment had risen by over 870,000 and was clearly threatening to increase further in the months ahead directly as a result of Administration measured to repress the economy.

The prices had increased all year. Over the course of 1969 as a whole, prices had risen by 4.7 percent, as measured by the most comprehensive index. This is, as we know, much too fast for the well being of the economy. For the first quarter of this year, the price index rose at an annual rate of 6 percent, and the latest figures indicate that prices are rising at the same high rate.

The Joint Economic Committee estimated that these recessionary policies of the Administration would result in our falling short of our full growth potential by about $30 billion in 1970. This means that they were willing to forgo this massive amount of production to slow down the price increases. If we take their own projections, this slowdown would last for four years and would result in a total shortfall of at least $80 billion. This is a frightful loss from what we might otherwise achieve, particularly when there is so much need for this production in our economy. Everywhere we look there is need for wise application of added production to improve our cities, eliminate poverty, improve the standard of living for all Americans or permit us to help the underdeveloped regions of the world. The most tragic thing about this waste is that it is being undergone in order to slow down the price rise. But it is not succeeding in doing that, so as a result, this very costly and painful medicine is not curing the ills of inflation.

Meanwhile, a serious credit squeeze has practically wrecked the home building industry and stunted severely the construction of public facilities. These are the sections of the economy that bear the greatest brunt when money becomes tight. Our society is being starved of decent housing and of basic community facilities and there is no assurance in the Administration's program as announced at the beginning of the year that these starved sections of our economy would be getting any real help in 1970. In effect, the program guaranteed a frightening increase in deficiencies that we can ill afford. These deficiencies in basic facilities and homes will hurt our growth for many, many years to come.

The program as announced by the Administration was fundamentally unsound to begin with because it guaranteed higher unemployment, a stagnant economy, and an increasing shortage of homes and public facilities while, at the same time, it permitted inflation to continue without any serious effort to deal with it.

I am proud to say that the Democratic Party in many pronouncements, including the 1970 Report of the Joint Economic Committee, quickly pointed out this failure to the Administration. The Majority report of the Committee expressed deep concern at the absence of any policy to deal directly with excessive price and wage increases. They went on to say that such failure accentuates the dilemma of rising unemployment and simultaneously continuing price inflation.

Another great weakness in the Administration's program cited by the Committee was the fact that the President's program contained no provision for channelling credit to the deprived sectors of the economy. It was pointed out that in spite of the fact that the Congress passed selective credit control legislation giving the President power and the authorization to put into effect controls on credit in order to assure that priority needs were being met, no action was taken by the Administration despite repeated urgings from the Democratic Members of Congress. The President's failure to act to correct serious credit imbalances is destabililizing our economy and hurting our future growth, yet there is still no sign of concern at the top levels of the Administration.

Another serious criticism of the President's program was its failure to pay any attention to Congressional recommendations that the Administration focus attention on assessing our national requirements and objectives as well as on developing means of determining priorities for public expenditure. The plain fact is that we do not have enough revenue either now or in the foreseeable future to do all the things that should be done. Like any family or company, we, therefore, have to decide which programs are most important and cut back on the others. Nowhere is there any effort within the Administration to do this job on an adequate basis. Yet, it is a fundamental necessity that should be taken care of first.

Deficient as the "game plan" of the Administration was, its failure to make a realistic analysis of future prospects aggravated its deficiency. As one part of its programs, the Administration projected a small budget surplus both for fiscal year 1970 and fiscal year 1971. In the circumstances, this was wise. Budget deficiencies are inflationary and moreover they make it necessary for the Federal Government to borrow in the credit markets and make credit all the scarcer.

But how realistic has the estimate of a budget surplus proven? From the start, it was obvious that it was based on a number of assumptions and contingencies that were not realistic.

Let me, by example, spell out the changing budgetary picture to show up the bankruptcy of the Republican economic policy makers.

In FY 1969, we had a budgetary surplus of $3.2 billion on a unified basis. This was largely determined by a Democratic Congress and President.

The present Nixon Administration proposed last January Federal budgets (on a unified basis) of slightly more than a billion dollars for 1970 and 1971. It was well known and widely accepted at that time, the surpluses were phony, especially on grounds that it implied receipts from sale of assets which could not be achieved in the light of the Administration's own estimates of money market conditions.

Now the realities are surprising. On the basis of most recent careful analysis, and accepting the assumption of Administration expenditure estimates (an assumption I regard as highly unlikely), we are faced with a budget deficit of $2.4 billion for 1970 and *$9.2 billion for 1971*. (Only in the unlikely event that Congress were to accept the Administration's controversial tax proposals, the 1971 deficit might be reduced to $4.5 billion.)

Moreover, these budget deficits are kept low because they are measured on the so-called unified budget basis. If the traditional Administrative budget concept were used—which was the case until a few years ago—the *budget deficit would be $17.5* billion in 1971 (unless Congress acts to raise taxes) or $13.6 billion (if Congress accepts the Nixon tax proposals).

There is a very important point which is concealed in these dry statistics. *Essentially what is proposed even in the lower deficit proposed by the Executive* is that we achieve these results by increasing basically regressive taxes—payroll taxes—rather than by some more progressive taxation to which we have been committed for generations.

It should be noted that the Republican fiscal policies fail to achieve responsible results because tax revenues are retarded by general economic policies which aim at reduced output and higher unemployment in the name of inflation control. Yet we do not have such control. If we had high employment, Federal revenues would be $12 billion higher than we can now forsee!

Let me point out in as brief analysis as I can at this point, the tendency toward bankruptcy in the second and only other major policy instrument to which Nixon is committed. We have spent more than a decade learning that we cannot have responsible monetary policy which involves vast short-term changes in the expansion of money. Yet last year, in 1969, the authorities held money expansion to near zero, even though money demand was expanding rapidly. This year, the reverse process is under way; the monetary policy makers have been expanding at a higher than 10 percent rate—even though they still are aiming at inflation control. Where has rationality gone?

We must reverse the present drift of economic policy. First, there should be established immediately a reasonable incomes policy. By this I mean that the President must appoint a responsible council which could set forth standards to govern earnings increases as well as any price increases. This should be backed up by a competent fact finding staff which could obtain, effectively and promptly, all the relevant information on proposed wage and price action that would have a serious effect on the public interest.

It is my firm belief that with such a board, backed by the authority of the President, we could have an effective limitation on inflationary pressures. As proven in President Kennedy's Administration, the bright light of publicity backed by Presidential authority is a potent lever to keep excess out of our economy. Such a program would have the additional advantage of avoiding rigid controls which would necessitate a large bureaucracy and heavy administrative costs.

At the same time, there should be greater efforts to train additional workers, particularly the unemployed. We face a shortage of skilled employees while, at the same time, we have a surplus of unskilled. The obvious answer is to turn the unskilled into skilled. workers. The Administration is not doing this to sufficient extent.

A third important aspect of an incomes policy involves the removal of blockages to efficient operation. Monopolies, rigid labor practices, market rigging, and similar activities work against the public interest in slowing up the economy. We must assure more efficiency and more productivity in our economy since, after all, productivity is the best answer to inflation. The more supply we have the less upward pressure will there be on prices and then workers will not feel compelled to ask for higher and higher wages to compensate for the rising costs of necessities.

In respect to finance, there are a number of ways to mitigate the bad effects of present no-action policy of the Administration. In the first place, I believe that the Federal Reserve should maintain a policy of easier money while, at the same time, avoiding any excessive increases in the money supply. Secondly, I believe that the Federal Reserve should open its discount window to the Federally supported housing agencies, just as it has now opened it for commercial purposes.

Furthermore, we need to develop new financial arrangements to assure an adequate flow of capital funds into states and municipalities. I believe that the problem can best be met by setting up a public institution to provide credit for needed public facilities. This proposal has been made by Chairman Patman of the House Banking Committee and has already been approved in one form or another by many Members of Congress. I think there should be no delay in obtaining its passage.

In summary, I believe that our economy ought to be permitted to grow at the highest reasonable rate and that public policy should do its best to assure that this growth takes place in the healthiest way, that is, that we maintain a balanced growth with adequate public facilities, adequate housing, adequate industrial improvement, each supporting the other without the great imbalance we are suffering from at the present time.

INDEPENDENT BANKERS ASSOCIATION TESTIMONY FOR BANK HOLDING COMPANY LEGISLATION BEFORE THE SENATE BANKING AND CURRENCY COMMITTEE

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, the Independent Bankers Association of America, an organization representing more than 6,500 banking institutions in the United States, testified before the Senate Banking and Currency Committee on May 28, 1970, on H.R. 6778, a bill to amend the Bank Holding Company Act of 1956. The association's president, Mr. Rod L. Parsch, and Mr. Kenneth J. Benda, president of the Hartwick State Bank, Hartwick, Iowa, gave what I regard as two of the strongest pieces of testimony presented before the Banking Committees of either House of Congress in support of immediate, strong bank holding company legislation during this Congress.

The Independent Bankers Association, which represents almost half of the banking institutions in the United States, clearly perceives the threat to independent small banks in this country of the dramatic growth of unregulated bank holding companies. Because it will be some time before the hearing record on the bank holding company issue the Senate Banking and Currency Committee becomes available, I include in the Record the complete statements of Mr. Parsch and Mr. Benda on behalf of the Independent Bankers Association of America.

REGULATION OF ONE-BANK HOLDING COMPANIES

(Statement by Rod L. Parsch, president Independent Banks Association of America)

My name is Rod L. Parsch, of Lapeer, Michigan, where I am President of the Lapeer County Bank and Trust Company. I have been active in banking for more than 32 years.

I appear here as President of the Independent Bankers Association of America, an organization of more than 6,500 banks. Our Association was formed in 1930 to provide a voice for independent banks.

With me at the table is Kenneth J. Benda, Vice Chairman of the Federal Legislative Committee of our Association. He is President of the Hartwick State Bank of Hartwick, Iowa, served as a State Senator in the Iowa Legislature for seven years, and presently is a commerce commissioner in his state. Also here is Horace R. Hansen of St. Paul, Minnesota, our attorney.

We appreciate the opportunity to state to this Committee the views of our organization on H.R. 6778 and other pending bills to amend the Bank Holding Company Act.

The basis for our testimony here today is a convention resolution adopted in March. A copy of the resolution is attached to this statement as an exhibit and I would appreciate your receiving it.

INTEREST OF THE IBAA

Our Association stands for the preservation of competition in the banking industry and the prevention of concentration of money and credit. We believe that the vitality of our free enterprise system can be maintained best by following the American tradition of dispersing both economic and political power. In banking, this means preserving independent, locally-owned banks as the best means of providing banking needs of people in their service areas. The banks we represent have a direct stake in the success of the people they serve and are thus responsive to their needs.

Preserving competition also means preserving alternate sources of credit and banking services at fair costs which only competition can provide.

Concentrated control of banking in giant holding company and branching systems is a constant threat to these objectives. Therefore, our Association consistently favors any legislation designed to regulate and control bank holding companies and bank mergers. Our Association for 14 years urged Congress to adopt a strong bank holding company act before its passage in 1956.

THE BROAD ISSUES PRESENTED

It must be kept in mind that there are two distinct aspects in the bills before you, because they are aimed at amending the present multibank Holding Company Act while at the same time including one-bank companies. The focus is on one-bank conglomerates, but we must not lose sight of the fact that the amendments also directly affect multibank companies. Let me comment briefly on both aspects.

First, as to one-bank conglomerates. Our Association has carefully researched this problem in the past two years in many staff studies, meetings, committee hearings and at two national conventions.

We support the objectives of the Nixon Administration that these conglomerates must be curbed without delay. On March 24, 1969, President Nixon Stated:

"Left unchecked, the trend toward the combining of banking and business could lead to the formation of a relatively small number of power centers dominating the American economy. This must not be permitted to happen; it would be bad for banking, bad for business, and bad for borrowers and consumers.

"The strength of our economic system is rooted in diversity and free competition; the strength of our banking system depends largely on its independence. Banking must not dominate commerce or be dominated by it."

On April 17, 1969, in the House hearings, Secretary of the Treasury Kennedy stated:

"This trend, just now developing, threatens to change the nature of the American private enterprise. Our economy could shift from one where commercial and financial power is now separated and dispersed into a structure dominated by huge centers of economic and financial power. Each would consist of a corporate conglomerate controlling a large bank, or a multibillion dollar bank controlling a large nonfinancial conglomerate."

We would add to these warnings that conglomerates dominated by huge banks would radically change the face of banking itself. They would present an overpowering competitive advantage over medium and small size banks.

While we agree with the objectives of the Nixon Administration for control of one-bank holding companies, we have our own ideas on specific provisions in the legislation. For example, we urge that regulations be left with the Federal Reserve Board, which has administered the Act for the past 14 years; and we urge your Committee consider that a distinction exists between large one-bank conglomerates, which admittedly present a danger to the economy, and the small companies which serve useful purposes, as we will explain.

Second, we turn to the effect of the bills as to multibank holding companies. While all of the bills would include one-bank companies, they propose other changes which effect equally the multibank companies. The 1966 amendment weakened control over multibank companies, and any legislation adopted by the Congress which expands the privileges of multibank holding companies would be contrary to the public interest. The record demonstrates, we believe, that Congress has not given the agency administering the Act an effective tool to accomplish the purpose for which the law was intended.

EXPERIENCE UNDER THE BANK HOLDING COMPANY ACT

When the present Act was adopted in 1956, Congress viewed with alarm the growth of bank holding companies and firmly expressed the purpose of drastically restraining them from expanding. Let me quote some excerpts from Senate Report No. 1095 of this Committee at that time:

"In the opinion of your committee, public welfare requires the enactment of legislation providing federal regulation of the growth of bank holding companies and the type of assets it is appropriate for such companies to control.

* * * * *

"The dangers accompanying monopoly in this field are particularly undesirable in view of the significant part played by banking in our present national economy.

* * * * *

"The factors . . . under this Bill also require contemplation of the prevention of undue concentration of control in the banking field to the detriment of public interest and the encouragement of competition in banking." In the same vein, House Report No. 609 in 1955, stated: "The holding company device lends itself readily to the amassing of vast resources obtained largely from the public, which can be controlled by the relatively few who comprise the management of the holding company, giving them a decided advantage in acquiring additional properties and in carrying out a program of expansion. Such power can be used to acquire independent banks by measures which leave local management and minority stockholders little with which to defend themselves except their own protests. . . ."

What has happened to these objectives? Let's look at the record in the past 14 years.

1. Almost four out of every five applications to form new multibank holding companies, and applications for acquisitions of more banks, have been approved. As a consequence, deposits controlled by multibank companies have increased since 1956 from about $15 billion to $66 billion.

2. In 1966, the giant banks of this country, with aggressive lobbying, tried to exempt banking from the federal antitrust laws. The assault was first made on the Bank Merger Act in 1966, then a few months later on the Bank Holding Company Act. The results are that the standards in both the Merger and Bank Holding Company Acts have been weakened. Mr. Benda will present our proposal to strengthen the standards in the Holding Company Act.

THE PRESENT BANKING SCENE

In the last few months there has been a crescendo of statements, in and out of government, to the effect that changes are needed in the structure of banking so that it can better serve a growing economy.

We have even seen the spectacle in the last month of the Justice Department proposing liberalized branching laws so that large banks can grow larger. With your permission, we will enter into the record our April 22, 1970 letter to Attorney General Mitchell on this subject.

There is being formed a Presidential Commission to study the banking structure in this country. While we would hope that its report would point up the need for reversing the trend we have mentioned, the stage may be set to accelerate it.

When we analyze these statements for changes in the banking structure, we find they originate from large banks and banking groups consisting of branching and holding company systems. They have the taste of power and they want more.

The present outcries for big bank systems do not come from the people or even from large commercial borrowers who are knowledgeable about financial resources. They know that creating huge systems does not create any more loanable funds or commercial credit, but merely shifts control of financial resources to fewer hands. This process does not add one dollar to the gross national product, but merely helps the big get bigger.

For example, in Canada and England, three huge banks with thousands of branches control 75 per cent of deposits available for commercial credit. In Europe the growth of these huge systems went hand-in-hand with the development of large cartels and monopolies in industry. In the process, small business disappeared, and smaller banks serving them also disappeared.

CONCLUSION

We do not want the European experience to happen in America. This is the last country in the world to have a large middle class, consisting of smaller businesses supported by independent banks. The small business segment act as a stabilizing balance wheel in our economy.

We can preserve the American system only if we preserve competition as the great regulator, in commerce as well as in banking. Dispersion of economic power among many economic units has proved to be the conservative and safe course, because decisions are made by many, not a few. This principle, in the economy as well as in government, has served America well.

We must not allow a few powerful voices, in and out of government, to change our system on the basis of vague cliches about the need to modernize our banking structure which, translated, merely means more concentration and less competition.

Let me conclude by saying that whatever useful purpose is claimed for large multibank holding companies is heavily outweighed by adverse effects upon the economy and the public interest. Therefore, in your thoughtful consideration of the legislation before you, we urge that your Committee not only eliminate large one-bank conglomerates, but also strengthen controls in the Act as to multibank companies.

Thank you for your attention. Now, with some of the specifics we wish to recommend to you, here's Kenneth J. Benda, Vice Chairman of our Federal Legislative Committee.

REGULATION OF ONE-BANK HOLDING COMPANIES

(Statement by Kenneth J. Benda, Independent Bankers Association of America)

My name is Kenneth J. Benda of Hartwick, Iowa, where I am President of the Hartwick State Bank. I appear here on behalf of the Federal Legislative Committee of the Independent Bankers Association of America. It will be my purpose to explain our proposals as to the bills pending before you.

In the interest of focusing on the principles involved and saving the time of this Committee, I will comment only on those we believe are of major importance. Mr. Hansen and I will respond to your questions for more detail than I will give in my statement, if you so desire. Later, if requested, we will furnish the Committee with suggested language for the amendments we propose.

First, I will comment on small one-bank holding companies and their importance in preserving independent banking.

HOW PROCEDURE WORKS

When a smaller bank is transferred from one independent owner to another, a loan secured by the capital stock of the bank usually is involved. These sales often occur when a retiring banker sells to a younger banker or to his employees. The seller usually desires to perpetuate local ownership.

Under the income tax laws, the younger banker would find it difficult, if not impossible, to repay the bank stock loan with his available after-tax dollars. Consequently, a one-bank holding company is formed to service the loan because more after-tax dollars become available to repay it. With the permission of the Committee we offer Exhibits 1 and 2 as illustrations.

In a typical arrangement, an insurance agency is used as the holding company; the bank stock is placed in this company; the loan to provide the means of purchase is made by the company, and the company repays the loan from earnings of the insurance agency, plus the bank dividends.

This plan provides active income other than bank dividends to the holding company, thus avoiding the personal holding company penalty.

Of course, the active business income to the holding company could be derived from activities other than an insurance agency, if related to the business of banking. Also, a bank-related business provides additional income which assists many small banks to remain in business.

Thus, small one-bank companies often provide the means of survival for small independent banks. The alternatives, all too often, are for the retiring banker to sell out to a multibank holding company, or merge with a larger bank and become its branch. Either of these alternatives results in more concentration of banking control and fewer alternate sources of credit.

For these reasons, we urge this Committee to recognize the special problems of small one-bank companies.

IBAA PROPOSALS

I will present our proposals:

1. We suggest that the definitions in Section 2 of the Act be broadened to include a one-bank company, to include partnerships, and to reach beyond the false front of legal entities to include "controlling persons," along the line used in Securities and Exchange Laws and Regulations, in order to prevent evasions of the Act.

2. We suggest that the problem of exemption for small companies can be handled in one of two ways. If the language of Section 4 dealing with exemptions remains as presently worded in the Act, or substantially so, there would be no problem. Clause (8) in the present list of exemptions now permits bank-related activities which would satisfy the special problem I mentioned, and, in that case, no size exemption would be needed.

On the other hand, if this Committee or the Conference Committee decides to amend Clause (8) to contain a list of prohibitive activities, as in H.R. 6778, then a size distinction is needed, and in that case, we urge a specific exemption limited to small *one-bank* companies. This should be in the form of a proviso to Clause (8) which would exempt these companies if their total assets in the listed activities do not exceed one-third of the total assets of the bank, and in no case more than $10 million in such nonbank assets.

EXPLANATION

Let me explain these suggestions.

If Clause (8) remains substantially unchanged and contains no such list, we will continue to have the general guidelines for permitted activities, coupled with the safeguard procedure for Board approval in each case. We prefer this approach to a laundry list of prohibited activities. Clause (8) as interpreted by the Board has proved generally satisfactory since the Act was adopted in 1956.

It is significant that in 14 years this interpretation of the present language has not been criticized by any of the trade associations which sought and obtained the "laundry list" contained in H.R. 6778 as adopted by the House. It is also significant that H.R. 6778, as originally introduced by Chairman Patman, made no changes in this Section 4, except to remove the exemption for "labor, agricultural or horticultural" organizations, with which we agree.

Clause (8) in the present Act exempts nonbanking activities that are of a "financial, fiduciary, or insurance nature . . . so closely related to the business of banking . . . as to be a proper incident thereto and to make it unnecessary for the prohibitions of this section to apply in order to carry out the purpose of this Act." Under this language, small one-bank companies could survive, while the large conglomerates would be forced to divest clearly nonbank-related enterprises.

As interpreted by the Board, Clause (8) permits holding companies (which would include one-bank companies) to engage in the business of lending funds on their own account, investing in equities, meeting needs for financing that cannot be adequately met through debt instruments, acting as insurance agent or broker or as insurer in connection with extensions of credit by other subsidiaries of the holding company, providing accounting for data processing service, acting as fiduciary, and acting as travel agent. (See testimony of Chairman Martin in the House hearings, Pages 199–201.)

We would like to mention here, in passing, that many one-bank holding companies operate an insurance agency as the only bank-related activity. This is a common practice in smaller banks throughout the country. An insurance agency is specifically permitted to be operated by national banks in towns under 5,000 population, and some states permit their state banks to operate agencies. If a bank can have an agency, or if an individual owner of a bank can operate an agency as a sole proprietor, then there is good reason for permitting it to a one-bank holding company.

The concept in Clause (8) of the present Act, without a "laundry list," would satisfy the objectives of the legislation. It also would protect the small holding companies and cause no complications for multibank companies.

EXEMPTION NEEDED FOR SMALL OBHC'S

However, if the "laundry list" approach is used, then a specific exemption for small *one-bank* companies is needed. As mentioned, we suggest the asset formula—that the assets in nonbank activities shall not exceed one-third of the bank's assets, and in no case more than $10 million.

In applying the formula, the total bank and nonbank assets would be counted, even though the one-bank company owns less than 100% of either type of assets, so long as the company has effective control as described in the definitions section.

In connection with this exemption, we suggest retaining the same safeguard procedure as contained in Clause (8) of the present Act, namely, that each nonbank activity must be approved by the Board after notice, hearing and order of determination made on a written record. In addition, we suggest a further guideline for the Board to follow in considering an application for exemption—that the nonbank activities shall not result in an unreasonable concentration of control of such activities within the bank service area.

NEED TO RESTRAIN MULTIBANK COMPANIES

Our president, Mr. Parsch, has stated our deep concern with rapid growth of the power of multibank holding companies, despite the intent of Congress to restrain their expansion. He mentioned that Congress has not provided the Board with strong enough tools in the law itself. Let me list the most obvious deficiencies, based on 14 years of experience.

1. The standards whereby the Board considers approval of the formation of a new holding company or acquisition of a bank by an existing company have been vague from the beginning and were further weakened by the 1966 amendments.

We suggest amending Section 3(c) of the Act by striking the words in Section 3(c)(2) following "restraint of trade," and substituting a new clause (3) to read in effect as follows:

"(3) Any proposed acquisition or merger or consolidation under this Section unless it is affirmatively proved that such acquisition or merger or consolidation is required to meet the convenience and needs of the area to be served, or to prevent the imminent failure of a bank."

And further that the last sentence of Section 3(c) be amended to read as follows:

"In every case, the Board shall take into consideration the financial resources, the character of the management and the future prospects of the company or companies and the banks concerned."

The present standards in the Act are wholly inadequate. Section 3(c) clause (1) deals with a monopoly situation which would rarely, if ever, occur. Clause (2) deals with an acquisition which would substantially lessen competition, tend to create a monopoly, or would be in restraint of trade. Literally, these words can be taken to mean that if a bank holding company proposes to acquire another bank sufficiently distant from any other subsidiary bank so that there is no overlap of deposits or loans between the two banks, then the application must be approved.

This means that a multibank holding company could make acquisitions all over a state so long as in each case it could be demonstrated that there was no existing significant competition between a subsidiary bank of the holding company and the bank to be acquired by the holding company. As a consequence, a multibank holding company could acquire a network of banks; then, by massive advertising could dominate the banking market of the state. The proviso in Clause (2) is to the effect that even though there *are* anticompetitive effects, the Board can find that they are outweighed in the public interest by meeting convenience and needs of the community to be served. This proviso should be eliminated. We cannot conceive of such overriding public interest, except in a failing bank situation.

Since these factors, in actual practice, are meaningless unless there is substantial competition between the bank to be acquired and another bank in the same holding company, there is an obvious need to strengthen the factors by adding a third clause, to the effect that the applicant holding company must bear the burden of proving that a proposed acquisition is required to meet the convenience and needs of the area to be served or to prevent imminent failure of a bank. Language of this nature would provide the kind of control and restraint upon holding company expansion that is badly needed and which would help greatly to carry out the purposes of the Act as shown by Mr. Parsch. Today, after 14 years of experience, there is more need than ever for additional restraint upon holding companying expansion.

2. We urge that Section 3(a)(4) be amended by striking the words, "other than a bank," in order to stop interstate expansion of existing holding companies. These words unfortunately permit the subsidiary of a holding company in another state to acquire by merger an independent bank and put it out of business or convert it into a branch, all without approval of the Federal Reserve Board. (See the Court decision in State of South Dakota v. National Bank of South Dakota, 335 F. 2d 444; review denied, 379 U.S. 970.)

The legislative history shows that the words, "other than a bank" were inserted to prevent conflict between the Federal Reserve Board and the Comptroller of the Currency, in cases where the latter can approve a merger into a national bank under the Bank Merger Act. We have seen that this phrase has breached the prohibition in the Act against interstate expansion of holding companies, a result never intended by the Congress. It is confusing to divide responsibility for controlling holding companies between two agencies and we urge that all control reside in the Federal Reserve Board. To achieve that objective it is necessary to strike the words "other than a bank" from the Act.

3. In addition to the above amendments, we propose important procedural amendments, dictated from experience, and on the principle that rights and prohibitions are no stronger than the remedies to give them effect. These important amendments are as follows:

(a) Amend Section 3(b) to require hearings on any bank acquisition where any other bank in the area contends it would be adversely affected and makes formal objection to the application. The present hearing requirements are completely inadequate, and often an acquisition occurs before adversely affected banks are fully aware of the situation.

Requiring a hearing on a contested application would protect the banks which might be adversely affected and would protect the public interest. It also would make it clear that the opposing parties have legal status as a "party" under Section 9 of the Act, regarding judicial review, and under the Administrative Procedures Act.

(b) Amend Section 8 dealing with the sole remedy of criminal prosecution, which has proved ineffective, by adding two other procedures for enforcement, in order to prevent evasions and violations: (1) administrative orders along the line of cease and desist orders in the FDIC Act; and (2) civil actions for injunction by adversely affected banks or by the federal or state supervisory authority, as the case may be.

The suggested administrative orders along the line of those provided in the FDIC Act could be made upon a finding by a Board examination in the field, or an examination by the appropriate supervisory agency, federal or state, and reported to the Board, in order to prevent violations and evasions, and thus give *prompt* and adequate remedy, without the necessity for a criminal prosecution. A court appeal would be available, as in the FDIC Act.

An obvious additional remedy is to make available to aggrieved parties a civil action for injunction, which the courts do not now allow because Congress has specified criminal prosecution as the *sole remedy*. (See South Dakota case, cited above.)

CONCLUSION

In summary, we feel that Congress should not delay in taking action to eliminate large one-bank conglomerates, but that great care should be taken to preserve the use of one-bank companies for small banks, with the restrictions on nonbank activities as we have indicated.

While amending the Act, we strongly urge that this Committee take a hard look at the effect of the amendments on large multibank holding companies which have been expanding rapidly and need to be brought under tighter control.

Thank you for your kind attention.

ADVISORY POSITION OF INDEPENDENT BANKERS ASSOCIATION

The Independent Bankers Association of America hereby adopts the following advisory position regarding federal regulation of one-bank holding companies.

1. The objective of outlawing large-scale conglomerate activities by large banks through the device of one-bank holding companies is firmly supported by the Nixon Administration. We favor the same objective.

2. Adoption of H.R. 6778 by an overwhelming vote of 351 to 24 on November 5, 1969, demonstrated the deep and widely-held concern that the combination of banking and commerce on a large scale endangers America's economy.

3. H.R. 6778, as adopted by the House, adversely affects the smaller locally-owned banks. Therefore, in order to protect independent banking, modification by the Senate is necessary.

a. A distinction must be made between large conglomerates and small one-bank holding companies which present no danger to the national economy.

b. This distinction should be in the form of an exemption in the law, limited to these small one-bank holding companies. The exemption should carry suitable restrictions as to the extent, nature or size of their nonbank activities.

c. The definition of a one-bank holding company should be clarified so that an individual is not deemed to be a company.

4. The bill should further be amended to:

(a) plug the loophole which now permits interstate expansion by existing multibank holding companies;

(b) broaden the means of preventing evasions and violations of the law;

(c) permit independent banks adversely affected by multibank holding company acquisitions to object and have the opportunity for hearings on these acquisitions.

Adopted March 18, 1970 at the 40th anniversary convention of the Independent Bankers Association of America at the Hilton Hawaiian Village Hotel in Honolulu, Hawaii.

INDEPENDENT BANKERS ASSOCIATION OF AMERICA,
Washington, D.C., April 22, 1970.

Hon. JOHN N. MITCHELL,
Department of Justice,
Washington, D.C.

DEAR MR. ATTORNEY GENERAL: This letter is to express the deep astonishment and concern of the Independent Bankers Association of America at the position in favor of liberalized branch banking taken by the Department of Justice Antitrust Division, as reported in the American Banker, the banking daily, on April 9, 1970. This is an invasion of States Rights.

Since this publication many of our more than 6700 member banks throughout the country are already protesting that this proposal is an unwarranted and unprecedented intrusion of the Federal government into the affairs of the States. Publication of these proposals with documentation of the proposed entry by the Federal government into the field reserved for States Rights, already is having an ill effect in the various State legislatures which will be considering banking legislation in the next few months.

For several days we have attempted to obtain from Justice a copy of the text of the proposal to permit detailed study, and have been unable to obtain one. Today, a delegation of our general officers discussed this matter with officials of your Department designated by Assistant Attorney General McLaren to meet with them. Again, we asked for a copy of the text and were told it was privileged.

We expressed to these officials our shock and dismay to proposals by the Department that would result in a liberalization of state laws on branch banking, in contradiction to the traditional role of the Department in support of preserving banking competition, and preventing concentration.

Furthermore, this proposal reveals a marked departure from repeated statements by President Nixon that have emphasized the new Federalism, which proposes to reduce centralized dominance and increase the role of the States in government. We view this proposal as heavy handed Federalism.

We are likewise astonished that this startling invasion of the traditional rights of the States has been sought obliquely, through the Council on State Governments, when such proposals should be addressed to Congress. We are presently supporting various Administration proposals, made legislatively in the normal way to the Congress.

We pointed out to your officials that since neither the Federal government nor the States have the right to pre-empt the field of banking, it must be shared, and that Congress, for more than a century, has followed the policy that national banks must adhere to state banking standards in the basic areas of banking, on the basis that each state is best able to decide what is best suited to its economy. What may good for New York state is not necessarily good for Nebraska.

The most sensitive of these basic principles, designated to achieve complete equality between the two systems, is the matter of branch banking. The Congress, throughout this century, has passed legislation affecting holding companies and mergers, but has deferred entirely to the States on branching matters.

We also stressed to your staff that from 1946 to 1969 branches increased from 22% to 60% of all banking offices; that two-thirds of bank deposits are already in branch banks; and that concentration of control of deposits is the highest in states permitting statewide branching.

In Canada, three banks control more than

75% of all bank deposits in the country, with hundreds of branches. Similar concentration can be found in England and other countries where liberal branching is permitted. In short, branching is the fastest vehicle to concentration, far outstripping mergers and holding companies.

Our surveys show that the chief proponents of liberalized branching in State Legislatures are the large banks seeking to become larger. Never have we found any demand for branching coming from people seeking more banking service.

Your proposal thus would place the Administration squarely on the side of these larger banks.

Independent unit banks, together with correspondent banking, afford the people alternate sources of credit and services at fair costs which only competition can provide. We believe it is the role of your office to foster and preserve banking competition, not to suppress it by fostering widespread branching systems which can only lead to concentration and the disappearance of independent banks.

Having observed the rapid and dangerous trend to concentration in this country due to branching, and what has happened in other countries, we are determined to use all means available to us to oppose your endeavors to influence state legislatures to accelerate this trend. We hope that you will carefully review your proposal, and strongly urge that you withdraw it.

Sincerely,

ROD L. PARSCH,
President.

USE OF HOLDING COMPANY FOR FINANCED BANK ACQUISITION COMPARATIVE REVIEW—AFTER TAX RESULTS ACQUISITION DEBT INCURRED OF $450,000

Assumptions:

Banker with salary of $20,000 purchases bank with borrowed funds of $450,000 at 6½ percent, level principal payments plus interest over 15 years.

Dividend paid by bank of $26,000 per year.

Insurance agency purchased with bank earns commission income of $25,000. Expenses of $4,000 are paid to the bank for use of employee time and bank space utilized for the agency operations producing net income of $21,000.

Federal income taxes computed on basis of rates in effect for 1969 without consideration of temporary surcharge.

TOTAL 15-YEAR DEBT SERVICE PERIOD

	Banker alone	Banker uses a holding company		
		Banker	Corporation	Total
Taxable income:				
Salary	$300,000	$300,000		$300,000
Insurance agency, net	315,000		315,000	315,000
Dividends from bank	390,000			
Interest expense	(234,000)		(234,000)	(234,000)
Total	771,000	300,000	81,000	381,000
Cash flow:				
Taxable income	771,000	300,000	81,000	381,000
Dividend deduction (a noncash charge to income)			390,000	390,000
Retirement of debt	(450,000)		(450,000)	(450,000)

	Banker alone	Banker uses a holding company		
		Banker	Corporation	Total
Federal income taxes:				
Paid to IRS	($269,000)	($56,000)	(23,000)	($89,000)
Benefits received from bank for use of losses			5,000	5,000
Total	52,000	234,000	3,000	237,000
Cash balance summary:				
Banker and corporation				237,000
Banker alone				52,000
Difference				185,000

USE OF HOLDING COMPANY FOR FINANCED BANK ACQUISITION COMPARATIVE REVIEW—AFTER TAX RESULTS ACQUISITION DEBT INCURRED OF $900,000

Assumptions:

Banker with salary of $30,000 purchases bank with borrowed funds of $900,000 at 6½ percent, level principal payments plus interest over 15 years.

Dividend paid by bank of $52,000 per year.

Insurance agency purchased with bank earns commission income of $50,000. Expenses of $8,000 are paid to the bank for use of employee time and bank space utilized for the agency operations producing net income of $42,000.

Federal income taxes computed on basis of rates in effect for 1969 without consideration of temporary surcharge.

TOTAL 15-YEAR DEBT SERVICE PERIOD

	Banker alone	Banker uses a holding company		
		Banker	Corporation	Total
Taxable income:				
Salary	$450,000	$450,000		$450,000
Insurance agency, net	630,000		630,000	630,000
Dividends from bank	780,000			
Interest expense	(468,000)		(468,000)	(468,000)
Total	1,392,000	450,000	162,000	612,000
Cash flow:				
Taxable income	1,392,000	450,000	162,000	612,000
Dividend deduction (a noncash charge to income)			780,000	780,000
Retirement of debt	(900,000)		(900,000)	(900,000)

	Banker alone	Banker uses a holding company		
		Banker	Corporation	Total
Federal income taxes:				
Paid to IRS	($167,000)	($118,000)	(45,000)	($163,000)
Benefits received from bank for use of losses			10,000	10,000
Total	(125,000)	332,000	7,000	339,000
Cash balance summary:				
Banker and corporation				339,000
Banker alone				(125,000)
Difference				464,000

ADMINISTRATION POLICIES CRUSH SMALL BUSINESS

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, while the administration officials talks about minor adjustments in the economy, thousands of small businessmen are being hard-pressed just to keep their doors open.

Mr. Speaker, I wish that the administration officials would realize that what they describe as "minor adjustments" in Washington can have a catastrophic effect on small businesses throughout the Nation. Small businessmen simply cannot continue to pay 10, 12, 15, 20 percent and higher interest rates. A continuation of such high interest rates will simply mean bankruptcies for small businesses in all parts of the Nation.

Mr. Speaker, I recently received a letter from a small businessman in Los Angeles, Calif., detailing the difficulties that he and his wife are having in their small business because of the economic policies pursued by the Nixon administration. I hope that Members of the House will read this letter and realize that we cannot allow high interest rates to wipe out this important segment of our economy. I place a copy of the letter in the RECORD:

MAY 30, 1970.

DEAR CONGRESSMAN PATMAN: "The overall economy was down a very minor amount as a result of controlled effort to slow down the economy".

This is a quote from Commerce Secretary Maurice Stans in the Los Angeles Times this week.

We, the public, who have been trying to keep body and soul together for the last six months (the duration of the recession so far) are now being told that the economy will normalize itself by the *end* of this year.

Congressman, that will be twelve months of joblessness; operating in the red for small business that doesn't have the millions behind it to weather this economic assault.

My wife and I went into business twelve months ago putting practically all we have saved through the years into it. President Nixon did not inform the American public in his campaign speeches that he was going to manipulate the economy. Had we known this we would have remained on the jobs we held for so many years and not invested our money in this enterprise.

As of now, my wife has gone back to work (she was fortunate enough to get her old position back) and I'm sitting in the Dept of Employment every morning looking for part time work in order to keep from losing everything. I hope to be able to put in an 18 hour day which would allow me the luxury of sleeping six hours every day. So far the situation has been too few jobs and too many job hunters. In two weeks the high schools and colleges will be dumping their students on the labor market. This should produce the largest mass unemployment since the depression of 1932.

Frankly, I've lost confidence in this form of government that allows one man (be he Democrat or Republican) so much economic power that stock markets rise and fall on his every pronouncement. This matter should be regulated by Congress to insure a broader, more equitable application of financial policy.

I hope that in your position in congress you will be able to emphasize the urgent fact that we can not hibernate like bears until this economic storm is over. There is the food bill, rent, utilities, taxes, and insurances that still have to be paid and those waiting to be paid won't wait until the end of the year.

Sincerely,

WM. JACKSON,
Los Angeles, Calif.

FANNING THE FLAMES OF REBELLION

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, the tight money-high interest policies of the administration are adding new fuel to the fire of rebellion against our Government by a large segment of our youth. Moreover, tight money-high interest rate conditions are eroding the faith of those very people who might otherwise be the staunchest defenders of our Government—the very people who have worked their way through college or through training programs to equip themselves for careers in the American free enterprise system.

XUM

Having worked hard for years, having spent large sums of money for education, they now find themselves robbed of the opportunity for homeownership—the cornerstone of our society and of our democratic concept of Government.

EROSION OF FAITH

Mr. Speaker, an example of the erosion of faith in our system that is now taking place among the young adults who will shoulder the responsibility of Government—Federal, State, and local—in a few short years is given in a letter to me by a Maryland resident which follows:

GAMBRILLS, MD.,
May 19, 1970.

Representative WRIGHT PATMAN,
Chairman, House Banking Committee, U.S. House of Representatives, Washington, D.C.

DEAR MR. PATMAN: Recently I read an article in the Baltimore Sun which mentioned the fact that you are concerned about high interest rates. I am one of the young American taxpayers who is also concerned about high interest rates.

Last fall after spending nearly seven years at college "preparing for my future" I completed my studies with the MS degree. Presently I am employed by the State of Maryland as a professional. Even with all my years of training, an excellent record, and a very challenging, comparatively well paying position I find that I cannot even think of buying a home because of the high interest rates. In just the past two years interest rates have reached a ridiculous level. As a young member of American society—age 25 by the way—I feel almost compelled to revolt against the Federal Government. There is a hopelessness about the money situation that has many of us younger people greatly disturbed. There are many of us who are respectable people, who do not riot, but yet who are wondering just exactly what we have to do to stop the skyrocketing cost of living. The fact that college trained people are no longer being paid adequate incremental wages to keep up with inflation is also disturbing.

Why has the Federal Government shirked its responsibility to the youth of America by allowing rampant inflation to continue? It is we, the younger people just starting out, who find it most difficult to get ahead. Is it no wonder then that college-age people everywhere are most sympathetic to dissent?

This letter is not meant to be a tirade against the Federal Government or even against certain individuals. Rather, it is written to express the opinion that a dangerous feeling of hopelessness is rapidly developing among the younger members of American society, and that something must be done to stop inflation and bring interest rates down.

Sincerely,

JOHN R. MATIS.

DO NOTHING ADMINISTRATION

Mr. Speaker, the President has it within his authority to halt the march of interest rates. Last year this Congress approved legislation authorizing the President to exercise credit controls over any and all areas of the economy when such action is necessary in his judgment. At the time President Nixon signed the act, he said he was doing so reluctantly, and never intended to implement it.

Since then, as conditions worsened, there have been repeated calls for congressional, Government, and business leaders to use the authority and prestige of his office to stop the upward spiral of prices and wages. The President has refused to do anything except invite business leaders to a White House banquet where they were assured there was no need to worry about the future of the economy.

A CHANCE TO REVERSE THE TREND

Legislation is now under consideration to create a Federal bank to provide mortgage funds at reasonable rates for those low, moderate, and middle income families who are the victims of the Nation's crushing housing crisis. Legislation is also under consideration authorizing the President to freeze prices and wages for 6 months while a long-range solution to our economy problems is sought. The administration is in opposition to both measures. If these efforts to alleviate economic problems continue to meet with the same attitude the President expressed toward the credit control bill, then Mr. Matis and millions like him will have additional crushing examples deepening the despair he expressed in his letter to me.

Mr. Speaker, the implications of such attitudes fostered by genuine hopelessness are alarming to say the least.

MAIL INDICATES GROWING CONCERN OVER HIGH INTEREST RATES

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, every week I receive hundreds of letters from citizens all over the Nation urging that something be done to lower interest rates and to revitalize the U.S. econmoy. These letters come from all walks of life—small businessmen, farmers, homebuilders, and many consumers. Today, the theme is very similar regardless of where these letters originate. The people want action by the Congress and the administration on high interest rates.

Mr. Speaker, I know that other Members of Congress likewise are receiving much mail on this subject.

Mr. Speaker, to illustrate the widespread nature of this concern, I place in the RECORD three letters—one from Indiana, one from Texas, and a third from Wisconsin:

BEST WELDER, DIVISION OF AIR HYDRAULICS OF INDIANA, INC.,
Indianapolis, Ind., May 19, 1970.

Representative WRIGHT PATMAN,
House of Representatives,
The Capitol, Washington, D.C.

DEAR MR. PATMAN: The attached article appeared today in the Indianapolis Star.

I applaud your position in this matter and I urge you to continue to press the matter.

It appears to me that the present administration is too obstinate to do what is necessary to get the economy rolling.

We are a small business firm. We cannot continue to survive unless the situation is changed in the very near future.

Keep up the good work.

Very truly yours,

RAYMOND C. CHASE,
President.

NIXON CHALLENGED ON MONEY COSTS

WASHINGTON.—The House Banking Committee chairman challenged President Nixon yesterday to use existing powers against high money costs, saying if he does not "we will bring down interest rates by statute."

Representative Wright Patman (D-Tex.) said Congress should stay in session "night and day and on weekends if necessary . . . until we have a specific program to bring about lower interest rates and to revitalize our entire economy."

Patman gave his views in a speech prepared for House delivery today and released for publication last night.

Patman said Congress enacted five months ago legislation providing "the broadest possible set of tools to control credit and interest rates.

"The President has not acted to use this law," he said. "He has left it sitting idle while prices continued to climb and while interest rates remain at record levels. He left the law untouched while housing starts continued to decline."

The law, Patman said, permits the President to direct credit into needed areas, impose limits on interest rates and, through the Federal Reserve, control all elements of credit transactions.

In addition, he said, "I urge that the President and his Cabinet officials, such as the secretary of the Treasury speak directly to the banking community and demand that rates be lowered."

SCHNEIDER, BERNET & HICKMAN, INC.,
May 23, 1970.

Hon. WRIGHT PATMAN,
House of Representatives,
Washington, D.C.

DEAR MR. PATMAN: As a member of the financial community I heartily endorse your efforts to control the critical abuses in the banking industry which are inflicting serious problems on our economic welfare both as individuals and as a nation.

Unless something is done to curb the astronomical interest rates and the huge benefits being reaped by the largest banking interests the repercussions will be disastrous.

At the very time that business profits are plunging and country is being led toward depression by an adamant and short sighted administration the banking interests are profiting as never before at the expense of the general welfare of the nation as a whole.

The vast majority of the people, whether Republican or Democrat, liberal or conservative, would like to preserve our American way of life. But if the biggest money and banking interest are allowed to go unchecked and squeeze until the middle class is eliminated there would arise as a means of last resort a protest that would make the recent peace demonstrations look like a picnic. The result could well be socialism or just plain communism.

I am proud of you as a fellow Texan and distinguished American. Please keep up the good work you are doing.

Very truly yours,

Richard C. Byrd.

Allied Realty Sales,
May 22, 1970.

Representative **Wright Patman**,
Washington, D.C.

Dear Sir: We want you to know that we appreciate very much what you and our good Senator William Proxmire are trying to do to bring the interest rates down to a reasonable level.

Our business has suffered greatly due to the high interest rates. Frankly we don't know if we can stay in business much longer under present conditions. Many builders and real estate brokers have been forced out of business.

More than 30% of the construction workers in the Milwaukee area are unemployed, and, this being the peak building season.

Please continue exerting pressure on the Nixon Administration to revitalize our economy. Thank you.

Sincerely yours,

Rudolph Morvak,
Broker.

New Housing Units Decline 32 Percent Here

New housing units authorized by building permits in the Milwaukee area declined from 786 during April of 1969 to 486 last month, the Metropolitan Builders Association of Greater Milwaukee said Wednesday.

The decline was 32.3%.

It was the 21st decline in the last 23 months, comparing each month with the same month the year before, and the lowest April on record. The builders' association has been monitoring building permits since late 1957 in Milwaukee, Waukesha, Ozaukee and Washington Counties.

The lowest previous April was in 1961 when permits were issued for only 665 dwelling units.

Single family homes fell to 281 last month from 427 in April last year. Duplex units dropped from 78 to 22 and apartments from 213 to 183.

Three of the four counties shared in the April losses. Milwaukee County took the brunt of the decline, dropping from 1,643 during that month last year to 529 this year. Washington County showed an increase from 67 to 87 units.

Building officials took solace in the comparison of the April decline with the whopping 64% decline in March, compared to March of last year.

"Sure it's bad," said Avrum M. Chudnow, the builder association president, of the April decline, "but the rate of decline is lower. Before, the drop was more precipitous."

Chudnow said he was encouraged by various government programs to stimulate housing and by the decision of First Wisconsin and Marine National Banks here to provide a total of $25 million for conventional mortgages.

"With the freeing of funds at realistic rates, I think you'll find the moderate and high income families buying homes again," he said. "Unlike the stock market, the bottom has been reached in the housing market."

House Panel Demands Cut in Interest

Washington, D.C.—The House Banking Committee chairman challenged President Nixon Sunday to use existing powers against high money costs, saying if he does not "we will bring down interest rates by statute."

Rep. Wright Patman (D-Tex.) said Congress should stay in session "night and day and on weekends if necessary . . . until we have a specific program to bring about lower interest rates and to revitalize our entire economy."

Patman gave his views in a speech prepared for House delivery Monday and released for publication Sunday night.

AMERICANS SUPPORT PRESIDENT NIXON

(Mr. RHODES asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. RHODES. Mr. Speaker, it has become obvious that despite the opposition of a strident and vociferous minority, most Americans approve of the way that President Nixon is conducting his job both abroad and at home.

That approval was made clear yesterday in the most recent Gallup poll which showed that 59 percent of the Nation support the President and only 29 percent oppose him.

This is the third consecutive monthly gain in the President's popularity and it comes in the wake of cries of isolation, lack of leadership, credibility gap, and all those other red herrings the radicals, the militants, and the Nixon haters seek to confuse the issues with.

It comes despite the tough, necessary steps the President has taken to deal with the problems of Vietnam and inflation.

It comes despite the demonstrations, the violence, the riots, and the personal invective. It comes despite all the efforts of the peaceniks and the anarchists and the revolutionaries to destroy the President's credibility and polarize this Nation.

Mr. Speaker, the American people deserve a vote of appreciation by those of us in public office for making it clear that they cannot and will not be stamped by the rabid and divisive propaganda of the professional agitators and the political opportunists.

REORGANIZATION PLAN NO. 2

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, during the debate on Reorganization Plan No. 2 the point was frequently made by its opponents that Congress was abdicating more of its authority to the Executive and was surrendering power which really should have been retained in the legislative branch.

An eloquent letter in the New York Times of May 24, 1970, written by Erwin L. Levine, professor of government at Skidmore College, expresses this point of view most graphically. In particular, Professor Levine points out the ironical fact that it is the conservatives in this instance who have continued the process of increasing the power of the Executive after years of criticizing the liberals for similar actions. I am happy to append Professor Levine's letter to these remarks and I hope that it will be carefully read by Members of the House and that these words will be kept in mind as we watch in the future the operations of the new Office of Management and Budget and the Domestic Council.

Saratoga Springs, N.Y., *May 19, 1970.*

Neglect by Congress

To the Editor: For years, conservatives of both the Republican and Democratic parties have been charging the liberals (and rightly so) with further enlarging the powers of the Presidents by legislative action, constitutional interpretation, and political cooperation. Now, lo and behold, the conservatives themselves have joined that foolish parade toward enhancement of Presidential power.

This past week, the Congress failed to disapprove Reorganization Plan No. 2 submitted by President Nixon on March 12, 1970. This plan took effect on Saturday, May 16, 1970 because neither the House nor the Senate disapproved it (each of the legislative Houses has the right to disapprove, within sixty days, any such executive reorganization). Indeed, by virtue of the vote of the House on May 14 (193 to 164 against such disapproval) and the Senate's failure even to have considered the plan on the Senate floor, the Congress has once again abdicated its constitutional authority to check the power of the President.

By not disapproving this plan, the Congress has permitted the President of the United States to develop even further excessive Presidential control over the power of the purse. One of the last vestiges of Congressional prerogatives has been its constitutional authority to authorize and then appropriate funds for expenditure by the executive branch.

The way the new Domestic Council and the Office of Management and Budget is now structured under this Reorganization Plan No. 2, a much greater barrier of insulation has been placed between the executive and legislative branches on domestic legislation, so closely tied to the appropriations process. More and more the Congress is losing, and indeed giving up, its constitutional right to check the President.

This is not because Presidents have been usurping power. Rather it is because the Congress continues to neglect its own responsibilities and duties. Now that the conservatives in the Congress seem to have captured control of the national legislative process, it is all more the pity that they have fallen into the same trap that the liberals fell into long ago. They have handed to the President (regardless of who he is) unheard of power. The democracy is much the worse for it.

Erwin L. Levine,
Professor of Government,
Skidmore College.

PRESERVING THE VIEW FROM MOUNT VERNON—WHEN?

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, I know I

begin to sound like a broken record on the subject of the "view from Mount Vernon" but the commercial development which threatens the beauty of the national—nay, international—monument we have made of the first President's home needs dramatization. In an earlier plea to save the view, back in 1967, I asked:

> If we cannot as a people, through our duly constituted institutions, save Mount Vernon—pray tell, what can we save?

I have recently considered kidnaping Secretary Hickel and Parks Director Hartzog and holding them until such time as they promised to give Mount Vernon the priority status it deserves—meaning, simply, that they would come to the Congress and actively seek the funds to protect the view. I have been dissuaded from this course of action—reluctantly.

The chorus of concern about the view from Mount Vernon has been taken up recently by the New York Times based on the centennial theme. Frankly, I do not care how or who makes the point for preservation so long as we achieve the goal of protecting one of our greatest historical treasures for future generations of American and world citizens.

Such preservation cannot be achieved if those in charge of the Mount Vernon area do not care. My goal is to make them care.

Some assistance in this quest is shown in the New York Times editorial of June 3 which follows:

VIEW FROM MOUNT VERNON

As the United States prepares to observe the two hundredth anniversary of its founding, there is cause for alarm over the present status and future prospect of some of the great homes and sites of the Revolutionary era.

The greatest one of all is George Washington's home overlooking the Potomac and the low Maryland shore. "No estate in United America," Washington wrote, "is more pleasantly situated than this." Every year a million and a quarter people from all over the world visit the beautiful mansion and its grounds and discover that Washington's words are almost as true today as they were then, thanks to the care given this estate by the Mount Vernon Ladies' Association, which has owned it for more than a century.

But even Mount Vernon is vulnerable. The Department of the Interior controls the view upriver on both sides of the Potomac, and, directly across the river, has gained scenic easements generously donated by—or purchased from—private landowners.

However, substantial parts of the Maryland shore opposite and downstream from Mount Vernon are in imminent danger of development. About one hundred acres along the water and some 1,200 acres on the slopes behind are not under scenic control. Nearby a twenty-acre amusement park might grow to a frightening one hundred commercial acres under rezoning by Charles County in Maryland.

The Federal Government has a mandate from Congress to protect and expand the Mount Vernon overview. The original authorization to buy up the lands has been renewed regularly by Congress—but the Administration has failed to ask for funds for land acquisition and Congress has failed to correct this omission. Unless the unprotected acreage is acquired immediately by the National Park Service, the historic landscape can be ruined.

Looking ahead toward the centennial of the American Revolution, the founder of the Mount Vernon Ladies' Association wrote in 1874 that when thousands come "from the ends of the earth, to whom the home of Washington will be the place of places in our country, let them see that, though we slay our forests, remove our dead, pull down our churches, remove from home to home, till the hearthstone seems to have no resting place in America, let them see that we know how to care for the home of our hero." A century has gone by; now the bicentennial nears; and these words serve once again to remind Americans that we must not lose our heritage.

FEEDING THE ELDERLY IN SCHOOL

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PERKINS. Mr. Speaker, meeting the nutritional and social needs of the millions of elderly persons in this country is a task far from completed. A society can consider itself among the strongest when it assumes responsibility to do away with the loneliness and despair which so often marks the retirement years of persons who have led active and productive lives.

Our distinguished colleague, CLAUDE PEPPER, who has devotedly served his country in both bodies of Congress, has recently introduced a bill which would have considerable impact on improving the lives of Americans 65 or more years old.

His bill—H.R. 17763—provides Federal grants to States for the establishment and operation of low-cost meal programs and opportunity for increased social contact for the elderly. This would be achieved through a more effective utilization of existing facilites at public institutions such as schools and community centers.

In this regard, I found most interesting an article in School Management magazine entitled "Feeding the Elderly in School." The author, Marion Cronan, is a well-known authority on school lunch planning, and is director of food service and homemaking for the Brookline, Mass., public schools. In her article, Miss Cronan discusses pilot programs in Brookline and Pittsfield, Mass., which supply low-cost lunches at local schools and after-lunch activities for the elderly. As Miss Cronan writes:

> Extension of school cafeteria services in this direction seems a logical use of school—and taxpayer—facilities."

The article follows:

FEEDING THE ELDERLY IN SCHOOL

Food service directors, already struggling with higher food costs, labor shortages and inadequate financing, can't be expected to jump for joy when asked to stretch their lunch periods to serve needy senior citizens. But it's happening. School breakfasts for children are no longer an oddity, and an increasing number of public officials are searching for ways to feed their senior citizens also. Since school feeding facilities represent a sizable community investment, they are a natural selection to accommodate such a program.

In late 1967, schools in Massachusetts were authorized to use their lunchroom facilities to serve lunches to poor elderly persons, and Brookline and Pittsfield were designated to conduct prepilot programs. When approached with the idea, I immediately had visions of the difficulties involved: Would employees be willing to work longer hours? How much more record keeping would the program involve? How would the elderly fit into a lunch program that was designed primarily for young people?

As it turned out, my fears were groundless. The program has been exceptionally successful and the appreciation of participants is gratifying.

The 1967 law specified these conditions:

The charge for each lunch cannot exceed 50 cents.

Lunches must meet the nutritional standards set by the state department of education.

The procedure established by each school board for conducting the program must be approved by the Commission on Aging and the Office of School Lunch Programs in the department of education.

The Commission on Aging will determine eligibility for participation in the program.

One of the most important stipulations is that the program cannot involve the expenditure of local funds. Anything the school spends that isn't covered by the 50-cent charge for the meal is paid by federal and state grants from the Council on the Aging through the Office of School Lunch Programs. For example, the costs of additional labor, custodial services, clerical help and food are reported monthly to the state for total reimbursement.

For the most part, the "A" type lunch served to students constitutes the meal for the elderly. We know relatively little about geriatric feeding. However, we do know that the aged need basically the same nutrients as young people, but perhaps in different amounts. We have added coffee and tea to the menu, and usually serve three ounces of a protein-rich substance instead of two.

The added volume of business is small, so our per capita costs are higher for feeding the elderly than for feeding youngsters. Our costs are higher also because the custodian schedule was interrupted when the program was initiated, resulting in daily overtime pay. Extending our serving period for a half hour after the pupils are served adds two to three hours to total employee time.

Before starting the program, we feared that elderly persons would be particularly fussy about their food, but we've found the opposite to be true. They are our most appreciative and enthusiastic customers, and they are interested in the kinds of foods they should eat. By explaining to them the purpose of the lunch program and the content of the "A" meal, I have been able to point out the modifications that older people should make in choosing their food. It's doubtful, for instance, that they need all the bread and butter that the youngsters eat. But we serve the same amount because participants in the program tend to take home the food they don't eat, for consumption later or for giving to others.

When the program began, attendance varied from day to day, depending on the weather, transportation and, of course, the health of the participants. At first, tickets for meals were sold at the town's multiservice center, but this procedure didn't work out very well. It was aggravating for the aged to make a special trip to obtain a ticket for the next day's meal, then not be able to make it to the lunch for some reason. I decided that it would be best for them to pay each day in the same manner as our pupils. After awhile, the staff can predict accurately the number to expect at each day's program.

Participation in the program varies with the menu, the weather and planned after-lunch activities, which are sponsored by volunteers from the community. We have a social worker available for consultation, a psychiatrist who conducts group therapy meetings and an artist who gives lessons one day a week. Several persons from the town's mental health center volunteer time at after-lunch sessions while they are in training.

When we brought a second school into the program, we found that after-lunch activities can play a big part in attracting participation. Although the second school was within walking distance for many eligible persons, some of them still elected to go to the other school if it offered a better after-lunch program.

As interest in reduced-price lunches for the elderly grows, the churches and community service organizations that now sponsor most such programs are going to need help. Extension of school cafeteria services in this direction seems a logical use of school—and taxpayer—facilities.

CONGRESSIONAL CAMPAIGN FINANCING—SOME SUGGESTIONS FOR REFORM

(Mr. HANSEN of Idaho asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANSEN of Idaho. Mr. Speaker, the Member from Wyoming is necessarily absent today but he requested before his departure that I insert in the RECORD on his behalf a report released today by the 20th century fund. Therefore, Mr. Speaker, I ask that Mr. WOLD's comments and the report, be printed in the body of the RECORD:

CONGRESSIONAL CAMPAIGN FINANCING—SOME SUGGESTIONS FOR REFORM

Mr. WOLD. Mr. Speaker, today the Trustees of the Twentieth Century Fund released a detailed report on the problems of Congressional Campaign Financing. A year in preparation by a fund task force headed by former Congressman Thomas B. Curtis, the report contains many proposals for reform.

Regardless of whether one agrees with all points of the report, the recommendations it contains are—to quote the foreword by fund director M. J. Rossant, who merits much credit for the document—"not watered down compromises."

"In every case," writes Mr. Rossant, "they involve very real reforms of our electoral processes."

Mr. Speaker, I include the report of the task force of the Twentieth Century Fund in the body of the RECORD.

REPORT OF THE 20TH CENTURY FUND

FOREWORD

It is clear that there is something wrong with the nation's electoral system. There are many manifestations of popular disaffection. For example, there is the concern—expressed by politician and voter alike—with rising costs of campaigning, which suggests to some people that politics is an exclusive preserve of the rich and to others that it is a cynical and dirty business. The large number of votes recorded by a third party in the 1968 election is another sign of uneasiness. So, too, is the fact that many potential voters are staying away from the polls.

Both the Congress and the two major parties have been attempting to become more responsive to these and other signs of national concern. Congress is currently moving to eliminate or at least revise the Electoral College; at the same time, it is considering legislation to provide political candidates with greater access to television at less cost. Meanwhile, the major parties are seeking to carry out reforms that will enable them to attract people with ability and to open up their ranks to those—including many blacks, many poor, and many of the young—who now feel that the political system has nothing to offer them.

The Trustees of the Twentieth Century Fund, most of whom have been activist politically, have been no less concerned about the problems plaguing the political process in the United States. In 1967, the Fund sponsored the independent bipartisan Commission on Campaign Costs in the Electronic Era[1] to suggest reforms for campaigning on the presidential level. Its report, entitled *Voters' Time*, has served to stimulate debate and, hopefully, action, that will lead to better and cheaper exposure of presidential candidates on television as well as greater participation by the electorate in political campaigns.

The following report is an outgrowth of the deliberations of the Fund's Commission on Campaign Costs. For in reporting to the Fund, the Commission noted that the problems facing congressional candidates "may well be greater than those facing the national tickets." As one who was privileged to sit in on some of the meetings of the Commission, I can attest to its own concern about the difficulties of entry into politics for people who are not rich or well-connected and its feeling that new ways must be found to broaden and expand public participation in the political system.

As a result, the Trustees last year approved the setting up of a Fund Task Force to specifically consider the problems of congressional campaign financing. We were fortunate in assembling a distinguished and ecumenical group who, collectively, possessed an extraordinary amount of experience and information about political campaigns at the congressional level. Moreover, it was a deeply committed Task Force, one that was not only aware of the multiple problems involved in congressional campaigning but determined to do something constructive about them.

Like most other Fund Task Forces, the report of the Task Force is accompanied by a background paper that provides details and outlines the dimensions of the problems under discussion. It was prepared by David Rosenbloom, of the Political Science Department of M.I.T., who also served as the Task Force's rapporteur.

The Task Force demonstrated its commitment in its willingness to devote time and energy to the assignment. It held spirited debates on many issues but, partly because of the display of cooperative zeal on the part of Thomas B. Curtis, the Task Force chairman and a former Republican Congressman, and Neil Staebler, its vice chairman and a former Democratic Congressman, and partly because the group as a whole believed that the problems required consensus solutions, there were very few instances where the Task Force could not come to unanimous agreement on the proposals for reform. Yet their all but unanimous recommendations are not watered down compromises. In almost every case, they involve very real reforms of our electoral processes.

The Fund, its Trustees, and its staff appreciate the efforts made by the Task Force to produce a provocative, timely and useful report. In this congressional campaign year, the nation's political system will undergo new pressures and strains. It is our belief that the Task Force report offers positive remedies for many of the ills of the system.

REPORT OF THE TASK FORCE

The hoped-for objective of this report is simple: a fair, competitive election for every seat in the United States Congress. This objective requires that a candidate have access to adequate resources to wage a competitive campaign. We believe also that campaigns should be financed in a way that will build support for our political institutions and respect for the political process.

There will always be some imbalance between candidates in an election. One candidate will have advantages—well-known image, issues, or events—over another. These advantages obviously cannot be eliminated. However, the imbalance of money and other campaign resources which now prevents many elections from being competitive can be reduced.

At present, about 25 per cent of the elections to Congress represent serious competition, that is, instances where the decision rests on less than a 60–40 per cent split of vote. An overwhelming proportion of elections are won by incumbents. Since 1954 incumbents have been involved in 3,220 House and 224 Senate primary or general elections. They have won 92 per cent and 85 per cent of them, respectively.

The growing success of these incumbents at the polls is closely related to current patterns of congressional campaign finance. Incumbents start a campaign well ahead of the challengers and usually stay ahead. Incumbency in Congress gives a person access to campaign resources that make his re-election highly probable. The incumbent has the natural advantages of experience, previous public exposure, and a public record. Additionally he has the prequisites of office—especially his staff, his offices, his almost unlimited free postage—to help his re-election campaign.

The incumbent also has easy access to large special interest contributors[2] and to the national party campaign committees. Many incumbents begin their re-election campaigns with major portions of their funds already collected or pledged from Washington-based special interest groups. Some incumbents, especially those holding important committee assignments, can mobilize allies in the federal bureaucracy to help their re-election. Federal departments and agencies can grant or withhold federal contracts, appointments, or other redeemable political favors.

Many incumbents benefit in still another way. In setting House district boundaries, state legislatures often try to protect the incumbents in order to increase the seniority of their state's congressional delegation.

It is no accident that incumbents win so often. Many congressional elections are over before they begin because the challengers simply cannot raise the resources they need to overcome the advantages of the incumbents.

The cost of an effective campaign for Congress is rising rapidly. Today a competitive campaign for a House seat can cost each side more than $100,000, while a Senate contest can cost each campaigner a minimum of $250,000 even in a relatively small state.

With the exception of incumbents in "safe" districts, successful candidates for Congress must either be wealthy or have access to large sums of money. Challengers without such resources do run for Congress. Most lose.

The rapid rise in cost can be traced largely to changing communication patterns in the country. Most Senate campaigns and many House campaigns make heavy investments in television and radio time. In 1966 expenditures for all electoral advertising time on television and radio were $32 million, about 1½ times what was spent in 1962. A substantial portion of this total was spent on congressional campaigns. If the laws are not changed, more than $50 million will be spent in 1970.

Direct mail has long been used by congressional candidates to communicate with the voters. In recent years, however, it has become much more expensive. The cost of first-class postage has doubled since 1958 and will increase in 1970. In addition, the advent of computerized mailing techniques has made the use of direct mail both more effective and more costly.

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[1] Newton N. Minow, Chairman; Dean Burch; Thomas G. Corcoran; Alexander Heard; Robert Price.

[2] We define a special interest contributor as any individual or association that has limited objectives in politics and makes contributions to promote them.

The easy availability of air transportation is enabling more candidates to travel more. Despite the growth of mass media communication, candidates for Congress are making more personal appearances at greater cost to their campaigns than was true in the past. Some of this travel, in fact, is designed to create events for free publicity on news and interview shows.

To make full use of modern communications techniques candidates for Congress are turning increasingly to professional pollsters, managers, public relations firms, and advertising companies. These professionals often help candidates, but they also add to the cost of a campaign.

Despite the new ways of reaching the electorate, too many elections remain uncompetitive because a significant number of Americans do not vote. In 1970 less than half of the eligible population will vote in the congressional elections.[3] While the total number of people participating in congressional elections has grown in the last twenty years there has been no substantial change in the proportion of the eligible population that actually participates in congressional elections.

Many Americans are still prevented from voting. Economic and social repression has left many black, poor, and uneducated citizens afraid or unable to vote. Candidates who try to make their campaigns competitive by registering and involving groups that have been denied the ballot have found the process expensive and frustrating.

Lengthy residence requirements are still commonly used by some political organizations to keep voter turnout low and relatively controlled. Many Americans whose occupations force them to move frequently are in fact disenfranchised. Others who are away from their homes on election day are disenfranchised because absentee ballot provisions in many states are complicated and make voting difficult. Others do not vote because of indifference to the particular candidates or to the political system itself.

Voter frauds in some areas keep campaigns uncompetitive. Votes cast go unaccounted, votes may be bought, and fictitious votes may be recorded. Overcoming or eliminating these frauds is also expensive and frustrating.

Large amounts of money and other resources are now raised and spent, but not nearly as much as would need to be spent if all congressional elections were competitive. We must invest more money more wisely, to balance the advantages of incumbents, to finance adequate access to contemporary communications, to bring many excluded citizens into the electoral process, and to bring back those alienated from it.

To achieve the objective of fair competitive congressional elections changes must be made in the public policies which regulate the conduct and distribution of resources to congressional campaigns.

RECOMMENDATIONS

I. Publicizing campaign finance

1. Full Disclosure

We believe that full public disclosure and publication of all campaign distributions and expenditures are the best disciplines available to make campaigns honest and fair. We also believe full public reporting will tell the public where political contributions are going, where they are needed, and thus encourage more people to make contributions to political campaigns.

More than half the money spent in congressional elections today is not reported to the public. The federal Corrupt Practices Act requires candidates and committees to file reports on contributions and expenditures, but the law is riddled with loopholes and, as a result, few campaigns are fully reported. In 1968, 182 candidates for Congress filed reports stating that they had personally spent nothing and knew of no committee expenditures that needed to be reported at the federal level.

Some of those who reported nothing at the federal level filed more complete campaign income and spending reports with state or county agencies. However, thirty-one states either have no reporting laws or require reports of varying degrees of completeness only after an election. Almost no state has adequate auditing or enforcement procedures to deter or uncover illegal activities. As a result of the weaknesses of federal and state laws, some candidates spend more than $1 million in their campaigns without reporting any of it to the public.

Total spending on the 1968 congressional campaigns reported under the federal statutes totaled $8,482,857. Actual spending was probably more than $50 million. We believe the public has the right to know who is paying how much for congressional campaigns. So long as the public is denied this information, beliefs about political finance that undermine for our political institutions will persist. The routine failure of candidates for high public office to disclose how much they spent in their campaigns and where they got the money contributes to this growing cynicism. If respect for our political institutions is to be restored, finance regulations must be changed. The public cannot be expected to respect the law when those who would be its lawmakers avoid or break the law to get elected.

Information about campaign finance should be available to the public in easily comprehended form *during* the campaign. Both the public and the candidates should be confident that attempts to conceal campaign contributions or expenditures will be investigated, exposed, and penalized.

At present, the federal statute specifically excludes primary elections from reporting requirements. In many areas primaries are more important than general elections. We believe that money contributed and spent to influence the selection of the party nominees in a federal election should be as fully reported to the public as the contributions and expenditures of the election itself.

We recommend that every political organization and committee that spends money or other resources to influence a primary or general election for federal office be required to register with a federal elections commission and to keep orderly and open records of its activities.

Any such organization or committee that raises or spends $1,000 or more in any year should be required to file a report with a federal elections commission quarterly and fifteen and five days prior to a primary or general election.

Reports should be clear, simple, and easy for the public to understand. They should provide complete information about the source of all contributions, pledges, and new or outstanding loans; and about the recipient and purpose of all expenditures.

We recommend that firm and realistic penalties be established and enforced to deter late, inaccurate reports. Candidates and their authorized agents should be held responsible for the accuracy and completeness of reports filed by their campaign committees.

2. Federal Elections Commission

No agency is now responsible for supervising compliance with federal campaign finance regulations. The Secretary of the Senate and the Clerk of the House are the statutory repositories for campaign spending reports but they do not have the authority, the staff, or the motivation to do anything but accept the reports that are filed. Further, there is no office that keeps records and provides information about political contributions and expenditures of committees seeking to influence federal elections.

There is no federal agency that regularly investigates serious charges of illegal conduct during a campaign. Nor is there any agency competent to give legal advice about campaign activities. We believe this administrative void must be filled if campaign finance regulations are to be effective.

We recommend the establishment of a bipartisan federal elections commission to administer regulations affecting federal campaigns. The commission should audit and publicize all campaign finance reports and report possible violations, including late filing, to the appropriate enforcement agencies for action. The commission should have the staff, resources, and independence to do the jobs assigned to it. It should have the power to investigate charges of illegal activity in federal campaigns, to subpoena evidence, and to establish uniform accounting and reporting procedures for political committees.

3. Spending Limits

The traditional intent of campaign finance regulation in the United States has been to limit the size of campaign contributions and expenditures and to prohibit contributions from certain sources. The Corrupt Practices Act limits the amounts candidates and political committees may spend in any one year and limits the contributions an individual may make to a political committee in any year. Contributions from corporations, unions, and government contractors are prohibited entirely.

We do not believe this policy of ceilings has served the public well because expenditures have been neither limited nor disclosed. The limits now in the law—$5,000 for a House candidate, $25,000 for a Senate candidate, and $3 million a year for a political committee—are unrealistically low. They do not significantly affect the amount of campaign spending. They are unenforceable and while some members of the Task Force would prefer legal limits we believe that no workable set of limits can be devised.

Many people are concerned that candidates spend too much in their campaigns. At least one candidate for the House in 1968 spent $2 million in the general election alone. In some Senate campaigns, in the primary and general elections, as much as $5 or $6 million have been spent. Current laws have been ineffective in preventing or disclosing these expenditures.

If there were full public disclosure and publication of all campaign contributions and expenditures during a campaign, the voters themselves could better judge whether a candidate has spent too much. The policy would do more to protect the political system from unbridled spending than legal limits on the size of contributions and expenditures.

Some candidates probably spend too much, but that is not the point; the larger problem is that many candidates, especially challengers, do not have enough money for their election campaigns.

We recommend that all spending limits for congressional campaigns be eliminated.

4. Limits on Individual Contributions

This Task Force was concerned that removing all limits on individual contributions to political committees might open the prospect of rich individuals buying federal elections. We would like to protect our political system from that threat. The Task Force agreed that neither rich candidates spending their own money, nor rich contributors supporting a candidate should be allowed to have undue influence on elections. Full disclosure will warn the voters when such an attempt is being made.

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[3] We define eligible population as all those citizens who have reached voting age. We use this base because we believe that everyone who has reached voting age should be registered to vote. Voting participation figures would be even lower if the two million Americans outside the country were included.

The Corrupt Practices Act prohibits individuals from giving more than $5,000 to a political committee in any year. This law has not deterred people who wanted to make large contributions to candidates. They simply give their contributions to several committees supporting the same candidate.

Gifts, including political contributions, of more than $3,000 to any single recipient in any year are subject to the gift tax provisions of the internal revenue code. This may be a more effective restraint on individual contributions than the limit in the Corrupt Practices Act.

Several members of the Task Force favor a limit on the amount an individual, including the candidate himself, may contribute to a campaign. Mrs. Mary Zon and Thomas B. Curtis believe that such a limit should be enacted and can be enforced. However, we were unable to prescribe an effective device for enforcing such a recommendation.

We considered recommending a $5,000 limit on individual contributions even though it might not be fully enforceable. But since we believe one of the principal challenges of our electoral system is to restore its credibility with large numbers of the American people, we were reluctant to recommend anything that we did not think could be enforced. Moreover, we feel that unreported large contributions are much more of a danger than large contributions that are publicly reported.

The principal burden for reporting campaign contributions and expenditures ought to be borne by campaign organizations. However, reports from individuals who contribute substantial amounts of money to politics will serve as a valuable addition and cross-check to these reports.

We recommend that limits on the size of individual contributions to political committees be eliminated.

We recommend that individuals who contribute more than $5,000 in a year to federal candidates and political committees be required to file a report with a federal elections commission listing the date, recipient, and amount of all contributions (including purchases of tickets to fund-raising events), pledges and loans of $100 or more, and the aggregate total of all contributions of less than $100. Such donors should be required to certify that they have contributed their own money and that they will not be reimbursed in any way.

5. Ban on Contributions from Corporations, Unions, Trade Associations, and Government Contractors

Corporations, unions, and government contractors are now prohibited from making contributions to federal campaigns. Several ways have been developed to evade this prohibition. In the past, however, there have been only sporadic efforts to enforce this ban.

But we believe that corporations, unions, trade associations, and government contractors are unacceptable as sources of money and resources for federal campaigns. Contributions from these sources create too many potential, ethical problems for both the contributors and the recipients. We believe candidates should guard against such contributions. When illegal contributions are discovered and prosecuted, the names of the candidates who received them should be released to the public. This has not happened in the recent prosecutions.

Mrs. Zon objects to the equation of unions and corporations because of their whole purpose, constituencies, and methods of adopting and administering policies.

We recommend corporate and union nonpartisan efforts to encourage employees and members to contribute personal money and time to political campaigns and parties. We encourage corporations and unions to expand these activities. They should be allowed to continue financing them with regular operating funds.

We recommend that current prohibitions against corporate, union, and government contractor contributions to federal campaigns be continued and vigorously enforced. When a corporation, union, association, or contractor is prosecuted for making illegal contributions to federal campaigns the names of candidates who received such contributions should be released to the public.

We recommend that nonpartisan political solicitation programs financed by corporate and union operating funds be encouraged.

6. A Single Responsible Campaign Committee

A common way for candidates and their managers to avoid the current limitations on spending and reporting is to establish many committees to finance and organize a single campaign. This procedure usually obscures information about the amount and sources of money spent in their campaigns. We believe that the elimination of contributing and spending limits removes any possible justification for the establishment of multiple financial structures for any congressional election campaign. To simplify disclosure of the sources of funds and use of money being spent in any campaign, only one official campaign committee should be established.

We know that many candidates and managers believe it is useful to organize their campaigns around many specialized committees. We have no intention of interfering with the proliferation of political committees unless this practice is carried out to evade the law and obscure financial data. This recommendation would not stop truly independent committees supporting a candidate from being set up.

The majority of the task force members believe that if this recommendation is to be effective, individual contributors should make all of their contributions to one committee. Neil Staebler and Charles Barr are concerned that limiting individuals in this manner is impractical and many, in fact, have an adverse effect on broadening the base of campaign givers.

We recommend that all candidates for federal office be required to designate one official campaign committee. All subsidiary and specialized committees should be responsible to the official campaign committee which shall file all required income and spending reports for the entire campaign. Individuals should be prohibited from making contributions to more than one committee organized specifically to support the same candidate.

II. Increasing participation

7. Tax Credit for Individual Contributions

We believe the best political finance system would be one based on relatively small contributions from large numbers of citizens. The number of small givers (under $100), especially to the Republican party, has been growing substantially. We think this desirable trend should be encouraged.

A modest tax credit for small political contributors probably will increase their number for two reasons. For one thing, the availability of the credit itself will enable many more people to afford a small contribution. For another, a government tax credit will make political contributions more respectable. Many people are still reluctant to contribute to politics because they think there is something "wrong" with political finance.

Only about 8 per cent of Americans said they had made political contributions in 1968. Polls indicate, however, that many more would have given if they had been asked. We believe that a tax credit will create an opportunity for candidates and parties to raise more money in small amounts, provided they do a better job of solicitation. We urge the parties to cooperate with other institutions in the society to train more competent party officials and workers.

We have recommended a tax credit rather than a deduction because deductions favor higher bracket taxpayers. Our approach builds in the element of personal involvement, by allowing a credit for only part of the contributions.

We recommend a tax credit of up to $25 ($50 on a joint return) for 50 per cent of contributions made during a year to political committees.

8. Full Voter Registration

While some improvement has been made in removing impediments to voting, we believe the nation must take a much more positive approach to insure that every citizen who reaches voting age is registered to vote. We believe national voter registration financed by the federal government would strengthen our democratic system and remove this financial burden from individual candidates, parties, and other private organizations.

We recommend that the Congress establish a simple and universal pattern for complete voter registration, including citizens who are abroad. This should be carried out through a new unit in one of the federal agencies or through subsidies to states that adopt model uniform legislation for this purpose.

9. Voters' Information

We believe voter participation and electoral competition would be increased if all voters were given full information about the electoral process, such as the hours and places of voting and use of the absentee ballot.

We believe this should be provided at public expense. Some states already mail such information to their voters about the election procedures and the candidates and issues on the ballot. This practice should be expanded so that each voter receives official information about the election and his voting rights. We feel the states are best able to gather and distribute this information to the voters. This activity should be supported by postal subsidies.

We recommend that the federal government provide postage for voters' information material prepared by each state. To be eligible for free postage such material should include facts about voters' rights and the federal elections on the ballot.

10. Postal Privileges for National Party Committees

We believe a slight change in federal policy would encourage our political parties to communicate with their members more frequently. With regular communication they could recruit new people as volunteers and donors. Regular political communication from the parties might ease the financial and physical burdens congressional candidates now face every two years in searching out and activating their party's members. Further, reduced postage would encourage parties to expand direct mail solicitation of small gifts.

We recommend that national committees of political parties (defined as having had congressional candidates in one-half of the states in the most recent or current congressional election) be allowed to use the lowest postal rate available to charitable organizations.

III. Increasing competition

11. Use of Congressional Facilities

A better balance of resources between incumbents and challengers would produce genuinely competitive contests for the Congress. One means which we considered for correcting this imbalance is full cash subsidies for political campaigns.

We decided not to recommend this approach because we think it could lead to less political participation. Broad-based fund raising by political parties and candidates is a more effective way to achieve greater participation. Furthermore, if candidates got money directly from the government the parties might be even weaker than they are now, and their ability to organize government might erode even more. On the other hand, if parties alone got the government subsidies, their power would increase inordinately and the balance between a candidate's independence and his party loyalty would be threatened.

Our objective of more competitive elections can be accomplished through new federal policies that would prevent incumbents from using their public office for campaign purposes and which would ease the financial burden on all candidates for Congress. Many members now use their congressional offices to plan and conduct their re-election campaigns. Congressional staff members often spend significant amounts of time working on their next election. Hometown offices of members of Congress sometimes serve as campaign headquarters.

Members of Congress often use the extensive radio and television recording facilities in the Capitol to tape politically oriented messages for broadcast in their campaigns. The postal franking privilege has at times been abused for political mailings.

Members of Congress are entitled to ask staff people to work on campaigns. But we believe these people should leave the federal payroll during the campaign and be paid by the campaign organization. This would put the incumbent on an equal footing with the challenger who must pay his staff from campaign funds. Similarly, incumbents should not be allowed to use government facilities and equipment to plan and organize their campaigns. They should maintain separate campaign facilities paid for by their campaign organization.

We recommend that a federal elections commission enforce rules that will prevent members of Congress from using their staff, office, and communications facilities to plan and run their re-election campaigns.

12. Postal Allowance for Candidates

It would be relatively cheap for the federal government to give each candidate for Congress the opportunity to put a piece of his own literature into the hands of each voter. While we are dealing here only with the general election we realize that in some areas the primary is still the most important arena in an electoral competition. If our recommendation proves to be as useful as we think it will, it could easily be extended to candidates in primary elections.

We recommend that every legally qualified candidate for Congress in the general election be entitled to one free mail delivery to each voter in his constituency.

13. Access to Television and Radio

The Federal Communications Act of 1934 authorizes licenses to use but not to own the airwaves. We believe the airwaves belong to the people. We believe it to be proper public policy to assure candidates for federal office the right to use television and radio to communicate with their constituents during an election.

To implement this policy, legally qualified candidates must be granted reasonable requests to buy television and radio time. Some broadcasters refuse all political candidates the right to buy time. David Jones recommends that broadcasters be prohibited from denying a legally qualified candidate any reasonable request for time he may wish to purchase in general or primary elections. He opposes mandating that broadcasters sell time at discounted prices. The other Task Force members believe that broadcasters should be required to sell time at reduced prices to provide access to television and radio to candidates of modest means.

In metropolitan areas television and radio stations encompass several House districts. In these areas television and radio are not effective campaign tools, at any price, and we do not encourage candidates to use them. We are therefore against mandating free time for *all* congressional candidates. We have limited ourselves to the problem of assuring candidates access to television advertising and political programming at reasonable prices. We believe more intensive study of the political uses of television is needed to insure that this important public resource is used to increase the quality of public knowledge and debate on important issues. For example, we think there should be much more comparative examination of the uses, impact, and effects of various formats as political communication tools.

The study of presidential television campaigning conducted by the Twentieth Century Fund Commission on Campaign Costs in the Electronic Era (*Voters' Time*) was useful. We urge that new studies of the impact and effects of television at all levels of the political system be conducted.

We recommend that commercial broadcasters be required to sell reasonable amounts of prime and other time to legally qualified candidates for Congress.

We recommend that commercial broadcasters be required to charge all legally qualified candidates for Congress for such political time as they buy in general and primary elections at no more than 50 per cent of the lowest charge made to any commercial advertiser for such time, provided that broadcasters may then, for federal income tax purposes, deduct amounts equal to the dollar value of such discounts to candidates from their total taxable income.

14. Potential of Cable Television

Multichannel cable television is coming into wide use throughout the country. Because cable television is highly flexible and can deliver programs to limited geographic areas such as congressional districts, ground rules for the design and use of cable television systems ought to provide for effective use of this medium for political communication.

We recommend that in formulating regulations for the use of multichannel cable television, the F.C.C. take due regard of the tremendous political value cable television will provide in campaigns within limited geographical constituencies. Regulations governing the use of cable television should allow for maximum use of these facilities for political communication.

IV. Organizing reform

15. A Select Committee of Congress

Under current congressional procedures recommendations for improving the system of congressional campaign finance fall under the jurisdiction of several different committees. We believe prospects for comprehensive examination and reform of our campaign finance procedures will be improved if one committee of the Congress has the authority to examine all of the important regulatory, financial, and communications aspects of federal election campaigns.

We recommend that a select committee of the Congress be appointed to study and recommend legislation that will improve congressional campaign finance practices.

16. An Investigating Committee for the 1970 Congressional Elections

If past reporting practice is any indication of what will happen in 1970, the public will not be provided with adequate information about the financing of congressional campaigns. If changes in reporting are not made between now and the elections, more than half the money spent will go unreported. Even if a thorough study is made afterward, much information about campaign practices will remain unknown because campaign organizations and records often disperse quickly after the election.

We recommend that a special investigating subcommittee be in operation throughout the 1970 congressional election campaigns to gather information about the financing of campaigns while they are taking place. The subcommittee should make information about the sources and uses of campaign funds available to the public.

A BILL TO PRESCRIBE THE MEASUREMENT OF FULL-TIME TRAINING FOR APPRENTICESHIP OR OTHER ON-THE-JOB TRAINING

(Mr. ADAIR asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ADAIR. Mr. Speaker, I have received a number of letters from veterans participating in apprenticeship or on-the-job training programs under the GI bill and from labor leaders as well, calling my attention to an apparent inequity in the law with respect to these types of training.

Existing law provides that full-time training for apprenticeship and on-the-job training programs will consist of the number of hours which constitute the standard workweek of the training establishment but not less than 35 hours, unless a lesser number is established through bona fide collective bargaining. The law further requires that payments can be made only after receipt of a certification showing that the veteran was pursuing his program throughout the period being certified and payment may not be authorized for any day of absence in excess of 30 days in a 12-month period. It is a well-known fact, Mr. Speaker, that training on the job is subject to the peculiarities of the individual establishment, as well as the vagaries of the weather. There may be periods during a month when full utilization of the work force is not being had, and other months when the normal work hours are exceeded.

One of the many communications I have received best outlines the difficulties experienced under the existing law. This letter is from Mr. Doyle W. Durbin, Sr., an official of Local 2 of Indiana of the Bricklayers, Masons, & Plasterers International Union of America. Mr. Doyle is secretary of the Fort Wayne Joint Apprenticeship Committee, and writes in part as follows:

> Under the present setup if an apprentice should miss more than the allotted hours or days work even through no fault of his own then his monthly benefit check is reduced in amount. Being a bricklayer apprentice means that these young people work outdoors approximately ninety percent of the time. During early spring rains or a real severe winter such as the one we just experienced, it would be possible that these people could miss days, and even weeks of work because of the weather and through no fault of their own. It is my contention that during these periods of reduced income is the time when these people need assistance most and not a reduction in their monthly benefit check. These apprentices are required to attend a

related training program which is an integral part of the whole apprenticeship program. Accurate attendance records are kept for this school and it is my contention that these records, along with a monthly report of progress and performance on the job should be used to determine eligibility. It is clearly understood by this office that there must be rules and regulations to help administer any law, and that any undue absenteeism should be dealt with and penalized accordingly. In my opinion to penalize these people for a condition that they cannot control is unjust.

Mr. Speaker, I have studied this matter at some length and am today introducing a bill that will alleviate the problems presented by Mr. Durbin and others. This bill provides that the number of hours recognized as constituting full-time training for apprenticeship or on-the-job training shall be the standard workweek of the training establishment, but not less than 30 hours, unless a lesser number is established through bona fide collective bargaining. However, 120 hours per month that are creditable toward the requirements of the trainee's occupational objective shall be considered full-time training for payment purposes. Certifications of attendance shall be based on the trainee's presence rather than his absence and would include a certification by the establishment that the trainee has not interrupted his training and is considered to be in full-time apprenticeship training. Fewer than 120 hours per month of training will proportionately reduce the monthly benefit.

Under my bill, Mr. Speaker, the trainee's normal progression would not be adversely affected by these reduced attendance requirements and his training would not be affected so long as he is engaged in training for a minimal number of hours each month. The reduction of the standard measurement of full-time apprenticeship training would make allowances for absences because of illness, weather, job conditions and other types of reduced operations in a realistic approach to reporting for benefit payment purposes.

The text of the bill follows:

H.R. 17960

A bill to amend chapter 34 of title 38, United States Code, to prescribe the measurement of full-time training for apprenticeship or other on-job training; and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1681 (b)(2) of title 38, United States Code, is amended by inserting after the word "degree" the following: "(excluding programs of apprenticeship and programs of other on-job training authorized by section 1683 of this title)".

Sec. 2. Section 1683(b) of title 38, United States Code, is amended by—

(a) striking out "(b)" and inserting in lieu thereof "(b)(1)"; and

(b) adding a new clause (2) to read as follows:

"(2) In any month in which an eligible veteran pursuing a program of apprenticeship or a program of other on-job training fails to complete 120 hours of training in such month, the monthly training assistance allowance set forth in subsection (b)(1) of this section shall be reduced proportionately in the proportion that the number of hours worked bears to 120 hours rounded off to the nearest 8 hours."

Sec. 3. Section 1684(a) of title 38, United States Code, is amended by—

(a) striking out "and" after the semicolon in clause (3);

(b) striking out the period at the end of clause (4) and inserting in lieu thereof"; and"; and

(c) adding at the end thereof a new clause (5) to read as follows:

"(5) a program of apprenticeship or a program of other on-job training shall be considered a full-time program when the eligible veteran is required to work the number of hours constituting the standard workweek of the training establishment, but a workweek of less than thirty hours shall not be considered to constitute full-time training unless a lesser number of hours has been established as the standard workweek for the particular establishment through bona fide collective bargaining."

CRITICAL NEED FOR SUMMER JOBS FOR YOUTH

(Mr. TAFT asked and was given permission to extend his remarks at this point in the Record.)

Mr. TAFT. Mr. Speaker, over the weekend, the Nixon administration urged passage of an additional $50 million in Federal funds for the Neighborhood Youth Corps' summer jobs program.

It gave even greater recognition to the critical need for jobs for youths in our cities.

I would urge that the Congress take immediate action on a larger amount of $100 million, even if this means deferring other programs, and I have today introduced a bill to that effect.

There is a critical need for summer jobs for 14- to 21-year-olds. It takes $445 per trainee for the Youth Corps' 10-week summer program. And unless we come up with the needed dollars, thousands of students across the country, especially in disadvantaged areas, will be out of work, roaming the streets, with little or nothing to do.

In Ohio, for example, an additional 6,000 jobs are needed in Cleveland, Columbus, and Cincinnati alone.

The summer jobs program has been one of the Neighborhood Youth Corps' most successful projects. A major purpose of the summer program has been to aid disadvantaged youths with on-the-job training, encouraging many to remain in high school.

While the Nation's overall unemployment rate has reached approximately 5 percent, teenage jobless figures reached 15.7 percent in April. Even more critical, the jobless rate for black teenagers was 32.7 percent in the first quarter of this year.

This is totally unacceptable.

Within the last few days, I have personally contacted high ranking Labor Department officials, to urge that additional funds be appropriated for summer jobs in Cleveland, Columbus, and Cincinnati. Hopefully, passage of the administration's $50 million request would enable such supplemental appropriations to be made.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation. The United States is the world's largest producer of cereal flour. In 1966 the United States produced 1,474,000 metric tons of cereal flour compared to 437,000 metric tons produced by West Germany, the second-ranked nation.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Jones of Tennessee (at the request of Mr. Anderson of Tennessee) for today, on account of official business.

Mr. Pelly, for the week of June 15 to June 19, on account of hearings of Coast Guard Subcommittee of Merchant Marine and Fisheries Committee and other business in congressional district.

Mr. Daniel of Virginia (at the request of Mr. Albert), for today, on account of official business.

Mr. Gaydos (at the request of Mr. Albert), for today and the balance of the week, on account of official business.

Mr. Pepper (at the request of Mr. Albert), for today, on account of official business.

Mr. Hagan (at the request of Mr. Albert), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Gonzalez (at the request of Mr. Howard), for 10 minutes, today, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Beall of Maryland) to revise and extend their remarks and include extraneous matter:)

Mr. Schwengel, for 10 minutes, today.

Mr. Brown of Ohio, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Blatnik and to include certain letters during his remarks in the Committee of the Whole on H.R. 15712 with reference to his amendment.

Mr. Price of Texas to extend his remarks following those of Mr. Hosmer on the resolution.

Mr. Randall to revise and extend his remarks made today during colloquy with Mr. Hosmer.

Mr. Randall to revise and extend his remarks prior to adoption of House Resolution 976 today.

(The following Members (at the request of Mr. Beall of Maryland) and to include extraneous material:)

Mr. Roudebush.

Mr. Burton of Utah in five instances.

Mr. Robison.

Mr. Gubser.

Mr. Pettis.

Mr. Wyatt.

Mr. Gude.

Mr. Quillen in four instances.

Mr. Steiger of Wisconsin.

Mr. Conte in three instances.

Mr. Wyman in two instances.

Mr. Broyhill of Virginia.

Mr. Miller of Ohio in four instances.

Mr. Fulton of Pennsylvania in 10 instances.

Mr. Scott.

Mr. Denney.

Mr. Berry in two instances.

Mr. Scherle.

Mr. Schwengel in three instances.

Mr. Hosmer in two instances.

Mr. Price of Texas in two instances.

Mr. Belcher.

Mr. Ashbrook.

Mr. Quie.

Mr. Foreman in two instances.

(The following Members (at the request of Mr. Howard) and to include extraneous matter:)

Mr. Fraser in two instances.

Mr. Dent in four instances.

Mr. Ottinger in two instances.

Mr. Gonzalez in two instances.

Mr. Nichols in six instances.

Mr. Waldie in three instances.

Mr. Rarick in three instances.

Mr. Pucinski in six instances.

Mr. Anderson of California in three instances.

Mr. Burke of Massachusetts.

Mr. Wright in 14 instances.

Mr. Dingell in two instances.

Mr. Casey in two instances.

Mr. Wolff in two instances.

Mr. Hanna in two instances.

Mr. Boland in two instances.

Mr. Rivers.

Mr. Patten in three instances.

Mr. Rodino.

Mr. Fountain in two instances.

Mr. Kluczynski in two instances.

Mr. Bingham.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3592. An act to amend the Federal Meat Inspection Act, as amended, to clarify the provisions relating to custom slaughtering operations; to the Committee on Agriculture.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 10184. An act to provide for the disposition of judgment funds of the Sioux Tribe of the Fort Peck Indian Reservation, Mont.; and

H.R. 15166. An act authorizing additional appropriations for prosecution of projects in certain comprehensive river basin plans for flood control, navigation, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on June 5, 1970, present to the President, for his approval, a bill of the House of the following title:

H.R. 12619. To amend section 11 of an act approved August 4, 1950 entitled "An act relating to the policing of the buildings and grounds of the Library of Congress."

ADJOURNMENT

Mr. HOWARD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 32 minutes p.m.), the House adjourned until tomorrow, Tuesday, June 9, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2115. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a copy of a Presidential determination authorizing military grant assistance to a country in Asia, pursuant to the provisions of section 614(a) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

2116. A letter from the Assistant Secretary of the Interior, transmitting a report on the Minot extension, Garrison diversion unit, Missouri River Basin project, N.D., pursuant to the provisions of section 9(a) of the Reclamation Project Act of 1939 (H. Doc. No. 91-347); to the Committee on Interior and Insular Affairs and ordered to be printed, with illustrations.

2117. A letter from the Chief Justice of the United States, transmitting a copy of the proceedings of the meeting of the Judicial Conference held March 16-17, 1970 (H. Doc. No. 91-346); to the Committee on the Judiciary and ordered to be printed.

2118. A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting a report on Department of Defense procurement from small and other business firms for July 1969 through March 1970, pursuant to the provisions of section 10(d) of the Small Business Act, as amended; to the Committee on Banking and Currency.

2119. A letter from the chairman, Executive Committee, Eleanor Roosevelt Memorial Foundation, transmitting the seventh annual report of the foundation, for 1969, pursuant to the provisions of Public Law 81-11; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. EVINS: Select Committee on Small Business. Investigation of "preselected winners" sweepstakes promotions (Rept. No. 91-1162). Referred to the Committee of the Whole House on the State of the Union.

Mr. SIKES: Committee on Appropriations. H.R. 17970. A bill making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes (Rept. No. 91-1163). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BEALL of Maryland:

H.R. 17950. A bill to establish and develop the Chesapeake and Ohio Canal National Historical Park, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BROTZMAN:

H.R. 17951. A bill to equalize the retired pay of members of the uniformed services retired prior to June 1, 1958, whose retired pay is computed on laws enacted on or after October 1, 1949; to the Committee on Armed Services.

By Mr. CONTE:

H.R. 17952. A bill to amend the Tariff Schedules of the United States with respect to the rate of duty on whole skins of mink; to the Committee on Ways and Means.

By Mr. FRASER:

H.R. 17953. A bill making an additional appropriation to carry out summer employment programs for youths under the Economic Opportunity Act of 1964 during the fiscal year ending June 30, 1970; to the Committee on Appropriations.

By Mr. FULTON of Pennsylvania:

H.R. 17954. A bill to provide Federal assistance for special projects to demonstrate the effectiveness of programs to provide emergency care for heart attack victims by trained persons in specially equipped ambulances; to the Committee on Interstate and Foreign Commerce.

By Mr. QUILLEN:

H.R. 17955. A bill to amend title 18 of the United States Code to provide a penalty for persons who interfere with the conduct of judicial proceedings, and for other purposes; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 17956. A bill to define the authority of the President of the United States to intervene abroad or to make war without the express consent of the Congress; to the Committee on Foreign Affairs.

By Mr. SEBELIUS (for himself, Mr. Leggett, Mr. Roberts, Mr. Lujan, Mr. Horton, Mr. McKneally, Mr. Hathaway, Mr. Hansen of Idaho, Mr. Roe, and Mr. McClure):

H.R. 17957. A bill to establish procedures for benefit evaluation of proposed Federal and federally assisted water and related land resources developments; to the Committee on Public Works.

By Mr. TEAGUE of Texas (for himself, Mr. Adair, Mr. Ayres, Mr. Baring, Mr. Brown of California, Mr. Denney, Mr. Edwards of California, Mrs. Chisholm, Mr. Dorn, Mr. Dulski, Mr. Duncan, Mr. Haley, Mr. Halpern, Mrs. Heckler of Massachusetts, Mr. Helstoski, Mr. Montgomery, Mr. Pucinski, Mr. Roberts, Mr. Roybal, Mr. Saylor, Mr. Satterfield, Mr. Scott, Mr. Teague of California, and Mr. Zwach):

H.R. 17958. A bill to amend title 38 of the United States Code to provide increases in the rates of disability compensation, to liberalize certain criteria for determining the eligibility of widows for benefits under such title, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. McDADE:

H.R. 17959. A bill to amend title 10 of the United States Code to establish an equitable survivors' annuity plan for the uniformed services; to the Committee on Armed Services.

By Mr. ADAIR:

H.R. 17960. A bill to amend chapter 34 of title 38, United States Code, to prescribe the measurement of full-time training for apprenticeship or other on-job training, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DONOHUE:

H.R. 17961. A bill to amend the Tariff Schedules of the United States with respect to the rate of duty on whole skins of mink, whether or not dressed; to the Committee on Ways and Means.

By Mr. JACOBS (for himself and Mr. MIKVA):

H.R. 17962. A bill relating to the appointment of the Capitol Architect; to the Committee on Public Works.

By Mr. PODELL:

H.R. 17963. A bill to amend title 38 of the United States Code with respect to the computation of certain veterans' benefits; to the Committee on Ways and Means.

By Mr. TAFT:

H.R. 17964. A bill to appropriate an additional amount to carry out section 102 of the Manpower Development and Training Act of 1962; to the Committee on Appropriations.

By Mr. WRIGHT:

H.R. 17965. A bill to provide for an Environment Corps to help Federal agencies and local units of government in meeting their needs for skilled manpower; to the Committee on Education and Labor.

By Mr. UDALL (for himself and Mr. DERWINSKI):

H.R. 17966. A bill to improve and modernize the postal service, to reorganize the Post Office Department, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. SIKES:

H.R. 17970. A bill making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes.

By Mr. BRADEMAS:

H.J. Res. 1250. Joint resolution to authorize the President to designate the period beginning September 20, 1970, and ending September 26, 1970, as "National Machine Tool Week"; to the Committee on the Judiciary.

By Mr. McCLORY:

H.J. Res. 1251. Joint resolution to authorize the President to designate the period beginning August 2, 1970, and ending August 8, 1970, as "Professional Photography Week in America"; to the Committee on the Judiciary.

By Mr. ANDERSON of Illinois (for himself, Mr. BROOMFIELD, Mr. STEIGER of Wisconsin, and Mr. VANDER JAGT):

H. Con. Res. 657. Concurrent resolution the Congress reaffirms its constitutional responsibility of consultation with the President on matters affecting grave national issues of war and peace; to the Committee on Foreign Affairs.

By Mr. CELLER:

H. Res. 1065. Resolution to provide funds for the Committee on the Judiciary; to the Committee on House Administration.

By Mr. ESCH:

H. Res. 1066. Resolution to set an expenditure limitation on the American military effort in Southeast Asia; to the Committee on Foreign Affairs.

By Mr. JACOBS:

H. Res. 1067. Resolution on Earth Day; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEALL of Maryland:

H.R. 17967. A bill for the relief of John T. Fitzwater; to the Committee on the Judiciary.

By Mr. PATMAN:

H.R. 17968. A bill to provide compensation to certain silver-dealer claimants by authorizing the sale of silver bullion; to the Commission on the Judiciary.

By Mr. WIGGINS:

H.R. 17969. A bill for the relief of Victoria E. Doles; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

398. By the SPEAKER: A memorial of the Legislature of the State of California, relative to oil drilling sanctuaries; to the Committee on Appropriations.

399. Also, a memorial of the Legislature of the State of Alaska, relative to the settlement of Alaska Native land claims; to the Committee on Interior and Insular Affairs.

400. Also, a memorial of the Legislature of the State of Florida, relative to the completion of Interstate 95 in Florida; to the Committee on Public Works.

PETITIONS, ETC.

Under clause 1 of rule XX,

504. The SPEAKER presented a petition of Henry Stoner, York, Pa., relative to racism; to the Committee on the Judiciary.

SENATE—*Monday, June 8, 1970*

The Senate met at 11:30 a.m. and was called to order by Hon. WILLIAM B. SPONG, JR., a Senator from the State of Virginia.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, at the beginning of a new week grant to us here a taste for that which is spiritual and sacred so that all we do which is temporal and secular may be in accord with Thy will. Grant that whatsoever things are true, whatsoever things are honorable, whatsoever things are just, whatsoever things are lovely and of good report, if there be anything which is unselfish and generous, if there be anything which Thou wilt accept and reward, may we think on these things.

Guide our Nation, O Lord, through these perilous days and vexing problems to an era of lasting peace and world brotherhood.

In the Redeemer's name. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore of the Senate (Mr. RUSSELL).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 8, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. WILLIAM B. SPONG, JR., a Senator from the State of Virginia, to perform my duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. SPONG thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, June 5, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF CALL OF CALENDAR UNDER RULE VIII

Mr. MANSFIELD. Mr. President, I ask unanimous consent to waive the call of the calendar for unobjected-to bills under rule VIII.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Ohio (Mr. YOUNG) is recognized for a period of not to exceed 20 minutes.

Mr. MANSFIELD. Mr. President, will the Senator yield to me for some insertions?

Mr. YOUNG of Ohio. Yes, indeed.

ORDER FOR ADJOURNMENT TO 11 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 o'clock tomorrow morning.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR FANNIN TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that after the disposition of the Journal tomorrow, the distinguished Senator from Arizona (Mr. FANNIN) be recognized for not to exceed 45 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection it is so ordered.

LEASE AND TRANSFER OF TOBACCO ALLOTMENTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 914.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 14306) to amend the tobacco marketing provisions of the Agricultural Adjustment Act of 1938, as amended.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-913), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD as follows:

This bill would make permanent the authority for leasing of tobacco acreage allotments as provided by section 316 of the Agricultural Adjustment Act of 1938. At present section 316 is applicable to the 1962 through 1970 crops. The bill would also—

(1) Subject such leasing to the discretion of the Secretary of Agriculture and to a determination by the Secretary that it will not impair the operation of the marketing quota or price support program;

(2) Extend such authority to permit leasing of type 53 tobacco and to permit leasing to any farm of up to 10 acres of types 42, 43, and 44 tobacco (Ohio cigar-filler);

(3) Except dark air-cured, fire-cured, and Virginia sun-cured tobaccos from section 316, since broader authority for the sale or lease of those kinds of tobacco is contained in section 318;

(4) Extend the maximum duration of leases to 5 years (from 1 year).

In addition the bill would repeal section 316(g) (which provided for late filing of transfers of 1962 allotments and is no longer applicable), and make purely technical changes in section 317(f) of the Agricultural Adjustment Act of 1938 and section 703 of the Food and Agriculture Act of 1965. These changes have no substantive effect and their purpose is to eliminate surplusage.

XUM

COMMENCEMENT ADDRESS BY SENATOR AIKEN AT MIDDLEBURY COLLEGE, VERMONT

Mr. MANSFIELD. Mr. President, on the 1st of June the distinguished senior Senator from Vermont (Mr. AIKEN), the senior Republican in this body, received an honorary degree at Middlebury College, Middlebury, Vt. On that momentous occasion Senator AIKEN delivered a commencement address which as usual, is worthy of consideration by the Senate, the Congress, the administration, and the people of the country as a whole.

Would that we had more men with the down-to-earth philosophy of GEORGE AIKEN. Would that we had more people with his commonsense, his outstanding integrity, his great ability, and his deep humility. He really represents New England in the oldtime sense, and there are not many left like GEORGE AIKEN.

I ask unanimous consent, Mr. President, that the commencement address delivered by the distinguished Senator from Vermont (Mr. AIKEN) be incorporated at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS OF SENATOR GEORGE D. AIKEN

Many years ago, I came to Middlebury frequently to meet with the farmers and fruit growers of this area.

At that time, I was a farmer and fruit grower.

Then something happened and the next thing I knew I was a politician—or should I say public servant—holding public offices in my home town of Putney, in the State of Vermont, and finally in the United States Senate.

For a long time I have had two callings—agricultural and political.

In either category, if you don't watch out, you can get a lot of dirt on your hands but the dirt acquired through working with soil is more easily washed off.

I would not for a minute presume to tell you that there are no politicians—as well as people in other walks of life—who get dirt on their hands which will not wash off.

I only mention this because we are continually bombarded by self-proclaimed public philosophers who equate goodness with getting back to the soil—and all that is evil with political pursuits.

It is because of my concern over what I feel is a tendency these days to turn away from the responsibilities of life and politics that I address you today.

The drop in the percentage of voters participating in the 1968 elections disturbed me.

In many ways, the lives of the gardener and the politician are alike.

The gardener's job is to master Mother Nature—a task that is as old as man himself.

The politicians task is to master Human Nature so that we may better govern ourselves—a task that is never ending—a task which to date has not been satisfactorily accomplished.

The enemy of both good gardening and good poltitics alike has been called the Tyranny of Events.

In gardening, the work of a season can be destroyed by a hailstorm or a hard frost.

In politics, one can be riding the crest of the popular wave one day and the next day be drowned by the undertow.

If I read the mood of our young people correctly these days, many of them have a very strong desire to get down to the basics of life

They are fed up with phonies and become impatient if problems cannot be solved promptly and acceptably.

Some young people take an extreme view and seem to feel that problems can be solved by burning down a bank.

Others, more moderate, but just as passionate, feel that the Establishment, meaning Government, cannot be trusted to come up with solutions to the current maladies of war, crime, pollution, poverty and inflation.

Therefore, they have decided to reject politics as a way to solve the problems of our society.

I feel strongly that the time has come to call attention to the danger inherent not so much to the defects of our political processes as to a lack of faith in the political process itself.

When people shy away from the political process, they are contributing to the despair, the frustration and the aimlessness of life we so often hear about.

I am told that the dissenchantment with life and its prospects is greater now on college campuses than ever before.

The politics of the day reflect this feeling.

It is very fashinable these days to become a "New Pessimist".

That fellow would rather fuss about problems facing our society than roll up his sleeves and do something about them.

I recently heard a National student leader lament that one of the problems of the peace movement is that many of the people involved have little actual work experience.

There is nothing wrong, however, with lack of experience if one is willing to learn and to work.

In today's world, there are times when facts, if not expressed in dollars and cents or in other numerical forms, are not recognized as facts at all.

Washington does worship the almighty dollar, the way foreigners seem to think all Americans do.

But it is not always so much a matter of greed as of frustration.

Votes on money bills in the Congress often appear as great events, even though no one can tell, much less the Congress, whether there is any real relationship between the money appropriated and the problem under review.

The public gets the impression that with the appropriation of blank billion dollars problems have been "faced."

The trumpets blare; the headlines shriek.

Another war on something or other has been won.

Progress—so it seems.

Surely government ought to be more than that.

Increasingly, there is not enough consideration in Washington on what effect programs have on people after the Congress acts.

Washington is program-oriented, not people-oriented.

It is for this reason that I have always urged young people who want to get in politics to start at the community level.

When you start at the local level, you know that people count.

It is fashionable these days for the New Pessimist to conclude that because some public institutions are not responsive, we should give up on all of them.

I have even heard that we should abandon technology because we have created a society in which the producer of the technology never consults with the person who is affected by the results.

That is like saying because you have once been burned by fire all matches should be banned.

There can be no question that technology has tended to become the master rather than the servant of man.

We have even created a new social being—the Technocrat.

In some respects, he is the top dog in Washington these days.

He sits on all councils of power and is turned on like a computer to help with decision-making.

To some extent, the Technocrat has become the security blanket of all top government officials.

He is the man who is continually figuring out the "unmet need" which tends to reduce all matters to dollars and cents problems.

We end up measuring our social and political problems in quantitative terms as though we are bereft of other forms of expression.

The needs of schools are rarely expressed in terms of a greater understanding of the role of schools in our society, but in terms of price tags of various ill-defined and ill-understood programs.

We even carry this zeal for quantification into our foreign policy.

Our invasion of Cambodia has been called "successful" because we captured blank pounds of rice, X numbers of rifles and rounds of ammunition and 600 bicycles.

National morale, adminstrative credibility and justification for the war are all subordinated to the numbers game.

In another area, the needs of India and

the ability to help her people are not expressed in a deeper understanding of that great civilization.

The are expressed in terms of dollars of foreign aid.

I am, perhaps, being unfair to the army of Technocrats that is trying to bring scientific management to our sprawling Federal bureaucracies.

This new breed of professionals think they have discovered ways to improve the mechanisms of self-government, and those ways speak only the language of numbers.

But like everyone else in Washington, the Technocrats are tyrannized by events and their new knowledge, so far as it exists, gets drowned in facts.

I hope they will persevere in their efforts, but they need to develop a sense of proportion.

Numbers, like facts, are good servants but bad masters.

In order to master events some politicians have even tried to become Technocrats.

Campaigns are based on computers and contributions.

Some candidates would rather sweat under the harsh lights in a television studio than take their candidacies directly to the people.

In many cases, the voter is expected to choose a candidate based on how he is packaged instead of what he believes.

If there is anything which is causing frustration and alienation in our society, it is that the people are losing contact with their elected representatives.

This is especially true of the more populous states.

At the some time, too many elected representatives tend to think not in terms of people but of votes and re-election.

The people of Vermont are good to their politicians compared to many other states.

Vermonters, in return, expect that their politicians will not owe their allegiance to the most generous compaign contributors.

Yet, even in Vermont, we are moving into an era when combined political campaign costs for all offices—State and Federal—may run into hundreds of thousands of dollars.

I speak about my own State because I know it and love it.

I do not mean to imply that spending money on an election campaign is bad, or that any politician who does so will be tainted.

In the end, the people who are put in public office are only as good as the citizen who are interested in their election.

I agree with those who are demanding more candor and integrity in politics.

I disagree with those who say it isn't possible to find honest politicians and therefore the current political system must be scrapped.

The same hazard would exist in any other system.

All of us want power—whether it is social, economic or political.

The difference is the degree in which we seek it and the means we employ to get it.

Some of us are more ruthless and more greedy than others.

The "He's-got-it"—"I-want-it" urge is a universal human trait.

This is how wars get started.

It makes no difference whether the object of our desire is the beaver skins of North America, the gold of the Andes or the trade of the South Pacific.

It is probably quite obvious to you that I retain my faith in the political system.

I do not suggest a Utopia where everything will turn out all right if only people pay more attention to politics.

That would be oversimplification.

In the end, is not life a continued reliance on faith in man's ability to improve his world?

Even the New Pessimists have not figured out how to achieve social change without resorting to the ues of political power.

I agree with those who feel that change through the legitimate use of political power is highly desirable.

One of the great lessons which emerged out of the recent anti-war demonstrations in Washington was that many people—young and old—came to realize that before you can change policies, you must understand the political process.

I was amazed that so many of our college students and a goodly percentage of our business and professional people whom I met with had very little understanding of the legislative process.

One reason why there is lack of faith in the political process is that many of our people simply do not know how it works.

That is why I wish more schools and colleges would include more courses on citizenship and how the man in the street can use the political process to achieve desirable changes.

It is natural for those in control of the system to want to keep that control.

Our government, however, is built on the premise that there is safety in numbers and that public offices should not be regarded as private possessions.

It is because of this faith in the security of numbers that I am pleased to hear that many students plan to get involved in the election campaigns this fall.

In many ways, this coming compaign will be the test for the people of this generation.

If they fail to gain any satisfaction out of the hard work of the compaign and helping their candidates get elected to office then I fear that the political system as we know it will become weaker.

I am not so naive as to suggest that the fate of the American political system rests with the students, but it certainly needs the young people to have faith in it so it can retain its credibility as an institution.

I would just hope that you will not conclude because your candidate "lost" the election that the system has failed.

If some of this graduating class are thinking of coming to Washington to enter the field of government, despite the fashionable pessimism of our times, I urge you to come around with a well-developed sense of humor.

For what the tangled bureaucracy needs, and the politicians too, is people who will laugh at their pretentions.

Washington takes itself much too seriously these days.

Many bureaucrats and politicians alike have come to worship figures more than facts.

This is the inevitable result of being tyrannized by events.

Slowly but surely since World War II, events have ceased to be an inspiration, and have become more and more a tyranny to those who work in Washington.

One the bureaucratic foundations laid in the New Deal days, a wild forest of agencies and offices has grown, mostly created as the result of some event or other rather than as a result of careful deliberation.

And virtually all have survived long after the events that created them have been forgotten.

I don't necessarily recommend that you come to Washington.

As I mentioned earlier, the real political task of your generation will be to bring politics back home to our communities and states—for that is where the quality of government is determined.

By bringing politics back home to the people of our states and communities, we can be assured that events will take less of a toll than otherwise would be the case.

And if you laugh at the Technocrats from time to time, as I hope you will, you should learn from them, also.

For in our country technology does bring a real hope.

It promises to permit in our communities a diversity of life never before known.

So much that we desperately want to make unimportant, like the color of man's skin or the size of a man't fortune, will only become unimportant when we truly welcome diversity, not just in Washington, but in every community in our land.

I hope some of you will take on the challenge of learning how better to master nature while preserving its life-giving qualities.

And some of you, I hope, will want to get that priceless education in human nature that comes with a political career.

Maybe some of you will take to gardening or fruit growing.

It's a good life, also hard work.

The dirt that sticks to your hands washes off quite easily.

If you are a good gardener that dirt does not pollute the streams, and your plants do not exhaust the soil, but rather enrich it.

After I leave Middlebury today, I shall go back to Putney and start making a garden.

The field where I work will be full of stones and roots—it has not been plowed for a hundred years.

Some folks will tell me it is too late to plant a garden and even if it were not when the plants come up they will be attacked by borers—parasites and diseases and possibly destroyed by storms.

And since I shall be away most of the time this summer, they will be afflicted by the worst of all enemies—neglect.

Be that as it may, I shall plant that garden—for planting is my symbol of hope—of confidence in the future.

Now when college graduates of today enter the broad field of life's work in government at one level or another, they will encounter about the same conditions that I find in planting my garden.

The field will be rough and full of weeds and stones.

They will be assailed by pests, borers, diseases and parasites.

And some pessimists, blandly ignoring any alternative, will tell them they are too late—that government has already failed—so why bother.

Well, I shall pick something from my garden if it's no more than radishes.

And you graduates, the future "establishment" of the Nation, you can make unmitigated liars out of your pessimistic advisers, for government has not failed and is here to stay.

At your insistence—and by your deeds—it will be made better.

So, let every person here today, young and old, Democrat, Republican and Independent, Liberal and Conservative, be active politically on the local, State and National level beginning right now.

If you fail to do your part in making government better, you have no right to complain.

If you do your part, you will have no reason to complain.

As in the case of my garden, the season is getting late—but it is not too late.

COMMENCEMENT ADDRESS BY SENATOR MANSFIELD AT FLATHEAD HIGH SCHOOL, KALISPELL, MONT.

Mr. MANSFIELD. Mr. President, on June 1, 1970, I had the honor to deliver the commencement address at the Flathead High School in Kalispell, Mont. I have been informed that it was the first commencement address delivered by an outside speaker before a graduating class of the Flathead High School in 25 years. The fact that I had the honor to give the address on that occasion is not interpreted by me as attributable to what the Senator from Montana has done or what he has not done or has failed to accomplish or has accomplished; but it does indicate a shift in a certain way which I think may be worthy of bringing to the attention of the Senate for whatever it may be worth.

The vice president of the senior class, Bob Benke, sent me an invitation and asked me if I would address the graduating class at the Flathead High School. I wrote back accepting the invitation and stating that I was looking forward to it with pleasure. When I reached Kalispell a week ago today, I was the guest of the Benkes, and I learned that three invitations had been sent by Bob Benke—one to the President of the United States, another to the Secretary of Defense, Mr. Laird, and a third to the majority leader, the senior Senator from Montana. The President and the Secretary of Defense declined with deep regret. The Senator from Montana accepted with some anticipation. But I want the Senate to know that I was No. 3; and No. 3 always tries harder than No. 2 or No. 1.

Of course, when my acceptance reached Bob Benke, he had to take it up with the senior class to see what they would do about it, because he had done it on his own, unbeknownst to his classmates. Fortunately, I suppose, for the Senator from Montana, they thought the idea was acceptable. The invitation was sent to me, the address was delivered, and I ask unanimous consent, Mr. President, that the commencement address which I made at the Flathead High School in Kalispell, Mont., on June 1, 1970, entitled "Graduation 1970: Problems and Prospects," be incorporated at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

GRADUATION 1970: PROBLEMS AND PROSPECTS

(Remarks of Senator MANSFIELD)

Ladies and gentlemen of the graduting class, when your vice president, Bob Benke, asked me to be with you for this occasion, he suggested that you might like to hear my thoughts—and, here, I use his words—"as to how good Americans are supposed to act." Let me say that I am not an authority on good behavior. Therefore, you will be spared a lecture on that subject. I can understand, nevertheless, why Bob Benke chose those words: "how good Americans are supposed to act."

These are confusing times. Students go on strike. The campuses sometimes erupt in violence. Policies of government are widely questioned. Misuse of drugs cripples countless numbers of Americans. Crime is on a rampage in the large cities and spreads into surrounding areas. Public services are often strained to the breaking point. People—regardless of age or occupation—are concerned and uneasy and are looking for answers to their questions and solutions to their problems. It is a time, indeed, to test our understanding and our patience. It is a time, too, to return to the old virtues of civility, mutual respect, responsibility, and a recognition that each of us is a part of the whole fabric which clothes this Republic.

As you well know, the catalogue of our national ills is long. Even worse, the difficulties seem to be coming to a head all at once and at a time when there is a serious decline in the national economy. Your graduation, in short, takes place at a moment of great uncertainty.

I wish that I could give you some certain guidelines for these troubled times. I wish there were a formula that I could leave with you tonight. I wish I could delineate a path by which to thread your way through the perils of late 20th century existence, emerge unscathed into the 21st century, and still enjoy life. There is no magical prescription. Even if there were, you would have long since learned it from better sources than your Senator.

What I can discuss with you are reasonable expectations for your generation and some of the obstacles which stand in the way of their achievement. With that as background, you may better be able to establish your own guidelines.

It seems to me that graduates of 1970 have a right to aspire to a long interlude of international peace. I say that notwithstanding the events of the past few weeks in Cambodia which have opened up, once again, the prospect of expanded war in Southeast Asia.

You have a right to aspire to a measure of economic security if you are prepared to strive for it. The nation has the resources to make that an attainable goal for all. If we have the good sense to channel our capacities effectively, the goal can be reached. During your decades of life you should be able to enjoy the fulfillment of useful work in keeping with your skills. Again, I say that, notwithstanding the recent nosedive in the nation's economy and the rise in unemployment. From these two basic conditions—peace and a stable and secure national economy—can be derived the personal goals of most Americans, that is, a home, a healthy family, a congenial community and a robust environment for recreation.

These normal expectations should be within the reach of every young citizen who graduates this year. But are they? The fact is that while we have talked of peace, war has been the uninvited guest at each high school commencement for many years. Ever since you were born, you who are graduating have lived with war and the threat of war. Ever since you entered your teens, we have been seeking a way out of Viet Nam and it still eludes us.

For millions of Americans, moreover, a degree of economic security remains more an American dream than an attainable reality. This year it is more distant than it has been for a long time, not only because of rising unemployment which I have mentioned but also because of ever-higher prices.

Unless the inflation of living costs and the constriction of the economy can be reversed, the dispossessed are bound to grow steadily in numbers. Moreover, if the Southeast Asian involvement persists, the disenchanted will also grow, especially among the young. The two—war and economic recession—are closely related. I see little prospect of a healthy economy at home while the war abroad goes on. Nor do I see much prospect of domestic tranquility if the economy continues to falter. As it is now, the war consumes abroad a great segment of the resources which are greatly needed at home to deal with such difficulties as population, pollution, crime, gun crime in our large urban areas, drugs, transportation and power shortages and the like.

We are, in short, at a most painful point in our history. In my judgment, we have been brought to this point—largely unnecessarily—by outdated foreign policies. In our relations with the rest of the world, we have been ineffective in reconciling the pull of the past to the changing requirements of the present and the future. The result has been a prolonged misdirection of our energy and resources. Men and money have been used with a lavish hand to do the unnecessary or superfluous abroad. At the same time, we have failed to keep up with the needs of our people at home.

The problem is not unique in the present administration. It has been the case under several administrations. We have been, for too long, on a kind of dead center, whether under a Democratic or a Republican administration. In my judgment, it is largely this failure to move out of the doldrums of an outdated policy which has prevented us from finding the way out of the military involvement in Southeast Asia.

We will see more clearly what is involved in our predicament, I think, if we ask ourselves what possible national interest has compelled us in the first place to become deeply mixed up in the affairs of these remote and weak nations of Southeast Asia. Are we seeking control of territory in Asia? Obviously we are not; we gave up the Philippines a quarter of a century ago and the President has only recently agreed to return Okinawa to Japan.

Nor, do we depend on Southeast Asia for significant trade. The total of our commerce with that region is minor. In any event, it could not begin to compensate for the more than $100 billion which the war has already cost the American people, not to speak of the human suffering which has been inflicted on hundreds of thousands of servicemen and their families. There are over 50,000 dead and more than 325,000 wounded to date in this conflict. I shall not cease to ask myself—what for, what for—until this war is brought to an end.

We do not need military bases in Viet Nam nor anywhere else on the Asian mainland. That is *not* why we are in Viet Nam. Asia has long been viewed as a military trap by outstanding American military leaders. A quarter of a century ago, General Douglas MacArthur urged us to stay clear of the mainland in a military sense, as did his colleague of World War II, General George Marshall. In recent years, many of their successors have taken the same position.

Who is to say, finally, how much lasting good our military involvement will do even for the men, women, and children of Viet Nam? All we can say with certainly is that, to date, hundreds of thousands of these simple people have been killed and millions have been made refugees from their ancestral homes by the war. The same is true on a smaller scale in Laos and now, in Cambodia.

If there are no significant American interests, what then has impelled us to make the sacrifices of this war? I believe the explanation lies, as I have already noted, in the pull of past policies. Twenty years ago these policies were effective in containing a threat from Soviet Communism to our vital national security interests by way of Western Europe.

Since that time, substantially the same policies have been spread around the world. We have projected our power through alliances or various overseas programs into all parts of the globe. We have cast ourselves in the role of world's policeman even though we have rejected the title. This costly sprawl of power has been haphazard and indiscriminate. By means of alliances, military aid base agreements and supporting economic assistance, we have become enmeshed in the affairs of many nations where we have no legitimate national interest or business.

To be sure the policies which have compelled us into Viet Nam have had something to do with stopping Communism as was the case with our policies in Europe two decades ago. But Southeast Asia is not Western Europe. Too little regard has been paid to this fundamental variance of time and place. As a result, we are now bogged down in the fringe area of Southeast Asia. The great sacrifice in Viet Nam has done nothing to stop Soviet Communism. Nor has it dealt with Chinese Communism. Rather, we have thrust ourselves willy-nilly into a struggle against a heretofore obscure Southeast Asian version of Communism in the rice fields and jungles of Indochina. It is a war which has been going on for decades as a Vietnamese conflict, at times against the French, at times against the Japanese, and at times among the Vietnamese, the Laotians, and the Cambodians.

So I repeat, not our national interests but the inertia of our policies is at the root of our involvement. If we had a national interest in this area it was not to have become involved in a military sense in the first place. Failing that, our national interest was to limit severely our involvement and to seek to prevent a spill-over into the surrounding countries. Now that the war has broken these bounds and our involvement extends into Cambodia and Laos, it is in our vital national interest—as I see those interests—to reverse the process.

The President has stated that he wants to pull U.S. forces out of Cambodia by July 1 and he will, if not before. The Senate been trying to supplement that purpose by action of its own for the same purpose and in accord with its separate Constitutional responsibilities.

May I say, my views on this point are not of recent origin. Three Presidents have been made aware of my opposition to this military involvement and its progressive expansion. I have done my best, nevertheless, to support the President, regardles of party, when it seemed to me that he was trying to disengage the nation from the Southeast Asian morass. By the same token, however, I have been obliged to act in the light of my own responsibilities as your Senator when I felt, in good consicence, that such action would contribute to the restraint of the war.

I have never viewed the conflict in Viet Nam as some sort of football contest to be won or lost by one side or the other. It is a deadly tragedy in which there is no victory, either for one side or the other and least of all for the people concerned. I have never seen the settlement of this conflict as a matter of saving the face of one political leader or another, or one general or another. Rather it is a question of saving lives, of minimizing the loss of the young men who continue to be sent to Indochina.

I have urged negotiations in Geneva, at Paris or wherever they might be effective for the purpose of ending this conflict. The place and the negotiators do not matter. What matters is to bring about a ceasefire. What matters is a speed-up in the withdrawal of our forces and the release of U.S. prisoners, the provision of safety for people who fear political reprisals and the neutralization of the entire Southeast Asian region.

Such a solution would clearly acord with the national interest of this nation. It would also be acceptable, I believe, to most of the people of Viet Nam and Southeast Asia because it would remove the spectre of foreign domination, notably Chinese domination. Ironically, one of our reasons for involving ourselves in this war was to stop Chinese expansion. Yet, the prospect for Chinese expansion into Southeast Asia grows larger as the war spreads its devastation throughout the region and takes its toll of the populace and its local leadership and its resources.

In commenting as I have, I am aware that it is the graduating class of 1970 and the several preceding classes whose lives and future happiness are most bound up with this ill-fated conflict. It is not surprising, therefore, that some of the most penetrating questions about the war are asked by young people. May I say that they are entitled to straight answers, not shop-worn justifications from those of us who would represent them in government. In this regard, if any of you have written to me about the war in the last few weeks, I trust you have already received a reply from me. Letters have come to me from Montana by the thousands since the beginning of the Cambodian venture and I could not respond except in general terms. Therefore, I hope you will take the remarks which I have made today as further answer to the questions which have been prompted by the spread of the war into Cambodia.

To those of you who will be going into the Armed Forces, I want to say that you will have the support I have always tried to give to men in the military services. Servicemen do not make policies but they are called on to carry them out—whether in agreement with them or not. Those who are in Indochina are not there by their choice, but by their government's direction. Whatever our feelings about the war, they deserve every support which the rest of us can give to them. Insofar as I am concerned, they will have it.

I will work to change policies which I believe do not accord with the interests of this nation. In the interim, however, I will not turn my back on the men who are carrying out present policies. On the contrary, I will do whatever I can to support them, whether they are from the regular services, from the ROTC, from the reserves or whatever.

It has also been my view for many years that young people should have a full voice in formulating the policies which they are asked to carry out. Young people under twenty-one are regarded as old enough and wise enough to marry, to enter into contracts, to be treated as adults in the courts, to pay taxes, and to risk their lives in war. They are also mature enough, in my opinion, to participate in the making of the policies which are responsible for subjecting them to the risks of war. They are mature enough to participate in the selection of their representatives in government. Therefore, I will continue to do whatever can be done to see to it that the voting age is lowered on a national scale and as soon as possible.

To all of you young people, whatever your future and whatever your political persuasion, I ask you not to lose sight of the fact that this nation has great resiliency. It has weathered many storms and stresses in the past. It has adjusted to many changes within the established framework of civil order. The process has not always been a easy one. It is not easy in today's circumstances.

I urge you all to respect the order which has evolved, to have faith in the capacity of our society to evolve further and adjust to change. Above all, I urge you to become involved in the process of democracy, instead of standing on the sidelines and shouting at it.

Those of us who are already in this process—the President, the Senate, the Congress and other government officials—have a resopnsibility to you. We have made mistakes. We have not ordered the affairs of this nation in a way which leaves nothing to be desired. On the contrary, we have done our share of drifting. We must redouble our efforts to get the nation back on course, at home as well as abroad.

If there is one message that I want to leave you with tonight, it is that the time has come for us to work together—young and old and as Americans from all parts of the nation—to redress the balance and straighten up the accounts. We have gone along for too long on the comfortable assumption that the sky is the limit. We are getting clear signals, I believe, that the limits are much lower and that in some cases they are already being reached.

Our policies abroad need to be reexamined and recast to the end that there may be more adequate allowance for urgencies at home. We must bring the war to an honorable end and put an end to inflation and the recession. We must turn a greater measure of attention and effort to the development of a social and environmental climate in this nation in which all citizens may live with one another in reasonable health, order and peace.

The critical necessity is a redefinition of our role in the world. As I have tried to point out, I believe the timelag in our foreign policy has had vast and adverse consequences for the rest of our national life. That will continue to be the case until we develop a clearer sense of where our real national interests lie in terms of present day realities.

In talking to you tonight about the problems that face us and the goals that elude us, I hope that I have not seemed to stress the dark side of things too much. I have talked frankly because it seems to me that no graduating class in this State, or, indeed, the nation, wants it any other way in this troubled spring of 1970.

Your generation is both realistic and idealistic. Therein lies your great strength. It will help us to see more clearly where our true national interests lie and what our true priorities are in the years to come. I have every confidence that you will not let the nation down and I have every confidence that the nation will not let you down.

Mr. SCOTT. Mr. President, will the distinguished Senator from Ohio be good enough to yield to me briefly?

Mr. YOUNG of Ohio. I yield.

Mr. SCOTT. I thank the Senator.

Mr. President, any commencement address made either by the distinguished majority leader or by the dean of the minority party, the senior Senator from Vermont (Mr. AIKEN), will be worth the attention of the Senate and of readers of the CONGRESSIONAL RECORD. Both of these Senators speak from conscience and from the heart, and both of these Senators speak of concerns which are shared by the American people. They speak courageously and cogently, and whether the accent is the Yankee accent of Vermont or the western accent of the distinguished majority leader, the words carry conviction and assurance.

Mr. MANSFIELD. Mr. President, if the Senator would not mind, first I would say to him how grateful I am to him for his kind words about the distinguished Senator from Vermont (Mr. AIKEN) and the Senator from Montana, now speaking. It is a pleasure to work with a man of the stature, the ability, and the capability of the senior Senator from Pennsylvania, the minority leader of the Senate. And may I say that had I had his speech before me, I would very likely have included it at the same time, with the other commencement speeches, in the same spirit, with the same generosity and with appreciation.

Mr. SCOTT. I thank the distinguished majority leader; and I add the suspicion that someone may yet do it. I appreciate his kindness.

Mr. MANSFIELD. If the Senator will allow me, I would like to have that privilege, sight unseen.

Mr. SCOTT. The Senator's kind offer is accepted, and the speech will be off to him, both pronto and posthaste.

COMMENCEMENT ADDRESS BY SENATOR SCOTT AT GETTYSBURG COLLEGE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that excerpts from the "Gettysburg Address," of the distinguished Senator from Pennsylvania also be printed in the RECORD at this point. I am sure that there will be much in it which will be worthwhile to the Senate, the Congress, the administration, and the American people as a whole.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

SCOTT CALLS MODERATION "REASONED ACTIVISM"

It is time forcefully to adocate and adopt a progressive middle ground. It is time to recognize moderation as the rational way to lasting progress. It is time for Americans to work out deep differences in opinion and attitude through a spirit of conciliation. It is time to realize that the search for accord is not to be equated with fence-sitting or evasion. It is time for the media to consider more exposure on efforts towards reasoned compromise. It is time for more understanding and less confrontation. This is the better way.

The deafening roar from opposing ends of the social and political spectrum threatens to drown out the voices of the middle. Moderation is in danger of losing its constructive effectiveness. Hopes for national unity through the search for accord often seem to be growing dim.

But there is hope for unity if we widen understanding and broaden the middle path.

I do not ask you to quiet your cries for justice. I do ask you to reject the simplistic answers—to accept the complexities of life.

I do not tell you to dampen your enthusiasm. I urge you to listen to other voices. It is often wiser to question the answer than emotionally to applaud your own questions.

I do not advocate inaction at a time when action is desperately needed. I do beg you to replace violent rhetoric and action with longlasting dedication and reasonable advocacy.

As Sociologist Philip Slater wrote recently, "It is precisely in a time of transition that all the qualities usually associated with the center—patience, good temper, a skeptical willingness to wait and see—become valuable because they are so scarce."

I am one of those who firmly believes in this great middle way. Lonely as it often is, I do not apologize. If we—you as well as I—allow this nation to factionalize, we forsake our commitment to democratic processes. We rule out progress. We permit chaos and we seek repression, as Senator Margaret Smith of Maine has so well pointed out. I fear that many of your fellow Americans would choose fewer freedoms before they would accept anarchy. Such a choice, among reasoning persons, should never be necessary.

I know your frustration with the cumbersome structures of democracy. But I cannot submit to theories that advocate its destruction or "opting out of the system" as some put it. Not everyone can move to Sweden. I cannot advocate tearing down a system, however imperfect, when avenues of improvement remain open—when the risks of destruction are so great.

I must urge you to reject the rhetoric of revolution, and instead, contribute to shaping evolutionary change. I beg you to help deepen and broaden the great middle way.

This way lies the preservation of all that is good in our society, of that freedom which men would value even more highly were they ever to lose it.

The way of reason is the one good road to free men, free institutions—and freedom.

Mr. SCOTT. I thank the Senator. I have read in the press from time to time that the minority leader takes us off line, or that he appears to be overconciliatory, or that he does not seem to be sufficiently partisan. I want to assure the Senate that I will retain my partisan credentials, that I can be as partisan as the occasion warrants, but I have found through my association with my colleagues in the Senate that it is not an evidence of weakness, but rather of confidence, and I hope of strength, that we seek to work out our numerous variances of opinion here in that spirit; and therefore I am going to continue to do it, regardless of who may think that this attitude of conciliation represents anything other than what it is: a deep respect for the Senate as the guardian of the interests of the Nation within its constitutional function.

Mr. President, reverting to the "Gettysburg Address," I ought to say it was not written on the back of an envelope while traveling by train to Gettysburg, but represented a far more modest effort. I am sure the distinguished majority leader will find no fault in it. It stems, I think perhaps, from Thomas Paine, in an appeal to reason and an urging that all of us seek to assert our strongly held views with a deep and honorable respect for the differing opinions of others. It is also an effort on my part to speak up for the center position, and to offer some views as to why the more sonic effects of the decibel patterns of right or left are not always to be preferred.

The reason I rose, however, was that I wanted to comment on the student body. This is the third commencement address which I have survived, and yet I do not want to rely on that comment of the Abbé Sieyès with regard to the French Revolution. As a matter of fact, in all three of these cases, the student bodies were eminently well behaved. They were people who respected the reasoned views of others. The conducting of the commencements was successfully managed. The only enemy we had was, on one occasion, the weather.

In this commencement exercise at Gettysburg yesterday, I think that the faculty and the administrators worked out an excellent way to recognize the very strongly held concerns of the student body. For example, the students wanted some way to protest; so some of them adopted the device—I think first used at Oberlin—of refusing to wear the gowns, the traditional commencement uniform. I think about 60 of the 400 students did not wear the uniform—more girls than boys. I suppose it was more than a coincidence that the girls who did not wear the long black robes were almost uniformly dressed in miniskirts, and well proportioned. At least I think this may have been more than a coincidence.

But they also decided on two other ways of expressing their protests. Instead of arousing the other people of Pennsylvania by violence or indignities to themselves or others, it was agreed that they would sign a statement wherein they indicated how strongly they felt about the war in Southeast Asia, and how they protested some of the aspects of that war, on the condition that their protest be printed with their names and inserted in the commencement program. Of the 400-odd graduates 154 did this, and in doing it, it would seem they represented approximately the same percentage as those who find themselves in disagreement with the administration throughout the Nation. So the college population, as evidenced by a typical college in Pennsylvania, has about the same percentage sentiment as the population in general, as shown by the polls and surveys.

Then they decided if they wanted to protest what the speaker said, instead of boos—and I think both boos and protests are unsuitable in the groves of Academe, and would lead ultimately, if they got out of hand, to our calling them "the graves of Academe"—that they would not boo the speaker if they disagreed with him, but would indicate their dissent by wavin white handkerchiefs. I am glad to say that among the students, when the speaker finished, no white handkerchiefs were waved. This may have been for many reasons, but the speaker prefers to think it was because an appeal to reason still makes good sense on a college campus.

I thank the Senator from Ohio.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that this interesting and, in fact, delightful dialog and conversation for the past 20 minutes not be deducted from the time allotted to me.

Mr. MANSFIELD. Oh, no, Mr. President, that was not intended; and if the Senator needs more time, I assure him it will be forthcoming.

Mr. YOUNG of Ohio. I was happy to be here to listen to it. Mr. President, I ask for 10 additional minutes, in addition to the time already allotted.

The PRESIDING OFFICER. Without objection, it is so ordered.

MURDER AT KENT STATE

Mr. YOUNG of Ohio. Mr. President, on Monday, May 4, a beautiful, warm, sunshiny day a few minutes after high noon, two college girls and two college boys were killed by a volley fired from the rifles of Ohio National Guardsmen. Ten boys and girls were wounded, requiring hospitalization, some critically, one being paralyzed from the waist down. They were on the commons of their university. They were not rioting. Some had just come from their classes. The university was in session. One of the college girls killed had just come onto the university commons; her schoolbooks lay beside her dead body.

It has now been more than a month since the tragic slaying of these four young men and women at Kent State University and the wounding of 10 others. Much has been learned about the tragedy in the past month. Hopefully, President Nixon will appoint a high-level commission in the very near future to make a thorough study of the May 4 murders and their causes. Such a study would form the basis for positive actions to prevent similar tragedies from occurring in the future.

Of course, a great deal of discussion has taken place about the Kent State disorders, even in the absence of a Presidential Commission. Some have contented themselves with the spouting of slogans, epithets, and accusations. Others have made a serious effort to determine the facts and to comprehend the real significance of what occurred on May 4, 1970, at Kent State University in Ohio.

Mr. President, Knight Newspapers, Inc., publishers of the Akron Beacon-Journal, the Miami Herald, the Detroit Free Press and several other nationally known newspapers, has made an important contribution to public knowledge about the Kent University tragedy. A team of seven reporters was assigned to investigate the case. For 2 weeks they interviewd students, National Guardsmen, public officials, and townspeople of Kent, Ohio. They studied official reports and examined photographs. The result of their efforts is an outstanding report, more than 30,000 words in length. That report, if read by the American people, will add immeasurably to understanding and constructive dialog.

In particular, an article about the causes and meaning of the violence at Kent State University, by Lee Winfrey, of the Detroit Free Press, should be read by all Americans. I ask unanimous consent that this article be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. YOUNG of Ohio. Mr. President, though Mr. Winfrey's article will appear in its entirety, I would like to read that part in which he cites the conclusions of the Knight reporters based on their extensive research. Those conclusions are:

> The four victims did nothing that justifies their deaths. They threw no rocks nor were they politically radical.
>
> No sniper fired at the national guard.
>
> No investigative agency has yet found any evidence sufficient to support such a theory.
>
> The guardsmen fired without orders to do so. Some aimed deliberately at students, while others fired in panic or in follow-the-leader style.
>
> It was not necessary to kill or wound any students at the time of the shooting. The guardsmen had several other options which they did not exercise, including firing warning shots or marching safely away.
>
> There is no evidence to support suggestions by university and city officials that four former members of the Students for a Democratic Society (SDS) planned and directed the trouble.
>
> No reasonable excuse could be found for three violent acts by the students—breaking downtown store windows, burning the university ROTC building and throwing rocks at the guardsmen before the shooting.
>
> The prime and immediate cause of the trouble was President Nixon's decision to invade Cambodia. Kent State, a basically conservative campus, has not generally been violent in the past.

Mr. President, the four young students who were killed were on the campus commons where they had every right to be. None was engaging in acts of violence at that time or any time throughout that Monday. Those acts of violence referred to in the report and referred to by me occurred away from the university commons on the preceding Saturday and Sunday nights in downtown Kent, not on the university commons.

There had been demonstrations over Cambodia on the previous Saturday and Sunday nights on the streets of Kent. There had been denunciations of the invasion of Cambodia. The fear expressed by the students of Kent State on that Saturday night and Sunday night over the invasion of Cambodia was that we had opened another front in Southeast Asia, that the war had been expanded and extended, and that there was no end of hostilities in sight.

The mayor of Kent announced a 9 o'clock curfew, and on both Saturday and Sunday nights many Kent State students, male and female, were jailed, charged with violating the curfew. They were locked up throughout the night, denied permission to telephone their parents, and in the morning each was fined $50.

As stated in the report, and as the senior Senator from Ohio has stated in this Chamber on other occasions, there had been some rioting downtown the preceding Saturday night and Sunday night. However, on that beautiful Monday morning and early afternoon of May 4, there had been no violence on the campus, there had been no violence in downtown Kent.

At around noon to 12:20 p.m. many students were attending classes or were in their dormitories. There were several hundred of the 19,000 Kent State students on the university commons. No student at that time was closer to the National Guardsmen than 75 feet. Most of them were more than 100 feet distant.

These boys and girls were crowded on the commons, where some of them had to be in coming from classes or from dormitories. Suddenly, after the guardsmen had hurled tear gas, there was a volley from the guardsmen. I have asserted before, and I assert now, that some of those guardsmen were trigger-happy.

In years past, I have been proud of my membership in the Ohio National Guard. But the fact is that about 12:20 p.m. on Monday afternoon, May 4, the guardsmen had been hurling tear gas canisters toward the students. Some of the boys in the front ranks of the students hurled back the half-filled canisters. The guardsmen had run out of tear gas, and they ran up a little hill and immediately turned; and, as Vice President AGNEW very properly and wisely stated, they overreacted to the crowd on the campus.

They ran back having run out of tear gas. The front rank kneeled, and immediately a volley was fired by the guardsmen. I have signed statements of eye witnesses that they saw a lieutenant raise his hand and bring it down in the gesture known to all soldiers as the command to "Fire." They killed four students, not one of whom had resorted to any violence whatever and seriously wounded 10 others, including a boy who will be paralyzed for life from his waist down.

Mr. President, the murder of students must not be the answer to campus disorders. The events of May 4 at Kent State make it clear that the presence of uniformed, armed police units from outside the campus only inflame emotions and increases the possibilities of violence. The sight of gas masks, guns, and military uniforms can be severely inflammatory. As the Knight newspapers team reported:

> An examination of Kent State during the weekend of May 1–4 is a study in escalation—broken windows, burned buildings, and rocks on one side, matched by tear gas, bayonets and bullets on the other.

Some means of containing campus disorders without transforming them into riots is essential if we are not to be faced with the terrifying choice of revolution or repression. Cooperation must replace confrontation. Reason must replace rifles.

At the peace moratorium on November 15, 400,000 persons either marched along Pennsylvania Avenue to the area of the Mall and the Washington Monument or were present during that antiwar demonstration. Throughout that afternoon, there was no violence in the vast area around the Mall and Washington Monument.

I know that there were at least 400,000 men, women, and youngsters, including many mothers with their daughters, who came into Washington that day. I know, because I marched in the parade down Pennsylvania Avenue. I mingled with the crowd. I was on the platform, standing beside Mrs. Coretta King.

The District of Columbia police force deserves a great deal of credit for those successful, nonviolent demonstrations. Their restraint was of tremendous importance. However, the prime factor in the maintenance of calm and order was the presence of large numbers of unarmed student marshals. These student marshals were on the scene to maintain order—not in a repressive way but in a helpful, courteous way. When they gave an order to me, I obeyed it and stepped back or stepped ahead, where they said. To a large extent, they were able to engender a feeling of friendship with the marchers.

Officials of our universities, it seems to me, could learn an important lesson from the Washington, D.C., protest marches. The presence of friendly, unarmed marshals can set a calm, peaceful tone.

A University Security Corps, composed of juniors and seniors representative of and respected by the great majority of students, would be a positive force for campus peace. In many cases, student marshals would have the confidence of young people that police or National Guardsmen would not. Student marshals would bring a greater degree of understanding to a troubled situation on a university campus.

Well-qualified undergraduates would be selected to participate in the University Security Corps. This could be a full credit program toward graduation. Probably, many of those young men participating would, from their experience, elect to make police work and law enforcement a career.

Police departments have placed increasing emphasis in recent years on recruiting at college campuses. This shows a greater awareness of the need for competent and highly educated law enforcement personnel. This need would be more easily met if students were given more encouragement to consider careers in crime control and prevention.

Of course, the salaries of police recruits should be increased to stimulate further the desire to become a law enforcement officer. The proposed University Security Corps would do much toward stimulating interest in that area.

The time has long passed when the best cop was the toughest cop. The best police officers today are those who know how to think, who have a capacity for understanding, and who place a value on human life.

Mr. President, our police departments, indeed all of society, would benefit from the attraction of intelligent, compassionate young men and women to the work of law enforcement. Our universities would be making a positive step toward reducing campus violence and maintaining order. I urge officials in universities across the Nation to consider this simple but meaningful step toward harmony and reason which I am suggesting today.

Unfortunately, Governor Rhodes called out the Ohio National Guard following rioting of Kent State students on the university campus and riots in the center of the city of Kent throughout much of the night Saturday and Sunday, May 2 and 3.

In particular, he called them out in response to the riots in the center of the city of Kent. That is some distance from the common or the campus at Kent State University.

Throughout much of Saturday night, May 2, and Sunday night, May 3, the students had been downtown, as is their custom, to go into Kent for Saturday night recreation. There were some riots perpetrated by some students. Most, if not all, of those who perpetrated the riots in downtown Kent were arrested and jailed and later fined.

Furthermore, Mr. President, the men who allegedly burned the ROTC building on that Saturday night have been arrested. If they are guilty, I hope they will be punished for malicious destruction of property, as they should be if they are guilty. May I say that I know some lawyer friends of mine in Cleveland, who could not have gone through college, could not have attained their law school degree, except for the ROTC. So I am not defending anyone who on the previous Saturday night burned the ROTC building.

Whether or not the Ohio State Highway Patrol could have contained student disruptions I do not know. I do know, however, that the men of our Ohio State Highway Patrol are older men. They are experienced in law enforcement and have established a fine record in my State. It seems to me that those experienced, civil service employees of the Ohio State Highway Patrol should have been the first ones to have been called in to assist the local police to maintain order in the city of Kent.

If, however, the Governor felt justified in calling out the National Guard, it is unfortunate that he called to Kent on short notice and without rest the same unit that had been given a hard time in the "wildcat" Teamsters' strike in Cleveland.

Unfortunately, the guardsmen were issued live ammunition to contain student disruption. Why cannot National Guard officers limit guardsmen to the use of tear gas and possibly bird shot.

Those Kent State boys and girls are not assassins or homicidal maniacs. Perhaps those two dozen or so who were arrested by Kent policemen and charged with malicious destruction of property favored violence. The facts are that the overwhelming majority of the 19,000 students at Kent State University were peaceable and had a right to state their dissent regarding the war in Vietnam and our invasion of Cambodia. Certainly, they had the right to do that on the commons on the campus of Kent State University, which was in full operation on that Monday.

Mr. President, I know the facts, because I have taken the signed statements of a number of eyewitnesses. As a lawyer and a former chief criminal prosecuting attorney, I want to know the facts.

I have already telegraphed the President of the United States and received a reply from him. I informed him that if and when he appoints a high level commission to investigate this occurrence, I will turn over to the chairman or to the chief counsel of that commission all of the evidence I have pertaining to the tragedy at Kent State University on early Monday afternoon of May 4.

From noon on Monday May 4, to about 12:22 p.m., a few students threw toward the National Guardsmen some stones. Eyewitnesses stated that perhaps 15 stones were thrown, but that none of them struck the guardsmen with sufficient force to cause an injury.

No National Guardsman on that Monday, May 4, required even first aid treatment. None was bruised to the extent that he necessitated first aid treatment.

Vice President AGNEW was correct in his statement that the National Guard overreacted and that the officer responsible for the volley fired by the National Guardsmen should be charged with murder, but not with murder in the first degree. I concur fully with the statement of our Vice President. Vice President AGNEW was a very able lawyer in Maryland.

As a lawyer and as a former chief criminal prosecuting attorney, I assert that Adjutant General Del Corso, Deputy Adjutant General Canterbury—who was there on the scene—and the lieutenant who gave the order to fire should be charged with murder in the second degree.

Mr. President, I have the statements of some eyewitnesses. Some did not see or hear the order to fire given. However, a number of witnesses saw the lieutenant raise his hand and then lower it in the gesture that those of us who have served in the Armed Forces of our country in combat recognize as an order to fire. Immediately a volley rang out.

The adjutant general, the deputy adjutant general who was on the scene, and the lieutenant should be charged with murder in the second degree. The adjutant general and the deputy adjutant general should be charged with aiding and abetting in the crime of murder in the second degree.

Of course the National Guardsmen who simply obeyed the orders of their superiors, should not be so charged.

Mr. President, I assert that there is probable cause for a grand jury investigation to determine whether murder was committed on the campus of Kent State University shortly after noon on May 4. And I call upon the recently appointed U.S. attorney for the northern district of Ohio, Robert B. Krupansky, to convene a Federal grand jury in Cleveland to investigate this tragedy and to have the grand jury determine whether these men should be indicted for murder in the second degree. If and when he does that, I shall turn over to him the names and addresses and signed statements of many eyewitnesses to this killing and wounding of students at Kent State University.

The thorough investigation made by reporters of the Akron Beacon-Journal and associate newspapers is convincing that murder was committed at Kent State University.

EXHIBIT 1

THE MEANING

(By Lee Winfrey)

Three weeks ago in Kent, three to five dozen bullets killed four young persons, wounded nine and plunged the nation into the most divisive controversy so far in this decade.

The four students who were slain were unarmed and had harmed no one. The National Guardsmen who shot them were tired and hungry and many had been hit by stones.

While a nation quarreled and chose up sides, more than 400 college campuses closed down and President Nixon set a cutoff date for U.S. warfare in Cambodia, the issue that led to the fatal confrontation at Kent State University on May 4.

Overtones of the affair suggest that the four fatal shots at Kent State may have been part of the first heavy volley fired by a nation now at war with its young.

Obviously, violent protest is no longer a monopoly of traditionally liberal universities like the University of California at Berkeley, Wisconsin and Harvard. The mood of young rebellion now runs so deep that it convulses even conservative campuses.

The killings at Kent State could have happened anywhere. The gulf between the generations seems to have spread so wide that there is now room for violence almost anywhere.

An examination of Kent State during the weekend of May 1–4 is a study in escalation—broken windows, burned buildings, and rocks on one side, matched by tear gas, bayonets and bullets on the other.

There were special ingredients in the mix at Kent, notably a governor who reacted to confrontation with heat instead of light.

But most of the ingredients are widespread in America:

Hundreds of students deeply resentful of the Indochinese war.

A well-meaning university administration which seems aloof to many of its charges.

A townful of small businessmen who are suspicious of beards and easily frightened by rumors.

XUM

A handful of young radicals who have given up on peaceful dissent.

Add to this a National Guard ill-led and ill-equipped to cope with a young unruly mob, and you have a situation in which two boys and two girls are killed, all before they grew old enough to even vote.

A team of Beacon Journal and other Knight Newspapers reporters spent two weeks investigating the case. They interviewed more than 400 students, National Guardsmen, public officials and townspeople, examined photographs and studies official reports.

The evidence they found prompts these conclusions:

The four victims did nothing that justified their deaths. They threw no rocks nor were they politically radical.

No sniper fired at the National Guard. No investigative agency has yet found any evidence sufficient to support such a theory.

The Guardsmen fired without orders to do so. Some aimed deliberately at students; others fired in panic or in follow-the-leader style.

It was not necessary to kill or wound any students. The Guardsmen had several other options which they did not exercise, including firing warning shots or marching safely away.

There is no evidence to support suggestions by university and city officials that four members of the Students for a Democractic Society (SDS) planned and directed the trouble.

No reasonable excuse could be found for three violent and illegal acts by the students—breaking downtown store windows, burning the university ROTC building and throwing rocks at the Guardsmen before the shooting. All these created turmoil and ill feeling.

The prime and immediate cause of the trouble was President Nixon's decision to invade Cambodia. Kent State, a basically conservative campus, has not generally been violent in the past.

Kent State University is little-known but large, a complex of 19,000 students who live and study in 97 buildings, most of them sturdy yellow brick structures set on a succession of gently rolling hills.

Eighty-five pct. of the student body is from Ohio. They are the sons and daughters of the Silent Majority, reared in basic virtues in one of America's most conservative states.

Until the year that Richard Nixon was elected President, the noisiest thing that had happened at Kent State was a big panty raid in 1958. It was November 1968 before the turbulence that already afflicted most of the country came to Kent State, a campus normally so placid that little squirrels run unafraid across its streets.

The police department of Oakland, Cal., already locked in bitter battle with the Black Panther Party there, came to Kent State to recruit in the Fall of 1968. About 150 members of the Kent State SDS and about 100 members of the Black United Students staged a sit-in in the lobby of the student activities center to protest.

The university reacted sharply, taking pictures of the demonstrators and threatening to charge them with disorderly conduct. About half the school's black students walked off the campus in protest. They stayed gone three days, until University President Robert I. White said there was "insufficient evidence" to bring any charges.

SDS hailed White's decision as a victory. But when it staged its next big demonstration in April 1969, the outcome was much different.

SDS went to bat for a set of demands including abolition of ROTC. It got into a scuffle with campus police and then, later, led 58 students who were arrested at the Music and Speech Building. The university said they seized the building. The demonstrators said they were locked in.

As a result, SDS was banned from the campus and four of its leaders—Rick Erickson, Howie Emmer, Colin Neiburger and Jeff Powell—were sentenced to six months each for assault and battery.

The fallout from these two protests, particularly the confrontation with SDS, still hung over the campus this Spring. The university was watching keenly for any resurgence of SDS-type radicalism. Student radicals and liberals felt closely watched and unsympathetically judged.

Then came the first day of May.

FRIDAY, MAY 1

At 7 a.m. Friday, Steve Sharoff and a half-dozen friends were already at work on the politics of protest, galvanized by President Nixon's announcement the previous night that he was sending troops into Cambodia.

Sharoff is a graduate student in history, the son of the retired police chief of Monticello, N.Y. He is a tall, energetic young man with a Custer mustache and a belief that the American political system needs fundamental change.

A friend of Sharoff's, another history graduate student named Chris Plant, came up with the idea that began Kent State's weekend of protest. Plant suggested that they bury a copy of the U.S. Constitution on the commons, a broad open patch of lawn at the center of the Kent State campus.

Plant made up a name for the organization—World Historians Opposed to Racism and Exploitation, an organization they called WHORE. They drew up a pamphlet calling for a meeting on the commons at noon, and at 7 a.m. they were out distributing them.

About 500 students showed up. Plant called Nixon an outlaw. Sharoff said the ROTC was an arm of the military. Another history graduate student, Jim Geary, who won the Silver Star in Vietnam with the 101st Airborne, burned his discharge papers.

They took a copy of the Constitution that a girl friend had torn out of a sixth-grade textbook, said Sharoff, and buried it in a hole about six inches deep. "We inter the Constitution because it has been murdered by the chief executive of the United States," said Plant.

The rally broke up peacefully. There was no indication that gathering in the same place 72 hours later would end in gunfire and blood.

About 3 p.m., another rally was held on the commons, this one by the Black United Students (BUS), who had staged Kent State's first radical demonstration when they opposed Oakland police recruiting 18 months before. White watched the black students' meeting closely.

BUS had most recently troubled President White on March 30, when its newspaper Black Watch had demanded, "End all forms of mental mistreatment of black minds. This calls for the firing or if need be killing of all racist deans, professors, coaches or university presidents."

Nixon's speech also bothered White. When he first heard about it, he said he thought, "Well, here we go." Now he was watching to see if it would be safe for him to go to Iowa City, Iowa, for a meeting of the American College Testing Program (ACT), of which he is chairman.

The black meeting reassured him. "Only 47 blacks appeared," he said, "no more than 20 radicals." After a few last-minute phone calls, White caught a plane to Iowa at 5:30 p.m. Friday. Before he got back, the governor of Ohio had taken away control of his campus.

Friday night, the scene of attention shifted to downtown Kent, to an area on N. Water st. called "The Strip." There is a string of six bars, with names like the Ron-de-Vou and Big Daddy's and The Kove, where the college kids go to drink beer and non-students come in from surrounding towns to try to pickup on the co-eds. Weekends are always noisy on The Strip.

Chaz Madonio, the bass player at Big Daddy's, said it all started casually. "It was so hot inside," he said, "the people came outside for fresh air. When they saw the crowd (gathering outside), they decided to stay. When the crowd swelled, they started to get brave."

Steve Sharoff said he was sitting in Seaver's, the hippie bar, having a beer when "I heard a crash and a guy came in and said, 'Guys are throwing bottles out there.' I said 'Wow, that's pretty far out.' "

Roman Tymchyshyn, a graduate art student, said he was on The Strip about 11:15 p.m. when "I saw people spilling into the street and they closed it off. They were dancing in the streets and shouting '——— Agnew' and '1-2-3-4, we don't want your —— war'."

Patrolman Robert Defluiter of the Kent Police Department said that between 11:27 and 11:41 p.m. he watched young demonstrators, shouting, "Get out of town, pigs!" bombard two police cars with bottles, glasses and beer pitchers.

"They put three cars across the street in front of J.B.'s (a tavern) and blocked off the street," Defluiter said. "They dragged wood and paper and trash out from behind the buildings and built a bonfire in the street."

After about 20 policemen arrived at the scene soon after midnight dressed in full riot gear, the demonstrators, both students and non-students, started breaking windows. The police had done nothing to provoke them and no police brutality was involved.

At 1:07 a.m., Kent Mayor Leroy M. Satrom arrived. He ordered the bars closed and placed the city under curfew. When officers arrested a demonstrator and had nobody free to take him to the station, the mayor was pressed into police service.

"The mayor and the safety director took the prisoner in," said Kent patrolman Tony Filomena. "The mayor asked how to turn the siren on and I showed him how. He went off with the siren blowing and I yelled after him, "Turn your red light on'."

Demonstrators took a lawnspreader from the Getz Hardware Store, and threw it through the window of the Portage County National Bank. It was the first of more than 50 windows they broke in 15 business places.

A crowd of about 500 hurled rocks and bottles at police and sheriff's deputies, injuring five. Police herded them back to the campus four blocks away and there used tear gas to break them up.

The whole ruckus didn't end until past 2 a.m. It was the worst downtown disturbance in the history of Kent.

SATURDAY, MAY 2

Today a great fear afflicts Middle America. Over cities and town lies a gloomy belief that almost anything can happen, and that when it does, it will probably be bad. The events of the past few years have sunk many of us in pessimism.

So it would be comparatively easy now to look back and say that Kent panicked in the face of a little window breaking. Except that Saturday morning nobody knew what awful things might follow downtown, and all the signs looked bad.

First, there were the threats.

Ervin Hoefler is a mustached, slender, middle-aged man who runs the Music Mart. About 3 p.m. Saturday, he said, a short bearded man wearing Ben Franklin spectacles came in his store and warned him, "I'd advise you to put an anti-war sign up in your window or you might get burned out tonight."

Second, there were the rumors.

Mayor Satrom said he received two especially disturbing reports: "Weathermen observed on campus and positively identified, and evidence of weapons on campus."

He said these two things, plus the downtown damage Friday night and the threats to merchants Saturday, led him to call for the National Guard late Saturday. Neither of the reports from the campus was worth much, Knight Newspapers subsequently learned.

To paraphrase Voltaire's remark about God, if Weatherman did not exist, it would have to be invented.

Weatherman, the most militant wing of the SDS, seems to have become a kind of policeman's shorthand for anyone who is bearded, surly and inclined toward violence.

As Kent Police Chief Roy Thompson said, "guys with red beadbands that we've never seen before, call 'em Weathermen or whatever you want to call 'em."

Asked about Satrom's report of Weathermen seen at Kent State, Campus Police Chief Donald L. Schwartzmiller said:

"As far as us seeing them, no. As far as us being able to identify them as Weatherment, no. Weathermen to us right now is faceless."

As for Satrom's report of guns on campus, Schwartzmiller said he could recall evidence of only two weapons: A hole shot in the windshield of a police car two weeks before the downtown riot, apparently by a pellet gun, and a male student who threatened his wife with a .22 rifle.

But in the atmosphere of Kent on Saturday, skepticism about scare stories seems to have been a luxury that no one could afford. Responding to Mayor Satrom's call, the National Guard began arriving in Kent shortly after 7 p.m.

University officials were not consulted beforehand. It was the first of three major occasions on which the university administration was brushed aside by outside officials in their rush to restore order.

However, the National Guard's right to move onto the state-owned campus at Kent was clearly understood by university officials.

An 8 p.m. curfew clamped on downtown by Mayor Satrom confined all students to the campus Saturday night. Fears of violence, said Kent State senior and Beacon Journal reporter Jeff Sallot, were a "self-fulfilling prophecy. If it hadn't have been for the curfew, I think everyone would have gone his own way. As it was, they started crowding up on campus."

Originally, said Sallot, the crowd that started gathering Saturday night talked about marching downtown to test the curfew. Then talk turned toward the ROTC building at the edge of the commons.

ROTC at Kent State is a child of the cold war, begun in 1947. Col. Arthur W. Dodson, who commands the program, said there are currently 173 cadets in the program, which is entirely voluntary. The Kent State ROTC produced 46 Army second lieutenants last year.

ROTC at Kent State was housed in a creaky old barracks with peeling paint. Although no one is forced to take the program, the ROTC building still seemed a convenient target. To quote Frank Friscina, the student body president who opposed its burning, "It's symbolic, it represents something. And it's small, wooden, convenient and nobody in it at night."

When Tom Willison, a plainclothes detective for the campus police, got down to the ROTC building about 8 p.m. Saturday, he said a crowd of 500 to 700 students had already gathered on the commons.

It began slowly, he said, with students throwing rocks at the building, then pitching a railroad flare which failed to ignite it. "A guy ran up to a broken window and tried to light the curtains with a paper match," he said, "but it didn't take.

"Then," said Willison, "a guy ran up with a piece of paper and lit the curtains and they caught on fire this time. It started to flare up, then simmered down and smoldered."

Finally, said Willison, someone soaked a rag in the gas tank of a parked motorcycle "and they lit the rag and put this on the curtains and got it going good. The fire started burning up the wall."

Only one student in the crowd opposed the burning, said Willison. The youth screamed "You f—ers have got no right to do this!" But, said Willison, "they booed and jeered him."

A faculty marshal, on hand to try to keep order, took him protectively away.

A truck rolled up from the Kent Fire Department. But students seized the fire hose, stabbed holes in it and then chopped it off with a machete. When firemen unrolled another hose, said Willison, "One guy grabbed the fireman around the arms so he couldn't move. Another guy grabbed the hose and dragged it out along the sidewalk."

The riot squad of the campus police force arrived then, 18 men in gas masks wearing helmets and carrying batons. The students shouted "Pigs! Pigs!" and somebody threw a big firecracker right into the middle of their ranks. "Then the kids starting throwing rocks like mad," said Willison, "really pelting 'em.

"The firemen got the fire almost out," said Willison. "But they were shook, apparently, and didn't go into the building and get it properly out. They loaded up their hoses and got out."

When two fire trucks returned later, the blaze was out of control. The ROTC building burned down to a heap of blackened rubble, the loss estimated by Col. Dodson at $50,000 for the building and $35,000 for the equipment inside.

The riot squad fired tear gas. The National Guard came marching in, their first appearance on campus. The turmoil went on until almost midnight.

SUNDAY, MAY 3

The heartbreaking thing about student demonstrations is that different generations look at them differently. Each feels driven to the point of rage by a different irritant.

Student violence grows, Steve Sharoff believes, "out of a basic sense of futility and frustration about what's happening in this country, the war particularly."

Offering his explanation for violence, Sharoff said, "A lot of people feel that blacks sat quietly in the back of the bus for years. Then they started burning and thrashing and people looked around and said, 'Wow, these people have a problem. We better do something about it.' "

Kent Police Sgt. Joseph Myers takes the opposite view. Discussing the window-breaking downtown Friday night, he said, "The only thing we could hear was, 'Kill the pigs.' I can't see any relationship between destroying property and ending the war."

When Gov. Rhodes showed up in Kent Sunday morning, he was in an angry mood. In a meeting with university and local officials, Rhodes changed the mission of the Guard from one of protecting lives and property to one of breaking up any assembly on campus, peaceful or otherwise. Pounding his fist repeatedly, he later told a press conference, among other things:

"We're going to employ every force of law that we have under our authority . . . We are going to employ every weapon possible.

"The same group that we're dealing with here today—and there are three or four of them—they only have one thing in mind and that is to destroy higher education in Ohio.

"You cannot continue to set fires to buildings that are worth $5 and $10 million . . .

"No one is safe in Portage County. It's just that simple—no one is safe.

"There is no place off limits. There is no sanctuary and we are going to disperse crowds; we are going to help the mayor enforce the curfew.

"These people just move from one campus to the other and terrorize a community. They're worse than the brown shirts and the Communist element and also the night riders in the vigilantes. They're the worst type of people that we harbor in America.

"I think that we are up against the strongest, well-trained militant group that has ever assembled in America.

'We are going to eradicate the problem—we're not going to treat the symptoms.

"There is no sanctuary for these people to burn buildings down . . . It's over with in Ohio."

It was impossible to learn what was going on in Gov. Rhodes' mind at this time. Of all the state, city, county and university officials involved in the Kent State case, he was the only one who refused to talk with Knight Newspapers.

But inaccuracies mar his remarks. No building worth anything near $5 million was ignited, for example, and his reference to the "strongest militant group ever assembled in America" is clearly a gross exaggeration.

Rhodes' reference to "three or four" agitators indicates that he was fed the most widely believed myth of the Kent State case—that the whole thing was caused by the four SDS members who were jailed last year after the demonstrations that led to the banning of SDS at Kent State.

Many observers were struck by the fact that the four were released from jail only two days before the first trouble began on Friday. Robert C. Dix, for example, president of the Kent State University Board of Trustees, believes they planned the whole thing in jail.

It would have been hard for them to get any plans out. Portage County jailer W. M. "Pete" Cooper said they were permitted visits only by members of their immediate families, and then for only 15 minutes at a time twice a week.

From the time that Cooper turned the four loose at 12:15 p.m. Wednesday, April 29, Knight Newspapers could find only one man—Police Sgt. Myers—who saw any of the four downtown. Schwartzmiller said none was seen on campus; Willison saw none at the ROTC fire.

Contacted by phone in Akron, Rick Erickson, one of the SDS four, told Knight Newspapers that Sgt. Myers was correct, that he was downtown on N. Water st. Friday night.

"I went downtown Friday evening, it must have been around 10, for a beer at Seaver's," said Erickson, who is the son of a former mayor of Akron.

He said he left as soon as he was told that "police were hassling people. I wasn't down there for more than two minutes." He said he left Kent about 10:30 p.m. Friday and never went back.

"I had nothing to do with it," Erickson said, denying any part in the weekend of trouble. "I don't have anything to hide. I don't care how many insinuations they make.

"What they're going to try to do," he predicted, "is try to go out and find some scapegoat, and constantly neglect the conditions that give rise to it (the disturbances)." He said he has quit the SDS and has no plans to return to Kent.

No charges have been brought against any of the SDS four since their release from jail.

Steve Sharoff is among the radicals who say, "Student are niggers now," meaning that the white middle class does not want to listen to their complaints and will support almost any repressive measures used against them.

From the way the country is moving, it seems possible that the student rebellion in the 1970s may parallel the black rebellion in

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the 1960s. In each case, the same three basic questions are asked:

What do they want?

Why do they destroy property and burn buildings?

Are they Communist-led?

The answers seem to be:

The students want an end to the Indochinese war.

They wreck property to express outrage and attract remedial attention.

And at Kent State, at least, where the SDS was banned a year ago, they seemed to move as an unled mob.

Against this background, the efforts of many in Kent to pin the rap for the whole business on four young men seems wholly understandable and human. The alternative is so much harder: Realizing that hundreds of students at Kent State are now worked up enough to demonstrate in the face of tear gas and throw rocks at Guardsmen with rifles.

To Portage County Prosecutor Ronald J. Kane, the immediate solution on Sunday seemed simple and clear: Close the whole university until things quieted down. In hindsight it is hard to question his judgment: Obviously four more people would be alive today if that had been done.

Rhodes refused, said Kane, the governor telling the prosecutor that closing the school "would be playing into the hands of the SDS and the Weathermen." Rhodes named no names.

So Kane waited until Monday afternoon, until after the shooting, before he went to Common Pleas Judge Albert H. Caris and got an injunction closing the school. Again, university officials were not consulted beforehand.

On the campus, reaction to Rhodes' outburst of tough talk ranged from shock to ridicule.

"Rhodes was hilarious to students," said Bernard Jerman, a radical English professor.

"Everyone knew it was political," said Lloyd Agte, a teaching fellow in English. Rhodes was currently running for the U.S. Senate, an election he lost by about 4,000 votes the day after the shooting.

Cynical amusement was the reaction of many. Said Marvin Holsey, a black osciology instructor: "Man, they're always talking about those " 'outside agitators.' " I think I'll become an outside agitator myself, and see the world. Those cats are everywhere—Rome, Paris, Toronto, Washington . . ."

But downtown, the mood was different. A worried, fearful temper overlay Kent. John Solem was caught in the middle.

Solem is 65, a mild man with two jeweler's loupes secured onto the right wing of his eyeglasses. He runs Solem's Jewelers and tries to get along with everybody.

When Ervine Hoefler came over from the Music Mart next door on Saturday and told Solem he had been threatened by a Peacenik, Solem put two signs in his window, one saying "Peace," and the other, "Get Out of Vietnam."

Hoefler, a shrewd man, took his peace sign down early Sunday when the coast looked clear. Solem made the mistake of leaving his up until the townpeople started coming home from church and saw them.

His phone started ringing off the wall with critics, including one who identified himself only as "a concerned citizen." So Solem made a special trip downtown Sunday to remove the offending signs.

Now he doesn't know quite what to do, since he lives among the townspeople and makes most of his living by selling jewelry to students. "Sometimes," he said bleakly, "it seems you have to kiss everyone's prat to stay in business."

Despite the shootings, Kent businessmen generally supported the National Guard. Lawyer Guy M. Showalter was among the most vehement:

"We feel that the Guard did exactly what they were sent in to do. To keep law and order. Frankly, if I'd been faced with the same situation and had a submachine gun, there would not have been 14 shot, there probably would have been 140 of them dead and that's what they need."

President White, returning from Iowa, met Gov. Rhodes briefly at the airport Sunday as Rhodes departed. White said Rhodes told him, "You're being besieged by—I've forgotten the word he used, floaters, maybe—from every campus in the state. Whatever you do, try to keep the campus open." Then Rhodes flew away, not to return or offer further advice.

Rhodes had perhaps picked up on the repeated statements from university officials and city officials that many suspicious strangers were hanging around.

Robert E. Matson, for example, who is Kent State's vice president for student affairs, said, "I am convinced that the demonstrations were a result of individuals who came here with destruction of property in mind." Asked why he believed that, Matson mentioned a newspaper column which said SDS had picked Kent State as a "target."

There is no doubt that there were many strangers in town for the action. Even Ellen Mann, 18, of Munroe Falls, a Kent State University high school senior who sympathizes with the students said:

"There were so many freaks that I've never seen before. When you go around a college that has a very small amount of hippie types, you get to know all of them by sight at least. Whereas some of the kids I saw on campus that day (the day of the shooting) I'd never seen before in my life."

Sunday night the action began again, at Prentice Gate on the corner of the campus where E. Main st. leads off toward downtown.

About 200 students sat down in the street there, backed by about 500 others on the campus behind them. They had several demands they wanted to make, notably the withdrawal of the National Guard, a lifting of the curfew and amnesty for students who had been arrested.

The students sang "Give Peace a Chance," while a military helicopter with a searchlight circled overhead. They said they wanted to talk with President White and-or Mayor Satrom. Later many were to claim that they had been promised this.

What happened, said Sgt. Myers of the Kent police, was that "around 11 or a few minutes after, a (National Guard) colonel came up and advised the people that the town was under curfew and they were in violation of it. He had his men move out and clear them away."

Myers said he had notified the mayor of the students' request and that the mayor was on his way to the scene when the crowd was dispersed. "It was the Guard's decision to move," said Myers.

Asked why he did not go down to Prentice Gate, President White said, "I didn't know about that." Apparently word was not relayed to him.

White's principal trouble-shooter in such matters, Vice President Matson, said he turned down a request to go down to Prentice Gate for two reasons: "They (the sit-downers) were in violation of the curfew and any negotiations would have been under duress."

Maj. Arthur E. Wallach, commander of all Guard forces Sunday night, said neither he nor any of his men "negotiated" with the demonstrators or promised to contact White.

"The only thing the men told them was to get back off the street and go back to the dormitories," Wallach said.

Knight Newspapers was unable to locate and interview the student who did most of the talking for the demonstrators.

But after the Guard had cleared the scene with tear gas, a move that was met with rocks from the demonstrators, apparently many students were left with the feeling that they had been double-crossed. "A lot of the kids felt then 'You can't trust the pigs,'" said Lloyd Agte.

The first two student injuries occurred on this Sunday night—Helen Opaskar, 21, of Cleveland, and Joell Richardson, 19, of Sterling, N.Y., both pricked by Guardsmen's bayonets.

MONDAY, MAY 4

After three days of violent aggravation, all the elements were now ready for fatal violence on Monday:

Students angry about war outside the campus and soldiers upon it.

Weary Guardsmen under orders from Rhodes to disperse even peaceful gatherings.

A university administration whose control over its campus had passed to other hands.

A townful of worried angry businessmen who wanted peace restored quickly.

A collection of public officials responding to the public's mood with strident talks.

One should hesitate before singling out any villain at Kent State. One sees a hurtling train of excesses, but it's hard to see the engineer.

The seeds of a Kent State are in every college community where militance has replaced reason, where hate has replaced sympathy, where suspicion has eaten away trust. The Kent State killings could have happened almost anywhere.

Death could come to almost anyone in such circumstances, too. Should these four young people have died?

Sandra Lee Scheuer, 20, of Youngstown, was a junior majoring in speech therapy. She lived in a two-story green house a block and a half from the campus where her room was always neat, her bed always made.

She drank hardly at all, an occasional wine or maybe a couple of beers. She had smoked marijuana a couple of times, but never really wanted to get stoned because she didn't want to become dependent on anything.

On Friday night, when the kids were breaking windows on Water st., she was at the Moon-Glo roller rink. On Saturday night when the ROTC building burned, she was studying for an exam. On Sunday night when students sat down in the street, she was in her living room.

On Monday, she had just left a speech therapy patient, a boy with a lisp that she was trying to help. She was walking across the parking lot trying to get away from the turmoil when a bullet hit her in the neck and cut her windpipe in two.

Jeffrey Glenn Miller, 20, of Plainview, N.Y., a psychology major, transferred to Kent State in January from Michigan State. He didn't study much and he cut classes a lot.

He liked to swim in the pool in front of the house where he lived with five other young men. He liked to listen to the Grateful Dead, a rock music group, and three weeks before his death he borrowed a set of drums and began trying to learn to play.

Friday night he stayed home. Saturday night he went over to see the ROTC fire after it started. Sunday night he sat down with the crowd at Prentice Gate.

Monday he was watching when a bullet hit him in the mouth. He had thrown no rocks.

Allison Krause, a freshman from Pittsburgh, was 19 years old the day Nixon made his Cambodia speech. She was a tall, pretty brunette, who wore neither makeup nor a brassiere, and seldom wore a dress, preferring blue jean bell bottoms like those of her boy friend, Barry Levine.

Last Oct. 15, Moratorium Day, she collected money for the anti-war movement and helped carry a banner in a street parade. Last Nov. 15, she went to Washington with her boyfriend for the mammoth moratorium march there.

She played her part in the system, too: Serving on the disciplinary Board of Metcalf Dormitory and on the policy board of the Honors College. On Sunday she walked up to a National Guardsman, put a blossom in his gun barrel and told him, "Flowers are better than bullets."

Monday she was far out of rock-throwing distance, in the middle of the parking lot not far from Sandy Scheuer, when a bullet hit her in the shoulder and stopped in her chest.

William Knox Schroeder, 19, of Lorain, a sophomore majoring psychology, transferred to Kent State last fall from the Colorado School of Mines. He studied a lot and had an excellent grade average. He had no special girlfriend and belonged to no organizations, radical or otherwise.

A stranger might have thought he looked radical: At the moment of his death he was wearing orange corduroy pants, brown cowboy boots and a blue denim jacket.

It seems unlikely he was throwing any rocks. He was attending Kent State on a ROTC scholarship that paid his full tuition and fees plus $50 a month.

He was shot in the chest. Just the night before he had phoned his parents to tell them he was not one of the protesters.

Asked what might have prevented these deaths, figures on the scene put forth a variety of thoughts.

President White, who would have preferred that the Ohio Highway Patrol had been called instead of the National Guard, thinks that maybe new crowd control measures are needed—"Perhaps water cannon like they use in West Berlin, or some special unit like the Paris riot police."

Schwartzmiller of the campus police believes that "the back of this could have been broken" if the Guard had arrested everyone at the Sunday night sit-down. "That was the hard core," he said.

Frank Friscina, the student body president, believes that "the mistake—I don't know who made it—was the decision to prevent assemblies, even student assemblies. Had the Guard been guarding buildings instead of chasing crowds, we wouldn't have had the shootings."

The order to break up even peaceful assemblies was given by Rhodes. But he isn't talking about it now. He went into seclusion after the shooting and hasn't seen any newsmen since.

The leadership of the Ohio National Guard, notably Adjutant General Sylvester T. Del Corso, has made an extensive effort to find evidence of a sniper.

Probably there is no magic remedy, no easy solution that will wipe out campus demonstrations soon. In the words of Vice President Matson, a conservative man deeply opposed to all radicalism:

"The potential for trouble exists as long as the Indochinese war goes on."

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States, submitting a nomination, was communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Acting President pro tempore (Mr. SPONG) laid before the Senate a message from the President of the United States submitting the nomination of Dwight Dickinson, of Rhode Island, a Foreign Service officer of class No. 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Togo, which was referred to the Committee on Foreign Relations.

THE FEDERAL ECONOMY

Mr. PERCY. Mr. President, this Government is currently engaged in the very painful task of bringing more than 4 years of ruinous inflation to an effective conclusion. It need hardly be said again that this inflation, that has proven so difficult to control, was engendered by large Federal budget deficits when the economy was approaching its productive capacity. If effective and timely steps had been taken to prevent the budget deficits from rising to $9 billion in fiscal 1967 and $25 billion in fiscal 1968, I am convinced we would not be now facing this very uncomfortable period in our economy.

Unfortunately, revised estimates of the fiscal 1970 and 1971 budgets recently released by the administration indicate we may once again be sliding into a dangerous deficit position with most serious consequences for our progress toward economic stability. The fiscal 1970 budget is now estimated to have a deficit of nearly $2 billion, compared to a surplus of about $6 billion forecast in April of last year. This large shift is due in small part to a decline in revenues resulting from the current economic slowdown, and this is not to be deplored but expected. However, it is a rise in estimated Federal outlays that produced most of the change. Outlays that were estimated to be $193 billion a year ago April are now set at more than $198 billion.

Fiscal year 1970 is nearly over and there is not much we can do about this year's budget. However, the Congress is now considering appropriations legislation for fiscal 1971, and it is during this period that we have the only opportunity to insure that Federal spending does not rise rapidly and dangerously in the coming fiscal year. If we are to effectively prevent a reoccurrence of the substantial budget deficits that fueled our current inflation, we must act now.

The revised budget figures for fiscal 1971 presented by the administration indicate that the $1.3 billion budget surplus estimated a scant 4 months ago has been revised to a $1.3 billion budget deficit. This is the deficit on the unified budget basis of accounting for Federal Government receipts and expenditures. I am well aware that the unified budget concept has several significant shortcomings. It is, for example, not the best measure of the direct and immediate impact of the Government's transactions on the Nation's income. For this purpose, the national income accounts budget might be a better measure. And the unified budget does not indicate the full borrowing needs of the Government and its impact on the financial markets and the size of the public debt. Perhaps an accounting along the lines of the old administrative budget would be more useful here, at this critical period of analysis. But since we are now operating primarily on the unified budget basis, I will continue to use this basis in my present comments. The unified budget basis clearly shows that rising budget outlays are the primary cause of the shift in the estimated 1971 budget from surplus to deficit. And, it further indicates that if Congress does not enact the administration's revenue requests, this deficit will be higher by more than $3 billion. I personally feel that the fiscal 1971 deficit could run upward of $6 billion on a unified budget basis and substantially more than this on an administrative budget basis.

Now, I am well aware it has become fashionable in some circles recently to argue that a couple billion dollars change in the net budget position does not mean much in our trillion-dollar economy. And that consequently, we should not be too concerned if the fiscal 1971 budget ends up with a two- or three-billion-dollar deficit. To me, this argument seems analogous to saying than an increase of several hundred thousand in the number of unemployed does not mean much in a labor force of 80 million. But we can all appreciate it does make a great deal of difference to every one of those who are laid off and cannot find employment. By the same reasoning, an increase in the Federal budget deficit, even if a few billion dollars, can mean a great deal to particular important segments of the economy, specifically those families who need more and better housing.

We all know that net sales of Federal debt securities made necessary by budget deficits tend to tighten the money and capital markets and increase interest rates. This in turn reduces the amount of credit at reasonable rates going to other sectors of the economy. The sector most dramatically effected by this process in recent years has been the residential construction industry, which has been proven to be unusually vulnerable to periods of tight money market conditions and rising interest rates.

Recently, new evidence has been found indicating that the connection between Federal budget deficits at high employment and the level of residential construction and financing is much more closely linked than previously realized. Maurice Mann, Assistant Director of the Bureau of the Budget and Arnold Packer, the Bureau's fiscal economist, have argued on the basis of their research that during the last half of the 1960's, "the resources required to provide the growth of the Government sector were diverted from residential construction." They went on to say:

> Available evidence indicates that the respective shares of GNP accounted for by the major spending sectors are reasonably stable over time, and that variations in the size of the budget surplus (or deficit) are primarily offset by variations in residential construction.

While it may be debatable whether there is indeed a dollar-for-dollar tradeoff between a rising Federal deficit and the decline in the financial resources available for housing, there is certainly a definite link. If we do not provide for substantial budget surpluses in the high employment economy we foresee in the next 5 years, and prevent budget deficits, we will find our chances of achieving our housing objectives rapidly dwindling to zero. Former Budget Director

Charles Schultze emphasized this during my colloquy with him at Joint Economic Subcommittee hearings last week. He said:

> Under the conditions likely to prevail in the early part of the 'seventies, and under conditions of high employment, it seems to me it is clearly true that failure to run a significant budget surplus will primarily be reflected in failure to meet the housing goals.

In my opinion, there are fewer more telling arguments for determined efforts to control the Federal budget than this. The fact that 80 percent of all American families today have been priced out of the home construction market and in high-cost Chicago, a family would require an annual income of $25,000 to finance a new home at existing interest rates, can be directly blamed on Federal budget deficits.

Controlling and cutting the rate at which Federal spending grows is no easy matter. Even if we ignore the vested interest groups that have grown up to protect, defend, and promote nearly every Government spending program, we still must face the fact that the great majority of the Federal budget each year is not controlled and is, in effect, uncontrollable. As one indication, even without the enactment of any new programs or increases in existing ones this year, total Federal outlays would rise automatically $7 to $8 billion each year. But however much it may seem that this is the result of unalterable natural forces to which the Government is inevitably vulnerable, this is not true. No, as Shakespeare best expressed it, "The fault * * * is not in our stars, but in ourselves."

The fact is that every bit of uncontrollability in the Federal budget results from past congressional actions, and the way in which we act upon current appropriations legislation. Budget outlay totals rise year after year because we permit them to, by insulating programs by such devices as trust funds, open-ended appropriations and fixed charges from effective regulation during the congressional appropriations process. Moreover, we in Congress do not act upon spending and lending for each fiscal year, but rather on new obligational authority from which spending will eventually flow.

It should go without saying that it is the outlays of the Federal Government—expenditures and net lending—that affect the level and composition of economic activity. Yet Congress does not enact the level of outlays for each program. The staff of the Joint Committee on Reduction of Federal Expenditures estimates that Congress will act upon appropriations legislation this year that will result in only 46 percent of total outlays projected for fiscal 1971. In other words, if Congress refused to enact any appropriations this year, total Federal outlays would be cut by only 46 percent.

But Congress does not have the discretion during the normal budget cycle to refuse to enact all new appropriations. In a number of important instances, Congress is obligated to enact appropriations to fund promises made in previous legislation. These are often referred to as "fixed charges." They include public assistance grants; veterans' benefits, including pensions, compensation, education, and insurance; farm price support payments; military retired pay and postal operations. Although there are a number of other such fixed charge programs, the few mentioned here total more than $23 billion, or about one-quarter of those fiscal 1971 outlays upon which Congress acts during the current appropriations process. This reduces the portion of budget outlays which can be said to be controlled by Congress to 36 percent.

If Congress is to play an important role in shaping fiscal policy to achieve price stability and a rational set of priorities, Congress is going to have to reform the way in which it handles the budget. All Government spending emanates from legislation enacted by Congress, but to my mind there is too little attention paid to this fact. One indication of this is that less than half of the annual outlay total receives any review by Congress at all. Another is the significant portion of appropriations each year where Congress really has no choice but to provide funding for prior commitments. Finally, the most important evidence is that Congress devotes all of its attention to appropriations, which affect Government outlays only with a lag.

It is to the appropriations totals for each program that Congress directs its attention. However, most appropriations provide that, while the funds must be obligated during the fiscal year in question, they may be spent over a 3-year period. These 1-year appropriations are most common, but there are other kinds as well. There are multiple-year appropriations where obligations can be incurred for a specified number of years. There are also "no-year" appropriations which are available for obligation and expenditure indefinitely. Thus, at best, Congress affects each year the total amount of spending over a period of uncertain length. The Joint Committee on the Reduction of Federal Expenditures currently estimates that 43 percent of outlays in fiscal 1971 will result from budget authority enacted in this and prior years. The Budget Bureau estimates authority available for spending in future years will total more than $250 billion.

The only way Congress can play an important role in insuring that the Federal budget does not contribute to inflationary pressures and allows an easing of tight monetary policy is to face the issue of rising Federal expenditures squarely. This requires congressional attention be directed to the outlays that ultimately result from appropriations as well as the appropriations themselves. This requires that Congress investigate in detail the growing majority of total budget outlays that emanate from spending authorizations enacted previously but seldom if ever reviewed. It means we should take a long, hard look at the plethora of trust funds, permanent appropriations, indefinite appropriations, and fixed charges, that normally generate higher Federal spending. In some cases, such as interest payments on the public debt, appropriations and outlays beyond congressional control are unavoidable. However, I suspect that in many cases the only reason that program outlays are not being effectively reviewed and controlled by Congress is that some special-interest group succeeded in placing its particular pet program beyond such scrutiny and possible reduction.

What I am advocating is a two-pronged attack on the continually rising outlays that have done so much damage to our housing sector. First, a determined effort must be made to bring more of each year's spending under such searching scrutiny and control. Where we can, we must abolish devices that remove Federal spending from effective congressional review and control. The burden of proof should be on those who advocate new trust funds, permanent and indefinite appropriations, and the continuance of old ones. It is ludicrous to inveigh against rising Federal spending on the one hand while effectively placing many programs beyond scrutiny and control on the other. Second, we must examine every appropriations measure and every outlay program with a critical eye, to slice out inefficient and ineffective spending and to eliminate programs that have either outlived their usefulness, or never had any to begin with. I am now in the process of a careful item by item review of the budget and over the next several weeks, I shall attempt to publically identify $4 to $5 billion worth of spending in the 1971 Federal budget that does not stand up against the criteria of effectively meeting an overriding national need in an efficient enough manner.

I will not necessarily limit my review to billion dollar items. The French have a saying, "Watch the sous and the francs will take care of themselves."

Questionable items that may save only a few tens of thousand of dollars—a low percentage of our $200 billion budget—could amount to a very substantial savings when added together.

I am today reversing my position on the supersonic transport and I called for an end to Federal financing of the project.

Last year I gave my support to the development of an American supersonic transport. I am now convinced that I was wrong, and I will vote against it when it comes before the Senate. It is simply a matter of national priorities—putting first things first. In the scale of national needs, it comes in second.

The cost of the SST to the American taxpayer will be tremendous. Present estimates now run as high as $3 billion but it could go even higher. This monumental expense was originally justified by the fact that marketing the aircraft abroad would improve our balance-of-payments position. But the President's own experts—representing the Treasury Department—on his Ad Hoc Committee to study the SST—have said that production of an American SST could have just the reverse effect—it could actually injure our balance of payments.

The announcement that Government attorneys have uncovered 50 design deficiencies which could justify termination of the SST contracts for default in performance suggest that cost overruns could substantially increase the $3 billion in Federal funds now foreseen for the project.

It has likewise been argued that the SST could "enhance our prestige" abroad.

But the President's Council of Economic Advisers, pointing out that we already lag behind foreign production of first generation SST's, has said, "We do not believe that our prestige abroad will be enhanced by a concentration on White elephants * * * Our recommendation, therefore, is that no funds for prototype construction be included in the 1970 budget.

Mr. President, I might add parenthetically that we have a fine production program going in the aircraft industry. The 747 is a real winner, a big moneymaker and a great prestige item across the country. Let us make the bread and butter items and let someone else make the loss leaders if they want national prestige. We could buy all we need from them. That would be of benefit to the American public.

Furthermore, for dubious economic value, we are risking havoc with our environment.

Russell E. Train, Chairman of the White House Council on Environmental Quality has estimated takeoff noise level of the SST at at least four times that of a subsonic jet. But Dr. Richard Garwin, science adviser to Presidents Kennedy, Johnson, and Nixon has put the SST takeoff noise level as high as that of 50 subsonic jets.

Obviously, this craft should not be operated from conventional metropolitan airports. In addition to the takeoff noise, the constant threat of sonic boom makes it infeasible to fly over the continental United States at supersonic speeds.

This is a project that could cost upwards of $3 billion, to subsidize directly, for the first time, a private aircraft at taxpayers expense.

I do not mean to condemn the American aircraft industry. Several prominent spokesmen, including General Elwood Quesada, former FAA Administrator and now director of American Airlines, have spoken out in opposition to the SST at this time.

But nevertheless, we are being asked to commit ourselves to a $3 billion project, and in return for that monumental investment, we will have an airplane we are not sure we can perfect; we are not sure we can sell; we are not sure is desired by the air industry in this country; we do not believe can take off from present American airports, and are not certain can even be allowed to fly over it.

That is pretty discouraging from a potential investor's point of view. In this case the investor is the taxpayer, 99$^{44}/_{100}$ percent of whom will never fly in an SST.

In fact, the only encouraging note of the whole SST consideration is that the appropriation for the project was almost defeated in the House last week. I hope the Senate will defeat the appropriation, when the matter comes before us. I intend to cast my vote to get us out of the Government-subsidized SST business now. We have too many other unmet national priorities and domestic needs.

We are now in a time of severe economic pinch, faced with Federal budget deficits and at a point where the priorities for Federal spending must be scrutinized with extreme care. We cannot afford to go blindly ahead with something merely because we started it unless it is soundly conceived and is in accord with the appropriate scheme of Federal priorities.

There are some who would vote against SST funds now who would not want to bury the SST program. Perhaps, the seriousness of the questions raised with respect to it are such that a more searching inquiry is needed. These issues should certainly be fully examined, analyzed and evaluated before substantial additional amounts are appropriated to proceed with the present development schedule of the aircraft.

Perhaps a select committee of the Congress, having representatives from the Aeronautical Sciences and Space Committee, the Commerce Committee, the Committee on the Interior, the Joint Economic Committee, and the Committee on Government Operations, should be formed and authorized to conduct full-scale hearings on the various problems which have been raised. A frank exchange of the facts and the arguments, pro and con, is the only way we can reach a studied and sound judgment as to the future course of the program and the Federal Government's involvement in it. But the program is too dubious to proceed on at this time. We have been asked to approve $290,000,000 in the fiscal 1971 budget. Less possible cancellation charges of $70,000,000 the net savings for the year would be $220,000,000.

SST COSTS AND FINANCING

The total cost of the SST through phase III of the program—research, development, and construction of two prototypes—is now estimated to be $1.723 billion, of which the Government's share is projected to be $1.342 billion.

As of the end of fiscal 1970—June 30, 1970—$708 million will have been appropriated, and $685 million obligated, and $604 million spent.

Assuming that Congress approves the administration's appropriations request of $290 million for fiscal 1971, by June 30, 1971, $998 million will have been obligated and $922 million spent.

The administration estimates SST outlays of $275 million for fiscal 1971. While it would be unrealistic to assume that all of this could be cut from fiscal 1971 spending, a significant portion of it would be saved.

The total costs of the SST, including certification and production, are now estimated to be about $3 billion, with the Government share $1.3 billion. However, Dr. Richard Garwin, a science adviser to three Presidents, projected total costs of the SST at $5 to $7 billion, with the Government's share up to between $3 and $4 billion. And General Quesada, head of FAA during the Eisenhower administration, anticipates the Government's share of the total costs of the program would fall in the $3 to $4 billion range. By terminating the SST program at this point, it is fair to estimate we could save the Government as much as $2.5 billion.

The SST is just an example. If we can identify programs of dubious merit, low priority or just simple waste of money and overcome the vested interests and just plain inertia that allows low priority spending programs to continue, we can only improve and guarantee progress toward a stable and healthy economy that meets our most vital needs, but we will also restore public confidence in the purpose and dedication of our Nation's Government.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. PERCY. I am happy to yield to the distinguished Senator from Wisconsin, my distinguished colleague on the Joint Economic Committee and the Banking and Currency Committee.

Mr. PROXMIRE. Mr. President, I commend the Senator from Illinois on an excellent speech. I think it is time that more Senators addressed themselves to the problems of our economy, problems of inflation, problems of excessive Federal spending, problems of the needs in housing, and to the very explicit and specific analysis of where we can cut spending.

The Senator from Illinois brings to all these subjects certainly among the best qualifications in the Congress of the United States. We all know that he was a brilliantly successful businessman, chairman of the board of a great American corporation which has achieved outstanding succcess, and is a man with a real understanding of our economy and what makes it function.

I appreciate his stress on attempting to do two things—No. 1, to get a handle on Government spending so that we can reduce the impact of inflation, and, No. 2, although he does not spell it out in quite this way, to provide employment, jobs, by stimulating the housing industry. This is by far the most constructive way we can approach the very serious double problem we have now of increasing inflation while at the same time we have rising unemployment.

I want to congratulate him on an excellent speech and tell him that I certainly enthusiastically welcome his opposition to the SST. It as as fine and as concise an analysis and criticism of the SST as I have heard. The Senator did it in few words and did it very well.

I want to add one or two comments. I think the Senator is going to be most helpful by highlighting the specific areas of the budget we can cut. I call his attention to the fact that the military procurement bill, which I hope is going to be before us in a few weeks, and the military appropriation bill, which will be before us later, are areas where that can be done, because that is where the real money is. As the Senator knows, the controllable items, leaving aside such costs interest on the Nation under the social security payments, which are not controllable or limited. The military area is one area where we can make real cuts. The President deserves credit for pointing out where cuts can be made, but I think we can help him by making further cuts.

And there are social programs which

the Senator from Illinois and I both enthusiastically support, in education, in medicare, in combatting crime, but programs where there has been great waste. We had testimony before the Joint Economic Committee last week by a former high official of the Department of Health, Education, and Welfare, who pointed out that we are not doing the job we should be doing for the poor children of this country, although we are spending and wasting enormous sums under title I of the Education Act. The medicare program has been helping doctors, but not some of our indigent old people who are ill.

I cannot resist commending the Senator from Illinois as a Senator who has more than one arrow in his quiver. He not only is fighting inflation from the standpoint of trying to get Government spending under control, but I do not believe anybody in this body has worked harder for us to adopt free trade policies and recognize that unless we admit products that are efficiently produced from other countries into this country and make them available to American consumers, we are going to have serious inflation for many years.

I thank the Senator for an excellent speech.

Mr. PERCY. I very much appreciate the comments of my distinguished colleague. I would like to say first that I could not have been more pleased to see in the Washington Post this morning the very remarkable comments made by him at a commencement address at Milton College, Milton, Wis. It was so typical of the way I have seen him conduct committee hearings over the past 3½ years, in the Joint Economic Committee as well as the Banking and Currency Committee. He is always tough, always determined, always persistent, but always utterly fair, always courteous to the witnesses, making them feel welcome even though he disagrees with their viewpoint.

For the distinguished Senator, in the midst of a campaign in his own State, with respect to an administration whose popularity on the campus is less than is to be desired, to decry the fact that malicious attacks are being made on the Presidency and President Nixon, is certainly commendable. The Senator said that though he disagrees with what has been done in Cambodia and has been a critic of the administration's policy and certain aspects of his foreign policy, he concluded and reported to these young people that President Nixon is a decent and intelligent man, and he is doing his honest best to end the Vietnam war as quickly as he can.

I would like to concur in that statement and particularly state my admiration once again for the distinguished Senator from Wisconsin for his absolute fairness in the way he handles his relationships and the position which he took.

Mr. President, I ask unanimous consent to have 3 additional minutes.

The PRESIDING OFFICER. The Senator still has approximately 10 minutes.

Mr. PERCY. I thank the Chair. I am very happy to yield to the distinguished Senator from Virginia.

Mr. BYRD of Virginia. Mr. President, I was greatly impressed with the able address of the distinguished senior Senator from Illinois.

I think it is very important that the Senate begin to focus attention on the severe budgetary problems which our Nation faces. The Senator from Illinois plans to do just this, and I think in doing it he is rendering a very important service.

The Senator from Illinois mentioned one item in the budget as being perhaps not too controllable, and that is interest on the national debt; but I think the interest on the national debt can be controlled if the Congress, and if the Senate, are willing to control expenditures.

That is why the interest on the national debt is so high—because of these continued deficits that the Government has been running over a long period of time.

The interest on the national debt in the budget which Congress is now considering is $18 billion.

That is an increase of $4 billion in 4 years; and for that $18 billion, the people of this country get no programs whatsoever. All they do is pay $18 billion out in interest charges.

I think the Senator from Illinois is rendering a very important service to the Senate, to Congress, and to the American people in his demand together with the demand of the able and distinguished Senator from Wisconsin, that the Government put its financial house in order.

In my judgment, the major factor in the severe inflation that we have been experiencing is the continued budget deficits that the Government has been running over a period of time, culminating in that $25 billion deficit of fiscal 1968, which was not quite 2 years ago.

I submit that we are not going to get inflation under control unless Congress is willing to take the advice of people like the distinguished Senator from Illinois and the distinguished Senator from Wisconsin, and begin to reduce the nonessential spending of our Government.

One of the nonessential items, in my judgment, is the SST program, which the able Senator from Wisconsin has been fighting for several years, a fight in which the able Senator from Illinois is joining today.

It seems to me that in this period of great budgetary stress, in this period of high inflation, in this era of Government deficits—and we are going to have big deficits this year and next year—such items as the SST, which in this budget runs to $290 million, should be eliminated.

That $290 million ought not be spent. It ought to be knocked out of this budget. to help to that extent toward bringing about a balanced budget.

The Senator from Illinois mentioned the French saying that if you look after the sou, the franc will take care of itself. I think that is a very apt statement, as quoted here this morning.

This item of $290 million for the SST will not in itself balance the budget, but I submit that if we begin to tackle items of that type—and this obviously, to my way of thinking, is a nonessential item—we can begin to approach a balanced budget.

In that regard, I might say that I am very much opposed to this new unified budget concept first begun by President Johnson, ill-advisedly in my opinion, and now continued by President Nixon, ill-advisedly in my opinion.

By lumping the trust funds in with the general fund of the Government, this leading the people to believe that we are somewhere near approaching a balanced budget, when the fact is that we are running a tremendous deficit in the general fund operations of our Government. The only way that it can be contended that the budget is somewhere near in balance is by taking trust funds which are set up for precise and specific purposes, mainly for social security and highways, and lumping those in with the general fund revenues. What the administration is doing is taking surpluses from the trust funds and applying them against the deficits in the general fund.

This is a very bad budgetary practice. I would hope when the President submits his new budget, he would go back to the old form, and keep these trust funds separate.

We must keep the social security funds inviolate. They are vitally important to the older people of our Nation.

It is vitally important that those funds be safeguarded and preserved, so that when our citizens reach retirement age, they will be certain to have those funds for their own use and benefit. They have paid into that fund along with their employers. That is where all the money has come from—from the individual citizen paying his social security taxes, and the company that he works for paying an equal amount.

The Senator from Illinois has focused attention this morning on one of the great problems facing our Nation. I do believe that if the Government will put its financial house in order—which the Senator from Illinois is urging that it do—if we can put our financial house in order here in the city of Washington, here at the seat of the Federal Government, then we can solve some of the other problems which are facing our Nation.

I am convinced, Mr. President, that in the long run, a government cannot be a progressive government unless it is soundly based financially, and that is the point that the distinguished and able Senator from Illinois has made so well on the floor of the Senate today.

Mr. PERCY. I thank my distinguished colleague. I have had the privilege of working together on other matters with the distinguished Senator from Virginia, and I welcome his cooperation in this bipartisan effort.

Over a period of the next few weeks, I shall be taking the floor of the Senate a number of times to point out particular items—boards by which no work is done, where it is strictly a matter of patronage, to get someone on the board and give him a title and an expense account, and there is nothing for him to do; commissions that have been set up where the purpose is no longer valid; abdications of responsibility by Congress itself, where I think we are going to have to point the finger at ourselves; the costs of administration of laws we have passed that can no longer be justified, that just go on and on.

I shall certainly be glad to advise the distinguished Senator from Virginia when I shall be doing this, and I would welcome his going out with me to the reception room afterwards, for I imagine it is going to be filled with lobbyists—because there is a lobby for every one of these special interest groups, and I have a lot of them in my State—and facing the clamor: "Oh, no, cut everyone else's budget, but don't cut our funds." We are going to have a lot of people saying, "You can't cut our funds, cut somewhere else."

But one lobbyist, I think, cannot come here—the lobbyist for the taxpayer, for the individual citizen who wants to build a house, or the small businessman or farmer with rising interest costs. Those lobbyists do not show up. Their special interest groups are not as well organized, I guess. But I imagine we are going to be facing some of them, too, in the future. We must have an accountability to them. I very much welcome the support of the distinguished Senator from Virginia, because of his long years of experience on the Finance Committee and in other areas. He is known as a fiscal conservative, which I think, in the end, is the most humanitarian position one can take, because unless we operate on a fiscally sound basis, we are going to squeeze out the housing industry and other areas, and find that we can fight a war in Southeast Asia, but cannot fight a war on poverty with the pennies that trickle down to the poor when we find we cannot properly fund these programs.

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The PRESIDING OFFICER. The Senator's time has expired.

Mr. PERCY. I ask for 3 additional minutes, and yield to the junior Senator from Virginia.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPONG. Mr. President, I join the Senator from Wisconsin and my colleague from Virginia in commending the remarks of the Senator from Illinois this morning. I have opposed the SST since I have been in the Senate. I am concerned about its yet unknown effects upon our environment, and the tremendous cost in the form of subsidies involved. But I think the Senator from Illinois has put his finger upon our greatest concern and that is, when weighed within the context of the demands of our times, whether this project deserves a high priority. I do not believe it does. I commend the Senator from Illinois for this effort and the others he will make in behalf of fiscal sanity and economy, and I shall join in his effort to defeat the appropriation for the SST.

Mr. PERCY. I thank my distinguished colleague, and I thank also the distinguished Senator from South Carolina for the extra moments I have taken.

THE WOOL TEXTILE INDUSTRY AND FOREIGN IMPORTS

Mr. THURMOND. Mr. President, on Friday, March 20, I brought to the attention of the Senate the fact that Japan has rejected efforts by the United States to negotiate a reasonable agreement on textile imports. After 14 months of effort by our Government, Japan has apparently admitted that its profit-swollen textile industry dictates Japanese foreign trade policy, and that it will accept no meaningful limitations on imports into the United States of wool and manmade fiber textiles and apparel. This rebuff came from an industry busily expanding its domestic capacity and building new plants throughout the Orient, where low-wage labor is abundant. Since no other major country permits unrestricted growth of Japanese textile and apparel imports, it is clear that this new capacity will feed on our domestic market, adding to our balance-of-payments problems in the process.

Mr. President, we have no alternative but to meet this challenge with appropriate strong legislation, such as the bill I recently introduced in the Senate and Representative MILLS introduced in the House.

My earlier remarks embraced the entire textile complex in this country, because I am convinced that we must have an all-fiber solution to the textile import problem. Last month I spoke on the entire trade relationship between the United States and Japan. Today, however, I want to emphasize the condition of the domestic wool textile industry in order to demonstrate just how cynical and self-serving the Japanese have been. Let me remind Senators that wool is grown in every State of the Union and that there are wool textile mills in 32 States. Woolgrowers and their families alone number a quarter of a million people and, for all practical purposes, there are no customers for their wool other than the U.S. manufacturers. Counting those employed in wool manufacturing directly as well as those whose jobs depend on the wool sector indirectly, it can be estimated conservatively that the livelihoods of a million Americans depend wholly or in large part on the domestic wool industry. Unlike money, machinery, technology, and managers, these people cannot move abroad if the Japanese are permitted to appropriate their jobs.

Mr. President, the essential facts of what has been happening to our wool industry are well known and can be summarized briefly. Following World War II, the industry confronted the painful necessity of adjusting to shifts in consumer preferences, many of which were associated with the advent of manmade fiber textiles. Increased interfiber competition checked the steady growth of domestic wool consumption and forced woolgrowers and manufacturers to undertake costly modernization programs involving both research and heavy capital investment.

In the last decade, these efforts have been severely complicated by inflation and by growing penetration of foreign wool textiles and apparel into our domestic market. The inflation originated in political and economic developments over which the wool industry and its employees had absolutely no control. Moreover, like others, the industry had to adjust to extensive new social legislation which has added significantly to the cost of production.

The United States, of course, has always imported at least small quantities of wool textiles and apparel. In the past, it can be argued, some of these imports supplemented domestic production and broadened the range of styles and qualities available to the American consumer. Since 1960, however, this situation has changed most radically. The wool textiles and apparel flowing into this country in growing volumes now more than ever before are supplanting domestic production and driving our firms out of business, frequently with fabric constructions and styles which originated here in the first place. The bulk of these imports now comes from the Far East, Japan in particular.

How serious has this penetration become? In 1969, imported wool textiles and apparel accounted for over one-quarter of total domestic consumption. As recently as 1961, they had claimed only 13 percent of the domestic market. By the end of 1969, the volume of wool textiles and apparel cascading into the United States from abroad was equal to more than one-third of the total volume of such products being manufactured here.

Mr. President, 142 million yards equivalent of wool textiles and apparel were imported in 1969. Can anyone doubt that economic conditions in our wool industry would have been very different last year had even a good part of these 142 million square yards been manufactured here instead of abroad? As it happens, the Federal Reserve Board index of industrial production in wool textiles fell to a low of 85 in 1969 compared with 100 in 1957–59.

Total imports of wool textiles and apparel more than doubled between 1961 and 1968. While these imports were doubling, production in the United States of woven wool apparel fabrics was declining by 16 percent. Is there a connection between these increasing imports and declining production? The domestic wool growers certainly see it, because they know that the raw wool content of wool textiles and apparel imports rose by 49 million pounds between 1961 and 1968, while the raw wool consumption of our textile mills in the manufacture of apparel fabrics fell by 25 million pounds. Moreover, total employment in woolen and worsted mills dropped by approximately 20 percent. During the same period, the total number of stock sheep and lambs in this country fell 32 percent, and farm income from the sale of wool fell 37 percent. The fact is that imported wool textiles and apparel have absorbed all the growth in the domestic market since 1961 and then some. The impact on certain important product lines, such as worsted fabrics and women's sweaters, has been catastrophic.

The damage inflicted by runaway wool textile import growth is not confined alone to this industry. Imports of wool textiles, apparel, and floor coverings now contribute a deficit of more than $325 million annually to this country's precarious balance-of-payments situation, and Japan is by far the most serious cause of this trade deficit. It is interesting in this connection that our trade deficit in wool manufactures grew by $200 million between 1961 and 1968 alone.

Mr. President, part of our problem stems from the fact that the Japanese have for many years focused narrowly on the U.S. market, accepting rigid import quotas in other countries without strong resistance. In 1969, for example, 43 percent of Japan's total exports of wool textiles and apparel was shipped to the United States. Sixty-three percent of her total wool fabric exports in that year was to the United States and consisted mainly of worsteds. This country absorbed 86 percent of Japanese exports of wool apparel in 1968 and 45 percent of her exports of wool sweaters—these percentages, incidentally, are based on data published by the Japanese Spinners Association. They are not based on our U.S. Government or industry figures. Japan evidently feels that our wool industry and its workers should endure the consequences of her ineptitude in negotiating fair access to markets in Europe and elsewhere.

On her side, Japan has not hesitated to utilize every known device for restricting imports of manufactured goods, notwithstanding her fantastic economic growth rate and her stanch free trade posture when it comes to the markets of other countries. The United States, of course, has been pressing Japan for some time to relax her stringent restrictions on imports and foreign investment. On February 13, evidently to deflect mounting criticism, the Government of Japan generously eliminated import restrictions, but not tariffs, on such vital U.S. export items as unrendered pig fat, grape must and grape wine, vermouth, straw mats, straw sack, and used cars. Our Government suggested computers but Japan chose pig fat. What irresistible items will join this mouth-watering list when the next well-publicized round of import liberations is announced?

Mr. President, it is not unlikely, though, that Japan will eventually liberalize her trade policy, possibly sooner than most people expect. I say this because many believe that rigid control over imports is no longer basic to Japan's growth, although it does contribute to high profits for Japanese industries. What is basic to Japan's continued phenomenal growth is a culture and an economic and political system which permits her to maintain permanently an advantage vis-a-vis the United States and other Western democracies in the relationship between productivity and real wages. It is this advantage, this difference in the gap between productivity and real wages, which makes it possible for Japan to underprice everyone else in manufactures.

I repeat, which makes it possible for Japan to underprice everyone else in manufactures.

Mr. President, as you know, productivity has risen rapidly in Japan since World War II, reflecting massive modernization and diversification of the Japanese economy. Operating behind very high trade barriers and enjoying extensive governmental financial support, Japanese industries have been able to build industrial empires employing the latest in productive and managerial technology. Free access to the U.S. market has enabled them to utilize plants of optimum scale which could not have been justified economically on the strength of domestic markets alone. Real wages, on the other hand, were not permitted to rise as rapidly as productivity. Herein lies the crux of our problem with Japan, because labor is much stronger in this country and secures a fairer share of the benefits flowing from rising productivity. But this puts us in a situation in which the gap between manufacturing productivity in Japan and in the United States is much smaller than is the gap between real wages in the two countries. When a situation of this kind exists and can be maintained politically, the country with the higher ratio of productivity to real wages will command trade unless its cost advantage is offset by trade controls. Anyone who does not believe that this is the crux of our problem needs to ask himself how it is that Japan, with much lower per capita income, manages to invest, relatively speaking, three times as much as the United States.

This is a remarkably effective mechanism for exploiting foreign markets in the interest of Japanese economic expansion and can probably be maintained for many years to come, given the structure of Japanese society. It should be noted, in this connection, that Japanese industries are already taking steps to perpetuate the mechanism and to expand its scope by establishing plants in other Asian countries where wages are even lower than they are in Japan. I call the Senate's attention in this respect to the fact that exports of wool fabrics from Asian interests other than Japan destined for the United States market are already growing rapidly.

Mr. President, in this situation unrestricted trade between the United States and Japan will not work to restore that happy state of trade equilibrium which exists in economic theory but not in the real world. The productivity-real wage rate relationship which lies at the root of our trade problem with Japan could be altered in our favor only by fundamental reductions in our standard of living as compared with that of Japan. This is neither economically feasible nor socially desirable. Consequently, I see no way in which Japan can be prevented from doing further massive damage to our textile industry except to give her a firm choice between meaningful voluntary textile arrangements and legislation. She has to date, unfortunately, rejected the voluntary option. I can only conclude that her leaders believe this Congress lacks the ability to see through the smokescreen of free trade rhetoric and the courage to enact the legislation which the situation demands. However, if these Japanese leaders persist in this attitude, they shall be proved wrong, as the sentiment in this country and in this Congress is to protect the jobs of American textile workers by protecting the American textile industry.

In closing, Mr. President, I want to say that I have just come from a conference at the White House with the President, a number of Senators and Congressmen, and representatives of the textile industry, as well as Cabinet members and advisers to the President, and this matter was forcefully brought to the attention of the President today. He gave it a sympathetic ear. He has the matter under consideration. A member of his Cabinet will testify, I believe on the 18th of this month, as to the course to be followed.

I am very glad that the administration and the President understand the detrimental effects resulting from excessive imports coming into this country from Japan and other foreign nations—but more especially from Japan.

If we are to save American jobs, we must limit excessive imports. It is amazing, the tremendous quantity of imports, including man-made fibers, which have grown to such a spectacular scale within the past 2 years, and how fast the imports are penetrating this country.

Thousands of jobs have been lost in my State of South Carolina and in other States which have textile industries. Textiles affect all the 50 States, which means that the jobs of Americans all over the Nation are affected by this severe problem.

It is hoped that the President will see fit to recommend legislation along this line, which we feel is necessary, even though some type of arrangement or compromise should be brought forth by the Japanese.

It is my personal opinion that the Japanese are not going to reach an effective agreement with our country that will be satisfactory and will protect the textile interests of this Nation.

Not only is the capital end of the textile industry affected, but thousands and thousands of workers are also affected by this matter.

I remind the Senate that one out of every eight industrial workers in America is involved or connected in some way with the textile industry. Think of that figure. One out of every eight. And when imports are coming into this country on such an excessive scale as to close down mills or result in a shortening of hours, it simply means that many American people will suffer.

I hope that we can soon get legislation underway. I hope that action will be taken before too long. And I sincerely hope that this administration will back effective legislation to limit excessive imports from foreign countries.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. THURMOND. I yield.

Mr. HANSEN. Mr. President, I commend the distinguished senior Senator from South Carolina for his perceptive and penetrating remarks.

The Senator is expressing the concern which is shared by more and more Senators as time moves along and as each of us has the opportunity to reflect upon the threat to American jobs, the threat to American industry, and the threat to our economy and to our standard of living that is posed by excessive imports.

I have shared the concern of the Senator from South Carolina for some time. American industry is subjected to the unfair competition that arises from the much lower wages that are paid in foreign countries, the much smaller taxes, and the much smaller capital investment that is required in a foreign country in order to stay in business.

I know some of the problems of which the Senator speaks. I do hope that the Senate will give serious consideration to his very timely message, because it is the only way I know that we can protect American jobs and can protect our economy and be able to maintain the high standard of living of which we are all very proud.

Mr. THURMOND. Mr. President, I thank the able Senator from Wyoming for his very fine remarks. I point out that possibly various Members of the Senate do not really realize how seriously every State is affected. The Western States produce the wool cheaper.

I repeat the statement I made a few moments ago. In 1969, 43 percent of Japan's total exports of wool textiles and apparel was shipped to the United States. 63 percent of her total wool fabric exports in that year was to the United States and consisted mainly of worsteds. This country absorbed 86 percent of Japanese exports of wool apparel in 1968 and 45 percent of her exports of wool sweaters.

When such a condition exists, there is no question in my mind that the wool producers of this Nation cannot stay in business. They cannot survive the competition. The only market that the wool producers of this country have is the textile manufacturers in this country. It is highly important that action be taken and taken soon. Otherwise there will be, as I said a few moments ago, the loss of thousands of American jobs.

Again I thank the distinguished Senator from Wyoming.

RESULTS OF THE CAMBODIAN SANCTUARY OPERATIONS

Mr. HANSEN. Mr. President, I ask unanimous consent that a summary of the results of the Cambodian sanctuary operations as of June 8, 1970, be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

	Total operations	24-hour change
Individual weapons	15,509	[1] −40
Crew-served weapons	2,240	+7
Bunkers/structures destroyed	9,118	+218
Machinegun rounds	3,751,142	+173,840
Rifle rounds	7,883,671	+4,305
Total small arms ammunition (Machinegun and rifle rounds)	11,634,813	+178,145
Grenades	41,392	+212
Mines	4,610	(2)
Miscellaneous explosives (pounds) (includes satchel charges)	76,600	(2)
Anti-aircraft rounds	188,319	(2)
Mortar rounds	50,998	+261
Large rocket rounds	1,707	+13
Smaller rocket rounds	26,976	+20
Recoilless rifle rounds	22,781	+2
Rice (pounds)	12,596,000	+976,000
Man months	277,112	+21,472
Vehicles	363	+2
Boats	90	(2)
Generators	36	(2)
Radios	186	(2)
Medical supplies (pounds)	50,800	(2)
Enemy KIA	9,509	+67
POW's (includes detainees)	1,932	(2)

[1] Field adjustment.

[2] Unchanged.

Mr. HANSEN. Mr. President, there have been some reports in the press regarding fluctuations which have been noticed in the statistics provided in these summaries from day to day. For example, the amount of captured small arms ammunition reported on a given day occasionally has been less than what was listed on a previous day.

In response to inquiries, Mr. Jerry Friedheim, Deputy Assistant Secretary of Defense for Public Affairs, explains that statistics reported are tentative figures based on combat reports, and that fluctuations result when duplications or other errors in field reporting are discovered and corrected.

UNEMPLOYMENT RATES

Mr. HANSEN. Mr. President, last Friday my distinguished colleague, the senior Senator from Wisconsin, made mention of the 5-percent unemployment rate announced that morning for the month of May.

To place the matter in some sort of historical perspective, I feel compelled to point out that for the first 4 years of the Kennedy-Johnson administration, unemployment never dropped below 5.2 percent.

Indeed, not until escalation of the war in Vietnam began under President Johnson did unemployment even drop below 5 percent. That was in 1965, when the unemployment rate fell from its 1964 level of 5.2 percent to its 1965 level of 4.5 percent.

A wartime economy, high draft calls, big new Government defense contracts, and Government deficits totaling over $60 billion in 8 years did indeed push unemployment levels down to 3.8 percent in 1966, 3.8 percent in 1967, 3.6 percent in 1968, and 3.5 percent in 1969.

But whether among people, businesses or governments, bills have a way of falling due. Sixty billion dollars of added debt, and all the other management errors, are now demanding to be recognized.

Does anyone on the other side of the aisle imagine the bill would not ultimately have to be paid?

This year, under President Nixon, the direction of troops has changed; they are coming East across the Pacific, back home to the United States, instead of traveling West across the Pacific, on their way to war, as under President Johnson.

Neither will the Nation face a $25 billion deficit under President Nixon this year as it did under President Johnson in 1968.

No, the unemployment rate is not the best of all rates but at least we can say honestly that the present 5-percent rate is not an artificially low rate maintained by war, and by a wartime economy. The troops are coming home, draft calls are down, and we are moving toward peace in Indochina.

Mr. President, I ask unanimous consent that a tabulation listing average annual unemployment percentages be printed in the RECORD.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

Average annual unemployment

Year:	Percent
1953	2.9
1954	5.5
1955	4.4
1956	4.1
1957	4.3
1958	6.8
1959	5.5
1960	5.5
1961	6.7
1962	5.5
1963	5.7
1964	5.2
1965	4.5
1966	3.8
1967	3.8
1968	3.6
1969	3.5

ANOTHER TRIBUTE TO THE VICE PRESIDENT

Mr. HANSEN. Mr. President, on May 22, 1970, the Vice President of the United States addressed a dinner in Texas in which he quoted from various newspapers to show that the escalation of rhetoric had not begun with him but with them. He pointed out that the amendment to the Constitution of United States guaranteeing the right of free speech to all its citizens applied just as well to him, the Vice President, as to anyone else. He said that he chose to exercise that right and that he intends to continue doing so. His speech on that occasion was inserted in full in the CONGRESSIONAL RECORD for May 28, 1970, by the distinguished junior Senator from Texas.

On the 26th of May an editorial appeared in the Washington Evening Star titled "AGNEW Unmuzzled," in which that normally temperate newspaper takes the position that the first amendment applies differently to the Vice President who holds responsibility for public office than it does to newspaper editorialists and columnists. It so happens that I agree with this editorial in one sense; the responsibilities of high public office cannot but weigh heavily upon anyone holding such a post, for his public statements can never be divorced from the heavy responsibility he bears. Part of that responsibility, however, involves public defense of the administration of which he is a part. It is apparent the Vice President has decided that in this specific category, as in so many others, the best defense is a good offense.

As a result of the May 26 editorial the Evening Star received a number of letters from its readers and was objective enough to publish them, or a sampling of them. These letters fill an entire double column on the editorial page of the Star for Wednesday, June 3, 1970. Written by citizens in various walks of life, all, without exception, speak up in defense of the Vice President.

Mr. President, I ask unanimous permission that the text of these letters as published be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

[From the Evening Star, June 3, 1970]

IN DEFENSE OF AGNEW

SIR: With respect to your editorial "Agnew Unmuzzled," and Milton Viorst's column on Vice President Agnew's speech, the fact remains that the vice president has quite accurately hit the news media where it hurts—biased and prejudicial reporting. This has been apparent for a great many years, but no one has had the courage to speak up on this particular point until now.

The vice president made valid points on certain newspapers and columnists who have for far too long played fast and loose with facts, just so long as it suited their philosophy and ideas. The vice president has never asked that the news media be "muzzled" or "censored." Nor has he in any way intimidated the news media. He has asked for accurate and responsible reporting of the news. Personally, I want to hear the viewpoints expressed by "conservative" element of this country—I want a little less of the viewpoints slanted towards the "liberal" element. I want to be able to pick up a newspaper, or look at a televised "news" program and hear "the other side of the story." We are very definitely not getting this now.

I hope that the vice president continues to speak out. Apparently his is the only voice strong enough to be heard and reported. Certainly, the "silent majority" have never had a more eloquent or effective spokesman than this most courageous gentleman.

Rosalind Frena.

Sir: I did not like your "Agnew Unmuzzled" editorial. Not quite to the extent of cancelling my subscription; but a few more unfunny editorials like that and I'll manage to get along without it.

William N. Ramsey.

Vienna, Va.

Sir: This is not intended as a defense of Vice President Agnew, he is well qualified and has proven his ability to do this himself. A former vice president stated: "What this country needs is a good 5c cigar." I say, what this country needs is more Agnews.

Your editorial was typical of the news media's way of trying to justify their position. You accused the vice president of arousing tempers, fears and creating hate without helping people to understand the forces that are dividing the country. The general public knows who the real hatemongers are. Some of them are syndicated writers on your own paper. To name a few, Mary McGrory, Carl T. Rowan, Fritchey and Viorst. To the credit of Vice President Agnew, he is doing a good job of offering an antidote, which is having its effects, thank God.

The attitudes of some writers for the press and TV commentators compel me to believe that Vice President Agnew's criticism has a lot of merit. To conclude, the "Free Press" under present conditions makes cold chills run down my spine.

Ray Deaner.

Silver Spring, Md.

Sir: Your editorial reminded me of a person who got caught doing something wrong and screamed "foul" when he got caught.

We should thank the Almighty that we have such a courageous vice president who will risk his political future to tell it the way it is—and a president who is courageous enough to let him.

B. Y. Anderson.

Sir: Though I agree far more often than not with the vice president, I submit that his ultimate glory lies in an unblemished sense of personal integrity that by all rights should have been defeated long ago—defeated by those who see in his presence a reminder of that which they themselves have betrayed and compromised many times over through their evasions, half-lies, inconsistencies, unyielding conformity to dogma—in short, an intellectual hypocrisy of the worst sort.

The sheer magnitude of the emotional tirade and invective directed against the vice president strongly suggests that their opposition cannot be taken purely at face value. By way of analogy (although admittedly imperfect) one might recall efforts by those of his own religious congregation to discover evidences of hypocrisy among their spiritual leaders. In effect, people who do this are trying to wipe out their own imagined failings by striking at the visible personification of their weakness. By obliterating or discrediting what one truly accepts as "right" (or fears is "right") one's own failings are less painful to contemplate.

For our own sake, may he continue to stand tall.

Stephens K. Malls.

Baltimore, Md.

Sir: Your editorial was mean and petty. It certainly was "negative and divisive"—attitudes which you piously preached against. The vice president has struck a deep, responsive chord in the vast majority of the American people by exposing the arrogance of the information media.

Editorial writers, news media commentators and others with propaganda motives are up-in-arms because they have been exposed by a person in high elective office courageous enough to speak out. I congratulate the vice president for his incisive perception of the feelings of nearly all of the American people except that small minority of revolutionaries, so-called intellectuals, demagogues who would pander to these and other vociferous groups and merchants of words in the information media who lust after power without responsibility

D. R. Osborn, Jr.
Captain, U.S. Navy, retired.

Sir: Your attack on our vice president only proves how much he is right about the news media. Such blatant accusations you make, that he helps people to hate and is helping to bring on the bloody confrontations, are very disturbing to say the least. These are the very things the newspapers are guilty of. They support Mr. Agnew's complaint. The newspapers are among the first to suggest changes in the universities. Why is it they get "up tight" when someone makes a few remarks about their archaic policies?

George C. Lassise.

New Carrollton, Md.

Sir: Your latest editorial on Mr. Agnew—"Agnew Unmuzzled" must have given him a great deal of satisfaction, because it certainly pleased me.

The truth does hurt—doesn't it? Unfortunately Mr. Agnew is forced to be your only target, because the communications media as a general rule don't allow opinions similar to his to be voiced.

Sarah McLean Allison.

Cheverly, Md.

Sir: Et tu, Star! We are appalled at your utterly unjust attack on Vice President Agnew. We find it completely incredible that you could have been following the vicious and malicious tirade that has been directed at President Nixon and Vice President Agnew and feel that the vice president's truly justified responses are regrettable. It doesn't seem possible that you could have been trapped into joining the chorus of those that are dedicated to destroy the vice president and discredit the administration.

We find it difficult to understand how your sensibilities would not be equally disturbed by the vitriol being spewed by not only the sources mentioned by Mr. Agnew but some of your own more demagogic columnists. Why is it permissible for them to resort to irresponsible tactics and, in many cases, just blatant political trickery?

You are obviously unaware of how many of us have been so outraged at the lack of balance of a large majority of the press. We have been so frustrated because we are unable to successfully voice our opinion. Vice President Agnew has provided this voice for us. We who have cried in the wilderness for so very long. We now feel our views are being accurately expressed.

Editorially, The Star is normally careful to provide a logical and reasonable policy. Your editorial concerning the vice president was a disturbing exception to that.

L. Hill.

INCREASE OF SERVICEMEN'S GROUP LIFE INSURANCE

Mr. TALMADGE. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House of Representatives on S. 1479.

The PRESIDING OFFICER (Mr. Allen) laid before the Senate the amendments of the House of Representatives to the bill (S. 1479) to amend chapter 19 of title 38, United States Code, in order to increase from $10,000 to $15,000 the amount of Servicemen's Group Life Insurance for members of the uniformed services, which was to strike out all after the enacting clause, and insert:

That section 765 of title 38, United States Code, is amended to read as follows:

"§ 765. Definitions

"For the purpose of this subchapter—

"(1) The term 'active duty' means—

"(A) full-time duty in the Armed Forces, other than active duty for training:

"(B) full-time duty (other than for training purposes) as a commissioned officer of the Regular or Reserve Corps of the Public Health Service; and

"(C) full-time duty as a commissioned officer of the Environmental Science Services Administration.

"(2) The term 'active duty for training' means—

"(A) full-time duty in the Armed Forces performed by Reserves for training purposes;

"(B) full-time duty for training purposes performed as a commissioned officer of the Reserve Corps of the Public Health Service;

"(C) full-time duty as a member, cadet, or midshipman of the Reserve Officers Training Corps while attending field training or private cruises; and

"(D) in the case of members of the National Guard or Air National Guard of any State, full-time duty under sections 316, 502, 503, 504, or 505 of title 32, United States Code.

"(3) The term 'inactive duty training' means—

"(A) duty (other than full-time duty) prescribed or authorized for Reserves (including commissioned officers of the Reserve Corps of the Public Health Service) which duty is scheduled in advance by competent authority to begin at a specific time and place; and

"(B) in the case of a member of the National Guard or Air National Guard of any State, such term means duty (other than full-time duty) which is scheduled in advance by competent authority to begin at a specific time and place under sections 316, 502, 503, 504, or 505 of title 32, United States Code.

"(4) The terms 'active duty for training' and 'inactive duty training' do not include duty performed as a temporary member of the Coast Guard Reserve, and the term 'inactive duty training' does not include (i) work or study performed in connection with correspondence courses, or (ii) attendance at an educational institution in an inactive status.

"(5) The term 'member' means—

"(A) a person on active duty, active duty for training, or inactive duty training in the uniformed services in a commissioned, warrant, or enlisted rank or grade; and

"(B) a member, cadet, or midshipman of the Reserve Officers Training Corps while attending field training or practice cruises.

"(6) The term 'uniformed services' means the Army, Navy, Air Force, Marine Corps, Coast Guard, the commissioned corps of the Public Health Service, and the commissioned corps of the Environmental Science Services Administration.

"(7) The terms 'widow' or 'widower' means a person who is the lawful spouse of the insured member at the time of his death.

"(8) The term 'child' means a legitimate child, a legally adopted child, an illegitimate child as to the mother, or an illegitimate child as to the alleged father, only if (a) he acknowledged the child in writing signed by him; or (b) he has been judicially ordered to contribute to the child's support; or (c) he has been, before his death, judicially decreed to be the father of such child; or (d) proof of paternity is established by a certified copy of the public record of birth or church record of baptism showing that the insured was the informant and was named as father of the child; or (e) proof of paternity is established from service department or other public records, such as school or welfare agencies, which show that with his knowledge the insured was named as the father of the child.

"(9) The term 'parent' means a father of a legitimate child, mother of a legitimate child, father through adoption, mother through adoption, mother of an illegitimate child, and father of an illegitimate child but only if (a) he acknowledged paternity of the child in writing signed by him before the child's death; or (b) he has been judicially ordered to contribute to the child's support; or (c) he has been judicially decreed to be the father of such child; or (d) proof of paternity is established by a certified copy of the public record of birth or church record of baptism showing that the claimant was the informant and was named as father of the child; or (e) proof of paternity is established from service department or other public records, such as school or welfare agencies, which show that with his knowledge the claimant was named as father of the child. No person who abandoned or willfully failed to support a child during his minority, or consented to his adoption may be recognized as a parent for the purposes of this subchapter. However, the immediately preceding sentence shall not be applied so as to require duplicate payments in any case in which insurance benefits have been paid prior to receipt in the administrative office established under subsection 766(b) of this title of sufficient evidence to clearly establish that the person so paid could not qualify as a parent solely by reason of such sentence."

SEC. 2. Section 767 of title 38, United States Code, is amended to read as follows:

"§ 767. Persons insured; amount

"(a) Any policy of insurance purchased by the Administrator under section 766 of this title shall automatically insure any member of the uniformed service on active duty, active duty for training, or inactive duty training scheduled in advance by competent authority, against death in the amount of $15,000 unless such member elects in writing (1) not to be insured under this subchapter, or (2) to be insured in the amount of $10,000 or $5,000. The insurance shall be effective the first day of active duty or active duty for training, or the beginning of a period of inactive duty training scheduled in advance by competent authority, or from the date certified by the Administrator to the Secretary concerned as the date servicemen's group life insurance under this chapter for the class or group concerned takes effect, whichever is the later date.

"(b) Any member (other than one who has elected not to be insured under this subchapter for the period or periods of duty involved)—

"(1) who, when authorized or required by competent authority, assumes an obligation to perform (for less than thirty-one days) active duty, or active duty for training, or inactive duty training scheduled in advance by competent authority; and

"(2) who is rendered uninsurable at standard premium rates according to the good health standards approved by the Administrator, or dies within ninety days thereafter, from a disability, or aggravation of a preexisting disability, incurred by him while proceeding directly to or returning directly from such active duty, active duty for training, or inactive duty training as the case may be;

shall be deemed to have been on active duty, active duty for training, or inactive duty training, as the case may be, and to have been insured under this subchapter at the time such disability was incurred or aggravated, and if death occurs within ninety days thereafter as a result of such disability to have been insured at the time of death. In determining whether or not such individual was so authorized or required to perform such duty, and whether or not he was rendered uninsurable or died within ninety days thereafter from a disability so incurred or aggravated, there shall be taken into account the call or order to duty, the orders and authorizations of competent authority, the hour on which the member began to so proceed or to return, the hour on which he was scheduled to arrive for, or on which he ceased to perform such duty; the method of travel employed; his itinerary; the manner in which the travel was performed; and the immediate cause of disability or death. Whenever any claim is filed alleging that the claimant is entitled to benefits by reason of this subsection, the burden of proof shall be on the claimant.

"(c) If any member elects not to be insured under this subchapter or to be insured in the amount of $10,000 or $5,000, he may thereafter be insured under this subchapter or insured in the amount of $15,000 or $10,000 under this subchapter, as the case may be, upon written application, proof of good health, and compliance with such other terms and conditions as may be prescribed by the Administrator."

SEC. 3. Section 768 of title 38, United States Code, is amended to read as follows:

"§ 768. Duration and termination of coverage; conversion

"(a) Each policy purchased under this subchapter shall contain a provision, in terms approved by the Administrator, to the effect that any insurance thereunder on any member of the uniformed services, unless discontinued or reduced upon the written request of the insured, shall continue in effect while the member is on active duty, active duty for training, or inactive duty training scheduled in advance by competent authority during the period thereof, and such insurance shall cease—

"(1) with respect to a member on active duty or active duty for training under a call or order to duty that does not specify a period of less than thirty-one days—

"(A) one hundred and twenty days after the separation or release from active duty or active duty for training, unless on the date of such separation or release the member is totally disabled, under criteria established by the Administrator, in which event the insurance shall cease one year after the date of separation or release from such active duty or active duty for training, or on the date the insured ceases to be totally disabled, whichever is the earlier date, but in no event prior to the expiration of one hundred and twenty days after such separation or release; or

"(B) at the end of the thirty-first day of a continuous period of (i) absence without leave, (ii) confinement by civil authorities under a sentence adjudged by a civilian court, or (iii) confinement by military authorities under a court-martial sentence involving total forfeiture of pay and allowances. Any insurance so terminated as the result of such an absence or confinement, together with any beneficiary designation in effect for such insurance at such termination thereof, shall be automatically revived as of the date the member is restored to active duty with pay or to active duty for training with pay.

"(2) with respect to a member on active duty or active duty for training under a call or order to duty that specifies a period of less than thirty-one days insurance under this subchapter shall cease at midnight, local time, on the last day of such duty, unless on such date the insured is suffering from a disability incurred or aggravated during such period which, within ninety days after such date, (i) results in his death, or (ii) renders him uninsurable at standard premium rates according to the good health standards approved by the Administrator, in which event the insurance shall continue in force to death, or for ninety days after such date, whichever is the earlier date.

"(3) with respect to a member on inactive duty training scheduled in advance by competent authority insurance under this subchapter shall cease at the end of such scheduled training period, unless at such time the insured is suffering from a disability incurred, or aggravated during such period which, within ninety days after the date of such training, (i) results in his death, or (ii) renders him uninsurable at standard premium rates according to the good health standards approved by the Administrator in which event the insurance shall continue in force to death, or for ninety days after the date such training terminated, whichever is the earlier date.

"(b) Each policy purchased under this subchapter shall contain a provision, in terms approved by the Administrator, for the conversion of Servicemen's Group Life Insurance to an individual policy of life insurance—

"(1) with respect to a member on active duty or active duty for training under a call or order to duty that does not specify a period of less than thirty-one days, effective the one hundred and twenty-first day after separation or release from such duty, or at any time thereafter such insurance is in effect;

"(2) with respect to a member on active duty or active duty for training under a call or order to duty that specifies a period of less than thirty-one days, and a member insured during inactive duty training scheduled in advance by competent authority there shall be no right of conversion unless the insurance is continued in force for ninety days after such duty terminates, as the result of a disability incurred or aggravated during such active duty, active duty for training, or inactive duty training, in which event the insurance may be converted effective the day after the end of such ninety-day period.

"(c) An insured eligible to convert insurance under this subchapter upon request to the Office of Servicemen's Group Life Insurance shall be furnished a list of life insurance companies participating in the program established under this subchapter. Upon written application for conversion of Servicemen's Group Life Insurance made by an eligible insured under this subchapter to the participating company he selects and payment of the required premiums the insured shall be granted life insurance on a plan then currently written by such company which does not provide for the payment of any sum less than the face value thereof or

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for the payment of an additional amount as premiums if the insured engages in the military service of the United States. Such converted insurance shall be issued without a medical examination if application is made within one hundred and twenty days after separation or release from active duty or active duty for training under a call or order to duty that did not specify a period of less than thirty-one days. Medical examinations and evidence of qualifying health conditions may be required in any case where the former member alleges that his insurance is continued in force beyond the normal termination date by reason of a qualifying disability incurred or aggravated during active duty, active duty for training, or inactive duty training. In addition to the life insurance companies participating in the program established under this subchapter, the list furnished to an insured under this section, shall include additional life insurance companies, not so participating) which meet qualifying criteria, terms and conditions established by the Administrator and agree to sell insurance to former members in accordance with the provisions of this section."

Sec. 4. Section 769 of title 38, United States Code, is amended—

(1) by amending subsections (a) and (b) to read as follows:

"(a)(1) During any period in which a member, on active duty or active duty for training under a call or order to such duty that does not specify a period of less than thirty-one days, is insured under a policy of insurance purchased by the Administrator, under section 766 of this title, there shall be deducted each month from his basic or other pay until separation or release from such duty an amount determined by the Administration (which shall be the same for all such members) as the share of the cost attributable to insuring such member under such policy, less any costs traceable to the extra hazard of such duty in the uniformed service.

"(2) During any fiscal year, or portion thereof, that a member is on active duty for training under a call or order to such duty that specifies a period of less than thirty-one days, or is authorized or required to perform inactive duty training scheduled in advance by competent authority and is insured under a policy of insurance purchased by the Administrator, under section 766 of this title, the Secretary concerned shall collect from him (by deduction from pay or otherwise) an amount determined by the Administrator (which shall be the same for all such members) as the share of the cost attributable to insuring such member under such policy, less any costs traceable to the extra hazard of such duty in the uniformed service.

"(3) Any amount not deducted from the basic or other pay of a member insured under this subchapter, or collected from him by the Secretary concerned, if not otherwise paid, shall be deducted from the proceeds of any insurance thereafter payable. The initial monthly amount under subsection (1) hereof, or fiscal year amount under subsection (2) hereof, determined by the Administrator to be charged under this section for insurance under this subchapter may be continued from year to year, except that the Administrator may redetermine such monthly or fiscal year amounts from time to time in accordance with experience. No refunds will be made to any member of any amount properly deducted from his basic or other pay, or collected from him by the Secretary concerned, to cover the insurance granted under this subchapter.

"(b) For each month for which any member is so insured, there shall be contributed from the appropriation made for active duty pay of the uniformed service concerned an amount determined by the Administrator and certified to the Secretary concerned to be the cost of such insurance which is traceable to the extra hazard of duty in the uniformed services. Effective January 1, 1970, such cost shall be determined by the Administrator on the basis of the excess mortality incurred by members and former members of the uniformed services insured under this subchapter above what their mortality would have been under peacetime conditions as such mortality is determined by the Administrator using such methods and data as he shall determine to be reasonable and practicable. The Administrator is authorized to make such adjustments regarding contributions from pay appropriations as may be indicated from actual experience."

(2) by inserting after "pay of members" in the first sentence of subsection (d)(1) the following: ", or collected from them by the Secretary concerned,".

Sec. 5. Section 770 of title 38, United States Code, is amended by adding the following new subsections thereto:

"(e) Until and unless otherwise changed, a beneficiary designation and settlement option filed by a member with his uniformed service under prior provisions of law will be effective with respect to the increased insurance authorized under this amendatory Act and the insurance shall be settled in the same proportionate amount as the portion designated for such beneficiary or beneficiaries bore to the amount of insurance heretofore in effect.

"(f) Notwithstanding the provisions of any other law, payment of matured Servicemen's Group Life Insurance benefits may be made directly to a minor widow or widower on his or her own behalf, and payment in such case shall be a complete acquittance to the insurer.

"(g) Payments of benefits due or to become due under Servicemen's Group Life Insurance made to, or on account of, a beneficiary shall be exempt from taxation, shall be exempt from the claims of creditors, and shall not be liable to attachment, levy, or seizure by or under any legal or equitable process whatever, either before or after receipt by the beneficiary. The preceding sentence shall not apply to (1) collection of amounts not deducted from the member's pay, or collected from him by the Secretary concerned under section 769(a) of this title, (2) levy under subchapter D of chapter 64 of the Internal Revenue Code of 1954 (relating to the seizure of property for collection of taxes), and (3) the taxation of any property purchased in part or wholly out of such payments."

Sec. 6. Section 774 of title 38, United States Code, is amended by inserting after "the Secretary of Health, Education, and Welfare," the following: "the Secretary of Transportation,".

Sec. 7. The analysis of subchapter III of chapter 19 of title 38, United States Code, is amended by striking therefrom

"768. Termination of coverage; conversion"

and inserting in lieu thereof the following:

"768. Duration and termination of coverage; conversion".

Sec. 8. The third sentence of section 705 of title 38, United States Code, is amended by striking out "lapse occurred not earlier than two months before the expiration of the term period" and inserting in lieu thereof "insured makes application for reinstatement and renewal of his term policy within five years after the date of lapse".

Sec. 9. Section 707 of title 38, United States Code, is amended by inserting "(a)" before the word "Until" and adding a new subsection (b) as follows:

"(b) No claim by an insured for payment in cash of a special dividend declared prior to January 1, 1952, shall be processed by the Veterans' Administration unless such claim was received within six years after such dividend was declared. Whenever any claim for payment of a special dividend, the processing of which is barred by this subsection, is received in the Veterans' Administration, it shall be returned to the claimant, with a copy of this subsection, and such action shall be a complete response without further communication."

Sec. 10. Section 717 of title 38, United States Code, is amended (a) by substituting a period for the comma after the word "beneficiary" in the last sentence of subsection (c) and striking the remainder of the sentence, and (b) by adding at the end thereof the following new subsection:

"(e) Under such regulations as the Administrator may promulgate, the cash surrender value of any policy of insurance or the proceeds of an endowment contract which matures by reason of completion of the endowment period may be paid to the insured under option (2) or (4) of this section. All settlements under option (4), however, shall be calculated on the basis of the Annuity Table for 1949. If the option selected requires payment of monthly installments of less than $10, the amount payable shall be paid in such maximum number of monthly installments as are a multiple of twelve as will provide a monthly installment of not less than $10."

Sec. 11 Section 745 of title 38, United States Code, is amended to read as follows:

"§ 745. Renewal.

"At the expiration of any term period any insurance policy issued on the five-year level premium term plan which has not been exchanged or converted to a permanent plan of insurance and which is not lapsed shall be renewed as level premium term insurance without application for a successive five-year period at the premium rate for the attained age without medical examination. However, renewal shall be effected in cases where the policy is lapsed only if the insured makes application for reinstatement and renewal of his term policy within five year after the date of lapse, and reinstatement in such cases shall be under the terms and conditions prescribed by the Administrator."

Sec. 12. Section 752 of title 38, United States Code, is amended (1) by adding "(a)" before the words "The Administrator", and (2) by adding at the end thereof the following new subsection:

"(b) Under such regulations as the Administrator may promulgate, the cash surrender value of any policy of insurance or the proceeds of an endowment contract which matures by reason of completion of the endowment period may be paid to the insured (1) in equal monthly installments of from thirty-six to two hundred and forty in number, in multiples of twelve; or (2) as a refund life income in monthly installments payable for such periods certain as may be required in order that the sum of the installments certain, including a last installment of such reduced amount as may be necessary, shall equal the cash value of the contract, less any indebtedness, with such payments continuing throughout the lifetime of the insured. However, all settlements under option (2) above shall be calculated on the basis of The Annuity Table for 1949. If the option selected requires payment of monthly installments of less than $10, the amount payable shall be paid in such maximum number of monthly installments as are a multiple of twelve as will provide a monthly installment of not less than $10."

Sec. 13. (a) Sections 321, 341, and the first sentence of section 417(a) of title 38, United States Code, are amended by deleting therefrom "April 30, 1957", and inserting in lieu thereof "April 30, 1957, and before July 1, 1970".

(b) Section 417(a) of title 38, United State Code, is further amended by adding at the end thereof the following: "On and after July 1, 1970, the provisions of the first sentence of this section shall not be construed to deny the payment of dependency and indemnity compensation in any case where the amount of dependency and in-

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demnity compensation that would be payable except for such sentence equals or exceeds the amount of death compensation payable under section 322 or 342 of this title.".

(c) Section 724(a) of title 38, United States Code, is amended by adding at the end of the first sentence thereof the following: "In any case in which insurance continued in force under this section matures on or after July 1, 1970, the premiums waived on and after that date shall be placed as an indebtedness against the insurance and, unless otherwise paid, shall be deducted from the insurance in any settlement thereunder.".

SEC. 14. (a) The amendments made by this Act shall take effect as of the date of enactment, except that sections 10 and 12 shall take effect as of the first day of the first calendar month which begins more than six calendar months after the date of enactment of this Act.

(b) The provisions of section 765 (7), (8), and (9) of title 38, United States Code, as added by the first section of this Act shall apply only to servicemen's group life insurance in effect on the life of an insured member who dies on and after the date of enactment of this Act.

And amend the title so as to read: "An Act to amend title 38, United States Code, to authorize a maximum of $15,000 coverage under servicemen's group life insurance, to enlarge the classes eligible for such insurance, to improve the administration of the programs of life insurance provided for servicemen and veterans, and for other purposes."

Mr. TALMADGE. Mr. President, the Subcommittee on Veterans' Affairs Legislation of the Committee on Finance has met on these House amendments. We have agreed unanimously on our course of action.

Mr. President, I move that the Senate concur in the House amendment to the text of the bill with the following amendents:

On page 3, line 21, of the House engrossed amendments insert quotation marks immediately after the period.

On page 3 of the House engrossed amendments, beginning with line 22, strike out all down through line 13 on page 5.

On page 19 of the House engrossed amendments, beginning with line 20, strike out all down through line 16 on page 20, and insert in lieu thereof the following:

SEC. 13. (a) The first sentence of section 417(a) of title 38, United States Code, is amended by inserting "(1)" immediately after "unless", and by striking out the period at the end of such sentence and inserting in lieu thereof a comma and the following: "or (2) the total amount paid to the widow, children, or parents of such veteran under any such policy is equal to or exceeds the face value of the policy and such amount paid when added to any amounts paid as death compensation is equal to or less than the total amount which would have been payable in dependency and indemnity compensation following the death of such veteran is such widow, children, or parents had been eligible for such compensation upon the death of such veteran. Any person receiving death compensation at the time he becomes eligible for dependency and indemnity compensation pursuant to clause (2) of the preceding sentence shall continue to receive such death compensation unless he makes application to the Administrator to be paid dependency and indemnity compensation. An election by such person to receive dependency and indemnity compensation shall be final.".

(b) The last sentence of section 417(a) of such title is amended by striking out "preceding sentence" and inserting in lieu thereof "first sentence".

(c) No dependency and indemnity compensation shall be payable to any person by virtue of the amendments made by subsection (a) of this section for any person prior to the effective date of this Act.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Georgia.

The motion was agreed to.

Mr. TALMADGE. Mr. President, I move that the Senate concur in the amendment of the House to the title of the bill.

The motion was agreed to.

Mr. TALMADGE. Mr. President, the Subcommittee on Veterans' Legislation of the Committee on Finance acted on all these amendments. The action was unanimous. The ranking minority member, the Senator from Utah (Mr. BENNETT), was present and he fully concurs. In addition, the Senator from Iowa (Mr. MILLER) was present and he concurs. This matter has been cleared all the way around.

Mr. President, last year the Senate approved S. 1479, a bill I introduced to increase servicemen's group life insurance for active duty servicemen from $10,000 to $15,000. Last month, the House approved S. 1479 but added a number of amendments. These amendments would:

First. Modify the Government's liability to increase the Federal share of the extrahazardous cost of servicemen's group life insurance;

Second. Extend coverage to ROTC members, students at the military academies, and reservists on active duty for training for less that 31 days;

Third. Provide a uniform national definition of the terms "widow," "widower," "child," and "parent," and authorize direct payments to minor widows and widowers;

Fourth. Extend coverage to individuals assuring an obligation to perform certain duty for less than 31 days who die or become uninsurable;

Fifth. Extend coverage to totally disabled veterans for 1 year after discharge instead of 120 days as under present law;

Sixth. Terminate insurance at the end of the 31st day of absence without leave;

Seventh. Exempt insurance payments from taxation and claims of creditors;

Eighth. Add the Secretary of Transportation to the SGLI Advisory Council;

Ninth. Extend dependency and indemnity compensation to widows whose husbands were insured under National Service Life Insurance on a premium-free basis; and

Tenth. Make a number of minor changes in the National Service Life Insurance program.

The Senate has just agreed to the House amendments with two exceptions.

First, we have disagreed with the provision of the bill setting a uniform national definition for the terms "widow," "widower," "child," and "parent." The Committee on Finance also has the responsibility for legislation affecting the social security program, and under social security we follow applicable State law in definitions of these terms. It was our feeling that a uniform national definition of these terms for Servicemen's Group Life Insurance should not precede consideration of national definitions of those terms under the social security program.

Second, the Senate has substituted a provision which has previously been approved by the Senate for the House provision extending dependency and indemnity compensation to certain widows whose husbands were insured under National Service Life Insurance on a premium-free basis. After carefully examining the provision of the House bill and comparing it with the provision approved by the Senate, it was our conviction that the Senate provision would be more equitable, particularly with respect to servicemen who have voluntarily relinquished their premium-waiver privilege in order that their survivors might receive dependency and indemnity compensation.

I would like to mention one further matter, Mr. President. The House bill exempts payments of benefits under Servicemen's Group Life Insurance from taxation and from claims of creditors. It was our understanding in approving the House amendment that the exemption from taxation would not apply to inheritance or estate taxes. The provision in the House bill closely parallels another provision of present law relating to National Servicemen's Life Insurance proceeds. The language of existing law has been construed by the Supreme Court as not exempting veterans' death benefits from estate taxes. A similar construction of the parallel provision in the House bill is that Servicemen's Group Life Insurance proceeds are not exempt from estate taxes. This amendment by the House was considered desirable to clear up any misunderstanding that Servicemen's Group Life Insurance, which is paid by private insurance companies, should be treated any different—so far as taxes and creditors are concerned—than National Service Life Insurance, which is paid directly by the Federal Government.

Mr. President, it would be my hope that this bill with its major improvements in the Servicemen's Group Life Insurance program will be cleared for the President's signature in the near future.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

H.R. 10184. An act to provide for the disposition of judgment funds of the Sioux Tribe of the Fort Peck Indian Reservation, Mont.; and

H.R. 15166. An act authorizing additional appropriations for prosecution of projects in certain comprehensive river basin plans for flood control, navigation, and for other purposes.

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PETITION

The ACTING PRESIDENT pro tempore (Mr. Spong) laid before the Senate a letter from Tina Frost, of White Plains, N.Y., praying that American troops be pulled out of Indochina as soon as possible, which was referred to the Committee on Foreign Relations.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. RIBICOFF:

S. 3932. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to add an additional title to provide for motor vehicle safety collision standards; to the Committee on Commerce.

(The remarks of Mr. Ribicoff when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. YARBOROUGH:

S. 3933. A bill for the relief of Antonia Del Valle Jerez; to the Committee on the Judiciary.

By Mr. FULBRIGHT (by request):

S. 3934. A bill to amend the Inter-American Development Bank Act to authorize the United States to participate in increases in the authorized capital stock and resources of the Fund for Special Operations of the Inter-American Development Bank, and for other purposes; to the Committee on Foreign Relations.

(The remarks of Mr. Fulbright when he introduced the bill appear later in the Record under the appropriate heading.)

S. 3932—INTRODUCTION OF A BILL SETTING CERTAIN SAFETY STANDARDS FOR AUTOMOBILE BUMPERS

Mr. RIBICOFF. Mr. President, each year thousands of persons are injured and billions of dollars are lost as a result of low-speed automobile accidents. The toll in human suffering and inconvenience alone is great. The staggering economic cost is passed along to the consumer in the form of large repair bills, higher insurance premiums, and decreased life expectancy of the vehicle. Moreover, these accidents constitute a heavy strain on the automotive repair business, on our court system, on our police agencies, and on the scarce materials used in making necessary repairs.

The extreme delicacy of the automobile's external structure and the magnitude of the costs associated with low-speed collisions are shown by two recent studies conducted by the Insurance Institute for Highway Safety. Tests performed on four 1969 sedans—Chevrolet Impala, Ford Galaxie, Plymouth Fury I and Ambassador SST—demonstrate that on the average they sustain approximately $200 in damage when driven forward into a barrier at 5 miles per hour—equal to a fast walk—$650 in the same situation at 10 miles per hour—jogging speed—and $500, to both, when driven into the rear of an identical vehicle at 10 miles per hour. Tests on four 1970 small cars—Volkswagen, Toyota Corona, Ford Maverick, and American Hornet—measured somewhat less damage in the same circumstances: $150 at 5 miles per hour into a barrier, $400 at 10 miles per hour into a barrier, and $400 at 10 miles per hour into another car. In this day, there is no valid reason why automobile bumpers should crumple at such low speeds.

The automobile industry presently makes a bumper that can withstand an impact of only 2.8 miles per hour. Dr. William Haddon, Jr., president of the Insurance Institute, stated in testimony before the Senate Commerce Committee that—

> Current automobile exterior designs, while aimed at the eye of the consumer in the showroom, are pointed directly at his wallet on the road.

The technology exists right now to produce a resistant bumper; it is merely a question of applying the available engineering skills to the task. One company has reported successful testing of a new bumper safe to vehicle and humans at speeds up to 30 miles per hour.

While working on a modified bumper, Detroit should also be concentrating on developing more complex energy-absorbing systems to limit property damage and personal injury, especially in higher speed crashes. To that end, I have been advocating an expanded Federal program to encourage research, development, and testing of a prototype safe car.

Mr. President, I have been concerned for a long time with the problem of highway safety. Accordingly, today I am introducing a bill which would amend the Traffic Safety Act of 1966 to require that all automobiles sold in interstate commerce after January 1, 1972, have bumpers that will withstand a crash into a stationary barrier at 5 miles per hour without damaging the vehicle, and after January 1, 1973, have bumpers that will withstand such a crash at 10 miles per hour. It will reduce the tremendous cost being borne by the car owner for unnecessary repairs. The time has come for the Federal Government to act and for the private sector to respond with the public interest foremost in the minds of both.

I ask unanimous consent that the text of the bill be printed at this point in the Record.

The ACTING PRESIDENT pro tempore (Mr. Spong). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 3932) to amend the National Traffic and Motor Vehicle Safety Act of 1966 to add an additional title to provide for motor vehicle safety collision standards, introduced by Mr. Spong, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the Record, as follows:

S. 3932

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the National Traffic and Motor Vehicle Safety Act of 1966 is amended by adding at the end thereof the following new title:

"TITLE V—FEDERAL SAFETY COLLISION STANDARDS

"Sec. 501. (a) The Secretary shall establish by order appropriate Federal motor vehicle safety collision standards dealing with the capability of motor vehicles to collide without damage in accordance with the provisions of this title. Not later than November 1, 1971, the Secretary shall establish such standards for collision of both the front and rear of a motor vehicle with a fixed impact barrier at a speed of 5 miles per hour. Not later than November 1, 1972, the Secretary shall establish such standards for collision of both the front and rear of a motor vehicle with fixed impact barrier at a speed of 5 miles per hour. Not later than November 1, 1972, the Secretary shall establish such standards for collision of both the front and rear of a motor vehicle with a fixed impact barrier at a speed of 10 miles per hour.

"(b) Standards established under this title shall be based upon findings of the Society of Automotive Engineers.

"Sec. 502. Except as provided in section 108 (b) of this Act, no person shall manufacture for sale, sell, offer for sale, or introduce or deliver for introduction in interstate commerce, or import into the United States any motor vehicle manufactured on or after 120 days from the date an order under this title is issued unless it is in conformity with such standards.

"Sec. 503. Unless inconsistent with the objectives of this title, a standard shall be prescribed and an order shall be enforced in the same manner and to the same extent as a Federal motor vehicle safety standard established under title I of this Act and all the provisions of that title shall apply to orders under this title.

"Sec. 504. There are hereby authorized to be appropriated for the purpose of carrying out the provisions of this title such sums not to exceed $25,000 for the fiscal year ending June 30, 1971, and $25,000 for the fiscal year ending June 30, 1972, as may be necessary."

S. 3934—INTRODUCTION OF A BILL TO AMEND THE INTER-AMERICAN DEVELOPMENT BANK ACT

Mr. FULBRIGHT. Mr. President, by request, I introduce for appropriate reference a bill to amend the Inter-American Development Bank Act to authorize the United States to participate in increases in the authorized capital stock and resources of the Fund for Special Operations of the Inter-American Development Bank, and for other purposes.

The bill has been requested by the Secretary of the Treasury and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the Record at this point, together with the letter from the Secretary of the Treasury dated June 1, 1970, to the Vice President.

The PRESIDING OFFICER (Mr. Cranston). The bill will be received and appropriately referred; and, without objection, the bill and material will be printed in the Record, as requested by the Senator from Arkansas.

The bill (S. 3934) to amend the Inter-American Development Bank Act to authorize the United States to participate in increases in the authorized capital stock and resources of the Fund for Special Operations of the Inter-American Development Bank, and for other purposes introduced by Mr. Fulbright, by request, was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the Record, as follows:

S. 3934

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Inter-American Development Bank Act (22 U.S.C. 283–283n) is amended by adding at the end thereof the following new section:

"Section 18. (a) The United States Governor of the Bank is hereby authorized to vote in favor of the two Resolutions proposed by the Governors at their annual meeting in April 1970 and now pending before the Board of Governors of the Bank, which provide for (1) an increase in the authorized capital stock of the Bank and additional subscriptions of members thereto and (2) an increase in the resources of the Fund for Special Operations and contributions thereto. Upon adoption of such Resolutions the United States Governor is authorized to agree on behalf of the United States (1) to subscribe to 82,352 shares of $10,000 par value of the increase in the authorized capital stock of the Bank of which 67,352 shall be callable shares and 15,000 shall be paid in and (2) to pay to the Fund for Special Operations an initial annual installment of $100 million and two subsequent annual installments of $450 million each, in accordance with and subject to the terms and conditions of such resolutions.

"(b) There is hereby authorized to be appropriated, without fiscal year limitation, for payment by the Secretary of the Treasury (1) three annual installments of $50,000,000 each for the United States subscription to paid-in capital stock of the Bank; (2) two installments of $336,760,000 each for the United States subscription to the callable capital stock of the Bank; and (3) one annual installment of $100 million and two annual installments of $450 million each for the United States share of the increase in the resources of the Fund for Special Operations of the Bank."

The letter presented by Mr. Fulbright is as follows:

The Secretary of the Treasury,
Washington, D.C., June 1, 1970.

Hon. Spiro T. Agnew,
President of the Senate,
Washington, D.C.

Dear Mr. President: There is transmitted herewith a draft of a proposed bill, "To amend the Inter-American Development Bank Act to authorize the United States to participate in increases in the authorized capital stock and resources of the Fund for Special Operations of the Inter-American Development Bank, and for other purposes."

At the Annual Meeting of the Board of Governors of the Inter-American Development Bank in April 1970, the Governors unanimously agreed to recommend to their governments that appropriate steps be taken not later than June 30, 1971, to permit adoption of two Resolutions providing for (1) an increase in the Bank's authorized capital stock by $2 billion, including $400 million in paid-in capital and $1.6 billion in callable capital, and (2) an increase in the resources of the Fund for Special Operations of $1.5 billion. These new resources would be provided on a shared basis over several years by the United States and the twenty-two Latin American members of the Bank.

Now completing its first decade of operations, the Inter-American Development Bank has established itself as a primary instrument for helping hemisphere nations to achieve their economic and social development objectives. In order to continue its leading role and to provide for the increased need for development financing, the Bank is seeking approval of a new replenishment of both the Ordinary Capital and Fund for Special Operations resources of the Bank.

INCREASE IN ORDINARY CAPITAL

The Bank's Ordinary Capital lending operations, which constitute the Bank's "hard" window, have accounted for 187 loans totaling $1,294 million as of December 31, 1969. These operations are funded largely by borrowing on private capital markets. Subscriptions to the Bank's callable capital serve as backing for this borrowing, and constitute a contingent liability involving no budgetary expenditure. They serve as a guarantee subject to call on a proportionate basis in the unlikely event that they are required to meet the Bank's obligations.

Although calls on the callable capital would be made on all Bank members, the Bank, as a practical operating matter, has agreed with its bondholders to limit its borrowing to the amount of the United States callable capital, which now totals $817,640,000. Against this amount the Bank had outstanding borrowings of $767,163,000 at the close of 1969. A further $205 million of the Bank's callable capital is expected to be subscribed by the United States shortly, pursuant to earlier authorization, but by the end of 1970, the remaining callable capital backing will be inadequate to meet new borrowing needs. New subscriptions are therefore urgently needed to permit the Bank to continue its borrowing activities and its Ordinary Capital lending operations, which it anticipates will increase to an average annual level of $300–$350 million for the 1971–75 period.

Of the proposed $1.6 billion increase in callable capital the United States would authorize to 67,352 shares, thereby permitting additional Bank borrowing of up to $673,520,000. The subscriptions, to be made in two equal installments, would be due not later than June 30, 1971 and June 30, 1973, respectively.

In addition, an increase in the paid-in capital is sought in connection with the callable capital increase. Although the callable capital has been increased several times since the Bank was established, there has never been an accompanying increase in the paid-in capital. Such an increase would now be appropriate in order to maintain a balanced capital structure for the institution. The resources available from an increase in paid-in capital would also enable the Bank to keep its Ordinary Capital lending rates at reasonable levels. The paid-in increase would amount to $400 million, with the U.S. share being $150 million represented by 15,000 shares, to be paid in three equal consecutive annual installments beginning not later than June 30, 1971. The Bank is authorized in the proposed resolution to accept non-negotiable, non-interest bearing promissory notes or similar securities in lieu of cash payment of all or any part of the paid-in capital, thereby reducing the immediate budgetary impact of such subscriptions.

Latin American member country subscriptions to the paid-in capital increase will total $36,410,000 (61.2 percent of the total subscribed) and will be made to the extent of one-half in the form of gold and dollars, and one-half in national currency. Latin American subscriptions to callable capital will amount to $879,030,000, or 56.6 percent of the total subscribed.

INCREASE IN RESOURCES OF THE FSO

The Fund for Special Operations, which has provided an aggregate of 243 loans totaling $1,582 million to finance high priority projects for economic and social development, will require additional resources to meet the anticipated need for concessional funds during the first part of the new decade. Of the $1.5 billion total proposed increase in the Fund for Special Operations, the U.S. share would be $1 billion. However, since the Fund will enter 1971 with about $300 million still available for dollar lending, the first installment, due not later than June 30, 1971, would amount to $100 million, thus providing the resources to enable the Bank to carry out its planned 1971 dollar lending program. The remaining two U.S. installments, due not later than June 30, 1972 and June 30, 1973, respectively, would be $450 million each. As in the case of subscriptions to the paid-in capital, U.S. contributions to the FSO would be made in the form of non-interest bearing letters of credit, which would not have any budgetary effect until drawn on at a later time. The resources provided by the replenishment will enable the Bank to increase by more than half its annual lending on concessional terms in all currencies.

Under the previous schedule of contributions to the Fund for Special Operations completed in December 1969, the United States contributed $900 million over a three-year period and the Latin American members contributed the equivalent of $300 million for a total of $1.2 billion. The proposed increase raises the Latin American rate of contributions by 67% and continues the trend of progressive reduction in the ratio of U.S. to Latin American contributions. This ratio was reduced from 5:1 in 1964 to 3:1 in 1967; in the present replenishment, it will decline still further to 2:1. This is a forceful indication that our Latin American neighbors are fully committed to self-help in achieving economic and social development.

As a further expression of the principle of mutual self-help, dollar loans from the Fund for Special Operations in the future are to be repayable in dollars instead of local currencies; the less developed Latin American countries are to have a first priority claim on soft loan resources, while the stronger countries are to rely more on Ordinary Capital financing; the six largest Latin American subscribers to the Bank capital will allow part of their FSO contribution to be used for loan financing in other member countries, compared with four who allowed this previously; and the Bank will place new emphasis on overall country performance by borrowers and on improved coordination with other lending institutions and with the Inter-American Committee for the Alliance for Progress (CIAP).

At their Annual Meeting, the Board of Governors also resolved to study the matter of admission to the Bank of developed nonmember countries. The membership of other developed countries could add to the Bank's strength and significantly enhance the ability of the Bank to borrow in these countries, as well as increase the resources of the Fund for Special Operations. Should the study by the Governors of the question of broadened membership result in a resolution for action by governments, the National Advisory Council on International Monetary and Financial Policies will report to the Congress with appropriate recommendations.

The draft bill would authorize the U.S. Governor of the Bank to vote in favor of the two replenishment Resolutions. It would authorize the U.S. Governor to agree on behalf of the United States to subscribe to 82,352 shares of the capital stock of the Bank and to pay to the Fund for Special Operations the sum of $1 billion. It would also authorize the appropriation of these sums, as indicated.

The proposed increase in resources is essential to permit the Inter-American Development Bank to continue to play a leading role in hemispheric development. Cooperative international development financing through the Bank has enjoyed strong U.S. support for over a decade. It has had the full support of Presidents Eisenhower, Kennedy and Johnson. In his message to the recent Annual Meeting of the Bank Governors in Punta del Este, President Nixon said:

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"We in the United States are proud of our membership in the Bank and its presence in our capital city. We are conscious of its past accomplishments and its future promise, and above all, we cherish the link it represents with our partners of the Americas."

The proposed legislation to strengthen the financial structure of the Bank would further the clear United States interest in promoting economic and social progress in the nations of the Western Hemisphere community. It has President Nixon's full support. I urge its prompt approval by the Congress.

A Special Report of the National Advisory Council on International Monetary and Financial Policies related to these Resolutions is being submitted to you and to the Speaker of the House of Representatives.

It would be appreciated if you would lay this proposed bill before the Senate. An identical bill has been transmitted to the House of Representatives.

The Department has been advised by the Bureau of the Budget that the proposed legislation is in accord with the program of the President.

Sincerely yours,

David M. Kennedy.

ADDITIONAL COSPONSORS OF BILLS

S. 3092

Mr. TYDINGS. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from New Mexico (Mr. Montoya) be added as a cosponsor of S. 3092, the Consumer Class Action Act, a bill to amend the Federal Trade Commission Act to extend protection against fraudulent or deceptive practices, condemned by that act to consumers through civil actions, and to provide for class actions for acts in defraud of consumers.

The PRESIDING OFFICER (Mr. Allen). Without objection, it is so ordered.

S. 3562

Mr. PERCY. Mr. President, on behalf of the Senator from Iowa (Mr. Hughes), I ask unanimous consent that, at the next printing, the name of the Senator from Maryland (Mr. Tydings) be added as a cosponsor of S. 3562, to provide a comprehensive Federal program for the prevention and treatment of drug abuse and drug dependence.

The PRESIDING OFFICER (Mr. Hughes). Without objection, it is so ordered.

S. 3745

Mr. COOPER. Mr. President, on Thursday, April 23, 1970, I was very glad to introduce the bill, S. 3745, submitted by the administration to carry out the proposals made in the President's message on Federal disaster assistance. The President's message appears at the beginning of the Congressional Record for that day and later, on page 12688, the fact sheet which accompanied the President's message and a section-by-section analysis of the bill are included in the Record.

At that time, the Disaster Relief Subcommittee of the Committee on Public Works was about to begin its Washington hearings on this subject, and I knew it was important that the administration bill be printed and available to the hearings. There was no time to circulate among all Senators and an invitation to cosponsor the bill and to receive their response. For that reason, as the ranking Republican member of the committee, I introduced the bill for myself and for Senator Randolph, chairman of the full committee, Senator Dole, the ranking Republican member of the Disaster Relief Subcommittee, and Senator Bayh, chairman of that subcommittee. I announced at that time that I would ask at a later time that additional cosponsors be added.

I consider it an indication of the strong interest in providing effective disaster assistance, and evidence of support for the President's disaster relief proposals, that a number of Members of the Senate have expressed to me their desire to sponsor this bill.

Mr. President, I am very glad to ask that the following Senators be added as cosponsors of S. 3745: Senators Baker, Bennett, Brooke, Cook, Cranston, Curtis, Eastland, Gurney, Hruska, Javits, Jordan of Idaho, McGovern, Miller, Moss, Packwood, Scott, Smith of Illinois, Spong, Stevens, Tower, Williams of New Jersey, Yarborough, Young of North Dakota, and Young of Ohio.

The PRESIDING OFFICER (Mr. Cranston). Without objection, it is so ordered.

S. 3835

Mr. PERCY. Mr. President, on behalf of the Senator from Iowa (Mr. Hughes), I ask unanimous consent that, at the next printing, the name of the Senator from Michigan (Mr. Griffin) be added as a cosponsor of S. 3835, to provide a comprehensive Federal program for the prevention and treatment of alcohol abuse and alcoholism.

The PRESIDING OFFICER (Mr. Hughes). Without objection, it is so ordered.

ADDITIONAL STATEMENTS OF SENATORS

GUILT AND THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, I have in recent days been stressing the need for immediate action on the Genocide Convention. I would hope that as we approach the legislative days ahead this summer the significance of this convention will not be lost. As the Washington Post so bluntly reminded us in a lead editorial last week:

> The failure of the United States to ratify the Genocide Convention has left an unsightly stain on the good name and the high pretensions of this nation, a leader in the long quest for international order and justice.

This is a time during which many persons throughout the world are questioning the motives and pretensions of the United States. Today it is even more important than ever that this Nation reaffirm its strong beliefs in the universal, irrevocable imperatives that guarantee human rights.

Several conventions now before this body would go a long way toward reaffirming this belief. These include the Conventions on Freedom of Association, Political Rights of Women, Forced Labor, and Employment Policy. But none of these conventions, Mr President, is more critical and closer to passage than the Convention on Genocide. Perhaps but 3 months remain in which we can act—it would be tragic if we did not take advantage of the rising public support for this convention by ratifying it.

Mr. President, it must seem strange to the world community that the very nation that was in large measure responsible for the drafting and unanimous passage of this convention in the United Nations General Assembly should now delay in considering it on the floor of the Senate. And as the Washington Post editorial of last week reminded us, the nature of the opposition to the convention's passage must seem even stranger to the world community. Primary opposition seems to come from those who fear that racial discrimination here might be seized upon as a basis for charging the United States with a violation of the Genocide Convention.

This fear has of course no basis. As the Post noted—

> Odious and undemocratic as racial discrimination undoubtedly is, it does not, as practiced in this country constitute Genocide. And the country, besides, is moving unswervingly toward eradicating discrimination. But what a sense of guilt this fear betrays.

Perhaps, Mr. President, much of our delay on this vital measure is in large part the result of our guilt feelings. We fear that discrimination, the Black Panthers, Vietnam, and other issues will be turned against us in the international community. But, Mr. President, there is now nothing keeping them from being turned against us in the world court of public opinion. If we believe at all in the righteousness of our positions we should be willing to stand them up in more formal courts. Our righteousness cannot be allowed to become self-righteousness.

As the Post observed:

> It is high time for the United States to rise above its guilty fears to the level of its high principles. Ratification of the Genocide Convention would simply place this country where it belongs, in the ranks of those seeking to safeguard basic human rights throughout the world.

INFLATION AND THE COST OF LIVING, AND SOME QUESTIONS AND ANSWERS

Mr. SCOTT. Mr. President, the Treasury Department has released some comments on inflation and the cost of living together with some questions and answers, and an interesting fact sheet. I ask unanimous consent that they be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Inflation and the Cost of Living: Some Questions and Answers

Q. To many Americans, the rising cost-of-living and high interest rates have become the nation's number one domestic problem. Why have prices risen so far and so fast?

A. The plain, unassailable facts are these:

We are suffering now from the effects of a Democratic inflation.

It is a Republican Administration which is fighting the hard fight to control that inflation.

It is the Democrats, in Congress and elsewhere who are making it difficult to fight that fight successfully.

Is there any doubt that the nation is suffering from an inflation caused by ill-conceived Democratic policies? Look at the record.

It was the Democrats who controlled this Government for the first eight years of the 1960's. That is when inflation was set in motion.

Early in the 1960's, a great deal was heard about the "new economics." It provided Democrats with an intellectual respectability for a gorgeous political doctrine which said we should have lower taxes and more Federal spending because it was good for us.

The Democrats pursued the "new economics" as long as it called for lower taxes and more spending, and they did so with excellent political results, winning the election of 1964 and continuing their large majorities in the House and Senate.

This inflationary policy was pursued even when expenditures for Viet Nam began to mount. It was a simple policy: we could have both guns and butter and jam, as well.

But, when unmistakable signs of overheating in the economy occurred in 1966, as the deficits from lower taxes and higher spending rose, they gave up on the "new economics" when its logic called for budget surpluses either through higher taxes or lower spending, or both. Spending was not cut: it was increased; only reluctantly were minor tax increases provided. As a result, our Government ran a string of deficits totalling almost $64 billion from 1961 to 1968, culminating in the recordbreaking $25 billion deficit in 1968.

The result of big Federal deficits and too rapid an expansion in the nation's money supply is old-fashioned inflation: Too much money chasing too few goods, and a rapid escalation in the cost-of-living.

Q. Why have interest rates risen so much?

A. Because of the red-ink budgets and the resulting inflation.

Interest is simply the price paid for borrowed money. In an inflationary boom, all types of borrowers—businesses, farmers, individuals, State and local governments—are anxious to borrow. When added to the Government's borrowing to meet red-ink spending, the demand pressures simply pull interest rates up.

Q. Why do budget deficits cause the cost-of-living to rise?

A. Because the Federal government puts more money into the economy through spending than it takes out in the form of taxes. The situation is aggravated if, as in the late 1960's, the Federal Reserve System indirectly helps to finance the Federal deficits through rapid expansion of the money supply.

Q. Does this explain why interest rates rose to historic highs in 1969?

A. Not entirely. Such rates are also affected by the monetary policies of the Federal Reserve System. These policies were appropriately tight last year as one vital part of the effort to stop inflation. Recently monetary policy has loosened up somewhat.

But the real force that jacked interest rates to ultra-high levels last year was widespread expectations of unending inflation in the United States. When inflation is allowed to run on too long, as in the late 1960's, expectations of additional inflation take hold. This causes borrowers to rush in to borrow today in order to beat tomorrow's price increase. Lenders become reluctant to make loans which they think will be repaid with dollars of reduced purchasing power.

Q. Just exactly what has President Nixon done to stop inflation?

A. He has struck at its basic cause by sharply slowing the upward spiral of Federal spending.

From fiscal 1965 to 1969, the average annual increase in Federal spending was over 13 percent. In fiscal 1970, that rise was cut to 7½ percent. In the coming fiscal year that spending momentum will be further cut in half—to 3.7 percent.

Q. If the Administration's battle against inflation is being won, why do prices continue to rise?

A. You can't reverse overnight the deeply ingrained pressures stemming from four years of economic overheating—at least, you cannot do so quickly without knocking the economy into deep, old-fashioned recession with sky-high unemployment. This is why the President refused to jam on the brakes, but instead insisted on firm but pervasive restraint.

Unfortunately, even though the forces of "demand-pull inflation" ("too much money chasing too few goods") have been pretty much brought under control—the "real" economy has been level or declining moderately for the past six months—the pressures of "cost-push" will continue to escalate prices for some months to come.

This period of adjustment, through which we must navigate back to wage-price stability, is painful but necessary. Anyone who goes on a 4-day bender is going to have a long and painful hangover. An economy that's been on a 4-year inflationary binge also must go through an uncomfortable period of decompression.

Q. What are the methods used to fight inflation?

A. Government has only two real tools to use against inflation. They are monetary restraint and fiscal restraint. The Nixon Administration is using these two tools in a very delicate operation designed to bring inflation under control while still avoiding economic distress. The more leeway it has in using the fiscal restraint tool—which means holding government spending in line—the less it has to use the monetary restraint tool with the economic hardships it imposes.

The Democrats fight the use of either tool. They make it difficult to achieve surpluses by their control of Congress and their predeliction for spending, spending, spending. They snipe at high interest rates brought on by the monetary restraint necessary when the fiscal tool cannot be used to its fullest extent. They make difficult the unified support for the kind of national program required to stop the inflation they began.

Instead, they advance tired old panaceas; they want the President to jawbone inflation away, as if that were possible, or they urge compulsory price and wage controls which, as they ought to know best of all, never have solved the underlying causes of high prices.

Q. Some economists and politicians claim that the Administration abandoned the wage-price guideposts introduced in the early 1960's and which, according to them, were very effective in controlling inflation.

Why has President Nixon refused to use the prestige of his office to get labor to make reasonable settlements and business to hold prices down?

A. This Administration didn't jettison the wage-price guideposts. They were dropped by the Johnson Administration in 1966 when it was clear they were not working and continued reliance on them would have done more harm than good.

The hard fact is that the record for this type of "incomes policy" is poor both here and abroad. During the early 1960's, when some say they worked in this country, unemployment averaged more than 5 percent.

Q. If "jawboning" won't work, why not set up wage and price controls?

A. Because they won't work either, unless there are strong patriotic motives which support them, such as a situation like World War II. And even in World War II, about a quarter of a million volunteer and Federal workers were used to administer and enforce the program. Even so, black markets were the rule rather than the exception.

There are plenty of indications that we're on the road to wage-price stability. Erecting a control network at this late stage would do little good and a great deal of harm.

Q. You say that the Administration intends to stop inflation without causing a recession. "Real" gross national product—adjusted for inflation—is believed to have declined for two quarters running.

Isn't that the definition of a recession adopted by the non-partisan National Bureau of Economic Research?

A. No. To qualify as a recession, an economic slackening must be both broad and pervasive. A whole host of indicators must be headed downward, and this is not the case today.

There is as yet no reason at all for the Administration to back away from our official forecast of a slack in the first half and some expansion in the last half of 1970.

Q. Production is down, unemployment is up, and the stock market is collapsing. Doesn't this mean we're in for another 1929?

A. No. The contrasts between 1929 and 1970 are striking.

In 1929, investors could buy stock by putting up 10 cents on the dollar. During 1969 and until recently 80 cents on the dollar has been required under Federal laws.

In 1929, the international monetary system put together after World War I was drawing its last gasps. It collapsed shortly thereafter, helping to pull all industrial nations into depression.

Today, the international monetary system is the strongest it has ever been.

In 1929, the bank failures that had occurred throughout the 1920's (some 5,500) were a prelude to another 6,700 failures in the next four years. These failures paralyzed the economy.

Today, the banking system is strong, regulation is strict, and deposit insurance of $20,000 per account protects millions of Americans against the ravages of a financial crisis. This means that a crisis in the banking system won't occur.

After 1929, because of the bank failures, and an inappropriate monetary policy, the money supply had halved by 1934.

This is what really knocked the economy out of bed and pushed our nation into deep depression.

Today we have deposit insurance to protect the banks against devastating runs, and a monetary policy which is now increasing the supply of money, as guarantees against another 1929–34 fiasco.

Anyone who compares today's economic situation and problems with 1929 is doing a disservice to the facts and to the nation.

FACT SHEET: PRESENT STATE OF THE ECONOMY

The economy is currently in a transitional phase. Excess demand has been removed but costs and prices are still rising. A temporary pause in the growth of real output is occurring in the first half of this year. This should be followed by a resumption of growth at a moderate rate in the second half of the year while costs and prices rise less rapidly.

Real GNP (corrected for price change) declined moderately (3 percent annual rate) in the first quarter and may be fairly flat this quarter.

The Federal Reserve Board's index of industrial production edged down (0.4 percent) in April but is about flat for the year.

The rate of increase in the consumer price index has levelled off but is still far too high (6 percent annual rate Jan.–April).

Wholesale price increases have tapered off this year. There was no change in April and the preliminary estimate is for a rather small rise in May (0.2 percent). This is encouraging but industrial commodity prices continue to rise rather steadily (at about a 4 percent annual rate).

Prices are rising and profits are being

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squeezed chiefly because of a continuing push from the cost side. There is not much sign of any slackening in wage rate increases and productivity did not rise in the first quarter. As a result, labor costs per unit of output were up sharply (at more than an 8 percent annual rate). This may have been the peak of the cost-push pressure.

The unemployment rate has risen from last year's very low 3½ percent level. In April the rate reached 4.8 percent and there is some chance that it could edge still higher in months to come.

Employment has been fairly well maintained but the labor force has grown rapidly.

The unemployment rate averaged more than 5 percent during the 1960's until the Vietnam buildup began.

An improving employment situation should develop later in the year as growth in production resumes.

The financial markets have been under considerable pressure. Many interest rates are back at or near the levels of late last year. The downslide in stock market prices has been substantial. However, there has been a resumption of monetary growth this year which should begin to have favorable effects.

The money supply has expanded appreciably in recent months (6 percent annual rate of growth).

Savings flows to lending institutions have picked up and housing starts have done a little better (but fell back in April).

There are few indications that the production adjustment is likely to go much farther. Recession fears seem to be without any real foundation. Inflation is likely to remain a problem this year and beyond. But the measures now being taken should insure that growth can soon be resumed on a much sounder basis.

J. CRAIG SMITH, A LEADING CITIZEN OF ALABAMA

Mr. ALLEN. Mr. President, Hon. J. Craig Smith, president and treasurer of Avondale Mills, of Sylacauga and Birmingham, Ala., is one of Alabama's leading citizens. Avondale Mills, one of the country's most successful textile mills, has made great contributions to the welfare of its employees and to the economy of our State and Nation.

Avondale Mills publishes the Avondale Sun, of which Hon. Bill Irby, the new president of International Council of Industrial Editors, is editor, and J. Craig Smith is associate editor.

Mr. Smith has just been named Communicator of the Year by the International Council of Industrial Editors, which is indeed a signal honor.

An editorial published in the Birmingham News of June 3, 1970, took note of this honor being accorded Mr. Smith and of his speech on acceptance of the honor.

I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Communicator of the Year

J. Craig Smith, who says his claim to fame is that he is "the highest paid associate editor" of a company publication in the United States, has received an award which testifies that his achievements are considerably more impressive than that.

The president and treasurer of Avondale Mills, who is listed as associate editor of the *Avondale Sun*, the company publication edited by Bill Irby, has been named Communicator of the Year by the International Council of Industrial Editors (of which incidentally, Irby will serve as president during the coming year).

This is the first time the award has been given to anyone from the South. In prior years it has gone to the chief executives of some of the nation's leading industrial concerns.

In his speech to the ICIE meeting in Pittsburgh at which the award was presented Smith cited America's scientific and technological advances, but noted that "we have retrogressed in our human relations." The starting point in improving our human relations, he added, "must be a re-emphasis on the importance of the individual."

It is a program which embodies that principle—Avondale's "Zero Defects" Program, which stimulates employe motivation through individual recognition—which figured largely in Smith's being singled out for the ICIE honor. Employes honored for outstanding achievement serve on advisory committees which meet with the president regularly for candid two-way discussions, which Smith says, have produced hundreds of valuable ideas for improving the company's products and thus its profits.

This is the kind of "involvement" and "communication" we hear so much about these days, and proves that far-sighted business management can blaze a trail which other areas of society might well follow.

The Birmingham News joins in saluting Avondale's J. Craig Smith. His recognition by ICIE was much in order.

SHAPING THE FUTURE—TOGETHER

Mr. FONG. Mr. President, I ask unanimous consent that the commencement address, "Shaping the Future—Together," which I delivered yesterday to the graduating class at Lynchburg College, Lynchburg, Va., be printed in the Record.

In raising some of the difficult and complex questions that college graduates will have to help our Nation answer in the coming years, I asked that their generation and older generations work together to solve America's ills and to work for peace. In so doing, I reminded them, "we act not for ourselves alone, not for America alone, but for the whole human race."

There being no objection, the address was ordered to be printed in the Record, as follows:

Shaping the Future—Together

(By Senator Hiram L. Fong)

President Brewer, Members of the Faculty and Staff, Honored Guests, Candidates for Degrees, Ladies and Gentlemen. May I first extend my greetings in the traditional Hawaiian way—Aloha! With that beautiful word, I can best express the feelings that flow from my heart, for Aloha conveys friendship, goodwill, understanding . . . all the warm and human sentiments.

I am delighted to share this memorable day with you and to have the pleasure of delivering the Commencement Address. I want to convey my heartfelt gratitude for the Honorary Degree of Doctor of Laws which your University has bestowed upon me. To be associated with you as an honorary alumnus of Lynchburg College, one of our Nation's finest educational institutions, is for me a high privilege and a cherished distinction.

I must confess that to receive an advanced degree in so pleasant and easy a manner—without going to classes, without study, without examinations, without anxiety—leaves me with some feeling of embarrassment, knowing how hard and how long you have worked for your degrees. Realizing also that you had to learn three more decades of history and knowledge than I did, I congratulate you all the more for your success in passing your courses and earning your degrees!

My pleasure in being here today is double, for my youngest son is graduating with the Class of 1970. Having endured the trials and tribulations that befall a parent of four offspring from matriculation to graduation, I can assure all parents and relatives in the audience that I empathize completely with you. I also share the joy and pride you feel in the achievements of your sons and daughters who are graduating today.

As you celebrate this momentous event in your lives, I hope you will take time to thank your parents, who have sacrificed so much that you could get a fine education. I hope you will also thank your teachers and all the other people at Lynchburg who have helped you along the way.

If you but reflect a moment, you will realize how very fortunate you are to have had the opportunity to study and mature at this excellent private institution. Thanks to Dr. Josephus Hopwood and his friends, who 67 years ago founded Lynchburg College, and to his successors who labored to build on that foundation, you have had a wide choice of courses and outstanding campus facilities. Best of all from your point of view, it is coeducational!

After you leave here, remember to express your gratitude by making contributions so that Lynchburg College can become an even better school for the students who will follow you.

With the world full of violence and upheaval, isn't it wonderful to be here at Lynchburg, a college where the students and the faculty have been able, in today's vernacular, to keep their cool!

To me, there is a special mental and spiritual therapy just to be present where reason and respect still prevail.

I believe that you have taken the measure of dissent . . . and have opted for constructive, rather than destructive dissent.

Actually, every person is a dissenter, for none of us agrees with the majority on every single issue in today's complex society.

As I have said many times, as long as dissent is within the Constitutional bounds of free speech and peaceable assembly, it is the exercise of cherished rights and I strongly support these rights!

Dissent in time of war is nothing new in our country. In our American Revolution, only about 40 per cent of the people supported the war for independence; 35 per cent supported the British, and the remaining 25 per cent did not feel strongly one way or the other.

In the Civil War, early enthusiasm was followed by disenchantment. In 1863, during drawing of draft numbers in New York, a mob of several thousand attacked draft headquarters. Rioting continued for four days beyond control of police and the military. Eighteen men were killed and a thousand injured. More than 13,000 people were arrested. Habeas corpus was suspended in many areas! In 1864, a group of prominent Republicans organized a "Lincoln withdrawal" movement. Congressional critics set up a committee of House and Senate members to run the war! Lincoln was burned in effigy!

In World War I, the first U.S. troops landed in Europe in June 1917. The war was so unpopular that, only one year later, there were 308,489 known deserters. On September 3, 1918, the FBI attempted a roundup of slackers and in three days seized 50,000 men in theaters, restaurants, street cars, pool halls, and street corners!

Even in World War II, although the attack on Pearl Harbor united the country in self-defense, unrest grew as the war continued. Juvenile delinquency rose 56 per cent. High school enrollment dropped 56 per cent. Racial tensions increased and there were riots, the worst in Detroit.

The Korean War began in June 1950. Yet only 7 months later, in January 1951, the Gallup poll showed 66 per cent of all Americans were for pulling out of the war! Only 25 per cent said we should not pull out. President Truman's popularity fell to an all-time low of 26 per cent.

In other wars—as now—many Americans wondered if it was worthwhile to continue, in view of the sacrifice of lives, the disruption of our economy and the divisiveness engendered among our citizens.

Time has answered these questions on past wars. We know that the Civil War preserved the Union of States. Of World War II, we know that Neville Chamberlain, who sought to attain peace through appeasement and who came back from Munich a hero—neither won peace nor remained a hero. We know that the overwhelming vote on British campuses for the Oxford peace pledge "never again (to) bear arms for King and Country" completely miscalculated the threat of Hitler to England. We know that your generation has been spared Nazism and Fascism because an earlier generation prevented Hitler and Mussolini from conquering Europe.

We look to history for guidance—not because we are backward-looking—but because we learn lessons from the errors of the past and from the truths of the past. Those who ignore history are tempting fate.

Understandably, today our young people are particularly concerned about the war. My heart goes out to them. For I know something about war. At age 35, I entered the Army in World War II. I know the anguish of families whose men are called to war in Vietnam. My eldest son served in 1967 and 1968 in Vietnam. I have two other sons of draft age who could be called to serve. One is in this graduating class. So I know your special plea for peace.

I believe—with all my heart and with all my mind—that America's withdrawal from combat in Vietnam is irreversible!

We shall withdraw! And we shall withdraw responsibly . . . in a way that will not endanger our troops there . . . in a way which will permit the South Vietnamese to shoulder the burden of their own defense . . . and in a way that will augur peace in Southeast Asia!

I also believe that, even after the war ends, we will still have dissent in America. Other issues will remain to evoke sharp differences of opinion and arouse strong emotions.

Although young people may be more vocal in their hunger for wider personal freedom, more equitable social justice, and greater attacks on poverty, we of the older generations can—and I believe will—work with you, our sons and daughters, toward common objectives.

Each generation has something to contribute to mankind's drive toward human betterment. Your generation, not yet deeply scarred by the frustrations and burdens of decades of responsibility, has energy, vision, determination, new knowledge, and enthusiasm. Your parents and older generations have maturity, experience, practicality and wisdom that come from longer perspective.

The one can complement the other, if we keep open the lines of communication between us and bridge the generation gap.

Still you may find yourself resenting the legacy bequeathed you by your elders—a long war, which although it is deescalating, requires military service for many young men; an environment whose air and water are often badly polluted; civil strife fraught with racism and discontent as America's institutions—educational, governmental, legislative, even judicial—are severely changed; and deep schisms among our people on ideologies, national priorities, even hair styles and dress!

Yours is not the first generation that faced tough problems. Consider the young people almost 3,000 years before Christ. Their world was described on an Assyrian stone tablet as follows: "Our earth is degenerate in these latter days; there are signs that the world is speedily coming to an end; bribery and corruption are common; children no longer obey their parents . . ." Sounds familiar, doesn't it!

When your grandparents and parents were your age, the world was no Utopia! Far from it! Yet they managed to compile an impressive record of accomplishments, of which you are the beneficiaries. They even reached the moon!

They wiped out the fear of such dread diseases as influenza, typhus, diphtheria, smallpox, scarlet fever, measles, mumps and polio. They increased life expectancy by 50 per cent. They cut the work day by one third. They built thousands of elementary schools, high schools, and colleges and made higher education a reality for millions. After enduring the Great • World Depression, wherein many knew what it was to be poor, hungry, cold, and frightened, they produced the highest standard of living in the history of mankind—and this bounty—despite admitted pockets of poverty—is shared by a vast majority of Americans.

They fought racial discrimination and began a new era in civil rights. Under the late President Eisenhower, the Congress passed the first civil rights law in 80 years!

Your parents made a start—a late start, to be sure—but nonetheless a start in fighting pollution and repairing and preserving our natural resources.

Your parents and grandparents evidenced a deep social conscience, providing more job security and fringe benefits for workers, more economic security for old people through social security and medicare, more assistance for deprived and handicapped children, more aid for the poor.

Your parents and grandparents helped win two World Wars and twice went to the rescue of free peoples under armed attack from outside their borders, South Korea in 1950 and South Vietnam now.

But you say, "Three wars in less than 30 years. That's a shameful record." And I say, "Three wars, yes. But your forebears did not start World War II, Korea, or Vietnam."

It is to their everlasting credit that, by standing up to those who did start these wars, your parents and grandparents routed Nazi and Fascist totalitarianism. They helped transform war-devastated Europe into a prospering community. They saved Greece and Turkey from Communism. They forestalled Communist expansion in Free Europe through the Atlantic Alliance. They helped convert war-shattered Japan into a dynamic democracy, which now ranks as the third major industrial power of the world. They prevented Communist conquest of South Korea and helped build that nation into a viable democracy, which has been able to prevent another invasion by North Korea.

Postwar economic and technical assistance spent by your parents and grandparents for both winners and losers in World War II in Europe and Asia totaled more than 138 billion dollars. Their generosity and humanitarianism are without parallel in human history!

America's efforts in South Vietnam constitute another chapter in our post World War II determination to protect the territorial integrity and self-determination of 18 million friends who have been attacked.

Regardless of how frustrated the American people are now that the war has proved so costly in lives and resources and so prolonged, the record shows that the decision to go to the aid of South Vietnam had strong support.

Congress voted 504 to 2 in 1964 that "The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in Southeast Asia."

The Congress voted 496 to 10 in May 1965 for 700 million dollars to help preserve the independence of South Vietnam and to halt communist aggression there.

In August 1965, the Gallup poll showed 61 per cent of the American people agreed the decision to aid South Vietnam was a correct one. Only 24 per cent said it was a mistake.

Our effort in South Vietnam has given Southeast Asia nations time so desperately needed to strengthen their economies and defenses, to modernize their fledgling institutions of government, to effect badly needed reforms, and to build their national identities and independence. They are now better able to resist internal subversion and guerrilla warfare.

There is no question America's presence in Asia helped Indonesia defeat a Communist coup aimed at full take-over of this, the world's fifth largest nation in population. Thailand has become stronger. Taiwan, Singapore, the Philippines all are stronger.

Nationhood is on the upswing and, as the success stories of South Korea, Japan, Taiwan, Indonesia, and Singapore are being written, other Asian peoples have found new hope for the future.

With France out of Asia and Britain in the process of pulling out east of the Suez, if it were not for the United States, there would not be a single major free power standing as a bulwark again Communist aggression in that vast and vital region where more than one half of the world's people live!

Yet some say, "Why should we in America care what happens 10,000 miles away? Why don't we just stay home here and mind our own business!"

I wonder if those who feel that way also feel that we should not care what happens in Europe and the Middle East.

We care what happens in Europe to the extent that we have 325,000 American GIs in Europe today, 25 years after the end of World War II. We care what happens in the Middle East, where we sponsored the State of Israel and where we have given economic and military aid to help maintain the balance of power there.

If it is important to us that Free Europe and the Middle East not fall under Soviet domination, then it is important to us that free Asia not fall under Communist domination, either Soviet or Chinese.

Geography, if nothing else, compels America to be concerned about what happens in Asia and the Pacific area. Our West Coast fronts on the Pacific Ocean. Hawaii—the only State that suffered attack in World War II—is in the mid-Pacific. Alaska is but two miles from Asia!

To abandon Asia and the Pacific would be to abandon our two westernmost States—and that is unthinkable!

Acknowledging our long historical ties with Asian and Pacific nations and stressing our desire for peace in that area is not to say we intend to become perpetual policemen. We do not . . . and we shall not!

What we want—and on this goal I am sure we can all agree—is a peaceful, strong, independent Asian-Pacific community, just as we have a peaceful, strong, independent Atlantic community.

How we achieve this is one of the difficult questions facing all Americans.

As a new generation joining the older generations, you will participate in making the hard choices and the hard decisions as to how best America can work for peace in the Asia-Pacific area and in other areas of the world.

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You will participate in formulating answers to a number of urgent domestic, as well as foreign, questions facing our Nation.

How shall we wipe out the persistent poverty that lingers in America? We have the know-how to produce more than enough food for all our population. How can we make sure all of our people will obtain enough for a life-sustaining and life-invigorating diet?

How shall we break the welfare cycle among our poor? How shall we create jobs at living wages, and how shall we train those unemployed persons who are able to work?

How are we going to cope with the population explosion here and abroad, so that children born will be wanted children and so that they will not go hungry or neglected?

How are we going to stop the slaughter on our roads, highways, and streets? There were 56,400 Americans killed in automobile accidents last year . . . four million Americans injured! If you are looking for a humanitarian cause, one that will save lives, here is one you can work on right in your own community!

How shall we clean up our air and our water and protect our communities against noise pollution?

How can we assure that our people are safe on the streets and in their homes?

How do we protect our people against armed attack in these days of intercontinental ballistic missiles, multiple nuclear warheads, and sea-roving missile launchers—and how do we avoid involvement in so-called limited wars?

Do we unilaterally disarm or do we continue relying on defense forces strong enough to deter any potential enemy from attack? Can we reach workable, enforceable agreements to limit strategic weapons? Would we be better off to withdraw into Fortress America, concentrating on our own domestic problems and ignoring the rest of the world? Is isolationism the road to peace for us?

However attractive or nostalgic it may appear to some to return to a simple insulated world, there is no way back for America at this time. Geographically, we are one world. ICBMs and spacecraft remind us of that.

Economically, we are one world. Virtually every basic commodity—coffee, sugar, rice, wheat, meat—is an international "citizen."

Scientifically, we know truth is international.

Socially, we know that despite the disparities of culture, language, and race, earth people have common denominators and a human continuity which links us on this planet.

In this day and age, in view of all these ties, isolationism is neither possible nor desirable.

We wonder what the world would be like today if America had persisted in isolation during World War II. A Nazi regime would have gained control of most of Europe. The war might have been brought to our own soil here on this continent.

Suppose we had not helped Berlin break the Communist blockade after World War II. Would all of Germany now be Communist—possibly France, Italy, and the rest of Europe?

Suppose we had not aided South Korea? There is no question that country would have been captured by the Communists. It is not unrealistic to visualize that many Asian nations on the rim of the Pacific would now be under Communist rule. Australia and New Zealand would be threatened. Japan would be threatened.

Suppose we were not helping South Vietnam? It probably would have fallen to the Communist North Vietnamese . . . and Laos and Cambodia as well.

What would this mean to Malaysia, Burma, India, Singapore, Hong Kong, Taiwan, Australia, New Zealand, the Philippines? We cannot say for certain. But we can reasonably assume that guerrilla war inside these countries would be stepped up and so-called wars of liberation would be encouraged.

Asia and the Middle East have two of the three billion people of the world. One billion are already under the domination of Communist dictators in the Soviet Union and Mainland China.

The other one billion people in Israel, Turkey, India, Indonesia, Malaysia, the Philippines, Taiwan, Japan, Australia and New Zealand are not under Communist domination.

The only countries with major military strength in Asia are the Soviet Union, Red China and the United States.

What about Japan, which by treaty is prohibited from having any army, navy, or air force? Japan is the third greatest industrial nation in the world. If we withdraw from Asia, what happens to Japan which now cannot defend herself? It is reasonable to conclude that, if Japan's advanced scientists and technicians and industrial capacity are under Red China's domination, we will see submarines, tankers, and ICBMs in Red China's arsenal far sooner than otherwise.

What about the Philippines? Will they be threatened? What about Australia? Can India withstand the atomic and hydrogen weapons of Red China or the Soviet Union? Not now . . . and neither can any other Asian nation.

Where do we set the geographical perimeter of America's national interest?

A small island nation, without the benefit of atomic bombs, ICBMs or nuclear ships, was able to deal a devastating blow to America by bombing our naval forces at Pearl Harbor almost 30 years ago.

Today the world we live in is far more dangerous than it was in 1941. Will isolation protect us from these dangers?

Or is it a more viable course, to assist non-Communist nations to become strong enough economically and militarily to deter aggression against them. We would not fight their wars, but we would enable them to defend themselves if they are attacked.

The economic, political, as well as military strength of the NATO countries has served to deter war in Europe since 1945.

Similar strength is needed to deter war in the Asia-Pacific area and in the Middle East.

We helped Europe get on its feet and for 25 years, these nations have not had war. It required billions of U.S. dollars and we still have 325,000 American soldiers stationed there. But at least we have not been engaged in a shooting war in Europe.

Would isolation from Europe after the war ended in 1945 have brought this peace for us and for them?

Now the question is, how can we achieve peace in Asia and the Middle East.

It would be gratifying if America could retire from her front leadership role, as Britain and France already have. They are not called to fight in far-off lands. They are not the targets of international criticism. They enjoy their domestic felicities. And they do not appear unduly alarmed about possible armed attack against themselves. After all, they are sheltered by the U.S. defense umbrella.

Britain and France can retire to second place because there is still a powerful free nation in leadership position—the United States.

If we retire into isolation, who will there be to protect us?

If we withdraw now from world leadership into isolation, the Soviet Union will be in the top spot. And the Soviet Union desires to preside over a world which is quite horrible to contemplate.

If we abandon Asia, what will make us convincing in the Middle East when we tell the Soviet Union that we desire a balance of power there which includes the survival of Israel?

What will make us convincing in the Organization of American States when we work for reform and stability in Latin America?

After we wash our hands of Asia, what will our partners in Europe conclude when the Soviet Union presses its advantage and elaborates the Brezhnev doctrine to authorize the occupation of West Germany?

I ask these questions because they help show what a complex and interrelated world we live in. And they help show the very difficult questions you will have to help decide in the years ahead.

Manifestly, the road to the kind of peace your generation wants and the peace all Americans want is a bumpy, winding, rough road with many forks and many dangerous intersections.

You, the new generation, along with the older generations, will have to answer these questions that will confront America.

It is your future that is at stake . . . it is our future.

It is your world . . . it is our world.

Let us then—together—work to end poverty and bring dignity and self-respect to all Americans.

Let us—together—clean up our precious and priceless environment.

Let us—together—pursue the struggle against killing and crippling diseases.

Let us—together—stop the senseless massacre on our highways.

Let us—together—work for a strong, free, viable, Asia-Pacific community, just as a previous generation worked for a strong, free, viable Atlantic community.

Let us—together—toil for peace everywhere, at home and abroad.

Let us—together—work for the brotherhood of man under the fatherhood of God.

Let us shape the future—together.

Let us not waste our time and dissipate our energy fighting each other.

But let us—together—fight the age-old enemies of mankind—poverty, ignorance, disease, hatred, war.

In so doing, we act not for ourselves alone, not for America alone, but for the whole human race.

Thank you and Aloha.

ENDANGERED SPECIES IN THE BIG THICKET: RED-COCKADED WOODPECKER

Mr. YARBOROUGH. Mr. President, there are many reasons why the Big Thicket must be preserved for the people of the Nation. On many occasions I have spoken on the beauty and wonders of the Big Thicket.

One reason why we must save the Big Thicket is that it is the habitat of several of the rare birds and animals which are in danger of becoming extinct.

One of these endangered species is the red-cockaded woodpecker. This beautiful and unique bird is struggling for survival in the Big Thicket. The red-cockaded woodpecker, dryobates borealis, is one of the smallest and least known of the southern woodpeckers. The distinguishing characteristics of this bird are its small size, the black and white horizontal stripes on its back, white cheeks and under parts, and black streaked flanks. It has a black cap and a black stripe on the sides of its throat, and a black neck. The male has a small red spot on each side of its black cap.

The bird's status is rare and endangered because of its unique nesting habits. The red-cockaded woodpecker nests and rears its young in the trunks of living pine trees. No other woodpecker requires live-tree nests. This woodpecker only nests in old living pine trees, infected with red-heart disease. Present forestry practice is to eliminate such trees, and this will ultimately eliminate this rare woodpecker.

You can recognize a nest tree at considerable distance by the streaks of white pitch marking the trunk. Pitch oozes from the nest hold and from the deep horizontal notches chiseled in the bark above and below it. Ornithologists say the sticky pitch repels would-be predators and traps insects the woodpecker feeds on.

While the Forest Service has initiated a program of attempting to save the recognized nest-trees in our national forests, we must do more to assure a continually favorable habitat for these rare woodpeckers.

It is essential that we act now to preserve the Big Thicket as a national park for the benefit of the people of the Nation, and to preserve the habitat of the red-cockaded woodpecker, one of the several endangered species which resides in the Big Thicket.

BISHOP PROCESSING CO. CHICKEN RENDERING PLANT CLOSED

Mr. BOGGS. Mr. President, this past week marked a significant event in the Nation's fight against air pollution. The first case brought under the Clean Air Act of 1963 culminated in the closing of a chicken rendering plant in Bishop, Md. This event will bring to the residents of nearby Selbyville, Del., air that is free of the stench of a chicken rendering process.

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It may prove instructive if I can recount for the benefit of Senators some of the history of this landmark case. This case has importance in the law, and it has importance as an example of the perseverance of citizens seeking redress through their government.

The case began in 1955, when the Bishop Processing Co. opened a chicken rendering plant in Bishop, Md. The plant rendered waste chicken parts, turning this material into feed supplements and fertilizers. It is worth noting that these waste chicken parts are known as offal. That word is pronounced the same way it smells—awful.

Newsweek magazine once used this description in reference to Selbyville:

> (An) obnoxious atmosphere envelops the town with the consistency of a damp blanket and the aroma of rotten flesh.

When the breeze came from the south, these odors assaulted the citizens of Selbyville, Del. Yet, it was an assault for which the residents of Selbyville had no legal remedy at first. The State line divided the citizens of Selbyville from the odor source.

Several unsuccessful attempts were made to reach a settlement in the 1950's. Then in 1963, I had the honor to cosponsor with many Senators the Clean Air Act. The Subcommittee on Air and Water Pollution, on which I have the honor to serve as ranking Republican member, reported this legislation, which became Public Law 88-206.

The legislation gave to the Secretary of Health, Education, and Welfare the authority and responsibility to act in cases of interstate air pollution endangering health and welfare. Dr. Floyd Hudson, chairman of the Delaware State Board of Health, advised the Department of Health, Education, and Welfare in mid-1965 that residents of the State were endangered by air pollution originating from the Bishop Processing Co. rendering plant.

Under the Clean Air Act, the Secretary of Health, Education, and Welfare on November 9-10, 1965, summoned a conference to study the air pollution problem. This conference heard evidence of the damage as a result of pollution from the Bishop plant to businesses in Selbyville and the prospect for industrial growth. The periodic stench undermined the property values. Many Selbyville residents reported constant nausea at the times of the smell. It may be significant that Selbyville had been the only town in the rapidly growing State of Delaware that has reported no increase in population recently.

Under section 5 of the Clean Air Act, the Department of Health, Education, and Welfare then recommended methods for curbing the pollution. Under the plan developed at the November 1965 conference, the Bishop Processing Co. promised to install effective control equipment by September 1, 1966.

This equipment was not installed. Under the provisions of the Clean Air Act, the Secretary of Health, Education, and Welfare then summoned a public hearing on the case. The company again failed to take prescribed corrective steps.

So the Justice Department filed suit against Bishop Processing Co., the first suit under the Clean Air Act. It asked the courts to order Bishop to halt operations or install pollution control devices. The company agreed, in a consent decree, that it would clean up its pollution or cease operation.

But the company continued its uncooperative tactics, and the citizens of Selbyville continued to suffer. The Government went back to the court with evidence of pollution from the Bishop Plant. But in March 1969, U.S. District Court Judge Roszel C. Thomsen, of Baltimore, described the documentation as inadequate.

So many residents of the Delaware community last summer maintained logs of odor occurrences to document their case. With these records as well as physical documentations prepared by experts, Judge Thomsen last October ordered the plant to cease all manufacturing and processing operations. On appeal, Judge Thomsen's order was upheld by the Supreme Court.

The culmination of this long and tortuous case occurred at 3 p.m. last Thursday, when the U.S. marshal placed a sign on the plant announcing its closing.

But the citizens of Selbyville had to suffer to the last. The odor that assaulted the town the evening before the plant's closing was described by the residents of Selbyville as the worst in a long, long time.

> They pulled out all the stops—

Mayor Carl P. Lekites, Jr., mayor of Selbyville told me last week—

> It was rank. I guess they were finishing up a batch.

It is to be hoped that this case, so long and frustrating, will serve as an example that will save other Americans in other towns from the shroud of pollution. It is to be hoped that other companies will not prove so insensitive to public welfare as the Bishop Processing Co.

Yet, I must add my hope that other communities will, in times of adversity, demonstrate the perseverance and community action shown by the citizens of Selbyville.

This case demonstrates that citizens can and will be heard in the protection of the rights for a good environment.

IT IS NOW 197 DAYS WITH NO ACTION FROM THE JUSTICE DEPARTMENT IN THE FITZGERALD CASE

Mr. PROXMIRE. Mr. President, it has now been 197 days since I first wrote to Attorney General Mitchell, requesting an investigation of the Air Force's handling of the Fitzgerald case.

Ernest Fitzgerald, the former Air Force cost-efficiency expert, was threatened and intimidated by the Air Force both before and immediately after he testified to the Joint Economic Committee about the vast overruns in military weapons procurement. His ultimate payoff for his candid testimony to Congress was dismissal from his job.

Although it is a clear violation of the criminal code to "influence, intimidate or impede" a witness who is appearing before a congressional committee, or to "injure" a witness on account of his having appeared—18 United States Code 1505—the Justice Department to date has not made a single move toward prosecuting those who perpetrated this crime.

Nor does it now appear likely that any action will be forthcoming from the Justice Department—at least, not in the forseeable future. I have just had a reply from Assistant Attorney General Will Wilson indicating that the Department contemplates no action whatsoever in this case until a civil case before the Civil Service Commission involving Mr. Fitzgerald is completely wrapped up.

Just what one case has to do with the other completely escapes me. One case is civil, the other is criminal. One case involves an action for reinstatement and a request for back pay, while the other involves the commission of a crime punishable by up to 5 years in jail and a $5,000 fine. Even if the Commission grants the request for reinstatement, this would not expunge the crime in any way. Is a bank robber's crime expunged if he returns the money?

Just how long does the Department expect to wait in this case? For example, suppose the Civil Service Commission case is appealed from the hearing examiner to the full Commission. Does the Justice Department plan to await the outcome of that appeal before proceeding? Or suppose the case is then appealed to the U.S. district court: Will the Department continue to stand idly by and wait?

Mr. President, just how long does the Department of Justice intend to wait in the wings on this case?

Mr. President, I ask unanimous consent that the Department's letter of June 4, 1970, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JUNE 4, 1970.

Hon. WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: This is in further reference to your letter of April 16, 1970, relating to Mr. Warren Z. Weinstein, an employee of Project Crossroads, and to your letter of June 1, 1970, concerning Mr. A. Ernest Fitzgerald, a former employee of the Department of the Air Force. We have kept in touch with developments in both of these matters.

With reference to Mr. Weinstein, the facts show that Mr. Weinstein's services with Project Crossroads were not terminated on April 15, 1970, as indicated in the memorandum from Mr. Leon G. Leiberg, dated April 1, 1970; rather the proposed personnel action was modified and Mr. Weinstein was placed on leave with full pay for three weeks. On May 27, 1970, we received written evidence showing that Mr. Weinstein returned to active duty with Project Crossroads without prejudice or loss of pay or privileges. These facts, in our view, do not afford a satisfactory basis for a successful prosecution under 18 USC 1505 or any other Federal law.

Concerning the matter involving Mr. Fitzgerald, our records reflect that we submitted progress reports to you on this matter on December 30, 1969 and February 18, 1970, and on the latter date you were advised that we planned to obtain and review any transcripts or rulings prepared by the Civil Service Commission on Mr. Fitzgerald's appeal to the Commission regarding the Air Force action in abolishing his position. As you know, the issue of whether Mr. Fitzgerald, like Mr. Weinstein, is legally entitled to reinstatement to duty with the Air Force may be resolved in that proceeding. Accordingly, in order to insure fundamental fairness to Mr. Fitzgerald in connection with his present appeal, further comment, or action by the Department at this time, is believed inappropriate.

Please be assured, however, that at the conclusion of the proceedings before the Civil Service Commission, the Department intends to review the transcripts as well as any other evidence submitted relevant to this matter.

Sincerely,

WILL WILSON,
Assistant Attorney General.

SUPPORT FOR THE PRESIDENT

Mr. DOLE. Mr. President, the tremendous support that President Nixon is receiving for his Vietnamization program is demonstrated by the wide range of Americans who back him. From business executives to construction workers, strong vocal support continues for the President's policy of disengagement in Vietnam.

The noted labor columnist, Victor Riesel, recently pointed out the strong backing that the administration is receiving from the labor movement.

Mr. President, I ask unanimous consent that Mr. Riesel's May 25 column be printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

NIXON ON THE PHONE: SOME LABOR SWINGING TO NIXON-AGNEW—NOW PLANNING MASS MARCH ON WASHINGTON TO BACK THEM

(By Victor Riesel)

NEW YORK.—Until last Thursday, the only other call from an American president ever received by the quicksilverish bantam longshoremen's chief, "Teddy" Gleason, came away back in 1961. It was Jack Kennedy. He asked Mr. Gleason to call off a waterfront strike. Irish tempers sputtered. The dockwallopers' leader said no.

Last Thursday evening, at 6:20 to be exact, Mr. Gleason got his second presidential phone call. It was Richard Nixon. The President, in effect, urged Mr. Gleason to strike out for peace by backing his Indochina policy with further demonstrations such as that which had filled City Hall Square with more than 150,000 working unionists the previous afternoon. "Teddy" Gleason listened to five minutes of cool and calm presidential briefing on enemy material captured in Cambodia. Then Mr. Gleason said yes, there would be other affirmations of support.

A few minutes earlier President Nixon had spoken to the number one "hard hat," Peter Brennan, by long distance prone. Mr. Nixon had thanked him for organizing the massive demonstration. "Pete" Brennan listened and then told the President the building and construction workers were with him on foreign policy "all the way."

Mr. Brennan, of course, cannot speak for all the nation's hard hats—or labor. There are hundreds of influential labor leaders, such as the head of the Western Conference of Teamsters, Einar Mohn, and construction union chiefs who are for swift withdrawal of American troops from Vietnam and Cambodia. Among these leaders are ironworkers, carpenters, boilermakers, painters—the counterpart of those who drew 150,000 into the line of march here under the most concentrated collection of flags ever carried in a parade. There is no doubt of the prestige and influence of Mr. Mohn and others opposing Mr. Nixon's foreign policy such as the United Automobile Workers, meat cutters and butcher workers, teachers, et al.

But they are in a minority—albeit a vocal one since among them is Jerry Wurf's militant municipal employes union.

The power and, for the moment at least, the glory are with Mr. Brennan and such colleagues as Ted Gleason.

They are organizational pros—and no doctorate has yet been written to match their virtually instinctive sense of strategy despite their lack of formal education.

Now they plan to set themselves up as ad hoc, as did the New Mobe. They are analyzing their chances for putting half a million workers in Washington, D.C., with a mass march on the capitol.

And if they lobby—as they do each year when they put 4,000 delegates into one mammoth legislative session—the Congress will know it has been lobbied. And if they demonstrate in the general area of the White House, the President will not need to strain himself to hear their roars. But if they can't get half a million, they won't go in.

However, the drama of the hard hat—critics of which are trying to turn it into a totalitarian steel helmet symbol—has obscured the full significance of the workers' own mobilization.

The men who organized the demonstration, and who are planning other shows of strength as proletarian street people, are the inner complex of labor's Committee on Political Education (COPE).

Certainly there are other sophisticated political unionists such as the ladies' garment workers' Lou Stulberg, who is an apple pie as well as a bread and butter labor leader. Mr. Stulberg is a progressive Democrat and disagrees sharply with Mr. Nixon. But it was the hard hat 3.5 million-member building and construction trades combine—with their allies such as the building service unions—which developed the 1968 infra-apparatus wherever the Democratic Party machinery collapsed. And the party had big enough physical and financial holes in it through which you could move the Houston Astrodome.

Now many of these workers—obviously polarized by the neo-left extremists as well as the legitimate dissenting demonstrations—are warming up to Mr. Nixon and to Spiro Agnew. And all this has the Democrats liberal labor bloc considerably disturbed.

Slowly labor invitations to speak to open a medical center, to attend an officer's installation are being extended to the Vice President. If this swing to a rapprochement with the Nixon-Agnew alliance develops as it is, it will be difficult for the COPE to whip up antagonism, money and manpower for the fall assault on the Nixon-Agnew team.

It could cost some antiwar Congressional candidates their seats in both houses. Labor's political specialists believe they already have lost one powerfully placed ally—Ralph Yarborough, chairman of the key Senate Labor and Public Welfare Committee, his strategic position.

At the last AFL–CIO Executive Council session in Washington two weeks ago, COPE chief Al Barkan delivered a confidential 45-minute analysis of the Texas senator's defeat in the primaries. When Al Barkan is with his peers (and chief) he isn't the whizbang propagandist of the hustings. He's a realist. And he said that Sen. Yarborough had turned off many labor, liberal and ethnic groups by backing the antiwar moratorium. Also, said Barkan, Mr. Yarborough had been outspent. But basically it was the senator's pacifist position. As an example, political strategist Barkan cited one county which labor always carried by a majority of thousands. In the May 2 primary, candidate Yarborough carried it by only some 90 votes.

And now the labor movement seems to be swinging from a hate-Nixon posture to at least benign neutralism. The President would gain even from benign neglect.

If the liberal-labor coalition loses a handful of seats in both houses, the entire industrial relations picture changes like a portrait of Dorian Gray.

Indeed there is significance in what develops with the labor men for whom Mr. Nixon's telephone bell tolls.

GALLUP POLL SHOWS PRESIDENT'S POPULARITY UP AGAIN

Mr. HANSEN. Mr. President, the Gallup poll continues to show solid support in the United States for the way President Nixon is doing his job. The President's rating with adult Americans has steadily climbed over the past several months, from 56 percent support prior to the attack on Cambodian sanctuaries to 57 percent shortly after that positive action, to 59 percent in the latest tabulation.

While the Louis Harris poll has been consistently lower than the Gallup poll, I notice this morning that it, too, gives the President majority support. Even if we split the difference between the Harris 51 percent and the Gallup 59 percent, it still gives President Nixon 55 percent support nationally.

The Gallup poll does not need much

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comment; the figures tend to speak for themselves. They point up, however, one important aspect of modern America: There is a loud minority which is apparently very much at variance with what most Americans feel.

One further comment, and this does not concern the poll itself but rather the way a morning newspaper yesterday handled the story. The paper carried the headline: "Nixon Gains Support Despite Cambodia."

The figures belie that headline. May it not really be that President Nixon is gaining support because of Cambodia, not despite it?

I ask unanimous consent that the poll be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE GALLUP POLL: NIXON GAINS SUPPORT DESPITE CAMBODIA

(By George Gallup)

PRINCETON, N.J.—President Nixon has registered steady gains in popularity over the last two months. In the latest survey, completed prior to his report to the nation last Wednesday on Cambodia, 59 per cent of adults expressed approval of his performance in office.

The previous survey, conducted soon after the President's announcement on April 30 of his decision to send troops into Cambodia, showed him with an approval rating of 57 per cent, up a point from his pre-Cambodia rating. The President's ratings have climbed steadily since late March when his popularity had hit its low point to date, 53 per cent approval.

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The high point, 68 per cent, was recorded after his speech last Nov. 3 in which he spelled out his plans for troop withdrawal.

One factor helping to explain the latest survey result is the overwhelming (5-to-1) opposition of the adult population to recent student strikes that focused on Mr. Nixon's Cambodian action.

Another factor that undoubtedly is helping sustain the President's approval rating is his policy of "Vietnamization"—the staged withdrawal of U.S. troops as South Vietnamese forces are trained to take over the fighting. This plan has been popular with the American people for more than four years, as reported in numerous Gallup Poll surveys.

President Nixon is accorded a higher popularity rating than his predecessor, former President Lyndon B. Johnson, at a comparable point in time.

A year and a half after President Johnson took office, in January, 1965, for his first full term, his approval rating stood at 47 per cent. Shortly after Mr. Johnson began his second term, the U.S. greatly stepped up its commitment in Vietnam.

A total of 1,509 adults were interviewed in person in the survey that covered more than 300 scientifically selected localities across the nation. Field work was undertaken May 22–25. Following is the question asked and the trend since January:

DO YOU APPROVE OR DISAPPROVE THE WAY NIXON IS HANDLING HIS JOB AS PRESIDENT

[In percent]

	Approve	Disapprove	No Opinion
May 22 to 25	59	29	12
May 2 to 5	57	31	12
April 17 to 19	56	31	13
March 20 to 22	53	30	17
Feb. 28 to Mar. 2	56	27	17
Jan. 30 to Feb. 2	66	23	11
Jan. 16 to 19	63	23	14
Jan. 2 to 5	61	22	17

President Nixon's popularity is greatest among whites living in the South, where approval outweighs disapproval 3-to-1. The President is least popular with Negroes, with disapproval outweighing approval by a 2-to-1 ratio.

The larger the community or city, the more likely the resident is to disapprove. In cities of one million people or more, 50 per cent express approval of the President's performance in office. In the smallest communities of the nation—those under 2,500—67 per cent voice approval.

THE CRISIS IN VETERANS HOSPITAL AND MEDICAL CARE

Mr. YARBOROUGH. Mr. President, on Friday, May 30, 1970, Memorial Day, a grateful Nation paused to pay tribute to men who have given their lives in defense of the United States. Unfortunately, in such tributes, we often overlook the many living veterans who have been crippled and maimed in these wars. More than 275,000 Americans have been wounded in the Indochina war. Approximately 50 percent of these men have suffered wounds which require hospitalization. The majority of these wounded veterans require the medical and hospital services provided by the Veterans' Administration.

During the past wars, we could take pride in the fact that our wounded veterans received the best hospital and medical care in the world. Unfortunately, that has not been the case during this tragic war. The VA has not received the funds it desperately needs to hire the medical personnel necessary to staff the 166 Veterans' Administration hospitals and 202 outpatient clinics and to construct new hospital facilities and improve existing ones to accommodate increased patient load. Consequently, many of our wounded veterans are not receiving the same standard of care that patients receive in community hospitals throughout the country.

The Veterans' Affairs Subcommittee of the Senate Labor and Public Welfare Committee, under the chairmanship of the distinguished junior Senator from California (Mr. CRANSTON), has for the last 6 months conducted extensive hearings on the standard of medical care being furnished to our wounded veterans by the Veterans' Administration. Based on the findings of the subcommittee, Senator CRANSTON has recommended that the appropriations for the Veterans' Administration for 1971 be increased by $189 million. Approximately $174 million of this request would be for the Veterans' Administration medical and hospital programs. As chairman of the Labor and Public Welfare Committee and a member of the Appropriations Committee, I am giving my full support to this request for additional funds. I believe that all our veterans owe Senator CRANSTON a vote of thanks for awakening the conscience of the country to this pressing problem.

Mr. President, two recent newspaper articles have described the crisis in the Veterans' Administration medical and hospital programs. Because of the importance of the subject, I ask unanimous consent that the article entitled "Medicine's War Role," written by Howard A. Rusk, M.D., and published in the New York Times of May 31, 1970, and the editorial entitled "Memorial Day, 1970," published in the morning edition of the Los Angeles Times of May 29, 1970, be printed in the RECORD.

There being no objection, the article and editorial were ordered to be printed in the RECORD, as follows:

[From the New York Times, May 31, 1970]

MEDICINE'S WAR ROLE: AID SPEEDED TO WOUNDED IN VIETNAM BUT VA SUFFERS LACK OF PERSONNEL

(By Howard A. Rusk, M.D.)

The Army, which accounts for more Vietnam war casualties than any other service, reports that more than 81 per cent of its wounded are surviving in Vietnam, compared with 74 per cent in the Korean War and 71 per cent in World War II.

Thus far, about 237,000 men in all the United States armed service in Vietnam have been wounded and have survived. About half the 237,000 had injuries so minor that they did not even require hospitalization.

In the case of the more severe wounds, the Army Surgeon General's office says that it is too early to make a "definite" assessment of the long-term effects.

However, after interviews with doctors and seeing some of the patients there is no question about the severity of the patients' wounds.

The speedy evacuation by helicopters of the wounded to forward aid stations averages about 17 minutes. This is the primary lifesaving factor for the severely disabled.

The Army says the category of "many multiple wounds" in which there was no single predominant location includes 20 per cent of patients in Vietnam, compared with only 2 per cent in Korea and 3 per cent, in World War II.

DURATION OF TREATMENT

Among the wounded Army personnel in Vietnam who are admitted to medical facilities, the average duration of treatment has been approximately 65 days a case. The corresponding figure for the Korean War was 93 days and for World War II, 129 days.

In Vietnam 2.5 per cent of the wounded Army personnel admitted to medical treatment facilities have died of their wounds. This is numerically similar to the 2.5 per cent recorded for the Korean War, but markedly lower than 4.5 per cent for World War II.

For example, the number of Army personnel with major amputations resulting from wounds who were admitted to amputation centers in this country represented 2 to 2½ per cent of the total hospitalized wounded. So far, for Vietnam the corresponding proportion is about 1 per cent.

Of the total numbers of surviving wounded, the percentages were 70.7 during World War II, 73.7 in the Korean War and 81.4 in Vietnam.

CUT IN ADMISSIONS

Even though the terrain in Vietnam has been the most difficult in any war with all types of exotic tropical diseases, endemic hospital admissions in Vietnam for disease and known battlefield injury have been 25 per cent lower than in the Korean War and less than half the rate for the European theater, in World War II.

These figures are heartening and great credit goes to our medical services. However, figures are cold and if one has the opportunity to see first-hand the more than 7,000 soldiers separated from the service for disability or those now in Vietnam and United States military hospitals, the problem would be put in bold perspective, more graphically than any figures can ever tell.

One of the most severely wounded men

ever reported in medical history was that of an 18-year-old Vietnam veteran.

He was in combat less than two years when a high-velocity shell took away his one kidney, several feet of his intestinal track and half of his pelvis. He would have been dead had it not been for the helicopter.

After hours of surgery, gallons of blood and tremendous doses of antibiotics his life was saved.

UNUSUAL SURGERY

After more than a year of hospitalization it was determined that he would never have any real life because of continuing bone infection and complications without the most radical surgery procedure known to medicine, a hemicorporectomy, the removal of half of his body. It was done, and he survived—the third such patient in medical history and the first war casualty to survive such surgery and be rehabilitated.

In spite of his tremendous problems, he had the great desire to live. He was fitted with new modern prosthesis. He learned to walk, go up and down steps, was taught to drive a car and in less than six months after his surgery, returned home to go back to school. It's easy to forget, but after World War II there were no rehabilitation services in the Veterans Administration. Everything started after 1945.

The VA now has an excellent hospital complex with special centers for spinal cord injury, brain-injured patients, the blind, amputees, with services including vocational and educational counseling, psychological evaluation, vocational and educational training guidance, available for these severely disabled men. They have the hospitals, they have the equipment, but they just do not have enough people or funds to get them.

Recent hearings by the chairman of the Subcommittee of Veterans Affairs, Senator Alan Cranston, have brought out the tragic lack of personnel in the Veterans Administration, the inadequacy of its present job and the amount needed for its adequate support.

These boys who have lost their limbs, had their extremities paralyzed and their brains damaged in an unpopular war thousands of miles from home deserve everything that a grateful nation can give them, regardless of how one feels about the war. This fact is self-evident.

The Veterans Administration must have adequate financial help now if it is to provide "medical care second to none."

[From the Los Angeles Times, May 29, 1970]

MEMORIAL DAY, 1970

(Issue.—In these difficult times of national dissension, about the war, how might one appropriately mark Memorial Day?)

This will be the saddest of Memorial Days.

More than 42,260 American servicemen have died in Indochina, and the war continues. And as it continues, the country remains divided as to whether it should continue.

There once was a time—it seems long ago now—when Memorial Day was an occasion on which the nation could unite in paying honor to the men who died in service to a cause all of us agreed was just. But tomorrow the profound disagreements that wrack the country over this present war will appear in Memorial Day commemorations: there will be antiwar rallies, and there will be demonstrations in favor of the Administration's policy in Vietnam. Such is our condition that Memorial Day has become political.

But we suggest that, just for a moment or two, we all set aside our feelings about the war and think about those who have died there.

They fell in obedience to a great working principle of this democracy: that there are times when this country requires its citizens to risk their lives, and to lose them, in defense of the nation. To those who gave their lives at the will of their fellow citizens the nation has always paid most solemn tribute. How much more profound is the honor due now to the memory of those who have fallen in dutiful service to a nation uncertain of its purposes.

We suggest also that Memorial Day be taken as the occasion to think a little about those who went and came back, but came back dreadfully hurt in spirit or body. It has always been another principle of this democracy, as Lincoln said, "to care for him who shall have borne the battle."

This war has seen the best care for the wounded of any war. On the battlefield and in the military hospitals the nation has provided extraordinarily good medical services. But the Senate subcommittee chaired by Sen. Alan Cranston (D-Cal.) has been raising troubling questions about the quality of the care provided those wounded men, and veterans of other wars, in the hospitals of the Veterans Administration. To date 275,000 men have been wounded in Vietnam; one in seven will undergo some treatment in a VA hospital.

That care is deficient in at least some hospitals has been established.

What is self-evident, we believe, is that this country can do no less than to give, without stint, the best care that can be had to the men wounded in Vietnam. If money is the problem, why then the money must be supplied. We have plenty of it for lesser things.

In thus caring for the living, we honor the dead.

CAMBODIA OPERATION

Mr. FONG. Mr. President, I ask unanimous consent that a speech on the Cambodian operation which I delivered last week before the Honolulu County Medical Society be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

CAMBODIA OPERATION

(Statement of U.S. Senator HIRAM L. FONG)

It is a pleasure to be here with you this evening. It is good to be home, to greet old friends, and to make new ones.

We all know that the times are more than usually serious, and that we must face the crucial issues posed by the Indochina War. As a United States Senator, I think I would be remiss were I to forego this opportunity to discuss these matters with you and with the people of Hawaii.

As traumatic as the events of recent weeks have been, I believe future constitutional scholars may find much to write about concerning the constitutional questions that have been raised. Congress and the Nation are currently grappling with basic Constitutional questions of Presidential and Congressional prerogatives. The power to involve our nation in war, once securely within Congress' grasp, for all practical purposes has been exercised in our time by the President of the United States. We must now determine whether Congress should reclaim some of this power, and, if so, how.

Looking back with the benefit of hindsight, I believe that the Congress has abdicated its Constitutional duty to take a real part in the decisions that lead the nation into war.

I am not prepared to say just how far we must go to right the balance. This is not a matter to be decided lightly or in haste. In our Constitution, the Presidency as structured to provide a single focal point for decision; its strength is the capacity for speed, decisiveness, and for providing day-by-day control of operations. The Congress, on the other hand, operates through deliberation and compromise among many equals.

This suggests to me the broad outlines of a sound division of powers. The President must remain in full control of military operations; there can be no meddling by Congress in those areas that require speed, decisiveness and often secrecy. Where a decision entails momentous changes in the nation's course—I am thinking, for example, of an open-ended commitment that could lead to armed conflict—the Congress should insist upon its right not only to be fully informed, but to give its assent before the nation is irrevocably set upon a new course.

There may be occasions when there is too little time for full Congressional participation in even major decisions. An atomic confrontation would be one such. Drawing the line between major decisions and less important ones will be extremely difficult in practice. But we must begin to wrestle with these problems, for until we solve them we will continue to bring less than our full measure of wisdom and responsiveness to some of the most important decisions we must make as a nation.

Of course, these Constitutional problems are not before us in any abstract way. As you all know, amendments have been introduced in the Senate that would use Congress' power of the purse to cut off necessary funds unless the President conducts the war in a certain prescribed fashion.

I have spoken out against the Cooper-Church Amendment and I will oppose the McGovern-Hatfield Amendment, which would force the President to remove all United States troops from Vietnam on a rigid predetermined schedule.

I will oppose any attempts to circumscribe the President's powers as Commander in Chief of our armed forces when we are at war.

I am sure that the proponents of these amendments are sincerely concerned with the Constitutional problems that I have been discussing with you. They might be surprised at the areas of agreement that I have with them on these broad issues.

But they ignore one vital fact: we are not talking of a choice of whether to enter a war, we are already at war and have been for years. This war may not be a de jure war—one declared by the Congress—but few would argue it is not a de facto war—a war in fact.

Since coming to office, President Nixon has withdrawn over 115,000 troops from the more than half a million that were in Vietnam. He has pledged to withdraw another 150,000 men by April, 1971.

It is the President's responsibility, and his alone, to insure the safety of our fighting men while these withdrawals are under way. This may often require quick decisions, and decisions that cannot be debated publicly in advance. We cannot infringe on the President's right to make these decisions without jeopardizing the lives of American fighting men.

The proponents of the Cooper-Church Amendment, which basically would forbid the President to retain American troops in Cambodia after July 1, argue that they only wish to write into law the timetable that the President himself has set up. You don't have to be a constitutional scholar to know what that means. These men would have the Congress say, Mr. President, we have heard what you said, we have heard your pledge to limit American participation—but we don't trust you. Besides, we have so construed your constitutional powers in this instance as going no further than what we say it is, even to the point of your not being able to protect your own troops.

I will not be a party to any such slur on the credibility of the President before he has had a chance to prove he is credible, nor will I restrict his constitutional powers so as to endanger the lives of our 400,000 men in Indochina.

Throughout the weeks since the President's

April 30 speech, students have thronged to my office, as they have to to those of every political official in Washington. The mail has been so heavy that the postal facilities have fallen days behind. I have seen group after group of these visitors and read many hundreds of letters.

The message has been simple: End the war! Here are some examples:

"No more Kent States. No more Vietnams. I urge you to vote against the war, now!"

"Please support the Amendment to end the War."

"War is immoral."

"I vote for peace."

The level of emotional involvement is high. One letter tells of a California student who deliberately burned himself to death, wearing a sign that said, "In God's name, end the war!" Another from a school-mate of my college-age children, Marvin and Merle-Ellen, asks me to imagine them being killed at Kent State or in Vietnam.

I join wholeheartedly in the longing to see an end to this war. I know of no American who favors the war in Vietnam or Cambodia. I know how it affects students, their parents and their loved ones. It affects me in the same way, as a father whose oldest son has already served in Vietnam, and whose two other boys may follow in his footsteps if the war continues. But I cannot accept the easy answer that we must give up precipitously. The hard truth is that running from a problem doesn't solve it. When the inevitable reckoning comes, the cost of irresponsibility is tragically higher than that of acting resolutely and with respect for our word.

We can only withdraw responsibly.

Some of the letters I received urged me not to support continuance of the war merely to save "face." I would not risk a single American life for face-saving, and I know that the President would never do so either. The issues, unfortunately, are not so simple. The President has pledged to take us out of Vietnam. He has moved consistently in that direction. He went into the enemy sanctuaries in Cambodia because it was necessary to do so in order to safeguard the lives of his troops and also to insure the success of his Vietnamization program. In talking with the many visitors I have seen in the last few weeks, I urged them to give fair consideration to the facts that support President Nixon's course of action. I invite you to do the same now.

Again, to clear our minds for a fair consideration on this very emotional question, we must go backward a bit in time.

We hear from many critics about what a mistake it was for this country to become involved in an area that is not important to our national interests and to correct that mistake we must move our troops out immediately or on a fixed date. Let us review briefly the history of how and why we extended our aid and then our presence into Vietnam.

Since World War II disrupted the former patterns of power and influence in the Far East and left the United States as the principal representative of the non-Communist world there, five Presidents, three Democrats and two Republicans, have acted to prevent a Communist takeover of South Vietnam. Even as the U.S. involvement grew, public opinion supported our policy. For example, one of the turning points in the escalation of the conflict came in 1964, and only *two* of the *535* Members of Congress voted against the Tonkin Gulf resolution, a very broad endorsement of the President's course. I well know that there are many who say they regret that vote, or claim they were misled. This may be so; I have no wish to raise those issues here. My point is simply that there was an overwhelming vote of confidence in the Presidential course of increasing involvement at that time.

A Gallup poll taken in August, 1965 revealed that 61% of the American people thought sending troops to fight in Vietnam was a correct decision. Only 24% said it was a mistake.

In 1967, 72% of the citizens of Hawaii who responded to my poll said that loss of South Vietnam would lead to a Communist takeover of all Southeast Asia. As lately as the spring of 1969, the vote was 52.9% to 31.5% *against* unilateral U.S. withdrawal from Vietnam.

So it is not some little group of warmongers that decided Vietnam and Indochina are important to the United States. For some twenty years, five Presidents, Congressmen and Senators of both parties and the majority of the public have agreed that we could not abandon the people of this area. Besides, many national leaders, in Southeast Asia including those who chose a neutralist stance for their countries, have urged us to maintain our presence in the Asia-Pacific area as a counterweight to the Communists. It will do no good to curse our past decisions or to absolve ourselves from them. We must look to the future and move to withdraw responsibly from what has become a terribly costly and divisive war for all concerned.

According to some critics, President Nixon is not really interested in withdrawing, but is still clinging to the hope of military victory. I cannot see how they manage to reach this conclusion in the face of the President's record since taking office. Not only has he withdrawn over one hundred thousand troops and promised to withdraw 150,000 more, but he has offered to speed up the rate of withdrawal still further if the other side will make similar pledges. He has repeatedly said that we favor a negotiated end of the war. He has never demanded surrender or talked of total victory.

In short, I see no use in setting up a straw man called military victory and then knocking it down, as some of the proponents of rigid withdrawal schedules have tried to do. This Administration is under no illusion that it would be wise to turn loose our awesome power in Indochina and batter the enemy into submission. This Administration has not moved in that direction, and will not. Only those who do not wish to understand the President's stated purposes continue to insist that there is a danger of uncontrolled military escalation.

Finally, the critics of the President's Vietnamization policy insist that we must set a date in advance for withdrawal of our troops. Without this, they claim, we will have no settlement, but an endless war. They claim that an irrevocable announcement of our withdrawal would bring a reasonable negotiated settlement, safe withdrawal and an end to divisiveness in the United States.

These claims are attractive, but I fear that they cannot stand up under examination. Negotiations can succeed only when both sides, not just one side, are pushed toward agreement by the prospect of some benefit. If the forces opposing us have only to wait for a year or so to win their goal, they will have little incentive to seek it at the bargaining table.

The safety of our troops would be jeopardized if they were tied to a prescribed schedule for departure. The President, as Commander in Chief, must act to protect the men under his command. What would become of a Congressionally decreed timetable if the enemy tried to take advantage of it to administer a bloody and humiliating defeat on our departing forces? Obviously the President would have to take all military steps necessary to meet the threat, including a halt to withdrawal, on his own authority as Commander in Chief.

A resolution introduced in the Senate recently illustrates the futility of trying to direct military operations from the Senate chamber rather than the command post. The resolution sternly forbids use of funds for "offensive operations" by U.S. forces in Vietnam after a certain date, but allows expenditures "for the secure and orderly withdrawal" of our troops. I am sure that the neat distinction of the Washington drafters becomes much less clear in the field where there is a threat of attack. No President will order his commanders to wait for the enemy to strike from ambush to prove that we are not the attackers.

Those who would abandon Vietnam by a certain date, come what may, have particular difficulty answering what would become of the South Vietnamese people after the magic day. They keep saying that "bloodbath" is a scare word, and our fears are exaggerated. But there is hard evidence of the dangers that confront Vietnamese anti-Communists in the mass graves of Hue. In a few days of methodical, planned terror, 5,700 South Vietnamese who had the misfortune to be on lists marked for vengeance were murdered. There is strong reason to believe that this awful slaughter would be repeated in cities and hamlets throughout South Vietnam if we left the enemy a clear field to grasp control of the country. Douglas Pike, a leading government expert on the Vietcong, cites 15 categories of citizens marked for systematic extermination by the Communists once all foreigners are expelled. As many as three million people might die in such a purge, Pike estimates.

An estimated six to 10 million Chinese—landlords, so-called "petty bureaucracy," small merchants and others—were killed in the period of Mao's accession to power, according to testimony before the Senate Foreign Relations Committee. A British journalist has estimated that more than 45 million people perished in Russia since 1917 through deaths in concentration camps, famines, political purges, civil wars and campaigns against wealthy peasants.

I wish I could believe the hopeful statements that the enemy will refrain from using its power simply because the Americans decide to leave by a certain date. One of the leading proponents of a rigid withdrawal schedule says that all sides would have a "strong incentive" to compromise peacefully because otherwise they could "look forward only to continued conflict and disruption." Nothing in the history of this war suggests that the enemy would shrink from a final battle, after years of costly and inconclusive fighting, if they saw a good chance to subjugate South Vietnam. Rather, it is the President's Vietnamization policy, based on withdrawing at the maximum pace consistent with development of South Vietnam's capability to defend its own territory, which gives a realistic possibility of convincing the enemy that they would gain more from negotiation than continued fighting.

Apart from its effect on the South Vietnamese, we must ask what a precipitous withdrawal would mean for the standing of the United States in Asia and throughout the world. This nation has declared that it has a stake in Asia.

This was the basis for all the sacrifices we have made in Vietnam. Now the President has set out a policy that will allow us to maintain a strong and sound position, in partnership with the other free nations of Asia, without again sending hundreds of thousands of American boys to fight a ground war on Asian soil.

It is the President's intent to withdraw American troops from South Vietnam—but at a rate consistent with the security of U.S. troops and the assumption of the former U.S. fighting role by South Vietnamese forces. This is an action that will be to the ultimate benefit of South Vietnam as well as the United States. By withdrawing in a responsible manner, we will show that this nation stands by its pledges, and we will also pave the way for an increase in American influence throughout Asia toward peace.

XUM

No matter how good its intentions, Congress cannot possibly determine the rate of withdrawal that will achieve these ends. Only the President, as Commander in Chief has the capability and the authority to assess the situation as it develops and respond to it.

If we simply withdraw as quickly as possible, or set a specific date for withdrawal, we abandon the South Vietnamese who have fought with us, and the concept of national interest that brought us to Indochina years ago. The lessons of such a policy would be quickly learned, both by our allies and our enemies: that the United States assumes no obligation to its allies, but acts only for its own narrow interests; and that the United States lacks the resolution to uphold its national interests even while pursuing new policies that will prevent future involvements on the Vietnam pattern.

In a world where the United States is involved in the fortunes of many nations, and tied to friends and allies by literally scores of treaties, our credibility must be maintained. Only by permitting the President to withdraw from Vietnam at a rate set with regard to the welfare of our troops and our allies—a rate that is responsible—will we retain that essential credibility.

It is primarily in the context of the Vietnamization program, the protection of the lives of our American men in Vietnam, and the desire to withdraw responsibly, that we can understand why the President ordered a limited attack on Communist sanctuaries on Cambodian soil.

It was in 1965 that North Vietnam began to use sizable parts of eastern Cambodia as part of its strategy for waging war in South Vietnam. Areas as deep as 20 miles into Cambodia along the frontier with South Vietnam were turned into tactical sanctuaries for Communist troops.

Cambodia during this period continually proclaimed its neutrality. Increasingly, however, Cambodia complained of the Communist presence on its soil. In December 1969, Prince Sihanouk warned the people of Cambodia about the danger of associating too closely with Communists.

Within the last year the defeats suffered by the Communists in South Vietnam forced them to shift to a strategy of protracted war, which made the Cambodian bases essential to them.

There, safe in sanctuaries, they could wait out the U.S. troop withdrawals under Vietnamization, stage occasional forays or "high point" military attacks into South Vietnam, and support the Communist infrastructure and local forces left behind in South Vietnam.

In the spring of this year, anti-Communist demonstrations erupted in the capital city of Phnom Penh, and shortly afterward Prince Sihanouk was deposed as Chief of State by unanimous vote of the National Assembly and the Council of the Kingdom. General Lon Nol, who remained as Prime Minister, took over control of the country.

The Communist side did not sit idly by and simply watch these internal developments in Cambodia. In addition to rejecting Cambodian requests to negotiate withdrawal of their forces, they joined forces with Prince Sihanouk, pledged unity and reciprocal support and rejected international proposals for a conference on Cambodia or Indochina.

More ominously, they sent their troops westward from the sanctuary areas in attacks on Cambodian villages and towns. Simultaneously, they began to link up their areas of sanctuary. Their aim was obvious: to have a 600-mile corridor at least 20 miles wide all along the Cambodian border with South Vietnam from the Laos border in the north to the Gulf of Thailand in the south. Equally obvious, if the Communists were to succeed in their efforts, Cambodia would become a vast enemy staging area and a springboard for attacks on South Vietnam along 600 miles of frontier—a refuge where enemy troops could return from combat without fear of retaliation.

That was the situation confronting President Nixon in late April. He met the situation head-on.

The President rejected the alternative of inaction, with its deadly result of leaving South Vietnam and our troops there completely outflanked. He also refused to commit the United States to support of the Cambodian Government, with the attendant possibility of greatly widening the war. The President chose to go to the heart of the matter and clean out major areas of Cambodia occupied by North Vietnamese and the Vietcong.

The combined strikes by U.S. and Vietnamese troops were from the beginning, and still remain, limited in extent, purpose and duration.

After just the first three weeks of the operation, more than 2000 tons of military hardware had been captured. That represents 500 more tons of weapons and ammunition than were uncovered in South Vietnam all last year. It included 14 million bullets which, if you will forgive a dramatic gesture, means 14 million bullets which will not be fired at our troops or the troops of our allies. In addition, enough rice to feed 15,000 troops for ten months was seized. That means no rice for at least one-third of the enemy forces estimated to be in Cambodia.

The net result has been to impair seriously the capacity of the enemy to wage war for perhaps between eight months to a year.

Two-thirds of the combat units operating now in the sanctuary areas of Cambodia are South Vietnamese. General Abrams reports in the highest terms regarding their effectiveness, organization, and soldierly qualities. Give them another eight months and they will be even better.

What goals does the United States seek through this limited operation to strengthen its policy of Vietnamization? Our ultimate aim is to convince the enemy that a settlement and end of the war is its best choice. We have proven by our action in Cambodia that the enemy cannot strike at us with impunity. Yet, we have shown repeatedly our desire to leave the peoples of this area to govern themselves as they choose.

We have stopped the bombing of North Vietnam except to suppress anti-aircraft fire on our unarmed reconnaissance planes. We have withdrawn 115,000 combat troops from South Vietnam and have stated publicly our intention to withdraw an additional 150,000 combat troops by next spring. We have offered to withdraw all our forces if they will withdraw theirs. We have offered to negotiate all issues with only one condition—and that is that the future of South Vietnam be determined by the people of South Vietnam, not only by North Vietnam and not by the United States. We have sat at the negoatiating table in Paris for more than a year, ready to undertake serious discussions.

The operation in Cambodia was, in essence, an earnest of our determination to leave behind a South Vietnam that can really defend itself and determine its own future and to allow us to withdraw responsibly. To those who think otherwise, I would ask, as Churchill did in England's finest hour: "What manner of people do they think we are?"

There is a basic inequity to suggesting that the Communists may violate Cambodian soil and from there shoot at our troops with impunity and immunity; but it is bad and alarming when we take action that is fully countenanced under international law to defend ourselves in depth—in modest depth, as is our limited action in Cambodia.

We are not going to be sucked into a wider war in Southeast Asia. The action in Cambodia was, and still is, designed to cauterize the enemy's sanctuary areas. This, in turn, will do more than protect lives of American young men. It also will bolster the Vietnamization program. And that, in turn, will mean bringing our combat forces out of Vietnam on schedule. Hopefully, it could do more. It is possible that it could shorten the war—a goal all Americans share with the President.

WOMAN IN WHEELCHAIR SUES TO BECOME TEACHER

Mr. DOLE. Mr. President, recently, Miss Judy Heumann, a young lady confined to a wheelchair by polio, filed suit in Federal district court in New York to become the city's first teacher in a wheelchair. An article entitled "Woman in Wheelchair Sues To Become Teacher," written by Andrew H. Malcom, and published in the New York Times on May 27, describes some of the details of Miss Heumann's case.

The publicity of this case should prove instrumental in enlightening employers across the Nation that reluctance to hire the handicapped is not based on solid reasoning. In today's world, many jobs are available, many of them progressively less and less physically demanding. Handicapped persons are capable of filling these jobs effectively. Documentation indicates increasingly that disabled workers are productive and competent, and favorably compare with the quantity and quality of work of able-bodied employees.

This suit is of special significance, in that it is the first civil rights suit of its kind filed in a Federal court. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

WOMAN IN WHEEL CHAIR SUES TO BECOME TEACHER

(By Andrew H. Malcolm)

Judy Heumann, a 22-year-old polio victim, filed suit in Federal District Court yesterday for the right to become the city's first teacher in a wheel chair.

Miss Heumann, who has passed the oral and written examinations required for a teacher's license here, charged that the Board of Education's refusal to give her a license discriminated against her because she was physically handicapped.

Her lawyers said the case was the first such civil rights suit ever filed in a Federal court. They hope to make it a test case for a series of suits across the country guaranteeing equal job and education rights for the physically handicapped, whom her lawyer called "one of our forgotten minorities."

The suit names as defendants the Board of Examiners and Acting Superintendent Irving Anker. It seeks a judgment that the examiners' procedures, which do not permit hearings or legal counsel, are unconstitutional and that Miss Heumann be granted a license and $75,000 in damages.

Miss Heumann, an honors graduate of Long Island University, said that in February the Board of Examiners notified her that she had failed the physical examination because of "paralysis of both lower extremities." On April 3 she filed an appeal but received no further word.

"I feel qualified to teach now," Miss Heumann said yesterday at a news conference at the Overseas Press Club, 54 West 40th Street, "and I don't want to wait."

PLEADS FOR TIME

She currently teaches remedial reading for the State Division of Youth, which does not require a license. She lives in her own apartment at 175 Willoughby Street in downtown Brooklyn.

Dr. Jay Greene, chairman of the Board of Examiners, said yesterday that Miss Heumann's appeal was "under active consideration," but that such basic studies took time.

Dr. Theodore H. Lang, deputy superintendent of schools, said Miss Heumann's case had prompted a thorough review of policy regarding employment of the physically handicapped in the city's schools. This is to be completed within about two weeks, he said. Miss Heumann's case is being delayed pending the results, he added.

It was understood that the study was included the possibility of issuing special licenses to handicapped persons.

The United Federation of Teachers is supporting Miss Heumann, and Mayor Lindsay is known to have written the Board of Examiners recently urging "a thoughtful and compassionate review" of the case.

Members of both the Board of Education and the Board of Examiners expressed sympathy for Miss Heumann's case yesterday, but said they also had to assure the safety of pupils, such as during fire emergencies.

ELECTRIC WHEEL CHAIR

Miss Heumann uses an electric wheel chair that, she said, enables her to move faster than those walking normally.

One of her lawyers, Roy Lucas of the James Madison Constitutional Law Istitute, said the case was "part of the very substantial civil rights movement of recent years." He mentioned, as one example, the recent employment by the city of several blind teachers.

Mr. Lucas said future suits would challenge unequal educational and service facilities for the physically handicapped around the country as well as discrimination in hiring.

XUM

HARPER'S MAGAZINE NARRATES HOW REPRESENTATIVE ECKHARDT SEEKS TO GUARANTEE JUSTICE FOR THE CONSUMER

Mr. YARBOROUGH. Mr. President, my friend BOB ECKHARDT has represented the Eighth District of Texas since 1967. During the past 3 years in the House, he has shown himself to be a Representative dedicated to furthering the realization of the American dream. The June 1970 issues of Harpers' magazine contains an article by Edwin M. Yoder, Jr., which points out that Mr. ECKHARDT has compiled an enviable record in the fields of industrial safety legislation, civil rights, arms control, conservation, and consumer protection.

The Yoder article examines the Representative in his various roles as a strategist, poet, cartoonist, consumer advocate, ombudsman, and legislative craftsman. Whether drafting a piece of legislation, or helping a constituent with a problem, it is evident that "ECKHARDT, of Texas," is a man not given to empty rhetoric and meaningless gestures. Recognizing that it is difficult to draft a durable, workable piece of legislation, he nevertheless holds to the belief that acts of Congress should flow carefully and logically from precedent to precedent in order to avoid cumbersome legislation with built-in obsolescense.

Mr. ECKHARDT has recently introduced a piece of legislation which exemplifies his ability to combine social concern with legislative craftsmanship. It has become fashionable in recent months to extoll the virtue of guaranteeing justice for the consumer in the marketplace. To recognize injustice is commendable, but we need remedies, not just exposés. Representative ECKHARDT is one consumer advocate with some answers, as embodied in his Consumer Class Action Act, H.R. 14585. Senators TYDINGS and MOSS have introduced in the Senate S. 3092, a companion to Mr. ECKHARDT's bill and the Nixon administration has an alternative "class action" bill of its own, S. 3201. A comparative account of these bills is found in an article authored by Representative ECKHARDT in the April-May 1970 edition of Trial magazine.

Petty fraud is today encouraged by the fact that it is common knowledge that the average consumer is not going to file suit over being bilked out of $50 when his lawyer's fees, court costs, and so forth, would preclude any possibility of recouping his loss. If, however, a number of similarly wronged consumers could aggregate their claims, civil action might be economically feasible, and deceptive practices in the marketplace might be effectively deterred. Mr. ECKHARDT points out that the Nixon administration's proposal, S. 3201, suffers from several shortcomings. Like many Nixon programs, the administration's bill sets up an aura of concern for the public interest which is designed to convince the consumer that he has an avenue through which to gain redress of grievances. In reality, the administration's program actually impedes quick, effective "class action" sought by groups of average Americans who deserve justice rather than evasive tactics.

Mr. President, I share Representative ECKHARDT's concern in this area, and would like to share these articles with Senators. I ask unanimous consent that the article found on pages 28 through 36 of Harper's June 1970 edition, entitled "ECKHARDT of Texas," be inserted in the RECORD. I also ask unanimous consent that the article, entitled "Federal Leverage," found on pages 14 through 17 in the April–May 1970 edition of Trial magazine, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From Harper's magazine, June 1970]

ECKHARDT OF TEXAS

(By Edwin M. Yoder, Jr.)

(NOTE.—Edwin M. Yoder, Jr. has been associate editor of the Greensboro Daily News since 1965. A native North Carolinian, he graduated from the University at Chapel Hill and from Oxford, where he was a Rhodes Scholar.)

When Representative Bob Eckhardt of the eighth district of Texas entered the U.S. House of Representatives in early 1967, he encountered a lot of problems—the cards are always stacked against the new boys, especially if they are already fifty-three years old and stand little chance of achieving seniority. But the worst problem was that his natural political allies in the House could not believe Eckhardt was a liberal.

In the first place, he speaks in the soft drawl of East Texas, and even after his real political sympathies had been suspected he would still horrify a correct Yankee liberal by going over to the Senate side to testify on a bill and bandying genial colloquialisms with people like Senator Sam Ervin, Jr. of North Carolina, laughing and saying things like, "But *Senatah,* isn't that like sending the possum to chase the *dawg?*" Usually there is a gold watch chain strung across the waistcoated paunch of his three-piece suit; and above the unvarying bow tie the vaguely Claghornish hair tends to tumble down to eye level. The truth is, Bob Eckhardt *looks* like a Southern tory, and when you first meet him you expect him to think like an Allen Drury caricature of a Southern Congressman.

In the second place, Eckhardt *isn't* a liberal. He is actually an almost quaint example of the genuine federalist who flourished in the early days of the Republic but began to become extinct during the stresses of the 1930s. He really believes in the balanced system of state and federal power that Madison & Company put together, but he differs from most Southerners of that apparent persuasion in that he is usually for the underdog rather than the top-dog. In a twelve-year legislative career (which included several terms in the Texas Assembly before his election to Congress) Bob Eckhardt has worked for industrial safety legislation, civil rights, arms control, conservation, consumer protection, and other generally un-Texan causes.

Still, it was quite a while after he took his seat in Congress for metropolitan Harris County (Houston), in a seat he had in fact helped design as a member of the Texas House, before the suspicious Congressional liberals began to notice him. "The hardest group to crack," surprisingly, "was the Democratic Study Group," a loose confederation of House liberals who supply each other with study papers and voting positions in an effort to dent the well-fortified House committee establishment.

Some of this suspicion was allayed, last June, when the U.S. Supreme Court delivered its decision in *Powell v. McCormack,* with Chief Justice Warren delivering the last of his great libertarian opinions and holding that the House had illegally deprived the Harlem Congressman of his seat. In reaching that verdict, the Court quoted at length from an elegant discussion of the parliamentary issue written by Bob Eckhardt in the University of Texas law review. Typically, Eckhardt regards Powell as a rogue but believes that even a rogue has his rights under the Constitution. Powell never bothered to thank Eckhardt for his pains, but that hardly matters to Eckhardt.

His advocacy of Powell's unpopular cause is only one in a series of improbable positions in which Bob Eckhardt has found himself. When the omnibus crime-control bill came to the House floor in the summer of 1968 on a tide of "law-and-order" sentiment, he joined a small group of liberals in opposing its riot-control section, believing it to be a departure from the Bill of Rights and—as important to a real federalist—an unprecedented and uncalled-for expansion of federal criminal law.

The same considerations, basically, governed a recent decision that put him among the tories. He opposed—persistently—the Constitutional amendment, passed overwhelmingly by the House last September, providing for the direct popular election of Presidents.

"I think you're being country-slicked," he told the New Yorkers, Californians, and other urban Congressmen who voted for the amendment, noting that the five largest states, containing a third of the people, control only six committee chairmanships in Congress—15 per cent. Under the electoral college, he argued, the President is a "super-legislator" whose "innovative quality" the country needs. He voted in a minority of seventy.

As his progressive colleagues in the House began to perceive that Eckhardt is a man of rare independence, they began to admit him to those almost conspiratorial little cells of the like-minded that operate beneath the huge, unwieldly surface of the House. Eckhart is active in several informal bands, in addition to the large and rather inchoate Democratic Study Group, which he mysteriously designates as the "True Believers," the "Hard Core," and another so ultra-confidential that no stranger is admitted—the "Group."

When I visited Eckhardt in Room 1741 of the Longworth Building for a week last September, I found myself barred from any spying on the Group, which was then mapping legislative strategy on defense procurement. (At that time the procurement bill, which had been debated by the Senate for three months, seemed likely to pass the House in a few days, and it did.) I did manage to visit the Hard Core, a somewhat less serious group of House activists who gather weekly over Danish rolls and coffee to intrigue against the inertia of the committee establishment.

On that particular morning, Eckhardt had ridden his bicycle all the way from his house on N Street in Georgetown to Capitol Hill, his route taking him past the little red town house where John Kennedy once lived, by the reflecting pool and the Lincoln Memorial. During those morning bicycle rides, Eckhardt ponders the coming day on the Hill and sometimes writes verses—he is an amateur versifier and cartoonist—about House colleagues. Two years ago, pedaling the same 35-minute route, he got to thinking about Representative H. R. Gross, the Iowa Republican watchdog whom he admires at a safe ideological distance, and wrote:

"It's good enough for Mr. Bow
To just preserve the status quo.
And Dr. Hall will gladly tell 'em
His status quo is antebellum.

"The Civil War is much too close.
'What bellum, then?' cries Mr. Gross.
I'd fain retreat with right good speed
To England prior to Runnymede."

"Mr. Gross," Eckhardt says, "sees the world as not having changed much from the days when it was ruled by the British Navy. Mr. Gross, you know, is the one who combs the *Congressional Record* to find out how much tax money's being spent for those limousines he sees parked below the Capitol steps."

Mr. Gross, comfortably established by virtue of the seniority system, is the kind of Congressman Eckhardt isn't—and couldn't be—both because of his orthodox power in the House and because of his outlook. But it isn't as if the House were a strange place to Eckhardt, even if its usual entrees to power are shut to him. His maternal uncle, a Republican named Harry Wurzbach, was there under Harding and Coolidge, and as a boy Eckhardt once campaigned with him. "Some fool fired a pistol at him during a speech, and another time they tried to count him out but he demanded a recount and claimed his seat after the House had already convened." Another uncle on his father's side, a Bryan Democrat, sat during the Teddy Roosevelt era. His father's cousin, a "Southern bloc conservative," was in the House in New Deal days. Eckhardt's constituency in northeast Harris County provides a further variation on the family legacy. It is a labor-minority district, which reelected Eckhardt last year with a 70 per cent majority, even though there was a considerable Wallace sentiment among the oilworkers and steelworkers. His thumping majority was all the more remarkable in that Bob Eckhardt has never disguised the fact that he isn't a segregationist. (In a Houston television debate thirteen years ago, he dismissed the then-fashionable revival of "interposition" as "digging up John Wilkes Booth and trying to run him for President.")

When Bob Eckhardt pedaled his bike up Constitution Avenue on the September day we were to breakfast with his friends of the Hard Core, a more or less routine week in the House was in prospect—no large dramas or dilemmas but a good window on the House as an institution at this stage in its history. Most of the week's newspaper headlines generated on Capitol Hill would, as usual, dwell on the Senate. Senator Charles Goodell would pass a milestone in his countermarch toward reelection by introducing his resolution to extricate the U.S. from Vietnam. Judge Clement Haynsworth, Jr., President Nixon's nominee for the Fortas seat on the Supreme Court, would explain his stock portfolio to the Senate Judiciary Committee.

On the House side, there would be little business on the floor worth remembering, although Bob Eckhardt would speak briefly for a bill to revive railway passenger service, recalling a trip through the Rockies in a decrepit Pullman car when he and the ancient porter sought to raise the temperature above freezing. (In some ways, the House floor is nearly as removed from a Congressman's hour-by-hour concern as the Senate, which by custom is never called anything but "the other place." Every few hours the bells would ring and the lights flash on the clock above Sam Houston's portrait behind Eckhardt's oval desk, and the Congressman would scurry over for a quorum call or a vote. To a stranger looking down from the well-invigilated galleries—you may not rest your elbows on the railings or take notes—the House chamber, in its dim reds and browns, suggests a railway depot of the last century where some beserk station master is droning about legislation rather than train schedules.)

However, the action was dismissed on two grounds: first, aside from the request for identical damages caused by identical conduct, the class was not united in interest; and second, maintenance of the class action would deprive members of the class of other remedies which they might prefer to pursue against the defendant or against the merchants with whom they had dealt.

Neither of these grounds is compelling. The fact that identical damages are sought for identical conduct makes a case more suitable than unsuitable for class action treatment. Furthermore, class members' interest in pursuing other remedies can be preserved by limiting the scope of the judgment in a class action to the remedies that are actually sought. *Hall* v. *Coburn Corporation* is typical of state class action law.

Similar unnecessarily restrictive state decisions can be found in Mississippi, Indiana, Ohio, Michigan, Massachusetts and Washington. Other states, like North Carolina and West Virginia, have too few reported cases to predict the viability of a consumer class action. In these jurisdictions the status of consumer class actions is, at best, uncertain.

In some states, the class action procedure is wholly adequate. I have, therefore, included a provision in my bill to prevent removal from the state court to the federal court by the dependant where the state forum has been chosen. It provides:

"This section shall not be deemed to prohibit a plaintiff from choosing a state forum without the case being subject to removal on grounds of federal question jurisdiction under Title 28, Section 1441, United States Code."

The election given to the plaintiff to proceed in either the state or federal court is just what is done with respect to *in personam* maritime claims in the "savings clause" of 28 U.S.C. Section 1333. Removal under Section 1441 is not a constitutionally compelled but a prudential disposition, subject to whatever qualification Congress may dictate.

The bill provides that injured consumers may bring class actions in U.S. district courts under the Federal Rules of Civil Procedure, including Federal Rule 23, the most modern class action procedure in the United States. These class actions would be available in transactions affecting interstate commerce where violations of state or federal consumer protection law have occurred.

The proposed law dispenses with jurisdictional amount and diversity of citizenship for purposes of class actions. Let us examine some of the implications and provisions in detail:

I learned still more about the recent history of the caucus, a few days later, when Eckhardt sent me to track down Representative Morris Udall of Arizona. To talk with Udall, who used to be a star athlete, you have to stay in motion. First he would lean against the marble pillars in the hallway outside the members' entrance to the House chamber (suggestive, in its tawdry ornateness, of a Byzantine seraglio). Then something would happen, Udall would dart into the chamber, where a debate was in progress over an amendment to the Wilderness Act, and after a bit he would return and we would move out on the porch overlooking the West Front. On the run, I discovered why Udall stood as a test candidate for the speakership in January 1969 against Speaker McCormack, a somewhat quixotic enterprise in which he had Eckhardt's support. Udall would say nothing to disparage the leadership, but he pointed out that his "Dear Democratic Colleague" letter of December 26, 1968, was a matter of record, having appeared in the *New York Times*. It was, in effect, Udall's platform, and it spoke for Eckhardt and others in declaring that the House "can and should be a source of innovative programs" and that "too often House Democrats have failed to extend to our newer and more marginal members the kinds of recognition . . . that would give them deserved strength in their constituencies."

Udall cupped his hands, forming a sort of canyon. "In theory," he said, "when the elections come, the House is supposed to have a heavy turnover"—he swept one hand over the other, indicating a major washout—"but it takes a real flood—a 1964—to do that, and in most years only the marginal few at the bottom of the gully, eighty or so, are exposed and washed away." It still rankles with House activists that the leadership did so little to protect the so-called "Goldwater liberals" elected in the 1964 landslide from the inevitable washing away in 1966.

In the speakership race, Udall pleaded for "constructive, rational, and responsible airing of differences in caucuses." He got a meager fifty-eight votes on the secret ballot, indicating to at least one of his staff members that "there are either a lot of secret sympathizers with the seniority system or a lot of liars." But combined with other pressures, the Udall challenge brought more alterations, one of them an upgrading of the caucus. It now meets monthly, not sporadically as under Rayburn, and it debates issues rather than merely ratifying the decrees of the elders.

The change is important to Eckhardt for with most of the Hard Core types he believes that the Democrats' loss of the White House last year drastically changed their role. "Under Kennedy and Johnson," Eckhardt says, "the leadership was a conduit of Presidential leadership and we had a sense of motion. Nixon exerts little or no pressure, and with White House pressure off, the committee chairmen are more lackadaisical and independent."

Eckhardt was excited by what happened in the mid-September caucus, the week before I visited his office. Representative Jonathan Bingham and others, with Eckhardt playing a last-minute parliamentary role, managed to pass a resolution directing the committees to seek legislative goals in the 1968 platforms. The coup displeased the elders, some of whom tried to divert the attack from the Democratic committee moguls to the White House. "You can hear the old bulls roaring when one of us gets up in the caucus," said one of the Hard Core.

It was the visit of Mr. Ezra Schacht of

Houston one morning that introduced me to the full range of a Congressman's labors in ombudsmanship, labors Eckhardt takes very seriously. Mr. Schacht, dressed in a natty brown suit with blue pinstripes and a matching striped tie, had just delivered certain legal papers to the Supreme Court in behalf of his son, who is trying to appeal a prison sentence for antiwar activity. Danny Schacht, a young electrical engineer working at his father's plant, had acted in an antidraft skit outside the Houston draft induction center two years before. Several nights later, as Eckhardt summarized the story, FBI agents arrested Danny Schacht and charged him with violating a law prohibiting the unauthorized wearing of a military uniform. In May 1969, the sentence was upheld, even though young Schacht's lawyers argued that the antidraft theatrics were protected by the First Amendment, as well as by a law permitting an actor to portray a soldier "if the portrayal does not tend to discredit the armed forces."

This "exception to an exception," as he calls it, intrigues Eckhardt. With his aides Julius Glickman and Chris Little, both lawyers, he discusses the Constitutional issue. If the Supreme Court accepts Schacht's appeal, he decides, he may submit an *amicus curiae* brief arguing that the whole proceeding was unconstitutional if the theatrical use of an Army uniform must be confined to skits reflecting credit on the armed forces.

The Schacht case is one of hundreds that come to a Congressman's attention every year, making his office a sort of ganglion where the nerve fibers of governmental relations meet. The mails every day are heavy, and have been for three years, with military problems—mainly over the draft.

I asked Eckhardt for other examples of the ombudsman's role. From the files he brought out several worn manila folders concerning George Vincin, a Houston odd-jobs man who joined the Army in 1935—thirty-five years ago—and still seeks back pay for false imprisonment. Recently, Eckhardt wrote to the Secretary of the Army what is perhaps the hundredth letter in the case, calling Vincin's "the most shocking bureaucratic abuse that has ever come to my attention." Falsely accused of sodomy while in the guardhouse at Fort Brown, Texas, in 1938, Vincin served five years at Leavenworth, even though his key accusers admitted lying. His thirty-year effort to clear his name and collect back pay is incomplete: he has a pardon signed by President Johnson, who took a personal interest in the case, but still lacks the back pay; and unless the Army supports private legislation Eckhardt has introduced to grant Vincin his back pay, it will probably fail. Vincin, Administrative Assistant Chris Little, told me, once flew from Houston to Washington to check on his case. "When I sent him down to the Army liaison office he took one look at the uniforms and fled on the next plane."

Kristina Truitt, Eckhardt's tall caseworker, handles the ombudsmanship operation, which ranges from cases as grim as Vincin's to those as comic, and as far beyond Eckhardt's miracle-working power, as that of the mother who recently wrote to complain that the Air Force band would not accept her son as a French horn player. "I can certainly understand your keen disappointment that your son was not accepted," Eckhardt wrote in a letter of skillful Haim Ginott-like consolation. "After doing his very best to perfect his skill in the French horn, he must have been crestfallen that he was not chosen."

Some pleas for help run to the bizarre. An Army enlisted man who has been in and out of military dispensaries in the Far East wrote to ask Eckhardt's advice on a drug to restore his sexual powers to normal. As we talked about bureaucratic mix-ups one morning, a Houston lawyer telephoned to ask the Congressman's help in speeding home the body of an oil-rig operator who'd died of a heart seizure in Libya.

"His wife," Kristina Truitt explained, "asked for an autopsy, which seems to have thrown the Libyan government into an uproar. She's waived the request, but they don't embalm the dead in Libya." At the State Department, Kristina found an office wholly concerned with American deaths abroad, which for a $10 cable fee will make inquiries. (Somewhere in the labyrinth of the diplomatic establishment, we speculated, there must be a deputy assistant secretary of state for death.)

Every Congressman is to one degree or another a guardian of the Danny Schachts and the Vincins and others who run afoul of the law or bureaucracies, but I had the feeling that Eckhardt's office takes its ombudsmanship almost as seriously as the legislative process itself. From the wall near Eckhardt's desk stares down Eckhardt's formidably bearded great-great-grandfather, Robert Kleberg, who came to Texas from Germany in the 1830s, seeking he said "unbounded personal, religious, and political liberty" and expecting to find "in Texas, above all countries, the blessed land of my most fervent hopes."

After lunch that day came the lobbyists, two gentlemen who wanted to discuss Representative John Dingell's bill pending before the Interstate and Foreign Commerce Committee, of which Eckhardt is a member, to curtail FCC licensing of pay television.

As the staff removes the dishes and glasses, Eckhardt explains that on an average week like this one he may see perhaps a dozen lobbyists of one kind: representatives of railway unions who are quarreling among themselves over a bill to adjust the retirement fund; the pay-television people; the Quakers, who want to enlist Congressional help for the October 15 Moratorium.

"When I came to Congress," he recalls, as we wait for the pay-TV people, "my first reaction was, 'There's far less lobbying here than in the Texas legislature.' But it's only subtler—less obtrusive, more professional. You have to make yourself available for it. But it wasn't that way in Austin. When the Texas House would adjourn for lunch and the big doors would swing open, dozens of lobbyists would swarm outside, waiting to snare you for lunch if you'd go. I believe a man could go to Austin and live off the land for the whole session. You had to hide from them. I remember I was eating one night with my family at a place in Austin. I asked for the check and found it'd been paid. I looked across the room and there was a prominent lobbyist, just smiling and nodding. He didn't even come to the table. 'Is he a friend of yours, Daddy?' one of my little girls asked.

"The first time I ran for the Texas legislature—it was 1940, I was just out of law school and I got what I call my mandate from the people to practice law privately—old man Edmonds Travis, a lobbyist for several Standard Oil subsidiaries, told me, 'Bob, what you do is you attack all the venal interests except one, and that's where you git your money. You attacked them all.' As a rule, Capitol Hill lobbyists make themselves scarce, usually hole up at the Hotel Congressional. The key point of contact is usually between a highly specialized lobbyist and the specialized staff people of a standing committee. Intimate friendships spring up there—it's the rivet point. Friendships that outlast terms. They probably have a greater influence on legislation, especially if it's technical."

Mr. Pieter van Beek, who has come to talk with Eckhardt about pay-television, turns out to be a vice president of Zenith Radio Corporation, which makes the signal-scramblers for pay-TV. An erect, Chicago Dutchman with darting eyes, a clipped moustache, and a manner of precise speaking to go with it, he looks as if, transposed to the days of the Battle of Britain, he had just stepped from the cockpit of a Spitfire. In fact, Mr. van Beek is a bit battle-shocked from the pay-television wars, and he launches into a resigned and rather doleful history of the effort of pay-TV to gain licensing by the FCC. Anticipating the point, Eckhardt breaks in: "You really want me to do nothing—right?" Nothing, that is, about the Dingell bill. As a member of the Commerce Committee, Eckhardt knows the legislation, which the local broadcasters are pushing to forestall a potential competitor. Dingell himself, as Eckhardt explained later, wants to reserve a number of the dwindling VHF frequencies for noncommercial uses, but his aims and those of the commercial broadcasters mesh. A glance at Eckhardt's mail on the subject, which was plentiful, indicated that the broadcasters are waging a fairly strenuous campaign for the Dingell bill. "We want to put you across to your constituents," the letters say, in effect, "and please drop in for a live interview next time you are in our area, but be sure you vote right on the Dingell bill." Eckhardt concludes the interview with Mr. van Beek by saying that he is "disposed" to vote against the bill, a way Congressmen have of signifying hope without airtight commitment.

Eckhardt is a do-it-yourself man when it comes to bill drafting, which is usual in a chamber where it is admitted that too much legislation is either written or rewritten under the influence of specialized lobbies. In recent months, the House of Representatives has suddenly developed for the first time the practice of cosponsoring legislation, too, which means that there is a constant flood of bills begging for every Congressman's signature, whether he knows what's in the bill or not.

Eckhardt has a philosophy about writing legislation. "For instance," he said, "Lyndon Johnson's Great Society legislation suffered in some cases from the fact that he is what I call a legislative entrepreneur—result-oriented—not a craftsman. Too little of that legislation was governed by a firm view of what a bill is supposed to accomplish, and how.

"Look, for example, at the contrast between the Economic Opportunity Act and, say, the Wagner Act, which was modeled on a functioning New York law. Congressional acts, like the common law, ought to move carefully from precedent to precedent.

"But I'm the first to admit that it isn't easy to be a good legislative craftsman—not with twenty thousand or so bills coming into the House every year. That's why the committees up here are so important. To survive them, a bill must gain the attention of a committee and surviving a committee means passing muster with men who've spent a lot of time mastering the details of taxation, say, or trade regulation, or judicial procedure."

("One thing you ought to say about the House," I was told by one of Eckhardt's colleagues as we marched through the cavernous corridor that joins the office buildings to the House chamber, "is that a man's committee work is his life here, if he's serious. The real legislative craftsmen are in this house. Time is so short that when someone is allowed to speak he usually has something to say—not like the Senate, where you might hear almost any Senator talking in a half-assed way about almost any subject. You won't often hear it over here. Too little time.")

Too little time; too many members. During a week of prowling through the U.S. House of Representatives and talking with Bob Eckhardt about his job, these are the constant refrains. Because of them, the House is a pyramid resting on its apex, where legislation is usually marked pass or fail at a narrow, closely confined level. During the week I visited in Room 1741, the Commerce Committee was meeting almost every morning to complete the drafting of a complicated piece of airport legislation, and although the sessions were closed, its final action and vote would almost certainly determine the bill's fate on the House floor. "Back in Texas," Eckhardt told me, "a committee report might be overthrown or not—nobody thought very much about it. Here almost never." In the House conveyor belt for legislation, subcommittee chairmen defer to each other, committees to subcommittees, chairmen to subcommittee chairmen, and the House as a whole with very few exceptions to its committees. Often bills come to the floor under so-called "closed rules," with amendments barred. Democratic in theory, the legislative process is elitist in practice.

Bob Eckhardt, who brought an expert knowledge of federal labor law to the House, concentrates in the field but doesn't confine himself to it. I sat in late one afternoon as he and his aides, Glickman and Little, chewed over Eckhardt's "consumer-class-action" bill, a piece of legislation reflecting his passion for the fine points of federalism, combined with his interest in consumer protection.

"Today," he told me, "it costs the average consumer of, say, a defective box of breakfast cereal so much in legal fees that it would be silly to sue the company that made it. But if a number of similarly defrauded customers could pool their resources and bring a suit under the more liberal federal class-action rules, maybe some redress would be forthcoming.

"The victimized consumer ought to be able to get to court and collect when he's victimized by fraud, but a good piece of legislation will enable him to do so as elegantly as possible—without cluttering the law. You ought to be able to do it without writing a whole new federal law of deceit." (Eckhardt's federalist fastidiousness drips from every word.)

"But isn't the problem really that the courts would construe the law too narrowly, rather than too broadly?" asks Chris Little.

"Maybe," Eckhardt concedes, "but if we define deceit too broadly the bill wouldn't pass anyway. It'd be like a Nixon program—all good intention and no action."

By 6:30 p.m. the House has usually adjourned and most of the staff have left. Eckhardt, Little, and Glickman end the day by deciding that Glickman will continue to consult with Senator Tydings' office, which is also interested in the class-action legislation for consumers, seeking to pool their efforts in a definition of fraud large enough to incorporate state laws but narrow enough to oblige Eckhardt's federalist qualms. A version of the bill was introduced in May 1969, and if Eckhardt and his cosponsors are lucky either the Commerce or the Judiciary Committee or both will arrange hearings for the bill. Only then, months after the first discussions and possibly jostled by several competing bills, would it reach the full light of legislative conflict as most Americans see it and understand it. But in the House, that would be the end, not the beginning.

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FEDERAL LEVERAGE

(By U.S. Congressman BOB ECKHARDT)

Most of the great pillars of our legal system are procedural, not substantive—due process, equal protection, the right to be tried by one's peers. Just as these are the wheels on which judicial justice rides, there are similar wheels that keep the economy rolling with a degree of equity and fair play—collective bargaining, commission controls, yardsticks like the Tennessee Valley Authority (TVA) and the Rural Electrification Administration (REA).

But no such vehicle for justice, equity, and fair play exists for the consumer. Congress has the means of making one—one that is self-induced and self-propelling, independent of the good motivations and energetic administration of a commission. As is all too well known, government agencies are not always energetic and prompt. Relief is often inadequate. The Federal Trade Commission, for instance, was created as an administrative agency to protect the consumer against unfair and deceptive trade practices. The Holland Furnace Company case illustrates the inadequacy of this protection.

In December 1936, the company agreed to a Federal Trade Commission consent order against certain misleading advertising claims. The proceedings dragged out through 1954. Not until 1958 was a cease and desist order issued. This prohibited Holland "from engaging in a sales scheme whereby its salesmen gained access to homes by misrepresenting themselves as official inpectors and heating engineers. Having gained entry they then dismantled furnaces on the pretext that such was necessary to determine the extent of necessary repairs." Holland Furnace Company ignored the court decree enforcing the cease and desist order and was heavily fined for contempt of court in 1965.

If it thus takes 29 years for the consumer to get relief, there is something wrong with the governmental machinery that purports to afford such relief. I have come to have serious misgivings about the ordinary policing agencies' ability to protect the people. Administrative budgets and personnel are limited, and the agency, so to speak, stumbles over its own processes. Hurdles and barriers are written into agency laws by lobbyists for the industries controlled, and the possum is set to guard the chicken coop.

In trying to devise legislation that will work in the consumer field, I have kept these points in mind. Good legislation must envisage the existence of competing interests or of forces which are otherwise self-motivated. And it must supply machinery, readily at hand, to accomplish the public purpose: the protection of consumers in the marketplace.

The diffuse interest of the purchaser engaging occasionally in the particular type of transaction does not measure up to the intense interest of the seller in making that transaction highly profitable when repeated thousands of times. The techniques used may include conditions or provisions that are illegal or unenforceable, but it is simply not practicable for the single purchaser to contest them.

It is, in my opinion, not practical to try to delineate all the types of practices perpetrated against consumers which entail fraud, deception, overreaching, and vending such shoddy merchandise as to breach an implied warranty that the merchandise is suitable for its apparent use. Neither is it practical to establish at a federal level an entire new substantive law of deceit. And, as we have seen, dependency on governmental nursemaiding is likely to result in disillusionment.

I think it is better to rely on existing statutory and common law, and developing concepts of the duty of the seller to deal fairly in the marketplace—concepts which are developing in the courts in civil cases and in Federal Trade Commission proceedings. Such development should be encouraged by federal procedural law like that contained in H.R. 14585.

Existing substantive law is, or is becoming, adequate to protect the consumer's interest in the marketplace. But the machinery of protection is not adequate. State procedural law is in most instances clumsy and antiquated.

As we have already intimated, the main reason why consumers cannot be properly protected under existing process is that their individual claims are too small and they cannot be aggregated in class actions in most instances and in most jurisdictions.

Deceptive advertising, usurious interest rates, overpriced drugs and food, and adulterated meat are all wrongs involving small amounts of money, many under $200. Very few would be large enough so that a wronged consumer could effectively secure his rights through the law. The duped consumer is apt to have precious little money to support a test case to establish the rights of the many. The amount he may recover is not likely to pay the court deposit—let alone the lawyer's fee.

Few lawyers, other than the very young and idealistic, are willing to endure time-consuming litigation for a $50 fee. A $200 judgment is not likely to be a powerful deterrent to the wrongdoer. The usury laws prove this.

In a study conducted under the auspices of the University of Pennsylvania it was concluded: "The number of consumers having no redress because the amount lost is not commensurate with the attorney's fee constitute the vast majority." Small claims generally do not warrant individual litigation and the misbehaving corporations that bilk the consumer know it. "In many instances, fraudulent operations carefully avoid cheating individuals out of large sums of money because they realize that no one bilked out of $50 is going to pay a lawyer to get his money back," the study added.

As we have indicated, state laws have gone a fair way to devise substantive provisions for consumer protection. And the state courts have hewed out, by common law process and statutory interpretation, a considerable body of consumer law. But the processes of the state courts do not afford effective means of permitting many persons who have bought from different agents of a given defendant, or from the same agent in different transactions, an opportunity to lump their claims together so as to have a large enough damage claim to finance the suit: the court costs involved, the lawyers' fees, and costs for such notices as must be printed.

Therefore, the Consumer Class Action Act (H.R. 14585) establishes federal policy that this machinery shall be available through use of the federal courts and their liberal procedure for joining many persons in class actions.

Section 4 contains the gravamen of the bill. It makes an "act in defraud of consumers which affects commerce" an unlawful act which will give rise to a civil action triable in the district courts of the United States. Such suits may be tried without regard to the amount in controversy.

An "act in defraud of consumers" is defined as including two distinct things: An unfair or deceptive act or practice as the Federal Trade Commission Act condemns in Section 5(a)(1); and an act which gives rise to a civil action by a consumer or consumers under state statutory or decisional law for the benefit of consumers.

Such a suit in federal court would apply the law of the states in exactly the same manner that the federal courts apply such law in a diversity of citizenship cases. Thus, the court in any suit is dealing with a definite body of law in a manner in which it is accustomed to deal with such law. There is nothing unfamiliar in the act which would make it difficult for the court to proceed according to customary practices. For instance, the conflict-of-law law which ordinarily applied in adversity cases would establish the law applicable to any body of facts before the court.

It is very important, however, that these substantive offenses, initially spelled out in state law, be considered as federal offenses triable in a federal court and that the basis for jurisdiction be without respect to amount in controversy.

Of course, suits in federal court on diversity of citizenship can presently be tried on the basis of state substantive law, just as suits under this act would be tried—with one exception: There is no requisite of jurisdiction based on jurisdictional amount in this act. This is important because in *Synder* v. *Harris*, 89 S. Ct. 1053 (1969), it was held that claims of the individuals in the class action cannot be aggregated toward the $10,000 minimum.

As is well known, cases come into the federal court through two doors: (1) diversity of citizenship with a $10,000 jurisdictional amount; and (2) federal question jurisdiction. In the latter type of case the jurisdictional requisite may apply but the statute involved itself may waive it. That is what is done here.

The Class Action Bill will allow consumers to achieve justice in federal court if state class action statutes are inadequate and too rigid to protect legal rights.

Perhaps the most notable failure is in New York where the recent case of *Hall* v. *Coburn* has been litigated.

This case involved a consumer class action against a finance company which had allegedly violated the New York Retail Installment Sales Act by using contracts printed in less than 8-point type. The NAACP Legal Defense Fund sought refund of the service charge, a statutory penalty, on behalf of all consumers who had signed small-type contracts prepared and repurchased by Coburn Corporation within the period of the statute of limitations.

The Longworth Building, where Eckhardt parks his bike every day for a quick elevator ride to the seventh floor, is one of three House office buildings. Its offices are arranged four-square about a courtyard planted with three forlorn rows of shubs, and looking down from a fourth-floor window you half expect to see a queue of prisoners taking the air.

On this morning, the Hard Core were meeting in the offices of Representative Dave Obey of Wisconsin, a newcomer whose office walls are decorated with peace emblems and anti-DDT posters, and whose credentials no doubt permitted him quicker entree into the inner cells of House liberalism than Eckhardt's. In fact, Eckhardt is the only Southerner in the Hard Core. Others—Representative Ed Koch of New York, Abner Mikva of Illinois, Patsy Mink of Hawaii, Brock Adams of Washington—have some seniority behind them but not enough to be part of the committee establishment that runs the House. Gathering in Obey's office, the regulars joke about the District of Columbia crime bill, a civil libertarian's delight from the Justice Department. Koch complains that post offices in his district are dumping his news letters and asks what the others do about that problem. Patsy Mink, just back from Hawaii, takes a good bit of ribbing about her new district, now mainly agricultural. "Boy, am I going conservative," she says.

The hard core is representative, I gathered as I listened to the discussion, of a certain group of younger, seniority-shy members who hold senior members in some affection but believe that the committee chairmen are too powerful and too independent. This they blame largely on the "leadership," a word spoken in Eckhardt's circles with a certain bemused disdain. Speaker McCormack, the ancient presiding officer of the House who is familiar to Americans as the old gentleman with the gaping mouth who sits behind the President during joint sessions, is agreed to be wrapped up in "the goodby game." He is preoccupied, they complain, with housekeeping matters like the controversial extension of the Capitol West Front, improving the food service in the various dining rooms, and placating House employees. (If Mr. McCormack is somewhat remote from the infighting on national issues, he perks up at the slightest sign of disorder or discontent in the household. When one fairly prominent Midwest Democrat joined several others in speaking about the treatment of the dining room employees, he was startled by the Speaker's response. "After the speech, he telephoned to say that he's with us and followed it up with a meeting and other phone calls. You know why? If there were an employees' demonstration, *he's* the one who'd be embarrassed.") Majority Leaders Carl Albert, McCormack's deputy, is suspected of secret sympathies. But as the heir-apparent to the speakership he must play conciliator. When Bob Eckhardt took me by Mr. Albert's office, I found the Majority Leader a friendly, diminutive man with twinkling eyes and a soft voice. He bristled only when I asked him the usual clichés about the House—for instance, that it has become a less responsive chamber than the Senate.

On the Wednesday, before I met with the Hard Core in Obey's office, the insurgents had won a small victory in the caucus—a resolution "adopting" the 1968 Democratic platform as the basis for legislative initiative in the 91st Congress. "You can't understand the caucus problem," Eckhardt explained, "unless you understand that it's the only House forum where people who think as I do—the activists, the impatient younger members—have a potential majority." The powerful committee chairmen despise the caucus. "Do you know the difference between a caucus and a cactus?" one asked. "In a cactus, the pricks are all on the outside." Knowing as they do that the insurgents want to use the caucus to bring pressure on them, the committee chairmen yearn for the old days when Speaker Sam Rayburn controlled it, fearing that it would develop into a scene of family quarrels among Democrats, especially over civil rights.

Several months after my bill was introduced, the President endorsed generally the concept of class actions and subsequently introduced his own legislation, H.R. 14931 and S. 3201. I submit the Nixon bill is itself unfair and deceptive to the public. In theory it purports to establish a buyer's bill of rights. In fact, it attempts to sell to the buyer a bill of goods. It lulls the public into thinking they will be protected.

Under the Nixon approach, no action may be brought by an individual or a class until the government has successfully terminated its own lawsuit. There is no precedent in the annals of federal legislation for this. The government would decide which private rights are to be enforced. The Attorney General and FTC stand, as it were, like traffic policemen, giving the green signal to one group of would-be litigants and the red signal to others.

There is, it seems to me, a serious constitutional question here involving procedural due process. Can government establish that certain acts are prohibited and that their commission may result in civil liability but then afford a remedy only to those injured by that wrongful act which the government chooses to single out?

It would seem that all consumers affected by the proscribed activity of fraud, deceit or overreaching would constitute a class of persons whose rights under the law have been invaded. But the violation of the right of any one of them gives rise to a remedy subject to the discretionary action of the Department of Justice in bringing a governmental action against the offender.

For instance, suppose Montgomery Ward and Sears Roebuck both manufacture chain saws whose lubrication systems are so defective that the links wear out and the chains fall apart at a time far short of the warranty. By selling the saws under such warranties, exactly the same breach of duty has been committed against the purchasers of both companies. But the Attorney General chooses to sue only Sears Roebuck. The Attorney General, under the act, can thus choose which potential civil litigants, whose rights have been invaded, will have remedy.

If this is not actually unconstitutional, it is a policy which is most reprehensible, one which is conducive to official corruption.

The hypothesis assumes a defective lubrication system and a violation of law. But in any actual cases this question cannot be determined until after trial. Suppose the allegations upon which a case must rest cannot be sustained in either the case of Montgomery Ward or Sears Roebuck. The bringing of the case against Sears Roebuck opens up a flood of expensive private, civil litigation against that firm, with attendant bad publicity, but insulates Montgomery Ward. Such a provision of law would invite politics and graft in the governmental process.

The same situation does not exist in the case of the antitrust laws. There a federal civil antitrust action does not have to await a criminal action.

The process provided under the Nixon approach is further defective in that inherent in it are the same defects that presently exist in dependence upon the FTC as the consumer's watchdog. It merely utilizes the Justice Department in the same general way that present law utilizes the Trade Commission. Of the two, the Commission is better staffed and better versed in the subject matter than the Department.

The Federal Trade Commission receives 9,000 complaints a year. They are able to investigate only one out of eight or nine. Of the 10% or so that are investigated, not even one in ten results in a cease and desist order. To make that kind of record, the FTC has 1,300 people, including 500 lawyers and a $14 million budget.

The Administration proposes to allow the Justice Department to receive complaints, investigate each one of them, and then decide whether to bring suit. It may be argued that the existing attorneys can do the job of investigating and bringing suit. Yet one need only examine the record from the hearings before the Committee on Appropriations for the Justice Department to see how the Department is already overburdened and understaffed. The consumer will pay the price.

The Justice Department, if we are to be realistic, will have to establish priorities. They will have to decide what *they* consider important or unimportant—and its priorities may not always coincide with those of the victimized consumer.

The small consumer stands to benefit least from this provision. Poor, uneducated, and somewhat skeptical of the government to begin with, he probably will have little success in convincing an agent of the federal government by letter or in person that he has a valid case. If the small consumer cannot get the Department of Justice to seek relief for him, he is left with very little means of help under the Nixon approach.

The only way that some may get action may be to hire a lawyer to represent them before the Department of Justice. Thus, a consumer may, in effect, have to press his case twice: once before the Justice Department or the FTC and then again, if he is lucky, before the court.

But who is most likely to be able to hire a lawyer to press his case with the Justice Department: (1) A competing seller who would like to open the gate to civil litigation against his competitor, or (2) any seller who would like to keep the gate closed to litigation against him?

The consumer himself is the last person likely to be represented by counsel before the Department of Justice—and is, I submit, the last person likely to get justice.

This proposition is not altogether unprecedented. The government has hesitated in the past to protect the small man's rights: Anti-pollution violations and civil rights violations are recent examples.

The people best able to protect the rights of the consumer are the consumers themselves. The government can help but it should not be able to prohibit. That is why our bill allows class actions directly without government interference.

The potential of delay, though, remains the greatest drawback in the Administration approach. The complaint must come in, be considered, investigated, sent up for further action, and then prosecution may result, just as in the case of the FTC. All of this takes time. In a case before the FTC involv-

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ing the Crawford Corporation and interlocking directorates in the prefabricated housing industry, the case was dropped on April 4, 1969, when it was discovered that the defendant had withdrawn from the prefabricated housing business in the early months of 1964, five years earlier.

In the Federal Trade Commission the average time lapse is four years, with two years of investigation and two years of prosecution in the central office. Until the end of that period, there is no halt upon the activities of the company. The Justice Department, with far less resources devoted to consumer affairs than the FTC, cannot hope to achieve even that degree of promptness.

The Consumer Class Action Act would allow a group or class of consumers to sue the defendant directly. This approach needs no government subsidies to pay for it. It needs no department to administer it. In contrast, the Administration bill not only will require lawyers, investigators, and economists, all paid for by the government, but it also will require two lawsuits where one is sufficient. The federal courts are already overburdened and it makes little sense to have the government institute one lawsuit and then the individual litigate the same matter in a different suit later.

Some reconciliations between the two approaches are, however, quite possible and, I think, desirable.

The framework of legislation recommended in the President's consumer report could be implemented by legislation in Section 4 of H.R. 14585. There, the first type of "act in defraud of consumers" is defined as "an unfair or deceptive act or practice which is unlawful within the meaning of section 5(a) (1) of the Federal Trade Commission Act." We would invite the use of this definition as a legislative vehicle to provide private citizen's rights to bring action in a federal court to recover damages as a result of the several specific fraudulent or deceptive activities which we understand the Justice Dept. to be framing.

In this section of the bill it may be conceded, arguendo, that there is merit to the President's rationale expressed in the consumer message: "The legislation I will propose will be of sufficient scope to provide substantial protection to consumers and of sufficient specificity to give the necessary advance notice to businessmen of the activities to be considered illegal."

Yet, under our approach, we have defined "unfair or deceptive practice" as any act or practice which is unlawful within the meaning of section 5(a) (1) of the Federal Trade Commission Act. There is an existing body of law compiled over a 55-year period, consisting of thousands of Commission decisions, which defines these terms. In addition, over 800 court opinions have been rendered which interpret the act. With this backlog of court and agency interpretation, there is considerable guidance available for interpreting "unfair and deceptive."

The eleven specific acts of the Administration bill cannot call upon this vast body of common law for interpretation. It further cannot reach all of the practices which our broader definition would reach. Collection practices, chain referrals, free gimmick transactions, and usurious credit terms are just some of the practices that will not be covered.

In conclusion, H.R. 14585 affords an extremely practical and effective way of establishing a strong body of consumer law. It acts pragmatically under existing law, permitting a common law approach for remedying and curbing overreaching in the marketplace. It does not attempt to anticipate in exquisite detail every fraud or act of overreaching which might give rise to a consumer class action. But since it adopts state law as federal law, it gains all of the specificity of existing statutory and common law applicable to the facts: The businessman has notice of what activities are to be considered illegal in exactly the same manner that he has such notice in a case which is in federal court on the basis of diversity of citizenship.

It is the sponsors' hope that this bill will afford an opportunity, on a nonpartisan basis, for Congress to give the consumer what he has long needed—a fair break in his day-to-day dealings in the marketplace. It is not only the consumer that needs the assurance of the fairness of the marketplace but also the vast majority of merchants who do deal fairly. The good reputation of the marketplace is essential to a healthy free competitive economy.

HOW TO WRECK A NATIONAL PARK

Mr. HANSEN. Mr. President, as a member of the Committee on Interior and Insular Affairs and that unit's Parks and Recreation Subcommittee, I have been concerned—as have other members of the committee—with the increasingly heavy use of national park areas throughout our country. I was deeply interested by a thoughtful analysis of this problem by Tom Milligan, northern district ranger, at Grand Teton National Park in northwest Wyoming.

Ranger Milligan's statements deserve the attention of all Americans interested in preserving our great outdoor heritage.

The story I refer was published in Look magazine for June 16, 1970.

The article, written by Christopher S. Wren, points out that—

> A difficult decision has been reached that, if national parks are to survive, the way they are used will have to change.

To those who have some familiarity with this question, it is vital that the proper amount of planning be accomplished now by both U.S. Forest Service personnel and National Park Service staff to make the wise use of forest service lands adjacent to the most popular national park areas for overnight camping.

It is in the area of providing overnight accommodations that the pressure in our national parks in greatest.

I am encouraged by efforts undertaken by the Forest Service to believe that the national forests can and will provide an effective way to relieve these park pressures.

Mr. President, I ask unanimous consent that the article, entitled "How To Wreck a National Park," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOW TO WRECK A NATIONAL PARK

(By Christopher S. Wren)

Once, the National Park Service had to hustle for customers. Now it doesn't quite know how to keep them away. Last year, 164 million visits were paid to the national parks (many of them repeats by the same people), but such rampant popularity is enough to erode the park wilderness. Wyoming's Grand Teton National Park alone drew 3,134,000 visits—90 percent of them crammed between Memorial Day and Labor Day.

Still more visitors are expected this year. Tom Milligan, northern district ranger at the Grand Tetons, worries that the hordes of vacationers may, by sheer numbers, crush the fragile ecology he and other rangers are pledged to preserve. "Maybe someday," he half-jokes, "we'll have to build a fence, tastefully, around a moose. We'll label it *moose* and tell you what camera exposure to shoot."

A love of the outdoors tempted Tom Milligan to take the job. He had smoke-jumped for the Forest Service before earning his B.S. in wildlife management at the University of Montana in 1953. He stayed on as a smoke-jumper foreman until he married in 1957 and joined the National Park Service.

Milligan is at ease in the woods. Out fishing in a remote corner of Yellowstone National Park in 1959, he was mauled by—and fought off—a grizzly bear. But the trout were biting, so he patched himself up and stayed out with his pregnant wife to fish three more days.

To cope today, Milligan says, a ranger needs sociology far more than backwoods savvy. Yet he can never entirely please the public and still save the park. "Parks are going to have to become a privilege, not something you just take for granted," Milligan predicts. Until then, he's got his hands full.

"Up to ten years ago," recalls Tim Milligan, "the parks were proud of people coming to visit. Today, there's too many people. You can't conserve and preserve under the present system with such a mass of people. We're batting our heads against the wall, but part of the fun is in batting."

Park attendance has more than doubled within the last decade, though only ten percent of the system so far is overcrowded. Still, during the summer months, congestion becomes desperate, not just in Grand Teton, but also in the equally popular Yosemite, Yellowstone, Great Smoky and Shenandoah national parks. Officials had hoped the $7 annual admission fee might cut down casual visits. It sometimes makes matters worse. Tom Milligan explains: "A man comes with his family and pays the seven dollars and then is told there's no room. He thinks he is entitled to stay overnight."

Since 1916, the National Park Service has labored under a conflicting mandate "to conserve the scenery and the natural and historic objects and the wildlife and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." The resulting confusion between *preservation* and *use* has given park rangers who run the 73 natural, 170 historical and 34 recreational areas a split personality.

George B. Hartzog, Jr., director of the National Park Service, argues it isn't really people who clog the parks: "It's the stuff people have—cars, trailers, campers, boats—that creates the jam. There's too much paraphernalia in the parks."

The mechanical tonnage in summer transit becomes awesome. Rangers at Grand Teton, who on occasion let in blocs of vehicles free just to clear the highway, get headaches from the exhaust. Campgrounds are transformed into aluminum cities and, when the electrical overload blows out fuses, residents complain to rangers that their electric blankets won't work.

More roads, more sewage plants and more campgrounds would have to be carved out of wilderness to meet just the present demand. Conceivably, the entire park system might end up under asphalt. The National Park Service isn't about to do that. Less than one percent of Grand Teton's 303,174 acres is in campgrounds. "If we were to double our camping space," says Chief Ranger Frank Betts, "next year we'd be just as crowded. We can't ruin what this place was set aside for just to provide for the enjoyment now."

Hartzog insists that national parks are not meant to be way stations: "You can't fulfill the demand for recreational camping in the national parks. We should offer a range of camping experience and not try to meet the entire demand.

"Parks are not for all people for all purposes at all times. There's a need for outdoor recreation involving a whole gamut of games. But you wouldn't go to Yosemite to play baseball, although baseball is a worthwhile endeavor. You don't put the bathtub in the living room."

Vacationers, afraid of being bored, do pack along almost everything but the family bathtub. Paradoxically, the most crowded parks are still under-used. At Grand Teton, rangers estimate that barely two percent of the tourists venture further than a quarter-mile from the road.

The prospect of all those people really getting out of their cars and tramping the back trails isn't particularly inspiring either. An outhouse had to be hauled to the summit of 14,495-foot Mt. Whitney in Sequoia National Park to accommodate the waves of climbers. Even Grand Teton's remote Lake Solitude has become polluted from horseback traffic.

Rangers have waged running campaigns against littering and vandalism. But what if tourists no longer drop candy wrappers on Yellowstone's nature trails or fling beer cans over Grand Canyon's rim just to watch them fall? What if tourists no longer filch rare wood from the Petrified Forest or chisel their initials into national monuments? The crowds will still get larger. "If you follow the projected lines in population growth and park visitation," says George Hartzog, "there comes a time when you will have to say—no more people."

The National Park Service has concluded that depending upon the park, regulation is the only alternative to ruin. Overnight camping fees are being imposed this year, more to encourage private competition outside the parks than to earn money. Camping is now limited in duration, and may eventually be by reservation only. New campground construction has stopped. Some campgrounds have been redesigned with fewer sites to preserve privacy. Primitive mountain chalets are being considered as replacements for back-country camping.

Though some traffic congestion has been relieved by making roads one-way, as in Yosemite, park officials agree that someday, private vehicles may have to be eliminated altogether. "The time has come for more than roads and automobiles," says Hartzog. "You let visitors use other means that put them into the park experience directly." Under discussion are monorails, tramways, minibuses and even hydrofoils and helicopters that will shuttle visitors from peripheral parking lots into the park itself. Those looking only for amusement will be encouraged to go to less fragile areas like the national seashores.

The National Park Service is also trying to bring more business into its sizable urban-park holdings, particularly from people who couldn't visit a wilderness area. Just outside Washington, D.C., the Service runs a farm of pre-tractor vintage, to which it buses ghetto children. It is now pioneering a nature center in a Washington low-income housing development.

A difficult decision has been reached that, if national parks are to survive, the way they are used will have to change. It may not be altogether a bad thing. A tourist who has to leave his camper or mobile home in a lot outside the park may leave his big-city nerves there as well. When he is alone, he will find the time to comprehend the primitive beauty and tranquillity that caused the national parks to be set aside for future generations in the first place.

ILL TREATMENT OF POW'S IGNORED AT HOME

Mr. DOLE. Mr. President, this month's edition of the Navy League of the United States magazine contains an article concerning our prisoners of war in Southeast Asia and the appeal for international justice held in Constitution Hall last month.

North Vietnam does respond to American pressure for information about our POW's and MIA's. Articles such as this one help to bring the plight of these men to the attention of the American public and help to increase the pressure on Hanoi.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Unknown Men: Ill-Treated POW's Ignored at Home—Senate Doves and Large Majority of Press Will Not Condemn Inhumane Treatment by North Vietnam—Public Outcry Seen Only Hope

(By Heather David)

(Note.—Heather David, military reporter for the Fairchild Publishing Company at the Pentagon, was one of a small number of reporters to travel with Ross Perot on his chartered jet flight to Viet Nam to seek help for American POWs. She has also talked with the wives of captured Americans, and those organizations seeking to help with this problem.)

In times of often violent public demonstrations throughout the country, it is not surprising that a peaceful demonstration in Washington, D.C., even though it drew a crowd of almost 4,000 people, failed to make headlines.

But it was a meeting of tremendous significance for people, most especially the 1,000 attending relatives of American servicemen who may be prisoners of war of the North Vietnamese or Viet Cong.

The apathy of the press, particularly network television, was disheartening to those who sponsored the meeting. While the network crews were present, little or no coverage was aired.

A spokesman for Senator Bob Dole (R, Kans.), who organized the rally for the POW's told us "unfortunately people are just shying away from the prisoner of war issue. I don't know, maybe it just doesn't affect them."

PRESS RESPONSE POOR

The response by the national press was particularly disappointing because an aroused public opinion, it has been proven, is virtually the only thing which has helped the American prisoners of war with their Communist captors.

The Constitution Hall meeting was the largest public expression of support for the 1,518 U.S. military personnel who are known to be captured or missing in action, since the new Administration and the POW families decided to "go public" with their problem.

The decision to publicize the POW issue was made by Defense Secretary Melvin R. Laird in May, 1969, on the basis that Hanoi had not responded to any previous governmental efforts. There was the realization that the North Vietnamese were very conscious of public opinion in the United States, and it was felt Hanoi might react if faced with a concerted public appeal.

There are signs that the decision, which was an agonizing one both for the officials who must take responsibility for it, and the families, has paid off at least in a small way.

Before that time, less than 100 prisoners had been permitted to communicate with their families and then only through short, infrequent letters mailed months after they had been written. Some of these prisoners had been held as long as four years.

Why the previous Administration failed to act in a more positive way remains a moot question. The official story is there was fear that public efforts would cause retribution against the prisoners. There are signs the POW policy may have been affected by other political considerations; a fear of "rocking the boat," while attempting negotiations with the enemy.

The man responsible now for prisoner of war matters in the Pentagon, Assistant Secretary of Defense for International Security Affairs Warren Nutter explains how the decision was made to "go public."

"Secretary Laird asked us early in the new Administration to study carefully past policy, appraise the results, and make recommendations on what future policy should be."

DECISION RISKY

"It was a risky decision," Nutter admits. "But there had been no discernible progress in the past. Also after talking to Korean POWs, which was the closest thing we had to the present situation, we decided to change our policy.

"Many families feel they might hurt their husbands or sons if they make public statements. They have been told from the beginning when we started going out to the public that they must make their own decisions and be guided by their own consciences. We've taken the position we feel public attention will help. But we're not going to try to decide this for them," Nutter says.

The results although small in humanitarian terms became evident fairly soon. "The number of letter writers started increasing toward the end of 1969, Pentagon officials say. "At the end of 1969 we had 130 letters. This year the number of men who have been permitted to write their families has gone over 200." This still means, however, that almost 1,300 families do not know if their men are dead or alive—no word has been received from them.

Mrs. Carlotta Peterson, wife of Air Force Major Douglas Peterson, explains what the letters mean to her. "This is my insurance. At the end of the war the North Vietnamese will have to give me back my husband or explain why they cannot. This is my insurance they will keep him alive."

LETTERS HER INSURANCE

Mrs. Peterson, whose husband has been missing since September 10, 1966, received her first letter from her husband January 21, 1970. It has given her and her family, including a three and a half year-old little boy who has never seen his father, new hope.

The families have been forced to base all their hopes on these few and infrequent letters. The North Vietnamese, Viet Cong, and the Pathet Lao have failed completely to grant any of the other elements of the Geneva convention governing treatment of prisoners of war.

These include humane treatment, regular correspondence, complete identification of all men held, impartial inspections of prisoner facilities, and release of the sick and wounded.

As Navy Lieutenant Robert Frishman, captured October 24, 1967 and one of the few prisoners ever released says, "I don't think solitary confinement, forced statements, living in a cage for three years, being put in straps, not being allowed to sleep or eat, removal of finger nails, being hung from a ceiling, having an infected arm which was almost lost, not receiving medical care, being dragged along the ground with a broken leg, or not allowing an exchange of mail to prisoners of war are humane."

PITIFUL DRIBBLE

The pitiful dribble of letters has been permitted only when there was some evidence of public indignation in the United States.

The Administration's first public move was a press conference held in May, 1969, for the Pentagon press corps. It is significant that two of the men whose pictures had appeared in North Vietnamese propaganda photographs

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were Frishman and Postal Clerk 3rd Class Douglas Hegdahl. These photos, showing their obvious injuries and tremendous loss of weight, were shown at the Pentagon and some stories appeared in newspapers deploring their plight.

In August, these two, and a third prisoner were suddenly released by the North Vietnamese in an apparent propaganda move designed to show how "humanitarian" that country was.

But Frishman and Hegdahl made an important decision upon their release. That was, to become the first of the nine prisoners released to tell the world the truth about their captors.

POW'S SAID TALK

"I had to think about this for a long time," Frishman says. "But the more I thought about it the more I was convinced it was the right thing to do." The man who had the prison nickname "The Grim Reaper" because of his ghastly condition adds he talked the idea over with his fellow POW's before leaving. They urged him to make public statements, no matter what the consequences might be to them.

Today, Frishman still undergoes treatment for a crippled arm he never will have full use of again because of lack of medical treatment in Hanoi.

The two Navy men's stories raised at least some public opinion against the North Vietnamese treatment of prisoners.

Trips made by wives of missing men in an effort to find out from North Vietnamese embassies and the peace talk delegation in Paris also attracted some public sympathy. The response of the Communist world was mostly cruel.

Mrs. Stephan Hanson, wife of a Marine Corps captain shot down in Laos on June 3, 1967, went to the Pathet Lao representative in Vientiane, Laos, for news of her husband.

"He insisted our men were being well treated, but he refused to tell me why, at least, we cannot know which men are indeed, still alive."

In an effort to get rid of her, the representative gave Mrs. Hanson a photograph of a captured pilot supposedly guarded by a peasant with a hoe in his hand. "This photograph has added anxiety to 20 families in my situation, for all 20 of us feel that the captured pilot is our loved one, and yet the North Vietnamese have refused to identify him."

PEROT SPENDS MILLIONS

Some of the wives were supported in their efforts by Mr. H. Ross Perot, Dallas founder and president of Electronic Data Systems and an Annapolis graduate. Perot has spent an estimated $2 million of his own money on the POW cause through an organization he calls United We Stand—money he pays taxes on before using.

Perot's first effort was to charter a 707 aircraft to attempt to deliver medical and food supplies for the American prisoners to the North Vietnamese. He visited their delegations in Vientiane, and Paris, and was rebuffed.

The Communists did challenge him with the statement that the people of the United States do not care about the POW's. They also spoke of them as "only such a few men." In addition, they challenged him to show as much interest in their POW's.

Early this April, Perot chartered another 707 to take some 80 newsmen, including this reporter, to South Viet Nam to visit the prison camps there. The group spent some five days in Viet Nam, inspecting the living conditions of some 30,000 of the 33,000 North Vietnamese and Viet Cong prisoners held by the South Vietnamese.

The conditions were similar to any Army barracks. In contrast to reports from the North Vietnamese camps, the prisoners were obviously well fed, were permitted freedom within their compounds, and opportunities to work for pay. Unlike American POW's who have never received a single family visit and in most cases not even mail, the Viet Cong prisoners enjoy monthly visits from their families. All are permitted to write letters, although the North Vietnamese government has refused to receive letters from its own men, probably because it would then have to reciprocate by permitting Allied prisoners the same privileges.

AMERICANS UNAWARE

Perot tried to deliver films taken in the South Vietnamese camps to the North Vietnamese. He also attempted to deliver a Gallup poll which showed that 80 per cent of the American people aware of prisoner treatment believed the North Vietnamese were treating POW's badly.

(The poll also showed rather shockingly, however, that only 68 per cent of the American people had heard or read about the treatment of U.S. prisoners at all. One wonders what happened to the other 32 per cent and what the failure of the press may be in calling attention to the prisoners' tragic circumstances.)

The North Vietnamese refused to accept any of this material. But their bluff at least partially called, they again reacted by releasing a few more names, a few new letters.

"There is no question public pressure is the only thing these people will respond to," Perot says. "We made a number of private efforts, but we didn't get anywhere. It was only when we acted in the open with the public spotlight on us that results were produced."

The government agrees. While officially there is no support for the actions of private individuals like Perot, they are welcomed, as are the efforts by the Navy League, Veterans of Foreign Wars, and private corporations like Fairchild-Hiller Corp. which have taken full page advertistisements to urge citizens to write to Hanoi.

The release of letters, unfortunately, has been through militant antiwar groups such as the "Committee for Liaison with Families of Servicemen Detained in North Viet Nam" headed by Mrs. Cora Weiss and David Dellinger, one of the Chicago Seven who had to be released from jail to deliver the letters from Hanoi.

The North Vietnamese, perhaps feeling that the antiwar effort in the United States was being harmed because the truth about their treatment of prisoners was emerging, apparently chose this method of releasing letters to give these groups stature while at the same time relieving pressure against themselves.

Some of the wives have refused to have anything to do with these groups. While the Defense Department is concerned about these antiwar extremist organizations and their ties with Hanoi, it does not advise the wives to cut off this avenue of communications with their husbands. "We don't want to be supporting these groups in any way. But if they are helpful, we are not going to try to stop the wives from dealing with them," Nutter says.

Other Defense officials point out the problems of having the wives deal with such intermediaries. "We know about their family situations—who may have heart problems, or who may be near the breaking point. If we get word about their men, we send someone out to see the families, a family doctor, close friend, or flight surgeon if we know the news might be distressing. These groups call out of the blue. We would give anything to be able to protect the families," one of the officials working on the POW issue says.

One wife was called just before Christmas by a member of Mrs. Weiss' group and told that her husband was dead—that was all. She was given no further details, nor any proof, and to this day she remains in an agony of uncertainly as to his fate.

One aspect of public support which many feel would do a world of good, but which has not been offered, is public condemnations of inhumane treatment by the North Vietnamese by such politicians as Senator William Fullbright or Senator George McGovern. The words of these and other "doves" who have been outspoken against the war have been widely used by the Communists to show antiwar sentiment against the United States.

FULBRIGHT, M'GOVERN SILENT

This reporter spoke to both their offices to determine whether they had made any expression of support for the prisoners. Senator Fulbright's press secretary, given the question, did not even respond. Senator McGovern's staff said the Senator had never called for North Viet Nam to abide even by the Geneva Convention nor has he spoken out about the treatment of POW's.

Lieutenant Frishman says when he was imprisoned, the daily propaganda broadcast he received was filled with these Senators' statements. His captors tried to break him down by telling him his country no longer cared about him.

"The longer you are away from reality the more you wonder what the heck is going on at home," Frishman says. "At home you hear both the strong left and the other side. But in a Communist country, they don't hear anything but the strong left."

Some of the wives have appealed to these Senators and others in the same position. They point out that no matter how anyone feels about the war, the treatment of prisoners is a question of human decency. But these men have not responded.

Such statements, along with a continuous flood of letters to Hanoi, and the activities which have been suggested such as a joint House/Senate meeting on the subject and mention in the daily Congressional prayers, could help. They could help convince the North Vietnamese that this country thinks as much about these men as it did the three Apollo 13 astronauts. That it has not forgotten the more than 1,500 men who if not dead are undergoing untold suffering and indignities.

WHAT OUR FLAG SYMBOLIZES

Mr. PEARSON. Mr. President, on the eve of Memorial Day, 1970, television station KTSB of Topeka, Kans., presented a news commentary on what our flag really symbolizes. This is a difficult subject on which to speak directly and with down-to-earth realism, but KTSB news under the direction of Mr. Richard Brewster has done just this. I invite the attention of the Senate to this balanced, sensible commentary and suggest that the observations contained in it are most helpful in bringing into perspective the problem of proliferating symbolism in our national political system.

I ask unanimous consent that the commentary be printed in the RECORD.

There being no objection, the commentary was ordered to be printed in the RECORD, as follows:

MEMORIAL DAY

Memorial Day, tomorrow, thousands of Americans will visit local cemeteries and attend Memorial Day Services to honor the nation and those who have died defending it. The flag will be central in each ceremony because of what it stands for. Most of us don't stop often enough and ask what the flag really symbolizes.

The nation faces a continuing crisis on many fronts. Men's souls are tried by these times. And, it is not enough to simply extoll the nation's virtues unless we also acknowledge its problems and resolve to do something about them.

A rally 'round the flag has become a rare occurrence, at least in the traditional sense. It is time to ask why this is true.

More Americans than ever before are concerned about the nation's problems. The foremost, of course, is Southeast Asia. Perhaps the war issue has covered up other major problems. It cannot yet be said, for instance that Black Americans, Indians, or Mexican-Americans receive the full benefit of American citizenship. And, the nation and the world face extinction as our planet rebels against our abuses of it.

There is room for optimism, too. The great battles fought by labor organizers in steel mills and on factory steps have been victorious, though most of us remember the day a Southern governor used his state militia to block Black school children from the schoolhouse doors. Much progress has been made toward integration, though the internal war touched off by that confrontation is not yet through.

At this moment in the nation's history, our attention is directed toward the college campus on which many of these and other issues have become catalysts. Many Americans have rejected older values in the search for new ones. Perhaps that is part of the reason traditional flag day rallies mean less to us than they used to.

Values are changing in the United States at a rapid pace . . . faster than they changed following the Second World War. Then, as hundreds of thousands of troops returned home, old values were swept away and new values came into being. During that war, many men died . . . together and alone on lonely beaches. Part of Memorial Day is about those men and those who have died since. It is false and shallow to say those men died for a red, white, and blue piece of cloth. The flag is only a symbol of an ideal and people trying to achieve that ideal. It was for this these men died. It is this ideal, these people who make this day important.

As values change now, it becomes even more important to remember the reason we have a flag, why we observe Memorial Day. Too often we automatically suspect those who cry out for the chance of being subversive.

The machinery for change, for dramatic change, is built into the American system. When that system is functioning as it should, there is no need for revolution. The danger we face today arises because too many of us are willing to limit the freedom and liberty of those who dress differently, who think differently, or who act differently. To make such limitations is to make a fraud of the men who have given their lives to protect us and those who have sacrificed themselves to social change. It is to make a fraud of Memorial Day, of the flag, and of the ideals we take it to stand for.

We must remember that the most important social developments of American history were brought about by a few who were willing to sacrifice themselves.

Those who would sacrifice themselves to an unworthy cause cannot change a free society, in which all the citizens are allowed to hear their preaching.

America is all about this fact . . . that all voices must be heard. We must have the faith that our citizenry can distinguish the worthy from the unworthy voices.

If Memorial Day really is a day to remember what the country is all about, we must practice the faith . . . and keep it. The faith in the human enterprise. Only if we do, will the day, the flag, and indeed, the nation, continue to have meaning for all is citizens.

Good Night.

H. SMITH SHUMWAY, UNHANDICAPPED BY LOSS OF SIGHT

Mr. HANSEN. Mr. President, recently we had the good fortune in Washington to have a visit from a charming young woman from Cheyenne Central High School, in Wyoming, Miss Sondra Shumway. Miss Shumway was in the Capitol representing our State in the essay contest of the Veterans of Foreign Wars.

Her essay was entitled: "The Disabled Veteran as a Manpower Resource in My Community."

Sondra's father, H. Smith Shumway, is the subject of the essay. Mr. Shumway is a credit to our State and Nation, a man who lost his sight in service to our country, but who has overcome his handicap with hard work, a keen mind, and the inspiration of this philosophy:

> I have faith that God works in mysterious ways his wonders to perform, and maybe I could better live out my life as a blind person than as a sighted one.

Mr. President, I ask unanimous consent that Miss Shumway's essay be printed in the RECORD.

There being no objection, the essay was ordered to be printed in the RECORD, as follows:

THE DISABLED VETERAN AS A MANPOWER RESOURCE IN MY COMMUNITY

With the sudden blast of a land mine, the bright sunshiny day of July 27 was changed to total darkness for Lieutenant Shumway. In that quick moment he was condemned to blindness. The use of his eyes would never again be his privilege. In addition to his blindness, he was severely injured in his legs, hands, chest, and face which required two years of hospitalization. In this weakened physical state, living, rather than making a living, was the first problem tackled by him.

Mr. Shumway's adjustment to this world of darkness commenced in the hospital when he learned to put toothpaste in his mouth first in order to know the quantity he was getting to brush his teeth. He discovered that he could identify and recognize people by their voices as accurately as he had identified them in the past. Instead of associating faces with names, he connected sounds with names.

Upon stepping out of the hospital numerous adjustments were needed. Learning to travel in familiar and unfamiliar areas required the use of a white cane, alertness of all his senses, and great determination and courage. This ability he has mastered so completely that he independently travels thousands of miles each year, using all the commercial modes of travel.

At an early date in his blinded life he realized that his independence hinged on his ability to take care of and find his own personal belongings. He began arranging his sock drawers in sections in blue in one corner, brown in another, and gray in the middle. He also used this system for arranging his ties and other articles of clothing. He conceived a braille filing method to save important printed material. His office is organized in a similar manner. His system works so well that his children entrust their choice belongings with him as they know he will be able to return them if suddenly requested.

Mr. Shumway is very proud of his large family of eight children—seven girls and one boy. He has been able to fulfill their wants and needs from infancy. He has learned to dress and diaper, feed and burp, and play and entertain them with his magic tricks and "elephant jokes." If one observes carefully, he would notice that when he pours milk into his children's glasses, he has one finger inside the glass to avoid filling it too full.

He has enjoyed frequent walks through the neighborhood with his children. Their friends often have joined them upon hearing his harmonica and his children's voices, singing along the way. Upon returning home, he resembled the Pied Piper.

Around his home Mr. Shumway has learned to paint with a roller and do carpentry work using a braille yardstick. He is very successful as Director of the Blind in Wyoming. He assists blind people in helping them adjust to their handicap, be accepted, and earn their own living.

Mr. Shumway feels that determination and desire are very important in the attitude of the blinded individual in order to make a successful adjustment. Placing religion arms length above everything else in helping him to accept and adjust to his handicap has given him solaces. He has said, "I have faith that God works in mysterious ways his wonders to perform, and maybe I could better live out my life as a blind person than as a sighted one."[1] He feels that his handicap has been a blessing because it has enabled him to feel, know and appreciate many important things that he might have missed had he remained sighted.

"He not only has made an outstanding adjustment but he is able to consistently maintain a high level of performance and to live a useful life. He gives no evidence of 'standing still' or 'resting on his laurels' but consistently works toward and attains worthwhile goals."[2]

The philosophy of adjustment for all handicapped persons is basically the same. They wish to be accepted as normal people within their own limits—not pitied. They need love, understanding and responsibility. Their attributes, desires, and ways of life will determine how quickly and completely they can adjust to their handicap in their environment.

"It's not what we've lost, but what we have left, and how we use it that counts."[3] This is what Lieutenant Shumway, now H. Smith Shumway, substantial, contributing citizen, believes. I know this to be true, for I know Mr. Shumway well. He is my father.

THE GLEN ELDER DAM

Mr. DOLE. Mr. President, the recent dedication of the Glen Elder Dam marks the completion of a successful effort to control flooding and provide irrigation as well as recreational facilities for north central Kansas. It represents cooperation between the different branches of government and integration of the different levels of government under the guidance of the Bureau of Reclamation.

For these reasons, I ask unanimous consent that the remarks of Commissioner Ellis Armstrong, of the Bureau of Reclamation, made at the dedication of the Glen Elder Dam, be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

WATER IS MONEY IN THE BANK

(By Ellis L. Armstrong)

From my earliest days as a youngster growing up on a ranch in southern Utah, the sight of water has always exhilarated me.

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[1] "How I Overcame My Handicap," by H. Smith Shumway, 1952.

[2] From the biographical sketch of Mr. Shumway as a nominee for "Handicapped American of the Year," 1964.

[3] Harold Russell, National Chairman of Employment of the Handicapped.

Water meant life to us in that dry country and one of my first lessons was to conserve and use it carefully.

It was probably that admonition and my fascination with the work the Bureau of Reclamation was accomplishing in the arid west that influenced my choice of civil engineering as a vocation. I wanted to do something to help people and I could think of no better way to do it than to become an engineer and work for the Bureau of Reclamation.

Sure enough, I did go to work for the Bureau of Reclamation immediately out of college and most of my professional career has been devoted to water resource development. Long ago I became involved with the Glen Elder Dam as I prepared the preliminary designs back 25 years ago. I also had a role to play in the development of your sister river to the north, the Republican, for I first designed the Trenton Dam in the Office of the Chief Engineer and then was sent out to build it. Those days in Trenton were among the happiest in my life so you see I have a real love affair going with these rolling lands between the Missouri River and the Rocky Mountains.

Now, today, overlooking this beautiful Lake Waconda, my spirits are lifted to the skies again. This, to me is the real heartland of America the Beautiful. I am delighted that we, in the Bureau of Reclamation, have been able to construct the Glen Elder Project, for your area is surely richer for its completion.

I wonder how many of you think of water as money in the bank. One can always fix a value on land, and forests and mineral resources but did you ever consider the water and the air around us as the most valuable assets we have? Without them, the land would be valueless for it takes a combination of land, air and water for any living thing to exist in this frail biosphere which nature and the good Lord have provided for us.

Land you have aplenty and good rich land it is. Air you have in abundance also and for the most part it is clean and pure. But I can recall times in the past when it was polluted with blinding clouds of dust because of the vagaries of nature and man's failure to take care of his land. We have learned better now.

But we are still learning to take care of the third vital element in our biosphere, water. And without it, there would be no money in the bank and, indeed no bank to put it in. This project is a step in the right direction for it is part of the process by which we become the masters of water rather than its victims.

Glen Elder Dam and Waconda Lake will contribute nearly two-thirds of the flood control capacity required on the Solomon River. Flood control benefits alone are almost sufficient to justify the entire costs of the dam and reservoir.

Waconda Lake also will assure the city of Beloit and three rural water districts dependable year-round supplies for municipal and domestic use, while satisfying recommended minimum river flows for pollution abatement. To me, all of these benefits are the same as money in the bank to assure the economic stability of your area.

As of May 31, there were about 88,000 acre-feet of water in the lake. When the water rises to the top of the conservation pool, the lake will contain over 238,000 acre-feet of water and cover a surface area of 12,600 acres. Above this, more than 700,000 acre-feet of flood control storage will be provided.

This space, together with that of 10 other Bureau of Reclamation reservoirs previously constructed in the Kansas River Basin, makes a total of almost 2 million acre-feet of flood control capacity which the Bureau of Reclamation has provided to assist in controlling floods in this flood-prone region. One of these is in Colorado, four in Nebraska and five in Kansas.

But there can be still more money in the bank. Ultimately, Waconda Lake can provide irrigation water to some 30,000 acres of farmland. The determination of the optimum irrigation development is currently under study.

The irrigation plan we are investigating would take water from Waconda Lake into a 29-mile long canal paralleling the Solomon River on the south side. A 121-mile underground pipe distribution system will deliver the water from the canal to the project lands.

Irrigation facilities were not included in the Glen Elder construction start in 1963 because local support had not solidified to a point that an irrigation district could be formed and the required repayment arrangements made. But interest in utilizing the water to be stored in Waconda Lake for irrigation development has risen sharply in the past few years. An energetic committee is proceeding with organization of an irrigation district at the present time.

The people of this area have, in the past, and will continue to plan an active and important role in the conservation and use of the water and related land resources of the Solomon Valley.

Officers and members of the Solomon Valley Flood Control and Conservation Association are to be complimented for their hard work and cooperation in pushing the Bureau of Reclamation towards construction of this great multipurpose project. The Glen Elder Irrigation District Steering Committee is heading up the organization of an irrigation district. Finally, the newly-formed Waconda Lake Association is doing a great job in promoting recreational and outdoor sports activities here. Recreation use of Reclamation reservoirs is climbing by leaps and bounds. You have a marvelous man-made lake here which will mean money in the recreation bank as well.

Completion of the Glen Elder Dam marks the end of our string of major authorized water facilities in the Kansas River Basin, terminating a construction program that has been maintained since 1947. But this does not mean that the task of water resource development is over. Our entire program of investigations on water use is indicative of what is ahead.

We had completed or nearly completed feasibility studies on seven projects in the Kansas River Basin when decisions were made in 1968 by the National Water Resource Council to change the formula on which project economic justification was determined. This new formula calls for a current discount rate of 4⅞ percent, compared with a previous interest rate of 3¼ percent. This action has the effect of decreasing benefits and increasing costs in the economic analysis of potential water resource developments.

We believe at least four of the seven projects we have studied can absorb the higher interest rate and still retain a favorable benefit-cost ratio, even though I believe this places undue weight on water users as compared with other benefits which are realized from project construction. I contend that current evaluation procedures must be updated in terms of what existing and future water projects are doing and can do for all the people in improving the quality of their lives.

These four are the Glen Elder irrigation distribution system; the Kanopolis Unit in the Smoky Hill Basin of Kansas, and the Angus Dam and Reservoir on the Little Blue River in Nebraska. We expect to submit the report of our feasibility investigations on these potential units to the Secretary of the Interior in 1972. Thereafter, they must be considered by the Congress.

The completion of studies of the Scandia and Nelson Buck Units in Kansas and the Sunbeam Unit in Nebraska must await the release of new benefit evaluation procedures currently being developed by the Water Resources Council.

In the way of review, the Kanopolis Unit would take water from the Corps of Engineers' Kanopolis Reservoir to sustain the irrigation of 16,500 acres and to furnish a supplemental municipal water supply to the city of Salina. The water also would augment low flows of the Smoky Hill River to effect water quality control.

The Ellis Unit would include for construction of Round Mound Dam on Big Creek in Trego County, Kansas, to provide municipal water for the cities of Hays and Ellis while also furnishing badly needed flood control for these two communities.

Angus Dam would be constructed upstream on the Little Blue River from Fairbury, Nebraska, to provide 337,000 acre-feet of flood control storage. This development calls also for irrigation of 20,000 acres of land.

In addition to our work on the feasibility reports, we also are cooperating with both Kansas and Nebraska in development of long-range state water plans.

In Kansas, we are working closely with the State Water Resources Board in an overall investigation of the state's land and water resources. The study will include an evaluation of the surface and ground water supplies, an inventory and classification of the irrigable lands and an economic base study which has been contracted to Kansas State University.

From these studies will emerge a report outlining alternate potentials for development to serve as a guide to State and Federal agencies in future water resource planning. Thus we want to work closely with your state to put more money in the bank of useful working water.

Although we aren't happy about the present rate of water resource development, we are proud of what we have accomplished in the Kansas River Basin over the past 20 years. Reclamation has invested over a quarter of a billion dollars in the Basin during this time—an investment allocated about equally between flood control and irrigation.

Our 11 basin reservoirs have a combined capacity of almost 3 million acre-feet, with roughly one-third of this dedicated to irrigation and two-thirds to flood control. These multipurpose facilities control the runoff from 16,770 square miles, 25 percent of the total Kansas Basin area. At the top of the irrigation pools these 11 man-made lakes have a combined water surface of 45,000 acres embracing 425 miles of shoreline.

We have constructed irrigation facilities to serve almost 160,000 acres of land in the Kansas River Basin. Water is delivered to these lands through 1,000 miles of canals and laterals. In 1969, some 300,000 acre-feet of water was diverted through this network to irrigate almost 130,000 acres of land. The value of crops taken from these lands approached $17 million. Our reservoirs have prevented roughly $20 million in flood damages from floods that have occurred since our construction program started.

We have long been aware of the recreational potentials of our water resource development projects although official recognition of this benefit has come only in recent years. As a matter of fact, in my home state of Utah and elsewhere in the far West where the Bureau of Reclamation has been operational for many decades, some of the best fishing holes are Reclamation reservoirs. The streams below them usually have an improved fishery also.

The recreation facilities we are able to provide today are not provided as an afterthought. They represent careful planning, close involvement by agencies with a primary responsibility for the development of recreation facilities and considerable expense. Glen Elder Dam and Lake Waconda are a perfect example of this careful interagency planning.

As a further example of the true multipurpose nature of this dam and reservoir a total of 26,350 acres of the land and water area has been dedicated to public benefit and use either for outdoor recreation or fish and wildlife purposes. The administration and management of these lands and facilities have been transferred to two capable agencies of the State of Kansas—the Kansas State Park and Resources Authority and the Kansas Forestry, Fish and Game Commission as at our other reservoirs in Kansas. The exception is Kirwin Reservoir, just upstream, which is a national wildlife refuge. We take considerable pride in this Federal-State cooperative arrangement.

Here at Waconda Lake some 1,350 acres of land surrounding the site where these dedication ceremonies are being held have been designated as a State Park and will be administered by the Authority. In addition to this visitor information building, which incidentally is one of the first ones we have ever constructed in the Missouri River Basin, we will open bids next week for additional access roads, camping and picnic areas and sanitary facilities. The Authority also has an ambitious program of additional development scheduled for the State Park area.

Waconda Lake and its peripheral lands constitutes an important new fish and wildlife resource in this part of Kansas. Word of its hunting and fishing potential has been spread far beyond the Solomon Valley. Here again this has come about by careful multipurpose planning.

The Division of River Basin Studies of the Bureau of Sport Fisheries and Wildlife began study of the Glen Elder unit way back in 1947. Let me quote from a report from that agency to the Assistant Secretary for Fish and Wildlife, Parks and Marine Resources, dated only last April 24. Here is what he said:

"It was recognized from the beginning that there was an opportunity to not only mitigate project-caused fish and wildlife losses, but to go beyond that and bring about an enhancement of fish and wildlife. As a result of close cooperation between the Bureau of Reclamation, the Kansas Forestry, Fish and Game Commission, and our Bureau, this enhancement has been brought about."

The Bureau of Reclamation turned over a total of 25,100 acres of land and water surface at the project to the Kansas Forestry, Fish and Game Commission for fish and wildlife and recreational uses. Under the state agency, hundreds of acres of milo were planted by local farmers under lease agreements with the Commission. One-third of the crop was left standing for wildlife food. In the initial filling process, this newly inundated grain was an extra attraction to thousands of ducks and a few hundred white fronted geese.

I understand that the past hunting season was quite extraordinary as a result. In addition, initial fish stockings have already produced good catches of large mouth bass approaching 2 pounds, this, in spite of the fact that the reservoir is new and less than one-third full.

Going back to the Bureau of Sport Fisheries and Wildlife, they sum up the efforts in this manner and I quote again from their report:

"We are extremely pleased by the fine cooperative effort put forth by personnel of the Bureau of Reclamation and the Kansas Forestry, Fish and Game Commission. We are even more proud of the service provided by our Division of River Basin Studies field people. It is through success stories of this type that we gain the opportunity to demonstrate the value of good fish and wildlife planning."

We have also arranged to utilize the expertise of your Kansas State University to help in revegetating and beautifying the dam and reservoir area.

The Bureau of Reclamation is also delighted to be a part of this joint coperative effort. I believe the program at Lake Waconda is without question a positive addition to the natural environment. It fits in with our effort to meld the best of nature with those alterations which a man must make for his own survival and enrichment.

It is more money in the bank for betterment of mankind.

For all of these reasons, it is with pleasure that I join with Senator Dole and all of you good people here today in dedicating Lake Waconda to the service of the people of this area and for the further enrichment of mankind.

SENATOR FULBRIGHT WRITES ABOUT HOW STUDENTS EFFORTS TO END THE WAR SHOULD BE CONSTRUCTIVE

Mr. YARBOROUGH. Mr. President, since the U.S. invasion of Cambodia and the tragic shooting of four students at Kent State University in Ohio, thousands of students have come to Congress asking us to end the war. While I cannot speak for all Senators, I have been telling the students with whom I have spoken that they can help to change the policies of this Government if only they will work within the system for the changes they seek. Apparently, the Senator from Arkansas (Mr. FULBRIGHT), chairman of the Foreign Relations Committee, is of a similar mind in this matter, for he has stated his views with his customary eloquence in an article in the Progressive.

Mr. President, I ask unanimous consent that the article, entitled "What Students Can Do for Peace," published in the June 1970, issue of the Progressive on pages 15, 16 and 17, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHAT STUDENTS CAN DO FOR PEACE

(By Senator J. W. FULBRIGHT)

We have had some shocks in recent weeks—few more shocking than the killing of four students at Kent State University and two students in Jackson, Mississippi. All decent Americans are saddened by these tragic and unnecessary deaths, just as they are saddened by the equally tragic and unnecessary deaths of other fine young Americans in Vietnam and Laos and Cambodia. In a manner of speaking, these students were casualties of war, and I regret very much that the President's response to the tragedies was lacking in compassion.

All of us are of course concerned now with the widening of the war in Indochina. Throughout the country students are protesting the invasion of Cambodia and the resumption of the bombing of North Vietnam in one of the most impressive, spontaneous, and—in Washington at least—peaceful displays of protest in our country's history. It takes extraordinary restraint to contain anger and prevent violence at a time when so many young people are angry and disillusioned with a Government which appears to have turned its back on them, a Government in which prominent figures have shown themselves coldly unresponsive to the wishes and convictions of the young. It is difficult indeed to contain anger at such a time, but it is also essential—vitally essential—if the protests are to be effective in arousing public sentiment against the war, and not against dissent.

The point can hardly be overstressed. The only people whose purposes are served by student violence are those who are ready and waiting for an excuse to suppress dissent by force. Some of our young people have said they are willing to pay the price of martyrdom, but there is more at stake than that. The violent oppression which violent dissent invites would not end with the martyrdom of a few university students; it might well culminate in nothing less than the destruction of American democracy.

Who wants to be a martyr anyway? Who wants to go down to glorious defeat, or create a gallant legend—while the war goes on and the Philistines take over our country? Who wants to go down fighting when, with strategy and organization, you just might possibly win; you just might possibly succeed in changing some of the things that need to be changed in our society and saving the things that are worth saving. Dissent against this squalid war is more than an expression of democracy; it is also a reaffirmation of democracy, of youth's commitment to it, and of the desire of people of all ages to save American democracy from becoming another casualty of war.

I hope and urge that the young people of America continue their protests against the war. I hope and urge that they sustain their protests until the last American soldier has been withdrawn from Indochina. But I also stress the importance of strategy in dissent.

Instead of confining their expressions to mass demonstrations, the thousands of students who have come to the capitol to protest the war are beginning to employ the technique that businessmen and farmers and labor unions have found so rewarding over the years. The students seem to be in the process of becoming lobbyists for peace, making their views known, in a concerted, persistent, but peaceful and orderly way, to their elected representatives.

In so doing they are acting in the best tradition of representative democracy. They are also acting as *patriots*—not in the jingoist sense in which the term "patriotism" is commonly misused but in the sense defined by Albert Camus, who said that the true patriot is one who gives his highest loyalty not to his country as it *is* but to his own best conception of what it can and *ought* to be, and also in the sense defined by Adlai Stevenson, who used to point out that the true patriot was not only willing to fight for principles but also willing to live up to them.

For what cold comfort it may have, students may be interested in knowing that the feeling of an unresponsive Administration is not confined to the nation's campuses. Some of us in the Senate get the feeling now and then that our message is not getting through to people on the other side of town. Some months ago the Vice President paid me the compliment of saying that he had been "trying very hard for five or six years" to understand my positions but, unfortunately, "without any success." I appreciate his effort, and I have noted his lack of success, and I do indeed regret the inability of some of us in the Senate to get our meaning across.

For my own part, I have taken every opportunity I could find to bring authoritative and persuasive witnesses to the Foreign Relations Committee to discuss the war. Much of the potential political impact of what these witnesses have had to say has unfortunately been lost, because the media have not seen fit to transmit some extremely interesting testimony beyond the Committee chamber, except in limited and fragmentary form. In this respect—if not in some others—I am inclined to agree with Vice President Agnew that ". . . perhaps it is time that the networks were made more responsive to the people they serve."

The problem for some of us in the Senate,

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as well as for people in the academic community, is how to get through to the country and to the President so as to bring an end to a stupid and indecent war. I am of the opinion that, at this stage of events, something more than rational argument is required—which is not to make a case for irrational argument, still less for violence and disorderly protest, which do far more to damage the cause of peace than to advance it. The problem is essentially one of political strategy, of campaigns, elections, and lobbying—of the bringing to bear of political pressures through the various channels open to us within the American political system.

Discouraging though it has seemed at times, I believe that the years of dissent have had important, though insufficient, effect. It is always difficult to speculate on what might have been, but I strongly suspect that things would be even worse today if it had not been for the determination of students and other citizens who opposed the policies of the previous Administration. I think particularly of those who became involved in practical political activities such as the New Hampshire primary.

Active, organized dissent is the only reliable restraint we have on a leadership which seems bent upon a disastrous course in Indochina. Cynical though it may sound, I have always suspected that Mr. Nixon did not put a stop to the Johnson escalation policy for purely philosophical reasons. He had a political incentive too, and I would hate to see that incentive taken away from him—all the more now when the Administration appears to have forgotten the fate of its predecessor, or else persuaded itself that it can pursue the same policies and still come out on top politically. Boring, repetitious, and simple-minded though it may seem, it is up to all those of us who oppose this war to keep on boring, badgering, and lobbying our leaders until they make peace. If they find this annoying, as they sometimes have in the past, we can always recall for them President Nixon's words of last December 8, that "the people of the United States are entitled to know everything that they possibly can with regard to any involvement of the United States abroad."

Turning now to the means by which students can most effectively influence our Vietnam policy, I stress again reliance on the conventional, institutional procedures. Some of us in the Senate are trying to build support for the Cooper-Church amendment to the Foreign Military Sales Act, which would prohibit the expenditure of any further funds for the conduct of hostilities in Cambodia. Some of us are also engaged in an effort to repeal the notorious Gulf of Tonkin resolution. Students who wish to lobby for peace—and, for that matter, non-students who wish to lobby for peace—might find it worthwhile to commend this legislation to their representatives in Congress.

Perhaps, to cite another example, a student campaign might be organized to build public and Congressional support for a negotiated, compromise peace based on the principles of a sharing of power among the various South Vietnamese factions and the prompt, phased withdrawal of all American forces from Indochina. Whatever the exact approach, organization and planning are required. Dissent, no less than war, requires a strategy if it is to succeed.

I am not much alarmed by the "revolutionary" activities of our young revolutionaries. They do not appear to have the numbers, the resources, the skill—or, most important of all, the opportunity—to make a radical revolution, but they might succeed in bringing on something resembling a counterrevolution from the right, inflated by support from great numbers of honest and decent but frightened citizens.

If there is any bias in our history and in the character of our society, it is not toward the Left but toward the Right. The "Red scares" of our past, from Sacco-Vanzetti to Alger Hiss to the "effete snobs" and "rotten apples" of more recent vintage, have never amounted to much as far as threatening our society is concerned, but the anti-Red reactions have amounted to a great deal. Taken together, the right wing bias of our past, the intense, obsessive fear of Communism, the disruption wrought by thirty years of chronic war, the power of the military-industrial-labor-academic complex which chronic war has spawned, and our failure to come to grips with urgent problems at home—all these collectively have posed a great strain on American democracy.

Confronted with so great a concentration of forces on the other side, the extremists of the Left can have little hope of working their will on our society, but they could bring down on themselves a counterrevolution from the Right which would surely destroy their movements and possibly destroy democracy as well. I venture to predict that, if American democracy is overthrown in our generation, it will not be by radicals flying the Vietcong flag but by right-wing radicals flying the American flag.

Even if it were possible, and desirable to overthrow the existing system, history suggests that what we would get would not be something better but chaos and disaster—as was the case with the French and Russian Revolutions, at least in their immediate aftermaths. I think our system is a good one, given the nature of our society, but even if one does not think so, there is an excellent case to be made for preserving it. That case, quite simply, is that destruction of the system would almost certainly lead to something worse—and something quite different from the dreams of the revolutionaries.

Radically different in motive and purpose though they are, the humanitarians of the New Left who would remake our society through social revolution share one common trait with the social scientists who think they can manipulate society with their computers, with the strategists who write about the "responsibilities of power," and with the theologians who construct ponderous theories of the "just war." That common trait is a supreme confidence in their own capacity for moral choice.

I am unattracted by that excess of conscience which leads individuals to invoke a "higher moral law." I mistrust too much conscience because it places too heavy a burden on human judgment, which we all know—or ought to know—is susceptible to distortions ranging from rationalization to total obsession. In broad terms, and for most purposes, I would rather be ruled by law than by conscience, because law, imperfect though it is, is the only means we have of protecting ourselves from the arbitrariness, capriciousness, and susceptibility of our own human nature. A reliable, undeluded, objective morality would be preferable to law if it were attainable, but I do not think that it is.

In any matter of justice or morality, the critical question is always: *Who* is to make the distinction between right and wrong, between progress and regression? Professor Herbert Marcuse suggests that the man qualified to make this distinction for society as a whole is "everyone in the maturity of his faculties as a human being, everyone who has learned to think rationally and autonomously." With all respect for Professor Marcuse's significant insights into the nature of our society. I think that he begs the question of moral choice. How are we to select those special individuals whose maturity and capacity to think rationally and autonomously qualify them to make important decisions for society as a whole? Can they really select themselves? Would any of us volunteer to disqualify ourselves?

To be in a position to make moral judgments for society as a whole, one must possess power, and nothing distorts human judgment more certainly than the possession of great power. If history has taught us anything about power, it has taught us that the corrupting effects of power are not confined to bad men; good men are corrupted too, and the evil which they do in good causes is no less evil than the evil done by mad men in bad causes.

It is not just *what* one thinks but *how* one thinks that makes a person dangerous and destructive. It was not just the moral and strategic opinions of our leaders and their intellectual supporters that got us into Vietnam; it was their arrogant certainty of the rightness of their own predictions and opinions. Like it or not, there is one thing that even the most committed of social reformers share with the strategists and the moral crusaders: human nature and its susceptibilities. We cannot escape them, much as we might like to, and, because we cannot, we do well to remember Judge Learned Hand's warning that "the spirit of liberty is the spirit that is not too sure that it is right."

I am aware of the skepticism young people may feel when they are called upon to respect their country's institutions. They have seen these institutions misused and even corrupted in too many instances in recent years. Some of us in the Senate have shared that experience. We were deceived about the Gulf of Tonkin in 1964; we were deceived about the Dominican Republic in 1965; and, as the special subcommittee headed by Senator Stuart Symington has shown, we have been deliberately and systematically deceived over the past several years about the extent of American military involvement in Laos. Now, by invading Cambodia and reescalating the war without notice or authorization, the Executive has deceived the Congress and the country once again, with consequences that cannot easily be foreseen. The term "credibility gap" is a tame euphemism for the practices to which it refers.

If many of our young people feel contempt for their country's institutions, it must be admitted that an example was set for them on the highest level. No one, however, is under any obligation to follow that example. We can, if we wish, undertake to restore the integrity of American democracy rather than compound the problem, as some liberals have done, by bestowing their benedictions on violence and disorder. To my mind it makes no sense at all, when we see our democratic institutions misused, to decide that we might as well go on to finish the job by destroying the institutions altogether.

There are ample possibilities for a strategy of dissent through the processes of American democracy. In addition to lobbying for peace through the legislative process, there is an obvious and promising strategy in this election year: to take to the political hustings and to work in an efficient and organized way for candidates who favor peace. In many if not most of the contests for the Senate and House of Representatives this year, the outcome might be significantly affected by, say, fifty or 100 efficient precinct workers seeking support for their candidates on the weekends preceding either primaries or the general election. It was not, I remind you, a purely intellectual process that led President Johnson to revise his escalation policy in Vietnam.

The election of 1968 did not resolve the issue of Vietnam as we had hoped it would, and as it should have. That is a disappointment, but there is no use crying about it now when our efforts can be put to more productive use in elections still to come. Ringing doorbells and passing out handbills are neither as dramatic nor as cathartic as a march on Washington or a student strike, but they speak the language that politicians understand: the language of votes.

Discouraging though it may seem at times, peaceful political dissent at home is the most powerful incentive our policymakers have for bringing the war in Indochina to an end. The real impact of orderly, democratic dissent in America is not on the policymakers in Hanoi, as people who support the present course are fond of asserting, but on the policymakers in Washington. That, no doubt, is why they object to dissent, and that is why those of us who oppose this war must sustain it.

NEW YORK INSURANCE DEPARTMENT DECISION REGARDING AIR-TRIP TICKET ACCIDENT INSURANCE OVERCHARGES AND COMPARISON WITH CREDIT LIFE INSURANCE OVERCHARGES

Mr. HART. Mr. President, the Subcommittee on Antitrust and Monopoly has been investigating the insurance business and its regulations by the States for the last dozen years. The first area focused on was aviation insurance. During the course of hearings in 1958, much testimony was received on air trip insurance sold at air terminals either at booths or coin-operated machines. The subcommittee learned that the public was receiving 25 cents in benefits per premium dollar for this insurance. Now, 12 years later, Superintendent Richard E. Stewart, of the New York insurance department, has found that during the 8-year period, 1961 through 1968, buyers of air trip insurance policies have paid $117,439,000 but only received benefits of $30,217,000 or an average of 26 cents for each premium dollar. Where did the difference of some $87 million go? The New York insurance department found the $87 million was divided equally among airport terminals for the booths and coin-operated machines, selling costs, and insurance company overhead and profit. Superintendent Stewart ordered that air trip insurance policies previously approved by his department be withdrawn on September 1, 1970, because the benefits were unreasonable in relation to the premium charged. New filings for air trip on a 40 percent benefits to premium ratio will be approved.

This is a step in the right direction, but we should be aiming for, at least, a 70-percent benefits to premium ratio.

Mr. President, the McCarran-Ferguson Act, passed by the 79th Congress in 1945, provides that Federal antitrust laws and the Federal Trade Commission Act are only applicable to the insurance business to the extent that it is not regulated by State law. It is our understanding that many States currently do not have laws regulating the prices and practices of air trip insurance. It appears that the Federal antitrust laws and Federal Trade Commission Act would be fully applicable. Because each of my colleagues has at least one major airport selling this insurance to interstate travelers in their State, I am asking, publicly that the Department of Justice and the Federal Trade Commission investigate whether the pricing, selling practices and other activities of the insurance companies and airport terminals violate the Federal antitrust laws in these States where there are no State laws or regulations.

Mr. President, I would like to call attention to the New York Insurance Departments' point that insurers compete for air trip insurance franchises at terminals by bidding up the rental much in the same way credit life insurers compete for finance company business by bidding up the kickback to the lenders. Credit life insurance pays off a borrower's debt to a lender if the borrower dies. This insurance is commonly sold by the lender as a part of the credit transaction. In 1967, the Antitrust and Monopoly Subcommittee held extensive hearings on credit life insurance. The subcommittee found that the public in 1968 paid nearly $250 million in excessive charges for credit life and credit accident and health insurance. Pending now before the Subcommittee on Financial Institutions of the Senate Banking and Currency Committee is a bill—S. 1754—which would have the Federal Reserve Board set maximum rates for credit life insurance—any State whose rates were the same as or lower than the Board's rates would be exempt.

The able Senator from Wisconsin (Mr. PROXMIRE), the chairman of that subcommittee, held a series of hearings on the bill last summer, but no other action has been taken. Each month of delay costs innocent borrowers some $20 million in overcharges. In a period when many family budgets are pulling apart under inflationary stress, that waste of money is particularly trying.

Mr. President, I would hope that action will be taken soon to protect the public from excessive charges for both air trip insurance and credit life insurance.

Mr. President, I ask unanimous consent to have printed in the RECORD the opinion and decision of the New York Insurance Department.

There being no objection, the opinion and decision were ordered to be printed in the RECORD, as follows:

[State of New York Insurance Department, New York]

OPINION AND DECISION

(In the matter of Air Trip-Ticket Accident Insurance)

This is a decision in an administrative proceeding conducted by the Insurance Department to determine whether the Department should withdraw its approval of certain insurance policy forms providing "air trip-ticket insurance."

I. BACKGROUND AND PROCEDURE

Air trip-ticket accident insurance is insurance providing death, dismemberment and medical expense benefits on account of accidents occurring during the course of travel described in the insured's airplane ticket. The insurance is usually sold at airline terminals, either at booths or through coin-operated vending machines.

The Insurance Department must approve the form of any air trip-ticket accident insurance policy before it may be sold. There are at present 12 companies,[1] all of which are respondents in this proceeding, for which such policy forms have been approved. With immaterial variations, the standard level of benefits provided by such policies is $7,500 for each 25 cents in premium.

The proceeding was commenced on November 20, 1969 by service on each of the companies of a notice of hearing. The notice alleged, in substance, that benefits provided under air trip-ticket accident insurance policies amounted to only 25 cents out of every dollar in premium, that the minimum reasonable benefit level was 40 cents out of every dollar of premium, and that, accordingly, approval of the policy forms should be withdrawn under Section 141 of the Insurance Law. The hearing was held on December 10 and 12, 1969. The parties were given until January 16, 1970 to file briefs, and until January 23, 1970 to file reply briefs.

Initially, a word is appropriate about the companies' arguments that reversible errors were committed by the Department or by me as hearing officer in the calling and conducting of the hearing. The errors complained about mainly stem from or are related to the joinder of the respondents. The discretion lodged in the courts to order a joint trial or consolidation of actions to expedite justice is possessed by administrative agencies. In addition, Insurance Law Section 23 provides in part:

"Nothing herein contained shall require the observance at any such hearing of formal rules of pleading or evidence."

The consolidation was justified by the saving of time and expense and because the policies of all the companies are virtually identical, are marketed in a similar fashion, are designed to cover the same kind of accident event and involve identical premium rates. None of the companies was prejudiced in any way by the consolidation.

II. DISCUSSION

Section 141 of the Insurance Law allows the Insurance Department to withdraw approval of policy forms previously approved "if the benefits provided therein are unreasonable in relation to the premium charged." The relationship between benefits and premiums is the "loss ratio"—the percentage of premiums paid back to consumers as benefits. A determination under Section 141 requires, therefore (1) a determination as to what loss ratio may be expected over the immediate future, and (2) a determination whether or not such a loss ratio is "reasonable".

1. Probable loss ratio at present rates

It is of the essence of insurance of all kinds that the insurer cannot tell beforehand whether a particular policyholder will suffer a loss covered by the policy. Were it otherwise—were there no "risk" or uncertainty involved—the insurance transaction would be pointless.

But, while the possibility of loss for each individual policyholder is unpredictable, the number and extent of losses among groups of policyholders becomes more and more predictable as the total number of policyholders increases. Human judgment applied to past experience can give quite reliable predictions as to the statistical likelihood of loss in the mass—predictions which are reliable enough to induce insurance companies to place their capital at risk and to enable them to price and sell their product, and predictions which are reliable enough to enable insurance regulators to impose restrictions and limitations when they are necessary.

Obviously, the more policyholders considered, the more reliable becomes the prediction as to what percentage of them will suffer losses. A prediction as to the percentage of drivers with similar characteristics who will be involved in auto accidents next year in the United States may have greater reliability than such a prediction as to New York State, New York City, Queens or Jamaica. But while a prediction as to nationwide losses may be more reliable (in a relative sense) than a prediction as to local losses, a prediction as to local losses will be more relevant when the question is how much a local driver should pay for his insurance. All of insurance rate-making involves a tension between the need for broad generalization and greater reliability, on the one hand, and the need

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Footnotes at end of article.

for specific differentiations and greater relevance on the other.

All of this is by way of elementary background, but it is appropriate and necessary, in light of much of the disputation which occurred at the hearing, to keep these elementary principles clearly in mind.

In this proceeding, the first issue, stated most specifically, is what portion of the air trip-ticket premium dollar is likely to be paid out in benefits, by each of the companies involved, on air trip-ticket insurance sold in New York State in the immediate future. In support of its assertion that this probable loss ratio for each of the companies would approximate 25%, the Department introduced evidence concerning the combined experience, on a nationwide (not New York State) basis, for three companies or groups representing 95% of the nationwide business (not the separate experience for each company), for the years 1961[2] through 1968. These figures, which were originally supplied to the Department by the three insurers and which are not disputed (or at least were not rebutted) are as follows:

Year	Premium volume	Loss ratio (percent)
1961	$13,081,285	40.53
1962	13,862,137	62.62
1963	13,819,600	24.35
1964	14,409,517	21.70
1965	15,585,033	12.83
1966	15,688,097	24.05
1967	15,211,825	20.78
1968	15,780,823	5.17
Total	117,439,000	[1] 25.73

[1] 8 year average loss ratio.

The eight year average loss ratio is 25.73%, and the three year loss ratios are as follows:

[Loss ratio]

Years:	Percent
1961–63	42.55
1962–64	36.05
1963–65	19.38
1964–66	19.48
1965–67	19.22
1966–68	16.60

On the basis of these figures, the Department's expert actuary gave his opinion that a loss ratio of 25.7% was a reliable prediction for each of the companies on New York State business in the immediately foreseeable future. Against this conclusion, a number of arguments—some developed in the testimony and others not—should be stated and evaluated.

The first argument is to the effect that data on past experience may not be reliable as a guide to the future. It is possible, for example, that the experience is simply insufficient to permit any projections—much as the auto accident experience of only a handful of drivers selected at random would be scant guide to the future. Actuaries seek what they refer to as "credibility"—the selection of such a large number of past insured risks encompassing such a large number of past paid losses that the chance extremes will not materially affect the average result.

Credibility is not, of course, an absolute, and the question is always how much weight to give past data, not whether either to give it conclusive weight or to ignore it. Actuarial testimony at the hearing was conflicting as to how "credible" are the data used by the Department. While I find that the data for any one company or for any single year are not reliable as to predicting future occurrences, I also find that the eight year combined average of the three companies or groups writing 95% of the national market is acceptable as a reliable indication of what the future will probably hold. It is noted that the eight year figures and the successive three year averages show a clear downward trend in the loss ratios. By using the eight year average (25.73%), rather than that of the most recent period (5.17%) or a figure based on the eight year trend, the probable loss ratio is substantially higher, and thus in the companies' favor, than would otherwise result.

While I find the data on past experience reasonably credible or reliable from a statistical point of view, it is possible that conditions may have so changed that past experience will not be relevant to the future. The companies advanced such a contention—that the advent of the jumbo jets will drastically change the underlying risk factors. No persuasive evidence was presented in support of this possibility, however, and I discount it. In fact, the companies' own expert witness stated that the jumbo jets should prove to be the safest aircraft yet.[3] Moreover, a Department witness recalled that companies had advanced similar contentions when other aviation developments occurred, but that the experience on those prior occasions never reflected the dire forebodings and, in fact, the long-term experience has been constantly improving.

Another argument of respondents is to the effect that the data used, however reliable they may be as to nationwide, all-industry experience, are of no relevance to this proceeding—which concerns New York State business of each of the separate companies. As to the use of nationwide experience versus New York experience, no arguments were presented which would indicate that people purchasing air trip insurance in New York State had any different loss potential than people purchasing it elsewhere. Respondent Mutual of Omaha introduced an exhibit purportedly showing its New York air trip income and losses paid, but all losses paid to *residents* of New York regardless of where the policies were sold were included on the loss side, while the income figures were restricted to income from policies *sold* in New York. In view of the proximity of Newark Airport and other out of state airports to New York City and other New York State metropolitan areas, the purported "loss ratio" derived from the data is of no value. There was neither identifying testimony nor cross-examination concerning these data, and, in any event, the New York data are necessarily far less credible than nationwide data (See Transcript, pp. 259–260). In the absence of credible New York experience and of any reasons why New York experience should be expected to differ from nationwide experience, the nationwide experience provides the more reliable base for the purpose of this proceeding.

A number of respondents insisted that the experience of other companies had no relevance to them, and that they should be judged only on their own experience. This contention, however, is directly contrary to all the general rules for predicting an insurance company's future loss costs. When the policy forms provide substantially similar kinds of benefits (as is the case here), and when there are no identifiable differences in the circumstances under which and to whom the insurance is sold (no such differences have been presented), the most reliable indicator of one company's future loss costs is the broadest possible base of experience—the experience of all companies. Thus, in the present case, the experience of each individual company is a worse guide to its probable future experience than is the combined experience of all companies.

For all these reasons, therefore, I find that the eight-year, nationwide, combined experience of three insurers writing 95% of the national market, as introduced by the Department, is a reliable and, if anything, conservative index to the probable future loss ratios of each of the respondents upon the policies at issue in this proceeding. For the purpose of determining the reasonableness of benefits in relation to premiums, a probable loss ratio in the vicinity of 25% has been established.

2. Reasonableness of loss ratio

The statutory requirement that the Insurance Department pass upon the "reasonableness" of loss ratios is not limited to air trip-ticket accident insurance, but applies to most other kinds of accident and health insurance as well. The statutory standard thus has a lengthy history and is familiar to insurance regulators and people in the insurance business. While the statute has seldom been applied or analyzed in depth in either judicial or administrative opinions, it was construed and sustained against constitutional challenge by the New York Court of Appeals in *In the Matter of Old Republic Life Insurance Company et al.* v. *Wikler*, 9 New York 2d 524 (1961).

(a) Administrative Practice

The statute is administered in daily practice through the application of a series of "benchmark" loss ratios applicable to particular kinds of policies. These benchmarks are not established by formal rules or regulations, and may be modified in particular cases as circumstances require.

In the present case, the Department sought to satisfy at least part of its burden with respect to the reasonableness of the 25% less ratio by showing that the administrative benchmark loss ratio applicable to air trip-ticket accident insurance was 40%.

The facts in this respect begin with a resolution adopted in 1953 by the National Association of Insurance Commissioners (NAIC) to the effect that an appropriate benchmark loss ratio for policies providing benefits for accidents occurring during an airplane trip was 25% when the premium was less than $10. Resolutions of the NAIC do not have the force of law, but do indicate the sentiment among the nation's insurance regulators on particular issues at particular times. This resolution was followed, in effect, by the New York Insurance Department during the 1950's.

In 1961, however, as a result of a series of conferences between the Department and affected parties, the Department raised the air trip benchmark loss ratio to 40%, and insurers adjusted premiums to conform to the benchmark. This was accomplished by securing voluntary compliance of the insurers, so that a formal hearing was not necessary and was not held.

Subsequently, and down to the present time, the air trip benchmark continued to be 40% and all of the policies here at issue were approved on that basis. In 1967, the Travelers Insurance Company submitted an air trip policy form and stated in connection with the application for approval that the expected loss ratio was 30%. At that time, the loss statistics for recent years were under review and the Department provisionally approved the Travelers' form in January, 1968, in the belief that the insurer should be permitted to use its form, which is substantially identical to that of other insurers, pending a Departmental determination which would apply equally to all insurers. Travelers agreed to adjust its policy in the future consistent with any future determinations concerning air trip insurance by the Department.

It is clear that the Department has since 1961 utilized a 40% benchmark for air trip-ticket accident insurance and that the benchmark was known to, or at least knowable by, the writers of this kind of insurance. However, while this administrative policy may be entitled to some weight, the question of the standard will be considered on the merits for the purposes of this proceeding.

What, then, is a "reasonable" loss ratio for air trip-ticket accident insurance? How does one go about determining the reasonableness of loss ratios? What are the purposes to be accomplished by such a regulatory endeavor? There are, it seems, three separate purposes

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Footnotes at end of article.

which can be discerned in loss ratio regulation, leading to three separate sets of considerations in determining the reasonableness of loss ratios.

(b) Avoiding excessive profits

The first consideration is the avoidance of excessive profits. This is a central purpose of any kind of rate regulation, and is particularly important in property-liability rate regulation under Articles VII–A and VIII of the Insurance Law. Under those articles, both loss ratios and expense ratios are ascertained, and rates are adjusted so that the amount left over, the profit, is not unreasonable. Under Section 141, however, neither expenses nor profits are explicitly mentioned and the statute is not, in fact, according either to its terminology or to its history, a "rate regulation" statute. But that does not mean that excessive profits are to be condoned. While the test is not the mathematical and relatively precise test of property-liability rate regulation, where profits are measured down to the last decimal, whether or not a loss ratio is "reasonable" depends in part upon whether or not such a loss ratio produces unreasonable profits.

Insurance profits, in the first instance, are "underwriting profits," the difference between premiums taken in and losses and expenses paid out. Actually, however, underwriting profits are only part of the story. The insurer also has the use of its policyholders' money for a time, since it collects premiums before it pays losses (though not expenses), and thus the insurer also earns investment income. In air trip insurance, investment income is relatively small, since such a large portion of the premium goes to pay commissions and other expenses, and since the policy is a short term policy (unlike fire insurance, for example) and losses are quickly ascertained and paid (unlike automobile liability insurance, for example).

Underwriting profits and investment income, which are the total return from the insurance business, must be measured against the amount of capital which must be placed at risk. The more risky the business, the more capital (relatively) must be invested in it, and the greater, consequently, should be the allowable return.

In order to reduce the amount of their capital at risk, insurers sometimes purchase "reinsurance"—an agreement by other insurers to pay, for example, all losses over a certain figure, or all losses arising out of one occurrence or a percentage of all losses. The riskier the primary business, the more expensive is the reinsurance. Reinsurance rates are largely unregulated, being a matter of contract between insurance companies. The result is that, in regulating primary insurance rates, the costs of reinsurance are not directly considered. The amount of risk is a factor properly considered in determining the appropriate level of underwriting profit, but how successfully one insurer has put the risk off on some other insurer is not of primary concern to the regulator. Thus, evidence and discussion in the record concerning the costs of reinsurance are of interest and have been considered only insofar as they relate to the degree of risk in the business.

In the present case, no testimony was offered affording precise measurement of either the probable underwriting profit on an historical basis or the appropriate level of underwriting profit in light of investment income and degree of risk. The evidence does indicate that airport rentals approximate 25% of premiums, as do selling costs, so that the two together comprise 50%. This leaves another 50% out of which must come losses, taxes, general overhead expenses and profits. The historical amount of taxes and general overhead expenses is not precisely indicated by the evidence, but such indications as there are in the evidence, together with general knowledge of the insurance business, would indicate—assuming 50% of premiums are used up in selling costs—that a 25% loss ratio would leave an extremely large underwriting profit, even when measured by the investment income and risk in the air trip business. It cannot, however, be determined from the available evidence that a 40% benchmark loss ratio is justified solely on the ground of avoiding excessive profits.

(c) Avoiding Excessive Expenses

Another purpose of loss ratio regulation is to guard against excessive and unnecessary expenses. In rate regulation under Articles VII–A and VIII of the Insurance Law the regulator is concerned with measuring the size of expenses so as to enable a determination that the rate will not leave excessive profits. Under Section 141, it is the total insurance product that is measured—the relationship between premiums and benefits—and it is not merely the size of expenses, but also their necessity and quality, that must be measured.

This point is best illustrated by reference to the situation in which loss ratio regulation is today most widely used—the regulation of credit life insurance. Credit life insurance is insurance which pays off a borrower's debt to the lender in the event of the borrower's death. Such insurance is commonly sold by the lender as a part of the credit transaction. As a practical matter, because the premium is so low in dollar terms and because the insurance is a fringe aspect of the credit transaction, the borrower is not in a position to make an informed choice as to whether and from whom to buy the insurance. He will most often simply accept the policy offered by the lender. Since the lender will be compensated by the insurer, through commissions or otherwise, the lender's interest in selecting the insurer is often to find the insurer with the highest price—with the price which will leave the most money left over (after paying losses) and available to the lender for his compensation. Insurers "compete" with each other to see who can offer the highest price and, consequently, highest commissions. Rates go up and up, but the insurer's profits never become exhorbitant because it is the lender who will absorb the vast bulk of the premiums not necessary for losses. Regulation of the insurer's rates without questioning the propriety of past expenses is not particularly helpful, because the insurer can generally show that its costs—losses plus expenses—do not leave room for excessive profits.

Rate regulation based on benchmark loss ratios has afforded one means of putting limits on this reverse competition phenomenon. A maximum rate can be derived from a "benchmark" loss ratio, under Section 141 and the cognate sections of the Insurance Law, so that premiums cannot be increased to pay the excessive commissions which the lender's monopoly position could otherwise command. The lender and the insurer can continue to bargain over the lender's compensation, but they are required to do so within the limits of *their* constant share of the premium dollar, and not at the expense of the borrower.

In air trip insurance, the airport at which the insurance is sold is in a position analogous to that of the lender in credit life insurance. The airport will give out its insurance franchise to the highest bidder, and if the insurers are able to pass the franchise costs along to consumers without any limit, their bids will drive airport rentals and insurance premiums ever higher. The insurance consumer will never be offered the choice to buy insurance from a low-bidding, low-premium insurer, because that insurer will not be allowed to sell in the airport. Insurance "rate" regulation, if the size of expenses is to be accepted as a given, cannot cope with this problem; loss ratio regulation, such as under Section 141, can.

Under Section 141, the necessity and quality of various expenses must be considered, because a loss ratio would necessarily be unreasonably low if expenses and the expense ratio were unreasonably high. In the case of air trip insurance, concern over the level of airport rentals is not simply a theoretical one, but a concern that has a long historical background. (See NAIC Proceedings, 1960 Vol. II, introduced as Department's Exhibit 9, and the May 25, 1964 Speech by Joseph F. Murphy, introduced as Department's Exhibit 10.) A loss ratio of 25% would leave far too much money to be absorbed in rental fees by airports and far too little for insurance consumers. A loss ratio of 40% is calculated to put a meaningful restraint on airport rentals and return relatively more money to the insurance consumers.

(d) Avoiding inefficient insurance

A third set of considerations which is relevant to the reasonableness of a given loss ratio—in addition to avoiding excessive profits and limiting excessive expenses—is the "efficiency" of the insurance in question. It may be that—even if profits are not unreasonable and even if the expenses are justifiable—a particular kind of insurance is grossly inefficient when measured against other ways by which people could purchase substantially equivalent or better benefits. In the present case, the benefits provided by air trip insurance are primarily a combination of death benefits and medical cost benefits. Insurance providing death benefits or medical cost benefits is often highly efficient. Social Security has a loss ratio of approximately 97% of payments, while the comparable figures for Blue Cross are approximately 90% and for health and accident plans 80%. Group term life insurance sold through the place of employment can, for large groups, have a loss ratio as high as 90% of premiums.

Thus, air trip insurance, with a 25% loss ratio, would cost the consumer three times more than if substantially similar benefits were purchased in other ways. Such a loss ratio must be considered unreasonable.

III. CONCLUSION

Accordingly, whether measured by (1) the administrative benchmark previously established by the Insurance Department, (2) the avoidance of excessive profits, (3) the avoidance of exorbitant and unnecessary expenses, or (4) alternative means by which consumers would obtain the same sort of benefits, air trip-ticket accident insurance policies which are likely to return as benefits only 25 cents out of each premium dollar are policies which provide benefits which are unreasonable in relation to the premium charged.

It is ordered that the air trip-ticket accident insurance policies previously approved by this Department be withdrawn on September 1, 1970, in accordance with Insurance Law Section 141. The statute requires that withdrawal of approval is effective only after a period of 90 days after the Superintendent gives notice of withdrawal. By setting September 1 as the withdrawal date, this 90 day notice requirement is met and somewhat exceeded. New filings for air trip-ticket accident insurance policies based on a loss ratio of 40% or higher will be approved.

Dated: New York, N.Y., May 7, 1970.

MALCOLM MACKAY,
Deputy Superintendent of Insurance.

Richard E. Stewart, Superintendent of Insurance, pursuant to the authority vested in him under the Insurance Law, hereby approves and adopts the determination hereinabove made.

Dated: New York, N.Y., May 6, 1970.

RICHARD E. STEWART,
Superintendent of Insurance.

FOOTNOTES

[1] Aetna Life Insurance Company, Bankers Multiple Line Insurance Company, Beneficial National Life Insurance Company, Benefit Trust Life Insurance Company, Commercial

Insurance Company of Newark, New Jersey, Companion Life Insurance Company, Continental Casualty Company, Federal Life and Casualty Company, Fidelity and Casualty Company, Guardian Life Insurance Company of America, Mutual of Omaha Insurance Company, and Travelers Insurance Company (hereafter referred to as the "companies"). Not all respondents are actively engaged in selling air trip insurance to the public in New York State; in fact, the evidence indicates that only two companies are so active at the present time.

[2] 1961 is the first year the Department used the 40% loss ratio "benchmark", a term which is explained below.

[3] This expert witness, Major General Joseph D. Caldara, did state that there has always been a "learning curve" when new types of aircraft are introduced—a period when accidents are more apt to occur due to human inexperience in handling the aircraft. General Caldara, when asked to describe the learning curve for jumbo jets, answered: "In my opinion the 747 is the safest aircraft designed and built to date from an operating standpoint. In my opinion, the air carriers who have been training their crews for the operation of this, have increased their training and improved their training for it. With this as a background, it would be my hope that we would operate the 747 perhaps indefinitely without a crash, but I have to live in the area of the man machine loop wherein the individual captain may be trained perfectly and the airplane, the 747, may perform perfectly, but a minor mistake of some one individual in the whole loop can compromise the safety of both, the training and equipment, which it has done in the past." (Transcript, p. 183)

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The PRESIDING OFFICER (Mr. ALLEN). Two hours having expired since the convening of the Senate today, the Chair lays before the Senate the unfinished business, which will be stated.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 15628) to amend the Foreign Military Sales Act.

The Senate proceeded to the consideration of the bill.

The PRESIDING OFFICER. What is the will of the Senate?

Mr. TALMADGE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will please call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

GET OUT OF VIETNAM NOW

Mr. CRANSTON. Mr. President, the Los Angeles Times, one of the great newspapers of our country, announced an important new editorial position Sunday when, for the first time, it called upon President Nixon to reveal his private schedule for American military withdrawal from Southeast Asia, and to publicly set a deadline for removing not only the remaining combat troops, but all American forces, combat and support, according to a swift and orderly schedule.

Mr. President, I ask unanimous consent that the June 7, 1970, editorial of the Los Angeles Times entitled "Get Out of Vietnam Now," be printed at this place in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

GET OUT OF VIETNAM NOW

The time has come for the United States to leave Vietnam, to leave it swiftly, wholly, and without equivocation.

The President still has in his hands the opportunity to effect such an exit. He should seize the chance now as it presents itself, for it may not come so readily again.

That the war must be ended, all are agreed. That, as the President said last week, "peace is the goal that unites us," all are also agreed.

Long ago, when we began to help the anti-Communist Vietnamese against the Communist Vietnamese, it seemed a worthwhile thing to do. It seemed cheap, first in dollars, then in men. No need now to trace the melancholy history of how, bit by bit, decision by decision, it became extravagantly expensive of money, of human lives, of the tranquillity of this country, of our reputation abroad.

The President said recently he would not have this nation become a "pitiful helpless giant" in the eyes of the world. We are not entirely pitiful, and not yet helpless. But we are like a giant lunging about with one foot in a trap, a spectacle that is disconcerting to our friends and comforting to our enemies.

NOT THE CENTER RING

Our great adversary is now, and will remain, the Soviet Union.

All questions of American foreign policy are subordinate to the central one, which is to prevent nuclear war between the two super-powers. We shall be engaged against the Communist world one way or another all our lives; but in Southeast Asia we are engaged on the periphery of that world in a battle obscured by the elements of civil war and Vietnamese nationalism.

Our response ought to be commensurate with the challenge: as it was over Berlin, in the Cuban missile crisis, as it may yet have to be in the Middle East. But we have so overresponded in Indochina that it may be harder for us to respond as we ought should a greater and more direct challenge arise.

No need now either to delineate at length the consequences in our own country of the Indochina war:

The war is not the sole cause of strife between parents and children, yet it has inflamed that strife.

The war is not the cause of conflict between the races, but it has made that conflict more bitter.

The war is not the only reason for our present economic distress, but it has rendered that distress harder to treat.

The war alone did not create the illness afflicting our public and private institutions, but it has brought that illness to the crisis point.

Like a small wound the war has festered until its infection has appeared in every organ of this Republic. Its ache is felt in every limb; its pain clouds the national judgment. The country is losing heart.

"Peace," therefore, "is the goal that unites us."

As the President said, our national debate is not about the goal of peace, but about "the best means" to achieve it.

JOB CAN BE BETTER DONE

The President has better means at hand than he is using.

He has promised a withdrawal of American combat troops—another 150,000 by next May 1—but the withdrawal in these summer months has been reduced and after the 150,000 leave there will still be 184,000 troops left in Vietnam. If Mr. Nixon has a private schedule for their withdrawal he has not revealed it.

He has declared that his goal is the total withdrawal of all Americans from Vietnam, but by making open-ended threats of counter-action should the enemy attack, he has made it necessary to make good on those threats. Thus he has given to the enemy a large measure of decision over our own rate of withdrawal.

By the President's move into Cambodia, and by his encouragement of the Vietnamese and Thai operations there after we leave, he has entwined American prestige with the fate of that unhappy but unimportant little country.

In declaring that the credibility of American promises elsewhere in the world hangs on our achieving "a just peace" in Vietnam, he is making it harder for us to make with credibility those compromises which everyone, including the Administration, believes will eventually have to be made.

The President, in sum, is pursuing, for reasons which of course he deems excellent, an ambiguous and contradictory policy—a policy of which the stated purpose is to leave Indochina, but in which it is implied that it may be necessary to stay in Indochina.

The Times believes the United States has discharged all the responsibilities it has in Vietnam. The Times believes this nation has—bravely and honorably—done everything, and more, that could reasonably have been expected of it.

American men prevented Communist forces from precipitantly seizing South Vietnam. American men, at an enormous cost in lives, have secured for the South Vietnamese a reasonable length of time for improvement of their army and consolidation of their country and government. Short of permanent occupation, there is no more America can reasonably be expected to do for Vietnam.

The President said last week that the Cambodian venture "eliminated an immediate danger to the security of the remaining American troops" and "won precious time" for the South Vietnamese army.

This, then, is the opportuntiy for the President to accelerate the withdrawal.

THE TIME IS NOW

Let him now publicly set a deadline for removing not only the remaining combat troops but all American forces, combat and support, according to a swift and orderly schedule. Let him begin to hasten the removal of combat troops this summer. It ought to be possible to bring about a total and orderly withdrawal in the next year and a half at the longest.

Such a program of withdrawal would of course be hazardous. But it would be much less hazardous than the policy the President is presently pursuing.

The South Vietnamese would be firmly on notice that their future is where it belongs—in their hands. The United States could continue to support them with arms and money, should they choose to keep on seeking a military solution; more likely they would feel impelled to put their own political house in order pending that day when they will come to the political compromise that is the inevitable outcome in Indochina.

American troops would be in some danger, but they are certainly in some danger now, and the faster they leave, the sooner they will be in no danger at all.

IMMEDIATE DEPARTURE

We shall not argue, as some do, that rapid American withdrawal would induce the North Vietnamese to negotiate; but it is certain they are not inclined to negotiate now. On the contrary, the longer we stay in Vietnam the more inclined the North Vietnamese will be not to negotiate, and the readier they may be to mount attacks on our forces in hope of pushing us out.

Let the President, therefore, remove all foreign and domestic doubts about our in-

> tentions by announcing a speedy departure from Vietnam.
>
> The President said last week he was determined to end the war in a way that would "promote peace rather than conflict throughout the world . . . and bring an era of reconciliation to our people—and not a period of furious recrimination."
>
> The Times believes that the program of withdrawal we suggest would bring about the kind of peace Mr. Nixon spoke of. The policy suggested here would hasten the end of one war and put the United States on a better footing to prevent other more dangerous conflicts.
>
> The policy suggested here would certainly be met with recrimination from some in this country. But we firmly believe that this policy would be thankfully approved by the majority of our people as an honorable conclusion to this terrible long war.

NEED FOR PUBLICLY ANNOUNCED FIXED TIMETABLE FOR WITHDRAWAL OF ALL AMERICAN TROOPS FROM SOUTH VIETNAM

Mr. CRANSTON. Mr. President, for months I, along with other Members of the Congress, have urged the President to announce publicly a fixed timetable for the withdrawal of all American troops from South Vietnam.

We have urged that it be a timetable determined solely by the safety of our men and subject neither to the inflexibility of Hanoi nor the convenience of Saigon. The South Vietnamese government, in its own self-interest, clearly has no desire to speed an American departure that would leave it to do all the fighting itself.

The President has never declared openly that he has a timetable for withdrawing all of our men—ground, air, and naval. But he frequently hints at the existence of an overall administration timetable and has talked of a timetable for removing some of our ground forces, specifically, those he calls "ground combat" troops.

Neither the Congress nor the country knows what the President's timetable is; it is a private timetable that he has never made public. But even while he refuses to reveal his timetable, the President from time to time suggests that he is meeting it, and is even a bit ahead of schedule.

This strange state of affairs is like a railroad refusing to publish a timetable, and then announcing that all its trains are running on time.

Critics, and they include the President, have claimed it would be disastrous to announce a withdrawal timetable publicly. They say it would remove any incentive for the enemy to negotiate, that it would tip our military hand and endanger our war aims and our men.

But an odd thing has happened in recent weeks: the President has himself taken to publicly announcing timetables, though in a circumscribed way.

First he announced on April 20 that he would withdraw 150,000 additional men from South Vietnam within a year. Then, following his decision to invade Cambodia, he announced he would have all men out of there by June 30.

The pending business in the Senate is the Cooper-Church amendment, which relates to that timetable announced for Cambodia. It relates also to the feeling of many in this body, and in the other body of Congress, that responsibility for ending wars as well as beginning them, responsibility for determining timetables for orderly termination of wars in which in which we become involved, and responsibility for the power of the purse in connection with our Armed Forces, can, and indeed must be exercised by this body to fulfill its constitutional duties.

If the President now finds it proper to announce a fixed timetable for Cambodia, how can he any longer justify not announcing one for Vietnam? And if he can announce a limited timetable for some of our men in Vietnam, how can he any longer justify not announcing a total timetable for all?

Just such a fixed, total timetable is set by the amendment to end the war, which I have cosponsored with Senators McGOVERN, HATFIELD, GOODELL, and HUGHES, just such a fixed timetable, which the President himself set, is the subject of the pending matter—the Cooper-Church amendment dealing with the American incursion in Cambodia. The amendment to end the war would bring about the withdrawal of all our men from Indochina by June 30, 1971, safely and systematically, as the Cooper-Church amendment would withdraw all American troops from Cambodia, in accordance with the President's schedule, by July 1 of this year.

Passage of the amendment would prove to the North Vietnamese that we are in earnest about withdrawing from the war, completely and soon—not piecemeal and over an indefinite and dangerous period of time, as is our present policy. Such unequivocal assurance would, I believe, do much toward getting the Paris talks back on more productive tracks.

The amendment would also put the Thieu-Ky government on notice that we do not intend to go on fighting and dying in their cause forever, that they have a definite deadline by which they either must work to bring about a negotiated peace or, if they want to keep on fighting, shape up and fight without us.

If the President does indeed have a timetable for total military withdrawal from Southeast Asia, let him make it public. If his timetable agrees with ours, fine. If it differs, then there can be full and healthy public debate over the difference and full and healthy congressional participation in, and shared responsibility for, the final decision.

If the President continues to refuse to make public his timetable, he leaves open the inference that he really does not have one. By his own acts, he has conceded that national security cannot be used as an excuse for secrecy in the matter of a timetable.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESIDENTIAL USE OF THE MILITARY FORCE

Mr. ALLOTT. Mr. President, I continue to receive numerous significant communications from scholars concerned about the current debate over the President's powers as Commander in Chief. I am anxious to share these communications with all concerned Senators.

Today it gives me special pleasure to call to the Senate's attention an illuminating letter I have received from Prof. Joseph E. Kallenbach of the University of Michigan.

Professor Kallenbach is a member of the department of political science at that university, and is a widely respected authority on the Presidency. He has published numerous articles in scholarly journals. His books include "The American Chief Executive"—Harper & Row, 1966.

I would especially call attention to two pertinent sections of that distinguished book. The first deals with "Presidential Use of Military Force" and is in the chapter covering pages 512–518. The second section is on "The President, Congress and the 'War Power'" and is in the chapter covering pages 533–540.

In his letter to me, Professor Kallenbach gives useful insight into the background of the Founding Fathers' understanding of the war power. He says:

> The current debate in the Senate on the so-called Church-Cooper Amendment, which would invoke the fiscal powers of Congress, in effect, to order the withdrawal of American troops from Cambodia by June 30 and prohibit their redeployment there without the specific approval of Congress, raises a question of utmost concern to the people of this nation as well as to American military personnel engaged in combat in Southeast Asia. Legislation of this character, if passed, would amount to an undisguised vote of lack of confidence in the President's personal integrity, good faith and judgment in the discharge of his constitutional duties as Chief Executive and Commander-in-Chief. More than that, if enacted into law in its undiluted original form, it would constitute in a most fundamental sense a challenge to the soundness of our constitutional arrangements regarding the proper division of functions between the President and Congress with respect to control over military operations in a zone of combat.
>
> These arrangements have stood the nation in good stead for nearly two centuries. To unbalance them with a legislative *demarche* of the sort proposed would, in my opinion, be setting a precedent of gravest consequence. It is not only the security of the American forces now in process of being disengaged from combat in the Southeastern Asia area but the future security of the nation itself that is threatened.
>
> With the experience of the Revolutionary War behind them, the Framers of the Constitution were fully aware of the dangers and frustrations involved in divided authority in the direction of military operations, once the stage of combat conditions has been reached. For this reason they reached the conclusion, with a complete absence of dissent, that the Commander-in-chief role should be assigned to the President, by constitutional mandate. With this clause they placed in his hands the ultimate responsibility for direction and deploying American troops in the field. This provision was characterized by Hamilton in the Federalist Paper (No. 74) as one "the propriety of [which] is so evident in itself" that he felt "little need to be said to explain or enforce it."

The assignment to Congress of authority through the Constitution to raise and support armies, to provide for and maintain a navy, to declare war, and to appropriate funds in pursuance of these purposes reserves to it powers of a very fundamental nature also, so far as the national military establishment is concerned. These are powers which, in conjunction with the grant of authority, in Article I, Section 8 of the Constitution to pass laws necessary and proper to implement these and other powers vested in Congress or in other branches of the national government, equip the Congress with a vast reservoir of constitutional authority to legislate in the area of national security where military concerns are involved. But surely the Commander-in-Chief clause must stand in some degree as a constraint upon Congressional power in this connection where field operations of American military forces are concerned.

Professor Kallenbach is especially persuasive in applying his understanding of the Presidency to the realities of the current policy of disengagement in Vietnam.

The constitutional issue of where the line should be drawn between the authority of Congress to shape American military defense policy, on the one hand, and of the President to direct military operations in an actual theatre of military operations on the other, is not one that can or should be resolved by creating a constitutional crisis, in the fatuous expectation that the issue can be eventually passed upon in a definitive way by the courts through some sort of "test" case. The nation cannot afford the luxury of that method of resolving a difference of opinion between the legislative and executive over the appropriate manner of effectuating American military disengagement in South Vietnam.

The President has committed himself and his administration, so far as words and actions can do so, to a policy of step-by-step disengagement of American combat forces in this area. The sorties by South Vietnamese and American forces into Cambodia have as their clearly stated military tactical purpose the furtherance of that policy. For Congress to seek to write into law a tactical blueprint and time-table for carrying out this, or any other aspect of the widely advertised and nationally accepted overall strategy of military disengagement in Southeast Asia, would only serve to deprive the President, and the U.S. military forces under his command, of an invaluable capacity for maneuver essential in the conduct, with minimum cost in military and political terms, of this military operation.

Any military enterprise under way—particularly one carrying out a clearly defined objective of the sort being pursued by the United States in South Vietnam—must be conducted with a flexibility that can take into account the enemy's own choice of tactics. The hands of our military should not be prevented by legislative decree from responding to those tactics, both military and political, in appropriate fashion. The President should not be undercut by the Congress. He should not, in effect, be denied authority to carry out a significant part of his constitutional responsibilities through adoption of this unwise and dangerously shortsighted legislative proposal.

Mr. President, in order that all Senators may examine the full and complete text of Professor Kallenbach's wisdom, I ask unanimous consent that the entire text of his letter to me, dated May 26, 1970, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE UNIVERSITY OF MICHIGAN,
DEPARTMENT OF POLITICAL SCIENCE,
Ann Arbor, Mich., May 26, 1970.
Senator GORDON C. ALLOTT,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR ALLOTT: The current debate in the Senate on the so-called Church-Cooper Amendment, which would invoke the fiscal powers of Congress, in effect, to order the withdrawal of American troops from Cambodia by June 30 and prohibit their redeployment there without the specific approval of Congress, raises a question of utmost concern to the people of this nation as well as to American military personnel engaged in combat in Southeast Asia. Legislation of this character, if passed, would amount to an undisguised vote of lack of confidence in the President's personal integrity, good faith and judgment in the discharge of his constitutional duties as Chief Executive and Commander-in-Chief. More than that, if enacted into law in its undiluted original form, it would constitute in a most fundamental sense a challenge to the soundness of our constitutional arrangements regarding the proper division of functions between the President and Congress with respect to control over military operations in a zone of combat.

These arrangements have stood the nation in good stead for nearly two centuries. To unbalance them with a legislative *demarche* of the sort proposed would, in my opinion, be setting a precedent of gravest consequence. It is not only the security of the American forces now in process of being disengaged from combat in the Southeastern Asia area but the future security of the nation itself that is threatened.

With the experience of the Revolutionary War behind them, the Framers of the Constitution were fully aware of the dangers and frustrations involved in divided authority in the direction of military operations, once the stage of combat conditions has been reached. For this reason they reached the conclusion, with a complete absence of dissent, that the Commander-in-Chief role should be assigned to the President, by constitutional mandate. With this clause they placed in his hands the ultimate responsibility for directing and deploying American troops in the field. This provision was characterized by Hamilton in the *Federalist Paper* (No. 74) as one "the propriety of [which] is so evident in itself" that he felt "little need be said to explain or enforce it".

The assignment to Congress of authority through the Constitution to raise and support armies, to provide for and maintain a navy, to declare war, and to appropriate funds in pursuance of these purposes reserves to it powers of a very fundamental nature also, so far as the national military establishment is concerned. These are powers which, in conjunction with the grant of authority, in Article I, Section 8 of the Constitution to pass laws necessary and proper to implement these and other powers vested in Congress or in other branches of the national government, equip the Congress with a vast reservoir of constitutional authority to legislate in the area of national security where military concerns are involved. But surely the Commander-in-Chief clause must stand in some degree as a constraint upon Congressional power in this connection where field operations of American military forces are concerned.

On many occasions, and in a variety of ways, the Congress from time to time has pressed upon the President—through statutes, resolutions, and other more or less formal ways of offering advice, support, or reservations—its views regarding the conditions that should govern the mobilization and use of American military might. It is not my purpose to review at length the significant precedents that have been established and accommodations reached with regard to achieving a satisfactory, workable balance as between the legislative and executive branches where military affairs and the use of military forces are concerned.

The Church-Cooper Amendment proposes to impose a restraint upon the President's exercise of his constitutional function as Commander-in-Chief that goes far beyond any measure heretofore employed to convert Congressional opinion into national policy in the area of military affairs. By use of the blunderbuss approach of withholding all funds for military operations in a specific combat area under certain conditions, it seeks to assert for Congress an essential element of military command authority vested in the President. If enacted into law, it would signify subordination of the President's constitutional role to a degree entirely at cross purposes with the principle that the resolution of questions of military strategy and tactics affecting American forces actively engaged in combat should rest with the President. If such a use of its fiscal powers by Congress is "constitutional", it would appear to me that there is no authority directly vested in the President by the Constitution that the Congress may not usurp through a similar manipulation of its "power of the purse".

The problem of bringing to bear congressional influence upon the executive in effectuating a policy of military disengagement in Southeast Asia is one that must, perforce, be resolved by accommodation, understanding and trust between the two branches of government. It must be achieved through a process of adjustment of views between the two branches of government, insofar as there are differences of viewpoint. The approach employed by the Amendment's backers is suggestive, rather, of the new "politics of confrontation" of the direct actionist elements in American society. It proposes to create a constitutional confrontation that might well pose for the President the dilemma of a choice between his duty to respect a mandate of Congress and his duty to carry out responsibilities imposed upon him by the Constitution independently of Congress.

The constitutional issue of where the line should be drawn between the authority of Congress to shape American military defense policy, on the one hand, and of the President to direct military operations in an actual theatre of military operations on the other, is not one that can or should be resolved by creating a constitutional crisis, in the fatuous expectation that the issue can be eventually passed upon in a definitive way by the courts through some sort of "test" case. The nation cannot afford the luxury of that method of resolving a difference of opinion between the legislative and executive over the appropriate manner of effectuating American military disengagement in South Vietnam.

The President has committed himself and his administration, so far as words and actions can do so, to a policy of step-by-step disengagement of American combat forces in this area. The sorties by South Vietnamese and American forces into Cambodia have as their clearly stated military tactical purpose the furtherance of that policy. For Congress to seek to write into law a tactical blue-print and time-table for carrying out this, or any other aspect of the widely advertised and nationally accepted overall strategy of military disengagement in Southeast Asia, would only serve to deprive the President, and the U.S. military forces under his command, of an invaluable capacity for maneuver essential in the conduct, with minimum cost in military and political terms, of this military operation.

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Thank you for the opportunity to offer you my views on this important question.

Very sincerely,

Joseph E. Kallenbach,
Professor of Political Science.

Mr. COOPER. Mr. President, will the Senator from Colorado yield?

Mr. ALLOTT. I yield.

Mr. COOPER. Can the Senator tell me who Professor Kallenbach is? Is he in the law school?

Mr. ALLOTT. He is a professor in the Department of Political Science.

Mr. COOPER. I shall read the letter. I was very much interested that he spent a good deal of time not talking about policy, rather than the constitutional question. I shall read the letter to examine his views about the constitutional issue.

Mr. ALLOTT. I hope that the Senator will. I have been astounded during the past week or so at the number of letters that have come to me from various academicians throughout the country. I suppose, from listening to what has occurred on the floor of the Senate, we would presume that all the academicians in the country are strongly on the side of the proposers of the amendment. I have found that not to be true.

Last week, I had four letters printed in the Record. During this week and the coming period, I shall be hoping to have all the other letters printed, some of which discuss the constitutional question more than Dr. Kallenbach did. I think he is very clear here, though, and I believe that he speaks to a crucial constitutional question when he states that once military operations are begun, the President is Commander in Chief.

Mr. COOPER. I had occasion to read the Senator's speeches last week and the letters he had printed in the Record, I believe one was from Mr. Rostow, former dean of the Yale Law School. I have never held that all of the constitutional authorities in this country agree with the view of the sponsors of the amendment. I know there is very good authority that disagrees. I have stated several times that there is a gray area which makes it difficult to decide exactly who has the authority.

As the Senator knows, the amendment which we have offered does not either question or approve the President's action. His action is accepted. So far, I think it has been successful and I hope that it will be successful.

What we argue is that once American forces are returned to South Vietnam and in the former status quo, then the question arises, and properly, as to what action would be taken in the future about entering into a new war in Cambodia.

The thrust of the amendment, and our judgment on its constitutional authority, is that in case of entering a new war for Cambodia, to which there is no obligation of any kind, then the President should come to Congress for approval or disapproval.

I believe that the Senator will agree with me that no authority can be found for any obligation on the part of the United States to the country of Cambodia.

Mr. ALLOTT. Mr. President (Mr. Cranston), I shall not argue with the Senator about that. I think he is entirely correct. I never understood that we were entering into Cambodia for the purpose of salvaging the country of Cambodia.

Mr. COOPER. I agree.

Mr. ALLOTT. I think the Senator will recall that last year we debated the Senator's amendment and the majority leader's amendment to the defense appropriation bill, and I believe I was also joined as a sponsor of the amendment. I am not certain about that, but I spoke in behalf of it and tried to assist in the debate in defining what we were talking about when we talked about combat troops in Laos and Thailand. Perhaps we will have an opportunity to approach this matter along this line before we are through with this particular debate.

Mr. COOPER. Mr. President, the Senator's comments interest me very much. The position was taken—and I think correctly—by the President, that he initiated the military operation in Cambodia under his authority as Commander in Chief.

The argument is made that Congress cannot limit that authority as Commander in Chief. But I remember that last December the Senate approved an amendment to an amendment which I had offered. That amendment limited the President's authority to introduce ground forces to Laos, a country where there are also sanctuaries.

I recall that the senior Senator from Colorado, the senior Senator from New York, the Senator from Idaho (Mr. Church), and the Senator from Iowa (Mr. Miller), joined as sponsors of the amendment which precisely and specifically limited the power of the President to send combat troops into Laos.

Mr. ALLOTT. And Thailand also.

Mr. COOPER. The Senator is correct. The amendment seems to me to be a precedent. The President, as I recall, said that it was in conformity with his policy.

Mr. ALLOTT. The Senator is correct.

Mr. COOPER. Mr. President, I see nothing unusual, now, that when the military operation is completed, in the Senate saying by the amendment, "We do not want to become involved in a war in Cambodia."

I do not think the President wants such a war. He said he did not at the meeting at the White House. And I trust him. But there are indications that others would like to see our country become involved.

The South Vietnamese are reportedly remaining in Cambodia, It is reported that the Thais will send volunteers. Of course we will be paying for their costs.

In this morning's newspaper—whether it is correct or not, I do not know—it is said that we intend to give assistance to the Lon Nol government in Cambodia. All of these elements could—and I hope that they will not—engage us in a new war.

As one who supports the President's policy of Vietnamization, I would like to see such a danger eliminated. I think that Congress has the right to eliminate the danger of becoming involved in a new war in a country to which we owe no obligations of any kind.

Mr. ALLOTT. Mr. President, I said before, and I repeat, people can differ somewhat in their views as to whether the President should have entered Cambodia. To me personally, the answer is clear. I think that the President did what he had a moral obligation to do in order to facilitate the closing down of the war and the withdrawal of our forces. I think that subsequent events have proven his action to be correct.

I say to the Senator—and I know that he has made it very clear again and again that he is not challenging the the President or questioning the statements that he has made with respect to his intentions—that there are people who have done this. I do not think that we should pay too much attention to all of the crackpots in this country who keep repeating that the President is about to engage us in a general Asian land war. They say it either in those terms or with respect to one country or another.

We have seen the situation in which people who are purely of scientific bent quoted in the Senate as experts in the field of international affairs or international law.

It reminds me of a quotation from the village schoolmaster, particularly with respect to one of these men: "It gives you wonder that one small head can contain all that knowledge."

I am surprised at the length and breadth of the extent of the knowledge of some of these people.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. DOMINICK. Mr. President, I was extremely interested not only in the Kallenbach letter that the Senator had printed in the Record, but also in the colloquy between the Senator from Colorado and the Senator from Kentucky.

One of the things that has been a constant source of surprise to me is why the sponsors of the pending amendment did not follow the course they chose last year with respect to the limitation on the use of ground combat forces in Laos and Thailand which they included in the bill by a very substantial majority vote in the Senate.

The procedures followed in the pending amendment bear very little relationship to the procedures we went through last year. I find this to be a very grave cause for concern.

Let us suppose that we have some troops that are expected to be withdrawn from South Vietnam at the very time that the Vietcong or the North Vietnamese have regrouped in a sancutary area and have decided to initiate an attack on us.

It would strike me that at that point an opportunity for pre-emptive strikes from the air would keep us from becoming engaged and would save the lives of our own people. Yet, the President could not take the necessary action without prior consent of Congress. And that might take a considerable time.

That is one reason why I think this amendment has some very grave defects.

It strikes me that it has some other problems. It would seem that in one of the subparagraphs that it would put the punishment on the very men who have been ordered by their commanders and by the President to conduct a particular operation that is, in fact, an operation in indirect support of the Cambodian Government. The question is whether this is direct or indirect.

This could be a source of danger for a very long time. During that course of time, the men would have their pay cut off. They would not have their GI benefits we have put into the law.

These are some of the questions that involve the constitutional issue that the Senator from Kentucky talks about. But we also have very practical problems involving the safety of American men in Vietnan, whom the President is trying to bring home.

This is what really bothers me about the amendment. I would have no objection if the Senator from Kentucky would say something along the lines of the amendment with respect to Laos and Thailand, that after July 1, 1970, no ground troops may be maintained or put into Cambodia without the prior consent of Congress unless it were necessary for the protection of our own forces in South Vietnam, a responsibility which I think we have given the President. But that is not the route this amendment would take. It is much broader than that. It involves not only the constitutional issue about which the Senator talks; but also the problem of trying to get our men out of Vietnam safely.

I am pleased to hear my colleague present this letter and other letters from academicians around the country. I think it has been very fruitful.

Mr. ALLOTT. I thank my colleague very much.

Mr. COOPER. Mr. President, will the Senator yield so that I may respond?

Mr. ALLOTT. Mr. President, I yield to the Senator from Kentucky.

Mr. COOPER. Mr. President, first, the Senator stated that the amendment now pending before the Senate was different from the amendment which was agreed to by the Senate in December 1969 to the defense appropriations bill. He is correct. However, earlier, in September, I had offered an amendment to the defense authorization bill, similar to the amendment which is before the Senate today but was to prohibit the use of American forces in aid of the governments of Laos or Thailand. It was adopted in the Senate, but was not accepted by the House.

Actually, when the defense appropriation bill came before the Senate the distinguished Senator from Montana (Mr. MANSFIELD) and I offered the same amendment. The measure was amended on the floor to provide only that United States ground force would not be used in Laos or Thailand.

In answer to the constitutional question that has been raised, I point out that at that time the Senate and the House limited the authority of the President as Commander in Chief, and the President agreed that it should be done. Therefore, I do not think our amendment is without precedent.

The Senator raised a point about the pay of our men in the armed services. I say with all due respect that I think the argument is far fetched. I could never conceive of this country, this Government, not paying our Armed Forces.

The Senator raised another question referring to a situation which might arise as our forces and withdrawn from South Vietnam—the question of a sanctuary which would be dangerous to the withdrawal of—forces.

Mr. DOMINICK. Would the Senator yield so I may comment on that point?

Mr. COOPER. Our amendment—subsection (4)—provides that air power can be used—as well as artillery—across the border.

Then, I would go further. If the President made the decision that it was necessary for the immediate safety of our forces during withdrawal to take action under his authority as Commander in Chief, I do not think it would be questioned. But we are talking about a different situation, the possibility that the United States might become involved in a war in Cambodia for Cambodia.

That is clear. That is what our amendment would prohibit, without the approval of the Congress. I think we are on clear constitutional grounds and I think it is a matter of good policy. Its approval would help dispel the uncertainty in the country.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. DOMINICK. Mr. President, I want to point out to my friend from Kentucky, and he is my friend, that the specific wording of the amendment which we are debating provides:

> No funds authorized or appropriated pursuant to this act may be expended for the purpose of—
>
> (2) paying the compensation or allowances of, or otherwise supporting, directly or indirectly, any person in Cambodia who * * * (b) engages in any combat activity in support of Cambodian forces.

The question is what is "support of Cambodian forces" indirectly? Any time you kill a Vietcong or North Vietnamese in Cambodia, fighting against the Cambodian Government, the presumption is you have indirectly assisted the Cambodian forces. That is very simple, even though it is being done to protect our forces.

Mr. COOPER. Who would make that decision? The President would make it.

Mr. DOMINICK. Not under this amendment.

Mr. COOPER. I must say frankly that the purpose of the amendment, without any quibbling or reservation, is to do what we can to prevent this country from becoming engaged in another war in Southeast Asia. I make that clear, and the chips can fall where they may. It is my view that we should not become engaged. That is also the view of the other sponsors. I believe it is the view of most people in this country. I support our President in his efforts to get out of Vietnam, and, I believe, the great majority of the people in this country do not want to get involved in another war in Southeast Asia.

Mr. ALLOTT. Mr. President, I want to say one word in conclusion. There is no doubt that the senior Senator from Kentucky has that for his purpose. No one questions his sincerity. Yet one could, without stretching the reasoning any distance at all, say that the remarks of my colleague are entirely true, too, and it is one of the things that causes all of us so much difficulty.

Perhaps if the people who are knowledgeable in the prosecution of war had been permitted to prosecute it, we would not find ourselves in this lamentable situation today with the country so seriously divided. However, the country is not seriously divided in purpose. I believe that most people want to get out of there, but they are seriously divided about the means of getting out of Vietnam.

Mr. President, I yield the floor.

HOSPITAL AND MEDICAL FACILITIES CONSTRUCTION AND MODERNIZATION AMENDMENTS OF 1970—CONFERENCE REPORT

Mr. YARBOROUGH. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11102) to amend the provisions of the Public Health Service Act relating to the construction and modernization of hospitals and other medical facilities by providing separate authorizations of appropriations for new construction and for modernization of facilities, authorizing Federal guarantees of loans for such construction and modernization and Federal payment of part of the interest thereon, authorizing grants for modernization of emergency rooms of general hospitals, and extending and making other improvements in the program authorized by these provisions. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. CRANSTON). The report will be read for the information of the Senate.

The bill clerk read the report, as follows:

CONFERENCE REPORT (H. REPT. No. 91–1167)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11102) to amend the provisions of the Public Health Service Act relating to the construction and modernization of hospitals and other medical facilities by providing separate authorizations of appropriations for new construction and for modernization of facilities, authorizing Federal guarantees of loans for such construction and modernization and Federal payment of part of the interest thereon, authorizing grants for modernization of emergency rooms of general hospitals, and extending and making other improvements in the program authorized by these provisions, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SHORT TITLE; DEFINITION

SECTION 1. (a) This Act may be cited as the "Medical Facilities Construction and Modernization Amendments of 1970".

(b) As used in the amendments made by this Act, the term "Secretary", unless the context otherwise requires, means the Secretary of Health, Education, and Welfare.

TITLE I—GRANTS FOR CONSTRUCTION AND MODERNIZATION OF HOSPITALS AND OTHER MEDICAL FACILITIES

PART A—EXTENSION OF GRANT PROGRAM

AUTHORIZATION OF APPROPRIATIONS FOR CONSTRUCTION GRANTS

SEC. 101. (a) Section 601 of the Public Health Service Act (42 U.S.C. 219a) is amended—

(1) by striking out "next five" in paragraph (a) and inserting in lieu thereof "next eight";

(2)(A) by striking out "$70,000,000" in subparagraph (1) of paragraph (a) and inserting in lieu thereof "$85,000,000",

(B) by striking out "$20,000,000" in subparagraph (2) of such paragraph and inserting in lieu thereof "$70,000,000", and

(C) by striking out "$10,000,000" in subparagraph (3) of such paragraph and inserting in lieu thereof "$15,000,000"; and

(3) by striking out in paragraph (b) "and $195,000,000 for the fiscal year ending June 30, 1970." and inserting in lieu thereof "$195,000,000 for the fiscal year ending June 30, 1970, $147,500,000 for the fiscal year ending June 30, 1971, $152,500,000 for the fiscal year ending June 30 1972, and $157,500,000 for the fiscal year ending June 30, 1973; and".

(b) The amendments made by subsection (a) shall take effect with respect to appropriations made under such section 601 for fiscal years beginning after June 30, 1970.

AUTHORIZATION OF APPROPRIATIONS FOR MODERNIZATION GRANTS

SEC. 102. (a) Effective with respect to appropriations made under section 601 of the Public Health Service Act for fiscal years beginning after June 30, 1970, such section is further amended—

(1) by striking out in paragraph (b) the following: "and for grants for modernization of such facilities and the facilities referred to in paragraph (a)";

(2) by adding after paragraph (b) the following new paragraph:

"(c) for grants for modernization of the facilities referred to in paragraphs (a) and (b), $65,000,000 for the fiscal year ending June 30, 1971, $80,000,000 for the fiscal year ending June 30, 1972, and $90,000,000 for the fiscal year ending June 30, 1973."; and

(3) by inserting "AND MODERNIZATION" after "CONSTRUCTION" in the section heading.

STATE ALLOTMENTS

SEC. 103. (a) Effective with respect to appropriations pursuant to section 601 of the Public Health Service Act for fiscal years beginning after June 30, 1970, section 602(a) of such Act (42 U.S.C. 291b) is amended to read as follows:

"(a)(1) Each State shall be entitled for each fiscal year to an allotment bearing the same ratio to the sums appropriated for such year pursuant to subparagraphs (1), (2), and (3), respectively, of section 601(a), and to an allotment bearing the same ratio to the sums appropriated for such year pursuant to section 601(b), as the product of—

"(A) the population of such State, and

"(B) the square of its allotment percentage,

bears to the sum of the corresponding products for all of the States.

"(2) For each fiscal year, the Secretary shall, in accordance with regulations, make allotments among the States, from the sums appropriated for such year under section 601(c), on the basis of the population, the financial need, and the extent of the need for modernization of the facilities referred to in paragraphs (a) and (b) of section 601, of the respective States."

(b) Effective with respect to allotments from such appropriations section 602(b)(1) of such Act is amended by—

(1) striking out "$25,000" and "$50,000" in subparagraph (A) and inserting in lieu thereof "$50,000" and "$100,000", respectively;

(2) striking out "$50,000" and "$100,000" in subparagraph (B) and inserting in lieu thereof "$100,000" and $200,000," respectively;

(3) striking out "$100,000" and "$200,000" in subparagraph (C) and inserting in lieu thereof "$200,000" and "$300,000", respectively; and

(4) striking out "or" at the end of subparagraph (B), inserting "or" at the end of subparagraph (C), and adding after and below subparagraph (C) the following new subparagraph:

"(D) $200,000 for the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, or Guam and $300,000 for any other State in the case of an allotment for grants for the modernization of facilities referred to in paragraphs (a) and (b) of section 601,".

(c) The Secretary of Health, Education, and Welfare shall conduct a study of the effects of the formula specified in section 602(a)(1) of the Public Health Service Act for allotment among the States of sums appropriated for construction of health facilities, and shall report to the Congress on May 15, 1972, the result of such study, together with recommendations for such changes, if any, in such formula as he may determine to be desirable, together with his justification for any changes so recommended.

TRANSFER OF ALLOTMENTS

SEC. 104. Effective with respect to allotments from appropriations made pursuant to section 601 of the Public Health Service Act for fiscal years beginning after June 30, 1970, section 602(e) of the Public Health Service Act is amended to read as follows:

"(e)(1) Upon the request of any State that a specified portion of any allotment of such State under subsection (a) for any fiscal year be added to any other allotment or allotments of such State under such subsection for such year, the Secretary shall promptly (but after application of subsection (b)) adjust the allotments of such State in accordance with such request and shall notify the State agency; except that the aggregate of the portions so transferred from an allotment for a fiscal year pursuant to this paragraph may not exceed the amount specified with respect to such allotment in clause (A), (B), (C), or (D), as the case may be, of subsection (b)(1) which is applicable to such State.

(2) In additon to the transfer of portions of allotments under paragraph (1), upon the request of any State that a specified portion of any allotment of such State under subsection (a), other than an allotment for grants for the construction of public or other nonprofit rehabilitation facilities, be added to another allotment of such State under such subsection, other than an allotment for grants for the construction of public or other nonprofit hospitals and public health centers, and upon simultaneous certification to the Secretary by the State agency in such State to the effect that—

"(A) it has afforded a reasonable opportunity to make applications for the portion so specified and there have been no approvable applications for such portion, or

"(B) in the case of a request to transfer a portion of an allotment for grants for the construction of public or other nonprofit hospitals and public health centers, use of such portion as requested by such State agency will better carry out the purposes of this title, the Secretary shall promptly (but after application of subsection (b)) adjust the allotments of such State in accordance with such request and shall notify the State agency.

"(3) In addition to the transfer of portions of allotments under paragraph (1) or (2), upon the request of any State that a specified portion of an allotment of such State under paragraph (2) of subsection (a) be added to an allotment of such State under paragraph (1) of such subsection for grants for the construction of public or other nonprofit hospitals and public health centers, and upon simultaneous certification by the State agency in such State to the effect that the need for new public or other nonprofit hospitals and public health centers is substantially greater than the need for modernization of facilities referred to in paragraph (a) or (b) of section 601, the Secretary shall promptly (but after application of subsection (b) of this section) adjust the allotments of such State in accordance with such request and shall notify the State agency.

"(4) After adjustment of allotments of any State, as provided in paragraph (1), (2), or (3) of this subsection, the allotments as so adjusted shall be deemed to be the State's allotments under this section."

PART B—OPERATION OF GRANT PROGRAM

PRIORITY OF PROJECTS

SEC. 110. Effective with respect to applications approved under title VI of the Public Health Service Act after June 30, 1970, section 603(a) of such Act (42 U.S.C. 291c) is amended—

(1) by striking out "rural communities and areas with relatively small financial resources" in clause (1), and inserting in lieu thereof "areas with relatively small financial resources and, at the option of the State, rural communities",

(2) by striking out "and" at the end of clause (2), and

(3) by adding after clause (3) the following new clauses:

"(4) in the case of projects for construction or modernization of outpatient facilities, to any outpatient facility that will be located in, and provide services for residents of, an area determined by the Secretary to be a rural or urban poverty area;

"(5) to projects for facilities which, alone or in conjunction with other facilities, will provide comprehensive health care, including outpatient and preventive care as well as hospitalization;

"(6) to facilities which will provide training in health or allied health professions; and

"(7) to facilities which will provide to a significant extent, for the treatment of alcoholism;".

AREAWIDE AND STATE HEALTH PLANNING AGENCIES

SEC. 111. (a) Effective with respect to applications approved under title VI of the Public Health Service Act after June 30, 1970, clause (4) of the first sentence of section 605(b) of such Act (42 U.S.C. 291e) is amended by striking out "State agency and" and inserting in lieu thereof "State agency, opportunity has been provided, prior to such approval and recommendation, for consideration of the project by the public or nonprofit private agency or organization which has developed the comprehensive regional, metropolitan area, or other local area plan or plans referred to in section 314(b) covering the area in which such project is to be located or, if there is no such agency or organization, by the State agency administering or supervising the administration of the State plan approved under section 314(a), and the application is for a project which".

(b) Section 314(b) of such Act (42 U.S.C. 246) is amended by adding after the first sentence the following new sentence: "No grant may be made under this subsection after June 30, 1970, to any agency or organization to develop or revise health plans for an area unless the Secretary determines that such agency or organization provides means for appropriate representation of the interests of the hospitals, other health care facilities, and practicing physicians serving such area, and the general public."

PORTION OF ALLOTMENT AVAILABLE FOR STATE PLAN ADMINISTRATION

SEC. 112. Effective with respect to expenditures under a State plan approved under title VI of the Public Health Service Act which are made for administration of such plan during any fiscal year beginning after June 30, 1970—

(1) the first sentence of subsection (c)(1) of section 606 of such Act (42 U.S.C. 291f) is amended (A) by striking out "2 per centum" and inserting in lieu thereof "4 per centum", and (B) by striking out "$50,000" and inserting in lieu thereof "100,000"; and

(2) paragraph (2) of subsection (c) of such section 606 is amended by striking out "June 30, 1964" and inserting in lieu thereof "June 30, 1970".

FEDERAL SHARE

SEC. 113. Effective with respect to projects approved under title VI of the Public Health Service Act after June 30, 1970, the section of such Act herein redesignated as section 645(b) (42 U.S.C. 291o) is amended to read as follows:

"(b)(1) The term 'Federal share' with respect to any project means the proportion of the cost of such project to be paid by the Federal Government under this title.

"(2) With respect to any project in any State for which a grant is made from an allotment from an appropriation under section 601, the Federal share shall be the amount determined by the State agency designated in accordance with section 604, but not more than 66⅔ per centum or the State's allotment percentage, whichever is the lower, except that, if the State's allotment percentage is lower than 50 per centum, such allotment percentage shall be deemed to be 50 per centum for purposes of this paragraph.

"(3) Prior to the approval of the first project in a State during any fiscal year the State agency designated in accordance with section 604 shall give the Secretary written notification of the maximum Federal share established pursuant to paragraph (2) for projects in such State to be approved by the Secretary during such fiscal year and the method for determining the actual Federal share to be paid with respect to such projects; and such maximum Federal share and such method of determination for projects in such State approved during such fiscal year shall not be changed after such approval.

"(4) Notwithstanding the provisions of paragraphs (2) and (3) of this subsection, the Federal share shall, at the option of the State agency, be equal to the per centum provided under such paragraphs plus an incentive per centum (which when combined with the per centum provided under such paragraphs shall not exceed 90 per centum) specified by the State agency in the case of (A) projects that will provide services primarily for persons in an area determined by the Secretary to be a rural or urban poverty area, and (B) projects that offer potential for reducing health care costs through shared services among health care facilities, through interfacility cooperation, or through the construction or modernization of free-standing outpatient facilities."

DEFINITION OF HOSPITAL

SEC. 114. (a) Effective with respect to applications approved under title VI of the Public Health Service Act after June 30, 1970, paragraph (c) of the section of such Act redesignated (by section 201 of this Act) as section 645 is amended—

(1) by inserting after "nurses' home facilities," the following: "extended care facilities, facilities related to programs for home health services, self-care units,"; and

(2) by inserting a comma immediately before "operated" and inserting immediately before "but does not include" the following: "and also includes education or training facilities for health professions personnel operated as an integral part of a hospital,".

STATE ADVISORY COUNCILS

SEC. 115. Effective July 1, 1970, section 604(a)(3) of the Public Health Service Act (42 U.S.C. 291d) is amended—

(a) by inserting "(A)" after "shall include", and

(b) by inserting after "rehabilitation services, and" the following: "representatives particularly concerned with education or training of health profession personnel, and (B)".

CHANGE IN NAME AND CLARIFICATION OF FUNCTIONS OF DIAGNOSTIC OR TREATMENT CENTER

SEC. 116. (a) Sections 601(a)(2) and 602(b)(1)(B) of the Public Health Service Act (42 U.S.C. 291a, 291b) are each amended by striking out "diagnostic or treatment centers" and inserting in lieu thereof "out patient facilities".

(b) Section 604(a)(4)(C) of such Act (42 U.S.C. 291d) is amended by striking out "diagnostic or treatment centers" and inserting in lieu thereof "outpatient facilities" and by striking out "such centers" and inserting in lieu thereof "such facilities".

(c) Section 604(a)(5) of such Act (42 U.S.C. 291d) is amended by striking out "diagnostic or treatment centers" and inserting in lieu thereof "outpatient facilities".

(d) Section 609(b) of such Act (42 U.S.C. 291i) is amended by striking out "diagnostic or treatment center" and inserting in lieu thereof "out patient facility".

(e) Section 605(e) of such Act (42 U.S.C. 29(e)) is amended by—

(1) striking out "a diagnostic or treatment center" and inserting in lieu thereof "an outpatient facility", and

(2) inserting before the period at the end thereof "or which provides reasonable assurance that the services of a general hospital will be available to patients of such facility who are in need of hospital care".

(f) Paragraph (f) of the section of the Public Health Service Act redesignated (by section 201 of this Act) as section 645 (42 U.S.C. 291o) is amended—

(1) by striking out "diagnostic or treatment center" and inserting in lieu thereof "outpatient facility",

(2) by inserting after "means a facility" the following: "(located in or apart from a hospital)",

(3) by inserting after "ambulatory patients" the following: "(including ambulatory inpatients)", and

(4) by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; or" and by adding after paragraph (2) the following new paragraph:

"(3) which offers to patients not requiring hospitalization the services of licensed physicians in various medical specialties, and which provides to its patients a reasonably full-range of diagnostic and treatment services."

(g) The amendments made by subsection (e) and paragraphs (2) and (3) of subsection (f) of this section shall apply with respect to applications approved under title VI of such Act after June 30, 1970.

DEFINITION OF FACILITY FOR LONG-TERM CARE

SEC. 117. Effective with respect to applications approved under title VI of the Public Health Service Act after June 30, 1970, paragraph (h) of the section of such Act redesignated (by section 201 of this Act) as section 645 (42 U.S.C. 291o) is amended by inserting after "means a facility" the following: "(including an extended care facility)".

GRANTS FOR EQUIPMENT

SEC. 118. Effective with respect to projects approved under title VI of the Public Health Service Act after June 30, 1970, paragraph (i) of the section of such Act redesignated (by section 201 of this Act) as section 645 (42 U.S.C. 291o) is further amended by inserting before the semicolon "and, in any case in which it will help to provide a service not previously provided in the community, equipment of any buildings".

INCLUSION OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS

SEC. 119. (a)(1) Subparagraphs (A), (B), and (C) of paragraph (1) of subsection (b) of section 602 of the Public Health Service Act (42 U.S.C. 291b) are each amended by inserting "the Trust Territory of the Pacific Islands," after "American Samoa,".

(2) Paragraph (2) of such subsection is amended by inserting "the Trust Territory of the Pacific Islands," after "American Samoa,".

(b) Paragraph (1) of subsection (c) of such section is amended by inserting "the Trust Territory of the Pacific Islands," after "American Samoa,".

(c) Paragraphs (1) and (2) of subsection (d) of such section are each amended by inserting "the Trust Territory of the Pacific Islands," after "American Samoa,".

(d) The section of such Act redesignated (by section 201 of this Act) as section 645(a) (42 U.S.C. 291o) is amended by inserting "the Trust Territory of the Pacific Islands," after "American Samoa,".

(e) The amendments made by this section shall apply with respect to allotments (and grants therefrom) under part A of title VI of the Public Health Service Act for fiscal years ending after June 30, 1970, and with respect to loan guarantees and loans under part B of such title made after June 30, 1970.

WAIVING OF RIGHT OF RECOVERY

SEC. 120. Section (3)(b) of the Hospital and Medical Facilities Amendments of 1964 (Public Law 88–443) is amended by striking out the period at the end of paragraph (5) and inserting in lieu thereof a semicolon, and by adding after such paragraph the following new paragraph:

"(6) the provisions of clause (b) of section 609 of the Public Health Service Act, as amended by this Act, shall apply with respect to any project whether it was approved, and whether the event specified in such clause occurred, before, on, or after the date of enactment of this Act, except that it shall not apply in the case of any project with respect to which recovery under title VI of such Act has been made prior to enactment of this paragraph."

FINANCIAL STATEMENTS FOR FACILITIES ASSISTED UNDER TITLE VI OF THE PUBLIC HEALTH SERVICE ACT

SEC. 121. Title VI of the Public Health Service Act is amended by adding at the end thereof the following new section:

"FINANCIAL STATEMENTS

"SEC. 646. In the case of any facility for which a grant, loan, or loan guarantee has been made under this title, the applicant for such grant, loan, or loan guarantee (or, if appropriate, such other person as the Secretary may prescribe) shall file at least annually with the State agency for the State in which the facility is located a statement which shall be in such form, and contain such information, as the Secretary may require to accurately show—

"(1) the financial operations of the facility, and

"(2) the costs to the facility of providing health services in the facility and the charges made by the facility for providing such services,

during the period with respect to which the statement is filed."

CARRYOVER OF ALLOTMENTS

SEC. 122. Effective with respect to allotments made from appropriations under section 601 of the Public Health Service Act for fiscal years beginning after June 30, 1970, section 602(d)(1) of such Act is amended (1) by striking out "for the next fiscal year (and for such year only)" and inserting in lieu thereof "for the next two fiscal years (and for such years only)", and (2) by striking out "purpose for such next fiscal year" and inserting in lieu thereof "purposes for such next two fiscal years".

AVAILABILITY OF EXTENDED CARE SERVICES TO PATIENTS OF GENERAL HOSPITALS

SEC. 123. Section 604(a) of the Public Health Service Act (42 U.S.C. 291d) is amended by striking out "and" at the end of paragraph (11), by striking out the period at the end of paragraph (12) and inserting in lieu thereof "; and", and by adding after paragraph (12) the following new paragraph.

"(13) Effective July 1, 1971, provide that before any project for construction or modernization of any general hospital is approved by the State agency there will be reasonable assurance of adequate provision for extended care services (as determined in accordance with regulations) to patients of such hospital when such services are medically appropriate for them, with such services being provided in facilities which (A) are structurally part of, physically connected with, or in immediate proximity to, such hospital, and (B) either (i) are under the supervision of the professional staff of such hospital or (ii) have organized medical staffs and have in effect transfer agreements with such hospitals; except that the Secretary may, at the request of the State agency, waive compliance with clause (A) or (B), or both such clauses, as the case may be, in the case of any project if the State agency has determined that compliance with such clause or clauses in such case would be inadvisable."

XUM

TITLE II—LOAN GUARANTEES AND LOANS FOR MODERNIZATION AND CONSTRUCTION OF HOSPITALS AND OTHER MEDICAL FACILITIES

LOAN GUARANTEES AND LOANS FOR MODERNIZATION AND CONSTRUCTION OF HOSPITALS AND OTHER MEDICAL FACILITIES

SEC. 201. Title VI of the Public Health Service Act is amended by redesignating part B as part D; by redesignating sections 621 through 625 (42 U.S.C. 291k–291o), and all references thereto, as sections 641 through 645, respectively; and by inserting after section 610 (42 U.S.C. 291i) the following new part:

"PART B—LOAN GUARANTEES AND LOANS FOR MODERNIZATION AND CONSTRUCTION OF HOSPITALS AND OTHER MEDICAL FACILITIES

AUTHORIZATION OF LOAN GUARANTEES AND LOANS

"SEC. 621. (a)(1) In order to assist nonprofit private agencies to carry out needed projects for the modernization or construction of nonprofit private hospitals, facilities for long-term care, outpatient facilities, and rehabilitation facilities, the Secretary, during the period July 1, 1970, through June 30, 1973, may, in accordance with the provisions of this part, guarantee to non-Federal lenders making loans to such agencies for such projects, payment of principal of and interest on loans, made by such lenders, which are approved under this part.

"(2) In order to assist public agencies to carry out needed projects for the modernization or construction of public health centers, and public hospitals, facilities for long-term care, outpatient facilities, and rehabilitation facilities, the Secretary, during the period July 1, 1970, through June 30, 1973, may, in accordance with the provisions of this part, make loans to such agencies which shall be sold and guaranteed in accordance with section 627.

"(b)(1) No loan guarantee under this part with respect to any modernization or construction project may apply to so much of the principal amount thereof as, when added to the amount of any grant or loan under part A with respect to such project, exceed 90 per centum of the cost of such project.

"(2) No loan to a public agency under this part shall be made in an amount which, when added to the amount of any grant or loan under part A with respect to such project, exceeds 90 per centum of the cost of such project.

"(c) The Secretary, with the consent of the Secretary of Housing and Urban Development, shall obtain from the Department of Housing and Urban Development such assistance with respect to the administration of this part as will promote efficiency and economy thereof.

"ALLOCATION AMONG THE STATES

"SEC. 622. (a) For each fiscal year, the total amount of principal of loans to nonprofit private agencies which may be guaranteed or loans to public agencies which may be directly made under this part shall be allotted by the Secretary among the States, in accordance with regulations, on the basis of each State's relative population, financial need, need for construction of the facilities referred to in section 621(a), and need for modernization of such facilities.

"(b) Any amount allotted under subsection (a) to a State for a fiscal year ending before July 1, 1973, and remaining unobligated at the end of such year shall remain available to such State, for the purpose for which made, for the next two fiscal years (and for such years only), and any such amount shall be in addition to the amounts allotted to such State for such purpose for each of such next two fiscal years; except that, with the consent of any such State, any such amount remaining unobligated at the end of the first of such next fiscal year may be reallotted (on such basis as the Secretary deems equitable and consistent with the purposes of this title) to other States which have need therefor. Any amounts so reallotted to a State shall be available for the purposes for which made until the close of the second such next two fiscal years and shall be in addition to the amount allotted and available to such State for the same period.

"(c) Any amount allotted or reallotted to a State under this section for a fiscal year shall not, until the expiration of the period during which it is available for obligation, be considered as available for allotment for a subsequent fiscal year.

"(d) The allotments of any State under subsection (a) for the fiscal year ending June 30, 1971, and the succeeding fiscal year shall also be available to guarantee loans with respect to any project, for modernization or construction of a nonprofit private hospital or other health facility referred to in section 621(a)(1), if the modernization or construction of such facility was not commenced earlier than January 1, 1968, and if the State certifies and the Secretary finds that without such guaranteed loan such facility could not be completed and begin to operate or could not continue to operate, but with such guaranteed loan would be able to do so: *Provided*, That this subsection shall not apply to more than two projects in any one State.

"APPLICATIONS AND CONDITIONS

"SEC. 623. (a) For each project for which a guarantee of a loan to a nonprofit private agency or a direct loan to a public agency is sought under this part, there shall be submitted to the Secretary, through the State agency designated in accordance with section 604, an application by such private nonprofit agency or by such public agency. If two or more private nonprofit agencies, or two or more public agencies, join in the project, the application may be filed by one or more such agencies. Such application shall (1) set forth all of the descriptions, plans, specifications, assurances, and information which are required by the third sentence of section 605(a) (other than clause (6) thereof) with respect to applications submitted under that section, (2) contain such other information as the Secretary may require to carry out the purposes of this part, and (3) include a certification by the State agency of the total cost of the project and the amount of the loan for which a guarantee is sought under this part, or the amount of the direct loan sought under this part, as the case may be.

"(b) The Secretary may approve such application only if—

"(1) there remains sufficient balance in the allotment determined for such State pursuant to section 622 to cover the amount of the loan for which a guarantee is sought, or the amount of the direct loan sought (as the case may be), in such application,

"(2) he makes each of the findings which are required by clauses (1) through (4) of section 605(b) for the approval of applications for projects thereunder (except that, in the case of the finding required under such clause (4) of entitlement of a project to a priority established under section 603(a), such finding shall be made without regard to the provisions of clauses (1) and (3) of such section),

"(3) he finds that there is compliance with section 605(e),

"(4) he obtains assurances that the applicant will keep such records, and afford such access thereto, and make such reports, in such form and containing such information, as the Secretary may reasonably require, and

"(5) he also determines, in the case of a loan for which a guarantee is sought, that the terms, conditions, maturity, security (if any), and schedule and amounts of repayments with respect to the loan are sufficient to protect the financial interests of the United States and are otherwise reasonable and in accord with regulations, including a determination that the rate of interest does not exceed such per centum per annum on the principal obligation outstanding as the Secretary determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the United States.

"(c) No application under this section shall be disapproved until the Secretary has afforded the State agency an opportunity for a hearing.

"(d) Amendment of an approved application shall be subject to approval in the same manner as an original application.

"(e)(1) In the case of any loan to a nonprofit private agency, the United States shall be entitled to recover from the applicant the amount of any payments made pursuant to any guarantee of such loan under this part, unless the Secretary for good cause waives its right of recovery, and, upon making any such payment, the United States shall be subrogated to all of the rights of the recipient of the payments with respect to which the guarantee was made.

"(2) Guarantees of loans to nonprofit private agencies under this part shall be subject to such further terms and conditions as the Secretary determines to be necessary to assure that the purposes of this part will be achieved, and, to the extent permitted by subsection (f), any of such terms and conditions may be modified by the Secretary to the extent he determines it to be consistent with the financial interest of the United States.

"(f) Any guarantee of a loan to a nonprofit private agency made by the Secretary pursuant to this part shall be incontestable in the hands of an applicant on whose behalf such guarantee is made, and as to any person who makes or contracts to make a loan to such applicant in reliance thereon, except for fraud or misrepresentation on the part of such applicant or such other person.

"PAYMENT OF INTEREST ON GUARANTEED LOAN

"SEC. 624. (a) Subject to the provisions of subsection (b), in the case of a guarantee of any loan to a nonprofit private agency under this part with respect to a hospital or other medical facility, the Secretary shall pay, to the holder of such loan and for and on behalf of such hospital or other medical facility amounts sufficient to reduce by 3 per centum per annum the net effective interest rate otherwise payable on such loan. Each holder of a loan, to a nonprofit private agency, which is guaranteed under this part shall have a contractual right to receive from the United States interest payments required by the preceding sentence.

"(b) Contracts to make the payments provided for in this section shall not carry an aggregate amount greater than such amount as may be provided in appropriations Acts.

"LIMITATION ON AMOUNT OF LOANS GUARANTEED OR DIRECTLY MADE

"SEC. 625. The cumulative total of the principal of the loans outstanding at any time with respect to which guarantees have been issued, or which have been directly made, under this part may not exceed the lesser of—

"(1) such limitations as may be specified in appropriations Acts, or

"(2) in the case of loans covered by allotments for the fiscal year ending June 30, 1971, $500,000,000; for the fiscal year ending June 30, 1972, $1,000,000,000; and for the fiscal year ending June 30, 1973, $1,500,000,000.

"LOAN GUARANTEE AND LOAN FUND

"SEC. 626. (a)(1) There is hereby established in the Treasury a loan guarantee and loan fund (hereinafter in this section referred to as the 'fund') which shall be available to the Secretary without fiscal year limitation in such amounts as may be specified from time to time in appropriations Acts, (i) to enable him to discharge his responsibilities under guarantees issued by him under this part, (ii) for payment of interest on the loans to nonprofit agencies which are guaranteed, (iii) for direct loans to public agencies which are sold and guaranteed, (iv) for payment of interest with respect to such loans, and (v) for repurchase by him of direct loans to public agencies which have been sold and guaranteed. There are authorized to be appropriated to the fund from time to time such amounts as may be necessary to provide capital required for the fund. To the extent authorized from time to time in appropriation Acts, there shall be deposited in the fund amounts received by the Secretary as interest payments or repayments of principal on loans and any other moneys, property, or assets derived by him from his operations under this part, including any moneys derived from the sale of assets.

"(2) Of the moneys in the fund, there shall be available to the Secretary for the purpose of making of direct loans to public agencies only such sums as shall have been appropriated for such purpose pursuant to section 627 or sums received by the Secretary from the sale of such loans (in accordance with such section) and authorized in appropriations Acts to be used for such purpose.

"(b) If at any time the moneys in the fund are insufficient to enable the Secretary to discharge his responsibilities under this part—

"(i) to make payments of interest on loans to nonprofit private agencies which he has guaranteed under this part;

"(ii) to otherwise comply with guarantees under this part of loans to nonprofit private agencies;

"(iii) to make payments of interest subsidies with respect to loans to public agencies which he has made, sold, and guaranteed under this part;

"(iv) in the event of default by public agencies to make payments of principal and interest on loans which the Secretary has made, sold, and guaranteed, under this part, to make such payments to the purchaser of such loan;

"(v) to repurchase loans to public agencies which have been sold and guaranteed under this part,

he is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary with the approval of the Secretary of the Treasury, but only in such amounts as may be specified from time to time in appropriations Acts. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under that Act, as amended, are extended to include any purchase of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. Sums borrowed under this subsection shall be deposited in the fund and redemption of such notes and obligations shall be made by the Secretary from such fund.

"PROVISIONS APPLICABLE TO LOANS TO PUBLIC FACILITIES

"SEC. 627. (a)(1) Any loan made by the Secretary to a public agency under this part for the modernization or construction of a public hospital or other health facility shall require such public agency to pay interest thereon at a rate comparable to the current rate of interest prevailing with respect to loans, to nonprofit private agencies, which are guaranteed under this part, for the modernization or construction of similar facilities in the same or similar areas, minus 3 per centum per annum.

"(2)(A) No loan to a public agency shall be made under this part unless—

"(i) the Secretary is reasonably satisfied that such agency will be able to make payments of principal and interest thereon when due, and

"(ii) such agency provides the Secretary with reasonable assurances that there will be available to such agency such additional funds as may be necessary to complete the project with respect to which such loan is requested.

"(B) Any loan to a public agency shall have such security, have such maturity date, be repayable in such installments, and be subject to such other terms and conditions (including provision for recovery in case of default) as the Secretary determines to be necessary to carry out the purposes of this part while adequately protecting the financial interests of the United States.

"(3) In making loans to public agencies under this part, the Secretary shall give due regard to achieving an equitable geographical distribution of such loans.

"(b)(1) The Secretary shall from time to time, but with due regard to the financial interests of the United States, sell loans referred to in subsection (a)(1) either on the private market or to the Federal National Mortgage Association in accordance with section 302 of the Federal National Mortgage Association Charter Act.

"(2) Any loan so sold shall be sold for an amount which is equal (or approximately equal) to the amount of the unpaid principal of such loan as of the time of sale.

"(c)(1) The Secretary is authorized to enter into an agreement with the purchaser of any loan sold under this part under which the Secretary agrees—

"(A) to guarantee to such purchaser (and any successor in interest to such purchaser) payment of the principal and interest payable under such loan, and

"(B) to pay as an interest subsidy to such purchaser (and any successor in interest of such purchaser) amounts which when added to the amount of interest payable on such loan, are equivalent to a reasonable rate of interest on such loan as determined by the Secretary, after taking into account the range of prevailing interest rates in the private market on similar loans and the risks assumed by the United States.

"(2) Any such agreement—

"(A) may provide that the Secretary shall act as agent of any such purchaser, for the purpose of collecting from the public agency to which such loan was made and paying over to such purchaser, any payments of principal and interest payable by such agency under such loan;

"(B) may provide for the repurchase by the Secretary of any such loan on such terms and conditions as may be specified in the agreement;

"(C) shall provide that, in the event of any default by the public agency to which such loan was made in payment of principal and interest due on such loan, the Secretary shall, upon notification to the purchaser (or to the successor in interest of such purchaser), have the option to close out such loan (and any obligations of the Secretary with respect thereto) by paying to the purchaser (or his successor in interest) the total amount of outstanding principal and interest due thereon at the time of such notification; and

"(D) shall provide that, in the event such loan is closed out as provided in subparagraph (C), or in the event of any other loss incurred by the Secretary by reason of the failure of such public agency to make payments of principal and interest on such loan, the Secretary shall be subrogated to all rights of such purchaser for recovery of such loss from such public agency.

"(d) The Secretary may, for good cause, waive any right of recovery which he has against a public agency by reason of the failure of such agency to make payments of principal and interest on a loan made to such agency under this part.

"(e) After any loan to a public agency under this part has been sold and guaranteed, interest paid on such loan and any interest subsidy paid by the Secretary with respect to such loan which is received by the purchaser thereof (or his successor in interest) shall be included in gross income for the purposes of chapter 1 of the Internal Revenue Code of 1954.

"(f) Amounts received by the Secretary as proceeds from the sale of loans under this section shall be deposited in the loan fund established by section 626, and shall be available to the Secretary for the making of further loans under this part in accordance with the provisions of subsection (a)(2) of such section.

"(g) There is authorized to be appropriated to the Secretary, for deposit in the loan fund established by section 626, $30,000,000 to provide initial capital for the making of direct loans by the Secretary to public agencies for the modernization or construction of facilities referred to in subsection (a)(1)."

AMENDMENT TO FEDERAL NATIONAL MORTGAGE ASSOCIATION CHARTER ACT

SEC. 202. The first sentence of section 302(b) of the Federal National Mortgage Association Charter Act is amended by inserting after the first semicolon the following: "and to purchase, service, sell, or otherwise deal in any loans made to a public agency under part B of title VI of the Public Health Service Act;".

TITLE III—GRANTS FOR CONSTRUCTION OR MODERNIZATION OF EMERGENCY ROOMS OF GENERAL HOSPITALS

SEC. 301. Title VI of the Public Health Service Act is further amended by adding after part B (added by section 201 of this Act) the following new part:

"PART C—CONSTRUCTION OR MODERNIZATION OF EMERGENCY ROOMS

"AUTHORIZATION

"SEC. 631. In order to assist in the provision of adequate emergency room service in various communities of the Nation for treatment of accident victims and handling of other medical emergencies through special project grants for the construction or modernization of emergency rooms of general hospitals, there are authorized to be appropriated $20,000,000 each for the fiscal year ending June 30, 1971, and the next two fiscal years.

"ELIGIBILITY FOR GRANTS

"SEC. 632. Funds appropriated pursuant to section 631 shall be available for grants by the Secretary for not to exceed 50 per centum of the cost of construction or modernization of emergency rooms of public or nonprofit general hospitals, including provision or replacement of medical transportation facilities. Such grants shall be made by the Secretary only after consultation with the State agency designated in accordance with section 604(a)(1) of the Public Health Service Act. In order to be eligible for a grant under this part, the project, and the applicant therefor, must meet such criteria as may be prescribed by regulations. Such regulations shall be so designed as to provide aid only with respect to projects for which adequate assistance is not readily available from other Federal, State, local, or other sources, and to assist in providing modern, efficient, and effective emergency room service needed to care for victims of highway, industrial, agricultural, or other accidents and to handle other medical emergencies, and to assist in providing such service in geographical areas which have special need therefor.

"PAYMENTS

"SEC. 633. Grants under this part shall be paid in advance or by way of reimbursement, in such installments and on such conditions, as in the judgment of the Secretary will best carry out the purposes of this part."

TITLE IV—EVALUATION OF HEALTH PROGRAMS

SEC. 401. (a) Title V of the Public Health Service Act is amended by inserting at the end thereof the following new section:

"EVALUATION OF PROGRAMS

"SEC. 513. Such portion as the Secretary may determine, but not more than 1 per centum, of any appropriation for grants, contracts, or other payments under any provision of this Act, the Mental Retardation Facilities Construction Act, the Community Mental Health Centers Act, the Act of August 5, 1954 (Public Law 568, Eighty-third Congress), or the Act of August 16, 1957 (Public Law 85-151), for any fiscal year beginning after June 30, 1970, shall be available for evaluation (directly, or by grants or contracts) of any program authorized by this Act or any of such other Acts, and, in the case of allotments from any such appropriation, the amount available for allotment shall be reduced accordingly."

(b) (1) Effective with respect to appropriations for fiscal years beginning after June 30, 1970—

(A) section 304(d) of the Public Health Service Act (42 U.S.C. 242b) is amended by striking out "; except that for any fiscal year ending after June 30, 1968" and all that follows down to but not including the period;

(B) section 309(c) of such Act (42 U.S.C. 242g) is amended by striking out "(1)", and by striking out ", and (2)" and all that follows down to but not including the period;

(C) section 314(d)(1) of such Act (42 U.S.C. 246) is amended by striking out ", except that, for any fiscal year ending after June 30, 1968" and all that follows down to but not including the period;

(D) section 314(e) of such Act (42 U.S.C. 246) is amended by striking out the last sentence;

(E) section 797 of such Act (42 U.S.C. 295h-6) is repealed; and

(F) section 901(a) of such Act (42 U.S.C. 299a) is amended by striking out the last sentence.

(2) Effective with respect to appropriations for fiscal years beginning after June 30, 1970, section 262 of the Community Mental Health Centers Act (42 U.S.C. 2688p) is repealed.

TITLE V—MARIHUANA

CONGRESSIONAL FINDINGS

SEC. 501. The Congress finds that the use of marihuana is increasing in the United States, especially among the young people thereof, and that there is need for a better understanding of the health consequences of using marihuana. The Congress further finds that, notwithstanding the various studies carried out, and research engaged in, with respect to the use of marihuana, there is a lack of an authoritative source for obtaining information involving the health consequences of using marihuana.

HEALTH RESEARCH REPORTS

SEC. 502. The Secretary of Health, Education, and Welfare, after consultation with the Surgeon General and other appropriate individuals, shall transmit a report to the Congress on or before January 31, 1971, and annually thereafter (1) containing current information on the health consequences of using marihuana, and (2) containing such recommendations for legislative and administrative action as he may deem appropriate. A preliminary report shall be transmitted to the Congress by the Secretary concerning current information on the health consequences of using marihuana not later than ninety (90) days after the date of enactment of this title.

SHORT TITLE

SEC. 503. This title may be cited as the "Marihuana and Health Reporting Act".

TITLE VI—AVAILABILITY OF APPROPRIATIONS

SEC. 601. Notwithstanding any other provision of law, unless enacted after the enactment of this Act expressly in limitation of the provisions of this section, funds appropriated for any fiscal year ending prior to July 1, 1973, to carry out any program for which appropriations are authorized by the Public Health Service Act (Public Law 410, Seventy-eighth Congress, as amended) or the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 (Public Law 88-164, as amended) shall remain available for obligation and expenditure until the end of such fiscal year.

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill, and agree to the same.

RALPH W. YARBOROUGH,
HARRISON A. WILLIAMS, Jr.,
EDWARD M. KENNEDY,
GAYLORD NELSON,
THOMAS F. EAGLETON,
ALAN CRANSTON,
HAROLD E. HUGHES,
PETER H. DOMINICK,
JACOB K. JAVITS,
GEORGE MURPHY,
WINSTON PROUTY,
WILLIAM B. SAXBE,
Managers on the Part of the Senate.

HARLEY O. STAGGERS,
JOHN JARMAN,
PAUL G. ROGERS,
W. L. SPRINGER,
ANCHER NELSEN,
Managers on the Part of the House.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

PRIVILEGE OF THE FLOOR

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that Mr. LeRoy Goldman may have staff privileges of the floor during the consideration of this matter. Mr. Goldman is a congressional fellow and is working for the Senate Labor Committee under a program sponsored by the Civil Service Commission and the American Political Science Association.

The PRESIDING OFFICER (Mr. CRANSTON). Without objection, it is so ordered.

Mr. YARBOROUGH. Mr. President, the Medical Facilities Construction and Modernization Amendments of 1970 is a 3-year bill which authorizes almost $3 billion in grants and guaranteed loans for the construction and modernization of health facilities. This bill contains the most comprehensive changes ever made in the Hill-Burton legislation since its enactment in 1946.

The Medical Facilities Construction and Modernization Amendments of 1970, in title I, authorizes a 3-year program of grants to the States to pay for part of the cost of new construction and modernization of public and other nonprofit hospitals, extended care facilities, outpatient facilities, public health centers, and rehabilitation facilities. Total authorization for outright grants is $382.5 million for 1971, $402.5 million for 1972, and $417.5 million for 1973. The total authorization for 1970 under expiring legislation is $295 million. So we have a substantial increase under present authorizations and under existing law.

There are separate authorizations for each of the categories of health facilities—hospitals, extended care facilities, public health centers, outpatient facilities, and rehabilitation facilities.

One of the major points discussed in the bill in the subcommittee, in the committee, on the floor of the Senate, and in the conference with the House was the formula for allocating funds, among the States for the construction of health facilities. As reported by the conferees, the bill continues the existing formula, but it also requires the Secretary of Health, Education, and Welfare to study the effects of the formula, and to report the results of the study to the Congress, together with any recommendations for changing the formula under any amendment of the law in the future.

The bill states that the report is to be submitted to the Congress on May 15, 1972. It is the understanding of the Senate conferees that the Secretary need not delay the submission of the report until that date if the report is completed at an earlier date.

There are several changes in existing law that will contribute to better health care. First of all, there is a provision

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under the existing law that prohibits financial assistance for the construction of outpatient facilities unless they are owned by a public agency or by a private, nonprofit hospital. This restriction would be relaxed to permit any private, nonprofit group to construct or modernize an outpatient facility. Priority would be given to projects where comprehensive health services are provided. States may give priority to rural communities. Another priority has been added in the case of projects for construction and modernization of facilities which provide training in health professions.

This is a major change in the bill. In the past, under hospital construction laws, States had to give priority to rural areas. Many of the large States felt that the need was greatest in the urban areas. This is a compromise. The bill leaves it up to each State to decide whether it wants to give priority to rural areas or whether it does not want to give priority to rural areas. The requirement that a priority be given to rural areas is taken out of the bill. It is optional with each State.

To contribute to reducing the cost of health care, the legislation would give the States the option of increasing the Federal share of construction costs up to 90 percent in the case of projects that offer potential for reducing health care costs through shared services, interfacility cooperation, or freestanding ambulatory care centers.

In title II, the bill would authorize a new program of loan guarantees to cover up to 90 percent of the cost of modernization and construction of hospitals and other health care facilities. A similar provision was passed by the Senate last year but was dropped in conference.

The total amount of principal of loans which may be guaranteed would be divided between modernization and new construction by the Secretary, and allocated among the States on the basis of each State's relative population, financial need, and need for modernization and construction, respectively. The Federal Government would pay 3 percent of interest charges.

With the outrageously high interest rates, the highest in the history of the country, even if the money were able to be borrowed, they could not do it. Under this proposal the Federal Government would pay 3 percent of the interest charges to enable them to borrow the money to build the hospital facilities.

The cumulative total of principal of the guaranteed loans outstanding will be $1.5 billion over 3 years, but not more than $500 million per year.

I point out that this is a great advance in the amount of money to be made available for this outpatient and other health care facilities.

Title III would authorize a new program for grants for the modernization and construction of emergency rooms of general hospitals. The authorization is for $20 million each year for the next 3 years. These special project grants would be administered by the Secretary of Health, Education, and Welfare, after consultation with the existing State agency, for projects for which adequate assistance is not readily available from other sources to assist in providing modern, efficient, and effective emergency room services needed to care for victims of highway, industrial, agricultural, or other accidents and to handle other medical emergencies, and to assist in providing such services in geographical areas which have special need.

The $20 million for 3 years is a small amount of money when compared with the $3 billion, but it is a vital and important part of the money, because many of the large hospitals have emergency rooms that are not adequate at all for our modern way of life.

We know, with more than 50,000 lives being lost in this country from highway accidents alone, and from studies our committee has made, that many hospitals in Europe are far ahead of ours in the matter of emergency rooms and methods of getting injured people there. With some 7 million people being injured in industrial accidents every year, with 2,200,000 of those disabled, and with 14,000 dying each year in home accidents and other similar accidents, this is something badly needed in America.

Also, once the war in Vietnam is settled and we get the helicopters back, especially in the industrial centers of the East, where there are turnpikes and superhighways, the helicopter will prove a useful means for getting the injured right to the hospital, the way the injured servicemen in Vietnam are now transported to the hospitals.

If one visits some of the newer small hospitals in areas of lower population, he will find very modern emergency rooms built right up against the docks where the ambulances come, with the equipment right there. It is the purpose of the modern emergency rooms to be so constructed as to enable helicopters or ambulances to move injured people right to them, where they can immediately be carried in and given immediate treatment to save their lives.

It is most appropriate that the Senate pass a bill today that will permit us to continue our progress in making modern hospitals and health care facilities accessible to all the people of this country. This legislation provides for a number of innovations to encourage a better utilization of our limited health resources, improve the delivery of health services and reduce the soaring costs of medical care.

The cost of medical care is a problem that concerns all of us. All of our citizens are entitled to adequate health services—not as a privilege, but as a basic right.

The cost of these health services is rising rapidly. In some hospitals across the country, the per diem rate exceeds $100. The national average for 1969 was over $65 a day, an increase of 12 percent over the preceding year.

This great need is pressing down upon the country. This is the biggest hospital construction bill in the history of this country, but a very modest bill compared with the needs of the country. Despite all of these rising charges, hospitals are badly in need of substantial financial assistance for construction and modernization. The States report urgent needs for the construction of new health facilities at an estimated cost of $6 billion, and urgent needs for the modernization or replacement of obsolete health care facilities at an estimated cost of $10.5 billion or a total of $16.5 billion. I have learned from the Department of Health, Education, and Welfare that in my own State of Texas the cost to construct needed new health facilities is estimated at $469 million, and $383 million more, to modernize obsolete health facilities. That is one State alone out of the 50 that need the $16.5 billion, as I have described.

These costs cannot be met without assistance in the form of grants and guaranteed loans from the Federal Government. That is why the legislation that I am proposing provides increased financial assistance through grants and insured loans for the badly needed construction and modernization of health care facilities.

In conclusion, this bill has $2.79 billion in authorizations over the next 3 years, $1.29 billion in grants and $1.5 billion in loan guarantees. In no year are there less than $900 million in authorizations.

This is a large amount of money, but only a token of the $16½ billion the States have certified are needed now for hospital construction, enlargement, and modernization. This conference report is substantially less than is authorized in the Senate bill, but after numerous conferences with the House, we came to the conclusion that this was the best bill we could pass this year. And it is the largest, best, most comprehensive hospital construction bill ever to pass the Congress.

It is better than anything we have had before. After many hours of negotiation, we concluded it was the best bill we could get out of that conference this year—as I say, the largest hospital construction bill ever to pass Congress.

I congratulate all of the members of the Health Subcommittee of the Senate who worked so long and so diligently on this matter, who wanted a larger bill, and all the members of the Committee on Labor and Public Welfare.

I commend the Senate conferees. The distinguished Senator from Colorado (Mr. DOMINICK) is present on the floor. He and other members of the committee, such as the ranking minority member (Mr. JAVITS) worked diligently on this matter.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I yield.

Mr. DOMINICK. Mr. President, I want to express my thanks, as ranking member of the Health Subcommittee, to our committee chairman, the Senator from Texas (Mr. YARBOROUGH), who I think did an excellent job as chairman of the conference.

Obviously, we had some major differences with the House of Representatives. Their authorization, by and large, was less. They had a 3-year bill. They did not have guaranteed loans. They did not have a number of other provisions that we had in our Senate bill.

However, after several sessions, we finally got them to compromise on most of the changes we had made, and in turn, had to give them some compromises.

I am particularly proud to have been the initiator of a new system for federally guaranteed loans to public hospitals. We prepared that provision in my office, with the cooperation of the chairman and the administration. It creates a fund which can be turned over a number of times per year, to help finance the public hospital system in this country. If we had not been able to get this new provision into law, I think we would have found ourselves in very substantial trouble in our public hospital system because of the cut-back in funds on direct grants or direct loans.

In short, my financing amendment provides that the Secretary of Health, Education, and Welfare make low-interest loans from the fund to public hospitals. HEW is to take the obligation from the hospital representing the loan, increase the interest rate, guarantee the obligation, and sell it to private investors. However, it will be sold as a taxable instrument, not as a tax-exempt instrument. Therefore, we do not have the potential of ruining the municipal bond market, which we might otherwise have done if these had been tax-exempt federally guaranteed securities.

I was also pleased that, after some initial objections on the grounds of jurisdiction, the House conferees agreed to accept my amendment—agreed to by the Senate on April 7, 1970—requiring annual reports on the health consequences of using marihuana. This appears as title V of the conference bill. Those of us who have been active in trying to determine what we should do in the drug field have become increasingly perplexed over the contradictory reports concerning research which has gone on as to the health effects of marihuana. It seemed to me some time ago that we should take affirmative steps to obtain some type of authoritative report, as we did in the tobacco situation, so that the public will be kept informed on a continuing basis what research to date has indicated with respect to the use of marihuana.

As I say, the marihuana provision was finally accepted by the conferees, and is now a part of the conference report.

Ninety days after this bill is signed by the President the first marihuana report will be due.

The third thing I think I should mention is retroactivity which was put into the bill at the request of the Senator from New Hampshire (Mr. Cotton) and the Senator from Kentucky (Mr. Cooper). They had particular situations where they had hospitals which were under construction, which were running into problems; and yet if those hospitals could be completed, it would be of substantial advantage in taking care of the health needs of their respective States.

The unfortunate part about the situation as we faced it in conference was an indication that if we went along totally with the wording as it had originally been put into the bill on the Senate side, there were well over 1,200 particular hospitals which might fit into this category. That would mean the money which we had provided would probably go into completing something which had been started, and none of it getting into new phases which we wanted to work on.

We finally compromised, after very extended discussion with the House of Representatives conferees, who did not want any part of it. What we did, as I recall—and I hope the Senator from Texas will correct me if I am wrong—was say that any State could have two projects or applications for projects to use the funds that we were supplying, even though they went back to January 1, 1968. I ask the Senator from Texas, is that correct?

Mr. YARBOROUGH. That is correct.

Mr. DOMINICK. So that would take care, I believe, of the situation with respect to the Senator from Kentucky and the Senator from New Hampshire, who fought so ably for their States.

Mr. COTTON. Mr. President, will the Senator yield for a moment?

Mr. YARBOROUGH. I yield to the distinguished Senator from New Hampshire.

Mr. COTTON. I wish to express my very deep appreciation, not only to the entire committee, but particularly to the able and effective chairman—who has operated with the effectiveness and fidelity that all of us appreciate—and to the ranking minority member, for their consideration and for their standing by to save the important points in the Senate amendment. In the case of the Senator from New Hampshire, this amendment means much to an institution which serves the whole of northern New England, an institution which I am sure would qualify. It would be a distinct loss if they were deprived of the opportunity to participate in the loan guaranty program, because I am sure that the State authorities and the Secretary of Health, Education, and Welfare, would agree as to the extreme need in this case.

I cannot adequately express my appreciation to the committee and to its conferees for the help they gave us in preserving the amendment.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I yield.

Mr. COOPER. I think it is correct, is it not, that the conference report provides that from the funds allocated to a State, the State could allot funds to a hospital facility commenced after January 1, 1968, if the State and the Secretary find that such funds are necessary to complete the facility?

Mr. YARBOROUGH. That is correct.

Mr. COOPER. I thank the Senator from Texas and the Senator from Colorado.

There is a situation in Lexington, Ky., similar to the one the Senator from New Hampshire (Mr. Cotton) mentioned. It involved one of the best hospitals in our State, one which has done great service.

I am grateful to both Senators for helping us.

I also congratulate the Senator from Texas and the Senator from Colorado for the development of the entire bill, with the new titles that have been added, which will hasten the construction of hospital facilities throughout our country, so badly needed.

Mr. YARBOROUGH. I thank the distinguished Senator from New Hampshire and the distinguished Senator from Kentucky for their very kind remarks.

This was a bipartisan bill. We worked together on it. There was a contribution on both sides.

Senator Dominick has outlined some of amendments he offered. The point about retroactivity, to which the distinguished Senator from New Hampshire and the distinguished Senator from Kentucky have addressed themselves, was one of the sticking points between the House and the Senate. It took considerable time in negotiation to work out the difficulties. We pointed out that these amendments were offered on the floor, were adopted on the floor, and were the amendments of the entire Senate. So, having had the endorsement of the entire Senate and knowing they were in there by floor adoption, the arrangement was worked out which has been narrated and clarified in the interrogatories on the floor.

I thank the distinguished Senators. I thank the distinguished Senator from Colorado for his kind remarks and for his diligent contribution and work on this bill. He was present at the hearings, at the executive sessions, and at the conference with the House.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I yield.

Mr. DOMINICK. I thank the Senator from Texas.

I was very glad that we worked out this compromise. It did cut down immediately the 1,200 applications that might have been put in, according to HEW, to 100—two for each State.

Senator Prouty, who worked out part of the wording of this compromise, did a very fine job. He pointed out, as the Senators from New Hampshire and Kentucky have said, that what we are dealing with here are applications within a State out of the money that has already been allocated to the State, and the State should know where the money could best be spent. It seemed to us that this was a feasible way to do it and still maintain the modern features put in the bill.

The other point I wanted to make on behalf of the Senator from Texas is the question of the formula, which was a very tough sticking point. Both the Senator from Texas and I were opposed to changing the formula in committee, but we were defeated in committee on a rollcall vote. Then the Senator from Texas and the Senator from New York (Mr. Javits) got together on a compromise, and that compromise was built into the bill as we discussed it on the floor of the Senate. Therefore, it became a Senate position, and we maintained that position all the way through until the very end, until it became apparent that the whole deal was going to go down the drain and the conference report would not be agreed to at all unless we modified our position.

It was this which brought about finally a renewal of the old formula, which actually is perfectly satisfactory to me and I believe to the Senator from Texas, plus a statement that we should have a report on the possibilities of changing this by May 15, 1972. This will give us time before the bill expires, so that we can discuss the implications of any changes in the formula which may be proposed after this survey.

Retaining the formula is not nearly as serious a matter as some of our col-

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leagues had indicated on the floor during the debate. I say that for this reason: Built into the formula on grants is a flexibility which was not heretofore available. All the money which was put into the construction fund and appropriated can be used for modernization purposes, and many members from the big States have indicated that this is their crying need. The modernization formula, in turn, is far more flexible than is the construction formula and does have the criteria of need built into it before the money is allocated.

Consequently, we have taken care of many of the problems they were talking about on the great need for modernization by permitting this transfer of funds between the construction fund over to modernization, and this is the way the State agency itself believes is proper.

As a result, Mr. President, after extended conferences, somewhat difficult at times, conducted in good humor and in good grace, but very tough positions on the part of the House, I believe we have a good bill. I congratulate the chairman, Senator YARBOROUGH, for the work he has done on it. I also extend my congratulations to our staff—Mr. Jack Forsythe, general counsel of the full committee, and Mr. Jay Cutler, minority counsel to the health subcommittee, and to my own staff members, Mr. Dick Spelts and Mr. Phil Potter.

It is my hope that we can adopt this conference report today, get it through the House, and have a bill which the medical authorities will agree may not be perfect, but is better than anything they have had to date.

Mr. YARBOROUGH. I thank the distinguished Senator from Colorado for his remarks.

I join with the Senator and associate myself with the remarks he made about the work of the staff members on this bill, particularly the general counsel of the Committee on Labor and Public Welfare, Mr. Jack Forsythe, who was formerly counsel on the House side. He came to the Senate with Senator Lister Hill and has been chief counsel for the committee for a number of years. Especially on health matters, the people of the Nation owe a great deal to Jack Forsythe's legislative expertise in working out these compromises with the House. He knows the personnel there.

This measure will make five major health bills which have been passed by Congress this year; and, as the Senator from Colorado knows, we have several more to go. In this session we will have passed more major health legislation than any other session of Congress, by the time Congress adjourns, if we have not already done so. This is the most extensive hospital construction and modernization bill of this Congress.

Mr. President, I move the adoption of the conference report.

The PRESIDING OFFICER (Mr. CRANSTON). The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to.

U.S. PRISONERS OF WAR

Mr. FULBRIGHT. Mr. President, on Wednesday, the Senate by a vote of 36 to 54 defeated the amendment that would have said, in effect, that the President can keep U.S. forces in Cambodia indefinitely as long as any Americans were being held prisoner there.

I regret that the issue of U.S. prisoners of war was brought into the discussion of the Cooper-Church amendment. The Senate took the proper action in saying that the terrible plight of the prisoners should not be involved in a dispute over the respective powers of the Congress and the President. But I hope that the leaders in Hanoi will not misread the Senate's action. It in no way means that the Senate does not feel very strongly about the treatment of our prisoners at the hands of the enemy.

I abhor, as I know all Senators do, the fact that North Vietnam has failed to abide by the provisions of the Geneva Convention on Treatment of Prisoners which it signed.

The leaders in Hanoi should know that the American people, although divided over the war, are united in their concern for American prisoners; wherever they may be held.

I have done everything within my power to persuade the North Vietnamese to give decent treatment to U.S. prisoners and to release their names. I shall continue to do so.

Mr. President, when I saw the Prime Minister of Sweden, Olof Palme, last Thursday, I spoke to him about this problem. He pledged that he and his administration in Sweden would do everything they could to be of assistance in obtaining the best possible treatment for our prisoners of war held by the North Vietnamese.

HISTORY OF UNITED STATES-INDOCHINA RELATIONS

Mr. FULBRIGHT. Mr. President, on May 13, the Committee on Foreign Relations heard most interesting and informative testimony from Mr. David Schoenbrun concerning the history of United States-Indochina relations.

Mr. Schoenbrun is a distinguished journalist, author, and lecturer. He has covered events in Indochina, as a journalist, for a quarter of a century. As a correspondent, he covered the French negotiations with Ho Chi Minh in 1946, and the war in Indochina. He also covered the negotiations relative to ending the war in Indochina, culminating in the Geneva Conference in 1954, and the subsequent beginning of American involvement in Vietnam.

In addition to writing and lecturing, Mr. Schoenbrun is a member of the faculties of the Graduate School of International Affairs of Columbia University, and the New School for Social Research in New York City.

To our Nation's tragedy, we did not seem to learn anything from the experience of the French, proving, as George Santayana wrote, that:

> Those who cannot remember the past are condemned to repeat it.

I have always believed that we, as a nation, would find it easier to get out of the quigmire of Southeast Asia if the American people were more aware of the history of how we got there in the first place. Mr. Schoenbrun has traced the history of our involvement in an able manner, and I commend his statement to the attention of my colleagues and the public.

I ask unanimous consent to have his statement printed in the RECORD.

There being no objection the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY MR. DAVID SCHOENBRUN ON THE HISTORY OF UNITED STATES-INDOCHINA RELATIONS, SENATE COMMITTEE ON FOREIGN RELATIONS, MAY 13, 1970

Where and what is Indochina? When, how and why did the United States first get involved and then committed to fighting a major war in that area? These are questions being asked with acute anguish by the entire nation. They are questions that were raised many times in the past by distinguished members of this Committee. Excellent reports have been made by such investigating groups as those led by Senator Mansfield and others over the course of more than two decades. Yet the general public remains largely uninformed and confused by the history of the tragic affair. In lectures and question-and-answer sessions on radio and TV across the country, I have become convinced that less than one percent of Americans are familiar with the basic facts, documents and arguments involved in the longest foreign war we have ever fought. They have not read the text of the Geneva Accords of 1954 or 1962, or the SEATO Treaty, documents frequently referred to by Administration spokesmen in justification of charges of communist aggression and American commitments to halt aggression. Even members of Congress seem to have forgotten the original texts and the ratification testimony before this distinguished committee, or not to be aware of the very early American involvements which led us into the quagmire of Indochina. In these critical days it is perhaps useful and necessary to review the history of the case, to publicize it widely so that we might have informed debate and, hopefully, to learn from errors of the past so that we may be better prepared to avoid these errors in the future.

It is in that spirit of participating in a democratic, educational, nonpartisan search for the truth and for wisdom that this testimony is respectfully offered to the Senate Committee on Foreign Relations. I have long been a critic of western intervention in Indochina, but I would not accept to be qualified as a "dove". Nor would I call anyone who opposed my views a "hawk". These are fundamentally terms of contempt. I am no kind of a bird. I am a man, a citizen of the United States, possibly wrong-minded but completely sincere and highly patriotic in my opposition to a tragic policy that has long taken far too much of our blood and treasure. It is time to leave the aviary of politics and to work together as men above partisanship. It is in this spirit, too, that I thank you for the opportunity to submit this testimony.

Indochina is the name given to three countries linked together by cultural and political ties imposed by other powers. The countries are Laos, Cambodia, and Vietnam. They were called "Indochinese" because their languages, customs, food were deeply influenced by the Chinese, their neighbor to the north, while their religions, ethic, philosophy were deeply influenced by India, their neighbor to the west. Politically and administratively they were linked together by the imposition of force in the French Empire, which created the entity known as "French Indochina". What was generally forgotten in the centuries of cultural, political and military imperialism was that the peoples of these territories were not French, or Indian, or Chinese and that they did not want to be anything but themselves. Furthermore, they fought against their conquerors for two thousand years, and fought among themselves for centuries.

The indigenous peoples of Cambodia, the Khmers, were once themselves a powerful, if smaller-scale, imperium that conquered large areas of the present territory. They were defeated by the Vietnamese, a more vigorous, expanding people. As a result of these centuries of conflict there are deeply rooted ethnic and tribal rivalries, fears, even hatreds. They have long been dormant, but we have seen in April of this year how ready hate is to burst forth, in the massacre of hundreds of innocent Vietnamese villagers living in Cambodia. It is evil and dangerous to reignite the past as the regime of General Lon Nol has done, aided and abetted by South Vietnamese and American military penetrations of Cambodia. Even unwittingly we are guilty of contributing to these bloodlettings by our ignorance of the history, geography and anthropology of the area. As for Laos, one authority has said "It is more a notion than a nation." There never was a cohesive, viable, administered nation of Laos, but rather a collection of villages and peoples of many different ethnic strains, until the French Empire created the artificial state of Laos for imperial administrative convenience. American intervention, uniformed and overpowerful, cannot, should not assume the task of "nation-building" in that friction-ridden, unstable area. The French never succeeded in a century and more of efforts. The Chinese fought and failed for a thousand years. Indochina is a morass and the deeper we penetrate the deeper we will sink.

Our first, direct involvement, in that part of the world, came during World War II. The French imperial officials in Indochina rallied to the flag of the fascist State of Marshal Petain, refusing to rally to General de Gaulle and the Free French. Petain allied himself with Hitler and Tojo, so Indochina became enemy territory. Some Indochinese, notably the Vietnamese, the bravest, toughest fighters of the region, went into the underground to fight the French and the Japanese overlords. Most of them were not communists, but the most effective guerrilla forces were led by a veteran communist revolutionary, Ho Chi Minh. The circumstances of war had allied the United States with the Soviet Union and with communist-led nationalist forces around the world. We, therefore, sought and found cooperation with the partisans of Ho. General Gallagher, Major Patti, other American officers and agents of the Office of Strategic Services, made contact with Ho in his hideouts in the limestone caves of North Vietnam. They brought him communications equipment, and the American cigarettes that he chain-smoked. In return he furnished intelligence on American troop movements and his men organized rescue teams for American pilots shot down over the area. Our agents told him about the Atlantic Charter and Roosevelt's goal of self-determination for all subject peoples. We made no secret of our belief that we were not fighting to restore the French and British Empires. Many men around the world, the Sultan of Morocco, David ben-Gurion in Palestine, Tito in the hills of Yugoslavia—Moslems, Arabs, Jews, Communists—all rallied to the American cause and believed the American promise of independence and liberation.

I knew and interviewed all of these men, some during the war, others immediately afterwards, and I was struck by their faith in America and their hopes for the postwar world. It is a tragedy that we were unable, more accurately unwilling, to be the standard-bearer of all these peoples, their chief inspiration, as I believe we could have been. When I first met Ho Chi Minh in Paris in the early summer of 1946, one of the first things he asked me was whether I could induce Washington to give him a visa so that he could go to see Truman and ask for help in achieving independence.

I questioned the Paris Embassy about this and was told that it was out of the question, for we would apear to be interfering with French affairs. I recall today my dismay at this answer. Why should the affairs of Vietnam be considered a French zone of influence not to be entered by the United States?

The French had been technically allied with but actually dominated by Hitler in Europe and the Japanese in Vietnam. In March of 1945, the Japanese swept away even the fig-leaves of French control, interned the French, disarmed them, and took over Vietnam as their own colony. The so-called Emperor of Indochina, Bao Dai, a French puppet, immediately denounced his old masters and acclaimed his new lords, the Japanese. The French Empire and any legal or moral French claims to the territory came to an end in the alliance with the Axis and the conquest of the Japanese. The war aims of the United States encouraged the peoples to believe they would be free when their conquerors were defeated. Yet, in 1946, the State Department took the position that Vietnam was a French affair in which we should not interfere, despite all the intervening changes of war and defeat.

When the Japanese were defeated, and the French in Vietnam still disarmed and interned, Ho Chi Minh, leading the resistance forces of liberation, emerged from the underground, assumed power in Hanoi, in the name of the Vietnamese people, and read aloud to them, in September, 1945, a Declaration of Independence which states that "All men are created equal" and furthermore that "All men are born and remain equal". The first phrase was translated from our own Declartaion of Independence and the second from the French Revolution's Declaration of the Rights of Man. By so doing, Ho was informing the Americans and the French that he expected them to live up to their own basic, founding principles. Also, as a communist, avoiding all marxist slogans, he was subtly informing the Russians that, although a communist, he was primarily a nationalist and that he meant to be completely independent. The Soviets apparently recognized the heresy, for they refused to send him any help and refused to recognize his newly proclaimed government. It was a moment of maximum opportunity for the United States to open up friendly relations with Ho Chi Minh. But we refused the opportunity, refused to give him a visa, refused to deal with him at all.

There was great confusion and many conflicting currents swirling around Vietnam in the immediate post-war period. The Allied Powers had agreed on temporary zones of responsibility, for the disarming and internment of the Japanese. The zones divided Vietnam into two, at the 16th Parallel, with the Chinese forces of Chiang kai-Shek charged with establishing allied order north of the Parallel and the British, under command of General Douglas Gracey south of the Parallel. Their orders were to occupy the territory, disarm and intern the Japanese. London specifically ordered Gracey not to interfere in the internal affairs of the country. A minimum of Allied Military Government was needed, both in the North and South, to maintain security and public order, until the issue of whose law was to govern was settled.

The situation in the North was quickly established by Ho Chi Minh in Hanoi. Chiang's troops had no interest in law and order. As the Chinese had done for millenia, they were busy looting and enriching themselves. Ho, as all Vietnamese, knew how to deal with the Chinese. It was simply a matter of raising enough money to buy off the commanding officers to get them to withdraw.

The situation in the South was different. It was the seedling of the present tragedy. One does not buy off a British Commanding Officer. General Gracey, like most military men, was most concerned with order, in the first instance, and, in the second, with protecting the lives and properties of the white, western residents who came to him begging for aid, fearing the vengeance of the Vietnamese. Gracey did not consider that Ho's partisans were freedom-fighters, but rather dangerous revolutionaries. But Gracey did not have enough British soldiers to maintain security and order over a broad territory. So, he released the interned colonial French and also released thousands of Japanese prisoners and, in violation of Allied directives, rearmed the enemy troops and used the colonial French and Japanese as police and security troops, in the name of law and order in an emergency.

This infuriated the Vietnamese but it also angered the Allied Commander-in-Chief, General Douglas MacArthur, who fired off a protest to Washington: "If there is anything that makes my blood boil, it is to see our Allies in Indochina and Java deploying Japanese troops to reconquer the little people we promised to liberate. It is the most ignoble kind of betrayal."

Much blood and treasure have been spilled as a result of that "ignoble betrayal", the first of many betrayals since then. Gracey's betrayal created, in embryo, the artificial rump State of South Vietnam, partitioning the country, against the wishes of the great majority of the people, and most of the leaders. There were, to be sure, some Vietnamese who had become rich as collaborators of the French and the Japanese, as well as military men who had fought in the ranks of the French and would fight again with the French against their own countrymen, against the independence of their own country, including men like Thieu and Ky. In any case, without any authority to do so, General Gracey put the French back in charge of Vietnam, south of the 16th Parallel and refused to recognize the validity of Ho Chi Minh's Declaration of Independence.

Ho consolidated his political power in the North but the Chinese occupiers remained in physical control of the territory. Ho knew he had to get the Chinese out before he could do anything about dealing with the situation in the South. He knew he did not have the strength to drive the French out. He would have to negotiate them out and the only way to do that was to be master in the North and then offer them an overall new deal for the whole country. He called for a "Gold Day", had his people turn over all their monies and valuables and concluded his deal with the Chinese generals, who began a withdrawal. He was helped by the fact that the Chinese had troubles of their own at home in a contest for power between Chiang and the forces of Mao.

In general elections, in the North, he was easily, almost unanimously elected President of Vietnam. It was no contest. Not that it was a rigged election but because he did not have to rig it. He was the leader of the independent forces, a kind of communist George Washington. I am sure that the phrase rings strangely in American ears, but any Englishman would understand it.

Meanwhile, in the South, the British and American Navies had helped transport expeditionary forces of de Gaulle's Provisional Government, our ally in Europe. Betraying Roosevelt's promise of liberation, we helped imperial forces reestablish themselves, not only in the south of Vietnam but in Cambodia and Laos. The Cambodians and Laotians, a weak, unwarrior-like people, had no great resistance leader of their own and were powerless to prevent the return of the French.

The French knew, however, that they could not easily move back into the north,

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where Ho's resistance fighters were entrenched. They, therefore, had good reason of their own to negotiate with Ho, just as he had reason to negotiate with them. These negotiations resulted in the Convention of March 6, 1946. It is a key document in the history of the case. In that Convention, the first clause stipulates that "the French Government recognizes the Republic of Vietnam as a free state, having its Government, its Parliament, its army and its finances, and forming part of the Indochinese Federation and the French Union." It should be noted that, at this time, there was no Indochinese Federation and no French Union. There was not even a valid, legal French Republic, for the French had not yet drafted and voted for their own new Constitution of a Fourth Republic. It was made clear that Ho could not be bound by an agreement to join a Federation or a Union not yet existent. It was a statement of intent to so join, dependent upon agreement with the rules, regulations and natures of the future entities. But there was no misunderstanding about the French recognition of the existence of the Republic of Vietnam. Note that it was not called "North" Vietnam. Simply Vietnam.

The future of the territories below the 16th Parallel, occupied by the French, was provided by a Convention clause which stated that a referendum would be held to determine the wishes of the people living there. Note the phrase in the Convention: "the decisions of the people". There was no reference to another government or power. There was no South Vietnam. Ho was President of Vietnam. The only question concerned the extent of the territory of that Republic, according to the decisions of the people, in a referendum. Ho agreed to this without any fear of how the people would vote. The French agreed, for they had no intention of ever holding a referendum. They knew, and frankly admitted it to foreign correspondents in Saigon and in Paris, that the vote, if held, would be overwhelmingly for unification of all Vietnam. It was the first but not the last betrayal of western promises to hold referenda or elections for self-determination. The noble concept self-determination is a mockery in Vietnam after the betrayals of the Convention of 1946 and the Geneva Accords of 1954.

Following the Convention, the French invited President Ho Chi Minh—and note that they referred to him as President, without challenge to his title or to the existence of the "free state"—to come to Paris to discuss the nature of the proposed Federation and Union. Ho came in June, 1946. General de Gaulle, in January of that year, had resigned as Premier of the Provisional Government. The French were still quarreling over the nature of their new Constitution. De Gaulle opposed the draft and called upon the French people to vote against it. Thus it could be said that Ho's Republic existed as a legal entity and France's did not. In any case, there was no Federation or Union of any kind.

In the course of the negotiations Ho soon discovered what the French had in mind. They wanted to be in charge of national defense, of the economy and world trade and diplomacy. In other words, as he put it to me after one angry session at Fontainbleau, where the conference was held: "They are willing to give me unconditional authority for streetcleaning, and little else." Weary and disillusioned by September, under mounting pressure from his own young resistance leaders, he broke off negotiations and left Paris, telling me, in an interview I did with him at the time, that the French were planning an imperial reconquest and that before I saw him again war would have broken out.

His prophecy was confirmed in November, 1946, when, in a clash at the customs-shed in Haiphong, the French Navy opened fire and killed tens of thousands of people. The French Admiral reported some 10,000 dead. Foreign observers claimed 40,000 massacred by naval guns. Whatever the true figure, it was a bloodbath by an imperial power. Ho began to reorganize for renewed guerrilla fighting. He was not strong enough to face the army of a white, western, industrial power in open, classic warfare, at least not in the winter of 46–47. His forces struck at French positions in Hanoi, in December, then he disappeared back into the underground and the caves where he had fought the Japanese, to prepare a new war of liberation and independence as the fateful year 1947 dawned.

1947 was the watershed year of modern history, the year the Cold War erupted, a year of crisis that laid down the pattern of all the major conflicts which were to tear the world apart, and still threaten World War III today almost a quarter-century later. Early in 1947, the war in Vietnam began in earnest. Early in 1947, General Marshall, denouncing both the communists and the corrupt "Kuomintang", despaired of his mission and left China, and the Chinese civil war heated up to reach fever peak by June. Early in 1947 the British announced that they would give up their mandate in Palestine, a move that led to the terrible tragedy of the Middle East today because of what the great powers failed to do when the British pulled out. And early in 1947, the British informed Washington that the great blizzards had virtually paralyzed and bankrupted the nation, that Britain could no longer maintain her commitments to Greece and Turkey. The Moscow Conference of the Allied Powers on postwar Germany was deadlocked and breaking down. Greece, Turkey, Germany, the Middle East, China and Vietnam all bursting apart, with the former wartime allies Russia and America splitting irrevocably, that was the stark historic drama of the year 1947 in which began the war in Indochina that was to destroy the French Republic and so shake the Republic of the United States that we have not been so divided since the worst times of our history, the Civil War.

No one, hawk or dove, can sincerely dispute the fact that the war in Vietnam began in 1947 as a war of imperial conquest by a western power, France, with no moral or legal right to intervene in Asia. There was no government in Saigon that asked the French for help. French imperial pro-consuls ruled in Saigon without even the pretense of a government there. The Emperor, Bao Dai, had first denounced the French in March 1945, to join the Japanese, then, as a revolving puppet, he denounced the Japanese after their defeat, and abdicated his throne to join Ho Chi Minh as an advisor to the new independent government. Later he was to flee to Hong Kong, then to the French Riviera, then back again as a puppet of the French once more. There was no legitimacy to Bao Dai after successive service to the French, the Japanese, Ho Chi Minh and the French again. There was only one indigenous Vietnamese authority and it was the independence movement of Ho Chi Minh. That he himself was a communist may be regrettable in American terms but it does not invalidate his claim to national leadership any more than it did in the case of Tito.

In many ways, Ho was the Tito of Southeast Asia. Like Tito, he had been a longtime international communist agent. Like Tito, he was also, foremost, a nationalist ready to fight for the independence of his country, even against communist powers if need be. Tito broke early with Moscow and the Eastern European bloc. Ho was never a member of any kind of a bloc. There was no Red China in 1945 when Ho created the Republic of Vietnam. Russia did not recognize Ho or give him any aid. Soviet strategists were concentrating on the subversion of western Europe and French Communists were in the French Government. Americans have forgotten, if any ever really were aware, that the French Communist Party, in 1945, under de Gaulle, supported France in its actions against Vietnam and continued to play a "patriotic" role, so-called, in 1946 as part of a campaign to win power in France. Ho and his people stood alone against a French aggression in their country. Our leaders talk always of communist aggression, and there have been many such cases, but Vietnam is a case not of communist aggression but of western aggression.

The French aggression in Vietnam was supported by the United States, so we must share the guilt. We broke our promises and abandoned our traditional principle of anticolonialism, as we have occasionally done before in our history, in Central America, in the Philippines. In the distant past it was done in our own name, but this time in support of an imperial power, France. The reason seemed clear to me at the time. It is to be found in the context of the turning-point year, 1947, in the heart of the Truman Doctrine. We were so concerned, and rightly concerned, about the vacuum of power in Europe, and the threat to Greece and Turkey, and the growing strength to communist parties in Italy and France that we had to move fast to meet the challenge. But, as we have so often done in our pendulum-like ways, we over-reacted. After years of almost total isolationism we swung to almost total interventionism. From refusal of entangling alliances we leaped to global entanglements, from world spectator to world policemen, from 1947 to date.

I was one of those Americans who supported Truman's call to action in the Marshall Plan and NATO, that is the rebuilding of war-torn European economies, to support viable democratic regimes behind a military shield. I thought then, and I think now that this was an enlightened policy in western Europe. I thought then and I think now that it was the most tragic and absurd of errors to make a "Doctrine" out of a specific challenge, to think that what was right for western Europe would also be right and, indeed, workable in southeast Asia. I was deeply offended, as an American, when a fine man like Hubert Humphrey charged that we, who opposed his policies in Asia, but had supported them in Europe, were racists. One is not a racist simply by recognizing differences of context between western, christian, industrial Europe and eastern, non-christian, rural and underdeveloped Asia.

Europeans, in the west particularly, share our general systems of thought and ethics; they equal our own skills and developments. We could work out a partnership with Europe and apply our western, technological systems and values there. But we could not and cannot do the same in Asia. SEATO never could be the equivalent of NATO and is not the equivalent, not even in its language. But we pretended that it was the equivalent. Our leaders deluded themselves and thus deluded their fellow citizens by the sweeping globalism that evolved out of the Truman Doctrine. All our leaders share in this bipartisan delusion: Truman, Acheson, Eisenhower, Nixon and Dulles, Johnson, Humphrey and McNamara, Nixon, Agnew and Laird, etc., etc. There have been many clear voices and minds in government and in Congress which say through this delusion but many, too many, who did not. Not only among political leaders, but business, labor and, to a shocking extent, the academic world all contributed to the blunders that have cost us so much blood and treasure as we sought, basically, to draw upon our shoulders the mantle of the British and French Empires, perhaps not in an outdated colonialism but certainly in the projection of our influence and ideas upon the world, in a new kind of political imperialism.

We placed Britain as guardians of Greece

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and Turkey. We also became the guardians of Britain, France and all of western Europe. And we assumed many of the burdens they had put upon themselves. British imperialism used to talk of the "white man's burden", a self-righteous phrase, since the blacks did not ask the whites to assume their burdens for them. In French imperialism, the phrase was translated into "the civilizing mission of France", a mission of imposing one nation's view of civilization upon others. We justify our inventions in the name of a democracy, not fully practiced in our own home states, and not compatible with many of the societies into which we try to import our notions by armed force. We are adept at inventing slogans and striking attitudes to cloak the reality of our interventions. In his news conference of May 8, 1970, President Nixon described our role as "peacekeeper in southeast Asia". It is startling, in the midst of one of the most violent of wars, to hear the most powerful antagonist describe himself as a peacekeeper. Yet Mr. Nixon did say that if we were to pull out of Vietnam we would be finished in our role as peacekeeper. Finished? I would suggest to the distinguished senators that we never began in the role of peacekeeper and could hardly be expected to finish what we never started or practiced.

We began our role in Vietnam in the second World War as liberators. We then switched to support of imperialism in the French pursuit of reconquest. From 1947 to 1954, when the French-Indochinese War ended after the defeat of the French in Dienbienphu, we citizens paid, you senators appropriated, more than four billion dollars of aid for France in pursuit of the mirage of victory over the communists. There was no charge of aggression during that war. There was no country of South Vietnam. The French did not permit the creation of a Republic in South Vietnam. It was a French puppet regime controlled wholly by the French who carried out a series of pseudo-negotiations with the whirling dervish "Emperor" Bao Dai, annual winner of the "Puppet of the Year Award", bestowed by anyone in power. Was this the role of a peacekeeper?

The French, with American support, were trying to put down an independence movement, to reconquer a colony. The majority of the Vietnamese people, beyond any doubt, given a free choice of self-determination, would have chosen their own government, with the French departing from the country. No one, not any major official I have ever interviewed or read at the time, doubted that Ho Chi Minh would have won a general election under any rules. Certainly there were Vietnamese collaborators of the French. Most countries have produced their Quisling traitors in wartime. Many Vietnamese certainly did not want to live under communism, just as many Yugoslavs were not and are not communists. But there can be no doubt about the majority sympathies. The French Army knew where sympathies were, for the people aided the guerrillas and resisted the French.

This war began in 1946, when there was no Red China, and without Soviet support for Ho. It was fought in 1947, 48, 49 under the same conditions. Only in January, 1950, when Mao had driven Chiang off the mainland, did communist China become a factor in the war. The absurd domino theory, which holds that wars of liberation, generated by China, will spread if we do not stop them, overlooks the fact that the Vietnamese Liberation War began almost four years *before* communist China came into existence. Or, perhaps the theorists would argue that the little Vietnam liberation war toppled the Chinese giant into the red domino camp? Twenty years have gone by since China became a red domino and not one country in southeast Asia has gone the domino route. Not after twenty years. Yet the same domino theory is put forward even today by official spokesmen on the highest levels, without any data to substantiate it, and without regard for the fact that it is the domino "theory", not the domino "law of politics".

Erroneous and unprincipled as was American support for French imperialism in 1945–50, our policy became actively, directly interventionalist following the defeat of Chiang. Secretary of State Acheson, in January, 1950 stated that the act of recognition of Ho by Red China tore away the veil of nationalism and revealed Ho in his "true colors" as a servant of international communism." Acheson, a brilliant man, must have known better. Recognition is not a process of alchemy. Would any of you agree that our recognition of the military fascist regime in Greece makes America fascist, or Athens a democracy? Mao had excellent reasons to offer, and Ho to accept, his recognition and support, but it did not change Ho into a servant of China or Russia as subsequent events have demonstrated. Although Moscow and Peking are at odds with each other, Hanoi has received aid from both without committing itself to either, as Washington itself admits. Yet it was on the basis of this false assumption and accusation of Acheson's, that the United States began a direct military aid assistance program to France in its colonial war in Indochina. It was but one of many false assumptions that have led us from toe, to ankle, to thigh and hip-deep in the quagmire.

We had a chance not to get involved further when the French sued for peace in Geneva in the spring and summer of 1954, during and after the fall of Dienbienphu. It was during the battle, in its last weeks, in April, 1954, that Vice President Nixon, in a speech to a newspaper editors conference, publicly proposed sending American troops in, if necessary, to save the French. Nixon was the first, leading interventionist of this nation. His proposal was opposed, ironically, by the then Senate Majority Leader, Lyndon Johnson, and sharply overruled by President Eisenhower. It is not true to claim, as Johnson só often claimed, and Nixon has reiterated, that they are only carrying out the pollution of their predecessor, President Eisenhower and Kennedy. Eisenhower rejected military intervention in Vietnam. Kennedy boosted the ante to armed "advisors", but neither one advocated direct, military, ground troops or air and navy bombardment interventions of the United States. Neither one, at any time! This distinguished body of senators knows the record on this issue, but the public might well be reminded of it in view of the repeated allegations.

We could have refused to support the French in 1947. But the Truman Doctrine and the need to persuade the French to join us in an anti-communist and anti-Soviet defense alliance in Europe led us to strike a bad bargain by aiding them in Asia. We should not have had to bribe them to defend their own homes with us. But our leaders let themselves also be persuaded by the French that they were conducting an anti-communist crusade rather than a colonialist campaign in Indochina. We could have joined in fully with all the other world powers in making the Geneva Peace Conference a reality that would end war in Indochina. But we did not do that either. Eisenhower did not want to make war in Indochina but Nixon and Dulles did not want to make peace with Asian communists. Dulles frankly told reporters in Geneva that he would not be a party to surrendering nations to communist rule.

I was one of those reporters at Geneva in the summer of 1954. I went there directly from Hanoi and Saigon after the fall of Dienbienphu. The Geneva Conference did not reveal the American delegation in any glorious role. Dulles dragged his feet as an unwilling participant, objecting to almost every procedure and proposal, offering little constructive thinking of his own, finally abandoning his leadership role and leaving General Walter Bedell Smith, his deputy, to head up the delegation while he retreated back to Washington to avoid being a party to what he felt would be a defeat for the West. An honorable agreement to hold elections need not have been viewed as a defeat, but, in power politics, if the other side seems likely to win, then even honor is synonymous with defeat, or perhaps one might truly say that in power politics honor is not a fundamental issue. What counts is victory or the appearance of victory. Or the staving off of the appearance of defeat. These are power considerations not moral considerations. I am afraid that it is the power consideration that has dominated our policy considerations for almost a quarter of a century now.

In this the freest nation in the world, with the most highly developed communications systems, it is astonishing to note how very few Americans know what happened in Geneva in 1954, and how very few, much less than one percent, have ever read the military accords, the International Control Reports, or even the brief, two and a half page political accords which concluded the peace talks at the end of July that year. Washington propaganda alternates between charging that the communists violated the accords or stating the United States was not a "signatory" to the accords. The two half-truths add up to a serious distortion, practically a falsehood.

Let us consider first the statement that the United States did not sign the Geneva Accords, a classic case of a seriously distorted truth. America did not sign, that much is true. But neither did anyone else. The Accords were accepted verbally by the powers, *including* the United States. The reason is interesting. Dulles had told his friend British Foreign Secretary Anthony Eden that he could not sign what might be considered in American politics a surrender document, particularly not with his signature next to that of the Red Chinese Foreign Minister. Eden, a skilled diplomat, resorted to the device of reading the accords aloud and asking each power to speak to them. This has as much force in international law as a signed document, but there is no politically embarrassing piece of paper for anyone to brandish with Dulles' signature on it. That is why it is true but false to say that the U.S.A. did not sign. It implies we refused to accept the accords and that is untrue. We were, however, reluctantly and grudgingly a party to them. Under-Secretary Smith was present, officially took "note" of the accords, said we preferred UN supervision to International Control Commission authority over elections, and then concluded the meeting by officially thanking both Eden and Molotov of Russia for their role as co-chairmen, in making these agreements possible." That is the full truth.

Most professors of international law consider this to be binding upon the United States. Many point out that, even if it is not considered binding by Washington, this does not automatically give Washington the right to violate the accords or to intervene with force in Indochina. That right can only be debated at the Security Council of the United Nations. Since Johnson and Rusk did not go to the Security Council to charge aggression and invoke the right of self-defense, or the violation of previous accords, the United States can be charged with having itself violated both the Geneva Accords and the Charter of the United Nations.

The Geneva Accords essentially provided that general elections for the reunification of all the territories of Vietnam should be held instead of a continuing test of military force. The communists, that is the legal government of Hanoi, althought militarily victorious in a decisive battle, and able to fight on

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to total victory over a war-weary French, agreed to lay down their arms, cease hostilities and accept the decision of the people at the polls. That was a most conciliatory and honorable agreement.

They further agreed to accept a very temporary "demarcation line", at the 17th Parallel, to separate the contending armies, create a demilitarized zone in order to bring about the conditions of calm that would permit elections to be held by the summer of 1956. That, too, is an honorable proposition, consistent with American principles. One might quarrel about the nature and rules of a general election under the circumstances. But, significantly, no one did raise this issue.

The communists were not told that we did not trust elections in which they were involved. They were told clearly: stop fighting and you can have elections. It was further provided that representatives of the two "zones," north and south, would meet in the summer of 1955 to work out electoral procedures. Note that the reference was to two "zones" of the one country, Vietnam, and not to two different countries, as American officials later pretended. The Accords specifically ruled out consideration of the demarcation line or demilitarized zone as "frontiers". "In no case", the text reads, were these to be national frontiers, but only administrative truce lines. It is vital to get this clear in consideration of this case. This is, along with other data, clear proof that the conflict was a conflict of a civil war nature, between the North and South of one country, with the North being led by native forces and the South dominated by a foreign imperial power and its servants. That is the whole truth about this history event in Vietnam.

Separately from Vietnam, it was agreed that Cambodia and Laos were to be restored as free, independent nations, neutral in foreign policy, not members of any bloc. Thus did the long war in Indochina seem to come to an end with honorable political agreements. They were not perfect agreements, not crystal-clear in every paragraph, overclouded with ambiguities, but the central issue and intent were clear enough: let elections decide in Vietnam and let foreign powers leave Indochina to work out its own destiny.

In fact, appearances were deceptive, because the mightiest of all foreign powers, the United States, was determined to have its say about the destiny of former French Indochina. China and Russia were only too happy about events. They had no plans to intervene, for as the spokesmen made quite clear to everyone in Geneva, they feared that their intervention would provoke and justify an American intervention. Besides, they did not have to intervene. They were confident that Ho Chi Minh would win, and although he might not have been their loyal servant he was infinitely preferable to an American puppet in place of French puppet.

The American intention to intervene was made clear by Washington's denunciations of what had happened in Geneva, plus Dulles' frantic efforts to create a new alliance, the Southeast Asia Treaty Organization, SEATO. It was a misnomer from the start, since the major nations of Asia were not members, and it was clearly a western-led bloc, precisely the kind ruled out at Geneva. China and India, the two biggest nations in Asia, indeed in the world, and direct neighbors of Southeast Asia, were not members. The biggest, richest single nation in Southeast Asia, Indonesia, refused to join SEATO. But Australia, America, Britain and France, all white, western nations did join. Vietnam, barred from membership by Geneva, was "covered" by a Dulles legal strategem which designated it as a "protocol state" protected by the treaty. But as most of you gentlemen know, indeed many of you ratified that treaty, it did not provide any direct, unqualified commitment for the defense of the area. It provided for action taken individually, under each member state's constitutional process, or for consultation among the members.

Secretary Dulles, in testimony, before this Committee, assured Senators Green and Cooper, under their questioning, that it was definitely not a commitment to go to war in defense of South Vietnam, or, in fact, to take any action in defense of South Vietnam. Yet it is this very treaty, which the Senate ratified with those assurances, that has been invoked over and over again by the Johnson and Nixon Administrations. The very fact that President Johnson asked the Congress to grant the Tonkin Gulf resolution is itself evidence that he felt he lacked authority under the SEATO Treaty.

To carry out such an imperial policy, one must have a native standard-bearer, and one was quickly found, even during the Geneva talks. It being apparent that the talks would end with an agreement to hold elections, it was necessary to find some southern Vietnamese who had not been a colonial puppet of the French and who could be relied upon to be favorable to collaboration with the West. The man was found: a catholic mandarin, named Ngo Dinh Diem, who had broken with the French and sought exile first in the United States, later in Belgium. He had been brought here by Maryknoll missionaries, endorsed later by Cardinal Spellman, publicized by a Michigan State professor and an American lobby, the "Friends of Vietnam", among whose members were several distinguished liberal anti-Communists, such as Arthur Schlesinger, Norman Thomas, and others.

Thus the case is not one of some right-wing plot, but rather a case of many Americans, from right to left, joining together in fear of Asian communism, and to a great extent huddling together under the attacks of Senator Joseph McCarthy who had become a powerful national force in the early fifties. They failed to realize that communism is not monolithic in Asia or in the world, and that the challenge of communism in Asia could not be met successfully, legally or morally by direct American intervention in Vietnam. Vietnam is not the great Asian communist power. China is. And Vietnam ought to have been considered more as a bulwark against China, under its own leadership, rather than as an American base for containing China. But to many good men this was not as clear in the fifties as it later became to some of them.

Ngo Dinh Diem refused to accept the Geneva Accords. He refused to carry out the provision which called for a meeting of an electoral commission in June, 1955, announcing, instead, that he would not be a party to the holding of elections. The United States, which had not objected to the principle of elections one year earlier, endorsed Diem's refusal to hold elections. We further confirmed his decision to renounce Emperor Bao Dai and proclaim a Republic of South Vietnam. This effectively cancelled out the clauses providing for two zones to be reunified, and ran contrary to the declaration that the 17th Parallel was, "in no case", to be considered a frontier. We supported the wrecking of the Geneva Accords, indeed rejoiced over the wreckage of the peace agreement.

President Eisenhower, unwilling to send troops, let himself be persuaded to undertake some assistance programs. He sent a letter to Diem, on October 23, 1954, with the ink still wet on the Accords of July, offering an assistance program. At one point, later on, President Johnson brandished this letter as "proof" that he was only carrying on an Eisenhower policy. But there is no proof whatsoever in the text of that letter. Eisenhower only wrote that he had instructed the American Ambassador to Diem "to examine with you"—note the uncommitted word "examine"—American aid given directly to your Government (which) *can serve to assist* Vietnam in its present hour of trial, *provided* that your Government is prepared to give assurances as to the standards of performance it would be able to maintain *in the event* such aid is supplied." (italics by editor)

Please note the italicized words: *can serve to assist*. This is the most carefully qualified and conditional consideration, in no way a commitment. It is followed by the most conditional of phrases "provided that". We might, said Eisenhower, help you in some way but only on condition that Diem were to assure his performance. And the words "in the event" clearly show that nothing had been agreed upon, Eisenhower went further and specially called for "undertaking needed reforms" in Saigon. And he promised no more than some economic, financial and limited arms aid, at the very best, if all conditions were met.

Well, gentlemen, that is not a commitment and you all know that the conditions were not met. The reforms were not carried out. Performance was not assured and was poor and anti-democratic. The Republican Party White Paper on Vietnam goes into great detail on this and flatly denies that Johnson was carrying out an Eisenhower commitment. Nobody can know this better than Eisenhower's own Vice President, Richard Nixon. Later, it is true, Eisenhower gave moral and political support to his successors. He was that kind of a man, with his own standards of the help an ex-President ought to provide. But he did not himself, as President, take a commitment to make war in defense of South Vietnam, and his successors did not carry out his policies of refusing to send American troops to South Vietnam.

From the day that Ngo Dinh Diem refused to accept the provision for elections it was clear that eventually there would be another military test of strength. The overwhelming majority of the people of North Vietnam were being consolidated into the communist regime of Ho Chi Minh. Many pro-communists remained in the South. Many non-communists, in the South, resented the continuing interference of western powers, first France, then the United States, and vigorously opposed the anti-democratic, autocratic one-man rule of Ngo Dinh Diem. As Diem became more repressive, and prisons and internment camps filled up, a revolution against him, led by non-communist, even anti-communist forces began to break out.

Ho Chi Minh's agents moved cautiously but soon began to warn Hanoi that if the communists did not endorse the revolution and move to steer and control it they might lose out. At that point, Hanoi began helping the anti-Diem forces, which formed a National Liberation Front. The International Control Commission in a series of reports accused all sides of having violated the Geneva Accords but specifically charged South Vietnam with the most violations. When the deadline of 1956 passed without elections, the Geneva Accords were virtually a dead letter. In any case the 17th Parallel no longer was an agreed demarcation line, for it had only been a truce line to be erased after the elections. There was no provision that it should become permanent and it is was explicitly ruled out as a frontier. It is a serious distortion for United States spokesmen to claim that Hanoi is guilty of aggression and of crossing the 17th Parallel.

Hanoi does not recognize the existence of the Parallel as a frontier, nor do the texts. South Vietnam is not recognized by Hanoi, and many other countries, as a separate state although many others do recognize it, as sides lined up. It was created by Ngo Dinh Diem, who was brought out of exile and in-

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stalled in office by France, with American consent and aid. But the creation of the Saigon regime is not an instance of self-determination by the people. Diem himself was assassinated in 1963 and succeeded in office by a series of self-appointed coup leaders, up to the current regime of Thieu and Ky, who did not emerge from the ranks of the people by any representative process, or even popular approval.

The United States kept increasing its aid to those who had seized power in Saigon from 1954 to date, from Eisenhower's minimal, non-military aid, to Kennedy's dispatch of so-called advisors, with the ambivalent statement in a CBS News interview in 1963 that we cannot abandon those people to the communists but cannot fight for their freedom for them, to Johnson's decision to bomb North Vienam and then send American ground combat troops to a peak of more than a half million total forces in Vietnam.

Now we are living through the extraordinary ambivalent period of the Nixon policies which lay down the proposition that we can shorten the war by extending it into Cambodia and Laos. Mr. Nixon talks of Vietnamization in terms of shifting responsibilities to Saigon's forces but we have no firm date or even firm commitment for a total withdrawal of American forces. As I understand Vietnamization, and I sincerely hope I am mistaken, it means withdrawing most American ground combat troops, but leaving just enough to protect artillery, plus Navy and Air Force support. This seems to indicate a hard-core minimum of at least 150,000 American forces of all services to be involved indefinitely in Vietnam.

I am not familiar with any clear-cut plans for an eventual total withdrawal of all American forces. Even publicly announced plans remain uncertain. Mr. Nixon has promised to withdraw 150,000, perhaps more by next spring, but without a calendar of phasings, so that, in theory, no one need be withdrawn at all until next spring. Even then, the whole withdrawal plan could be cancelled because the President has warned that he would take significant and severe measures if there is a big enemy buildup or offensive. I cannot, therefore, with any confidence believe that the United States is preparing to withdraw rapidly, totally or even significantly from Vietnam.

But it is clear to almost all citizens, even to so determined a supporter of Saigon as Vice-President Agnew, that a ground war in Asia cannot be won. He said so in just those words on CBS' "Face the Nation" only a few weeks ago. This war cannot be won, they admit, but the President also insists that he will not tolerate that it be lost. We will not be defeated he has told the American people in nationwide addresses. Thus he won't lose it but can't win it. Where does this leave us, losing blood and money and the faith of our children?

It leaves us with the necessity to extricate ourselves from a war we cannot win and will not lose. And we can so extricate ourselves, either by a negotiated settlement, or, failing that, by an unconditional total withdrawal after an agreed cease-fire that would permit us to leave without danger to dwindling forces.

A negotiated settlement depends, as everyone in Washington knows, on the creation of a new coalition government in Saigon, which will hold general elections for a new Assembly which would, in turn, choose a new government. Understandably the regime in power—Thieu and Ky—do not want to relinquish their power. The Viet Cong and Hanoi, which consider them to be traitors and military dictators, will not deal with them. If this situation remains frozen, as it seems most likely, then there can be no hopes of a negotiated settlement in Paris, unless we still believe that we can inflict new military defeats that will force the other side to negotiate with our proteges Thieu and Ky. I, for one, do not share this illusion. I have covered events in Vietnam for a quarter of a century, have seen the mightiest forces thrown against them, without their bowing to our terms. I cannot believe that we can now make them yield, not when we are applying less force and are more and more divided against ourselves at home. I, therefore, submit that there is little hope left for negotiations.

This leaves the last choice of unilateral and total withdrawal. Many opponents of this view charge that if we do there will ensue a bloodbath. President Nixon has repeated this charge many times. I find this a strange argument. Can any bloodbath after our departure be greater than the bloodbath of war itself, which has taken a toll on both sides of a total of almost two million casualties, in dead and wounded, and more than three million homeless? What about the bloodbath in Cambodia where some 400 innocent bodies floated down the river of death? Or Song My and Hue and so many other bloody incidents on our side or theirs? Was there a bloodbath, as feared, in Algeria, Morocco or Tunisia when the French withdrew? In any case, is it not time to stop spilling blood by and of Americans?

I believe that we can arrange a cease-fire that would permit our units to withdraw in order and safety. The Viet Cong and Hanoi want us to leave and are not likely to make it difficult for us if we really are en route to getting all the way out. And I believe that it can be done honorably, with the enthusiastic endorsement of the American people and the cheers of the entire world, on the single condition that the initiative be taken by the President of the United States. The great majority of the American people want to end this war, just about any way, on condition that the President lead the way.

Many Americans do not want to oppose their President, particularly in a war. It is this attitude which falsifies all the public opinion polls. If the President blew the whistle the polls would show almost unanimous agreement with him. And I suggest that he can do so without looking like a "pitiful, helpless giant". I believe that he could do so in very few words, in a one-minute address to the nation. I have written such a one-minute speech and it is my dream that one day I will hear the President speak it. It is this:

"My fellow Americans, some five years ago our government took a commitment in Vietnam. It is important to understand the nature of that commitment. It was to aid the people of South Vietnam to organize themselves to resist a communist takeover by force. It was not a commitment directly, unilaterally and permanently to defend them, but only to bring them to the point of defending themselves.

"In fulfillment of that commitment we have sacrificed some 50,000 of our men who died there, almost 300,000 wounded and maimed, close to $150,000,000,000 of our treasure, badly needed at home. At the same time, we have raised, trained and equipped their army of 1,000,000 men. My fellow Americans, our commitment has been more than fulfilled. No people can ask another people to do more for them.

"I say, tonight, to the people of South Vietnam, it is now up to you. We wish you luck and bid you farewell."

Distinguished Senators, I am convinced that a speech of this kind by the President would permit him, with the cheers of the nation and the world, to withdraw our men, under a cease-fire guarantee to protect their backs, at a measured rate of some 50,000 to 75,000 a month. This is not a rout. This is not a Dunkirk. This is not a humiliating defeat. It is a dignified, necessary disengagement after having subscribed and over-subscribed a commitment that should never have been taken in the first place, as even most war-supporters agree.

It is also, I submit, the highest form of patriotism to oppose wrong policies and to try to extricate one's nation from a deadly quagmire. This issue of patriotism confuses many Americans. Our beloved flag is not a blindfold, on the contrary it should be a symbol of light and reason. It is time for us to reject the simplistic patriotism of a Stephen Decatur. It is not the highest form of patriotism to say "My country right or wrong." I far prefer the more intelligent and far-seeing patriotism of a former member of the Senate, Senator Carl Schurz of Missouri.

Senator Schurz was an angry opponent of our annexation of the Philippines. In 1899, he led the doves of his day to a great protest meeting in Chicago. From the rostrum he denounced the annexation as an imperial conquest unworthy of our great Republic, "the land of the free." A man interrupted him on the floor to call him a bad American and to throw Decatur's slogan in his face. His answer, which has become my own credo of high patriotism was this:

"My country right or wrong. But, when right to be kept right, and when wrong to put right."

That distinguished Senators, is what free men and women can do and must do. I thank you again for the privilege of addressing you and thank God that I live in a land still free enough for citizens to speak out even in the most dangerous times.

Mr. FULBRIGHT. Mr. President, I must say that this is just the prepared statement of Mr. Schoenbrun's. The entire record, including discussion of the committee members with Mr. Schoenbrun and Mr. Ellsberg, who also testified that day, will, of course, be printed as a committee document in the not too distant future.

OUR GOOD NEIGHBOR, CANADA

Mr. FULBRIGHT. Mr. President, I, along with many of my colleagues, especially in the Senate, who often meet with our neighbors to the north, the Canadians, have always been extremely interested in that country and in promoting the best possible relations with them.

As Senators know, by law, we meet with them annually, either in Canada or here, because it is of the utmost importance that we maintain cordial relations with our neighbor to the north.

Recently, Newsday published an article written by Clayton Fritchey, dealing with the subject of our relations with Canada, and emphasizing the determination on the part of the Canadians to maintain an independent foreign policy.

Mr. President, I believe it is well for Members of this body, as well as the country as a whole, to be aware of the fact that the Canadians are apprehensive about the influence of the United States upon their domestic policy, but more especially on their foreign policy.

I ask unanimous consent to have the article printed in the Record, which merely draws attention to the nature of our relationship, warning that we must be careful with regard to the way we treat the smaller countries of the world, particularly those on our borders—in this case, Canada.

There being no objection the article was ordered to be printed in the Record, as follows:

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STATE OF AFFAIRS

(By Clayton Pritchey)

OTTAWA.—During a debate in the House of Commons here earlier this month, the Minister of Finance felt compelled to protest that Canada was "not a satellite of the US," nor does it intend to be. "We have," he said, "an independent foreign policy."

This was no idle boast, as the events of recent weeks so clearly demonstrate. While the US has been automatically reaffirming its commitment to a rickety and near-obsolete NATO, Canada has freshly reviewed its position and decided to reduce its NATO forces.

Even as the Nixon Administration was announcing another slash in the US foreign aid program (now the lowest in post-war history), Prime Minister Pierre Trudeau was budgeting Canada for a 17 per cent increase in foreign assistance, although his Government has also been making much of austerity.

No sooner had Nixon slammed the door on "building bridges to China," then Canada began to lay the groundwork for diplomatic recognition of Peking. If the negotiations are successful, Canada will probably support the admission of Communist China to the United Nations, and withdraw recognition of Nationalist China.

In the US, the Government is stepping up the prosecution of draft evaders, but, in Canada, the Government recently decided to grant "landed immigrant" status to US deserters, which means they can stay indefinitely, and later become citizens.

Finally, as the Nixon Administration prepares to launch the Safeguard missile system and possibly accelerate the arms race, the accent in Canada is on disarmament. Canada's foreign policy differences with the US are not capricious or willful. Even the casual visitor can see that they are dictated in general by national conviction, rather than by reaction to US policy.

It is not always easy for Canada to go its own way. As Trudeau has said, "Americans should never underestimate the constant pressure on Canada which the mere presence of the US has produced." Living next to the US, he remarks, "is like sleeping with an elephant. No matter how friendly and even-tempered is the beast, if I can call it that, one is affected by every twitch and grunt."

The Prime Minister's conclusion is that "it should not therefore be expected that this kind of nation, this Canada, should project itself onto the international scene as a mirror image of the US."

There is some question, however, as to how much the Nixon Administration appreciates the independence of its neighbor. Secretary of Defense Melvin Laird has already reproved Canada for planning to bring home from Europe some of its NATO troops, but if a powerful Congressional bloc has its way the US may end up following suit.

A resolution to that effect will soon be brought forward in the US Senate by Senator Mike Mansfield, the Majority Leader, and there is strong sentiment for it. Influential members of the Foreign Relations Committee believe it is time for Western Europe (plus England) to unite in its own defense, instead of depending indefinitely on the US to shoulder most of this heavy burden.

A reduction of American and Canadian forces could strengthen the hand of those Europeans who believe there is a new chance to achieve unity now that de Gaulle is out of the way. But there is little incentive to organize a new European defense community as long as the US continues to shore up NATO.

Hannah Arendt, the political philosopher, has noted that only small governments can still solve their problems, Canada, for instance, has no illusions about running the world; nor is it haunted by anti-communist fundamentalism.

This modest, unemotional attitude is very appealing to American groups like the Clergy and Laymen Concerned About Vietnam, which met in Montreal a few weeks ago and issued a statement commending the Canadian people for their "determined independence of US policy in Vietnam," and for the welcome given to "Americans who cannot in conscience take part in their country's military adventurism." The statement even suggested moving the Statue of Liberty to Canadian soil, but so far there has been no rush to second the motion.

AMERICAN-SOVIET RELATIONS

Mr. FULBRIGHT. Mr. President, recently, a most interesting editorial by Norman Cousins was published in the Saturday Review, with regard to the attitude of Americans toward the Russians and vice versa.

I believe that it is well worth the attention of Senators to read, and I ask unanimous consent to have it printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SPACE AND SENSELESSNESS

Two American physicists recently attended a meeting in Moscow on space science and technology. They returned full of apprehension over the extent to which a spirit of arrogance and hostility toward the United States was reflected in Soviet policy.

The featured speaker at the conference banquet was the Soviet Minister of Military Aviation. Despite the presence of the American guests, the Soviet official called for a full program of anti-ballistic missile development by the U.S.S.R. He said Soviet intelligence had incontrovertible proof that the United States was well advanced with a maximum ABM missile program and that the Soviet Union was thus forced to speed up and enlarge its own ABM installations. In an icy, matter-of-fact manner, he proceeded to assert that Soviet planners were going to seize and maintain superiority over the United States—not just in anti-ballistic missiles but in the use of space stations and devices that could deliver a succession of nuclear bombs on a string of American targets.

The Soviet Minister ignored the forthcoming arms control talks between the U.S.A. and the U.S.S.R. He said nothing about the need for effective agreements between the two countries that could give security to both countries by forestalling a new and dangerous upward spiral in the world arms race. It almost seemed as though the Soviet Minister welcomed American ABM activity as giving Soviet military planners a good reason for enlarging their own power.

It was a chilling grim experience for the Americans, all the more since the dinner chairman had earlier declared that a basic purpose of the meeting was to promote a cooperative spirit among nations in the quest for world peace. Other speakers had addressed themselves to this theme, declaring that the exploration of outer space should redound to the credit of all mankind, and that considerable emphasis should be given to common efforts in space by the U.S.S.R. and the U.S.A. This stated purpose, however, was completely shattered by the remarks of the Soviet military official.

The Americans came away heartsick. Before arriving in Moscow they had expressed strong convictions about the need for arms control talks between the U.S. and U.S.S.R., for they recognized that an intensification of the arms race carried with it no security for anyone, only greater danger of war. But the kind of militaristic nonsense they had just heard reduced almost to the vanishing point the chances for a mutual and rational effort to slow down and reverse the world arms race. Nor were the Americans reassured the following day when several Soviet scientists sought them out to say they were sorry about what had happened at the dinner. The Americans said they were grateful to their Soviet colleagues but that they could not ignore or minimize the significance of the Soviet official's address, for they knew it would have been impossible for him to have said what he did unless it reflected current Soviet policy.

Fitting into the mood of the Soviet Minister's talk was an item in the Moscow press saying the Supreme Soviet Council had just decreed that, in the event of a landing on the moon or any other extraterrestrial bodies by Soviet spaceships, the only flag to be left behind would be the Soviet flag. The clear meaning was that the U.N. flag, with its world symbolism, was not to be planted on the moon.

What deeply troubled the Americans was not just the Soviet Minister's ABM speech or the anti-U.N.-flag news item, but the frightening implications of these events and what they portended for the chances of peace.

Now, there is just one thing wrong with all the foregoing. The conference took place not in Moscow but in Denver, Colorado. It was not the Soviet Minister of Military Aviation who was the main dinner speaker but the Secretary of the U.S. Air Force. The news item about the flag pertained to U.S. congressional declarations. The visitors were not American scientists but Soviet scientists. Apart from the transposition of the words "U.S.A. and U.S.S.R.," the facts are as stated above. The implications with respect to peace are the same. The human race is in jeopardy whenever power, insensitivity, and ignorance are joined together, whatever the national banner. —N.C.

ORDER OF BUSINESS

Mr. FULBRIGHT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DOLE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL TOMORROW AT 11 A.M.

Mr. FULBRIGHT. Mr. President, if there is no further business to come befor the Senate, I move, under the order previously entered, that the Senate stand in adjournment until 11 a.m. tomorrow.

The motion was agreed to; and (at 3 o'clock and 8 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, June 9, 1970, at 11 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate, June 8, 1970:

DIPLOMATIC AND FOREIGN SERVICE

Dwight Dickinson, of Rhode Island, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Togo.

EXTENSIONS OF REMARKS

WARRIORS' WIDOWS

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 1970

Mr. GUBSER. Mr. Speaker, as you know, I introduced legislation—H.R. 6226—which would provide the same benefits for the surviving spouse of an active duty or retired military man as are now received and enjoyed by the widows of civil service workers.

It is my opinion that this is the next great military fringe benefit which will be enacted into law and will also do a great deal toward promoting an all-volunteer service.

The San Francisco Examiner published a column on April 29, 1970, by Guy Wright entitled "Warriors' Widows" which expresses approval of my bill. I invite my colleagues to read this article and, hopefully, support my bill. The article follows:

WARRIORS' WIDOWS

(By Guy Wright)

A man spends his career in the military, retires and receives a pension. Eventually he dies, leaving a widow. The widow continues to receive a portion of his pension for the rest of her life. Right?

Wrong. She doesn't get another dime.

When her husband dies the money stops.

The widow of the career serviceman is peculiarly alone in this plight. The widow of a man drawing Social Security continues to receive a share of his pension. The widow of a civilian government employee continues to receive a share of his. But the widow of the retired serviceman does not.

Under certain conditions the Veterans Administration will pay her a widow's pension ranging from $17 to $74 a month. But this is the same deal offered the widow of any veteran, even one who served only 90 days.

There is no special provision for the widow of the career serviceman.

If the retired military man wants to provide for his wife after he is gone he can join the Retired Serviceman's Family Protection Plan (RSFPP)—if he can afford it.

No government money goes into this plan. The retired servicemen must pay for it themselves and the tab is stiff.

A retired chief petty officer with 20 years active service pays $13.77 a month out of his pension. When he dies, his wife gets a whopping $83.75 a month.

The civilian federal employee gets a much better deal. The civilian employee in a comparable grade to that chief petty officer pays only $5.92 a month. And his widow will receive $130.50. The government pays almost 80 percent of it.

For the career serviceman's survivor insurance it pays not a penny.

With this glaring difference in treatment, it should be no surprise that less than 15 percent of military retirees join RSFPP, while more than 90 percent of their civilian counterparts enroll in their survivors benefit program.

The Fleet Reserve Association wants this situation corrected. Representing 75,000 career sailors and marines, it made an 18-month study of the problem.

The study shouldn't have been necessary. Anyone with two eyes and half a brain should be able to see the injustice of this arrangement.

When a man devotes his career to the defense of his country, his country shouldn't leave his widow to starve or go begging. The issue is as simple as that.

Congressman Charles S. Gubser of Gilroy has introduced a bill (H.R. 6226) to set the matter right. This bill is no giveaway. It would simply accord widows of career servicemen the same pension treatment that the widows of civilian federal employees receive.

The bill is before the House Armed Services Committee, with the approval of its chairman, L. Mendel Rivers.

But it is still a long way from passage. Still to be learned is the position the Defense Department will take. In similar situations in the past it has preferred to shortchange those who served it so that it can spend more money on arms.

As long as this injustice continues I would advise any young man being offered a military career to turn it down.

Thoughts of retirement, pensions and widowhood are far from the minds of the young. But older men know the importance of these things. And older men who hoodwink the young aren't worth fighting for.

ADDRESS BY SECRETARY OF COMMERCE STANS AT ANNUAL OBSERVANCE OF WORLD TRADE WEEK, FOREIGN TRADERS ASSOCIATION OF PHILADELPHIA

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Monday, June 8, 1970

Mr. SCOTT. Mr. President, U.S. Secretary of Commerce Maurice Stans recently delivered a most incisive speech at the annual observance of World Trade Week Foreign Traders Association of Philadelphia. He acknowledged the new and urgent situation in the 1970's that is compounded by many complex factors. Then he proceeded to analyze the Nixon administration's response to the problems. He said:

> We can do no less. Government must—and this administration will be—far more aggressive in its policies and actions dealing with international economy.

Business and Government must share the responsibility for assuring that no nation was ever ruined by trade.

I ask unanimous consent that Secretary Stans' speech be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY THE HONORABLE MAURICE H. STANS, U.S. SECRETARY OF COMMERCE, AT THE ANNUAL OBSERVANCE OF WORLD TRADE WEEK, FOREIGN TRADERS ASSOCIATION OF PHILADELPHIA, THE DOWNTOWN CLUB, PHILADELPHIA, PA., MAY 21, 1970

It is indeed a pleasure to join in this observance of World Trade Week in Philadelphia.

No city in America has deeper roots in trade than yours.

No city has known longer the benefits of trade to its people and its commercial life.

No city today has a business community more dedicated to the expansion of world trade as the road to abundance for cities and nations everywhere.

In Washington, I can assure you that President Nixon's Administration is determined, at the national level, to match your leadership in trade expansion at the local level.

Today, I want to tell you about some of the things we are doing to respond to the call of you exporters for action on vital trade matters.

But first, I want to say that one of the most pleasant things about speaking on world trade in Philadelphia is that a ready-made text for his remarks is waiting for every speaker. Your great patron saint Benjamin Franklin provided it in just seven words that embody the wisdom of the ages on this subject. And in recent months, at meetings where I've been listening to sharply divergent views on protectionism, free trade, quotas, nontariff barriers and the like, I have often wished that the ghost of Dr. Franklin would appear and repeat for our benefit that single, simple sentence:

"No nation was ever ruined by trade."

That was true in his time, it is true today, and it will hold true as long as men and nations exchange their goods to better their lives.

But every era has its own special problems that must be solved to keep the flow of trade expanding. We had them in the decades of the 1950s and 60s. And now we face a new and urgent situation in the 1970s that is compounded of many complex factors:

The Sharp decline in our traditional trade surplus;

Vastly heightened competition from a completely recovered and economically strong Europe and Japan;

An accelerating trend toward regional market groupings;

A rising wall of nontariff barriers and the increasingly protectionist agricultural policies of the Common market;

A proliferation of preferential trading agreements between the Common Market and other nations that discriminate against U.S. exports;

The increase in agricultural self-sufficiency overseas;

The change in trading patterns caused by the rise of multi-national corporations.

And the need of the less developed countries for access to the markets of industrialized countries.

To each of these developments, we shall respond within the framework of our traditional commitment to freer trade. We want to widen the markets for the products of working people everywhere, as one of the roads to prosperity for all. We ask of our trading partners only the reciprocal treatment that is due by right to the nation that is the most open market in the whole world!

Now these new conditions did not just suddenly develop overnight with the opening of the new decade on January 1, 1970. I know that you exporters have seen them coming for some time—and have been seeking a vigorous response by government to the problems involved.

OUR RESPONSE

You have an Administration in Washington that is answering your call for action! Over the past year, and including some new developments that are underway, I believe President Nixon's Administration has taken more meaningful and effective steps to expand exports than in any other comparable period.

XUM

Let me review some of these actions.

First, you wanted our export financing to meet the competition anywhere in the world. Through liberalized policies of the Export-Import Bank and its private affiliate, the Foreign Credit Insurance Association, we have made notable progress toward that goal.

Eximbank has launched at least 20 new programs or financing initiatives. Under aggressive new management, the bank now provides advance commitments, has improved its insurance programs, has pioneered the financing of lease equipment, has accelerated the processing of loan applications, and within the framework of its financial limitations, it is developing many other new and expanded export loan procedures, including those covering special situations that don't quite meet the usual criteria required for other transactions.

Together, these new steps have made our export financing more flexible, more useful, and more competitive than ever before. And we are determined to make further progress in the future until we are fully competitive on financing terms.

TAX TREATMENT

Second, you wanted more favorable tax treatment for earnings on exports. Our present tax laws tend to favor sales by foreign subsidiaries of U.S. corporations over exports from the United States.

We have responded with a highly promising legislative proposal under which exporters would be permitted to form "Domestic International Sales Corporations" to be known as DISCs. Essentially, the proposal would permit a company, within prescribed rules, to defer income taxation on exports sold through a domestic export subsidiary. This will serve to increase the profitability of exporting, and should induce more effective promotional efforts or other measures to compete more effectively. I have the greatest expectations for this plan and hope that Congress will enact it promptly.

Third, you wanted liberalized criteria for findings of injury under the escape clause provisions in the Trade Expansion Act of 1962. We have responded with suggested amendments to provide the necessary relief from imports that are causing or threaten to cause serious injury to a domestic industry. Until President Nixon's decisions in the case of upright pianos and sheet glass in February, not a single U.S. firm has been able to qualify for assistance during the eight years this Act has been on the books. The new proposals, when enacted, will help domestic producers to adjust to the competition from imports.

Fourth, you wanted government to step up its export promotion programs to make them comparable with those provided by the governments of other industrialized countries. We have taken significant steps toward this goal through our established overseas trade centers, through trade fairs overseas, and through increased emphasis on export marketing opportunities through our Commerce field offices. This fiscal year, our Department will stage 22 trade fair shows abroad and 51 shows in our trade centers. Some 2,500 American manufacturers are expected to participate. Additional funds requested in the 1971 budget will enable us to mount 23 trade fair exhibitions and 63 trade center shows during the next fiscal year.

In addition, we are helping firms in resolving major export problems through our new International Business Assistance Service. This new effort is designed to coordinate and expedite government action on behalf of businessmen who need help on specific export problems involving U.S. or foreign government agencies.

NTB'S

Fifth, you asked for an attack on nontariff barriers, many of which discriminate against the products of American industry. Through our persistence, GATT has started a thoroughgoing examination of some 800 items affecting trade in industrial products. Although we know that progress in reducing or eliminating these will be slow and difficult, the GATT's Committee on Trade in Industrial Products has begun to search for fruitful areas of negotiation.

As you know, the principle of reciprocity applies here as in tariff reduction. We will have to give something to get something. We cannot hope to gain a net advantage for the United States but we certainly believe that we can insist on clear rules of the game and equality of treatment for our goods in world markets.

Finally, there are two other proposals in the trade bill submitted to Congress that would strengthen the President's hand in seeking an end to certain foreign practices that discriminate against U.S. exports. Under one proposal the President's authority to take action against countries which maintain unjustifiable import restrictions on U.S. agricultural products would be extended to include nonagricultural products as well. Another proposal would permit the President to take appropriate measures in cases where subsidized exports to third country markets unfairly affect competitive U.S. exports in those markets.

TURNING POINT

Taken together, I believe these measures represent a turning point in our government's effort to assure the competitive position of American industry in the developing one-world market. Other governments of the major industrialized countries give foreign trade the very highest consideration in developing all their economic policies. And they work hand-in-glove with industry in stimulating export sales.

We can do no less. Government must—and this Administration will be—far more aggressive in its policies and actions dealing with the international economy.

Nor will we be hesitant about speaking our mind when we believe that the policies and actions of other governments discriminate unfairly against our products.

RETURN TO PRINCIPLES

A quarter of a century ago, during the formation of GATT, we agreed to conduct our trade and economic relations with a view—

To raising standards of living,

Ensuring full employment . . .

Developing the full use of the resources of the world,

And expanding the production and exchange of goods.

The time must never come when men and nations turn their backs on these basic objectives—or on the realities of implementing them. The significant questions in implementation are:

Have we reached the limits of our capacity for cooperation?

Must the Kennedy Round Agreements stand as the high water mark of our ability to open wider the channels of world trade?

Do we think that retreating back into a fortress of protectionism is the way for each of us to preserve and protect the unprecedented prosperity that has flowed from increased trade?

I cannot accept any of these notions. I cannot accept the idea that we are blind to every lesson that the history of international trade teaches.

AGE OF COOPERATION

But I do believe that the time has come for us to make new resolves, to join together in common bonds of trust and friendship to usher in a new Age of Cooperation in the Free World economy.

Let us subscribe to a new Declaration of Responsibilities in World Trade, starting with commitments that we will erect no new nontariff barriers nor intensify existing ones and will work diligently to reduce their number; and that we will adhere to orderly marketing procedures in world trade so that all may share in the growth of markets, without unfairly jeopardizing existing jobs and industries.

We in the United States invite other nations who are also concerned about the trend of recent events to join us in our adherence to the historic principles of reciprocity and mutual advantage that have served us so well in the past.

CONCLUSION

We recognize today that international trade and investment are not simply things that are "good for business" or "good for national economies." They aren't just abstract transactions in the world of high finance, of interest only to the readers of financial pages in our great metropolitan centers.

On the contrary, with travel and technology, they form the great vehicle for the progress of mankind. They are the worldwide mechanism for helping people everywhere fulfill their aspirations for a better life. Business and government the world over share the responsibility for keeping this vehicle rolling, picking up speed, and moving on up the heights to abundance for all.

It is a challenge worthy of the best that's in all of us. With confidence and determination, let us go forward to meet it. We can do so in the full assurance that "no nation was ever ruined by trade."

TRIBUTE TO DONALD H. DAVIDSON

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 1970

Mr. ANDERSON of California. Mr. Speaker, on June 18, 1970, the officials and citizens of Gardena, Calif., are honoring Mr. Donald H. Davidson, who is retiring as city councilman after many years of service to the city. I wish to take this opportunity to commend him for his public service and to share with my colleagues the outstanding merits of Don Davidson.

Don was born in Oregon and raised in Missouri, graduating from the University of Missouri at Columbia. He received his LL.B. from Loyola Law School and also attended UCLA. He is a practicing attorney, and in 1955 became assistant to the city attorney. In February of 1956 he became city attorney and is past president of the Compton Bar Association.

It was in 1943 at Mt. Lassen that he met his wife, Anne, the lovely president of the Gardena High School PTA. They have four children who join him in his likes for tennis and camping.

His dedication to young people is evidenced by his 20-year activity in the Boy Scouts of America. He is, in his own right, an Eagle Scout and past Scoutmaster. He was institutional representative for a local PTA, as well as men's participation chairman for the Gardena Council PTA. He is a past chairman of the Harbor District Executive Committee for Boy Scouts. He is a member of the Los Angeles Boy Scouts and the Gardena Valley Youth Counseling Committee.

For his outstanding contribution to the great organization, the Boy Scouts of America, Don Davidson received the Order of Merit. His dedication to youth is again noted by his service for several years as youth counselor for the Wesley Group of the Alondra Park Methodist Church. As a member of that congregation, he also served as president of the Men's Club, and is a former member of the board of trustees.

Don is a man of action, a man that likes to get things done. He is a leader and worker, not for himself but for others. He has been active in various civic organizations. He is a member of the Masonic Lodge, and is past president of the Lions Club; and of both the Junior and Senior Chambers of Commerce of Gardena. He is a past commander of the Gardena Valley American Legion Post 187, as well as a member of the Gardena Valley Branch of the American Red Cross, and a past member of the board of directors.

Other notable activities in behalf of the community include committee chairman for the 1966 school bond drive for the Gardena area. The YMCA appreciates his efforts in a number of YMCA fundraising committees in which he was active. He is the 1968 chairman for the initial gift section of the sustaining membership drive, and is a member of the board of directors.

Don is a Navy reservist with the rank of lieutenant commander and is classified as a legal specialist. He is a veteran of World War II and Korea. During the Second World War, he was a Navy lieutenant and sailed on a tanker. During the Korean conflict he was stationed at Pearl Harbor as a legal department specialist for the Navy.

XUM

Following the Korean conflict, Don returned to Gardena when his strong sense of civic duty became most evident. In 1955, he became commissioner for the planning committee of Gardena. In that same year he was appointed assistant city attorney and was soon appointed city attorney, a position he held until late 1959.

In 1962, Don was elected city councilman, a position to which he was again elected in 1966. He began his second term as mayor of Gardena and has served as mayor pro tempore for the past 3 years.

Recently, the Gateway Council PTA paid homage to Don for his service to the community and youth by awarding him honorary life membership.

This year, after 8 years as a city councilman and many years of dedicated and active service to his community, Donald Davidson chose not to run for reelection. I join the people of Gardena in honoring Donald H. Davidson upon his retirement from public office. I invite my fellow Congressmen to join with us in paying tribute to him and in saying, "Thank you, Don, for a job well done."

THREE TRIBUTES TO WALTER REUTHER FROM TEXAS NEWSPAPERS

HON. RALPH YARBOROUGH

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Monday, June 8, 1970

Mr. YARBOROUGH. Mr. President, after the death of Walter Reuther, Americans from all walks of life paid tribute to this great labor leader and humanitarian.

The tributes were well deserved, for Walter Reuther will rank with the giants of the labor movement in this country. He will also be remembered and honored for the great work he did to improve life in this country, for not just the members of his union, but for all Americans.

Mr. President, to the many tributes which have been given here to Walter Reuther, I would like to add three editorials from newspapers in Texas. I ask unanimous consent that the editorials from the Houston Chronicle of May 12, entitled "Reuther Always Controversial," from the Houston Post of May 12, entitled "Labor Loses a Paladin," and from the Dallas Times Herald of May 13, entitled "Walter Philip Reuther," be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Houston Chronicle, May 12, 1970]

REUTHER ALWAYS CONTROVERSIAL

The death of Walter Philip Reuther, controversial president of the United Auto Workers for the last 24 years of his life, could very well mark the end of several Reutherisms in the American labor movement.

He was one of organized labor's giants and champions, yet one of its severest critics. It remains to be seen if anyone in labor will take up the critic's mantle.

He was an authentic American radical in an area which has become establishment. He often worked outside the traditional union-management-government structure and was chastized by persons in and out of labor.

He possessed great power which he used to strive for social justice and for revitalization of the labor movement in this country. Neither of these goals had been accomplished to his satisfaction.

The UAW probably can find a man who can approach his expertise in negotiation. But is there someone within the movement to advance his ideas?

Reuther was unique in that while his first priority as a union leader was to secure increased wages and benefits for the rank-and-file auto worker, he always was more than a bread-and-butter unionist.

During his tenure as head of what has become the nation's largest industrial union, Reuther and his ideas had an unprecedented effect on this nation's economy. He strove to make bargaining more rational, more dependent on economic factors than on power. Virtually no salaried worker or industry in this country has not been affected economically by Reuther's bargaining with automobile company management on behalf of his union.

His philosophy of the role of labor unionism in our society and his social conscience were formed in childhood by a Socialist father who was a brewery workers union official in Wheeling, W. Va.

Reuther felt the labor movement should always be "on the march"—in the vanguard of those groups seeking social change. This thinking kept him active and in the forefront of numerous once-liberal causes such as racial equality, aid to the poor, nuclear disarmament, improved and expanded medical care, better housing and a cleaner environment.

[From the Houston Post, May 12, 1970]

LABOR LOSES A PALADIN

In the death of Walter Philip Reuther, president of the United Auto Workers, the labor movement lost one of its most powerful advocates and the nation one of its truly great citizens.

The 62-year-old Reuther, with a fire and spirit to match his red hair, ranks with such titans as Samuel Gompers, Dave Dubinsky and John L. Lewis in the long and tempestuous fight of the American working man for a just share of the country's blessings and industry's rewards.

When Reuther, his wife and the other four occupants of a small chartered plane died in a crash at Pellston, Mich., he had rounded out 24 years as head of the 1.6 million automobile workers who comprised the UAW and been elected to a new two-year term. His loss will be even more sharply felt by his union when the UAW begins contract negotiations with the auto industry in July.

He always conducted final negotiations with all of the automobile companies personally, and his was the most powerful personality on either side of the bargaining tables.

In his long and vigorous leadership of the United Auto Workers, Reuther took his workers from the $5-a-day pay scale of the original Henry Ford to more than $5 an hour in pay and fringe benefits. Yet his own annual salary as head of one of America's largest single unions was a relatively modest $33,000 a year. He wanted it that way.

He combined dynamic labor leadership with a strong sense of social justice. He so firmly believed the labor movement should be virile and aggressive that in 1968 he took the UAW out of the AFL–CIO he helped to weld, because he felt the national leadership was too smug and satisfied. He piloted his union to many breakthroughs in labor benefits, including a guaranteed annual income and cost of living wage increases.

Even though his break with the AFL–CIO climaxed a long feud with President George Meany, the AFL–CIO president was among the first to pay tribute to Reuther's contribution to the labor movement, and to the nation.

Few can disagree with that appraisal, even the leaders of the industry whom he often battled so tenaciously and so successfully. Walter Reuther will be long remembered as a man who fought for the right, as he saw it to be the right, and who did much to advance the welfare of his fellow man.

[From the Dallas Times Herald, May 13, 1970]

WALTER PHILIP REUTHER

By any standards, the late Walter P. Reuther was one of the most remarkable men in all the history of American labor. During his 14-year tenure as president of the United Auto Workers, he won unprecedented economic gains for his workers. So intense was the personal loyalty he inspired that upon hearing the news of his death, at least one UAW member in Dallas became physically ill.

Reuther was a tough and personally courageous labor spokesman who bargained skillfully and persistently in behalf of auto workers—not just to win them fatter paychecks but to give them more leisure for personal development.

Unfortunately, he could also be unbending in the pursuit of ideals that often bordered on the fantastically utopian. He, for example, was all set to meet the auto industry this fall with a set of strenuous demands such as big wage increases, year-end bonuses, and unlimited cost-of-living allowances—this, to help usher in a day when, in Reuther's rather visionary words, "Working for a living will be sort of a hobby."

And yet auto profits are off 10 per cent, and inflation, which is to a large extent fueled by wage increases, is on the rise. Is this a good time for such demands? Reuther refused to admit that it is not.

Reuther had this fault, too: He was a man of the dogmatic (though non-Communist)

Left. He gave generally uncritical support even to the kookier civil rights causes, bitterly attacked the Vietnam war, and hatched a multitude of costly welfare schemes—among them, most recently, a national health insurance plan that would cost $40 or $50 billion a year.

The other side of the coin is that Reuther had a deep and abiding concern for the interests and welfare of all working men. He ran a clean union, tossing out the Communists and the lottery operators when he became president in 1946. No one had cause to question his patriotism and loyalty to his country.

Whatever his failings, he was a giant among labor leaders. He accomplished things perhaps no other union man could have accomplished. But then few other union men have possessed the intellectual gifts and missionary zeal of Walter Reuther.

AFL–CIO ASKS CURBS ON MULTINATIONAL FIRMS

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 1970

Mr. DENT. Mr. Speaker, certainly the sharp decline of U.S. international trade must be reversed. It seems to me obvious that no single action will restore the U.S. trade balance. Organized labor's chief economist, Nathaniel Goldfinger, speaking recently to the session on "U.S. International Trade and Investment in the '70's" at the 58th annual meeting of the U.S. Chamber of Commerce, urged regulation of U.S.-based multinational firms as an immediate first step. The points he makes deserves the close consideration of every Member of the House. Therefore, I insert an article about Mr. Goldfinger's proposal, from the May 2, 1970, issue of the AFL–CIO News, in the CONGRESSIONAL RECORD.

AFL–CIO ASKS CURBS ON MULTI-NATIONAL FIRMS

Regulation of U.S.-based multi-national firms "is urgently needed" if America is to recover from a sharp deterioration in trade, AFL–CIO Research Dir. Nat Goldfinger told the U.S. Chamber of Commerce in Washington.

Until such regulation is established, he said, there must be "at least a stop-gap" limitation on imports in areas where they are destroying U.S. jobs.

Goldfinger was one of several speakers to address a session on "U.S. International Trade and Investment in the '70s" at the 58th meeting of the Chamber.

Any attempt to blame the sharp decline of the U.S. position in world trade "on such temporary factors as the current inflation, the capital goods boom and the Viet Nam war is nothing but a dodge," Goldfinger declared.

What is a "major factor" in the rapid destruction of the U.S. trade balance, he said, is the uncontrolled, mushrooming spread of multi-national firms to areas of the world where they can boost profits by hiring cheap labor.

He cited figures to show these firms now control more than 50 percent of what is called "U.S. trade." But, he added, their operations are not really "trade" at all—merely transactions within their structures entirely to their own benefit.

These firms, which also are exporting technology developed with the help of U.S. taxpayers, have "substantially reduced or eliminated" the nation's productivity leadership in a number of industries, Goldfinger stated.

One immediate step that should be taken, he said, is for the government "to stop helping and subsidizing U.S. companies in setting up and operating foreign subsidiaries" by giving them special privileges in tax and tariff laws.

"Regulation of the multi-nationals is inevitable," Goldfinger declared. It is urgently needed. And it is needed now."

EDDIE CHUPEK NIGHT

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Monday, June 8, 1970

Mr. SCHWEIKER. Mr. President, on June 11, 1970, the Shade-Central City Area Jaycees, at Central City, Pa., are sponsoring a surprise birthday party for one of Central City's truly outstanding residents, Eddie Chupek.

On September 11, 1948, during a high school football game, his brilliant career came to an abrupt end. Eddie was injured, and as a result more than 90 percent of his body was paralyzed. Now, 22 years later, he remains happy and continues to converse with "anyone who drops by" and provides confidence for those who are more fortunate than he. Until recently he served as assistant to his tax collector brother, George.

Eddie Chupek is a man of great achievement and humility. I join with the citizens of Somerset County in wishing him a very happy birthday.

I ask unanimous consent that an article about Eddie Chupek Night, published in the Winber Era, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Richland News, Oct. 19, 1969]

EDDIE CHUPEK NIGHT FRIDAY

(By Frances Andrew)

Eddie Chupek Night will be observed Friday at the football game between Shade and Ligonier, to be played on Panther Field at 8 p.m.

The game will be dedicated to Edward Chupek, whose football (and college) career were cut short 21 years ago when he was injured in a game between Shade and Windber. He sustained fractures of the fourth, fifth and sixth cervical vertebrae and damage to the spinal cord, causing extensive paralysis.

Eddie was a junior in 1948 when he was sidelined. His graduation was delayed a year, but he was happy to have made it to commencement with his "adopted" class of 1951. He has kept in touch with many of his classmates, and has kept a special interest in sports at Shade. For years, he was a familiar sight in his wheel chair at football games.

About three years ago, he was hospitalized with what appeared to be a "bug". Testing showed he was suffering from diabetes. He has surmounted this difficulty, and although it has curtailed his outside activity, he is hoping to be able to attend the Friday game, weather permitting.

Eddie is always happy to have company. He is affable and loves conversation. He especially enjoyed the visit last Sunday of the photographer, and Coach Arthur Palumbo and four of his players. The coach and players stayed long after the photographer had departed. It was "football talk" and the boys learned much just listening to the coach and Eddie comparing football in their "times".

When he was leaving, Coach Palumbo promised Eddie he would bring a projector and films of the season's games for Eddie to view.

"Chup," as he was known to his fellow students, is a son of Mr. and Mrs. John Chupek of 768 Cedar St., Central City For the past 12 years, he has served as assistant to his tax collector brother, George. Eddie collects the money and keeps the books.

A visit to Eddie includes a meeting with his friend, a myna bird named Charlie Brown. He has spent much effort trying to teach the bird to talk—quite unsuccessfully—but Charlie Brown keeps putting his two cents worth in trying to prove he isn't as stupid as Eddie makes him out to be.

Dedication of the game to Eddie Chupek came about as the result of a suggestion by the Rev. Robert Rebeck, pastor of SS. Peter & Paul's Greek Catholic Church, when he attended a recent meeting of the Shade-Central City School Board. The board approved. The Shade-Central City Jaycees will participate.

ANIMAL EXPERIMENTATION

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 1970

Mr. WALDIE. Mr. Speaker, I am introducing legislation today which would prohibit further Federal financial assistance for State and local educational agencies which permit or encourage students at the primary and secondary levels to conduct experiments with live animals.

There apparently is a growing fad, Mr. Speaker, among junior and senior high school science classes for experimentation with birds and other small animals. These experiments, performed by unskilled and untrained students, often result in death and suffering to the animals.

The scope of this problem was first brought to my attention by a constituent, Mrs. Keith Thompson of Orinda, Calif. Mrs. Thompson informed me of her concern and justifiable "outrage" for the encouragement of such inept experimentation by private firms and individuals.

Since that time, Mr. Speaker, I have been in contact with Friends of Animals, Inc., and have received very helpful assistance from this organization in drafting the legislation I am introducing today.

I am hopeful, Mr. Speaker, that this measure will be acted upon by the Congress and that the experimentation of small animals in primary and secondary schools will be halted.

The legislation introduced follows:

H.R. —

A bill to prohibit Federal financial assistance for State or local educational agencies which permit primary or secondary students within their jurisdiction to conduct experiments with live animals.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that no Federal assistance may be provided after the date of the enactment of this Act to any State or local educational agency which the Secretary of Health, Education and Welfare determines permits students enrolled in primary and secondary schools under its jurisdiction to experiment with live animals or encourages students to perform such experiments. The Secretary of Health, Education and Welfare shall by regulation prescribe procedures for review of his determinations under the preceding sentence and such other procedures as he considers necessary to carry out the purposes of this Act.

DEATH OF LT. JAMES F. BROWN, JR., ASSOCIATION OF THE 82D DIVISION OF WORLD WAR I

HON. HERMAN E. TALMADGE

OF GEORGIA

IN THE SENATE OF THE UNITED STATES

Monday, June 8, 1970

Mr. TALMADGE. Mr. President, the Association of the 82d Division of World War I recently adopted a resolution in honor of one of its most outstanding members, Lt. James F. Brown, Jr., who died February 19, 1970.

Jim Brown served as secretary and treasurer of this association for 52 years, and I know that his presence will be sorely missed by his comrades, many friends, and loved ones.

I ask unanimous consent that the memorial resolution, a splendid tribute to a fine man, be printed in the Extensions of Remarks.

There being no objection, the memorial resolution was ordered to be printed in the RECORD, as follows:

THE 82D DIVISION ASSOCIATION MEMORIAL

The Creator and Architect of the Universe has called from worldly labor one of our dearest and most beloved members, James F. Brown, Jr., affectionately known to all his friends as "Jim." We know he only is physically separated from us. His spirit still abides in our hearts, now and evermore.

We believe it is fitting and proper, therefore, to commemorate so worthy a friend and comrade by publicly proclaiming this testimony, because:

Whereas, Jim Brown was our efficient, courteous, and completely dedicated Secretary-Treasurer for fifty-two years. And,

Whereas, Jim's whole life exemplified unstinted loyalty to his Community, State, and Nation. And,

Whereas, from us has gone a husband, a father, a kindly soul, a true citizen, a patriot, and one who kept the torch of duty and responsibility burning bright throughout his life. And,

Whereas, we shall miss Jim and his ever sincere smile and handshake, we still are privileged to have remain with us a noble and devoted wife, Emily, who in her gracious and lovable way, generously and untiringly helped our Association as the staunch better-half of our greatly appreciated and admired one and only Secretary-Treasurer.

Now, be it resolved that a copy of this testimonial be incorporated as part of the 82d Division Association records, a copy furnished to Mrs. James F. Brown, Jr. and a copy mailed to local news media for publication.

Submitted to the Association's Reunion, this 17th day of May, 1970.

JOSEPH F. MULDROW,
President.

ADDRESS OF DR. HARRY PHILPOTT AT THE UNIVERSITY OF ALABAMA

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 1970

Mr. NICHOLS. Mr. Speaker, on Sunday, May 31, Auburn University President Dr. Harry Philpott delivered the commencement address at the University of Alabama. I found his remarks on that occasion to be most appropriate in this time of crisis and tension on our Nation's campuses. Many of our colleagues would enjoy reading Dr. Philpott's address, and I would ask that it be inserted in the RECORD.

The University of Alabama also conferred on Dr. Philpott an honorary doctor of laws degree for his contribution to higher education in Alabama. Also receiving honorary degrees were two other outstanding Alabamians, John E. Horne, former chairman of the Federal Home Loan Bank Board, and Thomas D. Russell, chairman of the board of Russell Mills, Inc.

The address follows:

SOME BITS OF BACON

(By President Harry M. Philpott)

On Tuesday, June 9, persons interested in things literary will be taking note of the Centennial of the death of Charles Dickens, the great novelist of the Victorian Era. It was the reading of some articles appearing recently in connection with this anniversary that recalled to mind some of his words that so aptly describe the present scene and the present time. Let his words from the opening passages of A Tale of Two Cities serve as a background for Commencement, University of Alabama, May 31, 1970.

"It was the best of times, it was the worst of times, it was the age of wisdom, it was the age of foolishness, it was the epoch of belief, it was the epoch of incredulity, it was the season of Light, it was the season of Darkness, it was the spring of hope, it was the winter of despair."

The obviously paradoxical character of the contemporary scene must not be blurred with optimistic pretense or clouded with the dire pessimism of inevitable doom. Reason and honesty compel us to recognize both the goodness and the evil of our day, the wisdom and the foolishness, the belief and the incredulity, the Light and the Darkness, the hope and the despair. We are a deeply troubled people, but we are an exceedingly fortunate people also. All is not right with our world, by any means, but neither is all wrong with our world. Cognizant of the paradoxical character of the present, permit me to share with you a few midnight musings of a University President searching desperately for a sense of direction while awaiting the next crisis of confrontation.

The task is undertaken with timidity, so conscious are we of communication gaps and generation gaps today. However, I find some consolation in a washroom graffiti reported from the Auburn Library recently. It read: "Have you considered that in fifteen years the President of the University will be on Social Security and the President of the Student Body will be the Establishment?" While your own fine President cannot qualify for retirement in that span of time—unless it be under the disability provisions—it does illustrate the fact that gaps are transient and sometimes overemphasized.

Francis Bacon in his Apothegms says: "Age appears to be best in four things,—old wood best to burn, old wine to drink, old friends to trust, and old authors to read." I have been re-reading Francis Bacon recently in an endeavor to discover what insights a wise and influential author might have for our present time.

You may recall on a November day last fall, during the annual renewal of the hard but splendid rivalry between your institution and my own, some of you sang a refrain that proclaimed: "You can take Auburn out of the country, but you can't take the country out of Auburn." Perhaps today I am only proving anew the veracity of that sentiment when I pass out to you some bits of Bacon for your Commencement fare.

Francis Bacon, who was born in 1561 and died in 1626, stands in the forefront of those who produced the Natural Science Period of the Renaissance in the seventeenth century. While best known as the philosopher who pioneered the empirical method on which modern science is based, he also eloquently expressed the spirit of his method in proclaiming the possibilities of infinite human progress through scientific discoveries. While not noted as a scientist himself, he predicted with amazing accuracy many of the discoveries so familiar to us. In his imaginary New Atlantis he foresaw such inventions as the airplane, submarine, telephone, synthetic foods, man-made metals, and even products yet unrealized such as man-made plants and animals. He would not find our material world strange should he walk among us today but I suspect that he would be bitterly disappointed that comparable progress has not been made in social matters which he saw as the inevitable concomitant of scientific advance.

For centuries prior to Bacon, rationalistic inquiry was largely deductive in methodology, based on the logical principles set forth by Aristotle in his Organum. One started with fundamental premises, absolutes, or revealed truths and from these deduced new insights and understanding. Bacon believed that "If a man will begin with certainties he shall end with doubts but if he will be content to begin with doubts he shall end in certainties." Human knowledge, for him, begins with sense experience and is enlarged by experimentation and testing. He deplored what is unfortunately an ever-growing phenomenon of our times—the tendency to take a few facts and leap quickly from these into sweeping generalizations. "Knowledge is power," he said, but only that which takes into account all known facts can be considered as knowledge.

In his Novum Organum, Bacon sets forth four types of fallacies or errors of reason into which the human mind is prone to fall. I call your attention to them today, not as interesting historical ideas or because of their influence on natural science methods, but because of their relevance to the rational consideration of our contemporary social and spiritual problems. He termed these Idols—fantasies that beset our minds and detract us in the pursuit of truth. The first of these he called the Idol of the Tribe, fallacies which seem to inhere in us by the nature of our humanity. The practice of supporting preconceived opinions by accepting only affirmative data and rejecting negative viewpoints, and hasty conclusions from limited observations are cited as examples of the Idol of the Tribe. Contemporary illustrations might be seen in "non-negotiable demands" or the assertion: "My mind is made up. Nothing can change it."

Albert Einstein, when asked once how he came to discover his theory of relativity, replied simply: "I challenged an axiom." So it was in scientific progress and so it must be in social progress. Consider the assertion with axiomatic force for many people today: "There have always been wars and there will always be wars." Granted the validity of the first part, there is no justification for taking the deduction as axiomatic. In your zeal to prove it false, be understanding of a generation that recalls so vividly a Neville Chamberlain returning from Munich in 1939 proclaiming the achievement of peace in our times or for whom the high hopes of the United Nations as a fully effective instrumentality for peace were so short-lived. And, above all, do not fall into the hasty generalization that the mere cessation of hostilities anywhere will bring the peace we all desire. Peace is positive and not the simple absence of war.

The second group of errors in reasoning Bacon termed the Idols of the Cave. These are rooted in our individual differences and the fact that we must view all matters from our own point of view. We cannot escape from our cave of individual reference but we can recognize its existence and make allowances for it. Bacon advised: "In general, let every student of nature take this as a rule, that whatever his mind seizes and dwells upon with particular satisfaction is to be held in suspicion." In our very human desire for final and absolute answers, it sounds discouraging to advocate that these are the very things we must keep questioning. On the other hand, social orders do not exist for long when conflicting absolutes will not be submitted to reason and examination.

From an author now forgotten I recall a reference to "the sacred duty of every individual to figuratively crawl under the skin of other people." He meant by this our obligation to understand them, to appreciate their point of view, and to weigh this in the formulation of our own ideas. The late William Lyon Phelps of Yale wrote that "The greatest of all arts is the art of living together." To do so, we must utilize all means of transcending the cave of selfhood. The recognition of this obligation was stated by Jesus when he taught that "he that would find his life must lose it."

Additional fallacies are classified by Bacon as Idols of the Marketplace. These arise when men come together and share their ideas through language. The fact that words have different meaning for different persons and that all of us use words that we do not define and even cannot define is perhaps the most troublesome kind of error. For example, the cry of "War Eagle" would be greeted with loud acclaim at an Auburn Commencement but rightfully could be expected to have quite different repercussions in this setting. Had Bacon been writing today, with the heated discussions of media problems and communication difficulties, he would have felt fully justified in terming this the most important hindrance to reason.

He had some advice for us in his essay Of Studies: "Reading maketh a full man, conference a ready man, and writing an exact." Perhaps all of us today are guilty of engaging in too much conference with an overabundance of readiness to discuss, while neglecting the fullness of knowledge that gives content to our debates and the exactness of statement which gives clarity to our thought. Let us also recognize that mere writing itself is not necessarily productive of exactness since total obscurity of meaning seems to be the aim of some authors writing at the present time. I long for writers in agreement with John Ruskin who wrote: "The greatest thing a human soul ever does in this world is to see something and tell what it saw in a plain way."

A final class of errors Bacon termed Idols of the Theatre. He spoke here of philosophical systems which have been accepted much as one accepts the production of a stage play, and which remain unquestioned and unexamined by the individual. Though a rather conventional Anglican churchman himself, he recognized that certain religious ideas of his time were not consistent with his scientific viewpoint. For most of us today, a reconciliation of the conflicts between science and religion has been achieved. However, in other realms of belief and thought, we may be at fault in accepting systems of thought without questioning and examining. If it were not so dangerous, one might view with great pity those young people whose dissatisfaction with our society leads them to embrace with unquestioning naivete the Thoughts of Mao Tse-Tung, the Revolutionary Road of Che Guevara, or the crushing dogmatism of Lenin. Abandoning reason, they exemplify most clearly the Idol of the Theatre.

It would be a gross over-simplification to say that the difficulties of our time find their roots only in fallacious reasoning and can be corrected by overcoming our errors in thought. In addition to his rational character, man is also a social, moral and spiritual being. While reason gives clarity and meaning to the other aspects of our being, it does not encompass them totally. However, in an institution dedicated to the promotion, practice and propagation of reason, one must proclaim its importance with greater power than ever today. Beset with the cries for power, the demands for action, and the alien presence of violence, this university and others like it must have now and in the future your understanding and support of its primary rationalistic function.

Finally, the spirit in which you face the paradoxes of our day will be of major importance in determining what you achieve. In the Book of Esther in the Old Testament, we are told that Haman erected gallows on which to execute the Jewish kindred of Queen Esther. Mordecai, her uncle, asked her to intercede with the king to save her people. She pointed out that one who went into the presence of the king without a summons lost her life unless the scepter was extended, so that she was being asked to place her life in jeopardy. His answer expresses a spirit appropriate for our time: "Who knows but that you were born into the Kingdom for such a time as this?"

"It was the best of times; it was the worst of times."

"Who knows but that you were born into the Kingdom for such a time as this."

SENATE REPUBLICAN LEADER HUGH SCOTT LAUDED

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Monday, June 8, 1970

Mr. SCHWEIKER. Mr. President, recently, the outstanding leadership qualities of Senate Republican Leader Hugh Scott were recognized in an excellent profile which appeared in the Advocate, published by the Retail Clerks International.

As one who has worked closely with my senior colleague on many important matters affecting Pennsylvania, and as one who has greatly admired the skillful manner in which he has been carrying out the difficult duties of senatorial leadership, I was pleased to see this perceptive analysis of Senator Scott.

I share the conclusion of the article that "the senior Senator from Pennsylvania is one of the outstanding men in the Senate," and ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Hugh Scott, Senate Minority Leader

Senator Hugh Scott, elected leader of the Republican Party in the U.S. Senate in September, 1969, is a man of independent judgment, courage, and conscience.

A friend of labor, Senator Scott steers a moderate course down what he calls "the great middle way." As one of the best-known senators nationally, he is also well known by his party, having been intimately involved in national Republican politics for more than two decades. His moderate political philosophy has earned support from the entire spectrum of senators, and helped him climb the ladder of leadership in the GOP.

Before being chosen Senate minority leader, Scott served as minority whip and acting minority leader. He has been the national chairman of the Republican Party, an eight-term member of the U.S. House of Representatives, and as a United States Senator since 1958. He was re-elected in 1964, and sits high on the Senate Judiciary, Commerce, and Rules Committees. He is the first Pennsylvania Senator, of either party, to be elevated to the position of leader.

Senator Scott occupies a key role in Senate affairs, participating at least bi-weekly in leadership meetings at the White House, rounding up the all-important votes of his colleagues, and obtaining acceptable compromises with the majority leader and his party to expedite the passage of legislation.

For his role—as a consensus-maker with his colleagues, a confidant of the President, and a solid man of his own convictions—he is ideally suited. An attorney, he has become particularly well-known for his skillful advocacy for causes to which he is committed.

The sincerity and determination to let his personal conscience be his guide was recently illustrated by his important vote against the confirmation of Judge Clement Haynsworth as associate justice of the U.S. Supreme Court. The Senator had this to say about his valiant stand: "In voting against this nomination I have kept my own counsel. I have voted my conviction. No statement was made prior to the vote, because to have done so would have added to the burdens of the Administration. Under the constitutional power of the Senate to advise and consent to nominees to the Supreme Court, important factors emerge: the prestige of the Court itself and the structure of this country's judicial determinations for years to come. This nomination required each Senator to reach his individual conclusion and to search his own conscience as to how to do equity in a most difficult matter."

Senator Scott became determined at the age of 13 to enter politics. He scoured the papers for political news, and attended sessions of the Virginia House of Delegates. Even today, with a schedule that often exceeds 18 hours a day, he reads newspapers avidly. Senator Scott is a stamp and coin collector, a fisherman, and a pipesmoker (he has collected 500 pipes). He is a student of American History, as well as Oriental History and Art, a subject on which he has written a book (*The Golden Age of Chinese Art*). He is also the author of *How to Run for Public Office and Win* (1968), a subject he is well qualified to discuss; *Come to the Party—An Incisive Argument for Moderate Republicanism* (1968); *How to Go Into Politics* (1949), as well as numerous articles. He co-authored *Politics U.S.A.* (1960).

He is a member of the Board of Regents of the Smithsonian Institution, Washington, D.C., and serves as Secretary of the Interparliamentary Union (U.S. Delegation).

The senior Senator from Pennsylvania is one of the outstanding men in the Senate. He is a man of integrity. His leadership and his ability to count heads before a vote is taken are great assets. Senator Scott has been a friend of the working people of his state and the nation.

TRIBUTE TO SPEAKER JOHN McCORMACK

HON. PAGE BELCHER

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 1970

Mr. BELCHER. Mr. Speaker, I deeply regret that commitments in my district kept me from being present at the time the House paid tribute last week to the long, superlative career of Speaker JOHN McCORMACK. But I cannot let that occasion pass without joining, though belatedly, in paying my tribute to this remarkable man and very dear friend.

The Speaker's recent announcement that he will not seek reelection to the 92d Congress is, of course, a sad one for me as it is for all who have known him, loved him, and worked with him, regardless of their partisan affiliations.

I have known JOHN McCORMACK since 1941, a period of almost 30 years. I have a lot of relatives who live in his congressional district in Massachusetts, and, when I first came to Washington and met him, I commented on that fact. His response was as warm and gracious as if he, himself, had been one of my relatives, and I have enjoyed and cherished a close friendship with him every since.

Throughout the course of all the tributes that have been paid the Speaker since his momentous announcement, there has run one notably common thread. This is the repeated reference to his fairness. I note that, particularly, because I believe, if I had to describe JOHN McCORMACK with only one word, fair is the one I would choose. He is many other things as well—warm, kindly, capable, hearty, ever the gentleman, a skilled debater and parliamentarian, a dedicated patriot and statesman—but the hallmark of his long and notable career in public service has been, I believe, his fairness.

His concern for freshman Members of Congress and his eagerness to help them, in a body where tenure is often deemed all important, bespeaks his fairness. His ability to accommodate widely diverse views on various issues and to seek workable compromise bespeaks his tolerance and objectivity. And, of course, the profound skill he has always demonstrated in striking an even balance between his role as partisan leader and impartial presiding officer leaves no room for doubt regarding his fairness.

The Congress and the people of the United States will sorely miss the qualities of leadership, dedication, patriotism, and judiciousness which he has brought to his role as Speaker of this House. I will miss him as a friend. Mrs. Belcher joins me in wishing for him and his lovely wife a long and joyous retirement, and especially for Mrs. McCormack we pray God's blessing for a speedy recovery to full health.

TRIBUTE TO JUDGE KENNETH L. NASH

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 1970

Mr. BURKE of Massachusetts. Mr. Speaker, on September 1, 1970, Judge Kenneth L. Nash will retire from his position as Chief Justice of the Massachusetts District Courts. Judge Nash's presence on the court and his entire life gave true meaning and expression to the ideals of dignity and integrity. The just decisions of Chief Justice Nash exemplify his humane qualities. He has earned the respect, not only of the Members of the court, but also of the community and the Commonwealth of Massachusetts.

I would like to insert in the RECORD, recent news items detailing the distinguished career of Judge Kenneth L. Nash:

[From the Patriot Ledger, June 5, 1970]

LEAVING ON TOP

Seven years ago, when legislation had been passed creating the new post of chief justice of the district court system, there was rare widespread agreement in the state that one man was uniquely qualified for the position: Judge Kenneth L. Nash of the Quincy District Court.

The support came from the judiciary, lawyers and legislators, and editorially from a number of newspapers out of this area. It was an unusual event, serving to demonstrate the scope of respect in the state for Judge Nash. At that time, it is pertinent to observe, Judge Nash was 75 years old, an age when most men have long since called it quits on the job. He had been a district judge for 45 years, justice of the Quincy District Court for 31 years, and for eight years the chairman of the Administrative Committee of the District Courts.

This week, Judge Nash, 81, regretfully announced his retirement, effective Sept. 1. A measure of the regret with which the news was received was the effort of the District Court. Administrative Committee to change his mind, an appeal more than a courtesy gesture.

Judge Nash has had a rich and varied career—as a major league baseball player, high school and university baseball coach, state legislator, lawyer, jurist. In the district court system, the judge has been innovator, reformer and source of current judicial information as well as administrator of the far-flung 72 district courts.

When the judge retires to his 100-acre farm and woodlot in Epsom, N.H., he will be leaving an imposing record of distinguished service for his successor as chief justice and district court judge. He is, as one district judge put it, "leaving on top."

JUDGE NASH TO RETIRE ON SEPTEMBER 1

Kenneth L. Nash, 81, who gave up a promising professional baseball career in 1914 for a life of public service, announced his retirement yesterday as chief justice of the Massachusetts District Courts, ending 52 years in the judiciary.

ON SEPTEMBER 1

The justice informed Gov. Francis W. Sargent yesterday noon that on Sept. 1 he would leave the post he has held for six years.

The judge offered no suggestions for a successor, but advised the governor to appoint a man who would keep the courts in good order.

Later Governor Sargent said Judge Nash "has exemplified the highest ideals and traditions of the judiciary. We of the Commonwealth are deeply indebted to him for his past service and wish him success for the future."

Judge Nash said he had been considering the move for the past two or three months. "It's time . . . I wasn't getting any younger," he said.

Veterans of the state's judicial system say they cannot remember any other judge serving so many years on the bench.

Yesterday Miss Joan Weinz, the judge's secretary and confidante for many years phoned the justices of the 72 district courts to inform them of his decision.

About 11 a.m., Judge Nash who became the first justice of the district courts Dec. 23, 1963 made his formal announcement to judges gathered for a regular District Court Administrative Committee meeting.

Against their pleas, he said his decision was final. One justice remarked he certainly was "leaving on top."

When Judge Raymond Wilkins, Chief Justice of the Massachusetts Supreme Court was told his old friend was calling, he stepped from the superme court bench to receive the message.

Born in South Weymouth, July 14, 1888, Judge Nash attended Weymouth schools where he enjoyed basketball in addition to baseball.

STILL SPRY

Judge Nash a bachelor said his health did not enter into the decision. With his 82nd birthday a month away he is nearly as spry as when he played all the infield positions for the Cleveland Indians in 1912.

Ken Nash joined Cleveland following his graduation from Brown University in Providence. He was traded to the St. Louis Cardinals in 1914 but would not report until completing Boston University Law School.

At the end of the 1914 season, the young lawyer decided to devote more time to the native Weymouth and play Minor League ball in Montreal and later St. Paul, Minn.

At the age of 28 in 1916 he played his last season of the game about which he still loves to reminisce.

At age 29, he was appointed a special justice of the Quincy Court by Gov. Samuel W. McCall in 1918. The same year he filled in for his brother as wartime baseball coach at Milton Academy. Later that year he began a 21-year career as baseball coach at Tufts University.

In 1933, Gov. Joseph B. Ely made Judge Nash justice of the then part-time East Norfolk Court, one year after he had become Weymouth Town Counsel.

When the court was reorganized in 1952 into a full time court, Judge Nash resigned as town counsel and became presiding justice of the court.

STATE REPRESENTATIVE

Before his legal career began, Judge Nash had already established himself as a political figure. The year he graduated from law school—1914—he was elected to the Massachusetts House of Representatives. He later served in the state senate as well.

From 1956 to 1963 he was chairman of the administrative committee of the district courts, a committee he had joined in 1941.

The judge was appointed to the Southern District Appellate Division in 1942 and was selected as the division's presiding justice in 1952.

He was one of the principal architects of the pay-by-mail traffic fines system which went into effect in 1965. He also set up the six-man jury system and helped revise the district court rules.

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However, the crowning moment of his career came in 1963 when Governor Endicott Peabody appointed Judge Nash to the newly created position of chief justice of the state's district courts. He was sworn in on Dec. 23, 1963 for a term of one year, but a year later the governor made the appointment permanent.

His duties included supervision of 72 courts, their justices, and their clerks.

When asked what he might do Sept. 2, the Chief Justice said he would head for his 100-acre farm, New Rye, in Epsom, N.H. Over the years he has remodeled the old white home, perhaps in anticipation of a crisp September day to chop some wood or till the soil in his gardens.

OUR NATION'S SPORTSMEN—OUR FIRST ENVIRONMENTALISTS

HON. BOB CASEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 1970

Mr. CASEY. Mr. Speaker, those of us who have been concerned over the defiling of our environment for many years view with enthusiasm the sudden awareness on the part of most Americans.

The problem is big enough, and complex enough, that it is going to require the help of all our people, and our governmental agencies at all levels. But in this sudden bloom of popularity of this worthy cause, let us pause a moment to reflect and pay tribute to the sportsmen of our land, for they, indeed, were the first environmentalists. They not only warned us long ago about the desecration of our land and water resources, but took positive action to preserve our wildlife and its habitat. It was gratifying to me to read that a friend of mine, Charles Dickey, Director of the National Shooting Sports Foundation, penned a guest editorial in the Pennsylvania Game News calling attention to the great part our sportsmen have played in environmental protection.

I commend this article to my colleagues, and to those Americans who are truly concerned over our natural resources, for as Mr. Dickey says:

> All Americans are needed in the fight to use our natural resources wisely.

The article follows:

CHARLEY'S SERMON

The 1970s will be the decade of conservation. City people are finding out that the wise use of natural resources is imperative for survival.

General magazines, the television networks and civic organizations have suddenly discovered conservation. Most of all, politicians are scrambling to get on the conservation bandwagon, and there is no doubt that 1970 will be the year of conservation acceptance by the public, in theory if not in action.

Hunters and fishermen should welcome the newcomers to the fold. The news media, public and politicians are picking up a crusade outdoorsmen started 70 years ago.

Hunters and fishermen were the first to decry the destruction of America's forests, soils, streams, prairies and wetlands. They were the first because their love of the outdoors had made them aware of the beauty of nature and the necessity for protecting wildlife habitat and scenic grandeurs. Outdoorsmen were the first to plead for conservation because they were the ones who were hiking the mountains and fishing the streams. They saw what was happening, but the city folk did not. For over 50 years, the outdoorsman was the only one who really cared.

Hunters and fishermen were the ones behind major conservation legislation in state capitols and Washington. When they could not get space in the news media, they started their own publications to warn Americans of what was happening to the environment.

Hunters and fishermen started state fish and game agencies. They asked that they themselves be required to buy licenses and that the money support the state agencies. Even today, with two minor exceptions, hunters and fishermen are the sole support of state fish and wildlife agencies; no money comes from the public despite the fact that the sportsmen funds provide protection and habitat for hundreds of species of non-game wildlife.

Hunters and fishermen, unique in all America, asked that their fishing reels, guns and ammunition be taxed so that funds could be increased for habitat development and the purchase of lands to be held in perpetuity for all Americans.

Hunters and fishermen imposed seasons and bag limits on themselves in order to give all a fair chance to crop game and fish without hurting the basic breeding stock of each species. The outdoorsmen formed national organizations to push for the wise use of our natural resources, such as the National Wildlife Federation, the Izaak Walton League of America, Ducks Unlimited and many others.

Now, after 70 years, who is going to be passed over and not given credit in this "Year of Conservation" by most of the mass media and politicians? You guessed it—the hunter and fisherman!

In fact, with the sudden rash of amateur preservationists, there is a good chance that the hunter will be the first attacked. These sudden discoverers will think that game can be stockpiled; they don't understand that hunters crop only the annual surplus and that no game species in America is in danger of being overharvested by sportsmen.

It's up to every outdoorsman and the outdoor writers to see that hunters and fishermen are recognized for their leadership and magnificent crusades of the past seven decades. As for the host of newcomers to conservation, sportsmen should say, "Welcome aboard." All Americans are needed in the fight to use our natural resources wisely.—*Charley Dickey, Director, National Shooting Sports Foundation.*

GREECE AND MILITARY SALES

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 1970

Mr. PETTIS. Mr. Speaker, why, after the NATO Foreign Ministers' meeting in Rome during the last week of May, the United States is still reluctant to resume military sales to one of its great and most dependable allies, Greece, is a puzzling irony of political injustice. The importance of Greece as a pro-Western bastion in the Eastern Mediterranean is a well-known fact. To support my stand, I want to associate myself with my distinguished colleagues, the Honorable L. MENDEL RIVERS, the Honorable ROBERT F. L. SIKES, and the Honorable BOB WILSON, whose remarks of May 28 and June 3, 1970, most clearly and candidly point out Greece's strategic location, her very strong anti-Communist government, the growing threat of the Soviet presence in the Mediterranean, and our own self-interest, all as sound reasons why we should resume military sales to Greece.

I would like to cite an editorial rebuttal to the Washington Evening Star on June 4, 1970, from a concerned citizen who provides the current administration with ample rationale for timely action to correct an obvious incongruity in our foreign policy.

The editorial follows:

GREECE AND MILITARY SALES

SIR: I consider it extremely important that the American hoi polloi be exposed to facts which indeed negate the sullying editorial of Mr. Bartlett entitled "Greek Arms Plan a Bad Bargain" of June 2, 1970. I wish to quote three most distinguished and knowledgeable Congressmen, the Honorables Sikes, Rivers and Wilson, whose Congressional remarks on May 28 and June 3, 1970 invite serious reflection and responsible review regarding the importance of Greece not only to NATO but to our own self-interest as well.

Congressman Sikes states: ". . . we in this country should exercise restraint in criticizing the Greeks for the way they are running their country. We do not have Communist neighbors, we are not a target for Communist penetration, at least from across our borders . . . When we consider the importance of the strategic position that Greece occupies on the southern front of the Allied Command Europe this selective suspension in the shipment of essential equipment simply makes no sense. . . . If we do not regularize our relationship to Greece in the matter of furnishing military aid and assistance we may well find ourselves in very serious trouble in the Middle East. . . . I think we should view the Greeks for what they really are: a stalwart ally and a very necessary friend in one of the most dangerous and explosive parts of the world today. And we should implement this feeling and attitude in a tangible way by providing the Greeks the means to perform the mission that we—and NATO—have assigned to them."

And from Congressman Rivers: ". . . we should recognize these people as our friends. American tourists returning from Greece have nothing but laudatory comments regarding the order and safety that reigns in the cities throughout the country. It behooves us to take note of this when it is not even safe in these United States to walk the streets of our large metropolitan cities at night. Turning to the military-politico aspects for a moment, Greece occupies a very important strategic position on the southern front of Allied Command Europe. Since joining NATO, Greece has been a stalwart NATO member and has devoted great effort and has contributed her armed forces in the fulfillment of NATO's objective of maintaining a credible military posture against further Communist aggression thus insuring the preservation of peace and security in the area of NATO's Allied Forces, Southern Europe." And referring to the Greek armed forces: ". . . their reliability, their strong anti-Communist attitude and their proven support of their commitment to NATO's objectives make it highly desirable that the United States continue to provide modern arms and equipment to Greece . . ."

Finally, Congressman Wilson comments: ". . . The national self interest of the United States clearly dictates that we should accept our friends and allies where we find them. And when we take a hard pragmatic look at our country in relationship to today's world

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we find Greece among our staunchest and most important friends. . . ."

In light of the above facts, I feel that the President should not only take a hard look but decisive and timely action to renew military sales to Greece. Otherwise this vigorously anti-Communist ally of ours, one of the very few whose position we really know, will be forced to turn elsewhere to buy the necessary equipment to protect themselves against the very threat which so seriously threatens us and upon which our whole foreign policy is based. Let us not be dodderingly indecisive and too late with Greece as we have so blunderingly displayed to our South American friends by providing the French with a fertile field for the sale of Mirage aircraft. On the contrary, let's be sensibly practical. Greece is eager to stimulate international business and renewal of military sales will be a refreshing breath of vitality to our economy.

DONALD C. MORENCY,
A Responsible and Concerned Citizen.

If we really believe in NATO and the purpose for which it exists, we ought to recognize our time allies, such as Greece, and to resume military sales to this country whose value to us strategically, economically, and politically is without question.

WASHINGTON ORDERED NOT TO CROSS THE DELAWARE

HON. RICHARD L. ROUDEBUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 1970

Mr. ROUDEBUSH. Mr. Speaker, the following article is from the Indianapolis News. It is a tongue-in-cheek piece on what would have happened if the Continental Congress would have tried to put controls on Gen. George Washington during the Revolutionary War.

This is an excellent article and I recommend that all Members of Congress read it:

ESCALATION FEARED: WASHINGTON ORDERED NOT TO CROSS THE DELAWARE

(NOTE.—The following letter from the Continental Congress to Gen. Washington was recently discovered by the research staff of the Stephen Decatur Society.)

DECEMBER 12, 1776.

DEAR GENERAL WASHINGTON: Word has been received by the Continental Congress which has caused grave concern. We are informed that you are planning an expansion of the conflict into New Jersey. Rumor has it that you intend to cross the Delaware River and attack the enemy at Trenton.

You are advised that Congress has passed a resolution forbidding you from such a reckless adventure. You must be aware that a large percentage of our citizens do not favor your military approach to this war. Furthermore, you have already announced a major withdrawal of combat troops since the enlistment of about three-fourths of your 6,000 troops expires on Dec. 31. It seems highly unreasonable to expect these troops to reenter New Jersey less than 10 days prior to expiration of their enlistments.

It is the sentiment of the Congress that your pitiable supplies should be preserved and not expended on a maneuver of such debatable value. What can you possibly hope to accomplish? The British command the seas and will have no difficulty resupplying what little military equipment you may be able to destroy or capture.

We must also advise that should you disobey this command and attack Trenton, that all further monies and supplies will be stopped immediately. While we regret the inconvenience this may cause to your army, we feel that control of the purse strings is the only effective tool which we have to force you to limit your ambitious programs.

We are further shocked that you should anticipate launching a surprise attack on Christmas Eve. This is traditionally a festive occasion on which it may be reasonably anticipated the British Army is not expecting to engage in combat. Perhaps, this situation might be slightly altered if you had received a formal invitation from the duly constituted government of the colony of New Jersey to engage in such conduct. But we find nothing in the files of the Continental Congress's Committee on Foreign Affairs to indicate such an invitation.

We understand you have promised to leave New Jersey immediately following the Trenton operation. But how can we believe you. You have 4,500 militiamen who expect to be discharged on Dec. 31. What assurance do we have that you will not keep them in Trenton under some pretext of military necessity? How can we trust you. We relied on your leadership at Long Island, Throg's Neck, Pelham and White Plains and each time you lost. Now you say that this sneak attack on Trenton is not only militarily sound but might be the turning point in the war.

Finally, your proposed attack will only harden the attitude of King George III. Although we admit that for 10 years negotiations with King George have had no success beyond agreement on the shape of the conference table, still we must persist in seeking a political settlement. He may become even more intransigent when word of your affront reaches London.

After all, we really have no vital interest to protect in New Jersey. The Revolution can be won without New Jersey. Maybe you can win this war by catching Gen. Cornwallis at Yorktown in Virginia. Although this is admittedly speculation, under such a circumstance we could get along without re-taking New Jersey.

In summary, Gen. Washington, you are hereby ordered to keep your troops on the Pennsylvania side of the Delaware until the Continental Congress's Foreign Affairs Committee decides to let you cross and, oh yes, be sure to have the Revolution terminated no later than Dec. 31, 1777.

I KNOW THIS WAR

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 1970

Mr. WALDIE. Mr. Speaker, of all the letters I have received on the subject of the war in Indochina, perhaps the most moving and persuasive letter was sent to me by a veteran of that war who served two tours of combat duty there.

He describes the war as it is being fought there and as it is being fought in our own Nation.

I would urge all my colleagues to read this letter from a man who knows that war:

Hon. JEROME R. WALDIE,
House Office Building,
Washington, D.C.

DEAR MR. WALDIE: Five weeks ago, I returned from Vietnam where I served two combat tours—the first tour as a paratrooper with the 101st Airborne Division; the second as a sergeant with the 5th Special Forces. I was hospitalized for three months as a result of wounds inflicted by Viet Cong machine gunfire when my company was overrun and decimated. I know this war. I know the mud, the heat and the rain; I know the jungle nights, the dreariness and the terror. I have seen the mountains and the valleys, the cities and the villages—on foot, from trucks and jeeps; and from helicopters and airplanes. I have talked with the people, and have shared meals with them in their homes. I have seen bodies stacked like lumber, and bomb craters big enough to hold a house. I have heard my buddies shriek with pain, and have heard the loud silence when the shrieks stopped. Forgive me if I seem melodramatic, but I do not take any of this lightly.

Although I am of college age and plan to return to the academic world this Fall, I am not a shouter. I have never carried a placard, and probably never will. I believe that a representative democracy can and will work if enough concerned and honest citizens make it do so. Consider this letter to be my placard, then, and read it thusly: Please, please, please make every possible effort to end this war immediately!

I will not belabor you with the history of the Indochinese conflict—I know that you are well versed in it. I would, however, like to advance one argument: Let us put aside the fact that North and South Vietnam have for centuries been one ethnic and geographic entity. Let us put aside the fact that the majority of Vietnamese peasants (the bulk of the population) either do not care who governs them, or actually support the Viet Cong in either an active or a passive role. Let us put aside the fact that the V.C. guerrilla and the NVA soldier consider themselves supreme patriots, being Vietnamese first, and Communists second; and that they see *us* as an occupying force in *their* country. Let us put aside the fact that the Thieu regime is a venal, self-aggrandizing charade which at every turn violates the principles for which it purports to stand; and let us also put aside the fact that we cannot possibly win a military victory without recourse to full mobilization, the use of tactical nuclear weaponry and an unacceptable level of saturation bombing. Let us instead consider what we have done in S.E. Asia from a narrowly chauvinistic viewpoint. Have we hurt our own country more by waging this war than if we had not waged it? Even a peripheral knowledge of what is at this very moment occurring on our nation's campuses, to our economy, our world prestige and our national morale leaves one with no other answer but "Yes!". Will we damage our country's interests still further if we widen the war or continue with our current plan of gradual disengagement? The answer again is "Yes!".

Everywhere I look in my country I see angry faces. Everywhere I listen I hear angry voices. Our government *must* demonstrate that it is responsible to the will of the people, for I see violence looming that all of the police and National Guard units in the nation will be hard put to contain.

Please consider what I have said. If you feel as I do, you can count on the continued support of myself and millions like me. If you do not, won't you reflect on why you maintain the position that you do?

Thank you for your kind attention. In spite of everything, I have unending hopes for the future.

Sincerely,
STEPHEN F. MCPHERSON.

TRIBUTE TO HARVEY L. CHAPMAN

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 1970

Mr. ANDERSON of California. Mr. Speaker, on June 18, 1970, the officials

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and citizens of Gardena, Calif., are honoring Mr. Harvey L. Chapman who is retiring as city councilman after many years of service to the city. I wish to take this opportunity to commend him for his public service and to share with my colleagues the outstanding merits of Harvey Chapman.

Harvey was born in Louisville, Ky., and came to Gardena with his wife, Mary Ann, in December of 1944 while he was still in the Army. He served as a bombadier-navigator in the Army Air Corps during World War II. Upon his discharge, he began a real estate business, located at 14595 South Western Avenue. Because of the success and growth of the business, quarters were moved in 1957 to its present location at 15420 South Crenshaw Boulevard.

For his outstanding accomplishments in business, he was presented with an honorary membership in the Gardena Board of Realtors at an annual Realtor's Week luncheon.

The city of Gardena in May of 1965, honored Mr. Chapman with a testimonial dinner as "the outstanding citizen of Gardena." The scroll of commendation read, in part: "the Honorable Harvey Lorn Chapman is known and recognized as a prominent and popular official, realtor, and citizen of this community." The presentation noted "his invaluable donation of time, self, and effort toward the overall betterment of the city of Gardena."

In 1954, Harvey Chapman was elected to a 4-year term as city councilman, a position in which he has served until this year when he chose not to run. These 16 years of continuous service as an elected city official made him the senior member of the Gardena City Council in length of service. He served as mayor of the city from April of 1961 to April of 1962. Among the accomplishments in which Mr. Chapman played a major part was the acquisition of county land for Freeman and Rowley Parks.

He maintains an active concern in many organizations such as the Knights of Columbus, the Young Man's Institute, and the Professional Golfers' Association. As an active member of the Gardena Valley Kiwanis Club, Councilman Chapman was one of the founders of the annual Gardena Valley Kiwanis Open Golf Tournament. He is an outstanding and well-known golfer, having played professional golf in his State of birth, Kentucky. Since the tournament's inauguration in 1954, the event has brought nationwide recognition to Gardena and has raised several thousands of dollars for use by the Kiwanis Club in support of various civic projects.

In working diligently for the welfare and betterment of the city of Gardena, and because of his interest in sports and the youth of the area, Harvey Chapman has constantly recognized and assisted various local sports leagues and teams.

When the city of Gardena was honored by the International Nisei Businessmen's Convention in 1957, Councilman Chapman was one of the two officials selected by the city council to represent the city at the convention, which was held in Tokyo, Japan.

In addition to his duties as councilman, Mr. Chapman was active in representing the city council and the city of Gardena as delegate to the Inter-City Councilmen's Committee. Furthermore, he was chairman of the annexation committee, and alternate delegate to the West Basin Water Association; County Sanitation District No. 5; the Greater Los Angeles Intergovernmental Cooperation Committee; and the Administrative Committee.

Mr. Speaker, very few men display the unselfish devotion and personal, purposeful interest in the development and welfare of a community such as Harvey Chapman has exhibited during his affiliation with the city of Gardena. I ask my colleagues to join with me and with the citizens of that great city in honoring Harvey L. Chapman for his exceptional contributions.

HON. JOHN W. McCORMACK

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1970

Mr. NICHOLS. Mr. Speaker, it was with much sorrow yesterday that I learned of your decision to leave this body at the close of this session of Congress. I know that this must have been a difficult decision for you because, in the brief time I have been privileged to serve, I know of the deep love and admiration that you hold for this House of Congress and for those Members who have served under your able leadership. At the same time I can well understand your wishes to be with Mrs. McCormack in this time of poor health, and I shall accept your decision, knowing that you have made this choice after extensive deliberation and through your daily petitions for divine guidance.

Mr. Speaker, others more eloquent than I shall present in the body of this RECORD, in a more eloquent manner, the respect which all of us hold for our beloved Speaker. You have indeed served our great country in a very fine way and history will bear out your brilliant record, spanning across these four decades in service to your country. There are so many highlights in your career that it would be difficult to point to any one of them, but I shall always remember your admonition to those of us who have the awesome responsibility of providing an adequate defense for America, and these words are indelibly stamped on my mind, "If I should err, I prefer to err on the side of strength" and in these troubled times your counsel should be heeded by all future Congresses.

I am sure that I express the wishes of every Member of this body when I extend the wishes expressed in those lines of that great Irish poet who wrote:

May the road rise to meet you,
May the wind be always at your back,
May the sun shine warm upon your face,
  the rains fall soft upon your fields,
  and until we meet again—
May God hold you in the palm of His hand.

LORTON INMATES' ANGUISH DEPICTED

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 1970

Mr. SCOTT. Mr. Speaker, in yesterday's Star, there was a news account illustrating the continued poor administration of the Lorton Correctional Institution.

The item discussed a visit by entertainers to Lorton arranged by one of the prisoners. These people performing before the inmates sang songs containing such phrases as "I wish I knew how it feels to be free" and "Knock down these walls and set me free." In one scene, they improvised a theme of sadism as they depicted an inmate tortured by a prison guard. In another, they acted out the flight of a revolutionary to Algeria and sang songs of struggle, or trying times and hope for release.

Now, Mr. Speaker, it would seem that at a penal institution, an effort should be made to rehabilitate prisoners and to keep them as content as possible under their circumstances. A drama group such as this, depicting a scene of sadism on behalf of correctional officers, can only bring about discontent and could trigger another series of riots as occurred recently at Lorton. This is poor administration and still another reason why these correctional institutions should be removed from the present management and transferred to the U.S. Bureau of Prisons as provided in the House version of the District of Columbia crime bill.

The entire article is set forth below:

ARENA STAGE VISIT: LORTON INMATES' ANGUISH DEPICTED

(By Gus Constantine)

"I wish I knew how it feels to be free."

As she sang these words, Louise Robinson of Arena's Stage's improvisation touring company moved through a tangle of some 20 Lorton Reformatory inmates locked into frozen poses to express their feelings about life in prison.

The tension of the "statue" they had formed to portray this feeling showed in the flexed muscles, protruding veins and rigid arms pointing upward, forward or in defiance. Louise caressed their faces, then hugged them.

". . . To be young, gifted and black," she sang on. Even the Lorton guards turned away affected by the combination of anguish mixed with tenderness which they were witnessing. It was theater but no one was acting.

Arena's Living Stage 70, which works in the inner city to stimulate creativity through theatrical participation by the audience, visited Lorton for two hours yesterday.

"The idea is to come in contact with a person's creativity, to understand how he feels, Bob Alexander, director of the Living Stage program said.

CONVICT ARRANGED VISIT

The visit was arranged by Lorton inmate Rhozier (Roach) Brown, who has set up his own drama group, which he calls "Inner Voices," at the reformatory.

Even before the performance began, the three actors and three actresses began to identify with the frustrations of prison life. Someone had forgotten to notify the watchtowers that they were coming. They were shuffled to three different gates before being admitted.

So they sat down on the grass outside, beat on guitars, sticks and cowbells and sang, "Knock down these walls and set me free."

Inside, the theater group's identification with the men it was trying to involve was virtually total. In another context, the material improvised might have evolved into humor, a lighter mood at least.

At Lorton, the dominant feeling of the troupe was compassion for the fate of the inmates.

TORTURE BY GUARD DEPICTED

In one scene, they improvised a theme of sadism as they depicted an inmate tortured by a prison guard. In another they acted out the flight of a revolutionary to Algeria. They sang songs of struggle, of trying times, of hoped-for release.

Living Stage puts a premium on total participation by the audience and several times one guard on duty seemed unwittingly to be lending a hand to tell prison life like it is.

For example, one inmate who had not submitted his name for permission to watch the show strolled in and was immediately ushered out. At another time, when some inmates slipped behind a screen, the guard walked across the "stage," actually the floor of a Lorton school conference room, to see what they were doing.

ANOTHER STEP IN THE PROMOTION OF PATRIOTISM AND RESPECT FOR THE AMERICAN FLAG

HON. E. Y. BERRY

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 1970

Mr. BERRY. Mr. Speaker, the Rapid City, S. Dak., Shrine Club has taken another step in the promotion of patriotism and respect for the American flag. The Shrine Club has passed a resolution urging every member to fly the American flag every day between Memorial Day and Labor Day, and have asked all Americans to join in this activity.

Mr. Speaker, I include the resolution in the CONGRESSIONAL RECORD as follows:

ANOTHER STEP IN THE PROMOTION OF PATRIOTISM AND RESPECT FOR THE AMERICAN FLAG

Whereas: We are a nation governed by a democratic Constitution; and

Whereas: Under said Constitution we have the right of free choice in the election of our government, and

Whereas: Under said Constitution we are granted many freedoms; such as, freedom of speech, assemblage, press, regardless of race or creed, etc., and

Whereas: Because of these freedoms, we can freely express our opinions, whether disagreement or agreement.

Therefore: Be It Resolved That, to demonstrate, that regardless of our differences, we remain one nation of Americans dedicated to the principles of freedom and the actions of a free people, we will take the following action:

1. To fly our American Flag everyday from Decoration Day through Labor Day.
2. That we call on all Americans to join us in this expression.

On May 25, 1970, at the regular meeting of the Rapid City Shrine Club and Executive Committee, at the suggestion of Nobel John L. DiSanto, a motion was made by Noble Glenn Best and seconded by many Nobles, to pass a resolution to fly our American Flag each day from Decoration Day until Labor Day as a demonstration of our patriotism to our country by all Shriners of the Rapid City Shrine Club of Rapid City, South Dakota.

A second motion was made by Nobel John L. DiSanto and seconded by Nobel James C. Quinn to urge all Service Clubs, other organizations, and all citizens to participate in the resolution adopted by the Rapid City Shrine Club.

GEORGE E. O'HALLORAN,
President, Rapid City Shrine Club.
FLOYD L. HAUSER,
Secretary.

TRIBUTE TO ROBERT J. MYERS

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 1970

Mr. BROYHILL of Virginia. Mr. Speaker, I was greatly saddened to learn of the resignation of Robert J. Myers, Chief Actuary of the Social Security Administration. His letter of resignation, which I am including in the RECORD at the end of my remarks along with a brief biographical sketch, was accepted by Department of Health, Education, and Welfare Secretary Robert Finch on May 25.

Bob Myers has served with unparalleled distinction throughout the 35-year history of our social security program. His dedication, integrity, and quiet competence during this long period are greater testimony to the character and professional ability of this distinguished civil servant than I can provide. His assistance to the Ways and Means Committee during the years in connection with social security legislation was highly regarded by Members of both sides of the aisle.

Bob began his service with the social security program as a staff assistant on the original Committee of Economic Security which recommended the social security program during the mid-1930's. Since 1947, he has been Chief Actuary for the Social Security Administration.

Along with these responsibilities, he has provided technical assistance to many foreign countries over a long period of time, and provided assistance to pension programs of various church organizations. Recently, he expressed his sympathy for the sacrifice that other Americans are making in South Vietnam by serving in that country for a period of time to assist them in developing a social insurance system.

Bob's professional distinctions are numerous. He is a fellow and past vice president of the American Society of Actuaries, and a member and past vice president of the American Academy of Actuaries. He is vice chairman of the Committee on Social Security Actuaries of the International Social Security Association.

On the basis of his broad experience and careful study of social security programs, Bob has authored two books that are widely used by students and scholars of our social insurance system: "Social Insurance and Allied Government Programs," published by Richard D. Irwin, Inc., in 1965, and "Medicare," published by Richard D. Irwin, Inc., in 1970.

Bob's knowledge, sound judgment, and long experience will be sorely missed by the Department of Health, Education, and Welfare. He is one of the most outstanding civil servants that Department has ever had. In recognition of this, he has been awarded the Distinguished Service Award of the Department of Health, Education, and Welfare, and the Career Service Award of the National Civil Service League. It is extremely unfortunate that the leadership in the Department of Health, Education, and Welfare has been unable to retain the services of this outstanding individual.

The letter and biography follow:

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
SOCIAL SECURITY ADMINISTRATION,
Washington, D.C., April 14, 1970.

Hon. ROBERT H. FINCH,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: It is with the utmost regret that I am constrained to submit my resignation as Chief Actuary of the Social Security Administration.

I am deeply concerned about the welfare of the Nation, and I wish to serve the Nixon Administration and the Congress to the best of my ability. I believe that I can best serve these causes by remaining in my present position until the President signs the Social Security bill which will result from the pending Congressional deliberations. Therefore, I have not set a definite date for my resignation. If you believe that my continued presence is not in the best interests of the Department, I will be glad to make my resignation effective at any earlier date. I would appreciate your informing me as to your views on this matter.

I wish to make it clear that my resignation is by no means related to my views on the pending Social Security legislation. In fact, the situation is quite the opposite. I strongly believe that the President's proposal is an excellent one, including its sound financing. It is certainly the most progressive, forward step taken in the Social Security field in many years.

I believe that the President's proposal very well conforms with, and implements, the moderate philosophy of Social Security. It is a progressive, forward step that would prevent future over-expansion of the program, which would destroy private efforts in the economic security field and thus lead to serious consequences insofar as our national economy is concerned.

I should also add that now—as at all previous times during my 35 years of actuarial service with the Social Security program—no one has made any attempt whatsoever to influence or sway the technical actuarial cost estimates for the existing program or any proposed changes therein.

The question might well be raised as to why I believe, in all conscience and integrity, that I must resign. I have previously talked with you about my strong personal beliefs and have given you much supporting factual evidence to substantiate my views—namely, that certain of the top policy-making officials of the Social Security Administration (who are holdovers from the Johnson Administration) have strong beliefs in the desirability—even the necessity—of the public sector taking over virtually all economic security provisions for the entire population and thus eliminating private efforts in this area. It seems to me that this viewpoint is completely alien to that of the Nixon Administration.

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Further, and equally important, it is my deeply-held conviction, as I have expressed to you a number of times in the past, that these officials of the Social Security Administration have not—and will not—faithfully and vigorously serve the Nixon Administration. Rather, they will exert their efforts to expand the Social Security program as much as possible by aiding and supporting any individuals and organizations that are of this expansionist conviction. Such anachronistic actions took place extensively during the Eisenhower Administration—against its political views. Such working at cross purposes with the Nixon Administration has occurred in the past year, and is still occurring, although to a somewhat limited extent so far. I have brought to your attention, on several occasions, the fact that the Social Security Administration is excessively wasteful by spending far too much time and money in performing research, conducting program planning, and collecting statistics in a manner that is not only nonproductive of sufficient worthwhile results, but also inimical to what I understand to be the philosophy and goals of the Nixon Administration.

Undoubtedly, there will be those who will say that I am taking this action solely or largely because I seek enhanced personal recognition. This is not the case. There is no position of any type that I would rather serve in than my present one, and I am not happy to have to leave it.

Evidently, no credence is placed in what I have related to you personally or in other evidence that I have furnished you on this matter, which has such an important effect on the future of the Social Security program. Therefore, I must, in good conscience and personal integrity, resign. It is especially dismaying to me to have to take this action, because I had hoped to serve the Nixon Administration not only with competence and integrity—as I had tried to serve all previous Administrations—but also with great enthusiasm, since I strongly believe in its philosophy and goals.

ROBERT J. MYERS, F.S.A.,
Chief Actuary.

BRIEF PROFESSIONAL BIOGRAPHICAL DATA ON ROBERT J. MYERS

Degrees: B.S. in Engineering Physics, Lehigh University, 1933. M.S. in Actuarial Mathematics, University of Iowa, 1934, LL.D., Muhlenberg College, 1964.

Professional experience: Various actuarial positions with U.S. Social Security Administration since 1934; Chief Actuary since 1947. Actuarial consultant to various Congressional Committees and to Federal Judiciary.

Missions of technical assistance in connection with Social Security or pension programs in Bermuda, Bolivia, Colombia, Cyprus, Greece, Honduras, Iran, Israel, Japan, Jordan, Liberia, New Caledonia, Nicaragua, Panama, Peru, Puerto Rico, Saudi Arabia, Trust Territory of the Pacific Islands, Venezuela, Viet-Nam (South), and West Germany.

Missions to study Social Security systems of Ceylon, England, Greece, Lebanon, New Zealand, Philippines, Soviet Union, Sweden, Turkey, and United Arab Republic.

Professional relations with international organizations: Committee of Social Security Experts, International Labor Office.

Vice-Chairman, Committee of Social Security Actuaries, International Social Security Association (Chairman, American Regional Committee of Social Security Actuaries).

Pension Review Group, United Nations (1958–60).

Committee of Actuaries, UN Joint Staff Pension Fund.

President, Int. Fisheries Commissions Pension Society.

Actuarial Consultant, Organization of American States.

Professional relations with other organizations: Board of Pensions, Lutheran Church of America (1956–68).

Pensions Committee, National Council of Churches.

Board of Trustees, Group Health Association (1962–65).

Professional societies: Fellow, Society of Actuaries (Vice President, 1968–70).

Fellow, Casualty Actuarial Society.

Fellow, Conference of Actuaries in Public Practice.

Member, American Academy of Actuaries (Vice President, 1969–71).

Fellow, American Statistical Association.

Fellow, American Association for the Advancement of Science.

Fellow, Royal Statistical Society (England).

Corresponding Member, Spanish Institute of Actuaries.

Corresponding Member, French Institute of Actuaries.

Associate, Institute of Actuaries (England).

Member, International Union for Scientific Study of Population.

Member, International Actuarial Association (member of Council).

President, Inter-American Association of Social Security Actuaries.

Population Association of America (1st Vice President, 1962).

Professional awards: Distinguished Service Award, Dept. of Health, Education, and Welfare.

Career Service Award, National Civil Service League.

Publication of books: "Social Insurance and Allied Government Programs", Richard D. Irwin, Inc., 1965.

"Medicare", Richard D. Irwin, Inc., 1970.

Military service: Captain, Army of the United States, 1943–45 (Medical Statistics Division, Office of Surgeon General.

BALTIMORE ARMY SERGEANT KILLED IN VIETNAM FIGHTING

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1970

Mr. LONG of Maryland. Mr. Speaker, Sgt. William H. Shaller, a courageous young man from Maryland, was killed recently in Vietnam. I should like to honor his memory by including the following article in the RECORD:

BALTIMORE ARMY SERGEANT KILLED IN VIETNAM FIGHTING

Sgt. William H. Shaller, son of Mr. and Mrs. Lawrence E. Carroll, Jr., 9924 Harford road, was killed recently in Vietnam.

After non-commissioned officer and armor training schools, Sergeant Shaller was assigned to Vietnam last August.

"He was very proud to be in the Army and proud to be a soldier," said Mrs. Carroll of her son.

Sergeant Shaller was killed May 5 near the Demilitarized Zone while serving as a vehicle commander with C Company, 17th Armour Brigade, 5th Infantry Division (Mechanized).

He is survived by his mother and stepfather; a brother, Lawrence E. Carroll 3d, and four sisters, Mrs. Pamela Landon, Mrs. Barbara Wiedfield, Cheryl Lee Carroll and Karen Kaye Carroll, all of Baltimore.

CONSUMERISM AND THE UCCC

HON. ROBERT V. DENNEY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 1970

Mr. DENNEY. Mr. Speaker, the January 30, 1969, CONGRESSIONAL RECORD carried the text of the Honorable George Brunn's remarks before the Consumer Assembly 69 held in Washington, D.C., on that same date. Judge Brunn, of the municipal court for Berkeley, Calif., had written a strong attack on specific provisions of the proposed model State law drafted by the National Conference of Commissioners of Uniform State Laws. As Judge Brunn's views were worth reading and as I feel that all sides should be heard, I am placing in the RECORD an article appearing in the April 1970 issue of the Business Lawyer, by Paul R. Moo, a member of the Indiana bar.

Text of article by Paul R. Moo of South Bend, Ind., as it appeared in the April 1970 issue of the Business Lawyer, volume 25, No. 3, follows:

CONSUMERISM AND THE UCCC

(By Paul R. Moo*)

The Uniform Consumer Credit Code is of vital interest to all consumers who purchase goods and services on credit or who borrow money to pay hospital and medical expenses or other bills, to repair or modernize their homes, to educate their children or for other consumer purposes. Particularly since World War II we have experienced a phenomenal expansion and growth in the use of credit by consumers. The most recent statistics which I have seen indicate that we have over 120 billion dollars in consumer credit outstanding in the United States at the present time. Concurrently with this expansion and growth in the amount of consumer credit, and certainly contributing to its growth, has been a multiplication of the types of credit available to the consumer and the organizations by which it is made available.

The Federal Consumer Credit Protection Act, parts of which became effective July 1, 1969, is limited in its consumer protection features to requiring credit disclosure information and restricting the amount of a consumer's earnings which can be subjected to payment of the consumer's debts after July 1, 1970 by court proceedings. The Code not only contains all the Federal consumer protection features but undertakes to control, regulate and prescribe the rules of law applicable to all phases of all consumer credit transactions. The draftsmen of the Code have endeavored to take a balanced point of view recognizing that for the benefit of both consumers and businessmen the basic structure of the Code and its regulatory provisions must continue to encourage sellers and lenders to make available adequate amounts of credit while protecting both consumers and legitimate businesses from the predatory practices of a few cheats and gougers.

Notwithstanding the time and effort devoted by the distinguished group of unpaid, State appointed Commissioners who have drafted the proposed Code and notwithstanding its endorsement by recognized authorities with an admitted bias in favor of the consumer, a small but vocal minority of self-appointed consumer activists is jeopardizing the chances for adoption of the Code in a

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*Member of the Indiana Bar.

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number of States. This vocal minority, which contributed nothing by way of funds or effort to the drafting of the Code, and most of whom did not even bother to appear at any of the public hearings or make their points of view known during the drafting process, are now screeching that the Code (which goes far beyond the Federal Consumer Credit Protection Act of 1968) is not fair to consumers. Most, if not all, of their objections to the language and policies of the Code, were, in fact, considered during the drafting process and were either knowingly rejected or are covered by the Code as it presently exists.

One of the most unfair and intemperate condemnations of the Code and its sponsors has been made by a Berkeley, California, City Judge in a speech early in 1969 before a consumer group, which speech was reprinted in the Congressional Record, inserted in the record of a Congressional hearing and the substance of which he has recently repeated to the California Legislative Study Commission. While experience and service as a City Court Judge would not seem to provide the officeholder with impressive credentials as a consumer credit expert, the mere fact that the individual holds a judicial office, albeit that of City Judge, gives the attack a certain aura of independence and respectability.

The Code is called unintelligible, unfair, a means of permitting pernicious practices, a very bad Code, worse in many respects than many existing laws and better than very few. Such castigation and language does not have a very judicial ring.

The drafters of the Code are caustically referred to as a finance industry dominated Special Committee of the National Commissioners on Uniform Laws. Nothing could be further from the truth. Of the dozen members and ex-officio members of the Special Committee of the Conference responsible for presenting the Code for approval to the entire body of National Commissioners, only two members had any significant finance industry background or contacts. A numerical majority of the members of the Special Committee were Deans or Professors of Law. One of the nation's largest consumer finance companies, for reasons of its own, actively opposed the approval of the Code by the Conference, its acceptance and endorsement by the House of Delegates of the American Bar Association, the passage of the Code in Utah and is lobbying against the Code in all States. Evidence of the objectivity and fair balance of the Code is best supplied by the fact that while the Code was under consideration for endorsement and approval by the House of Delegates or the American Bar Association, those lobbying against its approval were certain national representatives of the American Bankers Association, spokesmen for the consumer finance company referred to above, and a group of OEO–Legal Aid attorneys in the Philadelphia area.

The attack by the Berkeley, California, City Judge not only impugns and castigates the non-partisan, highly qualified State Commissioners who devoted many hours and weekends to the study and drafting project as a public service, without compensation of any kind, but also reflects discredit upon those who have endorsed the Code and those recognized consumer spokesmen who, as members of the Advisory Committee, donated their expertise, time and effort in helping to shape and form the Code.

The Code is called one of the most technical and most difficult to understand pieces of legislation that this municipal judge has ever seen. Apparently, he has never had occasion to read or try to understand the Internal Revenue Code or other really technical statutes. To substantiate the charge of unintelligibility, reference is made to one of the subsections of the section of the Code dealing with prepayment rebates to the customer when the credit obligation is paid prior to maturity. This particular subsection is undoubtedly the most technical provision of the Code. What is not said, or perhaps not understood, is that the purpose of this subsection is to permit and encourage creditors to continue to accommodate consumers who buy goods or borrow money on any day of the week or month but want to schedule their payments on the days of the month most convenient to the consumer for paying his bills. Anyone who thinks about it for a moment would realize that consumers want to have their payments fall due on the most convenient day of the month to them regardless of the date on which they enter into the consumer credit transaction. Certainly the prepayment subsection is "technical" in nature but probably no more so than § 1808.5 of the California Unruh Act fixing the maximum service charge on a consolidated time balance contract or many other provisions of existing statutes.

Furthermore, this critic fails to point out that when the Code is adopted in California and in other States at least the lawyer and his client will know what law determines the client's rights and duties. The lawyer will search the Code for the answer rather than being faced with the question of whether the consumer's rights, in California, for example, are governed by the Small Loan Law, the Personal Property Broker's Act, the Industrial Loan Statute, the Unruh Act, the Rees-Levering Act, or by some provision in the Corporations Code, the Insurance Code, the Financial Code, the Civil Code, or the Penal Code. In describing "present law," Judge Brunn does not himself seem to recognize that California has several separate laws with substantially different provisions. Legislators, lawyers and most judges certainly recognize, as do laymen, that statutes in any area of the law are not and cannot be written in such a manner as to be completely intelligible and understood by the average layman.

The Code is also attacked as being unfair and is criticized for not achieving a fair balance between the rights of the public and the rights of the credit industry. This charge is substantiated by reference to three provisions. First, says the California City Judge, the Code lets the seller collect attorney's fees up to 15% when he sues and wins but gives no such rights to the consumer if he wins. This is not only somewhat less than fair, he says, but runs counter to many existing consumer credit laws.

At each point in the Code in which the subject of permitted attorney's fees is considered, the sponsors of the Code deliberately provided alternative provisions for the States to select. The tradition and history of many States is to permit the recovery of attorney's fees if included in the note or contract but a few States have just as strong a tradition against permitting the creditor to collect any attorney's fees. The sponsors of the Code, therefore, leave that choice to the States. For those States which wish to continue their policy of permitting the recovery of attorney's fees, the Code provides that the contract with the consumer may require payment of such fees only after referral for collection to an attorney not a salaried employee of the creditor and then only up to an amount not exceeding 15% of the unpaid balance of the debt. Attorney's fees can be collected by the creditor only when included in the contract with the consumer. Under at least two of the several present California laws, the creditor is entitled to attorney's fees without statutory limit in amount even though he did not contract for them! The provisions of the Code on attorney's fees for the debtor on the other hand do not depend upon any contract basis. To encourage private litigation to enforce the Code, it provides for the award of reasonable attorney's fees to the debtor in any case in which it is determined that the creditor has violated the Act. Only the Unruh Act and the Rees-Levering Act in California have any comparable provisions. Even those acts permit a creditor who has violated the law to avoid paying an attorney's fee to the consumer's counsel who brings the action by promptly depositing with the Court the amount which the consumer claims is due to him.

The second charge of unfairness is alleged to exist in the escalator clauses and the ceiling charges established by the Code. The theory of the Code is not to fix rates of charge but to depend upon free competition among creditors to establish the price for credit just as such competition establishes the price for a pair of shoes or a can of beans. The escalator clauses are designed to avoid the necessity of repeated legislative consideration of the maximum ceiling and other dollar amounts in the Code in a period of continuous inflation such as we have experienced almost without interruption since the end of World War II.

The ceiling rates and the escalation provisions are criticized on the assumption that all creditors will charge the maximum ceiling rates in all credit transactions. The argument runs that since in the recent past all small loan lenders have charged the maximum rate that they will continue to do so under the Code. This argument ignores completely the change in policy and philosophy represented by the Code's approach to the whole rate problem. Where competition exists today among sellers and lenders the rates charged consumers for credit are not at the maximum permitted by law. This is strikingly true in the financing of sales of automobiles which represent something in excess of 60% of all installment consumer credit outstandings.

That small loan companies or personal property broker lenders in California have virtually all charged the maximum rate is not a result of "tradition" or a result of such lenders "charging the maximum the law allows" but is the necessary result of the legislative approach to fixing rates in that area of consumer credit. The traditional approach to fixing small loan rates has been, and still is, a quasi-public utility theory of licensing people to engage as a public privilege in extending small amounts of cash credit to the consumer and in turn exacting a maximum rate structure to cover the creditor's costs and a reasonable profit, but no more. The rate fixing theory has been for the legislature to establish a rate and to require lenders periodically to return to the legislature when their costs and profits require a rate adjustment. The approach and theory of the Code is completely contrary to that concept.

The philosophy of the Code provisions is to permit and encourage competition among all kinds of credit granting institutions and to permit credit to be extended at any rate selected by the creditor up to a maximum level. The available evidence in the only area of consumer credit in which the law today permits at least limited competition, that is, the financing of automobile sales, tends to prove the validity of the Code approach. That lenders have "traditionally" charged the highest rate permitted by law proves nothing as to the future, if as suggested by the Code we change the whole basis and philosophy of rate regulation and freedom of entry of creditors into the cash loan business.

I certainly agree with the Judge that the last thing in the world the consumer finance industry (meaning the small loan lenders) want is increased rate competition but that is exactly what the Code is designed to provide. I can understand and appreciate why a consumer finance company, and some of the American Bankers Association representatives, would want to oppose the Code because of its free entry concept and the increased rate competition it will provide, but I cannot understand why a person who claims a bias in favor of consumers should join that chorus.

The final and third charge of unfairness is the allegation that many existing laws provide that if the seller or finance institution violates the law the agreement is void but the Code gives the seller loopholes if his violation is "unintentional" or "the result of a bona fide error." The Code's language for excusing violations as "the result of an accidental or bona fide error in computation" is almost verbatim the same as the California Rees-Levering Act and the Unruh Act and other existing consumer laws. As for violations, the Code follows very closely the penalties of existing statutes. The California Rees-Levering Act goes as far or further than most retail installment sales act in providing that a sales contract is void because of a violation of the law, but under that Act the contract is only unenforceable until the violation is corrected.

As a matter of fact, the Code provisions for enforcement of the law are much stronger than any existing statutes. The Administrator is authorized to issue cease and desist orders against any creditor who is engaged in violations of the Act, whether willful or not, and the Administrator may enjoin anyone from violating the Act and if a creditor has made excess charges in deliberate violation or in reckless disregard of the Code, even though not willful, the Administrator may bring a civil action to order the creditor to pay to the consumers with whom he has done business a civil penalty in an amount of all finance charges or ten times the amount of the excess charges, whichever is the greater. Under the Code, the Administrator is expected to truly enforce the law rather than sit in his office shuffling papers, reviewing small loan examination reports, keeping records and annually renewing licenses and compiling statistics.

Not only are the Code remedies for violations of specific provisions equal and in most respects superior to existing remedies, but no discussion of the remedial approaches of the Code is complete without referring to the broad powers vested in the Administrator under the unconscionability sections. He may restrain creditors, or persons acting in behalf of creditors, from engaging in a course of making or enforcing unconscionable agreements, engaging in fraudulent or unconscionable conduct in inducing consumers to enter into credit transactions or engaging in fraudulent or unconscionable conduct in the collection of consumer obligations. These powers and rights for the benefit and protection of all consumers are over and beyond any violations of any of the expressed provisions contained within the Code. The Code remedies apply to all creditors, not just a few, and to all consumer credit transactions, not just small loans.

After making general charges of unfairness and unintelligibility, the Judge proceeds to a point by point comparison of some provisions of the Small Loan and the Personal Property Broker's Acts (indiscriminately mixing two separate laws) in California with the Code, and a point by point indictment of the Code provisions in the area of installment sales. This discussion, of course, ignores completely the breadth of the Code and the extension of regulatory laws to the many forms and types of consumer credit transactions which are now compeltely unregulated and adopts an argumentative position of enumerating present so-called consumer credit protection features which are not repeated verbatim in the Code.

The comparison of the Code provisions on loans, which will apply to all kinds of loan credit, most of which is not now regulated, to the provisions of the Small Loan Law or the Personal Property Broker's Act is, in itself, a basically unfair comparison. Nationally, less than 8 percent of consumer credit outstanding is held by consumer finance companies. The challenge of comparison can, however, be accepted without qualification and the charges answered simply and succinctly, seriatim:

CHARGE: Under present law, licenses of small loan companies in California can be suspended or revoked for any violation of the Act while under the Code licenses can be withdrawn only for repeated and willful violations.

ANSWER: Licensing under the Code is not a significant regulatory device. The administrator's authority to issue cease and desist orders, maintain injunctive proceedings, or obtain refund orders on behalf of all consumers are much more effective and powerful weapons than a license suspension or revocation. How many small loan or personal property broker licenses has the California Commissioner of Corporations ever revoked?

CHARGE: Present California law prevents the taking of real estate as security, the Code allows it for loans over $1,000.

ANSWER: To be valid under the Personal Property Broker's Act, a loan must be secured by personal property. Why should not a consumer who has an equity in real estate be allowed to use that equity as collateral for a loan? The Code, like the Federal Act, requires special protective notices on a real estate loan and gives the consumer an absolute right of rescission. With that protection the consumer should have the right to use any real estate he may own as security for a loan; particularly so when the pledge of that interest in land may well result in getting a lower rate of loan finance charge.

CHARGE: Present law forbids charges in addition to interest other than official fees and insurance. The Code permits delinquency charges, deferral charges and a vaguely worded loophole allows additional charges for other benefits conferred upon the debtor.

ANSWER: The California Personal Property Broker's Act (as do all other precomputation laws) permits both default and deferment charges and the Code provides, as does the present law, for interest, official fees, and limited charges for insurance. The charges for other benefits described as the "loophole" can be made only pursuant to an authorizing ruling by the Administrator. The purpose and intent of this provision is to provide for flexibility for future developments in consumer credit marketing and it is not nor was it designed to be a "loophole." The definition of charges in the Code closes several existing loopholes including the use of points in real estate loans.

CHARGE: Present law forbids the small loan company from conducting other businesses on the premises on which loans are made; the Code allows it.

ANSWER: Consistent with the attempt to increase competition among creditors and thus to benefit the consumer in keeping the price of credit as low as possible, the Code permits the making of higher rate loans in conjunction with any business (subject to licensing and supervision of the lender), unless the lender carries on the other business for the purpose of evasion or violation of the Act. With the broad powers of the Administrator, no Pandora's box is opened here.

CHARGE: Under present law the borrower cannot be required to purchase anything in connection with the loan. The Code contains no such provision.

ANSWER: The practice of selling a jackknife at a highly inflated price to get a loan of money within the maximum legal rate of interest went out of style and was penetrated and prohibited by Court decisions even prior to World War I. Clearly any such conduct would be fraudulent and unconscionable.

CHARGE: The present law provides for bonding the creditor; the Code does not.

ANSWER: Bonding a small loan lender is a hangover from the quasi-public utility approach to permitting a special class of people to make small loans of money at high rates of interest. A small loan lender does not hold any property or assets of the consumer requiring protection by a bond of the lender. Why should consumers have to indirectly pay useless bond premiums to insurance companies?

CHARGE: Present law provides for interest rates where property securing the loan is insured in favor of the lender.

ANSWER: The peculiar California provisions which at one time required a lower rate where property insurance in connection with a credit transaction contained a loss payable clause for the benefit of the personal property broker was an illogical result of a legislative rate increase compromise. That legislative horse trade was repealed in California more than two years ago.

CHARGE: Unlike present law, the Code does not prohibit loan companies from transacting business under a different name.

ANSWER: The Code requires not only loan companies but all creditors to file a notification with the Administrator specifying the name or names in which business is transacted.

CHARGE: Unlike present law, the Code does not prohibit the loan company from advertising that it is supervised by the State.

ANSWER: The Code provides for the regulation and supervision of all creditors, whether lenders or sellers, and eliminates much of the special treatment of loan companies under present law. When the Code becomes effective there would be no competitive advantage, vis-à-vis all other creditors, to advertise that a particular loan company was supervised by the State.

CHARGE: Unlike present law, there is no requirement to give the borrower a receipt for each payment.

ANSWER: Consumers of all economic strata, today, pay their obligations by checks, bank money orders, or similar instruments and the requirement for issuing a separate receipt for each payment is an unnecessary economic waste. Forty years ago when the small loan laws were being enacted, the use of checks was not very common and there was a need for such a provision.

CHARGE: Unlike present law, there is no prohibition against the use of incomplete instruments.

ANSWER: This is the so-called "blank contract" argument. The absence of this prohibition is supposed to permit lenders and sellers to fill in a blank contract form with figures different from those agreed upon with the consumer. Under the disclosure provisions of the Code, the consumer must be given, in writing, at or before the time credit is extended all of the financial details of the transaction, including the annual percentage rate of charge. This is a much more meaningful and effective method of handling the old blank contract problem. Furthermore, any creditor using blank contracts to hoodwink the consumer would be open to the full panoply of weapons at the disposal of the Administrator.

Having thoroughly castigated the loan provisions of the Code as compared with "present law," Judge Brunn then turns his attention and his attack to the field of credit sales. Here he grudgingly concedes that the proposed Code has a few good things to offer, specifically in outlawing wage assignments, prohibiting confessions of judgment, and waivers of rights, outlawing the sleazy practice of referral selling, and giving the consumer a cancellation provision on door to door sales. In his words, "So far so good but overall the Code's provisions on credit sales do not even come close to striking a reasonably fair balance between the rights of buyers and sellers. This blast is substantiated by another list of specifics.

CHARGE: The Code permits the pernicious

practice of having the customer sign a blank or imperfectly filled in sales contract.

ANSWER: This condemnation has been answered above.

CHARGE: The Code permits the seller who installs anything in the home to take real estate as security.

ANSWER: The Code permits the seller to take a security interest in land only if the debt is $1000 or more, provides a special right of recision without any cost whatsoever if the consumer changes his mind about giving a mortgage on his home, and if the sale was made by a door-to-door solicitor the cancellation rights for such transactions are also available to the consumer. Where the consumer has an equity in real estate he wishes to use to secure credit, and in view of the surrounding protections provided by the Code, there is no good reason why the consumer should not be able to use his own collateral for his own benefit. Charges by the City Judge of this character do not seem to be favorable to the consumer at all.

CHARGE: The Code does not prevent the everyday practice of side note financing.

ANSWER: The Code prohibits both sellers and lenders from using multiple agreements to obtain a higher finance charge or to avoid disclosure and this argument again completely overlooks the broad provisions of the Code against unconscionable agreements or fraudulent or unconscionable conduct.

One of the serious weaknesses of such consumer credit statutes as presently exist is the effort by the Legislatures to list and define every possible bad practice. Industry representatives vigorously opposed the unconscionable agreements and conduct section of the Code and some of them still do. A specific list of prohibited conduct in a statute enables the unscrupulous to avoid the specified harmful practices and "stay within the letter of the law." The Code approaches this problem area by specifically listing as prohibitions certain conduct but then gives to the Administrator broad authority and discretion to provide meaningful consumer protection.

CHARGE: The Code permits the deceptive practice of balloon payments.

ANSWER: The Code requires any creditor using balloon payments to extend the time and terms of payments on a basis "no less favorable" to the consumer than the original transaction. Many consumers, particularly white collar workers who receive lump sum bonuses and farmers who periodically sell crops, prefer to use a balloon payment plan to reduce the total cost of credit to them. The Code eliminates the evil of balloon payments "without throwing the baby out with the bath water."

CHARGE: In one of its alternatives, the Code allows the evil practice of taking away the buyer's rights by the simple device of the seller assigning the sales contract to a finance company.

ANSWER: Unquestionably, the proper legal approach to the problem of retaining or cutting off the buyer's rights against a financial organization which buys a contract from a seller was one of the most controversial problems covered in preparing the Code. The simplest answer, and the one contended for by Judge Brunn, is to provide that no transfer or negotiation by the seller of the sales contract with the buyer can cut off or defeat the buyer's defenses or claims against the seller. The philosophic and social justifications for this approach have been developed and set forth in a well written law review article by Professor Warren, the principal Reporter-Draftsman of the Code, and his Co-Reporter.

The difficulty in accepting this position is the impact and effect on the small businessman, who is a largely forgotten individual in our society. The large, well-financed independent dealer or chain store can and does retain its own contracts or merely transfers them to an affiliated organization. But, what of the small independent seller who must find some financial institution willing to use its funds to finance the dealer's credit sales? California in its Unruh Act, has recently taken the approach of protecting the rights of the buyer at all costs. This is certainly a permissible choice of alternatives. But, it must be recognized that it does restrict or impede the availability of funds to small businessmen to finance their credit sales. The Code adopts that position as Alternative A.

Recognizing, however, the problem of the small businessman and recognizing that many states have not reached the conclusion that the buyer should be protected at all times and at all costs, the draftsmen of the Code provide a second alternative for selection by the various states' legislatures. The second alternative attempts to give the consumer as much protection as possible without completely disrupting the availability of financing accommodations to all sellers.

Under Alternative B, a buyer's defenses can be cut off if the seller transfers his buyer's obligations to a financial institution (a) not related to the seller, (b) who acquires the contract in good faith and for value, and (c) who gives the buyer a conspicuous notice that he must notify the assignee of the contract of any claims or defenses the buyer *then* has against the seller. A transfer is not made in good faith if the financial institution knows that the seller has had substantial complaints from other buyers which he did not remedy, or from its course of dealing with the seller has notice of such a course of conduct on the part of the seller. Only if all of these tests are satisfied does the financial institution take the contract free of the buyer's defenses.

Alternatives B is a middle course which endeavors both to protect the consumer and to preserve the marketability of contracts for the smaller and generally undercapitalized businessman who must have available a method of making sales on credit to compete with the giant retailers. The Code leaves the choice of which policy a particular state follows to the legislature of each state.

CHARGE. The Code allows deficiency judgments in all sales over $1000.

ANSWER. A more accurate statement is that the Code prohibits deficiency judgments where the original cash price of the goods was $17,000 or less. The laws of most states, including California, do not now contain any such prohibition or restriction. Some people who presume to speak for all consumers want the Code to prohibit all deficiency claims. Judge Brunn, among others, argues that sellers do not get a fair price for repossessed goods and that they load the deficiency with excess charges. If that is true, then the fault lies with the Courts and the lawyers for the consumer who are not enforcing the provisions for the protection of consumers which already exist in the Uniform Commercial Code.

The draftsmen of the Consumer Credit Code recognized the evils in permitting deficiency judgments to credit jewelers, credit clothiers, and sellers of household goods who have traditionally used the threat of a deficiency judgment as a collection weapon, never intending to repossess goods which have little or no resale value. By the same token, the Code takes the position that the buyer of a new or used car or any other product with a cash price of more than $1000 should pay his own obligation and not expect other consumers to bear the costs of his default in paying for goods purchased on an installment plan. Why shouldn't the buyer of a Cadillac or a Chevrolet, new or used, be required to pay off his own obligation, if he can? If John Smith wants to buy a $3000 automobile and after a year or two stops making his payments and turns the car back to the dealer or finance company, why shouldn't he be expected to pay the difference between what the car is then worth on the market and the price he originally agreed to pay? Unless John Smith pays his obligation, then the loss sustained by the dealer or the bank or the finance company must necessarily be made up by me and all other consumers who buy on the installment plan and pay off our obligations.

The Code prohibits the use of deficiency judgments where they have been abused but protects all consumers by continuing to expect John Smith to pay his own debts and not ask all other consumers to share the burden of his debts.

CHARGE. The Code contains no meaningful protection in the hugely profitable area of selling the consumer all kinds of insurance along with what he buys or borrows.

ANSWER. The Code contains the same provisions as the Federal Act in permitting separate charges for insurance only where the consumer is given a written notice of his privilege to buy insurance from any other source or person, and in the case of credit insurance, an additional written notice that the consumer need not buy the insurance as a condition to the loan or credit sale. Going beyond the Federal Act, the Code, unlike present law, permits the creditor to sell property insurance only where the amount of the loan or sale is $300 or more and the value of the property is $300 or more. These amounts like all others in the Code are subject to the escalation provisions.

Furthermore, the Code restricts the creditor from offering insurance at a separate charge unless the insurance covers a substantial risk of loss or damage to property related to the credit transaction; the amounts, terms and conditions of the insurance are reasonable in relation to the character and value of the property insured; and the terms of the insurance are reasonable in relationship to the terms of the credit. In the case of credit insurance, the insurance may be written only for the term of the debt and the amount of the insurance must decline with the amount of the obligation, thus prohibiting the use of level term credit insurance coverages.

The rates to be charged for insurance, both for property or credit insurance, are left to the control and supervision of the State Insurance Commissioner or Department.

Some people who presume to speak for all consumers, including Judge Brunn, would outlaw credit insurance completely or at least would not permit any separate charge therefor. Whether or to what extent there have been abuses in the credit insurance area is a topic of lively current debate. Most consumers appear to want its protection. An impartial study currently being completed is expected to provide some light and some hard information on this highly emotional subject The Code generally follows present law in its insurance provisions with some additional restrictions noted above.

CHARGE: The Code does not cover pawnbrokers.

ANSWER: It does not and the choice to exclude pawnbrokers from coverage of the Consumer Credit Code was deliberate and intentional. Regulation of pawnbrokers today is primarily, if not exclusively, a police problem and the present operations of pawnbrokers are only remotely connected to the conduct of the business of consumer credit.

CHARGE: As to disclosure of interest rates, the Code alows dealers and finance companies to follow either the Code or the Federal Truth-In-Lending Law.

ANSWER: Since the provisions of the Code are not only similar but substantially identical to the Federal Act, there would not seem to be any room for consumer compaints in this respect. Judge Brunn seems to believe that the Federal Trade Commission in Washington, D.C. rather than fifty state officials can and will more effectively enforce disclosure laws on the hundreds of thousands of retailers, loan companies and sales finance companies who are doing business throughout the United States. He also asserts that: "Many state regulatory agencies are notoriously dominated by the industries they are supposed to regulate." No comment on that kind of a charge is necessary.

The position of the Code and the Commissioners on the matter of Federal vs. State regulation of disclosure requirements has apparently been deliberately distorted and then castigated.

As State officials, the Commissioners are naturally biased in favor of State vs. Federal action wherever the problem can be handled satisfactorily at the State level. The Code and the position of the Commissioners is in no way an effort or an attempt to avoid or evade the Federal Act. Not only are the provisions of the Code substantially identical in the disclosure area but the Commissioners have drafted State regulations for use under the Code which are substantially identical to Regulation "Z."

The position and philosophy of the Commissioners and the Code is that better and more effective law enforcement can be expected and generated by the Administrator of the Code, who is a state official, than by a handful of Federal employees. Any law is only as good as the enforcement it is given. Fifty State Administrators adequately financed by the fees to be paid by all creditors under the Code should certainly be expected to do a better job of enforcement than a division of a Federal Agency which itself has been severely criticized by the press, the public and recently by a Special Committee of the American Bar Association as being inept and inefficient. If Judge Brunn and other consumer spokesmen are genuinely interested in disclosure law enforcement, they should support and applaud the enactment of the Code and not continue to raise specious objections thereto.

To sum up, The Uniform Consumer Credit Code can be a significant advance for consumers and for legitimate business in revising the state of the law regulating and controlling consumer credit and the relationships between lender and borrower, and seller and credit buyer. This Code provides for the first time a unified, harmonized, and integrated approach to the legislative regulation of the consumer credit field. Lawyers representing either consumers or creditors should be able under the Code to quickly and effectively advise their clients on legal problems arising in consumer credit transactions. The Code proposes to substitute one coherent law, well balanced between the rights and even desires of consumers and the rights and wishes of creditors, for the host of separate statutes which presently exist in the consumer credit field. It significantly broadens the scope and the area of credit regulation. Hopefully, it is flexible enough to remain the basic law for governing credit relations between consumers and their sellers or lenders for the foreseeable future.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

THREE HUNDREDTH ANNIVERSARY OF DUNHAM MILL

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 1970

Mr. PATTEN. Mr. Speaker, in the decades following the discovery of America it was the practice of the nobility to award their lords with large tracts of land in the New World. In fact, the whole State of New Jersey consisted originally of two such grants.

The lords, in turn, gave smaller grants to induce settlers to take up residence in the area. One such recipient was Jonathan Dunham of Woodbridge, who 300 years ago today came to New Jersey and contracted to build the first flour mill in our area. Mr. Dunham proved to be a leader not only in business, but in community activities as well. He was often called upon to represent Woodbridge in legal and political matters.

Mr. Speaker, it is certainly a pleasure for me to commemorate this anniversary of the early development in my congressional district. I would at this time like to include in the RECORD some remarks regarding Jonathan Dunham prepared by his direct descendant, Mr. Lester R. Dunham of Clifton, N.J.

The article is as follows:

JONATHAN DUNHAM OF WOODBRIDGE, N.J.

(By Lester R. Dunham)

In 1665 New Jersey gave grants of land between Rahway and Raritan Rivers to many of the settlers in Eastern New England as an inducement for them to settle their colony. Among those who took advantage of the offer were the Dunhams.

Jonathan Dunham received a grant of 213 acres of land in Woodbridge, New Jersey as a bonus for conducting a flour mill for the benefit of the people. This mill was built by him in 1670, on the creek near the first bridge after passing the Presbyterian Church. It was the first grist mill ever erected in this part of the country. The town agreed to give Jonathan 30 pounds for the improvement and all of the sod out of the meadow he might need for daming. His toll was to be one-sixteenth and tradition gives him credit for turning out the most beautiful meal. We are assured that his toll was so light that a man who brought a bag of grain to him took back two bags of flour. This old mill stood for many years grinding for the comfort of several generations.

When Jonathan Dunham's house was built, it was the fine house par excellence in Woodbridge. The house was constructed of brick, said to have been brought from Holland by vessels sailing hither and used as ballast on the voyage. The home still stands and is the Rectory of Trinity Episcopal Church, Rahway Avenue, Woodbridge, N.J. One of the grinding stones from the mill is in evidence today, having been placed just off the circular driveway near the entrance of the Rectory.

He was one of the men of great energy in Woodbridge. When he determined upon an enterprise, he passed it forward to success with indomitable perseverence. So many of his relatives lived north of the Kirk Green, that the neighborhood was known as Dunhamtown.

On May 18, 1670 he was a member of a jury sitting at Elizabethtown, and in 1671 he officiated as foreman of another jury. He became an influential citizen possessing sufficient acquired property holdings to entitle him to honorable political distinction. In 1671 he was also appointed overseer of the highways. The following year and in 1675 he officiated as Clerk of the Township Court. His acquaintance with persons and property in Woodbridge secured him the responsible position in 1674 and again in 1694 as Assessor or Rate Maker. In July, 1674 Jonathan Dunham was appointed one of the attorneys to defend the interest of his town of Woodbridge in settling a controversy between Woodbridge and Piscataway over a disputed claim for some upland and meadow.

During 1686 and later he was one of five prominent citizens empowered by the people to prevent encroachment and trespass upon the rights of the corporation, with full authority to prosecute and punish any such offenders. Mr. Dunham was also one of the principal persons delegated to superintend laying-out and appropriating the second division of land of the Woodbridge freeholders. In 1701 he was one of a dozen of the wealthiest and most intelligent citizens chosen to procure the settlement of a suitable town minister. In 1701 he was also chosen Deputy to the General Assembly, representing the Woodbridge district.

Not only on church matters was Jonathan Dunham prominently identified, but the property owners entrusted him, with other associates, to attend to important provisions of one hundred acres of land for educational purposes.

Jonathan Dunham died about 1703 and is buried in the Trinity Episcopal Church Cemetery.

(NOTE.—Source of data: "Woodbridge and Vicinity" by Joseph W. Dally; "First Settlers of Ye Plantations of Piscataway and Woodbridge Olde East New Jersey, 1664–1714" by Orra Eugene Monnette; "Town Records of Woodbridge, New Jersey.")

ORIGINAL ESSAYS OF YOUNG AMERICANS

HON. JIM WRIGHT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 1970

Mr. WRIGHT. Mr. Speaker, this spring I conducted an essay contest among high school seniors of Tarrant County. Reading these original essays of young Americans graduating from high school this year in my district has given me great encouragement for the future, and I am submitting herewith the 14 essays selected by the judges as best among all those written in Tarrant County high schools.

It is my conviction that anyone reading these essays will gain a better comprehension of the ways in which many of our thoughtful young Americans are feeling and thinking about public issues. Moreover, I believe a careful reading of what these outstanding young people have to say will inspire many to quit worrying so frantically about the student generation and its attitudes. There has been so much publicity attendant to the frenetic and sometimes downright psychotic behavior of a small percentage of American youth that we tend sometimes to forget that the great majority are basically stable, well motivated, and firmly committed to those principles which have given this country birth and growth and progress.

The 14 essays submitted here were chosen by a panel of three judges. The judges were Dr. E. C. Barksdale, chairman of the history department for the University of Texas at Arlington, Miss Mary Crutcher, assistant city editor of the Fort Worth Press, and Eden Van Zandt, youth editor of the Fort Worth Star Telegram.

The judges knew neither the identity of the writers nor the schools which they attended. They judged solely on content and originality. They chose four winners and 10 for honorable mention. These winning student essayists, as it develops, represent 11 different high schools in Tarrant County.

The top winner, to be identified next Sunday, will be honored by a trip to Washington accompanied by his parents or other adult escort. Each of the top three runners-up will be awarded a U.S. Government bond.

Three general titles were suggested for the essay competition: "When Does Freedom of Expression Become Anarchy?" "Should the Voting Age Be Lowered to 18?" "How Can We Solve the Environment Crisis?"

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Students wrote on several variations of these basic themes, and several of the essays sparkle with refreshing originality. Whether or not one might agree with everything each of the students say, I believe everyone will find these essays interesting. I commend them to the reading of all Members of Congress.

WHEN DOES FREEDOM OF EXPRESSION BECOME ANARCHY?

(By Bob Harrell, R. L. Paschal High School)

Cloaked in a dark shroud of civil disorder and internal strife, America has come to the realization that freedom of expression must be contained within certain bounds. An excess of personal freedom can lead to anarchy; an excess of order, to autocracy. Somewhere on middle ground a fine line of distinction must be drawn.

To define the limits of freedom of expression, one must first determine the extent to which protest should be tolerated as a permissible strategy to hasten change. Obviously, protests in the form of planned demonstrations, mass rallies and distributions of propaganda pose no immediate threat to the legal and political system of the United States. On the other hand, when the dissidents resort to violence and when the law is broken, peaceful protest becomes civil disobedience, and therein lies the danger to any democratic system. While civil disobedience embodies the violation of an existing law, its degrees and motives vary. The peaceful mandates of Dr. Martin Luther King were a far cry from the revolutionary tactics of the New Left.

The direct refusal to obey the specific law that is the subject of protest has always been an essential means of testing its constitutionality. By nonviolently breaking a seemingly immoral law and peacefully submitting to the penalties commensurate with this violation, redress can then be had in a legal court proceeding. This method of reform proved quite effective for King and his followers in righting many of the wrongs endured by the Negro. Unfortunately, however, civil disobedience is not limited to protests of this type.

Often times a large scale confrontation involves the violation of a law unrelated to the one subject to protest. This type of dissent is employed to by-pass the democratic processes by coercing the government into taking immediate action on a given issue. Its widespread use may sow the seeds of turmoil; then civil disobedience becomes the genesis of disorder and violence. The most pestilent use of unmitigated civil disobedience, however, is that it affects the people of the nation as a whole. By inducing others to engage in disparate forms of civil disobedience themselves, it encourages an attitude of permissiveness toward America's legal system and apathy toward its political process.

The motive of civil disobedience, whether it be to try a law in higher courts, or to stimulate sentiment on an issue never confers immunity. There is no man above the law, and there is no man who is innocent in breaking a law, no matter how noble his purpose or how high his cause. Law violations, even for ends recognized as laudable, should be duly processed in a Court of law, for they are not only assaults on the rule of law, but subversions of the democratic process.

The freedom to express oneself freely on political and social issues has, through history, been a cherished American right. Even peaceful acts of constitutional law testing have been instrumental in making this country truly a land where "all men are created equal." Nevertheless, democracy is a fragile ideal, and the uncontrolled use of civil disobedience and violence will shatter it.

EIGHTEEN YEAR OLDS SHOULD HAVE THE RIGHT TO VOTE

(By John Gooding, Haltom High School)

The history of suffrage in America contains many glaring inequalities and injustices in who is and who is not able to vote. All except one of these injustices has been eliminated through the years. The one remaining inequality is, of course, denial to eighteen year olds of the right to vote.

Eighteen year olds may be eligible for the draft, pay taxes, and be tried as adults; but, because they have no vote, they have no say in the wars, taxes, or laws which may directly affect them. Clearly, these inequalities violate both the spirit and substance of American democracy.

Besides these obvious reasons for lowering the voting age to eighteen, there is the equally obvious reason of the improved education of our youth. In the late 1700's, when twenty-one became the accepted age for sufferage, the average child was lucky to finish elementary school. Many had no schooling at all. Today, however, the situation is dramatically different. Almost everyone finishes high school, and many go on to college. As a whole, young people today are at least as aware of what is taking place in government as their parents. The magic age of twenty-one still remains, however.

During the Middle Ages, when common law was developed, twenty-one became the age which separated maturity from adolescence. Today, hundreds of years and two moon landings later, twenty-one still remains as the voting age in forty-six of the fifty states. Only Georgia, Kentucky, Alaska, and Hawaii let persons under twenty-one vote.

Whereas the United States is lagging behind in giving the vote to eighteen year olds, other countries are rapidly granting this privilege. Such diverse and politically different countries as Guatamala, Brazil, Israel, Peru, and Russia have lowered the voting age from twenty-one to eighteen.

Support for lowering the voting age in the United States is widespread. A recent Gallup Poll shows that 60% of those interviewed favored, lowering the voting age to eighteen. Among political leaders, there are also many who are in favor of lowering the voting age to eighteen. Such diverse political figures as Richard Nixon, Edward Kennedy, Barry Goldwater, Edmund Muskie, and George Wallace all favor lowering the voting age. All of our Presidents since Hoover, with the exception of Truman, have supported a lowered voting age.

In conclusion, it may be said that today's eighteen year olds are better educated and more aware than those of past generations. The time has definitely come to eliminate the inequality of eighteen, nineteen, and twenty year olds shouldering the responsibility of adults without have the privilege of voting.

WHEN DOES FREEDOM OF EXPRESSION BECOME ANARCHY?

(By Judy Carrington, C. F. Brewer High School)

"America, the land of the free!"

Yes, America is indeed a symbol of freedom. The foundation of this great nation was laid on this one basis. The builders of this nation staked their all on the one cause. How proud the founders of this mighty nation would be if they could see their precious dream the reality of today! Yet, today's contemporary society often abuses the same freedoms which their forefathers held so dear. Although the forefathers of this nation dedicated the first amendment to the Constitution to guaranteeing every citizen freedom of speech, freedom of the press, the right to peaceably assemble, and the right to petition the government for a redress of grievances, in today's modern world of campus demonstrations, hippie movements, and racial riots, the question has arisen, "When does freedom of expression become anarchy?"

Of course, every citizen is entitled to advocate and to petition, whether his opinion is right or wrong. The American way is as Voltaire expressed it when he said, "I disapprove of what you say, but I will defend to the death your right to say it." In addition, the Constitution clearly defends the right to dissent and to protest. However, it is also clear that in order to protect the rights of everyone, each citizen is obligated to accept the majority's desires and not to deliberately infringe upon the rights of others.

Unfortunately, many Americans today have confused the right to dissent with the right to disrupt. Peaceful protest does not mean deliberate disobedience of the law. By the same token, it is not the campus demonstrators dissent which is wrong, so much as it is the manner in which he protests. Certainly, a student's expression of opinion on public policy is desirable until he infringes on another's rights. For example, demonstrating college students are within their rights to protest the Vietnam war until they attempt to prevent other Americans from expressing their viewpoint on the controversy for the simple reason that it did not coincide with their opinion. It is strange that those who protest the loudest for freedom of expression would deny this same freedom to others.

Furthermore, constructive suggestions reap for better results than derogatory insults. So many times, the first to protest never stops to consider what solution he would offer to a problem if the decision were his to make, before he begins to complain. The nation's leaders do not need useless protests; they need sound advice and workable solutions. Moreover, once a decision is democratically determined by the majority of the people, the minority must learn to accept it even though they did not support it.

In conclusion, rights become riots when freedoms are abused, and democracy becomes anarchy when the minority refuses to accept the law and abide by it. If America is to remain "the land of the free and the home of the brave", Americans must be brave and accept the responsibilities of freedom so that freedom may remain free to all as the founders of this mighty nation intended.

How Can We Solve the Environment Crisis?

(By George Lee, M. L. Kirkpatrick High School)

To emphasize the importance of this subject, I would like to quote from a speaker at at the San Francisco conference, Michael Scriven of the University of California, who had this to say:

"We are not about to survive the problems of atmosphere and water supply contamination, the problems of natural resource exhaustion, and all the other problems to which the ecologist has made us sensitive by getting one percent of the population halfway familiar with the situation. We have got to get everyone, and that means every citizen educated."

It should be clear that action, not just more talk, needs to be taken quickly if we are to combat these menaces to our survival. Action is needed from an aroused public, responsible industrialists, and a concerned government. What could and should be done? As a start, I would like to make several suggestions.

Establish in each industrial nation, a "Population Pentagon" consisting of a high cabinet or ministerial level board dealing with environmental affairs. Such a board should primarily be made up of the best minds in ecology, biology, anthropology, botany, chemistry and related sciences.

This board should function as a direct Presidential Advisory group and should not be subject to pressures from our powerful lobbies or vested interests. By continual exchanging of personnel, inviting leading researchers in various fields—whether from education or industry—there would occur a continual upgrading of such a board—continual access to new methods and discoveries—and hopefully, avoidances of seeing such a group stagnate into a cloistered, ignored, obsolete island of scientific knowledge whose research is never used in practical application.

This panel of experts in each nation should be given the responsibility of advising industry and agriculture of the ecological effects of new products and processes. Its decisions such as recommending the ban of certain nondegradable products should have the full weight of governmental enforcement behind them.

Ideally, such a Pollution Pentagon would be kept completely free from partisanship and safeguarded from attempts from whatever quarter, including other government agencies—that might exert pressures or undue influence.

Pollution is already such a monumental social issue that the entire public should be made more and more aware of the personal convictions of potential political candidates concerning conservation and pollution. Further, the public should carefully appraise the past or present industrial connections of such prospective officials. Human survival is at stake in all this—not just petty politics. Industry needs to realize, for example, that not every power-draining device capable of being dreamed up should be produced. Technology, newer technology, and more clever technology is not the solution to pollution. People must come to realize this fundamental fact: We simply cannot have a continually expanding economical and technological world within a finite system-Earth.

Also we must extend our educational programs on ecology and the preservation and improvement of our environment to children and the entire adult population . . . the decision makers of today, who decree what sort of world their children and grandchildren will be living in.

It is tragic, but most people still view pollution as simply annoying—not as a threat to all life on this planet. There remains a compelling need to communicate clearly, continuously, and candidly the shocking facts about our degrading world. The public, especially in a democracy, must be aroused. Only then will the efforts of industrialists and a concerned government materialize; only then will we evidence a genuine concern for our survival and the survival of mankind in the future.

When Does Freedom of Expression Become Anarchy?

(By Michael Williams, Castleberry High School)

Legally, a thin, perhaps imperceptible, line exists between activities of an anarchistic nature and those generally considered to be within the realm of permissible dissent. Despite this perplexing ambiguity, however, there is a fundamental difference between rational polemics and inflammatory rhetoric. While orderly ideological argument is the basis for ameliorative governmental change, doctrinaire diatribe fails to serve as a basis for anything other than prolonged disagreement.

A communications impasse has been exploited by those who would prefer to abrogate the present system of government and replace it with a vague, theoretically utopian entity. I can sympathize with this righteous idealism; however, I cannot condone many of the tactics employed in the process of espousing these ideals. These tactics sometimes include demonstrations organized for the sole purpose of disrupting and/or sabotaging the machinery of all levels of American government.

Freedom of expression is abused and distorted when one expresses himself violently without regard for the lawful rights of fellow citizens. Unless one is a nihilist, he must concede that resorting to violently coercive methods in order to facilitate political reform does not lie within the sphere of legal freedom of expression.

Overt acts of violence directed against the Federal government are clearly seditious, but so also is revolutionary, rhetoric advocating the violent overthrow of the government. Even if this political cacophony is never carried beyond the rhetorical state, the subversive tone of these expositions presents a potential threat to internal stability. It is dangerous to regard these clarion calls for rebellion as innocuous, for many have been translated into action. Recently, Black Panther David Hilliard publicly threatened the life of the President. Although the statement may have been nothing more than angry vituperation, the government could not afford the luxury of speculatory indecision; hence, Hilliard was arrested.

To those who feel that the laws distinguishing anarchy from legal protest are vague or draconian, I must address the following comments. Constitutionally, there are explicitly defined legal methods by which changes in the existing political order may be expedited. Contrary to Marcuseian doctrine, destructive violence and speeches fomenting such violence are not socially constructive nor morally justifiable methods for introducing change.

American society is in a constant state of flux, for a progressive society cannot remain a static institution. Therefore, freedom of expression and the new and innovative ideas it breeds must be preserved at all costs. However, anarchistic invective, which clearly transcends the legal barriers distinguishing dissent from sedition, must not be tolerated. Furthermore, conspiratorial confrontation tactics designed to encourage insurrection are obviously unlawful procedures; moreover, those who organize and participate in such activities are abusing their Constitutionally accorded rights.

In summation, because a democratic society thrives upon the exchange of ideas, ideas which are introduced through the proper channels have enhanced chances of reception and, perhaps, implementation. The tragedy of our society is that many intellectual young, convinced of the rectitude of their cause and equally convinced of the inequity of those who disagree, seek to alter the status quo by reprehensible methods.

Hopefully, a dialogue will be established between officials of the system and the alienated and idealistic young willing to work within the system.

The alternative is reactionary suppression and attendant social apoplexy.

Lowering the Voting Age

(By C. Jean Hackney, Kennedale High School)

There are many points of view about lowering the voting age, and if the voting age is lowered the results must be considered. This will be a major step in Texas progress.

It is the opinion of a few that eighteen year olds do not deserve the privilege to vote because of the rates of riots and disorders which have been on college campuses. However, these people constitute only a minority of eighteen year olds.

Said Theodore Sorensen, former special counsel to the late President Kennedy and a possible Senatorial candidate from New York:

"Campus disorders make sensational headlines. But nearly one-half of all 18–20-year-olds are not in college at all.

"Of the more than 2300 colleges and universities in this country, less than 1 percent have suffered serious disturbances. Of the 7 million college students in this country, less than 2 percent, according to a staff report to the Eisenhower Violence Commission, can be classified as militants or radicals."

Said Dr. Karl Menninger, the eminent psychiatrist: "Today's youth are capable of exercising the right to vote. Statistically, they constitute the most highly educated group in our society."[1]

Recently a Gallup Poll was taken by the American Institute of Public Opinion. According to this survey, six out of ten respondents do believe 18 year olds should be granted voting rights. Many of those interviewed who favored lowering the voting age maintain that "if a person is old enough to fight, he is old enough to vote."

Others believe that if eighteen year olds do receive the franchise that it then would not be a privilege any longer, it would be just another chore to perform. This, however, now stands true for a few eligible voters who do not use their votes because of apathy. A vote should be used wisely so that it will result in better people and ideas for both the country and the citizens.

The eighteen year olds who are in a branch of the nation's services deserves to be allowed to vote. These young people work, fight, and sometimes die so that the American people can be assured of a democratic nation in which to live. This has made the United States probably the most respected nation in the world today.

Many eighteen year olds wish this privilege so that they can participate in helping elect officials who can best advance the well-being of this country. Having a part in determining the country's leaders would help the younger generation become better citizens and inspire them to perhaps discover a

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[1] Pamela Swift, "Few Militants," *Parade* (April 5, 1970), 4.

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way to help solve today's problems. This would assist the progress of the nation because our younger generation will soon be the nation's leaders.

When Does Freedom of Expression Become Anarchy?

(By Eleanor Admire, Azle High School)

One hears a good deal about freedom today. Witness our movies, our songs, our advertisements, our newscasts, and our slogans. ("Do your own thing" carries over into almost all areas of our lives.) Indeed, the quest for freedom, the right to live each day as it comes, with no entanglements from society, is the theme of *Easy Rider;* two young men motorcycle across the nation wanting to be free. A few years ago "Born Free" won an Oscar; we sing at public gatherings "land of the free, home of the brave;" in church hymnals we find "My country 'tis of thee, Land of the noble free. . . ." Madison Avenue hucksters hawk their wares, i.e., underwear, sports cars, hair spray, with allusions to freedom. Certainly "freedom" is America's reason for being. Our founding fathers came to America to escape oppression, the Revolutionary War was fought to obtain freedom, and the Constitution was drafted so that freedom would be guaranteed to all.

The idea of freedom, however, is comparatively recent, historically speaking. Freedom, or even the concept, hardly existed before the French Revolution. Basically, there were only two distinct classes in society, the aristocrats and the peasants. The French were pushed against the wall so terribly by Louis XVI; finally, rebellion (spurred by the Romantic period's philosophy of freedom) occurred and the king was overthrown. But ironically, the French, instead of achieving democracy, went right back where they started from. The reason? Anarchy. It was part of the Romantic creed to put emphasis on the individual. The individual was considered to be almost divine; he could do as he pleased; he could make his own laws; and he could receive the truth for himself. We learn from history that the Russians, who copied from the French, went through similar stages from total anarchy to totalitarianism. Fortunately, here in America we tempered our Romanticism; we believe "one for all and all for one." Hence, we have democracy, maybe not to perfection; but certainly we are closer to the concept of democracy than any other nation. In a way, we are in another Romantic age. We have seen extremes in rebellion and riots; we have seen young people living together in communes. History may be repeating itself, for out of total anarchy—total disregard for established values—arises the other extreme, complete loss of freedom. True, many changes are necessary for our country to become truly a democracy, but the answer is not through anarchy.

In *A Tale of Two Cities,* Charles Dickens tells us "It was the best of times and it was the worst of times." The Romantic age was an era of progress and industrialization; it was a time of terror, mass murder, and anarchy.

Anarchy literally means "Absence of any form of political authority." Lincoln said, "United we stand, divided we fall." Jesus said, "A house divided against itself cannot stand." No one should be denied the right to express his opinion. This is one of our basic freedoms provided in the Bill of Rights. But if everyone expressed his opinion, without any regard for rules or order, total confusion and anarchy would be the result and many good ideas would founder. True democracy cannot be found in the absence of laws. Our right to disagree is precious. Let us protect it with self discipline.

What Can Be Done About Our Environmental Crisis

(By Steven L. Harbes, Arlington Sam Houston High School)

Our environmental crisis, thankfully, is one problem that doesn't require endless congressional debates, exhaustive investigations, committees and sub-committees to determine just what the crisis is all about. Air, water, noise, garbage, pollution and the population explosion have been with us in varying degrees since the Industrial Revolution.

Throughout our history any major problem that has confronted us, has been solved by three basic steps.

1. Recognition that a problem exists.
2. Education and research.
3. Action and results.

In 1970 the United States appears to be in the first of these steps. Thanks to widespread publicity, Americans are now becoming aware of the monumental problems facing us.

Basically, without dealing with specifics, education is the best general answer to our environmental crisis. Education for old and young alike.

Take the Texas public school system as an example. Two years of science are required before graduation from high school. Physical science, General Biology, or Chemistry are usually the only choices offered. The reproduction cycle of a grasshopper or the chemical number of zinc, do not interest most students. Every student who breathes can relate to our state of our environment, though.

It is the writer's feeling that a national bill, asking all of the 50 state legislatures to introduce a measure requiring an environmental study course (to be taken in junior or senior high) should be substituted for the other sciences. Where pollution is worst (L.A. or New York), ecology courses in high schools are growing. In Tarrant county, this writer could not find one high school environment class.

Serious proposals such as adding a Secretary of Environment to the President's Cabinet, or establishing a "Pollution Pentagon" are being studied. Rep. George Bush has offered a bill to Congress to create a National College of Ecological and Environmental Studies. If these things come true, they will provide a much needed boost for a national environmental education program.

A major stumbling block in dealing with our deteriorating environment is human nature. People do not mind putting up with a little air, water, or noise pollution, when money and employment come from the polluters. Also, touchy subjects, such as religion, complicate the chief cause of our environmental crisis—over-population. Only by education will the gravity of these problems be impressed upon people and cause them to assume new attitudes.

Offering more Ecology courses in the public school curriculum will force our elected officials at the local, state, and national level to create anti-pollution laws with "teeth" in them. The end result of immediate environmental education is that extreme steps like legal abortion, abolishing cars in cities, or slapping luxury taxes on people with two or more children, will not become necessary.

Until science rescues us by perfecting the self-destructing can, a noiseless SST, or carbon-free gas, educating ourselves to the causes and effects of America's environmental crisis is the quickest way of eliminating it.

My Stomach Is Crushing Your Elbow Maybe?

(By Beverly Stoddard, Haltom High School)

"Move over!"
"Quit shoving!"
"You're on my foot!"
"Get that package outa my . . ."
"But I wasn't pushing!"

These are exclamations commonly reserved for elevators, football stands, and lunch lines. However, unless something is done soon, they may take a prominent place in everyday language. The truth is the human race is losing ground, that is, as in living space. There are just too many people on the way. Everybody's go to be someplace, but the time may come when there isn't any more space to put people in.

Over-population has just recently become a problem. The trouble starts when more are born than dies. It was once said that if all the people in China were marched six abreast over a cliff, the line would never end. The assumption is that enough Chinamen would be born to keep the line moving. This may not be true, however, because Chinamen would always be marching.

Over-crowding caused by over-population may not be felt for some time, but the time will come unless something is done soon. The main cause of over-population is people. People, in fact, are the main cause of most of the problems in the world. In this case the cause can be pinpointed to bored people. Human beings, being only human, need to be busy at all times. Idle hands may be the Devil's play things, but it's when the hand stop being idle that all the trouble begins.

Sports and other forms of recreation are not the answers, however. No one could get that interested in games. The only answer to over-population seems to be an effective and widely-used contraceptive. One such devise is commonly referred to as "The Pill." This is a modern, sensible solution for a modern, sensible society. In these days it's going to take more than a record of the Pope singing "I Got Rhythm" to keep the world under-over-populated.

Chemical warfare is finally coming into its own. The Pill can make life a better thing to live.

When Freedom of Expression Becomes Anarchy

(By Donald Tarrant, Polytechnic High School)

Free to speak, free to write, and free to assemble and petition, we enjoy our basic forms of expression with very little limitation. When these freedoms are used in such a way as to cause harm to a fellow human being, however, they are rightfully restricted.

Recently, our nation has witnessed numerous protests ranging from peaceful marches to rock-throwing, bloody demonstrations repelled by tear gas and clubbing. The latter disturbances have hurt their own cause beyond repair. People capable of being sympathetic to new ideas have turned squarely against them due to the unlawful manner in which they have been expressed.

Anarchy, itself, is not a word to be used loosely. Not until protesters behave in a manner resembling a complete absence of law do they become anarchists and a threat to all Americans. Destroying property and inflicting bodily harm to those around them, this small group of criminals demand more freedom while unable to handle the freedom they now possess. Numerous times they have blamed the police forces for setting off these riots only as an excuse to stage them. Our policemen are there for the purpose of stopping those who go outside the law, and until someone comes up with a better method of insuring public safety, they will always be around. Anarchists are not content to protest peacefully even if their cause is peace itself. They feel the urge to do the spectacular and thus disturb the peace at home calling undue attention to themselves and their wants. These few apparently fail to realize that ninety-five per cent of the response is unfavorable. The majority of the American people will never be swayed by such a crude act as a violent riot. Extremists on the other side who oppose freedoms we do have will use these acts toward their own equally degrading ends.

Freedom of the press is one of our most sacred rights since it affects every American to some degree. The vast news media includes newspapers, magazines, radio, and television; the chief means by which the public keeps informed. Only in areas of giving false facts or revealing government secrets should restrictions be placed. News coverage should be thorough, truthful, and unbiased in opinion. In being thorough, it should cover any important happening regardless of the criticism that might result. Unnecessary restraints placed on the news media are not to be allowed and present a frightful threat to democracy.

Freedom of expression is one of our oldest and most cherished rights. We not only have the right to express our grievances but should be encouraged to do so as a corrective force in the democratic process. As long as this freedom is exercised in an acceptable manner, it can do no more than make even healthier our way of life.

Of Lowering the Voting Age

(By Ken Bird, Haltom High School)

A young man lay bleeding to death in the thick, black mud of a country that he never really understood fighting for. Back at home, his nineteen year old wife weeps as she rocks her small child. The tragedy which snuffed the life of this young man and ruined that of his young wife was the result of a decision made somewhere by a man elected to a public office for which neither of them could vote.

In the argument for the lowering of the voting age to eighteen, the reason most used is the one pointing out the gap between the present voting age and the present draft age. Why should a youth be forced to kill or to be killed, maimed, or psychologically injured by government officials whom he had no voice in electing? What kind of society would support such a system? If I were to name a few, the Union of Soviet Socialists Republic and the People's Republic of China would head the list.

Many people will argue that this is not a valid reason for the lowering of the voting age. In my opinion, however, it is the most logical reasoning that can be drawn from our principles of democracy. If you have the responsibility of a nations' protection in your hands, is it not just a shade hyprocritical to say you have not the responsibility to sensibly vote for the nation's leaders?

You might say, "Think of the irresponsibility of youths under twenty-one who are not fighting for our country." I say, "Look at the irresponsibility of our present so-called mature voters." Why, millions of mature voters selected George Wallace as their choice for president in 1968. Sure, there are youths who drive recklessly and smoke pot and rebel against authority, but is this worse than drinking and dressing up in silly white sheets and burning crosses and beating defenseless Negro men, women, and children?

With our present voting age, you may have a sharp, twenty-year-old, government major who is not allowed to vote for our country's policy makers. Yet, a thirty-eight-year old man who never finished the seventh grade, and who knows only that all men are created equal if their skin is white, will have a vote. This is democracy?

I have been told that the purpose of high school is to produce mature, thoughtful citizens for our society. Shouldn't these citizens be allowed to vote after they have obtained this education? Shouldn't a high school graduate be allowed to vote at the age of eighteen? Is it right to turn a youth out on his own in a society when he has no voice in the election of the law makers and enforcers of that country?

The Legal Murders

(By Joyce Crowell, Haltom High School)

I am a stranger to your planet Earth. I come from the far side of reason, just slightly left of freedom. My planet is a wonderful place, for there survival of the fittest rules supreme. If one of the inhabitants is murdered or permanently disabled by death of "natural causes," it is his tough luck. The all-powerful fathers cannot provide means for freedom to live since it might cost too much money to maintain prisons or to enforce laws. For when one tries to make and enforce laws, one must pay individually for their service, and this is so much trouble, it is much easier to be apathetic or intentionally blind. Oh! sweet, ignorant bliss! How wise our forefathers were to avoid the use of words like "life" or "liberty." What a strange place is your planet Earth. And how tragically human are your inhabitants. It is enormously difficult to picture my people fighting over preservation of life through the all-powerful fathers. "To each his own" is our national motto. Our life-span is twenty-eight years.

Of course the situation is entirely hypothetical and unworthy of serious thought. What civilized nation would think of allowing its people to be murdered with no deterrent or punishment for those responsible? What legislation would deny its constituents the right to life or liberty or pursuit of happiness without due process of law? What nation indeed. Certainly not a nation with a tremendously high standard of living. Certainly not a nation with the resources and means of stopping such devastating situations. Certainly not a nation like ours—or is our nation like that? Isn't denying the right to breathe clean air and drink sanitary water also denying the right to life?

Okay, so we have a problem, and we need a solution, and although it is important to educate the public to the horrendous results of misusing our environment, it is not the best solution. The *best* solution is an idealistic one, but is presented here with ignorantly hopeful status. It is time that not only our legislators, but also the leaders of the business world, get off of their proverbial tails and fight environment problems with their only useful weapons—money and manpower.

During this past decade, we declared an all-out assault on the moon. For the next decade, why not declare an all-out assault on problems of our environment, namely air and water pollution? Once politics and propaganda are put aside and mankind seriously, but steadily, and without quick-kill methods, gets to work on saving itself, mankind *will* save itself. Until we do, we remain like a "hypothetical" planet, encouraging, "for the sake of economy" the senseless and wanton killing of innocent people. The tools to kill environmental destroyers are the same that keep them alive—money, manpower, and the attitudes of individuals who have power.

Should the Voting Age be Lowered to 18?

(By Barbara Watkins, Dunbar High School)

Many young Americans are engrossed in deep thought about the things that effect their lives, their position as young people, their future, and the future of their country. To fight against the war, to fight against poverty, to fight against the establishment—these serious commitments to the problems of their society have been ignited by youth's shocking awareness of politics, war, and death.

The young people of today have been categorized, stamped, and numbered. They know and detest this. Many people tend to think that a young person, ranging between the ages of eighteen through twenty-two, is either illogical, radical, irresponsible, selfish, or corrupt. This period of any human's life is most challenging.

For this reason, the young person thinks best, attacks, compares, and analyzes today's problems with much more exuberance than the older generation.

The young people look around and see only turmoil. They try to find their way through the institutionalized jungle, but there is no "Tarzan" to help them, for *this* is not a movie, nor is it fiction. When they try to seek their way out through education it increases their knowledge of what is happening and they discover a clear understanding of what *is* and what *has to be*.

They know there is a war going on and that they are eligible to be drafted, trained, and sent to the front. They are a part of the establishment, and yet they are not. Trouble mounts as they try to answer the question, "Where do we stand?" The establishment has the power and the right to draft an eighteen year old, if he is out of school . . . yet he is not an eligible candidate for voting. That young people are irresponsible, unmanageable and corrupt is an illogical answer to a logical question: why is a boy capable of serving his country in one capacity, if not another, both deemed necessary to the maintenance of democracy.

How a country with such delicate ties with allies, a country whose every action is watched and whose slightest mistake may lead to disaster can let a boy do a man's job is totally absurd. The fact is that, when at the age of eighteen and going to war, "the boy *is* father to the man." Their country sends them because they are at the age of maturity of mind and body, the most qualified of all men, quick thinking, nimble footed, and strong willed. When the word "man" is used, it always has the same meaning, and deserves the same amount of respect, whether that person be eighteen or eighty.

War is like a disease. It can be treated but not always cured. But to even a disease, the cause must be found and when this has occurred, it is used against the disease. The same is true of war, people, and politics. People run politics, and politicians run wars. If the young men fighting the war could decide who they want making decisions which may rule their lives, then the so-called "soldier boy" cliché could be relinquished for the "soldier," a title of esteem rather than disrespect.

A young woman is just as responsible as any young man and should be given the right to vote for the governing people of her present and future.

The great question of lowering the voting age is always left on an unstable ledge. Death brings about a sense of decisiveness for all, old and young. Therefore, whether the person be eighteen or eighty he or she should be given the right to say "yes" or "no" about his future.

Should the Voting Age Be Lowered to 18?

(By Jim Church, Fort Worth Southwest High School)

Current emotions, related to public events of recent months, quite often tend to deny an objective look at the proposal of lowering the voting age to eighteen. Rash emotionalism declares the acts of the protests and moratoriums to be irresponsible, and cites them as conclusive evidence against the eighteen-year-old vote.

Too many protests take place because there is no avenue for the often disfranchised youth to voice their concerns—except in the public streets! The American form of democracy allows the vote to be the orderly plebiscite of the people. Through the system of voting, the desired representatives and policies of the people are put in charge. Is it not rather hypocritical then, to tell them to "work within the establishment"? The very basic foundation of that establishment is the right to vote.

The best rationalization for the lower voting age is that it would provide for the American youth a meaningful inclusion into the mainstream of life.

IOWA STATE UNIVERSITY SPEAKERS DISCUSS STUDENT DISORDERS

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 1970

Mr. SCHWENGEL. Mr. Speaker, Iowa State University recently held its annual observance of Alumni Days. One of the principal speakers was Dr. W. Robert Parks, president of Iowa State. Dr. Parks spoke eloquently in behalf of "the public university," and of the dangers now facing our public universities. While I do not have the exact text of his comments at the Alumni Days observance, I do have the text of his commencement address from which he drew most of his comments. I insert that address in the RECORD at this point, and heartily commend it to my colleagues:

YOU AND THE PUBLIC UNIVERSITY

(By W. Robert Parks)

One of the most delightful and truly humorous conversations in all of the history of the stage is, I think, a passage between Monsieur Jourdain and his tutor in Moliere's seventeenth century comedy, "The Would-Be Gentleman." It is the conversational exchange in which the tutor explains to M. Jourdain that there are just two language forms—poetry and prose; and M. Jourdain discovers, to his great pride and delight, that for forty years, albeit unknowingly, he has been speaking prose.

This scene in which a simple and extremely silly man becomes blown up with pride over his newly recognized, life-long accomplishment of speaking prose is, of course, an absurd and ridiculous farce. Yet, like much comedy, it does perhaps carry several messages. And one of these messages is, I believe, that too frequently we are unaware of, or at least take unthinkingly for granted, some of the most valuable assets we have going for us, some of the most important conditions which determine the quality of our life.

Thus, most of us here today have always—at least until the events of the past few weeks—taken the public colleges and universities, which are scattered throughout this nation, very much for granted. We have accepted the public university way of higher education as a fact of our national life, without ever pausing to consider how this public system of higher education has affected the conditions of our life, both as individuals and as a society. So secure and so permanent has public higher education seemed to be that we have not felt it necessary to ask ourselves what American life would have been like if our public colleges and universities had never existed. We have not attempted to set a value on them. They have simply been a fact of our existence in a free democracy.

American historians, over the years, have been analyzing the question of why American democracy has worked for almost 200 years, why it has thus far succeeded so remarkably well as an instrument for the social progress which we have made as a nation. Many reasons have been suggested, and all of them are good ones: Our written constitution; our bill of rights; the division of powers between federal and state governments and among the three branches of government; a rich and undeveloped continent offering a stake in society to the many as well as to the few; a vigorous mix of peoples from many nations and races.

These factors, each of them, have been important ingredients in making American democracy work. However, it is my earnest belief—and I cannot state this belief too strongly—that our public colleges and universities—located in every state, in every section, with their doors open to all kinds of young people on a low cost, low tuition basis, offering in a free and open atmosphere the kinds of educational programs American society needed and wanted—have also been of critical importance, over the past 100 years, in making American democracy function as equitably and successfully as it has. And, make no mistake about it, they will continue to serve American democracy well in the uncertain future which lies ahead for all of us. Certainly, all will agree that the scientific and technological knowledge which these universities have helped to develop and have imparted to their thousands of students over the years has helped significantly in building the economic and material abundance which is so necessary if democracy is to fulfill its promise of bringing the good life to all of its citizens.

This morning, then, I have a very specific and definite charge for your class which is graduating today. And I think it is a peculiarly appropriate one to make to this particular class. For yours is the first graduating class which has felt the burden of the heavy increase in student fees which Iowa's public universities were forced to impose upon their students last fall—tuition increases, which, if they were to continue upward in the years ahead, would undermine the fundamental basis upon which this public university was founded and upon which it operates today.

Yours also is the class which is graduating amidst an unprecedented level of campus unrest and turmoil throughout the length and breadth of this country. You are graduating in a situation of national crisis in which great universities, as well as small colleges, have been closing their doors, boarding up their windows, putting out their lights for the remainder of this school year. It is a situation in which the whole future of the university, whether it be public or private, is being called into question.

I want this morning, therefore, to make a plea for public higher education, for the kind of higher education which is publicly supported and publicly controlled. I want to make a plea for the kind of university from which you are graduating today. I want to charge you who are the direct beneficiaries of a public higher education with the responsibility of defending and supporting such education, of working, through both your words and deeds, to keep our universities truly public, and to keep their learning processes truly open.

The time has come when those who believe in public higher education must stand up and be counted. For there can be little doubt that, all over the United States, public higher education and the educational values and purposes it serves stand in real danger of being eroded away, not only by mounting tuition costs made necessary by inadequate public financial support, but also by pressures from both the far left and the far right who would limit and distort the university's functions to fit their own narrow and closed point of view.

Our public universities stand in a threatened situation, I believe, because, as a public, we have not sufficiently understood the unique combination of educational values and purposes which belong so peculiarly to the public university and which are so indispensable to our democratic society. These educational purposes, which derive from the fact that public colleges and universities are the only higher educational institutions which are both publicly supported and publicly controlled, might be summed up in three words: opportunity, relevance, and involvement. Let me speak to you about them for a few moments.

Public universities and colleges have always had one basic and over-riding purpose; to open up high quality educational opportunity to the many on a low cost, low tuition basis. Historically, public colleges were founded upon the democratic belief that higher education should no longer remain the privilege of only a chosen few. And, today, the public university's first reason for existence continues to be to bring higher educational facilities within the reach of all qualified young men and women, wherever they may live, whatever may be their race, their creed, their economic and social background.

The public university believes in the democratic ideal of inclusion, rather than exclusion. Its credo is to accept all comers who have the will and the capacity to earn an education. Therefore, it believes in mass higher education as the best means of giving all qualified young people a chance. It rejects the notion that a limited and carefully selected student body has superior virtue. Rather, it believes in a big student body, whose heterogeneous mix gives each individual student the educational experience of rubbing shoulders with many students with a wide variety of backgrounds and varying points of view.

Moreover, because the only qualifying test for entrance into a public university is generally only a student's own personal potential for earning a higher education, most public universities have developed a real feeling for excellence in scholarship and an adherence to high educational standards, without creating among their students that feeling of elitism which is so contrary to our democratic values.

The public university's egalitarian belief in mass education, in a big student body, in an inclusiveness which embraces all qualified young people, is in accordance with the democratic ideal of equality of opportunity, which, as Lincoln said so well, is really what the Declaration of Independence meant when it declared that all men are "born equal." It is based upon the realistic understanding that the kind of life an individual is able to make for himself is often affected by his educational attainments.

The public university also believes in mass educational opportunity, as Jefferson pointed out so long ago, as society's most effective single means of tapping, training, and using the best talent, the best human resources of this country, wherever such talent is to be found, whether it is located on the farm, in the ghetto, in the elite suburban community, the southern village, the small midwestern town.

The university, of course, has never fully attained its democratic ideals of making educational opportunity truly equal nor has it realized its utilitarian goal of tapping and training the most promising human resources in this nation. Yet, again to use the words of Lincoln as he spoke about the ideal of equality of opportunity, such an ideal is a "standard maxim for free society, which should be familiar to all, and revered by all, constantly looked to, constantly labored for, and even though never perfectly attained, constantly approximated." Certainly one of the most significant achievements of American society since World War II has been the progress it has made in widening our higher educational opportunity. Whereas in 1940, only one out of every six high school grad-

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uate went on to some form of advanced education, today almost half of our high school graduates take advanced schooling.

Today, however, democracy's goal of making public higher educational facilities broadly available to those qualified young people who have a will to earn a higher education may be receding before us. Indeed, if tuition costs are forced upward by a lack of adequate public financial supoprt, there is a real possibility that there will be an absolute cutback in the numbers of young people who can afford a college education. For example, there are many students who are today attending Iowa State on a financial "shoe string." Their economic circumstances are such that they have been just able to "get by" financially. For these students, further increases in tuition costs could mean that they would have to drop out into the ranks of those underprivileged young people who cannot afford a college education.

During the seventies, then, we must be continuously on our guard lest the basic foundation upon which the public university operates—public financial support which permits a low student tuition—is not eroded away. For if the time should come when students, through rising fee structures, are forced to take over a disproportionate share of the support of our public universities, then, indeed, our public universities will no longer be truly public. It is as simple as that.

Broadening out higher educational opportunity, then, has been one of the great missions of the public university. It has not been its only mission, however. For the public university has also had the co-equal purpose of developing the kinds of educational programs which American society, and most American young people, needed and wanted. Supported as it has been by tax dollars, the public university is the public's business. Therefore, it has continuously had to face the hard-nosed, practical questions asked by boards of regents, governors, legislatures: Are the educational programs it is offering really worthwhile? Are they worth public support?

Over the past century, consequently, the public universities in constructing their educational programs have had to meet the efficiency test of relevancy to their society. Their central educational purpose has had to be the search for the educational programs which best fitted the needs and interests of their society. The public university has had to build solid and substantial programs which train young people to carry on the constructive work of their society. It has seldom been allowed to mistake the extraneous for the relevant.

Nor have the public universities been able to remain fixed and static in their programs. They have not been allowed to sleep through the changes which have been transforming our world. They have had to modify and accommodate their programs to their ever-changing society. And, I submit, the public universities have done their job well in building strong, workable programs. In short, I am convinced that, over the past century, public financial support and legally constituted public control over the public universities have been a constructive force for making them such enormously useful institutions in our democracy.

Unfortunately, however, because the public university is the public's business, because it is the concern of each and every one of us who are taxpayers—and we are all taxpayers—each and every one of the public university's errors of omission or commission, every untoward incident which occurs on campus, however small and trivial, stands out for all to see, takes on moment and importance, becomes magnified.

Moreover, even in good times, in quiet times—I will not say in normal times, for who is to define what "normal" is in times such as we are living in today?—but even in the best of times, the public university, because it belongs so peculiarly to the public, is subjected to pressures from the extremes of both the left and the right. In troubled times of national frustration and fear such as we are experiencing today, when Americans are groping to find answers to the difficult and dangerous problems which seem to be overwhelming them, these pressures become even more strident and demanding.

Such pressures, if they were yielded to, however, would close the university down to fit a narrow and prejudiced point of view. They would silence the voices in the university which did not speak their views. They would distort the university's educational values which have been built up over the centuries and would narrow down its course of study. And the university would thereby be transformed from a free and open educational institution which objectively studies and examines all issues and problems into a closed and darkened agency designed to promote a particularized cause.

The pressures from the extremes would also limit or distort the public university in carrying out the third important purpose it has as a public university, a function which has always been an intgeral part of the Land-Grant public university such as Iowa State. Because the public university is supported by the tax dollars of everyone, it has a unique commitment and responsibility to serve all of the citizens of the state. Since that first winter in 1868, when Iowa State opened its doors to its first students, this institution has viewed the whole state of Iowa as its campus. Iowa State has, therefore, always been involved with the larger community of the state. One of its integral functions has always been to extend the knowledge and the work of this University beyond the boundaries of its campus in Ames.

Certainly, today, the university cannot retreat into an ivory tower which has never been a structure of a public university. It cannot isolate itself from the rush and torrent of the problems of its society. For the university has vast quantities of hard, objective and impartial knowledge to bring to bear on great public problems of our times—such momentous problems as environmental pollution and the feeding and clothing of our burgeoning population. But let me make it unmistakably clear, that a public university, in continuing its involvement in the problems of its society, in bringing its knowledge and service to men and women living beyond the confines of the campus, must also continue to meet this commitment to the larger community, impartially and objectively. It cannot choose up sides. It cannot allow itself to become a political instrument. For to do so would destroy the university as a house of intellect, would destroy what the university is all about.

The decade of the seventies will, I believe, be one of the sorely troubled, historic decades in the life of this nation. It will be a deeply disturbing period when Americans will be seeking to understand what the national purpose and priorities of this rich and powerful nation should be, when they will be struggling to develop social values and codes of conduct which permit the people of this nation to live together in harmony and social justice.

As we move into the seventies, therefore, the public universities, as vital and central institutions in a deeply divided society, will face trying and difficult times. In the decade ahead, the pressures from the political extremes to change the nature and character of the public university will continue to mount. It will be a period in which the public university will probably be under the threat of having its educational values and standards compromised, its functions whittled away, its public financial support eroded from beneath it.

Whether the universities in the seventies will continue to be free and open and impartial centers of learning, whether they will continue to receive adequate public financial support will, I believe, depend upon you. It will depend upon all of you who are graduating from the public colleges and universities across the nation. For you, as educated persons, will be the opinion-makers of the future. You will set the climate of opinion within which the public universities must operate. It is you who can develop a widespread understanding of the indispensable role which the public universities play in making American democracy work.

Many of you who are graduating today will remain in Iowa to work and live. Others of you will be scattering out around the nation. But wherever you may live, whatever your position in your local community may be, you, who have the opportunity and benefit of receiving a public university education, now have, I believe, the positive responsibility of working to keep our public universities truly open and truly public. I so charge you with that responsibility.

Mr. Speaker, one of the Iowa State alums honored during Alumni Days was a very distinguished editor, Mr. Lauren Soth. Mr. Soth is the editor of the Des Moines Register, and is highly regarded throughout the country. It is certainly appropriate that his contributions were recognized during the Iowa State Alumni Days by being awarded the Distinguished Achievement Citation.

Mr. Soth responded for all who received recognition during Alumni Days, and like Dr. Parks, addressed himself to the problem of campus disruptions. I insert his remarks in the RECORD, and likewise commend the careful attention of my colleagues to them:

REMARKS AT THE ALUMNI HONORS AND AWARDS CONVOCATION

(By Lauren Soth)

What can a person say when he is named a distinguished achiever by his foster mother? He can say thanks, at least. I know I speak for Dr. Calloway and Dr. Harrar as well as myself in thanking the Iowa State University Alumni Association for this citation. To be honored by one's university is a most gratifying experience. All of us are sentimental about our college days.

Universities are supposed to be places for detached and objective scholarship, where reason is king and emotionalism is shunned. Iowa State University exemplifies this devotion to rational study and thought, and we are proud of her high academic standards. Yet we know that sentiment plays its part in life and in the university. What we are doing here today, we old grads, come under the heading of sentiment, demonstrating our love for the alma mater who nurtured us in our early years.

This also gives us a chance to demonstrate our love for ourselves, which is even more fun. We can get together and tell lies about how studious, how hard working, how totally admirable we were when we were in college. We can righteously deplore the present state of affairs on the campus. It is an almost irresistible temptation to tell you how courageously we worked for an education when I was an undergraduate here at ISU (ISC then), in the early years of the Great Depression—what low wages we got, what cheap food we ate, and how heroic we were. We didn't riot or even demonstrate or take over a single college building. How magnificent we were.

But I'm going to resist the temptation to elaborate. Instead, since we are here on a sentimental occasion to show our support for the old alma mater, I should like to say a few words about that.

Our university, like all universities, is under attack these days, and it is all too easy for us to join in, to blame the university administration or the faculty. Some college and university administrators have made mistakes in trying to handle student discontent. But in my opinion, on the whole, they have met the threat of educational disruption very well. I will say, without qualification, that one of the very best in this regard has been our own institution here at Ames.

Chancellor Roger Heyns, of the University of California at Berkeley, made an excellent point about student unrest in his speech to the American Society of Newspaper Editors recently. He said that universities have played a valuable role for the entire nation in absorbing the first impact of discontent which has been sweeping the society as a whole.

Social unrest about the problems of crime, poverty, race discrimination, the militarization of foreign policy and, above all, the seemingly endless war in Southeast Asia, has been reflected on the campuses.

Chancellor Heyns said, "The shock was buffered imperfectly, but buffered nonetheless, by the traditional mechanism of the university, mechanisms which had been developed to protect students and faculties from kings and cardinals and vice versa. The universities have learned things about the dynamics of protest that have been useful far beyond the boundaries of our campuses."

I agree with that. The fact is, and we older heads ought to admit it, that the students in colleges today are more advanced than we were in 1932. They are more broadly educated and have a better grasp of the society at large. We were much younger intellectually than the students of today. Maybe that's why we were less concerned about the rise of Hitlerism and Japanese militarism, which many of us later had to fight, than today's youngsters are concerned about the war in Indochina, the cold war with Russia and world armaments.

XUM

I know I could get unanimous agreement in this meeting that we are wiser today than the students of today, that we know better how to run a university than the president does and that these kids ought to be put in their place.

Surely there have been excesses, surely there have been mistakes by students and by faculties. Undoubtedly, there are some genuine revolutionaries who seek the destruction of the universities and of our whole democratic system.

But this element is an extremely small element, despite what some high-placed politicians are saying. And I am sure we can deal with this element by democratic means if we don't lose our heads. For the most part, the students want to work through the democratic system to change it, to derive a better foreign policy, to derive a better social welfare program, to make the ideals of America real. They are forcing the adult society to say something to these problems.

The universities are our hope for orderly change. They need your support. Your alma mater needs your moral support, more in resisting the demagogues than it does in money for the football team or even money for buildings. These are important. But the university is under attack from people who would make it subservient to political power. The integrity of the university needs your backing.

There is a danger of politicizing the university from inside. Some students and a few faculty members want to close down the university as a place for study in order to work for ending the war or work for some other political goal. That cannot be permitted if the university is to stand as a center of free learning. But I don't regard this movement as nearly so great a danger as the *counter-action* from the right wing which would destroy faculty independence and freedom of thought in the university. This is the real peril in the movement to close the university and make it an instrument of social activism.

So I say support your alma mater as a citadel of independent scholarship against her historic enemies of political action and academic suppression, who are now, as always in the time of trouble, on the attack.

RICHARD K. MELLON: PITTSBURGH CIVIC LEADER

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, on Wednesday, June 3, 1970, the city of Pittsburgh lost a dedicated leader and friend, Richard K. Mellon. Dick Mellon devoted much of his life to the city of Pittsburgh and western Pennsylvania and the well being of her citizens.

I am honored to place in the CONGRESSIONAL RECORD the following articles and editorials from the Pittsburgh Press and Pittsburgh Post Gazette, in tribute to Dick Mellon, a man I respected and admired:

FINAL TRIBUTE PAID TO RICHARD MELLON

Those who knew Richard King Mellon only by his deeds called him "perfect, honest and straight-forward."

One who knew him as a friend could only weep at his passing.

Hundreds of mourners filed in and out of the East Liberty Presbyterian Church last night, all to honor the man whose remains lay in the rose-covered casket at the foot of the altar.

Funeral services for Richard King Mellon, featuring a "Prayer of Thanksgiving," were held this afternoon in the East Liberty Presbyterian Church.

The prayer for Mr. Mellon was delivered by Bishop Austin Pardue of the Pittsburgh Episcopal Diocese.

It said, in part:

"Almighty God, giver of every good and perfect gift, we offer Thee our humble and hearty thanks for the life of Thy servant Richard.

'For his devotion to his family and his forebears and his loyalty to their ideals and traditions; for his love of country and our armed forces . . . the whole realm of nature and the wildlife therein, as well as the city of Pittsburgh.

"For his vast contributions to industry, labor commerce and banking throughout the world.

"For his unfailing sense of humor under the most trying circumstances and his modesty and wish to shun praise and publicity and for his monumental will and determination, even unto death."

The opening hymn for the service was one composed by Bishop Pardue, himself, for the Army, Navy and Air Force during World War II.

Mr. Mellon, famed financier and philanthropist, died Wednesday in West Penn Hospital of rheumatic disease. He would have been 71 on June 19.

Joining Bishop Pardue in the services were Dr. Charles Robshaw, minister of the church, and the Rev. Max Smith of St. Michael's Church, Ligonier.

Private burial services were to be held at Ligonier on Mr. Mellon's estate in the rolling Westmoreland County hills.

Tributes poured in from across the land.

Secretary of the Treasury David M. Kennedy was here to represent President Nixon at the funeral. The President and Mrs. Nixon sent flowers.

Also here for the funeral were Sen. Hugh Scott, the Senate GOP leader, Rep. James G. Fulton, R-Dormont, and Lt. Gov. Raymond P. Broderick.

Also Thomas Gates, chairman of the Morgan Guaranty Bank, New York City, and former secretary of defense; Thomas McCabe, former member of the Federal Reserve Board and chairman emeritus of the Scott Paper Co., and three officials of General Motors Corp., Richard Gerstenberg, vice chairman; Edward Coles, president, and John Gordon, retired president.

The body of Mr. Mellon had lain in state at the foot of the alter while hundreds passed by to pay their last respects.

Two hours before the service was to start, hundreds of mourners moved into the church chapel.

At the noon hour, people from all walks of life sat huddled on tree-shaded benches along the East Liberty Mall as though they were attending the service in spirit.

Inside the chapel, the congregation was predominately of people in the middle and older age classes.

Sprinkled among them were many mod-attired teen-agers representing a togetherness in the mood of mourning.

One of last night's mourners, Robert J. Axon, an employee of the Mellon National Bank and Trust Co. in Swissvale said although he worked for Mr. Mellon, he had never really known or met him.

"But I know that we've lost a wonderful man, a man who cannot be replaced in our lifetime," Axon said of his boss.

Mrs. Clara B. Samson, another mourner and one who never saw Mr. Mellon, called him "a most impressive, honest man whose loss will be felt greatly."

And still another of those who passed the casket, Anthony Aiello, said, "Pittsburgh would be a dead city today had it not been for Richard Mellon. He was perfect."

Another man who did know the deceased could say very little. He simply cried.

The man was tall, more than 40 years old, dressed in a dark suit. As he stood just outside the doorway of the gothic church he mumbled, "I knew him once, as a friend." He would say nothing else.

Flowers were all around. Besides those sent by the Nixons, they came from Gov. Raymond P. Shafer, employes of Rolling Rock Farms and Mellon Bank, and the legions of directors of companies in which Richard King Mellon held an interest.

Flags will fly at half staff through Sunday in both the city and county in tribute to the figure called, by some, "a legend."

But probably one of the simplest comments came from a 10-year-old girl standing near the church watching those going in and out.

When asked what she thought of the man whose mark on Pittsburgh cannot go unrecognized, she said:

"I saw him once, and he looked honest and generous."

RICHARD KING MELLON

Richard King Mellon was the inheritor of a tradition—along with a vast fortune and a huge burden of financial and corporate responsibility.

His forebears had played an important role on the Pittsburgh scene for more than a hundred years. And his late father, Richard B. Mellon, who was himself active in many civic affairs, instilled in him a sense of duty toward the community.

"Live where you work, son, and work where you live," was the advice of the elder Mellon.

So it was that Richard King Mellon continued in the tradition of his father and grandfather, Thomas Mellon, managing and expanding the bank started in the last century by T. Mellon, guiding the family's corporate holdings, and serving the community.

So it was also that Pittsburgh, once the ugly offspring of the industrial age, became a model of urban redevelopment and a city that has made impressive progress in many fields.

Richard K. Mellon was a prime mover in all this.

Quite aside from his financial contributions, which were generous, he put his managing skills and his influence at the service of the community—and helped rally the unique community movement which resulted in the famed Pittsburgh Renaissance.

It was Mr. Mellon and his associates who formed the Allegheny Conference on Community Development, the key organization in the city's face-lifting.

It was he and his group, also, who teamed up with the late Mayor (and later governor) David L. Lawrence and other officials in the public-private combine that made a new city out of an old, tired one.

And the fact that Mr. Mellon, true to his father's instruction, chose to stay in his native city and help develop it, accounts for the fact that Pittsburgh is nationally recognized as a major headquarters city for large corporations.

His death at 70 deprives the city of one of its leading citizens, and leaves a large place to be filled in the financial, corporate and civic organizations in which he was interested.

He will be remembered long for the diligence he applied to his many responsibilities and for his concern, evidenced in many ways, for his fellow man and his community.

Richard King Mellon

Richard King Mellon, the man who more than any other individual was responsible for the postwar rebirth of Pittsburgh, is dead. While financier Mellon's lifelong philanthropy produced trend-setting changes in many areas, his most visible monument perhaps is the reconstructed city which his financial and civic leadership did so much to bring about.

Although a man of his wealth could have settled almost anywhere, he chose to make his native city his home and the primary focus of his interest and his benefactions. During the physically and economically dark period immediately after World War II, he provided the organizational and financial spark that thrust Pittsburgh into the national forefront of urban and industrial renewal. He was a founder of the Allegheny Conference on Community Development, through which came much of the planning and drive for the physical rebuilding of the Golden Triangle, for smoke control, for park development and for other programs that transformed a withering city into a vital and dynamic metropolis. His influence in locating corporate headquarters in Pittsburgh helped to make this city one of the great business centers of the nation.

As a guiding head of one of the world's great family fortunes, Mr. Mellon directed the bestowal of gifts on causes and institutions too numerous to mention and often unpublicized. The recent growth in scope and quality of education and medical facilities in this area, however, would not have been achieved without Mellon generosity. Through large Mellon grants to the University of Pittsburgh and Carnegie-Mellon University and through smaller but substantial gifts to Duquesne University and Chatham College, among others, educational institutions in Western Pennsylvania have gained increased recognition for excellence.

Along with his role in rebuilding a city and its institutions, Mr. Mellon maintained a keen interest in people. He cared about the quality of their environment, and because of this concern, he wanted business to behave responsibly in its dealings with host communities. While much yet remains to be done, the civic consciousness displayed by the large firms in which he held power is due in no small measure to his leadership.

In almost everything that he did, Mr. Mellon shunned publicity. Though he could have had the spotlight in one or more of a dozen business or civic positions, he preferred to work behind the scenes, whether with corporate or political leaders, to achieve objectives of social betterment. At his death he was a kind of legendary figure largely unknown to the general public. And yet his work signifying many tangible as well as intangible benefits to the public, is observable on all sides in this revitalized urban center with its eye on the future.

R. K. Mellon

(By Jack Markowitz)

Who is the "next" Richard K. Mellon? There is none.

The death of the 70-year-old billionaire financier leaves a vacuum in the personal leadership of Pittsburgh's business and civic life that is unlikely to be filled by one man, according to one of Mr. Mellon's closest associates, Frank R. Denton, who was vice chairman and chief executive of Mellon National Bank and Trust Co. for 20 years after World War II.

He said for the past generation Pittsburgh had been virtually alone among U.S. communities in having "one guy completely dedicated to the improvement of his own town. There's no other individual with enough influence to pull together other leaders in the business world—and with the ability to put up substantial amounts of money of his own.

However, the death of Mr. Mellon will not visibly or soon affect the conduct of business affairs here, according to Denton.

He pointed out that the "Mellon companies"—notably Gulf, Alcoa, Koppers and Mellon Bank—"all have completely professional management and attend to their own business."

Asked who might served to flex the Mellon interests' large holdings of stock in those companies, Denton replied, "I think the greatest common denominator will be Mellon Bank."

T. Mellon & Sons, the organization on the 39th floor of the Mellon-U.S. Steel building which oversees a number of family charities and other interests, will continue in existence, Denton said.

But he suggested that the large corporate stock holdings supervised by the bank's trust department make Mellon Bank the likely "coordinator" of the industrial interests.

Denton commented at one point that "there are Mellons fully able to be" personal leaders in the community.

"I think Paul Mellon, if he decided to be, he'd be a genius," said Denton.

(Paul Mellon, son of the former Secretary of the Treasury Andrew W. Mellon, who was the uncle of Richard K. Mellon, has lived in Virginia for many years, devoted himself to art collecting, horse breeding and other non-business interests.)

But might Mr. Mellon's children or other younger relatives be able to take over personal leadership?

"These are good kids," said Denton, "but the two sons are both too young to be effective at this point." One son concentrates on outside cultural and educational interests according to Denton, the other is "in the bank and quiet competent."

But the late financier obviously commanded a larger personal fortune than his heirs will.

"Every time there is a death, there are taxes, for example," said Denton. "There is a winnowing, a lessening . . ."

He described Mr. Mellon's chief function in the strict role of business leader—as opposed to civic leader—is one of selecting executives for leadership of the major properties.

"You worked with Dick Mellon, not for him," said Denton. "If he wanted something done, the way he gave the order was, 'Would it be convenient for you to do this?'

"He made it his business to know people. Years ago, when the bank had 500 employes and just one office, he knew practically everyone by the first name.

"A retired teller told me some time ago that he would look up from his work in the 'note cage' some mornings and find Dick Mellon there waiting to say hello."

Had Mr. Mellon ever taken personal part in the major decisions made by Mellon Bank?

OUR STAR SALESMAN

Denton said that in the pre-war days when Mr. Mellon was president of the bank, "it was not a time of great borrowing. His main job was the creation of relationships resulting in deposits. He was our star salesman."

Mr. Mellon's chief qualities, Denton said, were "intuition, tact and a rule that when you do something, do it the best way possible—if it's planting trees, the right kind of trees at the right place."

When he himself was chief executive of the bank, from 1946 to 1965, Denton said his chief strength was that "the principal owners would back you up on business problems . . . they inherently backed the management."

Mr. Mellon's military service in World War II took him to other communities and provided a bird's eye view of his own city's problems, Denton thought. The banker returned to civilian life with a "great desire to rebuild Pittsburgh."

The post-war cooperation between political forces under Mayor David L. Lawrence and the industrial community under Mr. Mellon, is of course, a well-known story. But Denton said Democratic Mayor Lawrence once told him that he had willingly admitted to Mr. Mellon, a life-long Republican, "Your renaissance of Pittsburgh has made me."

He said Mr. Mellon communicated civic enthusiasm outside the circle of his own properties.

"The fellows who ran the big companies were expected to take part," said Denton.

SHY IN PUBLIC

Asked why Mr. Mellon preferred not to hold personal office in civic organizations, Denton commented, "Dick was a shy person in public. He got eventually so that he could make a good speech. But he didn't seek or like the limelight."

Braun Pays Tribute to R. K. Mellon

Arthur E. Braun, Pittsburgh financier and philanthropist, last night paid tribute to Richard K. Mellon as "a tower of strength" in the city's renaissance.

Declaring that Mr. Mellon "had a great affection for Pittsburgh, his native city," Braun said he "worked tirelessly for its betterment, physically, educationally and culturally."

His leadership in organizations "devoted to these purposes inspired the active cooperation of many others, including Pittsburgh's leading businessmen, in the improvement of life and conditions in this area," Braun said.

While visiting Harrisburg on duty as a general in the Army during World War II, Braun recalled, Mr. Mellon discussed with Gov. Edward Martin his hopes for Pittsburgh's redevelopment, particularly the Point area.

"Now we have the park," he said.

Braun, one-time publisher of the old Pittsburgh Post and Pittsburgh Sun, became associated with Mr. Mellon while Braun was president and board chairman of the Farmer's Deposit National Bank, which later became part of Mellon Bank.

He racalled that Mr. Mellon personally toured the area destined to become Gateway Center.

Mr. Mellon's death, he said, "is a very great loss to this community, as well as to the state and the nation."

LEADERS HAIL MELLON WORK—FINANCIER'S HELP PRAISED BY ALL

High esteem for the late Richard King Mellon has been expressed in eulogies from the worlds of business, politics and education.

"He supplied vital channels for new research and discovery that benefit not only Pittsburgh, but all society," said Wesley W. Posvar, chancellor of the University of Pittsburgh.

EXTRAORDINARY MAN

The late financier was described by Dr. Edward D. Eddy, president of Chatham College, as "an extraordinary leader who could have chosen a life of self-contained enjoyment.

"Fortunately for Pittsburgh, he preferred to give enormous energy and support to the institutions and projects which make life better for all of us.

"Only a few men will leave such enduring and important monuments."

State Sen. Robert D. Fleming, R-Aspinwall, said the loss of Mr. Mellon "will be particularly felt by those in Western Pennsylvania.

"In my lifetime I know of no one who has done more for Western Pennsylvania than has Mr. Mellon, and he did it without any regard for personal reward.

"CITY HIS MAIN GOAL

"His only goal was to make Pittsburgh a better place in which to live and work."

U.S. Rep. James G. Fulton, D-Dormont, cited Mr. Mellon's role in the rebirth of Pittsburgh, his "fine corporate management" and "the civic accomplishments under his leadership."

"Gen. Mellon was a man who had high hopes for the county and its people," said County Commissioners Leonard C. Staisey and Thomas J. Foerster.

Mayor Peter F. Flaherty. said Mr. Mellon's death "leaves a tremendous civic and humanitarian void in our city. It would be difficult to measure accurately what his power and influence meant to Pittsburgh and its people."

Republican John K. Tabor, former mayoral candidate, said, "He did not curse darkness, he lit candles. He did not divide, he united. He did not destroy, he built. His like we shall not see often again."

Gov. Raymond P. Shafer called Mr. Mellon's death "a great shock and tremendous loss to all Pennsylvanians and Americans. Dick Mellon had been an outstanding citizen of both."

Arthur E. Braun, Pittsburgh Financier and philanthropist, said Mr. Mellon had a great affection for Pittsburgh, his native city, and worked tirelessly for its betterment, physically, educationally and culturally."

John D. Harper, president and chief executive officer of Alcoa, commented, "If any man in history did more for his native city than Gen. Richard King Mellon, it was certainly not in our time."

CITY POIGNANTLY PAYS ITS TRIBUTE TO MELLON

(By James K. Delaney)

Pittsburgh's people filed through the hours yesterday to a flowered space in the East Liberty Presbyterian Church for a silent, memoried farewell to Richard King Mellon.

They came together, the toil-worn and those of more leisurely lives, in poignant respect for the man who gave much of his own work and his fortune for the betterment of their lot in their city.

BODY LIES IN STATE

Under the vast vault of the edifice on Penn Avenue, the body of Mr. Mellon, whose abiding dedication was the Renaissance of the city out of industrial waste, lay in state from the morning hours until past sunset.

The tribute to him will continue today from 10 a.m. until noon.

Funeral services will be held a 2 p.m. in the church built with funds given by his father, Richard B. Mellon, and his uncle Andrew W. Mellon.

Mr. Mellon died late Wednesday afternoon in West Penn Hospital, where he was taken Saturday from his home near Ligonier, Westmoreland County.

DONATED MANY MILLIONS

His death apparently was caused by a heart and arterial condition which had gradually curtailed his activities in one of the world's greatest financial and industrial empires.

Untold millions of the fabulous wealth acquired by generations of the Mellon family, conservatively estimated at $3 billion, were channeled into philanthropy.

The services for Mr. Mellon, who would have been 71 on June 19, will be conducted jointly by retired Bishop Austin Pardue, of the Pittsburgh Episcopal Diocese; Dr. Charles Robshaw, minister of the East Liberty Presbyterian Church, and the Rev. Max Smith, of St. Michael's Church, Ligonier.

The body then will be taken for private burial on his estate in the hills near Ligonier.

The City and County flags will be flown at half-staff today while funeral services music is played on the Courthouse carillons.

Yesterday's overcast skies filtered little sunlight through the slender stained glass windows above the nave of the church. The shadows were in keeping with the occasion.

The silvered steel casket lay closed. A blanket of half-furled deep red roses covered it. There was only faint fragrance. Ferns and smilax made an apron below.

Floral tributes, chrysanthemums, lillies and lesser blooms increased as the day wore on, as did the visitors freed from the day's work.

Shirtsleeved men joined women in the pews for a few moments in the cool silence. There were little groups of some and others sat alone at a distance. Some knelt and gestured in the fashion of their faith, for it was a leavening gathering.

A woman whispered to a group of nuns, "He was a benefactor to so many people."

An age-gnarled man told them, "He helped get me a job when I needed it in the depression."

A fire-bronzed millworker, on his way to an open hearth nightshift, contemplated the closed casket.

"They shouldn't have done that," the man said. "I wanted to see him."

HE HAD FRIENDS

In vernacular off a Hazelwood street, he rasped:

"Every guy should go for himself, yeah, but you got to have friends, and he had 'em."

One withered little woman, who said she was "raised on the old Hill," said she remembered Mr. Mellon in his youth "at the old bank."

She looked back at the roses and raised her voice a little:

"There goes Pittsburgh."

Youth had representatives there, and they were chastened, downcast and awed at this silent presence in their lives.

The visitors' registry presented a cross-section of the people, their work, their homes, from all of Allegheny County and neighboring areas.

Dr. Robshaw's Sunday sermon theme will be "All Things Together."

SOVIET-WARSAW PACT MILITARY TOUR CONFIRMED

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 1970

Mr. RARICK. Mr. Speaker, in my remarks of May 15, "When Treason Prospers, Enemies Are Unknown" page 15772, I placed in the RECORD the itinerary of the 1970 foreign military attaches' tour by the Department of the Army. On this tour were a Russian major general and other Communist officers from half a dozen Warsaw Pact nations.

Apparently we are engaged in a new strategy in containment of communism—we show them everything we have and hope it scares them into nonaggression—except in South Vietnam, Cuba, Africa, and the Middle East.

I insert inquiry to the Secretary of Defense a reply at this point:

HOUSE OF REPRESENTATIVES,
Washington, D.C., May 11, 1970.

Hon. MELVIN R. LAIRD,
Secretary of Defense,
Washington, D.C.

DEAR MR. LAIRD: I am advised that in the latter part of April of this year Soviet Major General Mikhail Stolnik and some other 49 Washington-based foreign military advisors, including six Warsaw Pact military officials were given a two-day tour of U.S. military installations.

I would appreciate your advising me what prompted such action and if our military is given reciprocal privileges of touring behind the Iron Curtain, in Soviet and other Communist military training installations.

I am confident that you and your staff are aware that the North Vietnamese and the Viet Cong presently involved in the killing of American infantrymen are advised and armed by Soviet military minds and materiel.

I look forward to your reply with interest.

Sincerely,

JOHN R. RARICK,
Member of Congress.

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., May 23, 1969.

Hon. JOHN R. RARICK,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN RARICK: On behalf of Secretary Laird I am replying to your inquiries of 11 and 18 May 1970, concerning the recent visit to U.S. military installations by the Soviet Military Attache, Major General Stolnik, along with other Warsaw Pact Military Attaches as part of the Department of the Army Annual Foreign Military Attache tour.

The Foreign Military Attache tour is one in which all foreign Military Attaches or their assistants who are accredited to the Department of the Army are permitted to participate. The USSR, Bulgaria, Czechoslovakia, Hungary, Poland, Rumania, and Yugoslavia have Military Attaches accredited to the Department of the Army. On this basis, the Department of the Army extended them invitations to participate in the 1970 tour. The Military Attaches of the USSR, Hungary, Bulgaria, Czechoslovakia and Yugoslavia, the Acting Military Attache of Poland and the

Assistant Military Attache of Rumania accepted.

In asking about reciprocity, you touch on a basic reason for these tours. If accredited foreign Military Attaches are excluded from such a tour, the U.S. Defense Attache would undoubtedly be excluded from similar activities sponsored by the corresponding host country. In this connection, U.S. Defense Attache personnel make comparable visits to foreign military installations. As recently as 6 May, for example, Colonel Welch, USA, the U.S. Defense Attache, and Colonel Senio, USAF, U.S. Air Attache, accredited to our Embassy in Warsaw, witnessed a demonstration held at Wroclaw, in which the 6th Airborne Division and 1st Mechanized Division of the Polish Army took part. Colonel Welch and Colonel Senio were hosted, along with other NATO and Warsaw Pact accredited Attaches, by the Polish Airborne Commander. Within the past year U.S. Defense Attache personnel also have accepted official invitations to visit military installations in the USSR, Bulgaria, Rumania and Yugoslavia.

The expectation of reciprocity in such matters is, therefore, a basic motive of our armed services' sponsorship of annual tours for foreign Military Attaches to selected U.S. installations. Since ours is an open society, and the Soviet society a closed one, we consider that, as a general proposition, reciprocity in these matters is to the net advantage of the U.S. Careful and deliberate assessment of the relative worth to U.S. security interests is fundamental in formulating invitations to attend.

In these matters and all others bearing on the security of the United States, the Department of Defense will continue its efforts effectively to protect our country's interests.

Sincerely,

JOHN H. MORSE,
DASD, European & NATO Affairs (ISA).

VACATION BIBLE SCHOOL

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 1970

Mr. MIZELL. Mr. Speaker, throughout our country schoolchildren are completing their public education for another year and preparing for a full summer of activities.

Among these activities will be vacation Bible school, which is conducted by the churches of America.

I am certain most of the Members of Congress will recall when they attended vacation Bible school as children and how worthwhile this experience was in preparing them for life.

A recent editorial appeared in the Skyland Post, published in West Jefferson, N.C., and edited by Mrs. Ed M. Anderson, regarding the value of vacation Bible school and the people who make it possible.

I would like to share with my colleagues Mrs. Anderson's editorial:

During the summer months when the public schools are not operating and students are on vacation, important and enjoyable institutions are the Daily Vacation Bible Schools conducted by the churches.

Here children and young people have an opportunity to work and play together and study the Bible. Singing is also an important part of the Bible School program.

We take this occasion to congratulate the leaders who serve as teachers and help in other ways to make these important schools possible.

Parents should see to it that their children attend Daily Vacation Bible Schools; for we believe that Bible Schools offer a type of training and wholesome recreation not available elsewhere.

Many adults today will recall that some of their best knowledge by the Bible came from these Vacation Bible Schools. Young people also enjoy working and playing together when it is vacation time. There is something different about this from regular school work and activities where there is little time for recreation.

CAMBODIA ACTION VITAL TO VIETNAMIZATION

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 1970

Mr. ASHBROOK. Mr. Speaker, much concern has been expressed in recent weeks about the President's decision to deploy U.S. troops in Cambodia. Many, who might have supported this move from a strategic and tactical standpoint, are dismayed because our troops were sent in without prior congressional approval. I would number myself among those who see this incursion into Cambodia as vital to the success of our Vietnamization program, but I, too, view with alarm the increasing tendency of the Executive to dispatch troops abroad without prior consultation with the Congress.

I feel that troops should not be sent into any foreign country—particularly to fight—without prior authorization from Congress. Long before the recent events in Cambodia highlighted this issue, I pointed out the hazards of "presidential wars" and escalations. The public outcry and demonstrations following the President's unilateral decision to send our men into Cambodia warns us that many of our citizens will no longer tolerate engaging our country in war by Executive fiat. I believe the President's action sets a bad precedent. He should have come to the Congress first and obtained approval.

Nevertheless, although the President's action continues a bad precedent, it appears to be a necessary step to cut off the logistic support of the guerrillas and the Communist invaders who had been operating with impunity for nearly 5 years from Cambodian sanctuaries.

I have received many letters, as have my colleagues, urging me to support amendments which would use the spending power of Congress to cut off funds for prosecution of the war. Like the writers of those letters, I would like to see the war in Vietnam terminated as soon as possible. I sympathize with and share their frustration. Nevertheless, I could not support any move to arbitrarily cut off funding for the war. The effects of abruptly cutting off appropriations could be disastrous and gravely imperil the safety and lives of our men at the fighting fronts. I think this would be a reckless course of action. You cannot end a war overnight by a denial of money. With our men still facing an enemy in many different areas of Indochina, it would be foolhardy for the Congress to tell them to fight no more at this point.

I also believe that efforts to set a cutoff date at some fixed time in the future are irresponsible. It is unrealistic and dangerous to impose such limitation on the flexibility of the President. So, as strongly as I believe the President should have brought the Congress in on the takeoff rather than having us receive a report on the landing in Cambodia, I maintain that we cannot pull the rug out from under him as some of my colleagues have recommended.

I have always opposed fighting a no-win war. If we have a valid reason for being there, we have a valid reason for taking those steps necessary to win. If it is impossible to win or we do not have victory as our goal, there is little justification for placing our men in the position of fighting a cannon fodder war—we should get out. The course of action in the middle—being there and not winning—has been very devastating.

I well recall when former President Johnson stated unequivocally that his administration was not going to send American boys to fight an Asian war in South Vietnam. That promise started L. B. J. down the road to defeat. More than 525,000 American boys have been sent to South Vietnam, and more than 40,000 will never come home.

And I remember also that while serving as Secretary of Defense, Robert McNamara would periodically report to the Armed Services Committees of the Congress that we were turning the corner toward victory in South Vietnam. The soothing predictions never materialized as the victory became more and more elusive.

I think the President and his Secretary of Defense have kept faith with the American people, in contrast to their predecessors. While we had a continual escalation before, the President has reversed the course of the war, the Defense Department has been receiving less rather than more in congressional appropriations and the overall direction of our effort in Southeast Asia appears to be correct.

There is a definite phasing out of our activities, consistent with our goal of gradually turning over to the South Vietnamese the chief burden for their own war. President Nixon is going about as far as anyone can realistically expect in this regard. Many of the problems in Vietnam and now Cambodia do not reduce to simple answers. The overriding factor is the aggression by the Communists against a neighbor and free nation, South Vietnam. Unquestionably, the intransigence of the Communists prevents a peaceful settlement to this conflict.

Short of taking the necessary steps to win, I believe that following the present policy will be more apt to lead to an ultimate solution than a withdrawal policy. Unilateral and immediate withdrawal would not only assure the communization of South Vietnam and the rest of Southeast Asia, but also the slaughter of possibly millions of South Vietnamese—unless the Vietnamese are able to assume more, if not all, of the combat.

The central issue in the growing debate over the extent of American involvement in Southeast Asia is whether the executive branch of our Government has the right to dispatch U.S. troops abroad to fight a war without the consent of Congress. Without question, I believe and have been saying for some time that the Congress should be a partner in the making of such monumental decisions.

During the last decade the Congress has failed to serve as a strong source of examination and advice on the basic philosophy and direction of U.S. foreign policy. We now have a concentration in the Executive of virtually unchecked power over foreign relations, particularly over the disposition and use of the armed forces.

The periodic incursions by the Executive upon congressional prerogative and the uncritical and sometimes unconscious acquiescence of the Congress in these inroads has resulted in a constitutional imbalance in which the Executive has acquired supremacy over the making as well as the conduct of the foreign relations of the United States.

The Congress is just as much to blame as the Executive for letting itself be divested of the war power, a power which the framers of the Constitution vested not in the Executive but rather almost exclusively in the legislative branch.

Congress must reclaim its historic power to declare war. It is for this reason I proposed in March of 1968 and have reintroduced in this Congress an amendment to the Constitution which would require either prior or subsequent congressional approval of the Presidential dispatch of U.S. troops abroad. If our country were directly attacked, for example, the President would make an appropriate and immediate response, but subsequent consideration by Congress of his action would be mandatory.

I am appending the remarks I made on March 14, 1968, discussing the need for legislative action in this area and explaining my proposal. The text of my resolution is also included.

One of the greatest dangers our country faces—in both foreign and domestic affairs—is the erosion of legislative authority and oversight and the growth of a vast pyramid of centralized power in the executive branch of the Government. In foreign affairs particularly this threat to our people and their welfare will become more acute for this new decade is unlikely to see any great reduction in the extent of American involvement in international affairs or any relaxation of global conflict.

It therefore behooves the Congress to stake out its position of responsibility and domain in order to make it perfectly clear that no Executive commitments of American forces can or should be made without consultation of the body vested with the constitutional right to declare war.

I include the text of a March 14, 1968, speech on constitutional amendment and text of constitutional amendment which follows the speech:

[From the CONGRESSIONAL RECORD, Mar. 14, 1968]

A NEW CONSTITUTIONAL AMENDMENT IS NEEDED

Mr. ASHBROOK. Mr. Speaker, I do not think I exaggerate when I state that few issues concern the American people any more than this whole matter of brushfire wars, escalation and commitment of troops to virtually every struggle throughout the world. Korea, Berlin, and Suez, Lebanon, Vietnam, and the Dominican Republic. Once we get in, how do we get out? What do we hope to achieve? What are our policies? Is secret diplomacy involved? These are the questions we hear every day of the week, and most Members of this body readily admit we know few of the answers.

In a troubled world with a cold war which seems to turn hot with growing frequency, Presidential decisions, Pentagon decisions, and diplomatic decisions are arrived at, and executed, with little or no debate. As Congressman CHARLES HALLECK pointed out a few years ago, we are usually brought in for the landing but rarely for the takeoff. This observation always stuck with me, Mr. Speaker, and it was never truer than in our current Vietnam involvement.

I believe that the whole matter of troop commitment for actual hostilities should come under strict constitutional cover. I have proposed House Joint Resolutin 1162, which would amend the Constitution relating to the authority of the President to dispatch the Armed Forces of the United States outside of the United States.

The preamble to House Joint Resolution 1162 should be closely noted. I have used the word "dispatch" because there is a basic difference between sending troops and merely committing troops. There is no doubt that under many constitutionally proper treaties we have made commitments that attacks on signatory nations will be deemed as attacks upon ourselves. It should be clearly noted as intent that this proposed amendment would refer to the sending of troops under any circumstance except the mere stationing of them in "noncombative duties" as provided in section 4. I have used the words "outside of the United States" because there is no effort to become involved in the matter of how, when, and where the President should use troops or National Guard units throughout the United States in matters involving domestic disorder.

There are two basic situations which this amendment covers. First, there are events such as "military aggression, conflict, combat, uprising, or incidents" which might or might not be serious enough to "threaten the national security." There are also situations which might threaten the national security that are not the result of any specific event but, rather, involve a volatile emergency which might affect our security. The situation in Lebanon in July 1958 would be of this type and, incidentally, would be fully covered by this amendment.

Second, there are situations where we may have been directly attacked and immediate retaliatory force is needed. No reasonable person would suggest that Congress should be assembled and, as provided in article I, section 8, of the Constitution, declare war. The same might be necessary in direct attacks against nations with whom we have treaties. A direct attack against Canada, England, or Germany, for example, might require immediate response.

In drafting the amendment, I feel these situations have been adequately covered. In the first situation, there is a difference between the event or situation and the time at which it might be deemed to threaten our national security. If there is a serious international incident—say the assassination of an Archduke Ferdinand—and at the time it does not appear as a great threat but, as often happens, conditions deteriorate and it becomes a threat, this amendment clearly states that—

"Within twenty-four hours after the President deems any military aggression, conflict, combat, uprising incident or situation to threaten the national security, the President shall report such event or situation to the Congress with specific recommendations for the dispatch of troops or other specific measures which he deems necessary and desirable."

Thus in section 2, the significant factor is not the event itself, but when the President deems the event to threaten our national security. At that point, he must transmit to the Congress his report and appraisal of the event or situation and outline specific military steps which will be taken. If the matter can be solved by diplomatic channels, this will obviously be done and no report will be necessary under this amendment. At this key point is where the brushfire wars with their threat of future escalation commences. It is here the Congress should be brought in on the "takeoff" rather than receiving a report on the "landing." If troops are to be committed for combat, we should know at that point. If they are merely being sent to stabilize the situation, we should know that, too. It will be argued that this might restrict the President in his chess games of military diplomacy. Yes, it will; and that is precisely what we want. I am not speaking of President Johnson alone. This concern is for any future "Presidential wars" and escalations.

The Congress shall vote on these recommendations within 10 days. Obviously, if the situation is imminently dangerous, we would probably act sooner. If Congress does not act, and the President acts without authorization, other remedies still avail themselves. If Congress is not in session, the President shall summon the Congress within 48 hours after he deems such event or situation to threaten the national security.

In the second situation, one in which immediate responsive retaliatory measures are needed to repel an attack against the United States or a nation with which we have treaty obligations, a different procedure is involved. Section 3 clearly states that this amendment shall not preclude the use of necessary force by the Armed Forces of the United States to immediately repel any direct attack. However, here the President has no discretion, as he does in section 2 type situations, to deem the event or situation constitutes a threat to our national security. Any action under section 3 situations automatically makes it a threat when such retalitory force is used, and the President must report as provided in section 2. The Congress then evaluates and votes in the same manner.

No amount of drafting can cover every situation. However, this amendment makes good sense, and certainly will act as a restraint on becoming involved in Vietnam type wars and the problems intrinsic in those operations. When we do not have a declared state of war, the problems seem to escalate, too. With a Korean war and Vietnam war behind us we certainly should have learned something. Neither were declared wars, yet 30,000 men lost their lives in Korea and we have passed the 20,000 mark in Vietnam. I feel that the American people, indeed, the Congress, would look upon such an amendment with a feeling of security. Agreed, the Congress and the President can collectively make tragic mistakes. Delineating actions which can be taken in cold war type situations can at least be a step in the right direction.

The whole challenge of covering the escalation of minor wars was groped with for many hours in preparing this amendment. It is difficult, if not impossible, to cover. What is escalation? Sending 100 more troops or 100,000? Section 2 calls for a report on the event or situation with specific recommendations for the dispatch of troops or other

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specific measures. This is about the best that can be done, I believe. If the Congress is foolish enough to pass another broad Tonkin type resolution, I suppose there is little that can be done to prevent it. Going back to what I just said, however, if we have not learned anything from the Korean and Vietnam wars, then there is very little hope.

At the time when the report is received with specific recommendations, it would be hoped that the Congress would nail things down exactly at that point. This can be done if there is the will to do it. Then if the situation alters, the President might be required to report again and the Congress would again vote. It would be hoped that in the matter of troop commitment or dispatch, the House and the Senate would be smart enough to not give carte blanche as it now seems we have done in Vietnam.

Mr. Speaker, there is a side effect, too. The minute this resolution passes the Congress—long before it is even ratified by the States—there would be a "sense of Congress" built in. The president, the Secretary of State, and the Secretary of Defense would quite properly read into congressional action on this amendment a new policy line which most of us believe is badly needed. In fact, that might be as valuable as the ultimate passage of the amendment itself. It would operate as a restraint on future actions before adopted, and this would make many Americans sleep a little better at night. More than that, it offers a responsible, affirmative answer to what is sure to be a recurring dilemma. Rather than just criticize, let us resolve to act.

H.J. Res. 1162

A resolution proposing an amendment to the Constitution of the United States relating to the authority of the President to dispatch the Armed Forces of the United States outside of the United States

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution only if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"Article—

"Section 1. The President shall not dispatch the Armed Forces of the United States in response to any military aggression, conflict, combat, uprising, incident, or situation without the prior approval of the Congress, except as herein provided.

"Sec. 2. Within twenty-four hours after the President deems any military aggression, conflict, combat, uprising, incident, or situation to threaten the national security, the President shall report on such event or situation to the Congress with specific recommendations for the dispatch of troops or other specific measures which he deems necessary and desirable. Thereupon, the Congress shall vote on the recommendations made by the President within ten days.

"If not in session, the President shall convene the Congress within forty-eight hours after he deems such event or situation to threaten the national security.

"Sec. 3. This article shall not be so construed as to preclude the use of necessary force by the Armed Forces of the United States to immediately repel any direct attack made upon them or against the United States, its territories, or possessions, or against any nation with which the United States has treaty commitments. It shall be deemed to threaten the national security whenever such retaliatory force is used, and the President shall report to Congress as provided in Section 2. The Congress shall vote on the recommendation of the President within ten days.

"Sec. 4. This article shall not be so construed as to preclude the stationing of American troops throughout the world in noncombative duties. It shall be operative only in those situations where troops so stationed become involved in actual military hostilities or in those situations where troops are dispatched for the specific purpose of responsive or offensive military actions."

CAMBODIAN INVASION SHOWS NEED FOR REASONABLE LIMITS ON PRESIDENTIAL POWER

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 1970

Mr. FRASER. Mr. Speaker, exactly 1 year ago today on June 8, 1969, President Nixon ordered the first redeployment of U.S. troops from Vietnam. On June 4, 1970, there were 425,450 U.S. troops in Vietnam.

Since last year's announcement from Midway Island that the President intended to withdraw U.S. troops from Southeast Asia and to replace them with Vietnamese, 112,050 Americans have been withdrawn. I commend the President for these withdrawals.

But also within that year Cambodia has been invaded and the geographic limits of the war have been greatly expanded. The Congress has not been consulted on either the troop withdrawals or about the invasion of Cambodia.

The Washington Post has recently spoken editorially on "Vietnam: The President's Interim Report." The report was delivered by the President via national television on June 3, 1970. Many of us in the House are concerned about the President's failure to consult with the Congress and we are concerned about where the President is headed in Southeast Asia and how he is going to arrive at his destination. The Post expresses some of these same doubts very well and I insert these editorial comments into the Record at this point:

[From the Washington Post, June 5, 1970]

Vietnam: The President's Interim Report (I)

Mr. Nixon's fullthroated praise of his Cambodian campaign—"the most successful operation of this long and difficult war"—cannot be entirely dismissed as self-serving. For it unquestionably has been a success by the particular standards the President applied on Wednesday night: a statistically impressive amount of enemy supplies has been captured; Communist forces have been frustrated for now in their efforts to link together the Cambodian sanctuaries they had maintained for five years and to create "one continuous hostile territory from which to launch assaults upon American and allied forces." The results in terms of reducing the danger to American troops in Vietnam, of winning more time for training of South Vietnamese forces, and of allowing further American troop withdrawals to be conducted—these are positive. Or they will be, to the extent they prove to be real.

The real measure of Mr. Nixon's Cambodian venture only begins to be suggested, however, by yesterday's news that fighting was "raging" only 10 miles from Phnom Penh. Whatever are the short term effects of the operation on the war in Vietnam—and even these are sure to remain in dispute—it is beyond contention that the effects on Cambodia are already profound. The President originally presented the Cambodian campaign as a one-shot mission against border sanctuaries, as though the country would remain the same except that it wouldn't have so many Communist bases in it. In fact, American troops are leaving behind a struggle for Cambodia which seems quite capable of sustaining itself—and of going very sour in ways that are beyond our effective influence or control.

Under American aegis, South Vietnam has sent an expeditionary force into Cambodia, traditionally Saigon's prey; Mr. Nixon on Wednesday gave this force virtual carte blanche to stay, and to do as it chooses. Moreover, another of Cambodia's covetous neighbors, Thailand, has announced plans to send "volunteers" to guard the Cambodian capital of Phnom Penh. The United States evidently is to underwrite that venture too. Meanwhile American airpower will be used in Cambodia after July 1 "where I find this is necessary to protect the lives and security of our forces in South Vietnam," as the President put it.

Left unstated by Mr. Nixon Wednesday night, as on April 30 when he announced his Cambodian plans, was a critical part of the real explanation for the operation. That part unquestionably was to keep the Cambodian government out of Communist hands. By its nature, that is a political goal requiring a sustained American effort, either by proxies or its own units, and not merely fast military surgery. For it obviously makes no sense to clean out the border sanctuaries and then to let the government in Phnom Penh go Communist, thus (1) becoming competent to call openly for aid from other Communist sources, and (2) exposing American troops in South Vietnam to later heavy assault.

This is the rub—or one of them—in the Cambodian affair. Publicly it was sold as a one-shot sweep essential to Vietnamization largely because of the time we could buy by capturing huge quantities of Communist weapons and supplies; and that was what the President featured Wednesday night—the bullets and the rice. But for those who were not entirely persuaded by this argument (supplies can be replaced, after all), high White House officials always had the second rationale of saving the Lon Nol government in Phnom Penh; privately, it was conceded that wiping out border sanctuaries got you nowhere if Lon Nol fell and Cambodia became one big sanctuary. In actual fact, what now seems to have triggered the Cambodian operation between April 20, when the President gave no hint of it in his Vietnam report, and April 30, when he announced it was evidence that the North Vietnamese were not just trying to consolidate their sanctuaries but were moving out of them in ways that menaced Phnom Penh; the alternate rationale may well have been the primary one, in fact.

So what it comes down to now is that the President has his short-term triumph, which was always there for the winning. But he remains at the mercy of events in Cambodia over which he can exercise only marginal influence without undertaking a far larger hand in that conflict than American public opinion—not to mention his own public pledge of abstinence—will allow. And while this is by no means the only imponderable, not to say weakness, in the President's latest defense of his Vietnam strategy (we will be returning to the subject in a later editorial), it is enough by itself to make it almost impossible to take any real measure of the Cambodian affair for a long time to come.

[From the Washington Post, June 8, 1970]

VIETNAM: THE PRESIDENT'S INTERIM REPORT (II)

As we said in the first installment last week, there is not much to quarrel with in the President's claim that his Cambodian campaign has been "the most successful operation of this long and difficult war." Given the unhappy record, this is not the proudest boast, but never mind; we have captured vast quantities of booty and bought some time and it is idle to argue over just how much of a difference it will make militarily in the next weeks and months because that was never the critical question about the Cambodian affair. The question was not whether it would be successful (it couldn't lose in strictly military terms) but whether it would be in any sense conclusive—what useful, lasting purpose it would serve and where it would end. And the answers cannot be measured in stacks of captured rifles or the tonnage of liberated rice—they must be found in a larger frame, in the total context of this tormented war.

For the Cambodian sanctuaries were always there to be smashed, just as the port of Haiphong has always been there to be mined, and Hanoi to be leveled, and North Vietnam to be conquered by a land invasion—if the war was to be fought in the old, conventional way. The question from the beginning was whether the conceivable gain from this sort of war would be worth the risks of widening the conflict and of ultimate confrontation with the Russians and/or the Chinese. And the answer was always No. This was to be a limited war with limited aims; we were to supplement the South Vietnamese until they are strong enough to go it alone; the idea was to intensify our military pressure *gradually*, in an effort to alter the balance of force in a way which would either cause the North Vietnamese to give up the game entirely or bargain for some compromise settlement.

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It was a thumbscrew strategy and it didn't work because every time we tightened our pressure the North Vietnamese tightened theirs and finally, after our involvement reached a certain level, the American public wouldn't buy the next turn of the screw. That was the real meaning of Lyndon Johnson's decisions to stop the bombing in March, 1968, and to cancel the next increment of American troops. While it was never admitted at the time, what we did then was to abandon the thumbscrew and it left us with three alternatives: to give up and get out immediately; to ease out in an orderly way which would still give the South Vietnamese a reasonable, realistic chance to determine their own destiny; or to resume the squeeze.

President Nixon rejected the first course out of hand and had seemed—until Cambodia—to be working the middle ground of the second alternative. And that is what is so deeply disquieting about his latest progress report, and his own reading of where Cambodia fits into his scheme of things. For he seems, inescapably, to be unable to face the brutal facts that Lyndon Johnson faced up to more than two years ago; he does not sound as if he sees any limits to this limited war; he seems, in short, to be toying perilously with this third alternative of taking up the thumbscrew once again, not as a one-shot, time-buying affair, but as a matter of fixed policy.

It is hard to read any other meaning into his sweeping promises and menacing threats. "There is one basic commitment yet to be fulfilled," the President said, adding: "I have pledged to *end* this war. I shall keep that pledge." How? Certainly, the President can end *our involvement* in the war, at the expense of American influence over what comes next; but this will hardly insure the great and global stakes he insists on attaching to the outcome. "Only this administration can end the war and bring peace," he said at another point and while this was probably a way of saying that he, rather than the opposition at home, has the power and the responsibility, it is also another way of suggesting that the United States can somehow determine the outcome unilaterally; it ought to be obvious by now that this can only be done either by *winning* in the conventional way or with the cooperation, one way or another, of the North Vietnamese.

This is where it all breaks down—in the President's seeming belief that he can bluff or threaten the Other Side into playing the game his way. "If their answers to our troop withdrawal program, and to our offer to negotiate, is to increase their attacks in a way that jeopardizes the safety of our remaining forces in Vietnam, I shall, as my action five weeks ago demonstrated, take strong and effective measures to deal with that situation." Well, that is one way to look at the President's action five weeks ago—as a token of his resolve—although it is a little curious to hear the President justifying the Cambodian operation, in part, on the grounds that, had he not made good on a warning which he himself issued, it would have "eroded the credibility of the United States before the entire world;" one way to avoid that might have been not to make the threat in the first place.

But there are far better reasons, of course, for not reviving the discredited thumbscrew and the first one is that it doesn't work. We talked a little last week of the Cambodian quagmire and the danger of pinning our Vietnam policy to the fortunes of the Lon Nol Government in Phnom Penh and this is only one piece of it. Assume that the old Cambodian sanctuaries have been neutralized for a time; new sanctuaries and new supply routes are already developing farther back in the Cambodian hinterland; there are miles of Vietnamese frontier with Laos; there is a massive North Vietnamese buildup above the DMZ and just below it in I Corps the war is hotting up.

It is all very well to argue that Cambodia is proof that Richard Nixon means business; it is as easy to read it as further evidence that Hanoi, which has been threatened by experts, is not much moved by threats. And it is all very well to deal in melodrama at the expense of a union leader whose soldier son might have been spared the bullet that killed him had we only cleaned out the sanctuaries sooner; Lyndon Johnson used the same argument about a grenade and a brave Marine who might have been spared, so the President said, had the President not halted the bombing in early 1967. If the history of this war tells us anything, it is that presidents can't control the destination of bullets or the flow of enemy forces and material down the trails and across borders and into Vietnam and Laos and Cambodia. So it is nothing short of reckless to pile so many chips on so many imponderables—unless the President seriously believes that he can return successfully to the thumbscrew strategy and make it work, not just in Indochina but in the universities and in the streets and in the Congress of the United States.

In our view he cannot, and he ought not to pretend that he can; there are limits to what we can do and we have reached them; there are no "strong and effective measures" left to be taken that would not involve unacceptable risks—in Asia and at home. The genuinely bold thing to do now would be to acknowledge reality; to accelerate an orderly withdrawal with the time bought in Cambodia; to stop pretending to power and influence which we do not possess and ought not to be expected to have. If the President thinks he has it—if he believes he can re-invade Cambodia, or resume bombing of the North, or otherwise revive the tightening squeeze—then this becomes the most eloquent argument yet for passage of the Cooper-Church amendment to restore some measure of congressional influence over events. If we have read the President wrong, this amendment will not inconvenience him. And if we have read his meaning right, there is all the more reason for Congress to begin to define some reasonable limits on the power of the President to conduct a limited war.

Mr. Speaker, I would also like to include with these remarks a Post editorial entitled "A Showdown on the War Power":

[From the Washington Post, June 6, 1970]

A SHOWDOWN ON THE WAR POWER

President Nixon's willingness to accept the Byrd amendment to loosen the proposed Cooper-Church restriction on future operations in Cambodia narrows the issue before the Senate without substantially changing it. The basic question continues to be whether Congress will assert its authority to de-escalate the war. Apparently a majority in the Senate is now determined to cancel, at least in some measure, the blank check Congress gave the President when it passed the Tonkin Gulf resolution in 1964. It is some gain to have the White House withdraw objections to Congress getting into the act at this point in some way. But the hard fact remains that the President is still maneuvering for what would in effect be a free hand in Indochina.

The chief complaint against the Cooper-Church amendment is that it would encroach upon the constitutional duty of the President acting as Commander-in-Chief of the armed forces. The views of the administration on this subject were spelled out the other day by Assistant Attorney General William H. Rehnquist. He dismissed the legal and constitutional arguments against the incursions into Cambodia by saying that they reflect "precisely the sort of tactical decision traditionally confided to the Commander-in-Chief in the conduct of armed conflict." It is, he went on to say, "a decision made during the course of an armed conflict already commenced as to how that conflict shall be conducted, rather than a determination that some new and previously unauthorized military venture shall be taken."

Of course the Commander-in-Chief does have broad authority over the conduct of a war that has been authorized by Congress. But in this case there has been no specific authorization by Congress, unless the Tonkin Gulf resolution can be so construed. Mr. Rehnquist does so interpret it, but the State Department recently consented to repeal of Tonkin Gulf on the ground that the administration was not relying upon it for the conduct of the present operations in Southeast Asia. That would seem to leave the entire war in Vietnam as well as the Cambodian affair hanging precariously on the powers of the Commander-in-Chief, without any congressional authorization.

It is interesting to note that when Mr. Nixon was a senator he voted to restrain the President in a relatively mild exercise of his power as Commander-in-Chief. President Truman had sent troops to Europe to support our commitment under the NATO alliance, without going to Congress as his administration had promised to do. Senator Nixon was among those who passed a resolution saying that "no ground troops in addition to . . . four divisions should be sent to Western Europe in implementation of Article 3 of the North Atlantic Treaty without further congressional approval." In this instance it was simply a question of putting muscle behind the NATO guarantee that an attack upon one member would be regarded as an attack upon all—a guarantee which the Senate itself had approved. Now, Mr. Nixon, who voted to deny that relatively minor discretion to President Truman, seems to be claiming unlimited authority for himself to extend the war, not in our vital security area, but in remote Southeast Asia where no treaty commitment extends.

The Senate is trying to clear up this anomalous situation. By adopting the Cooper-Church amendment it would say to the President: "We are in a limited war. The Congress forbids any expansion of the war across the Cambodian border." The general effect would be to put Congress on record in favor of winding down the war—the policy that the President himself repeatedly proclaims—instead of beefing it up.

In some degree, of course, this would restrict what the Commander-in-Chief could do in the name of protecting the American troops in Vietnam. But it is a very limited restraint that ought to be implicit in the nature of international relations. Even if we were at war with one country under a congressional declaration, the Commander-in-Chief should not take it upon himself to invade a neighboring country that might be giving aid to the enemy. That would be a question of solemn national policy which could not be legitimately made by one man who happened to occupy the White House.

Senators Cooper and Church and their supporters are trying to say to the President that he must not make such a decision again without congressional consent. Senator Byrd would undercut that by providing that the President could send troops into Cambodia again if he concluded it was necessary to protect the U.S. forces in Vietnam. This goes right back to one-man decisions. It breathes the spirit of Tonkin Gulf—that the President alone shall determine the nature and extent of our participation in the war in Southeast Asia. It would open the door to expansion of war if the President should deem it wise or desirable.

Congress cannot afford to settle this historic effort to recapture the war power with a rhetorical gesture that would be devoid of substance. It needs to tell the President that the powers of the Commander-in-Chief do not include an unrestrained license to make war any place in the world at his sole discretion. Instead of yielding on this initial showdown, Congress should go on to repeal the Gulf of Tonkin resolution and to enact a policy of terminating the war at the earliest feasible date. The time for unlimited executive discretion in these matters has passed, and the government ought to be able to devise a rational means of returning to constitutional processes without a bruising fight in Washington or in the country.

MISS JANET LAX—1970 PRESIDENTIAL SCHOLAR

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 1970

Mr. MINISH. Mr. Speaker, the 1970 New Jersey Presidential Scholars, selected from among all high school graduates in the State, arrived in Washington last Tuesday, June 2. Among those honored was Miss Janet A. Lax of South Orange.

Miss Lax, an attractive, pert young lady, stopped in to visit my office before returning home. I was most impressed by the caliber of young person chosen as a Presidential Scholar. Janet was one of 119 young people chosen from among nearly 3 million young Americans graduating from public and private high schools throughout the country. A boy and a girl from each State, the District of Columbia, and Puerto Rico, and another 15 chosen at large, are picked on the basis of outstanding scholarship and demonstrated leadership capabilities.

Janet plans to attend Princeton University next year. She had participated in community activties such as the educational goals program of Columbia High School in Maplewood, and she was involved, well informed and well spoken.

I wish Janet Lax much success in whatever she undertakes, confident that she will manage to achieve it.

CUSTOMS FIGHTS DRUG SMUGGLING

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 1970

Mr. CONTE. Mr. Speaker, I have often spoken of the efforts being made by the Bureau of Customs in the narcotics smuggling field. As a member of the Treasury-Post Office Appropriations Subcommittee for 12 years, I have watched this work very closely.

I would like to include in the RECORD an address recently given by Myles J. Ambrose, Commissioner of Customs, on the work his agency is doing. I hope my colleagues will read it closely and bring it to the attention of all our citizens who are concerned about the drug problem.

The address follows:

ADDRESS BY U.S. COMMISSIONER OF CUSTOMS MYLES J. AMBROSE

I was delighted with the invitation from Northeastern University to participate in the 1970 National Law Enforcement Seminar. It is an honor to represent the oldest and one of the most distinguished arms of the Treasury Department—the United States Customs Service, which has been guarding American frontiers against smugglers and wihch has been collecting revenue since 1789.

The central theme of this seminar—"Unity of Polarization"—within the broad context of law enforcement, is especially appropriate in light of the problems confronting this Nation in its current effort to stop the illegal drug traffic. Your timing couldn't be better in view of the announcement by President Nixon that the last week in May will be Drug Abuse Prevention Week.

The word "unity" has many definitions. Webster defines it as "acting in concert" or "entering into an association." Another: "Joining of strength or identity for a common purpose."

The word "polarization" is of recent vintage. Webster defined it as "the relationship between two apparently opposed objects which nevertheless involve each other by being dependent upon a mutual factor, such as day and night, or birth and death."

Of course, today, the word "polarization" is used to reflect the concept of alienation by the youth of America to estabilshed institutions which they characterize as the "establishment."

It has been said that we are in the throes of a revolution. We have been through revolutions before. People seem to forget that this nation evolved from a revolution and that we are all inheritors of revolutionary traditions. Successful revolutionaries, however, necessarily become the establishment because the true revolution can only come about as the result of repressions and the inability of those oppressed to achieve any relief by traditional methods.

I submit the changes in American institutions can and are being made and that we do have the means by which this can be done in an orderly fashion. Those who would use mob tactics to pervert the term "revolution" in its traditional American sense should remember that some of the countries they so admire would treat demented acts like bombing not as a lone violence against the state and its institutions, but in a swift and sure manner without recourse to their rights or to trial.

I think it is incumbent upon us to firmly advise these terrorists that no intelligent society can have its decisions made by the irreverent irrational acts of street mobs.

What does narcotics smuggling have to do with the unity or the polarization of the American people?

Can there be a shadow of doubt in anyone's mind that the scourge of our time is the misery, the suffering, the degradation caused by the illicit use of drugs.

What other single force for evil so rents and tears at the fabric of our society today, separating parents from their children, teachers from their students, governments from their people?

Glance at the headlines in your morning newspaper:

"Scientists and students at colleges find increasing use of heroin."

"Heroin epidemic hits school children."

"City teachers arrested with coed on dope charge."

Recently a nationally known columnist questioned the value of spending money and energy to educate modern youth on the dangers of drug abuse.

He feels that drug-abuse education is wasted, simply because the kids "already know everything that we can teach them."

"Education," he writes, "is the solution only to the degree that ignorance is the problem. And in the urban high schools, there is not much ignorance on the subject of drugs."

The writer admitted that there is stupidity, immaturity and self-denigration, and the misguided isn't likely to be moved by arguments based on saving himself from destruction.

Another reaction, he said, is simply a kind of "ecological religion" or simple resignation to pollution of the earth's atmosphere, and eventually to the end of the world.

"If you've booked passage on the *Titanic,* you might as well go first class."

What about this?

If this writer is right, and if his thinking were to be carried out to its logical conclusion, we might just as well fold up our tents—all of us—and give up the fight here and now.

Should we abandon the advances, the idealism, the progress, and the development of centuries of civilization as we know it? I think not.

Abraham Lincoln once wisely said: "The dogmas of the past are inadequate to the stormy present."

This is a time to consider our possible shortcomings and failures: to build on the past, not to destroy the foundation. There is an inscription on the National Archives building in Washington which says: "The Past is Prologue." When I asked what this meant, a cab driver once said it simply means "you ain't seen nothing yet."

Many of our most respected institutions—our schools, our courts, our social mores, our laws and our traditions—are under attack, even as they were in Abraham Lincoln's day, and they have been in every generation since.

Shall we all book passage on the *Titanic,* first class, because the Red Chinese launched a rocket?

Shall we burn our homes to the ground because a water pipe burst in the basement?

Shall we commit mass euthanasia against the aged and infirmed, the mentally ill, the incapacitated, as was done by Nazi Germany within our own lifetime because these unfortunates were deemed to be socially "useless"?

Are we to hang all policemen because a few of them were caught accepting bribes, thereby undermining confidence in and respect for the law?

I equate this logic with the grim cynicism and the nihilism of those who would leave the drug problem to the street corner mythology which has filled the vacuum left by our failure in the past to deal with America's youth on a *mature, reasoned,* and *factual* basis.

In the past, society took the easy but ineffective posture of "Do as I say because I say so." It avoided the more challenging route of presenting the facts which are essential as the basis on which to make decisions.

I refer to the point made by Professor K. Ross Toole, of the University of Montana, quoted in *U.S. News and World Report*. Professor Toole observed that:

"Every generation makes mistakes, always has and always will. We have made our share. But my generation has made America the most affluent country on earth; it has tackled, head-on, a racial problem which no nation in the history of mankind had dared to do. It has publicly declared war on poverty and it has gone to the moon; it has desegregated schools and abolished polio; it has presided over the beginning of what is probably the greatest social and economic revolution in man's history.

It has begun these things, not finished them."

XUM

What we need and crave today is not a polarization of our people in a smouldering Cold War between young and old, between the radical and the conservative, but as President Nixon has said, "a lowering of our voices."

We need to synthesize, to unify, to adjust, each one of us doing his thing, to use the vernacular. Hold fast to that which is good, rooting out that which is not so good, and replacing it with new ideas for creative excellence in our society. There is no room for nihilism and cynicism in this effort.

The Bureau of Customs, which I have the honor to head, plays a significant role in the continuing war on narcotic drugs, not only by youth but all segments of our society. We consider our role to be the first line of defense.

President Nixon directed the Secretary of the Treasury, thru the Customs Service, to "initiate a major new effort to guard the Nation's borders and ports against the growing volume of narcotics from abroad."

I think it would be helpful to tell this audience some of the programs that we are currently engaged in:

Congress has given us a supplemental appropriation of nearly $9 million to halt drug smuggling. This bill permits us to nearly double our investigative strength and increase our inspectional personnel by over 900 employees.

We have set up international narcotics intelligence units in key cities to evaluate and act on the information we and other enforcement agencies develop on narcotics smugglers.

We are installing a computerized intelligence network which will give our agents and inspectors instant access to information on suspected smugglers 24 hours a day. By late fall, this network will cover the entire Mexican border and, hopefully, by early 1971, all our major ports of entry.

We are stressing narcotics smuggling techniques in a major employee training program.

Even the most skilled and dedicated employees are handicapped without the right tools. An important item is new equipment. We have increased our fleet of conventional aircraft; purchased helicopters, boats for use on the oceans and lakes along our borders, and over 150 new police interceptor automobiles. We have expanded our radio network along the Mexican border.

We are intensifying inspection of passengers and baggage at international airports, and inspection of foreign mail parcels and commercial cargo.

In addition, we are looking into legislative proposals to prevent the theft of international cargo at airports and seaports.

We are reviewing some of our passenger speed-up methods . . . such as preclearance in foreign countries and accelerated inspection at our own gateways.

NOW, HOW CAN YOU HELP US?

We need increased assistance and coordination with all types of law enforcement agencies. This is a MUST because without information we cannot be effective. Our current drive will mean that international travelers are going to be inspected more closely, that more baggage is examined and that new inspectional techniques will be employed for detecting criminal smugglers.

It will mean some inconvenience. It may require a few extra minutes for customs clearance. *We suggest that this is a small price to pay to help keep drugs out of the hands of your children, my children, and the boy or girl next door.*

I am convinced that through education we can and must arouse the American public to the seriousness of the drug problem. The crisis is becoming an epidemic.

I am not a psychiatrist, nor a doctor, nor a social worker. I am a lawyer, representing an agency which has been charged with certain responsibilities.

I am also an American parent, with young children whose security is suddenly threatened by evil forces beyond their control.

I appeal to other parents and to other American citizens, to join with us in getting at the root of the spreading evil.

We must broaden, not shrink from, our educational programs. We must sharpen, not dull, the edge of our awareness to the depth and breadth of the attack by the corruptors of our society.

But the younger generation cannot be handed the world on a silver platter. They, too, have to meet their responsibilities.

We need more communication . . . not less. We need more education . . . not less. We need more and better law enforcement . . . not less.

These concepts are completely interrelated and should have as a result unification, not polarization.

A HEALTH CARE LESSON FOR THE UNITED STATES?

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 1970

Mr. DINGELL. Mr. Speaker, the Detroit News of June 3, 1970, carried an excellent article on the national health insurance plan now in operation in Canada. The headlines accompanying the article make an interesting point—"Canadian plan proves success" and "A health care lesson for the United States?"

So that my colleagues will have an opportunity to see the article in question, it appears at this point in the CONGRESSIONAL RECORD:

A HEALTH CARE LESSON FOR THE UNITED STATES?

(By Harry Nelson)

Most Canadians now enjoy a national health insurance plan but a visitor hears the same complaints from Canadian patients that are heard in the United States:

"My doctor doesn't spend enough time with me . . ."

"The doctors are getting rich on my money . . ."

But there is one worry most Canadians don't have—the fear of being wiped out financially by a serious illness.

Practically all Canada's 20 million citizens have almost unlimited hospital coverage and seven of the nation's 10 provinces have joined a federal plan that guarantees payment of most doctor bills.

In spite of complaints, most patients and their doctors appear satisfied with the plan.

In view of rising interest in national health insurance in the United States, some observers think Americans should pay more attention to developments in Canada, a nation which more closely resembles the United States than any other.

Canada has far outstripped the United States in devising publicly administered hospitalization and medical care plans. But problems have not ended simply because the bills are now paid by a government agency.

Just as happened in this country when medicare and medicaid went into effect in 1966, Canadian patients flooded doctors' offices and hospitals because they no longer had to worry about the bills.

The result—soaring medical costs and longer waits.

Thus it appears that merely paying the bills is not enough.

Equally needed, say many health planners, is a new method of making health care services available to all.

They say the experience in Canada—especially in Ontario—should be heeded by Americans, who will soon be asked to consider several bills proposing national health insurance.

Dr. Arthur Kelly, a fomer secretary-general of the Canadian Medical Association (CMA), is surprisingly frank about the merits of Canada's national plan, considering that the CMA was not a strong backer.

"Many of my colleagues in the states say, 'it won't happen here' but believe me, it will," Dr. Kelly said recently in Toronto.

"It used to be unpopular to use the word 'inevitable' here, too. But anyone with detachment can see the direction of events."

At the end of an interview, during which he capsulized the 25-year history of public-administered medicine in Canada, Dr. Kelly concluded:

"You will notice that I haven't once used the word 'Socialism.' We have been much more cooperative with government than you have in the United States. It hasn't been as bad as we had suspected."

Many Canadian doctors are resentful of Americans who equate the CMA with the American Medical Association (AMA) CHA in matters of governmental medicine.

"The CMA's social attitudes have been entirely different from the AMA's," says Dr. W. Harding Le Riche, a professor at the University of Toronto's School of Public Health.

Some Canadian experts warn Americans to scale down their expectations.

"Americans must get over the idea that it's possible to have total insurance for the total country," Dr. Le Riche said. "The costs would become astronomical. I would not prescribe what we have for the United States."

Many observers have said that not only

are U.S. doctors more used to having their own way, but a significant percentage of the public has been spoiled by its good private care.

How many middle class Americans would be happy with a four-bed hospital room, the standard accommodation in Ontario hospitals?

"The people want more and more and the doctors think up more and more to do," Dr. Le Riche pointed out. "This leads to a perpetuating system with no controls."

Canadian doctors expect their first controls to be on their fee schedules.

In the United States, "fee schedules" are dirty words to doctors. But in Canada they accept the idea of being paid for each service on a fixed schedule, rather than by a "usual and customary" fee, as in this country.

One reason Canadian doctors tolerate fee schedules is that they are set by their own provincial medical associations. This started years ago when doctors formed insuring associations similar to Blue Shield.

Yet even with modest fees (by U.S. standards), the government will almost certainly take away fee controls from the medical associations to help stem spiraling costs.

Dr. Kelly predicted the doctors would give up this privilege without a fight.

If costs rise beyond the tolerable point even with a government set fee schedule, it is possible patients will be deprived of certain services.

Already Saskatchewan has begun charging $1.50 for each doctor visit up to $180 a year for a family, to discourage unessential doctor visits and hospital stays.

In 1966, federal legislation made it possible for Canada's other nine provinces to form their own medical insurance programs, with federal funds subsidizing the plan by 50 percent.

It is this plan which seven provinces have joined.

Ontario, the most populous and richest province, refused to join until last October. It said 92 percent of its population was enrolled in voluntary insurance programs that provided comprehensive physicians' services for only $60 a year for a single person or $150 for a family of three or more.

Persons on welfare paid nothing. Others with low incomes were subsidized with provincial tax money for as much as 60 percent of the premiums.

"Why should we be taxed extra for a federal program we don't want or need?" Ontarians asked.

But the national government was determined to make comprehensive medical coverage available for all, especially the 25 to 30 percent who had no health insurance.

In the end, Ontarians gave in because they realized they were paying for the 50 percent subsidy given to provinces that did join.

Nationally, the cost for the doctor and hospitalization plans is about $5 billion a year. The United States, with a population roughly 10 times of that of Canada, spends about $60 billion a year for all health care services.

Canadian physicians and public health experts familiar with conditions in the United States say the quality of care in Canada is comparable.

LEGISLATION TO PROVIDE FOR INCENTIVE PAYMENTS TO AID POLLUTION FIGHT

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 1970

Mr. SCHWENGEL. Mr. Speaker, I recently introduced a concurrent resolution which, upon enactment, will state the sense of the Congress regarding methods and priorities for further reducing pollution of our air, water, and soil in rural areas, and for protecting and improving the quality of our environment. This resolution will further the purposes of the National Environmental Policy Act of 1969 (Public Law 91–190), and it is directly related to H.R. 17631, which I introduced on May 14, 1970. H.R. 17631 would amend and improve important legislation in the field of conservation and pollution control and abatement: the Watershed Protection and Flood Prevention Act, the Soil Conservation and Domestic Allotment Act, and the Agricultural Adjustment Act of 1938.

This resolution is needed to express priorities in the application of the watershed protection and flood prevention (or Public Law 566) program and the agricultural conservation program, or ACP, on the projects and farms to which they apply throughout this country. Neither Public Law 83–566—Watershed Protection and Flood Prevention Act—or the Soil Conservation and Domestic Allotment Act sets a percentage of the Federal share in the cost-sharing agreements with individual farmers. The legislation permits, and the ACP has been designed to allow, flexibility in administration in order to achieve the conservation goals sought. In some instances, the full out-of-pocket cost of putting key acreage into conserving practices has been assumed by the Federal Government, and the percentage of compensation has ranged well above 50 percent in many instances—even though the average is about 50 percent. This has proved invaluable to get such practices established, or in removing limiting economic hurdles for many small or low-income farmers.

This flexibility coupled with long-term ACP agreements could be of immeasurable value in developing pollution abatement practices and special projects. It could, by regulation, along with appropriate legislative history in connection with appropriation acts, become an integral and vital tool in helping to secure early signups for critical conservation practices in small watershed project areas.

Coupling this authority (by regulation) to make early commitments to farmers for land-treatment measures urgently needed to bring such projects into being, with new statutory authority to enter into long-term ACP agreements, would provide an arsenal of additional progressive weapons to materially advance a publicly endorsed and proved program. This action would help attain and maintain a high level of water quality in our lakes, rivers, and reservoirs, as well as help prevent the loss of capacity by siltation.

Giving preferred or priority treatment, or "bonuses," to get new, urgently needed practices, programs, or industries underway is a well accepted procedure. It has been used to get new consideration technology applied in a problem area or by a special-need group, and to get social, economic, or educational projects or innovations underway for similar reasons.

In the case of Public Law 83–566 projects, there is a provision of law which requires that:

> As a condition to providing Federal assistance for the installation of works of improvement (there shall be) agreements to carry out recommended soil conservation measures and proper farm plans from owners of not less than 50 per centum of the lands situated in the drainage area above each retention reservoir to be installed with Federal assistance.

In many—perhaps most—cases the farms above these reservoirs—which must be protected from siltation—are the farms which benefit least from the works of improvement, yet have some of the most severe conservation problems which urgently need treating. To these farmers, committing themselves to carry out a farm plan to help protect the reservoir may be a major obstacle unless they can get liberal cost-share rates for the key land treatment measures in their farm and watershed conservation plans. "Bonus" or extra incentive cost-shares for priority practices on the farms of those who contribute to meeting the 50-percent requirement would make it possible to get the needed project underway and the major works of improvement.

While we do not believe amended legislation is necessary to do this—when cost-share funds are available—if there is some aspect of this situation which you believe would make special authorizing legislation desirable, we shall be glad to provide drafting service upon your further request.

The concurrent resolution follows:

H. CON. RES. 641

Whereas the need for a national effort to control and reduce the cause of pollution of our environment is of prime national importance to the well-being of our citizens and coming generations; and

Whereas pollution control and abatement programs are most effective when located at the source of possible pollution; and

Whereas this is especially so for those types of pollution affecting our reservoirs, lakes, and waterways; and

Whereas the National Environmental Policy Act of 1969 calls for the Federal Government to use all practicable means to accomplish such environmental safeguards and benefits; and

Whereas President Nixon's Task Force on Rural Development has recommended accelerated appropriations to develop more small watersheds each year; and

Whereas the Task Force has recommended that adequate funds be provided to complete such projects; and

Whereas the most efficient and practical methods of establishing sound conservation and pollution control and abatement practices can be greatly enhanced to the public's benefit by authorizing adequate federal assistance under tested, existing programs widely available to landowners and operators: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the Department of Agriculture of the United States

(1) shall endeavor, to the maximum practicable extent, to assist landowners and operators to establish on their lands enduring, pollution abatement measures along reservoirs, lakes, and waterways, and on other areas which are likely to be significant

sources of pollution to either the air, water, or soil, and

(2 shall give preference to implementing those programs which are available for use on eligible lands and are in operation, namely, the Agricultural Conservation Program and the Watershed Protection and Flood Prevention Program, by providing a share of the cost of such practices adequate to expedite their installation wherever they are needed.

SEC. 2. The provisions of this resolution shall be held and considered in effect until such time as Congress deems otherwise.

SAVE THE BOZEN KILL

HON. DANIEL E. BUTTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 1970

Mr. BUTTON. Mr. Speaker, in my district lies one of the unspoiled nature spots of the eastern metropolis.

More than a half century ago, the great Naturalist John Burroughs referred to the Bozen Kill Valley in Albany and Schenectady Counties of New York as a splendid untouched spot for man to refresh himself in Nature's unlimited wonders. The Bozen Kill remains as such even today. I myself frequently find rewarding enjoyment in strolling and climbing the valley's slopes.

Many of my constituents in the valley, or who know of its natural beauties, are concerned about its future because of an interstate highway building program which might touch or cross the Bozen Kill. They are determined that this should not happen, and I share their determination.

An ecologist of the area, Daniel L. McKinley, assistant professor of science at the State University of New York at Albany, recently made an excellent statement on highways' deleterious impact on areas such as the Bozen Kill. I bring it to the attention of my colleagues because of the importance of his message and the clarity with which he expresses the imperative that so many of us feel, to "Save the Bozen Kill."

His statement follows:

SAVE THE BOZEN KILL

As an ecologist, I know that all processes on Earth, even those we think of as nonliving, are a vast sponge of interrelationships. You cannot, as the poet said, damage a flower without troubling a star. Man is an ecological agent of great impact today, yet most of us have even forgotten how long it takes nature to make a baby chick or a plate of beans. It would not do for us to have to arrange every molecular event within our bodies and, much less, out in the world we live in. But all this insulation results in an isolation from nature that is the source of many of our troubles.

We never know until it is too late that anything is wrong. We compartmentalize our activities. We "make a living," we "take a vacation," we "buy a car." Separate events? We pass a law guaranteeing jobs; other laws insure health, food, pure water, clean air. These items are quite separate on the books but they are really very much connected.

For example, as an ecologist, I am especially aware that DDT does not stay compartmentalized! And the laws we pass to protect our health do not always save us, for as long as there is one profiteer from the making, selling or applying of DDT, we cannot prevent its continued spread through the ecosystem we all live in.

This divides us and conquers us. We are divided from a good world, because there are so many of us, by our needs. We also are divided from it by our greeds—and we do not always seem able to disentangle the two. We shall be conquered by the same ecological processes of nutrient circulation, energy flow, biological breakdown (or lack of it) and biological accumulation that now guarantee our survival. Our expertness in compartmentalizing life turns out to be a part of the insulation and estrangement from reality that keep us from seeing the floodwater creeping upwards in the basement. If we had looked to the health of the ecosystem rather than the health of man alone—or the "health" of our pocketbooks—we should not now be in this fix. Will a few more miles of freeway help us?

A recent calculation has it that every man, woman and child in America (and, incidentally, the world) has about 10 acres of ice-free land. There is, unfortunately, little hope that there will not be twice as many people in the world within 35 or 45 years—with at least 10 times as much garbage as now and probably 40 times as much violence—and there will then be only 5 acres per person.

Here our dividing and conquering begin again. Ten acres is a lot of land: but only if half the people of this country and three-fourths of the people of the world are willing to live in restrictive slums, see the quality of their lives decline, watch the rich proteins and the nonrenewable resources of their countrysides and waters flow (in the economic banditry that we call international trade) into American affluence. But 10 acres is not going to be much land, 5 acres is going to be very much less, as our impact upon land and our uses of land continue to increase even faster than we do. On that early twenty-first century 5 acres of land, for example, at a very mnimum, we shall have to feed ourselves—and we may well have to do so without widespread use of chemical pesticides and without saturation use of commercial fertilizers. Those acres will have to provide us with timber and fibers; with suburban lots, with mines and oil wells; with factory sites; with roadways and power-line rights-of-way; with airports and ski-slopes; with forests to produce oxygen and, I should hope, some desert, plain, mountain and valley habitats that will feed our feelings of need for natural beauty.

Thus, we face increasingly great competition for the uses to which a decreasing resource is going to be put. We do not have 10 acres for food; *and* 10 for highways; *and* 10 for power lines; *and* 10 for factory sites. We already have enough plans on the drawing boards to *saturate* the only 10 acres we now have. We already have too many people and too many highways and too many cars, if we consider that the proper aim for all of mankind ought to be higher than the maximum provision of transport. I venture to say that there are already as many roads for as many people as the Bozen Kill ought to support.

Obviously, we have to settle for less than a maximum of anything, unless it is a maximum of mere human numbers. But when are you going to ask us to stop producing more people? When are you going to tell us that we cannot have more roads—and the more cars that make more roads possible so that we can have more cars? Is it not time that engineering experts started being socially responsible by telling us the true price of the products they sell us?

Human economic competition feasts upon externalized costs. Such is the land slavery that has eaten up its own resources in our country. Human slavery is now unpopular, especially with the slaves. Colonialism is no longer profitable. In fact, only international economic raiding makes it possible for us to sit here tonight and consider permanently embalming additional square miles of American land under concrete and steel. All that, I suspect, will soon change.

Building this road—especially if it destroys the Bozen Kill—is a kind of High-Grading. Within a generation, every high quality tree, every individual of a high quality species of tree can be high-graded from a forest. This can be done inconspicuously, so that apparently no harm has been done. But we never know what processes the missing species carried on nor can we more than guess at how much less well the ecosystem now operates. Almost accidentally—partly through lack of economic pressures but mostly because of a former lack of capability in dealing with tough terrain—some of the best scenery has been left in our hands. We now engage in the worst high-grading of all: the replacement of this region's most striking natural beauty with what will be ecologically degrading and ugly (or, at best, of neutral esthetic value).

A truly high quality environment is more than the lowest common denominator of what's left when we've all profited maximally. What a dung heap to pick over we shall have left those who come after us! Make no mistake about it. We are not now just removing white oak or white pine in a cozy little nineteenth century skimming operation. Our high-grading is a vast leveling operation from which the biotic pyramid as we know it will not recover. If you value the inspiration of natural beauty, there is even less likelihood of recovery.

There are many "uses" for natural areas. The Nature Conservancy is not simply preserving scenic views. I do not claim that areas preserved by Nature Conservancy and its friends are going to serve a vast number of Multiple Use functions. But, within limits imposed by the nature of the terrain, the kinds and numbers of plants and animals and their needs, these areas will serve many people.

Relatively enormous numbers of well behaved sightseers can share some of the Bozen Kill preserves for an indefinite future. Picnicking for a limited number of people might, perhaps, be judiciously provided for. The preserves may never produce a shootable surplus of game animals but many species of interesting birds, mammals and plants live there now that will have no place to continue their kind if we destroy their habitat. Perhaps most of all, the land can, within limits, be a perpetual incubator for future naturalists and for much needed scientists educated by more than laboratories. Places where such education can go on are fast disappearing.

This is not an isolated plea for wilderness preservation alone, however much that may be justified. It is more than a prayer for rescue of a particular species of endangered animal or plant, although I believe that a defensible aim. It concerns us and our children.

We have constitutional guarantees and zoning laws that allege to protect us. But we are now endangered by exercise of the Right of Eminent Domain, by self-confirming social predictions of Infinite Growth and by an endless amount of private greed disguised as Economic Determinism and enthroned as "You Cannot Stop Progress."

If we destroy the Bozen Kill valley or insidiously degrade any substantial portion of it, we shall have gone a step farther toward eliminating the possibility that local people with modest incomes can see such beauty. Now, it may seem to some of us that more people forced onto the highways for fewer vacations to more distant spots is a good thing. Such expenditures by individuals force them to demand high salaries. It cuts down on the number of times per year they can get into contact with nature. Its focusing their attentions upon the few remaining areas essentially is another form of high-grading, which destroys what they set out to enjoy.

One final note. I think there is still room for a limited number of homesites along the Bozen Kill and its tributaries. But the quality and the accessibility of these sites will not be enhanced by freeways! The mere fact that you can recruit people willing to live there in spite of the degradation of the countryside is not an argument for degrading it. Rural slums are ultimately no more an answer to surplus people than urban slums have proved to be. People, it turns out, just do not continue to like living in slums. I cannot see how superhighways help at all in curing or preventing slums, either rural or urban. I think we ought to be careful not to expand the slums we already have.

FACTS CONCERNING OUR RAPIDLY GROWING CRISIS IN IMPORTS

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 1970

Mr. DENT. Mr. Speaker, again I want to give Congress an opportunity to read more of the important facts concerning our rapidly growing crisis in imports.

Not more than 2 years ago, Great Britain had a deficit of $850 million from imports. Last year this was changed to a $950 million export surplus. How was it accomplished? Very easy; we bought more and sold less to Great Britain than we did previously.

Great Britain also clamped down on imports, especially steel and high value-added products by giving a bonus to steel users who used only British steel. They easily overcame any G.A.T.T. restrictions on high tariffs by selling the United States a major part of their aerospace industry products. The United States is their largest customer with over 100,000 unemployed U.S. aerospace employees, while Great Britain has full employment for 245,000 workers.

Of the 200 largest corporations in Europe, Britain has 107, exporting more than 1½ to 2 times as much as the United States. Authority for these figures is the Financial Post, May 30, 1970.

I warn again, this Nation cannot survive as an industrial complex with its markets wide open to cheaper labor and goods.

Incidentally, while we are going broke and living on borrowed time and money, we are gradually taking over all the old British problems of world diplomacy, world peacekeeping, and world free trade problems. Britain had to go broke before she awakened to the realities of life. Do we have to suffer from the same type of awakening?

The British were fed the same cliches and propaganda that the U.S. economy has been weaned on the last 20 years. Somehow or other, after hundred of years, starting with the times of crude weapons and little or no transportation during which the British fought many wars in other lands for its own protection, she now lives in a world of sophisticated weapons and means of conquest, apparently feeling rather secure on a little island surrounded by its moat. We too think that we are so very safe that we have got to go bankrupt morally, politically, and economically to prove it.

NATIONAL AIRPORT

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 1970

Mr. GUDE. Mr. Speaker, continuing decisions of the Federal Aviation Administration leading to increased congestion of air passenger traffic at National Airport is a matter of growing public concern to the entire metropolitan Washington area. The Senate Committee on Interstate and Foreign Commerce will conduct hearings this week on legislation sponsored by Senator SPONG of Virginia and by myself in the House which would create a regional airport authority for the major metropolitan airports of National, Dulles International, and Friendship International. This hearing will provide an opportunity for appropriate public discussion of the role of local planning considerations in the operations of these major area airports.

Mr. Speaker, Washington station WRC–TV has spoken directly to this issue, and I submit for the benefit of my colleagues the following WRC editorial of May 27, 1970:

> Washington National Airport is here to stay and it should. It is a tremendous asset to the entire Metropolitan area, but it must not be permitted to become a monster.
>
> The recent decision of the Federal Aviation Agency to permit the stretch-jet to continue to use National raises just such a specter. The issue is the future of the facility and what part should it play in the overall concept of air transportation in the Washington area.
>
> In the early 1960's, the FAA said jets would not be permitted into National—but they were. The decision was proper. Then the FAA said the stretch-jets with higher passenger capacity would not be permitted. But during the recent controllers slow-down, they were, and now they will be continued.
>
> The next threshold is the airbus. If that is permitted, plus the stretch-jets, the whole concept of National will be changed. The tremendous passenger flow will necessitate additional ground facilities, including new access roads to move people into and out of the airport.
>
> But perhaps most important, it will mean that Dulles will cease orderly growth and continue as a major burden to the taxpayers and Friendship may whither on the vine.
>
> Preserve National by all means, but not at the expense of the area's environment and the development of other airport facilities.
>
> WRC–TV recommends that a major study of an integrated air facilities system for the Washington-Baltimore region be undertaken at once, and if necessary, an authority set up to properly utilize the present facilities and plan for the future.

THE COMMUNIST MYTH

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 1970

Mr. WOLFF. Mr. Speaker, my colleagues well realize from my activities in and out of Congress how strongly I oppose Communist regimes throughout the world for, among other things, the manner in which they deny fundamental human freedoms. In this regard, I am proud to have been the recipient of the Assembly of Captive European Nations award in 1966 for my activities against totalitarianism.

However, we must bear in mind that substituting a repressive regime of the right, which denies human freedoms, for one of the left, which denies human freedoms, does not mean progress.

The problem inherent in incorrectly labeling one form of totalitarianism less acceptable than another was excellently stated in an editorial in the June 4 issue of the Locust Valley, N.Y., Leader which is ably edited by Edith Hay Wyckoff.

Because Mrs. Wyckoff's editorial is so relevant to current debates in the Congress and throughout the country, I include it in the RECORD at this point:

> THE COMMUNIST MYTH
>
> One of the biggest problems confronting us today is the need to understand what communism is and what we are letting it do to us. During the 50 years since communism replaced Russia's creaking, despotic monarchy we have tended to give communism more power than it has, enveloping it with an aura of mystery it does not deserve. Communism is only one more oppressive, aggressive, anti-liberal, fascistic, autocratic form of government very much like the Russian monarchy it replaced. Few of us have recognized that. Instead, obsessed with the idea that communism is something special and somehow more evil than any other autocracy, we have allowed it to tear us apart, exactly as the communists have planned it would.
>
> Too often communism, which some mistakenly consider liberal, has been credited with advances it has not made. With many others we watched in dismay as the whole labor movement and its leaders such as Walter Reuther once were damned as communists. There was great violence in the labor movement and there are those today who still think of every member of a union as a communist. And yet today, such a short time after labor won advances after bitter and often violent struggle, many union members have become a part of the most reactionary forces in the country, denying other segments the right to seek the same kind of advances for which labor fought so fiercely.
>
> The right to strike does not exist in any communist nation nor does the right to dissent. Neither do these rights exist in any

other nation ruled by a dictator. The strength of the communist poison has been the willingness of too many to call everyone with whom he does not agree a communist. This thoughtless misunderstanding of the meaning of communism has led us to justify every action we take if somehow we can make it appears as if what we do in some mysterious way will defeat communism.

In the name of anti-communism the U.S. has supported nearly every modern dictator. By doing this we have helped create a vacuum that could not resist change. Because the U.S. so often was the support of the friendly dictator, those who wanted to overthrow the dictator were forced to seek help elsewhere. Too often the only alternative to the in autocrat was the out autocrat—Russia. This happened in Cuba where for decades we kept dictator Batista in power. When his rotten house collapsed Castro and his communists moved in. It happened in China where we kept dictator Chiang Kai Shek in power. Communism also moved in when his rotten house collapsed. The same thing has happened in Viet Nam, where in the name of defeating communism, we have kept several dictators in power and failed to make the country self governing. Even though nearly everyone agrees that we cannot win that war, we continue to fight there, accomplishing nothing except what the communists want. This draining of our human and material resources is their way of destroying us and we are letting them do it just as they have told us they would.

The dictatorship known as communism is evil. It must be defeated. But the victory against it will not come by fighting in Korea, Viet Nam, the Middle East or anywhere else in the world. The victory will be won within our own country when it has become so free and so strong it is unassailable, leaving no vacuum to be filled by anyone. In rushing out with fists raised to do battle against every communist threat we have done what the communists expect us to do. The years of this kind of reaction finally are taking their toll. To defeat communism we must recognize it for what it is—an archaic form of government that in time will collapse under its own rotten weight. If we are not strong and healthy when this happens then the world is lost. And if we continue in the fool hardy direction of war that is exactly what will happen.

XUM

WAKE UP TO THE AUTOMOBILE CHALLENGE OF JAPAN

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 1970

Mr. GAYDOS. Mr. Speaker, it has been apparent for some time that United States and Japanese automakers were on a collision course over the matter of imports and exports.

American automakers have become frustrated and increasingly angry over the present situation. Not only are they prevented from selling their cars in Japan because of stringent trade barriers, but they must sit by and watch Japanese car sales in the United States, unhampered by trade restrictions, increase at an astronomical rate.

In the following article written by Sylvia Porter, one of a series I have been inserting into the RECORD, the auto crisis is clearly defined. According to the article, which appeared in the Pittsburgh Post-Gazette, Japan's 1969 car sales in the United States increased 44.5 percent; truck sales went up an astounding 98.8 percent. On the other hand, United States car sales in Japan rose only 2.7 percent and truck sales were not even computed since only 10 vehicles were sold.

Miss Porter reports Japanese automakers are gearing to increase their exports by 19 percent this year. It is possible her sales in the United States will double the 1969 figure, ranging from 350,000 to 475,000.

Mr. Speaker, I invite my colleagues to read Miss Porter's column. The figures are shocking. The resulting collision is inevitable unless Japan allows United States automakers free wheeling access to her markets or we slam the brakes on Japanese imports to our shores.

The column follows:

YOUR MONEY'S WORTH: WAKE UP TO THE AUTO CHALLENGE OF JAPAN

(By Sylvia Porter)

TOKYO.—Last year alone, sales of Japanese cars in our market soared 44.5 per cent and sales of Japanese trucks to us rocketed 98.8 per cent! In the same months, U.S. auto sales in Japan rose a puny 2.7 per cent and truck sales (a total of 10) were ridiculous.

This year Japan's automakers are scheduling production of a mighty 5,600,000 motor vehicles, up 13.6 per cent over '69 and projecting 1,100,000 exports, up 19 per cent. Japan's sales in the U.S. market could be double '69—range from a low 350,000 to 475,000.

The Battle of the Automobile is on in full force.

From all over the world, small cars are pouring into the U.S.—with Japan's Toyota and Datsun well up on the list of popular invaders.

In response, Detroit finally is rolling out America's new sub-compacts. You have not yet signaled the outcome, but authoritative guesses are that Japan will both make strong inroads into the Volkswagen's sales and be tough competition for all U.S. makes.

Confident of this, Japan's automakers are forecasting production will continue to rise 15 per cent a year and exports will continue to rise 18 to 20 per cent a year. And Katsuji Kawamata, president of the Japan Automobile Manufacturers Assn. as well as of Nissan Motor Co. (Datsun), told me he expected total motor vehicles on Japan's roads to double in the next five years to 30,000,000.

There's no doubt that the battle of the Automobile is just beginning and that it will become far more important than the current collision over Japan's tremendous textile exports to us—a collision now up to a level of dangerous emotionalism on both sides.

Japan points out that she is knocking down her barriers and will permit our automakers to invest 50 per cent in new joint ventures in Japan as of October, 1971.

Detroit retorts that this is hypocrisy, for it'll take another five years after 1971 to get going.

How could Japan build up one of the world's greatest automobile industries in less than 15 years?

Some explanations leap out to the serious observer:

The unique government-industry-finance-labor cooperation and planning to build the industry; the billions of dollars the government and Japanese banks (by agreement) poured in; the modern plants, put up so recently that they are automated beyond most of ours; Japan's fabulous capacity for copying the U.S. original and improving on it; the help we gave her with our industrial know-how as well as a "nuclear umbrella"—and, of course, her protectionist tariff-tax policies which alone boost a $3,000 car in Detroit to more than $9,000 in Tokyo.

And again, I go back to the Japanese worker. I spent a full day touring the Datsun plant near Yokohama and, as in other factories, I was almost hypnotized by the sight of hundreds of young workers on the assembly line, utterly absorbed in their little tasks, enthusiastic, gay.

The fact that each of these young men is hired for life and will not be fired except for extreme cause hasn't made him lazy. On the contrary, he repays his employer with great loyalty and he is more eager to make his company prosperous because he prospers with it.

The fact that each worker can count on a paycheck, a semiannual bonus and an almost incredible variety of fringe benefits hasn't made him fear automation will undercut his security.

On the contrary, he welcomes work-saving innovations just because he knows they do not threaten his job.

Japan won't have it as easy in the '70s as in the '60s, of course.

And what I'd like to see come out of this new automobile competition is the first world car in history—a car which would be at home on the roads of all nations and which would have the size and styling to cross all boundaries.

I'd like to see it made in the U.S.A.

If it is, it will be at least in part because the challenge of the compulsively industrious, ambitious automakers of Japan forced us to make it.

SUPPORT FOR THE PRESIDENT

HON. E. Y. BERRY

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 1970

Mr. BERRY. Mr. Speaker, as an indication that the debate going on by the liberals over in the other body is not changing the thinking of substantial people in the United States, one of the outstanding radio stations in my State ran a series of spots urging everyone who wished to sign a petition in support of President Nixon's Cambodia move to stop in their office and sign.

In a 2½-day period 255 persons stopped at the office of KWYR in Winner, S. Dak., and signed this petition. Seventy-two more signed other petitions carried by individuals. The petition simply said:

> We, the concerned citizens of South Dakota, back the President on Cambodia.

That, Mr. Speaker, was accomplished in 2½ days, during the week of May 18.

During the week of May 22 KWYR radio station carried a similar campaign for those who might desire to sign petitions in support of the McGovern-Hatfield amendment to end the war. In a 3-day period only 36 persons had stopped in to sign the petition favoring the McGovern-Hatfield stand. One letter favoring his stand was also received by the station.

In reporting this activity, Mr. Al Clark, the principal owner of the station, wrote as follows:

> In summary, with 94 promotional spots run for each campaign, and an additional half-day allowed for the McGovern-Hatfield supporters to come in and sign, KWYR's responding listeners voted more than 9 to 1 in support of the President's move into Cambodia in an effort to speed the safe return of American military men from Southeast Asia.

One would think that similar results might be received in every section of the United States.

CIVIL RIGHTS ON SADISM

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 1970

Mr. RARICK. Mr. Speaker, that leading civil rights organization, the ACLU, is about to embark upon its own "trip." The ACLU's latest reported venture is to claim rights of the individual under the Constitution to destroy his body as he wishes—including the right to take harmful drugs and refuse treatment for narcotic addiction.

Mr. Speaker, I include an article pertaining to this subject, as follows:

[From the Washington (D.C.) Post, June 8, 1970]

ACLU IS PRESSING RIGHT TO USE BODY AS PERSON WISHES

(By Karl E. Meyer)

NEW YORK, June 7.—The U.S. Constitution should protect the right of any person to use his body as he wishes, including the right to take harmful drugs and refuse treatment for narcotics addiction.

This was among the controversial policy recommendations that will be submitted to the board of directors of the American Civil Liberties Union, which this year is observing its 50th anniversary and is being beset, like everything else, by change.

The recommendations were approved after spirited debate by a biennial conference of 500 ACLU leaders that ended today after five days of exploring such problems as drug abuse, abortion, data banks, environmental pollution and women's rights.

INTO NEW FIELDS

The mood of the conference suggested that in its second half-century the ACLU will be involved in Bill of Rights controversies extending far beyond such traditional areas of concern as free speech, racial justice and police procedures.

The changing direction was suggested by a paper presented by Jeremiah S. Gutman, a New York lawyer who is co-chairman of the ACLU Privacy Committee. The title of his paper was: "Inhaling, Ingesting, Imbibing, Injecting, Inserting, Incising, etc."

Gutman opened with these challenging words: "How personal can you get? The right of a person to control his own body is certainly, at least literally, the most personal of all rights."

APPEARS WILLING

"We are in the process of establishing on the student level the right to groom one's own hair and deck one's own body and progress is being made with a defeat here and there. It is not much of a step to include the right as a civil liberty, to deal with one's body as one will."

The conference appeared more than willing to take that step. By substantial majorities, it approved five basic policy recommendations on the use of drugs. Though the proposals are well in advance of present American opinion, it is worth noting that today's ACLU policies often become tomorrow's court opinions.

The five recommendations were:

That every individual has a right to use his own body as he wishes, and this right includes the use of drugs.

That the use and possession of drugs is not per se a crime and should not invoke criminal penalties, though antisocial acts resulting from the use of drugs should be subject to punishment.

That the state may regulate the sale of drugs, but the power to regulate does not include the power to forbid.

That involuntary treatment of addiction is a violation of civil liberties.

That the above resolutions apply only to adults, and the ACLU should take no position on the use of drugs by juveniles except to recommend a study on the rights of juveniles on this and other matters.

DISSENT NOTED

These proposals met with some dissent. A California delegate said he feared the ACLU would become "the unpaid lobby of the narcotics industry." An Ohio physician said it would be "criminally irresponsible" to contend that a pregnant woman had a civil liberty to buy thalidomide sleeping pills that might deform her baby, but the majority view was that this would be an unlawful act since it would harm another living person.

Additionally, the ACLU leaders, who met at New York University, felt that the right to live in an unpolluted environment was also a constitutional right which the courts should uphold.

The conference also decided that the ACLU itself has been insufficiently sensitive to the rights of its women employees, who with a few exceptions, hold no policy-making positions. It was pointed out that no woman was involved in planning the conference, and that only one chairman of its 15 workshops was a woman.

All of these expressions will be placed before the controlling board of directors. If the board specifically rejects a recommendation, it must be submitted to a referendum of ACLU's 150,000 members who are represented in 47 affiliates in 45 states.

RESPONSIBLE OUTDOOR ADVERTISING

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 1970

Mr. UDALL. Mr. Speaker, in February I distributed to Members an article from Arizona Architect entitled "Why Outdoor Advertising Must Be Controlled."

The article by Phil Stitt was a strong attack on uncontrolled highway billboards which he termed "a form of visual pollution."

I have a friend in Arizona, Karl Eller, president of Combined Communications Corp., whose activities include outdoor billboard advertising.

Karl and I differ on the approach but both of us favor control of highway billboards. He is a responsible leader in the outdoor advertising field and, in the interest of fair play, he has asked me to place in the RECORD a statement on "The Role and Record of the Outdoor Advertising Association of America Relating to Control and Improvement of the Environment." I am happy to do so and hope the Members will study it:

THE ROLE AND RECORD OF THE OUTDOOR ADVERTISING ASSOCIATION OF AMERICA RELATING TO CONTROL AND IMPROVEMENT OF THE ENVIRONMENT

During Senate consideration of S. 1075, the National Environmental Policy Act of 1969, Senator Jackson made reference to the fact that ". . . Congress over the past decade has passed a procession of landmark conservation measures on behalf of . . . (among others) beautification of highways . . . and other related areas . . . All of them in specific and specialized ways, constitute Congressional mandates on various aspects of environmental policy."

Moreover, Senator Randolph, in introducing the Environmental Quality Improvement Act of 1969, made reference to the Highway Beautification Program as an example of recent legislation that ". . . represent significant steps toward the enhancement of environmental quality . . ."

The standardized outdoor advertising industry supported the enactment of the Highway Beautification Act of 1965—the legislation referred to by Senators Jackson and Randolph as an early example of concern with the environment. Mr. Phillip Tocker, President of the Outdoor Advertising Association of America, Inc., the national association of the standardized industry, consisting of approximately 500 members who erect and maintain outdoor advertising structures in over 10,000 markets throughout the nation, during Congressional hearings when the bill was first being considered, declared that ". . . our Association is in complete accord with the aims of the Administration in its efforts to beautify the countryside, and has tendered its complete cooperation to that end . . ."

One may ask, and properly so, why did the Outdoor Advertising Association of America support this legislation? It did so for two reasons:

First, OAAA's support of the Highway Beautification program was, in essence, an extension of its own policy against the erection of advertising displays in areas of natural scenic beauty or in rural areas where other businesses are not permitted. This policy of self-regulation is contained in the OAAA Code of Practices and is a reflection of the industry's sharing in the public interest and concern in maintaining a natural environment in the open countryside.

Secondly, OAAA supported the legislation because that measure confirmed the contention of the industry that outdoor advertising is a legitimate business that rightfully belongs with other businesses in commercial and industrial areas.

In this connection, it is noted that one of the principal objectives of the Highway Beautification Act itself was . . . "to promote the reasonable, orderly and effective display of outdoor advertising . . ." (23 U.S.C. Sec. 131(d)). The accompanying House Report to that measure stated: "The criteria to be followed in setting standards in both zoned and unzoned areas, designated as commercial or industrial, would be designed to assist the advertising industry to achieve an orderly development of this important and legitimate enterprise."

The Senate Report on the Highway Beautification Act contained the following statement: "The basic postulate of this provision is that outdoor advertising is an integral part of the business and marketing function and an established segment of the national economy; as a legitimate business, it should therefore, be allowed to operate where other industrial and commercial activities are conducted".

We believe that the Highway Beautification Act has played, and will continue to play, a vital role in controlling our environment and improving its quality.

"THUMBSCREW STRATEGY" IN VIETNAM

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 1970

Mr. BINGHAM. Mr. Speaker, the President's "Interim Report" on the Cambodian operation was no doubt intended to be reassuring to the American people. Yet it contained ominous overtones, as the following editorial from today's Washington Post points out:

VIETNAM: THE PRESIDENT'S INTERIM REPORT (II)

As we said in the first installment last week, there is not much to quarrel with in the President's claim that his Cambodian campaign has been "the most successful operation of this long and difficult war." Given the unhappy record, this is not the proudest boast, but never mind; we have captured vast quantities of booty and bought some time and it is idle to argue over just how much of a difference it will make militarily in the next weeks and months because that was never the critical question about the Cambodian affair. The question was not whether it would be successful (it couldn't lose in strictly military terms) but whether it would be in any sense conclusive—what useful, lasting purpose it would serve and where it would end. And the answers cannot be measured in stacks of captured rifles or the tonnage of liberated rice—they must be found in a larger frame, in the total context of this tormented war.

For the Cambodian sanctuaries were always there to be smashed, just as the port of Haiphong has always been there to be mined, and Hanoi to be leveled, and North Vietnam to be conquered by a land invasion—if the war was to be fought in the old, conventional way. The question from the beginning was whether the conceivable gain from this sort of war would be worth the risks of widening the conflict and of ultimate confrontation with the Russians and/or the Chinese. And the answer was always No. This was to be a limited war with limited aims; we were to supplement the South Vietnamese until they were strong enough to go it alone; the idea was to intensify our military pressure *gradually*, in an effort to alter the balance of force in a way which would either cause the North Vietnamese to give up the game entirely or bargain for some compromise settlement.

It was a thumbscrew strategy and it didn't work because every time we tightened our pressure the North Vietnamese tighened theirs and finally, after our involvement reached a certain level, the American public wouldn't buy the next turn of the screw. That was the real meaning of Lyndon Johnson's decisions to stop the bombing in March, 1968, and to cancel the next increment of American troops. While it was never admitted at the time, what we did then was to abandon the thumbscrew and it left us with three alternatives: to give up and get out immediately; to ease out in an orderly way which would still give the South Vietnamese a reasonable, realistic chance to determine their own destiny; or to resume the squeeze.

President Nixon rejected the first course out of hand and had seemed—until Cambodia—to be working the middle ground of the second alternative. And that is what is so deeply disquieting about his latest progress report, and his own reading of where Cambodia fits into his scheme of things. For he seems, inescapably, to be unable to face the brutal facts that Lyndon Johnson faced up to more than two years ago; he does not sound as if he sees any limits to this limited war; he seems, in short, to be toying perilously with this third alternative of taking up the thumbscrew once again, not as a one-shot, time-buying affair, but as a matter of fixed policy.

It is hard to read any other meaning into his sweeping promises and menacing threats. "There is one basic commitment yet to be fulfilled," the President said, adding: "I have pledged to *end* this war. I shall keep that pledge." How? Certainly, the President can end *our involvement* in the war, at the expense of American influence over what comes next; but this will hardly insure the great and global stakes he insists on attaching to the outcome. "Only this administration can end the war and bring peace," he said at another point and while this was probably a way of saying that he, rather than the opposition at home, has the power and the responsibility, it is also another way of suggesting that the United States can somehow determine the outcome unilaterally; it ought to be obvious by now that this can only be done either by *winning* in the conventional way or with the cooperation, one way or another, of the North Vietnamese.

This is where it all breaks down—in the President's seeming belief that he can bluff or threaten the Other Side into playing the game his way. "If their answers to our troop withdrawal program, and to our offer to negotiate, is to increase their attacks in a way that jeopardizes the safety of our remaining forces in Vietnam, I shall, as my action five weeks ago demonstrated, take strong and effective measures to deal with that situation." Well, that is one way to look at the President's action five weeks ago—as a token of his resolve—although it is a little curious to hear the President justifying the Cambodian operation, in part, on the grounds that, had he not made good on a warning which he himself issued, it would have "eroded the credibility of the United States before the entire world;" one way to avoid that might have been not to make the threat in the first place.

But there are far better reasons, of course, for not reviving the discredited thumbscrew and the first one is that it doesn't work. We talked a little last week of the Cambodian quagmire and the danger of pinning our Vietnam policy to the fortunes of the Lon Nol Government in Phnom Penh and this is only one piece of it. Assume that the old Cambodian sanctuaries have been neutralized for a time; new sanctuaries and new supply routes are already developing farther back in the Cambodian hinterland; there are miles of Vietnamese frontier with Laos; there is a massive North Vietnamese buildup above the DMZ and just below it in I Corps the war is hotting up.

It is all very well to argue that Cambodia is proof that Richard Nixon means business; it is as easy to read it as further evidence that Hanoi, which has been threatened by experts, is not much moved by threats. And it is all very well to deal in melodrama at the expense of a union leader whose soldier son might have been spared the bullet that killed him had we only cleaned out the sanctuaries sooner; Lyndon Johnson used the same argument about a grenade and a brave Marine who might have been spared, so the President said, had the President not halted the bombing in early 1967. If the history of this war tells us anything, it is that presidents can't control the destination of bullets or the flow of enemy forces and material down the trails and across borders and into Vietnam and Laos and Cambodia. So it is nothing short of reckless to pile so many chips on so many imponderables—unless the President seriously believes that he can't return successfully to the thumbscrew strategy and make it work, not just in Indochina but in the universities and in the streets and in the Congress of the United States.

In our view he cannot, and he ought not to pretend that he can; there are limits to what we can do and we have reached them; there are no "strong and effective measures" left to be taken that would not involve unacceptable risks—in Asia and at home. The genuinely bold thing to do now would be to acknowledge reality; to accelerate an orderly withdrawal with the time bought in Cambodia; to stop pretending to power and influence which we do not possess and ought not to be expected to have. If the President thinks he has it—if he believes he can reinvade Cambodia, or resume bombing of the North, or otherwise revive the tightening squeeze—then this becomes the most eloquent argument yet for passage of the Cooper-Church amendment to restore some measure of congressional influence over events. If we have read the President wrong, this amendment will not inconvenience him. And if we have read his meaning right, there is all the more reason for Congress to begin to define some reasonable limits on the power of the President to conduct a limited war.

ECONOMY IN TROUBLE

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 1970

Mr. HANNA. Mr. Speaker, an exceptionally perceptive analysis of the current condition of the American economy appeared in the Sunday, June 7, edition of the Washington Post in an article entitled, "Market Decline: A Crisis of Confidence."

The authors of the article have, I think, hit on the two major facets in the current crisis of confidence. Initially, they have focused on the failure of the present administration to fulfill its proper and necessary leadership role relative to the economy. This vacuum at the top is the predominant cause of the rather shaky condition of today's economy.

Second, Messrs. Rowan and Greer have very correctly considered, in depth, the lack of liquidity which is holding a sword of Damocles over our credit-oriented economy. The inability of the administration to responsibly deal with this, and other problems has brought about the erratic and almost disastrous recent actions of the stock market.

For some time. I have been endeavoring to point out to my colleagues these very problems. I commend this article to the Congress and to the public and urge a careful and thoughtful consideration of the revelations contained therein:

XUM

[From the Washington Post, June 7, 1970]

Market Decline: A Crisis of Confidence

(By Hobart Rowen and Philip Greer)

At New York's Goldman, Sachs & Co., one executive said to a vice president as the stock market dropped to its broadest and deepest loss since the great crash of 1929: "Is the world coming to an end?" And the vice president responded:

"For the first time in my life, I can't say an absolute 'no' to that question."

In part, the gloom pervasive on Wall Street represented problems in an industry that got caught up in an inflationary, speculative fever and saw the bubble burst as trouble developed at mutual funds headquarters, in conglomerates and in the stock brokerage houses themselves.

But what began in early April and lasted until late last month was something beyond an in-house affair. The wild sell-off from early April until the end of May changed the character of what, in the first 16 months of the Nixon administration, had been the slowest bear market of the century.

The emotional response in a divided nation to widening war in Southeast Asia culminating in the killing of Four Kent State students by National Guardsmen, spilled over into the markets. Wall Street hates uncertainty—and all that could be conjured up with some degree of likelihood was more spending, higher interest rates, a possible liquidity crisis (no cash to run business and banking) and higher taxes.

The latter prospect, indeed, was underscored by the fact that without any announced increase in funds for Cambodia, the earlier-announced budget surpluses in fiscal 1970 and 1971 disappeared, assuring greater borrowings by the Treasury. "The decline reflects deeper concern about many more things than just the economy," summed up David Rockefeller, chairman of the Chase Manhattan Bank.

Monte Gordon, research director of the mammoth Bache & Co. brokerage house, put it this way: "The market is just crushed with disappointment. Interest rates are higher now . . . corporate profits are off much more than was anticipated . . . unemployment is higher . . . the economy is still coming down . . . you have an obvious decline in personal income . . . the gross national product is declining. So you have all the factors that would have happened which they (the Nixon administration) in effect said wouldn't happen.

The coup de grace, practically everyone agrees, was supplied by the invasion of Cambodia, which appeared to contradict the administration promise that the bitter war in Southeast Asia would be allowed to wind down.

What followed was nothing less than collapse of confidence in the Nixon administration—triggered by its performance on foreign policy, the cumulative evidence that its poliices were not producing the desired results on the anti-inflation front and traumatic evidences of a divided society at home.

Gabriel Hauge, president of Manufacturers Hanover Trust Co. and a former economic adviser to President Eisenhower, says the market "obviously is telling us something about disappointments, frustrations, unhappinesses of some sort or another. I think Cambodia and high interest rates are involved. I think the rise in unemployment is serious to some people and the unrest in the country, in the universities and elsewhere. I think all these can come to a focus in a place like the stock market."

STARTED IN 1968

To 26 million people who own stock directly, to another 5½ million who hold shares indirectly through mutual funds and to countless men and women who are tied to the stock market through pension plans, profit-sharing plans, insurance companies, banks and other intermediaries, the great bear market of 1969–70 has been a traumatic experience which, most experts agree, could leave scars for years to come.

The stock market started its decline in December, 1968—a month after Richard Nixon became President-elect. For the next 16 months, it was a slow decline. On April 10, 1970, the decline picked up in tempo and the Dow Jones industrial average plummeted 150 points—19 per cent—in the next seven weeks to reach its lowest point since the end of 1962.

Hindsight is a popular tool among Wall Street experts. Using that tool, they see sound reasons why traders and investors began cashing in their chips.

They go back to the erratic fiscal and monetary policies of the Johnson administration, which tried to fight an escalating war in Vietnam without a tax bill to pay for it. They point out the premature response of the Federal Reserve Board in lifting its pressure on credit markets as soon as the 10 per cent income tax surcharge was enacted in June, 1968, thus feeding inflationary pressures. Then the central bank applied the monetary screws with vigor throughout most of 1969, a policy that many—especially the Milton Friedmanites—warned would create recession.

And finally, the experts say that Mr. Nixon and his aides incorrectly assessed how tough it would be to subdue inflation without creating recession—a belief that led to its somewhat discredited policy of "gradualism."

In all their public pronouncements, Nixon administration men have doggedly stuck to their forecasts that the "game plan" for the economy is fairly close to schedule, although Chairman Paul W. McCracken of the Council of Economic Advisers lately has confessed to some deviations. They assumed they could bring off a sensational victory (Treasury Under Secretary Charles E. Walker calls it the "greatest hat trick of all times") in which economic growth—now stalled—would be resumed without requiring policies that would bring a sharp reduction in investment or a serious increase in unemployment.

FEEBLE EVIDENCE

But the evidence the Administration could produce was far from convincing to the public or to investors. Inflation rates in the first quarter of the year accelerated; moreover, the decline in real output was more severe than either the plan or the preliminary figures had led people to believe. Then, unemployment scooted up to a 4.8 per cent rate in April—far above the 4.3 per cent average for the year that the Council of Economic Advisers had predicted.

To put it bluntly, the business community would no longer believe the steady chatter from the government's mimeograph machines assuring the world that all was just fine with the U.S. economy, and that the vaunted "game plan" was on schedule.

One high Nixon administration official said privately: "Sure, we're on schedule, and we're ahead of schedule in getting to high unemployment, and we're behind schedule in reducing excessive inflation. Just average those two things out, and you can see we're on schedule."

Or, as a sophisticated New York analyst put it: "There is little credibility in the administration's continued statements that the inflation problem is coming under control. Many believe that further action will be required, and concern grows about what this might mean after the congressional election. Voluntary controls could turn into mandatory controls, and some form of credit rationing is already being talked about in the highest circles."

Particularly unnerving was the talk of a "liquidity" crisis—the question of whether the banking and corporate structure will have enough cash and access to capital for normal operations and expansion. A swing into substantial deficits with no tax increase to compensate for the red ink would once again make the Treasury a heavy borrower, making it difficult for others to get funds. Even before the Cambodian crisis erupted, Henry Kaufman of Salomon Bros. & Hutzler estimated that the Treasury's net new cash requirements in the six months starting July 1 would be $13 billion to $15 billion, or as much as $5 billion more than in the comparable period of 1969.

PRESSURE ON INTEREST

Unless accompanied by a massive new shift toward greater money supply for the banking and industrial system, this could mean continued and greater pressure on interest rates.

And by all the usual historical standards, a decline in long-term interest rates should precede a recovery from recession. Thus, what worries financial men is not only that long-term rates are still at or near peaks, but the prospects are that they will stay high. So long as they do, economic recovery may be elusive.

By consensus, the market's fall resulted from a severe case of starvation. Credit sources were cut off, both for market operators and for the corporations in whose shares they traded. Interest rates rose to all-time peaks, as high as 11 percent for high-grade bonds, around 12 per cent for money borrowed in foreign markets and 8 per cent for financing by the U.S. Treasury itself.

Interest rates at such levels pulled money out of the stock market, as investors, watching values drop, found they could reap big returns in corporate bonds and government issues. This was only part of an enormous change in the pattern of savings, making the bond market an investor market for the first time in decades.

In the three years ending 1968, according to expert Sidney Homer, private investors placed an average of $9 billion into the bond market and $27 billion into savings accounts (most of which eventually went into mortgages). In 1969, this flow was reversed: about $29 billion of private investors savings went directly into bonds, and only $8 billion into savings account (which helps explain the housing depression).

While the economy was being cut off from its raw material—credit—the market itself seemed to believe government predictions that the difficult period would be short. A huge froth of speculation built up, fostered by the "go-go" mutual funds. Even as blue-chip foundation issues in the market were declining, speculation in such fields as conglomerates, franchising, gambling casinos and nursing homes ran rampant.

In May, 1969, the Federal Reserve's determination to squeeze the inflationary spiral broke through the speculative clouds and the market started on its first straight-down drop. Prices fell from mid-May to the end of July. The Dow Jones industrial average slumped from 975 to near 800 and the speculative favorites lost as much as half their value.

THE FALL RESUMES

The government's promises to go easy on the deflation held the market in a narrow trading range for the remainder of the year and prices began falling early in 1970. Another selling spree accompanied each sign that business activity was slowing but that the rate of inflation was still barreling along at an annual rate of 6 per cent and higher.

In April came word that unemployment was up to 4.4 per cent of the work force (it has since touched 5 per cent and that first-quarter corporate profits were down 11 per cent from the year-earlier period, more than 5 to 10 per cent decline that had been generally forecast. The rate of price increases, though, was reported at better than 7 per cent.

That seemed to be the last straw. The

market began its precipitous plunge, with the selloff ending on May 28, when the market staged its biggest one-day rally in history and followed up by pushing the Dow industrials ahead 80 points in four days. For the moment, at least, the near-panic was ended. But the problems remained.

"The single greatest specter hanging over the economy," says economist Paul Samuelson, "is what is now called the war in Indochina. The single greatest blessing that could affect the pocketbook of the American public would be for us to get right out of Southeast Asia and cut our losses."

If, needed, it is a "Cambodian market," it could cut both says: Walker, for example, says that "once the Cambodian clouds lift, things will look a lot better. Like New York Stock Exchange President Robert W. Haack, Walker attributed the spectacular recovery in the market to repeated reassurances by the President that the U.S. would be out of Cambodia by June 30.

EDITORIAL COMMENT ON THE STATE OF THE NATION

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 1970

Mr. OTTINGER. Mr. Speaker, the New York Times continues to provide us with the most thoughtful and penetrating editorial analyses of the difficulties facing America today, and I would like to share with my colleagues three recent outstanding columns by Arnold Toynbee, Anthony Lewis, and Tom Wicker with insights that can be useful to all of us.

The three articles follow:

[From the New York Times, May 16, 1970]

PRIDE, PREJUDICE AND PERSUASION

(By Anthony Lewis)

LONDON, May 15.—In one of the great Supreme Court opinions on freedom of speech, Mr. Justice Brandeis wrote that those who won America's independence thought "the deliberative forces should prevail over the arbitrary" in society. They wrote into the Constitution what they thought would be "the path of safety" for the Republic: "The opportunity to discuss freely supposed grievances and proposed remedies." They believed in "the power of reason as applied through public discussion."

But the democratic theory of free speech as a corrective for official error and a safety valve for public resentment cannot work when people get the idea that no one is listening. And that feeling, if one can judge from a distance, is a dangerous element now in America opinion.

LETTERS FROM HOME

A law student at the University of Pennsylvania writes to a friend abroad that he should be able to think rationally about Government policy and express reasoned criticism. But "I have lost this ability—I can only scream at the excesses and moan at the hypocrisy. If you can offer me any reason not to give up this Government for lost, I implore you to tell me what it is."

Or, from a woman in Flushing, N.Y.: "What should people do who sincerely believe in the American heritage of reform and checks on arbitrary power? Most such Americans detest violence, but also detest silence and inaction. All protests against arbitrary power have proved ineffectual."

And from a man in Allentown, Pa.: "I am sitting around watching my wonderful country be torn apart and feeling powerless to do anything about it."

THE DESPAIRING NOTE

Powerlessness. That must be a widespread feeling. Certainly it is a consistent despairing note among Americans who come to Europe these days and try to explain to their English or French or German friends what has gone wrong.

For on the face of things, Americans might well believe that nothing they say can affect the course of policy in the most ill-conceived disastrous foreign adventure in our history. No election, no protest, no reasoned argument, no lesson from experience seems to alter the central fact of American policy in the Indochinese war. That is our commitment to the Thieu-Ky Government in Saigon.

President Nixon may go down to the Lincoln Memorial in the early morning and soliloquize to a group of students about college life. He may redefine the limits of his Cambodian invasion to make it seem more acceptable to American opinion.

But a week later the South Vietnamese generals are talking about indefinite operations in Cambodia. The same men who have drawn us into an endless war on their behalf—men whose power rests entirely on American money and American blood—now confidently assume that we will suport them in a new theater. It is in that light that the issue now before the Senate, the proposed mild restriction on American warmaking in Cambodia, has to be seen.

The significance of the Senate proposal does not lie so much in the constitutional question of the President's power, which it cannot resolve. It lies, rather, in offering critics of the war some hope of change through the political process. For there would at least be hope; the President could not altogether ignore the feelings reflected in a Senate vote.

What the Senate can do, then, is to show that the system is still open to persuasion. It can prove wrong those who say that violence and revolution are the only answers. It can renew confidence in the power of reason. Or, to put it more modestly and more accurately, it can begin to do those things.

The picture of the United States as a country where minds are almost closed to persuasion is not one held only by frustrated American critics of the war. A sense that the political process is not working underlies the deep fear for America now felt, for example, by many leading British politicians.

"We depend so much on the United States," one man said the other day. "Not only in economics and defense but so much more broadly, in politics. We need your leadership. And now the basis of that leadership, the whole relationship between your Government and your people, seems to be falling apart. There is a dialogue of the desperate and the deaf."

TO RENEW CONFIDENCE

The comment came not from the trendy left but from one of the most solid figures in British political life. That is not surprising, for he and others like him care about the United States, indeed love it. They are afraid when they see its politics reduced to mutual invective, hate and violence.

The democratic process is not dead in the United States—far from it, as the reaction to the Cambodian invasion showed. But frustration has put it under terrible strain. By insisting now on a voice in policy, the Senate can begin to ease the frustration and renew confidence inside and outside the country.

IN THE NATION: BUT DOES IT REALLY WORK?

(By Tom Wicker)

WASHINGTON.—Sporadic violence is still breaking out on some college campuses, and once again, at Jackson State, wanton shooting by the forces of "law and order" has unnecessarily taken students' lives. But it is now clear that the primary response of students to the Cambodian invasion and the student deaths is not in the streets. They have returned to "the system," even to the "old politics," with a vigor and ingenuity that has astonished many politicians. So a major question now is what the response will be from "the system."

All week, student and faculty lobbyists have roamed Capitol Hill, working for yea-votes on such proposals to limit the war as the Church-Cooper amendment (putting Cambodia off limits to American forces after July 1) on the McGovern-Hatfield resolution (which would cut off funds for the whole war by mid-1971). Under the auspices of Dartmouth College, a "Continuing Presence in Washington" office, complete with computer, has been set up on Connecticut Avenue to coordinate the lobbying effort, and to keep new groups coming in.

Others are organizing something called Project Pursestrings, a citizens' group supporting the McGovern-Hatfield proposal and which claims to have nearly a hundred colleges lined up to send student-faculty-alumni delegations here in the coming weeks. The group also aims to organize letter-writing and other campaigns in the home states and Congressional districts of members of Congress.

Then there is Law Students Against the War, which is organizing law school delegations. Such ad hoc groups as a delegation of North Carolinians who are students at Northeastern universities have been buttonholing Congressmen and Senators, and more established organizations—for instance, Referendum '70 and the Young Republican Ripon Society—are taking on new energy.

CAMPUS MOVEMENTS

On the campus itself, the new activist organizations can hardly be counted. Princeton began the movement to make two weeks available to students next fall for working for or against Congressional candidates; this practice obviously will be followed by many other schools. In Ohio, sixteen campus groups have established headquarters at Oberlin to organize support and opposition in that state's Congressional races.

The University of Rochester started the National Petition Committee, which seeks 20 million signatures on an end-the-war petition, and at least 50 cents per signature. The resulting $10 million peace chest, sponsors say, will go to an "all-media campaign" to convince Congress that there is public support for measures to end the war. About 150 colleges are said to be taking up the petition plan.

The Peace Commencement Fund organized at Yale also aims at 100 campuses and its goal is $1 million to be poured into various Congressional campaigns. Participants are graduating seniors who will not wear caps and gowns, contributing to the fund the substantial rental fees for these garments.

This is by no means a complete accounting of what is happening, but it is perhaps enough to support the moving remarks of John Dixon, a University of North Carolina professor who came with students to visit that state's Congressional delegation, and told its members:

"It is vital to know that the students you see around you are not radicals or rebels. . . . They passionately believe that what we are doing in Vietnam, in Cambodia, in Laos, is un-American, unpatriotic, an offense against the basic principles which should give meaning to our country. . . . They have done exactly what we have told them all along to do—they have come forward once more within the system.

"They are now the moral conscience of the nation . . . for perhaps the last time in this generation, they are back in the system. God grant that the system will be worthy of them."

But how is it to be demonstrated that it is? Thousands of other patriotic Americans express their patriotism through support of the President and his stated efforts to end the war; others, strange as it may seem, see patriotism in prosecuting the war even more vigorously. It cannot really be argued, therefore, that whether Congress passes the McGovern-Hatfield resolution is an all-encompassing and final test of democracy and "the system."

THE TEST OF FAILURE

What has to be determined, nevertheless, is, whether, in the nuclear age, Congress and the people have let the war-making power slip beyond any feasible democratic control, and whether, in the instant case, the political and propagandistic powers of the Presidency and the military make the war basically invulnerable even to massive popular opposition. Only if so has "the system" truly failed.

That will almost surely prove to be the case if the debate centers on such sophistical assertions as that the President will be embarrassed and his "credibility" impaired, or that, a limitation on the scope of his policy erodes the constitutional power of the Commander in Chief. These obfuscations are designed to prevent the people's representatives from moving "within the system" directly to a democratic determination of whether they will any longer permit the costs and casualties of a war that has no definable purpose and no visible end. If they have no right to end or limit that war, who does?

A DIRE VIEW OF THE UNITED STATES FROM ABROAD

(By Arnold J. Toynbee)

How does the United States look to the rest of the world these days? The Times put the question last week to the eminent British historian, Arnold J. Toynbee. The following is his reply.

LONDON.—To most Europeans, I guess, America now looks like the most dangerous country in the world. Since America is unquestionably the most powerful country, the transformation of America's image within the last 30 years is very frightening for Europeans. It is probably still more frightening for the great majority of the human race who are neither Europeans nor North Americans, but are Latin Americans, Asians and Africans. They, I imagine, feel even more insecure than we feel. They feel that, at any moment, America may intervene in their internal affairs with the same appalling consequences as have followed from American intervention in Southeast Asia.

For the world as a whole, the C.I.A. has now become the bogey that Communism has been for America. Wherever there is trouble, violence, suffering, tragedy, the rest of us are now quick to suspect the C.I.A. has a hand in it. Our phobia about the C.I.A. is, no doubt, as fantastically excessive as America's phobia about world Communism; but, in this case, too, there is just enough convincing evidence to make the phobia genuine. In fact, the roles of America and Russia have been reversed in the world's eyes. Today America has become the world's nightmare.

Like Communist Russia, America has committed atrocities in the cause of truth and justice, as she sees them. We believe that American fanaticism, too, is sincere. This makes it all the more alarming.

In terms of the number of lives taken and of lands laid waste, America's score is, unhappily, far higher than any other country's since the end of World War II. Would I rather be a Vietnamese who was being "saved" by the American Army, or be a Czech who was being "saved" by the Russian Army? Of course I would rather be the Czech. The number of lives taken and the amount of devastation caused by the 1968 Russian military intervention in Czechoslovakia were small, measured by the standard of America's record in Vietnam.

How is America dealing with her problems? As we see it, she is failing to deal with them, and this is the most terrifying feature of American life today. The American people seem to us to be moving rapidly toward civil war: middle-aged noncombatants against young men subject to the draft; the affluent against the poor; white against black; students against the National Guard (the most immediately perilous of all these multiple confrontations).

The American home front is more crucial than the ports in Vietnam and Cambodia and Taiwan and Korea and the Middle East. The decision on America's home front is going to decide the fate of the world, and the rest of us can do nothing about it. We have no say, but we, too, are going to be victims of America's domestic agony.

With growing anxiety, we watch a spectacle that we never expected to see. Who would have foreseen that America would repudiate George Washington's warning against entangling alliances? Or that America would cease to be a land of hope? And who would have expected to find himself wishing that America would box the campus for a second time within one lifetime—wishing, I mean, that America would retreat again into the isolation from which we were once so eager to see her emerge?

Is there, then, no hope of reconciliation on America's home front? I catch a gleam of hope when I recall some words that I heard an American officer let fall two years ago in a discussion on the international situation. "There are going to be many more Vietnams," this officer said, "though the mothers of America won't like it."

The mothers of America: This representative of the Pentagon had detected the great power that was going to be the Pentagon's most formidable adversary. The Pentagon versus the mothers of America. In Cambodia we now already have a second Vietnam.

The mothers of America have still to go into action, and I believe this is a battle that the Pentagon cannot win. In the mothers of America I do still see some hope for the world.

MEMORIAL DAY MESSAGE BY FRITZ HEINEMAN

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 1970

Mr. CONTE. Mr. Speaker, Memorial Day, 1970, was a time to pause and reflect upon the sacrifices made by our brave soldiers. Such has been the tradition of this noble holiday in years past, and such will be the tone of remembrance in years to come.

One of the outstanding messages delivered this year was by Mr. Fritz Heineman, executive director of the United Fund for Franklin County, Mass. It was reprinted by the Greenfield Recorder, and I would like to include it in the RECORD and bring it to the attention of my colleagues and the American people at this time:

MEMORIAL DAY MESSAGE

(By Wayne A. Smith)

The most stirring, meaningful, timely address on the urgencies of the times we have heard came from the lips of Fritz Heineman, executive director of the United Fund for Franklin County, in the form of a Memorial Address with the 10th annual concert by the U.S. Air Force Band on the East here this week.

As our contribution to the spirit of the occasion and as a tribute to brave men throughout American History, we offer it here on this somewhat confused, yet nonetheless purposeful "Memorial Day Week". It follows:

"The opportunity to join in this auspicious occasion and share a few brief thoughts appropriate for our setting is one I accepted gladly; yet not without some feeling of humility and inadequacy.

"It is proper and fitting that we set aside these moments to honor the memory of those who paid the supreme sacrifice in the service of their country. It is particularly timely that we gather in this manner and demonstrate our respect for the bravest of America's brave—the men and women of the U.S. armed forces.

"For a longer period of time than most of us would like to admit, we have been subjected to a systematic and carefully rehearsed demonstration against the basic principles of Freedom's Foundation—Virtue, Patriotism, and Personal Integrity.

"We have witnessed, time and time again, a calculated endeavor to crush and destroy the wholesome pillars of society that have made our country great since the moment our Founding Fathers first set foot on American soil.

"On every side we are encouraged daily to: Tear down, protest, overthrow, subvert, undermine and disregard.

"The mere fact that tradition benefits from the experience of time is reason enough for some groups of people with questionable motives to establish a course of destruction and rampage, forget personal responsibility, cast off national obligation, disregard our heritage.

"Certainly today, as never before, America stands at the crossroads of destiny and awaits that moment when we pursue a course of action that will once again bring us together and unite us under the banner of the Stars and Stripes.

"The path of democracy is never easy! The worthwhile never comes inexpensively. The freedoms we enjoy today—including the freedom of privilege of dissent—are guaranteed not only by our Constitution, but by the lives of those who we honor tonight.

"Shortly after his inauguration, the late President Kennedy said: The path we have chosen for the present is full of hazards, as all paths are. But it is the one most consistent with our character and courage as a nation and our commitments around the world. The cost of freedom is always high, but Americans have always paid it. And one path we shall never choose, and that is the path of surrender or submission.

"In that brief statement we catch a glimpse of the intangibles that once brought excitement and enthusiasm to the hearts and minds of the American people. Those precepts of courage, character and commitment.

"As we gather together this evening, it is imperative that we take this moment to rededicate ourselves to those American ideals for which so many have died. It is no less true today that it was at any other time in the history of our country that America stands as the only truly great nation where freedom and opportunity have dominion over oppression and a dictatorship that forceably imposes a political philosophy.

"I am told that in some circles it is no longer fashionable, acceptable, or socially correct to display any emotion or act that might be interpreted as an expression of American patriotism. Little encouragement is afforded the cause of flag-flying. July 4th celebrations are largely a thing of the past. Prayer in school is outdated; the singing of our National Anthem brings a moment of complaisancy!

XUM

"Addressing himself to the matter of individual complaisancy with regards to national patriotism, Lawrence M. Gould, president emeritus of Carlton College, issued the following statement: I do not believe that the greatest threat to our future is from bombs and guided missiles. I don't think our civilization will die that way. I think it will die when we no longer care. Arnold Toynbee has pointed out that 19 of 21 civilizations have died from within and not by conquest from without. There were no bands playing and flags waving when these civilizations decayed. It happened slowly, in the quiet and in the dark when no one was aware.

"With that thought in mind, I believe the time has come when we need to fly the flag. When we need to pray and sing our National Anthem. The time has come for us to expose, as frauds, those who attempt to burn our country and degrade us as a second rate nation. The time has come for us to establish our national priorities and determine that before any domestic problems can reasonably be solved we need to once again unite as Americans, proudly protecting and advocating a national policy of liberty and justice for all, tempered with a basic belief in God and the American ideal of individual freedom and coupled with the inalienable rights of happiness, equality, and the pursuit of personal initiative that allows each to achieve maximum potential.

"To those who advocate revolution and riot, disorder and destruction, I say look around you. Certainly there are areas that need improvement. But change, adjustment and progress come from building, not destroying.

"To those who say the system and establishment are no longer relevant—I say look around you. Unlike East Berlin, where walls have been erected in an attempt to keep its people from personal and political freedom, there are no walls in America. The only barriers evident in American society today are those created as a result of extremism promoted on behalf of personal gain at the expense of established American traditions.

"America is great because her people are free. Because they can compete. America is great because we are still the only country where the individual is more important than the system! Tonight we honor the dead. And yet, we also honor the living.

"I am reminded again of a comment President Kennedy once made at a gathering similar to ours this evening. Said he: Without belittling the courage with which men have died, we should not forget those acts of courage with which men have lived.

"Families continue to live on with the memory of loved ones who gallantly laid down their lives in defense of democracy and freedom. And in the last analysis, the depth of one's conviction and belief is not really meaningful nor convincing in the burning of an ROTC Center, the pelting of police with rocks and the wanton destruction of someone else's property. Again and again, the message of love so many say they wish to convey is best understood in terms of the Scripture as we read: 'Greater love than this hath no man than he lay down his life for his friends'.

"Just a few days ago many of us were saddened to learn of the death in Vietnam of Brig. Gen. Carroll E. Adams, Jr., son of Col. and Mrs. Carroll E. Adams of Charlemont. Forty-six years of age, lovely wife and family, community leader, pillar of his church—American extraordinary.

"He didn't have to go to Vietnam. He volunteered. I drove his parents to the airport last February to see their son off. Returning, I asked why he volunteered for a tour of duty in Vietnam when he didn't have to and already had a son serving there. The simple reply was 'He felt it was his duty and he had a commitment'.

"Following his funeral at West Point I spoke again with his father, Col. Adams, and as we talked he said this of his son: He loved his country and he died doing what he wanted to do, where he wanted to do it, when he wanted to do it.

"Ladies and gentlemen, it is this kind of dedicated servicemen we honor tonight."

FUNDS FOR SUMMER YOUTH EMPLOYMENT

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 1970

Mr. FRASER. Mr. Speaker, no one is hurt more by our current economic slump than the inner city teenager—particularly if he is nonwhite. This month, as millions of young people enter the job market at the end of the school year, teenage unemployment rates—now over 30 percent for black youth in most cities—will continue to rise.

In view of these grim statistics, it is difficult to understand why the administration has picked this year to scuttle an important source of summer employment for ghetto youth, the OEO summer program.

Last summer, 400 teenagers were employed in summer programs funded by the antipoverty agency in my district. This year, only 45 jobs for youth will be available under OEO's new emphasis on full year rather than summer employment.

Now that OEO is no longer in the business of providing summer jobs, we must look to a related program—the Neighborhood Youth Corps—to do even more this summer than in the past.

I am happy to see that a bipartisan group of 16 Senators has taken the lead in proposing legislation to provide an additional $100 million for Neighborhood Youth Corps. These funds mean 227,173 additional summer jobs for disadvantaged teenagers in public and private nonprofit agencies. A recent study conducted by the U.S. Conference of Mayors shows that our larger cities could easily and quickly make use of the extra NYC slots if funds were available.

Today, I am introducing companion legislation in the House. If Congress acts promptly, the new NYC funds can be allocated before we are too far into the summer vacation months.

The following article from the Minneapolis Tribune describes the bleak summer employment picture in Minneapolis. I am sure that the same story can be told in virtually every district in the country:

[From the Minneapolis (Minn.) Tribune, May 24, 1970]

SUMMER JOB SCARCITY EXPECTED

(By Sam Newlund)

It's time to worry again about summer jobs for poor Minneapolis youths and the worriers are worrying hard this year.

Jobs are less plentiful than they were last year, whether you're under 21 or over. A general economic downturn, with layoffs in some industries, gets the blame.

And local antipoverty officials are embittered that the federal Office of Economic Opportunity (OEO) has rewritten the rules in a way that means less than half as much poverty money will be available this summer for youth jobs as was the case last year.

But the poverty-program jobs are only a small part of the picture. Most youth jobs come from commitments from private business—and it's private business that is suffering from the economic squeeze.

At worst, the picture is what Mrs. I. G. Scott, former chairman of Hennepin County's antipoverty board called it: "Bleak."

At best, all poor kids who really want jobs can get them—but recruiters will be extra careful this year to make sure they are really poor. That's the view of Lloyd L. Brandt, summer job coordinator for the Minneapolis Chamber of Commerce.

The youngsters, too, will have to be less selective, according to Robert Andre, manager of the Youth Opportunity Center, the agency that does most of the youth recruiting for business jobs.

Andre, who describes 1970 as "the leanest year we've had in the past several years," said his recruiters are trying to persuade disadvantaged youths that "they'd better take whatever they can get."

Because the inner city is the most heavily studded with poor families, jobs in that region are those gobbled up first by the poor job-seekers. And because industry and commerce is pushing to the suburbs, an increasing proportion of the total jobs can be found in those environs—if the job-hunter can get there.

For the past several years, industries affiliated with the National Alliance of Businessmen have pledged certain numbers of summer jobs to poor youths, many of them members of minority races.

Last year, the total number was 2,000. This year it's 1,500.

Last year, OEO granted the local antipoverty agency $180,000 for employment of 400 youths in governmental and public service jobs lasting about 10 weeks.

This year the figure is $90,000, but it must be spread over six months as part of a program that will eventually go year-around. Because of this and other funding cutbacks, only 45 youths will be employed in this year's summer program, according to Edgar D. Pillow, county antipoverty director.

There are other sources of summer jobs for needy youths—the Neighborhood Youth Corps, federal and state governments (including the Post Office), YMCA and YWCA programs and various agencies in city and county governments.

Civil service rules in local government agencies, however, are another barrier that job recruiters are trying to surmount.

In sum, an estimated 4,000 needy youths will again be job-seekers this summer. As of last week, according to Brandt, who coordinates Chamber efforts with NAB, the deficit was from 700 to 1,000 jobs.

ENVIRONMENTAL QUALITY

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 1970

Mr. STEIGER of Wisconsin. Mr. Speaker, Radio Station WHBL, of Sheboygan, Wis., has over the past several weeks aired a series of excellent editorials on environmental quality.

Although much has been written, said, and printed in the CONGRESSIONAL RECORD on the environment, this series is most worthy and will provide valuable reading, I believe, for my colleagues.

The articles follow:

Environmental Quality—I: April 27, 1970

As the crippled spaceship Apollo 13 limped home ten days ago, clean air for the crew to breathe and sufficient water to dissipate the great amount of heat generated became the keys to survival.

Our condition on the Spaceship Earth today is analogous. We live in a closed environment on Earth, with only limited amounts of air and water. Just as the astronauts of Apollo 13 contaminated their own air by exhaling carbon dioxide after the explosion, we on Earth continue to contaminate our vital environmental resources of air, water and land.

There is one difference—they couldn't help it. We can.

With the first national Earth Day, April 22nd, now past, we believe that the quest for a quality environment must continue to receive top priority from all segments of society, including the communications media.

With that thought in mind, WHBL will present a series of editorials on environmental quality during the coming weeks.

The record of accomplishment in Wisconsin during recent years is encouraging. Government and industry have responded with foresight and imagination in several areas of environmental concern.

We have led the nation with the enactment of the 1965 Water Resources Act which established water quality standards and reorganized our efforts. Secondary sewage treatment by Wisconsin communities is close to 80 percent, far ahead of most other states. We have banned the distribution, sale and use of the harmful pesticide DDT. ORAP–200 will provide the funds necessary for the construction of more advanced sewage treatment operations, while providing money to set aside land for public recreational use. Air pollution control standards have been implemented.

We have done all these things in Wisconsin, but just as surely as population growth, productivity increases and pollution are inter-related, we must do more.

In each of the major areas of pollution, there are short-range and long-range consequences. There must be short-range, immediate solutions as a holding action to deal with the effects, and there must be long-range unconventional programs to get at the causes of the problems.

In coming weeks we will address ourselves to this two-pronged approach.

Man has survived the ice age, the atomic age, and a space age, but it may be if he does not soon enter an environmental age, he will not continue to survive.

Environmental Quality—II: May 4, 1970

A recent public opinion survey by Lou Harris found that the American people seem to be willing to move faster and further in curbing pollution than they have yet to be asked by their political leaders.

This finding was confirmed during the recent Earth Day and events related to it across the country. People are concerned. They are willing to support those leaders who will take action to improve the quality of the environment.

Consistent with this concern, we present today the second in our series of editorials on the environment. While we don't claim to be experts, we do have a few suggestions which we think merit consideration. Today we will address ourselves to the area of water pollution abatement; in future weeks we will consider air and land pollution.

Wisconsin communities lead the nation in percentage of secondary sewage treatment plants. But this is not enough. Such treatment is simply inadequate for any state bordering the Great Lakes. We are very familiar with the death of Lake Erie. Lake Michigan will suffer a similar fate if action is not taken soon. Advanced sewage treatment to remove all or almost all contaminants must be our goal. Since municipal government is one of the greatest water polluters, action at this point will do much to alleviate the problem.

State government funds will be available under the ORAP–200 measure to help in such advanced treatment. By 1975, if the ORAP program is followed, removal of phosphorus in the Lake Michigan and Lake Superior drainage basin will be largely accomplished.

This program must, we believe, have top priority and rapid follow-through by the State Department of Natural Resources.

In other areas, Wisconsin needs intensified research by public and private groups to develop new methods of reducing agriculture pollution. Agriculture practices must be modified. Greater care must be taken in the disposal of animal wastes. Better soil conservation methods are needed.

Although Wisconsin has led the nation in a complete ban on the distribution, sale and use of DDT, new rules to control the use of other harmful chemicals must be developed through the newly established Pesticide Review Board. At the same time, new kinds of pollution-free fertilizers and chemical pesticides must be researched.

Strict enforcement of existing pollution laws and development of stronger regulations must be demanded of state government. We believe that this state cannot afford the locking of horns between different agencies or departments of state government when it comes to the enforcement of pollution abatement orders.

With the construction of two nuclear power plants along Lake Michigan north of Manitowoc, we must consider the question of establishing strict thermal pollution controls and radioactivity levels. We believe that federal standards are not strong enough, and that compacts among Great Lakes states should be utilized in this matter.

Just as we must act now to purify our waters, we must be concerned with the contamination of our air—a subject we will consider in next week's editorial.

Environmental Quality—III: May 11, 1970

Just breathing normally in a larger city today is equivalent to smoking a pack or more cigarettes a day. Air pollution is a critical health hazard for many of us.

In our third editorial on environmental quality, we will propose several actions that should be considered in meeting and correcting the problem of air pollution.

Most air pollution is produced by burning fuels, and about half of that is produced by motor vehicles. Wisconsin motor vehicles pour a million tons of waste into the air each year.

While the federal government has established auto emission standards, we believe that states must be responsible for enforcing the proper use and maintenance of air pollution control devices on cars.

Wisconsin should consider the implementation of a statewide inspection of such devices through its current program of random auto inspections. Automatic equipment is available which can do the inspection in about one minute. Since it is the state's responsibility to regulate motor vehicles, expansion of the inspection seems to us to be a logical action.

Reducing the number of cars on the road, especially in the larger cities of our state, also gets at the problem. Mass transit concepts should be researched for the Milwaukee area.

Wisconsin has been in the vanguard of establishing air pollution control standards for the entire state, with special emphasis on the federally designated air quality control region in the metropolitan Milwaukee area. These special standards will be implemented in June, and it may be advisable to extend them to other parts of the state.

Clean air to breathe and pure water to drink and enjoy are two of the three objectives that the state must adopt in its efforts to improve the quality of the environment. The third area pertains to our land. It involves the question of solid waste disposal. This area will be examined in our next editorial in this series.

Environmental Quality—IV: May 18, 1970

Each day, every one of us contributes between six and eight pounds of trash to the solid waste disposal pollution problem. We throw away 50 billion cans, 28 billion bottles and jars, and 30 million tons of plastics each year.

Waste discarded by our advanced consumer society threatens to literally suffocate us if it goes unchecked. Increasing in volume, solid wastes litter our landscape and strain the facilities of municipal government.

It is on this third major pollution problem that we will offer some suggestions in today's editorial.

A two-pronged attack is necessary, we believe, in meeting the problem of solid waste disposal. We must strive to reduce the sheer volume of wastes, and we must develop methods of recycling wastes, thereby treating them as raw materials to be utilized.

Reducing the volume is largely an individual matter. It can be promoted by the development and use of containers which are degradable and returnable for reuse. Each of us can do something about the problem by being conscious of what we throw away and purchasing products that don't contribute to the problem.

As for recycling, state government and private industry should commit their full research and resource facilities to the development of recycling methods.

Others have done it. Lynn, Massachusetts, for example, plans to burn its garbage to generate electric power, thus saving on fuel costs and reducing air pollution from coal. Crushed glass from unreturnable bottles has been used as a base for more than a mile of interstate highway near Toledo.

Under a new federal pilot project in Madison, three federal agencies are researching ways of converting waste to woodfire for paper which will be made into boxes, corregated board and other paper products.

Each year, Americans scrap six milion automobiles. The junking of cars and their parts is becoming a major source of land.

If private industry cannot cope with junked cars, waste paper, empty cans and plastic containers, then we may have to consider a bounty payment financed by public funds. This may require new forms of taxation to cover the disposal cost.

Since a major obstacle to improvement of present waste disposal methods is political in nature, regional cooperation must be fostered.

While the suggestions we have made today and in the other editorials in this series are constructive actions, we must recognize that in the long run we are talking more about habits and attitudes. We will discuss this approach to environmental quality in our next editorial.

Environmental Quality—V: May 25, 1970

If we are to improve the quality of our environment in Sheboygan, the state and the nation, certain basic habits and attitudes must be modified or changed completely.

We will direct our comments in this editorial, fifth in our environmental series, to the question of change as it applies to pollution control.

Our objective must be to convince people that they should take the necessary steps to accomplish what is socially desirable; that it is in their best interests to stop pollution.

One of the major incentive tools is usually associated with the pocketbook or profit-and-loss statement. A manufacturer, for example, is under great pressure to offset rising labor and material costs by developing new techniques. He has been under no comparable pressure to clean up the air, water and land. We have instead provided a market incentive to pollute. This must be reversed through tax incentives and tax policies.

President Nixon has proposed a "user's tax" which would be sufficient to cover the cost of treating industrial wastes.

Habits and attitudes as they apply to population growth and balance must be confronted openly and intelligently. There is simply no question that there is a direct relationship between population growth and environmental pollution.

In the present decade, Wisconsin will gain more than 360,000 citizens. And by the year 2000, Wisconsin's population is expected to increase 33 percent.

We agree with Stanford Biologist Dr. Paul Ehrlich that the birth rate must be brought in balance with the death rate, or, as Ehrlich says, "mankind will breed itself into oblivion."

Too many cars, too many factories, too much detergent, too much pesticide, multiplying contrails, inadequate sewage treatment plants, too little water, too much carbon dioxide—all can be traced easily to too many people.

This opens up the whole question of abortion, birth control sterilization and the like, on which we do not propose to pass judgment. It is enough to say that new methods and new ideas are demanded by the seriousness of our population explosion.

In past weeks we have discussed specific programs and ways to change habits and attitudes. Next week, in our last editorial in this series, we will present our views on how to accomplish the goals of environmental quality.

ENVIRONMENTAL QUALITY—VI: JUNE 1, 1970

In achieving our quest for environmental quality, we believe it is important that all segments of society act in concert and share mutual goals and objectives.

The Sperry Rand Corporation, through its national advertising, says that it seeks to be "synergistic." This simply means that through the cooperation of all its divisions, the total effect is greater than the sum of each done independently.

In confronting our environmental problems, we must be synergistic. Government, business and industry, old people, young people, rich and poor, can achieve much greater results by a coordinated effort, not a fragmented, frenetic approach which seems to be developing in some quarters today.

Government must work together, avoiding duplication, eliminating contradiction of effort, and engaging in regional cooperation.

Younger people and older people must work together. Young people need the older people to complement their idealism with experience. Older people need the regenerative strength of youth. Youth, more than age has the capacity and the opportunity to talk across the borders between industry, science, finance, education, technology and government. There is much in the American experience that suggests powerful common incentives among all Americans on this question.

Wisconsin is a great state. We have much that is worth saving. The majesty of Lake Michigan on our east . . . the might of the Mississippi on our west . . . the beauty and solemnity of our wilderness on the north . . . the life-blood river arteries throughout the state . . . the thousands of smaller lakes and streams that add a respite from the teaming life of our urban existence . . . the grasslands, villages and meadows of our midsection . . . the fresh breath of clean Wisconsin air. Will all this pass on? Will the Lake die, the northwoods disintegrate, the rivers, streams and lakes become cesspools, the glasslands and meadows give way to unbalanced, uncontrolled urban sprawl; the clean air become the cause of respiratory disease?

The answer to these questions will not be determined by some government official or industrial giant; the answer will be determined by what all of us individually and collectively do to protect our environment.

Our environmental fate is in our own hands.

CAPT. GEORGE IRANON OF HILO, HAWAII, DELIVERS VALEDICTORY AT FBI NATIONAL ACADEMY

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 1970

Mr. MATSUNAGA. Mr. Speaker, as Hawaii's Representative to Congress I learned with great pride that Capt. George Iranon of Hilo, Hawaii, was elected president of the 35th anniversary class of the FBI National Academy and that he delivered the valedictory at the graduation ceremonies held on May 27, 1970. The deep dedication which men in the field of law enforcement possess is strongly reflected in the address of Captain Iranon. It is with a hope that others may find some inspiration in his words that I offer his speech for inclusion in the CONGRESSIONAL RECORD:

Mr. Hoover, Senator McClellan, distinguished guests, families and friends, and members of the 85th session of the FBI National Academy.

Several weeks ago one of our instructors recited to our class the words of the song "The Impossible Dream" from the musical play "Man of La Mancha." The theme of this song may well have become the theme of this class: "To dream—the impossible dream,—to fight—the unbeatable foe—to bear—with unbearable sorrow—to run—where the brave dare not go." We came here to the "West Point of Law Enforcement" seeking an impossible dream—the answer desired by all law enforcement—the elimination of crime.

We came from every State in the United States, from the Nation's Capital, the Canal Zone, Puerto Rico and seven foreign lands. We came determined to dedicate ourselves—to concentrate our efforts together—to prepare ourselves for the realization of our dreams, for the future of mankind. As we now prepare to return to our own departments—as we gather for the last time under one roof—I have the singular honor and with humble pride—speak for the 99 members of this 35th anniversary class.

We leave today with a deep regard for the Federal Bureau of Investigation and the National Academy. The wisdom of Mr. Hoover in establishing this fine academy is self-evident in the exceptional contributions those graduates before us have made to law enforcement all over the world. To you, sir, we say with deep affection, "thank you"! We urge that you continue for many years as the spokesman of law enforcement. May I commend to you the high quality of instruction and administration we received for the duration of the course. The professional attitude of your staff, the honor and respect in which you and the bureau are held, was evident in their every word and deed. The courtesies, patience, understanding and assistance, day or night, of the counselors who receive diplomas with us today could never be adequately acknowledged.

We must convey to our administrators who made our attendance here possible, our deep appreciation, and assurance it will prove to be well worth the time and effort.

It is not possible to properly thank our wives and families who kept things moving at home. Especially, we are aware of the endurance, spirit, courage and understanding demanded of the families of law enforcement officers. We are as proud of you today as we can ever be; for any accomplishment of ours is equally yours.

We have been called the finest National Academy class ever. This is as it should be. I have witnessed an interchange of ideas and knowledge and an insatiable desire for learning that I would not have thought possible. I have never associated with a group of any kind so intent on self-improvement for the express purpose of better serving mankind.

There is no doubt that the exposure to men of all levels of law enforcement from many different agencies has broadened our horizons of knowledge, reinforced our courage and strengthened our integrity—the motto and the promise of the FBI National Academy.

As we leave here today to join with great pride the distinguished alumni of the FBI National Academy, each of us accepts the quest of the "Man of La Mancha" as our pledge: "To reach—the unreachable star! This is my quest, to follow that star, no matter how hopeless, no matter how far; to fight for the right without question or pause, to be willing to march into hell for a heavenly cause! And I know, if I'll only be true to this glorious quest, that my heart will lie peaceful and calm, when I'm laid to my rest—and the world will be better for this."

Aloha!

GEORGE C. WALLACE

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 1970

Mr. WYATT. Mr. Speaker, the Washington Post on Friday had a thought-provoking editorial on the election of George C. Wallace as Governor of Alabama and what it could bode for the 1972 presidential election.

Mr. Wallace as a third-party candidate in 1968 came very close to throwing the election into the House of Representatives by denying either of the major party candidates a clear-cut majority. The editorial points out, however, that the upshot probably would have been a deal with Wallace throwing his electoral votes to the candidate who could offer the best terms.

Mr. Speaker, I cannot stress strongly enough the importance of acting now in getting the House-approved amendment to abolish the electoral college in favor of direct elections before the Senate for a vote. It will take a long, hard campaign to win approval in 38 States to effect this vital change in our Constitution.

Many of my colleagues hold the same opinion. And I am convinced that, like myself, they will work hard to get ratification by the States before the next election. We cannot afford to do any less.

The editorial follows:

Wallace and the Electoral College

The election of George C. Wallace in Alabama should be the signal for a full-scale drive in the Senate for enactment of the direct-election amendment. Foes of the amendment were prepared to say, if Mr. Wallace had lost, that abolition of the electoral college was no longer urgent. But with Mr. Wallace in a position to repeat his presidential race in 1972, Senator Bayh is quite right in pointing to the possibility of chaos in the choice of a President two years hence.

Of course the direct-election amendment was not designed as a means of saving the country from Wallaceism. It was written after long study by legal and political scholars to give the country a modern, workable and reasonably risk-free system for election of the President, Mr. Wallace comes into the picture only because he threatened to turn the country's existing crude electoral machinery into a horse-trading imbroglio in 1968, and came close to succeeding.

There is not much comfort in the fact that the Wallace margin of victory on Tuesday was a narrow one. As governor, he will once more have a power-base from which to operate, and there are many indications that he will again be pleading for support in the South on the basis of his "segregation forever" slogan. It might not be necessary for him to win 46 electoral votes, as he did two years ago, to hold the balance of power in the so-called electoral college. If the division between the Republican and Democratic Parties is once more close, he could win fewer votes and still be in a position to dictate who would be President and to exact a price for his favors.

It is well established that this was the strategy Wallace intended to follow in 1968. If neither of the two major candidates polled a majority of electoral votes, he did not intend to let the contest go into the House of Representatives. Rather, he indicated that he would decide it my switching his electoral votes to the candidate willing to make a deal with him.

The Senate is now squarely faced by the issue of closing the door to such unprincipled deals by abolishing the obsolete electoral college and providing for direct election of the President by the votes of the people. But it will have to shake off its lethargy if the constitutional amendment already approved by the House and the Senate Judiciary Committee is to be sent to the states and ratified by them in time for the 1972 election. Only a major effort involving the White House, congressional leaders and both political parties can produce a two-thirds vote in the Senate and ratification by 38 states before next April 15. But the objective of safeguarding the integrity of our electoral system is worth the effort. A special drive to get the amendment onto the Senate floor as soon as possible is in order.

ADMIRAL McCAIN

HON. L. MENDEL RIVERS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 1970

Mr. RIVERS. Mr. Speaker, on Wednesday, June 3, 1970, a great American gave the commencement address to the 1970 graduating class of midshipmen at the U.S. Naval Academy. That gentleman is Adm. John S. McCain, Jr., U.S. Navy, our Commander in Chief, Pacific. His message to the midshipmen is, in my judgment, so vital and pertinent that it should be made available and read by every American who loves his country. The address by Admiral McCain requires no commentary from me—it speaks for itself.

The full text of Admiral McCain's commencement address follows, along with a biography of this outstanding naval officer and military leader.

Commencement Address by Adm. John S. McCain, Jr.

Exactly 39 years ago to the day, on the 3rd of June 1931, I sat where you are now with the expectations of youth and the stamp of the U.S. Naval Academy indelibly impressed on my character. And to save my life as I stand before you now I cannot remember who gave the graduation address for the Class of 1931. I hope you may manifest a somewhat higher span of attention and that I will make a more lasting impression on you.

You have just finished four years of intense study and training such as you will never experience again. There are those amongst you whose future intentions may include transferring to the other services or returning to civilian life as soon as circumstances permit.

To those who leave the service the schooling and training you have received will stand you in good stead. To those who stay, the Naval Academy trains the professional.

Your country expects you to take this schooling and serve the Nation to the extreme limits of your ability. There are times when this service will lead you into the valley of the shadow of death. And for some, unto death itself. I have friends and classmates who gave their lives that the citizens of the United States would be free to live lives of their own choosing, which includes your freedom to choose to become a Midshipman.

The greatest tribute that can be paid to the United States Naval Academy is recognition of the long succession of naval officers who have passed through these gates and have gone forth to give their lives for freedom. The historic battles in which they fought are recorded on both sides of this beautiful stadium. Their names are memorialized on plaques on the back of seats now occupied by your families and friends. These officers were imbued with a sense of loyalty and dedication that scorns vacillation and doubt. From your class, the class of 1970, will come the heroes of tomorrow. Sitting here in front of me are those who in keeping with the highest traditions of the Naval service will make the greatest sacrifice that a man can make for his Country.

This, gentlemen, is your heritage. You have been exposed to traditions that ultimately will become a part of your character. You will not question where your duty lies.

Today as so often in the past we are living in a troubled world. We are at war far from home under difficult and complex circumstances. Our leaders seek an early and honorable end to the struggle. There is reason for hope and measured optimism. One of the great acts of moral courage and discipline in this search for peace was when President Nixon ordered the execution of the Cambodian operation. This campaign has met our fondest hopes.

It has set back the enemy time table. The resources the Chinese Communists and the Russians are willing to divert and the problems of transportation have great bearing on this time table. The U. S. went into Cambodia to protect allied forces by destroying enemy sanctuaries. We did just this. By 30 June we will be out.

We have taken caches consisting of millions of rounds of small arms ammunition, over 5000 tons of rice and thousands of weapons. To give you some idea of the amount of captured rice, it would have fed over 15,000 North Vietnamese and Viet Cong for one year on a full ration. Even though the Communists return to the sanctuaries it will take them 5–10 months to bring in arms, ammunition and supplies to resume the same level of action. By this time the South Vietnamese Armed Forces will be in a better position to take over.

In South Vietnam the story is the same. The President's policy is sound and the current plan for withdrawal of 150,000 men is both safe and reasonable, particularly in view of our success in Cambodia.

CHALLENGES TO PEACE

However, I hasten to caution you that peace in Southeast Asia or elsewhere is not just around the corner. The challenges for the military officer have never been greater and service to country never more meaningful. The expanding projection of Soviet power world-wide through military, political, psychological, and economic means is well publicized.

First of all, and of particular importance to you fine young naval officers we honor here today, is the challenge provided by the recent emergence of Soviet seapower throughout the oceans of the world.

Secondly, there is the problem of the border conflict between Russia and mainland China, both Communist nations. It may appear on the surface that the United States has no interest in this dispute but we do. If war should come to these two nations, the rest of the world will be affected if not drawn into the vortex of this conflagration. We must continually guard against actions on the part of either Red China or Russia which by design or accident entangle or embarrass us.

Third, there is the very dangerous situation that exists in the Middle East.

Fourth, is the continuing question of the two Germany's.

Fifth, is the conflict in Southeast Asia.

And finally, the Strategic Arms Limitation Talks in Vienna are a forum in which the United States and Soviet Russia confront each other critically important interests at the conference table.

THE STRONG MAN ARMED

It is apparent that the United States must maintain a strong military and political posture in the world if we are to survive. This means a strong Army and Air Force, a strong Navy and Marine Corps. Although concerned with all four, the primary interest of most of you for the near future will be the Navy and Marine Corps.

The Navy and Marine Corps bring a mobile base philosophy to the defense establishment that applies directly to over three quarters of the earth's surface. One of the most profound changes in the history of warfare and yet little recognized has been the inland reach of naval power. The aircraft carrier, the Polaris submarine, the amphibious capability of the Navy-Marine Corps Team are outstanding examples. The profession in which you have been and will continue to be trained involves every aspect of modern warfare—land, sea, and air. Today the Nixon Doctrine places increasing emphasis upon the mobile forces of our entire military establishment.

As you embark on the profession of arms the single most important factor in reaching your objective is an understanding of the basic role of the Bluejacket and the enlisted Marine. This applies equally to the Soldier and the Airman. The highest accomplishment that an officer can achieve is mastering the art of leadership which means the ability to inspire the enlisted men to the highest performance of duty, particularly under enemy fire.

I now want to discuss the art of leadership. There is no "Masters Degree in Leadership." It does not lend itself to a mathematical formula recognized by certificate of diploma. It is above this. Although the greater num-

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ber of us can never rise to the heights of John Paul Jones, David Glasgow Farragut, Ernest Joseph King and others, there are certain principles that act as buoys clearly marking the channel beyond which you are in trouble.

QUALITIES OF LEADERSHIP

As each man seeks his own way to heaven so each officer develops his own method of leadership. When you step aboard ship and stand in front of your first division of Bluejackets they will evaluate you accurately and without delay. In fact there is no more exacting method of determining an officer's worth. Furthermore you can't fool Bluejackets. They are quick to recognize the phony. If you lose the respect of these men, you are finished, you never regain it.

When you become a Commanding Officer, air, surface or subsurface, you are working at what has been referred to as the court-martial level. You are held strictly accountable for your command. You are the only one who can make the ultimate decisions. By the same token, you are the one who must bear the responsibility for failure. When matters go wrong you are the one who is subject to possible court-martial. Thus, and properly so, the road to high command is hard, tough and demands the highest of human qualities.

A mark of greatness is willingness to listen. In fact one commits a grave error who fails to seek advice. I listen to any member of my staff regardless of rank or rate. One of the most difficult problems to solve is the reticence of subordinates to speak out in the presence of seniors. To a certain degree this stems from custom and tradition which should not restrict the junior at the appropriate time. To surmount this barrier takes time and patience. If a seaman on the foc'sle says there is something dead ahead, I stop the ship to find out.

XUM

There is an expression, "officer and gentleman," and it applies as fully today as it did one hundred years ago. In fact, under the circumstances today that tend to degrade values of the past it becomes even more important. To quote John Paul Jones, "A gentleman is one who has the nicest sense of personal honor." His instincts are of such a high order that he never unintentionally hurts another person. This does not mean that he can't and won't if it becomes necessary to do so. In the days of the square rigger the oncoming officer of the deck in applying the code of an officer and gentleman made it a point not to change the set of the sails for the first fifteen minutes of his watch out of deference to his shipmate whom he had just relieved. Obviously certain conditions of wind and sea might require a departure from this rule. An officer must be prepared to move with equal ease as officer of the deck or in the highest and most complex diplomatic circles. The social graces are as much a part of his life as the rules of seamanship. These are requirements which remain unchanged through the centuries.

VALUE OF INITIATIVE

As you execute your duties, another attribute to cultivate is initiative. This trait is invaluable but also can lead to real trouble if not balanced with judgment and common sense. In this connection the regulations are to guide and not fetter the judgment. The only time I studied the regulations was in time of trouble. However I repeat that each officer must find his own way to effective leadership. The detail and style of leadership varies from one man to the next as much as the character and personality of two individuals.

The Naval Academy has subjected you to continual exposure to discipline which today is little appreciated in so many circles. Discipline is a basic and an indispensable element of success. The art of leadership and discipline are synonymous. No man is worth his salt without self-discipline. If you cannot discipline yourself you can rest assured that you will fail where others are concerned. He who lacks self-discipline cannot command.

This trait is equally important in the civilian world. You know of those signs that say "make love not war." You belong to a fraternity whose members are men enough to do both.

In this regard, the fact that you have earned your commissions is ample evidence that you are dedicated to the preservation of our values and institutions. This is in direct contrast to those we read about in the newspapers who preach destruction of the fabric of our society often without even the vaguest concept of what kind of structure and value system would replace it.

I once heard a distinguished gentleman say that the world consists of two broad categories of men, the S.O.B.'s and the good fellows. The good fellows are always helping each other up the ladder to success. But the S.O.B., you have to give him full credit, he got there on his own two feet. Your career as a leader falls somewhere between these two. It is just as bad to be a popularity jack as it is to be a S.O.B. You must be fair and square. You must be consistent.

HUMAN RELATIONS AND THE GOLDEN RULE

The cardinal principle of leadership is the Golden Rule—"do unto others as you would have them do unto you." It takes moral courage to issue an unpopular order and then to make sure of its execution. In this regard a policy of permissiveness at sea does not work any more than it does any other place in the world. A good officer instead of telling the crew that the Captain wants a certain order carried out executes in his own name without leaning on higher authority.

Men who have faced danger do not have to be introduced to religion. It has been said there are no athiests in a fox hole. Although I have never been in a fox hole, I spent my wartime years in a submarine and know that nothing makes a man turn more quickly to God than the uncertainties of battle. The brave man needs no lesson, while the coward thinks with his feet. I believe in God. He answers prayers. Never be afraid to acknowledge belief in a higher power. The profession upon which you are entering is dangerous and exciting. God is ever present.

In a few moments you will be sworn in as commissioned officers. You will take an oath to defend the Constitution of the United States of America and with this goes an obligation that is a privilege accorded to relatively few. Some of you may not understand the full import of this statement. In time you will. It means hard work, long watches, hours of flying, hours of fighting in swamps, heavy seas, and so on ad infinitum. You are on duty 24 hours a day.

You are about to become guardians of a great legacy. One handed down to you by generations of Americans, dedicated men and women, who placed their nation's welfare above personal ambition. The proud responsibility which you will share in passing on to a new generation our priceless values and institutions will continue to give quality and meaning to the American tradition.

Gentlemen, you are about to join the most exacting and honorable profession in the world. The future of the Country will rest in your hands. I am proud of the United States Navy. I am proud of you. God Bless each and everyone!

BIOGRAPHY OF ADM. JOHN S. MCCAIN, JR., U.S. NAVY

John Sidney McCain, Jr., was born in Council Bluffs, Iowa, on January 17, 1911, son of Mrs. John S. (Katherine Vaulx) McCain and the late Admiral McCain, USN. He attended Central High School in Washington, D.C., prior to his appointment (at large) to the U.S. Naval Academy, Annapolis, Maryland, in 1927. He was graduated and commissioned Ensign on June 4, 1931, and subsequently advanced to the rank of Admiral to date from May 1, 1967.

From June 1931, he served for two years in the U.S.S. *Oklahoma,* a unit of Battleship Division One, Battle Force. He reported in June 1933 for instruction in submarines at the Naval Submarine Base, New London, Groton, Connecticut, and, after completing the course in December of that year, served successively in the U.S.S. *S-45* of Submarine Force, Pearl Harbor, and the U.S.S. *R-13* of Submarine Division Four, attached to the Naval Submarine Base, New London.

From June 1938 until May 1940, Admiral McCain served as an Instructor in the Department of Electrical Engineering at the Navy Academy. Following duty at the Naval Academy, he served in the Submarine U.S.S. *Skipjack* until April 1941.

He next reported as Prospective Commanding Officer of the *U.S.S. O-8,* which was being refitted in the Philadelphia Navy Yard. He commanded her from her recommissioning until May 1942.

Ordered to the Electric Boat Company, Groton, Connecticut, he had charge of fitting out the U.S.S. *Gunnel,* and assumed command of that submarine at her commissioning August 20, 1942. Under his command, the *Gunnel* arrived at Fedala, French Morocco, a few days before the D-Day bombardment, in time to photograph the proposed beachhead and make a general reconnaissance of Casablanca and Fedala. Later, he took *Gunnel* to the Pacific, where she sank an enemy destroyer and sank or damaged additional Japanese shipping.

On July 14, 1944, he was ordered to New London, where he served briefly before reporting in October to the Electric Boat Company, to fit out another submarine, the *U.S.S Dentuda.* He served as Commanding Officer her first (and only) war patrol in the Pacific; turning over command of the *Dentuda* at the cessation of hostilities on August 14, 1945.

For service in combat during World War II, he was awarded the Silver Star Medal, the Bronze Star Medal with Combat "V" and two Letters of Commendation, with authorization to wear the Commendation Ribbon, Star, and Combat "V". One Letter of Commendation came from the Commander in Chief, U.S. Atlantic Fleet, and the other from Commander in Chief, U.S. Pacific Fleet.

The Silver Star Medal was awarded for "conspicuous gallantry and intrepidity in action as Commanding Officer of a submarine (the USS *Gunnel*) in enemy Japanese-controlled waters . . . (in which he) succeeded in sinking an important amount of Japanese shipping, including a destroyer. His bravery under fire and aggressive fighting spirit were in keeping with the highest traditions of the United States Naval Service . . ."

The citation to the Bronze Star Medal, awarded for "heroic service as Commanding officer of the USS *Dentuda* during the first war patrol of that vessel in enemy Japanese waters of the East China Sea and Formosa Straits Area . . ." commends him for "sinking an enemy vessel of 4,000 tons and damaging two small crafts totaling 350 tons" and subsequently returning his ship to port.

The Letter of Commendation (CINCLANT) reads in part: "For meritorious service . . . during November 1942. Commander John S. McCain, by extremely skillful and daring handling of his ship performed special missions which contributed materially to the successful execution of an extremely difficult landing of a large expeditionary force on a strange and poorly charted coast. (His) successful performance of hazardous duty resulted in the unqualified success of future operations . . ."

Letter of Commendation (CINCPAC): "For distinguishing himself . . . during a war patrol . . . With a well planned attack, he sank more than 9,000 tons of enemy shipping . . ."

Returning to the United States in November 1945, he served in the Bureau of Naval Personnel, Navy Department, Washington, D.C., as Director of Records, until January 1949. Again ordered to duty afloat, he commanded Submarine Division Seventy-One for eleven months and then commanded Submarine Division Fifty-One for two months. In February 1950, he joined the heavy cruiser USS *St. Paul* as Executive Officer and in November of that year returned to the Navy Department. Reporting to the Office of the Deputy Chief of Naval Operations (Operations), he served as Director of the Undersea Warfare Research and Development Branch until March 1953, when he became Commander Submarine Squadron Six.

In July 1954, he assumed command of the USS *Monrovia* (APA-31), and in May 1955 was detached from command of that attack transport for duty as Director of the Progress Analysis Group in the Office of the Chief of Naval Operations.

In August 1957, he was designated Commanding Officer of the then heavy cruiser, USS *Albany* (CA-123), and the following March was ordered detached for duty in the Office of the Chief of Naval Operations. On June 23, 1958 he reported as Chief, Legislative Liaison, Executive Office of the Secretary of the Navy, and on November 9 of that year was promoted to Rear Admiral. On August 10, 1960, he became Commander Amphibious Group TWO, and on May 26, 1961, he assumed the duties of Commander Amphibious Training Command, Atlantic Fleet.

In September 1962, he reported as Chief of Information, Navy Department, Washington, D.C. He left that post one year later to assume, as Vice Admiral, the duties of Commander Amphibious Force, Atlantic Fleet. While serving in that post the Admiral received his first Legion of Merit for his leadership of naval forces in the Caribbean during the crisis in the Dominican Republic. He received a Gold Star in lieu of a Second Legion of Merit for his outstanding performance as Commander, Amphibious Force, Atlantic Fleet.

In June 1965 he reported as Vice Chairman of the Delegation to the United Nations Military Staff Committee, New York. At the same time he became Commander Eastern Sea Frontier and Commander Atlantic Reserve Fleet. In October 1966, with the reorganization of the Reserve Fleets, he was relieved of the latter command.

Immediately prior to his detachment as Vice Chairman of the U.S./U.N. Delegation, Military Staff Committee, in April 1967, he was awarded a Gold Star in lieu of his Third Legion of Merit. The medal was for meritorious service during the period July 1965 to April 1967 while serving in that post.

After being detached in April, he assumed the duties of Commander in Chief, U.S. Naval Forces, Europe, on May 1, 1967 and for "exceptionally meritorious service . . . (in that capacity) from April 1967 to July 1968 . . ." he was awarded the Distinguished Service Medal. The citation further states in part:

"Responsible for maintaining the United States Naval Forces in the European area at a high state of readiness, Admiral McCain anticipated U.S. requirements and prepared his command with great professional skill for contingency operations during the Middle East crisis, resulting in the strategic location of surface, air, and amphibious forces in the Eastern Mediterranean for the most effective utilization in any contingency. The clarity, forcefulness, and wisdom of his guidance to subordinate commanders during the Arab-Israeli War, the USS LIBERTY incident, and the Cyprus crisis of 1967 ensured alert and prepared forces promptly deployed in a maximum state of combat readiness, and thereby contributed significantly to a decrease in international tension in each instance. Throughout his tenure in command, Admiral McCain took innovative and sound measures to increase the readiness of naval forces. By his efforts, the Sixth Fleet was provided the guidance and organizational assistance to make it an effective and ready force for peace.

In July 1968 he became Commander in Chief, Pacific.

In addition to the already mentioned decorations, Admiral McCain has the American Defense Service Medal, Fleet Clasp; American Campaign Medal; European-African-Middle Eastern Campaign Medal with engagement star; Asiatic-Pacific Campaign Medal with three stars; World War II Victory Medal; Navy Occupation Service Medal, Asia and Europe Clasps; China Service Medal; National Defense Service Medal with bronze star; the Korean Service Medal; Armed Forces Expeditionary Medal; and the United Nations Service Medal. He also has the Korean Presidential Unit Citation Badge.

He and Mrs. McCain, the former Roberta Wright of Los Angeles, California, have three children, Mrs. Jean McCain Flather, Lieutenant Commander John Sidney McCain, III, USN, and Joseph Pickney McCain. Their official residence is Washington, D.C.

IN THE AFTERMATH OF CAMBODIA

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 1970

Mr. ROBISON. Mr. Speaker, for the past few weeks all of us in Congress—and indeed all American citizens everywhere—have been deeply concerned and anxious about the Southeast Asian situation, no matter where our judgments lie about the U.S. military effort there. I have received thousands of letters and telegrams from constituents and many thousands of names more have come into my office on various petitions. These communications reflect, among other things, the tremendous public interest in our present policy not only in Vietnam, but in Cambodia, Laos, and Thailand as well. They reflect, in part, the tragic, dangerous polarization between citizens of this Nation. They reflect the anxious concern of the young for the world they are about to inherit; and they reflect the troubled exasperation of many older Americans who feel that the young are irresponsible, if not dangerous.

Some of the letters which I have received—on both sides of the question—have been couched in extreme, intemperate language and have not been constructive. Some have been prompted by organized efforts to procure signatures and many have been mimeographed "form" letters. But hundreds and hundreds have come without noticeable impetus from any group, and merely reflect the deep interest of many sincerely troubled citizens.

In addition to the great volume of mail, I have also visited with many individuals and groups who have come to Washington to talk about what the proper congressional role should be in the difficult and frustrating task of extricating our Nation from Vietnam. There have been roughly 25 of these delegations, comprised of hundreds of persons, and I have opened my office to all of them because I think it is important that we make every effort to talk to one another—especially in times of great national strife—rather than shouting past one another.

This was also my basic motivation in agreeing to be a member of an ad hoc committee of Congressmen who held hearings on the question of our Indochina involvement and the collateral crisis on the campuses of our country. We sent invitations to approximately 1,200 colleges and universities throughout the country, asking them to send representatives to testify. Young people from over 50 college communities responded and the statements which they read—and the questioning these statements elicited—gave them an opportunity to present their views in a systematic way to the House of Representatives for 2 full days.

In addition, I was pleased to have students from Cornell University—which is in my congressional district—use my office during the 2 days preceding the May 9 Washington demonstration to help coordinate the arrivals and activities of the thousands of college students who came from the Ithaca, N.Y., area to the Capital for that event.

Throughout this difficult time, I have attempted—through my public comments—to keep the citizens in my district fully apprised of my opinions on these most important matters. The issues are not easy ones, and I am now more convinced than ever that the solutions are not easy either. But to make some of my present positions as clear as possible, I thought that it might be useful to set forth three items at this time. First, I present portions of the statement which I made to the hundreds of student and faculty visitors I had in my office just before the May 9 demonstration in Washington. Second, I set forth a speech I recently made to both the Purchasing Management Association in Elmira, N.Y., and the Masons at their annual dinner-dance in Owego, N.Y. Third, I include a statement which I made at the time I introduced a resolution urging the President to establish a high-level commission to investigate the tragic deaths at Kent State and Jackson State and to consider the causes and underlying problems behind recent campus unrest.

The items follow:

AN OPEN LETTER TO THE YOUNG PEOPLE AND OTHER INTERESTED RESIDENTS OF THE 33D CONGRESSIONAL DISTRICT OF NEW YORK

On the eve of the May 9th Peace Demonstration, I would like to communicate with those students and other young people from the 33rd Congressional District of New York who support that demonstration. My thoughts are those of a man well over thirty, and I would be the first to admit that my ability to communicate with younger men and women suffers from that fact, but there is much that we must try to say to one another.

For my part, I understand your frustration, your anger and your sorrow. If I read you at all correctly, you are frustrated at your inability to stop the violence in Southeast Asia; you are angry that the present Administration seemingly ignored you (among many others) in making its decision to move into Cambodia; and you are sorrowful that America has come so close to losing her sense of

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balance in this complicated and dangerous time. And, although we see the events of recent days from different perspectives, I think you and I share one underlying belief—that the Vietnam war is the wrong war, at the wrong place, at the wrong time, and for the wrong reasons; and that whatever military value or moral justification the conflict might once have had for this Nation, there is virtually none now.

Significantly, the first major "pressure group" which recognized the major fallacies behind our Vietnam involvement was the young. It was the energy and idealism of the young which largely served as the impetus for a change in our posture in Southeast Asia, and until the recent Cambodian decision, I would have argued that you had indeed helped reverse the tragic escalation and the senseless buildup in Vietnam.

The President says that his Cambodian decision has not changed his intent to withdraw from Vietnam and even argues that success in Cambodia will facilitate that process. Though I hope and pray he is right, only time alone will tell. But, in the meantime, even such a temporary and limited escalation of the conflict has cost us much at home in terms the President may have failed to reflect upon—not the least of which is the fact that, from now on, the Administration and American youth will have an even harder time communicating with one another.

Then, as if to further widen that gap, two days ago the House of Representatives refused to adopt an amendment to the Military Procurement Bill which—though there are some signs that the President would not have objected thereto—would have confirmed what I believe is the underlying "sense-of-Congress" against any widening of the war into such adjoining areas as Cambodia, Laos or Thailand. I supported the strongest of such amendments because I saw its adoption as *necessary* to clarify and confirm what I believe to be Administration policy, and *necessary*, too, as a step towards reinserting Congress back into the foreign policy decision-making process.

Though other reasons were also involved, when that amendment failed, I voted against the bill in question—becoming one of only 69 Congressmen to do so.

I do not question the motives of my colleagues who took a different position—that is their prerogative—but I can well see how this bit of inaction could appear to you to be part of the "same old story.

And so it is in large part these two events—the President's decision and Congressional indecision—which, combined with the tragic occurrence at Kent State, form the backdrop for the present tension and confused anxiety that brings so many of you here to Washington this weekend.

For myself, I welcome your coming—and I know that many other young people who will not come will, nevertheless, be here with you in spirit.

Yet, unfortunately, there will be others here who would play upon your emotions, who would ignite your frustrations, who would encourage your demonstration of convictions to become a study in volence. Some of these people will hope for violence to use it as a vehicle for subverting the values which you cherish; and I suppose that some others will hope for violence in order to discredit you and brand you all as senseless anarchists.

I know that the pressures are intense, and I know that the events of the past few days have caused you great heartache and dissatisfaction, but I implore you to refuse to bend to the heat of the moment and thereby allow this demonstration to become violent. Our Nation is already polarized to an extent which may have no parallel since the days of the Civil War; and further polarization will only detract from the purpose of your presence in Washington.

You have a message—a most vivid and important message. Allow it to be heard unprejudiced by violence!

But for me to suggest that a peaceful demonstration will advance your purposes more than a violent one requires me to express my belief that you can be heard—that you must be heard—on the merits of your convictions. My views can be interpreted as "establishment-oriented." After all, I am part of "the establishment," but, in being a part of that system, I see the opportunity for you to effect change in that system. Frustration may be appropriate at the moment—we are all frustrated—but frustration must be turned into a positive force. Some continuing effort is needed; for if you settle for frustration as being the end product of the feelings on your compuses, then the efforts of those of you who have unrelentlessly prodded our Nation to take a better road have been wasted.

My message, then, is that you do have the ability and opportunity to help bring change. The change may not be as quick as some of you would like, and the change certainly will not be brought about by those who choose violence, but a vast opportunity is present for those of you who truly wish to work for a more responsible and responsive societal order.

Your numbers, in fact, are so great that the course of this Nation is more yours to direct—and in shorter time—than you may realize; and then our future will be wholly yours to cherish and protect.

HOWARD W. ROBISON,
Member of Congress.

REMARKS BY CONGRESSMAN HOWARD W. ROBISON DELIVERED IN ELMIRA, N.Y., MAY 21, 1970

These past two weeks have been very difficult ones—for the Nation, for its citizens, and for those as well who have sought to serve that nation and its citizens, either in the uniform of its armed services, in positions of high executive responsibility, or in its national legislature, the Congress of the United States.

There has, during these past two weeks, been an unprecedented outpouring of rhetoric—both verbal and written—a great public outcry of almost totally-unrestrained passion of all sides, appeals to emotion, demonstrations and counter-demonstrations, accusations and counter-accusations, demands for the impeachment of the President and Vice President, and counter-demands for their full support in the name of patriotism, and, all in all, such scenes of tumult and human tragedy as to bring into serious question the ability of the Republic to survive such a strain.

Curiously enough, all of the invective of recent days has been directed by American against American—and none of it against the enemy in this war that so occupies our attentions; a war over which our Country has become more intensely divided than at any other time, except for the Civil War, in its entire history.

It is no longer possible for many of us to discuss the dilemma in Vietnam in a rational manner; but it is exceedingly important that we strive to do so, as I would like to try to do now.

I do not expect all—nor even perhaps a majority of you—to agree with what I have to say; this is an issue with regard to which no one any longer expects consensus—the last man who specifically yearned for that over Vietnam having long since been retired to his ranch in Texas.

In any event, for a number of years now I have personally thought—and said—that, for us, our deep involvement in an effort to solve the internal problems of the Vietnamese people was a foreign policy mistake of tragic proportions, the true costs of which—in terms other than those measureable in lives and treasure—are still being determined.

I do not say we should not have tried to help—in a limited way—the people of South Vietnam to preserve what we saw, if they did not, as their chance at "self-determination." Such an attempt, on our part, was surely not "immoral," as some have charged; indeed, it may even have been our duty so to try, given our then view of the world around us in those post-World War II and Korea years, and our groping for an understanding of the kind of role America should play therein until such time as there was some better international peacekeeping machinery than the United Nations could yet promise.

Nor, in the sense of the currently-developing Constitutional debate over the war-making powers of the President vis-a-vis Congress, was there anything "illegal" in that effort up, at least, to the time when Lyndon Johnson, through a series of seemingly logical decisions, began to take over the feeble efforts the South Vietnamese were making in their own behalf and turned the conflict into a war by Americans against a confusing variety of other Vietnamese.

This, as I now see it, was our basic mistake—for what we took over was a war we could not possibly "win" in any valid military sense, unless one chose to totally ignore the limited purposes that led to the first establishment of an American presence in Vietnam.

For, if there is one lesson we should have learned above all others out of all this, it is that one nation simply cannot win a war for the people of another nation; at best, it can only ever help *them* to do so.

Oh, this is not to say that we could not, and at almost any time we wished, have totally flattened the "enemy" in Vietnam—and possibly gotten away with it without any intervention by Russia or Red China.

But what would we have had left?

At best, an American "colony" of sorts—that we would have had to rebuild, and whose probably unhappy and sullen citizens we would have had to nurture and protect for years during a time when all the forces of a new wave of "nationalism" in that part of the world would, along with our own misgivings, have been pushing us in the opposite direction?

It seems to me that this would about have been it.

And so, checking my speech files, I found myself saying, back in May of 1968—and there were advance echoes of the now so-called "Nixon Doctrine" in my remarks—that, while we may ". . . have a responsibility—because of our strength—to do what we can to help 'organize a durable peace' in this troubled world (to borrow the phrase from Dean Rusk, who uses it often) . . . we, alone, cannot and should not try to ensure and maintain peace anywhere and everywhere in such a world."

In those same remarks, I questioned whether Vietnam was, therefore, the proper place to take a stand for "freedom" in the abstract sense, or the wisest choice of strategic spots, if such were our true purpose, to have drawn an indelible line of containment against Communist aggression, of either the North Vietnamese or the Red Chinese variety.

Finally, on that same occasion, in commenting upon the then-developing public attitude toward Vietnam's mounting costs, I said: "People have an instinctive feeling, the correctness of which is hard to deny, that even worthwhile objectives can have a price beyond which it is foolhardy to pay . . . (and that) as, in battle, not every hill is of equal value in lives so, in a long struggle, not every battlefield is worth the same cost to a nation's resources."

For it has been increasingly hard for me—and, I assume, for many of you—to justify the length and the cost to us of trying to

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fight a war for the South Vietnamese in terms of our *own* national interests.

Southeast Asia is an important part of the world for us—but not as important as other areas, the Middle East, for one.

I know about the "domino" theory—and there is certainly some validity in it—but one can play "dominos" in more than one part of this troubled world at one and the same time, as the Russians may very well be doing while keeping us bogged down as we are in our Southeast Asian morass, and dangerously divided and uncertain of purpose at home.

Thus, I think it quite properly has become necessary for us to ask ourselves whether our government's first order of business should be to preserve South Vietnam—or to preserve the United States of America, itself, so that it could not only once again look more effectively to its more-clear, and perhaps more-compelling, responsibilities abroad, as well as to its own manifold and manifest internal problems.

Now, it clearly is not easy for a great and proud nation such as ours to change course in mid-stream, so to speak.

None of us like to think we could have made a mistake—none of us like the thought of defeat; though, if our purpose was to keep South Vietnam from being taken over by aggression from without, we clearly have not been "defeated" in that regard.

And all of us are familiar with patriot Stephen Decatur's toast—as offered in 1816: "Our Country! In her intercourse with foreign nations may she always be in the right; but our Country, right or wrong!"

But there is yet another verison of that slogan—with its appeal to all patriotic Americans; the one as offered by Carl Schurz, in his speech to Congress in 1872: "Our Country, right or wrong. When right to be kept right, when wrong to be put right!"

And so I would think it was the force of public opinion, re-directing itself as I have suggested towards the true nature of our problem in Vietnam, that—in at least an indirect manner—brought about, first, the retirement of Lyndon Johnson to private life and, then, the election of Richard Nixon as his successor.

Whether or not actually possessed of a "plan" to bring the war, insofar as we were concerned, to some recognizably successful conclusion—an exceeding complex and difficult task under the circumstances—most of us thereupon took heart from Mr. Nixon's subsequently announced policy of "de-Americanizing" the conflict by withdrawing so gradually therefrom as to leave behind a South Vietnam with a chance of surviving on its own. Admittedly, such a policy was a risky one, offering no guarantee of success. While, in many ways, not constituting a good solution—and perhaps there was none such—I have supported this policy as seemingly the only "solution" available to us, and I have done so against the urging of those who, seeing no better or worse way out, have tried to tell me we should just quit without trying to make the best out of the worst.

I have also said repeatedly—the most-recent occasion for doing so following the President's announcement of his plan to bring still another 150,000 of our combat troops out of South Vietnam during the next twelve months—that I believe this policy of withdrawal to be an "irreversible" one, paced to but not dependent upon the success of the collateral effort as also directed by the President to "Vietnamize" what might remain of the conflict.

I would, however, be less than honest, both with myself and those of you, my constituents, who may depend, in a limited way, upon my judgment in matters such as this, if I did not now admit that the President's surprising move—in force—into Cambodia has caused me to re-examine this latter question.

On the one hand, I listened intently that Thursday night as Mr. Nixon declared, "The action I have taken tonight is indispensable for the continuing success of the withdrawal program" and as he then added, "A majority of the American people want to end this war rather than to have it drag on interminably, (and) the action I have taken tonight will serve that purpose."

While I hope and pray such will prove to be the case, there are, on the other hand, so many ambiguities about our new situation, and so many parallels between this most-recent decision and certain other military decisions as made by former President Johnson respecting Vietnam, as to lead me to share, evidently, with many of you, my constituents, that sinking feeling of ". . . here we go again!"

On the basis of immediate military considerations alone, a fairly compelling case can, I suppose, be made for the President's difficult—and, in some ways, courageous—decision; though I would have preferred to see the incursion into Cambodia, if there was to be one, made by South Vietnamese forces alone. That would have been one further way of testing whatever progress has actually been made under the "Vietnamization" program—and a dramatic test, as well, of what most of us have understood to be the thrust of the so-called "Nixon Doctrine" in such a situation.

However, the die has already been cast for us in the other direction.

Perhaps our troops in Vietnam can be brought home faster through Cambodia; I have my reservations about that, but time, alone, will tell.

President Nixon has gambled much on such a hope.

He has also apparently gambled much on the hope that this show of strength—of new resolution—in Indochina will be noted by other powers, and in those other parts of the world, where it is altogether possible that the credibility of these United States in a crisis situation has come under some question.

I am well aware of the necessity for concern in this connection.

And I am equally well aware of the fact—as George Kennan, an out-spoken critic of the whole Vietnam operation has warned us—that ". . . withdrawal from Vietnam is a delicate operation . . . (and) the only person who can arrange and direct it is the President."

But, the events both of the past several days and the shadows cast by events yet to come out of all this, demand that we, in Congress, be equally aware of our collateral responsibility with the President for the direction of foreign policy.

A penetrating editorial in a recent issue of "The Wall Street Journal" has reminded us that, though ". . . doubts and ambiguities are the price of a free society—the purpose of any foreign policy strategy is to preserve our free society, not to destroy it."

The editorialist then goes on to declare that, ". . . the Vietnam war has taken such a cruel toll in destruction of the bonds of consensus and authority that allow a society to operate both at home and abroad . . . (that) by now, the danger of disintegration here is far more serious than any military threat in Indochina."

It has been with a heavy heart that I conclude such to, indeed, be the case; and that any further escalation of our involvement in the conflict in Indochina—or any further widening thereof—can only hasten that process of disintegration.

On that Thursday night, the President rightly said, "It is not our power, but our will and character that is being tested . . ."

But not even the greatest power on earth can fight with troubled conscience, in a war without seeming end, for purposes so largely undefined—obtainable at only an unreasonable price, however desirable they may be in coldblooded terms.

Let me now sum up for you then, as clearly as I can, my position:

I want to see the earliest possible and practicable end of our involvement in the war in Vietnam—and now in Indochina, if you prefer—for the following reasons: Our national security is *not* involved in Vietnam, except in the most-indirect sense possible; our national interest in the area does *not* warrant our continued presence there at anything like the level it has attained; we have met, many times over, any commitment we might have had to the people of South Vietnam, and it is *time*—if not past time—for them to take over the conflict from here on out; we *cannot* win a military "victory" worthy of the name in Indochina and should stop flirting with the idea of doing so—either in Vietnam, Cambodia, or in Laos; the latter two governments, by their very weakness, having the capacity once our aid is extended to them of moving us, step by step, into engagements in their behalf far deeper than anything we originally contemplated; and, finally, our gradual withdrawal from the whole area is *essential* unless we are willing to go on doing irreparable harm to our own Nation—to its economy, to its basic unity, and to its underlying sense-of-purpose.

As I said earlier, I do not expect all, or even probably a majority, of you to agree with the foregoing statement of opinion.

It is *not* a statement of "political" opinion, arrived at through a process of counting noses, reading mail both pro and con, considering public-opinion polls, or anything of that sort, and surely *not* a statement of opinion based on my judgment of how much support I can attract by offering it, as opposed to how many people I might offend or alienate in the same fashion.

It is, instead, my own, personal judgment as to why we need to get *"out"* of Vietnam as soon, and as best, as we can; something I do *not* see—despite the suggestions of some to the contrary—in terms of anything remotely resembling a "surrender."

I invite your objective consideration of this opinion—even as I now invite your similar consideration of my further opinion as to how best Congress can help end this war:

First, foreign policy cannot—and should not—be determined in the streets; much less on college campuses, alone.

There can be no doubt that, inadvertently throughout all this, we have come perilously close to alienating an entire generation of young people who—sooner than they or we realize—will be in charge of this Nation and, by virtue of its influence and strengths, capable of directing substantially the destiny of this world.

I know how some of you feel about our young people; for you have written me in no uncertain terms about the predilection of some of them to long hair and beards, to "free-sex" and "pot," and of others of them to violence, to shouting obscenities at anything remotely resembling some part of what they consider "the Establishment" (which means most of you and, surely, *me!*), and to something too closely akin to anarchy—off-campus, now, as well as on.

And I understand why you feeel as you do about all that, for I feel that way, too; but these are *our* children, yours and mine, and I have opened my office door to them these past two weeks—as I shall continue to do so long as I have an office door to open—because, and I say this to you with all the urgency I can muster, before there are more rocks, more bullets, more dead, more tears of anger and remorse, this Nation, young *and* old alike, *must come to grips with itself!*

We must *listen* to one another, lest we become further polarized, and we must truly *hear* one another so that the angry extremes can be rejected—doing so with the understanding that the violent left and right are the enemies of all the *rest* of us.

What, then—and finally, now—can, or should, Congress, and this particular Congressman, attempt to do?

Well, again without expecting to enjoy your full support for my answer, I believe Congress—and this Congressman—must do what we can, at this late date, to broaden the base of public discussion and understanding of our painful few alternatives in Indochina.

In such an effort *you,* of course, have a part to play and, if you have not yet written me to give me the benefit of your views about Vietnam, and now Cambodia and Laos—though, looking at my backlog of mail, I tend to think I have by now heard from *every* person in this 33rd Congressional District!—you are still invited to do so. Participatory democracy, as we have known it, demands no less of you in any event, for it is now undergoing in this Nation its severest test ever.

And I shall listen to you as, all day Thursday—as a member of a six-man, ad-hoc committee I helped form in the House for such purpose—I listened to student representatives from some 25 of our college campuses; this continuing effort having been designed by us to encourage persons in this age group to believe that they can, and *must,* work within and through our system of government—and *only* through it—to bring about, if they can by the forces of reason and logic, the changes in policy they demand.

But, you may well ask, what at this time is the purpose of all this?

What good will it do for you—or for some student—to give me or any Congressman, or even the President, the benefit of your views?

Won't the President—with or without the concurrence of Congress—still do what he wants, or what he thinks best, anyway?

And, to tell the truth, some of you—for you have written me along such lines—seem to feel that the President, whoever he is, *ought* to be left alone to do what he wants; a sort of "father-knows-best" attitude based apparently, on the theory that only the President has all the "facts."

Well, when it comes to the straight-out defense of these United States, that's about the way it has to be—given the realities of the nuclear age in which we live; and I see no way around those realities

However, when it comes to un-declared wars or "Presidential" wars—or "political" wars, if you will, like the one in Vietnam, where the *defense* of this Nation in the way the framers of our Constitution evidently thought about it is involved in only the most-obscure way—I don't think any such open-ended grant of authority to any President is wise. Besides which, one of the weightier lessons we should have learned from Vietnam is that *no* President can, for long, carry the people with him in pursuit of the purposes of such a war without eventually emperiling the future of representative government, itself.

I therefore believe—as I trust you believe—that some way must be found for restoring the war-making power for such purposes under our Constitution to the representatives of the people; meaning the Congress of the United States.

The central problem in trying to do so now is complicated by the fact the we are already up to our ears in such a war; a war—need we be reminded—that Mr. Nixon inherited, but one we have had every reason to believe Mr. Nixon wants to see ended just as soon as possible and, generally, for about the same reasons I have already stated in my own regard.

Now, I want—by my votes and such influence as I may have—to *keep* him moving in the direction of withdrawal. I cannot support—nor do I think a majority of the American people would support—any widening of the war, or any lasting escalation of our participation in the conflict.

This is why I have expressed my reservations about the incursion into Cambodia—the public reaction to which the President seems to have misjudged. This is also why I have already voted—week before last in the House—for language to be added by way of amendment to a defense-procurement bill which, though not the best vehicle for such purpose, would have expressed the sense of Congress that the President should have, as he has promised, all of our troops out of Cambodia before July 1st, as well as a suggestion to Mr. Nixon that, before repeating any such move, he should first seek Congressional concurrence.

That vote—which I would repeat again today—has been applauded by some and vigorously condemned by others as, somehow, showing my "disloyalty" to the President. As one who has strongly supported the President in other ways, I don't see it at all in that latter light. I don't doubt the President's sincerity or his motives—but I do doubt, even as I did in Lyndon Johnson's case, the wisdom of some of the military advice that has been offered and apparently accepted by him. Though I hope and pray, like you, for the full success of this new effort—so much so that, after it is over, it may enable the President to announce a speed-up in the withdrawal of the 150,000 men to be brought home this year—I have tended, up to now, to view this effort as just one more (and this one a massive one) "search-and-destroy" mission of the type we tried at such great cost and such little, lasting success for far too long in years past in Vietnam.

At this point, I don't know whether Congress will yet adopt any such precautionary limitation on the President's powers as Commander-in-Chief or not. Perhaps it doesn't matter, for it is probable that the force of public opinion—by itself—would from now on prevent him from repeating such an exercise without, at least, first obtaining Congressional consent.

But what other actions may Congress also be called upon to consider along comparable lines?

There are numerous possibilities, ranking from an unlikely vote on an actual declaration of war on North Vietnam (which a Senatorial aspirant in this State is pushing to make Congress "face up to the issue"), consideration of which I think would be madness under the existing circumstances, to an even-unlikelier vote on a resolution to impeach both the President and Vice President for having committed (as stated in the Constitution) "Treason . . . (and) other high Crimes and Misdemeanors." Despite the fact that I have recently received from Harpur College students and faculty a petition bearing a purported 2,372 signatures demanding my support for such a move, this, I must say, is utter nonsense. At worst, the President—with the Vice President as onlooker—has been guilty of bad judgment, which is yet to be proved; at best, he deserves in this difficult time all our understanding and support, as well as our *guidance* insofar as God gives any of us wisdom to guide him. To all of which one might add that, should such a move somehow succeed, the Nation would for now be left with Speaker John McCormack, of Massachusetts, as its President—an event I am confident even Mr. Nixon's most-violent critics do not really wish to promote.

However, what I undoubtedly *shall* have to consider—and this in the near future—is language by way of amendment to be added to the forthcoming Defense Appropriation Bill for Federal fiscal year 1971 (beginning on July 1st), which would require the President to have *all* our forces out of Vietnam, and the Indochina area, before July 1st of 1971. This is the so-called "McGovern-Hatfield-Goodell-Hughes" proposal in the Senate—its companion piece in the House being H. Res. 1000, which some local groups are vigorously supporting.

Though Congress has never, in its 181 years, so used its ultimate "power-over-the-purse" to end a shooting war, there is no doubt of the Congressional *right* to do so.

However, I have grave reservations about the *wisdom* of doing so.

I am for withdrawal, paced to "Vietnamization"—and I woud like to see us make, now, a new effort at negotiations again—but setting an inflexible deadline for withdrawal, in a "hang-the-consequences" mood, would seem to finally end whatever slim chance there still is for obtaining a political settlement; unless, of course—and this needs to be said in fairness—such a deadline might move the Saigon government to do some needed negotiating on its own, at least with the large *non-Communist* groups within South Vietnam, itself. We have made only painfully slow progress—even as with promoting land-reform—in getting Thieu-and-Ky to broaden the base of their government, but until they try the latter as they now are the former there is little chance of our leaving behind a government in Saigon that can survive.

Be all this as it may—and I have taken far too much of your time—I do *not* think this Congress will mandate a "forced" withdrawal on the President. But it ought alternatively consider, I suggest, action somewhat along the lines offered in a Concurrent Resolution I have submitted with, now, some thirty House colleagues. This resolution calls firmly for a *national* policy of withdrawal from Vietnam—of *all* our forces—but leaves the mechanics of doing so free of any deadline and flexible enough so that our remaining forces face a minimum of danger, and no military or political vacuum is created overnight.

This resolution also states that it is in our national interest to work to achieve a political settlement and, in the meantime, to avoid enlarging the present conflict, and finally declares that Congress—as it should—from now on ". . . expects to exercise its Constitutional responsibility of consultation with the President on all matters, now and henceforth, affecting grave national decisions of war and peace."

The precise language of all this could obviously be improved, but I see it as at least a proper beginning, as well as an effort to *unite* Congress—and, behind them, the people—with the President in the all-important task of extricating this Nation from Indochina.

Perhaps what I have offered you is no answer. Surely some of you have already rejected it as such. But, as these are not easy days, so is it also true that there are no "easy" answers—and equally true that silence of the sort that, on the part of too many of us these past seven years, led us down the wrong pathway, would be the worst sin of all.

So, I have tried tonight to tell you "like it is"—so far as I am concerned—over Vietnam; urging you, at the same time, to share the burden of decision with me for, in the end, after those decisions are made, it is "we the people" who must live with them, as well as with ourselves, our children and our fellow human beings throughout this so fragile world.

ROBISON SUPPORTS PRESIDENTIAL COMMISSION TO INVESTIGATE TRAGEDIES AT KENT STATE AND JACKSON STATE

Rep. Howard W. Robison has announced that he has sponsored a Resolution in the House of Representatives expressing the sense of Congress that the President should establish a commission to examine the recent events at Kent State, Jackson State, and other college campuses. A similar resolution has been co-sponsored by well over forty other members of the House. In submitting this resolution, the Congressman made the following statement:

"Anyone who watches television or reads a newspaper knows that our campuses have become battlegrounds for the conflicting factions in our increasingly polarized society. The situation is becoming ever more serious and tense. We are not now dealing with a mere handful of students throwing rocks, but with large crowds of youth—and with policemen and National Guard troops with bayonets and live ammunition. The armed confrontation resulted in the senseless deaths earlier this month of four students at Kent State and of two students at Jackson State. It is justified to ask, where will it all end if we do not develop better ways of dealing with the dissatisfaction and frustrations of our people?

"I am as disturbed as anyone else about the small minority of college youth who practice violence on our campuses—who, in the process, seriously impair the freedom and rights of their fellow students. But it is equally disturbing that authorities have found it necessary to respond to random rock throwing with random rifle fire. There is no logic in either act; only horror and irrationality.

"The value of a Presidential commission at this point is that it could study the events at Kent State, Jackson State, and other campuses and present to the American people an objective analysis of the shootings. Hopefully, it would also make specific recommendations and set forth reasonable guidelines for the handling of future campus disturbances.

"It should be obvious that stringent guidelines are long overdue. Even if one accepts the explanation offered by both the National Guard at Kent State and the police at Jackson State that a sniper's fire precipitated the outbreak of shooting, there is little justification for the bloody response.

"Are we really to believe that the best way to deal with a rooftop sniper is to fire into an unarmed crowd on the ground? That is what the official explanation at Kent State seems to imply. Are we ready to accept the fact that the way to react to an unseen sniper at night is to pump over a hundred rounds into a women's dormitory occupied by hundreds of students? The police in Jackson, Mississippi seem to be suggesting that.

"I do not accept that, and I believe that the vast majority of the American people—after proper reflection—will not accept that either. I hope, therefore, that we will have a good deal of public support for establishing the commission I have recommended. The commission could perform a valuable public service by carefully evaluating the events on our campuses over the past few weeks; and also by suggesting viable regulations to insure that such tragedies do not re-occur."

SAIGON REGIME TORTURES THOSE WHO SEEK PEACE

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 1970

Mr. FRASER. Mr. Speaker, on May 30, the New York Times noted the occupation of the Veteran's Ministry in Saigon by 200 disabled South Vietnamese veterans. On the same day, thousands of students and Buddhist monks demonstrated at the state funeral for Phan Khac Suu, former South Vietnamese Chief of State. The Thieu-Ky government responded to the veterans' sit-in and the student demonstration with tear gas and clubs.

It has been brought to my attention, Mr. Speaker, that students, disabled war veterans, Buddhist monks and laymen have been holding demonstrations in Saigon almost every day since mid-April. In addition to tear gas and clubs, many demonstrators have also been subjected to torture and imprisonment.

These demonstrations against the Thieu-Ky government and the continuation of the Indochina war have not been adequately reported in the American press.

The following statement from the Fellowship of Reconciliation and an article by Don Luce, former head of International Voluntary Services in Vietnam and coauthor of "Vietnam: The Unheard Voices," describe the brutal and repressive response of the South Vietnamese Government to these sincere demands for reform and peace.

I believe every Member of Congress should be aware of the repressive nature of the Thieu-Ky regime which claims to be our ally in the search for peace.

The statement and article follow:

STUDENT PROTESTS IN SOUTH VIETNAM

While the attention of the American public has been riveted on the protests and demonstrations of American students and other anti-war forces, a sequence of equally significant and far more hazardous actions in South Vietnam has gone almost entirely unreported and unnoticed.

For more than two months, protests against the war and the government of Generals Thieu, Ky and Khiem have occurred almost daily under the leadership of students, disabled war veterans, Buddhist monks and laymen, and Catholic priests, and have led to the beating, imprisonment and torture of hundreds, perhaps thousands, of their participants.

The Thieu government is facing a crisis comparable to that preceding the fall of President Ngo Dinh in 1963, and has reacted with predictably ferocious repression. Yet the demonstrations continue. When police surrounded the Cambodian embassy in Saigon that had been occupied by 400 students in protest against the Cambodian adventures, and refused to allow other students to pass through to bring them food, members of the House of Representatives carried the food to the students.

Important Saigon newspapers, including *tin sanq, Dong nai* and *Duoc Nha Nam* have challenged the omnipresent censorship by carrying stories of these actions, with photographs, on their front pages. It is reported that, as a consequence, 40 of the last 48 issues of *tin sang* alone have been confiscated by the police.

All universities and high schools have been closed; arrests have multiplied, and the most brutal forms of torture inflicted on the protesting students. Repression has been characteristic of the Thieu government since its formation, but according to eyewitnesses, is worse now than ever.

Yet almost none of this has been reported in the American press. The U.S. embassy in Saigon refused even to see a delegation of American relief workers protesting American collusion in the repression.

We align ourselves with these students, and will seek every way possible to identify with them more directly. We call on the peace movement in the United States, and particularly the students, to find means to publicize and reinforce these actions by their Vietnamese counterparts.

We remonstrate with the American press for its failure to report and interpret these events to their American readers. Nothing so clearly reveals the nature of this war as the fact that the Thieu government is so strenuously opposed by these non-NLF, non-Communist people in their own country.

We plead with the officials of our own government, at every level, to withdraw support from this tyrannical puppet we have created, and take the burden of the war off the backs of the Vietnamese people.

TORTURE IN SAIGON

(By Don Luce)

It is now known beyond any doubt that the Saigon police are subjecting Vietnamese students to brutal torture in an attempt to stifle student dissent against the war and the government. On April 21, ten of these young people were released. Their condition was pitiable but not nearly as grave as that of some whom they left behind in prison.

Do Huu But lies in semi-shock in a laboratory at the College of Agriculture which has been converted into a dispensary for the ten released prisoners. His fingernails are blackened from having pins pushed underneath. He is nearly deaf from having had soapy water forced into his ears, after which they were beaten. Miss Que Huong, a philosophy teacher at Doan Thi Diem high school in Can Tho, forces a small smile when visitors come. Her knees are swollen three times their normal size, and black and blue welts cover her thin arms. She was completely undressed in front of several policemen who watched and drank whisky while she was beaten. Her fiance, Nguyen Ngoc Phong, was brought into the room to watch in an attempt to get him to sign confession papers.

After five weeks in jail, Luu Hoang Thao, deputy chairman of the Van Hanh University student association, is one of the few students in good enough physical condition to give an extended interview:

"For the first three days, the police beat me continuously," he said. "They didn't ask me any questions or to sign anything. They just beat my knee caps and neck with billy clubs, then hit me with chair legs until I was unconscious. When I regained consciousness, they beat me again. Finally, after three days, they asked me to sign a paper that they had already written. I wouldn't sign it, so they beat me some more." Thao said he doesn't know why he was arrested or why he was released. Some observers believe that the government released the tortured students to frighten other students who have been demonstrating against government repression in large numbers in recent weeks. In any event, the torture of Luu Hoang Thao continued day after day, increasing in ferocity and variety. The details of what they did to him are sickening.

"Finally," he said, "they injected medicine into me and took my hand and signed a paper. It said that I had had liaison with the Communists."

Dr. Nguyen Dinh Mai, who is attending the ten students, said he did not yet know the full extent of their injuries.

"When they regain their strength, we will take them to one of the large hospitals for x-rays and thorough medical examinations," he said.

But the students are concerned about the many others who are still in jail. The condition of three of them, who were reported "too ill" to appear with other students for trial in Saigon April 20, was described by the newspaper *Tin Sang* (Morning News) on April 11. One lay near death from torture suffered for refusing to sign a statement that police had found weapons and explosives in his house. Two others were in grave condition with paralyzed legs in both cases and other serious injuries. While refusing to comment on its accuracy, a government spokesman, Nguyen Ngoc Huyen, called the article "objectionable" and had the paper confiscated—for the ninth time in less than a month.

Article 7 of the Constitution of South Vietnam specifically prohibits the use of torture or of confessions obtained by torture, threat or force. Yet signed statements obtained in this way are used extensively in the trials of political prisoners. In the case of the students, the government denies that it has tortured or manhandled them but will not comment on their obvious disfigurement when they appear in court.

The gravity of the situation has led several leading Vietnamese to come to the aid of the students. Father Nguyen Huy Lich, a respected Dominican priest, has investigated reports of torture and obtained substantiation from nurses and doctors who have the job of treating prisoners during the day in preparation for another night of torture. On March 31, Father Lich and seven other priests called upon the Saigon government to provide humane treatment of its prisoners. Others, like former Minister Vu Van Man, Vietnam's foremost legal authority, have joined the struggle against torture in the prisons.

On April 21, Leo Dorsey, a volunteer social worker with the Unitarian Universalist Committee in Vietnam, went to the U.S. Embassy to request a private interview with Ambassador Ellsworth Bunker for himself and a small group of American volunteers concerned with the fact that U.S. equipment is supporting the Saigon government's repression of its people. The tear gas grenades the police use, for example, are made by Federal Laboratories Inc. in Saltsburg, Pa., and are part of the U.S. assistance program to Vietnam. Mr. Dorsey's group was unable to meet with the ambassador or his deputy.

THE ENVIRONMENT—HERE IS WHAT TO DO

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 1970

Mr. WALDIE. Mr. Speaker, high school students of San Francisco were recently asked to write their suggestions of what best advice could be given the President as to how best protect our environment and preserve our natural resources.

As high school and college students across the Nation have deep concern for the protection of the environment, the response to this contest conducted by the San Francisco Electrical Industry Trust was heavy.

The winner was Miss Diane Lynn Calden of Presentation High School.

Miss Calden's suggestions and comments are excellent and I think my colleagues in the Congress would benefit by what she says:

NOW, HERE'S WHAT TO DO . . .

Mr. President, as you yourself stated in your State of the Union address, our goal in the '70s should be "restoring nature to its natural state." This takes money. It has been estimated that it will take 4 percent of the GNP, nearly $40 billion annually, for the United States to even hold its own against pollution.

The existence of a suitable environment is necessary for our very existence and while you agree with this you are still holding back money that Congress appropriated last year to fight pollution. According to you, fighting inflation has more urgent priority for the moment.

Since you are of this mind, my first suggestion to you is that the least you could do is get started on environmental remedies which don't require heavy Federal spending.

NEW COUNCIL

For example, your new Council on Environmental Quality could be put to work looking over the operations of the Federal government. The Council might start by asking the Corps of Engineers to justify their depredations of the landscape; the Transportion Department, to establish a better allotment of funds between their lavish highway construction grants and their less than adequate aid to public transport; the Agriculture Department, to cut back subsidies that encourage farmers to misuse land and to keep on using harmful pesticides.

Another point of investigation should be Robert Finch and his Department of Health, Education and Welfare. HEW is, or will shortly become, the custodian of $45 million in public funds to be spent on cleaning the air we breathe.

I have serious doubts about how effectively and efficiently the money is being used. I have made a rather extensive study of how the funds have been allotted to various projects and after considering them, I think you might also be convinced that they merit some looking into.

HEW AND ENGINES

HEW has stated that it doubts the internal combustion engine can be "cleaned up" enough to meet their standards and claims "there is a lack of motivation within the (automotive) industry for it to mount a significant effort to develop serious competition to the ICE."

On that basis, HEW has cancelled their meeting with the automotive industries representatives, which might have proved very informative. The industry itself is well aware of the need to eliminate pollutants and according to one representative of The Big Three it will be done to everyone's satisfaction "within five years," with a minimum of cost to the car buyer and the taxpayer.

It is unfortunate, however, that HEW cannot accept Detroit's plan and would rather have their own "Big Project."

HEW proposes spending $21.7 million on the development of "Rankine-cycle" engines, over a five-year period. It might prove profitable if they consulted Bill Lear, who already has spent $4.5 million on steam and concluded that "the most can be said about the Rankine-cycle engine is that it is rank."

EXOTIC BATTERIES

Another $12.2 million will be fed into the development of electric propulsion systems; not for the development of a decent fuel cell as you might expect, but on exotic batteries. Even if they do develop them, what are they going to do with them?

New York has already had one massive power failure. What would happen if everyone plugged in their cars for recharging at night? Even by eliminating the pollution produced by cars with the electric car, you would increase the pollution caused by the electric power generating plants. Little is accomplished when you move the source of pollution from lots of cars to a couple of power plants.

Only $7 million was proposed for the gas turbine investigation, but of course there are a lot of people around who already know about building efficient gas turbines. HEW even plans to pay someone a few million for the development of things like flywheel buses which the Swiss have already been using and I'm sure that they would impart their acquired knowledge for a lot less than a million dollars.

NATURAL GAS

Strangely enough, HEW has tossed in only $700,000 for the Sterling engine, the most probable replacement of the present automobile engine.

Another non-inflationary measure would be for Washington to set up standards and, if necessary, penalties for industries who contribute to the destruction of our country's resources. The government should encourage large-scale service companies to switch from gasoline to natural gas as a fuel for their fleets of trucks, as PG&E did this last month without government pressure.

PG&E reports that this switch eliminated as much as 90 percent of the pollutants contained in their regular truck emissions. PG&E also stated that natural gas itself is safer than regular fuels and in the long run it should be cheaper also.

With some encouragement, business could make pollution elimination a profitable enterprise. "How to make America smoother, cleaner, quieter longer?" I'm sure with some strong prodding, the packing industries could come up with "bio-degradable" packing, meaning containers which would rot away naturally, to replace the mountains of indestructable no-deposit, no-return trash which is staring us in the face.

GREEN BELTS

Another type of land pollution is the result of exploitation of the land for the sake of progress. Farmlands are being eaten up with taxes, housing and freeways. According to Irwin Luckman, the only way to prevent this urban sprawl is to maintain green belts between large urban areas.

To implement this plan, when the nation's inflationary status goes down, the government should buy land between great metropolitan areas. The land should then be leased to others for the sole purpose of creating recreational areas. Even if you don't agree this is the way to stop urban sprawl, people need large green belts to furnish sufficient oxygen in order to breathe and recreational areas to free themselves from the confining city.

AIR POLLUTION

When you, Mr. President, think the economy can afford it, I would encourage Federal spending first in the area of air pollution. In California, one million trees are dying and $200 million worth of crops were lost last year because of a lack of clean air.

Industries should be encouraged by Federal subsidies to create more byproducts from their waste products and, if possible, a system could be achieved where numerous enterprises could pool their wastes and jointly make use of a nuclear reactor which would eliminate the waste material and produce at the same time, enough power to operate all of the plants involved.

The other large areas of pollution, water, also requires substantial federal aid to be overcome. The prime source of water pollution is industry and this is where my suggestion of standards and penalties would come in. What would be far more effective than penalties, however, would be giving industry something to do with their liquid wastes.

My suggestion is to help communities, especially highly industrialized ones, to build sewage treatment plants like the one at Indian Creek Reservoir in California. This operation produces reclaimed water which is above the U.S. drinking water standards. Operations such as this could also be used to help farmers in places like California's Imperial Valley, where millions of dollars in crops were lost last year because the salt content of the irrigation water is too high.

AND NOISE

A third area of pollution which requires Federal aid before any notable progress can be made is noise pollution. In the downtown areas of large cities the noise is trapped by tall city buildings and amplified to the point that it can cause damage to the human ear. San Francisco's new buses operate at about 105 decibels; that is 10 decibels above the safety level.

Quiet mass transit seems to be the only

solution. Constant exposure to noises at the levels which now exist in most modern cities result in physical and psychological harm to the human body. The Transportation Department has made an excellent first step in trying to help cities such as San Francisco find a solution to their noise problems.

Many people seem to think that "no-growth" is the solution to all of our environmental problems. This theory is faulty by the very fact that it will take even more technology and wealth to undo what our technology and wealth have done to the environment.

But more important than numerous projects is that a new awareness must be born which realizes that it is not a right of affluency to squander and spoil our resources, but it is a threat to it. "A country which has long taken pride in 'conquering' nature is now learning to live with it."

TWO COMMENCEMENT ADDRESSES

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 1970

Mr. NICHOLS. Mr. Speaker, one of the most enjoyable duties that I have as a Congressman is to deliver the commencement addresses at several high schools in my district each year. It is a pleasure to see our young people ending their high school education and going either on to college or into the business world.

This year, I was invited to speak at the Pell City High School's commencement exercises. I was particularly impressed by the valedictory and salutatory addresses delivered by members of the graduating class. Because of the timeliness of these addresses and the views expressed by these young people, I would like to insert them in the RECORD at this point:

GET INVOLVED

When Nathan Hale said, "I regret that I have but one life to give for my country," he became involved. When George Washington consented to serve as President of a newborn nation, he became involved. When Franklin D. Roosevelt began to jerk the American economy out of a severe depression, he became involved. When Ralph Nader acted as self-appointed overseer of consumer interests, he became involved. When Richard Nixon decided to send United States troops into Cambodia to stamp out the kindling fires of Communist takeover there, he became involved. Can we, as United States citizens, do any less?

It is so easy to become uninvolved. It is possible to lie on one's living room couch, exclaim over the horrors of war as reflected on the newsreels, push a button on the automatic channel changer, and watch reruns of the "I Love Lucy" show. Or, one could listen to reports of highway fatalities on the radio, and then research for another station that is playing the latest "Three Dog Night" record. Or, perhaps upon scanning the front page of one's newspaper and reading of a violent demonstration, one quickly flips through to find the funnies. And, upon arriving at one's favorite swimming spot at a lake or stream and finding the stench of pollution unbearable, it is possible to merely begin swimming at a public pool. But, these and other problems confront people every day, and I contend that it is not right to assume a passive attitude toward them. In order for these or any other problems to be solved, someone must be interested in solving them. Someone must be involved.

To be involved does not necessarily mean to picket the city hall daily or to take part in a demonstration at the local university, but it does mean to be concerned with things which happen in one's own community and in the world also. We, who are almost high school graduates, have a responsibility to learn what we can about world, national, state, and local affairs because in approximately three years, we will have a voice in them. A citizen who does not bother to care about the problems surrounding him is not a very effective voice in choosing the right officials and in making the right decisions. An informed citizenry is the key to an effective government, and an informed citizenry is one which is concerned, knowledgeable, and, above all, involved.

I've mentioned the word "involved" many times, but perhaps some are asking the question "What is she talking about? How can I become involved in anything?" I submit to you that "involved" covers a wide range of meaning. For the past twelve years, all of us have been involved in the task of obtaining a high school education. But, after this night, the paths of our lives will divert in many different directions, and we will no longer be known as a senior class but as 138 separate individuals. Some of us are going to college or trade school; others are beginning to pave their own way in life by holding a job; still others have chosen to be married. But, no matter what path we choose, each of us has the responsibility of recognizing problems which are around us and doing our best to correct them. However, before deciding whether or not to be involved in a certain problem, it is imperative that one think about every aspect of that problem, weigh the pros and cons in one's mind, and act upon his decision only when he feels very deeply in his heart that his decision is right. After deciding to become involved, his actions *must* be constructive; the actions of the men fighting in southeastern Asia is constructive; lying down in the streets is not. Forking out a few extra tax dollars to fight the pollution of our environment is constructive; protest rallies are not.

In conclusion, I would like to say that each of us has a responsibility to ourselves, our community, and our country. This responsibility is to be aware of the problems around us, to be concerned enough to search for a solution to these problems, and to be involved enough to be willing to work toward the correction of these problems. In other words, Get Involved!

SALUTATORY ADDRESS BY CHARLES DENNIS ABBOTT

Faculty and friends, I wish to extend to each of you the warmest of welcomes and to express our appreciation for the support and assistance that you have given us for so many years. Through our years of public education you have guided us with patience mingled with hope. Now, as we await the final steps of graduation, there are no words capable of expressing our gratitude.

We are venturing into a new world—a frightening world—a world we have had no part in creating. But we possess one great advantage over any human being in our country. That advantage is being an American citizen. We will journey along life's path with the same basic rights granted to each and every individual. How we use these rights determines our destiny.

With each right, however, there is a responsibility; and it is this burden that weighs heavily upon our shoulders—responsibility which some of us have never known. The very word frightens us. After tonight, however, we must meet the challenge, we must grow up, we must face responsibilities, and we must make our own decisions.

We will make our own decisions and we will live with the results of our choices for the rest of our lives. But we, at least, have the right to make the decisions. We are American citizens living in a free society under a democratic government—a government which cannot exist without rights, responsibilities, and decisions. Human sense is still the lifeline of this great country even though we do live in an age of mechanized brains and computers. Indeed, this country is run on "the will of man."

And in the same sense our society thrives on "the will of man." Our country can only be as great as we want it to be. Our rights and responsibilities can be fulfilled only if we want to fulfill them. And, more importantly, our future lives can only be as good as we wish them to be. We, as Americans, possess the rights and abilities, and it is our duty to our country and to our personal lives to use them.

Through our basic training in high school we have learned to forgive, to share, and to possess. But most importantly, we have learned to become involved—involved in pep rallies, sports events, school elections, and many other extra-curricular activities. This involvement has helped us to realize the democratic way of life: this life of "better to give of yourself than receive." This admonition of being an American with rights and responsibilities, this thought of being a *part* of a country, a state, a city, and even a school. We are ready to meet the challenge, and I think we will succeed. And so it is tonight that I, as do the other Seniors, welcome you "on the first day of the rest of our lives." Thank you.

NATURAL GAS SHORTAGES

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 1970

Mr. RARICK. Mr. Speaker, the shortage in natural gas remains unsolved—it approaches crisis.

Unless we exert some leadership to encourage the FPC bureaucracy to act I fear we can expect a mounting wave of dissatisfaction from our people at home when services, homes, and a lot of jobs start being interrupted because of a lack of natural gas.

Nor will the people at home be satisfied to learn that we are awaiting international agreements to obtain even emergency supplies from foreign countries.

A most interesting and timely article by Mrs. Shirley Scheibla appeared in Barron's magazine for June 1, 1970, entitled "Simmering Crisis." I include her article, as follows:

SIMMERING CRISIS: THE FPC HAS PRODUCED NO SOLUTION TO THE SHORTAGE OF NATURAL GAS

(By Shirley Scheibla)

"When I talked with you three years ago, I said our pricing of natural gas was a big fat mess. Now it has become a big fat crisis." (Carl E. Bagge, FPC Commissioner.)

WASHINGTON.—Members of any regulatory body, notably the Federal Power Commission, tend to avoid being quoted by name regarding their views on matters pending before them. However, FPC Commissioner Carl E. Bagge feels that "someone has to stick his neck out to make the public aware of the impending very serious national shortage of natural gas due to the Commission's control of producer prices."

What he is referring to is the failure of FPC price control to elicit adequate supplies of the only major source of energy that is largely pollution-free. "By keeping prices down, we stimulated demand and discouraged production, he declared the other day. "Thus we got the worst of both possible worlds." Moreover, because expansion of output requires exploration, drilling and the installation of new pipelines, processes which take years, virtually nothing can forestall a serious national wide shortage long before the end of the decade. It is apt to be years before imports of liquefied natural gas (LNG) or the "gasification" of coal can furnish any substantial increment to the domestic gas supply. Indeed, the imminence of expensive LNG imports, including some from unfriendly Algeria, merely underscores the gravity of the looming shortage.

SHOULD ADMIT FAILURE

Commissioner Bagge thinks the government should admit the failure of price control and end it, a view shared by Hendrik S. Houthakker, a member of President Nixon's Council of Economic Advisers. Mr. Houthakker told Barron's: "It is my feeling that regulation of producer prices should end. It was a mistake to put natural gas under price control. Some method must be found to get rid of controls. We would like to study it, and if we get letters on the subject, we might do something on it. We have a very small staff and must be guided, at least to some extent, by expressions of public interest."

According to David Freeman, director of energy policy for President Nixon's Office of Science & Technology (OST), "the ending of price control on future gas is an option that we are seriously considering." He declares that he opposes ending price control on gas already committed because it would result in windfalls for producers. Formerly first assistant to the FPC Chairman when the post was held by Joseph Swidler, Mr. Freeman said he hopes to be able to make recommendations to President Nixon by the end of 1970. By then he expects to have in hand a study of the "very serious gas supply problem" to be made for OST by Resources for the Future, Inc.

Meanwhile the first signs of scarcity have appeared. In the face of what several Senators labeled a supply crisis, the Senate Subcommittee on Minerals, Materials & Fuels held hearings last November.

The New York Public Commission testified that many local gas distributors, including those in the state of New York, have run into trouble contracting for fuel to meet anticipated growth.

CONSOLIDATED EDISON

In particular, Hollis M. Dole, assistant Secretary of the Interior, said that Consolidated Edison of New York will not be able to meet the demands of large new industrial customers. He added: "Rochester Gas & Electric Co. said it recently turned down a request from Eastman Kodak Co. Northern Natural Gas Co., of Omaha, Neb., said it was trying to withdraw a pipeline application to initiate services to 60 new communities in the Midwest because it did not have enough gas reserves for the project."

The FPC staff has found that pipelines won't be able to meet their customers' needs for the winter of 1970–71, while Commissioner John A. Carver, Jr., recently warned of localized shortages "if next winter's weather is even normally bad."

According to figures published in a study by the FPC staff, between 1955 (when the agency first started tinkering with prices) and 1968, the number of successful exploratory gas wells droped from 874 a year to 429; exploratory wells drilled, from 14,942 to 8,861; total wells drilled, from 55,922 to 30,495.

For 1968 the American Gas Association has reported the first decline in the nation's proved recoverable reserves since it started publishing figures 23 years ago. It said that 19.4 trillion cubic feet were produced, while only 13.8 trillion feet of reserves were added; hence reserves dropped from 292.9 trillion to 287.3 trillion cubic feet.

BEST BET

Some FPC members think federal reserves off the coast of Louisiana are the best bet to reverse this trend. Because of spillage difficulties, however, the Department of the Interior has sold no such leases for more than a year. Earlier this month Interior Secretary Walter J. Hickel invited public comment on a proposal to resume such sales on July 21. Wide-scale sale of the leases is not expected, however, until spillage problems are solved. Moreover, all production resulting from such reserves could go to intrastate sales if price controls continue, thus further weakening FPC regulation.

Chances look dim for fast, effective action by either the Commission or Congress. Thus matters are likely to get much worse before they get better. Commissioner Carver publicly castigated the agency on May 15; in the face of a supply crisis, he charges, "recent months have been almost devoid of Commission action." At FPC there is a lot of talk of further studies, new regulatory experiments to rejiggle prices to higher levels and even rationing.

Lawmakers generally view the matter as a political can of worms which they prefer to shun as long as possible. Joseph Dawson, public affairs director for Virginia Knauer, President Nixon's special assistant for consumer affairs, told Barron's that Mrs. Knauer does not consider the subject important enough to warrant her attention. Be that as it may, signs are emerging that the crisis may lead to the collapse of the bureaucratic machinery through which FPC regulates the gas industry. The Commission already has lost control in Texas, where all production is going into intrastate sales not subject to federal price ceilings. Commissioner O'Connor predicts that the same could happen to offshore Louisiana reserves.

PHILLIPS CASE

FPC price control dates back to 1954, when the U.S. Supreme Court, in the Phillips cases, ruled that the Commission must control producer prices. After trying to carry out the task on a company-by-company basis for years, the agency finally decided that it was administratively impossible. In 1960 it began to set prices by areas, based on average costs within each one.

After eight years of FPC proceedings, with a record of 35,000 pages and litigation all the way to the Supreme Court, prices finally were set for the first area, the Permian Basin of Texas. These are meaningless, however; as noted, all Texas gas is being sold intrastate, free of FPC dictate.

After a full decade, Permian remains the only area where FPC pricing action, even pro forma, is complete. The agency's decision on South Louisiana is now before the Fifth Circuit Court of Appeals in New Orleans, which affirmed it once and is considering a petition for rehearing. Last Thursday FPC asked the court to remand the case to the Commission for reconsideration. The court had expressed concern over "evidence of a serious deficiency" and had asked all parties for opinions on whether the Commission has authority to modify or rescind an order after it has been sustained by the court. Commissioner Bagge said, "To me this means we are saying 'We made a mistake, and let us reconsider.' " Decisions by FPC examiners in three other area cases, Texas Gulf Coast, Hugoton-Anadarko (northern Texas and parts of Kansas and Oklahoma) and the Southwest Area, are pending on appeal to the Commission.

For the Appalachian area, FPC is trying a new approach. It has issued a proposed rulemaking. After receiving comments from interested parties, the full Commission will hand down a decision, thus avoiding a full evidentiary hearing and decision by a trial examiner. So far, according to William L. Webb, FPC information director, FPC has taken no action for the Rocky Mountain area, the last one it has designated, which, with the others, accounts for 96% to 97% of domestic natural gas production.

OUT-OF-DATE PRICES

The prices the Commission has set so far already are out-of-date. Since they are based on 1966 costs, FPC Chairman John N. Nassikas calls it ridiculous to continue prices on that basis after a decade of inflation. At the Senate gas supply hearings last November, he testified that FPC is re-evaluating area prices but will make no official move until a formal public record has been made.

Meantime, although FPC literally has truckloads of information on hand, Mr. Nassikas admits: "With the data and techniques available to us, we cannot reliably forecast the rate at which these resources will be used and the economic conditions that will elicit the required supply. We have not yet developed a supply curve that will show us the relationship between the price level and discovery of reserves." Hence, he wants a Natural Gas Survey, "so that in the course of the next three to four years we can acquire the necessary information capability to make more reliable and sophisticated supply and demand forecasts than our present information will permit."

The chairman also has called for creation of a National Energy Resources Council, "with the primary purpose of examining the nation's energy resources in relation to long-term requirements, under a 'total energy' concept, recognizing the need to balance economic and environmental concerns." However, since such a council would encroach upon the prerogatives of the aforementioned OST, White House backing is dubious.

LACKS ESSENTIAL DATA

What Mr. Nassikas' remarks boil down to is that the Commission lacks the data essential for intelligent price-fixing, and that obtaining it, if feasible, will take too long to contribute to solution of the present crisis.

If, as the chairman has indicated, FPC authorizes price hikes, Mr. Freeman says that a few cents per thousand cubic feet won't help much as long as it continues basing prices on average area costs, since cost data will be obsolete by the time the new levels are set. Commissioner Bagge has proposed periodic price adjustments based on supply and demand data incorporated in a special new index, similar to the Consumer Price Index. But Thomas J. Joyce, chief of FPC's Bureau of Natural Gas, maintains, "It is almost impossible to construct a reliable index, and it would take an awful lot of time—years—to develop."

Mr. Bagge says that his proposal "was intended to initiate a public dialogue regarding the need for the Commission to extricate itself from the strictures of the existing cost case area rate methodology.' Mr. Joyce agrees on the need. He adds: "Ultimately there will have to be more recognition of market forces in pricing. The country will have to face up to the fact that no more bargains in energy are available."

Commissioner Carver says that cost-based pricing works only when supplies are adequate, and that FPC should eventually consider accepting settlements on prices by various segments of the industry. The parties are not as much at odds as they used to be, and the distributors are primarily interested in obtaining supplies, he declares.

XUM

SETTLEMENT IDEA

Commissioner Lawrence J. O'Connor spelled out the settlement idea at the Senate hearings last November, as follows: "The most effective progress we will make will be by hearings . . . in which all of the three different elements of the industry will present their viewpoints and maybe in the process . . . will come closer together whereby they can come in and present us with settlements which will have the approval of a large enough percentage of each element of the industry which we may find acceptable and would be accepted by the court." Lately, however, Mr. O'Connor told Barron's, the parties can't get together.

Going further, Commissioner Bagge wants Congress to end FPC's obligation to maintain any form of producer price control, thus recognizing that "the realities of the market have taken over." But here is what Commissioner Carver says on this point: "Congress was persuaded not once but twice to 'correct' a Supreme Court decision and earlier Commission precedent which said that the FPC had jurisdiction over natural gas producer sales. One veto was on normal policy grounds by a President who asserted that he disagreed with the policy the Congress had expressed; the other veto was by a President who had supported the bill, but disapproved it nonetheless because a Senator charged he had been approached by a bribe to support it. The point of the story is not that a President can veto acts of Congress, but rather to suggest that now, 15 years later, it would be infinitely more difficult to get the Congress to overrule the Supreme Court than it was within a year or two of when it occurred."

If Congress fails to act soon, LNG imports may cause collapse of the whole regulatory house of cards. First regular LNG imports, from Algeria, are expected to arrive next year on the East Coast at 68 cents per thousand cubic feet, nearly twice as high as gas delivered by pipeline to metropolitan New York. Still undecided is whether LNG is covered by the Natural Gas Act, upon which the Commission relies for its regulatory authority. Daniel Goldstein, FPC assistant general counsel, says that Phillips Petroleum and other suppliers have challenged the Commission's jurisdiction.

Mr. Freeman of OST observes, "There is a serious question whether the Commission should be passing on LNG imports. This should be an executive function, but, on the other hand, I can see that FPC needs to fit it in with its domestic policy on natural gas."

Commissioner O'Connor points out a further difficulty: "The President's Oil Task Force said to reduce the domestic oil price to the world market level, and you can't reduce oil to the world price and keep gas below it."

With large-scale imports of Algerian gas by El Paso scheduled to begin in 1973, and imports proposed from Venezuela and elsewhere, Commissioner Bagge says they are likely to cost more than domestic gas and "effectively and irrevocably sweep away the dike of producer regulation." Other commissioners and staff members admit privately that they expect vitally needed imports to be priced at realistic market levels, and that this undoubtedly will cause headaches in holding the price line on domestic gas.

By a curious turn of events, domestic LNG produced from huge Alaskan reserves is going to Japan, while the U.S. prepares for imports from sources of dubious reliability. The Jones Act requires cargo between American ports to be carried on American bottoms, but there are no U.S. cryogenic tankers. Moreover, Senator Frank E. Moss (D., Utah) says building them in this country would be 75% more expensive, thus pricing Alaskan LNG out of the U.S. market.

Senator Ted Stevens (R., Alaska) says, "Our gas supply is practically unlimited if you have the incentive to go and look for it." Potential Alaskan supplies are estimated at over 400 trillion cubic feet, and proven reserves in southern Alaska alone were put at approximately 5¼ trillion cubic feet at the end of 1968. Senator Stevens told Barron's there has been some talk of reshipping the LNG from Japan to Hawaii to get around the Jones Act, but that Japan needs the gas itself and is reluctant to part with it.

According to Honolulu Gas Co.: "Hawaii is really the ideal market for Alaska's liquefied natural gas. Thus, it is ironic that the movement of LNG from the 49th to the 50th state is not economically feasible, when . . . the tankers serving Japan have adequate capacity to serve Hawaii also."

TANKER SUBSIDIES

Among solutions proposed but not yet acted upon are special exemptions from the Jones Act for Alaskan LNG and construction subsidies for cryogenic tankers. Both would require legislation.

Canada appears to be the country's next safest source of natural gas. Chairman Nassikas calls it "a promising supplementary source." However, on May 13, J. J. Greene, Canadian Minister of Energy, Mines and Resources, told the Independent Petroleum Association of America: "Viewed against the scale of U.S. needs, Canadian gas resources likely to be available for export presently appear relatively small. . . . I feel it would be wrong for your industry and your policy makers, if they were so tempted, to look to Canadian supplies as a panacea for the ills of the American natural gas industry."

The minister also said his government deeply regrets American quantitative restrictions on imports of crude and unfinished oils from Canada. He warned: "Canadian gas will be available to supplement U.S. supplies only if our petroleum industry as a whole receives the incentives of progressive growth and assured stability of access to export markets for oil and natural gas liquids."

Thus, current developments appear to be bearing out the prediction of an FTC staff study last September that five to 10 years will be needed to restore the supply deficit. Here is how Commissioner Albert B. Brooke, Jr., summed up matters last month in Toledo: "The nation may face a severe shortage in three to five years unless there is a significant upturn in exploration and development. Within the next several years, coal gasification and LNG won't be able to supply the magnitude required. Several interstate pipelines have told FPC they will find it extremely difficult to meet normal growth demands of their present customers next winter, much less the needs of new customers. The allocation of gas among pipelines . . . is not completely beyond the realm of possibility."

Adds Senator Clifford P. Hansen (R., Wyo.): "If we want to disrupt a lot of people and a lot of homes and have them wonder about the ability of this kind of government to serve the national interest, just run short of gas. . . ."

THIRD-CLASS MAIL, ANOTHER VIEW

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 1970

Mr. SCHWENGEL. Mr. Speaker, I recently inserted information in the RECORD regarding a project undertaken by a high school class in Iowa City, Iowa. Their project involved efforts to point out the problems relating to third class mail as viewed from the recipient's standpoint. Obviously, those who send the third-class mail have a different view. In order to present both sides of the story, I would like to insert in the RECORD at this point, parts of a letter I have received from the President of a large direct mail company located in my district.

MOUNT PLEASANT, IOWA,
May 27, 1970.

Hon. FRED SCHWENGEL,
House of Representatives,
Washington, D.C.

DEAR FRED: In reviewing the Congressional Record of May 18, 1970, I was surprised—even shocked—to read your account and endorsement of the Iowa City High School class project "to collect a ton of junk mail."

I feel sure that these students were acting on good faith and were attempting to make a good and significant contribution to our society. Unfortunately however, their project was obviously based on an emotional reaction to some grossly distorted and completely erroneous information. . . .

In regard to the specific subject of postal economics, the real crux of the problem is attempted perpetuation of invalid figures generated by the Post Office Department's previous "Cost Ascertainment System." This outmoded accounting system has been publicly criticized by numerous CPA's, the General Accounting Office, the Sub-Committee on Postal Rates of the House Post Office and Civil Service Committee, and the Post Office Department itself. Prior to fiscal 1969, all Postal Costs (including institutional or non-variable costs) were allocated to each class of mail on a ratio based on the volume of a particular class relative to the total volume. That approach obviously ignored the dramatic difference in handling costs between the different classes of mail plus the financial and other operating advantages of having a deferable classification of work available to the Department. It might be compared to assuming that the *actual cost* of moving a bookcase from your home in Davenport to Washington would be exactly the same whether it was crated or uncrated; whether you did the crating or the carrier did it; whether he picked it up from your home or you delivered it to his terminal; whether it went by itself or whether it went with many other identical pieces; whether it had to be rehandled and repacked at several different terminals enroute or if it could go directly to a terminal in the area of its destination; whether the carrier was obligated to handle it on a priority basis or defer it until his other obligations were satisfied; plus a host of other considerations. The factors involved in the Post Office handling of Third Class bulk mail are every bit as significant as those in this not so far fetched example of moving the bookcase.

A classic case in point can be found right here in Mt. Pleasant. In fiscal 1969 our local Post Office had gross receipts of about $5.2 million. More than 96% of these total receipts were generated by Third Class bulk mail. Although Mt. Pleasant's total revenues and total expenses were combined with the rest of the country, the net effect in the old accounting system would have assigned 96% of the total local expenses as a "cost" of handling Third Class bulk mail. When you consider that hardly a single piece of this mail ever even enters the Mt. Pleasant Post Office, that all transactions connected with this operation are handled by only one person, that not a single square foot of local floor space is devoted to the bulk mail operation, and that not a single vehicle or route carrier has been added because of it, then you can recognize the tremendous distortion that has existed. If the total cost of operating our local Post Office amounts to $200,-

000 per year (which is probably conservative), then the old Accounting System would have claimed that $192,000 was attributable to Third Class bulk mail. If we are generous, we might be able to find a maximum of $15,000 of truly related expenses. This means that Third Class bulk costs would have been inflated by at least $177,000 in just this one local office. Although the percentage figures in this particular case are admittedly well above the norm, these dollar figures are very real. Recognizing that these same principles were applied on a national scale for many years, we can see the fantastic distortion that was created and that provided the ammunition for the unwarranted attacks on this classification of mail.

In April of this year the Post Office Department issued a "Revenue and Cost Analysis" report for fiscal year 1969 which publicly discredits the previous accounting system and introduces a dramatically improved method of cost determination. Basically, this new method reflects the specific cost directly or indirectly associated with the various classes of mail and categories of service. The Post Office refers to such expenses as "Demonstrably Related Costs." This report clearly establishes Third Class bulk as being the *most profitable* major classification of mail handled by the Post Office! These facts, prepared and issued by the government completely refute any suggestion of an adverse economic effect on postal operations because of Third Class bulk mail. In fact, Assistant Postmaster General James W. Hargrove stated on April 13 that without the $296,000,000 of "gross profit" contributed to the Post Office by Third Class bulk, First Class rates would have to be increased one cent per ounce or else the resulting deficit would have to be made up by additional subsidies from Congress. The Postmaster General himself has publicly stated on numerous occasions that Third Class bulk mail is not only highly profitable to the postal system but is also an extremely desirable category of work from an operation efficiency and workload balance standpoint.

The occasionally heard implication of general public opposition and objection to this media of advertising is also a colossal myth that has absolutely no basis in fact. Numerous in-depth studies and major surveys have been conducted on this very subject and not one of these investigations even uncovered more than a small minority of Direct Mail Advertising opponents. One of these studies, conducted by the market research firm of A. C. Nielsen determined that only 15% of the population dislike receiving this form of advertising. The negative respondents included 5% of the population who stated that they do not like to receive *any* type of mail! Although I do not have the specific figure, another similar and completely impartial survey was conducted by the University of Kentucky about three years ago which produced the same general conclusion. On a somewhat smaller scale, Metromail included a postage paid (First Class), preaddressed, post card questionnaire of consumer attitudes in a recent cooperative mailing of cents-off coupons and other mail-order offers. Although 86.8% of the respondents stated that they "liked to receive the mailings", it is more significant to note that only 0.4% of the respondents asked to have their names removed from the mailing list. How could any consumer be provided with an easier "out" if he truly wanted to be relieved of this media?

On the "invasion of privacy" issue, I would like to ask how the nature of Direct Mail Advertising differs from that of other "imposed" media? What is the rationalization for the display ads or even the complete advertising supplements contained in newspapers which are delivered by U.S. Mail—or the ads contained in magazines delivered by mail? What about billboards? Television? Radio? Signs and pictures in front of theaters? Ads on trucks that are traveling on tax supported highways? Sales solicitation phone calls? If we support this type of privacy theory on the basis of 'protecting' the public, why don't we condone the parent who 'protects' his child by keeping him locked in a bedroom all the time?

My concern is three fold: The application of certain basic principles such as honesty, fairness, and equitable legislation are apparently being challenged in this area; The right of continued existence of an industry that accounts for more than 30 billion dollars in annual sales of goods and services is being questioned solely on the basis of misleading figures and emotional reactions; The jobs and future security of many thousands of Americans are being threatened as a result of these emotional and subjective attacks. I would conservatively estimate that there are well over one thousand families in the Direct Mail Advertising Industry right here in the First District of Iowa. Approximately half this number are employed in Henry County alone!

I apologize for my rather lengthy letter on this subject, especially at a time when you are unusually busy. However, I am sure that you can appreciate the vital concern of myself and many other residents of your District. At your convenience, I would be most interested in receiving a clarification of your stand on the subject. Enclosed is some further information on Third Class bulk mail which you may find of interest. If you would like any additional data or if I can be of assistance in any regard please feel free to call on me.

Sincerely,

MIKE MCSWEENEY.

THE FACTS ABOUT THIRD-CLASS BULK MAIL

Official U.S. Government cost and revenue accounting system (using for the first time the cost and revenue accounting principles generally accepted by private business and public utilities) reports bulk *third class* regular mail at today's postage rates is the *most profitable* major class of mail handled by the U.S. Post Office.

Sincere men, charged with the responsibility of making decisions affecting the lives of millions know full well what a burden of anguish falls upon their intellects and their consciences when they must make decisions without the necessary facts.

Deciding what rates to charge the now more than 200,000,000 users of the U.S. Post Office for the various classes of mail they send through the postal system has long been a troubling experience for the Congress. But more than this, it has also provided a classic example of sincere men "flying blind", and Congress has long known and often deplored the fact that the postal rates it finally set each year were often no more than optimistic shots in the dark.

It is to the credit of the Nixon Administration that it recognized very early in its administration the fact that there were few facts available for Congressional ratemakers and promptly did something about it. One of the administration's first firm steps toward equitable postal reform was to install in the U.S. Post Office Department a reliable postal accounting system employing generally accepted business accounting principles.

The benefits of that step have just been highlighted in the Department's recently issued "Revenue and Cost Analysis, Fiscal Year 1969." And in his preface to the first cost analysis by the Post Office made under the new and more reliable cost accounting system, J. W. Hargrove, Assistant Postmaster General, explains why the Department switched to a more modern cost accounting system:

"In previous years, the allocation of all costs (including institutional or nonvariable costs) has been made to each of the classes of mail. That allocation has involved *uncertainties, subjective decisions and argumentative conclusions* as has been demonstrated by the numerous criticisms of the system from various parties including the General Accounting Office and the Sub-Committee on Postal Rates of the House Post Office and Civil Service Committee . . . Recognizing the difficulties of the total allocation process, we have radically altered our cost accounting techniques . . . *Costs in post offices have been determined for the first time by a probability sampling system which we believe results in an accuracy significantly improved over the former method.*" (Italic added)

Historically, the archaic, error-ridden "Cost Ascertainment system" of the Post Office has been in disrepute with knowledgeable accountants throughout the U.S. How ridiculous this Cost Accounting System actually *was* became completely self-revealing when a recent Cost Ascertainment Report showed that a first class letter, which normally requires 39 separate and expensive steps and labor handlings, cost only $0.00257 more to handle than a piece of zip coded and presorted bulk third class mail which normally requires only six handlings for local mail delivery and 16 steps for nationwide delivery.

The true culprit in the confusion about the so-called "postal deficit" was not the management of the Post Office. It was not the workers. And it was not most of the bulk mail users. *It has been the faulty accounting system.*

The Kappel Commission was also critical of this outmoded and misleading "Cost Ascertainment System". The system which the Post Office Department used last year for the first time to compile its Revenue and Cost Analysis borrowed some of the basic procedures recommended by the Johnson Administration's study by Touche Ross Bailey & Smart, a nationally recognized and leading certified public accounting firm, and from the Kappel Commission's brilliant and landmark study of the U.S. Postal System. The adoption of this new system by the Post Office Department means that the men who have the complex and crucial responsibility for fixing rates for the various classes of postal service no longer need to "fly blind". They can now know more about where they have been, where they are, and where they are going in the matter of postal rates. They can "fly" with more confidence—with less danger of losing passengers and business—because they can now base their acts on more reliable facts so far as costs and revenues are concerned.

FACTS ARE NEWS—THESE FACTS ARE BIG NEWS

What navigational aids for Congressional rate makers does this new and modern Post Office cost accounting system, used for 1969 for the first time, reveal through the burn-off in the fog?

The report turns up such startling facts as these:

1. The postage paid today by Bulk Third Class Advertising mail users is nearly twice as much as the variable costs of direct labor, transportation and overhead incurred by the Post Office in handling such mail.

2. For each mailing of Third Class Advertising mail (not including books and catalogs), the Post Office *spends* the total sum of $19.00 per thousand pieces for its variable costs of direct labor, transportation and overhead. But it collects an average of $39.00 per thousand pieces from third class mailers—leaving a balance of $20.00 per thousand pieces to pay for the institutional costs of the Post Office Department

3. The direct labor involved in the 39 steps in handling of first class mail costs 3.14¢ per letter. The Post Office pays only 1.61¢ per letter for direct labor in the 6 to 16 handlings for third class mail.

4. The "deluge" of advertising "junk" mail about which certain detractors of the medium have been protesting turns out to

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be a *delusion* instead. For this kind of mail (not including books and catalogs—which most persons don't consider mail advertising, altho they are in the third class category) constitutes only 8.1% of the weight of all U.S. mail volume.

5. If bulk third class mail were to disappear tomorrow, the so-called "postal deficit" would nearly double. For instead of contributing to this "deficit", advertising mail actually brings in enough clear direct profit margin to the Post Office Department to *reduce* that deficit by nearly $300 million. "Without third class mail," declares Postmaster General Blount, "first class mail would cost mailers more."

6. Moreover, third class bulk mail is finally proved to be the most profitable major class of mail handled by the U.S. Post Office Department today. (A few minor volume subclasses of mail show a higher percent of profitability than third class but their contribution to the payment of institutional costs is minimal.) Third class bulk mail is the real money maker in the mail family. Rather than being a burden on the taxpayer and on other classes of mail, it helps to relieve their financial burdens with its extra income.

WHY DOES BULK THIRD CLASS ADVERTISING MAIL MAKE SUCH A SIZABLE PROFIT FOR THE POST OFFICE DEPARTMENT?

Now that the facts show that bulk third class mail is the most profitable major class of mail handled by the Post Office, another question is sure to be asked by all to whom this fact comes as such a stunning surprise.

Why? Why does the Post Office Department's latest and more accurate report reveal this profitability when much of what we have read in the newspapers or hear on the radio or seen and heard on TV has been to the contrary?

This revelation springs from no single reason but from several favorable factors operating concurrently:

1. Third class postage rates have increased 300% in recent years.

In the last 16 years, the rates for third class bulk mail fixed by Congress and collected by the Post Office have quadrupled—have gone from $10.00 per thousand to $40.00 per thousand pieces. By way of contrast, the rates charged for first class mail have only doubled in 26 years, going from 3c a letter in 1944 to today's 6c letter.

2. Mandatory zip coding requirements speed up post office sorting and lower post office costs.

Third class bulk mailers have invested an estimated $200,000,000 in the last 3 years in converting their lists and their mailing systems to accommodate and comply with the mandatory zip coding requirements for third class mail.

3. Third class bulk mail must now be presorted by mailers by zip code, thus saving more sorting time and money for the Post Office Department.

Third class mailers still pay huge additional sums annually to maintain their lists in zip code order or to apply the zip to mailing pieces. In addition, third class mailers are required to pre-sort their mail by zip code prior to delivery to the post office leaving the post office with very little remaining operations to perform on the mail.

(The annual cost to mailers of maintaining their lists in zip code order and pre-sorting third class mail is reliably estimated to be $5–$8 per thousand pieces mailed.)

These, then, are the facts which stand out after careful study of the Post Office Department's "Revenue and Cost Analysis", and the facts speak for themselves.

And now that the Congress has the facts, let us hope it will also have the wisdom to call a halt to the continuous and crippling annual blows it has been delivering to the breadwinner of the postal family.

KEY EXCERPTS RELATING TO NEW THIRD-CLASS RATE-MAKING PHILOSOPHY

(Taken from 30-page testimony by Assistant Postmaster General James W. Hargrove)

"Now to deal briefly with costs as they relate to third-class bulk mail: For 1971, after full pay adjustments, we are anticipating demonstrably related costs averaging 2.5¢ per piece. At present rates postage would average 4.3¢ per piece. In these terms we are extending no incremental subsidy to such mail and there is a significant contribution to institutional costs.

"To avoid any misunderstanding, I must emphasize that coverage of demonstrably related cost is not the ultimate objective. If that were the objective for all classes of mail the postal service would operate in the red in perpetuity with the taxpayer picking up the tab for about half of all costs—that half which comprises institutional costs.

Third-class mail, by definition, is accorded deferred service. It is subject to delays in processing, handling and transportation in order to concentrate on first-class mail and make maximum efficient use of manpower and facilities. . . . (He then delineated inherent benefits of first-class over third.) . . . These factors would work to reduce the contribution to institutional costs expected of third-class bulk, as the result of the application of the "value of service" factor.

Working in the opposite direction, however, is the factor which we call "value to the recipient." This factor, caused us to distinguish between second-class and controlled circulation publications. In third-class mail it is even more significant.

"Mr. Chairman, it would be useless to pretend there is not a genuine resentment in this country to advertising mail, which outspoken and not exactly disinterested critics have labeled "junk mail," to its everlasting detriment. I avoid the use of the term, just as I avoid terms of ethnic opprobrium, because it is applied with obvious discrimination against a legitimate advertising medium. We might as well refer to "junk TV" or "junk magazines" because they bring into our homes unwanted advertisements which, as to newspapers and magazines at any rate, we have to throw away even as we do advertising mail.

"Despite my feeling that advertising mail has received discriminatory criticism and my feeling that direct mailers are good customers of the postal system whose business I would like to keep and encourage to grow, as I have said, it is perfectly apparent that many of the public do not want it and regard its unsolicited entrance into their homes as an intrusion. We must in practical assessment, therefore, charge it with a substantial premium because of its lack of social acceptance—if it is going to exist, it must pay an extra price of admission. And that is, to some extent, what we have done in proposing a 33% increase in minimum piece rates and somewhat smaller increase in pound rates. It is not accident that the percentage increase is the same as for first-class mail—we conclude that this was a practical necessity under the conditions as they now exist. If in the future direct mailers are unable to improve their products and their image so that their acceptance is better, that fact should be reflected in their responsibility to share in future cost increases. I think perhaps the facts developed in our new cost analysis may help them improve their image, since they demonstrate that their product does indeed pay its out-of-pocket costs plus a substantial contribution to institutional costs.

"We are aware that we face competitive pressures in third-class bulk mail and that a significant loss of third-class business would put an additional burden on first-class mail. For this reason we have staged the increase into three increments and intend to work with our customers to avoid loss of volume to the greatest extent possible. I expect we shall nevertheless lose some, although I think the total contribution to institutional costs will hold up because of the higher unit prices."

A MINI RESEARCH PROJECT

The questionnaire below was sent to 88,723 housewives in the Omaha, Nebraska market in our September Red Letter.

Significantly, in reply to question one, 86.8% of the respondents like to receive the Red Letter; only 13.2% answered no.

All those who replied that they like to receive Red Letter also indicated their intention to redeem the coupons ranging from a high of 50.4% of the respondents who indicated their intention to make a partial redemption to a low of 7.8% who intended to redeem half of the coupons.

Forty-five percent of those who like to receive Red Letter indicated that they take advantage of the special offers.

Finally and particularly important is that of the 88,723 mailed *only* 0.4% asked to be removed from our list and not receive additional Red Letters.

WILL YOU DO US A FAVOR

Please take a few minutes to answer the following brief questions about the Metromail Red Letter.

1. Do you like to receive your Red Letter?
2. Will you redeem the coupons?
3. Do you take advantage of special offers for magazines, records, film, books, etc.?
4. If for any reason you do not wish to receive Red Letter, just fill in your name and address below.

Name.
Address.
City, State, Zip code.
Many thanks for your help.
Metromail, a Metromedia Company.

MOUNT PLEASANT, IOWA,
May 1, 1970.

MR. DAVID M. STANLEY,
Muscatine, Iowa

DEAR DAVE: I was both surprised and disappointed to read about the remarks concerning Third Class mail advertising which you delivered to the Republic Women's Convention at Fairfield this past Saturday.

My surprise stems from your complete reversal of your recent stand on this subject. You will recall that shortly after announcing your congressional candidacy you visited my home for the expressed purpose of clarifying your position and attitude on direct mail advertising. At that time you acknowledged your awareness that this industry creates tens of thousands of jobs, accounts for more than 30 billion dollars in annual sales of goods and services; is a positive contributor to our postal system; and. in fact, does pay its own way in the system. Your April 25 statements obviously refute this previous position.

My disappointment arises from your apparent lack of awareness of some rather basic facts connected with a vital national issue. Your statement that "Most families don't want all the advertising—that fill our mailboxes" is simply not true. Rather it is an emotional ploy occasionally voiced by vested interest opponents of the industry. To the contrary, several survey studies conducted on this very question all concluded that only a small minority of individual Americans are opposed to this form of advertising. Specifically, an extensive national study conducted by the well-known market research firm of A. C. Nielsen showed that only 15% of the population dislike receiving direct mail advertising. It is interesting to note that this figure includes 5% of the people who do not like to receive *any* mail.

Your further statement that "A Post Office study shows . . . third class . . . mail loses money" is a subjective interpretation of some old, over-generalized figures that the Post Office Department has publicly declared to be obsolete and invalid. Postmaster General Blount has stated on numerous occasions that Third Class Bulk mail is a desirable, positive contributor to the economic efficiency of the postal operation. This statement is supported by the Department's Revenue and Cost Analysis report issued on April 6 of this year. The report shows that revenue from Third Class Bulk mail exceeds its handling cost by 98% whereas the revenue from First Class mail exceeds its respective handling cost by only 85%. The same report also shows that Third Class Bulk is the *most profitable* major class of mail handled by the Post Office.

To go a step further, Assistant Postmaster General James W. Hargrove stated on April 13 of this year that, if Third Class Bulk mail did not exist, then the 296 million dollars in gross profit which it produced in fiscal 1969 would have had to come from some other source. He added that there are only two alternatives for 'that other source'—either a congressional subsidy or an increase in First Class postage rates.

With these thoughts in mind, I certainly hope that you will reconsider your present position on this subject. When I served as one of your county chairman in the 1968 Senatorial Campaign, I had complete conviction of your unquestioned integrity, objectivity, and tireless effort to seek out and weigh all of the facts before acting on any issue. I'm sure that this personal involvement with your past efforts tends to heighten my awareness and concern in regard to some of your more recent activities. However, I certainly hope (and must assume) that these inconsistencies do not represent your considered personal position but are simply over-zealous campaign efforts which were produced by well intentioned supporters.

The voters of Iowa's First District rightfully look to both you and your opponents for information and interpretation on vital issues. I am sure that you constantly strive to fulfill this obligation in the most straight forward and unbiased manner possible and hope that the information which I have offered will be of assistance to you in this effort. Enclosed you will find some further details which may be of interest in exploring the subject of Third Class postal economics.

Sincerely,

MIKE MCSWEENEY.

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U.S. POLICY IN LAOS STRENGTHENS THE COMMUNISTS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 1970

Mr. FRASER. Mr. Speaker, in the midst of public concern over President Nixon's invasion of Cambodia, we must not forget the quiet war of escalation the administration has been conducting in Laos throughout 1969 and 1970.

I wish to bring to the attention of the Congress excerpts from four articles from the Far Eastern Economic Review which describe how Vietnamization, a reduction in U.S. ground troops in Vietnam, has resulted in an escalatory use of weapons of mass destruction in Laos.

As these articles point out, massive devastation of civilian life and property has drastically altered the fragile politics of neutrality in Laos. The Pathet Lao has become the only viable indigenous political force capable of providing leadership for thousands of dislocated and poverty stricken peasants.

I ask, Mr. Speaker, is this the course the President will now take in Cambodia after the withdrawal of U.S. troops on June 30? If so, he must be warned that indiscriminate bombing, use of chemicals, and other forms of massive civilian destruction create the social conditions which invite resistance and the growth of communism.

The excerpts from the four articles follow:

WASHINGTON'S DILEMMA

(By Arnold Abrams)

Ironically, those most in the dark about Laos are the American people. More than simply being unaware of the scope of U.S. operations here, they have yet to be told by their government that their nation is militarily involved in Laos. American officials still seek to officially conceal U.S. violations of the 1962 Geneva Accord, which bars all forms of foreign military intervention in Laos. They contend that Hanoi's refusal to concede the presence of North Vietnamese troops here makes it diplomatically unfeasible for Washington to act otherwise.

Consequently, everyone in Vientiane, from the Russian ambassador to the *mamasan* of the legendary White Rose, knows what the Americans are doing here. But the American public remains ignorant of the fact that their government is arming, training, supplying, transporting and directing approximately 70,000 Laotian troops in a war which threatens to get out of hand.

Instead of setting the record at least partially straight, U.S. officials here do things like allowing Vang Pao to declare recently, before a sizable contingent of visiting journalists, that his Meo forces fight with antiquated weapons, inadequate communications and inconsequential American support. As he was speaking, American F-4 Phantom jets roared overhead, several American observation planes were parked nearby and three cargo-laden American transport planes landed in quick succession at his official Sam Thong base. After denying he even received indirect U.S. military support, Vang Pao calmly climbed into an unmarked American helicopter, guarded by Laotians carrying American-made M-16 automatic rifles, and was flown back to his secret Long Cheng headquarters by a three-man American crew.

Vang Pao and official verbiage notwithstanding, American involvement in the Laotian conflict takes the following principal forms: In addition to 75 military advisers listed as embassy "attaches," about 300 men are employed in a variety of clandestine military activities supervised by the CIA. Although technically civilians, many CIA agents in Laos are former Special Forces soldiers recruited because of military expertise and Vietnam experience.

These ex-Green Berets train government troops, assist wide-ranging reconnaissance teams and plan guerrilla and psychological warfare operations. They wear combat fatigues and work out of three main camps, where they administer rigorous training in jungle warfare, guerrilla tactics, communications handling and weaponry.

The CIA also maintains and largely controls Vang Pao's army of approximately 15,000 fulltime troops. Official instructions to the contrary, CIA personnel occasionally accompany these forces on combat forays. More than 20 agents have been killed in Laos. Among the most recent CIA casualties was Phil Werbisky, a former Special Forces captain widely known for his exploits during the early days of Vietnam. He was killed in the government's late-summer offensive.

"These guys are tigers," says an American personally acquainted with many CIA agents in Laos. "They're tough, intelligent guys who know how to handle themselves. They're not afraid to mix it up out in the jungle." The American is a civilian engineer who befriended many agents while helping to build airstrips on several of their remote outposts. "They came to Laos because they were fed up with having their hands tied in Vietnam," he says. "Here they're doing things the way they want to, and getting better pay for it as well."

An important CIA adjunct in Laos has the innocuous title of "Requirements Office". It is staffed by about 90 men, most of whom also are ex-military types. Their function may be inconspicuous, but it is not innocuous. Stationed at field level, requirements officers—called ROs—handle the distribution of arms and ammunition, as well as general logistics. They are vital to any military operation mounted by the government.

Learning about these activities prompted Senator Fulbright to raise a key question about the CIA's role here: since its function ostensibly is to gather information, why is this agency running a war in Laos? "I don't approve of this kind of activity at all," Fulbright said. "But if it is in the national security interest to do this, it seems to me it ought to be done by regular US army forces and not by an intelligence-gathering agency." He added that the National Security Act, which created the CIA, "never contemplated this function" for the agency.

The CIA mission chief in Laos is Lawrence Devlin, listed as a "political officer" in the US Embassy. Unlike most political officers, however, Devlin flatly refuses to see reporters. For all anybody knows, he might agree on that last point with Senator Fulbright, who stressed that he was not criticising the CIA. "The agency is just following orders," Fulbright said.

Cargo and military supplies—as well as personnel—are ferried throughout Laos by Air America and Continental Air Services, private charter firms under contract to the US government. They are better known as the "CIA Airlines", and most of their pilots are ex-air force officers. Reporters are allowed to accompany flights involving rice drops to refugee camps, but are banned when military cargoes are carried.

"Why do you guys always ask about weapons and ammo shipments?" pilot Jim Walsh asked me. Walsh, 38, is an ex-air force officer who has worked in Laos for Air America since 1962. "You know we're not allowed to talk about such things," he said.

Another form of American air service in Laos constitutes the most direct US involvement in the fighting. Under the euphemism of "armed reconnaissance flights", Thailand-based American jets and bombers have mounted aerial bombardments equal to the pounding taken by North Vietnam prior to the bombing halt in 1968. The Ho Chi Minh trail in southeast Laos has been the prime target of American air attacks, but enemy encampments and troops on the Plain of Jars came under heavy fire during the recent government offensive.

Money for many US operations in Laos is cloaked in the budget of the mammoth Agency for International Development, or channelled through other unobtrusive conduits. The scope of American financial support of the neutralist Royal Lao government testifies to the effectiveness of such cover. Total American assistance here is reliably estimated at between US $250 million and $300 million per year. Of that, only the technical aid budget—about $60 million—is made public. The rest, undisclosed, goes almost entirely for military purposes.

ONE YEAR WORSE

(By T. D. Allman)

The situation in Laos is not particularly encouraging for either side—for the Americans who have dropped hundreds of thousands of tons of bombs to prop up the Vientiane government, or for the North Vietnamese, who have invested tens of thousands of troops in a so-far futile effort to force Prince Souvanna Phouma's government to follow more acquiescent policies.

Almost paradoxically, both sides have begun the present dry season, which marks the annual upswing in fighting, in weaker positions than they held six months or a year ago. Both sides seem as far away as ever from achieving their goals in Laos. And the country is victim of an escalating level of violence that so far has maintained the rough balance of territorial power only at an ever higher cost in Laotian lives, property and hope of finding some way out of the Vietnam war.

Indeed, as Laos enters its sixth full year of war since the break-up of the coalition government and escalation of the war in South Vietnam, nothing seems to have turned out the way anyone wanted it. The North Vietnamese hoped to use Laos as an unimpeded funnel to victory in South Vietnam. When the Vientiane government permitted the Americans to start the bombing, the North Vietnamese committed increasing amounts of troops in an effort to discredit that government. This they have succeeded in doing, at least militarily, time after time, but the U.S. bombing has only increased.

The Americans began the bombing with some hope of keeping the war from spreading deep into the territory of an increasingly dependent Vientiane government. But jet bombers cannot stop ambushes; they are of relatively little use even in medium-sized engagements. As a result, American bombs have been able to drive the communists off the Plain of Jars and have constantly harassed traffic along the Ho Chi Minh trail. But nothing the Americans can do, short of moving their own ground troops into Laos, can prevent the communists from disrupting normal commerce and government in the Mekong valley. Similarly, communist raids and larger attacks can discredit the Vientiane government's pretensions to effective authority but they cannot stop the American bombing.

Thus neither North Vietnam nor the United States have found the short-cut to victory in South Vietnam that they sought in violations of Laotian neutrality. The Laotians, on both sides, have suffered heavily. Probably neither the Americans nor the North Vietnamese originally anticipated that the Laotian war would involve them so deeply, and turn out to be so inconclusive.

There now is some debate in Vientiane on when the communists will finally be able to get their Plain of Jars counter-offensive going, and when they do, whether it will force the United States into another escalation, such as the use of B-52 bombers for the first time in large numbers outside the Ho Chi Minh trail.

But in contrast to a year ago, there is now absolute unanimity among all observers, of all persuasions, that an end to the Laos war is impossible until after the end of the Vietnam war, whenever that may come, and that the prognosis for Laos in 1970, and indeed for a long time after that, is for more—perhaps much more—of the same.

LAOS: SHADES OF LBJ

(By T. D. Allman)

VIENTIANE.—Two expressions—"escalation" and "credibility gap"—may well be on the way to having the same dark significance for President Nixon that they had for his predecessor. Lyndon Johnson's fruitless uppings of the ante in South Vietnam in pursuit of an illusory military victory, and his compulsive lack of candour on the effects and motives of that policy carried him from the greatest plurality in the history of presidential elections to political oblivion four years later.

This time the president appears less ego-involved; the country is Laos, not Vietnam; and Richard Nixon still has many, many mistakes to make before he turns into the Lear-like figure that Johnson has become.

But mistakes are being made in Laos, and they became more obvious after Nixon's recent nationwide address on Laos. It was supposed to tell all, but it wound up being undeniably—and probably deliberately—cavalier with the facts about the disguised war the US is fighting in Laos.

The major fact Nixon apparently wished to conceal was that the US war effort in Laos had increased greatly since November 1968 when the bombing halt in North Vietnam resulted in an almost automatic escalation of bombing in Laos. He said reports that the increase in "our air activity has had the effect of escalating the conflict" were "grossly inaccurate."

The fact remains that US bombing sorties over Laos have risen from an average 4–5,000 a month to 15–18,000 today. The fact remains that the US now is bombing whole areas of Laos it did not touch before, including the Plain of Jars. The fact remains that the US has expanded its policy of systematically denuding the Communist-held areas of Laos by moving in, taking out the civilian population, destroying all stocks of food and defoliating productive land. It is also a fact that US personnel—including advisers, planners, transport pilots and American gunship crews—are more deeply involved in fighting the Laotians' war for them than ever before.

Nixon, of course, went on television to defend his policy, not to pick it apart. The speech, obviously aimed squarely at Middle America, was an attempt to win political approval for what is going on in Laos. With increasing disquiet expressed in the US Congress and the press about the US war effort in Laos, the President could be excused for emphasizing the logic behind his own Laos policy—even if it meant trying to lay all the blame for the unhappy state of affairs in Laos on Hanoi's doorstep. But the President can hardly be excused for saying things that even US officials here have had to concede, just aren't right. Among the Nixonian departures from reality:

The President said there were 67,000 North Vietnamese troops in Laos, up from 55,000 in mid-1969. The US embassy here, despite its enthusiasm for the task, can find only 50,000 North Vietnamese troops, an increase from the 47,000 figure estimated in the middle of last year.

He said a total of 1,040 Americans work for the US government in Laos, directly or indirectly, of which 643 are involved in some military or logistics capacity. A paragraph later, he said: "US personnel in Laos during the past year has not increased . . ." But only last September, in another administration statement supposed to tell all about Laos, the US State Department said that only 833 Americans were working in Laos. Had the total number of Americans in Laos actually increased from 833 to 1,040—a rise of almost 25%? Or was the State Department wrong? Or the president?

Most disturbing, reliable sources here say the total of US personnel directly supporting the Vietnamese government's war effort is really much higher than 643, more like 1,000, if one includes "temporary duty personnel", and military and logistics personnel who spend the day in Laos but sleep at night at US bases in Thailand and Vietnam. None of the figures—the State Department's, the president's or those knowledgeable sources in Laos—include the tens of thousands of Americans who support the mammoth US bombing operation in Laos from bases in Thailand, Vietnam and Guam.

Nixon said: "No American stationed in Laos has ever been killed in ground combat operations." Although the phrasing is highly restrictive—most of the Laos war is fought from outside Laos by US personnel not stationed there—it is well known in Vientiane that many Americans have been killed in combat situations in Laos, and that their deaths, in South Vietnam, would be counted as combat casualties. Informed sources here—recalling that Americans killed in Laos are often shipped out on special planes without legal formalities in order to avoid publicity—estimate that about 150 Americans are killed each year in the Laos war, the vast majority of them pilots shot down on bombing missions. The president's contention that no American lives are being spent in Laos, of all his experiments with the truth, may be the one that comes back to haunt him the most as more and more Americans—mostly the families of civilian Air America pilots and US Air Force officers—receive death telegrams from Washington.

Perhaps most importantly, the president sought to camouflage the major changes that have occurred in the US policy in Laos over the last year by averring that American expansion of its war role in Laos has occurred "only when requested by the Laotian government". He also said: "The level of our air operations has been increased only as the number of North Vietnamese in Laos and the level of their aggression has increased."

In fact, observers here point out, the initial US air escalation in Laos, which occurred during late 1968 and early 1969, happened when there was no communist threat of noticeably increased proportions. Indeed, the aerial escalation did not occur because of special events in Laos, but because the US bombing halt in North Vietnam for the first time permitted the focus of the US air arsenal to shift to Laos. And perhaps, the crucial point, long-time observers here say, is that until a year ago Laotian requests for an escalation of the US bombing and logistics effort were rejected as a matter of a long-established policy of keeping the US involvement in Laos as low profile as possible.

That policy has changed, and the Nixon administration clearly is no longer interested in keeping a particularly low profile in Laos, despite the overall thrust of the Nixon Doctrine. The underlying reasons for the change in Laos policy are not hard to discern: "The US is deescalating downstream in South Vietnam," a Vientiane diplomat recently observed. "It is only natural that it should escalate upstream in Laos, especially on the Ho Chi Minh Trail."

The American bombing of communist infiltration routes in Laos, in fact, will be one of the few controls the US will retain over events in South Vietnam as Vietnamisation proceeds. The effectiveness of the bombing is debatable. But the President clearly does not wish to relinquish it while he is surrendering so many other options in South Vietnam.

Indeed, from all appearances, U.S. policy-makers see the U.S. bombing in Laos as one of the keys to escape from the whole Indochina labyrinth. If the bombing can control the flow of North Vietnamese soldiers and supplies into South Vietnam, Vietnamisation will have a better chance of success, and the U.S. will be well on its way out of the war.

Of course, the train of cause and effect in international affairs is seldom so simple, and the North Vietnamese and Pathet Lao have expressed their displeasure at the increase of bombing by continuing their attacks against government positions in Laos. They are using more men than ever before in the current dry season offensive—though the rise in number of North Vietnamese troops in Laos does not constitute the escalation President Nixon charged so much as a need to protect the Plain of Jars flank which the U.S. and Laotians for the first time attacked last year.

If the communists continue, as they have in the past, to win more and more ground in Laos, the government of Prince Souvanna Phouma could fall, or be forced to make concession to the communists, such as calling for a U.S. bombing halt. This, of course, would undermine the whole American effort to get out of South Vietnam gracefully, and so the Nixon administration has gone to escalated lengths to preserve the Vientiane government from a string of communist defeats.

THE LABYRINTHINE WAR

In 1953 the Vietminh launched an offensive into Laos. This forced the French to make an unpalatable choice; either attempt to hold on to Laos or, as military sense dictated, withdraw and concentrate forces on the Vietnamese coastal plans. The French chose the former—and Dienbienphu and disaster soon followed.

Now, in 1970, a white foreign power fighting to maintain its position in Laos and Vietnam may soon be faced with a similar decision. If current communist military activities continue, the U.S. will have to decide whether to become more involved in Laos or make political and military concessions it has not yet been willing to consider.

It is still too early to say where the pendulum will swing. But one thing is clear: the U.S. and the Royal Lao Government are on the defensive. If the communists decide to continue their offensive—however large and whoever is leading—it is not likely to be contained without substantial military escalation or significant concessions on the part of the Americans.

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For the past two years the U.S. has carried out one of the most sustained bombing campaigns in history against essentially civilian targets in northeastern Laos. The area is a carpet of forest dotted by villages and a few towns. Refugees report that the bombing was primarily directed against their villages. Operating from Thai bases and from aircraft carriers, American jets have destroyed the great majority of villages and towns in the northeast. Severe casualties have been inflicted upon the inhabitants of the region, rice fields have been burned, and roads torn up. Refugees from the Plain of Jars report they were bombed almost daily by American jets last year. They say they spent most of the past two years living in caves or holes.

The basic aim of this bombing has been to hurt communist forces in every possible way: to deprive them of villages which could provide them with shelter, of manpower which could be used as porters or rice growers, to limit food supplies and road travel and to demoralise.

It seems probable, however, that this attempt to "raise the ante" has worked only too well. Militarily the Pathet Lao and North Vietnamese seem to be as strong as ever.

The ineffectiveness of American airpower is highlighted in a comparison of the communist offensives against the Plain of Jars in 1964 and 1970. It took them three days to take it six years ago. This year, despite the massive American air support for government forces, it took five days.

Perched on the plain, communist forces could move in any or all of three directions. They could push west to Route 13, then move south toward Vang Vieng. Pathet Lao forces include a number of former neutralist battalions, currently commanded by General Deuane. The Pathet Lao claim that these represent the real neutralists. By taking Vang Vieng they would be recapturing territory belonging to the Kong Le neutralists in 1962 and could then claim it in the name of their own "patriotic neutralist" forces.

They might move southwest in an attempt to take Long Cheng and Sam Thong. Long Cheng is the major US military base in northeast Laos. Recently visited by journalists for the first time, they reported seeing the longest runway in northern Laos, big helicopters used for rescuing downed American pilots in northern Laos, and American planes landing and taking off every minute. Sam Thong, seven miles away by air, is a centre for airlifting arms, food and medical supplies to Meo villages organised into paramilitary outposts. These are located on mountaintops and can be supplied only from the air. Long Cheng and Sam Thong constitute the logistics and air support centre for military activities throughout the northeast. Both are relatively easy to defend, being surrounded by hills on all sides. If the communists are willing to pay the price, however, there seems little doubt that they could capture both; this would mean a major military defeat for government forces.

A third though less likely possibility is that the communists may move southeast and attempt to take Paksane, a Mekong river town. Militarily this would be relatively easy but it might risk Thai involvement and conceivably, American ground intervention. It also seems unlikely that communist forces could hold Paksane for very long.

Whatever direction they choose to move, a communist offensive from the plain could place the US in a most difficult position. Airpower would be unlikely to halt their advance. Neither would the Royal Lao Army or the CIA-directed Clandestine Army.

The 60,000-man Royal Lao Army is made up primarily of village youths conscripted to fight in a war they neither understand nor desire. A private's salary is about US$5 a month. Government soldiers have shown a marked—and one suspects rather astute—disposition for retreat during major battles. Corruption and indifference is rife in the officers corps. American military attaches complain constantly that the only advice Lao army officers seek from them is in preparing escape plans. During the last battle for the plain government soldiers complained that they had been fenced in by barbed wire to prevent their retreat.

The Meo soldiers—and Thai, Burmese and Cambodian mercenaries of the Clandestine Army—tend to be more aggressive than regular troops. A private is paid more than US$30 a month and is better equipped and trained. Their strength is about 6,000 in northeastern Laos and 6,000 in the rest of the country. However, as an American official delicately put it, the Meos are "better at attacking than defending". The fact is that they are basically a group of guerillas, effective at harassing and small actions but simply not designed to function as a regular army. The most serious problem with Vang Pao's Meo soldiers is their lack of discipline. Laotian refugees complain bitterly of mistreatment by Meo soldiers during their capture of the plain last September. Refugees say the Meos slaughtered hundreds of cows and buffaloes, destroyed many of their shelters and looted their belongings.

The only real military options left to the US should a major communist thrust develop are the introduction of American ground troops or support of a Thai invasion into Laos.

At present, neither seems very likely. Laos is simply not a vital enough interest for the US to introduce ground troops, particularly after nine years of Vietnam. And support of Thai troops in Laos might in the end prove more complicated and costly than sending in American troops. Despite periodic breast-beatings at SEATO conferences and other occasions, the Thais are not very anxious to confront the North Vietnamese army face to face. And few Americans here believe that if they did they would make a particularly good showing.

A successful communist push in Laos would probably result in major political and military concessions on the part of the US.

This would seem to be the communist goal. Few informed observers here believe that the communists plan to take over Laos in the near future. American military attaches, the first to ascribe aggressive motives to the North Vietnamese, have stated publicly that they do not believe that the North Vietnamese are intent on "colonising" Laos.

The first priority for the communists would probably be to force the US to stop its bombing of both the Ho Chi Minh trail and northern Laos. A second would be to give greatly increased strength to the Pathet Lao within the framework of a coalition government.

A third, and intriguing, possibility is that a communist offensive in Laos may be designed to force a faster rate of American troop withdrawal from South Vietnam. A major thrust which seemed on the point of taking over all of Laos would place the US in an untenable position. It might well be that in such a case the Americans would be prepared to swap a faster withdrawal of American forces from South Vietnam in return for some firm communist guarantees of neutral status for Laos.

Such speculations point up the basic weakness of the American position in Laos. Over the past five years Royal Lao Government control has gradually been eroded. Most of Laos is either a no-man's land or is controlled by the Pathet Lao. A successful communist offensive would shrink government control even further. This weakness was implicit in President Richard Nixon's March 8 statement on Laos. By appealing to the Russians—who are unlikely to have either the inclination or capability to slow a Pathet Lao and North Vietnamese advance into Laos—the president seemed to imply that American ability to contain communist forces in Laos is limited.

Perhaps most significantly, American military priorities have prevented any strengthening of the Royal Laos Government. Its corruption, lethargy and indifference is as great if not greater than it ever was. Few people living under its rule actively support it. American officials have been unable to push for basic reforms due to the political necessity of getting on with the Lao civilian and military elite so that continued American bombing will be permitted.

Laos is not Vietnam: U.S. deaths here are counted in the hundreds—mostly downed pilots and crew—not tens of thousands. And expenses are measured in hundreds of millions of dollars, not billions. But if Vietnam is America's quagmire, Laos is its labyrinth.

It seems clear at this point that the only path out leads through agreement on some sort of political settlement. The Americans simply do not have enough usable military power to force a favourable military situation. The U.S. will not find the concessions necessary to bring peace to Laos very pleasant. At the least, it will involve a suspension of all bombing in Laos and acceptance of a truly non-aligned Vientiane government. And it may involve trading complete and relatively rapid withdrawal of American troops from Vietnam for a guarantee of Laotian neutrality.

STATUS REPORT ON THE BRITISH-FRENCH CONCORDE

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 1970

Mr. REUSS. Mr. Speaker, the London Economist for May 30, 1970, contained an interesting article on the British-French Concorde supersonic transport.

There is "increasing airline dissatisfaction" with the Concorde, the article says. The airlines say the plane is too small, the article goes on, and "they expect to make a loss on Concorde however they fly it."

Furthermore, the crucial trials of the Concorde at cruising speed have been delayed. These trials will test two points where the Concorde is most vulnerable—fuel consumption and the aerodynamics of its wing. According to the Economist:

> It either behaves fractionally less well than it should, so that it takes more power to push the aircraft, or more fuel to keep the engines up to the mark, then crossing the North Atlantic could be impossible for the Concorde.

I include the Economist article in the RECORD at this point:

WHAT TO DO WITH CONCORDE: SHOULD THE NEXT GOVERNMENT IN BRITAIN CONSIDER A MAJOR REDESIGN OF THE CONCORDE AIRLINER?

The formal announcement in a white paper* on Wednesday that all supersonic flying will be banned over Britain is important because it put on the record what everyone has assumed was bound to happen. It is a decision all reasonably developed countries are expected sooner or later to take. In the United States, already acutely pollution-conscious, the British lead will stiffen the political opposition to the American supersonic programme. That opposition has gained momentum this year. Support for America's proposed supersonic airliner (SST) had never been cordial. But this year the amount of money required has jumped sharply, to $290 million. This has coincided with growing reports that the Boeing design is altering for the worse—with its weight going up and its performance going down, just as on the first prototype abandoned early last year. It has also coincided with reports of increasing airline dissatisfaction with Concorde, which has made Americans less afraid of the possibility that Concorde would sweep the American market and make huge inroads into the balance of payments, although the Department of Transportation still says it will.

The result is that the American SST's budget has been scraping through its various congressional stages by increasingly and uncomfortably narrow votes. On Wednesday, the House of Representatives finally passed it without cuts but it might have been rougher had the Russians not helpfully flown their supersonic transport at its designed speed of twice the speed of sound for the first time on Tuesday. But the SST's budget still has to go through the Senate, where the opposition is tougher and better organised, and where some pessimists in the aviation press are even beginning to suspect that it could be voted down altogether.

If the American programme is visibly in trouble, is this the time for the next British government to get together with the French and talk seriously about whether they should concede some airlines' request to redesign Concorde—since there could now be less urgency about putting it into the market before an American competitor and more to be gained from offering an aircraft with improved performance? The present complaint is that Concorde is too small. The two manufacturers are currently proposing that airlines should reduce the seats in it to 110; and fly it as an all-first class service, charging first class or marginally less than first class fares (which on the North Atlantic are high: £213 return). On the manufacturers' figures, this would show a profit; on the airlines' calculations, it would not. They expect to make a loss on Concorde however they fly it.

The proposal that has been put by some airlines is that Concorde's fuselage should be widened so that an extra row of seats can be run down its length. This would increase the seating from four to five abreast and get numbers up closer to 200. Technically, this would be easy to do, and it also looks as if it might even improve flying performance by giving the aircraft a bigger surface area. It is not thought, at this preliminary stage, that it would involve any of those costly changes to the wing that lengthening the fuselage would. Lengthening Concorde's fuselage, without also changing the wings, would make the fuselage stick out at the back and wag dangerously. It is a ploy to be avoided in a narrow, delta-shaped aircraft.

The Government appeared to set its face against late major changes 12 months ago. It said that if Concorde costs were to rise more than 15 per cent above the estimated £730 million it was then taking to develop—a figure which still holds, thanks to the effects of French devaluation—this would be tantamount to a major redesign. The unspoken implication was that Mr. Wilson was unwilling to agree to go back to the drawing board. But 15 per cent of £730 million is over 100 million. And engineers believe that the proposed modification of the fuselage could be kept within £100 million.

There are two catches. The most obvious is that only the naive are still prepared to accept estimates by the aircraft industry, here or in the United States. But the more important one is that Concorde has not, unlike the Soviet SST, yet flown at twice the speed of sound. It should have been doing so any time now. Instead it has been grounded for a variety of reasons; most obviously strikes at Bristol (see page 61). These trials at cruising speed are crucial. No amount of work in wind tunnels and on computers can substitute for them. They will test the two points where Concorde is most vulnerable: the fuel consumption of its engines at normal cruising, and the aerodynamics of its wing. If either behaves fractionally less well than it should, so that it takes more power to push the aircraft, or more fuel to keep the engines up to the mark, then crossing the North Atlantic could be impossible for the Concorde. That is, unless the airlines and the government regulatory bodies behind them are prepared to compromise on the size of the fuel reserve that any aircraft is required to carry for possible diversion to another airport. In lay language, this would be translated as cutting safety margins, and may therefore be politically unacceptable.

The two governments need the result of these trials before they can know what sort of Concorde they have on their hands, or whether it is even worth discussing a modification. The airlines would cordially support them if they did think of changes. It would save the airlines from having to decide how to pay for so expensive an aircraft during that period of the mid-1970s when most of them will be staggering from the losses they are going to make on jumbos until the traffic catches up with the new capacity. Some airlines will simply not be able to, a fact that must cut sales of Concorde. What airlines would most like is that the present Concorde design be treated as a prototype for a bigger 200-seater; the latter would then not be ready until, at a guess, 1976, as against a probable 1974 for the aircraft in its present form. To make the decision easy for the two governments, the airlines might, with arm-twisting, take perhaps 40 of the present Concordes: just as they took a small version of the original 707 from Boeing 13 years ago, in order to ease the introduction to jets. This is a let-out that should be seriously considered after June 18th.

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* The Protection of the Environment. Cmd 4373.

SENATE—*Tuesday, June 9, 1970*

The Senate met at 11 a.m. and was called to order by Hon. THOMAS F. EAGLETON, a Senator from the State of Missouri.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Lord of all our days, grant that we may live this one day, free from fear and frustration, in command of all our powers, with compassion and charity toward all men. So rule over us that we may be channels of Thy mind and spirit, serving this Nation's welfare and advancing Thy kingdom, to the glory of Thy holy name. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. RUSSELL).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 9, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. THOMAS F. EAGLETON, a Senator from the State of Missouri, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. EAGLETON thereupon took the chair as Acting President pro tempore.

REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of February 7, 1969, as amended, Mr. BYRD of West Virginia, from the Committee on Appropriations, reported favorably, with amendments, on June 8, 1970, the bill (H.R. 17399) making supplemental appropriations for the fiscal year ending June 30, 1970, and for other purposes, and submitted a report (No. 91–917) thereon, which was printed.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. EAGLETON) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, June 8, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the order of yesterday the Chair now recognizes the distinguished Senator from Arizona (Mr. FANNIN) for 45 minutes.

Mr. MANSFIELD. Mr. President, will the Senator from Arizona yield briefly, without losing his right to the floor or any of the time allocated to him?

Mr. FANNIN. I am very happy to yield to the Senator from Montana.

ORDER OF RECOGNITION OF SENATOR YOUNG OF OHIO TODAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, following the remarks of the distinguished Senator from Arizona, the distinguished Senator from Ohio (Mr. YOUNG) be recognized for not to exceed 20 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

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ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the remarks of the distinguished Senator from Ohio (Mr. YOUNG) today, there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10:30 a.m. tomorrow.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HRUSKA TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on tomorrow, following the disposition of the Journal, the distinguished Senator from Nebraska (Mr. HRUSKA) be recognized for not to exceed 1½ hours.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ROBERT H. FINCH'S NEW ASSIGNMENT AT THE WHITE HOUSE

Mr. MANSFIELD. Mr. President, I would like to express my regret over the departure of Robert H. Finch as Secretary of the Department of Health, Education, and Welfare. I think that he has operated under trying circumstances and has done his very best in a difficult position. His loss will be felt.

At the same time, I am happy that the distinguished Under Secretary of State, Elliot Richardson, has been appointed Secretary of the Department of HEW. He brings to his new position integrity, understanding, and experience. As I recall, during the Eisenhower years, he was an Assistant Secretary in that Department and he made a commendable reputation at that time. I know that he will do a good job in this new and difficult post.

May I say, though, that we will miss Mr. Richardson who has been a very able Under Secretary of State. I would like to express the hope that his successor will be just as qualified, just as capable, and just as experienced in that arduous position as well.

At the same time, I am delighted that although Secretary Finch is leaving HEW he is moving to the White House and will be one of the President's counselors with Cabinet rank. I think that in that position, based on his experience, friendship, and knowledge of events throughout the country, he can be of inestimable assistance to the President of the United States and, in so doing, be of great assistance to Congress and the people of the Nation as a whole.

I thank the distinguished Senator from Arizona for yielding to me.

Mr. FANNIN. Mr. President, I thank the distinguished Senator from Montana. I concur with his statement regarding former Secretary of HEW Robert H. Finch.

It was my good fortune to spend some time with Mr. Finch. He is a native of Arizona, as I am. A few days ago, he appeared on the university campus at Tempe, Ariz., the place of his birth, and also at the Bob Finch Post of the Veterans of Foreign Wars—a post which was named after his father. It was very encouraging to me to witness the reception that Mr. Finch received during his visit there.

I have great admiration for Mr. Finch. He has worked under adverse circumstances and I think that he has rendered commendable service to the Nation.

I, too, wish him well in his new assignment and am very much pleased to join the majority leader in expressing best wishes to him.

Mr. MANSFIELD. I thank the Senator from Arizona.

COMPULSORY UNIONISM IN POSTAL REFORM BILL

Mr. FANNIN. Mr. President, more than 10,000 miles from here, thousands of American soldiers are fighting to preserve freedom of choice for the people of South Vietnam.

That effort has cost this country many billions of dollars, thousands of lives, contributed greatly to the turmoil of our college campuses, and politically polarized the people of this country.

All of this has been reported in infinite detail by the Nation's media, and debated strenuously and at length on the floor of this legislative body.

Yet, while we are engaged in efforts to preserve freedom of choice for the people of South Vietnam, the Congress of the United States is being asked to quietly preside over the loss of freedom of choice for 750,000 of our own people. Parenthetically, the failure of the Nation's mass media to explain to the American people what is happening to freedom on the home front makes this Senator wonder if our so-called mass circulation national newspapers, magazines, and TV networks are better defined as "a controlled" press than a "free" press.

Mr. President, as you and my colleagues know, a behind-the-scene domestic controversy is raging down the corridors, in the offices, and now on the floor of the Congress. That controversy is over the union shop position of the so-called postal reform bill.

Yes, while we fight for freedom in many parts of the world, Postmaster General Winton Blount and AFL–CIO President George Meany are asking this Congress to approve legislation that would authorize compulsory unionism for 750,000 postal workers—250,000 who by their own free choice have elected not to belong to a union. Such action, if approved by Congress, would also establish a dangerous precedent which would quickly spread to all the rest of the Federal service and right down to government employees at the State, county, and local levels. As the Washington Star's authoritative Federal reporter, Joe Young, said on May 18—

> The prospect of a union shop in government depends to a great extent upon the outcome of the union shop provision in the postal reform bill.

At this point, it seems logical to question the failure of our national TV networks to devote even 5 seconds of air time to the issue. Could the fact that most of the network commentators are union members under AFTRA contracts requiring membership or the loss of their jobs have anything to do with the lack of coverage? Be assured I am only speculating, not accusing. I do not know the answer to that one. Perhaps ABC, CBS, and NBC do.

To avoid what appears to be a deliberate attempt to confuse this issue and to clarify it in your minds and for the benefit of the working press and American people, let me make two very clear statements that I am positive that Postmaster General Blount would not deny:

First, under present law, every Federal employee—including postal employees—is guaranteed the right to join a union or refrain from joining a union. This right was guaranteed to postal employees by Presidents Kennedy and Johnson and cannot be abrogated by agreement between union officials and the Post Office Department.

Second, under S. 3842, as reported by the Senate Post Office Committee, the officials of the postal administration and the postal unions can negotiate union shop contracts which require postal employees to join or pay dues to the union in order to keep their jobs.

There are some people who insist that "right to work" is not an issue in postal reform. Let me say here and now that right to work is an issue in postal reform. It is the most important issue. And it is an issue which was needlessly interjected into legitimate postal reform efforts, at the insistence of the "labor bosses."

Mr. President, in the opinion of many people postal reorganization with compulsory unionism is not reform—which virtually everybody in this country feels is badly needed—and this U.S. Senator, for one, does not plan to sit idly by and watch the U.S. Congress pass legislation which can require an American citizen to join a union before he can work for his own Government. I cannot imagine that any Member of this legislative body would care to have the 91st Congress remembered in the history books for such action.

To set the record straight, the bill reported by the Post Office Committee will extend the provisions of the National Labor Relations Act for the very first time to Federal employment.

Under present Executive order there is absolutely no way for union officials and Federal management executives to negotiate or otherwise bring into existence a union shop in the Federal service.

To spell it out even more plainly, under the presently existing law, there can be no union shop or agency where Federal employees are concerned.

Under the provisions of S. 3842 as reported by the Senate Post Office Committee, for the first time the issue of a union shop or agency shop would be subject to negotiation. Likewise, it would be an issue subject to binding arbitration.

While it is true that section 14(b) of the Taft-Hartley Act which prohibits the negotiation of union shops in States having "right to work" laws, is incorporated into S. 3842 with the other provisions of the National Labor Relations Act, there are at least some States whose "right to work" laws are so worded that they would be inapplicable to this situation.

Then, of course, there are the Federal employees outside the 19 "right to work" States who now have the protection of Executive Order 11491. Section 1(a) of that order states:

> Each employee has the right, freely and without fear of penalty or reprisal, to form, join and assist a labor organization or to refrain from any such activity, and each employee shall be protected in the exercise of this right.

On the more ominous side, the threat of a new mail strike is being readied as a bludgeon with which to club Congress into rubberstamp approval of the increasingly unpopular Blount-Meany "deal." That is the opinion of many Members of Congress and Capitol Hill observers.

Union officials are threatening to renew their illegal mail strike on June 14 unless their additional 8-percent pay raise—included in the postal reform package—has been approved in Congress by that time.

Very few knowledgeable persons accept George Meany's claim that he has no control over the strikers. Instead, the strike threat is seen as part of the power politics being manipulated by George Meany. He is getting set to accuse Congress of responsibility for the strike because of its failure to pass the reform bill. Meany will attempt to inflame public opinion to force Congress to endorse the Blount-Meany package in order to keep the mail moving.

In effect then we are faced with the prospect of an illegal strike against the U.S. Government to force Congress to yield to demands for a union shop authorization. If we yield we will have told potential Federal employees that if they want to work for their own Government they will first have to pay dues to a private organization. My friend and colleague, the Senator from New Hampshire (Mr. COTTON), said recently that if Postmaster Blount's idea of postal reform is adopted, "control of our postal services is bound to pass from the hands of Congress into the hands of the AFL-CIO."

Let us put this problem another way. Should we enact legislation here that would authorize the firing of loyal Federal employees who refuse to pay dues to a union which promotes illegal strikes?

President John F. Kennedy said "No."

His Labor Secretary Arthur Goldberg said "No."

The 1968 GOP party platform said "No."

And present Federal policy—Executive Order 11491—says no. It protects the freedom of all postal workers whether or not they pay money to a union. But Postmaster General Winton Blount and AFL-CIO President George Meany want to change that. They agreed to include a provision in the postal reform bill which will strip away postal employees' right-to-work protection.

At this point, Mr. President, let me quote from a Scripps-Howard newspaper editorial published in the Washington Daily News on April 17. It bears heavily on the announcement I have to make today. The editorial says:

> Mr. Blount says this agreement, if it goes thru Congress, would permit unions to negotiate for union shops. Union shops require all employees to join the union, whether they want to or not. This is common in private industry, but is it good public policy? In principle, no.
>
> The question for Congress is whether this is too stiff a price to pay for reform of the postal system, desperate as that need is. If the union shop possibility isn't in the package, the whole deal could be defeated by the union lobbies, even though an eight per cent pay raise is at stake.
>
> This is a sharp turn-around in public policy, which Congress should examine with extreme care; and on which outpouring of opinion from the public at large would be decidedly in order.

I also want to mention another so-called reform provision. As an editorial in the Washington Daily News on June 2 pointed out, this bill also imposes an additional burden on the taxpayer by eliminating the current practice of requiring postal unions to pay for the bookkeeping inflicted on the Government by the dues checkoff provision. I do not think that the taxpayer should have to subsidize the unions by paying for the collection of forced union dues.

It is an added insult that these dues are deducted before taxes. The unions are, in effect, provided with tax-free funds which are expended, at least in part, for political purposes—purposes with which the dues-paying union member may not agree.

Yes, Mr. President, the authorization of compulsory unionism for postal workers is a sharp turnaround in public policy, and for that reason it is imperative that this legislative body examine the issue with extreme care. I am sure all of you are already aware that the public has provided an outpouring of opinion. The mail on the union-shop aspect of postal reform is now running second only to Cambodia and virtually all of it is opposed to compulsory unionism.

So, Mr. President, since the issue was not examined with extreme care in committee—no hearings on a 134-page bill were held—it is my intention to hold the hearings on the floor of the U.S. Senate so that the American people can see that we are doing our duty on this issue and so they can know exactly where their own Senators stand on this issue.

A number of my colleagues in this legislative body have already agreed to join with me in informative discussion on this issue once the postal reform bill reaches the floor. It is our hope that when our hearings are ended this legislative body will refuse to approve any postal reform bill that authorizes compulsory unionism. Such action will be no more than a reflection of the will of the vast majority of Americans.

Finally, Mr. President, this informative discussion will be a bipartisan effort in the great tradition of Mr. 14(b), the late Senator Everett Dirksen, who when he announced in 1965 to President Lyndon Johnson that he intended to lead an effort to prevent repeal of section 14(b) of the Taft-Hartley Act said:

> Mr. President, I love Caesar, but I love Rome more.

Mr. President, it is not that we want to oppose the postal reform measure. In fact, I have told the Postmaster General I would support that measure, and I do. I am very hopeful we will have solid support for that measure, but with the postal unionism provision removed.

It seems ironic that, as I understand the situation, we have a great number of people threatening to strike that are not in agreement with adding this provision to the bill. They would like to see the measure approved as early as possible.

It is essential that we carry through and move forward with approval of this legislation at the earliest time possible. No one that I know of in this body questions the need for postal reform. I feel and many others feel it is just a matter

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of the way in which it has been negotiated that is wrong. When we make this type of sacrifice, supposedly to accomplish a worthwhile objective, it can lead to considerable difficulties, and in this instance it could lead to the defeat of the postal reform measure. This we do not want to bring about. It is so important that we provide this protection not only to postal workers, but to the other Government workers that I am sure would be involved later if this legislation is approved.

Therefore, I feel it is highly essential that we thoroughly debate this measure so we can inform the American people in order that we might have their reaction.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. FANNIN. I am pleased to yield to the distinguished Senator from Tennessee.

Mr. BAKER. Mr. President, I begin by commending our distinguished colleague from Arizona for his eloquent statement on this subject at this time.

I think it is important that we fully advise the Senate on the ramifications, importance, and significance of the various provisions of this proposal as considered by the legislative committee prior to the time it is reported to the Senate and we come to grips with the essence of the proposal itself.

I must confess that I am disturbed by the form this bill has taken. I believe I was one of the earliest formal advocates of postal reform in the Senate. It was one of the key issues in my campaign for election to the Senate from my State of Tennessee back in 1966.

The obvious plight of the postal service requires nothing less than a basic reorganization. I am firmly committed in published articles, in public statements, and in colloquy on the floor of the Senate to postal reorganization along these lines—a quasi-governmental corporation or a provision similar to this one—with the single glaring exception of the provision referred to as compulsory unionism.

I wish to state to my colleague from Arizona that my mail has been quite heavy on this subject. I frankly state that the volume, the extent, the distribution, and the nature of that mail convinces me it is not so-called generated mail but that it is mail of genuinely concerned constituents, most of whom are from Tennessee and who are opposed to the change in principle of the employment policy of the Government. Whether it is related to section 14(b) of the Taft-Hartley Act directly, by parallel, or indirectly, it is a change of policy and a change away from freedom of choice in terms of employment and membership in a union, whether in Government service or out.

In the case of private industry, I think my colleague would agree that there is a substantial difference in the nature, type, and responsibility of employment as compared to public employment by the Federal Government. Would the Senator agree with that statement?

Mr. FANNIN. I do agree with that statement.

Mr. BAKER. If we lay aside considerations of the parallelisms of section 14(b) of the Taft-Hartley Act, would the Senator agree there is a basic Federal policy by Executive order endorsed by the platforms of both of our national parties as late as the last national conventions that provides against any requirement that a person join or maintain membership in a union to gain or continue Federal employment?

Mr. FANNIN. The Senator is correct, and I know he is in agreement with it. Under existing law, the standards for examination and employment in competitive civil service are set forth in section 3301, title 5, of the United States Code, and apply to postal employees just as they do to employees in other parts of the Government.

We do have this protection with all of our employees of government and it is a protection we should retain.

Mr. BAKER. Am I correct in my recollection that the Republican National Convention in Miami and the Democratic National Convention in Chicago both include a reference to this provision in their national platforms?

Mr. FANNIN. Yes, and I know that as far as the Republican platform is concerned it was emphatically stated that this provision should be retained.

Mr. BAKER. And the Executive order now in effect has been approved and enforced by both Republican Presidents and Democratic Presidents. Is that not correct?

Mr. FANNIN. The Senator is correct; and the late President Kennedy, former President Johnson, and now President Nixon have so stated.

Mr. BAKER. It seems to me, then, important in connection with our colloquy to remember and keep in mind during the course of debate on this important subject that we are not just talking about the right to work and section 14(b) of the Taft-Hartley Act, but rather that we are talking about a basic and vital change in the policy of the Federal Government in the field of employment.

Mr. FANNIN. Yes. I agree it is a complete turnaround in a policy which over the years has been very acceptable and which has given protection to Federal employees entitled to have it, and it should be retained.

Mr. BAKER. I agree with the Senator. I commend the Senator for the effort he is making in this regard.

I wish to ask this final question. While I am from a so-called right-to-work State, the State of Tennessee, which has through due legislative process elected to avail itself of the provisions of section 14(b) and to outlaw union shops, even if we were not a right-to-work State I would still oppose this provision because I think there is such a distinction between Federal employment on the one hand, even Federal employment in a Government corporation, and private employment.

I fully support the statement of my colleague from Arizona and his proposal in this respect. I intend to support his amendment. I think he is doing a great service to our country in bringing this matter to our attention at an early date.

Mr. FANNIN. I express my gratitude to the distinguished Senator from Tennessee for his statement, and I appreciate his support. I agree we have a very serious problem involving the protection of our Federal employees throughout the land. We should see that they have that protection, just as they have had over the years. The Executive order now in effect is No. 11491, signed by President Nixon on October 29, 1969.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. FANNIN. I am very pleased to yield to the Senator from Kansas.

Mr. DOLE. Mr. President, I have listened to and read the statement of the Senator from Arizona with great interest. When the postal reform bill reaches the floor, as the Senator from Arizona suggested, there will be further discussion of this particular provision and of the proposal to be offered by the Senator from Arizona. I would ask the question raised by the Washington Daily News: Is this too stiff a price to pay for reform?

Every Senator feels the need for postal reform. Every Senator knows there should be reform. The question that will confront the Senate is: What price must be paid for reform? As far as I am concerned, the underlying principle is protection of the Federal employees.

The Senator from Arizona has made an excellent preliminary statement. I join in the statement made by the Senator from Arizona and the comments of the Senator from Tennessee, and suggest that when the bill does come to the floor I shall join in the discussion with the Senator from Arizona. It seems we desperately need postal reform. We also need, as the Senator has indicated, freedom of choice. It is not just the principle of "right to work" which is involved; it goes beyond that. Should Federal employees be fined because they might not choose to join a union? That is the question involved. Call it what you will, the issue involved is compulsory unionism. As the Senator from Tennessee had said, there is a vast difference between private employment and labor and Federal employment and labor policies.

I, too, commend the Senator from Arizona for his statement this morning.

Mr. FANNIN. I thank the Senator from Kansas for his forthright position in this regard. I feel it is too great a price to pay. I do not think it is necessary to pay that price, because I believe if we have the support of the administration on the reform bill with that stipulation removed, we can get it through Congress. I think the Executive order is important. I have referred to it. I would like to read what it says. Section 1 of its general provisions reads:

> Each employee of the executive branch of the Federal Government has a right freely and without fear of penalty or reprisal to join or assist a labor organization or to refrain from any such activity—

I think that is important—

> and each employee shall be protected in the exercise of this right.

In other words, this is a regulation that applies for all Federal employees in all the executive departments of the Government, and they all should have that protection.

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I again express my thanks to the distinguished Senator from Kansas, because I think it is essential that at the time the bill comes before the Senate we thoroughly discuss the matter in order that the people of America can better understand just what is involved. I am sure there will be many times the mail that has already been forthcoming, with the amount of publicity that has been given over the news media, as the time arises for a vote on this issue. So I am very pleased to have had the opportunity to speak on this subject and to have the support of the distinguished Senator from Kansas and the distinguished Senator from Tennessee, who have entered into the colloquy.

Mr. THURMOND. Mr. President, I would like to associate myself with the position so eloquently stated by the able and distinguished senior Senator from Arizona. Senator FANNIN is to be commended for taking a role of leadership in the important fight to preserve the right of the American citizen to serve his Government without being forced to join a union; and, more significantly, to turn over a percentage of his salary to an organization whose motives he may doubt.

Mr. President, it is still a mystery to me that in this country we acquiesce in the establishment of union shops under any circumstances; this is bad enough. But if we allow this repressive device to spread from private industry to the postal union, it will be only a matter of time before it completely permeates the ranks of Federal, State, and local government.

Mr. President, I will have more to say on this subject in the coming days. At this point, however, I just wanted to congratulate the distinguished Senator on the excellent statement he has made and the fine work he has done in this vital area.

Mr. FANNIN. Mr. President, I express my appreciation to the distinguished Senator from South Carolina, and I commend him not only for the work he is doing now, but for the great services he has performed in the past. He has been a champion and protector of the freedoms of the people. We know the outstanding service that he performed when we were debating section 14(b) of the Taft-Hartley Act. He is continuously standing up for what is good for America, and I praise him for that effort and for his comments here this morning.

Mr. HANSEN. Mr. President, I join my distinguished, determined, and able colleague from Arizona (Mr. FANNIN) in opposing compulsory unionism in the postal reform bill as it was approved by the Senate Post Office and Civil Service Committee.

I will join the Senator from Arizona in the informative discussion he has proposed when that bill comes before the Senate and do all I can in support of his effort to preserve the right and guarantee every Federal employee now has to join a union or refrain from joining a union.

As the New York Daily News pointed out in an editorial yesterday:

> The system desperately needs new men, new equipment and new ideas to scour away the rust deposited during years of indifference and neglect. The Administration's plan, we feel, would do just that.

The editorial added a note of caution, however:

> Some labor bosses want to use the postal reform measure to break down the barriers that prevent unions from fastening the union shop yoke on federal employees. They must be thwarted.
>
> As matters now stand, government workers are free to join—or not join—unions according to their own desires. That right of free choice must be preserved.

The Dallas Morning News also had strong reservations about compulsory unionism as have hundreds of other newspapers across the country.

Compulsory unionism is not justified in any free society—much less the government, the editorial said.

Texas, like Wyoming, has a right-to-work law but, as the Dallas News has pointed out, the postal reform bill could very well preempt State laws.

If Texas and Wyoming and other States applied their right-to-work laws to postal employees, unionized workers would be likely to charge unequal protection of the laws in Federal court, arguing that a Federal law ought to apply with equal force to all postal workers and that nonunion members weaken bargaining.

Mr. President, I am greatly concerned over the provisions of this legislation which for the first time would permit a union shop within the Federal Government. I question the wisdom of forcing a citizen of this Nation to join an organization before he is permitted to work for his own Government. It is important that this question be thoroughly debated and the Congress recognize the consequences before any action is taken.

Mr. President, I am glad to join the distinguished Senator from Arizona in his determined effort to remove this grossly unfair requirement from the postal reform bill and preserve the rights of some 200,000 postal workers who do not belong to any union, as well as the laws of those States, including Wyoming, which have passed right-to-work laws for the protection of workers from just such compulsion as this bill proposes.

SENATOR GOLDWATER'S ENDORSEMENT OF NEIGHBORHOOD HEALTH CENTERS

Mr. FANNIN. Mr. President, yesterday the Senate agreed to the conference report on H.R. 11102, which includes authority for the establishment of neighborhood health centers. This measure is expected to be cleared for the President by the House shortly.

My colleague from Arizona (Mr. GOLDWATER) is among the original sponsors of the community health centers approach and he wanted very much to contribute to the legislative history being developed on this measure.

To this end, he had prepared remarks that he intended to give which would clarify the benefits of this program to Arizona. However, he has been detained on official business.

In order that my colleague's remarks might appear in the RECORD while the measure is still before Congress, I ask unanimous consent that the statement of the Senator from Arizona (Mr. GOLDWATER) be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR GOLDWATER

Mr. President, it is a great pleasure for me to see that the hospital and medical facilities bill which has been reported by the Conferees includes two provisions nailing down the Congressional purpose to encourage and assist the establishment of neighborhood health centers.

These provisions are found in the new definition which the bill provides for an "outpatient facility" and in the increased sum authorized for the construction and modernization of such facilities.

This concept is one that has received my strong endorsement and sponsorship since early last year when I joined with the senior Senator from Illinois, Mr. Percy, in the introduction of S. 2037.

In June of 1969 I presented a detailed statement to the Senate Subcommittee on Health urging the adoption of our proposal either in the form of a separate Act or as a part of general legislation to amend the Public Health Service Act. I am extremely pleased that the Senate Committee approved almost all of our concept as an amendment to H.R. 11102 and that it was truly locked into the bill beyond any question thanks to the adoption of two Floor amendments offered during Senate consideration of the bill.

Today I wish to reaffirm my enthusiastic support for the neighborhood health center approach. Basically, I conceive of the idea as one which will offer a new departure towards the goal of meeting the health needs of all Americans, whatever their income and wherever they live.

To achieve this, in a sound and effective way, the legislation which I sponsored, and which is incorporated in the conference bill before us, would seek to improve the system through which health care is provided by giving to local communities and local groups the funding they need to construct or modernize comprehensive health care centers in the neighborhoods and areas where physician accessibility is lowest.

In effect, the neighborhood health care concept would bring health facilities as close as possible to those who need such services. Perhaps it is fair to say that the plan which I endorse would make health care facilities almost as accessible as the corner grocery store.

There are several important advantages to the neighborhood health centers program, and I would like to run down the major benefits as I see them.

1. Comprehensive neighborhood health clinics, staffed by physicians who can treat a wide range of diseases, can provide residents of low-income areas and rural communities with the primary care that is now unavailable to them.

2. This concept will provide a continuity of services by the same doctors to the same individuals in their own neighborhood—a situation that rarely exists at present for those who live in our rural and low-income areas.

3. The plan will concentrate the responsibility for the treatment of a wide range of illnesses at the same facility and by the same personnel, thus overcoming the present tendency for fragmentation of care among specialized clinics. I believe this would reverse the situation, which now occurs too often, in which a person who is sick is refused care because he has the wrong disease.

4. The provision of comprehensive outpatient care at neighborhood centers will re-

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sult in a dramatic reduction of hospital utilization. Through immunizations early diagnosis, and preventive medicine, many diseases will be prevented outright or diagnosed before the need for hospitalization arises. In addition, hospital admissions for diagnostic purposes will be avoided since such services will be given at the clinic.

5. The possibility for adding comprehensive facilities as part of a coordinated county delivery system will enable health officials to develop a network of clinics which will contribute to expanded and better services, both in counties where towns are remote and in counties where the present hospitals are small and might wish to supplement their facilities by contracting with associated clinics.

6. The establishment of neighborhood clinics on a large scale will definitely encourage and make it possible for insurance carriers to offer low-cost health programs because so many kinds of medical services can then be provided in lower-cost areas, with the accompanying factor of a decrease in the number of hospital days per number of covered persons.

7. The development of comprehensive health care clinics will help county and city governments get the most from their health dollar. It is more economical by far to contract for care to be handled by outpatient centers than by hospitals. This point is especially pertinent to our situation in Arizona where almost all of the counties lack a public county hospital and are required to contract for the provision of services with existing private hospitals.

8. The program of neighborhood health centers is sound. It has been proven to be effective where tested in the form of pilot projects and is probably the least costly Federal approach to bringing more and better health services to people in every walk of life.

9. The bill increases the ability of the States and localities to control the resources used for their health needs. The States can certainly adapt their powers and programs far more quickly and wisely to meet the varied needs of their people than it is possible for some administration to do who sits in Washington, D.C. The legislation takes account of this fact by giving local governments and groups one more option to choose from in setting their own priorities.

Mr. President, this completes my review of the general reasons why I am so strongly convinced that the approach set out in this proposal is worthwhile. But now I would like to develop a few thoughts about the intent of the legislation so that a clear history will be made to answer possible questions that may arise in the day-to-day operations under this law.

First, I want the record to be entirely clear that the benefits of the bill are equally intended for our rural areas and small towns as well as for the low-income urban communities. The State of Arizona is interested in this measure from both standpoints as are several other States.

As I see it, the Act will definitely be useful in Arizona by helping to bring health services closer to the indigent senior citizen, or Mexican-American, or American-Indian, or black citizen who resides in one of our urban centers. But it also will be of immense assistance to the citizens of Arizona because it will make comprehensive health care available in the sparsely built-up areas of the State which are remote from any major medical facilities. I would like to remind my colleagues that several counties in Arizona are larger in territorial size than many entire States and yet have a population too small to support more than one public hospital—if that.

In my State, trips of 25 and 30 miles to reach high-quality health centers are commonplace. And, it is not unusual to find the situation where even longer journeys are needed. For example, there is Monave County which has one major facility located in Kingman, the county seat. Now this means that citizens of Wikieup in the same county must travel a distance of more than 50 road miles before they reach a hospital. Or, take the case of Yuma County where residents of Mohawk live over 40 miles from the closest hospital. And, in the northern half of this county, we have another typical situation in that the people of Hope have to go 50 miles in one direction to an Indian hospital at Parker or 50 miles in the other direction to get to the community hospital at Blythe, California.

Mr. President, I could fill the record with similar instances, but these are sufficient to make the point. The legislation must be interpreted broadly to enable the establishment under the Act of neighborhood centers far from the hospital with which they are associated. And, by "far," I want the record to show that I am talking about distances of 50 and 60, or even more, road miles. If this measure is to fulfill the purpose which we want, it is absolutely essential that an expanded construction be given its provisions in the manner which I am describing.

Next, Mr. President, I want to indicate another area where the bill must be interpreted so as to give the broadest meaning to its terms. I hope the regulations developed concerning the definition of "outpatient facility" establish that (a) a center can qualify for construction grants even if it is to be staffed by as few as two or three physicians, so long as these individuals alone or together can treat a wide range of diseases, and (b) a center need not be capable of caring for all or almost all the diseases to which individuals are susceptible in an area, but should merely be able to show that in fact it truly is not a specialty clinic restricted to one or a very few types of illnesses.

Mr. President, before ending my remarks, I would like to say a word about the exciting program which is underway for the operation of a comprehensive health center in Tucson. This pilot project is Arizona's first such neighborhood health center and its establishment indicates the foresight shown by health leaders in our State.

In particular, I want to single out Doctor Herbert Abrams, who is head of the Department of Community Medicine at the University of Arizona in Tucson. In this capacity he is definitely one of the major guiding voices in back of the program.

Also, I should give credit to the many medical leaders of Arizona who gathered together for a conference to explore the inadequacies of health services in both the sparsely settled areas of Arizona and some of the low-income urban centers. It is this conference which truly can be said to have generated the idea of developing a model neighborhood health center in Tucson as a means to provide a high quality of medical care to Arizona citizens near their homes, as well as in the hospital.

The Tucson program is expected to bring preventive and primary care to almost 10,000 residents, many of them for the first time, and I believe many communities throughout the nation will want to follow its lead by using the pending law.

In closing, Mr. President, I want to express my strong hope that the government administrators who are in charge of the new neighborhood health centers program will always keep in front of them the knowledge that the preeminent purpose of this law is to provide the delivery of high-quality health services to all citizens regardless of what they earn or where they live. The guidelines that are set up under the statute must not be so strict that communities which vitally need these services are written out of the bill by administrative decision.

To my mind, the approach used in the pending legislation represents a real opportunity for the nation to deal with one of the most deeply-felt of any human needs—the good health of each citizen. This need is basic to the enjoyment of each individual's personal freedom and I am very pleased that Congress is acting today towards this goal.

THE TRUTH ABOUT COMMUNISM

Mr. FANNIN. Mr. President, during the past several weeks many young persons have come to my office to discuss the war in Vietnam, the disturbances on campus, and the racial problems.

I have been dismayed to hear some of these young people say: "We would be better off under communism." "Communism distributes goods more evenly." "There is no discrimination under communism—it is perfect equality." "The repression in the United States is intolerable."

Communism as practiced in the world today is a totalitarian dictatorship employing all of the brutal, repressive denials of individual freedom which distinguished Nazi Germany and Fascist Italy.

In the Communist-governed countries there is no trial by jury, citizens may not travel without special permits—either inside their country or outside their country. Citizens are not free to choose their place of employment or where they want to live. There is no collective bargaining. The state holds monopoly power over the press, disciplines all writers. Millions of citizens are held as political prisoners, many of whom were convicted without a trial or without the formality of charges.

The Communists come to power by terror and continue in power by exercising terror.

The Communists believe the end justifies the means. Their ethical relativism commands them to lie, cheat, steal, kill, torture—do anything which will advance the Communist goal of world domination.

Western democracies declare that each individual was created by God, endowed with certain inalienable rights, and the objective of western governments is to protect and enhance the rights, privileges, and freedoms of the individual.

Western democracies believe the state should be the servant of the people, not the people the servant of the state.

Communism is not a political system or an economic system. It is a contradiction of all our assumptions concerning the nature of man.

The Communists use each human being as an economic unit and a physical unit and an intellectual unit created to serve the state. From Lenin to Mao, Communist theoreticians have stressed the necessity for the individual to subordinate his interests to the interests of the state.

Any examination of the Communist society reveals that an elite political class enjoys great privileges, that the workers are far worse off under communism than they have ever been under capitalism.

Consider the following facts:

Since the end of World War II, Communist dictatorships have been estab-

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lished in all of these countries—Latvia, Estonia, Lithuania, Poland, Rumania, Czechoslovakia, Albania, Yugoslavia, Hungary, Tibet, the eastern half of Germany, Outer Mongolia, North China, South China, North Korea, Cuba, and North Vietnam. In every one of these countries the Communists came to power by the use of force and terror.

Peace was destroyed in our world with the commencement of World War II, and it was the nonaggression pact between Hitler's Reich and Stalin's Russia which signaled the beginning of that war.

Communist Russia has been involved as instigator, provocateur, and supplier in the takeover of China, the establishment of North Korea, the establishment of Communist rule in Southeast Asia, the maintenance of Communist rule in East Germany, the establishment and maintenance of Communist rule in Yugoslavia, Czechoslovakia, and Hungary, the takeover of Cuba, and the growing tense situation in the Middle East. Everywhere the Communist price for peace is surrender of individual freedom.

Three million North Koreans fled their country to escape communism. Four million Vietnamese left North Vietnam to escape the Communist dictatorship. The Berlin Wall was erected to keep the freedom-loving people of East Germany from escaping to the West.

The following quotations are taken from the statements of Communist leaders:

> As soon as we are strong enough to defeat capitalism as a whole, we shall immediately take it by the scruff of the neck.—*Vladimir Lenin, 1920*
>
> A fight is in progress between these two systems, a life and death combat, but we Communists want to win this struggle with the least losses, and there is no doubt whatsoever that we shall win.—*Nikita Khrushchev, 1963*
>
> In a country where the sole employer is the state, opposition means death by starvation. The old principle, who does not work shall not eat, has been replaced by a new one: who does not obey shall not eat.—*Leon Trostsky*
>
> The end is justifiable by any means. The individual has no rights. The individual is only a cipher. Let me tell you the democratic concept of man is false because it is Christian. The democratic concept of man holds that each man is a sovereign being. This is the illusion, dream and postulate of Christianity.—*Joseph Stalin*
>
> In the materialistic society of the dialectics there is no confusion. Freedom manifests itself only in a classless society. Man's total significance is to be measured by his service to that society.—*Joseph Stalin*
>
> Bortherhood is an expression only of the class solidarity. There are whole categories of men whom I do not care to recognize as brothers. All men are no longer brothers. There is no longer that merely human solidarity.—*Joseph Stalin*

Of law, morality, charity and love, Stalin said:

> There are just so many bourgeois prejudices behind which lurk just as many bourgeois interests.
>
> We have to destroy the present structure of power in the United States. We have to overthrow the government, and the only means possible is violent overthrow.—*Eldridge Cleaver, Minister of Information, Black Panther Party*
>
> You must learn to fight in the streets, learn to revolt, learn to shoot guns. You may have to take that final step. You may ultimately be bathed in blood . . . so will others . . . but you will have to do it.—*William Kunstler, to students at New York's New School*

VIOLENT DEATH—HANDMAIDEN OF COMMUNISM

D. G. Stewart-Smith in his book "Defeat of Communism," estimates that between 1917 and 1964 international communism was directly responsible for 83,000,000 deaths—45,000,000 of these victims were Russians who died in the civil war, famines, liquidation of the kulaks, purge execution, and in concentration camps.

The Communist Moshe Pijade has declared:

> In 1936, 1937 and 1938 over 3,000,000 people disappeared from the earth's surface in the Soviet Union.

If these figures appear to be exaggerations, examine your own memory:

Four to 8 million kulaks starved to death between 1932 and 1934 as a result of the program to collectivize Russian farms. Ten to 12 million in forced labor camps since the beginning of the terror—mortality rate in the camps 30 percent a year.

Eight to 10,000 Polish army officers executed at the Katyn Forest.

Thirty thousand Hungarian freedom fighters killed—100,000 to 200,000 sent to concentration camps in Russia.

At least 5,000,000—perhaps 15,000,000—Chinese executed or starved to death in mainland China.

Five hundred and twenty-five thousand Lithuanians exterminated between 1940 to the middle of 1949.

At least 30,000 Cubans executed by Castro.

Approximately 35,000 civilians executed by the North Koreans.

Sixty-five thousand Tibetans killed by the Communist Chinese.

The respected writer Eugene Lyons in his book "Workers' Paradise Lost" says:

> The best way to visualize Soviet Russia is perhaps to see it as a single company town, rigidly dominated by the state employer, worse in that there is no escape for the worker—there is only one employer, the state, which is equipped with armies, security police, prison camps and arbitrary decrees to deal with recalcitrants.
>
> Differences in income are as wide or wider than in bourgeoise industrial societies, plus extras for the privileged groups that do not show up in statistics.
>
> Economic equality survives only in future tense rhetoric.
>
> The inhabitants are hardly consoled by the fiction that they "own" all industry, and they do—in the same sense that a prisoner owns his prison cell.

Every American should know the truth about communism. As suggested reading: "Workers' Paradise Lost," Eugene Lyons; "Christianity and Communism," John C. Bennett; "You Can Trust the Communists," Dr. Fred Schwarz; "How the Far East Was Lost," Anthony Kubek; "Masters of Deceit," J. Edgar Hoover.

Mr. President, I appreciate the opportunity to present a statement of just what happens when a Communist takeover comes about. I know that the people of this great Nation of ours will work very hard to convince our youngsters that capitalism offers them a great future, communism no future.

Mr. THURMOND. Mr. President, will the distinguished Senator yield?

Mr. FANNIN. I yield to the distinguished Senator from South Carolina.

Mr. THURMOND. Mr. President, I commend the able and distinguished Senator for the meaningful remarks he has just made. I only wish the people of this Nation understood truly the nature of communism, the goals of communism, and the role it is playing today to dominate the world.

WHERE IS AMERICA GOING?

Mr. FANNIN. Mr. President, Dr. Welton P. Shofstall, superintendent of public instruction for the State of Arizona, recently addressed the men of the United Presbyterian Church of Sun City, Ariz. His topic was "Where Is America Going?"

I ask unanimous consent that his timely message be printed in the RECORD at this point.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

WHERE IS AMERICA GOING?

(By W. P. Shofstall)

Rioting, guerrilla warfare and the use of narcotics (including alcohol) here in the United States are merely symptoms of a "neurotic generation" which will destroy free America unless there is a reverse in the current trends in education and government. Most student protestors, criminals, dope users and even some self-professed ministers, are trying to cure a contagious disease with which they, themselves, are seriously infected.

This disease is secular humanism. It is like a cancer in the body politic of western civilization. Secular humanism was the religion of Hitler: it is the religion of Castro and even the little Manson man who is charged with the Tate murders. It's the religion of the priests and nuns who are today breaking their sacred vows. *Secular humanism is the religion that allows men to play God.*

For example, the Hawaiian Legislature just introduced Senate Bill 1421-70 to take effect July 1, 1971; Section 2. Every physician attending a woman resident of this state at the time she is giving birth in the state shall, if the woman has two or more living children, perform such medical technique or operation as will render the woman sterile.

With the help of television and other news media, a small minority of people are succeeding in projecting a false image for everybody. At least we hope it is a false image. This small minority will, however, continue to project a false image so long as they are allowed to do so. You and I must assume the full responsibility for whatever we tolerate. The "silent" majority must act or perish.

Many people seem to accept the notion that our problems are absolutely new and especially that young people are completely different today. We seem to be ignoring all that man has ever learned in the past.

Why do people insist on trying to solve problems only by trial and error and disregard the personal experiences of a thousand lifetimes? Why do they try to learn by experiences in one short life, what it took mankind thousands of years to learn? How can we tell people whose land has never been occupied by an enemy, the importance of national defense? Why do both young and old people seem to believe that, *with only the five senses as a guide*, one learns only from his own trial and error? Why do so many of us seem to ignore the wisdom of the ages? Regardless of the answer or the cause of this stupidity, the result is now-a-days misnamed the current revolution—the consequences of our "neurotic generation" seem to be upon us.

We seem to be expressing the ultimate tendency of civilization to move from adolescence to maturity and back to barbarism. We must break the cycle.

Those who read and believe history know also that future tyrants have *always* told the people their plans in great detail. Our present-day radicals tell us exactly what their plans are. They say the purpose of the guerrilla warfare is to destroy capitalism. Hitler told his plans in "Mein Kampf". Very few read it and fewer believed it. Men such as Marcuse of the University of California and Starsky of Arizona State University tell us exactly what they are trying to do and very few believe them.

We betray the public whenever and if we call this current guerrililla warfare mere dissent. The right to dissent is nearly *sacred* while giving aid and comfort to an enemy is *treason*. The right to dissent is nearly sacred but immorality, pornography and obscenity are anti-social, degenerate and barbaric behavior completely unrelated to dissent.

America is being destroyed and will continue to be destroyed so long as the point of view prevails that a little inflation is good: that our enemies are mellowing: that freedom is free: that our country is not in any serious danger: or that secular humanism is merely the modernization of "the old time religion". To repeat, we must take the full responsibility for whatever we tolerate. If we tolerate anarchy today we will have a police state tomorrow. When or if a police state comes we will plead ignorance but we can't escape responsibility. Ideas have consequences and ignorance of the consequences don't change them one whit.

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But, unless and until there is a change, we will continue to demand our own particular brand of chains. Some obvious facts support this contention. For example, we, the voters, have already literally demanded and obtained a welfare state. And we have only seen the beginning of what politicians must promise the voters for the future in order to get elected. Government intervention is destroying the free market, government intervention is killing incentive of individuals to be either productive or constructive citizens and bringing inflation to all. This, most certainly, will destroy America as a free country. And all these things are being demanded by the voters. The black power advocates and the Chicano advocates are developing into militant racists and purveyors of hate who are destroying the United States as the great "melting pot" of the world. Organized labor and so-called liberals have succeeded in frightening Senators from confirming Judge Haynesworth and are trying the same tactics with Judge Carswell. We seem to be rapidly approaching a dope-oriented society. Yet I'll wager that politicians will soon legalize marijuana. Voters are forcing the legalizing of murder in the form of abortion and our mental health laws will soon legalize political persecution in the name of psychotherapy and the jailing of those who disagree with the party in power. Most serious of all is the fact that our universities are being politicalized. They are rapidly becoming noneducational institutions such as known in South America. A university is an educational not a political institution. This is the sole basis for "academic freedom."

Sidney Hook, in his book entitled *Academic Freedom and Academic Anarchy* highlights the politicalization of the university as follows: "We cannot intelligently believe that the mission of the university is to lead mankind to a New Jerusalem. Any attempt to do so would destroy, among other things, the University's historic function to serve as an intellectual sanctuary when the winds of popular passion blow, and as a center of experiment, heresy, and reflective dissent." He is saying that academic freedom can be destroyed in the name of academic freedom.

Some say that the only place a professor can damage or destroy academic freedom is *within* the clasroom. The logical person will ask how can you keep academic freedom within the classroom, and destroy the classroom which is the only place for academic freedom to exist? It is like saying a man's house is his castle while you burn it down or confiscate it. Some say a man who is a good teacher is doing no wrong as a professor. That's like saying a con-man is doing no wrong as a salesman. Or, that Hitler did no wrong as a politician. The professor is the only person who can reserve academic freedom. Those outside academe can only destroy it. Those trying to destroy the university because it represents the establishment, or for any other reason, are destroying and not preserving academic freedom.

Unless we reverse the suicidal trend toward the destruction of freedom, and we can if we know what we want and are as dedicated as our enemies, local autonomy will disappear in the public schools and universities. When anarchy comes people demand a police state in the name of common sense. Those who are creating chaos in our country know this fact and we had better learn it before it is too late. Why are we such a silent majority willingly being led like lambs to the slaughter by a pitifully few human judas goats?

If you tell the average person, young or old, that our enemy is atheism or secular humanism he will look at you and say, "so what? What's dangerous about atheism? Isn't humanism loving your brother? Humanists are at least not hyprocrites." The secular humanist won't even listen when you tell him that in the Soviet Union alone, at least 40 million innocent people have lost their lives in the last fifty years. More than 40 million innocent people in Red China were murdered in half that time. Furthermore he will demand that we withdraw our troops and turn the South Vietnamese over to be murdered by the hundreds of thousands. He gives no thought to the fact that the murderers of these hundreds of thousands will not be hypocrites. They are what Eric Hoffer calls "true believers." They are true secular humanists.

Perhaps Cicero put it best, "Not to know what has been transacted in former times is to be always a child. If no use is made of the labors of past ages, the world must remain always in the infancy of knowledge."

Max Eastman said, in his book, Reflections on the Failure of Socialism, "I still think the worst enemy of human hope is not brute facts, but men of brains who will not face them." The "brute facts" about the guerrilla warfare, to destroy capitalism and freedom, are not nearly so discouraging as the "men of brains who will not face them." And the first brute fact is that we are rejecting the Judaic-Christian tradition as our religion and substituting secular humanism. We don't have a revolution in America such as we had in 1776. We have a civil war. It is a civil war between those who believe in America and those who would destroy America. And, how many men of brains do you know who face this "brute fact?"

Many of the men of brains I know are horrified by the words Nazi and Fascist but see no great danger in socialism without the Ten Commandments. They seem unable to face the fact that socialism without the Ten Commandments is secular humanism and must ultimately become a police state. A benevolent dictator cannot remain benevolent and in power for long. Men who consider themselves no more than super-intelligent animals will eventually act like animals.

We already worship man much more than we worship God. We have already lost the battle for men's minds and souls when ever we deny God and moral law and since most of us accept secular humanism as the religion of the public schools.

I don't know if such "brute facts" make any of you feel any more optimistic about the future or any more happy about the present. Neither was my goal. My goal was to show that the civil war we call a revolution exists because of popular beliefs. The civil war we call a revolution will be over as soon as, but not before, taxpayers and lawmakers really face the facts about the consequences of their own fundamental beliefs and convictions.

We know that many very fine young people, and equally fine older citizens, are involved in no more than an honest quest for change. But, although change is essential, sympathizing with rioters, demonstrators, pornographers, dope users, murderers and traitors, in order to get much needed changes is much like asking the surgeon to cut off your head in order to cure a headache. Sidney Hook makes this point even more clear: ". . . This logic is comparable to justifying arson because it has led to more efficient methods of putting fires out."

Doesn't it seem ridiculous that anyone would tolerate those who are trying to destroy capitalism, our educational system, our constitutional republic, etc.? With one-sixteenth of the world population, we have created more new wealth than all the other millions of people in the entire world combined? We have also more blacks in college in the United States than in all other countries of the world combined. As a recent editorial in the Arizona Republic said: *"What is the matter with us in America?* Here we stand, on the threshold of the '70s—the strongest, freest, most compassionate and humane nation on earth; yet from all sides we daily hear intemperate assaults on our way of life, our cherished values, our inspired traditions and our national character . . . the so-called 'American Establishment' is accused of permitting poverty to continue in this country. Don't the accusers know that even an American living on welfare or unemployment insurance in the United States has a higher income than almost any Chinese, almost any Italian, almost any citizen of Africa or Latin America? We are told by the downgraders of America that our system is oppressive of freedom. Can they name a country that permits more personal freedom, willingly extends more private charity (over $6 billion per year), guarantees more civil rights, has more democratic institutions, more free speech, more freedom to travel, more of every quality that makes the good, rewarding and promising?"

And, we could go on and on listing the achievements of the free enterprise system or "one nation under God." But, this makes absolutely no impression whatever upon the secular humanist . . . he honestly believes in the social gospel as the way toward the fulfillment of mankind's age old dream of Utopia. And most of the secular humanists I know actually believe the age-old Christian heresy that man is perfectible and utopia is possible.

Secular humanism has been with us for three hundred years or more. Its acceptance seems to be almost universal. It seems to have conquered the world. But, truth will out. God is still in His heaven. All is not right with the world, by any means, but people seem to be beginning to realize that their dreams are empty and that the god of secular humanism has feet of clay. If history is our guide we know that in death there is, first destruction then rebirth.

In a time of destruction, such as ours, growth is not too conspicuous. In a forest being cut down or newly burnt over the little sprouts of fresh growth do not loom too large but they are there.

Secular humanism is dying and when any religion begins to die, the people turn against it. Mobs ransack and burn the temples, mock, defy and express contempt for its priests, and hurl stones and abuse at its defenders. Once the faithful believers suspect that the God is dead and that the priests are hypocrites, their bitterness is intense. They may be better off materially, as we are, but because man does not live by bread alone, the death of man's God is always a painful thing for those who have lost faith. I saw this in Nazi Germany after World War II.

We are losing our faith in secular humanism because it has not solved our basic problems but rather aggravated them. For example, malaria and small pox have been largely eliminated, but ulcers and heart attacks have replaced them. Like the angry disillusioned believers of old, we turn on our priests, the educators; and on our temples, the schools; and cry "Burn, baby burn!"

Secular humanism has deeply infected and captured even the Roman Catholic Church, the Protestants, including even the "Evangelical" Churches. Faith in man is the essence of humanism, and it is the foundation of modern politics and economics. Paper money is a fitting symbol for our dying world; and like other symbols of humanism, paper money too is being burned, today, in this case by inflation. As I have heard about riding a motorcycle in heavy traffic, one can say about those who embrace secular humanism: "You don't have to be crazy but it helps."

In conclusion, may I summarize: Men are now searching for salvation primarily because secular humanism has failed. May God give us the wisdom to learn from the costly mistakes of others rather than undergo the agony of repeating the tragic history of the Germans, the Iron Curtain countries, the Chinese, the Cubans, and civilizations before which have tried to live by bread alone and without belief in a Supreme Being. We still have a choice. And, as Edmund Burke said: "The only thing necessary for the triumph of evil is for good men to do nothing."

Mr. FANNIN. Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Ohio (Mr. Young) is recognized for not to exceed 20 minutes.

SENATOR BAYH TALKS SENSE ABOUT THE ECONOMY

Mr. YOUNG of Ohio. Mr. President, on June 4, 1970, our distinguished colleague, the Senator from Indiana (Mr. Bayh) addressed the constitutional convention of the AFL–CIO in Cleveland, Ohio. In his outstanding speech, Senator Bayh described the deplorable state of the economy and made sound and sensible suggestions for dealing with it.

Senator Bayh observed:

> During the 1968 election campaign, candidate Nixon promised a program to solve our economic problems. Since the election his misguided economic policies have achieved a remarkable economic paradox—unprecedented inflation coupled with an economic downturn on a scale that can only be termed a recession.

Mr. President, the distinguished Senator from Indiana has been a leader in the fight to reduce inflation by opposing extravagant military boondoggles. He has long been aware that the tens of billions of dollars spent for war and military hardware contribute far more to inflation than a few million dollars for education and housing.

Senator Bayh's remarks to the AFL–CIO in Cleveland deserve the attention of all Senators. I ask unanimous consent that his speech be printed at this point in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Speech by Senator Birch Bayh

The state of the union is uncertain, the state of the economy is deplorable and the administration's state of mind about how to deal with both is confused.

Higher prices, higher interest rates, growing unemployment—these are painfully evident to any housewife on her trips to the supermarket, to any young couple attempting to buy their first home, to any factory worker who has lost his job.

Early last year the President's economic advisers were confidently predicting that their "balanced budgets" and "tight money" would bring inflation down to three percent by the end of the year. But 1969 ended with a cost of living increase of 6.1 percent and the rate of increase rose even higher in the first three months of this year.

But what does all this mean for you? It means you now pay 12 cents a dozen more for eggs than you did in December of 1968. It means you pay 7 cents more for a pound of hamburger, 5 cents more for a pound of chicken and 14 cents more for a pound of porkchops.

Medical costs are up more than 6 percent in the past year. Medical insurance rates are rising even faster. In some areas the cost of a hospital room has soared as much as 25 percent since President Nixon took office. Construction costs rose an average of 7½ percent in the year ended March 31 and this means housing is more costly for you and for me.

The national consumer price index continues to climb at an annual rate of better than 6 percent, the highest rate in 20 years. This means your paycheck has to stretch farther every week.

Democrats invariably get credit from many people for any and all inflation. And we must acknowledge that the Nixon Administration inherited an inflationary situation caused by escalating war costs in 1967–68 that were not covered by compensating increases in federal revenues. But the reins of government and of economic policy have been in the hands of Richard Nixon for more than 16 months now. During the 1968 election campaign, candidate Nixon promised a program to solve our economic problems. Since the election his misguided economic policies have achieved a remarkable economic paradox—unprecedented inflation coupled with an economic downturn on a scale that can only be termed a recession. We have experienced nothing comparable since the dark days of the Eisenhower-Nixon recession of 1957–58.

The economy today has a familiar pattern—a pattern outlined by Richard Nixon in October of 1968 when he said, "The way to stop inflation is to reverse the irresponsible fiscal policies which produce it." In attempting to halt inflation this administration has reversed the economy. The administration continues to pursue its disastrous economic policy despite clear evidence that it is not working.

Eight months ago, in October of last year, the AFL–CIO recognized the folly of the administration's economic policy and warned that what has now happened would happen.

In a report last October the AFL–CIO Executive Council said:

"The blunderbuss, general form of restrictive economic policies, tight money and sky-high interest rates can finally affect the big corporations by pulling down the whole house—by so depressing the incomes and demands of workers, farmers and smaller businesses that the sales and profits of the big blue chip corporations are finally affected.

"These policies of general restraint are dangerously wrong in the setting of 1969. They are ineffective in combatting profit inflation and the capital investment boom of the larger companies. But they hit home building, consumers, smaller businesses and workers' jobs. And they can become effective in curbing the activities of the big corporations only by depressing the entire national economy."

The administration refused to heed the warning, however, and indeed the entire economy is being depressed.

Personal income from the private sector was down one billion dollars in the first quarter of this year.

The Gross National Product declined 3 percent in terms of real dollars in the first quarter of the year.

Corporate profits before taxes were down 7 percent, representing a loss of more than 10 billion dollars from a year earlier.

Unemployment has soared from 3.3 percent when Nixon took office to 4.8 percent and is still rising. For black workers the rate is 8.7 percent.

New U.S. home sales dipped 8 percent in March and were down 24 percent from March of 1969. The home building industry has sagged alarmingly and construction jobs have declined accordingly. Unemployment among construction workers now stands at 8.1 percent.

The words "credit crunch" and "tight money" have acquired a special meaning and significance for anyone trying to buy a home. The Nixon policy says, in effect, raise interest rates high enough and you will drive demand down. In our first year of Nixonomics federally financed mortgage rates increased 26 percent and effectively priced most families out of the housing market. The need for housing still exists, but those families who need it most cannot afford it. Today, a $20,000 house with a 30-year mortgage will cost the buyer more than twice that amount—$55,000—$35,000 of which is interest.

Last December a Democratic Congress passed legislation specifically designed to give relief to this crucial sector of our economy, one which affects the living conditions of so many American families. It gave the President discretionary power to use selected controls to regulate credit and interest rates when he deemed such action necessary. It also allowed the Secretary of the Treasury to divert funds into the home loan market. Even though his own advisers have admitted the housing industry is well into a recession, the President has yet to use this authority. With homes in Washington, San Clemente and Key Biscayne it may be that it is difficult for the President to appreciate the plight of the average home buyer.

Not only has the President failed to use the credit and interest controls Congress gave him, he has failed to use the power of his office to speak out against exhorbitant price increases in concentrated industries. Just one week after taking office, Mr. Nixon announced that he would in no way interfere with pricing and wage decisions. Today he continues to maintain that wage-price guidelines and "jawboning" used by his Democratic predecessors were not effective. But a close examination of the facts prove him wrong.

Let me give you just a few examples for industries which felt pressure from Democratic Presidents to hold their price increases within reasonable bounds.

Crude industrial materials increased prices by 11 percent in 1969, compared with less than 2 percent in 1968. Copper prices increased five times in 1969 for a 24 percent rise compared with 5.3 percent between 1966 and 1968. In the eight years of the Kennedy-Johnson Administration, metals and metal products increased in price at a rate of less than 3 percent a year. But between December 1968 and November 1969 the price of non-ferrous metals alone increased by 18 percent. Selected steel products rose in price more than 6 percent in 1969, compared with 1.5 percent between 1966 and 1968.

It is this area of concentrated industries where wage-price guidelines and "jawboning" could be most effective. But Mr. Nixon announced only a week after taking office that he would in no way interfere with the pricing and wage decision of business and labor. And he refuses to utilize these valuable tools of persuasion.

The wage-earning American, the small businessman and the retired person on fixed income are the ones who have been forced to foot the bill for inflation. And to make the problem doubly difficult the average American family, already suffering from increasing inflation and high interest rates, also faces the growing threat of unemployment.

Since President Nixon took office unemployment has risen to a four-year high. More than four million Americans are now unemployed. More than a million have lost their jobs in the first 16 months. In the first five months of this year unemployment has increased at the fastest quarterly rate since the last quarter of 1960 during the Eisenhower-Nixon Administration. The average work week is below 40 hours for the first time since 1962 and this is reflected in the fact that the amount of the average weekly pay check actually dropped between January and February of this year.

The chairman of President Nixon's Council of Economic Advisers has said, "We are going to have to learn to live with a very uneasy compromise between unemployment and the price problem."

Compromise is fine. I believe in compromise. I am a member of a body famous for compromise—the U.S. Senate. But I fail to see the value of a compromise that results in rising prices and rising unemployment. Certainly we had to do something about increasing inflation. But it has been apparent for months that our economy was slowing down. Our GNP actually dropped slightly in the last quarter of 1969. And it dropped again in the first quarter of 1970 and it is still dropping. I am afraid we are once again heading for a Republican recession similar to the Eisenhower-Nixon recession of the late 1950's that left America with a 7 percent unemployment rate when John F. Kennedy became President. As all too many Americans vividly remember, jobs once lost are not always quickly regained.

For the workers whose over-stretched salary shrinks with a shorter work week to the man who wants and desperately needs work but cannot find a job, it is not enough to be told that "prices have priority," that the economy will have to go through a period of "painful readjustment."

The administration has projected an unemployment rate of 4.3 percent for 1970. But with the unemployment rate now standing at 4.8 percent even some Republican economists are predicting an unemployment rate up to 6 percent. Such an increase in unemployment would mean at least one million more Americans will pay with their jobs for Nixon price priorities and readjustments.

An unemployment rate of 6 percent coupled with an inflation rate of more than 6 percent will spell disaster for all too many Americans. It is unacceptable and unconscionable.

A Democratic Congress has attempted to avoid such a disaster. We cut the President's budget for 1970 by more than $6 billion, asking only that he use a small part of our overall savings for vital education and health programs. As you know the President vetoed the funds for schools, calling them inflationary. He did not, however, veto funds for the ABM. Indeed he is asking for more billions for ABM deployment this session.

We in Congress gave the President credit and interest control, which he refused to use. We have shown concern. We acted. But we do not control the reins of economic policy.

The real weakness of this administration's blind reliance on a tight budget and tight money designed to create a below potential economic growth pattern is that we are in serious danger of slipping into another era of economic stagnation. Fortunately, we managed to weather such a period of unnecessarily high unemployment in the 1950's without irreparable damage to our social fabric. But this is not the 1950's.

I believe a legitimate question is: Can the tense and divided America of 1970 risk running below par for several years? On January 3, 1969, Presidential advisor Daniel Moynihan wrote a memo to President Nixon in which he discussed how the president might go about bringing this divided country together.

"The single most important task," Moynihan said, "is to maintain the rate of economic expansion. If a serious economic recession were to come along to compound the controversies of race, Vietnam, and cultural alienation, the nation could indeed approach instability.

"It would be my judgment that the great prosperity of the 1960's is the primary reason we have been able to weather this much internal dissension."

The President rejected Moynihan's advice and opted for a policy which relies on significant unemployment to inflation. More than a year has passed, prices and unemployment have continued to rise, and the country remains tense and divided. Unemployment in the ghettoes of our major cities is creeping up while the southern strategy makes it increasingly clear that equal opportunity for our minority citizens has low priority on the administration's scale of values. Such circumstances are unlikely to promote social tranquility in the hearts of our major cities or meet the rising expectations of American's minorities.

It is time, past time for the President to take appropriate steps to put the nation's economic house in order, to prevent a needless recession, to decrease the likelihood of a further division in our social fabric.

NIXON WAGING WAR BY PRESIDENTIAL DECREE

Mr. Young of Ohio. Mr. President, shortly following the time President Nixon, on his own, without consulting Congress or asking Congress to take action, and without consulting or informing his Secretary of State and Secretary of Defense, undertook the invasion of Cambodia, a sovereign nation whose neutrality the United States had guaranteed, a very fine and convincing article was published and this comment I believe is unanswerable.

Our President undertook to make war by Presidential decree. It is shameful that this President who seems to have regarded himself as a strict constructionist of our Constitution is himself guilty of violating the clear provisions in the Constitution of our country in ordering the invasion of Cambodia by our ground troops and air power.

Our soldiers are despoiling a faraway nation whose people are friendly and peace loving. Many of them have been killed and their hamlets and homes destroyed due to the President's act of war. This despite the wishes of Congress and a majority of the American people.

Mr. President, I ask unanimous consent that the first part of this rather long article in the New Yorker be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Talk of the Town

As the defeated British regiments marched past the files of French and American troops at Yorktown, the British bands, in detached resignation, played "The World Turned Upside Down." The same tune would have been an appropriate accompaniment to the events of last week. For the two-hundred-year-old American system came under its most serious attack in modern times, not from the poor, the blacks, or the students but from the White House—the fount, the pinnacle, the keystone of the established order. President Nixon became the first President in the history of the United States deliberately to order American forces to invade another nation on his own, without seeking congressional approval or support. This order was in disregard of the Constitution, the tempering strictures of our history, and the principles of the American democracy. It was, therefore, an act of usurpation.

Few prohibitions are more clearly set forth in the Constitution. That document makes the President Commander-in-Chief, and explicitly states that only Congress shall have the power to declare war or raise armies. The Federalist Papers reaffirm what the law makes clear: the term "Commander-in-Chief" meant only that the President could direct to make war. Hamilton wrote that the President's power would be much less than the power of the British King, for "it would amount to nothing more than the supreme command and direction of the military and naval forces, as first General and Admiral of the Confederacy; while that of the British King extends to the declaring of war and to the raising and regulating of fleets and armies—all which, by the Constitution under consideration, would appertain to the legislature." This was no casual division. The fear of military power under the control of a central government was one of the most serious popular objections to the establishment of the new nation. The only way this could happen, the founders responded, was by a "continued conspiracy" between the executive and the legislature. In this case, Hamilton advised, "the people should resolve to recall all the powers they have heretofore parted without of their own hands . . . in order that they may be able to manage their own concerns in person." As sophisticated men, the Founding Fathers foresaw some of the dangers that lay ahead. They recognized explicitly that formal declarations of war were going out of style, but they still required our legislature to declare war. They saw "how easy would it be to fabricate pretences of approaching danger," but they said that this would demand "a combination between the executive and the legislative, in some scheme of usurpation." In other words, the Constitution would protect the American people against the misuse of military power by prohibiting the executive from going to war without congressional approval and prohibiting Congress from directing the war it had started. Even this was dangerous, they acknowledged, but it was the best that could be done.

For over a hundred and sixty years, the Constitution was followed. Congress declared the War of 1812, the Mexican War (even though there had been a somewhat provoked attack on our troops), the Spanish-American War, and both World Wars. In the period after the Second World War, things began to change. The development of Soviet atomic power, the military impotence of Western Europe, and the shock of Korea impelled us toward the creation of a large peacetime standing Army—the first in our history. It was seen that a sudden emergency might require instant action, with no time to go to Congress. This implied exception to Constitutional principle was based on the technological realities of atomic war, and it has been invoked only once—when we intervened in the Dominican Republic. That intervention, however, was based on the claim that action within hours was necessary to protect the lives of Americans trapped between the contending forces—simply a traditional rescue operation. This claim may well have masked other motives, but American forces were not committed to combat, and support of the congressional leadership was sought and received within hours of the order to intervene and before the Marines had actually landed.

In Korea in 1950, President Truman acted pursuant to a resolution of the Security Council, whose powers had been confirmed by the Senate when it consented to ratification of the United Nations Charter. In addition, Truman met with the congressional leadership of both parties before ordering combat forces into action, and he received their unanimous support, along with that of the defeated Republican nominee, Thomas Dewey. Nor was there any doubt of the overwhelming public and congressional approval of his action—at least in the beginning. (The same week, the draft was extended with only four dissenting votes.) President Eisenhower sought, and received, congressional resolutions authorizing him to act in the Middle East and in the Formosa Strait. President Johnson himself asked for a resolution at the time of the Gulf of Tonkin incident, and it was the literal verbal scope of this resolution that was construed as authorizing all subsequent action in Vietnam. Yet such a construction was clearly an evasion, and it was at this point that the great Constitutional principle began to decay.

Now President Nixon has taken a giant step. Not only has he evaded the spirit of the Constitutional division of powers but he has deliberately ignored its plain meaning and intent. He has decided that he will go to war in Cambodia because he feels it necessary, no matter what Congress wants or what the people think. He has even implied that such willful disregard of the people and their elected representatives is an act of noble self-sacrifice, and has hinted that we should admire his courage in exceeding the limits of his Constitutional powers. The war in Cambodia was not an emergency. There was time enough to present the matter to Congress for a swift decision. Indeed, unconcealed debate within the executive branch went on long enough to permit the Vietcong to evacuate the threatened area. But the President did not follow the precedent of all his postwar predecessors by seeking assurance of congressional support, either formally or though meetings with the leadership. Rather, he made war by fiat. He has thus united in himself the powers that the Constitution divides and that have remained divided through our history. And this comes from an Administration that proclaims its devotion to "strict construction."

This is not a technical, legal question. In import, it transcends a challenge to the wisdom of the war itself. The President, in effect, has said, "I, and I alone, have decided to go to war in Cambodia." Where does he get that power? The Constitution denies it to him. He is not acting under the necessity of instant reaction. He has the power only because he asserts it, and because the armies follow. In a world in which conflicts are interrelated, there is no limit to the possibilities unfolded by this reasoning. He can invade Laos and Thailand, where Communists are active. He can enter North Vietnam itself. He can attack China, which is both a sanctuary and a source of supply for the North Vietnamese. Nor is the Soviet Union exempt, since it, too, helps our adversaries in Vietnam. Such an assertion of authority is not among the prerogatives of a democratic leader in a republic of divided powers. Our democracy is not an elective dictatorship. It is a government in which all elected officials have carefully limited powers.

PREVENTIVE DETENTION WOULD PREVENT JUSTICE

Mr. YOUNG of Ohio. Mr. President, the District of Columbia omnibus crime bill now being considered in conference contains repressive provisions which could drastically curtail individual liberties guaranteed all Americans in the Bill of Rights. One of the most dangerous and offensive of these is the so-called preventive detention provision in the House version of the bill.

This blatantly unconstitutional proposal authorizes the imprisonment and punishment of persons for crimes which they have not yet committed and may never commit. It is totally repugnant to American tradition. It is a clear violation of the fifth, sixth, and eighth amendments to the U.S. Constitution. If the conference committee reports the District of Columbia crime bill with the abominable preventive detention provision included, I shall vote against that bill.

The fifth amendment clearly states that no person "shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law." Preventive detention is a flagrant violation of that guarantee of due process. The most fundamental principle of due process is the presumption that a man is innocent until proven guilty beyond a reasonable doubt. Under our system of justice, the Government cannot deprive a man of his liberty, and should not deprive a man of his liberty, on the basis of a mere accusation or assumption that he has committed a crime or is likely to do so.

However, the proposed preventive detention law will permit the imprisonment of individuals on the claim of "probable" guilt and "dangerousness"—I am quoting from the bill as passed by the House of Representatives—and the jailing of those individuals for 60 days without trial. Suspects, regardless of the court's ultimate verdict, will have been jailed not for actual crimes but for crimes a judge thought they might commit if permitted to remain free.

Mr. President, these are the tactics of a police state. They are totally foreign to our concept of justice.

The preventive detention measure under consideration by the conferees attempts to avoid the due process of law argument by providing for a predetention hearing, which proponents claim would protect an accused. However, the customary rules of evidence would not apply in a preventive detention hearing. Hearsay and other legally inadmissible evidence would be admissible and considered by a magistrate. In reality, such a hearing would provide the accused no protection whatever. In fact, it would in many cases do him an irreparable injustice and jeopardize his rights in an eventual trial to determine his guilt or innocence of the crime which he has been accused of committing.

The hearing procedure for preventive detention also does violence to the fifth amendment guarantee against double jeopardy. If the judge in a pretrial detention hearing finds no "substantial probability" that a suspect committed the crime with which he has been accused of committing, any attempt to prove guilt at a subsequent trial would very likely constitute double jeopardy.

The right of an accused person to have the effective assistance of counsel for his defense, clearly provided in the sixth amendment, would be virtually destroyed by preventive detention. Access to counsel and the opportunity to participate in preparing a defense would be severely restricted. The measure being debated in conference provides for a suspect's temporary release "for good cause." This provision is meaningless, however, because release is only at the pleasure of the custodial official while the accused is in the custody of a U.S. marshal—a condition hardly conducive to contacting a lawyer or prospective defense witnesses.

Perhaps the most direct affront to the Constitution of the United States inherent in preventive detention is its disregard of the eighth amendment, which guarantees that "excessive bail shall not be required."

Mr. President, those 10 amendments to the Constitution of the United States, which we Americans affectionately term the "Bill of Rights," were adopted on the demand of those patriots who won the war for independence. The Constitutional Convention at that time consisted of 54 members, many of them businessmen from Massachusetts and Pennsylvania, or wealthy planters from Virginia and Georgia. Those men were conservatives at that time. There was an uproar from the homes of every liberty-loving man in this country, especially from the homes of the patriots who had won the war for independence, when the gazettes of that time first published the Constitution of the United States as drafted. It was on the demand of those patriots who had worked for victory that the first ten amendments, which we affectionately term the "Bill of Rights," were written into the Constitution and it was because of them that the Constitution was ratified by a sufficient number of the original States. We must never weaken any part of the Bill of Rights by repealing it or softening any of its provisions.

Bail has traditionally been used to assure the appearance of a criminal suspect at trial. If bail is set at a level higher than necessary to insure appearance of a criminal suspect at trial. If bail is set at a level higher than necessary to insure appearance, it is obviously excessive. Yet, that is what is happening in the court of general sessions here in the District. Judges fix bail at $50,000 or $100,000 and often, when a serious offense has been committed, the accused is held without any bail at all.

With the preventive detention rule, a suspect would not have the opportunity for any bail whatever—whether excessive or not. Excessive bail and preventive detention are therefore identical in effect. They constitute an equally unjust and unconstitutional assault on the eighth amendment.

Preventive detention is manifestly unconstitutional. Furthermore, assuming for the sake of argument that it would be sustained by the courts, it is an impractical procedure and contrary to sound law enforcement procedures.

The most crying need in the fight against crime is reform of our court systems. Speedy trials, firm determination of guilt or innocence, and swift sentencing for the guilty would do more than anything to cut into the growing crime problem. As a former chief criminal prosecuting attorney of Cuyahoga County, Ohio, I believed then as I do now that certain punishment like a shadow should follow the commission of a crime. Yet, the preventive detention procedure would add special hearings onto already clogged court calendars. The practical effect would be devastating. The overwhelming majority of criminals not being detained would roam the streets longer as court backlogs increased. Justice would be delayed even further. Justice delayed is justice denied.

Courts in the District of Columbia presently face an almost insurmountable criminal case backlog of 10 to 12 months. It takes that length of time, on the average, from arrest of an accused to the time he is brought before a court for trial.

I suspect one reason is that the judges here do not work as hard, as long, or as industriously as they should. What is needed in the District of Columbia are speedier trials of criminal cases, not more burdensome pretrial hearings. Also, there is need for more judges of integrity and backbone, judges who apply themselves with industry instead of delaying the administration of justice and manifesting the backbone of a jellyfish. On many occasions, when a criminal or a culprit pleads guilty and is brought before the judge, he may be sentenced publicly to some days or months in the workhouse and then, later on, that same day, or the following day, when the defendant's lawyer comes around, he changes the sentence and places the culprit on probation. That is what I mean when I say there are too many judges, particularly in the District of Columbia, with the backbone of a jellyfish.

Mr. President, officials of the Law Enforcement Assistance Administration of the Department of Justice have released an enlightening and informative study on bail reform. This study was initiated by officials of the Justice Department many months ago after they had proposed its preventive detention legislation. Usually, officials in any administration search out the facts, assess the problems, and then develop a legislative solution to meet them. In this case, the Justice Department and the Attorney General, a Wall Street lawyer, and senior partner of the President of the United States, an expert on municipal bonds, who as a lawyer never appeared in court to try a criminal case or to prosecute a criminal case—did just the reverse.

Attorney General Mitchell and his underlings, in effect, shot an arrow into the air, and then worked feverishly to paint a target around the spot where the arrow landed.

Interestingly enough, the Justice Department study proves just the opposite of what Department officials had claimed. The study shows that of all persons charged with felonies, only 7 percent are rearrested for a second felony. Only 5 percent of those originally charged with a violent crime are rearrested for another violent crime.

The figures apply, of course, to arrest only. The rates for actual guilt and conviction of the crimes charged would be even lower, because frequently juries, in their wisdom, bring in verdicts of not guilty.

If preventive detention is enacted into law, judges will be placed in the position of determining the one person out of every 20 or 25 accused who they believe may commit a second felony or violent crime. No mere mortal can be expected to perform such an act of prophecy. It is an immense power which our judges have never had and should not now be given.

Mistakes would certainly be made. Those who would be jailed under false pretenses would suffer irreparable harm. Sixty days of detention prior to trial would in most cases cost the individual his livelihood. Absence from home would severely cripple family relations. Worst of all subjection to the physical and psychological degradation of jail life would create criminal tendencies, or aggravate any such tendencies which exist.

Mr. President, last Sunday the Criminal Law Council of the American Bar Association voted disapproval of the preventive detention sections of the District of Columbia crime bill. The criminal law section, whose members include prominent defense attorneys, prosecutors, and judges, is one of the most widely respected groups in the legal profession.

The council's deliberations were considered so important that key Justice Department and congressional committee staff members made special appearances before the council to defend the District of Columbia crime bill. It is most significant when such a prestigious body opposes a piece of crime legislation. The views of the criminal law council deserve our careful consideration.

Crime in the District of Columbia is a most serious problem requiring strong, effective legislation. No Senator or no Representative feels more strongly than I that such legislation should be enacted into law as soon as possible. However, the crime problem will not be solved by unconstitutional laws designed to fulfill election promises which should never have been made. It will not be solved by abandoning the Bill of Rights.

As I have stated, the Bill of Rights is precious to all Americans. And it must be preserved. It must not be weakened. Certainly we cannot control crime in this country by doing violence to the guarantees afforded in our Bill of Rights, because if we abandon those, we would then be adopting the tactics of fascist and Communist dictatorships.

If preventive detention and other repressive measures remain a part of the District of Columbia crime bill, it should be allowed to die unwept, unhonored and unsung.

Mr. President, preventive detention would not prevent crime; it would only prevent justice.

[Applause in the gallery.]

The PRESIDING OFFICER (Mr. LONG). Under the rules of the Senate, demonstrations are not permitted in the Senate. Any demonstration of that sort is prohibited.

The Chair requests that the persons demonstrating in the galleries leave immediately.

The Chair instructs the Sergeant at Arms to see that the persons who applauded in that gallery depart.

FREE SPEECH

Mr. YOUNG of Ohio. Mr. President, the right to dissent is often mentioned by speakers today who cite the Boston Tea Party and our Revolutionary War as examples justifying defiance of law and order. What commentators overlook is the fact that violent dissent was necessary in Revolutionary days just before the commencement of the War for Independence, because there was then no other way to enforce the wishes of the people, but when our Government was established the Founding Fathers made sure that the people could express their opinions through orderly and constitutional processes. In addition "the right of the people peaceably to assemble and petition the Government for a redress of grievances" was guaranteed by the Constitution. There is absolutely no need for, nor right to violent revolutionary dissent in our United States.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. LONG). Under the previous order, the Senate will proceed to the consideration of routine morning business with a 3-minute limitation.

SHIPMENTS OF POISON GAS FROM OKINAWA

Mr. MAGNUSON. Mr. President, I have recently received a communication from the YMCA Youth Legislature of the State of Washington indicating the grave concerns not only of our young people but of the population in general over announced plans by the Pentagon to make shipments of poison gas from Okinawa.

The YMCA Youth Legislature of the State of Washington is an example of how responsible and patient young men and women would rather deal with the issues.

I ask unanimous consent that the letter from Washington State's youth governor, Morris Johnson, and the attached memorial to the President of the United States and to the Congress passed by the 1970 Youth Legislature of Washington be made a part of the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

XUM

STATE OF WASHINGTON,
OFFICE OF THE YOUTH GOVERNOR,
Seattle, April 25, 1970.

DEAR SENATOR MAGNUSON: On April 25, the YMCA Youth Legislature of the State of Washington passed a memorial relating to the banning of transportation or storage of nerve gas and/or any products of biological warfare through the State of Washington. Enclosed is a copy of this memorial and we hope you will give it your deepest consideration. The citizens of Washington are highly concerned about this matter and we hope you will use the power invested in you to prevent this shipment, and similar future shipments, from passing through any area in our United States.

Duly concerned,

MORRIS JOHNSON,
Youth Governor.
BARRY RAU,
Youth Attorney General.
SUE DEJARNETT,
Youth Secretary of State.

1970 YOUTH LEGISLATURE OF WASHINGTON: A MEMORIAL

A memorial, to the Congress of the United States, relating to the banning of transportation or storage of nerve gas and/or any products of biological warfare through the State of Washington.

Section 1. To the Honorable Richard M. Nixon, President of the United States and to the Senate and the House of Representatives of the United States in Congress assembled:

Whereas the people of the State of Washington have petitioned their state legislature to make this request, we your memorialists resolve that nerve gas and/or products of biological warfare shall not be transported in, across, through, or stored within the State of Washington.

Be it resolved that copies of this Memorial be immediately transmitted to the Honorable Richard M. Nixon, President of the United States, the Secretary of the United States Senate, the Clerk of the United States House of Representatives and to the members of the United States Senate and the United States House of Representatives from this state and to the Honorable Melvin Laird, Secretary of Defense, and the Honorable Robert Finch, Secretary of Health, Education and Welfare.

Mr. SCHWEIKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SUPERSONIC TRANSPORT AIRCRAFT

Mr. BYRD of Virginia. Mr. President, the administration has proposed the expenditure of $290 million during the next fiscal year for the supersonic transport aircraft, commonly called the SST.

This is only one installment toward payment of the Government's share of the costs of this airplane. The total is estimated to be about $1.3 billion of taxpayers' funds.

The supersonic transport would be a remarkable plane.

It would fly at speeds up to 1,800 miles an hour, would carry 300 passengers and would have a range of up to 5,000 miles. It is easy to see why the President and the aviation industry are enthusiastic about development of this aircraft.

I do not believe, however, that this is the proper time for the use of tax funds for the development of the SST.

We are in a highly inflationary period. The economy has not yet recovered from the $25 billion deficit in Government finances in fiscal 1968. Consumer prices continue to soar.

This is not the time to authorize $290 million for a program that is not essential to our security or to our welfare.

I am struck, too, by the fact that under the present plan, 85 percent of the funds required for development of the SST will come from the Government. I do not believe this can be justified.

Never before in our history has the Government paid the cost of the development of a commercial airplane. The 85 to 15 ratio to me is clearly unreasonable.

Both aviation manufacturers and the airline industry stand to profit from the SST. It seems to me that they should be asked to bear considerably more than 15 percent of the financial burden of developing this airplane.

Furthermore, we have no assurance, if this project is carried out, that $1.3 billion will be the ceiling for Government costs. An official of the Department of Transportation has said that it might become necessary for the Government to help finance actual production of the plane.

In the past, officials have indicated that the Government's share of the costs would be confined to the development stage. If Government financing is also used for production, Government costs could soar an additional billion dollars, or more.

Advocates of immediate development of an SST by the United States often argue that it is important for us to lead the world in aviation. But it is not possible for the United States to be first with the SST—it will be at least 5 years behind the version being produced jointly by France and England, and another being developed by the Soviet Union.

The aviation industry of the United States does not need the prestige of the SST. Its technological achievements are universally recognized.

In addition to these arguments, there is the question of the environmental effects of SST. Experts have testified that this aircraft would cause widespread sonic booms, which could be both annoying and dangerous if the plane were permitted to fly over land areas.

Until the problem of the sonic boom is licked, the plane can be used only for overseas flights.

Economic studies indicate the SST will lose money if it is confined to flights over water. This is bound to create economic pressure to permit overland flights, with the resultant danger of widespread sonic booms.

The SST does not seem to me to rank high in any system of national priorities. There are many other programs which seem to me more vital to the security and welfare of the United States.

All of these factors enter into my own decision to oppose funds for the SST for fiscal 1971.

But I think the most important single factor is that of inflation. Congress would be setting a poor example for the Nation if it were to approve huge expenditures for the SST at a time when it is vital that the inflationary cycle be halted by getting Federal spending under control.

UNUSUAL ACTION BY SENIOR CLASS AT VIRGINIA POLYTECHNIC INSTITUTE

Mr. BYRD of Virginia. Mr. President, I want to tell my colleagues in the Senate today about something strange and unusual which happened in Virginia.

Last Saturday morning, the senior class at the Virginia Polytechnic Institute bought a quarter-page advertisement in the State's largest newspaper. In this advertisement, the students addressed an open letter to the Governor, to the State Legislature, to parents, alumni, and taxpayers—thanking them for their support of the school.

The letter, signed by class president Lester F. Langhans III, of Corning, N.Y., and class treasurer Harris B. Turner of Richmond, Va., expressed appreciation for the privilege of attending college. They attributed campus disruptions to a minority that has "managed to present a very unrealistic picture of the American college student."

The Virginia Polytechnic Institute is a State-supported college of 10,000 students. It is situated at Blacksburg in Montgomery County in the southwest part of our State.

Virginia Tech was the site last month of disturbances in which two campus buildings were seized. President T. Marshall Hahn, Jr., reacted swiftly and firmly against the disruptions and suspended more than 100 students who participated in the actions.

The class president said the advertisement, authorized by the senior class officers and purchased by class treasury funds, resulted from a realization that "nobody ever thanks the taxpayers for making it possible for students to attend college."

Expressing appreciation for all types of support shown for their school, the students said to both parents and State:

> Thank you for your financial backing and for preserving the principles of our country that makes it possible to obtain an education. Thank you for giving us an opportunity.

As a Senator from the State of Virginia, I am proud of this action taken by the officials of the senior class of the Virginia Polytechnic Institute.

How refreshing it is.

I commend, too, Dr. Hahn for the swiftness and firmness with which he handled those students who sought to disrupt the education of their fellow-students.

It seems to me that it is very important that college administrators show not only understanding and fairness in dealing with their students, but also firmness.

Dr. Hahn did all of this—and perhaps this firmness helped inspire the very unusual action taken by the class of 1970 at the Virginia Polytechnic Institute.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of the open letter.

XUM

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

An open letter: Governor Linwood Holton; Members of the General Assembly; Parents of Members of the Class of 1970; Alumni of Virginia Polytechnic Institute; Taxpayers of the Commonwealth of Virginia.

Thank you. During this period of national turmoil, much public attention has been focused on this nation's institutions of higher learning. A small minority of students have managed to present a very unrealistic picture of the American college student. The majority of the academic community has continued within the framework of society to attain a goal of higher education.

It is at this time that we the members of the Graduating Class of 1970 of the Virginia Polytechnic Institute do wish to thank you for the support that has been given to us and to our university. Thank you for your financial backing and for preserving the principles of a country that makes it possible to obtain an education. Thank you for giving us an opportunity.

Graduating Class of 1970, Virginia Polytechnic Institute.

LESTER F. LANGHANS III,
Class President.
HARRIS B. TURNER, JR.,
Treasurer.

Mr. BYRD of Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that the order for the quorum call the rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

XUM

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed a bill—H.R. 15712—to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for titles I through IV through fiscal year 1971, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill—H.R. 15712—to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for title I through IV through fiscal year 1971, was read twice by its title and referred to the Committee on Public Works.

ENROLLED BILLS SIGNED

The ACTING PRESIDENT pro tempore (Mr. EAGLETON), announced that on today, June 9, 1970, he signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

H.R. 10184. An act to provide for the disposition of judgment funds of the Sioux Tribe of the Fort Peck Indian Reservation, Montana; and

H.R. 15166. An act authorizing additional appropriations for prosecution of projects in certain comprehensive river basin plans for flood control, navigation, and for other purposes.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. EAGLETON) laid before the Senate the following communication and letters, which were referred as indicated:

PROPOSED SUPPLEMENTAL APPROPRIATION (S. DOC. 91-98)

A communication from the President of the United States transmitting a proposed supplemental appropriation for the fiscal year 1970 in the amount of $50,000,000 for the Department of Labor, with an accompanying paper was referred to the Committee on Appropriations, and ordered to be printed.

REPORT OF COMMUNICATIONS SATELLITE CORP.

A letter from the President, Communications Satellite Corp., transmitting, pursuant to law, a report of the corporation, dated April 20, 1970 (with an accompanying report); to the Committee on Commerce.

REPORT ON LOAN TO THE CENTRAL IOWA POWER CORPORTATION, MARION, IOWA

A letter from the Acting Administrator, Rural Electrification Administration, Department of Commerce, transmitting, pursuant to law, a report relating to a $5,000,000 loan of a planned $20,415,000 loan program for the Central Iowa Power Cooperative, Marion, Iowa (with an accompanying report); to the Committee on Appropriations.

REPORT ON LOAN TO THE CORN BELT POWER COOPERATIVE OF HUMBOLDT, IOWA

A letter from the Acting Administrator, Rural Electrification Administration, transmitting, pursuant to law, a report relating to a $5,000,000 loan of a planned $20,125,000 loan program for the Corn Belt Power Cooperative, Humboldt, Iowa (with an accompanying report); to the Committee on Appropriations.

REPORT ON DEPARTMENT OF DEFENSE CONTRACT FROM SMALL AND OTHER BUSINESS FIRMS

A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, a report on Department of Defense procurement from small and other business firms for July 1969–March 1970 (with an accompanying report); to the Committee on Banking and Currency.

PROPOSED CONCESSION CONTRACT, CROW INDIAN TRIBE OF MONTANA

A letter from the Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed concession contract under which the Crow Indian Tribe of Montana will be authorized to provide facilities and services for the public, within the portion of Bighorn Canyon National Recreation Area lying within the State of Montana (with an accompanying paper); to the Committee on Interior and Insular Affairs.

REPORT ON MINOT EXTENSION, GARRISON DIVERSION UNIT, MISSOURI RIVER BASIN PROJECT, NORTH DAKOTA

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a report on the Minot Extension, Garrison Diversion Unit, Missouri River Basin Project, North Dakota, dated July 1969 (with an accompanying report); to the Committee on Interior and Insular Affairs.

ADMISSION INTO THE UNITED STATES OF CERTAIN DEFECTOR ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting admission into the United States of certain defector aliens (with accompanying papers); to the Committee on the Judiciary.

AUDIT REPORT FOR THE AMERICAN SYMPHONY ORCHESTRA LEAGUE, INC.

A letter from a certified public accountant, transmitting, pursuant to law, the audit report for the American Symphony Orchestra League, Inc., dated March 31, 1970 (with an accompanying report); to the Committee on the Judiciary.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. EAGLETON):

A joint resolution of the Legislature of the State of California; to the Committee on Appropriations:

"ASSEMBLY JOINT RESOLUTION NO. 6

"Relative to flood control projects

"Whereas, In March 1938, December 1955–January 1956, and January–February 1969, the Mill Ditch, Fancher Creek, Dog Creek, Pub Creek, Dry Creek, Redbank Creek, Mud Creek, Holland Creek, more particularly known collectively as the San Joaquin-Kings River Interstream Group, have caused severe flood damage in the Fresno-Clovis metropolitan area as well as other urban and farming areas of the County of Fresno and urban and agricultural areas in adjacent counties; and

"Whereas, Such streams are largely uncontrolled and do not have the capacities to hold back the surface runoff generated from a heavy rainfall, as was recently demonstrated by the 1969 floods, when such streams caused millions of dollars of damage to both public and private property in the Fresno metropolitan area, and many farming and urban communities of Fresno County and adjacent counties; and

"Whereas, Existing projects constructed by the Corps of Engineers in 1928 and the Fresno Metropolitan Flood Control District in 1962 have reduced, but not eliminated, flood damages from that group of streams; and

"Whereas, The nature of this flooding from the foothill surface runoff cannot be handled by planned local drainage facilities of the Fresno Metropolitan Flood Control District encompassing the Fresno-Clovis metropolitan area for the reason that such facilities are designed strictly for local surface runoff generated solely by urban development; and

"Whereas, In 1969, the President of the United States declared Fresno County a disaster area by reason of the severity of the flooding and the resulting damage; and

"Whereas, It is necessary that dams and other facilities be constructed upon the various foothill streams and tributaries running into the San Joaquin Valley in order to control such floodwaters during periods of extreme rainfall and to prevent floodwaters from damaging the rural, urban and metropolitan areas through which these streams and tributaries run; and

"Whereas, A study of the San Joaquin-Kings River Interstream Group by the U.S. Army Corps of Engineers was authorized by Congress in 1956; and

"Whereas, Due to the critical need for flood protection from runoff from the stream group, the U.S. Army Corps of Engineers, which is highly qualified to make studies of flood prevention, plans to initiate a study of that group as part of its San Joaquin River Basin study this fiscal year, or under the Redbank and Fancher Creek study, if that authorized investigation is funded this year; and

"Whereas, It is necessary that an immediate study of this problem and of the facilities which will be required in order to prevent further disastrous floods in the future be undertaken; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to make an appropriation for the purpose of allowing the U.S. Army Corps of Engineers to make an immediate study on the need for flood control projects on the San Joaquin-Kings River Interstream Group, together with the dams and flood control facilities required, the design criteria therefor, and the cost of such facilities; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Interior and Insular Affairs:

"Assembly Joint Resolution No. 13

"Relative to oil drilling sanctuaries

"Whereas, The California Legislature has created certain sanctuaries in which leasing of state owned tide and submerged lands for oil and gas development is prohibited or controlled; and

"Whereas, These sanctuaries and the coastal lands adjacent to them will be in serious jeopardy of pollution of disastrous proportions if leases are granted for oil, gas, or other minerals exploration and exploitation in federal submerged lands oceanward of the existing state sanctuaries; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to prohibit oil and gas development operations on such submerged federal lands off the California coast as would represent an extension to the outer continental shelf of the boundaries of the oil drilling sanctuary areas which have been created with respect to certain tide and submerged lands of the state; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of the Interior, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of Alaska; to the Committee on Interior and Insular Affairs:

"Joint Resolution 101

"Supporting a fair and equitable settlement of the Alaska Native land claims

"Be it resolved by the Legislature of the State of Alaska:

"Whereas the Alaska Native remains as he has for more than a century, without title or the security it affords on lands that he and his ancestors have occupied and used for generations; and

"Whereas the Alaska Native neither deserves nor wishes to continue as a "ward" of the government, in a self-perpetuating "second class citizenship"; and

"Whereas until the Native land claims issue is settled, the social and economic progress of the Alaska Native—indeed of all Alaska—will continue to be seriously impeded and diverted from its rightful place; and

"Whereas the United States Senate Interior and Insular Affairs Committee has recently approved and reported to the Senate a bill which would authorize a combination of cash payments, mineral royalties and land selections in settlement of the Native land claims;

"Be it resolved that the Sixth Alaska State Legislature, in recognition of the importance of this issue to every Alaskan citizen, strongly urges and supports a fair and equitable, early settlement of the Alaska Native land claims; and be it

"Further resolved that the Sixth Alaska State Legislature commends Senator Henry M. Jackson, Chairman, and the members of the Senate Interior and Insular Affairs Committee for their diligence in researching the Native lands question and their efforts in bringing the matter before the Senate.

"Copies of this Resolution shall be sent to the Honorable Richard M. Nixon, President of the United States; the Honorable Spiro T. Agnew, Vice President of the United States; the Honorable Walter J. Hickel, Secretary, Department of the Interior; the Honorable John W. McCormack, Speaker, U.S. House of Representatives; the Honorable Richard B. Russell, President Pro Tempore, U.S. Senate; the Honorable Henry M. Jackson, U.S. Senator and Chairman, Senate Committee on Interior and Insular Affairs; the Honorable Wayne N. Aspinall, U.S. Representative and Chairman, House Committee on Interior and Insular Affairs; and to the Honorable Ted Stevens and the Honorable Mike Gravel, U.S. Senators, and the Honorable Howard W. Pollock, U.S. Representative, members of the Alaska delegation in Congress.

"The following officers of the Legislature certify that the attached enrolled resolution, Senate Joint Resolution No. 101, was passed in conformity with the requirements of the constitution and laws of the State of Alaska and the Uniform Rules of the Legislature.

"Passed by the Senate May 20, 1970.

"Brad Phillips,
"*President of the Senate.*

"Attest:

"Betty Hanifan,
"*Secretary of the Senate.*

"Passed by the House May 28, 1970.

"Jalmar, M. Kerttula,
"*Speaker of the House.*

"Attest:

"Constance H. Paddock,
"*Chief Clerk of the House.*

"Attest:

"Keith H. Miller,
"*Governor of Alaska.*"

A petition signed by sundry citizens, praying for the enactment of the bill (H.R. 15959) relating to the disposal of bottles and cans; to the Commitee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPARKMAN, from the Committee on Banking and Currency, without amendment:

S. 3889. A bill to amend section 14(b) of the Federal Reserve Act, as amended, to extend for 2 years the authority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury (Rept. No. 91–918).

By Mr. CHURCH, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 2012. An act to amend the act of October 25, 1949 (63 Stat. 1205), authorizing the Secretary of the Interior to convey a tract of land to Lillian I. Anderson (Rept. No. 91–919); and

H.R. 9854. An act to authorize the Secretary of the Interior to construct, operate, and maintain the East Greenacres unit, Rathdrum Prairie project, Idaho, and for other purposes (Rept. No. 91–920).

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. SAXBE:

S. 3935. A bill to amend the Federal Water Pollution Control Act, as amended, to provide financial assistance for river basin programs; to the Commitee on Public Works.

(The remarks of Mr. Saxbe when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. ERVIN (for himself, Mr. Hart, Mr. Bayh, Mr. Hughes and Mr. Young of Ohio):

S. 3936. A bill to give effect to the sixth amendment right to a speedy trial for persons charged with offenses against the United States, and to reduce the danger of recidivism by strengthening the supervision over persons released on bail, probation, or parole, and for other purposes; to the Committee on the Judiciary.

(The remarks of Mr. Ervin when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. RANDOLPH:

S. 3937. A bill to designate as wilderness the Cranberry, Otter Creek, and Dolly Sods areas in the Monongahela National Forest in West Virginia, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SPARKMAN:

S. 3938. A bill to amend title VII of the Housing and Urban Development Act of 1965; to the Committee on Banking and Currency.

By Mr. SMITH of Illinois:

S. 3939. A bill to amend the Federal Aviation Act of 1958 in order to provide for an Air Travel Protection Agency; to the Committee on Commerce.

(The remarks of Mr. Smith of Illinois when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. MATHIAS (for himself and Mr. Percy):

S. 3940. A bill for the relief of certain employees of the Department of Defense; to the Committee on the Judiciary.

By Mr. SCHWEIKER (for himself, Mr. Scott, Mr. Bennett, Mr. Brooke, Mr. Cranston, Mr. Goodell, Mr. Hart, Mr. Hughes, Mr. Kennedy, Mr. McGee, Mr. Montoya, Mr. Packwood, Mr. Percy, Mr. Williams of New Jersey, and Mr. Young of Ohio):

S. 3941. A bill to provide civil penalities for the use of lead-based paint in certain dwellings; to the Committee on Banking and Currency, by unanimous consent.

(The remarks of Mr. Schweiker when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. HRUSKA:

Senate Joint Resolution 208. Joint resolution to authorize and request the President to proclaim the period January 10, 1971, through January 16, 1971, as "National Retailing Week"; to the Committee on the Judiciary.

S. 3935—INTRODUCTION OF A BILL TO PROVIDE FINANCIAL ASSISTANCE FOR RIVER BASIN PROGRAMS

Mr. SAXBE. Mr. President, in 1914 the Ohio Legislature, in special session, created the Ohio Conservancy District Act dedicated to the single purpose of flood control. Subsequently, several regional conservancy districts were established in my State.

The basic Ohio Conservancy Act has been amended on numerous occasions since 1914 in order to broaden the scope of responsibilities which Ohio conservancy districts might accept, with the approval of property owners and public agencies in the regional watershed. For example, the Miami Conservancy District serving the Great Miami River watershed has planned and intends to implement the following programs: a regional waste water treatment facility, installation of floating aerators, a stream appearance program, low-flow augmentation, a water quality data network, and an incinerator for the disposal of nonaqueous liquid residuals—gas, oil, and paints.

To date the Federal funds channeled to this particular district have amounted to about one-third of the funds for management and planning purposes. This Federal involvement, initiated in January 1969, will end December 1971, as the grants through section 3(c) of the Federal Water Pollution Control Act are not considered continuing nor may they be extended.

For this reason, I introduce today a bill amending section 7 of the Federal Water Pollution Control Act to enable these intrastate agencies, with jurisdiction over interstate streams—such as the Miami Conservancy District—throughout the Nation, to continue planning, while implementation is underway under a regional plan of a State or States. This proposed amendment provides support for the implementation of a basin water quality management plan, which would include the planning, construction, operation, and maintenance of waste treatment facilities and other basin water quality management activities. If a basin water quality management plan has been approved by the Governor or Governors of States concerned and is determined by the Secretary of the Interior to meet criteria in the Federal act, the administrative costs of implementing such plan for a river basin or portion thereof for a period of 3 years would be supported. Conservancy districts need extended Federal funding for detailed planning to continue their awesome task of cleaning up our rivers and streams on a regional basis.

Mr. President, I introduce for proper reference a bill to provide financial assistance for river basin programs.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3935) to amend the Federal Water Pollution Control Act, as amended, to provide financial assistance for river basin programs, introduced by Mr. SAXBE, was received, read twice by its title, and referred to the Committee on Public Works.

S. 3936—INTRODUCTION OF A BILL TO ENFORCE THE SIXTH AMENDMENT RIGHT TO SPEEDY TRIAL

Mr. ERVIN. Mr. President, on behalf of the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. BAYH), the Senator from Iowa (Mr. HUGHES), the Senator from Ohio (Mr. YOUNG), and myself, I introduce for appropriate reference a bill to give effect to the sixth amendment right to a speedy trial for persons charged with offenses against the United States, and to reduce the danger of recidivism by strengthening the supervision over persons released on bail, probation, or parole, and for other purposes.

There is one aspect to the current controversy over preventive detention which has received perhaps less attention than it deserves. Preventive detention is a reaction to the steadily worsening ability of our criminal justice system to cope with the demands placed upon it in the modern era. Greater numbers of defendants, greater rates of crime, longer delays in trial and appeal, assembly line justice, inadequate staffing of courts and supporting personnel, and a tragic and disgraceful corrections system—these are among the serious difficulties which beset our criminal justice system. Preventive detention is one answer that has been offered in response to the ills besetting our judicial system. But preventive detention will not cure. What it will do is paper over the decay of the courts, and hide ills which must be remedied. It will enable us to operate much as we have in the past, because the fruits of this crisis will be hidden from our eyes. Defendants will languish unseen in jails awaiting trials that will be ever longer in coming if we continue our failure to face the true problems and to propose serious means to solve them. If we adopt preventive detention as the panacea, I fear that we will have yet another excuse to ignore the hard work that must be done to reform our courts. All the manifestations of our failures—delayed trials, the pretrial crime those delays foster, injustice to citizens, and disrespect of the law—will be hidden from view.

We must face the fact that our criminal justice system is breaking down. We must not react to this breakdown, however, by the institution of new repressive devices which do violence to constitutional principles and which threaten to burden the system even more. Instead, we should finally do what is constitutionally required. We must take steps to make the sixth amendment right to a speedy trial—a right so far denied both society as well as the defendant—a reality after all these years.

In this spirit I introduce in the Senate today a proposed "Speedy Trial Act of 1970." This bill attacks the problem of delayed trials and pretrial recidivism from three directions. First, it requires each Federal district court to set trials within 60 days of the date of an indictment or information. It establishes a limited opportunity for delays in trial—only those required by other proceedings involving the defendant, or those absolutely necessary for the holding of a fair trial. It bars delays caused by inadequate judicial resources, and seeks strongly to discourage procrastination by counsel.

The speedy trial provisions of this part of the bill apply in four stages: first, to those persons accused of serious felonies and not released prior to trial; second, to those accused of serious felonies and released prior to trial; third, to those accused of other felonies and not released; and finally, to all other persons accused of nonpetty offenses.

The bill requires each district court to establish plans for the implementation of the speedy trial requirements of the legislation and the sixth amendment. It also provides for the report to Congress of the funds and personnel needed to implement the speedy trial requirements.

This is possibly the most important part of the bill. It will for the first time require the executive and judicial branches to make a comprehensive assessment of their resources and their requirements for an efficiently functioning criminal justice system. They will then present to Congress their evaluation of the resources which they find lacking. Congress then will make its own comprehensive assessment of the resources necessary to assure speedy and fair administration of the criminal law. The choice then will be clear. If we desire a modern, efficient, and well-run judicial system—one which will truly and effectively perform its function of punishing and rehabilitating law breakers and deterring crime—we will know what it will cost and how much of an effort is required. If the Nation truly wants law and order, and not merely a panacea, it will pay that cost.

The second approach to insuring speedy trial and reducing pretrial recidivism is the authorization for additional penalties for crimes committed while on release. This section fills gaps in the Bail Reform Act, but it avoids the easy temptations of near-sighted or repressive measures to deal with pretrial crime.

Third, the bill authorizes the creation of demonstration "Pretrial Services Agencies" in five Federal districts, including the District of Columbia. The agencies will be responsible for making bail recommendations, for supervising and controlling persons released on bail, for assisting in the providing of medical, employment, and other services to these persons, and for performing other functions designed to insure the reduction of pretrial crime, nonappearance for trial, and unnecessary pretrial detention. These agencies are designed to put into operation the recommendations of the many committees which have surveyed the operation of the Bail Reform Act and pointed out our persistent failure to make that act work as it was intended and as it should.

When we truly reform our bail machinery and make the Bail Reform Act work as it was intended and as it should, I am confident that we will then be in a position to take a step that has long been needed—the complete prohibition of money bail in amounts beyond the ability of a defendant to pay. We can then eliminate what has been properly called the "hypocrisy" of extralegal preventive detention through the use of high money bail.

I believe there is no disagreement that unreasonably high money bail set for the purpose of preventive detention violates the eighth amendment stricture against unreasonable bail. There is no disagreement on the desirability of eradicating the injustice of having pretrial freedom turn on an individual's wealth or poverty. There is, of course, a fundamental dispute of principle of whether to increase the preventive detention which now exists, or to eliminate it entirely. I believe that if the courts can be made to

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operate efficiently, quickly, and justly and if we devote enough attention to the legal and proper methods for reducing pretrial crime, we can reach the point where excessive money bail, and perhaps all money bail, can be eliminated.

The passage of a law insuring the sixth amendment right to a speedy trial would be a revolutionary step in our criminal law. It would be revolutionary despite the fact that for 180 years the Constitution has required speedy trial. I do not underestimate the difficulty of making speedy trial a reality after all these years. There are problems involving the time-honored "right" of defendants to delay trial as long as they can; there are problems of insuring adequate resources to make the courts work as they should; and there are problems in seeing that all parties, judges, defense counsel, and prosecutors—not to mention the Congress—devote the energy and attention that will be required to make the sixth amendment right a reality and not a platitude.

I commend this proposal to the scrutiny of the Justice Department and the other witnesses who will appear to testify on this proposal. I hope that they will analyze and criticize this bill carefully; not in a spirit, however, of proving that speedy trial is impossible, but in the spirit of improving this proposal so that it can be a realistic and effective means of implementing the constitutional right to speedy trial. I caution that I propose this bill in the spirit of stimulating debate and placing before the Congress a concrete proposal in place of vague proposals for speedy trial. Whether this bill or something entirely different is the proper device for making the sixth amendment right a reality, I hope will be clarified in future hearings. I am convinced, however, that the time has come to put aside fear-sponsored proposals like preventive detention, and begin to deal with the difficult problems which face us today in the area of criminal justice.

I ask unanimous consent that the text of the bill and a sectional analysis of it be printed in full in the RECORD at this point.

The PRESIDING OFFICER (Mr. BYRD of Virginia). The bill will be received and appropriately referred; and, without objection, the bill and analysis will be printed in the RECORD.

The bill (S. 3936) to give effect to the sixth amendment right to a speedy trial for persons charged with offenses against the United States, and to reduce the danger of recidivism by strengthening the supervision over persons released on bail, probation, or parole, and for other purposes, introduced by Mr. ERVIN (for himself and other Senators), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 3936

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Speedy Trial Act of 1970".

TITLE I—SPEEDY TRIALS

SEC. 101. Title 18, United States Code, is amended by adding immediately after chapter 207 a new chapter 208, as follows:

"CHAPTER 208—SPEEDY TRIALS

"Sec.
"3161. Time limits and exclusions.
"3162. Sanctions.
"3163. Effective dates.
"3164. District plans.

"§ 3161. Time limits and exclusions.

"(a) When a defendant charged with an offense against the United States first appears before the court for the setting of release conditions under section 3146 the judge shall, after consultation with the counsel for the defendant and the United States Attorney, set a day certain for the trial.

"(b) The trial of a defendant charged with an offense against the United States shall be commenced as follows:

"(1) Within sixty days from the date the defendant is arrested or a summons is issued, except that if an information or indictment is filed, then within sixty days from the date of such filing;

"(2) If the indictment or information is dismissed upon motion of the defendant and thereafter the defendant is charged with the same crime or a crime based on the same conduct or arising from the same criminal espisode, within sixty days from the date the defendant is so charged; or

"(3) If the defendant is to be tried again following a mistrial, an order for a new trial, or an appeal or collateral attack, within sixty days from the date of the mistrial, order granting a new trial, or remand.

"(c) The following periods of delay shall be excluded in computing the time within which the trial of any such offense must commence: "(1) Any period of delay resulting from other proceedings concerning the defendant, including but not limited to, an examination and hearing on competency, any period of delay resulting from the fact that he is incompetent to stand trial, or resulting from an examination and treatment pursuant to section 2902 of title 28, United States Code, and any period of delay resulting from hearings on pretrial motions, interlocutory appeals, or trials with respect to other charges.

"(2) Any period of delay during which prosecution is deferred by the United States Attorney pursuant to written agreement with the defendant for the purpose of allowing the defendant to demonstrate his good conduct.

"(3) Any period of delay resulting from the absence or unavailability of the defendant.

"(4) If the information or indictment is dismissed upon motion of the United States Attorney and thereafter a charge is filed against the defendant for the same offense or any offense required to be joined with that offense, any period of delay from the date the charge was dismissed to the date the time limitation would commence to run as to the subsequent charge had there been no previous charge.

"(5) A reasonable period of delay when the defendant is joined for trial with a codefendant as to whom the time for trial has not run and there is good cause for not granting a severance. In all other cases the defendant shall be granted a severance so that he may be tried within the time limit applicable to him.

"(6) Any period of delay resulting from a continuance granted at the request of the defendant or his counsel upon a showing of good cause, if such request is made more than fifteen days prior to the date set for trial, but in no event shall any such period of delay be excludable for any period in excess of seven days.

"(7) Any period of delay resulting from a continuance granted at the request of the United States Attorney upon a showing of good cause, if such request is made more than fifteen days prior to the date set for trial, but in no event shall any such period of delay be excludable for any period in excess of seven days.

"(8) Any other period of delay resulting from a continuance granted at the request of the defendant or his counsel or the United States Attorney upon a finding by the judge that, unless such a continuance is granted, the ends of justice cannot be met. No such period of delay resulting from a continuance granted by the court in accordance with this paragraph shall be excludable under this subsection unless the court, after first having considered the right of the defendant to a speedy trial and the public interest in a prompt disposition of the case, sets forth in writing in the record of the case its reason for granting such continuance.

"§ 3162. Sanctions.

If a defendant, through no fault of his own or his counsel, is not brought to trial as required by section 3161, the information or indictment shall be dismissed on motion of the defendant. Such dismissal shall forever bar prosecution for the offense charged and for any other offense required to be joined with the offense. Failure of the defendant to move for dismissal prior to trial or entry of a plea of guilty shall constitute a waiver of the right to dismissal.

"§ 3163. Effective dates.

"(a) The time limitations in section 3161 (a) shall apply—

"(1) to defendants charged with any of the following offenses in informations or indictments filed more than 90 days after the effective date of this Chapter, and continuously held in custody on such charge:

"(A) murder;
"(B) voluntary manslaughter;
"(C) rape;
"(D) carnal knowledge of a female under the age of sixteen, or taking immoral, improper, or indecent liberties with a child under the age of sixteen years;
"(E) robbery;
"(F) burglary;
"(G) kidnaping;
"(H) arson;
"(I) assault with a dangerous weapon;
"(J) assault with intent to commit any offense;
"(K) mayhem;
"(L) unlawful sale or distribution of a narcotic, depressant, or stimulant drug (as defined by any Act of Congress), if the offense is punishable by imprisonment for more than one year;
"(M) threatening, injuring, or intimidating any prospective witness or juror for the purpose of obstructing or attempting to obstruct justice;
"(N) extortion or blackmail accompanied by threats of violence; or
"(O) an attempt or conspiracy to commit any of the foregoing offenses, as defined by any Act of Congress, if the offense is punishable by imprisonment for more than one year; and

"(2) to defendants charged with any offense referred to in paragraph (1) of this subsection, in informations or indictments filed more than 120 days after the effective date of this Chapter, and not continously held in custody on such charge.

"(3) to defendants charged with any offense, other than an offense referred to in paragraph (1) of this subsection, in informations or indictments filed more than 180 days after the effective date of this Chapter, and continously held in custody in such charge.

"(b) Except as extended under section 3164, the time limitation in section 3161 (a) shall apply to all other offenses (other than offenses within the purview of paragraph (1) or (2) or (3) of subsection (a)) charged in informations or indictments filed more than eighteen months after the effective date of this Chapter; except that section 3161 (a) shall not apply to the trial of offenses filed under the antitrust, securities, or tax laws of the United States.

§ 3164. District Plans.

"(a) Each United States district court, with the approval of the judicial council of the circuit, shall, within 90 days of the effective date of this Chapter, prepare a plan for the trial or other disposition of offenses under section 3163. Each such plan shall be formulated after considering the recommendations of the Federal Judicial Center, the United States Attorney and attorneys experienced in the defense of criminal cases in the district, and shall be filed with the Administrative Office of the United States Courts. Each such plan shall include a description of the procedural techniques, innovations, systems and other methods by which the district court has expedited or intends to expedite the trial or other disposition of criminal cases. The plan shall make special provision for the speedy trial of cases at places of holding court where there is no judge continuously resident.

"(b) In the event a district court is unable because of limitations of manpower or resources to implement its plan for the trial or other disposition of criminal cases as provided in section 3163(b), its plan shall, with the approval of the judicial council of the circuit, be submitted to the Judicial Conference of the United States, with a copy to the Attorney General, and shall request an extension of the effective date specified in section 3163(b). In addition to the information required under subsection (a) of this section, each such plan in which an extension is requested shall specify the necessary authorizations and appropriations for additional judges, prosecutors, probation officers, full-time defense counsel, supporting personnel and other resources without which full compliance with section 3163(b) cannot be achieved.

"(c) On or before fifteen months from the effective date of this Chapter, the Judicial Conference shall determine whether and to what extent section 3163(b) is to be extended as to each district.

"(d) Within eighteen months after such effective date, the Judicial Conference shall submit a report to Congress detailing the district plans submitted to it under subsections (a) and (b) of this section, the action taken by the Judicial Conference under subsection (c) of this section, and the legislative proposals and appropriations necessary to achieve compliance with the time limitations provided in section 3161.

"(e) In the event that a district court with respect to which section 3163(b) has become effective is subsequently unable to meet the time limitations prescribed by section 3161 (a), the Chief Judge of such district may seek and the Judicial Conference may grant suspension of such limitations as provided in subsection (b) of this section.".

TITLE II—BAIL REFORM ACT COMMUNITY PROTECTION AMENDMENTS

SEC. 201. Chapter 207 of title 18, United States Code, is amended by inserting after section 3150, the following new section:

"PENALTY FOR CRIME COMMITTED WHILE ON RELEASE

"SEC. 3150A. When a person is convicted in a district court of any offense (other than a petty offense as defined in section 1 of this title) and the court finds that such offense was committed while such person was released under this Chapter pending trial, awaiting sentence, pending appeal or pending the disposition of a petition for a writ of certiorari, or during a period of release prior to surrender to commence service of sentence, the court may impose a sentence of imprisonment of not more than three years which shall be consecutive to the sentence imposed for the offense committed while on release pursuant to this Chapter, and to any other sentences."

SEC. 202. Section 3150 of title 18, United States Code, is amended by striking the word "certiorari" and inserting in lieu thereof the following: "or pending the disposition of a petition for writ of certiorari or during a period of release prior to surrender to commence service of sentence".

TITLE III—PRETRIAL SERVICES AGENCIES

SEC. 301. Chapter 207 of title 18, United States Code, is amended by striking section 3152 and adding the following new sections:

ESTABLISHMENT OF PRETRIAL SERVICES AGENCIES

"SEC. 3152. There shall be established, on a demonstration basis, in each of five judicial districts, one of which shall be the District of Columbia, a pretrial services agency authorized to maintain effective supervision and control over, and to provide supportive services to, defendants released under this Chapter. The districts, other than the District of Columbia, in which such agencies are to be established shall be designated by the Chief Justice of the United States after consultation with the Attorney General, on the basis of such considerations as the number of criminal cases prosecuted annually in the district, the percentage of defendants in the district presently detained prior to trial, the incidence of crime charged against persons released pending trial under this Chapter, and the availability of community resources to implement the conditions of release which may be imposed under this Chapter.

"ORGANIZATION OF PRETRIAL SERVICES AGENCIES

"SEC. 3153. The Director of the Administrative Office of the United States Courts shall establish a pretrial services agency in each of the designated districts. After reviewing recommendations of the judges of the District Court to be served by the agency, the Chief Judge of the Court shall appoint, subject to the provisions of Part III of title 5, United States Code, a Chief Pretrial Services Officer who shall receive compensation at a rate to be established by the Chief Judge of the Court but not in excess of the rate prescribed for GS-16 by section 5332 of title 5, United States Code. The Chief Pretrial Services Officer shall be responsible for the direction and supervision of the agency and may appoint and fix the compensation, subject to the provisions of Part III of title 5, United States Code, of such other personnel as may be necessary to staff each agency and may appoint such experts and consultants as may be necessary, pursuant to section 3109 of title 5, United States Code.

"FUNCTIONS AND POWERS OF PRETRIAL SERVICES AGENCIES

"SEC. 3154. Each pretrial services agency shall perform such of the following functions as the District Court to be served may specify:

"(1) collect, verify and report promptly to the judicial officer information pertaining to the pretrial release of each person charged with an offense, and recommend appropriate release conditions for each such person;

"(2) review and modify the reports and recommendations specified in paragraph (1) for persons seeking release pursuant to section 3146(e) or section 3147;

"(3) supervise persons released into its custody under this Chapter;

"(4) with the approval of the Administrative Office of the United States Courts, operate or contract for the operation of appropriate facilities for the custody or care of persons released under this Chapter including, but not limited to, residential halfway houses, addict and alcoholic treatment centers, and counseling services;

"(5) inform the court of all apparent violations of pretrial release conditions or arrests of persons released to its custody or under its supervision and recommend appropriate modifications of release conditions;

"(6) serve as coordinator for other local agencies which serve or are eligible to serve as custodians under this Chapter and advise the court as to the eligibility, availability and capacity of such agencies;

"(7) assist persons released under this Chapter in securing any necessary employment, medical or social services;

"(8) prepare, in cooperation with the United States marshal and the United States Attorney such pretrial detention reports as are required by Rule 46(h) of the Federal Rules of Criminal Procedure; and

"(9) performs such other functions as the court may, from time to time, assign.

"REPORT TO CONGRESS

"SEC. 3155. The Director of the Administrative Office of the United States Courts shall annually report to Congress on the accomplishments of the pretrial services agencies, with particular attention to (1) their effectiveness in reducing crime committed by persons released under this chapter; (2) their effectiveness in reducing the volume and cost of unnecessary pretrial detention; and (3) their effectiveness in improving the operation of this chapter. The Director shall include in his fourth annual report recommendations for any necessary modification of this chapter or expansion to other districts.

"DEFINITIONS

"SEC. 3156. As used in sections 3146 through 3155 of this chapter—

"(1) The term 'judicial officer' means, unless otherwise indicated, any person or court authorized pursuant to section 3041 of this title, or the Federal Rules of Criminal Procedure, to bail or otherwise release a person before trial or sentencing or pending appeal in a court of the United States, and any judge of the District of Columbia Court of General Sessions or Superior Court, and

"(2) The term 'offense' means any criminal offense, other than an offense triable by court martial, military commission, provost court, or other military tribunal, which is in violation of any Act of Congress and is triable by any court established by Act of Congress."

SEC. 302. The analysis of chapter 207 of title 18, United States Code, is amended by striking out the last two items and inserting in lieu thereof the following:

"3150A. Penalty for Crime Committed While on Release.
"3151. Contempt.
"3152. Establishment of Pretrial Services Agencies.
"3153. Organization of Pretrial Services Agencies.
"3154. Functions and Powers of Pretrial Services Agencies.
"3155. Report to Congress.
"3156. Definitions."

SEC. 303. For the purpose of carrying out the provisions of this title, there is hereby authorized to be appropriated for the fiscal year ending June 30, 1970, and for each fiscal year thereafter, the sum of $1,500,000.

SEC. 304. Section 604 of title 28, United States Code, is amended by striking paragraphs (9) through (12) of subsection (a) and substituting in lieu thereof:

"(9) Establish pretrial services agencies pursuant to section 3153 of title 18, United States Code;

"(10) Purchase, exchange, transfer, distribute, and assign the custody of law books, equipment, and supplies needed for the maintenance and operation of the courts, the Federal Judicial Center, the Administrative Office of the United States Courts, the

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offices of the United States magistrates and commissioners and the offices of pretrial services agencies;

"(11) Audit vouchers and accounts of the courts, the Federal Judicial Center, the pretrial services agencies, and their clerical and administrative personnel;

"(12) Provide accommodations for the courts, the Federal Judicial Center, the pretrial services agencies and their clerical and administrative personnel;

"(13) Perform such other duties as may be assigned to him by the Supreme Court or the Judicial Conference of the United States."

The analysis, presented by Mr. ERVIN, is as follows:

ANALYSIS OF S. 3936, PROPOSED "SPEEDY TRIAL ACT OF 1970"

TITLE I: SPEEDY TRIAL

SECTION 101. Adds a new chapter 208, to title 18, USC, as follows:

Section 3161 time limits and exclusions

Subsection (*a*) requires the judge to set a date certain for trial when the defendant first appears before him for the purpose of setting bail. The date is set upon consultation with the prosecutor and defense counsel.

Subsection (*b*) requires that the date set for trial be within 60 days of arrest or issuance of summons, unless an information or indictment is filed, in which case trial must be within 60 days of that date. If charges are dropped, or a mistrial is declared, the 60 days runs from the date of new charges, or the date of mistrial.

Subsection (*c*) excepts from the 60 day period the following periods of delay:

(1) Proceedings relating to the defendant such as examination and hearing on competency, the period of incompetency, hearings on pretrial motions, trials on other charges, and interlocutory appeals;

(2) Delays caused by deferred prosecution upon agreement of defense counsel and prosecutor for the purpose of demonstrating the defendant's good conduct;

(3) Delays caused by absence of defendant;

(4) Delays between the dropping of a charge and the filing of a new charge for the same or related offense;

(5) Reasonable periods of delay when the defendant is joined for trial with a co-defendant, and good cause exists not to grant severance.

(6) Any delay up to 7 days resulting from a continuance granted at the request of the defense counsel or the prosecutor upon good cause shown, if made more than 15 days before the date set for trial.

(7) Any other delay resulting from a continuance granted at the request of defense or prosecution, upon a finding of the judge that the ends of justice cannot be met unless the continuance is granted. The Judge must consider the right of the defendant and the interest of the public in speedy trial, and set forth in the record his reasons for granting the continuance.

Section 3162 sanctions

This section declares that if the case is not brought to trial with the prescribed period through no fault of defendant or his counsel, the charges shall be dropped with jeopardy.

Section 3163 effective dates

Subsection (*a*) makes the time limits of Section 3161 effective—

(1) 90 days after the effective date of the title for persons held in custody on certain defined charges. The charges include capital offenses, robbery, burglary, arson, crimes involving bodily harm, felony drug offenses, intimidation of witnesses, extortion or blackmail accompanied by threats of violence, and attempts and conspiracies to commit these offenses.

(2) 120 days after the effective date of the title for persons charged with above offenses and released on bail.

(3) 180 days after the effective date of the title for persons charged with other felonies and not released on bail.

Subsection (*b*) makes the time limits of Section 3161 apply to all other felony cases not covered by subsection (a) 18 months after the effective date of the title. Section 3161 does not apply, however, to offenses under the antitrust, tax, or securities laws.

Section 3164 district plans

Subsection (*a*) requires each district court, upon approval of the judicial counsel of the circuit, to submit a plan for the trial of cases under section 3164 within 90 days of the effective date of the title. The plan is to be formulated after consultations with the Federal Judicial Center, the U.S. Attorney, and the local bar. It is to be filed with the Administrative Office of the U.S. Courts.

Subsection (*b*) permits the district court to request an extension of the time required for implementing its plan if unable to do so because of limitations in manpower or resources. The request, if approved by the judicial council of the circuit, shall be submitted to the Judicial Conference, with a copy to the Attorney General. The request shall contain a list of the appropriations and personnel required to implement the plan.

Subsection (*c*) requires the Judicial Conference to determine whether and to what extent the extensions requested shall be granted.

Subsection (*d*) requires a report by the Judicial Conference to the Congress 18 months after the effective date of this title detailing the action taken to comply with this title, the extensions granted, and the legislation and appropriations necessary to comply fully with the time limitations of Section 3161.

Subsection (*e*) provides that if a district is subsequently unable to meet the time limitations of this title, the Chief Judge of the district court may request a temporary suspension as provided in subsection (b).

TITLE II: BAIL REFORM ACT COMMUNITY PROTECTION AMENDMENTS

Section 201 amends chapter 207, title 18, U.S. Code (The Bail Reform Act of 1966) by inserting a new Section 3150A following Section 3150. The new section authorizes the imposition of an additional sentence of up to three years, to run consecutively for the conviction of any nonpetty offense committed while on release pending trial, sentence, or appeal.

Section 202 amends Section 3150, chapter 207, title 18, U.S. Code, providing added penalties for a willful failure to appear, to apply if released pending disposition of a writ of certiorari, or pending surrender to commence service of sentence.

TITLE III: PRETRIAL SERVICES AGENCIES

Section 301 amends chapter 207, title 18, U.S. Code by striking Section 3152 and adding the following:

Section 3152 establishment of pretrial services agencies

This section creates on a demonstration basis in the District of Columbia and four other judicial districts, pretrial services agencies to supervise and control defendants released on bail. The other four districts are to be selected by the Chief Justice, upon consultation with the Attorney General, on the basis of the number of criminal cases in the district, the percentage of defendants detained before trial, the incidence of crime charged to persons released prior to trial, and the resources available.

Section 3153 organization of pretrial services agencies

This section authorizes the Director of the Administrative Office of the U.S. Courts to create a pretrial services agency in the designated districts. The chief judge of the district court appoints a chief Pretrial Services Officer who is responsible for the operation of the agency, and may appoint other personnel to staff the agency.

Section 3154 functions and powers of pretrial services agencies

Each agency is to perform various functions, as the court shall direct, including: collection and verification of information pertaining to eligibility of defendants for release, and recommendations for conditions of release; supervision and control of released persons; operation or contraction for operating of facilities for custody or care of released persons, such as halfway houses, narcotics and alcohol treatment centers, and counseling centers; coordination of other agencies to serve as custodians of released persons; and affording medical, social, and employment assistance to released persons.

Section 3155 report to Congress

The Director of the Administrative Office of the U.S. Courts shall make an annual report on the operation of the Pretrial Services Agencies, including their effectiveness in reducing pretrial crime and the volume and cost of pretrial detention. In his fourth annual report, the Director shall recommend any modifications of this chapter, or its expansion to other districts.

Section 3156 definitions

This section contains the definitions of former Section 3152.

Section 302 amends the analysis of chapter 207 to reflect the amendments made by this title.

Section 303 authorizes the appropriation of $1,500,000 for each fiscal year to carry out the provisions of this title.

Section 304 amends Section 604, title 28, U.S. Code, relating to the functions of the Director of the Administrative Office of the U.S. Courts, to reflect the new duties imposed by the creation of pretrial services agencies under this title.

S. 3939—INTRODUCTION OF A BILL RELATING TO PROTECTION FOR AIR TRAVELERS

Mr. SMITH of Illinois. Mr. President, I am today introducing a bill I hope will get the Congress thinking—and moving—on the problem of protecting air passengers from the skyjackers, air pirates, and deranged persons who have been terrorizing the flying public with impunity up to now. My bill would create an enforcement agency within the Federal Aviation Administration whose sole purpose would be the protection of persons and property aboard aircraft. I ask unanimous consent that the text of the bill be included at this point in the RECORD.

The PRESIDING OFFICER (Mr. BELLMON). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3939) to amend the Federal Aviation Act of 1958 in order to provide for an Air Travel Protection Agency, introduced by Mr. SMITH of Illinois, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 3939

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title XI of the Federal Aviation Act of 1958 is amended by inserting at the end thereof the following:

"AIR TRAVEL PROTECTION AGENCY

"SEC. 1112. The Secretary shall establish within the Federal Aviation Agency an agency to be known as the Air Travel Protection Agency, whose purpose shall be the protection of persons and property aboard aircraft operated by air carriers in air transportation from threats or acts of violence or willful disruption of such transportation.

"(b) The primary function of the Agency shall be prevention of violations of subsections (c), (h), (i), (j), (k), (l), and (m) of section 902 of this Act and other laws of the United States relating to threats or acts of violence upon persons or property aboard aircraft operated by air carriers in air transportation, or to the willful disruption of such transportation.

"(c) The Secretary shall also, through such Agency—

"(1) conduct of contract for the conduct of research and development to create devices, methods, or procedures necessary to accomplish such Agency's primary function;

"(2) promulgate such regulations as may be necessary to accomplish such Agency's primary function, including, but not limited to, regulations under which an air carrier may be required to install certain devices or adopt certain methods or procedures or to deny air transportation to certain persons or property;

"(3) enforce such regulations by regular surveillance of air carrier facilities, devices, methods, and procedures installed or adopted pursuant to such regulations;

"(4) cooperate with the Federal Bureau of Investigation and other Federal agencies in investigations of violations of such subsections of section 902; and

"(5) undertake such other activities as may be appropriate to carry out the purpose of this section.

"(d) Such Agency shall be headed by a Director appointed by the Secretary and shall be staffed by such employees as the Secretary may deem necessary to accomplish the functions of the Agency. The Director shall serve at the pleasure of the Secretary and be compensated at the rate prescribed for level IV of the Executive Schedule in section 5315 of title 5 of the United States Code.

"(e) No air carrier shall be held liable for money damages in any State or Federal court solely for its denial to furnish air transportation to a person or property pursuant to regulations issued under authority of this Act."

SEC. 2. Subsection (i), (j), and (k) of section 902 of the Federal Aviation Act of 1958 are each amended by striking out "in flight" wherever appearing therein.

SEC. 3. Section 6 (c) (1) of the Department of Transportation Act is amended by striking out "and 1111" and inserting in lieu thereof "1111, and 1112".

Mr. SMITH of Illinois. Mr. President, the Air Travel Protection Agency would have broad regulatory and enforcement authority to provide preflight and inflight protection against seizure of an aircraft or the commission of violent and disruptive acts on board. Our laws already ban the air transportation of explosives and other dangerous articles, forbid the carrying of concealed weapons aboard aircraft, ban interference with flight crew members or attendants, and prescribe the death penalty or 20 years imprisonment upon conviction for air piracy. All of criminal activities that must be prevented are already on the books, but there is no specific statutory mandate to any Government agency to prevent them. The FBI is given the authority to "investigate" these violations, but no one is given the duty to prevent them.

This is not a job we can leave to voluntary action by the airlines. Their desire to move passengers quickly and in an aura of glamour and luxury is in basic conflict with effective security measures that may mean inconvenience to travelers, inspection of suspicious baggage, and the like.

Frankly, the apparent helplessness of various agencies to cope with the problem of violence on board aircraft stymies me. We have created a farflung bureaucracy to keep plants and vegetables with fruit flies and plant diseases from moving by air, but we have done absolutely nothing to prevent criminals or deranged persons from boarding aircraft with weapons or susbtances whose very presence on an aircraft mean immediate and mortal danger to its passengers and crew.

This is not a job we can permit to become "a sideline" of any agency or subagency. I was shocked to learn this morning, that, at present, FAA's "chief expert" on air piracy is a member of that agency's flight surgeon's staff. I have no knowledge of this gentleman's expertise. I presume he is highly qualified. But why should police functions, regulatory functions, be housed in the flight surgeon's office? Is not the protection of air passengers against terrorism and death important enough to warrant full staffing, full funding, full authority of an office of its own at FAA? I think it is. My bill will do just that.

Finally, this is not a job we can leave until some other time. Surely our present technology and creativity ought to enable us to keep a pirate from boarding an aircraft with a knife, a gun, and a gallon of gasoline right now. But the catalyst for applying that technology and creativity must not be allowed to be the deaths of scores of innocent passengers. It must be legislation that gives one agency, one staff, the duty to research and develop protective systems to do the job. My bill will create that agency, that staff—and give it the broad mandate it will need to work quickly and efficiently.

It is about time regulation of air passenger service shifted from concern about the number of square inches of seat space per coach passenger to the protection of travelers who have no way to protect themselves except by refusing to fly. I invite my colleagues to join me in sponsorship of this bill, and I urge the Senate to move promptly to preclude the kind of tragedy that was narrowly averted last Thursday.

Mr. President, newspapers across the Nation have told the near-tragic story of air piracy committed aboard TWA's flight 487 on that day. I ask unanimous consent that a number of Chicago Tribune and Chicago Sun-Times articles relating to this latest—and perhaps most shocking—example of airborne violence be reprinted in the RECORD at the close of my remarks. I also ask unanimous consent that an exchange of correspondence between myself and Robert L. Tully of the Airline Pilots Association be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Chicago Sun-Times, June 7, 1970]

EXPERT SEES MORE BIZARRE HIJACKINGS

(By William Hines)

WASHINGTON.—An authority on what makes hijackers tick predicts more bizarre air piracy attempts such as the one involving a TWA jet at Dulles International Airport Thursday.

At the same time, the expert, Dr. David G. Hubbard of Dallas, said in a telephone interview that the government was blocking any chance of a solution to the problem by refusing to allow a scientific study of offenders who have been brought to justice.

Citing a policy by the Justice Department's Federal Bureau of Prisons against allowing contact with prisoners even by representatives of other government agencies, Hubbard said:

"How the hell are you going to protect yourself against something you won't even look at?"

FAA TURNED DOWN

The Federal Aviation Administration acknowledged that it had requested access to persons convicted of hijacking and had been turned down by the Prison Bureau. An FAA spokesman said, "We just don't know what to do."

A check with the American Psychiatric Assn. here revealed that despite wide interest in hijacking as a mental health phenomenon, scientific literature on the subject is virtually nonexistent.

Most scientists and government officials asked about information on hijacking referred the questioner to Hubbard. He has managed to study the case histories of several hijackers and has devoted years to consideration of this form of antisocial behavior.

PREDICTED MANY CRIMES AFTER APRIL HIJACKING

Last April 19, after a DC-9 New York-to-Boston shuttle was hijacked by a man who wanted the plane flown until it ran out of fuel over the Atlantic, Hubbard predicted many crimes by "impressionable foreigners" within the next couple of weeks.

Between April 24 and 30, an Argentine plane was hijacked to Cuba, a light plane was taken over in British Honduras and flown to Mexico, and nine students in Japan diverted a jetliner to Korea.

Asked what he foresees after Thursday's hijacking by Arizonan Arthur G. Barkley, Hubbard said:

"We are in the declining phase of a fad—have been since Apollo II (last July)—and any declining fad tends to mutate. Some of the recent hijackings have been very aberrant, and some incidents not listed as hijackings fall into the same pattern."

He cited the apparently suicidal motivation of the Boston shuttle hijacker, the kidnaping of a Chicago-Miami plane last month by a woman accompanied by her son, the suicide of a passenger who also shot and wounded a seatmate in April, and the attempted self-destruction earlier this year by a passenger who slit his throat and then wanted the stewardess to open the cabin door so he could leap out.

FLEEING TO CUBA NOT CHIEF REASON

In Hubbard's view, Barkley's action was another incident motivated by something other than a simple desire to flee to Cuba, the chief stimulus when the "fad" was at its height about a year ago.

"Look at this guy," Hubbard said. "He didn't fly to Cuba. He flew right to the heart of government, right at the FAA, right at the FBI right at the Supreme Court, and he said 'Give me some money.'"

Hubbard was critical of Trans World Airlines and the government authorities who permitted the airline to pay the man $100,-

000, one-tenth of 1 per cent of his ransom demand. He referred to the payment as "uninformed, irresponsible idiocy" and that "handling of the problem requires something more"

"PARTICULARLY DISTURBING" INNOVATION

Barkley's "invasion" of Washington is a particularly disturbing and potentially dangerous innovation, he said.

"The chief danger in hijacking is that other political points may be made—to show up the government on its tax policies, to shame it in the Vietnam War, or to advance the cause of black nationalism," he said. "This sort of thing tends to dramatize the little man vs. the powers that be."

Many persons, especially in the FAA, believe hijackers are born losers in whom a suicidal undercurrent runs strong.

Aside from resisting Hubbard's (and the FAA's) efforts to understand hijackers better, the government this weekend seemed stumped on what to do about hijackers.

Trans World Airlines is one of three carriers (Eastern and Pan American are the others) using an FAA-developed "antihijacking" system. The system electronically frisks passengers, who are also visually screened during boarding by gate agents trained according to a secret "psychiatric profile," which supposedly can detect hipack-prone personalities.

A spokesman for TWA said the electronic surveillance was not in use at the gate through which Barkley boarded the plane at Phoenix, Ariz., on Thursday. The psyching of passengers was in effect, the spokesman said—"we apply that everyplace."

NO DATA TO SHOW EFFECTIVENESS

The FAA is alternately bullish and defensive about the system devised by a group under the deputy air surgeon, Dr. H. L. Reighard. But spokesmen acknowledge that they cannot produce any data to show that the system is effective.

Asked what the agency is doing to stem hijacking, a spokesman said, "We are trying to accelerate what we have been doing for the past year." This boils down to using the antihijacking system at some gates and displaying signs in terminals in English and Spanish warning that hijacking is a federal crime.

The airlines with the most hijackings are Eastern, with 16 successful and 4 unsuccessful attempts, and National, with 13 and 3. Both lines fly from the crowded northeastern United States to Florida.

Since Eastern started using the system experimentally last year it has experienced seven hijacking attempts. TWA, which began using the system in Decemebr, has had three. National, which has never used the system, had three in August, September and October, and was grounded by labor disputes beginning in November. Pan Am had one attempt since instituting the system.

This week, the FAA was in the defensive phase of its replies to questions about the system. "We've never said it was anything but a deterrent," a spokesman said. He added that he had no way of measuring how effective a deterrent it has been.

HIJACKING DECREASE

Hubbard's contention that hijacking is in a decline seems borne out by the figures. The decline is across the board, and there seems to be no correlation with use or nonuse of the FAA system. The number of hijacking attempts worldwide is running about one-half the total at this time last year.

The FAA keeps a log of hijacking attempts. An incident in Peru in 1930 was designated No. 001. The TWA hijacking Thursday is No. 218. There were no hijackings between 1930 and 1947, when people started escaping from Communist countries in stolen airplanes. The hijackings to Havana started in 1961. There have been 110 successful hijackings since then.

Several of the hijackers have returned to the United States to face criminal penalties. They have been questioned by law enforcement officers and prosecutors, but apparently not by professional psychologists and psychiatrists.

[From the Chicago Sun-Times, June 5, 1970]

HIJACKER OUT TO "GET EVEN WITH SOCIETY"

WASHINGTON.—The aim of hijacker Arthur G. Barkley "was to destroy the money he was given as ransom, destroy the aircraft and destroy all the people aboard," said the TWA executive who volunteered to take charge of the commandeered plane Thursday.

"This is the price, this is the hang-up—he had to get even with society," said Billy Williams, 46, TWA's manager for international flights.

It was the veteran pilot's second such experience with hijackers. But the last time around he did not have to worry about a plane load of passengers.

Williams, who was brought in from New York to take charge, described the sequence this way:

UPSET AT AMOUNT OF MONEY

As instructed by the hijacker, Williams carried the bags of the first $100,750 ransom with him when he boarded the aircraft.

"I was greeted by the hijacker," Williams said, recalling his entry into the cockpit.

Williams said the hijacker, who always used the word "sir," told Williams to sit down in a jump seat behind Capt. Dale C. Hupe and buckle his seatbelt.

Williams said the hijacker stood with his back to the cockpit door "with a razor in one hand and a pistol in the other."' A can of gasoline was near his feet.

Williams said the hijacker was "very, very upset when he opened the money bag and sensed there was not the $100 million that he asked for.

"He cut the bag open. Unfortunately the first bag was $1 bills. He quickly grabbed more out and in a few seconds he advised Hupe to put the aircraft back in the air," Williams said.

Williams said that he and the flight engineer, Jim Hankins, "engaged in considerable conversation. Sometime during the climb-on I don't know when exactly, he indicated to us he wanted to go back for some more money."

When the plane rolled to a stop at Dulles for the second time, Williams recalled hearing some gunfire and feeling the tires of the airplane going flat.

FBI MEN IN COCKPIT

In the meantime, Williams said the firing started in the cockpit as the FBI men had come into the open door "apparently without the hijacker's knowledge." He couldn't say how the shooting began in which Capt. Hupe was wounded.

Williams said he then started back for cockpit with a gun that one of the agents on the ground had tossed to him through one of the open doors, but by then the hijacker had been subdued.

It was last Nov. 1 that Williams played a similar role in an aviation hijacking drama.

On that occasion also, he volunteered to take command of a TWA Boeing 707 which landed at Kennedy Airport in New York after being hijacked over California. It had been commandeered by 20-year-old AWOL Marine Lance Cpl. Raphael Minichiello, who had let the 39 passengers off during a prior refueling stop at Denver.

Then with refueling stops at Bangor, Me., and Shannon, Ireland, Williams flew the big plane, its crew and its hijacker to Rome—the first trans-Atlantic hijacking in aviation history.

Minichiello was captured in Italy, where a variety of charges were lodged against him.

[From the Chicago Sun-Times, June 5, 1970]

NAB HIJACKER, $100,750

WASHINGTON.—A hijacker demanding $100 million cash from the U.S. Treasury held 51 airline passengers hostage Thursday in an eight-hour sky-high drama that ended when he was lured back to the ground and seized in a scuffle that left the pilot and hijacker wounded.

The passengers scrambled to safety after the TWA 727 jet landed for a second time at Dulles International Airport, where earlier the gun-wielding man had collected $100,750 from the airline—the first ransom ever paid a hijacker.

The plane's pilot, Capt. Dale C. Hupe, was shot in the abdomen by a small-caliber weapon. The hijacker, who identified himself as Arthur G. Barkley of Phoenix, Ariz., was wounded in the thumb when he was overpowered.

The hijacker had forced the TWA jetliner to make a second landing at Dulles after officials told him 100 sacks of $100 bills were waiting on the runway. Actually, airline officials said, the money bags were stuffed with paper.

More than three hours earlier, the hijacker had forced the plane to bypass St. Louis and to make its initial landing at Dulles. There he received the $100,750 carried onto the plane in a brown canvas bag by another pilot.

SHORTCHANGED, HE CLAIMS

But, claiming he was shortchanged, the hijacker refused to release the passengers or crew of six. Instead, he forced the plane to take off on a circuitous route south, then north over New York state, then south back to the Washington area.

As the red-and-white jet circled in the evening skies above the capital, government officials radioed that the demanded money was waiting for him on the Dulles runway.

The plane landed again shortly after 7 p.m. As it rolled to a stop on the runway, FBI agents shot out its tires and blocked its path with a large fire truck.

Then ensued a half-hour of cryptic radio exchanges, climaxed with the co-pilot saying, "The captain has been shot—get an ambulance."

WOUNDED PILOT UNDERGOES SURGERY

TWA spokesman John Corris said four shots were heard from inside the plane as FBI agents and Federal Aviation Administration policemen scurried through the craft's open doors to seize the hijacker.

Later, Capt. Hupe said he did not know what prompted the hijacker to shoot him.

"He just turned around and started firing in the cabin," Hupe said as he lay on a hospital operating table in nearby Fairfax, Va.

The small-caliber bullet entered his left abdomen and emerged from his back.

Doctors at Fairfax County Hospital performed exploratory surgery lasting two hours and said Hupe was in satisfactory condition. They said the surgery was conducted to make certain there had been no damage to vital organs.

From the hospital emergency room, Hupe telephoned his wife Doris in Perry, Kan., to assure her he was all right.

The manager of Dulles Airport, Dan Mahaney, said the hijacker had a .38-caliber pistol in one hand, a straight razor in the other and also carried a can of gasoline.

The shooting started, Mahaney said, after the first FBI agent entered the plane. He said the hijacker stood in the cockpit and kept peeking round the bulkhead to fire.

JAILED WITHOUT BOND

"He was like a rabbit with his head in and out of his hole," he said. The distraction gave the crew a chance to jump the man who was subdued during "a horrible melee," Mahaney said.

The FAA said the hijacker was wounded in the thumb.

Barkley was arraigned in Alexandria, Va., before U.S. Magistrate Stanley King, who ordered him jailed without bond in the city jail on a charge of air piracy.

After King heard a rambling but polite argument in which he was unable to get Barkley to say whether he wanted his own lawyer, the magistrate said he would appoint one, at least temporarily, on Friday. Barkley appeared in court with a bandaged right thumb and spots of blood on his yellow shirt, which was open to the waist, and on his checkered sport coat.

"It's all pending in the Supreme Court of the United States Tax Court," Barkley told reporters as they entered the courtroom. He then repeatedly tried to explain his grievances in court until King told him they were irrelevant to the air-piracy charge.

When told of the air-piracy charge, a capital offense, Barkley said, "Not guilty, your honor."

"You do not have to plead at this time," King told him.

King said a hearing in Barkley's case will be set within 10 days.

SPECIAL FLIGHT RETURNS PASSENGERS

A special flight taking the hijacked passengers back to St. Louis left late in the evening.

A few of the women passengers wept as they reached the Dulles terminal. But another passenger, Richard Hill of Zanesville, Ohio, said passengers were calm during the hijacking. In fact, he said, he wasn't aware of what was going on until the plane landed for the first time at Dulles.

After the second landing, three men threw open doors so their fellow passengers could flee. Other passengers scrambled down a safety chute.

During the hijacking, Barkley broadcast repeated radio messages to the President, the Supreme Court and other government officials.

XUM

CALLS HIMSELF A SLAVE OF THE UNITED STATES

He had been turned down by the Supreme Court last March in an appeal of a $471.78 tax case. In his court petition, Barkley had claimed he was "being held a slave by the United States."

After he collected $100,750 ransom, the hijacker radioed:

"Is the President ready to fulfill my request? That request was for $100 million."

At another point, he radioed: "I have a message for the President and the State Department. You don't know the rules of war, you don't even know how to count money."

At its first Dulles stop the plane was refueled to capacity for a potential range of 1,900 miles. Also put aboard were international maps and Capt. Billy Williams, a foreign-rated pilot who flew a young Marine hijacker to Rome last year.

For most of the agonizing flight, Barkley pre-empted the aircraft radio from the pilots to broadcast messages directed to President Nixon, FBI Director J. Edgar Hoover, the attorney's general's office, the secretary of labor, the Treasury Department and Supreme Court justices "unfit to rule."

[From the Chicago Sun-Times, June 5, 1970]

DRAMA ON JET: "I WANT $100 MILLION . . ."

WASHINGTON.—Here is what happened in Thursday's hijacking of a TWA 727 jet airliner, all times Eastern Daylight Saving:

11:00 a.m.—TWA Flight 487 leaves Phoenix with 51 passengers.

11:43 a.m.—Flying at 29,000 feet over New Mexico, pilot Dale C. Hupe reports by radio that a man has taken over the plane, demands it fly directly to Washington. Hijacker quoted as saying: "I want $100 million in small bills delivered to the plane."

3:37 p.m.—Plane lands at Dulles International Airport northwest of Washington.

4:20 p.m.—Capt. Billy Williams licensed to fly internationally, arrives at Dulles, enters the airliner a few minutes later carrying $100,750 TWA had drawn from two banks.

4:35 p.m.—Plane takes off from Dulles for unknown destination, flies south, then heads north.

4:45 p.m.—Hijacker radios: "Is the President ready to fulfill my request? That request was for $100 million."

5:25 p.m.—Radar shows plane making turn northwest of Elmira, N.Y., and heading back south toward Washington.

7:10 p.m.—Lands at Dulles again, where officers are waiting to shoot out tires.

7:20 p.m.—Emergency doors of plane open and passengers scramble out.

7:32 p.m.—Capt. Hupe wounded after several shots are fired aboard the plane.

7:34 p.m.—FBI agents capture hijacker who is wounded in thumb during the scuffle.

[From the Chicago Sun-Times, June 5, 1970]

HIJACKER'S MESSAGE SPURRED DECISION TO HALT PLANE AT DULLES

(By Carl Bernstein)

WASHINGTON.—While TWA Flight No. 487 was 25,000 feet above Washington, a group of men on the ground decided at 5:10 Chicago time, that if the hijacked plane made a second landing at Dulles International Airport, it would not be permitted to take off again.

Minutes earlier, Arthur G. Barkley had radioed from the jetliner's cockpit that unless accorded the usual response to hijackings.

"Barkley's messages were so rambling and incoherent $100 million was waiting for him at Dulles, "it is just going to be too bad for the people on this plane."

That message, according to participants in Thursday's hijacking drama, ensured that the plane would not be permitted to take off again, even though it meant endangering the lives of the 58 hostages.

In the past, the demands of hijackers have usually been met to ensure the safety of passengers and crew. It was feared that the behavior of Barkley was too erratic to be sane, it was apparent he had no rational plan," R. Daniel Mahaney, the manager of Dulles said after the hijacking was finally aborted. "His demands for $100 million simply could not, under any circumstances, be met . . . therefore, it was felt we had to go in and get him."

JOINT DECISION

That decision apparently was made by Mahaney and TWA officials, including the company president, F. C. Wiser Jr., in consultation with the FBI; Arvan H. Saunders, director of National Capital Airports; and John H. Shaffer, the Federal Aviation administrator.

According to Mahaney, he was told by TWA's president:

"Don't let that plane get off the ground again. You stop them."

"How?" Mahaney said he asked Wiser.

"That's up to you," the executive reportedly replied.

Under the plan that was decided upon after a series of telephone calls and conferences, 100 decoy money bags would be put on the runway, then the plane's tires would be shot out when it landed.

At 6:05 p.m., the Boeing 727 jetliner touched down. After spotting the money bags on the ground, the pilot made a 180-degree turn and taxied toward the parcels, stuffed with newspapers. Three fire trucks were on the north, middle and south side of the runway, a standard procedure at Dulles.

TIRES FLATTENED

"Get the vehicles off the runway," the hijacker radioed when he saw the trucks. "Turn around immediately." As planned, the trucks moved away.

However, a fourth fire truck, smaller than the others and therefore out of sight from the cockpit, trailed the jetliner.

Inside the fire truck, two members of the FAA police force at Dulles, each of them armed, aimed their weapons at the plane's tires. Their first shots failed to take effect. Finally the two tires under the aircraft's nosewheel were flattened.

As the passengers were escaping through an open door, FBI agents climbed aboard and overcame the hijacker.

[From the Chicago Tribune, June 5, 1970]

SEIZED TWA JET LEAVES WASHINGTON—51 PASSENGERS STILL ABOARD

BULLETIN

WASHINGTON, June 4.—A hijacked TWA jet with 51 passengers aboard took off from Dulles International airport this afternoon with a new pilot, full load of fuel, and $100,000 ransom. The destination was unknown. It had landed here on orders from the hijacker.

WASHINGTON, June 4.—A Trans World Airlines jet liner with 51 passengers aboard, hijacked by a man demanding 100 million dollars in cash from the United States Treasury, headed for Washington's Dulles International airport today where officials said $100,000 would be waiting.

James T. Murphy, deputy director of the bureau of national airports, said the $100,000 was furnished by T.W.A.

"We plan to do what the man hijacking the plane wants us to do," Murphy said.

HIJACKED IN FLIGHT

The jet liner, hijacked on a flight from Phoenix to Washington, was due to land at 2:40 p.m. [Chicago time]. It bypassed a scheduled stop at St. Louis.

Airport officials said the jet liner would be kept at the end of the runway about a mile from the terminal and out of view.

Murphy said that in view of the hijacker's request for more fuel, the plane might take off again for another destination still unknown.

TWA officials said they learned of the hijacking about an hour after take-off when the hijacker took over the radio and announced that he was taking the plane to Washington because his rights had been violated.

"I'm addressing the Supreme Court," TWA quoted the hijacker's saying, "I want 100 million dollars in small bills delivered to the plane."

LEARN OF HIJACKING

He requested that a fuel truck and two TWA officials meet the plane when it arrived at Washington National airport.

Officials learned of the hijacking when the plane was over Las Vegas, N.M.

The 727 jet was piloted by Capt. Dale C. Hupe, a veteran of 23 years flying, TWA said.

"The money is to be put in a tow sack and tied at the top," a transcript of the hijacker's message read. "The runway should be clear. No one on the runway."

He then addressed himself "To J. Edgar Hoover, FBI director, the attorney's general's office, the secretary of labor, the United States treasury department and justices of the court unfit to rule."

COMMENTS SEEM CONFUSED

The hijacker's comments seemed confused. He said he demanded the 100 million dollars "for the relief of injuries that he has suffered from unfair practices." He referred to a federal court case he described as "Docket No. 1558," and number "3601–66."

Again referring to an apparent court case, he said "in authority of the United States Code, title 28, section 1252, 12 and 3 of this, to be brought to the head of the federal government, a copy of this motion has been mailed to each of the respondents. "This respectively submitted, Arthur G. Barkley, 4145 N. Mitchell st., Phoenix."

The Federal Aviation administration said the pilot of the big jet had reduced the plane's speed as he flew eastward to reduce its fuel consumption.

However, the FAA spokesman said the plane apparently had enough fuel to reach Washington.

[From the Chicago Tribune, June 6, 1970]

Jets Trailed Hijack Plane

(By Fred Farrar)

WASHINGTON, June 5.—Trans World Airlines officials were concerned today over the ease with which Arthur Barkley, the captured plane hijacker, carried aboard a can of inflammable liquid.

The liquid was believed to be gasoline. Tests on it were begun at Federal Bureau of Investigation laboratories here.

John Corris, a T.W.A. spokesman, said Barkley apparently carried the gallon paint can filled with liquid aboard the jet liner yesterday in a duffle bag which he could fit in under his seat.

The defense department disclosed that the T.W.A. 727 that was hijacked by Barkley between Phoenix and Washington was shadowed for almost three hours by 2 armed air force interceptors before it landed here for the second and final time.

The Pentagon disclosed for the first time that such shadowing is a routine practice when air lines are hijacked.

Capt. Dale C. Hupe, the pilot, was recovering from a gunshot wound to his abdomen. Hupe, 50, underwent a three and one-half hour operation late last night after he was wounded by a bullet apparently fired from Barkley's gun. Barkley also was wounded on the thumb.

Federal Magistrate Stanley King set Wednesday for a preliminary hearing on aircraft piracy charges against Barkley, 49, of Phoenix, Ariz., arrested when the hijacked plane landed here a second time. Aircraft piracy is a federal offense carrying penalties ranging from 20 years in prison to death.

EVER PRESENT PROBLEM

Corris said that cabin luggage is an ever present problem. He said the rule presently is that passengers can carry anything aboard that will fit under their seats.

The question has been raised, Corris said, on whether to inspect hand luggage. He said he did not know if a decision would be that far-reaching.

Six bullet holes were found in the airplane today. They were in the instrument panel, the door of the front lavatory, and in the bulkhead walls between the cockpit and the cabin.

The $100,000 that T.W.A. withdrew from two banks near Dulles airport yesterday has been put back in the airline's account.

HITS BRAKE ASSEMBLY

One bullet that was fired to shoot out a tire went on into the brake assembly. The assembly was repaired here before the plane was ferried to New York City for further inspection.

The Pentagon said that four other interceptor planes were sent aloft to continue surveillance of the airliner. They were sent back to their bases when the big plane turned south again and returned to Dulles, International airport after circling above upstate New York.

In this and in other hijacking cases, "the intercepts were performed for purely humanitarian reasons and to serve as focal points for any rescue efforts, should any such efforts be necessary," the Pentagon said.

The defense department said that while all the intercepters involved—F–106 Delta Dart jets—were armed with Falcon air-to-air missiles, this was * * * alert status in their air defense role, and there was no time to remove missiles.

Sources here said the shadowing of hijacked airliners is performed to give authorities better information than can be provided by radar should disaster result from a hijacking.

Hupe's home is in Perry, Kans. His wife, Doris, and their son, Denis, 19, visited him today in a hospital in Fairfax, Va. The surgeon who performed the operation on Hupe said the pilot was "perfectly fine," but would be in the hospital recuperating for another 10 days.

WIFE QUOTES PILOT

Hupe's wife quoted him as saying he considered Barkley "a highly-disturbed individual" and believed the bullet which wounded him came from the hijacker's gun.

Barkley was taken before the federal magistrate last night and ordered held without bail. He was jailed in Alexandria, Va., across the Potomac river from Washington.

Brought before King today, Barkley was told he was accused of air piracy and asked if he understood the charge.

"Not guilty, your honor," Barkley responded.

RIGHTS ARE EXPLAINED

The magistrate sought to explain to Barkley his right to legal counsel and the nature of the charge against him. King told Barkley he was not to enter a plea at this time and had the right to remain silent.

"The United States charged me—right, your honor?" Barkley said, interrupting the magistrate. "I have the right to charge the United States out of the spirit of the Constitution. I have the right as a citizen to request representation for taxation."

King attempted to silence Barkley two or three times. He explained that "grievances over taxes" had nothing to do with the air piracy charge and today's proceeding.

King finally said sharply, "Mr. Barkley, I am not going to argue with you about your grievances with the United States government. Do you want a lawyer?"

Barkley did not reply. United States Atty. Brian P. Gettings recommended to the magistrate that he appoint a lawyer to represent Barkley.

[From the Chicago Sun-Times, June 6, 1970]

How Deer Gave Idea for Capture of Barkley

(By Bernard D. Nossiter)

WASHINGTON.—The gentle deer that ramble across Dulles International Airport's 10,000 acres in Virginia indirectly had a role in the capture of Arthur G. Barkley, the bare-chested gunman who hijacked a TWA airliner on Thursday.

Because the animals stray onto runways, they are a hazard to planes. So Dulles is one of the nation's few airports where policemen are armed with hunting rifles, and each year they bag several score deer.

Thursday night, two of the marksmen, P. J. Farnham and George A. Armitage Jr., had a different target. Riding on a fog-foam fire truck, their mission was to knock out the six 12-ply tires on the 727 jetairliner. Their bullets immobilized the plane, providing the key to Barkley's capture.

Barkley was in the cockpit, holding a .22-caliber pistol in one hand and a razor in the other over the flight captain, Dale C. Hupe, and his first officer, Donald Salmonson.

FAILS TO SEE FIRE TRUCK

The hijacker did not see the fire truck creeping up behind the plane and did not hear the shots from the hunting rifles because the plane engines had been revved up on his orders for another takeoff.

That was how it had been planned by James T. Murphy, a former FBI agent who is deputy director of the Washington airports, and R. Daniel Mahaney, manager of Dulles. They and TWA executives had concluded Barkley was so irrational that there was no possibility of meeting his demands. They decided that the plane had to be immobilized without Barkley's knowledge and assigned the marksmen to do the job.

When the plane came to a halt, Barkley sent Capt. Billy Williams and flight engineer James Hankins to the rear door to pick up the 40 "money" bags used as lure to bring the plane back. Williams had come aboard with $100,750, when the craft first landed at Dulles in midafternoon because Barkley had demanded a pilot qualified to fly over international routes.

SIGNALS WITH HANDS FOR GUN

Williams, now in the rear, spotted Mahaney on the ground and signaled with his hands for a gun. Mahaney tossed up a revolver. Williams didn't get a chance to use it. A dozen FBI men under John McDermott, the agent in charge of the Alexandria (Va.) office, had appeared on the scene.

The FBI men, wearing bulletproof vests, hoisted the smallest of their number up on their shoulders to the sill of the door, 8 feet 9 inches above the ground.

The agent came up firing, then slipped back. Barkley, using the cockpit bulkhead as a shield, began shooting at the FBI man from a distance of four feet.

The agent came back up to the door sill, firing again, and a shot nicked Barkley's right thumb.

The gun battle gave the two crew members their chance. Salmonson grabbed Barkley around the neck; Hupe lunged for his waist. Barkley, a 200-pounder, wrestled Hupe into a seat and then, apparently, fired the shot that put the captain in the hospital.

Salmonson tore the gun from Barkley's grasp as three or four FBI agents clambered through the narrow door and piled into the jacker.

Barkley struggled furiously, his nose was bloodied, and finally he was subdued and handcuffed.

Hijacked Airliner Had Jet Fighters Tailing: Pentagon

WASHINGTON.—The Defense Department disclosed Friday that four Air Force jet fighters, armed with heat-seeking air-to-air Falcon missiles, trailed the hijacked TWA airliner Thursday through the crowded Northeastern air lines.

The Pentagon said the F–106 interceptors were "scrambled" from Dover (Del.) Air Force Base immediately after the jetliner took off from Dulles International Airport near Washington.

The airliner had landed at Dulles, where hijacker Arthur G. Barkley picked up $100,750 of the $100 million he had demanded in ransom. He then ordered the plane into the air again.

Later, the jet returned to Dulles for the rest of the ransom and Barkley was arrested after a gun battle with FBI agents in which both the hijacker and the captain of the jetliner were wounded.

Barkley, 49, a former bakery truck driver from Phoenix, Ariz., was in jail Friday, charged with air piracy, a capital offense.

In an official statement, the Pentagon said it is "normal procedure" for military planes to shadow hijacked airliners.

The fighters, part of the North American Defense Command, were sent aloft "for purely humanitarian reasons and to serve as focal points for any rescue efforts," the Pentagon statement said.

Missile-carrying planes were used, the Pentagon added, because they were the first and fastest craft available.

Barkley, who faces a federal court hearing Wednesday, was said to have passed part of a government-devised test to keep potential hijackers off planes.

The airport test devised by the Federal Aviation Administration has two parts: a face-to-face sizeup by airline counter agents to spot behavioral giveaways and a boarding gate detector for ferrous metals to find concealed weapons. The latter device was not in use at Phoenix, where Barkley boarded the TWA jet Thursday morning, Trans World Airlines spokesman John Corris said, but the visual sizeup was.

General FAA figures show that 24 persons have been turned away out of a quarter-million passengers carried by three airlines using the FAA system since last October.

The ferrous detector is not enough, the FAA said, since it picks up everything metallic and roughly half of all passengers have on them some metal objects. The two tests in combination drastically eliminate potential suspects and are an extremely effective barrier, the FAA declared.

[From the Chicago Sun-Times, June 5, 1970]

Praise for Crew From TWA President

New York (UPI).—The chairman of Trans World Airlines congratulated the crew of TWA's hijacked 727 jetliner Thursday night and said TWA was "very grateful that the consequences . . . were no worse than they turned out to be."

Charles C. Tillinghast Jr., chairman of the board and chief executive officer for TWA, said, "The entire crew is to be congratulated on the skill and fortitude with which they handled the entire affair."

He said the bizarre hijacking "will serve to remind us that we need to continue with vigor and vigilance to find means more effective to combat hijacking and other violence against aircraft."

Air Lines Pilots Association,
April 6, 1970.

Hon. John A. Volpe,
Secretary, Department of Transportation,
Washington, D.C.
Mr. John A. Shaffer,
Administrator, Federal Aviation Administration, Department of Transportation,
Washington, D.C.

Gentlemen: Your promptness and courtesy in meeting with representatives of the Air Line Pilots Association relative to aircraft security is appreciated.

The recent incident that resulted in the death of one of our pilots is a tragic example of a situation that, in my opinion, has been perpetuated by a permissive society. This type of incident is neither peculiar or restricted to airborne vehicles. The operators of buses and taxi-cabs in this and other cities will attest to this. Individuals who engage in this type of activity are, to a great degree, a by-product of liberalism. We as air line pilots, will continue to direct our efforts towards safety; however, in areas such as this, our effectiveness is limited by factors beyond our control.

Predictions indicate a tremendous growth in air commerce. Commercial aircraft with a seating capacity in excess of four hundred are a reality. A commercial aircraft capable of exceeding the speed of sound will be placed in service in the near future. The traveling public who utilize the air carriers are entitled to every consideration as related to safety; not to mention the individuals and property over which these aircraft are operated.

The Boston incident should cause an awareness of the potential hazard existing today. While this incident was tragic, little imagination is needed to visualize the holocaust that would result should a large aircraft such as the Boeing 747 slam into a densely populated area. Every precaution must be taken in our effort to preclude such a tragedy. We dare not do less.

While many of the suggestions to solve this problem have merit, supportive action by Congress and affected Federal Agencies is necessary to achieve any lasting success. Individuals who engage in air piracy are criminals and should be handled in a swift, firm and severe manner. The desire and what sometimes appears to be a obsession, to guarantee and protect the constitutional rights of the criminal have resulted in acquittals, light penalties and/or no prosecution at all. This liberalized and overly protective attitude results in abrogating the rights of the law-abiding citizens.

Recognizing the limitations as to the scope of your office, by copy of this letter to the office of President Nixon, Members of Congress, the State Department, the Justice Department and the Federal Bureau of Investigation, we implore this administration to act with all urgency.

The Air Line Pilots Association will be pleased to participate in any effective program designed to deal with this problem.

Sincerely,

Robert L. Tully,
First Vice President.

May 4, 1970.

Mr. Robert L. Tully,
First Vice President,
Airline Pilots Association,
Washington, D.C.

Dear Mr. Tully: Thank you very much for providing me with a copy of your memorandum to Transportation Secretary Volpe and FAA Administrator John Shaffer. I share your concern and the concern of your membership for the safety of airline personnel and air travelers completely.

Please do not hesitate to send me any suggestions you may have for how we can deal with this grave situation. I will do whatever I can to cooperate with all efforts to insure the safety of air travel.

Sincerely,

Ralph Tyler Smith.

Air Line Pilots Association,
May 8, 1970.

Hon. Ralph Tyler Smith,
New Senate Office Building,
Washington, D.C.

Dear Senator Smith: Thank you for your letter of May 4, 1970. The expressed interest indicated by you and other members of Congress is deserving of more detailed correspondence dealing with this subject matter.

The problem of aircraft hijacking is only one facet of the total problem of providing aircraft security. There is an urgent need *now* to provide security against unlawful seizure of air carrier aircraft by an armed passenger and/or sabotage of the aircraft. It is imperative that security measures, procedures, and devices be developed and improved to prevent unauthorized weapons or explosive devices being carried or placed on aircraft, and to enable flight crew members to deal effectively with the armed passenger or saboteur in the cabin or in the cockpit of the aircraft. We strongly advocate the immediate establishment and funding of a realistic and effective program to accomplish these objectives. This program should have the support of the air carriers as well as the appropriate government agencies.

The main thrust of efforts to provide aircraft security should be directed to examination of passengers, baggage, cargo and the aircraft prior to loading. Screening devices more effective than the metal detectors which are now in use must be developed and installed at all air carrier airports. Also, air carrier personnel who handle passengers, baggage, cargo and aircraft crews should receive training to enable them to handle security problems they may encounter and to make them constantly aware of the need for aircraft security. Until such devices have been developed and installed the pre-boarding surveillance of passengers and baggage techniques that have been initiated by Eastern Airlines *should be required of all air carriers.*

In addition, we recommend that a program of searching passengers and baggage, including carry-on baggage where detection systems indicate a need, be instituted by the carriers of such proportions that an air line passenger would accept such searches in the future as a routine operating procedure to insure his safety in flight. We believe such a program would have a strong deterrent effect to prevent the unauthorized carriage of weapons and dangerous devices aboard aircraft.

With respect to cabin security in flight or the problem of dealing with the armed passenger in the cabin, the Captain must be given the *opportunity* to decide whether or not to comply with the request of the hijacker to divert the aircraft and whether or not to admit him to the cockpit. If the bulkhead separating the flight deck and the passenger compartment were bulletproof, but permitted a face-to-face confrontation between the Captain and the hijacker, perhaps the crews would be able to deter the hijack attempt. Compliance with the hijacker's request, consistent with safety and sound judgment, may be indicated even though they would not admit him to the cockpit. In these cases the safety of the flight would not be jeopardized by a crew fatality. However, in order for the flight crews to make the proper decisions, it would be necessary for them to be fully cognizant of the actual situation in the cabin. Flight crew members must be able to view the hijacker, his weapon, and his accomplices in the cabin by means of television cameras or similar devices. Therefore, we recommend that the FAA consider in conjunction with the requirement for a bulletproof cockpit, an additional requirement that a device or means be provided in the aircraft which would enable the flight crew to view the cabin from the cockpit.

Once the hijacker or saboteur has entered the cockpit, we are all agreed that the flight crew must be equipped to deal with the irrational person who makes an *unreasonable* request. Unquestionably, one or more devices can be developed to be used by the flight crews which would render the hijacker immediately ineffective. Also, in this situation, training films could serve a very useful purpose by familiarizing the flight crews with fire arms, explosive devices, chemical devices, molotov cocktails, magnesium, phosphorus, etc., and with regard to each of these, the best way of dealing with such weapons and destructive devices. We must plan *now* to equip flight crews with one or more such devices which can be used by them on an optional basis to effect incapacitation of a hijacker in the cockpit should the opportunity present itself or should the hijacker make a request that, *consistent with safety, cannot be complied with.*

On the problem of aircraft sabotage, the present lack of airport security at nearly every airport in the world makes it possible for a saboteur to gain access to parked aircraft and place aboard bombs or fire devices with triggering mechanisms of numerous designs that can activate explosives or generate fires in flight. Security must be promptly improved not only for parked aircraft, but for freight, mail, parcel post, and checked baggages as well, prior to being loaded aboard aircraft.

Finally, the FAA Task Force on Deterrence of Air Piracy should concern itself not only with hijacking of aircraft, but also with sabotage of aircraft and all matters of aircraft security. We strongly recommend that the jurisdiction and responsibilities of the FAA's Task Force be enlarged to deal with the overall problems of security of air carrier aircraft and that the necessary resources be made available to accomplish this purpose.

Little has been done to achieve total aircraft security of air carrier aircraft in the United States and the air line pilots are not satisfied that *present plans* will result in any appreciable improvements of this situation.

The Association has written to the FAA and requested on behalf of the air line pilots

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in the United States that the agency initiate the actions listed above. We should appreciate any assistance you can give us to cause the FAA and other government agencies to accept their responsibility for aircraft security and to act effectively in this matter.

Sincerely,

ROBERT L. TULLY,
First Vice President.

Mr. SMITH of Illinois. Mr. President, Mr. Tully's letter of May 8 reflects the sound thinking of many airline pilots on the question of security aboard aircraft. These are the men who presently bear the awesome responsibility for passenger safety in air piracy or air violence situations, alone, without the aid of up-to-date technology, sound regulations, or even personal protection onboard. They and their crews have been nothing less than heroic, and all of us are grateful for their calm, their coolness under incredible pressures, and their constructive suggestions for improving the situation. I believe that all or most of their proposals could easily be accommodated within the framework of my bill. I welcome the further suggestions of my colleagues, airline crews, and most of all, airline passengers. I urge the Senate to act on air travel protection before delay takes another life.

S. 3941—INTRODUCTION OF THE LEAD PAINT POISONING PENALTIES ACT OF 1970

Mr. SCHWEIKER. Mr. President, I rise today to introduce, for myself, my principal cosponsor, the Senator from Pennsylvania (Mr. SCOTT), and 13 other Senators from both parties, the Lead Paint Poisoning Penalties Act of 1970.

I send the bill to the desk and ask unanimous consent that it be referred to the Committee on Banking and Currency.

The PRESIDING OFFICER (Mr. LONG). The bill will be received and appropriately referred.

The bill (S. 3941) to provide civil penalties for the use of lead-based paint in certain dwellings, introduced by Mr. SCHWEIKER (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Banking and Currency.

Mr. SCHWEIKER. Mr. President, in recent months, the attention of a concerned public and many of us in the Senate has been focused upon the multiple environmental problems and constraints which constitute serious health threats to substantial segments of our population.

As these belated discussions and published articles on the environmental problem have been magnified, we have found that in many instances immediate solutions are not readily available. Indeed, we have discovered that it may take years of research before we know the answer to some of our worst environmental problems. One of the best examples of these research needs is our need to devise solutions for the pollution problems created by the internal combustion engine.

Although I wholeheartedly support efforts to make environment one of our national priorities, we should not overlook the fact that the lower income segment of our population does not consider these priorities as meaningful as we might assume. The environmental problems of the poor certainly cannot be classified as priorities of combustion engines or pollution of our streams. These are not the primary environmental concerns of the poor. The environmental problems of the poor relate to survival. More specifically, they relate to survival of children suffering from diseases related to poor housing, rats, inadequate food, and a tragic disease resulting from lead paint poisoning.

Lead paint poisoning, a preventable disease, has remained until recent years a low priority in most of our urban health departments. The result has meant that countless numbers of children residing in "lead-belts" primarily in Puerto Rican and black communities have been afflicted with a disease which should never have occurred.

The disease, according to Jane S. Lin-Fu, in a recent article entitled "Childhood Lead Poisoning" published in Children and reprinted by the Department of Health, Education, and Welfare, occurs most frequently among children residing in housing units constructed prior to World War II, although it can occur in any dwellings where lead-based paint has been used. Children will commonly put items such as paper, pieces of plaster, woodwork, and other similar items in their mouths, and swallow them. This is particularly true in dilapidated housing where these substances are common and children suffer from a disease called pica, in which a child has a perverted appetite for nonfood items.

Mr. MAGNUSON. Mr. President, the Commerce Committee has jurisdiction of all these matters. We have several bills before the committee at this time. The Senator's bill is a good one.

Mr. SCHWEIKER. Mr. President, I withdraw my unanimous-consent request.

Mr. MAGNUSON. We will talk about the matter later.

The PRESIDING OFFICER. Without objection, it is so ordered. The bill will be referred to the appropriate committee under the rules.

Mr. SCHWEIKER. Mr. President, repeated ingestion of these lead-painted substances can lead to mental retardation, cerebral palsy, optic atrophy, and impairment of intellectual ability. Tragically, it can, and does result in death for many children. The most common victims of this disease are children between the ages of 1 and 6. The article by Jane Lin-Fu indicates that within this age range, children between the ages of 1 and 3 comprise 80 to 90 percent of the cases. Additionally, and perhaps most tragically, over 50 percent of all deaths from lead poisoning occur in 2-year-olds.

These are horrible observations of what happens to a large segment of our deprived population. The confirmed cases of this disease in four of our major cities in 1969 gives us an indication of the dimensions of the problem. In that year, Philadelphia had 122 confirmed cases, New York, 727 cases, Chicago treated 467 potential victims, and 60 cases have been reported in the District of Columbia since April 1969. Yet, these figures indicate only part of the problem. There are thousands of children throughout this Nation who have elevated levels of lead circulating in their blood who have not been detected or treated.

These problems have been called to our attention previously by Senator KENNEDY, the distinguished Senator from Massachusetts. The bill which he introduced, S. 3216, established grants for local governments and States to seek out victims of this disease and establish mechanisms for detection, treatment, and elimination of lead-based paints on interior surfaces.

My bill complements S. 3216. It prohibits the use of paint containing lead pigments or additives on interior surfaces of any dwelling falling within the jurisdiction of title VIII of the act of April 11, 1968, relating to fair housing, Public Law 90–284. As of December 31, 1968, more than 80 percent of all housing units in the United States were subject to the Fair Housing Act, so that most housing units where leaded paint exists are reached by my bill.

In addition, this bill requires owners or landlords to remove any existing lead-based paint from interior surfaces or to cover these surfaces up, within 1 year from the effective date of this act.

Civil penalties of a maximum of $1,000 per dwelling unit for each violation of this act are included in the bill. The reporting procedures for lead-paint violations to the Secretary of Housing and Urban Development are the responsibility of persons in the local community. The tremendous growth of interest by medical personnel, community groups, local governmental officials, and tenants gives me every reason to believe that this procedure will work. I feel deeply as my principal cosponsor, Senator SCOTT, does, that the "silent deaths" of black and brown children should be ended now.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. SCHWEIKER. I yield.

Mr. MAGNUSON. Mr. President, I did not hear the Senator ask unanimous consent to refer the bill. But I hope that the Senator will reconsider that or I would move to reconsider the unanimous-consent request.

The PRESIDING OFFICER (Mr. LONG). Did the Senator ask unanimous consent? It is my impression that he asked that the bill be appropriately referred.

Mr. GRIFFIN subsequently said: Mr. President, earlier today the distinguished Senator from Pennsylvania (Mr. SCHWEIKER) introduced a bill entitled "To provide civil penalties for the use of lead-based paint in certain dwellings."

He asked unanimous consent that the bill be referred to the Committee on Banking and Currency. At that time, the Senator from Washington (Mr. MAGNUSON) interposed an objection. It is my understanding that now Senator MAGNUSON has withdrawn that objection, and, on behalf of the Senator from Pennsylvania, I renew his request that the bill be so referred.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL COSPONSOR OF AN AMENDMENT

NO. 667

Mr. GRIFFIN. Mr. President, on behalf of the Senator from West Virginia (Mr. BYRD), I ask unanimous consent that, at the next printing, the name of the Senator from South Carolina (Mr. THURMOND) be added as a cosponsor of amendment No. 667 to H.R. 15628, to amend the Foreign Military Sales Act.

The PRESIDING OFFICER (Mr. BELLMON). Without objection it is so ordered.

NOTICE OF HEARINGS BEFORE THE SUBCOMMITTEE ON CRIMINAL LAWS AND PROCEDURES

Mr. McCLELLAN. Mr. President, I would like to announce that the Special Subcommittee on Criminal Laws and Procedures has scheduled hearings on the general question of Federal aid to law enforcement for June 24 and 25. Included in these hearings will be the following bills:

S. 3, to authorize the Attorney General to provide a group life insurance program for State and local government law enforcement officers—Senator KENNEDY;

S. 964, to expand and improve Federal law enforcement facilities and programs—the "Crime Control and Prevention Act of 1969"—Senator TYDINGS;

S. 965, to establish regional divisions in the National Institute of Law Enforcement and Criminal Justice—Senator TYDINGS;

S. 966, to provide travel grants to State and local law enforcement personnel for study and observation of foreign law enforcement agencies—Senator TYDINGS;

S. 968, to provide travel grants to State and local law enforcement personnel for study and observation of domestic law enforcement agencies—Senator TYDINGS;

S. 969, to provide for programs to bring together various State and local law enforcement officials for meetings, seminars, and so forth—Senator TYDINGS;

S. 970, to provide supplements to salaries of State and local law enforcement personnel—Senator TYDINGS;

S. 971, to increase salaries of certain State and local law enforcement officers—Senator TYDINGS;

S. 972, to provide retirement, injury, and death benefits for personnel of State and local law enforcement agencies—Senator TYDINGS;

S. 1229, to make assistance available to Indian tribes on the same basis as to other local governments under the Omnibus Crime Control and Safe Street Act of 1968—Senators MCGOVERN, MANSFIELD, and METCALF;

S. 2465, to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a more equitable allocation of grants among the States—Senators METCALF and MANSFIELD;

S. 2875, to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide financial assistance to States for the construction of correctional facilities—Senators HRUSKA, ERVIN, and MANSFIELD;

S. 3045, to amend the Omnibus Crime Control and Safe Streets Act of 1968 to modify or limit certain provisions relating to grants and to provide authorization of appropriations—Senator HRUSKA;

S. 3171, to amend the Omnibus Crime Control and Safe Streets Act of 1968 to authorize grants for the purpose of crime prevention, to provide 50, rather than the present 85 percent block grant allocation, sets a 3-year authorization of funds, and for other purposes—Senators HARTKE, BAYH, BIBLE, CANNON, EAGLETON, HARRIS, KENNEDY, MCCARTHY, METCALF, TYDINGS, WILLIAMS of New Jersey, and YARBOROUGH;

S. 3541, to amend the Omnibus Crime Control and Safe Streets Act of 1968 with respect to planning grant percentages, salaries of personnel, changes and additions to provisions relating to training, education, and research grants, establishes program for grants for construction, acquisition, renovation, and so forth, of correctional institutions, and for other purposes—Senators HRUSKA, ALLOTT, BIBLE, BOGGS, COOK, COTTON, CURTIS, DOLE, DOMINICK, EASTLAND, ERVIN, FANNIN, FONG, GOLDWATER, GRIFFIN, GURNEY, HANSEN, HOLLINGS, MCCLELLAN, MILLER, PACKWOOD, PASTORE, PELL, SCOTT, SMITH of Illinois, STEVENS, THURMOND, TOWER, YARBOROUGH, and YOUNG of North Dakota; and

S. 3616, to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide direct financial assistance to units of local government upon which the presence of the Federal Government has produced additional law enforcement burdens—Senators TYDINGS, BIBLE, COOK, and HOLLINGS.

In addition, I am hopeful that the House of Representatives by that time will have acted favorably on H.R. 17825, the omnibus law enforcement assistance measure ordered unanimously reported by the House Judiciary Committee on May 27, 1970, and its provisions will be formally before the subcommittee. In any event, I would hope that those who appear before the subcommittee or submit statements will direct their comments not only to the bills listed above but also to H.R. 17825.

The hearings will begin each day at 10 a.m. in room 2228, New Senate Office Building. Any person who wishes to testify or submit a statement for inclusion in the record should communicate as soon as possible with the Subcommittee on Criminal Laws and Procedures, room 2204, New Senate Office Building.

ADDITIONAL STATEMENTS OF SENATORS

VETERANS' ADMINISTRATION HOSPITALS IN MAINE

Mrs. SMITH of Maine. Mr. President, the hospitals of the Veterans' Administration have come under heavy attack in recent weeks. I cannot speak with respect to facilities throughout the Nation, but I have made personal inquiry about conditions at the Veterans' Administration center in my own home State of Maine—the center at Togus, Maine.

On May 5, 1970, I issued a press release on this matter. On June 1, 1970, Mrs. Corinne L. Clark, the Maine department president of the American Legion Auxiliary, wrote a letter to the editors of Maine's daily newspapers reporting on the excellent conditions she had personally observed for the past 10 years at the Veterans' Administration center in Togus, Maine.

I ask unanimous consent that her letter and my press release be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

AMERICAN LEGION AUXILIARY,
DEPARTMENT OF MAINE,
South Portland, Maine, June 1, 1970.

DEAR EDITOR: Although I am not a native born Mainer, I have a great love for, and pride in our state. The great history and traditions of the Pine Tree State have been marked by our pride in the veterans of Maine. Each passing day brings more returning servicemen from Viet Nam Conflict action to add to the growing veteran population of our state.

It was with some concern that I read in a recent issue of Life magazine and viewed on some television news programs, details and pictures of deplorable conditions which exist in some Veterans Administration hospitals in several states. Knowing human nature as I do, I realized that there would be many who would immediately decide that all VA hospitals were alike. Therefore, I felt that I should speak out for our own VA facility, better known to our Maine people as "Togus".

For the past ten years, I have served as a volunteer, on a fairly regular basis, at our VA Center. During that time, I have spent periods in both hospitals—the General and Neuro-Psychiatric. I know that the conditions outlined by Look magazine and the TV news stories, do not exist at the Togus VA Center. I have constantly marvelled at the personal concern of the doctors and staff personnel, the patience and efficiency of the nurses and aides and the excellent care extended to all. Long term patients, of which there are many, are not always the most agreeable and cooperative, but I have yet to witness a single case of neglect, an unclean bed or undue waiting periods for service. To be sure there are unmet needs, shortage of beds and help, but we have a VA facility in Maine that we can be proud of, and I am glad of the opportunity to speak out for it. I think that the people of Maine deserved to be reassured of the excellent service being rendered at Togus. We have had many favorable comments in the past, the most recent visitor being Mrs. Marcelle Davidson, National President of the American Legion Auxiliary. She was impressed by the cleanliness and pleasant atmosphere and general well-being of the patients at Togus.

I was greatly concerned, as I read and witnessed on TV, of the poor treatment our veterans are receiving, but I feel that this is an exception rather than the rule.

I have a son who is serving in the Air Force, who may need treatment at a VA Hospital at some future time. I, like every other mother, want the best for her son. If the federal budget is the cause of the cutbacks, and the poor treatment in some VA hospitals, then we should work to restore the cuts. We must offer the best for those who gave their best for us. The Maine American

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Legion Auxiliary serving with the American Legion pledges to continue the fight for the well being of our sick and hospitalized veterans.

Yours truly,

Mrs. Corinne L. Clark,
Department President.

Press Release of Senator Margaret Chase Smith, May 5, 1970

Senator Margaret Chase Smith said today that she has been assured by Administrator of Veterans Affairs Donald E. Johnson that the Togus Veterans Administration hospital will continue to give Maine veterans quality medical care.

Charges that the Togus hospital and other VA hospitals are underfunded and understaffed caused Senator Smith to ask for details on the hospital's operation from Center Director Harry V. Flussi and from Administrator Johnson.

Since 1965, the Senator said, costs at Togus have risen from $20.92 per day for each patient to $26.70 and from $1,570 per patient treated to $2,089. Funds available to Togus have increased proportionately, she said. The ratio of staff to patients has risen from .98 to 1.02 during the same period.

Togus and other VA hospitals do have the same problems as private hospitals, a shortage of trained medical personnel. This shortage was aggravated in VA by a 1968 law that required the agency to reduce its staff to the mid-1966 level. This deprived the VA's medical care program of several thousand workers in all categories of the health services professions at a time when the VA requirements for such personnel were growing steadily.

"Last September, to meet this problem," she said, "President Nixon raised VA's personnel ceiling by 1,500 even though employment authorizations for other Federal agencies were then being reduced by 51,000. He also approved the VA's fiscal 1971 appropriations request for an additional 2,100 medical care employees."

With relation to funding for VA hospitals, Senator Smith explained that on November 26, 1969, the then record sum of $1,541,701,000 for medical care was included in the FY 1970 VA appropriation measure approved by President Nixon. Since that time, the President has approved $106.5 million additional for VA medical program needs, including pay raises.

"Then, on February 2 of this year," Mrs. Smith continued, "the FY 1971 budget submitted to Congress by the President included $1,702,200,000, the highest appropriation request in history for VA medical care. On April 2, the President proposed an amendment to this FY 1971 budget to provide an additional $50 million for VA medical care programs.

The FY 1971 request will increase the VA medical care staff by another 5,723 employees, bringing the full time employment up to 137,854—the biggest work force in the department's history."

Administrator Johnson has advised the Senator that VA is conducting a full-scale review of the medical program needs, station-by-station as well as on a regional planning basis, and projecting the related construction needs well into the future years.

This includes requirements for new facilities as well as modernization and replacement facilities, to work out with all parties concerned a new long-range plan which structures a relationship between medical needs and the construction necessary to meet those needs.

"No veterans with service-connected disabilities or nonservice connected veterans in need of emergency care are denied admission at Togus," the Administrator advised Senator Smith. "The current needs of the Vietnam veterans for hospitalization are being met. Their future needs are being included as part of our on-going review."

POLISH LEGION OF AMERICAN VETERANS 50TH ANNIVERSARY

Mr. HART. Mr. President, 50 years ago the Polish Legion of American Veterans was founded in Hamtramck, Mich.

This past Saturday, Hamtramck Post I, the original PLAV post, celebrated its golden anniversary. On August 28, the national organization will hold its 50th anniversary convention in Detroit.

Mr. President, this organization has good reason to be proud of the contributions persons of Polish descent have made to America, both as members of the armed services and of PLAV.

Of the 100,000 men who volunteered for military service shortly after this Nation entered World War I, 30 percent were of Polish descent.

More than 10 percent of those serving during World War II were of Polish descent.

Both of these figures take on added significance when measured against the fact that Poles make up only 4 percent of the Nation's population.

PLAV's record of public service is equally impressive.

Here is just a partial list of the public service projects supported by the Hamtramck post alone:

Essay contests on patriotism in high schools;

Financial and volunteer support and extensive blood donations for the American Red Cross;

Purchase of more than $300,000 of U.S. bonds during World War II;

Some $40,000 spent on charitable and welfare projects during the depression;

Thousands of hours of volunteer service in Veterans' Administration hospitals at Allen Park, Battle Creek, Saginaw, and Iron Mountain;

Funds donated to furnish day rooms at the Battle Creek and Allen Park VA hospitals;

Annual Christmas parties at the Allen Park hospital;

More than $100,000 donated for charitable works for member and nonmember veterans, and widows and orphans of veterans.

Mr. President, in reviewing the history of service of PLAV posts, I was reminded of a statement I made in 1964 on the 173d anniversary of the Polish Constitution.

I would like to repeat just a few sentences from that speech, for I think they explain, at least in part, why people of Polish descent have responded in such numbers to crises in America. I said, in part:

> Today, the 173rd anniversary of the Polish Constitution, we think again of the importance to human freedom of that great document.
>
> In America we commemorate these landmarks in the struggle for human dignity because our roots as a people spring from those days men cried out against tyranny.
>
> "Seventeen decades ago, the people of Poland proclaimed that: "All power in civil society should be derived from the will of the people . . ."
>
> This idea, this faith, was shared by the American colonies.

That faith is still part of the spirit of America. That idea is still central to our way of life.

So in working to improve the quality of life in America, Poles are following in the great tradition of the land from where their descendants came.

All Americans have profited from the commitment of Americans of Polish descent to that tradition.

Once again we are reminded that the roots of America reach back to each of the many countries from which our descendants have come.

Once again we are reminded that America is the sum of all the parts of which she consists, the vast majority of which came to these shores from abroad.

So with those thoughts in mind, I take this opportunity to honor the Polish Legion of American Veterans, which now has posts in 10 States, and to say "thank you" for the many contributions its members have made to America in the 50 years of its existence.

ACCEPTANCE OF HANDICAPPED IN LABOR FORCE

Mr. DOLE. Mr. President, on June 1, 1970, the Post-Standard of Syracuse N.Y., published an article entitled "Crippled Wheel 100 Miles." The article reports on a 100-mile trek in wheelchairs by 10 crippled students from Southern Illinois University. The purpose of this "jaunt for jobs" was to arouse a climate of opinion leading to the acceptance of the handicapped in the labor force of our country, and to promote the understanding that disabled persons are capable of significant contributions in the working world.

Prejudice toward hiring the handicapped is often perpetuated by the connotation of the word "handicapped" which brings to mind a dependent or incompetent person. It is important for us all to recognize the potential and ability of the handicapped to compete successfully with employees who are without physical disabilities.

I ask unanimous consent that the article, which so well depicts the enthusiasm of these young people to become contributing, self-sufficient members of our society, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Crippled Wheel 100 Miles

St. Louis.—Ten crippled students from Southern Illinois University at Carbondale completed Sunday a 100-mile "jaunt for jobs"—a wheelchair endurance run to promote employment for the handicapped.

"We were going to sell pencils, you know, the old stereotype," said John Taschler, 24, of Madison, Wis. He is president of the Winged Wheels Club at the university.

The club had 5,000 pencils but the university was shut down because of recent student anti-war protests. So the students decided on the "jaunt for jobs," to "create public awareness that handicapped persons can perform many tasks."

Trip leader was Michael Kaminski, 22, of Middleton, Wis. He is an infantry veteran paralyzed from the waist down by a mortar explosion in Vietnam.

As soon as the group left Carbondale last Tuesday, state police stopped them. A misunderstanding was cleared up when the govnor's office confirmed that the club had been given permission to use the highways. The students had a police escort the rest of the way.

"Some people thought we were protest marchers," said Taschler.

At one point, said Taschler, a car pulled up and a crippled man tried to say something. But he couldn't. His wife, who was driving, said "He wants to tell you that he thinks what you are doing is good. He says thanks."

At the halfway mark, Coulterville, Ill., "the whole town of about 800 turned out," said Taschler. The fire house was emptied of trucks and cots were set up for the students to stay overnight.

At Marissa, Ill., the students learned that a 10-year-old crippled boy named Johnny wanted to meet them. "They told him he would die before he was six," Taschler said. The students found Johnny and gave him a club T-shirt. His father let him follow alone on the sidewalk for a while.

"We got a bigger thrill than he did," said Taschler.

At least six other handicapped persons turned out to meet the students, who kept at least two wheelchairs on the road at a time. They had a van to carry those who took breaks.

The other students were: Bill Chadwick, 21, McHenry, Ill.; Alex Wilton, 26, Chesterfield, Mo.; Alfred Riecken, 20, Evansville, Ill.; Pat Gibson, 22, St. Louis; Mike Winters, 19, Ken Barbee, 20, and Herb Hoffman, 23 all of Chicago; and Christine Curtis, 20, of Miami, Fla.

"Getting tougher every day," said Taschler when the students increased their pace from three to four miles an hour. Some were doing 15-mile stretches at a time. "We decided we had to slow this thing down or we would get there too soon," Taschler said.

The destination Sunday afternoon was home plate at Busch Stadium. The baseball game between St. Louis and Los Angeles started after the baseball that the students had carried with them was thrown into play by Kaminski.

Taschler said he tried to get a job after earning his bachelor's degree in speech but "it was damned difficult." He is now a graduate student.

"The world is moving too fast," he said. "We were averaging four miles an hour and meeting a lot of fine people. And they learned a lot about handicapped people.

"We are just as human as anyone else. We just have a different mode of transportation. But we showed we have the stamina to do a job."

DAVID LAWRENCE ON GALLUP

Mr. HANSEN. Mr. President, with further reference to the Gallup poll which I placed in the RECORD yesterday, an article by David Lawrence, published in the Washington Star of June 8, has just come to my attention. Mr. Lawrence makes some perceptive and clear-headed comments on the significance of the Gallup findings.

Primarily, he says, it is because the people have recognized that in the President they have a leader who has not feared to take the initiative away from the enemy. He points out that the Vietnamization program has been popular and has generally been accepted as one of growing success.

A majority recognizes the attack on Cambodia for what it was: An attack on an illegal sanctuary used by North Vietnam as a base for operations against our troops.

Mr. Lawrence concludes that the meaning of the Cambodia operation was not an easy one to get across, but that the obvious results and their relation to the President's concern for the safety of our troops has finally sunk in.

He says the main point in which the American people are interested is "that the United States has found a way to bolster the strength of a Southeast Asian country to defend itself against aggression and to encourage other small nations to help each other maintain their security and independence."

Even though they do not like war, the American people, according to Mr. Lawrence, will support the President until the war has "reached an honorable conclusion."

That is President Nixon's underlying purpose, and Mr. Lawrence believes the President's TV reports to the American people have convinced them of this fact.

Mr. President, I ask unanimous consent that Mr. Lawrence's column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NIXON CONVINCES HIS CONSTITUENTS

(By David Lawrence)

Much to the surprise of many who thought President Nixon's popularity was slipping because of all the noise and shouting from the anti-war group, the latest Gallup Poll, just released, shows he has actually "registered steady gains in popularity over the last two months." In this survey, taken before the President's speech last Wednesday, 59 percent of the adults expressed approval of the way he is handling his job.

The news release by George Gallup of the American Institute of Public Opinion concedes that "this finding will come as a surprise to interpreters of the national mood who expected the President's popularity to drop sharply" after widespread student protests over the decision to send troops into Cambodia. But the previous survey, conducted soon after Mr. Nixon's decision to send troops into Cambodia, gave an approval rating of 57 percent, which was a one-point rise over the previous ratings in April. It now has climbed to 59 percent.

One of the factors which is cited as explaining what is called a "surprising survey result" is the opposition of the adult population to recent student strikes in protest to the Cambodian action. Another is the approval which has been given to the "Vietnamization" program of withdrawal of American troops while the South Vietnamese forces are trained to take over the fighting. Various Gallup Poll surveys have shown this particular plan to have been approved over the past four years.

Public opinion is not always readily measured by the amount of headlines one side or the other gets in controversial matters. It has been suspected lately that the student riots and campus disturbances against the war have stirred up more sympathy than opposition for the President, in his difficult position as commander in chief of the armed services.

The meaning of the Cambodian operation itself was not an easy one to get across when it was first announced. Subsequent news reports and television broadcasts, however, have shown the vast amount of munitions and supplies which have been captured in enemy "sanctuaries," thus diminishing the capability of the North Vietnamese to conduct attacks on American troops now in Vietnam. The President's argument that it was his duty to take every measure possible to insure the safety of the troops remaining in Vietnam after he had withdrawn 150,000 apparently has sunk in. Protection for the American soldiers was deemed far more important than arguments about "widening the war."

Mr. Nixon has made it clear that by a certain date—namely, June 30—all American soldiers will be removed from Cambodia, though South Vietnamese will be left there. This doesn't mean, however, that air strikes will be ended, because the American military commanders feel they must have the right to use air power at any time to attack the lines of communication leading to enemy bases or encampments.

American planes have been hammering away at enemy targets outside of South Vietnam ever since the war began, and probably will continue to do so until the South-Vietnamese have sufficient air strength to do the job themselves.

One thing is clear—and the Gallup Poll now has confirmed this—the American people do not disapprove of measures taken to defend the American troops who remain in Vietnam as the process of withdrawal is carried out. The main point in which they are interested is that the United States has found a way to bolster the strength of Southeast Asian country to defend itself against aggression and to encourage other small nations to help each other maintain their security and independence.

On the whole, a policy which involves war is never popular. But once a war has been begun, the people are likely to support the President of the United States until it has reached an honorable conclusion. And that is President Nixon's underlying purpose. His television reports to the American people have done a convincing job.

AMERICAN PRINCIPLES AND THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, I firmly believe that the most fundamental of all human rights is the right to live. This is a right which our country has reaffirmed time and time again. Today I would like to look for a minute at just how much a part of the "American philosophy" the right of human life has become.

The Massachusetts Body of Liberties in 1641 affirmed that with our due process "no man's life shall be taken away, no man's honor or good name shall be stained, no man's person shall be arrested, restrained, banished, dismembered, nor any ways punished, no man shall be deprived of his wife or children."

Samuel Adams noted in 1772 that "among the natural rights of the colonists are these: First a right to life, secondly to liberty, thirdly to property; together with the right to defend them in the best manner they can."

The first Continental Congress resolved that all citizens had certain "indubitable rights and liberties; which cannot be legally taken from them, altered or abridged by any power whatever, without their own consent." The first of these was said to be the right to life.

The Virginia Declaration of Rights declared that "all men are by nature equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot by any compact, deprive or divest their posterity; namely the enjoyment of life and liberty."

Our Declaration of Independence listed life as the first of the unalienable rights.

More recently the allied nations fought

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World War II "to defend life, liberty, independence and religious freedom, and to preserve human rights and justice in their own lands as well as in other lands."

In 1948 the 21 American Republics declared that "every human being has the right of life, liberty, and the security of his person" in the Declaration of the Essential Rights and Duties of Man.

In the United Nations Charter and the Universal Declaration of Human Rights we upheld the same belief.

This simple principle seems almost innate to those of us fortunate enough to have been born in this great Nation. After all what can be more self-evident than the right of all human beings to life? But there are times, Mr. President, when nations have to remind themselves and others of simple principles. They have been transgressed too often to be allowed to fall unguarded. It is when principles become unguarded that they are prone to collapse.

Mr. President, the United States is called upon today to continue a great tradition by confirming the right of all human beings to life. In an evermore violent world the United States is looked to for example and inspiration.

It is high time that we have the courage of our tradition which is the courage of our convictions by embodying in international law the right of every human being to life. It is high time, Mr. President, that the Senate ratify the Convention on Genocide.

"SEEDS OF CHANGE"—THE STORY OF THE "GREEN REVOLUTION"

Mr. MATHIAS. Mr. President, in these days of trouble and crisis, it is a great pleasure to bring good news of man's successful efforts to overcome an age-old problem.

During the last few years, the development and rapid spread of new strains of high-yield crops, particularly wheat and rice, have enabled the developing countries to postpone the threat of famine for another decade or two. If during this period mankind can also slow and eventually stabilize population growth, the threat of famine could be lifted for all time.

The story of the "green revolution"—the shorthand term used to describe these new crop strains and their impact—is ably told in a new book by Lester R. Brown, of the Overseas Development Council, entitled "Seeds of Change."

Mr. President, I ask unanimous consent to have printed in the RECORD a review of "Seeds of Change" by the distinguished former Secretary of Agriculture, Orville Freeman. I commend the book to Members of Congress and to every American interested in achieving a more tolerable global balance between food and people.

There being no objection, the review was ordered to be printed in the RECORD, as follows:

"SEEDS OF CHANGE," BY LESTER R. BROWN

(Reviewed by Orville L. Freeman)

Seeds of Change is a timely book about the Green Revolution, a "revolution" which may prove to be one of the most significant international economic phenomena in history. The author, Dr. Lester Brown, still in his mid-thirties, has been in the front ranks in the struggle to focus attention on the importance of agricultural development to the less-developed world for more than a dozen years. He writes boldly and with insight.

Seeds of Change spells out for the reader what the Green Revolution is not, as well as what it is. It makes it clear that the spectacular spread of the miracle seeds fathered by research undertaken by the Rockefeller and Ford Foundations is not guaranteed for the future. What it will take to continue it where the Green Revolution has started and to begin it in the tropical less-developed countries where it has not yet begun (mostly in Africa and Latin America) is carefully examined.

CONSEQUENCES OF REVOLUTION

Perhaps the most valuable and timely part of this book is the review of the economic, social and political consequences of the Green Revolution. In a dramatic section entitled "Solving Urban Problems in the Countryside", attention is focused not only on the promise but also on the threat the Green Revolution holds for the less-developed world if it is poorly managed.

Finally, the author issues a pointed challenge to his countrymen. If the United States can lead the world, he asks, to the elimination of famine (which we have done in the decade of the 60's), why can't we exercise the same leadership to abolish hunger and malnutrition in the decade of the 70's?

Hopefully, *Seeds of Change* will contribute to ending a rather sterile debate on whether there has or hasn't been a Green Revolution. There has been a lot of confusion and wasted energy focused on the descriptive term "Green Revolution", which is shorthand for the rapid spread of the new high-yielding cereal varieties and associated techniques in some of the poor countries. Some over-optimistic souls have concluded that now a Green Revolution is under way, the War on Hunger will be quickly won. Others find the description Green Revolution an easy target on which to exercise their talent for ridicule. In the process of such a dichotomy, important know-how is misdirected and non-experts get confused rather than informed.

Seeds of Change makes it clear that the Green Revolution is no universal phenomenon in the poor countries. There are literally dozens of poor countries which the Green Revolution has not yet reached. In the countries where it has begun, the area which will accommodate the news seeds is a minor share of the total, perhaps one-sixth of the total wheat acreage in West and South Asia and maybe seven percent of the rice land in South and Southeast Asia. Water and the ability to control it is a serious constraint on the extension of the Green Revolution. Nor has the technological breakthrough affected all production. So far, it is confined for the most part to food grains, and within that category largely to wheat and rice.

On the positive side, *Seeds of Change* documents that the Green Revolution is a magnificent achievement, bringing new hope and promise to the developing world.

The spread of the new wheat and rice seeds is phenomenal. Since 1965, some 40 million acres have been planted to the new miracle seeds. They have increased production on the acreage planted by approximately 20 million tons at a value estimated at $3 billion. The net income increase to the producer between the traditional and high-yielding varieties is dramatic. For wheat: Turkey, $32 per acre to $80 per acre; India, $17 to $76. For rice: Philippines, $81 per acre to $140 per acre.

The annual increase per acre yield where Mexican wheat is used in India and Pakistan has more than doubled the rate of advance in the United States following the introduction of hybrid seed corn a generation ago. Total wheat production in Pakistan and India has increased more than 50 percent over the past four years. Ceylon's rice production has increased one-third in three years. In Mexico, wheat production has increased each year during the 1960's, starting at 495 pounds per person in 1960 and reaching 680 pounds per person in 1968.

UNBELIEVABLE BREAKTHROUGHS

To a former Secretary of Agriculture who increased domestic wheat acreage allotments twice in 1966, the second time in the face of vociferous opposition, because world food grain reserves were perilously low and another monsoon failure on the subcontinent of Asia would have triggered world-wide famine, the magnitude of the production breakthrough is almost unbelievable. You can be sure I had no inkling in 1966 that miracle seeds doubling and quadrupling yields for wheat and rice would be planted on close to 40 million acres in a few years. As a matter of fact, if one of my advisers in or out of the U.S. Department of Agriculture had made such a prediction in 1966, we probably would have sent him for psychiatric observation. At no time in history has there been such a massive application of new technology in countries assumed to be dominated by traditionalism.

Seeds of Change describes in fascinating detail technological dimensions of the breakthrough, but the book is not limited to the technological. For this reviewer, Chapter 12—"New Seeds and the Cities"—is especially timely. It sets forth a promise and a threat. The promise is to help check the rural-urban cities human trash heaps, the very opposite of the centers of civilization envisioned by the great philosophers" by expanding rural threat is that should indiscriminate mechanization take place and the special needs of the small subsistence farmer be ignored, more millions will be added to the army of the unemployed, driving them into the already almost ungovernable big cities.

BIG CITY PROBLEMS

Seeds of Change doesn't say so explicitly, but it hints that the displacement of large numbers of rural people by mechanization is more responsible for the big city problems which resulted in the burning of cities in the United States in the 1960's than any other factor. For my part, I have no hesitation in confirming this analysis. I have visited cotton plantations in the American southland where in one year the labor supported by the plantations dropped from 100 families to 5 families. Some describe this phenomenon as efficiency and progress, proudly citing per capita output figures. Such an evaluation fails to consider the human and social cost of 95 black families with nowhere to go. They or their children made up the rioting mobs who cried "Burn baby, burn" in Detroit, Washington, Cincinnati, Cleveland and Los Angeles.

This is not to say that all mechanization is socially counterproductive. Quite the contrary. Dr. Brown points out that some forms of farm mechanization are employment-creating, while others are labor-displacing. He sees the mechanization of irrigation as one which is highly desirable in that it increases both production and employment.

NATIONAL MECHANIZATION POLICIES

The key point implicit throughout *Seeds of Change* is that wise national policies, by maximizing employment and making sure the new technology reaches the little farmers, can help to keep people away from the politically inflammatory urban areas, and at the same time stimulate the entire national economy. In this way, the new technology can build markets for consumer goods like motor bikes, transistor radios and household appliances, creating desperately needed jobs in industry.

Policies governing mechanization may have greater influence on the future eco-

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nomic development of the less-developed countries than policies in any other area. The worrisome thing is that not a single poor country where the Green Revolution has made a major impact has a reasoned, effective national policy on mechanization.

Following his discussion of rural employment and the urban crisis, the author then argues, in what may be the principal intellectual contribution of the book, that the time has come to redefine the population problem. He makes his point as follows:

"When Thomas Malthus published his gloomy treatise in 1798, he defined the population problem primarily in terms of food supplies and the threat of famine. Ever since, the threat of overpopulation has been perceived largely in his terms . . . But as we enter the 1970's we are faced with a need to redefine the population problem. After nearly two centuries, it is time to move beyond our legacy from Malthus.

"Two independent phenomena, both bearing directly on the population issue, are forcing us to change our conception of it. The first is the agricultural breakthrough in the poor countries. Although this is by no means a solution to the population problem, it is diminishing the prospects of famine in the near future and buying time—perhaps an additional fifteen years in which to develop the technologies, the will, and the strategies to stabilize global population growth.

"While the threat of famine is diminishing, the number of young people entering labor market is rising rapidly . . . the food problem of the 60's is becoming the employment problem of the 70's. Feeding the increasing numbers of people will not be easy, but is likely to prove much more manageable than providing jobs."

WHO BENEFITS?

The question is frequently and properly raised: Who is benefiting so far from the Green Revolution? Is it reaching the small farmer who makes up the great mass of the population? *Seeds of Change* passes rather lightly over this question by declaring that although it is "conventional wisdom" to assume that big farms benefit most from technology, the real limiting factor is the availability of water, not the size of the farm. The success of small farms in Japan and Taiwan gives some credibility to this conclusion. Nonetheless, it appears to me that such a statement begs the real question, which is "Who gets the water?"

On the Gangetic Plain in India, for example, a farmer with a 15-acre holding can afford to sink his own tube well. A two-acre farmer can't. As a practical matter, eight two-acre farmers seldom, if ever, pool their resources. Nor does the Indian Government sink wells for them. So they can't get water and are observers, not participants, in the Green Revolution. As such, they are potential migrants to the big city and tinder for revolution in the countryside. The ache of discontent and discrimination fueled by the village TV center and their own transistor radios remind them daily that their government, and society in general, doesn't care about them. Strong and determined efforts will have to be made very soon or else the Green Revolution will pass by the small farmers in most of the poor countries.

FROM POTENTIAL TO REALITY

Seeds of Change is essentially a bullish book. It concludes that the Green Revolution is a major breakthrough that holds great promise of becoming a general, not a limited, phenomenon.

The question remains, however, how can the potential become reality. How can poor nations inhibited by centuries of repression, traditionalism, ignorance and poverty apply modern technology quickly and widely?

The principal shortcoming of *Seeds of Change* from where I stand, is that it leaves this question largely unanswered. In the concluding section addressing itself to the basic question "How" should have been a chapter dealing much more fully with what actions both we and the poor countries should be taking.

NATIONAL DEVELOPMENT STRATEGY

What is needed, of course, is a national strategy on a country-by-country basis. Such a national strategy would have several components. It should take advantage of the high-yielding cereals, disseminating them as rapidly and as widely as possible. This, in turn, requires continuous efforts by the plant breeders to develop high-yielding varieties adaptable to an ever widening range of growing conditions.

Governments must walk the thin line of formulating a food price policy which helps to maintain incentive prices to farmers, but at the same time lowers prices to consumers as rapidly as the introduction of new technologies and declining production costs allow. We should bear in mind that for the world's poor, a decline in food prices has the same effect as a rise in income.

Most of the less-developed countries have an agricultural development strategy of sorts. But I know of none that has shaped its plan specifically and in detail to balance and manage all the complexities that make up the Green Revolution. Time is of the essence. It is here that the United States can be of great help.

The problem solving technique "systems analysis" and the skills to apply it should be made available to every less-developed country so the national policies of each can be updated and conformed to the new technology. There is no magic in the systems approach, but it is a powerful analytical tool that could be helpful in meeting the complex problems that interact where the Green Revolution goes forward with its multitudinous social, economic, cultural, political and technological facets.

SYSTEMS ANALYSIS IN DEVELOPMENT

The systems approach makes it possible for a decision-maker to look at a complex problem in its entirety, determining exactly how the various parts interact so they can be brought into the proper relationship for an optimum solution. It is interdisciplinary, using teams of specialists—sometimes called engineers—who know society as well as technology. Such a team, headed by an experienced systems professional, might include several economists, an agronomist, a marketing specialist, a food technician, an ecologist and a rural sociologist. It could, in perhaps six weeks, submit to the decision makers of a less-developed country an updated agricultural development plan. Alternative courses of action to carry out the plan would be identified by the disciplined application of logic and common sense in a sophisticated, professional way.

It will probably be much more difficult to get the political leaders in the less-developed countries to support and make proper use of the recommendations made by a systems team than to find the team. If the key decision-maker isn't personally involved and committed to the systems approach, the recommendation may go on the shelf to gather dust, sharing the fate of countless studies. Reaching and convincing the leadership in the less-developed countries which are on the threshold of or which have a technological breakthrough could be the most important assistance possible. The "selling job", would have to be done at a high level and followed up with tact and good judgment. But out of such an effort could come a Green Revolution implementation plan with the political leadership of the less-developed countries firmly committed to it.

A CALL TO ACTION

Seeds of Change provides an excellent note on which to begin the '70s. It is a current analysis of the Green Revolution, its consequences and its potential for improving human well-being. But more than that, it is a call to action, particularly on the part of governments, our own as well as those in the poor countries. The purpose of its author and of the Overseas Development Council, which sponsored it under the leadership of James Grant, was to identify the potential which the new seeds bring for improving the well-being of that majority of mankind which is hungry and malnourished.

They have succeeded admirably.

FLORIDA NEWSPAPER POLL BACKS UP PRESIDENT NIXON ON CAMBODIA

Mr. GURNEY. Mr. President, a Florida newspaper, the Pompano Beach Sun-Sentinel, has been conducting a poll of its readers on the Cambodian action as well as on other matters surrounding the war in Southeast Asia.

The poll shows overwhelming support of the President in his policy concerning the war in Southeast Asia.

The Sun-Sentinel is widely read in the thickly populated Fort Lauderdale area as well as in Pompano Beach.

I ask unanimous consent that the editor's letter to me and the questions of the poll be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

JUNE 3, 1970.

Senator EDWARD J. GURNEY,
133 Old Senate Office Building,
Washington, D.C.

DEAR SENATOR GURNEY: At the suggestion of Jack Hord, we conducted a ballot poll of our readership on President Nixon's Cambodian policy; and I am sure as a supporter of Mr. Nixon, you will find much satisfaction in its results.

A copy of the ballot, published daily during the week of May 24–30, is enclosed.

The results were:
Total ballots: 2,200.
Question 1: 2,024 yes; 165 no.
Question 2: 1,908 no; 286 yes.
Question 3: 1,747 no; 463 yes.
Question 4: 1,168 yes; 850 no; 234 undecided.

I have written to the President advising him of overwhelming support accorded him in this area.

With all personal regards,
Sincerely yours,
WILLIAM A. MULLEN,
Editor.

VOICE YOUR VIEW ON INDOCHINA WAR

President Nixon and the Congress appear headed for some form of showdown on the conduct of the war in South Vietnam. The President has his prerogatives as commander in chief and the Senate insists upon its right to advise and consent on foreign affairs. The House of Representatives also wants a voice.

In summary, there are several positions to considered by Americans within this war context. You can indicate your preference on this ballot, which will be recorded and forwarded to this area's Representatives in Washington:

1. Do you support President Nixon's dispatch of troops into Cambodia to destroy enemy sanctuaries and protect American troops, a mission that is to be completed by June 30? Yes ____. No ____.

2. Do you support the Cooper-Church

Resolution that would cut off federal funds for retaining U.S. troops in Cambodia after June 30? Yes -----. No -----.

3. Do you support a House version of the McGovern-Hatfield Amendment that would require removing all U.S. troops from South Vietnam by June 30, 1971? Yes-----. No -----.

4. Should the U.S. hold out for a military victory in South Vietnam? Yes-----. No -----.

Name --
Address ------------------------------------
City ---

Mail or bring your ballot to the nearest Sun-Sentinel office.

COMMENDATION OF MR. J. PHIL CAMPBELL, UNDER SECRETARY OF AGRICULTURE

Mr. DOLE. Mr. President, I wish to commend the Under Secretary of Agriculture, Mr. J. Phil Campbell, for the perceptive address he delivered at the 17th National Watershed Congress in Denver, June 8.

I know the Under Secretary well, and he always speaks out forcefully on national issues. Like all of us, he is deeply concerned about the environmental challenge facing the Nation. Like all of us, he is aware, as the President said, "of the declining quality of the American environment" and of the challenge this poses for the future of our people.

Yet he is optimistic about the future. He believes we can and will make our peace with nature. He points out that much of the technology required to meet our environmental needs is already in being. What is needed is a "reinforced national will to apply this technology to present and future problems.

Mr. Campbell is optimistic that just as the Nation has begun to correct its problems of the natural environment, so also we will survive the current social upheaval.

I believe this stimulating address merits the widest public attention. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE ENVIRONMENTAL CHALLENGE

I deeply appreciate the opportunity to appear at this 17th National Watershed Congress.

Like you, I delight in the beauty of a clean stream or lake, a healthy forest, a green field.

One of my most prized possessions is eight acres of bluegrass pasture in front of my home in the Piedmont Plateau of northern Georgia. This pasture of mine developed on top of a Bermuda grass. And one of life's minor triumphs occurred when a professional agronomist, seeing this beautiful bluegrass pasture—something which was not supposed to exist in that region—said to me, "You certainly have been putting a lot of lime here, haven't you?" I told him that to my knowledge not one pound of lime had been applied to that pasture for the past 45 years. On the other hand, neither had there been a plowpoint applied to it for the past 35 years—which is largely why it became a bluegrass pasture.

I tell you this in part to demonstrate that, like you, I have a deep and long standing interest in the development of a beautiful and useful environment—but also to illustrate a point with which I think you would all agree; namely, that despite the great progress that has been made, the science of soils and water and forests, in fact, environmental science as a whole, is still in its infancy.

There are three main points that I want to touch on today.

First, the environmental crisis.

Second, where we stand in terms of progress and achievement.

Third, what we can do to help develop the kind of an environment we all want for America.

There *is* an environmental crisis. President Nixon in creating the Environmental Council said, "Each day we receive new evidence of the declining quality of the American environment."

Others have said that a majority of Americans today, urban and rural alike, in all sections of the country, live near polluted waters and breathe polluted air.

Still others predict that by the year 2000 the United States will need a trillion gallons of water a day—nearly three times the estimated use in the mid-1960's. And they estimate that there are only about 560 billion gallons a day of available stream flow that eventually can be tapped for water needs.

Big chunks of farmland are being swallowed up for houses, factories, industries, airports, and highways. And the demands upon our forests and woodlands are multiplying.

The population of the United States—now roughly 205 million—may grow by another 100 million persons by or shortly after the end of this century.

All these developments put pressure on our resources.

Consider the fact that the average American in a life span of 70 years uses 26 million tons of water, 21,000 gallons of gasoline, 10,000 pounds of meat, 14 tons of milk and cream, 9,000 pounds of wheat, and great quantities of other products from the earth.

To those who concentrate on these statistics and trends, the future seems mightly grim. Yet, I am not pessimistic about the prospects for this nation. On the contrary, I am optimistic—and in a few moments I will tell you why.

But first let us consider how and why the crisis of our surroundings has occurred.

It developed, as the President point out, "not so much from choices made, as from choices neglected; not from malign intention, but from failure to take into account the full consequences of our actions." It is largely "the result of our inability to keep pace with progress. We have become victims of our own technological genius."

This, indeed, is true. Technological advance has brought the nation immense progress, but it has also created huge problems.

The gasoline engine, for example, which revolutionized transportation and replaced muscle power in agriculture and industry is also a prime polluter of the atmosphere.

Our modern industries and our great urban and suburban development projects which are so important to the American standard of living are also prime polluters of lakes and streams.

Our scientific agriculture, which provides the most abundant and varied food supply in the world—for only 16½ percent of our after taxes income—is under scrutiny for its use of pesticides and weed killers and its great cattle feeding operations which produce difficult problems of waste disposal.

Just as man's economic advances have outraced his social progress, so also technology has outrun, but only temporarily I believe, man's wisdom in its use.

I said I am optimistic about the future. I believe we can, and will, make our peace with nature.

I believe, as the President believes, that "together we have damaged the environment and together we can improve it."

I believe that just as the misuse of technology has caused the present problems, the right use of technology can solve those problems.

I believe, in fact, that much of the technology required to meet prospective environmental needs is already in being. What remains to be developed is a reinforced national will to apply this technology to present and future problems.

I am optimistic about the future because of what has already been accomplished in the past. And this is the second main point I want to touch on.

Somehow our farmers and conservationists with the help of the USDA and other government agencies, despite their ignorance, their fumbling and bungling, their inexpertness and inefficiency, their lack of ecological knowledge and general ineptitude—somehow they have managed to create through the stewardship of soil, water, and forest resources the most abundant food supply the world has ever seen—plus safer drinking water for a higher percentage of our people than ever before—plus facilities for recreation unmatched in history—plus vastly increased opportunities for fishing and hunting.

Most of us here can recall the dust storms of the 1930's We can remember how the sun was virtually eclipsed at mid-day—how clouds of dust enveloped our homes, offices, and other buildings—and how the stuff seeped in through every crack around our doors and windows. This occurred even on the eastern seaboard—1000 miles from the source, the western farm States.

Wind erosion damage in the Great Plains last year was the lowest recorded since reporting began 35 years ago. Less than a million acres were damaged in the 1969 "blow season." In the drought years of the 1950's the acreage damaged by wind in a single season reached almost 16 million acres. In the Dust Bowl years it was far higher than that. The stabilization of the Great Plains is largely due to the increased use of soil and water conservation practices by Great Plains landowners.

As I told you earlier, my environment through much of my life has been the Georgian Piedmont. I can remember when the view from ridge top to ridge top was old cotton stalks and broom sedge fields. Now the view is mostly pine forests and grass.

I can remember days when the entire horizon was hazy from woods' smoke. Today those forests are well protected from wildfire.

I can remember when many of the streams ran red with silt. Today the forests of my State—where there are now nearly 3 million acres of pine plantations—have greatly reduced soil erosion.

I remember when the existence of wildlife there was being seriously threatened. Today the deer herds, wild turkey flocks, and other species of wildlife have been restored.

Back around 1920, according to biologists, the U.S. game supply sank to a low ebb. Today, hunting grounds abound with fish and game. In some sections, certain species such as beaver and deer are reported in "excess supply."

It is reasonable to speculate that the continental United States has more fish and wildlife today than when the Red Men were the sole proprietors of this land. Certainly our abundance of wildlife resources is enjoyed by far more hunters than ever took to the forest before the white man's arrival. There were probably less than a million Indians—men, women, and children—here when Columbus landed. Considerably fewer than half of them hunted; the squaws and young children stayed home. Today, more than 15 million persons own hunting licenses and more than 24 million have fishing licenses.

This is the result of conservation farming, allocation of acreage to wildlife habitat, stocking of fish and game, coupled with a greatly reduced take by individual hunters.

I can cite many other examples of progress.

Since the Dust Bowl days, more than 2 million individual farmers, ranchers, communities, and other land users have voluntarily signed cooperative agreements to put conservation plans into effect. The land involved totals three-quarters of a billion acres.

Sixty-eight Resource Conservation and Development Projects are now underway. Most of these projects include accelerated soil and water conservation, development of water resources, and social and economic development.

Increased research is being applied to the biological control of pests—offering considerable long-term promise in reducing the need for chemical controls.

Many DDT uses were cancelled last fall, and plans are to phase out other non-essential uses as rapidly as is feasible. We will be taking similar action toward other pesticides that persist in the environment or endanger human health.

It has been said that the story of water and man's quest for it is in large measure the story of civilization. We know from the Bible and from the history of ancient civilizations that water was then thought of largely in terms of watering holes for cattle and sheep. We think of camel caravans crossing the desert. And we think of tremendous floods wiping out whole regions.

Water holes, drought, and floods have played a large role in our own national history, too. That we no longer fear drought and flood as our ancestors did is a remarkable tribute to our conservation progress.

We have learned to treat our forests as water factories. Forest lands which comprise about one-third of the nation's land base, produce over 60 percent of the total water yield, and are vital to maintenance of water quality.

Protection, sound management, and improvement of forest land resources are a vital part of 10 of the 11 flood prevention projects authorized by the Flood Control Act of 1944. Forest land treatment is also an essential part of the small watershed program.

The effectiveness of these measures is illustrated in the Los Angeles River Flood Prevention Project. Some of our ranger stations recorded over 30 inches of rainfall during a nine-day storm period last January.

Despite widespread severe flooding throughout this southern California area, little damage occurred within the Los Angeles River Flood Prevention Project area, where upstream project measures had been installed. Heavy damage occurred in adjacent areas, particularly in the San Gabriel Watershed, where there are no such installations.

In the interest of protecting the quality of the environment and providing unique recreational opportunities, the Wild and Scenic Rivers Act was passed by the Congress in 1968. It implements the policy of the United States that certain rivers which possess outstanding scenic, recreational, fish and wildlife or other values, shall be preserved in free-flowing condition, and be protected for this and future generations.

Water problems in the last analysis are watershed problems. It is estimated that since the beginning of the Water Protection and Flood Prevention Program in upstream rural areas in 1954, projects carried out under the program have prevented $142 million in property damages. Loss prevented in the past fiscal year alone is estimated at approximately $40 million.

Secretary Hardin recently called attention to the fact that siltation kept out of streams by permanent cover in the past 30 years would displace a volume of water equivalent to a 10-year supply for all U.S. households.

This is, I think, a noteworthy record of progress.

I happen to be one person who believes that our farmers and forest and woodland operators and the conservation-minded people in government at all levels deserve to be commended for what they have done to improve the environment during the past few decades. In fact, I have no hesitation in saying that our farmers, ranchers, and foresters as a whole have done more than any other part of our society to improve the natural environment.

They were concerned about conservation and the wise use of natural resources long before the gentlemen of the press and other communications media learned about their importance.

This is not to say that more does not need to be done. More *must* be done—and I believe agriculture and forestry will continue to lead the way. The thing is that we must get more help from other parts of American society than has been the case up to now. Improving the environment is everybody's business.

Secretary Hardin has described the environmental role of the U.S. Department of Agriculture as follows: "To manage the environment for the widest range of beneficial uses, without degrading it, without risk to health or safety, without loss of future productivity, and without being tyrannized by pests."

This, he said, requires an integrated approach to assure:

"1. The necessities of life: Adequate food, fiber, shelter, and raw materials for industry.

2. The safey of man: Safe and adequate water, clean air, productive and safe soil held in place, sanitation, disease and pest control, the perpetuation of basic life processes.

3. A quality of life: Space to live, attractive surroundings, suitable habitat for plants and animals, outdoor recreation, and esthetic satisfaction."

This is the approach employed in evolving and carrying out a watershed project.

The development plan for any given watershed project takes into account the widest possible range of questions, the pros and cons, the goals, and the right and wrong ways of achieving those goals. Not just how water itself will be conserved, utilized and its quality improved, but decisions on the best use of land, establishment of better cover, enhancement of wildlife, recreation potentials, and economic gains in terms of rural nonfarm job opportunities in addition to the improvement of farm income.

In some instances this requires recognition of the fact that a given project may prove harmful to certain forms of wildlife and vegetation—but recognition also that these adverse effects will be mitigated by total improvement of the watershed area.

It may mean facing up squarely, for example, to the necessity of channeling part of a stream to end repeated flooding. Or to clear bottom land and shift crop production to that more level acreage from hillsides where run-off and erosion will be checked by beneficial new cover. It means understanding and accepting the fact that a loss in one place will be offset by improvements in many others, resulting in a total net gain for the watershed area.

This is the integrated approach—and it makes sense.

Now just a few specific observations on my third major point—how we can develop the kind of environment we all seek for America.

First, we must push ahead to complete the land treatment and structural work needed in the watersheds.

We must recognize that in contrast with the nation's needs and the legislative history of the Watershed Protection and Flood Prevention Act, funding has been too little and too late. The President's Task Force on Rural Development has recommended, "accelerated annual appropriations to develop more small watersheds each year and to provide adequate funds to complete the projects within the estimated work schedule."

For example, nearly 9,000 watersheds where feasible projects could be undertaken are listed in the conservation needs inventory. Only a small fraction of these has received attention. There is a vast amount of work remaining to be done—work that will demand many people, many talents, and many dollars.

Second, we must continue to work for a maximum of harmonious action among the several Federal agencies and departments concerned with water development programs.

Third, we must strive for still better Federal-State working relationships. This Administration is dedicated to the premise that State and local governments must have a greater role. Assumption of that role will require Federal leadership and assistance—supportive not dominating.

Fourth, we must take advantage of the rising public interest and concern in water problems by showing citizens how they can help.

This upsurge of public concern over the present and future state of the natural environment has thrust all of us here into the foreground.

If we take advantage of the opportunities now before us, there is indeed reason for optimism.

We continue to produce more and more on fewer and fewer acres in this country. Today less than 50 percent of the nation's total land area is in farms. Less than 20 percent is classified as cropland. Less than 3 percent of our total land area is in urban and related intensive uses. Thanks to a highly developed agriculture, this country has ample land.

I personally believe that within the Continental United States alone there are natural resources enough when combined with the coming technology to provide food and fiber for a billion people.

I would hasten to add that I do not suggest we try to bring this about, only that the capability is there from both standpoints—human and resource production. It would mean accepting severe environmental impacts. Space to move, to get away, to maintain direct contact with the natural scene seems to be an essential need.

If it develops that our demand for water does in fact triple by the year 2000, I believe technology will successfully meet that challenge.

Up to now we have lived in a water economy of abundance. Water was used once—for a single purpose—and then it went off to rivers and out into the seas.

In decades to come there will be much less single use of water and much more reuse. Municipal water will undergo waste treatment to make it reusable. More water containing industrial waste will have to be decontaminated. Brackish water will be demineralized. In coastal areas there will probably be large-scale desalting of sea water.

Farmers will learn more scientific methods of watering their crops. The prices of irrigation water will rise.

Improved soil and forest management will prevent erosion of land and will hold back rapid runoff of water. A great many water consuming weeds will be eliminated. There will be the perfecting of chemical film for reservoirs and lakes to have billions of gallons of water now lost by evaporation. Chemical films or other coatings on land will promote the runoff of needed water where its retention in the soil is not needed.

All these things are already being treated and some are being applied.

A few centuries ago less than a million Indians existed in an unmanaged environ-

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ment on this vast continent. In contrast, if we and our children put existing and coming technology to proper use in a *managed* environment, our present population of 200 million, which appears on the verge of increasing by half or even doubling, can still enjoy an ever-increasing affluency.

But this will require the fullest application of the New Federalism proposed by the Nixon Administration. The New Federalism involves close and effective cooperation not only between the Federal, State, and local governments, but also between government at all levels and the individual citizen.

Government must be brought back as close to the people as possible. With leadership from the Federal Government, local governments must take on as much responsibility as they can handle. If we have learned anything in the first two centuries of our existence as a nation it is that everything cannot be successfully run from Washington, D.C.—not if we are to continue as a free society.

As I close, permit me to make just a brief comment on our free society. Civilization can be defined as the inhibitions imposed by society, government, religion, and custom on the individual's natural inclination to be a savage.

Today, we are witnessing an erosion of the social environment just as for some 200 years there was an erosion of the natural environment before we began to protect, conserve, and rebuild natural resources. A small minority are seeking instant success—without climbing the ladder of fruitful endeavor to achieve success. They are seeking instant authority—without responsibility and without achieving authority through the time-honored system of the ballot.

Much of the current protest is directed against our efforts to clean out major enemy sanctuaries on the Cambodia-Vietnam border. For years, not only in Vietnam but going way back to the Korean conflict, it has been widely recognized that our forces had to fight with one hand behind their back because of the immunity of enemy sanctuaries. By cleaning out the Communist bases in Cambodia we will lower American casualties in the coming months—assure continued progress in the Vietnamization program—hasten the day when our forces can safely return home—and make clear that we will not hestitate to take firm action to keep the enemy from escalating the war as we withdraw.

This very small number in the total population who are currently creating social upheaval are not the underprivileged, the hungry, the ghetto dwellers—no, they are the overprivileged who have been brought up without a true sense of responsibility to their country, their neighbors, or even the other members of their own families.

But just as this nation has survived a period of deterioration in the natural environment and has begun to correct it, so also will we survive the current social upheaval. As we are learning to manage the natural environment, so also the social environment will be managed in our free society by the civilizing process of inhibiting, restricting and suppressing those who are inclined to think and behave like savages.

What we must finally learn is that the various aspects of our natural and social environments are all connected. They tend to merge. And we can overlook this fact only at our peril as a civilized society.

LABOR-MANAGEMENT PROVISIONS OF THE POSTAL REFORM BILL

Mr. BELLMON. Mr. President, the Committee on Post Office and Civil Service recently completed action on the postal reform bill, one of the most progressive and forward-looking pieces of legislation ever conceived to meet one of the most pressing problems facing this Nation.

During the consideration of the bill by the committee, various statements were made concerning the labor-management provisions of the bill, including the conjecture that compulsory unionism would result from the establishment of a new postal system operated by a Government-owned corporation.

In order to provide a factual basis for evaluating these provisions, I have obtained statements from the Postmaster General, the Honorable Winton M. Blount, and the Deputy Postmaster General, E. T. Klassen, which serve to explain and clarify this matter.

Mr. President, I ask unanimous consent that these statements be printed in the Record.

There being no objection, the Statements were ordered to be printed in the Record, as follows:

The Postmaster General,
Washington, D.C., May 26, 1970.

Hon. Henry L. Bellmon,
U.S. Senate,
Washington, D.C.

Dear Henry: During recent weeks, concern has been expressed over the issue of "compulsory unionism" for postal workers. Neither the Administration nor the Post Office Department has ever proposed that there be a union shop in the Postal Service. We have simply proposed, as one phase of a broad plan for dealing with the unique problems faced by the Post Office Department, that postal labor-management relations be governed generally by the same laws that apply to the private sector—including the Taft-Hartley and Landrum-Griffin Acts—with the major exception that strikes by postal employees would continue to be banned.

It is obviously not feasible to use the postal reorganization bill as a vehicle for reforming the Taft-Hartley Act. Accordingly, one consequence of putting the Postal Service under Taft-Hartley would be that postal management—like management in the private sector—might be required to bargain over union shop arrangements in states other than those having the right-to-work laws. (The obligation to *bargain* would, of course, impose no obligation to *agree* to a union shop arrangement.)

In order to avert a misunderstanding of this aspect of the bill, I am enclosing a statement on this issue which I hope will assist you in responding to inquiries from your constituents.

We believe that the basic policy issues involved in the union shop question should only be considered in the context of an appraisal of the general labor law. The need for postal reorganization is too urgent, in my opinion, to await the outcome of any such appraisal.

Sincerely,

Winton M. Blount.

Statement on Compulsory Unionism

During the past several weeks, a question has been raised as to whether nationwide "compulsory unionism" would be sanctioned by H.R. 17070, the postal reorganization proposal that is being jointly sponsored by the Administration, the AFL–CIO, and the seven postal employee organizations holding national exclusive recognition.

By way of background, it should be noted that one of the premises underlying the postal reorganization bill is that the postal service, which is essentially a materials handling operation, resembles, in many respects, the services furnished by major public utilities, and the postal establishment can better carry out its responsibilities to the American people if it is given the authority to operate in a way similar to that in which well managed service enterprises operate in the private sector. This concept is reflected in each of the major portions of the proposed Postal Reorganization Act.

With respect to labor-management relations, we have recommended that the Postal Service and its employee organizations be subject generally not only to the Landrum-Griffin Act, but also to the National Labor Relations Act, as amended by the Taft-Hartley Act. With but few exceptions—the main one being that strikes by postal employees would continue to be against the law—labor-management relations in the Postal Service would be conducted under the same statutory ground rules that are applicable to large enterprises in the private sector.

By adopting the National Labor Relations Act, as amended, the proposed legislation would make it an unfair labor practice for the management of the Postal Service to refuse to engage in collective bargaining with recognized representatives of its rank and file employees over wages, hours, and, in general, other working conditions that are subject to collective bargaining in the private sector. To the extent that union security provisions are bargainable in private industry, therefore, they would be bargainable in the Postal Service. It is important to recognize, however, that a statutory duty to bargain over a union demand does not imply the existence of a statutory duty to agree to that demand.

Under the bill, labor-management relations in the new Postal Service would be governed for most purposes by the provisions now codified in Subchapter II of Chapter 7 of Title 29, United States Code, among which is included Section 14(b) of the National Labor Relations Act as added by the Taft-Hartley Act.

Subchapter II would explicitly make it an unfair labor practice for the reorganized Postal Service "to encourage or discourage membership in any labor organization," whether "by discrimination in regard to hire or tenure of employment or any term or condition of employment." 29 U.S.C. 158(a)(3). If this provision stood alone, union shop contracts would not be bargainable anywhere. In this connection, however, two other provisions of Subchapter II must also be considered. The first is a proviso stating that nothing in the Subchapter bars an employer from making an agreement with a labor organization to require union membership as a condition of employment after the thirtieth day from the beginning of such employment (29 U.S.C. 158(a)(3)), and the second is the provision contained in section 14(b) which reads as follows:

"Nothing in this subchapter shall be construed as authorizing the execution or application of agreements requiring membership in a labor organization as a condition of employment in any State or Territory where such execution or application is prohibited by State or Territorial law." 29 U.S.C. 164(b).

The effect of the quoted language is to cancel out—in those states or territories that have right-to-work laws—the proviso saying that an employer is not barred from making union shop agreements. Any such agreement entered into by the Postal Service would thus be inapplicable—as a matter of Federal law—in a state or territory having a right-to-work statute.

It has been suggested that a Federal law prohibiting Federal agencies from executing or applying union shop agreements in states having right-to-work laws would not be effective on "enclaves" over which the Federal Government exercises exclusive legislation jurisdiction. In the opinion of the Post Office Department's General Counsel, this suggestion is simply not correct.

The Post Office Department does, to be sure, have some facilities located on property that the United States purchased "by the consent" of the legislature of the state in question. (See Article I, Section 8, Clause 17 of the United States Constitution, which gives Congress the power "To exercise exclusive Legislation . . . over all Places purchased by the Consent of the Legislature of the State in which Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings . . .") The better part of the space presently occupied by the Department does *not* fall in this category, but this is a purely fortuitous circumstance that has nothing to do with the scope of the proposed legislation. Congress clearly has the power to enact a statute forbidding an executive agency of the Federal Government from making or applying a union shop agreement in any state or territory where such agreements are prohibited by state or territorial law, whether or not the agency's activities are conducted on Federal enclaves. As stated by the House Post Office and Civil Service Committee in its report on H.R. 17070, the postal reform legislation that the Committee voted to report out on May 19 of this year:

"From a constitutional standpoint, there is no reason whatsoever why the Congress, by duly enacted statute, may not 'give the right of way' to State right-to-work laws insofar as employees of a Federal instrumentality are concerned, *whether such employees work in an enclave over which the United States has exclusive legislative jurisdiction* or whether they work in an area over which the State Government has jurisdiction. *This is pecisely what H.R. 17070 does.*" House Report No. 91–1104, 91st Congress, 2d Session, May 19, 1970 at page 16. (Emphasis supplied.)

It might be added that the Federal Assimilated Crimes Act, codified at 18 U.S.C. 13, is a good example of another Federal statute that draws state law into the body of Federal law applicable on Federal enclaves.

The right-to-work statute of one state—Georgia—specifically excludes the United States from its definition of an "employer." Here again, however, the postal reorganization bill would put the Postal Service in the position of a private employer, for these purposes, and Georgia is unquestionably a state "in which . . . execution or application (of union shop contracts) is prohibited by State . . . law," (29 U.S.C. 164(b)). It is clear that the bill would bar the reorganized Postal Service from enforcing a union shop agreement in Georgia.

This conclusion is supported by the openning paragraph of the section of the House Report dealing with the matter of union security, which declares flatly that the postal reform bill:

". . . would not permit the Postal Service to enter into or attempt to enforce a union shop agreement in *any* State having a law that prohibits the execution or application of agreements requiring membership in a labor organization as a condition of employment." House Report No. 91–1104, 91st Congress, 2d Session, at page 15. (Underscoring supplied.)

The need for a workable postal reorganization bill is acute. It would be unfortunate if Congressional consideration of this vital measure were beclouded by public misunderstanding of the labor-management provisions of the bill, and it is hoped that this statement may be of some assistance in that regard.

The Deputy Postmaster General,
Washington, D.C., May 28, 1970.
Hon. Henry Bellmon,
U.S. Senate,
Washington, D.C.

Dear Senator Bellmon: We should like to express our appreciation for your counsel and your support in our efforts to reorganize the postal service. The purpose of this letter is to help dispel some of the myths regarding conflicting opinions that have been generated during the past several weeks about the labor-management sections of the Administration's postal reform plan.

On May 26, 1970, during an executive session, the Senate Post Office and Civil Service Committee voted against a so-called right-to-work amendment to S. 3842, the Senate version of the Administration's postal reform bill.

President Nixon is completely dedicated to a total overhauling of the postal system, and has made recommendations for thorough reform. The reasons for a comprehensive reform of the postal service are many, and they were vividly brought to the public's attention during the recent postal walkout. It is clearly evident that only an enlightened business concept approach would alleviate the many facets of the postal crisis. To that end, President Nixon has proposed a reorganization of the postal system which would allow it to adopt proven and sound business practices.

In the field of labor-management relations, such an approach would entail the creation of a new bargaining framework for federal employees. In an April 16, 1970 message to the Congress, President Nixon stated, "I propose that the new U.S. Postal Service be empowered to engage in collective bargaining with recognized employee organizations over wages, hours, and working conditions generally, with negotiating impasses being finally resolved, if necessary, by binding arbitration."

Under this proposal, postal employees would no longer have to depend on the political climate in Congress for wages and other benefits, but would instead bargain for their rights through the same procedures as in the private sector.

Since the thrust of postal reform is toward a complete reorganization along efficient and economical business lines, labor-management relations *must* come under the jurisdiction of the nation's major labor laws, including Taft-Hartley and Landrum-Griffin. To do otherwise would be to take the heart out of the reform effort.

Opponents of the union shop have been arguing that through the applicability of the nation's labor laws, we are automatically introducing the element of compulsory unionism to the field of federal employment. This is not true.

Under our labor laws, it is an unfair labor practice for management to refuse to *bargain* over a union shop in those states not having state right-to-work laws. In other words, the union shop merely becomes a negotiable item in the collective bargaining process. The duty to bargain certainly does not carry with it a *requirement* for management to agree to such a labor proposal.

The Administration has never agreed nor advocated that there should be compulsory unionism for postal employees. All that has been proposed is that collective bargaining in the postal service be carried out in accordance with the labor laws of the land, including state right-to-work laws. In no way can this be construed as a commitment to or endorsement of compulsory unionism.

It should be emphasized that although the union shop may be a bargaining issue in states which have not adopted a right-to-work statute, there is absolutely no question that in the 19 states which do have a state right-to-work law, the union shop is prohibited as it is in private labor-management relations.

The single exception to labor-management practices in the private sector will be that *strikes by postal employees will continue to be illegal.*

If the postal system is to be run on a sound, businesslike basis, its employees must work under the same general rules that are applicable to the private sector of the economy. Thus the Administration has insisted that not only Taft-Hartley but also the Landrum-Griffin Act must govern postal labor-management relations. This law contains a number of requirements that are designed to prevent improper practices of various sorts on the part of labor unions. This is ample evidence of the Administration's desire to establish an equitable framework for labor-management relations in the postal service.

"Right-to-work" is not an issue in postal reform. This legislation should not be considered a vehicle for change by either those who support the union shop or those who oppose it. The battle over this particular collective bargaining issue should be fought through amendments to the nation's basic labor laws and not through the postal reform legislation. The postal reform proposal is a critically needed legislative proposal which must not be used as a battlefield to resolve the extraneous union shop issue.

Sincerely yours,

E. T. Klassen.

PRISONERS OF WAR

Mr. GURNEY. Mr. President, the plight of American prisoners of war who are now and who have been for years languishing in North Vietnamese prison camps under conditions that have been reliably described as subhuman and abominable has not, in my judgment, attracted sufficient attention from the American people. We have tended to ignore these brave men in our discussions concerning the war. The Dole amendment was defeated last week by a vote of 36 to 54, and its defeat caused hardly a ripple in the press.

I am heartened to report, however, that a substantial body of sentiment in our country is concerned with the American prisoners of war. My mail has reflected this concern, and the rally which my colleagues staged in Constitution Hall on May 1 served a useful purpose in bringing together many people who share a concern and who have not forgotten.

I am happy that the legislature of the State of Florida has voted Senate Memorial No. 880, dealing with our POW's. I ask unanimous consent that the memorial, dated June 2, 1970, be printed in the Record.

There being no objection, the memorial was ordered to be printed in the Record, as follows:

Senate Memorial No. 880

A memorial to the Congress of the United States urging the improvement of present policies with relation to prisoners of war in North Viet Nam.

Whereas, the lot of a prisoner of war is at best an unhappy one, and all governments should be persuaded that the mistreatment of the prisoner of war lends no support to the political and military causes those governments espouse, and

Whereas, the conditions in North Vietnamese prison camps are known to be shocking and inhumane, and

Whereas, North Vietnamese prison camps refuse to release sick and wounded prisoners of war in need of intensive medical attention, refuse to permit neutral inspections in accordance with the Geneva Convention which they ratified, and refuse to permit a regular flow of mail, and

Whereas, the effects of the knowledge of the inhumane treatment coupled with the

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absence of knowledge of who has survived to endure that treatment extracts an unconscionable toll of grief and anxiety from the families of those missing in action or known to be prisoners of war, and

Whereas, the Florida Legislature feels compelled to act in whatever capacity it may to be of assistance in this matter, now, therefore, Be It Resolved by the Legislature of the State of Florida:

That the United States Congress take all appropriate measures to insure that the United States Government redouble its efforts on behalf of those persons imprisoned in North Viet Nam, to curtail flagrant violations of human decency, to mollify the familiar pang of anxiety and anticipation, to bring about safe and more tolerable conditions, and to urge the release of the identity of prisoners, release of the sick and injured, initiation of neutral inspections and the permitting of a free flow of mail.

Be it further resolved that copies of this memorial be transmitted forthwith to the President of the United States, the Vice-President of the United States, the President of the Senate, the Speaker of the House in the United States Congress, and each member of the Florida delegation to the Congress of the United States.

Approved by the Governor June 2, 1970.

Filed in Office Secretary of State June 2, 1970.

I, Tom Adams, Secretary of State of the State of Florida, do hereby certify that the above and foregoing is a true and correct copy of Senate Memorial No. 880, Regular Session 1970, as approved by the Governor and filed in this office.

Given under my hand and the Great Seal of the State of Florida at Tallahassee, the Capital, this the 3rd day of June, A.D. 1970.

GENE ADAMS,
Secretary of State.

A PLEA FOR PEACE

Mr. MATHIAS. Mr. President, we are deeply aware that we live in a period of national anxiety and demand for change. These tensions are not a new experience for the Republic.

The American political system encourages peaceful change by inviting all to work, argue, and compete within its boundaries. In this tradition, James W. and Elizabeth W. Rouse, of Columbia, Md., wrote to the President of the United States. They first chose to publish their letter in the Washington Post on May 8, 1970, in order that men of like mind might join in their plea. Since that date, more than 300 concerned citizens have added their names to the original letter. The message, through the contributions of the Rouse family and others was published in the New York Times of May 31, 1970.

Our form of government requires and demands participation in a peaceful and proper way by all citizens in the formulation and execution of national policy. As they have done in the past, Mr. and Mrs. Rouse lead in this effort to demonstrate faith in that system.

The signers seek, as each of us in Congress seeks, unity for our Nation. Their letter passionately urges the President to "wage peace as it has never been waged before."

In essence, they ask their fellow citizens to reassess our goals as a nation and, in that process, to find again the true American spirit. The personal fervor of the authors has been translated rightfully into a plea for the political system to respond.

Their plea speaks well enough for itself. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 31, 1970]

WAGE PEACE, MR. PRESIDENT

(NOTE.—This letter to the President of the United States from James W. and Elizabeth W. Rouse was published by them as an advertisement in the Washington Post on May 8, 1970. It has been endorsed by the undersigned whose contributions have made possible this publication.)

MAY 7, 1970.

RICHARD M. NIXON,
The White House.

DEAR MR. PRESIDENT: We know it is your purpose to lead our country to peace. We write to help; to plead the case for a course of action that can bring peace—and hope and new unity to our country.

Mr. President, it is not the Viet Cong nor the people of Vietnam nor of China who threaten our country. It is war itself.

You can "win" this war. That is, you can annihilate the people we are fighting, their land, and their homes—and you can do it quickly, but at the price of using weapons so dreadful and spreading destruction so appalling that neither your conscience nor that of our nation will permit it. To so "win" the war would be to lose the soul of our nation and our people.

So we wage war within the narrow outer limits of our national conscience, destroying over time the nation we seek to save and eating away the fabric of our own society here at home.

Responsible, adult Americans are sickened by this war. They are horrified by the worldwide image of America as a brutual bully among little nations a long way from our shore. They are deeply worried about the widespread erosion of faith in our nation among the fine young people in our schools and colleges. They are worried about the ability of our country to survive the disillusionment and division that is making violence and counter violence commonplace in American life.

And what if we should "win," Mr. President—within the limits of destruction to which our national conscience so far has been stretched? What if the Viet Cong and the North Vietnamese give up and go back north? What then? Do we bring our boys home and wait—wait for the next Communist excursion in Southeast Asia? And do we then move in again to protect South Vietnam or Cambodia or Laos? And what about Europe—and the Middle East—and Africa? Do we really mean to police the world with American resources and American lives? Can we defend the freedom of the world by war without destroying the very freedom and dignity and morality we mean to uphold?

Mr. President, isn't war itself our proven enemy—isn't war itself obsolete—isn't war an unreliable system for the protection of freedom and democracy? Isn't it, in fact, the greatest danger that confronts our people and our way of life?

Mr. President, you can use the enormous investment in Indo-China to mark victory for mankind. Let this be where a great nation discovered the futility of war and had the courage and wisdom to proclaim that discovery to the world.

Be the giant of this century, Mr. President, by letting the world know that war itself is man's greatest enemy. Pledge this nation to building—beginning now—a system of order throughout the world to replace war as an instrument for settling differences among nations.

Go before the nation, before Congress, before the U.N.; instruct your embassies throughout the world that the U.S. means business in ending war.

Begin by announcing the earliest possible withdrawal of all American troops from Southeast Asia and schedule the withdrawal, in the shortest possible time, of all American troops from foreign lands everywhere. Lead the country to committing a big share of the billions of dollars thus saved for the improvement of environment and for the advancement of health and education throughout the world.

Enlist the resources of business, of youth, of the universities, of our vast technology in a massive effort to build a system to maintain peace without the threat of war. Commission a group of our most resourceful leaders to design the techniques for waging peace.

Wage peace, Mr. President, as it has never been waged before.

Some will point to the risk of waging peace—and there is risk. But let it be measured against the risk of waging war—the risk of financial, social, and moral exhaustion such as our country now faces. Let's start taking risks, Mr. President, on the side of peace—of morality—of justice. Let's align our people and our nation with love and hope instead of hate and fear.

And there are those who point in despair to the inevitability of war. Let them note that institutions change. Slavery, child labor, and second-class citizenship for women have largely disappeared in modern times. Mankind surges forward, in our day, in its claim for freedom and dignity, wiping out colonialism—building civil rights into the structure of law. The time has come to destroy the most oppressive, extravagant, archaic, and irrelevant institution of all—War!

In this campaign, Mr. President, you will bring inspired new purpose to our nation. You will give force and meaning to freedom and democracy throughout the world. You will light up the young with hope. You will restore the revolutionary flame that has made America great.

Mr. President, you are the one who can do it.

God will bless you in the task.

Sincerely,

Catherine J. Adams, Joel and Maxine Adler, Dr. Gordon Allen, William C. Allen, Nancy L. Allison, Betty Ammerman, Dr. and Mrs. Gordon F. Anderson, Sarah and Marc Anderson, Hortense Auerbach, Cynthia and Edward Auerbach, Shirley and Sue Auerbach, Treasurer, Browell Ault, Florence Bain, Elizabeth M. Baker, Libby Baker, Clinton Bamburger, Lucia Barley, R. Denning Barnes, Lillian W. Barron, Thomas Barry, David Barton, C. Ed Behre, Marvin Bendavid, Frederick and Nancy Betz, Mark and Barbara Bishoff, Fern M. Bishop, Norm and Ann Bitterman, Becky Blevins, Barbara Book, George H. Booth, Capt. W. Lawrence Brantley, Lynne D. Braund, Eleanor D. Breed, Mr. and Mrs. W. J. Brickman, Marian B. Bromwell, Mrs. Gilbert T. Brown, Judith K. Brown, Molly Brown, Charles S. Bucans, Bill Buchanan, Benjamin, Paul and Josephine Buchbinder, Peter J. Butler, Robert M. Cameron, Dr. Frank S. Caprio, Thomas Carcaterra, Mr. and Mrs. Churchill Carey, Jr., Churchill G. and Juliet M. Carey, Jack Carr, Susan Carroll, Ann Michele Carson, Creston and Carol Carthcart, Joseph P. Champley, Nancy Chance, Theodore Chandler, Phoebe C. Chang, Harden Church, Susan T. Clarke, Chester Cleaver, Peter J. Cline, Glenn P. Clulow, Milton Cohen, Victor Colburn, Donald F. Cole, Koo S. Condre, D. E. O. Connell, Jack and LaVerne Conway, Kathleen Cosgrove, Marion Hanson Cowan, Roger and Susan Cramer, Mr. and Mrs. Robert S. Crites, Mr. and Mrs. Edwin A. Daniels, Jr., Ann M. David, Frank D. Davies, Jerome Davis, Robert A. Day, Mr. and Mrs. Benjamin F. DeFord, Jr., W. Scott Ditch, Richard R. Donnell, Dennis Doyle, Robert Ermerins, Sgt. Jack R. Etstrom, Julian Fahy, Harry A. and Patricia A. Fay, Elizabeth Feducia, John J. Fennema, Mr. and Mrs. James Ferrara, Mr. and Mrs. Kenneth Ferrington and family, William E. Finley, Fred Flexman, H. Adele Fleischer, Mary Ann Foohey, Ruth Skewes Ford, Mr. and Mrs. Robert Forrie, Zilpha C. Franklin, Harry and Patricia Frig, William B. Fussell, Helen M. Gagon, Seymour Gardner, Dilworth Scott Gilbert, Mr. and Mrs. Charles Gillihan, Tracy M. Gilmartin, James Ginsburg, Ann Goldberg, Hirsh and Barbara Goldberg, Eugene Gonda, Alvenceze Gonsouland, Robert and Marcia Gorrie, Marilyn F. Gowl, Barbara L. Grahl, Mr. and Mrs. Glenn Greishman, Werner and Andrea Gruhl, Mr. and Mrs. Robert L. Hale, Jr., Mr. and Mrs. E. Haladay, William Lee Hamlin, Mallory Harris, Mr. and Mrs. Neal Harris, George and Barbara Hayman, Mary W. Hemingway, Katherine E. and Richard Henderson, Susan Wright Henderson, Doris W. Henry, Kathryn S. Herndon, Dr. and Mrs. Robert Herndon, Elizabeth D. Hewins, Karen D. Hillman, Mrs. J. F. Hirshberg, Charles D. Hoffman, R. Hayes Hofler III, Sidney Hollander, George A. Hoy, Jr., Daniel Gudren Huden, Kata Hull, Anne Taylor Hunter, Inge Hyder, Paul and Anita Iribe, Carin Irons, Ernest Neil Jacobs, Dr. C. K. Jen, Cernoria D. Johnson, Emery F. Johnson, Henry Pinckney Johnson, Peter Boyd Kahn, Robert I. and Barbara A. Kaplan, Lawrence S. Kash, Meyer Katzman, Albert Keidel, Jr., Margaret Kerwin, Mr. and Mrs. William Kidder, Peter King, Jr., Mary Lou Kirchner, Helen H. Kittrell, Helen Klein, Mr. and Mrs. Richard Kleiner, F. V. Knox, Pamela Krause, Lisa Ladd, Neil B. and Marja N. Lang, Mary A. Lattimer, William E. Lawrence, Christine R. and James F. Lee, Ruth Leffler, Mr. and Mrs. Gerhard E. Lenski, Jr., John and Dede Lavering, Mr. and Mrs. Lewis Levy, Mr. and Mrs. John A. Lewis, Michael H. Lipson, Charles and Ruth Long, and Margaret E. Lowe.

Dr. & Mrs. David L. Leuche, Robert P. Lynch, Douglas & Beulah Mackenzie, George S. T. Maisel, III, Martha Churchill Markush, Martz Martinez, Jane Mason, Dr. Robert Mason, Ralph S. Mavrogordato, Mr. & Mrs. George B. McAdams, Dr. and Mrs. John A. McBride, Patricia McBryde, Peter L. McCandless, Mr. & Mrs. Robert D. McCleary, Mr. and Mrs. James McDonough, Carole McKewin, Claude & Mimi McKinney, Bonnie & Paul Medlock, Jeanne Melvin, Dorothy Metcalf, Mary Meyer, Jack Meyerhoff, Cathy Meyers, Mary B. Miller, Dorothy Mitcalf, James H. Montague, Laura R. Moy, Dr. & Mrs. Bernard Mozer, Judith Chayes Neiman, Meigs A. & Leone I. Newkirk, Mary-Cushing Niles, Mr. & Mrs. James F. Noonan, Alfred E. Notarianni, Edward & Robin Norton, Terri M. O'Berry, Robert J. O'Connor, Brendon O'Neill, Mark H. Orms, Trish Parker, Mr. & Mrs. Stephen Perloff, Janice & Elliott Perrett, Marylou Peterson, Robert & Joanne Philleo, Neal Potter, William H. & Anne J. Potts, John Prentiss, Linda Puglisi, T. W. Putsavage, Jr., Martha Lee Ramsey, M. Elaine Rand, Miriam H. Rasmussen, Anne C. Reade, Evelyn V. Reader, Eleanor H. Reddy, Nanci Reese, Kathleen A. Regan, Barbara V. Reid, Charles Reid, III, Ann L. Reider, Mr. & Mrs. John Kenner, John Rennie, G. Charles Rhoads, Bente & Charles Richard, Migsie & Gar Richlin, Paul Riley, Samuel Rose, M. C. Rosebrook, David Rosenstreich, James W. & Elizabeth W. Rouse, John & Eva Rouse, Willard G. Rouse, Thomas Rowan, John H. Rubel, William R. Russell, Jr., Phyllis C. Sabean, Morris Sackman, Mr. & Mrs. Daniel Safran, Albert J. St. Denis, Mr. & Mrs. Dennis L. Salvaryn, Katherine Sarfaty, William H. Savage, Reynold Sawatzky, Henry & Harriet Scarupa, Bill & Martie Schmidt, Barry Schuttler, Thomas Schweizer, Michelle Segal, Harry B. Seidenberg, David Edgar Sellers, III, William Randolph Sengel, Mr. & Mrs. Jeffrey M. Shaman, Barbara Shear, Cornelius B. & Hetty H. Shear, Harriet K. Shepardson, Mal & Miriam Sherman, Dr. Herschel Shosteck, Sargent Shriver, Robert & Joyce Shuman, Susan C. Sickler, Robert M. Silverwood, Mr. & Mrs. Bruce Simpson, Kurt Charles Simpson, Mary Jane Simpson, Rev. & Mrs. Clarence Sinclair, A. Innes Smallwood, Doris V. Smith, Mary Carol Smith, Mary Smoot, Virginia Smucker, Ann Sollenberger, Susanna Solomon, Roger W. & Martha K. Speidel, Dr. & Mrs. Samuel Stayton, Janet Upjohn Stearns, Mr. & Mrs. John W. Steele, George Stemberg, Philip & Kathleen Stevens, George D. Stillson, Phyllis & Howard Stokes, Mildred Stroues, Kirsten & Jorgen Stram-Tejsen, Anita & Owen Swartman, Kathleen Swift, David Tartter, Georgina Taylor, G. H. TePaske, Nan & Walt Terry, Todd B. Tibbals, Courtland K. Townsend, David Tripp, Mr. & Mrs. Donald L. Tripp, Thomas Trowbridge, Jr., Adelaide H. Truesdell, Nancy M. Tucker, Edmund Uehling, Mr. & Mrs. Ullberg, Peter Unger, Johanna Van Burkom, Barbara J. Vance, Merry Suzanne Vance, Mary & Ronald Van Deren, David W. Voas, Gerold & Francoise Von Mayer, Mr. & Mrs. R. D. Wagner, Mr. & Mrs.. Harold M. Wakefield, Robert L. Wald, John J. & Lorraine Walsh, Carl & Ruth Warmington, Peter Wastie, Mrs. Raymond D. Watts, George M. & Marjorie S. Weber, Stuart Wechsler, Mr. & Mrs. Harold Weiss, Paul Weiss, Bill Wellons, Mr. & Mrs. Alan Weymouth, Peter & Jo Weymouth, Michael Wieland, Dr. & Mrs. Theodore H. Wilson, Jr., Mark & Catherine C. Winkler, Thomas W. Winstead, Evelyn L. Witeck, Allan S. Wyman, Jr., Glorida Wyman, Wes & Rose Yamaka, Peter K. Yeskel, Leland L. Yost and Harry D. Zink.

Mail contributions to: Wage Peace, P.O. Box 926, Columbia, Maryland 21043.

We invite contributions from those who support this plea. ALL proceeds will be used for reprinting this message here and in other cities. Copies of the ad with your signature will be sent to the President of the United States and each of the members of the U.S. Senate.

—You may use my name in future printing of this letter.

—Please do not use my name.

Signed ______________________________
Address ______________________________

RIGHTS FOR CONSERVATIVES

Mr. BELLMON. Mr. President, the distinguished junior Senator from Kansas (Mr. DOLE) has commented previously about the dismissal of William Woestendiek as news editor of WETA–TV, Washington, following the employment of his wife as press secretary to the wife of the Attorney General. His statements have been most beneficial in bringing this matter to the attention of the public.

An article entitled "In TV and Foundations: No Rights for Conservatives?" published recently by Human Events, serves to illuminate this incident further. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Human Events, May 16, 1970]

IN TV AND FOUNDATIONS: NO RIGHTS FOR CONSERVATIVES?

(By Ralph de Toledano)

Fred Friendly, now of the Ford Foundation, made a career of touting free speech and the free conscience of broadcast journalism. Whenever there was the slightest hint that the rampant "liberals" of the networks was under the mildest attack, Mr. Friendly would speak out loud and clear. The broadcaster was to speak his mind, and woe unto those who raised their voices in criticism.

Mr. Friendly, obviously, has either changed his way of thinking or his principles of broadcast freedom have developed an elasticity that few suspected. For it now turns out that he was informed in advance of the imminent firing of one William Woestendiek, news editor of a program on Washington's educational station, WETA–TV.

Mr. Woestendiek's crime was not bad—nor was it for conservative thoughts, utterances or grimaces. He was fired because his wife took a job as press secretary to Mrs. John Mitchell, wife of the United States attorney general. He was therefore indirectly charged with guilt by marriage and summarily turned loose from WETA–TV.

The specific bill of attainder against Mr. Woestendiek was "conflict of interest." Presumably, he was given a choice between losing his job or having his wife quit hers—because she had committed the unforgivable sin of going to work for (gasp!) a woman who was a Republican, controversial, and somewhat overdone as a conservative.

I bring Mr. Friendly into this discussion because the Ford Foundation, out of the abundance of its kindness, put up the money for the show that Mr. Woestendiek was producing for WETA–TV. When the station called him "out of courtesy" to tell him that it was riding Mr. Woestendiek on a rail, Mr. Friendly did not say: "Put down the tar and feathers!"

Les Midgley, the executive producer of the Walter Cronkite show, was not fired because his wife, Betty Furness, worked for Lyndon Johnson. Eric Sevareid and David Brinkley were not fired when their wives went to work for Hubert Humphrey in 1968. WETA–TV did not fire Walterene Swanson even though she is married to a man who works for Sen. Alan Cranston (D.–Calif.).

According to the record, Mr. Fred Friendly listened to the news of what was in store for William Woestendiek, put the phone back on its cradle, and returned to whatever he was doing. There was no thunder from him about "fighting for the freedom of broadcast journalism"—his phrase—and no threat that WETA–TV would find itself bereft of Ford Foundation funds if it perpetrated this act of bigotry.

Mr. Friendly now says that he did not give his official sanction to the political lynching of Mr. Woestendiek. But by the same token, he does not say that he lifted a finger to prevent it.

I have seen too many Fred Friendlys at

work to be overly exercised by the Woestendiek case. But I think it is worth pointing out that had the victim been a broadcaster whose wife had gone to work for Abbie Hoffman, Students for a Democratic Society, or Kingman Brewster of Yale, Mr. Friendly and the Ford Foundation might have been thundering from every New York and Washington rooftop above civil rights, dissent and the black silence of fear. And probably thundering along with them would have been every jackanapes editorial writer who had nothing better to fulminate against that day.

It's all quiet along the Potomac—and the Hudson, too—because the dissenter is Martha Mitchell, whose politics, parboiled or not, are on the right. There is quiet because the processors of protest are dealing with Republicans and conservatives.

Sen. Robert J. Dole (R.-Kan.) made this point in a speech on the Senate floor that got only marginal coverage in the press. "It is not the politics that is bad," Sen. Dole said, "it is only the Republicans. . . . I resent the blatant dishonesty. And regardless of party, it should not pass unchallenged."

CONGRESSIONAL REPRESENTATION FOR THE DISTRICT OF COLUMBIA

Mr. MATHIAS. Mr. President, on February 25, 1969, I introduced Senate Joint Resolution 52, which would provide full congressional representation for the District of Columbia.

On June 1, 1970, I was privileged to testify before the Constitutional Amendments Subcommittee hearing on that resolution and related proposals.

An editorial in the Washington Post of June 6, 1970, cites those hearings and calls for congressional action to lift the burden of taxation without representation from the 800,000 residents of the District of Columbia.

Mr. President, as I stated before the subcommittee, over 6,000 proposals to amend the Constitution have been introduced in the history of the Congress. I respectfully submit that none has been more deserving of passage than that providing a proper voice in the Federal Government for the citizens of the Federal city.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

EQUAL IN DEATH AND TAXES

The people of Washington are equal to other citizens, it seems, in the payment of taxes and in dying for their country in Vietnam and elsewhere but not in voting. In that vital matter of representative government, they are permitted to vote only for members of the school board and less than a full quota of presidential electors. The denial of home rule and representation in Congress remains the most glaring inconsistency in our generally admirable political system.

Attention has been directed to the absence of any District representatives in Congress this week in hearings before the Senate Subcommittee on Constitutional Amendments. The subcommittee has before it a long-overdue resolution that would give this politically starved community two senators and representatives on the basis of population. Senator Kennedy, testifying for the resolution, pointed to the fact that 11 states with fewer people than the District now elect 39 Senators and Representatives. In the century and nearly three quarters since it came into being, the District has never been able to cast so much as one vote in the Congress which makes its laws as well as those for the nation.

Because of the long history of congressional failure to act on this vital reform, Senator Kennedy intends to offer the District-representation proposal as an amendment to the resolution providing for direct election of the President when it reaches the Senate floor. Ordinarily it is bad strategy to link two constitutional amendments in one resolution. Each is likely to take away some strength from the other. In this instance, however, arrangements would be made for separate votes by the states in the ratification process, and it is our understanding that the District-representation amendment (which could be attached to the direct-election amendment by a majority vote) will not be pressed if it is obvious that it could not win the two-thirds vote essential to send a constitutional amendment to the states for ratification.

Certainly nothing should be done to impede or jeopardize the important amendment for popular election of the President. But equal representation for the District is also a vital issue. We hope that the Senate will approve it on its own merits.

VETERANS HOSPITALS

Mr. FULBRIGHT. Mr. President, for some time I have been greatly concerned about the situation in our Nation's veterans hospitals. I have followed with interest the hearings on this subject which have been held in the House and the Senate, the statements made by Veterans' Administration officials, and the coverage in the press.

I have personally heard from many who are concerned about this matter, including veterans and veterans' groups who made serious complaints about the hospitals.

The majority of the correspondence I have received and a number of news reports I have seen or read indicate that there are serious problems in the hospitals, and that they simply are not able to provide the kind of medical care that veterans require and deserve. However, this is consistently denied by the Administrator of the Veterans' Administration.

I am aware that in April President Nixon announced that he approved adding $50 million to the 1971 budget for VA medical care. This, I think, was certainly a move in the right direction, but if the situation is truly as critical as many have stated, it would not begin to alleviate the problem.

Most recently, the Arkansas Democrat, in Little Rock, has published a series of articles on Veterans' Administration hospitals in Little Rock and North Little Rock, and the need for a new facility.

The Democrat articles by Martin Kirby point out that although the Little Rock hospital is "one of the best of the 125 VA general medical hospitals in terms of patient care," it nonetheless has "serious inadequacies." Among the inadequacies cited are: "lack of money, lack of space, lack of staff, lack of equipment."

These "lacks" are rather significant, I believe, and we must act to overcome them. In a newsletter to my constituents dated March 10, I wrote:

> The sad paradox is that while we have spent billions of dollars in Vietnam, we have not provided sufficient funding for medical care for veterans. Certainly the Vietnam veteran is entitled to the best care that can be offered. Committees in both the House and Senate are now looking into disturbing evidence that this is not the case. I have received a number of complaints in recent months about inadequacies in veterans care.
>
> At a time when more personnel are needed, and with medical and drug costs rising, the VA hospital system is unable to keep pace with the heavy demands being placed on it . . .
>
> I can find no justification for providing anything other than first-rate care for those who have sacrificed so much for this country. This obviously is going to require more money and indeed must rank as one of our top priorities.

I believe this is an extremely important matter and I think we must take steps to insure that the best possible care and the finest facilities are available to our veterans.

Mr. President, I wish to review some developments of the past 6 months in an effort to clarify exactly what the situation is in regard to the hospitals.

On January 8, the Arkansas Democrat printed an article entitled "VA Care: Outdated, Deficient," written by Don Oberdorfer. After reading the article, which referred to "obsolete equipment and outdated procedures facing Vietnam veterans and others in VA hospitals," I wrote on January 12 to Mr. Donald E. Johnson, Administrator of the VA, asking for a detailed report on the subject.

Mr. Johnson replied to me on January 23, stating that he was confident that "inquiry at any time into operations of our hospitals will demonstrate that we are giving more than adequate care to veterans."

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the article by Mr. Oberdorfer and the correspondence between Mr. Johnson and myself.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Arkansas Democrat, Jan. 8, 1970]

VA CARE: OUTDATED, DEFICIENT

(By Don Oberdorfer)

WASHINGTON.—On Oct. 31, Pfc. Ronnie Boggess was leading a squad down a trail near Song Be in the Cambodian Border region of South Vietnam when he walked into a murderous crossfire from enemy troops hidden in ambush positions on either side. His left leg was blown away, his left arm was shattered and a bullet tore away a large chunk of his left shoulder.

In an earlier war, this 20-year-old soldier would probably have died on the spot. Thanks to the helicopter and to intensive battlefield medicine and to the army's evacuation procedures, he could grin back at a visitor this week from amid the holiday decorations of Ward 34 of Walter Reed Army Hospital and speak of spending Christmas at a local hotel with his parents and his best girl from Decota, W. Va.

The nation is very conscious of the 40,000 Americans killed in action in Vietnam since the decade began, but the fate of the badly-wounded survivors has received less attention. Lately a Senate subcommittee headed by Sen. Alan Cranston, D-Calif., has been digging into the story, and what it has been finding is not calculated to fill anyone with cheer at this or any other season.

MORE THAN 260,000 WOUNDED

More than 260,000 men—a quarter of a million—have been wounded in Vietnam, about half of them badly enough to require hospitalization. A substantial number of these—precisely how many is yet undisclosed have been very severely wounded.

According to Sen. Cranston, the fighting in Vietnam is producing total disability cases at a rate nearly double that of the Korean War and almost triple that of World War II. Out of every 100 veterans receiving compensation for wounds received in action in Vietnam, Cranston says, some 12.4 per cent are totally disabled—compared to 6.7 per cent during the Korean War and 4.4 per cent in World War II.

An Army study of 1,000 men separated from the service for disability because of Vietnam wounds disclosed that 28 per cent were amputees, 25 per cent suffer from paralysis of extremities, and 14 per cent suffer from what is termed "impairment of sense organs." These are much higher percentages than in previous wars. A witness from the Blinded Veterans Association told the Cranston subcommittee that the rate of blindness from the Vietnam War is triple that of World War II.

Like Pfc. Boggess, many of these men have received superb medical treatment on the field of battle and excellent medical treatment in an Army hospital such as Walter Reed when they have been evacuated to the U.S.A. In the military hospitals, they are important people—men from the front—but ultimately they are reassigned to the Veterans Administration hospitals for long-term treatment, and that is where the difficulty begins.

GEARED TO VETERANS

The VA Hospital system is geared to the older veterans of earlier wars, and it is greatly overburdened by a failure to grow with a growing challenge. Because of congressional action, the VA was forced in 1968 to reduce its personnel back to the 1966 level, when the Vietnam casualties were just beginning to arrive in large numbers. After the congressional cutback was lifted, the Nixon administration continued the ceiling as part of it battle against inflation.

The result, according to the Senate testimony, is that the VA is overworked, understaffed and to a considerable degree behind the times. The wounded veteran of Vietnam combat goes from a helicopter-jet plane era of medicine in the war zone to a Model-T era in the VA hospitals.

Dr. Louis J. West, a member of VA's national advisory committee on psychiatry, testified that many mental patients are being kept tranquilized in "chemical cocoons" in VA hospitals because of insufficient professional staff to deal with the real problems. Other witnesses described obsolete equipment and outdated procedures facing Vietname veterans and others in VA hospitals.

The tragic history of the Vietnam war has been that the nation was willing to wage it, but not to pay for it. In the case of wounded veterans, this is particularly tragic and indefensible.

Whatever one thinks of the merits or demerits of the war, surely the men who are sent to fight are entitled to the best medical care and the best chance for complete recovery and rehabilitation. The Cranston subcommittee has uncovered disturbing evidence that they are not getting it today.

JANUARY 12, 1970.

Mr. DONALD E. JOHNSON,
Administrator, Veterans' Administration,
Washington, D.C.

DEAR MR. JOHNSON: I have just read an article entitled "VA Care: Outdated, Deficient" which appeared in the *Arkansas Democrat*, January 8.

The article by Mr. Don Oberdorfer contains a number of statements about Veterans' Administration facilities and the treatment of wounded Vietnam veterans. For example, Mr. Oberdorfer refers to "obsolete equipment and outdated procedures facing Vietnam veterans and others in VA hospitals".

I am enclosing a copy of the article and I would appreciate receiving from you a detailed report on this subject.

With best wishes, I am

Sincerely yours,

J. W. FULBRIGHT.

VETERANS' ADMINISTRATION, OFFICE OF THE ADMINISTRATOR OF VETERANS' AFFAIRS,
Washington, D.C., January 28, 1970.

Hon. J. W. FULBRIGHT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FULBRIGHT: I am pleased to respond to your inquiry about the medical programs of the Veterans Administration Hospitals. I recognize there are areas in which improvement can be made; however, I am confident that inquiry at any time into operations of our hospitals will demonstrate that we are giving more than adequate care to veterans.

As has been true in the past, it continues to be difficult to provide what we consider totally adequate care for the severely disabled veterans. I can assure you, however, that our Medical Service is continuously aware of the needs of these individuals and the compassion necessary to make their lives a little easier. The psychiatric patient has benefitted from the upgrading in treatment resulting from proper application of new medicines and techniques of the last decade as shown by the continuing rise in the monthly turnover rate for psychiatric units.

In VA we have, as does every other agency of the Federal Government, a money problem. Nonetheless, although President Nixon's revised budget for F.Y. 1970, submitted to Congress last April, generally pared proposed government expenditures as a major effort to halt spiraling inflation, his request for the VA provided an increase of $262-million over VA appropriations for the prior fiscal year. This request, plus anticipated supplemental appropriations, will set VA appropriations for F.Y. 1970 at about $8.3-billion, the highest budget in 23 years. It is very likely that the amount requested for VA for the next fiscal year will exceed even this amount.

Naturally, as Administrator, I make every effort to judge the validity of demands made on the VA by its professional medical staff, and, most certainly, the needs of our newest veterans are uppermost in my mind. Our goal will continue to be to provide our veterans with the finest medical care available.

Sincerely,

DONALD E. JOHNSON,
Administrator.

Mr. FULBRIGHT. Mr. President, in the following weeks, I had correspondence with several persons who complained about conditions in veterans' hospitals, and on February 15 the Arkansas Gazette, Little Rock, published an article entitled "VA Hospitals Are Caught in Crunch of Inflation." The article, written by Ed Johnson, quoted a report from Representative OLIN D. TEAGUE, chairman of the House Veterans' Affairs Committee. I quote one paragraph from the article:

> Last week, Teague released a report that showed the Little Rock and Fayetteville VA hospitals were $1.3 million short for operations this fiscal year at a time the year was half over. The situation has resulted from them being caught in an impossible squeeze between higher medical and drug costs and rising workloads without receiving proportionately higher funding and staffing allocations. In January, the two facilities got a total of $267,000 in supplementary funds to be applied toward the shortage. That helped but it was not enough to make up deficiencies in staff equipment and maintenance needs.

Then, on March 2, a report on the CBS Evening News described conditions at the Miami, Fla., VA Hospital, which appeared to be in direct contrast to the statement in Mr. Johnson's letter of January 23.

Once again, on March 3, I wrote to Mr. Johnson asking for a clarification, in view of the CBS report. In reply, I received a lengthy letter from Mr. Johnson saying that the telecast had left a false impression and that issue could be taken with "a number of specifics in the newscast."

In the meantime, on March 9, I issued my newsletter on "Better Care for Veterans," citing the reports I had received on inadequacies in veterans care and stating that this must rank as one of our top priorities.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the text of the exchange of correspondence with Mr. Johnson and of my newsletter of March 10.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

MARCH 3, 1970.

Hon. DONALD E. JOHNSON,
Administrator of Veterans' Affairs, Veterans' Administration, Washington, D.C.

DEAR MR. JOHNSON: Thank you for your letter of January 23 in response to my inquiry about the medical programs of the Veterans Administration hospitals. In your letter you stated, "I am confident that inquiry at any time into the operation of our hospitals will demonstrate that we are giving more than adequate care to veterans."

The CBS Evening News, with Walter Cronkite, on March 2, 1970, contained a report describing conditions at the Miami, Florida, VA Hospital which appeared to be in direct contrast with the above statement taken from your letter.

Either CBS and the patients interview during the report have misrepresented the facts or patients at the Miami VA Hospital are, in fact, receiving much less than adequate care. I would appreciate a report on this matter at your earliest convenience.

Sincerely yours,

J. W. FULBRIGHT.

VETERANS' ADMINISTRATION, OFFICE OF THE ADMINISTRATOR OF VETERANS' AFFAIRS,
Washington, D.C., Mar. 25, 1970.

Hon. J. W. FULBRIGHT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FULBRIGHT: I appreciate your recent inquiry affording me the opportunity to comment on the CBS–TV news presentation of March 2.

It is most unfortunate that the telecast left an impression in millions of American homes that Veterans Administration hospitals are giving totally inadequate care, and that the Chief victims of this alleged inadequacy are our younger veterans returning from Vietnam.

Aside from a fairly lengthy taped interview with me, which in the process of editing by CBS–TV was reduced to a fleeting 30 seconds actual exposure on the screen, just one sentence in the entire program is given to the overall VA position and the positive side of VA medicine.

I do want to emphasize the verity of that one sentence when the announcer said, "The head of the VA Donald Johnson, says there is

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no danger that any war wounded veteran will receive slow or second-rate care."

We could take issue with a number of specifics in the newscast such as the statement, "One budget cut forced the removal of orange juice from the daily menu. Now, it's given only with doctor's prescription." Or the claim that, "A few weeks ago, this hospital dropped 65 employees. It didn't have the money to pay them." Or, "Now there is only one therapist in this hospital for 25 patients." There is not an iota of truth in any of these statements.

What concerns me most, however, is what was *not* reported on the programs. The network apparently chose not to clutter the minds of viewers with such facts as these—which were provided to CBS nearly two weeks in advance of the actual broadcast:

The VA appropriation for medical care for the current fiscal year, approved by the President on November 26, 1969, is the highest in history. This sum of $1,541,701,000 is the full amount recommended by the prior President and by Congress, and is available in full to the VA.

Then, on February 2, 1970, the President submitted to Congress for Fiscal Year 1971 a budget that included $1,702,200,000 for VA medical care. This is $160,499,000 in excess of the previous record budget request, and is $281,936,000 over the request for Fiscal Year 1969.

VA's 166 hospitals do have the capacity to care for Vietnam era veterans requiring hospitalization. During the past fiscal year, only some 44,000—or slightly over five-percent—of the total VA patients treated were Vietnam era veterans. That number is expected to reach about 60,000 this fiscal year. The numbers will increase, but so has VA's ability to treat more and more veterans.

VA is treating more sick and disabled veterans than ever before in history. This fiscal year VA will treat in its hospitals more than 780,000 veteran-patients, and this figure will be exceeded next year. The 780,000 figure is 172,000 above VA's patient capacity as recently as 1958.

VA hospital staffs have been augmented. Six months ago, at a time when he was reducing employment elsewhere in the government by about 50,000 jobs, the President authorized an increase of 1,500 employees for VA with the vast majority earmarked for the medical program. The new budget for the next fiscal year calls for another increase of 2,123 VA medical employees.

The ratio of VA hospital staffs to patients has increased steadily. The ratio in VA general hospitals was 146.2 employees per 100 patients last year; is 150.2 this year, and will go up to 156.8 in the new budget.

Contrary to charges that young Vietnam veterans are doomed to a life-long stay in VA mental hospitals for lack of proper treatment is the fact that VA has pioneered in cooperative research that has scientifically established the value of psychotropic drugs, and helped to nearly double the patient turnover in mental hospitals throughout the nation. The hospital discharge rate each month for VA mental patients has grown from only 5.3-percent in 1950 to 10.6-percent by F.Y. 1966; to 12.7-percent in F.Y. 1967; to 15.4-percent in F.Y. 1968, and to 18.4-percent last year.

Helping VA to maintain the quality of medical care are 79 of America's leading medical schools—which are closely affiliated with 93 VA hospitals—as well as leaders in American medicine who serve as program advisors and as consultants at VA hospitals.

What concerns me most about the CBS presentation is that the public and our veterans might reasonably conclude that VA is giving inferior care, and that the Vietnam veteran, in particular, will suffer for lack of proper VA medical attention.

Such a conclusion would be erroneous, and would reflect unfairly on the many thousands of dedicated physicians, nurses and other employees who are working hard to serve our hospitalized veterans.

Considering the constant shortage of personnel in the health fields, and the continual climb in the cost of delivering health services, it is probably true that there is no hospital in the United States, including those in the VA system, that could not effectively use more funds or more staff.

Like other medical programs, the VA program is always subject to improvement. It always has been, and always will be.

I assure you the VA will strive constantly for improvement, because the best possible medical care for the nation's war veterans has been the continuing and common desire of the American people as well as each President and each Congress.

As we all work together to achieve these improvements, I do feel it is very important for our veterans, and especially the young men disabled in Vietnam, to know that their medical needs will be met.

Sincerely,

DONALD E. JOHNSON,
Administrator.

BETTER CARE FOR VETERANS

One of the most vivid indications of how much our national priorities are out of order is the current situation in our veterans' hospitals. Reports indicate that Veterans' Administration facilities simply are not able to provide the kind of medical care that veterans require and deserve.

Of the young men we have sent off to Vietnam, more than 40,000 have been killed in combat and 7,000 have died of non-hostile causes—accidents and disease. Additionally, some 260,000 Americans have been wounded, many of them requiring long-term care.

The sad paradox is that while we have spent billions of dollars in Vietnam, we have not provided sufficient funding for medical care for veterans. Certainly the Vietnam veteran is entitled to the best care that can be offered. Committees in both the House and Senate are now looking into disturbing evidence that this is not the case. I have received a number of complaints in recent months about inadequacies in veterans care.

At a time when more personnel are needed, and with medical and drug costs rising, the VA hospital system is unable to keep pace with the heavy demands being placed on it.

A recent investigation of veterans' hospitals in Arkansas revealed funding deficiencies in fiscal 1970 of more than $1 million for the operation of the facilities at Fayetteville, Little Rock and North Little Rock. Under these circumstances vacant staff positions are not being filled and there is a threat of further staff reductions. With these conditions the hospitals are not able to keep up with the greatly increased workloads and the vast improvements in medical treatment and technology.

The President's proposed budget for fiscal 1971 provides a relatively minimal increase of $9 million for veterans hospitals and medical care—from $1.787 billion in 1970 to $1.796 billion. According to press reports, this represents only 60 per cent of the agency's request to the Budget Bureau. The slight increase which is proposed is likely to be absorbed by the effects of inflation and by increased pay to federal workers, including VA hospital employees.

I can find no justification for providing anything other than first-rate care for those who have sacrificed so much for this country. This obviously is going to require more money and indeed must rank as one of our top priorities.

It is no secret that I have strongly opposed our continuing involvement in Vietnam. However, I believe the nation has an obligation to those who have served there. This applies not just to medical and psychiatric care, but to other veterans' programs as well. In October of last year I was one of those who spoke in favor of increased educational benefits for Vietnam war veterans, despite a threatened Presidential veto. At the time, I said, "Certainly we need to be concerned about inflation, which has been greatly heightened by the war in Vietnam. However, limiting the educational opportunities available to those who carried the burden in the Vietnam war hardly seems the proper way to combat inflation."

Once again, the question is the same that I have posed many times in recent months: How can we even consider spending billions more for projects like the ABM or the SST or the MK–48 torpedo until we meet our vital human needs?

Vietnam veterans need and deserve improved medical and psychiatric facilities plus better educational opportunities. But, of course, as the noted psychiatrist Dr. Robert Jay Lifton has pointed out, "If we are really concerned about the psychological and spiritual health of America's young men—and indeed, about our own as well—we shall cease victimizing and brutalizing them in this war."

BILL FULBRIGHT.

Mr. FULBRIGHT. Mr. President, on March 21, the Arkansas Gazette published a long letter from Mr. Johnson in which he said:

> What concerns me most is that the public and our veterans may conclude that VA is giving inferior care to sick and disabled veterans of all wars, and that the Vietnam veteran, in particular, will suffer for lack of proper VA medical attention. Such a conclusion would be erroneous. . . .

However, at this same time I was receiving additional letters from veterans and veterans groups complaining about care in VA hospitals. I submit a sampling of the letters I received with specific complaints from veterans and ask unanimous consent that they be printed in the RECORD. I have deleted the names. I realize that in many of these cases there may be another side to the story. However, these letters are examples of the kind of complaints I have received.

Thre being no objection, the items were ordered to be printed in the RECORD, as follows:

STATEMENT OF ——— ———, LITTLE ROCK, ARK.

I was in the United States Army from November 1964 to November 1967.

I served in Viet Nam in 1966 until the time that I was wounded. I was shot in the back twice by rifle fire. The second bullet went through my back and lodged at the base of my brain. The first bullet exploded and left me with five pieces of metal in my neck.

I spent over a year in the hospital. I was at Walter Reed for five months and then was sent down to a Texas hospital until I was discharged in 1967.

Since I got home to Little Rock two years ago, I have been going to the Veterans Administration hospital to try to get them to do something about the pain that I suffer from the metal that is stuck in my brain. They have always refused to give me any help. They just give me pain pills and tell me to come back in three months.

In November of 1968 they finally operated on me and cut a tumor out of my head. This helped me some for about two weeks after the operation but the pain from my wounds came back. I kept going back to the Veterans Administration Hospital for help but they said that I was only suffering from tension headaches. They were very hateful to me every time I went to the hospital; but one time recently it was really bad.

I asked the man at the desk to let me see a doctor and then me and my wife went over and sat down. All of a sudden this fellow at the desk started hollering at me and said I couldn't see a doctor.

When I complained to your office about this and they checked it out, the Veterans Administration said that I had caused a disturbance. I don't see how I was causing a disturbance when me and my wife were sitting on a bench and this fellow at the desk was doing all the shouting.

Things are so bad out there that I can't face going back. In all the time I have been trying to get treatment I have not met one person who seemed concerned about helping the veterans.

I had just as soon die as to have to go back and have them talking hateful to me and then just give me some pills to get rid of me.

Lately I have been going to the University of Arkansas Medical Center and they are helping me. They think they have found that I have some metal pressing against my spine. If they can help me why can't the VA? Why do I have to pay to get treatment for a wound that the VA has rated 100% disability?

You may think I am just a sore head who is complaining but a lot of people are having the same problem . . .

STATEMENT OF ——— ———, LITTLE ROCK, ARK.

I am a veteran of World War II. I served from September 1942 to January 1946. I was with the 7th Air Force and served in the Asiatic-Pacific Theater for 36 months.

After I got home from the War I was doing real well working at a construction job and making about $175.00 a week.

In 1963 I had a massive coronary attack which completely disabled me. I have had two attacks since this time and on both occasions was taken to the Veterans Administration Hospital in an ambulance. The last time I had an attack I laid on the stretcher in the hall of this hospital for One Hour and Forty-Five minutes before I received any medical attention. During my stay in the hospital I found that the hospital staff was very negligent in their attention to me and, in addition, the doctors and staff members were quite abusive in their conversation with me.

Also, from time to time I have been back to the Veterans Administration Hospital to get treatment for other illnesses but they refused to treat me for anything other than my heart condition. They refused to even give me a prescription so that I can buy medicine.

Now, I am totally disabled and draw $95.00 a month veteran's pension and $46.00 a month social security. It takes half of these two small checks to pay for my medicine and my private medical care since the Veterans Administration Hospital isn't furnishing these to me.

It seems like the hardest thing for me to take is the way they talk to me and the abusive manner when I go to the Veterans Administration hospital to try to get treatment. That is pretty hard on a man who is already about to starve to death trying to live on $75.00 a month I have left after paying my medical bills.

During the war I spent 36 months with no furlough and did everything I could for my country. It looks to me like the Country would do something for me now that I am in such bad shape.

I do a lot of church work that involves visiting the veterans at Fort Roots and Roosevelt Road. These veterans I visit in the hospital all tell me that they are having about the same troubles that I am. . . .

BRADFORD, ARK., *March 24, 1970.*

Hon. J. W. FULBRIGHT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FULBRIGHT: I was in the U.S. Army during the time period of January 1962 to October 1964. During this time I served a tour of duty in Viet Nam. While I was in Viet Nam I was in a helicopter crash that horribly damaged my back.

After completion of my Viet Nam tour I was stationed in Hawaii. I further injured my back in a jungle training exercise in Hawaii and was referred to Tripler Hospital in Honolulu. They set me up for a series of tests and physical therapy. After returning to my company I was forbidden by my Company Cadre to go back to Tripler for treatment. I obtained treatment at Schoffield Barracks from an old chiropractor. I finally got able to resume my duties but I was always plagued with back pain.

After my release from active service I immediately went to the Veterans Administration Hospital to try to obtain treatment for my back. I have been denied this treatment to this date because for some strange reason the Army's information on my back injury isn't on record at the Veterans Administration.

I worked as a carpenter after my release from service. My weekly wage was approximately $180.00 per week. Since my back condition has gotten so bad I have been advised by private doctors to seek another kind of employment.

I am currently employed by O.I.C. school at the weekly rate of approximately $90.00.

Because of my back trouble, which I sustained while in service, I have had to seek employment taking a reduction in pay of approximately 50%. I have gone in debt because of this error. Everytime I go to the Veterans Administration Hospital for treatment of my back or other illnesses they talk to me like I was a dog and refuse to help me. I have several times waited all day to see a doctor at the Veterans Administration Hospital.

The Army gave me a lot of medals. I guess these hunks of tin are all that I will ever get for my service. I don't want a pension. I just want to be treated and relieved of this constant pain so I can make enough to support my wife and two kids.

I ask you Senator, is this my reward? Is this why I've served my country so faithfully?

Respectfully yours,

——— ———.

Mr. FULBRIGHT. Mr. President, also, I ask unanimous consent to have printed in the RECORD a few of the letters I received from representatives of veterans groups in Arkansas.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

DISABLED AMERICAN VETERANS,
Conway, Ark., March 9, 1970.

Hon. W. FULBRIGHT,

DEAR SENATOR FULBRIGHT: We, the undersigned members of DAV Chapter #10, Conway, Arkansas, are most concerned about the apparent deterioration of the Veterans Administration medical and hospital programs and we will sincerely appreciate your indulgence and support in correcting this most serious situation.

We are positive a majority of our American citizens and Members of Congress wish to provide the finest medical care and rehabilitation program for the disabled veterans of our great Nation. We also believe it is the intent of the Veterans Administration Department of Medicine and Surgery to provide such medical care.

Reports from reliable sources show serious deficiencies exist in the present operation of the VA Hospitals in Arkansas and the primary cause of such deficiencies is the shortage of funds and medical personnel. Reliable reports show our VA Hospitals had funding deficiencies in the current fiscal year of over 1.3 million in operating 1,900 beds to serve 213,000 Arkansas veterans.

At this time, our hospitals are understaffed and maintenance is poor in many areas. Much of the equipment needs repair and new equipment is badly needed.

Unless immediate and appropriate action is taken to provide sufficient funds for our Veterans Administration Medical Program, it will soon deteriorate to the point of being a second-rate system.

We do not believe the fight against inflation should be at the expense of inadequate care for our disabled veterans. We will appreciate your support and appropriate action.

(Signed by 21 persons.)

DISABLED AMERICAN VETERANS,
Hot Springs, Ark., March 18, 1970.

Hon. J. WILLIAM FULBRIGHT,
Washington, D.C.

DEAR SIR: There was an article in the Hot Springs New Era of March 17 that I would like to congratulate you on.

The article is about the way our Veterans are being treated in our Veterans Administration Hospitals. We here in Hot Springs, as well as every one in Arkansas, are proud of you for speaking out on this subject. We have the same feeling that America must provide the best medical care possible for its Veterans.

I can assure you that this information will be passed on to all our members at our next meeting.

Again may I say thanks for speaking up in our behalf, we do appreciate your feelings very much.

With kind personal regards, I am

Yours very truly,

H. ROSS WISELY,
Commander.

DISABLED AMERICAN VETERANS,
Jonesboro, Ark., March 18, 1970.

Hon. J. W. FULBRIGHT,
Senate Office Building,
Washington, D.C.

DEAR SENATOR FULBRIGHT: So many times so many of us only write to or call upon our Senators and Congressmen when we wish to criticize them for something with which we disagree. I cannot pass this opportunity to express to you my sincere thanks for your recent statements concerning the shortage of funds with which our V.A. Hospitals are being forced to operate with.

We believe that any veteran who has contributed enough when he fights the shooting war and that he should not be expected to fight the inflation war also at the expense of his health.

Thank you again for your efforts in this matter, and we hope that with your help and the many others who are interested in this problem, that the veterans of this nation will be able to receive the medical treatment to which they are entitled.

Sincerely,

CECIL W. STEVENSON,
National Sr. Vice Commander, Disabled American Veterans.

THE AMERICAN LEGION,
Magnolia, Ark., March 24, 1970.

Hon. J. WILLIAM FULBRIGHT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: As a Veterans Service Officer and a member of the American Legion, I am most concerned about VA benefits to service connected, disabled veterans and pensions to veterans who are financially in need. I am one who thinks this group of people are deserving of a consideration before peo-

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> ple, countries, and especially those countries that do not appreciate our financial help. Don't misunderstand me, I am in favor of helping sick and hungry people in the world, but not the other millions of dollars our government spends all over the world on wars, armaments and many unnecessary expenditures. I think our people here in the good old USA should come first.
>
> Our VA appropriations have been cut until it is bringing hardships on veterans and their families. I have just been advised by the VA Hospital in Shreveport, Louisiana and the VA Hospital in Little Rock, Arkansas (where I assist a number of veterans to be admitted) that our VA nursing program has been reduced 9 months to 2 months. Example, veteran John T. Booth C-1 826 622 was transferred from the VA Hospital in Shreveport last week to The Magnolia Manor nursing home here in Magnolia, and when his nursing home care paid by the VA expires, and his wife will have to pay the bill out of his pension and Social Security, she will have left approximately $31.00 per month to live on. Have many more cases just about like this.
>
> I also think that these Vietnam boys, coming home, without more than a high school education need more help to get back in school rather than digging ditches the rest of their lives. They have served our country faithfully and a number of them are coming home with combat disability. I think our pension rates should be increased. Lets get our nose out of so many involvements and expenditures all over the world, and take care of our own.
>
> Sincerely,
>
> SAM W. CAPPS.

Mr. FULBRIGHT. Mr. President, subsequently, articles in the New York Times, Life magazine, and the Knight newspapers, plus testimony before the Senate Subcommittee on Veterans' Affairs, presided over by the Senator from California (Mr. CRANSTON), came to my attention. All the articles and testimony pointed out what would appear to be serious inadequacies in the hospitals, although once again the VA Administrator, Mr. Johnson, disagreed.

The New York Times article of April 3 said:

> The VA and military hospital systems are having a tough time coping with the crush. Frequently military hospitals are forced to shuttle men in or out quickly because of the demand for bed space. The VA hospitals, by their own admission, have deteriorated in the last five years.

I quote three paragraphs from the Life article of May 22.

> . . . A man hit in Vietnam has twice as good a chance of surviving as he did in Korea and World War II—helicopter teams evacuate the wounded faster, often within minutes, support hospitals perform miraculous repairs on injuries that tend to be more devastating than ever before. But having been saved by the best field medicine in history and given initial treatment in first-rate military facilities, one out of every seven U.S. servicemen wounded in Vietnam is fated to pass into the bleak backwaters of our Veterans Administration hospitals.
>
> With 166 separate institutions, the VA hospital system is the biggest in the world. The 800,000 patients it treats in a year, mainly men wounded in earlier wars, range from cardiac to psychiatric cases. It is disgracefully understaffed, with standards far below those of an average community hospital. Many wards remain closed for want of personnel and the rest are strained with overcrowding. Facilities for long-term treatment and rehabilitation, indispensable for the kind of paralytic injuries especially common in this war of land mines and boobytraps, are generally inferior. At Miami's VA hospital, while sophisticated new equipment sits idle for lack of trained personnel, patients may wait hours for needed blood transfusions. At the VA's showplace hospital in Washington, D.C., a single registered nurse may minister to as many as 80 patients at a time. At the Wadsworth VA Hospital in Los Angeles, doctors who work there describe ward conditions as "medieval" and "filthy."
>
> Veterans Administration Director Donald E. Johnson insists publicly that veterans receive "care second to none." The evidence is overwhelmingly against him. A five-month inquiry by a Senate subcommittee chaired by California's Alan Cranston has documented gross inadequacies and laid the main blame directly on a series of cutbacks in the VA medical budget. This sum presently amounts to roughly $1.6 billion a year, somewhat less than the cost of one month's fighting in Vietnam. Additional appropriations of $122 million for next year await probable congressional approval and could help ease the immediate crisis. But within the next 12 months 16,000 more men from Vietnam are expected to come under the Veterans Administration's care.

I would also refer to a portion of an article written by Mr. John S. Knight, of the Knight newspapers, which was published on March 16, and reads as follows:

> (By John S. Knight)
>
> Are the people of America failing to honor our servicemen returning from Vietnam?
>
> Do they appreciate the sacrifices of these young men who fought in a war brought on by the miscalculations of their Nation's leaders?
>
> Is adequate tribute being paid to those who have suffered so much while we at home make no sacrifices whatsoever?
>
> Plain-spoken Lt. Gen. Herman Nickerson Jr., retiring Marine commander in Vietnam, says he is "disappointed in the silent majority" for not honoring Americans who have lost life and limb in Vietnam.
>
> "There are relatively few places," the general added, "where they waved flags and honored our servicemen as they did in the great days when the boys came home as heroes. They're not interested in the exploits of our young men. Maybe we're getting to be pretty blase about the whole thing."
>
> The general's indignation is shared by others. As one Veterans Administration official remarked, "The guys who fought in World Wars I and II found gratitude and the traditional hero's welcome when they came home. These guys get no bands, no parades, not even a flicker of interest."
>
> This shabby lack of attention is bad enough. But a more severe indictment can be drawn against the treatment of wounded veterans in government hospitals. . . .
>
> Dr. Stewart Wolf of the University of Oklahoma says "There is real danger that the administration and Congress are about to see veterans hospitals revert to mediocre status of the 1920s and 1930s when tired physicians and political jobholders provided the care for the defenders of our country."
>
> And Dr. Ernest H. J. Bors of the VA hospital in Long Beach, Calif., blames lack of people for the deterioration in the care of paraplegics. "We don't have the hands to do the job," says Bors. "It boils down to a matter of the budget."
>
> ### EVIDENCE TO THE CONTRARY
>
> Donald E. Johnson, newly appointed head of the VA, insists that veterans still receive top quality care—"Care second to none."
>
> Yet most of the evidence is to the contrary.
>
> The cruel nature of the Vietnam war—bobby traps, jungle ambushes, mines and hidden spikes—has taken a gruesome toll of combat troops. More than a quarter of a million Americans have been wounded in Vietnam, with about half of them requiring hospitalization. . . .
>
> President Nixon and the Congress have an imperative responsibility to upgrade the quality of care being given to wounded veterans in government hospitals.
>
> ### WORDS STRIKE DISCORDANT NOTE
>
> Words such as "economy" and "budgetary considerations" strike a discordant note when applied to the obligation we owe to young men whose lives and bodies have been shattered in the service of their country.
>
> The fortunate ones—those who returned sound of mind and body—can abide the neglects as they move almost invisibly through civilian life.
>
> They don't talk much, but the distrust within them runs strong and the bitterness lies deep.
>
> As 25-year-old Wally McKay, a much-decorated Marine veteran, has remarked: "I just keep my mouth shut about the war. If anybody asks me about Vietnam, I just refer them to the library."
>
> Mike Sergieff, an ex-sailor, put it this way: "I didn't expect to be treated like a hero when I got home. But I didn't expect to be ignored.
>
> The tragic neglect of our Vietnam veterans is a sad commentary on present-day society, steeped in greed and devoid of compassion.
>
> We should hang our heads in shame.

Mr. President, I am not an expert on these matters. However, the evidence available to me would seem to indicate that, despite the denials by the Administrator of the Veterans' Administration, our veterans hospitals are seriously in need of improvement and upgrading. I am happy to note that Senator CRANSTON has taken the lead in trying to secure additional funding for this purpose.

One of the interesting and informative articles on this subject was written by Dr. Howard A. Rusk and published in the New York Times of June 7. Dr. Rusk summarized the current situation in regard to appropriations:

> To attempt to rectify the deteriorating and in some places tragic conditions in Veterans Administration hospitals, the House has just passed an appropriation for the VA for the fiscal year 1971 of about $122 million more than has been, or will be, appropriated for the fiscal year 1970.
>
> This 7.5 per cent appropriation increase barely covers enormously inflated costs of providing medical care.
>
> It certainly provides no substantial margin for making some very necessary improvements in the VA system. To do that would probably require at least another $130 million.

Dr. Rusk concluded:

> The debate in Congress will tell the tale in the next few weeks. There are certainly more compassionate economies that can be made rather than short-changing wounded veterans in the vital services necessary not only to save lives but to preserve their dignity and self-respect.

I can only restate what I have said previously. Probably nothing demonstrates more vividly how much our national priorities are out of order than this situation in our veterans' hospitals. Care for those who have been wounded while serving this Nation must rank as a top priority.

Finally, Mr. President, I ask unanimous consent that two of the articles published in the Arkansas Democrat series be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

VA Hospitals

(By Martin Kirby)

Administrators of the University of Arkansas Medical Center and the Little Rock and North Little Rock Veterans Administration hospitals are quietly pursuing a campaign to obtain a new VA hospital located near the Medical Center.

The leader of the campaign and its most enthusiastic proponent is Eugene J. Towbin, M.D., Ph.D., chief of staff of the Little Rock VA Hospital, professor of medicine, associate professor of physiology and associate dean of the UA medical school.

Towbin has been trying to enlist the support of community leaders for the idea for the past two years, and he has been generally successful. He said he was particularly anxious to have the support of veterans' groups, and has been traveling around the state to discuss the idea with them.

The state American Legion commander, Lon Reed of Heber Springs issued this statement in regard to a new VA hospital:

"The American Legion Department of Arkansas is deeply concerned over the outmoded and crowded facilities of the VA hospitals in North Little Rock and Little Rock. Realizing the need for facilities and equipment to care for veterans, the American Legion feels the facilities should be in the vicinity of the UA Medical Center."

The project is still in the early, tentative stages. The primary obstacle to be overcome is something that even unlimited local support could hardly affect—the lack of federal funds for new construction.

Another problem is the question of what would be done with the present Little Rock VA hospital building and the 415-acre Ft. Roots site, where about 1,100 persons are employed.

Towbin has suggested that Ft. Roots is an ideal site for almost any kind of large public institution. He said he thought it would be particularly well-suited for a college.

Giving substance to Towbin's vision is the fact that last summer at least four influential Arkansans wrote to Donald E. Johnson, the federal administrator of veterans affairs, expressing support for the idea of a new VA hospital located near the Medical Center.

They were Governor Rockefeller; Storm Whaley, vice president of the UAR for health sciences; Edward Rensch Jr., director of the state Health Planning program, and A. Allen Weintraub, president of the governing board of St. Vincent Infirmary.

Portions of Rockefeller's letter, dated July 11, said:

"I have been concerned that the veterans of Arkansas have not had some of the advantages of the Veterans Administration's highly sophisticated medical programs . . .

"To a large extent these deficiencies derive from the fact that neither the Little Rock nor the North Little Rock hospital buildings can successfully meet the demands placed upon them by a dynamic professional staff and a rapidly advancing technology . . .

"Despite the considerable inconvenience of the separation from the medical school, a vigorous partnership has been developed between your VA hospitals and our State University School of Medicine. . . .

"In order to fully develop the patient care and educational potential that can be realized in our community, I would recommend that the Veterans Administration replace the two existing facilities with a new veterans complex adjacent to the Medical School."

Rensch said the Health Planning Program office supported the project. "We have long been aware of the need for better coordination and consolidation among health services in the Little Rock area," Rensch said. "We would appreciate any favorable consideration you could give to the request."

Carbon copies of Whaley's letter to Johnson, dated July 11, were sent to Towbin and to the entire Arkansas Congressional delegation.

Whaley's letter said in part:

"As we look to the future I can see serious impediments to the further local development of the mutually beneficial Medical Center VA relationship . . .

"I strongly recommend that the Veterans Administration plan to build a new VA complex adjacent to the University of Arkansas Medical Center. This complex . . . would place the VA in the best position to further capitalize on its relationship to our Medical School and to best take advantage of the growing partnership among the community hospitals, the State Hospital, the state Department of Public Health, and the University of Arkansas—all of which lie in close proximity to each other . . ."

Weintraub's original letter was not available, but his office supplied a draft of the letter. It said, in part:

"Having Veterans Administration Hospitals within close range of all major hospitals would bring out better cooperation in sharing and integration of specialized services.

"Since our local Veterans Administration hospital is a vital part of the University of Arkansas Medical School and since the Medical School is now taking a leading role in coordinating their services with the local major non-profit hospitals, it appears to me that we now have a golden opportunity to develop an outstanding program."

A spokesman for the Little Rock VA hospital said VA hospitals already located adjacent to medical schools in Birmingham, Ala., Nashville, Tenn., Philadelphia, Pa., Gainsville, Fla., Baton Rouge, La., and New Orleans, La.

Whaley was asked if he thought a new VA hospital adjacent to the Medical Center were possible.

"Certainly it's possible," he said. "But we understand we're talking about a long-range plan."

Whaley said all long-range planning for the Medical Center "emphasizes the desirability of having the two in close proximity."

Whaley said there had been "offers of assistance from all the (Arkansas) Congressional delegation, if and when it becomes appropriate."

"And they are asking that they be kept current on what we're doing," he said.

"One of the problems is to find available land close enough to the Medical Center," Whaley said. "At the moment we do not have available land."

He said the 26-acre Medical Center site is too small for the addition of a VA hospital, which would require at least 20 to 22 additional acres. If the VA hospital could not be constructed adjacent to the Medical Center, Whaley said the total medical program "would be greatly improved if it could be built somewhere near the Medical Center."

Asked how long he thought it would be before a new VA hospital could be constructed, Whaley said: "It's my guess that as long as we have the budget tied up in the Vietnam War, it's very likely that such programs as this will not get under way."

However, he said, he hoped a new VA hospital could be completed before the end of the 1970s.

Last Nov. 17, Dr. Winston K. Shorey, dean of the University of Arkansas School of Medicine, delivered the main address at the dedication of Hipp Auditorium at the hospital of Roosevelt Road.

In the course of his talk, Shorey said: "We can look forward hopefully to the time when a new VA hospital, incorporating the missions of both this one and the one across the river, will be located in geographical proxmility to the University of Arkansas Medical Center."

Shorey discussed the possibility of a new VA hospital in an interview.

"I think it's the only way to go," Shorey said. "First of all, it's necessary for better operations. When two institutions are working as closely together as the Med Center and the VA hospital do work, the inconvenience of distance is a factor that needs to be overcome."

Kenneth J. O'Brien, administrator of the Little Rock and North Little Rock VA hospitals, said he had recommended to the national office of the Veterans Administration that a new hospital be constructed near the Medical Center.

O'Brien said he had also recommended several alternatives in the event the VA decided a new hospital was not feasible.

One alternative for Ft. Roots would be to renovate and air-condition six to eight of the newer buildings and to construct a high-rise building in the center of the area of renovated building. The new building, which would replace several older ones, would house 400 chronic cases.

O'Brien said that some of the Roosevelt Road hospital's problems might be solved by constructing a new building for research and teaching facilities next to the present structure. The new building would be constructed with as many stories as possible, and would have the capability of having additional stories constructed later.

But, the ideal solution would be a new hospital located adjacent to the Medical Center, he said.

O'Brien said he seriously doubted that the Veterans Administration would ever consent to the construction of a 1,500-bed hospital, including 1,000 beds for psychiatric patients.

However, he said, he thought the Ft. Roots patient load could be further reduced if other accommodations could be found for patients who now come to Ft. Roots from Texas, Oklahoma, Missouri, Mississippi and Louisiana.

The VA might accept the idea of a 1,000-bed hospital with 600 psychiatric patients, he said.

Convalescing mental patients in a hospital on a smaller site near the Medical Center would not have such a large area to walk around in as they do at Ft. Roots, but recreational space would be included in any plans for a new hospital, according to the hospital officials.

Towbin said he hoped the employes who now work at Ft. Roots would "stay with us," if a new hospital should be built.

"We desperately need them," he said.

All the physicians interviewed expressed hope that a new hospital near the Medical Center would be built eventually.

Dr. Joseph H. Bates, chief of medical services, said getting the money to build a new hospital "depends almost entirely on what kind of local support we can generate to bring this about."

"The money won't come unless our representatives in Congress are firmly committed to the idea of it," Bates said.

VA Hospitals

(By Martin Kirby)

The Little Rock Veterans Administration Hospital is deficient in space, money and staff, yet it is demonstrably one of the best of the 125 VA general medical hospitals in terms of patient care.

The hospital now has a 185 per cent patient turnover rate, the nation's highest for this type of hospital. Also, the Little Rock hospital and the VA psychiatric hospital at Fort Roots, are able to attract exceptionally well-qualified physicians due to their close relationship with the University of Arkansas Medical School.

"We have the best VA hospital in the

XUM

United States," said Dr. Joseph H. Bates, chief of internal medicine at the Little Rock VA hospital.

Dr. Fernando Padilla, chief of hematology (the study of blood) and oncology (the study of tumors), said: "I would say we don't have to envy anybody anywhere. We're probably not the best, but we're among the best."

Several other senior staff physicians, who also hold full-time faculty appointments at the medical school, agreed that the VA hospital is, if not the best, at least very close to the best.

They also agreed that Fort Roots is one of the best VA hospitals of its kind. Fort Roots had a 34 per cent patient turnover rate during the last six months of 1969—second-highest among the 41 VA psychiatric hospitals.

Nevertheless, from the viewpoint of the senior staff, both hospitals have serious inadequacies. For the Little Rock VA hospital these inadequacies take the following forms:

Lack of money. The opening of the hospital's new surgical intensive care unit was delayed four months because there was not enough money to hire five more nurses.

Lack of space. The hospital engineer maintains a continuous remodeling program, through which, for example, the surgical intensive care unit was converted from a section of hallway.

Distance from Fort Roots and from the Medical Center. Psychiatrists needed at the Little Rock hospital for such problems as the depression of a recent amputee must spend about 45 minutes on the round trip from Fort Roots. The Medical Center is about a 15-minute drive from the Little Rock VA hospital.

Lack of staff, primarily among "paramedical" workers such as laboratory assistants, x-ray technicians, secretaries and others who assist physicians.

Lack of equipment. For example, Dr. Glenn V. Dalrymple, chief of radiology services, said his department needed about $100,000 worth of equipment.

The design of the building. The Little Rock VA hospital, which was completed in 1950, was designed according to the old theory of one doctor for each 40-patient ward, with very slow patient turnover and no teaching or research. Therefore, its design is impractical for the building's present uses.

Fort Roots was originally a U.S. Army fort, constructed in the late 19th Century. It was turned over to the Veterans Administration in 1921. The 415-acre site is one of the most beautiful in Pulaski County—a bluff high above the Arkansas River, with a wide view including much greenery and most of Little Rock.

The old physical plant, consisting largely of red brick buildings dating from the early 1900's and 1920's is the cause of most of Fort Roots' problems, according to Kenneth J. O'Brien, the director of both hospitals.

"As VA psychiatric hospitals go, this is a well-funded and well-staffed hospital," O'Brien said.

Its state of relative felicity was due to new psychiatric techniques and drugs, which have reduced the current patient load from an average of about 2,000 to between 1,100 and 1,200. At the same time, the budget for the institution has not been correspondingly reduced.

But, advances in medical science, which have enabled psychiatrists to treat more patients in the course of a working day, have had the opposite effect for the physicians who treat patients with physical problems.

Complicated diagnostic and treatment procedures have evolved fairly recently for many illnesses. Treatment of a single patient is likely to take up much more time and to involve many more physicians, nurses, technicians and other supportive workers than was true in the past.

About 7,600 patients were hospitalized at the 471-bed Little Rock VA hospital in 1969. This was a slight decline from 1968, when almost 7,800 were treated, but in the first half of the current year the hospital has already treated about 4,500 patients.

The hospital was "designed to be a little old sleepy VA hospital," according to Dr. Raymond C. Read, chief of surgery. "Apart from this, I think we have a wonderful hospital here."

On a quick tour of his domain, Read pointed out carts, empty beds, trash cans and other temporarily unused equipment standing in the halls because there was no other place to put it.

He pointed out an amphitheatre where students used to observe operations in an adjacent operating room. It was being converted into a storeroom. A kitchen had been converted into a casting room.

Read, who is British, attended Cambridge University, then transferred to the University of Minnesota at Minneapolis for the last two years of medical school. Besides his M.D. degree, Read has a Ph. D. in surgery and is a Fellow of the Royal College of Surgeons. He is a professor of surgery at the VA Medical School. He also supervises research in surgery at the VA hospital.

"The research work we do here relates to the medical problems of the veterans here," Read said. For example, he said, many veterans come to the hospital for surgery to correct hernias. So, the researchers are trying to find out why a man gets a hernia.

Read said the frugality imposed on the Veterans' Administration by the federal budget was the cause of the hospital's financial problems.

"They've put such a budget squeeze on the VA that we can't move ahead," he said.

He said his department needed $150,000 worth of equipment, including recently-developed equipment and replacements for old items. "I can't get it unless I prove it's a real emergency," Read said.

Read said that some previous administrators of the local hospital carried thrift past the boundaries of reason. "We had some administrators here that used to get brownie points by sending money back to Washington," he said.

Physicians at the Little Rock VA hospital said more space was needed for research.

In spite of the need for more research space, it could not be acquired by taking over space needed for patient care, Padilla said. "All this would be garbage if it did not benefit the patient."

Research enables the hospital to offer patients the latest in knowledge and treatment. Hospitals that engage in research also are often given new drugs by manufacturers for testing. Patients must give their permission before receiving drugs which are being tested. The hospital could not pay for such drugs "because they have no price," Padilla said.

Padilla is also the chairman of the hospital's tumor board. This committee follows the course of every patient admitted with a tumor for at least five years, even if the tumor is benign.

"Oncology is not my bag," Padilla said. "But there was a need for someone to do cancer chemotherapy."

Dr. James E. Doherty, director of the Division of Cardiology, which includes both the VA and the Medical Center, said the distance between the two institutions was a "serious deficiency," which causes him to lose much time driving back and forth.

The hospital's coronary care unit was opened last summer. Doherty said that in 1965 when such units came into general use he went to Washington at his own expense to ask for funds to establish a coronary care unit at the Little Rock VA hospital.

Doherty said he was "promised faithfully" that it would be installed within two years. It took four years.

"I think it's disgraceful that it was this late," Doherty said.

Another problem both at the Medical Center and the VA hospital is that "we're remiss in not having greater emphasis on rehabilitation," Doherty said.

Cardiac patients often should take up a new, less strenuous line of work and therefore should be retrained, he said. VA patients usually need help in obtaining retraining and in finding new jobs because they usually do not have much money.

Bates said "lack of proper funding" was one of the hospital's greatest problems. "'No other hospital in town operates for as little per day as this one," Bates said. "No other hospital gives better care. Our professional people are the very highest quality," he said.

Some of the hospital's most acute space, equipment and staff shortages are in the radiology department. Patients waiting for X-rays crowd into one side of a double hallway divided by a wall, while on the other side of the wall, physicians study X-rays on viewing boxes attached to the wall.

"The VA radiology department does about the same amount of work as the Baptist, St. Vincent and the Med Center, but in about one-fourth the space and with fewer people," said Dr. Glenn V. Dalrymple, chief of radiology services at the VA hospital and head of the division of nuclear medicine, which encompasses both the VA and the Medical Center.

Stopping at the hospital's new "angiographic room" for special X-ray procedures on a tour of the department, Dalrymple said, "This is the latest gear. Nobody has anything better than this—but this used to be my office."

Dalrymple's desk and those of the other radiologists and other department employes are crowded together in a converted hallway. The department's two secretaries work in a small space that used to be a "dish room" between a kitchen and a dining area. The kitchen has been converted into a room for storage of current files and for interpreting X-rays.

Exhibiting a large bruise on his leg, Dalrymple said everyone in the department was "'covered with bruises" from bumping into things in the crowded space.

Dalrymple said acutely ill patients take up much more of the staff's time than other patients. Very sick patients often have to be lifted and carried and often need special time-consuming X-ray procedures. This is physically hard on the staff, most of whom are middle-aged, Dalrymple said.

"I'm 35 and I'm the youngest one here," Dalrymple said. "You get to the point with abnormally heavy work loads where your people just can't take it."

Speaking of the VA's tight budgeting, Dalrymple said. "This business of continually cutting things has got to stop. We're at the breaking point now. Any further cutting and it's going to snap."

Further budget cuts might cause the younger doctors to resign, leaving the older ones with an "impossible burden," he said.

"There were tales of admitting patients with ingrown toenails in the old days," Dalrymple said. But this is no longer true, if it ever was, he added.

"These men are sick," he said. "They've given something to their country. These people deserve a good turn. I would think they could find some other way to shorten the strings than in the medical care given to the veteran."

THE JUNIOR BAR ASSOCIATION OF BALTIMORE AND PROFESSIONAL RESPONSIBILITY

Mr. MATHIAS. Mr. President, I have on several occasions spoken out concerning certain of the controversial aspects of the District of Columbia crime legis-

lation now being considered by House and Senate conferees. I have, for example, expressed grave doubt about both the probable effectiveness and constitutionality of proposals for preventive detention.

I have also remarked that the organized bar has, regrettably, seemed to abdicate its responsibility to consider legislation of this type carefully and to convey its views to the public and their representatives.

I am pleased to say that I have received an official communication from the Legislative Committee of the Junior Bar Association of Baltimore City which evaluates some of the far-reaching criminal law and juvenile procedure proposals in the District of Columbia crime legislation.

The committee's views are carefully formulated, and I commend them to the attention of the Senate.

I ask unanimous consent that a letter dated May 4, 1970, from Edward A. Tomlinson, Esq., chairman of the Junior Bar Association Legislative Committee, be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

May 4, 1970.

The Honorable Charles McC. Mathias.
Senate Office Building,
Washington, D.C.

Dear Senator Mathias: The Junior Bar Association of Baltimore City would like to convey to you its views on H.R. 16196, commonly referred to as the District of Columbia Court Reform and Criminal Procedure Act of 1970. Both the Legislative Committee and the Executive Committee of the Association have discussed this bill at considerable length. We have also studied S. 2601, the companion bill passed by the Senate.

The Association believes it has a duty to comment on this legislation. Of course, there are many provisions in H.R. 16196 which do not concern us and on which we express no opinion. These provisions mainly deal with the reorganization of the courts and correctional system in the District of Columbia. However, H.R. 16196 also contains significant innovations in the area of criminal procedure. We feel competent to comment on these provisions because they present major constitutional and policy considerations. Many of these provisions are clearly intended to serve as models for the states to follow. Furthermore, we as Maryland lawyers, are particularly affected by these provisions because some of us practice in the District of Columbia and many of us sojourn there on personal or business matters. We also feel bound to comment because many of the provisions which trouble us in H.R. 16196 are not found in the companion Senate Bill.

First, we should like to comment on the preventive detention aspects of H.R. 16196. While a majority of our Executive Committee believe that a system of preventive detention is needed, we believe the provisions in § 23–1322 are dangerously loose and overbroad. The category of "dangerous crimes" is particularly troublesome because it permits the detention of a first offender who is charged with one of a variety of offenses, including unlawful entry of a business establishment with intent to commit an offense therein, statutory rape, and the unlawful sale or distribution of depressant or stimulant drugs. The category of "crimes of violence" is also quite broad and permits the detention on a second charge of a variety of offenses, including all forms of aggravated assaults. We believe that Congress should proceed more cautiously in inaugurating a scheme of preventive detention. The present Maryland statute, which is attached as an appendix to this letter, might serve as a starting place. That statute limits preventive detention to cases where a defendant is charged with a second serious offense while on bail for an initial serious charge. We believe that this limitation is desirable. However, we disagree with that aspect of the Maryland statute which places on the defandant the burden of establishing nondangerousness and favor imposing this burden on the government. We also believe that any federal statute authorizing a scheme of preventive detention should clearly authorize the appointment of counsel for indigent defendants and the preparation at government expense of a transcript of the hearing. Surely the Constitution compels this and perhaps the Criminal Justice Act of 1964 will be interpreted to cover this situation, but the absence of any specific provisions in H.R. 16196 is a gaping hole in the legislation.

The Association specifically disapproves the restrictive provisions in § 23–1325 on bail pending sentence and appeal. Those provisions practically abolish bail after a conviction. Sentencing and appeal are recognized parts of the criminal process and a conviction is not final until these parts of the process are completed. Bail should therefore generally be allowed at these stages of the proceeding. Furthermore, the present section (§ 3148 of Title 18) adequately handles this problem. The case of Guido Iozzi indicates that under present law bail may be denied pending appeal in those exceptional cases where such a denial is justified.

The Association also specifically disapproves § 15–717 of H.R. 16196. That section provides that in actions against police officers for allegedly wrongful arrests the defendant officer shall receive his reasonable attorney's fees from the plaintiff regardless of which party wins the case. Such a provision is shockingly unjust and should be removed from the bill. Police officers receive adequate protection under section 206, which changes the law to no longer permit a person to resist an illegal arrest by a law enforcement officer.

The Association is also troubled by the provision in § 23–591 of H.R. 16196 on "no-knock" entries. The general rule has always been that law enforcement officers entering a dwelling to make an arrest or execute a search warrant must first give notice of their authority and purpose. Existing law recognizes exceptions in emergency situations where the officers reasonably believe that compliance with the rule will endanger their lives or lead to the destruction of evidence. We believe that the present law is adequate and that the exceptions to the notice requirement in § 23–591(c) are much too loose. In particular, we find objectionable the vague, catchall provisions that the officers need not give notice when "such notice would otherwise be a useless gesture." That provision simply invites officers to dispense with the notice requirement whenever they choose to. Furthermore, § 23–591(c) permits an officer to enter without giving notice whenever such notice is "likely" to result in the destruction of evidence, to endanger the safety of the officers or other persons, or to enable the party to be arrested to escape. The Senate version requires that the officer have "probable cause" for believing that evidence would be destroyed or life endangered if notice is given. The more restrictive Senate provisions on no-knock entries should be adopted. They are more closely in accord with present law which generally requires that the officer have some specific basis for believing on the facts of the particular case that the evil sought to be avoided will occur if notice is given.

Finally, the Association is troubled by H.R. 16196's repressive approach to juvenile offenders. We realize, however, that many of these provisions are intended to meet the peculiar problems of the juvenile courts and detention facilities in the District of Columbia. The Congress should nevertheless reconsider the desirability of these harsh provisions. At least one of them is clearly unconstitutional. The Supreme Court recently held that the standard of proof beyond a reasonable doubt applies at the adjudicative stage of juvenile proceedings. In re Winship, March 30, 1970, § 16–2317(c) of H.R. 16196 is thus unconstitutional when it only requires that the juvenile court find the child a delinquent on the basis of the preponderance of the evidence.

Another specific provision on juveniles which troubles us is § 16–2301(3)(A). That provision seemingly operates to permit the prosecutor to treat a child sixteen years of age or older as an adult by simply charging him with a crime of violence. Previously the juvenile court held a hearing to determine whether it should waive jurisdiction to the adult courts when someone in the 16 to 18 age bracket is charged with such an offense. While problems of backlog and personnel in the juvenile courts may be the motivating factor behind this change, we nevertheless believe that it is undesirable as a matter of principle to dispense with the waiver hearings and to give such uncontrolled discretion to the prosecutor. This is particularly true in this case because H.R. 16196 seemingly provides that once a child sixteen years or older is charged as an adult he never again is treated as a juvenile even though he may be acquitted on the adult charge.

We hope that these views are of interest to you.

Very truly yours,
Edward T. Tomlinson,
Chairman, Legislative Committee.

INSPECTION VISITS TO VIETNAM AND CAMBODIA

Mr. FULBRIGHT. **Mr. President, yesterday morning's New York Times carries a story by Mr. Henry Kamm concerning the visit to Fire Support Base Shakey in Cambodia by members of President Nixon's factfinding group. The story related that the men manning the muddy base shaved their beards, cut their hair, were given new fatigues, and were, in general, put in more presentable order for the visiting dignitaries. In addition to the laying on of a clean, well-groomed company, the Army thoughtfully provided layer cake and fresh baked oatmeal cookies, and topped the show off with a spectacular air strike against a neighboring hillside for the visiting dignitaries. The soldiers, Mr. Kamm wrote, "said they had not seen one that near before and did not know why the hillside was being attacked."**

By coincidence I received information within the last week of Secretary of Defense Laird which tends to bear out the deception that is inherent in a superficial undertaking of this nature.

The source of this information is a former Navy officer who was serving aboard the U.S.S. *Colleton*, a unit of the Riverine Force in the Mekong Delta area of South Vietnam at the time of Secretary Melvin Laird's March 1969 inspection tour.

According to this officer, a combined "air and water mobile assault" operation was planned for the day Secretary Laird was to visit the area. It was, "several orders of magnitude larger," the officer said in a sworn statement, "than

any operations which any of us had seen before." Some of the units involved in the operation, he said, were "the 4–47 and 3–60 Battalions of the 2d Brigade, River Assault Squadrons 9, 11, and 13 of Rivflot 1 and several units of Hilo gunships and troop carriers." In all some 5,000 American men were involved, he estimated.

The original landing site was changed the day before the Secretary's visit "because," the officer said, "one of our units had encountered enemy action in the original area and it had been chosen to avoid enemy contact. There were several jokes which flew around the ship concerning the undesirability of having the Secretary of Defense see what it was really like in that area."

Secretary Laird reportedly observed the operation from the air and the preparations for his visit aboard the U.S.S. *Colleton*, the temporary flagship for the unit commander, went for naught. These preparations, the officer said, "included extensive cleaning of the ship, inspection of the troops for haircuts and uniforms and preparation of special menus for the day should the VIP decide to each board the ship."

The officer, in commenting on this matter said:

> There is no way a VIP can get a look at the war in Vietnam.

I have asked Secretary Laird to look into the facts presented to me concerning this incident and furnish me with a report of his findings.

This apparent staging of an operation for Secretary Laird—though greater in scope—does not appear to be a unique incident. In a book on a Vietnam province, entitled "Vinh Long," author Harvey Meyerson presented a somewhat similar description of VIP treatment. I ask unanimous consent that excerpts from his book be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

VINH LONG

(By Harvey Meyerson)

III. COMMUNICATING "PROGRESS"

HAMLET. Do you see yonder cloud that's almost in shape of a camel?

POLONIUS. By the mass, and 'tis like a camel, indeed.

HAMLET. Methinks it is like a weasel.

POLONIUS. It is backed like a weasel.

HAMLET. Or like a whale?

POLONIUS. Very like a whale.

Americans in Vietnam are engaged in a split-level exercise in communication—with Vietnamese and with other Americans. Communication between levels is complicated inasmuch as Vietnamese share certain values outside our experience. With regard to pacification, the difficulty is compounded by the psychological nature of the American goal. We want to win a people's hearts and minds. For success, we must penetrate the Vietnamese psyche; we must understand exactly what it is the people desire.

The means we have selected for reaching our goal is "progress," a nebulous concept in the Vietnamese setting. Progress is communicated across cultures and up the chain of command by means of a number of rituals, the most highly developed of them being the briefing.

During my stay in Vinah Long, Ap Bay hamlet—the "showcase" Mang Thit *Ap Doi Moi*—received a seemingly endless stream of American dignitaries: generals, congressmen, cabinet officials, foreign aid officials. They came by helicopter over what was known locally as the "VIP run": Saigon-AP Bay (nonstop fifty-five minutes) or, more frequently, Saigon-Can Tho-Ap Bay. In the latter instance, the visitors would travel to Brigadier General Desorbry's IV Corps headquarters in Can Tho, take in a briefing on how well the war was going . . . drinks, lunch, and a trip into the "field." The theme was, "But don't take our word for it. Look for yourselves. Why we've got a project under way in a Viet Cong heartland and you'd be amazed . . ."

Let us reflect for a moment on the dress and manners of the Can Tho visitor as General Desobry leads him to the awaiting helicopter for the trip to Ap Bay hamlet. Quite possibly he is a man of subcabinet rank—an Assistant Secretary of State or Defense—though you wouldn't know it to look at him. For if he is like most visitors he will have followed the advice of his hosts and donned army fatigues. This stripping of civilian garb is the first act in an experience that bears cumulative effect on the visitor's powers of judgment. He begins to feel that others—they call him "sir," but, he can sense it, they consider him a softie—are measuring him.

Now an accompanying officer suggests he take an inside seat in the helicopter. ("It's safer.") A young door gunner sees him fumbling, and helps latch his safety belt. The pilots twist dials, they are laughing (at what?), their voices are lost in the roar. The machine lifts, banks, accelerates . . . The visitor rubs his damp palms on his fatigues and looks out over the jungle and the rice paddies. The Washington conference rooms where he confidently presided—they seem so far away . . .

Now the helicopter approaches Ap Bay hamlet.

Up there in the sky, strapped in, turning, descending, the door gunners pointing .30-caliber machine guns at that distant tree line . . . enemy territory . . . the helicopter doorway wide open . . . naked . . . the little knot of men in the clearing beneath . . . the helicopter dropping faster . . . the jungle rushing up . . .

And suddenly you are there, the helicopter is gone, and you are bouncing along this dirt road in a jeep and the American officer in the front seat has just released the safety on his carbine. It takes a truly strong-willed man not to become possessed by a powerful desire to perform coolly.

All this works subtly on a visitor's confidence and therefore on his independence. Should he meet the challenge without a noticeable slip, there will follow a rush of relief which can become inflated like this:

To himself: "*I* passed the test!"

To others: "*We've* got the VC on the run!"

If, however, the visitor gets by the shift in environment with his critical faculties intact, he will then find the road to reality blocked by a much more formidable hurdle—the briefing itself.

On July 15, 1967, a member of the White House staff was outfitted in fatigues and helicoptered to the Mang Thit campaign headquarters. There he was seated on a bench before the Province Chief and a battery of multicolored charts. The Province Chief reported 12 classrooms built, 4 classrooms repaired, 86 small bridges built, 12,000 meters of secondary road repaired, 1200 meters of main road surfaced with crushed rock, 2 hamlet officers built, 1 market 70 percent completed. While the building was going on, ARVN killed 395 Viet Cong, the Province Chief said, and captured 15 Viet Cong, 2 heavy machine guns, 2 light machine guns, 5 BARs, 7 submachine guns, 2 B–40 rocket launchers, 4 M–1 rifles, 106 grenades, 100 steel saw blades, 1 generator, 2 communications systems, 1 PRC10 radio, 8 claymore mines; and ARVN destroyed 1 grenade factory, 10 Viet Cong information houses, and 190 grenade traps. Meanwhile, GVN had won the hearts and minds of 13,084 of the 30,760 peasants living along the banks of the Mang Thit, plus 777 others who had migrated to the Mang Thit from Viet Cong areas further inland.

Next came the "walk-through." The theme was, "But don't take my word for it. Walk through the hamlet. See for yourself." Maternity-dispensary? Brand new, right here. Pigpens? You see them. Freshly stocked fishponds? Vegetable demonstration plots? Hamlet self-defense force? New road? New bridges? They are all there.

Indeed, by American standards the *Ap Doi Moi* hamlet of Ap Bay underwent steady improvement between February 1967 when a pacification cadre team arrived, and late July 1967 when the cadre team left. We find it hard to believe that a hamlet with a *new* road, *new* bridges, *new* dispensary, *new* classrooms, *new* fishpond, *new* pigpens, has *not* progressed. But what about the hamlet dwellers? The briefing is structured on the assumption that they too were impressed.

GVN officials, who knew better, found it in their interest to keep quiet. They knew that the bulk of the peasantry acceded to government by day and Viet Cong by night. They had learned to live with that stalemate. It was not uncomfortable. In order to ensure its continued existence, however, they were obliged to convince the Americans that the stalemate was not a stalemate at all but a progessive shift in GVN's favor. Fortunately, the Americans had a weakness for measuring progress. GVN exploited this weakness by embracing it. They adopted American values and American tools of measurement and applied them to their own purposes.

Witness the walk-through. On briefing day a representative of the Province Chief made sure that cadre were distributed through the hamlet so the visitor would encounter them at every turn, purposefully going about their appointed tasks. The so-called hamlet self-defense force (a paper organization in Ap Bay) was rounded up and put to work on its training patch near the new hamlet road. Others were ordered to man the new pigpens. If the visitor was of special importance, school kids were lined up along the road and told to wave and smile and sing at the visitors. It's true. I watched the preparations more than once. The picture Ap Bay presented to visitors was about as close to reality as a stage play prepared by a propaganda ministry.

The adopted procedure thus made it virtually impossible for visitors to judge at first hand the highest priority pacification project in the Delta. Between the visitors and reality stood the props and language of the briefing.

The real situation was something else. According to that July 1967 briefing, the Ap Bay cadre team—on the scene almost six months—had completed 90 percent of its eleven "criteria" and ninety-seven "points," thus rendering the hamlet "secure" from Viet Cong. What the briefing did not report was that the cadre who at this point were supposed to be living among the people were actually spending their nights huddled in a fortified outpost. They reported the hamlet secure, but they sure didn't act like it was secure. They had reason. Viet Cong penetrated the hamlet at will. On July 17, two days after the briefing described above, Viet Cong blew up a wall and part of the roof of Ap Bay's new maternity-dispensary and kidnapped two masons hired to build it. The building was of course feverishly repaired in time for the next walk-through.

IV. AP TAN THANG AND AP TAN QUI

The fact is that when the cadre pulled out in late July and an archway was posted over the new hamlet road with an inscription pronouncing Ap Bay a secure *Ap Doi Moi* hamlet, the hamlet was no more secure than it had been before the cadre arrived. The people were loyal to the government during the day; they were loyal to the Viet Cong at night.[1] On August 26, 1966, "Rural Reconstruction" cadre teams were sent to Ap Tan Thang and Ap Tan Qui, adjoining hamlets on the Mang Thit, and two RF Companies were brought in for security—an impressive total GVN force of almost three hundred men, or one-fifth the combined population in the two hamlets. Physical achievement was immediate and immediately recorded on the progress charts. But the Vinh Long hamlet program was then running behind schedule, so, less than a month later, on September 23, an ARVN 9th Division inspection team declared the two hamlets pacified. On the morning of September 25, cadre and RF were withdrawn. * * *

Mr. FULBRIGHT. Mr. President, staged VIP tours are much like the staged Defense Department films of Vietnam being supplied the networks and are but part of a pattern of propaganda designed to sell a point of view by giving the visitor or viewer the impression of firsthand information.

Rather than clarifying the issue, such happenings cloud it. It is against this background that we must judge the "findings" of the President's latest on-the-spot observers.

In conclusion, I emphasize that these remarks do not reflect on the Members of this body who have gone to Indochina. They are, I am sure, aware of the dangers of what one Cabinet member described as "brainwashing." Awareness of the incident I have described, however, may serve as an additional caveat.

I ask unanimous consent to have printed in the RECORD the article by Mr. Kamm from the New York Times of June 8, and two statements submitted to me by the aforementioned naval officer.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

FIRE BASE SPRUCED UP FOR A VISIT

(By Henry Kamm)

FIRE SUPPORT BASE SHAKEY, CAMBODIA, June 7.—The men of Company A, Fifth Battalion of the 60th Infantry, who are manning this muddy base high on a mountaintop northeast of the Fishhook, wore their hair short and had their faces shaven clean today. Some got new fatigues to replace those that they were wearing 38 days ago when they left the Mekong Delta to go on what they were told would be a three-day mission.

The last hammer blows were still being struck to complete a new enclosed latrine as seven helicopters bringing President Nixon's fact-finding mission of governors and legislators set down on the pad next to the base, which gets its name from the nickname of a soldier who was killed nearby.

Layer cake and oatmeal cookies, freshly baked, awaited the guests. The soldiers said they hoped that some would be left over because they have been living on C rations almost all the time.

They were unhappy about losing their beards and long hair, but those who got new fatigues were pleased to get into them and throw away the mudcaked and torn ones they had been wearing.

They found some distraction from their dull routine also in a spectacular air strike against a neighboring hillside that began shortly after the visitors arrived. They said they had not seen one that near before and did not know why the hillside was being attacked.

A colonel of the First Cavalry Division (Airmobile) said it was undoubtedly "reconnaissance by fire," although air strikes are usually made only against specific targets.

Whatever the reason, it was spectacular. A twin fuselage Bronco observation plane first made several passes firing marker rockets, then F–100's swept in low, dropping bombs and napalm on the jungled mountainside.

Finally, the planes made several strafing passes. "If Charlie was in there," a sergeant said, "he's got a headache now."

A major then called on a field telephone for the jet fighter-bombers to make a pass over this base, presumably to salute the visitors. They did, twice, so low that they unnerved at least some of the guests.

While the neighboring hillside was being attacked, the Senators, Representatives and Governors were inspecting the manmade caves in the jungle on the slopes of this mountain in which the North Vietnamese Army had stored large quantities of arms, ammunition and other supplies, which are still being removed from here.

Senator George Murphy, Republican of California, at first demurred from climbing down a ladder into the cave, saying, "I swore off the last time I went down a coal mine," but he, too, went to view the stacks of crates of Chinese and Russian grenades and mortar shells.

The visitors saw large quantities of captured weapons here and in visits to the headquarters of the First Brigade of the 25th Infantry Division at Katum in Vietnam and in a storage depot at Dian base camp north of Saigon, where a spacious warehouse has been filled until it resembles a discount store for captured weapons.

They also received a number of briefings that confirmed their general belief that the American intervention in Cambodia had been useful and justified by the results.

The only member of the group not to share this view—Senator Thomas J. McIntyre, Democrat of New Hampshire—decided not to make the trip but to spend the day studying the progress of pacification.

In the places they visited, officers presented to each visitor members of his constituency. The soldiers tended to keep to themselves their frequently negative views about the war in Vietnam in general and the incursion into Cambodia in particular.

"You wanna know where I'm going if I tell 'em" a private first class said. "To L.B.J. or back out in the fields."

L.B.J. is the nickname for the Longbinh stockade.

At this base, chosen soldiers from each visitor's state were lined up behind stakes bearing the name of the state to facilitate contact between elected officials and the soldier.

The visitors will leave for Hawaii tomorrow to be briefed at the headquarters of the Commander in Chief of the United States Forces in the Pacific, Adm. John S. McCain, Jr. They are being escorted by Bryce N. Harlow and Herbert G. Klein of the White House staff. The other members of the group are:

Senators Howard M. Cannon, Democrat of Nevada, and John G. Tower, Republican of Texas; Representatives William G. Bray, Republican of Indiana; Melvin Price, Democrat of Illinois; O. C. Fisher, Democrat of Texas, and G. William Whitehurst, Republican of Virginia, and Govs. John A. Love of Colorado, Republican; Raymond P. Shafer of Pennsylvania, Republican, and Robert E. McNair of South Carolina, Democrat.

STATEMENT BY FORMER NAVAL OFFICER

In early March, 1969, . . . the *USS Colleton* . . . was serving temporarily as flagship for the unit commander because the normal flagship was in Sasebo, Japan for repairs. The chains of command which are relevant to this matter were as follows:

Army: Commander of the Second Brigade of the 9th Infantry—Col. Rainville; Commander of the 4th Battalion of the 47th—Lt. Col. Snyder.

Navy: Commander River Flotilla One—RADM Flannagan; Chief of Staff COMRIVFLOT ONE—Captain Booker; Commanding Officer *USS Colleton*—SCDR George Wehner.

During the first week of March, as I recall, word was promulgated that there would be a VIP visiting the area and the normal procedures were initiated to prepare for his arrival. These included extensive cleaning of the ship, inspection of the troops for haircuts and uniforms and preparation for special menus for the day should the VIP decide to eat aboard the ship. Arrangements were made to have the ceremonial guard standing by to receive the visitor. The specific identity of the visitor was not given out but anyone who was reading papers and other press from home knew that the Secretary of Defense was planning a junket to Vietnam and later, unofficial confirmation of the identity of the VIP was made by senior officers of the staff.

In addition to these normal preparations, plans were being made for a combat operation scheduled for the day of SECDEF visit. This operation was several orders of magnitude larger than any operations which any of us had seen before. It also involved more elements of the forces in the Mekong Delta than any of us had ever seen coordinated in one operation before. The operation was to be combined air and water mobile assault. Some of the units which were involved were: the 4–47 and 3–60 Battalions of the Second Brigade, River Assault Squadrons 9, 11 and 13 of RIVFLOT ONE and several units of Helo gunships and troop carriers. The area for the operation had been chosen and all the logistical planning had been made in preparation for the operation. The day before the scheduled visit and operation, a new site was selected and plans were altered because one of our units had encountered enemy contact. There were several jokes which flew around the ship concerning the undesirability of having the Secretary of Defense see what it was really like in that area.

The information in this statement is somewhat vague and this is due partially to the passage of time since the events occurred and partially to a conscious effort on my part since leaving Vietnam and being separated from the service to forget the months in Vietnam and to avoid thinking about aspects of Vietnam which I cannot forget.

FURTHER DETAILS SUPPLIED BY A PERSONAL FRIEND WHO WAS AN ASSISTANT COMPANY COMMANDER

According to the recollection of my friend, the original area for the operation was to be in the vicinity of Can Tho, RVN. Elements of the 3–60 were in the original area the day before the planned operation and they encountered some enemy activity there so the operation was moved to an area about 10 miles from the South China Sea. The area was south-west of Dong Tam which is where

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[1] It is often said that popular loyalty to the Viet Cong is forced. Perhaps. But GVN's pursuit of loyalty seems even more open to question. An example:

RD funds were set aside to pay men from Ap Bay for helping on the construction of three new outposts near the hamlet. This was a sensible way of involving the local population in a GVN project. Private inquiries in Ap Bay and at the construction sites revealed, however, that the workers were not being paid. It seems that the cadre were working both sides of the street. First, they diverted the funds for salaries to their own pockets. Then they came around to each inhabitant and said: Pay us 1000 piastres or we will be obliged to conscript you for outpost construction. The men working on the outposts were those who couldn't afford the bribe.

There was quite a bit of this sort of thing.

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we were at the time. He recalls that there was an 8 hour boat ride to and from the operation for the troops who were inserted by boat. The troops were landed and operated for about 4 hours and then were withdrawn. During this 4 hour period, the Secretary of Defense observed the operation from the air.

Some of the specific details which he recalls are that the wind was extremely bad off the South China Sea making the landing very difficult and necessitating crossing several hundred yards of tidal flats before reaching cover. Had there been enemy activity there, the troops would have been badly exposed but crossing the tidal flats made for very good viewing from the air. The pickup of the troops by the boats had to be moved to a different area because the wind was so bad, the troops could not get into the boats at the original landing zone.

DISTRICT OF COLUMBIA CRIME

Mr. MATHIAS. Mr. President, I wish to remind Congress of our responsibility in facing and dealing with the serious crime problem in the District of Columbia, since Congress has chosen to retain virtually the exclusive governmental authority within the District.

To this end, I ask unanimous consent to have printed in the RECORD a list of crime committed within the District yesterday as reported by the Washington Post. Whether the list grows longer or shorter depends on Congress.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

D.C. WOMAN, 24, RAPED IN DUPONT CIRCLE HOME

A 24-year-old employee of a downtown department store was raped yesterday about 1 a.m. when she was surprised by a man as she was about to enter her apartment in the Dupont Circle area.

The woman was returning home from visiting a friend. Her assailant placed a knife at her throat, shoved her into the apartment and forced her to disrobe.

She was treated at D.C. General Hospital.

Other serious crimes reported by area police up to 6 p.m. yesterday included:

ROBBED

Mary L. Ross, of Washington, was robbed while standing in the 6700 block of 14th Street NW about 11:15 p.m. Sunday. A man snatched her purple straw handbag containing a checkbook, wallet and her Walter Reed Exchange card.

Richard Gray, of Adelphi, was robbed by two men, one of whom displayed a knife and told him not to yell. The incident took place at 9th Street and New York Ave. NW. around 1:45 a.m.

Lloyd P. Salyer Jr., of Washington, was robbed and beaten by two men about 4 a.m. at 34th and N streets NW.

Michael C. Moore, of Vernon, N.Y., was robbed by three men while walking in the 3300 block of P Street NW. The assailants took Moore's wrist watch and wallet.

William A. Holland, of Washington, was robbed shortly after midnight Sunday by four men who approached him as he sat in his car at 14th and C Streets NE. The men pulled him from the car and struck him on the head and shoulders before taking his wallet, which contained no money.

Brenda Sue Robinson, of Washington, was robbed of money and personal papers around 4 a.m. Monday while walking south in the 1700 block of 14th Street NW. She was approached by a man who grabbed her purse, emptied it, and escaped on a D.C. Transit bus.

Richard M. Krajovic, of Washington, was robbed at gunpoint at 6 a.m. by three men who approached him in the 1900 block of Calvert Street NW.

Walter I. Johnson, assistant manager of the Safeway store at 716 Kennedy St. NW, was robbed by a gunman who approached him in the parking lot of the store at 12:30 p.m., and demanded his money.

ASSAULTED

Mary Lee Russell, of Washington, was struck in the right eye with a bottle around 6:30 p.m. Monday during an altercation at 12th and C Streets NE. She was treated for lacerations to the right eye at Rogers Memorial Hospital and released.

Corbin S. Shields, of Washington, was struck on the head with an unknown object around 9:30 p.m. Sunday while walking in the 1400 block of Park Road NW. Three unknown assailants approached her from behind and hit her.

Alfred F. Huff, of Washington, was in critical condition at D.C. General Hospital after being shot three times in the stomach around 1:30 a.m. Monday. The incident took place in the 1200 block of Half Street SW.

ADDRESS BY G. WILLIAM MILLER, PRESIDENT, TEXTRON, INC.

Mr. PELL. Mr. President, stability and peace, on both the international scene and within our country, are vitally important to the American business community as well as other sectors of our society.

Problems and conditions that threaten world peace and disrupt our own society therefore are, and should be, of grave concern to American businessmen.

One of our Nation's outstanding business executives, G. William Miller, president of Textron, Inc., of Providence, in a recent address focused attention on the world problems of peace, population growth, and economic development. In his keynote address to the 55th Annual International Purchasing Conference in Boston, Mr. Miller suggested that the United States take the leadership in proposing an ambitious 30-year international program with a goal of permanent peace and economic well-being for the coming century.

Mr. Miller has offered thought-provoking, responsible proposals that deserve serious consideration. I ask unanimous consent that the text of his address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

CHALLENGE AND RESPONSE: A 30-YEAR TASK

(By G. William Miller)

During the past few weeks I have had a growing sense of discomfort about my task this morning. As both the rhetoric and the level of discord have risen it has seemed increasingly difficult, if not impossible, to put in context the business problems and opportunities you will be considering at this conference.

It would be easy to slip into a mood of pessimism and gloom. The business indicators are negative: declining industrial production, rising costs, falling sales, escalating unemployment, unchecked inflation, sinking stock prices. The national climate is disturbing and confusing: disagreement over war policy, alienation of youth, confrontation on campuses, turmoil in streets, chaos in corporate meetings, deferral of domestic priorities. To many our society appears to be on the threshold of disintegration.

But I reject the path of pessimism. I refuse to accept the view that America is chronically sick and unsound.

Instead I believe American society has the vitality and the purpose and the courage to resolve this time of troubles, and out of adversity to forge a stronger Nation more responsive to the needs and aspirations of people everywhere.

And I believe the American corporation has an important role to play in this endeavor.

So let me talk to you this morning about the times in which we live and work, about the forces of change that are shaping our future, and about the constructive responses that can and will be made by America and by American enterprise.

THE FORCES OF CHANGE

This is the Age of Change.

For thousands of years the separate units of human society were held together by customs and traditions which changed only slowly. Over the centuries the cadence of change has steadily quickened until today the pace seems to rise in a geometric progression which threatens to outstrip human capacity to adjust.

In modern history the fires of change have been fueled by the industrial revolution and more recently by the technological revolution. From these have flowed tremendous migrations and dislocations. American society has moved rapidly from an agrarian to an industrial to a scientific base. Fifty years ago most Americans lived on farms; today we are concentrated in great urban areas. This experience is recurring throughout the world.

The stresses brought about by the unprecedented rate of change during the past twenty-five years would try the patience of Job.

Now, every day we see and feel the results of those stresses. And we are concerned.

EVOLUTION OF THE CORPORATION

In the Age of Change, the American corporation has shown itself to have considerable flexibility. It has proved to be a living institution capable of adapting successfully to new conditions.

The corporation is, of course, but an idea; it is a fiction. The concept had its origin in the Age of Discovery, when new techniques were needed to finance trade with the East Indies, China and the New World. The great charters for private corporations evolved at that time. They provided the advantage of pooling capital and spreading the risk for each venture. Usually these were very limited and restricted undertakings.

In the 19th and 20th Centuries, the corporation concept has undergone considerable development. It took on new scope in response to needs brought about by the industrial revolution. The corporation then provided the means for coordinating human resources, marshalling capital and assuring continuity of the enterprise. More recently, with the advent of the technological revolution, the corporation has gone through further evolution. We have seen the rise of the multimarket corporation as a means of offsetting obsolescence in a rapidly changing world, of participating in new markets, and of deploying capital into areas of greater need. This trend is continuing in new emphasis on multinational corporations as a result of the worldwide growth in trade and competition.

ROLE OF THE CONTEMPORARY CORPORATION

Most of all, the modern corporation is now demonstrating that it has a conscience. Activities that once were considered beyond the legal authority of a corporation now receive active support and participation: education, civil rights, equal employment opportunity, training hardcore unemployed, urban affairs.

The corporation has an important and legitimate role in society generally. Corporate managers have the right, indeed the responsibility, to help shape the social and economic climate in which they operate. American businessmen are on safe grounds when they endeavor to help manage change rather than simply be the helpless victims of it.

Each of you plays a key part in developing a business strategy for your company. In doing this you first examine the external environment. It is necessary for you to know and understand the economic, political, social and market conditions, as well as the personnel, labor and management circumstances, with which you will have to deal. In the light of your assessment, you establish a corporate objective and plans for implementation.

THE IDEAL VS. THE EXISTING ENVIRONMENT

I'm sure we could all agree on the ideal environment for business. It would include world peace, political stability, economic stability and social stability, together with growing and orderly markets.

But what do we find? We find conflicts and instability. In America, with the highest standard of living and greatest technology, we find uncertainty and confusion. We find distrust in an atmosphere of rising tensions.

How strange that the 20th Century should turn out to be so tragic. Never have the possibilities been more promising to improve the lot of man. What blessings to have the magic of electricity, telephonic communications, wireless, television, aeroflight, nuclear power, space exploration; to have within grasp the resources to wipe out hunger and disease and poverty.

Yet the 20th Century has been marked by violence, world wars, massive displacement of peoples, and a continuing and growing gap between the haves and the have nots.

No wonder America's conscience is troubled.

Somehow, with all its blessings, society has not yet found the mechanism nor developed the institutions which can translate the world's incipient wealth into a secure and peaceful life and a decent standard of living for mankind.

THE STANDARD OF LIVING GAP

Freedom from war and freedom from want. The two are inevitably linked. It is in closing the standard of living gap that we in American business can make the greatest contribution.

The task to close the gap is enormous. It will require the total energy and dedication of America and of the world. Today with 6% of the world population the United States has one-third of the production. To bring the rest of the world up to the U.S. standard—still inadequate for many Americans—would require an increase of $13 trillion in annual production of goods and services—more than four times the present world total!

And with the world population expected to double by the end of this century—only 30 years away—it would take a world economy of $35 trillion in constant dollars to provide at that time a standard of living equal to America's today.

Let me repeat. The standard of living gap today is $13 trillion. Unless we act promptly to overcome this deficit, by the year 2000 the gap could be more than twice that amount. Imagine what this means in pent-up demands for food and shelter and care, for doctors and teachers and engineers and managers. Imagine what this means in terms of steel and copper and lumber and fiber and energy.

TIME RUNS OUT

How clear it is that time is running out. Even modest progress in closing the standard of living gap will overtax the world's resources. If we now have difficulty even in seeking to control and reverse present pollution, imagine the problem which lies ahead.

The Earth is a finite sphere. It cannot long endure unlimited consumption of its bounty. From now on it is essential that we keep human population within reasonable bounds and that we exercise the most judicious use of the Earth's stores.

In an era of scientific miracles Americans have become accustomed to quick results. Perhaps that is why we show such impatience with complex world problems. Perhaps that is why attention is so focused on short term frustrations that we may miss the greater implications of what we face in an exploding world.

In this century America has been called upon to meet many unwanted challenges. It has been pulled reluctantly into the mainstream of man's destiny. At times America has responded brilliantly, demonstrating the highest qualities of humanity: self sacrifice, mercy, generosity, selflessness. At other times, confused by the blinding pace of events and baited by a gnawing sense of injustice, America has flailed out carelessly or thoughtlessly.

AMERICA'S RESPONSE

Now is the time for American greatness. Bold and dramatic steps are needed to uncoil the present dismaying spiral of violence and disorder. This critical moment calls for creative and decisive action.

America has a unique opportunity to demonstrate its inherent greatness by providing the bold vision and leadership needed to meet the challenge.

A THIRTY YEAR PLAN

The United States could now provide this leadership by proposing a Thirty Year Plan aimed at ushering in the 21st Century with a worldwide system of permanent peace and economic well being for every living person. Such a Thirty Year Plan could be carried out through a strengthened United Nations with new action agencies. These would include:

First, A Peace Commission, which would establish subsidiary Security Commissions in each area where there are wars or threats of wars, including Southeast Asia, the Near East and Europe. Each Regional Commission would work to bring about an immediate cease fire where conflicts now exist. Then it would develop specific plans to be effective by the end of this decade to assure permanent peace and security in every area of the world. Disarmament plans would be drawn and carried out progressively with worldwide disarmament complete by the end of the 1980's.

Of course, we must recognize that this will require tremendous financial support and willingness to accept international security forces as a substitute for national armies.

To help in such peace efforts, by building bridges to all nations, the United States should move to recognize the government of Mainland China. China should be invited into the United Nations.

Second, An Economic Development Commission, whose principal task would be to close the standard of living gap by planning and coordinating the allocation of world resources. Every nation should provide capital for the Commission's work. The contribution of each country would be in proportion to its gross national product, with full participation from the richest to the poorest.

And the capital investment must be in keeping with the enormous size of the standard of living gap.

In this program American free enterprise could play a major role. All that is needed is to unleash the private sector, and the results would be remarkable.

Third, A Population Commission, to provide population planning as an essential counterpart to plans for assuring peace and prosperity. The task is impossible with an exploding population. The Commission would need to move quickly in areas of greatest imbalance, and then work long-term toward a population growth factor of 1½ percent or less.

And finally, perhaps A Central Council to coordinate plans of the three primary commissions.

This Thirty Year Plan must not be a paper exercise. It must have real support—in money, in talented people, in moral leadership and in awakened world opinion. The initial financial contributions should be 1 percent of gross national product, providing a $27 to $28 billion initial annual budget.

And the Thirty Year Plan should be undertaken without neglecting or lessening our action on America's domestic priorities.

ARE WE UP TO THE CHALLENGE?

Is it too bold to undertake such a plan? Is it too demanding to expect the involvement of a complete generation for thirty years in seeking a permanent peace and the eradication of poverty? Is it too much to ask of America and of youth everywhere who would bear the burden? I think not.

And particularly I think not when I consider the alternatives. We cannot much longer afford the luxury of disagreement and disunity, while inattentive to forces that challenge human existence.

But if the challenge we face is enormous, then our response must be equal.

You who attend this conference are important opinion leaders. You help set the tone and the attitude that will guide American corporations in their reaction to the demands of the day. American business has responded magnificently in the past when called upon to help provide for the security of America and of the world.

Today the American business community can do much more. It can stand in the vanguard to raise the cry for that unity and sense of purpose which is vital if Man is to make his difficult crossing through the troubled 20th Century into a New Era.

The road is difficult, success unsure. But surely the quest is worthy of our commitment.

HEARTMOBILE PROGRAM: A BETTER WAY TO DEAL WITH HEART DISEASE

Mr. MATHIAS. Mr. President, on Tuesday, May 19, it was my pleasure to meet with those primarily responsible for administering the Heartmobile program in Montgomery County, Md. President Nixon has brought the increasing problems we face in providing quality health care to the attention of all Americans. The Heartmobile program is a quantum jump forward in the care and rehabilitation of the victims of heart trouble.

Under the umbrella of HEW, the program is administered by Dr. Barton J. Gershen, Dr. Louis Gillespie, Dr. John Stapleton, Dr. Stephen N. Jones, and Dr. Arthur E. Wentz. These men and others deserve our thanks. Twelve days after my visit, Stuart Auerbach in the Washington Post of May 31, 1970, in an article entitled "Lifesaving Heartmobile Speeds Care to Victims," reported an incident in which this program was essential in saving the life of a victim of congestive heart failure.

I ask unanimous consent that Mr. Auerbach's article be printed in the RECORD. The story reflects credit on all those involved in the program and clearly indicates the benefits derived from modern technology when applied to the problems we face in providing good medical care.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LIFESAVING HEARTMOBILE SPEEDS CARE TO VICTIMS

(By Stuart Auerbach)

Abraham Katz had not been feeling well all week. He thought he had the flu, and was taking antibiotics and orange juice.

Suddenly he started gasping for breath. It was about 6:30 p.m.

His wife did not know it, but Katz, 75, was suffering an attack of congestive heart failure. His heart was unable to pump out all the blood that was flowing into it. As a result, his lungs became so filled with fluid he was unable to breathe.

As his breathing became more labored, Mrs. Katz called a Montgomery County rescue squad. An ambulance arrived at the Katz apartment, 1220 East-West Highway, within 2 minutes.

At the same time, buzzers sounded in the emergency room and cardiac care unit at Holy Cross Hospital, a few miles from the Katz apartment.

The buzzer sent into action the heartmobile—a 21-foot-long van completely equipped to give sophisticated, on-the-spot-care to heart attack victims. Five days a week, 16 hours a day, the van responds to all calls that sound like heart attacks within a four-mile radius of Holy Cross—an area that includes half a million people.

Nurse Mary Beth Lagoey and cardiovascular technician John A. White ran down seven flights of stairs from the hospital's cardiac care unit—they find it faster than the elevator—while driver Dan Hutchinson raced from the emergency room and started the van. Technician Al Fagles was already aboard.

The van arrived at the Katz apartment less than minutes after the rescue squad was called, bringing with it everything modern medicine offers to save heart attack victims.

Mrs. Lagoey grabbed a black bag filled with drugs, syringes, intravenous fluids and other medical equipment.

Fagles picked up the most sophisticated piece of portable equipment on board—an electronic box that records the patient's heart rhythm so the heartmobile crew can see it while at the same time transmit it by radio to a machine in a doctor's home or office so he can diagnose the problem.

SHOCK MACHINE

The same battery-powered machine also can be used to apply a severe shock to the patient's chest in case he goes into fibrillation—wild, uncontrolled heart beats that fail to produce pumping power and lead to death.

The heartmobile team's performance in the Katz apartment was swift, sure and practiced.

Mrs. Lagoey quickly asked Mrs. Katz what had happened and tried to calm her. Fagles and Hutchinson attended Katz, who was gasping for breath on his bed.

The rescue squad attendants already had clamped an oxygen mask over Katz' face to help him breathe. One held the paddles on his chest to provide the electrocardiogram. Recognizing the symptoms of congestive heart failure, Fagles began putting tourniquets on Katz' arms and legs to cut the flow of blood to the heart and reduce the amount of work it had to do.

Mrs. Lagoey, relying on standing signed orders from doctors in charge of the program, began giving drugs to stop some of the heart's premature contractions.

HEAR MONITOR

In the van, White spoke by radio to the doctor on call, who was watching the electrocardiogram sent from Katz' bedroom the same way doctors in Houston monitor astronauts' heart action during space flights.

Katz was clearly in pain. His breathing, despite the oxygen and the drugs, became increasingly labored. He fought the oxygen mask on his face.

"Okay, Mr. Katz. You're going to breathe easier now." said Mrs. Lagoey. "Don't move. This will make you breathe easier. You're going to be all right."

Within 20 minutes of his wife's call to the rescue squad, Katz was breathing easier and looking better. By 7:14 p.m., he had been carried down to the van where he was given other drugs. By the time the van reached Holy Cross Hospital, he looked like a new man and was talking to the attendants.

Katz had been treated by one of the newest and most sophisticated weapons of medicine.

RECENT WEAPON

Mobile coronary care units, relying on space-age technology, were first used in Belfast, Northern Ireland, two years ago. The first one in the United States was put into service last year in New York.

Montgomery County's heartmobile, put in service March 16, is only the fifth in the nation. It already has answered about 140 calls.

The Montgomery County unit is unique in that no doctors ride on it. It relies, instead, on the intensive training of nurses and technicians and the close radio communication with one of six cardiologists who always are on call.

Saving heart attack victims, doctors agree, demands quick action—the use of drugs and sophisticated equipment as soon as the heart stops or begins to beat wildly.

Heart attack deaths have been cut in half since hospitals opened special cardiac care units, with their constant monitoring of patients and ready response to crises. But 65 per cent of all heart attack deaths occur outside a hospital. These are the people mobile coronary care units are designed to help.

DEATH REDUCTION

Dr. William J. Grace of St. Vincent's Hospital in New York, who ran the nation's first unit, estimated heart attack deaths could be halved by a network of mobile units.

The problem is they are expensive, and the highly trained staff they demand are in short supply.

The Montgomery County unit cost $145,000 to build, equip and run for a year.

It was financed by a $100,000 grant from the Regional Medical Program to the Montgomery County Heart Association, a $35,000 donation from American Optical Co. for the electronic equipment and $10,000 from the fraternal Order of Eagles.

A shortage of trained staff members means that the heartmobile now operates on the limited 16-hour, five-day schedule.

COMPLEX EQUIPMENT

The equipment on board is so complex the technician has to be a combination master electrician and doctor's assistant to run it. As on spaceships, everything has a backup unit. Besides the portable electrocardiogram machine, there is one attached to the van. The van has its own defibrilator.

If the patient stops breathing, there is a portable resuscitator that massages the heart and pumps air into the lungs.

And if a doctor should need it, there is even a demand pacemaker on the van.

Despite the cost, Katz' son Julius has no doubt about the value of the mobile coronary unit.

"My father would be dead now if it wasn't for that heartmobile," he said. "I think it's a wonderful thing. There should be more of them."

FIRST ANNUAL IDAHO TRAVEL SEMINAR

Mr. JORDAN of Idaho. Mr. President, on the first of this month in Sun Valley, Idaho, along with my colleague from the House of Representatives, Representative ORVAL HANSEN, I was privileged to take part in the first annual Idaho travel seminar. Sun Valley seemed a natural site for such a meeting, drawing as it does countless tourists each year to its many scenic attractions.

The various representatives of the travel industry in our State were delighted with the first official Idaho appearance of C. Langhorne Washburn, Director of the U.S. Travel Service. Mr. Washburn delivered a timely and thoughtful address. Since his remarks are applicable to all tourist areas of the United States, I wish to share his speech with Members of Congress and the many readers of the CONGRESSIONAL RECORD.

I ask unanimous consent that the address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY C. LANGHORNE WASHBURN

It is a great pleasure for me to participate in this seminar.

I certainly want to thank you, Senator Jordan, and you, Congressman Hansen, for your kind invitation.

I also want to offer my congratulations, Senator, on the high honor conferred on you yesterday by the University of Idaho. Your achievements and standing in the United States Senate make it an honor richly deserved and warmly applauded.

Congressman Hansen, I'm sure, will not have long to wait for similar honors. Not only is he a distinguished legislator, but he also happens to be the second man in the history of the University to graduate with a straight four-point average. I hope you'll direct a lot of your questions to the Congressman this morning: the right answers obviously come naturally to him.

Let me begin by saying that I can imagine no better setting for a travel seminar than right here in Sun Valley. What we're here to talk about selling is right out there, all around us. If that won't stimulate and inspire us, nothing will.

To me, all of Idaho is a travel salesman's dream. This is America the *most* beautiful. It's magnificent, unspoiled—and yet accessible.

You have grandeur here, in the literal sense of the word. Majesty, as only nature knows it. This is the land where the hyperbole of travel brochures is everywhere surpassed by what your eyes can see.

What a product you have to sell—overseas or anywhere! But especially overseas.

That, of course, is what I'm here to talk about and discuss with you: How the U.S. Travel Service can help you to sell "Destination, Idaho" to foreign tourists.

First, let me assure you that I'm not talking about any sideline, small-potatoes business. I'm talking about a business the size of an *Idaho* potato!

Incidentally, talking about size—my passion is fishing, and I've been enjoying dipping into some of your wonderful streams on this visit. Anyway, my wife presented me with a baby girl some months back, and one of my friends asked me recently how much she weighed.

"About the same as a good-sized blue," I told him.

My wife says I've got fishing on the brain—and she hopes it stays there!

Now about the size of this travel business. International tourism receipts account for the largest single item in world trade. They are running more than $17 billion annually and are increasing at around 11 percent every year.

Moreover, the United States leads every other nation in the world in this giant industry. Last year, we earned about $1.93 billion from international tourists. About 1.8 million visitors came from overseas and 14 million from Mexico and Canada. This year we expect more than 2 million from overseas, each of whom will spend around $400 in this country.

These expenditures flow into the economic bloodstream of the whole nation. Some 30 percent go into the hospitality sector—hotels, restaurants, and the like. The remaining 70 percent go into the general economy, benefitting everybody—the butcher, the baker and the candlestick maker.

Moreover, there are the benefits from what we call the multiplier effect. The tourist dollar doesn't stop when its spent, but continues to be spent by those it is spent with. We estimate that the purchasing power of a single dollar is multiplied more than five times as it flows into supporting businesses, in addition to those directly engaged in tourism.

Next, let me explain briefly just where the U.S. Travel Service fits into the picture.

Our agency is organized specifically to market the United States as a prime travel destination. We tell people overseas "Visit the USA—where else can you see the United States of America?"

There are two principal reasons for our agency's existence. First, as I've just described, tourist expenditures are a vital element in economic development. They mean jobs for our growing work force and profits for business to finance expansion of facilities and to engage in the research and development which maintain our technological lead and provide us with the world's highest standard of living.

Second, increased tourist dollars from abroad help solve our balance of payments problem. We must bring our international accounts into better balance in order to maintain confidence in the dollar as the world's principal reserve currency. Americans traveling abroad spend some $2 billion more annually than foreign visitors to the U.S. spend here. We need to close that $2 billion gap, and attracting more visitors here is the way to do it.

So our job is to work with the travel industry abroad to motivate and encourage people to come here in ever increasing numbers.

The product we are selling is divided into exactly 50 sections—with some of the most beautiful names and scenery on earth. None, of course, surpasses the Gem State—and that *gem* of a state—Idaho!

For several years, we have been telling potential visitors in forty countries about Sun Valley, Craters of the Moon, and Snake River.

We also have promoted Idaho's President's Cup Races, The all-Indian Ceremonial and The Old Time Fiddler's Contest.

We have encouraged business travel to Idaho, too. In our booklet, *Plant Tours for Foreign Visitors to the United States,* we list 40 different businesses in this state which offer guided tours for visitors from abroad.

In addition to promoting Idaho's attractions in our own literature, we also distribute brochures and booklets produced by The Idaho State Department of Commerce. We supply foreign visitors with copies of *Incredible Idaho* and *Discover Yourself, Explore Idaho.*

But the big job—and the really big profits—lie ahead. A recent projection by our Office of Research and Analysis indicates that overseas visitor traffic in 1974 will reach 5.1 million and traffic from Canada and Mexico will hit 17 million.

That's a total foreign visitor count of 22 million—and these travelers will probably spend close to $3.5 billion.

Idaho can and must get its fair share of that bonanza.

A sizeable chunk of this gold is coming from a country that lies to the west, on *your* side of the USA. I'm referring to Japan, whose booming growth has vaulted her to second place in the Free World economy.

Our office estimates that in Japan alone seven million persons today have the means for intercontinental travel. We're not going to get them all over here, of course. But I'm a dreamer, and I like to dream about multiplying those seven million by the $400 that each overseas visitor spends here. And I get a total of $2.8 billion. Then I calculate the multiplier effect, the way those dollars spread throughout the economy. And I come up with $14 billion.

If that's not worth going after, I don't know what is. So we're going after it. And we're going after the same potential that exists in Europe.

We're going after more business travel to the U.S. More visitors in tour or charter groups. And, of special interest to you Idahoans, more travelers from Canada.

Canada is by far our richest potential market. Its proximity, its high per capita income, the close and friendly relations between our countries—all combine to make Canada our No. 1 sales target.

The fact that Idaho is contiguous to Canada means that you will be among the top states to benefit from this program. So we want to work with you in joint promotions and other programs that will lure increasing numbers of our friends to the north down this way.

To carry out such cooperative efforts with your state and others, we have asked Congress to create a special matching fund program.

We know that the United States is a large, diverse tourist product. Ideally, the way to merchandise it is to offer it in packages to the foreign tourist.

Each of our states and many of our cities have much to offer the foreign visitor. They know their attractions and features. By encouraging them to join together, and in cooperation with our agency, we can produce a travel package with far greater appeal to the tourist. Such packaged tours covering separate regions of the Nation would put us in the same marketing position as Europe, with its ability to market individual national tourist attractions.

We are hoping that Congress will provide $500,000 for this program the first year. Congress is considering two different ratios for matching state or city funds—one on a 50–50 basis, the other 80 percent Federal funds, and 20 percent state or city money.

Besides promoting tour destinations, the money could be used to improve receptive services and host facilities. To produce multilingual literature to bridge the language barrier for foreign visitors. And to provide other services to make the visitor's stay more pleasant and enjoyable.

Your proximity to Canada also offers another highly interesting possibility: joint Canadian-U.S. Travel promotions in Europe and Japan. Maybe we could work up a tour package that would include Idaho, one or two other states, British Columbia and Alberta. Offer the best regions of both countries.

We also could join with Canada in travel trade briefings and cooperative film evenings in Europe and Latin America. We could arrange joint travel missions overseas and joint familiarization tours for retail travel agents and travel writers.

In other words, develop a whole series of equal partner promotional ventures.

This whole region has an incomparable asset in its history, traditions, beauty, and diversity. You have alpine lakes and craters of the moon. You have ghost towns, rock cities, ice caves, float trips, vast forests, spectacular falls, magnificent rivers, and ski slopes that are unmatched anywhere in the world. You operate a playground with almost every sport. Your attractions, in short, are the envy of almost every State in the Union; none has more, and few, if any, can equal them.

Today, the jumbo jet is creating a flying bridge to Europe and across the Pacific. Millions and millions of people will be crossing that bridge in this direction.

Your job—and my job—is to put a travel sticker on their luggage which reads "Destination, Idaho."

And that's just what we're going to do.

PRISONERS NOT BEING IGNORED

Mr. GRIFFIN. Mr. President, a headline in the June issue of Navy, the Magazine of Sea Power, read: "Ill Treated POW's Ignored at Home." With all good intentions, the article seemed to accuse the American people—and, by inference, Congress—of insensitivity to the plight of our men in the hands of Hanoi.

Let me assure you and the American people this is far from the case. The tragic plight of the prisoners being held by the North Vietnamese and that of their families here at home is not being ignored.

The situation involves an extremely delicate balance. A blunder on the part of the American Government could make the plight of the prisoners of war much worse.

The Communists have already demonstrated that they consider prisoners to be hostages of war. While civilized countries the world over abandoned this idea generations ago, the Communists cling to it.

While civilized countries the world over have for generations believed war prisoners must receive humane treatment, the Communists have deliberately determined on a course of brutality as their normal and day-to-day treatment of prisoners.

I would suggest that while the Communists themselves have no regard for human life, they recognize that the rest of the world does not share this attitude.

The Communists of North Vietnam obviously wish to have the good will and the support of the so-called neutral world, countries such as India and Pakistan, and the African nations.

These countries hold life much more dear than do the Communists. And the Communists of North Vietnam know this.

So, Mr. President, our approach to the problem might well be best by indirection rather than through direct contact or direct action. It might be well for the United States to work through some of these neutral countries to get them to use their good offices in behalf of American prisoners.

But to get this kind of action from a neutral country it will require solid support from that nation's citizens. This can be helped through person-to-person contact with the citizens of the country involved.

In this, the American people as a whole can be of enormous assistance.

Many Americans have personal friends and relatives living in many nations of the world.

These friends and relatives should, I believe, be contacted by Americans and told the full story of what is happening to the prisoners and their families.

This will be a slow process, Mr. President, but it holds some hope of success.

The process could, perhaps, be speeded by our own actions. We personally have contacts in many foreign lands. Many of our contacts are influential people in their home countries. I think we should use those contacts and through them tell the governments of neutral nations about the plight of these American prisoners.

Thus the weight of world opinion could be brought to bear on the Communist regime in North Vietnam.

It is obvious that this regime does not concern itself much with what Americans think or say.

It is equally obvious that they do concern themselves very greatly with what other countries think and say about them.

This may well be the right avenue to use.

I therefore commend it to the Senate and to Americans as a whole.

DEATH OF GEORGE J. REILLY, PROVIDENCE, R.I.

Mr. PELL. Mr. President, during the past weekend, I was saddened to learn of the death of George J. Reilly, a man whose instinctive kindness and love of animals endeared him to the residents of my State.

George Reilly served for 30 years as general agent of the Rhode Island Society for the Prevention of Cruelty to Animals. During those 30 years, there was no more effective spokesman for humane treatment of animals than George Reilly, no one worked more diligently and affectionately for the care of lost and injured animals and to prevent mistreatment of animals.

In April of this year the American Humane Society, in recognition of his outstanding work, presented to George Reilly its honor award.

I am personally saddened by his death and extend to his family and friends my deepest sympathy. I ask unanimous consent that a report of his career from the Providence Sunday Journal be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

George J. Reilly, 78, Dies; SPCA Agent for 30 Years

George J. Reilly, 78, whose lifelong interest in horses led to a 30-year career with the Rhode Island Society for the Prevention of Cruelty to Animals, died last night at the Jane Brown Hospital after a brief illness.

He had been general agent for the Rhode Island SPCA since 1940.

On April 19 at the celebration of the 100th anniversary of the association, he received the honor award of the American Humane Association. Also on that day a parade of animals, conceived by Mr. Reilly, trooped through the streets of Providence. The parade recalled for thousands who viewed it the methods of transportation for man before the days of the automobile.

Mr. Reilly, who lived at 370 Fountain St., was the husband of Marian (Davis) Reilly.

He was born in Pawtucket May 8, 1892, son of the late James D. and Mary E. (Keating) Reilly. His father owned large stables in Providence near the present site of the Cathedral of SS. Peter and Paul and Mr. Reilly spent much of his young life at the stables. From that early experience he developed a love and knowledge of horses that lasted throughout his life.

After attending Providence schools, he entered his father's business, the James D. Reilly and Son Funeral Home. At the outset of World War I he enlisted in the Army.

After discharge he entered the automobile business and served for 20 years as a representative of the Providence Packard Motor Car Co.

In 1940 he was named the SPCA's general agent here. In the years following he directed the SPCA's work, sheltering lost and injured animals, inspecting livestock and horses and investigating complaints of mistreatment of animals. The work was centered at the society's headquarters at 372 Fountain St.

He became known throughout the state and the region for his interest in the welfare of animals. The American Humane Association awarded him its 25-year award in 1945. The annual Christmas appeal of the state SPCA was highlighted by the Santa Claus in a sleigh atop the Biltmore Hotel, a display conceived by Mr. Reilly.

He was an expert on and collector of fine carriages and a member of the Carriage Association of America.

He was past president of the New England Humane Conference and belonged to the following organizations: the American Humane Association, the New England Livestock Association, of which he was a director, the New England Chiefs of Police Association, the Rhode Island Police Chiefs Association, Providence Lodge 3 of the Fraternal Order of Police.

Besides his wife he leaves two brothers, James A. Reilly and Robert K. Reilly, both of Providence.

Funeral arrangements are incomplete.

IESC, THE "PAUNCH CORPS"

Mr. MATHIAS. Mr. President, I am afraid that with the the news medias emphasis on youth activities we tend to forget the idealism and fervor displayed by the "older generation."

An editorial published in the Hagerstown, Md., Morning Herald of May 18, 1970 stated:

> Everyone has heard of the Peace Corps. Not so well known is what is sometimes affectionately referred to as the "Paunch Corps."

This is the International Executive Service Corps. In 1964, David Rockfeller, chairman of the board of Chase Manhattan Bank, formed the group. Since that date, the executives have assisted some 2,000 enterprises in 35 countries. In each case, their goal has been to foster economic growth and strengthen private industry in the developing country.

The IESC is composed of retired as well as active business executives. In the case of an executive in the midst of his career, his company grants a leave of absence. Over 200 major U.S. companies have also supported the project directly through financial sponsorship. In addition, funding comes from the U.S. Agency for International Development and each foreign firm involved in a project.

In the hope that more Senators may be made aware of the fine work of this volunteer organization, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

Paunch Corps

Everyone has heard of the Peace Corps, which has been essentially, though not entirely, a channel through which the energy and idealism of thousands of young Americans have been mobilized to help the peoples of the underdeveloped world better their lives.

Not so well-known is what is sometimes affectionately referred to as the "Paunch Corps," an organization of "old" people motivated by the same kind of idealism.

This is the International Executive Service Corps, formed in 1964 by a group of American businessmen headed by David Rockefeller of the Chase Manhattan Bank with the goal of fostering economic growth and strengthening private enterprise in developing countries.

The idea was to recruit experienced executives to serve on short-term assignments overseas, working with local businesses which requested their particular expertise or managerial skill. Since beginning operations in January, 1965, the IESC has answered requests for assistance from some 2,000 enterprises in 45 countries in Latin America, the Middle East, Africa and South and East Asia.

Volunteer executives have helped improve food production and health standards, textile and apparel manufacture, investment and banking practices, construction methods, transportation systems, communications, natural resource development, government and education services.

With many developing nations bidding strongly for foreign visitors, IESC experts have undertaken about 70 hotel and tourist promotion programs in 13 countries. One recent assignment was the development of a park, recreation area and marine-life showplace by the Republic of Singapore with the assistance of the director of Chicago's Shedd Aquarium. In a similar project, a top zoologist, the director of the Milwaukee County Zoo, was recruited to advise the city of Cali, Colombia, on plans for a new zoo.

Nine of the volunteer executives have been women, including a magazine food editor who was sent to Iran, a hospital administrator to Greece, a trade exhibit adviser to Honduras, and a shoe pattern and fitting specialist in her 70s who advised a shoe manufacturer in Panama.

Most of the executives are recently retired, though some are still in active careers and are given leaves of absence by their companies. Except for travel and living expenses, they serve without compensation.

While supported in part by the U.S. Agency for International Development, the IESC also receives financial sponsorship from over 200 major U.S. corporations. Each foreign firm contributes toward the costs of its project.

The IESC, with headquarters in New York, is managed independently by private businessmen. President is Frank Pace Jr., former secretary of the Army and chief executive of General Dynamics Corp.

Youth has the vision and the energy to change the world. Age has the experience and judgment and practical know-how. The qualities of enthusiasm and wisdom have been combined to a remarkable degree in the International Executive Service Corps.

More power to the "Paunch Corps."

MICHIGAN MARINE AWARDED NAVY CROSS

Mr. GRIFFIN. Mr. President, I have learned with great pride that a young man from Michigan, Marine L. Cpl. Freddie L. Moore, of 45 High Street, Benton Harbor, has been awarded the Navy Cross for extraordinary heroism in Vietnam.

I ask unanimous consent that the award citation be printed in the RECORD.

There being no objection, the citation was ordered to be printed in the RECORD, as follows:

XUM

Marine Corps Citation

The President of the United States takes pleasure in presenting the Navy Cross to Lance Corporal Freddie L. Moore, United States Marine Corps, for service as set forth in the following citation:

For extraordinary heroism on the early morning of 12 August 1969 as a squad leader with Company B, First Battalion, Seventh Marines, First Marine Division during operations against an armed enemy in the Republic of Vietnam. When several members of his platoon were pinned down by intense hostile fire following the initiation of an ambush against a large enemy force, Lance Corporal Moore, as leader of the remainder of the platoon members, deployed forward of the company position in an effort to reach the pinned-down platoon members. When his own unit was confronted with a heavy volume of hostile fire emanating from a tree line and throughout a rice paddy, Lance Corporal Moore observed two of his companions fall wounded in a position dangerously exposed to enemy fire. Quick to act, he rushed across the fire-swept area, carried his wounded companions to a place of relative safety, and administered medical aid until a corpsman arrived. Lance Corporal Moore then decided to initiate an aggressive assault against the entrenched enemy unit and, shouting instructions and encouragement to his men, succeeded in forcing the enemy troops to withdraw sufficiently to enable the remainder of the platoon to reach their trapped comrades. When the platoon sergeant was wounded, Lance Corporal Moore took charge of the platoon and continued to press the attack until the enemy force was in full retreat. By his courage, aggressive leadership, and inspiring devotion to duty, he contributed significantly to the defeat of the enemy and upheld the highest traditions of the Marine Corps and of the United States Naval Service.

EULOGIES OF MR. AND MRS. WALTER P. REUTHER

Mr. BAYH. Mr. President, on May 15, with great sadness, I journeyed to Detroit, Mich., to attend the funeral services for the late Mr. and Mrs. Walter P. Reuther. The tragic, totally unexpected loss a few days earlier of these two outstanding citizens, whose dedication throughout their lives to worthy causes had earned them a lasting place in our memory, had shocked the Nation.

It is difficult to describe adequately the many attributes and contributions of May and Walter Reuther. He was a great and innovative labor leader, a strenuous and relentless advocate of social and economic justice, and an eloquent and fervent spokesman for world peace. Mrs. Reuther was, in the words of one of the eulogists, her husband's "beautiful and gracious lady, his beloved companion in shared interests, aspirations and ideals." In short, they were as John Gardner said, "the kind of Americans we would all like to be."

Our colleague, the distinguished senior Senator from Michigan (Mr. Hart), noted in his tribute that "you were part of Walter Reuther's constituency if you were poor, powerless, a consumer, an outdoorsman; if you were old, if you were weak, and if you were just." The truth of this statement was clearly demonstrated by the diverse backgrounds and roles of the 11 individuals who joined in delivering eulogies at the service: those who spoke included, in addition to those associated with him in his own field, representatives from Government, education, religion, the black community, youth groups, and other national organizations. Likewise, those who gathered to pay their last respects came from all walks of life, all professions, and various levels of economic status; all were united in their common sorrow at the untimely loss of these fine persons.

Mr. President, as a small final tribute to Mr. and Mrs. Reuther, I ask unanimous consent that the eulogies delivered at the services on May 15 be printed in the Record.

There being no objection, the eulogies were ordered to be printed in the Record, as follows:

Eulogies Delivered at Funeral Service for Mr. and Mrs. Walter Philip Reuther

DAVE MILLER, CHAIRMAN OF THE NATIONAL UAW RETIRED WORKERS ADVISORY COUNCIL

As the day is with all of us, today my heart is overloaded with grief. So if I should falter a little in paying this tribute to this great brother, I'm sure you will forgive me.

Today the world mourns the loss of a great and good man. The old, the underprivileged, the oppressed and the poor have lost their champion. Our union mourns the loss of a great leader and we must face the months and years ahead without his vision and his spirit to guide us. But I and hundreds of other veterans of our union like myself have lost a great, warm and personal friend. For we knew him and worked with him before his name became a household word in America. He was our comrade in arms and with him we shared hardship and hope, joy and despair, tears and laughter. Yes, and even disagreements.

There is so many memories. I remember the day three of us stood on a windy corner in this city in 1935 and he told us he had found a room that could be rented for $10—$10 a month for a headquarters for the organizing drive on the west side of Detroit.

And between the three of us we didn't have $10.

I remember the day I went with him to his home to ask May to give him $9 from their meager household budget to buy a tank of gas for his car so that he could call on some workers and talk to them about a union. And she gave it to him although it was sorely needed for other things. May was a generous and loving woman—a fitting helpmate who not only understood his aspirations and his goals but who shared them as well.

I remember all the years that came after: the strikes and the picket lines, the many rounds of negotiations when we either hit the bricks or waited on the sidelines for him to work his magic at the bargaining table.

I remember the inch-by-inch progress upwards: the escalator clause; the too-old-to-work, too-young-to-die slogan; SUB benefits; group insurance; vacation pay and paid holidays and much, much more. It came slowly and painfully but when we put it all together it meant a new life and a new world for the workers in the plants.

And in 1966 there were nearly 200,000 of us who had retired on pensions. And I remember the day he called a small group of us into his office and said that he was going to propose a new organization to the next convention: an organization of retired members within our union.

He knew us so well. He knew that making a pension possible was only giving us half a loaf. He recognized our need to stay in the mainstream of life and not to be shunted to one side because we were no longer a part of the working force. He gave us dignity and status and we shall be eternally grateful to him for it.

And lastly, I remember last month in Atlantic City when I swore him in as president of this great union. In the years between the 1930s and the 70s, his name became known throughout the world. He walked with kings and Presidents and he numbered world leaders amongst his personal friends.

But the man I administered the oath of office to last month and the young man I talked with on the windy corner so long ago remained the one and the same. His dreams and his desires never changed. He dreamed of a world where children were never hungry, a world where all men walked together in freedom and brotherhood and men of all races and creeds lived together in mutual esteem. And above all, a world of peace amongst nations.

His last public statement called for the end to the horrible war we are now engaged in. He did not live to see the kind of world he visualized. Perhaps none of us will, but in his years upon this earth he touched the lives of millions of people and made them better. From the faceless, nameless auto workers of the 30s to the struggling grape pickers of the 60s, men responded to his call to unite in the battle for human dignity and justice.

Men listened to him, loved him, followed him and, above all, trusted him. He gave them the greatest gift of all—a knowledge of their individual worth as human beings. No individual or group of individuals were ever too small or too weak to claim his attention. And no individual or group of individuals too large or too powerful to escape his wrath. His voice was the call to the conscience of man and now that voice is stilled forever. And it is almost more than we can bear.

Walter was a religious man and his creed a simple one. He believed, and I heard him say this, that before man can serve God he must prove himself worthy by serving mankind.

I quote from the address to the last convention of the CIO in 1955 when he said (and I quote): There is no greater calling than to serve your brother, there is no greater contribution than to help the weak, there is no greater satisfaction than to have done it well."

In farewell, Walter, let me say that you have done it well. Very well indeed. And from the bottom of our grateful hearts we thank you and may I say to Victor, to the entire family, our love and our deep condolences go out to you from the group particularly that I represent: the veterans of this great union.

U.S. SENATOR PHILIP A. HART

We meet here today, not so much to discuss Walter Reuther's life, but to read his will, to examine his legacy.

When I say his will I mean that unwritten document that he spent a lifetime composing. And everyone in this auditorium today is an heir.

He enriched the lives of thousands of people who might not even be able to recognize his name and he never required that those he helped be able to recognize his name. Dave Milller eloquently has described the merits of the great union he built, but you didn't have to carry a UAW card to be one of Walter Reuther's constituents. He never asked much in the way of credentials.

You were a part of Walter Reuther's constituency if you were poor, powerless, a consumer, an outdoorman; if you were old, if you were sick, if you were weak and if you are just. History will treat him kindly, not because he had a large constituency but because he served it so well; not because he was in the position to make many decisions but because so many of his decisions were right.

History will never forget that he was one of the first in the nation to begin talking about what is now such a popular thing: national priorities. When nearly everyone

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else was still complacent about a national priority system that had stopped making sense years ago, Walter Reuther was wondering how often we should pick up rocks from the moon when our cities couldn't pick up garbage. And if opponents of that senseless war in Indochina ever master the political muscle to shut it down, Walter Reuther's name will be in the books as one of the movers and they'll write this down about him: he was not a selfish man, that's why we have so much to inherit.

He's left noble structures; but on each he was the carpenter, not the foundation.

Too often leaders measure their own greatness by gauging their own indispensability. Walter Reuther knew better than that. Indispensable men leave no legacy, no monument apart from their gravestone. He was as much a teacher as a leader—content, even pleased to see his ideas pressed to fruition by others whose enthusiasms he kindled.

He's left us great organizations but he's left us more. He's left a superb philosophy of trade unionism. He's left a legacy of selfless morality. His is a heritage of energy, dedication and enlightened liberalism and no one, not one of us, discharges his obligation to Walter Reuther by coming to his funeral.

His estate must not be wasted. It must not be dissipated by cynicism or squandered in petty struggle. His estate must be husbanded. It must be conserved and it must be carefully spent toward a compassionate, concerned and courageous society. That was his life and goal. That must be our goal.

DR. J. WILLIAM RIOUX, PRESIDENT OF THE MERRILL-PALMER INSTITUTE, DETROIT, MICH.

I have come to speak of Mrs. Walter Reuther.

There were several things which were quickly learned in a personal relationship with Mrs. Reuther. First of all, she was careful and deliberate about activities which involved time outside her home. This was not the result of unwillingness to give of her time but rather a measure of her spirit and her generosity because once she was convinced that an organization had goals, commitments and programs which were in the range of her interests and in the spirit of her broad philosophy about people, she devoted extensive amounts of time to learning about the organization and she shared her thinking and her suggestions willingly.

She was without pretense, an open, approachable, gentle spirit with a commanding intellect who quickly absorbed ideas and information.

She was an endless searcher and a learner who displayed an intense interest in an understanding of the major problems facing large urban areas.

She sought out additional information on critical issues, made it a point to know student's points of view and, in the process, influenced others to be more thoughtful and open in their outlooks.

It was important to her that young people—be they four years of age or 20 years of age—be dealt with as carriers of potential to be developed and that they be taught and responded to in open, honest and encouraging ways.

She had firm convictions about people and the need for each of us to have greater faith in, and place greater reliance on, the talent and potential of people to control their own destinies and plan their own affairs.

Although a national figure who knew many of the prominent persons of our time, who lived through periods of danger for the safety of her family, who persevered in the difficult, early phases of the labor movement, her sensitive feelings for people and their welfare was never blunted.

Behind the soft voice, the slow but easy smile and the genuinely shy manner, there was an enormous wealth of conviction, experience and clear thinking in areas which ranged from civil rights to concern for the growth of children and the new ways in which domestic and international peace might be achieved.

Those who were privileged to know her, to work with her, to profit from her ideas and suggestions, thereby had a small insight into how she could be a strong source of support and council to a courageous and vigorous progressive man.

Mrs. Reuther was unafraid of change and on a number of occasions she spoke of how change would be forced on individuals and organizations in abrupt fashion if they were not wise enough to recognize the signs and plan for change from their own motivation. Although she was unconcerned about controversy, she placed great stress on the responsibilities which people and organizations have to seize upon the opportunities to be facilitators in difficult and emotionally charged situations. In carrying out her responsibilities as a member of the managing board of a private institution, she revealed her convictions through her actions.

In our efforts to create new research and training programs geared to the 1970s, focused on young children and families in urban situations, she quietly but firmly and enthusiastically supported aspects which focused on involving members of the community in planning and implementation of those programs. And she gave strong encouragement to our increased efforts to recruit minority students through our campus.

She was respected by the young, admired by those who were older. And for all, she served as a vivid reminder that there is hope that we can solve even our most complicated and difficult problems if we press ourselves to all of our talents and our energy.

She was, by extraordinary measures, a significant and impressive human being. We shall miss her repeatedly in the time ahead.

WHITNEY YOUNG, EXECUTIVE DIRECTOR OF THE NATIONAL URBAN LEAGUE

We mourn today the loss of Walter Reuther and his lovely wife.

We mourn the tragic and untimely passing of noble souls of dear friends and of principle fighters for social justice.

Walter Reuther was my friend. He was the best kind of friend—a man you could call in the middle of the night when you had a problem, a man who had the capacity to give of himself, a man who was always there when you needed him, always with the right word, the right advice, the right attitude of concern and involvement.

I spoke at a recent UAW convention, I saw how his members loved him and how they respected his judgment and revered him greatness. I saw the value he placed on his leadership and I saw how he influenced a huge union to support those in our society who are less fortunate than they.

They have lost their leader. I have lost a dear friend. And all Americans, most especially the black, the poor, the underprivileged, have lost a champion.

Whenever the going was tough, Walter Reuther was with us. He was at the 1963 March on Washington. He was in Selma Alabama. He was on the Meredith march in Mississippi. He was with us on Solidarity Day. He was in Memphis. He was one of the first to help Cesar Chavez and the striking grapeworkers in California. Wherever and whenever the poor and the oppressed needed him, Walter Reuther was there.

He knew that the gains of well paid union men were endangered so long as there were other workers who were jobless, whose children were hungry and who were denied their basic rights because of discrimination. Walter Reuther was a labor leader who never forgot that the American working man had to fight for what he has. He never forgot the sit-ins, the seized buildings and the attacks by goon squads.

He would have been shocked and shamed at the recent action of some of New York's construction workers who desecrated the flag under which they marched and who damaged the patriotic ideals they professed when they attacked students who asked for peace and domestic reform.

Walter Reuther remembered that the parents of those same workers were also beaten when they demonstrated for what they believed in.

He was a great constructive force in the labor movement. He battled bigotry whenever it reared its ugly head and his combination of militant unionism and fair play for all did much to lower union barriers to black workers. He worked increasingly to bring the light of fairness to his fellow unionists, whether through his battles to counter the influence of Wallace support in the plants or through his efforts to persuade other union leaders to take a stand on racism and the crucial issues of social justice.

He was one leader who never had to be convinced of the justice of the claims black people were making on society and he was one leader who never needed detailed interpretation of what was happening in the ghetto. He knew. He was there. He was a believer. He was a man.

We served together on four Presidential commissions. Always it was the same. He and I talked the same language and together we had to spur on the businessmen and government officials who served with us to make them realize the crisis that our country was in, to make them open their minds and their hearts and to right wrongs. I saw how, through sheer logic, commitment and unswerving loyalty to humanitarian ideals, Walter convinced these men to support our positions and to back measures that would make life better for millions of the poor and the black.

He was a symbol in his own time, a symbol of justice and righteousness. For black people, he was a symbol of the decency that still exists in America, a symbol of the concern and dedication of the important portions in some white America that still remain.

We thought of Walter the way he wanted to be thought of: as a brother, both in soul and in spirit, in word and in deed. A brother.

Like all great men he will have monuments to his memory but monuments should not be of concrete and stone. True monuments are living ones. For us, his friends, his monuments will be our memory of his dynamic personality and his continuing devotion and our continuing devotion to his principle.

For the American labor movement whose best and most enduring features he helped to create, there can be no greater monument to his memory than a rededication to his ideals of social change and justice.

Let his tragic death be the spark that once again unites and ignites the labor movement to assume unquestionable leadership of those forces in our nation that are trying to build an open society dedicated to social justice and equality.

Let it once more be the loudest voice of the voiceless, the greatest hope of the hopeless. Let his memory stand as a beacon for progress. Let his tragic loss inspire new effort and dedication to his ideals. That is a monument that Walter would have wanted.

We grieve his loss—the loss of our brother—but we pray that the ideals that gave his life meaning will live on.

JOHN W. GARDNER, CHAIRMAN OF THE NATIONAL URBAN COALITION

What I say this morning will be very brief and I must say that it will be highly personal, but I believe it reflects, surely, the experience of tens of millions of Americans whose lives have been affected by the lives of May and Walter Reuther.

None of us can speak of May and Walter without emotion and without the deepest gratitude. A friend of mine once said that the purpose of a free society is to produce great individuals and in producing May and Walter Reuther, this society justified itself many times over.

When we speak of them as typical Americans, we flatter ourselves. They were the kind of Americans we would all like to be. They were the good, vital, generous, loving people that many of us strive to be and never quite are.

They strengthened us, they renewed our faith, they thought better of us than we thought of ourselves and by thinking so, made us better people.

It's a bitter thing to lose them now when we need them so much, but we can serve their memory best by being the kind of people that they wanted us to be. Thank you.

MRS. MARTIN LUTHER KING, JR.

I come to extend my personal sympathy and that of my family to the families of May and Walter Reuther, to their friends, associates and members of the UAW.

Walter Reuther was to black people no mere remote headline personality. For blacks, he was preeminently the most widely known and respected white labor leader in the nation.

The secret of his success with blacks was that he was there in person when the storm clouds were thick. We remember him in Montgomery. He was in Birmingham. He marched with us in Selma and Jackson, Miss., and Washington. And he was in Memphis.

Only yesterday, there he was once more in Charleston, South Carolina, the leader of a million and a half workers giving personal support to a strike of only 400 black women.

Black America needs more than it gets from the American labor movement. But it knows that the national labor leader who set an example for all of his colleagues was Walter Reuther. He was a big man so, of course, he had enemies and detractors. He had the courage to be with the minority when it was right. He was counted among the opponents of the war in Vietnam in the lonely days.

In 1963 (it is now almost forgotten) the civil rights March on Washington could not get major official labor support. That historic demonstration, now universally respected, was then considered to be dangerous. But Walter Reuther and UAW were there, not with token representation but in ranks of tens of thousands and led by Walter Reuther, personally.

He was a simple man in his personal life—a rare quality in these flamboyant times. Surely the greatest credit must be given to his wife who shared his rejection of conspicuous consumption. But if his ways were simple his ideas were grand. Without trying to be more than a dedicated labor leader, he became a national and international leader.

He aroused the imagination of millions, surpassing in respect and affection corporate executives, generals of armies and politicians in high places.

We shall all miss him because we are all better off—black and white—as beneficiaries of his creative life.

Walter Reuther did not have to strain to identify with issues that concerned black people. They were the issues of his life's work: decent annual wages, pensions, unemployment insurance, universal health insurance, political representation and, above all, equality and dignity for working people and a peaceful world.

Only a few weeks ago—speaking to the UAW convention—I talked about the social leadership and broader vision of social justice Walter Reuther and the UAW brought to the labor movement. I said our nation was in desperate need of a pioneering spirit for radical reform. Black people, I felt, were eager to join in a crusade to achieve a society of human decency and one of the great levers of power was in the hands of the UAW. I warned that divided, neither black nor white working people could win. Deluded by myths and prejudices, we could fail. But united we could put this nation together, restore social sanity, inspire hope and achieve the interracial harmony my husband always believed to be possible.

At that time I asked that such a crusade be a memorial to Martin Luther King. Today, plunged into more sorrow, I ask that you build a memorial of social justice in our daily lives for your own Walter Reuther as well as Martin Luther King, Jr.

A GM executive bargaining with Walter Reuther once asked him scornfully: "Is the UAW fighting the fight of the whole world?" I think this is not a bad epitaph for a man. He spent his life fighting the fight of the whole world.

DR. DURWARD B. VARNER, CHANCELLOR OF THE UNIVERSITY OF NEBRASKA

All the civilized world knew Walter Reuther as one of the most powerful figures in the history of organized labor.

I knew May and Walter Reuther as devoted, loyal and proud parents of their two daughters, Linda and Lisa.

Those who make the laws of these United States knew Walter Reuther as an eloquent and effective spokesman for ever more humane and adequate legislation in the broad area of human welfare.

I knew May and Walter Reuther as staunch and consistent friends of Oakland University, dedicated to helping build this young institution into a major university for the benefit of education in general, but for their community in particular.

The power structure of the nation knew Walter Reuther as a leading and vigorous champion of programs to improve the quality of the environment in which we all live and work.

I knew May and Walter Reuther as the organizers of a community campaign to clean up picturesque Paint Creek, which encircled their simple home, so the neighborhood could enjoy today and tomorrow the natural beauty of that little stream.

The political establishment knew Walter Reuther as an articulate, dynamic and persuasive political force whose influence could affect in a major way the outcome of national elections. I knew May and Walter Reuther as effective members of the Rochester Parent Teachers Association, working for better schools for their children and their neighbor's children.

The concerned leaders of the nation, and of the world, viewed Walter Reuther as the leader of a persistent and determined battle for basic human rights, with the goal of achieving a minimum level of dignity for all mankind.

I knew May and Walter Reuther as early and unwavering colleagues in the establishment of the Meadowbrook Music Festival and the Meadowbrook Theater so their people, too, could share in the riches and the beauty and the dignity of the arts.

The leaders of industry knew Walter Reuther in the heat of the bargaining room where he labored with dramatic effectiveness to better the conditions of existence for all those whom he represented.

I knew May and Walter Reuther in the warm glow of their gaily decorated home at the Christmas season where we exchanged simple gifts: Texas pecans from our family, Grandmother Reuther's homemade wine from theirs.

I, too, knew Walter Reuther as a leader of enormous power and influence and impact on the world. But much more importantly, I had the rich privilege of knowing May and Walther Reuther as parents, as neighbors and as people.

I have lost personal friends; so, too, have the poor and the disadvantaged all over the world.

I have been enriched because of their existence; so, too, has the human race. I shall miss them sorely; so, too, shall all of mankind.

SAM BROWN, NATIONAL YOUTH LEADER

Many here, no doubt, had their first contact with Walther Reuther in his struggle for justice for workers in America.

Many, no doubt, walked picket lines with him in strikes through the years.

But for many in my generation, our most direct contact with him was in the struggle for social justice. And I first walked the picket line with him in August of 1963 in the civil rights march which he was so instrumental in forming and shaping and making a success.

I came to know him not in bargaining sessions, or as the recipient of the consequences of those bargaining sessions, but in the struggle for peace in Vietnam, at a time when students and workers were preparing to fight in the streets of New York. The strong, clear voice of Walter Reuther provided another voice and another vision, a vision of peace and justice. But his life was much more than these visions of a just world at peace: they had substance and I saw that the substance of those dreams of Walter Reuther's in the UAW Center for Continuing Education at Black Lake, Mich. I was privileged to attend an executive board meeting there and after meeting late with the executive board one night—long into the night—discussing the UAW workers endorsement of the October 15 moratorium.

Walter Reuther was up early in the morning and we walked together through the center. As he walked out of the breakfast room, his step lightened and his eyes brightened and he began to tell me of his dream for the center. We walked by the lake and he talked about paths where families could walk among the trees. As he came to the first set of buildings, he showed me the child care centers which would make is possible for a man and his wife to spend time together with no worries about their children. As we came to the next set of buildings, he pointed out rooms where classes would meet and the best of America could come to share their talents and skills and ideas with others.

And then we walked through the woods and he showed me trees he personally had marked to be saved and which would be cleared so that the sunlight could reach those who walked on the paths below. And as we walked through the woods, I thought of those many who would follow in those footsteps.

It was only then that the scope of Walter Reuther's dream was clear. He envisioned not simply a world where racial justice, human justice and economic justice are true in the abstract, but a world in which he knew that economic justice was only the first step in making life livable.

He also dreamed of a world where men could walk in peace with themselves and with nature, a world in which young people and old people, black and white, students and workers, could share a world of peace and justice because men were at peace with themselves—as he was.

At this critical time in American history, we will all miss that voice and that vision. We need men to speak for America who believe as Walter Reuther did, that it is possible to work together to make peace.

We need men to speak for America who believe as Walter Reuther did, that it is possible for men of different ages, classes, colors, economic backgrounds, to live together in harmony.

We need men to help pull our wounded and divided country back together again, and we will miss Walter Reuther in that struggle.

But he has left for us footsteps that lead

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in that direction. While we cannot match his stride or pace, we can follow the direction which he has set toward that nation of justice and peace of which he dreamed and insofar as we have the courage and the strength to follow those steps, we will create the nation of which he dreamed. And we create the legacy which he would have wanted.

It is the prayer of my generation and of others that we may have that strength and that courage to follow those footsteps.

RABBI JACOB J. WEINSTEIN

When the dire and dreadful news came to me the words of Chaim Nachman Bialik, the poet of the Hebrew renaissance flashed before my mind's eye: "There was a man and, behold, he is no more!"

Before his time, he was taken away and the song of his life was interrupted. And now we are engaged in launching his tradition. In a sense, this memorial service is the birthday of his immortality. We, his mourners, began today to build upon the tradition on which his life's work was so firmly founded and thus we may convert a part of the leaden stuff of grief—which weighs upon our hearts—into the gold of memory and transmute our common sorrow into the ideals and acts which gave purpose and direction to his life and placed him among the dozen men of our generation who engraved the seal of their convictions and their character on the pattern of our national, yea, and of our international life.

Walter was a prophetic environmentalist. Forty-five years ago, his quick and ardent spirit spotted the areas of pollution in our industrial, political and social order. He saw that the working man had become a hand, often a poorly paid hand. He saw the machine and its owner extract the pound energy of that hand and ignore the mind and heart that made it human.

Walter Reuther insisted that the magnets in industry recognize the human factors in that abstract cost item which they and their computers designated as labor costs. His travels in Europe and Russia, when still a young man, convinced him that the assembly line was irreversible: man could no longer return to hand plow and the horse and buggy. The task before us, he often reminded us, was to humanize the machine, make it our servant and not our master.

Tenacious, even dogmatic in his ultimate goals he was supple and flexible enough to follow the changing patterns of the interplay of man and machines, of ownership and management. As corporations proliferated and pyramided, he brooded over the evermore subtle and complicated interplay of management and labor, of government and consumer. He was among the first to recognize that moment when automation made quantitative, speeded evolution into revolution and, therefore, demanded an entirely new orientation in determining the just due of management and labor in the division of the industrial profit.

In this agonizing reappraisal, Walter Reuther gave the world of labor and the consumer unfailing and perceptive leadership. When one adds to his many brilliant expositions of the good society which might be possible, he dreamed through the viable interaction of a free enterprise economy in a social welfare state. When I say one adds to these glorious, visionary messages such creative innovations as supplementary unemployment benefits, the guaranteed annual wage, retirement and sickness insurance, yes, and the Public Review Board (which I am honored to serve) because he was so sure and so completely at home with the conviction that labor was innately democratic and right and just that he was willing to put the decisions of his executive board under the scrutiny of an independent board—I say when one adds these innovative techniques to the glorious contours of his vision, one can see the entire lineament of a society where men can be unto their fellowmen: friends.

In my tradition, dear friends, we are bidden to take toll of death by seeking instruction from it. We ask ourselves what were the sources of his incredible energy, his unyielding will, his dauntless courage, his passionate loyalty to his ideals? There was his father, Valentine, Mother Reuther whose protestant socialism and evangelical humanism early informed the hearts and minds of all the Reuther children and served as a spiritual springboard from which they plunged into so many of the crucial issues involving the betterment of man and his society.

There was the constant support and warmhearted partnership of May, who comforted and counseled him through the myriad crisis of their public life and who added a note of benign and beautiful grace to all our family union gatherings. Her descent from the Deborahs' and Esthers' of the Bible gave her a profound understanding of the agonies and the ecstasies of the prophetic vocation. They were together in life and, now, are together in death.

Our hearts go out to Linda and Lisa. They have shared their parents with all the dispossessed children of our land. Would that we could share their grief as generously as they have shared their parents' love for us.

There were moments, I am sure, in the past several years—when violence became the general mood of our times, when our government became more deeply mired in a futile and immoral war, when the power and potentates of America showed themselves to be men who think a little bit cheaply, when friends and colleagues in the labor world sometimes could not hear the still small voice of conscience for the rolling of that distant drum—when Walter turned more and more to the thoughts of his Camelot, his Gan-Aden, his Garden of Eden—the beautiful city he was building on Black Lake where the UAW family might escape the harsh pressures of our city and in a congenial and beautiful setting find a Sabbath for their souls, take counsel with one another, sit at the feet of the wise and learned men, renew their spirits that they might return with clearer vision and steadfast strength to the workaday world and rebuild it closer to the hearts desire.

As Moses brought the people of Israel to the Promised Land and was himself denied entrance to it—though he glimpsed it from afar—so Walter Reuther was denied by an act of fate the personal enjoyment of this most precious dream. He enters instead that luminous land which, is the radiance of his memory in all our hearts, grateful for all he meant to us, loyal to the values that were bone to his bone and flesh of his flesh.

We shall be his surrogates in the warm valley of life and by assuming the burdens he so gallantly bore, fighting for the causes he so bravely led, assure his immortality and bind him in the cluster of eternal life.

IVAR NOREN, GENERAL SECRETARY OF THE INTERNATIONAL METALWORKERS FEDERATION

The international labor movement is also mourning a great leader. IMF—the International Metalworkers Federation—is a section of that movement, including over 10 million trade union members around the world. It is on their behalf and together with some other IMF representatives that I have come here to pay tribute to Walter Reuther and what he stood for and to say a last "goodbye."

Walter was a builder in the field of human values. He led the building of one of the finest and most powerful democratic trade unions in the whole world. His effective and well prepared collective bargaining leadership laid the basis for striking progress and gains in wages and working conditions for the UAW members and this, in its turn, paved the way for similar progress for organized labor in other industries, both outside and inside the United States.

In addition (as the IMF president, Walter Brenner of the IMF Metalworkers Union, has emphasized in a message of condolence to the UAW) Walter Reuther clearly realized that in modern society the trade unions must take a stand—both nationally and internationally—on the great problems of social policy of our times and throw all their powers into the support of a democratic transformation of society.

Walter made great contributions to the building in this country of a society with more social justice, equal civil rights and better income security and, in particular, in full recognition of the needs of those people left behind in the course of general progress.

As to his role in the international labor movement, he was one of the founders of the International Confederation of Free Trade Unions and he brought the UAW into the movement as one of its first American affiliates. He was the president of the Automotive Department of the IMF and he always wholeheartedly gave his support to the various IMF programs of international solidarity, not the least of those designed to help the workers in developing countries to build tribunals through which they can, themselves, improve their own situation.

He shared our belief that organized labor has an important role to play in our efforts to build a better world for all people; a world of brotherhood and peace.

Our struggle for this goes on and Walter's imaginative and dynamic idealism will, in this struggle, continue to be a source of inspiration to auto workers, to other metal workers and to all trade unionists throughout the world. Some of us, coming from abroad, had the privilege of meeting with Walter and May, his life companion, many times and under such circumstances that there existed between us bonds of permanent friendship.

We shall remember Walter and May as fine, warm personalities and, I know that this friendship made our lives richer.

IRVING BLUESTONE, ADMINISTRATIVE ASSISTANT TO WALTER PHILIP REUTHER

In this indescribably painful hour, I am deeply honored to have been selected, in behalf of the UAW, its officers and its members, to speak this last farewell to May and Walter.

Side by side, hand clasped in hand, Walter and May each found fulfillment in the other and their love flowered in an indivisible unity. They lived and loved together, not for self alone, not for family alone, but that others might also live and love and share the happiness of the good life.

May was always Walter's beautiful and gracious lady, his beloved companion in shared interests, aspirations and ideals; Walter was always May's beloved champion of a new and better tomorrow for people whose today is only the faint shadow of a cherished dream. Their identities fused into a wholeness, a completeness that neither possessed alone, for they dreamed together, planned together, acted together to help make a more perfect world.

The perfection of their union fashioned the lives of their daughters—Linda and Lisa—who reflected the affection and compassion of the parents, for Linda and Lisa have a fervent belief, too, in the future. They hope and dream, they extend their compassion to every living thing, and like the petals of lovely flowers opening slowly to the sun's greeting, they reach for life, for love, for sweet justice, for peace, for people.

Walter's life knew two worlds that fused one with the other: his family and the UAW. In these he found his way of life. To these he gave all his talents, his energies and, finally, his life. The taproot of his idealism, his love for his fellow man, his warmth and generosity sprang from his home—his father, his mother, his older brother, Ted, and his sister, Chris, and, of course, his two younger brothers and fellow workers in labor's cause, Roy and Victor.

Walter never believed that the end purpose of the labor movement was "more." Rather, he saw the labor movement as an instrument for social justice, for human progress, for the perfection of the democratic heritage, a means by which workers and their families not only advance their own welfare but by which, in cooperation with men and women in all walks of life, and throughout the world, they make their contribution to improving the quality of the whole society.

His aim and purpose were economic and social justice. But to him the ideals of social justice, economic security, peace and freedom, human dignity and human brotherhood were not matters merely for philosophic discourse but practical goals to be achieved, dreams to be made real.

He dared to dream, yet he was no mere dreamer but a man of action. He had unlimited faith in the ability of free men in a free society to build a brave new world—but he knew that a better future for mankind has to be made; it will not just happen.

For him there was no unattainable goal; no quest whose goal was out of reach.

He was a leader of men who could "reminisce" about the future, even as he brought the future nearer. Countless millions walked with the dignity of free men because Walter, together with his team of UAW colleagues, have touched their lives.

Walter's deeds mark him a giant among men but, above all, he was of and for the people; not alone the deprived, the depressed, the discriminated against, but all the people. Because he was of them, they always called him "Walter"—never "Mr. Reuther." Because he was of them, they loved him, and that is his greatest glory.

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An infant lies crying with hunger: Walter sought to feed him and give him the strength to live.

A child is deprived of his right to learn to the full extent of his capability: Walter fought to provide the schooling to make him a whole man.

An anguished man seeks vainly to provide for his family in a society that has forgotten its aim is the fulfillment of people: Walter worked to make real the right of every man willing and able to work, to have the opportunity for a decent job at a decent wage.

A man lies ill and incapacitated: Walter's voice rang out to make him sound and provide for his well-being as a matter of right with dignity and self respect.

A man suffers the sting of bigotry and hatred: Walter was in the vanguard of the struggle to win for him equal opportunity and a secure, respected place in society.

A man grows old and tired at the end of his labors: Walter was there to lead the way to security and dignity and comfortable retirement.

Society desecrates its living environment, drenching it in its own wastes, fouling the sweet air, poisoning the clear water, spawning its slums and ghettoes: Walter was there to help restore the natural beauty and wonder of earth and to build a human environment worthy of free men.

Others spew forth hatred in the violence of war and the escalation of armaments: Walter joined with those who would point the way to peace in brotherhood and in the common humanity of man.

Where shall we find such men who can lead us, as did Walter with boundless energy, to a new and brighter day? Who can dream for humanity and realize their dreams? Who can aspire for people and fulfill their aspirations? We shall find them among the countless men and women of good will and deep commitment who live and hope and work in all corners of the earth, whose voices will respond exultantly to the challenges of a new day, whose actions are guided by a vision of love, peace, brotherhood and justice.

Walter had faith that these voices will prevail. He never wavered, never faltered in this faith, nor can we waver nor must we falter if we are to be true to his memory.

Walter was our friend, our colleague—a generous human being. He was our mentor, our leader, an architect of ideas, a master-builder—but always in teamwork and cooperation with his colleagues and fellow workers.

He was our warm personal friend and, above all, our beloved brother.

Walter and May have not died. They live on in the hearts and minds of those of us who, like them, look not to yesterday but to the bright tomorrow.

ELECTIONS AND THE PRESIDENT'S DECISION

Mr. GRIFFIN. Mr. President, last night's Washington Evening Star contains an excellent analysis of current political thinking in the United States, written by Paul Hope. I ask unanimous consent that that column be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Elections Show Support for Nixon

(By Paul Hope)

Speculations that President Nixon's excursion into Cambodia would do in his supporters at the polls hasn't been borne out to date in primary elections around the country.

In fact, a case can be made that his supporters generally have been faring well and that those who have tried to make elections a referendum on his war policies have done rather poorly.

While no clear-cut national trend was discernible, last week's elections could hardly be interpreted as a repudiation of the President. And there was more than a little evidence that the students who were going to smother the war at the ballot box have overestimated their political muscle.

One of the most striking examples of student failure was in New Jersey's 15th congressional district. They poured onto the streets several thousand strong for Lewis B. Kaden, a 27-year-old lawyer who made opposition to Nixon's Southeast Asia policies the key issue in his campaign to upset Rep. Edward J. Patten in the Democratic primary.

The Princeton Movement, one of the most sophisticated political operations to grow out of recent Cambodia protests, was heavily involved. Patten swamped Kaden by a 2-to-1 margin.

In California, Rep. George E. Brown, Jr. called his campaign for the Democratic nomination to the Senate a referendum on Nixon's war policies. It was estimated that 8,000 or more students hit the bricks for Brown. He lost by a substantial margin to Rep. John V. Tunney.

Tunney's win wasn't a victory for Nixon, for he, too, opposes the President's Southeast Asia policies. But the significant fact was that Democratic voters rejected the shrill opposition of Brown in favor of the more moderate voice of Tunney.

In an earlier primary in Texas, Democratic Sen. Ralph W. Yarborough, an outspoken opponent of Nixon's handling of the war, was defeated for renomination by Lloyd Bentson, a Democrat who supported the President. That election was held two days after Nixon announced that American troops were moving into Cambodia.

A week later, an opponent who criticized West Virginia Sen. Robert C. Byrd's support for U.S. involvement in Southeast Asia got only 11 percent of the vote in the Senate Democratic primary.

On May 19 in Pennsylvania, Norval D. Reece, who made opposition to the war his principal campaign issue, was defeated in a Democratic primary for the Senate. That election came at the height of student demonstrations against the Cambodia operation and hundreds of students from out of the state came in to work for Reece. He got less than 30 percent of the vote.

A week later, a peace candidate in the race for the Democratic nomination for governor in Oregon got only 12 percent of the vote, only 5 percent higher than the vote polled by a night club entertainer who advocated lower liquor prices.

At the same time in Oregon, a peace candidate, Professor John F. Callahan, polled only 19 percent of the vote in a Democratic primary against veteran Rep. Edith Green.

Perhaps more important, reaction against student demonstrations resulted in resounding defeat in Oregon for a change in state law that would have lowered the voting age from 21 to 19.

Aside from the war issue, there are indications in many elections this year that the conservative mood that helped Nixon win the presidency in 1968 is still abroad in the land and may be getting stronger.

Yarborough's defeat was an indication. So was the thumping defeat of liberal Republican David F. Cargo by conservative Anderson Carter in a contest last Tuesday for the GOP nomination for the Senate in New Mexico.

An attempt to turn Alabama in a more moderate political direction failed when George C. Wallace turned out to be the overwhelming favorite of white voters in the gubernatorial primary. If his opponent, Albert P. Brewer, hadn't received solid support from some 200,000 black voters, the race wouldn't have been close.

The election of Wallace is grim evidence that Sen. Margaret Chase Smith, R-Maine, wasn't off base when she warned last week that the violence and defiance of the law by the radical left could produce a mood in the electorate that could lead to repression from the right.

A PROPOSAL TO MATCH RHETORIC WITH REALITY IN MINORITY ECONOMIC PARTICIPATION

Mr. BAYH. Mr. President, on July 14, 1969, I introduced three bills whose purpose is to broaden the participation of minority contractors in the Nation's construction industry. I was at that time and still am of the opinion that endlessly repeating the pat phrases and rhetoric of so called black capitalism is a cruel hoax, without offering concrete proposals to achieve economic viability for minority citizens across this country.

The first bill, S. 2609, has three main parts. First, it amends title IV of the Small Business Act of 1958 to allow the Small Business Administration to enter into commitments to guarantee any surety against 90 percent of the loss up to $500,000 resulting from default on a small business principal on bid, payment or performance bonds for construction. Second, it amends paragraph (7) of section 8(b) of the Small Business Act to extend the present authority for issuance of certificates of competency to federally funded construction projects. Also, it provides a mechanism for further evaluation of the capacity of the contractor if he is unable to obtain from private sources the bonding required for such contracts up to $500,000. Third, it amends section 8 of the Small Business Act to provide for the establishment of a National Construction Task Force to give technical assistance to small contractors. It provides further for office facilities, materials, and staff as may be necessary or appropriate for it to carry out its functions.

The second bill, S. 2610, was adopted as an amendment to the 1968 Housing and Urban Development Act. It requires maximum feasible utilization of individuals and business concerns located in or owned by persons who reside in areas of certain federally assisted projects. These include housing; urban planning, development, redevelopment, or renewal; public or community facilities; and new community development. It is my hope that Secretary Romney will soon complete the guidelines for these provisions so that this portion of the act can be implemented.

The third bill would amend the Miller Act of 1935 which now requires that all Federal contracts in excess of $2,000 must be bonded for labor and material. This exemption would be increased to $20,000.

No single program or piece of legislation will work magic but I feel certain we can and should pursue legislative remedies for a variety of problems that have consistently impeded the development or minority enterprise in various sectors of our economy.

The construction industry, as one of these sectors, has traditionally served as a vehicle of upward mobility for a steady parade of Americans of varying backgrounds. It continues to provide millions of jobs and business opportunities, but unfortunately has not generally welcomed the participation of nonwhite workers and contractors. However, this industry has great potential as a vehicle for more rapid improvement in the economic posture of nonwhite Americans.

The Small Business Administration estimates that by the late 1970's, new construction will total $180 billion. This represents an 80 percent increase in dollars spent for construction in 1969. The national goal to build or rehabilitate 26 million units, and 6 million subsidized units for low- and moderate-income families by 1978 will contribute greatly to the growth of the industry. Much of this activity will take place within the limits of our sprawling urban centers, heavily populated by nonwhites who want and are entitled to a piece of the economic action.

My bills were offered as a step in that direction. I have been encouraged by the many letters received from organizations and individuals that reflect widespread support of the substance of my proposals. Particular interest has been expressed in S. 2609, which speaks most directly to the problems of the estimated 8,000 minority construction contractors in the country. A portion of that bill providing for surety bond guarantees was offered recently by the Small Business Administration as section 301 of S. 3699, an administration omnibus small business bill introduced on March 24, 1970, by the junior Senator from New Hampshire (Mr. McIntyre), chairman of the Subcommittee on Small Business of the Senate Committee on Banking and Currency.

The administration is to be commended for its interest in the needs of minority enterprise as reflected by the various sections of the omnibus bill. I look forward to testifying on behalf of its merits during the hearings scheduled by the Small Business Subcommittee for June 15, 16, and 17.

Mr. President, I ask unanimous consent that a sampling of the letters I have received in support of my proposals be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

U. S. Senate,
Committee on Banking and Currency,
Washington, D.C., April 8, 1970.

Hon. Birch Bayh,
U.S. Senate,
Washington, D.C.

Dear Senator Bayh: I enclose a copy of a report from the Small Business Administration on your bill, S. 2609.

By direction of the Chairman.

Sincerely,

Dudley L. O'Neal, Jr.

U.S. Government Small Business Administration,
Washington, D.C., April 2, 1970.

Hon. John Sparkman,
Chairman, Committee on Banking and Currency, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: This is in response to your letter of July 29, 1969, requesting the views of the Small Business Administration on S. 2609, a bill "To increase the participation of small business concerns in the construction industry by providing for a Federal guarantee of certain construction bonds and authorizing the acceptance of certifications of competency in lieu of bonding in connection with certain Federal projects, and for other purposes."

Because of their slender financial resources and their limited managerial experience and knowledge, small construction firms commonly encounter difficulty in obtaining the bonds (bid, payment and performance) normally required of concerns seeking construction work. This is particularly true of blacks, and of members of other minority groups trying to establish themselves in the industry. Existing bonding requirements represent a high barrier to the progress of these minority concerns.

S. 2609 contains a remedial proposal extending to all construction activity, whether conducted by the Government or private industry. SBA would be authorized, under certain conditions, to guarantee sureties against losses resulting from the breaching of bid bonds, payment bonds or performance bonds by small construction firms. Such a guarantee could cover up to 90 percent of the amount of the loss.

We are in strong general agreement with this proposal. Indeed, a bill which we recently submitted to the Congress, calling for a number of measures to expand and intensify Government assistance to small business, contains a similar proposal. A copy of the bill is enclosed herewith. We are hopeful that such guarantee legislation will be promptly enacted.

The Bureau of the Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

Hilary Sandoval, Jr.,
Administrator.

Philadelphia, Pa.,
August 7, 1959.

Hon. Birch Bayh,
U.S. Senate,
Washington, D.C.

Dear Senator Bayh: Thank you for the materials containing proposed legislation relative to minority participation in the construction industry.

This type of legislation represents a vital element which is too often lacking on the part of our government. In this connection, I refer to aggressive leadership to assure equal participation in the benefits of programs. I cite, as a case in point, the Plans for Progress in which instance government is pressing industry for non-discriminatory hiring. A casual survey of the Civil Service System will demonstrate a vicious pattern of discriminatory hiring and upgrading. Your legislation moves to put government in its proper leadership role. I do hope for passage and will act to encourage our Pennsylvania legislators to support it.

May I be so presumptuous as to suggest yet another proposal to add to this meritorious bill? In a recent hearing conducted by local representatives of the Department of Labor, I suggested that there be a set aside program in the construction industry. This follows the precedent set by the Department of Defense under which a certain percentage of procurement is held out for bidding by recognized small businesses. It would appear that this approach, or some creative variation, would add to your legislation.

Thus, there will be bonding, other assurances of the bonding approach, counseling but most vital work, an assurance of work available to these minority contractors.

I believe that this approach, assisting in the creation of minority entrepreneurs, is the only way we can assist the minorities to parity in the society. I speak of the balance of payments approach where we begin to turn those areas which are essentially tax burdens into tax bases as the domestic approach to a balance of payments. Be advised, however, that this only has meaning when we create business and industry controlled by minorities. Otherwise, through jobs, they remain conduits for money with income flowing to non-resident purveyors of goods and services. This does not provide for the recycling of monies within their communities as per the economists multiplier syndrome.

Thank you again. Your legislation is a step towards economic development of our underdeveloped inner city areas.

Sincerely,

Thomas H. Burgess, III,
President.

Charlotte, N.C.,
August 9, 1969.

Hon. Birch Bayh,
U.S. Senate,
Washington, D.C.

Dear Sir: I am in receipt of your letter of 4 August 1969, in which you indicated some steps you had taken toward trying to bring about "some sense of credibility to the rhetoric of minority economic development."

I certainly feel that the course which you are now pursuing is a very helpful one, and I am especially concerned because, in the state of North Carolina, e.g., not a single Negro contractor is bonded for regular federal government contracts under the programs you referred to.

In general, Negroes are excluded from such bonding, which is, of course, a highly discriminatory measure, and, therefore, we welcome such acts as yours which are designed to counteract discrimination.

I congratulate you on this step, and I certainly hope that it will have a successful conclusion. You have my full support in this endeavor, and, if you feel that I could be of any assistance in trying to help push for passage of these three bills, please let me know.

Very truly yours,

Reginald A. Hawkins,
Chairman, Mecklenburg County Organization on Political Affairs.

Interracial Council for
Business Opportunity,
New York, N.Y., August 12, 1969.

Senator Birch Bayh,
U.S. Senate,
Washington, D.C.

Dear Senator Bayh: I appreciate your forwarding copies of your three bills designed to give substance to the rising demands for minority economic development.

Recently I testified before the House Select Committee on Small Business and I am taking the liberty of enclosing a copy of that testimony, as well as some materials on ICBO.

During the Samuels' administration of SBA, I served as National Co-Chairman of the Task Force on the problems of minority contractors. The Task Force recommended many of the points included in your three bills and additionally urged the development of a national revolving bonding and working capital pool which would help resolve the critical cash needs for minority general and sub-contractors. I am in full accord with you that the federal government can, indeed, and must provide leadership by taking the concrete steps which you recommend.

The development of a new national task force, with both staff and funds to carry out the steps you specified in your legislation is critically important to the accomplishment of the first two objectives. I am sure that you would find many members of the Samuels' Task Force willing and ready to lend you all the support necessary to enact your proposed legislation.

Again, may I express my appreciation for your kindness in sharing the substance of your bills with me and assure you of our complete support.

Very truly yours,

Darwin W. Bolden,
National Executive Director.

Vaughn's Book Store,
Detroit, Mich., August 16, 1969.

Senator Birch Bayh,
U.S. Senate,
Washington, D.C.

Dear Senator Bayh: I received the information concerning your introduction of bills to broaden Minority participation in the Construction industry. Before I comment on the bills let me first congratulate you for having such insight into the awful plight of small and/or Minority Construction firms. Their needs are evident as your careful research shows.

It appears that all three bills are adequate and cover a majority of the real issues faced by these small companies. Certainly they need to get a better share of building contracts which you cover in the first bill through a federal guarantee of certain construction bonds. Thereby, they will have a better chance at government contracts through certification of competency in lieu of bonding. Also, the task force is necessary because smaller companies find it difficult to obtain needed financial assistance. Bill two expands section three of the Housing and Urban Development Act of 1968. This means increased employment in depressed areas and more contracts for smaller firms. Bill three, which amends the Miller Act of 1935, offers smaller companies a better chance since bonding procedures are liberalize.

Sir, all three bills seem to cover most of the sore spots plagueing Minority Construction companies. I wonder though should something be done about the building trade union problem. Most Black Construction workers find it extremely difficult to get into many areas of the building trades.

We solved some of the problems here by establishing our own all trades union. I served on the Board of Directors of ACCORD, An inner City housing Corporation that is rehabilitating old apartment buildings. Have you had any complaints about the union problem?

There are three top Black owned Construction Companies here that I'm sure would benefit by your bills. You may contact them if you wish. They are:

Satisfactory Construction Company, 7304 W. Warren, Detroit, Mich. 48210.

G. E. Wash Construction Company, 2432 Van Dyke, Detroit, Michigan 48207.

Beatty Brothers Construction Company, 6072 14th St., Detroit, Michigan 48208.

Hope your bill gets through Congress successfully.

Sincerely yours,

Edward Vaughan.

Harlem Commonwealth Council, Inc.,
New York, N.Y., August 15, 1969.

Hon. Birch Bayh,
Senate Office Building,
Washington, D.C.

Dear Senator: Thank you for your recent letter informing me of the three bills you introduced related to Minority Economic Development.

After analysing these bills, I will be happy to give you the benefit of my opinion because as a member of the Advisory Council of Black Economic Development, I am very concerned about much of the confusion between what constitutes Black Economic Development on one hand, and Minority Entrepreneurship on the other.

We have developed, and are in the process of developing a comprehensive plan and model for Black Economic Development and for your information, I am enclosing a copy of the recent article in the *Amsterdam News* about our Project Black Dollar, and an article of the August 9th *Businessweek* entitled, "Harlem Gets Down to Business."

Thank you for your letter and I will be in touch with you soon.

Sincerely,

Donald M. Simmons,
Executive Director.

New York, N.Y.,
August 18, 1969.

Senator Birch Bayh,
Senate Office Building,
Washington, D.C.

Dear Birch: Thank you for calling to my attention the bills which you introduced concerning minority contractors in the construction industry. As an advocate of and campaigner for minority entrepreneurship, I am especially interested in legislative efforts to facilitate these business ventures. I feel that along with the efforts of business itself must come concrete measures from government which will bridge the gap between theory and fact.

The only suggestion that I would add concerns the role of the SBA in these efforts to aid minority contractors. Obviously there is much to be done in the SBA in terms of its general direction, funding and leadership. I would urge that the SBA be adequately staffed, so that in the process of issuing competency certificates and realistically judging the capabilities of each contractor the contractor himself does not suffer from the endless delay typical of this government agency with its inadequate organization and personnel. It is imperative that these contractors enter the mainstream of the industry as smoothly and quickly as possible.

I was also particularly pleased to read of your amendment to the Miller Act of 1935 which raises the minimum price needed for bonding to $20,000, rather than the previous level of $2,000. I feel confident that this measure, along with the other provisions in the bills, will help considerably to build real bridges to economic participation for minority businessmen.

I hope the rest of your summer is enjoyable and I look forward to seeing you when I'm in Washington.

Very truly yours,

Earl Graves.

Harlem Commonwealth
Council, Inc.,
August 26, 1969.

Hon. Birch Bayh,
U.S. Senate,
Washington, D.C.

Dear Senator: In reference to my letter # DMS–148/9, I indicated that further comments would be forthcoming concerning the three bills introduced by you to facilitate the participation of small contractors, especially small minority contractors in the mainstream of the production industry.

Our economic staff under the direction of Senior Economist, Mr. Nabe, and myself have analysed these bills and it is my hope that our comments will be useful to you.

Legislation analysis: Senate Bill # S2609 (90% Federal guarantee against loss to private surety companies) has the possibility of being a big step forward in helping minority firms in the contract construction industry who possess all the required technical capability in their business but not the needed bonding capacity. The effect of this bill could be reflected not only quantitatively but also in terms of dollars volume. Quantitatively more minority firms will be able to get bonds and consequently be able to bid for contracts and so increase their dollars receipts.

However, we are a little concerned about the real impact of this bill and how far it can go in correcting the exclusion of minority contractors because of the clause in Bill # 2610 that authorizes the SBA to issue certifications of competency in lieu of bonding. The clause referred to is the one that states that the SBA will issue certificates of competency once it determines the contractor possesses qualifications considered normally sufficient by the surety industry.

If the criteria for issuing certificates to minority contractors are going to be laid down by or based on those presently applied by the surety industry, I am afraid that the traditional alliance between white established contractual firms and the surety industry will make the issuing of certificates restricted to a very limited number of minority contractors.

The SBA has demonstrated by its present and past record that it cannot adequately do the job of certifying the competency of minority contractors. It is also our opinion that the bill should have provisions for the issuance of certificates and other technical assistance to new community-owned construction companies which may not be presently in existence but which are contemplated to be incorporated in the near future.

Unless new imaginative criteria are developed, criteria that are not only acceptable to the surety industry but more important, that are geared towards answering the problems of minority contractors within the present construction business, the effect of the 90% guarantee by the Federal government against loss to private surety companies will have little result because of the

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fact that very few certificates will be issued to minority contractors.

In this regard, advice should be sought directly from minority contractors and economic development groups such as the Harlem Commonwealth Council as to what should be the qualifications for issuing certificates of competency.

The third Bill, No. S2611, will be meaningful only if the Senate Bill No. 2610 (issuing of certificates of competency) is adequately implemented. If a significant number of minority contractors are able to get certificates of competency and are provided the 90% Federal guarantee against loss to private surety companies, then Senate Bill No. S2611 by lifting the bonding requirement from $2,000 to $20,000 on all Federal contracts could result in the effectuation of significant investment multipliers within the inner-city economy. This would eliminate the barriers to the "entry" level for Federal contracts.

As to the Task Force, I think its significance lies not in its functions but rather in its composition and by whom its members are appointed. The functions of the Task Force as proposed in Bill No. S2611 are purely of an advisory nature. It is not a decision-making body. For this reason, it is extremely important that the numbers of the Task Force be carefully selected and committed to correcting the imbalance and injustice within the construction enterprises.

Therefore, in order for this body to perform its duties more effectively, its membership needs to be independent of any particular executive agency and appointed by the President.

Senator Bayh, thank you for presenting us with the opportunity to analyse and voice our opinions about these bills. I sincerely hope that the above analysis will be of assistance to you.

Very truly yours,
DONALD M. SIMMONS,
Executive Director.

MCKISSICK ENTERPRISES, INC.,
New York, N.Y., September 2, 1969.

Hon. BIRCH BAYH,
Old Senate Office Building,
Washington, D.C.

DEAR MR. SENATOR: I was most happy to know of the three bills which you submitted in regard to minority contractors. As you know, exclusion from this field has been one of the more damaging effects of racism.

If there is anything we can do to assist, let us know. Your legislation may be of special significance to the construction of Soul City.

Sincerely yours,
FLOYD B. MCKISSICK,
President.

CONSTRUCTION ADVANCEMENT FOUNDATION OF NORTHWEST INDIANA,
Hammond, Ind., September 3, 1969.

Senator BIRCH E. BAYH, Jr.,
Old Senate Building,
Washington, D.C.

DEAR SENATOR: After reading in the Contractor's August 15th issue about your proposed legislation in the Senate to broaden minority participation in the construction industry, we applaud your efforts and hasten to learn more about your bill.

It is conceivable that, contrary to the first reading feeling that additional competition would be created, these minority firms might be able to do what the larger and longer established firms have not been able to do; encourage the unemployed, under-employed, and untrained to join with them in the pilot ventures.

Once this is successfully implemented, the example will do more than all the verbal promises (hollow) and bright literature (exaggerated) of the various governmental agencies.

Please supply us with additional information on your bill.

Fraternally,
LARRY SHIELDS,
Executive Director.

CITY OF CLEVELAND,
September 4, 1969.

Senator BIRCH BAYH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BAYH: Let me commend you on your introduction of these bills designed to increase minority group participation in the construction industry.

The various forms of assistance, protection and safeguards you propose are much needed.

If I can be of help in developing support of the legislation, please advise me.

Sincerely,
CARL B. STOKES.

BLACK ECONOMIC UNION,
October 4, 1969.

Mr. GORDON ALEXANDER,
Special Assistant to Senator Birch Bayh,
Senate Office Building,
Washington, D.C.

DEAR MR. ALEXANDER: Thank you for sending the copies of S.R. 2609, 2610, and 2611.

I have read these bills in detail and must admit that they cover areas of assistance so desperately needed by the minority contractors.

In my opinion the ramifications from bills of this nature would contribute a great deal toward upgrading communities, aside from creating a feeling of credibility.

The Black Economic Union is actively engaged in a very productive minority contractors program and hope that you can find time to meet with the director and myself to discuss our activities in assisting minority contractors. I remain,

Sincerely,
HUGH WRIGHT,
Administrative Assistant.

OCTOBER 9, 1969.

Hon. JEFFREY COHELAN,
Congressman from Berkeley,
Rayburn House Office Building,
Washington, D.C.

DEAR JEFF: I have been spending a fair amount of time on airplanes between Washington and California. I see by the papers that you, too, have been somewhat occupied.

The Minority Contractors Institute is about to get off the ground, and we are trying to grapple with some of the issues of importance to the Institute. In this connection, I would like to ask that you become a co-sponsor, on the House side, of the three bills which Birch Bayh has introduced on the Senate side. These bills deal specifically with problems that you and I have wrestled with over the last four years. They are not all inclusive; they will not solve all of our problems in this area, but they are a step in the right direction.

Thank you for any time that can give to this matter.

Sincerely,
JOSEPH DEBRO,
Director, Minority Contractors Institute.

THE URBAN COALITION,
Washington, D.C., October 23, 1969.

Mr. RAY DONES,
President, General and Specialty Contractors Association, Inc., Oakland, Calif.

DEAR RAY: Enclosed is a copy of the legislation introduced by Senator Birch Bayh—to broaden minority participation in the construction industry. I strongly feel that this legislation is important to the kinds of things to which we addressed ourselves at our last planning committee meeting. I urge your support, therefore, of this legislation.

May I suggest that you send your letters of support to the office of Senator Bayh; also, solicit support from your own Senator in your state. Your support of this very important legislation is greatly appreciated.

Sincerely,
JOSEPH DEBRO,
Director, Minority Contractors Institute.

Attached letter sent to:

Mr. Ray Dones, President, Gen. & Specialty Contractors, Assn., Inc., Oakland.

Mr. George Naganuma, Gen. & Specialty Contractors, Assn., Inc., Oakland.

Mr. Adolph Holmes, Assoc. Program Director, National Urban League, NYC.

Mr. Ernest Green, Project Director, Joint Apprenticeship Program, Brooklyn.

Rev. Channing Phillips, President, Housing Development Corp., Wash., D.C.

Mr. Berkeley Burrell, National Business League, Wash., D.C.

Mr. Winston A. Burnett, Burnett Construction Co., New York City.

Mr. William Cammack, Jr., NAACP, New York City.

Mr. John C. Evans, Dept. of Urban Affairs, AFL–CIO, Wash., D.C.

Mr. William Ericsson, Exec. Vice President, American Nat. Bank & Trust Co., Chicago.

Dr. Vivian Henderson, President, Clark College, Atlanta.

Mr. William C. Jameson, Executive Director, ICBO, Wash., D.C.

Professor John T. Dunlop, Cambridge University, Cambridge, Mass.

Mr. Edward Sylvester, Consultant, Wash., D.C.

Mr. Millard Robbins, Robbins Mortgage Co., Chicago.

U.S. DEPARTMENT OF COMMERCE,
Washington, D.C., October 27, 1969.

Hon. BIRCH BAYH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BAYH: The Office of Minority Business Enterprise in the Department of Commerce wishes to express its interest in the bills you introduced on behalf of Minority Entrepreneurs in the construction industry. We feel that the legislation will go a long way in righting the inequities suffered by minority groups in getting their share of America's construction dollar.

The problem and constraints upon minority contractors have reached astronomical proportions. And the outlook is, indeed, bleak for the alleviation of this problem.

The minority contractor is faced with several difficult problems which he must overcome before he can competitively engage in the lucrative construction industry. Namely they are bonding, financial assistance, management and technical assistance, and market development.

The inability of minority contractors to obtain bid, performance and payment bonds is one of the most crucial of his problems. Surety companies require the minority contractor to have a capital liquidity of 30–100%, whereas his white counterpart is only required to produce 10–20%. The annals of history are filled with the cases of inequities on the part of surety companies who have historically refused to bond minorities in the construction industry on a parity with whites.

Secondly, the minority contractor has not been able—because of the vicious bonding cycle—to develop a capacity to obtain liquid capital for overhead, payroll or labor costs during the initial phase of the job. Nor has he been able to obtain cash or lines of credit for materials and access to competitive discounts for material which depends upon early payment.

Thirdly, the minority contractor is severely hampered by the general lack of management and technical expertise. Because of the years of discrimination, minority contractors have not been able to develop those skills required in the industry to be a successful entrepreneur. Therefore some vehicle must be perfected which will provide these individuals with the assistance needed to handle such concerns as proper record keeping, knowledge of building codes, estimating, purchasing, job management, accounting, etc.

Finally, the minority contractor must be given assistance in marketing his skills to both the public and private sectors. By using the statutory procedures already set up in SBA, i.e., 8(a), set asides and other procurement regulations, we are to make a start, but more innovative methods must be devised if we are to have any demonstrative impact on the problem.

As Executive Secretary to the Task Force on Construction Contracting, I would like to extend an invitation to you to address the task force at your convenience on the bills of importance to our effort.

Since I personally know of many minority contractors around the country who might want to testify on the bills when they come up for hearings, please don't hesitate to contact this office in that regard.

Sincerely,

James A. H. Byrd,
Program Officer, Office of Minority Business Enterprise.

American National Bank and
Trust Company of Chicago,
Chicago, Ill., October 28, 1969.
Senator Birch Bayh,
U.S. Senate,
Washington, D.C.

Dear Senator Bayh: As Chairman of the Economic Development Task Force of the National Urban Coalition, I want to offer my support to your Senate Bills 2609, 2610, and 2611.

The Task Force with which I have worked, is most concerned with the problems of minority contractors, and has recently set up a Minority Contractors Institute. The problem of bonding, in particular, represents a significant obstacle to progress in this area. We should appreciate it if you would advise us of anything we can do to be helpful.

I am writing to Senators Percy and Smith relative to this subject.

Yours very truly,

William G. Ericsson.

Clark College,
Atlanta, Ga., November 14, 1969.
Hon. Birch Bayh,
U.S. Senate,
Washington, D.C.

Dear Senator Bayh: Just a note to express appreciation for the introduction of Bills (S2609, 2610, 2611) to broaden minority participation in the construction industry. This is a very important piece of legislation and I want you to know that I am writing Senators Talmadge and Russell of Georgia asking them to support this bill.

Sincerely yours,

Vivian W. Henderson.

Atlantic Community Housing
Corporation, Inc.,
Atlantic City, N.J., November 2, 1969.
Senator Birch Bayh,
Senate Office Building,
Washington, D.C.

Dear Senator Bayh: I am president of the Atlantic Community Housing Corporation, and of the Mobley Construction Corporation. We wholeheartedly support the legislations introduced by you on July 14th; (S–2609/S–2610/S–2611) and we wish to commend you for your action.

Through the construction industry, we feel that there is a superior opportunity for tackling racial discrimination, thus enabling an increase in the participation of small minority contractor's into the mainstream of the building industry.

It is most inspiring as well as encouraging to note the efforts that you and your staff have made relative to solving the many problems facing the small minority contractors, mainly "Bid Bonds."

Primarily, our organization is deeply concerned with the present qualifications needed in securing a bond, and it is our hope that the exemption of the Federal bonding requirement will definitely be increased to $20,000 as indicated in your bill.

We are in accordance with your proposed program 100% and fully anticipate further information, which will be in the interest of the small minority contractors.

Respectfully yours,

Joseph J. Mobley,
President.

National Business League,
Memphis, Tenn., November 18, 1969.
Hon. Birch Bayh,
U.S. Senate,
Washington, D.C.

Dear Senator: We hope that our request for support of your bill will be of some benefit and we want to thank you for introducing a bill of this type. We feel that all minority groups will appreciate your presenting this bill and your efforts to get it passed, as we here in the Memphis Chapter National Business League are in wholehearted accord with your efforts.

Enclosed you will find a copy of the letter written to our Congressman from this district, Dan Kuykendall.

Sincerely yours,

George A. Stevens,
President.

November 18, 1969.
Hon. Dan Kuykendall,
House of Representatives,
Washington, D.C.

Dear Congressman: I am writing you in regard to supporting Senator Birch Bayh's bill, S. 2609, S. 2610 and S. 2611—Introduction of Bills to Broaden Minority Participation in the Construction Industry—as you are well aware of the fact that we need more minority participation in the construction industry.

All of us here in the Memphis Chapter National Business League and the minority groups here in Memphis will appreciate your support in getting this bill passed.

Thank you very kindly for your support.

Sincerely yours,

George A. Stevens,
President.

Urban League of Gary, Inc.
Gary, Ind., January 9, 1970.
Hon. Birch Bayh,
U.S. Senate,
Washington, D.C.

My Dear Senator Bayh: We in Gary highly commend your authorship and sponsorship of Bills S. 2609, S. 2610 and S. 2611, recently presented for consideration by the Senate of the United States.

Of special interest in S. 2609 was a recommendation for establishing a National Construction Task Force; and, knowing you, I know that you will insist that included in this task force will be local-level people conversant with problems.

Should there be anything you feel we might do at this level to assure passage of these bills, I certainly hope you will so advise.

Keep up the good work for we are all in your corner.

Sincerely yours,

Geo. R. Coker,
Executive Director.

(P.S.—Watched you on TV News last night and your interview with the Governor of Mississippi. He runs Bob Hope a close second for comedy; and your humorous needling and responses did much to keep the hearing within the bounds of reason.)

Tulsa Urban League, Inc.,
Tulsa, Okla., January 12, 1970.
Senator Birch Bayh,
New Senate Office Building,
Washington, D.C.

Dear Senator: We are familiar with Senate Bills 2609, 2610, and 2611. We commend you for your efforts with these bills.

We are also contacting the Oklahoma senators urging support of these bills and anything that we might do to assist you, please advise.

Sincerely,

Dale F. Hogg,
Executive Director, Tulsa Urban League.

January 13, 1970.
Senator William B. Saxbe,
New Senate Office Building,
Washington, D.C.

Dear Sir: You may still be in the process of making a personal decision on Senate Bill 2609 which was introduced by Senator Birch Bayh of Indiana. As you know, Senate Bill 2609 is designed to broaden minority participation in the construction industry by providing for a federal grant for construction bonds.

If this Bill is passed, it will greatly help to provide a solution for problems faced by minority contractors across the country in meeting bonding requirements.

I, therefore, urge your support of this legislation, and will greatly appreciate your effort in its behalf.

Cordially yours,

Raymond R. Brown.

Birmingham Urban League, Inc.,
Birmingham, Ala., January 16, 1970.
Senator Birch Bayh,
House of Senate,
Washington, D.C.

My Dear Honorable Bayh: We have received a copy of Senate Bill S–2609 which was introduced by you and was designed to broaden minority participation in the construction industry by providing for a federal grant for certain construction bonds.

We here at the Birmingham Urban League certainly endorse this bill and we feel it would be of great help to minority contractors across the country.

We do hope sufficient support for this bill will be forthcoming and we are directing letters to our Alabama senators requesting their endorsement.

Yours very truly,

W. E. Key,
Acting Executive Director.

Congress of the United States,
House of Representatives,
Washington, D.C., March 5, 1970.
Re: S. 2609, S. 2610 and S. 2611.
Hon. Birch Bayh,
Cannon House Office Building,
Washington, D.C.

Dear Senator: The above bill was introduced by you in the Senate on July 14, 1969. It is a very worthwhile measure. What is the status of this bill today?

I would be happy to do anything I could to assist you in moving these bills in the House.

Very truly yours,

Charles W. Sandman, Jr.,
Member of Congress.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

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AMENDMENT OF THE FOREIGN MILITARY SALES ACT

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that the unfinished business, H.R. 15628, the Foreign Military Sales Act, be laid before the Senate and made the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The Legislative Clerk. A bill—H.R. 15628—to amend the Foreign Military Sales Act.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Virginia?

There being no objection, the Senate proceeded to consider the bill.

Mr. DOLE. Mr. President, today a debate rages over President Nixon's decision to send American troops into Cambodia. Arguments are being made by sincere men for new initiatives by the Congress to curb the President's power.

I do not question the motives of those who advocate adoption of these initiatives. I share their concern about the use of American troops in Cambodia. However, the President has stated repeatedly that he was acting as Commander in Chief of our Armed Forces to defend the security of American troops. Subsequent to his decision, President Nixon indicated he will not provide armed forces to the Lon Nol government. I concur, but the question remains whether the President will retain his authority as Commander in Chief to return to Cambodia after July 1, 1970, if he finds such action is necessary to protect American troops.

I have sought clarification from the sponsors of the Cooper-Church amendment on this point. Proponents, for the most part, refer to the constitutional power of the Congress and the President. While I can sympathize with those who are frustrated by the role relegated to Congress in the conduct of foreign policy, a close study of our constitutional history clearly demonstrates that the President, as Commander in Chief, has the authority to act independently of the Congress.

To in any way dilute this authority would be contrary to historical precedent and might, in fact, subject Americans to unnecessary danger. Because the constitutional basis for the President's actions is the most convincing argument against congressional action which would tend to dissipate the President's powers as Commander in Chief, I will address myself specifically to that point.

DIVISION OF THE WAR POWER

The draftsmen of the Constitution clearly intended to divide the war power between the President and Congress, but just as clearly, did not intend to precisely define that boundary. They rejected the traditional power of kings to commit unwilling nations to war to further the king's international political objectives. At the same time, they recognized the need for quick presidential response to rapidly developing international situations.

The accommodation of these two interests took place in the session of the constitutional convention on Friday, August 17, 1787, when the enumeration of the powers of Congress were submitted to the delegates. A discussion occurred on the draft language empowering Congress "to make war."

As reported by James Madison, Charles Pinckney urged that the warmaking power be confided to the Senate alone, while Pierce Butler urged that the power be vested in the President. James Madison and Elbridge Gerry then jointly moved to substitute the word "declare" for the word "make," "leaving to the President the power to repel sudden attacks." John Sherman expressed a preference to "make" as opposed to "declare," because the latter was too narrow a grant of power. However, he expressed the view that the grant of power to Congress to "make" war would nonetheless permit the President to repel attack, although not to commence war. Gerry and George Mason opposed the giving of the power to declare war to the President. Rufus King supported the substitution of the word "declare," urging that the word "make" might be understood to mean "conduct" war, which latter was a Presidential function.

With only New Hampshire dissenting, it was agreed that the grant to Congress should be of the power to declare war. Pinckney's motion to strike out the whole clause, and thereby presumably to leave the way open to vest the entire warmaking power in the President, was then defeated by a voice vote.

The framers of the Constitution, in making this division of authority between the executive and the legislative branches did not make a detailed allocation of authority between the two branches. But, nearly 200 years of practice has given rise to a number of precedents and usages, although it cannot be confidently said that any sharp line of demarcation exists as a result of this history.

RECOGNITION OF ARMED CONFLICT SHORT OF "WAR"

Before turning to historical practice for the light which it throws upon the proper interpretation of the President's power, let me first dispel any notion that the United States may lawfully engage in armed hostilities with a foreign power only if Congress has declared war. From the earliest days of the Republic, all three branches of the Federal Government have recognized that this is not so, and that not every armed conflict between forces of two sovereigns is "war." This fact affords no final answer to the constitutional question of the division of authority between the President and Congress in exercising the war power, but it does suggest that the effort to find an answer is not advanced by a mechanical application of labels to various fact situations.

Congress, during the so-called undeclared war with France which lasted from 1798 to 1800, authorized by statute limited use of this Nation's Armed Forces against those of France. The fifth Congress, 1 stat. 578.

In the Eliza, a case arising out of this "undeclared war," the Supreme Court described differences between war and other armed conflicts as being differences between "solemn war" and "imperfect war":

> If it be declared in form, it is called solemn, and is of the perfect kind; because one whole nation is at war with another whole nation; and all the members of the nation declaring war are authorized to commit hostilities against all the members of the other, in every place and under every circumstance. In such a war, all the members act under a general authority, and all the rights and consequences of war attach to their condition.
>
> But hostilities may subsist between two nations, more confined in its nature and extent; being limited as to places, persons and things; and this is more properly termed imperfect war; because not solemn, and because those who are authorized to commit hostilities act under special authority and can go no further than to the extent of their commission. *The Eliza,* 4 Dall. 37, 40–41.
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> (Note.—In that case, a French privateer took possession of an American ship that was later recaptured by Americans who claimed entitlement to payment from the ship's owners. The questions arose in interpretation of two statutes as to what they were entitled to. To answer that question, the court had to decide whether we were at war with France.)

While the Court termed both forms of military action "war," the distinction which it drew likewise separates the declared wars of the 20th century, such as the two World Wars, and the undeclared armed conflicts such as have more recently occurred in Korea and in Southeast Asia. In both of the two World Wars, the declarations of war were viewed by the executive branch to authorize complete subjugation of the enemy, and some form of "unconditional surrender" on the part of the enemy was the announced goal of the allied nations. In Korea and Vietnam, on the other hand, the goals have been the far more limited ones of the maintenance of territorial integrity and of the right of self-determination.

As has been pointed out many times, the United States throughout its history has been involved in armed conflicts short of declared war, from the undeclared war with France in 1798–1800 to Vietnam. I will discuss the more significant of these involvements later.

THE PRESIDENT AS COMMANDER IN CHIEF

Because of the nature of the President's power as Commander in Chief and because of the fact that it is frequently exercised in foreign affairs, there are few judicial precedents dealing with the subject. Such judicial learning as there is on the subject, however, makes it reasonably clear that the designation of the President as Commander in Chief of the Armed Forces is a substantive grant of power, and not merely a commission which treats him as a supreme commander.

Chief Justice Marshall, writing for the Supreme Court in *Little* v. *Barreme,* 2 Cr. 170, concluded that the seizure

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of a ship on the high seas had not been authorized by an act of Congress, in the course of the opinion, he stated:

> It is by no means clear that the President of the United States, whose high duty it is to "take care that the laws be faithfully executed," and who is Commander-in-Chief of the Armies and Navies of the United States, might not, without any special authority for that purpose, in the then existing state of things, have empowered the officers commanding the armed vessels of the United States, to seize and send into port for adjudication, American vessels which were forfeited by being engaged in this illicit commerce. 2 Cranch at 177.

Justice Grier, speaking for the Supreme Court in its famous decision in the Prize cases, likewise viewed the President's designation as Commander in Chief as being a substantive source of authority on which he might rely in putting down rebellion:

> Whether the President in fulfilling his duties, as Commander-in-Chief, in supressing an insurrection, has met with such armed hostile resistance, and a civil war of such alarming proportions as will compel him to accord to them the character of belligerents, is a question to be decided *by him*, and this court must be governed by the decisions and acts of the political department of the government to which this power was entrusted. He must determine what degree of force the crisis demands. 2 Black 625, 670.

More recently, Justice Jackson, concurring in Youngstown Sheet and Tube Co. against Sawyer, said:

> We should not use this occasion to circumscribe, much less to contract, the lawful role of the President as Commander-in-Chief. I should indulge the widest latitude of interpretation to sustain his exclusive function to command the instruments of national force, at least when turned against the outside world for the security of our society. 343 U.S. 579, at 645.

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The limits of the President's power as Commander in Chief are nowhere defined in the Constitution, except by way of negative implication from the fact that the power to declare war is committed to Congress. However, as a result of numerous occurrences in the history of the Republic, more light has been thrown on the scope of this power.

SCOPE OF POWER AS COMMANDER IN CHIEF

The questions of how far the Chief Executive may go without congressional authorization in committing American military forces to armed conflict, or in deploying them outside of the United States and in conducting armed conflict already authorized by Congress, have arisen repeatedly through the Nation's history. The President has asserted and exercised at least three different varieties of authority under the power as Commander in Chief;

First. Authority to commit military forces of the United States to armed conflict, at least in response to enemy attack or to protect the lives of American troops in the field.

I might add that this is precisely the type of authority we are talking about today, with reference to the Church-Cooper resolution.

Second. Authority to deploy U.S. troops throughout the world, both to fulfill U.S. treaty obligations and to protect American interests; and

Third. Authority to conduct or carry on armed conflict once it is instituted, by making and carrying out the necessary strategic and tactical decisions in connection with such conflict.

Congress has on some of these occasions acquiesced in the President's action without formal ratification; on others, it has ratified the President's action; and on still others, it has taken no action at all. On several occasions, individual Members of Congress have protested Presidential use of the Armed Forces. At the close of the Mexican War, the House of Representatives went so far as to pass an amendment to a pending resolution, labeling the war as unnecessary and unconstitutional. On final passage, the amendment was deleted. Although the President's actions, to which there was no opportunity for the Congress to effectively object, cannot establish a constitutional precedent in the same manner as it would be established by an authoritative judicial decision, a long continued practice on the part of the President, acquiesced in by the Congress, is itself some evidence of the existence of constitutional authority to support such a practice. *United States* v. *Midwest Oil Co.*, 236 U.S. 459. As stated by Justice Frankfurter in his concurring opinion in *Youngstown Sheet & Tube Co.* v. *Sawyer*, 343 U.S. 579, 610:

> The constitution is a framework for government. Therefore the way the framework has consistently operated fairly establishes that it has operated according to its true nature. Deeply embedded traditional ways of conducting government cannot supplant the constitution or legislation, but they give meaning to the words of a text or supply them.

Commitment of military forces to armed conflict without congressional authorization. President Jefferson in 1801 sent a small squadron of American naval vessels into the Mediterranean to protect U.S. commerce against threatened attack by the barbary pirates of Tripoli. In his message to Congress discussing his action, Jefferson took the view that it would require congressional authorization for this squadron to assume an offensive, rather than a defensive, stance.

In May 1845 President Polk ordered military forces to the coasts of Mexico and to the western frontier of Texas—still at that time an independent republic—in order to prevent an interference by Mexico with the proposed annexation of Texas to the United States. Following annexation, Polk ordered Gen. Zachary Taylor to march from the Nueces River, which Mexico claimed was the southern border of Texas, to the Rio Grande River, which Texas claimed was the southern boundary of Texas. While so engaged, Taylor's forces encountered Mexican troops, and hostilities between the two nations commenced on April 25, 1846. While Polk 2½ weeks later requested a declaration of war from Congress, there had been no prior authorization for Taylor's march south of the Nueces.

In 1854 President Pierce approved the action of a naval officer who bombarded Greytown, Nicaragua, in retaliation against a revolutionary government that refused to make reparations for damage and violence to U.S. citizens.

In April 1861 President Lincoln called for 75,000 volunteers to suppress the rebellion by the Southern States, and proclaimed a blockade of the Confederacy. The Supreme Court in the Prize cases, 2 Black 634 (1863), upheld the action taken by President Lincoln prior to their later ratification by Congress in July, 1861, saying:

> If a war be made by invasion of a foreign nation, the President is not only authorized but bound to resist force by force. He does not initiate the war, but is bound to accept the challenge without waiting for any special legislative authority. 2 Black at 668.

In 1900 President McKinley sent an expedition of 5,000 U.S. troops as a component of an international force during the Boxer Rebellion in China. While Congress recognized the existence of the conflict by providing for combat pay, 31 Stat. 903, it neither declared war nor formally ratified the President's action. A Federal court, however, reiterated the early recognition of limited or undeclared war:

> In the present case, at no time was there any formal declaration of war by the political department of this Government against either the Government of China or the "boxer" element of that Government. A formal declaration of war, however, is unnecessary to constitute a condition of war. Hamilton v. McClaughry, 136 F. 445, 449 (Cir. Ct. D. Kan. 1905).

Presidents Theodore Roosevelt, Taft, and Wilson on more than one occasion committed American troops abroad to protect American interests. In November 1903, President Roosevelt ordered the U.S. Navy to guard the Panama area and prevent Colombian troops from being landed to suppress the Panamanian insurrection against Colombia. In his annual report to Congress in 1912, President Taft reported sending some 2,000 marines to Nicaragua—at the request of the President of Nicaragua—and the use of warships and troops in Cuba. He merely advised Congress of these actions without requesting any statutory authorization.

President Wilson on two separate occasions committed American Armed Forces to hostile actions in Mexican territory. In April 1914, he directed a force of sailors and marines to occupy the city of Vera Cruz during the revolution in that country. The city was seized and occupied for 7 months without congressional authorization. In 1916, Wilson ordered General Pershing and more than 10,000 troops to pursue Pancho Villa into Mexican territory following the latter's raid on Columbus, N. Mex.

The most recent example of Presidential combat use of American Armed Forces without congressional declaration of war, prior to the Vietnam conflict, was President Truman's intervention in the Korean conflict. Following invasion of South Korea by North Koreans on June 25, 1950, and a request for aid by the U.N. Security Council, President Truman ordered U.S. air and sea forces to give South Korean troops cover and support. He ordered the 7th Fleet to guard Formosa. On June 30, the President announced that he had authorized the use of U.S. ground forces in the

Korean war following the collapse of the South Korean Army. Ultimately, the number of troops engaged in the Korean conflict reached 250,000, and the conflict lasted more than 3 years. President Truman's action without congressional authorization precipitated the "great debate" in Congress which raged from January to April 1951.

While President Truman relied upon the U.N. Charter, as well as his power as Commander in Chief, his action stands as a precedent for Presidential action in committing U.S. Armed Forces to extensive hostilities without formal declaration of war by Congress.

The U.N. Charter, as a result of its ratification by the Senate, has the status of a treaty, but it does not by virtue of this fact override any provisions of the Constitution. Though treaties made in pursuance of the Constitution may under the supremacy clause override specific constitutional limitations. *Geofroy* v. *Riggs*, 133 U.S. 258; *Reid* v. *Covert*, 351 U.S. 487. If a congressional declaration of war would be required in other circumstances to commit U.S. forces to hostilities similar in extent and nature to those undertaken in Korea, the ratification of the U.N. Charter would not obviate a like requirement in the case of the Korean conflict. While the issue of Presidential power which was the subject of the great debate in Congress was never authoritatively resolved, it is clear that Congress acquiesced in President Truman's intervention in Korea. See Rees, "The Limited War"—1964; Pusey, "The Way We Go to War"—1969.

DEPLOYMENT OF U.S. TROOPS THROUGHOUT THE WORLD

In February 1917, President Wilson requested congressional authority to arm American merchant vessels. When that authority failed of passage in Congress as a result of a filibuster or extended debate, Wilson proceeded to arm them without congressional authority, stating that he was relying on his authority as Commander in Chief.

Near the close of the First World War, President Wilson announced a decision to send American troops to Siberia. The troops so sent remained for over a year, their withdrawal beginning in January 1920. There was no congressional authorization for such disposition of troops, and the United States had not declared war on Russia.

In 1941, prior to Pearl Harbor, President Roosevelt utilized his power as Commander in Chief to undertake a series of actions short of war, designed to aid the allied forces in the Second World War. On April 9, 1941, he made an agreement with the Danish minister for the occupation of Greenland by American forces. In May 1941, Roosevelt issued a proclamation declaring unlimited national emergency, and he ordered American naval craft to sink on sight foreign submarines found in the defensive waters of the United States.

In July 1941, the President announced that U.S. forces would occupy Iceland in order to relieve British forces there, and that the Navy would perform convoy duty for supplies being sent to Great Britain under lend-lease. In September 1941, Roosevelt stated that he had given orders to the U.S. Army and Navy to strike first at any German or Italian vessels of war in American "defensive waters"; the following month, he decided to carry 20,000 British troops from Halifax to the Middle East in American transports.

President Truman's decision in 1951 to send four U.S. divisions to Europe in discharge of the Nation's NATO commitment occasioned prolonged debate in Congress over his powers to take such action without congressional approval. Congress ultimately acquiesced in the President's action without actually resolving the question, and all of President Truman's successors have asserted and exercised similar authority.

Authority to conduct or carry on armed conflict once it has been lawfully instituted. It has never been doubted that the President's power as Commander in Chief authorizes him, and him alone, to conduct armed hostilities which have been lawfully instituted. Chief Justice Chase, concerning in *ex parte Milligan*, 4 Wall. 2, at 139, said:

> Congress has the power not only to raise and support and govern armies but to declare war. It has, therefore, the power to provide by law for carrying on war. This power necessarily extends to all legislation essential to the prosecution of war with vigor and success, except such as interferes with the command of the forces and conduct of campaigns. That power and duty belong to the President as Commander-in-Chief.

In the First World War, it was necessary to decide whether U.S. troops in France would fight as a separate command under General Pershing, or whether U.S. divisions should be incorporated in existing groups or armies commanded by French or British generals. President Wilson and his military advisers decided that U.S. forces would fight as a separate command.

In the Second World War, not only similar military decisions on a global scale were required, but also decisions that partook as much of political strategy as they did of military strategy. Should the United States concentrate its military and materiel resources on either the Atlantic or Pacific fronts to the exclusion of the other, or should it pursue the war on both fronts simultaneously? Where should the reconquest of Allied territories in Europe and Africa which had been captured by the Axis powers begin? What should be the goal of the Allied Powers? Those who lived through the Second World War will recall without difficulty, and without the necessity of consulting works of history, that this sort of decision was reached by the Allied Commanders in Chief, and chief executive officers of the Allied Nations, without—on the part of the United States—any formal congressional participation. The series of conferences attended by President Roosevelt around the world—at Quebec, Cairo, Casablanca, Teheran, Yalta, and by President Truman at Potsdam, ultimately established the allied goals in fighting the Second World War, including the demand for unconditional surrender on the part of the Axis nations.

Similar strategic and tactical decisions were involved in the undeclared Korean war under President Truman. Questions such as whether U.S. forces should not merely defend South Korean territory, but pursue North Korean forces by invading North Korea, and as to whether American Air Force planes should pursue North Korean and Chinese Communist planes north of the Yalu River, separating Red China from North Korea, were of course made by the President as Commander in Chief without any formal congressional participation.

It is clear that the President, under his power as Commander in Chief, is authorized to commit American forces in such a way as to seriously risk hostilities, and also to actually commit them to such hostilities, without prior congressional approval. However, if the contours of the divided war power contemplated by the framers of the Constitution are to remain, constitutional practice must include Presidential resort to Congress in order to obtain its sanction for the conduct of hostilities which reach a certain scale. Constitutional practice also indicates, however, that congressional sanction need not be in the form of a declaration of war.

In the case of the Mexican War, which was brought about, if not initiated, by President Polk, he requested and obtained a declaration of war. Congress, meeting in 1861 pursuant to the call of President Lincoln, ratified all of the actions he had taken on his own initiative, and apparently refrained from declaring war on the Confederate States only because it did not wish to recognize them as a sovereign nation.

However, the Fifth Congress authorized President Adams to take certain military action against France without going so far as to declare war. More recently, in connection with President Eisenhower's landing of troops in Lebanon and with the Cuban missile crisis in 1962, Congress has given advance authorization for military action by the President without declaring war. 71 Stat. 5; 76 Stat. 697.

The notion that such advance authorization by Congress for military operations constitutes some sort of an invalid delegation of congressional war power simply will not stand analysis. A declaration of war by Congress is, in effect, a blank check to the Executive to conduct military operations to bring about subjugation of the nation against whom war has been declared. The idea that while Congress may do this, it may not delegate a lesser amount of authority to conduct military operations, as was done in the instances referred to above, is utterly illogical and unsupported by precedent. While cases such as *Schechter Poultry Corp.* v. *United States*, 295 U.S. 495 (1935), hold that Congress in delegating powers to deal with domestic affairs must establish standards for administrative guidance, no such principle obtains in the field of foreign affairs. The Supreme Court in *United States* v. *Curtiss-Wright Corp.*, 299 U.S. 304, made this distinction clear.

What must be regarded as the high-water mark of Executive action without express congressional approval is, of course, the Korean war. Although Congress never expressly sanctioned the

President's action in committing U.S. forces by the hundreds of thousands to the Korean conflict, it repeatedly voted authorizations and appropriations to arm and equip the American troops. This is not to say that such appropriations are invariably the equivalent of express congressional approval; the decision as to whether limited hostilities, commenced by the Executive, should be sanctioned by Congress may be one quite different from the decision as to whether American troops already committed and engaged in such hostilities shall be equipped and supplied.

CONGRESSIONAL POWER TO RESTRICT THE PRESIDENT

While the President may commit Armed Forces of the United States to hostile conflict without congressional authorization under his constitutional power as Commander in Chief, his authority exercised in conformity with congressional authorization or ratification of his acts is obviously broader than if it stood alone. By the same token, Congress undoubtedly has the power in certain situations to restrict the President's power as Commander in Chief to a narrower scope than it would have had in the absence of legislation. Chief Justice Marshall strongly intimates in his opinion in *Little* v. *Barreme,* 2 Cranch. 170 (1804), that the Executive action directing the seizure of a ship on the high seas would have been valid had not Congress enacted legislation restricting the circumstances under which such a seizure was authorized. Congress, exercising its constitutional authority to "make rules concerning captures on land and water" may thus constrict the President's power to direct the manner of proceeding with such captures.

XUM

Congress has similarly sought to restrain the authority of the President in the exercise of its power to "raise and support armies." In the Selective Service and Training Act of 1940, it was provided that:

> Persons inducted into the land forces of the United States under this act shall not be employed beyond the limits of the Western Hemisphere except in the territories and possessions of the United States, including the Philippine Islands. 54 Stat. 885.

In the year following enactment of this law, President Roosevelt determined to send U.S. troops, including draftees, to Iceland in order to relieve British troops garrisoned there. He chose to strain geography, rather than the law and obtained the opinion of what was apparently a minority-view geographer that Iceland was actually in the Western Hemisphere.

On December 15, 1969 Congress adopted an amendment to the Defense appropriations bill H.R. 15090 providing that U.S. Forces shall not be dispatched to Laos or Thailand in connection with the Vietnam conflict. I supported this provision offered by the Senator from Idaho as a reasonable exercise of congressional authority.

This is not to say however that every conceivable condition or restriction which Congress may by legislation seek to impose on the use of American Military Forces would be free of Constitutional doubt. Even in the area of domestic affairs where the relationship between Congress and the President is balanced differently than it is in the field of external affairs, virtually every President since Woodrow Wilson has had occasion to object to certain conditions in authorization legislation as being violative of the separation of powers between the executive and the legislative branch. The problem would be compounded should Congress attempt by detailed instructions as to the use of American Forces already in the field to supersede the President as Commander in Chief of the Armed Forces. Surely this is the thrust of Chief Justice Chase's concurring opinion in *ex parte Milligan,* quoted earlier:

> [Congressional power] necessarily extends to all legislation essential to the prosecution of war with vigor and success, except such as inteferes with the command of the forces and conduct of campaigns. That power and duty belong to the President as commander-in-chief. 4 Wall. at 139.

THE VIETNAM CONFLICT

The duration of the Vietnam conflict and its requirements in terms of both men and materiel have long since become sufficiently large to raise the most serious sort of constitutional question, had there been no congressional sanction of that conflict. However, as is well known, the conflict in its present form began following an attack on U.S. Naval Forces in the Gulf of Tonkin in August 1964. At that time, President Johnson took direct air action against the North Vietnamese, and he also requested Congress "to join in affirming the national determination that all such attacks will be met" and asked for "a resolution expressing the support of the Congress for all necessary action to protect our Armed Forces and to assist nations covered by the SEATO treaty."

On August 10, 1964, Congress passed the so-called Gulf of Tonkin resolution. I ask unanimous consent that the text of the resolution, 78 Stat. 384 (1964), be printed at this point in the RECORD.

There being no objection, the resolutions was ordered to be printed in the RECORD, as follows:

SOUTHEAST ASIA RESOLUTION[1]

Whereas naval units of the Communist regime in Vietnam, in violation of the principles of the Charter of the United Nations and of international law, have deliberately and repeatedly attacked United States naval vessels lawfully present in international waters, and have thereby created a serious threat to international peace; and

Whereas these attacks are part of a deliberate and systematic campaign of aggression that the Communist regime in North Vietnam has been waging against its neighbors and the nations joined with them in the collective defense of their freedom; and

Whereas the United States is assisting the peoples of southeast Asia to protect their freedom and has no territorial, military or political ambitions in that area, but desires only that these peoples should be left in peace to work out their own destinies in their own way: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

SEC. 2. The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in southeast Asia. Consonant with the Constitution of the United States and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.

SEC. 3. This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, except that it may be terminated earlier by concurrent resolution of the Congress.

Mr. DOLE. Mr. President, in connection with this resolution, Congress noted that whatever the limits of the President's authority acting alone might be, whenever Congress and the President act together, "there can be no doubt" of the constitutional authority.

Since that time, Congress has repeatedly adopted legislation recognizing the situation in Southeast Asia, providing the funds to carry out U.S. commitments there, and providing special benefits for troops stationed there. By virtue of these acts, and the provision in the Gulf of Tonkin resolution as to the manner in which it may be terminated, there is long-standing congressional recognition of a continuing U.S. commitment in Southeast Asia.

While seeking a negotiated peace and furthering "Vietnamization," President Nixon has continued to maintain U.S. troops in the field in South Vietnam. The legality of the maintenance of these troops in South Vietnam, and their use to render assistance to the South Vietnamese troops in repelling aggression from the Vietcong and the North Vietnamese, would be subject to doubt only if Congressional sanction of hostilities commenced on the initiative of the President could be manifested solely by a formal declaration of war. But the numerous historical precedents previously cited militate against such reasoning.

A requirement that congressional approval of Presidential action in this field can come only through a declaration of war is not only contrary to historic constitutional usage, but as a practical matter would curtail effective congressional participation in the exercise of the shared war power. If Congress may sanction armed engagement of U.S. forces only by declaring war, the possibility of its retaining a larger degree of control through a more limited approval is foreclosed. While in terms of men and materiel the Vietnam conflict is one of large scale, the objectives for which the conflict is carried on are by no means as extensive or all-inclusive as would have resulted from a declaration of war by Congress. Conversely, however, there cannot be the slightest doubt from an examination of the language of the Gulf of Tonkin resolution that Congress expressly authorized extensive military involvement by the United States. To reason that if the caption "Declaration of War" had appeared at the top of the resolution, this involvement would be permissible, but that the identical language without such a caption does not give effective congressional sanction, would be to treat this most nebulous and ill-defined of all areas of the law as if it were a problem in common law pleading. Mr. Justice Grier, more than a century ago, in the Prize cases said.

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[1] Text of Public Law 88-408 [H.J. Res. 1145], 78 Stat. 384, approved Aug. 10, 1964.

Department of State Bulletin, Aug. 24, 1964, pp. 272-274.

> This greatest of civil wars was not gradually developed by popular commotion, tumultuous assemblies, or local unorganized insurrections. However long may have been its previous conception, it nevertheless sprung forth suddenly from the parent brain, a minerva in the full panoply of war. The President was bound to meet it in the shape it presented itself, without waiting for Congress to baptise it with a name; and no name given to it by him or them could change the fact.

If substance prevailed over form in establishing the right of the Federal Government to fight the Civil War in 1861, substance should equally prevail over form in recognizing congressional sanction for the Vietnam conflict by the Gulf of Tonkin resolution, even though it was not in name or by its terms a formal declaration of war.

Viewed in this context, the President's determination to authorize incursion into the Cambodian border area by U.S. forces to destroy sanctuaries utilized by the enemy is a tactical decision traditionally confided to the Commander in Chief. From the time of the drafting of the Constitution, it has been clear that the Commander in Chief has authority to take prompt action to protect American lives in situations involving hostilities. Faced with a substantial troop commitment to such hostilities made by the previous Chief Executive, and approved by successive Congresses, President Nixon has an obligation as Commander in Chief of the country's Armed Forces to take steps he deems necessary to assure their safety in the field. A decision to cross the Cambodian border to destroy sanctuaries being utilized by North Vietnamese in violation of Cambodia's neutrality, is wholly consistent with that obligation. It is a decision made during the course of an armed conflict as to how that conflict shall be conducted, rather than a determination that some new and previously unauthorized military venture shall be undertaken.

By crossing the Cambodian border to attack sanctuaries used by the enemy, the United States has in no sense gone to "war" with Cambodia. United States forces are fighting with or in support of Cambodian troops, and not against them. The Cambodian incursion has not resulted in a previously uncommitted nation joining the ranks of our enemies, but instead has enabled us to more effectively deter enemy aggression heretofore conducted from the Cambodian sanctuaries.

Only if the constitutional designation of the President as Commander in Chief conferred no substantive authority whatever could it be said that prior congressional authorization for such a tactical decision was required. Since even those authorities least inclined to a broad construction of Presidential power concede that the Commander in Chief provision does confer substantive authority over the manner in which hostilities are conducted, the President's decision to invade and destroy the border sanctuaries in Cambodia was authorized under even a narrow reading of his power as Commander in Chief.

Mr. President, as we approach the vote on the amendment of the Senator from West Virginia (Mr. BYRD), it is well to point out, as I have attempted to do, the historical fact and the historical example of other Presidents at other times who took action.

Mr. President, I would submit that time after time after time throughout our history, a President, whoever it might have been, has exercised his right, in fact, his obligation under the Constitution to protect the American forces.

As stated at the outset of my remarks, time after time the sponsors of the so-called Church-Cooper amendment have stated on the floor that they recognize the President's constitutional right, they recognize the President's constitutional power, and they recognize the President's constitutional obligation to protect the American forces.

So I say again today, as I have said time after time after time concerning the constitutional right and the constitutional power and constitutional obligation a President has, as, what harm can it do to adopt the language of the Byrd amendment and make it part of the Cooper-Church amendment.

Mr. President, I am one of those who believe that Congress has grave responsibilities. Those responsibilities are clearly defined in the Constitution—the power to appropriate money for the Armed Forces, the power to declare war. I believe that we should accept the responsibilities. I believe we should now compromise any differences that exist with reference to the Church-Cooper amendment in the same spirit the President has offered to compromise those differences.

But in the process I would say to my friends and the sponsors of the Cooper-Church amendment that if they sincerely believe that nothing in that amendment ties the hands of the President and that there is nothing in the amendment to prevent the President from protecting American forces then agreeing to the amendment of the Senator from West Virginia (Mr. BYRD) would strengthen the Cooper-Church amendment; it would be a recognition of the President's right, power, and obligation to protect American forces and a recognition by this body that the President has that right, and that we expect him to use that power and to carry out his obligation.

I would guess that every Senator would agree that if in July, or August, or September of this year, during the Vietnamization program and the withdrawal of American troops, for some reason the lives of American troops should again be threatened from Cambodia, we would expect the President to act. If he failed to act he would undoubtedly be subject to serious criticism on this floor.

So we feel that way and if this is the opinion of the great majority of Senators, it is an excellent reason for agreeing to the amendment of the Senator from West Virginia. That amendment would not vitiate the Cooper-Church amendment; it would not gut the Cooper-Church amendment, if, as the sponsors say, the President, historically has had the right to protect American forces. If that power, right, and obligation is clear, as it is, then there is little reason for opposition to the amendment of the Senator from West Virginia.

I have said repeatedly on this floor that the present President has kept his word about Vietnam. When he assumed the Presidency on January 20, 1969, the troop level was 545,000 Americans. He has not escalated the war in Southeast Asia. In fact, he is the first President to deescalate the war. Since June 8, 1969, the President has reduced the troop level in South Vietnam by 115,500 troops in three separate stages.

It appears clear to the junior Senator from Kansas, while I do not question the motives or patriotism of the sponsors, that the timing and the form of the Cooper-Church amendment is open to question. The amendment was considered rather hastily by the Committee on Foregin Relations; it was rushed to the floor of the Senate; and we have been debating it for some time. Since the debate started more than one-half the troops that were in Cambodia, American troops, have been removed. The remaining troops will be removed by June 30 or prior to that time, as stated by the President.

So what effect does the Cooper-Church amendment have if it is not enacted and signed into law as part of the Military Sales Act until after all American troops have been withdrawn? In the opinion of the junior Senator from Kansas, the primary effect, because it has a number, could be to require the President to come to Congress and obtain the approval of Congress before he could move back into Cambodia again to protect American forces; and this is the sum and substance of the need and necessity for the amendment introduced by the Senator from West Virginia (Mr. BYRD) and cosponsored by the junior Senator from Kansas and other Senators.

The President has announced troop withdrawals and he has kept those withdrawals on schedule or ahead of schedule in every instance. Recently he announced another 50,000 American troops would be withdrawn from South Vietnam by October 15 of this year and that by next spring another 100,000 troops would be withdrawn. This will mean that 80 percent of our combat troops will have been removed from South Vietnam. Removed by whom? They will have been removed by President Nixon.

Had President Nixon announced last June that he would withdraw 25,000 troops, and had he announced later he would withdraw another 50,000 troops, and then more troops, whatever totals 115,500, and if he had then reneged on his promises to the American people and failed to carry out his promise, I would suggest that Congress and the Senate act to force the President to keep faith with the American people. But we do this President no service by suggesting to the American people that the Cooper-Church amendment may be necessary for the removal of American troops from South Vietnam—yes, by July 1, but even beyond that at some later time.

Mr. President, in closing I wish to repeat, and the record is in accord with the statement, that nearly every sponsor of the Cooper-Church amendment has stated that the Cooper-Church amendment does not abridge the President's power to protect American forces; that everyone understands he has that right, power, and obligation. If that be the case, as I believe it is, then what possible harm, what possible danger, what possible damage to the Cooper-Church amendment would come by agreeing to the amendment of the Senator from West Virginia? If those who sponsor the Cooper-Church amendment say the President has the right, power, and obligation to protect American forces, why should we not permit that langauge to be included in their amendment.

Mr. President, on Thursday at 1 p.m. the Senate will make history. We will say to the American people, the man in uniform, that we have restricted the President's right to protect you, to protect your sons, to protect your husbands without first consulting Congress, or we will say to the American people that we recognize the rights, powers, and obligations of any President—not President Nixon but any President—to protect American forces, and we believe in that power and obligation, and we underscore our belief and our commitment to this very vital principle by agreeing to the amendment of the Senator from West Virginia.

Mr. President, having served in the other body for 8 years and in this body briefly I cannot recall a more critical decision to come before Congress. This is not a question involving only this President. This is not a question involving President Nixon.

The action the Senate takes Thursday may well set precedent for decades to come. So I would hope Senators, when they reflect on the way the Cooper-Church amendment will be interpreted across the land, would consider seriously, as they will, the plight of the American man in uniform, or any American for that matter, who might at some time be in danger in a foreign country waiting for rescue and waiting for help. There are some 1,529 American prisoners of war and Americans missing in action who must believe the President, as Commander in Chief, has the right to rescue them without first consulting Congress.

I might speculate, perhaps, that if the President were faced with those circumstances a month from now, or 5 months from now, and did not act, the same critics so vocal in their criticism of the President today might then suggest that he had failed to act at a time of a great emergency to protect American forces.

But, to close in a positive way, there appears to be recognition by nearly every Member of this body that a President—any President—not only has a right, but an obligation, to protect American forces. Why not tell the American people and the world that we believe in that right and that obligation and that power by adoption of the amendment of the Senator from West Virginia? The junior Senator from Kansas can think of no more significant act the Congress could take this year, in this time of crisis in Southeast Asia, in the Mideast, and in far too many countries in the world. It would demonstrate that the greatest free country on earth was not backing away from any obligation to protect those who fight for our freedom and for the freedom of others in the world who look to us for moral leadership, who look to us as the last ray of hope in the free world.

I share the view of many that we have had enough war in Southeast Asia. We are tired of war in South Vietnam. We want to extricate U.S. forces from Southeast Asia. And the President is trying to do this, and has had some success. But as he proceeds on the course of disengagement in South Vietnam, let us not tie his hands, or, even more importantly, let us not by any act of Congress in any way endanger the lives of those who remain in Southeast Asia.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. SPONG. Mr. President, at the request of the majority leader, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

The PRESIDING OFFICER. Is there objection?

There being no objection, at 1:33 p.m. the Senate took a recess, subject to the call of the Chair.

At 2 o'clock and 3 minutes p.m., the Senate convened, when called to order by the Presiding Officer (Mr. CRANSTON).

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The Senate continued with the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

THE BYRD AMENDMENT

Mr. SCOTT. Mr. President, we have been engaged in debate now for several weeks on issues which are most fundamental to our Government. We have been discussing, both from a policy and constitutional point of view, questions concerning the allocation of warmaking authority between the President and the Congress. We have addressed ourselves to the question whether the President's action in ordering incursions into Cambodia was consistent with the Constitution, and at the same time we have discussed the power of Congress to limit or terminate a war presently being fought.

I believe this debate has been a useful one, and I hope that we shall continue to air our views on these most vital questions regarding the commitment of American forces to combat abroad. Specifically, I shall address myself to the Cooper-Church amendment and to the perfecting amendment which has recently been proposed by the distinguished Senator from West Virginia.

The Cooper-Church amendment contains four sections. The first would prohibit the use of appropriated funds for the purpose of retaining U.S. forces in Cambodia after July 1, 1970, unless Congress should specifically so authorize in the future. At present, subsection (1) contains no qualifications and it would purport to place a limit on the President's actions even where he believes it is necessary to station American troops in Cambodia in order to protect our men in South Vietnam.

I may add, parenthetically, it is my personal conviction he has no intention whatsoever of doing so.

Subsections (2), (3), and (4) contain broad prohibitions against the use of either U.S. personnel or hired volunteers either to provide military instruction in Cambodia or to engage in combat activities in support of Cambodian forces. Air combat activity in support of Cambodian forces is specifically prohibited. While I generally agree that Congress should have a say as to whether we commit American soldiers in support of the Cambodians, I would note that the prohibitions in subsections (2) and (3) are so broad as to prohibit even the furnishing of military instruction to the Cambodian forces.

This, I believe, to be inconsistent with the President's doctrine announced at Guam last year, when he stated that while America would no longer be willing to carry the burden of war for nations in Southeast Asia, it would attempt to cooperate and assist those nations in helping themselves.

The main thrust of my remarks, however, is not addressed to the breadth of subsections (2) through (4). I shall address myself instead to subsection (1) and to Senator BYRD's perfecting amendment which would make it clear that the President is not precluded from taking such action as he deems necessary to either protect the lives of our forces or to facilitate their withdrawal. I support this perfecting language. Indeed, it is difficult for me to understand the reason for opposing it.

Those opposing the perfecting amendment apparently do so on the theory that the United States should not become embroiled in a new war, unless Congress has so authorized. I would agree that we should not become involved in a new war which would sap our human, financial, and moral resources, unless Congress determines that such a commitment is in the national interest. Congress does have a constitutional role to play in the decision as to whether combat should be initiated with foreign nations. That, however, is not the issue here.

Cambodia does not raise the question of initiating a new war with a new enemy. This is vitally important to recognize, and I believe that it is this point which is at the very heart of the dispute between those who support the Cooper-Church amendment as now constituted and those who, like myself, believe that Senator BYRD's perfecting amendment is absolutely necessary. The fighting in Cambodia is not a new war. Cambodia is but an extension of the South Vietnamese battlefield. I believe that the President, as Commander in Chief of the Armed Forces, has the sole authority to direct military operations on the field of battle. If the Constitution's designation of the President as Commander in Chief means anything, it must mean that he, and he alone, is responsible for the strategic and tactical decisions in the field.

Both judicial and historical precedents recognize the President's exclusive authority to conduct military campaigns. Chief Justice Chase, concerning in Ex parte Milligan, 4 Wall, 2, at 139, said:

> Congress has the power not only to raise and support and govern armies but to declare war. It has, therefore, the power to provide by law for carrying on war. This power necessarily extends to all legislation essential to the prosecution of war with vigor and success, except such as interferes with the command of the forces and conduct of campaigns. That power and duty belong to the President, as Commander in Chief.

More recently, Justice Jackson, concurring in Youngstown Sheet & Tube Co. against Sawyer, discussed the President's power in these terms:

> We should not use this occasion to circumscribe, much less to contract, the lawful role of the President as Commander-in-Chief. I should indulge the widest latitude of interpretation to sustain his *exclusive* function to command the instruments of national force, at least when turned against the outside world for the security of our society." 343 U.S. 579 at 645. (Emphasis supplied.)

The debate in the Constitutional Convention of August 17, 1787, furnishes additional evidence that the President is charged under the Constitution with the responsibility of directing military campaigns. On that date, the framers were discussing the war power to be conferred upon Congress, and the original suggestion was that Congress be given the power "to make war." A motion was made to insert the word "declare" in place of "make," and the motion was agreed to with only New Hampshire dissenting. It is interesting to note that Rufus King supported the insertion of the word "declare" because he believed that "make" might be understood to mean "conduct," which he believed to be an Executive function. When Mr. King made this remark, Mr. Ellsworth, who was representing Connecticut and who had originally voted "no" on the motion to insert "declare," changed his vote to "aye."

That Presidents have exercised the power to conduct military operations in the past is beyond question. Many examples could be cited, but only a few need be mentioned. In the first World War, for example it was necessary to decide whether U.S. troops in France would fight as a separate command under General Pershing, or whether U.S. divisions should be incorporated in existing groups or armies commanded by French or British generals. President Wilson and his military advisers decided that U.S. forces would fight as a separate command.

In the Second World War, similar military decisions on a global scale were required, and these decisions partook as much of political strategy as they did of military strategy. Questions such as whether the United States should concentrate its military and materiel resources on either the Atlantic or Pacific fronts to the exclusion of the other or whether it should pursue the war on both fronts simultaneously were resolved by the Allied commanders-in-chief without any formal congressional participation.

Other questions such as where the recapture of allied territories in Europe and Africa which had been captured by the Axis powers should begin and what the goal of the Allied powers should be were similarly resolved without formal congressional participation. It will easily be recalled that the series of conferences attended by President Roosevelt around the world ultimately established the Allied goals in fighting the Second World War, including the demand for unconditional surrender on the part of the Axis nations.

Mr. President, I will say parenthetically that at that time I do not believe there was any congressional debate as to whether the President had the power to demand unconditional surrender. Certainly I know that the Congress did not stay in session for weeks for the purpose of deciding what unconditional surrender meant or what surrender meant or as to whether the President had the power to make the decision.

Similar strategic and tactical decisions were involved in the undeclared Korean war under President Truman. Questions such as whether the U.S. forces should not merely defend South Korean territory but pursue North Korean forces by invading North Korea—which, of course, is the doctrine of hot pursuit—and as to whether American Air Force planes should pursue North Korean and Chinese Communist planes north of the Yalu River, separating Red China from North Korea were of course, made by the President as Commander in Chief without any formal congressional participation. One might note here the rather salty language which one would suspect that the President might have used had that power been questioned. In short, both judicial and historical precedents support the conclusion that the President, and only the President, has constitutional authority to designate the manner in which military campaigns will be conducted.

This duty of conducting military campaigns entails the responsibility of securing the safety of our troops in the field. It is the President who must attempt to minimize the loss of life. It is the President who must attempt to take actions which will protect the resources committed by this Nation to the conflict. In short, it is the President, not the Congress, who is responsibile for the successful prosecution of the war.

Mr. President, I have attempted to show that under our Constitution it is the President's exclusive prerogative to conduct the operations in the field as he deems fit. Many of my colleagues have remarked about the "twilight zone" in which, according to Justice Jackson concurring in Youngstown Sheet & Tube Co. against Sawyer, both the President and Congress have authority to act. If it could be said that the power to direct military operations and secure the safety of our troops in the field were in the "twilight zone," we might well reach a different conclusion. However, the authority to direct military operations in the field is not in the twilight zone—it is exclusively Presidential. Our separation of powers principle requires that Congress not invade, intrude upon, and interfere with the constitutionally recognized domain of the executive branch. When we have done this in the past, as in the case of *Myers* v. *United States*, 272 U.S. 52 (1926), where we attempted to assert authority over the President's power to remove Executive officials, the Supreme Court has held that we had acted in excess of our constitutional power. I see subsection (1) of the Copper-Church amendment as a similar improper intrusion upon the Executive's exclusive prerogatives.

It cannot be doubted that the United States is at war in Vietnam in every practical sense of that word. As I have attempted to show, the President, through his military officers, has the sole constitutional authority to determine military strategy in Vietnam. Congress is without authority either to require or prohibit the President from attacking specific locations in South Vietnam. South Vietnam is the primary battlefield, and the President alone is responsible for the direction of our military operations there.

It is said, however, that a different rule applies in regard to our military activities in Cambodia. It is said that Cambodia is not part of the battlefield on which American lives are being threatened and lost. Significance is apparently attached to the fact that the crossing of an international boundary is involved.

It is true, of course, that Cambodia and South Vietnam are different countries. However, this fact is simply not dispositive of the constitutional issue presented here. There can be no question that the Communists have long been employing Cambodia as a supply route and also as sanctuary for their attacks on American forces in South Vietnam. My colleagues have detailed the extent of Communist activities in Cambodia, and I need not repeat them. The facts are quite plain that our enemy in South Vietnam is using Cambodian territory to its benefit.

Once it is seen that Cambodia is a continuation of the Vietnamese battlefield and not the site of new, unrelated hostilities, the constitutional issue comes into sharp focus. The Cooper-Church amendment would place Cambodia off limits to the President in his conduct of the war and efforts to protect our men in the field. In my judgment, this is plainly an unwarranted and unconstitutional restriction of the President's authority to make strategic and tactical decisions necessary to the safety of our troops in the field of battle.

I do not wish to be misunderstood. I am not saying that Congress is entirely without authority to place limitations on the President with respect to the commitment of American forces abroad. If Congress were addressing itself to an area which were not being employed for the purpose of harboring active enemy troops, a much different question would be presented. We do share the authority with the President as to whether new conflicts should be initiated, but we do not share with the President the authority to conduct battlefield operations of hostilities which have already begun.

I might add that I was discussing this matter with the President pro tempore of the Senate the other day. He reminded me that in the War Between the States, a committee on the conduct of the war was insisted upon by Congress. And he said to me, "After it had been running for about 6 weeks, the South damn near won the war." Evidently, there was some feeling that Congress is not the body equipped to conduct a war.

XUM

Senator BYRD's amendment would eliminate the unconstitutional feature of the Church-Cooper proposal. It would expressly provide that the President would not be precluded from taking the action he deems necessary to protect the lives of our forces in the field or to facilitate their withdrawal.

If the Senate defeats the proposal of the Senator from West Virginia (Mr. BYRD), it will be the first time that either House of Congress has attempted to interfere with the prosecution of an existing military operation. One of the leading students of Presidential power, E. S. Corwin, in his work "The President: Office and Powers," has observed:

> Actually Congress has never adopted any legislation that would seriously cramp the style of a President attempting to break the resistance of an enemy or seeking to assure the safety of the national forces. Corwin, *Op. cit.*, 4th Rev. Ed., p. 259.

I urge my colleagues just as strongly as I can not to break with this salutary lesson of the past. As Mr. Justice Black, dissenting in *Johnson* v. *Eisentrager*, 339 U.S. 763, at 796 (1950), has so aptly put it:

> It has always been recognized that actual warfare can be conducted successfully only if those in command are left the most ample independence in the theater of operations.

Senator BYRD's perfecting amendment is consistent with this principle, and I shall vote for it. We should recognize the President's constitutional prerogatives and responsibilities, not hamper them.

Mr. President, I conclude by saying that in considering this matter, which is a matter under international law involving action against sanctuaries as distinguished from an operation against an entire nation, it is my judgment, my opinion, and my conviction that we will not again go into Cambodia. I do not think the President should be expected to make any such statement because I do not think we should inform the enemy of any future military plans of this Nation. I am expressing a personal opinion, not by the authority of anyone else.

I do not expect us to go back into Cambodia; and I do expect if for any reason not presently foreseen by me we should, it would be for a purpose involving the entire state of Cambodia, and that might involve a declaration of war and, indeed, in my opinion should involve and should require that the President consult with Congress. That is how I feel about Cambodia, and I speak as an individual now and not as the minority leader. But I do not for one moment say we are going back into Cambodia. I believe we will be out in any event by the 1st of July and I believe by the end of this week it will become apparent that a very high percentage of American troops are out of that country.

Therefore, I will not tie the hands of the President of the United States any more than I would desire to tie the hands of other Asian nations which under subsection (3) appear to be prevented from giving aid within Cambodia.

I do not wish to see any more U.S. troops there; I do wish to see U.S. troops withdrawn from Southeast Asia as soon as feasible, and as soon as it may terminate this war and with protection to our own forces, and in keeping with our obligations and respect as a Nation.

THE PRESIDENT'S POWERS AS COMMANDER IN CHIEF

Mr. ALLOTT. Mr. President, I continue to receive many interesting and important communications from academic sources concerning the current debate over the President's powers as Commander in Chief.

Today I would like to share with other Senators, a portion of a memorandum sent to me by Prof. William R. Kintner, who is director of the Foreign Policy Research Institute at the University of Pennsylvania.

Professor Kintner is a scholar of great distinction. He has published numerous scholarly articles and books, including "The Peace Conflict," "Building the Atlantic World," "The New Frontier of War," "A Forward Strategy for America," "The Haphazard Years," and "Protracted Conflict." His memorandum on the question of the President's powers as Commander in Chief is another significant scholarly essay.

Professor Kintner is especially cogent in dealing with the record of relevant court decisions. He states:

> The underlying Constitutional issue had been dealt with by the courts several times in the past. With Supreme Court Justice Nelson presiding, the New York Circuit Court interpreted these powers of the President broadly in *Durend v. Holins*, 1860 CC N.Y. 4. Nelson stated:
>
> "Citizens abroad must look for protection of person and property, and for the faithful execution of the laws existing and intended for their protection. For this purpose, the whole Executive power of the country is placed in his hands."
>
> In *Russell Motor Car Co. v. United States*, 1923, 261 U.S. 514, 523, The United States Supreme Court held that "Executive power, in the main, must of necessity be exercised by the President through the various departments."
>
> By denying certioraris in cases involving draftees ordered to be sent to Vietnam who had petitioned that the war in Vietnam was illegal (*Mora v. McNamara* 389 U.S. 934), or in cases where petitioners claimed that the United States Government was violating the 1945 Treaty of London (better known as the Nuremberg Charter) and, therefore, had no right to force them to fight in an aggressive war (*Mitchell v. United States*, 1967, 386 U.S. 92), the Supreme Court effectively barred legal challenges to the powers of the President as Commander-in-Chief to engage United States armed forces in belligerent acts.
>
> A well-known constitutional law authority, Bernard Schwarz, in his *Commentary on the Constitution of the United States* (New York: Macmillan, 1963), I: p. 196 defines those powers as follows:
>
> "Is the Presidential power to make war dependent upon the existence of a Congressional declaration of war? Much of what has been said in sections 222–230 indicates the propriety of a negative answer to this query. The President . . . possesses the organizational authority to resort to the use of force to protect American rights and interests abroad and to fulfill the commitments of the nation under international agreements. Presidential authority in this respect runs the full gamut from the dispatch of a gunboat . . . to the full-scale military intervention ordered by President Truman in Korea."
>
> The main judicial pillar of the President's powers as Commander-in-Chief and as Chief Executive in the foreign relations field remains, however, the Supreme Court decision in *United States* v. *Curtiss-Wright Corp.* 1936, 299 U.S. 304. This clearly states that in relation to acts outside of the United States i.e., international relations, "the President alone has the power to speak or listen as the representative of the nation," and that "The powers to wage war, to conclude peace, to make treaties, to maintain diplomatic relations with other sovereignties, if they had never been mentioned in the Constitution, would have vested in the Federal government as necessary concomitants of nationality."

Mr. President, so that all Senators may have the benefit of Professor Kintner's most helpful memorandum, I ask unanimous consent for it to be printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

CONSTITUTIONAL OR POLITICAL CRISIS OVER CAMBODIA

(By Prof. William R. Kintner)

The Cooper-Church Amendment (No. 620) and the McGovern-Hatfield Amendment (No. 609) to amend the Foreign Military Sales Act (H.R. 15628) and the Military Procurement Authorization Act (H.R. 17123) have generated what some Senators and a sector of the press have referred to as a "constitutional crisis." Many of the arguments proferred in this debate, although garbed in constitutional rhetoric, are essentially political in character. The task of separating the genuine constitutional issues from those political arguments clothed in constitutional rhetoric is difficult, given the elastic nature of our very flexible Constitution. There is today a very real danger that one branch of our government may poach upon the constitutional rights of another branch in conducting foreign affairs.

Since the Constitutional issues are far more easy to analyze than the political issues, one can perhaps best begin analyzing those issues.

The power to direct foreign policy is clearly divided by the Constitution between the legislative and executive branches. Traditionally, divisions of power between the two branches has been characterized by periods of conflict which alternate with brief periods of quiescence. Edward Corwin concludes after reviewing the Constitution's provisions with respect to the conduct of foreign policy that:

"The Constitution, considered only for its affirmative grants of power capable of affecting the issue, is an invitation to struggle for the privilege of directing American foreign policy."

The Constitution's provisions in the foreign policy field have been, of course, greatly modified by usage and tradition.

A. THE POWERS OF THE PRESIDENT VS. THE POWERS OF CONGRESS

The Constitution does indeed assign to Congress the authority to declare war.[1] However, the framers of the Constitution allowed the President the power to repel sudden attacks and conduct all military actions he deemed necessary. If in an era when it took days to travel from New York to Washington our forefathers were concerned with responding quickly to military threats, then how much more so is this true in our present nuclear era. The Constitution does not provide any criteria for distinguishing between military actions and "war." Moreover, it does not define "war" and does not describe the conditions wherein formal declarations of war are necessary. Historically, the President has decided whether or not to request the issuance of a war declaration, and Congress has decided whether or not to declare war.

Thus, a literal intepretation of the powers of Congress as stated in the Constitution by no means supplies the definitive solution to the supposed "constitutional crisis" engendered by President Nixon's actions in Cambodia. The President's powers in the conduct of foreign affairs are quite extensive, established both Constitutionally and by custom and tradition. The powers of the President as Commander-in-Chief[2] and as Chief Executive are extensive. As Commander-in-Chief, the President formulates and administers military strategy; this includes broad powers to deploy American troops abroad and commit them to military operations when the President deems such actions necessary to maintain the security and defense of the United States.[3] Moreover, numerous historical precedents have confirmed this broad view of the executive power to conduct military operations.[4] Hence, the President's authority to make war has a long history of supporting precedents; and this authority has consistently been upheld by the Supreme Court.

The underlying Constitutional issue had been dealt with by the courts several times in the past. With Supreme Court Justice Nelson presiding, the New York Circuit Court interpreted these powers of the President broadly in *Durend* v. *Holins,* 1860 CC N.Y. 4. Nelson stated:

"Citizens abroad must look for protection of person and property, and for the faithful execution of the laws existing and intended for their protection. For this purpose, the whole Executive power of the country is placed in his hands."

In *Russell Motor Car Co.* v. *United States,* 1923, 261 U.S. 514, 523, The United States Supreme Court held that "Executive power, in the main, must of necessity be exercised by the President through the various departments."

By denying certioraris in cases involving draftees ordered to be sent to Vietnam who had petitioned that the war in Vietnam was illegal (*Mora* v. *McNamara* 389 U.S. 934), or in cases where petitioners claimed that the United States Government was violating the 1945 Treaty of London (better known as the Nuremberg Charter) and, therefore, had no right to force them to fight in an aggressive war (*Mitchell* v. *United Staes,* 1967, 386 U.S. 92), the Supreme Court effectively barred legal challenges to the powers of the President as Commander-in-Chief to engage United States armed forces in belligerent acts.

A well-known constitutional law authority, Bernard Schwarz, in his *Commentary on the Constitution of the United States* (New York: Macmillan, 1963), I: p. 196 defines these powers as follows:

"Is the Presidential power to make war dependent upon the existence of a Congressional declaration of war? Much of what has been said in sections 222–230 indicates the propriety of a negative answer to this query. The President . . . possesses the organizational authority to resort to the use of force to protect American rights and interests abroad and to fulfill the commitments of the nation under international agreements. Presidential authority in this respect runs the full gamut from the dispatch of a gunboat . . . to the full-scale military intervention ordered by President Truman in Korea."

The main judicial pillar of the President's powers as Commander-in-Chief and as Chief Executive in the foreign relations field remains, however, the Supreme Court decision in *United States* v. *Curtiss-Wright Corp.* 1936, 299 U.S. 304. This clearly states that in relation to acts outside of the United States i.e., international relations, "the President alone has the power to speak or listen as the representative of the nation," and that "The powers to wage war, to conclude peace, to make treaties, to maintain diplomatic relations with other sovereignties, if they had never been mentioned in the Constitution, would have vested in the Federal government as necessary concomitants of nationality."

B. THE COOPER-CHURCH AMENDMENT

Given even this brief review of Constitutional practice and customs and the precedents of the Court decisions cited above, the Cooper-Church Amendment (No. 620) clearly represents an attempt at Congressional usurpation of executive authority. This amendment states that unless there is specific legislative approval by Congress in the form of fund authorization and appropriation, the President may not retain U.S. ground and naval forces in Cambodia. This general ban, in view of the precedents of the Court and constitutional practice and custom, does constitute a direct usurpation of the President's inherent rights. Moreover, the ban can possibly create practical problems for the Presidency in the future.

While President Nixon is preparing to withdraw United States forces from Cambodia by July 1 (which is probably the earliest effective date of any such amendment as it would have to pass the House-Senate conferees as well), exigencies may arise in the future in which the President may deem it necessary to use ground and naval forces in order to protect the safety of United States forces in South Vietnam. The Cooper-Church ban might then prove an unnecessary and harmful constraint on the actions of the President.

Article 2 of the Cooper-Church Amendment impairs not only the powers of the Commander-in-Chief but also those of the Chief Executive in open contradiction of the above-cited *U.S.* v. *Curtiss Wright* decision which had clearly stated that the President is "the sole organ of the Federal Government in the field of international relations . . . The President . . . not Congress, has the better opportunity of knowing the conditions which prevail in foreign countries and especially this is true in time of war."

However, section two not only bars compensation payment or even in direct support payments to American military advisors or instructors, but *to any person* who acts in the above capacity to Cambodian forces. This would prevent even payments or other support to Thai, South Vietnamese, Malayan, Indonesian or South Korean instructors or advisors willing to train Cambodian forces. Thus, it appears to constitute a clear and flagrant violation of the powers of the President as Chief Executive and Commander-in-Chief.

Article 3 extends the previous ban to any material to be used for the purposes of military instruction in Cambodia, or to persons ("mercenaries?") to "engage in support of Cambodian forces." The restriction, another usurpation of Executive power by Congress would render the United States Government a helpless by-stander in regard to Cambodia's struggle with the North Vietnamese invasion. The President could not even help indirectly by assisting our allies who are willing to support the Cambodians.

Article 4 forms a seeming contradiction. In it the President is permitted to bomb Cambodian territory though he is not allowed to assist Cambodia.

C. THE M'GOVERN-HATFIELD AMENDMENT

The McGovern-Hatfield Amendment which is also pending calls for:

(1) ending all appropriations in Viet Nam as of December 31, 1970 except for the purpose of (a) safe and systematic withdrawal of all U.S. military personnel; (b) termination of United States military operations; (c) expressedly approved Congressional assistance to South Viet Nam; (d) exchange of prisoners; (e) arrangement of asylum for Vietnamese endangered by U.S. withdrawal, for a period of six months, unless Congress expressly approves a further delay at the request of the President.

Such provisions constitute an unconstitutional infringement of the President's power as Commander-in-Chief and as Chief Executive for the same reasons cited above in analyzing the Cooper-Church amendment.

Other provisions of this Amendment are similar to those of Sections 2–3 of the Cooper-Church Amendment, but refer to Laos. The United States would not be able even to financially support any military operations of the Laotian or of any third governments in Laos, much less maintain any advisors or instructors. This article not only contravenes the separation of powers under the United States Constitution as elaborated in analyzing the former amendment, but also the obligations assumed by the United States Government in the 1962 Treaty of neutralizing Laos, signed by President John F. Kennedy.

Other provisions of this amendment are almost identical with sections 2–3 of the Cooper-Church Amendment, except they are more explicit about barring even selling or furnishing Cambodia with "any defense article." Thus, by implication, the amendment's supporters evidently wish to seal Cambodia's doom completely.

Even the *Washington Post* in its May 5, 1970 editorial described the course advocated by those who sponsor this as "too reckless for serious consideration."

D. OTHER CONSTITUTIONAL ARGUMENTS

The President's actions in Viet Nam can also be justified under Article VI, Section 2 of the Constitution which declares that "treaties made or which shall be made under the Authority of the U.S. shall be the supreme Law of the Land." The U.S. had agreed in the SEATO Treaty (passed in 1955 by a

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Footnotes at end of article.

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Senate vote of 82–2) in Article IV, paragraph 1, that an armed attack in the treaty area would endanger the peace and safety of the United States. Under Article VI of the Constitution, the SEATO Treaty has the authority of the supreme law of the land. Under Article II of the Constitution, the Chief Executive has the responsibility to execute the laws faithfully. As Commander-in-Chief, the President must exercise his discretion in judging whether or not there has been an armed attack as described in the Treaty. If so he must then decide the proper response in accordance with the Treaty obligations and his constitutional responsibilities: "If he considers that deployment of U.S. forces to South Vietnam is required, and that military measures against the source of Communist aggression in North Vietnam are necessary, he is constitutionally empowered to take those measures."[5]

In the case of *Missouri* vs. *Holland* in 1920 (252 U.S. 416), Justice Holmes noted that while laws of the United States must be made pursuant to the Constitution, treaties need only be made under the authority of the United States, which according to Holmes, may mean nothing more than the observance of the requirement that treaties be negotiated by the President and ratified by the Senate[6] (which the SEATO Treaty was). Fourteen years later in 1934, Congress had authorized the President to restrict the sale of arms to countries involved in the Chaco wars (perhaps this is somewhat akin to the Gulf of Tonkin Resolution). The President did restrict the sale of arms and later indicted Curtiss-Wright for selling arms. The defendants contended that Congress did not have the Constitutional power to delegate this authority. In *U.S.* vs. *Curtiss-Wright* (299 U.S. 304, 316–319) the Court held the act valid and noted:

"The broad statement that the Federal Government can exercise no powers except those specifically enumerated in the Constitution and such implied powers as are necessary and proper to carry into effect the enumerated powers, is categorically true only in respect to our internal affairs."

Thus, those who argue that Congress could not have, in effect, delegated its war-making powers to the President via its approval of the SEATO Treaty and the Gulf of Tonkin Resolution have a shaky position at best. The *Curtiss-Wright* case also noted that when the nation acquired independence it acquired "external sovereignty" which did not depend on the Constitution. Thus, the President's power to make treaties and other international agreements (as per Article VI of the Constitution) is derived not only from the Constitution, but from the Executive's power to act under this sovereignty.

Supporters of Senate Amendments No. 620 and No. 609 have argued that the Tonkin Gulf Resolution does not constitute a declaration of war. While admitting that the language of the Resolution is indeed broad and does appear that the Executive is granted extensive powers, they contend that Congress did not intend to authorize the President to fight the war as he had done. This argument is simultaneously simplistic and dangerous. Congress has never had the right to authorize that the Executive fight a war the way it wishes; moreover this is exclusively a Presidential right under his powers as Commander-in-Chief. Once again the Constitution does not define "war" and it is not the privilege of Congress to define the conditions which require a declaration of war. By tradition, it is the President who decides whether to request a declaration of war, and for Congress to decide to grant or withhold this declaration. However, the absence of such a declaration has historically not hindered Presidents from engaging in the past in military activities abroad, usually, but by no means always, with the support of Congressional acts such as the Tonkin Gulf Resolution.

Footnotes at end of article.

FOOTNOTES

[1] Article I, Section 8, Clause 11.

[2] Article II, paragraph 2, Clause 1.

[3] Department of State, Office of the Legal Adviser, *The Legality of United States Involvement in Vietnam*, 54 U.S. Dept. of State Bulletin, 1966 p. 484. Hereafter cited as *Memorandum*.

[4] *Memorandum* p. 484, cites that there has been at least 125 instances in which the President has ordered the armed forces to take action or maintain positions abroad without obtaining prior Congressional authorization, starting with the "undeclared war" with France in 1798.

[5] *Memorandum*, p. 485.

[6] Senate Report, No. 412, (83rd Congress, Vol. 1), p. 3.

COMMUNICATIONS FROM AMERICAN SERVICEMEN

Mr. ALLOTT. Mr. President, when American young people are polled, listened to, quizzed, interviewed, and generally asked for their opinions concerning the President's drive against the Cambodian sanctuaries, there is one significant group of American young people who are unavailable for comment.

These are the young American soldiers who are busy cleaning out the sanctuaries so that they and their friends may leave Vietnam all the sooner.

Fortunately, some of these young men are making their opinions known for their families and friends and local townspeople here at home. I have recently received two communications that shed some light on the opinions of those who are doing the hard work.

From Denver comes a letter which Sp5c. Gerald W. Burson sent his parents from Vietnam. His parents, Mr. and Mrs. Elmer T. Burson of Denver, have been kind enough to send me Jerry's letter.

So that all Senators might have the pleasure of reading this fine letter, I ask unanimous consent that it be be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MAY 12, 70.

DEAR MOM AND DAD: I'm doing fine. The weather over here is getting pretty warm. The rains come almost every day now. The mud gets deep but at least it's a change from the dust. Hope all are well at home.

As for the war over here, everything seems much better now. Tay Ninh is the smallest base camp, closest to Cambodia. We've probable been in the news quite a lot the last few weeks. We are surrounded almost on three sides by Cambodia, and the border is about four to seven miles away. That depends on which direction you head out. It's too bad the people (students) at home don't really realize what's happening over here. They're screaming because we've moved over the border. Before we went, we were hit every day, it seems, with rockets or mortar—a rocket can be fired from about eight miles. They (VC) would fire at us, and there was nothing that we could do but lay down and pray. We couldn't go after them. They were in a country we couldn't enter. Now we can go after them and we do. Since the drive started we have killed over 5000 NVA. We lost men also, but only 84 as of last night. That's quite a difference. I might also add that since the drive started we have not received one round in our base camp. I even had a full night's sleep last night.

As for the students in our country and the way they act. I don't think they know what's really going on. Maybe the new generation is made up partly of cowards. I'm part of the new generation, and I'm scared, but I love my country and my family. If I didn't, there's no law that says I must always stay in America. We could pull out of here, but then we have 40,000 men that have died for nothing. What happens to their families? By the way, there is a law that says you can't destroy Government property. As far as I'm concerned, close the schools, don't give them the education. They don't seem to want it. Why should we pay taxes on them?

There are a couple of sayings over here that make a lot of sense. The first goes something like this:

"There's a feeling of love and comfort the fighting man has, that the protected shall never know."

"We are the unwilling, led by the unqualified, to do the unnecessary, for the ungrateful."

This last one is not true over here, although we have all heard it. We are the unwilling only in the sense that we didn't want to come here. No one likes war. We are led by the unqualified only in the sense that those at home (students), future leaders of our country, revolt. To do the unnecessary. War is not really necessary but we must look for the answers to try and stop it. For the ungrateful. This goes back to the protestors. We are here while they are trying to get an education, but instead they'd rather cause trouble. If only they could come over here for one month and see what it's like. Most of us in the company, in fact all Vietnam, probably were against the conflict until they got here. I was the same way. I'm like everyone else here. I want to come home, but my country says I must serve so long, and as long as I am an American I'll do my best to serve it and my family. So many students say they won't fight, but put a rifle in their hands over here, and let the VC start shooting at them. They'll change their minds in a hurry. Life is short for some, long for others, yet eternal for those that have LOVE.

We support our President and wish the students would too. I wish there was something I could do to help. It's too bad I can't take a month's leave and go around and give speeches. If I could, I would.

One last thing. If a person doesn't want to carry a gun, he doesn't have to. He could still serve his country over here. We have reporters who jump from the choppers right along with the men, but instead of a five-pound rifle and forty pounds of ammo, they have a fifty-pound camera. That takes guts also.

Guess that's all for now. I'll be writing again soon. My love to all and write soon too.

LOVE,

JERRY.

Mr. ALLOTT. Mr. President, at the same time I ask unanimous consent that an article from the June 4 edition of the Cape Coral, Fla., Breeze be printed in the RECORD, so that Senators can examine the commonsense thinking of Pfc. Garry Snider who has been in the thick of things in Cambodia.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THIS COULD HAVE MESSED US UP, CAPE GI WRITES FROM CAMBODIA

SOMEWHERE IN CAMBODIA.—Pfc. Garry Snider, son of Mr. and Mrs. Duane Snider of 3010 S.E. 16th Place, Cape Coral, seated by a cache of ammunition, mines, and other war supplies captured by U.S. forces in Cambodia.

He writes, in a letter dated May 19, to his parents, "What does everybody back home think of us being in Cambodia? If they say anything against it, they don't know what

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they're talking about. This is the greatest thing the U.S. could have ever done.

"You wouldn't believe all the stuff we're finding. Hundreds of tons of rice, VC training camps, weapons and everything the VC and NVA need to keep alive. But with us taking all their supplies, they are helpless. If you hear anybody saying it's wrong, you tell them you've got a son in Cambodia and he backs it up 100 per cent."

A combat veteran with several months service in Vietnam, Pfc. Snider received the Bronze Star medal for gallantry in action earlier this year.

Mr. CHURCH. Mr. President, it has now been revealed that the President supports the amendment offered by the Senator from West Virginia.

This should not come as a surprise to Senators. Of course, the President would favor it; any President would. All Presidents like blank checks, and that is just what this amendment is. No President likes to deal with Congress, as the Cooper-Church amendment requires. Unpleasant as this may be to them, however, it is an unavoidable and, I think, important requirement under our constitutional system.

Six years ago the Congress, to its sorrow, gave President Johnson a blank check. He was quick to whip out a copy of the Gulf of Tonkin resolution whenever questioned about his authority to fight an undeclared war half-way around the world. Make no mistake about it—the Byrd proposal could readily become a second Gulf of Tonkin resolution, an open invitation to the President to do what he wills in Cambodia, without the further approval of the Congress—as long as he does it in the name of protecting our forces in Vietnam.

In saying this, I do not in any way question the President's intention to get our men out of Cambodia and to keep them out. But other men, and subsequent and unforeseen events, will be constantly working to undermine the President's determination. And, with the existence of another blank check on the statute books, their voices will be more persuasive than would be the case otherwise. This administration has stated that it does not depend on the Tonkin Gulf resolution as "legal or constitutional authority for its present conduct of foreign relations, or its contengency plans." I hope that the Senate demonstrates, in voting on this amendment, that it can profit from experience and that it will not volunteer a replacement for that ill-fated resolution.

The amendment of the Senator from West Virginia states, in effect, that the President can send U.S. ground forces back into Cambodia after July 1 anytime he considers it necessary to protect the lives of American troops in South Vietnam. But the Cooper-Church amendment does not deny, as has been charged so often in the course of this debate, the President's constitutional power as Commander in Chief to protect the safety of American forces. It recognizes that the Congress cannot—by passage of a mere bill—add to or take away from the President's powers and responsibilities as Commander in Chief. Without question, the President has a responsibility to protect U.S. troops in Vietnam—and no doubt he will do so. He does not need a mandate from the Congress for this purpose. Thus, the amendment of the Senator from West Virginia is both superfluous and unnecessary.

The point that Senators should bear in mind is that the Senate has constitutional responsibilities also—both in the making of foreign policy and in deciding how public funds are to be spent. President Nixon, as a former Member of this body, knows that very well. I remind my colleagues of what he said in this Chamber last November 13 during a short visit to the Senate:

> I find, looking back over this period of time, that this administration has been subjected to some sharp criticism by some Members of this body, both from the Democratic side and from the Republican side. I want the Members of this body to know that I understand it. I recognize this as being one of the strengths of our system, rather than one of its weaknesses, and I know that, in the end, out of this kind of criticism and debate will come better policies and stronger policies than would have been the case had we simply had an abject Senate—or House of Representatives, for that matter—simply approving whatever ideas came from the executive branch of the Government.
>
> This does not mean that we do not feel very strongly about our proposals when we send them here. It does mean that I, as a former Member of this body, one who served in it and who presided over it for 8 years, recognize this great tradition of independence, and recognize it as one of the great strengths of our Republic.

We in the Congress have been derelict far too long in placing adequate restraints on the executive branch in the commitment of our men and dollars abroad. As Senators we should concern ourselves primarily with seeing that Congress carries out its responsibilities, not with the duties of the President. We should worry, not so much about preserving the President's powers which he will faithfully uphold—let there be no doubt about that—but preserving our own. This debate should be focused, not on whether this proposal ties the President's hands—it does not—but on whether it will help to untie the knots by which Congress has shackled its own powers. The Cooper-Church amendment is a step in righting the imbalance in our system. While the Senator from West Virginia's amendment would not add to the President's legal or constitutional powers, it would have the practical effect of tipping the scales of political power even further toward executive domination.

Passage of this amendment would also be a retreat from the principle established by the 80 to 9 vote of the Senate last year, which prohibited the use of American ground troops in Loas or Thailand. No Senator raised a question during the debate on the Cooper-Church amendment last December concerning the need to spell out the President's authority to protect our forces. I remind my colleagues on the other side of the aisle that the language of that amendment was worked out in consultation with, and was fully endorsed by, the White House. The issue is no different today than it was then. On the day following the Senate's action the junior Senator from Michigan said:

> The intent and the plain meaning of the amendment ultimately adopted by the Senate yesterday was to reaffirm the existing role and existing policies of the United States with respect to Thailand and Laos.

And he went on to say that—

> Following a meeting with the President and others at the White House this morning, I can report that the President was pleased with the amendment, and he recognizes that it is in accordance with his announced policies.

The President saw no need then for a provision concerning the protection of American troops in South Vietnam. The sanctuaries just across the border in Laos have been expanded since that amendment passed and the administration still has seen fit to follow the restriction laid down by the Congress.

I ask unanimous consent to have printed in the RECORD, following my remarks, a statement by the junior Senator from Michigan that appears in the CONGRESSIONAL RECORD, volume 115, part 29, page 39248, and a news article from the New York Times for December 17, 1969, covering that event.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CHURCH. Mr. President, what has been the experience under this restriction? Secretary of Defense Laird told a subcommittee of the Senate Foreign Relations Committee on May 18 that—

> I have been one who has been insistent all along that we live up to this particular amendment, and the rules of operation that were in existence at the time this amendment was adopted are the same rules that are being followed today . . . the rules (are) tied to the protection of the (South Vietnamese and American) forces that are engaged in those (Laos-South Vietnam) border areas with the enemy . . . this amendment has not endangered the lives of American soldiers in Vietnam . . . protective reaction which I am referring to in Laos has to do with our air interdiction campaign, the rescue of survivors, and also has to do with on-going combat operations within South Vietnam.

The Secretary went on to say that use of American ground combat troops or American advisers with South Vietnamese forces on an attack upon the territory of Laos for the purpose of destroying a sanctuary "would certainly not be in accordance with the amendment which was passed by the Congress last year."

Thus the Secretary of Defense found that the Laos-Thailand amendment, pased by the Congress and signed by the President—without restrictive language on protecting American troops—did not endanger the lives of the troops, since it does not prohibit minimal actions across the border defined by the President as "protective reaction." But, it did prohibit in Laos, without the prior consent of Congress, the type of action that was undertaken in Cambodia.

The principle that was approved so overwhelmingly by the Senate last December as applicable to Laos should also be applicable to Cambodia. There is no doubt in my mind that the prohibition concerning Laos could have been extended to Cambodia as well—if the sponsors had only thought that there was even a remote possibility that U.S. troops might be sent into Cambodia.

On May 8, President Nixon told the American people that—

> What we've also accomplished (in Cambodia) is that by buying time it means that if the enemy does come back into those sanctuaries, the next time the South Vietnamese will be strong enough and well trained enough to handle it alone.

The Senator from West Virginia's amendment would have the Senate go beyond the President's own stated intentions, by giving him our consent in advance to going back into Cambodia after all.

If the Senator's amendment were approved and the Cooper-Church amendment subsequently adopted, the Senate would have said, on the one hand that we should get out of Cambodia and stay out and, on the other hand, that we really do not mean it—that the President can go back in whenever he chooses.

Instead, Mr. President, of taking a historic step in the process of beginning to restore the Senate to the role the Constitution intended, we would have acted, not like a great forum, but like a fudge factory, and rendered the Cooper-Church amendment so largely meaningless that it would then be questionable whether we should proceed to adopt it, in its modified form, at all.

I say to the Senate in all sincerity that the adoption of the Byrd amendment would blow a hole in the Cooper-Church amendment large enough to drive a whole new war through, without the President ever having to return to Congress for authority or consent.

In summary, Mr. President, the pending amendment would repeat the errors of the past and give the President a blank check to go back into Cambodia. It would tip the political balance of power still further in favor of the executive branch. And it would fly in the face of the Senate's action on Laos only 6 months ago. I hope that it will be defeated.

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EXHIBIT 1

THE BIPARTISAN AMENDMENT IN SUPPORT OF THE PRESIDENT'S POSITION ON LAOS AND THAILAND

Mr. GRIFFIN. Mr. President, particularly in the wake of Vice President's AGNEW's criticism of some of the news media, there has been considerable discussion of, and focus upon, the objectivity of news reports. It will be recalled that some particular concern was indicated earlier with respect to the New York Times and the Washington Post.

Although I hesitate to single out these particular newspapers again, I wish to indicate my considerable displeasure with the coverage this morning in both the New York Times and the Washington Post of an action that took place yesterday on the floor of the Senate.

A headline in the Washington Post this morning reads, "Senate Acts To Curb Asia Role." The story under that headline refers to the amendment cosponsored yesterday by the Senator from Idaho (Mr. CHURCH) and the Senator from Colorado (Mr. ALLOTT) relating to policy with respect to the introduction of United States combat troops in Thailand and Laos.

The first point I should like to make is that the headline is misleading. The Senate did not take any action to "curb" an Asian role. The intent and the plain meaning of the amendment ultimately adopted by the Senate yesterday was to reaffirm the existing role and existing policies of the United States with respect to Thailand and Laos.

Moreover, I notice in both of the reports two disturbing and rather significant ommissions. First, there is no reference whatever to the fact that this particular amendment was a bipartisan amendment. The only sponsor indicated in the two reports is the distinguished Senator from Idaho (Mr. CHURCH)—who deserves and should receive full credit for the leadership role that he played in connection with the presentation and discussion of the amendment. But equally important, to the American people, is the completely ignored and unreported fact that it was a bipartisan amendment.

Indeed, the amendment was drafted—and I think most of the people on the Senate floor and those who were watching from gallery were aware of the fact that it was drafted right here in the Republican cloakroom. In fact, the principal Senators involved in its drafting, along with the Senator from Idaho (Mr. CHURCH) were the Senator from Colorado (Mr. ALLOTT) and the Senator from New York (Mr. JAVITS); and as soon as the Senator from Idaho obtained the floor and received recognition to offer the amendment, he acknowledged immediately the cosponsorship of those two Republicans.

The second significant and disturbing omission from the reports in both newspapers is the fact that the opening lines of the amendment were these: "In line with the expressed intention of the President of the United States."

The amendment was not long. In fact it was very short. It seems to me that it could have been reported in full. But omitted were those very significant introductory words, which make it clear that what was intended, was a positive statement on the part of the Senate raffirming the declared policy of the administration. The omission of these words leaves the reader of these newspapers with the opposite impression—that the Senator was taking a slap at the administration, which certainly was not the case.

This is most unfortunate. Whether or not it was intended by those who wrote the stories, that is the way it appears in print, and in my opinion, some notice of it should be taken. Following a meeting with the President and others at the White House this morning, I can report to my fellow Senators that the President is pleased with the amendment, and he recognizes that it is in accordance with his announced policies.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. GRIFFIN. I am happy to yield.

Mr. HOLLAND. The Senator has mentioned very appropriately that the measure adopted yesterday to which he has referred was a bipartisan measure. There is no question about that. But I wish he would also take note of the fact that the measure of which it was simply a clarification was also a bipartisan measure.

Mr. GRIFFIN. That is correct.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ALLOTT. Mr. President, I ask unanimous consent that the Senator from Michigan may proceed for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLAND. It was offered by the Senator from Kentucky (Mr. COOPER), who was called away by a serious illness in his family, and by the majority leader, the Senator from Montana (Mr. MANSFIELD).

So the entire approach to this difficult question, both the original approach and the clarifying approach ultimately adopted, was bipartisan; and I am glad that the Senator has called attention to the fact that the action was completely bipartisan.

Mr. GRIFFIN. The Senator makes an excellent point.

Mr. President, I ask unanimous consent to have printed in the RECORD pertinent portions of the two newspaper articles to which I have referred.

There being no objection, the excerpts from the articles were ordered to be printed in the RECORD, as follows:

"[From the Washington Post, Dec. 16, 1969]

"HILL ACTS TO CURB ASIA ROLE—SENATE VOTES $69.3 BILLION IN DEFENSE FUNDS

"(By Warren Unna and Richard Homan)

"The Senate, after almost three hours of stormy and unusual secret debate, yesterday voted 73 to 17 to bar use of new defense funds 'to finance the introduction of American ground combat troops in Laos and Thailand.

"The Senate then went on to approve a $69.3-billion appropriation for military spending during the current fiscal year. This was $637 million less than an appropriation measure already heavily cut by the House. The House has slashed Pentagon spending requests by $5.3 billion.

"The final Senate vote on the appropriations bill was 85 to 4. It came after the Senate rejected a new effort to kill the Nixon administration's safeguard anti-ballistic missile program.

"* * * * *

"The restriction voted on U.S. military activities in Laos and Thailand came after Chairman J. W. Fulbright (D-Ark.) of the Senate Foreign Relations Committee insisted that the bill's floor manager give the administration's reasons for wanting to spend $90 million for U.S. military assistance in neutral Laos. This sum was described as a 16.7 per cent increase over last year.

"The restrictive amendment, introduced by Sen. Frank Church (D-Idaho), modified an earlier motion by Senate Majority Leader Mike Mansfield (D-Mont.) and Sen. John Sherman Cooper (R-Ky.) to prevent U.S. funds from being used to provide anything but supplies and training to 'local forces' in Laos and Thailand.

" 'I voice my apprehension over continuing administration silence over policy in Laos, where our military involvement appears to be growing rather than declining,' Fulbright told the Senate in a secret-session statement he later released to reporters.

" 'As in Vietnam, the Nixon administration inherited a Laotian policy,' the Senator acknowledged.

"Fulbright's charges came in the wake of a secret series of investigations a Senate Foreign Relations subcommittee has been conducting into the extent of U.S. military involvement in Laos. Until now, the administration has insisted on such a sanitized public version of the transcript that Fulbright said his committee decided it would be only 'misleading' to publish it.

"In his televised press conference last week, President Nixon said there were 'no American combat troops in Laos.' But the President did acknowledge for the first time that the United States is engaged in interdiction of the Ho Chi Minh Trail from North to South Vietnam—'as it runs through Laos.' Previously, the United States had acknowledged 'armed reconnaissance' flights over Laos.

"Yesterday's Senate action indicated that a vast majority of the senators now believe there is either much more than that involved, or that there is about to be. Once the secret session was over and the doors were open to the public, the senators, by the tone of their debate, made it plain that they now were aware of U.S. air sorties into Laos.

"And Fulbright, in reading them a series of letters he has received from military and AID personnel, as well as from relatives of those killed and missing in Laos, apparently buttressed this Senate awareness.

"The $90 million military-aid figure had been a tightly held secret until Sen. Allen

J. Ellender (D-La.), floor-managing the defense appropriation bill for the hospitalized Richard B. Russell (D-Ga.), chairman of the Appropriations Committee, let the cat out of the bag.

"The $90 million was only the Appropriations Committee's recommendation. It was not known how much the Pentagon actually sought. Ellender cryptically referred to it as going 'for the purpose of support of the Royal Laotian Army.'

"It was then that the Senate decided to go into its closed-door executive session after overruling a suggestion from Sen. Barry Goldwater (R-Ariz.) to debate it out in the open.

"The $90 million represents only part of the money that the United States spends in Laos.

"Under this year's foreign aid bill, Laos is to get $36.3 million in military "supporting assistance," as well as $11.9 million in technical assistance. In addition, there is suspicion of an additional sum included in the secret CIA budget for the support of Laos' 'secret army.'

"From 1955, when the United States took over much of the French role in Laos, until 1961, the U.S. gave $91 million in military aid and $263.9 million in economic aid to Laos. In 1962, the Geneva accords were worked out guaranteeing Laos' neutrality and providing for the withdrawal of both North Vietnamese and U.S. troops. Further U.S. military expenditures were marked secret.

"The U.S. troops were withdrawn from Laos, as per agreement. But President Nixon emphasized in press conference last week that some 50,000 North Vietnamese troops are believed to still be in Laos.

"In Thailand, which also was included in yesterday's Senate restriction against U.S. ground troops, the United States has had a total of 48,000 Air Force and Army personnel. On Sept. 30, the White House announced it would cut this figure back by 6,000 by next July 1—with no appreciable loss in what was termed combat capacity."

[From the New York Times, Dec. 16, 1969]

"SENATE OPPOSES A GI ROLE IN LAOS—VOTES TO BAR COMBAT UNITS IN THAILAND TOO, BUT FINAL BILL MAY DROP CURB

(By John W. Finney)

"WASHINGTON.—The Senate, after a secret debate on American military involvement in the war in Laos, voted today to prohibit the commitment of American ground combat troops in either Laos or Thailand.

"The prohibition, approved by a vote of 78 to 11, was written into a $69.3-billion defense appropriations bill.

"Whether the prohibition would be retained in the compromise appropriations bill that will now be drafted by a Senate-House conference committee appeared doubted. But Senator J. W. Fulbright, Democrat of Arkansas expressed the view that, at least, he had succeeded in bringing to the attention of the Senate what he described as 'our escalating military activities in Laos.' "

"Before approving the Pentagon budget for the current fiscal year, the Senate once again refused—this time by a decisive margin—to delay deployment of the Safeguard antiballistic missile system.

"* * * * *

"The Senate's first full-scale debate on the Laotian war was provoked by a group of critics of the Vietnam war on the Senate Foreign Relations Committee, but by Senator Fulbright, the committee chairman, and Senator Mike Mansfield of Montana, the Democratic leader.

"Asserting that the United States was escalating its military activities in Laos, the group sought to use the defense appropriations bill to force the Nixon Administration to relax its policy of secrecy on American military activities in Laos as well as to place some Congressional restraints on further military involvement in that Southeast Asian country.

"Faced with the continued opposition of the Appropriation and Armed Services committees, the group was not completely successful in its efforts.

"RARE SECRET SESSION HELD

"It did succeed in forcing the Senate into a rare secret session for a discussion of the largely secret American military role in Laos. During the discussion the Administration for the first time supplied to the Senate as a whole * * * information on American military activities in Laos, including details on how American planes were carrying out bombing strikes in northern Laos in support of the Royal Laotian Government forces.

"When it came to legislative restraints, however, the group was forced to beat a series of retreats and the Senate wound up approving a compromise limited to prohibition of ground combat troops in Laos and Thailand.

"The compromise, put together by Senator Frank Church, Democrat of Idaho, specified that none of the funds in the defense appropriations bill 'shall be used to finance the introduction of American ground combat troops into Laos or Thailand.'

"The United States has military advisers, including Army Special Forces units, stationed in Laos to assist Laotian Government forces as well as a 36,000-man private army largely supported by the Pentagon and the Central Intelligence Agency. In addition, at the request of the Royal Laotian Government, American planes are flying armed reconnaissance missions in Laos.

"TROOPS IN LAOS DENIED

"The Administration, however, has repeatedly insisted—as President Nixon did most recently at his news conference last week—that the United States has no combat troops in Laos.

"During the course of the Senate debate, however, it was emphasized by Senator Mansfield and Senator Fulbright that United States Air Force planes stationed in Thailand were carrying out bombing missions against the pro-Communist Pathet Lao and North Vietnamese troops in northern Laos in support of Laotian Government forces. At one point in the debate preceding the secret session, Senator Mansfield said the number of sorties by Air Force planes based on Thailand had 'increased considerably in recent months.'

"Much of the debate revolved around the issue of whether the Senate, through amendments in the defense appropriation bills, should attempt to restrict or prevent such air combat missions.

"The Church proposal was offered as a substitute for a broader amendment sponsored by Senator John Sherman Cooper, Republican of Kentucky. The Cooper amendment, designed to prevent an American combat involvement in Laos, specified that none of the defense appropriations 'shall be used for the support of local forces in Laos or Thailand except to provide supplies, material, equipment and facilities, including maintenance thereof, or to provide training for such local forces.'

"COOPER'S MOTHER STRICKEN

"In the absence of Senator Cooper, whose mother suffered a stroke in Kentucky, the amendment was offered by Senator Mansfield.

"During the course of the debate some differences of opinion developed over whether the Cooper amendment would prevent continuation of the air combat missions.

"Senator Fulbright—as did aides of Senator Cooper—interpreted the amendment as prohibiting such air support. But Senator Mansfield, noting that the Laos war presented a "dangerous and delicate" situation "tied closely to the war in Vietnam," said it was "a moot question" whether the amendment would prevent bombing missions that ostensibly were being conducted against North Vietnamese troops in Laos."

Mr. McCLELLAN. Mr. Senator, will the Senator yield?

Mr. GRIFFIN. I am happy to yield to the Senator from Arkansas.

Mr. McCLELLAN. I recall, too, that during the course of the discussion of that amendment, the question was asked and the information was given to the Senate that the President had so expressed himself, and that in fact the amendment as finally agreed to was actually in support of what the President had already announced.

Mr. GRIFFIN. That is right.

Mr. McCLELLAN. That certainly had something to do with the vote that it received. I, for instance, have never been one who wanted to pass legislation in this field, or take action, that would be calculated to embarrass the President or hinder or hamper him in trying to find a solution to the Vietnam problem.

Mr. GRIFFIN. I thank the Senator very much. At a time when we desperately need unity, it is unfortunate that in a situation when we have unity, it is sometimes reflected in the press as disunity, or as though there were differences with the President which in reality do not exist.

I wish to mention also, Mr. President, that the distinguished Senator from Tennessee (Mr. BAKER) a Republican, and the distinguished Senator from California (Mr. CRANSTON), a Democrat, who were not mentioned earlier, were also cosponsors of the amendment.

Mr. ALLOTT. Mr. President, I would like to talk very briefly on the remarks of the Senator from Michigan. I think they very adequately describe how gaps can appear in the credibility of all Government officials in the minds of the American public when a matter has been handled as loosely as the matter was handled yesterday by the two newspapers which have been mentioned, the New York Times and Washington Post.

There is no question that, by the result of the carrying of the motion to table the Mansfield-Cooper amendment with the prestigious name of the majority leader on it—and it was not an action against him—that it would have had to have had the effect that the Senate was pretty much of a mind on what it wanted.

Mr. President, reading from page 16760 of the RECORD of yesterday, I read again the amendment;

"On page 46, between lines 8 and 9 insert a new section as follows:

" 'In line with the expressed intention of the President of the United States, none of the funds appropriated by this act shall be used to finance the introduction of American ground troops into Laos or Thailand without the prior consent of Congress.' "

Mr. President, I heard no Senator on the floor—and I was present during the entire debate on the matter yesterday—take any position contrary to that. I think that states the almost unanimous position of the Senate that we do not desire to seek ground combat troops introduced into Laos.

However, it implies that this was a strike against the administration. It is particularly annoying to me. I regard myself as a supporter of the present administration, as I was of the administrations of President Kennedy and President Johnson, in the foreign relations area, particularly.

I think it does an injustice to the President. And I think it does an injustice to the U.S. Senate.

The matter of the cosponsorship is, of course, another matter. It puts a completely different complexion on the action which the Senate took yesterday in which the Senator from Idaho (Mr. CHURCH), the junior

Senator from California (Mr. CRANSTON), the senior Senator from New York (Mr. JAVITS), the junior Senator from Tennessee (Mr. BAKER), and the senior Senator from Colorado all joined.

I think it was a very worthy effort and one which contributed and will contribute very greatly to delineating the relationship between the Chief Executive and Congress.

PRESIDENT BACKS SENATORS ON LAOS

(By John W. Finney)

WASHINGTON, Dec. 16.—The White House made known today that it had endorsed yesterday's Senate prohibition on the commitment of ground combat troops to Laos and Thailand as consistent with Administration policy in Southeast Asia.

Senator Hugh Scott, the Senate Republican leader, said after a White House meeting that President Nixon had told the Congressional Republican leaders that the prohibition, adopted yesterday by the Senate, was "definitely in line with Administration policy."

Ronald L. Ziegler, the Presidential secretary, gave added emphasis to the Administration's acceptance of the Senate move by saying the White House regarded the prohibition as an "endorsement" rather than a "curbing" of Administration policy.

The amendment to the defense appropriations bill, adopted yesterday by a 73–17 vote, states: "In line with the expressed intention of the President of the United States, none of the funds appropriated by this act shall be used to finance the introduction of American ground combat troops into Laos or Thailand."

This wording, it was disclosed today, was approved by the White House in advance of adoption.

In the wake of the Senate action, the amendment, hastily drafted during a secret session on American military involvement in Laos, was being subjected to varying interpretations as to its significance and impact.

Senator Frank Church, Democrat of Idaho, the principal author of the amendment, described it as a "reassertion of Congressional prerogatives" in foreign policy, designed to make clear that the President could not commit combat troops to Laos or Thailand without the specific consent of Congress.

Reflecting the White House attitude, Republican Congressional leaders were interpreting Senate adoption of the amendment as a show of bipartisan Congressional unity behind the President's policy in Southeast Asia.

Senator Robert P. Griffin of Michigan, the assistant Senate Republican leader, and Senator Gordon P. Allott of Colorado, chairman of the Republican Policy Committee, complained that newspaper reports, particularly by The New York Times and The Washington Post, had not emphasized the bipartisan sponsorship and support of the amendment.

"It is unfortunate that when we do have unity, it is sometimes reflected in the press that there is disunity," Senator Griffin said.

Senator Allott was a cosponsor of the Church amendment, along with Senator Jacob K. Javits, Republican of New York, and Senator Alan Cranston, Democrat of California.

During the course of the brief public debate on the Church amendment, no emphasis was placed by Republicans or Democrats on the bipartisan nature of the amendment, which was worked out in secret sessions when reporters were excluded from the galleries. Nor was it disclosed until today by Senator Allott that the wording of the resolution had been cleared with the White House.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. CHURCH. I am happy to yield to the Senator from Kansas.

Mr. DOLE. Mr. President, I listened with great interest to the Senator from Idaho, as I have many other times.

As I recall, the Senator from Idaho indicated that the Byrd amendment would neither add to nor detract from the rights a President has under the Constitution; is that correct?

Mr. CHURCH. Whatever powers the President holds under the Constitution cannot be affected by anything we pass in the Senate. My concern is not that the adoption of the Byrd amendment would affect any power the President may already possess under the Constitution. My concern is that it could and, in the light of past experience, might well be interpreted by the President in the future as giving our consent in advance for a return to Cambodia on a mass scale.

That is why I think it would be a grave mistake to adopt it.

Mr. DOLE. I might suggest to the Senator from Idaho that we are in a different position now than when Congress adopted the Gulf of Tonkin resolution. At that time we were in, or at least beginning, a period of escalation. The same cannot be said with respect to President Nixon's actions and record, because the facts indicate otherwise. Instead of an escalation, we have had deescalation. We have had troop levels reduced by 115,500. We have had a reduction in the bombing. There has been no expansion of the war. There has been a contraction of the war. There has been Vietnamization.

If President Nixon were escalating, the argument by the Senator from Idaho would be valid; but we are now in a period of deescalation, disengagement, and extrication from Southeast Asia.

I voted for the resolution the Senator from Idaho referred to concerning Laos and Thailand. There must have been a recognition at that time that the President had the power to protect American forces, in any event. I assume now the President has that power whether or not the Byrd amendment is adopted. I am not certain the Senator from Idaho agrees that he would have that power, but many cosponsors of the Church-Cooper resolution have stated that certainly the President has the right, and not only the right but the obligation, to protect American forces. It is inherent under the provisions of the Constitution.

If he has that power, I would ask the Senator from Idaho, what possible harm can it do to the Church-Cooper resolution to reemphasize and underscore it?

Mr. CHURCH. I would say in reply to the Senator, if I might use a question to reply to a question, what possible good will it do to the Cooper-Church amendment? I can see all kinds of possible harm.

The Senator's argument is, as I understand it, that inasmuch as President Nixon has undertaken to withdraw a portion of our forces from Vietnam, and inasmuch as he is committed to further withdrawals, he simply is not going to reverse this deescalation and take us into a wider war in Southeast Asia.

I hope that this is so. I fervently hope it is so. But I remind the Senator that, at the time Congress passed the Gulf of Tonkin resolution, there was no evidence it was then in the mind of President Johnson to send half a million American men to battle on the mainland of Asia. But within a few months, President Johnson did make that decision. He did not come to Congress for consent, because he had a Tonkin Gulf resolution worded in language so broad that he construed it as the prize bequeathment of congressional consent.

That is the experience we had only a few short years ago. In the light of that experience, I think it most unwise to tack on an amendment like that proposed by the Senator from West Virginia, in language so broad that if, 2 months from now, President Nixon should change his mind, he could shake this language in front of us and tell us that it constitutes prior congressional consent to the action he has decided upon.

In other words, there is no guarantee that the President will not change his mind, that present policy will not be reversed. We know the pressures already converging on the President to involve the United States more deeply in the Cambodian affair. I disagree with the Senator from Kansas when he says that the war is narrowing. I think it is broadening. The front has been extended. It is now Cambodia, in addition to South Vietnam. And now South Vietnamese troops are staying in Cambodia after our troops come out. Now Thai troops are going into Cambodia for the first time.

Furthermore, there are proposals that the United States should underwrite the entire defense, that we should pay for the whole operation, and there are objections to this amendment upon the grounds that, as presently constituted, it would prevent the United States from paying the mercenary troops we apparently intend to send into Cambodia to help prop up the new regime there.

So I say to the Senator, already there are forces at work that could easily change the President's mind, and therefore I think it would be a grave error to adopt this amendment, which later might be construed as constituting congressional consent to a very large American involvement in Cambodia in the future.

Mr. DOLE. Mr. President, will the Senator yield further?

Mr. CHURCH. I yield.

Mr. DOLE. As I read the amendment of the Senator from West Virginia, it is narrow in scope. It refers to protection of U.S. forces only in South Vietnam, and also facilitating withdrawal of U.S. forces from South Vietnam. In other words, it seems tailored to the Vietnamization program—certainly not an escalation, but a deescalation.

I would pose the question again, does the Senator from Idaho believe the President has the right to protect the Armed Forces without the Byrd amendment?

Mr. CHURCH. I say to the Senator from Kansas what I have repeated to him, I think in response to this particular question, at least a score of times——

Mr. DOLE. Not quite.

Mr. CHURCH. That the President, as Commander in Chief, does have the constitutional power to protect American forces in the field. We can neither add

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to nor detract from those powers by any law we pass in Congress.

Therefore, this is really a false issue. It is unnecessary to affix the Byrd proposal to this amendment. It does not confer any power upon the President that he does not already possess under the Constitution. But it could easily be construed, not only as constituting congressional approval for the current operation in Cambodia, but also as giving our consent in advance for returning American forces to Cambodia at some future date, as long as it is done in the name of protecting American forces in the field.

So again I say to the Senator, I can not see how we can improve upon the Cooper-Church amendment by adding this language, how we can possibly affect the constitutional powers of the Commander in Chief by any language; but I do see grave dangers if we adopt this amendment. It would create an exception that could become as large as the President wants to make it in the future. The Byrd proposal thus becomes an abdication of responsibility on the part of the Senate.

Mr. DOLE. The junior Senator from Kansas suggested earlier today on the Senate floor that the adoption of the amendment of the Senator from West Virginia (Mr. BYRD) might be looked upon as strengthening the Church-Cooper amendment. It would be a recognition by the Senate, and perhaps by Congress, of the shared power. It would also be a recognition of the basic constitutional right and obligation the President has to protect American forces. We would serve notice that the President has that right, which almost every cosponsor of the Church-Cooper amendment indicates he has. I construe the adoption of the amendment as strengthening the Church-Cooper amendment, certainly not vitiating it or in any way weakening it. The amendment is so narrowly drawn, applying only to South Vietnam and American forces in South Vietnam and to withdrawal of American forces from South Vietnam, it is difficult for the junior Senator from Kansas to conclude its adoption might mean an expansion of the war.

The Senator from Idaho might be suggesting that we are enacting a second Gulf of Tonkin resolution but giving it another name. Perhaps the Senator from Idaho does not mean that, but he does indicate that the Byrd amendment would give the President more power, or a blank check, and that it is another Gulf of Tonkin resolution. I feel the Gulf of Tonkin resolution should be repealed as does the Senator from Idaho.

I do not interpret the language of the Byrd amendment as an expansion of Presidential power. If the Senator from Idaho could expand on that point, it would be helpful.

Mr. CHURCH. I think, Mr. President, that the Senator from Kansas and I are going to remain in disagreement on the Byrd amendment, and that each of us will apply to it our individual interpretations. I have given mine, and he, in his very able way, has given his.

I would only ask the Senate to remember the bitter experience we had with the Tonkin Gulf resolution and to recognize that dangers of a similar character are implicit in the Byrd proposal. I would hope that we would learn from that experience and refrain from adopting the Byrd amendment.

Mr. President, I suggest the absence of of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, what I am about to say has no personal implications for the President, for any Member of this body, or for anyone who may disagree with my remarks. I thought that the President, April 20 last, did an excellent job in quieting the doubts and fears of the American people and, at the same time, raising our hopes on the basis of his previously announced and further announced withdrawals of U.S. troops from Vietnam. Even the campuses were relatively quiet and seemed to be willing to give support to the President's phased withdrawal policy.

Since that time a number of things have happened which have caused a change in attitude, a change in climate, and have brought about a division among our people, a polarization in the Nation, and a gulf between young and old, black and white, hawks and doves.

It has not been helpful to know that the economy has steadily deteriorated. It has not been helpful to know of the stock market convulsion, even after a partial recovery which was a result, I am sure, of a meeting which President Nixon had with a sizable number of American businessmen.

Since that time, also, the President has hailed military gains in Cambodia—and rightly—but critics have feared that what he did in Cambodia will expand, enlarge, and accelerate the war rather than shorten it.

Then, of course, there are those who feel that the President, before he made this precipitate move, should have consulted with Members of Congress, not necessarily with the Democratic Members, although that is always appreciated, but primarily and specifically with his own leaders in the House and the Senate, so that there could have been some show of consultation before the move was made.

The Cambodian adventure—and that is what it is—has raised questions: What is going to happen to the South Vietnamese who remain in Cambodia after the first of next month? What will be the policy of this country insofar as bombing Cambodia is concerned after the first of next month? What will be our concepts, after the capture of huge enemy supply dumps and the like, as to what Peking and Moscow will do in the way of replenishing the material that has been captured, lost, or destroyed?

What about the questions which have been raised with regard to the official explanations? Was it a foray to punish an enemy threat as indicated by President Nixon on April 30, or was it to seize a military "opportunity," as stated by Secretary of Defense Laird on May 13, around the time, I believe he said that, when the invasion of Cambodia took place, the Vietcong and the North Vietnamese forces had already retreated 15 miles to the west?

What forces were concentrating on the Cambodian border at that time in the Cambodian sanctuaries?

What forces were actually moving out of them?

All of these developments and questions serve as a prelude to the rise of a deep feeling of concern which many of us feel. I know that the same concern is felt by those who uphold the pending business, the Byrd-Griffin amendment, as those who oppose it.

So, I want it very clearly understood that I will not be a party to divisiveness in this country. I will do nothing to bring about a polarization in this country. I will explain my views, take my stands, and assume my responsibilities. That is a part of the duty of any Senator, regardless of how we look at the situation which confronts all of us today; I repeat—regardless of our views.

Mr. President, it is not for me to question any Senator's motive with respect to the Cooper-Church amendment. Each Senator will determine his own position on this legislation. I would merely express the hope that we will be able to dispose of the entire matter in the near future. With the cooperation of the Senator from Michigan (Mr. GRIFFIN) there is now agreement to vote, Thursday, on the Byrd-Griffin modification. With his further cooperation, perhaps, some accord might soon be reached to bring the Cooper-Church question to a close.

The Senate should face up to this matter without further delay because what began as a debate has shifted to an extended discussion and for some days has verged on a filibuster. It hardly reflects credit on the Senate to obfuscate the question by prolonged resort to the indulgent procedures of the Senate rules.

The issue will not go away, no matter how long it may be debated. It will not be swept aside, whether the Cambodian adventure is held to be a military success or a failure. It will not be laid to rest in the Senate because it cannot be laid to rest in our consciences.

As long as Americans continue to die in this misbegotten involvement in Indochina, the issue will remain alive. It will be with us on June 30 and after June 30. There is no escaping it, whether 30,000 Americans remain in Cambodia, 300, three, or none. More is involved here than another military sortie into Cambodia, a military sortie which, incidentally, has already cost well over a thousand additional American casualties in this new theater of war.

Beyond military success or failure, the issue posed by Cooper-Church is fundamental. For too long, we have skated the thin ice of constitutional expediency in matters of war and peace. For too long, the Senate has shrouded its constitutional responsibilities in the skirts of Presidential authority.

To be sure, it has been easier to say: "Leave it to the Commander in Chief" or "trust the Commander in Chief," or "blame the Commander in Chief." When all has been said, however, there is still the involvement in Vietnam. There is still the involvement in Laos. There is still the involvement in Cambodia. There is still the ever-rising level of dead and wounded young Americans in Indochina, a level which now stands at 330,000. There are still the haunting questions: "What for? Why?"

I ask these questions, now not of President Nixon or of his predecessors. Rather, I ask them of the Senate and of myself as one Senator. Since World War II, Presidents have exercised the powers of the Presidency, explicit, assumed or delegated, as they have seen fit. On entering office each has found that the executive branch is a repository of an awesome inheritance of overseas commitments. A President cannot escape these commitments or evade them because they were collected under his predecessors. He must face them. He must act on them in the best interests of the Nation as he comes to see those interests. In turn, he leaves a modified but continuing set of commitments to his successor.

I do not speak with rancor of the President's exercise of his responsibilities in this connection. Rather, I speak in all humility and with some regret of the manner in which we have perceived and acted on our responsibilities as a Senate with regard to Southeast Asia.

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To be sure, the Senate's intentions have been of the best. For many years, we have seen our role in matters of war and peace largely as one of acquiescence in the acts of the executive branch. If we have had doubts, we have swallowed them. Since President Eisenhower's administration, at least, we have time and again deferred to the executive branch in international matters. The executive branch has presented us with decisions. We have gone along. We have rocked few boats.

That is the explanation of hundreds of billions of dollars of defense appropriations little debated in this body for 15 or more years. That is the sound of various Senate declarations of support of Presidential actions abroad, sometimes even before the actions were taken. We have proceeded in the name of national unity and in the language of nonpartisanship. In the presumed pursuit of security, not only politics but the exercise of the separate constitutional powers of the Senate has stopped at the water's edge.

That is the explanation of the Tonkin Gulf resolution of 1964. In that act, the Senate joined the House in deferring to the President. Then, too, the Senate gave assent to what the Executive had done, was doing, and might do in the future in the way of committing the Nation's Armed Forces in Vietnam.

Why did we do it? Why did the Senate adopt the Tonkin Gulf resolution in short order and with only two dissenting votes? Were we fearful of exercising an independent judgment? Was it because we accepted assurances that we were strengthening the hand of the President in protecting American forces already in Vietnam? Were we persuaded that a show of unity here would secure freedom in South Vietnam? Were we convinced that what was tantamount to a post-dated declaration of war would so frighten the North Vietnamese as to forestall the further spread of the war and, hence, our deepening involvement?

Such were the reasons for the Tonkin Gulf resolution that were propounded at the time. Such were the judgments of the executive branch. That was almost 6 years ago. The Senate passed the Tonkin Gulf resolution. The Senate acted, we thought, to protect American servicemen already in Vietnam. The Senate gave the green light to go further into Vietnam in order the more quickly, we thought, to withdraw from Vietnam.

The rest is history.

In August, 1964, there were less than 20,000 U.S. servicemen in Indochina. Today there are upwards of 425,000 and under the previous administration the total rose to well over 500,000. In the 11 years before the Tonkin Gulf resolution, our casualties were less than 200 Americans killed—20 a year—in retrospect, even that was far too many—in Vietnam. In the 6 years since, 50,000 have died in Indochina—almost 9,000 a year.

Six years ago the U.S. military presence was confined largely to Saigon and a few coastal Vietnamese cities. The U.S. involvement was still indirect and peripheral. Now 6 years after the Tonkin Gulf resolution, U.S. servicemen are scattered through Vietnam, Laos, Thailand, and Cambodia. The involvement is direct and, notwithstanding the so-called Vietnamization program, it is central to the entire structure of the war in Indochina.

I do not recall this history without a painful awareness of the Senate's part in its writing. Yet, it must be recalled. It must be recalled because the Senate is, again, face to face with another Tonkin Gulf resolution. I refer to the Byrd-Griffin modification which is now pending to the Cooper-Church amendment.

Once again, the Senate is asked, in effect, to accept what the executive branch has done, what it is doing, and what it may do with regard to Cambodia. That is the price the Senate is quoted if we would retain even a promise of preventing the further spread of the war under the Cooper-Church amendment. We are asked by the Byrd-Griffin modification to give legal endorsement to whatever course may be set by the executive branch in Cambodia. We are asked to subscribe not only to what is done in Cambodia in the name of the Commander in Chief under this President but, if the war persists, under his successor, whomever he may be and, perhaps, his successor's successor.

That is the nub of the Byrd-Griffin modification. It would establish for the Cambodian policies of the executive branch the same legal basis that the Tonkin Gulf resolution fashioned for the Vietnamese involvement 6 long years ago. The Byrd-Griffin modification says that Cooper-Church will not apply unless the executive branch decrees that it should apply. Under Byrd-Griffin, the statutory wall of Cooper-Church against the spread of our involvement into Cambodia stands or falls on a word from the White House.

Let the executive branch affirm that what it does in Cambodia is for the purpose of protecting our forces in Vietnam. Let the executive branch assert that what it does in Cambodia is to facilitate the withdrawal of U.S. forces from Vietnam. Let either be said by the executive branch at any time and the Cooper-Church limitations are nullified. No matter that the Senate is not consulted. No matter that the Congress is ignored. No matter how long U.S. forces remain in Cambodia, no matter how many Americans may die in Cambodia, no matter how many more billions are spent in compounding the tragedy of Vietnam, it will all be done with the legal sanction of the Senate.

I know that the authors of the Byrd-Griffin modification do not expect the modification to work in that fashion. I know that the Senator from West Virginia and the Senator from Michigan want not to prolong but to end the involvement in Cambodia. They want to protect American servicemen in Vietnam, not jeopardize others in Cambodia. That is what we all want.

Is it not what we wanted—all of us—when we passed the Tonkin Gulf resolution 6 years ago?

The Byrd-Griffin modification is a direct descendant of the Tonkin Gulf resolution. The clay carries the same imprint. The door to further involvement in Cambodia is not closed by Byrd-Griffin. Byrd-Griffin opens the door wider. It sanctions an in-and-out entanglement in Cambodia. It sanctions a direct or indirect entrapment in Cambodia. It sanctions an ad infinitum involvement in Cambodia even as the Tonkin Gulf resolution did the same for the open-ended involvement in Vietnam.

Byrd-Griffin lifts the Congressional counterweights which Cooper-Church seeks to place against the pressures for expanding involvement in Indochina. It shackles the Senate's responsibility to join its separate constitutional authority with that of the President in a common effort to confine the war and withdraw U.S. forces.

If Byrd-Griffin is adopted on Thursday next, let there be no Monday morning regrets. Let there be no shocked indignation later. Whatever our intent, we will have cleared the way for another Vietnam in Cambodia and, perhaps, for still others elsewhere. The time to face the implications of Byrd-Griffin is now. It is not next year or the year after.

Six years of tragic aftermath to the Tonkin Gulf resolution flags the warning. We cannot consign the Senate's constitutional responsibilities in matters of war and peace. We cannot transfer them to the executive branch under this President or any other. We cannot take refuge from them without doing fundamental violence to the Constitution and endanger the stability of the Republic.

The Senate can work with a President within the constitutional framework in matters of war and peace. It can work with this President or another. But the Senate cannot and must not work for any President, regardless of party considerations, in matters of war and peace. It is not a question of supporting or opposing the President. It is a question of fulfilling our separate constitutional obligations.

I am aware that the President has expressed some sort of unofficial endorsement of the pending modification. The White House has written a letter. That is the President's right and his comments—solicited or unsolicited—deserve the most careful consideration of the Senate. Let us be clear, however, on one point. The President's constitutional responsibility in this matter does not begin at this time. His constitutional responsibility is not activated unless and until this legislation has passed, not only the Senate but also the House. Then and only then does the measure become subject to the Presdent's approval or rejection. Then and only then does it become the Constitutional business of the President.

Now it is the Senate's responsibility. Now, the disposition of the Byrd-Griffin modification is a matter for the Senate alone. We have had the President's letter. We have also had citizens' letters, by the hundreds of thousands. We have had lobbying and lectures. That is appropriate and proper. But the obligation now—the constitutional obligation—is for the Senate alone, for 100 Senators.

May I say that contrary to a great camouflage of words, the Cooper-Church amendment is not an indication of lack of confidence in the President. The mirage of current gossip, notwithstanding, Cooper-Church throws down no Senate gauntlet to the constitutional powers of the Presidency. If that were its intent, I assure the Senate that I would have no part of it. I have too much respect for the office of the Presidency, too much concern for its occupant, whomever he may be, whatever his party.

Cooper-Church is not aimed at this President or any other. Rather, Cooper-Church would strengthen the joint control of the elected representatives of this Nation—of the President and the Congress—over the far-flung activities of this Government in Southeast Asia which for too long have veered too close to the edge of irresponsibility. Cooper-Church would add the strength of the war powers of the Congress under the Constitution to the President's constitutional powers as Commander in Chief.

Cooper-Church would provide not a rebuff but a recourse for the President. It would require, henceforth, that the advice of the continuing counsellors in the executive branch shall be weighed in the scales of responsible congressional consideration before critical new commitments are undertaken in the name of this Nation.

In that sense Cooper-Church might offer an antidote to any tendencies to irresponsibility in government in all of its agencies. Hopefully, it might raise a stop-look-and-listen to discourage the launching of impetuous or precipitous adventures abroad which, in the end, affect deeply the lives of millions of people and jeopardize the welfare of the Republic.

I say "might" Mr. President, because the hour is late, very late.

We have spilled too much of the Nation's young blood in a wasting and mistaken war in Indochina. We have spent too much of the Nation's strength in alien lands for an ill-starred purpose. We have thought too much of saving face and not enough of saving lives. All the while, the troubles within our own borders have multiplied. All the while, flashes of new dangers streak across other horizons. All the while the Nation remains bound in Southeast Asia where fundamental interests are not engaged but great national resources disappear in an endless flow.

The hour is late, very late.

The Byrd-Griffin modification, in my judgment, is the critical vote of this issue. Reject it and the Senate will say that the way out of Vietnam is not by way of Cambodia. Adopt Byrd-Griffin to Cooper-Church and the Senate will still say that the way out of Vietnam is not by way of Cambodia, but only if the executive branch also says the same thing.

The constitutional message of Cooper-Church without this proposed addition is clear. The Senate acts in concert with the President's expressed determination but under its own legal responsibility in an effort to curb the further expansion of the war in Indochina. The Byrd-Griffin modification clouds that message.

In my judgment, the Senate should keep the Cooper-Church amendment free of distortion. The credibility of the Senate demands it. The urgencies of the Nation require it.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. MANSFIELD. I am delighted to yield to the Senator from Idaho.

Mr. CHURCH. Mr. President, I wish to say to the distinguished majority leader that I think he has delivered the most moving and persuasive argument against the pending amendment offered by the Senator from West Virginia (Mr. BYRD) and the Senator from Michigan (Mr. GRIFFIN) yet made in the debate. I hope every Member of the Senate will read the Senator's statement with great care and give to it the attention it richly deserves.

I thank the Senator for yielding.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield to the Senator from Michigan.

Mr. GRIFFIN. Mr. President, I appreciate very much the fact that the distinguished majority leader has yielded to me briefly so that I might make a brief response.

I have listened with close attention to the remarks of the majority leader. With the greatest respect for him, and he knows I have great respect for him, I must say very candidly that he has reached a long way to fashion an argument against the Byrd amendment. His characterization of the Byrd amendment is somewhat colorful but entirely inappropriate. The Byrd amendment is only a qualification or limitation of the Church-Cooper amendment. It could reach no higher in terms of authority than would be the case if there were no Church-Cooper amendment at all.

I wish to emphasize that the Byrd amendment touches only one of four subsections of the Church-Cooper amendment; so it could not be said that it goes so far as to nullify the Church-Cooper amendment. But even if one were to give the widest and most far-reaching interpretation to the Byrd modification; the most that it could possibly be said is that it would nullify the Church-Cooper amendment. Certainly to nullify the Church-Cooper amendment is not to adopt a Gulf of Tonkin resolution, which the majority leader indicated was tantamount to a declaration of war.

So I respectfully suggest that the characterization is most unfair and most unreasonable under the circumstances.

I think it is very important to look at what the Byrd amendment provides. It would add language to that one particular subsection having to do with the retention of U.S. troops in Cambodia. It states:

> Except that the foregoing provisions of this clause shall not preclude the President from taking such action as may be necessary to protect the lives of United States forces in South Vietnam or to facilitate the withdrawal of United States forces from South Vietnam.

Surely the distinguished majority leader, I know, does not object to that last clause reading "to facilitate the withdrawal of U.S. forces from South Vietnam."

It is very difficult for me, of course—and I respect our differences—to see how he could oppose recognition of the constitutional power of the Commander in Chief to protect the lives of American forces in South Vietnam.

Mr. MANSFIELD. Nobody is opposing that, may I say. That is the first time I have heard that question raised on the floor of the Senate during this debate.

Mr. GRIFFIN. I say it is very difficult for me to understand opposition to language which would recognize the authority of the Commander in Chief to protect the lives of American forces in South Vietnam. I think it is clear that is the purpose of the Byrd amendment.

Mr. MANSFIELD. Mr. President, will the Senator yield at that point?

Mr. GRIFFIN. I yield.

Mr. MANSFIELD. May I point out that this question has been raised time and time again: to safeguard American lives to further the withdrawal of U.S. troops from Vietnam. Nobody in this Chamber is against that. All 100 Members of the Senate are for it. The chief proponents of the Cooper-Church amendment have said that time and time and time again, but the question is always raised.

I am willing to take the word of a Senator—certainly the chief proponents of an amendment when asked a question and they give an answer—because who knows more about it than the proponents and who are more qualified to answer the questions?

If the Senator will yield further, I wish to point out that the President has unilateral constitutional powers as Commander in Chief to take measures to protect the lives of U.S. servicemen, not only in Vietnam, but also U.S. citizens, including servicemen, anywhere in the world. He does not need congressional sanction for that purpose because he already has that power, authority, and responsibility. But the executive branch does not have the unilateral constitutional power to commit this Nation to an

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involvement which requires a continuing input of men and money in a country, even in the name of defending U.S. forces, or for some other objective in a second country. That interpretation is underscored by the national commitments resolution which the Senate enacted earlier in this Congress.

If the executive branch does make such a broad commitment on its own in Cambodia directly or indirectly it treads on highly questionable constitutional ground.

Furthermore, if it were to make such a commitment on its own, if and when Cooper-Church, as is, is enacted, the executive branch would break the law.

It would tread then on the most dangerous constitutional grounds. But if it wished to act unilaterally, should Byrd-Griffin be enacted, then the executive branch could do what it pleased in the way of a broad commitment in Cambodia—forces, aid, or whatever, without further reference to Congress. Indeed, the Senate would have given its approval in advance to whatever the executive branch did in Cambodia, whether it was wise or foolish, necessary or unnecessary, responsible or irresponsible, whether it led to a wider war or not, provided what was done was done in the name of withdrawing U.S. forces from Vietnam or protecting U.S. forces in Vietnam.

So once again I have stated what the chief coauthors of this measure, the distinguished Senator from Kentucky (Mr. Cooper) and the distinguished Senator from Idaho (Mr. Church), as well as the senior Republican, the distinguished Senator from Vermont (Mr. Aiken), another sponsor, have said many times on the floor during the course of this most interesting, and I think most intelligent, debate.

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Mr. GRIFFIN. Mr. President, will the Senator yield for one further comment, and I shall not ask him to yield further?

Mr. MANSFIELD. I am delighted to yield.

Mr. GRIFFIN. Of course, the differences between the majority leader and the junior Senator from Michigan, go to what are the constitutional responsibilities of the President and what are the constitutional responsibilities of the Congress. I am one of those who believe the Senate should exercise its constitutional responsibility to the fullest. However, I am convinced that the Church-Cooper amendment goes too far, and seeks to get the Senate involved in what are essentially battlefield decisions. The proposed amendment would tie the hands of the Commander in Chief, and would play into the hands of the enemy, making it more difficult for the President to carry out his objective of getting American troops out of Vietnam and bringing them home.

This administration is not sending more and more troops to Vietnam. This President is bringing troops home. This President needs and deserves the good faith and support of the Congress, and I sincerely believe he would have a much better chance of achieving the objectives we all want if we would give him our support.

Mr. MANSFIELD. May I say, before I yield to the distinguished Senator from Kentucky, that no one is tying the President's hands, but what we would be doing, and doing very nicely, in the Byrd-Griffin modification is tying the hands of the Senate. I think we have a responsibility, too. We would like, not to act against a President, but to act in concert with a President.

What we are trying to do is to strengthen the President's hand, to give him added stamina, added muscle, to give him a place to which he can come for recourse, a body in which he served for over 8 years, among people whom he knows. We are trying to counterbalance the pressures which are on him constantly, which are on any President, to give him a chance not to act precipitately, but to think a little while before making a move, to discuss this matter with his friends in the Congress and to give recognition to the fact that under the Constitution the Congress of the United States is a coequal branch in the Government, along with the executive and the judiciary.

I think the intent of what we are trying to do is being taken in the right spirit. Despite these differences among us—and I question no one's position, no one's. I am sure that those who favor Byrd-Griffin are just as concerned and just as patriotic and have just as much integrity as those on the other side.

I would emphasize that what we are really trying to do is protect the President of the United States. For some reason or other, it is hard to get that point across. Some people are looking for cards under the table. They are trying to pull up the rug to see if they can find something which does not exist. They are afraid to take us at our word, even though we have said time and time again, privately, publicly, and in print, and in as many ways as we know how, that we want to work with the President because we think working with him in concert will help the Republic, and will be to his advantage, and not ours primarily.

I yield to the Senator from Kentucky.

Mr. COOPER. Mr. President, truthfully, there is no reason for me to attempt to repeat what the Senator from Montana has said. I hope very much his speech will be read by all Members of the Senate before they vote and that it will be heard throughout the country.

I agree with him that on Thursday this body will have an important test of constitutional responsibility. I have thought throughout the debate that we should keep the issue of congressional responsibility and not on the questions of congressional responsibility and of personal attitude toward the President.

I have felt, of course, that our amendment would support him. I have supported his policy and efforts to withdraw from Vietnam. But, as the majority leader has said, what we are really facing up to in voting upon this amendment is whether or not the Congress of the United States—and first the Senate—will assume its constitutional responsibility.

I was very interested in reading the opinions of Mr. Stevenson, counsel in the State Department, and Mr. Renfret, in the Justice Department, on the legal aspects of the entry into Cambodia. I was interested that they discussed it in terms of the President's authority as Commander in Chief in a military operation, and that they were very careful to avoid any question of our moving into Cambodia in support of Cambodia, or engaging in a war there.

For many years Presidents have taken action under a presumed authority as Commanders in Chief to lead our country, directly or indirectly, into war. The fact that it has been done does not give to the President any more constitutional authority than he had at the beginning of that series of incidents. It cannot prevail against the Constitution, or legislation enacted, such as we seek.

We are saying simply that when the withdrawal from Cambodia is completed, if a situation arises which the President considers dangerous enough to affect the security of the United States or to affect the security of U.S. troops, he shall come to the Congress and secure its approval or disapproval. This amendment takes no option for action away from the President. It simply provides for joint responsibility for acting in a situation which might lead into a new war or an extended war; that the decision it shall be exercised by both.

Mr. MANSFIELD. Mr. President, will the Senator yield right there?

Mr. COOPER. I yield.

Mr. MANSFIELD. May I say that if it should come to pass, if the Cooper-Church amendment were adopted and if it became the law of the land, and the President ever came to Congress, I wish to assure the Senator that there would be no partisanship as far as the Democratic majority is concerned.

We would want to help him, because we realize that the situation is in a mess, for which we in the Senate are in part responsible, which we helped to create, and which the President inherited.

But it is a mess which has to be shouldered. A way has to be found through the impasse. And finally, some way has to be found to bring this miserable war to an end, so that we can withdraw from that part of the world, which is of no vital interest to the security of this country.

I thank the Senator.

Mr. COOPER. I agree wholly that this war in Vietnam is not vital to the security of this country.

I remember very well when the Tonkin Bay resolution was before the Senate. I spoke during that debate. I did not then suppose or believe that it would be used to the limit to which it was extended; but I said in the debate that if the President desired to use the authority we gave him under the resolution, he could lead us into war. He could lead us into war in North Vietnam. We could bomb North Vietnam. We could become engaged in a large war.

I want to read the language of the first part of the Tonkin Bay resolution:

> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any

armed attack against the forces of the United States and to prevent further aggression.

I, too, do not challenge the good purpose of the distinguished Senator from West Virginia (Mr. BYRD) and the distinguished Senator from Michigan (Mr. GRIFFIN) in proposing their amendment. I know they are men of patriotism, honor, and probity. But we have the example of Vietnam before us. The Tonkin Bay resolution was used to introduce into South Vietnam more than 500,000 men, and to introduce, at our insistence, forces from Korea and Thailand, and from Australia and the Philippines. For at least 6 years, we have been engaged in a war that has cost us $100 billion, and taken the lives on the field of battle of nearly 43,000 American men.

I do not believe that the President wants any language to lead into a war in Cambodia, or larger war but there are always circumstances and events which none can foresee. This body did not foresee and President Johnson did not foresee this awful war.

I do not pretend to be an authority, but because of my interest in this proposition, I have studied, as best I could, the language that has been used in similar resolutions.

I have no doubt in my mind that if the language of the Byrd-Griffin amendment is approved, it will not add anything to the power the President now has to protect our troops. But it will approve in advance any action that the President may take in the future which he considers necessary. It could deny to Congress the opportunity to be heard—to agree or disagree—if a decision as to whether we should enter a larger or new war in Southeast Asia area.

I do not think that Congress, after the lessons we have had, should give away or foreclose its responsibility. This is the first opportunity that Congress has had since the Tonkin Bay resolution to assert its responsibility. It may be the only clear-cut case we shall have to assert our joint responsibility with the President to make determinations which bear upon war or peace, the security of this country and the lives and fortunes of its young men and its people. I say thus—with no purpose of speaking personally about the President and his great office—but simply to emphasize the responsibility of the Senate.

I am very hopeful that the nonpartisan advice of the majority leader will be listened to, and I hope the Senate will accept its responsibility.

Mr. GRIFFIN. Mr. President, will the Senator from Kentucky yield to me?

Mr. COOPER. I yield.

Mr. GRIFFIN. The great Senator from Kentucky is a very fair and objective Member of this body, and a good lawyer. Surely he would agree with me that the Byrd modification, which is an exception or a limitation to the amendment cosponsored by the Senator from Kentucky, can create or generate no authority for the President that does not exist in the absence of the Church-Cooper amendment. The Byrd amendment can rise no higher. It says, "Nothing in the foregoing clause shall preclude the President."

The Byrd amendment does not confer new power; it does not declare or determine whether the President either has any power. But it does state that the Cooper-Church amendment shall not preclude him from exercising the power if he has it.

The argument has been made, in effect, that the Byrd amendment somehow creates new authority. As a matter of logic, I am sure the Senator from Kentucky will concede that is not the case.

Mr. COOPER. Perhaps I did not make my point very clearly. The Byrd amendment would not give him any authority he does not have, but what it would do, would be to approve in advance any action that he might take that he deemed necessary to protect the forces.

I am not arguing this personally toward the President, as I respect him, but I do think of Vietnam when I think of this amendment. It could be used as authority to stay in Cambodia. It could be used as authority to join in the defense of Cambodia. It could be used as authority to link with the Thai forces in defense of Cambodia. I do not know that these things will happen. There have been reports that the Thais would like such a junction of forces. I just do not think we ought to approve, in advance, any action that the President could take—I am not speaking of him as an individual, but as an Executive. I do not think we ought to approve in advance any action that the Executive may think necessary, which—without any intention to do so—could lead us into a deeper and longer war, because of unforeseen events.

Mr. GRIFFIN. If I may have a moment, I would simply like to say for the record that the Byrd amendment would not approve in advance any action that the President might take. Adoption of the amendment would not indicate approval of particular actions. It would merely declare that if the President, as Commander in Chief, does have the authority to protect the lives of our forces in South Vietnam, the Church-Cooper amendment, as it would be amended, would not take it away. That is the extent of the effect and the purpose of the amendment.

Mr. MANSFIELD. Mr. President, I yield to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I just wanted to congratulate the Senator from Montana for a rare and brilliant speech. I think he has outlined some of the issues very well indeed.

The reference that has been made here to the Gulf of Tonkin resolution, of course, has overlooked what I believe to be the most important points in that case, which was that the facts which purported to justify it were misrepresented to the Senate; also, the fact that President Johnson has said publicly that he did not rely upon the resolution for what he did, that he considered he had the authority to do it without the resolution.

The present President has stated, in a letter to the Committee on Foreign Relations, that he does not rely upon the resolution for doing what he is now doing.

There has developed a new theory that I was not aware of before, of the right to protect the troops, that this is a right without limit, that it can be applied without any limit that we can think of, and in this case, to justify going into Cambodia. At least there has been reached a very serious question about the limits of that right.

I think the Church-Cooper amendment is simply accepting the President's word, and trying to reestablish what I would call the conventional and traditional interpretation of the Constitution.

All it says is that if you go beyond what you now have undertaken to do, you consult Congress. It does not give in advance any approval, nor does it deny it. It merely says, I think in an indirect way, "Let's follow the Constitution." That is the way I would interpret what the Cooper-Church amendment does.

This is part of the continuing effort of the Senate to reassert what we believe to be the true constitutional relationship between the executive and the legislative.

I do not see why any Member of this body would wish to denigrate the Senate as a body. I would think that any man who goes to the trouble to be elected to this body would like to play the regular constitutional role of a Senator. If we are going to step aside and say that this is all to be left to the President, it is beyond my comprehension.

I believe that is the correct interpretation of what the Cooper-Church amendment means.

Mr. MANSFIELD. I would agree with the distinguished chairman of the Committee on Foreign Relations.

It appears to me that what the Senate is trying to do is to shove added burdens and added responsibilities on the shoulder of a man who is already overburdened with responsibilities.

This country has to come together some way. There is too much division. There is too much polarization. There is too much emotion. There is too much fanaticism. If this country is to be brought together, the President can play and must play a very important part—the President, I repeat. Why would not a good place to start be with the President and Congress acting in concert, acting with good will toward one another, acting on a common desire to get out of Southeast Asia? Not precipitatedly—it is an impossibility; but as soon as possible and as quickly as possible. Perhaps in that way we could set an example to the people of the country. Perhaps in that way we could do some good. I think that the people of this Nation are looking to this particular body in Congress. What they are doing, in effect, is petitioning us, furnishing us with a plea for the redress of grievances, and asking us to help them to preserve a degree of stability which is rapidly disappearing in this country, both on its external and internal fronts.

I can say, without divulging any confidential information whatsoever, but without qualification, that the hand of friendship and good will and understanding has been offered to the President of the United States from the Senate since he assumed office on January 20, 1969, not once, but many times.

Why? Because we wanted to help. We did not want to be partisan. We wanted to do what we could, together with the President, to try to bring about a degree of equilibrium and confidence and responsibility and civility within the Government and within the Nation.

If we do not do something along those lines, this Republic is going to continue to slide down and down and down. The price of this slide will be very high indeed.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. FULBRIGHT. I agree with the Senator.

I think it would be most unfortunate if the Cooper-Church amendment is either rejected or emasculated, which the Byrd amendment would do. If it is emasculated, will that not be interpreted by the people of this country much as the original expansion of the war in Vietnam was interpreted—that the war is going on and that, regardless of the intentions of the President, there is very little likelihood that it will be finished in the near future? But, if the Cooper-Church amendment as it now stands is adopted, I think it will restore some confidence on the part of the people and let them know that there is a serious effort now underway to scale down this war.

The recent and dramatic decline in our financial markets and the serious doubts being raised by our leading industrialists, bankers, and economists—all of this is due to a lack of confidence, to a belief that the war is not being wound down. This has nothing to do with the intentions of the President. It is whether or not events are moving in that direction.

I would think that the rejection or the emasculation of the Cooper-Church amendment could have very serious repercussions in our country.

Mr. MANSFIELD. I would agree. I say that in good heart and in good faith and without questioning the motives or the integrity of those who are supporting the modification of the amendment. It is a matter of a point of view. It is a matter of reaching a judgment. Who knows? The President may be right; those who are offering this amendment may be right. We may be wrong. Only history will tell. But at this time, now, we cannot afford to wait. We have to face up to our responsibilities. We have to render a decision. And then we have to live with it.

Mr. FULBRIGHT. I do not quite understand why the opponents of the Cooper-Church amendment feel that it is such a curb. I want to read part of a paragraph of a statement made by the distinguished junior Senator from Michigan last December, when he was talking about the proposal regarding the use of our ground combat troops in Laos and Thailand, which is very similar to this, at least from a constitutional point of view. He said that the clear intent, the plain meaning of that amendment—the Cooper-Mansfield amendment, I believe.

Mr. MANSFIELD. The Cooper-Mansfield-Church amendment.

Mr. FULBRIGHT. He said that the clear intent and the plain meaning of the amendment, which the Senate adopted, was to reaffirm the existing role and the existing policies of the United States with respect to Thailand and Laos.

It appears to me that that is precisely what the Cooper-Church amendment does with regard to Cambodia.

Mr. MANSFIELD. That is true, except that in Laos it was a situation already underway when the President took office; whereas, in Cambodia it is a situation which has developed in recent weeks.

Mr. FULBRIGHT. It is underway at present, but the Cooper-Church amendment is in accord with the President's own announced policy.

Mr. MANSFIELD. It is, indeed.

I yield to the Senator from Kansas.

Mr. DOLE. I appreciate the Senator from Montana yielding.

Since his characterization of the Byrd-Griffin modification as another Gulf of Tonkin resolution, I have reread the Gulf of Tonkin resolution, for which I voted as a Member of the other body. Everyone in Congress with the exception of two Members of this body, supported the Gulf of Tonkin resolution.

Section 1, says that Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

I find it impossible to characterize the so-called Byrd amendment as another Gulf of Tonkin resolution. The Byrd amendment is carefully drawn to limit the power of the President, because it does deal, as the Senator from Michigan has pointed out, only with the first provision of the Cooper-Church amendment. It is limited to South Vietnam. It is limited to protection of the lives of U.S. forces and to withdrawal. It does not deal with repelling armed attack or preventing further aggression, which was interpreted as meaning almost anything.

Perhaps those who now recognize the mistake made in 1964 can somehow atone for their sins by questioning the right of any President, particularly President Nixon, to take the action authorized in the Byrd amendment to protect American forces. The Senator from Montana has made it clear the President has that right, in any event.

As I listened to one of the principal sponsors of the Church-Cooper resolution, the distinguished Senator from Kentucky, it was my impression, however, that the Senator from Kentucky believed that if the President was to move to protect American forces, he should first have consent of Congress. Thus, I believe there is some difference of opinion on what power the President has by virtue of the Constitution and power he would have if the Byrd amendment were adopted.

It does seem we cannot, or should not, characterize the Byrd amendment as another Gulf of Tonkin resolution.

I, for one, trust the Gulf of Tonkin resolution is repealed. As I understand it, that could be the next order of business when this one is concluded—if—when it is concluded. [Laughter].

If the Senator from Montana can enlighten me on how the Byrd amendment can be characterized as another Gulf of Tonkin resolution, it would be helpful.

Mr. MANSFIELD. I shall do my best. I thought I did so in the course of my remarks. I am delighted that twice the Senator from Kansas has indicated he is in favor of repealing the Gulf of Tonkin resolution. It will be brought up expeditiously and appropriately after the pending business is out of the way.

Now, relative to the question raised, the Senator is aware of the fact that if the Byrd-Griffin modification of the Cooper-Church amendment is agreed to, the President can, in his judgment, and on the basis of his judgment only, without coming to Congress, make any kind of decision affecting Cambodia that he desires.

The Senator mentioned "particularly President Nixon." I should like to enter a disclaimer, because it is the office of the Presidency which we should consider, not the individual, because he, like us, is only a transient, passing through. In my opinion, to give any President that kind of power, which would be a resumption of what he has come out against in his announced withdrawal from Cambodia, is dangerous.

I tried to make that point during the course of my remarks. I feel that it will be another resolution or amendment that can be pulled out of the Presidential pocket and looked at and shown to everyone in the room every 10 minutes, every half hour, or every hour, as the Gulf of Tonkin resolution was. That was 6 years ago.

I hope we have learned something. I think that I have. It is not an expiation of my "sins" for having voted for the Gulf of Tonkin resolution, which I regret, but I hope that I have learned something, that I have been educated and understand the workings of the Senate and the executive branch better, so that I may live up to my responsibilities as a Senator, to try and secure and protect the prerogatives which I think belong to the elected representatives of the people, the President, and the Congress under the Constitution of the United States.

Mr. DOLE. As I recall the Gulf of Tonkin resolution, it was a signal to the world that we were beginning a period of escalation. There is no doubt about that. When Congress passed the Gulf of Tonkin resolution, President Johnson acted in concert with Congress and did escalate, as the Senator from Montana pointed out, from 20,000 men to a high of 545,000 American forces in Southeast Asia.

Mr. MANSFIELD. Under a Democratic administration.

Mr. DOLE. Yes. I am not disputing that point.

Mr. MANSFIELD. I want to bring that out.

Mr. DOLE. And I appreciate it, too, but now we are in a different situation. We now have a Democratic Congress and a Republican President, which is not particularly relevant, but President Nixon has, since January 20, 1969, started in the other direction, deescalation. There has been a reduction in our troop level of 115,500 men. There has

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been a reduction in the bombing. The Senator from Montana is surely not suggesting that if we adopt the Byrd amendment we will again be signaling the world there will be more troops in Southeast Asia, or that the war will be expanded.

The President announced last week another 50,000 men, will be out by October 15, and that by next May, another 100,000. This would be a total withdrawal of about 80 percent of all American combat forces in South Vietnam.

Therefore, it appears that the present President is committed to a policy of deescalation, of disengagement, of extrication from Southeast Asia.

I have heard the Senator from Montana, as have all of us, applaud the President for this action. Some may question whether it might not be at a more rapid rate but most Americans applaud the deescalation and disengagement.

This is a different time in Southeast Asia, a time of deescalation compared to time of escalation when the Gulf of Tonkin resolution passed the Congress, in record time, with only two dissenting votes.

It seems we strengthen the position of the Senate, we strengthen the position of Congress, and we give support to the President by adoption of the Byrd amendment. Adoption of the Byrd amendment would be a recognition of the powers of Congress under the Constitution and at the same time recognition that the President has an inherent right under the Constitution to protect American forces.

Thus, the question I ask is: If the President has that power, what harm does it do the Cooper-Church resolution to adopt the language of the Byrd-Griffin modification?

Mr. MANSFIELD. I have tried to explain that. Now I shall turn it over to one of the principal cosponsors of the amendment, who will repeat what many of us have said many times.

Mr. CHURCH. I thank the majority leader.

Mr. MANSFIELD. With perhaps some additions.

Mr. CHURCH. Mr. President, I understand that the argument of the Senator from Kansas (Mr. DOLE) is, we need have no fear that the adoption of the Byrd amendment will be treated as a blank check by President Nixon to return in force to Cambodia or to enlarge the war, because he is in the process of deescalating the war, because his intentions are good, and because the situation is quite different from what it was when the Senate adopted the Tonkin Gulf resolution.

I cannot accept that reasoning. I do not believe it is accurate to say that the Tonkin Gulf resolution was passed by Congress to signal escalation of the war. Indeed, quite the opposite was the case.

The Tonkin Gulf resolution was asked for by the President as a warning to North Vietnam, just as Cambodia was supposed to be a warning to the enemy. President Johnson, at the time, argued that the resolution would help prevent us from becoming involved in a wider war in Southeast Asia. Congress, it should be remembered, debated the resolution in the aftermath of an attack upon American destroyers at sea.

We adopted the resolution in response to the attack. That is why the first part of the resolution, the part the Senator from Kansas himself has quoted, reads:

> That the Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States . . .

The attack, I remind the Senator, was that made upon our destroyers at sea. The Senate passed the Tonkin Gulf resolution on August 10, 1964.

What was the President saying and doing?

Two days later, August 12, 1964, this is what the President of the United States said:

> Some others are eager to enlarge the conflict. They call upon us to supply American boys to do the job that Asian boys should do. They ask us to take reckless actions which might risk the lives of millions and engulf much of Asia and certainly threaten the peace of the entire world. In any event, such action would offer no solution at all to the real problems of Vietnam.
>
> America can and America will meet any wider challenge from others but our aim in Vietnam, as in the rest of the world, is to help restore peace, to reestablish a decent order.

Thus at the very time Congress passed the Tonkin Gulf resolution, the President of the United States, conscientiously, I am sure, believed it to be a measure that would restrict our participation in a wider war. He was pledging not to send American boys into Vietnam. But, later, he changed his mind. Later he decided to send a huge American expeditionary force to the mainland of Asia, and he then reexamined the resolution, and found language in it which seemed to confer prior congressional consent for the action he had later decided to take.

Mr. President, that is our experience. I am sure that President Johnson was sincere in his intentions at the time Congress enacted the Tonkin Gulf resolution. But we were careless enough to give him a blank check which permitted him later to change his mind and commit us to a major land war in Asia without having to come back to Congress for authority.

We do not want to do that again. It is not a question of the good intentions of President Nixon, or of what he has done up to now. It is the certainty that circumstances change. Presidents are human, Presidents change their minds, Presidents change their policies.

Our job is to take the present policy, defined as the President has defined it, and to say that after the present Cambodian operation has ended, if the President later decides to return to Cambodia, he must come to Congress, present his case, and ask Congress to lift whatever limitations it has imposed.

It seems to me that the argument offered concerning the good intentions of President Nixon is not relevant to the issue or to our experience with the Tonkin Gulf resolution.

Mr. MANSFIELD. Mr. President, the Senator recalls memories. He mentions the Gulf of Tonkin and the attack upon the destroyers there. But beyond that, the initial reaction was based upon the attack by the North Vietnamese or the Vietcong—I still do not know which—on the U.S. Forces at Pleiku.

Another memory which is recalled to my mind by the debate this afternoon is related to the question of Presidential consultation with Congress, a consultation which would not bind the President, but which would indicate an act in concert and cooperation with him.

It reminds me of the fact that distinguished Senators like the President pro tempore of the Senate, the senior Senator from Georgia (Mr. RUSSELL), like the distinguished Senator from Mississippi (Mr. STENNIS), and others whom I could name, advised the President strongly—very, very strongly—against becoming involved in Vietnam. The President did not take their advice.

I think they were right. But the point is that under the Cooper-Church amendment, consultation does not mean necessarily congressional approval.

Mr. DOLE. Mr. President, I point out briefly that I do not disagree with the general statement of the Senator from Idaho, and certainly not with the statement of the Senator from Montana.

I think the Senator from Montana made it clear at the outset that no Senator questions the motives or patriotism of any other Senator, nor do we question the desire of 100 Senators to disengage our country from military activities in Southeast Asia as quickly as possible. That is the general feeling of the Senate and the general feeling throughout America.

But again underscoring the record made by the present occupant of the White House, we are not seeing a period of escalation but one of deescalation and, therefore, there cannot be any relationship between what happened in 1964 at the time of the passage of the Gulf of Tonkin resolution and what may happen this Thursday at 1 o'clock when we vote on the Byrd amendment.

Had President Nixon suggested some escalation, or had Senator BYRD of West Virginia or some other sponsor of the amendment suggested some escalation or some elbow room for escalation, then we could reasonably compare the Byrd-Griffin perfecting amendment to the 1969 Gulf of Tonkin resolution. But again I repeat that the Byrd amendment is limited. It provides only for the right the President has to protect the lives of American forces within South Vietnam and to facilitate the withdrawal of U.S. forces from South Vietnam.

Again, I would say that the later phrase suggested by the Senator from Michigan, is something that we all agree upon—facilitate the withdrawal of American forces from South Vietnam. But I can see nothing in the Byrd amendment which would in any way permit us to compare it with the Gulf of Tonkin resolution.

I thank the Senator for yielding.

Mr. MANSFIELD. Mr. President, we are poles apart in our interpretation of the modification of the amendment, if agreed to. But let me say that I join the Senator in honoring President

Nixon for the withdrawals which he has made.

I would not go so far as to say that there has been no escalation, because the air activities in Laos, for example, have increased tremendously, many, many times over. And to me, an enlargement, an extension of the war into a country like Cambodia is in itself a form of escalation.

So, with those minor provisos, I would join the Senator in saying that up until Cambodia, the President was moving in the right direction—out—but not fast enough to suit me. However, it was in the right direction of reversing the process from escalation to deescalation.

As the Senator has said, I was not at all remiss in expressing publicly and otherwise my appreciation of what President Nixon was doing in that respect. However, with me, Cambodia created an entirely different situation. And, as I recall, I believe the distinguished Senator from Kansas himself, when he got hold of the news, was somewhat discomfited and disturbed, to put it mildly. So, I make these remarks only for the RECORD.

Mr. CHURCH. Mr. President, another form of escalation has recently occurred as a result of the President's decision to enter Cambodia. It is to be found in our casualty figures.

The June 5 edition of the Philadelphia Inquirer, under the caption, "U.S. Casualties Soar With Push Into Cambodia," takes note of the fact that "new Pentagon figures show that combat deaths for the month of May in Vietnam and Cambodia totaled more than 750. The figure is higher by more than 200 any 2 months since last August."

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Their breakdown for the period 1969–70 shows a sharply escalating rate in American casualties since the invasion of Cambodia.

Mr. President, I ask unanimous consent that the article to which I have referred be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Philadelphia (Pa.) Inquirer, June 5, 1970]

U.S. CASUALTIES SOAR WITH PUSH INTO CAMBODIA

(By James McCartney)

WASHINGTON, June 4.—President Nixon's Cambodian operations have pushed U.S. combat deaths in Southeast Asia to the highest level in nine months.

New Pentagon figures show that combat deaths for the month of May in Vietnam and Cambodia totaled more than 750.

The figure is higher by more than 200 any two months since last August, when the total was 795. It is more than double the number of combat deaths reported in four of the last nine months.

253 IN CAMBODIA

Of the 750 total, 253 deaths were attributed to operations in Cambodia. The others were in Vietnam.

The rate of U.S. combat deaths in Vietnam alone is about the same as it was before the Cambodian attacks.

The rate of combat deaths began to drop sharply in Vietnam last fall. Starting in September the total dropped below 500 a month for seven straight months.

The final, official total of combat deaths for the month of May has not been released by the Pentagon, but weekly figures issued show that the monthly total will be 750 or more.

President Nixon referred to casualty levels in Southeast Asia in his nationally televised speech Wednesday night.

OPPOSITE EFFECT

"When this operation was announced," he said, "critics charged that it would increase American casualties, widen the war, lengthen our involvement, postpone troop withdrawals.

"But the operation was taken for precisely the opposite reasons—and it has had precisely the opposite effect."

The President went on to explain that the "long range impact" of the operation would reduce "future casualties."

Some 970 U.S. troops were wounded in Cambodia in May—about a quarter of the total number of wounded in Southeast Asia.

The total number of combat deaths in Southeast Asia is now listed as 42,425—with another 8023 killed in non-combat activities, particularly accidents.

Cambodian operations have pushed the number of killed from all causes in Southeast Asia over the 50,000 mark. In addition, 279,571 have been wounded.

The total number of killed and wounded is 330,019.

All of these totals for the war date from Jan. 1, 1961.

Here are monthly U.S. combat death totals in Southeast Asia for the last year:

1969	
June	1, 100
July	638
August	795
September	477
October	377
November	446
December	341
1970	
January	343
February	386
March	449
April	526
May (plus)	750

Mr. MANSFIELD. Mr. President, unfortunately these casualties are going to be a constant reminder to us of what is happening and what will happen as long as any American troops are stationed in Southeast Asia. And while I regret the loss of the more than $100 billion which has been spent in this war in relation to the needs of our people at home and the problems that must be met, I regret far more the more than 335,000 casualties in this misbegotten, tragic conflict. And of that 335,000, almost 51,000 have died—43,000 roughly through combat deaths, and 7,000 roughly in other than combat deaths.

One American life is too high a price to pay for what we have had to go through in Southeast Asia and what we will continue to go through in the weeks, months, and, I assume, the years ahead.

My heart goes out to the President, any President. I have a pretty good idea of what his responsibilities are.

I may question the President's judgment. But I do not question his integrity. And I know that as far as President Nixon is concerned, it is not his desire to escalate or to really expand or enlarge this war.

I anticipate without question that he will get all U.S. troops out of Cambodia by the end of this month, if not before. I do not question his statement about that. I do not think that he wants to go back into Cambodia.

I think that what we ought to do is to try to help him, not give him power which would add to his already enormous authority, but rather hold out the hand of friendship and cooperation and see if together in the best interests of the Republic we cannot work in concert.

Mr. MUSKIE. Mr. President, I would like to express my appreciation to the distinguished majority leader for the speech which he has made this afternoon and the discussion which it has stimulated on the floor of the Senate. I think the speech and the discussion have been very useful to us in generating understanding of what is meant, intended, and likely to be the effect of the Cooper-Church amendment, as well as the Byrd-Griffin modification of that amendment.

What disturbs us here, as the distinguished majority leader has pointed out, is not the intention of the President; nor his intention to end the war, nor his hopes for the policies he has shaped to achieve that objective. What concerns us rather is that forces are at work in Southeast Asia, and other forces have been unleashed by the Cambodian incursion which can shape our policies in ways we do not intend.

On April 20 the President announced the further withdrawal of 150,000 American troops to be implemented within the 12 months following. In his speech making that announcement the President gave us no indication that he anticipated, or that there were under consideration, additional actions that might be necessary in order to implement that goal within that 12-month period. Yet 10 days later, on April 30, the President announced to the country his Cambodian decision. I have to assume, and the President's speech of last week argued on the side of that assumption, that events developed between April 20 and April 30 requiring the Cambodian venture.

In the same way, forces beyond our control, beyond the control of the President, events unanticipated by us and the President, may modify the President's present intention about withdrawal from Cambodia before July 1 and, indeed, about the withdrawal of 50,000 troops in October or 150,000 troops, in all, by next May.

This is what I think concerns the sponsors of the Cooper-Church amendment, and it is what concerns the distinguished majority leader, as I understand his speech this afternoon with respect to the Byrd-Griffin amendment.

We are in the grip of forces beyond our control. When I say we are in the grip of forces beyond our control I speak of more than our military involvement in Southeast Asia or our hopes for disengagement. We are in the grip of forces beyond our control in terms of the impact of this war upon our own country.

There is a great deal of discussion going on, discussion in which the majority leader has participated, about the dangers involved in our present economic and financial situation.

I notice in the New York Times the other day the reporting of a speech by Mr. David Rockefeller in Brooklyn, N.Y., on the state of our economy and what should be done in order to stabilize it.

He expressed the belief that the decline in the stock market reflected a deep concern about many more things than just the economy.

He is quoted as saying:

> I think there is a lack of confidence, a concern in the country on where we're going and how we're getting there, as well as some concern about the economy, too.

He continued:

> I think it is a general malaise, a worry as to what's going to happen in the war, in the world.

It is this general crisis in confidence which I think was in part sparked by the unexpected decision of the President to move into Cambodia. I think what is necessary to meet that crisis is some clear-cut action by the President, hopefully an action joined in by Congress, to reassure the country that our objective is disengagement from the war in Southeast Asia, not in some indefinite future, but within a foreseeable time frame.

Cambodia has raised doubts that our policies, whatever our intentions, are likely to result in total disengagement from Southeast Asia. I think to the extent the Cooper-Church amendment, if it is enacted, reassures the country that the Congress and the President join in an effort to disengage in Southeast Asia, it will have a beneficent effect upon the climate of confidence in the country as to our policies in Southeast Asia and their intended objective.

The distinguished Senator from Arkansas (Mr. FULBRIGHT) touched on this in his response to the speech made by the distinguished majority leader. I think it is an important point.

I thank the Senator for yielding.

S. 30, THE ORGANIZED CRIME CONTROL ACT OF 1969, SPECIOUS CLAIMS OF CIVIL LIBERTIES VIOLATIONS

Mr. McCLELLAN. Mr. President, on January 23, 1970, the Senate passed by the overwhelming vote of 73 to 1, S. 30, the Organized Crime Control Act of 1969. During the debate in the Senate S. 30 was subjected to indiscriminate charges that it would, in the words of the American Civil Liberties Union, "make drastic incursions on civil liberties" and that it ran "counter to the letter and spirit of the Constitution"—letter of the American Civil Liberties Union to each Member of the Senate, dated January 20, 1970, page 1, hereinafter cited as ACLU January 1970 letter.

Certain newspaper commentators and a prominent mayor have echoed those charges—see, for example, Washington Post, Sunday, February 22, 1970, page D4 column 1, excerpts from speech by New York City mayor; New York Times, Sunday February 1, 1970, page 12E, column 5, column by Tom Wicker; Washington Post, Friday, January 30, 1970, page A18, column 1, editorial; New York Times, Tuesday, February 3, 1970, page 38, column 1, editorial—and recently a report critical of several key titles of S. 30 was published by the Committee on Federal Legislation of the Association of the Bar of the City of New York—"The Proposed Organized Crime Control Act of 1969 (S. 30) (1970)"—hereinafter cited at ABCNY. That committee, like the Civil Liberties Union, based its criticisms of S. 30 largely on supposed principles of civil liberties.

The House Judiciary Committee is now in the midst of a series of hearings on S. 30 which began on May 20, 1970. It is appropriate, now that these hearings are underway, that I take this occasion to set the record straight concerning the implications of S. 30 for fundamental civil liberties and our treasured Bill of Rights.

I

Mr. President, over 2,500 years ago the Greek slave Aesop embodied the folk wisdom of his people in a series of stories that remain relevant even today. In one of those stories, he told of the shepherd boy who repeatedly cried, "Wolf." Villagers came to his aid until they grew weary of hearing that he had each time sounded a false alarm. When at last the wolf appeared, no one responded to his call for help, and the wolf took his toll of the flock unmolested and unimpeded.

Mr. President, there are among us today self-appointed shepherds of civil liberties who decry every attempt to strengthen the processes of law enforcement in our society. Like the shepherd boy who so long ago endangered his flock by sounding false alarms, these modern day shepherds run the risk, too, of endangering the civil liberties of us all. No civilized society can long permit within its domain an ever-rising tide of lawlessness. Such a tide is now lashing out against our society, and there are few who do not agree that it must be stopped and turned back. Nevertheless, I am concerned that there is a danger that if this difficult task cannot be accomplished now with the enactment of prudent reforms in the administration of our system of criminal justice, other less prudent steps will be taken at a later time—to the detriment of us all. Edmund Burke aptly remarked to the House of Commons in 1780 on the question of electoral reform:

> Consider the wisdom of a timely reform. Early reformations are amicable arrangements with a friend in power; late reformations are terms imposed upon a conquered enemy; early reformations are made in cool blood; late reformations are made under a state of inflammation. In that state of things the people behold in government nothing that is respectable. They see the abuse, and they will see nothing else. They fall into the temper of a furious populace provoked at the disorder of a house of ill fame; they never attempt to correct or regulate; they go to work by the shortest way; they abate the nuisance, they pull down the house. (Stanlis, *Edmund Burke: Selected Writings and Speeches* 287 (Anchor 1963).)

I deeply believe that the framework of civil liberty embodied in our Bill of Rights need not be condemned or demolished to achieve needed reforms in the operation of our system of criminal justice. I am concerned, however, lest our people come to believe that effective crime control requires us to set aside the Bill of Rights. I am troubled by the thought of what might occur if, panicked by an understandable fear of crime, they acted on that belief. It could mean the end of the kind of society that we know today.

I know, too, that specious claims of "repression," "police state tactics," or "civil liberties violations," indiscriminately made and constantly repeated in reference to any and all attempts to strengthen law enforcement, can soon lead to the creation of the belief that only abrogation of the Bill of Rights will protect us from criminals. It will then be only a matter of time until that belief forms the basis for action. It is thus important that those in positions of responsibility carefully identify the specious character of such claims, lest they contribute to that false and dangerous belief. It is therefore, because I love liberty more, not less, that I advocate the enactment of S. 30 and defend it from such unjustified and specious claims.

II

Mr. President, the passage of S. 30 by the Senate on January 23 was the culmination of a year of detailed study, hearings, and consultations, and a result of one of the most thoroughly gratifying bipartisan efforts in which I have participated since coming to the Senate. The process had its start on January 15, 1969, when, along with my distinguished colleagues, the Senators from Nebraska (Mr. HRUSKA), North Carolina (Mr. ERVIN), and Alabama (Mr. ALLEN), I introduced S. 30, the "Organized Crime Control Act." It continued through the introduction of seven other bills designed to deal with organized crime, which now appear with revisions in the 10 substantive titles of S. 30. Senators EASTLAND (S. 2022), MUNDT (S. 2022), ERVIN (S. 30 and S. 2122), HRUSKA (S. 30, S. 1623, S. 1861, S. 2022, S. 2122 and S. 2292) and TYDINGS (S. 975 and S. 976) and the late Senator Dirksen (S. 2022) joined me in introducing some of these measures or introduced other bills that are now reflected in S. 30.

Extensive hearings were begun in March and continued in June of 1969, and gradually the various bills were worked into S. 30 to form an integrated, comprehensive organized crime control measure. The subcommittee solicited the views of experts and interested organizations and worked closely with the Department of Justice. Indeed, the Department was most helpful and made a number of valuable suggestions that were incorporated in the bill.

Mr. President, the product of this process was a bill which was carefully drafted to cure a number of debilitating defects in the evidence-gathering process in organized crime investigations, to circumscribe defense abuse of pretrial proceedings, to broaden Federal jurisdiction over syndicated gambling and related corruption where interstate commerce is affected, to attack and to mitigate the effects of racketeer infiltration of legitimate organizations affecting interstate commerce, and to make possible extended terms of incarceration for the dangerous offenders who prey on our society. In addition, the bill incorporated the best of the recommendations in the organized crime field of the President's Crime Commission, the National Commission on Reform of Federal Criminal

Laws, the American Bar Association Project on Minimum Standards of Criminal Justice, the Model Penal Code, the Model Sentencing Act, and Senate subcommittee witnesses who represented the National Council on Crime and Delinquency, the Association of Federal Investigators, the New York County Lawyers Association, the American Civil Liberties Union, the New York State Commission of Investigations, the National Association of Counties and the New York State Bar Association. The bill has been endorsed in principle by such diverse groups as the National Chamber of Commerce, the National Association of Counties, and the International Association of Chiefs of Police. I am pleased to say, too, that the Department of Justice now supports, with two minor reservations not involving substantive civil liberties issues, S. 30 as it was reworked and amended in the subcommittee and the full committee and passed by the Senate. This bill embodies, in short, what I believe is the most appropriate response that this Congress can make to the special challenge that organized crime poses to the well-being of our Nation.

III

Mr. President, the Attorney General in his testimony on S. 30 before the Senate subcommittee aptly observed:

> Too few Americans appreciate the dimensions of the problem of organized crime; its impact on all America, and what must be done to reduce—and ultimately eradicate—its sinister and erosive effects.
>
> (*Measures Relating to Organized Crime*, Hearings before the Subcommittee on Criminal Laws and Procedures, Committee on the Judiciary, United States Senate, 91st Cong., 1st Sess. 107–08 (1969)) (hereafter cited as Hearings.)

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Mr. President, America has had to contend with some form of organized crime since the founding of our Republic. Nevertheless, it has only been in the last half-century that these criminal groupings have begun seriously to threaten the very integrity of our Nation and the well-being of such large segments of our people.

"Organized crime groups," the President's Crime Commission observed in 1967, "are known to operate in all sections of the Nation." The Challenge of Crime in a Free Society, report of the President's Commission on Law Enforcement and Administration of Justice at 171 (1967)—hereinafter cited as Challenge of Crime. The most influential of these groups, the 26 families of La Cosa Nostra, estimated to have a total membership of some 3,000 to 5,000, operate, however, primarily in New York, New Jersey, Illinois, Florida, Louisiana, Michigan, Pennsylvania, and Rhode Island. The internal organization of these families is patterned after the ancient Mafia groups of Sicily. They are, however, more than mere criminal cartels.

The final report in 1965 of the Permanent Subcommittee on Investigations' examination into the internal structure of organized crime put it this way:

> There exists in the United States today a criminal organization that is directly descended from and is patterned upon the centuries-old Sicilian terrorists society, the Mafia. This organization, also known as Cosa Nostra, operates vast illegal enterprises that produce an annual income of many billions of dollars. This combine has so much power and influence that it may be described as a private government of organized crime. (S. Rept. No. 72, *Organized Crime and Illicit Traffic in Narcotics*, 85th Cong., 1st Sess., at 117 (1965) (hereinafter cited as Investigations Subcommittee Report.))

These groups are chiefly active in syndicated gambling, the importation and distribution of narcotics, and loansharking, each an offense which is parasitic, corrupting, and predatory in character. Economically, the price tag of organized crime may be conservatively put at twice that of all other crime combined.

Organized crime groups, moreover, have not confined their villainy to traditional endeavors, but have increasingly undertaken to subvert legitimate business and unions. For example, a leading young union leader—and founder of the new Independent Party in New York City that was instrumental in the present mayor's election—was identified in the Senate subcommittee hearings on S. 30 by the Department of Justice as a "captain" in the Gambino "family" of La Cosa Nostra. Hearings at 127. More important, these criminals have, in some localities, established corrupt alliances within the processes of our democratic society: with the police, prosecutors, mayors, city councils, courts, and legislatures.

All of this is, of course, disturbing. But the most serious aspect of the challenge that organized crime poses to our society is the degree to which its members have succeeded in placing themselves above the law. From 1960, the date meaningful statistics began to be collected, until March 1969, the combined efforts of the various Federal investigative agencies resulted in only 235 indictments involving 328 defendants identified as members of La Cosa Nostra. Hearings at 128. These leaders, moreover, have been notoriously successful in getting off even in these relatively few cases in which the evidence has warranted prosecutions. Our studies indicate that members of La Cosa Nostra have obtained dismissal or acquittal on the charges leveled against them more than twice as often, for their numbers, as ordinary offenders: 69.7 percent as against 34.8 percent. See CONGRESSIONAL RECORD, volume 115, part 25, page 34389. Indeed, 17.6 percent of the group of La Cosa Nostra defendants we studied — representing the leadership structure of key families and La Cosa Nostra members indicted by the Federal Government since 1960—were able to obtain acquittals or dismissals of cases against them five or more times each. The final report of the Permanent Subcommittee on Investigations' examination into organized crime and narcotics summed it up this way:

> The crime leaders are experienced, resourceful, and shrewd in evading and dissipating the effects of established procedures in law enforcement. Their operating methods, carefully and cleverly evolved during several decades of this century, generally are high effective foils against diligent police efforts to obtain firm evidence that would lead to prosecution and conviction.
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> The crime chieftains, for example have developed the process of "insulation" to a remarkable degree. The efficient police forces in a particular area may well be aware that a crime leader has ordered a murder, or is an important trafficker in narcotics, or controls an illegal gambling network, or extorts usurious gains from "shylocking" ventures. Convicting him of his crimes, however, is usually extremely difficult and sometimes is impossible, simply because the top-ranking criminal has taken the utmost care to insulate himself from any apparent physical connection with the crime or with his hireling who commits it. (Investigations Subcommittee Report at 2.)

Mr. President, this intolerable degree of immunity from legal accountability must be put to an end. Our society cannot long safely permit the operation within it of an underworld organization as powerful and as immune from social accountability as La Cosa Nostra. The success story of this group is symbolic of the breakdown of law and order increasingly characteristic of our society. To hold the allegiance of the now law-abiding, society must show each man that no man is above the law. The loopholes through which the leaders of organized crime now escape the processes of our law must be closed. Justice and public safety demand no less, and it is to this end that S. 30 was carefully drafted—with due regard given in each instance to the civil liberties of all our citizens.

THE OVERBREADTH OBJECTION

Nevertheless, the curious objection has been raised to S. 30 as a whole, and to several of its provisions in particular, that they are not somehow limited to organized crime itself—for example, ACLU January 1970 letter at 1, 5; ABCNY at 37, 48 n. 80—as if organized crime were a precise and operative legal concept, like murder, rape, or robbery. Actually, of course, it is a functional concept like white collar crime, serving simply as a shorthand method of referring to a large and varying group of criminal offenses committed in diverse circumstances. The danger posed by organized crime-type offenses to our society has, of course, provided the occasion for our examination of the working of our system of criminal justice. But should it follow, as the union and New York City bar committee suggest, that any proposals for action stemming from that examination be limited to organized crime?

Mr. President, this line of analysis has a certain superficial plausibility, yet on closer examination we see that it is seriously defective in several regards. Initially, it confuses the occasion for reexamining an aspect of our system of criminal justice with the proper scope of any new principle or lesson derived from that reexamination. For example, our examination of how organized crime figures have achieved immunity from legal accountability led us to examine the sentencing practices and powers of our Federal courts. There we found that now our Federal judges, unlike many State judges, have no statutory power to deal with organized crime leaders as habitual offenders and give them extended prison terms. Having noted the lack of habitual offender provisions by considering one class of cases, we obviously learned that it was lacking in other classes, too. Is there any good reason why we should not move to meet that need across the board?

Another title which exemplifies the distinction between the occasion for developing legislation, and the proper scope of legislation once it is developed, is title III. Title III, of course, codifies and clarifies Federal law concerning civil contempt of court, and protects the coercive force of civil contempt imprisonment from being undercut by granting of bail pending any appeal which raises no substantial possibility of reversal. Although it was the great value of civil contempt proceedings in organized crime cases, where witnesses are tempted to an unusual degree to withhold testimony even after being granted immunity, which prompted the development of title III, the power to hold a witness in civil contempt is a traditional and useful one in all kinds of cases. For that reason title III is made applicable to all Federal criminal cases.

In addition, the objection confuses the role of the Congress with the role of a court. Out of a proper sense of their limited lawmaking function, courts ought to confine their judgments to the facts of the cases before them. But the Congress in fulfilling its proper legislative role must examine not only individual instances, but whole problems. In that connection, it has a duty not to engage in piecemeal legislation. Whatever the limited occasion for the identification of a problem, the Congress has the duty of enacting a principled solution to the entire problem. Comprehensive solutions to identified problems must be translated into well integrated legislative programs.

The objection, moreover, has practical as well as theoretical defects. Even as to titles of S. 30 needed primarily in organized crime cases, there are very real limits on the degree to which such provisions can be strictly confined to organized crime cases. Many of those provisions, such as title I, deal with the process of investigating and collecting evidence. When an investigation begins one cannot expect the police to be able to demonstrate a connection to organized crime, or even to know that a connection exists. It is only at the conclusion of the investigation that organized crime involvement can be shown and verified. Therefore, to require a general showing that organized crime is involved as a predicate for the use of investigative techniques would be to cripple those techniques. On the other hand, each title in S. 30 which is justified primarily in organized crime prosecutions has been confined to such cases to the maximum degree possible, while preserving the ability to administer the act and its effectiveness as a law enforcement tool.

Lastly, and most disturbingly, however, this objection seems to imply that a double standard of civil liberties is permissible. S. 30 is objectionable on civil liberties grounds, the union and city bar committee suggest, because its provisions have an incidental reach beyond organized crime. Coming from the Civil Liberties Union in particular, this objection is indeed strange. Has the union forgotten that the Constitution applies to those engaged in organized crime just as it applies to those engaged in white collar or street crime? S. 30 must, I suggest, stand or fall on the constitutional questions without regard to the degree to which it is limited to organized crime cases. If the bill violates the civil liberties of those engaged in organized crime, it is objectionable as such. But if it does not violate the civil liberties of those who are engaged in organized crime, it does not violate the civil liberties of those who are not engaged in organized crime, but who nonetheless are within the incidental reach of provisions primarily intended to affect organized crime.

Laid bare for all to examine, therefore, this objection can be seen to be little more than a superficial rhetorical trick whose only effect can be to hinder rational and deliberate consideration of this legislation. It is unworthy of any group that calls itself a Civil Liberties Union, and is equally fallacious when expressed by the New York City Bar Committee.

Mr. President, the objections to S. 30 were not, however, confined to general criticisms of the supposedly unwarranted overall effect of the statute. The union undertook to offer detailed criticism of each and every provision in the proposed statute. Indeed, the union was alone among those who appeared in the hearings held before the Special Subcommittee on Criminal Laws and Procedures in offering opposition to each and every provision of the proposed statute. The city bar was somewhat more selective, but similarly onesided. I turn now, therefore, to a consideration of many of their particular objections.

TITLE I—SPECIAL GRAND JURY

Mr. President, title I of S. 30 establishes special grand juries in the major metropolitan areas of our Nation lying in judicial districts having in excess of 4 million in population. This would include these districts: Massachusetts, eastern and southern districts of New York, New Jersey, eastern and western districts of Pennsylvania, southern district of Florida, eastern district of Michigan, northern and southern districts of Ohio, northern district of Illinois, and the northern and southern districts of California. Where the Attorney General determines a need in other locations, special grand juries may also be convened on a case-by-case basis. These grand juries are required to meet at least once each 18-month period. All grand juries are broad based in composition under present law; special grand juries will also elect their foreman and deputy foreman, as is currently the petit jury practice. To insure that there is no arbitrary hampering of grand jury efforts, the jury is given the right to seek review of any dispute between the jury and the judge or the prosecutor.

The relatively greater degree of independence which a special grand jury will have under title I will permit the grand jury to indict or report upon a situation in which a prosecutor or court, for political or other reasons, would prefer that action not be taken. History has shown the wisdom of insulating grand juries from political influence. It was a "runaway grand jury" which in 1935 reported that the New York County prosecutor's office was not sufficiently diligent in pursuing organized crime investigations, and requested that Governor Lehman appoint a special prosecutor. The Governor's response was to appoint Thomas E. Dewey as a special prosecutor. As we all know, that appointment was the first step in a process by which the initial grand jury and its successors eventually indicated a number of political and organized crime leaders. See "The People's Big Stick," published by the Grand Jury Association of New York County, preface—1963. The historian, Prof. Richard D. Younger examined that experience and the experience of a number of other grand juries in a long and scholarly article, and stressed that grand juries must "remain independent of both court and prosecutor." The Grand Jury Under Attack III, 46 J. Cr. L., C. & P.S. 214, 224—1955. He concluded that—

> Today, grand juries remain potentially the strongest weapon against big government and the threat of "satism." (*Id.* at 225.)

Mr. President, I believe that the history of our Nation, and of other nations, reveals that a government which is deprived of the support of its citizens cannot effectively combat activity which is deemed criminal. Grand juries established under title I, selected at random from the community and free of external or internal pressures, will be properly regarded as objective citizenry in their evaluation of criminal activities in their community. They, of course, will be guided by the prosecutor in their investigations, and their findings will be subject to review by the judge, but the grand jury will not be controlled. They are empowered to report their findings on the standing of their community with respect to organized crime and official corruption and misbehavior. They will be empowered to make suggestions for legislative and executive measures which will alleviate these community problems, thus passing on the benefit of their investigations.

Mr. President, who can be more qualified to evaluate the problems of drug traffic in the ghettos than the citizens who are exposed to this depravity on a daily basis? I do not believe that we can stop the drug traffic or solve any other problem associated with organized crime without the cooperation and participation of those who are the victims of the criminal activity.

Mr. President, these citizens also need to be given an institutional voice in the community. Title I of S. 30 revives, therefore, the grand jury reporting powers that were a chief reason for the grand juries' creation in England at the Assize of Clarendon in 1166. Originally, the grand jury was an administrative device to keep the king in touch with the state of affairs in each community, to ensure that his officials performed their functions correctly, and to accuse those who violated the king's peace. This was and is citizen participation in government at its most basic level. As we are all aware, the difficulty of a central government in evaluating the needs and problems of local communities are as great today as they have ever been.

Grand jury report powers, although a revival in our present federal system, have been retained from common law or statutorily enacted in several of our States. Twenty-one States have legislation similar to the New York statute which, in *Jones* v. *People*, 101 App. Div. 55, 92 N.Y. Supp. 275, appeal dismissed, 181 N.Y. 389, 74 N.E. 226 (1905), was construed to authorize reports, while six States explicitly authorize such reports by statute, and others have sanctioned them on a common law basis. See, for example, *In Re Report of Grand Jury*, 11 So 2d 316 (Fla. 1945). The effectiveness of such reports as an instrument of reform was affirmed at our hearings by Frank S. Hogan, district attorney of New York County. Hearings at 353–54. Mr. Hogan set out several examples of grand jury reports, and evaluated these reports, as follows:

> Since 1947, some 20 reports have been submitted by various grand juries of New York County disclosing either the noncriminal misconduct of public officers or the existence of conditions in public agencies or areas of public interest which required corrective legislative or administrative action. I cite a few instances of the exercise of this grand jury power which, I believe, demonstrate its effectiveness.

I have obtained copies of grand jury reports from New Jersey and elsewhere. On June 3, 1970, for example, I placed a copy of a New Jersey report, upheld after challenge in court, in the RECORD—18029—so that each Member of this body could observe the work product of such a grand jury. At that time, however, I pointed out that the reports authorized by title I would be subject to even greater restrictions than those now obtaining in New Jersey. I believe, in short, that in title I we have fairly balanced the public need for disclosure with the individual's need for anonymity.

I consider title I an implementation of several recommendations by the President's Crime Commission, including the Commission's statement that—

> When a grand jury terminates, it should be permitted by law to file public reports regarding organized crime conditions in the community. (*Challenge of Crime* at 200.)

It has been suggested, however, by Senator CHARLES E. GOODELL and by the New York City Bar Committee—at 10—that this recommendation of the Crime Commission did not include reports that might comment on specific individuals, and it must be conceded that the text of the Commission's report itself is ambiguous. Nevertheless, when it is read in the content of its "legislative history" it is difficult, I suggest, to interpret it in so limited a fashion. The Commission's recommendation here was based on the work of its Task Force on Organized Crime, which had before it a review of the law that specifically recommended that the "right to file reports should be restored" in Federal law.

That review of the law made it clear that existing Federal law permitted the filing of general reports not identifying individuals. The word "restored" could only be taken to mean, therefore, that the existing right under Federal law to file general reports should be expanded to authorize the filing of reports which commented on specific individuals. See Task Force report: Organized Crime 83–85 (1967). Even so interpreted, the Crime Commission recommendation, of course, is contrary to the policy of the Civil Liberties Union, which goes so far as to oppose even the filing of reports—

> Regarding organized crime conditions in the district. (ACLU Jan. 1970 letter at 2.)

Indeed, the union and the New York City Bar Committee both oppose enactment of title I. The union apparently objects primarily to the provisions for the filing of reports, while the bar committee objects both to the relatively great degree of independence of the special grand jury and to its power to file reports. In addition, both organizations oppose the title I amendment to section 3500 of title 18 of the United States Code.

The New York City Bar committee's objection to providing increased independence from the court and prosecutor for federal special grand juries is based on the bar's ignorance of the need for such independence. The Bar committee states:

> While such independence might be required if corruption of the court or the prosecutor were to threaten the federal grand jury's effectiveness, we are not aware that such conditions have been shown to exist at the federal level. (ABCNY at 9–10.)

On the contrary, the Senate hearings on S. 30 contained testimony, to which the bar committee makes no reference, in which Henry S. Ruth, Jr., discussed and illustrated the need for grand jury independence at the Federal level. Mr. Ruth, who now occupies a high law enforcement position for the city of New York and who previously has served as Director of the National Institute of Law Enforcement and Criminal Justice, a professor of law, the Deputy Director of the President's Crime Commission, and an organized crime prosecutor for the Department of Justice, summarized and discussed the recommendations of the President's Crime Commission concerning grand jury independence. Hearings at 332–33.

He then went on, in response to questions from the Chair, to describe two illustrated actual situations in which a Federal grand jury investigation was prematurely terminated by a district court judge and a prosecutor declined to sign a valid indictment. Hearings at 339–40. Corruption has existed in Federal executive departments and in the Federal judiciary, though fortunately it has not been common. The existence of those conditions and the need for enhancing the independence of grand juries was shown before the President's Crime Commission and in the Senate hearings. The Congress has an ample basis of experience on which to enact title I's provisions enhancing the independence of special grand juries.

The Civil Liberties Union expresses the general viewpoint of the New York City Bar Committee as well as itself, when it described title I's report writing powers as a—

> Procedure . . . fundamentally unfair and inherently abusive. (ACLU Jan. 1970 letter at 1.)

The arguments advanced to support this contention are not new. They are but a stale rehash of material culled from the files of the union, which has opposed grand jury activity in New York, where such reports have been routine since the turn of the century. Indeed, when the union was successful in getting the New York Legislature to abolish these report writing powers in 1946, the bill was vetoed by Governor Dewey because he felt that these powers were—

> One of the most valued and treasured restraints upon tyranny and corruption in public office. (*Public Papers of Governor Thomas E. Dewey* 140–41 (1946).)

The specific contentions now advanced by the union and the New York City Bar Committee have been cogently analyzed and refuted, particularly in the context of the present New York grand jury report statute—on which title I is based—in a most scholarly article from the Columbia Law Review. R. Kuh, "The Grand Jury 'Presentment': Foul Blow or Fair Play?", 55 Col. L. Rev. 1104 (1955). Since that article already has been reprinted in the RECORD at my request—CONGRESSIONAL RECORD, volume 115, part 19, page 39907—I shall not at this time repeat all the arguments in favor of grand jury reports, or attempt to rebut all the criticisms to which the reporting power is being subjected.

I do, however, wish to add to these basic materials some comments addressed to certain specific objections raised by the New York City Bar Committee and the Civil Liberties Union. They may be a useful supplement to the basic analysis found in the inserted law review article.

The New York City Bar Committee finds the traditional secrecy of grand jury proceedings to be of questionable fairness, and considers the fairness issue aggravated where the grand jury has the power to file reports. The bar states that those factors mean that—

> The public has no way of evaluating the basis for a charge, and that its publication in the press may be tantamount to a "conviction." (ABCNY at 10.)

This objection is unsound on more than one count, but that the objection is made at all is ironic, since the secrecy of grand jury proceedings is designed in part as a means of protecting witnesses and suspects from prejudice through disclosure to the public that their activities are being investigated. Compare *Jenkins* v. *McKeithen*, 395 U.S. 411, 441 n. 5 (1968), Harlan, Jr., in dissent).

Furthermore, ample means are provided for evaluation of a grand jury report, which is not a "charge" of crime but a set of findings regarding noncriminal conduct. First, the public official whose conduct is to be criticized in the report has the absolute right to require the appearance of witnesses before the grand jury to present his side of the story, and can file a rebuttal to the grand jury report to be published as an appendix to it.

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Then, the court supervising the grand jury studies both the evidence against the subject of the report and the evidence which he adduced before the grand jury, to see whether the report is supported by the evidence. The court's determination on that question is subject to appellate review, and the report may not be published until there has been a final judicial decision. Thus, a great deal of "evaluation" of the report is done before it ever reaches the public.

Then, when the report is made public, the simultaneous publication of the report and the official's rebuttal, combined with any written opinions handed down by the courts reviewing the grand jury report, provide the public with more than adequate means of evaluating the accuracy of the report. The New York City Bar Committee's description of the report as "tantamount to a 'conviction' " is extreme, to say the least, when applied to a report on noncriminal conduct returned after such thorough procedural safeguards.

Another traditional feature of grand jury procedure which the New York City Bar Committee finds questionable, especially for a grand jury with report power, is "the non-adversary nature of the proceedings"—ABCNY at 10. Here I note that the Supreme Court itself in *In Re Grobar,* 352 U.S. 330, 333 (1957), remarked that a "witness before a grand jury cannot insist as a matter of constitutional right on being represented by his counsel." Nevertheless, the City Bar's statement—ibid.—that "there is no opportunity . . . to be represented by counsel" tells less than the whole truth, since the right to counsel traditionally is limited only to the extent that a witness' attorney is not allowed inside the grand jury room with him—he may leave the grand jury room at any time to consult with counsel—and the Court in *United States* v. *Capaldo,* 402 F. 2d 821, 824 (2nd Cir. 1968) termed this practice a "reasonable and workable accommodation."

This practice is also followed in New York. *People* v. *Ianniello,* 21 N.Y. 2d 418, 288 N.Y.S. 2d 462, 235 N.E. 2d 439 (1968). It is true that the subject of a report is not permitted to confront and cross-examine witnesses who appear before a grand jury, but it is not true that the title I procedures, which are customary for the State grand juries which under existing law have the power to file reports, impair the fairness or accuracy of grand jury reports.

The Supreme Court itself appears to have rejected the argument made by the New York City Bar Committee, since in the case of *Hannah* v. *Larche,* 363 U.S. 420, 449 (1960), it observed:

> [I]t . . . has [never] been considered essential that a person being investigated by the grand jury be permitted to come before that body and cross-examine witnesses who may have accused him of wrongdoing. . . . [T]he grand jury merely investigates and reports. It does not try.

The New York City Bar Committee's objection, therefore, makes the mistake of equating a grand jury proceeding, which determines only whether an indictment or report will be filed, with a trial which determines whether a defendant is guilty of crime and subject to punishment. As the Supreme Court made clear in the Hannah case, administrative agencies must grant cross-examination and confrontation only when their proceedings serve the purposes of adjudication or rulemaking. Proceedings for the purpose of investigation or factfinding, whether conducted, as the Supreme Court pointed out in Hannah, by an administrative agency or a grand jury, need not involve cross-examination and confrontation of witnesses.

A third feature of grand jury procedure which the New York City Bar Committee finds especially objectionable where a grand jury has the power to report is the immunity of grand jurors from libel suits and their alleged "immunity from the political processes"—ABCNY at 10. The latter, apparently, refers to the fact that grand jurors are selected more or less at random from citizens of the community and serve as grand jurors for a relatively brief period—two features which ordinarily are considered to make grand jurors unusually responsive to community sentiment, rather than the contrary.

The New York City Bar Committee believes that those factors, combined with the inability of the grand jury to indict the subject of a report for the "noncriminal misconduct" described in its report, deprive the person reported upon of an "opportunity for vindication at trial." The Civil Liberties Union makes what appears to be the same point, when it says that the subject of a grand jury report "has no adequate means of defending himself"—ACLU January 1970 letter at 1.

It is ironic that the New York City Bar Committee complains of the absence of an indictment, as a means of vindication, quite apart from the fact that an indictment would harm the defendant by exposing him to the possibility of conviction and punishment. In the first place, an indictment publicly accuses a defendant of far more reprehensible conduct; often, such as a violent or corrupt felony, than does a grand jury report under title I, which can report only upon "noncriminal misconduct, malfeasance or misfeasance in office."

In the second place, the returning of a Federal indictment is governed by far fewer procedural safeguards than the filing of a report under title I: the court may not judge the sufficiency of evidence upon which the indictment is based, there is no appeal from the decision that the indictment shall be made public, and a defendant named in an indictment has no right to append to it a detailed reply. The indictment may be dropped by the prosecutor at any time, depriving the defendant of his supposed right to "vindication at trial."

In the third place, even the one defendant out of about 10 who eventually is found not guilty at trial hardly obtains "vindication." The public is well aware that the State is subject to a number of handicaps at a criminal trial which often prevent it from proving an offense beyond a reasonable doubt although the defendant actually committed the offense, and often although reliable evidence of that fact is available but inadmissible. Because the public largely understands those handicaps, a "not guilty" verdict hardly "vindicates" the defendant in the public mind or removes the effect on his reputation of a public indictment.

A report filed under title I, on the other hand, evaluated and published under the safeguards described above, and alleging only noncriminal misconduct, exposes the subject of a report to far less danger of undeserved harm to his reputation than does the returning of an indictment against a defendant.

The New York City Bar Committee makes a fourth and final claim that there are questionable aspects of grand jury procedure, made more questionable where grand juries are authorized to issue reports. The committee alleges that "there are no objective standards governing the grand jury's conduct" concerning the filing of a report—ABCNY at 10–11. The American Civil Liberties Union makes a similar allegation, saying that "there is no limitation on the nature of the 'misconduct' " sufficient for making one the subject of a report—ACLU January 1970 letter at 1. That criticism is not accurate, and the attitude it reflects is inconsistent with the maintenance of high standards of public service.

Title I's phrase "noncriminal misconduct, malfeasance or misfeasance in office" actually is more restrictive than the comparable phrases in the New York grand jury report statute, on which the title I provisions are largely based. The city bar committee fails to draw the reader's attention to this tightening of the New York statute, despite the fact that the committee takes title I to task later in its report on the bill for alleged departures from the procedural provisions of the New York statute—which I discuss below—and despite the fact that the Senate hearings on S. 30 show clearly the occasion for this narrowing of the standard found in the New York statute. Prof. William Greenhalgh, representing the National Association of Counties, recommended that—

> A better, more specific, and purpose-related definition be supplied to define "non-criminal misconduct, nonfeasance, or neglect in office" to insure that the intent of the legislation is to relate to the purpose of the grand jury report toward organized crime control, and not, as it is possible under the present language, to issue a report against a local public official who misses 10 zoning meetings, or a Federal legislator who misses 10 roll call votes. We also suggest that consideration be given to more clearly expressing the organized crime control intent of this bill by the possible substitution of the words "malfeasance or misfeasance" for "non-feasance" as within the purview of the organized crime investigative grand jury report. The reason we state this is because these two words traditionally connote some degree of "mind-bearing on evil intent." (Hearings at 331.)

As Professor Greenhalgh's testimony clearly indicates, the key terms in the phrase "non-criminal misconduct, malfeasance or misfeasance in office" have received development and elaboration at common law, and the standard is sufficiently specific for a statute of this type. The condemnation of that standard by

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the New York City Bar Committee and the Civil Liberties Union also ignores the teaching of New Jersey's Chief Justice, Arthur T. Vanderbilt, who rejected objections to grand jury reports such as the complaints raised against title I, and stated:

> There are many official acts and omissions that fall short of criminal misconduct and yet are not in the public interest. It is very much to the public advantage that such conduct is revealed in an effective way. No community desires to live a hairbreadth above the criminal level, which might well be the case if there were no official organ of public protest. Such presentments are a great deterrent to official wrongdoing . . . [and] inspire public confidence in the capacity of the body politic to purge itself of untoward conditions. (*In Re Camden County Grand Jury,* 10 N.J. 23, 66, 89 A. 2d 416, 444 (1943).)

The complaint by the New York City Bar Committee—at 12–14—that title I "eliminates or diminishes" safeguards found in the New York statute on grand jury reports, and so is objectionable, is almost wholly inaccurate and, so far as it reflects actual differences between title I and the New York statute, is not a sound basis for objecting to enactment of title I.

For example, the city bar committee notes—at 13, note 15—that Federal grand juries ordinarily need not have the testimony they hear recorded, and objects to the filing of a report based upon evidence which was not recorded. In fact, however, in most Federal districts it is already the practice to record all grand jury testimony verbatim, but in any case, title I's provisions for review of the evidentiary basis for any grand jury report explicitly require the court to examine the report "and the minutes of the special grand jury" prior to entering an order accepting the report.

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It is not true, therefore, that the testimony taken before a grand jury convened under title I need not be stenographically recorded. Thus, there is no difference in this respect between the New York statute and title I; we see again the failure of the city bar committee to give S. 30 the workmanlike attention fair criticism requires.

Another difference which the New York City Bar Committee claims to find between the New York grand jury reports statute and title I is that the committee considers the New York statute's provision for judicial review of whether a grand jury report is supported by a "preponderance of the evidence" as an effective safeguard, but considers that safeguard "greatly diminished" in value when incorporated in title I, since Federal grand juries can consider hearsay evidence while New York State grand juries cannot. Without any supporting citation, the New York City Bar Committee simply asserts that—

> There are few guidelines for the district court to follow in weighing hearsay or double hearsay testimony." (ABCNY at 14.)

Actually, of course, there are ample "guidelines" and precedents for evaluation of the reliability of hearsay and multiple hearsay evidence, and State and Federal trial and appellate courts engage in weighing such evidence constantly. The numerous exceptions to the hearsay rule itself, such as the Federal shop book rule, are themselves examples of evidence which is admissible but which may have reduced reliability depending on the circumstances of its out-of-court making, and which consequently must be evaluated as to credibility by the district court. Another example of judicial review of the reliability of hearsay evidence, this time by an appellate court, is illustrated by the case of *United States* v. *Shiver,* 414 F. 2d 461 (5th Cir. 1969). In that case, a statement of pure hearsay was admitted in evidence on the issue of guilt or innocence since the defendant's counsel did not object to its admission. The court of appeals stated, at 463:

> This testimony presents the problem of considering the weight to be given to hearsay evidence admitted without objection.
>
> The general rule is that . . . hearsay evidence may properly be considered in determining the facts, [and] . . . [t]he rule followed in this circuit is that such evidence is to be given its natural probative effect as if it were in law admissible. . . .

The court of appeals went on to do exactly that, weighing the reliability of the evidence in view of all the circumstances, and found the evidence in that case to be insufficient to establish guilt beyond a reasonable doubt.

The city bar committee's statement also flies in the face of voluminous State and Federal experience with judicial review of determinations made by administrative agencies. Federal administrative agencies, for example, can base their decisions in large part upon hearsay evidence. (See *e.g.;* 5 U.S.C. section 556 (d) (Administrative Procedure Act); 45 C.F.R. section 702.8(a) ("rules of evidence" "not control" Civil Rights Commission); *Morelli* v. *United States,* 177 Court of Claims 844 (1966); *NLRB* v. *Imperato Stevedoring Corporation,* 250 F. 2d 297 (3d Cir. 1957); *NLRB* v. *Amalgamated Meat Cutters and Butcher Workmen of North America, Local 127,* 202 F. 2d 671 (1953).) The use of hearsay evidence by such agencies has in no way prevented courts from reviewing agency determinations under the "substantial evidence" rule. In view of those precedents and others, the bald assertion by the New York City Bar Committee that "there are few guidelines for the district court to follow in weighing hearsay or double hearsay testimony," without citation to any supporting authorities or to the opposing precedents, can only be considered irresponsible.

A third alleged difference between the New York grand jury report statute and title I is that, according to the New York City Bar Committee, ". . . there is no provision made for the taking of an appeal" from a court order approving a title I report. (ABCNY at 14.) The most that can be said for this objection is that no harm would be done by making the right of appeal more explicit on the face of the statute. Already, however, title I's grand jury report provisions refer to "an appeal," and a fair reading of title I leads to the conclusion that proceedings concerning a grand jury report are civil proceedings so are covered by the provisions of the Federal Rules of Civil Procedure concerning appeals.

The New York City Bar Association Committee complains next that "under the New York statute the court must be satisfied that a report purporting only to exonerate a public official or proposing recommendations for legislative, executive, or administrative action 'is not critical of an identified or identifiable person.' "—ABCNY at 14. The committee finds title I's deletion of the words "or identifiable" to be a substantial change in the standards, largely negating the procedural safeguards provided by title I for reports alleging misconduct by identified persons.

In fact, however, there is little difference between the terms "identified" and "identifiable" when they are considered in context. The city bar committee makes clear—at 14—that it considers the subject of a grand jury report to have been "identified" within the meaning of title I only if "—his name was—specifically mentioned in the report." The ordinary meaning of the word "identified," of course, covers identification by any means sufficient to establish clearly to what individual a report refers. It is this normal meaning of the term "identified" which is intended in title I, and that meaning is only slightly narrower than the meaning of the term "identifiable."

Title I needs this more precise term than the language used in the New York statute, since title I, unlike the New York statute, authorizes not only reports concerning misconduct by governmental officials but also reports on general organized crime conditions. The word "identifiable" could be read so broadly as virtually to eliminate the publication of reports on general organized crime conditions. While the narrower standard found in the New York statute is appropriate there, where general condition reports cannot be filed, the narrower standard is necessary in title I, since opening general condition reports to challenge by individuals who might for publicity reasons say that they are "identifiable" by general relevations would prevent the use of such reports. The standard used in title I poses no real threat to the safeguards applicable to reports which identify specific individuals, whether by name, job designation, or other clearly inferred means.

A key difference between the New York statute on grand jury reports and title I, which the city bar committee considers an important objection to enactment of title I, relates to the hearsay rule. The New York statute requires a court to accept a report only if it is supported by "the credible and legally admissible evidence," while title I permits a report to be supported by hearsay. This difference between the New York statute and title I simply reflects the broader difference, mentioned above, that New York permits grand jury indictments to be based only upon evidence which would be admissible at trial, while Federal grand juries can indict on the basis of hearsay—*United States* v. *Blue,* 384 U.S. 251 (1966); Note, "Validity of Federal Indictments and Warrants Based on Hearsay Evidence," 65 Yale L. J. 391 (1956). Of course, there are some who oppose the use of hearsay by grand juries for indicting, as well as for filing reports, and would like to see the New York rule extended to the Federal courts. The Federal rule, however, permitting the use of hearsay as the basis for an indictment, is the majority rule in the states. It recognizes the logical value that hearsay has, especially in a proceeding which does not adjudicate guilt but results only in an accusation or the filing of a report on noncriminal misconduct. Indeed, grand jury use of hearsay is even more appropriate as the basis for a grand jury report than as the basis for an indictment, since a report receives judicial review prior to its publication.

The Civil Liberties Union's objections to the quantity of evidence which title I permits to support a grand jury report also are invalid. The union objects to the use of the standard "preponderance of the evidence" as a basis for the filing of a grand jury report, but gives only one reason for its opposition to that standard: that "only one side may present evidence"—ACLU January 1970 letter at 2.—However valid this objection might have been at the time, since title I was, of course, amended on the Senate floor to give the subject of a grand jury report an absolute right to require the hearing of witnesses to present his version of the facts, it is now no longer true that "only one side may present evidence."

In addition, the union misstates title I when it objects to the issuance of reports "when there is insufficient evidence to support indictments." (*Id.* at 1.) This phrase misconceives the nature of grand jury reports. A grand jury report is not a substitute for an indictment in a case in which the evidence of crime is insufficient. Grand jury reports are filed when the evidence is sufficiently clear to establish the facts, but the facts established show noncriminal misconduct, rather than crimes. Grand jury reports alleging the commission of crimes are not permitted.

The distinct and complementary roles played by grand jury indictments and reports are illustrated by the recent developments in New Jersey, where the mayor of Newark was indicted for extortion and income tax evasion, and a grand jury report was filed alleging failure of the city administration to maintain high standards of diligence in law enforcement and the administration of city government. The report and a New Jersey decision upholding it are set out in the CONGRESSIONAL RECORD, page 18209, June 3, 1970. If the grand jury which returned the indictments heard sufficient evidence indicating that the mayor was guilty of extortion and tax evasion, then it acted properly, since the indictments serve the purpose of permitting criminal prosecution. The indictments do not, however, begin to match the grand jury report as a means of alerting the community to the prevailing low standard of administration of municipal government.

In considering the adequacy of title I's report procedures generally, it is important to keep in mind the essential function of grand jury reports. They are designed to educate and instruct the community on matters of community interest, in much the way that reports of legislative committees and independent government commissions serve to inform the public. It is interesting to note that such commissions seldom labor under procedural restrictions even comparable in strictness to the safeguards which the city bar and the union find insufficient in title I. One example of such a commission, which exercises broad powers of investigating and reporting under minimal procedural restrictions, is the U.S. Civil Rights Commission.

The Civil Rights Commission was established by the 1957 Civil Rights Act. The process of authorizing the establishment of the Commission began with the 1956 House civil rights bill, H.R. 627. That bill was reported out of the House Judiciary Committee without any reference to the procedures to be used by the Commission in conducting its hearings. During the debate on the floor of the House, however, the bill was amended to contain provisions regulating the procedure of the Commission hearings. That year, though, the bill died in the Senate.

In the 1957 session of Congress, two bills similar to the 1956 bill became prominent, one containing the relatively full procedures passed in 1956 by the House and the other, introduced in the House of Representatives by Congressman EMANUEL CELLER, then as now chairman of the House Judiciary Committee, containing watered-down procedural protections. For example, the Celler bill contained no provision for confrontation or cross-examination, or for judicial review of Commission findings. It was the Celler bill, however, which eventually became law, despite adverse comment concerning the right of cross-examination in both the Senate and the House of Representatives, and it was the Celler bill whose procedural safeguards were sustained by the Supreme Court against due process objections in *Hannah* v. *Larche*, 363 U.S. 422, 1960. Indeed, the Court sustained the Commission's procedures in part by drawing an analogy between them and the grand jury. I suggest, in short, that the procedures of title I are more consistent with basic fairness than those of the Commission, and those of the Commission have been upheld; I do not see why those of title I should be rejected.

The relative freedom of the Civil Rights Commission from procedural limitations, moreover, is typical of legislative committees and other Government commissions. Since the grand jury reporting function under title I is similar to the reporting and public investigating functions of those bodies, but is exercised under far greater procedural restrictions, it is inconsistent to oppose enactment of title I, while supporting these other agencies. When the false equation between grand jury reports and trials of guilt or innocence of criminal charges is rejected, it is seen that grand jury reports, as permitted and regulated by title I, are an appropriate and unusually careful means of alerting the public to public problems.

Next, grand jury reports are opposed by the City Bar Committee and the Civil Liberties Union on the ground that a grand jury is an "arm of the court," and that therefore its filing of a report violates the doctrine of "separation of powers."—For example, ABCNY at 14–15. This argument overstates the doctrine of separation of powers, which actually is a flexible and qualified doctrine recognizing a great deal of overlap in the functions of the three branches of government. Each branch of government exercises some powers which would be appropriate to another branch. For example, administrative agencies exercise powers which appear appropriate to executive, legislative, and adjudicative bodies: they adjudicate controversies, and make rules having the force of law, as well as administer Federal statutes. Nevertheless, arguments that their exercise of those powers violates the doctrine of separation of powers were repudiated in the 1930's.

Similarly, it is common for courts to recommend enactment of legislation in the course of their written opinions. See, for example, the opinion of Judge Augustus Hand, in *United States* v. *Polakoff*, 112 F. 2d 888, 890–891 second circuit—cert. denied, 311 U.S. 653 (1940), in which he notes the handicap law enforcement at that time labored under without wiretap authority, expresses his opinion that it could be constitutional, and invites congressional action. Such recommendations, when made by judges themselves, are consistent with separation of powers, in part because the courts lack power to implement their legislative recommendations. The grand jury, similarly, lacks that power. In addition, grand juries, like administrative agencies, are more hybrid in their nature than courts themselves, in view of their close association with prosecuting officers. The special grand jury created by title I, because of its special degree of independence from the court and prosecutor, is even less an "arm of the court" than an ordinary grand jury, and its filing of reports recommending legislative, executive or administrative action is consistent with separation of powers.

The New York City Bar Committee's attempt to articulate and support the contention that grand jury reports are harmful, moreover, is misleading and unpersuasive. The city bar committee, for example, describes—at 11—a decision by Judge Weinfeld in the Federal Southern District of New York expunging a grand jury report, without noting that title I of S. 30 would also have prohibited the publication of the report expunged in that case, since the report criticized private individuals rather than public officials, and since the report was not prepared and published under the strict procedural limitations of title I. In addition, the city bar committee omitted to mention that Judge Weinfeld specifically excluded from his holding "reports of a general nature touching on conditions in a community"—111 F. Supp. at 869. Reports of that type, Judge Weinfeld observed, serve "a valuable function and may not be amenable to challenge"—Ibid. The city bar committee follows that example with another, from Missouri, again without pointing out that the report was returned by a grand jury not subject to the procedural restrictions found in title I—ABCNY at 11.

The Committee also quotes at length—ibid.—from the decision of the New York Court of Appeals in the case of *Wood* v. *Hughes*, 9 N.Y. 2d 144, 154, 173 N.E. 2d 21, 26, 1961. The material quoted is a strong condemnation of grand jury reports identifying individuals. The city bar committee's use of it, however, is deceptive, since it fails to mention that the people of New York, through their state legislature, responded to the *Wood* decision by promptly enacting comprehensive legislation authorizing reports critical of identifiable individuals, under limitations designed to overcome the civil liberties objections voiced by the court—See Laws of 1964, Cr. 250, Code of Criminal Procedure Sec. 253-a.

Although the *Wood* case was set aside by the New York legislature, I recognize that the views expressed in that case may still remain the views of some judges of the New York Court of Appeals. It must be remembered, however, that eminent authorities support both sides of this question—though that fact cannot be gleaned from a reading of the Bar Committee statement. District Attorney Frank S. Hogan of New York County, one of the Nation's most esteemed prosecutors, stated: "In simple logic—it would seem that if a grand jury does not find actual crime but does find misconduct in public office it can and should do something about it." Quoted in "The People's Big Stick," published by the Grand Jury Association of New York County note 49, at 15 (1963). And as New Jersey Chief Justice Arthur T. Vanderbilt stated in 1955, in a decision upholding the grand jury report power over civil liberties objections, grounded on a fear of a possible abuse of the rights of individuals—*In Re Presentment by Camden County Grand Jury, supra* at 434:

> A practice imported here from England three centuries ago as a part of the common law and steadily exercised ever since under three successive state constitutions is too firmly entrenched in our jurisprudence to yield to fancied evils.

XUM

That the evils are fancied rather than real is apparent not merely from an examination of the criticisms of title I by the Civil Liberties Union and the New York City Bar Committee, but also from the hearing record of my Senate subcommittee. We attempted to obtain from opponents of title I examples of abuse of report writing powers circumscribed by provisions comparable to title I. The Committee on Federal Legislation of the New York County Lawyers Association, for example, also opposed title I's authorization of Federal grand jury comment on specific individuals—hearings at 216—but the spokesman for the committee conceded—*Id.* at 239—that he had no concrete experience to show that the New York law was not working well. The American Civil Liberties Union opposed the report writing power—*Id.* at 456–59—but was asked to provide for the record any indication of abuse where reports are filed, and failed to provide any—*Id.* at 481.

Apart from the merits of permitting grand jury reports which criticize identified individuals, it is incorrect to describe title I as a drastic change in existing Federal law—it might better be described as a clarification of the law, in view of the divergent Federal practices and precedents. One might compare, for example, the dictum of the Supreme Court in *Hannah* v. *Larche, supra,* that a grand jury investigates and reports, and the detailed and specific report recently filed by a Federal grand jury and ordered released by a Federal judge concerning the fatal shooting incident in Chicago between police and members of the Black Panther Party, with the decision of Judge Weinfeld in Application of United Electrical Workers, 111 F. Supp. 858—S.D.N.Y. 1953. Title I resolves this split of practice and authority in favor of grand jury reports, as a majority of the States do to at least some degree, and adds unusually strict safeguards against abuse of grand jury powers and against unwarranted and inaccurate publication of reports.

The provision of title I which would amend section 3500 of title 18 of the United States Code, concerning pretrial disclosure to a defendant of statements in the possession of the Government, also has received unfair criticism by the city bar committee and the Civil Liberties Union. The union, for example, claims that this provision of title I would abandon the trend set by recent decisions such as the case of *Dennis* v. *United States,* 384 U.S. 855, 870 (1967). The union fails to note, however, that the court in Dennis relied upon section 3500 as analogous authority for its decision in that case, and falsely implies that the guilding principles of the Dennis case and of title I are at odds. Likewise, the New York City Bar Committee misstates the effect of Rule 16(b) of the Federal Rules of Criminal Procedure—ABCNY at 17. Actually, Rule 16(b) expressly provides that it does not authorize the discovery of statements made by Government witnesses to Government agents except as provided in section 3500.

The present state of the law governing disclosure of satements is intolerable, since there are unjustifiable differences in the ways that various kinds of statements are treated for discovery purposes, and since various Federal circuits have adopted various rules for making discovery in particular situations. This provision of title I would provide the needed uniformity of treatment among various kinds of statements, and would clarify the law so as to obtain uniformity of treatment from one Federal circuit to another.

The need for a clarification of the law is most urgent, since the present uncertain state of the law leads unnecessarily to litigation of collateral issues and reversal of convictions on grounds not necessarily related to guilt or innocence—(*see, e.g., United States* v. *McGowan,* 7 Crim. L. Rptr. 2031—4th Cir., March 16, 1970—*Harris* v. *United States,* D.C. Cir., No. 21,511 (March 18, 1970). The harm done by the present state of flux and uncertainty in the law is well illustrated by the *Harris* case, *supra,* which reversed a conviction for robbery and assault with a pistol. A footnote to the opinion of the dissenting judge in that case reveals that the defendant committed another armed robbery and assault with a sawed-off shotgun before he was tried for his earlier crime. Having been convicted of both robberies and both aggravated assaults, Harris appealed both convictions and now has obtained reversal of one because the law on pretrial discovery was unclear. I think we should clarify that law now, and put an end to injustices to society such as occurred in the *Harris* case.

On the whole, title I would effect major improvements in existing Federal law, and has won impressive support from a variety of organizations. The claim by the New York City Bar Committee (at 9) that the U.S. Judicial Conference, the New York County Lawyers Association, and the National Association of Counties all urged that title I "be rejected in its present form" is, moreover, false. The judicial conference has never expressed a view concerning title I "in its present form." The judicial conference did disapprove an earlier draft, but stated no reasons for its disapproval, so there is no basis for drawing an inference as to its position on title I "in its present form." The earlier disapproval is set out in the CONGRESSIONAL RECORD, volume 115, part 25, page 33573. Indeed, to my knowledge the conference has never reviewed title I in the form in which it passed the Senate.

The New York County Lawyers Assotion, it is true, objected to the concept of grand jury reports identifying individuals. As noted above, however, the association conceded that it had no "concrete experience" on which to base its fears of abuse, and its opposition did not extend to exonerating reports or general crime condition reports. Finally, the National Association of Counties, supporting the central thrust of title I, opposed only certain provisions of the initial draft. At the same time, the Association made constructive suggestions for modifications. Those modifications were accepted by the Senate Judiciary Committee, something the bar association fails to note, and the modifications now are part of the bill passed by the Senate. The National Association of Counties, therefore, supports, not opposes, title I.

Indeed, what is remarkable about the public comments on title I is the degree to which associations of public officials who could be made the subjects of such reports have, in their desire for effective law enforcement and improvement of Government, endorsed both the grand jury report provisions and title I's grand jury minutes provisions. The Department of Justice supports these provisions fully—hearings at 369.

The Association of Federal Investigators testified that they "applaud" giving the public the "whole picture," so "strongly endorse" title I. (*Id.* at 276.) The National Association of Counties testified in the Senate hearings that there is "no greater deterrent to evil, incompetent and corrupt Government than publicity," and endorsed the report provisions with proposed modifications. (*Id.* at 330–31.) The International Association of Chiefs of Police have endorsed

S. 30, including title I, the CONGRESSIONAL RECORD, volume 115, part 22, page 29889. As one considers whether grand jury reports are needed, and whether the procedures in title I for their issuance provide the subject of a report with fair safeguards, the support of those groups is especially significant.

An amendment was offered on the Senate floor to strike the provisions of title I for reports on identified officials, and was defeated by a vote of 59 to 13. I submit that, when inaccurate claims about "fancied evils" are put to one side, and the need for direct influence by citizens over the conduct of public officials is recognized, it will be agreed that title I provides effective and fair means for improving the quality of Government.

TITLE II—GENERAL IMMUNITY

Mr. President, title II of S. 30 is a comprehensive immunity provision designed to replace more than 50 immunity statutes now in operation. When S. 30 was originally introduced its scope was limited to grand jury and court proceeding. It was designed to implement the recommendation of the President's Crime Commission that such a provision was not only necessary in the general administration of justice, but essential in the fight against organized crime. During the course of the hearings, however, the National Commission on the Reform of Federal Criminal Laws issued a report recommending that comprehensive reform and codification action be undertaken in this field. Accordingly, title II was reexamined in this context, and the decision was reached to go forward and properly to treat the overall problem in the administration of justice. Title II now provides for judicial, administrative and congressional immunity grants, subject to carefully framed safeguards for individual liberties, where information which may be necessary to the public interests is likely to be refused to be provided on the basis of the privilege against self-incrimination.

Mr. President, the relation between the privilege against self-incrimination and immunity grants has been examined by our courts over a considerable period of time. In *Counselman* v. *Hitchcock*, 142 U.S. 547 (1892), the Supreme Court invalidated an immunity statute which only prevented evidence from being used in subsequent court proceedings, where the evidence had been compelled under an immunity grant. The court stated:

> It could not, and would not prevent the use of his testimony to search out other testimony to be used in evidence against him or his property, in a criminal proceeding in such court. (142 U.S. at 564.)

In response, Congress passed a "transaction immunity" statute, which provided that the person compelled to testify could not be prosecuted, under any circumstances, for the criminal activities concerning which he had testified. In *Brown* v. *Walker*, 161 U.S. 591 (1896), this statute was upheld, despite the argument that was made that the principle of *Counselman* should be extended to prevent self-degradation as well as self-incrimination. The court answered this contention:

> The authorities are numerous and very nearly uniform to the effect that, if the proposed testimony is material to the issue on trial, the fact that the testimony may tend to degrade the witness in public estimation does not exempt him from the duty of disclosure. A person who commits a criminal act is bound to contemplate the consequences of exposure to his good name and reputation and ought not to call upon the courts to protect that which he has himself esteemed to be of such little value. (161 U.S. at 605.)

The court also stated:

> Every good citizen is bound to aid in the enforcement of the law, and has no right to permit himself, under the pretext of shielding his own good name to be made the tool of others who are desirous of seeking shelter behind his privilege. (161 U.S. at 600.)

Immunity legislation remained at this point until 1964. In that year, the Supreme Court handed down *Malloy* v. *Hogan*, 378 U.S. 1 (1964), and *Murphy* v. *Waterfront Commission*, 378 U.S. 52 (1964). In order to make State immunity statutes valid, the court held that they must also protect against Federal prosecution.

Drawing upon recently developed criminal procedure rulings on the derivative suppression of evidence, the court stated:

> We hold the constitutional rule to be that a state witness may not be compelled to give testimony which may be incriminating under federal law unless the compelled testimony and its fruits cannot be used in any manner by federal officials in connection with a criminal prosecution against him. (378 U.S. at 79.)

In a footnote, Mr. Justice Goldberg went on to state:

> The federal authorities have the burden of showing that their evidence is not tainted by establishing an independent, legitimate source for the disputed evidence. (*Id.* at n. 18.)

This is the use-restriction immunity that is embodied in title II. Under it, once a witness has testified, he can only be prosecuted for the acts concerning which he has been immunized if the prosecution can "establish an independent, legitimate source for the disputed evidence." *Ibid.*

Since *Murphy*, the highest courts of New Jersey and California have embraced this theory of immunity. In so doing, they specifically relied on the precedents in the U.S. Supreme Court.

The President of the United States on April 23, 1969, in his message on organized crime, commended the basic concept of title II to the Congress, stating:

> I commend to the Congress for its consideration . . . [the proposal under which] . . . a witness could not be prosecuted on the basis of anything he said while testifying, but he would not be immune from prosecution based on other evidence of his offense. (Doc. No. 91–105, House of Representatives, 91st Cong., 1st Sess. at 5 (1969).)

Mr. President, in a concurring opinion in *Murphy*, Mr. Justice White stated:

> Immunity must be as broad as, but not harmfully and wastefully broader than, the privilege against self-incrimination. (378 U.S. at 107.)

This was but another way of saying that we ought not tolerate anything which gives, in the words of Mr. Justice Holmes in *Heike* v. *United States*, 227 U.S. 131, 144 (1913), a "gratuity to crime."

Mr. President, in light of present derivative-suppression techniques, and Supreme Court decisions, to refuse to enact use-immunity legislation is to give a "gratuity to crime." In a society which is besieged by organized crime, the U.S. Senate is in no position to hand out such gratuities. Title II would revoke the gratuity that a member of organized crime enjoys under present immunity legislation and substitute for it carefully drafted legislation that both reforms and codifies the law in this field.

The New York City Bar Committee declines to take a position at this time on title II, but the American Civil Liberties Union objects to title II on several grounds. Most basically, the union states that "in 1892 the Supreme Court held a similar immunity statute unconstitutional because it protected only against use of evidence but not against prosecution, *Counselman* v. *Hitchcock*, 142 U.S. 547 (1892)"—ACLU January 1970 letter at 4. The union clearly implies that title II, since it gives immunity against use of compelled evidence and its indirect fruits rather than immunity against prosecution, is of doubtful constitutionality.

In the first place, the union's statement of the Counselman against Hitchcock holding is grossly misleading, when it states that the immunity statute struck down in 1892 was "similar" to title II. In fact, they were different in the most important respect: the invalidated statute protected only against use of the witness' own words against him, while title II protects against use not only of the witness' words but also of evidence indirectly obtained through investigation based on his testimony. That difference appears to be crucial under the Murphy case discussed above. Indeed, the highest courts of California and New Jersey, which within the past year have held immunity which is similar to title II to be constitutional, have relied upon the Murphy decision and have considered that difference to be vital. The union fails to cite the Murphy case or the State cases, and even states that "nothing has happened" since 1966 to support the constitutionality of use restriction immunity—apparently considering the decisions by the highest courts of two States to be "nothing." In the present state of the precedents there is virtually no basis for the union's constitutional objection to title II, and the strongest grounds for the opinion that title II is sound and constitutional.

The union goes on to question the constitutionality of title II on the ground that a witness who is immunized under its provisions receives protection only "in any criminal case." The union recognizes that those are the precise words used in the fifth amendment itself, but notes that that phrase in the fifth amendment has been interpreted to include a variety of penalty or forfeiture proceedings, and expresses fear that "title II is intended to apply" to something less. It seems obvious, especially in view of the full discussion of this point in the hearings, at

298–300, that the reason why title II uses the phrase found in the Constitution is that it is intended that the interpretations placed on the fifth amendment also be placed on the statute. There is no better way to assure that result than the method used by the Judiciary Committee and the Senate in drafting and passing title II.

In view of that fatuous complaint by the Civil Liberties Union concerning the draftsmanship of title II, it is amusing to read the union's statement that title II "replaces a host of carefully drawn and limited specific immunity provisions"—ACLU January 1970 letter at 3. The truth of the matter is described in the comment to the draft immunity provision proposed by the National Commission on Reform of Federal Criminal Laws, on which title II is based:

> In summary, and reserving for the next section an analysis of problem areas in existing immunity legislation, it can be said that federal immunity legislation has developed haphazardly. Congress has made a series of ad hoc responses to the need to support particular statutory programs with a power to compel testimony. There is no general federal immunity statute. There is no uniform immunity statute for the independent regulatory agencies. There is no uniform immunity statute for the executive branch. There is no uniform immunity statute for criminal law enforcement. Nor is there uniform provision for consultation before one agency authorizes an immunity which may adversely affect the criminal law enforcement program under a statute administered by another agency. (Hearings at 296.)

Enactment of title II thus would replace a large group of statutes which, contrary to the assertion of the union, are diverse and poorly drafted, with a comprehensive immunity statute. Title II has had the benefit, also, of the careful study and draftsmanship which went into the project as a part of the work of the National Commission on Reform of the Federal Criminal Laws, which prepared an extremely thorough and detailed analysis and justification of the proposal now found in title II—hearings at 279–327.

In that study by the National Commission will be found, incidentally, analysis of the question whether a court should be empowered to disapprove an immunity grant proposed by a prosecuting officer—Id. at 312–13. The Civil Liberties Union objects to the provision of title II placing the decision whether to grant immunity in the hands of the prosecuting officer but, in view of the full discussion of the issue in the National Commission's study, I would like at this time merely to make two points. First, the prosecuting officer is, for reasons stated in the Commission study in a far better position than a court to judge whether paying the price of immunity is warranted, in terms of the value of the expected testimony to the investigative effort. Second, the risk of abuse by a prosecuting officer is minimized by the fact that the immunity grant confers immunity only from use of the evidence and its fruits, rather than from prosecution.

Title II, which has passed the Senate as a part of S. 30 and has been reported favorable by a Subcommittee of the House Judiciary Committee, promises to improve the conduct of the business of the Congress, courts, and administrative agencies, by making available needed testimony which otherwise would be withheld, while at the same time preventing the unnecessary immunizing of criminals from responsibility for their conduct, when that conduct can be proven by untainted evidence. It deserves the support of all those who are serious about moving against crime.

TITLE III—RECALCITRANT WITNESSES

Mr. President, neither the compulsory process of the grand jury nor a grant of immunity assures that the testimony of the witness will be obtained. When a witness is not in a position to invoke the privilege against self-incrimination, this does not mean that he will give his full cooperation during the investigation. At this point, however, the investigation may be continued through use of the contempt power.

The contempt power has roots that run deep in Anglo-American legal history, and under modern law there is no question that courts have the power to enforce compliance with their lawful orders. Current Federal laws expressly confirm this ancient power. When subpenaed before a grand jury, the witness must attend. The grand jury, however, has no power as such to hold a witness in contempt if he refuses to testify without just cause. To constitute contempt the refusal must come after the court has ordered the witness to answer specific questions. Two courses are open when a witness then refuses to testify after a proper court order: civil or criminal contempt.

Under civil contempt, the refusal is brought to the attention of the court, and the witness may be confined until he testifies; he is said to carry, as the Court noted in *In Re Nevitt*, 117 Fed. 449, 461 (8th Cir. 1902), "the keys of the prison in his own pocket." Usually, where contempt is clear, no bail is allowed when an appeal is taken. The confinement cannot extend beyond the life of the grand jury, although the sentence can be continued or reimbursed if the witness adheres to his refusal to testify before a successor grand jury.

Under criminal contempt, after a hearing, the witness may be imprisoned, not to compel compliance with, but to vindicate the court's order. Federal law requires a jury trial if the sentence to be imposed will exceed 6 months. No other limit is set.

Title III of S. 30 seeks to codify the civil contempt aspect of present law as it applies to grand jury and court proceedings in the area of the refusal to give required testimony. Here it is worth noting, too, that absent a valid privilege, in the words of the Supreme Court in *Piemonte* v. *United States*, 367 U.S. 556, 559 n. 2 (1961), "the public has a right to every man's evidence." Upon such a refusal, the court is explicitly authorized to order the summary confinement of the witness, and it is provided that ordinarily no bail shall be given to the witness pending the appeal, since this would undermine the coercive effect of the court's order and result in undue delay.

Mr. President, this is a vital investigative tool for the forces of law enforcement. The testimony of Mr. Paul Curran, chairman of the New York State Commission of Investigations, during subcommittee hearings on this title, underlines the necessity for such a provision:

> With this grant of immunity must be coupled the right of compulsory process to produce the witness, and also the right most importantly, to take meaningful action against recalcitrant witnesses. They must know that if after receiving immunity, they do not testify, they will go to jail until such time as they are prepared to testify. This provision of S. 30 for . . . [a] jail term will make it clear that the Government really means business. (Hearings at 178.)

The contempt power is most vital in organized crime cases, where investigators and courts often are confronted with witnesses who have sworn allegiance to La Cosa Nostra's code of silence. One of legitimate society's infrequent glimpses of the pervasiveness of that code was afforded last year when the De Cavalcante electronic bugging transcripts were made public by a Federal court, and the head of Philadelphia's Mafia family was overheard telling the head of a New Jersey family:

> The idea is, the main thing is that, that's why I say, he signed a statement, that is bad. Because no friend of ours is supposed to sign any kind of a statement with the law. Never. Plead guilty, because there is a deal made that by pleading guilty, instead of getting ten years, he gets two: however, he pleaded guilty, instead of getting ten, he got one. So there's a deal there, but you still don't sign a statement, even though you plead guilty, you don't sign a confession.

Mr. President, title III also amends title 18, chapter 49, United States Code, section 1073, entitled "Flight To Avoid Prosecution or Giving Testimony" to include flight to avoid contempt proceedings. The pertinent changes in section 1073 read as follows:

> Whoever moves or travels in interstate or foreign commerce with intent either . . . (3) to avoid contempt proceedings for alleged disobedience of any lawful process requiring attendance and the giving of testimony or the production of documentary evidence before an agency of a State empowered by the law of such state to conduct investigations of alleged criminal activities, shall be fined not more than $5,000 or imprisoned not more than five years or both.

Mr. President, the need to make this change in the Federal Fugitive Felony Act was recently brought to light in organized crime investigations in New Jersey. Concerned over a growing awareness of the sinister influence of organized crime in the State, the New Jersey Legislature in 1968 created a State commission of investigation, which was modeled on New York's successful commission. In a hearing held in July of 1969, two mob figures, Robert "Bobby Basile" Ochipinti and Frank Cocchiaro, both lieutenants of Cosa Nostra boss Simone Rizzo "Sam the Plumber" De Cavalcante of New Jersey, after being subpenaed by the commission, walked out of the statehouse in Trenton during a break in the hearing and fled the

State to avoid contempt charges for refusing to answer questions. Unlike a witness who flees to avoid grand jury or court testimony, these two mobsters could not be picked up by the FBI for unlawful flight. Instead, the time-consuming process of State extradition had to be undertaken.

Mr. President, this defect in the law may be easily remedied. With the addition of but a few words to the statute, it will be possible to use the FBI to help States such as New Jersey, now seeking to clean its own house, to help themselves.

Nevertheless, both the New York City Bar Association Committee and the American Civil Liberties Union raise questions about the length of confinement which can result where a witness commits a civil contempt under title III. The city bar committee members divided on the question whether confinement for civil contempt, which is permitted under existing law and would be continued under title III, becomes punitive if a witness can be imprisoned for the life of a title I special grand jury, which can extend up to as long as 3 years, rather than just for the life of a regular grand jury, which under present law can extend up to 18 months—ABCNY at 18–19.

The Civil Liberties Union was less restrained, and stated that the long life of a title I grand jury, coupled with the union's failure to find in title III a requirement that the grand jury investigation in question remain in progress for the duration of the civil contempt imprisonment, made imprisonment of a witness under title III "punitive," rather than coercive of testimony. For those reasons, the union opposed title III.

Those objections are not valid. As the city bar committee notes at 18, existing law permits civil contempt confinement, for refusing to answer questions before a grand jury, for the remaining life of the grand jury, which can extend as long as 18 months. Existing law also, however, permits a witness who remains in jail for refusing to testify until a grand jury is discharged, and then is released upon its discharge, to be reconfined if he repeats his refusal to answer questions before a successor grand jury—See *Shillitani* v. *United States*, 384 U.S. 364, 371 (1966). Therefore, title III does not substantially increase the likelihood of lengthy incarceration for civil contempt.

It is true, of course, under existing law as well as under title III, that in a particular case of extended confinement a time might come when continued incarceration became punitive rather than coercive. Any limitation upon such confinement for civil contempt, however, would be determined, as Judge Friendly indicated in *United States* v. *Doe*, 405 F. 2d 436, 438 (2d Cir. 1968), by consideration of all the circumstances in an individual case, not by an evaluation of the face of the governing statute. Indeed, under title I, the grand jury must show that it has unfinished business before it can secure an extension of its term beyond 18 months. This showing would tend to guarantee that a period of extended civil commitment was, in fact, sought because there was a continuing thwarting of the grand jury's investigation. Actually, therefore, a witness would find his rights protected to a greater degree where a special grand jury rather than a general grand jury was involved.

The Civil Liberties Union and the city bar committee object—at 19–21—to title III also on the ground that it establishes an unsound standard for the granting or denial of bail pending appeal by a witness confined for civil contempt.

When considering what criteria ought to govern the granting of bail pending appeal of a civil contempt confinement, it should be kept in mind that the issue of bail arises only after a witness is found, through a procedure which is thorough and most rigorous for the Government, to have been guilty of civil contempt. That procedure is very similar to the one outlined in *In Re Hitson*, 177 F. Supp. 834 (N.D. Cal. 1959). That case involved witnesses before a grand jury who refused on grounds of self-incrimination to answer, after being duly sworn, questions regarding matters being investigated by the grand jury.

Title III does not, of course, modify the procedure described in the Hitson case. Title II, on witness immunity, does so only to the extent of permitting prospective grants of immunity to be made in certain cases. Those procedures preserve a full opportunity for the witness to raise any objections and defenses he has to the civil contempt proceedings, so he is found to have committed a civil contempt, if he is, only after full litigation of the relevant issues. It is at that point that the issue of bail arises.

Title III's standard for bail in such cases is that a judge shall deny bail "unless there is substantial possibility of reversal." The city bar committee, after quoting that standard from title III, goes on to allege that the Senate report "suggests that this language is intended to deny bail in all cases, since the report's general description of title III—page 33—states that it would authorize 'confinement, without bail, until compliance is made with the order of the court' "—ABCNY at 19. The phrase quoted by the bar committee was taken from the portion of the committee report entitled "Scope of Amendment"—report at 32—which purported to be nothing more than the barest summary of the principal provisions of S. 30, and which summarized title III in only two sentences. The section of the committee report entitled "Section-By-Section Analysis"—report at 141, 148–49—stated explicitly, as did the face of title III itself, that title III permits the granting of bail "where there is a substantial possibility of reversal"—Id. at 149. Thus, it is difficult to explain how the bar committee could misstate the effect of title III's bail provision as it did.

The city bar is, perhaps, even more misleading in its statement of existing law on bail in civil contempt cases than in its statement of the meaning of title III. At three places in the body of the bar committee's report on title III—ABCNY at 7, 19, 20—it states or directly implies that rule 46(a)(2) of the Federal Rules of Criminal Procedure, providing that "bail may be allowed pending appeal—unless it appears that the appeal is frivolous or taken for delay," applies to civil contempt cases. The bar committee also asserts that title III violates "the spirit" of the Bail Reform Act, title 18 United States Code, section 3148—Supplement IV, 1969, ABCNY at 7, 19—although it concedes that the Bail Reform Act is confined to criminal cases and so has no application to civil contempt cases—Id. at 19, note 32. The bar committee's recognition that the Bail Reform Act does not apply to civil proceedings makes all the more remarkable its failure to acknowledge that rule 46 similarly does not, of its own force, have any application to civil proceedings.

The city bar committee raises inaccurate and careless objections—ABCNY at 19—to the way in which *Coplon and United States* v. *Testa*, 326 F. 2d 730 (3rd Cir. 1963) (per curiam), *cert. denied*, 376 U.S. 931 (1964), were cited in the section-by-section analysis in the Senate report on S. 30. It is true, as the committee states, that the Coplon court applied a standard argued by the Government to be analogous to that in Federal criminal rule 46(a)(2), and that the Testa court did not discuss the issue of bail pending appeal. The Senate report, however, did not cite those cases for "the standard announced" in them, or for the manner in which they "discussed" the issue of bail, to use the bar committee's terms. The report, instead, cited them as examples of "what is now present practice"—report at 149. Thus, the city bar committee's statement that the Senate report is "erroneous"—ABCNY at 19—is itself erroneous—once again.

The important question, of course, is whether the standard for granting or denying bail stated in title III is a sound one, in view of the interest of the public in the efficacy of civil contempt, and the interest of a witness in avoiding confinement for conduct which later will be found not to constitute contempt of court.

One should note, at the outset, that even for bail pending appeal of a criminal conviction a defendant does not necessarily receive bail even though it is determined that his appeal is not "frivolous or taken for delay." That phrase provides a prohibition against the granting of bail for frivolous or dilatory appeals, but the granting of bail for substantial appeals remains entirely discretionary—there is no right to bail, even under the criminal provisions of rule 46.

The question, then, is only how broad the prohibition against the granting of bail, the denial of discretion to allow bail in extreme cases, shall be. I submit that the substance of the two standards—criminal rule 46's standard of "frivolous or taken for delay," and title III's standard of "substantial possibility of reversal"—is the same in each case. What is different between title III and criminal rule 46 is not the substance of the standard, but the burden of showing whether the standard is or is not satisfied in each case. Criminal rule 46 places on the Government the obligation to show that the appeal is frivolous or dilatory, while title III places a comparable burden on the individual in contempt of court.

That burden, in my opinion, belongs on the witness once he has been held in civil contempt. In the first place, the basis of the contempt already has been probed in the trial court under the rigorous procedures mentioned above. In the second place, civil contempt is unique in that its effectiveness is largely undermined if the witness found in contempt can take an appeal, regardless of its lack of merit, and remain free on bail. The purpose of holding him in contempt is to compel him to testify, but as time passes and the investigation either proceeds without the needed evidence or grows stale, the purpose of the contempt holding is defeated. At the suggestion of the Department of Justice—report at 109—a requirement that the appeal be disposed of within 30 days, and sooner if practicable, was inserted, so that the need to protect the effectiveness of civil contempt could be reconciled, as far as possible, with the interest of the individual witness. Of course, where there is a substantial possibility of reversal, bail can be granted in any case.

The city bar committee also makes the unfounded claim—ABCNY at 20—that a district judge who finds a witness to be in civil contempt will have more difficulty under title III's standard, than under the standard applied in the Coplon case, in rendering an unprejudiced decision as to whether or not to grant bail. As I said earlier, it is not so much the substance of the standard as the burden of satisfying it that has been changed by title III, while any issue of prejudice would go not to the procedure but to the substance of the judgment that the district judge must make about the accuracy of his contempt finding. More important, the authority in title III for bail pending appeal of the civil contempt finding is intended "to permit an appellate court to act to alleviate a manifestly erroneous confinement"—Senate report at 149. The Senate committee report made it explicit that the bail authority was aimed primarily at the appellate court, rather than the trial court, but the city bar committee's suggestion of district court prejudice makes no reference to that passage in the committee report.

Finally, omitted entirely from the bar association's discussion is rule 23 of Fed. R. App. Proc., which governs bail in habeas corpus appeals, an appellate procedure that is, like civil contempt, civil and not criminal in character. Rule 23 makes the question of bail solely one of discretion; it sets no standard whatsoever. It is, in short, seriously misleading to convey the impression that rule 46 or the Bail Reform Act expresses the full range of present Federal policy toward bail.

TITLE IV—FALSE DECLARATIONS

Mr. President, title IV of S. 30 represents the best efforts of the committee to insure that truthful testimony will be given in our grand juries and courts.

Organized crime's defeat of investigations and prosecutions through the fabricated story has occasioned our reexamination of the law in this area. However, the reforms implemented by these rules of pleading and evidence ought not be artificially limited to organized crime cases. At present, Federal law interposes several impediments to securing truthful testimony. As we all are aware, the usual standard of proof in a criminal prosecution is proof beyond a reasonable doubt. Meeting that standard, however, is not sufficient to secure a conviction for perjury. If the proof is circumstantial and not direct, no conviction may be obtained. For reasons rooted in medieval law—possessing no contemporary relevance—the testimony of one witness, no matter how trustworthy, reliable or sufficient—standing alone—is not legally adequate for a perjury conviction.

The American Civil Liberties Union refers to those two special rules for perjury cases, and the additional rule that the Government can obtain a conviction for perjury in the making of two manifestly contradictory statements under oath only if it can prove which of the two statements is false, as "time-tested" and "historic" rules—ACLU January 1970 letter at 6. The union does not bother to mention that as long ago as 1953 as a result of the studies of a special Commission on Organized Crime—see report at 50–52 (1951)—the American Bar Association and the National Conference of Commissioners on Uniform State Law had recommended their abrogation—"Handbook of the National Conference of Commissioners on Uniform State Laws" 403–09 (1952). These rules are more accurately described as anachronistic and outmoded. Time has shown them to be ineffective to accomplish the purposes which are supposed to justify them, and destructive of the sound administration of justice.

Since the irrelevance of the special perjury rules to the needs of the modern administration of justice becomes particularly apparent upon an examination of the history upon which those rules are based, some of that history was summarized in the Senate committee report:

> The first statutory reference to the crime of perjury appeared in 1495, 3 Hen. 7, c. 1 (1495). The Star Chamber read this act as authorizing punishment for perjury. Although the crime was theoretically cognizable in the ordinary criminal courts, it was dealt with almost exclusively in the Star Chamber, where the proceedings were presided over by the Lord Chancellor and conducted according to the ecclesiastical law under which a quantitative notion obtained of the credit to be accorded to the testimony of a witness under oath. From this notion, the so-called two-witness rule developed, that is, two witnesses to the same fact are necessary to establish it. Lord Chief Justice Hardwicke in *Rex* v. *Nunez,* Cas. T. Hard 265, 95 Eng. Rep. 171 (K.B. 1736), summed up the rule: "One man's oath is as good as another's." When the Star Chamber was abolished in 1641, the principles it had established in perjury prosecutions were carried over into the common law.
>
> In perjury cases Federal courts today still follow the two-witness rule and its corollary, the direct evidence rule, which requires a conviction for perjury to be based on direct not circumstantial evidence. The two witness rule, however, is misnamed. Under modern law, it no longer requires the testimony of two witnesses; it merely provides "that the uncorroborated oath of one witness is not enough to establish the falsity of the (testimony of the) accused . . ." *Hammer* v. *United States,* 271 U.S. 620, 626 (1926). The corroborating evidence need not independently establish the falsity of the testimony; it is enough if it furnishes a basis to overcome the oath of the accused and his presumption of innocence. The rule has no application, however, to elements of perjury other than falsity. (Senate Report at 58.)

The President's Crime Commission examined this issue thoroughly. It had before it a study explaining the history of the special rules for perjury cases, and demonstrating that those rules impede sound perjury prosecutions yet fail to accomplish their purpose of preventing abusive prosecutions—task force report: "Organized Crime," at 88–91. On the basis of its study of the problem, the President's Crime Commission concluded that Federal perjury law should abandon the ancient, restrictive rules on perjury prosecutions, as some of the States have done—"Challenge of Crime," at 201. The Crime Commission reported that the incidence of perjury is higher in organized crime cases than in routine criminal matters. We all know that perjury prosecutions are rarely successful. The effect of this lack of success upon the initiation of prosecutions is obvious. Again, we can easily infer the likelihood of perjury in instances of organized crime prosecutions, due to well-established witness-intimidation efforts of the underworld. The Department of Justice endorsed this provision, stating:

> We agree with the recommendation of the President's Commission that abolition of these rules is desirable. (Hearings at 371.)

There are at least two other barriers to obtaining truthful testimony. Under present law, even if a witness makes two statements which are so patently contradictory that one or the other must be false, the prosecution must nevertheless prove which of the statements is false and then prove an intentional falsehood. In accord with the Commission recommendation, the committee rightfully retained the requirement that an intent to falsify be shown. However, if one of two statements logically must be false, then title IV recognizes that fact.

The last impediment to the telling of truth is that under present Federal law one is not allowed to recant, correct untruthful statements, and escape prosecution. Therefore, at present a witness is discouraged from correcting untruthful testimony. Title IV would allow one to avoid criminal liability by correcting his testimony, so long as it is not already apparent by other testimony that he is lying, or so long as he has not substantially misled the proceeding by his original untruthful testimony.

Mr. President, title IV encourages truth by facilitating the prosecution of those who have lied, and by encouraging the correction of testimony without fear of prosecution. I am firm in my belief that this body should do everything in its power to make certain that there are no impediments to truthful testimony in the administration of justice in the Federal courts—in all cases as well as the more serious organized crime cases.

Since the thorough consideration of the history and merit of the restrictive rules for perjury cases by the Senate committee and by the President's Crime Commission was a matter of record when the Civil Liberties Union submitted its letter of January 20 to every Senator, it is remarkable that the Union dismissed that experience simply by referring to the ancient rules as "time-tested" and "historic"—terms which could scarcely rebut the considered conclusions of the Senate Subcommittee and the Crime Commission, or the evidence upon which those conclusions were based.

Still more remarkable is the manner in which the Civil Liberties Union misuses a relevant decision by the U.S. Supreme Court, when it states:

> It [title IV] does away with the historic two-witness rule. See *Weiler v. United States*, 323 U.S. 607 (1944). (ACLU Jan. 1970 letter at 6.)

The New York City Bar Committee compounds the error by quoting at length from the Weiler decision, ABCNY at 22. The passage quoted by the city bar committee makes the points that the two-witness rule is "deeply rooted in past centuries." It notes that opponents of the rule argue that it interferes with the administration of justice while its proponents argue, "not without persuasiveness," that the two-witness rule protects honest witnesses from hasty and spiteful perjury prosecutions; and it goes on to conclude, based upon that discussion of the issue, that the Supreme Court "cannot reject as *wholly unreasonable*" the two-witness rule. Emphasis not appearing in Supreme Court opinion or city bar committee statement. The city bar committee, however, fails to quote the paragraph of the opinion immediately following the two paragraphs quoted in the City Bar Committee statement:

> Whether it logically fits into our testimonial pattern or not, the government has not [in the litigation of the *Weiler* case] advanced sufficiently cogent reasons to cause us to reject the rule. As we said in *Hammer* v. *United States, supra*, [271 U.S. 620] 626–27, "The application of that rule in federal and state courts is well nigh universal. The rule has long prevailed, and no enactment in derogation of it has come to our attention. The absence of such legislation indicates that it is sound and has been found satisfactory in practice. (*Weiler* v. *United States*, supra at 609–10.)

Thus, the Supreme Court declined to reject the two-witness rule less on the basis of its intrinsic merit, as to which the court stated opposing arguments and concluded only that the rule was not "wholly unreasonable," but more on the basis that the rule was one of long standing and had not been changed by affirmative legislation. Now, however, the President's Crime Commission and a committee of the U.S. Congress have devoted extensive study and consideration to the question, and have found in fact that the two-witness rule neither is "satisfactory in practice" nor "fits into our testimonial pattern." The role has also been rejected in State law. See, for example, New Jersey *Ann.* 8, 2A: 131–6. The very foundation which was lacking in the Weiler case, and led the Supreme Court there to decline, as a court, to change a rule of law which had not been changed by the Congress, now has been supplied by legislative action and thorough study. The Weiler case, therefore, represents insufficient authority against congressional abrogation of the two-witness rule, and was improperly employed by the Civil Liberties Union and the New York City Bar Committee.

The provision of title IV dealing with "manifestly contradictory declarations" is subjected, both by the Civil Liberties Union and by the New York City Bar Committee, to a criticism which is so inaccurate and unfounded that the criticism reflects less on the propriety of enacting title IV, than it does on the care with which its critics considered it before voicing their opinions. It reveals, in addition, the extraordinary degree to which the City Bar Committee appears to have served only as an echo of the Civil Liberties Union's position, rather than as an impartial committee of a professional association evaluating proposed legislation.

The criticism, as voiced by the Civil Liberties Union, is that title IV—

> Relieves the Government of the obligation to prove that a statement was in fact "knowingly false," by permitting a conviction to be based on nothing more than allegedly "contradictory declarations." Such a procedure is inconsistent with the presumption of innocence. (ACLU Jan. 1970 letter at 6.)

The City Bar Committee raised the same criticism by stating:

> First, it must be made more clear that willfulness must be established, even where falsity is shown through inconsistent statements. Requiring conviction upon proof of inconsistent statements would, in effect, fail to recognize the possibility of an innocent inconsistency or contradiction and take the issue of reasonable doubt away from the jury. (ABCNY at 23.)

The specific meaning of the City Bar Committee's objection was made more clear in the footnote to that suggestion, which stated:

> This could be accomplished by inserting the word "knowingly" before the word "made" in each of the first two sentences of Section 1623(c). (*Id.* at 23 n. 37.)

The inaccurate and prejudicial character of this criticism of title IV becomes apparent when the words of title IV itself are examined:

> In any prosecution under this section, the *falsity* of the declaration set forth in the indictment or information shall be established sufficient for conviction by proof that the defendant while under oath made manifestly contradictory declarations material to the point in question in any proceeding before or ancillary to any court or grand jury. (Emphasis supplied.)

Thus, according to the explicit terms of title IV, the only element of the offense which is established when the specified conditions are met as to inconsistent statements is the element of "falsity." The same point is repeated in the Senate committee report, which states that "proof of falsity may also be made by showing logical inconsistency"—report at 149. Falsity is, of course, only one of a number of elements of the offense created by title IV. This is apparent when the paragraph of title IV establishing the prohibition and the punishment for its violation is read:

> Whoever under oath in any proceeding before or ancillary to any court or grand jury of the United States *knowingly* makes any materially *false* declaration . . . shall be fined not more than $10,000 or imprisoned not more than five years, or both. (Emphasis added.)

Thus, knowledge and falsity are distinct elements of the offense. Regardless of whether falsity is proven by inconsistency of two statements of the witness or by some other means, the defendant's knowledge remains an issue in the case to be proven beyond a reasonable doubt. To put it another way, to make the change in title IV suggested by the city bar committee in its footnote would result in nothing but redundancy, and to raise the objection, as the union and bar committee did, can result in nothing but prejudice to the consideration of title IV.

It is worth noting, incidentally, that even if title IV did not require proof of knowledge in a case involving two inconsistent statements, the provision would not be, as the union claims, "inconsistent with the presumption of innocence"—ACLU January 1970 letter at 6. It is the requirement of criminal intent, not the presumption of innocence, which such a bill would attempt to abolish. As attorneys know, the "presumption of innocence" is a phrase by which one refers to the burdens of prosecution and proof borne by the Government in a criminal case. See *United States* v. *Nimerick*, 118 F. 2d 464, 468 (2d Cir. 1941.) Since the Civil Liberties Union must have been aware of that distinction, its escalation of an issue regarding the element of criminal intent—which the union erroneously thought to be involved in title IV—into an issue of violation of the presumption of innocence must be taken as a technique of rhetoric rather than analysis.

The city bar committee takes title IV to task also in terms of its draftsmanship, calling for "more carefully drafted limitations and protections" than those now found in title IV—ABCNY at 6. When specific changes in drafting which are suggested by the city bar committee are examined, however, confidence in the draftsmanship of title IV is restored. The city bar committee suggests—at 22—that falsity should be inferred from inconsistency of two statements only where the statements are "irreconcilably inconsistent and material." In order to accomplish that, the city bar committee recommends that title IV—

> Be amended to conform with the N.Y. Penal Law, § 210.20 (McKinney 1967), which requires that the defendant's declarations "are inconsistent to the degree that one of them is necessarily false" and that "the circumstances are such that each statement, if false, is perjuriously so. . . ." (ABCNY at 23.)

I submit that title IV provides exactly the same thing in fewer words by requiring that the two statements be "manifestly contradictory—[and] material to the point in question." Indeed, the language used in title IV is based both upon the New York law and upon the Model Penal Code approved by the American Law Institute. I find in its draftsmanship no grounds for criticism for title IV.

The Civil Liberties Union makes another objection to title IV, which is so misleading that it, too, deserves comment:

> Finally, although title IV properly bars prosecution if a witness admits in a continuous proceeding the falsity of a contradictory statement in that proceeding, it limits that bar to situations where at the time of the admission the false statement "has not substantially affected the proceeding, or it has not become manifest that such falsity has been or will be exposed." These conditions are too vague and subjective to provide sufficient notice and guidance to a person as to whether he is committing a crime. Indeed, if contradictory statements standing alone are sufficient for a conviction beyond a reasonable doubt, then it is difficult to see how the same contradictory statements, once made, have not made manifest that the falsity has been or will be exposed. As a result no admission would be soon enough to bar prosecution. (ACLU Jan. 1970 letter at 6.)

The last two sentences in that paragraph of the ACLU's statement are accurate, but are not a basis for rejecting or modifying title IV. The union simply points out that once a witness has made two manifestly contradictory statements the inconsistency has become manifest, so the witness is unable under title IV to obtain protection from perjury prosecution by recanting and telling still a third version of the events, or by reiterating one of the two inconsistent statements he has given previously. Existing Federal law gives a witness no right to recant and obtain protection from perjury prosecution, so it is scarcely a sound criticism of title IV to complain that it does not permit a witness, who has already given two inconsistent versions of an event, to obtain complete immunity from perjury prosecution by repeating one of them or coming up with still another version of the event.

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The rest of the paragraph quoted from the ACLU statement is equally invalid as a criticism of title IV but, what is worse, it is even more misleading. It states that the criteria governing whether or not recantation is effective — which are whether or not the perjury already has substantially affected the proceeding, and whether or not it has become manifest that the falsity has been or will be exposed—are "too vague and subjective to provide sufficient notice and guidance to a person as to whether he is committing a crime." Those criteria do not, it is obvious, define a "crime." Instead, they determine whether or not a witness has repudiated his previous crime of perjury early enough so that his recantation should be allowed to bar his prosecution for the perjury. The recantation provision does not, as the union implies, deal with the case of a witness who first tells a true version of an event, and then changes his mind and wishes to perjure himself about the event. That kind of duplicity can hardly be called "recantation." Instead, the recantation provisions of title IV establish the right of a witness to protect himself from prosecution for perjury he has already committed, by righting the wrong before it has harmed the proceedings during which he lied. As criteria governing the right to establish a defense, rather than as a prohibition of conduct deemed criminal, the criteria in title IV are amply specific and clear.

The Congress has, of course, already abolished the two-witness and direct evidence rules for some false statement prosecutions—18 U.S.C. § 1001 (1964). The attempt by the City Bar Committee, at 23–24, n. 39, to distinguish that statute from title IV is not persuasive. It stresses the supposed danger of spiteful perjury prosecutions, which, as the President's Crime Commission study showed, is not substantially reduced by the special rules applied in common law perjury prosecutions. In any case, any difference in the incidence of spiteful prosecutions under section 1001 and under ordinary perjury provisions is speculative at best. If there were any such difference, it would appear to be outweighed by the increased danger of unwarranted perjury prosecution of truthful witnesses created by the fact that prosecutions under section 1001 are not restricted, as the City Bar Committee points out—ABCNY at 23–24, n. 39, to formal statements made under oath. The City Bar Committee's other attempts to distinguish section 1001 from title IV seem to display a lack of appropriate regard for the importance of the Federal judicial system, not only in organized crime cases but in other criminal and civil cases as well. The City Bar Committee points out that the purpose of section 1001 "is to prohibit false statements of all kinds which might impede the exercise of Federal authority—and to protect vital Government functions from deceptive practices," ibid. False testimony, of course, impedes the exercise of Federal judicial authority just as it impedes the exercise of authority by administrative agencies. The Federal courts review determinations made by such agencies, and perform so many other "vital Government functions" which are subverted by deceptive practices that the courts obviously need the protection of effective perjury provisions as much or more than do the departments and agencies covered by section 1001. That protective purpose is exactly the one underlying title IV, which in my view promises major improvement in the administration of justice in the U.S. courts.

TITLE V—WITNESS PROTECTION FACILITIES

Mr. President, title V, providing witness facilities, was drafted in response to the overwhelming difficulty of insuring that witnesses in organized crime cases are produced alive and unintimidated at trial. If witnesses have a duty to give to society the benefit of their testimony, then surely society owes to them every protection it can offer. Title V affords broad power to the Attorney General to care for witnesses and their families so long as there is jeopardy to the life or person of a witness or a member of his family. The Attorney General may offer these facilities to witnesses, but of course cannot require them to accept his offer.

This title is also in response to a recommendation of the President's Crime Commission. It has the full support of the Department of Justice. It is not necessary for me to recount horror stories showing the extent of torture and terrorism practiced by organized crime in its efforts to prevent unfavorable testimony. Suffice it for present purposes to note the testimony of the Attorney General that betwen 1961 and 1965, the organized crime program, despite attempts to offer protection, lost 25 informants. Hearings before the Subcommittee on Administrative Practice and Procedure of the Senate Committee on the Judiciary, 89th Congress, first session, part 3, at 1158 (1965). More need not be added. All members of this body are aware of the need to protect Government witnesses against retribution by mob enforcers.

The only criticism of title V has been raised by the American Civil Liberties Union, which stated that—

> It would be desirable to make it perfectly clear that no witness can be unwillingly confined or detained in such facilities. (ACLU Jan. 1970 letter at 6.)

That already is "prefectly clear." Title V's section dealing with those facilities expressly authorizes the Attorney General only to "offer" witnesses the opportunity to use the facilities. The Senate committee report adds that—

> There is no requirement that any one accept such an offer by the Attorney General. (See Hearings at 465–66.) (Report at 150.)

All that this criticism of S. 30 reveals is the extreme character of the opposition to the bill offered by the American Civil Liberties Union.

TITLE VI—DEPOSITIONS

Mr. President, title VI deals with the taking of depositions to preserve evidence in Federal criminal cases. Such a measure was included in S. 30 when it was introduced, and its provisions were revised and improved considerably while the bill was in committee.

The proposed section would expand the present right of a defendant under rule 15 of the Federal Rules of Criminal Procedure to seek court permission to take the deposition of his own witnesses, and would extend the same right to the Government. Like rule 15, the section would permit such depositions only for the purpose of preserving a party's own evidence, not for the purpose of discovering the opponent's evidence. At the same time, the proposed section contains full guarantees of the defendant's rights to counsel and to cross-examination of the deponent. Title VI is designed to fill a gap in our criminal procedure which sometimes is important in other than syndicate cases, but most frequently is a frustrating problem in organized crime prosecutions.

The leaders of organized crime daily conduct their criminal activities and shady businesses by intimidating citizens and bribing officials. In the rare case in which the Government can overcome the difficulties in gathering evidence and can obtain an indictment, it is an all too common step for the Mafia boss to resort to the same techniques, intimidation and bribery of witnesses, in order to obtain a dismissal of the charge or a not guilty verdict. Should witnesses prove stubborn and honest, some organized crime figures have shown little hesitation to murder witnesses. The distinguished senior Senator from Maryland (Mr. TYDINGS) in giving the subcommittee testimony based in part on his own experience as U.S. attorney for Maryland, aptly stated:

> Unimplicated witnesses have been, and are now, regularly bribed, threatened, or murdered. Scores of cases have been lost because key witnesses turned up in rivers in concrete boots. Victims have been crushed—James Bond like—along with their automobiles by hydraulic machines in syndicate-owned junkyards. (Hearings at 161.)

Title VI is designed to protect that evidence, and evidence in other cases in danger of destruction or loss, in two ways.

By authorizing the taking and recording of evidence under full guarantees of counsel and cross-examination, title VI would preserve the evidence which a witness had to offer in a form which could be used at trial if and only if the evidence became otherwise unavailable. In addition, by preserving the evidence which an individual could give, title VI would largely eliminate any incentive of a defendant or his organized crime associates to threaten, injure, or kill the witness. Indeed depositions may be more effective than stone walls and guards in protecting the lives of informants and other citizens with information concerning organized crime.

The ACLU begins its attack upon title VI with a most unfair summary of its provisions. The ACLU says, in support of an objection that title VI is too broad, that—

> Title VI provides for the taking of pretrial depositions from witnesses when "due to exceptional circumstances it is in the interest of justice." (ACLU Jan. 1970 letter at 7.)

This summary fails to disclose that the title further limits the taking of depositions by authorizing their taking only on Federal court order and only "after the filing of an indictment or information." Both of these additional limitations appear on the face of title VI, so there is no justification for the ACLU's overstatement of the scope of title VI. The error is particularly surprising when it is compared with the care with which the ACLU pointed out the limitations on deposition authority in the existing provisions of rule 15 of the Federal Rules of Criminal Procedure. In its only two summaries of rule 15, the ACLU was careful to specify that rule 15 authorizes the taking of a deposition "only in limited specified circumstances." When equal care is used in studying and analyzing title VI, the objections to it are found to be groundless.

The ACLU charges that title VI "adopts a vague standard" to be used in determining whether or not a deposition may be taken. Again, the ACLU is guilty of misstatement by omission. In its statement of the criteria for the taking of a deposition it fails to mention that depositions are further limited to the purpose of preserving evidence, and cannot be taken simply because, for example, the Government might wish to obtain discovery of the defendant's evidence. The New York City Bar Committee notes that limitation on title VI, but joins the union nevertheless in urging that the title fails adequately to specify the conditions under which depositions may be taken. For example, ABCNY at 7.

The criterion for taking a deposition which requires that "due to exceptional circumstances it—[be] in the interest of justice" that the deposition be taken and preserved is not, as the city bar and ACLU state, excessively vague. Phrases such as this one are commonly used in procedural statutes and rules. For example, rule 33 of the Federal Rules of Criminal Procedure authorizes a district court in a criminal case to grant a new trial "if required in the interest of justice." Against such precedents and usage supporting the propriety of standards similar to title VI's the city bar and ACLU offer only the bald and unsupported assertion that title VI's criteria are "vague."

The standards adopted by title VI for taking of depositions are supported by more than precedent. They are sustained also by the practical necessity that courts be given powers flexible enough to protect the interests of both society and the defendant. The use of a standard such as "the interest of justice" is necessary in making procedural decisions such as authorizations for depositions, since such decisions ordinarily depend upon too great a variety of circumstances to permit more detailed specification of the relevant factors. This need has been sadly demonstrated in individual cases such as the one described in the statement of Mr. Frank Hogan, the district attorney of New York County, to the Senate subcommittee concerning the deposition provisions of S. 30:

> Had there been in existence in New York State, for instance, the authority to take depositions from prosecution witnesses in the public interest, the testimony of one Peter LaTempa, who died on January 12, 1945, from poisoning while in jail, would have been available in 1964 at the trial of Vito Genovese and four codefendants for the crime of murder and would have thus precluded the direction of an acquittal by the court. But under New York law, the authority to take testimony from a prosecution witness can only be exercised when a witness is about to leave the State or is sick or infirm as to afford reasonable grounds for apprehending that he will be unable to attend the trial. If power to take depositions had been as broad as that which would be authorized in the public interest by the proposed amendment, the outcome of the Genovese case might have been different. (Hearings at 353.)

Thus, the criteria in title VI are necessary and appropriate ones, the Federal district courts are used to applying such standards, and the courts of appeal are accustomed to reviewing the exercise of discretion under such standards on procedural subjects.

The ACLU also complains that title VI is largely justified in the Senate Judiciary Committee Report by problems in cases concerning organized crime, but that the applicability of the title is not limited to organized crime cases. However, fact is that depositions are often desirable in cases not involving organized crime, and the Committee Report, though it stresses organized crime cases because of the great contribution depositions can make to their prosecution, points out that title VI should and would apply to cases not involving organized crime. The report specifies that title VI—

> Will abrogate present Fed. R. Crim. P. 15 . . . and it is intended to reflect present practice under rule 15. (Report at 151.)

Rule 15, of course, is applicable to every Federal criminal case, whether involving organized crime or not.

Furthermore, it would be practically impossible to draft title VI in such a way as to confine its operation to organized crime cases. The special need for deposition authority in cases which do involve organized crime arises sometimes primarily from the characteristics and conduct of the defendant, and sometimes primarily from the nature of the precise charge and evidence against him. For example, a Mafia leader who is disposed to use violence, threats, bribery, or influence to destroy testimony against him will be as willing to use those means in a case against him not connected with his organized crime operations, such as a child molesting charge, as he will be in a prosecution for, say, extortion. However, obviously, the Congress should not attempt to write a deposition law which automatically discriminates among criminal defendants on the basis of their past history and membership in criminal syndicates. Such distinctions must be applied, and they already are applied under existing rule 15 when, for example, a defendant needs a deposition because organized crime retaliation threatens a defense witness whose testimony would expose syndicate operations. However, such distinctions must continue to be applied through the exercise and review of judicial discretion, not through the creation by Congress of automatically different pretrial procedures for different defendants. Title VI, like rule 15, relies to some degree upon judicial discretion to apply such distinctions. Only through judicial discretion can depositions be authorized for every case in which they are needed, many but not all of which will involve organized crime, and not for cases in which depositions are not needed.

Another criticism of title VI offered by the ACLU is that title VI would "carry us unduly close to a 'paper record trial,' " especially in view of "the absence of any provision in title VI governing the use of a deposition." The ACLU concludes that depositions under title VI "will tend to impair a defendant's constitutional right to cross-examine witnesses" unless "a defendant is given substantially greater rights to pretrial discovery," since the ACLU feels that the taking of a deposition forces "defense counsel to cross-examine Government witnesses long before trial, and hence long before it has been possible to learn the full scope of the evidence."

The New York City Bar Committee echoes these objections by the union. The Bar Committee decries the lack of an explicit provision in title VI dealing with the criteria for admissibility of a deposition in a criminal case. It argues that a defendant's opportunity to cross-examine at the taking of a deposition is inadequate, and calls, as the Union does, for greater pretrial discovery for defendants in cases where depositions are taken—ABCNY at 24–26.

This criticism is a grave one, because of its constitutional implications and its superficial plausibility. However, examination of the criticism shows it to be utterly groundless.

In the first place, there is no basis for the feeling on the part of the critics of title VI that the supposed risk of a "paper record trial" is "heightened by the absence of any provision in title VI governing the use of a deposition"—ACLU January 1970 letter at 7. The committee report is most explicit on this question: "Admissibility of depositions—is to follow previous law." Furthermore, the provisions of existing rule 15 governing use of depositions at trial merely codify preexisting rules of admissibility of depositions, so even if the report did not state that the rule 15 standards of admissibility are to be maintained, nevertheless those standards would continue to apply.

There is no reason why the congressional intent, that the standards of admissibility found in existing law continue to apply, must be stated on the face of title VI. On the contrary, it is common practice to make no reference to existing law when there is no congressional intent to change it. Where extra clarity is desired concerning that intent, it is possible just to insert in the congressional history a statement that the existing law will continue to govern that subject, as the Senate Judiciary Committee did when it stated, in its report, at 151, that "admissibility of depositions—is to follow previous law." In view of that clear expression of intent, the failure to carry forward from rule 15 into title VI the sketchy provisions of rule 15 incorporating a massive and complex body of decisional law, both constitutional and supervisory, concerning the admissibility of depositions and analogous extrajudicial statements, has no significance.

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Since the Senate Judiciary Committee report does make it so clear that title VI carries no intention of altering the law on admissibility of depositions, this statement, found in a footnote to the New York City Bar Committee's report—ABCNY at 25, n. 40—is misleading:

> While the Report does mention the distinction between the standards governing the taking of a deposition and those for using a deposition, the single example it gives of the latter hardly establishes minimal constitutional requirements:
>
> "A lawfully obtained deposition may not, for example, be substituted, without more, for the testimony of a witness otherwise present, able and willing to testify as to the same matters at trial." Senate Report at 152.

The statement from the Senate report quoted by the city bar committee obviously made no attempt to raise a negative inference that depositions are admissible in evidence in every case other than the abstract hypothetical briefly described there. For the city bar committee to create and then criticize such a negative inference, in spite of the clear expression of intent in the Senate Committee report that title VI does not alter existing law concerning admissibility, is unnecessarily to stir up constitutional fears regarding a measure which does not legislate regarding constitutional rules of admissibility. This escalation of the issues raised by title VI is exemplified in the succeeding footnote as well—ABCNY at 25, n. 41—where the city bar committee clearly implies that unless title VI legislates concerning the admissibility of depositions, their admissibility will have to be developed in "constitutional litigation." Actually, of course, the Federal and State courts develop rules of admissibility on nonconstitutional bases, such as the Federal power of appellate courts to supervise the administration of justice in lower Federal courts, and the traditional power of courts to develop rules for the admissibility of evidence in their proceedings. The bar committee is guilty, it appears, of seeing legal issues exclusively in constitutional terms.

Clearly, the already existing standards of admissibility do not authorize a "paper record trial." Instead of merely using that phrase the ACLU, if it desires repeal of the traditional common law rule of evidence codified in rule 15, should say so openly and make a persuasive case why it considers the existing rules of evidence unconstitutional. Clearly, the ACLU has not made that case insofar as title VI is concerned.

The New York City Bar Committee has, at least, made explicit its desire that the Congress overrule existing law concerning the admissibility of extrajudicial testimony. The Bar Committee states that—

> We believe that absence of a Government witness from the jurisdiction should rarely, if ever, permit the Government to use his deposition at trial. (ABCNY at 26.)

That belief appears to reject the existing law concerning what constitutes "unavailability" of a witness such that his previously cross-examined testimony can be admitted in his absence. See, for example, *Barber* v. *Page,* 390 U.S. 719 (1968); California Evidence Code § 240 (4), (5). While the City Bar Committee is more explicit than the Union in stating its desires it is not, however, superior in the degree to which it defends them. The committee states no reasons why absence of a Government witness from the jurisdiction, coupled with the efforts to procure his attendance which the City Bar Committee acknowledges appear already to be required by existing law, ABCNY at 25, n. 41, no longer should constitute "unavailability" as much as physical inability to testify admittedly does.

This failure of the City Bar Committee even to attempt to justify its position should be contrasted with the careful documentation by the Senate Judiciary Committee of the need for enactment of title VI's authority to take depositions, which would be admissible, if existing law governing admissibility is maintained, in a case where a witness was outside the jurisdiction and could not be brought before the court by the Government's most diligent efforts. This showing of the need for enactment of title VI was augmented recently by the experience of the Justice Department with the prosecution in Tucson of three reputed Mafia leaders. In that case, Joseph Bonnano, the alleged former boss of a New York La Cosa Nostra family, and Charles Battaglia and Peter Joseph Notaro, two alleged La Cosa Nostra members, were charged with conspiracy to obstruct justice by obtaining false testimony from a former police sergeant.

All three defendants were, however, acquitted last March 4, because an essential but reluctant witness, who had corroborated the Government's case in testimony before the grand jury that returned the indictment, disappeared before the trial. The testimony of that witness, Floyd Max Shumway, obviously was in danger of loss before trial, and could have been preserved if title VI had been law at the time. Since Congress had not yet enacted title VI, no deposition could be taken, and the jury was needlessly deprived of the opportunity to hear crucial evidence. The Bonnano case exemplifies the kind of situation in which the City Bar Committee would deny the Government any way of preserving the testimony of such a witness and using it in court if he disappeared the way Mr. Shumway disappeared. The Bar Committee's position on this point is, in my view, indefensible when compared with existing law.

The ACLU resorts again to hysterical language when it claims that title VI would "force defense counsel to cross-examine Government witnesses long before trial, and hence long before it has been possible to learn the full scope of the evidence." The court can control the timing of the deposition and the trial, so there is no basis for the suggestion that a "long" time would pass.

Nor is the union's insistence, joined by the city bar committee, that the taking of a deposition by the Government be conditioned on the Government's making pretrial discovery of its case to the defendant, warranted by existing practice or sound reason. The defense counsel's alleged ignorance of "the full scope of the evidence" when he cross-examines the witness at the deposition under title VI is exactly the same as it is under existing rule 15, where one codefendant takes a deposition and another codefendant finds that he must cross-examine before the trial. The situation is also very similar to that arising in every criminal trial when the Government's first witness takes the stand. The defense counsel often must cross-examine the first witness with the same degree of knowledge of the charge and evidence in the case as a defense attorney now has under rule 15 and will have under title VI.

There are some cases in which it is true that, as the city bar committee states—ABCNY at 25—the prosecutor makes an opening statement at the beginning of the trial and sheds light upon the Government's case which assists the defendant's counsel in cross-examining the first witness—though the committee cites no authority holding that the lack of an opening unconstitutionally or excessively impedes cross-examination. It is equally true, however, that the prosecutor ordinarily is under no legal obligation to make such an opening statement, or, if he does so, to make it comprehensive. Depending upon the evidence which the witness to be deposed has to give and the relationship of that evidence to the criminal case, and depending in addition upon the tactics pursued by the prosecutor at the beginning of trial, there will be many cases in which the supposed protection of an opening statement is illusory, and the lack of full pretrial discovery creates as many supposed difficulties for a defendant whether a deposition has or has not been taken.

The ACLU and the City Bar Committee can hardly be taken seriously when they advance a proposition which would invalidate not only existing rule 15 but normal procedures in criminal trials. In effect, this amounts to a contention by the ACLU and the city bar that the Constitution directly requires full pretrial discovery for a defendant regardless of whether or not depositions are taken. Such a contention repeatedly has been rejected by the courts, and is hardly an appropriate issue to be examined in the course of considering a mere change in deposition provisions.

The contention that the taking of a deposition places a burden upon defense counsel's ability to cross-examine not only is incorrect, it ignores a positive advantage which a defense counsel who has attended the taking of a deposition of a Government witness has at trial in certain situations. For example, if the deponent is available at trial and testifies against the defendant, his deposition cannot be offered by the Government in place of his testimony but can be used by the defense counsel to cross-examine him and expose any inconsistencies in his accounts of the facts. As another example, if neither the witness' own testimony nor the deposition is used at the trial by the Government, still the defense counsel in effect has obtained discovery of some Government evidence concerning the case by attending the deposition, and can use his knowledge in cross-examining the Government's other witnesses.

Since circumstances such as these vary from one case to another and from one witness to another, the most that can be said against the admissibility of depositions is that it is possible that cross-examination as to a particular witness in a particular case at a deposition may be constitutionally "inadequate." "Adequacy" of the opportunity to cross-examine is the constitutional criterion, since the Supreme Court has stated that "an adequate opportunity for cross-examination may satisfy the confrontation clause even in the absence of physical confrontation before the trial jury—*Douglas* v. *Alabama*, 380 U.S. 415, 418 (1965) (dictum); see also *Pointer* v. *Texas*, 380 U.S. 400, 407 (1965). For that reason, the Supreme Court has held that the sixth amendment confrontation right is not violated by admission in evidence in a criminal trial of testimony given, in a prior criminal trial of the same defendant for the same charge by a witness who died between the two trials—*Mattox* v. *United States*, 156 U.S. 237 (1895).

The principle applicable to prior testimony applies equally to a deposition taken with full cross-examination and assistance of counsel in preparation for a criminal trial. That has been the conclusion of the many States which give both to the prosecution and to the defense the right to take depositions when justice requires their use, and provide that such depositions may be used when the witnesses are unavailable—for example, Ohio Rev. Code § 2945.50 (Supp. 1968); Oreg. Rev. Stats. § 45-250 (1955); Vt. Stat. Ann. tit. 13 § 6721 (Supp. 1969); Wis. Stats. § 887.06 (1967).

That conclusion also finds support in the proposed Federal Rules of Evidence—rule (804)(b)(1)—the Uniform Rules of Evidence—rule 63(3)—and the Model Code of Evidence promulgated by the American Law Institute. No authority to the contrary was cited in the city bar committee's report, in the union's formal statement to the subcommittee during the hearings on S. 30, or in the union's latest statement. The admissibility of depositions consistently with the Constitution also has been supported in the subcommittee hearings by Prof. Henry Ruth of the University of Pennsylvania and by the Department of Justice.

It is not the adequacy of the opportunity to cross-examine in some hypothetical case which governs the issue of constitutional admissibility, it is the adequacy of the opportunity to cross-examine the particular witness in the particular case. Since there clearly are cases in which, even without unusual pretrial discovery, the opportunity to cross-examine the witness at the deposition is "adequate," it is fallacious for the Union and Bar Committee to oppose the enactment of title VI on the ground that there may be other cases in which the opportunity to cross-examine turns out to have been inadequate and the deposition is excluded from evidence at trial.

While the constitutionality of using depositions taken as prescribed in title VI is clear, the most objectionable aspect of the criticism of the title on this ground by the City Bar and Union is its irrelevance. Title VI, as I noted earlier, does not prescribe that depositions are to be admitted in evidence, but leaves that issue entirely up to existing law. The right of confrontation and cross-examination can be violated in only one way: By the admission of evidence during a trial. The taking of a deposition authorized by title VI—as opposed to the using of a deposition, concerning which title VI is silent—is a mere preparation and cannot possibly violate the constitutional principles to which the ACLU and City Bar seek to divert attention. The constitutional objection thus is a classic red herring used in an attempt to defeat a sound and necessary proposal.

Nor is it valid to argue, as the bar committee does—at 26—that the proposal, whatever its merits, should be considered not by the Congress but by the advisory committee which the Congress has authorized to initiate consideration of proposed changes in the Federal Rules. That delegation of authority by the Congress was not, as the city bar committee notes in the same place an exclusive one, and the Congress has in no way deprived itself of the power to initiate, consider and enact changes in the rules of procedure. The Congress itself, through its committee system, has a hearing process which is more than adequate, and there is no reason for the Congress to defer to its delegate where questions are involved concerning criminal procedure. Recently Congress has enacted, as we know, reforms dealing with bail and jury selection in criminal cases, both of which could have been handled instead by the rulemaking process. No objection was raised, then, to the way in which those reforms were adopted, so it is strange that such an objection now is raised against enactment of title VI. The desirability of extension of the existing deposition authority to include the Government as well as defendants has been carefully considered in the Senate Judiciary Committee, whose resolution of the matter was approved overwhelmingly as a part of S. 30 on the Senate floor. There is no sound reason to oppose enactment of title VI.

TITLE VII—LITIGATION CONCERNING SOURCES OF EVIDENCE

Mr. President, title VII is designed to regulate motions to suppress evidence in Federal criminal cases.

Title VII recognizes that suppression of evidence litigation is a major cause of undue expense, delay and distraction of emphasis in criminal cases; that present rules for disclosure of information in connection with suppression claims result in the revelation of information which is irrelevant to the claims and seriously harms specified public interests; and that when the suppression motions concern evidence of events occurring years after the acts which are the bases of the motions, the adverse results are aggravated, the motions cannot reliably be resolved, and it is virtually certain that the evidence is not suppressible.

To remedy this disturbing situation, title VII requires the opponent of a suppression motion to admit or deny the occurrence of the unlawful act which the moving party claims renders the challenged evidence inadmissible. It also provides that disclosure of information in connection with a suppression motion is not required unless the information may be relevant and disclosure is in the interest of justice and forbids consideration of a claim that evidence of an event is inadmissible because indirectly derived from an unlawful act occurring more than 5 years before the event. The combined effect of these provisions should be to mitigate many of the objectionable aspects of suppression litigation.

The most common situation which would be covered by title VII is a criminal trial in which a defendant who at some time, perhaps in the distant past, was the victim of illegal but unrelated police conduct seeks to delay and confuse the trial of whether he is innocent or guilty by filing, extensively litigating, and, if necessary, appealing a claim that the evidence to be used against him by the Government was in some way derived from the police violation.

Under present law, the defendant can

pursue such a diversionary tactic with great success, since the Supreme Court this year established a broad and absolute rule for such cases in *Alderman* v. *United States,* 394 U.S. 165 (1969). In the Alderman case, the Court held that, once a defendant claiming evidence against him is the indirect fruit of electronic surveillance has established that his own interests were unconstitutionally invaded, he must be given confidential materials in the Government's files to aid him in establishing that evidence against him was derived from the surveillance. The Court declined to place any limitation upon the rule or to permit a trial court to screen the Government's confidential files for possible relevance, even in cases where the surveillance bears no possible relationship to the defendant's crime.

Because the Alderman decision is unqualified, it encourages defendants who at any time have been unlawfully surveyed to file motions suppress the evidence in every case against them, however unrelated to the surveillance, knowing that the motion is certain to bring them either disclosure of confidential files or, if disclosure would be too harmful to the Government, dismissal of the charges against them. Thus, the Alderman case has begun to make a significant contribution to criminal cases, which already had begun to reach crisis proportions. The President's Commission on Crime in the District of Columbia, for example, found that great increases in pretrial motions were a major cause of a doubling from 1960 to 1965 of the time required to prosecute a District felony case, and suggested that in view of "excessive" delays in criminal cases, greater priority should attach to efforts aimed at accommodating judicial and legislative requirements regulating the conduct of trials and securing the rights of defendants with the goal of expeditious handling of criminal cases"—report at 256, 266–68 (1966). Title VII is just such an effort. Unlike the Alderman decision itself, title VII accommodates the interests of a defendant with those of society, and promises justice to both parties to a criminal case.

The urgency for the enactment of title VII has been stressed by the Department of Justice. The Department supports the measure and has informed the subcommittee that the sort of disclosure required by the Alderman decision often leads unnecessarily to flight by suspects who are under investigation, destruction of evidence, harm to the reputations of innocent third parties, danger to undercover agents and citizen informants, and deterrence of witnesses from coming forward with evidence. The Department also revealed that, in their experience, protective court orders to limit disclosure to defendants and their counsel have not been effective.

The existing law is an exercise in futility. It has been applied, for example, in *Aiuppa* v. *United States,* 394 U.S. 310 (1969), to require disclosure to an organized crime figure who, after being overheard during an organized crime surveillance, was picked up by a forest ranger for violating migratory bird laws. The notorious cases of Cassius Clay and James Hoffa were remanded to the district courts for hearings under Alderman. After ordering and supervising full disclosure and then sitting through full hearings in which the defendants tried to establish links between their electronic surveillance and the evidence in their cases, both of the courts concluded that there was absolutely no relationship. Indeed, the judge in the Clay case, after evaluating what the disclosure and hearing had contributed to his consideration of the motion to suppress, concluded that he could reliably have made his ruling on the motion after a simple in camera inspection.

The need for remedial legislation is well illustrated by the progress of the Federal Government's case against Felix—Milwaukee Phil—Alderisio following the Supreme Court's reversal of his conviction for committing extortion in Colorado in 1959. He was a codefendant of Alderman himself, and the Supreme Court remanded Alderisio's case for full disclosure of the confidential files and a new hearing on his claim that the evidence against him was the indirect fruit of electronic surveillance.

The district court, after extensive disclosure and 2½ days of defense interrogation of numerous FBI agents and supervisors connected with the surveillance, found that "there is absolutely no relevancy in any of the material from any of the logs of the electronic surveillance to any evidence offered at the trial of this case," and reaffirmed Alderisio's 4½-year prison sentence for the extortion—*United States* v. *Alderman,* Crim. No. 17377, U.S. District Court, D. Colo., July 7, 1969, *rev'd,* 7 Crim L. Reptr 2122 (10th Cir. 3–31–70) (in camera hearing on relation between "logs" and "airtels" ordered).

Alderisio, still pursuing the dilatory tactics he had used since the extortion case began, appealed the district court's latest decision and secured the new hearing, noted above. However, on January 30, 1970, the case finally was closed. Alderisio agreed not to seek further review of the extortion conviction, and to plead guilty to a charge of possessing—as a convicted felon—33 firearms confiscated from his home, and no defense to one of 21 counts of bank fraud—both committed while he was free during the extortion proceedings, which had begun when he was indicted in 1964. In return, he obtained the Government's agreement to drop the other 20 fraud counts and to let the new 2-year sentence on the gun charge and 5-year fraud sentence run concurrently with the extortion term. Since the new sentences are concurrent, they will add only 80 to 120 days to Alderisio's time in prison.

Alderisio, who has been identified as an enforcer and leader of loan sharking and gambling operations for La Cosa Nostra in the Chicago area, thus used the dilatory tactics title VII would curb to postpone beginning his punishment for extortion until 10 years after the crime and 5 years after indictment, remaining free in the meantime to commit bank fraud and a gun violation punished by only 80 to 120 days imprisonment—and this despite the fact that his motion to suppress was groundless. He now practically concedes he was guilty of all three crimes. The FBI, the Justice Department, and the Federal courts, on the other hand, spent a fortune and 10 years obtaining his imprisonment. Society got a raw deal, and Alderisio, as the Chicago Sun-Times reported—January 13, 1970, page 6—said, as he walked grinning from the court, "I just made the best deal of my life."

Worst of all, one result of the existing law is that some criminals are given a "license to steal"—and to murder, rape, rob, and destroy—for their entire lives. An organized crime figure, or an ordinary thief, may be overheard incidentially during unlawful surveillance of a spy ring or a foreign embassy. The Government may be absolutely unable to disclose the fact of the surveillance or the location of the electronic device. However, the criminal presently has an absolute right to examine the transcript and, when the transcript is not disclosed, to obtain dismissal of any State or Federal charge against him for any crime committed at any time. Therefore, he can go on to commit any crimes he chooses, as often as he pleases, with complete immunity from punishment and control. Title VII eliminates that intolerable dilemma, and revokes the criminal's license to terrorize law-abiding citizens.

The ACLU sets the tone of its comments on the provisions of title VII by referring to them as "novel" and as creating "a drastically altered procedure." Unfortunately, those phrases also set an example of inaccruacy and unfairness in the ACLU's comments on title VII—an example followed by the remainder of the union's comments and, to a great degree, by the report of the New York City Bar Committee.

In fact, enactment of title VII would not produce a great change in the procedures for considering motions to suppress evidence. Both the existing procedures, laid down by the Supreme Court in the case of *Alderman* v. *United States,* 394 U.S. 165 (1969), and the procedures proposed in title VII seek to insure that a criminal defendant whose rights have been violated by the Government can examine the direct product of that violation where doing so will aid him in establishing that the violation has led to the evidence against him. The only difference between the Alderman rule and title VII's rule is that title VII withdraws slightly from the absoluteness of Alderman. In an effort to protect the rights of society and of individuals who are not defendants, where the defendant has no legitimate need to examine confidential government files, title VII establishes two minimal limitations upon the Alderman rule, thus making that rule more flexible while preserving its basic thrust toward protection of the interests of a criminal defendant.

One of those two limitations permits a trial judge to screen material to be shown to a defendant under the barest of standards—disclosure is required where the material "may be relevant" and its disclosure is "in the interest of justice." This limitation is a return to the pre-Alderman procedure, under a criterion even more favorable to the de-

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fendant than that used before the Alderman decision, and so cannot fairly be described as "novel" or "drastic." This screening procedure is a time-tested one, far more sensible and practical than an absolute requirement of invariable disclosure.

The second limitation also is based upon analogous existing law, and hardly can be called drastic. It provides that any claim that an illegal Government wiretap or other act, occurring more than 5 years prior to commission of the defendant's crime, led the police to evidence of that crime is so farfetched that it is obviously dilatory and need not be considered. Both the logic of the situation and the experience of the Justice Department establish that such a limitation must be placed on the Alderman rule, since otherwise defendants being tried for 1985 crimes, for example, will use Alderman to obtain transcripts of 1965 electronic surveillances on the ludicrous theory that the Government used the 1965 "bug" to gain evidence of the crime not even committed until 20 years later.

Title VII would not, as the Union and City Bar Committee assert, alter or undermine the exclusionary rule announced in *Weeks* v. *United States*, 232 U.S. 383 (1914), and extended to State criminal trials in *Mapp* v. *Ohio*, 367 U.S. 643 (1961). The committee and Union's conclusion that it does so rests upon their view of the exclusionary rule as a flat and absolute rule. They disregard a great deal of existing case law showing that the right to have illegally obtained evidence suppressed is not absolute or unqualified, but only a means to the end of preventing invasions of interests protected by the Bill of Rights, a practical technique for deterring unconstitutional Government action. It is, in addition, only one of several such deterrents, which include criminal prosecution of offending officers and private actions for civil damages. This is true especially where electronic surveillance, the type of evidence gathering to which title VII can be expected to have its greatest application, is involved. The Congress, as we know, enacted in 1968 title III of the Safe Streets Act, which contains a complex of other deterrents against unlawful electronic surveillance, ranging from steep private civil liquidated to immunity legislation and severe criminal penalties.

Since the exclusionary rule is only a means to the end of deterrence, and only one of several means at that, albeit apparently the most effective one, any proposed application of the suppression rule must be evaluated by a process of balancing. It is necessary first to estimate the degree to which the proposed application of the suppression rule would increase or decrease the deterrence of unlawful conduct, and then to balance that increase or loss of deterrence against the effect the proposed application of the suppression rule would have on countervailing interests.

The courts, including the U.S. Supreme Court, have engaged in that balancing process where suppression issues were involved in a variety of cases. In *Nardone* v. *United States*, 308 U.S. 338, 340 (1939), the decision in which the Court first formulated the "fruit of the poisonous tree" metaphor, Mr. Justice Frankfurter put the issue in these terms:

> Any claim for the exclusion of evidence logically relevant in criminal prosecutions is heavily handicapped. It must be justified by an over-riding public policy expressed in the Constitution as the law of the land. In a problem such as that before us now, two opposing concerns must be harmonized: on the one hand, the stern enforcement of the criminal law; on the other, protection of that realm of privacy left free by the Constitution and laws. . . .

In following this balancing policy, the Supreme Court has, for example, restricted the retrospective effect of the Mapp decision by weighing the degree to which retrospective application of the decision would increase deterrence of unlawful police conduct against "the effect on the administration of justice of a retrospective application of Mapp"—*Linkletter* v. *Walker*, 381 U.S. 618, 637–38 (1965). The countervailing interest recognized in that quotation from the Linkletter against Walker case—the interest in the effective administration of justice—is a basic interest underlying title VII, which seeks to protect the courts against delay and waste of resources through dilatory and abusive litigation over motions, to protect the prosecutive and investigative efforts of the executive branch from subversion through disclosure of confidential files to defendants, and to protect the interests of third parties in maintaining their privacy and reputations against the harm done when raw government files are made available unnecessarily to other litigants or to the public.

The legitimacy of weighing the burdens imposed upon the courts by suppression litigation against the interest of criminal defendants in obtaining suppression of evidence is illustrated by the decision of the Supreme Court in *Desist* v. *United States*, 394 U.S. 244, 251 (1969). The Supreme Court there ruled that its decision in *Katz* v. *United States*, 389 U.S. 347, holding electronic surveillance to be a search and seizure within the meaning of the fourth amendment and subject to its exclusionary rule, would be applied prospectively only. In reaching that conclusion, the Court pointed out:

> The determination of whether a particular instance of eavesdropping led to the introduction of tainted evidence at trial would in most cases be a difficult and time-consuming task, which, particularly when attempted long after the event, would impose a weighty burden on any court. (394 U.S. at 251).

The Alderman decision itself declined to expand the existing exclusionary rule by eliminating the requirement that a defendant who seeks to suppress evidence obtained by a violation of the Constitution has been a victim himself of the violation. The Supreme Court in the Alderman case stated that the rules excluding evidence at trial are not extended to other situations unless the additional deterrence of unlawful official conduct would be so great as to "justify further encroachment upon the public interest in prosecuting those accused of crime and having them acquitted or convicted on the basis of all the evidence which exposes the truth"—*Alderman* v. *United States*, 394 U.S. 165, 175 (1969).

Another illustration of the qualified nature of the suppression rule is the decision by the U.S. Supreme Court in *Walder* v. *United States*, 347 U.S. 62 (1954). In an opinion by Mr. Justice Frankfurter, the Court there recognized an exception to the suppression rule permitting illegally obtained evidence to be used by the Government to rebut affirmative deception by a defendant testifying in his own behalf.

Just this year the Supreme Court of California—*In Re Martinez*, Criminal No. 13858, January 23, 1970—and the U.S. Court of Appeals for the Second Circuit—*United States Ex Rel Sperling* v. *Fitzpatrick, Warden*, No. 33780, May 12, 1970—have found in the qualified and flexible nature of the constitutional suppression rule room for permitting parole authorities to consider illegally obtained evidence when determining whether or not to revoke parole.

The City Bar Committee and the Civil Liberties Union fail to cite and discuss these analogous precedents, and to present any arguments as to revision of the Alderman rule, unlike the applications of the suppression rule considered in those Supreme Court and other court decisions, would have so great an impact on the efficacy of the suppression rule that the benefits to the administration of justice are outweighed.

In addition, the City Bar Committee and Union fail to analyze and discuss the reason underlying those decisions. As expressed by Prof. Anthony Amsterdam in a scholarly article, that reason basically is that as the exclusionary rule is applied "time after time its deterrent efficacy reaches a point of diminishing returns, and beyond that its continued application" causes unwarranted harm to other interests; for that reason, we must recognize both the value and the limitations of the exclusionary rule as a restraint on overzealous officials: "As it serves this function, the rule is a needed, but grudgingly taken, medicament; no more should be swallowed than is needed to combat the disease"—A. Amsterdam, "Search, Seizure and Section 2255: A Comment," 112 U. of Pa. L. Rev. 378, 389 (1964).

Without explaining their disregard for that teaching of logic and experience, the city bar committee and Civil Liberties Union treat the suppression rule as an eternal and absolute truth the recitation of which demonstrates the supposed impropriety of title VII. Their unwavering reliance upon the suppression rule, as if the existence of the rule itself answered the question of whether the application of the rule can be regulated in the manner attempted by title VII, calls to mind the comment of Blackstone regarding excessive reliance upon the death penalty:

> It is a kind of quackery in government, and argues a wont of solid skill to apply the same universal remedy, the *ultimum supplicium*, to every case of difficulty. (4 Blackstone, Commentaries 16 (Beacon ed.).)

Rather than applying the remedy of suppression without discrimination, we should follow the teaching of Blackstone and the example of the U.S. Supreme Court. We therefore should evaluate the constitutionality and wisdom of the two principal provisions of title VII to which the city bar committee and union object as the Supreme Court has evaluated similar issues: by measuring the likely impact of enactment of the particular provision upon the effectiveness of the general suppression rule as a deterrent to illegal official conduct, and then by balancing that against the impact upon countervailing interests.

The first step in undertaking such analysis is, of course, accurately to understand the meaning of title VII, and dispassionately to analyze the effect which enactment of each of the provisions opposed by its critics would have upon the suppression sanction and upon other interests.

Instead, though, the provision of title VII setting up a 5-year period of limitations in connection with suppression motions receives from the union and the New York City Bar Committee treatment running the gamut from inflammatory epithets, through misstatement of the content of the provision, to shallow and inaccurate analysis of its validity.

The ACLU describes the 5-year provision as arbitrary. Of course, every legislative act specifying a period of time—such as a statute of limitations on prosecution, a period of time within which procedures must be followed, or a maximum period of imprisonment—always selects that period of time from among alternatives a number of which would be defensible. To call such a provision arbitrary is to make no contribution to analysis of the legislation. What is worse, however, the ACLU and city bar committee actually misstate the plain meaning of the 5-year provision in two important respects.

First, the ACLU fails to note that the provision prevents consideration of a motion to suppress evidence only where the motion is aimed at the indirect, rather than the direct, product of an unlawful Government act, that is, the 5-year provision does not in any way change existing law preventing the use in evidence of the direct product of the Government's illegality, such as the transcript itself of an unlawful electronic surveillance. The ACLU fails to make that point clear, since it does not explain that the word "fruits" means indirect fruits when it says:

> As to the fruits of illegal action, title VII arbitrarily bars any claim of admissibility if 5 years have elapsed between the unlawful act . . . and the event as to which the evidence is sought to be admitted.

The committee report on S. 30 was much more clear on this point—report at 153—and actually referred the reader to a passage in the ACLU's statement to the subcommittee which had expressly misstated the scope of the provision, pointing out that it was incorrect to say that the 5-year provision permitted admitting in evidence the direct product of an unlawful act. In view of the committee report's explicit response to the ACLU's earlier error, it is most regrettable that the ACLU did not use language in its more recent statement which would prevent readers from making the same error. This is especially unfortunate in view of the fact that the Washington Past, whose editorial criticizing S. 30 apparently was largely drawn from the ACLU's statement, made precisely the error which the ACLU's statement encouraged, saying:

> This means that if the police break into your house illegally and seize property wrongfully but do not use it for 5 years, you cannot complain. (The Washington Post, Fri., Jan. 30, 1970, p. A18, col. 1.)

Of course, title VII does nothing of the sort, and it is a disservice to the Congress for the ACLU, in view of the correction of their error, not to have made clear the limitation of title VII's 5-year provision to evidence indirectly obtained.

The second misstatement in which the city bar committee joins the union, relates to the definition of the relevant 5-year period. Under title VII, that period begins when the Government breaks the law by illegally wiretapping or otherwise, and ends when the defendant commits his crime or another relevant event occurs which the Government later attempts to prove at the trial. Title VII provides that, where that period exceeds 5 years, the motion to suppress indirectly obtained evidence shall not be considered, since it is not plausible that a wiretap, search, or interrogation would lead indirectly to evidence of a crime not even committed until over 5 years later.

The ACLU's misstatement of this aspect of the 5-year provision is even more blatant than their misleading statement of its scope. They say title VII provides that—

> After five years a person no longer has a Constitutional right to exclusion of the fruits of illegal action as evidence of subsequent events.

This sentence means that the Government can use illegally obtained evidence provided that the trial occurs more than 5 years after the Government's unlawful action—but that is not what title VII says. Again, this is an error which the ACLU had made in its original statement to the subcommittee on S. 30, and which the committee report had corrected explicitly, with a reference to the page in the hearings at which the ACLU's error appeared. It is most surprising, therefore, that the ACLU should repeat its error in a formal statement delivered to Senators on the eve of the vote on S. 30 on the Senate floor. What is more, the Washington Post again was led into error by the ACLU statement, since its editorial concluded that the police need only wait 5 years to "use" the illegally obtained evidence.

Worst of all, the uncritical acceptance by the city bar committee of the point of view of the Civil Liberties Union apparently led the bar committee into making the same error. Although at some points in its statement the bar committee correctly describes the starting and ending points of the 5-year limitation period, at another point it states that—

> By cleansing the indirect fruits of information disclosed under compulsion after five years, Subsection 3504(a)(3) would abridge the right of a person not to be compelled to be a witness himself against himself, as well as undercut the scope and effect of a purportedly unqualified grant of immunity such as that which Title II would provide. (ABCNY at 33.)

Finally, the ACLU caps its misstatement of the definition of the 5-year period with a reference to "the fruits of illegal action," which assumes that in fact evidence of a crime committed more than 5 years after the Government's unlawful act is the "fruit" of the unlawful act. The New York City Bar repeatedly employs the same circular argument, claiming that the 5-year provision makes "tainted fruit" admissible—for example, ABCNY at 50, 51, 60, 61, 63, 66 n. 15.

The 5-year provision, of course, simply does not say what the ACLU and city bar state that it says. Title VII, after it defines the proper 5-year period, does not provide that the "fruits" of unlawful conduct are sometimes admissible. On the contrary, it makes, in effect, a legislative finding that evidence of an event occurring more than 5 years after an unlawful seizure is not the fruit of the seizure, that is, the likelihood of any relationship whatsoever is too insubstantial to warrant litigation.

The question is not merely whether the evidence is the fruit of the unlawful seizure but whether, unlawful fruit or not, suppression or admission of such evidence would have a substantial impact upon the degree to which the suppression rule deters unlawful police conduct. Measured by this standard, enactment of the 5-year provision of title VII would have no impact upon the efficacy of the suppression rule. It would be foolhardy for a police officer to make an illegal search or surveillance in 1970 in the hope that, on that day, he would discover evidence useful to prove a crime which will not even be committed until 1976, and police will have no incentive to waste their time and resources in that fashion.

Indeed, the principle applied by the 5-year provision of title VII already has been specifically recognized by the Supreme Court. The Supreme Court has not, of course, approved a specific period such as 5 years between an unlawul police act and a later event to be proved, declaring that claims that the unlawful act led to evidence of the later event shall not be considered. Specific rules of that type are the province of the Congress, rather than the courts. The Supreme Court has, however, recognized that the relationship between an unlawful investigative act and evidence derived indirectly from that act can become so "attenuated" that the derivative evidence should not be suppressed, and that even evidence which was obtained by the exploitation of an unlawful investigative act should be admitted in evidence if it was obtained in part from a second, independent source *Wong Sun* v. *United States*, 371, U.S. 471, 487, (1963); *Nardone* v. *United States*, 403 U.S. 338, 341 (1939) ("so attenuated as to dissipate the taint"); *Costello* v. *United States*, 365 U.S. 265, 280 (1961). In *Nardone* v.

United States, 308 U.S. 338, 341–42 (1939), Mr. Justice Frankfurter put it this way:

> Sophisticated arguments may prove a causal connection between information obtained through illicit wiretapping and the Government's proof. As a matter of good sense, however, such connection may have become so attenuated as to dissipate the taint. * * *
>
> Dispatch in the trial of criminal cases is essential in bringing crime to book. * * * To interrupt the course of the trial for [a suppression hearing] impedes the momentum of the main proceeding. . . . Like mischief would result were tenuous claims sufficient to justify the trial court's indulgence of inquiry into the legitimacy of evidence in the Government's possession. So to read . . . [the suppression rule] would be to subordinate the need for vigorous administration of justice to undue solicitude for potential . . . disobedience of the law by the law's officers. Therefore, claims that taint attaches to any portion of the Government's case must satisfy the trial court with their solidity. . . .

Title VII thus can well be viewed as a legislative particularization of the doctrines of attenuation and of the second independent source, already approved by the Supreme Court. The 5-year provision is, therefore, consistent with "the spirit of decisions requiring the Government to demonstrate by clear and convincing proof that its case is free of the taint of illegally obtained evidence," in spite of the contrary suggestion by the City Bar Committee—ABCNY at 27. The 5-year period established by title VII is so long that the Congress is warranted in finding that every case in which the 5-year period is exceeded in a case in which the challenged evidence in no way was derived from the previous illegal act, or any relationship has become so attenuated that suppression is not required. It still more clearly is within the power of Congress to determine—recalling again that this is the primary issue—that the possibility that application of the 5-year provision would expand admissibility beyond existing rules on derivative evidence and attenuation is so slim as to have no substantial impact upon the efficacy of the suppression sanction as a deterrent.

While the extreme length of the limitation period itself is sufficient to support the congressional determination that litigation of such claims is not warranted, the decision of the Senate Judiciary Committee and of the full Senate, when a motion to strike title VII from S. 30 was defeated on the Senate floor, is amply supported by the experience of the Department of Justice. The Department, in response to my inquiries, conducted a study of its experience with suppression litigation in the field of electronic surveillance, to which the Supreme Court made the Alderman decision expressly applicable. This study by the Justice Department amply documents both the harm being done to public and individual interests by the application of the Alderman rule without a limitation such as the 5-year provision of title VII, and the insignificant impact which enactment of title VII would have upon the ability of defendants to assert and substantiate any valid claims that the evidence against them was indirectly derived from such surveillance. Although the Department's systematic maintenance of unlawful electronic surveillance continued from 1961 to 1965, there has not been a single case in which evidence of an event occurring more than 5 years after a surveillance has been found to have been tainted by the surveillance. In this connection, the city bar committee raises a question as to the adequacy of the legislative information before the Congress as a basis for enactment of title VII. Had they examined my remarks in introducing S. 2292, from which title VII was derived, they would have seen, in part, the results of the Justice study. It more than adequately provides the necessary factual underpinning for title VII—See CONGRESSIONAL RECORD, volume 115, part 11, page 14342.

Neither have the critics of title VII, including the Civil Liberties Union with its apparent access to data concerning constitutional litigation by defendants in criminal cases, presented to the Congress any actual case in which evidence of an event occurring more than 5 years after a constitutional violation was found to have been derived from the violation. Even their attempts to pose hypothetical cases of taint which would be covered by the 5-year provision, such as the city bar committee's attempt in footnote 57 on page 32 of its report, are so far-fetched and unrealistic as to be ludicrous. The bar association's position may be reduced to little more than the defendant's contention in the third Nardone case, 127 F. 2d 521, 523 (2d) cert. denied, 316 U.S. 698 (1942). There, after a third conviction had been obtained even though two previous convictions had been overturned, since wiretap, or wiretap-derived evidence, was used, Judge Learned Hand wrote for the Court:

> The question therefore comes down to this: whether a prosecution must show, not only that it has not used any information illicitly obtained, either as evidence, or as the means of procuring evidence; but that the information has not itself spurred the authorities to press an investigation which they might otherwise have dropped. We do not believe that the Supreme Court meant to involve the prosecution of crime in such a tenebrous and uncertain inquiry, or to make such a fetish of the statute as so extreme an application of it would demand. On the last appeal the court made it abundantly clear that it did not contemplate a chase after will-o'-the-wisps. "Tenuous claims" are not "sufficient to justify the trial court's indulgence of inquiry into the legitimacy of evidence." The "claims * * * must satisfy the trial court with their solidity." We are not "to subordinate the need for rigorous administration of justice to undue solicitude for potential and, it is to be hoped, abnormal, disobedience of the law." (308 U.S. 338, 60 S. Ct. 268, 84 L. Ed. 307.) Such expressions indicate no disposition towards the refinements inevitable in deciding how far the illicit information may have encouraged and sustained the pursuit. We hold that, having proved to the satisfaction of the trial judge that the "taps" and telegrams did not, directly or indirectly, lead to the discovery of any of the evidence used upon the trial, or to break down the resistance of any unwilling witnesses, the prosecution had purged itself of its unlawful conduct.

Since the 5-year provision, for those reasons, can be expected not even to result in the use of presently inadmissible evidence against any individual, and certainly not to decrease the deterrent efficacy of the suppression rule, there is little to balance against the interest of society in the enactment of title VII, in determining its constitutionality.

In addition, the societal interests involved are important ones and are seriously invaded by application of the flat Alderman decision. Those interests have been well articulated in the legislative history of S. 30, so the city bar committee in an effort to minimize them, resorts to quoting a statement by the Department of Justice that—

> The factual situation which would be reached by the subsection [containing the 5-year provision] is a very limited one. (ABCNY at 29.)

Examination of the letter from which that quotation was taken, however, makes it clear that the Deputy Attorney General there was not minimizing the impact that enactment of the 5-year provision would have to improve the administration of justice, but was stressing the point that the direct product of an illegal investigative act, as opposed to its indirect product, would remain suppressible despite the 5-year provision—Senate Report at 135. Apparently, though, the city bar committee considers the avoidance of needless litigation through enactment of the 5-year provision to be of minor importance, since in another part of its statement the city bar committee directly implies that it does not believe "that conserving Government time and effort from litigation resulting from its own misconduct * * * [is] a legitimate concern"—ABCNY at 28. I do not consider the violation even of constitutional provisions by some Government officers to be a valid reason to subject all the citizens of this Nation to needless and fruitless punishment, by permitting unlimited dilatory litigation in criminal cases over evidence which has been obtained lawfully and the exclusion of which, in any case, would not serve to deter future Government lawlessness. It is only by ignoring both the relevant Supreme Court precedents on other suppression issues, and the interests of society in the sound administration of justice, that the city bar committee can fabricate a constitutional bar to title VII's 5-year provisions.

There are analogous precedents supporting title VII's 5-year provision in areas other than suppression of evidence, as well. There are, for example, the statutes of limitations which prevent the bringing of criminal prosecutions and civil lawsuits more than a given period after one becomes entitled to do so. In comparing the 5-year provision of title VII with those statutes of limitations, it is important to notice that title VII's 5-year provision does not foreclose a "defense," as the bar committee says it does (at 33), which goes to the question of guilt or innocence. The motion to suppress is instead a means to the affirmative enforcement of a right, and in this respect is quite similar to the bringing of a civil suit or criminal prosecution. Indeed, as I noted above, the Federal Government and some of the States provide, as a remedy for a person who is subjected to unlawful electronic surveillance, not only the remedy of suppression of evidence in any criminal case against him but the additional remedies that the offending officer can be criminally prosecuted and that the person surveyed can bring a civil action for damages against the officer. The statutes of limitations limiting the commencement of such civil actions have been held to be consistent with due process despite the fact that they deprive a person surveyed of a property right—his cause of action—after a given period of time. Note, of course, that under due process no legislature has the right to destroy an existing cause of action. *Angle* v. *Chicago St. Paul Ry.*, 151 U.S. 1 (1894). But no one questions the right of the legislature to say that it must be exercised, if at all, within the period of limitation in order that justice may be done on fresh not stale claims. This is true despite the fact that his claim for damages, or the criminal case against the officer, may be clearly valid and amply supported by evidence, especially since it is the time when the civil suit is brought or the criminal prosecution against the officer is commenced which determines whether or not the action is barred by the state of limitations: those periods of limitations are not so defined as to bar implausible claims, only those which have become stale.

The 5-year period in title VII is, of course, measured differently. Under title VII, it is not the time of moving to suppress the evidence, but the time when the event occurs which is to be proved by the evidence, which determines whether or not the motion to suppress is barred by the period of limitations. It is for that reason that claims barred by title VII's 5-year provision always are implausible. Thus, the validity of the period of limitations found in title VII is a fortiori from the validity of the periods of limitations on criminal prosecutions and civil actions.

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Turning, now, from title VII's 5-year provision to its provision for in camera screening of material disclosure of which is sought by a defendant, it, too, survives the balancing test by which the Supreme Court has worked out other limitations on the suppression sanction. Once again, the city bar committee begs the question of the validity of the screening provision by assuming that the evidence which a defendant moves to suppress under that provision is in fact the "fruits of unconstitutionally seized evidence"—ABCNY at 31. Actually, of course, the screening provision of title VII does not legislate on the question whether evidence is or is not tainted in individual cases: it legislates only concerning the procedure to determine that question of fact. By referring to litigation concerning "the fruits of unconstitutionally seized evidence" when it is arguing whether or not the procedure for determining that question is a sound one, the bar committee assumes its conclusion and undermines its constitutional argument.

The screening provision of title VII sets the criteria to be applied by the court in camera so low that disclosure will be denied or limited only in a few, very extreme cases. Those standards permit disclosure if the judge, after in camera inspection of the information requested to be disclosed, finds that the information "may be relevant to a pending claim of such inadmissibility, and such disclosure is in the interest of justice." This provision of title VII simply recognizes that, in a small but significant number of cases, in camera inspection of files by the trial court is sufficient for a clear and completely reliable determination that there is no possible relevance and that disclosure would be unnecessary and harmful. An example is *Aiuppa* v. *United States*, 394 U.S. 310 (1969), the case I described earlier in which an organized criminal was overheard during an organized crime electronic surveillance and later was prosecuted for violating the migratory bird laws. While cases in which such obviously irrelevant disclosures are requested will be few, they arise often enough to make the automatic disclosure requirements of present law a serious problem.

Police authorities, aware of how easy it would be for defendants to satisfy those criteria, hardly will be led to break the law by the remote hope that their offense will yield information which will lead indirectly to relevant evidence of a crime by a defendant, but the possible relevance of which will not be apparent to a trial judge. The ground for suppressing evidence is a showing that the case against a defendant actually was obtained by exploiting governmental illegality, while title VII's ground for refusing to disclose confidential files to the defendant as irrelevant would be a determination by the trial judge that it is impossible that the files could have any relevance to the case against the defendant. It must be remembered that there is a very wide gulf between those two standards. The ACLU and bar committee take a very extreme position when they say that the Congress cannot find any point along that spectrum, however minimal the criterion, which permits the court to screen out obviously irrelevant material. While it certainly would be difficult for a judge to determine absolute relevancy or even probable relevancy ex parte, and the likelihood of error might be excessive, there is no reason to think that a standard as low as possible relevancy cannot fairly be applied by the court in camera.

With respect to the provision's second standard for in camera screening, that disclosure be in the interest of justice, it is significant that the Supreme Court has recognized the validity of the principle that disclosure of facts useful to an accused in defending himself can be made to depend in part upon a judicial determination of the public interest, as in the case of a defendant seeking to learn the identity of a Government informant—Cf. *McCray* v. *Illinois*, 386 U.S. 300 (1967); *Rovario* v. *United States*, 353 U.S. 53, 60–62 (1959).

Congress has constitutional power to substitute the minimal criteria found in the screening provision of title VII for the absolute disclosure rule of the Alderman case, since that case was an exercise of the Supreme Court's supervisory jurisdiction, not a constitutional opinion. On the day that the distinguished Senator from Ohio (Mr. YOUNG) placed the American Civil Liberties Union's letter in the CONGRESSIONAL RECORD, during the Senate debate on S. 30, I explained on the floor the rationale and precedents under which the Supreme Court's ruling in Alderman is found to be not a constitutional decision but an exercise of the Supreme Court's jurisdiction to supervise the administration of Federal criminal justice—116 CONGRESSIONAL RECORD pages 851–852, Thursday, January 22, 1970, as follows:

> Mr. President, let me add a few comments before we quit tonight. It is well within the affirmative power of the Congress to enact proposed section 3504(a)(2) of title VII. It is not, as suggested, unconstitutional. Paragraph (2) would overrule the Supreme Court's decision in *Alderman* v. *United States*, 394 U.S. 165 (1969), which held that Government records of any illegal electronic surveillance which a criminal defendant has standing to challenge must be given to him without a preliminary judicial determination that they have possible relevance to his case.
>
> The reason why Congress can reverse the rule laid down by the Alderman case is that that decision was not an interpretation of the Constitution, but an exercise of the Court's power to supervise the administration of Federal criminal justice.
>
> That power was described by Mr. Justice Frankfurter for the Court in *McNabb* v. *United States*, 318 U.S. 332, 340 (1943), in these terms:
>
> "[T]he scope of our reviewing power over convictions brought here from the federal courts is not confined to ascertainment of Constitutional validity. Judical supervision of the administration of criminal justice in the federal courts implies the duty of establishing and maintaining civilized standards of procedure and evidence."
>
> It is a basic rule of practice of the Supreme Court to place its decisions upon nonconstitutional grounds, such as statutory interpretation or the supervisory power, whenever doing so permits avoidance of a constitutional issue. See, for example, *Peters* v. *Hobby*, 349 U.S. 331 (1955). It must be presumed, therefore, that the Court followed this practice in the Alderman case unless the contrary can be affirmatively shown.

In its statement of the holding of the case, the Court declared:

> We conclude that surveillance records as to which any petitioner has standing to object should be turned over to him without being screened *in camera* by the trial judge. *Alderman* v. *United States*, *supra* at 182.
>
> Nowhere did the Court explicitly say that this practice was mandated by the fourth amendment. Instead, the Court merely ruled that this practice would "substantially reduce" the incidence of error by guarding against the "possibility that a trial judge acting in camera would be unable to provide the scrutiny which the fourth amendment exclusionary rule demands"—394 U.S. at 184. In short, the fourth amendment guarantees freedom from unreasonable searches and seizures, and this freedom must be enforced by the suppression sanction, but the disclosure rule implementing that sanction is not constitutional doctrine, as it is well settled that the details of implementation of constitutional guarantees often lie below the threshold of constitutional concern. (See *Ker* v. *California*, 374 U.S. 23, 34 (1963).) The significance of the use of the word "should" in the Alderman holding is emphasized by the Court's later concession that its decision "is a matter of judgment" on which "its view" was that in camera inspection by the trial court is inadequate—394 U.S. 182. Indeed, the Court expressly based its decision in part upon its desire to "avoid an exorbitant expenditure of judicial time and en-

> ergy," 394 U.S. at 184, a consideration most appropriate in the exercise of the supervisory jurisdiction. Thus, the Court's language indicates that the ruling was supervisory. Nothing in its may be used to make the necessary affirmative showing that the Court was reaching out needlessly to decide a constitutional issue.
>
> A supervisory decision by the Supreme Court is subject to change or overruling by the Congress. Exactly such a course was followed when the Congress enacted the Jencks Act, 18 U.S.C. 3500 (1958), modifying the Supreme Court's decision in *Jencks* v. *United States*, 353 U.S. 657 (1957). Thus, the Congress is equally free to enact title VII of S. 30 despite the Supreme Court's supervisory decision in the Alderman case.

The city bar committee sets out in its report on title VII certain quotations from the Alderman decision, italicizing phrases which the committee feels indicate that Alderman was a constitutional decision. I simply point out that there is other language in the opinion, quoted in my remarks on the floor last January 22, which sustains the opposite view. It is a hallowed rule of Supreme Court adjudication that doubt in such cases is resolved in favor of the conclusion that the Supreme Court did not reach out unnecessarily to decide a constitutional question, since nonconstitutional grounds for the decision were available.

I would like to elaborate, also, on the analogy which I drew, during my remarks of January 22, between the Alderman decision and the decision of the Supreme Court in the Jencks case, which the Congress subsequently modified with the Jencks Act. The city bar committee rejects the analogy between title VII and the Jencks Act—ABCNY at 32—but detailed examination of the Jencks decision and the Court's treatment of the Jencks Act supports the analogy.

According to the bar committee—at 32:

> The analogy fails because, while constitutional questions may have been close to the surface, the *Jencks* decision was based solely on the Court's standards for the administration of criminal justice in the federal courts, 353 U.S. at 668, and did not mention constitutional rights. . . . On the conrtary, I find the constitutional rights to confrontation and effective assistance of counsel *on* the surface, not merely close to it, in the *Jencks* case, and do not agree that the Court's omission there to cite the Bill of Rights by name constituted failure to "mention constitutional rights."

The Jencks opinion, holding that FBI reports should have been disclosed to the defendant so he could determine their value for impeachment of Government witnesses, stated:

> The impeachment of that testimony was singularly important to the petitioner. (353 at 667.)

Any discrepancies between the reports and the testimony, the Court noted, would be relevant to the cross-examining process of testing the credibility of a witness' trial testimony, requiring the accused first to show conflict between the reports and the testimony is actually to deny the accused evidence relevant and material to his defense.—Ibid.

Using language strikingly similar to that later used in the Alderman case, the Court concluded:

> Because *only the defense is adequately equipped to determine the effective use* for purpose of discrediting the Government's witness and thereby furthering the accused's defense, *the defense must initially be entitled to see them* to determine what use may be made of them. *Justice requires no less.* (353 U.S. at 668–69.) (Emphasis supplied in each quotation.)

The constitutional underpinning of the Jencks decision was further revealed when Mr. Justice Brennan, who had written the Court's opinion in Jencks, concurred in the result of the case which upheld the constitutionality by Jencks Act (*Palermo* v. *United States* 360 U.S. 343 (1959)), and wrote in an opinion joined by three other Justices:

> It is true that our holding in *Jencks* was not put on constitutional grounds, *for it did not have to be;* but it would be idle to say that the commands of the Constitution were not close to the surface of the decision; indeed, the Congress recognized its constitutional overtones in the debates on the statute. (360 U.S. at 362–63.)

In spite of the Jencks decision's deep pervasion by constitutional factors, it was, as history has shown, a supervisory decision. Though Alderman, likewise, is related to constitutional rights, it, too, is a supervisory decision. It obviously is not the "mention"—ABCNY at 32—of a specific amendment to the Constitution in a Supreme Court decision which determines whether the decision itself is a constitutional mandate. The language of the Alderman decision indicated that it concerned the "details of implementation" of constitutional rights, so was not necessarily itself of constitutional dimension. In view of the presumption against decision of constitutional questions when other grounds are available, it is clear that the Alderman decision was supervisory and that the Jencks Act experience is an instructive precedent on the issue.

The ACLU also makes the incidental argument that—

> Although a stated purpose of title VII is to reduce the burden of suppression motions on the courts, the reinstitution of an "irrelevancy" requirement inevitably returns to the judiciary the screening burden which *Alderman* sought to remove. (ACLU at 8.)

The city bar committee makes the same point, and supports it by adding a misinterpretation of the meaning of the screening provision of title VII. ABCNY 28–29, n. 47. The misinterpretation is found in the statement that "subsection 3504(a)(2) was intended to limit disclosure of information to the defense only after a determination has been made that evidence has been illegally obtained." ABCNY at 28. This was not the intent, and there is nothing in the Senate Judiciary report at the pages to which footnote 47 on page 28 refers the reader to indicate that the subsection was so intended.

The experience of the Federal courts in the past suggests that the city bar committee and union are wrong in their contention that title VII's screening provision will unduly burden the courts, and supports the conclusion reached by the Judiciary Committee, following its study of the problem, and by the Senate.

The threshold criteria for disclosure under title VII can be applied expeditiously and economically by the courts. This is true especially in comparison with the automatic disclosure rule laid down by the Alderman case, which opens up the opportunity for long periods of examination of Government files by attorneys and lengthy evidentiary hearings and arguments.

The Federal district courts are accustomed to screening material in camera quickly, efficiently, and economically, in order to determine whether to order disclosure to a party in other contexts, such as a challenge to the scope of a subpena duces tecum, pretrial discovery under criminal rules 16 and 17(c), disclosure of prior statements of witnesses under the Jencks Act, and the discovery of grand jury testimony. The courts can be expected to apply their experience and techniques developed in those situations to the minimal screening required by title VII.

For any occasional case in which the volume of material to be examined in camera is too great for examination by the trial judge himself, the Department of Justice has made this suggestion:

> [A]ssistance could be provided either by another district judge, a procedure approved in *Baker* v. *United States*, 401 F. 2d 958, 978 n. 90 (C.A.C.D), or by a United States magistrate. Section 636(b)(2) of Title 28 of the United States Code specifies that a United States magistrate may be appointed for the purpose of "assistance to a district court in in the conduct of pretrial or discovery proceedings in civil or criminal actions." Unlike a ruling on an issue affecting the reliability of the guilt-determining process, a ruling affecting the applicability of the exclusionary rule to plainly trustworthy evidence is a function of a nature which appropriately may be delegated. Certainly the deterrent purposes of the exclusionary rule can be served as well by the possibility of an adverse ruling of a magistrate as by the possibility of an adverse ruling of a judge. (Hearings at 555.)

For those reasons, application of title VII by the courts will be economical and efficient, far more so than application of the Alderman rule.

In the final analysis, of course, the question which of two procedures is more swift and economical is one which the Congress can decide without the constraint of constitutional doctrine. Indeed, the nature of this aspect of the Alderman and title VII problem, as the ACLU and bar committee spell it out, is one convincing demonstration of the fact that the Alderman decision rested upon considerations of supervisory rather than constitutional dimension, so is subject to reversal by the Congress.

The city bar committee's statement that the screening provisions of title VII would "make it far more difficult to prove that any evidence resulted from an illegal search" ABCNY at 7 is not correct. It is incorrect not only because the two criteria established by the screening provision are minimal, but also because existing law already limits the access of defendants to such confidential materials in some contexts. A trial judge considering a case of electronic surveillance conducted in violation of title III of the 1968 Safe Streets Act has discretion, as the city bar committee points out—ABCNY at 30, n. 53—whether or not to make available to the defendant "such portions of the intercepted communication or evidence derived therefrom as the judge determines to be in the interests of justice." 18 U.S.C. § 2518 (10) (a). That provision not only imposes a limitation upon the defendant's access to such files, but does so by reference to a standard also used in the screening provisions of title VII. Other disclosure provisions, such as rule 16 of the Federal Rules of Criminal Procedure, also grant broad discretion to trial judges to examine files in camera, deny or delay disclosure, and make protective orders, and provide no standard for the exercise of that discretion.

Neither is the city bar committee's interpretation of the meaning of "interest of justice" consistent with the expressed intent of the Senate Judiciary Committee. The city bar committee—at 30—concludes that under the screening provisions of title VII:

> Evidence which would be relevant, and perhaps critical, to a defendant's charge that the case against him was unconstitutionally tainted could, nevertheless, be denied him for a variety of reasons, such as danger to the reputation of a third party.

On the contrary, it is apparent that evidence which was critical to such a charge always would have to be disclosed since the interest of justice simply could not exalt the reputation of a third party over the constitutional right of the defendant to defend himself. Disclosure would clearly be required, at least of that portion of the files which in fact was critical to the defendant's claim.

Nor is it correct that the screening provision of title VII limits defense access to materials now given to a defendant for purposes other than suppression litigation, such as the defendant's confession, whether coerced or not, and physical property belonging to the defendant and illegally seized. ABCNY at 30–31. By its terms, title VII's screening provision regulates the making of disclosure only for a determination if evidence is inadmissible on specified grounds. Where the reason for making disclosure is not to aid in the determination of that question, but to vindicate a defendant's property right in seized items or to assist him in preparing to cross-examine witnesses, for example, title VII explicitly has no application. A more careful reading of the screening provisions of title VII, including the phrase "disclosure . . . for a determination," would have permitted the city bar committee to avoid making its inaccurate statements regarding supposed conflicts between title VII's screening provision and existing procedures. It should be noted also, when the city bar committee complains about the possibility that a defendant would be denied inspection of his own confession, that the express language of rule 16(e) of the Federal Rules of Criminal Procedure already gives the court discretion to deny the defendant leave to inspect his own confession—but see *United States* v. *Projansky*, 44 F.R.D. 550 S.D.N.Y. 1968—and establishes no standards for the exercise of that discretion.

Finally, the city bar committee criticizes the screening provision of title VII by noting that it applies to civil proceedings and nonjudicial bodies, such as administrative agencies, as well as to courts. The bar committee goes on to allege that—

> In many instances, officials or official bodies with little or no expertise would be deciding what information is relevant to constitutional claims and what the "interest of justice" requires. (ABCNY at 29 n. 50.)

The bar committee fails to mention that such agencies are subject to judicial review, and that the scope of judicial review of legal questions such as admissibility, and issues of constitutional fact upon which motions to suppress rest, is broad. In addition, it must be recalled that title VII will have no application to any such agency unless the agency applies an exclusionary rule forbidding the consideration of evidence obtained as the direct or indirect product of an unlawful act. Since any such agencies already engage in considering constitutional claims, it hardly is appropriate to claim that they have sufficient expertise to exclude evidence on constitutional grounds but not to decide "what information is relevant to constitutional claims."

Not only does title VII not violate constitutional rights protected by the Alderman case, it protects rights of American citizens to privacy and to the safety of their reputations—considerations which the Alderman decision completely subordinated to the interests of criminal defendants. The court in Alderman relied upon protective orders, by which a court furnishing transcripts to a defendant can prohibit him from disclosing them to others, to protect privacy and reputations. However, protective orders are not an adequate substitute for title VII as a means of preventing unauthorized disclosures.

That is true in part because it is not always practical for the court to make a protective order. When one of the cases remanded by the Supreme Court for further proceedings in the light of its decision in Alderman reached the district court again, for example, the court made a protective order at the Government's request. In the court's words:

> However, it became apparent that it would be impossible to conduct a public hearing and explore the relevance of the logs in light of the protective order. The order was therefore dissolved, and the logs were admitted into evidence. (*United States* v. *Clay*, Cr. No. 67–H–94, U.S. District Court, S.D. Tex., July 14, 1969.)

As a result, a transcript of electronic surveillance embarrassing to a third party who was merely referred to rather than overheard in the conversation was made public. That intrusion on his privacy proved to have been completely gratuitous, since after the disclosure and full hearing the district court found not only that the transcripts were "totally innocuous" but that the court could reliably have made that determination on an in camera inspection.

Even where the circumstances of a case do permit the court to make a protective order, the Department of Justice reports that they have been found to be ineffective. Hearings at 145. For example, national security information dealing with surveillance of a foreign embassy was disclosed in a December 2, 1966, Washington Post article in spite of a protective order made by the Federal District Court for the District of Columbia. Such breaches of security do untold harm to the public interest, and, often, to the interests of innocent individual citizens. Disclosures may lead suspects who are under investigation to flee. Evidence may be destroyed. The reputations of innocent individuals may be irreparably harmed, as by the Life magazine publication on May 20, 1969, of surveillance transcripts containing unflattering references to national prominent entertainers, named Chicago aldermen, and three judges. The identities of undercover agents and informants may be revealed, and their lives and families endangered. And citizens with evidence of crime may be deterred by the fear of identification from coming forward to aid law enforcement.

In view of the demonstrated inadequacy of protective orders truly to protect public and private interests, they are no substitute for title VII as a means of preventing unwarranted revelation of confidential material.

The ACLU complains that the provisions of title VII would apply "in any Federal, State, or local court or agency" where suppression of evidence is sought on the ground that the evidence was obtained through a violation of law "by anyone"—ACLU January 1970 letter at 7. It is understandable that the ACLU, since it opposes title VII entirely, wishes that, if the title is enacted at all, it be made as narrow as possible. However, the ACLU provides no reasons or justifications for limiting the jurisdictions and agencies in which title VII would apply, nor the identities of those whose violations of law give rise to claims governed by title VII. On the contrary, treatment of the problem raised by the Alderman case requires consistency among jurisdictions, grounds of objections, and the like. As the Senate Judiciary Committee pointed out in its report on title VII:

> [A]pplication [of the provisions of title VII] beyond Federal criminal cases to State and civil proceedings is necessary to prevent Federal and State agencies from frustrating one another's policies, to promote cooperation between Federal and local law enforcement officers, and to avoid inconsistent treatment of litigants. Congress has the power to act in this fashion. See *Elkins* v. *United States*, 364 U.S. 206 (1960); cf. U.S. Const. amend. XIV, § 5; *Katzenbach* v. *Morgan*, 384 U.S. 641 (1966); *Adams* v. *Maryland*, 347 U.S. 179, 183 (1954); see generally 18 U.S.C. § 2515. (Report at 70.)

This is true despite the fact that the Alderman decision was not an interpretation of the Constitution, and therefore is not directly binding upon State courts, since other provisions of law extend exclusionary rules into State and administrative proceedings and suppress products of unlawful conduct by private citizens as well as Government officials. For example, some of title VII's most important applications will concern electronic surveillance, covered by title III of the Omnibus Crime Control and Safe Streets Act of 1968. Under title III, section 2515

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of title 18 of the United States Code, forbids the use of intercepted communications or their fruits in evidence in any proceeding before any Federal or State judicial or nonjudicial authority, and makes that exclusionary rule applicable whether the interception was committed by a public official or not. The Congress cannot be oblivious to the likelihood that States will apply Alderman to their proceedings, either in a mistaken belief that the Constitution requires them to do so, or under State lawmaking power. The harm which would result to the Federal administration of justice from inconsistent treatment of the Alderman issues among Federal and State agencies requires that the subject be treated comprehensively and consistently, and the ACLU has presented no rebuttal to this showing of need.

The same is true of the ACLU's complaint—ACLU January 1970 letter at 7—that title VII is "an overreaction" since it goes beyond electronic surveillance. The absolute rule of the Alderman case would do harm as great where a defendant or the public were given a number of private letters between two nondefendants which had been seized by the Government, or a confession implicating, perhaps falsely, individuals other than the defendant and the confessor, as where the defendant seeks the transcripts of electronic surveillance. The ACLU itself acknowledges, in the summary of Supreme Court decisions on the exclusionary rule with which it provides background for its criticism of title VII, that the Supreme Court has tended to treat one right like another in determining whether a government violation requires suppression of evidence. Id. at 8. Since the Supreme Court does not distinguish for this purpose among electronic surveillance, physical seizure, arrest, interrogation, and other means of obtaining evidence which can lead to suppression at trial, limitation of title VII to electronic surveillance would produce inconsistency and anomaly in the law. Although the Alderman decision itself discussed only electronic surveillance, that is the only subject which was presented to the Court in that case. Therefore, we unfortunately cannot infer that the courts will show greater recognition of the competing interests of third parties and society generally where disclosure of Government files concerning other types of evidence is concerned.

In this connection, the ACLU apparently wants to have it both ways: Although they would prefer that title VII be limited to cases involving electronic surveillance, they also attempt to arouse emotions against title VII by asserting that electronic surveillance is especially offensive since:

> In the case of illegal electronic eavesdropping or wiretapping, the government engages in a deliberate violation of the rules which under the Constitution law enforcement officers are bound to obey (*Id.* at 9.)

They attempt to contrast this alleged characteristic of electronic surveillance with other constitutional violations by public officers where police complain that under the exclusionary rule the "criminal goes free because the constable blunders." Ibid. However, this inflammatory distinction is not only irrelevant, it is inaccurate. Since the Alderman rule is absolute and inflexible, it can be applied in many cases where the Government's electronic surveillance was conducted in the good faith belief that it was lawful, and even cases in which the surveillance would have been lawful but for a technical or minor error. This is true, obviously, as to surveillances conducted under title III of the 1968 Safe Streets Act, which apply to electronic surveillance the warrant procedures used for other searches, but with still more technical and complicated procedural requirements. It is even true as to electronic surveillances conducted before the Safe Streets Act became law, such as surveillances conducted under the New York statute through cooperation between Federal and State officers.

The ACLU would go still further in confining the operation of title VII. They complain that the title is "not limited to organized crime cases." It is not difficult to imagine the criticisms which the ACLU, opposed to any legislation which would modify the Alderman rule to accommodate the public interest, would raise to any definition which attempted to define the complex and subtle concept of "organized crime." Regardless of the ACLU's position, moreover, the need for enactment of title VII extends beyond "organized crime" prosecutions, and in any case it would be impossible to prepare a rational definition of such cases in this context. This is true since the need for enactment of title VII springs from a variety of factors, such as first, the harm to privacy and reputations where the private gossip of hoodlums about innocent public officials and other parties not overheard is disclosed. Second, the danger to informants, undercover agents and witnesses where confidential government files are given to ruthless criminals, and third, the harm to the administration of justice when unnecessary opportunities for dilatory proceedings are furnished to whole classes of professional criminals.

These factors arise in part from the characteristics of the defendants and in part from the content of the evidence to be disclosed. This is obvious from the case, which I described earlier in these remarks, in which the Alderman case was applied to require that an organized crime figure, who was overheard during a Mafia surveillance, be allowed to inspect the full transcript simply because he later was picked up by a forest ranger for violating migratory bird laws, despite the obvious lack of relationship between the surveillance and his crime. *Aiuppa* v. *United States*, 394 U.S. 310—1969. If organized crime cases were defined according to the nature of the crime charged, it is highly doubtful that migratory bird violations would be included. On the other hand, it would be offensive to provide one statutory suppression procedure automatically applied to persons suspected as organized criminals and another for all other defendants. Similarly, the Alderman case also is applicable to a person who is innocent of any organized crime involvement, stumbles into an organized crime wiretap by dialing a wrong number, and then 10 years later is charged with driving while under the influence of alcohol. Neither the character of the defendant nor the nature of his crime makes the prosecution an organized crime case, yet there is an obvious need for title VII's limitation upon disclosure.

Before I conclude this discussion of the real and imaginary issues raised by the critics of title VII, it might be well for me to touch briefly upon two rather general points raised by title VII's critics as they sought to prove it unconstitutional.

First, the Civil Liberties Union, in its January 1970 letter—at 7—attempts to buttress its constitutional objections to title VII by stating that "even the Justice Department concedes that constitutional problems may exist under tile VII . . ." The City Bar Association committee was more candid, but still tried to get mileage out of the Justice Department testimony, stating that:

> The Department of Justice recognized that the *potential* application of a *predecessor* of this Subsection to coerced confessions presented *possible* Fifth Amendment problems." (ABCNY at 31.) (Emphasis supplied.)

A simple comparison of the union's statement with the bar committee's statement raises serious doubts about the reliability of the union as a commentator on title VII. Even the city bar committee's statement fails to attain a desirable level of candor and impartiality, since it omits to mention that the Department of Justice did not press its desire that the scope of title VII be limited in view of its question as to constitutionality, and now fully supports the conclusion reached by the Senate Judiciary Committee that title VII is constitutional and sound. This conclusion was challenged again on the floor of the Senate on January 22, 1970, the ACLU's statement critical of title VII was placed in the CONGRESSIONAL RECORD the same day, and the next day the Senate soundly defeated an amendment which would have stricken title VII.

Second, the union asserts that title VII is based upon assumptions which are "totally inconsistent with our traditional presumption of innocence." ACLU January 1970 letter at 9. As I explained above, this type of objection completely mistakes the meaning of the "presumption of innocence." This presumption is a technical, legal concept, applicable only at trial, and in reality constitutes simply a burden upon the Government to come forward with evidence and to prove guilt. See *United States* v. *Mimerick,* 118 F. 2d 464, 468 (2d Cir. 1941). This limited nature of the presumption is shown by the fact that our law authorizes searches under warrants, bail, and other pretrial restraints and invasions based upon probable guilt. While some laymen mistake the presumption of innocence, and may suppose that it compels the Government unrealistically to close its eyes to the probable consequences of pretrial court orders, actually nothing in the presumption of innocence prevents courts before trial from drawing realistic distinctions among cases where claims are substantial and cases where they are not.

Realism is exactly what is lacking in the statement of the ACLU, and in the remarkably similar complaint of the city bar committee that title VII is assumed by the Senate only to apply to mobsters. ABCNY, at 27–28. Those critics of title VII close their eyes to the frequency with which criminal defendants use dilatory proceedings, perjury, and other unlawful means to escape punishment. If criminal defendants never resorted to unlawful means of defending themselves—if, indeed, they never committed crimes at all—then a rule as onesided and inflexible as the Alderman rule would be serviceable. Since they do violate laws, and since society must have some protections against such violations, title VII sets up standards and procedures, similar to those now used in other contexts, to distinguish dilatory motions to suppress evidence from substantial ones.

TITLE VIII—SYNDICATED GAMBLING

Mr. President, the general consensus of opinion among law enforcement officials is that gambling is the greatest source of revenue for organized crime. The Permanent Subcommittee on Investigations' examination of gambling and organized crime, the hearings of which I was privileged to chair, concluded that although estimates of the revenue obtained through illegal gambling vary it was generally agreed that the flow of money to bookmakers taking bets on horse races and sporting events totals billions of dollars annually—report at 2.

Organized crime, of course, does not limit its illegal gambling operations to horse racing and sporting events. It also includes gambling in the form of lotteries, dice games, and illegal casinos. More recently, the President's Crime Commission estimated the annual gross revenue to organized crime from gambling in the United States at from $7 to $50 billion—report at 189. The Commission indicated that an analysis of organized crime betting operations showed the profit to be as high as one-third of gross revenue and concluded that while it was difficult to judge the accuracy of these figures, even the most conservative estimates put a substantial amount of capital in the hands of organized crime leaders.

Mr. President, it is from these huge gambling profits that organized crime is able to finance other illicit operations such as narcotics, loan sharking, prostitution, and bootlegging. This large source of illegally gained revenue also makes it possible for organized crime to infiltrate and pollute legitimate business.

The President in his Message on Organized Crime in April of last year, characterized gambling income as the "lifeline of organized crime," and suggested that if we can cut or constrict it we will be striking close to its heart—Doc. No. 91–105, House of Representatives, 91st Cong., 1st Sess., at 6 (1969). I need not emphasize too highly that it is in the field of gambling that the mob leader is most vulnerable to honest law enforcement. If we can remove the syndicate gambler from circulation, we will have at the same time largely eliminated the extortioner, the corruptor, the robber and the murderer—the gangster himself.

One of the inevitable byproducts of illicit gambling, moreover, is corruption—of the police, the prosecutor, the courts—indeed, the whole system of criminal justice. Gamblers and bookmakers, in order be be free to operate, must pay off someone. The President in his message on organized crime put it this way:

> It is gambling which provides the bulk of the revenues that eventually go into usurious loans, bribes of police and local officials, "campaign contributions" to politicians . . . and to pay for the large stables of lawyers and accountants and assorted professional men who are in the hire of organized crime. (*Ibid.*)

The report of the Permanent Subcommittee on Investigations on Gambling and Organized Crime described the problem as follows:

> It must be conceded that for various reasons, mostly justifiable and understandable, local law enforcement agencies cannot adequately cope with the grave internal threat posed by organized crime. Jurisdictional limitations and lack of sufficient funds to provide adequate manpower or modern equipment are among the most frequently cited obstacles to the attainment of this objective. While most local law enforcement officials and prosecutors are honest and dedicated in their efforts to stamp out organized crime, too often local criminal statutes are not vigorously enforced or prosecuted because a dishonest policeman or prosecutor is motivated solely by financial or political gain. (Report at 1.)

The junior Senator from Washington (Mr. JACKSON), in the course of those hearings, during an exchange with Jacob Grumet, a member of the Commission of Investigation of the State of New York, aptly expressed it this way:

> You and I know what the problem is. They buy off the judge, they buy off the prosecutor, they buy off the sheriff, and they buy off the law enforcement officers locally, directly or indirectly. (Hearings, Part I, at 31.)

Today's corruption is less visible, more subtle and therefore more difficult to detect and assess than the corruption of the prohibition era. But organized crime flourishes only where it has corrupted local officials. And as the scope and variety of organized crime's activities have expanded, its need to involve public officials at every level of local government has grown.

Mr. President, something must be done to stop this flow of money to organized crime from gambling enterprises, and we must stop the corruption of local officials and law enforcement officers by organized crime. To do this we need new weapons. Title VIII would give the Federal Government two new means to aid the States in combating large-scale gambling. Part A contains special findings on the character of syndicated gambling. Part B of title VIII would make it a felony for large-scale gamblers and law enforcement officers or public officials to conspire to obstruct enforcement of State and local laws against gambling through bribery of governmental officials. Part C of this title would make it a Federal offense to engage in a large-scale business enterprise of gambling.

At this point, Mr. President, I want to make one thing very clear. No part of this title will, or is intended to, preempt local efforts in this area, but it will add to such local efforts the expertise, the manpower, and the full resources of the Federal Bureau of Investigation, and other appropriate agencies of the Federal Government.

There is one other important point which I have not touched upon, and it is a point on which the Congress cannot legislate. I refer to public apathy about gambling—indeed, about organized crime in general. The public must be informed of the dangers of organized crime, and must be cognizant of the fact that each bet with the local bookie, no matter how small, is not a harmless diversion but part of a large-scale process leading to the eventual decay of his community, for the effects of apathy poison our whole well-being. The late Robert F. Kennedy, commenting on the relation between organized crime and street crime, put it well:

> Crime in the streets is directly related . . . public apathy about organized crime. The young man in the ghetto who decides to steal rather than make that extra effort to find work is unquestionably influenced by the success which the numbers runner down the block has had. The bookmaker or the narcotics pusher is all too often the only conspicuous figure of success in the ghetto, the one who has demonstrated how to beat the system and gain wealth and prominence. Similarly, the worker who belongs to a corrupt union, or the businessman who must pay protection to keep his business or his life, are taught every day—as are their children—that our legal system has nothing to offer them. As long as the public cares too little about the racketeers who control the gambling and the narcotics and the prostitution that feed upon the poor and the weak there will be youngsters who see the gangster's way as the model, the path to follow. (Address before the Columbia Law School Forum, Jan. 19, 1967, reprinted in 113 Cong. Rec. 1243 (Jan. 23, 1967).)

It is in this context, particularly, that the Senate must assess part D, which would set up, 2 years after the enactment of the bill, a Commission To Review National Policy Toward Gambling. Federal concern over gambling has a long history. Nevertheless, it is time to take stock of where our Nation is and what direction it should take in the future. We know too little about the full scope of the impact of syndicated gambling and attendant police corruption on our society, or about the most realistic way to respond to them. There is a need here for careful study and public enlightenment after the formulation of prudent action plans.

Nevertheless, the ACLU characterizes title VIII as making it "a Federal offense to engage in 'an illegal gambling business' or to participate in a 'scheme to obstruct' state criminal laws with the intent to facilitate such business, without regard to any connection with interstate commerce"—ACLU January 1970 letter at 9. In fact, however, title VIII does not make the proscribed conduct criminal "without regard to any connection with interstate commerce." Instead, it limits its definition of the prohibited "illegal gambling business" to gambling operations so large or permanent that they

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necessarily depend upon and affect interstate commerce, and thereby eliminates the need of adducing evidence in each case linking the illegal business to the facilities of interstate commerce.

As the special findings in title VII point out:

> The Congress finds that (1) illegal gambling involves widespread use of, and has an effect upon, interstate commerce and the facilities thereof; (2) illegal gambling is dependent upon facilities of interstate commerce for such purposes as obtaining odds, making and accepting bets, and laying off bets; (3) money derived from or used in illegal gambling moves in interstate commerce or is handled through the facilities thereof; (4) paraphernalia for use in illegal gambling moves in interstate commerce; and (5) illegal gambling enterprises are facilitated by the corruption and bribery of State and local officials or employees responsible for the executive or enforcement of criminal laws.

During hearings before the Senate subcommittee on S. 2022, which has been incorporated into S. 30 as title VIII, Assistant Attorney General Will Wilson, who is in charge of the criminal division of the Department of Justice, stated:

> Testimony already given before the committee . . . establishes conclusively that without interstate commerce organized gambling cannot exist." (Hearings at 382.) Mr. Wilson further testified that "[t]here can be little question that illegal gambling has a substantial effect on interstate commerce. It uses the facilities of interstate commerce, its profits are distributed in interstate commerce, and its paraphernalia is shipped in interstate commerce." (*Id.* at 381.)

The committee report—at 73-74—is explicit regarding the authority of Congress to enact legislation under the commerce clause to prevent criminal activities which affect interstate commerce. The pertinent section of the report states as follows:

> It is well established that Congress is empowered under the commerce clause to prevent criminal activities which take place in or affect interstate commerce. As Mr. Justice Day stated for the Supreme Court in *Caminetti* v. *United States,* 242 U.S. 470, 491 (1917):
>
> The authority of Congress to keep the channels of interstate commerce free from immoral and injurious uses has been frequently sustained, and is no longer open to question.
>
> It is equally well established that once Congress concludes that some general activity affects interstate commerce, and enacts a statute regulating participants in that activity, an individual participant will not be heard to claim that his particular segment of the activity does not affect interstate commerce. See, e.g., *Wickard* v. *Filburn,* 317 U.S. 111 (1942); *cf. Heart of Atlanta Motel* v. *United States,* 379 U.S. 241, 258 (1964); *Katzenbach* v. *McClung,* 379 U.S. 294 (1964).

The need for Congress to take action such as that proposed in title VIII was illustrated recently, when the Justice Department disclosed a conspiracy through which the chief of intelligence of the Columbus, Ohio, Police Department, received $40,000 over a 3-year period, and certain patrolmen received some $250 per month, for failing to close a known numbers operation. A Federal prosecution was brought, but ended with an acquittal by a jury apparently convinced of the defendants' substantial guilt, but not of the Federal authorities' jurisdiction under existing law. According to Assistant Attorney General Will Wilson, "the daily intake of one operator was believed to exceed $15,000." Illegal gambling businesses of that size, especially where local law enforcement is crippled by corruption, are most appropriate subjects of Federal jurisdiction, and title VII would strengthen the ability of our laws to deal with them.

The specific objections to title VIII raised by the city bar committee and by the Civil Liberties Union are not persuasive. Once again, the city bar committee's statement mirrored that of the Civil Liberties Union; both claim that title VIII's use of the word "scheme" in the provision making it unlawful "for two or more persons to participate in a scheme to obstruct the enforcement of the criminal laws of a State or a political subdivision thereof" is so vague as to be unconstitutional. They join in contrasting the term "scheme" with the term "conspiracy," which they both quote Mr. Justice Jackson as criticizing for its elasticity—ABCNY at 36; ACLU January 1970 letter at 9. Neither group points out that an individual can commit the offense of conspiracy simply by making an informal verbal agreement with one other man to commit a crime which actually never occurs, while the "overt act" which the law requires can be committed by the other member of the conspiracy and can be, in itself, an innocent act. Title VIII, on the other hand, requires that a defendant "participate in a scheme," and thus requires that each individual defendant take an active part, whether by financing supervising, operating, or profiting from the scheme. The additional element of "participation," not required in conspiracy cases, makes the prohibition in title VIII more specific in one respect than the laws prohibiting conspiracy, which, although they have been criticised by Mr. Justice Jackson and some others, are today of unquestioned validity and great utility.

There are, in addition, strong affirmative reasons for using the term "scheme" in title VIII. Some of the reasons were presented in testimony before the Senate subcommittee by the Assistant Attorney General Will Wilson:

> Senator McClellan. What is the difference under your proposed section 1511, title I, between "devising or participating in a scheme," and "conspiring"?
>
> Mr. Wilson. Well, the purpose of that language is to broaden the word "conspire" to include a situation, for instance, where you could trace some of the profits of a scheme of a gambling enterprise into a given individual, but couldn't ever put him in the room where conversations or other acts of conspiracy occurred.
>
> Senator McClellan. What you are doing is saying that if you accept the fruits or benefits of that conspiracy you would be guilty?
>
> Mr. Wilson. Yes, sir. As you probably know, in the biggest gambling rackets it is relatively easy to make cases against the street sellers, and clear up through the bookkeeping department, but through the use of carriers and banking connections it is sometimes very difficult to develop proof against the person who is the most guilty, that is the top proprietor, because he isolates himself from it rather effectively. This would provide broader language which would permit us to go after the big ones with a lessor degree of proof than in conspiracy.
>
> Senator McClellan. In other words, if they get a take out of it, whether or not they participated in the actual activity, it would make no difference, they would be guilty?
>
> Mr. Wilson. That is the intent of the language.
>
> Senator McClellan. Someone might start something down here, and get it going, but then outsiders step in and say, "Well, we are going to take a part of it." They should be included, too.
>
> Mr. Wilson. And conceivably might not either have been a party to it or known about it in the sense of knowing the mechanics of it—at least to the extent that you could prove it.
>
> Senator McClellan. But if they step in and get the benefits or the fruits from it, then they are guilty?
>
> Mr. Wilson. That is the meaning of the language (hearings at 397).

It should be noted in addition, that the use of the word "scheme" in a substantive criminal prohibition is not novel. The mail fraud statute, 18 U.S.C. 1341, makes it criminal to "devise any scheme or artifice to defraud."

The substantive prohibitions in title VIII are criticized by the city bar committee and the Civil Liberties Union for overbreadth on another ground. They consider the prohibitions broad enough to reach very small gambling operators, and the city bar committee, for example, feels that title VIII would permit Federal prosecution of a "mom and pop" bookmaking operation which pays a small bribe to the policeman on the beat—ABCNY at 37. To support these contentions, both the union and the bar committee interpret title VIII's prohibitions as reaching not only the operators of a gambling business, but also the players. That interpretation is unwarranted. The statute itself states that it prohibits only "participation in an illegal gambling business" or "participation in a scheme to obstruct the enforcement of the criminal laws". Obviously, playing the horses does not make one a participant in the gambling business, any more than buying groceries at the A & P makes a person a participant in the grocery business. The committee report emphasizes the point by specifying that the prohibitions do not "include the player himself in an illegal game"—Report at 155.

When it is understood that title VIII does not prohibit the playing of an unlawful game, it becomes still more obvious that title VIII prohibits only relatively large gambling operations. Title VIII defines an "illegal gambling business" as involving five or more participants in the gambling business, and either remaining in operation over 30 days or grossing at least $2,000 per day. A fair reading of those elements of the crime created by title VIII makes it clear that the two-person "mom and pop" bookmaking operation whose future concerns the bar committee does not constitute an "illegal gambling business" under title VIII. One can only wonder how the Civil Liberties Union was able to state in its January 1970 letter that "the statute itself easily encompasses such petty crimes and criminals and by its terms could apply to two men who park illegally on their way to an all-night poker game"—ACLU January 1970 letter at 10.

The union—ACLU January 1970 letter at 10—and bar committee—ABCNY at 38—join also in objecting to the provision of title VIII which reads:

> For the purposes of this section, if it is found that a gambling business has five or more persons who participate in such business and such business operates for two or more successive days, the probability shall have been established that such business receives gross revenue in excess of $2000 in any single day.

The union begins its criticism of that provision by misstating it. The union states that the provision creates a legislative conclusive presumption that the specified business "has" the necessary daily gross revenue—ACLU January 1970 letter at 10. A reading of the provision itself makes clear that the presumption is not that the business "has" such gross revenue—a presumption which would be useful at trial—but only that it probably has such gross revenue—a presumption which has utility only in the sole situation where probability is an issue: a search or arrest.

It is strange, therefore, that both the union and the bar committee complain that the statute permit's application of the presumption at trial. The Senate committee report—at 156—and the Senate hearings—at 401—make it explicit that the presumption applies only to the making of probably cause findings. It would seem, though, that such explicitness was not necessary, since whether or not an essential element of the offense has been shown probably to have occurred, is as the union and bar committees surely know, utterly immaterial at trial. Even if this provision of title VIII attempted to create such a legislative presumption, the end result of the presumption could not be admitted in evidence or disclosed to the jury in the case, because of its immateriality.

The bar committee and the union criticized the provision concerning probability also on the ground, as expressed by the bar committee, that "we have grave doubt whether a constitutionally required nexus between the findings and the facts on which it is made to depend can be established. *Cf. Leary* v. *United States*, 95 U.S. 6, 6 (1969); *Tot* v. *United States*, 319, U.S. 463 (1943)"—ABCNY at 38. The Leary and Tot cases do not deserve even citation as analogous authorities. They dealt with legislative presumptions concerning the establishment of elements of offenses for use at trial when proof beyond a reasonable doubt was required, so involved a far tighter "nexus" than is necessary for the validity of the probability provision of title VIII.

The bar committee and Civil Liberties Union object also to the requirement of title VIII that a gambling business, in order to be subject to the prohibitions of title VIII, be conducted in violation of the law of a State or a political subdivision thereof—ABCNY at 39–39; ACLU January 1970 letter at 10. As soon as some thought is devoted to the question, it becomes apparent that the supposed difficulties with this type of reference to State law in a Federal statute are actually nonexistent. Title VIII simply requires that the gambling business which is to be brought within its terms have been conducted in violation of the law of a State or a political subdivision having jurisdiction over the conduct violating its laws. If there is one or more States or political subdivisions as to which that is shown to be true, then that element of the offense under title VIII has been established. Title VIII, in this respect follow the example of 18 U.S.C. 1952, which punishes interstate travel with intent to promote any unlawful activity, and which defines "unlawful activity" as including "any business enterprise involving gambling in violation of the laws of the State in which they are committed."

As for the reference by the city bar committee to the provision of title VIII that "gambling" includes bookmaking and several other specified gambling activities, but does not provide that the list of activities is exclusive, and the committee's statement that "we question whether such an important definition be open-ended,"—ABCNY at 37 n. 66—I simply call to mind the disastrous experience with legislation designed to curb the use of interstate commerce to promote slot machine gambling. Senators will recall, whether the city bar committee does or not, that the inventive genius of certain manufacturers of electromechanical devices in the Chicago area required the Congress, until it learned that undue specificity is no virtue in a gambling statute, to enact a series of laws designed to curb first the one-armed bandit, and then progressively more sophisticated machines for evading the latest Federal prohibitions. I suggest we decline the New York City Bar Committee's invitation to repeat that experience. See the Gambling Device Act of 1951, ch 1195, 64 Stat. 1134, as amended, 15 U.S.C. § 1171 (1964); H.R. Rep. No. 1828, 87th Cong. 2d Sess. 1 (1962).

On the contrary, I find the complaints and suggestions of the city bar committee and the Civil Liberties Union regarding title VIII to be, by and large, misguided and unconstructive. Although the New York City Bar Committee does not mention the fact, title VIII has been approved, in major part, by the House of Delegates of the American Bar Association, as well as by the U.S. Senate. It is strongly supported by the administration, which initiated the introduction of the bill. I think it is clear title VIII has withstood the criticism leveled at it by the bar committee and the union, and should be recognized as a valuable proposal against organized crime.

TITLE IX—RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS

Mr. President, title IX of S. 30 as originally introduced was supported by the Department of Justice in these terms:

> The Department favors the objectives of S. 1861, and believes that with some possible revisions its combination of criminal penalties and civil remedies, which has been highly effective in removing and preventing harmful behavior in the field of trade and commerce, may be effectively utilized to remove the influence of organized crime from legitimate business. (Hearings at 404, 405.)

The subcommittee and committee have now agreed with the Department on their suggested revisions and, along with other improving amendments, have approved title IX.

The infiltration of legitimate business by organized crime has been increasingly documented in the past year. Once it invades a legitimate field of endeavor, the mob quickly brings with it a full range of corrupt practices. It sometimes uses terror tactics to obtain a larger share of the market. Labor unions are infiltrated, and then labor peace is sold to businesses. This does not inure to the benefit of the workingman. To the contrary, for example, as documented in a grand jury report I inserted in the CONGRESSIONAL RECORD, volume 115, part 28, page 37196, in New Jersey members of the mob recently required payments from a contractor so that nonunion men could work at lower wages on a project. In business, the mob bleeds a firm of assets, then takes bankruptcy. It steals securities and then uses the stolen securities to fraudulently obtain funds from lending institutions. It evades taxes and thereby gains an unfair advantage. It monopolizes goods and services thereby raising prices. Through the violence used in its operations and its rigidly enforced code of silence, as well as exploitation of nonmembers in its schemes, the mob seeks to gain immunity from the rules of our society governing business and labor practices. We cannot afford to allow it to succeed in this endeavor.

Mr. President, title IX is aimed at removing organized crime from our legitimate organizations. Experience has shown that it is insufficient to merely remove and imprison individual mob members. Title IX attacks the problem by providing a means of wholesale removal of organized crime from our organizations, prevention of their return, and, where possible, forfeiture of their ill-gotten gains.

Title IX uses three primary devices to achieve these ends—criminal forfeiture, civil remedies which have proven successful in the antitrust area, and a number of civil investigative procedures.

The concept of criminal forfeiture is an old one in our common law. It was extensively used in England and had some limited use in the colonies. Title IX, drawing on this early history, would forfeit the illgotten gains of criminals where they enter or operate an organization through a pattern of racketeering activity. To bring this special criminal remedy into play, the offender must be chargeable as a principal in the commission of at least two racketeering acts, each of which is chargeable as a crime apart from title IX.

Since enactment of the Sherman Antitrust Act in 1890, the courts have used several equitable remedies, and developed new ones to implement the language of 15 U.S.C. sections 1 and 2. I believe, and numerous others have expressed a similar belief, that these equitable devices can prove effective in cleaning up organiza-

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tions corrupted by the forces of organized crime. The first step in cleaning up an organization will be to require the mob to divest itself of its holdings in legitimate endeavors, where its members have abused that right by the condemned practices. In some cases, the organization will no doubt be so corrupt that it will have to be dissolved. Once the mob is removed, an injunction against it ever again entering that particular type of organization should prove effective to prevent its return to corrupt anew.

As the criminal process has a grand jury for investigations, the civil process will need an investigative arm to determine whether there have been violations. To accomplish this end, the Attorney General is authorized to use either a civil investigative demand or investigative powers now existing in other agencies.

Mr. President, I am sure that there are some who are not aware of the extent of infiltration of our legitimate organizations by the mob. The facts, however, are truly disturbing.

According to Internal Revenue sources, of this country's 113 major organized crime figures, 98 are involved in 159 businesses. In like manner, the President's Crime Commission in 1967 reported that racketeers control nationwide manufacturing and service industries with known and respected brand names. It has also been reported that the mob controls one of the largest hotel chains in the country, dominates a bank with assets from $70 to $90 million, operates a $20 million yearly gross laundry, and so on. In an Eastern State the mob burned several stores and killed employees of a large grocery chain—the venerable A. & P. Nevertheless, violence is not the mob's only technique. Approximately 200 syndicate-inspired bankruptcy schemes are perpetrated annually, each involving up to 250 or more creditors and upwards of $200,000 in merchandise or material. Organized criminals, too, have flooded the market with cheap reproductions of hit records and affixed counterfeit popular labels. They are heavily engaged in the illicit prescription drug industry.

This is just a sampling. I could go on at length in this fashion, but I think the necessary point has been made.

Nevertheless, the city bar committee attacks title IX and the statement in the Senate report—at 34—that the list of crimes the commission of which constitutes one element of the prohibitions in title IX is a list of "specific State and Federal criminal statutes now characteristically violated by members of organized crime—ABCNY at 41. The bar committee complains that the list is too inclusive, since it includes offenses which often are committed by persons not engaged in organized crime. The Senate report does not claim, however, that the listed offenses are committed primarily by members of organized crime, only that those offenses are characteristic of organized crime. The listed offenses lend themselves to organized commercial exploitation, unlike some other offenses such as rape, and experience has shown they are commonly committed by participants in organized crime. That is all the title IX list of offenses purports to be, that is all the Senate report claims it to be, and that is all it should be.

Members of La Cosa Nostra and smaller organized crime groups are sufficiently resourceful and enterprising that one constantly is surprised by the variety of offenses that they commit. It is impossible to draw an effective statute which reaches most of the commercial activities of organized crime, yet does not include offenses commonly committed by persons outside organized crime as well. A few illustration should make that point. J. Edgar Hoover, for example, in testimony before the House Appropriations Subcommittee considering Justice Department appropriations for 1970, cited a variety of offenses committed by organized crime leaders, including assault on a Federal officer, bank robbery, and conspiring to transport stolen television sets in interstate commerce—hearings before a Subcommittee of the Committee on Appropriations, House of Representatives, 91st Congress, first session, part 1 at 557 (1969). At another point in the testimony before that subcommittee, Mr. Hoover, for example, testified:

> We have over 30 pending cases (March 1, 1969) involving thefts of securities from brokerage houses. Close associates and relatives of La Cosa Nostra figures are known to be involved in at least 11 of these cases. (*Id.* at 559.)

In his most recent testimony for 1971, he cited these offenses: armed robbery, pornography, stolen securities, Federal Reserve Act, theft, perjury, burglary—hearings before a Subcommittee of the Committee on Appropriations, House of Representatives, 91st Congress, second session, part 1 at 770–776 (1970). At one point in his testimony, for example, he indicated:

> In New York City, the late La Cosa Nostra "Commission" member Vito Genovese has not been replaced yet and his organization is being run by an "acting boss" and a crew of "captains." Two of these "captains" have been convicted in recent months as the result of FBI investigations, and two others are currently awaiting trial. On July 23 and 24, 1969, Sam Mavarite, a captain, and 10 of his associates were arrested in five States, breaking up one of the country's largest interstate operations in pornography and obscene literature. (*Id.* at 770.)

Indeed, one of the statutes which the city bar committee cites as an example of a Federal law which should not be included in the title IX list of offenses is the statute prohibiting use of a stolen telephone credit card—18 U.S.C. 1343. Credit card offenses illustrate my point extremely well, because while they are commonly committed by persons having no organized crime connections, organized crime has made a big business out of dealing in stolen and counterfeit credit cards, sometimes selling $250 kits, each with a credit card and proof of identity. Credit cards have, therefore, played a role in organized crime activities. For example, Salvatore "Bill" Bonanno, son of former Mafia boss Joseph "Joe Bananas" Bonanno and a Cosa Nostra member, was recently convicted of mail fraud and conspiracy for using a Diners Club credit card extorted from a New York travel agent. These examples, of course, were only Federal crimes; when one examines State offenses as well, still greater variety appears.

It is self-defeating to attempt to exclude from any list of offenses such as that found in title IX all offenses which commonly are committed by persons not involved in organized crime. Title IX's list does all that can be expected, as does the list found in the electronic surveillance provisions of title III of the 1968 Safe Streets Act—it lists offenses committed by organized crime with substantial frequency, as part of its commercial operations. The danger that commission of such offenses by other individuals would subject them to proceedings under title IX is even smaller than any such danger under title III of the 1968 act, since commission of a crime listed under title IX provides only one element of title IX's prohibitions. Unless an individual not only commits such a crime but engages in a pattern of such violations, and uses that pattern to obtain or operate an interest in an interstate business, he is not made subject to proceedings under title IX.

The union offers an inaccurate and prejudicial criticism of title IX when it states that "'pattern of racketeering activity' is defined as two or more acts of 'racketeering activity,'" and worries that a person could be subjected to the sanctions of title IX simply for committing two widely separated and isolated criminal offenses, one of which related to an interstate business. Again, a careful reading of title IX would have informed the union that a pattern under title IX is not defined as two or more acts of racketeering activity, but requires them. As the Senate committee report points out:

> The target of title IX is thus not sporadic activity. The infiltration of legitimate business normally requires more than one "racketeering activity" and the threat of continuing activity to be effective. It is this factor of continuity plus relationship which combines to produce a pattern—report at 158.

The term "pattern" itself requires the showing of a relationship, and the committee report thus reinforces that interpretation. So, therefore, proof of two acts of racketeering activity, without more, does not establish a pattern and the ACLU's fears are unwarranted.

Once again, the city bar committee complains that a reference to State law, this time found in title IX, creates choice of law problems—ABCNY at 42. Once again the objection is groundless, for reasons I have explained in reference to title VIII. An individual who engages, for example, in a lending transaction which violates the law of any State having jurisdiction over the transaction, has broken a State law. Thus, he satisfies that element of the prohibitions of title IX.

Neither is the city bar committee correct when it describes the difficulties of tracing tainted funds as nearly "insuperable"—ABCNY at 8, 41. Such tracing is difficult, of course, but it has been done in the past. The FBI, for example, has traced money skimmed from Las Vegas casinos into Swiss bank accounts. That tracing was done, it is true, through unlawful surveillance, but the enactment in 1968 of authority for court-supervised electronic surveillance holds the promise of similar tracing by legal means in the future. Other titles of S. 30, in addition, contain new investigative techniques, such as grants of use-restriction immunity to witnesses, which will make the tracing of tainted funds more practicable, though still difficult. It should be remembered, too, that only one of the three prohibitions in title IX requires tracing of funds and that violations of the other two—which essentially proscribe acquisition or operation of a business through racketeering activity—will be far easier to prove.

Although the Civil Liberties Union objects to the procedure used for issuing and executing a civil investigative demand under title IX, on grounds such as the alleged burden on a witness of bringing before the court a proceeding to resist allegedly unreasonable or improper investigative demands, those procedures are substantially the same as those presently used by grand juries, Internal Revenue Service investigators, and investigators using the civil investigative demand authorized for antitrust investigations.

Nor is the union on firmer ground in objecting to civil investigative demands on constitutional grounds. The union was so bold as to state, in January 1970, that "if material acquired in connection with a civil investigation can be used in a subsequent criminal case, any fifth amendment privilege would thereby be destroyed. Unless this privilege covers all prosecutions which result from the gathering of this information, broad civil investigative powers in an area involving criminal activity would clearly be unconstitutional"—ACLU January 1970 letter at 12. A person reading the Civil Liberties Union objections on constitutional grounds to titles I, II, VII, X, and other titles of S. 30, would do well to keep in mind the comparison between this language concerning title IX, in which the union made flat and absolute assertions of clear unconstitutionality, with the decision of the Supreme Court when it spoke on the subject shortly after the union filed its statement. In that case, *United States* v. *Kordel*, 6 Crim. L. Rept. 3059—2-24-1970—the Supreme Court rejected the criticisms leveled by the ACLU against title IX, in the context of the Federal Drug Administration's enforcement of its governing statute by civil and criminal means.

The concept of title IX has been generally approved by the House of Delegates of the American Bar Association and, with two minor reservations, by the Judicial Conference of the United States. It offers the first major hope of beginning to eradicate the growing organized criminal influence in legitimate commerce, while posing no real threat to civil liberties. It should be supported by all those who wish to turn the tide of lawlessness.

TITLE X—DANGEROUS SPECIAL OFFENDER SENTENCING

Mr. President, title X would authorize extended prison sentences for carefully defined categories of particularly dangerous special offenders.

Title X authorizes a Federal prosecuting attorney to notify an adult felony defendant and the court before trial on any grounds for finding the defendant to be a dangerous special offender. The concept of dangerousness is defined, as are the types of special offender: recidivist, professional offender, and organized crime offender. The court determines the accuracy of the allegations upon a full hearing with substantial presentence report disclosure and rights to notice, counsel, compulsory process, and cross-examination, imposes sentence up to a special maximum of 30 years, and records its findings and reasons for the sentence. The title authorizes appellate review of the sentence at the instance of the defendant or the Government, preserves the right of a Federal court to consider the fullest information possible in determining an appropriate sentence, and establishes within the FBI a central repository for admissible copies of conviction records.

Title X would be a dramatic improvement of our law in the one area, sentencing, which is most important to the great majority of defendants and yet has received the least legal development by the Congress and the courts. The basic difficulties in our sentencing law have been that, for a given crime, every offender has been exposed to the single maximum authorized punishment set by the Congress, and that a trial court's selection of a particular penalty at or under that maximum has not been subject to appellate review. Those two factors have led the Congress, as it has fixed maximum sentences for individual offenses over the years, to set the maximums at compromise levels which curb somewhat the danger of excessive sentences for ordinary offenders, but are of insufficient length to protect society by incapacitating recidivists, professionals, and Mafia members or others engaged in organized crime.

The inadequacy of sentences imposed upon organized crime leaders has been well known to racket prosecutors for years. Our people, too, are aware of the facts. A Gallup poll early last year found that 75 percent of those interviewed thought that our courts did not deal harshly enough with criminals. (N.Y. Times, Feb. 16, 1969, p. 47, col. 1.) A recent staff study by the Criminal Laws Subcommittee based on FBI sentencing data, moreover, confirms that experience and the judgment of our people. That study appears in the CONGRESSIONAL RECORD, volume 115, part 25, pages 34389–34394, so it is necessary now to point out that two-thirds of La Cosa Nostra members included in the study and indicted by the Federal Government since 1960 have faced maximum jail terms of only 5 years or less, and that nevertheless fewer than one-fourth have received the maximum sentences, 12 percent have received no jail terms, and the sentences of the remainder have averaged only 40 to 50 percent of the maximums.

Statistics, however, outline only the bare bones of the situation. An example should flesh out the deplorable situation. One of the worst gangsters uncovered in the labor racketeering investigation of the Select Committee was Anthony "Tony Ducks" Corallo, then a captain in the Lucchese family of La Cosa Nostra. It was Corallo who helped James Hoffa gain control of New York City's 140,000 teamsters. Our hearing record showed how this gangster brought in 40 hoodlums with records of 178 arrests and 77 convictions for crimes ranging from theft, robbery, burglary, and stinkbombing to extortion and murder. One New York employer told how he hired Corallo simply to walk into his plant and "glance at the employees to keep them in line." The late Robert F. Kennedy, our committee counsel, commented, "This seemed rather funny at the time. But when Tony Ducks appeared on the witness stand and turned his glare on us, I changed my mind." (Kennedy, *The Enemy Within*, at 81 (1960).)

It was just such experiences as this that led Kennedy, when he became Attorney General, to mount the first truly effective, concentrated Federal attack in our Nation's history on organized crime, and, by 1962, Corallo had been convicted under 18 U.S.C. section 1952, the Federal Anti-Racketeering Act, for conspiracy to pay a $35,000 bribe to a New York judge and an assistant U.S. attorney to fix a cohort's sentence in a $100,000 bankruptcy fraud case. Despite Corallo's shocking public record as a vicious racketeer, he was sentenced to but 2 years out of a possible 5. He was actually released to the street within 18 months, and there is every indication that he and his associates control at least seven of the 56 Teamster locals in the New York area, piratically forcing millions of consumers to pay hidden tribute.

Nevertheless, this is only half of the deplorable story. In June of 1968, Corallo once again stood before the same judge, incredibly once again convicted under the same Federal statute. This time, by loan sharking a financially pressed city water commission, he had been able to arrange and share a $40,000 kickback on a city contract. In sentencing Corallo, the judge observed:

> What the court noted then about him still remains true. His entire life reflects a pattern of anti-social conduct from early youth. It is doubtful that his money over any substantial period of his adult life came from honest toil. It is fairly clear that his means derived from illicit activities—bookmaking, gambling, shylocking and questionable union activities.

Nonetheless, the court this time—incomprehensibly—gave Corallo only 3 years out of a possible 5.

Mr. President, if we do not give gangsters such as Corallo the maximum, for whom then will we reserve it?

Mr. President, as convicted organized crime offenders like Corallo walked out free to resume their criminal careers, they were scoffing examples that for big-time mobsters, crime in America too often does pay—and richly.

Title X will begin to correct that situation by implementing the principle, approved by the Department of Justice, the ABA, the National Council on Crime and Delinquency, the American Law Institute, and the President's Crime Commission, that the Congress should authorize one maximum sentence for ordi-

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nary offenders and a greater maximum for more dangerous offenders.

All three of title X's definitions of special offenders will apply in some cases to hardcore members of large criminal syndicates. For example, the staff sentencing study referred to previously indicated that almost 60 percent of La Cosa Nostra members included in the study would, upon conviction of another Federal felony, qualify under title X as recidivists. More importantly, the three definitions have been so drawn as to accurately define the three types of offenders who should be singled out for special sentencing treatment, regardless of their relationship to La Cosa Nostra. Again, recidivists are an obvious example. The National Commission on the Causes and Prevention of Violence recently reported that "by far the greatest proportion of all serious violence is committed by repeaters. While the number of hardcore repeaters is small compared to the number of one-time offenders, the former group has a much higher rate of violence and inflicts considerably more serious injury—CONGRESSIONAL RECORD, volume 115, part 26, pages 35546. 35547. The staff sentencing study revealed that 68 percent of all persons arrested on Federal charges during the period of the study who would have qualified as recidivists under title X accumulated an average of 4.3 charges per offender following those Federal arrests.

In view of modern knowledge of the role recidivism plays in our exploding crime problem, we have gone too long without a Federal general recidivist statute, and it would be intolerable if now we should reject this opportunity to enact a law making the distinction between aggravated offenders and ordinary ones for the vital purpose of sentencing.

The provision of appellate review of sentences is of great importance for offenders who are shown under title X to be unusually dangerous to society and are exposed to unusually long sentences. They implement a recommendation of the President's Crime Commission that—

> There must be some kind of supervision over those trial judges who, because of corruption, political considerations, or lack of knowledge, tend to mete out light sentences in cases involving organized crime management personnel. Consideration should therefore be given to allowing the prosecution the right of appeal regarding sentences of persons in management positions in organized crime activity or groups. Constitutional requirements for such an appellate procedure must first be carefully explored. (Report at 203.)

The appellate review provisions of title X have been drawn with great care so as to avoid infringing individual rights under the due process and double jeopardy clauses. Supreme Court decisions rendered last term, and lengthy and detailed hearings into the legal and constitutional aspects of appellate review of sentences, have indicated that the concept can be implemented as title X does within constitutional bounds. Appellate review under title X will not only permit correction of unjust sentences in particular cases, it will also promote the evolution of sentencing principles and enhance respect for our system of justice. It promises a major improvement in the administration of criminal justice at a stage where that improvement long has been needed.

Nevertheless, the ACLU and bar committee are critical of title X and in particular its definitions of "dangerous special offenders," who are made subject to extended prison terms. The phrase "special offender" is defined in title X to include three types of criminals found by the Senate to pose special threats to cially "dangerous," and defines that professional criminals, and organized crime offenders, but each type is defined in detail. Title X makes the special prison term depend in addition on a separate court finding that the defendant is especially "dangerous," and defines that term. The ACLU, however, finds each of those four definitions vague or overbroad.

The ACLU summarizes the definition of a recidivist by saying it covers—a person previously convicted two or more times in any court—and imprisoned one or more times—of offenses punishable by imprisonment for more than 1 year—regardless of how long ago the convictions occurred or for what crimes, or whether the person was over or under juvenile court age. This summary is inaccurate and misleads the reader in two respects.

First, it states that the extended sentence can be imposed for any crime, while actually title X provides that the extended sentence can be imposed only if the defendant's latest crime, for which he is to be sentenced, is a felony. The ACLU must have been alert to this limitation on the scope of title X. It was the recommendation of the ACLU which led the Senate Judiciary Committee to amend the details of title X's definition of a prior felony conviction, although the ACLU's recent statement draws no attention to the Judiciary Committee's acceptance of this earlier suggestion.

Second, the ACLU's statement that the recidivist definition covers a prior conviction "whether the person was over or under juvenile court age" is a half-truth. It omits to mention that under the definition, as the committee report makes perfectly clear, juvenile proceedings are not included.

On the other hand, the city bar committee is correct in its statement that a defendant's previous convictions expose the defendant to the possibility of sentencing as a recidivist. (ABCNY at 48 n. 81.) Such convictions should be considered, since unlike juvenile proceedings they reflect, as much as to ordinary criminal convictions, the results of full criminal trials of defendants, and findings after jury trial or waiver of jury trial that the defendants committed the felonies involved. Once such a defendant's commission of a subsequent felony has demonstrated that the defendant failed to respond to his youth offender sentence, there is no reason to require the court to close its eyes to the significance of the defendant's prior felonious conduct. After all, convictions for which a defendant receives youth offender sentences are not, as the city bar committee asserts, "offenses . . . received" by the defendant—they are felonies committed by him, and are quite relevant in determining the sentence which the defendant should receive for a subsequent felony.

The evaluation of the recidivist definition by the union and bar committee is no more valid than the union's summary of it. The union implies—at 13—that convictions occurring long before the defendant's latest felony should not be considered a basis for sentencing him as a repeater. The city bar committee similarly raises fears that title X may be applied to impose the maximum sentence authorized by title X, a 30-year term of imprisonment, to the latest aggravated offender who comes within the terms of the title X definitions. For example, the bar committee states that "under Section 3575(e)(1), a judge could give the same thirty-year sentence to an offender guilty of a minor felony, for which the maximum punishment was only two years, as to a person convicted of bank robbery, who could otherwise receive twenty-five years—all based upon a subjective evaluation of prior convictions—ABCNY at 44–45. This is so, the city bar committee asserts, because under title X—the severity of the sentence is unrelated to the defendant's most recent crime—*Id.* at 47.

Of course, it is true that not every individual who barely satisfies the title X recidivist criteria will at the time of his sentencing require 30 years of incarceration—and the same would be true of any other definition of repeaters, however restricted its terms. A defendant's most recent felony, for example, may not have discovered or prosecuted until several years after its commission and he may have completely reformed in the meantime, or there may be other extenuating circumstances.

However, such a defendant is protected from severe sentencing as a recidivist by several provisions of title X other than the definition of a recidivist. For example, the title requires that the court find at the time of sentencing that the defendant is especially "dangerous," in the sense that—a period of confinement longer than that—ordinarily provided—is required for the protection of the public from further criminal conduct by the defendant. The title also authorizes the district court in its discretion to impose a sentence less than either the special maximum or even the ordinary maximum, even though the defendant meets the statutory criteria. Furthermore, title X permits the court of appeals to review both the finding of dangerousness and the district court's exercise of discretion.

The vital point to keep in mind is that, though not every defendant barely meeting the definition of a recidivist in title X will deserve or receive a maximum 30-year sentence, every defendant who meets that definition, is found to be dangerous, and meets every other requirement of the title does merit some increase in punishment, large or small. Title X merely gives courts discretion to increase the punishment to the degree appropriate in each case.

In addition, many recidivists deserve and require very long sentences despite the fact that their most recent convictions prior to the felonies for which they are being sentenced occurred a number of years earlier. Indeed, a subcommittee staff study of FBI sentencing experience showed that the average La Cosa Nostra member in the study had a criminal career of over 20 years. Racket prosecutors have found this pattern to be typical: a Mafia member is convicted of several minor or moderately serious offenses in early adulthood, rises in the criminal organization and is immune for many years, and then is convicted of a felony in late middle age when his prominence in the syndicate has led to a concerted effort to obtain evidence of his activities. Title X's recidivist definition covers such a criminal career; the staff study I have referred to indicated that almost 60 percent of La Cosa Nostra members upon conviction of another Federal felony would qualify under title X as recidivists. To impose a time limitation on the definition would reward syndicate members for avoiding detection of their crimes, and for corrupting law enforcement officials and witnesses. It also would prevent effective sentencing of many recidivists who are not members of organized crime but who present special dangers to society nevertheless. The complaint that prior convictions are stale overlooks the fact that each defendant covered by title X's recidivist definition has committed a new crime recently, a felony at that. We must not fetter the right of a sentencing judge to evaluate the case of every repeater in the light of all its circumstances, by imposing a mechanical, mathematical time limitation. That conclusion is the one reached by the American Law Institute in its Model Penal Code (7.03), and by States, such as Missouri, having general recidivist laws. Vernon's Ann. Mo. Stat. section 56.280 (1951) and *State* v. *Humphries*, 350 Mo. 938, 169 S.W. 2d 350. Indeed, title X's recidivist definition generally was drawn largely from the model penal code and existing State recidivist laws, and then was refined in view of testimony received by the subcommittee.

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Numerous precedents from States having general recidivist statutes undercut the complaint that a recidivist sentence much more severe than that ordinarily authorized for the defendant's most recent felony is improper. Such statutes have been held constitutional as employed by the States, despite the fact that they commonly permit or require imposition of a prison sentence for life or for an extremely long term regardless of the seriousness of the defendant's most recent felony. The U.S. Supreme Court has held, for example, that the imposition of a life sentence for a third conviction is not "cruel and unusual punishment," although the defendant's latest offense merely is larceny. (*Graham* v. *West Virginia*, 224 U.S. 616 (1912).)

It is the existing recidivist statutes—at least such of them as do not impose mandatory prison sentences—which permit sentencing based upon the "subjective evaluation of prior convictions" of which the city bar committee complains. Title X, on the contrary, will make recidivist sentencing objective, both by articulating on the face of the statute the criteria for finding a defendant to be a recidivist, to a greater degree than is common in the State general recidivist laws, and by authorizing appellate review of recidivist sentences, which is designed to produce a body of decisional precedent developing and refining objective standards for discretionary sentencing of recidivists. For those reasons, the sentences under title X will be, to a far greater degree than sentences held to be valid under existing State recidivist statutes, related in severity both to the seriousness of the defendant's most recent felony and to the character of his previous convictions.

The language of title X itself quite properly declines to place mechanical limitations on the relationship which sentencing and reviewing courts must find to exist between the appropriate sentence for a recidivist in a given case and the maximum authorized sentence for his most recent felony. The committee report in the Senate does, however, make it clear—at 91, 166—that both the trial court and the court of appeals must measure the "appropriateness of any sentence to be imposed, and the provisions for discretionary rather than mandatory sentencing and appellate review provide effective means by which this principle will be applied. So far as any constitutional undercurrents in the concept of relationship between a recidivist's sentence and his most recent felony are concerned, any constitutional question would be resolved—as the reporter to the American Bar Association's Advisory Committee on Sentencing and Review, Associate Dean Peter Low, of the University of Virginia Law School, has acknowledged—hearings at 204—not upon a reading of a face of the recidivist statute but upon evaluation of each application of the statute through the imposition of a specific sentence in a specific case.

Title X's definition of a professional offender also is rejected by the ACLU, asserts that "even the Justice Department opposed a similar proposal in the original bill as being so vague as to create due process problems and, being unable to suggest constitutionally acceptable language, called for its deletion. See, for example, *Lanzetta* v. *New Jersey*, 306 U.S. 451 (1939)." (ACLU Jan. 1970 letter at 14). It is odd that the ACLU says "even the Justice Department." The Department was nearly as critical as the ACLU, and much more thorough and constructive, when it submitted its comments on the original version of S. 30. The Department proposed a great many changes in the bill, some of them major, and nearly all were accepted by the Judiciary Committee.

In fact, the committee adopted all the Department's criticisms of the professional offender definition, which are stated in the subcommittee Hearings on S. 30—at 376. Far from being unable to suggest constitutionally acceptable language, as the ACLU claims, the Department made these constructive suggestions:

> In order to withstand a constitutional attack on grounds of vagueness . . . it is felt that the definition of professional offender must be made more specific and must emphasize a pattern of specific past criminal activity and conduct in opposition to the legal structure of society as a whole, rather than emphasis on his income from a source other than legal. This could perhaps best be approached by adopting the approach taken in the Model Sentencing Act. . . .

Comparison of S. 30 as originally introduced, with the Model Sentencing Act and S. 30 as passed by the Senate, demonstrates that the Judiciary Committee made the suggested changes. Therefore, the ACLU's reliance on the Justice Department's criticism is inexplicable and irrelevant, and the union's statement that S. 30's present definition of a professional offender is "similar" to the one criticized by the Department is a falsehood.

Nor is the "professional offender" definition invalid under the case of *Lanzetta* v. *New Jersey*, 306 U.S. 451 (1939), though the ACLU implies that such is the case by citing that decision. *Lanzetta* involved a substantive statute defining a crime, while title X merely applies sentencing criteria. Substantive law must be relatively clear and precise, so that citizens may know in advance whether their acts will be crimes. Remedial law such as title X, on the other hand, may be less precise, and those who violate clear substantive prohibitions have always been required to accept a risk of relatively flexible, less predictable consequences at the stage of sentencing. In any case, neither the "professional offender" definition nor the others in title X are at all comparable to the vague, undefined terms held impermissible in *Lanzetta*, such as "gang" and "known to be a member," and similar statutory language has been sustained by the Supreme Court. See *Minnesota* v. *Probate Court*, 309 U.S. 270 (1940).

The city bar committee complains that title X's definition of a professional offender, which requires, in part, that "the defendant committed such felony as part of a pattern 'of criminal conduct,' nowhere defines what is a sufficient pattern of conduct"—ABCNY at 48. The city bar committee goes on to state that—

> The section-by-section analysis, Senate Report 164, explains that this requirement "precludes the application of the provision to an isolated offense." But all that is apparently necessary to trigger the possibility of a thirty-year sentence are two isolated offenses, no matter how widely separated in time. (*Ibid.*)

The bar committee's conclusion that two isolated offenses are sufficient is inaccurate and unwarranted. The committee reached that conclusion, and makes the conclusion appear to the reader to be tenable, only by failing to note that the Senate report, on the page immediately following the page from which the city bar committee took its short quotation, states:

> The phrase "pattern of conduct" covers continuing, repetitive, intermittent, sporadic, or other conduct in which two or more similar or different criminal acts bear relationships to one another which are relevant to the purposes of sentencing, regardless of the nature of the relationships. The variety of such relationships precludes more detailed specification of them in the bill. See proposed section 3575(e) (2), above.

Report at 165—clearly, just as in title IX, where the concept of "pattern" is employed, the intent of S. 30 is clear, on its face and in the Senate committee report, that the term "pattern" itself conveys the requirement of a relationship between various criminal acts. In addition, the establishment of a pattern is only one of a number of elements which must be satisfied before the possibility of a 30-year sentence is triggered, such as the requirement that the defendant be "dangerous," that he have been convicted of a subsequent felony, that he have been over 21 at the time his most recent felony was committed, and so forth. The bar committee's statement that a 30-year term can be triggered by two isolated offenses and nothing more is plainly incorrect and inflammatory.

The ACLU's objections to the "professional offender" definition also include the complaint that "it is unclear whether a 'criminal' pattern of conduct includes misdemeanors as well as felonies." On the contrary, it is perfectly clear. In referring to the defendant's most recent offense, title X invariably uses the narrow word "felony," so that offense plainly must be a felony; and, in referring to the previous offenses to be considered in ruling whether the defendant is a professional or organized crime offender, it invariably uses the broad word "criminal"—so those offenses may be any crimes, whether felonies or not.

The meaning of title X in this respect is not only clear, it is sound. It follows the example of the model penal code—section 7.03—promulgated by the American Law Institute. Indeed, title X goes further than the model penal code to insure that the defendant's prior criminal activity was sufficiently serious and relevant so that it should be considered in sentencing. Both the professional and the organized crime offender definitions in title X require that the prior criminal conduct be so related to the latest offense, which must be a felony, as to form a "pattern" with it.

The ACLU also asserts that it violates the privilege against self-incrimination to permit an inference against a defendant alleged to be a professional offender to be drawn from his income or property, where it is not explained as derived from a source other than crime. The city bar committee goes still further, stating that it disagrees "that failure to explain income or property in the defendant's possession supports an inference that it was derived from a pattern of criminal conduct. The right to refrain from explaining one's sources of income in public is one that deserves recognition and protection"—ABCNY at 48, n. 82. Those assertions are incorrect for several reasons.

First, title X does not require that a defendant desiring to explain his wealth testify in person. The defendant instead can offer other witnesses or documentary evidence, and doing so is not considered self-incrimination.

Second, this provision of title X does not compel a finding that a defendant with unexplained wealth is a professional offender, it does not create an irrebuttable or even a rebuttable presumption to that effect, and it does not even require the court to draw any inference from the unexplained wealth. It is clear, from a careful reading of the face of the provision, that its sole effects are to declare unexplained wealth to be relevant, and to permit the drawing from it of any inference of fact which is logical and persuasive in the circumstances. In this connection, it is like similar permissible inference that follows from the recent possession of stolen property, which has been long upheld. See *Wilson* v. *United States*, 162 U.S. 613, 619—1896. The inference may be very strong in some cases and nonexistent or very weak in others, depending upon the type of wealth, the circumstances of its acquisition, the facts concerning the felony for which the defendant is to be sentenced, and the other circumstances of aggravation. If the sentencing judge draws any such inference, title X requires him to say so on the record, and the court of appeals reviews the issue. It is stretching the fifth amendment beyond reason to suggest that it is violated by a statute which merely permits the drawing of any inference which is persuasive and does not require the drawing of an inference which the facts do not justify. Indeed, it is surprising that the ACLU presses this objection in its statement, and does not mention that the provision was amended by the Senate Judiciary Committee, to read as it now does, in response to the ACLU's complaint that when S. 30 was introduced the provision, which then declared that every person with unexplained wealth automatically was a "professional offender," tended "to draw a conclusive presumption of guilt"—hearings at 472. Obviously, the provision no longer does that, and it no longer threatens the constitutional privilege.

Third, the Marchetti and Grosso cases (*Marchetti* v. *United States*, 390 U.S. 39 (1968); *Grosso* v. *United States*, 390 U.S. 62 (1968)) relied upon by the union shed no light on title X, since the law they invalidated made one's failure to incriminate himself a crime in itself. The ACLU seems to recognize the irrelevance of those cases, since its citation suggests only that the reader "see generally" those decisions. The precedents which are relevant to this provision of title X support its constitutionality, since they permit the use of a defendant's net worth in a tax prosecution—*cf., e.g., Holland* v. *United States*, 348 U.S. 121 (1954)—and an inference of guilt from unexplained possession of stolen property in cases of larceny and receiving stolen goods—*cf., e.g., Wilson* v. *United States*, *supra*. Title X's provision, which applies such a principle to sentencing criteria, is virtually identical to one in the Model Sentencing Act—section 6—approved by the National Council on Crime and Delinquency's Advisory Council of Judges, while the American Law Institute's model penal code goes still further and permits the inference that a defendant is a professional criminal from the single fact of substantial unexplained wealth—section 7.03, P.O.D., and Comment, page 43, Tent. Draft No. 2, 1954.

The ACLU's criticism of title X's "organized crime offender" definition is less detailed, more emotional, and equally unsound. It attempts to provoke a fear that that definition is overbroad and applies to "civil rights activists or political demonstrators," or to Dr. Spock or the Chicago Seven. A person can be sentenced under title X as an "organized crime offender," however, only if he was convicted of a felony—not a minor offense—and only if all the following facts are true: First. He was a member of a conspiracy to commit not just a single crime, but a pattern of crimes. Second. The conspiracy was closely related to the defendant's felony and therefore was intrinsically an especially serious conspiracy. Third. The conspiracy had at least four members, not just the usual legal minimum of two. Fourth. The defendant, as a part of the conspiracy, either: gave or received a bribe; or used force; or was a leader of the conspiracy.

The city bar committee's assertion that "it is hard to imagine any conspiracy"—ABCNY at 49—in which it will not be true that every participant in the conspiracy managed or directed part of the conspiracy is incorrect. While certain small conspiracies, such as gangs which rob stores or burglarize warehouses for a living, often delegate some aspects of their plan to individual members and involve most members of the conspiracy in the direction of part of the conspiracy, many of the most common and most profitable conspiracies engaged in by organized crime, such as large gambling businesses and schemes for distribution of narcotics, involve more conspirators at the lowest level, having no management or supervisory responsibilities, than at all the upper levels combined.

Not one of the title X criteria for finding one to be an organized crime offender is a requirement for conviction of the defendant's felony itself. Not one of those facts needs be shown in order to impose the maximum sentence which is provided for that felony in ordinary cases. Yet title X requires every one of them to be established before a sentence exceeding the ordinary maximum, however slightly, can be imposed. Those who suggest that so-called civil rights leaders engage in felonious conspiracies to commit patterns of crime must have a very low opinion of the Nation's civil rights movement. The essential point, however, is that any defendant who actually meets every one of those extra criteria of culpability and dangerousness deserves and requires a sentence longer, to some degree, than that of a defendant who meets none of them. Thus, the scope of the "organized crime offender" definition is not only permissible, it is also necessary. The Nation must not let an hysterical fear that some "political activists" will commit crimes of special gravity deter it from setting up sentencing standards which distinguish more grave from less grave offenses.

The definition title X adopts for identifying organized crime offenders is much narrower than that approved by the Model Sentencing Act—section 5. Indeed, the Director of the National Council on Crime and Delinquency, testifying before the Senate subcommittee on S. 30, went so far as to state that S. 30 "defines an 'organized crime offender' in terms that are rather similar to those in the Model Sentencing Act." S. 30's definition "is more detailed, and perhaps in that respect superior to the corresponding provision in the Model Sentencing Act. This section we think is fine, and desirable, a useful addition in the fight against organized crime—hearings at 251. The changes made in that definition after the National Council's testimony was given have clarified it, and the Council still "fully endorses" it. Statement submitted to House Judiciary Subcommittee No. 5 at 1.

The ACLU also criticizes the provision of title X that a defendant is "dangerous" if a prison term longer than that ordinarily provided for his felony is required for protection of the public from further criminal conduct by him, and further criminal conduct by him, claiming that it contains no standards for determining what sentence is "required" that "such breadth and discretion create grave risks of abuse"—ACLU January 1970 letter at 14.

Once again the ACLU's only attempt to support an objection to title X is a citation of an inapposite Supreme Court decision, which this time is *Minnesota ex rel. Pearson* v. *District Court,* 309 U.S. 270, 276–77 (1940). This case actually supports the adequacy of title X's criteria, as I noted above. The Court sustained the statute challenged there, as elaborated by judicial interpretation, against a charge of vagueness, since it required evidence of "past conduct pointing to probable consequences" as a condition of restraining a person due to his "psychopathic personality." Title X clearly requires proof of a defendant's "past conduct" when it defines recidivists and professional and organized crime offenders, and of the "probable consequences" when it defines the word "dangerous." The title thus satisfies the constitutional requirements laid down by the Supreme Court in that decision.

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The ACLU's statement does not mention this fact, but title X's definition of the term "dangerous" was framed in its present language largely in response to prior suggestions by the ACLU. When S. 30 was introduced, it made one prerequisite of an extended prison sentence a finding "because of the dangerousness of such person that a period of confined convictional treatment or custody longer than that provided for the offense for which he is charged is required for the protection of the public." The ACLU informed the subcommittee that it found that language "vague, confusing and lacking in standards" and gave three specific reasons—hearings at 468.

First, the ACLU noted that the bill seemed to require showings of both "dangerousness," which was not defined, and of the need for extended imprisonment. The Judiciary Committee agreed that use of the word "dangerousness" as an operative term was redundant and vague, and cured the defect by eliminating the operative use of the term "dangerous." The bill approved by the Judiciary Committee and passed by the Senate does not, however, as the city bar committee's report implies that it does—ABCNY at 49—eliminate "dangerousness" as a separate element, in addition to the element that a defendant be a "special offender," which is required to be shown before a special sentencing is authorized. The Senate report's statement—at 166—that " 'dangerous' may be inferred, although not necessarily, from the establishment of the requirements of subsection (e)" is simply a recognition of the possibility that the same facts the establishment of which shows the defendant to fall within one or more of the definitions of "special offender" may, in a given case, also demonstrate that the defendant is "dangerous." It is more apparent that the statement in the committee report means only that, and does not eliminate dangerousness as an independent requirement, when the statement is quoted in full, as I have done here, rather than quoted out of context as the city bar committee did when it omitted the statement in the report that dangerousness is "not necessarily" to be inferred from establishment that a defendant is a "special offender."

Second, the ACLU criticized S. 30's failure to say from what the public must need protection, and pointed out the provision of the ABA sentencing standards for a finding that extended custody is necessary "to protect the public from further criminal conduct by the defendant." The Judiciary Committee again agreed, and added the ABA's language verbatim. Third and last, the ACLU said it had difficulty seeing how a judge could determine when a longer term is "required" in a given case, and noted that the Model Sentencing Act, which has a "protection of the public" clause like that found in S. 30 when it was introduced, is amplified by relatively detailed definitions of special offenders. The corresponding definitions in title X have been so amended that they now are, as a group, more specific and narrow than those in the Model Sentencing Act, so the union's third suggestion on the subject of "dangerousness" has, in my view, been accepted as well.

Perhaps the fact that the Senate so completely cured the specific defects on which the ACLU's vagueness objection originally was based accounts for the lack of specificity in its new charge that the dangerousness definition is vague. Actually, that definition now closely follows, or even exceeds in specificity, not only the Model Sentencing Act and ABA standards, but also the model penal code—§ 7.03—and the Minnesota recidivist law—Minn. Stat. Ann. §§ 609.155, 609.16 (1964). Although the bar committee thinks that title X's definition of "dangerousness" provides "no meaningful standards," such standards apparently have meaning to the ABA NCCD, ALI, and Minnesota Legislature.

Considering the definitions used in title X as a group, I find them to be unusually specific and clear for sentencing standards. It must be recalled that the definitions in title X are not substantive criminal prohibitions, defining crimes, and do not establish the question of guilt or innocence. They are legislatively specified criteria for sentencing only. They are not only a great improvement over a situation where sentencing is, at the present, guided by no standards at all—they conform to similar standards developed by professional bodies which have studied the problem of special sentencing most thoroughly, and seem to me to provide excellent guidance and control over the discretion of a sentencing court.

The ACLU's complaints that title X is vague not only are found on study to be groundless—they are made in such a way as to call into question the ACLU's credibility as a commentator on S. 30. Not once in its current attack on S. 30's definitions does the ACLU suggest new phrases which should be used, amendments which should be offered, to improve rather than defeat the bill. Since the ACLU's new statement does not merely emphasize, but actually concentrates exclusively upon, a destructive rather than constructive approach to the legislation, its arguments seem to be based less upon specific objections than upon hostility to the entire concept of special offender sentencing. That is unfortunate, since it reduces the value of the ACLU's comments to a Congress which recognizes the validity of that concept—as have the President's Crime Commission, the American Bar Association, the American Law Institute, and the National Council on Crime and Delinquency.

Mr. President, it would be a grave mistake to restrict dangerous special offender sentencing under title X to sentencing for any list of specified offenses supposedly typical of organized crime, as the Senator from Massachusetts (Mr. KENNEDY) urged during the Senate debate on S. 30. As the title is now written, it will, of course, have its main impact on those engaged in organized crime. As I mentioned earlier, a subcommittee staff study analyzing FBI data on La Cosa Nostra revealed that almost 60 percent of its members, upon new convictions for Federal felonies, would qualify under the provisions of title X as "recidivists." Even higher proportions of organized crime participants would fit the definitions of "organized crime" and "professional" offenders contained in title X.

Of course, it is true that title X will have some application to individuals who are not members of La Cosa Nostra or otherwise engaged in organized crime. However, that is not a reason to cut back its scope, but a natural and proper consequence of the congressional study of the subject. It was the organized crime problem which first prompted us to consider the wisdom of authorizing special sentences, but our study of the measure revealed the broad principle which underlies it: the establishment of special criteria and procedures for sentencing aggravated offenders improves the protection of ordinary offenders, special offenders and society—and that principle applies to recidivists and professional offenders as well as organized criminals. Courts have to decide only one case at a time, of course, but the Congress must remember it is a legislature and should not close its eyes to the inherent scope of a valid proposal.

The scope of title X has been carefully confined by a number of definitions and provisions assuring that it will apply only to defendants who deserve punishment exceeding that normally provided for their offenses, since the offenses were committed under aggravating circumstances. Title X, in short, will not cover any defendant, a member of La Cosa Nostra or otherwise, unless he is guilty of committing a Federal felony, he is found to be "dangerous," and either he has two prior felony convictions with one imprisonment or he is shown to be a "professional" or "organized crime" offender. Every individual who falls within these definitions deserves to be exposed to some aggravation of the penalty for his latest felony, regardless of whether or not that felony is one commonly committed by participants in organized crime, and society deserves special protection from the special threat he poses.

Nowhere is that more obvious than here, in the Nation's Capital, where we suffer from a notoriously high incidence of crime. The crime crisis is, however, nationwide, and stems from organized criminals, professionals and recidivists alike. As the President's Crime Commission reported in 1967 on the subject of recidivism:

> The most striking fact about offenders who have been convicted of the common serious crimes of violence and theft is how often how many of them continue committing crimes. Arrest, court, and prison records furnish insistent testimony to the fact that these repeated offenders constitute the hard core of the crime problem. (The Challenge of Crime in a Free Society at 45.)

The Commission based that conclusion in part upon its review of studies of recidivism, which it said lead "to the conclusion that despite considerable variation among jurisdiction, roughly a third of the offenders released from prison will be reimprisoned, usually for committing new offenses, within a 5-year period"—report at 45. Further, the Commission pointed out:

> These findings are based on the crimes of released offenders that officials learn about. Undoubtedly many new offenses are not discovered. (Report at 46.)

It is not just the large number of recidivists, or their special proclivity for violence, that concerns our constituents and must influence congressional action on S. 30.

The people at home in our States, who are looking to us to enact effective criminal laws, may not know all the details or statistics, but they know the essence of the crime problem as well as we do. Whether they live in urban centers overrun by organized crime, or in towns and counties raped by recidivists, they know that it is more important to pass laws dealing firmly with all aggravated offenders than to quibble over specific offenses and definitions of organized crime.

Of course, defendants who are not Mafia leaders often will not require the maximum sentence authorized by title X, so the bill confers upon the sentencing court discretion as to the degree of aggravation of offense and sentence, and subjects the exercise of that discretion to appellate review. Thus, title X will affect each defendant only to the extent warranted by his individual conduct. In this day of lawlessness and violence, there can be no objection on grounds of principle to the scope of title X.

Further, Mr. President, it would be unrealistic and impractical to confine the operation of title X entirely to a pat list of so-called "organized crime" offenses. One of the most striking aspects of the logs of FBI electronic surveillance of Simone De Cavalcante and Angelo De Carlo, disclosed by New Jersey Federal judges last year, was the readiness which the logs showed on the part of La Cosa Nostra members to violate any law, any time, any place, as long as there is money in it. If we limit special sentencing to a list of offenses, we will create a loophole that will dwarf the law—a loophole best taken advantage of by the very criminal we want most to imprison, the Mafia leader who can stress one or another illicit activity to reduce his risk.

The many bodies that have recommended, adopted or used special offender sentencing statutes have not found it wise to restrict them to lists of offenses. The first American special offender sentencing statutes, of course, were the State general recidivist laws. At the present time, such laws are found in some 45 States. Defects have been identified in their operation, but there has been no general movement away from the principle embodied and approved in those statutes; and they are not confined in their operation to lists of specified crimes.

In addition, it now has become generally accepted that the concept of special sentencing should be extended beyond recidivists to professional and organized crime. A number of thoughtful bodies have strongly recommended it. First, in 1962, it was recommended by the Model Penal Code, promulgated by the American Law Institute, whose council of some 42 leading lawyers and jurists was chaired by Harrison Tweed and included Judge Henry J. Friendly and Prof. Samuel Williston. In 1963, such a proposal was made in the Model Sentencing Act adopted by the Council of Judges of the National Council on Crime and Delinquency. Among the members of the council of judges were Justice William J. Brennan, Jr., Judge Irving R. Kaufman, Chief Justice Paul C. Reardon, and Justice Joe W. Sanders. The President's Crime Commission, which of course was chaired by Attorney General Katzenbach and included Judge Charles Breitel, William P. Rogers, and Herbert Wechsler, reached the same conclusion in 1967. And the same year, the American Bar Association approved such a proposal on the recommendation of committees chaired by Judges J. Edward Lumbard and Simon E. Sobeloff.

What is most significant at this point is that not one of the proposals made by those distinguished bodies recommended that special sentencing be limited to a list of offenses—on the contrary, each proposal was made to cover all felonies. After thorough subcommittee hearings and study, the Judiciary Committee and the Senate agreed, for good reasons. The inadequacies and defects which title X will correct in our existing law and procedures for sentencing in aggravated cases are common to all Federal felonies. To correct them only for certain crimes would distort the basic concept of special sentencing. It would permit inconsistent, unequal and unfair treatment of defendants who are similarly situated, and it would not get the job done of protecting honest citizens from all unusually dangerous felons. This, Mr. President, is the least we can and must do for the people.

It is fallacious, moreover, to say that title X should be restricted to sentencing for a list of specified offenses, just because there is a list of offenses in one section of title IX, on corrupt commercial organizations. That list was placed in title IX for reasons which no application in the context of sentencing.

The basic provisions of title IX are substantive: They define conduct as prohibited. Those provisions implement economic policy by authorizing the removal of corrupt influences from legitimate commercial organizations, and the commission of an offense listed in title IX subjects one to the remedies of the title only if the offense bears a specified relationship to interstate commercial activity. Since the purpose of title IX is economic, it would be pointless surplusage for it to cover crimes which are not adapted to commercial exploitation—See, for example, 18 U.S.C., section 2032, carnal knowledge of female under 16. This is why the particular offenses which are well suited for use to infiltrate a legitimate organization were listed in a section defining one of the substantive elements of title IX.

Title X, in contrast, is not substantive: It deals solely with the penal disposition of individuals already convicted of substantive crimes. Its purpose is not confined to one sphere, such as economic policy, which can be treated separately from other problems. The activities of organized criminals extend beyond commercial exploitation, such as that treated by title IX, and bring them in violation of every felony in the books. The problem which title X solves is the problem of distinguishing the aggravated offender from the ordinary offender, and that problem is the same whatever felony was committed. It is the definitions of "dangerous special offenders" which appropriately limit the scope of title X, just as it is a list of offenses which limits that of title IX.

For these reasons, title X on sentencing, like title IX on racketeer infiltration, already is so drawn as to apply only in those situations necessarily covered in a consistent application of the purposes of the measure, and title X should not be restricted to a list of specified felonies. The Senate, of course, rejected a motion which would have restricted sentencing under title X to sentencing for the offenses listed in title IX by a vote of 11 to 62. This resolution of the issue was in line not only with the State practice, but also with the recommendations of the expert bodies which have proposed special sentencing, and I believe that it was the right conclusion to reach.

The bar committee also objects that the filing of the notice commencing special sentencing "might well lead to widespread pretrial publicity adverse to the

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defendant"—ABCNY, at 49–50. The bar committee, in making that statement, makes no attempt to analyze the countervailing interests requiring the filing of such a notice, ignores the existing law and practice permitting the filing of comparable allegations, and displays its hostility to the purposes of title X by declining to offer suggestions as to how any difficulty as to publicity can be avoided.

Actually, of course, there is nothing to prevent a court in which such a notice is filed from immediately sealing the notice from public inspection—confer, for example, Nev. Rev. Stat., section 200.670–1 (1963), search and seizure application and supporting documents to be confidential except on court order; *United States* v. *Michael*, 180 F. 2d 55, 56–57 (3d Cir.), cert. denied, 339 U.S. 978 (1950), secrecy in records unobjectionable absent prejudice.

On the other hand, the exposure of judicial proceedings to reasonable public scrutiny often serves the interests of defendants by protecting them from arbitrary official action. Even where a dangerous special offender notice is made public, though, its filing as a matter of public record simply does not raise the extreme dilemma suggested by the city bar committee. Neither the case of *Sheppard* v. *Maxwell*, 384 U.S. 333 (1966), nor the "spirit" of court rules such as the Southern District of New York criminal rule cited by the bar committee—ABCNY at 50, note 84—requires that all publicity concerning criminal court proceedings be avoided. The city bar committee actually misuses the Sheppard case, by citing it as teaching that the sort of information to be included in notices filed under title X should not be publicized—Ibid. The decisions and rules dealing with this subject actually prohibit only gratuitous publications, leaving the question whether papers necessarily filed as part of judicial proceedings should be filed publicly or sealed in the discretion of the court.

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Of course, the exercise of that discretion sometimes will lead to public filing resulting in some publicity. This often occurs at present with the publication of indictments, search warrants, the affidavits upon which warrants are based, and returns by officers executing search warrants, and with publicity given to a first trial where a reversal results in the necessity of a second trial. For such a case, techniques have been developed for protecting defendants from prejudice, such as voir dire examination of prospective jurors and sequestration of jurors during trial.

Since the dangerous special offender notice, thus, can be sealed, if filed of record may not receive great publicity, and if publicized can be isolated from the jurors who try the case, the dangerous special offender notice presents no problems of publicity not presented by the filing of search papers and other necessary legal documents. There is no sound objection to title X so far as publicity is concerned.

Neither is it correct to argue, as the city bar committee does—at 50—that the filing of a dangerous special offender notice is "highly prejudicial" since the allegations contained in the notice can be read by the trial judge before trial. The city bar committee, in raising this objection, relies upon the case of *Gregg* v. *United States*, 394 U.S. 489, 492 (1969) (dictum) and rule 32(c) of the Federal Rules of Criminal Procedures. Rule 32(c) merely prohibits the submission of the presentence report to the court, and disclosure of its content to anyone, until the defendant has been found guilty. This is a perfectly sound rule, since there is no legitimate reason for the court to examine the presentence report before the defendant's guilt is determined.

The dictum in the Gregg case on which the city bar committee relies was based more upon the impropriety of the conduct by the officer involved, than upon any supposed prejudice in the decision of the judge. The Supreme Court affirmed the conviction in the Gregg case, moreover, since the record did not establish a clear violation of rule 32(c) and since the Court was unable to conclude "that the handling of the presentence report raised any possibility of prejudice to petitioner's rights under rule 32"—394 U.S. at 494. In addition, the Court based its dictum that delivery of the presentence report to the judge prior to the finding of guilt was error on the fact that, as the Court stated:

> There is no reason for him [the judge] to see the document until the occasion to sentence arises. (394 U.S. at 492.)

There is a reason for filing the dangerous special offender notice before the trial of the defendant begins, though the Constitution does not require such early filing, so that the defendant may be on notice before entering his plea that a finding of guilt may subject him to an extended sentence. Thus, the provision of title X which permits the filing of a dangerous special offender notice does not, as the trial court's examination of the presentence report in the Gregg case did, go beyond the necessities of the administration of justice, and is not subject to the objections voiced in the Gregg dictum. Again, there are analogies in existing practice: The judge examines the indictment before trial, and a judge may be aware of a previous guilty verdict while he begins to preside in the retrial of a case after reversal on appeal. In addition, it is common for a judge in a case charging, for example, possession of burglar tools, first to hear virtually all of the Government's evidence when he hears a motion to suppress the burglar tools seized during a search, and then, if he rules that the search and seizure were lawful, to preside at the trial on the merits. His ability to do so is not deemed to have been prejudiced by his having heard the motion to suppress evidence before trial.

The ACLU and bar committee also disapprove of the provision of title X which prevents the placing of limitations upon the information concerning a defendant's background, character and conduct that a Federal court can consider in choosing an appropriate sentence. Although that provision would apply to all Federal criminal cases, the ACLU finds it especially threatening to "dangerous special offenders," since the ACLU believes that sentencing judges are "able" to give them sentences "5 or 10 times as long as would follow a conviction for the underlying felony alone."

The ACLU's statement of that belief is unfair and misleading, since it compares sentencing authority under title X with sentencing practices under existing laws—while maximum sentences are, and should be, exceptional in both instances. In addition, the statement is incorrect. The language of S. 30 itself (sections 3575(b) and 3576) and of the committee report at 91 and 166, makes it clear, as I pointed out earlier in these remarks, that there is no new mandatory minimum prison term and that both the trial court and the court of appeals must measure the "appropriateness" of any sentence to be imposed. Thus, a sentence 10 or even 5 times as long as the ordinary sentence should not be imposed and, if imposed, would be reduced on appellate review.

The ACLU's attack on title X's provision for unlimited information in sentencing is broader, however, than special offender sentencing. The ACLU opposes all the provision's applications, in ordinary as well as special sentencing cases, and urges that sentencing courts be required completely to disregard hearsay, evidence obtained in violation of any law, and information otherwise inadmissible at a trial of guilt or innocence.

The ACLU's position is far more radical and novel than this provision of title X itself, which preserves the traditional principle, approved by the Supreme Court in *Williams* v. *New York*, 337 U.S. 241 (1949), that sentencing proceedings are exempt from the rules of evidence constitutionally required at trial. The Williams case, which was reaffirmed by the Court in 1967 in an opinion by Mr. Justice Douglas, *Specht* v. *Patterson*, 386 U.S. 605, 606, held that a sentencing court, unlike a trial court, can consider hearsay allegations not tested for reliability by the constitutional procedures of confrontation and cross-examination.

In view of that specific holding of the Supreme Court, relied upon by the Judiciary Committee in its report on this provision of S. 30, at 167, the ACLU's treatment of the issue is shallow and unpersuasive. Its original statement on S. 30 branded the provision "clearly unconstitutional"—hearings at 474—and its more recent statement specifically mentions "hearsay" as objectionable in sentencing, despite the Supreme Court's explicit approval of hearsay in the Williams case. Further, the ACLU's discussions of this provision in both statements neither cite a single authority in their support, nor advert to the Williams decision preventing use of trial rules of evidence in ordinary sentencing cases and the Model Penal Code, Model Sentencing Act, and ABA Sentencing Standards applying the Williams principle to increased sentencing of special offenders.

The principles requiring use of hearsay for sentencing also prevent application, in a sentencing proceeding, of other exclusionary rules designed for use at trial. Mr. Justice Black, in the opinion for the Court in Williams, spelled out in these terms the policies which underlie enlightened sentencing practices and preclude the extension of even constitutional exclusionary rules to sentencing proceedings:

> Highly relevant—if not essential—to his [the sentencing Judge's] selection of an appropriate sentence is the possession of the fullest information possible concerning the defendant's life and characteristics. And modern concepts individualizing punishment have made it all the more necessary that a sentencing judge not be denied an opportunity to obtain pertinent information by a requirement of rigis adherence to restrictive rules of evidence properly applicable to the trial.
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> * * * * *
>
> The due process clause should not be treated as a device for freezing the evidential procedure of sentencing in the mold of trial procedure. . . . (*Williams* v. *New York*, supra at 247–51.)

The ACLU and the bar committee attempt to evade application of those principles to special offender sentencing by saying that sentencing under title X is comparable to a second trial, and the sentencing allegations to a separate "charge" of crime—ABCNY at 96. This is hardly a sound basis for exempting title X from the rule of the Williams case, since the hearsay which was used in sentencing Williams himself related to his commission of many serious crimes other than that for which he was being sentenced. As the Director of the National Council on Crime and Delinquency, whose Model Sentencing Act was one basis for title X, testifies before the Senate subcommittee:

> A sentencing statute certainly does not take the place of new definitions of racketeering crimes, appropriate and specific to the methods of operation in organized crime. The Model Sentencing Act does not define crimes. But if a defendant is convicted of an offense such as tax evasion, assault, criminal coercion, it makes a great deal of difference whether his crime was an individual act, or was part of a racketeering operation. If the latter, the sentence should be a severe one, and we so recommend in our act. (Hearings at 251.)

The sentence is more severe, as the U.S. Supreme Court has made clear regarding extended sentencing of recidivists, not because the defendant is receiving an additional punishment for his previous crimes, but because the fact of his previous conduct aggravates his latest felony and justifies the imposition of a more severe sentence in lieu of the ordidary one. Both the Model Penal Code and the Model Sentencing Act have rejected the notion that special offender sentencing is like a trial and requires application of trial rules of evidence, and the ABA has done likewise after an unusually thorough and scholarly study of the question—ABA sentencing standards at 262–66.

Despite this consensus of scholarly opinion, enactment of this provision of title X is necessary to prevent Federal courts from making the ACLU's error, as at least one court of appeals has done (*Verdugo* v. *United States*, 402 F. 2d 599, 608–13 (9th Cir. 1968)) and refusing to consider information of unquestioned reliability on the ground that it was obtained in violation of law. Such refusal would be inconsistent with the policies expressed in the Williams case, and with its very holding that a constitutional rule for exclusion of evidence at trial, even one—the right of confrontation—designed to guarantee reliability of evidence, does not apply in a sentencing proceeding. Title X would forestall such a refusal and protect the sentencing judge's access to what Williams described as "the fullest information possible"—Williams at 247. In addition, it would prevent sentencing from becoming encumbered by motions, evidentiary hearings on admissibility, interlocutory rulings, and other complexities which are appropriate at trial, but inimical to effective sentencing.

For the apparent purpose of heightening any emotional appeal its objections might have, the ACLU fails to mention that title X preserves the existing right of a sentencing judge to discount information he considers to be of imperfect reliability. For example, as the committee report was careful to point out—report at 167—hearsay information can be "appropriately evaluated" and assigned little or no weight if found unreliable. In view of the report's clarity on this point, it is inexplicable that the ACLU's January 1970 statement persists in referring to "rankest hearsay" and "coerced confession," two obvious examples of information which should be discounted or, depending on the circumstances, even discarded, as unreliable.

Where reliable evidence obtained illegally is concerned, the rule requiring its suppression even at trial is not absolute, as I explained earlier in connection with title VII, on suppression litigation. The exclusionary rule is not an imperfect means to certain ends, as the Supreme Court recently acknowledged when it said:

> The exclusionary rule has its limitations . . . as a tool of judicial control. . . . [I]n some contexts the rule is ineffective as a deterrent.
>
> * * * * *
>
> Proper adjudication of cases in which the exclusionary rule is involved demands a constant awareness of these limitations. . . . [A] rigid and unthinking application of the exclusionary rule, in futile protect against practices which it can never be used effectively to control, may exact a high toll in human injury and frustration of efforts to prevent crime. (*Terry* v. *Ohio*, 392 U.S. 1, 13–15 (1968).)

For those reasons, the rules excluding evidence at trial are not extended to other situations unless the additional deterrence of unlawful official conduct would be so great, in the words of the Supreme Court, as to "justify further encroachment upon the public interest in prosecuting those accused of crime and having them acquitted or convicted on the basis of all the evidence which exposes the truth." *Alderman* v. *United States*, 394 U.S. 165, 175 (1969).

Under that test, the suppression rule does not apply to a sentencing proceeding. Since police officers know that suppression of vital evidence at trial prevents a guilty verdict—and that it is futile to prepare a persuasive sentencing presentation against a defendant who cannot be convicted—no substantial increase in deterrence of police would result from a rule of suppression of evidence for sentencing. The same would be true if the suppression rule were extended into proceedings to revoke parole, and, as I noted earlier, the Supreme Court of California and the Court of Appeals for the Second Circuit have concluded that such an extension of the suppression rule is not warranted. The Constitution permits, and sound policy requires, Congress to preserve time-tested and efficient procedures for imposing sentences based upon "the fullest information possible." It is for those reasons, I believe, that the Senate defeated an amendment to impose rules of evidence on sentencing proceedings by a vote of 63 to 11.

One other facet of the ACLU's attack on the provision for unlimited sentencing information bears examination, since it is symptomatic of the ACLU's emotional, irresponsible approach to the sentencing title. The ACLU states that the provision would let a sentencing court hear information "without regard to relevance"—ACLU Jan. 1970 letter at 15. The contrary is true. The provision, on its face, applies only to "information concerning the background, character and conduct" of the defendant—considerations held by the Supreme Court to be relevant to imposition of an appropriate sentence—Williams against New York, supra.

The ACLU and bar committee criticize title X not only for the kind of information on which it permits sentencing, but for its amount as well. The bar committee objected that under title X "the trial court is directed to base its findings upon a 'preponderance of the information,' yet the sentencing decision may be far more critical than the initial determination of guilt or innocence which must be made on the basis of admissible evidence and beyond a reasonable doubt"—ABCNY at 46.

However, it has never been supposed that sentencing in ordinary cases required that facts relevant to the sentence be established "beyond a reasonable doubt." Indeed, the lack of explicit standards for sentencing, and the lack of appellate review of sentences in the Federal system, means that at the present time the sentencing court need not base its sentence on even a preponderance of the sentencing information brought to its attention. Title X follows the well-documented and supported example of the American Bar Association Standards—sentencing section 5.5(b)(iv)—when it requires that facts used for dangerous special offender sentencing be established "by a preponderance" rather than "beyond a reasonable doubt."

The second point made by the bar committee, that the sentencing decision may be more critical under title X than the determination of guilt, also is true under existing statutes, such as the Hobbs Act—18 U.S.C. 1951—prohibiting robbery or extortion in interstate commerce. The Hobbs Act can be applied to a wide variety of offenses, from minor crimes by first offenders to very aggravated felonies, yet every offender is exposed to a single possible maximum of 20 years. The Williams case, itself, illustrates the relative importance of the sentencing decision under existing law, which regulates that decision and the factual basis on which it can be made little or not at all. In the Williams case, of course, a sentencing judge had discretion to impose life imprisonment or the death penalty—and after reviewing hearsay information, free of any requirement that his decision be based upon a preponderance of anything, the sentencing judge imposed the death penalty and was upheld by the U.S. Supreme Court.

The New York City Bar committee complains also of what it calls "the limited access" which title X grants a defendant to the presentence report upon which his special sentence may, in part, be based. ABCNY at 46–47. Actually, title X requires that a defendant alleged to be a dangerous special offender—

> Shall be informed of the substance of such parts of the presentence report as the court intends to rely upon, except where there are placed in the record compelling reasons for withholding particular information. . . .

Those standards are more favorable to defendants than existing Federal law, which grants a trial court unfettered discretion to disclose all, part, or none of the presentence report to the defendant, and conform generally to standards for presentence report disclosure developed by the Model Penal Code and the American Bar Association. Limitations on presentence report disclosure such as those found in title X, the Model Penal Code, and the A.B.A. Standards are essential for informed sentencing, since identification of the sources of information in those reports would inhibit vital communication from family member, neighbors, social agencies, and others. In addition, portions of some presentence reports contain evaluations and professional opinions regarding the defendant's disclosure of which would interfere with the possibility of their rehabilitation.

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In the city bar committee's imagination, the exceptions to presentence report disclosure swallow the rule, so the committee threatens that sentencing judges will impose maximum sentences based upon minimum showings, all supported by facts revealed only in portions of a presentence report withheld from a defendant. While such a result may be possible under present law, where there are no statutory standards to control disclosure and no appellate review of sentences to correct sentences imposed upon insufficient and undisclosed factual data, title X protects against such action both at the trial court level and on appeal.

Read as a whole, the ACLU's attack on title X's provisions for the procedure to be used in sentencing dangerous special offenders is unremittingly hostile and one-sided. This posture is remarkable in view of the changes already made in that procedure at the suggestion of the ACLU, liberalizing and complicating it in an effort to protect defendants. The notice provided to a defendant accused as a dangerous special offender was changed to add the grounds for considering him "dangerous"—hearings at 468. Commencement of special sentencing proceedings was made discretionary with the prosecutor, rather than mandatory—Ibid. Language which arguably might have coerced defendants to waive the right of grand jury indictment or to plead guilty was amended—Id. at 469.

Defendants convicted of misdemeanors but acquitted of related felonies were barred from sentencing as special offenders—Ibid. The period of notice to the parties of the time for the sentencing hearing was expanded from 3 to 10 days—Ibid. The issue of "dangerous" was added to those on which the defendant is given a hearing—Id. at 469–70. Explicit grants to the defendant of rights to submit evidence, cross-examine witnesses, and examine the presentence report were added—Ibid.

It was specified that convictions reversed on appeal, or found invalid in the sentencing proceeding or any other proceeding, are not sufficient for recidivist sentencing—Ibid. The requirement that a dangerous special offender serve at least two-thirds of his sentence was deleted.—Id. at 471. And review of a conviction and the sentence imposed on it were made concurrently—Id. at 474. If acceptance of so many of the ACLU's criticisms of title X leaves it nevertheless unqualifiedly opposed to the title, doubt is cast upon the ACLU's openness to any legislative proposal for effective sentencing of special offenders.

The bar committee, on the other hand, affirms its devotion to the basic concept of special sentencing by stating it would support a "rational and consistent sentencing code" including special sentencing provisions and expressing concern that adoption of title X "might delay or defuse a more widespread sentencing reform."—ABCNY at 44, 45.

The latter concern, however, is not warranted. In addition, the National Commission on Reform of Federal Criminal Laws is developing such a general reform at the present time, and some of the leading advocates of enactment of title X, Senators ERVIN and HRUSKA, Congressman POFF and myself, also serve as members of that Commission, and we are not against general reform.

In addition, the bar committee misleads the reader, perhaps unintentionally, concerning the views of both Associate Dean Peter Low and the Department of Justice on the adequacy of the procedures now required by title X—ABCNY at 45–46, Dean Low; *id.* at 45–46, n. 78, Department of Justice. As to Dean Low, the bar committee quotes a criticism expressed by Dean Low as to S. 30 before the many changes in S. 30's procedures made at the instance of the ACLU and the Justice Department were made, and then states that—

> The conclusions reached by Professor Peter Low on the unfairness of the procedures included in a previous version of Title X are equally applicable to the Title in its present form and require its rejection . . . (ABCNY at 46.)

In fact, Dean Low later examined title X in its present form, with the modified procedures, and stated that if Congress chooses to enact a law authorizing increased sentences for special offenders, before enactment of comprehensive reform sentencing "this is a good one"—letter to chief counsel, Senate Subcommittee on Criminal Laws and Procedures, January 9, 1970.

Similarly, as to the views of the Department of Justice concerning the title X procedure, the bar committee quotes statements made by the Justice Department concerning the initial draft of title X indicating that it was "virtually impossible to predict whether these procedures would survive constitutional challenge" and that "it is not clear what the procedural requirements for extended sentences are."—ABCNY at 45, 46, n. 78. The bar committee fails to point out, however, that the Department examined the revised version of title X, concluded that it was fully constitutional, and decided fully to support it, although the Department still recognizes that there remains no explicit judicial authority indicating the required procedures for extended sentences.—Department of Justice Comments on S. 30 before Subcommittee No. 5 of the House Judiciary Committee, at 56.

Whatever the reason for the bar committee's unwarranted and incorrect assumption that Dean Low and the Justice Department consider their objections to the first draft of title X's procedures "equally applicable"—ABCNY at 46—to the present version, the nature of the bar committee's objections to title X calls into doubt whether it really accepts the basic special sentencing concept. The bar committee emphatically rejects the special sentencing procedures in title X—ABCNY at 8, 45–46—and expressly declines to suggest—

> What constitutional protections are required in a proceeding such as this. . . . (*Id.* at 45.)

It compares the title's definition of an organized crime offender with the substantive crime of conspiracy, and rejects the use of a sentencing hearing to establish the defendant's conduct, considering it a circumvention of the requirement that conspiracy allegations be proved at the trial of guilt—Id. at 49. The bar committee also objects to the power which the dangerous special offender provisions place in the hands of prosecutors to bring pressure to bear upon defendants, to induce guilty pleas—Id. at 45, n. 74. Obviously, though, those objections, if they are valid, could be made to any dangerous special offenders law. It always will be possible to argue, for example, that the criteria aggravating an offense and making one a special offender could have been embodied in a substantive prohibition defining a crime.

The bar committee's view of special sentencing as an evasion of constitutional trial procedures, and its refusal to subordinate the minor risk of abuse contributed by special sentencing to plea bargaining to the benefits to be derived from special sentencing, are not, fortunately, typical of professional authorities. The concept implemented by title X has been endorsed, as I noted previously, by the President's Crime Commission, the American Law Institute, the National Council on Crime and Delinquency, the American Bar Association, and other august associations. By establishing impossibly high—even unspecified—standards for procedure which a special offender statute must meet in order to obtain the approval of the city bar committee, the committee, in effect, disapproves the concept of special sentencing, and states an implied preference for the existing lack of standards and still more informal procedures. As the commentary to the American Bar Association's standards on sentencing notes—

> It would indeed be ironic if procedural due process *required* the absence of legislative guidance in order for the sentencing proceeding to be informal. The Advisory Committee is confident that such a result need not follow. (ABA Standards Relating to Sentencing Alternatives and Procedures at 264.) (Approved Draft, 1968.)

The ACLU approves the concept of appellate review of sentences, but opposes the appellate review provision of title X in the belief that it—

> Raises serious Constitutional problems under both the due process clause and the double jeopardy clause of the Fifth Amendment. (ACLU Jan. 1970 letter at 15.)

So far as the double jeopardy clause is concerned, it is true that the question of its consistency with title X was raised in the hearings—for example, hearings at 474—and that the objection that sentence review on motion of the Government constitutes double jeopardy has superficial appeal until it is examined thoroughly. For those reasons, the Judiciary Committee report on S. 30 fully explored the double jeopardy theories, policies, and precedent—report at 93–99—before concluding that they are entirely consistent with title X.

That report was, of course, available to the ACLU over a month before issuance of its January 1970 statement charging that title X authorizes double jeopardy. If it considered the problem as "serious" as its asserts, it could have supported the assertion with a detailed analysis of the public policies underlying the double jeopardy clause and the respects in which they allegedly are violated by title X. It could have specified the alleged relevance of the two court decisions it cites against the title on this issue, and could have attempted to explain away the decisions and other authorities which the report argued support title X's consistency with the double jeopardy clause. Instead, the ACLU backs up its double jeopardy allegation with a paragraph and a half of superficial comment making only two points.

First, the ACLU mentions that "the Supreme Court has never upheld . . . an increase in sentence" on review taken by the government.—Ibid. That is correct, but it is equally true that the Court has never invalidated such an increase in sentence. The comment does not begin to rebut the persuasive case for constitutionality made in the report.

Second, the ACLU notes that the scope of title X review is not limited to the appropriateness of the sentence, but also allows correction of a sentencing judge's error in failing to find a defendant to be a "dangerous special offender." The ACLU claims that such a correction is "in effect" the reversal of an acquittal, so is unconstitutional.—Ibid. The bar committee is somewhat more tentative, but repeats the inflated claim that Government appeal of a trial judge finding that a defendant is not a dangerous special offender arguable constitutes double jeopardy.

The argument, according to the bar committee, would stress the disparity between the maximum sentence permitted for special offenders and the maximum permitted for most ordinary felonies, as well as what the city bar committee calls—

> The lack of correlation between the conduct creating the special offender status and the acts which occasioned the current felony conviction. (ABCNY at 52.)

It should be noted, of course, that such a correlation actually is required by the professional offender and organized crime offender provisions of title X, as I explained above. The bar committee goes on, however, to conclude that a finding by a sentencing judge at the trial level that the defendant is not a dangerout special offender so resembles an acquittal that Government appeal of the issue arguably constitutes double jeopardy.

This objection exemplifies the kind of one-way street, in favor of defendants and oblivious to society's needs, which the ACLU and bar committee would make of a criminal proceeding. It was the ACLU which pointed out that S. 30, in the form in which it was introduced, was open to a construction preventing a court of appeals which was reviewing a sentence from including in its review a determination of whether the record supported the finding that the defendant was "dangerous." Now, in its January 1970 statement criticizing title X's scope of sentence review, the ACLU fails to mention that the language on scope of review was broadened at its suggestion, and apparently seeks a broad scope of review for the defendant and a narrow one or none for the Government.

The double jeopardy objection is not a sound one. The only cases cited by the ACLU in its support are *Kepner* v. *United States*, 195 U.S. 100 (1904), and *Trono* v. *United States*, 199 U.S. 521 (1905). The Trono case actually affirmed a conviction and merely approved the Kepner case in dictum, so Kepner is the only judicial holding offered by the ACLU as support for its opinion.

The Kepner case, however, involved not review of a sentence but reversal of an acquittal—the Supreme Court there merely held that the Government cannot appeal for conviction of a defendant whom the lower court found not to have committed a crime at all. The ACLU's attempt to equate the sentencing hearing with the trial of guilt fails here as it does when the ACLU tries to impose trial rules of evidence upon sentencing. The Supreme Court has shown in the Williams case—supra—its full understanding that sentencing need not be equated with a trial simply because both involve determinations that the defendant committed crimes.

Indeed, on the specific subject of the double jeopardy clause itself, the Court has demonstrated the error of the mechanical type of reasoning by which the ACLU equates sentencing with trial and extends the Kepner case to cover sentencing. The Supreme Court has refused to apply the Kepner doctrine itself in situations where logic would seem to require its application. The committee report—at 95—cites two such instances, including the Court's ruling that a defendant can be retired and convicted after obtaining a reversal of a prior conviction on the ground that a verdict of not guilty should have been directed.

Since the Court will not apply Kepner to title X in the ACLU's unthinking manner, the consistency of title X with the double jeopardy clause must be judged in view of the policies underlying the clause. The committee report quotes the Supreme Court's statement of those policies—at 94—explains in practical terms why those policies are not frustrated by title X—at 95—and articulates legal grounds for sustaining title X against the double jeopardy question—at 94–95.

The committee report also discusses at some length—at 95–99—a number of judicial decisions and other authorities offering affirmative support for title X's consistency with the double jeopardy clause. Since they are readily available there and the ACLU and bar committee declined even to attempt to rebut them, there is no need to repeat the arguments and citations at this time. It should be noted, however, that they include rulings that the double jeopardy provision permits sentence increases after reversal of a conviction—*North Carolina* v. *Pearce*, 395 U.S. 711, 719 (1969)—or after failure of a trial court to impose a mandatory minimum sentence—for example, *Bozza* v. *United States*, 330 U.S. 160 (1947). Those rulings are analogous rather than direct authority, but the detailed analysis in the committee report clarifies their significance as strong support for title X against the double jeopardy objection.

Another instructive analogy is the right of the Government, consistently with the double jeopardy cause, to apply to a court of appeals for revocation of bail which a trial court has granted to a defendant pending appeal. Under the Bail Reform Act, bail can be denied by the trial court or appellate court in such a case, on the ground that the defendant is "dangerous." The right of the Government to obtain an appellate court reversal of a finding that a defendant is not dangerous, so needs not be incarcerated pending appeal, reveals the degree to which the rhetoric used by the city bar committee on the double jeopardy issue is inflated.

I submit that, under the existing precedents, there no longer can be any doubt as to the consistency of permitting the Government to appeal and obtain appellate increases of sentences with the double jeopardy clause. Dean Peter Low, who analyzed the issue carefully in the Senate hearings before the Supreme Court decided the case of *North Carolina* v. *Pearce*, 395 U.S. 711, 717 (1969) toyed with that conclusion at that time—hearings at 193–97—and stated after the Pearce decision that the double jeopardy arguments against an increased sentence on appeal had been "weakened if not completely destroyed."—Id. at 544. Even the city bar committee agrees that Governmental appeal "from the length of a sentence given by a trial judge after finding the defendant to be a dangerous special offender, . . ." followed by the imposition of an increased sentence on appeal does not constitute double jeopardy—ABCNY at 51. Only the Civil Liberties Union persists in the broad assertion that appellate review of sentences at the instance of the Government always constitutes double jeopardy—ACLU January 1970 at 15.

The ACLU's "due process" objection to title X is that "the defendant would be deterred from appealing if he knew that Government could then appeal as well and have his sentence increased"—ibid—and relies entirely upon the Supreme Court case of North Carolina against Pearce, supra. The author of this criticism can hardly have read title X, which takes great pains to prevent exactly the type of deterrence of which the ACLU warns. Since a defendant might be deterred from appealing if the Government, in the ACLU's words, "could then appeal as well," title X require that the Government take any review it desires 5 days before the defendant must do so. By the time the defendant is about to make his decision, the Government already has appealed or lost its chance to do so, so the defendant cannot possibly fear such retaliation. Title X prevents retaliation and deterrence even more effectively than does the Pearce decision itself. Since the Supreme Court, as the bar committee apparently concedes—ABCNY at 51—treated the Pearce ruling only as one means to that end, and not as an inevitable requirement, title X fully satisfies the test of due process.

The city bar committee, however, questions the effectiveness of the 5-day lag time, arguing that it would prevent the penalizing of a defendant for appealing—

> Only if the Government did not appeal routinely, with the intention of proceeding with the appeal only if the defendant also appealed. Some further safeguard may be desirable in this regard. (ABCNY at 51.)

The committee concludes that deterrence and penalizing of appeals remain a "potential problem" under title X—ibid.

The bar committee overlooks the fact that title X already includes such further safeguards. The section of title X dealing with appellate review of sentence—section 3576—provides expressly that when a sentence review is taken by the United States the court of appeals may increase or reduce the sentence, and that "any withdrawal of review taken by the United States shall foreclose change to the disadvantage but not change to the advantage of the defendant." These provisions prevent the taking of routine Government appeals in the manner described by the City Bar Committee's statement, since taking routine appeals would expose the Government to the possibility of sentence reductions, a possibility not foreclosed by Government withdrawal of review. In addition, the sentence review provisions include a provision that "any review taken by the United States may be dismissed on a showing of abuse of the right of the United States to take such review." These safeguards, coupled with the 5-day lag itself, provide ample protection for a defendant against being penalized for taking an appeal. This conclusion, too, is concurred in by Dean Low, who emphasized the due process problems concerning sentence increases on appeal in his prepared testimony before the Senate subcommittee. He then was asked, during the hearing:

> Could part of your objection to the prosecutor having the right to appeal be obviated by giving him a short period of time to exercise his option, and then allowing the defendant to exercise his option at a later point, but not permitting increase on appeal where the prosecutor did not elect to exercise his option at the earlier point?" (Hearings at 211.)

Dean Low replied:

> I believe that would be very good. I believe it would be very good provision. I think the prosecutor could not then appeal in response to a defendant's appeal. I think that would be an excellent suggestion." (*Ibid.*)

The city bar committee asserts also that appellate review of sentences under title X would not be effective, for three reasons. First, the bar committee finds the criteria determining whether or not one is a "dangerous special offender" to be "so vague as to provide no clear standards for the appellate court on review"—ABCNY at 48. Second, the committee considers that the provision permitting withholding of information found in the presentence report from the defendant in certain cases "makes it highly doubtful that an appeal could be very effective"—Id. at 47. The bar committee buttresses that point by asserting that "another obstacle to adequate review would be presented if all the sections upon which the trial court relied, but which were suppressed, were not transmitted to the appellate court for review. Section 3576 should be modified to make clear that this information is communicated to the court of appeals."—Id. at 47, n. 79. Section 357 is, of course, already clear on that point, since its provisions authorizing the court of appeals to review special sentences state that the court of appeals may take such action "after considering the record, including the presentence report." In addition, the provisions of section 3575 permitting the sentencing court to withhold portions of the presentence report from the defendant for "compelling reasons" require that those reasons be placed in the record, and that section further requires the trial court to "place in the record its findings, including an identification of the information relied upon in making such findings, and its reasons for the sentence imposed." The committee's third ground for doubting the effectiveness of appellate review of sentences under title X is the supposed difficulty which a court of appeals will have in reviewing the adequacy of heresay to support a sentence.—(ABCNY at 51.)

I discussed in connection with title I some of the many situations other than sentencing in which courts of appeals as well as trial courts already are accustomed to making and reviewing fact determinations based upon hearsay. Let me now simply point out the additional fact that already a number of States permit appellate review of sentences, and that even in the Federal system appellate courts are empowered to review sentences for criminal contempt. The State experience, and the Federal experience with appellate review of contempt sentences, demonstrates that all three points made by the city bar committee on this issue are invalid. Federal criminal contempt sentences, for instance, are reviewed despite the absence of any statutory standards to guide the sentencing court or the court of appeals, and such review is not considered to be impeded by the present rule making presentence report disclosure entirely discretionary. Similarly, the experience with review of Federal contempt sentences and State criminal sentences, both of which can be based upon hearsay, demonstrates again the invalidity of the supposition that hearsay underlying a criminal sentence cannot be effectively reviewed.

The city bar committee complains that "title X makes no effort to determine either the scope of review or the standards which an appellate court is to consider on review" of sentences. ABCNY at 50–51.

The scope of review is, on the contrary, made perfectly clear, both on the face of title X and in the Senate committee report. Title X's section 3576 provides:

> The court of appeals may . . . affirm the sentence, impose or direct the imposition of any sentence which the sentencing court could originally have imposed, or remand for further sentencing proceedings and imposition of sentence.

The Senate report goes on to specify:

> The scope of review encompasses all factual and legal questions, substantive and procedural, as well as the exercise of discretion. (Report at 166.)

It states further:

> The Government may obtain review of the failure to impose any special sentence or the sentence imposed. Where the sentence is vacated and remanded for new proceedings subsequent review is contemplated. A defendant found to be a dangerous special offender, but given a sentence less than the maximum authorized for ordinary offenders, may take a sentence review. (*Ibid.*)

These passages make it explicit that every issue considered by a trial court imposing sentence—including the procedures followed, the findings made, and the exercise of discretion in selection of a particular sentence—are included in the scope of appellate review.

The standards for reviewing each of the various questions open on appeal from title X sentence are not specified in title X because of the voluminous existing authority on appellate review of analogous question in other contexts. The sentencing court's exercise of discretion in selecting a sentence will be reviewed under the same standard under which such exercises of discretion presently are reviewed in Federal criminal contempt cases. Questions as to whether or not proper procedures were followed by the sentencing court will be reviewed, as they always are, with the appellate court examining the record of the proceedings below and making de novo determinations of questions of law. There is no reason for the City Bar Committee to suppose that the hearing in the court of

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appeals, which must be held prior to any increase in sentence, "is to be a de novo evidentiary hearing"—ABCNY at 51 n. 86.

The ACLU properly suggests that some of the affirmative reasons why appellate review of sentences is desirable, which are discussed at length in the committee report—at 92–93 99— apply to ordinary as well as special sentences. However, due to the past absence of general appellate power over sentences, expressions in previous Congresses of concern over the possibility of unduly burdening appellate courts, it might be wise to test the operation of sentence review by first enacting such authority only for a limited class of cases. Later, the decision whether to extend appellate review to all sentences would be made in light of the volume of past sentence reviews taken, the time and money consumed by each review, and the court adjudication of the constitutionality of review by the Government. As the ACLU concedes, the importance of title X cases, the long sentences available under the title, and its unusual procedures make sentence review "particularly apt in that context"—ACLU January 1970 letter at 14—not if review should first be tried in a limited class of cases, title X describes an appropriate one.

Title X should have received more careful consideration than it was given in the ACLU statement, but instead the uncritical acceptance of that statement by other commentators is compounding its inaccurate and unfair analysis of title X. Tom Wicker of the New York Times, for example, declared—Sunday, February 1, 1970, page E12,—that S. 30 "threatens the eighth" amendment, but failed to say what provisions did so, or how, or according to what authority—while the ACLU apparently has dropped its objection to S. 30 on that ground. And the Times' editors charged—Tuesday, February 3, 1970—that title X "substitutes police discretion for court adjudication." That irresponsible complaint is wrong on both counts. Title X never mentions any police authority, and given no authority of any kind, much less any discretion, to any police agency. If the Times meant to say "prosecutorial," but did not, the editors might note that it was the ACLU which urged that the charging of a defendant as a "dangercus special offender" be made discretionary with the government attorney—hearings at 468. Finally, court adjudication is not displaced—it is required as fully in title X as in ordinary sentencing cases.

CONCLUSION

Mr. President, I now have replied to many of the claims that specific provisions of S. 30 threaten fundamental civil liberties and constitutional protections. In addition, of course, many concepts implemented by the bill have been explained and supported by the Crime Commission, and by other bodies whose proposals formed much of the basis for the Organized Crime Control Act. By comparing the criticisms and defense of the provisions found in S. 30, therefore, a legislator or lawyer can form his own opinion concerning the bill's propriety and constitutionality.

A person who studies these materials will find, however, a surprisingly sharp contrast between the views of S. 30's supporters, and the views of its detractors, concerning its civil liberties implications. I would like to assist the student of this legislation is assessing the reasons for that contrast, and in evaluating the validity of the civil liberties objections raised against the bill. For that purpose, I must go beyond my comments on specific complaints about individual provisions, for a time, to discuss the approach and methodology which underlie the objections to S. 30 voiced by the Civil Liberties Union and the City Bar Committee.

First, both the City Bar Committee and the Civil Liberties Union repeatedly make demonstrably inaccurate and misleading statements concerning S. 30. On some occasions, they mislead the reader merely through deceptively biased use and omission of precedents. The result is that their reports have the appearance of impartial analysis, but are in substance briefs against S. 30. Often, however, through carelessness or haste, and occasionally, it seems, through misguided zeal to discredit the bill, both the Union and the Bar Committee actually misstate the plain meaning of S. 30's specific provisions and the state of existing law. It appears that on some of those occasions, the Bar Committee was led into error by the Civil Liberties Union's testimony and statement against the bill, which the Bar Committee obviously used as its guide to the bill and the issues raised by it. The remarkable congruency of organization and analysis between the Civil Liberties Union's January 1970 letter and the City Bar Committee's statement on S. 30 becomes apparent again and again when the two statements are compared. I have drawn attention to a few of the similarities between the two statements at some earlier points in my remarks today, but let me illustrate this point, and the others that I shall make in discussing the approach taken by these two organizations to S. 30, with a few examples.

The Civil Liberties Union falsely stated that title IV, on perjury, would eliminate the requirement that the perjury have been committed "knowingly" where the defendant was found to be guilty of having made two manifestly contradictory statements—ACLU January 1970 letter at 6. As I explained in discussing title IV, careful examination of the precise terms of title IV makes it clear that the Union simply misread the language of the provisions. The City Bar Committee, however, was led by the ACLU's mistake into making the same error themselves, and even expressly suggesting the insertion of the word "knowingly" in title IV—ABCNY at 23 n. 37. The City Bar Committee—at 38—likewise repeated the Union's error—ACLU January 1970 letter at 10—in supposing that the provision of title VIII that proof of operation of a gambling business in a particular way shall be deemed to establish the probability that the business receives gross revenue over $2,000 in a single day was intended to have, or even could have, application in a trial of guilt where probability is not a material issue.

Less important than the sources of the incorrect and misleading statements found in the statements of the Union and City Bar Committee, though, is the frequency with which they are found. I shall not attempt to identify every error and every misleading statement of which the two organizations are guilty, but I consider it worthwhile to mention several, to assist anyone interested in crime control in evaluating the reliability and persuasiveness of the Bar Committee and Union statements as authorities on S. 30.

I described earlier first, the way in which the Civil Liberties Union falsely stated that title V, on protected facilities for housing Government witnesses, left open the possibility that the Attorney General was being authorized to detain witnesses involuntarily—ACLU January 1970 letter at 6; second, the Union's direct misstatement of the holding of Counselman against Hitchcock concerning immunity legislation and the fifth amendment; third the Union's misleading failure even to cite the recent Supreme Court case—Murphy against Waterfront Commission—contradicting the Union's misinterpretation of Counselman—ACLU January 1970 letter at 4; and fourth, the City Bar Committee's false statement that the National Association of Counties urged that title I be rejected in its present form—ABCNY at 9.

Another misstatement of the plain meaning of S. 30, which I have not mentioned earlier in these remarks, is this statement by the Civil Liberties Union concerning title I, on grand juries:

> Though a criticized public employee is given an opportunity to answer before a report is made public, it is doubtful in the extreme that 20 days will be sufficient where the grand jury may have had over three years to investigate and need not reveal the basis for its allegations. (ACLU Jan. 1970 letter at 2.)

This statement clearly implies that a criticized public official has only 20 days in which to answer a report, and the Union fails even to mention the provision of title I that "upon a showing of good cause, the court may grant such public officer or employee an extension of time within which to file such answer." The city bar committee, with somewhat more candor, notes that a public official can obtain an extension for "good cause," but contends:

> The requirement that the public official named in a report show 'good cause' to justify an extension of his time to file an answer beyond twenty days—also a refinement not found in the New York statute—seems unduly burdensome." (ABCNY at 12 n. 11.)

I consider title I's legislative specification that postponements are permissible, a provision not contained in the New York statute, to be an improvement over the New York law, beneficial to the subject of a report. In any case, the bar committee fails to point out that "good cause" is the ordinary standard for granting postponements of proceedings and delays in filing pleadings and court papers, and that the denial by a district court of the request for a postponement under title I could be reversed by a court of appeals.

The City Bar Committee makes a particularly egregious misstatement of the meaning of S. 30 when it discusses the definition of an organized crime offender subject to extended sentencing under title X—ABCNY at 49. In the course of its attempt to persuade the reader that the definition of an organized crime offender is satisfied even as to participate in small and unimportant conspiracies, the bar committee twice asserts that there need be only three members of the conspiracy in order to bring the conspiracy within the definition of title X. Actually, of course, that definition requires that the conspiracy have had four or more members. Similarly, when the bar committee makes a comparable effort to discredit the recidivist definition in title X by suggesting that title X provides the same sentencing treatment for defendants whose most recent felonies were minor as for defendants whose most recent felonies were the most grave offenses over which the Federal courts have jurisdiction, the committee contrasts a conviction for possessing drugs with a conviction for "murder on the high seas" and asserts that recidivists convicted of those two crimes and sentenced under title X both would be exposed to 30-year maximum terms of imprisonment—ABCNY at 47. In fact, the maximum term of imprisonment for murder on the high seas—18 U.S.C. 1652—is life imprisonment, and would remain so under title X.

Discussing another aspect of the definition of a recidivist in title X, the city bar committee states:

> The term "conviction" should also be more carefully defined to eliminate individual situations which title X should not reach. It should be made clear, for instance, that convictions overturned on collateral attack as well as direct appeal are discounted. The defendant should also be permitted to question the validity of any prior convictions at his sentencing hearing. (ABCNY at 48 n. 81.)

The fact is that title X already contains provisions which do everything requested in that statement by the city bar committee. The relevant language in title X is:

> A conviction shown to be invalid or for which the defendant has been pardoned on the ground of innocence shall be disregarded for purposes of paragraph (1) of this subsection.

Since the bill places no limitations on the time or forum where the conviction can be "shown to be invalid," that showing can have been made prior to the recidivist proceedings on collateral as well as direct attack, or can be made in the recidivist proceedings itself. This meaning of title X is reemphasized by the citation in the Senate committee report of the case of *Burgett* v. *Texas*, 389 U.S. 109, 115 (1967). (Report at 164.)

These examples of misstatements and misleading language by the union and bar committee, coupled with the examples I mentioned in discussing each of the various titles of S. 30, should be sufficient to make the point: their statements of the meaning of S. 30, and of the state of existing law, have not provided a firm and reliable basis for their legal analysis of the provisions or their arguments regarding the policies involved in the statute.

In addition, they go beyond such misstatements, and beyond positive misuse of existing precedents. The bar committee and Civil Liberties Union have engaged more generally in biased and slanted citation and omission of analogous precedents, and of relevant pronouncements by respected authorities concerning the issues raised by S. 30. This method of treating legal authorities may be acceptable practice in an adversary brief. The objectionable aspect of the use of that technique by the New York City Bar Committee, in particular, and to a lesser degree by the Civil Liberties Union—since the public generally recognizes that the Union is an advocate for a particular point of view—is that their statements purport to be impartial reports of unbiased and representative professional and civic organizations.

The failure of the bar committee's statement to measure up to that standard is illustrated by the fact, which I discussed in the context of the constitutional issues raised by title VII, regulating litigation concerning sources of evidence, that it cites precedents, such as the Mapp and Alderman cases, and even lower court decisions such as the Projanski decision in the southern district of New York, which the bar committee considers authority against the validity of title VII, yet fails entirely to cite the many Supreme Court and other precedents which contradict the absolutist view of the suppression sanction taken by the bar committee.

Another flagrant example of the selective citation of persuasive authorities, or worse, is the city bar committee's citation of the decision by Judge Weinfield in the United Electrical Workers case for his disapproval of grand jury reports containing legislative recommendations or criticisms of specified individuals, and their omission to mention that in the same opinion Judge Weinfield approved grand jury reports concerning general crime conditions.

Where pronouncements by professional bodies and other authorities concerning concepts implemented in S. 30, or concerning aspects of the bill itself, are concerned, the bar committee was similarly one sided. I discussed earlier, today, in the context of title I on grand juries, the bar committee's false statement that the National Association of Counties opposes the present version of title I, and its omission to note that title I is supported also by the Association of Federal Investigators and the International Association of Chiefs of Police. Similarly, the bar committee informed the reader that the Judicial Conference of the United States has recommended that the subject of depositions in criminal cases appropriately falls within the Supreme Court's rulemaking function and has referred title VI of S. 30 to the Federal Rules Advisory Committee for its consideration—ABCNY at 26—and used the Advisory Committee's treatment of the question as a reason to oppose title VI, but the bar committee did not go on to disclose other positions taken by the Judicial Conference concerning S. 30, such as its approval, with two minor reservations, of title IX, on racketeering infiltration of business.

After misstating the meaning of the various provisions of S. 30 and the state of existing law, and assembling almost exclusively the precedents considered adverse to S. 30's provisions, the city bar committee's and the Civil Liberties Union's next step is to raise specious claims that S. 30's provisions infringe upon personal interests, some of them of constitutional dimension, of individual citizens. The inaccuracies and unbalanced authorities, of course, help to make the claims concerning S. 30's impact upon individuals appear sound. In order to add further credibility to the assertion that individual interests are invaded, however, the bar committee and union strain the specific titles of S. 30 to find the most extreme applications of those provisions imaginable, in order to discredit the provisions. Let me, again, give some examples of how the bar committee's and union's reports employ the technique of discrediting proposed legislation by stressing extreme or fanciful applications of its provisions.

As I mentioned earlier in discussing title I, on grand jury reports, existing case law gives reasonably definite content to the term "non-criminal misconduct," upon which a title I special grand jury is permitted to report. The Civil Liberties Union, however, objecting to the failure of title I to define that term on the face of the bill, poses a hypothetical case in which "a jury investigating alleged bribery of police officers reports on whether particular policemen may have breached some noncriminal regulation, such as being improperly uniformed"—ACLU Jan. 1970 letter at 2. I suppose it is conceivable that a grand jury which found a police department to be pervaded by unprofessional and inefficient conduct, such as drinking during working hours, sleeping while on duty, use of abusive language toward minority group members, and—among other things—sloppy and improper uniforms, might mention the improper attire in reporting on the entire intolerable situation, thereby conveying the whole picture of the demoralized state of the police department.

It is, in my view, exactly because it is impossible to predict how complicated and unforeseeable sets of circumstances will interact that a general phrase such as "noncriminal misconduct" is needed in title I, in order to preserve the power of the grand jury to report upon situations of which the public needs knowledge. For the Civil Liberties Union to suggest, however, as it does, that title I should be defeated because of the supposed possibility that a grand jury would use a bribery investigation as a springboard to report simply on the failure of "particular policemen," in the words of the union, to be properly uniformed is ludicrous, and unworthy of the gravity of the subject on which S. 30 legislates.

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In the same vein, the New York City Bar Committee attempts to discredit the special offender sentencing provisions of title X by suggesting that a prosecutor, a Federal district judge, and a U.S. court of appeals all might be persuaded that a felony convict's prior history of "littering" established him to be "dangerous" in the sense that he required imprisonment for a term longer than the maximum authorized for his felony—ABCNY at 49. The technique used against title X by the city bar committee in that hypothetical case, and others with which it attempts to frighten the reader, is to pair the bare minimum showing required to be made by the terms of title X—or less—with the maximum term of imprisonment authorized by title X for the most aggravated offense. This is an unrealistic and prejudicial way in which to assess the propriety of adding title X to the existing Federal laws, which, as I pointed out above concerning the Hobbs Act, already permit the imposition of extremely long prison terms on first offenders who sometimes would be rehabilitated by immediate probation. It is not possible for any substantive criminal prohibition, or any sentencing statute, to avoid the possibility of such extreme applications. Title X does all that can be done in that direction, and a great deal more than is done by present law, by providing criteria for use by the sentencing court, a relatively full procedure for determining whether or not the criteria are satisfied before sentence is imposed, and, perhaps most importantly, an avenue of appellate review to correct individual abuses of discretion.

An almost identical rhetorical trick is used by the city bar committee in its assault upon title VIII, dealing with interstate gambling and related corruption. The bar committee stirs fears that title VIII could be used to prosecute small, unimportant "mom and pop" bookmaking setups—without informing the reader that existing Federal gambling statutes are much broader and more inclusive than title VIII, except that they require specific proof in each case of an interstate element of the gambling business. This interstate element can be a very minor one, provided that the Government can obtain evidence of it, such as accepting by telephone a single bet by a close personal friend just across the State line, or the use of numbers taken each day from a newspaper transported in interstate commerce. On balance, title VIII seems less susceptible of application to a "mom and pop" gambling business than existing Federal statutes, since it is carefully restricted to major gambling businesses by its requirement that five or more persons participate and that the business operate over an extended period of time or enjoy a substantial daily gross. Obviously, title VIII, like any criminal statute, could be applied to criminal cases which are so minor that they are better left to State law enforcement. The Justice Department and the other departments and agencies of the Federal Government are accustomed to enforcing such statutes, so they develop guidelines to prevent the waste of Federal money and manpower, and the abuse of Federal authority which would result from deep Federal involvement in petty cases. The Washington Post recently reported, for example, that the Justice Department has just revised its guidelines governing the decision whether a stolen automobile case should be prosecuted under the Federal Dyer Act or by State authorities—Washington Post, Wednesday, May 27, 1970, page A6, column 3. Title VIII presents no special problems in this area.

It simply is an unavoidable fact of life that the Congress cannot anticipate every circumstance which will arise under a statute it considers enacting. We rely to some degree upon the good faith and judgment of prosecuting authorities and courts. The straining by the Civil Liberties Union and the city bar committee for extreme applications not only of title VIII but of all the titles of S. 30, and their demands that specific provisions be written into S. 30 to guard against imagined dangers of abuse, call to mind the observations made by Stephen, the English jurist and legal historian, on the Indian Penal Code:

> The idea by which the whole Code is pervaded, and which was not unnaturally suggested by parts of the history of the English law, is that every one who has anything to do with the administration of the Code will do his utmost to misunderstand it and evade its provisions; this object the authors of the Code have done their utmost to defeat by anticipating all imaginable excuses for refusing to accept the real meaning of its provisions and providing against them beforehand specifically. The object is in itself undoubtedly a good one, and many of the provisions intended to affect it are valuable as they lay down doctrines which may be needed in order to clear up honest doubts or misunderstandings. . . .
>
> I think, however, that to go beyond this, and to try to anticipate captious objections, is a mistake. Human language is not so constructed that it is possible to prevent people from misunderstanding it if they are determined to do so, and over definition for that purpose is like the attempt to rid a house of dust by mere sweeping. You make more dust than you remove. If too fine a point is put upon language you suggest a still greater refinement in quibbling. 3 J. F. Stephen, *History of the Criminal Law of England* 305–306 (1883).

The city bar committee and the Civil Liberties Union, however, do not present their criticisms of S. 30 as quibbling. Relying on their misleading statements of the bill's meaning and of existing law, citing authorities for their position but not against it, placing the most extreme construction possible on each term of S. 30, and then imagining the most palpably unjust application to which Satan himself could put S. 30, the bar committee and union not surprisingly reach the conclusion that S. 30 is a grave threat to fundamental civil liberties.

They state the supposed danger in overblown, hysterical terms, such as the union's reference to the "withdrawal" of the exclusionary rule during its attack on title VII's 5-year period of limitation and minimal criteria for in camera screening—ACLU January 1970 letter, at 9. Using colorful terms like "dragnet"—*id.* at 12—imagining "masses of computer stored and processed information"—ABCNY, at 27—and declaring modifications in existing pretrial procedure "totally inconsistent with our traditional presumption of innocence"—ACLU January 1970 letter, at 9, the bar committee and union paint a picture of repressive legislation deeply intruding upon settled constitutional rights.

Once they have made the argument that a provision invades individual interests, moreover, the bar committee and union often treat the validity and wisdom of the provision in question as settled. They do not proceed to the next step, which should be to measure the degree of the supposed invasion and balance it against the expected benefit to the effectiveness of the administration of justice and to other interests.

An example of this refusal to balance on the part of the Civil Liberties Union is found in its discussion of title VI, on depositions. The union states that title VI's standard for when depositions can be taken is vague, and that cross-examination of a witness at a deposition is not as effective as cross-examination at trial. Simply on the basis of those arguments, the union concludes that title VI is "objectionable," without weighing the relative practical advantages and disadvantages of greater specificity in the standards for taking depositions, and without evaluating the degree to which cross-examination at a deposition is inferior to cross-examination at trial or weighing that disadvantage of a defendant against the interest of society in not having the testimony of an unavailable witness entirely lost to the court.

The city bar committee's treatment of title VII, on litigation concerning sources of evidence, illustrates its refusal to balance society's interests against those of a defendant. In rejecting the title VII authorization of in camera screening of confidential government files under minimal threshold standards, the city bar committee states that—

> We agree with the Supreme Court's conclusion that disclosure and adversary proceedings will protect constitutional rights more effectively than in camera review. (ABCNY at 32.)

The bar committee omits to consider the next question: assuming, for the sake of argument, that full disclosure increases the protection of a defendant, does it increase the protection so greatly as to outweigh the harm done to other interests by indiscriminate disclosure? The bar committee makes its refusal to weigh competing interests even more explicit regarding the 5-year limitation provision of title VII, when it states:

> More basically, however, even if there were an over-all saving of time and energy and the avoidance of dilatory tactics by criminal defendants, we do not believe that such objectives could possibly justify the proposed dilution of constitutional rights contained in title VII." (ABCNY at 29.)

On occasion, the city bar committee does purport to weigh society's interests against individual interests in considering provisions of S. 30. It balances those interests unevenly, however, understating the affirmative reasons for enactment of S. 30 provisions and assigning slight value to the community interests protected by them.

For example, in summarizing its conclusions concerning title IX, on racketeering infiltration of legitimate business, the bar committee positively misstates the effect of title IX and the reasons for its enactment. According to the city bar committee:

> Title IX . . . creates *penalties* for the investment in legitimate businesses of funds earned in criminal activity. The aim of *deterring* organized crime from infiltrating legitimate businesses is one with which we agree. The draftsmen of this bill, however, fail to consider . . . the problem that the proof of such investment requires proof that the funds were obtained by criminal activity. If the original crime can be proved, however, Title IX *does not add more than a higher penalty* to our present laws. (ABCNY at 7–8.)

The words I have emphasized in that quotation from the bar committee's report pinpoint some of the ways in which the Committee misstates the meaning and effect of title X so as to belittle its value. The penalties of fine and imprisonment provided in title IX do, of course, have the "aim of deterring" the prohibited conduct, but deterrence is only one of the legitimate purposes of criminal prohibitions—and where organized crime is involved, most authorities, including the American Bar Association and the National Council on Crime and Delinquency, agree that "incapacitation" is an equally or more important aim. Furthermore, the committee ignores the fact that title IX adds to the existing criminal penalties of fine and imprisonment the further criminal penalty of forfeiture. Criminal forfeiture under title IX serves not only to punish, deter, incapacitate, and so on—it serves directly to remove the corrupting influence from the channels of commerce.

The committee further ignores the important civil remedies established in title IX. Even where the Government has sufficient evidence to prove beyond a reasonable doubt a criminal violation of title IX as well as violations of the specific offenses listed in title IX, the civil remedies provided are automatically available, through collateral estoppel as to the principal elements of the civil cause of action. The civil remedies grant still further power to the Federal district court to make orders appropriate to remove the racketeering influence from the legitimate organization, and to prevent its return. It simply is false for the bar committee to state that title IX's "aim" is deterrence through the creation of "penalties," and that "title IX does not add more than a higher penalty to our present laws." In view of that understatement of the title's purpose and effect, it is hardly surprising that, when the bar committee turns to balance the benefits of title IX to society against the dangers which the bar committee imagines that its provisions pose to individual liberties, the Committee concludes that title IX "will likely have very limited impact on organized crime," "could have the negative effect of encouraging complacency by giving the appearance of dealing with a very real problem while, in fact, failing to do so," and therefore "should not be enacted in its present form"—ABCNY at 39.

The bar committee similarly gives short shrift to the affirmative reasons for authorization of appellate review of sentencing, when it describes such review simply as "a means of insuring equity and consistency in sentencing patterns"—ABCNY at 50.

In addition to that function of sentencing review, of course, such review serves other important purposes which have been well articulated by the American Bar Association study of appellate review of sentences, and which are summarized in the Senate Committee Report on S. 30:

> Sentence review can, moreover, serve important purposes other than that of avoiding disparate and unsound sentences. In addition to correcting excessive or insufficient sentences, appellate review of sentences can contribute to rationality in sentencing by making sentencing decisions more public and promoting the evolution of sentencing principles, enhance respect for our system of justice, relieve pressure on appellate courts now lacking sentence review power to find grounds to reverse convictions on which unconscionable sentences were imposed, and aid rehabilitation of defendants by affording opportunities to object to sentences. (Report at 92–93.)

The bar committee's grave misgivings about the constitutionality and wisdom of enacting S. 30's sentence review provisions are more understandable when one notices the degree to which the committee ignores important aspects of the social utility of sentence review.

In the same way, the bar committee states that "presumably" the purpose of title VI, authorizing the taking of depositions to preserve testimony, is "to safeguard that witness' testimony in the event of mob retaliation"—ABCNY at 7. That obviously is not the sole purpose of expanding the deposition authority now found in rule 15, and I do not understand why the city bar committee found it necessary to "presume" what the purposes of title VI are, since the committee report spells out a number of eventualities against which a deposition can protect a prosecution:

> Whoever brings about the result, the mob's objective will have been realized if the witness dies before trial, or becomes too ill or is too injured to testify, changes his testimony in fear or from favor, or merely refuses to testify or produce evidence on grounds of privilege or "no" grounds at all. What is worse, particularly when the witness disappears or turns his coat at the last minute, the prosecution itself will usually be aborted and, under double jeopardy principles, the mob figure will attain permanent immunity from punishment.
>
> Paralleling the attempt of title V to protect Government witnesses themselves from the mob by affording them physical protection and security, title VI seeks to protect the evidence the witnesses have to offer from corruption or other interference or harm by authorizing the taking of pretrial depositions in a form potentially admissible at trial to preserve this testimony. The primary purpose of title VI, therefore, is to remove the chief incentive the mob has in tampering with witnesses or their testimony and to prevent criminal prosecutions, especially in organized crime cases, from being defeated when Government witnesses are, in fact, prevented through murder, assault, intimidation, bribes or other factor, whatever their source, from testifying truthfully at trial. It may also be used, of course, by witnesses in protective custody to make their release feasible. (Report at 61.)

Since the bar committee conceives title VI as having a purpose so much more limited than it has, the bar committee concludes that even existing law governing the use in evidence at trial of out-of-court statements, previously cross-examined, is too favorable to the Government, and that "* * * absence of a Government witness from the jurisdiction should rarely, if ever, permit the Government to use his deposition at trial"—ABCNY at 26—in spite of the injustice done in cases such as the Bonnano case, which I discussed earlier in my remarks, where the disappearance of a witness deprived a trial jury of the right to hear relevant evidence.

By refusing to balance competing interests where procedural provisions are involved, and by balancing interests unevenly when it attempts to weigh them at all, the bar committee comes to the conclusion that virtually all of the key procedural provisions of S. 30, which are designed to improve the power of the Federal Government to gather and preserve evidence in criminal cases, should be rejected by the Congress. It is ironic, therefore, that the bar committee concludes that the section of title VIII, on gambling, dealing with corruption of local officials "could be extremely useful"—ABCNY at 35.

The bar committee appears to assume that substantive criminal prohibitions like those found in title VIII are self-executing. The truth is that title VIII is a useful but limited extension of the already broad Federal jurisdiction over illegal gambling. Enactment of title VIII will assist the Federal Government, by permitting effective prosecutions in some gambling cases which are interstate in character but as to which it is not now possible to find specific evidence of interstate involvement, but the improvement in the effectiveness of the federal effort against organized crime which this provision of title VIII will cause will be relatively minor, compared to the improvement which would result from enactment of the procedural provisions of S. 30. As the President's Crime Commission found after a comprehensive examination of the defects in State and Federal laws for dealing with organized crime:

> On the Federal level, and in most State jurisdictions where organized crime exists, the major problem relates to matters of proof rather than inadequacy of substantive criminal laws. . . . From a legal standpoint, organized crime continues to grow because of defects in the evidence-gathering process. (Challenge of Crime at 200.)

In view of that fact and the almost unremitting hostility of the bar committee to S. 30's provisions dealing with the gathering of evidence, the committee's endorsement of a portion of title VIII is a hollow victory indeed for law enforcement—or for society. There is a final flaw in the approach of the bar committee and the union to the provisions of S. 30. After using misstatements of fact and law, biased precedents, nightmarish hypothetical applications, and a one-sided view of the relationship be-

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tween society's interests and those of each individual, and concluding therefore that a provision of S. 30 creates excessive danger to individual liberty, the bar committee and union typically succumb to a classic fallacy by rejecting, rather than proposing to amend, the proposed legislation. The union applies that fallacy virtually without exception, which the bar committee makes a number of affirmative suggestions for changes in provisions of S. 30—often, however, without suggesting that the proposed changes would make the provisions of the bill acceptable to the committee. The bar committee, too, however, often shows that it prefers defeat of a proposal to enactment of the proposal in a different form, as where the committee endorsed the concept of dangerous special offender sentencing—ABCNY at 44—but found the sentencing procedure in title X unsatisfactory and expressly declined to consider how it could be made acceptable—*Id.* at 45.

I find the approach of the New York City Bar Committee and the ACLU to S. 30, which I have described now at some length, to be unresponsive to the real need for effective crime legislation in America today, and unduly responsive to the imagined risks of marginal impingement upon individual liberties. In preference to the approach taken by those bodies, we should try to implement the approach expressed so well by Dean Rosco Pound when he wrote:

> Civilized society presupposes peace and good order, security of social institutions, security of the general morals, and conservation and intelligent use of social resources. But it demands no less than free individual initiative which is the basis of economic progress, that freedom of criticism without which political progress is impossible, and that free mental activity which is a prerequisite of cultural progress. Above all it demands that the individual be able to live a moral and social life as a human being. These claims, which may be put broadly as a social interest in the individual life, continually trench upon the interest in the security of social institutions, and often, in appearance at least, run counter to the paramount interest in the general security. Compromise of such claims for the purpose of securing as much as we may is peculiarly difficult. [Nevertheless,] . . . in criminal law, as everywhere in law, the problem is one of compromise; of balancing conflicting interests and of securing as much as may be with the least sacrifice of other interests. (Pound, *Criminal Justice in the American City* 18–19 (1922).)

Burke put it this way:

> For that which taken singly and by itself may appear to be wrong, when considered with relation to other things may be perfectly right—or at least such as ought to be patiently endorsed as the means of preventing something that is worse. (Stanlis, *Edmund Burke: Selected Writings and Speeches* 318 (Archor 1963).)

In the long run, that approach to criminal legislation will prove more perceptive of our real civil liberties than a rigid, unthinking rejection of measures to strengthen law enforcement. We must seek that kind of balance now, and achieve a practical reconciliation of the need for effective administration of justice with the need to preserve our substantial rights. S. 30 has been written and amended with the intent to make such a reconciliation while there is time and will, on the part of the public, to do so. I hope that we can join in recognizing the Organized Crime Control Act as that kind of legislation, and that the Congress will move swiftly to enact it. We must reject the false cries of "wolf" by these self-appointed shepherds of civil liberties. Crime has a tyranny of its own. Those who love liberty should seek to overthrow this tyrant, too. The time for obstruction is at an end. We must move now to enact this legislation.

Mr. GRIFFIN. Mr. President, will the Senator from Arkansas yield to me?

Mr. McCLELLAN. I yield the floor.

Mr. GRIFFIN. I wish very briefly to commend the distinguished Senator from Arkansas for that excellent statement, and for the leadership that he has provided in trying to get this legislation passed. The Nation desperately needs it, and I hope he will be successful.

Mr. McCLELLAN. I thank the distinguished Senator from Michigan. I think he recognizes, as I do, that there is now developing an organized attack on this proposed legislation, and it is coming, in some measure, from some sources that I do not think would ever be pleased with any law that was designed to protect society and to deal effectively with, particularly, the organized crime element in this country.

Bear in mind, organized crime is a powerful force in America, Mr. President. It is not just something imaginary. It is a powerful force. They have their influence, too, and they are using that influence today to fight this measure. They do not want it to become a law. I do not suggest that all who oppose S. 30 serve other interests, but I know some do. They do not want society to have the additional weapons that this law would provide to enable the law enforcement agencies and officials to move in on them, find out who they are, expose them to public view, and bring them before the bar of justice.

They do not want it; and these influences are at work in American, I know, today, to prevent the enactment of this law. This is one of the statutes that they would like to prevent being enacted. They do not want it. I hope we will be able to pass it.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. MANSFIELD. Just for the Record, the President, I believe, has sent up about 15 crime measures since he has assumed office. The Senate, I think, has passed something on the order of 13 of those 15 proposals.

Mr. McCLELLAN. Seven or eight of them, I believe, are included in this one bill.

Mr. MANSFIELD. Yes. And, of course, we have the District of Columbia bill to make up the rest.

Mr. McCLELLAN. Yes.

Mr. MANSFIELD. In other words, 13 of 15 have been passed by the Senate, but have not been acted on by the House of Representatives and they are over there now. The two that are held up here now are detained because of the need for research on constitutional questions in connection with them.

What I wish to bring out is that the Senate has faced up to its responsibility and done its best to enact the President's program in relation to crime and drug-related offenses.

Mr. McCLELLAN. The Senator is correct, Mr. President; the Senate has faced up to it. I think we have recognized the danger and the menace present in this country. The Senate has acted. The bills are over there, now, in the House of Representatives, and I hope the House will act, and act soon.

What I am trying to do here is to show the false character of the argument being used against this legislation, and to note that the influence of organized crime is being brought to bear to prevent the enactment of this law. I hope that the Members of the House of Representatives will see what is really at stake, and hear this demand from the public for relief, for protection from this insidious force that is infiltrating into every phase of American society, corrupting the body politic as well as the economic and social channels of our Nation.

Mr. GRIFFIN. Mr. President, I am glad that the distinguished majority leader has pointed out the excellent work of the Senate in regard to these various legislative proposals in the field of crime proposed by President Nixon—some 15 of them in all, as I understand.

While it is inappropriate to direct criticism toward the other body, it is still a fact that, as of now, there has not been one of those bills presented for signature to the President of the United States, despite the fact that the crime rate continues to rise and continues to be a shocking circumstance in our Nation. Not a single one of President Nixon's legislative proposals to combat crime has cleared Congress and been presented to him for signature.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The Senate continued with the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

Mr. SPONG. Mr. President, I should like to commend the Senator from West Virginia (Mr. Byrd) for his presentation in behalf of his perfecting amendment to the pending Cooper-Church amendment. I regret that I was not in the Chamber when Senator Byrd made his thorough and reasoned presentation on last Wednesday, but I have gone over his remarks very carefully.

The Senator from West Virginia seeks to alter the pending amendment to assure that the President as Commander in Chief is not precluded from taking such action as may be necessary to protect the lives of U.S. forces in South Vietnam or to facilitate the withdrawal of U.S. forces from South Vietnam. These are commendable objectives, but I should like to ask a few questions which might clarify the record and establish for the purposes of legislative history what the sponsor of the amendment believes to be those actions which the President as

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Commander in Chief might take under the language of his amendment.

I recognize, as the Senator from West Virginia stated in his remarks, that the chances for the Cooper-Church amendment becoming law are remote. Nevertheless, I believe the Senate has an obligation to state, as clearly as possible, its will with regard to our future policy in Cambodia, and that such statement should be within the prerogatives of the legislative branch under our Constitution and consistent with the constitutional prerogatives granted the President as Commander in Chief.

The Senator from West Virginia (Mr. BYRD) has stated that he is opposed to the use of U.S. forces in Cambodia to support Cambodian forces. He has also stated that should his amendment be adopted and subsequently the Cooper-Church language, as amended, adopted, that this would represent a clear voicing of the sentiment of the Senate against American involvement in a war for Cambodia or in support of any Cambodian Government.

Aside from this interpretation by the Senator of the limitation his amendment expresses to the President as Commander in Chief, I should like to know what the sponsor believes is the President's right, as Commander in Chief, under the language of his amendment.

Mr. President, I might say that the Senator from West Virginia has assured me that he will address himself in future debate to these questions, which I am presently placing in the RECORD.

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I repeat, I should like to know if the language of the Byrd amendment contemplates the President's right as Commander in Chief to do the following under the language of that amendment:

First. To prevent enemy forces from crossing the border into South Vietnam and to pursue and destroy such forces as they attempt to leave South Vietnam for Cambodia? This contemplates a distance into Cambodia of no more than 2 or 3 miles.

Second. To destroy enemy supplies, staging area, headquarters, and so forth, in a relatively narrow zone along the Cambodian-South Vietnamese border? This contemplates a zone into Cambodia of approximately 20 miles in width.

Third. To attempt to find and engage any enemy troops within the zone just described, irrespective of whether they are on the verge of entering South Vietnam or whether they are just returning from it?

Fourth. To attempt to occupy and hold the zone in question, thus denying it to the enemy?

Fifth. To engage in any or all of the types of activity described in questions 2, 3, and 4, but to do so throughout all of Cambodia, or at least in parts of it beyond the 20-mile zone near the border?

ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Mr. KENNEDY. Mr. President, if there is no further business to come before the Senate, I move, under the order previously entered, that the Senate stand in adjournment until 10:30 a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 1 minute p.m.) the Senate adjourned until tomorrow, Wednesday, June 10, 1970, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 9, 1970:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Elliot L. Richardson, of Massachusetts, to be Secretary of Health, Education, and Welfare.

IN THE AIR FORCE

The following officer to be placed on the retired list in the grade indicated under the provisions of section 8962, title 10 of the United States Code:

To be lieutenant general

Lt. Gen. Sam Maddux, Jr., 444-40-8603FR (major general, Regular Air Force), U.S. Air Force.

The following-named officer to be assigned to positions of importance and responsibility designated by the President in the grade indicated, under the provisions of section 8066, title 10, United States Code:

To be lieutenant general

Maj. Gen. Eugene B. LeBailly, 720-09-3738FR, Regular Air Force.

IN THE NAVY

The following-named officers of the Navy for temporary promotion to the grade of rear admiral in the staff corps indicated subject to qualification therefor as provided by law:

MEDICAL CORPS

William C. Turville.
Oscar Gray, Jr.
Charles L. Waite.

SUPPLY CORPS

Charles Becker.
Philip Crosby.
Kenneth L. Woodfin.

CIVIL ENGINEER CORPS

Foster M. Lalor, Jr.

DENTAL CORPS

Vernon L. Anderson.

The following-named officers for permanent promotion to the grade of captain in the Navy in accordance with article II, section 2, clause 2 of the Constitution:

Comdr. John W. Young, U.S. Navy.
Comdr. Eugene A. Cernan, U.S. Navy.

HOUSE OF REPRESENTATIVES—*Tuesday, June 9, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Be doers of the word and not hearers only.—James 1: 22.

O God, our Father, who art the creator of the world and the sustainer of life, into Thine ennobling presence we lift our spirits this day. Awaken in us the realization that Thou hast a purpose for each one of us, that life is filled with meaning, and that Thou dost even now speak to us in a still, small voice. Hushed we stand in Thy presence, seeking Thy guidance, eager to do Thy will, and ready to make our land a safe place in which to live.

Somehow we have failed in many ways. This Nation is not what it ought to be. There is too much violence, too much ill will, too much division. We pray that through the power of Thy spirit we, the representatives of our people, may bring a new unity of purpose to our country, a higher value of true patriotism, a greater conception of what it means to be an American, and a more passionate concern for the welfare of our citizens.

May our example in maturity help bring maturity to those younger than we. In the Redeemer's name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 14306. An act to amend the tobacco marketing provisions of the Agricultural Adjustment Act of 1938, as amended.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11102) entitled "An act to amend the provisions of the Public Health Service Act relating to the construction and modernization of hospitals and other medical facilities by providing separate authorizations of appropriations for new construction and for modernization of facilities, authorizing Federal guarantees of loans for such construction and modernization and Federal payment of part of the interest thereon, authorizing grants for modernization of emergency rooms of general hospitals, and extending and making other improvements in the program authorized by these provisions."

The message also announced that the Senate agrees to the amendments of the House to a bill of the Senate (S. 1479) entitled "An act to amend chapter 19 of title 38, United States Code, in order to increase from $10,000 to $15,000 the amount of Servicemen's Group Life Insurance for members of the uniformed services," with amendments in which concurrence of the House is requested.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON PUBLIC WORKS

The SPEAKER laid before the House the following communication from the chairman of the Committee on Public Works; which was read and referred to the Committee on Appropriations:

Washington, D.C., *June 8, 1970.*

Hon. John W. McCormack,
Speaker of the House,
The Capitol,
Washington, D.C.

My Dear Mr. Speaker: Pursuant to the provisions of the Public Buildings Act of 1959, and the Independent Offices and Department of Housing and Urban Development Appropriation Act, 1969, the House Committee on Public Works on June 4, 1970, approved the following projects:

Grand Rapids, Michigan, Courthouse and Federal Office Building (Construction) (Revision); and

Detroit, Michigan, Department of the Treasury, Internal Revenue Service National Data Center (Lease Construction) (Revision), with the amendment that the project be approved subject to the condition that the facility leased pursuant to said prospectus be located within the city limits of Detroit, Michigan.

Sincerely yours,
George H. Fallon,
Chairman.

THE LATE HONORABLE CLIFFORD DAVIS

(Mr. EVINS of Tennessee asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. EVINS of Tennessee. Mr. Speaker, it is my sad duty to announce to the House the passing late yesterday evening of our former colleague and friend, Clifford Davis, of Memphis, Tenn.

Cliff passed away quietly at his home yesterday evening while watching the news on television, shortly after returning home from his law office.

Cliff Davis served in the House for 24 years. He was an able and popular Member. He diligently and ably represented his district, State, and Nation. At the time of his retirement from the Congress he was dean of the delegation in the House from Tennessee.

He was an outstanding legislator who served on the Committee on Public Works and the Armed Services Committee.

As a member of the Committee on Public Works, he was chairman of the Subcommittee on Flood Control and chairman of the Subcommittee on Property Acquisition. He was also chairman of the House Select Committee on Campaign Expenditures.

Among his outstanding legislative achievements was sponsorship of the Appalachian Regional Development Act. He was also cosponsor of the Federal Interstate Highway Act.

He sponsored major legislation strengthening and supporting the Tennessee Valley Authority.

He made great contributions to water resource development and as chairman of the Subcommittee on Flood Control of the Public Works Committee, he had the responsibility of authorizing and approving all major water resource development projects in the Nation. Many outstanding water resource projects throughout the Nation are monuments to the foresight and dedication of Cliff Davis, who worked for the building of a greater and stronger America.

Cliff Davis was a great Tennessean, a great American, and a grand gentleman. He was a genial, warm, and personable friend.

We are all saddened by the passing of Cliff Davis—a wonderful man. I want to take this means of conveying to his lovely and devoted wife, Carrie, and other members of the family this expression of my deepest and most sincere sympathy. Mrs. Evins joins me in these expressions and sentiments.

Funeral arrangements are incomplete and will be announced later. Friends may visit at Gawler's Funeral Home—but services will be in Memphis, Tenn.

Mr. Speaker, a special day and time will be announced later to give all Members an opportunity of paying tribute to the life and service of Clifford Davis of Tennessee.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to the distinguished Speaker of the House, the gentleman from Massachusetts.

Mr. McCORMACK. While a special day will be set later, I do want to take this opportunity, however, to express my keen regret at the passing on of my dear friend and our late beloved former colleague, Congressman Cliff Davis of Tennessee.

Cliff Davis served in this body with outstanding distinction for at least 24 years. He has left his imprint and his mark on the pages of American history, and particularly on the pages of American legislative history.

He was a bulwark of strength in connection with the national defense of our country. He was one of the great leaders of our country in utilizing and building up our natural resources for the benefit of our country, particularly in the development of the great rivers of our country and the building of dams for flood control and flood protection, and for other purposes, where our natural resources could be so utilized.

It was only the other day that Cliff Davis dropped in to see me and, as always, I was glad to see him on those visits he always paid me when he was up on Capitol Hill.

He was one of the most charming men I have ever met. His personality was very impressive. He possessed a beautiful and rich mind.

In his relationship to human beings, he was possessed of profound and deep understanding. Coming from a section of his State where oftentimes he might have been misunderstood, but inadvertently so, although that was the fact, he was a leader in the fight—always a leader in the fight for the passage of legislation to bring about a better understanding among Americans in fighting the battle for justice, which is oftentimes more effectively done by fighting the battle against injustice.

Cliff Davis was one of the most valuable Members of the House, one of the most dedicated Members, one of the hardest working Members with whom I have ever served. He was always willing to do a favor for a colleague of his, without regard to party, in having projects approved, bills approved, fighting for appropriations which would bring security and safety to the people of our country. That middle aisle, as I have said so many times, means nothing where friendship is concerned, and it certainly meant nothing, no hindrance or no obstacle, where Clifford Davis was concerned. To him friendship meant something; it was not a one-way street, but it was a two-way street.

Furthermore, I want to pay my respects to him as a great American. During a most trying period of our world's history he served this great country of ours on one of our great national defense committees, doing so with great courage, great distinction, and outstanding ability. We who know Cliff Davis have had our lives enriched by that knowledge and our associations with him.

Cliff Davis has made his mark in print, as I have heretofore said, upon the legislative pages of our Government.

For Mrs. McCormack and myself—and I know I also bespeak the sentiments of my colleagues who served with Cliff Davis or who knew him—I extend to Mrs. Davis and her loved ones the sympathy of not only Mrs. McCormack and myself, but that of all my colleagues in her great loss and sorrow.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. I join the distinguished Speaker in paying my respects to Cliff Davis.

When I first came to the House, I was assigned to the Committee on Public Works. Cliff Davis was a relatively senior member of that committee on the opposite side of the aisle. He was most helpful to me. He was extremely friendly in every way that one could be as a senior member in his relationships with a new member. I learned a great deal about the committee and the legislative process through my association with Cliff Davis. I expressed to him when he left my gratitude for his help and assistance.

I think Cliff Davis had one of the most wonderful senses of humor of any man that I have ever served with in this body. He was a terrific storyteller, a master of ceremonies who was the very best.

On the other hand, he could be extremely serious and very constructive in his approach to the problems that we face in committee or in the House of Representatives as a whole. I think Cliff Davis did leave an indelible mark in his committee work as well as on the floor of the House, and when he left, I thought he left a void that would be hard for anyone to fill. It was always wonderful to see Cliff when he came back. He was back here not many weeks ago to renew his friendships with the people with whom he had served.

It is a sad and sorrowful day to learn that Cliff Davis has passed away, and to Mrs. Davis and to his family I extend the deepest condolences of Mrs. Ford and myself.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to the distinguished majority leader.

Mr. ALBERT. I join my distinguished

friend from Tennessee, Mr. EVINS, the Speaker, the minority leader, and others in expressing my own feeling of deep personal loss and sorrow over the death of Cliff Davis. Many fine things have already been said about him; many more could be said. He was an able Member of the House. He was a constructive Member of the House. He was a builder. He was a great American as well as a great Tennessean. He was loyal to his party, but he always put his country first.

I repeat, Mr. Speaker, that Cliff's death was a personal loss to me. No Member of the House ever befriended me more. None was ever more helpful. He was always there to give a hand when a hand was needed. Mr. Speaker, I loved Clifford Davis.

Cliff and his wonderful wife, Carrie Davis, made outstanding contributions to the community life of Washington and their own city of Memphis. They were towers of strength in the Democratic Party. Their total contributions to our party were unsurpassed by any family team I have ever known. We who belong to the Democratic Party will be eternally grateful to them.

Cliff was a man of good humor, a man of great wit and keen understanding. He was a man of the highest integrity, great personal loyalty, and deep fidelity to his loved ones and to his friends.

To his good wife Carrie and to all their loved ones and host of friends my wife, Mary, joins me in extending our deepest sympathy. May God comfort them in their grief.

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Mr. EVINS of Tennessee. Mr. Speaker, I yield to the gentleman from Tennessee (Mr. KUYKENDALL).

Mr. KUYKENDALL. Mr. Speaker, I join the distinguished chairman of our delegation in expressing deep personal sorrow over the death of our mutual friend and fellow Tennessean, the Honorable Clifford Davis.

The citizens of my city sent Cliff Davis to this body for 24 years, and he derived a large pleasure from helping them with their problems.

Even after he returned to private law practice in Washington, he never grew tired of helping people. I know this from personal experience, having been the beneficiary of his kindness when I came here as a green freshman in 1967. I listened to his counsel and profited from his knowledge of the House, while his lovely wife Carrie was at the same time answering the many questions that Mrs. Kuykendall had for her.

He was a man who had faced death in the official performance of his duty. Some of the furniture in this room still bears the bullet scars from the 1954 incident when he was one of five Members who were shot from the gallery; and he was returning to his district in 1962 when a plane crash in Knoxville almost took our Representative from us. He escaped the first incident with a bullet wound in his leg, and the second one without a scratch.

There are many monuments to Cliff Davis' legislative career in Memphis. But I am sure the one he is proudest of is our magnificent Port of Memphis with its industrial complex on President's Island. As the chairman of the Public Works Subcommittee on Flood Control, he had a vital interest in the Nation's waterways, and this interest reached its zenith in the harbor and the industrial complex that was truly "the house that Cliff built."

Those of us who knew him well have lost a true friend, and we all pray that God grant Mrs. Davis the strength to endure her loss.

Mr. EVINS of Tennessee. Mr. Speaker, I yield to the distinguished whip of the House, the distinguished gentleman from Louisiana (Mr. BOGGS).

Mr. BOGGS. Mr. Speaker, I join with the gentleman from Tennessee and the others who have expressed sadness at the passing of our old and beloved colleague, Clifford Davis.

Those of us who live in the lower Mississippi Valley, particularly at the very end of it, owe a great debt of gratitude to Cliff Davis. When he first came to the House of Representatives the comprehensive flood control and navigation projects that are now accepted as if they had existed always were not built. It was Cliff Davis' vision and foresight and diligence and hard work that made possible the magnificent flood control protection which now prevails throughout the Mississippi River system.

In addition to that, there were his contributions to the development of the great inland waterway system. Today, there is more traffic carried on the inland waterways of our country than at any time in our history. This is a monument to Cliff Davis. It was Cliff Davis who had the vision and responsibility for the legislation which made this possible.

Finally, as the other speakers have said, Cliff Davis was a friend, a good friend, a good Member of the House, considerate of his colleagues on both sides of the aisle, and a man of compassion. His dear wife Carrie, I think, is as beloved in Memphis as in Washington. She and Mrs. Boggs have been lifelong friends. We were shocked this morning to read in the press of the passing of our friend and we extend to Carrie and the family our own sense of loss.

Mr. WHITTEN. Mr. Speaker, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to the gentleman from Mississippi .

Mr. WHITTEN. Mr. Speaker, I realize we are to have another day in which to eulogize and pay our respects to our late friend Clifford Davis. I expect to speak at that time. However, I would not let this occasion pass without comment. Clifford Davis originally was from my home State.

I probably had the privilege of knowing him longer than anyone here. I was district attorney just below Memphis, Tenn., when he was city commissioner there.

Through the years it has been my privilege to work with Cliff Davis. His career has been not by appointment or anointment, for Cliff fought his way into the organization which later supported him. A fine and able man, a true friend and great Congressman; his works will live on.

I wish at this time to convey to his beloved wife Carrie and his fine family our sincere and heartfelt sympathy at this time of sorrow.

Mr. BOLLING. Mr. Speaker, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to the gentleman from Missouri.

Mr. BOLLING. I should like to add a word to the tributes paid to Cliff Davis. It was my privilege to know him well.

He was one of that large group of Members of the House of Representatives who, while well known in their districts and well known in the House of Representatives, are little known to the general public. Cliff Davis was an unusually able and dedicated public servant. I wish that more people in the United States understood how many Members of the House of Representatives fall into the category I have just described.

He also was blessed with a most remarkable wife. To her I express my deepest sympathy.

Mr. ANDREWS of Alabama. Mr. Speaker, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to the gentleman from Alabama.

Mr. ANDREWS of Alabama. I am distressed to hear of the death of my former colleague and good friend.

I served with Cliff for many years. I have never known a man in this House with a sweeter disposition than he had. To know him was to love him. He was a man of tremendous ability. I have seen him show that ability on the floor of the House many, many times.

He was a good, loyal American, and I shall certainly personally miss him.

I had the pleasure of being with him here on the floor a few weeks ago. I always felt better when I met and talked with Cliff Davis. We will miss him.

Mr. BLANTON. Mr. Speaker, although I come before you with a saddened heart, I am still honored to pay tribute to a former colleague of this great governmental body, Hon. Clifford Davis.

While I did not have the privilege of serving in the House of Representatives with this great statesman, his reputation and example of dedication to his people have been an inspiration to me.

Cliff Davis was not only a Congressman from Tennessee, but rather a Congressman for Tennessee, as he represented his people with pride and distinction. Yet, a friend to all, he maintained his high ideals of justice and fairness which will live longer than any moral body can contain.

The best recollection I have about Cliff, was his strong sense of humanism and his dedication to the morality that has pervaded the American people and made them able to endure all the hardships that befall a great nation.

His 24 years of service in the House of Representatives will long be remembered by all. And we all mourn him.

This tribute of recognition is a small way in which to express deep gratitude to a man that has done so much for his fellow mankind, but his deeds will live forever.

My family joins me in extending heartfelt sympathy to his beloved wife and family.

Mr. FALLON. Mr. Speaker, Cliff Davis

was a real individual. He was one of those people one meets in life and always remembers. He had a talent for friendship. He had a talent for leadership and a unique talent for being a wonderful, warm human being. Cliff Davis has passed away and I have lost a friend. Yet, Cliff Davis will remain in our memories for the long years of association with him in this body, for the work we did together, and for the good times we had together. Our lives have been enriched for knowing him.

I shall miss Cliff Davis. As all of those who knew him well, he was always referred to respectfully as "the Judge." He was elected to the House of Representatives in 1940 after a successful career in Memphis, Tenn., as a municipal court judge, vice mayor, and commissioner of public safety. He served in the House of Representatives with distinction through 1964, a period of 24 years. From the first day I came to the House of Representatives, I knew Cliff Davis. I worked with him in the Committee on Public Works and I saw the many contributions he made as a legislator to his district, to his State, and to his country. He served with distinction as chairman of the Subcommittee on Flood Control, chairman of the Select Subcommittee on Real Property Acquisition of the Committee on Public Works, and was appointed by the Speaker of the House to serve as chairman of the Special Committee To Investigate Campaign Expenditures for the House of Representatives for five consecutive terms.

Cliff's contribution to this country's development can be seen in the fine Corps of Engineers' projects built across this country which have provided safety, well-being and needed recreation to millions of our citizens. His contribution to this country can be seen in the Appalachia program, its development, and the help it has given and the hope it has created in the hearts of millions of our citizens in these poverty stricken areas. His contribution to this country will be seen in many other ways in legislation, some of which is enacted, and some of which is still to be enacted, such as a far-reaching and important Federal land acquisition and relocation program.

Cliff's contribution to this country can be seen, of course, in the tremendous work he did to develop the Southeastern part of the United States for his long fight to see that the Tennessee Valley Authority would have its rightful place in the development of America's economy.

Cliff Davis is gone and I will miss him. To Mrs. Davis, to Cliff's sons, Clifford, Jr., and Ray, and to his daughter, Mrs. George Chauncey (Barbara), Mrs. Fallon and I extend our deepest sympathy.

Mr. EDMONDSON. Mr. Speaker, I want to join my colleagues in their expressions of personal loss and sympathy in the death of our beloved former colleague, Cliff Davis.

Judge Davis was a wonderful friend on the House Committee on Public Works during my early service on that committee. He was never too busy to listen to a colleague's problems, and he was wonderfully effective in helping to solve the problems of a friend.

I never met a man with a more delightful since of humor and I never knew a man with more friends that Cliff Davis.

He was a great human being, and he will be missed by all who knew him.

My wife joins me in sending our deepest sympathy to Mrs. Davis and the family.

Mr. JONES of Alabama. Mr. Speaker, I want to pay tribute today to a distinguished former Member, the Honorable Clifford Davis, who has passed away.

I have never had a closer relationship with anyone serving in the Congress than I had with him.

He was the most effective legislator I have ever served with. He had a complete knowledge of his subject matter and engaged it in the service of his country. No one has done more during their tenure to add to the strength of this country than Cliff Davis.

He was entertaining and enjoyable to be around. He was one of the most engaging speakers we have ever known.

He was courteous, considerate, and kind.

He was never so intemperate of mind that it destroyed his purpose to accomplish things which were most beneficial to the people of this Nation.

He was never sectional in his outlook as is attested by the fact that not a State of the Union has escaped his handiwork in building a multitude of water resource projects. Not a drop of water falls in America today and flows through our streams without benefit of the influence of Cliff Davis.

I have lost a fine companion, a great adviser, a stalwart for purpose and, above all else, I have lost a devoted, kind, and generous friend.

To his family, I offer my most heartfelt sympathy at this time of their great loss and bereavement.

Mr. ALEXANDER. Mr. Speaker, I join with my colleagues in mourning the death of the Honorable Cliff Davis. Even though I did not have the opportunity to serve in the House with Congressman Davis, I have heard for years of the effectiveness of this outstanding leader for the people of Memphis.

Having grown up just across the river in Arkansas, I followed the activities of Congressman Davis closely and feel that I have learned from him. I can well remember the occasion when I first met Congressman Davis, and I will never forget that experience.

During my travels throughout eastern Arkansas, I have continued to encounter persons who asked about Congressman Davis. They would then share an experience that they had had with him.

I join with my colleagues in expressing my sympathy to the family of Congressman Davis. My thoughts are with them in this hour of sorrow. Memphis and the Midsouth have lost a true friend.

GENERAL LEAVE TO EXTEND

Mr. EVINS of Tennessee. Mr. Speaker, I ask unanimous consent that all Members who care to do so may extend their remarks in the RECORD on the life, character, and service of the late Honorable Cliff Davis.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

PERSONAL STATEMENT

Mr. CHAMBERLAIN. Mr. Speaker, because of committee business I am not recorded on two record votes. Had I been present, I desire to announce, I would have voted "yea" on rollcall 139 as well as "yea" on rollcall 143.

PERMISSION FOR SUBCOMMITTEE ON HOUSING, COMMITTEE ON BANKING AND CURRENCY, TO SIT DURING GENERAL DEBATE TODAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Subcommittee on Housing of the Committee on Banking and Currency may sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

CALL OF THE HOUSE

Mr. HALL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 158]

Abernethy
Alexander
Anderson, Tenn.
Ashbrook
Aspinall
Ayres
Baring
Beall, Md.
Biester
Blatnik
Bray
Brock
Brown, Calif.
Carey
Celler
Clark
Clay
Conte
Conyers
Corman
Coughlin
Cowger
Daddario
Dawson
Diggs
Dorn
Downing
Edwards, Ala.
Edwards, Calif.
Fisher
Ford, William D.
Gallagher
Gaydos
Gettys
Gibbons
Gilbert
Gray
Hansen, Wash.
Hébert
Hungate
Jarman
Kirwan
Koch
McCarthy
McMillan
Mann
May
Meskill
Minshall
Morgan
Morton
Moss
Nichols
Ottinger
Passman
Pelly
Pepper
Pickle
Pike
Pollock
Powell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Reifel
Reuss
Rivers
Rooney, N.Y.
Roudebush
Scheuer
Schwengel
Symington
Teague, Calif.
Whitehurst
Wilson, Bob
Wold

The SPEAKER. On this rollcall 353 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CONFERENCE REPORT ON H.R. 11102, MEDICAL FACILITIES CONSTRUCTION AND MODERNIZATION AMENDMENTS OF 1970

Mr. STAGGERS submitted the following conference report and statement on the bill (H.R. 11102) to amend the provisions of the Public Health Service Act

relating to the construction and modernization of hospitals and other medical facilities by providing separate authorizations of appropriations for new construction and for modernization of facilities, authorizing Federal guarantees of loans for such construction and modernization and Federal payment of part of the interest thereon, authorizing grants for modernization of emergency rooms of general hospitals, and extending and making other improvements in the program authorized by these provisions:

CONFERENCE REPORT (H. REPT. No. 91-1167)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11102) to amend the provisions of the Public Health Service Act relating to the construction and modernization of hospitals and other medical facilities by providing separate authorizations of appropriations for new construction and for modernization of facilities, authorizing Federal guarantees of loans for such construction and modernization and Federal payment of part of the interest thereon, authorizing grants for modernization of emergency rooms of general hospitals, and extending and making other improvements in the program authorized by these provisions, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SHORT TITLE; DEFINITION

SECTION 1. (a) This Act may be cited as the "Medical Facilities Construction and Modernization Amendments of 1970".

(b) As used in the amendments made by this Act, the term "Secretary", unless the context otherwise requires, means the Secretary of Health, Education, and Welfare.

TITLE I—GRANTS FOR CONSTRUCTION AND MODERNIZATION OF HOSPITALS AND OTHER MEDICAL FACILITIES

PART A—EXTENSION OF GRANT PROGRAM

AUTHORIZATION OF APPROPRIATIONS FOR CONSTRUCTION GRANTS

SEC. 101. (a) Section 601 of the Public Health Service Act (42 U.S.C. 219a) is amended—

(1) by striking out "next five" in paragraph (a) and inserting in lieu thereof "next eight";

(2)(A) by striking out "$70,000,000" in subparagraph (1) of paragraph (a) and inserting in lieu thereof "$85,000,000",

(B) by striking out "$20,000,000" in subparagraph (2) of such paragraph and inserting in lieu thereof "$70,000,000", and

(C) by striking out "$10,000,000" in subparagraph (3) of such paragraph and inserting in lieu thereof "$15,000,000"; and

(3) by striking out in paragraph (b) "and $195,000,000 for the fiscal year ending June 30, 1970." and inserting in lieu thereof "$195,000,000 for the fiscal year ending June 30, 1970, $147,500,000 for the fiscal year ending June 30, 1971, $152,500,000 for the fiscal year ending June 30, 1972, and $157,500,000 for the fiscal year ending June 30, 1973; and".

(b) The amendments made by subsection (a) shall take effect with respect to appropriations made under such section 601 for fiscal years beginning after June 30, 1970.

AUTHORIZATION OF APPROPRIATIONS FOR MODERNIZATION GRANTS

SEC. 102. (a) Effective with respect to appropriations made under section 601 of the Public Health Service Act for fiscal years beginning after June 30, 1970, such section is further amended—

(1) by striking out in paragraph (b) the following: "and for grants for modernization of such facilities and the facilities referred to in paragraph (a)";

(2) by adding after paragraph (b) the following new paragraph:

"(c) for grants for modernization of the facilities referred to in paragraphs (a) and (b), $65,000,000 for the fiscal year ending June 30, 1971, $80,000,000 for the fiscal year ending June 30, 1972, and $90,000,000 for the fiscal year ending June 30, 1973."; and

(3) by inserting "AND MODERNIZATION" after "CONSTRUCTION" in the section heading.

STATE ALLOTMENTS

SEC. 103. (a) Effective with respect to appropriations pursuant to section 601 of the Public Health Service Act for fiscal years beginning after June 30, 1970, section 602(a) of such Act (42 U.S.C. 291b) is amended to read as follows:

"(a)(1) Each State shall be entitled for each fiscal year to an allotment bearing the same ratio to the sums appropriated for such year pursuant to subparagraphs (1), (2), and (3), respectively, of section 601(a), and to an allotment bearing the same ratio to the sums appropriated for such year pursuant to section 601(b), as the product of—

"(A) the population of such State, and

"(B) the square of its allotment percentage,

bears to the sum of the corresponding products for all of the States.

"(2) For each fiscal year, the Secretary shall, in accordance with regulations, make allotments among the States, from the sums appropriated for such year under section 601(c), on the basis of the population, the financial need, and the extent of the need for modernization of the facilities referred to in paragraphs (a) and (b) of section 601, of the respective States."

(b) Effective with respect to allotments from such appropriations, section 602(b)(1) of such Act is amended by—

(1) striking out "$25,000" and "$50,000" in subparagraph (A) and inserting in lieu thereof "$50,000" and "$100,000", respectively;

(2) striking out "$50,000" and "$100,000" in subparagraph (B) and inserting in lieu thereof "$100,000" and "$200,000", respectively;

(3) striking out "$100,000" and "$200,000" in subparagraph (C) and inserting in lieu thereof "$200,000" and "$300,000", respecttively; and

(4) striking out "or" at the end of subparagraph (B), inserting "or" at the end of subparagraph (C), and adding after and below subparagraph (C) the following new subparagraph:

"(D) $200,000 for the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, or Guam and $300,000 for any other State in the case of an allotment for grants for the modernization of facilities referred to in paragraphs (a) and (b) of section 601,".

(c) The Secretary of Health, Education, and Welfare shall conduct a study of the effects of the formula specified in section 602(a)(1) of the Public Health Service Act for allotment among the States of sums appropriated for construction of health facilities, and shall report to the Congress on May 15, 1972, the result of such study, together with recommendations for such changes, if any, in such formula as he may determine to be desirable, together with his justification for any changes so recommended.

TRANSFER OF ALLOTMENTS

SEC. 104. Effective with respect to allotments from appropriations made pursuant to section 601 of the Public Health Service Act for fiscal years beginning after June 30, 1970, section 602(e) of the Public Health Service Act is amended to read as follows:

"(e)(1) Upon the request of any State that a specified portion of any allotment of such State under subsection (a) for any fiscal year be added to any other allotment or allotments of such State under such subsection for such year, the Secretary shall promptly (but after application of subsection (b)) adjust the allotments of such State in accordance with such request and shall notify the State agency; except that the aggregate of the portions so transferred from an allotment for a fiscal year pursuant to this paragraph may not exceed the amount specified with respect to such allotment in clause (A), (B), (C), or (D), as the case may be, of subsection (b)(1) which is applicable to such State.

"(2) In addition to the transfer of portions of allotments under paragraph (1), upon the request of any State that a specified portion of any allotment of such State under subsection (a), other than an allotment for grants for the construction of public or other nonprofit rehabilitation facilities, be added to another allotment of such State under such subsection, other than an allotment for grants for the construction of public or other nonprofit hospitals and public health centers, and upon simultaneous certification to the Secretary by the State agency in such State to the effect that—

"(A) it has afforded a reasonable opportunity to make applications for the portion so specified and there have been no approvable applications for such portion, or

"(B) in the case of a request to transfer a portion of an allotment for grants for the construction of public or other nonprofit hospitals and public health centers, use of such portion as requested by such State agency will better carry out the purposes of this title,

the Secretary shall promptly (but after application of subsection (b)) adjust the allotments of such State in accordance with such request and shall notify the State agency.

"(3) In addition to the transfer of portions of allotments under paragraph (1) or (2), upon the request of any State that a specified portion of an allotment of such State under paragraph (2) of subsection (a) be added to an allotment of such State under paragraph (1) of such subsection for grants for the construction of public or other nonprofit hospitals and public health centers, and upon simultaneous certification by the State agency in such State to the effect that the need for new public or other nonprofit hospitals and public health centers is substantially greater than the need for modernization of facilities referred to in paragraph (a) or (b) of section 601, the Secretary shall promptly (but after application of subsection (b) of this section) adjust the allotments of such State in accordance with such request and shall notify the State agency.

"(4) After adjustment of allotments of any State, as provided in paragraph (1), (2), or (3) of this subsection, the allotments as so adjusted shall be deemed to be the State's allotments under this section."

PART B—OPERATION OF GRANT PROGRAM

PRIORITY OF PROJECTS

SEC. 110. Effective with respect to applications approved under title VI of the Public Health Service Act after June 30, 1970, section 603(a) of such Act (42 U.S.C. 291c) is amended—

(1) by striking out "rural communities and areas with relatively small financial resources" in clause (1), and inserting in lieu thereof "areas with relatively small financial resources and, at the option of the State, rural communities",

(2) by striking out "and" at the end of clause (2), and

(3) by adding after clause (3) the following new clauses:

"(4) in the case of projects for construction or modernization of outpatient facilities, to any outpatient facility that will be located in, and provide services for residents of, an area determined by the Secretary to be a rural or urban poverty area;

"(5) to projects for facilities which, alone or in conjunction with other facilities, will provide comprehensive health care, including outpatient and preventive care as well as hospitalization.

"(6) to facilities which will provide training in health or allied health professions; and

"(7) to facilities which will provide to a significant extent, for the treatment of alcoholism;".

AREAWIDE AND STATE HEALTH PLANNING AGENCIES

SEC. 111. (a) Effective with respect to applications approved under title VI of the Public Health Service Act after June 30, 1970, clause (4) of the first sentence of section 605(b) of such Act (42 U.S.C. 291e) is amended by striking out "State agency and" and inserting in lieu thereof "State agency, opportunity has been provided, prior to such approval and recommendation, for consideration of the project by the public or nonprofit private agency or organization which has developed the comprehensive regional, metropolitan area, or other local area plan or plans referred to in section 314(b) covering the area in which such project is to be located or, if there is no such agency or organization, by the State agency administering or supervising the administration of the State plan approved under section 314(a), and the application is for a project for which".

(b) Section 314(b) of such Act (42 U.S.C. 246) is amended by adding after the first sentence the following new sentence: "No grant may be made under this subsection after June 30, 1970, to any agency or organization to develop or revise health plans for an area unless the Secretary determines that such agency or organization provides means for appropriate representation of the interests of the hospitals, other health care facilities, and practicing physicians serving such area, and the general public."

PORTION OF ALLOTMENT AVAILABLE FOR STATE PLAN ADMINISTRATION

SEC. 112. Effective with respect to expenditures under a State plan approved under title VI of the Public Health Service Act which are made for administration of such plan during any fiscal year beginning after June 30, 1970—

(1) the first sentence of subsection (c)(1) of section 606 of such Act (42 U.S.C. 291f) is amended (A) by striking out "2 per centum" and inserting in lieu thereof "4 per centum", and (B) by striking out "$50,000" and inserting in lieu thereof "$100,000"; and

(2) paragraph (2) of subsection (c) of such section 606 is amended by striking out "June 30, 1964" and inserting in lieu thereof "June 30, 1970".

FEDERAL SHARE

SEC. 113. Effective with respect to projects approved under title VI of the Public Health Service Act after June 30, 1970, the section of such Act herein redesignated as section 645(b) (42 U.S.C. 291o) is amended to read as follows:

"(b)(1) The term 'Federal share' with respect to any project means the proportion of the cost of such project to be paid by the Federal Government under this title.

"(2) With respect to any project in any State for which a grant is made from an allotment from an appropriation under section 601, the Federal share shall be the amount determined by the State agency designated in accordance with section 604, but not more than 66⅔ per centum or the State's allotment percentage, whichever is the lower, except that, if the State's allotment percentage is lower than 50 per centum, such allotment percentage shall be deemed to be 50 per centum for purposes of this paragraph.

"(3) Prior to the approval of the first project in a State during any fiscal year the State agency designated in accordance with section 604 shall give the Secretary written notification of the maximum Federal share established pursuant to paragraph (2) for projects in such State to be approved by the Secretary during such fiscal year and the method for determining the actual Federal share to be paid with respect to such projects; and such maximum Federal share and such method of determination for projects in such State approved during such fiscal year shall not be changed after such approval.

"(4) Notwithstanding the provisions of paragraphs (2) and (3) of this subsection, the Federal share shall, at the option of the State agency, be equal to the per centum provided under such paragraphs plus an incentive per centum (which when combined with the per centum provided under such paragraphs shall not exceed 90 per centum) specified by the State agency in the case of (A) projects that will provide services primarily for persons in an area determined by the Secretary to be a rural or urban poverty area, and (B) projects that offer potential for reducing health care costs through shared services among health care facilities, through inter-facility cooperation, or through the construction or modernization of free-standing outpatient facilities."

DEFINITION OF HOSPITAL

SEC. 114. (a) Effective with respect to applications approved under title VI of the Public Health Service Act after June 30, 1970, paragraph (c) of the section of such Act redesignated (by section 201 of this Act) as section 645 is amended—

(1) by inserting after "nurses' home facilities," the following: "extended care facilities, facilities related to programs for home health services, self-care units,"; and

(2) by inserting a comma immediately before "operated" and inserting immediately before "but does not include" the following: "and also includes education or training facilities for health professions personnel operated as an integral part of a hospital,".

STATE ADVISORY COUNCILS

SEC. 115. Effective July 1, 1970, section 604 (a)(3) of the Public Health Service Act (42 U.S.C. 291d) is amended—

(a) by inserting "(A)" after "shall include", and

(b) by inserting after "rehabilitation services, and" the following: "representatives particularly concerned with education or training of health professions personnel, and (B)".

CHANGE IN NAME AND CLARIFICATION OF FUNCTIONS OF DIAGNOSTIC OR TREATMENT CENTER

SEC. 116. (a) Sections 601(a)(2) and 602 (b)(1)(B) of the Public Health Service Act (42 U.S.C. 291a, 291b) are each amended by striking out "diagnostic or treatment centers" and inserting in lieu thereof "out patient facilities".

(b) Section 604(a)(4)(C) of such Act (42 U.S.C. 291d) is amended by striking out "diagnostic or treatment centers" and inserting in lieu thereof "outpatient facilities" and by striking out "such centers" and inserting in lieu thereof "such facilities".

(c) Section 604(a)(5) of such Act (42 U.S.C. 291d) is amended by striking out "diagnostic or treatment centers" and inserting in lieu thereof "outpatient facilities".

(d) Section 609(b) of such Act (42 U.S.C. 291i) is amended by striking out "diagnostic or treatment center" and inserting in lieu thereof "outpatient facility".

(e) Section 605(e) of such Act (42 U.S.C. 29(e)) is amended by—

(1) striking out "a diagnostic or treatment center" and inserting in lieu thereof "an outpatient facility", and

(2) inserting before the period at the end thereof "or which provides reasonable assurance that the services of a general hospital will be available to patients of such facility who are in need of hospital care".

(f) Paragraph (f) of the section of the Public Health Service Act redesignated (by section 201 of this Act) as section 645 (42 U.S.C. 291o) is amended—

(1) by striking out "diagnostic or treatment center" and inserting in lieu thereof "outpatient facility",

(2) by inserting after "means a facility" the following: "(located in or apart from a hospital)",

(3) by inserting after "ambulatory patients" the following: "(including ambulatory inpatients)", and

(4) by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; or" and by adding after paragraph (2) the following new paragraph:

"(3) which offers to patients not requiring hospitalization the services of licensed physicians in various medical specialties, and which provides to its patients a reasonably full-range of diagnostic and treatment services."

(g) The amendments made by subsection (e) and paragraphs (2) and (3) of subsection (f) of this section shall apply with respect to applications approved under title VI of such Act after June 30, 1970.

DEFINITION OF FACILITY FOR LONG-TERM CARE

SEC. 117. Effective with respect to applications approved under title VI of the Public Health Service Act after June 30, 1970, paragraph (h) of the section of such Act redesignated (by section 201 of this Act) as section 645 (42 U.S.C. 291o) is amended by inserting after "means a facility" the following: "(including an extended care facility)".

GRANTS FOR EQUIPMENT

SEC. 118. Effective with respect to projects approved under title VI of the Public Health Service Act after June 30, 1970, paragraph (i) of the section of such Act redesignated (by section 201 of this Act) as section 645 (42 U.S.C. 291o) is further amended by inserting before the semicolon "and, in any case in which it will help to provide a service not previously provided in the community, equipment of any buildings".

INCLUSION OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS

SEC. 119. (a)(1) Subparagraphs (A), (B), and (C) of paragraph (1) of subsection (b) of section 602 of the Public Health Service Act (42 U.S.C. 291b) are each amended by inserting "the Trust Territory of the Pacific Islands," after "American Samoa,".

(2) Paragraph (2) of such subsection is amended by inserting "the Trust Territory of the Pacific Islands," after "American Samoa,".

(b) Paragraph (1) of subsection (c) of such section is amended by inserting "the Trust Territory of the Pacific Islands," after "American Samoa,".

(c) Paragraphs (1) and (2) of subsection (d) of such section are each amended by inserting "the Trust Territory of the Pacific Islands," after "American Samoa,".

(d) The section of such Act redesignated (by section 201 of this Act) as section 645(a) (42 U.S.C. 291o) is amended by inserting "the Trust Territory of the Pacific Islands," after "American Samoa,".

(e) The amendments made by this section shall apply with respect to allotments (and grants therefrom) under part A of title VI of the Public Health Service Act for fiscal years ending after June 30, 1970, and with respect to loan guarantees and loans under part B of such title made after June 30, 1970.

WAIVING OF RIGHT OF RECOVERY

SEC. 120. Section (3)(b) of the Hospital and Medical Facilities Amendments of 1964

(Public Law 88-443) is amended by striking out the period at the end of paragraph (5) and inserting in lieu thereof a semicolon, and by adding after such paragraph the following new paragraph:

"(6) the provisions of clause (b) of section 609 of the Public Health Service Act, as amended by this Act, shall apply with respect to any project whether it was approved, and whether the event specified in such clause occurred, before, on, or after the date of enactment of this Act, except that it shall not apply in the case of any project with respect to which recovery under title VI of such Act has been made prior to the enactment of this paragraph."

FINANCIAL STATEMENTS FOR FACILITIES ASSISTED UNDER TITLE VI OF THE PUBLIC HEALTH SERVICE ACT

SEC. 121. Title VI of the Public Health Service Act is amended by adding at the end thereof the following new section:

"FINANCIAL STATEMENTS

"SEC. 646. In the case of any facility for which a grant, loan, or loan guarantee has been made under this title, the applicant for such grant, loan, or loan guarantee (or, if appropriate, such other persons as the Secretary may prescribe) shall file at least annually with the State agency for the State in which the facility is located a statement which shall be in such form, and contain such information, as the Secretary may require to accurately show—

"(1) the financial operations of the facility, and

"(2) the costs to the facility of providing health services in the facility and the charges made by the facility for providing such services,

during the period with respect to which the statement is filed."

CARRYOVER OF ALLOTMENTS

SEC. 122. Effective with respect to allotments made from appropriations under section 601 of the Public Health Service Act for fiscal years beginning after June 30, 1970, section 602(d)(1) of such Act is amended (1) by striking out "for the next fiscal year (and for such year only)" and inserting in lieu thereof "for the next two fiscal years (and for such years only)", and (2) by striking out "purpose for such next fiscal year" and inserting in lieu thereof "purposes for such next two fiscal years".

AVAILABILITY OF EXTENDED CARE SERVICES TO PATIENTS OF GENERAL HOSPITALS

SEC. 123. Section 604(a) of the Public Health Service Act (42 U.S.C. 291d) is amended by striking out "and" at the end of paragraph (11), by striking out the period at the end of paragraph (12) and inserting in lieu thereof "; and", and by adding after paragraph (12) the following new paragraph:

"(13) Effective July 1, 1971, provide that before any project for construction or modernization of any general hospital is approved by the State agency there will be reasonable assurance of adequate provision for extended care services (as determined in accordance with regulations) to patients of such hospital when such services are medically appropriate for them, with such services being provided in facilities which (A) are structurally part of, physically connected with, or in immediate proximity to, such hospital, and (B) either (i) are under the supervision of the professional staff of such hospital or (ii) have organized medical staffs and have in effect transfer agreements with such hospital; except that the Secretary may, at the request of the State agency, waive compliance with clause (A) or (B), or both such clauses, as the case may be, in the case of any project if the State agency has determined that compliance with such clause or clauses in such case would be inadvisable."

TITLE II—LOAN GUARANTEES AND LOANS FOR MODERNIZATION AND CONSTRUCTION OF HOSPITALS AND OTHER MEDICAL FACILITIES

LOAN GUARANTEES AND LOANS FOR MODERNIZATION AND CONSTRUCTION OF HOSPITALS AND OTHER MEDICAL FACILITIES

SEC. 201. Title VI of the Public Health Service Act is amended by redesignating part B as part D; by redesignating sections 621 through 625 (42 U.S.C. 291k-291o), and all references thereto, as sections 641 through 645, respectively; and by inserting after section 610 (42 U.S.C. 291i) the following new part:

"PART B—LOAN GUARANTEES AND LOANS FOR MODERNIZATION AND CONSTRUCTION OF HOSPITALS AND OTHER MEDICAL FACILITIES

"AUTHORIZATION OF LOAN GUARANTEES AND LOANS

"SEC. 621. (a)(1) In order to assist nonprofit private agencies to carry out needed projects for the modernization or construction of nonprofit private hospitals, facilities for long-term care, outpatient facilities, and rehabilitation facilities, the Secretary, during the period July 1, 1970, through June 30, 1973, may, in accordance with the provisions of this part, guarantee to non-Federal lenders making loans to such agencies for such projects, payment of principal of and interest on loans, made by such lenders, which are approved under this part.

"(2) In order to assist public agencies to carry out needed projects for the modernization or construction of public health centers, and public hospitals, facilities for long-term care, outpatient facilities, and rehabilitation facilities, the Secretary, during the period July 1, 1970, through June 30, 1973, may, in accordance with the provisions of this part, make loans to such agencies which shall be sold and guaranteed in accordance with section 627.

"(b)(1) No loan guarantee under this part with respect to any modernization or construction project may apply to so much of the principal amount thereof as, when added to the amount of any grant or loan under part A with respect to such project, exceeds 90 per centum of the cost of such project.

"(2) No loan to a public agency under this part shall be made in an amount which, when added to the amount of any grant or loan under part A with respect to such project, exceeds 90 per centum of the cost of such project.

"(c) The Secretary, with the consent of the Secretary of Housing and Urban Development, shall obtain from the Department of Housing and Urban Development such assistance with respect to the administration of this part as will promote efficiency and economy thereof.

"ALLOCATION AMONG THE STATES

"SEC. 622. (a) For each fiscal year, the total amount of principal of loans to nonprofit private agencies which may be guaranteed or loans to public agencies which may be directly made under this part shall be allotted by the Secretary among the States, in accordance with regulations, on the basis of each State's relative population, financial need, need for construction of the facilities referred to in section 621(a), and need for modernization of such facilities.

"(b) Any amount allotted under subsection (a) to a State for a fiscal year ending before July 1, 1973, and remaining unobligated at the end of such year shall remain available to such State, for the purpose for which made, for the next two fiscal years (and for such years only), and any such amount shall be in addition to the amounts allotted to such State for such purpose for each of such next two fiscal years; except that, with the consent of any such State, any such amount remaining unobligated at the end of the first of such next fiscal year may be reallotted (on such basis as the Secretary deems equitable and consistent with the purposes of this title) to other States which have need therefor. Any amounts so reallotted to a State shall be available for the purposes for which made until the close of the second such next two fiscal years and shall be in addition to the amount allotted and available to such State for the same period.

"(c) Any amount allotted or reallotted to a State under this section for a fiscal year shall not, until the expiration of the period during which it is available for obligation, be considered as available for allotment for a subsequent fiscal year.

"(d) The allotments of any State under subsection (a) for the fiscal year ending June 30, 1971, and the succeeding fiscal year shall also be available to guarantee loans with respect to any project, for modernization or construction of a nonprofit private hospital or other health facility referred to in section 621(a)(1), if the modernization or construction of such facility was not commenced earlier than January 1, 1968, and if the State certifies and the Secretary finds that without such guaranteed loan such facility could not be completed and begin to operate or could not continue to operate, but with such guaranteed loan would be able to do so: *Provided*, That this subsection shall not apply to more than two projects in any one State.

"APPLICATIONS AND CONDITIONS

"SEC. 623. (a) For each project for which a guarantee of a loan to a nonprofit private agency or a direct loan to a public agency is sought under this part, there shall be submitted to the Secretary, through the State agency designated in accordance with section 604, an application by such private nonprofit agency or by such public agency. If two or more private nonprofit agencies, or two or more public agencies, join in the project, the application may be filed by one or more such agencies. Such application shall (1) set forth all of the descriptions, plans, specifications, assurances, and information which are required by the third sentence of section 605(a) (other than clause (6) thereof) with respect to applications submitted under that section, (2) contain such other information as the Secretary may require to carry out the purposes of this part, and (3) include a certification by the State agency of the total cost of the project and the amount of the loan for which a guarantee is sought under this part, or the amount of the direct loan sought under this part, as the case may be.

"(b) The Secretary may approve such application only if—

"(1) there remains sufficient balance in the allotment determined for such State pursuant to section 622 to cover the amount of the loan for which a guarantee is sought, or the amount of the direct loan sought (as the case may be), in such application,

"(2) he makes each of the findings which are required by clauses (1) through (4) of section 605(b) for the approval of applications for projects thereunder (except that, in the case of the finding required under such clause (4) of entitlement of a project to a priority established under section 603(a), such finding shall be made without regard to the provisions of clauses (1) and (3) of such section),

"(3) he finds that there is compliance with section 605(e),

"(4) he obtains assurances that the applicant will keep such records, and afford such access thereto, and make such reports, in such form and containing such information, as the Secretary may reasonably require, and

"(5) he also determines, in the case of a loan for which a guarantee is sought, that

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the terms, conditions, maturity, security (if any), and schedule and amounts of repayments with respect to the loan are sufficient to protect the financial interests of the United States and are otherwise reasonable and in accord with regulations, including a determination that the rate of interest does not exceed such per centum per annum on the principal obligation outstanding as the Secretary determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the United States.

"(c) No application under this section shall be disapproved until the Secretary has afforded the State agency an opportunity for a hearing.

"(d) Amendment of an approved application shall be subject to approval in the same manner as an original application.

"(e) (1) In the case of any loan to a nonprofit private agency, the United States shall be entitled to recover from the applicant the amount of any payments made pursuant to any guarantee of such loan under this part, unless the Secretary for good cause waives its right of recovery, and upon making any such payment, the United States shall be subrogated to all of the rights of the recipient of the payments with respect to which the guarantee was made.

"(2) Guarantees of loans to nonprofit private agencies under this part shall be subject to such further terms and conditions as the Secretary determines to be necessary to assure that the purposes of this part will be achieved, and, to the extent permitted by subsection (f), any of such terms and conditions may be modified by the Secretary to the extent he determines it to be consistent with the financial interest of the United States.

"(f) Any guarantee of a loan to a nonprofit private agency made by the Secretary pursuant to this part shall be incontestable in the hands of an applicant on whose behalf such guarantee is made, and as to any person who makes or contracts to make a loan to such applicant in reliance thereon, except for fraud or misrepresentation on the part of such applicant or such other person.

"PAYMENT OF INTEREST ON GUARANTEED LOAN

"SEC. 624. (a) Subject to the provisions of subsection (b), in the case of a guarantee of any loan to a nonprofit private agency under this part with respect to a hospital or other medical facility, the Secretary shall pay, to the holder of such loan and for and on behalf of such hospital or other medical facility amounts sufficient to reduce by 3 per centum per annum the net effective interest rate otherwise payable on such loan. Each holder of a loan, to a nonprofit private agency, which is guaranteed under this part shall have a contractual right to receive from the United States interest payments required by the preceding sentence.

"(b) Contracts to make the payments provided for in this section shall not carry an aggregate amount greater than such amount as may be provided in appropriations Acts.

"LIMITATION ON AMOUNT OF LOANS GUARANTEED OR DIRECTLY MADE

"SEC. 625. The cumulative total of the principal of the loans outstanding at any time with respect to which guarantees have been issued, or which have been directly made, under this part may not exceed the lesser of—

"(1) such limitations as may be specified in appropriations Acts, or

"(2) in the case of loans covered by allotments for the fiscal year ending June 30, 1971, $500,000,000; for the fiscal year ending June 30, 1972, $1,000,000,000; and for the fiscal year ending June 30, 1973, $1,500,000,000.

"LOAN GUARANTEE AND LOAN FUND

"SEC. 626. (a) (1) There is hereby established in the Treasury a loan guarantee and loan fund (hereinafter in this section referred to as the 'fund') which shall be available to the Secretary without fiscal year limitation, in such amounts as may be specified from time to time in appropriations Acts, (i) to enable him to discharge his responsibilities under guarantees issued by him under this part, (ii) for payment of interest on the loans to nonprofit agencies which are guaranteed, (iii) for direct loans to public agencies which are sold and guaranteed, (iv) for payment of interest with respect to such loans, and (v) for repurchase by him of direct loans to public agencies which have been sold and guaranteed. There are authorized to be appropriated to the fund from time to time such amounts as may be necessary to provide capital required for the fund. To the extent authorized from time to time in appropriation Acts, there shall be deposited in the fund amounts received by the Secretary as interest payments or repayments of principal on loans and any other moneys, property, or assets derived by him from his operations under this part, including any moneys derived from the sale of assets.

"(2) Of the moneys in the fund, there shall be available to the Secretary for the purpose of making of direct loans to public agencies only such sums as shall have been appropriated for such purpose pursuant to section 627 or sums received by the Secretary from the sale of such loans (in accordance with such section) and authorized in appropriations Acts to be used for such purpose.

"(b) If at any time the moneys in the fund are insufficient to enable the Secretary to discharge his responsibilities under this part—

"(i) to make payments of interest on loans to nonprofit private agencies which he has guaranteed under this part;

"(ii) to otherwise comply with guarantees under this part of loans to nonprofit private agencies;

"(iii) to make payments of interest subsidies with respect to loans to public agencies which he has made, sold, and guaranteed under this part;

"(iv) in the event of default by public agencies to make payments of principal and interest on loans which the Secretary has made, sold, and guaranteed, under this part, to make such payments to the purchaser of such loan;

"(v) to repurchase loans to public agencies which have been sold and guaranteed under this part.

he is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary with the approval of the Secretary of the Treasury, but only in such amounts as may be specified from time to time in appropriations Acts. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under that Act, as amended, are extended to include any purchase of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. Sums borrowed under this subsection shall be deposited in the fund and redemption of such notes and obligations shall be made by the Secretary from such fund.

"PROVISIONS APPLICABLE TO LOANS TO PUBLIC FACILITIES

"SEC. 627. (a) (1) Any loan made by the Secretary to a public agency under this part for the modernization or construction of a public hospital or other health facility shall require such public agency to pay interest thereon at a rate comparable to the current rate of interest prevailing with respect to loans, to nonprofit private agencies, which are guaranteed under this part, for the modernization or construction of similar facilities in the same or similar areas, minus 3 per centum per annum.

"(2) (A) No loan to a public agency shall be made under this part unless—

"(i) the Secretary is reasonably satisfied that such agency will be able to make payments of principal and interest thereon when due, and

"(ii) such agency provides the Secretary with reasonable assurances that there will be available to such agency such additional funds as may be necessary to complete the project with respect to which such loan is requested.

"(B) Any loan to a public agency shall have such security, have such maturity date, be repayable in such installments, and be subject to such other terms and conditions (including provision for recovery in case of default) as the Secretary determines to be necessary to carry out the purposes of this part while adequately protecting the financial interests of the United States.

"(3) In making loans to public agencies under this part, the Secretary shall give due regard to achieving an equitable geographical distribution of such loans.

"(b) (1) The Secretary shall from time to time, but with due regard to the financial interests of the United States, sell loans referred to in subsection (a) (1) either on the private market or to the Federal National Mortgage Association in accordance with section 302 of the Federal National Mortgage Association Charter Act.

"(2) Any loan so sold shall be sold for an amount which is equal (or approximately equal) to the amount of the unpaid principal of such loan as of the time of sale.

"(c) (1) The Secretary is authorized to enter into an agreement with the purchaser of any loan sold under this part under which the Secretary agrees—

"(A) to guarantee to such purchaser (and any successor in interest to such purchaser) payment of the principal and interest payable under such loan, and

"(B) to pay as an interest subsidy to such purchaser (and any successor in interest of such purchaser) amounts which when added to the amount of interest payable on such loan, are equivalent to a reasonable rate of interest on such loan as determined by the Secretary, after taking into account the range of prevailing interest rates in the private market on similar loans and the risks assumed by the United States.

"(2) Any such agreement—

"(A) may provide that the Secretary shall act as agent of any such purchaser, for the purpose of collecting from the public agency to which such loan was made and paying over to such purchaser, any payments of principal and interest payable by such agency under such loan;

"(B) may provide for the repurchase by the Secretary of any such loan on such terms

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and conditions as may be specified in the agreement;

"(C) shall provide that, in the event of any default by the public agency to which such loan was made in payment of principal and interest due on such loan, the Secretary shall, upon notification to the purchaser (or to the successor in interest of such purchaser), have the option to close out such loan (and any obligations of the Secretary with respect thereto) by paying to the purchaser (or his successor in interest) the total amount of outstanding principal and interest due thereon at the time of such notification; and

"(D) shall provide that, in the event such loan is closed out as provided in subparagraph (C), or in the event of any other loss incurred by the Secretary by reason of the failure of such public agency to make payments of principal and interest on such loan, the Secretary shall be subrogated to all rights of such purchaser for recovery of such loss from such public agency.

"(d) The Secretary may, for good cause, waive any right of recovery which he has against a public agency by reason of the failure of such agency to make payments of principal and interest on a loan made to such agency under this part.

"(e) After any loan to a public agency under this part has been sold and guaranteed, interest paid on such loan and any interest subsidy paid by the Secretary with respect to such loan which is received by the purchaser thereof (or his successor in interest) shall be included in gross income for the purposes of chapter 1 of the Internal Revenue Code of 1954.

"(f) Amounts received by the Secretary as proceeds from the sale of loans under this section shall be deposited in the loan fund established by section 626, and shall be available to the Secretary for the making of further loans under this part in accordance with the provisions of subsection (a)(2) of such section.

"(g) There is authorized to be appropriated to the Secretary, for deposit in the loan fund established by section 626, $30,000,000 to provide initial capital for the making of direct loans by the Secretary to public agencies for the modernization or construction of facilities referred to in subsection (a)(1)."

AMENDMENT TO FEDERAL NATIONAL MORTGAGE ASSOCIATION CHARTER ACT

SEC. 202. The first sentence of section 302 (b) of the Federal National Mortgage Association Charter Act is amended by inserting after the first semicolon the following: "and to purchase, service, sell, or otherwise deal in any loans made to a public agency under part B of title VI of the Public Health Service Act;".

TITLE III—GRANTS FOR CONSTRUCTION OR MODERNIZATION OF EMERGENCY ROOMS OF GENERAL HOSPITALS

SEC. 301. Title VI of the Public Health Service Act is further amended by adding after part B (added by section 201 of this Act) the following new part:

"PART C—CONSTRUCTION OR MODERNIZATION OF EMERGENCY ROOMS

"AUTHORIZATION

"SEC. 631. In order to assist in the provision of adequate emergency room service in various communities of the Nation for treatment of accident victims and handling of other medical emergencies through special project grants for the construction or modernization of emergency rooms of general hospitals, there are authorized to be appropriated $20,000,000 each for the fiscal year ending June 30, 1971, and the next two fiscal years.

"ELIGIBILITY FOR GRANTS

"SEC. 632. Funds appropriated pursuant to section 631 shall be available for grants by the Secretary for not to exceed 50 per centum of the cost of construction or modernization of emergency rooms of public or nonprofit general hospitals, including provision or replacement of medical transportation facilities. Such grants shall be made by the Secretary only after consultation with the State agency designated in accordance with section 604(a)(1) of the Public Health Service Act. In order to be eligible for a grant under this part, the project, and the applicant therefor, must meet such criteria as may be prescribed by regulations. Such regulations shall be so designed as to provide aid only with respect to projects for which adequate assistance is not readily available from other Federal, State, local, or other sources, and to assist in providing modern, efficient, and effective emergency room service needed to care for victims of highway, industrial, agricultural, or other accidents and to handle other medical emergencies, and to assist in providing such service in geographical areas which have special need therefor.

"PAYMENTS

"SEC. 633. Grants under this part shall be paid in advance or by way of reimbursement, in such installments and on such conditions, as in the judgment of the Secretary will best carry out the purposes of this part."

TITLE IV—EVALUATION OF HEALTH PROGRAMS

SEC. 401. (a) Title V of the Public Health Service Act is amended by inserting at the end thereof the following new section:

"EVALUATION OF PROGRAMS

"SEC. 513. Such portion as the Secretary may determine, but not more than 1 per centum, of any appropriation for grants, contracts, or other payments under any provision of this Act, the Mental Retardation Facilities Construction Act, the Community Mental Health Centers Act, the Act of August 5, 1954 (Public Law 568, Eighty-third Congress), or the Act of August 16, 1957 (Public Law 85-151), for any fiscal year beginning after June 30, 1970, shall be available for evaluation (directly, or by grants or contracts) of any program authorized by this Act or any of such other Acts, and, in the case of allotments from any such appropriation, the amount available for allotment shall be reduced accordingly."

(b)(1) Effective with respect to appropriations for fiscal years beginning after June 30, 1970—

(A) section 304(d) of the Public Health Service Act (42 U.S.C. 242b) is amended by striking out "; except that for any fiscal year ending after June 30, 1968" and all that follows down to but not including the period;

(B) section 309(c) of such Act (42 U.S.C. 242g) is amended by striking out "(1)", and by striking out ", and (2)" and all that follows down to but not including the period;

(C) section 314(d)(1) of such Act (42 U.S.C. 246) is amended by striking out ", except that, for any fiscal year ending after June 30, 1968" and all that follows down to but not including the period;

(D) section 314(e) of such Act (42 U.S.C. 246) is amended by striking out the last sentence;

(E) section 797 of such Act (42 U.S.C. 295h-6) is repealed; and

(F) section 901(a) of such Act (42 U.S.C. 299a) is amended by striking out the last sentence.

(2) Effective with respect to appropriations for fiscal years beginning after June 30, 1970, section 262 of the Community Mental Health Centers Act (42 U.S.C. 2688p) is repealed.

TITLE V—MARIHUANA

CONGRESSIONAL FINDINGS

SEC. 501. The Congress finds that the use of marihuana is increasing in the United States, especially among the young people thereof, and that there is need for a better understanding of the health consequences of using marihuana. The Congress further finds that, notwithstanding the various studies carried out, and research engaged in, with respect to the use of marihuana, there is a lack of an authoritative source for obtaining information involving the health consequences of using marihuana.

HEALTH-RESEARCH REPORTS

SEC. 502. The Secretary of Health, Education, and Welfare, after consultation with the Surgeon General and other appropriate individuals, shall transmit a report to the Congress on or before January 31, 1971, and annually thereafter (1) containing current information on the health consequences of using marihuana, and (2) containing such recommendations for legislative and administrative action as he may deem appropriate. A preliminary report shall be transmitted to the Congress by the Secretary concerning current information on the health consequences of using marihuana not later than ninety (90) days after the date of enactment of this title.

SHORT TITLE

SEC. 503. This title may be cited as the "Marihuana and Health Reporting Act".

TITLE VI—AVAILABILITY OF APPROPRIATIONS

SEC. 601. Notwithstanding any other provision of law, unless enacted after the enactment of this Act expressly in limitation of the provisions of this section, funds appropriated for any fiscal year ending prior to July 1, 1973, to carry out any program for which appropriations are authorized by the Public Health Service Act (Public Law 410, Seventy-eighth Congress, as amended) or the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 (Public Law 88-164, as amended) shall remain available for obligation and expenditure until the end of such fiscal year.

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill, and agree to the same.

HARLEY O. STAGGERS,
JOHN JARMAN,
PAUL G. ROGERS,
W. L. SPRINGER,
ANCHER NELSEN,
Managers on the Part of the House.

RALPH W. YARBOROUGH,
HARRISON A. WILLIAMS, Jr.,
EDWARD M. KENNEDY,
GAYLORD NELSON,
THOMAS F. EAGLETON,
ALAN CRANSTON,
HAROLD E. HUGHES,
PETER H. DOMINICK,
JACOB K. JAVITS,
GEORGE MURPHY,
WINSTON PROUTY,
WILLIAM B. SAXBE,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11102) to amend the provisions of the Public Health Service Act relating to the construction and modernization of hospitals and other medical facilities by providing separate authorizations of appropriations for new construction and for modernization of facilities, authorizing Federal guarantees of loans for such construction and modernization and Federal payment of part of the interest thereon, authorizing grants for modernization of emergency rooms of general hospitals, and extending and making other improvements in the program authorized by these provisions, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate amendments struck out all of the House bill after the enacting clause and inserted a substitute text and provided a new title for the House bill.

With respect to the amendment of the Senate to the text of the House bill, the House recedes from its disagreement to the amendment of the Senate, with an amendment which is a substitute for both the House bill and the Senate amendment. The differences between the Senate amendment and the substitute agreed to in conference are noted below except for minor technical and clarifying changes made necessary by reason of the conference agreement.

GENERAL SUMMARY

As passed by the House, the bill provided a 3-year extension of the existing program under title VI of the Public Health Service Act (generally known as the Hill-Burton program), together with a 3-year program of guarantees of loans to private, nonprofit groups for medical facility construction or modernization, with a 3-percent interest subsidy, and a program of guaranteed loans (without interest subsidy) for construction of modernization of publicly owned health facilities.

The Senate amendment provided a 5-year extension of the existing program, with increased appropriation authorizations over the House passed levels; a 5-year loan guarantee program for private, nonprofit groups, with an interest subsidy; and a program of direct loans for construction of modernization of publicly owned facilities.

The conference substitute provides a 3-year extension of the existing grant program, with appropriation authorizations above the House levels but below the Senate levels; a 3-year guaranteed loan program for construction or modernization of private, nonprofit health facilities; and a program of direct loans for construction or modernization of public facilities, with $30 million initial capital for such loans, with the loans being sold thereafter, with interest on the obligations securing the loans losing their tax-exempt status, and the proceeds of the sale being used for further loans to public agencies.

The remainder of this statement will discuss the details of the differences between the House version of the bill and the conference substitute.

GRANT PROGRAM

Authorizations

The House bill contained authorizations for matching grants as follows: facilities for long-term care, $70 million per year; diagnostic and treatment centers (redesignated by the conference substitute as "outpatient facilities"), $20 million per year; rehabilitation facilities, $10 million per year; construction of hospitals and public health centers, $135 million per year. For modernization of facilities, the House bill authorized $50 million for fiscal year 1971; $55 million for fiscal year 1972; and $60 million for fiscal year 1973.

The conference substitute authorizes $85 million a year for facilities for long term care; $70 million a year for outpatient facilities; and $15 million per year for rehabilitation.

For construction of hospitals and public health centers, the conference substitute authorizes $147.5 million for fiscal year 1971; $152.5 million for fiscal year 1972; and $157.5 million for fiscal year 1973. For modernization, the conference substitute authorizes $65 million for fiscal year 1971; $80 million for fiscal year 1972; and $90 million for fiscal year 1973.

Allotments

The House bill continues the existing formulas for allotments among the States, with funds for modernization being allotted on the basis of financial need, population, and need for modernization. Construction funds are allotted on the basis of population and the square of the State's allotment percentage. This latter method of alloting funds among the States provides larger sums proportionately for those States having lower per capita income as compared to States whose residents have higher per capita incomes. This formula was the subject of considerable discussion during the conference, and as a result, an amendment was added to the conference substitute providing for a study by the Department of Health, Education, and Welfare, with recommendations to be made to the Congress on May 15, 1972, with respect to this formula.

Although the managers on the part of the House insisted on retention of the existing formula for allocation of construction funds, it is expected that consideration will be given to possible modification of the formula to take into account the need for construction of new beds. The recommendations of the Department of HEW will serve as the basis for study and action by the Congress when this program is next considered for renewal.

Transfers of allotments

The House bill left existing law unchanged with respect to transfers of allotments among the various categories of assistance authorized under the program, except that authority for transfers from the modernization category to the allotment for construction of hospitals and public health centers was eliminated. The managers on the part of the House receded from this provision, and accepted the transfer authorities contained in the Senate amendment as follows:

First, any State may make transfers, in the discretion of the State agency, of any amount up to the minimum amount allotted to any State for a particular category.

This provision will benefit the smaller States, by permitting them to shift relatively small sums from one allotment category or another without being required to comply with relatively elaborate certification requirements.

Secondly, all amounts above these minimums may be transferred from one category of assistance to another (for example, from construction of facilities for long-term care to modernization) without restriction on the amounts, except that (1) no funds may be transferred from the rehabilitation facilities category or (except as indicated in the next sentence) to the new hospital construction category, and (2) all other transfers must be justified on the basis that either there are no approvable applications in the category from which funds are transferred, or, in the case of transfers from the new hospital construction category, the purposes of the program will be better served by such a transfer. Further, transfers may be made from the modernization category to the category of new hospital construction if the state agency certifies that the need for the latter is greater.

CHANGES IN NAME AND CLARIFICATION OF FUNCTIONS OF DIAGNOSTIC OR TREATMENT CENTERS

The Senate amendment would change the name of diagnostic or treatment centers to "outpatient facilities," would make it clear that the definition of this term includes facilities which offer to patients not requiring hospitalization the services of licensed physicians in various medical specialities, and provide a reasonably full range of diagnostic and treatment services. In addition, the Senate amendment continues the requirement in existing law that the applicant be either (1) a public agency, or (2) a nonprofit private organization which either owns and operates a hospital, and adds, as an alternative, a requirement that the application be for a facility which provides reasonable assurance that the services of a general hospital will be available to patients of the outpatient facility who are in need of hospital care. The House recedes. The managers on the part of the House, in agreeing to the Senate amendment, feel that these modifications in the role and functions of outpatient facilities should provide improved availability of medical care to many persons who are not adequately served today, while still assuring that hospital services will be available to patients of the outpatient facilities who need such care.

AVAILABILITY OF EXTENDED CARE SERVICES

The House bill provided that, effective July 1, 1971, no project for general hospital construction or modernization could be approved unless reasonable assurances were provided that extended care services would be available to patients of the hospital in facilities which (A) are structurally part of, physically connected with, or in immediate proximity to, the hospital, and (B) either are under the supervision of the professional staff of the hospital or have organized medical staffs and have in effect transfer agreements with the hospital. The House bill authorized a waiver of the requirements of clause (A) by the Secretary upon request of the State agency. The conference substitute authorizes a similar waiver in the case of the requirements of clause (B); however, it is intended that these requirements be complied with in all appropriate cases, as a means of encouraging use of facilities for the care of patients which are less expensive than are general hospital beds.

CARRYOVER OF ALLOTMENTS

Existing law authorizes a State to carry over its allotments under this program for the next fiscal year. The Senate amendment authorizes carryovers for an additional fiscal year. The House recedes.

EMERGENCY ROOMS

The House bill proposed to authorize $10 million annually for project grants for modernization of emergency rooms of general hospitals. The conference substitute authorizes a $20 million program for construction and modernization of emergency rooms, including specific reference to transportation facilities as a part of project costs.

FEDERAL SHARE

The House bill provided that the Federal share of the cost of any project (which today may be not less than ⅓ nor more than ⅔ of such costs) would hereafter be in such amount, not in excess of ⅔, as the state agency determined. The Senate amendment would have authorized a higher Federal share (up to 90 percent) in the case of rural or urban poverty projects, and facilities which might reduce health costs through shared services, interfacility cooperation, and free-standing ambulatory care centers. The conference substitute combines both the House amendment and the Senate revisions discussed herein.

EQUIPMENT PROJECTS

The Senate amendment would authorize projects providing equipment of buildings in any case in which it will help to provide a service not previously provided in the community. The House bill did not contain a comparable feature. The House recedes.

PRIORITIES

The House bill would have retained priorities as set forth in existing law, except that it provided that the state agency could waive the priority for construction in rural areas. The Senate amendment contained the same provision with respect to waiver of construction priorities for rural areas, and added a number of additional categories.

The conference substitute provides that priority shall be given to projects for construction or modernization of out-patient facilities which are limited in and provide services for residents of rural or urban poverty areas; projects for facilities which, alone or in conjunction with other facilities, will provide comprehensive health care; projects for facilities which will provide training in health or allied health professions; and projects for facilities which will provide to a significant extent for the treatment of alcoholism.

AVAILABILITY OF EXTENDED CARE SERVICES

The House bill provided that after July 1, 1971, before any project for construction or modernization of a general hospital could be approved, reasonable assurances would have to be provided for extended care services for patients of the hospital, with those services being provided in facilities which are structurally part of, physically connected with, or in immediate proximity to the hospital. The state agency was authorized to waive this requirement. In addition, the House bill also provided that the extended care services are required to be provided in facilities which were either under the supervision of the professional staff of the hospital, or had recognized medical staffs and effective transfer agreement with the hospital.

The Senate amendment contained somewhat similar provisions, except that the Senate bill provided for a priority in construction of facilities having transfer agreements.

The conference substitute is the same as the House bill, establishing as a requirement for approval of projects that both the requirements with respect to the location of the extended care facility and its staffing be as provided in the House bill; however, the state agency is authorized to waive either or both such requirements upon the determination that compliance therewith would be inadvisable in the particular case.

LOAN GUARANTEES

The House bill established a program of guaranteed loans for public or private nonprofit agencies for the construction or modernization of any of the facilities for which grant assistance is provided under this program. The House bill authorized an interest subsidy of 3 percent per annum on loans to private nonprofit agencies, but provided no subsidy in the case of loans for public facilities.

The Senate amendment would have provided guaranteed loans at the rate of $500 million per year for 5 fiscal years, beginning with fiscal year 1971 (as contrasted with 3 fiscal years provided in the House bill), with an interest subsidy of one-half of the first 6 percent interest, and one-third of all interest payments above 6 percent. In addition, the Senate amendment would have provided for direct loans for construction or modernization of public facilities with the loans thereafter being sold by the Secretary of Health, Education, and Welfare, with the proceeds of the sale being reloaned to public agencies. The Senate amendment also authorized use of fiscal year 1970 or 1971 allotments for the guarantee of loans to private nonprofit organizations for construction or modernization where the construction began after January 1, 1968.

The conference substitute provides a 3-year program of Federal guarantees of loans made to private nonprofit organizations for construction or modernization of health facilities, at a total amount of loans guaranteed, or made in the case of public facilities, of $500 million per year, allocated among the States in accordance with their population, financial need, and respective needs for construction and modernization of facilities. The conferees intend that this program begin at the earliest practicable date.

A limited form of retroactivity is contained in the conference substitute. In the case of any project for construction or modernization, which was not commenced earlier than January 1, 1968, a State's allotments for the fiscal year ending June 30, 1971, and the succeeding fiscal year, may be made available to guarantee loans for not more than two projects in the State. The State must certify, and the Secretary must find, that unless the loan is guaranteed under this amendment, the facility cannot be completed and begin to operate, or (if completed) cannot continue to operate; but with the guaranteed loan, the facility will be able to do so. It is not intended by this amendment to provide for the payment of operating costs of any facility; the intent, rather, is to cover those emergency situations where the interest charges and repayment schedules on loans heretofore made for construction provide such a serious financial drain upon the applicant that the more liberal financing available under this legislation will alleviate the financial pressure upon the applicant sufficiently to enable the completion and operation of the facility.

The conferees found, after investigation, that it was necessary to provide restrictions upon eligibility for this retroactive feature in view of the fact that, without such restrictions, potentially over 1,000 facilities could have qualified, thereby potentially using up all the funds that otherwise would be available for construction or modernization of new facilities. The interest subsidy authorized in the case of guaranteed loans for private nonprofit facilities is the same 3 percent provided in the House bill, modified slightly to conform to traditional financing arrangements.

This same title also authorizes the making of loans to public agencies for construction or modernization of health facilities, with $30 million in initial capital provided for the making of such loans. This amount is contained in the budget already requested for fiscal year 1971 by the Department. The Secretary of Health, Education, and Welfare would be required to make such loans to public agencies at a rate of interest comparable to the current rate of interest prevailing with respect to loans to nonprofit private agencies which are guaranteed in the same or similar areas minus 3 percent. The Secretary is required to give due regard to achieving an equitable geographical distribution of loans made under this provision.

After making a loan, the Secretary would be required to sell the loan either on the private market or to the Federal National Mortgage Association, at an amount approximately equal to the unpaid principal of the loan as of the time of sale. After the loan is sold, interest paid by the borrower would not be tax exempt, so that it may be necessary for the Secretary, in order to recover the face value of the loan, to pay an interest subsidy to the purchaser. The amount of the interest subsidy will depend upon the terms and conditions of the sale, which, in turn, will depend upon the prevailing rate of interest payable on obligations guaranteed as to principal and interest by the United States at the time of sale.

To the extent authorized in appropriation acts, the Secretary may then take the proceeds from the sale of these loans and relend them to public agencies, selling these loans, again subject to a guarantee and interest subsidy, with the proceeds again being similarly available for relending.

The amount available for loans for construction or modernization of publicly owned facilities will depend, of course, upon the length of time it takes the Secretary to complete loans, and sell them on the private market, so that it is impossible to tell in advance the maximum amount of loans which may be made under this provision; however, the overall $500 million per year limitations on loans made or guaranteed under this provision will continue to apply. Of course, when a direct loan is made to a public agency within a State, the amount of that loan will be charged against the State's overall allotment for loans (guaranteed or direct) under this program during the fiscal year involved.

EVALUATION OF HEALTH PROGRAMS

The Senate amendment authorizes the Secretary to utilize not more than 1 percent of any appropriation under the Public Health Service and other Acts for evaluation of programs. In addition, the Senate amendment consolidates into one section a number of evaluation authorities contained in other programs. The House recedes.

MARIHUANA STUDY

The Senate amendment provides that the Secretary of Health, Education, and Welfare shall report to the Congress on or before January 31, 1971, and annually thereafter on (1) current information on the health consequences of using marihuana, and (2) such recommendations for legislative and administrative action as he may deem appropriate. A preliminary report is also called for within 90 days after date of enactment of this amendment. The House recedes.

AVAILABILITY OF APPROPRIATIONS

The Senate amendment would have provided that funds appropriated for any fiscal year to carry out any program under the Public Health Service Act, the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, certain acts relating to Indian health programs, the Vocational Rehabilitation Act, the Clean Air Act, the Solid Waste Disposal Act, and Title V of the Social Security Act would remain available for obligation and expenditure until the end of the fiscal year for which appropriated.

The conference substitute is the same as the Senate amendment, except that it is limited to funds appropriated for fiscal years ending before July 1, 1973, and applies only to funds appropriated to carry out programs under the Public Health Service Act or the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963. The purpose of this amendment is to prevent administratively imposed freezes, reductions, and rollbacks from applying to health programs authorized under these Acts. Where a program authorizes availability of appropriations for more than one fiscal year, and funds are appropriated to cover more than one fiscal year, the conferees intend that the amendment shall apply to the entire period covered by the appropriations.

The managers on the part of the House also receded on the amendment of the Senate to the title of the bill.

HARLEY O. STAGGERS,
JOHN JARMAN,
PAUL G. ROGERS,
W. L. SPRINGER,
ANCHER NELSEN,
Managers on the Part of the House.

CONTROL OF POLLUTION

(Mr. PIRNIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PIRNIE. Mr. Speaker, in our troubled and disturbed times it is very heartening when the youth of our land express deep interest in the solutions of our more pressing problems. Such an expression came to my attention last week. The social studies class of Kemble School in my hometown of Utica, N.Y., had been studying the threat of pollution. One of the members of the class, Anthony Pugliese, undertaking to alert people to this danger, prepared and circulated a petition addressed to the Congressman asking his support of legislation to control this blight. Through his determined efforts he secured seven hundred and four signatures and his teacher, Mr. Joseph Bottini, was so impressed that he felt a personal presentation was deserved. With this I agreed, so I visited the school and, at an assembly before several hundred grade students, the petition was delivered to me by Anthony.

After I had expressed my pleasure over his activity and pledged my sympathetic response, I took part in a question-answer forum for an hour. The spontaneity and perspective of their questioning was thrilling, embracing a concern and knowledge worthy of mature people. I congratulated Anthony on his initiative. His was a fine job and I am pleased to call it to the attention of my colleagues.

I was able to tell the students that Congress is moving steadily and objectively toward the control of pollution. I pointed out that arbitrary actions against offending manufacturing plants could disturb our economy and result in unacceptable job losses. Therefore, we will be reasonable in our approach to industry but will firmly insist that pollution of the air and water be curbed. The sustained support of good citizens should keep this goal in sight until adequate protection is realized.

SIOUX CITY RIVERCADE

(Mr. MAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAYNE. Mr. Speaker, last July I stood in this well and invited my colleagues to come to Sioux City to help us celebrate the famous Sioux City Rivercade, an annual affair during which the Greater Siouxland territory pays tribute to that mighty river, the Missouri, which courses through our heartland. Founded in 1964, the Rivercade has grown steadily each year and now attracts thousands of visitors from throughout the Midwest. This year's 5-day program includes carnivals, riverboat rides, an air show, parades both land and waterborne, teenage activities, boat and water ski shows, Boy Scout jamborees, helicopter rides, wildlife exhibits, sky divers, professional boat races, clowns, and queens. Fishing contests will be held each day. The committee in charge of arrangements will enthusiastically welcome any Member of this body who can arrange his schedule to be with us in Sioux City at any time during this memorable event.

So, on behalf of Commodore Robert Sabel and his staff of hard workers, I renew my invitation to my colleagues and to all who devour the daily prose in the Congressional Record to come to Sioux City on July 29 for the first of 5 days of the greatest Sioux City Rivercade ever.

DEPARTMENT OF AGRICULTURE AND RELATED AGENCIES APPROPRIATIONS, 1971

Mr. WHITTEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17923) making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1971, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 3 hours, the time to be equally divided and controlled by the gentleman from Minnesota (Mr. Langen) and myself.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Mississippi.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 17923, with Mr. Wright in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous consent agreement, the gentleman from Mississippi (Mr. Whitten) will be recognized for 1½ hours, and the gentleman from Minnesota (Mr. Langen) will be recognized for 1½ hours.

The Chair recognizes the gentleman from Mississippi.

Mr. WHITTEN. Mr. Chairman, I yield myself 15 minutes.

Mr. WHITTEN. Mr. Chairman, from the beginning man's progress, man's supply of the good things in life, has been measured by how many things he has left after providing for food, clothing, and shelter. Judged by that standard, we certainly have had the finest standard of living man has ever had.

Mr. Chairman, I am going to make the point of order that a quorum is not present. This is the most important matter that will come before this House this year.

The CHAIRMAN. The gentleman from Mississippi makes the point of order that a quorum is not present. Evidently a quorum is not present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 159]

Abernethy
Anderson, Tenn.
Ashbrook
Aspinall
Ayres
Baring
Beall, Md.
Blatnik
Boggs
Brademas
Bray
Brown, Calif.
Camp
Carey
Clark
Clay
Conable
Conyers
Corman
Coughlin
Cowger
Culver
Daddario
Dawson
Diggs
Dorn
Downing
Dulski
Edwards, Ala.
Edwards, Calif.
Feighan
Fisher
Flowers
Ford, William D.
Fraser
Frelinghuysen
Fulton, Tenn.
Gallagher
Garmatz
Gaydos
Gettys
Gibbons
Gilbert
Gray
Hanna
Hansen, Wash.
Hébert
Hungate
Jarman
Kirwan
Kleppe
Kuykendall
McCarthy
McKneally
McMillan
May
Meskill
Minshall
Mizell
Montgomery
Moorhead
Morton
Moss
Murphy, N.Y.
Nichols
O'Hara
Ottinger
Passman
Pepper
Pettis
Poff
Pollock
Powell
Preyer, N.C.
Price, Ill.
Pucinski
Reid, N.Y.
Reuss
Rivers
Roberts
Rooney, N.Y.
Rooney, Pa.
Roudebush
Scheuer
Schwengel
Scott
Sisk
Smith, Calif.
Springer
Stafford
Stuckey
Thompson, N.J.
Whitehurst
Wilson, Bob
Wilson, Charles H.
Wold

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Wright, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 17923, and finding itself without a quorum, he had directed the roll to be called, when 333 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. When the Committee rose, the gentleman from Mississippi had been recognized for 15 minutes.

Mr. WHITTEN. Mr. Chairman, as we come to this appropriation I hope we may have the attention of the Members of the House. Actually, when we get to this subject, we find that fewer and fewer have a back-home realization that it is still the key part of their existence.

It has been said, as I pointed out earlier, that man's well-being and his standard of living are tied to how much of his time he has to use to provide for the necessities of life; food, clothing, and shelter. Judged by that standard, no nation has ever reached the peak this Nation has reached, because only a little over 5 percent of the people are engaged in agriculture. What does that mean? It means on the average only 5 percent of man's time as a group is taken up with the basic things, leaving 95 percent of his time for the other things that go toward our standard of living.

But this has with it problems. This is the reason why I want the attention of the membership.

Mrs. SULLIVAN. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I am happy to yield to the distinguished gentlewoman from Missouri (Mrs. Sullivan).

Mrs. SULLIVAN. Mr. Chairman, I just want to make the comment at this point that anyone who criticizes the gentleman from Mississippi (Mr. Whitten), or his subcommittee, for their attitudes on providing food assistance for the needy are criticizing the wrong people. From the time the food stamp program was initiated by President John F. Kennedy in early 1961 until the present, I think there was only one occasion when the Whitten subcommittee declined to recommend the full budget amount for the program—and then, if memory serves me right, Mr. Whitten himself recognized the insufficiency and recommended a supplemental appropriation to meet the deficiency.

So, Mr. Chairman, I want to express my appreciation to the chairman of the subcommittee and to his colleagues on Appropriations for recommending a doubling of the food stamp program during the coming fiscal year from $610,-

000,000 to $1,250,000,000, just as the 1970 fiscal year appropriation represented a doubling of the amount available in 1969. The added funds will enable the Department to install food stamp programs in many additional areas and, equally important, increase substantially the benefits derived by those who participate in the program.

As I have said on numerous occasions, the food stamp program is not a solution for all of our social ills but it can do one thing well—and that is assure adequate diets for those families which cannot afford to buy enough of the right foods. It has faults—it has had many faults—but none of them that sufficient appropriations cannot solve, provided there is a willingness by local welfare officials to make the program work effectively, and a willingness here in Washington to insist upon fair treatment for all participants and upon vigorous prosecution of the relatively few merchants or customers who might violate the law in the handling or use of the stamps.

I thank the gentleman from Mississippi for yielding, but more importantly, I thank him for his consistent support of increased appropriations for this program.

Mr. WHITTEN. I thank the distinguished gentlewoman from Missouri who was so instrumental in the beginning of this program and in its continuation.

Now, Mr. Chairman, let me get to a point which I wish to call to the attention of the Members of the Committee of the Whole House on the State of the Union.

XUM

We live in a country—and let me repeat again—where only about 5 percent of our people are engaged in agriculture, leaving the other 95 percent to engage in the performance of other things. We are dealing with a subject upon which our very health depends and that is the supply of food and clothing, as well as the biggest and the best market that industry and labor has. We are dealing here today with a department that has to do with nutrition, a subject to which it now seems that everyone has become awakened to its need and to see that it is taken care of.

Mr. Chairman, we are dealing with the one Department that has been spending through the years millions and millions of dollars annually promoting the protection of our environment in which some 1.1 million participants joined in by putting up about two-thirds of the cost. We are dealing here with the very staff of life. However, we are dealing with it at a time when it is threatened and if it is threatened, it threatens you.

Since we have gotten the news media and since we have become urbanized, few people realize that life itself is tied to the land. Farmers are quitting. A check of the record shows that today 17 percent of those engaged in agriculture are 65 years of age or older, 22 percent are 55 to 64 years of age. And, listen to this now. I am talking about the keystone to the economy of this country as well as your own well-being.

Since 1940 the amount of money that it takes for a man to farm has increased from approximately $6,500 in 1940 to $85,000 in 1969—and remember weather in any one year may reduce a crop by more than 25 percent or more.

Now, I do not remember this—but I am old enough to remember the effects of the last depression, and I know also as a student of history what happened. Do you realize that every depression we have had has started with the breakdown of farm income of those engaged in agriculture? And, contrary to the belief of a whole lot of my urban friends and some of my rural friends who I do not believe have studied this, may I say to you that conditions do not look good today.

There are folks who honestly believe that a pickup of a few points in the stock market is an increase in wealth, when they should know that the stock market and all the rest is tied to the wealth of our country, which in turn comes from the land.

This bill carries the following amounts:

	Budget request	Recommended in bill	Change
Title I—General activities	$2,649,897,500	$2,954,986,150	+$305,088,650
Title II—Credit agencies	574,198,000	623,522,000	+49,324,000
Title III—Corporations (including Public Law 480) and other assistance programs	4,307,680,000	3,827,680,000	−480,000,000
Title IV—Related agencies	(4,226,000)	(4,054,000)	(−172,000)
Total	7,531,775,500	7,406,188,150	−125,587,350

THE IMPACT OF AGRICULTURE

For several years many on the committee have considered changing the title of this bill. The current title, Department of Agriculture and related agencies appropriation bill, has never adequately conveyed the full range of effects on all the American people.

Some, but not enough, people know that the few on the farm free the rest of us to provide the machines and gadgets of modern day living. Many people do not stop to realize that those who have left the farm have been replaced by machines and expensive materials; and that the man on the farm has to have sufficient income to buy the machines, equipment, chemicals, and other materials; otherwise many people now in our cities, who make the machines, would have to go back to the farm as we saw in the depression of the late 1920's and 1930's.

The Department of Agriculture, identified with 5.1 percent of our people on the farm, in reality represent the 94.9 percent of the nonfarmers more closely than does any other department, for it represents the source of food, clothing, and shelter for all Americans, and further, represents the largest individual market for labor and industry.

PUBLIC HEALTH AND SAFETY

We might term this "an appropriation for protection of the public health," for it carries funds for inspection of the meats and vegetables which go on our tables. Funds are included in this bill to provide for inspection of 100 percent of the red meat marketed in the United States for the first time in our history. This same goal will soon be reached for poultry.

The bill strengthens and improves the programs for the control of pests and pestilence, which has contributed so much to the improvements in our food supply. Conversely, the bill includes major increases for the development and control of more efficient pesticides. This includes additional staff for recently completed major pesticide laboratories at Gainesville, Fla.; College Station, Tex.; Stoneville, Miss.; Durant, Okla.; and Savannah, Ga. The bill includes $5.3 million for the enforcement of pesticide regulations incuding the teams ready to move to determine the facts when unfortunate pesticide accidents do occur.

The total recommended for pesticides research and regulation in 1971 has nearly doubled since 1963 as shown on the following table:

ESTIMATED OBLIGATIONS FOR PESTICIDES RESEARCH AND REGULATION OF THE U.S. DEPARTMENT OF AGRICULTURE, 1963–71 [1]

[In thousands of dollars]

Item	1963	1964	1965	1966	1967	1968	1969	1970	1971
Agricultural Research Service:									
Salaries and expenses:									
Research	19,198	23,942	38,812	40,206	41,640	41,865	43,716	45,549	47,109
Plant and animal disease and pest control	28,289	28,646	33,769	35,994	40,621	40,833	41,710	45,297	46,098
Total, salaries and expenses	47,487	52,588	72,581	76,200	82,261	82,698	84,886	90,846	93,207
Cooperative State Research Service: Payments and expenses	4,621	4,768	11,010	9,330	9,409	8,977	9,417	9,420	9,975
Extension Service:									
Payments and expenses:									
Payments to States and Puerto Rico	1,805	1,900	3,985	3,990	4,142	4,180	4,180	4,370	4,750
Federal Extension Service	95	100	205	210	218	220	220	230	250
Total, Extension Service	1,900	2,000	4,100	4,200	4,360	4,400	4,400	4,600	5,000
Economic Research Service			500	500	500	512	528	460	460
Forest Service: Forest protection and utilization	1,800	2,000	3,400	3,500	3,700	3,900	4,100	4,100	4,100
Total, pesticides research and regulation	55,808	61,356	91,591	93,730	100,230	100,487	103,331	109,426	112,742

[1] Includes obligations for pesticides research and regulation which relate to pollution and which are included in the table on pollution research, abatement, and control.

THE ECONOMY

Or perhaps we should term this a bill "for the protection of industry and labor," since those few, the approximately 5 percent left on the farm have had to substitute huge investments in machinery and equipment for those who have moved to town, thus becoming perhaps industry's and labor's biggest market.

The producers of agricultural products spend nearly $30 billion a year for goods and services to produce crops and livestock; another $12 billion a year is spent for the same products that urban residents purchase—food, clothing, drugs, furniture, appliances, and other products and services. Each year the farmers' purchases include $3.4 billion in new farm vehicles, machinery, and equipment. It takes 120,000 nonfarm employees to produce this farm equipment alone.

His annual purchases also include $3.4 billion for fuel, lubricants, and maintenance of machinery and motor vehicles. Farm production uses more petroleum than any other single industry. Each year the farmer buys products containing 320 million pounds of rubber—about 9 percent of the total used in the United States, or enough to put tires on nearly 6 million automobiles. He consumes 28 billion kilowatt-hours of electricity annually. Every year he uses 5 million tons of steel in the form of machinery, trucks, cars, fencing, and building materials. Farm use of steel accounts for 40,000 jobs in the steel industry.

RURAL DEVELOPMENT

On the other hand, the bill might be called the Rural Development Act of 1971, for this bill provides funds to continue and improve the rural development programs of the Department, including the activities of the Soil Conservation Service, the Farmers Home Administration, the Extension Service, and the Rural Electrification Administration.

It is clear that in the years ahead we must look more to our rural areas for development of homes, jobs, and recreation for the millions of additional Americans anticipated. With such a small percentage of Americans on farms, it is clear that such development cannot be solely tied to a farm economy. These agencies have the loan, grant, and technical service programs providing the fundamental elements of rural development such as sewer systems, telephones, electricity, and water-resource development necessary for industrial and commercial development of rural America.

In fiscal year 1969 the Farmers Home Administration made the following number of loans in rural areas, to be repaid with interest: Farm ownership loans, 13,702; soil and water loans, 989; operating loans, 50,811; rural housing loans, 54,102; emergency credit loans, 20,686; and water and sewer grants, 678.

The Soil Conservation Service has built or planned 440 multiple-purpose reservoirs and is operating 68 resource conservation and development projects, bringing to bear its technical services on the economic problems of multi-county development. The committee is providing for five new projects in 1971.

In this bill, the budget estimate is raised by $20 million for the rural electrification and telephone programs which have brought the amenities of urban living to rural areas but not the city problems.

The committee has restored sufficient funds to provide coordination of the many Federal programs available to contribute to rural development. Agencies contributing to this development include Commerce, Housing and Urban Development, and Health, Education, and Welfair, as well as the several agriculture agencies.

For example, the recently passed independent offices and Housing and Urban Development appropriation bill included $500 million for water and sewer facilities in towns and cities above 5,500 in population, $800,000,000 was provided in 1970 for waste treatment facilities, and the President is proposing a 4-year program of $1 billion per year through 1975.

In addition, the Economic Development Administration, from 1965 through April of 1970, has spent $832 million for projects located outside the major urban areas.

ANTIPOLLUTION BILL

This bill could be cited as "the antipollution bill," for included are funds for watershed protection and flood prevention, in the agricultural conservation program and the Soil Conservation Service.

Under the flood prevention and watershed programs, there are built or planned 8,944 floodwater retarding structures, and 440 multiple-purpose reservoirs, which will catch 2.9 billion tons of sediment near their source. Such sediment is a known carrier of pollution.

In addition, the ACP program, restored by the committee, has contributed over 2 million smaller on-farm structures where the farmer provides about two-thirds of the cost, including his labor. The ACP program, with technical advice from the Soil Conservation Service, has fought pollution with measures such as terracing, strip cropping, and permanent sod waterways.

The committee has also strengthened the research programs in pollution control, with increased staffs for water quality research at Durant, Okla.; the National Sediment Laboratory at Oxford, Miss.; soil and water research at Pendleton, Oreg.; and animal waste management at Fort Collins, Colo., and Bushland, Tex.

A summary of pollution-related activities of the Department follows:

ESTIMATED OBLIGATIONS FOR POLLUTION RESEARCH, ABATEMENT, AND CONTROL PROGRAMS OF THE U.S. DEPARTMENT OF AGRICULTURE, 1963–71

[In thousands of dollars]

Item	1963	1964	1965	1966	1967	1968	1969	1970	1971
Agricultural Research Service:									
Salaries and expenses:									
Research	30,262	35,733	52,124	54,982	58,043	59,432	59,646	65,203	66,230
Plant and animal disease and pest control	1,541	1,749	3,046	3,144	3,737	4,117	10,359	11,514	13,414
Total, salaries and expenses	31,803	37,482	55,170	58,126	61,780	63,549	70,005	76,717	79,644
Cooperative State Research Service: Payments and expenses	5,155	6,315	9,487	11,177	11,405	11,070	12,400	12,800	14,000
Extension Service:									
Payments and expenses: Payments to States and Puerto Rico	4,252	4,725	5,675	6,615	7,575	8,525	9,000	9,243	9,656
Federal Extension Service	248	275	325	385	425	475	500	557	644
Total, Extension Service	4,500	5,000	6,000	7,000	8,000	9,000	9,500	9,800	10,300
Soil Conservation Service:									
Conservation operations	33,600	34,800	37,100	39,100	40,100	41,800	48,700	51,900	51,900
Great Plains conservation program	9,500	10,700	11,700	12,600	14,800	13,200	13,900	13,400	13,400
Watershed works of improvement	10,600	11,700	12,100	12,700	13,600	13,300	13,900	18,000	20,500
Flood prevention	7,200	7,500	7,900	7,600	7,500	7,200	6,900	7,200	7,200
Resource conservation and development			150	340	900	1,300	2,200	36,000	5,900
Total, Soil Conservation Service	60,900	65,700	68,950	72,340	76,900	76,800	85,600	94,100	98,900
Economic Research Service			20	20	50	90	200	200	200
Consumer and Marketing Service	40	42	43	45	46	48	50	60	60
Agricultural Stabilization and Conservation Service:									
Agricultural conservation program	182,100	182,800	184,600	179,500	188,800	170,200	159,400	156,100	185,000
Emergency conservation program	3,700	5,800	12,100	5,700	3,600	7,900	11,100	12,000	13,600
Administrative expenses for ACP and ECM	28,225	27,354	29,301	29,482	32,298	37,596	33,000	32,900	15,000
Cropland adjustment program				7,100	500	600			
Cropland conversion program	2,000		1,900	200					
Appalachian land stabilization and conservation program					6,500		3,000	3,300	
Total, Agricultural Stabilization and Conservation Service	216,025	215,925	227,901	221,982	231,698	216,296	206,500	204,300	28,600

Item	1963	1964	1965	1966	1967	1968	1969	1970	1971
Farmers Home Administration: [1]									
Water and sewer system loans:									
Direct	8, 400	11, 300	13, 100	27, 500	82, 900	79, 400	74, 600	64, 000	74, 000
Insured	5, 500	22, 100	37, 000	84, 700	92, 000	83, 100	90, 000	80, 000	86, 000
Subtotal, water and sewer system loans	13, 900	33, 400	50, 100	112, 200	174, 900	162, 500	164, 600	144, 000	160, 000
Rural water and waste disposal grants				18, 600	22, 500	23, 000	25, 000	42, 000	52, 000
Administrative expenses	209	501	752	1, 962	2, 961	2, 783	2, 500	2, 900	3, 100
Total, Farmers Home Administration	14, 109	33, 901	50, 852	132, 762	200, 361	188, 283	192, 100	188, 900	215, 100
Forest Service: Forest protection and utilization	30, 500	31, 600	34, 000	36, 500	41, 300	48, 000	54, 700	57, 200	62, 900
Total, pollution research, abatement, and control	363, 032	394, 994	452, 423	539, 952	631, 540	613, 136	631, 055	644, 077	694, 704

[1] Excludes loan repayments.

NUTRITION

This bill could be called the peoples bill because of its contribution to human nutrition and aid to those who for one reason or another do not have an adequate diet.

The record of the Department of Agriculture, made possible by the actions of the Congress and this committee, is long and strong in the support of nutrition and cost of production research, research on marketing, and support of other agriculture programs designed to improve the basic structure of agriculture and to enable the American people to spend only 16 percent of their income on food. This remarkable achievement is largely unnoticed. The committee is proud of another part of this record which is also unnoticed. That is this committee's direct support of food aid.

Two years ago the Congress adopted, at the committee's request, some important new language for the section 32 appropriation. This language provided $45 million for a number of expanded and innovative programs. The amount was raised to $100 million in the 1970 budget. The language follows:

> (4) In addition to other amounts provided in this act, not more than $100 million (including not to exceed $2 million for State administrative expenses) for (a) child feeding programs and nutritional programs authorized by law in the School Lunch Act and the Child Nutrition Act, as amended, (b) additional direct distribution or other programs, without regard to whether such area is under the food stamp program or a system of direct distribution, to provide, in the immediate vicinity of their place of permanent residence, either directly or through a State or local welfare agency, an adequate diet to other needy children and low-income persons determined by the Secretary of Agriculture to be suffering, through no fault of their own, from general and continued hunger resulting from insufficient food, and (c) milk for children in nonprofit high schools and schools of lower levels, child-care centers, summer camps, and similar nonprofit institutions devoted to the care and training of children.

This language has meant valuable flexibility in meeting many emerging needs for our food programs. In 1970 a total of $67 million has been allocated to supplement the funds available from the child nutrition direct appropriation to provide for:

First. Special cash assistance which provides schools with a higher rate of cash reimbursement for serving free or reduced price lunches to needy children;

Second. Serving school breakfasts to children in schools that draw attendance from low-income areas and those in which a substantial portion of the children must travel long distances; and

Third. Equipment necessary for serving these lunches and breakfasts.

The primary emphasis in the use of these funds is the extension of program benefits to needy children.

The $2 million designated for State administrative expenses is allotted to the States on the basis of detailed plans and justification of need for supervising and giving technical assistance to local school districts for additional activities undertaken by them to reach more needy children with lunch and breakfast programs.

The $20 million of these funds allocated for the special milk program are being used to supplement the $84 million appropriated to increase the consumption of fluid milk by children. All nonprofit schools of high school grade and under, all nonprofit summer camps, and childcare institutions devoted to the care and training of children are eligible to participate.

A special experimental program authorizing free food stamps to persons with little or no income was started in March 1969 in Beaufort and Jasper Counties, S.C., with $5,000 of these funds, and this project is continuing at this level in 1970.

The special supplementary food package program makes available enriched foods for new and expectant mothers, infants, and young children in food stamp areas. The program is operated through local health facilities such as clinics, with doctors and public health nurses prescribing for clients those foods offered by the Department of Agriculture.

A new experimental program involving the issuance of a special purpose food certificate is being tested in a limited area of Chicago. Eligible recipients—low-income new and expectant mothers and infants—use this food voucher to purchase milk, infant formula and baby cereal in local retail stores. The remaining $10,995,000 budgeted for 1970 is to be used for these two programs.

Last year the Congress appropriated a total of $610 million, an increase of $270 million, for food stamps. The committee helped this program grow from a small experiment conducted under section 32 to be the major food aid program of the Department.

For example, in 1967 the conference agreed and the Congress directed that $5 million of the funds for the food stamp program go to especially needy persons.

The committee has supported a strong nutrition education program. Last year's report stated:

> The committee has approved an appropriation of $30 million for the nutrition aide program initiated last fall. This is in line with the latest budget recommendation and places existing programs on a yearly basis. Of this sum, $7,500,000 shall be available for professional workers to promote 4-H type programs in the depressed areas of our cities. This program involves educational work among low-income groups to reduce the incidence of malnutrition, by providing homemaker aides who will use available information, knowledge and skills to teach needy people to utilize all resources toward the achievement of a more nutritionally adequate diet.
>
> In this connection, the Committee feels that full use should be made of the Nation's 3 million 4-H Club members to promote 4-H Club-type work with the youth of our towns and cities. The success of this program in rural areas has forcefully demonstrated the effectiveness of this approach. It may well be found that the most successful results from nutritional education of low-income families will come through work with the younger members of the family.

For these and other reasons, clearly established in the record, the committee is proud of its efforts to achieve better nutrition.

For 1971, the committee has restored the special milk program recommended for deletion in the budget estimate. This will provide about 3 billion half-pints of milk to about 17 million schoolchildren.

The committee has provided the full budget estimate of $1,250 million for food stamps, which of course has to await authorization before expenditure, and congratulates the Department on the establishment of the Food and Nutrition Service, an agency which is doing a good job.

The committee has raised by $5 million the recently authorized equipment program to a total of $17.5 million in 1971.

Included in the bill is $200 million for free and reduced-price lunches for an estimated 6.6 million needy children. Unfortunately, the fact that the Children's food service program was signed into law on May 14, 1970, made it impossible to obtain a budget recommendation or hold hearings in time to include funds for this purpose. The amended program will have the attention of the committee in the first suppemental.

A summary of the dramatic expansion of these programs follows:

ESTIMATED OBLIGATIONS FOR HUMAN NUTRITION PROGRAMS, INCLUDING FOOD ASSISTANCE, RESEARCH, AND EDUCATION OF THE U.S. DEPARTMENT OF AGRICULTURE, 1963–71

[In thousands of dollars]

Item	1963	1964	1965	1966	1967	1968	1969	1970	1971
Agricultural Research Service: Salaries and expenses, Research	2,053	2,055	3,981	3,943	3,786	3,654	3,734	4,097	4,272
Cooperative State Research Service: Payments and expenses	852	874	997	1,092	1,151	1,188	1,232	1,677	1,792
Extension Service:									
Payments and expenses:									
Payments to States and Puerto Rico	2,305	2,350	2,448	2,495	2,571	2,646	11,702	31,788	52,142
Federal Extension Service	95	100	102	105	109	114	406	1,325	1,410
Total, Federal Extension Service	2,400	2,450	2,550	2,600	2,680	2,760	12,108	33,113	53,552
Removal of Surplus Agricultural Commodities—Section 32:									
Commodities and administrative expenses	93,380	258,503	229,222	119,095	176,985	164,390	339,995	366,619	268,794
Special feeding program							45,000	100,000	186,058
Total, section 32	93,380	258,503	229,222	119,095	176,985	164,390	384,995	466,619	454,852
Food and Nutrition Service:									
Special milk program	94,036	99,721	97,759	96,552	99,289	102,574	102,677	84,000	104,000
Child nutrition programs	169,167	181,133	191,141	201,114	211,846	220,205	246,088	315,338	331,753
Food stamp program	20,415	30,479	35,135	70,440	115,515	187,284	250,982	610,000	1,250,000
Total, Food and Nutrition Service	283,618	311,333	324,035	368,106	426,650	510,063	599,747	1,009,338	1,685,753
Commodity Credit Corporation—domestic commodity donations and administrative expenses	294,523	293,425	163,578	126,182	138,898	237,442	236,413	112,969	267,809
Office of Information	153	148	177	159	203	132	200	197	192
Total, human nutrition	676,979	868,788	724,540	621,177	750,353	919,629	1,238,429	1,628,010	2,468,22

In determining the amounts considered to be essential for these purposes for the next fiscal year, it is important to review some of the conditions facing the 200 million American consumers as well as the economic strength of this Nation at home and abroad in the years ahead.

FARMING NO LONGER ATTRACTIVE

The number of agricultural producers providing food and fiber for our rapidly expanding population continues to decline and is now down to about 5 percent of the people in this country. Trained and experienced farm labor is in increasingly short supply.

Long hours of hard work, more rigorous living conditions, hazards of weather, threats from insects and diseases, increasing financial risks, and decreasing financial returns are causing farming to become less and less attractive to each succeeding generation of young people. Fewer and fewer farm children are turning to farming as a career. More and more of their parents are moving to "greener pastures" in town as the monetary return for their labor, investment, and managerial skills decrease on the farm.

As a business venture, farming is becoming less attractive as the necessary farm investment increases and the net return on the investment decreases. Figures from the Department of Agriculture show that average farm investment has increased nearly fourteenfold in the past 25 years, from $6,158 in 1940 to $85,402 in 1969. They also indicate that the average return on farm equities has dropped more than 50 percent during this period, from 7.1 percent in 1945–49 to 3.1 percent in 1968.

It is entirely understandable, therefore, why fewer and fewer people are remaining on the Nation's farms, and why some 5 percent of our population on the farms is now feeding the other 95 percent in addition to themselves. This undesirable imbalance can be expected to be further aggravated as movement away from agriculture continues.

According to Department figures, an average of nearly 800,000 people have left the farms in each of the last 5 years. The farm population has decreased to about 10 million today, as compared to more than two and a half times that number in 1950.

The trend away from the farm is also evidenced by the steadily decreasing amount of land in farms and the size of farms. The total land in farms in 1950 was 1.2 billion acres as compared to 1.1 billion acres in 1965, a reduction of 100 million acres. The average size of a farm increased from 213 acres to 377 acres in that same period.

As the committee has pointed out many times, the farmer or agricultural producer can afford to quit, but the consumer cannot afford to have him do so.

AGRICULTURE REMAINS BASIC

In the opinion of the committee, the growing tendency to consider agriculture as a less essential part of our national economy, and to reduce funds needed for its continued support, threatens our Nation at home and abroad. It could have a serious effect on the future food supply of this country and could weaken our ability to meet our future responsibilities as a leader of the nations of the world.

History teaches us that the food-deficit countries of the world started on their decline by failing to give adequate attention to the protection and development of their basic natural resources. They failed to provide necessary protection and development through research, control of insects and diseases, conservation and other programs needed to assure the preservation of their capacity to meet the needs of their people for food, clothing, and shelter. This is true of nearly every country we aid today. We must not make the same mistake.

One of our major problems today is that, though agriculture is our best market for industry and labor and the most economical supplier of the consumer, so few people are engaged in agriculture that its voice is weak in the legislative halls of a majority of the States and of the Nation. No longer does agriculture figure prominently in the planning of those who would appeal to the majority. This leaves a major task for those who recognize that the national welfare depends on a sound and healthy agriculture.

LOW FARM INCOME TRIGGERS FINANCIAL DEPRESSION

It has been stated that the seeds of the Great Depression were sown in the agricultural depression of the 1920's which followed the First World War. The failure to maintain farm exports or to support farm prices and thus to maintain farmers' purchasing power weakened banking and business. Yet, people refuse to remember the lessons of the terrible financial crises of the 1920's and 1930's. It was graphically illustrated in 1921, in 1929, and again in 1937 that if the farmer's prices and purchasing power collapse, the whole economy suffers.

Let us now briefly review the history of farm prices in the late twenties and the thirties, when a drop in the purchasing power of those engaged in agriculture not only wrecked farming, but dragged down the economy of the whole Nation.

After the First World War ended the Government announced that it would no longer support the price of wheat. The wheat which had brought $2.94 a bushel in Minneapolis in July 1920, brought $1.72 in December 1930, and 92 cents a year later. Agricultural prices in general collapsed. Cotton fell to a third of its July 1920 price and corn by 62 percent. The Yearbook of Agriculture of 1922 shows that the total value of agricultural products dropped from $18,328 million in 1920 to $12,402 million in 1921. As a result of the agricultural crash of 1920–21, 453,000 farmers lost their farms. Many others remained in serious financial trouble which, in turn, was reflected by failures of local banks.

Average wheat prices for the years 1924

to 1927 stayed pretty much in a range between $1.19 and $1.44 a bushel as compared to a parity price of approximately $1.40 for that period. Corn prices in these same years varied between 70 cents a bushel to $1.06 a bushel versus a parity price of about $1. Cotton prices were 12.5 cents a pound in 1926 but averaged 20.7 cents for the other years, compared to a parity price of 19.1 cents. In 1928 these prices were: wheat, $1; cotton, 18 cents; and corn, 84 cents. By 1931 wheat was 38 cents; cotton, 5.5 cents; and corn, 32 cents—roughly one-third of the pre-1928 price levels. Starting in August of 1929, wheat prices for the dominant futures on the Chicago Board of Trade fell from $1.43 average price to 76 cents in November of 1930, a drop of over 50 percent in 15 months. The Dow-Jones stock price averages followed by declining from a high of 381.2 in September to a low of 41.2 in July of 1932. The decline of the price of wheat on the commodity exchanges was particularly significant since there were nearly $250 million of open contracts in October 1929, almost 2½ times the number of contracts in normal years. A great many of these speculators were ruined.

It has been said that there were more suicides during this period among those that didn't know what a farm was as a result of the breakdown in farm or commodity prices—which had led to a fall in prices and values throughout the economy—than in any other period in our history.

It was a sad way to learn it, but people at that time came to realize that real wealth starts with material things—corn, wheat, cotton, food crops of all kinds, and other raw materials—and that the general economy was primed by the sale of raw materials since, in general, the total national wealth averages some seven times the sale value of the farm or raw material production.

We learned several lessons in the twenties and thirties.

First, that when farmers cannot get a fair return for their production, the land suffers. Remember, the price of food, clothing, and shelter is going to be paid either by those who use them, or by the land from which they come. Congress, reacting to the terrible depletion of our natural resources, passed the Soil Conservation and Domestic Allotment Act of 1936. Yet, today these same facts get little recognition.

Second, we sometimes seem to forget that some form of effective control over farm production and marketing is necessary. In 1937 heavy crops caused surpluses and low prices for wheat and cotton, and a severe drop in commodity prices corresponded to another decline through the economy.

Our farm programs today seem often to be predicated on the belief that cheap raw materials made this country great. That is undoubtedly true; however, we wasted half our natural resources in the process. The high payments which are the result of these policies have engendered a great animosity, in the minds of some, toward our agricultural producers.

It shall be remembered that the price of food, clothing and shelter is going to be paid either by those who use them, directly or through taxes, or by the land from which they come.

The people of India and China throughout the centuries demanded food and fiber below the cost of production. The cost was paid by the land from which it came. As a result, the land is worn out. Yet we in this country wore out more rich land in a shorter time period than any nation in history, largely because we had land to waste. This is no longer the case.

PAST ACHIEVEMENTS OF AMERICAN AGRICULTURE

The efficiency of American agriculture has been a blessing to the consumers of the world. It has provided a plentiful supply of wholesome and nutritious foods which U.S. consumers have come to accept and take for granted. It has produced quantities in excess of domestic needs which have become a significant factor in our international programs of aid and assistance to the less fortunate peoples in other nations of the world.

Because of the remarkable achievements of American agriculture, the people of the United States for years have enjoyed a standard of living never before attained anywhere in the world.

These achievements have been made possible by cooperative Federal, State, and local efforts in the various agricultural programs of the Nation. The leadership of the U.S. Department of Agriculture, the land-grant universities, and the States and local agricultural agencies, have developed an agricultural industry in the United States which is the envy of the entire world.

As a result of our high level of efficiency in agricultural production, and certain governmental policies which have failed to make U.S. commodities competitive in world markets, this country has had supplies of commodities which have been surplus to U.S. needs during certain periods in the past several decades. National policies and farm programs have been directed toward meeting this situation. It is pointed out that, while these supplies were surplus to domestic U.S. demands, they were by no means surplus to world needs. Also, it is the opinion of many responsible officials and experts in this country that it is much better for the United States to have too much rather than too little of the things necessary to feed, house, and clothe our people. The cost of handling and storing surpluses has been small indeed, compared to the benefits to the American consumer and to the position of strength in world affairs which our agricultural production has enabled us to maintain.

A FIRM SUPPLY OF FOOD ESSENTIAL

Aside from the possibility of nuclear conflict, hunger is probably the foremost problem of the world today. Approximately half of the world's 3.5 billion people suffer from malnutrition. The World Food Congress was told in 1963 that around 10,000 persons die every day from starvation.

India had a food crisis in 1963. Short-staple wheat and the so-called miracle rice has helped, but that vast subcontinent still has a year-round hunger problem; so do many other areas in the world. The present outlook is that hunger will grow more and more intense with the passage of time. The world's population increase is almost unbelievable. Each year births exceed deaths by almost 60 million.

This alarming population expansion can be fully appreciated when it is realized that the population of the world, which reached the first billion by the year 1830, took only 100 years, 1830 to 1930, to reach 2 billion and only 30 years, 1930 to 1960, to reach 3 billion. It is expected to exceed 6 billion people by the turn of the century. The population growth in the United States increased from 13 million in 1830 to 123 million in 1930 and 179 million in 1960. It is expected to reach 300 million by the year 1990.

The Secretary, testifying recently before the House Committee on Foreign Affairs, stated:

> We must, of course, project the future in order to plan for it. But there is a strong tendency, I think, to project from present conditions, without accounting enough for variables. Weather, for instance, can cause as much as 25 percent fluctuation in Agriculture production.

Although the Secretary was speaking of worldwide agriculture, this statement is just as applicable at home. It should be added that there is an equal danger in projecting past solutions. For this reason, volume 1 of the hearings includes testimony taken by the subcommittee from Secretary Benson in 1957. These hearings demonstrate that policies quite similar to those being followed today, including massive land retirement, forced thousands of farm families to migrate to the cities. Recent events have proven this migration to be a disaster. The policies caused us to lose our foreign markets, as well, by holding an umbrella over the world markets with high prices. Foreign suppliers got the market and we became a residual supplier. Such price levels have encouraged foreign planting of commodities such as cotton and wheat that have further reduced our exports.

COMPETITIVE EXPORT SALES NECESSARY

For the past 20 years, the committee has done everything possible to encourage and require exportation of U.S. agricultural commodities and has continued to insist that such commodities be offered continuously in world markets on a competitive basis. During those years when U.S. commodities have been kept competitive, export sales have increased substantially and the pressure of surpluses has been removed from the domestic markets.

Despite unlimited authority to sell competitively in world markets the Department's failure to sell competitively in the early 1950's, caused CCC commodity inventories to increase from $1 billion as of June 30, 1952, to $5 billion as of June 30, 1955. During this period, CCC holdings of cotton increased from $418,000 to $1.2 billion.

In 1955, at the insistence of this committee, the first cotton was offered for sale abroad for dollars on a competitive basis and 1 million bales were sold in a few weeks. Subsequently about 7 million bales were sold soon after they were offered. Then in 1956, despite this most satisfactory experience, the Department

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took steps to again hold U.S. cotton off world markets. This caused Congress to enact the Export Sales Act of 1956 requiring sales for dollars to regain and retain the U.S. historical share of world markets.

Notwithstanding this legislation, the Department in 1958 again refused to offer cotton at competitive prices. The Comptroller General ruled this to be a violation of the 1956 Export Sales Act. Cotton exports again dropped—from 7.6 million bales in 1956 to 2.8 million bales in 1958. This action cost the CCC and the American taxpayers hundreds of millions of dollars, and did great damage to U.S. cotton producers.

In 1959, under increased pressure from Congress, competitive sales were reinstituted and exports again increased—to a level of 6.5 million bales in 1959. Despite the outstanding success of the competitive sales program each time it has been used, however, the Department continues to favor the export "payment-in-kind" approach, which has not been effective and which has been extremely costly to the Government.

The history of our export programs clearly demonstrates that the "payment-in-kind" program is not a satisfactory substitute for competitive sales abroad. Like most exporting nations of the world, we should sell what we produce and don't need for what it will bring in the world markets. Past experience has shown that, when buyers have the opportunity to support world prices by their bids, markets throughout the world are strengthened and commodities flow freely through the normal channels of trade. Loss of markets to our competitors has proved the dangers of an artificial price umbrella over world markets, fixed by a governmental agency.

The Export Sales Act of 1956 referred to above also requires the Secretary of Agriculture to establish an export goal at the beginning of each year and, in the opinion of the committee, requires him to announce such figure to the public. No such goals have been announced in recent years, despite the provisions of law. This has had a depressing effect on U.S. exports. While the historical U.S. share of the world cotton market is around 6 million bales annually and while the law requires the export of this amount, cotton exports dropped to 3.3 million bales in 1962, 4.7 million bales in 1967, and 2.5 million bales estimated for 1970.

In view of these factors, the committee insists that the Department: first, return to offering commodities for sale on a competitive bid basis; second, make "payment-in-kind" payments from commodity stocks in lieu of cash payments; and third, conform to the Export Sales Act of 1956 by announcing to the world the quantity of cotton the United States will intend to sell each year on world markets. The same policy would be good for other commodities. These exports should be from private stocks and handled through private channels where possible and from Government stocks where necessary. The Export Marketing Service should maintain the right to determine when and how much to offer at various times during the year to reach the total goal.

The ability of this country to provide the most abundant supply of wholesome and delicious food at the lowest cost ever known to the people of the United States—and in addition feed substantial numbers of hungry people throughout the world—has been one of our greatest strengths in meeting domestic needs and in dealing with world problems.

The failure of Communist agriculture, a failure which is chronic and deep-seated, has tremendous implications to the hundreds of millions constantly plagued by hunger. The Communist inability to produce efficiently and abundantly is due in large part to a lack of adequate and well-directed research and related agricultural programs, under a system which has tied the hands of Soviet agricultural scientists.

This must not be permitted to happen in the United States. We cannot allow any change in emphasis or direction which would weaken or damage our successful research, extension services, soil conservation, and marketing programs which have given this country its efficient and productive agricultural system. These basic programs of the Department of Agriculture, the land-grant colleges, and related institutions, must be continued at least at present levels.

WHAT WE FACE

The individual agricultural producer has many special problems. For instance, if he is engaged in dairy production, he will learn that, about the time he gets his equipment paid for, some local, State, or Federal Department of Health—frequently acting at the instance of Members of Congress or other legislative bodies, or the press, catering to the 95 percent of nonfarmers—has passed regulations requiring entirely new equipment to meet "newly adopted" standards for the handling and distributing of milk.

If he tries to meet this requirement, he may learn that, because of new pesticide residue-testing methods which can measure a part in a trillion, he has to dump his milk. He may have to do this even though there be absolutely no evidence that the minute traces found by modern testing methods endanger anything. Of course, the Government promises—and sometimes pays—an indemnity.

If, like most, his dairy is on rolling grassland just outside a fast-growing city, his land increases in value so rapidly that in self-defense and because of increasing taxes he must develop his land or sell. He comes out fine financially, but there will be no more dairying for him.

If he is a producer of perishable commodities, he finds that his Government has set the rate of pay for labor, plus other requirements, at such a high level that his competitors go across the border into Mexico where labor is paid about the same per day as the American producer's Government makes him pay per hour.

If the American farmer is in the poultry business, he may find that not only must be meet standards of health; but, also, he must observe other requirements of consumer groups that may have nothing to do with health. When he develops a foreign market, such as he did in Germany and many of the countries of Western Europe, he finds that the Common Market, promoted and sponsored by the United States, has set up uncalled-for requirements so as to fence him out of this market. Of course, those countries do not provide a "tariff," they just simply require an equalizing payment, which has the same effect.

If our American producer happens to be a cotton farmer, he finds that his Government—instead of carrying out the law calling for U.S. production at a level sufficient to meet domestic demand and supply our normal share of world markets—has set up regulations under law restricting annual production. He finds that, while in effect charging the American farmer a dollar a bale for promoting cotton, we do not have U.S. cotton of desirable quality available for world markets.

Our American producer further learns that while his Government will pay him to leave a part of his land out of production, the press—instead of giving him credit for having foregone—unwisely, if I may say so—the use of part of his land in order to earn the money—pictures him as somewhat of a misguided, getting something for nothing, Government dependent.

Whatever he produces, the agricultural producer will take the brunt of public criticism for high retail food prices, though the high prices come from consumer demand for processed, packaged, and frozen foods, and not from the price he receives.

If the American farm producer grows grain, he may find that, just about the time he begins to get a fairly decent price for his production, the Commodity Credit Corporation will sell enough from its supply to bring down the price he receives. If he looks abroad, he finds that for more than 15 years, under the AID or foreign aid program, his Government has been educating foreign peoples to produce the very commodity that he himself produces. Furthermore, his Government has been making competitors out of former customers, and furnishing U.S. technicians to do it—738 at one time, according to our investigation a few years ago. And so it goes.

WHAT IT ADDS UP TO

When all this is said and done, you can easily see why fewer and fewer people are staying on the farm, why fewer and fewer young people are studying agriculture in our colleges. Of course, they can quit; but you and I cannot afford to have them do so.

Mr. LANGEN. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman and Members of the Committee, it becomes a rather easy assignment to fulfill this role in explaining the bill before us, following the very eloquent and precise statement made by the chairman of the subcommittee.

I think by now all realize the extent to which he is informed in great detail of the problems as they relate to agriculture, the extent to which moneys are provided in this bill to deal with each of those problems, and the extent to which he has attempted to satisfy the great needs of rural America as well as the rest of the country.

He and, in fact, all of the members of

the subcommittee have been most adequately assisted by the committee's counsel, Jerry Boling. This is the first year that Jerry has filled that difficult role; but, watching him in action, one would never know it. I have been most impressed with his quick grasp of the difficult material that the subcommittee must deal with and his ability to promptly supply us with needed information and advice.

I want to take this opportunity to direct the attention of every Member to the excellent committee report which accompanies this bill. It contains a wealth of information about the vital role agriculture has played, and continues to play, in our Nation's life. It also demonstrates the importance of the many programs funded by this bill to all Americans and points out the error of looking upon this bill as important only to farmers and rural America. Surely, anyone who reads this committee report cannot help but be impressed with the importance of this bill to the future of our country.

Mr. Chairman, there is a rather old joke that has been floating around for several years to the effect that the Congress ought to pass a law to prohibit the Department of Agriculture from employing more people than there are farmers. Perhaps there is some humor in this for those who are not familiar with the activities of the Department of Agriculture or with the conditions confronting our farmers in rural America. However, for those of us who are familiar with the situation, it has a rather hollow ring because this old joke is based on some false assumptions. I think that this is a good time to clarify those assumptions. The first assumption is that the Agriculture Department is primarily engaged in serving and assisting the interests of the farmer. This is not true as I will demonstrate shortly. The second assumption is that the Agriculture Departmnet is a mushrooming bureaucracy that is soaking up an inordinate share of Federal funds. This also is not true as I will explain later. It is true that the number of farmers and the number of Department of Agriculture employees are coming closer together, but the reason for that is the economic conditions which exist in rural America are forcing the farmer off the farm. We are fast approaching the point where only the largest and most well established farmers are able to make a decent living on the farm producing the food and fiber that the rest of us are dependent upon. From 1960 to 1968, the total farm population declined by over 30 percent from 15.6 million to 10.5 million. This continued hemorrhaging of the vitality of rural America must be ended for it has a damaging effect on the lives of everyone. Rural communities lose their most valuable asset—their young people who find they have no future there. Soon these communities find that they are unable to provide adequate services to their populations, thus driving away more people and businesses. On the other hand, our urban centers are being inundated by folks from rural areas beyond their capacity to absorb them. The results are overcrowding, pollution, inadequate job opportunities, crime, and all the other urban ills with which we have become so familiar.

That this bill deals with several areas of national concern can be seen by even the briefest reading of the committee report. Pollution, conservation, nutrition, welfare, housing, community development, and consumer protection, all familiar terms in today's headlines; and all are dealt with in the bill which we are now considering. Unfortunately, we do not have sufficient time to consider in the detail the many features of this bill which deal with items of current public concern. However, I believe that a brief recital of the highlights of this aspect of the bill will be sufficient to convince my colleagues who do not have a particular interest in agriculture that this bill merits their support. In fact, as it has for the past several years, this appropriation bill for the Department of Agriculture contains more funds for programs of concern to urban citizens than for programs of particular interest to the farmer.

Recognizing the importance of pollution control, the committee has recommended an appropriation of $56 million for rural water and waste disposal grants. This figure is an increase of $10 million over last year's appropriation and $32 million over the budget estimate. This $56 million will be sufficient to provide for 315 planning grants and 745 development grants to small, rural communities whose resources are inadequate to finance these vital facilities. Not only will these small communities benefit by an improved and healthful water supply as well as a better environment, but all of us will benefit by the decreased pollution of our streams, rivers, and lakes that will result from the construction of these facilities.

Additionally in the field of pollution control, we are recommending an appropriation of $112.7 million to operate pesticide research and regulation programs during fiscal 1971. The chart on page 3 of the committee report shows us the funding history of these programs; as one can easily see, there has been a dramatic growth in congressional support for these activities in recent years—we have doubled their funding in the past 8 years. This is the result of a legitimate concern over the impact of these chemicals and other agents on our environment. The Department of Agriculture has responded to this concern with considerable vigor. The beefed-up funding provided in this bill should enable the Department to deal more effectively and more intelligently with this difficult problem.

In the broader area of conservation, of which pollution control is an important part, this bill also responds to the concern of the Nation. The committee is recommending that the agricultural conservation program be restored to the same level as it is operating at during the current fiscal year—$195.5 million. This important conservation program enables thousands of individual farmers to institute conservation practices on their farms each year. The benefits that accrue to each of us from this program are many and varied: The development of needed recreation areas and wildlife habitats; the ending of stream pollution by siltation; the restoration of depleted land to assure us a continuing, abundant supply of food. These are just examples of the fruits of this program.

The elimination of funds for ACP, as recommended in the budget, would necessitate the addition of such amounts to the other conservation and watershed programs administered by the Department if we are to maintain our commitment to conserving our natural resources. This program provides the best possible means for getting conservation practices applied to the land. Until a better program is proposed, and I am not sure that there is one, it would be a real mistake to fail to support this key conservation program.

The Soil Conservation Service, the principal conservation arm of the Agriculture Department, provides professional leadership in soil, water, and plant conservation, working directly with locally managed soil conservation districts and local sponsors of watershed projects. We have recommended an increase of almost $10 million to fund the Service's conservation operations. Additionally, we have recommended an increase of $10.4 million in the important watershed works of improvement program which will provide for 70 new construction starts. The program assists local watershed districts to undertake needed flood prevention and soil erosion prevention activities of a magnitude beyond the resources of the local district. Finally, the committee recommends a $3.6 million increase for resource conservation and development—R.C. & D.—projects. This increase will allow seven projects which are ready to begin construction to proceed and will permit five new planning starts in fiscal 1971.

Our obligation to do everything possible to assist those in need achieve a nutritionally adequate diet has long been recognized by this committee and we have acted in support of that recognition to the fullest extent possible. A brief summary of the committee's record in this area is contained on pages 8 to 11 of the committee report. It is an impressive record and one that we are proud of. As the chart on page 11 demonstrates, we have quadrupled the funds that are devoted to human nutrition programs over the past 8 years; and just this year alone, we are recommending a $1 billion increase in these programs.

The committee has restored the special milk program in this bill and recommends an appropriation of $104 million to fund it; the same level it was funded at for the current fiscal year. The Department of Agriculture has estimated that almost 3 billion half pints of milk were served to 16.6 million children through this program in fiscal year 1969. Additionally, approximately 16,000 schools participate in the special milk program that do not participate in the national school lunch programs. This means, of course, that the special milk program is the only child nutrition program that the children attending these 16,000 schools are able to participate in. Undoubtedly, these 16,000 schools are concentrated in poorer urban neighborhoods and small rural communities that have been unable to support a school lunch program—the very schools that

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most need our support. For these reasons, we feel that it is particularly important that the special milk program be continued at this time.

For the other child nutrition programs, the committee has recommended increases totaling over $105 million—$65 million of this increase is slotted for free and reduced priced lunches for needy children.

For the food stamp program, the full $1.25 billion has been recommended even though the program has not been authorized beyond December 1970, at a level of $170 million. Consequently, we have had to insert language prohibiting the expenditure of these funds until they are properly authorized. As we have in the past, the committee has once again funded the food stamp program to the fullest extent possible.

Our commitment to assist the poor to obtain an adequately nutritious diet does not end here. Last year, the Congress, upon the recommendations of this committee, provided $30 million for the new nutrition aide program which employs homemaker aides to teach needy people to utilize all of their resources toward the achievement of a more adequate diet. This has proven to be an effective program, and we are recommending a $20 million increase for it.

As I stated earlier, this committee is proud of its record in support of nutrition programs administered by the Department of Agriculture. This bill adds substantially to that record.

Another problem of national proportions that this bill deals with is our effort to provide decent housing for our citizens. Although too few people realize it, the housing crisis in rural America, which contains well over half of this country's substandard housing, is much more acute than it is in urban America. This committee has responded to this crisis in rural America.

First, we are recommending that the rural housing direct loan account in the Farmers Home Administration be restored to its 1970 level of $30 million. Of this amount, $27 million will be allotted for direct loans to individuals for very low income housing repair loans and for low- to moderate-income building loans.

FHA's major loan programs are financed through its two insurance funds—the agricultural credit insurance fund and the rural housing insurance fund. The budget anticipates loans totaling $2.2 billion will be made from these funds in fiscal 1971. The fiscal 1970 budget had projected that $2.2 billion of these loans would be made during the current fiscal year. For various reasons, present estimates place the total at $1.6 billion. In order to assist the Farmers Home Administration achieve the $2.2 billion goal in fiscal 1971, we are recommending an additional $9.5 million to enable FHA to employ an additional 900 persons to administer these vital programs.

We have also provided funds to administer the new loan programs for Indian Tribes that are authorized by Public Law 91–227 which was signed into law on April 11 of this year.

In order that the rural electric and rural telephone systems continue their vital function in the development of rural America, the committee recommends the full budget estimate for each of these loan accounts—$322 million and $123.8 million respectively. In recognition of the acute need for these loans in rural America, we are recommending that an additional $20 million be placed in budgetary reserve to be released by the Bureau of the Budget to these programs as the need is demonstrated.

The Consumer and Marketing Service is responsible for administering the consumer protection and regulatory programs and the marketing programs of the Department of Agriculture. Its activities include meat and poultry inspection, the inspection, classification, and grading of other commodities to assure the housewife that grade A really is grade A and programs to assure the efficient and orderly marketing of agricultural products. We are recommending an increase, including pay costs, of almost $15.7 million for the Service over the fiscal 1970 appropriation. $9.2 million, or 60 percent of this increase will be devoted to expanded meat and poultry inspection activities.

Another agency whose activities have a significant impact on all Americans is the Foreign Agricultural Service which has the primary function of expanding the sales of U.S. agricultural products abroad. In view of our balance-of-payments situation which has been deteriorating for the past several years, the efforts of the Foreign Agricultural Service to increase the sales of our farm products for dollars become increasingly important to our economic stability. Last month, I had the opportunity to attend an agricultural attachés' conference in Canberra, Australia, which considered the potential for U.S. sales in the Far East. In the near future, I submit a detailed report on the agricultural conditions in these nations as they were discussed at the conference.

At this time, I can report that these Far Eastern countries are expanding their markets for food and fiber. There is an excellent opportunity for us to expand our exports of agricultural products; but to take advantage of this opportunity, we will have to compete vigorously in these markets. We will have to expand our sales efforts, and we will have to be prepared to deliver high quality products in forms that are desirable in these societies. In order to accomplish this, the committee is recommending an additional $250,000 for FAS to be devoted solely to the attache service in the field in these Far Eastern markets.

Mr. Chairman, I have attempted to, as briefly as possible, demonstrate the importance of the many programs administered by the Department of Agriculture to every American. However, there is another contribution that the Department has made to all of us that has gone virtually unrecognized. With the inflationary ravages that have been afflicting us in recent year, that contribution becomes more significant and hopefully will serve as a standard for other departments of the Government. That contribution is the fact that the Department of Agriculture's expenditures for agriculture and rural development programs have not been a factor in the creation of the inflation which has infected our economy.

In order to clearly establish this fact, I would like to include in the RECORD at this point two charts. These charts are based on the figures presented on pages 66 through 68 of "The Budget in Brief for Fiscal Year 1971." Chart A contains the actual 1969 and estimated 1971 budget outlays for each function and subfunction listed plus the percentage change for each item. Chart B contains the same items for fiscal 1960 and fiscal 1970. The charts follow:

BUDGET OUTLAYS BY SUBFUNCTION, 1969 AND 1971

[In millions of dollars]

Function and subfunction	1969 actual	1971 estimate	Percentage of change (increase or decrease)
National defense:			
Department of Defense-Military:			
Military personnel (including retired)	23,818	24,104	+1.2
Operation and maintenance	22,227	19,650	−11.6
Procurement	23,988	18,799	−21.6
Research and development	7,457	7,382	−.01
Military construction and other	525	1,421	+170.6
Deductions for offsetting receipts	−135	−163	+20.7
Subtotal, Department of Defense-Military	77,877	71,191	−8.58
Atomic energy	2,450	2,411	−1.6
Military assistance	789	600	−23.9
Defense-related activities	260	−51	−119.6
Deductions for offsetting receipts	−138	−572	+314.0
Total national defense	81,240	73,583	−9.4

Function and subfunction	1969 actual	1971 estimate	Percentage of change (increase or decrease)
International affairs and finance:			
Economic and financial assistance	2,420	2,357	−2.6
Food for peace	975	852	−12.6
Conduct of foreign affairs	371	412	+11.0
Foreign information and exchange activities	237	241	+1.6
Deductions for offsetting receipts	−217	−273	+25.8
Total international affairs and finance	3,785	3,589	−5.17
Space research and technology:			
Manned space flight	2,781	1,937	−30.3
Space science and application	569	612	+7.5
Space technology	344	306	−11.0
Aircraft technology	168	184	+9.5
Supporting space activities	390	376	−3.6
Deductions for offsetting receipts	−6	−15	+150.0
Total space research and technology	4,247	3,400	−19.9

Function and subfunction	1969 actual	1971 estimate	Percentage of change (increase or decrease)
Agriculture and rural development:			
Farm income stabilization	5,000	4,467	−20.6
Agricultural land and water resources	343	317	−7.6
Rural housing and public facilities	318	−176	−155.3
Research and other agricultural services	645	799	+23.8
Deductions for offsetting receipts	−85	−41	−193.2
Total agriculture and rural development	6,221	5,364	−13.7
Natural resources:			
Water resources and power	2,256	2,940	+30.3
Land management	643	771	+19.9
Recreational resources	372	546	+46.7
Mineral resources	71	110	+54.9
Other natural resources programs	160	183	+14.3
Deductions for offsetting receipts	−1,373	−2,048	+49.1
Total natural resources	2,129	2,503	+17.5
Commerce and transportation:			
Ground transportation	4,413	4,881	+10.6
Air transportation	1,042	1,668	+60.0
Water transportation	864	938	+8.5
Area and regional development	584	710	+21.5
Postal service	920	382	−58.4
Advancement and regulation of business	206	425	+106.3
Deductions for offsetting receipts	−157	−217	−38.2
Total commerce and transportation	7,873	8,785	+11.5
Community development and housing:			
Low and moderate income housing aids	871	1,499	+72.1
Community environment	632	1,173	+85.6
Community facilities	146	237	+62.3
Concentrated community development	684	1,242	+81.5
Community planning and administration	47	95	+102.1
Maintenance of the housing mortgage market	−406	−464	+14.2
Deductions for offsetting receipts	−13	(1)	------------
Total, community development and housing	1,961	3,781	+92.8
Education and manpower:			
Elementary and secondary education	2,480	2,710	+9.2
Higher education	1,230	1,449	+17.8
Science education and basic research	490	490	0
Vocational education	262	329	+25.5
Other education aids	373	411	+10.1
Manpower training	1,193	1,720	+44.1
Other manpower aids	810	1,034	+27.6
Education and manpower—Continued			
Deductions for offsetting receipts	−13	−14	+7.7
Total, education and manpower	6,825	8,129	+19.1
Health:			
Providing or financing medical services	9,315	12,106	+29.9
Development of health resources	1,918	2,235	+16.5
Prevention and control of health problems	465	618	+32.9
Deductions for offsetting receipts	−2	−1	−50.0
Total health	11,696	14,957	+27.8
Income security:			
Retirement and social insurance	32,240	41,895	+29.9
Public assistance	4,272	7,035	+64.6
Social and individual services	888	1,454	+63.7
Deductions for offsetting receipts	−1	−1	0
Total income security	37,399	50,384	+34.7
Veterans benefits and services:			
Income security	5,528	6,018	+8.8
Hospital and medical care	1,566	1,796	+14.6
Education, training and rehabilitation	701	1,206	+72.0
Housing	102	−315	−408.8
Other veterans benefits and services	237	269	+13.5
Deductions for offsetting receipts	−493	−498	+1.0
Total veterans benefits and services	7,640	8,475	+10.9
General Government:			
Central fiscal operations	1,094	1,345	+22.9
Law enforcement and justice	534	1,027	+92.3
General property and records management	567	632	+11.4
Legislative and judicial functions	302	377	+24.8
National Capital region	162	414	+155.5
Central personnel management	146	184	+26.0
Executive direction and other general government	299	360	+20.4
Deductions for offsetting receipts	−238	−255	+7.1
Total general Government	2,866	4,084	+42.5
Interest	15,791	17,799	+12.7
Allowances	------------	2,575	------------
Undistributed intragovernmental transactions	−5,117	−6,639	+29.7
Total outlays	184,556	200,771	+8.7

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[1] Less than $500,000.

THE LIBRARY OF CONGRESS—LEGISLATIVE REFERENCE SERVICE

COMPARATIVE DATA ON FEDERAL BUDGET OUTLAYS: FISCAL YEARS 1960 AND 1970 (ESTIMATED)

Function and subfunction	Outlays (millions)		Percentage increase (+) or decrease (−)
	1960	1970 (estimate)	
National defense:			
Department of Defense—Military:			
Military personnel (including retired personnel)	$11,738	$25,158	+114.3
Operation and maintenance	10,223	21,500	+110.3
Procurement	13,334	21,550	+61.6
Research and development	4,710	7,300	+55.2
Military construction and other	1,750	1,139	+34.9
Deductions for offsetting receipts	−275	−140	------
Subtotal, Department of Defense—Military [1]	41,479	76,505	+84.4
Atomic energy [1]	2,623	2,461	−6.2
Military assistance [1]	1,631	495	−69.7
Defense-related activities	244	119	−51.2
Deductions for offsetting receipts [2]	−69	−150	------------
Total national defense	45,908	79,432	+73.0
International affairs and finance:			
Economic and financial assistance	1,391	2,746	+97.4
Food for Peace	1,458	971	−33.4
Conduct of foreign affairs	214	396	+85.0
Foreign information and exchange activities	137	237	+73.0
Deductions for offsetting receipts	−146	−237	------------
Total international affairs and finance	3,054	4,113	+34.7
Space research and technology:			
Manned space flight	113	2,355	+1,984.1
Space science and application	133	634	+376.7
Space technology	52	337	+548.1
Aircraft technology	72	180	+150.0
Supporting space activities	30	387	+1,190.0
Deductions for offsetting receipts	(3)	−6	------------
Total space research and technology	401	3,886	+869.1
Agcriulture and rural development:			
Farm income stabilization	2,383	4,485	+88.2
Agricultural land and water resources	324	344	+6.2
Rural housing and public facilities	333	830	+149.2
Research and other agricultural services	312	726	+132.7
Deductions for offsetting receipts	−29	−43	------------
Total agricultural and rural development	3,322	6,343	+90.9
Natural resources:			
Water resources and power	1,241	2,325	+87.3
Land management	305	746	+144.6
Recreational resources	125	447	+257.6
Mineral resources	30	116	+286.7
Other natural resources programs	66	178	+169.7
Deductions for offsetting receipts	−748	−1,325	------------
Total natural resources	1,019	2,485	+143.9
Commerce and transportation:			
Ground transportation	2,984	4,810	+61.2
Air transportation	568	1,290	+127.1
Water transportation	509	919	+80.6
Area and regional development	120	717	+497.5
Postal service	525	1,247	+137.5
Advancement and regulation of business	193	597	+209.3
Deductions for offsetting receipts	−125	−144	------------
Total commerce and transportation	4,774	9,436	+97.7
Community development and housing:			
Low- and moderate-income housing aids	$145	$1,153	+695.2
Community environment	105	1,122	+968.6
Community facilities	18	200	+1,011.1
Concentrated community development	------------	960	------------
Community planning and administration	−72	82	------------
Maintenance of the housing mortgage market	787	−469	------------
Deductions for offsetting receipts	−11	(3)	------------
Total community development and housing	971	3,046	+213.7
Education and manpower:			
Elementary and secondary education	397	2,668	+572.0
Higher education	272	1,395	+412.9
Science education and basic research	120	490	+308.3
Vocational education	39	266	+582.1
Other education aids	58	434	+648.3
Manpower training	4	1,368	+34,100.0
Other manpower aids	399	929	+132.9
Deductions for offsetting receipts	−11	(3)	------------
Total, education and manpower	1,286	7,538	+486.2
Health:			
Providing or financing medical services	146	10,582	+7,147.9
Development of health resources	554	2,142	+286.6

See footnotes at end of table.

THE LIBRARY OF CONGRESS—LEGISLATIVE REFERENCE SERVICE—Continued

COMPARATIVE DATA ON FEDERAL BUDGET OUTLAYS: FISCAL YEARS 1960 AND 1970 (ESTIMATED)—Continued

Function and subfunction	Outlays (millions) 1960	Outlays (millions) 1970 (estimate)	Percentage increase (+) or decrease (−)
Health—Continued			
Prevention and control of health problems	58	542	+834.5
Deductions for offsetting receipts	−2	−1	
Total, health	756	13,265	+1,654.6
Income security:			
Retirement and social insurance	15,597	37,106	+137.9
Public assistance	2,293	5,381	+134.7
Social and individual services	88	1,347	+1,430.7
Deductions for offsetting receipts	−1	−1	
Total income security	17,977	43,832	+143.8
Veterans benefits and services:			
Income security	4,054	5,950	+46.8
Hospital and medical care	963	1,787	+85.6
Education, training, and rehabilitation	531	1,000	+88.3
Housing	206	162	−21.4
Other veterans benefits and services	187	266	+42.2
Deductions for offsetting receipts	−514	−484	
Total veterans benefits and services	5,426	8,681	+60.0
General Government:			
Central fiscal operations	573	1,257	+119.4
Law enforcement and justice	263	772	+193.5
General property and records management	351	631	+79.8
Legislative and judicial functions	158	364	+130.4
National Capital region	30	256	+753.3
Central personnel management	82	166	+102.4
Executive direction and other general Government	108	426	+294.4
Deductions for offsetting receipts	−238	−253	
Total general Government	1,327	3,620	+172.8
Interest	8,299	17,821	+114.7
Allowances		475	
Undistributed intragovernmental transactions	−2,297	−6,088	
Total	92,223	197,885	+114.6
Total outlays	83,929	176,152	
Total	176,152	21,733	

Source: U.S. Executive Office of the President. The budget in brief, fiscal year 1971, pp. 66-68.

Taking chart A first, we see that Federal expenditures for agriculture and rural development programs will actually decline by 13.7 percent from fiscal 1969 to fiscal 1971. Only space research and technology will experience a larger decline, and only national defense and international affairs and finances will experience declines. All other areas will experience increases ranging up to 92.8 percent for community development and housing. The total budget will grow from $184.6 billion to $200.8 billion, an increase of 8.7 percent. However, had the rest of the Federal Government followed the pattern of agriculture and rural development programs, total outlays in fiscal 1971 would be under $160 billion—$40 billion less than they are expected to be.

If we consider expenditures over the past decade, chart B shows that outlays for agriculture and rural development programs grew by 91 percent from 1960 to 1970. The only categories which increased by a smaller percentage were national defense, international affairs and finance, and veterans' benefits and services. Other programs experienced substantial increases: Natural resources up 144 percent; community development and housing up 214 percent; education and manpower up 486 percent; space research and technology up 869 percent; and health up a staggering 1655 percent. Total Federal outlays over the decade increased from $92.2 billion to $197.9 billion, an increase of 114.6 percent. Had the growth in the total Federal budget been restricted to the growth in agriculture expenditures, the fiscal 1970 budget would have been $176.2 billion—$21.7 billion below the level it is now expected to be.

The point I am attempting to make is with those critics of agriculture who contend that the Federal Government's expenditures for agriculture and rural development are excessive and therefore must bear a substantial share of the blame for the inflation we are now experiencing. Rather, I think it is clear that had the rest of the Government's expenditures followed the pattern of expenditures for agriculture and rural development, we would not be experiencing the inflation that has been upon us for the past few years.

Not only would we have been free of inflation, but just think how different our budget situation would be. Instead of experiencing deficits, we would have surpluses. Legislation to raise the limit of the national debt, such as we passed last week, would have been unnecessary. In fact, the debt could have been reduced. We would have been able to reduce taxes without raising economic havoc.

Gentlemen, the record of our expenditures for agriculture and rural development programs is outstanding for its modesty. When we seek to fix the blame for inflation, we are going to have to look elsewhere; it obviously does not rest here.

Mr. Chairman, many a housewife these days has been chagrined to look at her grocery bill and see a total that seems inordinately high. I imagine it is only natural for her to blame the farmer for the increases that she sees. However, if one takes the time to look at the record, it is clear that this is not the case. In the first place, the food and fiber we consume has never been cheaper in relation to our cost of living. The average family spends only 16.5 percent of its income for food in the United States. Never has it been so low, and it is far ahead of what any other nation has achieved.

Furthermore, whatever increases have occurred in food costs have not been the result of increased prices received by the farmer. This becomes evident when one compares the parity ratios for 1960 and 1970. In 1960, it stood at 80; but by May, 1970, it had declined to 73. Two glaring examples of this are wheat, which declined from $2.03 per bushel in 1960 to $1.42 in 1970, and oats, which dropped from $.78 per bushel to $.64. While other commodity prices may have increased, very few have done so at a rate comparable to the rise in the housewife's food costs. Clearly, she has no justified grievance with the American farmer.

Inadequate prices for the food and fiber he produces has actually brought the American farmer close to the point of economic collapse. If he does not receive an equitable price for his product, he cannot long continue to produce the world's most abundant supply of inexpensive and high quality food and fiber.

Last year, discussing the fiscal 1970 appropriation bill for the Department of Agriculture, I said:

> Agriculture is the base on which our society has been able to build the magnificent, complex economic structure we have today. Our industry and commerce that are able to supply us with a fantastic array of consumer and industrial goods would not be possible without the American agricultural system. Agriculture is truly the Atlas on which our rich and diverse economy rests.

Mr. Chairman, none of us can afford to allow this Atlas to collapse. The importance of the programs and activities funded by this bill to every American has not diminished over the years; in fact, they become more important each year.

It is my opinion that the committee's judgment in reporting this bill to you is well founded, and I heartily recommend it as it now stands for your approval.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. LANGEN. I should be glad to yield to my colleague from Iowa.

Mr. KYL. The gentleman from Mississippi and Minnesota have made splendid statements. Those who are not interested in agriculture particularly, but who demonstrate such a great interest in environmental quality and pollution control, should realize that siltation is still the greatest polluter of water in America. We are talking about spending $1.25 billion on secondary treatment. We can give primary, second-

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[1] Entries net of offsetting receipts.

[2] Excludes offsetting receipts which have been distributed by subfunction above.

[3] Less than $500,000.

ary and tertiary treatment to municipal waste and then clorinate the water after that and the chemicals, the nitrogen and the phosphate, which have naturally leached from the land to pollute the water, are still in that water. There is only one way to take care of the problem of water pollution we have, and that is through the soil conservation program, which the gentleman from Minnesota has so ably supported.

Mr. LANGEN. I thank the gentleman for his very cogent remarks. Certainly they are pertinent.

Let me refer to one other item in that connection that bears great significance. We have restored funds for the ACP. As the gentleman has just stated, one of the real sources of pollution is that of siltation from the streams. Of all the programs that have long since started, the various projects of the ACP have proved particularly successful in reducing the problem of siltation. Consequently, the committee has seen fit to restore those funds at this time.

The committee has had the same regard for the Soil Conservation Service and the great amount of commendable work that that agency has done in improving the productivity of land and guarding against the extent to which we might be eroding the land and contributing to pollution and the many other problems of productivity that go along with it.

Mr. ZWACH. Mr. Chairman, will the gentleman yield?

Mr. LANGEN. I yield to the gentleman from Minnesota, my colleague.

Mr. ZWACH. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, it has been my privilege to read this report and I commend the gentleman in the well, my colleague, the gentleman from Minnesota, as well as the chairman of the subcommittee and the committee members for the really significant report they have made. We often listen in vain in these Halls for the really basic discussion of our fundamental industry of agriculture. In this report that is brought out.

Furthermore, in the fields of conservation and nutrition, and many other of the avenues, the committee has done a real service in bringing to the House the basic principles of agriculture and its importance to the people of our country.

Mr. LANGEN. Mr. Chairman, I thank my colleague, the gentleman from Minnesota, for those eloquent and appropriate remarks. I know about the gentleman's diligent service on the Agriculture Committee. He understands the problems of rural America and it is a compliment indeed when he recognizes the extent to which the bill before us contributes to rural America.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. LANGEN. I yield to the gentleman from Mississippi, my chairman.

Mr. WHITTEN. Mr. Chairman, I appreciate the statement of the gentleman from Minnesota.

At this time I just want to say this is a subcommittee. I do not know of any group that works more closely together, and I know of nobody who makes a greater contribution than the gentleman from Minnesota (Mr. LANGEN). In the stress of time I do not always take time to say those things, but the same thing applies to all the Members on both sides of the aisle. It is a subcommittee that works together.

Mr. LANGEN. I thank the chairman for his very kind remarks. I believe this bill benefits every citizen of this country and ought to have the unanimous approval of this House. I recommend it to you on that basis.

Mr. WHITTEN. Mr. Chairman, I yield such time as he may desire to the chairman of the Committee on Appropriations, the gentleman from Texas (Mr. MAHON).

Mr. MAHON. Mr. Chairman, today we are considering a bill that affects everybody. Some of the legislation which we consider does not directly affect everybody in the United States and indirectly all of the people in the world, but this bill does—because everyone must eat to survive. So this bill is directly related to every citizen in this country.

The marvel of this century has been what agriculture has been able to do to provide food and fiber for the people at an extremely low cost. Of course, processing and transportation and other items may often run up the cost to the consumer, but the price paid to the producer is very, very small indeed.

Mr. Chairman, the report on this bill is, in my judgment, the best report that has ever been written on the subject of agricultural appropriations. On yesterday I commended the chairman of the subcommittee, Mr. WHITTEN, the ranking minority member, Mr. LANGEN, and other members of the subcommittee for conducting their hearings in such a manner and for preparing a report of such dramatic and striking quality on such highly significant matters.

I cannot believe that the Members of the House would want to try to write a new farm bill in this appropriation bill. As all of us know, the Committee on Agriculture is working on a regular farm bill. There is where the original version of the farm program for next year must be written.

We all know that the present farm program expires on December 31 of this year. I cannot believe that a majority of the Members of the House—regardless of their views as to what kind of new farm program we should have—will try to usurp the jurisdiction of the Committee on Agriculture and write a new farm program into this pending appropriation bill. It would be an act of futility and it would really be an outrage against one of the great legislative committees of the House.

Mr. LANGEN. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Chairman, first I want to pay my compliments to the distinguished chairman and ranking member of our subcommittee for doing an outstanding job, particularly in the preparation of this report. I wish that all of you would take the time to read it thoroughly, because it gives you in capsule form the problem that confronts this country out on the farms and gives you a much better understanding, particularly if you are from a city or urban district, of the problems that have to be dealt with here.

Mr. Chairman, both the chairman and the ranking member of our subcommittee have in their presentations made the point as to how much of this bill, while charged to agriculture, is actually going for the benefit of all of the people. And, serving as I do as the ranking member on the Health, Education, and Welfare Subcommittee of the Committee on Appropriations—a bill which will be coming on this floor within another month—having to do with a myriad of problems, I am reminded anew of what is included in this bill directly benefitting those people that we commonly would think of as being taken care of in the Department of Health, Education, and Welfare bill.

Mr. Chairman, the biggest item contained in this bill is to restore the capital impairment of the Commodity Credit Corporation but the next largest item is $1.25 billion for food stamps. I suspect that next year the request will be something in the neighborhood of $2 billion. This is going to be a multibillion-dollar program in a few years, and with our providing free stamps for the most needy, I thought we ought to compute this cost into the welfare floor when we consider the welfare reform legislation. Furthermore this food stamp program now is practically blanketing the country, or will do so within a few months.

Then, Mr. Chairman, if we take the school lunch program we add another $200 million, and the school milk program in the amount of $104 million. There you have $1,554 million that certainly could with no stretch of the imagination be charged up against agriculture, but has to be regarded as a program for all the people throughout the country, and practically all for the poor and needy.

Then, if you take the Extension Service that in the old days used to simply provide from our State universities' services out into the rural communities, we see these services now extended into the urban centers and ghetto areas of the country. The Extension Service in 1963 was in this bill for $4.5 million. This year it is $10.3 million. Why? To get these services delivered to the urban centers and ghetto areas.

Further, Mr. Chairman, the child nutrition programs which are over and above the school lunch and school milk programs are funded at $131.7 million in this bill.

The consumer protection marketing and regulatory activities now total $149.2 million, up $15.6 million from last year, and these again are of principal benefit to the consumer public.

We have $83 million in here for real estate loans through the Farmers Home Administration, an increase of $37.5 million from last year's bill—and this is certainly not going for building luxury homes on the ranches of the bigger spreads around the country, but it is going for the smaller, low-income farmers around the country.

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Take the research service as another item, while we are trying and attempting to produce more with higher quality—I would like to say that we are also accomplishing it at less cost, but such is not the case, for our farmers throughout the country are caught in a cost-price squeeze. The high cost of seed, the increasing cost of fertilizers, the skyrocketing cost of machinery—produced in the urban centers in the main—increased cost of fuel, labor, and marketing, and yet with all those increases the farmer seems to be getting just about the same as he did 10, 20, or even in some cases 30 years ago. But the cost to the consumer continues to shrink in terms of percentage of income one has to pay for food. I think now the latest figures show that a little more than 16 percent of the average American family's income, goes for food. Over in Japan I think it is something like one-third, and in the Soviet Union it is nearly half of one's income that has to go for food.

These are some of the things we ought to be talking about.

I suppose the real cost of our farm programs could best be reflected in the amount needed to restore the capital impairment of the Commodity Credit Corporation. That is the $14.5 billion corporation which now requires a restoration of $3.3 billion to bring its books in balance. That was the budget presentation. We actually, in this bill, have $3,113,000,000 for that purpose. I suspect this could be termed a phoney or a paper cut in our bill, but from past experience we know the other body is inclined to fully restore that capital impairment. I suspect when this bill comes back from conference it might very well be fully restored. But that gives you, I think, in capsule form the cost of these agricultural programs over the past year. And if we get to the point of fully restoring the capital impairment of the CCC and enact a new farm bill I think it will be much easier to determine the actual cost of these programs in the next few years when we have once and for all finally balanced up the books of the CCC. I recall just 2 years ago, when we were funding in this bill the capital impairment item, it dated back to the years 1960 and 1961. When you are over 6, 7, 8, or 9 years behind in restoring that capital impairment, it is nigh impossible to try and figure out what each specific agricultural program is costing you. Now, I wonder how many people actually realize that we have approximately 3 million farmers in this country today, but 85 percent of the total agricultural output in this country is produced by only 12 to 13 percent or less of our farmers. Think of it.

I am reminded of the very interesting conversation I had with the gentleman from Minnesota (Mr. LANGEN), after his return from Australia recently, in which he recited the incident where two cotton farmers from this country are now producing practically all of the domestic requirements for the entire country of Australia.

Two American cotton farmers who found out how best to produce cotton efficiently and moving to a foreign country and producing within a year or two all of that country's domestic requirement.

You know what that does to our export market?

Getting to the subject of limitation on payments, I understand that an amendment will be offered which will have to do with individual farmers rather than limitations on individual and specific crops. I think this in the first instance makes it completely unworkable and unmanageable.

I have fought limitations being imposed on the appropriation bills although I have been in sympathy with it when we have had the subject discussed on authorizing pieces of legislation. But going back again if you please to that few number of farmers who in the main produce the bulk of our agricultural commodities here, if we are going to have a control program, you cannot conceivably make it work unless you include the big operators with the small operators. Otherwise, you might as well toss any kind of control program out the window and let everybody produce everything that they want to. We know what kind of problem that got us into in some years past.

I am not unmindful of the fact that our friends in the news media, no matter how much we explain this thing—and we can take a half hour or an hour, to make the point—are still going to be telling the general public that these are outlandish payments; therefore, the whole program ought to be scotched.

I should like to make the point that we have gone back and forth on this thing two or three times. I have supported it in some measure on authorizing legislation and absolutely opposed it on appropriation bills.

The chairman said that the present act expires on December 31, 1970. I want to see a new farm bill enacted and this is going to be the last time I personally am going to oppose this limitation on an appropriation bill.

We have gone through this exercise about three different times. If we do not get something reasonable worked out as I think can be done on authorizing legislation, and we end up scuttling any attempt to get a new bill or end up simply reenacting the current program, next year I will have to take a different posture because I think I have been reasonable enough in providing the time to work this thing out.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman.

Mr. FINDLEY. Mr. Chairman, I am sure the gentleman would not want to leave the wrong impression about the amendment I intend to offer.

The amendment is so constructed as to make it clearly apply per person and per commodity and not per farm.

Mr. MICHEL. I thank the gentleman for correcting me on that particular point. I have not had an opportunity to read the gentleman's amendment very thoroughly.

Mr. Chairman, I want to make several other points with respect to the rural electrification program, the research program at the Peoria Regional Laboratory and other research and statistical items.

The appropriation bill for the Department of Agriculture and related agencies for 1971—H.R. 17923—as reported by the Committee on Appropriations provides for a loan authorization of $322,000,000 for the rural electrification program and $123,800,000 for the rural telephone program. These are the same amounts as President Nixon requested in his budget for 1971. In addition, the bill would create a contingency reserve of $20,000,000, "to be made available by the Bureau of the Budget on the same terms and conditions to the extent that such amount is required during the current fiscal year under the then-existing conditions for expeditious and orderly development of the rural electrification and rural telephone programs."

This reserve was made available to provide REA with some flexibility of additional funds where deemed necessary by the Budget Bureau. It was not requested in the 1971 budget.

As the committee points out in its report this loan authorization will enable the Administrator to make new electric loans totalling $345,000,000 in 1971. The Administrator told the subcommittee in its hearings that careful use of the budget request would permit the REA to meet the essential needs of the borrowers on an orderly basis in 1971. It would appear that the $20 million contingency will assure that any unforeseen emergency can be cared for.

The hearings also revealed that requests for distribution facilities would represent the largest amount of unfilled loan applications that the REA will have pending before it at the beginning of 1971. In the subcommittee hearings the REA Administrator updated the December 31, 1969, estimate of pending loan applications so as to reflect the situation likely to exist on June 30, 1971. About $630,425,000 of loan applications in the electrification program would be on hand as of this date—possibly $100 million of these would be acted on by June 30, 1970, according to the testimony. Of this $630 million total estimate presented by the Administrator, $288,424,000 are loans for distribution facilities, while $168,824,000 are estimated for generation and $173,177,000 for transmission purposes. Consequently, the loan authorization provided in this bill should adequately meet all of the pending loan applications for distribution facilities with funds available to meet any critical generation or transmission requests.

The Appropriations Committee report reiterated again this year:

> It is essential that generation and transmission loans be held to a minimum until the urgent needs for distribution are first met.

It points out appropriately that distribution borrowers can be supplied with wholesale power from available sources in the area but that other suppliers cannot, under State law and territorial agreements, serve individual customers or distribution borrowers. One of the major reasons priority to distribution loans has been recommended by this committee is that individual customers of a borrower have no alternative means of receiving service, whereas distribution systems usually have several alternative sources of power.

The committee likewise suggests that the Administrator "give special consideration" to borrowers "with the lowest load density of customers and major problems." The committee for years has supported the concept of area coverage. Although 98.4 percent of the United States has central station electric power available, in sparsely populated areas, particularly those with severe weather conditions, there are major problems for rural electricity and rural telephones. In those cases, loans over a longer period of time might be in order to justify what might not otherwise be feasible.

Now we come to something which concerns me a great deal. It should concern every member of this body who believes that a loan contract between REA borrowers and the Government is a commitment to repay the Federal Treasury as scheduled unless the deferral of payments are requested to protect the Government's security in its loan.

The bill as presented to the full committee erroneously carried a provision, as permanent legislation, that after full assurance of fiscal integrity and security of investment the Administration could suspend for up to 3 years, its repayment provisions of any loan.

I want to make it perfectly clear that I do not agree with the language in our report which reads as follows:

> The REA borrowers themselves are likewise seeking other means within their own organization to meet their obligation to their consumers. They are forming the National Rural Utilities Finance Corporation to commence operations this year. Whether this system works will have to await the action of the money markets.
>
> Because of this, the Committee suggests language providing that where the financial condition of a borrower is sound and where the Government's interest is adequately safeguarded, the Administrator consider deferring repayments on outstanding loans for up to three years. Such action where necessary would enable the cooperatives to more fully subscribe the stock of this new lending institution.

The original bill contained no language concerning how this money might be used by the borrower during this 3-year period but the committee report inferred that this provision was recommended to provide borrowers with funds to purchase capital stock in the National Rural Utilities Finance Corporation. This then in effect would have amounted to a Federal loan at 2 percent interest to borrowers of funds that could be used by them to buy capital stock in this corporation. At a time when the yield on Federal long-term bonds recently has been over 6.8 percent a loan at 2 percent constitutes a significant subsidy.

This language as I mentioned, would have been permanent language in an appropriation bill. It would not have applied only to the loan authorization made available by this bill. It stated that it would apply to any loan "made pursuant to the cumulative rural electrification and rural telephone program authorization provided by law." In fact it would not be useful or meaningful if it applied only to loans made subject to the loan authorization contained in this bill because payments of interest and principal on all loans are deferred during the first 3 years.

This language was not requested by the Department of Agriculture, the REA Administrator, or by the Director of the Bureau of the Budget. Nor has it been approved by either of those officials.

It could have led to the differal of a considerable sum of money. For example, the total amount of principal and interest due on debt obligations of REA borrowers—both programs—would amount to $984,500,000 during the 3-year period including fiscal years 1971, 1972, and 1973. Of course, I am not alledging that under the terms of the original language in the bill that all of this amount could have been deferred or that all of the borrowers that might qualify would make such requests. I present this figure only to indicate the possible maximum magnitude of the funds that could be involved.

Because of the important problems raised by this language, I called this provision to the attention of the Bureau of the Budget. I received a letter from Mr. Robert P. Mayo on June 4, the morning the bill went to full committee, opposing suspension of repayments to the Treasury.

In this letter Mr. Mayo stated:

> Based upon our understanding of this provision, such a provision could have serious adverse effects on Treasury receipts and result in a substantial increase in interest subsidy costs. This is due to the fact that Treasury borrowings at 6-plus percent would have to be continued for period of as long as three additional years in order to "carry" the 2 percent REA electric loans during this period.

Mr. Mayo is absolutely correct. This would in effect have provided a Federal loan with interest at 2 percent to REA borrowers thus permitting this to buy capital stock in the National Rural Utilities Finance Corporation—commonly referred to as CFC—while the yield on long-term U.S. bonds this year has been as high as 6.86 percent.

Mr. Mayo concluded this letter by recommending that the language in question should be deleted from the bill. He wrote:

> In view of the foregoing, we believe the proposal being considered by the Committee should be deleted pending further review of the entire REA financing problem by the executive branch. If such a review shows evidence of a clear need to provide Federal assistance to the CFC, appropriate actions will be proposed.

The Committee on Appropriations saw fit to delete this language from the text of the bill. It was stated during our "markup" session that the permissive language would not change the Administrator's present authority. This probably referred to the fact that section 12 of the Rural Electrification Act as amended permits the Administrator to extend the repayment period for up to 5 years—2 years facility loans. The purpose of section 12, however, was to permit deferral when the Government's security was in jeopardy, and certainly not to use such deferred funds to set up a new financing plan.

If Congress had included the language deleted from the bill it would have been a legislative mandate to the Administrator to defer loans so as to permit borrowers to more easily subscribe to the stock of the bank.

As our report now reads it appears to indicate that the Appropriations Committee would not oppose the Administrator if he desired to defer payments due from borrowers so as to enable such borrowers to use such funds to provide capital for the CFC, and I am opposed to this.

I desire to remind the Members here today that the Budget Bureau opposes this entire proposal of suspending repaymenst, however it may be accomplished, because "it would have serious adverse effects on Treasury receipts and result in a substantial increase in interest subsidy costs." This opposition of the Bureau is as applicable to the use of statutory language approved by Congress as it is to suggestions from the Appropriations Committee. Of course, with the language removed from the bill there is no question of Congressional disapproval of this proposal. Obviously the Director of the Budget speaks for the President, it is up to the Administrator as a part of the administration to follow the policy indicated by the Director. I am submitting the entire text of the letter of the Director of the Budget so that all Members of the House can consider it:

BUREAU OF THE BUDGET,
Washington, D.C. June 4, 1970.

Hon. ROBERT H. MICHEL,
House of Representatives,
Washington, D.C.

DEAR MR. MICHEL: It has been brought to my attention that the Appropriations Committee is considering a provision for inclusion in the 1971 Appropriation Bill for the Department of Agriculture which would have the effect of a moratorium on electrification loan repayments in certain instances for a period of as long as three years.

Based upon our understanding of this provision, such a provision could have serious adverse effects on Treasury receipts and result in a substantial increase in interest subsidy costs. This is due to the fact that Treasury borrowings at 6-plus percent would have to be continued for periods of as long as three additional years in order to "carry" the 2 percent REA electric loans during this period.

We are aware of the need for additional funds by the REA electric borrowers and we have supported the establishment of the private bank, the so-called CFC. We also appreciate the fact that the provision outlined above would make it less costly for the REA electric borrowers to purchase capital participation certificates in the new bank by relieving them of their obligation to the Federal Government. However, the proposal has received no consideration in the executive branch, and we are inclined to feel that there may be other less costly ways of aiding the CFC.

In view of the foregoing, we believe the proposal being considered by the Committee should be deleted pending further review of the entire REA financing problem by the executive branch. If such a review shows evidence of a clear need to provide Federal assistance to the CFC, appropriate actions will be proposed.

Sincerely,

ROBERT P. MAYO,
Director.

The committee has provided $3,197,000 above the request that benefits may be received from the construction of the

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15 new labs and five utilization laboratories. This amount will provide about 1,000 scientists and supporting staff.

This, of course, does not come anywhere meeting the need. In order to fully staff the Northern Utilization Research and Development Laboratory in Peoria, for example, 149 full-time employees at a cost of $2,695,000 would be needed.

Often, when we do fund more positions the total staff is not increased. In fact in Peoria it has dropped from 451 on June 30, 1968, to an expected 430 on June 30 of this year. This comes about because the cost of research, equipment, supplies, services, and so forth, has gone up. Also budgetary decreases in the base fund program have been made.

The following is an example of what could be done if the lab was fully staffed:

Program Need: (To Complete Staffing of New Wing) Northern Utilization Research and Development Division, Peoria, Ill.

Examples of high priority work (SMY—Scientist GS–11 or above, plus supporting staff for 1 year; annual cost estimated at $55,000, including salaries, equipment, supplies, etc.):

CEREAL GRAINS

1. *Reinforcement of rubber with starch,* 5 SMY ($275,000): (Increased emphasis, presently 3.4 SMY—potential benefit new market for 1.7 billion lbs. corn starch through replacement of higher cost reinforcing agents such as silicas, resins, and some carbon blacks for specialty rubber products—estimated benefit $54 million).

2. *Paper improvement with starch products,* 6.5 SMY ($358,000): (New research—increase speed on papermaking machines through increase of wet-web strength of sheet being formed, providing new market for 50 million lbs. corn starch—potential benefit $22 million).

3. *Fortification of cereal grains and food products,* 4.5 SMY ($247,000): (New, with some research background—to provide more nutritious foods for domestic use by fortification of cereal grains (except wheat) and derived food products with iron, calcium, and other vital minerals, essential amino and fatty acids, and protein and carbohydrate supplements).

4. *Nutrient values of cereal grains and food products,* 4 SMY ($220,000): (New, with considerable research background—to facilitate public nutritional programs and improve nutrition and health by obtaining adequate, reliable information on the nutrient composition and nutritional quality of cereal grains (except wheat), their milled products and derived cereal foods).

5. *Improved feed formulation technology,* 4 SMY ($220,000): (New, with some research background—development of rapid and comprehensive methods for protein and amino acid compositional analysis for computer-controlled feed formulation—potential benefit $55 million based on saving of 1% cost of mixed feeds).

6. *Flocculating agents, starch graft copolymers,* 4 SMY ($220,000): (Expansion, directed toward pollution abatement, based on extremely promising results of screening survey of products recently prepared in the Laboratory—new market for starch through potential applications in disposal of waterborne wastes from mining, ore refining, etc.)

7. *Conversion of feedlot wastes to useful products,* 3 SMY ($165,000): (New, based on expertise in fermentology and limited exploratory work—to reduce feedlot pollution by controlled composting of animal wastes to produce a superior, low BOD fertilizer or aesthetically acceptable nutritious animal feed).

OILSEEDS

1. *Linseed oil for improving concrete,* 4 SMY ($220,000): (New phase of linseed oil work—to overcome deterioration problems with low-quality stone and gravel by precoating with linseed oil before mixing concrete, providing new market for 2.5 million lbs. oil—potential benefit $288 million—if initial results are promising, effort will be increased).

2. *Soybean oil refining,* 3 SMY ($165,000): (Increased effort directed toward pollution abatement based on promising results; presently 1.5 SMY—lower cost process for refining the oil with reduction of water pollution—potential benefit $15 million).

3. *Nutrient composition of soybeans and soybean food products,* 4 SMY ($220,000): (New, with considerable research background—to facilitate public nutritional programs and improve nutrition and health by obtaining adequate, reliable information on the content and biologic availability of nutritionally important constituents of soybeans and soybean food products).

4. *New lubricants from high-erucic seed oils,* 2 SMY ($110,000): (New, based on exploratory studies—using such high-erucic oils as crambe and rapeseed, to produce better lubricants for airplane engines, other machinery, and other uses such as steel casting and rolling, new market for some 900 million lbs. oil from new crop acreage of over 1 million acres—potential benefit $36 million).

NEW CROPS

1. *Discovery and evaluation of new vegetable gums,* 2 SMY ($110,000): (New, based on limited screening work, subject to increase later—new crops to meet expanding industrial needs for hydrocolloids, eliminate dependence on imports of gums having variable quality and price, and providing for such applications as oil well drilling, papermaking, textile processing, mining and ore flotation, and numerous food-thickening uses—potential benefit $17 million).

2. *Improved processing of kenaf for papermaking,* 3 SMY ($165,000): (Increased emphasis, present effort 1.1 SMY—to provide a new farm crop and more effective use of farm acreage through development of a satisfactory and practical sequence of operations to process kenaf, an annual pulp source, to fully acceptable commercial-grade papers, thereby filling the need for a supplement to the diminishing supply of Southern hardwood pulpwood—potential benefit $16 million).

Summary of examples

SMY:	
Cereal grains (31)	$1,705,000
Oilseed crops (13)	715,000
New crops (5)	275,000
Total (49)	2,695,000

Turning to our problems of disease with our pigs and hogs, TGE or transmissible gastroenteritis, a disease which affects pigs only a few weeks old, is becoming a real problem throughout the Nation's pork belt. The committee has recommended that the economic losses faced by the hog industry as a result of TGE justify additional emphasis enabled by the research contingency fund. This disease wipes out entire pig crops.

The committee has also included some $500,000 for hog cholera eradication. By January 1973, we are hopeful that we will have eradicated this disease in this country. State programs are reaching a stage where an all-out effort is being made to eradicate the disease. During the remainder of this time we expect to be faced with additional needs for indemnity payments due to comprehensive investigations of each outbreak and tracing all movements from them.

And finally, Mr. Chairman with respect to white corn production, our committee has included $100,000 to provide estimates of white corn production.

There has not been a national white corn survey since about 1946. Within recent years, particularly the last 2 years, the value and the price of white corn has been going up and fluctuating inordinately. There is a rising demand and apparently the big reason for the rapid fluctuating is due to lack of knowledge of acreage and supply.

Farmers do not have the information enabling them to get the price they ought to be getting. They do not know if they should hold it or sell it right away or shift to white corn production from yellow corn.

Processors say they do not know enough about current or prospective supplies to help stabilize the price.

The program will include an annual cycle of three surveys in 18 States: Ohio, Indiana, Illinois, Iowa, Missouri, Nebraska, Kansas, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Kentucky, Tennessee, Alabama, Arkansas, Texas, and California.

Mr. MIZE. Mr. Chairman, will the gentleman yield

Mr. MICHEL. I am happy to yield to the gentleman from Kansas.

Mr. MIZE. Mr. Chairman, first let me congratulate the distinguished gentleman from Mississippi (Mr. WHITTEN), and the members of his subcommittee for an excellent and comprehensive agriculture appropriations bill.

I have reviewed this legislation carefully, and feel that the subcommittee has cut costs where possible, while providing adequate funds for those programs that are vital to all Americans, and particularly, rural Americans.

When I testified before the agriculture appropriations subcommittee in behalf of essential conservation programs, I emphasized the fact that soil and water conservationists have been frontline troops in the fight against pollution for three decades. I am delighted, Mr. Chairman, that the committee report has chosen to emphasize the antipollution aspects of soil conservation as well.

The legislation before us today obligates over $694.7 million for pollution research, abatement, and control programs of the U.S. Department of Agriculture. Of first rank among these programs is the agriculture conservation program, or ACP.

All of us from rural America know of the inestimable value that ACP has been to our constituents. The $195 million devoted to ACP for fiscal year 1971 will continue vital soil and water conservative efforts that have preserved hundreds of millions of acres from destruction, and hundreds of streams and lakes from silt and chemical pollution in past years.

Let me just add this note, Mr. Chairman. The report from the committee on this bill is a classic statement of the position of agriculture in our national economy. It is a classic statement of the board range of responsibilities that USDA discharges with competence on behalf of all Americans, urban and rural. This may be an agriculture appropriations bill, but it funds programs that keep meat and produce at the highest standards of cleanliness for all consumers—urban and rural. Wholesome food is but one of a multitude of services that the Department quietly performs with funds provided in this bill.

Countless millions in distant countries have been saved from starvation and famine in years past, because agricultural research conducted by employees or on contract has developed higher yielding varieties of life-giving commodities, and better all-around agricultural practices. Through Public Law 480, countless millions have been supplied with food in times of crisis and chronic need. This legislation, Mr. Chairman, is therefore the most genuinely humanitarian work of the Congress in any session.

The committee report should be required reading for each and every concerned American. It is perhaps the best statement on modern agriculture and agricultural appropriations that has ever been written.

I congratulate the gentleman from Mississippi for his record of public service and for his leadership. I congratulate the chairman, and all the members of his subcommittee, for the priorities they have established and pursued in this legislation are priorities of a compassionate, concerned, and enlightened Nation.

I urge all Members to support this important measure.

Mr. WHITTEN. Mr. Chairman, I yield 5 minutes to the gentleman from Kentucky (Mr. NATCHER), the ranking member of the committee.

Mr. NATCHER. Mr. Chairman, the Subcommittee on Agriculture of the Appropriations Committee once again brings to the floor of the House for your approval the annual appropriations bill for the Department of Agriculture. We recommend a total appropriation of $7,406,188,150 for the fiscal year 1971. This is a reduction of $125,587,350 in the total budget requests which call for $7,531,775,500. The total new budget obligational authority for the Department of Agriculture for fiscal year 1970 totaled $8,037,098,150.

Mr. Chairman, more than one-half of the total amount recommended in this bill applies directly to benefits for the consumer.

The American farmer is in trouble today, Mr. Chairman, and certainly this is not the time for us to turn our back on agriculture. In considering the question of prosperity insofar as agriculture is concerned, we must keep in mind that the average capital investment in farms today is about $85,400. The average farm investment has increased nearly 10-fold in the past 25 years from $6,158 in 1940 to the present sum of $85,402. We also know that the average return on farm equities has dropped more than 50 percent during this period. The drop is from 7.1 percent in 1945–49 to 3.1 percent in 1968. This gives us a better understanding as to why fewer and fewer people are remaining on the Nation's farms, and why some 5 percent of our population on the farms is now feeding the other 95 percent in addition to themselves.

An average of nearly 800,000 people have left the farms in each of the last 5 years. The farm population has decreased to about 10 million today as compared to more than 2½ times that number in 1950. The total land in farms in 1950 was 1.2 billion acres as compared to 1.1 billion acres in 1965 which is a reduction of 100 million acres. The average size of a farm increased from 213 acres to 373 acres in that period.

Today a great many of our young people on farms have no chance to get started in agriculture unless they either inherit a farm or succeed in borrowing a large sum of money to invest in land which is adequate for a livelihood.

One way to assist agriculture is to keep our good farmland in production. Our soil conservation programs, our ACP programs, and our research programs generally will be of assistance to us in carrying out such a program.

In order to remain strong we must have on hand certain surplus commodities to meet any and all emergencies. Not in excess, but in an adequate amount. As long as our surplus commodities are manageable then we are in good shape. When the opposite confronts us certainly we must do something about it.

Agriculture is our largest industry. Its assets exceed those of any of the next 10 largest industries. Agriculture employs more workers than any other major industry and, in fact, employs seven times the number of people in the mining industry, 23 times the number in the coal and oil industry, and five times the number in the automobile industry. Agriculture is one of the major markets for the products of labor and industry. It spends more for equipment than any of the other large industries. Agriculture uses more steel in a year than is used for a year's output of passenger cars. It uses more petroleum products than any other industry in this country. It uses more rubber each year than is required to produce tires for 6 million automobiles. Its inventory of machinery and equipment exceeds the assets of the steel industry and is five times that of the automobile industry.

Our farmers' assets now are approximately $305 billion.

In 1950 the farmers' share of the retail food dollar was 47 cents. Today it is down to 41 cents.

Our American farmers know how to produce and today our country is the world's largest exporter of food to the other nations of the world.

Three-fourths of our land area is in private ownership and 60 percent is in farms and ranches. We must keep in mind that 70 percent of our people now reside in our cities and they occupy only a small percentage of the land in this country.

If our country is to survive and prosper we must continue to be interested in and to assist when necessary our custodians of the natural resources in this country. We must reforest our lands, protect our watersheds, harness our streams for electricity, and conserve our soil and water. It is imperative that we leave to the future generation a fertile land and a land sufficient to produce food for our people. Mr. Chairman, as you well know, in this country, today we have 204 million people.

In this bill, Mr. Chairman, we recommend the sum of $146,143,200 for research. We further recommend $98,619,750 for plant and animal disease and pest control.

The total amount recommended for Agricultural Research Service is $249,762,950.

We recommend $65,076,000 for Cooperative State Research Service.

For our Extension Service we recommend $161,351,000.

For our Soil Conservation Service we recommend a total of $268,884,000.

For economic research, Mr. Chairman, we recommend the sum of $14,592,000. The sum of $17,716,800 is recommended for Statistical Reporting Service.

For Consumer and Marketing Service we recommend the sum of $150,847,000.

For our special milk program, which as you know, Mr. Chairman, was deleted, we recommend the amount of $104,000,000 and insist that this program be restored. For child nutrition programs we recommend $90,395,000 along with the necessary transfer from section 32 funds of $238,358,000 which then makes a total of $328,753,000 for child nutrition programs. We recommend $1,250,000,000 for our food stamp program. Here we have a right good example, Mr. Chairman, or a large sum of money which the consumer is very much concerned about in this country. We recommend $27,140,000 for Foreign Agriculture Service. For Commodity Exchange Authority we recommend $2,552,000.

We recommend the sum of $221,469,000 for Agricultural Stabilization and Conservation Service.

For a period of over 10 years now, Mr. Chairman, we have been confronted with either reductions or total deletions as far as amounts and authorization for our agricultural conservation program is concerned. This year was no exception to the rule. We restore and recommend advance authorization for our agricultural conservation program in the sum of $195,500,000. For the cropland adjustment program we recommend $77,800,000. This then makes a total of $514,590,000 for Agricultural Stabilization and Conservation Service.

We recommend $3,508,650 for Packers and Stockyards Administration.

The full budget estimate of $322,000,000 in new authorization is recommended for Rural Electrification and the full budget estimate of $123,800,000 is recommended for telephone loans. These new authorizations, together with carryover funds will enable the Administrator to make new loans of $345,000,000 and $125,000,000 respectively.

In addition, Mr. Chairman, we recommend $20 million over the budget estimate to be placed in budgetary reserve and released by the Bureau of the Budget to either the electric or telephone programs when necessary. This, as you know, Mr. Chairman, is equal to the $20 million placed in budgetary reserve and not released in fiscal year 1970. Failure of the Bureau of the Budget to release this $20 million was a serious mistake.

Mr. Chairman, as you well know, our Soil Conservation Service is more important today than at any time in the history of this Service. When we consider the need for more food and fiber and keep in mind that some of our best land is now being used for airports, interstate highways, subdivisions and for recreation purposes generally, we must preserve as much of our best land as possible and at all times have tillable land in production which will produce enough food for our people. Today in our country we have in cultivation some 385 million acres. Of course, the acreage in cultivated crops varies from year to year, due to changes in land use. We have today some 289 million acres in crops harvested, 7 million acres of crop failure, 37 million acres of fallow, and some 52 million acres in grasses and lagoons. The situation is serious today, Mr. Chairman, from the standpoint of the loss of great quantities of our best farmland and certainly now is the time to correct this situation.

In closing, Mr. Chairman, I want you to know that I am definitely of the opinion that we still have serious problems in agriculture and again I want to say that this is not the time to turn our back on the American farmer. The interest of the consumer, of course, must be protected and at the same time we must see that the American farmer receives a fair price for his produce.

As a member of the Committee on Appropriations I serve on three subcommittees. We have 13 subcommittees on our Committee on Appropriations. I am No. 2 on each of the subcommittees of Agricultural Appropriations and Labor, Health, Education, and Welfare. I am the chairman of the third subcommittee that I serve upon and that is the District of Columbia Budget Subcommittee. My assignment to the Agricultural Appropriations Subcommittee is one of the most important assignments that I have as a Member of Congress, and, Mr. Chairman, all down through the years it has been a distinct honor and privilege for me to serve on this particular subcommittee.

Mr. Chairman, our committee recommends this bill to the Members of the House.

Mr. LANGEN. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. ROBISON).

Mr. ROBISON. Mr. Chairman, the times when the Federal Government has simultaneously pursued programs and policies that overlap, compete, or are inconsistent with one another are probably too numerous to list or for anyone to recall. It goes on all the time, but becomes of particular concern to us—or at least it should—during periods of enforced budgetary stringency such as we are now experiencing.

But, whether we sail stormy or smooth economic seas, it is just plain absurd for our Federal Government to initiate and conduct programs which aim at mutually exclusive objectives.

We have, today, just such an absurd situation before us.

On the one hand, Mr. Chairman, through this bill and by virtue of other existing legislation we support tobacco prices, acreage retirement, and export subsidies, while at the same time—through other appropriation bills and other existing legislation—we channel substantial sums of moneys into research to determine, if we can, the true relationship between smoking and cancer, and the harmful effects of tobacco on the human heart and respiratory system.

While some object to this dichotomy on moral grounds, I—as a pipe smoker who has stopped even that use of tobacco on several occasions and hope some day to finally win that battle with myself—can only object to it as being fiscally illogical, but illogical in the extreme.

How so?

Well, Mr. Chairman, I have had to gather my figures rather hastily, and perhaps stand to be corrected as to some of them. But, to the best of my knowledge, the cost of tobacco price supports during the 1969 fiscal year was $4.9 million. Additionally, so I understand, each year the Department of Agriculture pays for the grading of tobacco leafs at a cost of about $3 million. Then, since a significant amount of our tobacco is exported—but since the world price is lower than the U.S. price—there are export subsidies, amounting again in the 1969 fiscal year to about $28 million. These direct expenditures need, however, to be put in further perspective—running as they do at between $36 and $50 million a year, depending upon whose figures are used—by reference to the further fact, as I understand it, that the Federal Government presently has more than $750 million in loans outstanding from the Commodity Credit Corporation to support the price of tobacco, which effort cannot be wholly self-supporting.

At the same time, then, while spending these large sums of money, we are financing with tax dollars efforts not only to determine how to make a nonharmful cigarette, but also to determine how to cure diseases caused or complicated by smoking. The Department of Agriculture, again as I understand it, itself spends some $7.8 million a year for research in this area, not to mention the $6 million or so a year spent through the Department of Health, Education, and Welfare for the same general purposes.

Besides which, the Federal Government has rightly or wrongly taken the position that smoking is harmful—witness the warning now on cigarette packs—and large sums of private moneys are spent, each year now, in advertising against cigarette smoking.

Is it not incongruous for us to support the price of a commodity which we, ourselves, say is harmful—or can be harmful—to those who use it?

I am not unaware of the financial problems that would be created in certain States if tobacco price supports were to be eliminated. The loss of Federal moneys always has such an effect. However, it seems to me that the arguments in favor of eliminating price supports substantially outweigh those favoring continuation thereof.

To lessen the economic impact of a cutoff of funds, I—for one—would endorse a gradual reduction of supports over a period of 4 or 5 years, thereby giving the tobacco farmers and the industry an opportunity to shift to other products, or other endeavors, if they could not economically continue tobacco production. And, parenthetically, it is interesting to note that the industry, itself, looking at the handwriting on the wall, has already begun to shift its attention to other areas.

So, as I say, Mr. Chairman, this notion of expending moneys simultaneously for two contradictory programs or purposes strikes me as being both fiscally irresponsible and philosophically inconsistent. And it is my belief that this dichotomy ought to be resolved by the systematic reduction of moneys spent for price supports and tobacco promotion.

I would introduce an amendment to this bill to accomplish such a goal if I were expert enough—as I am not in agriculture matters—to draft it properly, and if I did not feel that, even then, a parliamentary objection might well lie against it.

However, I will surely be glad to work with any of my colleagues who may be interested in this subject in sponsoring such an amendment to the pending farm bill—if, and when, such a vehicle is brought before us this year.

For to continue to support tobacco—by means of price supports, free grading, export subsidies, and advertising—is in direct conflict with our growing knowledge of the probable harmful effects of smoking and our expenditures, both public and private, to try to prevent such harm.

Surely, the time to remedy this inconsistency is long overdue.

Mr. NATCHER. Mr. Chairman, will the gentleman yield?

Mr. ROBISON. I yield to the gentleman from Kentucky.

Mr. NATCHER. Mr. Chairman, I would just like to point out to the gentleman in the well and to the Members of the Committee the fact that the tobacco industry in this country is a $10 billion industry. The tobacco industry pays into the Federal, State, and local treasuries a little more than $4 billion in taxes each year.

A number of years ago, I say to my distinguished friend, a member of the Committee on Appropriations, we decided on this subcommittee to find out if tobacco was harmful to the health of our people, and starting in 1958 we have made small requests for additional funds for research.

I talked with the Governor of the Commonwealth of Kentucky, and asked him if he would have the legislature appropriate the necessary money to build a building which would be used for research. This established a precedent because the Federal Government not only has to build the facility for research but has to appropriate all the money as a general rule.

The Commonwealth of Kentucky appropriated money for and built a building costing $4.5 million to be used for tobacco research. We have a small amount in this bill for research and my home State recently passed a law that will provide about $2 million for this purpose.

In the year 1964, Dr. Terry, the Surgeon General of the United States, appeared before the Committee on Agriculture and I would like to tell you what he said upon issuing the report on smoking and health. He said, upon being questioned:

> When you burn tobacco and spinach you have the same result—when you burn tobacco and spinach.

That is what he told the Committee on Agriculture. He said:

> We do not know for sure.

And when questioned carefully admitted that no specific research project established a connection between tobacco and cancer.

I serve on the Subcommittee on Labor and Health, and the Surgeon General has been examined each year concerning this subject and we receive the same answers. I say to the distinguished gentleman in the well that we asked the Surgeon General, why he pointed his finger at tobacco.

We asked:

> What specific research program do you have underway at this time which shows tobacco is harmful to the health of our people and is causing cancer?

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. WHITTEN. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. NATCHER. Mr. Chairman, will the gentleman yield?

Mr. ROBISON. I yield to the gentleman from Kentucky.

Mr. NATCHER. He could not answer the question.

I want the Members of the Committee to know that the people in the States of Kentucky, North Carolina, Tennessee, Alabama, Virginia, and all the other States—21 of them—that produce tobacco want to know if tobacco is harmful to the health of our people. If it is we want to do something about it. Now, Mr. Chairman, not 10 years from now.

I say to my distinguished friend in the well, all we ask you to do is to give us a chance. The same applies to any other commodity.

I say to the gentleman frankly, when we talk about destroying a $10 billion industry and one which pays into the Federal, State, and local communities $4 billion in taxes, it is a right serious matter.

I understand my friend's position, and I want to say to him that we are going to continue our efforts in Kentucky and in all of our tobacco States to follow this matter carefully.

Mr. Chairman, thank you very much.

Mr. ROBISON. I appreciate the gentleman's comments and I understand his concern, but I am not sure at all in my own mind that the reduction of or the gradual elimination of tobacco price supports would "destroy" that industry. That certainly is not my objective.

My objective was and is to point out the inconsistency of our going two directions here at once, and to encourage some early resolution by all concerned of that seeming inconsistency.

Mr. WHITTEN. Mr. Chairman, I yield myself 2 minutes.

Certainly the good intentions and the contributions made by my colleagues who preceded me are fully appreciated. I do not know of two finer people who have the welfare of the people more at heart than they do.

If I could have the attention of the gentleman from New York, I should like for him to listen to this. He used the word "inconsistency."

I assure the gentleman that this is an appropriations subcommittee rather than a legislative committee. The fact is that price supports are made available only for reducing or restricting the production of tobacco. If we were to take the price support away the chances are this would triple the production of tobacco.

History shows that if one reduces the price—and there is no question about it—the producer, trying to offset that loss of income through the reduction in price, will increase his production. If his price is cut, he increases the volume.

I appreciate the gentleman's frankness in saying that he had not studied the mechanics of this. I would point out that the mechanical proposition of the thing he directs attention to, which is the price support, as a practical matter would result in greatly increased quantity.

What we need to do is to find out what the element is, if there be an element, which is causing a health hazard, and correct it. If there is not, we should do something legislatively, to see if tobacco is being used in excess.

I am saying, to strike at the price would have the opposite effect from reducing quantity. If we want to slow down total consumption, that is one thing; if we should reduce the price, it would greatly increase the production.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. WHITTEN. Mr. Chairman, I yield myself 1 additional minute.

Mr. ROBISON. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from New York.

Mr. ROBISON. I appreciate the gentleman's yielding so that I can respond.

My purpose is not to try to present or even suggest a solution to the problem here before us.

I merely want to point up again that there is a problem and that we ought to continue to recognize that problem and the appropriate committees, including this committee, ought to focus their attention on this problem.

Mr. WHITTEN. I want to say that there is no fairer person than my friend from New York.

Mr. ROBISON. I thank the gentleman.

Mr. LANGEN. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY. Mr. Chairman, the distinguished chairman of the subcommittee in his remarks earlier described as ridiculous the proposal I have made which would affect a $20,000 per commodity limitation on total payments to any farmer. Well, in the realm of ridiculous, I would like to call the attention of this body to section 508 of the bill which appears on page 39 and reads as follows:

> No part of the funds appropriated in this Act shall be used to change any price support program payment or payments, or commodity loan or loans in any manner, the effect of which is to modify substantive law.

Then over in the committee report on page 51 by way of explanation to the curious provision is the line:

> A new section 508 has been added to the bill clarifying its relationship to general farm legislation which must pass in this legislative session.

Now, speaking of ridiculous, I just wonder whether that word might be applied to this unusual provision. Nothing like it has ever appeared in an Agriculture Appropriation Act before, and I just wonder if there might be a little devilish thought involved here to try to thwart the will of the House with regard to payment limitations.

Could the gentleman clarify that?

Mr. WHITTEN. I do not believe I have ever found out how to thwart the will of the House.

Mr. FINDLEY. It looks like an impressive effort.

Mr. WHITTEN. I am glad the gentleman recognizes it as a little unusual and a rather sound statement. I believe this language is written in proper form and the language is in proper place and in the proper part of the bill, and it was written by the subcommittee and approved by it. I thought that was the way to handle legislation.

Mr. FINDLEY. It is an interesting contribution to an appropriation bill. I suppose, if it succeeds, it is not really so ridiculous after all.

Now, also on the point of ridiculous, when you consider a $20,000 payment limit as ridiculous, I wonder how you would describe the payment in 1969 to the U.S. Sugar Corp. of Florida in the amount of $1,181,195. I would say from the standpoint of the poor suffering taxpayer extracting a sum of that kind out of the U.S. Treasury and handing it to one sugar corporation certainly is bordering on the ridiculous. In the same category there was a payment to the Hawaiian Commercial & Sugar Corp. for a payment in 1968 of $1,311,268. I would think payments of that sort, at that level more deserve the word ridiculous than an amendment which would put a ceiling of $20,000 per commodity per person on the payments under a program authorized or funded by this act.

The distinguished chairman of the Committee on Appropriations in his remarks arguing for this appropriation and against any limitation said that this bill affects everybody. Well, it affects every congressional district in the Nation. I believe that is very plain. But it affects some people in some congressional districts a little more than others.

Let me illustrate. The 19th District of Texas, with which I am sure the chairman of the Appropriations Committee the gentleman from Texas (Mr. MAHON) is familiar, in 1969 received payments of $110,374,230. Now, that is the third-ranking congressional district in the Na-

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tion in terms of total receipts for farm payments for that year.

Now, Mr. Chairman, my district in Illinois is among the 50, it happens to be No. 49, and just to illustrate the point that this bill affects some districts more than others, let me point out that the total payments in the 20th District of Illinois in that same year were $22 million as contrasted with $110 million. Further, let us assume that there are a lot more farmers in the 19th District of Texas, but the 1964 farm census showed 9,782 farms in the 19th District of Texas and a grand total of 16,103 in the 20th District of Illinois.

One of the concerns that has been expressed by the Department of Agriculture and by some Members of this body is that the administration of the farm program payment limit is a difficult item for the Department of Agriculture.

First, difficulty in administration of an item is no valid reason for this body to fail to act when the need, as apparent as the need for placing limitations on giant farm program payments is, becomes apparent. There are many programs which are difficult to administer that are being conducted and operated by the Federal governmental departments daily. To say that the farm program payment limitation would be an unusually difficult task for the Department of Agriculture to administer is to indicate a genuine lack of knowledge of the fact that there has been or currently are at least five farm program limitations administered by the Department of Agriculture.

The first of these payment limits is the conversation reserve of the soil bank from 1956 to 1960. This program had an administrative limitation of $5,000 per person for all farms for 1 year. By the end of the term of this program the administration of its was perfected to a fine art. Much has been said about "slippage" or the fact that a number of large farmers will make considerable attempt to evade the provisions of any payment limit. I cite here language supplied me by the U.S. Department of Agriculture's General Counsel's office relating to the limitation on payments of the conservation reserve as the most effective and well developed set of definitions regarding who a person or producer is for purposes of administration of the act. The provisions developed by the Department of Agriculture to administer the conservation reserve payment limit provide an excellent pattern or set of guidelines for administration of the farm program payment limit which I am offering for consideration today. I insert here section 485.521, "Limitation on Payments," taken from the conservation reserve program regulations, and reprinted from the Federal Register of October 3, 1959:

§ 485.521. Limitation on payments.

(a) The total of all annual payments under the conservation reserve program to any producer for any year with respect to all farms in which he has an interest shall not exceed $5,000.00. All or any part of the annual payment which otherwise would be due any producer shall be withheld, or required to be refunded, if he has adopted, or participated in adopting, any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust or by any other means designed to evade, or which has the effect of evading the provisions of this section. A family trust created on or after August 16, 1966, will be considered a scheme or device to evade the provisions of this section if it results in the settlor and beneficiaries of the trust receiving in the aggregate annual payments under the Conservation Reserve Program for any year of the contract period in excess of $5,000. For purposes of this provision, members of the family include husband or wife of the settlor, children of the settlor, their husbands and wives, and members of the immediate household of the settlor; and payments to a trustee shall be regarded as payments to the beneficiaries of the trust. For purposes of this section, a family shall include grandchildren of the settlor, step-children of a child of the settlor, and any minor related to the settlor by blood or marriage.

(b) For purposes of applying the payment limitation prescribed in paragraph (a) of this section, the rules contained in subparagraph (1) through (6) of this paragraph shall be effective to determine whether certain individuals interested in farming operations as landowners, landlords, tenants or sharecroppers are to be treated as one producer or as separate producers. In cases in which more than one rule would appear to be applicable, the rule which is most restrictive on the number of producers shall apply.

(1) *A partnership* shall be considered as a producer. Individual members of the partnership may be recognized in another capacity as landowners, landlords, tenants, or sharecroppers, on the same farm or another farm only if (i) the individual members operating in a separate capacity are not identical with the membership of the partnership, and (ii) the individual members also operated as separate producers or in a separate capacity as producers on the farm during 1959.

(2) A corporation or association shall be considered as a producer. A stockholder who owns a majority of the stock of a corporation shall not be considered as a separate producer on the same farm nor recognized in any other capacity on the same farm as a landowner, landlord, tenant, or sharecropper.

(3) An estate or trust shall be considered as a producer unless the estate has only one heir or the trust has only one beneficiary, in which case only the sole heir or the sole beneficiary shall be considered as a producer. Subject to the provisions of paragraph (a) of this section, an individual who is not the sole heir of the estate or the sole beneficiary of the trust may be considered as a separate producer or recognized in a different capacity as landlord, landowner, tenant, or sharecropper, on the same farm or on another farm, provided such separate producer status is established to the satisfaction of the county committee.

(4) Two or more individuals operating as a group under an arrangement which, although lacking the legel elements of a partnership or corporation, is in the nature of a joint undertaking shall be considered as a producer. (Clubs, societies, fraternal and religious organizations, as well as informal arrangements between two or more individuals, are examples of such groups.) Individual members of the group shall not be considered as separate producers on the same farm nor recognized on the same farm in any other capacity as landowners, landlords, tenants, or sharecroppers.

(5) Husband and wife shall not be considered as separate producers nor recognized in any other capacity as landowners, landlords, tenants, or sharecroppers, on the same farm or on different farms. Other individuals having any family relationship may be considered as separate producers if they are participating on different farms. Such individuals may be considered as separate producers on the same farm or recognized in different capacities on the same farm as landlords, landowners, tenants, or sharecroppers only if such individuals operated as separate producers or in separate capacities during 1959.

(6) Individuals having a joint or common interest arising out of their interests in the ownership of any part of the farm as joint tenants, tenants by the entirety or tenants in common shall not be considered as separate producers on the same farm nor recognized in any other capacity on the same farm as landlords, landowners, tenants or sharecroppers.

The second program limitation is a statutory limit of $3,000 per producer for all crops produced in 1958 as part of the acreage reserve program of the soil bank. I quote here that limitation as contained in Public Law 85–118:

That no part of this appropriation shall be used to formulate and administer an acreage reserve program which would result in total compensation being paid to producers in excess of $500,000,000 with respect to 1958 crops, or in total compensation being paid to any one producer in excess of $3,000 with respect to 1958 crops.

The third payment limitation I cite is the $50,000 per person price support limitation for any one commodity annually for field crops in surplus. This was a legislative limitation. Section 477.101 of the agricultural credit provision of the $50,000 payment limitation on nonrecourse price support for the 1960 crop—reprinted from the Federal Register of February 5, 1960—reads in part:

No part of the authorization for Commodity Credit Corporation for the fiscal year 1960 shall be used to formulate or carry out a price support program for 1960 under which a total amount of price support in excess of $50,000 would be extended by Commodity Credit Corporation to any person on the 1960 production of any agricultural commodity declared by the Secretary to be in surplus supply.

The cropland conversion program in operation in 1963 to 1965 contained an administrative limit of $10,000 per producer annually. Section 751.64 of chapter 7, title 7 of that program reads, in part:

The maximum adjustment payment to all persons with respect to the farm or ranch under an agreement shall be $10,000 for the entire period of the agreement. The Deputy Administrator may establish a different limit where two or more farms are combined into a farming or ranching enterprise which effectuates the purposes of the program. All or any part of any adjustment payment which otherwise would be due may be withheld or required to be refunded if any scheme or device has been adopted which has been designed to evade, or which has the effect of evading, maximum adjustment payment limitation.

The fifth and final payment limitation is one which has occurred frequently over the years and in relation to the Agricultural Conservation Program limitation of $2,500 per person which has been written into the appropriations bill. Public Law 91–127 of November 26, 1969 reads, in part:

Except that no participant shall receive more than $2,500, except where the participants from two or more farms or ranches join to carry out approved practices designed to conserve or improve agricultural resources of the community.

From these very brief examples it is easy to determine that the Department of Agriculture has the background, the experience, and no doubt the staff to carry out effective payment limitations which will result in a minimum of evasion on the part of large farm operators.

On May 14, 1970, I placed in the RECORD a list of the 50 largest congressional districts in terms of Federal farm program payments. These districts appear on a map I have prepared showing the geographical location of these large volume of payments.

When I announced that these districts were receiving the largest volume of Federal payments, I said I was continuing my investigation of what caused this situation.

In several of these big payment districts, irrigation water has resulted in crop production patterns vastly different than would be possible without this supplemental moisture. No one can oppose the possible future need for irrigation water to grow crops for our growing population, but during a period when we are spending millions of dollars to reduce the size of our agricultural production, it seems illogical to be paying taxes both to support the development of irrigation projects to increase crop production on one hand and then use additional tax funds to reduce crop production on the other hand. Irrigation water for our towns and cities is vitally important, but to permit the continuance of giant farm program payments to reduce crop production in these areas makes little sense. In addition, some of these same regions have seen the steady rise in the yield of crops as a result of the supplemental water which provides a decided disadvantage for farmers in nonirrigated sections of the Nation.

Attached to these remarks is a listing of the congressional districts, which are part of the 50 largest payment recipients, and the costs of the irrigation projects currently functioning:

BUREAU OF RECLAMATION IRRIGATION PROJECTS

Congressional district	Irrigation project	Federal cost	Counties in unit	Total payments
Kansas—1	Almena unit	(1)	Norton	$1,987,304
			Phillips	2,423,088
	Courtland and Scandin units.	(1)	Cloud	2,711,494
			Jewell	3,786,441
			Republic	3,377,217
	Cedar Bluff unit	(1)	Ellis	2,298,459
			Trego	2,190,472
	Kirwin unit	(1)	Osborne	2,952,303
			Phillips	(2)
			Smith	3,158,975
	Webster unit	(1)	Osbrone	(2)
			Rooks	2,491,712
Total				24,885,753
Nebraska—3	Mirage Flats project	3,101,835	Sheridan	1,354,262
	Ainsworth unit	(1)	Brown	583,914
	Franklin unit	(1)	Franklin	2,236,239
			Webster	2,225,948
	Superior unit	(1)	Webster	(2)
			Nuckalls	2,632,660
	Farewell unit	(1)	Howard	2,023,078
			Sherman	1,614,386
	Frenchman unit	(1)	Hitchcock	2,034,196
			Red Willow	2,372,816
	Meeker-Driftwood unit	(1)	Hitchcock	(2)
			Red Willow	(2)
	Red Willow unit	(1)	do	(2)
			Furnas	2,612,690
	Cambridge unit	(1)	do	(2)
			Harlan	1,908,809
	Sargent unit	(1)	Custer	4,494,693
			Valley	1,920,565
	North Platte project	34,777,850	Morrill	1,158,570
			Scotts Bluff	1,996,785
			Sioux	398,117
Total				30,640,128
North Dakota—2	Lower Yellowstone project	3,697,842	McKenzie	2,778,785
	Fort Clark unit	(1)	Mercer	2,117,029
			Oliver	1,135,767
	Heart Butte unit	(1)	Grant	2,526,636
			Morton	3,141,330
	Buford-Trenton project	1,462,617	Williams	4,395,674
Total				16,095,221
	Buffalo Rapids project	5,255,588	Custer	857,425
			Dawson	2,805,044
			Prairie	875,692
	Huntley project	1,921,208	Yellowstone	2,381,597
	Intake project	87,513	Dawson	(2)
	Lower Yellowstone project	3,697,842	Richland	3,197,498
			Dawson	(2)
	Milk River project	10,695,450	Blaine	1,331,468
			Phillips	1,454,691
			Valley	$3,657,908
	Lower Marias unit	(1)	Chouteau	6,636,031
			Hill	4,396,214
	Nickwall unit	(1)	McCone	2,670,447
			Richland	(2)
	Yellowstone Division	(1)		
	Savage unit		Richland	(2)
	Stipek unit		Dawson	(2)
	Colgate unit			
	Marsh unit			
	Crackerbox unit			
	Sun River project	10,450,657	Cascade	2,713,696
	Shoshone project	24,746,535	Carbon	917,281
Total				34,345,012
Washington—4	Columbia Basin project	1,021,302,000	Adams	5,939,741
			Franklin	2,930,625
			Grant	5,291,786
			Walla Walla	4,581,981
	Yakima project	65,277,272	Benton	1,686,902
			Kittitas	399,177
			Yakima	1,889,400
Total				22,719,612
California—18	Central Valley project	2,398,947,000	Kern	24,004,703
			Tulare	13,975,014
Total				37,979,717
Oklahoma—4	W. C. Austin project	12,309,007	Greer	2,390,173
			Jackson	5,142,987
Total				7,533,160
New Mexico—2	Carlsbad project	9,332,403	Eddy	2,354,816
	Fort Sumner project	2,433,320	DeBaca	223,328
	Middle Rio Grande project	34,904,194	Socorro	296,299
			Valencia	125,393
	Rio Grande project	31,552,413	Dona Ana	3,761,079
			Sierra	265,766
Total				7,026,681
California—16	Central Valley project	2,398,947,000	Fresn	24,270,300
			Merced	3,586,960
Total				27,857,260
Arizona—2	Gila project	74,247,873	Yuma	5,857,341
Texas—15	Lower Rio Grande project	17,005,299	Cameron	9,651,585
	do	17,005,299	do	(2)
			Hidalgo	10,971,106
Total				20,622,691

[1] Part of the Missouri River Basin project; cost included in Bureau of Reclamation unit estimated or actual costs to June 30, 1968, of $1,345,662,454.

[2] Included above.

Mr. WHITTEN. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, may I say—and I do it at this point in view of the statement just made—that is one side of the story. The other side of the story is that the sugar producers have made available to the American people ample and dependable supplies of this basic commodity at a cheaper average price than the people of any other nation in history has enjoyed.

To offset those payments processing taxes are levied in a larger amount. The Government actually makes a profit. So, if you look at the two sides of the coin, you can see it does make sense.

Mr. Chairman, I yield 5 minutes to my colleague on the Appropriations Committee, the gentleman from Wisconsin (Mr. OBEY).

(Mr. OBEY asked and was given permission to revise and extend his remarks.)

Mr. OBEY. Mr. Chairman, I think this committee has done an excellent job in revising the budget for the U.S. Department of Agriculture and most especially in restoring the funds for the ACP and the Soil and Water Conservation Service as well as the special milk program.

Mr. Chairman, I would like to indicate my support for this bill because I believe, in general, it does an excellent job of providing funds for several agriculture programs which have proven their worth.

The committee recommended, among other things, that funding for the ACP and special milk programs be restored.

While President Nixon recommended no funding for either of these programs in his budget, I am most happy that the committee restored both to roughly their funding levels of this year.

The committee also has my full support in its recommendation that the Bureau of the Budget release $20 million which will be put into a special reserve fund for rural electric co-ops.

I am also pleased with the committee recommendation of $56 million for water and waste disposal grants to be made by the Farmers Home Administration, a recommendation which exceeds the administration request by $32 million.

Mr. Chairman, with these recommendations, the Appropriations Committee has recognized the importance of conservation and pollution prevention programs, rural development and the need to continue to provide nutritious foods to thousands of our children through school programs.

These programs have proven their worth in the past, they have earned their continuation for the future.

I rise at this time also, to announce that at the proper time I will be offering an amendment to increase by $1.5 million the funds available under this bill for research in nonchemical methods of controlling pests.

In the past 10 years the threat to our environment presented by the excessive use of pesticides has been broadly recognized. Indications are that the problem will be even more serious 10 years from now, unless we develop alternatives to chemical methods of pest control.

Manufacturer sales of pesticides have been increasing 10 to 15 percent annually. By 1985, they will increase another sixfold.

We all know of the recent studies which found DDT in 584 of 590 samples of fish taken from 45 rivers and lakes across the United States, dieldrin in 75 percent of the lakes and rivers sampled, and heptachlor and/or heptachlor epoxide in 32 percent, and chlordane in 22 percent.

The U.S. Public Health Service has reported the detection of pesticides in 76 of 79 samples of drinking water supplies around the country. At the present time, the USDA reports residues of aldrin and dieldrin are already equivalent to maximum acceptable daily intake recommended by the health organization.

Mr. Chairman, the amendment I will be introducing today is based on an exchange of letters between officials at the USDA and Senator GAYLORD NELSON of Wisconsin.

One month after presenting their budget to the Agriculture Appropriations Subcommittee, Department officials wrote to Senator NELSON admitting that, in addition to the funds requested, they could utilize effectively $4.4 million for research on nonchemical means of pest control, and $2.6 million for the staffing of pesticide research laboratories.

The additional research funds could be used for such research projects as biological control of citrus fruit insects, the development of nonpersistent pest control methods, including hormonal insecticides, research on biological control of cotton insects, and expanded research on biological control of the cotton boll weevil, including the use of the sterile male technique.

To their great credit, this committee recommends the addition of $2.3 million for the staffing of these pesticide laboratories. It did not, however, add the $4.4 million for research programs, and that is why this amendment is here.

Under normal circumstance, I am sure that none of us would find surprising a Government agency admitting that it could use more money. But in light of the extremely slow pace at which the USDA responded to the problem of pesticides and to pesticide use, I think their admission now that they can effectively use these funds is significant.

We need a total commitment to seek nonchemical means of pest control. The report of the Commission on Pesticides and Their Relationship to Environmental Health—Mark report—recently recommended that a "vigorous specific program should be created to bring the 100 most serious insect pest species of the United States under optimal control." These 100 most wanted culprits, the report indicated, require about 80 percent of the insecticides now in use. The American Chemical Society recently reported that the eradication of just three pests—the boll weevil, the bollworm, and the coddling moth—could reduce the amount of insecticides applied annually in the United States by an estimated 40 percent.

I represent one of the 15 most agricultural districts in the Congress. I am also vitally interested in conservation.

The argument is often made:

> Don't ban pesticides such as DDT and other chlorinated hydrocarbons until we have the facts, until we know what alternatives are available.

I am saying with this amendment: All right, let us make a greater effort to find these answers.

I would like to find some of these answers to pest control questions before our farmers are backed up against a wall.

This amendment will not go far in that regard, but it will be a signal to the USDA to be more aggressive in their approach to this problem.

Mr. LANGEN. Mr. Chairman, I yield 5 minutes to the gentleman from North Dakota (Mr. ANDREWS).

Mr. ANDREWS of North Dakota. Mr. Chairman, we just heard a statement made about payment limitations, and payment limitations are the quick and easy way of getting headlines today. There are those politicians who would have everyone in urban American areas think that they are going to get food cheaper, and that they are going to have their tax dollars cut down, if only we have payment limitations.

I think frankly that we do need to put payment limitations into effect if for no other reason than to preserve the farm program that is providing this Nation with abundant food at a lower cost than any other country in this world, but I do not believe we should enact payment limitations by following the headline hunters without at least knowing the basic facts.

One of the objections brought up was the fact that there was a large payment to a sugar cane company in a State not my own, Florida, I believe, and another one in the State of California. I represent sugar beet growers, and there is not a single sugar beet grower in my district who would be hurt by the $20,000 limitation the gentleman is proposing so supposedly I could go along with the amendment. But, it is not fair to intimidate people who are contributing to the economy of the United States by producing cane sugar here in this country—and by limiting cane payments the entire sugar program would be in jeopardy.

I have in my hand a GAO report, "Comptroller General's Report to the Congress," it is Report No. B–118622, and it is dated September 23, 1969.

It says:

> The General Accounting Office (GAO) undertook this review to determine why domestic sugar producers were not marketing the amount of sugar authorized by the act, since it appeared that substantial benefits—

And these are their words—

> including a beneficial effect on the U.S. balance-of-payments position, were available if domestic sugar producers marketed sugar to the extent of their authorized quotas.

They go on to their findings and they say:

> GAO believes that the continuing severity of the U.S. balance-of-payments situation should be a major consideration in allocating continuing, long-term deficits.

They go on to say further:

> In view of the significant benefits which would accrue to the domestic sugar industry and the beneficial effect on the U.S. balance-of-payments position through a reduction in the outflow of dollars, GAO—

And obviously, this is a noninvolved group—

> GAO recommends that the Congress in its extension of the legislation—which expires on December 31, 1971—consider modification of the deficit allocation provisions of the Sugar Act of 1948, as amended, to enable the Secretary of Agriculture to allocate continuing, long-term deficits of a domestic area to other domestic areas rather than to foreign countries.

Here the General Accounting Office finds that it is in the taxpayers' best interest for us to produce more of our sugar here because of the favorable effect on the balance of payments and reduction of the outflow of dollars.

The sugar act is not a money consuming program—it is a money earning program. I think in fairness this side of the picture should be brought out in the debate instead of just dragging these big payments through the press in order to gain headlines.

Mr. MATSUNAGA. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of North Dakota. I am glad to yield to my good friend, the gentleman from Hawaii.

Mr. MATSUNAGA. Mr. Chairman, I wholeheartedly agree with my dear friend, the gentleman from North Dakota (Mr. ANDREWS). The gentleman will recall that last year we prevailed upon the House to exclude sugar from the limitation on subsidy payments. We appealed to the House on the basis that the sugar program is entirely different from programs covering wheat, cotton, feed grains, and other crops. We pointed to the fact that while on the one hand subsidy payments are made to those who do not grow anything, on the other hand, in the case of sugar, compliance payments, not subsidies, are paid to sugar growers out of a special tax imposed on sugar growers alone for sugar grown and processed. By payment of this processing tax the sugar industry has paid into the Federal Treasury in excess of $500 million over and above the cost of the program since 1948 when the Sugar Act was first enacted.

To treat sugar on the same basis as other agricultural commodities, therefore, would be doing a grave injustice to the sugar producers. As the gentleman from North Dakota has well pointed out, the program has been of benefit to the taxpayers. It has not cost him a penny and he has in fact profited from the Sugar Act, which is the most effective agricultural measure ever enacted by Congress. The consumer too has benefited. While in Russia consumers pay as much as 50 cents a pound for sugar, here in the United States the consumer has paid a stable price of about 12 cents a pound ever since the Sugar Act was enacted.

Prior to the enactment of the Sugar Act, the price of sugar was jumping from 10 cents up to $1 a pound, dependent upon the supply. But since the Sugar Act was enacted, the consumer in America has enjoyed a stable and most reasonable price of any country in the world.

The amendment which the gentleman from Illinois (Mr. FINDLEY) proposes to offer includes a limitation on sugar compliance payments. It carries with it an injustice which should not be allowed by this House.

I voted against the Conte amendment last year, even though it exempted sugar from its limitation provision. I was strongly of the belief then that it would have ruined an agricultural program which has maintained stability in our most essential agricultural industry. I am still of that belief.

The Findley amendment would go further and destroy an even more successful program—the Sugar Act. I therefore urge the defeat of the amendment which the gentleman of Illinois (Mr. FINDLEY) proposes.

Mr. ANDREWS of North Dakota. Mr. Chairman, I appreciate the contribution of my good friend and colleague, the gentleman from Hawaii.

I think that in summation, we want to point out that the sugar program is a program from which the Government makes a proft and, secondly, the consumer of sugar in this country gets his or her sugar at a cheaper price than the average price paid by sugar consumers in other countries.

Let me again make the record explicitly clear, because there will be those who will dig out the so-called world price of sugar and say that it is 3 cents or 4 cents.

The so-called world price of sugar is not the price that most people pay. The world price is a distress price for dumped sugar that has no home. Virtually 95 percent of sugar that moves in world trade moves under agreements and the cost to the average consumer wherever they are, in Russia as my colleague suggested, or in Europe or in South America, is higher than it is here in the United States.

I would hope that in the discussion of payment limitation we do not go off the deep end and begin talking about programs without considering all the facts that are involved in these specific programs.

Mr. WHITTEN. Mr. Chairman, I yield such time as he may desire to the gentleman from California (Mr. MCFALL), a member of the committee.

Mr. McFALL. Mr. Chairman, I rise in support of H.R. 17923. Chairman WHITTEN and his subcommittee have done an outstanding job in fashioning a bill that is responsive to the changing needs of agriculture and at the same time giving full weight to the increasing responsibility placed upon the Department of Agriculture to provide additional services for the entire population.

As pointed out in the committee report, the bill appropriately could be termed "an appropriation for protection of the public health," or "for the protection of industry and labor." It could be called the "Rural Development Act of 1971," or "the antipopulation bill." It provides funds for all of the responsibilities the Congress has assigned to the Department.

Appropriate emphasis is placed by the committee on the essential nature of agriculture in the economy of our Nation and history's lesson that the seeds of the Great Depression were sown by the failure of our Government to maintain farm exports and the farmers' purchasing power.

It is particularly heartening to note the recognition given in the bill to the need for additional personnel within the Department to handle the increase in workload brought about by greatly expanded programs. Funds are provided for an additional 2,533 employees to carry out the expanded programs of meat and poultry inspection, to staff increased efforts to alleviate hunger and malnutrition through food distribution undertakings, to meet vital research needs, soil conservation programs, and to handle greatly enlarged responsibilities of the Farmers Home Administration.

The Farmers Home Administration would receive the largest number of additional positions, 903, with meat and poultry inspection and related consumer protection programs close behind at 749.

Earlier this year, I provided Chairman WHITTEN'S subcommittee with factual information about the large increase in workload since 1965 of a Farmers Home Administration office in my district. In that year the office processed about 150 applications for loan assistance with only three staff members. In 1969, the caseload had risen to 300, with only an additional part-time employee. This doubling of the work occurred due to congressional expansion of programs for rural housing, water and sewer facilities in rural areas, and such innovations as self-help housing for low-income residents.

Since 1960, FHA's program levels have increased 624 percent; loans outstanding have increased 472 percent, and collections have risen 248 percent. To assure the proper functioning of this agency, which is a principal arm of the Federal Government in dealing with the problems of rural America, it is essential that adequate administration and technical services be provided.

Mr. Chairman, this is a carefully developed bill, designed to meet the needs of our rural population and urban residents who depend upon the services we have assigned to the Department of Agriculture. I urge its approval.

Mr. LANGEN. Mr. Chairman, I yield to my colleague from Minnesota such time as he may desire.

Mr. QUIE. Mr. Chairman, I rise to commend the Committee on Appropriations for the step they are taking today to assure every child from a household with an income below the poverty level a free or reduced-price lunch. With House approval of committee action we will be well on the way toward achieving our goal of ending hunger and malnutrition in this country.

Less than 1 month ago, the President signed H.R. 515, a bill amending and improving child feeding programs conducted under the National School Lunch Act and Child Nutrition Act. That act was initiated by this House and sponsored jointly by myself and my colleague from Kentucky, the distinguished chairman of our Committee on Education and Labor, CARL PERKINS. One of its major provisions calls upon the Secretary of Agriculture to establish national standards for the poverty level, which shall be used by all school districts that serve school lunch with the aid of Federal cash or commodities to determine who is eligible for a free or reduced-price lunch. Application for eligibility is to consist of a simple certification of income level by the child's parents or guardian.

Now the time has come to make sure there are sufficient funds available to enable school districts to meet the demand for these free and reduced-price meals. Such meals must be served to all children from farm households of four with incomes of less than $3,200 and nonfarm households of four with incomes of less than $3,800. Exactly how many children that will cover neither we nor the administration are sure, but we believe that the cost will far exceed the $200 million sought by the administration for this portion of the school lunch program.

Last May, the gentleman from Kentucky and I introduced legislation to secure an additional $100 million to support the free and reduced-price lunch program, and the House backed us almost unanimously. The Senate insisted on providing only $30 million. We compromised to be sure of obtaining that amount in time to help schools that were facing a funding emergency. To do the job contemplated by our authorizing legislation is going to require an indefinite sum. Nobody can project this far in advance of the start of the school year the ultimate costs. Therefore, the ap-

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proach taken by the Appropriations Committee today is the best possible one at this juncture.

I commend the committee in its report on this bill for their recognition of the problem and their recommendations:

> The Administration has not had time to provide estimates on which the Committee can act, and funds provided, though extensive, are not specifically based on these amended provisions. The Committee recognizes their far-reaching effect and, where necessary, authorizes the administration of the program at a quarterly rate in excess of the annual amounts recommended in this bill until such time as the program estimates can be reviewed in connection with the first supplemental.

Mr. Chairman, that action means that the Congress is releasing both the administration and local school governments to do their utmost to fulfill our intent in passing the authorizing legislation. As the President's adviser on nutrition, Dr. John Mayer of Harvard, said last Christmas Eve:

> To feed needy children, it will cost what it will cost.

That is the only way to implement our bill, to seek out every needy child and place lunch before him rather than awaiting funds before attempting to perform this outreach task. I congratulate the committee on the leeway and on the impetus it has given in its bill.

Mr. LANGEN. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. PRICE).

Mr. PRICE of Texas. Mr. Chairman, it is difficult to imagine a more ill-timed amendment than that offered by the gentleman from Illinois. It can result only in mischief. It would seem to apply to the combination of all payments formulated or made by the Department of Agriculture for the 1971 crop year programs. Obviously, there could be no payments for crops for which no legislative authorization exists. Apparently, as of the present legislative situation, it would apply only to extra-long-staple cotton and sugar. It would apply to wheat certificate payments, provided the wheat program passed by the Congress in 1962 was approved by farmers in a referendum to be held later this summer. However, the result of the referendum held in 1963 indicates that farmers would not approve this program by the necessary two-thirds majority and there would be no authority for making wheat certificate payments.

Let me emphasize that at present there is no legislative authority for making any payments for the 1971 crops of upland cotton, wool, and feed grains. It would appear that this amendment is intended to apply to substantive law that has not yet even been approved by the Congress. At best, this would appear to be a dubious and counter-productive procedure for this House. I do not see how it could do anything but complicate the problem of passing sound farm legislation to replace that expiring with the 1965 act. This issue has been before the House several times before, accompanied by voluminous statistics to show the number of payees that would have been affected in the past year had such a limitation been in effect and the amount of dollars that would have been saved. Despite all this, the issue is one that is still not fully resolved in the Agriculture Committee.

The posiiton of the Department of Agriculture, as set out today, is as follows:

> It is our feeling that consideration of all limitations at this time is premature in view of the likelihood that new farm legislation will be before you soon. As we stated to you last year when this matter was under consideration, we feel strongly that payment limits could be handled on a sound basis as a part of a total legislative program. To enact a limit before the total program is known runs the risk of creating great confusion and uncertainty and perhaps unsound legislation.
>
> It is our strong view that any limits established should be on the basis of individual crops and not on a total farm basis because individual crops are harvested at different times during the year and payments are made at different times. The application of a total farm limit becomes administratively very difficult. However, the administrative difficulty is not the most important objection. The most important one is the difficulty that would be created for individual farmers to whom the individual limits might apply. Amounts of some payments would not be known until after the cropping season and it would, therefore, be almost impossible for a farmer to properly apportion his acreages to take full advantage of the commodity program without penalty.
>
> It is also our strong conviction that any limitation on payments should be based on a sliding scale rather than a specific dollar limit.

We are now beginning to grasp some of the complexities and hope soon we will be able to share our findings and views with our colleagues. At this time, let me point out a few outstanding examples of the confusion surrounding this issue. All of us implicitly or explicitly tend to think in terms of one farmer corresponding to one farm and one crop. This is not the situation at all. For example, only about 5 percent of the feed grain payments of $20,000 or more go to farmers who grow no wheat, cotton, or wool. In fact, a limitation of this size applied to all commodity programs combined would drive about one-fifth of the feed grain cooperating acreage in Texas outside of the program. Participating acreage in California and Arizona would drop about one-half and three-fourths, respectively. There would thus be no effective feed grain program in these States. This obviously would mean low corn prices in Illinois or else higher diversion at additional cost in the other feed grain areas.

An even more important complication, however, is not the combinations of various crops, but rather the combinations of multiple producers on one farm combined with the fact that most large producers have some interest in a crop on more than one farm. These aspects are still being studied by the Agriculture Committee and the Department of Agriculture. There is some evidence that the assumed one to one correspondence between a farm and a payee under these programs is typical of only one-fifth to one-third of the situations that would be affected by such a payment limitation. This may be another way of saying that perhaps the advocates of this limitation may be only 20-percent correct in their analysis of the results thereof. Certainly, the House should not express itself again on this issue until it has been acted on by the appropriate committee and supported by a committee report. This is especially true since if we resist dubious and harmful prejudgments, prospects are good that such a proposition adequately studied and supported will very soon be put before the House.

Mr. LANGEN. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts, (Mr. CONTE).

Mr. CONTE. Mr. Chairman, before making my speech, I want to ask the gentleman from Mississippi, the chairman of the committee, my good friend, Mr. WHITTEN, a question. I am referring to section 508 on page 39, to which I was going to offer an amendment on farm subsidy payments. I will explain later what I was going to do on this, but would the gentleman agree with me that this section here will not carry over to June 30, 1971?

Mr. WHITTEN. Mr. Chairman, may I say to my colleague that it would do so, but if the gentleman will bear with me and if the gentleman will yield to me, I will yield him additional time, and I will explain what is involved in this.

Having handled this in other years and having faced other amendments which would change substantive law, at least we had the law before us, and it was my belief as chairman of the subcommittee, concurred in by the Members I have had a chance to talk to, that with the farm legislation not even reported as yet to the House and not passed by the Congress, and since it will have to be renewed this year, it was our belief that we, as the Appropriations Committee, and as an arm of the House, should not in advance by an appropriation bill try to tie the hands of the Congress as well as that of the committee in whatever farm legislation we wish to pass, so we wrote the provision—I wrote it frankly—strictly on the basis that whatever we do here should not tie the hands of the Congress itself in substantive law.

I do think my friend, the gentleman from Massachusetts, may have misconstrued this—at least, he construes it differently from what I do, so I may explain it the way I construe it. I am reading section 508:

> No part of the funds appropriated in this Act shall be used to change any price support program payment or payments, or commodity loan or loans in any manner, the effect of which is to modify substantive law.

So any substantive law that we may pass would stand on its own and would not find itself modified by something we passed before that substantive legislation was passed by the House. So what this does is maintain the status quo of any law we may hereafter pass. That was the intent. The sole purpose was to keep us from trying to dictate legislation against desires of the committee.

If, when we get to section 508, we have not amended in advance the legislation that has not yet been passed, I would have no objection personally to recommending to the subcommittee that we delete it on the ground that we no longer need it.

Mr. CONTE. I think that is a fair statement by the gentleman from Mississippi, and I appreciate it, because I understand that an amendment to limit farm subsidies will be offered by the gentleman from Illinois.

As the author of the amendment for a $20,000 payment limitation, the only one that has ever passed this House, which I offered on two different occasions, which was passed by this House on roll calls on two different occasions, The Members can realize how deeply interested I am in this subject matter. I have fought long and hard for this reform.

I certainly would prefer that we avoid the battle today.

A year ago my amendment to limit subsidies passed by an 82-vote margin, a net gain of 12 votes over the margin of victory in 1968. Nevertheless, the other body failed to go along.

This year I am convinced that the chances for success in the other body are excellent. I would not want to jeopardize those chances today by a vote that reflects less than the total support existing here in the House.

A year ago, when my amendment to the 1970 appropriation bill was under discussion, opponents said that the place to consider such an amendment was on the authorizing legislation. We were able to counter that objection by noting that a farm bill was not expected for another year. We cannot make that argument today, for, despite the present logjam in the House Agriculture Committee, I am convinced that sooner or later, perhaps within a month, we will have a farm bill.

XUM

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. LANGEN. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. CONTE. Sooner or later, perhaps within a month, we will have a farm bill. Then will be the most appropriate time to enact a comprehensive amendment which limits subsidies, and does so within maximum effect.

Mr. Chairman, I think it is worth noting that progress has been made toward adopting this reform not only as reflected in public opinion polls, but in the actions and statements of Agriculture Secretary Clifford M. Hardin as well. A few months ago the Secretary unveiled a proposal for a payment limitation on a sliding scale that would permit payments up to $110,000 per crop to a producer. While I consider that level ridiculously high, and have so advised the Secretary, it is nonetheless significant that for the first time a Secretary of Agriculture has come out for a subsidy ceiling.

More recently, Assistant Secretary Clarence D. Palmby reportedly indicated to the House Agriculture Committee that the Department was prepared to support a substantially lower ceiling.

So there has indeed been some progress, Mr. Chairman.

Now I am not under any illusion that the House Agriculture Committee is likely to report a bill with a payment limitation low enough to produce the savings I consider essential. But I am prepared to give them that chance.

The gentleman from Illinois knows, and I know that this is not the proper place. We have talked about it. I want to lay my cards on the table with him, because I talked to him on Thursday, and told him I thought this was not the proper place. I tried to reach him in Illinois on Friday, to tell him this was not the proper place.

What good is a limitation if we allow the gigantic corporate farmers, the people who have large entities, to subdivide their properties and get around the law? Then we do not save the taxpayers anything.

Surely, we could grab a headline for back home, but what will we have done to save the taxpayers any money? That is what I am interested in.

My $10,000 per crop limitation would put firm, hard language in there to prevent them from subdividing, and would save the taxpayers up to $338 million a year.

Let me state something else. The gentleman from Illinois and I and the gentleman from Minnesota [Mr. QUIE], met with an ad hoc committee of the Committee on Agriculture, a very fine group of people, including Mrs. MAY, Mr. KLEPPE, Mr. PURCELL, and several others. We hammered away at this thing, trying to come out to a compromise figure. We had reached an informal agreement where we had a compromise figure which would have saved the taxpayers millions. They were going to bring that back to the Committee on Agriculture, to get a vote from them. Of course, we all know the rest of the story. That thing blew up.

As I have said repeatedly, an agriculture bill will come to the floor of the House one way or the other, and what if they don't pass a farm bill out of committee, the experts tell me that if it does expire, we do not have to worry about limitations any longer aside from sugar, because then the whole payment program goes out the window and they come back with a loan program.

Mrs. MAY. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I am glad to yield to the gentlewoman from Washington.

Mrs. MAY. I would briefly like to say to the gentleman I commend him for stating the true facts of what is going on in an attempt to come up with a reasonable and livable solution on ceiling payments. We have been very grateful to the gentleman from Massachusetts, and the gentleman from Illinois for meeting with our bipartisan ad hoc committee appointed by the chairman of the full Committee on Agriculture really to join this issue in a wise way based on the facts and the desires of the House. That is why I am so grateful that he spelled this out to show how serious a mistake we would make if we attempt to legislate at this time in the wrong area when there is such a very good chance that we are going to be able to do it in the right way.

I thank the gentleman for making this clear.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I am glad to yield to the gentleman.

Mr. SMITH of Iowa. I commend the gentleman for bringing this point out and describing the amendment as it has been proposed in previous years as completely unworkable. Land operated by a person or corporation can be divided and subdivided and I defy anybody to come up with any language that will avoid getting around such a limitation when on an appropriation bill. It seems to me the best way to apply a limitation really, if you want a limitation, is to provide that the Secretary shall limit the total payments to a percentage of the value of the crop, and then it is up to him by regulation which can be changed as necessary to do the job.

So, Mr. Chairman, I commend the gentleman for bringing out how unworkable the language is that can be attached under our rules to an appropriation bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LANGEN. Mr. Chairman, I yield the gentleman from Massachusetts 2 additional minutes.

Mr. CONTE. Mr. Chairman, I think we can come up with language and some real tight language here, but we just cannot do it in an appropriation bill, because we would be legislating on an appropriation bill. So this is a very hard pill for me to swallow, because I have carried the fight myself here a number of times. But unfortunately I lost it in the Senate. If we do win on the legislative bill—and I am sure that we will win on it next year—we will have an appropriation bill coming up and we will carry the fight on there. But we do have a legislative bill which is on the threshold of coming out, that is the best bill to tack on my amendment.

Mr. QUIE. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I am glad to yield to the gentleman.

Mr. QUIE. I commend the gentleman for the position he has taken on the appropriation bill. I would also be strongly in favor of a limitation of payments in this bill if we did not have an authorizing bill coming up very soon. Even though the Committee on Agriculture is in a rather dismal position on the bill, I am sure that they will get a bill out, and I am confident that they will. I am also confident that they will come out with a limitation of payments. It takes a great deal of study to bring an acceptable limitation of payments here. It is interesting on the sugar bill that we had a limitation for a long time in the sugar act and we should have something further on other commodities as well, but the only way that we can do it really is in an authorization bill. We have tried it previously—and I supported it—in appropriation bills. This is the last thing that we can do. We did not have any other means at that time, but this time I am confident we will do it in the authorization bill and it will be a much better job and it will work.

I commend the gentleman, and I am willing to try to impose limitations in an authorization bill, but I am unwilling to impose them in this appropriation bill.

Mr. CONTE. I thank the gentleman very much; again I want it clearly understood that if we do not prevail with a payment limitation on the legislative farm bill, I will be back year after year on the agricultural appropriation bill.

Thank you.

Mr. LANGEN. Mr. Chairman, the gentleman from Illinois (Mr. Findley) desires a few extra minutes, so I yield the gentleman 2 additional minutes.

Mr. FINDLEY. Mr. Chairman, I thank the gentleman for yielding.

I know the time is getting on, but I think we all want to keep the facts straight. This is the only bill which will be considered by this body this year through which a limitation on sugar payments can be effected. It is the only bill through which a limitation on payments for the production of long-staple could be effected.

Now, it may well be that the limitation I have proposed is too low to really suit some of the Members of this body and I recognize that fact. But from my standpoint, I think it is plenty high. It is $20,000 per person per commodity. If the Committee on Agriculture in its wisdom should say we want to establish a sliding scale ranging from $10,000 to $20,000 or $30,000, why not? But, at least, this gives the House some means of giving the Committee on Agriculture some idea as to the outer limits that it can expect to get through this Congress when and if this legislative bill may come down the track. We have had 14 months within which to come up with a farm bill. These confident forecasts that we will have a legislative bill this year are a little bit hard for me to have confidence in. We have had 14 months which has been described as nearly twice the gestation period. So, I think we should face the problem here today and write into this appropriation bill a reasonable top limit on the number of dollars that any farmer can get under any programs which may be authorized for the 1971 crop.

Mr. LANGEN. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. Quie).

Mr. QUIE. Mr. Chairman, I would like to ask the gentleman from Illinois if it is not true that if there is no action this year on an authorization bill for agriculture, we will revert back to the old law on which there will be no payments on any commodities other than sugar. There will be no payments to limit, therefore, there will not be any effect to the amendment which the gentleman proposes to offer.

Mr. Chairman, in my opinion the way to get at this question is through the authorization bill which will be up this year. With reference to sugar, if we want a greater limitation, we will have to wait until next year.

Mr. FINDLEY. A way to get at the legislative bill is by means of a limitation on the appropriation bill. The limitation on payments on this appropriation bill would definitely be effective for the two commodities I did list, sugar and long-staple cotton.

Mr. QUIE. I think the way in which to work with the authorization committee is to work in good faith with them. We do not need to use this means again to get across to them our views as to what the limitation should be. The Committee on Agriculture members are reasonable people and I think we ought to give them an opportunity to add to the authorization the type of limitation we will accept.

Mr. McDADE. Mr. Chairman, I rise to make a few points about the bill now under consideration. In particular, I would like to commend the committee for its recognition of the dire need in this country for improved water and waste disposal facilities in small communities.

As shown on page 63 of the committee report, the bill as it now stands includes a total of $56 million for rural water and waste disposal grants, an increase of $32 million above the budget request. This is a significant increase, and demonstrates that the committee recognizes the urgency of the needs of our smaller communities.

Nevertheless, as the committee itself points out, 34,763 small communities have been reported as being without public water systems and 44,567 that do not have adequate waste disposal facilities. This would mean that if all the necessary projects could be funded out of this appropriation, only slightly more than $700 of direct grant money, on average, could be made available for each project. Clearly, not every one of these problems could be solved as a result of any single appropriation, nor would we be sensible in attempting any such feat. Still, while this example is oversimplified, the figures indicate something of the magnitude of the problems faced by communities of less than 5,500 population. I sincerely hope that in the near future our overall budgetary situation will permit a more fully adequate level of funding for these programs.

Mr. PICKLE. Mr. Chairman, there is a strong undercurrent moving through this country that is truly a minority movement. A special, select 5 percent of our people are reaching the boiling point and we may have a major crisis on our hands shortly.

Mr. Chairman, I refer to the farmers, the 5 percent who are feeding the other 95 percent of the United States—and a portion of the entire world. If this Congress does not reverse the trend to eliminate, to cut back, to reduce the present farm programs, then we will be guilty of fostering a revolt among the Nation's food producers. This revolt carries a real potential for disaster that would make the students, the ghetto, and the environment crusaders take a back seat.

Mr. Chairman, there are few heroes left in the field of farm legislation. Too often, the rural-oriented, or even rural-interested, Members will be content to mumble that the "city boys" in Congress have the votes now and they are hurting the farm programs.

Frankly, the farmer is growing weary of this line of reasoning. I do not know what it will take—perhaps a massive education program or a massive attack against the prejudices of the big city boys—to convince the city dwellers of the very vital impact agriculture has not only at the dinner table, but at the economic tables. Perhaps it is time that the rural legislators drop back to basic politics and barter and trade and finess to get adequate farm legislation on the books.

I think the time has come to stand and fight. For too many years, the farm programs have been eroded into hollow shells of what should be the laws governing the use of our land.

Somehow or other the farmer is given the image of one who grows fat for not growing food. That is a false connotation. The farmer has gotten less for his crops each year. His costs have steadily risen. His profits have gone from bad to worse. Today, his profit is razor thin. If we do not pass legislation that will help the farmer, we will discourage this great group of Americans to continue the honorable pursuits of agriculture—the very trade that started this country. If we pass restrictive legislation we are apt to start a revolution of protest that will become bitter and even dangerous.

Mr. Chairman, the farmer has also had it up to here. The breaking point is near. We must help the farmer—not drive him out of business. We cannot reduce his profits one bit more. The Congress had better listen. A revolt is in the making if we hurt the farmer any more by unfair legislation.

Mr. DELANEY. Mr. Chairman, the most recent Department of Labor statistics shows that the cost of living soared more than 6 percent during the last year. The American people are greatly apprehensive as to where this inflationary spiral is leading us, and it is absolutely essential that we halt this assault on the integrity, stability, and purchasing power of the dollar.

It is generally agreed that one of the first steps to remedy this grave situation is to eliminate nonessential Federal spending. In my view, one of the first programs which should be halted is the Federal welfare program for wealthy farmers.

In the Congressional Record of March 24 and 26, 1970, there is a listing of some 7,800 farm operators who received $25,000 or more for crop support programs in 1969.

According to this report in the Record, seven companies were paid in excess of $1 million, with the highest payment, $4,370,657, going to the J. G. Boswell Co., of Corcoran, Calif.

Others receiving substantial payments under the program were the States of Montana and Washington, and State prisons in Arizona, Louisiana, and Texas. The Southern National Bank of Lumberton, N.C., was paid $224,254, and two other North Carolina banks received in excess of $58,000 each. The First National Bank of Dumas, Tex., was given $70,000 under the program.

This legislation was originally intended to help our small family farmers. However, we now find that money urgently needed for a number of critical farm and urban programs is being diverted to those who need no Federal farm assistance whatsoever.

I have strongly opposed this program during the last 2 years, and it is even more imperative today that we end this gigantic giveaway to wealthy landowners. The report in the Record, previously referred to, which lists nearly 8,000 farm operators who share a total bonanza of $366.7 million, is a tragic testimonial to the bankruptcy of our farm program.

This program is nothing short of highway robbery of our taxpayers. It is taking the hard-earned money from the people of New York, who are burdened with perhaps the highest State and local taxes in the Nation, and donating these funds to wealthy farm operators who have no need for this totally unwarranted subsidy.

My constituents will never be convinced that the Standard Oil Co. of Oildale, Calif., is a poor farmer. Yet, the report in the Record shows that this company received a subsidy of $127,995 in 1969.

To restore confidence in the dollar, and to restore confidence in the wisdom of our legislative process, it is imperative that this program be immediately terminated.

Mr. MONAGAN. Mr. Chairman, I am voting for this bill because its expenditures have been legally authorized and the money must be forthcoming. I did support the amendment to limit farm subsidy payments for any one producer to $20,000.

In voicing my support for this amendment, I felt that I fairly stated the concern of my constituents that Congress must realine Federal expenditures to reflect domestic priorities. Pouring money into this program which cost American taxpayers over $659 million last year weakens taxpayer confidence in governmental spending objectives and retards progress toward achieving lasting solutions to critical national problems.

XUM

In 1969, one payee under this program received $4,370,657 as a subsidy payment, and approximately 8,000 farmers received $25,000 or more each in payments. It is interesting to note that while the committee report has indicated from year to year that the number of farmers is constantly decreasing, in 1969 the number of farmers who received $25,000 or more in subsidy payments actually increased by more than 1,800 over 1968.

Last week when the House was considering H.R. 17803, to increase the public debt ceiling, I said that I was supporting the bill because raising the public debt limit is to some extent a formality, while the real place to reduce obligations is in the authorizing bills as they come to the floor.

I have supported cutbacks in military and space appropriations when I felt that these programs were receiving a disproportionate share of Federal funds and I think that the farm subsidy program similarly qualifies for sharp paring.

Mr. GRIFFIN. Mr. Chairman, I support this legislation and wish to take this opportunity to commend the committee on its recommendations. In particular, I have the strongest praise for Mr. Whitten, the subcommittee chairman, for his wisdom and judgment in bringing before us a bill vital to every American. Without a sound agricultural program, and without adequate appropriations therefor, we would lack sufficient food, clothing, and shelter.

I was impressed by the hearings on this bill wherein Mr. Whitten brought out that American consumers spend 17 percent of their income on food, while 28 percent is spent in England and 50 percent in Russia. Surely this points up the efficiency of American agriculture and the need to keep it strong. Agriculture is truly the backbone of our Nation's economy and the orderly production and distribution of food and fiber are basic to our well-being.

The aspects of this bill have been eloquently explained and justified by Mr. Whitten and other distinguished members of the committee. Nevertheless, I wish to comment on a few items.

THE FIRE ANT MENACE

I am most pleased that the committee has recommended an increase of $2,000,000 to step up the cooperative effort to eradicate the imported fire ant. As I have said many times, this pest has caused more damage to Mississippi agriculture than any pest since the boll weevil. These added funds, with matching State and local funds, should provide for an effective eradication program in the affected States.

EXTENSION SERVICE

The Extension Service performs vital functions through its programs of education, demonstrations, nutrition training, and 4-H Club work. The committee's recommendation for increased funds for these important services will pay large dividends in the future.

SOIL CONSERVATION SERVICE

The conservation of our soil and water resources is an economic necessity. While I personally would like to see additional funds for conservation, I recognize that we have overall budgetary problems and must do everything possible to have a balanced budget. However, I would stress that water and soil conservation prevents pollution and if we had not had this program over the years, the pollution problems of this Nation would be many, many times greater. The watershed improvement programs have made immense contributions to the health and welfare of our citizens.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

The ASCS has played a leading role in preventing pollution of our environment. The curtailment of soil erosion, the improvement of soil fertility, the development of forest resources—and other practices—all enhance our opportunity to preserve our natural surroundings.

FARMERS HOME ADMINISTRATION

The FHA is critically involved with successful farming. Operating loans, housing loans, ownership loans, emergency loans, soil and water conservation loans, watershed and flood prevention loans, grants and loans for water and sewer systems, and other functions, are all important to maintaining a healthy national economy.

Mr. Chairman, time does not permit extensive comment on all of the agencies and activities covered by this appropriation bill. I have covered only a few subjects among the important many. Food stamps, the special school milk program, rural electrification and telephone loans, Federal crop insurance, the Commodity Credit Corporation, the Farm Credit Administration, meat and poultry inspection, Consumer and Marketing Service, Cooperative State Research, statistical reporting, and other equally important functions, are funded in this bill.

There has been a great deal of undeserved criticism of our agricultural programs and policies. As one who was born and raised on a farm and who has vivid memories of depressed farm prices, rampant unemployment, and widespread poverty, I firmly believe this bill is a sound economic investment, which will prohibit such from happening again.

It is not difficult to recall that I had little enthusiasm in the 1930's for my entire family to work 10 to 12 hours a day and sell cabbage for $6 a ton, or 3 pounds for a penny. We sold tomatoes for less than 1 cent a pound; cotton brought 8 cents a pound.

To repeat, Mr. Chairman, this bill is a sound economic investment. Again, I commend Mr. Whitten for bringing to the floor a reasonable appropriation measure of benefit to all Americans.

Mr. RANDALL. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Iowa which would increase the appropriation for rural water and waste disposal grants from $56 million to $100 million. It is seldom that I ever take the floor to applaud any proposal for increasing spending, but this amendment proposes to do something about one of our Nation's top priorities.

Even without this amendment, the Committee on Appropriations had done the best they could do, I am sure, because they had increased the appropriation for rural water and waste disposal grants by quite a considerable sum to the recommendation that $56 million be made available in fiscal 1971.

It seems to me we should pause for a moment to recall that the administration budget for this purpose for fiscal year 1970 was $46 million. For fiscal year 1971 the administration proposed an entirely and altogether inadequate figure of $24 million. Our Agriculture Appropriations Subcommittee demonstrated recognition of one of our greatest present-day problems by increasing that figure to $56 million.

However, the gentleman from Iowa, a member of the full Appropriations Committee, took a much more realistic view of the need in rural America to improve water systems and waste disposal units, when he proposed to add $44 million or increase the appropriation for fiscal 1971 from $56 million to $100 million.

Mr. Chairman, on April 21, many people in America celebrated what was called Earth Day. There was an effort to focus attention on the problems surrounding ecology. There was an emphasis on the necessity for environmental cleanup. We were told at that time that there is no more urgent necessity or higher priority than the effort to clean up our environment. That is what this amendment is all about, because the funds under this section of H.R. 17923 are to provide money for the FHA to make grants for rural water and waste disposal purposes, for those communities under 5,500 population. Approximately 30,000 rural communities in this Nation do not have adequate water systems; 45,000 are without sewer systems. In almost all instances these communities cannot even consider the installation of such systems without the supplement of Federal funds for these purposes.

All of those who participated in the celebration of our first Earth Day should now support this amendment. Facts are that money for pollution control under Housing and Urban Development has not been simply increased or doubled but has been substantially trebled. Why is it, then, that the rural areas should be downgraded and those places under 5,500 population should be shortchanged?

We hear a lot about the concept of rural revitalization, which means the effort to prevent further migration of our population from the rural areas to our big cities. The only way that is going to be accomplished will be to make life in the rural areas and our smaller towns and cities more attractive as well as more healthful. That the Farmers Home Administration has been doing, but it has been woefully underfunded. Perhaps the one overriding problem in America today, of what appears to be long-range duration, is the rural-urban imbalance. That can only be corrected by trying to located light industry in our farming communities, in order that as the size of farms increases and fewer farmers are needed, they will locate in our small towns and smaller cities rather than migrating to big cities to further compound the almost insoluble problems faced today in administration of our larger cities.

Mr. Chairman, President Nixon's Task Force on Rural Development recently made about 30 recommendations. Foremost among these recommendations was a call for adequate funding for rural water and sewer construction. It was most unusual that the President approved these recommendations, and yet the budget for water and waste disposal grants was reduced about 50 percent from the $46 million budget figure of fiscal 1970 to the $24 million budget figure of fiscal 1971.

I know members of the Appropriations Committee may oppose this increase to $100 million, and there may be some suggestions that there is not adequate planning already in existence to use these increased funds. I do not know the situation in other congressional districts, but in my own there are literally dozens of applications, as many as two, three, or four in each of our 12 counties, that are standing in line with all planning completed waiting for grants, both from the unincorporated areas and in those communities of under 5,500 population.

This amendment should be adopted. No Member should find it distasteful to support this amendment. All of those who spoke so strongly for an environmental cleanup on Earth Day should support it. All of those who have advocated the concept of rural revitalization should support this amendment. Most of all, even those who say they are for economy can support this amendment, because the amount spent on rural water supply districts and small town sewer plants is not really money spent, but money invested in one of the highest priority projects in America today.

Mr. WHITTEN. Mr. Chairman, I have no further requests for time.

Mr. LANGEN. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1971, and for other purposes; namely:

Mr. WILLIAM D. FORD. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 160]

Abernethy
Addabbo
Anderson, Tenn.
Ashbrook
Ayres
Biaggi
Bray
Brown, Calif.
Buchanan
Carey
Celler
Clark
Clay
Corbett
Corman
Coughlin
Cowger
Daddario
Dawson
Downing
Dulski
Esch
Fisher
Frelinghuysen
Frey
Gaydos
Gilbert
Hansen, Wash.
Hébert
Holifield
Hungate
Keith
Kirwan
Kuykendall
McCarthy
McMillan
Macdonald, Mass.
Meskill
Miller, Calif.
Morse
Murphy, N.Y.
Nichols
Olsen
O'Neill, Mass.
Ottinger
Passman
Philbin
Pollock
Powell
Preyer, N.C.
Price, Ill.
Pucinski
Reid, N.Y.
Reuss
Rivers
Rooney, N.Y.
Rosenthal
Roudebush
Sandman
Scheuer
Schwengel
Springer
Stratton
Taft
Waggonner
Whitehurst
Wilson, Bob
Wilson, Charles H.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. Albert) having assumed the chair, Mr. Wright, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 17923, and finding itself without a quorum, he had directed the roll to be called, when 361 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. When the Committee rose the Clerk had begun to read the bill for amendment.

The Clerk will resume the reading of the bill.

The Clerk read as follows:

Research: For research and demonstrations on the production and utilization of agricultural products; agricultural marketing and distribution, not otherwise provided for; home economics or nutrition and consumer use of agricultural and associated products; and related research and services; and for acquisition of land by donation, exchange, or purchase at a nominal cost not to exceed $100; $146,143,200, and in addition not to exceed $15,000,000 from funds available under section 32 of the Act of August 24, 1935, pursuant to Public Law 88–250 shall be transferred to and merged with this appropriation, except that $1,000,000 of the foregoing amount shall be available for matching with funds utilized for research under Public Law 89–502, and $1,500,000 shall remain available until expended for plans, construction, and improvement of facilities without regard to limitations contained herein: *Provided,* That the limitations contained herein shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a).

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Obey: on page 3, line 14, after "a nominal cost not to exceed $100;" strike out "$146,143,200," and insert "$147,643,200".

Mr. OBEY. Mr. Chairman, knowing that this House is used to dealing with billions of dollars, I am almost embarrassed to bring this small item to the attention of the House, but on behalf of the gentleman from Pennsylvania (Mr. Saylor), the gentleman from Michigan (Mr. Dingell), the gentleman from California (Mr. McCloskey), and myself, I am introducing at this time an amendment to increase by $1.5 million the funds available under this bill for research in the nonchemical control of pests. As I stated previously, this amendment is based on an exchange of letters between Department of Agriculture officials and Senator Gaylord Nelson, of Wisconsin, during the past year.

In that correspondence Department officials admitted that "additional funds for this research could be utilized effectively" in fiscal year 1971, including $4,420,000 for research on nonchemical means of pest control and $2,620,000 for the initial staffing of pesticide research laboratories. The committee wisely agreed to the staffing of laboratories, but did not agree to the funds for added research projects, and that is why this amendment is here.

Included in the $4.4 million increase, which they said could be effectively utilized for nonpesticidal research, the Department included the following:

Accelerating research and development related to the mass rearing of insects for biological control programs, $2.15 million;

Expanded research on biological control of cotton boll weevil, $1.5 million;

Research on biological control of citrus fruits insects, $150,000;

Research on biological control of tropical fruit flies, $150,000;

Development on nonpersistent pest control methods, including hormonal insecticides, $150,000;

Research on biological control of grain sorghum insects, $100,000;

Research on biological control of cotton insects, $100,000;

Research on biological control of arthropod vectors of equine piroplasmosis, $60,000—tickets on horses; and

Research on biological control of aquatic weeds using insects, $60,000.

Mr. Chairman, nonchemical methods have shown much promise of success.

Methods such as insect sterilization, the method used so successfully to control the screwworm fly has saved livestock producers an estimated $120 million.

Light and soundwaves are also methods being tested at the present time to control insects. Scientists used blacklight for example, to attract male cabbage loopers in large field cages where they exposed the insects to a chemical which sterilized them. With this technique, scientists controlled 90 percent of the loopers.

Sex attractants have also been used by scientists, luring insects into their destruction. Tests with such attractants have been more successful in attracting the male bollworm moths than the female insects own lure. Synthetic attractants have been developed for the boll weevil also, as well as for the European corn bore.

In laboratories, insects have been awakened from their usual winter resting periods with the addition of artificial light to simulate the coming of spring. In one experiment a flash of light as short as one-thousandth of a second, given nightly during the larval stage of the imported cabbage worm, forced this insect to develop into the adult stage ahead of schedule and so out of step with nature that it could not live.

Great successes have also been achieved with the importation of parasites which are the enemies of insects. As early as 1888 the Vedalia beetle was imported from Australia to control the cottony-cushion scale which was a major menace to the California citrus industry. That beetle is still doing a highly successful job of this today.

The wasp is being used increasingly as a control insect. Wasps imported from Asia have been successfully used to destroy the red scale, a pest of concern to citrus growers. The wasp is being used by the USDA to destroy the cabbage worm, a destroyer of cabbage, cauliflower, and broccoli, and it has eliminated over 99 percent of the cabbageworms from test projects—with no need of insecticides. Tests are being conducted to see if the wasp, imported from France, can be used to control the cereal leaf beetle, a pest extremely destructive of oats, wheat, and barley. And over a 3-year period the alfalfa weevil has declined about 90 percent in areas in which USDA scientists released wasps to control the pest, saving farmers in these areas more than $600,000 in 1969. These results are as good, say USDA officials, as those farmers obtain with conventional insecticides.

Important and successful tests have also been conducted in California and Florida using about a dozen imported species of weed-eating insects to control weeds which would otherwise be controlled with herbicides. In light of the significant increase in the use of herbicides, research of this sort could be a first step leading toward a reduction in their use.

And let me say, Mr. Chairman, before I lose the interest of a good many of the Members on the floor that they may be interested in learning that USDA research has also found that beer—stale or rich with foam—has been successfully used as an attractant for slugs. I am told any brand works.

Another thing that bothers me is the amount of money which must be directed from other programs to continue with present research on the cotton boll weevil. I am all for research in this area, even on a crash basis if necessary, if for no other reason than that approximately 45 percent of the DDT used each year in the United States is required for the control of the boll weevil. But Department plans to deal with the boll weevil in the next fiscal year mean that other programs will have to be cut. Programs, which, according to the Department, they will not be able to provide the financial support for. These projects include:

A pilot test to determine if sterilized corn earworm moths can be used to control this major pest of several agricultural crops;

A proposal to undertake research on attractants for the range caterpillar in New Mexico. This is an important pest of range grasses in New Mexico that has recently reached epidemic proportions, and insecticides available for its control are considered potentially hazardous to the environment;

A pilot test to determine if the mass production and sustained release of parasites of the pea aphid can control this insect on alfalfa to prevent transmission of virus disease to field-grown peas in the State of Washington;

Similar tests to determine if mass produced parasites will control the green bug on sorghum and potato aphids on potatoes; and

A research proposal to determine the potential value of a protozoan pathogen for the control of the tobacco budworm. This insect, which also attacks cotton and other crops, has developed resistance to insecticides, and alternative biological control methods are urgently needed.

Other research to gain more information on how the boll weevil might be controlled by sex attractants will also have to be put off as well as research on the identification and synthesis of chemical components produced by the pink bollworm for the attraction of males.

The shift in funds necessitated by the concentration on the boll weevil research will also require the Department to delay the planned expansion of parasite and predator rearing programs for gypsy moth and cereal leaf beetle programs.

Mr. Chairman, I am not here today to say that any one program suggested by the USDA is more important than another, or that the $1.5 million I am asking this House to allocate should go to any one particular program over one of the others. I am not qualified to do so in any event. I am saying that the Department indicates that there are programs that could profitably be carried out during the next fiscal year if increased funds were allocated. I am urging my colleagues to indicate their support of such research by providing about one-third of these funds in the next fiscal year.

It seems to me that when DDT is found in almost 100 percent of fish samples taken from our rivers and lakes, when dieldrin is found in 75 percent of the lakes and rivers sampled, then I believe it is time to end the business-as-usual attitude about the problem of pesticides.

I represent one of the 15 most agricultural districts in the Congress. I am also vitally interested in conservation. The argument is often made, "Do not ban pesticides such as DDT and other chlorinated hydrocarbons until we have the facts, until we know what alternatives are available." I am saying with this amendment, "All right, let us make a greater effort to find these answers." I would like to find some of these answers to pest control questions before our farmers are backed up against a wall.

This amendment will not go far in that regard, but it will be a signal to the USDA to be more aggressive in their approach to this problem.

Mr. WHITTEN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, our colleague deals with a subject that comes close to all of us.

But it is extremely difficult, if I may say so, to get results for the money you spend. While we have just about every agency in Government that is dealing with this problem in the Department of Agriculture, the sum total spent in the overall activities of research service in this general area on such problems as fundamental biology; improved means of nonpesticidal control; improved pesticide use patterns; toxicology, pathology, metabolism, and fate; economics of pest control, use, supply, and requirements; pest control; monitoring; and regulation amount to $94,500,000.

We are spending now about $18 million in research in trying to find nonchemical controls. We are all familiar with the screw-worm and the success we have had with that.

But when you name that one, it gets extremely hard to find other places where we have had these kinds of breakthroughs.

Your committee has brought in a bill that gives an increase of $2 million above what they had for the present year. Certainly, we wish to meet this problem so far as we can, but scientists with the knowhow and the ability to contribute to this overall problem are not easy to come by.

This bill should pass, if the other body acts on it as it should by the first of July. But you do not snap your fingers and get top scientists so the chances are a big part of the year will go by while they are trying to find these people.

I respectfully submit that where we have raised last year's level by $2 million in the overall field and where in this particular area they are spending $18 million, and in the overall area $94 million—I would hope in the interest and in view of everything we face as a Congress such as inflation and unbalanced budget, I hope you will agree with us that if we are just giving $18 million worth of personnel to work that is a pretty good "chunk" of manpower. As big as the problem is, what we want is results. We figure we will get more results if we ride close herd over operations and even at that we have gone ahead with an extra million dollars over this years funds.

Mr. Chairman, I hope the amendment will be voted down.

Mr. LANGEN. Mr. Chairman, I move to strike out the last word and rise in opposition to the amendment.

Mr. Chairman, I will very briefly reiterate what the gentleman from Mississippi has already indicated that the committee has been very generous in this field. We have added a million dollars over and above the existing budget request. This will accommodate as many additional positions, as are available.

There are not enough scientists, because this is a very scientific field, to add further to the pace at which you can hope to have accomplishment in this field.

Consequently, I hope that the amendment is defeated.

Mr. DINGELL. Mr. Chairman, I move to strike out the last word and rise in support of the amendment offered by the gentleman from Wisconsin.

Mr. Chairman, I am well familiar with the problem raised by the distinguished chairman of the subcommittee. I wish to commend him and the subcommittee for having gone as far as they have gone. I believe the time has come for this Nation to understand that we must stop the unwise use of pesticides.

When my subcommittee held hearings on the legislation which ultimately created the Council on Environmental Quality, distinguished conservationists came before our committee and pointed out that if it were packaged in any other kind of container, mother's milk, under the Food and Drug Act, could not be shipped across State lines. Pesticides are not a problem. There is an environmental danger that is approaching, i fit has not already crossed the point of being a major disaster.

Fatty tissue in human beings now exceeds the level at which meat would be barred from interstate commerce. We do not know the effect of what these are doing.

Just this morning a release went across my desk pointing out that the birds of prey, the American eagle and the osprey, are now in serious danger. It made mention of the fact that there are now only something like 7,000 eagles, our national bird, in the United States. And it pointed out that the cause of this is not assumed to be, but is proven to be DDT and aldrin, and it pointed out the abnormally high levels of both DDT and aldrin in both chickens' eggs and the brain tissue of birds. It pointed out that most of the predatory birds are no longer able to nest because of the fact that DDT affects the shell development to the point at which the bird cannot successfully nest.

We have had in this country some very successful programs to reduce insect populations through the use of biological controls, and I believe it is the hope of not only the game populations of this Nation but also it is the hope of the people who are here that we should at an early time develop biological controls, because if we do not, the hazards to our population perhaps exceed anything that we understand at this time.

It is fair to say that two major programs have already had remarkable success. The screw-worm in the Southwest has almost been entirely obliterated through a wise program of biological controls, a program using irradiated males. In the southeastern part of the United States we have already had great success with the Mediterranean fruitfly by doing the same thing. There is an abundance of steps that can be used to substitute much more cheaply, much more effectively, and much less hazardous through the use of biological controls.

The amount of money proposed is very modest, $1.5 million, and that $1.5 million is one-fourth the amount the Department of Agriculture says it can well and sufficiently spend on expanded research into biological controls so that instead of spreading into land and polluting our air, water, and soil, our flesh and the milk of our mothers, that we can finally begin doing something which will get us on a program which will control our insect pests by devices which create no hazard to the soil, to the air, to the water, to human life, to fish, to game resources, and if you do not think this is a major problem, I point out that we are fighting pesticides that are polluting not only our flowing waters but also subsoil waters, and we are finding that the level of pollutants in the subsoil water is so high that the coho salmon, the silver salmon, are being killed in Lake Michigan. They are not only failing to reproduce, but under food and drug legislation now in existence, we cannot sell them for human consumption from the Great Lakes because of the abnormal and dangerously high level of aldrin and DDT that is present in the flesh.

So here we have an opportunity to support legislation which will give us a more viable and a more wholesome environment, and I urge the House to adopt the amendment.

Mr. NATCHER. Mr. Chairman, I move to strike the requisite number of words.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. NATCHER. I yield to my distinguished Chairman.

Mr. WHITTEN. Mr. Chairman, I appreciate the very fine statement that has been made and the great interest in the subject that the gentleman from Michigan (Mr. DINGELL) has mentioned here. There are some arguments on facts, but I rise now to say that so frequently we judge what effort we are making by the amount of money we see in an appropriation bill. I say this to those who do. I have dealt with the folks in the Department of Agriculture. They are fine people.

But there is not a Member within the sound of my voice who could not go down tomorrow to the Department about anything who would not be told, even though they have $161 million, that something could be done if we would give them more money. I say that about many leaders particularly in the research department.

I would like to call the attention of Members to the fact that in this particular phase they have $18 million now to do this research. We have given them an additional $2 million. That does away with the argument that our friend, the gentleman from Michigan has made.

I urge we vote down the amendment.

Mr. NATCHER. Mr. Chairman, I urge the amendment be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and on a division (demanded by Mr. OBEY) there were—ayes 39, noes 81.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. HATHAWAY

Mr. HATHAWAY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. HATHAWAY: On page 3, line 14, strike "$146,143,200" and insert in lieu thereof "$146,243,200".

Mr. HATHAWAY. Mr. Chairman, the purpose of this amendment to add $100,000 to the amount that is now going to the soil and water research facility at Orono, Maine, which is the only facility in the Northeast for that purpose, is that this facility will be able to purchase much needed equipment and fund some additional personnel while awaiting the construction money which was authorized by the 86th Congress. In the 86th Congress, along with similar projects, this facility was given priority No. 26, but unfortunately priorities listed only through 24 have been funded to date. Last year the other body approved $450,000 to start construction, but unfortunately this body did not so approve, and this body prevailed in the conference.

Maine's position in potato production has been deteriorating in the last decade, one reason being that there is not sufficient effective research in water and soil conservation.

Maine is now engaged in production of sugar beets also, so the need for this facility is much greater than it was previously. Of course, soil and water are basic natural resources, the proper management of these resources is important to our Nation, and these are being taxed further by urban development and industrialization demands. As a result, there is much greater need for water and soil resources, and based on that, water and soil research is necessary based on increasing need caused by the urban and industrial and recreational uses.

The point of this amendment is simply to insure that in the transition time between now and the time we are able to get the funds to construct a proper facility in this area we do have some funds so we can at least expand the existing facilities by a little more equipment, because if this potato yield problem is not taken care of immediately, and the yield of other crops in the area, another year may be too late.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. HATHAWAY. I yield to the gentleman from Mississippi.

Mr. WHITTEN. I can appreciate the gentleman's problem and appreciate the problems in Maine. We have them in my State and elsewhere.

Let me give our situation as to this matter of new laboratories. Some years ago the committee had a study made to see what laboratory facilities were needed all over the United States. We thought we would get a thorough study by the Department. Instead, they sent out letters all over the country, and brought them up, figuratively, in a bushel basket and dumped them at our feet. Our friends on the other side took those and gave a list of priorities. That is how the priorities got into it.

This is the immediate situation: The laboratories have been appropriated for by the Congress in recent years. This year we had to go along with $3.5 million over the budget, not in the budget, for staffing new laboratories which in many instances were standing idle.

This year, due to circumstances, three-fourths of the new starts for construction early in the year were frozen.

So the committee did not review these overall requests for laboratories, of which there were quite a number that were not budgeted. We decided we would have to study them A to Z to go through with them.

That is the reason why I would have to oppose the amendment. I will be glad to join with the gentleman in trying to see what can be done with the money the Department does get, to see if within the funds they do have they can give special attention to this, until such time as they get back into the construction phase. I would be glad to go into it as fully as I know how, and to try to help as much as I know how.

XUM

This is one of a great number in here. If we make this exception we would have no basis for not going along with any other one.

I hope the gentleman will not press his amendment at this time, because I would have to oppose it, but I am in accord with what he seeks.

Mr. HATHAWAY. I thank the gentleman for his very cooperative attitude.

Let me ask the gentleman this question: Would not an additional $100,000 help the gentleman in his bargaining with the Department?

Mr. WHITTEN. They either construct or they do not. When it gets into these other areas, the Department has many, many authorities which permit them to allocate funds to carry on work. As to the construction, we either have to do it or not do it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maine (Mr. HATHAWAY).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

EXPENSES, AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

For necessary administrative expenses of the Agricultural Stabilization and Conservation Service, including expenses to formulate and carry out programs authorized by title III of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301–1393); Sugar Act of 1948, as amended (7 U.S.C. 1101–1161); sections 7 to 15, 16(a), 16(d), 16(e), 16(f), 16(i), and 17 of the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 590g–590q); subtitles B and C of the Soil Bank Act (7 U.S.C. 1831–1837, 1802–1814, and 1816); and laws pertaining to the Commodity Credit Corporation, $152,690,000: *Provided*, That, in addition, not to exceed $68,779,000 may be transferred to and merged with this appropriation from the Commodity Credit Corporation fund (including not to exceed $30,228,000 under the limitation on Commodity Credit Corporation administrative expenses): *Provided further*, That other funds made available to the Agricultural Stabilization and Conservation Service for authorized activities may be advanced to and merged with this appropriation: *Provided further*, That no part of the funds appropriated or made available under this Act shall be used (1) to influence the vote in any referendum; (2) to influence agricultural legislation, except as permitted in 18 U.S.C. 1913; or (3) for salaries or other expenses of members of county and community committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, for engaging in any activities other than advisory and supervisory duties and delegated program functions prescribed in administrative regulations.

AMENDMENT OFFERED BY MR. FINDLEY

Mr. FINDLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FINDLEY: On page 23, line 8, after the word "regulations", strike the period, add a colon and the following:

"*Provided further*, That none of the funds appropriated by this act shall be used during the period ending June 30, 1971 to formulate or carry out any 1971 crop-year program under which the total amount of payments to a person under such program would be in excess of $20,000."

Mr. WHITTEN. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Illinois is recognized for 5 minutes in support of his amendment.

Mr. FINDLEY. Mr. Chairman, this is not a new issue to this body. Even though there has been some shifting of allegience for payment limitations from year to year and even hour by hour by some people, it has been my feeling all the way through that we should seize every opportunity that comes along in an effort to impose a reasonable ceiling on the total number of dollars that any farmer may receive under any commodity program.

Now, some of you will have before you a letter from Secretary Hardin. It is out of date and, in fact, it is erroneous because it assumes something that is not correct; namely, that my amendment applies to a farm when, in fact, the limitation goes to a commodity.

It is interesting to note, too, that Secretary Hardin's position seems to change from time to time. A year ago he was against the limitation. Later on he came out in favor of $110,000 per commodity.

Then subsequently he came out and stated that this was too high. Now, it is not too surprising, perhaps, that he finds my limitation too low, but I live in hopes that tomorrow perhaps he will be with me.

My friend from Massachusetts, Mr. CONTE, has indicated that he will not support this amendment, which I regret very much, because he gave it good support last time and on a previous appropriation bill he was fervently for a limitation. In fact, earlier this afternoon he did inform me that he would offer a limitation on this bill. So I live in hopes that when the time comes for vote maybe he too, will be with me.

Mr. Chairman, there has been a lot of discussion about the sugar limitation. That is the principal issue, in effect, of my amendment. I will not go to great efforts to impose a limitation on payments thereto, but I do call the attention especially of Members on this side of the aisle to John H. Schnittker, Under Secretary of Agriculture under President Johnson, who stated publicly in testimony to the Congress that in his opinion the payments to farmers under the sugar program in the amount that they presently exist serve no public purpose.

It is also important that we be clear about what my amendment does. It establishes the payment limit at $20,000 per commodity.

This level has been thoroughly researched and discussed and many of us have taken surveys on it. All of you have been asked as to your opinion with reference to a limitation of this level.

My amendment affects 1971 crops only. It would not affect in any way current crops. It would only affect those grown for harvest in 1971. Therefore, it is not retroactive.

The "snap back" provision about which we heard so much a year ago, no longer has any meaning because it expires with the expiration of the Agricultural Act, as amended. It is my belief and understanding that none of the proposals that have come before the committee carries such a provision.

But, I want to call your attention to a very curious provision of this appropriation bill and that is section 508, a section which in my opinion was deliberately put in here in a very inconspicuous manner in an effort to negate a payment limitation should such be adopted by this body. Section 508 appears on page 39 of the bill. This makes it doubly hard to get a limitation voted today.

This amendment applies only to single-year commodity programs. Payments through the cropland retirement program are not affected because many of those are multiyear programs. It would apply to feed grains, cotton, wheat, sugar, and wool; that is, any payments thereunder would apply to payments only and not to crop loans.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(By unanimous consent, Mr. FINDLEY was allowed to proceed for 3 additional minutes.)

Mr. FINDLEY. Mr. Chairman, another important item is that the limitation applies to a person. This is a word of art that has been defined and established under Department operations in the past few years. The Department—which may be a surprise to some of you—has had broad experience in administering farm payment limitations. There have been five different programs in recent years under which the Department has administered limitations.

Its effect is to put a ceiling on income support. Its principal impact is on cotton and sugar production. Under the sugar program every dime paid to a farmer who produces sugar—and this reaches the amount of some $100 million a year—every dime of those payments is income supplement. There is no land retirement required. The Department of Agriculture has certified that two-thirds of the dollars paid out to farmers under the cotton program are likewise income supplement. Less than one-third of the dollar paid into the cotton program can be attributed to payment for resource adjustment, that is, land retirement.

This amendment will not put anyone in the poor house. If adopted, it would permit a farmer to receive as much as $20,000 per commodity. A Government guaranteed income at $20,000 a year compares very favorably to the other levels of guaranteed income that we have talked about.

It has been argued that we ought to wait for the Committee on Agriculture to bring out a bill dealing with this subject matter. Over a year ago we were told that a new farm bill was just ahead and we ought to delay approving a limitation on the appropriation bill last year because we ought to let the legislative processes work. However, 14 months after the Committee on Agriculture took up the question, the committee seems no nearer agreement than at the outset. There is no certainty that a legislative bill will be enacted this year. But whether it is or not, it is the prerogative of this body under the rules of the House to impose a limitation on the use of appropriated funds. If this is done, in my opinion, it will serve as constructive notice to the Committee on Agriculture that when if it does report a legislative bill, to limit the payments to not more than $20,000.

Mr. MELCHER. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from Montana.

Mr. MELCHER. Mr. Chairman, would the gentleman tell me whether "a person" is also a corporation?

Mr. FINDLEY. I will say to the gentleman that I am putting in the Record today the details of the regulations which have been used by the Department in the past few years which spell out the definitions of "person." If a person has a corporate interest the amount of income he acquires from that corporation will be counted in computing that limitation.

The CHAIRMAN. The time of the gentleman has again expired.

(On request of Mr. Melcher, and by unanimous consent, Mr. Findley was allowed to proceed for 1 additional minute.)

Mr. MELCHER. Mr. Chairman, will the gentleman yield further?

Mr. FINDLEY. I yield further to the gentleman from Montana.

Mr. MELCHER. I thank the gentleman for again yielding to me.

I would also like to ask the gentleman how the proposed amendment would treat a State with a vast amount of school land, and how it would treat Indian reservations with numerous Indians who do not farm, but whose land is farmed?

Mr. FINDLEY. Any association or governmental subdivision which signs up as a cooperator under the commodity program would be classified as a person.

Mr. MELCHER. In other words, the State school land would be limited to $20,000?

Mr. FINDLEY. That is correct, and I think it should be.

Mr. MELCHER. I thank the gentleman for his explanation, but I must point out that Montana schools and Montana Indians might seriously be damaged by this amendment. Unless consideration is given to the practical effect of what appears to be a simple amendment we could fund Montana school land and Indian lands farmed by tenants or on a share basis forced out of the farm program. This would greatly reduce the income of both the schools and the Indians. In both cases this can be avoided by properly drafting a payment limitations. Such is not the case with this amendment.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. WHITTEN. Mr. Chairman, I originally reserved a point of order on the amendment, if I may call that to the attention of the Chair.

The CHAIRMAN. Does the gentleman from Mississippi desire to be heard on his point of order?

Mr. WHITTEN. I do, Mr. Chairman.

If the Chair will note, the amendment is offered to a particular section of the bill, but the language provides that "none of the funds appropriated by this act," so it is a limitation, which means it applies to the Commodity Credit Corporation. The Commodity Credit Corporation was created under the laws of Delaware in 1933. It was given the power, it was given the right, and it was given the obligation of making payments, to make loans under the Corporation Control Act, and it was provided that nothing in that act should let the Congress prevent the corporation from discharging its functions. I might say the same thing applies to the TVA.

I respectfully, therefore, submit, Mr. Chairman, that to change the Corporation Control Act and to relieve it of its responsibilities which have been carefully protected by the Congress on at least two occasions, even in the Anti-Deficiency Act, which was some years later, would take legislation. It can only be done that way, and since it would require legislation to change it, anything that has that effect here of necessity must be legislation.

The CHAIRMAN. Does the gentleman from Illinois desire to be heard on the point of order?

Mr. FINDLEY. I do, Mr. Chairman.

Mr. Chairman, I rise in opposition to the point of order. This is the similar argument that has been extended by the gentleman from Mississippi on several previous occasions. One such occasion was January 26, 1965; another occasion was June 6, 1967, and another occasion related to an amendment offered by the gentleman from Massachusetts (Mr. Conte) on May 26, 1969.

On each of those occasions the limitation went to the entire act, as does this amendment. It stated on each occasion that "no part of this appropriation shall be used, or none of the funds appropriated by this act,"—language of that sort. The language applies to administrative salaries of ASDA organizations. The limitation is clearly negative on its face. It clearly shows retrenchment, the reduction in spending, and, therefore, is entirely within the Holman Rule, and I believe it is completely in order.

The CHAIRMAN. The Chair is prepared to rule.

As the gentleman from Illinois declares, the point of order and the arguments supporting it have been offered on previous occasions, and on occasion by the gentleman from Mississippi, as recently as the 26th of May last year.

This point was made last year with respect to an amendment offered by the gentleman from Massachusetts (Mr. Conte), which, while not identical, is, in the opinion of the Chair, sufficiently similar to the presently offered amendment, as to govern.

On that occasion the gentleman from Massachusetts offered an amendment which would have provided:

> That no part of the funds appropriated by this Act shall be used to formulate or carry out any price support program (other than for sugar) under which payments aggregating more than $20,000 under all such programs are made to any producer or any crops planted in the fiscal year 1970.

On the basis of previous rulings of the Chair, it is the opinion of the present occupant of the chair, that the amendment offered by the gentleman from Illinois is a limitation on an appropriation bill and is therefore in order.

The point of order is overruled.

Mr. CONTE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman who just preceded me mentioned me. He said that he had hoped I would walk up the aisle with him and that I had told him I was going to offer an amendment for $10,000.

Of course I plan to offer an amendment for $10,000. I intend to offer it when the legislative bill comes here.

When we were debating the foreign aid bill here on Thursday, he spoke to me. He came up to the desk and said, "Are you going to offer an amendment?" I said, "Paul, I think this is the wrong way to do it."

Twice, I have won this battle. I won after battles here on the floor and then the Senate did not go along with us.

Mr. Chairman, in all seriousness I met with the gentleman at a meeting with this ad hoc committee from the legislative agricultural committee and we tried to come out with compromise proposals. I think we are going to make some real headway, as I said earlier on the floor of the House today. Secretary Hardin is the first Secretary of Agriculture to come out and say that we will have to have some kind of payment limitation. He is the very first.

I do disagree with his $110,000 per crop proposal which is way too high and ridiculous.

But I had breakfast with him, and the gentleman from Illinois (Mr. Findley) was there and others—the gentleman from Minnesota (Mr. QUIE) was with me. Several weeks ago I told him it was too high and I thought we got some results out of that meeting. He did not commit himself to any figure, but our discussion would indicate that the Agriculture Department would settle for less.

With the ad hoc committee, I thought we made progress and they were going to bring that recommendation back to Mr. POAGE's committee. But, unfortunately, our agreement with the committee blew up and nothing happened.

Some may try to scare us and say that there may not be an Ag bill this year. But to folks like myself who are opposed to these scandalous high payments this is the best thing that could happen, since there would then be no farm subsidy payments except for sugar. If the present act expires, these subsidy payments cease, and the law reverts back to the old loan program. So we have nothing to lose. We can wait this thing out.

With any sound limitation payment we must have strong language to prevent them from subdividing these large tracts of land. This is the way the big farmers can get around the amendment. They will set up all these dummy corporate entities and they will collect $20,000 each. Instead of one big farm being reduced to $20,000, there may be 50 getting $20,000.

This is what I want to prevent. When Mr. POAGE's committee gets ready to bring out a bill, I want to make sure the limitation is low and that we have strong language against subdividing to get around a payment limitation.

This is what I want to do when Mr. POAGE's committee gets ready to bring out a bill, to put on a good tight amendment. If they do not come out with an agreeable one, we will get a bonafide limitation, I warn you right now, with tight language so they cannot get around a limitation.

I am sorry I have to be put in this embarrassing position after carrying this battle for years on the floor of the House, but it is the only right and sensible thing to do. If no amendment goes on, I have the agreement I will offer the amendment to strike out section 508, and my friend from Mississippi said he would go along with me and recommend to the committee that it be stricken out. So I hope the amendment will be defeated.

Mr. BELCHER. Mr. Chairman, I rise in opposition to the amendment. I think I am in about the most neutral position of any Member of the House. I do not get even a dollar in my district for any kind of farm payments, not $20,000, not $4 million.

Apparently the two champions of this cutting of payments have fallen out with each other. The gentleman from Illinois gets $49 million in his district. I do not get any. It is all right for his district to get $49 million if you just spread it around far enough. You do not spread anything around in my district at all.

You might say, "Well, then, why would you oppose a limitation of payments when you do not have any payments in your district, little or big?"

I will tell you why I do that. In the first place, the limitation of payments is going to eventually, and maybe in not too long a time, completely destroy farm programs. You gentlemen over there who represent consumers will say, "So what? The quicker we get rid of them the more money we will save for the taxpayers."

Maybe you will. You will save maybe $3 or $4 billion. But if you bring on a farm depression in this country, which happened in the 1930's, when wheat sold for 26 cents a bushel and corn sold for 11 cents, your people back home are not going to have jobs any more than they did during the 1930's, because when you destroy the largest industry in the country, you will destroy the entire economy of the entire country.

I represent a metropolitan city that has a lot of manufacturing. A lot of the products that are sold out of that city eventually go to the farm trade, and if we do not have any farm trade, I am going to be hurt and my district is going to be hurt just as much as the rest of you.

So when you think that it does not concern me because nobody in my district gets anything, I point out that what you do with a farm bill is that you buy the reduction of production, and when you buy $4 million of reduction in production, you help every little farmer in the country, and when you drive the big boys out—and they will have to go out with any kind of proposed figures—when you drive them out, they will produce enough stuff that there will be no little farmers left, and then you fellows in the cities will have to support those people with your aid progams.

So everybody in this House is interested in a farm bill, because without that you are going to ruin the economy of the country, and the quickest way to ruin the farm bill is to put on a limitation of payments.

I know it is a great publicity stunt. Anybody in the world can make the most horrible statements about why our men should get $3 million to not do anything. Well, that is fine, but what about all the other subsidies in this country? Ever since the beginning of the country we have had subsidies of all kinds.

The reason for those subsidies was to help the economy of the whole country. We have not had any more subsidies for farmers than we have had for businessmen and laborers and others. So to those people who feel they are just not concerned in this battle between Massachusetts and Illinois and who gets the credit for running the farm program, I say they are concerned.

Mr. WHITTEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, mention was made of section 508, which I talked about earlier, which reads as follows:

> SEC. 508. No part of the funds appropriated in this Act shall be used to change any price support program payment or payments, or commodity loan or loans in any manner, the effect of which is to modify substantive law.

My purpose there was to permit the legislative committee and the Congress to pass an agricultural act. I thought it ill became us to interfere with that, and not only because of that, but also because it was thoroughly unsound to try to write in this appropriation bill restrictions and limitations, and in a sense to try to write a bill that properly belongs to another committee and belongs to the Congress.

But in the event this amendment is defeated, there will be no further need for that section, so I will recommend to the subcommittee, and I believe it will go along with me, that this section will be no longer needed, and we will thereby be leaving it in the Subcommittee on Agriculture where it should be, so that committee can work its will and so this Congress can work its will.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. FINDLEY).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

RURAL WATER AND WASTE DISPOSAL GRANTS

For grants pursuant to sections 306(a)(2) and 306(a)(6) of the Consolidated Farmers Home Administration Act of 1961, as amended (7 U.S.C. 1926), $56,000,000.

AMENDMENT OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. SMITH of Iowa: On page 32, lines 24 and 25, delete "$56,000,000" and insert in lieu thereof "$100,000,000".

Mr. SMITH of Iowa. Mr. Chairman, this amendment would increase from $56 million up to $100 million the amount of money available for the rural water and sewer program.

The so-called rural water and sewer program applies to communities of 5,500 and under. Last year the Department returned $276 million of these applications for lack of money. This is one important place where money is really needed in this country if we are going to fight pollution.

We hear a lot about the urban crisis. Indeed there is an urban crisis. But when we look at the statistics we find that there are more people below the poverty level in this country who are in the nonmetropolitan areas than in metropolitan areas even though there are less than half as many people in the nonmetropolitan areas.

Indeed, there is an urban crisis that is being fed from the nonmetropolitan areas.

These people have been unable to provide water and sewer systems that they need. We find also that an astounding 30 percent of the homes in these areas have no plumbing. These are the areas where we really need to put the effort on antipollution.

Also last year we increased, under another program for urban areas, the amount of money from $214 million up to $800 million, and under another program this year from $150 million to $500 million. This rural program last year had $46 million and $276 million of applications were returned for lack of money.

I want to commend the committee for what it has done in this bill. I believe it is a good bill. They are really making an effort in this regard. But I believe this is one place where we really ought

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to put extra emphasis and provide the amount of money authorized.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Iowa.

Mr. KYL. I join the gentleman, and I would add this further dimension to his reasoning. The Federal Government and its officials have for a number of years promised approval of projects to these smaller communities, many of which, incidentally, are on the perimeters of larger cities and help to relieve the pressures on the larger cities, but because of the funding level the Federal Government has actually broken faith with a number of these small towns. They were told they would get the projects. They have had project applications in for 3 or 4 or 5 years. Always they are told, "You will get the project." But each year we find them delayed again and again.

The gentleman is correct. These are worthwhile projects in this environmental battle, trying to solve the problems of the cities as well as the problems of the small towns.

Mr. SMITH of Iowa. The gentleman brings up another good point. Some of these applicants are right on the perimeter of the cities. If they are not organized as a public corporation, they are not eligible under the other law and there is no way to secure the needed funds under the other law. This amendment is needed and this is a way to help the city problem at the same time.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Illinois.

Mr. FINDLEY. I want to congratulate the gentleman on this amendment. I believe it is a much needed increase in the funding for this essential project and would benefit all rural areas.

Mr. SMITH of Iowa. Again I commend the subcommittee for this bill and for what they have done. They have done a great deal, but I just do not believe they have done enough on this program. I hope they will not fight this amendment vigorously.

Mr. SCHADEBERG. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Wisconsin.

Mr. SCHADEBERG. I wish to associate myself with the remarks of the gentleman in the well, because I believe, also, this is a very important part of the environmental program, and certainly will go a long way toward helping not only in the rural areas but also in the cities and towns.

Mr. SMITH of Iowa. I thank the gentleman.

Mr. WHITTEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I use those words intentionally. I strongly support this program, too. In addition may I say I know of no Member of Congress for whom I have a higher regard than the gentleman from Iowa, NEAL SMITH who offered this amendment.

I will tell the Members, it is pretty hard sometimes to hold the position I do having here to present what the committee felt we could get through. Having grown up in the rural community where as I have frequently said we needed to strike water worse than we did oil, I know what we are all talking about here.

May I say to you that it sounds mighty good to provide a whole lot of money, and we have done it a lot of times when it did no good. Last year your subcommittee recommended and the Congress approved an increase from $24 million to $46 million. Eighteen million was frozen, and finally we did get this sum released about 60 days ago.

This is not the only money in this bill. We provide $74 million available for loans.

I always believe in progress in this area and I know that the Nation needs it. It was the belief that we could get more progress if we follow a consistent basis and get the money released than to have a higher figure and have the funds frozen. In this bill we have gone from $24 million to $56 million. I have not figured it out, but that is about a 135-percent increase. This $56 million is in grant money. We thought we could really make better progress that way, for our trouble this year was not because we did not appropriate but because we could not get the funds released. Our subcommittee has done the best that it could do. We are dealing with a subject here that is very complicated, and we want you to know that we are just as vitally interested in it as anyone else. Perhaps attitudes have changed. The need is certainly there.

If the $100 million figure is substituted, it certainly will not upset me so far as my sympathy personally is concerned and my belief in the program. As chairman of this subcommittee for some 16 or 18 years, I believe we carried this about as fast as we could get by with, and I personally do not care to antagonize the Bureau of the Budget and have half of what we have in this bill frozen.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. I appreciate the gentleman's words. I know he is sincere and he has done a lot for this program. In reference to how much the administration will distribute, I remember that last year the administration asked for $214 million for an urban pollution program and later after we appropriated $800 million they told us that they could use $800 million. So I think they are capable of changing their mind if we show that we intend to do something about it, too.

Mr. WHITTEN. You could be right. I certainly hope so.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Iowa.

Mr. KYL. There is another factor involved, I will say to the gentleman from Mississippi. There have been very few or relatively few applications for this program in the last couple years. In other words, this is not a progressive proposition. The applications which are pending and could use the amount of money that the gentleman from Iowa suggests are applications which have been in and which are approved and simply need a signature for approval if the funds are available.

Mr. WHITTEN. If the gentleman will allow me to say this, let me mention some of the things involved that we went through in this subcommittee with the REA program. As the gentleman knows, I believe in area coverage and I want to cover the country like a blanket. But if you do not mind, in your haste you will have some small pipes at your well and inside of 18 months you will have to dig them all up because the people who move——

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. WHITTEN was allowed to proceed for 5 additional minutes.)

Mr. WHITTEN. Mr. Chairman, I am trying to say that you need proper planning too. I do not say that you could not use $100 million. I am talking about whether you can do it in the next 12 months. I will go along with you with the fact that it takes a lot of investment, but we have to make studies in order to find out how to do it and it also takes proper planning. We have already a number of places throughout the United States where we are trying to get on as fast as we can with the amount of money that we have. I am in accord with my friend from Iowa. I am for all of the money being spent, but you do not always get more progress in trying to spend it too fast without proper planning. I am sympathetic with the gentleman in his procedure. I say, though, that the subcommittee has raised this 135 percent above the budget, and that is a pretty substantial increase, in my opinion.

Mr. KYL. Will the gentleman yield further?

Mr. WHITTEN. Yes. I yield to the gentleman.

Mr. KYL. I would not want the gentleman to think that these applications have not been appropriately engineered and approved.

Mr. WHITTEN. A whole lot of them have not, if I may say so, looking to the future growth.

Mr. KYL. I would hope that future growth does occur, but I say again to the gentleman from Mississippi that unless we get sewer and water systems that growth will not occur.

Mr. WHITTEN. Again may I say it is the rate of speed that we can progress, because we are surely headed the same way with the same desires.

Mr. HECHLER of West Virginia. Mr. Chairman, I am very pleased that the able gentleman from Iowa (Mr. SMITH) has offered this amendment, which means so much to the small towns and rural areas of this Nation. In West Virginia, for example, there are hundreds of small towns under 5,500 in population which will benefit from this provision of the bill. The Farmers Home Administration has indeed brought joy and happiness, as well as the good life and economic development to many areas in West Virginia and the Nation.

I would like to point out that when the President's **budget** recommended a **meager $24 million** for water and waste disposal systems in the small towns, the unfulfilled need was huge and serious. Fortunately, the committee has increased this amount, but even the committee action fell far short of the $100 million authorization.

Therefore, the proposal to expend the full $100 million is a bold step to provide clean water and fight water pollution in the rural areas. Many of these towns simply do not have the local tax funds or bonding capacity to undertake these projects. As a result, the water surrounding the communities becomes polluted, and this adversely affects other areas downstream and spreads disease in a wide region.

In addition, there are many unincorporated areas which have failed to come under the umbrella of any organized program. This bill, with the addition proposed in the amendment by the gentleman from Iowa (Mr. SMITH) will provide a godsend to these communities, both incorporated and unincorporated, in their valiant efforts to fight for clean water and eliminate pollution.

Many pending applications from smaller communities under 5,500 in West Virginia and the Nation can be funded once this appropriation is finally approved. I commend the gentleman from Iowa (Mr. SMITH) for his leadership, skill, and persistence in shepherding this amendment to a successful conclusion. I know that thousands of people throughout the Nation will be grateful to him for his effort.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. SMITH).

The question was taken; and on a division (demanded by Mr. MAHON) there were—ayes 64, noes 45.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 508. No part of the funds appropriated in this Act shall be used to change any price support program payment or payments, or commodity loan or loans in any manner, the effect of which is to modify substantive law.

AMENDMENT OFFERED BY MR. CONTE

Mr. CONTE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CONTE: On page 39, lines 8 through 11, strike all of section 508.

Mr. WHITTEN. Mr. Chairman, will the gentleman from Massachusetts yield to me?

Mr. CONTE. I will be glad to yield to the distinguished gentleman.

Mr. WHITTEN. Mr. Chairman, may I say to the gentleman that I have discussed this matter with the members of the subcommittee that I could contact at this time, and there are no objections on the part of those members, and unless some individual member does have an objection—and if so, I will be glad to hear from that member at this time—otherwise, on behalf of the subcommittee we will accept the amendment.

Mr. LANGEN. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Minnesota.

Mr. LANGEN. Mr. Chairman, there is no objection to the amendment from this side.

Mr. CONTE. I thank the gentlemen.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. CONTE).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk concluded the reading of the bill.

Mr. WHITTEN. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. WRIGHT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 17923) making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1971, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. WHITTEN. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill just passed.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Hawaii?

Mr. GROSS. Mr. Speaker, reserving the right to object, do I understand the committee is not asking for consideration of or preparing to file a rule with respect to postal reform legislation?

Mr. MATSUNAGA. The gentleman from Iowa is correct in his understanding.

Mr. GROSS. That is not a part of your request?

Mr. MATSUNAGA. It is not a part of my request.

Mr. GROSS. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Hawaii (Mr. MATSUNAGA)?

There was no objection.

LEGISLATIVE PROGRAM FOR BALANCE OF WEEK

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader the program for the rest of the week and if there are any changes from the announced program as contained in the whip notice.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the distinguished majority leader.

Mr. ALBERT. In response to the inquiry of the distinguished minority leader and pursuant to the reservation made in connection with the announcement of this week's program, we are making some changes in the program, which are due to the fact that a rule has not been granted on the postal reform bill which was scheduled for tomorrow. In lieu of postal reform bill we are programing for tomorrow, H.R. 17255, a bill to amend the Clean Air Act.

If that bill is quickly disposed of, that is in time for the consideration of another antipollution bill, we will call up H.R. 11833, a bill to amend the Solid Waste Disposal Act.

On Thursday of this week, if the postal reform bill is not ready for consideration, we will program the bill, H.R. 17970, which is the military construction appropriation bill for the fiscal year ending June 30, 1971.

This is tentative. The postal reform bill still has the right of way, but we are giving the Members as much notice as possible that the military construction bill might be up on Thursday.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman.

Mr. HALL. Is the possible consideration on Thursday of the military construction appropriation bill referred to by the distinguished majority leader the one for which the request to file a report by midnight tonight was just granted by unanimous consent?

Mr. ALBERT. It is my understanding that the request was granted with respect to the other two bills.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. HALL. Mr. Speaker, if the gentleman would continue to yield, I should like to complete my question. My question is this: Could the distinguished majority leader give us any idea about what will be the content of the rulemaking in order consideration of the military construction appropriation bill before the authorization bill is voted into law?

Mr. MAHON. Mr. Speaker, will the gentleman from Michigan yield?

Mr. GERALD R. FORD. I yield to the distinguished chairman of the Committee on Appropriations.

Mr. MAHON. Mr. Speaker, as I understand, the Committee on Rules has agreed to give a rule on the military construction bill, the rule being required because while the authorization has passed the House, it has not cleared the other body, and, therefore, a rule will be necessary in view of the lack of authorization having been enacted into law. If the bill were brought up tomorrow, as had been contemplated at one time, then a rule would have been necessary, because the 3-day period would not have expired, the bill having been reported on Monday; but now that it is not contemplated that the military construction bill will be brought up tomorrow, the 3-day requirement will be met and a different type of rule will be required. We will not have to waive in that rule the 3-day requirement.

Mr. ALBERT. Mr. Speaker, will the gentleman yield further?

Mr. GERALD R. FORD. I yield to the majority leader.

Mr. ALBERT. The request, as I understand it—and I hope I am correct—includes both the bill from the Committee on Interstate and Foreign Commerce and the Appropriations bill. That is my understanding of the request, and that makes in the order the three bills I have announced for the remainder of the week, provided we do not consider the postal reform bill.

Mr. HALL. Mr. Speaker, will the gentleman yield further?

Mr. GERALD R. FORD. I yield to the gentleman from Missouri.

Mr. HALL. I appreciate the gentleman's yielding and I appreciate the statement of the chairman of the Committee on Appropriations, but we leave out the observation that the rule must, under such circumstances, waive points of order in addition to making it in order under the 3-day rule in accordance with the rules of the House. Does the rule as contemplated to be filed by midnight waive points of order on the military construction bill?

Mr. ALBERT. Mr. Speaker, will the gentleman yield further?

Mr. GERALD R. FORD. I yield to the gentleman from Oklahoma.

Mr. ALBERT. My understanding is that a waiver of the 3-day rule is no longer necessary with respect to the military construction appropriation bill. It was reported in that manner on the possibility that it might be brought up on Wednesday. Instead, we are calling it up on Thursday if we do not call up the postal reform bill, and the waiver of the 3-day rule is no longer needed.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the chairman of the Appropriations Committee.

Mr. MAHON. But a rule will be required waiving points of order on the military construction bill because we do not have the complete authorization, and that was the main purpose of the rule.

Mr. ALBERT. Mr. Speaker, if the gentleman will yield further, a rule has already been granted waiving points of order. Permission has already been granted to file that rule, and the two rules from the Committee on Interstate and Foreign Commerce.

Mr. PEPPER. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Florida.

Mr. PEPPER. I wish to propound an inquiry, if I may, to the majority leader. I have had a number of inquiries as to when the bill H.R. 8298, known as the mixing bill, or the water transportation bill, was going to come up for consideration. Can the able Leader give us any indication of that?

Mr. ALBERT. This matter has become a matter of privilege with members of the Committee on Rules, of which the gentleman is a member. It can be called up as a matter of privilege, as I understand, at any time. Would the gentleman like to suggest a time, in view of the fact that the gentleman is serving notice, as I take it, that he intends to call this bill up as a matter of privilege?

Mr. PEPPER. I had naturally supposed that that was the prerogative of the leadership, and I shall be glad to cooperate on it.

Mr. ALBERT. It is not a matter of cooperation. It is a matter of right.

Mr. PEPPER. Would there be an opportunity to do so this week at any time?

Mr. ALBERT. I would appreciate it if the gentleman would put it over to some day next week. Could the gentleman suggest a day certain next week?

Mr. PEPPER. Maybe Monday or Tuesday of next week?

Mr. ALBERT. Monday would be all right.

Mr. PEPPER. If it would be agreeable, I would like to call it up on Monday.

Mr. ALBERT. In view of the statement of the gentleman from Florida, I will be glad to cooperate and to program that bill on Monday.

Mr. PEPPER. Very good. I thank the able gentleman.

Mr. GERALD R. FORD. Mr. Speaker, if the distinguished majority leader will await final decision on that and if the gentleman from Florida will withhold, as the distinguished majority leader knows, I have been talking to him, and I understand others have, about the possibility, if the Rules Committee does not act on the postal reform on Thursday, of starting general debate after the Flag-Day ceremonies on Monday on the postal reform legislation.

Mr. ALBERT. Mr. Speaker, if the gentleman will yield further, of course, this is a matter of high privilege, and I would suggest if the gentleman has no objection, that if we do not dispose of the postal reform bill, that H.R. 8298 be made the first bill on the program subsequent to disposition of the postal reform bill. Is that agreeable?

Mr. PEPPER. I regret to say I have a hearing scheduled for the Crime Committee beginning out of the city. Monday or Tuesday would be a suitable day, or I could defer it until the following week, but I would hope an opportunity might occur so we could do it on Monday or Tuesday. Of course, we want to cooperate with the majority leader.

Mr. ALBERT. Of course, the gentleman understands the necessity for programing the postal reform bill when it is ready.

Mr. PEPPER. Could we set it for Monday and then if circumstances did require deferment, we would work out an agreeable date?

Mr. ALBERT. That is agreeable with me.

Mr. PEPPER. I thank the gentleman.

RURAL AREA DEVELOPMENT IN COUNTIES LOCATED IN NATIONAL FOREST LAND

(Mr. ICHORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ICHORD. Mr. Speaker, today I am joined by the Honorable Carl Albert and 14 other colleagues in the introduction of legislation designed as a catalyst for rural area development in counties located in national forest land. The bill I am introducing would set aside for the discretionary use of the Secretary of Agriculture 55 percent of all funds derived from national forest land to be used expressly for the construction of beneficial renewal land surface projects and/or additional resource management activities within the national forest of origin of such funds.

At the present time according to provisions of a Forest Service revenue sharing program authorized under 16 U.S.C. 500, 25 percent of the net revenues received during any fiscal year from national forests is paid to the State treasury of each State containing national forests and is stipulated by Federal statute to be expended as the State legislature may prescribe for the benefit of "public schools and public roads" in the county or counties of origin. The receipts vary and are derived from sales of timber, forest products, contracts, land use permits, recreational purposes, power permits, and other contractual agreements.

Ten percent of the net revenue from forest service lands is also reserved for use of the Forest Service to be expended by the Secretary of Agriculture for the construction and maintenance of roads and trails within the national forests of the United States.

The other 65 percent of the net Forest Service receipts is retained in the Federal Treasury. My bill would not interrupt in any way the 25-percent allocation of funds earmarked for public schools and public roads or the 10 percent earmarked for Forest Service roads and trails. It would set aside 55 percent

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of the remaining funds for land development programs, resource preservation and other constructive programs, leaving 10 percent in the National Treasury.

The U.S. Forest Service owns and has jurisdiction over nearly 200 million acres of land in the United States, located in 45 of the 50 States. In 1969, total gross receipts from all sources of revenue from National Forest Service land amounted to about $1,200 million.

In my own State of Missouri, the Forest Service lands are situated in underdeveloped and undeveloped areas of the State where income is low and where the "payment in lieu of taxes" obtained from the Forest Service does not proportionately bear the cost of county governmental programs and administrative expenses, nor help defray the costs of new rural area development projects providing the means for economic development and improvement.

On the basis of 1968 figures, Missouri counties received about $350,000 distributed by the State legislature among 31 counties for school and road purposes. The lowest county payment was $169 for 842 acres and the highest county payment was $19,327 for 95,754 acres.

The new fund established by my bill is comparable to the reclamation fund administered by the Bureau of Land Management of the Department of the Interior.

The Bureau of Land Management has exclusive jurisdiction over about 453 million acres of public land on which mineral leases and permit receipts totaled $1,089,821,884 in fiscal year 1968. The disposition of the mineral leasing receipts is as follows: 37.5 percent is returned to the State and counties of origin; 10 percent is retained by the Federal Treasury; and 52.5 percent is deposited to the credit of the reclamation fund.

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The reclamation fund is designated and used solely for reclaiming and restoring mined-out areas for useful purposes, including recreational benefits and conservation practices. My bill would establish a similar program for National Forest Service lands.

MILITARY SERVICE IS FORCING SERVICEMEN INTO DEBT

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, one of the great shames of our Nation is the treatment given servicemen, particularly when they are in need of a loan or have to purchase a large-cost item, such as an automobile, mobile home, or household furnishings. The Banking and Currency Committee has conducted numerous investigations in this area and the practices that we have uncovered have been shocking.

In one instance, we found a company that was charging servicemen 60 and 70 percent interest rates on loans. The company was also padding the serviceman's finance contract with hundreds of dollars of unnecessary and, in many cases, phony charges. He was billed for automobile insurance that was never written and when he fell behind in his payments, his car was immediately repossessed, many times in a fraudulent manner, and quickly resold to another serviceman. The original borrower, however, was still required to pay off the so-called "deficiency balance" on the car and was told that unless he made these payments, his commanding officer would be notified and the company would see that the serviceman was dealt with severely.

These actions were, of course, shocking, but the story became a horror tale when we learned that eight members of the 12-member board of directors of the company were retired admirals or generals.

The committee also uncovered numerous automobile agencies that pulled every fast trick in the book to swindle servicemen, including disappearing with hundreds of thousands of dollars of servicemen's funds.

One of the solutions to these problems put forth by the committee was the establishment of credit unions at our major bases overseas and the upgrading of the treatment received by stateside credit unions as far as their relationship with the military was concerned. A great deal of progress has been made in the area of protecting the serviceman from "fast buck" operators and from those who charge high interest rates for the extension of credit.

However, Mr. Speaker, I have recently found out that some military bases in the United States are actually participating in high interest rate schemes designed to take money out of servicemen's pockets.

These schemes are being carried out at various officers' clubs on military installations throughout the country and the military is working in connection with a credit card company, Bank Americard. One of the clubs is a naval officers' club in San Diego, Calif. If an officer makes a purchase on credit it is charged on his Bank Americard. The serviceman then has 25 days to pay the bill without an interest charge. However, if the complete bill is not paid, an interest charge of 18 percent is added. While there are advantages to a charge system as far as the clubs are concerned, there can be no justifications for allowing an 18-percent profit to accrue to a bank. Actually the profits are much greater since the Bank of America or its local representative discounts the bills submitted by the club so that the bank gets a piece of the action from both the serviceman and his club.

I am also informed that a similar operation is being conducted at an officers' club at a large Air Force base in Oklahoma. I am further informed that other clubs throughout the country are also operating with Bank Americard and saddling their members with 18 percent service charges.

Information has been supplied to me indicating that Bank Americard representatives or representatives of the local bank handling Bank Americard call on the installation commander to collect the debts of anyone who cannot meet the 18 percent payments.

When I called this situation to the attention of military authorities, they explained that the charges made on Bank Americard to the servicemen were no higher than any other credit card systems which were operating in military clubs.

I suggest, Mr. Speaker, that this is not the case. There are credit card systems operating at clubs which do not charge the serviceman any interest so that in effect, the serviceman is not saddled with an extra burden of debt when he makes a purchase in his own club.

Mr. Speaker, in coming weeks I will have a great deal to say about the extension of credit in our military club system throughout the world, and I sincerely hope that the Department of Defense will take action in this area so that we can avoid another series of scandals such as those that rocked the military club system last year. I would also strongly urge the military to reexamine its policy of allowing some credit card firms to gouge our servicemen with an 18 percent interest charge while other companies provide the same service without any charge to the serviceman. It would appear that the military is not doing business with the lowest bidder, but rather with the highest gouger.

THE SLUMP GROWS WORSE

(Mr. MONAGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONAGAN. Mr. Speaker, the national economy continues to deteriorate in alarming fashion and it is clear that this trend cannot be permitted to continue indefinitely.

Not only do we have increased unemployment and decreased economic activity but these are accompanied by sharp increases in the cost of all commodities. Thus with the slowing of the rise in our gross national product we are confronted with a recession on the one hand and rising prices on the other. At the same time, people are being released from jobs, some of them held over long periods of years, and we are finding that the record-high interest rates and the allocation of available funds are virtually halting whole industries such as that of homebuilding.

It is certainly cause for deep concern that the rising unemployment rate in the Waterbury, Conn., area has reached 7.2 percent. It is this figure dealing with human lives and too often affecting blacks and youth that has vital importance.

The precipitous decline of the stock market is in itself an indication of the concern which the public feels in the baffling and sobering performance of our economy.

It is not easy to determine exactly what steps should be taken in the current crisis. I have always shrunk from the application of controls because I have lived through the period of such controls and I know how difficult they are to remove. One can also see the deadening effect of too many controls in the Socialist countries today and we wish to avoid this sort of stagnation.

I do believe, however, that the decline has reached the point where the executive must consider some sort of governmental action. For one possibility, it would appear desirable for the administration to proclaim certain guidelines and to exercise moral suasion to persuade the various sectors of our economy to comply with them. I believe there is much value also in the suggestion that a board of experts be constituted to follow developments in the economy and report as to the potential results of actual or proposed increases in the productive sector.

We have, of course, given the President the power to exercise certain limited controls should he deem it necessary and this provides a third emergency authority which could be exercised if the circumstances warranted.

In the first session of this Congress, the House, with my support, passed legislation which provided the President with machinery to control credit transactions and interest rates. On December 23, 1969, the bill was signed into law. Now, almost 6 months later, the President has yet to take any action under that law in the direction of lowering interest rates and stabilizing the economy. And this despite the fact that the country is experiencing the worst inflation in 20 years, the sharpest increase in unemployment in 10 years, and the highest interest rates since the Civil War.

Representatives of the administration have been promising a change in the direction of the economy but so far this change has not come and while it may not be appropriate or desirable now to impose far-reaching war-time controls, it is important that firm steps be taken to bring the economy under control and to limit the economic injury which it is causing daily to organizations and particularly to individuals in all segments of the economy.

LETTER FROM DR. WILLARD T. JONES IN SUPPORT OF THE PRESIDENT'S DECISION TO ATTACK COMMUNIST SANCTUARIES IN CAMBODIA

(Mr. KING asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. KING. Mr. Speaker, one of my most valued constituents and a close personal friend for many, many years, Dr. Willard T. Jones, has forwarded to me a copy of his letter to President Nixon in support of the President's decision to attack Communist sanctuaries in Cambodia.

Dr. Jones is the former superintendent of schools of Saratoga Springs, N.Y. He shares all our concern over the most effective means to achieve peace in Vietnam. He recognizes that a major threat to the success of the Vietnamization has been the unrestricted use of Cambodian territory by the enemy as a sanctuary. While Dr. Jones realizes that our military effort in Cambodia is a controversial one here at home, he is strongly opposed to any proposal that would inhibit the President's ability to follow prudent courses of action which we all hope and pray will achieve an honorable peace in the safest and quickest way possible.

Dr. Jones has also given the President his views with respect to dissent within our Nation. Protection of the right of dissent is one of the many basic reasons we are opposing Communism but like many of us, he breaks with dissenters who insist on using violence to further their own aims.

I am pleased to call Dr. Jones' thought-provoking letter to the attention of my colleagues:

SUN CITY CENTER, FLA.,
May 8, 1970.

HON. RICHARD NIXON,
President of the United States, White House, Washington, D.C.

DEAR MR. PRESIDENT: I seldom write letters to my governmental representatives, but I want to let you know that I wholeheartedly support your move into the sanctuaries in Cambodia. And I hope that you will continue to have the necessary support of the large majority of the members of Congress and of the American people.

I cannot understand how any knowledgeable American can disagree with your conclusions and decision. None of the comments by government representatives or leaders of "organization for peace" who criticize your decisions relative to southeast Asia ever acknowledge publicly, that I have heard, that North Vietnam is the aggressor; they never admit that North Vietnam soldiers have occupied portions of Cambodia for years and have attacked South Vietnam from Cambodia. They never criticize North Vietnam's refusal to negotiate for peace sincerely. They never criticize deliberate bombardments of civilian populations in South Vietnam cities, nor the murder of thousands of unarmed civilians in areas where the Viet Cong and North Vietnam gain control as they did in Hue. Some of the "peace" protesters even carry North Vietnam flags and chant "Ho! Ho! Ho Chi Minh is sure to win!"

Are such protesters Americans? Or are they communists and communist sympathizers? Do they believe in American democracy or in communism? Why aren't their acts treasonable acts, since they give aid and comfort to the enemy?

A people should have the right to live under the form of government they prefer; but communist leaders want to force communism on as many countries as they can. Communism wouldn't stop in southeast Asia; its doctrine is expansion by whatever means. But many of our leaders fail to acknowledge this.

Senators Fulbright and Goodell always seem so critical of America but never critical of North Vietnam. I believe that during times such as we are experiencing, all Americans should stand together. Let our leaders voice their opinions of dissent, but let them do it in a statesmanlike manner, recognizing and considering all the facts, all the options, and all the consequences to America of any action or *inaction*. But once a course is embarked upon, let us all be Americans and support America. Let our leaders have courage to decide on the basis of what will be best for America and for humanity—never on the basis of how many votes for reelection their actions will win or lose.

And why should a minority of a student body force a University to close? For that matter, why should any portion of a student body be permitted to accomplish that? The Universities do not belong to the current student bodies. They belong to society—to all the people. In most cases, the majority of students want to continue their education, and their right to do so should not be infringed by any kind of activist. We are witnessing a persecution of the majority by a minority—the reverse of the very thing Civil Rights is all about!

Mr. President, you recognize all these unfair and unjust conditions in our society today, and I believe you have acted with courage in your actions to meet and try to solve many of our problems. I commend you for it; and I entreat you to continue your stand against anti-America cliques, against minority militancy, and against unlawful and unjust actions.

I realize that mine is only a small voice among two hundred million; but perhaps my writing to witness my support will add a little to the encouragement I am sure you have received from many, many thousands who believe as you do.

Most sincerely,
WILLARD T. JONES.

VALEDICTORY TO THE 1969–70 ACADEMIC YEAR

(Mr. TIERNAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. TIERNAN. Mr. Speaker, in these troubled days the rhetoric has been hot and loud on the reasonable statements few and far between. Last Sunday the Washington Post printed a valedictory to the 1969–70 academic year, written by Charles Palmer, president of the National Student Association.

Mr. Palmer's address is one of the best I have seen by anyone in the last few months. It is firm, yet conciliatory. He speakes of the bridges which must be built between the working men and students. He goes on to state:

> I don't believe they get built by throwing all the stones at those on the other side. They don't get built by trite rhetroic or self-righteous condemnations. They get built by our understanding the pressure on workingmen and relating to them in a language they understand.

Mr. Speaker, at this time I would like to include a copy of Mr. Palmer's entire statement in the RECORD. I urge all of my colleagues to take the time to read it:

"We've Used Each Other Too Long"

(By Charles Palmer)

I have been asked to give a valedictory address; to wrap up the year in a smooth package of rhetoric; to unfold what might be the scenario next month or next fall.

There are several alternatives open to any student speaker at any commencement exercise this year.

He can lead a walkout, condemning the university for complicity with the ever-growing war machine. If he wants to stay, he can recap the growth and change and trouble and education of his school year; he can talk about classes that never happened because the strike against the war and repression intervened; he can explain what happened in what some schools call "reconstituted" classes, where people discuss subjects as they relate to our society and our generation and our war.

He can eulogize Fred Hampton, the latest martyr in the continual purge of Black Panthers and other militant groups, and demand an end to the repression of black people.

The speaker can be moral, haranguing his audience about the senseless killing and destruction—of Vietnamese, of Americans; both those killed on the battlefield and those languishing in jails because they were courageous enough to say no.

The average valedictorian can talk about polarization and nonparticipation and partisan politics—and how all segments of our society are the victims of those vicious and continuing forces.

And whichever of these alternatives he does take, it's valid and true. All these things happened this year; these feelings of injustice and frustration and anger will be shared by the vast majority of his classmates.

After all, his student audience helped to make those large peace demonstrations last fall that President Nixon was too busy watching football to notice. They are the students who fought against racism in athletics in Colorado and challenged the exclusion of black people from the building trades in New York.

And we are the very same students who found ourselves—as so many who worked for social justice do—resisted, gassed, clubbed, and jailed. Our publications have been shut down. Our teachers have been fired and denied tenure for standing with us. There is a lot to remember and recall at commencement this year.

THE "SILENT MINORITY"

But maybe the most important speeches are those of the guys who didn't make it to graduation. Not because they were tossed out of school; not because they chose, as a protest, not to attend, but because they were just never given the chance to even think about that choice.

There's the kid in L.A.'s East Side who's been out of the service for two weeks and is spending today reading the paper—the want ads—because there is no demand for a chicano who can shoot to kill.

There's the 42-year-old Teamster whose oldest son is going away to the state university this fall . . . and he's scared because he wants all the things for his kid that he didn't have and he's afraid that the Communists and radicals will pervert his dream. And money's tight and there's not the overtime he was counting on to pay the extra bills.

There's the mother of seven, on welfare, bitter about the possibility of her son ever surviving his inferior high school, and concerned that the President expects her children to live on 19 cents a meal.

We can't even talk about the participation of people as a valid solution to these problems, since we've now become embroiled in a game of seeing which side can build the biggest rally.

And we see the hard-hats, marching and waving what they call "their" flag, and we know that they do not represent the American labor movement. There are reasonable and humane men put there; Walter Reuther wasn't alone in fighting for social justice.

There are working men in this country, the kind whose children go not to Harvard and Yale but to Kent State and Jackson State, who didn't want war and conflict, but a better world.

And between these men and students, bridges must be built. I don't believe they get built by throwing all the stones at those on the other side. They don't get built by trite rhetoric or self-righteous condemnations. They get built by our understanding the pressure on workingmen and relating to them in a language they understand.

Another lesson we must learn is that we've used each other for too long. Politicians, running for office, first speaking out on civil rights, now on the war—speaking out every election year and doing little else.

Nixon, soaking his silent majority, crassly interpreting students as ridiculing the men who fought in previous wars, allowing the economy to crumble bit by bit, letting money tighten so quickly that the gains won by labor will soon be negated by the dwindling job market.

POSITIVE GAINS

We have accomplished a great deal this year, the last few weeks in particular. When no one else would take on the President and his generals, we did. And we have shaken the establishment to its very roots. But there have been dangers in what we have done.

While our numbers have swelled and we have found ourselves with new and welcome allies our movement remains, basically, white and middle class. We have allowed and, in fact, assisted in the creation of the fraud that Nixon-Agnew-Mitchell speak for the common man, while they, in fact, are helping to rob him of his money, his security and his freedom of choice. While we reacted with a righteous and justified anger at this escalation of the war, we have failed to channel that anger and energy into channels which are meaningful for working people.

At the same time, we have all noticed the absence of black and brown people from our ranks. They seem somewhat hardened at our horror and anger for they are neither surprised nor shocked at the murders of Kent and Jackson. They have seen it all before.

So it is that we must turn our concern to building lines of communication to those other groups and we must come to have some understanding of how it all feels in their shoes. We must build for the long run, for it is far more frightening than what we have seen.

This is a time of commencement, of beginning. Let us begin the work that will bring our people together, in a country that is just and moral. For many of us, this year marks our first substantive involvement in political action. As we begin, in earnest, the struggle to turn this country around on war, racism and poverty, let us not fall into the President's trap. Let us base our success on bringing together the American people, rather than tearing them apart.

CUT DEFENSE SPENDING

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VANIK. Mr. Speaker, last week, in the House of Representatives, I sponsored an unsuccessful effort to hold the public debt to $389 billion instead of the $395 billion debt ceiling requested by the Nixon administration. In this same proposal, I urged a $66 billion limitation on defense spending in fiscal 1971, $5.8 billion less than the 1971 budget estimate.

In my argument for a lower debt ceiling, I pointed out that the $395 billion ceiling provided the administration with a $6 billion cash balance, $2 billion greater than that provided the previous administration.

The cost of the Vietnam war and the Cambodian operation do not appear in the President's budget. If the 35,000 troops presently in Cambodia are removed on the President's promise and if 150,000 troops are withdrawn from Vietnam, military costs undertaken in fiscal 1971 should be considerably less—particularly if withdrawal is followed by troop strength reductions.

Last week, Secretary Melvin Laird announced that troop strength would be reduced by a million men. With each man involving a cost upwards of $20,000 per year, the potential for Defense savings are infinite. A million man troop reduction could save $20 to $25 billion every year.

Earlier this week, it was announced that the Pentagon is planning a fiscal 1972 defense budget of somewhat over $70 billion, about $1.8 billion less than fiscal 1971. The Pentagonese explanation is that this $1.8 billion reduction really constitutes a $6 billion cut when allowances are made for an impending military pay increase and inflationary pressures. I simply cannot believe that this is enough.

The public debt—like private debt must be related to the net worth—the assets of the debtor. In the past 6 months, hundreds of billions of dollars, perhaps a half-trillion dollars of value have been trimmed from tangible and intangible property in America. In addition, the growth in unemployment has converted millions of Americans from tax contributors to beneficiaries. This does not help our capacity to carry the debt. Under these conditions, the balance sheet, the relationship of our Federal debt to our assets and our capacity to pay it off has become more troublesome, more ominous.

A substantial reduction in our defense spending right now is absolutely necessary if we are to preserve the capacity of our Nation to meet its commitments tomorrow and in the days ahead.

I firmly believe that a $66 billion limitation for fiscal 1971 expenditures is absolutely necessary to conserve the economic strength of this Nation. On defense expenditures we must undertake at least the same level of restraints we have applied in other areas of expenditures.

Certainly we can reduce troop strength in Western Europe. How can we justify the continued deployment of 300,000 men at $6 billion per year? The same question can be directed toward the deployment of an almost like number in Japan, Taiwan, and Okinawa.

It is my hope that the Members of the other body will seek to amend the debt ceiling legislation when it is on the floor for consideration by reducing the administration's request from $395 billion to $389 billion and reducing the defense appropriation request for fiscal year 1971 accordingly. Every agency of the Government, including the Defense Department, should be subject to the same kind of expenditure limitation.

A Washington Post article follows:

SEVENTY BILLION DOLLARS FOR DEFENSE IN 1972 EYED

The Pentagon is planning a Fiscal 1972 defense budget totaling somewhat over $70 billion, about $2 billion below the allotment for the fiscal year that starts next month, a spokesman said yesterday.

To do this, he said, it may be necessary to cut proposed spending by about $6 billion to offset an impending military pay increase and inflationary pressures.

In other words, it appears that the Pentagon will have to cut severely into military man power strength and the base structure in order to keep defense spending in Fiscal 1972 close to the Fiscal 1971 level.

The spokesman indicated that new guideance has been received from the White House, designed to assure that defense spending is kept to that approximate level.

At the White House, press secretary Ronald L. Ziegler said that preliminary discussions of the 1972 military budget are under way but that no target figures have been fixed.

Secretary of Defense Melvin R. Laird last week spelled out a goal of cutting U.S. uniformed strength by one million men from the Vietnam war peak of 3.5 million.

The administration already has trimmed the number of Americans in service by about 400,000, and the Pentagon spokesman said

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it is hoped to reach the 2.5 million level by the end of Fiscal 1972. This would mean a further reduction of 600,000 Americans from the armed services rolls over the next two years.

The spokesman said "we would hope that the continuing Vietnamization program will be of some help in reducing major costs."

He added that it is unlikely that any major further cuts will be made in research and development or in the nation's strategic nuclear forces.

On Capitol Hill, meanwhile, the House Appropriations Committee recommended $365.8 million in construction money for the next year of the embattled Safeguard antiballistic missile program.

The Safeguard money was included in a $1.99 billion military construction bill sent to the House floor for consideration later this week. This is $435.7 million more than was provided for the current year, but $137.7 million less than was requested.

SALE OF AIRCRAFT TO ISRAEL

The SPEAKER pro tempore (Mr. Matsunaga). Under a previous order of the House, the gentleman from Florida (Mr. Pepper) is recognized for 60 minutes.

Mr. PEPPER. Mr. Speaker, I yield to the able minority leader, the gentleman from Michigan (Mr. Gerald R. Ford).

Mr. GERALD R. FORD. Mr. Speaker, I deeply appreciate the gentleman from Florida yielding to me.

I want to reaffirm here what I have said before and what I have done before indicating my strong personal conviction that our Government should at the earliest possible date take action to make sure there is a continuity of the sale of jet aircraft to the State of Israel. It is my feeling that the case has been fully and adequately made for affirmative action by the executive branch.

I have joined with others on both sides of the aisle in signing letters, sponsoring statements of policy which clearly set forth my deep personal conviction that this would be in the best interests not only of the United States but as well of the free world. It is important to the United States and to the free world as well as to Israel that Israel be given the opportunity to make these purchases so that it can maintain an adequate military balance in the Middle East.

Mr. PEPPER. I thank the able gentleman for his very able words.

Mr. Speaker, I yield to the able majority leader, the distinguished gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, I thank the gentleman.

I desire to associate myself with the gentleman's remarks and the remarks of the distinguished minority leader.

It seems to me that nothing is more important to the free world and to the United States of America than retaining a bastion of freedom in the Middle East. I doubt that there is anything more important in the world picture today than making sure that Israel is not gobbled up by its neighbors through the help of the Soviet Union or any other foreign power.

I have consistently advocated the sale of these planes to Israel. It is not only in the interests of a great and vital democracy but it is also in the best interests of the United States of America.

Mr. PEPPER. I thank the able gentleman from Oklahoma.

I am delighted to yield to the distinguished Speaker.

Mr. McCORMACK. Mr. Speaker, some 2 weeks ago I made some remarks on this important matter on the floor of the House, at which time I urged the sale of the types of planes Israel was trying to purchase from the United States. I expressed my views on that occasion. I felt strongly for a long while that the national interests of the United States would be carried out in the sale of these planes and the sale of such planes would also be consistent with the national interests of Israel.

We must appreciate the fact we need friends in the world; the United States, as well as other countries, needs friends, just as individuals do. Brave Israel is a friend of the United States, and in the entire Middle East it is the only country which enjoys real democractic institutions of government. I think the time has arrived for action, and I hope the President of the United States will make the decision very quickly that will bring decisive action into operation and by that decision will also convey a message of firmness to the Soviet Union showing that we do not intend that appeasement will be followed in the Middle East and that we do not intend that the great country of Israel, which is our friend, will be placed in serious danger of its existence.

So I am very glad to join with the gentleman from Florida who has been a leader not only in the establishment of Israel independence but also has taken those steps that will assure the strength, the dignity, and the assured continuance of that great country and the independence and freedom of the brave people of that country.

Mr. PEPPER. Mr. Speaker, I am delighted to hear those remarks from the distinguished Speaker of the House and publicly to attest that no voice in America has for a longer time or more eloquently or more urgently supported the cause of freedom and independence for Israel or been stronger in support of that cause than the distinguished Speaker. All who love that country are deeply indebted to him.

Mr. REID of New York. Mr. Speaker, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman from New York.

Mr. REID of New York. First I would like to commend the gentleman for taking the time and showing the initiative to call the attention of this House to the critical importance of recent events in the Near East.

In my judgment there has been a shift in the balance of power adverse to Israel resulting in substantial measure from the introduction of SAM sites in the United Arab Republic around Alexandria, Cairo, the Aswan Dam, and reportedly along the west bank of the Suez Canal.

In addition to that, as the distinguished gentleman from Florida well knows, the Soviet Union has taken an unprecedented step in introducing combat pilots into the United Arab Republic's Air Force. This is unprecedented except for one exception in Yemen that I am aware of.

Accordingly, it is very much my hope that the President will at an early time make an affirmative decision to provide Israel with the Phantoms and Skyhawks that are essential to maintain her deterrent strength.

Finally, Mr. Speaker, I would add that concurrent with steps looking toward the maintenance of Israel's deterrent strength and its effort to maintain a balance of power in the Near East—a balance of forces that is fair and necessary in Israel which is the only democracy in the Near East—we must also make very sophisticated efforts to secure a ceasefire particularly around the Suez Canal area.

Second, we must reopen talks with the Soviet Union at the highest level relative to their not introducing further armaments into the area, and, as per the resolution introduced in this House, to urge them to recall some, if not all, of their combat personnel in this area.

Clearly arms limitations are essential in the Near East, but they should be imposed in relation to an arms balance and not in terms of an arms imbalance adverse to Israel.

Lastly, I believe, Mr. Speaker, it is essential that we make fresh and determined efforts consistent with the Security Council's resolution of November 1967 to facilitate progress toward direct negotiations on the Rhodes formula initially on the immediate problem and ultimately direct negotiations on the overall problem.

Our concern must be with working toward a joint effort, particularly with the Soviet Union, to avoid the danger of repeating the conditions of 1967 when events led to a confrontation and serious recrimination.

Mr. Speaker, to all those who would like to avoid World War III—and I am sure that includes every Member of this body—the Soviet Union should not be led to believe that the United States will abdicate its responsibilities in the Near East or its clear support of Israel, and we must therefore manifest a responsible position of firmness. We must demonstrate that we are trying to work for an early peace, particularly between the parties to the dispute. Therefore, Mr. Speaker, I think we need a policy of diplomacy and firmness to avoid hostilities and to secure peace.

Mr. PEPPER. I thank the distinguished gentleman from New York for those remarks. All of us are familiar with the highly valuable service which the gentleman rendered to this country while serving as Ambassador to Israel prior to his coming to the Congress.

Mr. Speaker, we are just now passing the point of commemorating the third anniversary of the reunification of Jerusalem.

When one recalls that it was King David who founded the great city of Jerusalem which I like to call the real eternal city of the world one has the suggestion come to mind that there is a certain parallel between the present situation facing Israel and the situation which faced the young David who came as a shepherd boy out of the mountains to combat Goliath, the champion of the enemy, gleaming in his armor which was considered invincible, so mighty and majestic, so powerful, that he thought none dared to assail him. Yet this young David, with no weapon except his trusted sling shot fearlessly and determinedly engaged the Goliath and slew him. Today Israel, a nation of a little over 2 million people, faces the Goliath of over 100 million Arabs determined to destroy the people of Israel and to drive them into the sea, to eliminate from the face of the earth the country of Israel. They now have not only that Goliath which they have faced since their freedom and statehood, they have another Goliath far more powerful and far more dangerous today in the form of the Soviet Union. For the first time a great power, one of the world's greatest powers—no other nation exceeds her strength save the United States of America—the Soviet Union not being satisfied with replenishing the war materiel which the Arabs lost in the 6-day war in 1967, now has sent its own military personnel into Egypt against Israel. I heard in a public broadcast a statement of the Foreign Minister of Israel, the great Abba Eban, that the Russians were engaged in operational military activities in Egypt. Russian pilots are flying Russian planes in the service of Egypt. Not only that, but there are many more Russian personnel at least in Egypt manning antiaircraft guns and commanding other weapons of various types, perhaps thousands of them are a part of the military forces of Egypt.

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This is a second Goliath that this gallant Israel, as the ancient David did, has to face today.

Their Prime Minister has stated only recently that if the Russians violate the territorial integrity of Israel they would shoot down a Russian plane with a Russian pilot just as quickly as they would an Egyptian plane controlled by an Egyptian pilot. The people of Israel have not lost courage, but the fight is one-sided, Mr. Speaker, if Russia is not only to supply all necessary arms but is to participate with its own personnel in this battle against Israel.

PARLIAMENTARY INQUIRY

Mr. HALL. Mr. Speaker, will the gentleman yield for a parliamentary inquiry?

Mr. PEPPER. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. HALL. Mr. Speaker, my parliamentary inquiry is this: Are we proceeding under special orders of the House?

The SPEAKER. The Chair will state that the gentleman is correct. We are proceeding under special orders of the House.

Mr. HALL. I thank the Speaker.

Mr. PEPPER. What is the answer, Mr. Speaker? The answer is that the United States of America which was the first country, I believe, to recognize the independence of Israel, must let the Russians know that we will not allow them to take over the domination of the strategically valuable Middle East, the domination of the Mediterranean, in which they are already engaged. We will not allow the Russians to achieve their dream of centuries to reach warmwater ports, and to put its fleet in the Mediterranean for the purpose of militarily dominating that whole area. We will not allow that ancient dream to be realized by them without our resistance, and we will not allow Russia to destroy the independence of Israel so long as our might can prevent it. The only way we can do that is to respond to the Russian threat with the only thing the Russians recognize, and that is the threat of force and power. The Russians do not yield to persuasion. They are not moved by ethical or moral appeals. Supplication has no influence upon them. They recognize only bare, naked power—only that.

And so I believe the United States must let the Russians know that we will not allow them in violation of international law, and the principles that we hold dear, to destroy Israel. We must tell them we will not allow you to do that, and we will take whatever steps are necessary to prevent it.

Now, Mr. Speaker I believe that we can prevent such aggression without the necessity of hostilities if we let the Russians know that we are firm in our response. And the first thing to do is to let the people of Israel, gallant and brave as they are, have whatever weapons of war are necessary for their own defense. They will man those weapons. They are not asking for American personnel to fly our Phantom jets or our Skyhawk jets. Just let them have the jets. Not only that, Mr. Speaker, they propose to pay for them, cash, as they have done in the past.

I do not know what sort of deal the Russians have with the Egyptians, I doubt if the Egyptians are paying cash; but Israel is ready, willing and able to pay cash.

Has Israel not a right to be heard in the councils of our country? If we will let the Russians know that we will let Israel have as many planes as it needs I do not think we will ever have to send an American to the Middle East, and Israel can save herself and can save that precious area so strategically important to us, and to the free world.

So I say, Mr. Speaker, let these words, after the example of President Kennedy, go forth from the distinguished Speaker from the majority leader, from the minority leader, from the Members of this House, as they have gone forth from the Members of the Senate that the Congress will stand by Israel and against Russia or any who would attempt to destroy her. We are confident that the President of the United States will utter an authoritative statement that Israel may receive what planes and weapons she needs from us very shortly.

We have confidence that the President will respond to the sentiment of our country, and the expressed and recognized sentiment of the Congress, and let the Russians know that Israel will have our aid and our help to the extent that it may be necessary to preserve their freedom and independence, which means so much to all mankind.

Mr. SMITH of Iowa. Mr. Speaker, the fact is that in the real international world of today, in some cases lack of ability of a country like Israel to defend adequately can encourage war. It would be nice if we had arrived at the place in world affairs when there can be arms reduction but we do not yet have that situation and the option is not up to us alone. Under the circumstances, providing sufficient arms is a calculated move to reduce the possibility of war when we cooperate to assure that the balance of power is not upset in the Middle East. I commend the gentleman from Florida, with whom I have talked many times about this situation, for his attention to this problem in the Middle East, which I believe is the place where there is the greatest danger of an all-out war erupting.

Mr. Speaker, I yield to the able gentleman from New York (Mr. WOLFF), and yield back the remainder of my time.

ISRAEL

The SPEAKER pro tempore (Mr. MATSUNAGA). Under a previous order of the House, the gentleman from New York (Mr. WOLFF) is recognized for 60 minutes.

Mr. WOLFF. Mr. Speaker, I thank the gentleman from Florida (Mr. PEPPER) who has long helped to lead this fight for the defense of Israel.

I should like to read into the RECORD a statement from Hon. THOMAS E. MORGAN, who is the chairman of the Committee on Foreign Affairs.

Mr. MORGAN today gave me this statement to put into the RECORD:

REMARKS OF HON. THOMAS E. MORGAN, DEMOCRAT, OF PENNSYLVANIA

Mr. Speaker, I rise to urge an end to the unwise delay in making a favorable decision to sell jet planes to Israel. High administration sources have indicated that a decision will soon be reached and at the same time have implied that only partly favorable action will be taken in this important matter

The security of Israel is important to the United States for many reasons and it is very much in the interest of peace to help her obtain the equipment she needs for defense. The deployment of Soviet missiles in the United Arab Republic and the presence of Soviet pilots flying military aircraft in the area can only be a matter of the gravest concern to Israel and to those nations who seek genuine peace in the Middle East.

Our Secretary of State has recently emphasized that "It is in our best interest to be sure that Israel survives as a nation," and he went on to say "That's been our policy, and that will continue to be our policy." I am glad that he made such a statement and I support him in it one hundred per cent. However, statements are not enough. Words will not offset the hard realities of the situation. It is plain that the Soviet is changing the balance of power against Israel and if we continue to fail to implement our policy all our fine words will have been for nothing. I hope the right decision will soon be made and that it will not be equivocal. We should sell Israel all the jets needed for her defense without further quibbling and dangerous delays.

Mr. ROSENTHAL. Mr. Speaker, will the gentleman yield?

Mr. WOLFF. I yield to the gentleman.

Mr. ROSENTHAL. Mr. Speaker, the administration has still not indicated whether F–4 Phantom jets and Skyhawks will be sold to Israel to counter the increased Soviet military presence in the United Arab Republic.

In light of reports that the Egyptians are attempting to build SAM missile bases along the Suez Canal, the United States can no longer afford to vacillate on its Mideast policy. According to military observers, these bases would most probably be manned by Russian personnel, thereby greatly increasing the chances of a direct Israeli-Soviet confrontation.

The suggestion that the United States will sell Israel only a sufficient number of jets to cover losses from battle attrition is disquieting. If such a plan were to become our policy, it could lead to a fatal erosion of Israel's security. After all, the Russians are not just replacing Egyptian equipment destroyed in battle. They are expanding the United Arab Republic's capacity to mount a military offensive against Israel.

An arms race in the Middle East is not a desirous thing, but neither is the destruction of the area's only democracy. Therefore, we must sue for peace by promoting negotiations between the Arabs and Israelis, while not ignoring the realities of an incendiary situation that dictates against compromising Tel-Aviv's security.

The U.S. foot dragging in assistance to Israel has encouraged the Soviets to establish a more aggressive military program in the United Arab Republic.

Strategically, Israel's request for the Phantoms must be fulfilled to assure the continuation of a military balance that will prevent the eruption of full-scale hostilities and reduce the possibility of the major powers being dragged into a direct confrontation.

Morally, the planes must be supplied if the United States does not want to risk having the destruction of Israel on its conscience.

I am aware of Egyptian President Gamal Abdel Nasser's May Day threat that the United States would "rupture forever" its relationship with the Arab world if Phantoms were sold to Israel. But this kind of rhetoric emmanates daily from the Arab world, which is too divided to implement the words, even if it were serious about doing so.

Critics of Israel are demanding that the United States put pressure on the tiny nation to make concessions to the Arab world without receiving anything in return. Thus, these individuals insist that the Israelis should proclaim they will limit their air activity to the Suez Canal area and should also express a willingness to evacuate from the occupied territories without prior Arab assurances that Israel's territorial integrity will be respected.

Israel has repeatedly declared that outside of East Jerusalem, all territories seized in the 1967 war are negotiable. It remains for the Arabs to respond officially that they will recognize the existence of Israel and are ready to negotiate a peaceful settlement.

There is also reportedly some concern within the administration that adding to Israel's air arsenal would escalate the arms race with the Soviets in the Middle East.

On the contrary, failure to supply Israel with the planes would be an open invitation for the Russians to accelerate their military role and multiply the dangers of a major East-West confrontation. We must not encourage any Soviet view that regards the United States as either too preoccupied in Southeast Asia or too indifferent to Israel's fate to stand up to a Russian challenge in the Middle East.

Arguments that Soviet intervention in Egypt has been relatively mild are dangerously myopic.

Another thing that disturbs me, Mr. Speaker, are the fallacious attempts to label as inconsistent those who advocate both withdrawal from Vietnam and military assistance to Israel.

Let me outline, once again, the differences:

In Israel, we are supporting a democratic government; in South Vietnam, an unpopular and repressive regime.

American soldiers are being killed daily in Indochina. The Israelis ask us for nothing more than material support. They are willing to pay for what they receive, and our Government will not have to make the financial sacrifices which Vietnam demands.

If Israel loses its fight, it faces annihilation. If the Saigon regime is defeated or removed, it will most likely improve the chances of the feuding factions' assimilation—through a political settlement.

From the point of view of America's self-interest. Israel is clearly a democratic bulwark against Soviet domination in the Middle East. It is not apparent that the ouster of the Thieu government will place Hanoi in control of South Vietnam or that Red China will engulf all of Southeast Asia.

Mr. Speaker, the United States must continue to work for negotiations between hostile parties in the Middle East. It must resist the pressures of certain American business interests that would betray Israel to preserve holdings in Arab lands. A solution must be found which guarantees Israel's right to exist as well as permanent settlement of the Palestinian refugees.

Some dangerous misconceptions in certain levels of the administration jeopardize Israel's position in the Middle East and the stability of the region in general.

A number of American diplomats have succumbed to the Arabs' florid rhetoric which insists the Israelis would be able to bully the Arabs every step of the way in negotiations.

Other Western diplomats have accepted the Arab line that if the Palistinian refugees were given a choice of returning to Israel or receiving reparations, 95 percent would pick the latter alternative. The diplomats overlook the distinct possibility that the Arab governments might coerce the refugees to return to Israel and act as a fifth column.

Mr. Speaker, Arab propaganda has portrayed the United States as champion of Israel since its inception in 1948. Yet the U.S. Government embargoed military aid to Israel when the Arabs sought to destroy the fledgling state in its first year of existence.

Since that time, the United States has provided arms to both Arabs and Israelis, but only the Israelis have regularly paid for them.

Israel asks no more, and the United States can do no less than supply weapons with which Israel can defend itself.

Hopefully, a military stalemate will buy the time for tensions to unwind in the troubled Middle East.

To avoid a full-scale conflict between Israelis and Arabs and restrain the Russians from escalating toward a major power confrontation, I urge the administration to sell Israel the planes for which it has asked.

Mr. WOLFF. I thank the gentleman.

Mr. FASCELL. Mr. Speaker, will the gentleman yield?

Mr. WOLFF. I yield to the gentleman from Florida.

Mr. FASCELL. Mr. Speaker, I commend the gentleman in the well for taking this time and I want to associate myself with the remarks made by my distinguished colleague, the gentleman from Florida, who preceded the gentleman, and I associate myself with his views regarding this very important matter in the Middle East because it is obvious that the situation there is reaching alarming proportions.

Mr. Speaker, I have recently once again joined in signing a letter to the President urging that he proceed immediately with the sale of additional jet planes to Israel. I have also requested the President to vigorously protest the presence of Soviet military personnel in Egypt.

United States' interests are closely tied with the continued existence of the State of Israel, and these interests appear to be in serious jeopardy.

The incursion of Soviet military personnel in Egypt constitutes a dangerous escalation of the hostilities in the Middle East and poses a grave upset in the balance of power there. It is imperative that our Government protest vigorously this presence to the Soviet Union, making it clear that this country will not stand for the physical intrusion of a foreign power in the Middle East.

At the same time, we must provide Israel with the planes she so desperately needs to conduct her own defense. This is particularly vital now, with the Soviet Union flying military missions in Egypt.

Mr. WOLFF. I thank the gentleman.

Mr. LOWENSTEIN. Mr. Speaker, will the gentleman yield?

Mr. WOLFF. I yield to the gentleman.

Mr. LOWENSTEIN. Mr. Speaker, I am grateful to the distinguished gentleman from Florida (Mr. PEPPER), and to my colleague, the distinguished gentleman from New York (Mr. WOLFF), because this is exactly the time when every voice should be raised to make clear to the President how deeply the great majority of the Members of this body feel about permitting Israel to buy the jets she needs so urgently. If ever there was a stitch in time that could save nine, that stitch is selling Israel these jets, and the time is now. Israeli security is jeopardized by the escalation of Soviet support for Egypt. So is the frail hope that the Arab states will discover that further recourse to force is not in their interest. If Israel loses her deterrent capabilities, Arab aggression becomes inevitable, and that means preemptive strikes. We cannot expect Israel to sit by, waiting patiently to be eradicated at the convenience of her enemies.

There is much to do to encourage peaceful and just resolution of the Middle East crisis, but if the arms race tilts to the side of those who continue to reject the possibility of negotiating differences, war must come again. In that event, nothing further can be done to encourage a peaceful and just solution, and the war that results could imperil the survival of the whole planet. At the very best, such a war must bring enormous misery to millions of people in the Middle East.

Mr. Speaker, I wish there were an arms freeze in the Middle East. I wish the Arab States were willing to negotiate. If wishes were horses, then beggars would ride. Meanwhile, there must be no unilateral arms freeze against Israel, which is willing to negotiate, while those who are not willing to negotiate arm past their teeth until they feel strong enough to strike. Each day of delay adds to the possibility of this kind of tragedy. That is why we must speak out today and tomorrow, and the next day, and the next, demanding every day that the President sell these jets to Israel until they are in fact sold.

Mr. WOLFF. I thank my colleague.

Mr. KOCH. Mr. Speaker, will the gentleman yield?

Mr. WOLFF. I yield to the gentleman.

Mr. KOCH. Mr. Speaker, I would like to make just this one observation.

I am so pleased that the distinguished Speaker of the House, the distinguished majority leader, the distinguished minority leader, the distinguished dean of this House, the gentleman from New York (Mr. Celler), and a number of our other leading colleagues have issued a letter—and have urged all of our colleagues to sign it—which asks the President to provide Israel with the jets it requires. It is a letter similar to that sent to the President by 76 Members of the Senate.

The reason it is very important that we advise the President of our position, is that the President and the State Department are under great pressure by people like David Rockefeller, John McCloy, and Robert Anderson, representing the oil interests, who have been urging a policy which is unfavorable to Israel.

Because these people have great power, I am so pleased that the leaders of the Congress on both sides of the Capitol and on both sides of the aisle are standing up and saying to the President: Let us do what is in our national interest and that which is just, and do it by helping Israel to safeguard its borders by providing it with the Phantom jets necessary to do so.

I am, Mr. Speaker, setting forth a recent column by C. L. Sulzberger which appeared in the New York Times on June 5, 1970. The article sets forth the facts on the involvement of the U.S.S.R. in the Mideast. Time is short and delay is unpardonable. The President should announce the sale of jets to Israel immediately.

The article follows:

Foreign Affairs: Suez and the Soviets

(By C. L. Sulzberger)

Moscow.—Three years after the Six Day War began, Moscow's Middle East strategy is perhaps no longer based only on rearming the Arabs so they can overcome Israel while the Soviet Union and the United States warn each other to stay away. Indeed, Russia may be preparing deliberately to participate in a limited conflict, reckoning it can get away with this at little risk.

In 1967 the Kremlin avoided intervention to protect its massive Arab investment. The consequence was a swift Israeli victory. The Soviet leaders were then convinced Washington would not permit Israel's destruction and would forcibly prevent it. Now, however, there have been changes in the situation.

Russia considers it in its primordial interest to reopen the Suez Canal. This is no longer a major concern of other big powers because petroleum is more cheaply and efficiently carried in huge supertankers which could never squeeze through the canal.

Moreover, with the British and French empires gone and the U.S.A. in Asia essentially dependent on trans-Pacific maritime support, Suez has lost strategic meaning for the West. But it shortens the route between European Russia's Baltic and Black Sea ports and the East—to India and North Vietnam. It also allows access by the U.S.S.R.'s growing Mediterranean fleet to the Indian Ocean and the Red Sea where Soviet penetration is significant.

So long as Israeli occupation of the canal's east bank continues, these major projects are frustrated. It is worth a considerable gamble to change this and the easiest way for Moscow—while insuring the consequent war doesn't get out of hand—is by supervising the operation under its own commanders in Egypt.

WHAT RUSSIA MIGHT DO

The Kremlin might conceivably use as an excuse almost any of the daily incidents occurring between Israel and Egypt. It could proclaim it was acting merely to enforce the U.N. Middle East resolution and that once Israel's 1967 Sinai borders were reached, fighting would halt. Moscow could insist this was a quick, one-shot operation designed to correct injustice and to open Suez for the good of world commerce.

This hypothesis was first conceived early in 1968 by Sir Harold Beeley, then British Ambassador in Cairo. Even then it would have been difficult for the United States to intervene promptly on Israel's behalf and counter by superpower confrontation an operation proclaimed by Moscow as limited. Instant decisions on enormously vital matters would first have to be taken in Washington. And today the American people are far less in a mood to accept such decisions than they might previously have been.

Bitterly divided on Vietnam and Cambodia, confused by a sagging economy and torn by racial dissension, America may well be deemed by the Kremlin as today so weak that the gamble is acceptable for Russia. Every development of the past few months seems to fit into this analysis.

Moscow has been circumspect about Cambodia, where America is embroiled, but has been unyieldingly tough on the Middle East. It has sent SAM-2 and SAM-3 missiles to Egypt and protects them with a Soviet air division. The defense system was first established along the Nile Valley, preventing Israel from attacking Egypt's heart in the war of attrition.

Now a second stage has been reached. The infrastructure for SAM-3 missile sites has been laid down along the west bank of the canal. If Egypt's own air force cannot defend these emplacements when the actual missiles are inserted, Russia may simply extend its protection to the front lines.

FORCING THE ISSUE

Then either the Israelis will have to withdraw from their existing positions as they become untenable or the Russians could decide to force the issue—perhaps when Israeli pilots have knocked down Soviet planes. Nowadays Russia not only has some armed cadres in Egypt but commando units and helicopter carriers in the Mediterranean.

Moscow's actions increasingly indicate the Kremlin might decide to force the reopening of Suez and strengthen its position in the Arab world, the Red Sea and Indian Ocean. The argument about whether Israel should be allowed to purchase more U.S. Phantoms is no longer even relevant to the possible new form of crisis.

Major U.S. Government contingency plans must be made now and perhaps aired in advance if deterrence is intended—before, not after the fact.

Mr. WOLFF. I thank the gentleman.

Mr. BINGHAM. Mr. Speaker, will the gentleman yield?

Mr. WOLFF. I yield to the gentleman from New York.

Mr. BINGHAM. I thank the gentleman for yielding.

Mr. Speaker, I am glad to join with the leadership of the House and with my colleagues, the gentleman from Florida (Mr. Pepper), and the gentleman from New York (Mr. Wolff), in expressing my strong support for Israeli's pending request for the purchase of jet aircraft from the United States.

On many occasions I have urged the present administration to take a more forthright attitude on the problems of the Middle East in support of the entirely legitimate positions of the Government of Israel.

Not only must the United States make available the planes and other military equipment needed by Israel for her defense, but the United States must make absolutely clear to the Arabs and the Soviet Union that we have no intention of letting Israel be driven into the sea. As I have suggested in the past, I believe consideration should be given to incorporating this commitment into a formal treaty, either a bilateral treaty or possibly a multilateral treaty.

The State Department's proposals of last fall with regard to the terms of possible settlements between Israel and the United Arab Republic and Jordan were a serious blunder, as I stated at the time. They undercut Israel's bargaining position in the event that discussions do get underway with the Arab states, and they should now be withdrawn, since they were firmly rejected by both sides.

The State Department was clearly overoptimistic last year in its hope that the Soviet Union really wanted to promote a peaceful settlement in the Middle East. That forlorn hope has now been exploded.

I understand that the State Department has expressed to the Soviet Union our great concern at the Soviet's recent irresponsible moves in the Middle East, including the introduction of pilots flying Mig aircraft. I must say that our posture

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in demanding the withdrawal of Soviet personnel would be far stronger if we were not ourselves engaged in a massive military misadventure in Southeast Asia.

While the Congress is divided on the proper course to take in Southeast Asia, it is to a remarkable degree agreed on the issues in the Middle East. The executive branch would do well to pay heed to the statements made here today and on many other occasions by Members of this body.

Mr. FARBSTEIN. Mr. Speaker, will the gentleman yield?

Mr. WOLFF. I yield to the gentleman from New York.

Mr. FARBSTEIN. I thank the gentleman for yielding to me. I want to join with the gentleman from New York and the gentleman from Florida in the remarks that they have made in respect to the sale of jets to Israel at the present time. There is only one point that I wish to make following the statements made that, in the opinion of the last speaker, the bankers and the oil companies, for some reason or other, do not want jets sold to Israel. Let me suggest that in my opinion it is in the interest of the oil companies and the banks that are interested in the oil companies to see that jets are sold to Israel, because the only way that the moderate Arab countries can survive is to unhinge the tie with Soviet Russia, because once the Soviets gain domination of that area, that will be the end of the moderate governments that have oil to sell to Europe.

So I ask them to look to their own best interests.

It is imperative that the sale of jets to Israel no longer be delayed. The need for these jets by the Israelis is quite evident. The Arabs outnumber the Israelis 4 to 1 in modern aircraft. This in itself is cause for concern. But with the intrusion of massive Soviet aid to the Arab States, the situation becomes alarming.

The installation of the SAM III missile sites by the Soviets and the fact Soviet pilots are flying operational missions is cause for the deepest concern not only to Israel but to this Government as well. With the Soviets assuming the defense of the United Arab Republic, Nasser's best pilots are thereby released for the purpose of attacking Israel.

Soviet intrusion and influence in the Middle East has now reached a level that is intolerable to the United States. But the implications of Soviet influence in the Arab States far transcends the interest of our own Nation. The consequences for the moderate Arab States and even the United Arab Republic in the end might very well be the end of their national sovereignty. For as we have seen in countries such as Czechoslovakia when the "Russian Bear hugs it never lets go." Those moderate Arab countries in the final analysis have indeed more to fear from the Soviet Union than from Israel.

Failure to sell jets to Israel would encourage deeper Soviet involvement in the Middle East conflict. The administration's hesitation in selling the aircraft to Israel has already encouraged the Soviets to install their SAM III missiles and to even provide pilots against Israel.

The administration must now in the best interest of the United States immediately sell Israel all the aircraft she has requested.

Mr. WOLFF. In line with the gentleman's remarks I should like to point out that if the Soviets get the oil, surely our American oil companies cannot have it.

Mr. HALPERN. Mr. Speaker, will the gentleman yield?

Mr. WOLFF. I yield to the gentleman from New York.

Mr. HALPERN. I thank the gentleman.

Mr. Speaker, we have heard repeatedly that the United States stands firmly behind Israel. And there is no question of the American people standing almost solidly behind Israel in its struggle for existence and freedom. Yet despite this great support there remains a residue of fear about how flexible is our policy.

So that our friends may be reassured and that our enemies not miscalculate, a new forthright declaration on Middle East policy is essential. And, it must do more than voice phrases. Actions must occur.

We should announce without further delay the provision of additional Phantom and Skyhawk jets and other weapons required by Israel.

To enable Israel to pit its meager finances against the combined economies of the Soviet Union, France, and the Arab world, the United States must assist Israel in giving extended credit to help finance the cost of the necessary arms.

The United States must re-affirm unequivocally the principle of a just settlement involving direct, face-to-face negotiations in which the Arabs acknowledge their responsibility to make and keep a real and lasting peace, and sign such a treaty.

There is not time to spare. Arab terrorists are viciously continuing their attacks. Egyptian troops are in Libya and Libyan forces are entering Egypt. Russian pilots are flying Egyptian fighter jets.

Humanity rebels against the rising level of violence that endangers not only Israel but also the national security of the United States.

Moscow is today operating through the radical Arab State to penetrate the Middle East and the Mediterranean. Israel is the target because Israel is an outpost of freedom. A defeat for Israel would be a devastating blow for the United States. It would undermine the American position and that of all free nations in the Mediterranan.

No American troops are sought by Israel. But we must nevertheless deter direct Soviet military intervention. When Secretary of State Rogers said last March when he announced the administration's decision on the sale of Phantom jets to Israel he did reaffirm our stated intention to maintain careful watch on the balance of military forces and to provide jets and arms to Israel as the need arises.

Israel's need is immediate. Further delay is dangerous. If we delay, the danger of aggression will only grow; the strength of the Arabs will increase while Israeli deterrent power deteriorates; violations of the cease-fire will escalate, the Soviet Union might very well miscalculate our position and wrongly assess American intentions in a grave error that could bring about a horrendous confrontation threatening the entire world.

It is no longer a question of whether we can afford to provide Israel with the necessary jets and to extend new lines of credit to cover their financing. It is now a matter of whether we can afford not to take action on Israel's urgent needs.

This is the way to avoid confrontation. This is the way to peace through strength. And this is the way to redeem our moral and ethical commitments toward Israel.

Mr. WOLFF. Mr. Speaker, I thank the gentleman from New York for his statement. I commend him as the coauthor with me of the original sale of jets to Israel. It is very heartening to see his continuing support and leadership in this very worthwhile effort.

Mr. HORTON. Mr. Speaker, will the gentleman yield?

Mr. WOLFF. I yield to the gentleman from New York (Mr. HORTON).

Mr. HORTON. Mr. Speaker, I join with the gentleman from New York and associate myself with the remarks of the gentleman from Florida (Mr. PEPPER).

Mr. Speaker, I want to commend my colleague from New York (Mr. WOLFF) and my colleague from Florida (Mr. PEPPER) for taking special order to call attention to the increasing crisis in the Middle East.

In 22 short years Israel has progressed further economically and technologically than any nation in history in a similar period of time. She has extended the hand of friendship and citizenship to people from around the globe, and despite hostile surroundings, has made remarkable efforts to extend all human and political rights to the Arab peoples living within her borders.

Without repeating in detail what most of you know to be the highlights of Israel's history, let me briefly mention some of the reasons that I believe Israel is important to the people of America.

First, Israel is the only true democracy, the only open society in the Near East. While some of her Arab neighbors have potential for freedom, Israel is the only country in the area that has put the welfare of her people above all other national goals.

Second, Israel, despite her serious military and financial situation, and her need to spend great sums of money on settling and training refugees, has been able to devote major energies to providing assistance to many emerging countries of Africa. She is literally sowing the seeds of literacy, technology and freedom in a continent which many westerners feared would fall easy prey to Communist initiatives.

It is fair to say that Israel has more credibility and has done more good in these nations than has our own aid program. Because our aid carries with it the connotations of great power and cold war involvement.

Third, and not to be minimized is the

fact that Israel is our only dependable ally in the Near East—counting all of those nations now involved in the immediate conflict with Israel.

While Jordan and Lebanon have been friendly to us for many years, the growing Palestinian influence in these naions makes their future status extremely questionable. While I hope that potential revolution in presently constituted Arab governments will not create another Syria, we should not discount this serious possibility.

Considering the strategic importance of the Mediterranean area, and considering the proven fact that democracy in Israel—in a new and developing nation—is serving as a vital example to other developing nations, all Americans, whether their names are Bernstein, or Wilson, or Horton or Colombo, must recognize the importance of our friendship with Israel.

Now what responsibilities does this friendship impose upon the United States?

First, from the standpoint of diplomacy, the United States must lead the world in calling attention to the very difficult propaganda dilemma which Israel faces. When Israel is attacked by guerrilla forces from across Arab boundaries, she has little choice but to act against guerrilla sanctuary areas in these nations. The problem is that much of the world recognizes that at least some of these attacks against Israel are launched without either the direct consent or control of the governments that are supposedly in power in these nations.

In some cases, either the Arab regimes we recognize lack the military power to control Palestinian guerrillas, or, more often, they are prevented politically from making any move that would give the appearance of opposing the powerful guerrillas, or opposing the continuation of the holy war against Israel.

Thus when Israel moves against these sanctuaries, as she has done recently in Lebanon, the world, and the United Nations react in opposition to Israeli aggression—since Israel's military actions are controlled by her government, and are thus subject to the rules and sanctions of international law and diplomacy.

The guerrillas, on the other hand, answer to no lawfully constituted or recognized authority, and are thus immune from diplomatic and propaganda sanctions. To this extent, Israel has suffered from her victory in the June 1967 war, and has been the butt of countless resolutions condemning her so-called aggression against guerrilla and Arab military implacements across the truce lines, despite Israel's immediate willingness to honor the cease-fire which was broken when Nasser declared this war of attrition against Israel last year.

I have deplored United States votes for some of these resolutions. Instead, we should be pointing out that some way, some procedure must be found to apply condemnation and sanctions against those groups responsible for sabotage, aircraft piracy and attacks against Israeli villages.

Many people have sought to draw analogy between Israeli's attacks against Palestinian sanctuaries in Arab countries and the action against Communist sanctuaries in Cambodia. My position on the latter is well known. I believe the South Vietnamese Government has the right to challenge Vietcong and North Vietnamese units in these areas from which attacks are launched against South Vietnam. But I do not believe Americans should be sent across international boundaries to do this job unless our constitutional requirements that Congress be consulted are closely followed.

I believe direct American involvement in any widening of the Southeast Asian war into Cambodia is as dangerous an escalation as is the use of Soviet fighter pilots on combat duty in Egypt.

I purposely raise this point because I think both situations are highly charged with the danger of great power confrontation. I think recent events have shown that our diplomacy in the Middle East has not properly reacted to this danger, however. Our policy seems to have been one of backing away step by step from the support of Israel in the hopes of appeasing the Arabs, and in the hopes of showing Moscow how peaceful our intentions are in that area of the world.

What has been the result? With each American step backward, the Russians have taken a decided step forward in their involvement.

When Secretary Rogers made his very conciliatory speech December 9, offering detailed terms of a peace settlement along the Jordanian and Egyptian frontiers, the Soviet response was as follows:

First. Russia rejected the offer outright.

Second. Russia hurriedly influenced Arab officials in Cairo, who were tempted by the U.S. offer, to reject it out of hand, probably in return for promises of more military aid.

Third. Russia backed away from her previous promise to support peace talks between Arab and Israeli diplomats under the Rhodes formula, with a neutral middle-man shuttling back and forth between the two sides. This was a decided step away from peace in response to the U.S. peace overture.

Then, in the face of massive French plane sales to Algeria, and the installation of Soviet SAM III missles, President Nixon chose to try a further conciliatory step. He rejected the Israeli request to purchase U.S. Phantom and Skyhawk aircraft. Despite the fact that I and other Congressmen and Senators had urged that he grant at least a portion of the request.

What was the Russian response? We know it all too well. Did they interpret the U.S. move as final evidence of our desire for peace? Did they take prompt steps toward setting the atmosphere in Cairo for a settlement? Indeed not.

They instead felt the cost was clear for the direct involvement of Soviet pilots in Egyptian combat air defense, freeing Egyptian pilots for offensive missions, and forcing Israel to forgo missions beyond the Suez zone if they want to avoid deepening the crisis by shooting down a Soviet pilot. Israel has, in fact, stopped all air missions beyond this zone, because it desperately wants to avoid giving the Russians a propaganda excuse for widening Soviet direct participation in the Arab military ranks.

My question is, if we fail to grant a significant portion of Israel's request at this juncture—after the introduction of Soviet pilots—what will be their next step forward in response to our step backward?

I was one of the first Members of Congress to announce my support for the Nixon doctrine, which the President enunciated last summer in Guam.

Simply stated, the doctrine says that America should stand ready to help free nations defend themselves by offering economic and appropriate military equipment aid. It states that U.S. ground combat troops should not be committed where other free world nations in the threatened region are not committed.

The Nixon doctrine is a master plan for extracting America from the role of world policeman. It does not do this by abandoning free nations, but puts them on notice that the commitment will not normally extend to U.S. combat troops.

I have urged that this doctrine be applied in Laos and in Cambodia—that our ground troops not be committed there. I now urge that it be applied to Israel. We should not commit ground units there. To be sure, no one has asked us to. But neither should we hesitate to grant Israel's request to buy U.S. aircraft so that she can defend herself. We are her last remaining supplier of aircraft.

I think a decision to supply these planes would be in keeping with the Nixon doctrine, and would be in keeping with the President's desire to negotiate with the Soviets from a position of strength. In all matters, I think our commitment to the state of Israel is at least that great.

Mr. WOLFF. Mr. Speaker, I yield to the gentleman from Pennsylvania.

Mr. WILLIAMS. Mr. Speaker, I thank the distinguished gentleman from New York for yielding.

Mr. Speaker, it is well established that I have a consistent record of advocacy of the belief that the state of Israel is our only real friend in the Middle East.

It is equally well established that I have a consistent record of advocacy of the belief that the sooner Moscow, Nasser, and company recognize that Israel is there to stay the sooner we shall have peace in the historically critical geopolitical theater.

Even as I have a consistent record of advocacy of the belief that we must assure that the people of Indochina must not be left defenseless against aggression, so, too, is my record consistent with regard to the application of that same concept in behalf of the freedom of the people of Israel.

It has been in active support of these advocacies that I have joined, frequently, with those distinguished colleagues who, so long, have urged the President of the United States to assure Israeli freedom and Middle Eastern peace by correcting any Soviet or French imposed imbalance of arms or planes which might threaten that peace and that freedom.

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When, early this year, President Nixon made clear, publicly, that he would do precisely that, I hastened to make clear, also publicly, my gratification and support.

In the months that have passed since that moment, it has become a most ominous fact of history that the men in the Moscow Kremlin have decided to test our resolution and determination on this very point. Certainly, I need not recite here the myriad well-documented items of intelligence which have been permitted to arrive in the public domain with regard to the manner in which the Kremlin leaders have moved to aggravate the now obvious imbalance against Israel which they created in the first place.

I have joined in this essential effort in realization that now is the time for us to face up to our responsibilities and see that Israel receives jet aircraft and other arms and armament to enable her to deter aggression against her.

Suffice it to say that the consequence of this carefully calculated Kremlin action has delivered us to a situation so urgent that the move to correct this imbalance can no longer be delayed, not alone in the interest of Israeli freedom, nor mid-Eastern peace, but in the American self-interest.

It is for this critical reason that I have joined the leadership of this House on both sides of the aisle in dispatching a new letter to the President to express vital congressional concern "with the threat of Soviet presence in the Middle East," and to emphasize that "it is clear to us that the moment has arrived for the United States to take firm action to meet the present danger" thereby imposed.

In signing this letter setting forth "that it is urgent that our Government provide Israel with additional supersonic jet planes," I was perfectly willing to rest my case with the brutal fact that, as stated in that letter:

> It is public knowledge that the Soviet-Arab aircraft strength is now four times the strength of that of Israel and that the presence of Soviet fliers and technicians may adversely affect Israel's heretofore qualitative advantage.

Mr. Speaker, what more need be said? Thank you.

Mr. WOLFF. I thank the gentleman. I must underline the fact that he has always spoken out loud and clear when it comes to the inroads being made by communism, no matter where it exists in the world.

Mr. Speaker, each day the extreme urgency of the Middle East crisis grows more intense. In effect, it becomes more and more obvious that we must act if the delicate balance of power in this area of the world is to be restored and the foundations of future world peace are to be established.

For sometime now the Soviets have been the arsenal of the Arab world fueling the flames of war in the Mideast. The recent decision of the Soviet Union to undertake a direct military role in the Arab-Israeli conflict by flying combat missions over Egypt and manning SAM sites comes as a direct confrontation with free world interests in the Mideast and a blow to world peace efforts.

This infiltration not only badly disrupts the balance of power in the Middle East, but it also permits the Egyptians to mount strong offensive actions, while Soviet military personnel take over their defense against counter blows by the Israelis, giving immunity to the United Arab Republic to continue its dangerous war.

Thus, it becomes imperative that we heed Israel's call for sales of needed Phantom and Skyhawk jets to restore the balance of power and prevent the outbreak of full-scale war.

The brazen actions of the Soviet Union in the Middle East, are not the result of a sudden thought on the Kremlin's part. Indeed, it is part of Russia's attempts to control the Middle East area which dates back to 1853, a time at which a London correspondent for the New York Tribune announced Russian plans to control the Middle East.

More than a hundred years later, Khruschev told the 23d Congress of the Soviet Communist Party that Nasser "is now the instrument of Soviet policy in the Middle East."

In effect, the actions of the Soviet Union, by arming and funding the perpetual Arab attacks upon Israel is consistent with the historical Russian policy of attempts to dominate the Middle East and gain access to the Mediterranean, the subcontinent and Africa.

The Middle East crisis by no means rests solely with the USSR's support of the Arab nations. It is exacerbated through the blatant actions of France and her sale of planes to Libya. Moreover, just yesterday in the Washington Post it was reported that a Cairo paper has announced French intentions to deliver surface-to-air rockets to Arab nations at the beginning of next year.

Hence, although I would prefer as the most desirable course of action a total arms embargo in this extremely sensitive part of the world, it is very obvious that Russia and France are unwilling to agree to such an embargo.

It therefore becomes essential that we sell Israel the additional Phantom and Skyhawk jets which are vital to her security, bearing in mind that our security is, as the distinguished minority leader has noted directly tied to Israel's security. And Secretary of State Rogers at a briefing this morning confirmed this.

Unfortunately, the President's March decision to defer sale of additional jets to Israel has failed to induce the Soviet Union to exercise reciprocal restraint with respect to arming the United Arab Republic and other Arab nations.

I can recall moreover that when this decision was announced, Secretary of State Rogers promised that "the President will not hesitate to reconsider this matter—if steps are taken which might upset the current balance."

Those steps have been taken. And now we must act. As a member of the House Foreign Affairs Subcommittee on the Middle East, I am firmly convinced that the United States can postpone its decision no longer if there is to be any hope for ever achieving peace in the Middle East.

Only by strengthening Israel's military capability can we insure that the sparks of precipitous unwise acts by the Arab nations will not produce a conflagration which could consume the world.

This immediate need for action has gained the support of a very significant number of my colleagues on both sides of the aisle in both Houses of Congress.

On May 31, a bipartisan committee of 73 Senators sent a letter to Secretary of State Rogers requesting a meeting to discuss the Middle East crisis and to urge the United States to provide aircraft for Israel's defense.

In addition, a letter asking for the sale, which had been circulated by House Speaker JOHN MCCORMACK, House Majority Leader CARL ALBERT, the dean of the House EMANUEL CELLER, and House Minority Leader GERALD FORD, to name but a few signatories, will be sent to the President.

Earlier this session I introduced a resolution which was cosponsored by a number of my colleagues calling for the President to begin negotiations for the sale of jets.

Undeniably, the voice of Congress echoes the need for action, a voice in which citizen groups and individuals have spoken loudly and clearly.

Just last month, for example, the past national commanders of the six leading veterans organizations sent telegrams to the President urging him to take action immediately to sell Israel the aircraft.

The anxiety generated by this situation is widespread. And the depth and breadth of those who have voiced their deep concern as to Israel's fate and the fate of world peace efforts, makes it imperative that we take action today, not next week or next year.

We cannot sit back to monitor this situation any longer. For while we continue to ponder our policies toward the Middle East, we are continuing to train airmen for six Arab nations at our expense under the military assistance program.

To add to this, we have given, not sold planes to Jordan, which can only make me wonder why we are not at least selling planes to Israel.

Israel's viability is essential to the fate of NATO. For she not only stands as the only democracy in that part of the world, but she is also the southeastern flank of Western democracy.

Although she is not a member of NATO, she stands as one of the protectorates of our NATO countries in this heavily Soviet dominated area of the world.

We should consider moreover the fact that Soviet domination of the entire region including fleet expansion in the Mediterranean Sea and Indian Ocean has grown more pronounced because we have failed to heed Israel's request.

Our monitoring of this has been a futile attempt to defuse the crisis in the Middle East. It is very clear that our failure to stand up to Soviet intimidation and belligerent actions has only intensified the situation.

Only by making an early and affirmative decision to provide Israel with additional planes can we make it clear to the Soviets the seriousness with which we view their action. This is the best guarantee against the outbreak of major hostilities.

Concommitant to such action, the United States must also exert its influence to reestablish a cease fire as a preliminary step to eventual peace negotiations.

And there must be prompt consultations with our NATO allies because of the dangers posed to our own security by the Soviet build-up in the Middle East.

The truth screams out at us. If we are to resist the totalitarian advancement which destroys the fabric of democracy we must provide Israel with an adequate deterrent to guarantee her integrity and viability.

Mr. TUNNEY. Mr. Speaker, will the gentleman yield?

Mr. WOLFF. I yield to the gentleman from California.

Mr. TUNNEY. I should like to compliment the gentleman from New York for having brought this matter to the attention of the House at this time. I agree with him that it is absolutely essential, if we are going to maintain the balance of power in the Middle East, for us to promptly give jets to Israel that she requires for her self-defense.

The gentleman from New York has done a great service to this country and to our foreign policy by bringing this point to the Nation at this time when it appears that there is a reevaluation of our Government's policy with respect to the sale of jets to Israel.

It seems to me that there never should have been a question regarding the sale. It seems to me that this issue should not have had to be brought to the floor of the House by the gentleman from New York. But unfortunately it is necessary to bring the issue up and I subscribe in every particular to what Mr. WOLFF has said.

The administration, through its inaction and intransigence, has tipped the balance of power in the Middle East in favor of the Arab block and their principal supporters, the Soviet Union.

Russian advisers are now based in Egypt. The Arabs have the benefit of both Russian missiles and Russian jets.

The Arabs have sworn to defeat Israel—to destroy her as a nation. Mr. Speaker, the question that I ask today is, How long can the administration allow our one true ally in the Middle East, Israel, to stand alone?

Unlike South Vietnam and Cambodia, Israel seeks none of our troops. They seek no handouts, but, rather, they want only the chance to defend themselves. They want only the opportunity to buy jets from us in order to maintain their defensive capabilities. We have refused them.

Under our previously outlined policy of "evenhandedness" we have turned our back on a people who are struggling to maintain a democracy that they have lived and died for, for over two decades. Our policy of "evenhandedness" is now one of "underhandedness."

The United States must provide the necessary military aid to Israel that she needs in order to allow her to defend herself against the onslaught of the Arab nations. We should sell the amount of jet aircraft that are needed to assist Israel in restoring the tenuous balance of power in the Middle East. We should insist that there be direct negotiations between the Arabs and the Israelis with no big power interference. Only when Israel and the Arab States negotiate their differences directly will there be a lasting peace.

We must act to assure that there be no imbalance in Middle Eastern power relationships. Our Government's previous decisions not to sell jet fighters to Israel amounts to nothing less than direct assistance to the Arabs' one clear objective—the bloody annihilation of the State of Israel. Our policies have been a slap in the face to the people of Israel: a tiny nation which seeks no aggression, no conquest, only a fighting chance to remain free.

Nowhere are our misbalanced priorities more obvious than when one measures the relative merits of our roles in Southeast Asia and in the Middle East. Into the one, we have poured billions of dollars in guns, bombs, and jets and have wasted thousands of American lives in a war that is wrong—morally and politically—while, in the Middle East, we have turned our backs on a true ally, a country that seeks only to buy our armaments in order to maintain the balance of power and prevent the holocaust and bloodshed that would surely follow if Israel were overrun. We have done nothing to prevent the continuation and enlargement of a conflict that, each day, claims the lives of innocent people; people interested only in peace.

Mr. Speaker, it should be within us all, as a matter of duty and, more, as a matter of conscience, to make every effort to change our Government's Middle East policies. Nothing less than the survival of a free people and of a free nation are at stake. Israel needs these planes. I urge the Nixon administration to act—now.

Mr. WOLFF. I thank the gentleman from California, who serves with me on the Committee on Foreign Affairs and has long taken a great position of leadership with regard to questions of peace throughout the world and particularly in the Middle East.

Mr. CHAPPELL. Mr. Speaker, will the gentleman yield?

Mr. WOLFF. I yield to the gentleman.

Mr. CHAPPELL. Mr. Speaker, because I believe, too, that Israel is a keystone to peace in the Middle East, I would like to associate myself with the remarks by my colleague from Florida.

Mr. HECHLER of West Virginia. Mr. Speaker, will the gentleman yield?

Mr. WOLFF. I am glad to yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. Is the gentleman fully satisfied that all possible efforts and international pressure has been applied to persuade and induce the Soviet Union to withdraw some of its pilots from that critical area?

Mr. WOLFF. I might say in response to the gentleman from West Virginia that according to advices we have received from the Secretary of State only this morning in the Committee on Foreign Affairs and also the briefings we had with Mr. Sisco, this Nation was aware Soviet pilots and planes were in the Middle East before the President made his decision not to send the aircraft requested by Israel. However, in an effort to try to reduce tensions and to have the Soviets remove their pilots and SAM crews, we held back on the decision to sell the jets. As a result of holding back on the decision to sell the jets, the Soviets increased their efforts in the Middle East and are now flying combat missions.

Mr. HECHLER of West Virginia. I thank the gentleman for his information.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. WOLFF. I am glad to yield to the gentleman.

Mr. BOGGS. Mr. Speaker, I appreciate the fine statement that the gentleman has made. I think all of us understand the crisis arising in the Middle East. The State of Israel is the symbol of civilization throughout that area. It has been my pleasure to visit there on several occasions. I congratulate the gentleman and those who have associated themselves with him.

I include an article as follows:

EGYPT'S GROWING CONFIDENCE IS A DANGER SIGNAL

(By Crosby S. Noyes)

When serious people in Egypt talk about a forthcoming "decisive battle" with Israel, it is time for some serious stock-taking in this country.

They are talking about such a battle in Egypt today. What they mean, apparently, is something a good deal more critical than the relatively small-scale "war of attrition" that is currently being waged.

The prediction of a new outbreak of full-scale warfare is not generally accepted in the United States—or, for that matter, in Israel.

The general assessment is that the present military standoff between Egypt and Israel is likely to go on for a long time. Although the possibility of a major explosion is not altogether ruled out, it is held to be unlikely in the near future. There is an impression in the State Department—which actually may be based largely on wishful thinking—that the Russians are exerting a moderating influence on their Egyptian clients.

At the same time, the Israelis have not failed to notice the new note in Egyptian official declarations. They are warning that the present stepped-up war of attrition along the cease-fire line could be "the conditioning process for a subsequent frontal assault across the Suez Canal."

There is, nevertheless, one strong, underlying assumption to all assessments made in Israel and the West. It is that if the Egyptians were so foolish as to launch a frontal assault on Israeli defenses along the canal, the inevitable result would be yet another disaster for the Egyptian armed forces.

Faith in the virtual invincibility of the Israelis has been unshakable since the 1967 war. It was greatly strengthened by Israel's deep-penetration air raids into Egypt starting last August, in which the Israelis demonstrated virtually undisputed mastery of the skies.

It is sometimes argued that this basic balance of power—heavily weighted in Israel's favor—has not been fundamentally changed by the arrival of Russian technicians and pilots this spring. The Soviet presence, it is said, is purely defensive in nature. And if Israel's deep-penetration raids have halted as a result, there are many American experts

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who would contend that this was no bad thing.

Yet, in fact, it is hard to sustain the contention that the Soviet presence in Egypt is purely defensive. Since the arrival of the Russians, the pace of President Nasser's "war of attrition" has picked up dramatically.

Egyptian forays across the canal have mounted steadily in frequency and effectiveness. Guerrilla activity along Israel's other frontiers also is on the upswing. And Israeli retaliation along the canal and elsewhere has become a matter of daily routine. Casualties on both sides are mounting.

More important, however, something very fundamental is taking place in Egypt. A new spirit of confidence and determination is reflected in dozens of reports from the Egyptian capital that represents a startling contrast to the mood six months ago.

This change of mood is, of course, impossible to judge in terms of possible future military action. It is said to be, however, very different from the giddy self-intoxication that prevailed in the period leading up to the 1967 war. No one is talking about quick and easy victories and about "driving Israel into the sea." Egyptians today are being told to prepare themselves for a hard and punishing struggle, involving major destruction and heavy casualties.

Western analysts who foresee only one possible outcome to a renewal of heavy fighting on the Egyptian front may have failed to grasp one very important aspect of the Russian presence in Egypt. As the Egyptians see it, quite certainly, this presence virtually precludes another Egyptian defeat on the scale that occurred in 1967.

That defeat, very substantially, was the result of overwhelming Israeli superiority in the air, including the destruction of most of the Egyptian air force on the ground. In all probability, this could not be done today. And the fact that it could not be done would make the outcome of any new round in the war far more problematical than is generally supposed.

In short, it is by no means inconceivable that the Egyptians—and their Russian advisers—might be contemplating at least one major battle in the Sinai peninsula. The aim, presumably, would not be total victory over the Israeli army. Even a limited success for Egypt's armed forces would radically change the political equations in the Middle East and force an urgent reassessment of the long-range prospects in Washington and Jerusalem.

Mr. WOLFF. I thank the distinguished majority whip.

Mr. BUTTON. Mr. Speaker, the continued crisis in the Middle East, where two parallel but conflicting national movements have existed since 1917—and surely since 1947—seems as far removed from solution today as it has at any time of the modern history of the area.

In past weeks, we have seen tragedy strike children in schoolyards and on buses while our State Department still weighs the possibility of selling Phantom jets to the Israel Government.

It is difficult to conceive the rationale which surrounds our hesitancy in this particular instance, even though a final resolution of the unrest still eludes us. The history of the conflict in this area has only one lesson, I believe, and that lesson is that the only deterrent to a further escalation of the hot war is a recognition on the part of the United States of the validity of superior Israel military strength.

Israel asks only for her right to survive; she has earned her right to defend herself with her own blood. She asks no gifts of men or arms from our Government; after all, she only asks for the right to buy planes.

The way to evaluate friendship between governments is through actions. While we are assured by Secretary Rogers that it is in the best interest of our Government that "Israel survives as a nation," it is naive to think that peace can be achieved in the Middle East without the parties to the conflict being part of the negotiations.

The military fact is that peace in the Middle East will only be secure if Israel is strong enough to keep that peace. As long as the Arab nations feel that Israel stands alone, they will take advantage and pursue the war of attrition. As long as it suits the Soviet Union, they will continue to pursue a course of harassment in the situation.

Our position must be to encourage Israel to come up with some new proposal for the area while she is absolutely assured of our complete support and backup strength. Under these circumstances, perhaps, forces within the Israel Government could be in a stronger position, for instance, to at least consider the possibility of suggesting that the Palestinian organizations also be invited to negotiate directly with Israel with the possibility of an independent Palestinian state formed in the west bank area of Jordan which has been occupied by Israel since the 7-day war, as suggested by Schlomo Avineri, of Hebrew University.

The Palestinians would have everything to gain from this kind of arrangement. It would begin to solve the refugee problem. It would give the Palestinians a legal base with which to negotiate with other Arab countries. It would indicate a willingness on the part of Israel to accept the fact of Arab nationalist interests.

It would also begin to cool the concern of the Soviet Union as to the intent of our Government in that area, since it would emphasize the right of self-determination of the Arab and the Israelis.

I also believe that a solution to the boundary problems in the Middle East will best be served if somehow the Arab nations were contiguous to each other, which perhaps could be accomplished—as Prof. Nadov Safron of Harvard suggests—by trading of territory between the Israelis and the Egyptians.

I strongly urge our Government, as peacemaker in the area, to encourage Israel to make creative proposals, assured that her security will be protected by the United States. The Arab States and the Soviet Union are not natural allies in this part of the world. The United States and Soviet Union have been on the same side of the problems besetting this area more times than they have been in opposition.

If we can somehow show evidence of accepting the nationalist aspirations of the Egyptians as well as of the Palestinians, we will have done much to cool the feelings of the Arabs toward us, while we continue through actions and words to support the justified military needs to Israel and encourage her to take the initiative in showing recognition of those nationalist aspirations.

Most of the raid activity in the area is being conducted by Palestinian guerrillas, protected by the fact that no Arab government feels responsible for their actions. The guerrillas have nothing to lose—no government, no land—so they also have everything to gain by some recognition of their national aspirations, even though they seem to show the most hostile attitude toward Israel at the present time. I offer this as a step toward thinking constructively in this direction. It can only be done, however, if Israel is assured of our absolute commitment to her.

We must back up that commitment by immediate sale and delivery of the jets she so desperately needs to be able to negotiate from strength. She must be able to measure her own strength by at least being assured of the support of her friends.

It is important to state, in summary, that as a nation we have a rare opportunity in this area to truly support a government conceived in liberty and dedicated to democratic principles while we need to encourage an acceptance of two nationalist movements. It is irrelevant to discuss the issue in terms of Zionism. We must begin to encourage negotiation on existential terms, both among the Arab nations and the Israelis.

Peace in the Middle East is to the advantage of the Soviets as well as ourselves. If we could adopt a position of benevolent neutrality, this would also suit the Soviet Union, because its fundamental interest is to deny us major influence in the area through neutralization and demilitarization.

Mr. OTTINGER. Mr. Speaker, recent developments in the Middle East must be viewed with the utmost gravity. The assignment of Russian pilots to active flight status in the United Arab Republic, following the supplying of increased Soviet missiles and other arms to the Arab Nations, has created a dangerous imbalance and escalated the threat of a full-scale Arab-Israel war once again. Should Israeli and Russian pilots engage in combat, we are faced with the very distinct possibility of a wider war with grave consequences for us all.

On June 4, I joined more than 90 of my colleagues in a bipartisan appeal to the President to negotiate the sale of additional jets to Israel in order to counterbalance the new Soviet arms buildup. It is imperative that we act quickly, because of the long leadtime required to contract for, produce, and deliver jet aircraft. To delay much longer is to allow a deteriorating situation to become irretrievable, and it is simply unthinkable for us to abandon our friends and allies, the only democratic nation in the Middle East. Our letter to the President also contained a plea for urgent consultation with our NATO allies and new initiatives on our part to establish a cease-fire as a precondition to negotiations for peace. I join with my concerned colleagues here in the House today in a fervent plea for the honoring of our commitment to beleaguered Israel.

Mrs. HECKLER of Massachusetts. Mr. Speaker, I plead for urgent and immediate help to beleaguered Israel. I have addressed myself to this cause before. I have written to the President to urge that the administration act quickly and decisively to supply Israel with the jet aircraft necessary for her survival, and I have joined my colleagues—including the distinguished leadership on both sides of the aisle—in such pleas for immediate assistance. I have grown increasingly impatient at the delays.

We deceive ourselves, I think, if we deny that this is a matter of extreme urgency. The fact of massive Soviet intervention in Egypt and other Arab countries, within the last few months, is plainly to be seen. The balance of power is clearly weighed against Israel now.

To leave Israel unprepared should a full-scale war begin is to require that the United States respond massively at that time. I think we can envision the Soviet response. I believe that partial measures and continued excessive restraint pose the greater threat in the Middle East—which is that of encouraging a premature and unnecessary explosion based on the presumption that Israel is weak.

Only last November we heard Egypt's President Nasser declare:

> There is no alternative to the battle . . . There no longer is any way out except to use force to open our own road toward what we want—over a sea of blood and under a horizon of fire.

I do not believe this was boastful posturing. President Nasser is far stronger now than he was 6 months ago.

His cities and his military supplies are protected by an umbrella of Soviet pilots. His troops are relieved for combat by thousands of Soviet technicians behind the lines. Most of Egypt is now off limits to Israeli counteraction because it dare not risk a face-to-face engagement with the Soviets. Meanwhile, the war has gradually intensified as Arab forces, grown bolder and more confident, pursue their sworn objective of driving Israel into the sea.

I believe we must take a risk, Mr. Speaker, that of insuring Israel's deterrent strength, because we cannot countenance the greater risk of letting hostile Arabs believe that the time is ripe to conquer Israel.

I believe we must insure that there is a deterrent to further dangerous actions while we are exploring the paths to a permanent peaceful settlement. I believe we must urgently respond to Israel's request to remain capable of deterring aggression by supplying her fully with the jet aircraft she wants. I see no alternative. To serve effectively as a deterrent, Israel's air strength must match that of her hostile foes.

I see hesitation as a genuine threat to the survival of Israel. She is a great democracy, a nation imploring us to let her live. We must not let her go down in the brief hours of another Mideast war.

I am warmly encouraged by the overwhelming response of the Congress to our demands for immediate aircraft for Israel. We must insist on this.

Let there be no "sea of blood" or "horizon of fire." The United States cannot be responsible for such a tragic possibility.

Mr. KARTH. Mr. Speaker, I join my distinguished colleagues today in calling for the immediate sale of U.S. jets to Israel.

Just 3 years ago this month the four Arab countries of Egypt, Syria, Iraq, and Jordan had a combined total of just slightly over 300 jet planes. Israel had slightly less than that number—about 280. Today, just 3 years later to the month, those same four Arab nations have a combined total of 1,230 jets, while Israel is now at 300. In other words there is today a 4 to 1 air superiority favoring the Arab countries. Yet our Government holds back on providing the planes necessary to create the balance needed for that small island of democracy and its brave and courageous people.

It is no wonder, that under the circumstances, these same Arab nations are now openly talking about a forthcoming "decisive battle" with Israel.

Tragically, I think, our State Department does not either understand this or they do not believe it. It seems perfectly evident to me that unless we sell immediately, the jet aircraft in question, the aforementioned possibility could become reality. It is perfectly clear, too, that air superiority will have a great deal to do with the outcome of the next major confrontation between those nations. It would be sad indeed to continue fighting a useless, wasteful, and meaningless war in Vietnam and Cambodia where at best, a democracy is little if at all understood, and let a nation like Israel go down the road to defeat. I call again upon the administration to immediately release to Israel the jets that may save her life as a nation.

Mr. VANIK. Mr. Speaker, the rapidly deteriorating situation in the Middle East requires decisive action by our Government. Israel has tried valiantly to bring about face-to-face negotiations with the Arab leaders without success to date. The Soviet Union has committed vast resources to the government of President Nasser in an effort to shore up Egypt's ability to maintain an offensive war footing. Israel is under increasing military pressures and continues to have to fight for her survival on a day-by-day basis.

It is obvious that the vast Soviet influence which has developed during these past several months poses an enormous threat to the balance of power in the Middle East. In this connection, Israel long ago requested that she be allowed to purchase Phantom and Skyhawk jets at full cost from our Government at an enormous cost to her beleaguered and limited budget. As I have said in the past, Israel must survive. To do so, she will need as much assistance from friendly nations as possible. Israel has demonstrated her clear-cut desire to assume the total responsibility of her self-defense. This nation does not ask for the commitment of American troops or advisers. Israel needs access to the highly sophisticated weapons of modern defense.

Israel remains steadfast in her adherence to democratic rule and stands out clearly as the showcase of democracy in the entire Middle East. Other nations would do well to follow Israel's example in this regard. Our Nation should clearly stand behind Israel in her time of trouble to demonstrate to the Soviet Union and to the world that we stand firmly behind genuinely democratic governments and will not tolerate destruction of or interference with the sovereign rights of such governments. If we do not demonstrate such willingness, Israel's survival will be placed in jeopardy because of new boldness on the part of the Soviet Union and the Arab nations. We must act decisively now. There is no time to wait.

On June 4 I joined with others in this body in sending the following letter to the President. I would like to include the text of that letter in the RECORD at this point since it so well emphasizes the crisis facing Israel and the Free World. The letter is as follows:

> MR. PRESIDENT: We are writing you to express our extreme sense of urgency respecting the deteriorating situation in the Middle East.
>
> It is our deep conviction that our vital national interests are involved in preserving the balance of power in the Middle East pending a final settlement of the Arab-Israeli dispute. The decision by the Soviet Union to undertake a direct military role in the Arab-Israel conflict by flying combat planes over Egypt represents, in our judgment, a significant change and a challenge to American strategic interests, as well as a growing threat to world peace. Recent Soviet moves have clearly encouraged Arab belligerence and are creating a growing military imbalance in favor of the Arab states.
>
> Your decision in March to defer the sale of additional jet combat aircraft to Israel has failed to induce the Soviet Union to exercise reciprocal restraint with respect to the arming of the UAR and the other Arab states. On the contrary, the Soviet Union has taken the unprecedented step of overtly involving an increasing number of its own military personnel in a state far from its own borders.
>
> We believe, Mr. President, that the United States should now announce its intention to provide Israel with the aircraft so urgently needed for its defense. This action would serve as a credible response to the reckless Soviet escalation of the Mideast conflict. We feel that the strengthening of Israel's military posture at this time is the best guarantee against the outbreak of major hostilities.
>
> We also suggest prompt consultations with our NATO allies because of the dangers posed to their own security by the Soviet build-up in the Middle East. We urge that you exert your influence to re-establish the cease-fire as a preliminary step to eventual peace negotiations. These steps would demonstrate to the Soviet Union that we do not intend to abdicate our responsibilities in the Middle East, as well as our earnest desire for peace.
>
> Sincerely,
>
> CHARLES VANIK.

Mr. McCARTHY. Mr. Speaker, I am concerned about the growing tension in the Middle East. Russian SAM-3 antiaircraft missiles stand poised along the Suez Canal. Russian pilots man Mig-21's over the skies of central Egypt. This infusion of arms into the Middle East raises the threat of an East-West conflict. This conflict must be avoided at all cost.

Israel has come to us as one of her oldest friends, and has asked to purchase jet aircraft. She wants these aircraft to defend her territory. I strongly urge that we sell her these aircraft.

In a period in which we find fewer and fewer countries which we can truly call allies there is one nation which now asks for planes in order to survive. We should not abandon Israel in her time of need.

If we abandon Israel, we would be sanctioning the obliteration of a race which has contributed much to civilization.

If we abandon Israel, Russia would control the strategically important Middle East without any opposition from the West.

If we abandon Israel, other nations whom we are bound to support in times of national survival would begin to question the credibility of America's commitments. They would say that the United States deserted a country which had supported America and which was willing to fight for her own survival without demanding that American blood should also be shed.

There are those who say that by supplying Israel with planes we are flaming the fires of aggression in the Middle East. I disagree with this judgment because it assumes that Israel is an aggressive state. If we examine the history of the Arab-Israel struggle, we find that Israel has only acted militarily when her survival was at stake. History reveals that aggression only occurs when one country believes that it has the military capacity to destroy its foe. Thus, by not providing the Israelis with the requested Phantom and Skyhawk jet fighters this country will be encouraging the very aggression which it claims that it wishes to prevent. I do not believe that the Arab leaders are foolish enough to initiate a war which, if Israel has the proper protection, will lead to their own destruction.

Mr. ADDABBO. Mr. Speaker, during the past months I have made several statements on the floor of the House concerning my position on the sale of jet aircraft to Israel and the need for a restatement of this Nation's support for Israel.

The recent statements of the Secretary of State indicate that a decision on Israel's request for aid will be made shortly but there have been reports that the decision will be in the nature of a compromise. This decision will have a major effect on the situation in the Middle East, including the future actions of the Soviet Union. For these reasons, I urge the President once again to act firmly and without equivocation.

In order to convince the Russians that their intervention in the Middle East will not be tolerated, the President should immediately grant Israel's request. It is my hope that the President will announce the sale of 125 Phantom and Skyhawk jets to Israel together with a commitment to sell additional jets to replace those lost or destroyed in the future. I also urge the President to make this announcement as soon as possible and not to wait 2 more weeks as the Secretary of State has indicated he may.

This action would go a long way toward restoring the confidence of Israel and the free world in our Nation's policies. In addition, to the sale of jet aircraft to Israel, I would hope that the President and the Secretary of State will issue a clarification of our policy in the Middle East to make it quite clear to all parties involved in that area of the world that the United States stands as a friend of Israel and that there will be no deterioration of that stance.

The overwhelming support of the Members of this body as well as the Members of the other body has been publicly declared in support of Israel and in favor of the sale of jet aircraft to Israel. To waiver now in making the necessary decisions will only serve to give hope to the Arab terrorists who are determined to destroy an independent nation and to the Soviet Union which will undoubtedly provide as much assistance—both personnel and equipment—to the Arab Nations as will be tolerated by the allies of Israel.

We must not let either of these courses of action come about for further escalation of the Middle East crisis can only lead to tragic consequences. We must renew our efforts to bring about direct negotiations between the combatants while maintaining the balance of military power in the Middle East through additional military aid to Israel.

Mr. ANNUNZIO. Mr. Speaker, the beginning of this month marked the third anniversary of the 6-day war in the Middle East. It has been a particularly distressing anniversary for it marks also the heightening of tensions, mounting guerrilla attacks, and increasing civilian casualties which tragically include the deaths of innocent children.

Foreign Minister Abba Eban of Israel, in referring to these attacks, said recently:

> One of the factors which has encouraged the activities of murder organizations such as Fatah is international apathy and indulgence.

Mr. Speaker, like many of my colleagues, I have been bitterly disappointed over the inaction and delay of our own Government in trying the preserve the Mideast balance which has been substantially altered by Moscow's assumption of a direct combat partnership in Egypt.

American intelligence has indicated that the Soviets have begun a new air defense over Egypt which includes at least 50 Soviet combat pilots actively flying missions in the area. Additionally, it has been confirmed that Soviet SAM–III ground-to-air missile sites are run by Russians around Cairo and the Aswan Dam.

Without additional planes, Israel cannot be expected to keep up the air war indefinitely. The 50 Phantom jets pledged to Israel by the Johnson administration will all be delivered by September, and the planes that are lost in the mounting air attacks must be replaced if the military balance in the Mideast is to be preserved.

Over 2 years ago, I joined in sponsoring legislation which authorized the sale of 50 Phantom jets to Israel. I felt at that time, as I do today, that a balance of military power in the Middle East is essential if we are to prevent full-scale war and maintain peace and security in that critical area of the world.

I am pleased, therefore, to join the outstanding Speaker of the House, JOHN McCORMACK; the majority leader, CARL ALBERT; the majority whip, HALE BOGGS; the minority leader, GERALD FORD; the minority whip, LES ARENDS; and all of my distinguished colleagues in urging the President and the State Department to provide Israel as soon as possible with additional supersonic jet planes in order to enable her to deter aggression. Our Government can no longer afford inaction and delay in the face of an altered Mideast military balance of power.

Mr. BARRETT. Mr. Speaker, the isolated citadel of democracy in the Middle East, Israel, recently celebrated its 22d year of independence. This little nation was established in 1948 by action of the United Nations—to the acclaim of most of the world. It is a sad commentary that since that time, during its entire 22 years of statehood, it has not enjoyed a moments peace. I do not believe that it is necessary for me to recount the continuous efforts of its Arab neighbors, who unfortunately and most unwisely are bent on its destruction.

For 20 years, the continued existence of Israel was a matter of vital concern to the people of America and to our Government. We took pride in the fact that the United States, under the Presidency of Harry S. Truman, was the first country to formally recognize Israel as a nation in 1948. Over the years we supplied many forms of assistance for its development and to secure its continued existence. Today, as never before, we must reemphasize and reaffirm our policy of concern for the existence and safety of Israel.

Many months ago, Israel requested our Government's approval for the purchase of American aircraft. The continued delay by our Government has not resulted in similar restraint on the part of the Soviet Union. Quite to the contrary, the Russians have increased their support to the Arab nations. The restraint by our Government has played into Russian and Arab hands.

There is no longer a balance of power in the Near East. It has been shifted decidedly in favor of the Arab nations by Russian arms deliveries to Egypt and Syria from the end of the 6-day war to 1969. The introduction of Russian pilots flying Egyptian planes, first detected in April of this year, removes the argument that the Kremlin's activities were limited to the defense posture of its Arab clients. Israel is subject to almost continuous attack on every border. The Soviets have clearly established their presence and influence in the Middle East. The long range implications of the present situation are ominous.

Mr. Speaker, there are indications that a decision on the Israeli request is shortly forthcoming. At the same time, there are indications that the Arab nations are exerting every influence against the approval of that request.

Mr. Speaker, I strongly urge that the President immediately approve the request. Such action is necessary for the continuation of longstanding U.S. policy in the Middle East and will best serve the interest of the United States. Further, such action will not deter from our efforts to bring peace to that part of the world, but, to the contrary, will assist those efforts.

I am most pleased to join with my many colleagues today in urging the President to approve the sale of aircraft to Israel.

Mr. FRIEDEL. Mr. Speaker, I am delighted to participate in this special order of the House on a subject which is of great importance to all Americans. As I said recently, the world spotlight can swing too far in any one direction while the Nation struggles with domestic outcry and dissent over what I believe was the mistaken policy decision to go into Cambodia. We have seemed to neglect the ominous developments that have occurred recently in the Middle East.

The valiant nation of Israel fights on almost all of her borders. Soviet pilots and technicians have joined the Air Force of the United Arab Republic. While we are concentrating our major effort against communism in Southeast Asia, Russia entrenches itself in the Middle East.

As all the Members of this House know, this is not the first time I have voiced my concern for Israel in its heroic struggle for survival over the years. In the last 18 years that I have had the privilege to be in the Congress, I have repeatedly acted to bring about an easing of the crisis faced by Israel. A further step in this continuing effort will be the joint letter to President Nixon, signed by over 175 Members of the House urging that the administration immediately authorize the sale of Phantom and Skyhawk jets to Israel.

Mr. Speaker, the views expressed in our letter represent the concern of millions of Americans and I include the letter to President Nixon at the conclusion of my remarks.

Current intelligence from our State Department regarding the situation in the Middle East indicates that Israel's position has grown even more ominous with each passing week. Our policy of restraint has failed. The Soviet intrusion of pilots and other military personnel into the Mideast has decidedly tipped the defensive scales in favor of the Arab nations. We must hasten to redress the balance. Clearly the Nixon administration must act immediately. The priorities of our commitments in the Mideast are very clear, as contrasted with the cloudy and dismal state of our affairs in Southeast Asia.

Mr. Speaker, from recent rumblings within the administration, I believe that at last the word has finally been passed up and I do expect that this week we will hear some favorable news from the White House regarding the sale of aircraft to Israel.

I, however, as one Member of the House of Representatives, want the record to be very clear on this matter. There must be a real commitment on our part not just the token sale of a few aircraft. Our action with regard to the defense of Israel, our only true ally in this part of the world, must be a real act of substance. Tokenism or a partial sale of equipment needed by the Israelis will not suffice. This matter is indeed too serious to be dealt with in an expedient or political fashion. Again, I welcome the opportunity to participate and congratulate all my colleagues for making this important special order possible.

The letter referred to follows:

The President,
The White House,
Washington, D.C.

Dear Mr. President: It is clear to us that the moment has arrived for the United States to take firm action to meet the present danger posed by the involvement of the Soviet Union military forces in the Middle East. In the face of this threat, we believe that it is urgent that our government provide Israel with additional supersonic jet planes to enable her to deter aggression against her.

It is public knowledge that the Soviet-Arab aircraft strength is now four times the strength of that of Israel and that the presence of Soviet fliers and technicians may adversely affect Israel's heretofore qualitative advantage.

The Congress is vitally concerned with the threat of Soviet presence in the Middle East, as evidenced by the number of signatories hereto, and by the letter sent to the Secretary of State which was signed by over seventy Senators, urging the immediate sale of these planes so vital to the preservation of the balance and peace in the Middle East.

Respectfully yours,

Samuel F. Friedel.

Mr. CORMAN. Mr. Speaker, last week marked the third anniversary of Israel's victory over the Arabs in the 6-day war. It was a victory that came swiftly but left the Israelis confident of their strength in the Middle East. Now, a short 3 years later that strength is in jeopardy.

Russian intervention has increased beyond all previous limits. The U.S.S.R., no longer content with supplying arms and bombers to the Arabs, has attempted to tip the balance of power with the installation of missile sites throughout Egypt's Nile delta. But even more critical than that is Egypt's use of Soviet pilots in service to the Egyptian Air Force.

With their own brave determination and our continued assistance, the Israelis have been able to maintain their security while nurturing a culture deserving of our highest praise and respect. The step-up of Soviet military aid, however, threatens not only the survival of Israel but the security of the United States as well.

Repeatedly the Israel Government has turned to the United States in search of the additional air strength it needs to deter further aggression by the Arabs and the Soviets. But President Nixon, apparently fearing the Soviet's reaction to increased American involvement, has refused to make any decision on Israel's request to purchase 25 Phantom and 100 Skyhawk jets from the United States.

I have on several occasions joined with my colleagues in expressing to the President our support for such a purchase and am pleased to unite with them again today in supporting this vital cause.

The President cannot delay making his decision any longer. Recent military victories and mounting casualties resulting from Soviet intervention have had a demoralizing effect on the people of Israel who have fought courageously to preserve the democracy which they hold so dear. During his recent visit to the United States, Israel's Foreign Minister Abba Eban warned that additional aircraft are physically essential to preserve the security of his people. I had the opportunity to meet with Mr. Eban when in Israel earlier this year and respect his assessment of their needs.

I strongly urge the President to act affirmatively in Israel's behalf and arrange for the delivery of all 125 jets. To provide a supply less than requested would only be a token gesture by the President and would not provide the strength necessary to prevent further Soviet aggression. Israel is not an aggressive country and depends upon the strength of its Air Force to deter the Arabs and the Soviets from resuming full-scale hostilities. We must not give the Arabs an advantage by allowing Israel's defensive capabilities to be weakened. To preserve her territorial integrity, we must be willing to make every effort to maintain Israel's defense and to aid her in arranging peace negotiations with representatives of the Arab States.

Mr. RYAN. Mr. Speaker, exactly 3 years ago war raged in the Middle East. It still rages there today. And the prospects for a lasting and meaningful peace, raised so high in the days following the 6-day war, seem today more remote than ever.

The Arab States which closed the Straits of Tiran to Israel in the days preceding the June 1967 war, and which swore eternal enmity to their neighbor, are committed still to her destruction.

And now, to Arab intransigence has been added Soviet belligerence. The Soviet Union, bent on fomenting turmoil and committed to animosity against Israel, has poured billions of dollars worth of armaments into Egypt. Even more perilous, Soviet pilots are flying combat jets in the Egyptian air. SAM–3 missile sites mark the Egyptian landscape.

The time for this administration to reject the ambivalence and equivocation which have marked its posture towards Israel is long past due. In fact, the only appropriate policy the administration should have maintained—as did its predecessors—is that of the clearest and firmest support for Israel.

Instead, we have seen a foreign policy of passivity. In large part, the State Department has neither acted nor reacted, but merely contemplated. The one venture it has undertaken—the proposal of guidelines for a peace settlement—was itself misguided, since it served to deter the possibility of direct negotiations between the parties to the conflict.

Certainly, the administration bears considerable responsibility for the present state of peril to Israel. For while the Soviet Union has taken bolder and bolder steps, each time testing the water, so to speak, to see how much it might venture, the administration has stood aside, wringing its hands in concern, while doing nothing. And each successive instance of inaction by the administration has in its turn encouraged further action by the Soviets.

Yet, our interests, Israel's interests, and the interests of world peace require the survival and prosperity of that valiant nation, seeking only to live in peace, free from the aggression of her neighbors.

Traditional U.S. policy—as articulated by the actions as well as the words of four successive Presidents—Truman, Eisenhower, Kennedy, and Johnson—has been one of firm support for Israel. To forsake her now is to forswear our word.

Our interests compel support for Israel because we support the principles of democracy which she embodies in her finest expression.

Our interests coincide with a secure Israel because she, in her turn, has offered us firm and steadfast friendship.

Our interests require support of Israel because she is the great example of the benefits which modern technology, idealism, and dedication can bring to the poverty stricken peoples of the third world.

Once again, as I have done continuously, I call upon the administration to allow Israel to purchase the jet planes which she seeks. Israel's air force is her very protection against destruction, and we simply cannot continue to deny her the means by which to insure her survival.

What is more, this sale must be clearly labeled as the United States signal that we support Israel, that we will not tolerate her destruction, that we deplore the attacks of the Arab States and guerrillas, and that we oppose the Soviet moves which have escalated this crisis to fever pitch.

Mr. FULTON of Pennsylvania. Mr. Speaker, I join with my colleagues to express our continued support for the security of Israel and the safety of the Israeli people.

I have written a letter to the President on May 23, 1970, which I am glad to insert in the RECORD to emphasize the urgent necessity of prompt authorization by the U.S. Government of arms assistance, jets, and economic, educational and health assistance for the people of Israel.

The letter referred to, and a reply, follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., May 23, 1970.

President RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I am writing further to emphasize the changed situation in the MidEast, and particularly to emphasize my concern for the security of Israel and the safety of the Israeli people.

Israel is facing the possibility of having to fight Russia, since Soviet pilots are flying MIG jets for Egypt, and manning SAM-3 sites on the Suez front. Israel must confront the Soviet Union in a Cuba-type confrontation. Israel can not do it alone. It needs the help of the United States.

I am therefore writing to you to ask your careful consideration and authorization for the United States Government for sale of United States jets to Israel.

During the past year I have visited Israel and having seen the wonderful progress of the Israeli people, I have learned at first hand the willingness of the officials of Israel and the Israeli people to work for peace and security, as well as the progress of the peoples of the MidEast.

In my considered opinion, under the threat that faces the people of Israel today, I would recommend not only the sale, but in addition the grant of jets to Israel, as well as the grant of military supplies and economic, health and education assistance. We citizens and officials of the United States can not afford to let as fine a people and as good a democracy as Israel go down without our firm United States support and assistance.

I do hope and pray that a favorable decision will soon be made, so that the world will know that the United States means what it says, when it emphasizes the concern of the people of the United States for the security of Israel.

Sincerely,

JIM FULTON.

THE WHITE HOUSE,
Washington, June 2, 1970.

Hon. JAMES G. FULTON,
House of Representatives,
Washington, D.C.

DEAR MR. FULTON: This will acknowledge and thank you for your letter to the President requesting that the United States supply the State of Israel with military jet aircraft. Your letter requesting that a determination be made in the affirmative on this matter will be brought to the President's early attention.

With cordial regard,

Sincerely,

WILLIAM E. TIMMONS,
Assistant to the President.

Mr. BUCHANAN. Mr. Speaker, while I welcome this opportunity to speak out on the urgent need for favorable action by the United States on Israel's request to purchase additional aircraft, I deeply regret the critical situation in the Middle East at this time creating this urgency. Indeed regret is more than an understatement of the deep concern and alarm felt by so many of us over the massive buildup of arms shipments to Egypt by the Soviet Union. With the takeover of Egypt's air defense by the Russians, with Russian flyers, Russian technicians, and Russian ground troops, the implications and stakes in the Middle East war go far beyond this region of the world. With recent reports of Russian pilots flying Soviet Mig-21s to "crowd" Israeli air force pilots in the so-called free zone along the Suez Canal, furthermore, the Soviet actions in this part of the world can no longer be described as purely in defense of their allies.

Aside from our Nation's historic commitment to the right of self-determination—a right for which thousands of Americans have died in Vietnam and a right which Arab extremists would deny the citizens of Israel—the shift in the Middle East balance of power brought about by Russian intervention and the terrible potential for an escalation of this conflict, in my judgment, brought about the involvement of our Nation's own national interests.

The overwhelming concern about the current imbalance in the Middle East and the widespread support among Members of the House and Senate for the sale of jet aircraft requested by Israel has been amply demonstrated. In January of this year 228 Members of the House of Representatives signed a declaration in support of peace in the Middle East reiterating our support for the democratic State of Israel and stating that—

> It is not in the interest of the United States or in the service of world peace to create the impression that Israel will be left defenseless in face of the continuing flow of sophisticated offensive armaments to the Arab nations supplied by the Soviet Union and other sources.

This declaration, which I joined in signing, went on to state that—

> We thus adhere to the principle that the deterrent strength of Israel must not be impaired.

During recent weeks a letter signed by over 70 Senators was sent to the Secretary of State urging the immediate sale of the additional supersonic jet planes to Israel necessary to enable her to deter aggression against her. I have joined similar appeals with a number of my House colleagues and the following letter to the President was sent by 96 of us on June 4:

DEAR MR. PRESIDENT: We are writing to express our deep concern over the shift in the balance of power in the Near East adverse to Israel which has occurred recently as a result of the introduction of Soviet pilots and SAM sites in the United Arab Republic.

The United States has long viewed an arms imbalance in that area as being a prescription for widespread hostilities. In addition, these new developments represent a challenge to NATO's southeastern flank. As you noted in your report to the Congress, "The U.S. would view any effort by the Soviet Union to seek predominance in the Middle East as a matter of grave concern."

It would appear that your action in holding in abeyance the sale of the additional Phantoms and Skyhawks requested by Prime Minister Golda Meir has not been met by similar restraint on the part of the Soviet Union. Indeed, the introduction of Soviet combat pilots is unprecedented in the Near East with the brief exception of Yemen.

Accordingly, we hope that you will now, following the Administration's review of this question, make an early and affirmative decision to provide Israel with the additional Skyhawks and Phantoms essential to her deterrent strength. We believe that this would serve to make clear to the Soviets the seriousness with which we view their action and would be the best guarantee against the outbreak of major hostilities.

Concomitant with this action, we hope that you will continue to pursue serious arms limitation talks with the Soviets on the Near East which could be effective only when there is a relative arms balance, not an arms imbalance. We believe these steps could facilitate progress toward direct negotiations on the Rhodes formula, consistent with the Security Council resolution of October 1967.

We also suggest prompt consultations with our NATO allies because of the dangers posed to their own security by the Soviet build-up in the Middle East. We urge that you exert your influence to re-establish the cease-fire as a preliminary step to eventual peace negotiations. These steps would demonstrate to the Soviet Union that we do not intend to abdicate our responsibilities in the Middle East, as well as our earnest desire for peace.

I have also joined a number of my colleagues in another letter on this same subject, which has not yet been mailed.

It is my profound hope that the Nixon administration, which does recognize the changed situation in the Middle East and which does have this matter under review, will make an early and favorable decision on Israel's request to purchase additional supersonic jets from the United States.

Mr. DADDARIO. Mr. Speaker, I rise to join my colleagues urging the United States now to maintain the vital balance in military strength between Israel and her hostile neighbors.

Very few days have passed without word of new Soviet shipments to Egypt. Long ago all Egypt's losses during the ill-famed 6-day war were made up by the Soviet Union. Last year the Egyptian Army surpassed its best condition prior to the war both in quality and quantity of its equipment and in levels of training provided by Soviet advisers. While news of reequipping and retraining of the Egyptian Army by the Soviet Union has been alarming, the news in recent weeks of installation of Soviet-made and manned surface-to-air missiles and of Soviet pilots flying missions in Egyptian marked aircraft totally alters the complexion of the dilemma of achieving a stable peace in the Middle East. It is no longer enough for the United States to leisurely contemplate provision of some form of additional support for Israel at some unspecified future date.

Twenty-two SAM-3 sites are already in place around Alexandria. Another 23 sites are under construction along the Suez Canal which would give Egypt a total of 62 sites with approximately 480 missiles manned by more than 5,000 Russian technicians and military advisers. These missiles combined with more sophisticated 100 mm. radar guided antiaircraft artillery have produced an order of magnitude increase in Egyptian military capability. The time has come for the United States to do more than "review the situation." It is time to do more than replace Israeli aircraft losses which, to date, have been slight. The time has come to permit needed Israeli purchases of weapons in any quantity necessary to meet the threat which is now observable and that which is already easily predictable. This is not an open-ended commitment to furnish unlimited arms to meet all distantly conceivable future threats, but it is an advocacy of assistance to achieve a balance at the very least.

Beyond the provision of arms, it is encumbent upon the United States to make every effort to restrain further escalation of the Middle Eastern arms race by the Soviet Union. If another American arms shipment to Israel does no more than spur the Soviet Union to additional shipment, nothing of lasting consequence has been gained. If a balance of arms can be achieved and maintained through Soviet and American restraint, then hopes for negotiations brighten. And that is the second major duty of the United States; to support every effort by any nation and all international bodies to develop initial grounds on which negotiations can begin. The present increasing rigidity of both sides observable to all cannot possibly be productive of talks. Without some form of negotiation, there can be no settlement of any duration. All parties must meet face to face and the United States, the Soviet Union and other powers share an obligation to undertake the necessary steps to facilitate the beginning of talks. No one expects that this will be soon. No one expects that once begun, such talks would be immediately productive. But with the commencement of negotiations there is the first real hope that the 3 years of running warfare just past will not be the prelude to an equally bloody 3 or more years to come.

GENERAL LEAVE TO EXTEND

Mr. WOLFF. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

HORTON LEGISLATION BANS SALE OF MAILING LISTS BY FEDERAL AGENCIES FOR COMMERCIAL AND OTHER SOLICITATIONS

The **SPEAKER** pro tempore. Under previous order of the House, the gentleman from New York (Mr. HORTON), is recognized for 30 minutes.

Mr. HORTON. Mr. Speaker, a serious gap in our Federal laws encourages the invasion of an individual's right to privacy, and in some cases, threatens his safety. Over the past 2 months, I have been studying the question of mailing list sales by the Federal Government.

After making a survey of 50 departments and agencies, I was astounded to find the wide difference in policy. In fact, there is no established Government policy on the sale of mailing lists. Some agencies provide such lists routinely, others do not. Interestingly enough, all cite the Freedom of Information Act as the basis for their decisions.

The Federal Freedom of Information Act was enacted in 1967 to provide the public with as complete access as possible to public records.

The purpose of the act is to prevent Government agencies from unjustifiably withholding information that should be reasonably available to the public. Certain information can be withheld if it involves national security, proprietary business information, investigatory files, or personnel or medical files. Other statutes protect the confidentiality of income tax and census data.

An area overlooked in the act is mailing lists compiled by Federal agencies in carrying out their proper roles. I do not believe that the Freedom of Information Act was passed as a license for commercial organizations to invade an individual's privacy or to aid those with illegal intent.

Last February, Dr. Wendell Ames, director of the Monroe County Health Department, called the mailing list problem to my attention. Dr. Ames, a gun collector, was required to register with the Internal Revenue Service under the 1968 Gun Control Act. He soon found he was receiving solicitations from a sports supply shop in Ohio. These solicitations used the identical address label used by IRS for its own mailings to licensees. When I first looked into this, IRS claimed it was forced to sell this list, containing the names and addresses of 143,000 gun collectors and dealers, under the provisions of the Freedom of Information Act. IRS said it had to sell the list to anyone who wanted it and who paid the $140 charge set by the agency. This amounts to less than a tenth of a cent per name and address.

Dr. Ames' complaint was that his home had been placed in jeopardy, without his knowledge, by the sale of this list. The list would have made it easy for anyone to instantly locate and steal supplies of weapons kept unprotected in private homes across the country.

As a result of my inquiry, IRS Commissioner Randolph W. Thrower reviewed this practice and stopped the distribution of the names of gun collectors. However, IRS continues to sell the mailing list of gun dealers.

There are other examples of how Federal agencies aid the invasion of privacy of our citizens. The Federal Communications Commission sells at cost the names of all licensed ham radio operators. The Federal Aviation Administration sells the names of licensed pilots. The Coast Guard sells the names of registered boat owners.

The Federal Communication Commission sells mailing lists with the names of 265,000 amateur operators. The Federal Aviation Administration sells lists of licensed pilots with 680,000 names. These lists are sold at about a tenth of a cent a name, about the same as the list of 143,000 names of gun dealers and collectors sold by IRS.

To correct this serious breach of privacy, I have drafted legislation amending the Freedom of Information Act to prohibit the Government from selling mailing lists for commercial purposes or other solicitations, or for any illegal purpose. Over 75 of my colleagues are joining me in sponsoring this legislation today.

I also plan to place in the CONGRESSIONAL RECORD the text of replies I had received from over 50 agencies regarding their practices of selling mailing lists, which clearly illustrate the inconsistency in their policies regarding mailing list sales and distribution.

My bill will prohibit the sale or distribution of any list of names of Federal employees, past or present members of the Armed Forces or persons who are licensed or required to register with any Federal agency unless there is a certification that such a list will not be used for commercial or other solicitation or for any unlawful purpose.

This is legislation that I feel will protect the individual's right to privacy and safety. It does not prevent legitimate access to agency information but states clearly the intent of Congress that mailing lists will not be used for purposes affecting individual safety or privacy.

The need for a Government-wide policy on the question of mailing lists is obvious to me, and to many of my colleagues. This legislation I have proposed will provide the missing policy direction. I feel it is a positive balance between the public's right to know and the individual's right to privacy.

As a member of the House Subcommittee on Government Information which originated the Freedom of Information Act, I hope early hearings will be held on this bill.

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Mr. Speaker, I insert the language of the bill at this point:

H.R. 17990

A bill to limit the sale or distribution of mailing lists by Federal agencies

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 552 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(c)(1) Notwithstanding subsection (a), no agency may distribute, sell, or otherwise make available to any person any list of names and addresses of—

"(A) employees, or former employees, of any agency,

"(B) persons licensed by any agency,

"(C) persons registered or required to file information with any agency, or

"(D) members, or former members, of the Armed Forces, except in accordance with paragraph (2) or (3).

"(2) An agency may make available a list of names and addresses of persons referred to in paragraph (1)—

"(A) if the person to whom such list is made available certifies (in such manner as the agency shall by regulations prescribe) that—

"(i) such list will not be used for purposes of commercial or other solicitation, and

"(ii) such list will not be used for any purpose which is unlawful under any State or Federal law, or

"(B) if the list is made available by the agency as a necessary part of its statutory functions or requirements (other than requirements imposed by this section).

"(3) Any agency may make available a list of names and addresses if specifically authorized to do so by statute (other than this section).

"(4) No person who has received a list under paragraph (2) or (3) may make such list, or any copy thereof, available to any other person. No person who receives a list in violation of the preceding sentence may use such list for purposes of commercial or other solicitations or for any purpose which is unlawful under State or Federal law.

"(5) Any person whose name and address is on any list made available under paragraph (2)(A) and who is solicited in a communication mailed to him the address of which is obtained from such list may request the person who addressed such communication to remove his name from such list. Upon receipt of such request, the person addressing the communication shall remove such name from such list.

"(6) Any person—

"(A) who uses a list for a purpose for which he has certified under paragraph (2) (A) that he will not use such list,

"(B) who makes a list available to any person or uses a list, in violation of paragraph (4), or

"(C) who fails to remove a name from a list in accordance with paragraph (5),

shall be imprisoned for not more than one year, or fined not more than $10,000, or both."

SEC. 2. The amendment made by the first section of this Act shall apply only to lists made available by an agency after the date of enactment of this Act.

SEC. 3. Subsection (c) of section 552 is redesignated as subsection (d).

Mr. Speaker, I also include a list of the cosponsors of the bill:

COSPONSORS

Joseph P. Addabbo, Democrat, of New York.

William R. Anderson, Democrat, of Tennessee.

Mario Biaggi, Democrat, of New York.

Edward G. Biester, Jr., Republican, of Pennsylvania.

Ray Blanton, Democrat, of Tennessee.

Edward P. Boland, Democrat, of Massachusetts.

Garry Brown, Republican, of Michigan.

James T. Broyhill, Republican, of North Carolina.

Daniel E. Button, Republican, of New York.

Bob Casey, Democrat, of Texas.

Shirley Chisholm, Democrat, of New York.

Don H. Clausen, Republican, of California.

William (Bill) Clay, Democrat, of Missouri.

James C. Cleveland, Republican, of New Hampshire.

Barber B. Conable, Jr., Republican, of New York.

R. Lawrence Coughlin, Republican, of Pennsylvania.

Florence P. Dwyer, Republican, of New Jersey.

John N. Erlenborn, Republican, of Illinois.

Marvin L. Esch, Republican, of Michigan.

Hamilton Fish, Jr., Republican, of New York.

Walter Flowers, Democrat, of Alabama.

William D. Ford, Democrat, of Michigan.

James G. Fulton, Republican, of Pennsylvania.

Cornelius E. Gallagher, Democrat, of New Jersey.

Barry M. Goldwater, Jr., Republican, of California.

Kenneth J. Gray, Democrat, of Illinois.

James R. Grover, Jr., Republican, of New York.

Gilbert Gude, Republican, of Maryland.

Seymour Halpern, Republican, of New York.

Orval Hansen, Republican, of Idaho.

Michael Harrington, Democrat, of Massachusetts.

James F. Hastings, Republican, of New York.

Ken Hechler, Democrat, of West Virginia.

Henry Helstoski, Democrat, of New Jersey.

Chet Holifield, Democrat, of California.

Craig Hosmer, Republican, of California.

William L. Hungate, Democrat, of Missouri.

John E. Hunt, Republican, of New Jersey.

Carleton J. King, Republican, of New York.

Thomas S. Kleppe, Republican, of North Dakota.

Clarence D. Long, Democrat, of Maryland.

Allard K. Lowenstein, Democrat, of New York.

Donald E. Lukens, Republican, of Ohio.

Joseph M. McDade, Republican, of Pennsylvania.

Martin B. McKneally, Republican, of New York.

Robert B. Mathias, Republican, of California.

Spark M. Matsunaga, Democrat, of Hawaii.

F. Bradford Morse, Republican, of Massachusetts.

Charles A. Mosher, Republican, of Ohio.

Richard L. Ottinger, Democrat, of New York.

Edward J. Patten, Democrat, of New Jersey.

Thomas M. Pelly, Republican, of Washington.

J. J. Pickle, Democrat, of Texas.

Otis G. Pike, Democrat, of New York.

Bertram L. Podell, Democrat, of New York.

Albert H. Quie, Republican, of Minnesota.

Tom Railsback, Republican, of Illinois.

Ogden R. Reid, Republican, of New York.

John J. Rhodes, Republican, of Arizona.

Peter W. Rodino, Jr., Democrat, of New Jersey.

Benjamin S. Rosenthal, Democrat, of New York.

Fernand J. St Germain, Democrat, of Rhode Island.

John P. Saylor, Republican, of Pennsylvania.

Henry C. Schadeberg, Republican, of Wisconsin.

Garner F. Shriver, Republican, of Kansas.

Robert L. F. Sikes, Democrat, of Florida.

B. F. Sisk, Democrat, of California.

Robert T. Stafford, Republican, of Vermont.

Robert Taft, Jr., Republican, of Ohio.

Guy Vander Jagt, Republican, of Michigan.

Charles A. Vanik, Democrat, of Ohio.

Joseph P. Vigorito, Democrat, of Pennsylvania.

Lowell P. Weicker, Jr., Republican, of Connecticut.

G. William Whitehurst, Republican, of Virginia.

Larry Winn, Jr., Republican, of Kansas.

Clement J. Zablocki, Democrat, of Wisconsin.

John M. Zwach, Republican, of Minnesota.

Mr. HORTON. Mr. Speaker, in making my survey of Federal agencies, I found a wide variety of policies and interpretations of the Freedom of Information Act. I would like to share with you the text of my letter to the 50 agencies and the responses:

CONGRESS OF THE UNITED STATES,
Washington, D.C., March 5, 1970.

Hon. L. QUINCY MUMFORD,
Librarian,
Library of Congress.

DEAR MR. MUMFORD: It has been brought to my attention that some government departments and agencies are selling or making available mailing lists including the names and addresses of individuals or firms which fall under their jurisdiction or regulation.

I am conducting a government-wide study of all mailing lists that agencies have prepared and made available to the public. My purpose is to weigh the balancing interests between freedom of information and the individual's right to privacy.

I would appreciate your providing me with information about any mailing lists your agency or its components have developed, to whom you have sold them or allowed distribution, the charge to purchaser, a detailed breakdown of how your cost is determined and the specific legislative authority under which you sell each list.

So there is no delay in my study, I hope you can provide this information as soon as possible, preferably within the next two weeks.

Thank you in advance for your assistance and cooperation.

With kindest personal regards, I am,

Sincerely,

FRANK HORTON.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
March 9, 1970.

Hon. FRANK HORTON,
House of Representatives,
Washington, D.C.

DEAR MR. HORTON: The Secretary has referred your March 5 letter concerning government mailing lists to the appropriate office.

A reply will be forwarded to you as soon as possible.

Sincerely,

JERRY W. POOLE,
Deputy Assistant Secretary for Congressional Liaison.

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., April 22, 1970.

Hon. FRANK HORTON,
House of Representatives,
Washington, D.C.

DEAR MR. HORTON: This refers to your letter of March 5, 1970, in which you requested information regarding the sale or furnishing of HEW mailing lists to the public.

Because of the decentralization of distribution activities throughout the Department, details regarding individual transactions are not immediately available. Accordingly, the data you have requested will be obtained and the results will be furnished to you without delay.

With kindest personal regards, I am

Sincerely,

ROBERT H. FINCH,
Secretary.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., April 30, 1970.

Hon. FRANK HORTON,
House of Representatives
Washington, D.C.

DEAR MR. HORTON: As Secretary Finch advised you in his letter of April 22, we have had to survey the agencies of the Department to obtain the information you requested on the sale or furnishing of mailing lists to the public.

As a result, certain agencies of the Department have made mailing lists available to both nonprofit and private interests on a nonreimbursable basis as follows:

A. National Institutes of Health.—On two occasions mailing lists were furnished without change to non-Government requestors. The first instances was in response to a request by a surgical instrument firm in Boston which asked for a copy of the mailing list for either the Journal of the National Cancer Institute or one of the other periodicals published by the National Cancer Institute, it is not recalled which. The other instance was in response to a request by the Upjohn Company which asked for the mailing list of the Journal of the National Cancer Institute in connection with distributing an announcement of a NOT-sponsored meeting on Upjohn's new drug, "Cytosar."

B. Health Services and Mental Health Administration.—Requests from private interests to use HSMHA lists are very infrequently received. Because of this, no special criteria has been developed to determine who shall be furnished such lists, and no special restrictions are imposed upon the recipient to their use. HSMHA mail list sponsors are free to exercise their own judgment in making their lists available for use by private interests. The sponsors normally inquire as to the use to which the mail list printout will be put and what type of information or literature will be distributed, prior to authorizing release of the list.

Mailing lists are made available to printing contractors producing Government publications for use in making direct shipment by the printer. Address information is normally furnished on gummed labels and precautions are taken to protect the confidentiality of this information. Additionally, mailing lists are, on occasion, made available to grantees and contractors as part of the terms of the grant or contract.

We know of no instance in which mailing lists have been sold by the Department. However, one list is presently being prepared for which a fee is to be charged. Since the list is extensive and its compilation will require a considerable expenditure of time, a fee will be charged to cover the costs. This list is being compiled by the Environmental Health Service for the Law Publishing Company, Blue Island, Illinois, and consist of the name, title, and business address of technically oriented personnel in the Environmental Health Service. The list will be prepared in an estimated 200 hours for which the Law Publishing Company will pay the $3.00 rate required under the regulations of the Department. It is to be used to distribute, free of charge, a controlled publication functionally related to the Environmental Health Service.

Fees are authorized in PL 90–23 and in the Public Information Regulations of the Department as stated in Subpart E, Section 5.60.

"It is the policy of the Department to provide routine information to the general public without charge. Special information services involving a benefit that does not accrue to the general public shall be subject to the payment of fees, which shall be fixed in such amounts as to recover the cost to the Government providing such services. Fees will be charged for the following special services:

(a) Reproduction, duplicating, or copying records.

(b) Certification or authentication of records.

(c) Searches of or for records.

In the interests of protecting the privacy of individuals, an additional criterion has been applied in cases of requests for lists of Government employees. The policy of the Department is to supply the official but not the home addresses on mailing lists of employees of the Department. This is not, however, always possible for mailing lists containing names of private individuals.

For your information, the only specific reference to mailing lists is contained in Appendix A, Item 16, of the Department's Public Information Regulation which lists examples of records which are exempt from mandatory disclosure. Item 16 reads:

"Official personnel folders and related files including grievance and disciplinary files, confidential statements of employment and financial interest; performance evaluations and test scores; internal mailing keys."

We hope the above will be of assistance to you.

With kindest regards, I am

Sincerely yours,

STUART H. CLARKE,
Acting Deputy Assistant Secretary for Administration.

GENERAL SERVICES ADMINISTRATION,
Washington, D.C., April 24, 1970.

Hon. FRANK HORTON,
House of Representatives,
Washington, D.C.

DEAR MR. HORTON: This is in reply to your recent letter concerning your mailing lists study.

The General Services Administration does not routinely make mailing lists available. However, certain lists are made available to specific interest groups. For example, contractors on our Federal Supply Schedule are provided with lists of Government offices which have expressed a desire to receive descriptions of and pricing information on specific commodities. Contractors are provided these lists at no cost since the lists are used to distribute their descriptive catalogs to Federal agencies, and, thus, are of benefit to those Federal agencies concerned. These lists contain the addresses of Federal offices and not individual names.

There are relatively few requests for copies of any mailing list maintained by the General Services Administration. In each request, however, consideration is given to the danger of invasion of individual privacy. In most instances, the few lists which are maintained by the General Services Administration are released upon request. For example, a recent request from a contractor who wanted to subcontract work under a Federal Supply Service contract resulted in this contractor being furnished with a list of firms which had indicated a desire to sell metal shelving to the Government.

Other requests for lists are generally of a related nature, and the request is for lists of firms or individuals who have indicated interest in dong business with the Federal Government or with a private entrepreneur. Except where the release of a mailing list may result in savings to the Government, the recipient of the list is charged with the cost of preparation. This includes costs of labor, materials, and addressing equipment usage.

I hope this information is helpful to you. If I may be of further assistance, please do not hestitate to call on me.

Sincerely,

ROBERT L. KUNZIG,
Administrator.

FEDERAL DEPOSIT INSURANCE CORP.,
Washington, D.C., April 8, 1970.

Hon. FRANK HORTON,
House of Representatives,
Rayburn House Office Building,
Washington, D.C.

DEAR MR. HORTON: This is in somewhat tardy response to your letter of March 5, 1970, regarding mailing lists the Federal Deposit Insurance Corporation may be making available to the public. The Corporation has been in a period of transition awaiting the arrival of its new recently-designated Chairman, Mr. Frank Wille, and this has delayed some of our correspondence. I had occasion last week, however, to discuss your inquiry with Mr. Monahan.

As of January 1 each year, the Corporation publishes a computer print-out of the insured operating banking offices in the United States and Territories. A copy is enclosed. This information is published in limited quantity primarily for internal and bank regulatory use. It includes the names of banks, and the cities and States or Territories in which they are located. Additionally, it uses symbols designating the kind of bank, i.e., N-National banks, SM-State member banks (members of the Federal Reserve System), NM-insured State commercial banks (not members of the Federal Reserve System).

This publication does not include the names of officers, street addresses, or zip codes. For this reason, and also because this book is expensive to publish and distribute, we have tried to discourage the people requesting this information presumably so that they could compile mailing lists. However, more recently, because of provisions in the Freedom of Information Act, we have reluctantly adopted a somewhat more relaxed position in this matter. We have replied to requests with a letter pointing out the inadequacies of the information and suggesting the use of a bank directory. Thereafter, if the inquirer persisted, the name of his firm has been added to our mailing list.

The mailing list for Operating Banking Offices now approaches 1200 copies. This includes internal distribution, other bank regulatory agencies, banks, financial trade associations, research organizations, advertising agencies, and some others undoubtedly interested in marketing their products or services.

In the past, however, we have not charged for this book. Last Fall, to discourage inquiries, several requests were answered with a letter indicating there would be a charge of $5.00 a copy. Later, we concluded that this form of discouragement was not worth the effort, inasmuch as it would probably cost the Corporation more than $5.00 a copy to collect and process that amount.

In essence, therefore, we are holding outside distribution of this list to the minimum but, when confronted with the issue, we have not been able to conclude that a citizen should be denied access to a bare-bones listing of the banks which are insured by the Corporation.

Sincerely,

EDWARD F. PHELPS, Jr.,
Controller.

PEACE CORPS,
Washington, D.C., April 7, 1970.

Hon. FRANK HORTON,
House of Representatives.

DEAR CONGRESSMAN HORTON: Thank you for your letter of March 5, 1970. The Peace Corps maintains address lists for staff and Volunteer personnel, Volunteer next of kin,

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Returned Volunteers, Staff and Volunteer applicants, and other organizations and individuals wishing to receive information about the Peace Corps. All lists are for the use of this Agency only and no lists are sold or distributed outside the Peace Corps.

If any further information is needed please advise us.

Sincerely,

JOSEPH H. BLATCHFORD.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., April 6, 1970.

Hon. FRANK HORTON,
House of Representatives,
Washington, D.C.

DEAR MR. HORTON: I am pleased that you are making a government-wide study of mailing lists in order to weigh the balancing interest between freedom of information and the individual's right to privacy.

This is an area in which the Department is greatly concerned because it must keep lists of several million farmers participating in farm programs, because of its regulatory and cooperative work such as meat and poultry inspection, and its reliance upon 700,000 unpaid crop reporters and about 150,000 unpaid members of the agribusiness community for accurate statistical information.

In addition, the Department must maintain mailing lists of its own personnel.

It is not U.S. Department of Agriculture policy to maintain mailing lists for sale to the public.

Several directories are compiled and reproduced by the Department of Agriculture in the course of carrying out its responsibilities. Principal distribution of these directories is internal and to cooperating institutions, individuals, and firms. In some instances, these also are available on request to the public without cost and are for sale from the Superintendent of Documents, Government Printing Office. Some are available only on request to the Department, and no charge is made for these.

A survey of such directories and mailing lists available to the public was made in response to your request, and a summary of this survey is enclosed.

The Freedom of Information Act requires us, upon request, to provide records, if they exist, unless disclosure is prohibited or unless it is determined that the request should be denied under one of the exemptions made possible by the Freedom of Information Act. One of these exemptions is to avoid disclosure which would constitute a clearly unwarranted invasion of personal privacy. This exemption, however, is not mandatory; its use for denying a request must be by administrative determination.

Department policy is to withhold lists of names and addresses of farmers, businessmen, persons, firms, or organizations used in the Department to obtain information or to mail information requested if those lists are to be used directly or indirectly for solicitation purposes.

A new policy is being put into effect by the Agricultural Stabilization and Conservation Service in connection with requests for lists of farmers.

This is discussed in the enclosure under the heading, "Agricultural Stabilization and Conservation Service."

Thank you for this opportunity to provide information on sale or disclosure of mailing lists.

Sincerely,

E. F. BEHRENS,
Executive Assistant to the Secretary.

SMITHSONIAN INSTITUTION,
Washington, D.C., April 5, 1970.

Hon. FRANK HORTON,
House of Representatives,
Washington, D.C.

DEAR MR. HORTON: The Smithsonian maintains fairly extensive mailing lists for various purposes. These are used for distribution of a wide range of informational materials, including a monthly calendar of events and schedules of academic activities in the Washington area. We also mail, on a regular basis, programs or invitations for a continuing series of museum activities. Because of the great many specialized areas represented by our art, science, and history departments, there are also a number of specialized lists that provide for distribution of materials as well as communication with individuals within various communities of interest.

Among these listings, I should probably mention in particular the growing list of members of our Smithsonian Associates group, which now includes some 10,000 addresses here in the Washington area. With the development this spring of a nationwide Associates program and a magazine for members, this list can be expected to grow significantly.

The Smithsonian Institution does not sell mailing lists. We have occasionally made them available, on a case by case basis, to organizations closely related to the Smithsonian or its components when there has been a specific purpose. For example, should a local university be holding a conference in a specific scientific field, our people in this area would certainly consider providing a list of their own correspondents so that they could be invited to participate. Likewise, if the American Numismatic Society were holding an annual meeting in Washington, our numismatists would undoubtedly be glad to provide a list of their regular contacts in this vicinity.

When such assistance has been provided, we have done it without charge. However, if a situation should develop where substantial staff time or other services became involved, we would naturally consider appropriate compensation.

I should point out in passing that, as you know, the Smithsonian has a private as well as governmental character growing out of the circumstances of its establishment in the early 19th century and the private endowments that help finance some of the components. I feel it appropriate to bring this to your attention because your study appears most particularly related to government agency mailing lists.

We are, of course, happy to provide this information, and will be of any further assistance you may request in this connection. Please let us know when we can help in any further way.

Sincerely yours,

S. DILLON RIPLEY,
Secretary.

THE WHITE HOUSE,
Washington, D.C., April 3, 1970.

Hon. FRANK HORTON,
House of Representatives,
Washington, D.C.

DEAR FRANK: This is in further reference to your letter to the President concerning the sale of lists of licensed firearms dealers and collectors by the Internal Revenue Service.

I understand that the Commissioner of Internal Revenue has recently informed you that he has directed that in the future the names and addresses of those persons licensed as collectors under the Gun Control Act will not be disclosed, but that the Freedom of Information Act contemplates disclosure of the list of those engaged in business as dealers.

I believe the Commissioner's decision provides a proper balance between the protection of an individual's right of privacy and the public's right to information regarding persons engaged in business. I hope you will agree that this approach is an equitable solution to the problem which you called to the attention of the President.

With warm regard,

Sincerely,

RICHARD K. COOK,
Special Assistant to the President.

U.S. DEPARTMENT OF COMMERCE,
Washington, D.C., March 10, 1970.

Hon. FRANK HORTON,
House of Representatives,
Washington, D.C.

DEAR MR. HORTON: Secretary Stans has asked me to acknowledge your letter of March 5 requesting information for a government-wide study of all mailing lists that agencies have prepared and made available to the public.

We will give you a further reply in this regard as soon as possible.

Sincerely,

SOL MOSHER,
Special Assistant to the Secretary.

THE SECRETARY OF COMMERCE,
Washington, D.C., April 3, 1970.

Hon. FRANK HORTON,
House of Representatives,
Washington, D.C.

DEAR MR. HORTON: This replies to your letter to me of March 5, 1970 regarding mailing lists.

Mailing lists are developed by many of the bureaus of the Department. They enable the bureaus to send publications and other materiels requested by persons and firms and they enable the bureaus to communicate with people and organizations who are interested in the work performed by the bureaus.

With the exceptions stated below, we do not make mailing lists available to members of the public under any circumstances. Attached are copies of two letters which delineate clearly the responses we have made to insistent requests for the release of mailing lists.

In the case of the Census Bureau, we do not release any information of a personal or corporate nature, not even to other Federal agencies.

The Bureau of International Commerce Trade Lists available to present and potential U.S. exporters who are seeking foreign business connections. The lists are sold at cost to U.S. business firms. Lists are currently being sold for $1.00 per country for each Standard Industrial Classification (SIC) number. Approximately 50,000 lists per year are sold. Also, the entire Trade List is available on magnetic tape for $2,500.

The Patent Office prepares for sale by the Superintendent of Documents the following publications: "Directory of Registered Patent Attorneys and Agents" at $1.50 per copy and "Roster of Attorneys and Agents Registered to Practice Before the U.S. Patent Office" at $1.00 per copy.

In addition, the Patent Office prepares and sells a special listing of Patent Attorneys and Agents to Dr. Irving Kayton, Director of the Computers-in-Law Program, George Washington University, 720 20th St., NW., Washington, D.C. 20006. Dr. Kayton performs work for the Patent, Trademark and Copyright Foundation of the George Washington University and requests this list approximately twice each year. Charges are made on the basis of actual computer time used. Preparation of this information is authorized by 35 U.S.C. 11 which authorizes the Commissioner to print laws and rules relating to trademarks, and circulars or other publications relating to the business of the Patent Office.

I hope this gives you the information you are seeking. Please call upon us if you would like more details.

Sincerely,

MAURICE H. STANS,
Secretary of Commerce.

September 22, 1967.

Re Request for Consideration.

Mr. Albert J. Diaz,
Microfilm Editions, Inc.,
Washington, D.C.

Dear Mr. Diaz: I have carefully considered your request for reconsideration dated September 8, 1967, for the Bureau's mailing list of subscribers to the microfilmed Government reports and patents which you specified. I have concluded that these records fall within the scope of the exemptions from public disclosure contained in subsections (b) (4) and (6) of 5 U.S.C. 552 and are not to be made available. I am, therefore, denying your request for such records.

Each of the persons on the Bureau's mailing lists voluntarily submitted his name and address to the Bureau for the limited and explicit purpose of purchasing and obtaining specific Government publications or other materials, and for no other purpose. They did not act under compulsion or any law, and these subscription lists have not in the past and are not now considered to be public records available to inspection upon demand.

When these persons furnished this agency their names for this limited purpose, they relied upon the Bureau's discretion to utilize their identities for the intended purpose. I deem that such identities were submitted in confidence and are confidential, and that their disclosure would be an impairment of such confidence and of their personal privacy, particularly if disclosure would be the basic for commercial or other solicitations by outside parties.

It is in the Department of Commerce's interest and part of its program to encourage businessmen and others to obtain trade and technical information useful to them which is published, collated, or made available by Government agencies. It also is in the interest of these subscribers to receive such Government materials. If persons who subscribed to Government publications or materials knew that by so doing they were to open themselves to all sorts of commercial or other solicitations by persons who obtained the subscription lists from Government agencies, they might well decide not to subscribe, to their own and the Government's detriment.

As I understand, your business is to sell microfilm equipment and related materials and data, and I assume that you wish to obtain those mailing lists for your business purposes. Although this is a legitimate purpose, the subscribers have their own means of ascertaining available mircrofilm equipment and supplies. Persons who wish to obtain Government subscription or mailing lists for commercial or similar solicitations would be using the Government agencies as sources of customers or other solicitees free or at a nominal charge, and thereby avoid obtaining customers at their own proper expense. Although this Department does attempt to aid businessmen, it would be an abuse of its discretion and confidence to utilize captive subscribers to Government publications to aid business solicitors in this manner.

A mailing list is in itself something of commercial value. Companies are in the business of preparing and selling lists for solicitation purposes. Mailing lists held by Government agencies are items of valuable property, and are significant as such rather than as Government records. The Congress recognized in its consideration of the new law that where property or information in private hands could be held in confidence, Government agencies should also treat in confidence under 5 U.S.C. 552(b)(4). Customer lists were specifically mentioned in this regard. I conclude that when the Bureau itself compiles and holds similar mailing lists, it likewise is covered by the confidentiality provision of subsection (b)(4). Nor is there any indication that Congress intended by this law for a Government agency to give away such property to any person willing to pay the price of making a copy.

It was also recognized in connection with exemption (b) (6) of 5 U.S.C. 552 that a possible area of invasion of privacy would be the furnishing of detailed information about Government employees or lists of other persons. Information about Government employees, such as their home addresses, is not to be disclosed for commercial or other solicitations. I conclude that it would likewise be an impairment of the privacy of subscribers to Government materials to make their names and addresses known for commercial or other solicitations within the scope of 5 U.S.C. 552(b) (6).

Lastly, the essential purpose and intent of the Public Information law is to have Federal agencies inform the public about their organizations, operations, decisions, and rules, and to make their records publicly available, so that interested persons when adequately informed would know what the agencies were doing and how to deal with them more effectively. At the same time, the Congress recognized that records which, if disclosed, would impair important Government operations or rights of privacy should be protected from disclosure. A balancing of these opposing interests is to be made in determining record availability under the law.

Requests, such as yours, for records of subscribers to Government information made for the commercial advantage or gains of the requesting parties, have nothing to do with the avowed purposes and policies of the law. This is not the type of information which the Congress had in mind would require disclosure to assist the public in its dealings with the executive branch, even by the utmost emphasis on the fullest disclosure possible.

It is the type of record which should be found to be protected from disclosure under exemptions (b) (4) and (6), and on balance I have determined from the aforesaid compelling considerations that it is exempt from disclosure and that it is not in the public interest to grant your request. Your request is accordingly denied.

Pursuant to the provisions of Subsections 4.01 and .02 of Department Order 64 (32 Federal Register 9734, 9735, July 4, 1967), and Section 4.10 of Title 15, Code of Federal Regulations, Subtitle A, Part 4 (32 Federal Register 9643, 9645, July 4, 1967), this decision is the final decision of the Department of Commerce on your request.

Sincerely yours,

A. V. Astin,
Director.

June 26, 1968.

Mr. Howard E. Deutch,
Attorney at Law,
Rockville, Md.

Dear Mr. Deutch: Your letter of June 18 requested our subscriber lists for U.S. Government Research and Development Reports (USGRDR) and the Government-Wide Index to Federal Research and Development Reports (GWI). The Government-Wide Index to Federal Research and Development Reports has been renamed U.S. Government Research and Development Reports Index (USGRDRI).

It is the policy of this agency to maintain such mailing lists in confidence, and, therefore, we cannot provide you with the above subscriber lists. We believe that customers, when entering into a purchasing arrangement with the Clearinghouse, rely upon our discretion to use their names and addresses for the intended purpose only.

Under the Freedom of Information Act you may, of course, protest this decision. The Department of Commerce has prescribed the rules for obtaining information under the Freedom of Information Act which appeared in the Federal Register, Volume 32, No. 128, page 9643, on July 4, 1967.

If you decide to protest this decision, it will be necessary for you to make application concerning the information you have requested directly to the Department of Commerce, Central Reference and Records Inspection Facility, Washington, D.C. 20030. This can be done by completing the enclosed form, CD-244, and submitting it with the required fee. I should, however, inform you that a similar denial was previously upheld.

Sincerely yours,

Hubert E. Sauter,
Director.

The Secretary of Transportation,
Washington, D.C., March 13, 1970.

Hon. Frank Horton,
House of Representatives,
Washington, D.C.

Dear Frank: Thank you for your letter of March 5 (received March 9), relative to whether this Department is selling or providing mailing lists containing names and addresses of individuals or firms under its jurisdiction or regulation.

I am not aware of anything along these lines, but I will certainly check into it and give you an early answer.

Sincerely,

John.

The Secretary of Transportation,
Washington, D.C., April 1, 1970.

Hon. Frank Horton,
House of Representatives,
Washington, D.C.

Dear Frank: This is a further reply to your letter of March 5 pertaining to selling or making available mailing lists containing names and addresses of individuals or firms which fall under the jurisdiction or regulation of this Department.

The Department of Transportation does not sell or make available mailing list per se; however, the Freedom of Information Act (Public Law 90-23) requires government agencies to make records, except under certain exemptions, available to the public upon request.

The Federal Aviation Administration (FAA) maintains records of airmen certifications and aircraft registrations. The U.S. Coast Guard maintains boat registration lists for the States of New Hampshire, Washington, Alaska, the District of Columbia and Guam. Any individual or organization requesting copies of these records is provided the record, upon payment of a search and copying fee.

It is entirely possible for a person or firm to prepare mailing lists on the basis of information derived from lists maintained by the FAA or Coast Guard. The Department has no control over the use of information which is released to the public under the provisions of the Freedom of Information Act. In fact under the Act, we are not permitted to release information selectively, based on judgment as to the propriety of the use which will be made of the information requested.

There is a search and copying fee charged for records provided to members of the public. This charge, in accordance with the Freedom of Information Act, is assessed to offset costs entailed in the furnishing of government records. The specific fees to be charged by all administrations of DOT are set forth in Subpart H of Part 7 of the Department regulations. Under this fee schedule a charge of $40 is made for each reel of duplicate data tape or fraction thereof; if an applicant does not supply the tape, there is an additional charge of $40 per reel for government tape. In the case of aircraft or boat registration records, a charge of $5 per each 1,000 lines of data processed print out is made.

Enclosed is a listing of individuals and organizations to whom copies of FAA airmen certification and aircraft registration records, and Coast Guard boat registration records have recently been provided. No other records have been provided by any of the other components of the Department from which mailing lists could be developed.

If I may be of any further service to you please let me know.

Sincerely,

JOHN WOLF.

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., March 11, 1970.
Hon. FRANK HORTON,
House of Representatives.

DEAR MR. HORTON: This is to acknowledge receipt of your letter dated March 5 regarding a study of all mailing lists that agencies have prepared and made available to the public.

Your letter will receive our prompt attention and a reply will be forwarded as soon as possible.

Sincerely,

OSCAR ——,
(For Robert D. O'Neall, Director Congressional Relations).

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., April 1, 1970.
Hon. FRANK HORTON,
House of Representatives.

DEAR MR. HORTON: This will reply to your inquiry of March 6, 1970. A few of the various mailing lists in use throughout the Commission have been sold or made available free of charge to the public, as described below.

We have a nuclear science abstracts mailing list, consisting of scientific and technical organizations and individuals in the nuclear field, which occasionally has been provided at no charge to organizations such as the American Nuclear Society and the National Science Teachers' Association upon their request.

We have lists of licensees which have been made available through the U.S. Government Printing Office on a cost recovery basis:

A. Special nuclear material licensees	$2.30
B. Facility licensees	4.60
C. Source material licensees	4.60
D. Byproduct material licensees	18.40

These lists are now being computerized and probably will be made available in the future directly from the Atomic Energy Commission, again on a cost recovery basis. The statutory authority for the recovery of costs for furnishing these lists is found in 31 USC 483a. The Public Information Act of 1966 (Public Law 90-23) also provides that each agency, on request for identifiable records made in accordance with published rules stating the time, place, fees to the extent authorized by statute, and procedure to be followed, shall make records promptly available to any person. The Atomic Energy Commission's rules in this regard may be found in 10 CFR Part 9, a copy of which is enclosed.

We will be glad to provide any additional information you may need.

Cordially,

W. E. JOHNSON,
Acting Chairman.

NATIONAL SCIENCE FOUNDATION,
Washington,, D.C., March 24, 1970.
Hon. FRANK HORTON,
House of Representatives,
Washington, D.C.

DEAR MR. HORTON: This is in response to your letter of March 5, 1970, to Dr. McElroy, Director of the Foundation, concerning mailing lists and our practices with respect to selling or making such information available to others.

While the National Science Foundation maintains thirty-seven mailing lists containing an aggregate of approximately 17,700 names, they are not in great demand. In fact, only four requests have been made: one by Associates International of New York City, two by Washington Science Trends of Washington, D.C., and the other request by Russell Sage Foundation of New York City. In the first two cases, the requesters were undertaking to continue publication of science news which had been included in a periodical which the Foundation was discontinuing. The mailing list for that publication was furnished to the requesters as a service both to those on the mailing list and the requesters themselves. The only charge made was $6.00 to cover the cost of actual reproduction of the list. A further request (a second from Washington Science Trends) has been received recently and is under consideration now.

In the other case, it was agreed with the Russell Sage Foundation, that its purpose could adequately be served by a list from which the names of private citizens had been deleted, leaving only names of government officials. The list of government officials was provided to the Russell Sage Foundation.

If you have any further questions, we will be glad to try to answer them.

Sincerely yours,

C. C. OHEKE,
Head, Congressional and Public Affairs.

THE POSTMASTER GENERAL,
Washington, D.C., March 11, 1970.
Hon. FRANK HORTON,
House of Representatives,
Washington, D.C.

DEAR FRANK: This is to acknowledge receipt of your letter of March 5, requesting detailed information about any mailing lists the Department has developed and made available to the public.

Your correspondence will receive prompt attention, and a report on this matter will be sent to you at the earliest possible date.

With kind regards.

Sincerely,

WINTON M. BLOUNT.

POST OFFICE DEPARTMENT,
Washington, D.C., March 25, 1970.
Hon. FRANK HORTON,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN HORTON: The Postmaster General has asked me to reply to your letter of March 5, 1970, concerning the Post Office Department's policy on making mailing lists available to the public.

The Post Office Department does not compile and sell mailing lists of any type whatsoever for the public.

To give effect to the Public Information Act, 5 U.S.C. 552, this Department promulgated its implementing regulations which are published in 39 Code of Federal Regulations 113. Pursuant to these regulations, on diverse occasions some members of the public have asked for certain information. If such information was contained in official records of the Department and was not exempt pursuant to the exemption provisions in the Law, the information would be made available. Normally, a user fee would be charged. The fees are also set forth in the above regulations.

We trust this information will be of assistance.

Sincerely,

JOHN W. POWELL,
Congressional Liaison Officer.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., March 24, 1970.
Hon. FRANK HORTON,
House Office Building,
House of Representatives,
Washington, D.C.

DEAR MR. HORTON: This replies to your letter of March 5, requesting information concerning mailing lists.

Neither the Department nor its constituent bureaus develop mailing lists for sale to the public.

Interior agencies do receive varied requests from the public to inspect or copy information contained in our records. These requests occasionally involve mailing lists, names of bidders or other information which may be used for solicitation of business.

Public requests for information of any type are handled by this Department in accordance with congressionally declared policy, as expressed in the Public Information section of the Administrative Procedure Act of 1946, codified as section 552 of Title 5, United States Code.

The published rules of the Department relating to the availability of records are found in Part 2 of Title 43—Subtitle A of the Code of Federal Regulations. A copy of these rules is attached for your ready reference.

Sincerely yours,

LAWRENCE H. DUNN,
Assistant Secretary for Administration.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., March 18, 1970.
Congressman FRANK HORTON,
House Office Building,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN HORTON: Secretary Hickel has asked me to respond to your letter of March 5 requesting information concerning mailing lists.

We shall be pleased to provide this information as soon as possible, hopefully within the next two weeks.

Sincerely yours,

(sgd) GEORGE E. ROBINSON,
Deputy Assistant Secretary for Administration.

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., March 24, 1970.
Hon. FRANK HORTON,
House of Representatives,
Washington, D.C.

DEAR MR. HORTON: This is in reply to your letter of March 5, 1970.

The Civil Service Commission does not sell or make available to the public any mailing lists of individuals or firms.

We fully share and appreciate your concern about striking a balance between freedom of information and an individual's right to privacy. The Civil Service Commission, in keeping with the intent of the Freedom of Information Act, has adopted the policy of making information in its possession, or under its control, available to the public except when that disclosure would constitute a clearly unwarranted invasion of personal privacy, is prohibited under law or Executive Order, or relates to internal memoranda and other communications the disclosure of which would interfere with the performance of the Commission's functions.

For example, the Commission will not make available to the public home addresses and home telephone numbers of employees, or the names of applicants for civil service positions or eligibles on civil service registers.

We are enclosing for your information a copy of Chapter 294 of the Federal Personnel Manual, Availability of Official Information. The provisions of this chapter apply to other Federal agencies as well as the Commission.

Please do not hesitate to call on us, if we can be of further assistance.

Sincerely yours,

ROBERT E. HAMPTON,
Chairman.

INTERSTATE COMMERCE COMMISSION,
Washington, D.C., March 24, 1970.
Hon. FRANK HORTON,
House of Representatives,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN HORTON: This is in reply to your inquiry of March 5, 1970, as to the possible sale or release of Commission mailing lists.

The Commission maintains mailing lists of carriers under its jurisdiction according to mode, accounting class, type, etc. The bulk of these mailing lists are computer maintained since address information is a part of the program for processing and accumulating data respecting regulated carriers. Such lists are made available to other Government agencies who establish a valid official need for such information, or addressing from the list may be done on a reimbursable basis for other agencies. For example, the Commission recently addressed a "Wanted" circular to all regulated motor carriers for the FBI on a reimbursable basis.

Requests from the public or non-Government sources for duplicate copies of these mailing lists have generally been denied on the basis that the Commission does not have available the resources necessary to provide such information. Inquirers are advised that mailing lists are available for inspection in the Commission's Washington Office. Thus far, no special problems have been encountered.

The Secretary's Office also maintains other lists which relate to the Commission's formal proceedings. Essentially these lists comprise the names of parties to and/or persons interested in a specifically docketed proceeding. These lists are, of course, by law, available for inspection by anyone requesting them. The Commission, however, does not make copies of such service lists, primarily because of limitations on personnel available to perform this service. Persons desiring copies of the service lists have coin operated xerox equipment available to permit them to make their own copies if they so desire. In addition, there is available in the Office of the Secretary, lists of statutory agents designated by carriers to receive service of the Commission's Notices and Orders as provided in Sections 16(5), 221, 315(a), and 416(a) of the Interstate Commerce Act (49 U.S.C. §§ 16(4), 321, 915 and 1006) and Section 6 of the Mann-Elkins Act (49 U.S.C. § 50). Here again, as with the service lists, persons requesting such lists must make their own copies at their own expense.

Sincerely,

GEORGE M. STAFFORD,
Chairman.

NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION,
Washington, D.C., March 23, 1970.

Hon. FRANK J. HORTON,
House of Representatives,
Washington, D.C.

DEAR MR. HORTON: This is in response to your letter to the Administrator, concerning your government-wide study of all mailing lists that agencies have prepared and made available to the public.

The policies and procedures prescribed by the National Aeronautics and Space Administration for the release of information and other identifiable agency records are set forth in the Federal Register, Volume 32, No. 127, Part 1206 (14 CFR 1206). They are reproduced as Attachment A to NASA Policy Directive NPD 1382.2, revised April 24, 1968, a copy of which is enclosed.

With regard to the public availability of lists of names and addresses of individuals, it has long been NASA policy to withhold lists of employees' names that include their home addresses and/or home telephone numbers in order to preclude an unwarranted invasion of personal privacy. Lists of names, position titles, grades, salaries, and duty stations of Federal employees may be furnished to members of the public upon request, subject to certain restrictions in Chapter 294, Federal Personnel Manual, as cited below. In both of these respects, NASA policy is consistent with the related U.S. Civil Service Commission's regulations currently published in Chapter 294, "Availability of Official Information," Federal Personnel Manual, Inst. 123, January 15, 1969. In particular, Appendices B and C thereof are pertinent. For your convenience, there are enclosed copies of Appendix B, "Guides for Furnishing Lists of Employees and Identifying Information to the General Public," and Appendix C, "Guides for Responding to Employee Organization Requests for Names of Employees and Identifying Information."

In this connection, NASA Headquarters and installation telephone directories that are available on request to members of the public, do not include the employees' home addresses and/or home telephone numbers. (The Headquarters directory is offered for sale by the Superintendent of Documents, U.S. Government Printing Office for 60 cents per single copy and for a subscription price of $2 per year. Requests for NASA installation telephone directories not containing employees' home addresses and home telephone numbers may be filled only at the installation they serve.)

It should also be noted that the position titles, names and home addresses of key officials at NASA Headquarters and field installations, as well as officials of other government agencies, appear in that part of the Congressional Directory that relates to each of the respective agencies. Through this reference, and possibly others, home addresses of certain government officials can become known to the public.

With regard to names and addresses of firms, NASA does prepare lists of contractors for use within NASA to meet various management and operating needs. For example, the Headquarters Procurement Office maintains a mailing list of NASA principal prime contractors and first-tier subcontractors on an up-to-date basis for use by Headquarters offices. The responsibilities and procedures for use of such a list are set forth in NASA Issuance HQMI 5150.3, October 17, 1968, a copy of which is also enclosed.

While contractor mailing lists, such as mentioned above, are designed for use within NASA, they are themselves identifiable NASA records which would, under NASA's policies and regulations, be subject to release upon request by a member of the public.

We trust that the above information and the enclosures concerning NASA will assist you in your study. Please let us know if you require any additional information.

Sincerely yours,

ROBERT F. ALLNUTT,
Assistant Administrator for Legislative Affairs.

MARCH 16, 1970.

Hon. FRANK HORTON,
House of Representatives,
Rayburn House Office Building,
Washington, D.C.

DEAR MR. HORTON: Your letter of March 5, 1970 to the Administrator of Veterans Affairs concerning a government-wide study of mailing lists has been referred to me.

We are gathering the necessary information and the Administrator will reply to you as soon as possible.

Sincerely,

BLAKE E. TURNER,
Assistant Administrator for Management Engineering and Evaluation.

VETERANS ADMINISTRATION,
Washington, D.C., March 23, 1970.

Hon. FRANK HORTON,
House of Representatives,
Washington, D.C.

DEAR MR. HORTON: In response to your letter of March 5, 1970, I assure you that the Veterans Administration desires to balance the interests between freedom of information and the individual's right to privacy.

The furnishing of lists of VA claimants is specifically prohibited by VA Regulation 519 (38 CFR 1.519)—except as directed by the Administrator or Deputy Administrator—whereas VA Regulation 501 (38 CFR 1.501) authorizes the same officials to release information to individuals or organizations when in their judgment this would serve a useful purpose.

In consonance with these principles we have adopted a policy of furnishing data tapes containing the names and addresses of recently discharged veterans to five large organizations which are staffed and qualified to assist servicemen returning to civilian life. These are the American Red Cross and certain Congressionally chartered veterans organizations, i.e., the American Legion, the Veterans of Foreign Wars, the Disabled American Veterans, and the American Veterans of World War II. These five organizations have been recognized under the provisions of 38 USC 3402 in the preparation, presentation and prosecution of claims under laws administered by the Veterans Administration.

No charge is made for the information which we give these organizations. They provide us with magnetic tapes periodically and we add the data at our Austin, Texas Data Processing Center and return them with the names and addresses of recently discharged veterans. These organizations all understand that the VA's purpose in making the tapes available is to assist in informing recently separated veterans about their potential entitlement to various benefits, and under no circumstances are the tapes or any print-outs to be released by the organization to outside interests.

Also, on request and with my approval, we have furnished one time lists of veteran's names and addresses to organizations, Congressional committees, and departments such as the Department of Labor, the Committee on Veterans Affairs and several colleges and universities. The purpose of releasing this information in each case was to render assistance or guidance to veterans in obtaining employment or to advance their education. No charge was made for this information.

A set of our Release of Information Regulations is enclosed. I hope this information will serve your purposes.

Sincerely,

DONALD E. JOHNSON,
Administrator.

OFFICE OF THE SECRETARY
OF THE TREASURY,
Washington, D.C., March 9, 1970.

Hon. FRANK HORTON,
House of Representatives,
Washington, D.C.

DEAR MR. HORTON: For the Secretary, I am acknowledging your letter of March 5, in which you request information about any mailing lists of individuals or firms that this Department may provide to the public. You will have a further response as promptly as possible.

Sincerely yours,

JAMES H. SMITH,
Special Assistant to the Secretary, Congressional Relations.

BUREAU OF CUSTOMS,
March 18, 1970.

To: Mr. Ernest C. Betts, Jr.
From: For Glenn R. Dickerson (K. Knight).
Subject: Request from Congressman Horton.

In response to your memorandum of March 11, 1970, we have had only one (1) situation of selling or making available Customs mailing lists.

The information requested by the Congressman regarding this sale is as follows:

1—Items sold—master file of U.S. importers registered with the Bureau of Customs.

2—Sold to—World Trade Computer Exchange Inc., 422 East 53rd Street, N.Y., New York.

3—Charge to purchaser—$300.

4—How cost determined—computer, plus handling, plus supplies.

5—Legislative authority—5 USC–552.

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REQUEST FROM CONGRESSMAN HORTON

Deputy Assistant Secretary for Administration, Department of the Treasury

Deputy Commissioner, Internal Revenue Service

Attached is our response to your March 11 transmittal of Rep. Horton's request for information on mailing lists sold or made available to the public. We have not included a report on information provided to or exchanged with other Federal agencies or the States.

Incidentally, Mr. Horton also wrote directly to the Commissioner and asked for the same information as contained in his request to the Secretary. We are notifying the Congressman that the data will be provided through the Department as part of the Treasury response.

WILLIAM H. SMITH.

MARCH 24, 1970.

Hon. FRANK HORTON,
House of Representatives,
Washington, D.C.

DEAR MR. HORTON: This is in further reference to your letter of March 2, 1970, with respect to other mailing lists which the Internal Revenue Service makes available to the public.

Information on the other mailing lists will be incorporated in the Treasury Department's response to your March 5, 1970, letter to the Secretary.

With kind regards,

Sincerely,

RANDOLPH W. THROWER,
Commissioner.

TREASURY DEPARTMENT,
Washington, D.C., March 20, 1970.

Hon. FRANK HORTON,
House of Representatives,
Washington, D.C.

DEAR MR. HORTON: This is in further response to your letter of March 5, 1970, to Secretary Kennedy, in which you requested information about mailing lists that the Department of the Treasury has developed, sold, and distributed to individuals or firms.

Attached are mailing lists of the Bureau of Customs and the Internal Revenue Service which show cost and legislative authority under which each list was sold. Other bureaus of Treasury do not sell any mailing lists.

I shall be pleased to provide any additional information if needed.

Sincerely yours,

A. E. WEATHERBEE,
Assistant Secretary for Administration.

FARM CREDIT ADMINISTRATION,
Washington, D.C., March 20, 1970.

Hon. FRANK HORTON,
House of Representatives,
Rayburn House Office Building,
Washington, D.C.

DEAR MR. HORTON: I appreciate your concern with the balance between freedom of information and the right of an individual to privacy as they relate to the sale or use of mailing lists developed by Federal agencies.

We do maintain a number of mailing lists on addressograph plates. The bulk of these, however, involve a public information function. Specifically, they include the names and addresses of newspapers, periodicals, radio stations and television stations which reach farmers. Other of our lists include libraries, agricultural extension workers, colleges and secondary schools involved in agricultural education, farm organizations and cooperatives.

We also maintain lists of selected Government officials, our own field personnel and officers and directors of the banks under our supervision.

We have available, but not on addressograph plates, the addresses of the 1,000 local credit associations under our supervision.

We have never, under any circumstances, sold any of these lists to any individual or firm. On rare occasions we do get requests for the addresses of the local credit associations we supervise, but these are generally limited to associations in one state or region. Such requests are promptly filled by Farm Credit Administration. Request for extensive lists, however, may be referred by us to the particular Farm Credit district or districts involved. Please allow me to emphasize that these requests are rare and usually involve only a small number of addresses. If we provided large lists for any reason we would have to recover the cost of preparing them.

Our lists would not violate anyone's rights to privacy and they are not of a nature that would involve them in questions regarding freedom of information.

Sincerely,

E. A. JAENKE,
Governor.

DEPARTMENT OF STATE,
Washington, D.C., March 20, 1970.

Hon. FRANK HORTON,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN HORTON: The Secretary has asked me to reply to your letter of March 5, 1970, inquiring if the Department of State makes mailing lists available to the public.

The Department maintains a number of mailing lists of individuals and institutions who have expressed interest in receiving our publications. These lists are maintained strictly for the Department's use and are not sold or otherwise made available to the public.

I hope that this information will be helpful to you in the preparation of your study.

Sincerely,

H. G. TORBERT, Jr.,
Acting Assistant Secretary for Congressional Relations.

March 20, 1970.

Hon. FRANK HORTON,
House of Representatives, Committee on Government Operations, Rayburn House Office Building, Washington, D.C.

DEAR FRANK: This is to acknowledge receipt of your letter of March 5, 1970, regarding selling or making available mailing lists of the names and addresses of individuals or firms who transact business with the Government Printing Office.

We do not provide any mailing lists either by sale or gratis distribution of any individuals, firms, or other business entities doing business with the United States Government Printing Office.

If I can be of further assistance please let me know.

Sincerely yours,

JAMES L. HARRISON,
Public Printer.

FEDERAL COMMUNICATIONS COMMISSION,
Washington, D.C., March 19, 1970.

Congressman FRANK HORTON,
Committee on Government Operations, House of Representatives, Rayburn House Office Building, Washington, D.C.

DEAR MR. HORTON: In accordance with the Federal Communications Act of 1934, as amended, and the Freedom of Information Act, 5 USC 552, the Federal Communications Commission makes available to the public a variety of information from its files, some of which includes the names and mailing addresses of its licensees. For example, applications for broadcast and nonbroadcast authorizations and related files are routinely made available for public inspection. Moreover, the Commission provides in its public reference rooms coin-operated duplicating machines for those who personally appear at the Commission's offices to inspect the records and may desire copies.

In addition, however, requests are received for copies of one or more of those records which are available for public inspection from members of the public not able to visit the Commission's offices. To accommodate the needs of the public in this respect, the Commission for some time has had a contract with an outside firm which duplicates such records at a fixed charge for members of the public requesting them. The current contractor for this service is the Cooper-Trent Division of the Keuffel and Esser Company.

The comparatively recent use of a computer by the Commission has made possible the establishment of a large data bank. Among the data contained in the computer are those pertaining to our radio licensees along with their names and mailing addresses. The licensee data is periodically printed out by the computer for Commission use. These printouts are also routinely available for public inspection. Requests have been received for copies of our computer tapes. Again, to accommodate the public, the Commission has entered into an arrangement with the Department of Commerce's Clearinghouse for Federal Scientific and Technical Information whereby copies of our computer tapes are reproduced and sold to members of the public requesting them.

The Commission does not keep any records as to who requests copies of our records to be duplicted by Cooper-Trent, or copies of our computer tapes to be duplicated by the Clearinghouse since such requests are made directly to these organizations. Hence, we are unable to provide you with information as to who may have purchased Commission records either in the form of hard copy or computer tape. The charges made by Cooper-Trent for providing duplicating services are competitively arrived at through the process of requesting bids on the open market to provide these services. The service charges by the Department of Commerce's Clearinghouse are established by the Clearinghouse. The current charge is $55.00 per reel of tape.

In our judgment, the names and addresses of licensees fall under none of the exemptions of the Public Information Act, 5 U.S.C. 552, and thus must be furnished to members of the public for inspection or copying upon request.

As indicated by the foregoing, the Commission does not prepare, furnish or sell mailing lists as such. However, information compiled by the Commission for its own use may be useable as a mailing list, and such information is made available to the public for inspection and copying upon request as described above.

I hope that this information will be helpful to you in your study. If you have any questions concerning this matter, please advise me.

Sincerely yours,

DEAN BURCH, *Chairman.*

SELECTIVE SERVICE SYSTEM,
Washington, D.C., March 19, 1970.

Hon. FRANK HORTON,
House of Representatives.

DEAR MR. HORTON: This is in reply to your letter dated March 5, 1970, concerning the selling or making of mailing lists including the names and addresses of individuals who come under the jurisdiction of the Selective Service System.

This System maintains an address for every male citizen and most male residents who were born after August 30, 1922. These addresses are confidential, and not disclosed to anyone other than in accordance with the Selective Service Regulations. This policy of the System has been upheld by the United States District Court in the case of *Schmidt and Sternback et al.* v. *Patti Hall, Local Board 13, et al.*, W.D. Wis., Civil No. 69-C-3(M).

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About fifteen years ago, a Congressional investigation was made because certain local boards had been furnishing the names and addresses of recently returned veterans to local insurance companies. This action became the subject of extensive hearings before the Subcommittee for Special Investigations of the Committee on Armed Services, House of Representatives, 84th Congress, Second Session. These hearings were held on March 23 and June 11, 1956, and published in a pamphlet titled "Commercial Use of Selective Service Forms." Since that time, the Selective Service System has not released addresses of registrants to anyone other than those persons authorized under 32 C.F.R. 1606.32, and has not used the addresses to forward mail other than official mail to registrants, except as prescribed under 32 C.F.R. 1606.41. Copies of these regulations are enclosed for your information.

In the past six months, an incident of such sale of names was brought to the attention of one of our State Directors. After a complete investigation, and F.B.I. report, the employee who had sold the names was terminated. To my knowledge, there has been no willful violation of this trust which the Congress has placed on the Selective Service System.

Of greater concern to me, and to the System, is the requirement that we release the home addresses of our local board and appeal board members. When civil actions are brought under the Freedom of Information Act, seeking these home addresses, the United States District Courts have followed the ruling of the Seventh Circuit in the case of *Tuchinsky* v. *Selective Service System*, 418 F. 2d 155 (1969), that the public is not entitled to the home addresses of board members. However, when a registrant is charged with refusing or failing to report for induction, defense attorneys are being more and more successful in securing discovery orders from the same United States District Courts. Included in these discovery orders will be a requirement that home addresses be produced in open court. The purpose of the defense is to establish the legality of the local board. However, since the System has always been willing to furnish a certified statement that the records have again been examined and the board member resides within the required area, or has agreed to an in camera inspection of the records in the Judge's chambers, it is my concern that this unwarranted invasion of privacy may cause many board members to resign their positions rather than subject their families to the type of harassment which is being more and more directed at the Selective Service System and anyone affiliated with it.

Sincerely yours,

DEE INGOLD,
Acting Director.

COMPTROLLER GENERAL OF THE
UNITED STATES,
Washington, D.C., March 18, 1970.

Hon. FRANK HORTON,
House of Representatives.

DEAR FRANK: Reference is made to your letter of March 5, 1970, requesting information concerning the preparation and sale or distribution of mailing lists to the public.

The General Accounting Office has in no instance sold or allowed distribution of mailing lists to the public. The only lists of this nature maintained by this Office are those essential for its work, such as lists of names and addresses of common carriers doing business with the Federal Government for use in connection with the audit of transportation charges. These lists are made available only to other Government agencies which have a need for them in their work.

The policy of this Office concerning the furnishing of information about its employees is contained in a letter, dated April 26, 1966, to heads of divisions and offices, a copy of which is enclosed. This policy is based on guidelines prescribed by the United States Civil Service Commission.

Should you require any additional information on this matter, please do not hesitate to call upon us.

Sincerely yours,

ELMER B. STAATS,
Comptroller General
of the United States.

GENERAL COUNSEL OF THE
DEPARTMENT OF DEFENSE,
Washington, D.C., March 18, 1970.

Hon. FRANK HORTON,
House of Representatives,
Washington, D.C.

DEAR MR. HORTON: This is in further reply to you letter of March 5, 1970, in which you asked for information concerning the availability to those outside the Government of mailing lists of the names and addresses of individuals or firms associated with the Department of Defense.

Soon after the Freedom of Information Act (5 U.S.C. 552) went into effect the question arose as to whether the Department was obliged to make available to requesters lists of the names and addresses of military personnel or former military personnel. We concluded that to make such names and addresses available would constitute a clearly unwarranted invasion of personal privacy and advised the Assistant Secretary of Defense (Manpower and Reserve Affairs) that his policy of denying such lists for commercial solicitation purposes could be continued (see the attached DoD Directive 1344.7, paragraph III. B. 2. e.). This restriction is consistent with the policy established by the Civil Service Commission (5 CFR 294.702). The decision to continuing denying such lists of names and addresses has been conveyed to all components of the Department of Defense.

The question regarding the names of firms is more difficult to answer. Firms fall under our "jurisdiction or regulation," in a sense, only through contractual provisions. There exists no overall list of firms doing business with the Department of Defense. However, bidders' lists are maintained by each separate procuring activity, and these are made available upon request at the cost of reproducing the list. Similarly, there may be other lists of firms which do a particular kind of business with the Department of Defense or have been qualified or disqualified from doing business. These lists would also be made available upon request unless for some particular reason they come within one of the exceptions to the Freedom of Information Act.

The method of determining costs of reproducing lists is set forth in DoD Instruction 7230.7 (copy attached).

Should you require further details, we will be happy to assist, but if the detailed information must be obtained from the components of the Department of Defense, it normally requires up to a month's time for compilation.

Sincerely yours,

L. NIEDERLEHNER,
Acting General Counsel.

FEDERAL MARITIME COMMISSION,
Washington, D.C., March 18, 1970.

Hon. FRANK HORTON,
House of Representatives,
Washington, D.C.

DEAR MR. HORTON: This is in response to your letter of March 5, 1970, regarding mailing lists which the Commission prepares and makes available to the public.

The only publication of the Commission which possibly might fall in the category of mailing list is the booklet, *Approved Conference Rate, and Interconference Agreements of Steamship Lines in the Foreign Commerce of the United States.* Section 8 of this booklet lists the names and addresses of agreement representatives. The booklet is prepared by the Commission but sold by the Government Printing Office which determines its cost. This publication is not required by an statutory authority; it is designed merely to provide information to the industry and the public. I am enclosing a copy for your information.

I trust this will be of assistance to you in the conduct of your survey.

Sincerely,

HELEN DELICH BENTLEY,
Chairman.

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,
Washington, D.C., March 18, 1970.

Hon. FRANK HORTON,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN HORTON: This is to acknowledge with thanks your letter of March 5 regarding agency mailing lists.

Yes, the Equal Employment Opportunity Commission does maintain a mailing list for the distribution of press releases to interested persons and organizations. We have not, however, made public or sold this list to anyone. It is solely for the use of this Commission.

I hope this sufficiently answers your question. If you have further queries in connection with this matter, please don't hesitate to contact me.

Best regards.

Sincerely,

WILLIAM H. BROWN III,
Chairman.

NATIONAL LABOR RELATIONS BOARD,
Washington, D.C., March 18, 1970.

Hon. FRANK HORTON,
House of Representatives,
Washington, D.C.

DEAR MR. HORTON: This is in response to your letter of March 5, 1970, in which you requested information concerning any mailing lists which this Agency may have prepared and made available to the public.

We do not prepare or maintain or sell or distribute any listings of the names and addresses of individuals, unions or firms which are involved in our proceedings or subject to our jurisdiction. We do have indices in the published volumes of our decisions, which set forth the names of parties involved therein but not their addresses. The only mailing list we maintain is a very limited one used by our Division of Information for distribution of Agency decisions and releases. It has never been provided to the public, nor has a request for a copy of it been received.

There are two situations in which the Board receives lists of names and addresses capable of utilization as mailing lists. In election proceedings, the employer is required to provide lists of the names and addresses of employees eligible to vote, and these lists are then made available to the other parties to the proceeding, but only to them. This requirement was established to assist the Board in securing a timely check on voter eligibility and to facilitate communication with the voters by all the parties on the election issues, thereby enhancing the probabilities of an informed electorate. This requirement was considered and approved by the Supreme Court.

The second type of situation where such lists are required to be furnished is where an employer's interference with Section 7 rights of employees has been so widespread, flagrant, and repeated that the Board deems this remedy essential to assure accurate, effective communication by methods or means which can be demonstrably free from employer retaliation. The remedy has been involved in only a few exceptional cases. It too has been approved by reviewing Courts.

In both situations we view these lists as

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being submitted to the Board for a limited use and purpose, and have not made them available to persons not parties to the proceeding.

If we can be of any further assistance to you, please do not hesitate to call upon us.

Sincerely yours,

Frank W. McCulloch,
Chairman.

Tennessee Valley Authority,
Knoxville, Tenn.

Hon. Frank Horton,
The House of Representatives,
Committee on Government Operations,
Washington, D.C.

Dear Mr. Horton: This is in response to your letter of March 5 concerning mailing lists of individuals and firms which are made available to the public.

TVA has never sold any mailing lists to the general public nor has it ever developed any such lists for the purpose of distributing them to the general public. TVA has a member of lists of various kinds to serve its own program purposes under the TVA Act. Presumably, most if not all of these would be available to individual members of the public upon request under the Freedom of Information Act. We have been able to identify only three cases, however, in which such lists have been provided to members of the public.

1. The TVA Office of Power maintains a directory of municipal and cooperative distributors of TVA power. The list includes, in the case of municipal distribution systems, the mayors of the cities, and in all cases the chairman of the local utility board and the operating manager or supervisor of the distribution system. The list was compiled for internal convenience in the operation of the TVA power system and copies are provided to the distributors themselves for their operating purposes. There have been occasions, however, when it has been given out on request for a variety of purposes ranging from merchandisers to scholars studying the TVA power system.

2. TVA's Division of Forestry, Fisheries, and Wildlife Development has compiled "a partial list of forest products industries in the Tennessee Valley counties." This list contains the names and addresses of wood products industries and identifies the specific products they may manufacture. When TVA receives a request for information as to potential sources of, say, chips, shavings, or other products, this list is provided. The authority for doing so is in the provisions of the TVA Act directing TVA to encourage industrial development in the region.

3. The TVA Retirement System sends a list of the names and addresses of all of its retirees to each retiree once a year. This is done as a means of enabling retired TVA employees to keep in touch with each other and is authorized under the provisions of the TVA Act relating to TVA's maintenance of an effective personnel system. Upon request, this list has been made available to the American Association of Retired Persons and the National Association of Retired Civil Employees under the Freedom of Information Act. A partial list was provided to the Peace Corps as an aid in the recruiting of retired persons.

If you wish any additional information, we will be glad to provide it.

Sincerely,

Aubrey J. Wagner,
Chairman.

March 18, 1970.

Hon. Frank Horton,
House of Representatives,
Washington, D.C.

Dear Congressman Horton: Your letter of March 5, 1970 to the Attorney General has been referred to this office for reply.

The Immigration and Naturalization Service of the Department of Justice is its only component which makes a mailing list available to the public. This monthly list consists of the names and addresses of naturalized persons and is distributed without cost as follows:

1. Interested Congressmen with respect to those naturalized who are residents within their districts.

2. Some few State officials, such as Governors.

3. Interested newspapers, as news releases, for publication.

4. The Republican and Democratic National Committees.

(Numbers 1 and 2 above are furnished for the sole purpose of having the new citizens welcomed by those officials.)

I trust the above information will be of help to you.

Sincerely,

L. M. Pellerzi,
Assistant Attorney General for Administration.

U.S. Department of Labor,
Washington, D.C., March 17, 1970.

Hon. Frank Horton,
House of Representatives,
Washington, D.C.

Dear Frank: In response to your question of March 5, the Labor Department neither gives away nor sells mailing lists or names and addresses of individuals or firms with whom we deal.

I hope this will be of use to you in your study.

Best personal regards.

Sincerely,

George P. Shultz,
Secretary of Labor.

The Secretary of Housing
and Urban Development,
Washington, D.C., March 17, 1970.

Hon. Frank Horton,
House of Representatives,
Washington, D.C.

Dear Mr. Horton: This is in response to your March 5, 1970 letter on the use made of Department mailing lists.

In the Department of Housing and Urban Development, including all its elements, we have consolidated our official mailing lists in the Printing and Distribution Division. These lists of names and addresses of individuals or firms are not available for sale or made available to anyone outside of the Department.

I think it is fine that you are undertaking this study on a government-wide basis.

Sincerely,

George Romney.

The Librarian of Congress,
Washington, D.C., March 17, 1970.

Hon. Frank Horton,
House of Representatives,
Committee on Government Operations,
Washington, D.C.

Dear Mr. Horton: In response to your letter, March 5, 1970, the Library of Congress does not make its mailing lists available to any outside sources, individuals or organizations. The responsibility for the maintenance of mailing lists for publications is vested in the Central Services Division. These lists constitute the majority of the Library's official mailings. However, certain specialized units of the Library do maintain additional lists, but neither are these made available to the public.

Sincerely yours,

L. Quincy Mumford,
Librarian of Congress.

Federal Trade Commission,
Washington, D.C., March 17, 1970.

Hon. Frank Horton,
House of Representatives, Committee on Government Operations, Rayburn House Office Building, Washington, D.C.

Dear Mr. Horton: Thank you for your letter of March 5, 1970, in which you indicated that you are conducting a Government-wide study of all mailing lists that agencies have prepared and made available to the public.

Of the 11 mailing lists maintained by the Federal Trade Commission none have been sold or made available to the public.

I hope the above information will be helpful, and if I may be of further assistance, please do not hesitate to let me know.

With kind personal regards,

Sincerely,

Caspar W. Weinberger,
Chairman.

Federal Power Commission,
Washington, D.C., March 17, 1970.

Hon. Frank Horton,
Committee on Government Operations, House of Representatives, Rayburn House Office Building, Washington, D.C.

Dear Mr. Horton: Thank you for your letter of March 5, 1970, concerning a government-wide survey you are making of agency mailing lists which are available to the public. You request information as to the lists which have been prepared by this Commission, specifically, the persons to whom they are distributed, charges therefor, details as to the manner in which our costs are determined; and authority under which such sales are made.

The names and addresses of all public utilities, licensees, pipelines and producers who file reports with or are otherwise subject to the jurisdiction of the Commission are matters of public record and available without charge by inspection of those records or by reproduction of relevant pages of such reports at a rate of 7 cents per 9" x 12" page under government contract by Xerox Systems Center. Alternatively, copies of pages of the Commission's National Electric Rate Book containing electric companies serving communities of 2,500 or more can be obtained from the Government Printing Office at 25 cents per State and a list of jurisdictional pipeline companies is available without charge by Commission release published semiannually.

No compilations of the above persons are maintained in list form. However, the Commission maintains several mailing lists. Apart from limited distribution of matters related to particular pending cases, we maintain mailing lists for newspapers and other communication media (involving about 100 persons) which daily receive news releases and for other interested persons (about 3,750) who have requested distribution of the weekly *FPC News*, which reprints the aforesaid releases, or opinions of the Commission (which go to about 650 distributees). Rulemaking orders are distributed by our Office of Public Information to about 450 interested persons and, in addition, rulemaking notices are sent to persons who may be affected thereby. We also have approximately 800 paid subscribers to our publication, *News Digest*, containing excerpts from news sources of general information relating to gas and electric matters of interest to our staff and other concerned persons.

None of these compiled lists has so far as I can ascertain been made available to the public; nor am I aware that request for any has been made. The Commission, of course, would have to comply with such request, if made, under the Freedom of Information Act, 5 U.S.C. 552.

To the extent that the release of information referred may be deemed "sales", the Commission's authority stems from Sections 309 and 312 of the Federal Power Act and Sections 10 and 16 of the Natural Gas Act.

I will be pleased to furnish any further information you desire in this matter.

Sincerely,

John N. Nassikas,
Chairman.

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CIVIL AERONAUTICS BOARD,
Washington, D.C., March 17, 1970.
Hon. FRANK HORTON,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN HORTON: Chairman Browne has asked me to reply to your letter of March 5, 1970, requesting information as to your inquiry concerning agencies selling or making available mailing lists including the names and addresses of individuals or firms which fall under their jurisdiction or regulation.

The Civil Aeronautics Board does not sell mailing lists of persons subject to its jurisdiction to anyone. Among our various publications which are generally available to the public is a "List of U.S. Air Carriers" which is issued semiannually. No charge is made for this document.

Various economic reports prepared by the Board are also available to the public, some at nominal charges. I have enclosed a copy of the Board's "List of Publications" for your information.

Sincerely,

TROY B. CONNER,
Executive Director.

DEPARTMENT OF STATE,
Washington, D.C., March 16, 1970.
Hon. FRANK HORTON,
House of Representatives,
Washington, D.C.

DEAR MR. HORTON: Dr. Hannah has asked me to reply to your letter of March 3, 1970 concerning the selling or making available of mailing lists to the public.

Agency mailing lists for directives, notices and publications of recurring nature are maintained centrally and are circularized periodically. In two instances lists or tabulations have been made available to the public.

The Office of Engineering prepared for its own use and the use of individuals, architect-engineering firms and construction firms that requested it, a tabulation of engineering and construction firms that are doing business in A.I.D. recipient countries using A.I.D. funds.

The tabulations are not put on mailing lists and are not sold, but instead, are given out as specifically requested or mailed as enclosures in response to inquiries.

We have felt that such a tabulation is public information and its availability is in the interest of A.I.D. in better performing our functions. This opinion is shared by the Agency's legal counsel.

The Office of Health in the Bureau of Technical Assistance has published a technical series entitled, "Water Supply and Sanitation in Developing Countries." The publications and mailing list were developed by the University of North Carolina under an A.I.D. contract.

The publication was terminated in 1969 for budgetary reasons; and at that time, the University recommended that the list be made available to others for the distribution of worthwhile technical material. A.I.D. concurred in this recommendation. To date, a list has been provided without charge to Intercontinental Publications, Inc. for distribution of their publication "Modern Government" without charge to those on the list.

If I can provide you with further information, please let me know.

Sincerely yours,

MATTHEW J. HARVEY,
Director, Congressional Liaison Staff.

THE WHITE HOUSE,
Washington, D.C., March 16, 1970.
Hon. FRANK HORTON,
House of Representatives,
Washington, D.C.

DEAR FRANK: This will acknowledge and thank you for your letter to the President concerning the sale of lists of licensed firearms dealers and collectors by the Internal Revenue Service. We will be pleased to bring your letter and accompanying press release on this matter to the President's attention at the earliest opportunity. We will be in furher touch with you.

With warm regard,

Sincerely,

WILLIAM E. TIMMONS,
Assistant to the President.

FEDERAL HOME LOAN BANK BOARD,
Washington, D.C., March 16, 1970.
Hon. FRANK HORTON,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN HORTON: This will acknowledge your March 5, 1970 letter to Chairman Martin concerning the practice of some government departments and agencies selling or making available mailing lists of individuals or firms falling under their jurisdiction or regulations.

This Agency maintains a mailing list of institutions insured by the Federal Savings and Loan Insurance Corporation. The list is used for official purposes only and there is no sale or distribution made.

If we can be of further assistance, please do not hesitate to let us know.

Sincerely,

CARL O. KAMP, Jr.,
Acting Chairman.

NATIONAL MEDIATION BOARD,
Washington, D.C., March 16, 1970.
Hon. FRANK HORTON,
Washington, D.C.

DEAR CONGRESSMAN HORTON: This will acknowledge your letter of March 5, 1970, received March 11, 1970, pertaining to the availability or distribution of mailing lists showing the names and addresses of individuals or firms which may fall within the jurisdiction of the National Mediation Board.

This Board does not provide its mailing list to any individual or carrier who may or may not be subject to the provisions of the Railway Labor Act and thereby under the jurisdiction of the Board.

I trust this information is responsive to your inquiry.

If I can be of any further assistance to you, please do not hesitate to let me know.

Sincerely yours,

FRANCIS A. O'NEILL, Jr.,
Chairman.

RAILROAD RETIREMENT BOARD,
Chicago, Ill., March 13, 1970.
Hon. FRANK HORTON,
House of Representatives,
Washington, D.C.

DEAR MR. HORTON: This is in response to your letter of March 5, 1970, asking about mailing lists developed by this agency.

The Board has never had any mailing lists prepared and made available to the public generally. The few lists which have been prepared and furnished are indicated below, and were released because the Board found that disclosure of the information was in the employees' interest.

The Boston and Maine Corporation in 1966 was given a current mailing list of its retired employees which was requested so that the company could apprise such employees of Medicare and other matters beneficial to them. The REA Express in 1966 was given a current mailing list of its retired employees in order to be of help to the company in informing such employees of Medicare and other matters of benefit to them. The Grand Trunk Western Railway Company in 1966 was furnished the names and addresses of their retired employees for the purpose of mailing to them copies of the railway's new monthly publication. Also in 1966, the Board furnished the Brotherhood of Railroad Signalmen the names and addresses of retired members of that organization which were requested for the purpose of advising the retired members of benefits they may not have been aware of. There was no charge for these lists.

Beginning in 1965, the Board has furnished The Travelers Insurance Company on a reimbursable basis certain detailed data, including the address, for each employee who retires.

The information is required in the administration of Travelers' group life insurance contracts for railroad employees. The charge to Travelers average about $850 per month, or around $10,000 a year. Authority for such a charge is contained in Section 10(b)4 of the Railroad Retirement Act (45 U.S.C. § 228j (b)4.

Sincerely yours,

HOWARD W. HABERMEYER,
Chairman.

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,
Washington, D.C., March 13, 1970.
Hon. FRANK HORTON,
Committee on Government Operations,
House of Representatives,
Washington, D.C.

DEAR MR. HORTON: I am writing in response to your letter of March 5, 1970, in which you requested information about any mailing lists which the Federal Reserve might make available to the public.

With the exception of the names and locations of the commercial banks that are members of the Federal Reserve System—which have always been on the public record—the System does not make any lists available to the public for a fee or otherwise. I might note, however, that the names and business affiliations of the 262 directors of the Federal Reserve Banks and branches are also matters of public record and are published each year in the February issue of the Federal Reserve Bulletin.

If you require any further information about this matter, we will be happy to assist you.

Sincerely yours,

ARTHUR F. BURNS.

U.S. INFORMATION AGENCY,
Washington, D.C., March 13, 1970.
Hon. FRANK HORTON,
House of Representatives,
Washington, D.C.

DEAR MR. HORTON: Mr. Shakespeare has asked me to reply to your letter of March 5, 1970, concerning your study of mailing lists that agencies have prepared and made available to the public. In the various legislative enactments relating to this Agency, as well as in comments relating thereto by members, the Congress has clearly expressed its wish that the U.S. Information Agency should not actively engage in the dissemination of its products in this country. Consequently, we have not prepared any general public mailing lists for our materials in the United States.

If I can be of further assistance in this regard, please do not hesitate to call.

Sincerely,

CHARLES D. ABLARD,
General Counsel and Congressional Liaison.

SMALL BUSINESS ADMINISTRATION,
Washington, D.C., March 13, 1970.
Hon. FRANK HORTON,
House of Representatives,
Washington, D.C.

DEAR MR. HORTON: In reply to your inquiry of March 5, 1970, concerning Small Business Administration mailing lists, we are pleased to report that although this Agency maintains several mailing lists, they are not available for dissemination to the public.

It is always a pleasure to assist you. Please let us know if you need any additional information.

Sincerely,

Hilary Sandoval, Jr.,
Administrator.

U.S. Arms Control
and Disarmament Agency,
Washington, D.C. March 12, 1970.

Hon. Frank Horton,
House of Representatives,
Washington, D.C.

Dear Congressman Horton: Thank you for your letter of March 5 requesting information about any mailing lists this Agency has developed and distributed.

Periodically, the Agency issues a locator list of Agency employees which includes home addresses and phone numbers. This list is primarily for internal Agency use, but it has occasionally been given to people outside the Agency at their request. The only instances of distribution outside the Agency that I am aware of, however, involved other Government agencies or Congressional committees with which this Agency regularly deals. No. charge is made for this list. Enclosed is a copy of the latest locator list.

Also enclosed for your information is a copy of the latest Annual Report of this Agency to Congress. Beginning on page 84 of the report is a list of depository libraries to which Agency documents are sent. The reason this list is included in our annual report is so that readers of the report who are interested in further study of arms control matters can determine where the nearest source of further information is.

I hope this information will be useful to you. Please do not hesitate to let me know if I can be of further assistance.

Sincerely,

William W. Hancock,
General Counsel.

Subversive Activities Control Board,
Washington, D.C., March 11, 1970.

Hon. Frank Horton,
House of Representatives,
Washington, D.C.

Dear Mr. Horton: This is in response to your letter of March 5 concerning the selling or distribution of mailing lists by government agencies.

At no time since its formation has the Subversive Activities Control Board sold or made available to the public a mailing list of of any kind.

Sincerely,

John W. Mahan,
Chairman.

Office of the Secretary of Defense,
Washington, D.C., March 10, 1970.

Hon. Frank Horton,
House of Representatives,
Washington, D.C.

Dear Mr. Horton: Secretary Laird has asked that I acknowledge receipt of your letter of March 5 in which you requested information concerning the availability of mailing lists to the public.

This matter is receiving attention and you will be advised further as soon as possible.

Sincerely,

J. F. Lawrence,
Brigadier General, USMC,
Deputy Assistant to the Secretary for Legislative Affairs.

Export-Import Bank of
the United States,
Washington, D.C., March 10, 1970.

Hon. Frank Horton,
Committee on Government Operations,
House of Representatives,
Rayburn House Office Building,
Washington, D.C.

Dear Mr. Horton: We have received your letter of March 5, 1970, in reference to mailing lists.

The Export-Import Bank of the United States does not make available to the public, by sale or otherwise, any mailing lists. The only mailing lists which we maintain are for internal use by the Bank in distributing press releases and other informational material on Eximbank programs and activities.

If we can be of further assistance, please do not hesitate to call on us.

Yours truly,

J. E. Corette III,
General Counsel.

Securities and Exchange Commission,
Washington, D.C., March 10, 1970.

Hon. Frank Horton,
House of Representatives,
Washington, D.C.

Dear Mr. Horton: In your letter of March 5 you request information concerning the Commission's mailing lists, particularly as to whether they have been sold or otherwise made available to persons outside the agency.

The Commission maintains several mailing lists. They consist of the names of individuals, firms and corporations (a) who are registered with the Commission under one or another of the laws it administers; (b) who wish to receive notice of new rules and rule proposals and other announcements of the Commission in its administration of those laws and (c) who wish to receive copies of the Commission's statistical studies.

With one exception, these lists have never been sold or otherwise made available to members of the public. That exception occurred some eight years ago when the Bureau of National Affairs in cooperation with the Federal Bar Association conducted a seminar in Washington on the Federal securities laws and their administration. Members of the Commission and several staff officers participated in these discussions, attended by several hundred lawyers and other professionals. In order to reach the widest possible group of practitioners who might be interested in benefit from the seminar discussions, the Bureau asked the Commission for the list of practitioners who regularly receive the Commission's new rules and rule proposals. Rather than provide the list to the Bureau, the Commission agreed to run the Bureau's envelopes through its addressograph machine. This was done.

To our knowledge, there have been no other exceptions to the Commission's policy of maintaining its mailing lists strictly confidential.

Sincerely,

Hamer H. Budge,
Chairman.

National Foundation on the
Arts and the Humanities,
Washington, D.C., March 10, 1970.

Hon. Frank Horton,
House of Representatives,
Committee on Government Operations,
Washington, D.C.

Dear Congressman Horton: In response to your letter of March 5, may I state that no mailing lists developed by this agency have ever been sold, distributed, or otherwise made available to the public. Moreover, no action of this nature is contemplated in the future.

Thank you for your interest.

Sincerely,

P. P. Berman,
Director of Administration.

Federal Mediation and
Conciliation Service,
Washington, D.C., March 9, 1970.

Hon. Frank Horton,
Committee on Government Operations,
Rayburn House Office Building,
Washington, D.C.

Dear Congressman Horton: This Agency maintains separate mailing lists for (1) Press Releases, (2) Newsletter (for employees only), and (3) Annual Report. None of these lists have been made available to outsiders, either by sale or otherwise.

I trust this responds to your inquiry.

Sincerely,

J. Curtis Counts,
Director.

Mr. HECHLER of West Virginia. Mr. Speaker, I am pleased to join with my able colleague, Representative Frank Horton, in the bill to prohibit the sale or distribution by Federal agencies of names and addresses to be used for commercial purposes.

There is enough junk mail circulating already without Uncle Sam adding to and encouraging more junk mail.

In the case of Daniel Rowan, American Book Service et al. against U.S. Post Office Department, the U.S. Supreme Court in a unanimous decision handed down on May 4, 1970, Chief Justice Burger eloquently stated:

> Today's merchandising methods, the plethora or mass mailings subsidized by low postal rates, and the growth of the sale of large mailing lists as an industry on itself have changed the mailman from a carrier of primarily private communications, as he was in a more leisurely day, and has made him an adjunct of the mass mailer who sends unsolicited and often unwanted mail, into every home.

The able Chief Justice added:

> In today's complex society we are inescapably captive audiences for many purposes, but a sufficient measure of individual autonomy must survive to permit every householder to exercise control over unwanted mail. It places no strain on the doctrine of judicial notice to observe that whether measured by pieces or pounds, everyman's mail today is made up overwhelmingly of material he did not seek from persons he did not know. And all too often it is a matter he finds offensive. . . . The ancient concept that "a man's home is his castle" into which "not even the king may enter" has lost none of its vitality, and none of the recognized exceptions includes any right to communicate offensively with another.

Personally, I feel that the postal laws should be further amended to enable every person to stop the delivery of unwanted third-class mail. Under the Postal Revenue and Federal Salary Act of 1967, a person must sign a statement that unwanted material is erotically arousing or sexually provocative. The statute should be broadened to make it clear that a person may refuse any type of mail which he finds offensive. The procedure now is that when such a form is filed the Postmaster General will take legal steps to keep a person's name off a mailing list from that particular firm. Perhaps a simpler device could be developed which would enable those who objected to junk mail to place a blue eagle or some other symbol on their mail box to indicate they did not want to receive third-class mail.

Mr. McDONALD of Michigan. Mr. Speaker, a primary source of agitation for many citizens, is to find a wad of fabulous offers and once-in-a-lifetime opportunities jammed into the mailbox everyday. A man's home is a very personal place.

I feel that the selling of mailing lists by the Federal Government is an invasion of personal privacy. Various forms are presented to citizens who, under threat of law, are forced to fill them out and return them to some Federal office.

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These names and addresses, and other information thus gained, are often sold to direct mail advertising firms. I, too, have introduced legislation which would prevent such sales. And I heartily support Mr. HORTON in his efforts.

Mr. BROYHILL of North Carolina. Mr. Speaker, I am pleased to join more than 60 of my colleagues in the House today in introducing legislation to prohibit the sale of mailing lists by the Federal Government for commercial or solicitation purposes.

Unfortunately, it is widespread practice by many Government agencies such as the Internal Revenue Service, the Federal Communications Commission, the Federal Aviation Administration, and the Coast Guard, all of which maintain lists of individuals who have received Federal licenses, to sell these lists upon request. The availability of this information stems from the Freedom of Information Act, which was adopted to protect the public's right to know the activities of its Government. However, I do not believe that it was the intent of Congress in passing this law to give a license to invade the privacy of individual citizens.

I believe this is clearly a misuse of governmental authority which is causing some Americans to suffer both frustration and inconvenience. Many people are also disturbed by the large amount of so-called junk mail which they receive, which is, in a sense, subsidized by the Federal Government through low postal rates. When an individual applies for a pilot's license, when he satisfies the Federal requirements for operating a ham radio station, he hardly expects that lists containing his name can be purchased and used in any way a commercial operator may wish. Neither does he expect to be bombarded with unsolicited mail as a byproduct of complying with a Federal regulation governing an activity in which he is involved.

This bill would not prevent access to information but states clearly the intent of Congress that mailing lists will not be used for commercial or other solicitations or for any illegal purpose.

It is my sincere hope that hearings can be scheduled on this measure soon and that it can be considered by the House at an early date.

GENERAL LEAVE

Mr. HORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

VOTING RIGHTS ACT

The SPEAKER. Under previous order of the House, the gentleman from Wisconsin (Mr. STEIGER), is recognized for 30 minutes.

Mr. STEIGER of Wisconsin. Mr. Speaker, the House will soon be considering legislation dealing with the right which has been called the "preservative of all rights," namely the right to vote. There is no greater privilege or duty for an American citizen than to participate in the electoral process. Throughout our Nation's history we have enlarged the number of citizens eligible to vote.

Economic factors no longer determine who may vote. The old qualification that an individual must own some minimum amount of land or property in order to vote has long ceased to be a consideration. The 24th amendment eliminated the last economic barrier to enfranchisement by making it illegal for a State to keep an individual from voting "by reason of failure to pay any poll tax or other tax."

The 15th amendment extended voting privileges to ex-slaves by prohibiting abridgement of the franchise "on account of race, color or previous condition of servitude," and the 19th extended it to women by prohibiting abridgement on "account of sex." The 17th amendment made everyone's right to vote more meaningful by requiring the direct election of U.S. Senators. There is presently under consideration another constitutional amendment which would apply the principle of direct election to the selection of the President and Vice President. I hope this amendment will be passed by the Senate soon and will be ratified by the States before our next presidential election in 1972.

The Supreme Court has also done its share in making the franchise more meaningful by assuring that each person's vote is equally weighted against all other individual views.

Five years ago Congress took an important step to insure that every American who wished to vote would have the opportunity to do so. Many of our fellow countrymen participated in 1968 in a presidential election for the very first time as a direct result of the enforcement of the 1965 Voting Rights Act. This was a most worthwhile piece of legislation and deserves to be renewed. I am prepared to vote, therefore, for the 1970 voting rights bill as passed by the Senate.

A feature of the Senate's version, nonetheless, causes me to stop and speak out in opposition. The floor amendment that lowers the voting age to 18 nationwide in all elections does not belong in the bill, for two reasons: First, the voting rights bill and the voting age rider should each be considered independently on its own merits, and second, there is doubt about the constitutionality of any congressional attempt to change the voting age by statute.

I believe that the voting age should be lowered to 18, and I have already expressed my desire that the 1965 Voting Rights Act be renewed. Both of these measures are important for the same reason: Passage of each proposal will insure the franchise to those qualified and deserving of it. Last year I joined with other Republican Congressmen in a tour of American campuses. I spoke with many young people and was impressed over and over again with the fact that these people can intelligently participate as voters at the age of 18. These individuals are considered adults in our courts in most States. They are held accountable for their actions. Most may sue and be sued. Many of those in the age group 18 to 21 are not enrolled in institutions of higher education but are working, raising families, paying taxes, and leading productive lives. Most are keenly aware and interested in the world around them and quite anxious to participate in the formulation of governmental policy through the traditional tool of the ballot box. They should not be denied this opportunity any larger.

I have outlined my support for the voting rights bill and the concept of a lower voting age. I want to see favorable action on both during this session. But there has been only one significant reason expressed why the two must be considered in a single package: As a Member of this House, I am told that I must accede to the Senate amendment to lower the voting age in order to get the voting rights bill passed and sent to the President. With such a threat hanging over me, I am not at liberty to vote my belief on either separate issue without this vote being prejudiced by factors concerning unrelated issues. I do not believe we can properly discharge our responsibilities as legislators under such conditions, and we should not be asked to do so.

I want to see the Congress take a stand purely on the important substantive issues. This is impossible if the two are tied together in a single bill. It is an old legislative strategy to argue that one part of a bill is of such importance that another section should be allowed to stand in order to achieve that which is important or good. This may always be the dilemma in which we find ourselves but I believe that in this situation—because of the real constitutional question involved—each part should stand or fall on its own merits.

Thus I intend to vote against the previous question on the rule in order to open the rule to amendment so that a separate vote can be obtained on the question of lowering the voting age by statute.

One important reason why I wish to see the two proposals considered separately is that many of us have reached different conclusions on them. As I have said, I am prepared to vote for the extension of the Voting Rights Act as passed by the other body. And I want to vote against any attempt to lower the voting age by statute. As strongly as I believe 18-year-olds should be allowed to vote, I believe foremost in the constitutional integrity of the actions of this and other branches of the Federal Government. I have reached the conclusion only after careful consideration that Congress does not have the authority to lower the voting age and that the Supreme Court would rule any such statute to that effect unconstitutional. It may well be, in fact, that our action in adopting a statutory voting age may well disenfranchise those who would otherwise be eligible if an amendment were adopted and ratified. Some may say that it is not the job of a Congressman to

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make such a judgment, that constitutional questions should be entirely left to the Court. I disagree. Gerald Gunther, a professor of law at Stanford University and the author of a textbook on constitutional law, states in a letter to the President:

> Under our system, Congress and the President have an obligation to exercise a conscientious, independent judgment on constitutional questions, especially on questions such as this that are not foreclosed by repeated and firm Supreme Court rulings.

Those who argue that Congress has the power to lower voting age cite section 1 of the 14th amendment which contains the equal protection clause and section 5 which gives Congress the "power to enforce, by appropriate legislation the provision of this article." As Prof. Ernest J. Brown of the Unversity of Pennsylvania Law School points out in a letter to President Nixon, Congressman Bingham—the author of section 1 of article 14—stated in 1867 that—

> The amendment does not give, as the second section shows, the power to Congress of regulating suffrage in the several states . . . the exercise of the elective franchise, though it is one of the privileges of a citizen of the Republic, is exclusively under the control of the states.

In the past, Congress and the States, by passing constitutional amendments, have prohibited certain qualifications—such as sex or race—from being considered by the States in determining who may vote. But the question of age in respect to the right to vote is fundamentally different. In a letter to the President, Prof. Paul G. Kauper of the University of Michigan Law School writes:

> In fixing a federal age requirement at age eighteen, Congress recognizes that an age requirement is in itself a proper qualification for voting. The real question then is whether Congress while recognizing that an age requirement is valid may choose to say that any voting age requirement above the age of eighteen years constitutes an invidious discrimination against the class of persons between the age of 18 and a higher age which may be fixed by a state's law.

Kauper goes on to say:

> The purpose of an age limit is to assure sufficient maturity in exercising the voting right. May Congress say that a state has no rational basis for fixing a 21 year age limit as the standard for voting maturity? Obviously, there is room for choice in this matter. Most states continue to adhere to the twenty-one year limit. A few have reduced the limit to a lower age. It may be assumed that fixing the age limit anywhere from 18 to 21 is reasonable so far as any judicial interpretation of the equal protection clause is concerned. Since the basic power to fix voting qualifications is in the states and not in Congress the question raised by the proposed Congressional legislation is not whether it is reasonable and appropriate for Congress to fix the voting age limit at 18 but whether it is appropriate for Congress to declare that any age limit higher than 18 is an invidious discrimination, i.e., whether it results in an arbitrary classification.

It is argued by some, Mr. Speaker, that the provisions of the Senate passed bill, supported by the administration, relating to the residency requirements for voting in Federal elections is also an invasion of State responsibilities similar to the 18-year-old vote statute. I disagree. In the Morgan case cited by the proponents of lowering the voting age by statute the Court was refining the equal protection concept based on the discriminatory effect of a State law. This same analogy holds, it seems to me, to the Congress enacting a law that is aimed at State residency laws, which, while not in purpose, but effect, are discriminatory because they deprive citizens in our highly mobile society of the right to vote.

This is not the same as a statute to lower the voting age since the age—at whatever level—is necessarily arbitrary. Thus, there are substantial differences both as to the purpose and effect of voting age requirements contrasted to residency requirements.

There is a further point that I believe needs to be made regarding the 14th amendment. Prof. Paul Kauper states it well:

> It is fantastic to suggest that when the States ratified the Fourteenth Amendment in 1868, they thereby understood that they were thereby giving Congress the authority, in the name of equal protection enforcement, to displace their own power to fix voting age requirements or to declare that any voting age limit above 18 constituted an unconstitutional discrimination.

It is important also to assess the effect of our action on the young people of this Nation. This is, of course, a matter for personal judgment, but if the Congress votes to lower the voting age by statute and the Court strikes down such legislation, I can conceive of deep feelings being expressed by many young people. It is vital that the Congress not only vote the proposed statute down, but immediately follow that action by passing a constitutional amendment and submitting it to the States for ratification this year. The amendment which granted the right to vote for women was ratified in 15 months. It is not impossible for an amendment to lower the voting age to become effective in time for the 1972 elections. However, if a statute is declared unconstitutional by the Court, and concurrent action has not begun on an amendment to the Constitution, there will not be enough time to get an amendment ratified before 1972.

I have joined with several other Congressmen in sponsoring a constitutional amendment to lower the voting age to 18—House Joint Resolution 865. Presently there are over 60 such amendments which have been introduced in the House of Representatives alone. There are three ways to get the Congress to consider such an amendment. The first would be to pass a statute and take the chance the Court will strike it down. This could bring to bear on the Court an immense amount of political pressure to rule one way or another. No matter how it ruled, the decision is bound to leave scars harmful to the Court and our whole federal system. The New Republic editorial on May 2 said it well:

> The issue of the 18 year old vote, as now presented, exerts what Justice Holmes once referred to as "hydraulic pressure." Should the Supreme Court uphold the constitutionality of the Senate rider under this pressure, it would launch a doctrine whose radiations are unpredictable, and in many applications quite possibly disadvantageous to the interests that sponsors of the rider care most about. The Court will have worked an historically significant shift in balance of functions between the state and federal government. It has done so before; it may do so again. But the outcome is in doubt, and the wisdom at this time of requiring the Court to decide is questionable.
>
> On the other hand, should the Court withstand the 'hydraulic pressure' and declare the Senate rider unconstitutional, it would expose itself to the wrath of all those whose expectations it would defeat, and in the bargain cause confusion about the results of elections that may already have been held under the provisions of the rider.

The second way would be to defeat the statute in Congress. Following this, an amendment to lower the voting age would surely have to be passed by both Houses. The third way is to pass the statute and move immediately to act on the constitutional amendment. Regardless of our personal views on lowering the voting age by statute or amendment, action is essential on the amendment. Whatever pressure would have been directed at the Court could now be directed where it should be: Upon a political body; namely the State legislatures which would have to vote for or against ratification.

There are, Mr. Speaker, some who will counsel favorable action on the statute because those opposed will "lose political advantage." Some of my Republican colleagues suggest that if we do not support this voting age rider the Democrats are apt to gain support from those under 21. That argument does an injustice to our young people and their understanding of the political process.

I well understand the desire of the youth franchise coalition to move on this by the quickest means possible. Not only is speed, on the surface, advantageous, but the results in Oregon suggest that lowering the voting age might not be all that popular and therefore the sledding will be rough in State legislatures.

Our system was not designed to move precipitously. An amendment to the Constitution requires a tedious process of congressional approval and ratification by the States.

But a provision to extend the franchise to those between 18 and 21 is a significant step. In each case in the past when the franchise has been considered we have guaranteed the right to vote by a constitutional amendment. Why are we now to so dramatically change our method? Because of politics? Or because it is easier? I think not. The goal is worthwhile but the means to achieve it are also important.

Alexander Hamilton said over 200 years ago:

> Nothing is more common in time of crisis than to gratify momentary passions by letting into government principles and precedents which afterwards prove fatal.

The wisdom of these words remains today.

Mr. Speaker, I oppose the statutory means of lowering the voting age. I hope others do likewise so that we can move ahead to the prompt consideration of a constitutional amendment and do the right thing in the right way.

If the rule is adopted that prevents our voting separately on the voting age issue, I shall then have to vote up or down on the package. In that situation, I shall vote "aye" because the voting rights bill needs to be passed and I can but hope that prompt court action will be taken to judge the constitutionality of Congress acting to lower the voting age by statute. If this is found unconstitutional, any delay in the Court's decision can have profoundly disturbing results.

PEOPLE AND PRICES

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, all of us are concerned about the state of our economy, and well we should be.

If there is unhappiness in the land, at least part of the malaise can be traced to economic conditions. I am certainly not an economic determinist, but no one can ignore the relationship between economic pain and personal frustration.

In these past weeks we have witnessed a slide in the stock market that equals anything up to and including the disaster in 1929. The market went through its greatest decline in decades, despite the effort to prop things by lowering margin requirements. Then the market took great leaps upward, bigger leaps than have ever been recorded. The last time I looked, the stock market was quivering with sheer exhaustion.

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This extraordinary action on the stock market indicates to me that the market, like everyone else, wonders what is happening to the national economy. The market reflects the unease that the ordinary citizen feels—uncertainly about the war, about young people, about the quality of life, and genuine puzzlement over how it is possible to have record high interest rates, an economic downturn, and record-breaking inflation all at the same time.

I think that even the council of economic advisers wonder why the indicators that ought to be up are down, and those that ought to be down are up.

The man in the street, the ordinary manufacturing worker, sees prices going out of sight. At the same time his working week is growing shorter. His paycheck is bigger, but it buys less than it would in 1968. Jobs are harder to find, but interest rates are so high that most workers, even with good jobs, could hardly think of buying a new house. And the litany could go on.

To put it simply, a lot of people are having a hard time just surviving this economic turbulence. They are not in a state of panic, but they feel uneasy, and I think that many workers wonder who in Government really cares about the economic pinch, and the mysterious behavior of the system.

This feeling of restlessness is not based on sheer emotion, but stems from solid economic reality.

For the plain fact of the matter is that so far at least, the performance of the economy under the present administration is far worse than it was in the previous administration. It is worse on the average, and it is worse than during any given year from 1960 to 1968.

This is not a partisan statement; I do not mean it as such, and I hope that it will not be taken as such. It is a plain statement of fact, and I will furnish you data to support my statements. It is not data that anyone can take much pleasure in reading.

Consider the Consumer Price Index, which is a good indicator of how things are going.

It is a fact that people today are paying 34 percent more for goods and services than they were in 1957–59. People today are generally better off than they were then—there have been real gains in wages. But the fact is that in the last couple of years wage gains have been outstripped by increases in the cost of living. Those "outrageous" wage settlements that you have been hearing about have not helped the average manufacturing worker. And in fact they have not even kept him abreast of the tide of inflation. Average weekly manufacturing wages have increased by $7 since 1968—but those same weekly paychecks in 1957–59 dollars are worth $1.68 less than they were at the end of 1968, when it comes to buying the groceries, seeing the doctor, paying the mortgage and buying the car. The increases are not enough just to be even with the higher cost of living.

From 1960 to 1968, consumer prices increased by 21.2 percent above the 1957–59 base period. But since 1968, consumer prices have jumped to an index figure of a flat 134.

The net results of all this to the average manufacturing worker are plain to see. Whereas his real wages rose by $14.06 a week during the Kennedy-Johnson years, real wages have declined by $1.68 a week since the end of 1968.

The rate of inflation from 1960–1968 averaged 2.65 percent.

To be fair about it, the Democrats incurred a far higher rate during 1965–68, when prices rose by an average of 3.7 percent a year.

But under this administration, prices rose by 5.7 percent, and this year, at the last reporting period, consumers paid the inflation tax at an annual rate of 7.2 percent. The worst year the Democrats had was 1968—a relatively mild 4.9 percent.

If you translate this into more provincial terms, you can begin to see the impact of inflation of the past year and a half on family incomes.

I do not know how many of you go to the grocery store with any regularity. But if you have been through many checkout lines, you will notice that food prices have gone up—and by a substantial amount.

You would have noticed under the Democrats an annual increase of 2.41 percent in your weekly grocery bill. One year, 1966, things got really bad and we had women picketing the stores.

But since the end of 1968, grocery prices have increased by 9.9 percent—and if things get no worse, that will be an annual rate of twice what it was in the years 1960–68. But it looks from the charts as if grocery prices will in fact go considerably higher this year—and the index figure is already nearly 7 points over its position in January, worse again than anything in the Johnson years.

If you have been to the doctor lately, or had to pay a hospital bill, you know that the cost of services is up. As a matter of fact, services today cost 19.1 percent more today than they did in January 1969. The rate of increase in the cost of services today is twice what it was in the first 8 years of the sixties.

Have you bought a refrigerator lately, or maybe an air conditioner? Durable goods are up 9.3 percent in the last year and a half.

My point is that inflation was real from 1960 to 1965, and bad from 1965 to 1968, but it has been terrible since 1968, far worse than anything experienced under the leadership of the "spendthrift" Democrats.

What is worse than the experience of the past year and a half is the fact that as far as consumer prices are concerned, things may get worse before they get better. There is simply no sign that under current policies inflation is coming under control.

Moreover, all of this is happening in the face of an economic decline. Our gross national product has been virtually standing still since 1969—yet price increases in that period have been little short of breathtaking. One can only wonder what will happen to prices when the promised upturn takes hold this year, whenever the right corner is found. For this unprecedented inflation of 7.2 percent a year is taking place in the presence of a GNP decline at a 3-percent annual rate.

As far as I can tell, the fact is that our present economic policies are not working. Certainly there is no reason to panic, but neither is there any reason to rejoice. There is plenty of reason to feel unease, and plenty of reason to ask hard questions about our policy. It may, in fact, be time to take up some new economic tools to deal with this frustrating and debilitating situation.

A great many economists, including the chief economist at the Treasury Department, Mr. Murray Weidenbaum, are saying that we had better start thinking about new policies, including putting in some controls to curb excessive wage and price increases.

It surprises me, especially when Arthur Burns—on whom the President has relied for years for economic advice—starts calling for some kind of intervention to halt the inflationary spiral, and to even this man the President seems not to be listening.

The reason may be that Mr. Nixon was once a lawyer in the Office of Price Administration, and in that capacity he saw the problems with trying to govern wages and prices by artificial means. He saw the black marketing, the gouging, and all the struggle that went on as the market tried to respond to great demands for short supplies of goods. But while Mr. Nixon saw this and was impressed by the problems of intervention, of governing wages and prices, he seems to have been unimpressed with the fact that it worked pretty well. With all the problems, the OPA did keep the economic lid on.

What has to be considered now is

whether the President might not be justified despite his doubts to interfere with the wage and price market. We might not need to pass a law governing wages and prices, but it seems to me that we cannot afford to sit back and just watch the inflationary spiral as it gets longer and far stronger as it is now.

I think that we are at the point where serious consideration has to be given to setting up a national incomes policy—in other words, to control wages and prices. This could take the form of "jawboning," and it could take the form of full dress controls, or any point in between.

That is why I join my colleagues on the House Banking and Currency Committee this week in sponsoring a bill that would give the President standby powers to impose controls on wages and prices. This would be a very limited control; the President would only have this power for 6 months, and he could only control wages to the extent that restraints would not create inequity.

The intent of this bill is simply to say that myself and the other sponsors, and a great many others in Congress, believe that the economic situation is serious enough to warrant a new look at our policies at the very least. To continue the present course, unless there is some drastic change, would bring about continued hardship on the vast majority of Americans, and create economic pressures that may well be intolerable.

If the stock market is uneasy, so am I.

So are many economists.

And so are ordinary citizens.

We should all be concerned, because we are all in the same boat. We stand in the same checkout line and pay the same inflated prices, and the earnings of workers diminish in value just as surely as your own.

That is why I have joined my colleagues in sponsoring a bill to give the President standby powers to impose economic controls. He thinks he does not need them, and I hope he does not. But I think that he might, and if he does, they ought to be ready.

It is not a question of greed that we are talking about; workers are asking for more money, and the fact is that they need more money, just to stay even. Manufacturers need more money, because their profits are down and their costs are up. Somewhere, somehow, the inflationary spiral has to be brought back within reasonable and tolerable limits, and this may require far more action from the Government than we have seen to date, and far more than the President seems willing to take.

Mr. Speaker, I insert at this point in the Record, the following tables:

*Average weekly earnings—1957–59 prices**

Manufacturing industries:	
1960	$87.02
1961	88.62
1962	91.61
1963	93.37
1964	95.25
1965	97.84
1966	99.33
1967	98.80
1968	101.08
1969	101.42
1970 (March)	99.40

*Earnings in current prices divided by consumer price index. From Council of Economic Advisers, *Economic Indicators*, May 1970.

Gross national product—1958 prices

Billions of dollars:	
1959	483.7
1960	487.7
1961	497.2
1962	529.8
1963	551.0
1964	581.1
1965	617.8
1966	658.1
1967	674.6
1968	707.6
1969	727.5
1969 I*	723.1
II	726.7
III	730.6
IV	729.8
1970 I	724.3

*Annual rate, seasonally adjusted. From Council of Economic Advisers, *Economic Indicators*, May 1970.

CONSUMER PRICE INDEX—1957–59=100

(In percent)

1968—121.2—average annual rise, 1960–68, 2.65.

April 1970, 134.0—increase, 1969, 5.7.
Rate of increase 1970,[1] 7.2.
Worst increase, 1960–68 (1968), 4.9.

Commodity prices

1968, 115.3—average annual rise, 1960–68, 1.875.

April 1970, 125.2—increase, 1969, 5.2.
Increase to date, 1970, 4.7.

Food prices

1968, 119.3—average annual rise, 1960–68, 2.41.

April 1970, 132.0—increase, 1969, 6.2.
Increase to date, 1970, 6.5.

Durable goods prices

1968, 107.5—average annual rise, 1960–68, 9.935.

April 1970, 114.8—increase, 1969, 4.1.
Increase to date, 1970, 3.2.

Nondurable goods prices

1968, 117.7—average annual rise, 1960–68, 2.21.

April 1970, 127.0—increase, 1969, 5.3.
Increase to date, 1970, 4.0.

Service prices

1968, 134.3—average annual rise, 1960–68, 4.28.

April 1970, 153.4—increase, 1969, 9.4.
Increase to date, 1970, 9.7.

CAMBODIA: THE ARROGANCE OF IGNORANCE—II

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, in the Record for Tuesday, June 2, I commented on remarks by C. L. Sulzberger. Because he was apparently doing a series, I include in the Record his second offering which appeared in the New York Times on June 3. In my opinion, Mr. Sulzberger is performing a valuable service. Based on my discussions with more than 400 visitors and reading 1,623 letters, I agree with him. the dialog is often more heart than brain—more passion than reason. I do not agree with his characterization of the Vice President, but it is a good example of how people who deplore polarization fall victim of the precise practice they deplore.

But as I read Mr. C. L. Sulzberger, he is calling for a cool and rational discussion. His second commentary like his first is a significant contribution to such a discussion. The arrogance of ignorance is a fault which most of us share in varying degrees. By putting the current situation into better perspective, Mr. Sulzberger's remarks may hopefully bring back a little commonsense and wisdom to the national dialog.

The article follows:

[From the New York Times, June 3, 1970]

FOREIGN AFFAIRS: THE ARROGANCE OF IGNORANCE—II

(By C. L. Sulzberger)

Moscow.—President Nixon correctly estimated the advance military and diplomatic implications of his decision to order U.S. troops into Cambodia to clean out Vietnamese Communist sanctuaries and, as discussed in a previous column, enormous booty was seized while Russia and China displayed prudence in their initial reactions. However, where Nixon made a grievous miscalculation was in judging repercussions at home.

His staff system—a modified version of President Eisenhower's—is based on preparation by the Kissinger office of option papers on given problems. This office shrewdly cased the situation in terms of battlefield significance and the fundamental effect abroad but there were apparently deep misjudgments in analyzing American opinion.

It is not sufficient to underscore erroneous ideas often held by U.S. public and opposition leaders although these do indeed produce a powerful effect. Nixon's adversaries illogically denounce the dispatch of forty thousand U.S. and South Vietnamese troops into Cambodia as a violation of neutrality while contending that the prior presence of forty thousand Vietcong and North Vietnamese troops was not a similar and earlier violation.

Indeed, Prince Sihanouk himself had been increasingly complaining of the latter just before he was ousted by a coup. That the Lon Nol Government is inefficient and ill-prepared does not make it automatically illegal or wicked. One may recall that the shrewd and acrobatic Sihanouk, who now seems to have become an outright tool of Peking, had locked up quite a few of his own enemies.

The Cambodian campaign is but one distressing aspect of a depressing war that is roundly condemned as "immoral" by large segments of U.S. opinion. Nevertheless, with the exception of the American Revolution, the Civil War and World War II, none of our military engagements could clearly be proven as "moral," and killing, whenever and wherever it occurs, is horrid. The horror is of course compounded because Vietnam is the first televised war with blood spread through parlors and kitchens.

FAILURE OF REASON

The American tragedy is that everyone discussing Vietnam argues more with his heart than his brain, with more passion than reason, regardless of which side he endorses, hawk or dove. Moreover, Nixon has clearly failed in the vital task of explaining to public opinion a sufficiently cogent case to gain the requisite support. No conflict can be fought by a democracy if it is not accepted by those called upon to do the fighting.

Vice President Agnew's undignified character assassinations are not conducive to uniting a public whose divisions are so obviously profound and broad. Many thoughtful Americans—as distinguished from emoters—conclude (like Clark Clifford or Cyrus Vance) that no war is worth what this one is doing to the United States.

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[1] Current rate (0.6 per month) × 12. From Council of Economic Advisers, *Economic Indicators*, May 1970.

It is difficult to weigh such theoretical arguments but surely they must be coolly considered and not obscured by tragic incidents of violence, attacks on academics, dismissal of protesting students with epithets or, on the other hand, by corrosive tirades launched against anyone endorsing Nixon who is, after all, President of the United States.

It is disturbing to see today a sentimental hankering for America to retreat into the womb of its past, abandoning the nasty outer world, dodging present and future problems imposed by U.S. wealth and power. The nation cannot re-create the nostalgic agrarian society of that idealistic little state for which George Washington prescribed isolation.

Nevertheless, Nixon must see that even accurate predictions of what U.S. troops would find in Cambodia and how our adversaries would react are meaningless if the United States dissolves in a frenzy of madness. For this reason he must make it convincingly clear that in no way will Cambodia be allowed to turn into another protracted Vietnam.

UNBALANCED MOOD

The national mood is unbalanced if not deranged. The spin-off from Cambodia depressed Wall Street, enhanced inflation and discouraged business. This is the fact even if the reasons may be illogical.

Too many opinion-molders and political figures have shown themselves depressingly ignorant and inexcusably arrogant in arguing that Nixon's policy is criminal—which I do not by any means concede. Nevertheless, the President's staff and possibly the President himself displayed a similar arrogance founded upon ignorance when assessing the nation's reaction to the Cambodian venture. One cannot succeed abroad while failing at home.

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CONGRESSIONAL NEWSLETTER

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, this week I am sending to my constituents my fifth newsletter of the 91st Congress. In the report, which is going to approximately 170,000 persons, I discuss some of my efforts in Washington and New York City. It also includes the tabulated results of my April questionnaire from which I received some 25,000 responses.

With the thought that it might interest our colleagues, I include its full text in the CONGRESSIONAL RECORD:

CONGRESSMAN EDWARD I. KOCH REPORTS FROM WASHINGTON

DEAR CONSTITUENT AND FELLOW NEW YORKER—

"And while each of us pursues his selfish interest and comforts himself by blaming others, the nation disintegrates." John Gardner, Chairman, National Urban Coalition.

The gathering storm of race, war, and dissent broke over all of us this sad and violent spring. I need not recount to you the events that lend credence to John Gardner's grim appraisal. But let me tell you what I have been doing and what constituents have been doing to make our democratic system work.

At the center of the storm is the Vietnam War and it's hitting all of us hard—hawk and dove, parent and child, white collar and blue collar. Since the President's invasion of Cambodia, over 20,000 constituents have written to me expressing their resolve to do something about ending the war. The hideous price of 42,000 American lives, $140 billion, a stumbling economy and civil disorder has made it clear that we had better stop worrying about saving Vietnam and get on with saving our own country.

On April 30, I stated on the Floor of the House that President Nixon had neither the moral nor legal right to commit American military forces in Cambodia without the consent of Congress; and I have supported all measures in the House, none of which have yet been successful, to enforce that judgment. Since coming to Congress I have voted against every bill which contained money for the further prosecution of the Indochina War and I will continue to do so. I support and am working actively for the passage of those amendments which will cut off all further funds for Southeast Asia except for the purposes of withdrawing all our troops safely, obtaining the return of American prisoners of war, and granting asylum for Vietnamese who may feel threatened by our total withdrawal.

During the past six weeks, thousands of students, teachers, housewives, clergymen, and lawyers have come to Washington to plead with Congress to end our military involvement in Indochina. By actual count, I have met with more than 1,000 constituents and I am heartened by their commitment in opposition to the war and the manner in which they have presented their reasoned arguments to the Members of Congress. And I will continue to give whatever assistance I can to those students seeking peaceful change within the democratic process. They are exceptional and I am proud to work with them.

Finally, may I say that I share the alarm of many constituents who fear that the President and Vice-President are polarizing our country for their own political gain. This is a terrible abuse of the awesome power of their high offices and, like the continuing war, threatens the future liberty and order of society. If the Administration persists in ignoring the legitimate grievances of the poor, the blacks and the young, then we must make a greater effort to listen and respond. If the Administration cares only about political strategy, then we must care more about social and economic justice. If the Administration appeals only to the worst that's in us, then we must resist and respond with the best that's in us. In the absence of Executive leadership, the question is whether the Congress and the people will make the necessary commitment to end the war and change our national priorities. Together, in the months to come, we must do just that.

PRISONS

Earlier this year, I decided to personally survey the prison conditions in New York City. I visited the Federal Detention Center, the Tombs, and Rikers Island. The Federal Detention Center is very small, having approximately 300 inmates. The Tombs has approximately 2,000 prisoners and Rikers Island has approximately 5,800. Aside from seeing the physical conditions, with the cooperation of Federal Warden Fitzpatrick and City Corrections Commissioner McGrath more than 1,000 prisoners filled out confidential questionnaires for me. I'm told this is the first time that such a polling of prisoners has ever been made.

My own inspection and the results of the questionnaire made clear the need for federal legislation to provide minimum standards for all correctional institutions—city, state, and federal, as well as federal funds to help localities meet those standards. I have cosponsored such a bill, H.R. 16794, to stimulate the reforms needed to create a more humane and effective penal system.

At the Tombs, I saw prisoners required to sleep three in a cell built for one, with some men not even having a mattress during the first week of their incarceration. Most of these men have not yet been convicted of any crime but are awaiting trial. As a result of my visit and protests over this condition, Commissioner McGrath has now provided a mattress for every prisoner.

I was appalled to learn that drug addicts (38% of the inmates) are subjected to "cold turkey" withdrawal from their habit, instead of receiving the accepted medical treatment of methadone withdrawal to reduce their physical distress. One prisoner described the experience to me. He said when going through withdrawal and sleeping on the top bunk, he vomited on the third prisoner sleeping on the bare floor and that he felt "like an animal". Since my visit to the Tombs I have been working with Corrections Commissioner McGrath to install a methadone withdrawal facility at the Tombs and there is now pending before New York City's Budget Director an application to provide the minimum nursing staff for such a facility.

On May 23, at the Dalton School, I held a conference in the form of a district hearing to take testimony on my corrections bill and to discuss prison conditions. Several hundred community organizations and individuals participated as co-sponsors. The most moving statement was that of an ex-con who criticized prison treatment by saying, "It doesn't cost a dime to be a human being". But it does cost money to provide physical facilities as well as vocational, medical and psychiatric services to rehabilitate prisoners. When we do that, we are assisting not only them but protecting ourselves. For we ultimately pay the human and economic price of an inadequate corrections system.

DRUG ADDICTION

We all know that the City and State drug addiction programs are making little headway against the spreading drug epidemic. Such programs are reaching less than 10% of the City's addicts.

There are no quick or easy answers but I am doing what I can on several fronts to arrest this frightening and tragic epidemic.

In early March I urged the City to institute a detection program in our junior high and high schools through urine analysis examination. The Department of Health is now proposing that there be selective screening of students on suspicion of drug use.

Federal assistance for treatment and rehabilitation services has been grossly inadequate. At present I am a cosponsor of drug legislation, pending before the House Commerce Committee and already the subject of extensive hearings in the Senate, which would provide more funds to local communities for the operation of drug prevention and treatment centers. The bill, H.R. 12882, establishes a comprehensive federal program through the creation of a Drug Abuse Prevention, Treatment, and Rehabilitation Administration in the Department of Health, Education, and Welfare.

The private agencies in our City providing effective treatment and rehabilitation services are not being given sufficient governmental support. A prime example is the Odyssey House operating five treatment centers in the City. At present their adolescent facilities receive no federal help and legislation has been introduced to remedy this. This month I am sponsoring a Congressional delegation tour of Odyssey House centers to mobilize support for the legislation.

On the law enforcement front, corruption has apparently invaded every level of narcotics enforcement—federal, state and local. Thirty-eight federal narcotics agents have been forced to resign, four state troopers have been removed from duty and the *New York Times* recently alleged that some local police are actually abetting the drug traffic. There is an urgent need for a thorough investigation of narcotics enforcement by a commission that commands the public's respect. I have repeatedly called upon Governor

Rockefeller to establish a Moreland Act Commission with full powers of subpoena and grand jury action to root out official corruption particularly among narcotics enforcement personnel.

I hope you will add your voice and write to Governor Rockefeller, Albany, N.Y., urging him to establish a Moreland Act Commission.

ORGANIZED CRIME

I have been critical of the performance of the New York-New Jersey Waterfront Commission in effectively fighting the infiltration of organized crime in the port of New York. In addition Attorney General Mitchell has charged that Kennedy Airport, the largest air cargo center in the world, is virtually controlled by organized crime.

Though state and local authorities must continue to attack this problem. I think federal help is needed. I have introduced legislation now being seriously considered by the Nixon Administration which would create a Cargo Protection Division in the Bureau of Customs for two primary purposes:

First, the prevention of infiltration by organized crime of legitimate waterfront and airport businesses by the use of licensing powers; and

Second, the creation of Federal standards of cargo protection and the creation of freight security areas in both airports and seaports.

The ultimate victims of the multimillion-dollar thievery and corruption at our ports of entry are the small businessmen and the consumer public. The increased cost resulting from business monopoly fraudulent practices and cargo theft are passed on to them. My bill, the Airport and Seaport Crime Control Act, H.R. 17387, provides the authority for the federal government to save legitimate businesses and the American consumer from the increasing menace of organized crime at our airports and seaports.

DRAFT COUNSELING

In the fall, the City's Board of Education will commence a program of draft counseling for its high school students.

Because of the complexities of the draft law and the inaccessibility of information on the draft, many draft age men are not aware of the rights and deferments available to them. While I have introduced legislation to abolish the draft, it would appear that it will be with us for several more years. Therefore, in February I contacted the New York Selective Service Board and suggested that a draft information program be conducted in the high schools. The Board responded that they would provide speakers for any interested group where there is a "dearth of information concerning the draft." Early this spring I advised all secondary schools in the 17th C.D. of this service, and a number of them have requested speakers from the Selective Service Headquarters.

Now the Board of Education has announced it will provide draft counseling in the city's 92 high schools to inform students of the wide range of options open to them. I have urged the Board of Education to make this counseling service also available to the private and parochial high schools.

EAST SIDE URBAN COALITION

On May 29 the first success of the "East Side Urban Coalition" occurred when a sitting park at 34th Street and the East River was officially opened. The "Coalition" is a group of East Side community organizations, institutions and industries that I helped bring together. The new park is only the first of what I hope will continue to be many cooperative efforts. Joining me in the creation of this first project were: Nine Churches for a Better East Side, Con Edison, the New York Telephone Company, Coca-Cola Bottling Company, Equitable Federal Savings and Loan Association, New York University Medical School, Turtle Bay Association, and the New York City Parks Department. The purpose of the "Coalition" is to do for the middle class what the Urban Coalition does for ghetto areas—organizing people to help themselves.

QUESTIONNAIRE RESULTS

The response to my April questionnaire was enormous. I was gratified that approximately 25,000 people took the time to answer the questions and to include some very thoughtful and helpful comments at the end. 53% of the respondents were women and 47% were men.

The following are the results in percentages:

[In percent]

	Yes	No
1. Do you favor the establishment of an independent public postal corporation?	75	24
2. Do you think that each class of mail should pay its own way?	87	13
3. Do you favor a Federal voting rights law establishing 18 as the minimum voting age?	64	36
4. Do you favor the Government's continued subsidy for the supersonic transport's (SST) development?	29	71
5. Do you think tax rates for single persons should be lowered so they are the same as those used by married persons?	76	24
6. Would you favor a 6-month extension of the existing 5-percent surtax (now scheduled to expire in July) if requested by the President as an anti-inflationary measure?	44	56
7. Do you favor the U.S. Public Health Service's providing family planning information and birth control devices to those who want them?	96	4
8. Would you favor banning private aircraft from heavily congested airports such as Kennedy, La Guardia, and Newark, limiting the use of these airports to only commercial airlines?	90	10
9. Would you favor a mandatory in-school testing of all junior and high school students for heroin use through urine analysis?	60	40
10. Do you favor the Senate passed "no-knock" drug bill allowing police to break into homes without notice if there is "probable cause" that if the police announced themselves, the marihuana or hard drugs being sought would be destroyed?	32	68
11. Would you favor a system of national health insurance for all citizens, regardless of age, including free choice of medical practitioner?	76	24
12. Do you believe the President should approve the pending request for the sale of 25 Phantom jets and 100 Skyhawks to Israel?	62	38
13. Would jyou favor requiring private pension funds to invest a percentage of their assets in mortgage financing for the construction of housing?	53	47

Vietnam: Do you think the United States should—	Percent
(a) Proceed with immediate troop withdrawal while providing for the safety of U.S. troops, securing the release of American prisoners of war, and assisting any Vietnamese desiring asylum	65
(b) Withdraw our troops to enclaves and have the South Vietnamese assume offensive combat responsibilities	14
(c) Continue as we are now under President Nixon's schedule of withdrawals and program of Vietnamization and pacification	16
(d) Escalate fighting with the objective of a military victory	5

PLEASE INDICATE HOW YOU FEEL FEDERAL SPENDING SHOULD BE ADJUSTED IN THE FOLLOWING AREAS

[In percent]

	More	Less	Same
Air and water pollution control	94	1	5
Crime prevention and control	76	5	19
Defense	9	74	17
Education	72	8	20
Foreign aid (economic)	21	47	32
Foreign aid (military)	3	86	11
Health	75	5	20
Highways	16	49	35
Housing	76	7	17
Mass transit	86	3	11
Open space and wildlife	71	5	24
Prisons	71	6	23
Rehabilitation of narcotic addicts	79	6	15
Space	9	64	25

Your comments on this newsletter and any proposals you might have on any subject are of interest to me. Please write to me c/o House of Representatives, Washington, D.C. 20515.

If you need assistance, call my New York City office at 264-1066 between 9:00 a.m. and 6:00 p.m. on weekdays.

SOCIAL SECURITY AND OUR VETERANS

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PODELL. Mr. Speaker, over the years, the Federal Government has established numerous programs providing for pensions, retirement benefits, and social insurance. These efforts have met with varying success. We find that loopholes and inequities are too common in these programs for the Congress to rest content with its labors.

I believe that it is time to act to close these loopholes and abolish the inequities. I have introduced a bill that I feel will mark the important beginning of such a campaign.

In this time of spiraling inflation, it is our senior citizens who are the hardest hit. They must watch while their fixed and limited incomes are eaten up as prices continue to rise. Given the inadequate level of benefits, they can ill afford this added burden.

There is one group that I would like to single out in order to demonstrate the inequities of the present system. These are the men who did not make careers out of military service but who served so well when their country called.

There is the well recognized need to better compensate those Americans who have served in the military. The difference between a man's earnings while in the military and his potential civilian earnings are great in absolute terms. A less obvious inequity becomes apparent when veterans begin to collect social security benefits.

Under present law, the man who served for a short period in the Armed Forces is penalized when he begins to draw benefits from social security. Presently, social security benefits are computed for all individuals on the basis of their average monthly wage as earned during their "benefit computation years." In computing one's benefit years, the 5 lowest years are deleted. This gives the individual a somewhat higher benefit rate, and is to be commended for providing our retired citizens with larger benefits.

There remains, however, a hidden penalty that is placed against all those who have been called upon to perform military service. Currently, a veteran's military income is included in the "benefit computation years." Given the fact that these are unusually low-income years, the individual who has served in the armed services is penalized by having lower benefits upon retirement.

While many individuals are able to delete the 5 lowest years of their civilian income in computing their benefits, the veteran is permitted to delete at most 2 of 3 years of his civilian employment.

The bill that I have recently introduced shall serve to end this inequity.

It will permit veterans to delete up to 4 years, military income in addition to the standard 5-year provision. The passage of this bill will result in greater benefits for millions of our citizens and establish a generally more equitable social security system.

Social security has too long discriminated against the veteran in this area. Let us now recognize their need in this inflationary time and give them our support.

PFC. RICHARD "JUG" CLOUGH LEAVES FOR VIETNAM—PROUD PARENTS AND A MOVING COMMENTARY

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, these are trying times, and for none so trying as the families and loved ones of our brave men who are serving America in Vietnam. Men in all wars have had to live with the risks of battle, and have done so. But in this present war they have an added burden, of politicians and news media who appear at times to undermine their efforts, and even make scapegoats of them if it will further their cause of opposition to the war.

The weight this bears on the families of our servicemen was brought vividly to my mind through a letter I recently received from some constituents. These people are proud of their son, who has recently gone to Vietnam. They know in their hearts that they have done a good job of raising him, and that he truly is one of America's heroes in this difficult time.

These parents are proud of having a son who volunteered to defend America, and has not shirked the responsibilities of citizenship. They know that he has a difficult and seemingly thankless job to do in Vietnam, and that he will do it to the best of his ability. In return they ask that we as Congressmen accept the responsibility of supporting our Nation's sons who are in Vietnam.

I commend the letter from Mr. and Mrs. Edward Clough, of Nashua, N.H., to the attention of my colleagues. America is a good country, and we have produced many good people. We are fortunate indeed that many people proudly accept the responsibilities of citizenship.

The Cloughs have sent their country a good boy. I join them in their hopes and prayers for their son and our beloved country.

NASHUA, N.H., *April 7, 1970.*

Hon. JAMES C. CLEVELAND,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. CLEVELAND: This morning we took our only son, Pfc. Richard "Jug" Clough to Logan Airport where he started the first leg of his journey to Viet Nam. As our just turned 18 year old squared his shoulders and walked confidently toward his destiny, many thoughts cascaded through our minds . . . some pleasant and some not so pleasant.

We are proud to have fostered an offspring that has accepted the responsibility of citizenship and volunteered to serve his country when so many of his generation have been seeking ways to avoid it. We are proud of the way he has adjusted to military life and the effort he has put into his training. We walk a little taller, as does he, when he speaks in glowing terms of his branch of the military, the United States Army Aviation and of the Fort Rucker slogan, where he trained . . . "Above The Best." We know he has learned his lessons well . . . it is a great country, one to be proud of and an honor to serve it.

When he gets to Viet Nam he will be assigned to a "Huey" helicopter, first as a door gunner and perhaps later as a crew chief . . . that is what he has been trained for. As he flys over the jungle, his "Huey" will draw enemy fire and his aircraft commander will direct him . . . "to pick up that fire and return it." This, of course, he will do because he is a military man and believes in the system. As he blasts away at the jungle with his M-60, possibly unbeknownst to him . . . a child will die or a woman will be wounded . . . because that is the kind of war it is . . . there being no clearly defined battleground.

This is where we become concerned. Possibly one of our news media representatives trying to make a name for himself, or even a G.I. looking for personal exposure, will decide this is an overt act . . . and another proud name will be tarnished, a proud man destroyed and a proud nation's image again blackened in the eyes of the world . . . all this before a shred of evidence is presented . . . or a word of testimony given . . . Freedom of the press . . . or is it judgment by the press.

If this should happen, I hope that you, your staff and/or your colleagues will remember this parent's plea. We have entrusted in your care our only son, born in the shadow of the state capitol, raised in the tradition of thousands of sons of the Granite State, reminded through his youth that the "Great Stone Face" up in the Franconia Notch signifies that "New Hampshire builds men". Jug learned early in life the beauty and tranquility of Mount Moosilauke, knows the joy of fishing the Oliverian stream and has observed the deer at play on Benton Flats. He has tramped and camped his native state from Mount Washington to the sea.

He learned to appreciate the beauty of nature, respect for all living things and love and compassion for his fellow man. These lessons he will not forget, but his job now is . . . to defend . . . to protect . . . to survive.

To defend the principles of freedom that he so cherishes but for a Congress that finds many of its members doing so much to discredit the military.

To protect an administration that has a "plan to end the war" but forces the military to engage in a defensive war that furnishes little protection for the men who are fighting it.

To survive in an alien environment where a child or woman may be your enemy but with a threat of a murder charge governing your every action.

We are sending you a good boy . . . and we hope and pray you will return to us a better man. May your every action and that of your colleagues be aimed in the direction of preserving as many as possible of the lives of "America's best" that they may return to the business of curing our domestic ills.

May God bless you in your efforts.

Sincerely,

ROSALIE AND ED CLOUGH.

THE PENN-CENTRAL CRISIS IS A RESULT OF HIGH INTEREST RATES

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, we have now reached a stage in our economic problems where actions and events are speaking louder than words and warnings.

For many months, some of us in the Congress have been attempting to alert the Nixon administration to the growing crisis being created by month after month of the highest interest rates in 100 years. Unfortunately, these warnings and pleas for action have fallen on deaf ears.

Today, we are in the crisis and we are no longer talking about the potential, the possibility, of economic troubles. This morning, the American public picked up its newspapers to find that one of the Nation's wealthiest and largest corporations—the Penn-Central Transportation Co.—was in a severe crisis—a crisis created by a heavy interest charge on its debt.

Penn-Central Transportation Co. is at this moment in a crisis for cash and it cannot sell debentures in the market at a 10½ percent interest rate. I repeat, one of the Nation's wealthiest corporations—with $7 billion in assets—cannot sell debentures at 10½ percent interest.

If a huge corporation like Penn-Central cannot raise funds at 10½ percent interest, then think what is happening to all of the smaller concerns around the Nation. We see front page stories in the major newspapers when a big corporation is in trouble because of high interest rates. We see immediate movement in Government circles when a huge corporation is pinned to the wall. But what about all of the small businesses already bankrupt by high interest rates, and the thousands of others who are in a cash crisis, unable to borrow money at anything like a reasonable interest rate?

Mr. Speaker, surely what is happening to Penn-Central Transportation Co. is enough to awaken the most complacent member of this administration. Surely it is enough to get some movement in the Congress for lower interest rates.

I sympathize with the troubles of the Penn-Central. I do not want to see this giant corporation fail. And I am willing to cooperate in efforts to help keep it afloat. But this is simply an emergency effort and it cannot be regarded as the overall solution.

We must have an overall solution—a rollback of high interest rates—or we are going to see dozens of other cases like Penn-Central.

There is talk of bailing out Penn-Central through utilization of the Defense Production Act. The Defense Production Act of course allows the Federal Government to guarantee through the Federal Reserve System loans in such a situation.

The triggering of this mechanism would be an allocation of the Nation's credit to take care of an emergency situation to save a segment of our transportation industry. I shall place no roadblocks in the way of such a loan but I want to make it clear that such an allocation of credit cannot and should not be limited just to Penn-Central.

Penn-Central is not the only corpora-

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tion and the transportation industry is not the only industry that is in trouble. All of us in this Congress know that there is no industry in greater distress than the homebuilding industry. Its depression has long preceded any difficulties of Penn-Central or any other transportation outfit.

So I say that if the Federal Reserve System allocates funds to the Penn-Central Transportation Co., then it must follow up with a massive infusion of credit for the Nation's depressed housing industry.

In participating in the loan to Penn-Central—one of the Nation's wealthiest corporations—the Federal Reserve would admit that it has the power to allocate credit. If this is done, I insist that the Federal Reserve move immediately to put money into housing. If allocation of credit is good enough for giant railroad corporations, than I am sure that it is all right for homebuilding.

The Federal Reserve currently has the power to purchase housing paper in the open market. Such open market purchases would create more credit for housing.

The Federal Reserve should start making the purchases immediately and continue until the Nation reaches its housing goal of 2.6 million new housing units each year.

It is unfortunate that it takes the difficulties of a major corporation before the Federal Reserve can see the light and agree to allocate credit. It is too bad that the human misery of people without adequate homes does not move the administration as much as the difficulties of a $7-billion corporation.

The difficulties of the Penn-Central corporation will bring home to the administration and the American public the deep crisis created by high interest rates.

When a giant $7-billion corporation cannot sell paper bearing a 10½-percent interest rate, then something is drastically wrong with the economy. We will be facing distress sales—sheriff's sales—throughout the Nation unless something is done now to roll back interest rates.

Mr. Speaker, I place in the Record a copy of a New York Times article on the crisis of Penn-Central. I hope that all my colleagues will read this carefully and recognize the import it holds for the entire economy. The article follows:

[From the New York Times, June 9, 1970]

Top Officer Quits at Penn Central in Cash Squeeze—Company Hard Pressed for Working Funds Despite Holding of Rich Assets

(By Robert E. Bedingfield)

Stuart T. Saunders resigned yesterday as chairman of the board and chief executive officer of the Penn Central Transportation Company, the nation's largest railroad.

He was succeeded by Paul A. Gorman, who was brought in as president last Dec. 1 to succeed Alfred E. Perlman, who at that time became vice chairman.

The announcement of Mr. Saunders' resignation comes amid reports that the railroad is trapped in a financial crisis that has left it short of working funds. Ironically, the railroad and its parent corporation, the Penn Central Company, have combined assets of more than $7-billion and are among the wealthiest companies in the country.

SOME COMPLAINTS

The railroad's assets include some of the most valuable real estate in the world—much of the land underlying office buildings and hotels spreading north from Grand Central Terminal along Park Avenue. The parent holding company's assets include ownership of huge realty companies, pipelines and amusement parks.

The Penn Central, which provides railroad service into Manhattan for more than 65,000 residents of Westchester County, Connecticut, New Jersey and Pennsylvania, has been under fire from commuter groups for the quality of service. The New York Public Service Commission has also been critical of the commuter operations.

The parent company, like the railroad, will also name Mr. Gorman as its chairman, president and chief executive officer to succeed Mr. Saunders. In making this announcement, the Penn Central Company did not say when its directors, who are also directors of the subsidiary, would meet.

The entire top echelon of the troubled organization appears to be on the way out. In addition to Mr. Saunders' departure, it was announced that David C. Bevan also "has retired as an officer" (he was vice chairman) and was resigning as a director of the parent company, the railroad and "all other" affiliates.

CONTRACT TO EXPIRE

The announcement continued that Mr. Perlman, who has an employment contract, had been "relieved" of his duties as vice chairman and would resign from the board when his contract expires next November.

Neither Mr. Saunders nor Mr. Bevan, according to a company spokesman, had an employment contract.

Mr. Saunders' resignation had been predicted for months. When he was interviewed about these predictions last fall, Mr. Saunders acknowledged that he had heard them. He said then that a majority of the directors had pleaded with him not to resign or retire notwithstanding the criticism, which he indicated came from some board members.

ASSISTANCE SOUGHT

Immediately after the news of the railroad's management shift was announced yesterday, there were Wall Street reports that the Department of Transportation had called for it. Secretary of Transportation John A. Volpe in Washington could not be reached for comment.

It has been reported that the general counsel for the Department of Transportation has been asked to determine whether existing legislation would enable the Government to extend some kind of financial assistance or guarantee to the railroad.

The Penn Central still owes some $20 million on a loan guaranteed by the Interstate Commerce Commission. The amendment to the law under which the regulatory agency guaranteed the borrowing, made by the old New York Central Railroad, expired in 1963.

The Penn Central has been plagued with a cash shortage since Feb. 1, 1968, when the Pennsylvania Railroad acquired the New York Central in a giant merger.

SALE ABANDONED

Through the Pennsylvania Company, an investment concern in which it holds large blocks of marketable securities, the railroad a week ago had hoped to sell $100 million of 25-year debentures and thus relieve its cash problems.

But the sale had to be abandoned when prospective underwriters reportedly could not find buyers for even $50-million of debentures carrying an interest coupon of 10½ per cent. While there were reports that a still higher interest rate was considered—as much as 11½ per cent—observers of the situation suggested that so high a rate would only scare buyers away. "They would have thought something really was wrong," one railway analyst said.

When the $100-million debenture sale was called off, the company said it would try to make other arrangements for the funds. The most recent credit obtained by the company was a $59-million borrowing in Swiss franc, carrying an interest rate of 10.1 per cent. This loan, obtained after the end of last year, matures next Dec. 31.

The Penn Central needs cash not only for current requirements but also to help it handle more than $100-million of long-term debt that matures this year. The prospectus issued for the planned debenture offering disclosed that the Penn Central had $75-million in commercial paper maturing at the end of June.

CASH STRINGENCY

The prospectus also noted that since April 21 maturities and payments of Penn Central commercial paper (short-term notes) exceeded sales of such paper by $41.3-million.

The company's unusually severe cash stringency reflects the inability of the railroad to achieve earnings since the February, 1968, consolidation.

In this year's first quarter the parent company operated at a net loss of $17.2-million despite an extraordinary credit of $51-million. The railroad subsidiary had a first-quarter loss of $62.7-million.

The parent company's loss in calendar 1969 was $121.6-million, after a $126-million charge-off of some of the railroad's investment in passenger train facilities. In the last 11 months of 1968, when the parent company had a reserve of $275-million to cover unusual charges associated with the merger, it had a net income of $90.3-million although the railroad in that period operated at a loss of $127.-million.

Mr. Saunders, who will be 61 years old on July 16, is a lawyer turned railroad man.

JOINED N. & W. RAILWAY

He practiced law in Washington, D.C., until April, 1939, when he joined the legal department of the Norfolk & Western Railway, in which the Pennsylvania Railroad was one-third owner.

Mr. Saunders rose to the presidency of the N. & W., which he left in 1963 to become chairman and chief executive officer of the Pennsylvania Railroad. He pushed to complete the merger of the Pennsy with the New York Central. Such a merger had been proposed several years earlier, by his predecessor at the Pennsy, James M. Symes, and the Central's chairman, Robert R. Young.

In addition to getting labor to switch from opposition to support of the merger, Mr. Saunders succeeded in overcoming the Justice Department's objections to the consolidation by agreeing to have the combined company absorb the bankrupt New Haven Railroad.

Alfred Perlman never exhibited the enthusiasm for the merger that was shown not only by Mr. Perlman but also by Mr. Perlman's old boss, Mr. Young.

RECOGNITION EARNED

Mr. Perlman, who will be 68 on Nov. 2 when his contract expires, has earned recognition in the industry as one of the most effective operating railroad executives of the century.

He is credited with having saved the New York Central from bankruptcy, which it apparently faced in 1954, after Mr. Young won control of the carrier from the Vanderbilt family in a bitter proxy fight. Before heading the Central, Mr. Perlman was executive vice president of the Denver & Rio Grande Western Railroad.

Last October, when directors named Mr. Gorman president of the Penn Central, Mr. Saunders in a statement emphasized the "many new viewpoints and concepts, particularly in the areas of cost control, budgeting, computer technology, personnel and public relations" that he said Mr. Gorman would provide.

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FORMERLY AT BELL

Until he joined the Penn Central last December, Mr. Gorman had spent his entire business life with units of the Bell telephone system. At Western Electric he was known as a keen cost-cutter and as a "tough operator" who sometimes barked commands to his subordinates.

At the Penn Central annual meeting last month, Mr. Gorman's $250,000-a-year salary came under sharp attack from several stockholders.

Mr. Bevan, 63, was with the New York Life Insurance Company and the Provident National Bank of Philadelphia before 1951, when he joined the Pennsylvania Railroad as financial vice president.

He is credited with having spurred the aggressive diversification program in nonrailroad fields followed by the Penn Central since the merger and by the Pennsy in the years prior to consolidation.

EIGHTY PERCENT OF THE AMERICAN PEOPLE THINK PRESIDENT DOING POOR JOB ON THE ECONOMY

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, for many weeks, I have been placing in the Record various editorials and letters in an attempt to show the public's deep concern over the failure of the Nixon administration to bring down interest rates and stabilize the economy.

Today, the Washington Post published the latest edition of the Lou Harris poll and this sampling of public opinion gives President Nixon his lowest marks on economic issues.

Eighty percent of the people give a negative response on questions relating to President Nixon's ability to keep down the cost of living. Mr. Speaker, this is a true reflection of the toll that high interest rates have taken on the economy. High interest rates have raised the cost of every consumer item and have contributed greatly to the continued price rise record month after month.

Mr. Speaker, only 17 percent of the people answering the Harris poll felt that the President was doing a good job on keeping down the cost of living.

In addition, Mr. Speaker, 60 percent of the people queried by the Harris poll responded in a negative fashion to questions about the President's efforts to keep the economy healthy. Only 34 percent gave a positive answer in this area. Once again, Mr. Speaker, this response reflects a concern over the tight monetary policies and high interest rates.

Mr. Speaker, I hope that the Members of Congress will look at the Lou Harris poll closely. When 80 percent of the people are opposed to a President's policies, I think it is time for the Congress to do what is necessary to correct them.

Mr. Speaker, I place in the Record a copy of a Washington Post story detailing the latest Harris survey:

[From the Washington (D.C.) Post, June 8, 1970]

JOB DONE BY NIXON GIVEN 51 PERCENT RATING

(By Louis Harris)

President Nixon's overall rating on the job he is doing is 51 per cent positive, 45 per cent negative with 4 per cent not sure. This slightly favorable rating is close to that just before his announcement of the Cambodian move.

Here is the trend of the public's job rating for Mr. Nixon over the past six months:

"How would you rate the job Richard Nixon is doing as President—excellent, pretty good, only fair, or poor?"

[In percent]

	Positive	Negative	Not sure
May 1970	51	45	
April	52	46	2
March	52	45	3
February	58	38	4
December, 1969	62	36	2
November	60	36	

Although the positive marks the President receives are 11 points off the high point recorded for him after his Nov. 3 speech announcing troop withdrawals from Vietnam, his job rating parallels the 50 to 43 per cent division in the country backing the decision to send U.S. troops into Cambodia.

The latest Harris Survey shows that he is still regarded favorably on his speeches and press conferences and on foreign policy matters outside Southeast Asia.

FOREIGN POLICY

In percent]

	Positive	Negative	Not sure
Working for peace in world	53	43	4
TV speeches, press conferences	51	39	10
Relations with Russia	43	39	18
Handling Vietnam war	40	54	6
Handling Cambodian war	38	51	11
Handling war in Laos	35	50	15

But he receives negative ratings on seven key domestic issues:

DOMESTIC RATINGS

[In percent]

	Positive	Negative	Not sure
Approach to law, order	37	56	7
Handling race problems	35	58	7
Keeping economy healthy	34	60	6
Handling strikes, labor relations	33	57	10
Appointments to Supreme Court	32	50	18
Handling taxes and spending	29	64	7
Keeping down cost of living	17	80	3

FROM THE HEARTLAND—REASSURING VOICES ARE STILL HEARD

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, I have long been deeply concerned by the effect that some of our domestic dissent may be having on Hanoi's war leaders. I am concerned that it may be stiffening North Vietnam's will to continue its aggression. I am almost certain it has had a demoralizing effect on American men fighting in Vietnam. I commented generally on this concern in my remarks accompanying Mr. C. L. Sulzberger's articles entitled "Cambodia: the Arrogance of Ignorance," which I have inserted in the Record.

In the flood of mail I have received in the past 5 weeks have come some thoughtful, touching letters. Often these have been written by parents and friends of men fighting for America in far-off Vietnam. They express concern for their loved ones who are now serving their country.

An unspoken theme of such letters is the immorality of some Americans not supporting their countrymen while they are doing their country's bidding. One such letter was written by my good friends and constituents Joe and Betty Oslin of Hillsboro, N.H. To me, it is a short, eloquent statement of parents who love America, and are proud that their two sons do, too. They need and deserve our support. They also need and deserve the prayers and respect of patriots and they have mine as well as those of most Americans.

The other letter that I here commend to my colleagues is of a slightly different nature. Through the words of her brother written in 1942, while he was fighting in another war, my friend and constituent Mrs. Aria Cutting Roberts, of Plymouth, N.H., adds perspective to this call for our support for our fighting men. The words written 28 years ago are still eloquent, and are particularly timely. These letters speak for themselves.

They are in heartening contrast to other letters—fearful and doubting, and clearly without faith in our time-tested methods of making the hard decisions which have permitted us to survive and move forward in freedom under God.

The two letters follow:

HILLSBORO, N.H., *May 15, 1970.*

Congressman J. C. CLEVELAND,
Washington, D.C.

DEAR JIM: I have just completed notes to Senators Cotton and McIntyre expressing my family's support of President Nixon's decision concerning Cambodia.

Our only two boys are in uniform and consider it a privilege. Young Joe just left for Vietnam yesterday. It is in his behalf and in behalf of our son Bob, who will start his second tour of duty there in the fall, and all the other boys who elected to serve their country rather than hide on the campus or flee to Canada that I ask that no limiting action be taken in the Congress. In my judgement, any vote to appease the chronic vocalizer will be construed as lack of national will in Hanoi and will prolong the conflict rather than resolve it.

Best regards,

JOE AND BETTY OSLIN.

PLYMOUTH, N.H., *May 18, 1970.*

Congressman JAMES CLEVELAND,
Washington, D.C.

DEAR JIM CLEVELAND: It seems that this is the time to say that I feel all of us should show united support for President Nixon and America's fighting men in the Cambodian crisis. I know that many of our fighting men feel this way—that many of them wish they had more than one life to give for their country—

I would like to quote from a letter:

"The present situation will, in the end, turn out satisfactorily for us. How can it be otherwise? Those very same principles that our ancestors fought and bled to establish, we are now ready to sacrifice likewise to preserve. Principles don't die—they live, provided those who support and in turn are supported by those principles are a red-blooded, fighting race that we are supposed to be, and which, to all those who are opposing us we are proving to be—"

Sounds just like a letter from a soldier in Vietnam, doesn't it? And the man who wrote this just 28 years ago in the far-away South Pacific during World War II, would say the same today. I am so glad that he doesn't know about the unrest all over this country right now—he would feel so hurt about it. The man who wrote the letter was my brother Arnold D. Cutting of Cleremont who saw

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several years of military service and came out a major in 1945. He died just five years ago from a battle with cancer.

All best wishes,

Most sincerely,

Mrs. Aria Cutting Roberts.

DEPARTMENT OF AGRICULTURE APPROPRIATION BILL

(Mr. KLEPPE asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KLEPPE. Mr. Speaker, I commend the House Appropriations Committee for reporting early the $7.4 billion Department of Agriculture and related agencies appropriation bill for fiscal year 1971. Confronted with an extremely tight budget situation, the committee has come forward with a bill which provides for some increases in farm-related programs which are urgently needed and has made offsetting reductions in some other activities which carry a lower priority.

I think it should be noted that in many respects this is also a bill for consumers. Even the price assistance programs for agriculture are consumer related in that they help to insure an abundance of food for the American people at a cost of only 16½ cents out of each dollar the consumer spends—lowest percentage in the world. By far the largest increase—nearly $700 million—is proposed in food assistance programs where expenditures would rise from $2.324 million in fiscal 1970 to $2.433 million in fiscal 1971. By comparison, the recommended appropriation under title I for general USDA activities is $2.955 million. The largest reduction is in title III—$480 million—for corporations, including Public Law 480 and other assistance programs.

Although there are numerous important items which received considerate treatment from the committee, I would like to single out a few. I am especially pleased that funds for the Great Plains conservation program, which is so vital to the future of North Dakota and the other Great Plains States, were increased by $355,000 to a total of $15,355,000. Total new obligational authority recommended in the bill for the Soil Conservation Service was increased by $22,614,000 to $268,844,000.

For the rural electric and telephone programs, the full budget estimate is recommended—$322 million in new authorization for electric loans and $123,800,000 for telephone loans. Carryover funds will enable the Administrator to make new loans of $345 million and $125 million respectively.

The bill provides for substantial expansion of many loan programs under Farmers Home Administration. The agency's insured loans will reach the $2.2 billion level during fiscal 1971.

CASH AWARDS FOR SOLUTIONS TO NATIONAL PROBLEMS

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, I am today proposing a program of $25,000 cash awards from the Federal Government as an incentive to individual Americans to develop solutions to critical national problems.

I have long felt that someone should create an atmosphere of incentive for Americans at the grass roots level to come up with answers to some of our most pressing problems—like maybe a fellow in his home garage devising an effective but inexpensive device for controlling air pollution. I would like to enlist all of our citizens in a campaign to lick our national problems. And so I have introduced a bill which I think will provide the incentive.

My bill would have the Federal Government offer as many as four prizes of $25,000 each to be awarded, possibly annually, to Americans who make outstanding contributions toward solving any of our national problems. No prize would be awarded in years when no such contribution had been made.

My point is that it is in the national interest to create this atmophere of promoting individual solutions to our national problems by recognizing and rewarding citizens who deserve such awards.

I call my bill the Distinguished Citizen Awards Act. It is patterned after the annual awarding of Nobel Prizes except that it would be presented only to U.S. citizens and only for contributions to the solution of the problems of this country.

While the individual who wins one of these awards would truly be a distinguished citizen, he would also be representative of Middle America. What I want to do is bring the man on the street—the farmer, the factory worker, the small businessman—into the solution of our national problems.

My proposal does not overlap the cash awards offered to employees by various U.S. Government departments because the scope of it goes far beyond such programs.

I believe a program of the kind I am proposing would accelerate our progress in solving national problems and would enhance the well-being and happiness of our people. I therefore feel we should establish a system of Distinguished Citizen Awards as a matter of national policy.

My bill would create a Presidential Commission of five members who would meet annually to consider whether any American citizen had so contributed to the solution of a national problem as to be deserving of a $25,000 Distinguished Citizen Award. The commission could decide to award no prizes or as many as four. The group would meet in April of each year in Washington, D.C., or at some other location of the Commission's choosing. A three-man majority would have to agree on the awards.

To be chosen for the award a citizen would have to have achieved an established working solution to a national problem. The "solution" could not simply be an idea or a suggestion.

LABOR UNIONISTS AGAINST THE WAR: "WE'VE HAD IT"

(Mr. LEGGETT asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. LEGGETT. Mr. Speaker, in recent weeks we have seen a number of demonstrations by "hard hat" construction workers in support of the Southeast Asian war. These men have every right to their opinions and every right to demonstrate—although I must say their bully boy conduct during the first demonstration in New York, and the one this past weekend in St. Louis, does them no credit. Nor has the President brought credit on himself by embracing their representatives without commenting on their tactics. If I were to meet with peace demonstrators who had behaved in a similarly disgraceful manner, I would certainly criticize their conduct to their faces and in the most unequivocal terms. But to reiterate: The hardhats have every right to hold and express their views.

However, we should not assume that they, or George Meany, speak for the entire union movement. There are unionists whose conception of foreign policy goes beyond "My country right or wrong, we must continue on the same course regardless." There are unionists who appreciate the difference between Vietnam and World War II. And there are unionists who understand that their sons are the first to go and the first to die when we make a mistake such as we have been making in Southeast Asia.

Recently, a number of trade union officers, executive board members, and shop stewards in the San Francisco Bay Area took out a full-page advertisement in both San Francisco newspapers to say, "We want out of Cambodia—Now! We want out of Vietnam—Now! We've had it!"

Under unanimous-consent agreement, I include this advertisement from the May 18, 1970, San Francisco Chronicle in the Record at the conclusion of my remarks. I also include the news articles, "Peace Ad by Bay Union Officials," from the San Francisco Chronicle of May 19, 1970, and "Coast Unionists Score War Move," from the New York Times of May 20, 1970, in the Record following the advertisement.

Following these articles, I include the articles entitled, "Meany Stand on War Challenged by Union," from the Washington Post of May 19, 1970, and "Potofsky, in Labor Split, Denounces War Policy," from the New York Times of May 23, 1970, in the Record.

The material follows:

[From the San Francisco Chronicle, May 18, 1970]

We've Had It!

We the undersigned Bay Area trade union officers, executive board members and shop stewards have sent the following message to President Richard M. Nixon with a copy to Senate Foreign Relations Committee Chairman J. William Fulbright:

Dear Mr. President: American working people and their families are deeply disturbed at your expansion of the war into Cambodia. Those men being killed are our sons—new

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casualty lists to add to the 40,000 already dead and 300,000 wounded in Vietnam.

On April 20 you announced that 150,000 men would be removed within the course of a year. Although we felt that even that pace was too slow, we hoped this was a turn toward peace, an end to the killing.

Now you have further divided this country by a number of blatant reversals in the course of a few days. First there were arms to Cambodia. Then there were American "advisors." Now an invasion in force!

This took place without even the pretext of a request from Cambodia, which international law considers a neutral nation.

This is a direct break with the U.S. Constitution. Only Congress can declare war. Furthermore, you did not even consult with the Senate Foreign Relations Committee—the committee mainly responsible to advise and consent. Your own Secretary of State William P. Rogers testified he told Congress that the United States would not escalate the war into Cambodia. Little wonder there are members of your own party who have said you have "broken faith with Congress."

You have created a credibility gap of incredible proportions.

You have pledged to the American people that we will be out of Cambodia by June 30.

In the light of this record, all we can say is—we don't believe you!

The economy of our country is steadily being eroded; your promises to stabilize the economy and control inflation have become meaningless. Our paychecks buy less for our families; our standard of living has been assaulted. We are suffering increased inflation and unemployment.

Now Cambodia! What next?

There must be an end to these military adventures.

We want a cease-fire—Now!
We want out of Cambodia—Now!
We want out of Vietnam—Now!
We've had it!

Most important, this nation of ours must turn from war to peace. Any other course leads to disaster.

(This ad was sponsored by a group of Bay Area trade unionists, and paid for by the contributions of the signers. Because of the time element some of the signers have not had the opportunity to take up the text with their respective trade union bodies.)

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[From the San Francisco Chronicle, May 19, 1970]

PEACE AD BY BAY UNION OFFICIALS

A cross-section of Bay Area union leaders, including some of the most conservative, spoke out strongly yesterday against American military involvement in Southeast Asia.

"We want out of Cambodia—now! We want out of Vietnam—now! We've had it!" they declared in a fullpage newspaper advertisement signed by 336 leaders.

The signers ranked in political outlook from President Harry Bridges of the International Longshoremen's and Warehousemen's Union, which long has opposed the Vietnam war, to such men as Secretary Dan Del Carlo of the local building trades council of the AFL–CIO, which has been one of the staunchest supporters nationally of the war.

Other signers included leaders from the International Typographical Union, Newspaper Guild, Auto Workers, Electrical Workers, Social Workers, Carpenters, Teamsters, Teachers, Painters, Watchmakers, Communication Workers, Iron Workers, Laborers, Lithographers, Office Employees, Bartenders, Hospital Workers, Boilermakers, Laundry Workers, Clothing Workers, City Employees, Machinists, Broadcasters, Cemetery Workers, Bottle Blowers, Oil Workers, Cooks, Retail Clerks, Service Employees, Culinary Workers, Barbers, Butchers, hodcarriers and piledrivers.

Among the most prominent AFL–CIO signers were Harry Bigarani, secretary of the Painters District Council here; Thomas Rotell, head of the Metal Trades Council here; Secretary Art Carter of the Contra Costa County Labor Council; Secretary Richard Groulx of the Alameda county Council and Secretary Charles Weir of the Marin County Council.

Among the Teamsters leaders were Joseph Diviny, the union's first vice president nationally and head of its joint council in the Bay Area, and Director Einar Mohn of the union's Western Conference.

The signers accused President Nixon of violating the Constitution by expanding the war into Cambodia, said the American troops being killed there "are our sons," and charged there is no reason to believe Mr. Nixon's promise to withdraw U.S. men from Cambodia by June 30.

[From the New York Times, May 20, 1970]

COAST UNIONISTS SCORE WAR MOVE—"WE'VE HAD IT" SAYS AN AD BY 451 LABOR OFFICERS

(By Wallace Turner)

SAN FRANCISCO, May 19.—The shattering of labor union support in this area for President Nixon's Indochina policies was signaled yesterday in full-page advertisements in both The San Francisco Chronicle and The Examiner.

The names of 451 labor union officers were signed to the advertisement. It was captioned: "We've had it!"

The text said that "working people and their families, are deeply disturbed at your expansion of the war into Cambodia," adding that Mr. Nixon had "further divided this country" by his move.

Addressing itself to the President, the ad said:

"You have created a credibility gap of incredible proportions. The economy of our country is steadily being eroded, your promises to stabilize the economy and control inflation have become meaningless."

A SHIFT IN POLICY

While the sentiments expressed in the advertisement are not new, the signatures to such a document of the names of many leaders of conservative unions constitutes a departure from national labor policy. Behind President George Meany, most of the old-line unions in the American Federation of Labor and Congress of Industrial Organizations have consistently supported Mr. Nixon's war policies.

But the signature to the anti-war advertisement include those of officials of the iron workers, carpenters, boilermakers, painters, communications workers, lithographers and butchers unions.

More predictably, there are also signatures of officers of the more liberal unions, such at the auto workers, longshoremen, led by Harry Bridges; the American Federation of Teachers, and the farm workers.

Some of the signatures that stand out are of Einar O. Hohn, head of the Western Conference of Teamsters; Joseph Diviny, first vice president of the International Brotherhood of Teamsters; Richard Groulx, executive secretary of the Alameda County Labor Council in Oakland; and Larry Vail, secretary of the State Retail Clerks Union.

WAR I CRITIC SIGNS

One note from the long past was the signature of Warren K. Billings, listed as a member of the executive board of Watchmakers Local Union 101.

Mr. Billings was convicted with Tom Mooney of bombing the Preparedness Day parade here in 1917. He learned watchmaking during the long years he spent in Folsom Prison.

The advertisement was prepared by liberal union members whose previous antiwar attitudes were intensified after four students were killed by National Guardsmen at Kent State University in Ohio.

[From the Washington Post, May 19, 1970]

MEANY STAND ON WAR CHALLENGED BY UNION

"Is everybody out of step except the AFL–CIO?" one of the federation's constituent unions has asked in challenging President George Meany's support of American operations in Cambodia.

"The AFL–CIO is not infallible and many of us feel strongly that it is out of step with the thinking of the 13 million members it represents," an editorial in the official publication of the Amalgamated Meat Cutters & Butcher Workmen states.

"We do not believe that the leader of our great American trade union family speaks for that family in supporting the President in the present war dilemma of our nation," said the June-July issue of the Butcher Workman.

Meany pledged his support and that of the AFL–CIO the day after President Nixon announced that U.S. troops were entering Cambodia to deactivate North Vietnamese sanctuaries.

The 35-man AFL–CIO executive council endorsed Meany's position last week with three members dissenting and one abstaining from the vote.

Meany and the council have consistently backed Presidents Johnson and Nixon on the conduct of the war in Southeast Asia. It was on this issue that Meany and the late Walter P. Reuther had a falling-out that led to the ultimate withdrawal of the United Auto Workers from the AFL–CIO. Reuther also backed the administration but advocated a more moderate stand accused the council of passing a "jingoistic" resolution on the war.

Patrick E. Gorman, secretary-treasurer of the Meat Cutters, unsuccessfully ran for the executive council four years ago.

The editorial contended that "no rational segment in the make-up of America puts the stamp of approval on our war involvements.

"We wonder how long the 13 million trade unionist in the United States will sustain this opinion," it said.

[From the New York Times, May 23, 1970]

POTOFSKY, IN LABOR SPLIT, DENOUNCES WAR POLICY

(By Emanuel Perlmutter)

ATLANTIC CITY, May 24.—The head of one of the nation's largest trade unions broke today with the leadership of the American Federation of Labor and Congress of Industrial Organizations and condemned the Vietnam and Cambodian war policies of the Nixon Administration.

Jacob S. Potofsky, president of the 417,000-member Amalgamated Clothing Workers of America, praised the United States Senators who have been seeking to cut off funds for further military operations in Cambodia.

"Let us pray that success may crown their efforts," he said in an interview on the eve of the union's 27th biennial convention, which opens here.

"Congress must exercise its constitutional responsibility of not leaving the war-making decisions to the President alone," he added.

The American presence in Cambodia has been supported by George Meany, president of the A.F.L.–C.I.O., who said two weeks ago that he spoke for nine-tenths of the federation's 35-man Executive Council. Mr. Potofsky is a member of the council.

In opposing the federation's stand, Mr. Potofsky joined a number of labor leaders who are critical of the Cambodian decision. On the West Coast, 451 union officers last week signed newspaper advertisements opposing the move.

Criticism of the Administration's war policies is also contained in the text of Mr. Potofsky's keynote address tomorrow before 1,500 delegates.

"Our members, like all working people and like the majority of all Americans, want peace," he says in his prepared speech. "Our members, like all working people and like the majority of all Americans, want peace. And they want peace now, without delay, without further military adventures, without more killing.

"I talk of peace now. If we do not end our involvement in Southeast Asia, which is tearing us apart, our nation and the democratic processes are in danger of dying."

Mr. Potofsky says in the speech that the Cambodian invasion is hurting chances to bring peace in the Middle East.

"A damaging consequence of the Cambodian maneuver is the definite weakening of American power to influence the situation in the Middle East," he says.

"Direct Soviet intervention in the Middle East has already stimulated Egyptian offensive action along the Suez Canal. Does anyone believe that America would have sat idly by in the face of Soviet intervention in the Middle East if America were not so deeply sunk in the Vietnam quagmire?"

Mr. Potofsky says in the speech that the war in Southeast Asia has done "great damage to the spirit of America."

"A climate of fear has descended upon our land," he says. "The war has set men against each other. It has caused division between the people and their Government. It has aroused suspicions and false accusations. It has brought back some of the McCarthyism era—an evil which we all hoped would never reappear."

TRUST FUND THEFT—A NATIONAL SCANDAL

(Mr. LEGGETT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. LEGGETT. Mr. Speaker, I am not one of those who feels the economic system of the United States can be run as if it were the budget of a corner grocery store. I fully appreciate the "pump-priming" value of a small planned deficit and of a small degree of inflation.

But what we have today is not a small deficit, and it is not a small inflation. We are being asked to increase the public debt limit by $18 billion: roughly 9 percent of the total annual Government budget. And to match this 9-percent deficit, the national economy is currently inflating at an annual rate of about 7.2 percent. Contrast this with 2.9 percent inflation in 1969, 2.8 percent in 1968, and about 1.3 percent for each of the preceding 5 years.

Of course inflation and the national debt are only the beginning of our economic problems. Unemployment is 5 percent, up 1.7 percent from January 1968. The gross national product, which averaged 5.4 percent annual increase during the Kennedy and Johnson administrations, has decreased slightly during the past two quarters, thus meeting the textbook definition of a recession. The stock market, exuberantly bullish during the previous two administrations, is in a swandive whose grandeur has not been seen since 1929.

We can try to paper over our difficulties by borrowing from the trust funds—the social security funds, the highway funds, and so forth—but this will get us nowhere; sooner or later, we are going to have to pay it back.

There is no question that, in dollars-and-cents terms, we have the worst of all possible worlds.

Perhaps all this would be acceptable—at least it would be more tolerable—if some worthwhile purpose were being served. If the President were to say to the American public, "I know we are putting tremendous stresses on the economy but there are urgent needs that simply have to be met. We have to educate our children, expand health research and delivery programs, and make our environment fit to live in. We have to eliminate the national disgraces of poverty and hunger."

But this is not the case. Expansion of food and environment programs is tokenistic. Health and education are being cut back.

Where is the money going? We all know where it is going. It is going to the senseless and discredited war in Vietnam. It is buying the Saigon generals fancy villas and Swiss bank accounts, and it is buying the American people nothing but division and dead young men.

Let us forget about our overgrown Military Establishment in general. Let us forget about the biggest make-work project in history: the antiballistic missile.

Closing down the war in Vietnam would by itself more than balance the budget and eliminate the need to raise the debt limit.

So I will not be a party to stealing from the trust funds. I will not be a party to this inflationary proposal. I will not be a party to furthering the economic degradation of the Nation. The war in Vietnam is not worth it.

PRESIDENT AND POLICY ARE THE SERVANTS OF THE UNITED STATES, NOT ITS MASTER

(Mr. LEGGETT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. LEGGETT. Mr. Speaker, a most provocative and timely sermon on our country's current domestic and international disaster was recently delivered by Robert E. Senghas, minister of the Unitarian Church of Davis, Calif., in my district. This sermon was so perceptive and so well put that I find literally nothing I can say that would add to it but my endorsement—and when a Congressman finds himself with nothing to say, that is indeed an occasion.

Under unanimous consent agreement, I insert the sermon entitled "The Crisis Around Us," given by Robert E. Senghas on May 17, 1970, at this point in the RECORD:

THE CRISIS AROUND US

1. From the Declaration of Independence.—We hold these truths to be self-evident; that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on, such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate, that governments long established should not be changed for light and transient causes; and accordingly all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security.

2. "Shine, Perishing Republic" by Robinson Jeffers:

While this America settles in the mold of its vulgarity, heavily thickening to empire,
And protest, only a bubble in the molten mass, pops and sighs out, and the mass hardens,

I sadly smiling remember that the flower fades to make fruit, the fruit rots to make earth.
Out of the mother; and through the spring, exultances, ripeness and decadence; and home to the mother.

You make haste on decay: not blameworthy; life is good, be it stubbornly long or suddenly
A mortal splendor: meteors are not needed less than mountains: shine, perishing republic.

But for my children, I would have them keep their distance from the thickening center; corruption
Never has been compulsory, when the cities lie at the monster's feet there are left the mountains.

And boys, be in nothing so moderate as in love of man, a clever servant, insufferable master.
There is the trap that catches noblest spirits, that caught—they say—God, when he walked on earth.

The Crisis around Us:—There is a certain type of story which clergymen love to use in their sermons as the source of consolation. Recently I read a good example of this kind of story, one used by the well-known Protestant minister Ralph Sockman. Here is the story:

"A traveler in the Swiss Alps spent the night in a chalet well up in the mountains. In the early hours of the morning he was awakened by terrific crashings and rumblings. Frightened, he aroused his guide and asked 'What is happenings? Is the world coming to an end?' Calmly the guide answered: 'No, you see when the sun starts coming up the other side of the mountains, its rays play upon the surface of the glacier and cause the ice to crack with loud reports. This is what you hear. It is not the end of the world; it is only the dawn of a new day.'"

This is the kind of story with which the minister likes to end his sermons. And in the crisis around us, the crisis of extremist violence by both protesters and National Guard, the crisis of irresponsible Presidential leadership, the threat to the balance of powers between the President and Congress, it would be comforting to have a guide who could tell us that the terrific crashings and rumblings we hear are really the dawn of a new day and not the end of the world.

I cannot presume to be such a guide of reassurance today. It will be some time before we know whether we are witnessing the harmless breakup of a past ice jam, of whether we are in the path of a potential avalanche. I have heard many around us crying, "Doom, doom." Perhaps they are right. Yet I must tell you that today I am encouraged in a way I have not felt for many years. I am not naive enough to believe that we have passed through the time of our greatest troubles. But something is happening in our country which gives me hope. I will come back to this in a few minutes.

Earlier this morning I read from the Declaration of Indepedence. For almost two hundred years the Declaration of Independence has been a revered relic in the civil religion of America. The original of the Declaration is kept in its glass shrine, like the reliquary with the tooth or hair of a saint. The importance of a saint is in the quality of his *life*, and when the relic bcomes the focus of attention, the significance of the saint's life is perverted. His remains are perverted into objects of idolatry, in place of a life of inspirational source, an example which makes demands upon the believer's own life.

In like fashion, the Declaration of Independence has been encased in a frame and glass, reproduced and hung as a relic, while the life of the Declaration and its discomfiting message has been overlooked.

The message of the Declaration is that there has been from the founding of our country the deep conviction that there are values by which we judge any government of ours. This includes any government which may trace its history back to the time of the Declaration. Our country is not our government; our country is more than any government or political system, and any government of ours must justify itself by the standards referred to in the Declaration. The issue for us as Americans, then, is whether our present government has become (in the words of the Declaration) destructive of life, liberty, and the pursuit of happiness. Our loyalty as Americans is not primarily to our government, but to our country.

The distinction between loyalty to our country and loyalty to our government, and the deeper allegiance to country over government, was novel at the time of our American Revolution, and it contradicted the Protestant tradition of Europe based upon Lutheranism and Calvinism, which refused such a distinction. But it has been rare in American history when Americans have felt any conflict between loyalty to country and loyalty to government. Until the present time, only the Civil War raised this issue clearly, and then only for the South, who interpreted "country" to mean the local or Southern country, or "Southern way of life," which of course meant the way of life for the white.

Until the recent crisis over the Vietnamese war and its extension into Cambodia, there has been only a slight erosion of this belief in lack of conflict of loyalties between country and government. This has been for those liberals, radicals, and blacks who have begun to identify themselves with larger, international mankind, or at least oppressed peoples in all lands. The great bulk of Americans, however, have continued at least until this current crisis to identify loyalty to country with loyalty to government, even when their own political parties have not been in office.

Now many more of us, and especially the students, are re-experiencing the conflict known to the founders of our country. We are asking whether our government has forfeited its right to govern. President Nixon has refused to listen to our representatives in the Congress and within his own political party. He has acted without a true consent of those who are governed by him. He has instituted a policy which is destructive to the rights of life, liberty, and the pursuit of happiness.

And so after two hundred years we are again faced with the revolutionary question: has our government forfeited its rights to our allegiance?

There are many Americans who refuse to ask this terrible questions. They refuse to admit that it is ever conceivable that we can be confronted with a conflict between loyalty to our government and loyalty to something deeper than that government. When the Cambodian expedition and the massacre of the students at Kent State took place, my neighbor flew an American flag prominently in his front yard. I do not know what his intentions were, but the message of that flag under those conditions was that loyalty to the flag and loyalty to Mr. Nixon were synonymous. And to the students and to me that message is that those who oppose the Cambodian expedition and who oppose the immorality of our Administration are necessarily disloyal to our country and to the values our country should live by. My neighbor is apparently not ready to ask the revolutionary question.

But I am ready to ask the revolutionary question, "Has our government forfeited its right to our allegiance?" And I am also ready to answer that question. My answer is, "Not yet." I am still ready to give general allegiance to my government. The Declaration of Independence notes that "prudence . . . will dictate that governments long established should not be changed for . . . transient causes." And I am living in the hope that the cause which Mr. Nixon has endorsed is a transient cause.

And when I say that I am still ready to give *general* allegiance to the government, I do not say how I may respond to a specific order. I do not know what my response would be to an order for induction. It would be presumptuous of me to imagine how I might respond to a situation which will not occur. I do not know that I am far less certain I would obey any such order now than I would have been three weeks ago.

I am still prepared to support the government because the government is not, fortunately, simply the Administration. Mr. Nixon has set forces in motion which he, in his limited understanding of government, never foresaw. Like George III, he has made the error of identifying his person with his office. But he has set in motion countervailing forces within government itself—within the Congress and within his own party and his own Administration—which give us hope that his cause will be indeed transient.

I said earlier that I am encouraged. I am encouraged by the appearance of these countervailing forces within the government and within both political parties. I am also encouraged by the appearance of a strong reaction within the great "silent majority" whose mind Mr. Nixon thought he was able to read. And I am especially encouraged by the new *legitimation* of *dissent*.

Until last week the only dissent which attained the air of legitimacy with the American public was in the campaign of Senator Eugene McCarthy. When Senator McCarthy abdicated from leadership, the dissenters lost their focus, and dissent again became illegitimate. Until last week I had supposed that it would require the appearance of another leader of national political stature in order for dissent to our policy in Southeast Asia to be legitimized again. Such a leader has not emerged yet. But now it appears that we did not need a new leader to legitimize dissent—dissent has been legitimized by the excesses of Richard Nixon himself and by the excesses of the Ohio National Guard.

In France before their revolution the decrees of the king were ended with the words "le Roi le veut"—the King wills it. In an absolute monarchy that is all that is needed to justify and to legitimate the decrees of the government. Mr. Nixon deos not understand that the American process is different. His Executive Orders are not legitimized simply by the words, "The President wills it," although his press conferences show that that is what he believes. Rather, Mr. Nixon's authority is legitimized by the support of the people, or in the words of the Declaration of Independence, his just powers derive from the consent of the governed. And we, the governed, have not consented to what he has done. My neighbor with his flag has apparently not yet made the distinction between Presidential will and public consent, but more and more Americans are making that historic distinction.

What has happened in our country since last week is the realization by many that opposition to our war in Indochina and to its extension is *no longer dissent*. What has happened is the realization by many that Americans have withdrawn their collective *consent* to the war. We have withdrawn our consent to the legitimacy of any Administration which acts to extend that war against *our* will. What has been *dissent* has become an awareness of a lack of *consent* in the public will. The issue is not whether the dissent can be legitimized, but whether the Administration can again be legitimized. We are saying that we now know in a deep way that you, Mr. Nixon, are not our country; you are not our flag. Our cause is the country's cause, and that flag is *our* flag.

And so I am encouraged by a new experience that I am finding my country again. It is not the country Mr. Nixon sees; it is not the country many of those see who would wrap themselves and their insecurities in the flag. But in a way I feel to my very soul, I know that the principles we stand for derive from the very roots of our country.

I am especially encouraged by what is happening to the students at our colleges and universities. Until the last few weeks the student movement was defined negatively. It was a student protest *against* the Establishment, and the Establishment was thought to include the universities themselves. This has now changed. As *Newsweek* magazine noted, Cambodia and Kent State have converted *student* antiwar protest into *university* antiwar protest. Faculty and even some administrations are standing with the students on this issue. With the politicizing of many students who have been inactive, and with the growing mood on campuses that our national Administration no longer has the consent of a large proportion of the governed, the students are coming to see the university as *their* university: not some outside Establishment's university, but a university that represents their values. There is a sense of common cause among faculty, staff, and students. The number of those who wish to use the university as a battlefield, where violence is directed against the supposed representatives of our corrupt society, that is, the campus administration, seems to be diminishing. It is being replaced by a growing sense that the university is a source of strength, a staging area for moving out into the country, a place where one prepares to encounter the evil in our society. Faculty and administration (where administration is sympathetic) are coming to be looked upon as allies. What seems to be happening on campuses is a change in mood similar to what is happening off the campuses—that opposition to our national Administration is no longer *dissent*, but that this opposition now represents the legitimate interests of us all. More and more students are coming to feel that *they* are the Establishment, that *they* represent the legitimate source of power in our country, and they are now willing to move into the political arena to make that power effective.

I am greatly encouraged by all this. My only concern is for the need among these students for a strong sense of time. Political action requires a willingness to work for the long haul. Mr. Nixon himself is an example of one who knows how to work and wait. Will the students be able to work with the same kind of patience, or will they become discouraged if results are not immediate, especially in this fall's elections? We shall have to see.

Working for political change is like heating up the water under a teakettle. The question is whether the students will become impatient if the water does not boil within three minutes. Some will probably then propose to throw away the teakettle, warm water and all. What is needed is a continual application of heat.

Although I am encouraged, I am also not completely optimistic either. There are also contrary forces in motion. We are always only a few steps from demagoguery. Besides the awakening part of our population which sees the evil in our Administration, there may also be awakening an element ready to repress any departure from Mr. Nixon's stated will. A straw in the wind is the recent violence of the construction workers during their lunch hour against the students in Wall Street, New York, while the police looked on amiably. These construction workers and these police represent the same class which formed the principal support of Hitler in Germany. We shall see if demagogues emerge who are willing to pander for support of this movement.

But at this moment I am still largely encouraged. I am encouraged by the willingness of many students to lose their innocence. They are increasingly willing to avoid the supposedly pure life of apathy or of radical courses of conduct that solve only personal, not public, needs. The students are more willing to be tainted, as anyone who joins the fight must be tainted.

A week ago on campus I heard a black student speak about the antiwar issue. His principal point was that in all this talk about writing the Congress, we must remember that Senator Fulbright from Arkansas is a racist. That is the voice of someone who wants to be pure. He is saying that we cannot remain pure and involve ourselves with Senator Fulbright and the rest of the government. And of course he is right. But more students seem to be realizing that the important thing is not to be pure, but to stop the killing of Americans and Asians, black, white, and Oriental.

The republic of Robinson Jeffers is indeed perishing, but there was much about that old republic that deserved to die. In this hour I become hopeful that a new country is emerging closer to the spirit of the instrument which declared our independence than we have been for many, many years.

HOMO SAPISAURUS

(Mr. LEGGETT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. LEGGETT. Mr. Speaker, there are those who seem to believe that, just because we have never rendered our environment incapable of supporting human life, it cannot be done and will not be done.

A recent column by Arthur Hoppe suggests that there were others who said the same thing several million years ago.

Under unanimous consent agreement, I include the column entitled "Interview With a Dinosaur," from the San Francisco Chronicle of June 2, 1970, in the RECORD at this point:

AN INTERVIEW WITH A DINOSAUR

(By Arthur Hoppe)

"Dinosaurs dominated the world during the Mesozoic era—from about 200 million years ago to about 60 million years ago . . . Scientists have advanced many reasons to explain why the dinosaurs died out"—The World Book Encyclopedia.

"Good morning, sir. You are a dinosaur?"

"Yes, I'm a brontosaurus myself. Come from a long line of brontosauri. We've lived here in this swamp for—oh—140 million years or so. Lovely place, don't you think?"

"Very, I see that you eat these succulent looking reeds that grow in the shallows."

"Yes, they're the only thing I care for really."

"But I see, sir, that as you move about you seem to trample more reeds underfoot than you eat."

"Well, when you weigh in at 50 tons . . ."

"But aren't you concerned, sir, about destroying your food supply?"

"Not at all, young man. There have always been plenty of reeds to eat and there always will be—even though the swamp is a bit shallower."

"Shallower?"

"When I was a lad it came up to my shoulders. Now it's up to my hips. I suppose that's what's got the young ones all stirred up—that and the change in climate."

"The climate's changed, sir?"

"Yes, it's much less humid than when I was a boy. It's not the coolness that bothers you, it's you know, it's the lack of humidity."

"You said, sir, that the young were stirred up?"

"Oh, just a few wild-eyed radicals. They're going around shouting, 'The swamp's drying up! The swamp's drying up!' Sheer nonsense. There's always been a swamp and there always will be a swamp. No swamp! It's impossible for the saurian mind to conceive."

"They have a plan of action?"

"Nothing practical. They want us all to learn to eat those leaves growing on the bank. Leaves, mind you! Can't abide the stuff. Doesn't set well, don't you know?"

"But if, just by chance, the swamp IS drying up. . . ."

"I'm not about to change my ways, young man. Reed-eating was good enough for my grandfather a billion times removed and it's certainly good enough for me!"

"But, sir, you agree that the world is changing. And yet you say you will make no attempt to adapt to these new conditions. Aren't you afraid you will become extinct?"

"Extinct! Are you out of your mind, young man? There have always been dinosaurs and there always will be dinosaurs. After you've been ruling the world for 140 million years, there's one thing you know in your bones."

"What's that, sir?"

"The Good Lord created this planet solely for the enjoyment of us dinosaurs."

"The earliest examples of Homo sapiens date from about 300,000 B.C."—The World Book Encyclopedia.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. The United States has more compressors than any other nation. In 1966 there were 564,916 compressors in the United States compared to 112,821 in Japan, the second-ranked nation.

BEAUTIFUL MOUNT VERNON—INCLUDE THE VIEW

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, there is a growing and justified citizen chorus to preserve the view from Mount Vernon. Yesterday I brought to your attention and that of our colleagues one part of that chorus. Today, from the Durham, N.C., Morning Herald, I refer you to one more example of the public's close attention to the plight of preserving our first President's home and its surroundings.

One of my friends recently called me the "lobbyist from Mount Vernon," and rather than take offense at the remark, I readily admit trying to represent countless future citizens who, unless the Congress acts, may never be able to thrill to the panorama of the Mount Vernon setting. The title conferred by my friend was purely honorary so my colleagues on the Appropriations Committee need not feel uneasy about my persistence in this matter.

We can thank one of our distinguished former colleagues, Mrs. Frances Bolton of Ohio, for preserving part of the majestic view along the Potomac. However, we must not assume that the Accokeek Foundation can do the whole job of preservation. The critical part, that still to be done, is the job of the Federal Government and the U.S. Congress.

On behalf of generations of visitors to Mount Vernon yet to come, I urge the appropriation of sufficient funds in the fiscal year 1971 budget to finally and irrevocably protect one of our Nation's greatest landmarks.

The editorial from the Durham Morning Herald follows:

SAVING VIEW FROM MOUNT VERNON

Regrettably the battle to save the view of the Maryland shore from Mount Vernon has not yet been won. More than half the land and scenic easements necessary to preserve the natural beauty of the view from the beloved home of the nation's first President has been acquired. Obviously, however, there remains unacquired for the Piscataway National Park enough land in the area to permit developments which would destroy the view George Washington so much enjoyed and which is integral to the character of his home as a national shrine.

Almost a decade has passed since Congress authorized the preservation of the character of the Maryland shore opposite Mount Vernon. But Congress has never implemented that authorization with adequate appropriations, and no administrations (Kennedy's, Johnson's, or Nixon's), for all the professions of concern for conservation, has promoted this eminently significant conservation project, the development of the Piscataway National Park to protect and preserve the view from Mount Vernon. Much of the land already conveyed to the National Park Service for the purpose has been given by individals and private foundations, and the scenic easements have, of course, been conveyed by the property owners.

It is high time the administration and Congress give priority to completing the Piscataway National Park. Only then will the preservation of the view from Mount Vernon be assured. Two years ago Secretary of the Interior Udall declared the park "substantially complete." Such a declaration was necessary to validate the gifts of land and scenic easements. But more land needs to be acquired, and Congress should make the necessary appropriation now.

The Accokeek Foundation, headed by former Rep. Frances P. Bolton of Ohio, which acquired over 400 acres of land for the projected park, has now become understandably concerned over pollution of the Potomac River and is now undertaking to have the long stretch from Washington to the Chesapeake Bay included in the anti-pollution project for the river. This, too, is needed, not only for Mount Vernon but for that beautiful and historic river and its Maryland and Virginia shores.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CORMAN, for Tuesday, June 9, 1970, on account of official business.

Mr. GAYDOS (at the request of Mr. BOGGS), for Monday, June 8, and the balance of the week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MATHIAS) and to revise and extend their remarks and include extraneous matter:)

Mr. HORTON, for 30 minutes, today.

Mr. STEIGER of Wisconsin, for 30 minutes, today.

Mr. HOGAN, for 1 hour, on June 10.

Mr. HALPERN, for 10 minutes, today.

(The following Members (at the request of Mr. CHAPPELL) and to revise and extend their remarks and include extraneous matter:)

Mr. GONZALEZ, for 10 minutes, today.

Mr. THOMPSON of New Jersey, for 60 minutes, on June 16.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

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Mr. FINDLEY, to include extraneous matter with his remarks made today in the Committee of the Whole on H.R. 17923.

Mr. MICHEL, to include extraneous matter with his remarks made today in the Committee of the Whole on H.R. 17923.

Mr. LANGEN, to insert two tables in connection with discussion on H.R. 17923.

Mr. RANDALL, to extend his remarks in connection with the appropriation bill, following amendment offered by Mr. SMITH of Iowa and prior to vote on Farmers Home amendment.

Mr. WHITTEN, to revise and extend his remarks made in Committee today and include extraneous matter.

(The following Members (at the request of Mr. MATHIAS) and to include extraneous matter:)

Mr. BURKE of Florida.
Mr. ESCH.
Mr. TEAGUE of California.
Mr. HOSMER.
Mr. CHAMBERLAIN in three instances.
Mr. HOGAN.
Mr. SCHNEEBELI.
Mr. WYMAN in two instances.
Mr. ESHLEMAN.
Mr. THOMPSON of Georgia.
Mr. GOODLING.
Mr. FREY.
Mr. QUIE.
Mr. BLACKBURN in two instances.
Mr. PELLY in two instances.
Mr. BOW in two instances.
Mr. SCHERLE.
Mr. KEITH.

(The following Members (at the request of Mr. CHAPPELL) and to include extraneous matter:)

Mr. FRASER.
Mr. ULLMAN in 10 instances.
Mr. MINISH.
Mr. GONZALEZ in two instances.
Mr. GARMATZ.
Mr. BINGHAM in two instances.
Mr. EILBERG.
Mr. STEED in two instances.
Mr. MIKVA in six instances.
Mr. VANIK in two instances.
Mr. WALDIE in three instances.
Mr. HAWKINS.
Mr. RARICK in three instances.
Mr. TEAGUE of Texas in eight instances
Mr. ANDERSON of California.
Mr. DINGELL.
Mr. TUNNEY.
Mr. FRIEDEL in two instances.
Mr. SYMINGTON in two instances.
Mr. BENNETT.
Mr. HATHAWAY in two instances.
Mr. CABELL.
Mr. CHAPPELL in two instances.
Mr. ALEXANDER in two instances.

ENROLLED BILL SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 14306. An act to amend the tobacco marketing provisions of the Agricultural Adjustment Act of 1938, as amended.

ADJOURNMENT

Mr. CHAPPELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 18 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 10, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2120. A letter from the Attorney General, transmitting a report of a violation of section 3679 of the Revised Statutes, as amended, involving the operation fund of Federal Prison Industries, Inc., pursuant to the provisions of 64 Stat. 768; to the Committee on Appropriations.

RECEIVED FROM THE COMPTROLLER GENERAL

2121. A letter from the Comptroller General of the United States, transmitting a report on improvements made in building construction inspections to determine compliance with contract specifications, District of Columbia Government; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H.R. 370. A bill to amend chapter 39 of title 38, United States Code, to increase the amount allowed for the purchase of specially equipped automobiles for disabled veterans, and to extend benefits under such chapter to certain persons on active duty; with an amendment (Rept. No. 91-1164). Referred to the Committee of the Whole House on the State of the Union.

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H.R. 16496. A bill to authorize certain uses to be made with respect to lands previously conveyed to Milwaukee County, Wis., by the Administrator of Veterans' Affairs; with an amendment (Rept. No. 91-1165). Referred to the Committee of the Whole House on the State of the Union.

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H.R. 17958. A bill to amend title 38 of the United States Code to provide increases in the rates of disability compensation, to liberalize certain criteria for determining the eligibility of widows for benefits under such title, and for other purposes. (Rept. No. 91-1166). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee of Conference. Conference report on H.R. 11102 (Rept. No. 91-1167). Ordered to be printed.

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H.R. 17352. A bill to designate a Veterans' Administration hospital in Bedford, Mass., as the Edith Nourse Rogers Memorial Veterans' Hospital (Rept. No. 91-1168). Referred to the House Calendar.

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H.R. 17613. A bill to provide for the designation of the Veterans' Administration facility at Bonham, Tex. (Rept. No. 91-1169). Referred to the House Calendar.

Mr. PEPPER: Committee on Rules. House Resolution 1068. Resolution for consideration of H.R. 11833, a bill to amend the Solid Waste Disposal Act in order to provide financial assistance for the construction of solid waste disposal facilities, to improve research programs pursuant to such act, and for other purposes. (Rept. No. 91-1170). Referred to the House Calendar.

Mr. MADDEN: Committee on Rules. House Resolution 1069. Resolution for consideration of H.R. 17255, a bill to amend the Clean Air Act to provide for a more effective program to improve the quality of the Nation's air. (Rept. No. 91-1171). Referred to the House Calendar.

Mr. O'NEILL of Massachusetts: Committee on Rules. House Resolution 1070. A resolution waiving priority order against consideration of the bill, H.R. 17970, a bill making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes. (Rept. No. 91-1172). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MILLS:

H.R. 17971. A bill to simplify the Internal Revenue Code of 1954 by repealing provisions which are obsolete or are unimportant and rarely used; to the Committee on Ways and Means.

By Mr. ANDREWS of North Dakota:

H.R. 17972. A bill to provide for thorough health and sanitation inspection of all livestock products imported into the United States, and for other purposes; to the Committee on Agriculture.

By Mr. BOW:

H.R. 17973. A bill to provide for the orderly expansion of trade in manufactured products; to the Committee on Ways and Means.

H.R. 17974. A bill to provide for an equitable sharing of the U.S. market by electronic articles of domestic and of foreign origin; to the Committee on Ways and Means.

By Mr. HAMMERSCHMIDT:

H.R. 17975. A bill to amend title 38 of the United States Code to provide increases in the rates of disability compensation, to liberalize certain criteria for determining the eligibility of widows for benefits under such title, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HARRINGTON:

H.R. 17976. A bill to amend title 39, United States Code, to establish a procedure by which postal patrons may be relieved of the burden of receiving commercial advertisements transmitted in the mails, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HORTON (for himself, Mr. Addabbo, Mr. Anderson of Tennessee, Mr. Biaggi, Mr. Biester, Mr. Blanton, Mr. Boland, Mr. Broyhill of North Carolina, Mr. Button, Mrs. Chisholm, Mr. Don H. Clausen, Mr. Clay, Mr. Cleveland, Mr. Conable, Mr. Coughlin, Mr. Esch, Mr. Fish, Mr. Flowers, Mr. William D. Ford, Mr. Fulton of Pennsylvania, Mr. Gallagher, Mr. Goldwater, Mr. Grover, Mr. Gude, and Mr. Halpern):

H.R. 17977. A bill to limit the sale or distribution of mailing lists by Federal agencies; to the Committee on Government Operations.

By Mr. HORTON (for himself, Mr. Hansen of Idaho, Mr. Harrington, Mr. Hastings, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Holifield, Mr. Hosmer, Mr. Hungate, Mr. Hunt, Mr. King, Mr. Kleppe, Mr. Lukens, Mr. McDade, Mr. McKneally, Mr. Mosher, Mr. Ottinger, Mr. Pelly, Mr. Pickle, Mr. Pike, Mr. Podell, and Mr. Quie):

H.R. 17978. A bill to limit the sale or distribution of mailing lists by Federal agencies; to the Committee on Government Operations.

By Mr. HORTON (for himself, Mr. Railsback, Mr. Reid of New York, Mr. Rhodes, Mr. Rodino, Mr. Rosenthal, Mr. St Germain, Mr. Saylor, Mr. Sikes, Mr. Sisk, Mr. Stafford, Mr. Taft, Mr. Shriver, Mr. Vander Jagt, Mr. Vigorito, Mr. Whitehurst, Mr. Winn, Mr. Zablocki, and Mr. Zwach):

H.R. 17979. A bill to limit the sale or distribution of mailing lists by Federal agencies; to the Committee on Government Operations.

By Mr. HORTON (for himself, Mr. Morse, Mr. Casey, Mr. Brown of Michigan, Mr. Schadeberg, Mr. Gray, Mr. Pettis, Mr. Mathias, Mr. Patten, Mr. Long of Maryland, Mr. Lowenstein, and Mrs. Dwyer):

H.R. 17980. A bill to limit the sale or distribution of mailing lists by Federal agencies; to the Committee on Government Operations.

By Mr. ICHORD (for himself, Mr. Albert, Mr. Abernethy, Mr. O'Konski, Mr. Fuqua, Mr. Burlison of Missouri, Mr. Watts, Mr. Leggett, Mr. Davis of Georgia, Mr. Hastings, Mr. Cleveland, Mr. Marsh, Mr. Miller of Ohio, Mr. Montgomery, Mr. Long of Louisiana, Mr. Gray, and Mr. Pettis):

H.R. 17981. A bill to enable the Secretary of Agriculture to develop the resources of the national forests, and for other purposes; to the Committee on Agriculture.

By Mr. MACDONALD of Massachusetts (for himself, Mr. Van Deerlin, Mr. Rooney of Pennsylvania, Mr. Ottinger, Mr. Tiernan, Mr. Broyhill of North Carolina, and Mr. Brotzman):

H.R. 17982. A bill to amend the Communications Act of 1934 to provide for a 1-year extension of financing for the Corporation for Public Broadcasting; to the Committee on Interstate and Foreign Commerce.

By Mr. O'HARA:

H.R. 17983. A bill to amend title II of the Social Security Act to eliminate the provisions which presently prohibit the payment of benefits in certain cases to aliens (otherwise eligible for such benefits) who are outside the United States; to the Committee on Ways and Means.

By Mr. SCHNEEBELI:

H.R. 17984. A bill to amend section 905 of the Tax Reform Act of 1969; to the Committee on Ways and Means.

By Mr. STRATTON:

H.R. 17985. A bill to provide for an equitable sharing of the U.S. market by electronic articles of domestic and of foreign origin; to the Committee on Ways and Means.

By Mr. BROCK:

H.R. 17986. A bill to amend the Federal Property and Administrative Services Act of 1949 in order to establish Federal policy concerning the selection of firms and individuals to perform architectural, engineering, and related services for the Federal Government; to the Committee on Government Operations.

By Mr. CHAPPELL:

H.R. 17987. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. CORMAN (for himself and Mr. Pettis):

H.R. 17988. A bill to amend section 47 of the Internal Revenue Code of 1954 to allow aircraft to be leased for temporary use outside the United States without a recapture of the investment credit; to the Committee on Ways and Means.

By Mr. GERALD R. FORD:

H.R. 17989. A bill to create a Presidential Commission on Distinguished Citizen Awards with authority to recognize and reward citizens who have done an outstanding job of helping to solve any of our national problems; to the Committee on Government Operations.

By Mr. HORTON (for himself, Mr. Erlenborn, Mr. Matsunaga, Mr. Vanik, and Mr. Weicker):

H.R. 17990. A bill to limit the sale or distribution of mailing lists by Federal agencies; to the Committee on Government Operations.

By Mr. JACOBS:

H.R. 17991. A bill to increase the participation of small business concerns in the construction industry by providing for a Federal guarantee of certain construction bonds and authorizing the acceptance of certifications of competency in lieu of bonding in connection with certain Federal projects, and for other purposes; to the Committee on Banking and Currency.

H.R. 17992. A bill to authorize the Secretary of Housing and Urban Development to provide or to guarantee any bid, payment, or performance bond applied for by or on behalf of a small business concern which is a construction contractor or subcontractor; to the Committee on Banking and Currency.

H.R. 17993. A bill to amend the act of August 24, 1935 (commonly referred to as the "Miller Act"), to exempt construction contracts not exceeding $20,000 in amount from the bonding requirements of such act, and for other purposes; to the Committee on the Judiciary.

By Mr. McCARTHY:

H.R. 17994. A bill to extend benefits under section 8191 of title 5, United States Code, to law enforcement officers and firemen not employed by the United States who are killed or totally disabled in the line of duty; to the Committee on the Judiciary.

By Mr. PATMAN:

H.R. 17995. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Ways and Means.

By Mr. QUIE:

H.R. 17996. A bill to provide for orderly trade in textile articles and articles of leather footwear, to apply a tariff-rate quota with respect to certain skins of mink, and for other purposes; to the Committee on Ways and Means.

By Mr. REID of New York:

H.R. 17997. A bill to amend title II of the Social Security Act to provide that any individual may retire at the age of 60 with full benefits; to the Committee on Ways and means.

By Mr. SCHEUER:

H.R. 17998. A bill to amend section 401(e) of the Federal Aviation Act of 1958 to provide that the Civil Aeronautics Board shall have authority to regulate the type of service performed by an air carrier under the terms of any certificate issued under that act; to the Committee on Interstate and Foreign Commerce.

By Mr. TUNNEY:

H.R. 17999. A bill to promote public health and welfare by expanding, improving, and better coordinating the family planning services and population research activities of the Federal Government, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WALDIE:

H.R. 18000. A bill to amend the Internal Revenue Code of 1954 to provide an income tax credit or deduction for certain contributions to candidates for elective Federal office; to the Committee on Ways and Means.

By Mr. CHAPPELL (for himself and Mr. Fuqua):

H.J. Res. 1252. Joint resolution proposing an amendment to the Constitution of the United States with respect to tenure of office for judges of the Supreme Court and inferior courts of the United States; to the Committee on the Judiciary.

By Mr. MONTGOMERY:

H. Res. 1071. Resolution to provide funds for the Select Committee created by House Resolution 976; to the Committee on House Administration.

By Mr. WOLD:

H. Res. 1072. A resolution authorizing the printing of a House document of a representative sampling of the public speeches of former President Dwight D. Eisenhower; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROYHILL of Virginia:

H.R. 18001. A bill to provide for the advancement of Capt. Ray Maurer Pitts on the retired list to the rank of rear admiral; to the Committee on Armed Services.

By Mr. CHAPPELL:

H.R. 18002. A bill for the relief of Dr. Remigio G. Lacsamana; to the Committee on the Judiciary.

By Mr. OTTINGER:

H.R. 18003. A bill to proclaim Christopher Columbus an honorary posthumous citizen of the United States of America; to the Committee on the Judiciary.

By Mr. POLLOCK:

H.R. 18004. A bill for the relief of John Borbridge, Jr.; to the Committee on the Judiciary.

By Mr. SCHNEEBELI:

H.R. 18005. A bill for the relief of Jakov Soce Stojic; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

505. The SPEAKER presented a petition of the Czechoslovak-American Associations, and other organizations, Cleveland, Ohio, relative to the Soviet-Czechoslovak Treaty of May 6, 1970; to the Committee on Foreign Affairs.

EXTENSIONS OF REMARKS

NEBRASKA RURAL ELECTRIFICATION ESSAY CONTEST WINNERS

HON. ROMAN L. HRUSKA

OF NEBRASKA

IN THE SENATE OF THE UNITED STATES

Tuesday, June 9, 1970

Mr. HRUSKA. Mr. President, the late Senator George Norris, one of Nebraska's most distinguished citizens, was noted for many contributions to my State and our Nation. But perhaps one of his greatest achievements was leading the fight in the U.S. Congress 36 years ago for a nationwide rural electrification program.

Those of us from rural States know full well what a substantial role this program played in revitalizing rural areas, making them much more appealing and livable.

In Nebraska alone, since the program was inaugurated, REA loans to rural electric systems have provided service to an estimated 117,935 rural consumers. Loans which have been made to the 37 REA electric borrowers, including 33 public power districts and four cooperatives, total $205,338,879.

When the first REA-financed line in the State was energized in December of 1936, only 7.1 percent of Nebraska farms were receiving electric service. Today, thanks to the REA program, 98 percent of the State's 74,000 farms are receiving electric service.

XUM

It is perhaps difficult for Senators from largely urban States to realize the importance of such a program as REA to States which are largely rural in nature. The advantages of rural living are many and have been amply documented throughout our Nation's history. There unfortunately have been many disadvantages as well, and it is in the Nation's interest to remedy these disadvantages as rapidly and effectively as our resources will permit.

The REA program has been one of the classic programs which have brought comfort, convenience, and pleasure to rural living. As our urban problems fail to abate, there appears to be a great interest in rural living, a longing of many of our people to get back to a simplified existence in smaller communities and rural areas.

It may not be generally realized, Mr. President, but continued development of our rural areas will soon help solve the problems of our cities and soon help reestablish the balance in our population density which was once one of our Nation's great sources of political and economic strength.

REA continues to play a very prominent role in this very beneficial discovery of rural living. As of January 1, 1970, REA had advanced $194,449,544 to Nebraska borrowers. These funds have been invested in local facilities which include 63,251 miles of line serving 111,232 farm and other rural consumers.

Consumers served by REA borrowers in the State are using increasing amounts of electricity on their farms, in their homes, and businesses. As an example of the increase, the average monthly consumption per consumer in 1958 was 431 kilowatt-hours. By 1968, this average had risen to 1,083 kilowatt-hours. That is an increase of nearly 250 percent in a 10-year period, and it shows you the tremendous impact which this program has made upon the rural community in Nebraska.

By January 1, 1970, REA borrowers in Nebraska had made a total of $126,149,765 in payments on their Government loans. These payments included $73,118,789 repaid on principal as due, $11,871,743 of principal paid ahead of schedule, and interest payments of $41,159,233.

Not a single borrower was overdue in its payments.

That is a record we are very proud of in Nebraska.

As a means of emphasizing Nebraska's dependence upon and pleasure with the REA program, it has become an annual practice for the Nebraska Rural Electrification Association to sponsor an essay writing contest on the subject of REA.

The subject this year was "The Value of Rural Electrification in My Home and Community." Hundreds of essays were submitted by high school students, and the 22 participants whose work was judged the best have been given a trip to Washington by the NREA.

A highlight of that trip will be the students' attendance at the Nebraska congressional breakfast next week. The young people will be presented with copies of the CONGRESSIONAL RECORD containing their essays.

Mr. President, I have some of the winning entries from this year's competition and I ask unanimous consent to have printed essays from the following students:

Dennis Andrews, 16, a sophomore at Holbrook Public Schools, the son of Mr. and Mrs. Donald H. Andrews of Holbrook; sponsored by the Twin Valleys Public Power District, Cambridge.

Karen Steel, 16, a junior at North Platte High School, the daughter of Mr. and Mrs. Wesley Steel of North Platte; sponsored by the Dawson Public Power District of Lexington.

Phil Maseberg, 17, a junior at Thedford High School, son of Mr. and Mrs. Millard Maseberg of Thedford; sponsored by the Custer Public Power District of Broken Bow.

Margaret Gunther, 16, a sophomore at Broken Bow High School, the daughter of Mr. and Mrs. Vincent Gunther of Broken Bow; sponsored by the Custer Public Power District of Broken Bow.

Marci Wemhoff, 15, a sophomore at St. Francis High School in Humphrey, the daughter of Mr. and Mrs. Ray Wemhoff of Humphrey; sponsored by the Cornhusker Public Power District of Columbus.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

INFORMATION

My Name: Dennis Andrews.
Age: 16.
Grade: Sophomore.
School: Holbrook Public Schools.
Name of Parents: Mr. and Mrs. Donald H. Andrews, Holbrook, Nebr.

Contestant sponsored by the Twin Valleys Public Power District, Cambridge, Nebraska, in cooperation with the Nebraska Rural Electric Association.

WHAT RURAL ELECTRIFICATION MEANS TO ME AND MY COMMUNITY

Electricity. What is electricity? Many people know electricity by what it does for them, but not by what it is. Scientists have found that an electric current is composed of tiny particles called electrons. An electron is a negatively charged particle of an atom. These electrons are conducted through conductors, such as wire, to the many homes of our country.

One may wonder how these tiny moving electrons may be of any use to man. There are two results of electric current that are used by man. As the electric current flows through a wire, resistance of "drag" produces heat. This heat is used to heat toast or warm one's house in the winter. The other force is a magnetic field produced from flowing electricity. This magnetic field is put to work in the electric motors, transformers, or AC welders. The invention of the electric light bulb by Thomas Edison was an important event that affected many lives. This invention allowed people to stay up after dark and not worry about a kerosene lamp or the effects of poor lighting.

Many people in rural areas were overjoyed with the coming of electricity; the farmers were able to enjoy many conveniences unthought of before that time. Lights were enjoyed by many, but radios enthralled the people about as much as anything, for they were able to hear the news as it happened. Little did they realize that they would witness the first step on the moon by man through the efforts of electricity.

Electricity has been put to work in endless ways in rural towns. On farms electricity has become increasingly more important. Grain can now be moved by electric augers instead of scooped by hand. Grains may also be harvested earlier because of the use of electric dryers. This would help prevent loss from lodging, hail, or other weather elements later in harvesting season. There were also many improvements and additions in the house. Lights, radios, refrigerators, and electric heating are just a few of the many pleasures of electricity.

Electrical power is needed in my community by every family. The only way electricity could be fully appreciated by everyone would be to have a power failure. The families could then see how dependent they really are on electricity. Due to the hard work of REA and the many linemen, however, a power failure seems very unlikely. These men have erected lines skillfully and accurately to minimize power failure possibilities.

REA represents many hopes for the future. The dreams of a farm in the future may wander from electric computerized farms to environmental controls of enclosed areas.

The letters, REA, might serve a dual purpose: first, Rural Electric Association; second, Reserve Energy Available for me and my community, now, and whatever our needs may be in the future.

INFORMATION

My Name: Karen Steel.
Age: 16.

Grade: Junior.

School: North Platte High School.

Name of Parents: Mr. and Mrs. Wesley Steel, R. R. #3, North Platte, Nebr.

Contestant sponsored by the Dawson Public Power District, Lexington, Nebraska, in cooperation with the Nebraska Rural Electric Association.

THE VALUE OF RURAL ELECTRIFICATION IN OUR HOME AND COMMUNITY

Electrification as it is today is a very important segment of our lives, for it is what keeps the wheels of progress turning. Each new invention leads to something better and more exciting than the last, and all this happened because men such as Ben Franklin and Thomas Edison were curious about the world around them. We are greatly indebted to these men, for their findings have served as the basis of many, many other remarkable inventions.

It is astonishing how much we take electricity for granted; we never realize how much we rely on it until we're without it. A few years ago when our power went out during a blizzard, we had to use kerosene lanterns for light and had to carry our water from a windmill not any too close to the house. For my brothers and sisters it was fun living like they had to in the olden days, but after a few days of going without power I realized just how much we depend on electricity to do things for us. Now I see why just about everything had to stop at nightfall; there just wasn't enough light to see.

Not too many years ago people were not able to enjoy the many wonderful electrically operated devices the we consider common today. In Grandma's day housework was tedious and time consuming—she would literally spend weeks in preparation of a special occasion. She didn't have the convenience of a freezer to keep her food from spoiling, or that of an automatic washer to keep clothing clean, or a vacuum cleaner to whisk over her floors. Now we can experience the pleasure of owning and using many appliances like electric ranges, toasters, steam irons, and the answer to any housewife's dream—dishwashers.

The home is not the only place greatly aided by electricity—outside, on our farms and ranches, electricity is very important, too, for it increases the farmer's efficiency and, in turn, his income. Electricity provides us with irrigation for our growing crops; and each year with the help of heating in barns and sheds, newborn animals are saved from the harshness of winter. With the help of devices such as electric fences, welders, power tools, and tank heaters the farmer can increase his efficiency, since formerly all this work had to be accomplished by manual or animal labor.

In addition to public power and irrigation benefits, Nebraska storage reservoirs provide many good recreation areas with some of the most beautiful scenery in the state. A prime example is Lake Maloney near North Platte. A popular place for many activities, it provides a variety of camping, fishing, golfing, boating, picnicking, and even rodeoing.

Rural Electrification still needs the "grassroots support" of Nebraskans if it is to continue to be a state-wide blessing. We as future leaders of Nebraska are responsible for the betterment of our community, our state, our nation, and our world. Let's meet this challenge with the key to progress—Electricity!

INFORMATION

My Name: Phil Maseberg.

Age: 17.

Grade: Junior.

School: Thedford High School.

Name of Parents: Mr. and Mrs. Millard Maseberg, Thedford, Nebr.

Contestant sponsored by the Custer Public Power District, Broken Bow, Nebraska, in cooperation with the Nebraska Rural Electric Association.

THE VALUE OF RURAL ELECTRIFICATION IN MY HOME AND COMMUNITY

Do you remember the old story of Aladdin and his lamp? As the story goes Aladdin had but to rub the lamp and a genie appeared who granted his every wish. But all of us have learned that in today's world it is by working, not wishing, that we attain our goals. Yet, it is nice to know that a modern-day Aladdin's lamp is represented by the vast power that electricity has for us, if we are willing to make the effort to learn to use it. And we are doing just that in my rural community.

The early day settlers spent lots of time feudin' and fightin' for the land and water closest to town and modern conveniences. Sometimes it got excitin' but it was a wrong that needed rightin'. Rural electricity has deleted this problem. Electricity is now used in rural communities to power our irrigation wells, light and heat our homes, cook our meals, and make our chores quicker and easier.

A new "magic carpet" has been introduced that transmits signals for radio, TV, and telephones. It also carries the electricity to operate these appliances, making electrical outlets and messy cords unnecessary. You just insert a pronged probe into the carpet anywhere to connect appliances.

Electricity now spans many miles under country skies. We will never have to worry about running out of electricity as with oil, gas, and other natural resources. According to the predictions of nuclear experts, by 1980 atomic power plants will be generating 150,000 megawatts (150 million kilowatts) of electricity. Two of the ninety-two atomic plants that were ordered are being built in eastern Nebraska.

Rural electric and telephone systems helped to create at least 31,000 new jobs in rural America from July, 1967, through June, 1968.

Electricity flows through the wide open spaces where we live, and never leaves a trail of smog behind. Electricity can never be blamed for creating air pollution.

Electricity will work along in the evening breeze, and all through the night. It hums along, never complaining, and it takes no vacations. With farm and ranch labor so high and often hard to get, electricity does the work in half the time at a bare fraction of the cost of man-power.

With the many electric power tools in his shop, a farmer or rancher can save money on many costly repairs that he would have to take time off and travel to town and get.

Livestock is being sold by electric teletype machines. Office work is done faster by electric computers, typewriters, and many other electric machines.

Benjamin Franklin and Thomas Edison discovered and harnessed electricity. Rural electrification lines came to my sand-hills home in 1954, to give me all the conveniences, comforts, and entertainment that my city cousins have. The opportunities that the future "Aladdin Lamp" will create are limitless.

INFORMATION

My name: Margaret Gunther.

Age: 16.

Grade: Sophomore.

School: Broken Bow High School.

Name of Parents: Mr. and Mrs. Vincent Gunther, R.R. No. 1, Broken Bow, Nebr.

Contestant sponsored by the Custer Public Power District, Broken Bow, Nebraska, in cooperation with the Nebraska Rural Electric Association.

THE VALUE OF RURAL ELECTRIFICATION IN MY HOME AND COMMUNITY

A special day in the history of rural electrification will be May 11, 1970. On this day the Rural Electrification Administration will celebrate the 35th Anniversary of its creation. The REA was one of many government agencies created in the depression of the mid-1930's to combat unemployment. As a solution to unemployment, the REA was unsuccessful until in 1936 when the Rural Electrification Act was passed. This Act, sponsored by Senator George Norris of Nebraska, authorized loans to be made for rural electrification. When the Act was passed, only 10% of America's rural areas had central station electric power. Today, that figure is 98%. When rural electrification was first begun many people thought it unwise, but others foresaw the miracle that electricity would bring to rural America. Because of this "miracle," electricity has come to be important to me and my community. When the REA power lines reached my community in July 1951, they brought higher standards of health and nutrition, closer contact with the world, and revolutionized agriculture.

Rural electrification brought higher standards of health and nutrition to the farm home and community. Most farm homes now have refrigerators to provide a variety of foods for the family each day. Nearly all farm homes have running water to provide fresh water at any time. Every day may be a good wash day with the electric washer and dryer to make it easier. The family of today enjoys controlled heat, adequate lighting, and air conditioning. Because of these conveniences the farmer and his family are healthier and more nutritionally provided for.

Rural electrification brought the once isolated farm family in closer contact with the outside world. The radio and television brought the latest news of the day to the farm home. The rural family can now be warned of any inclement weather in their area. By television every family can view man's journey to the moon, from liftoff to splash down and recovery. Because of REA the rural family no longer is uninformed about the world around them.

Of most importance, rural electrification has brought about revolutionized agriculture. Many farmers no longer need to worry about summer drought because they have the convenience of electrical powered irrigation systems to provide water for their crops. Our farm now has an electric submersible well pump to supply the entire farm with fresh water, even on "windless" days. To make the chore of feeding cattle easier many farmers have automated feeding systems. Thus, the cattle can be fed by the flip of a switch. This revolutionization of agriculture has greatly benefited the farmer and made his work easier.

Because of REA my home and community has become a healthier place to live, better informed of the surrounding world, and more revolutionized in agriculture. The role of rural electrification is not finished, it is only beginning. Much yet remains to be done, for the increasing use of electric energy calls for enlarged facilities and heavier equipment to provide and carry the power which modern rural life demands today. We can now look to the next 35 years of rural electrification with the hope and courage of building even better farms, communities, and even a better country.

INFORMATION

My Name: Marci Wemhoff.

Age: 15.

Grade: Sophomore.

School: St. Francis High School, Humphrey, Nebr.

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Name of Parents: Mr. and Mrs. Ray Wemhoff, Box 67, Humphrey, Nebr.

Contestant sponsored by the Cornhusker Public Power District, Columbus, Nebraska, in cooperation with the Nebraska Rural Electric Association.

WHAT RURAL ELECTRIFICATION MEANS TO ME AND MY COMMUNITY

Mankato is a small Kansas town that, until a few years ago, was typical of too many rural communities—empty stores, dying businesses, and dwindling populations.

Then, as the Jewell-Mitchell Electric Cooperative expanded and therefore benefited the farm areas around Mankato, Mankato itself profited. Its business revived, and soon a new hospital, a recreation center, and other fine developments revealed a fresh outlook for Mankato.

To me, this is what rural electrification is all about. It aids greatly in keeping our rural areas and towns alive. Just as a machine needs every working part in order to run, our nation needs its cities, suburbs, large towns, villages, and rural areas in order to exist. Our rural areas are the backbone of our country, and in order for our nation to live, and grow, our farms and villages must progress. This is being achieved through rural electrification.

Rural electrics provide high efficiency for low rates on farms. For instance, electric motors perform many of the almost 600 tasks which electricity has taken over. Irrigation well motors supply more water for more needs in less time with less expense. Feed augers speed up efficiency in livestock feeding, and allow the farmer to manage larger herds. Since farming success depends on efficiency and productivity, rural electricity aids greatly in raising farm profits.

Rural electricity also indirectly helps small communities prosper. Farm profits aid many small-town businesses, such as hardware stores, appliance stores, and repair shops, some of which may not even have existed before rural electricity became common.

These businesses must expand and hire more employees in order to handle increased business, for farmers are now able to spend more. In turn, they help the farmers by selling and repairing electrical appliances, thus easing the farmer's workload and shifting it to electricity.

Rural electrics have been successful in helping to launch a wide range of ventures to provide more home-grown jobs. More people are employed at new plants created through increased farm business. New residents are moving in to share in the fresh opportunities. Dying areas are being brought to life through rural electrification.

This is primarily what rural electrification means to me. It keeps my community, and farms around it alive and thriving. It gives my family, myself, and every family that is a part of a rural electrification program a chance for a better and more productive life.

RACIAL HIRING POLICY SPURS HOUSE HEARINGS

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1970

Mr. HAWKINS. Mr. Speaker, I take this opportunity to discuss a matter vital to our posture of national defense.

In an article which appeared in the June 7 issue of the Washington Post, William Chapman calls attention to the formation of a special investigating subcommittee of the House Armed Services Committee presumably in opposition to stricter Labor Department insistence on the hiring of blacks and other minorities.

I have confidence in the fair-mindedness of the chairman of this subcommittee, Representative CHARLES H. WILSON. However, the ramifications of such an investigation appear dangerous and extremely volatile in view of an earlier press release by the chairman of the full committee, Representative L. MENDEL RIVERS, Democrat of South Carolina.

The thrust of this investigation relies heavily on the rather vague declaration that the imposition of new programs under the equal employment opportunity program can have an effect upon the price, quality, and delivery of weapons vital to our national security.

Plainly this reasoning could lead to the nullification of Executive Order 12246 and title VII of our Civil Rights Act prohibiting racial discrimination in Federal contracts and assuring equal employment opportunities.

Already grave doubts have been raised when this past week the lucrative B-1 bomber contract was awarded to the North American Rockwell Corp., which at the time had not, at least publicly if at all, complied, with the Executive order even though it was doing business with the Federal Government and was already required to have an affirmative action plan on file. Thus, specifications for the contract are to be considered after the award has been made. This raises doubts as to how many other specifications were overlooked.

Parenthetically, it should be noted some of us from southern California sought to assist North American Rockwell win this award on merit by becoming a "fair employment employer" to back up its technical capability. It could have satisfied both legal requirements and the need for jobs in the area, as well as technical capability to perform on the contract.

Also alarming is the fact that Assistant Secretary of Labor Arthur A. Fletcher, closely identified with the "Philadelphia plan," has been requested to testify in an executive session closed to the public. Such procedures are often used to badger enforcement officials into cooperation with defense contractors who could not care less for complying with equal employment as part of their responsibility.

The issue is raised, should those who do business at taxpayers' expense be exempt from complying with Federal laws under the guise of national defense?

If any reasons at all exist, which is doubtful, at least the full facts should be disclosed and an open hearing held. What is so secretive about equal employment opportunities? In what way is our national defense jeopardized by having companies hire on the basis of merit and not race, religion, sex, or national origin?

Also, if a subcommittee of the House of Representatives can pressure officials into decisions contrary to laws which the Congress has passed and orders which have been issued by the President, then certainly the time has long passed when basic reform is needed.

I call immediately for an open and full hearing on this matter by the subcommittee and wish to give notice at this time that this matter deserves the careful and continuing attention of the entire Congress.

The article from the Washington Post follows.

[From the Washington Post, June 7, 1970]

RACIAL HIRING POLICY SPURS HOUSE HEARINGS

(By William Chapman)

A toughened federal policy on the racial hiring practices of government industrial contractors has aroused the suspicions and irritation of the House Armed Services Committee.

Stricter Labor Department insistence on the hiring of blacks and other minorities has prompted formation of a special investigating subcommittee, which includes congressmen from states where there are big defense manufacturers with large contracts at stake.

This week the subcommittee will call into executive session for questioning the man who engineered the new policy. He is Assistant Secretary of Labor Arthur A. Fletcher, the blunt-speaking official best known for developing the controversial "Philadelphia Plan" for assuring minority employment on federally contracted construction jobs.

Fletcher already has sounded a warning, accusing the Armed Services Committee chairman, Rep. L. Mendel Rivers (D-S.C.), of "trying to exempt $80 million worth of jobs in the defense sector" from the equal-opportunity rules.

Chairman of the subcommittee, appointed in May, is Rep. Charles H. Wilson (D-Calif.), whose district includes a plant of the North American Rockwell Corp. The company, which was awarded the lucrative prime contract last week for the new B-1 bomber, has submitted a fair-employment practices plan now under scrutiny by Fletcher's aides in the Labor Department. The B-1 contract could involve more than 40,000 jobs.

Another member is Rep. W. C. (Dan) Daniel (D-Va.). His state is the home of Newport News Shipbuilding and Drydock Co. The Labor Department has rejected as unsatisfactory that company's plan designed to end job discrimination.

Daniel declined to answer questions about the subcommittee's activities and referred all inquiries to Wilson, the chairman, who was in California and unavailable for comment. The third member, Rep. Donald D. Clancy (R-Ohio), also declined to discuss the subcommittee's plans. "It's still in its infancy," he said, "and I really know very little about it."

The general outlines, however, emerged in a press release Rivers issued in May and from interviews at the Pentagon and the Labor Department.

Rivers' press release said that, "While recognizing that our labor force must be treated upon an equal basis, the imposition of new programs under the equal employment opportunity program can have an effect upon the price, quality, and delivery of weapons vital to our national security."

The phrase "new programs" apparently refers to a set of guidelines, known as "Order Number Four," issued last February by the Labor Department. It set out new, tougher, and definitive rules for minority hiring.

A presidential executive order forbids discrimination by federal contractors. Each department is supposed to be sure that contractors comply. The Labor Department, however, has the power to review and if necessary overrule any contracts approved by the various department.

Fletcher said in an interview, that Order Number Four was intended to change the emphasis in contract compliance from one of "voluntarism" to one of "enforcement." "We at Labor have been accused of not providing enough guidance to the departments," he said. "Now they have it."

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The new order in many ways is similar to the "Philadelphia Plan," which in effect established rough quotas for the number of blacks and minorities to be employed by a company performing construction under a federal contract.

The February order, applying to federal industrial contracts, spells out in detail the ways in which companies must prove they are assuring equality in hiring, promotion, and upgrading of employees. Most controversially, it would require hiring members of minorities in rough proportion to their number in the area.

It has had its biggest effect at the Pentagon, the Government's biggest contractor. Since February at least 27 "show-cause" orders have been issued, requiring companies to explain why they should not be debarred from bidding on contracts.

According to Defense Department sources the new order and accompanying confusion over what it means have riled a number of defense contractors.

Fletcher said the White House had been approached to have his office soften the new guidelines. "But the White House wouldn't draw back," he said, "so the attention has switched to Congress."

Fletcher has received an informal request to testify in closed session this week. According to other sources, he was specifically asked to comment on the procedures followed in disallowing the Newport News shipbuilding firm's equal employment program.

ROTARY IN ATLANTA

HON. FLETCHER THOMPSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1970

Mr. THOMPSON of Georgia. Mr. Speaker, one of the foremost journalists in the Atlanta area is Mr. Hubert F. Lee, who for 40 years, has been editor of the Dixie Business magazine.

Some years ago, Mr. Lee wrote an article on the history of Atlanta which was published on February 10, 1917 in the Lone Scout magazine. That was the year that the Rotary International held its first convention in Atlanta, Ga. That article now has significance because Rotary International held its convention again in Atlanta from May 31 to June 4. Particularly significant is the fact that most of the information used for the article on Atlanta by Mr. Lee in 1917 came from then Senator Ivan Allen, Sr., father of Ivan Allen, Jr., who recently completed an outstanding term as Mayor of Atlanta. Ivan Allen, Sr. founded the Atlanta Rotary Club in 1913 and was president of the Atlanta Chamber of Commerce in 1917.

Because of their historical significance, I hereby insert into the RECORD the 1917 history of Atlanta and a recent report by Mr. Lee on the Rotary International Convention:

THE GATE CITY OF THE SOUTH: 1917

(By Hubert F. Lee)

ATLANTA, GA.—The Gate City of the South was not always known as Atlanta. Because some Lone Scouts are interested in how my city got its name I am going to write the history of Atlanta.

In 1836 Mr. Hardy Ivy built the first log cabin on the site of what is now Atlanta. One year later the Western and Atlantic Railroad selected this place for its terminus and the place was called "Terminus."

The second house was built by John Thrasher in 1839, and the first business firm, Johnson & Thrasher, opened a little store. In 1842 the settlement had six dwellings, and a daughter was born to Mr. and Mrs. Carlisle. That same year the first train ran from Terminus to Marietta, and the first two story house was erected, and the first real estate auction took place.

In 1843 Terminus was incorporated under the name of Marthasville, in honor of the pretty daughter of the Governor of Georgia. At this time Marthasville had a railroad office, a sawmill and two stores.

In 1847 the legislature changed the name to Atlanta. The town had 500 inhabitants. Three years later the population was 3,000, and was 6,000 four years later.

About this time there were sixty stores, a courthouse, and a theater. The annual trade was $1,500,000.

One year later the city was lighted with gas, and the Atlanta Medical College was established.

The "boom" period began in 1859. The population was 11,500. In that year twenty brick stores were built, four hotels, four machine shops, two planing mills, four tanneries, one large rolling mill, one clothing factory and fifteen churches. The panic in 1857 did not hurt Atlanta. The first directory, in 1859, showed that the city had three fire departments, seven masonic lodges, one Odd Fellows society, two temperance societies, seven newspapers, five hotels, fifteen manufacturing concerns.

Up to the Civil War period the mayors of the city were Moses Ferminalt, Benjamin Borar, W. Buell, J. Norcross, G. O. Gibbs, John Mims, W. M. Butte, A. Nelson. John Glenn, Willliam Eyzard and Luther J. Glenn.

The above is true and I hope to see it in "Our Dear Old Lone Scout."

ROTARY INTERNATIONAL CONVENTION

(By Hubert F. Lee)

The Atlanta Rotary Club will be host to Rotary International Convention May 31 through June 4 and Chairman Herb Norton anticipates 12,000 of the 650,000 members of 13,000 clubs in 146 countries to attend.

Here is a brief history of Atlanta Rotary Club as part of my "Man of the South" for 1961, the late Ivan Allen, as inserted in the Congressional Record by Senator Herman Talmadge.

ROTARY IN ATLANTA

Ivan Allen, with others, founded the Atlanta Rotary Club in 1913 and has been one of its loyal leaders since.

As members of the Atlanta Ad Club, he, along with Henry W. Grady, Jr., Joel Chandler Harris, and Howard Geldert, were delegates to a convention in Baltimore. There Ivan Allen attended Rotary and on the way back discussed the idea of a Rotary Club with his fellow delegates.

Back in Atlanta, Mr. Allen got busy and soon had plans formulated. He got together with his Ad Club delegates in his office—the room Woodrow Wilson used as a law office—and the three handpicked a list of 32 businessmen and sent out invitations to a meeting on July 2, 1913, in the chamber of commerce.

Mr. Allen wrote to Chas. R. Perry, secretary, and Glenn C. Mead, president, of Rotary International. These men named Ivan Allen as the organizer for Rotary in Atlanta. He received the charter on August 1, 1913—No. 79—which hung in Mr. Allen's office until a paid secretary was employed and an office established years later.

YOUTH, FULL PARTNERS IN A BETTER TOMORROW

HON. TOM STEED

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1970

Mr. STEED. Mr. Speaker, a 17-year-old senior at Blair, Okla., High School in my district, made a valedictory speech at commencement ceremonies a few days ago that has brought a great deal of favorable comment.

Miss Del Ann Cargal, a lifelong resident of Blair, gave the address, "Youth, Full Partners in a Better Tomorrow." She is the daughter of Mr. and Mrs. Junior Cargal of Blair. I believe her comments are constructive and timely. They were brought to my attention by Mr. V. H. Guy, publisher of the Blair Enterprise, who published them in full.

The address follows:

YOUTH, FULL PARTNERS IN A BETTER TOMORROW

(By Miss Del Ann Cargal)

"Ladies and gentlemen, faculty members, parents and classmates: We are gathered here tonight to bid farewell to Blair High School, for we are closing another chapter in our book of life. For 12 years we have prepared for this day, and now that it has arrived, it is with mixed feelings of sorrow and joy that we leave you.

"As the representative of the graduating seniors, I would like to use as my topic 'Youth, Full Partners in a Better Tomorrow.'

"As teenagers, we do not choose to be common young people. It is our privilege to be uncommon if we can. We must not look for security but opportunity. We must take the calculated risk—to dream, to build, to fail or to succeed. We must stand tall and proud—unafraid to speak out for youth as we build a better tomorrow.

"How are we going to build a better tomorrow? Well, it won't be done by drug-sick teenagers who think suicide is the only answer. It won't be done by loud-mouthed demonstrators wearing free-speech bands as they rebel to force a presidential candidate from a speaker's platform. It won't be done by a small group of students who selfishly close an entire college because the demands of the minority aren't being met.

"It can't be done by a bored group of kids who burn a bank in Santa Barbara in protest of something that is happening in Chicago. It won't be done by hippies whose motto is "Total Freedom—No Restraint". Even a 5-year-old child knows what's wrong with that theory.

"It won't be done by a hate campaign against our police force and armed services. If there is no law and order then there will be no freedom. It won't be done by those in our society who scream "freedom", but fail to see his neighbors as Americans who have rights also. It can't be done by kids who undermine our armed forces—yet refuse to admit that these same armed forces are the only thing keeping us from a communist takeover of the world today.

"It can't be done by these young people who are trying so hard to destroy America—the ones who are sucking in a lot of good kids, too. It won't be done by youth who have no convictions—who change sides more often than a windshield wiper in a rain storm. It can never be done by a godless society who think they are so intellectually superior that they don't need high moral standards

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and keep screaming that morality and God are old-fashioned ideals.

"A better tomorrow won't be built by those who want to tear down our economic system of free enterprise, yet can propose nothing better to replace it. Just because teenagers spend 14 billion dollars a year—money which we haven't earned, but which has been given to us—spending this staggering figure does not make us authorities on economics, authorities who can say "The American system of free enterprise is corrupt".

"True, American youth do have fresh, young ideals, but we are not as yet qualified to take over the world.

"I've spent a lot of time telling you which youth will not build a better world. So how will it be done? What do we as graduates of Blair High School have going for us?

"Well, to begin with, most of us are A Number 1 OK. The 87 percent, the solid majority of American youth, are hard working, wholesome young men and women who are preparing themselves to take over the future America. We care what's happening in the world. We know we must be informed and are learning to utilize what you have taught us the past 12 years. Most of us are still highly idealistic. We believe in honesty, in decency, and in God.

"A better world will be built by those of us who believe in freedom and appreciate our heritage. We are the ones who will continue the search until we find a cure for cancer and the common cold—the ones who will lay out smog-free cities—who will work to improve the underdeveloped countries—who will strive to wipe out hunger and poverty in America.

"The majority of us are not protestors, but we do realize that the world needs improving. It always has, it always will. No society has ever reached perfection, but if perfection is our goal, then we are headed in the right direction . . . as we work for a better tomorrow.

"Thank you for the many contributions you have made to the Seniors of 1970. May God bless and keep each of us as we leave Blair High School to continue our journey through life."

BROWARD RESIDENTS SUPPORT CAMBODIAN DECISION

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1970

Mr. BURKE of Florida. Mr. Speaker, the Fort Lauderdale News and the Sun-Sentinel, two sister newspapers, that have a wide circulation in Broward County which is in the 10th Congressional District which I represent, have presented their readers an opportunity to voice their views on President Nixon's Cambodian decision and methods of ending the war in Vietnam.

The results reveal an overwhelming majority support the President's decision to remove Communist sanctuaries in Cambodia, and most even support a military victory in South Vietnam to end the war.

I feel that everyone of my colleagues should take the time to read this most interesting editorial which appeared in the Fort Lauderdale News on June 2, 1970, and which explains the views of some of the people in Broward County, Fla.

The news report with the poll results, and the editorial by Mr. Jack Gore, editor of the Fort Lauderdale News, follows:

[From the Fort Lauderdale News, June 2, 1970]

Poll Shows President Has Strong Support on Cambodia Issue

While Broward County admittedly can be considered a strong conservative and pro-Nixon area at the present time, it still must rate as something of a surprise that his decision to invade Cambodia with U.S. troops has drawn the favorable reaction that it has among the residents of this county.

A little more than a week ago, it will be recalled, this newspaper and our sister publication, the Sun-Sentinel, started a poll to determine how Broward residents felt about Mr. Nixon's Cambodian decision and about the moves in Congress to challenge his constitutional authority to make that decision on his own.

Today, the results of that week-long poll are published on page one. While we felt from the beginning that a majority would back Mr. Nixon's policies, there were two things about this poll that surprised us no end.

Not only were we surprised that the poll revealed such a heavy margin in President Nixon's favor, but we were amazed at the number of people who took the time and trouble to participate in the poll.

In just a single week we received more than 7,500 signed ballots here at The News and the Sun-Sentinel tallied more than 2,000 returns.

As can be seen from the published results, the returns show the Broward Countians support Mr. Nixon's Cambodian decision by better than a 9–1 majority. The results also reveal that an almost equally heavy majority is not in favor of Congressional moves to cut off funds for any Cambodian activities after June 30 of this year, or for forcing the President to remove all of our troops from Vietnam by June 30 of next year.

Perhaps even more surprising was the vote on the question of whether or not the U.S. should hold out for a military victory in South Vietnam. While the tally here was much closer, the poll showed that a majority is still in favor of the U.S. staying in South Vietnam until victory is achieved.

Considering all the opinions that have been voiced in this country over the past several years to the effect that we have been fighting for a lost cause in Vietnam, and should take our losses and get out as fast as we can, this particular poll shows there are many Americans who haven't yet swallowed this "cut and run" defeatist philosophy.

As we said above, Broward County, with its conservative leanings, may not be in harmony with some other parts of the nation in this regard, yet this does cause one to wonder if perhaps the voices of the doves in this land of ours haven't been given an exaggerated play while other voices have been underplayed.

This poll also reveals that the so-called "silent majority" may well be a much more potent political force in the fall's congressional elections than many of the political experts seem to think these days.

Much of course will depend on President Nixon's ability to carry out his pledged withdrawal of U.S. forces from Cambodia by the end of this month, and his promised withdrawal of another 150,000 troops from Vietnam by the end of this year.

Apparently, as of now, most Broward Countians feel he will carry out these pledges, and until events prove him wrong, they are willing to give him a chance to pursue his program without having his wings clipped by Congress.

As we indicated when we announced the start of this poll, the final results will now be sent to both Florida senators and to all members of the state's lower House delegation.

These men are in the thick of the debate now raging in the Congress over Mr. Nixon's conduct of the war, and we think it might be helpful to all of them to know how the majority of Broward Countians voted on the question asked in this poll.

We also think the poll showed that our people are more than casually interested in the major issues involved in the current conflict between some members of Congress and the President over his constitutional war powers. Not only are they interested, but they demonstrated to us they appreciate an opportunity to register their feelings on these issues in a manner that will be called to the attention of their representatives in Washington.

Readers' Landslide Vote Backs Nixon in War

The opinions of Ft. Lauderdale News readers lean heavily toward support of the Nixon administration's conduct of the Vietnam War and the President's dispatch of troops into Cambodia.

Ballots published in the newspaper during the past week and tabulated today showed the voters overwhelmingly in favor of the Cambodian action.

To the question: "Do you support President Nixon's dispatch of troops into Cambodia to destroy enemy sanctuaries and protect American troops, a mission that is to be completed by June 30?", the "Yes" answers totaled 6,973. There were 787 "No" votes to that question.

Readers were asked to indicate if they supported the Cooper-Church resolution, which would prevent the President from spending any money for U.S. operations in Cambodia after the June 30 deadline. A total of 6,592 indicated they did not support the resolution, while 1,016 approved of it.

There were 6,004 ballots against support of a House version of the McGovern-Hatfield amendment which would require removal of all U.S. troops from South Vietnam by June 30, 1971. Another 1,342 readers said they supported the amendment.

The landslide figures narrowed somewhat on the question of whether the U.S. should hold out for a military victory in South Vietnam. In this case, 4,162 voted "Yes," 2,865 "No."

Results of the balloting are to be forwarded to members of the Florida congressional delegation in Washington, as a sampling of local sentiment regarding the present controversy between Congress and the President over the conduct of the war.

SENATOR SMITH PROVIDES SOME TIMELY ADVICE

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1970

Mr. CHAMBERLAIN. Mr. Speaker, on the 20th anniversary of another memorable speech, the senior Senator from the State of Maine has drawn well-deserved attention for her views on the current climate of violence and disorder plaguing the Nation. In an alert editorial appropriate for this college commencement season, the State Journal of Lansing, Mich., on Thursday, June 4, 1970, stressed the importance of Senator MARGARET CHASE SMITH's reflections and warnings

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at this difficult time, and I commend it to the attention of my colleagues:

[From the State Journal, June 4, 1970]

SENATOR SMITH PROVIDES SOME TIMELY ADVICE

Veteran Sen. Margaret Chase Smith, R–Maine, made some timely remarks the other day in Washington which we hope will be heeded by all Americans.

She spoke of increasing fear and emotionalism across the nation resulting from the "anti-democratic arrogance and nihilism from the political extreme left." Mrs. Smith warned that we could be facing a new era of repression.

The Senator knows something about the tides of right and left wing extremism. She was among the first to stand up and fight back against the all powerful Sen. Joseph R. McCarthy 20 years ago with her famous "declaration of conscience" remarks. This came at a time when it was considered something close to political suicide to tangle with the Senate's free-swinging anti-communist crusader.

Not many of our young people today are old enough to remember those chilling days when guilt by association was riding high in Washington; when right-wing extremists terrified many of the most powerful men in Congress and government into silence as they hurled reckless charges of subversion against U.S. government agencies and the armed forces.

The national mood was such that in many cases an individual's career and reputation could be wrecked merely by an accusation of leftish leanings.

To be a liberal of any degree in those days was a mighty dangerous business. The McCarthy era finally faded after the senator was censured in 1954.

Mrs. Smith now warns that the pendulum has swung back to the opposite pole with excesses of dissent from the left which blur, confuse and undermine reason and sane debate. She said the forces of repression could come down again in reaction to nihilism and anarchy.

Two decades ago it was the anti-intellectuals who promoted the "know-nothing" attitudes on major political issues. Today, she said, it's many of the militant intellectuals who are taking a "hear-nothing attitude or refusing to listen while demanding better communication."

Citing the parallel of 20 years ago, Mrs. Smith said "too many Americans (today) are intimidated and made mute by the emotional violence of the extreme left."

She called upon the great mass of Americans in the middle to speak out against the extremists of both left and right and help the nation return to reasoned and nonviolent solutions of our problems.

It is indeed a time for calmer voices, a time to debate and find compromise solutions, a time for those who classify themselves as either liberals or conservatives to reject extremists of any stripe.

Sen. Smith performed a great service to the nation 20 years ago when she helped lead the fight against the forces of fear and repression.

We hope her new appeal last Monday will again be heard by all concerned Americans.

MEMORIAL DAY EXERCISES AT THE NATIONAL CEMETERY IN GETTYSBURG, PA.

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1970

Mr. GOODLING. Mr. Speaker, over the past several years, I have inserted into the CONGRESSIONAL RECORD the highlights of the Memorial Day exercises conducted at the National Cemetery in Gettysburg, Pa.

This year marked the 103d annual Memorial Day exercises at Gettysburg National Cemetery. I was honored and privileged to present the address for this program. In accord with the precedent I have established, I am inserting in the RECORD the opening prayer by the Reverend James Melhorn, pastor of the United Methodist Church in Gettysburg and the closing prayer by the Reverend Fr. Alphonse T. Marcincavage, pastor of the St. Francis Xavier Catholic Church of Gettysburg, along with my remarks for these Memorial Day proceedings:

OPENING PRAYER

(By Rev. James Melhorn)

Oh living and loving God, we gather on this holy and hallowed ground to demonstrate our love for you and to praise you for this day of remembrance dedicated to those men and women who made the great sacrifice in the very midst of life and who do now rest from their labors. Oh God, make us worthy of their sacrifices by giving us the needed wisdom and strength to do your will. Fill us with the love of truth and righteousness. So rule our hearts and prosper our endeavors that law and order, justice and peace may everywhere prevail to your honor and glory. Through Jesus Christ, the Prince of Peace, we live. Amen

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MEMORIAL DAY SPEECH, GETTYSBURG, 1970

(By Hon. GEORGE A. GOODLING)

We pause today, a day dedicated to the memory of those who gave their lives for our country. It is a day becoming more solemn with each passing year. It is a day shrouded in clouds of a war which has now become the longest in our history and ranks number three among foreign wars in casualties. One need only look beyond the stone wall to my left to learn the realities of war.

In a more precise sense, Memorial Day is a sacred day, an occasion when we pay respects to those who died so that the living would inherit a country strong and free. In that sense of respect, it is fitting and proper that we, the living, measure the circumstances that surround our inheritance.

"These are the times that try men's souls." Those words were penned by Thomas Paine, noted journalist of America's colonial period, at a time when our revolutionary forces were being hard pressed by the brilliant British General Howe in areas of Pennsylvania, New Jersey, and New York.

These same words are quite pertinent today, for we are confronted with grave complexities both at home and abroad.

During times of stress, it is easy to become somewhat pessimistic and to place emphasis on negative aspects. It is important to realize, however, that there are numerous positive features which we should not forget.

It should be noted, for instance, that troubles and complications are not something new for our country. America was born in agony of revolution and has existed through 194 years, years that have been punctuated by two world wars, a Korean war, a military action in Vietnam, and numerous emergency encounters. Our nation survived a civil war which tore at our national fabric, a war which had some of its most dramatic expressions right here where we are today. It was at this location here that Abraham Lincoln called all Americans "to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion—that we here highly resolve that these dead shall not have died in vain."

In a like manner, throughout our history there have been those who have honestly disagreed with some of our major national efforts:

In the war for American independence, Washington's men endured countless hardships, and the dramatic crossing of the Delaware was executed without proper footwear or adequate supplies. Still, there were those Americans who thought that America's lot would best be cast with Britain and that we should spend our time being friendly with rather than fighting England.

Up to the early part of the 19th century, in the undeclared war against the fierce Barbary pirates, many American sailors and civilians were kidnapped and tortured by those ruthless pirates, and our small and inadequately-equipped Navy fought valiantly. But against this background, there were American citizens who thought it was the best course of action for America to pay tribute to the pirates and to exercise restraint.

In the war of 1812, patriotic Americans defended this country and its institutions, but there were other Americans who felt we should come to terms with the British and not try to interfere with her interests in North America.

The Civil War saw great sacrifices made by many who wished to preserve the union. But there were those who honestly thought that this Nation could exist half slave and half free, and they deplored this war where brother fought against brother.

Likewise, in the Spanish American War of 1898, many Americans championed the cause of liberty by fighting to quell Spanish oppression in Cuba, but there were many in America who felt we should stay at home and mind our own business.

In World Wars I and II many thought we should wait until our shores were threatened by an enemy before we became involved in an international conflict. They felt we shouldn't go looking for trouble.

And so it is today. There are some American citizens who honestly question our involvement in Indo China, wondering whether the decision made back in the early 1960's to send American troops into this area was in the best national interests.

There are, of course, some evil forces operating in our country to create chaos and disorder, and we must guard against these evil forces. They are led by wild-eyed freaks who cry out to have the laws broken, to have our flag desecrated, to have our culture scorned, and to have our institutions destroyed. These promoters of panic and disorder are ever present whenever they see an opportunity to fan the flames of emotions in men, whether it be discontented students, workers out on strike, or those with a race consciousness. They would like to take over from down under, so to speak.

The brave Americans who died at Valley Forge during the Revolutionary war, at Gettysburg in the Civil War, in France during World War I, and in the Battle of the Bulge in World War II would turn in their graves if they could witness the apathy of millions of Americans when this small minority of extremists and radicals, in the name of freedom, rob the people of their freedom, destroy true Christianity, and substitute their own radical religion that can lead only to dictatorship and the loss of all freedoms we have ever known.

Just recently I was privileged to hear our only surviving General of the Army, Omar N. Bradley, give his version of freedom. Listen to his words:

"Freedom—no word was ever spoken that held out greater hope, demanded greater sacrifice, needed more to be nutured, blessed more the giver, damned more its destroyer, or comes closer to being God's will on earth. May Americans ever be its protector."

It is encouraging to observe that the majority of Americans are quite level headed, and they are not influenced by rabble rousers. They realize that there can be no effective government from the streets—that there can be no stability without self-discipline—that there can be no enlightened tomorrows if we destroy our institutions of learning today—and that there can be no progress unless ideas and privileges are given an opportunity to surface, remembering also that every privilege has a corresponding responsibility.

On this Memorial Day it is encouraging to realize that one aspect increasingly is becoming clear, and it is that Americans are becoming eager to communicate with each other.

Our elder statesmen, for instance, are showing an increasing awareness of the problems of the young in our society. They are taking the young into their confidence, inquiring into their hopes, their fears, seeking their opinion, counseling with them on a wide range of domestic and international problems.

The young, in turn, are gaining a better understanding of the complexity of the problems that confront those charged with the responsibility of managing government. Our young are discovering that it is not enough to oppose and that every opposition should, if there is to be no vacuum, be counterbalanced with constructive proposition.

Students are also finding out that if they are going to be equipped to solve the problems of the future, they must incline toward learning instead of burning. They are also gaining an understanding of the fact that education without discipline results in confusion, and that lack of respect for authority is a form of anarchy.

In a like manner, both whites and blacks in our society are realizing that their best interests reside not in attacking each other but in cooperating with each other. They are recognizing that true racial progress can be made only through proper emphasis on the dignity of the individual and through honoring the concept that there can be no second class citizens under our system of government.

Another thing we should be mindful of on this Memorial Day is that our honored dead saved for us a country that is not our master but our servant. In a day and age when the Federal Government is so greatly involved in everything, we might tend to lose sight of this fact.

This kind of arrangement in Government places the citizen in a command position, and he must not forget it. If he does not like the way his government is being run, he can change its management. He can do this through his voting power at the polls on election day. This kind of system is in marked contrast to governments like those of Russia and China, where the situation is the reverse of ours, where the people are the servants of the government.

It is well for us to remember that there are some domestic areas that need immediate attention. For instance, the increases in crime, drug abuse, and immorality among our people is a stain on our national character.

We must rearm ourselves morally and spiritually to prevent these acids from eating out the soul and life blood of America. We must do this in our homes, in our schools, and in our churches, providing the influences for ridding ourselves of these social sicknesses.

We must also remind ourselves of those things for which our flag stands. It stands for great cities and towering buildings, for seats of learning and for museums. It stands for places of worship and for a blend of people that represent nationalities from all over the world. It is a symbol of a courageous and resourceful people, and it boasts a form of government that has never been surpassed in its excellence. It represents an idea that is based on the dignity of the individual and the freedom of the human spirit, an idea that has burned like a torch and drawn those lost in a darkness of other worlds to the bright shores of America.

Our pondering of these various matters that concern our country can make this a very meaningful Memorial Day. In so doing we will, in the highest tradition, be keeping faith with those honored dead who cried out to us in the words of John McCrae, from World War I, "If ye break faith with us who die, we shall not sleep, though poppies grow in Flanders Fields."

CLOSING PRAYER

(By Rev. Alphonse T. Marcincavage)

Let us pray.

O God, the Creater and Redeemer of all mankind, hallow these moments of solemn remembrance coming to a close. You know our many faults. Help us to purify ourselves of them, so that our lives will reflect more brightly and more honestly Your holiness, Your purity, Your wisdom and Your goodness.

You know our weaknesses. Help us to rely on Your grace and keep reminding us daily that of ourselves we can do nothing, but with You all things are possible to us, that unless You, our Lord and God, build our nation, in vain do they labor who build it. Lord, You don't want us to be strong in arms and bombs, because You have told us, 'He who lives by the sword, will perish by it.' You want us spiritually strong and morally strong, for then, like Sir Galahad, we will have the strength of ten, each one of us, for our hearts will be full of love, our hearts will be pure, our hearts will be generous and understanding, our hearts will be sympathetic and will reach out to all those in need.

Heavenly Father, you know our needs, too. And the greatest of them is 'to bring us together' as a nation, as a community, as a family—young and old, black and white, rich and poor. We need to be one in heart and one in mind, as You are one with the Son and Holy Spirit. We need peace, too. Peace in the world, in our land, in our communities and in our homes. You are the Prince of Peace. But we don't ask You to do it all by Yourself. We know You can. But then we would be unworthy servants, burying the wonderful talents You have given us. You have endowed us so richly in so many ways. Stir us up to act, to work, to use these talents, gifts and powers. Keep prodding us to use them not for our own selfish purposes and gain, but for the good of all with whom we live and work, for the well-being of our nation with freedom and justice for all and that these honored dead may not have died in vain.

We beg for this through Your Son who lives with You in the unity of the Holy Spirit forever and ever. Amen.

POPULATION GROWTH AS AN ECOLOGICAL FACTOR

HON. JOHN V. TUNNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1970

Mr. TUNNEY. Mr. Speaker, what kind of life do we want for our children? Each of us, as we make decisions about having children, must ask ourselves whether the joy of parenthood will ultimately cause a deteriorated quality of life for that child and those of his generation.

Until we recognize that individual decisions are responsible for the destruction of our environment, there can be little hope of arresting the continued erosion of environmental quality—and there is no decision more critical than that of parenthood. Since we cannot allow environmental erosion to continue, each of us has the responsibility to choose parenthood with full knowledge that our decision will directly affect our environment's quality.

In the Congress, I helped obtain the first funds made available through the foreign aid program for family planning in nations receiving our aid. Unfortunately, the American public has not been made sufficiently aware of the need for population planning to create a similar demand here at home.

Therefore, because of this immediate need to inform the American public, I am drafting a bill title the "Population Education Act of 1970." Under the provisions of this bill, Federal aid would be offered to local school districts to develop classroom programs that would focus attention on population growth as the major ecological factor. Such a program would be optional to school districts. States would also be offered Federal funds to provide massive public education programs designed to achieve effective voluntary action in population control.

Every citizen must know, for example, that population experts now predict that at its present growth rate, the United States will increase from its present 200,000,000 population to 300,000,000 in just 30 years. The impact of such a population explosion on our quality of life is staggering to imagine, although we seem to grasp what this means in underdeveloped nations such as those in Asia.

Every citizen must know—if he is to make the choice of parenthood knowledgeably—that we are becoming victims of a population growth that multiplies our urban problems as well as the problems of environmental pollution. Every day, waste sewage is added to our environment at a per capita rate of 120 gallons, polluted air at a rate of 1.9 pounds per person. Metal cans are thrown away each year at the rate of 250 per person, jars and bottles at the rate of 135 per person. Every citizen should know that as our population doubles, the demand for water triples. And as Dr. Jean Mayer, a leading expert on environmental problems, states:

> Rich people occupy much more space, consume more of each natural resource, disturb ecology more, and create more land, air, water, chemical, thermal and radioactive pollution than do poor people.

Every citizen should know about birth control methods and devices. The Federal Government should provide devices for those citizens who cannot afford them but who voluntarily want them. The funds now being appropriated for this purpose are ridicuously low. This year, the Government is spending only about $10 million for population planning purposes—about the cost of one fully equipped jet fighter plane. The Presidential veto of the HEW appropriations—and administration cutbacks in Government-sponsored research—have also stymied development of an effective contraceptive. This is why I am introducing into the House the Cranston-Tydings bill, S. 2108, that would establish a National Center for Population and Family Planning.

However, no government should tell its people how many children they may have. This is a matter of private concern and individual conscience. What the Government should tell its people is the facts of population growth in order to foster voluntary action on population control. If Americans choose to have large families, then they will do so with full knowledge of the adverse effect such a decision will have on the quality of our environment.

STATEMENT ON AMENDING TAX PROVISION RECOGNIZING GAIN WHEN A CORPORATION REDEEMS ITS STOCK WITH APPRECIATED PROPERTY

HON. HERMAN T. SCHNEEBELI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1970

Mr. SCHNEEBELI. Mr. Speaker, the Tax Reform Act of 1969 amended the Internal Revenue Code of 1954 to provide that gain will be recognized—in most situations—when a corporation redeems its own stock with appreciated property. However, the effective date provisions relating to this amendment provide that the new law is not to apply to certain transactions in which the corporation redeeming, was, so to speak, caught in midstream by the change in law. In general, it did this by excepting those cases in which there was a binding contract, a public offer, or a written description of the proposed program filed with a public agency.

A case has come to my attention in which a corporation had, in fact, begun a plan of redemption and had completed 40 percent of this contemplated plan before the date of enactment of the 1969 act. Nevertheless, this case is not within the exceptions made because there was no binding contract, public offer, or description filed with a public agency. It seems to me that the existence of an authorization to redeem—taken together with the actual completion of 40 percent of the plan—makes the intention of the corporation clear. For this reason, I believe the relief now provided in the effective date clauses should be extended to cover this case.

The additional new exception I would add by my bill only applies if certain specific conditions are satisfied. In the first place, the specific property used must have been owned by the distributing corporation or by its wholly owned subsidiary on December 1, 1969. Second, the stock must be redeemed before December 31, 1970, and must be cancelled before that date—that is, it must not be held as Treasury stock. Third, the redemption must be pursuant to a resolution adopted before November 1, 1969, by the Board of Directors authorizing the redemption of a specific amount of stock constituting more than 10 percent of the outstanding stock of the corporation at the time of the adoption of such resolution. Finally, the exception is restricted to those cases in which more than 40 percent of the stock which the directors authorized to be redeemed was, in fact, redeemed before December 30, 1969, and more than one-half of the stock so redeemed was redeemed with property other than money. The exception will apply, however, even though the authorization by the Board of Directors permitted the redemption to be made either in cash or other property, as long as the requirements of the statute are met.

A corporation which has actually carried out 40 percent of a redemption plan before a specified date is as truly caught in midstream as a corporation which has contracted to redeem, or made a public offer to redeem, before that date. The Treasury, after looking into the matter, advised me—in part—as follows:

> We have reviewed the proposed amendment and have no objections to it. As it has been worked out, the amendment would fall within the framework of the transitional rules presently contained in section 905 and would be consistent with those rules.

Equity requires the enactment of this amendment because it merely perfects the fair policy already laid down in the transitional provisions of the Tax Reform Act of 1969.

TAX INCENTIVES AS A DEVICE FOR IMPLEMENTING GOVERNMENT POLICY—A COMPARISON WITH DIRECT GOVERNMENT EXPENDITURES

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1970

Mr. HATHAWAY. Mr. Speaker, there has been much said in recent months about the need to reorder our national priorities. The recent hearings held by the Committee on National Priorities of the Democratic Policy Council have served to focus attention on the need for recognizing that hard choices must be made in rationing our resources, and that we must allocate those resources in a reasoned and systematic manner.

Funding for priority programs is quite clearly related to tax revenues, but, unfortunately the many loopholes and special tax privileges in the Federal tax structure limit the effectiveness of tax policy in forwarding national priority objectives. As Prof. Stanley S. Surrey pointed out in a recent article in the Harvard Law Review, more than $45 billion a year is being "spent" through utilization of a long list of tax dodges, special credits, deductions, and preferential rates which are supposed to serve as incentives to encourage an activity in the national interest. Professor Surrey, a former Assistant Secretary of the Treasury for Tax Policy, indicated that the cost of these special privileges in terms of dollars, equity, inefficiency, and taxpayer confidence have far outweighed any benefits. Moreover, it is difficult to maintain control over the management of priorities when billions of dollars are escaping due to open-ended tax incentive provisions that place no limit on how much tax benefit a taxpayer or corporation can "earn" by taking advantage of the provision. Our tax system is providing a "back door" through which dollars can flow free from careful planning and scrutiny.

I commend Professor Surrey's excellent article to the attention of my colleagues:

[From the Harvard Law Review, Feb. 1970]

TAX INCENTIVES AS A DEVICE FOR IMPLEMENTING GOVERNMENT POLICY: A COMPARISON WITH DIRECT GOVERNMENT EXPENDITURES

(By Stanley S. Surrey)

The tax code contains a great number of special provisions which provide credits, deductions, and other tax advantages intended to achieve non-tax goals considered desirable by Congress. In fiscal 1968, these provisions represented tax expenditures of over 45 billion dollars. Professor Surrey argues that the tax incentive is generally inferior to the direct subsidy as a means of achieving social goals: that incentives are usually less equitable, since they benefit persons in high tax brackets most, and more difficult to develop and administer, since they are handled by tax committees and administrative agencies which have little expertise in non-tax social policy. He suggests a strong presumption against their use.

Suggestions are constantly being made that many of our pressing social problems can be solved, or partially met, through the use of income tax incentives. Moreover, the present federal income tax is replete with tax incentive provisions. Some were adopted to assist particular industries, business activities, or financial transactions. Others were adopted to encourage non-business activities considered socially useful, such as contributions to charity. This article will deal with the question of whether tax incentives are as useful or efficient an implement of social policy as direct government expenditures, such as grants, loans, interest subsidies, and guarantees of loans. The discussion will be in terms of the federal income tax, but it is intended to be helpful for other jurisdictions and other forms of taxation as well.

I. THE NATURE AND EXTENT OF EXISTING TAX INCENTIVES

The term "tax expenditure" has been used to describe those special provisions of the federal income tax system which represent government expenditures made through that system to achieve various social and economic objectives. These special provisions provide deductions, credits, exclusions, exemptions, deferrals, and preferential rates, and serve ends similar in nature to those served by direct government expenditures or loan programs. In any specific functional area the Government may use direct expenditures, interest subsidies, direct federal loans, and federal insurance or guarantee of private loans as alternative methods to accomplish the purposes which the special tax provision seeks to achieve or encourage.

The use of the phrase "special provisions" clearly involves a major definitional question: which tax rules are special provisions and therefore tax expenditures, and which tax rules are just tax rules; simply part of the warp and woof of a tax structure? The description and analysis of tax expenditures contained in the fiscal 1968 report to the Secretary of the Treasury used these guidelines:

"(The analysis) lists the major respects in which the current income tax bases deviate from widely accepted definitions of income and standards of business accounting and from the generally accepted structure of an income tax. . . .

* * * * *

"The study does not attempt a complete listing of all the tax provisions which vary from a strict definition of net income. Various items that could have been added have been excluded for one or more of several reasons:

"(a) Some items were excluded where there is no available indication of the precise magnitude of the implicit subsidy. This is the case, for example, with depreciation on machinery and equipment where the accelerated tax methods may provide an allowance beyond that appropriate to the measurement of net income but where it is difficult to measure that difference because the true economic deterioration or obsolescence factor cannot be readily determined.

"(b) Some items were excluded where the case for their inclusion in the income base stands on relatively technical or theoretical tax arguments. This is the case, for example, with the imputed rent on owner-occupied homes, which involves not only a conceptual problem but difficult practical problems such as those of measurement.

"(c) Some items were omitted because of their relatively small quantitative importance.

"Other features of our income tax system are considered not as variations from the generally accepted measure of net income or as tax preference but as part of the structure of an income tax system based on ability to pay. Such features include personal exemptions and the rate schedules under the individual income tax, including the income splitting allowed for married couples filing joint returns or for heads of households. A discussion of income splitting and the dependent's personal exemption is thus considered outside the scope of this study on tax expenditures.

"It must be recognized that these exclusions are to some extent arbitrary . . . The immediate objective, however, of this study is to provide a list of items that would be generally recognized as more or less intended use of the tax system to achieve results commonly obtained by government expenditures. The design of the list seems best served by constructing what seemed a minimum list rather than including highly complicated or controversial items that would becloud the utility of this special analysis.

* * * * *

"The assumption inherent in current law, that corporations are separate entities and subject to income taxation independently from their shareholders, is adhered to in this analysis."

These guidelines readily identify a significant number of provisions in existing law which we can all agree are "special" and represent tax expenditures: tax benefits for the aged, natural resources provisions such as percentage depletion allowances, the investment credit, excessive real estate depreciation. These provisions are identifiable as tax expenditures for the additional reason that they have been defended, either by their beneficiaries or by Congress in adopting them, on the grounds that they achieve a particular purpose, claimed to be desirable, other than the measurement of net income under an income tax.

On the basis of these guidelines, the Treasury analysis identified a long list of tax expenditures, with estimates in terms of fiscal year 1968. The expenditures were classified according to the functional categories of government expenditures used in the budget, with the addition of two special categories: Aid to State and Local Governments, and Capital Gains:

The analysis also showed the relationship of tax expenditures to direct expenditures for these budget categories. In some cases the tax expenditures exceeded or were close to budget expenditures (Community Development and Housing, 204%; Commerce and Transportation, 114%; Natural Resources, 90%; Health and Welfare, 37%) (fiscal 1969 figures). In none of the categories listed above except for National Defense and Veterans were the tax expenditures less than 10% of budget expenditures. The total of the estimated tax expenditures, in a round number, was $45 billion.

If we take as our definition of tax incentive a tax expenditure which induces certain activities or behavior in response to the monetary benefit available, almost all of the tax expenditures included in the above analysis can be considered tax incentives. Many of the tax expenditures were expressly adopted to induce action which the Congress considered in the national interest. For example, the investment credit was intended to encourage the purchase of machinery and equipment; excessive bad debt reserves for some financial institutions were allowed to encourage the growth of savings and loan associations and mutual savings banks; the charitable deduction was intended to foster philanthropy; the preferential tax treatment of qualified pension plans was intended to foster broad pension plan coverage; and the corporate surtax exemption was intended to foster small business. Other tax expenditures whose origins are cloudy are now defended as incentives to home ownership, as in the case of the deduction for mortgage interest and property taxes, or as aids to state and local governments' tax bases, as in the case of the deduction for state and local taxes. Other tax expenditure provisions were adopted as relief provisions to ease "tax hardships," or were adopted to simplify tax computations. Some of these provisions have come to be defended on the basis of their incentive effects: for example, the intangible drilling expenses deduction, the percentage depletion allowance, the Western Hemisphere Trade Corporation preferential rate, and the research and development expense deduction. Moreover, to the extent that such tax relief—i.e., tax treatment that is special and not required by the concept and general standards of a net income tax—is granted for an activity that is voluntary, the relief is in effect an incentive to engage in that activity, even though the provisions may not be defended on incentive grounds. For example, if meals and lodging furnished an employee on the premises of an employer are not taxed, the effect is to make employees more likely to choose such employment. If coal and iron royalties receive capital gains treatment and other royalties do not, investment preferences will be affected.

The only tax expenditures that are not tax incentives, as we are using the expression, are expenditures related to involuntary activities of taxpayers. Most such provisions are designed to provide tax reduction in order to relieve misfortune or hardship—situations involving "personal hardships," as contrasted with the "tax hardships" that have brought about other special tax provisions, chiefly for business activities. The extra exemption for the blind is one example. The extra exemption for the aged is another—we can't grow old any faster because of the exemption. Special provisions of this character are relatively few in number. By and large, therefore, the classification guidelines in the Treasury analysis which separate tax expenditures from other tax provisions also serve to identify existing tax incentives.

The recently considered tax expenditures are all in the tax incentive category. They include pollution control machinery credits, manpower training credits, educational expense credits, tax benefits for investing in low income housing, and tax benefits for business investment in central cities or rural areas. In all these situations the direct purpose of the proposed tax change is to provide monetary assistance or benefit through the tax laws so as to make the desired course of action financially more palatable to taxpayers involved, and thereby induce them to take that action. Whatever the purpose of the economic benefit involved—be it to make an expensive activity less costly, to reduce its risk, or to increase the rate of after-tax profit—the incentive effect is the desired effect.

II. COMPARISON OF TAX INCENTIVES WITH DIRECT EXPENDITURES

This section of the discussion is concerned with criteria for evaluating the use of tax incentives as compared to the use of direct government expenditures. This evaluation does not involve the issue whether we should seek to achieve the particular goals for which tax incentives are now used or suggested. We can assume it is understood that each incentive must serve purposes which the nation wants to achieve and is willing to finance, rather than let the marketplace determine the extent to which the result will obtain. This is not to say that every proposal for a tax incentive is presented or defended with a careful analysis along these lines. Far from it—many sponsors of tax incentives simply assume that if the benefit sought is helpful to them in reaching a desired result, the incentive is in the public interest. But this discussion assumes that these issues have been decided. Therefore, we are assessing the use of tax incentives as a technique to provide the government assistance. The discussion is applicable to those tax expenditures intended to alleviate personal hardships, although we have indicated that they might not be classified as tax incentives.

There are, of course, as stated earlier, a variety of ways to provide government financial assistance—direct grants, loans, interest subsidies, guarantees of loan repayment or interest payments, insurance on investments, and so on. These methods are here called budgetary or direct expenditures. Skilled tax technicians and budgetary experts can take any tax expenditure and devise a budgetary expenditure approach to serve the same goals as a direct expenditure. For example, the British for some years used an approach under their tax law somewhat similar to our 7% investment credit to encourage the acquisition of machinery and equipment. They subsequently dropped the tax technique and substituted direct cash payments. The existing tax incentive for charitable giving could also be structured as a direct expenditure program, under which the Government would match an individual's contribution to charity with a proportional contribution of its own to the same charity. Tax credits to an employer for manpower training could be structured as grants or contract payments to the employer. Tax benefits to the aged can be structured as cash to the aged. And so on.

It follows that a meaningful comparison between the tax incentive technique and the direct expenditure technique must involve *similar substantive programs*. There is no point to saying that in a particular situation a tax incentive is a more useful approach because it involves no government supervision over the details of the action to be induced, whereas a direct expenditure involves detailed supervision. To say so is not to compare a loosely controlled method of paying out government funds with a tightly controlled method. Direct expenditures can involve loose as well as tight supervision. Once we decide which substantive program we want them we can go on to decide which technique, tax incentive or direct expenditure, is preferable for that program.

The matter of what type of substantive program is best calculated to achieve the desired goal lies in the fields of cost-benefit and cost-effectiveness analyses. These methods are being used more and more to devise and test direct expenditures, and they should a priori be equally applicable to programs using a tax incentive technique. For present purposes I am assuming that the substantive analysis, as respects methodological approach, use of econometric techniques, and the like, should be of the same order whether a tax incentive or a direct expenditure is involved. This is not to say that this has been true with regard to tax incentives in the past. Far from it—and therein lie many of the problems with tax incentives. Nor can we say that it will be true as to future tax incentives, nor can we say that all direct expenditure programs are carefully thought through.

A meaningful comparison between the two techniques must also be *realistic*. Thus, it must recognize that a tax incentive does involve the expenditure of government funds. It is often said that a tax incentive is more useful than a direct expenditure because people do not like or will not respond to "subsidies." Such statements always assume that the direct expenditure is the "subsidy," whereas the tax benefit obtained in the tax incentive—the lower tax—is not so regarded. Perhaps we may find that this fiscal illusion has its usefulness, but we should at least be aware of what is the reality and what is the illusion.

A. Some asserted virtues of tax incentives—Falsely claimed

Against this general background we can now consider some of the virtues and defects generally claimed for tax incentives and, on the other side of the coin, for direct expendtures. The first level of consideration relates to virtues claimed for tax incentives, but, in light of the above background, falsely claimed.

1. *Tax Incentives Encourage the Private Sector to Participate in Social Programs.*—Frequently a tax incentive is urged on the ground that the particular problem to be met is great and that the Government must assist in its solution by enlisting the participation of the private sector—generally business. The need for Government to participate can be fulfilled by a tax incentive, and this is asserted as a virtue of tax incentives—they provide government assistance. Thus, a tax incentive for manpower training proposed in the Senate was defended in these terms:

"Tax incentives (are proposed) to encourage the fullest participation of the private sector in employment, upgrading, and training of less skilled people.

"A tax incentive program should (make) . . . it economically possible for American business to play an important role in our manpower program.

"I understand the objections that are at times put forward to the use of the tax system for social purposes. However, I think it is time we realized that in order to encourage business to participate in programs of this nature, Government must be willing to meet business halfway. The most convenient form for subsidizing a businessman is through his income tax.

"(This bill) enlists the job creating potential of private enterprise by realistically recognizing the high initial costs involved in hiring, training, and providing supportive services for low-skilled individuals."

But all this is a non-sequitur; it points not to the virtue of tax incentives but to the need for government assistance. The existence of that need has no relevance to the question whether the need should be met by an incentive or by a direct expenditure.

2. *Tax Incentives Are Simple and Involve Far Less Governmental Supervision and Detail.*—A whole swirl of virtues claimed for tax incentives is summed up in the general observation that they keep Government—that is, the government bureaucracy—out of the picture: that they involve less negotiation of the arrangements, less supervision, less red tape, no new bureaucracy, and so on. The manpower proposal referred to above was supported by this argument:

"The advantages to a tax credit approach are numerous. The most important, however, is that the program can go into effect immediately upon enactment. Employment programs in the past have taken months and years to become operative. . . . Employers who participate in the program will receive a tax credit of 75 percent of the wages paid to the employee for the first 4 months of employment, 50 percent for the next 4 months, and 25 percent for the balance of the individual's first year of employment. This is an uncomplicated program with the minimum of red tape. Any employer who hires a certified employee is eligible for the tax credit—it is as simple as that."

But this merely comes down to saying: "Let's have a manpower program under which the Government pays an employer who hires a certified employee an amount calculated as a percentage of the employee's wage." There is nothing so far that indicates whether the payment should be by way of a tax credit or a direct expenditure. If the employer can obtain government funds (i.e., a reduction in tax through the tax credit) for his employment activities by filling out a schedule on a tax return, a manpower program could be devised instead under which he would receive the same monetary assistance by filling out the exact same schedule on a piece of paper that had "Department of Labor" at the top in place of "Internal Revenue Service."

A government that decides it is wise to pay out tax credit money via a simple tax schedule would be highly irrational if it also decided that it would be unwise to pay the same amount directly on the same basis. A dollar is a dollar—both for the person who receives it and the government that pays it, whether the dollar comes with a tax credit label or a direct expenditure label. Nor is a new bureaucracy needed to pay out these amounts as a direct expenditure—a check-writing process is all that would be needed in keeping with the parallel to the tax credit. Nor, similarly, must there be long negotiations, complex contracts, and the like. It is not the tax route that makes the program simple—it is a substantive decision to have a simple program. In many cases, it is true, direct expenditure programs are probably overstructured and the urging of tax incentives is a reaction to, and a valid criticism of, badly designed expenditure programs. The cure lies of course in better designed expenditure programs.

It should be added, parenthetically, that the alleged simplicity of tax incentives is likely to be illusory. Thus, the argument quoted above states that "(a)ny employer who hires a certified employee is eligible for the tax credit—it is as simple as that." But this is not really so, because the legislation actually proposed would have required the employer to be certified by the Secretary of Labor, and to be eligible for certification an employer would have had to prove that the employment program would not impair or depress the wages, working standards, or opportunities of present employees; that the business was not affected by strike, lockout, or similar conditions; that the employees in the program would be afforded an equal opportunity for full-time employment after the expiration of the credit period; that a formal on-the-job training program would be available; and that there would be no discrimination on account of race, color, religion, or national origin. Further complexities were involved in the proposed system for determining the creditable wage base, which was to be defined as the higher of the minimum wage or the wage customarily paid by the employer for such services. Similarly, the low income housing tax incentive legislation discussed in 1967 and 1968 was studded with requirements of "approval by the Secretary of Housing and Urban Development."

The tape was thus present in the tax credit program and its color was red. This is not to criticize the particular programs, but rather to observe that those who design tax incentive programs, just as those who design direct expenditure programs, may find that complex requirements become desirable.

3. *Tax Incentives Promote Private Decisionmaking Rather Than Government-Centered Decisionmaking.*—It is said that better progress will be made towards the solution of many social problems if individual decisionmaking is promoted, and that since tax incentives promote this they should be preferred to approaches that underscore government-centered decisionmaking. Senator Ribicoff, for example, has expressed the view that "(r)ecognition that tax incentives can account for real Federal expenditures should not obscure the fact that such programs can eliminate the need for additional bureaucratic apparatus while promoting the use of private capital and initiative toward socially useful projects."

We need not discuss the merits of private enterprise as a device for solving social problems, except to note in passing that many business groups who in urging tax incentives stress the virtues of private enterprise overlook the fact that they are really stressing private enterprise *plus* government assistance. But wise or unwise, the contention that private enterprise should be allowed free play, without government interference, tells us nothing as to the choice between tax incentives and direct expenditures, given the same substantive program. This contention is really a variant of the previous "red tape" argument. Just as we could design a direct expenditure program that provides for reduction of red tape, so we could design one that provides more flexibility for private decisionmaking and less scope for government control. For example, the deduction for charitable contributions is sometimes cited as a method of government assistance that promotes private decisionmaking—the taxpayer, and not the Government, selects the charity and determines how much to give. But a direct expenditure program under which the Government matched with its grants, on a no-questions-asked and no-second-thoughts basis, the gifts of private individuals to the charities they selected, would equally preserve private decisionmaking. Similarly, the freedom of choice that states and local governments have as to how to use the funds they borrow with the assistance of the tax exemption for the interest on their bonds can be preserved by a direct expenditure program in which the federal government pays a part of the interest cost.

It is true that many of the existing tax incentives are less structured than direct expenditure programs. But in part this reflects lack of scrutiny and foresight when the tax incentives were being planned or considered. If after a careful consideration it is decided that a simple structure is wise, then it would assume considerable irrationality to say that the simple structure will necessarily be kept if a tax incentive is used but scrapped in favor of a more complicated structure if a direct expenditure is used.

B. Some asserted defects of tax incentives

1. *Tax Incentives Permit Windfalls by Paying Taxpayers for Doing What They Would Do Anyway.*—It is generally argued that tax incentives are wasteful because some of the tax benefits go to taxpayers for activities which they would have performed without the benefits. When this happens, the tax credit or other benefit is a pleasant windfall, and stimulates no additional activity. With respect to many existing and proposed incentives this criticism is well taken, and indeed it is often difficult to structure a tax credit system which avoids this problem

without increasing complexity and introducing arbitrariness. But this also is a problem not unique to the tax incentive technique. A direct expenditure program similarly structured would be equally open to the charge. For example, grants or contract payments made to employers who hire unskilled employees as part of a manpower program may go to employers who for one reason or another would have hired those employees anyway.

It may be desirable in particular programs to tolerate this inefficiency or windfall. Or it may be desirable to attempt to eliminate it, perhaps by constructing a program under which taxpayers bid for the government assistance needed and the assistance goes to the lowest bidders if otherwise qualified, just as in direct government purchasing. It may be that such a substantive program is difficult to operate through the tax technique, but other ways of reaching only the marginal decision could be built into a tax incentive. The significant question is what sort of substantive program is desired.

2. Tax Incentives Are Inequitable: They Are Worth More to the High Income Taxpayer than the Low Income Taxpayer; They Do Not Benefit Those Who Are Outside the Tax System Because Their Incomes Are Low, They Have Losses, or They Are Exempt from Tax.—This criticism of tax incentives in terms of their inequitable effects is properly levied against most of the existing tax incentives, and probably most of the proposed incentives. The existing incentives were never really carefully structured and in many instances just grew up, without serious thought ever having been given to the question whether they were fair in these terms. The entire process was molded by the fact that the positive tax structure was being affected, and within that structure tax benefits—deductions and exclusions—had these effects as a matter of course. The deductions and exclusions of the tax incentive provisions and their inequitable effects took on the protective coloration of the deductions and exclusions that were a part of the basic tax structure.

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The fact that tax benefits for the aged and the sick provide no benefits for those aged or ill who are too poor to pay income taxes was not even thought of as a difficulty, since the focus was as in any positive tax system, on writing the rules for *taxpayers*. The problem was sometimes thought about in the context of an individual who fell outside the tax system because of current losses, and at times a carry-forward of incentive benefits was provided. Thought was occasionally given to the fact that the deduction of mortgage interest or charitable contributions is worth more to the top bracket taxpayer than the low bracket taxpayer, but the disparity was generally dismissed on the grounds that all deductions had that effect. Sometimes this matter was regarded as worrisome, and a tax credit was used instead of a deduction, as in the case of the retirement income credit for the aged.

This unfairness persists even in recently proposed tax incentives. The proposed tax credit for educational expenses would not have helped poor families with incomes below the taxable level. The proposed manpower training credit would not help a new business experiencing initial losses and struggling to stay alive, or it would help only by deferring into the future, through a carry-forward provision, benefits needed at once. No assistance is provided to a tax-exempt organization or local government incurring added expenses under its participation in manpower training activities.

Thus, the lesson is hard to learn. The recent tax reform legislation contained a tax incentive for the rehabilitation of low income housing, using the device of five-year amortization of capital expenditures which otherwise would be depreciated over a longer period. This device, which was proposed by the Treasury Department, has these interesting effects for individual taxpayers: for a taxpayer in the 70% bracket, the benefit is the equivalent of a 19% investment credit (assuming an expenditure with a 20-year life and discount rate of 10%); for a taxpayer in the 20% bracket it is the equivalent of a 5% credit. In terms of interest costs on a loan made for rehabilitation purposes, the benefit of five-year amortization is equivalent for the 70% bracket taxpayer to reducing an 8% interest charge to 3%; for the 20% bracket taxpayer it is equivalent to reducing the 8% charge to 7%. The inequitable effect of this tax incentive device is not mentioned either in the proposal or in the committee reports explaining it.

It is thus clear that most tax incentives have decidedly adverse effects on equity as between taxpayers on the same income level, and also, with respect to the individual income tax, between taxpayers on different income levels. As a consequence of these inequitable effects, many tax incentives look, and are, highly irrational when phrased as direct expenditure programs structured the same way. Indeed, it is doubtful that most of our existing tax incentives would ever have been introduced, let alone accepted, if so structured, and many would be laughed out of Congress. What HEW Secretary would propose a medical assistance program for the aged that cost $200 million, and under which $90 million would go to persons with incomes over $50,000, and only $8 million to persons with incomes under $5,000? The tax proposal to remove the 3% floor under the medical expense deductions of persons over 65 would have had just that effect. What HEW Secretary would introduce a program under which Social Security benefits would be unaffected if the recipient's total income including the benefit were under $900, would he automatically increase by 14% if the recipient's income were between $900 and $1,400, by 15% if between $1,400 and $1,900, and so on up to 70% if over $100,000? That is the effect of the present exclusion from income of Social Security benefits. What HUD Secretary would suggest a housing rehabilitation subsidized loan program under which a wealthy person could borrow the funds at 3% interest but a poor person would have to pay 7% or 8%? That is the effect of the five-year amortization of rehabilitation expenditures contained in the recent Tax Reform Act.

This criticism—that tax incentives produce inequitable effects and upside-down benefits—is valid as to the general run of tax incentives. It demonstrates why tax incentives make high-income individuals still better off and result in the paradox that we achieve our social goals by increasing the number of tax millionaires. The marketplace does not work this way—for the individual who earns his profit, even high profits, by meeting a need or desire of society, finds his rewards subject to the progressive income tax. The economic system is thus functioning as it is intended it should, and the tax system, which acts as a control, is also functioning as intended. But when rewards are in the form of tax incentives, the latter control is eliminated, and tax millionaires are produced.

The financial assistance afforded by the incentive, with the purpose of making profits high enough to induce the desired action by the taxpayer, is not itself included in income. The tax incentive thus provides both financial assistance and freedom from taxation. That freedom itself means much more to the well-to-do individual than to one in the lower brackets. The tax incentive is thus a method of reward and assistance that is just upside-down from the way the country decided—when it adopted a progressive income tax—that the rewards of the marketplace should operate in combination with the income tax. The use that has been made—and is being made—of tax incentives is thus destructive of the equity of a tax system. This is illustrated by the Treasury Department's first proposing a housing rehabilitation tax incentive and then having to suggest that the incentive is a tax preference which must be guarded against by including it in a minimum tax structure designed to prevent the wealthy from escaping all tax burdens. The use of the direct expenditure route would have prevented this particular undermining of the tax system.

In some cases, however, the tax incentive could be fashioned to avoid this criticism, though the result would be a different program and one structured more closely along direct exclusion of Social Security benefits, that a uniform tax credit was used instead of the exclusion, the tax credit was included in taxable income, and any unused credit was paid to the taxpayer. This would be the equivalent of a direct expenditure program for all aged on a per capita basis, with positive taxpayers receiving a diminishing final share depending on their tax bracket, and those aged outside the tax system receiving their full share. The elements of inequity would be removed and the tax incentive technique would be on the same footing as a direct expenditure under which each aged person received the same per capita amount. Indeed, this is how tax incentive programs *should* be structured if they are to be equitable and not involve the unfairnesses described. But this approach may only rarely be feasible given its novelty and the difficulties involved in convincing the business community and others who are the beneficiaries of tax incentives, let alone the policymakers in Government, of the appropriateness of making such changes as including the tax incentive amount itself in taxable income.

As an aside, we can here see the importance of distinguishing tax expenditures and tax incentives—so-called special tax provisions—from those provisions considered a proper and necessary part of the structure of an income tax. If an item is *properly* deductible in the latter sense, it does come off at the taxpayer's top tax rate, and its benefits are confined to those who are taxpayers. Given the decision to have an income tax at all, the result is equitable, within the concept of an income tax. All income tax is a tax on *net* income and not a tax on gross receipts; therefore the deductions from gross income required to produce the net income base must be allowed. Those deductions, generally speaking, are the expenses and costs incurred in the process of producing or earning the gross income received by the taxpayer.

Thus, consider the deduction for moving expenses: it is a deduction and so benefits a taxpayer (reduces his tax) in accordance with his marginal tax rate. It also benefits only taxpayers; an employee who incurs moving expenses, but whose income is so low as not to leave him taxable, does not obtain any benefit or assistance. This is the correct result under a positive income tax system if the moving expense should properly be taken into account in the measurement of net income, as it should be if it is an expense in earning income rather than a personal expense. If it is the latter, the deduction is a subsidy or tax expenditure, inequitably cast, to induce labor mobility. Actually, the moving expense deduction is at the frontier of the positive income tax structure; a gradual shift is occurring, and such expenses are coming to be regarded as a factor proper and necessary to the measurement of net income.

3. Tax Incentives Distort the Choices of the Marketplace and Produce Unneutralities in the Allocation of Resources.—This criticism is in one sense always valid, because that is what the tax incentive is designed to do. Generally, the critic is also saying or implying that the distortion introduced by the particular incentive is undesirable for various reasons. In large part this criticism is true of many existing incentives for reasons earlier described. The criticism has relevance because the distorting effects of tax incentives often pass unnoticed. But the criticism is of course equally applicable to direct expenditures, some of which certainly are unwise. Again, we are not here concerned with the overall role of government or the extent to which and under what circumstances financial assistance is desirable to induce private action different from what the marketplace would provide. This criticism thus does not per se tell us when one or the other technique should be used.

It is interesting to note that even within the area sought to be benefited by the tax incentive, the design of the incentive may push or pull in unneutral directions, which may or may not be desirable. Thus, a tax credit for pollution control facilities focuses on expenditures for machinery as the method of control to the exclusion of other methods, such as a different choice of materials involved in the manufacturing processes. A tax credit for businesses located in urban slums may focus concentration on monetary assistance to the neglect of the provision of technical assistance.

4. Tax Incentives Keep Tax Rates High by Constricting the Tax Base and Thereby Reducing Revenues.—This criticism of tax incentives states a fact that many overlook in their advocacy of tax incentives. The lack of an explicit accounting in the federal budget for the tax expenditures involved in tax incentives and the lack in most cases of an accounting in the tax statistical data combine to cause many to forget that dollars are being spent. As a consequence, the criticism that is made against direct expenditures—that they keep our tax rates high—is often lost sight of when tax incentives are involved. This criticism of tax incentives is thus a useful reminder that government funds are being spent, and that therefore whatever degree of scrutiny and care should be applied to direct expenditures should also be applied to tax incentives. Tax incentives are usually open-ended: they place no limit on how much tax benefit a taxpayer can earn. Hence it is difficult to foretell how much will be spent by the Government through a particular incentive. It is difficult in the nature of things to structure most tax incentives in order to provide a limit on their use. Thus, tax incentives are much like the uncontrollable direct expenditures in the budget.

In the end, the issue is whether, as to any particular area, we want direct government provision of services or goods, government financial assistance (subsidies) to encourage and assist private action to provide the services or goods, or reliance on private action unaided by the Government. If we choose government provision or assistance, then dollars must be spent, and whether they are dollars forgone through lost tax revenues or dollars spent directly through direct expenditures, the effect on tax rates will be the same. So also will the effect on the economy if the government program succeeds, and the resultant effect on the revenue base and tax rates of the increased economic activity that such success may mean.

C. Summary of asserted virtues and vices of tax incentives

This description of the virtues and vices of tax incentives yields these conclusions: the *asserted disadvantages*—waste, inefficiency, and inequity—are true of most tax incentives existing or proposed because of the way they are structured or grew up. The whole approach to tax incentives—one of rather careless or loose analysis, failure to recognize that dollars are being spent, or to recognize the defects inherent in working within the constraints of the positive tax system—has produced very poor programs. But *if* care were taken to design tax incentive programs that one would be willing to defend in substantive terms were the programs cast as direct expenditure programs, then these disadvantages would not be involved, except to the extent that they are inherent in government assistance itself. These are large conditions, and in some cases would be hard to bring about. For example, it would not be easy to give tax benefit assistance to groups outside the tax system but performing desired activities, such as local governments or tax-exempt organizations hiring the disadvantaged—direct payments outside the tax system would be needed. And it would not be easy to design tax incentive programs which were not inequitable as between taxpayers in high and low brackets and between taxpayers and nontaxpayers. Indeed, there is not tax incentive in existence or proposed that meets the above standards. But for purposes of comparison we are here assuming that the standards could be met under some tax incentive programs.

Similarly, the *asserted advantages* of tax incentives—greater reliance on private decisionmaking and less detailed requirements—to the extent that they are true in fact (and they are often only illusory) are really criticism of the complications and supervision built into direct expenditure programs, or else a reflection of the structural weaknesses of the tax incentive program, depending on the amount of detail and supervision appropriate to the particular program. In a rational world, one should assume that if after careful study it is considered that certain complexities and details are not needed and can be left out of a tax incentive program, then they should and can simply be dropped from the direct expenditure program. Again, this may be a more difficult condition than appearance suggests, but it is probably less difficult to bring about than the conditions for repairing tax incentives, or at least no more difficult. Again, for purposes of comparison, we are also here assuming it can be done in direct expenditure programs.

D. What is lost by using a tax incentive rather than a direct expenditure

Given, under the assumptions just made, the same substantive program, under which government assistance in the same amount is being given in ways and to persons that would be equally acceptable whether tax incentives or direct expenditures were used, what factors should determine the choice of framework for a particular program? We can approach this question by asking: what is lost if the tax incentive technique is used? There are several answers.

1. Tax incentives, by Dividing the Consideration and Administration of Government Programs, Confuse and Complicate that Consideration in the Congress, in Administration, and in the Budget Process.—Let us start with the congressional consideration of tax incentive programs. By definition, such programs are designed to induce action to meet a particular social goal—manpower training of the disadvantaged, education, housing, pollution control, or business location in desired areas, to use some recent examples—and would not be a part of the tax structure were they not deliberately cast as tax incentives. Such governmental programs would normally be considered by the appropriate congressional committee charged with the legislative area involved: the House Education and Labor and Senate Labor and Public Welfare Committees, the House and Senate Banking and Currency Committees, the House and Senate Interior and Insular Affairs Committees, the House Interstate and Foreign Commerce and Senate Commerce Committees, and so on. These committees are responsible for overseeing and developing legislation in their jurisdictional fields, and so are able to coordinate the Government's programs and policies. Tax legislation, however, goes to the House Ways and Means Committee and the Senate Finance Committee. These committees would normally not consider the substantive areas involved in tax incentive programs. Tax incentives suddenly charge them with acting on substantive matters outside their fields of responsibility simply because the program uses the tax system. Although tax committees are highly competent in tax matters, they do not have as much insight into these programs as the legislative committees normally handling the programs. A similar situation would prevail if the latter committees were suddenly to legislate on technical tax matters. Moreover, the tax incentive program considered by the tax committees would be isolated from the regular flow of legislation and activity in the field involved, and this isolation would make coordination and the consideration of priorities difficult. The purpose of the congressional committee system is to distribute expertise among the members of Congress. To cast solutions to social problems as tax measures and exchange expertise in those problems for unfamiliarity is, to say the least, both disruptive and unproductive. Moreover, the jumbling of a number of different incentive programs in the tax committees would inevitably set in motion a "log-rolling" process, in which careful consideration would be displaced by trading for support among members. Such a process is difficult to control once a committee is operating outside of its area of expertise and with no clear limits of subject matter to restrain it.

These difficulties could perhaps be overcome. Tax committees might refer incentive proposals to the appropriate legislative committees and accept their judgments, or both groups of committees could consider the matter jointly. Approaches like these are sometimes used in areas where a trust fund having earmarked taxes exists. But the system is awkward and leaves unanswered questions—for example, which committee would exert continuing oversight over the program? Given all the trouble and care that must be taken to patch up an arrangement basically at variance with the normal practice, what is gained by choosing that arrangement in the first instance and thereby dividing the governmental consideration of the program?

Much the same can be said about the parallel effect at the administrative level. Social programs are normally administered by executive departments such as Labor, HEW, HUD, and Interior. Taxes are administered by the Internal Revenue Service. A social program cast in tax terms must in the first instance be administered by the IRS, whose expertise does not extend to these other areas. Problems of lack of coordination with other substantive programs would also arise because of the isolation of tax incentive programs. Again, these difficulties could be patched up to some extent—and probably would have to be—by having the appropriate executive department provide some guidance to IRS. But why the divided arrangement in the first place?

At the budgetary level such a division of responsibility makes oversight and control more difficult. Budgetary problems exist even where several relevant executive departments have a hand in the same program or area. The difficulties are compounded when one of the agencies (IRS) really doesn't belong there in the first place, and when it distributes the funds by tax reduction rather than direct expenditure. Our present budgetary process badly compounds these difficulties by giving no recognition or accounting to what is being spent on existing tax expenditures. Until 1968, when the Treasury Department published its analysis of tax expenditure programs and a Tax Expenditure Budget, there was no accounting for the existing tax incentives. The necessary data were not available to the public and not comprehended within the Government. No one really knew what was being spent through the tax system or for what purposes.

An additional problem is the difficulty of coordinating the treatment of tax incentives with the overall handling of direct expenditures. For example, when overall expenditures limits are directed by the Congress or when the President decides to cut expenditures it is essentially impossible to apply the restrictions to tax incentives. So far none of the various expenditure control devices, such as those voted in recent years by the Congress, have in any way affected tax expenditures. Yet had these tax programs been structured as direct expenditures, they would have had no such immunity. In substantive terms they do not merit that immunity any more than the direct expenditures, yet their tax clothing shields them. For similar reasons, tax incentives are not covered by the annual budgetary review process; the Bureau of the Budget doesn't even know about many of them, or how much they cost. We do have "uncontrollable" areas in the budget, such as interest on the public debt, and since they can play havoc with a budget, an effort is made to keep them to a minimum, and at least to identify them and try to estimate their effect. But in the budget process this is not done for tax incentives.

Overall, therefore, a resort to tax incentives greatly decreases the ability of the Government to maintain control over the management of its priorities. This is true both as to the substantive programs to be introduced, modified, or dropped and as to the amounts to be spent in particular programs and areas. These consequences run counter to the whole thrust of our concerns with the ordering of national priorities and with the wise allocation of our resources, which we have come to see as limited and therefore in need of careful management.

Some of these difficulties could be met. Tax incentives could be identified, amounts estimated, and the data incorporated in the budget. Unless this is done, comparisons of tax expenditures and direct expenditures must be comparisons of hidden programs with open ones. But even after such clarification, further difficulties would remain. Perhaps the President could be given authority to treat the tax incentive funds as direct expenditures for budgetary control purposes, and the incentives could be structured as far as possible to have them fall in the controllable rather than the uncontrollable expenditure pattern. Perhaps the tax incentive programs could be given yearly or biannual expiration dates, so that they could be reviewed in the same way as direct expenditures under the appropriation and budgetary procedures.

But these solutions, like those available for the problems of congressional consideration and administrative operation, raise the question, what is gained by turning what would normally be a direct expenditure program into a tax incentive program and then trying to structure the program so that it can nevertheless be handled as a direct expenditure program? Why the detour through the tax system? Why inject the tax system into the program, when the program can be effectively structured without it?

2. Tax Incentives Will Not Improve the Tax System and Are Likely To Damage It Significantly.—Certainly the tax system does not gain when expenditures are made through tax incentive programs. We have already seen that tax incentives are inimical to the equity of a tax system—indeed, in a sense that is necessary to their purpose and function. Moreover, the tax system is complex enough as it is, and to have a large number of tax incentives side by side with the provisions making up the structure of the tax itself can only cause confusion and a blurring of concepts and objectives. Tax incentives make it more and more difficult to distinguish between what is subsidy and what is proper structure. This is especially so where the tax incentive is not identifiable as such but is merged into a provision that has a genuine relationship to the measurement of net income—as is, for example, the subsidy involved in accelerated depreciation for real estate, since some degree of depreciation is appropriate.

It is no answer to say, as do some cynics, that since the tax system today has so many special provisions there should be no objection, when worthwhile programs are involved, to adding still more to the heap. Rather, the effort should persist to contract those existing special provisions that are improper and wasteful. We know from long experience that provisions can be enshrined in tax laws far past their usefulness and long after their defects become clear. We should not, when alternatives are present, freeze in more special provisions, especially since programs in the complex areas of social policy to which many tax incentive proposals relate are essentially experimental in nature.

E. What is gained—allegedly—by using a tax incentive rather than a direct expenditure

Thus, a great deal is lost when tax incentives are used. What is to be gained by that approach compared with the direct expenditure approach? Some have advanced answers which are essentially political in nature, and, I think, rooted in illusions or irrationalities. Professor Aaron has observed that the popularity of the tax devices "derives from a peculiar alliance among conservatives, who find attractive the alleged reduction in the role of government that would follow from extensive use of tax credits, and liberals anxious to solve social and economic problems—by whatever means—before it is too late." We have already discussed the illusion that tax credits for social purposes are simple and removed from the bureaucratic hand. The second illusion in the above argument is that the Congress will vote dollars through tax incentives that it refuses to appropriate through expenditure programs. Just why a Congress that focuses on the matter should be so inconsistent is not explained. Certainly many members of tax committees, such as Chairman Mills, have recognized that tax incentives do involve expenditures—"back-door expenditures" in his words—and that a legislature concerned with expenditure levels and expenditure control should not, while holding the front door shut, let hidden expenditures in through the back door. But perhaps irrationality will govern; perhaps administrators and legislators will devise and accept programs structured as tax provisions which they would reject as direct expenditures, or will refuse to improve direct expenditure programs, or will spend money through tax incentives that they would not appropirate as direct expenditures. In that event, rational consideration will not change matters.

There is another answer, which also appears to be irrational or illusory. This is the claim that businessmen respond to tax credits but not to other forms of government assistance; that there is a glamour and magic possessed by dollars of tax reduction that will attract the businessman who would pass up dollars offered through direct expenditures. To the extent that this answer rests on the belief that tax incentives are really simpler, or that complexities can be sheared away only if tax incentives are used, it rests on beliefs already discussed and found either unrealistic or true only if the underlying government policies are themselves irrational. To the extent that the answer rests on the claim that business regards tax incentive dollars as "clean dollars"—just part of a tax computation—but sees direct expenditure dollars as somehow unclean because they are a subsidy, one can only answer that business probably does not respond this way, or that if it does, it is behaving irrationally. Experience with direct subsidies—the SST program for example—suggests that business firms are willing to and do calculate profit prospects in the light of government subsidies. Similarly, the argument that business is familiar with tax credits—though until the investment credit there were no credits widely used in the corporate tax system—but not with other forms of government assistance is certainly not always true. Lack of business familiarity could be overcome by publicizing direct subsidies. The manpower training credit proposal quoted earlier suggested that "the Department of Labor . . . be required to make (the proposal's) provisions known to the unemployed and potential employers in the business community." Such a duty could equally well be placed on that Department if it were administering a direct expenditure program.

There may be an aspect of this asserted preference for tax incentive programs that is not illusion or irrationality, but more serious. It may be that legislators and the beneficiaries of tax incentive programs—businesses receiving accelerated depreciation or percentage depletion, state and local governments receiving tax exemption on their bonds—fear that once the public is fully aware of the amounts involved and can weigh expenditure costs against benefits received by the nation, the tax incentives will be found wanting in many respects. In this view, the deeper the incentive is buried in tax technicalities and tax terminology, the more it looks like any other technical tax provision, the more it partakes of the protective coloration of the tax law that can be obtained by such outward similarity to ordinary tax provisions, then the more desirable the tax incentive becomes. The public must dig hard and deep to find the subsidy and evaluate it. But such an approach to government expenditures—the preference for the hidden subsidy over the open subsidy—is contrary to all experience with budgets, and to efforts to achieve a rational use of resources. If this is the argument for tax incentives, it should not be accepted.

III. CONCLUSIONS

What, then, is the balance sheet regarding these two methods of government assistance, direct expenditures and tax incentives? I conclude from the above observations that, as a generalization, the burden of proof should rest heavily on those proposing the use of the tax incentive method. In any particular situation—certainly any new situation—the first approach should be to explore the various direct expenditure alternatives. Once the most desirable of these alternatives is determined, if one still wishes to consider the tax incentive method for the same substantive program, the question must be what clear advantages can be obtained by using the tax method. Again, as a generalization, I think it unlikely that clear advantages in the tax incentive method will be found. Moreover, I stress strongly that the advantages must be clear and compelling to overcome the losses that accompany the use of the tax incentive, even the well-structured incentive. The problems of achieving a well-structured incentive are in themselves formidable. Even assuming that such problems as unfairness and windfalls are overcome, there are still the losses and drawbacks we have described: confusion and divided authority in the legislative and administrative processes, difficulties in maintaining budgetary control, confusion in perceiving and setting national priorities, and dangers to the tax structure itself.

It could be that a program of government assistance that is broadly based, relatively simple, and properly structured can be more readily administered if joined to the tax system. Some have defended the deductions for charitable contributions and personal interest and taxes on this ground, though pointing to the need to correct abuses and recognizing that the corrections would make the tax incentive more like a direct expenditure program. Others have defended the investment credit for the same reasons, again with a recognition that improvements can be made. But none of these incentives has had to meet the test of comparison with a carefully structured direct expenditure program. Only after that is done can we reach the point of well-informed choice.

These are general guidelines; there may be particular cases to which they do not apply because special considerations are involved. Even so, care must be taken to look hard at special considerations advanced as reasons for an exception to be made "in this particular case." The legislative halls are crowded with advocates skilled in tying their problems to the last exception and in devising techniques to make each step from the last precedent appear to be only short, logical, and harmless. Our gaze can thus be averted from the constantly widening gap between proper tax structure and each additional special provision.

One question raised by this discussion especially merits more research and thought. Just why is it that in many cases legislators appear willing, with hardly any thought, to accept an expensive tax incentive program when they would just as quickly reject a similar direct expenditure program, even a much smaller one? Why do they require lengthy study and analysis of direct expenditure programs before legislative and appropriation committees while they are ready to enact tax incentives on no more than generalizations and hunches? Is it that they do not realize, or stop to think, that dollars are spent by tax incentives? Is it that tax bills are so complicated that hardly anyone studies them unless prodded by an industry or taxpayer that is hurt, in his tax pocketbook, and that therefore provisions dispensing largesse slide by—although this would be a case of the proper concession of tax expertise to the tax committees papering over their lack of expertise in the areas involved in tax incentives. Is it that the legislators know full well what is involved, despite the complexity of tax bills, but believe the public will not perceive what is being done because of the complexity of tax bills and because tax expenditures do not show up in the budget? To claim this would almost be to claim that any expenditure of funds is acceptable to a legislator—the more money to constituents the better—but most legislators do not follow this principle.

We could ask similar questions about administrative agencies. Just why do administrators of direct expenditure programs allow tax incentive proposals to be pushed when the funds involved in such programs could be used, and probably much better used, as coordinated parts of the direct expenditure programs? Is it that their policy is to accept gratefully contributions from any source? Is it that they will not face up to the need either to improve the direct expenditure program or squarely demonstrate the erratic and wasteful character of the tax incentive proposal? Is it that they are sometimes negligent in their legislative intelligence and are simply left at the legislative starting gate when the tax incentive is adopted? And why should a Treasury Department which is charged with preserving the integrity of the tax system ever willingly propose or accept a tax incentive solution except in the unusual and rare situation when a tax credit may possibly be properly tailored, and better suited to the purpose—conditions which do not appear to exist as to any of the recent proposals?

With *new* situations—that is, new or expanded government programs—we are in a position to follow a rational course in choosing between these methods. During the 1960's, as attention turned increasingly to government financial assistance to meet urgent social problems, almost every problem brought proposals of a tax incentive as the solution; often the tax incentive was the first solution to be advanced. The Treasury Department responded by pressing the White House staff and other agencies to devise, with the Treasury, non-tax alternatives for comparison on a cost-effectiveness basis. For example, the Treasury, with HEW, developed the federal guaranteed student loan program and expanded scholarship and work programs, so that they could be pushed in oposition to a tax credit for college tuition. In the manpower field, the Treasury urged strong and expanding federally-supported training programs which could be advanced instead of a tax incentive. The skepticism with which specialized tax incentives for social problems were regarded by the Treasury to be a strong force within the Government in developing and pushing direct expenditure programs, both to counter tax incentive proposals and to move forward to meet the problems in other ways.

With *existing* tax incentives, the task is one that falls in the category of "tax reform," where progress is difficult and slow. This is especially so with incentives which have long histories. We do learn as the tax years pass by: the newer tax provisions are in general more carefully tailored with an eye to many of these problems than their predecessors. For example, compare the moving expense and medical expense deductions with those for personal interest and taxes as originally adopted. Or compare the structure of the 7% investment credit with the provision for accelerated depreciation for real estate as it appeared in 1954. Unfortunately, we also can forget what we have learned, as the earlier discussion of the upside-down structure of the new five-year amortization for housing rehabilitation expenditures indicates.

It seems likely that tax reform for many existing incentives will be in the direction of contracting the area of incentives by reducing the number of those eligible for benefits, reducing the extent of the benefits, and removing the undue advantages granted upper income groups. The degree of change will presumably vary with the breadth of the incentive: those that involve specific areas and provide tax benefits for a restricted group—for example, accelerated depreciation for real estate and the natural resource provisions—will, or at least should, be subject to serious cutbacks in scope and benefit, whereas incentives with broad reach—for example, the charitable, interest, and tax deductions—will be scrutinized for particular abuses. This, in general, is the tenor of the Tax Reform Act of 1969.

Once we begin to recognize that the existing tax incentives represent expenditures of funds that in many cases should be dispersed directly, we must develop legislative and administrative techniques to move the funds involved—to the extent that government assistance is still considered desirable—from the tax expenditure budget to the regular budget. The tax committees or the Bureau of the Budget could indicate to the Congress and the administrative agencies concerned the amounts involved in particular tax incentives programs. A period of time would then be allowed for the appropriate legislative committees and administrative agencies to develop direct expenditure programs, and a time limit could be put on the duration of the tax incentive programs. At the end of this period the tax incentive would be ended and the new direct expenditure program funded with the dollars returned to the revenue side of the budget. Certainly, nex tax incentive programs, if any are to be adopted, should have a time limit set on their operation, to permit such a shift to a direct expenditure program, or at least to permit evaluation of the effectiveness and operation of the tax incentive.

For the present, a de-escalation of existing particular incentives would be progress, though it would leave a set of tax incentives that probably would not be used at all if we were able to treat the problems fully as new problems. But this is the path of tax history and indeed all legislative history. Knowing all this; let us at least attempt not to repeat past mistakes in future solutions.

VIETNAM LETTER FROM CONSTITUENT

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1970

Mr. QUIE. Mr. Speaker, in the extremely heavy influx of mail following the Cambodia incursion, I received one especially detailed letter from Mr. James J. Agan, 403 Cimarron Road, Rosemount, Minn. Mr. Agan is an Army veteran now completing law school under the GI bill.

His letter is a particularly well-documented defense of the point of view that immediate withdrawal of all American troops from Vietnam is advisable.

Although I do not think it is possible to move that fast, I do feel that Mr. Agan's point of view deserves consideration, and for this reason I insert Mr. Agan's letter in the RECORD:

ROSEMOUNT, MINN.

Hon. ALBERT H. QUIE,
House of Representatives,
Washington, D.C.

DEAR SIR: I am a member of your Congressional District and am writing you to protest the continued fighting in Vietnam and Richard M. Nixon's actions in sending troops into Cambodia.

I am employed at Control Data Corporation and have built a home in the recently incorporated Village of Apple Valley. I have served in the U.S. Army as a lieutenant for 26 months and am now completing my fourth year of the law school under the GI Bill.

Initially though I questioned the legitimacy of our role in South Vietnam, I was willing to support U.S. involvement when there appeared a possibility of our aiding a legitimate government in that country. I recalled the days of the Korean War when North Korea invaded South Korea and though Syngman Rhee was not the ideal President nor their Army perfect yet the overt aggression and the government that was to be imposed by that aggression were so repugnant, I found it justifiable to support the Korean War. The similarity to that war with the fighting in South Vietnam though on what was then termed covert subversion was sufficient in my mind to allow United States involvement.

Since that initial concept I have changed my mind and by writing you and outlining the reasons for my change of thought I hope to persuade you to support all efforts to immediately end our involvement in Vietnam.

In 1961 while in the U.S. Army my battalion received various TWX's asking for military advisers for Vietnam and even at that time the fighting was making front page news in the Stars and Stripes with our advisors being killed in clashes with the Viet Cong. The requirements for those advisors were usually airborne, special forces troops well beyond the qualifications of a Lieutenant in Army Intelligence.

I suppose the first questions were raised in my mind when Premier Diem was killed by a coup de tat at the presidential palace. We, the United States, although not directly involved in this coup, certainly knew about the coup from the CIA who were heavily involved in Vietnam and any intelligence analyst with that knowledge could quickly extrapolate that Premier Diem would probably be killed. So we, by supporting the new government established by that coup, became accomplices to murder.

With that coup the legitimacy of the government was subject to question. Diem's government had chosen to ignore international agreement which had established his government, ended the Indo-China war, and required elections to determine whether the country would remain partitioned. Those elections were never held, and if held would probably have resulted in the unification of the country; and the war and our involvement would probably have resulted in Ho Chi Minh being President of a unified country and might have resulted in a Communist purge. But could this possibility have been worse than 9 years of U.S. involvement which resulted in innumerable deaths in both North and South Vietnam, the death of 41,000 Americans, the destruction of innumerable homes and villages and the continued fighting that will occur under the program of Vietnamization. Certainly not to the average Vietnamese, the peasant, who lived under a system which denied him his lands and made no pretense to represent him. That same treaty forebade the involvement of any foreign government in Vietnam and we chose also to violate its provisions and in so doing foreclosed those possibilities and were committed to war that became costly in lives and sorrow.

But this was the beginning—there was yet another coup and an election under guns which gave the people a choice of the coup leaders or other candidates but no choice as to the system under which they were to live. The government formed by that election consisted of the coup leaders who subsequently imprisoned those candidates who dared advocate a different system of government.

The goverment of Vietnam has been effective only by the strength of our arms and our government has indicated at various times it is not indispensable to a peace in South Vietnam. It is a government formed out of murder of the country's Premier and the dictatorship of military coups.

We are involved in basic Civil War as the massacre at Mai Lai has proved. After 9 years of fighting we have not won the hearts and minds of the people and our enemies are not only the Vietnamese from the North but also the people of the South.

Our involvement began first with supplies then with advisers to teach their soldiers how to use those supplies, then with air support, then ground troops, then air attacks and now invasion of a third country. The statements in support of each step of escalation were always that the step was necessary to meet increased enemy pressure and would insure victory. Victory never became assured and only resulted in increased deaths. They were studied falsehoods. McNamara claimed the troops would be home by Christmas—which Christmas I've forgotten—but the war continued. Westmoreland claimed a half million American troops would be enough to win then the General, being made Chief of Staff, said that was not enough. The Bay of Tonkin resolution was passed to punish North Vietnam for attacking a U.S. Destroyer in international waters and this resolution was used to bomb North Vietnam, but the attack upon the destroyer never took place. If we bomb the North it will end their war-making capabilities and their will to fight and though we shot water buffalo and bombed irrigation canals as legitimate targets, the war did not diminish until we stopped the bombing.

We invade Cambodia to destroy enemy headquarters, but instead find no headquarters and claim victory upon finding supplies and burning villages. We invade Cambodia to give South Vietnam breathing time, but President Thieu says his forces will stay for a long time. We invade Cambodia on three fronts, but this expands to six, a river force and a blockade. We invade Cambodia to allow our forces to withdraw, retreat means attack.

Just how long can we continue a war where body counts are a measure of victory? The body count continues week in and week out, the fighting does not diminish. Inhumanity rather than victory is the product. It was first torture of prisoners while U.S. advisors stood by. Then it was U.S. troops allowing wounded prisoners to die or executing wounded prisoners because evacuation for them was unavailable. Then it became execution of prisoners. It became the failure to treat civilian casualties at Army hospitals. It became taking ears and other parts from the bodies of the Viet Cong. It was shooting children as they ran to helicopters anticipating candy, but shot because grenades might be strapped to their legs. It was first pacification by evacuating villages and then burning homes and crops. Then it was reconnaissance by fire from helicopter gun ships. Bombs from 50,000 feet by B52's, precision bombing by tactical fighter aircraft. It then became shooting women and children because they were against us. To say we are fighting only North Vietnam is a lie. There are too many desecrations committed upon the lives of the South Vietnamese to say that we have or can ever win their hearts and minds. It is not the other side that has committed the atrocity but we ourselves who continue the war for war is an atrocity and it must be fought only when we are right and just and human.

The spector of international communism has been used to justify the war but there are almost as many varieties of communism as there are countries, it is no longer international but a national philosophy, witness Russia, China, Yugoslovia, Rumania, Albania, the collective farms of Israel, the communist aid to Egypt, or the socialism of Sweden or Britain. The communism of North Vietnam is national in philosophy as proved by the middle course steered between the two grants of Russia and China.

The war has brutalized American society, divided American society, overly simplified patriotism from an ideal to a slogan, caused by an American President to ever generalize and condemn those who actively and deeply disagree with him.

Enough—stop the war now, put the right to make war back in the Congress where the Constitution, Article I, Section 8 says it belongs. We have spent too much on war and too little on peace. Not all the combat troops home in 1971, all the troops home now!

JAMES J. AGAN.

FIFTEEN AVIATION GROUPS ASK AIRPORT/AIRWAY FUNDS NOW

HON. EARLE CABELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1970

Mr. CABELL. Mr. Speaker, the recently enacted Airport and Airway Development Act of 1970 opens the way for badly needed improvement, expansion, and updating of the Nation's airports and facilities. The pressing problem is to get this work and the necessary planning underway at the earliest possible date.

A petition, joined by 15 national aviation associations, was recently presented to the President and to the Congress urging all possible speed in the implementation of this vital program.

I join with these groups in calling to the attention of the Congress the seriousness of their need and I am inserting in the RECORD at this point the news release pertaining to this petition and listing the organizations participating.

FIFTEEN AVIATION GROUPS ASK AIRPORT/AIRWAY FUNDS NOW

WASHINGTON.—Fifteen national aviation associations today urged President Nixon and the Congress to recognize and act immediately upon a funding emergency in the nation's airports and airways.

Their petition was presented both to the Congress and to the President following his signing the Airport and Airway Development Act of 1970.

The act will raise more than $650-million in Fiscal Year 1971 through taxes on airline passengers, on air cargo shippers, on aircraft owners, and on general aviation fuel.

The petition asks Congress immediately to appropriate funds for Fiscal Year 1971 "not less than anticipated user charge revenue in that year and such additional funds as may be needed . . ."

Also asked is the immediate release of all appropriated airport and airway funds, including $50-million voted for airports and $90-million for airways.

"American leadership has advanced with air progress and can decline without it," the petition warns. "Private enterprise has done its part but government has not kept pace. Problems will continue to grow faster than the cures unless spending under the new program is wise."

The 15 national aviation associations signing the petition are as follows:

Air Transport Association of America, Aircraft Electronics Association, American Association of Airport Executives, Association of Local Transport Airlines, Aviation Distributors and Manufacturers Association, Flight Instruments Society, General Aviation Manufacturers Association, International Flying Farmers Association, National Aerospace Services Association, National Air Transportation Conferences, National Association of State Aviation Officials, National Business Aircraft Association, National Pilots Association, The Ninety-Nines, and the Whirley-Girls.

FOR THOSE WHO FOUGHT FOR IT, FREEDOM IS THE TASTE THE PROTECTED WILL NEVER KNOW

HON. EDWIN D. ESHLEMAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1970

Mr. ESHLEMAN. Mr. Speaker, every day brave young men die on battlefields in Southeast Asia. They die because a decision was made several years ago to send American fighting men to defend freedom in Vietnam. Most of the thousands of soldiers who have died believed in that cause. Most of the Americans who are fighting today believe in that cause. Those of us in Government who seek an honorable conclusion to the Vietnam

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conflict believe that the faith of those fighting men, both living and dead, must not go ill-requited.

Late last year, a young man from my congressional district was killed in Vietnam. S. Sgt. Curtis Frantz died on the day he was scheduled to leave for home. He was a soldier who had great faith in the cause for which he fought. He left a letter with his parents which described that faith. It is correspondence which cannot replace the loss of their son, but for Mr. and Mrs. Russell R. Frantz, of Palmyra, Pa., it is a letter which must be of real comfort.

Staff Sergeant Frantz wrote:

> For those who fought for it, freedom is the taste the protected will never know.

Those words and others from his letter should be of interest to my colleagues. I include part of the text of Staff Sergeant Frantz's last letter home in the RECORD at this point:

A SOLDIER'S LAST LETTER HOME

As for the Moratorium, the way I look at it is that I'm over here fighting for freedom, and that includes the freedom of speech and public assembly. The majority of the people that participated want peace and to put an end to the war. The thing is, if we are pulled out of Vietnam, there won't be peace, at least not in this area of the world. The Communists will come down from the North and turn South Vietnam into a blood bath.

The more we give in, the more area would fall under Communist control; we have to check their expansion somewhere. I'd sooner do it here than on the shores of the United States.

I don't believe in killing, yet I've taken the lives of at least four NVA soldiers. I don't believe in war, yet I support the President and his policies. One of my buddies died in my arms in January, so I also owe him something, to make sure he didn't die in vain.

The decisions made in the future will tell us whether or not 40,000 Americans died in vain. Out of all the people that protest, how many have fought over here and understand this war? Understand what it's like to live for a year in fear of death, seeing a friend killed, to see a burned village, or a child that was orphaned because her parents were executed by the NVA, to go without a bath, shave and clean clothes for weeks on end, to walk five miles over mountains with a 60-pound pack on your back, to lie in a foxhole during a mortar barrage and wonder if one of the shells has your name on it, to live on two glasses of water a day because you can't get resupplied and the streams are dried up, to see a Medivac helicopter loaded with wounded shot down and all on board killed.

I'm not telling war stories, just some of my personal experiences. If you haven't fought over here, don't protest against it. There's more to this war than meets the eye. I haven't seen home for a year.

I want to come home so bad, yet if giving my life would preserve freedom a little while longer, I wouldn't hesitate to make that sacrifice. Sure the White House makes mistakes, but right or wrong, it's our country. If it's wrong, let's make it right. But if nothing else, at least stand by her in time of need.

The Good Lord and the United States gave us a lot to be thankful for. Let's see to it that our children get the same opportunities we did. "Ask not what your country can do for you; ask what you can do for your country." I'm not putting myself in the trust of signs, slogans or marches, but in the trust of God and the hope that He'll guide our leaders and aid them in making the right decisions.

Nixon's doing more in trying to bring the GI's home than LBJ did. But nobody realizes that North Vietnam is happy about the Moratorium, and they are openly urging us to support it. And why shouldn't they? There's nothing like dissent to ruin a country. "A house divided cannot stand." We could beat the NVA, and a lot more to stop aggression, if we had the support of the people back home.

People used to be proud of its men in uniform. Now the trend is to regard them with distaste. I'm proud that I served, but when I come home, I'll get the weird looks, etc., because I'm a veteran, not because I shirked my duty. No wonder the GI's morale over here is zero.

I fought to protect all the people back home that think freedom is a right. But freedom is not a right, it's a privilege, paid for in blood by millions of Americans ever since 1776 and we must fight to keep that right at being a free country. "For those who fought for it, freedom is the taste the protected will never know."

I'd better quit now. I've said enough. But let me end my oratory on a question directed to the American people in general. I've earned my birthright and the right to call myself free and an American, have you?

CIVIL OBEDIENCE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1970

Mr. CRANE. Mr. Speaker, for a number of years I have been a faithful reader of the publications of the Foundation for Economic Education, Irvington-on-Hudson, N.Y., and particularly of their excellent monthly publications, the Freeman and Notes from FEE.

The July 1970 issue of Notes from FEE contains a particularly outstanding essay by the foundation's president, Leonard E. Read, entitled "Civil Obedience." In this essay, Mr. Read outlines the bounds of what he considers permissible dissent from the law. As the author notes, not everyone will agree with his views, but when he makes the point that "Lawbreaking merely adds to the existing confusion," I know that he speaks for a great number of us.

I commend Mr. Read's very thoughtful analysis to my colleagues' attention:

CIVIL OBEDIENCE

What a refreshing experience! The seventh annual Undergraduate Seminar at FEE had just ended—38 well-chosen young men from 19 states and 30 colleges. It would be difficult to imagine a class or group more sincere or eager to learn the ways of freedom than these, our student guests.

There were questions! Most of these questions weren't new, but! This one seemed to pop up in the discussion sessions more than ever before: *"Am I not warranted in breaking an immoral law?"* It wasn't how to answer that bothered me but rather the persistency and frequency of the question. Why? What accounts for this growing rebellion?

After much reflection, I conclude that this is but a phase of action and reaction. An extreme action has a natural tendency to evoke an extreme reaction: the further a pendulum is moved to the left and released, the further it will swing to the right—action and reaction. In this case the extreme action is an ever-increasing socialism, the politico-economic pendulum pushed more and more to the left. The instinctive or natural reaction to this is equally extreme: anarchy! This is to say that lawbreaking—each person a law unto himself—tends to increase in proportion to the multiplication of laws and state intervention.

Three thoughts come immediately to mind. First, how is an immoral law to be defined? To me, any law that feathers the nest of some at the expense of others is an immoral law. However, I find mine to be quite a minority view these days. Does the propriety of breaking a law hinge on whether or not a person believes it to be immoral? But contemporary ethical standards vary so that no law will pass everyone's test of morality. Therefore, I am obliged to question this "morality" criterion as a green light to go ahead and break the laws of the land.

Second, this anarchistic reaction to socialism is an emotional, instinctive response—no more rational than is the swing of a pendulum.

And, third, we must never dismiss this matter of lawbreaking lightly: it is extremely serious. At least from my chair at the discussion table, I see an enormous anarchistic reaction to the growing socialism of which campus strife is but an annoying sympton. And back of it all—giving the movement a false dignity—are an increasing number of persuasive writers and speakers flaunting the labels of scholarship. Identify them yourself: those who deny any place for government—a formal agency of society—or who teach lawbreaking. Anarchy—unplanned chaos—is approaching epidemic proportions and is no more desirable than socialism—planned chaos.

It should be recognized, of course, that every citizen breaks laws, if for no other reason than the staggering number of laws. Many of these laws are unknown to most people; no person knows them all. For instance, I just observed a newcomer to air flight taking a nip from his own bottle and probably unaware that there's a Federal law against this. Or, to skip from a little law to a big one, there is no one in or out of government who can reliably assure a business firm that it is not breaking the antitrust laws. But these infractions do not fall in the same category as out-and-out, conscious, deliberate breaking of the law as a principle of appropriate conduct. There is a marked distinction between a rational respect for law and order and an intentional flouting of all laws a citizen believes to be inconsistent with his own concept of good and moral.

Very well! How does one answer the student who asks, "Am I not warranted in breaking an immoral law?" The following satisfies me, though it may be no one else's answer.

I shall respect the law, be it moral or immoral, liked or disliked—that is, I shall not condone breaking the law as a principled action—until I am ready to turn revolutionary and advocate the overthrow of government. This is a quantum leap, and one must seriously ask: When is this switch warranted? In other words, what is my criterion for turning revolutionary or anarchistic?

If one turns to the Declaration of Independence he finds: . . . that whenever any Form of Government becomes destructive of these Ends, it is the Right of the People to alter it or abolish it, and to institute new Government . . .

While the framers of this political document had in mind the oppressive laws imposed on the colonists by King George III, the grievances listed are hardly distinguishable from the oppressive laws imposed on us by our own government. According to the Declaration, I should have turned revolutionary several decades ago. However, I reject that criterion.

Parenthetically, I am more and more amazed at the exceptional consequences of the American Declaration of Independence: our Federal Republic. The more I study the history of revolutions, the more evident is an opposite result: the replacement worse than the government overthrown![1] This is to say that turning revolutionary is not the way to societal improvement.

Here's another popular criterion: Numerous constitutional lawyers have argued that we are warranted in coming out for the overthrow of government whenever it becomes capricious. Were we to act on this, we would now be longtime revolutionaries. But this is not acceptable to me, either. What, then, is my guide?

I shall respect the law—obey it as best I can—so long as the channels of communication remain open, which is to say, so long as I am free to speak my piece and write about it. I shall never go underground—break law as a matter of principle—until remaining above ground becomes impossible. *That's my criterion!*

I believe this criterion to be sound in principle, and practical as well. Indeed, whatever is sound in principle is always practical; it works, as we say.

In the first place, we can eventually win the case for the essentially free society if we are not effectively silenced. How not to be silenced is of prime importance.

Look at our problem this way: When we live with the laws we're stuck with, our presentations of the freedom philosophy cannot be discounted or rejected on grounds that we are outlaws; indeed, our respect for law and order may well engender a corresponding respect for our commitments to freedom.

Those of an anarchistic persuasion, on the other hand, the ones who flout law and order as a matter of principle, cannot logically or convincingly present the case for freedom in society. And for the simple reason that they stand openly in defiance of civilization, at least, as I define it.

There is no one—even among the revolutionaries—whose distaste for the plethora of oppressive laws presently on the statute books is greater than mine. The remedy, however, is to repeal these laws, not break them.

It takes no intelligence whatsoever to break the law; anyone can do that. But the repeal of oppressive laws calls for all the wit, skill, and genius man can muster, the kind so brilliantly exemplified by Father Paul (Sarpi) and Adam Smith. Wrote Andrew Dickson White of Sarpi, a sixteenth century Venetian priest, whose analysis, reasoning, and expositions crumpled the mighty power combination of Church and State, more entrenched perhaps than our own Labor-State combine:

> . . . he fought the most bitter fight for humanity ever known in any Latin nation, and won a victory by which the whole world has profited ever since.[2]

And wrote Henry Thomas Buckle of Adam Smith who, more than anyone else, toppled mercantilism and the closed road to wealth and erected the intellectual foundations for the free society and the open road to wealth:

> In the year 1776, Adam Smith published his *Wealth of Nations;* which, looking at its ultimate results, is probably the most important book that has ever been written, and is certainly the most valuable contribution ever made by a single man towards establishing the principles on which government should be based . . ."[3]

Lawbreaking merely adds to the existing confusion. Repeal of oppressive laws, on the other hand, calls for a new and enlightened consensus. If an idea or action does not lead to enlightenment, it is worthless, if not downright destructive.

This is my answer—and challenge—to inquiring students. And I sign it, not "Your obedient servant" or "Long live the King," but "Respectfully yours."

OUR FLAG

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1970

Mr. WOLFF. Mr. Speaker, as the Fourth of July approaches I consider it important to reflect for a moment on the greatest symbol of the United States—our flag. Too often this great flag has become a political symbol of one cause or another. This is wrong for it is the flag of all our people and it represents the ideals to which this country has been committed for almost 200 years.

Recently the Mid Island Plainview Herald, which is a weekly newspaper published in my congressional district contained an editorial from Old Glory. Then a friend and constituent of mine, Jack Peploe, wrote in reply a moving tribute to our flag. I think Mr. Peploe has done an excellent job of capturing the spirit with which I know most Americans regard the Stars and Stripes.

I consider this time of the year, between Memorial Day and Independence Day, an appropriate time to include in the RECORD the editorial and Mr. Peploe's poignant letter. All Americans should reflect on the significance of Mr. Peploe's letter. The material follows:

[From the Mid Island Plainview Herald, May 28, 1970]

REMEMBER ME

Hello, remember me? Some people call me Old Glory, some call me the Stars and Stripes and the Star Spangled Banner. But, whatever they call me, I am your flag, the flag of the United States of America. . . . Something has been bothering me, so I thought that I might talk it over with you because it is about you and me.

I remember some time ago, people lined up on both sides of the street to watch the parades and naturally I was leading every parade, proudly waving in the breeze. Then your daddy saw me coming, he immediately removed his hat and placed it against his left shoulder so that his hand was directly over his heart? . . . remember?

And you, I remember you. Standing there as straight as a soldier. You didn't have a hat but you were giving the right salute. Remember little sister? Not to be outdone, she was saluting the same as you with her right hand over her heart . . . remember?

What happened? I'm still the same old flag. Oh, I have a few more stars since you were a boy. A lot of more blood has been shed since those parades of long ago.

But now I don't feel as proud as I used to. When I come down your street, you just stand there with your hands in your pockets and I may get a small glance and then you look away. I see children running around shouting . . . they don't seem to know who I am. I saw one man take off his hat and then look around. He didn't see anybody else with theirs off so he quickly put his back on.

Is it a sin to be a patriotic anymore? Have you forgotten what I stand for and where I've been? Anzio, Guadalcanal, Korea and Viet Nam. Take a look at the Memorial Honor Rolls sometime, of those who never came back to keep this republic free . . . one nation under God. . . . When you salute me, you are saluting them.

Well, it won't be long until I'll be coming down your street again. So when you see me, stand straight, place your right hand over your heart . . . and I'll salute you, by waving back . . . and I'll know that you remembered.

MAY 30, 1970.

HI: It won't be hard for you to see that writing letters, especially a love letter is new to me, but today I read your letter and I felt someone had to tell you how the majority of us feel. You don't actually know me, but you've seen me many times; you had so many admirers that all I ever did was to stand by the sidelines and Thank God for your being near.

My Flag, you make me tingle with pride as you come down the street, or wave high above the scoreboard at Shea Stadium, or stand in quiet dignity behind the pulpit of my church. You make my shoulders straighter, my heart beat faster and my eyes sparkle. Cynics might say the above symptoms could be diagnosed as a disease and who would disagree? I only wish it were more contagious. I believe the medical term is called Patriotism or in the words of us little people, Love Of Country.

A poem was once written about you that was put into music and it is now our National Anthem. I believe Francis Scott Key caught the feelings of most of us in the second stanza when he wrote:

"Now it catches the gleam
Of the morning's first beam
In full glory reflected
Now shines on the stream
'Tis the Star Spangled Banner
Oh, long may it wave
O'er the land of the free
And the home of the brave"

Remember Old Glory, don't lose faith in us. Though most of us just don't know how to say I love you, it doesn't mean we don't.

Forever yours,

JACK PEPLOE.

THE RIGHT TO BE PATRIOTIC

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1970

Mr. QUILLEN. Mr. Speaker, an article appeared recently in the Scottish Rite Torch, which I feel is especially timely and well worth our attention: "The Right To Be Patriotic!" How wonderful it would be if only those who are so eager to protest would pause long enough to consider these words and concentrate on uniting toward a common goal of world peace through understanding instead of dissent and confusion. I share this article with you, as one of my friends shared it with me:

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[1] Perhaps Edmund Burke had the explanation, "a revolution not made but prevented."

[2] See *Seven Great Statesmen* by Andrew Dickson White. (New York: The Century Co., p. 3).

[3] See *Introduction to the History of Civilization in England,* written in 1857–61. (London: George Routledge & Sons, Limited) p. 122.

The Right To Be Patriotic

The cry is heard throughout the land—the right to dissent—the right to protest.

There is always the right, of course, to protest, but there is also the responsibility of the citizen of America, one who enjoys the privileges and blessings of America, to support his country in time of war.

There is also the right to draw a distinction between honest dissent and disloyalty to one's country.

There is a great deal of confusion. War is not a Foreign Policy. War is a fact, a condition that exists.

Let us not forget the right which is also our highest duty, the right to love our country, to appreciate the sacrifices that have been made in the past, and the debt that we owe to those who are now fighting and dying for us and for our freedom in Viet Nam.

If we dissent, let it be against any philosophy which gives aid and comfort to America's enemies when our country is at war.

The Mason will insist upon the right that is his, to stand up for America and to be a patriotic citizen.

SUPPORT OUR STUDENTS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1970

Mr. FRASER. Mr. Speaker, a distinguished scholar and regents' and distinguished service professor of physiology at the University of Minnesota, Dr. Maurice Visscher, recently delivered a thoughtful and provocative defense of our student generation.

I recommend Dr. Visscher's excellent address to my colleagues:

Troubled Academia in a Troubled World

We are here today to pay honor to persons who have demonstrated a devotion to the work of the mind. We are meeting, however, in a time of crisis in this country, when there is greater public distrust of academic institutions, of freedom of speech and assembly than at any time that memory can recall. Academic freedom is at stake. In fact the future of a democratic society is at stake. We must ask ourselves, why is academia, and why is the world, in trouble?

It would be a great mistake to believe that the student dissenters are, as the President of the United States said recently in remarks at the Pentagon, "mindless bums," or as the Vice-President has said "exhibitionists who provoke more derision than fear." Furthermore it is not true that as Mr. Agnew has also said "faculties and students sit in catatonic trance while raucous militants destroy academic freedom." It is true that there *is* a very positive body of opinion on academic campuses that present United States foreign policies and military actions are wrong in principle and disastrous in their effect. The great majority of student protest is entirely non-violent and completely within the protections of the Bill of Rights. There have been instances in which improprieties have occurred. I decry the burning of buildings or books or records, or physical injury to persons.

However, vandalism is not the tool of the great majority among those who are in protest and it should not be ignored that much of the violence that has occurred has been provoked by police violence and that the reaction to violence has often been more violent than the initial act itself. The Kent State University killing at random of four students far removed from the center of a rock-throwing disturbance is an extreme case in point. At Kent State we have seen a foretaste of Orwell's 1984. Storm troopers will be just as unhealthy in the United States as they were in Germany in 1933, or as their counterparts are in Spain, Greece, Russia, China or in South Vietnam today. The McCarran-Walter Act "preventive detention" law authorizing imprisonment without any of the protections of the Bill of Rights is still on the books. Today dissenters still have some civil rights. Tomorrow they may have none.

There is today not only a high level official distrust of students and teachers, but there is an unfortunate battle with youth as a group. I wish to point out a few facts in connection with this alienation between the younger and many of the older parts of our population, but before doing so I shall quote a statement by Mr. Fred Dutton, a member of the California Board of Regents who is obviously not in agreement with Ronald Reagan. Mr. Dutton said "A society that hates its young people has no future". This statement embodies within it, and suggests by implication, the kind of wisdom this country needs and must have if democracy is to survive. Anyone who is willing that a fascists state should be set up in this country will, of course, disagree with this analysis. However, most of us want neither anarchy nor dictatorship, either of the political right or of the political left. I hope and trust that you may all agree. You would probably not be attending this ceremony to celebrate intellectuality, unless you are in agreement.

The first obligation of the older generation, if it really believes in rationality and does not "hate its young people" because of their demand to be heard, is to listen. The next obligation of the older generation is to stop and think. I submit that a majority of the older generation has not been willing to listen and has not begun to think about the merits of the complaints of young people.

Among the major student complaints, the war and our global military policy obviously come first. Many students have learned more relevant facts about the war than their elders have. The majority of scholarly experts on Asian history, sociology and politics have never agreed with the politicians who determined policy in the U.S., that if left alone Vietnam would become a satellite of China. If the Asian scholars are correct the whole rationale for entering the Vietnam war collapses into fantasy. Students have concluded that President Eisenhower made a colossal blunder when he refused to allow elections in South Vietnam in 1956 and that what has happened in Southeast Asia since is a misfortune compounded into something approaching genocide. Many besides students also look at the facts about the use of napalm, anti-personnel bombs, defoliation of crops, search and destroy missions, strategic bombing of both North and South Vietnam and now Cambodia, and question the morality of such actions. They ask how a supposedly civilized people like ourselves can justify such brutality in the name of saving democracy for a little country that has never had democracy and has no prospect of gaining it under its present government. A government which keeps tens of thousands of political dissenters in prison to maintain itself in power is not a democracy.

Students have learned that the United States is not now and never has been interested primarily in the fate of the South Vietnamese people. Rather it is interested in maintaining an American beachhead to the Southeast of China. The informed student is not deluded by the public protestations that we are in Vietnam to preserve the rights of the South Vietnamese to choose their form of government. Further, they realize that the Nixon Vietnamization plan is not and was not intended to permit total U.S. disengagement from Southeast Asia but rather that it is a scheme to placate domestic opposition while continuing the war.

Students are not only crying for honesty. They are demanding humanity. Students are asking the fundamental question as to whether the people of the United States have such callousness to human welfare as to cause them to inflict misery and death upon millions of human beings whose only crime was to have been born in a country which by accident has become strategically valuable to our military machine to serve as a base for future operations against China. In fact the question extends beyond American military policy towards Indochina or China. It is a question of whether the entire American policy of establishing world hegemony, a Pax Americana, is compatible with decent human ethics. The student strike against the war is primarily a strike for the recognition of human values, a strike against what they, and a growing number of us over thirty consider to be unpardonable unethical behavior.

In the academic community students are not alone in this moral judgment. For example, just one week ago today the Executive Faculty of the Medical School of this University met in a Special Session called to consider the problems facing the institution in relation to the protest against the Indochina war. It passed overwhelming, with only ten dissenting votes, this resolution: "The Executive Faculty of the Medical School hereby declares that it is the majority view of that body that the continuation and escalation of the Vietnam war is both immoral and contrary to the best interests of the people of the United States."

Although the war and the extravagant pretense of our government to a right to dominate the world are the immediate reasons for the massive student protest movement, other reasons exist which motivate protests today. Racial discrimination and inequities loom large in the spectrum of complaints. The social inequities resulting from poverty in an otherwise affluent society are also prime complaints. Students question the validity of many traditional educational policies and practices. They feel that they are being deprived of meaningful education in relation to the realities of social, economic and political life today. Finally, a large body of youth today has revolted against hypocrisy in the mannners and morals of the older generation.

They see racial bigots in the North as well as in the South attempting to frustrate integration in the educational system. They see heartless men and women begrudging more than a pittance of aid to poverty-stricken children. Students who know something about the range of human abilities hear stern admonitions that the poor are poor simply because they are lazy. They hear advice that the way to cure the maldistribution of wealth is to semi-starve people into working harder. Students soon learn that there is in adult society not only a lack of sympathy for the unfortunate but also a lack of knowledge about the facts.

Students have learned from no less an authority than the Director of the U.S. Food and Drug Administration that ethyl alcohol is actually a more dangerous drug than marihuana yet they see a hundred million people in this country using it, and whole industries making and selling it for profit with impunity. At the same time they find adult society putting the young who use marihuana in prison. Who can blame them if they call us hypocrites?

Students have learned from Kinsey that a large fraction of adult society has not limited itself to monogamous marriage as to sexual pleasures. They see that whole industries pander to sexual stimulation, motion pictures and television being the prime examples. Who can blame them for seeing incongruities between what adults preach and what they practice?

Students hear falsehoods at every turn in advertising sales pitches. They see useless or even dangerous drugs advertised as cures for undiagnosed diseases. They listen to a milk-selling organization hawking its wares saying that the United States is the healthiest country in the world. Students know that the statement is a bald lie. There are many other countries with better health records. And students know that there is a fair body of evidence to show that milk fat is actually unhealthy for some people. If the hucksters had said that dried skim milk is the cheapest reasonably tasty source of several essential nutrients they would have been telling the truth.

The student is allergic to misrepresentation and rightfully questions the ethics of a society which is full of it. He also develops a healthy skepticism of anything he is told for which he cannot find satisfactory substantiating evidence.

The enquiring mind is a skeptical mind and the anti-war movement is a result of the acceptance by adult society of a lower standard of ethics as to candor and honesty than young people can admire.

America is in trouble, not because its youth are violent or obstreperous but because its adults are not candid. They don't "tell it like it is." A Mayor Daley who refuses permits for peaceful demonstrations and then allows police brutality, a Mayor Stenvig who does the same on a mini-scale, and thousands of others may proclaim their devotion to law and order but in practice they violate the most important provisions of the Bill of Rights. The great hazard to our society today is not from those who are alienated. It is from those responsible for the alienation.

The United States today is dominated by a paranoid fear and a messianic fantasy. Its whole national policy is derived from a set of premises that have no adequate basis in reality. Since World War II we have lived under the influence of two myths. The first is that this country is in mortal danger of a communist take-over and the second is that the United States has the right, the duty and the capability to rule the world. Both sets of premises have been bolstered by contrived logic which is being exposed today as the hoax which it was from the beginning. These are not simply the views of an academician. Mr. Louis B. Landborg, Chairman of the Board of the Bank of America, the largest banking institution in the country, said on April 15 before the Senate Foreign Relations Committee: "Our enlightened self interest . . . does not dictate . . . that we set ourselves up as the self-appointed and solo policeman of the world". We are in a state of national crisis, not because youth is stupid or prone to violence, but because the house of cards that was supposed to provide the justification for American foreign policy over the last quarter century has fallen apart. The anger that frustrates Nixon, Agnew, Mitchell and others in power today comes first and foremost from their determination not to admit that they were wrong. This is not meant to exempt from criticism Lyndon Johnson, Hubert Humphrey and their supporters and predecesors. Many of these people still hold to their delusional frames. The young, most of whom never attached themselves to the paranoid fears or the messianic fantasies of the older generation, want to be liberated from the psychopathology of their elders.

There is really not so much a generation gap today as there is a fantasy gap. The young are not so much burdened by the hallucinations and delusions of the late forties and early fifties as are their elders. We of the older generation who are ultimately responsible for the so-called establishment that holds the power, should ponder upon our own errors. The choice between destroying ourselves and mending our ways should be for the majority of Americans to make. The majority has apparently recognized that the Vietnam war was a mistake. It is by no means certain that a majority realizes what needs to be done in the future. Whether we preserve democracy or become a fascistic State depends today, not on whether our youth will stop their protests, but rather upon whether the rest of us will listen and think and act now in rationally moral ways. "A Society that hates its young people has no future". We must not be that Society.

AMERICAN LEGION SUPPORTS AMERICAN POLICY AND AMERICAN SERVICEMEN

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1970

Mr. TEAGUE of Texas. Mr. Speaker, one of the great contributions that the Nation's veteran organizations, such as the American Legion, make to our national life is providing constant reminders that patriotism is every citizen's obligation. The organization provides leadership in establishing patriotic observances. A more recent effort is in connection with Flag Day—June 14. In connection with this program, the national commander of the American Legion, J. Milton Patrick, made a statement which is included below:

AMERICAN LEGION ANNOUNCES NATION-WIDE MOVEMENT TO MUSTER SUPPORT FOR AMERICAN POLICY AND AMERICAN SERVICEMEN

INDIANANOLIS, IND.—A move to capture the spirit of an "aroused America," by petition and by a "visible display of concerned citizenship," was revealed today by National Commander J. Milton Patrick, of Skiatook, Okla.

The Legion chief said he was contacting Legion leaders in every state, calling for a grass roots movement, programs to be initiated by some 16,000 local Legion posts, to show the true spirit of America and the depth of support for a national policy seeking peace with honor in Vietnam.

Patrick said he was encouraging local Post leadership to use "your own thinking and imagination," to plan programs that would be most effective in the local community but, by bulletin to state Legion Commanders, Adjutants and National Executive Committeemen, was outlining a number of possible approaches to the problem that could be adopted to local usage.

"We suggest the circulation of petitions, calling for the exercise of responsible citizenship.

"We further propose a local 'parade of flags,' or 'public patriotic rally,' for Flag Day (June 14), Independence Day, or any other date in the immediate future most suitable to the local community. This we propose in the belief a visible display of patriotism is essential in the present crisis.

"We also suggest the veterans of the Vietnam era be given a place of honor in any local observance as a means of giving these young men the heroes welcome they deserve, but probably didn't receive when they returned from active service," he continued.

Patrick said he also was suggesting that every effort be made to encourage the participation of student groups of all ages, grade school, high school and college, as well as that of other civic, fraternal, service and patriotic groups. "The dissenter, the rabble rouser and the radical represent but a tiny fraction of the rising generation and we want the truly concerned young people who love their country, and that is by far the most of them, to know we recognize their stake in the future of America, and to communicate with them in planning its future and recognizing its past."

The Legion chief said he felt the present program would prove to be one of the most effective means yet devised to implement the theme of his term of office as National Commander, which is: "Unity and Service for America—U.S.A."

Noting the volume of letters, telephone calls and telegrams from all parts of the country, from Legionnaires and non-Legionnaires alike, coming into all offices of the Legion, Patrick said: "The public is looking to The American Legion to take the lead, and we propose to provide that leadership now, when it is needed and wanted."

He discounted the notion of taking a political point of view, saying: "The Legion, by virtue of its Congressional charter, is nonpolitical. The course we champion now is the same as that which we followed during the Johnson and Kennedy administrations. The course we pursue is, to our way of thinking, neither Republican nor Democrat, but American."

ROCHE LABORATORIES, A PUBLIC-MINDED PRIVATE ENTERPRISE

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1970

Mr. MINISH. Mr. Speaker, it behooves me to insert into the CONGRESSIONAL RECORD some facts about Roche Laboratories, a division of Hoffmann-La Roche, Inc., of Nutley, N.J.

Although Roche has a history of philanthropic endeavors for which it remained anonymous, I recently dealt with the company on a matter that should receive public approbation.

A constituent with a sick child requiring doses of Larodopa could not locate a doctor to administer the medication when it was an experimental drug. A Washington-based neurologist agreed to accept the child into an experimental group, although supplies of the drug were scarce. Knowing that Roche had sponsored a collaborative study of Larodopa, I contacted a representative of the company. Shortly thereafter, I was informed that the neurologist would be supplied with the required drugs after displaying the necessary FDA approval.

On June 5 the FDA announced approval of Larodopa as a new drug. It is the culmination of a major effort by the company. Over 100 leading research centers, which investigated the clinical use of the drug in thousands of patients, participated in the study of Larodopa in order to develop the necessary data.

Roche had decided on a major commitment to make the drug available in large quantities, while developing a quality control procedure that would assure the purity and uniformity of Larodopa. The initial distribution of Larodopa has been channeled through a group of approximately 400 hospitals. This plan was adopted in order to make certain that patients currently on Larodopa will continue to receive adequate doses and new patients can be assured of continuous therapy once they are started.

Roche Laboratories is truly a public service oriented private enterprise.

THE NEW GRADUATION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1970

Mr. RARICK. Mr. Speaker, our Nation's Capital is also the home of many institutions of higher learning. Over the past weekend graduation day evolved in a new manner from what most of us experienced and cherish in our memories.

Unfortunately, a small minority of college graduates persist in public displays of animalistic nature to demonstrate they are unprepared to accept the challenge as individuals in a highly competitive and free enterprise society. They have never learned discipline or etiquette.

Understanding that the majority of the qualified and morally responsible youth do not receive sensational newspaper coverage, I insert several pertinent local news stories covering the antics of the new graduation:

[From the Washington Post, June 7, 1970]

Catcalls Mar Graduation at College Park

(By Stephen Neary)

The University of Maryland celebrated its 164th commencement yesterday, granting almost 4,000 degrees in a ceremony marked by one arrest and occasional heckling—much of it from parents. Thus ended the stormiest year of student dissent in the university's history.

The 400 or so uniformed Maryland national guardsmen called to the College Park campus May 4 were on alert yesterday in nearby armories, but none of them attended the three-hour ceremony.

Instead, about 50 plainclothes Maryland and Prince George's County policemen wearing American flag lapel pins for identification purposes patrolled the Cole Fieldhouse. About eight of them formed a protective cordon around the speaker's platform.

The heckling and booing began about midway through the program, when clusters in the 7,000-person audience, composed mostly of the graduates' families and friends, disagreed with a speech being given by Student Government Association President Stuart J. Robinson.

The noise from the audience continued and turned into chants of "Throw them out" when a handful of robed graduates stood and began to dispense "people's diplomas" that had been handed to them from friends in the audience.

Many of the 3,000 graduates present would not accept the mock diplomas, granted in the field of "radical awareness" by the Democratic Radical Union of Maryland "in honor of your completion of the requisite courses of fascist indoctrination and pervasive dehumanization . . ."

The one arrest was largely unnoticed in the confusion. University officials reported that Richard J. Muirhead, 22, of Ellicott City, had been charged with disorderly conduct.

Muirhead, a graduating senior, was arrested after a tussle with a state policeman, the officials said, and had been one of those in the audience handing the mock diplomas to the graduates on the floor.

University President Wilson H. Elkins won loud applause when he interrupted the demonstration with a plea to "continue the program" and was followed by a performance by the University Glee Club.

The choral group's second song, "The Battle Hymn of the Republic," brought parents and friends, accompanied by some of the graduates, to their feet. Apparently they were applauding the song's patriotic merits.

At the same time, other groups of graduates wearing peace placards on top of their gowns, rose to their feet, some with raised fist, to applaud the song's "radical" message.

Meanwhile, the demonstrating students continued to pass out the "radical" diplomas to those who accept them. Some graduates took the rolled papers only to throw them on the floor.

[From the Washington Star, June 7, 1970]

University of Maryland Exercises Sparsely Attended

(By Lance Gay)

The red standards of modern student rebellion yielded to the black robes of medieval ceremony yesterday as nearly 4,000 were graduated from the University of Maryland.

Only about half of the graduating class attended the two-hour exercises and less than 10 percent of the faculty came to officiate. Some students wore red armbands and carried "peace" and "strike" placards around their necks.

The morning ceremonies were held in Cole Field House. The sprawling College Park campus was decked out with red, white, and blue bunting and American flags for the occasion. The same campus was the scene of student-police confrontations in May.

University President Wilson H. Elkins, in one of his rare appearances before the student body, congratulated the graduates for "attaining their cherished goal." His brief remarks commended the university's board of regents for their support as the role of the university and the pressures have grown more complex. Seven of the 12 regents attended.

UNPRECEDENTED MOVE

In an unprecedented move, a student representative was permitted to address the graduating body.

Stu Robinson, president of the Student Government Association, his head shaved from recent training at the U.S. Marine Corps training center at Parris Island, told the graduates, "You have learned many things in many ways. In the classroom and from the professors you have learned facts. . . . In the streets and on the mall, from police and National Guard, you have learned to wash tear gas from your eyes and tend bruises you received from clubbings."

To cries of "right on" and applause from the students, Robinson warned them not to heed those who "urge you to seek national unity and lower your voices." You must not "listen to the siren song of false tranquility," he told the group.

"PEOPLE'S DIPLOMAS"

Boos and hisses arose from the audience of about 8,000, predominantly parents and observers.

After his speech, students passed out "People's Diplomas" to the group. Some in the audience yelled for the students to be "thrown out" while they distributed about three boxes of the papers.

The choir then sang "Battle Hymn of the Republic." Dissenting students cheered, regarding the civil war tune as having radical connotations, while others in the audience stood and applauded, apparently regarding the choice of the song as patriotically motivated.

The yellow, ornate scrolls designated People's Diplomas, congratulated graduates for "your completion of the requisite courses of fascist indoctrination and pervasive dehumanization, and in recognition of your survival despite political repression, gestapo pig tactics, hysterically paranoic administrators and plain being f---ed over . . ."

One graduating student not in a robe was arrested on a charge of disorderly conduct. Police said he had pushed a plainclothes state trooper.

Dr. Logan Wilson, president of the American Council on Education, in his commencement address urged educators to "shield our universities against destructive forces" both within and without "while we work together for their improvement."

"Like all other social institutions," he told the assemblage, "the university is imperfect. To keep abreast of the times it must accommodate to change, and to rise above mediocrity it must promote change and anticipate as well as evaluate future options. The university, at its best, however, is an instrument of both stability and change," Logan concluded, urging that the institutions be maintained as bastions of rationality and civility.

Dr. Logan was among three who received honorary degrees.

With a kiss, a handshake and flowers, Dr. Elkins conferred actress Julie Andrews an honorary doctorate in fine arts. Civil War historian Dr. John Hope Franklin received an honorary doctorate of letters and Edwin H. Gott, chairman of the board of directors of U.S. Steel, was awarded an honorary doctorate of laws.

Later 3,249 undergraduate and 710 advanced degrees were given to the candidates. Those undergraduates who did not attend were to receive their degrees by mail.

Faculty members, reached at home, said they did not attend the ceremony because the event was usually boring and tedious. Another professor said that the move was not a planned boycott, but rather part of a "general feeling of the faculty" to express their protest of administration handling of student protests in the first three weeks in May, when classes were disrupted by student demonstrations.

[From the Washington Star, June 7, 1970]

Area Graduates Hear HEW Aide

James L. Farmer, assistant secretary of the Health, Education, and Welfare Department, told the graduating class of Prince Georges Community College yesterday that the nation has not provided sufficient opportunity for the disadvantaged people.

"Where we have failed is in opening the doors to upward mobility" for poor Negroes, whites, Puerto Ricans and Indians, he said.

Farmer, head of the Congress for Racial Equality (CORE) from 1961–66, compared today's campus dissent to labor activism in the 1930's and civil rights campaigns in the 1960's. He said conflict would be beneficial if it is is non-violent.

President Watson F. Pindell conferred degrees on 299 students in ceremonies in the Largo campus. It was the 11th commencement for the college, which was founded in 1958.

[From the Washington Star, June 7, 1970]

Virginia University Rites Reflect Tradition, Unrest

(By Brian Kelly)

Charlottesville, Va.—Nearly 2,000 University of Virginia students were receiving degrees here this weekend in exercises that reflected both campus tradition and recent student protest activities.

University President Edgar F. Shannon Jr. delivers the final address today on the magnificent green Lawn that Thomas Jefferson designed more than 150 years ago.

Playing marches from the Jeffersonian era, a U.S. Marine Corps Band provides the music

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for the ceremony, the highlight of which is the procession of graduates and faculty.

At the same time, leaders of the student strike movement have urged degree candidates to forsake the traditional cap and gown as a final mark of protest for this school year.

MAJORITY BACKS ROBES

An unknown number of students had failed to obtain black robes, but a majority voted in a recent referendum to wear the academic costume. A university spokesman announced yesterday that the formal dress will be optional this year for those "who prefer not to wear them."

The parting gesture is meant "in a way of protesting against business as usual," explained Steve Squire, a former student who has been active in anti-war demonstrations here and serves as a coordinator for the Virginia Mobilization Committee.

In one of the paradoxical touches that characterize the unrest at Jefferson's school, the long-haired youth spent his weekend handing out gowns to students lined up in Newcombe Hall here.

At rooms flanking the Lawn, formal calling cards still identify students who remained in class this spring and leaders of the strike movement at this rapidly expanding educational center once known as a finishing school for Virginia gentlemen.

Long hair and dungarees have replaced the coat and tie but, "It's still a place where a certain style and grace prevail," said one campus source.

Yet, protest rallies on the Lawn, the appearance of Viet Cong flags at times, two brief occupations of a campus building and a "honk-in for peace" on a nearby highway gave the 151-year-old university its most troubled spring since disturbances of its early years.

Before the final exercises this weekend, workmen painted over strike slogans on the walls of the Rotunda, the protests quieted and Shannon had weathered the initial burst of criticism for his response to the disorders early in May.

Meeting on the eve of graduation, the school's board of visitors gave Shannon a vote of confidence for his leadership, but acknowledged "differences of opinion" on the methods used and pledged a continuing study of ways to deal with future protests.

STUDENT SPEAKS

Yesterday, at Class Day exercises, a student speaker challenged alumni and students who insist on operating the university according to their own rights.

"Both the irate alumnus and restless student would castigate the university for its unwillingness to become a political instrument, their political instrument," declared Frederick L. Greene of Colonial Heights, Va., a fourth-year medical student chosen by senior class officers as the day's student speaker.

Praising Shannon's conduct, Greene said certain alumni and student activists failed to realize the university is not a "public corporation accountable to shareholders" nor a "town meeting of transient student citizens. but is a charitable trust in the public interest."

He said most students are not interested in the "participatory democracy" urged by campus activists and that the faculty deserves immunity from pressures that would dictate its goals.

"If we will teach the rest of the impatient world that persuasion is the only weapon in the conflict and that reason is the only arbiter, I think we shall survive," Greene said.

Retired Navy Adm. George W. Anderson, former chief of naval operations, addressed candidates for Reserve Officer Training Corps commissions.

Greene, meanwhile, received an award for outstanding contributions to the school of medicine. Presented Algernon Sidney Sullivan awards for "excellence of character and service to humanity" were Julia L. Weaver of McLean, recipient of a nursing degree, and retiring law professor T. Munford Boyd, a blind scholar credited with inspiring generations of new lawyers here.

JACKSONVILLE, FLA., GAINS CLEAN AIR AWARD

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1970

Mr. BENNETT. Mr. Speaker, Jacksonville, Fla., the largest city in America areawise, is justly proud of its accomplishments in the antipollution field. With a large metropolitan area, water pollution, air pollution, and solid waste problems are apparent, but the consolidated city of Jacksonville is vigorously attempting to overcome these problems. Jacksonville has just won a national competition for cleaner air; and as the U.S. Representative from this north Florida city, I want to bring attention to the city's accomplishments—through official and private efforts—to the Nation. I insert in the RECORD the following article from the Jacksonville Journal:

[From the Jacksonville Journal, June 2, 1970]

JACKSONVILLE WINS CLEAN AIR AWARD

(By Paul McGinty)

Jacksonville is one of 11 national winners of the Cleaner Air Week Blue Ribbon for outstanding performance in air quality education.

Charles N. Howison, chairman of the National Cleaner Air Week Committee, said Jacksonville survived competition with some 161 other urban and regional Cleaner Air Week programs to win.

The 11 winners exhibited a combination of creative concepts of air conservation education based on analysis of community air quality and spurred by individual effort, said Howison.

Other winners are Albuquerque, N. M.; the state of Colorado; Pittsburgh, Pa.; The Delaware Valley; Elizabeth, N.J.; Indianapolis, Ind.; Nassau County, N.Y.; Meriden, Conn.; New York City and the State of Texas.

Howison described Jacksonville's program as an effort "to make the individual resident a participant in several Cleaner Air Week programs," during the final week of October, the time set aside for clean air observances.

The League of Women Voters worked with the Tuberculosis and Respiratory Disease Association in distributing orientation literature reporting Jacksonville's air quality and highlighting problems.

Among the 1969 Air Week's innovations was an advertisement running in the classified sections of local newspapers heralding a "Cleaner Air Week Hot Line." A caller could contact his congressman to ask that Jacksonville be designated an air quality region.

Neighboring cities receiving certificates for Meritorious Cleaner Air Week achievements are Atlanta, Charleston and Columbia, S.C.

POPULATION INCREASES

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1970

Mr. DINGELL. Mr. Speaker, I recently received a most thoughtful letter concerning population increases from Wayne E. Moore, Department of Physics, Clemson University, Clemson, S.C. So that my colleagues may have an opportunity to be aware of the views expressed in this letter, I include its text at this point in the RECORD:

DEPARTMENT OF PHYSICS,
CLEMSON UNIVERSITY,
Clemson, S.C., April 30, 1970.

Hon. JOHN D. DINGELL,
U.S. House of Representatives,
Washington, D.C.

SIR: On July 18, 1969, the President sent to Congress a message concerning the problem of unchecked population increase in which it was proposed that a committee on population growth be established. On July 25, 1969, Senators Mundt and McClellan cosponsored Bill S. 2701 which would create said committee. The bill was referred to the Committee on Government Operations, and hearings before that committee were begun on September 15, 1969. On September 24th, Senator Mundt submitted Senate Report 91-431 which was to accompany S. 2701. On February 18, 1970, Representative Sisk called up House Resolution 819 which led to consideration and subsequent passage of the corresponding House Bill H.R. 15165. During the interim between the President's message to Congress and the passage of H.R. 15165, the net increase in our country's population, by conservative estimate, was the staggering figure of roughly one million, two hundred thousand individuals! In perspective, this increase in population is approximately equal to the entire population of the original Colonies in 1750 and is about half of the total population of the nation at the time of the signing of the Declaration of Independence. Even more awesome is the net increase in world population, which amounted to nearly fifty-two million, five hundred thousand people during the same 215 day period. The latter increase is more than one fourth of the total population of these United States! I submit to you, Representative Dingell, that the problem of population control is the greatest dilemma that mankind has ever faced and is the most urgent issue which you as a legislator will confront.

There are many avenues by which to enlarge on this issue. I should like to touch briefly on those aspects which seem to be of greatest import. One effect that an increase in population has is to alter the distribution of people as a function of the land area. Thus far in America we have witnessed an almost continual exodus from rural areas to the cities. Thomas Jefferson was one of the first Statesmen in this country to openly express concern about this trend. Having toured in the cities of Europe, he voiced his concern about the urban problem in a letter in the year 1800 to Dr. Benjamin Rush:

"I view great cities as pestilential to the morals, the health and the liberties of man. True, they nourish some of the elegant arts, but the useful ones can thrive elsewhere, and less perfection in the others, with more health, virtue and freedom would be my choice."

Only three years later, in a letter to David Williams, Jefferson wrote:

"Even here we find too strong a current

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from the country to the towns; and instances are beginning to appear of that species of misery, which you are so humanely endeavoring to relieve. Although we have in the old countries of Europe the lesson of their experience to warn us, yet I am not satisfied we shall have the firmness and wisdom to profit by it."

Today, we and all of the people of this great nation, have seen these words assume an almost prophetic character; the break down of the human personality when forced to co-exist, in close proximity and, often, in a wretched environment, with a vast sea of other personalities has become all too common and is manifested in waves of riots and crime in our city streets. Our burgeoning populace, coupled with the movement of people from less populated areas to the cities, has forced the affluent and the starving together and in so doing has opened humanity's eyes a little wider to problems which in the past have simply been ignored. As the weight of humanity increases, the crush of its problems become less and less ignorable.

Consider the problem of providing the energy for the needs of the world a mere thirty years hence, assuming that the present population increase goes unimpeded. What the next generation must face in that event is a world with the astonishing population of twice that of today. No generation in history will have been asked to shoulder a burden as heavy as the one which the next must carry. Although the energy provided to the Earth by Solar radiation could, in the best circumstances, provide food for more than ten times the present world population, practically speaking the ability to feed even twice today's population would presently require the utilization of almost every square inch of the Earth's uninhabited, arable land. With such a gigantic demand, the Earth's reserve of fossilized fuel could not possibly provide the energy requirements of civilization over a long period of time; only solar or nuclear power could fulfill the long term needs of seven billion people.

The problems of preserving a life sustaining environment are quite possibly unsolvable. For example, in 1969 alone, more than one million acres of oxygen producing trees and plants were stripped and paved over in the United States. Though as much as seventy percent of the Earth's oxygen is produced by ocean phytoplankton, the paving over of a large portion of the remaining thirty percent (land vegetation) would have far reaching implications for the constituency of our atmosphere (not to mention the pollution of the oceans themselves). (At the rate of a million acres per year, the United States can expect one half of every square inch of its land area to be covered by the time of its millenium). Already such planners as Constantinos Doxiadis of Greece have proposed that the future dwelling place of man will be one vast city covering practically all of the Earth's land area. Some have proposed that to solve many of the problems which an increase in population creates we must begin to build new cities in areas not already urbanized. If we began today the sisyphean task of constructing a new city each month would house a number of individuals equal to the increase in population of this country for the preceding month, our first city would contain roughly 150,000 people and the last month of the year 2,000 would see the erection of a city for more than 250,000 inhabitants. During that interval we would have created 368 such cities—almost three times over the present number of American cities with populations of 100,000 or more! What is even more astounding however is the effect upon the ecological balance such a dispersion of people across the land would generate. In the northeastern portion of the United States there are already almost no enclaves left which can support a self sustaining wildlife population. By cutting across the land with more roads and cities would deprive already diminishing species of the last vestige of that precious commodity—wildness. No country in the world can attest to the destruction of wildness that this country—a virtually untouched land only three hundred years old—has seen. Today for the first time in this nation's history, large numbers of citizens are beginning to ask themselves whether or not their country can afford to lose any more of its wildness. They are questioning whether or not their alteration of the ecosystem is an irreversible process and if so, what the value of holding on to wilderness is. Resettlement and dispersion of people into rural and wilderness areas is no *solution* to the population problem. At best it is a tactic to delay more responsible action; the result of such a program would almost certainly lead to further devastation of the nation's wildness.

Also to be reckoned with is the continual advance of the life-expectancy. With the development of more effective artificial organs coupled with the possible breakthrough in geriatrics which our newly gained knowledge of molecular biology promises, we may soon be faced with the problem of a society of bicentenarians. In this event, if no rise in population is to be achieved, our population growth would not only have to reach zero-growth but for a while it would be required to fall to a non-regenerative level until such time as the mortality rate again balanced the rates of migration and fertility.

Another serious predicament which a rising population has generated strikes at the very roots of our form of government. The founding fathers of this nation were the product of centuries of experimentation in government; some past forms being representative, others totalitarian. This country is, in the greatest sense of the word, a continuation of that experiment, the progress of which is gauged by each succeeding generation. The concept of the rights of the people had, by the end of the seventeenth century, been developing for hundreds of years. In relative terms, the minds of the early settlers were politically sophisticated. The seemingly inexhaustive, rich America was the ideal soil in which to plant the roots of this idea. The problems of interaction between individuals were minimized since a livelihood was available from the land for the willing, and the land was available in what seemed to be unlimited quantity for whoever desired it. This is not to say that life was easy then, but rather to say that the problems of those days were of a much different character than those of a densely populated, urban society such as our own. Settlements were small enough that issues of representation were intensely personal. Inasmuch as each individual represents a unique set of vested interests, the larger the number of individuals the greater the range of desires that must be satisfied by a governing body. This is not to suggest that unanimity reigned supreme in the early days of our country but that the relatively small populace then was well fit for the trial of representative government, particularly when united in a common cause such as resistance to the oppressive rule of the English. In contrast the already impoverished, densely populated eighteenth century Asiatic nations and even some of the European nations were moving towards a more highly centralized governing system; one designed to meet the multitudinous needs of a vast number of rather poor people. The United States has already reached the ranks of the densely populated. Of the 126 largest sovereign nations, the United States ranks 69th in population density; China stands 45th. But our vast number of people are certainly not yet materially poor. Insofar as the wealth of the world's people is directly proportional to the available natural resources and the distribution of these resources, we can expect the per capita wealth to begin to decrease when the supply of non-reconvertible resources reaches a certain critical level. That day is perhaps many generations hence for this nation. Yet there are already signs that the American people have reached a plateau in the rising standard of living. With the advent of a population double that of today, it is questionable that we will be able to maintain the present level of wealth in this country and even less likely that our living standard can rise appreciably higher than that at present. Thus the outlook for America, if the population is not soon stabilized, is that of becoming a nation with vast numbers of people with, at most, a fixed level of wealth; that is, a nation whose social and economic conditions are quite parallel to many of those which are today ruled by totalitarian government. As more and more people inhabit the land, each with his own singular interests, an ever increasing number of legal restraints by the governing powers must be instituted. Very recently, Senator Mansfield commented that ". . . this nation is up to its neck in laws." I assert that as our numbers increase the natural progress of things is for government to gain ground at the expense of liberty. It is time that we asked ourselves, "Is democracy heading full circle?"

So we seek to discover what it is that can be done if we as a people decide to take preventive steps. There are already various so-called population control programs in existence throughout the world. I use the word "so-called" simply because, almost exclusively, these programs are programs for providing individuals with contraceptives. Admittedly a contraceptive of some sort is the rudiment of any successful program for population control. But simply providing the *means* of control is certainly no guarantee that control will result. In general the decrease in population growth resulting from these programs has been minuscule if at all measurable. Ostensibly at least, the cause for such failure is more or less clear; for one reason or another, the number of children the average family of today "wants" exceeds the number two. As long as this desire remains, no present day program for contraception can stem the flow of humanity. Examining the picture more closely we find that there are a myriad of reasons for "wanting" more than two children. For example, in this country, the most prominent religions—Protestant, Catholic and Jewish—have tacitly, if not openly, encouraged their numbers to "be fruitful and multiply, and fill the Earth and subdue it," as it is written in the first chapter of Genesis. In this generation we have seen this commission fulfilled in every respect. Man, three and one half billion strong, now has achieved the power to totally annihilate his Earth. Yet today the religious leaders of the world have failed to come to grips with this issue and in some instances have not so much as endorsed the use of contraceptives! In broader terms the religious community has created a substantial doubt in their followings as to the morality of birth control. The result is a tragic mismatch of ethics to morality, coupled with the equaling damning fear to act.

As a second instance, our entire legal and tax structure sanctifies the unchecked proliferation of the species. There has been some encouragement from legislators on the state level. For example, it is my understanding that the state of Colorado has recently considered limiting the legal number of tax dependents to three, thus lending legal and economic support to the cause of population control. This is a commendable step. Yet it must be realized that this type of measure *alone* may increase the burden of the impoverished segment of American society. We need something to accompany economic restraints.

To this end I wish to suggest a technological tact to this problem. As technology is intimately coupled with the philosophy of those who make use of it, the method which I here propose involves a shift in the thinking of many people. Specifically, I believe that every newborn child should properly be the result of a planned creative act. Unfortunately the number of individuals now living whose conception satisfies this criterion is far smaller than one would hope for. To affect such a program, I propose that studies be initiated immediately with the intent 1) to produce a safe, effective pharmaceutical and/or biologic, minute quantities of which will render either the human male, or female, or both, infertile; 2) to produce a neutralizer, or antidote, the use of which will completely annul the infertility induced by its counterpart. Such a program could be instituted by providing funds, earmarked for this purpose, to the appropriate research groups across the country. On the basis of previous work in this area, it is reasonable to suppose that such medicinals can be produced by the end of this decade if adequate support is provided for their discovery. Concurrent with this program should be a comprehensive study to investigate the most efficient and effective methods of insuring that *all* potent individuals are treated with the infertility pharmaceutical and are provided with its neutralizer and simple instruction for its use. Several possible ways come to mind, among which are 1) lifetime treatment (e.g. through the Public Health Departments) similar to smallpox vaccinations, for all potent, or potentially potent, individuals now living and for all newborn; 2) treatment of all public water facilities coupled with individual treatment (through the H.E.W.) of the 50 million United States citizens who supply their own water; 3) public distribution of these pharmaceuticals in capsule form. Naturally the neutralizer must become a very common and easily obtainable item. And care must be taken to insure that no one is denied the neutralizer as a result of their race, creed, color or economic condition. There will be cries from some that our liberty is being trod upon. Yet what of the law that requires a man to take but one wife. Surely there is no less liberty involved in this law, and the logic underlying monogomy is specious in comparison with the logic which points toward legislation for population control.

There will be other problems to cope with if the United States embarks on a program of this sort. For one thing, as the population of the world increases relative to that of the United States, the pressures from those who seek to immigrate to this country will be intense and must be withstood. Of far more consequence however will be the demand for foodstuff and other materials of subsistence from those nations who inexorably will be reduced to famine in the absence of an enforceable program of population control. It is certainly conceivable that by the time this nation grasps the problem, our capacity to provide for the needs of the people will be limited to our own citizens only. We would then be forced to sit and watch another nation literally starve to death. Clearly our concern in this matter must be global; we must realize that all nations sail, or sink, in the same vessel.

What is most ironic about making this change in our thinking and habits is that very soon, if we do not make *this* change, so many more changes will be *forced* upon us. Our non-policy of today is not equivalent to non-action. Rather we are clinging to a definite stand; a stand which, by our own timidity and timorousness, can only lead to our subsequent annihilation. By any objective point of view, the path we are pursuing today is tantamount to suicide. Yet foolishly we persist. Uncommon problems may well demand uncommon solutions. Those (sometimes called conservatives) who are willing to slowly change when change is called for, but who strive to hold on to what they believe to be worthwhile things from the past, must recognize that stabilization of the population is an essential step to prevent wholesale alteration of the structure of this country. Those (sometimes called liberals), on the other hand, who are anxious to change when there is merit for change, feeling that man must continually improve upon his past, must pause to consider that some aspects of life, such as wildness and the ecological balance, cannot now be improved upon (indeed matched) by the hand of man. The continued encroachment of civilization upon these most precious of all natural resources is a direct and inescapable consequence of an enlargement in human population.

As a final note, it is interesting to observe for comparison the behavior of various insect colonies in a closed state. It turns out that some of these creatures have developed over the eons a built-in mechanism which either destroys or inhibits their proliferation when the population density reaches a certain critical value. As an example, the common fruit fly, a species of the genus drosophila and from whom we have gained invaluable information as to human genetic structure, has a population growth cycle (in a closed state) which resembles the shape of an S that has been turned on its side. Qualitatively, that is, the population first begins to increase, then passes through a point of inflection, then the rate of increase slackens, finally reaches zero growth (stabilization level) but passes on to begin a negative population growth until the original population level is reached. At this point an overall decrease in population begins but the rate of decrease soon goes through an inflection point, then reaches zero growth but passes on to begin a positive population growth until at some later time the original number is restored. This process continues in a repetitious fashion. We cannot suppose that this process results from a rational, voluntary control exercised by the members of the colony. What we undoubtedly are seeing is the workings of a biological regulatory mechanism which has evolved over millions of years and untold numbers of colonies destroyed by virtue of their own number. No doubt Man, in the absence of self control, would pass through a rather similar process of mass famine or nuclear war and subsequent regeneration by the survivors. In fact, there is much evidence that we are already moving upward on what may be an S-like curve of our own. But Man contains the seeds not only for his own destruction but also that of the entire biosphere of the Earth. With the growth of his numbers unchecked, it is not unreasonable to picture the human species as a cancerous-like growth, spreading over the planet and choking its life-sustaining capacities until nothing remains save for a barren sphere. With courage, reason and selflessness we can take the necessary steps now to insure that such is not the future of mankind. We no longer have the luxury to do otherwise.

As a representative of the people, surely one of your greatest challenges is to discern the mandate of the people. It perhaps is fair to say that Americans today are generally undecided as to the proper course of action to take regarding this impending crisis. It is interesting to note however that a Gallup poll taken in January of 1969 under the sponsorship of the National Wildlife Federation showed that already 44 per cent of those polled felt that in order to maintain today's standard of living it would be necessary to limit our population. In good faith I could not ask you or your colleagues to legislate in this matter without the sanction of the people. Perhaps the most fundamental principle of representative government is that every individual possesses a unique set of interests and beliefs and that, taken collectively, the people form the broadest spectrum of both needs and doctrine—a vast reservoir of truth from which the ultimate dictates of society must flow. If at times the people seem to be unenlightened and therefore unable to provide the discretion necessary for sound rule, the remedy cannot be to proceed without their consent and thus dilute their power, but rather to illuminate their judgment by education. I support, in addition to the technological methods suggested herein, a broad program of informing the people of this nation of the purblind course that is now being followed and to present the foreseeable alternatives to this course. I am confident that an informed American public will see the need for, and have the selflessness to carry out, the necessary legislative action. That is not to say that the road will be easy. Perhaps the greatest barrier to progress will be the polarization of opinion that is advanced by some groups and organizations throughout our land. Many social, economic and religious groups have become so polarized in opinions that only when their ethics catch up to their vested interests and moralities can we expect there to be a real choice in this matter for the members of these groups. It is for such reasons that I think it will be important to emphasize that this exigency has arisen not as the result of human wrongdoings but rather from a basic biological drive. Thus no man can afford to shake his finger at another; we cannot afford to see the World Council on Population be pitted against the Pope. Instead we must recognize the problem of unchecked population growth as the most subtle natural mechanism for self-destruction known to man and one only matched in awesomeness by the evolution of the Sun which, in some six and one half billion years, will begin its ascendence to the ranks of the red giant stars, rendering the Earth a molten sphere again. We, like the ancient Byzantine Eagle which faced both East and West, must look to all facets for the life-preserving balance which we seek.

Some say we are destined to become a society of steel and concrete. Perhaps. Yet I choose to believe that man has a decisive role in determining his future. If this be so, then never has a choice been of such great import as this one. I can express it no more clearly than did Samuel Barber when he wrote, "the future is purchased by the present."

Respectfully yours,

WAYNE E. MOORE.

ACCOLADES FOR NEMO AND DR. STACHIW

HON. CHARLES M. TEAGUE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1970

Mr. TEAGUE of California. Mr. Speaker, last month Dr. Jerry D. Stachiw, acrylic expert at the Naval Civil Engineering Laboratory in Port Hueneme, Calif., was honored by being accorded the 1970 Military Oceanographic Award. This recognition coincided with the epic descent to 500 feet in clear water of the Naval Experimental Manned Observatory—NEMO.

Dr. Stachiw's work on material technology and applications was instrumental in the NEMO's successful dive. The sphere was brought to that depth at the capable hands of Edward Briggs, project manager for Southwest Research Institute, and Martin Snoey, senior project engineer for the Naval Civil Engineering Laboratory at Port Hueneme.

Dr. Stachiw, along with NEMO and her associates, deserves high praise and recognition for their excellent work and contributions in this field. We here in Congress salute you.

POSTAL REFORM ACT OF 1970

HON. BENJAMIN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1970

Mr. BLACKBURN. Mr. Speaker, in the Rules Committee this morning and this afternoon, there were short discussions regarding the compulsory union aspects of H.R. 17070, the Postal Reform Act of 1970. I believe that all Members of this body are aware of the fact that this bill would authorize the negotiation of union shop agreements.

In today's Washington Evening Star, columnist David Lawrence presents a very succinct and informed discussion of this issue. For the information of my colleagues, I am inserting it into the RECORD:

THE UNION SHOP AND POSTAL REFORM

(By David Lawrence)

One of the strangest phases of modern democracy is the belief that "liberals" always defend freedom of speech and freedom of individual thought. Presumably the last proposal in the world to receive their approval would be any form of coercion—such as, for instance, compelling a citizen to belong to a particular political party or a national organization claiming to represent any group of citizens.

Yet the "liberals" are strangely silent over the section of the postal reform bill now pending in Congress that would permit labor unions to negotiate for a "union shop," which means that employees may retain their jobs only if they join a union.

The idea that a government employee could lose employment because he or she refuses to become a member of or pay dues to a private organization would seem to be the kind of thing one would expect under a fascist system—certainly not under a democracy.

The postmaster general, who agreed to the new plan, evidently did so, because of a desire to settle the recent postal strike and to obtain support for the reorganization of the Post Office Department. The AFL–CIO, while helping to end the dispute, apparently saw an opportunity to get a "union shop" for postal workers as a step toward compulsory unionization for federal employees generally.

The union leaders are already saying that, if they get the scheme into operation in the postal service, with its 750,000 workers, they will endeavor to obtain the same arrangement for all civilian workers in the federal government. There is an intimation that they will seek to extend it to state, county and city governments.

Nineteen states prohibit any interference with the "right to work," but forced unionism could be imposed on public employees in the other 31 states.

In the executive order President Kennedy issued in 1962 authorizing for the first time the unionization of federal employees, compulsory unionism was specifically prohibited. This was reaffirmed by President Nixon in his executive order covering labor-management relations in the federal service, effective Jan. 1, 1970. It expressly gives each employee "the right, freely and without fear of penalty or reprisal, to form, join, and assist a labor organization or to refrain from any such activity, and each employee shall be protected in the exercise of this right."

The new legislation would withdraw that protection so far as postal workers are concerned.

Compulsory unionization has long been a matter of controversy in America, and it would be logical to assume that the "liberals" would be the first to denounce any effort to penalize a federal employee who refuses to be forced to join a union. But they have very rarely spoken out against such coercion even in non-public employment. Possibly this is because they have been friendly to the cause of labor in a general sense.

If, of course, the delivery of the mails is turned over to a private organization and the government has no power over it except to contract for service, such a corporation could deal with unions that insist on a "union shop." But there is no sign as yet that the government will completely detach itself from whatever project is set up to handle the mail service. The Washington Daily News said the other day in an editorial:

"The Post Office is a public service, and even under the reform bill would be financed in part by taxes. It ought not be subject to rule, directly or indirectly, by union politicians.

"Government service should be open to any citizen who wishes to work for the government, who is needed and who can qualify for the job, whether or not he belongs to a union."

In these days of spectacular controversy and debate on public issues, much emphasis is placed on "repression" as an undemocratic attitude toward the rights of a free people. But somehow the compulsion involved in requiring a worker to join a union as the price of keeping a job in the government itself seems to have been completely neglected by the intellectuals as well as by all activists supposedly interested in the cause of true freedom for the individual in America.

There are no signs of any picket lines or "demonstrations" to protest against compulsory membership in a labor organization. Perhaps "conservatives" who oppose such coercion won this label because they believe in "conserving" individual rights.

IN PRAISE OF DISTRICT OF COLUMBIA POLICE

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1970

Mr. HOGAN. Mr. Speaker, I would like to call the attention of my colleagues to a recent WRC editorial in praise of the Washington police during the recent antiwar demonstration.

For those who did not hear the editorial broadcast, I insert it at this point in the RECORD:

THE DISTRICT OF COLUMBIA POLICE

Mayor Walter Washington, Police Chief Jerry Wilson and every last man on the force down to the rawest recruit deserve the thanks of the people of the Washington area for a job well done during the anti-war demonstration last Saturday. The civilian volunteer crowd marshals also performed splendidly.

The tens of thousands who came to the city wanted to register their protest and they did. They did not seek a confrontation with the authorities, and the handful who tried were quickly contained and immobilized.

Police officials have an interesting theory that extreme militants could not get organized to come to Washington, or they were spread out across the country at other demonstrations.

The police, under Mayor Washington and Chief Jerry Wilson, performed superbly. They were under control at all times. There was no massive show of force that might have sparked a reaction. The men were restrained in their dealings with the protestors, and in the scattered incidents where it was necessary to act, the police used just enough power to contain the problem.

It was encouraging to see the cool impassive professionalism of the officers in the face of provocation. And it was rather heartwarming to see police and protestors exchange cigarettes, water and small talk.

Perhaps it is experience, perhaps it is maturity, but it is welcome and reassuring to have a police force of this stature and ability on hand during these critical times in our Nation's Capital.

DRIVE TO ACHIEVE ECONOMIC SUPREMACY

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1970

Mr. GAYDOS. Mr. Speaker, today I am including in the RECORD the last in a series of articles dealing with the aggressive drive of the Japanese Nation to achieve economic supremacy throughout the world. The articles were written by Sylvia Porter and appeared in issues of The Pittsburgh Post-Gazette. They were informative and alarming.

In her concluding report, Miss Porter outlines what Japan has done to trigger such a tremendous surge in economic growth. She explains what Japan hopes to do with the accumulated wealth and power. The goals could be commendable and, from all indications, will be achieved.

Under normal conditions, I would wish Japan well in such a venture. But I cannot today. I cannot when I see her blueprint for power, drawn on the strength of unrealistic Japanese trade barriers and a continued open door U.S. trade policy, will ultimately destroy America's industrial might.

We know the crisis faced today by our textile and shoe industries. Miss Porter's articles reveal what is in store for the electronic and auto industries. I am deeply concerned over the prospective dangers since I represent an area, the 20th Congressional District, which supplies steel for the auto manufacturers. I fear a delay today in checking foreign imports will lead to a disaster tomorrow.

The article follows:

"NO IMPOSSIBLE DREAM" IS JAPAN'S VAST SURGE

(By Sylvia Porter)

TOKYO.—What is Japan's dream?

At the close of each interview with Japan's top leaders, I shot this last question, for to you and me, it is the heart of the tale. (Translation: What do you intend to do with all this power?) Before I get to the answers, let me re-emphasize:

Japan is now a truly global economy. Despite her size, manpower shortages, lack of raw materials, profound forces going for her are:

Her aggressive determination to achieve a high and uninterrupted rate of economic growth, her national desire to excel.

The industriousness of her skilled, dedicated workers, the high level of education of her business leaders.

Her unique economic system in which goverment-industry-finance-labor plan together to achieve national goals.

Her "group spirit" which I saw being developed in infancy in the uniformed, disciplined kindergarten kids at Expo '70.

And Japan, already a nearly $200 billion economy—third only to the U.S. and Russia—is on her way to a $400 billion Gross National Product by 1975. Her per capita income is targeted for $2,700, double '69's level.

Her wages are to rise more than 12 per cent a year, the productivity of her workers to climb up to 15 per cent a year, her cost of living to be rising under 4 per cent a year by the mid-1970s; her personal savings rate is to stay at the fabulous level of 18–20 per cent. A magnificent blueprint indeed.

OF COURSE, SHE HAS PROBLEMS

A shortage of labor will be a massive obstacle, but she plans to solve that by pulling more workers off the farms; increasing the employment of women; by automation; by putting up plants in such cheaper labor areas as Taiwan and Korea.

Also steep hurdles will be the resistance of other nations to her protectionist trade policies and the resentment of neighboring underdeveloped lands from which she buys cheap raw materials and to which she sells expensive finished products.

But Japan is waking up to all of this.

So what is her dream? I think this might be a "consensus."

First, to look inward now, raise the standards of the Japanese people and enhance the Japanese environment.

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Dedicated to the nation as her people are, they are getting restless. Third in output, she is 20th among world nations in living standards.

In recognition, Japan is scheduling sharp increases in spending for social and public improvements in the next five years.

And does she need it! While Expo '70 is a beautiful and exciting area, industrialized Japan today looks like one big dreary factory broken up by crackerboxes of houses and housing developments from which the laundry hangs out all day every day.

While she is well into an impressive low-middle class housing program, much of her housing is unspeakably bad by our standards and a sewerage system is actually nonexistent in many big city areas.

While she is actively building roads, her roads and traffic congestion pose the biggest threat to her own auto industry and her problems of pollution dwarf ours.

Second, to look outward too and to take her place among the great economic powers of the world.

Japan is preparing to earmark an impressive one per cent of her GNP—$4 billion by 1975—for economic aid, primarily in Southeast Asia, her giant combines are uniting to form even greater giants to move into other lands of Asia and into Australia in search of new manpower, raw materials, markets.

Third, to grow and grow, to prosper and prosper, to become a greater power and a super power.

It's not so inscrutable—not to another economic miracle named the U.S. Surely, a Japan intent on becoming an economic super power is to be much preferred to a Japan intent on other goals.

And if we both start now to handle it right, our mutual economic competition can lead to an immensely beneficial expansion of two-way trade and real breaks for you and me, the consumers.

REPRESENTATIVE HOGAN OFFERS CHALLENGE TO GRADUATES

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1970

Mr. FREY. Mr. Speaker, during this commencement season, my colleague, Representative LAWRENCE J. HOGAN of Maryland, has offered a challenge to graduating seniors. It is a challenge to those young people who recognize the needs of this country and who want to do something to improve our country. It is not the easy way. It requires study, hard work, dedication, and action.

I commend my colleague for his candor and for his understanding of both our strengths and weaknesses. Although the Congressman's remarks were addressed to graduating seniors, he has presented a message of vital importance for all concerned Americans and I therefore enter his address in the RECORD:

REMARKS BY REPRESENTATIVE LAWRENCE J. HOGAN

It is an honor and a privilege to share this important occasion with you.

Many of you undoubtedly view today as the end of a long journey, but, really, it's the beginning of a longer journey. The course which you chart from today on will determine, not only what the future will hold for you, but in a very real sense, what the future will hold for this Nation.

It is generally the practice for guest speakers at high school graduations to give a rousing speech about the challenges and opportunities awaiting the graduating seniors of any given year. However, this is not "any given year." This is 1970, a year unlike any which we have experienced in the past and one which, in many respects, I hope we will never see repeated in the future.

It is true that the proverbial opportunities and challenges have never been greater than they are today. But, the pitfalls and pressures are also greater.

Each of you in your own special way has been given a talent, a gift from God which no one else has and which America desperately needs in her quest for the solution to her problems. And, if you're not part of the solution, you're part of the problem.

Winston Churchill once said:

"To every man there comes in his lifetime that special moment when he is figuratively tapped on the shoulder and offered the chance to do a very special thing, unique to him and fitted to his talents.

"What a tragedy if that moment finds him unprepared or unqualified for the work which would be his finest hour."

Your time . . . *your* finest hour approaches.

If you succeed, America succeeds; if you fail, America fails.

What an exciting time to be alive, even with all of our problems. Ninety-three percent of all the scientists who have ever lived in the entire history of the world are alive and working today. We've landed a man on the moon and will soon explore the far-reaches of outer space. We're about to harvest vast new resources from the oceans. Satellites enable us to communicate instantly with people on the other side of the globe. More books and periodicals are being published about more subjects than at any time in history, and that vast reservoir of collected knowledge lies out there waiting for us to tap it.

America offers today what she has always offered: a share in an opportunity—an opportunity for free men working cooperatively to carve out their own destiny . . . the opportunity to stretch our talents as far as they will go and to share proportionately in the rewards of America.

As citizens of this country, we share America's blessings—and they are many; but we also share America's problems—and they are many.

This country was founded by those who wanted to create a more perfect union. Never did our forefathers promise the perfect union.

Because we are still struggling to improve the union does not attest to our weakness, but rather to our strength! America has succeeded in her quest as no Nation in the history of the world has succeeded, but we must continue the search for that perfection. As long as there is a hungry family in the world, that search must go on. As long as one man is excluded from opportunity because of the pigment of his skin, that search must go on. As long as disease steals breath from a child and as long as there are those who plot aggression against their neighbors, the search must go on. But let us never mistake a nation that is still searching for its way for a nation which has lost its way. The fact that we are still searching is the greatest assurance we have that our course is correct.

The favorite ploy of the revolutionary is to point to those weaknesses in our system—*and they do exist*—and cite these exceptions to the American dream as reasons for destroying the system. Their reasoning is not less irrational than a physician's would be if he advocated destroying a patient rather than attacking the ailments that cause a patient's distress.

Let's not delude ourselves. We have a full bag of problems. We are anguished for peace in the midst of war. We see misguided young people who should be reaching for ways to cultivate a better society, reaching instead for placards and molotov cocktails to destroy society.

How blind are those who demand that our system be torn down. I say to these revolutionaries: "What would you construct after you have destroyed America? What would the rules of your new order be? If America is all wrong, show us a nation which is right. Show us a nation which has given her citizens more freedom, more opportunity, more progress, more compassion for our neighbors in the world." Few nations would tolerate the vicious dissent which America tolerates. It is precisely because we are a strong nation of free men that these detractors are able to preach their hatred and their poison. But let's distinguish between preaching ideas and engaging in violent criminal activities. This we cannot tolerate.

America encourages peaceful dissent. Constructive dissent stimulates us to improve, but let's also protest *for* America when she is unjustly belittled. Let's preserve the system of government which allows its citizens to protest.

All is not bliss in America. It never has been and perhaps it never will be, but we've had our revolution in this country and we've been building and improving ever since.

Of course, we have problems. As long as there are citizens who are discriminated against, we have a problem which needs solving, but as long as we have those who justify violence and anarchy and rebellion as the means for aggrieving their wrongs, we have another problem which needs solving.

Is there evil in this land of ours? Yes, there is. Is there injustice? Yes, there is. And these are causes for regret and dissatisfaction. But is there any nation . . . any people . . . anywhere in the history of the world which has struggled harder or achieved more success in eradicating evil and injustice? I say there is not!

Is it a cause for despair that we are not perfect? We're a nation of men, men are not perfect. The capacity for evil and the capacity for good exist in measure in the hearts of all men. Edmund Burke said:

"All that is necessary for the forces of evil to win in the world is for enough good men to do nothing."

In these times of apathy in the face of brewing revolution we should remember these words. Let's look at what we are: We're a mixture of good and bad, black and white, young and old, healthy and sick.

We're Protestants, Catholics and Jews. We're English, Irish, German, Polish, French, Italian, Greek, Scotch, African, and many more—a melting pot of strangers unified by a common purpose: to live as free men with the right of personal dignity and self-respect and to share in the opportunity which America offers. In this unity lies our strength, our hope. We must insist that all citizens respect the rights of others, including revolutionaries.

America has never promised her citizens prosperity without work, reward without effort, strength without struggle or security without sacrifice. America has never promised a life without problems.

If you're dissatisfied with things as they are—and well you should be—you have three choices: You can drop out from society and distract yourself with pot and speed to blot out your responsibilities and pretend that the real world doesn't exist, or you can join the band of extremists and revolutionaries and help to destroy the greatest system of government the mind of man has ever conceived—even with all of its shortcomings, or—and this is the alternative I pray you will pursue—

You can personally get involved to help solve our problems.

One of the greatest gifts passed on to us by the founders of this Nation was the mechanism for changing and improving our society in a peaceful, orderly way. That mechanism is politics. Politics is the only way to strike out against the deficiencies in our society without destroying the system itself. It affords us the opportunity to correct the inadequacies within the existing structure without undermining its foundations.

To those who cry for the destruction of the system, I say "Destroy this system and you will destroy not only the hope of America, but of all mankind." I say, "Use this mechanism within the system to make changes to make this a better country and to make this a better world."

Corny? Trite? Perhaps, but what a challenge! What an opportunity!

You can have a tremendous influence on the kind of world you're going to live in.

Many of you will leave here and go on to college campuses across the United States next fall. I urge you to stand firmly for what you believe. Don't let a loud-mouthed minority speak for you. Look at both sides of an issue and make up your own mind as to which is right. Don't blindly follow the Pied Pipers who are dedicated to leading us all to destruction. Don't let yourself become a pawn for someone else's brand of activism if he espouses a cause that you cannot buy. Sure, you should attend political rallies, but before you decide to rally around some flag, make sure that you know which flag you are rallying around.

We have seen instance after instance where the voice of reason and the voice of dissent has not been tolerated when it conflicted with the views of a small minority of revolutionaries who, in the name of change, constantly claw at the very fabric of our society. Students have been cajoled into the streets, they have been induced to burn buildings, they have been induced to destroy the life work of dedicated and learned scholars by those who use them and manipulate them in the same manner as a puppeteer makes his marionettes dance to any tune he plays. Have enough respect for yourself to not let that happen to you.

I beg you to extend your intellectual curiosity and integrity to the dialogue in which you will be participating in the months and years ahead. I will not suggest to you how I believe you should think. That is *your* responsibility. All I ask is that *you do think*.

I wish I had the eloquence and persuasiveness or the inspiration to say something here today which would light a spark in you and motivate you toward a deeper, more personal love of country. I wish I could say something which would infuse in you a missionary's determination to absorb yourself in helping to make a great country better and prevent it from being destroyed by those who hate it.

Some of you young men may be called upon to die for your country . . . and I pray to God that you *are* willing to die for this country, and if you are willing to die for this country, I hope you will be equally willing to live for your country to help insure that it is worth dying for.

America's promise—and your opportunity—is in the untilled desert, in the untapped ocean, in the unexplored outer space, in the unconquered disease. It is the uneducated minds of the potential Einsteins who live in our slums whom you might educate, it's the untrained unemployed whom you might train. Yes, your challenge lies in the unplowed fields of America where blessings lie dormant, blessings to enhance America's progress toward perfection.

Abraham Lincoln once said, "The older I get the more I realize that there is but one wealth—one security on this earth, and that is found in the ability of a person to perform a task well."

The future of this great Nation—its security, its wealth—will be determined by how well we perform our task. That's a weighty responsibility, but great rights must carry with them great responsibilities. Let's never forget that. It is our challenge, our role in life, our responsibility to exert all of our energies to insure that the world which we bequeath to our descendants will be a better world than the one which has been bequested to us.

You and I, as beneficiaries of this society, have a responsibility to defend and preserve it. We have an obligation to keep the American dream alive. And, as Richard Nixon said, "The American dream does not come to those who fall asleep."

President Nixon also said in his inaugural address: "We are caught in war, wanting peace. We're torn by division, wanting unity. We see tasks that need doing, waiting for hands to do them."

And I say to you graduates today: America needs and is waiting for your hands . . . and your *hearts*.

WATER POLLUTION AND OUR CHILDREN

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1970

Mr. MIKVA. Mr. Speaker, we are all aware of the urgency of our environmental crisis; yet we often forget that pollution not only affects the air and the water but has a profound impact on the daily lives of our citizens.

I recently received personal letters from over 30 children in the third grade class at St. Columba School located in the Second Congressional District of Illinois, all expressing sincere and moving concern that the pollution of the rivers and lakes near their homes would spoil the beauty and recreation of their summer. One such letter is placed in the Record in the hope that it will help bring about the vitally needed human response to this disastrous technological problem, as follows:

Saint Columba School,
Chicago, Ill.

Dear Mr. Mikva: In my class we were talking about water pollution.

The Calumet River and other lakes and rivers are being destroyed because the factories are sending their wastes into the water.

In the summertime there won't be any beaches to swim in or lakes to catch fish because the fish will die and the water will be polluted. And if you wanted to go water skiing you couldn't because the water would be polluted and dirty.

What will the future be for babies and children that are still young and are just born? What will happen if nobody stopped the people and things that make pollution possible?

We need your help and everyone else to help stop pollution. So please try to stop it now.

Yours truly,

—— ——.

POLICE "REFORMERS"

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1970

Mr. RARICK. Mr. Speaker, in the past, our law enforcement officers have been subjected to undue criticism and distortion from the "police watchers" and self-styled reformers.

Now, as a result of social progress from these so-called reformers, the police officer can expect new attacks from within his own ranks.

The resolutions from the National Council of Police Societies, meeting in Atlantic City on June 6, will supply interesting agitation and confrontation in the weeks and months ahead.

Most Americans have been led to believe that a police officer is a police officer regardless of his color. Likewise, that a criminal is a criminal regardless of his color.

Many will question why the black police officers, during their meeting, did not also go on record proclaiming that they would arrest any black police officer they saw abusing white citizens—or that they would arrest any criminal abusing any citizen.

A news clipping and a message from J. Edgar Hoover—reprinted from the FBI Law Enforcement Bulletin—follows:

[From the Washington Post, June 7, 1970]

Black Police Vow To Oppose Racist Acts By White Police

(By Robert C. Maynard)

Atlantic City, June 6.—Declaring they are "no longer co-conspirators with white authority," the largest and oldest organization of black policemen in the United States decided here today they will arrest any police officer they see abusing black citizens.

In a series of strongly worded resolutions, the National Council of Police Societies also called on President Nixon to lay down strict guidelines for police use of firearms, condemned their supervisors for laxity in the enforcement of narcotics laws in the black community and committed themselves to "change the racist behavior of white policemen since we cannot change their attitudes."

The council is the national association of a score of Negro police societies, many of whose members are veteran policemen in such cities as New York, Chicago, Newark, Atlanta and Oakland, Calif.

Council meetings in the past have been largely social gatherings with a sprinkling of discussion of such questions as how to encourage more Negroes to join police forces.

But the council, according to one officer, is "running to catch up" with the increasing militant stand of the black community.

"The black policeman knows the same heel on his brother's neck leaves a heelprint on his own neck," said Howard Sheffey, chairman of the board and a New York City police sergeant.

"We will no longer be coconspirators with white authority," Sheffey said, reading one of the council resolutions. "We have resolved to rededicate ourselves to involvement in black community problems."

Giving a practical example of what the new stance means, Sheffey, assigned to Harlem, said, "If I see a white policeman beating a prisoner, I'll place him under arrest for assault."

Disturbed by the recent shootings at Jackson (Miss.) State College, in Augusta, Georgia and at Kent State University, the council called on the President and the Department of Justice to lay down a "sane firearms policy."

The council gave the responsibility for protecting black citizens from excessive use of firearms to the black police officer himself.

The council advised black policemen witnessing excessive use of firearms to "take proper police action," meaning to arrest the offending officer.

The council which represents 10,000 black policemen and policewomen, urged the adoption of the guidelines for the use of firearms formulated in 1966 by the Task Force on the Police of the U.S. Crime Commission.

The guidelines recommend that deadly force should not be used against any suspect unless the arresting officer's safety or the safety of bystanders is endangered.

The crime commission recommended that deadly force should never be used "on mere suspicion" or against a felony suspect "when lesser force could be used."

Robert Lamb of the Community Relations Service, a division of the Department of Justice, agreed to present the recommendations of the council's 600 delegates to the department at the request of the society's leaders.

The council said it was calling on the community relations service to assist because "it is an agency that we feel shares our concerns."

The council said in a resolution "the use of narcotics has increased in black communities and nothing has been done to stamp out this evil . . . Narcotics is yet another silent firearm brought in, sold and controlled by whites to destroy black America."

The members were urged to "move against pushers and others who sell" or support the sale of drugs.

Calvin Allen, president of the Council of Police Societies and a New York City policeman, charged that police officials have failed to administer the narcotics laws in ways that are effective.

"As long as it remains a problem in the black community," Allen said "it isn't apparently a serious problem. But to black people it is a serious problem and we intend to do something about it."

The council endorsed the candidacy of Kenneth Gibson, who is running for mayor of Newark.

[From the FBI Law Enforcement Bulletin]

MESSAGE FROM THE DIRECTOR TO ALL LAW ENFORCEMENT OFFICIALS

An old proverb says that a fool, among other things, may be known by his anger without cause, his speech without profit, his change without progress, and his inquiry without object. Today some of the theories being advanced for "watching" and "containing" law enforcement would suggest that, in addition to these quirks, fools may also be known for their lack of commonsense and judgment.

Crime terrorizes many communities throughout the country. In some areas, people are afraid to be on the streets, particularly at night. It would seem, therefore, that preventing crime and helping police to bring violators to justice would be a primary and reasonable concern of all citizens. Unfortunately, the light of reason blinds some people.

Groups have been established to gain "community control" over police departments. Some, receiving financial support from well-meaning but misled organizations, have set up "police watching" programs. Some spokesmen advocate that each city ghetto be given public funds and authorization to form its own racially segregated police force. Others say college youth should not be subjected to contacts by police officers, and that only specially trained, highly paid, unarmed, elite police forces should be used to handle civil demonstrations. If these ideas and techniques seem half-baked, it is because they are. But the intent of those who foster such schemes is clear. They want to negate the rule of law. To do this, they must first create public distrust of and ill will toward those who enforce the law.

"Police watchers" and self-styled law enforcement reformers have no place in our society. Their altruistic mouthings are a front and a sham, for they have already prejudged law enforcement as an enemy to their nihilistic cause. Their real objective is to intimidate and harass police. They care nothing about public protection and orderly due process. They seek special privileges which place them above the law and commit abuses which encroach on the rights of others.

Civic-minded groups and individuals who are fed up with gimmicks and attacks against our established principles and lawful processes should rally to the support of law enforcement. Our system of government provides adequate and proper safeguards for remedial action against indiscretions of policemen. Certainly, we do not need to resort to sidewalk kangaroo courts made up of militants and malcontents who cannot even discipline themselves. Further, we should remember that frequently those who defy the law are prone to criticize and attack agencies charged with enforcing it.

JOHN EDGAR HOOVER,
Director.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

CONGLOMERATE MERGERS FACE CELLER'S WRATH

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1970

Mr. WOLFF. Mr. Speaker, the highly respected and most able dean of the House, the distinguished gentleman from New York (Mr. CELLER), has secured his place in history many times over.

His leadership of the Judiciary Committee has been remarkable, not only for the number of important laws and constitutional amendments passed, but also for the never-failing legislative creativity of the chairman. The high admiration I held for the gentleman before I came to Congress has multiplied many times since I have had an opportunity to view first hand his excellent standard of congressional service.

Thus it was that I was pleased to see a well-written and illuminating article about the chairman in that excellent newspaper Women's Wear Daily recently. The author of this article, Penny Girard, managed to capture the beguiling spirit of Mr. CELLER while doing a substantive interview.

So that all the Members might have the benefit of reading this fine article about a fine man, I wish to include it in the RECORD at this point:

CONGLOMERATE MERGERS FACE CELLER'S WRATH

WASHINGTON.—Vases of red roses and carnations crowd his accommodating desk, but conglomerate mergers busy his mind.

Emanuel "Manny" Celler, Dean of the House of Representatives with more than 47 years in office, is today as keenly involved in business and antitrust legislative matters as he ever was.

The current project of the 82-year-old Brooklyn, N.Y., lawmaker is legislation to curb conglomerate merger-mania, and Celler appears as determined and convinced as he's ever been that Congress "is in the mood" to back him up.

The grandfatherly-looking veteran lawmaker-lawyer tells WWD there will be a law controlling conglomerate expansion movements, despite Administration statements that things are going sufficiently well under current procedures and policies. Celler says he's pushing for completion of a bill this session, but reiterates that Congress probably won't take any action until some later date.

"I have a pattern to follow," he tells WWD. "I anticipate opposition," he says, but he expects to "hammer out" this bill just as he carved out the 1950 anti-merger legislation the Celler-Kefauver Act—the first major addition to Federal antitrust laws since the 1914 Clayton Act.

"There have been more suits filed under that law than any other act," he proudly asserts.

Celler chairs the powerful House Judiciary Committee, as he has done since 1945. In addition, he heads an antitrust subcommittee currently probing the conglomerate merger development.

The subcommittee "haphazardly" picked six corporations which fit the conglomerate pattern: ITT, Ling-Temco-Vought, Gulf &

Western-Industries, Inc., Leasco Data Processing & Equipment Corp., National General Corp. and Litton Industries, Inc.

"We wanted to find out just what makes them tick," Celler said. His subcommittee has been holding hearings off and on for several months.

According to Celler, the subcommittee isn't trying to probe or criticize. "We just want to lay the foundation for sound legislation."

The subcommittee chairman admits he's "pretty well satisfied" with the hearings, and the companies' participation. But even after those sessions, and more recent ones with Administration spokesmen, Celler, hasn't altered his thinking about the need for legislation.

One point he brings out in the interview and again in hearings is the uncertain future pace of conglomerates. While he tells the Justice Department's antitrust chief Richard McLaren he's doing a commendable job, and concedes that the merger trend has cooled off a little, Celler still isn't relenting. He contends that a change in the nation's economic picture could spur more conglomerate expansion.

"What about the future?" The meticulous and conservatively dressed Celler quips. The next man (after McLaren) might treat the subject completely differently, Celler maintains, and that requires preventive legal protection.

Noted for his jovial story-telling nature, he compares the conglomerate situation to an "elephant saying it's every man for himself as he dances among the chickens."

The merger trend, which accelerated sharply during the late 1960s, witnessed sizable firms rapidly acquiring other firms, and gaining larger and larger conglomerate stomachs, which Celler said resulted in "economic indigestion"—doing too much too quickly without stopping to think it all over.

Though he staunchly defends the existing law, he contends it must be, "supplemented" and "strengthened."

The New York lawmaker was born in Brooklyn May 6, 1888. He graduated from Columbia College in 1910 and the law school in 1912. He practiced law in New York for 10 years, then ran and was elected to the 68th Congress in November, 1922.

He had been in the House ever since, representing parts of Kings and Queens Counties, reelected by margins that would easily gratify any politician.

As chairman of the Judiciary Committee, he's also currently involved in a special subcommittee study of impreachment charges against associate Supreme Court Justice William O. Douglas.

Proponents of the Dump-Douglas Movement, spearheaded by House GOP Leader Gerry Ford has hoped to avoid Celler's committee, thinking that it would be less harsh on Douglas than a special independent committee. The Judiciary Committee, claiming a separate study would usurp its powers, set up its own special subcommittee, headed by Celler.

Celler also was chairman of the Judiciary subcommittee which first brought the word thalidomide to public notice during hearings.

Celler has just turned 82. In his spacious office, with walls lined with pictures of a legislative career spanning terms of nine Presidents—including his good friend FDR—Celler's desk is filled with flowers, and he finished lunch, topped off with a slice of chocolate birthday cake.

On the House floor a little earlier, "Manny" answered tributes from colleagues who called him "a masterful debater and skilled parliamentarian," and the man "who managed more Constitutional amendments through Congress than any man in the history of the House."

"His fingerprints are on every important measure adopted by Congress during the past five years," another colleague added.

Celler responded warmly that "oftentimes those of us who have gone beyond, say 50, are berated for our age and some would like to toss us out like broken tools."

"Well as far as I'm concerned, I may be chronologically old . . . but I feel that I am spiritually young and young in spirit."

"There is an old adage, you know: The older the fiddle the sweeter the tune," he chuckles.

PENNY GIRARD.

CONGRESSIONAL REPORT TO NINTH DISTRICT RESIDENTS—MAY 25, 1970

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1970

Mr. HAMILTON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

Recently, I've had the privilege of attending several high school commencements in the District, and I'm always pleased to note that large numbers of graduates are heading for institutions of higher learning.

In the excitement of the commencement, most graduates are probably not thinking about the future of those institutions, but with all the major legislation on higher education up for renewal next year, the President and the Congress now are reassessing the impact of federal programs on these vital institutions.

The strain and stress of higher education are causing college and university officials to describe their situation as desperate, especially as they view exploding enrollments and costs.

College and university enrollments totaled 7.4 million last fall, an increase of 60 percent over the last five years. Enrollment is expected to double over the next 30 years. A century ago, 2 percent of our young people went to college. Today more than 40 percent are enrolled in a college or university.

Tuitions and required fees have increased an average of 16.5 percent this year at state and land-grant colleges. The increase has been even greater at private institutions. The average, all-inclusive annual cost to a resident student has climbed from $1,260 a dozen years ago, to near the $2,000 mark this year. At private institutions, the average annual cost is at the $3,000 level. It is not surprising, then, to note that of the number in college today, half come from the wealthiest 25 percent of the population, and only 7 percent come from the poorest segment of the population.

These increased costs are falling more heavily more upon the student. Traditionally, he has paid 20 to 25 percent of the total costs, but more recently, his share has been about one-third of the cost.

All of this is of vital concern to the Federal government, which already pays about 20 percent of the total costs of higher education—amounting to $4.4 billion in 1969. The government is being urged to increase its contribution substantially. Higher education already is a favored beneficiary of the Federal dollar, receiving 25 percent more than welfare recipients, and three times more Federal money is spent for college buildings than for public housing.

Federal programs for higher education consist of direct assistance to the institution and assistance to the student. The major discussion at present relates to the government's programs for students. In this area, there are four major programs:

Educational opportunity grants, which provide funds for low-income students on a matching basis with the college or university.

Work-study programs, which provide employment for low-income students on the campus or college community in jobs of public interest.

National Defense student loans, from government funds and repayable after graduation or the termination of education.

Guaranteed loans, from private sources, administered by the banks, in which the government pays the loan interest while the student is in college.

The first three are administered by colleges and universities, and to qualify a student first must gain admission to an accredited school, then apply to it for aid. The college decides how much to offer the student and in what proportions of grant, loan and work program aid.

The deliberations of the Congress will center upon the three major problems of these programs.

(1) inadequate funds, which have forced colleges to turn away applicants;

(2) uncertainty for the student, who cannot predict how much aid he is going to receive, and

(3) inequity in funding, which many times finds students who need it most, not getting enough money.

WHERE WE SHOULD BE HEADED IN AIR POLLUTION CONTROL

HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1970

Mr. BOW. Mr. Speaker, amid all of the discussions about our environmental problems, we have heard too little from the men in industry who deal with the practical solutions for air and water quality controls. One of the recognized experts in the field is William J. Harnisch of my district, the legislative counsel of the Youngstown Sheet & Tube Co. Mr. Harnisch has participated in the multimillion dollar air pollution control program undertaken by his company. He has spoken on the subject before many distinguished gatherings. I wish to include in the RECORD his latest address, delivered to the recent annual meeting of the National Tuberculosis and Respiratory Disease Association.

The address referred to, follows:

WHERE WE SHOULD BE HEADED IN AIR POLLUTION CONTROL

(Address by William J. Harnisch)

You and I, and every person in our country are responsible in some degree for the ecological disaster that threatens us.

Air quality control of our environment is a collective responsibility of *all elements of society*. The technical and financial resources, and talents, of people and industry, and of government, must be marshaled to meet the challenge presented by air pollution. Only through such a joint approach, can these combined forces, in partnership, manage our environment for the greatest net benefit to man and his total community.

Industry should acknowledge the sense of stewardship for the natural resources upon which our environment depends. It is the responsibility of government, with the participation of industry, to identify objectives, establish the assimilative capacities of receiving environments, and enact reasonable standards.

Industry should control immediately any

air pollution determined to be injurious to health. It is a question of what is technically feasible and economically reasonable for the control of all other air pollution. Most of industry is doing this as fast as possible.

The cost of air quality controls to industry is astronomical. It has been estimated that industry's annual expenditure for clean air probably exceeds the budgets in most of our 50 states.

The New York Times, on page 1 of Sunday's edition of May 17, reports that American industry will spend *over two billion dollars* for air quality control in 1970. (Do you realize that this sum probably give each one in this room over a million dollars!)

The National Academy of Sciences has reported that transportation is responsible for 60% of the air pollution in the country; generation of electricity, 13%; refuse disposal, 3%, and all manufacturing, 18%. Thus, if all manufacturing and power companies were able to reduce their emissions to zero, only one-third of the problem would be solved!

The public should stop pointing the finger at industry which has taken substantial action, and take some personal action to control pollution. This would require installing pollution controls on their automobiles, the elimination of home incinerators, many of which are defective and emit extremely harmful concentrates of pollutants, stop the unnecessary use of personal automobiles, eliminate open burning of trash and leaves, curtail the use of home electrical appliances and air conditioning—excessive use of which is requiring the utilities to generate more power before emissions can be controlled—and stop personal smoking. The taxpayer must also approve increased taxes for control of emissions from municipal plants, hospitals, schools and other public institutions. The consumer must realize that industry will have to increase the cost of its products, to obtain funds to install costly air pollution equipment, from which there is no profit, only additional operating cost.

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It must be realized that there is a definite contrast between the problems of new and old plants in industry. The older plants which were originally built in rural areas have been encroached upon by the expanding residential and business community. The older plants have a problem of very little or no space, in which to erect large and complex pollution control facilities. On the other hand, the new plants which are located in rural areas have space to permit the erection of air quality controls as part of the new plant.

Industry must, therefore, undertake research and make engineering evaluations to determine the type of controls which are practical because of problems of space, and yet which are sufficiently efficient to comply with the probable federal, state, and local regulations. The locations of the plant often determines the equipment which can be used.

The public is not cognizant of the space required for an electrostatic precipitator, which, for instance, is used on a steel plant open hearth or basic oxygen furnace. Such a control eliminates all smoke and particulate matter. It is more than six stories high and is larger than the furnace it controls. Furthermore, there must be large bins in which to store the particulate matter, and access areas for trucks to haul away the waste material. This material may have to be trucked long distances, to be buried in an abandoned mine, or perhaps buried in extensive acreage, which must be purchased for this purpose.

An electrostatic precipitator, or similar equipment, costs over a million dollars. For instance, the cost for a steel plant with twenty open hearths is over 20 million dollars. There is not one nickel of profit from this tremendous expenditure, only additional operating costs.

The federal, state and local governments promulgate regulations for air quality control. These air quality standards must be based on scientifically sound criteria, which are the foundation for a successful, effective, air pollution control program. The standards should not be uniform, but tailored to the particular region involved. Local topography and physical conditions should be taken into account. The economic impact on the community resulting from compliance with standards, in relation to benefits to the people of the region, must be considered. In other words, to repeat, any emissions dangerous to health must be abated at once, but control of other processes should be subject to the test of what is technically feasible and economically reasonable.

A most difficult problem for industry will be complying with the varied provisions of the federal, state and local laws. These differences will undoubtedly cause confusion and legal difficulties. The federal air quality criteria and ambient air standards may very well differ from those issued by the states and local jurisdictions.

Industry has already expended millions of dollars to install pollution controls on its operations. These comply with existing regulations. However, the federal government could establish criteria and ambient air standards, that may result in costly controls not being in compliance with federal regulations or regulations adopted by the state in compliance with the necessary federal approval under the Clean Air Act.

This situation has already caused confusion.

This problem, the engineering problem, and the problem of where and how industry is to obtain funds for the extremely costly air pollution equipment, require determination before industry, large and small, can completely control all of its emissions.

The present hysterical attitude concerning pollution will not solve the environmental problem. Some people would close down industries, and ban the internal combustion engine. When asked what they would do to provide work, food, shelter or transportation, the answer is a blank look. When asked how they would finance the unemployment, the charitable institutions, associations like the TB Association, the demands of education, the protection from crime, the financing of the free university, and solving the ghetto problem, the answer is "first we must save the earth." Thus, individuals by promoting simplistic, ill-understood proposals under the flag of crisis and panic, can endanger the very environment they would protect.

There is also the danger that some politicians needing a crutch for reelection, have concentrated on this one emotional issue, which distracts voters from their failure to solve other vital problems. These politicians do not understand the problems involved in air quality control, and have not made the effort to research the matter. Pronouncements are made that air pollution must be abated at once or the people of the world will perish in a few years. This adds to the hysteria, solves nothing, and defeats reasonable efforts to accomplish controls. In fact, people are already losing interest, and disregard the exaggerated dire predictions.

The TB Association, by a scientific approach and educational programs, can promote pollution control that is technically feasible and economically reasonable, just as the TB Association has conquered tuberculosis.

I would like to suggest one possible solution to assist in solving the pollution problem. The federal government could sponsor a public corporation, such as COMSAT, which would make available to industry and municipalties, loans at a low interest rate, over a reasonable period of years, which could be used for installing pollution control equipment. There should be a minimum of "red tape" to obtain the loans. These loans would permit industries and municipalities to undertake at once engineering for possible control facilities. The loans would provide funds for the purchase of expensive air quality control equipment. Funds would also be available for research, to discover methods to control processes which today can not be feasibly controlled.

In conclusion, the key to success, in reaching the goal of saving clean, healthful, air, is *joint voluntary cooperation, by industry,* government, and all other segments of our society.

MEMORIAL DAY ADDRESS

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1970

Mr. GAYDOS. Mr. Speaker, Memorial Day in America is traditionally the day set aside for us to pay honor and respect to the men who fought and died for the principles of this great land. It is a day particularly dear to those who, while they fought beside their fallen comrades in bloody conflict, were fortunate enough to return to their family, their home, and their country.

It is a day which blends the color and blare of marching bands with the muted trumpet sounding "Taps." It is a day when the dead heroes are eulogized by their living counterparts.

But, in light of the violence, disorder, and disrespect so prevalent in America today, there was a subtle change in the Memorial Day observance at Braddock, Pa., a community in my 20th Congressional District which has an historical link with the Revolutionary War when this Nation won its freedom.

At a cemetery service there, Edward Schenberg of 1444 Jancey Street, Pittsburgh, quartermaster of Veterans of World War I, Department of Pennsylvania, came not to eulogize but to apologize. He came to apologize to his former comrades for Americans today who ridicule the ideals for which they died and who spit upon the flag under which they served.

Mr. Speaker, I am including for the RECORD a copy of Mr. Schenberg's Memorial Day address at the Braddock Cemetery. I urge my colleagues to read it:

MEMORIAL DAY ADDRESS

(An address by Edward Schenberg)

Buddies and Comrades as we stand here before these hallowed graves; of the men who fought in the wars of freedom for mankind. From the Revolutionary War to the present conflict in Vietnam. Men who fought these wars for the principles of the American way of life.

I do not come here to praise and eulogize them. They have been praised and eulogized at this same spot, by many in years gone by. I come here to apologize.

We here do not apologize for ourselves, for we believed in the principles that you fought for and the principles that many of you died for.

We apologize for those who are being misled to believe that our country is not worth fighting for. Who believe that the flag we fought under is nothing but a rag.

The Flag that to you was a symbol that stood for a Nation united. A Nation that we were willing to give our lives for. A Flag that we would sacrifice our lives to keep it flying. To you and to us it never was a rag to be burned and spit on.

We here again pledge that we will uphold our government. The government of the United States of America and the Constitution adopted by the founders of our great country; also to respect the flag that we fought under.

We stand here today before these graves of those who have gone to their Maker; to repledge that faith.

We, as men who have in time of war, were ready to defend our Country, will uphold the laws of our Country. Now and as long as we live.

We here pledge ourselves in the memory of your sacrifices and the sacrifices that are being made by our men today on foreign soil, to combat all forces that are conspiring to destroy everything that you fought for—that we fought for and our forefathers fought for.

EDITORIAL FROM THE ST. LOUIS POST DISPATCH

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1970

Mr. SYMINGTON. Mr. Speaker, I would like to take this opportunity to share with the House the observations of a distinguished St. Louis newspaper, particularly as they concern the dean of the Missouri congressional delegation, my distinguished colleague and good friend DICK BOLLING. Accordingly, I offer for insertion in the RECORD the following, taken from a St. Louis Post Dispatch editorial which appeared May 20, 1970:

ST. LOUIS POST DISPATCH EDITORIAL OF MAY 20

The announcement of House Speaker John W. McCormack that he will not seek re-election in the Boston district he has served in Congress for more than 40 years opens the way to significant reforms in the House. The question is whether liberal Democratic Representatives have the power to seize the opportunities now presented and effect long-sought changes in the antique seniority system.

Mr. McCormack is 78 years old and apparently, if Democrats retain control of the House in the fall elections, he will be succeeded by Representative Carl Albert of Oklahoma, currently serving as majority leader. Mr. Albert is 62, and although he had an unfortunate time of it presiding over the 1968 Democratic convention in Chicago he is a man of integrity, intelligence and liberal impulse. He was a Rhodes scholar at Oxford.

Mr. Albert seems to have the votes of the House Democratic power structure; but the significant House choice will not be the Speaker but the new majority leader to succeed Mr. Albert. Probably the three major factions in the House will have candidates—the Southern conservatives and moderates, machine-backed urban representatives and the younger progressives, mainly from the North and West, about 140 of whom have organized into the so-called Democratic Study Group.

There are several likely contenders for Mr. Albert's present post. One is Representative Dan Rostenkowski of Chicago, who has the support of Mayor Daley and many of the committee chairmen from the South who have achieved their chairmanships through the seniority system; election of Mr. Rostenkowski would mean the triumph of the old-line conservatives. Representative Hale Boggs of Louisiana, the majority whip, probably would be opposed on sectional grounds but could emerge as a compromise candidate.

The best hope for reform lies in the choice of one of the younger liberals, a person such as James G. O'Hara of Michigan, Edward P. Boland of Massachusetts, Morris K. Udall of Arizona or Richard Bolling of Missouri. Mr. Bolling has been perhaps the most consistent, articulate and perceptive critic of the present House organization, but he could be ruled out for his very outspokenness.

And this is too bad, for Mr. Bolling has ideas—and optimism. He said the other day in an interview with Timothy Bleck of our Washington Bureau that the House "is potentially the saving grace of the federal system," but has failed to measure up to its potential. Part of the failure is due to the seniority system, which rewards longevity rather than ability. Mr. Bolling has urged that chairmen be nominated by the Speaker and elected by the majority party caucus, a great improvement.

The first requirement if there is to be a major reform would be for the Democrats to choose a reform-minded majority leader, and that means defeating whatever candidate is fielded by the Old Guard Southern committee chairmen who have a vested interest in the seniority system. That would at least offer a chance for replacing the seniority system with a method of election based on merit.

There is no doubt that liberal House Democrats will have a greater sense of forward motion under Mr. Albert; but the choice of a vigorous young majority leader would be exhilarating.

THE HIGH COST OF BEING ELECTED

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1970

Mr. WALDIE. Mr. Speaker, the primary campaign in my State of California occurred last week. Aside from the results, some good, some not so good, I was struck by the estimates of spending on campaigns for office.

According to one newspaper estimate, a candidate for the Republican senatorial nomination in California, spent very nearly $2 million in his unsuccessful bid for office.

Mr. Russell Hemenway, director of the National Committee for an Effective Congress, told a congressional hearing that an estimated 90 percent of all campaign funds are contributed by less than 1 percent of the American population.

Mr. Speaker, the public must be encouraged to participate in political campaigns to lessen the dependency on large contributors by candidates.

I am introducing legislation today that would encourage increased public participation by allowing income tax credit or deductions for certain political contributions.

Increased public participation will also result, in my opinion, in diminishing the remoteness and unresponsiveness of the institution of representative government which are so evident today.

A 4-YEAR COLLEGE SCHOLARSHIP AWARDED JERRY GREEFF BY SIU

HON. EDWARD A. GARMATZ

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1970

Mr. GARMATZ. Mr. Speaker, the labor unions frequently come under criticism by some segments of our population and they are blamed for many of the country's ills. The benefits which are extended to their members and their families, are frequently overlooked.

It was with great interest that I read in the Baltimore Sun a few days ago of the benefits extended to a young Baltimorean at birth, in the form of maternity benefits to his mother, and now extended to the young man in the form of a 4-year college scholarship.

Despite his many extracurricular activities, his excellent work has won for him a scholarship to the college of his choice, which is the University of Maryland.

My personal congratulations to Jerry Greeff for his splendid record, to the Seafarers International Union for providing him with a college education, and to his father, Ferdinand C. Greeff, who has been a member of the SIU for 25 years, and who helped to make this possible. The article follows:

[From the Baltimore Sun, June 6, 1970]

SAILOR, 18, SEEKS COLLEGE LIFE—HE TRAVELED SEAS FOR 2 YEARS; WILL ATTEND UM

When Jerry Greeff entered his first year of elementary school, his seafaring father told him some day that he would earn a college scholarship. This year he graduated from Baltimore Polytechnic Institute and next fall he will attend the University of Maryland on a four year grant awarded him by the Seafarers International Union.

He was one of 23 seamen or their dependents who applied for the 4-year, $6,000 scholarship, and early last month he became one of four named to attend any accredited college or university of his choice in the country.

Jerry's father, Ferdinand C. Greeff, has been a member of the Seafarers International Union for the past 25 years, sailing for 20, and for the past five, working as a boatswain with the Calmar Steamship Company shore gang at Bethlehem Steel.

Though Jerry explained that the sea separated his father from the family often for several months, the 18-year-old student emphasized, "the union has been fantastic to me."

His association with the Seafarers International Union began before he crawled off the bear-skin rug when in 1953 his picture appeared in the union's publication, "Seafarers Log," hailing him as "one of the first SIU maternity benefit babies."

But his latest association with the union has apparently had more influence. At age 16 he receive Coast Guard papers and authorization to sail aboard American merchant vessels, and within the two years that followed, he sailed the Caribbean, through the Panama Canal, and along the West Coast.

"GREW UP"

"And everytime I came back," he added, "I grew up a little bit more."

Last summer, Jerry attended the Harry Londonberg School of Seamanship at Piney Point and now is qualified as a fireman-oiler.

Although Jerry is hesitant to predict his own future, he said he would attend the University of Maryland as a major in business administration.

"When I complete my college studies," he said, "then I'll start thinking more specifically about my future—maritime or otherwise."

Already in business with a friend, Mark Loundis, Jerry promotes "college mixers" of a downtown ballroom—a profitable business, he is finding. In addition, the young scholar plays the drums and trumpet with a local rock band.

AN 87 PERCENT AVERAGE

While engaging in these activities, he maintained an 87 per cent average at Poly. The scholarship award is based on scholastic records and extra-curricular activities which for Jerry included holding the office of president in his junior and senior years.

Although Jerry emphasizes that his father does not interfere with major decisions concerning his future in the maritime world, Jerry admits that "it was easier to get permission to go to sea for two years than it was to go to Ocean City for one weekend."

CONGRESSMAN ALLARD K. LOWENSTEIN RECEIVES UNIVERSITY OF NOTRE DAME SENIOR CLASS FELLOW AWARD

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1970

Mr. BRADEMAS. Mr. Speaker, I rise to pay tribute to one of the ablest and most highly regarded of our colleagues in the House of Representatives, the distinguished gentleman from New York, Congressman ALLARD K. LOWENSTEIN.

As the Representative in Congress of the district in which the University of Notre Dame is located, I count it a great privilege to announce to the House that this year Congressman LOWENSTEIN has been selected by the Notre Dame senior class to receive its annual Senior Fellow Award.

Mr. Speaker, previous recipients of this award include such prominent Americans as John F. Kennedy, Richard Nixon, Everett Dirksen, and William Westmoreland.

That the students of this great Roman Catholic university should have singled out Congressman LOWENSTEIN for this coveted award is indeed a tribute to the stature and respect he has won among the people of our country, particularly among the future leaders of our Nation.

AL LOWENSTEIN'S sense of dedication, his integrity, his idealism, have become an inspiration for, I think it is not unfair to say, millions of young Americans.

Mr. Speaker, I believe it is particularly significant that, at a time of deep divisions within our own society, the Notre Dame Senior Fellow Award should have been made to a young legislator whose entire life has been devoted to bringing people together.

We who serve with him in Congress know AL LOWENSTEIN as a gifted spokesman for the people of the Fifth Congressional District of New York.

But, as the Notre Dame Senior Fellow Award attests, AL LOWENSTEIN is known all over our country as a gifted spokesman for Americans across the land.

NOTRE DAME CITATION

Mr. Speaker, at this point in the RECORD, I insert the text of the citation to Congressman Lowenstein:

> Placing principle over party, you have proven yourself a person of unusual integrity and ability. A true crusader against injustice, you appear to us an example of what a legislator and an educator in this tumultuous era should be. You have made many courageous stands throughout your life. Although many of us might disagree with much of what you have said or done at specific times, we all hail the spirit of honesty and the courage which motivated your actions.

Mr. Speaker, I should like here to observe that it is just 1 year since Congressman LOWENSTEIN'S prophetic class day address at Harvard University in which he warned that hate multiples hate and violence multiplies violence in a descending spiral of destruction. He said on that occasion:

> It is not too late to show that those of us who love this country next only to liberty and justice themselves—who are proud of the work and sacrifice and miracles that have produced America, and that America has produced—it is not too late to show that we are determined not to abandon this country but to reclaim it, not to leave the arena to those who would force a choice between Ronald Reagan and the SDS, but rather to pick up where we were a year ago this week-end.

CONGRESSMAN LOWENSTEIN CHEERED AT NOTRE DAME

Mr. Speaker, at this point in the RECORD, I wish to insert excerpts from an article in the South Bend, Ind., Tribune:

> U.S. Rep. Allard K. Lowenstein, D-N.Y., received the University of Notre Dame senior class fellow award Tuesday night in Washington Hall as more than 1,200 wildly cheered their approval of the congressman.
>
> The 41-year-old representative criticized the Nixon administration's handling of finances and military efforts, and then challenged the young people to make a peaceful fight to unite the country . . .
>
> "You can't say that we can't do it, the kind of turning that is needed. It's tougher now because we've had a lot of heartbreaks. There's too much at stake to quit."
>
> He quoted what Robert Kennedy said on the night of Martin Luther King's assassination. "One thing is sure, violence breeds violence."
>
> Said Lowenstein, "It means a great deal to me to come back to Notre Dame during this commemoration of what we would like to be able to say about our country. We're a people at Valley Forge, but we've been to Valley Forge before.
>
> "We will unite and become a nation indivisible. We must let the President know we are in a fight to save our country and let one thing be made clear—we will prevail."
>
> At the conclusion of his speech the students gave him a five-minute standing ovation, the second such ovation of the evening. The students were jammed into the auditorium, they were sitting in all the aisles, and stairways, filling the stage behind Lowenstein and standing shoulder to shoulder in the stage wings."

CHANGING ATTITUDES TOWARD POLICE

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1970

Mr. EILBERG. Mr. Speaker, I would like to call the attention of the House to a letter written by John J. Harrington, of Philadelphia, president of the Fraternal Order of Police, a national police organization. This letter appeared in a number of newspapers over the country, including the Cleveland Plain Dealer. It sums up succinctly the crime problem and the relation of the police to that problem.

I would also like to comment upon an article on the police which appeared in the New York Times on Monday, May 18. The Times story, one of a series, emphasized that many of the Negro residents of the inner city no longer regard the police as enemies but depend increasingly upon the officers for protection. The Times also refers to Commissioner Frank Rizzo of the Philadelphia Police Department and his program of strict, but fair, law enforcement, which has had an increasingly high level of support from the public. The Times said that "Mr. Rizzo's efficient administration enjoys the support of much of Philadelphia's black community."

Mr. Harrington was on the Philadelphia police force for more than 20 years, at one time a colleague of Commissioner Rizzo. He has been a strong supporter of the commissioner.

Under Harrington's leadership, the Fraternal Order of Police is thriving and will continue to thrive. For, as I see it, the FOP president has grasped some essential truths. One is that law enforcement must be firm. The public must cooperate with the police to insure stability, safe streets, and curbing of hoodlums, and the curtailment of crime. So long as the large sections of our cities are so crime ridden that business is conducted under constant criminal attack, there can be none of the city restoration and renewal our planners are talking about.

The new businesses which they hope to bring in will face the same insuperable hazards which already have crippled vast areas of our biggest municipalities. If respect for and maintenance of law are restored, the task of city renewal is comparatively easy.

We have been going through a period which has put an almost intolerable burden on our police forces. They have been faced not only with an increase in crime but with demonstrations of various kinds and in some instances have had to deal with extremist groups, some of which have openly urged the slaying of police officers. Moreover, policemen are underpaid and most forces are understaffed—and no wonder in view of what the average officer has to face, day in and day out.

Nevertheless, there is some comfort in the fact that, more and more, the average citizen, particularly in our big cities, is coming to understand and appreciate the vital role a policeman plays. I am confident that the police forces of this country are more popular today than they have ever been.

With the unanimous consent of my colleagues, I enter in the RECORD excerpts from Mr. Harrington's letter which appeared in the Cleveland Plain Dealer of Wednesday, April 1, 1970, and an article in the New York Times of May 8, by Mr. Jack Rosenthal:

[From the Cleveland Plain Dealer, Apr. 1, 1970]

READER'S FORUM—FOP OFFERS CRIME CURB PROGRAM

I am national president of the Fraternal Order of Police, an organization composed of active police officers. The FOP has approximately 120,000 members in more than 40 states. I, myself, served for 26 years with the Philadelphia police force.

My experience and the experience of other officers and members of the FOP have led to some conclusions about the crime problem. Let me state them briefly.

Our police forces must enforce the law firmly, but fairly and without fear or favor. Where there is political or outside interference, the result, almost invariably, is to discourage the policeman, encourage the criminal and penalize the law abiding citizen.

Effective law enforcement by police officers cannot wait upon the elimination of poverty, ignorance and other deplorable conditions which some persons hold to be the cause of lawlessness. These conditions have been with us since civilization began and will be here indefinitely. The theory that society is responsible for crime has done enough damage already, being responsible for lenience towards lawbreakers, including court decisions which have shielded the criminal at the expense of his victim and the populace.

Police pay is far too low and the conditions under which most officers work so bad that crime will not be curbed or abated until the situation is remedied. No wonder that so many police forces are below their authorized strength and that finding good men who will take the punishment which the work entails is becoming more and more difficult.

The handling of criminals and criminal cases by the courts is so backward, chaotic and confused that the entire system has almost broken down. This system must be completely overhauled. Until this job is done, much of the money now being spent by the government, the states, counties and municipalities to combat crime will be wasted.

Many other things need doing but first things first. The FOP is going to exercise all its influence to insist that the police carry out a no-nonsense policy where crime and criminals are concerned. This is an imperative first step in dealing with the country's major problem.

JOHN J. HARRINGTON,
National President, Fraternal Order of Police.
PHILADELPHIA, PA.

[From the New York Times, May 18, 1970]

THE CITIES: POLICE ROLE SHIFTING—NEW EXPERTISE AIDS IN EASING TENSIONS OF MANY AREAS

(By Jack Rosenthal)

WASHINGTON, May 17.—Wes Uhlman, the young, mod Mayor of Seattle, was anxious. His police force felt it could handle a major peace demonstration not long ago. But then, two days before the march, the Justice Department indicted eight of the march leaders.

Mayor Uhlman and Police Chief Frank Moore settled on a hasty but creative stratagem. When 200 policemen took their places at the demonstration, they brandished billy clubs, each of which was adorned with a fresh daffodil.

Apparently it worked. The young demonstrators were astonished—and peaceful. The pleased police promptly dubbed the Mayor an "honorary pig."

The incident illustrates a major development in big-city law enforcement evident in cities across the country: the rapidly increasing sophistication and professionalism of police agencies.

This is a development paralleled by a pronounced change evident in the principal law enforcement concern of black city neighborhoods. Long angered by what they saw as police brutality, ghetto residents now are shifting their primary emphasis to the need for more police protection.

The shift is not universal. In some cities, such as Boston, Chicago, Augusta, Ga., and Jackson, Miss., recent clashes between the police and Negroes or white students have stirred up new bitterness. But in many other settings, where enhanced police sensitivity is evident, the first plea of blacks is not for less police brutality but for more police.

Taken together, in the judgment of law enforcement officers questioned in such diverse cities as Seattle, Detroit, St. Louis, Philadelphia, Birmingham, Ala., and San Antonio, Tex., these two developments may do much to avert confrontation and mass disorder as the summer approaches.

"I think police are learning to meet the people half way," says Quinn Tamm, executive director of the International Association of Chiefs of Police. "And I think the community is learning to meet the police half way. We're not at a meeting yet, but both sides are going in the right direction."

The styles of professionalism vary dramatically. Police Commissioner Frank Rizzo of Philadelphia is hefty, outspoken and widely popular for his often dramatic law-and-order posture. (He once rushed to a disturbance directly from a formal dinner and was photographed at the scene, a billy club stuffed into his cummerbund).

Detroit's new Police Commissioner, Patrick V. Murphy, is small, soft-spoken and so far has shunned public attention. Mr. Rizzo wears a blue suit, buttoned, and a bold striped tie for an interview, Mr. Murphy sits in shirtsleeves and a tie figured with the scales of justice.

For all the contrasts in style, however, both men stress the same theme of professionalism.

Though criticized after several recent asserted incidents of brutality, Mr. Rizzo's efficient administration enjoys the support of much of Philadelphia's black community. And he has attracted the admiration of visiting law enforcement officials for his professional management.

"How can he possibly get so large a proportion of his force out on the street?" one observer asks.

Mr. Murphy, though in office only four months, already has won wide credit, from ghetto and industry leaders alike, for improving the quality of police work.

Even Carl Parsell, president of the Detroit Police Officers Association, a frequent critic of police management, says: "He's a first-rate administrator. We're handling incidents a little better now. We've got better training, better intelligence. We're learning not to overreact."

Enhanced professionalism is manifested in different ways around the country.

The St. Louis police, recognizing the importance of community confidence, now conduct police entrance examinations not just at headquarters, but also at neighborhood Urban League offices, seeking to increase the 14 per cent proportion of Negro officers.

The International Association of Chiefs of Police is distributing a film of what Mr. Tamm describes as "the model way" the Washington, police handled a peace demonstration last fall.

In Birmingham, Ala., a third of the members of the force either have college degrees or are taking police-related courses. In Seattle, police recruits receive training in crisis intervention. In San Antonio, Tex., Anglo and Mexican-American officers routinely patrol side by side.

In Detroit, Mr. Murphy was confronted with community tension because of police shootings. In response, he did not sermonize, but asked only that every time a patrolman fired his weapon, the officer's sergeant submit a detailed report.

"The number of shootings has declined," Mr. Murphy observed drily. "It's not just that sergeants don't like to write reports. This is a way to motivate them to give more training to their men at roll call."

Police brutality on insensitivity remain serious concerns in many black communities. But reforms like these have made a dent.

"The mistrust of the police is not as great as it was several years ago," says Sam Smith, Negro member of the City Council in Seattle. "The number of police brutality cases is down considerably."

CRIME INCREASING

Crime, however, continues to increase, creating a climate strongly favoring intensified control.

In St. Louis, voters recently approved overwhelmingly a city sales tax—to pay for law enforcement improvements. In Detroit, Lynn Townsend, president of the Chrysler Corporation, says: "If crime continues to increase much longer, I fear a lot of people are going to call for more police measures than a lot of us in the country want."

It is in the urban ghettos, where violent crime rates run four and five times those of the suburbs, that the concern is most dramatically expressed.

The Oakland Lion, a Detroit Ghetto neighborhood paper, recently displayed a large picture of an angry Negro grocer wielding an ancient shotgun. The caption said, "The next robber to cross his door is a dead man."

Mr. Parsell of the Detroit police association says: "Not so long ago, black leaders were talking about the police being the 'army of occupation.' Now the black clubs are going down to the Common Council asking for more police."

The Rev. Buck Jones, a leader in the Carr-Vaughn area of St. Louis gestures to tall rows of abandoned public housing towers.

"So long as people are afraid, you're not going to get anybody to live here without security," he says.

In Philadelphia, a former gang leader says, "I admit they're a little rough, but let's be 50–50. What would we do without the police? And constantly jumping on the police doesn't make them one bit better, either."

Henry S. Ruth, director of the National Institute of Criminal Justice, observes: "A much larger proportion of the black community now is willing to tolerate police infringement of the rights of young hoodlums. Five years ago, it would have denounced such infringements as racist. Now black communities are scared of the young hoodlums."

This apparent drawing together of police and ghetto residents is no full guarantee of urban quiet this summer, officials say. There are substantial unknowns.

"Mob violence may be less of a concern now," says one chief, requesting anonymity. "What I really wonder about is the possibility of unpredictable individual action by fellows who think of themselves as guerrillas."

A second imponderable in some cities, is white radical activity. A big-city Mayor, who would not be quoted by name, says: "It's hard to be professional, let alone liberal, with such a strong law-and-order tide running in the country. But I think we have credibility with the black community. I think we can cool it this summer.

But the white radicals? My god! They're not kids. They're not students. They're not rational. They're nihilists. The great danger is that what they're doing will bring down repression on everybody, especially the blacks."

ADDRESS BY GOVERNOR MILLIKEN

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1970

Mr. ESCH. Mr. Speaker, all of us have been concerned over the violence which has torn the Nation over the past few years. Violent dissent endangers the very institutions which have protected the right to dissent in this Nation. In a brilliant address to the Associated Press annual awards dinner in Michigan, Gov. William Milliken outlined the challenges and opportunities which dissent affords the Nation and the dangers which are posed by turning that dissent to violence.

I insert Governor Milliken's remarks at this point in the Record and I commend them to every Member of Congress for their thoughtfulness and perceptiveness:

Address by Governor Milliken

Ladies and Gentlemen: Tonight I want to talk to you about some of my concerns for the safety of private citizens and the preservation of public institutions. I have chosen this subject first of all because I feel that it is important and timely, and secondly because as thinkers and communicators I believe you will give it the fair hearing and the reasoned discussion that it deserves.

I believe one of the most important and one of the most dangerous developments in this country today is the growing acceptance of violence and disruption for achieving social change.

Hardly a day passes when the forces of chaos have not gained new recruits. Every group wants more than it has—more money, more power, more of whatever it considers important—and the fashion today is to get it through disruption and violence.

Teachers and college professors, perhaps more than any other segment of society, can attest to the growing use of violence. The groves of academe are no longer necessarily quiet places of research and contemplation; in many instances they have become the scenes of guerrilla warfare. And as most of you know, the hooliganism that has disrupted many universities has already spread to some of our high schools.

Fortunately, many faculty members are becoming alarmed about this growing danger to academic freedom. A group of 500 faculty members at the University of Michigan placed ads in Michigan newspapers deploring violence on the campus. And just recently, a group of leading scholars and teachers at Columbia University formed an organization to fight campus violence.

In their first public statement, these Columbia scholars clearly described the danger that violence on the campus posed to society in general. They said—and I quote:

"Centers of education, inquiry and discussion, where people can meet together without fear and with the understanding that all questions may be asked and no answers forbidden, are indispensible to the adequate solution of any social problem we face. If these centers are crippled, the condition of our society, no matter what else happens, will be substantially worse."

Let me make it clear that the kind of violence and disruption that I am talking about is not restricted to the college campus. Everywhere we look, we can see evidence of a growing willingness to flaunt the law—not necessarily individually but also collectively.

Postal workers stage an illegal strike to get more wages. Garbage workers defy court orders to return to work. Teachers, welfare mothers, truck drivers, policemen, firemen, air traffic controllers and many other groups defy the law to press their demands and obtain satisfaction for their grievances.

Now I am not attacking any one of these groups for seeking to redress their grievances. The plain fact is that injustice in this society is very real and very widespread. The plain fact is that many teachers are not paid enough in relation to their contribution to society, that many policemen and firemen are poorly paid in relation to the risks they take and the sacrifices they make, and that welfare mothers who fight a desperate war against hunger and despair deserve more help.

But above all of these facts of life in 1970 America hovers a more important reality—that the institutions of democracy can stand only so much battering and so much abuse before they collapse in the face of this angry onslaught.

Our system of government is built upon the rule of the majority. It is not a perfect system, because what the majority wants at any given time is not always clear. Furthermore, at any given time the majority may be far from perfect. At one time it may be misinformed. At another time it may be simply wrong. At another point in time it may be silent. As a matter of fact, it may be all of these things at the same time. But it is the majority, and over the long run it is more often right, better informed, and more dependable in its judgment than any minority could ever be.

That is what democracy is all about. The fact that it does not always work the way it should does not permit us to discard it in favor of anarchy, or in favor of a revolution that would leave us with some vague and undefined form of government which could be worse, far worse, than what we have now.

In what I am saying tonight, I am not speaking out against speaking, picketing, writing, marching, demonstrating, or any other legitimate form of dissent. I believe that during the Sixties great social progress resulted from this kind of protest.

But as we move into the Seventies, we are seeing an ugly turn in the direction of protest. Many people have become impatient with the non-violent forms of protest which worked so successfully in the civil rights revolution. They have turned instead to the rock-throwing, window smashing, disruptive brand of protest motivated not so much by compassion for the aggrieved as it is by hatred of the oppressor, real or imagined.

The great danger in this turn of events is that those who commit violence in the *name* of dissent could, in the process, destroy the *right* of dissent.

I believe very strongly that this right of dissent is part of the genius of American democracy. It was carefully woven into the Constitution, and for nearly two centuries, men who believed in liberty have scrupulously guarded it against attacks designed to reduce it or to abolish it altogether.

However an individual might feel about these violent forms of dissent, the mood of the American public must be taken into account. And the reality is that the American public is angry and disturbed by violence, and I believe has just about reached the limits of its patience.

And this is where the perpetrators of violence are in danger of destroying the right of dissent altogether. For the real possibility exists that today's violent and excessive dissent could become tomorrow's violent and excessive repression.

No one who places the slightest value on free speech would like to see that happen. The best way to prevent it, it seems to me, is for dissenters to use their powers of protest wisely, in a way that does not bring injury to people and damage to property. We cannot, and we will not, sacrifice the rights and privileges of the lawful citizen in an attempt to satisfy the grievances of those who break the law.

I am sometimes appalled at the way in which the advocates of violence ignore the harm its victims endure. When a handful of militant students invade classrooms and break equipment, they victimize thousands of students who are there to obtain an education. When anarchists set the ghettos on fire, they destroy the only place where poor people have to live.

The advocates of violence in this society conveniently ignore the suffering which their violence inflicts on people. They excuse their violence in the name of some abstract cause, refusing to admit that violence only begets violence, or that the means do not justify the ends.

Let me say again that the causes of dissidents in this society are very often good causes. We can no longer excuse the existence of hunger in America, of poverty, of racism, pollution, and injustice. But breaking windows, setting off bombs, firing at patrol cars, burning buildings will not make these evils disappear.

We can save democracy only by setting fire to the *conscience* of America. With words, not bombs, we must stir this great sleeping majority out of its sleep. With work, not bullets, we must make these great encrusted institutions—the universities, the government, the corporations, the courts, and the public schools—we must make them human, make them responsive, and equip them with ears that can hear the complaints of the aggrieved minorities in this land.

In a recent column, James Reston put it this way: "The astonishing thing in this fabulously rich country is not that so many people are organizing and protesting against war, inequality, crime, inflated prices, shoddy work, poor services, and polluted streams and politics, but that so many people tolerate all this through feelings of indifference or helplessness, and leave the resolution of public disputes to the warfare of organized minorities."

We have to reverse this situation, and we have to do it now. I wish there were an easy way to inject new blood into our tired institutions. I wish it were as easy as the militants seem to think—that if we destroy them some race of geniuses will suddenly appear to rebuild them in perfect form.

No, our society will not be perfected by turmoil and violence. It will be perfected only by decent people putting their anger and their frustration and their discontent to work to make things better.

To make our system of justice truly blind, so that the poor and the powerless will receive the same kind of justice as the rich and the powerful.

To make our universities more representative of the country's racial composition, so that poor blacks can aspire to the same rewards of the affluent society as whites receive.

To make the huge, ungainly bureaucracies of government—local, state and federal—responsive to the needs of people. To make the political parties more truly representative of the people's aspirations and the people's thinking.

To end poverty so that welfare mothers won't be prompted to picket. To end racism so that neither race will be prompted to shoot. To end economic injustice so that policemen and firemen and teachers and postal workers won't be prompted to strike to receive what society truly owes them for their work.

Above all, to put an end to hatred and violence. To end the hatred between blacks and whites, between rich and poor, between young and old. To stop shouting and showing, and to start talking to each other in voices of mutual respect and tolerance.

I am worried, but I am not pessimistic. I am not pessimistic because for all its faults—my faith and hopes for this country rest ultimately on my belief in the decency and good sense of the majority—the people, black and white, who know that the law is all that stands between them and tyranny.

In our impatience with this majority, we sometimes lose sight of its virtues. It takes a man who knows his history, a great historian like Will Durant, to know what forces have really written the story of civilization. He wrote: "Civilization is a stream with banks. The stream is sometimes filled with blood from people killing, stealing, shouting and doing the things historians usually record, while on the banks, unnoticed, people build homes, make love, raise children, sing songs, write poetry and even whittle statues. The story of civilization is the story of what happens on the banks. Historians are pessimists because they ignore the banks for the river."

Thank you.

SENATE—*Wednesday, June 10, 1970*

The Senate met at 10:30 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Lord of our lives, Light of Lights, we need Thee every day and everywhere—at home, in the office, in public expression, and in this Chamber. Draw us and all men close to Thee that we may be closer to one another.

Spare us from mistaking a prejudice for a principle, or a superstition for a faith. Make Thy presence real and Thy guidance clear to us.

Give us courage to make brave choices, and wisdom to make the right ones; and grant us faith, having made our choices in the fear of God, to flee all doubts and regrets, and leave the consequences to Thy providence.

Through Jesus Christ, our Lord. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. RUSSELL).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 10, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (H.R. 14306) to amend the tobacco marketing provisions of the Agricultural Adjustment Act of 1938, as amended, and it was signed by the Acting President pro tempore (Mr. ALLEN).

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, June 9, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the conclusion of the remarks of the distinguished Senator from Nebraska (Mr. HRUSKA), there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the Chair recognizes the distinguished Senator from Nebraska.

A FAIR PRICE FOR CATTLE

Mr. HRUSKA. Mr. President, during the past year and particularly during the past few months, we have heard with increasing frequency the disturbing suggestion that it may be time for drastic action to increase the flow of foreign beef into this country.

The meat import quota system has come under attack by a congressional subcommittee having little visible jurisdiction over either farming or foreign trade, the mayor of a great eastern metropolis, and a number of others. Periodically rumors circulate that meat prices are about to go up unless some means is found to weaken the existing import regulation.

Confronted with this consistent and increasing agitation for a relaxing of beef import quotas, it seems appropriate to remind this body today of the reasons for the meat import law, the dangers of tampering with it, and the role of the cattle industry in this country.

Mr. President, my remarks will deal with the following four points:

First, the cattle industry is vital to a stable agricultural economy, an integral phase of our national economy.

Second, the near-disaster of 1963, in which our cattle markets were nearly destroyed, must never be repeated.

Third, the price of cattle today is no higher than it was 20 years ago.

Fourth, we face a serious problem today because of heavy imports during the early months of 1970.

TEN BASIC PROPOSITIONS

First, imported beef, if at a disproportionate volume, has a direct and depressing effect on cattle and agricultural prices in the United States. It also has an adverse effect on jobs in America.

Second. The import quota law on beef is reasonable and fair. It does not prohibit imports. It is based on a historical import volume, and is adjusted each year by the increase in U.S. production.

Third. The farmer and rancher does not sell beef. He sells cattle. A differentiation should be made.

Fourth. Cattle are selling today for about the same—or even a little less—number of current dollars as they sold for in 1950–51—20 years ago. In terms of constant dollars, they are selling for about 40 percent less than 20 years ago.

Fifth. Meat prices, including beef, have not increased disproportionately. In the past 10 years, retail prices of meat increased about 21 percent. In that same period, the following table shows other increases:

Increased costs 1970 over 1960

	Percent
Retail meat—average	20.7
Average—all food	29.6
Average cost of all consumer services other than rent	46.3
Average hourly wage for nonagriculture workers	50.7

Sixth. Average wages for nonagricultural workers rose 50.7 percent from 1960 to 1970. They were $1.44 per hour in 1950. In 1970, they were $3.32.

Seventh. For these wage increases, we rejoice. But compare this with choice steers in Chicago: In 1950 at $29.68 per 100 pounds; in 1970 at $30.52, as of June 4. About the same, notwithstanding the passage of 20 years' time.

Eighth. U.S. cattle producers have the capacity to meet any increased demand which the rise in population and increased beef consumption will place upon them. They have historically and consistently done this in the past. In

1950, per capita beef consumption in the United States was 63 pounds. In 1969, it was 111 pounds. In 1950, U.S. production was only 11 billion pounds. In 1969, it was 21 billion pounds.

Ninth. The present beef import quota as prescribed by law should not be increased.

Tenth. Some improvements should be made in the law. For example, it should provide quarterly quotas instead of annual quotas. This would stabilize the market.

The act should also be made to include canned and other prepared and preserved meats. There are other changes in the bill, which the Senator from Nebraska introduced in June of last year, to amend Public Law 88-482.

CATTLE INDUSTRY VITAL

The beef cattle industry occupies a unique position in this country. It is by far the largest farm industry. In 1969 total cash income by farmers from the sale of cattle and calves was $12,644 million. Total cash farm income from all products—both crops and livestock products—was $47,431 million. Cattle and calves therefore contributed almost 27 percent of the total.

In several of the States beef cattle production accounts for as much as 60 or 70 percent of the farm sales. In eight States it accounts for more than 50 percent—more than all the other farm receipts from cash marketings put together. In 34 out of the 50 States it accounts for at least 10 percent. In 35 of the States there are more than 1 million head of cattle.

XUM

In Congress we speak often of the farm problem, and of the programs being devised to help the farmer. It should be mentioned that those programs are not for the cattleman. The beef industry receives no Government subsidies; it has no programs to control output and the like.

I think it is not too much to say that the cattle industry is the bellwether of farm prosperity. At least it is clear from past experience that when the beef cattle industry is in financial distress, agriculture as a whole is not healthy.

A healthy agricultural economy is an essential ingredient to a healthy national economy. While it is true that agriculture provides a relatively smaller share of our gross national product than once was the case, it is nevertheless the industry which must feed our mushrooming population, as well as much of the rest of the world. Such a gigantic and critical undertaking cannot be successfully accomplished by an unhealthy industry.

QUOTA AVERTED DISASTER

The present law permitting the imposition of quotas on imports of meat was the result of such an experience of financial distress. As recently as 1957 the total quantity of beef and veal imported of all kinds—including canned beef—was trivial in amount. It was less than 400 million pounds compared with domestic beef and veal production amounting to 16 billion pounds.

During the next few years, however, we permitted the volume of beef imports, chiefly from Australia and New Zealand, to increase gradually. By 1962 it had increased to 1,440 million pounds and in 1963 it was 1,678 million pounds. In our cattle markets prices plunged as much as $10 a hundred pounds, under the impact of these tremendous surpluses piled on top of a domestic market which was already perhaps heavily loaded. It was out of that painful experience that the existing meat import quota statute—Public Law 88-482—was born.

At that time Secretary of Agriculture Orville Freeman was bitterly opposed to any import quota legislation on meat. However, we had a measure of bipartisan support of the legislation in Congress. It is worth noting that later Secretary Freeman came to the point of speaking well of the law he had tried so hard to strangle at birth, because of its moderation. In subsequent speeches he pointed to it as a model statute in the field of import controls, because it allows the foreign producers to hold the same share of our market as they did before the law was passed; and, of course, that included an annual adjustment for increased U.S. domestic production.

In other words, it is a very moderate form of control over farm imports, not a rigid, exclusionary measure such as the European Common Market and other European countries have been increasingly employing in their restrictions against farm imports from the United States.

It must be explained that to date quotas on imports have not actually been imposed under the law. The statute provides that quotas must automatically be imposed if imports threaten to go above a certain level determined by formula in the act itself. However, the volume of shipments since late in 1968 has actually been controlled through a network of agreements with the countries supplying us. The volume of meat coming in under these agreements is of course linked to the formula in the law, since if there were no international agreements to hold down the volume the statutory quota would automatically be triggered into effect.

CATTLE PRICES NO HIGHER

Now it is said by some critics that the effect of this regulation on imports is to put the price of beef too high. Is this charge justified?

First, let it be noted that the farmer or rancher does not sell meat, he sells cattle. There is a wide gulf from the price of cattle at the farm, to the retail price at the meat counter. Sometimes the ways in which prices move are mysterious, and it would take too long to untangle the relationship between retail and wholesale meat and farm cattle prices now. Unfortunately, when something goes wrong with the price relationship, the burden for some mysterious reason is passed back to the farmer.

Essentially, the campaign to abolish import quotas is directed at the American beef-producing industry, the cattle producers and cattle feeders. If the import quota system is destroyed or weakened, it is the cattlemen who will suffer, not the meatpackers or the wholesalers. Is the price of cattle too high?

Mr. President, I have prepared a group of statistical tables which show conclusively that by any standard of comparison, the cattlemen are not receiving excessive prices.

First, let me point out that the price of cattle today is actually no higher in current dollars than it was 20 years ago. According to the latest price quotation from the Department of Agriculture, during the week ending June 4, 1970, the average price of choice steers at the Chicago market was $30.52. In 1950, 20 years earlier, the average price for the same grade of cattle was $29.68, which is almost a dollar less in current dollars; and in 1951, only briefly, the price of cattle per hundred pounds was $35.96.

What other product on the market today costs almost identically the same price as it did 20 years ago? What other industry has had to accept no increase in price over two decades, while its costs steadily advanced?

This comparison is in terms of actual quoted prices. But the 1970 dollar is not equal to the 1950 dollar in purchasing power. It will buy only a bit more than half as much. We all know that.

We have had a comparison made, showing the price of cattle year by year, but expressed in dollars of constant value, rather than in current prices.

The comparison is shocking. As just stated, the current quotation for cattle is $30.52 a hundred—that is, in the dollars of today. But the dollar of today will buy only about 60 cents worth, compared with the dollar of 1950. Expressed in the dollars of 1950, the price now being received is equivalent to only $18.47 for a hundred pounds on the hoof.

This price is down almost to the worst depression prices ever received by the industry. At the depths of the price collapse of 1964, when hundreds of bankruptcies were recorded and distress was felt throughout the cattle producing industry, the average price was a little worse—$17.04 per hundred—but not much.

Another tabulation that has been prepared showing the price of cattle compared with the steady upward trend of wage rates illustrates the same point. In 1950 the average hourly wage in manufacturing industries, according to the Department of Labor, was $1.44. According to the latest figure we have, the comparable average wage today is $3.32 per hour. In those 20 years, average factory wages have more than doubled in current dollars—while cattle prices have remained the same. I do not complain of the better wages achieved by factory labor. I think we all rejoice in it, and it is fine. It is good that gains are being made, and the urban standard of living is rising. But those who benefit from rising salary and wage scales should not be surprised if the farmer and the rancher also desire to share in the gains.

Last summer, for a brief 3-month period, there was an upward price flurry of cattle prices. The price of cattle did not rise quite as high as on previous upward flurries, but it rose substantially. That rise was met with cries of alarm on the part of some of the industry's critics, but they need not have worried. The higher prices did not last long. The average price of choice slaughter steers at Chicago peaked in June with a monthly average price of $34.22, but thereafter it went down almost as rapidly as it had previously risen.

Since February it has been quite stable at a level a trifle above $30 a hundred pounds. At that level it is barely above the price that prevailed before the rise in prices of last summer.

Mr. President, it is desirable that those interested in the welfare of the consumer not be under any illusion as to how far down cattle prices can be pushed. Under present conditions of costs and wages, it is simply not possible or reasonable for the beef cattle industry to subsist on a price scale below $30 per hundred pounds. The industry cannot stand it. It is not possible to operate any business below cost for any length of time.

If the floodgates are opened to unlimited foreign meat, it might mean a temporary reduction in the market price and a temporary saving to the consumer, at the expense of the domestic producer. But if the productive capacity of the industry should be seriously impaired by such a shortsighted policy, the American consumer would soon suffer, also. He is dependent on the U.S. producer for well over 90 percent of his beef supply. If that supply should be jeopardized by any unwise Government action, the consumer would suffer along with the producer.

Of course, that fact should be self-evident, because the beef industry is not the same as factory production. Mother Nature takes care of that in the period of gestation and the period of growth, which is limited. We try to improve the growth and the speed of growth and the acquisition of weight through our research facilities, and great progress has been made. But a minimum of 2 years is required in which we get into the production of meat from the cattle industry, from the time the calf is dropped.

THE PROBLEM TODAY

In 1968, it was found necessary, for the first time since enactment of the quota law, for our Government to impose restraint on the quantity of meat shipped here from foreign supplying countries. At that time an arrangement was worked out whereby the supplying countries voluntarily agreed to check the volume of shipments, in order to avoid having the United States impose binding legal quotas on entries of meat to the customhouse.

In 1969 the same policy was followed with a measure of success. Agreements were made with supplying countries for a quantity of meat to be imported finally aggregating 1,037.5 million pounds. The quantity of meat finally imported was actually somewhat greater, but still below the trigger point set in the law which would have mandated the imposition of legal quotas by our Government.

This year we are faced with a difficult and somewhat unusual problem. Voluntary agreements have been reached with each of the principal supplying countries. On the basis of these agreements, the Secretary thus far has estimated that imports for 1970 will be 1,061.5 million pounds. That figure is still less than the trigger point established by law—1,098.7 million pounds—which would automatically mean imposition of the quotas.

However, a serious problem arises as a result of the rapid rate of which some of the supplying countries have been filling up their annual quotas. Figures are now available covering imports during the first 4 months of 1970. In those 4 months, imports have amounted to 425.9 million pounds. That is 40.1 percent of the annual total which is supposed to be shipped here during the full year. That is a rate faster than can be sustained for a full year within the terms of the agreements made with each of the supplying countries.

Stated another way, if meat continues to come here at the same monthly rate as it has thus far this year, a full year's supply of meat will have been received here in the first 10 months of the year.

In my opinion this speeding up of shipments in the early months of the year is not in accordance with the spirit of the agreements by these supplying countries. Apparently some of them are eager to fill up their full annual quotas early in the year, in the hope perhaps that the United States will agree to a relaxation of the terms of the various agreements, and accept more meat imports.

In my judgment no foreign country has a right to expect any such preferred treatment from this country. I hope that we will enforce these agreements and insist that the supplying countries comply fully with their terms. It is to be recalled that last year one of the supplying countries, Honduras, greatly overshipped its fair share of the total quota. As a result, this country had to take the step of imposing a rigid limitation on further shipments of meat in 1969 from that source. I would hope that other countries would draw a lesson from that experience.

Some of the countries are greater offenders than others in this matter of speeding up their shipments. Honduras has already filled 80 percent of its annual quota in the first 4 months of this year. Panama, Costa Rica, Guatemala, and Mexico, in the first 4 months have shipped in more than 50 percent of the annual level permitted. Among the major suppliers Australia and New Zealand have come closest to pacing their shipments at a level which can be sustained uniformly throughout the year.

In my judgment the foreign supplying countries must accept responsibility for an unworkable situation, if they should fill their quotas too early in the year. They can exercise control over their producers to space their shipments out at an even pace through the year. They ought to do so, and we should expect them to do so.

Mr. President, the quota law and the network of agreements with meat supplying countries which is related to the quota system have proved their value in stabilizing the volume of imports and the domestic market for cattle. Restraints on imports during the past 2 years by our agreements have not been unduly burdensome on the foreign supplying countries, yet they have been helpful in giving domestic producers assurance that our market would not be disrupted by imports. Consumers have not been penalized by unduly high prices, as the domestic industry has expanded production greatly to fill the demand.

No case has been made for opening up the gates to increased imports. The domestic livestock industry is entitled to protection against the kind of catastrophe that has been experienced in the past. Maintenance of a firm system of controls over imports is essential to the continued health of the domestic cattle industry.

Mr. President, President Nixon, during the campaign of 1968, issued a position statement on the matter of fair play for the cattle industry.

I wish to read the concluding paragraphs of that statement:

> Loopholes in the present law must be closed so that domestic cattle producers can participate on a fair basis in the growth of the domestic market. Unfortunately, during the past Congress, the Administration, of which Mr. Humphrey is a part, continued to oppose legislation in this field, notwithstanding the pious pronouncements of the Vice President's colleague, Secretary Freeman, regarding the need for protection against subsidized foreign imports.
>
> The Nixon administration will not turn its back on the needs of the cattlemen. The Nixon administration will be dedicated to seeing to it that cattlemen enjoy their full fair share of our increasing national prosperity and that Federal policies encourage the health and growth of this vital industry.

I ask unanimous consent that the text of that position statement be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Fair Play for the Cattle Industry

The cattle industry, our largest farm industry in terms of dollar sales, has consistently met the rapidly growing demand of the American consumer for high quality beef. It has done so independently, without any special government support program.

In the past 20 years per capita consumption of beef in our country has risen from under 70 to more than 104 pounds per person. In the same period, the average portion of family income expended on food has actually declined by more than 7 percent.

The cattle industry, however, has not kept pace with an increasing national prosperity because of a severe cost-price squeeze, and adverse governmental policies. The result has been that many small family cattle operations, which represent the bedrock of the industry, have been forced out of business. Those that have survived have been saddled with crippling debts.

In 1948 choice-fed steers in Chicago sold for an average price of $30.96 per 100 pounds; during the first 8 months of this year the selling price averaged $27.40 and it has fluctuated below that figure during most of the past 20 years. During 1964 following record imports, prices fell to a low of $20.52.

The official government index of prices paid by cattlemen, on the other hand, has increased 30 percent since 1948.

One cause of this severe cost-price squeeze has been the impact of imported meat. Because of the meat export subsidy practices of competing meat nations and the tariff restrictions of other nations, the American market has at times been flooded with cheap foreign beef.

In 1962 and 1963 meat imports precipitated a collapse in American cattle prices of as much as 30 percent in the course of a few months.

During the following year Republicans in Congress proposed legislation to fairly equate the flow of imports with the growth of the American market. The Administration stubbornly opposed it and the Senate defeated the first bill 46–44, with then Senator Humphrey and Senator Muskie both voting against the legislation. The Congress later in 1964 enacted Public Law 88–482.

Because of Administration pressure, the meat import legislation ultimately enacted was riddled with loopholes.

As a result, and in spite of the law, the volume of imports this year threatens to be greater than in any past year, except the record year 1963. Yet Secretary Freeman has consistently failed to invoke even those provisions of the law which could be effective.

Loopholes in the present law must be closed so that domestic cattle producers can participate on a fair basis in the growth of the domestic market. Unfortunately, during the past Congress the Administration, of which Mr. Humphrey is a part, continued to oppose legislation in this field, notwithstanding the pious pronouncements of the Vice President's colleague, Secretary Freeman, regarding the need for protection against subsidized foreign imports.

The Nixon administration will not turn its back on the needs of the cattlemen. The Nixon administration will be dedicated to seeing to it that cattlemen enjoy their full fair share of our increasing national prosperity and that Federal policies encourage the health and growth of this vital industry.

Mr. HRUSKA. Mr. President, that is an explicit statement. It is very specific. I trust it will be followed through, as has been done so far under the administration of President Nixon.

Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled, "Comeback for Protectionism," published in Time magazine on May 11, 1970 and also a number of tables dealing with points covered in my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMEBACK FOR PROTECTIONISM

Ever since the modern era of internationalism began in the days of the New Deal, the U.S. has been committed to freer trade, and Americans have enjoyed many benefits from that policy. Consumers have been able to buy rising quantities of relatively inexpensive Italian shoes, British clothes, German autos, French food and Japanese cameras. Producers have profited from sales abroad of U.S. aircraft and computers, heavy machinery and soft drinks. The domestic economy gained as well, because international competition helped check inflation. The boons were so apparent that protectionism has been in steady retreat. Now in 1970, a year of economic distress, protectionism is making a comeback.

Caught between falling profits and rising costs, and unable to boost their prices because of the competition of imports, businessmen are looking more and more to the Republican Administration for help. Unions, alarmed at growing unemployment, are similarly demanding that Washington halt the loss of jobs to low-wage countries. For example, U.S. companies have set up more than 200 electronics plants in Mexico, while Midwestern electronics workers have been discharged. Westinghouse buys TV sets from Japan; and Singer, the last company to make household sewing machines in the U.S. has reduced its domestic work force from 10,000 to 2,000. The complaints of business and labor are being echoed in Congress, which is considering no fewer than 200 bills to restrict imports.

Touchstone Issue. Next week the House Ways and Means Committee will begin hearings on a trade act that President Nixon sent to Congress late last year. In that document Nixon affirmed the principle of freer trade but suggested tighter restrictions on some imports and more accessible tariff shelters for U.S. industries injured by foreign competition.

Much of the testimony will center on an issue that has become a touchstone of the new protectionism: whether or not the U.S. should impose quotas on imports of Japanese textiles. The question has become charged with emotion on both sides of the Pacific, and ranks with the tug of war over the return of Okinawa to Japan as the worst diplomatic impasse between the two countries in recent years. Last month Ways and Means Chairman Wilbur Mills, who is hardly known as a protectionist, introduced a bill designed to write import quotas into law. It would roll back imports of textiles to average 1967–68 levels, a reduction of 30% from last year, unless exporting nations "voluntarily" agree to limit their shipments to the U.S. The same restriction would be imposed on shoe imports.

Since 1960, textile imports have increased from $866 million to $2.1 billion, largely from Japan (though South Korea, Taiwan and Hong Kong are increasingly important contributors). Last year the U.S. trade deficit with Japan amounted to $1.5 billion, and textiles alone accounted for $504 million. The Nixon Administration has insisted that Japan agree to quotas on all exports of wool and synthetic textiles to this country, and charges that the Japanese refuse to cooperate. The Japanese say that they have offered to restrain shipments of any particular exports that have demonstrably injured U.S. industry.

Damage, however, is difficult to prove. J. P. Stevens & Co. Inc., which makes a broad range of textile products, closed three of its mills for a week last month. Deering Milliken cut several of its plants back to a four-day week. But much of that can be attributed to the overall slowdown in the economy. Actually, the U.S. textile industry has increased its sales from $13.8 billion in 1960 to $21.3 billion last year, and employment has edged upward from 924,400 to 988,250.

Behind the textile industry's demands for protection is the fact that domestic producers' sales have not grown as fast as the textile market has, and their profit margin on sales has remained below 3%. U.S. textile men cannot raise their prices without losing more territory to imports. In effect, quotas on imports would allow manufacturers to increase their profits at the expense of the consumer.

PAYMENT ON A PLEDGE

For their part, the Japanese argue that they are being pressed for quotas because of a Nixon campaign pledge to the big, old and politically powerful textile industry. During the 1968 campaign, both Nixon and Hubert Humphrey promised protection that would hold back imports of wool and man-made fibers by international agreement, much as cotton textiles have been restricted since 1962. Textiles today are less important to Japan's trade balance than they once were; that country has been switching its export emphasis to costlier and more complex products, like television sets and turbines. But the Japanese fear that if they yield on textiles, they will face similar demands for quotas on other goods. The U.S. electronics industry has already asked Washington's tariff commission to investigate alleged Japanese dumping of TV sets. Japanese electronics manufacturers, dismayed by the tough U.S. stand on textiles, are informally discussing among themselves whether to limit their shipments.

There is considerable dissembling on both sides. The Japanese case could probably command greater support among U.S. free-traders if Japan were not itself more protectionist than any other developed nation. It has grown rapidly to economic maturity behind a barricade of restrictions, which once were justifiable as a shield for so-called infant industries. Japanese attitudes have not caught up with the country's important new trading role.

Today Japan maintains 108 import quotas, most of them illegal under the terms of the General Agreement on Tariffs and Trade—though Tokyo plans to abolish restrictions on 55 items by 1971. The government justifies its barriers on the grounds that some Western European nations have similar illegal restrictions against Japanese goods, although on a much smaller scale than Japan. Moreover, Japan has been excessively reluctant to accept foreign investment. Many of its industries are closed entirely to outside capital. A four-step program of liberalization, which began in 1967, opens some industries to foreign ownership. While the list includes fabricated iron and steel, most of the other fields that it unlocks—including sake manufacturing, beauty parlors and driving schools—are of scant interest to a foreign investor. The total impact is slight because the list offers little new opportunity in such key sectors as auto manufacturing and electronic computers until the final stage of liberalization in 1971. Even then, the Japanese promise only up to 50% participation in the most important area—automaking. Detroit's manufacturers would like a chance for a larger share.

MERRY CHRISTMAS

The U.S. campaign to persuade Japan and other countries to lower the barriers will be set back if Congress passes protectionist quotas on textiles. The Japanese are privately resigned to passage of the Mills bill, which could well prove costlier to the U.S. than to them. It would not only place the responsibility on Washington for reversing a worldwide trend toward freer trade, but would also add to inflation in the U.S. The danger always exists that Congress, in an election year, will turn Mills' proposal into a Christmas tree bill, loading it down with amendments setting quotas on other goods. Manufacturers of electronic and chemical products, flat glass and baseball gloves, to name a few, have called for quotas to protect their own markets.

If the impasse is to be broken, it will probably require some fresh initiative from President Nixon, who appointed Commerce Secretary Maurice Stans to negotiate the quotas in the first place. Nixon could take a useful step by naming a new negotiator. Stans has given every appearance of making the textile industry's cause his own and has apparently given up trying to reach a compromise. A new negotiator, charged by the White House to bargain for a compromise, might find the Japanese less adamant. Even so, the chances of reaching any agreement before the Mills bill passes Congress are discouragingly slim. Both Tokyo and Washington now insist that the other side must make the first concession.

XUM

TABLE 7.—RANK OF STATES IN NUMBER OF CATTLE AND CALVES ON FARMS, JAN. 1, 1970

[Number in thousands of head]

	All cattle and calves		Beef cattle and calves (cattle not for milk)			
			Total		Beef cows 2 years and over	
Rank	State	Number	State	Number	State	Number
1	Texas	12,212	Texas	11,636	Texas	5,737
2	Iowa	7,478	Iowa	6,573	Oklahoma	2,174
3	Nebraska	6,330	Nebraska	6,023	Missouri	1,929
4	Kansas	6,016	Kansas	5,694	Nebraska	1,888
5	Oklahoma	4,985	Oklahoma	4,727	Kansas	1,839
6	Missouri	4,940	Missouri	4,307	South Dakota	1,719
7	California	4,861	South Dakota	4,116	Montana	1,589
8	South Dakota	4,410	California	3,562	Iowa	1,443
9	Wisconsin	4,076	Colorado	3,102	Mississippi	1,273
10	Minnesota	3,958	Montana	2,943	Kentucky	1,087
11	Colorado	3,299	Illinois	2,721	Colorado	1,082
12	Illinois	3,278	Minnesota	2,254	North Dakota	964
13	Montana	3,014	Kentucky	2,227	Tennessee	954
14	Kentucky	2,803	Mississippi	2,131	California	946
15	Mississippi	2,487	North Dakota	1,835	Arkansas	939
16	Tennessee	2,308	Tennessee	1,796	Alabama	929
17	Ohio	2,136	Alabama	1,722	Florida	909
18	North Dakota	2,066	Georgia	1,655	Louisiana	903
19	Alabama	1,953	Arkansas	1,648	Georgia	830
20	Indiana	1,918	Florida	1,577	Illinois	744
21	Georgia	1,889	Indiana	1,506	Wyoming	737
22	New York	1,867	Wyoming	1,448	New Mexico	708
23	Florida	1,827	Louisiana	1,419	Oregon	685
24	Arkansas	1,805	Idaho	1,415	Idaho	588
25	Pennsylvania	1,781	Ohio	1,399	Minnesota	545
26	Louisiana	1,705	Oregon	1,393	Virginia	499
27	Idaho	1,701	New Mexico	1,331	Indiana	439
28	Oregon	1,593	Arizona	1,224	Arizona	376
29	Wyoming	1,476	Virginia	1,054	Washington	373
30	Michigan	1,468	Washington	962	North Carolina	371
31	Virginia	1,432	Wisconsin	902	Ohio	360
32	New Mexico	1,386	North Carolina	763	Utah	351
33	Arizona	1,302	Utah	689	Nevada	336
34	Washington	1,260	Michigan	673	South Carolina	266
35	North Carolina	1,081	Nevada	600	Wisconsin	239
36	Utah	824	South Carolina	537	West Virginia	207
37	South Carolina	642	Pennsylvania	512	Michigan	123
38	Nevada	626	West Virginia	382	Pennsylvania	100
39	West Virginia	475	Hawaii	223	Hawaii	92
40	Maryland	426	New York	178	New York	62
41	Vermont	348	Maryland	163	Maryland	58
42	Hawaii	246	Maine	23	Maine	9
43	Maine	147	New Jersey	22	New Jersey	8
44	New Jersey	132	Vermont	17	Vermont	5
45	Connecticut	122	Massachusetts	13	Delaware	5
46	Massachusetts	114	Connecticut	12	Massachusetts	4
47	New Hampshire	73	Delaware	11	Connecticut	4
48	Delaware	32	New Hampshire	7	Alaska	2
49	Rhode Island	13	Alaska	6	New Hampshire	2
50	Alaska	9	Rhode Island	2	Rhode Island	1
	United States	112,330	United States	91,135	United States	37,433

STEERS SOLD OUT OF FIRST HERDS FOR SLAUGHTER, CHICAGO, CHOICE, PRICE EXPRESSED IN CONSTANT 1950 DOLLARS

[Dollars per 100 pounds]

	Current prices	Implicit price deflator (1950=100)	Constant 1950 prices
1950	$29.68	100.0	$29.68
1951	35.96	106.7	33.70
1952	33.18	109.1	30.41
1953	24.14	110.1	21.93
1954	24.66	111.7	22.08
1955	23.16	113.4	20.42
1956	22.30	117.2	19.03
1957	23.83	121.6	19.60
1958	27.42	124.7	21.99
1959	27.83	126.7	21.97
1960	26.24	128.8	20.37
1961	24.65	130.4	18.90
1962	27.67	131.9	20.98
1963	23.96	133.7	17.92
1964	23.12	135.7	17.04
1965	26.19	138.3	18.94
1966	26.29	142.0	18.51
1967	26.04	146.6	17.76
1968	27.74	152.5	18.19
1969	30.42	159.8	19.04
1970:			
January	29.31	[1] 165.2	17.74
February	30.26	[1] 165.2	18.23
March	31.93	[1] 165.2	19.33
April	31.56	[1] 165.2	19.10
May	30.39		18.40
Week of June 4	30.52		18.47

[1] Implicit price deflator for 1st quarter 1970 (latest available) used for 1970.

Source: Current prices, U.S. Department of Agriculture. Implicit price deflator, U.S. Department of Commerce. Constant price calculated, using 1950 as a base.

AVERAGE PRICE OF CHOICE SLAUGHTER STEERS, CHICAGO, COMPARED WITH AVERAGE HOURLY EARNINGS IN MANUFACTURING INDUSTRIES, 1950–70

	Average hourly earnings—manufacturing industries [1]	Steers sold out of 1st hands for slaughter—Chicago, choice (Dollars per 100 pounds) [2]
1950	$1.44	29.68
1951	1.56	35.96
1952	1.65	33.18
1953	1.74	24.14
1954	$1.78	24.66
1955	1.86	23.16
1956	1.95	22.30
1957	2.05	23.83
1958	2.11	27.42
1959	2.19	27.83
1960	2.26	26.24
1961	2.32	24.65
1962	2.39	27.67
1963	2.46	23.96
1964	2.53	23.12
1965	2.61	26.19
1966	2.71	26.29
1967	2.83	26.04
1968	3.01	27.74
1969	3.19	30.42
1970:		
January	3.29	29.31
February	3.29	30.26
March	3.31	31.93
April	3.32	31.56
May		30.39

Footnotes at end of table.

[1] Source: Department of Labor, quoted in Economic Indicators.

[2] Source: Department of Agriculture, quoted in Livestock-Meat-Wool Market News.

QUANTITIES OF QUOTA MEAT PERMITTED TO BE SHIPPED TO THE UNITED STATES UNDER AGREEMENTS WITH FOREIGN SOURCE COUNTRIES

	1968	1969 original	1969 adjusted	1970
Australia	483.0	505.0	519.80	527.2
New Zealand	202.0	211.0	217.40	220.3
Mexico	63.0	65.8	67.80	68.7
Canada [1]	60.0	62.7	37.70	45.0
Ireland	60.0	62.7	64.50	65.5
Nicaragua	36.0	37.6	38.45	39.3
Costa Rica	32.0	33.4	34.16	34.9
Guatemala	20.5	21.4	21.88	22.3
Honduras	13.5	14.1	14.10	14.7
Dominican Republic	10.0	10.5	10.74	11.0
Panama	[1] 5.0	5.2	5.32	5.4
United Kingdom [1]	3.0	3.5	3.50	5.0
Haiti	[1] 2.0	2.1	2.15	2.2
Total	990.0	1,035.0	1,037.5	1,061.5

[1] No agreement; quantity estimated.

Source: U.S.D.A., F.A.S.

MEAT IMPORT QUOTAS BY COUNTRIES, 1970, COMPARED WITH ACTUAL IMPORTS DURING 1ST 4 MONTHS, AND PERCENTAGE IMPORTED OF ANNUAL QUOTA

	Meat import quota, 1970	Actual imports, 1st 4 months, 1970	Percent of annual quota
Australia	527.2	202.3	38.4
New Zealand	220.3	65.0	29.5
Mexico	68.7	37.2	54.1
Canada [1]	45.0	25.2	56.0
Ireland	65.5	27.1	41.4
Nicaragua	39.3	17.4	44.3
Costa Rica	34.9	19.7	56.4
Guatemala	22.3	12.0	53.8
Honduras	14.7	11.8	80.3
Dominican Republic	11.0	2.7	24.5
Panama	5.4	3.5	64.8
United Kingdom [1]	5.0	1.0	20.0
Haiti	2.2	0.4	18.2
Total	1,061.5	425.9	40.1

[1] No agreement; quantity in quota column is estimated.

Source: U.S.D.A., F.A.S.

(The following colloquy, which occurred during the delivery of Mr. Hruska's address, is printed at this point in the Record by unanimous consent.)

Mr. CURTIS. Mr. President, will the distinguished Senator yield?

Mr. HRUSKA. I am happy to yield.

Mr. CURTIS. Mr. President, I commend my distinguished colleague not only for his remarks today, but for the leadership he has shown over the years in reference to this meat import problem.

Several times the Senate has considered proposals which the distinguished Senator has offered in pioneer efforts to put some semblance of control on imports so that they would not run wild, to the ruination of agriculture and the entire economy of rural America.

It happened that the proposal that finally became law came under the jurisdiction of the Committee on Finance. I recall the proceedings there and in the conference committee very well. As a matter of fact, the present program is a very mild and reasonable restraint on imports; is it not?

Mr. HRUSKA. It certainly is.

Mr. CURTIS. It not only did not require a rollback of foreign imports, which perhaps could well have been justified from the standpoint of the American producer, but it permitted the quotas to apply on levels commensurate with our imports immediately prior thereto.

Mr. HRUSKA. Which were disproportionate with the years preceding 1963 and 1964.

Mr. CURTIS. That is correct. Did it not also provide for the foreign producers to share in the growth factor, by reason of our growth in population and increased consumption?

Mr. HRUSKA. That is right; and of course, the per capita consumption of beef in America has constantly been increasing for the last 20 years. Even of that increase per capita, as well as the increase on account of the growth in population, the foreign market gets a share each year.

Mr. CURTIS. And, as a matter of fact, the restraints on imports that finally became law were much less than as passed by the Senate.

Mr. HRUSKA. That is right.

Mr. CURTIS. Because, as with a great deal of legislation, there had to be a compromise.

If the Senator will bear with me just a minute more, I just hope that the critics of the idea of having some restraint on meat imports will stop and look at the facts, because it has not been an unreasonable program. It has been in the interests of our entire economy, and to do away with, or weaken it, would be a very grave mistake. As a matter of fact, whenever that law is revised, it should be revised in a more restrictive manner.

I thank the Senator.

Mr. HRUSKA. I thank the Senator for his contribution. His service, and his point of view as expressed in the sessions of the Committee on Finance of this body, certainly have been helpful toward achieving a complete understanding of this problem, and also of the adverse effect that any increase in import quotas would have not only upon cattle prices but also upon other segments of agriculture, including feed grain consumption and feed grain prices.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. MANSFIELD. The cattleman gets anywhere from 26 to 31 or 32 cents a pound. All one has to do is compare that price with what the ultimate consumer pays in the supermarket and the grocery store to which he goes. Certainly it is not the fault of the cattle producer that the exorbitant prices are charged to American consumers, any more than it is the fault of the wheat rancher, who operates below a $2 a bushel base, for the increase in the cost of bread. The same reasoning, the same logic, holds there. But the farmers and the ranchers get the blame for the high prices, over which they have no control and for which in the beginning they get very little, indeed.

Mr. HRUSKA. The Senator from Montana is correct.

If anyone is desirous of getting a technical breakdown of the difference in the prices of the cattle as they are sold to the packer and then as they are laid down on the meat retail counter, he can get that explanation in the reports of the National Commission on Food Marketing. Those reports were issued approximately 3 years ago, and they contain a full and complete analysis, with all the figures and statistics and the items that go into the differential between the table price and the price of cattle on the hoof.

Of course, the examples given by the Senator from Montana can be multiplied many times. The cotton in a man's shirt forms a small percentage of the price of that shirt. I do not recall any demonstrations by men or by housewives against the cotton raiser because they have had to pay more for cotton shirts in the last 5 or 10 years than they used to pay—or for any other cotton goods.

It is, therefore, unfair that consumers would undertake to criticize and to try to put the burden of higher meat prices in the meat market upon those who produce the cattle.

Mr. AIKEN. Mr. President, will the Senator from Nebraska yield?

Mr. HRUSKA. I am happy to yield to the Senator from Vermont.

Mr. AIKEN. This big increase in imports is, we all recognize, not only in beef but in other commodities as well. Is that increase sponsored by American investors in other countries or by foreign investors or foreign producers themselves? I was wondering. I have a strong suspicion that the cost of production in this country had forced—enticed is perhaps a better word—American investors to put their faith in other areas of the world with the expectation of selling their products in the United States, which is still the world's best market.

Mr. HRUSKA. Yes; that is true. I do not know where it has been documented as to the extent of American investors going to New Zealand or Australia.

Mr. AIKEN. All around.

Mr. HRUSKA. That point will be developed a little later in the colloquy that will be made on the floor.

Mr. AIKEN. I think that situation will stand a good investigation, or, rather, it will not stand a good investigation. An investigation of the situation should be made as to whether we are furnishing money to put ourselves out of business.

Mr. HRUSKA. That is true. However, the cattle industry is not unique in that regard. I imagine——

Mr. AIKEN. No.

Mr. HRUSKA (continuing). It could be found to be true in the automobile, camera, or almost any other manufacturing industry in this country.

Mr. AIKEN. Let us take the dairy industry. That is the most hazardous of all, I think, from the American producer's standpoint.

Mr. HRUSKA. That is true.

Mr. MANSFIELD. Mr. President, will the Senator from Nebraska yield, along the same lines as he did to the Senator from Vermont?

Mr. HRUSKA. I yield.

Mr. MANSFIELD. I am in receipt of a letter from my State of Montana which reads, in part, as follows:

> I am also told that 72 percent of meat of the fresh frozen variety coming into the United States now from Australia and New Zealand is owned by American or Wall Street investors. The largest stations in Australia are owned by huge investor clubs off Wall Street.

Mr. HRUSKA. That is probably——

Mr. MANSFIELD. That should answer the question raised by the distinguished Senator from Vermont as to how much American investment is evident in this import of meat problem which the distinguished Senator and I and others in this Chamber, 6 years ago, were able to control, in some part through passage of the meat import law, Public Law 88–482, which the Senator from Nebraska can recall with great clarity.

Mr. HRUSKA. That is correct.

Mr. MANSFIELD. What about this American investment?

Mr. HRUSKA. May I make this observation before I yield further to the Senator from Vermont, that when we consider the source of the propaganda, the publicity, the lobbying and the pressures which are brought upon this Government to modify and increase the import quotas, we can look to the American investors who have invested in New Zealand and Australia in holdings there for the purpose of increasing imports. It is not from the consumers. The financing in chief is from those producers.

Mr. AIKEN. All that some people seem to be able to see is the immediate profits, the big earnings they make on their investments. They completely ignore the fact that nearly one-third of the gainfully employed people in the United States are dependent upon agriculture, including the meat industry, and that when they reduce their income, their earnings, they are destroying part of the market which they previously had here in the United States, because the purchasing power of the American people goes down as American agriculture goes down.

Mr. HRUSKA. That pertains not only to income and activity in the cattle market directly but also to the feed grains market, for example, because that is where the consumption of feed grains goes. To the extent that the American cattle-producing industry will be reduced, so will the consumption of feed grains be reduced. It comes in full cycle and in vicious fashion.

I am very grateful to the Senator from Vermont for having brought out that point.

Mr. CURTIS. Mr. President, will the Senator from Nebraska yield to me once more?

Mr. HRUSKA. I am happy to do so.

Mr. CURTIS. With reference to the source of the agitation and propaganda for changing the meat quotas, I should like to call the attention of my colleague and the Senate to the fact that the mayor of New York City, on April 19, wrote a letter to the congressional delegation of the State of New York urging that the meat quotas be abolished, or nearly so.

He has this outrageous statement to make, which is hard to believe, that someone would be so wrong in his conclusions and in the facts, and also so unfair to the agricultural segment of this country:

> Meat is kept artificially high because of a restricted meat import formula which guarantees that demand will outstrip supply and which insures inflated profits for the Nation's ranchers at the expense of the Nation's consumers.

Mr. President, that is a quotation, not from a consumer—that would not make it correct, of course—but here is a New York politician who is stirring things up.

I think it would be quite interesting to find out what connection there is between the promotion of these prices and American ownership of foreign production of meat.

Mr. HRUSKA. We cannot travel in the city of the mayor whose name is John Lindsay, without realizing that although the current dollar prices of hotel rooms in New York City are not what they were 20 years ago, cattle prices are the same or a little bit less. That applies to every bit of expenditure that anyone has to make when he goes to New York, from the time he steps off the airplane until he gets back on it.

I am sure that the mayor would not like to have any controls over the prices of goods and services in New York City, but he is willing to engage in a demogogic discussion on unfair, unbased, and unfounded charges.

Mr. AIKEN. Let me say to the Senator from Nebraska that I think I must come to the defense of the mayor of New York City, that as a Member of the House I believe he did not have a cow in his whole district, or any kind of agriculture in central New York City. Thus, perhaps he does not understand agricultural problems and the impact they have on the total American economy as well as the two distinguished Senators from Nebraska.

Mr. HRUSKA. The observation of the Senator from Vermont is very much in order and I am glad that someone rose to the defense of the mayor.

Mr. AIKEN. That is right.

Mr. FANNIN. Mr. President, will the Senator from Nebraska yield?

Mr. HRUSKA. I yield.

Mr. FANNIN. I should like to make the observation that he is very much aware and stated that we do have the problems of imports from these other countries, at the same time they place barriers on our exports to their countries, such as the Japanese now have. We have an imbalance of trade of $1,600,000,000, and still the Japanese Government has opened two huge packing plants down under which are strictly packaging and canning plants. The Australian beef is packaged in cans and shipped to the United States. Also, products are shipped to the United States from Canada. So there is no embargo controlling the amount of meat that can be shipped to the United States.

The Japanese people want free access to our markets. They have nontariff barriers to products that enter their country. There is a 4-percent tariff on cars coming to this country. There is a 17-percent tariff on cars, to start with, going to their country.

It is a one-way street.

I certainly commend the distinguished Senator for bringing out the inequity that exists. I hope that we can through the legislative process or through administrative action change this situation.

We understand that many countries could not compete with us if we had free access to their markets. At the same time, we cannot continue to have this situation where countries want to ship into our country without limitation and yet they place a barrier on our products so that we cannot reciprocate.

Mr. President, I commend the distinguished Senator from Nebraska for his speech on this subject.

Mr. HRUSKA. Mr. President, the Senator from Arizona is certainly a very knowledgeable student of the problems of imports generally. When he speaks on the subject, he is well documented and well equipped.

I thank him for his contribution.

Mr. President, I yield briefly to the Senator from Iowa.

Mr. MILLER. Mr. President, I thank my colleague, the Senator from Nebraska, and I commend him for bringing the attention of the Senate and of the country to the very important problem of increasing meat imports into the United States.

I might say that my State produces the largest amount of slaughtered livestock of any State in the country. And so we are very concerned about the impact of imports on our domestic prices.

There is another aspect of this matter which has become increasingly serious in the last few years. And that concerns the increases in the pork imports.

I have introduced a bill which is substantially the same as the bill introduced by my friend, the Senator from Nebraska, except that it also covers pork imports. What I am particularly concerned about is a loophole in the present import law which does not cover canned, cured, and cooked items.

Mr. President, I have a series of tabulations based upon information secured from the Department of Agriculture which bear on this subject.

The first tabulation is a composite picture of the pork imports by product weight for the years 1964 through 1969, covering various types of pork products—fresh, chilled, or frozen pork, canned items and cured items.

I also have a series of tabulations covering the years 1964 through 1969 showing the breakdown of these products by country of origin. I point out that in the case of canned hams, the major exporters to the United States are Denmark, the Netherlands, and Poland.

Mr. President, I ask unanimous consent that these tabulations be printed at this point in the RECORD:

There being no objection, the tabulations were ordered to be printed in the RECORD, as follows:

PORK IMPORTS (PRODUCT WEIGHT)

[In thousands of pounds]

Year	Fresh, chilled or frozen pork	Canned			Cured			Total
		Hams and shoulders	Bacon	Other	Hams and shoulders	Bacon	Other	
	106.40–20 and 106.40–40	107.30–20	107.30–40	107.30–60	107.35–20	107.35–40	107.35–60	
1964	39,187	140,535	4,807	17,908	1,569	4,087	587	208,680
1965	47,972	175,328	4,588	22,459	1,699	4,681	572	257,299
1966	41,982	198,231	17,248	32,812	1,606	3,397	390	295,666
1967	47,362	210,847	9,562	30,670	1,761	3,141	1,078	304,421
1968	48,420	227,044	9,033	30,897	2,211	3,273	756	321,634
1969	42,939	233,117	6,329	23,496	1,988	2,944	915	311,728

PORK.—U.S. IMPORTS BY TYPE AND COUNTRY OF ORIGIN, PRODUCT WEIGHT

[In thousands of pounds]

Country of origin	Fresh, chilled or frozen	Sausage	Canned			Cured [2]			Total [3]
			Hams and shoulders	Bacon	Other	Hams and shoulders	Bacon	Other	
1969 [1]									
Denmark		2,338	92,693	5,963	6,859	622	48	71	108,594
Netherlands		129	80,356	146	4,657	216	17	72	85,594
Poland			42,877	48	10,489			178	53,592
Canada	42,852	1,407	1,498	71	6	791	2,662	582	49,868
Yugoslavia			11,049	18	818				11,886
Czechoslovakia			1,915		341				2,256
Germany, West		5	1,286	37	268	224	21	7	1,848
Sweden		2	338	11	36				387
United Kingdom		1	272	6	1		10		289
Belgium		4	246			4		2	256

Footnotes at end of table.

PORK.—U.S. IMPORTS BY TYPE AND COUNTRY OF ORIGIN, PRODUCT WEIGHT—Continued

[In thousands of pounds]

Country of origin	Fresh, chilled or frozen	Sausage	Canned			Cured [2]			Total [3]
			Hams and shoulders	Bacon	Other	Hams and shoulders	Bacon	Other	
Ireland	69		5	20		13	67	3	178
Other countries	18	28	582	9	21	118	119		897
Total	42,939	3,914	233,117	6,329	23,496	1,988	2,944	915	315,645
1968 [1]									
Denmark		1,121	91,584	8,831	10,214	7	103	80	111,939
Netherlands		117	77,031	121	4,352	507	20	9	82,157
Canada	48,252	1,080	1,623	22	4	1,071	2,969	479	55,500
Poland			40,884		13,723	355		164	55,126
Yugoslavia		2	11,392		1,958				13,352
Czechoslovakia			2,374		316				2,690
Germany, West		2	1,045	59	129	204		6	1,446
Sweden			266		60				326
Ireland	155		10			2	126	18	311
Italy		109			7				116
United Kingdom	6		36		1				43
Others	7	54	799		133	65	55		1,113
Total	48,420	2,485	227,044	9,033	30,897	2,211	3,273	756	324,119
1967 [1]									
Denmark		904	80,334	8,825	11,916	15	30	183	102,257
Netherlands		67	69,630	513	4,266	100	2		74,578
Poland			43,971	3	12,808	285		143	57,210
Canada	47,318	861	2,046	39	8	904	2,968	697	54,841
Yugoslavia			10,831		1,262			9	12,102
Czechoslovakia			2,423	7	191				2,621
Germany, West		6	844	164	77	239		45	1,375
Ireland	7		33				126		166
Italy		370	15		9	128		1	523
Sweden		4	115	11					130
United Kingdom	30	1	68			18			117
Others	7	267	487		133	72	15		982
Total	47,362	2,480	210,847	9,562	30,670	1,761	3,141	1,078	306,902
1966 [1]									
Denmark		504	87,707	16,321	12,373	37	3	5	116,950
Netherlands		72	59,209	612	5,129	68			65,089
Poland			38,879	85	12,644				51,608
Canada	39,633	832	2,451	26	6	1,026	3,155	339	47,468
Yugoslavia		2	6,602	2	2,141				8,748
Czechoslovakia			1,672		368				2,040
West Germany		8	1,283	200	118	177		12	1,798
Ireland	1,400		1	2		2	174		1,579
Italy		1,190	29		3	290		28	1,540
Sweden	615		19		19				653
United Kingdom	262		79				1		342
Others	72	69	301		11	6	64	6	528
Total	41,982	2,677	198,231	17,248	32,812	1,606	3,397	390	298,343
1965 [1]									
Denmark		94	72,532	7,383	5,149	12			85,170
Canada	44,726	671	5,263	28	6	1,237	4,532	551	57,014
Poland			39,243	11	13,624				52,878
Netherlands		137	45,460	83	416	74			46,170
Yugoslavia			10,037	7	2,938				12,982
Ireland	1,973		46	2	14	1	128		2,164
Czechoslovakia			1,676	4	271				1,951
Italy		1,079	4		3	181	1	5	1,273
Germany, West		1	596	31	21	191	(3)	16	856
United Kingdom			241	26	1		8		276
Sweden		2	151	12	7				172
Others	1,273	10	79	1	9	3	12		1,387
Total	47,972	1,994	175,328	7,588	22,459	1,699	4,681	572	262,293
1964 [1]									
Denmark		79	58,280	4,042	3,913	15		120	66,449
Canada	39,125	594	5,466	19	4	1,087	3,961	445	50,701
Poland			32,347	590	10,945				43,881
Netherlands		102	37,693	91	230	71			38,186
Yugoslavia			5,235	21	2,699	19			7,975
Italy		1,161	17		2	161		5	1,346
Czechoslovakia			944	5	93				1,042
Germany, West			421		1	215		17	654
Ireland	37			2			124		163
Sweden		1	83						83
Iceland	25			18					43
Others		8	49	19	21	1	2		101
Total	39,187	1,945	140,535	4,807	17,908	1,569	4,087	587	210,624

[1] Preliminary.
[2] Prepared or preserved except sausage.
[3] May not add due to rounding.

Source: Livestock and Meat Products Division, Foreign Agricultural Service, USDA, Nov. 1969.

Mr. MILLER. Mr. President, there is another aspect of this import picture which I hope my friend, the Senator from Nebraska, will perhaps dwell on in his remarks. I know that he is personally interested in this, because I recently joined with him and several other Midwestern Senators in expressing to the President our concern about this matter. That matter concerns the problem of the transshipment of meat originating in some other foreign country through Canada.

As of June 5, these transshipments amounted to almost 21 million pounds.

We have voluntary agreements to limit shipments from various countries which export meat to the United States. There is no voluntary agreement with Canada, although the imports from Canada for the calendar year 1970 are estimated to be 45 million pounds. For the first 4 months of this year, 25 million pounds have been shipped into the United States from Canada. But this does not include transshipments.

According to the Department of Agriculture, the voluntary agreement in effect between the United States and Australia provides that only through shipments will be counted toward the agreement. Therefore, transshipments from Australia through Canada are not counted. And there is concern that they will aggravate the import problem to the extent that the trigger point will be reached.

This is a very important aspect of the import problem which needs to be clarified at an early date. And I hope that the administration will do this. In any event, if there is legislation that will be acted on, I think that the transshipment problem should be covered.

The Senator from Nebraska and I have cooperated for years on this problem.

I again wish to commend him for his great leadership in this area. Had it not been for the Senator from Nebraska, I do not believe that we would have the present import law on the books. Granted that it is not all that we wished it to be, nevertheless, it is much better than nothing.

Mr. President, what needs to be done is to tighten it up and not to subtract from its effectiveness.

I look forward to continued cooperation with the Senator from Nebraska in the months ahead on this very important problem which fundamentally means whether or not we are going to have good quality, fair-priced meat for the American consumer.

I sometimes think that there are too many shortsighted people who do not realize that if the meat imports expand into this country, there may be a short-range consumer benefit, but in the long range, it will mean lower quality meat and higher prices, because many of our own domestic producers will have to go out of business. We will be dependent upon other countries for these products.

Mr. President, in the international picture, history shows that that is a very dangerous situation for the American consumer. I hope that the long-range, rather than the short-range view will be taken on this problem.

I thank my colleague for yielding.

Mr. HRUSKA. Mr. President, when the Senator from Iowa speaks on this subject, it is a real subject for him, because livestock sales in his State undoubtedly forms the largest single item of any industry.

I know how closely the Senator from Iowa has followed this subject of the well-being of the livestock industry in his State not only in this body, but also in the Legislature of the State of Iowa when he was a member of that body.

The total number of cattle in the State of Iowa as of January 1, 1970, was 7.5 million. And that is a lot of cattle. That means the total of all cattle and calves.

The Senator speaks with very great concern about any further tampering with the import policy which we have by way of statute at this time.

Mr. MILLER. Mr. President, I appreciate the Senator's recognition of the importance of Iowa in this picture when it comes to beef cattle.

But, Mr. President, I underscore the fact that Iowa is the largest pork-producing State in the Union, and when we have increasing imports of pork products, such as revealed by the tables I have placed in the RECORD, there is only one

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result, and that is an unfavorable impact on pork prices received by our farmers.

If our farmers had been receiving parity prices for their hogs consistently down through the years, the Senator from Iowa would not be concerned. But the unfortunate fact is that although once in a while parity prices are received, if one looks at the average, month-in and month-out, and year-in and year-out, prices are considerably under parity, and we understand parity prices are necessary if agriculture people are to share fairly in the net income.

That is why I think it important that there be changes in the meat import law, including pork products, and especially canned and cooked items.

I thank the Senator for yielding.

Mr. HRUSKA. Mr. President, I thank the Senator for his contribution.

(This marks the end of the colloquy which occurred during the delivery of Mr. HRUSKA's address and which, by unanimous consent, was ordered to be printed in the RECORD at this point.)

Mr. HRUSKA. Mr. President, I am happy to yield to the distinguished Senator from North Dakota for 10 minutes.

Mr. YOUNG of North Dakota. Mr. President, I commend the distinguished Senator from Nebraska (Mr. HRUSKA) for his fine outline of the meat import situation and the problems facing the domestic livestock industry.

The American livestock producer has a strong friend in the Senator from Nebraska.

There has been a great deal of publicity in recent months about the high price of meat. This has been coupled with calls for a revision or complete repeal of the present, limited Meat Import Control Act.

Some of this publicity has obvious appeal to the consumer who is hard pressed to stretch the family budget.

The truth is, however, that most of these charges have little, if any, basis in fact.

The American livestock producer has been accused of holding down production in a deliberate attempt to force livestock prices to high levels.

He has been pictured as making excessive profits at the expenses of the Nation's consumers.

Such is not the case, and I would like to take a few moments to comment on these charges.

The American consumer is fortunate indeed. A great deal of publicity has been given to the problems of hunger and poverty in this country and rightfully so.

In the process, we seem to overlook an even greater truth—the American people today are better clothed, better fed, and better housed than any people at any time in history.

In the case of food, the American consumer today spends less than 16.5 percent of his disposable income for food—an all-time low.

Meat prices have risen in the last year or so.

Despite this increase, live cattle prices have not reached the record levels they attained in 1952.

That was 18 years ago.

In this day of record wage levels, record high disposable incomes, record high payments of social security and other retirement benefits, and record payments for welfare programs, it is difficult to understand the arguments of those who single out a commodity whose basic price level is lower than it was 18 years ago for criticism.

During the 10 years, 1960 to February 1970, the average price of beef at retail rose 20.7 percent.

Hourly earnings of construction labor rose 63 percent.

Per capita expenditure for other goods and services went up 67.7 percent.

Nonagricultural labor earnings rose 50.7 percent.

I do not criticize this increase in earnings. It is good for the people of this country and it is good for agriculture. However, I think there is something wrong when agriculture prices are much lower than they were 20 years ago.

Mr. President, despite the publicity to the contrary, the livestock producer is not faring well.

Generally speaking, the cattle producer of this country has had little in the way of net profit since 1951.

His income has been devoted to meeting operating expenses, upgrading his operations and attempting to meet his debt obligations.

During this period, he has been faced with an ever-rising cost structure.

As with all of agriculture, almost everything the cattle producer purchases today is at record high levels.

The only part of his income-cost equation that is not at an all time high is the price of the livestock he sells.

Some have suggested that we will be unable to meet domestic demand for meat and meat products unless imports are expanded. Past history and a knowledgeable review of the potential of the livestock industry will disprove that theory.

Beef production in this country has risen in all but 6 years since 1940.

It has risen every year since 1960.

If the industry had not been able to provide this expanded production, the increase in per capita consumption that we have enjoyed could not have occurred.

In 1940, Americans consumed 54.9 pounds of beef per capita.

In 1969, with a population increase of over 70 million people, we consumed an average of 110 pounds of beef each.

This is a reflection of our rising standard of living and our preference for meat.

It certainly is no indication that the domestic livestock industry has been unable to meet the needs of the American people.

As in the past, the American livestock industry stands ready to meet the demands of the public for high quality, economical red meat.

Production can and is being expanded to meet a growing demand.

In the last 3 years, the Nation's beef cow herd has grown by almost 8 percent. Our population growth was only 3 percent.

With the continuing application of improved technology, better marketing practices, and basic expansion of the livestock industry the needed expansion of meat supplies can and will take place.

In my view, Mr. President, there is only one way we can prevent this expansion.

That is by permitting the continued flow or even an increase in the meat imports into this country.

Only by driving domestic livestock prices to submarginal levels can we halt the expansion of the meat industry.

The American farmer and rancher pays taxes at American rates.

The money he borrows, the equipment he buys and all of the other production items he utilizes are priced in our market.

These costs of production are higher today than they have ever been.

Producers in the major exporting nations face a cost structure that is vastly different. Land costs, labor, taxes, equipment, and transportation are only a fraction of what they are in the United States.

It is understandable that these nations would desire to participate in the U.S. market.

The current meat import law is designed to permit just that.

We have to import if we expect to export, but our imports should be kept at a reasonable level.

While imposing a reasonable limit on meat imports, the law permits foreign producers to share in the expansion of our markets.

This legislation was designed as a vehicle to assist the American livestock producer.

In addition, it is a major factor in the assurance of a continuing supply of high quality, economical food for all Americans.

Only by assuring the continued strength of American livestock production can this supply be assured.

Rather than heeding the calls for weakening or eliminating present meat import limitations, I feel we should be keeping a close watch on what is happening to the level of imports not covered by the quota legislation.

Meat imports have been increasing beyond what is permitted under the expansion terms of present legislation.

Last year, imports of beef and veal equaled 7.5 percent of domestic production.

In 1965, these imports were only equal to 4.8 percent of United States output.

The same comparison can be made for other meats.

I am not unaware of the need to assure improved nutrition for the Nation's poor.

Congress and this administration have been moving to provide additional assistance in this area.

During the current fiscal year, the Department of Agriculture will spend more than $1.6 billion for food assistance programs.

The agriculture appropriations bill, soon to be considered by the House of Representatives for fiscal year 1971, pro-

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vides more than $2.6 billion for these purposes. This is more than 3½ times the expenditure we made in this area as recently as 1965.

Mr. President, the American livestock producer has served his fellow Americans well. He has provided a continually expanding supply of meat and meat products to meet their demands.

He has done this at prices that have not always been profitable for him. He stands ready to continue his service in this role. It would be highly unwise to take any steps that would weaken this tremendous industry.

Mr. HRUSKA. Mr. President, I yield 5 minutes to my colleague the Senator from Nebraska.

Mr. CURTIS. I thank my distinguished colleague.

THE THREAT OF UNLIMITED BEEF IMPORTS

Mr. President, oftentimes American cattlemen are told: Do not worry if the import quotas are removed, there is only a limited supply of additional beef available abroad to be shipped to this country. One spokesman for the importing interests has said, in fact, that even if quotas are removed entirely, only an additional 150 million pounds of beef will come here.

Mr. President, in the first place, we do not believe that figure. It is far too low. Total shipments of beef by all exporting countries in recent years have amounted to about 5 billion pounds or more. That represents the total quantity of beef that is available for shipment somewhere.

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A great part of it already comes to the United States. In fact, the United States is by far the largest single importer of beef in the world. In 1968, we imported 1,499.7 million pounds—including all types of beef, on a basis of carcass weight equivalent—and in 1969 we imported 1,614.8 million pounds.

If we had no quotas and no system of restraint through agreements with the supplying countries, there would be every reason for them to increase their shipments to us. The price received here is, from their point of view, advantageous. Other principal importing countries have in many cases shut out the importation of beef. In fact, the United States is the principal beef market which is relatively free from restrictions on imports.

A table has been secured from the Department of Agriculture showing the quantities of beef that move in international trade, the principal markets and major exporting countries. By this table it is shown that imports of beef have increased greatly since the early sixties.

Purchases by the United Kingdom, the second leading importer, have gone down. The United Kingdom follows a policy of systematically subsidizing its domestic, beef production meet the competition of imports.

The third potential market of importance is the European Common Market—the six countries of Italy, Germany, France, Netherlands, Belgium, and Luxembourg. Imports into some of these countries have increased to a degree during the last few years, but the long-term trend is likely to be downward because of the agricultural policies followed by them. By the terms of the so-called common agricultural policy, all markets within the six countries are reserved primarily for the producers within any one of those countries, and a high level of prices is maintained by government policy which stimulates increased production.

This policy has had the effect of building up their production of such products as poultry and wheat, to the point where their imports have been practically wiped out. The prospect is that there will be a similar buildup of their production of beef, which will mean cutting down or shutting out beef imports from the surplus producing countries such as Australia and Argentina. Thus, Australia and others will once again wish to ship their beef surpluses here, as other markets are closed to their product.

However, any relaxation of our import quota system may have another even more destructive result. It will be taken as a signal by Australia and other countries that they can safely expand their production for the American market. It will be a public announcement that we are willing to take all the beef they wish to sell. It will tell them that it is American policy to invite and encourage them to produce and ship all the cheap beef they can.

We know that in Australia and many other countries there are tremendous possibilities for the expansion of beef production. I have here an article in a recent USDA publication which summarizes the prospects in a number of the major beef producing countries. The article states that the present world market situation is not unfavorable, with strong demand and no surpluses overhanging the market at this time. However, the article then goes on to give us a picture which is not encouraging at all of the expansion in production that is in prospect in most of the principal beef producing countries.

With respect to Australia, for example, the article says:

> Australia is expanding its beef output phenomenally. Large capital inputs of recent years, along with the government-sponsored beef incentive program, are producing output gains of 8 to 10 percent a year—almost unheard of in the beef business. With reasonable weather, Australian cattle numbers will continue to set a new record each year.

Australian home consumption of beef will likely increase, the article says, but huge supplies will certainly continue to seek export outlets.

Argentina, the largest exporter of beef to Europe, will continue a growth in production even though there is little if any, incentive to producers, the article points out. New Zealand, a smaller producer, is adding cattle, and is also to some extent converting from dairy to beef. Production in Mexico and Ireland is growing steadily.

Central America, including Panama, has emerged as a growing exporter to the U.S. market. Because U.S. beef prices are more favorable to producers and processors than those they could receive in their own countries, they tend to export more. This is a policy which, in my judgment, should be gravely questioned, since all of these Central American countries are greatly in need of expanded food supplies for their own people. Their dietary level at present is low, and their populations are growing at an extremely rapid rate.

Mr. President, if we weaken our defenses at this time, we can expect all these countries to launch into programs of rapidly expanding production, to gain the maximum possible benefit from selling beef to the rich American market. Furthermore, we can expect that trade channels now leading to other countries will be redirected to this country, to gain advantage of American price levels. We should not accept the role of becoming the dumping ground for all the world's surplus beef. We can easily produce ourselves whatever increased quantities of beef can be absorbed by our people. We should not expose our domestic producers to low-cost competition from abroad which they have no way of meeting.

Mr. President, I ask unanimous consent to insert in the Record at the end of my remarks a table from the U.S. Department of Agriculture "Livestock and Meat Situation," of May 1970, showing the steady growth in U.S. imports of livestock products during the last 6 years; also, a table prepared by the Foreign Agricultural Service showing the quantity of beef and veal exported by the principal surplus producing countries, through 1968, and also the quantity imported by the leading importing countries. Of these importing countries the United States is the largest, in spite of the fact that we are the largest producer of beef and could produce much more if needed to fill the market demand.

I also ask to insert in the Record a news release and a letter of Mayor Lindsay of New York City, and a reply thereto by Don F. Magdanz.

There being no objection, the material was ordered to be printed in the Record, as follows:

TABLE 6.—U.S. IMPORTS OF LIVESTOCK PRODUCTS, 1964-69

Item	1964	1965	1966	1967	1968	1969[1]
Meat (carcass weight equivalent) (million pounds):						
Beef:						
Boneless, fresh or frozen	919.2	734.3	986.7	1,116.0	1,224.7	1,348.9
Fresh or frozen	17.2	29.3	20.7	11.7	26.8	19.6
Total, fresh or frozen	936.4	763.6	1,007.4	1,127.7	1,251.5	1,368.5
Canned	110.2	126.8	126.6	136.7	165.2	164.4
Pickled or cured	.4	.4	.6	1.8	1.3	1.6
Other, processed	20.7	32.2	47.6	47.3	81.7	80.3
Total	1,067.7	923.0	1,182.2	1,313.5	1,499.7	1,614.8
Veal: Fresh or frozen	17.5	18.8	22.0	14.2	18.3	25.7

Footnotes at end of table.

TABLE 6.—U.S. IMPORTS OF LIVESTOCK PRODUCTS, 1964-69—Continued

Item	1964	1965	1966	1967	1968	1969 [1]
Pork:						
Fresh or frozen	39.2	47.9	42.0	47.4	48.4	42.9
Hams and shoulders, not cooked	1.7	1.9	1.8	1.9	2.4	2.2
Hams and shoulders, canned	189.7	236.7	267.6	284.6	306.5	314.7
Other	36.8	46.5	69.9	58.6	58.8	49.0
Total	267.4	333.0	381.3	392.5	416.1	408.8
Lamb	10.4	12.5	14.9	12.3	22.9	43.9
Mutton and goat	68.6	60.0	121.1	108.6	124.0	108.4
Total red meat	1,431.6	1,347.3	1,721.5	1,841.1	2,081.0	2,201.6
Variety meats (product weight)	1.2	2.2	3.3	3.5	3.8	5.6
Wool (clean basis):						
Dutiable	98.4	162.7	162.5	109.1	129.8	93.5
Duty free	113.9	108.9	114.6	78.2	119.6	95.7
Total wool	212.3	271.6	277.2	187.3	249.4	189.2
Hides and skins (1,000 pieces):						
Cattle	315	302	221	233	494	276
Calf	926	458	242	481	508	358
Kit	1,084	607	438	357	286	334
Sheep and lamb	29,621	29,821	27,893	20,300	30,822	20,715
Number:						
Cattle [2]	528,872	1,110,631	1,081,474	740,448	1,024,235	1,021,054
Hogs [3]	5,094	14,453	22,698	34,926	21,678	13,430
Sheep and lambs	12,680	19,073	8,310	12,403	26,579	22,805

[1] Preliminary.

[2] Dutiable; not for breeding.

[3] For years 1964-66 imports reported in pounds; pounds converted to 200-pound hog equivalent. Beginning 1967 reported in numbers.

BEEF AND VEAL [1]: PRINCIPAL EXPORTING AND IMPORTING COUNTRIES, QUANTITY AND PERCENT OF TOTAL, AVERAGE 1961-65, ANNUAL 1967-68

Country	Quantity (million pounds)			Percent of total		
	Average 1961-65	1967 [2]	1968 [2]	Average 1961-65	1967 [2]	1968 [2]
Exporting countries:						
Argentina	1,216.8	1,535.7	1,265.4	27.2	28.3	22.9
Australia	879.6	927.0	903.2	19.7	17.1	16.3
New Zealand	355.7	365.6	413.6	7.9	6.7	7.5
France	259.6	237.6	385.4	5.8	4.4	7.0
Ireland	187.9	391.3	318.1	4.2	7.2	5.7
U.S.S.R	212.7	396.4	298.2	4.8	7.3	5.4
Denmark	183.2	270.0	257.3	4.1	5.0	4.6
Uruguay	215.2	121.9	234.7	4.8	2.3	4.2
Netherlands	135.8	158.5	201.4	3.0	2.9	3.6
Yugoslavia	149.3	184.8	193.4	3.3	3.4	3.5
Brazil	90.5	58.3	180.8	2.0	1.1	3.3
Mexico	81.1	66.6	100.3	1.8	1.2	1.8
Poland	65.1	70.2	83.3	1.5	1.3	1.5
Germany, West	24.5	39.8	74.9	.5	.7	1.4
Belgium and Luxembourg	10.3	59.6	69.3	.2	1.1	1.3
Nicaragua	29.6	44.6	52.1	.7	.8	.9
Other countries	379.8	499.7	503.7	8.5	9.2	9.1
Total	4,476.7	5,427.6	5,535.1	100.0	100.0	100.0
Importing countries:						
United States	1,236.3	1,327.7	1,518.0	30.3	28.6	30.4
United Kingdom	1,090.4	1,000.5	958.7	26.7	21.5	19.2
Italy	434.3	767.3	581.9	10.6	16.5	11.6
Germany, West	266.2	334.9	430.3	6.5	7.2	8.6
U.S.S.R	236.6	40.8	(3)	5.8	.9	(3)
Spain	101.2	243.8	248.2	2.5	5.2	5.0
Netherlands	58.5	103.6	128.9	1.4	2.2	2.6
Greece	58.0	110.7	114.9	1.4	2.4	2.3
Belgium and Luxembourg	43.8	82.7	99.6	1.1	1.8	2.0
France	91.6	88.3	90.6	2.2	1.9	1.8
Switzerland	63.1	78.5	80.1	1.6	1.7	1.6
Israel	34.6	52.2	70.7	.9	1.1	1.4
Other countries	366.0	416.9	677.6	9.0	9.0	13.5
Total	4,080.6	4,647.9	4,999.5	100.0	100.0	100.0

[1] Carcass weight equivalent basis; excludes fat, offals, and live animals.

[2] Preliminary.

[3] Included in "Other countries."

NEWS RELEASE OF MAYOR LINDSAY

Sunday, April 19, 1970.—In letters to the members of New York City Congressional Delegation Mayor John V. Lindsay today expressed his concern over the skyrocketing cost of meat for New York City consumers.

The Mayor said he is particularly troubled because meat prices are being kept artificially high by government import quotas.

The Mayor said that if action was not taken it will soon be the case that hamburger meat, "Is going to be as costly as a cut of Porterhouse" and "Even such a universal American food as frankfurters" will be considered in the luxury class.

While the Mayor's letter dealt specifically with costs in New York City, he said the implications of Federal import quotas affect prices for all American consumers.

Following is the text of the Mayor's letter:

"I am writing to urge you to give your attention to a very serious problem affecting all New Yorkers. That is the highly inflated prices of meat, particularly manufactured meat such as hamburger and frankfurters, now prevalent in all the grocery stores and supermarkets in New York City.

"The Commission on Inflation and Economic Welfare which I appointed last August has reported that the price of meat, fish and poultry in New York City has risen by 18% in the last year. For a family of four earning $6,000, the additional cost per year to put meat on the table is $101. For a family of four earning $9,500, the additional cost is $135.

"As we all know, these are substantial increases in necessary expenditures which are borne by the average citizen regardless of how much he wishes to economize or how carefully his wife shops in her local supermarket.

"The Commission correctly observed that numerous factors have contributed to this extraordinary price increase, many of which are also influencing other sectors of our economy.

"At least one important factor, however, is unique to the price structure of meat. The price of meat is kept artificially high because of a restrictive meat import formula which guarantees that demand will outstrip supply and which insures inflated profits for the Nation's ranchers exacted at the expense of the Nation's consumers.

"That restrictive formula was passed into law in 1964, the only year in the last eight that domestic production rose more rapidly than domestic consumption. Moreover, the formula is keyed, not to the level of consumption which would insure a stable price for consumers, but to the level of production which allows the cattle industry to increase meat prices simply by holding down production and has a multiplier effect on prices by keeping imports down when domestic production is down.

"Consider for a moment the incredible arrogance of the American Cattlemen's Association representative when he had the audacity to testify before a Congressional Committee that in slowing down production by 5%; 'We were attempting to balance supply with demand, hopefully so we could improve our income position.'

"The time has come for the representatives of our Nation's big cities, both in City Hall and in the Congress, to exert leadership on behalf of our citizens and consumers.

"If we do not act it will not long be hyperbole to say a hamburger is going to be as costly as a cut of Porterhouse, and that even such a universal American food as frankfurters will become so expensive that a large percentage of our citizens will consider it a luxury to purchase them.

"The meat import quotas must be revised if not lifted altogether to cut consumers' prices. Coincidentally the side effects of lifting the embargo will also be beneficial. We will establish better trading relations with our allies in Australia, New Zealand and Ireland, and we will bring about the streamlining of the domestic meat industry through the elimination of noncompetitive fringe producers and of unnecessarily high distribution costs that now plague producers and consumers alike.

"Our case here is irrefutable, our cause is one dear to every housewife who watches her nickels and dimes, and to every working man who likes his three square meals a day.

"Legislation repealing the meat import quotas should be passed."

NATIONAL LIVESTOCK FEEDERS
ASSOCIATION,
April 24, 1970.

Hon. JOHN V. LINDSAY,
Mayor of New York,
New York City Hall,
New York, N.Y.

DEAR MR. MAYOR: As representatives of cattle feeders in the Nation—those who supply the bulk of the beef available to the Nation's consumers—we are literally shocked at the letter you wrote to the New York City Congressional Delegation and released on April 19. While we can appreciate your concern for citizens in the City of New York, we cannot understand why anyone in such a prominent position would make as many false charges as your letter contained, or show evidence of such a complete lack of understanding of meat supplies and prices.

When you refer to, "The highly inflated price of meat, particularly manufactured meat such as hamburger and frankfurters," you demonstrated conclusively that you have not researched the situation. In fact, you have made a completely inaccurate reference. The price of meat, (though it does vary from city to city, as well as supermarket to supermarket) and prices of live cattle have in no sense of the word gone up as much in the past ten years as costs of living in New York City, nor as much as hourly wages or incomes of your residents there.

In a later paragraph you admit to these "Substantial increases in necessary expenditures which are borne by the average citizen regardless of how much he wishes to economize or how carefully his wife shops in her local supermarket." Under these circumstances, Mr. Mayor, how can you justifiably reason that meat prices should not go up accordingly and consumers should balance off their other increased living costs with savings at the meat counter?

You mention the price of meat, fish and poultry in New York City has risen 18% in the past year. If this has occurred, let me remind you of the fact that the prices of live cattle from which beef is derived, have only belatedly been catching up with the price of everything else consumers buy including taxes you levy on your good people in New York for the cost of public services. Compared to 1960, the Government records show that by February, 1970, the average price per pound of choice beef at retail rose from 80.7¢ to 97.4¢ or 20.7%. In the same period, the average price of choice steers (based on Chicago) rose from $26.24 cwt. to $30.27 cwt., or an increase of 15.3%.

Meanwhile, the Nation's average cost of all consumer services (less rent), from 1960 to February, 1970, rose 46.3%, average nonagricultural hourly earnings rose 50.7%, average hourly earnings in construction rose 63%, and per capita disposable income went from $1,937 to $3,172, a whopping increase of 63.8%.

Still covering a ten year period, the per capita disposable income spent for food declined from 20% to 16.4%. With this lower pecentage of income spent for food, consumers have been able to buy 110.7 pounds of beef per capita compared to 85 pounds in 1960, an increase of 30.2%. The truth of the matter is, Mr. Mayor, that beef has been a bargain for consumers compared to practically everything else they buy or the costs they must sustain.

You mention that "Meat is kept artificially high because of a restricted meat import formula which guarantees that demand will outstrip supply and which insures inflated profits for the Nation's ranchers at the expense of the Nation's consumers." The 1964 Meat Import Law was passed for the sole purpose of preventing foreign nations from carving up the domestic beef market and from flooding the domestic market with excessive quantities of cheap beef that would bankrupt the Nation's cattle feeders and ranchers. Their costs have gone up too, Mr. Mayor; up tremendously, just as acknowledged substantial increases in necessary expenditures which are borne by the average citizen in New York. Meat prices are not artificially high, as we have already demonstrated, and the demand has not outstripped supply as you contend. The nation's cattle industry, has been increasing production consistently since 1964, not only in absolute volume, but also in per capita supplies from 99.8 pounds to 110.6 pounds. With the increase, the formula to which you refer allows a corresponding increase in imports making up a portion of the total supply.

You mention that this restricted meat import formula "Insures inflated profits for the nation's ranchers exacted at the expense of the nation's consumers." We challenge you, Mr. Mayor, to show us where these inflated profits among ranchers and cattle feeders of the nation do exist. The truth of the matter is, they do not, since their costs of production have risen far more than prices they receive and net returns they might realize. Frankly, you need to look elsewhere for inflated profits which may be improperly extracting income from the consumers of New York.

Yes, Mr. Mayor, it would be a gross exaggeration to suggest that the price of hamburger may some day be as high as a cut of Porterhouse, and frankfurters may become so expensive they will be considered a luxury unless something is done to relax or eliminate the Meat Import Quota Law. While supplying the Nation with an increased per capita supply of total beef since 1964, contained in that supply is an increased volume of processing type meat, such as that used for hamburgers, amounting to 49 pounds per capita in 1969 and compared to 44.3 pounds in 1964. Such a suggestion as you make could in no way occur by the most irresponsible stretch of the imagination and, despite the statement you wrote, I would be sure you realize this.

The contents of your letter, Mr. Mayor, which have received certain publicity throughout the country, have rendered a great disservice to the Nation's cattle industry, the largest single segment of the overall, agricultural industry and one on whom millions of persons—not only operators, but processors, suppliers, financiers, transporters, distributors, etc.—depend on for a living. Not to be ignored also, are over 200 million consumers who rely on this industry for the finest food that is available to them.

Most consumers realize, we are sure, that under inflated circumstances existing today, they cannot expect to buy beef or any other meat products at lower prices while costs of all other items have risen substantially. I hope that upon examination of the facts, you will realize the incredibility of the charges and statements you have distributed.

Respectfully yours,

DON F. MAGDANZ,
Executive Secretary-Treasurer.

Mr. HRUSKA. Mr. President, I yield 5 minutes to the distinguished majority leader, the Senator from Montana.

Mr. MANSFIELD. Mr. President, all I want to say has already been said by the distinguished Senator from Nebraska, who has been a leader in the fight to give protection to the domestic cattle industry for more years than I personally care to remember. I do recall that, working together, we were able to get the meat import bill, Public Law 88–482, now in effect, passed 6 years ago.

At that time we discussed the matter with our various State cattle associations, as well as the American National. But times have changed since then. Costs have increased. Basically the price received by the producer has remained approximately the same, but the cost to the ultimate consumer has increased considerably.

I am in receipt of a letter from the Department of Agriculture, under the signature of Andrew J. Mair, Deputy Assistant Secretary for International Affairs and Commodity Programs, under date of June 8, 1970, which gives us the latest information, at least as far as I am concerned, on the matter of imports of beef. It shows what the figures are as of this time, and also gives some consideration to the question raised about the Japanese sending us processed meat. I would like to read just the last paragraph, which is a short one:

> We well understand the concern of our cattlemen. Please be assured that we favor continued restraints on imports of beef and that in any review made of this subject their interests will be given strong consideration.

I hope this is not merely rhetoric, but means what it says.

I ask unanimous consent that the letter from Secretary Mair be incorporated at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

DEPARTMENT OF AGRICULTURE, OFFICE OF THE SECRETARY,
Washington, D.C., June 8, 1970.

Hon. MIKE MANSFIELD,
U.S. Senate.

DEAR SENATOR MANSFIELD: Thank you for your letter of May 8 regarding imports of beef.

We, too, have been receiving letters expressing concern about increases in imports of beef. Most of these have been concerned with imports of fresh and frozen beef, veal and mutton, the items subject to the Meat Import Law, P.L. 88–482. The letters we have received have usually pointed to the increase in imports thus far this year as compared with a similar period in 1969.

It is true that imports of fresh and frozen beef, veal and mutton have been higher for the first four months of this year than for the same period last year. The figures are 426 million pounds this year compared with 318 million pounds last year.

Part of the apparent increase in 1970 has been due to the receipt of about 30 million pounds of in-bond shipments which arrived in 1969 but could not be entered because of last year's restraint program. Also, during 1969 receipts were reduced because of the strike in many of our major ports. Despite these two factors, there has been an increase in shipments through April. This does not mean that the restraint program will not work. Rather, it is a reflection of the strong demand for processing beef in the United States. The agreements signed with the principal exporting countries give us authority to impose restraints of our own when they are needed, and we will not hesitate to do so if it appears that any country will exceed its annual restraint level.

Concern has also been expressed about the possibility of Japan sending us processed meat. As best we know, there are two canning facilities under construction in Japan but these will be used to process meat for domestic distribution in that country.

Imports of all cattle through April this year totaled 414,000 head, compared with 362,000 head during the same four months in 1969. You will be interested to know that imports from Mexico are up from last year, while those from Canada are down.

We well understand the concern of our cattlemen. Please be assured that we favor continued restraints on imports of beef and that in any review made on this subject their interests will be given strong consideration.

Sincerely,

ANDREW J. MAIR,
Deputy Assistant Secretary for International Affairs and Commodity Programs.

S. 3942—INTRODUCTION OF A BILL TO PROVIDE FOR THOROUGH HEALTH AND SANITATION INSPECTION OF ALL LIVESTOCK PRODUCTS IMPORTED INTO THE UNITED STATES

Mr. MANSFIELD. Mr. President, in line with the genuine concern expressed by many of the congressional delegations in the West and Midwest on the issue of cattle and beef imports, I have sent to the desk, legislation which would provide for thorough health and sanitation inspection of all livestock products

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imported into the United States. Information which has reached me in recent weeks indicates that this is an area which is in need of some immediate attention. It is tied to the importation of frozen beef and veal. The problem is not at the inspection stations in this country, but overseas establishments, in many instances, are in need of surveillance by U.S. personnel.

This legislation was proposed early in May and introduced by my very able colleague, John Melcher, Congressman from Montana's eastern district. Congressman Melcher, a veterinarian and rancher, shares the concern about this situation, as do the other members of the Montana congressional delegation, and has added a special interest in view of his many years as a veterinarian and active rancher in eastern Montana.

While our efforts in the past several years have been directed toward an effective quota system limiting the importation of cattle and beef products, we now face a sudden increase in imported, processed, and canned meat products which may or may not have been subjected to proper inspection. I think it is only fair to say that our foreign competitors must conform with the same health requirements that any U.S. meatpacker does at the present time. Such a regulation would bring about an immediate reduction in imports and give the domestic livestock industry some deserving relief. This situation is analyzed more succinctly than I can do it in a recent column in the Western Livestock Reporter published at Billings, Mont., may I say to my colleague from Oklahoma (Mr. Bellmon), who comes from Billings, Okla., but they are both cattle producing centers.

Mr. President, I ask unanimous consent to have publisher Patrick Goggins' column, "An Industry at the Crossroads," printed at this point in my remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

An Industry at the Crossroads

The livestock industry and your future is at the crossroads of success or failure. There has never been a time in the last 40 years when there is so dire a need for the attention of every cowman in the United States.

I'm talking again about imports. There is a situation at hand such as the industry has never seen that is made to order for a two fold effect. I'm talking about health standards under which foreign Packers are shipping meat into the United States in competition with U.S. packers.

If the United States cattle industry would champion the cause to the public of America that the United States Government insist that foreign Packers shipping meat into the United States conform with each and every health requirement that U.S. Packers must conform with, we would have an immediate curtailment of imports into the U.S. and still keep face with world trade.

We would have no need to worry about putting more strings on foreign imports or quota restrictions. It would be automatic and the United States cattlemen and livestock industry could, if they would but do it, become champions with the American Housewife. Every Congressman and Senator who might give a helping hand would be rewarded as better statesmen to the American way of life.

There hasn't been a time in the last 40 years that the cowman has had an opportunity or a situation arise that he could become a champion. Most of the time the people of America, especially the housewife and working people, think of the cowman as a baron, a wealthy king with all the money in the world he wants to spend.

I can appreciate that some officials of the livestock industry do not condone this thinking, using the argument, "don't talk about dirty meat or uninspected meat to the American Housewife as she will quit buying all meat and hurt our business."

I do not believe this. Think of the effect if the American National Cattlemen's Association and others would get the word to the American Housewife that she should demand that all of the meat she buys is wholesome and inspected just like U.S. meat. It could be put in such a way that "Mrs. American Housewife, we're looking out for you" and in essence, we are. If Mrs. Housewife must learn of its irregularities via the grapevine through the "back-door", she will quit buying.

When major automobile manufacturers call in 500,000 cars for changes in safety equipment or unsafe parts, quality control they call it, the American buyers don't quit buying their product! They actually buy more because of the confidence it instills into their automobiles.

We need to instill some confidence in the American meat buyer that she is going to get a "quality controlled" product, via efforts of the livestock industry and Congress. Imports are not clean and while they are robbing our markets . . . much worse, they are lowering the "quality-control" that USDA Meat Inspectors have instilled in American meat, USDA—Prime—Choice—Good, etc.

And if you don't think imports are hurting the American livestock producer and feeder, hear these figures: In the first quarter of 1970, all livestock slaughtered under federal inspection in the United States totaled 7,448,644 head. This compares against last year at 7,455,644 head. Hogs, 18,092,000 compared against 19,875,096 head. Lamb slaughter, 2,455,880 head against a year ago of 2,589,659 head. Every category is less than a year earlier; and yet the market isn't nearly as good this year as it was last year.

What has taken up the slack? It's imports!

In this same period of time, meat imports subject to the meat import law were up over 48%. I repeat, 48%! This is meat under the meat import law only and doesn't include the millions upon millions of pounds of meat coming in as canned.

If you want your livestock business to get in the same shape that the grain business is in, then sit back and do nothing. And if you do nothing, three or four years from now when many more are broke, you'll have no right to complain, because they are after the U.S. meat business and they don't mean maybe. There are fewer of us around all the time.

Who is going to be left on that ranch or farm in 1980? With the tremendous decline of farm and ranch numbers estimated at as much as a million farms and ranches in this decade the so called family farm unit is receiving its most severe test in history. The federal census of agriculture is expected to show less than 3 million units as of 1970 year end. If this is true, this will be the lowest number of farms and ranches in the United States since 1835.

This is one of the reasons I have kept repeating and repeating that the farmer and rancher legitimately in business is fast becoming one of the most important persons in these United States.

Efficiency and streamlining of your operation are going to be the keys to the decades' production.

With credit a very tight commodity at this point producers must evaluate their current situation and look to the most profitable way to expand—and expand you must, one way or another. If you are going to compete and stay in the industry you must expand through better efficiency, more production, more beef per acre, more bushels per acre. If you do not have the capital to expand in land holdings, then you must do so through better efficiency in marketing . . . that means some market protection from American plants in other lands who are using the U.S. meat market for their market place.

Yes, there is no doubt that those left by 1980 will be some of the most efficient, economically sound farmers and ranchers that the world has ever known. With fewer and fewer agriculture people around each year, we must protect our own market. It can be done. Let's tell America's Housewives the truth.

Mr. MANSFIELD. Mr. President, I also ask unanimous consent that a copy of the bill, which provides for thorough health and sanitation inspection of all livestock products imported into the United States, and for other purposes, be printed in the Record.

The ACTING PRESIDENT pro tempore (Mr. Allen). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 3942) to provide for thorough health and sanitation inspection of all livestock products imported into the United States, and for other purposes, introduced by Mr. Mansfield, was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the Record, as follows:

S. 3942

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is directed to establish a system of thorough examination and inspection of all livestock products imported into the United States, including all fresh and frozen or chilled meats after thawing, providing for such examination at the time of entry or before any processing or offering for sale to consumers, to prevent the entry of any disease or distribution of any unwholesome products. The Commissioner of Customs shall levy on such animal products entering the United States, in addition to any tariffs, a charge or charges set by the Secretary of Agriculture, sufficient to defray the costs of such examinations and inspections and of United States surveillance of all establishments abroad slaughtering animals or processing animal products for export to the United States.

Mr. HRUSKA. I thank the Senator from Montana for his contribution.

I yield 5 minutes to the Senator from Oklahoma.

Mr. BELLMON. Mr. President, I thank the distinguished Senator from Nebraska, and compliment him for the leadership he has taken in helping point out the very critical problems we face in connection with the beef import question.

Mr. President, I have in my hand a report entitled "Foreign Agricultural Circular," published by the U.S. Department of Agriculture in May of 1970. I should like to read some figures from this report, to help show American consumers just how fortunate they are so far as the costs of beef are concerned.

On page 10 of this publication, it is brought out that dressed beef prices range from 22 percent in Paris to 50 percent in Milan higher than they are in New York City for roughly comparable grades of beef.

The report goes on to say that profits from feeding cattle at observed locations range from $126 a head, on a 120-day feedlot in an efficient operation in Italy, to losses in France.

I come from an area where we raise a lot of beef and feed cattle, and I know that, rather than make $126 a head, as this report says is the case in Italy, a good, efficient feeder in the high plains of Oklahoma, Texas, Kansas, or anywhere throughout the corn belt, is very fortunate if he can make even $20 a head. Our beef producers are working at a very low level of profit as compared to that in other parts of the world; and as a result, the consumer here is benefiting by their efficiency and by the high level of output that is possible using the modern methods that have been developed here.

Recently, I was a member of the delegation from the U.S. Congress that attended a meeting of agricultural attachés for Asia held in Canberra, Australia. There we received some additional interesting information. We were told that in Japan, at the present time, beef costs the consumer about $7 a pound. We have been told by the report to which I have referred that it costs from 22 percent to 50 percent more in Europe than it does here; but in Japan, beef is about $7 a pound at the retail level; and as a result, beef over there is used, not as a staple in the diet, but as flavoring, the way we would use pepper or paprika or some other flavoring material. They do not have a steak or a roast, but a few flakes of beef mixed in with their rice or other food.

The result is that the per capita consumption of beef in Japan is only 3 pounds per year. There are 100 million people living there, in one of the most progressive industrialized nations in the world, enjoying a rapidly increasing income, with wage levels rising 15 to 20 percent per year. They are able to afford, and want, much more beef, but at the present time the laws of Japan almost totally eliminate importation of beef into that country from the United States. The U.S. Department of Agriculture has been able to obtain a very slight exception to those restraints in order that our exporters can provide beef for Expo '70, which is now in progress, but there is no way at the present time producers in this country can get the high quality beef we produce shipped into Japan to meet what is certainly a tremendous latent demand. The solution to this dilemma is to figure out a way of removing these trade restrictions.

There are many other countries in that part of the world that could also use American beef. I have before me a table showing the amounts of beef shipped into many other countries in Asia. For instance, India imports no beef at all. Thailand imports no beef. Malaysia imports no beef. Singapore imports no beef at all, and Indonesia imports no beef. The Philippines imports no beef. The Republic of China imports no beef at all. Japan allows no beef imports, as I mentioned earlier. And, believe it or not, Australia, which exports so much beef to this country, will not allow one single pound of American beef to be imported into that country. The same is true of New Zealand.

So, Mr. President, my conclusion, after attending this very meaningful conference, was that we in this Nation are being extremely impractical in allowing such huge quantities of a product that we produce here more economically than in most parts of the world, and which has a higher quality than beef coming in from most parts of the world to be imported into our country, also we have not done an aggressive job of merchandising our own product in other nations which need more beef.

It was interesting to talk with some of the Australian beef producers. We visited several ranches, or stations, as they are called there, and also a packinghouse. One of the gentlemen there asked me, "Why is it you Americans will not buy good beef?" He said, "All you will buy from us is our old bulls and wornout cows. I would not put my teeth into what we send to your country."

The reason is that we import what we call processing beef, which is mixed with scraps of beef from our own cattle, and then the American consumer will accept it, though it is less palatable than American-grown beef.

There is a good deal more to be said on this subject. I recognize the time limitation we are operating under today, but I expect to take advantage of any opportunity to talk about it more later. Congress will very soon be considering a new farm bill, which will undoubtedly involve the appropriation of several billion dollars to support the farm economy of this Nation. I feel this is a totally necessary and desirable use of tax funds; but to me there is a far better answer to the overproduction of agricultural products that we have here, and it lies in meeting our own needs for beef. We import, as the Senator from Nebraska has told us, well over a billion pounds of beef into this country each year. We could produce every bit of that beef as well as additional beef to be exported to other countries which presently get no beef. The citizens of these nations have a desperate need for more beef in their diets, but we are not going to be able to increase our beef production here as long as a threat of a drastically expanded level of imports exists. No beef producer is going to make the tremendous investment involved in expanding his output as long as he is threatened by a market crash such as happened in 1964, when the imports of beef reached the 1,600 million pound level.

If we are to have a continuing supply of high quality, low-cost beef for the American consumer, our producers are going to need assurance that the market will remain in a fairly stable condition. For that reason, I feel that when we take steps here to limit the importation of beef, we are not protecting the producer, we are protecting the consumer. By assuring the consumer a dependable supply of high quality domestically produced beef for the years ahead we are protecting him from the low quality and high prices consumers in other nations suffer.

Right now, with the farm programs we have in effect, this country is keeping about 58 million acres of land in a relatively nonproductive state. Much of that land would produce beef if the owners and operators of those farms felt they could shift into beef production without causing the market to collapse.

I believe very strongly that in the long run, we should take steps to encourage this kind of transition, and I hope to be able to support a farm bill that will direct our efforts toward that goal.

Mr. President, again I congratulate and thank the distinguished Senator from Nebraska for calling attention to this problem, and wish to say that I feel the colloquy that has taken place here today will do a great deal to help improve the understanding of the problems we face, and hopefully make it possible for Congress to work out long-range solutions to those problems.

I thank the Senator from Nebraska.

Mr. HRUSKA. Mr. President, the contribution of the Senator from Oklahoma is especially welcomed and should be appreciated by the entire membership of this body. His vantage point, not only in being from one of the great cattle States of the Union, but also from having attended the conference to which he referred, and the observations he made there, will be invaluable in putting this problem into proper perspective.

Mr. President, I yield 5 minutes to the Senator from Kansas.

THE RECORD OF THE AMERICAN BEEF INDUSTRY

Mr. PEARSON. Mr. President, I thank the distinguished Senator from Nebraska, and wish to associate myself with the points he developed in his speech, as well as with the statement made by the distinguished majority leader (Mr. MANSFIELD).

I state to my friend from Oklahoma that a year and a half ago, with a group of Senators and Representatives, I was in Japan and had the opportunity of visiting with the agricultural attachés in Tokyo to explore, in some detail, the importation into Japan of wheat, soybeans, and beef. I should like, with the Senator's permission, to confirm many of the facts that he has stated in his excellent statement.

Mr. President, during recent years the domestic cattle industry has established a really tremendous record of supplying the American consumer with the ever-increasing quantities of beef that he demands and at reasonable prices. The increase in beef production over the recent years is another example of the outstanding efficiency of American agriculture.

Yet, the domestic cattle industry has been subjected to criticism from some quarters in recent months. Some have complained about the retail prices of beef. The Meat Importers Council of America, for example, has argued that this country will face a beef shortage in the years ahead unless imports of foreign beef are substantially increased.

These criticisms of the domestic beef industry seem to have been triggered by two factors—first, by a rather sharp, but temporary increase in cattle prices during the middle part of 1969 and, second, by a growing organized effort from foreign countries such as Australia, New Zealand, and some of the Latin American countries to increase their imports of beef to the United States in order to strengthen their own domestic cattle prices.

Mr. President, in actual fact, any reasonable and objective study will show that live beef prices are not too high. Likewise, any objective study will show that predictions of a beef shortage within the next few years is without foundation.

First, let us take a look at the price situation. American agriculture has been plagued by low prices almost continuously during the past 50 years. Indeed, low farm prices have become such a common characteristic that if the price of one farm commodity rises; it attracts an undue amount of attention, even though we all know that the prices of all consumer items have been steadily rising during the past two decades and particularly during the last 10 years. In fact, because of the increase of prices in general, some people seem to imply that farm prices should somehow not be allowed to increase at all.

Mr. President, beef prices have to some extent increased over the past decade, and during a short period last summer there was, indeed, a fairly sharp rise. During June the price of choice steers in the Chicago market reached a peak of $34.24 per hundredweight. But a decline soon set in and during the past few months prices of choice steers have stabilized at around $30.30 per hundredweight which is a decline of about 12 percent from last year's high.

Chicago choice steer prices in May of this year averaged $30.29. This compared to a price of somewhat over $26.00 per hundredweight at the same time in 1960, a decade ago. This is an increase of about 16 percent. But if steer prices had kept pace with the cost of consumer services during the last 10 years, choice steers should be selling at over $38 per hundredweight. If choice steer prices had gone up as much as hourly earnings for nonagricultural labor, they would be selling at over $39 per hundredweight.

If the price of choice steers had increased at the same rate as the increase of per capita disposable income in the United States, choice steers would be selling at around $43 per hundredweight.

Moreover, during this period, when steer prices increased by 16 percent, the prices paid by the farmer for his production items increased by over 20 percent.

Mr. President, the American housewife spends about 16.5 percent of the aftertax family income on food. This is a decline from 20 percent in 1960. This is, of course, the lowest in American history and the American individual spends a smaller proportion of his disposable income on food than any other citizen in the world. It may also be useful, in this connection, to note that meat purchases represent 15 percent of the American consumer's food dollar.

If farm prices had increased at the same rate as other prices, this remarkable record would not be possible. The productive efficiency of the American farmer is one of the major economic achievements of modern times and the American consumer has been a major beneficiary.

I now turn to the question of the cattle industry's capability to increase production to meet the growing demand.

In 1959, U.S. beef production was 13,580 million pounds. By 1969 that had been expanded to 21,126 million pounds—an increase of 57 percent over a 10-year period.

While production has been increased dramatically, consumption has also been growing. This increase in consumption grows out of the increases in our population and also is a result of the fact that individuals are consuming more. The per capita consumption of beef in 1950 was 63.4 pounds. In 1960 it had increased to 85.2 pounds. By 1969 it reached the level of 110.7 pounds, and may go as high as 113 pounds during this current year. This represents a total gain over the 20-year period of around 50 pounds per capita. If our economy continues to prosper, some further increase in per capita consumption is likely. However, increased rates comparable to those of the last 20 years are not very probable. A leveling off in the rate of increase in per capita consumption can certainly be expected.

We will also witness a growing demand for beef because our population is growing, but again it is necessary to point out that the rate of increase in population has tapered off in the past 2 or 3 years, and this can be expected to continue.

I have reviewed a number of projected consumption requirements for the year 1975, and the most reasonable prediction seems to be that we will be consuming somewhere around 25 or 26 billion pounds of beef at that time. Somewhat less than 2 billion of that market would be supplied by foreign imports under the existing meat import law.

Thus, the domestic industry would have to produce about 23½ billion pounds to fill this market. Production in 1969 has already reached something over 21 billion pounds. Therefore, we are talking about an increase of 11 percent over the next 6-year period. This is an entirely reasonable expectation, given the fact that in the last 6 years American beef production has been increased by 28.6 percent.

Mr. President, as I have indicated, there have been some modest increases in beef and other livestock prices in recent years, but we also know that almost all prices in our economy have been moving upward. Therefore, this is not at all unusual. It is, however, somewhat unusual for agriculture, which, as I have said, has been plagued with depression level prices more times than not during the last 50 years. Today, livestock prices are holding rather stable but other farm prices are down. Indeed, if it were not for the strength in livestock prices, American agriculture would be in much more serious economic trouble than it already is.

The latest issue of Agriculture Prices reports that index of prices received by farmers between March 15 and April 15 dropped by 3 percent while the index of prices paid by farmers continued its upward climb, registering a gain of ¾ percent. Thus, the parity ratio for April fell to 72. This is the lowest in the past 10 years and, indeed, is the lowest since the 1930's.

Other figures could be cited, but the fact remains that the current strength in livestock prices is about the only reassuring aspect of the agricultural economic situation. This is particularly true for those farmers whose livelihood depends on a cash grain and cattle combination. Cash grain prices, particularly wheat, are extremely depressed. Thus, a drop in cattle prices, which would surely result from any substantial increase in imports, would have disastrous results for literally thousands of farmers in my own State of Kansas and in a good number of other States as well. We cannot allow this to happen.

Mr. President, the Meat Import Act of 1964 has achieved its basic objective. It has given the domestic producer some measure of protection, while at the same time allowing a steady increase in the number of pounds of beef that foreign countries can send to this country.

Indeed, if there are any deficiencies in the present law they are in the nature of allowing too much foreign beef to be imported into this country rather than too little. Likewise, there are a number of loopholes which potentially raise some serious problems and hopefully will be corrected by administrative regulations.

Finally, Mr. President, let me say that my concern is not whether or not beef production will increase fast enough but that it will increase too fast. The history of American agriculture since the 1920's is one of production outstripping demand with the resulting downward pressure on prices. A study of past records will show that beef production has been no exception. There are, indeed, identifiable cycles in beef production, and periodically production gets so far ahead of demand that prices are forced down to such a low level that many farmers are economically ruined. I hope that we can prevent this happening again.

Mr. President, I have tried to show that beef prices, considering today's CPI, are not out of line, and that the domestic cattle industry can meet future demands.

Mr. President, I commend the Senator from Nebraska, who has not only alerted us to the problem, but has also indicated to many of us that this is a most appropriate time to speak about the problems of beef import and beef prices and the capacity of the domestic industry to meet these demands. I think it most appropriate that he has taken the leadership today, as he has for so many years, in calling to the attention of many of us who have a vital interest in this problem that this is an appropriate time to answer some of the criticism, to review the record, and to indicate what the cattle industry has done for the American consumer and what it can do in the years ahead.

I thank the Senator.

Mr. HRUSKA. Mr. President, the Senator from Kansas has made a fine contribution. Historically and persistently and constantly, the cattle industry has risen to the additional demands for beef consumption in this country. The analysis he has given on that point is very useful.

Mr. President, I yield 5 minutes to the Senator from Idaho.

Mr. JORDAN of Idaho. Mr. President, I commend the distinguished senior Senator from Nebraska for his leadership in this important area.

I think we had better consider a very important facet of this problem, because never before in the history of this country or of any other civilized country has it taken so small a percentage of the disposable income of consumers to buy food. Red meat and products of the farm are certainly the best bargains in the market today. The price of beef is no higher today than it was immediately after World War II. I was in the business then, and I know. The costs have doubled and tripled, and in some instances they have quadrupled. Yet, the price is the same as it was immediately after World War II.

So there is no bonanza in beef farming or the raising of red meat in this country. It is a matter of trying to save a substantial portion of the American market for the American producer.

Arguments are focused on the lowly hamburger. It is said that we need cheap meat for processing. This is a fallacious argument, because we have the facilities to produce all the meat that is needed in processing. We can produce it in America. We can produce it and make jobs for Americans, make jobs for the people in our own country. And we can use some of the surplus grain that we produce in the farming area. So I do not subscribe to the proposition that we are going to do without hamburgers unless we can get imported beef. I say that we get better quality hamburgers if we rely on local sources, because we have the kind of inspection and the kind of processing plants that will assure us of the best quality.

Among those who urge an increase in imports of meat it is a favorite argument that the beef and mutton we import is required for the production of manufactured meat products, particularly hamburgers, since it is of a cheaper price and lower quality than the bulk of the domestic beef. This argument insists that American sources of similar beef, such as through the culling of excess cows, are declining. They argue that without a great increase in imports our supplies of this type of beef will be inadequate, and they tell us that we are on the verge of a hamburger crisis, that the price of hamburgers—that great American institution—will go out of sight and we may even be threatened with a physical shortage of hamburgers.

These are the forecasts. But what are the facts? The facts clearly disprove any such hysterical predictions.

It is a characteristic foible of those of the free trade school that, when arguing for more imports, they must insist that the imported product is in some degree different from the domestic one, and, therefore, not directly competitive with it. Thus, the free trade advocate claims that Italian shoes should be imported because of style differences. Japanese machinery items should be brought in because of the technological innovations they contain.

European automobiles should be bought because their manufacturers have engineered a superior product which Detroit should have done, first and better, paying American wage scales. In each case the argument is made that the foreign article should be admitted because it is not only cheaper but different. In each case it is claimed that the imported article will not really displace an American product, because the foreign item is different and is bought because it is different—not solely because it is cheaper—and that if it were not permitted to be imported, perhaps the consumer would not buy anything at all. That is the argument.

In the same way now we are told that more beef must be admitted, not only because it is cheaper, but because the American industry does not supply enough of some particular grade of beef.

The argument is absurd on its face. The American industry can supply whatever quantities of whatever kind of beef the consumer wishes to purchase. We allow certain quantities of beef to be imported because of the obligation to allot a certain share of our market to foreign suppliers on the basis of their historical share of that market. It may be a diplomatic and legal obligation in some sense, but it is not a physical need on our part. We can use their beef, but if we did not have it we would produce our own. Let it not be supposed that we are in any real sense dependent on foreign sources for meat supply. If some unforeseen event were to interrupt the shipments of foreign meat to this country, the domestic industry, after a reasonable period of time allowed for readjustment, would make good the shortage and fill the market.

Parenthetically, the hamburger, as a convenient and inexpensive means of getting some quick nourishment, was created and popularized by America, not by Australia. I feel sure that neither the beef producers nor the packers and processors have any intention whatever of letting it become obsolete or pricing it out of the market.

Where does our supply of manufacturing or processing beef come from? Does it come chiefly from foreign sources? It does not.

I have a tabulation showing the principal sources of the beef used for processing or manufacturing purposes in this country, covering the period 1964 through 1969. The table shows that the beef for processing purposes in 1969 amounted to 9,953 million pounds, and of this supply of raw material, 8,339 million pounds—83.8 percent of the total—was from domestic sources. Only 16.2 percent was foreign. Evidently the contribution to our needs of the foreign producer—like the report that came during his lifetime to Mark Twain of his own death—has been greatly exaggerated.

The tabulation shows in the same way the contribution from domestic and foreign sources of beef to the supply of processing meat during each of the other years since 1964. In each year the percentage contribution of foreign beef was of minor importance. No doubt particular manufacturers found it helpful to have a supply of the lower cost low-fat foreign product in creating his mixture for consumer acceptance. However, the basic reliance was on the domestic source.

The table also shows that there has been a substantial growth in the supply of beef for processing purposes during this brief period, from both domestic and foreign sources. Most of the increase came from domestic sources. Domestic beef for this purpose increased by 1,000 million pounds, while foreign beef increased by 434 million pounds. It is fortunate indeed that we did not rely too heavily on foreign beef. Even if all the bars had been lowered and all the foreign beef been let in without hindrance, I do not know if there would have been enough to supply the growth in the American market. As always the domestic beef industry was the place we had to look for this supply.

One further point is shown by the table. Not only did this growth occur in gross quantity, but there was also a growth on a per capita basis. In 1964, there was available 44.3 pounds per capita of processing beef. In 1969, the quantity available was 49 pounds per capita.

In fact, manufactured beef from domestic production comes from two sources. There is the production of cow and bull beef, much of which is lean because the animals have been produced on grass. The other source is that part of the carcass of steers and heifers, whether fed or nonfed, which is not sold as beef cuts. Beef cuts come generally from the loins, rounds, ribs, and chucks. Much of the rest of the carcass, including the plates, shanks, brisket, and trimmings, wind up as ground beef which is used in the manufacture of processed products, either hamburger or some other.

The exact use of each constituent depends to some extent on the demand for various products, on the supply of various components, on the shifting of prices among them and among geographic regions of the country, and so on. The market in this country for live animals and for beef is a marvelously flexible mechanism. It diverts excess supplies of beef to fill whatever demand is most pressing at that particular time. In that way it finds a use for each part of the animal, in the creation of a processed product which fits the pocketbook of each consumer.

Even part of the chuck may find its way into hamburger instead of being sold as chuck roasts, since the prices of this particular cut are often comparable or close to prices received for hamburger.

Those taking the importers' side of the argument like to emphasize the declining supply of lean beef available from the culling of dairy herds. It is argued that a supply of lean beef from some source is essential to the manufacturer of hamburgers, who mixes the lean with fat from other sources to compound a mixture that meets his specifications and is acceptable to his public.

It is true that the quantity of beef from cow and bull slaughter has declined through the years. My table shows that. But there is nothing surprising in the fact that the industry is undergoing changes. There are always those who view with alarm. At all times there are changes underway in any dynamic industry; 75 or 100 years ago there were doubtless those who viewed with alarm the passing of the open range in the West, and pointed to the impending shortage which that event might precipitate. Yet, we see that challenge was met.

With respect to the future of the American hamburger let me reassure my colleagues. The hamburger is alive and well in this year of our Lord 1970. It is not about to disappear. It is not about to become too high priced for the poor urban dweller. The urban dweller's income has increased faster than the farmer's. It is our confident hope and belief that he will be eating hamburgers for many years to come, and that we will somehow be able to supply him with the component materials needed by the meat manufacturer to create that hamburger, at a price he will be able to afford.

It is true that the price of hamburger has increased somewhat—along with everything else. Whether all that increase has gotten back to the farmer is another question which I will refrain from going into here. There is evidence that it has not.

The point is, from the standpoint of this discussion, that the price of hamburger through the years has generally paralleled the price fluctuations of other kinds of beef—and it still does. When beef prices generally were up, hamburger was up. When other cuts of beef were down, hamburger was down. There were variations of a few pennies one way or the other in the price of hamburger or of other beef cuts, but they never amounted to more than a few pennies one way or the other. Neither was there ever any shortage of hamburger, nor do we face the possibility of one now.

The best proof of this is made by a detailed comparison of the price of hamburger with the price of chuck roast. Chuck is the least expensive of the principal table cuts from the beef carcass. It comes largely or almost entirely from domestic sources. Customarily it is priced only a few cents per pound above the price of hamburger, and in fact it is frequently available at the same retail counter where hamburger is sold.

I will insert in the RECORD a short table showing, year by year since 1950 and month by month for 1969 and 1970, the difference in the retail price between chuck roast and hamburger, according to the Bureau of Labor Statistics retail price index. Detailed analysis of these figures shows that the price of chuck operates as a sort of ceiling over the price of hamburger. The price cf hamburger fluctuates usually between 5 and 8 cents below the price of chuck. Between 1964 and 1969, the annual average for hamburger was never less than 6.1 cents below chuck, and never more than 8.7 cents. Last month—April of 1970—hamburger was exactly 8 cents per pound cheaper than chuck. That shows that there is no shortage of hamburger. If there had been, the price of hamburger would have climbed up to a point approaching that of chuck. The table gives clear proof that through the action of the market the price of chuck operates as a ceiling to keep the price of hamburger down to a reasonable level.

Clearly there is no danger of a hamburger shortage facing us, nor is there any peculiar need for foreign beef which cannot be supplied by domestic sources. To the extent that there are differences in quality in some cases between imported beef and some part of the domestic supply, these quality differences can easily be dealt with by the manufacturer in the compounding of manufactured meat products through using meat from various sources.

As a corollary to the above statement, it must also be clear that any increase in imports of beef represents a direct competitive threat to the well-being of the domestic beef industry. Additional imports of beef replace the domestic product pound for pound, or else they depress the price received by the domestic producer. It is no use pretending that imports can be increased without affecting the American cattleman. He knows better, and he cannot be persuaded otherwise.

Mr. President, I ask unanimous consent to have the tables to which I have referred printed at this point in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE I.—DOMESTIC PROCESSING BEEF PRODUCTION AND IMPORTS, 1964-69

	Million pounds					
	Cow and bull beef products [1]	Processing beef from steers and heifers [2]	Total domestic processing beef	Imported beef carcass weight equivalent	Total processing beef	Per capita supply (pounds)
1964	3,433	3,906	7,339	1,180	8,519	44.3
1965	4,270	3,759	8,029	923	8,952	46.0
1966	4,064	4,072	8,136	1,182	9,318	47.3
1967	3,741	4,284	8,025	1,313	9,338	46.9
1968	3,841	4,429	8,270	1,500	9,770	48.6
1969	3,880	4,459	8,339	1,614	9,953	49.0

[1] Computed from total domestic beef production, steer and heifer slaughter, and cow and bull slaughter.

[2] Computed from domestic production of steer and heifer beef using accepted fact that 26 percent of all steer and heifer beef is used in processing and manufacturing.

TABLE II.—DIFFERENCE BETWEEN THE PRICE OF CHUCK ROAST AND HAMBURGER: AVERAGE RETAIL PRICE PER POUND IN LEADING CITIES IN THE UNITED STATES, 1950-70

[Difference in cents]

1950	5.0
1951	7.7
1952	10.2
1953	7.9
1954	10.8
1955	10.6
1956	9.9
1957	10.5
1958	10.4
1959	9.2
1960	9.2
1961	8.2
1962	10.2
1963	9.0
1964	7.3
1965	8.7
1966	8.0
1967	6.1
1968	7.4
1969	8.0
1969—January	7.4
February	7.8
March	7.7
April	8.9
May	8.7
June	9.3
July	10.2
August	8.3
September	7.5
October	7.2
November	5.9
December	6.6
1970—January	5.6
February	7.1
March	7.1
April	8.0

Source: Calculated from price data compiled by Economic Research Service from Bureau of Labor Statistics Retail Price Bulletin.

Mr. HRUSKA. Mr. President, I thank the Senator from Idaho for his remarks. What he has said is true. The cattle industry has come forward very well in that regard and will continue to do so.

I yield 5 minutes to the Senator from Arizona.

Mr. FANNIN. Mr. President, I express my thanks to the distinguished Senator from Nebraska, and I commend him for the leadership he is exhibiting in this very important matter. Certainly, his expertise is well known. Some may equal but none will excel him in that regard.

Some very important factors have been brought out here this morning regarding what is happening in our Nation today with the tremendous volume of imports coming into this country, the imbalance of trade that exists with many countries of the world, the threat to our economy, and especially the threat that faces us with respect to jobs.

Mr. President, no doubt imports from friendly foreign nations are a valuable tool in our effort to strengthen the free world. But the maintenance of a strong America is also a must in that same effort, and America can remain strong only if our economy does. A growing, dynamic economy depends fundamentally upon the creation of a new wealth, and new wealth is created from natural resources. Agriculture must be considered the most important creator of new wealth because it makes use of renewable resources. This is especially true of cattle because they convert an otherwise largely unusable renewal resource—grass—into new wealth which is injected into the economic bloodstream of America. For example, Arizona encompasses approximately 70 million acres.

Of this, only slightly more than 2 percent is either cultivated or in municipalities. Most of the balance has only one primary productive surface use; that is, the production of grass and forage. We are fortunate in that the production from such a vast area can be converted into a usable product—nutritious meat for the tables of America. Without the constant injection of new wealth our economy would soon stagnate and wither away. Imports, as such, do not create, nor even replace, new wealth.

Because of this all-important aspect of the cattle business any program which threatens its existence would have effects far beyond the comparatively few people who produce cattle. It is sometimes stated that we have a favorable balance of trade in agricultural commodities, and that, so long as we do, even though specific producers may be hurt, our total agricultural economy will benefit. In other words, according to this premise, the cattle segment of agriculture could be eliminated and, if our beef needs could be imported, no harm would be done—except to the beef producer—providing we could still maintain a favorable trade balance in agriculture. Such a premise is a fallacy because livestock, especially cattle, is the foundation of American agriculture. According to the census of agriculture about 85 percent of all U.S. farms and ranches are involved to some degree in marketing of cattle and calves, and so depend on those receipts for all or some portion of their income. No other commodity is this basic and the economic condition of all agriculture is to a very great extent dependent upon the economic condition of the livestock segment.

Likewise, it is probably safe to assume that livestock supports a greater proportion of American agribusiness than any combination of other commodities. A generally accepted figure is that 40 percent of our U.S. labor force is engaged in agribusiness—the production, servicing, processing, transportation, and marketing of agricultural commodities.

As stated previously, I believe that imports can be a valuable tool in foreign relations. I also believe that, if judiciously regulated, imports can have a salutory influence on extremes in price cycles. But although an overly generous U.S. import policy might be helpful to our foreign friends on a short-term basis, even their long-term best interest lies in helping to keep the United States sound economically.

Mr. President (Mr. JORDAN of North Carolina), let me digress here a moment to say that we have been a friend to many countries of the world. We have been of assistance and have done a great deal for the other nations in the world. We have an opportunity to do a great deal more, but we must have the protection of our industries just as other countries want protection for theirs. We have a great imbalance of trade with many countries of the world. We realize what we are facing in this regard. Consequently, we are facing a serious situation so far as the employment of our people is concerned. We can give illustrations of where we have had manufacturing businesses moving to other parts of the world and then we have had to lay off our workers here.

We do not want that to happen in the livestock industry, but it is threatening us and it will happen unless we continue a policy that does give protection, the kind of protection which the livestock industry is entitled to.

Mr. President, here are a couple of situations that apparently exist and have existed for some time. They need our attention because they are inconsistent with the 1964 meat import law.

First. The Japanese Government has just opened two huge packing plants down under that are strictly packaging and canning plants. Australian beef is being bought, packaged in cans, and shipped to the United States. Also similar prepared products are entering the United States through Canada. As you know, there is no embargo or controls on the amount of canned meat that can be shipped into the United States.

Second. Some of the imported meat has been processed in plants not conforming to our Federal specifications for our domestic supply.

The American cattleman is personally committed to the supplying of wholesome and nutritious beef to the American consumer. It seems to me it is imperative to assure them every consideration in their efforts to continue this service to American consumers.

Third. The cattlemen are immersed in a severe adverse economic situation. Over the past several years, the cattle industry has been operating on nothing more than the appreciated value of its land. The U.S. Department of Agriculture figures prove that the farm debt is at an alltime high. No business can continue to operate for long without a net profit.

The cattlemen are attempting to solve their own problems within the framework of the free market system. The cattlemen's associations are voluntarily attempting to balance supplies of beef with effective demand. The main thrust of their program is designed to balance the tonnage of beef produced to achieve a goal that has been eluding them for so many years—a reasonable net profit.

The cattlemen want to achieve their goal of net profit in the best tradition of their industry without direct Government assistance. However, they find that this is going to be extremely difficult to achieve with tremendous quantities of fresh, chilled and frozen imports arriving on our shores from other nations of the world.

The cattlemen do not seek to ban all imports. They are attempting only to achieve a degree of reasonableness and adjustment to a statute already on the books—the Meat Import Act of 1964. This very act has tended to become a pattern for other commodities to follow because it is not protectionist in the true sense of the word. To the contrary, it guarantees reasonable access to the U.S. market for the exporting nations of the world.

Many misleading and untrue statements have been made about the effect of cutting back imports to the United States. Charges that appear in some syndicated columns would lead one to believe that the price of hamburger is going to skyrocket because the supplies of lean, boneless beef from foreign countries would be regulated.

This is simply not accurate. To the contrary, the cattlemen and meatpackers want to continue to produce the finest quality, most wholesome beef available anywhere on the face of the earth at the most reasonable prices to the consuming public. They can continue to do this on a long-range basis only if their business is placed on a sound economic basis. As a matter of fact, should their economic situation not improve, the consumers of this Nation will suffer the consequences of a shortage of domestically produced beef complicated by the whims of exporting nations. Those exporters hold no basic allegiance to the United States but merely wish to achieve their selfish ends by selling to the currently highest bidder. If the American consumers become dependent on foreign meat supplies, it is very possible beef prices may be forced up or the United States could be deprived of a meat supply.

If the U.S. beef-producing industry is lost through insolvency, or through the unfair competition of cheap foreign imports, the loss would result in a serious detriment to the nutritional requirements of our citizens during normal peacetimes. Further, our consumers would be subjected to the possibility of improperly inspected meat being inadvertently exported to the United States. Also in case of an international emergency or the failure of the cheap beef-producing countries to furnish adequate quantities of meat, by reason of national disaster or political decision, or otherwise, our beef-producing industry could not be reinstituted overnight or within years.

We have many sound, compelling reasons for making certain that our beef-producing industry is permitted to remain strong, productive, and profitable.

Fourth. Mr. President, I think it essential that the Senate keep in mind the importance of the domestic beef cattle industry to the overall economy and further that domestic production can assist in correcting the recent deficit in the balance of trade. Because cows are so common and easily ignored in the passing scenery of modern America, we often overlook that the sales of cattle and calves in recent years have topped $10 billion. This makes it the largest single source of agricultural income, exceeding several of the other major, basic crops combined. The valuation of the Nation's beef cattle herd, conservatively is a substantial portion of our basic national production resource.

Further, 35 of our 50 States have more than 1 million head of cattle and 29 of our States realize more than $100 million in annual sales of cattle and calves. This is not just a "cow country" problem, a Western problem or a Midwestern problem—the industry has so burgeoned in recent years to make beef production a major factor throughout the Nation.

In fact, one of the major difficulties experienced by the beef cattle industry in recent years is that our own Government—accompanied by a chorus of enthusiasm from local chambers of com-

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merce, colleges, agricultural supply industries, and so forth—has encouraged expansion of beef cattle production on acres diverted from, or deserted by other crops. Our domestic beef production since 1960, for instance, has increased 35 percent, while our human population increased only about 8 percent. This encouragement for more and more, seemingly ignored the expansion in, or condition of, the world beef trade which was gearing, meanwhile, for the American market.

That the two paths were clashing was recognized in 1964 when the Congress of the United States passed overwhelmingly, over vigorous administration objection, Public Law 88–482 to establish, for the first time for a major domestic commodity, quantitative limitations on meat imports.

The reasons for passage of that law still stand and are further enforced by conditions within the domestic industry and developments in foreign lands too obvious and well known to be repeated here.

It is apparent that there cannot be true balanced foreign trade unless nations have purchasing power or the power to produce wanted goods. However, we are not fully cognizant of just how fast and deliberately the ground rules can be changed, too often to the detriment of a nation such as ours which seems to feel that everybody always will play fair. Free trade is a two-way street, but up to this point, it seems that the United States has only traversed in one direction, we have given while the other nations have remained rather static in their trade policies, many becoming even more protectionistic in just this short time.

Orderly trading calls for fair trade for our agriculture producers—not protectionism. There is a big difference. Fair trade allows trade to flow. It permits comparative advantage to function with relative freedom for the good of all. Protectionism, by completely shielding inefficient producers from competition, stifles trade. The U.S. beef quota law illustrates what I mean by fair trade.

Mr. HRUSKA. Mr. President, I wish to express my appreciation to the Senator from Arizona for the efforts and the research he has engaged in before making his remarks today. They are most helpful and will be useful in the debate which lies ahead.

Mr. FANNIN. Let me express my appreciation to the distinguished Senator from Nebraska who has carried the leadership of this program, a program which is so vital to the people of America.

I realize the tremendous amount of work involved in this problem and also realize that this is not something that the Senator from Nebraska began in recent weeks or months, but has been a program he has carried forward for many years.

Mr. HRUSKA. I thank the Senator from Arizona very much.

Mr. President, I now yield 10 minutes to the Senator from Kansas (Mr. Dole).

The PRESIDING OFFICER. The Senator from Kansas is recognized for 10 minutes.

Mr. DOLE. Mr. President, first of all, I join my colleagues in expressing my thanks to the distinguished Senator from Nebraska for his leadership in this very important matter.

Recent attacks on the meat industry have brought undue concern to consumers of meat in the United States.

As the result of a report made before the House Committee on Government Operations by a special subcommittee on "the Federal responsibility for retail price increases for beef", headlines appeared in most of the major newspapers of the United States indicating the supply of beef by 1975 would be critically short. This report said the Nation would need 4 million more cattle in 1975 to meet the need of the consumer and that the beef industry could not meet the demand. The report proposed that meat import quotas, therefore, be dropped to insure an adequate supply of beef at low prices.

Due to the efforts of the beef industry and my colleagues in the Senate and the House, the real facts of this situation were brought to the attention of the committee and the report was referred back to the subcommittee. The fact was that 2.5 million head of the desired 4 million increase was already in the feedlots by the time the report was given. The damage was done, however, as lobby groups commenced to pressure President Nixon for suspension of quotas on meat imports in order to avoid anticipated increased beef costs.

FACTS NOT ACCURATE

The consumer public heard of this threatening shortage through an Associated Press newsstory on the report of the subcommittee. On May 13, the same Associated Press writer, Don Kendall, a distinguished Kansas journalist now writing on agriculture here in Washington, prepared another story explaining the Department of Agriculture had, indeed, given the subcommittee incorrect information in testimony at hearings.

I ask unanimous consent to have printed in the Record the article as it was published in the Omaha World Herald, May 13, 1970.

There being no objection the article was ordered to be printed in the Record, as follows:

USDA Admits Calculation Booboo Led to Its Beef "Shortage" Report

A miscalculation by government economists last year about the size of the nation's cattle industry may have misled congressional investigators into charging the nation's consumers face a beef shortage by 1975.

The apparent discrepancy came to light Tuesday in an Agriculture Department report on beef cattle projects through the next decade.

The author of the report, livestock economist Donald Seaborg, said insufficient data was used in computing beef consumption patterns provided the House Government Operations Committee last October.

The report estimated Americans will consume 119 to 121 pounds of beef per capita by 1975, compared with slightly less than 111 pounds last year.

FOUR POUNDS HIGHER

The new projection ranged four pounds higher than the estimate departmental officials gave congressional investigators last fall, thus indicating more beef will be available in 1975 than previously thought.

Partly because of the October estimate, a subcommittee charged last month the U.S. cattle industry was failing to meet expected future consumer demands. The beef industry said at the time the charges were wrong.

Seaborg told a reporter the earlier projection was based partly on a smaller cattle inventory for 1969.

Last fall officials said they expected a cattle inventory increase during 1969 of between 500,000 and one million head.

REVISED ESTIMATE

However, Seaborg said, the department's inventory Jan. 1, 1970, was almost 2.5 million head larger than a year earlier.

When this revised estimate was computed along with other more recent information, he said, the larger per capita consumption figure for 1975 resulted.

Per capita consumption, in effect, includes all U.S. beef output during a year plus imports. Thus, the revised estimate showed beef supplies by 1975 were expected to be nearly in line with what many experts expect to be consumption patterns and population growth.

The government operations subcommittee headed by Rep. John C. Monagan, D-Conn., said in its report American consumers were faced with a beef shortage of "some magnitude" by 1975 unless steps were taken to increase imports and monitor the nation's cattle industry.

CALF CROP MISCALCULATED

Seaborg said the latest projections disputed this claim but added his findings in no way were intended as a challenge to the Monagan report.

The economist said last October's estimate miscalculated the size of the 1969 calf crop by one per cent.

Mr. DOLE. Mr. President, the story indicates that a USDA economist stated one of the figures used in multiplying to obtain the projected supply of beef was incorrect and resulted in the error in testimony. I commend the Department of Agriculture for having the honesty to admit its error. However, had the beef industry not been awake and aggressive, the meat import quotas on beef could have well been suspended and the stockmen of this Nation ruined by an influx of unnecessary beef.

Therefore, I commend the American National Cattlemen's Association and the National Livestock Feeders Association for acting quickly to insure that all Congressmen were aware we had adequate beef supplies. The damage, however, was done—and I fear it will not be rectified.

SECOND STORY NOT APPEALING

My staff has made inquiries throughout the Nation to find out how many newspapers carried Mr. Kendall's second story indicating ample beef supplies for the foreseeable future. We found one story in the Fargo Forum and one story in the Omaha World Herald.

I know other newspapers carried the story. I know some conscientious farm broadcasters discussed the story on radio and television, but the story was told to the livestock men—not to the public who had read the screaming headlines in March about the beef shortages predicted. I want to see headlines: "Plenty of Beef!" But that does not sell newspapers or entertain audiences.

Therefore, after commending the Department of Agriculture for its honesty in acknowledging its error, I charge it to review its reporting system and make

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it accurate. This error has caused a costly setback to the beef industry. It will be some time before it can regain its position against the damage caused by this inaccuracy.

CONTRADICTION IN ACTIONS

The Department of Agriculture worked to obtain the meat import quotas to stabilize America's meat industry. Since the law was put into force, the meat industry has offered more incentive for farmers to produce livestock. Now an agency of that same Department produced inaccurate reports that could have brought about the suspension of the quotas.

Safeguards against such future inaccuracies need to be initiated, and direction toward a unity of purpose of all agencies of the Department of Agriculture needs to be indicated.

Mr. President, as we discuss and consider the importance of controlling meat imports, I quote a statement from last Friday's issue of the Wall Street Journal, June 5, page 1, under the heading "Washington Wire":

> Coming Agriculture Department action may trigger meat import quotas that would cut shipments. But a White House aide predicts Nixon will rule otherwise, permit a bigger influx.

I hope this is a rumor. Through meat import quotas, the cattleman now has the stability to project investment for increasing needs of the consumers of this Nation. Cattlemen are expanding their operations to provide for this growing need.

As I commented when the false threat of a "beef shortage" was before us, the number of cattle increased by 2½ million in 1969. With an industry that is capable of reacting to demand quickly and in that great a capacity, that industry deserves the protection meat import quotas provide.

I trust that the rumor repeated in the article in the Wall Street Journal is groundless.

KANSAS CATTLE INDUSTRY

Mr. President, considering the crisis facing the cattle industry, when any thought is given to increasing meat imports, I should like to emphasize the importance of this industry in the State of Kansas.

Kansas is known as the Wheat State, as it produces far more of this vital grain than any other State. However, in Kansas during the past 8 years, income from beef has exceeded that of wheat. Last year alone, the value of cattle and calves in the State increased 23 percent to $1.02 billion.

I ask unanimous consent to have printed in the Record, an article from the February report of the Kansas Economic Development Commission which fully describes the growth of the cattle industry in Kansas.

There being no objection the article was ordered to be printed in the Record, as follows:

Kansas Cattle Worth $1.02 Billion

The cattle industry is booming in Kansas and livestock farming has become the backbone of the agricultural economy of Kansas. Income from beef has exceeded that from wheat in each of the past eight years and normally provides about 40 percent of total farm receipts. Total value of all cattle and calves on January 1, 1970 was $1,022,720,000 or 23 percent more than a year ago.

Kansas livestock producers began the new decade with the total number of cattle and calves on grain feed in Kansas feedlots, the total number of cattle and total cattle value at a record high according to the Kansas Crop and Livestock Reporting Service.

Cattle and calves on January 1, 1970 totaled 6,016,000, six percent above the 1968 level and five percent above the previous high set in 1966. A sharp increase of inshipments of feeder stock for new and expanded feedlots and a larger calf crop contributed to the increase. All classes showed increases except milk cows. The average value per head for all cattle and calves this year was $170 compared with $146 a year ago.

Cattle and calves on grain feed for the slaughter market in Kansas feedlots totaled 892,000 head, a new record and 16 percent more than last year's record. Kansas ranked fifth among the states after Iowa, Nebraska, Texas and California.

In 1969 approximately 9,000 feedlots were in operation in Kansas. About 67 percent of the grain-fed cattle marketed for slaughter were fed in 126 Kansas lots of more than 1,000 head capacity.

Cattle on feed January 1, 1970 include 606,000 in large feedlots with 1,000 or more capacity. This was up one-fourth from last year and is a new record number for large feedlots. Smaller farm operations had 286,000 on feed, up two percent this year and the highest number for January 1 in seven years.

The total on feed was up seasonally from the 745,000 head reported October 1, since feedlot cattle usually peak around the first of the year. Steers accounted for 71 percent or 637,000 while heifers on feed comprised the balance of 255,000.

Marketings of grain-fed cattle for slaughter during the October–December quarter were 400,000, up 37 percent from last year. Placements during the quarter were 547,000, up 12 percent. Feeders intentions to market indicate that 545,000 cattle on feed January 1 will be marketed during the first quarter of 1970.

The outlook for the nation's beef industry is very bright in the face of increasing demand for beef. Kansas is in an excellent position to take advantage of this growing industry.

BEEF TRANSSHIPMENTS THROUGH CANADA

Mr. DOLE. Mr. President, last year, it became evident that Australia and New Zealand were transshipping beef through Canada to the United States, in order to exceed agreed import levels. It was estimated that they shipped approximately 18 million pounds in this manner.

This year, Canadian imports for the first 4 months of 1970 reached over 25 million pounds of the agreed level of 37.7 million pounds, two-thirds of the annual agreement in just 4 months. It is obvious that Australian transshipments are again entering the United States and at a rate of nearly 1 million pounds per week. The only way an accurate accounting of these transshipments can be made—and controlled—is through the use of bills of lading on all incoming shipments of meat.

Such a program has been recommended by the Secretary of Agriculture, Clifford M. Hardin, to President Nixon.

Australia is already at approximately 40 percent of its annual amount of imports with over 200 million pounds of meat imports through regular channels the first 4 months. Australia's agreed level is 519 million pounds, 50 percent of all U.S. meat imports.

With bills of lading, Australian imports could be confined to agreed levels. Honduras and Guatemala exceeded their agreed levels last year and are well on the way to setting new levels again in 1970. Guatemala has shipped in over 50 percent of its annual amount, and Honduras over 80 percent.

The U.S. beef industry is not enjoying excessive prosperity, but through the meat import act it has stabilized to the point that cattlemen are planning for the future, assured of a modest margin on their investment. Without proper accounting and control of meat imports, this industry can lose any progress it has gained during the past 4 years in this single year with excessive imports.

USE OF IMPORTED TABLE CUTS BY BONANZA RESTAURANT CHAIN

Mr. DOLE. Mr. President, those who plead the case for greater imports argue that the beef imports are needed for manufacturing purposes because, they say, there is not sufficient lean beef produced in this country to meet the demand for that type of meat for manufacturing purposes. According to this argument, all or nearly all of the beef imported is of low-grade, lean, manufacturing quality, and does not compete with the marbled beef steaks and roasts that come from our fed cattle. That is what we are supposed to believe.

Now the fact is that we do not know just what kind of beef is imported, but, contrary to the argument just recited, it is certainly not all manufacturing beef and some part of our imports very definitely do compete with the table cuts that come from our feedlots. How large a percentage of our imports consists of table cuts I do not know. Some have estimated that perhaps as high as 25 percent of the imports is table cuts.

One case of such imports of table cuts came to light about 2 years ago, when a firm called Bonanza International, which franchises a string of steak restaurants, protested publicly against any restrictions on meat imports. These restaurants indicated their utilization of this imported beef for steak cuts, in a telegram to Senator Young of North Dakota.

Mr. President, I ask unanimous consent that the telegram to which I have referred and a telegram that Senator Young of North Dakota sent in reply be printed at this point in the Record.

There being no objection, the telegrams were ordered to be printed in the Record, as follows:

Bonanza International, Inc.,
September 18, 1968.

Milton R. Young,
Senate Office Building.

Dear Senator Young: The United States meat industry and the millions of meat consumers in this country are faced with an immediate dilemma.

The United States cattle producing lobby (representing a small part of our voting population) is pressing Congress to enforce meat import quotas from other countries.

They do not mention some significant facts:

1. The United States producers cannot,

will not or certainly are not producing enough lower-grade, lean beef to support the requirements of the United States consumer by a long shot.

2. If they were, we wouldn't rely so heavily on imported beef.

Over and above the millions of pounds of lean beef required in mixing with domestic beef for the billions of hamburgers sold each year—in addition to the heavy requirements of our domestic canned food, frozen food and soup industry and all the factory workers and grocery workers and consumers who rely on these industries, let me tell you about our industry and our company specifically.

Bonanza Sirloin Pit is the name of low-cost steak restaurants, franchised to independent entrepreneurs by Bonanza International Inc.

We are the largest volume chain of this type in the world and presently operate approximately 130 units.

We and others supply to many millions of Americans the opportunity to eat a steak dinner in a restaurant at a price they could not otherwise afford.

We alone use an average of 11 million pounds of portioned beef per year. This is made up of short loins, strip loins and ribeye rolls.

We therefore rely very heavily on GAQ and FAQ short loins, strip loins and ribeye rolls from Australia and New Zealand.

Our suppliers presently have under contract between this date and January 1, 1969, millions of pounds of product. Our entire industry needs immediate assurance of availability of this product.

Bonanza Sirloin Pts are only a part of this industry, yet an average of 47,000 people a day depend on us for meals and approximately 3,000 people depend on us for salaries. And we depend on imported beef to meet this need because the United States cattle producers cannot supply it.

Further, we are not unaware of the strength we have in allies such as Australia and New Zealand. At the ambassador level I have this date personally been assured of their countries' economic need and desire to continue shipping beef to the United States.

It is clear that the political football—conceived by a minority lobby—has been diplomatically tossed into our much needed allies' laps.

The United States consumer needs your support and your action now. I urgently and respectfully request that you bring the power of your office to bear on this most immediate and serious dilemma.

Sincerely,

CHARLES F. SNYDER,
Vice President.

SEPTEMBER 19, 1968.

Mr. CHARLES F. SNYDER,
Vice President,
Bonanza International Inc.,
Dallas, Tex.

Reurtel. Think your argument concerning beef imports is all wrong. You are buying beef cheaper now than you did twenty years ago. Beef imports in recent years have been so high that they have done great damage to our domestic beef industry. I don't think any restaurant operator would claim that an Australian steak would compare in quality with an American steak. Regards.

MILTON R. YOUNG,
U.S. Senator.

Mr. DOLE. Mr. President, unfortunately the junior Senator from Wyoming (Mr. HANSEN), who is an expert in this matter, is unavoidably absent today and cannot take part in the discussion.

The Senator from Wyoming (Mr. HANSEN) is today speaking at Sheridan, Wyo., to the Wyoming Stock Growers Association about the beef and cattle industry in the United States. He has asked to be associated with the remarks of the various Senators who have spoken today concerning beef imports.

It is my understanding that upon his return tomorrow, the distinguished junior Senator from Wyoming, who is an expert as everyone in the Senate recognizes, will make a statement on beef imports.

Mr. President, I again thank the distinguished Senator from Nebraska for his leadership in this matter.

Mr. HRUSKA. Mr. President, I thank the Senator from Kansas for his remarks.

BENNETT SUPPORTS BEEF INDUSTRY

Mr. BENNETT. Mr. President, I appreciate this opportunity to participate with the distinguished Senator from Nebraska concerning the problem of cattle prices, beef prices, and the future of this industry in the United States.

I have read with great interest the statement by the distinguished Senator from Wyoming (Mr. HANSEN), made on the floor of the Senate April 9. I have also read the penetrating and helpful speech by the distinguished Senator from Nebraska (Mr. HRUSKA), on April 16 concerning beef prices.

The cattle industry in the State of Utah is very important. It ranks near the top in agricultural income for our State. There are thousands of people in Utah connected with the beef industry, and I think it is vital, therefore, that this discussion be held in order to get at the facts concerning rising beef prices.

In the earlier speeches by Senators HANSEN and HRUSKA, reference was made to the report of the Subcommittee on Special Studies of the House Government Operations Committee. Fortunately, that report was not adopted by the full Government Operations Committee, and rightfully so. That committee cannot claim expertise in the field of beef prices and beef production. In the future, the problem should be dealt with by the Agriculture Committees and subcommittees of both Houses of Congress.

I would like to comment on the central proposal contained in that report. Although it was not adopted, I am sure the issue is not dead because the consumer movement is becoming increasingly active and the level of beef prices will continue to come under scrutiny.

I will address myself to the actual price of beef in a few moments, but let me comment first on the possibility of some type of Government control over the cattle industry. I suppose we will always have someone advocating deeper Government involvement in our economy. For some reason, these people believe that the marketplace has failed and that controlled programs should be implemented to assure an adequate supply and a price which is acceptable to the consumer advocates.

This leads me to ask if we have learned anything from Government involvement in the agriculture sector. I have cosponsored a bill in the Senate designed to reduce and, hopefully, eliminate many agricultural subsidies over a period of 5 years, thus allowing agriculture to operate, eventually, in a free market.

I believe, Mr. President, in spite of the problems over the years, the cattle industry has done well without the long arm of Government control. If Congress should now decide to tamper with that industry, I believe it would be a serious mistake.

I think the American consumer, under the present system, is receiving the finest quality meat products at a reasonable price under present economic conditions and without the harassments and bureaucratic boondoggles of Government controls.

It is clear that over the years, the 1964 Meat Import Act has worked quite well. Our foreign friends who produce for the American meat market now import into this country approximately 1.06 billion pounds of meat annually. Under the present system, these imports can rise to 1.09 billion pounds before the 110-percent quota figure is triggered into action.

There are basically two reasons why the provisions of this act should not be changed, and they go to the heart of the Monogan report. In the first place, the report questions the ability of the American cattle industry to meet the supply demands of the American people over the next several years. It also, as often happens when consumer advocates become involved, charges that meat prices are too high without comparing these prices with the rest of the economy or investigating the background.

I submit that if beef prices are to be subjected to this kind of blind inquiry, all other aspects of our economy should be likewise scrutinized. We should look at recent labor settlements which in some union contracts have gone as high as 25 to 42 percent. The Senate Finance Committee is currently investigating the high cost and long range deficit predictions in the medicare and medicaid programs. We are not just looking at the prices paid by the patient; we are investigating the problems in depth by looking at the cost structure throughout the entire system.

When this kind of indepth analysis is made of beef prices as done by the distinguished Senator from Nebraska and the distinguished Senator from Wyoming, it is obvious that the price of beef in the overall economic picture has been stable and in some cases has gone down.

I would like to cite some examples:

Comparing 1960 with 1970, we find that the average price of choice beef per pound has increased at a much slower rate than most other consumer products and services. The distinguished Senator from Wyoming has pointed out that choice steers rose from $26.24 per 100 cut to $30.27 for an increase of 15.3 percent. At the some time, disposable per capita income increased 63.8 percent from $1,937 to $3,172. He has dramatically shown that the average retail price of choice beef increased from 80.7 cents to 97.4 cents for an increase of 20.7 percent.

Hourly earnings of labor in the manufacturing sector increased 63 percent and expenditures for goods and services increased 67.7 percent. The average consumer price index, which includes all items, increased 29.6 percent. Food items purchased by consumers increased 28.5 percent during this 10-year period. The percentage of disposable income spent for food declined from 20 percent to 16.4 percent in this same period.

Equally dramatic is the simple, hard fact that cattle prices have not changed markedly over the price paid 20 years ago. In February of 1970, the average price for a choice steer at Chicago was $30.27 per 100 cut; in 1950 that average price was $29.02; in 1960, $26.24. No matter how the economic picture is viewed, the cost of beef to the consumer has not increased nearly as much as the rest of the consumer price index including food. In fact, if the price of beef had increased at the same pace of other commodities, a choice steer would now bring $38.39, and sirloin steak would cost $1.60 per pound instead of $1.31 and hamburger would cost 80 cents instead of 64.5 cents per pound.

This economic situation, when superimposed over the cost factor in the cattle industry, will convince any thinking person that the price of meat has not become excessive under our present situation. The steer which a farmer sells has thus increased in price by some 15 percent while the cost of his production has kept pace with the rest of the economy, which far exceeds 15 percent.

The cattleman is paying the same inflationary prices for his tractor, his truck, his gasoline, his oil, and his labor at a time when his price for cattle is almost static in relative terms. Yet this unique American, the cattleman, has managed to stay in business and even earn a small profit because he has, through ingenuity and hard work, created a production system that improves its efficiency almost annually. I submit that if anybody should be left free of Government bureaucratic controls, inhibitions, and inefficiency, it is the American cattleman.

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I question the rationale of those who advocate unlimited imports of any commodity. These people only tell half the story. They conveniently close their minds to the economic chaos that unlimited imports would bring. We are experiencing this right now in the mink industry.

It is convenient if you have no farm economy to represent to write off a cattleman, his investment and his hard work. I find it very difficult, however, to see how the advocates of no controls can so freely write off American jobs. When a foreign producer sends in so many pounds of beef, so many mink pelts, so many pairs of shoes beyond a reasonable quota, he is in fact, destroying the jobs of an American producer.

I am not about to tell cattlemen of my State the "you've fought a valiant fight, you have produced some delicious sirloin and some great T-bones, but I'm going to write you off in favor of a foreign producer." These people support the American Government with taxes; they support our schools; they are some of the leading citizens in our towns and in our State government; and they buy many products from other segments of our economy. I do not think they should be written off or sacrificed on the altar of unrestricted meat imports.

Let me turn now just briefly to the question of whether or not we face a shortage in this country of fresh beef. That issue was raised by the Monogan report, and I find it strange that the subcommittee did not find it necessary to turn to experts to determine if the American cattlemen can meet the growing demands for beef in this Nation. I believe the distinguished Senators from Nebraska and Wyoming have answered that very well.

I wish to add my view that the American cattle industry will have no difficulty in meeting the demand for beef in the United States this year or in the foreseeable future.

Mr. President, there is no doubt in my mind that beef remains a good buy for the American consumer. Our cattle industry is continuing to meet the demand of our people and is fully capable of increasing its capacity and production to meet our growing population and our growing taste for fresh, choice American beef, if it is given half a fair chance to do so.

I wish to commend again the distinguished Senator from Nebraska for organizing this discussion; and may I add in closing that in my view, the cattle industry should be most grateful for his enlightened leadership in Washington and his effort to bring out the facts about beef prices.

Mr. MANSFIELD. Mr. President, I would like, at the conclusion of this very educational round robin on the plight of the cattle industry, to again add my commendation to the many which the distinguished Senator from Nebraska has already received.

I also want to give him credit for being a leader in this field and for showing great aptitude, great intelligence, and great understanding in making the record which all of us hope will make clear to the people of this country that the high price of beef is not to be blamed on the cattle producers. The blame—if there is blame, and I am certain there is —should rest with one of the many steps that occur after the cattle on the hoof on the range are transported to the processing and other plants, from which the meat product goes to the consumer's table by way of a grocery store, a market, or a butcher shop.

I again commend the distinguished Senator from Nebraska.

TEN BASIC PROPOSITIONS

Mr. HRUSKA. Mr. President, I thank the Senator from Montana for his generous remarks.

Mr. President, at the outset of this colloquy I recited 10 fundamental propositions which would be the basis for the discussion which would follow. I would like to conclude my remarks on this occasion by repeating those 10 basic propositions. They are:

First. Imported beef, if at a disproportionate volume, has a direct, substantial, and depressing effect on cattle and agricultural prices is in the United States. It also has an adverse effect on jobs in America.

Second. The import quota law on beef is reasonable and fair. It does not prohibit imports. It is based on an historical import volume, and is adjusted each year by the increase in U.S. production.

Third. The farmer and rancher does not sell beef. He sells cattle. A differentiation should be made.

Fourth. Cattle are selling today for about the same—or even a little less—number of current dollars as they sold for in 1950–51—20 years ago. In terms of constant dollars, they are selling for about 40 percent less than 20 years ago.

Fifth. Meat prices, including beef, have not increased disproportionately. In the past 10 years, retail prices of meat increased about 21 percent. In that same period, the following table show other increases:

Increased costs 1970 over 1960

	Percent
Retail meat—average	20.7
Average—all food	29.6
Average cost of all consumer services other than rent	46.3
Average hourly wage for nongriculture workers	50.7

Sixth. Average wages for nonagricultural workers rose 50.7 percent from 1960 to 1970. They were $1.44 per hour in 1950. In 1970, they were $3.32.

Seventh. For these wage increases, we rejoice. But compare this with choice steers in Chicago: In 1950 at $29.68 per 100 pounds; in 1970 at $30.52, as of June 4. About the same.

Eighth. United States cattle producers have the capacity to meet any increased demand which the rise in population and increased beef consumption will place upon them. They have historically and consistently done this in the past. In 1950, per capita beef consumption in the United States was 63 pounds. In 1969, it was 111 pounds. In 1950, U.S. production was only 11 billion pounds. In 1969, it was 21 billion pounds.

Ninth. The present beef import quota as prescribed by law should not be increased.

Tenth. Some improvements should be made in the law. For example, it should provide quarterly quotas instead of annual quotas. This would stabilize the market.

It should also be made to include canned and other prepared and preserved meats.

INCREASES IN BEEF IMPORTS WOULD BE SERIOUSLY DETRIMENTAL TO IDAHO CATTLEMEN AND CONSUMERS

Mr. CHURCH. Mr. President, I would just like to take a few minutes to associate myself with some of the major points made by the Senator from Nebraska (Mr. HRUSKA) regarding the beef import problem.

As the Senator so clearly points out, our farmers are receiving about the same income today as they did 20 years ago. I especially noted the Senator's comparison of the increase in the average wage earner's income to that of the increase in price received by a farmer for his cattle. Average wages for nonagricultural workers have risen 50.7 percent from 1950 to 1970. They were $1.44 per hour

20 years ago and they stand at $3.32 an hour now. But in 1950 the price of a choice steer in Chicago was $29.68 per hundred pounds, while 20 years later, in 1970, it stood at only $30.52. This can hardly be labelled a dramatic increase.

The beef industry, Mr. President, receives no Government subsidy. At the same time, this segment of the agricultural economy contributes nearly 27 percent of total farm income nationwide. It is not by any means a small or unimportant part of the Nation's agricultural sector.

As the Senator from Nebraska has pointed out in his remarks, the farmer does not sell beef. He sells cattle, and the price received by the cattlemen has not significantly increased in the last 20 years. Unfortunately, however, when beef prices drop, the cattleman is the individual within the economic chain who is damaged the soonest and the most.

I fear that opening the doors wide to more foreign imports would have a detrimental effect upon the cattlemen of my State. I also fear that such a policy could result in permanent damage to the cattle industry as a whole and, by forcing certain of our domestic producers out of business, result in the formation of economic conditions within the industry which would be, in the long range, detrimental to the American consumer.

Mr. ALLOTT subsequently said: Mr. President, earlier today several Senators discussed some of the problems which are confronting the cattle industry of America. Because of committee responsibilities I was unable to participate in this important discussion. I would like to say, that I, too, am concerned about recent suggestions to increase the flow of foreign beef into this country. In any discussion of this matter I believe that it is important to examine the facts which are involved. In this regard, I am very concerned about the allegation that domestic beef prices are too high.

At a time of rising prices all of us are unusually sensitive to price changes on the things we buy. Those things that we buy frequently, we worry about more and we discuss the price of them more. In discussing inflation we somehow think particularly in terms of the housewife, and her weekly struggle to balance her household budget and to feed her family. Meat makes up an important part of her grocery bill. Unfortunately, there are those who profit by directing her attention to the price of meat, especially beef.

Beef has increased in price somewhat, along with everything else. Is the price high compared with other products, with services, with taxes and wages, and all other standard economic statistics? Clearly it is not. The record ought to be set straight.

The inflationary pressures we live under have brought cost and price increases of almost every item we can think of. During the past 10 years, since 1960, many of these increases have been substantial. But the prices of live cattle, and even of wholesale and retail beef, have not nearly kept up with the rate of increase of other parts of the economy.

Even during the spring and summer of 1969, when cattle and beef prices moved up sharply for a very short period, the peak prices never equaled the price reached in 1952, 18 years earlier. It is not true that cattle prices reached an alltime high last year. For about 2 weeks in June of 1969 the price of choice steers in Chicago were about 30 percent above the average of 1960. In less than 4 months choice steers were back down to only 10 percent above 1960. Wholesale beef prices declined similarly. Retail beef prices also came down, though not as much.

More importantly, what has been the trend over a longer period, such as 10 years?

The answer is, at today's prices, beef is still the best bargain in the food stores. The same was true last summer and fall even though prices were higher than now.

In February 1970, the average price of choice steers at Chicago was $30.27 per hundred. February is chosen as the basis for comparisons because all figures are available. It was $26.24 in 1960. If choice steer prices had gone up during the 10-year period and kept pace with the cost of consumer services—except rent—choice steers would have brought $38.39 per hundred, $8 more than they were and $4 more than the highest figure reached last year.

If the retail price of beef had gone up as much since 1960 as consumer services, the average cost of beef to the consumer in February would have been $1.18 per pound instead of 97 cents which it actually was. Sirloin steak would have cost about $1.60 instead of $1.32, and hamburger would have cost 80 cents instead of 65.3 cents a pound.

Had the price of choice steers at Chicago gone up as much as the average hourly earnings of labor—nonagricultural—they would have brought $39.54 a hundred instead of $30.27. If choice beef at retail had increased as much as hourly wages, it would have cost about $1.22. Sirloin steak would have been selling for about $1.65 and hamburger for about 83 cents.

Neither live animals, nor beef at wholesale, nor even beef at retail has increased nearly as much over this 10-year period as have other foods, or consumer services generally, or average wages, or all prices—or almost any other indicator that might be mentioned. Look at the record.

Choice steers rose from $26.24 to $30.27 per hundred, an increase of 15.3 percent. The wholesale price of beef—choice carcasses at Chicago—increased from $42.98 to $46.74, or 6.3 percent. Retail prices went up more, from an average of 80.7 cents a pound to 97.4 cents a pound, or 20.7 percent.

Even so, it was less than the average consumer price index, which increased 28.5 percent. The average cost of all food purchased by consumers went up to 29.6 percent. The average cost of all consumer services other than rent rose 46.3 percent. Average hourly wages for nonagricultural workers rose 50.7 percent.

All of these costs went up more than the price of cattle, or the wholesale price of beef, or even the retail price of beef. Beef has been the laggard. Beef has not been leader in the inflationary spiral, beef has been the follower.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. Jordan of North Carolina). Under the previous order, there will be a brief period for the transaction of routine morning business, with statements therein to be limited to 3 minutes.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may be permitted to continue for 5 minutes in the morning hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

MANSFIELD OF MONTANA

Mr. PROXMIRE. Mr. President, last Sunday, there appeared in newspapers throughout the United States an article by Saul Pett of the Associated Press entitled "Mansfield of Montana." It captures in a highly accurate way what those of us who serve with him know about the majority leader.

In an atmosphere of public relations experts, image-makers, and media spectaculars, Mike Mansfield of Montana is a rare man. He occupies one of the most powerful positions in the Government of the United States, yet he constantly eschews both the trappings and perquisites of power.

In an age of cant and phony sophistication, Mike Mansfield is a man of strong character, simple tastes, and fierce honesty. Would that we had many, many more like him.

And combined with this strong sense of personal integrity Senator Mansfield is well read, deeply philosophical, and holds strong convictions developed from a foundation of fact and information.

Mr. President, I would like to give some of the flavor of this remarkable article by quoting one brief paragraph about the majority leader.

This is what Saul Pett writes:

> He is in a position of power which, it is commonly agreed, he uses with all the respectful care of a yeoman carrying the crown jewels, to a coronation. On both sides of the aisle, in an age of alarums, of strident voices and personal image-building, old-fashioned words like honest, fair, humble, quiet, guileless, nice, unassuming and patriotic cling to him like stubborn vines. Mike Mansfield of Montana is, perhaps, the last of the low profiles, a man so singularly uncolorful and so indifferent to personal charisma that he is, these days, singularly colorful!

May I add one other word? Under the leadership of the Senator from Montana, the Senate is a pleasant and happy place in which to serve. It mirrors to an amazing degree the personality of its leader. It is an institution where issues are hammered out, dissent and minority views heard, and equal handed fairness is dispensed. Meanwhile, the Senate retains its essential civility and humanity.

Because of Mike Mansfield, the Senate is a place where democracy works. It is not run as a benevolent dictatorship or as the province of a modern rhetorical buccaneer. Instead it is a place where arguments and ideas have an opportunity to be accepted and acted on provided only that they can survive the clash of debate.

Senator MANSFIELD's views of our troubled world are summed up eloquently and precisely in the final two paragraphs of the article:

> In his office Mansfield spoke quietly with a reporter about the country's profound problems at home and abroad, of the deep trauma in the land. He drew slowly on his pipe, pausing deliberately between thoughts.
>
> "We can't give up," he said. "This country is too young to die. We'll have to work our way through our problems and find a greater maturity. We've been lucky for too many decades. Now our luck is running out and we have to do some thinking."

I ask unanimous consent that the Associated Press article by Mr. Saul Pett be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MANSFIELD OF MONTANA

(By Saul Pett)

(NOTE.—He is a paradox, Mike Mansfield. A man of integrity as deep as the wise lines of his weathered face, yet holder of one of government's most partisan jobs. A man of calm in a chamber of clamor who reveres the presidency but who is battling a president. A paradox because even his chief adversary in the Senate calls the Majority Leader "the most decent man I've ever met.")

WASHINGTON.—At his place of business, he fidgets or wanders among the richly finished mahogany desks or sits with the clerks and stares from a lined, leathery face with hurt expression at the bronzed clock on the wall as though time were a personal affront.

Often, he wears the anxious look of an undertaker who fears that casket won't fit through the door; at other times, the pained look of a school teacher waiting and wondering why in the hell the kids can't return faster from recess. He seems to hurt inside but outside his patience is legendary except for those rare moments when he mutters to the chair, "Call the votes, damn it."

Under the skylight outlining the Great Seal of his country, he returns to the first seat on the right of the center aisle in the front row, the chair of an extraordinary man in an ill-defined job at an extraordinary time. He is the Democratic majority leader of the United States Senate, in a season of constitutional crisis, a time of greater rupture between the Senate and the President of the United States than any, since the days of Woodrow Wilson.

None of this is to the liking of Mike Mansfield, who is awed by the office of the presidency but not by presidents, who reveres the institutions of government and is constantly pointing out that its occupants are only transient. It happens, too, that he is profoundly opposed to the war in Vietnam and Cambodia and is orchestrating the bipartisan effort to define and limit the president's war-making powers.

He is in a position of power which, it is commonly agreed, he uses with all the respectful care of a yeoman carrying the crown jewels to a coronation. On both sides of the aisle, in an age of alarums, of strident voices and personal image-building, old-fashioned words like honest, fair, humble, quiet, guileless, nice, unassuming and patriotic cling to him like stubborn vines. Mike Mansfield of Montana is, perhaps, the last of the low profiles, a man so singularly uncolorful and so indifferent to personal charisma that he is, these days, singularly colorful.

"The most decent man I've ever met in public life," says Hugh Scott, Republican minority leader, of the enemy general across the aisle. "He's fair. His word rates in fineness above the gold at Fort Knox."

In 1964, Mansfield's last election year, Everett Dirksen, then Republican minority leader, threw back his classic mane, rose on the floor of the Senate and committed what he called "political heresy." He hoped publicly that Mansfield would be back. He praised him as a leader who leads "through sheer force of character and gentility," not through drive. Dirksen said he would go almost anywhere to campaign for Republicans, even to the moon, but please, not Montana.

Northern Democratic liberals, Southern Democratic conservatives, moderate Republicans, conservative Republicans: there are apparently no anti-Mansfield senators as such these days. Some have complained mildly in the past that he could be more effective as party leader by being more partisanly aggressive. Others, apparently a large majority, insist that this ex-miner and ex-Marine is effective by being one of the least combative men in the Senate. In any case, says a member of the Senate staff, Mike Mansfield, at 67, in his ninth year as majority leader and his 18th as senator from Montana, "has now grown into a kind of untouchable—nobody dares really zing him."

By the usual standards of politics, Mansfield is as dynamic as a celery stick. "He is the original tell-it-like-it-is man, bland, straight-out, completely devoid of frills, fanfare or plumage," says an admiring Hubert Humphrey. "I've met many jokers who know how to be clever. Mike has something more remarkable. He knows how to be sensible."

He may also be the Gary Cooper of national politics, the exception who thinks that one word can be better than 10. He is the bane of TV panel shows where, it is said, his five favorite answers are: "Yep. Nope. Maybe. Can't say. Don't know." That may be exaggeration but it is a fact that on TV's "Issues and Answers," for example, the panel normally gets to ask about 25 questions in a half hour. With Mansfield they asked 76.

Picture, if you can, this scene in the White House, which violates Newton's law of motion that every action demands an opposite and equal reaction. Lyndon Johnson is president and he is conferring with the Democratic leaders of Congress. He particularly wants something from Mansfield, who was once his protege and succeeded him as Senate leader. The President rises, warming to his task, circles his prey, gestures, cries with passion, pleads, cajoles, invokes the gods of patriotism and party. The president subsides and awaits the reply from the thin man from Montana.

"Mike," said a man who was there, "simply would keep his firm jaw up tight, puff on his pipe and answer, 'yes!' or 'no' or 'won't work.' It was like stepping from a very hot bath into very cold water."

There is a searing no-nonsense quality about Mansfield, the leader of the club who is not clubby, a man not given to small talk or lounging in the Senate cloakroom to gossip. He has in his office a photograph blown up to about four-by-six feet. It is one of those accidentally funny pictures taken in the Rose Garden of the White House after a congressional leadership meeting in 1962 with President Kennedy. The leaders have just concluded a news conference and seem to be suspended in arrested motion. Vice President Johnson looks vaguely at the empty mike. Sen. Hubert Humphrey looks vaguely over his shoulder. Other leaders seem to have nothing to do, except Mansfield, who is walking firmly out of the picture, his back to the camera. Kennedy inscribed the photograph:

"To Mike, who knows when to stay and when to go."

Mansfield employs no press secretary, sends out few releases and, unlike most who do, does not have his picture or name lettered largely on the material. In a chamber of galloping egos, he rarely claims credit for anything and praise makes him uncomfortable. He has been one of the few men in Washington consistently believed when he denies having any ambitions beyond the Senate.

In 1964, when President Johnson seemed to be shopping around elaborately for a vice president, James Rowe, a friend and Democratic strategist, asked MANSFIELD: "Any feelers from the White House?"

"No," said the man from Montana, "and there better not be."

Recently a staff assistant asked the majority leader when he was going to have his portrait done to hang one day in the Capitol with those of past leaders.

"What for?" asked Mansfield.

"For history's sake."

"When I'm gone, I want to be forgotten."

Period.

Mansfield's interest in material things or the trappings of power is low. The only things he personally acquires are pocket mysteries and Dixieland jazz records. He and his wife, Maureen, bought their first and only house in 1952 without his seeing it; he thought any choice of hers would be fine with him. His clothes suggest an underpaid college professor of the '30s, which he was, and even when they aren't there actually, one imagines there are leather patches on his elbows. It took him years to get comfortable in the big black Cadillac that goes with the job of leader, frequently grumbling about being a "limousine liberal." He chose a modest office as leader instead of the huge "Taj Mahal" occupied by Johnson. Friends find all this remarkable in a man who has known much poverty in his life. . . .

Born of Irish immigrant parents in Manhattan, father a hotel porter, mother died early . . . Carted off to Montana to live with relatives. Kerosene lamps, no inside plumbing, Saturday night baths in a wash tub of water heated on the stove . . . Fibbing about his age at 14, joined Navy in first world war, then the Army, later the Marines, making him rare alumnus of all three services . . . Worked eight years in Montana copper mines 2,800 feet down for $4.25 a day in the Depression . . . At urging of wife, who cashed in her life insurance, completed education, getting last high school credit and BA from Montana State almost simultaneously, at 30 . . . Came home one day with proud purchase: four pounds of hamburger for 25 cents. Wife cried. "I guess she felt I squandered the money. We had no icebox and the window sill wasn't much help in July . . ."

Taught Far Eastern and Latin-American studies at Montana University 10 years . . . Elected to Congress in 1942, showing up in old tweed suit and combat boots . . . Served five terms . . . Ran for Senate in 1962, refusing to fire campaign aide who was proving ineffective. He gave me free room and board when I got out of the Marines. Even a Senate seat isn't worth hurting his feelings." . . . Elected in squeaker, re-elected easily in 1958 and 1964 . . .

Mike Mansfield is up again for re-election this year and expects to campaign in his usual low-key style, shunning most big rallies, set speeches and TV spectaculars. He drives long distances between towns, walks the streets, seems to know everybody, asks and answers questions. He shows up in a hotel lobby smoking his pipe and the word gets around and soon he is talking with 30 or 40 constituents. He phones ahead to the next town and asks a friend to collect some people for coffee.

He is expected to have little opposition despite talk in Montana of a "gun" candidate. Mansfield voted for gun control legislation, highly unpopular in his own state. He is, however, a senator who takes meticulous care of constituent's minutiae, arrives at the office at 6 a.m., reads all the mail and papers from home. It is said that no one can die in Montana without the family getting condolences from the senior senator. It is also said that one of the most impassioned speeches of his Senate career was delivered in successful opposition to the threatened closing of a Veterans hospital in Miles City.

But nothing is apt to make Mike Mansfield flare quicker than any reflection on his independence. In the years of the Johnson presidency, he was constantly and sternly reminding reporters he was not the president's majority leader but the Senate's. At a dinner party once, the lady on his right made the mistake of asking, "And what are your people back in Montana telling you to do on this issue, senator?"

"Madame," said the man from Montana, "my people don't tell me what to do. They sent me here. I do the voting."

In the view of James Rowe and others, Mansfield comes as close to the tradition of Edmund Burke, the 18th century British statesman, as anyone they know. Burke told the voters of Bristol, in a classic statement of the legislator's role: "Your representative owes you not his industry only, but his judgment; and he betrays instead of serving you if he sacrifices it to your opinion."

The job of majority leader, which is not mentioned in either the Constitution or The Rules of the Senate, is what tradition and the leader make of it. Lyndon Baines Johnson made the most of it. He drove with a bull whip, wheedled, pressured, arm-twisted, jugular-squeezed, threatened, dispersed or withheld favors to push through legislation. He was a one-man decathalon.

Mansfield works almost as though from a civics book. He relies on gentle persuasion, accommodation and understanding. He clings to the notion that all senators are equal and each state has two, that each is a man of consequence who should be free to exercise his own judgment. He encourages committee chairman to floor-manage their own bills on the simple logic that they know most about them. He encourages young senators to speak up because he values their "currency." He rarely lobbies for votes and then only to the extent of saying, "If you can see your way clear to go with me on this, I'd appreciate it."

"Some senators like to be shoved around and told what to do," says William Fulbright of Arkansas. "But Mike rarely even tells you how he'll vote unless you ask him. Which is proper. It's all right for other senators to lobby senators but not the leader."

Hugh Scott says, "There is no cuteness or deviousness in him." Which means Republicans as well as Democrats trust him and are not nervous about leaving town for fear the majority leader might suddenly rejuggle the calendar or try to slip through a last-minute amendment.

With an absence of cuteness, an abundance of trust and a soupcon of persuasion, Mansfield steered the leviathan bulk of Great Society legislation through the Senate. He had, of course, considerable help, on the bridge and in the boiler room, from the big mover and shaker in the White House.

Since the Johnson days, he has been personally credited with revitalizing the Democratic policy committee in the Senate, pulling together such disparates as Richard Russell of Georgia and Edmund Muskie of Maine, Robert Byrd of West Virginia and John Pastore of Rhode Island. It was Mansfield who reportedly led the committee and ultimately the Democratic-controlled senate to adoption of a tax reform bill, an amendment that would give 18-year-olds the vote, a resolution calling for troop withdrawals in Europe and another warning the president he could make no binding national commitments abroad without the approval of Congress.

His greatest frustration in public life, Mansfield says, has been his inability to affect recent presidential thinking about Southeast Asia.

A recognized expert on the Far East, he made fact-finding trips out there for six presidents, including Johnson and Nixon. Nonetheless, he was unable to dissuade Johnson from escalation in Vietnam or Nixon from incursion into Cambodia, which he visited last year at the president's behest.

Aides say Mansfield agonizes before opposing any president, such is his respect for the office and his compassion for the burdened tenant. He, himself, says of the Johnson days:

"It's not easy to be the only one to say no to the president in that oval room, where he is surrounded by all his advisers and chiefs of staff. I guess I had to do that a dozen times."

Until Cambodia, Mansfield said he thought the Nixon policy in Vietnam was in the right direction—out—but hoped troop withdrawals could be speeded up. He was quick to acknowledge agreement with the President when he thought he was right. When Nixon briefed Congressional leaders on his plans for the strategic arms limitation talks, the Democratic leader was the first to respond to the Republican president, saying, "I think you've made the best choice. I will support you."

Then came Cambodia, about which Mansfield and other congressional leaders were briefed briefly by the president after the operation had started. That night the majority leader had trouble sleeping. He put pillows over the phones in his house and tried to sort out his thoughts. The next morning he looked like he had been kicked in the stomach. He had, he explained to a reporter, been thinking of the spreading war, the problems and divisiveness at home. "I've never been so down in the dumps in my lifetime," said the man from Montana who almost never says never.

On the floor of the Senate, he said several times how much he regretted differing with the president but spoke out against Cambodia and warned, "There is grave danger the Parrots Beak may well turn out to be an albatross." Off the floor, he won agreement from Scott to ask all relevant Senate committee chairmen to give top priority to anything dealing with Cambodia and Vietnam. He also saw to it, says an aide, that the various attempts to limit the presidents war-making powers be brought up one week as a "building-block" operation in a rising debate over the constitutional issue between President and Congress.

In his office, Mansfield spoke quietly with a reporter about the country's profound problems at home and abroad, or the deep trauma in the land. He drew slowly on his pipe, pausing deliberately between thoughts.

"We can't give up," he said. "This country is too young to die. We'll have to work our way through our problems and find a greater maturity. We've been lucky for too many decades. Now our luck is running out and we have to do some thinking."

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. CHURCH. Mr. President, I associate myself with the remarks of the distinguished Senator from Wisconsin. I thank the Senator for having this exceptional article printed in the RECORD. I read it with the same sense of appreciation that the Senator has mentioned in the course of his remarks.

We have a majority leader who is a completely unassuming and utterly uncontrived man. And in this age of image making, particularly in the field of politics, that is a rare quality that commends our majority leader most highly, and reflects great credit upon the Senate and upon the whole political profession.

We need more leaders like MIKE MANSFIELD.

Mr. PROXMIRE. Mr. President, I thank the Senator from Idaho very much.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following communication and letters, which were referred as indicated:

PROPOSED AMENDMENT TO THE BUDGET, 1971, FOR THE DEPARTMENT OF STATE (S. DOC. 91–90)

A communication from the President of the United States, transmitting an amendment to the budget for the fiscal year 1971 in the amount of $1,900,000 for the Department of State (with an accompanying paper); to the Committee on Appropriations, and ordered to be printed.

REPORT ON A VIOLATION OF SECTION 3679 OF THE REVISED STATUTES, AS AMENDED

A letter from the Attorney General of the United States, reporting, pursuant to law, on a violation of section 3679 of the Revised Statutes, as amended, involving the operation fund of Federal Prison Industries, Inc.; to the Committee on Appropriations.

PROPOSED LEGISLATION TO EXTEND THE DURATION OF THE HIGHWAY TRUST FUND

A letter from the Secretary of Transportation, transmitting, a draft of proposed legislation to extend the duration of the Highway Trust Fund, and for other purposes (with an accompanying paper); to the Committee on Finance.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on improvements made in building construction inspections to determine compliance with contract specifications, District of Columbia government, dated June 9, 1970 (with an accompanying report); to the Committee on Government Operations.

VYACHESLAV PAVLOVICH ARTEMIEV, AND OTHERS

A letter from the Secretary of the Army, transmitting a draft of proposed legislation for the relief of Vyacheslav Pavlovich Artemiev, and others (with accompanying papers); to the Commitee on the Judiciary.

PROPOSED FEDERAL-AID HIGHWAY ACT OF 1970

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize appropriations for the fiscal years 1972 and 1973 for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes (with accompanying papers); to the Committee on Public Works.

REPORTS OF A COMMITTEE

The following reports of a committee were submitted:

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 12860. An act to establish the Ford's Theatre National Historical Site, and for other purposes (Rept. No. 91–921).

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, without amendment:

S. 710. A bill to designate the Mount Baldy Wilderness, the Pine Mountain Wilderness, and the Sycamore Canyon Wilderness within certain national forests in the State of Arizona (Rept. No. 91–922).

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session the following favorable reports of nominations were submitted:

By Mr. YARBOROUGH, from the Committee on Labor and Public Welfare:

Edward C. Creutz, of California, Lloyd G. Humphreys, of Illinois, Louis Levin, of Maryland, and Thomas B. Owen, of Washington, to be Assistant Directors of the National Science Foundation.

Mr. YARBOROUGH. Mr. President, I also report favorably sundry nominations in the Public Health Service which have already appeared in the CONGRESSIONAL RECORD and, to save the expense of printing them on the Executive Calendar, I ask unanimous consent that they may lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER (Mr. JORDAN of North Carolina). Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

Arnold B. Barr, and sundry other candidates, for personnel action in the Regular Corps of the Public Health Service.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MANSFIELD:

S. 3942. A bill to provide for thorough health and sanitation inspection of all livestock products imported into the United States, and for other purposes; to the Committee on Agriculture and Forestry.

(The remarks of Mr. MANSFIELD when he introduced the bill appear earlier in the RECORD under the appropriate heading.)

By Mr. TYDINGS (by request):

S. 3943. A bill supplemental to the Act of February 9, 1821, incorporating the Columbian College, now known as the George Washington University, in the District of Columbia and the acts amendatory or supplemental thereof; and

S. 3944. A bill to authorize the District of Columbia to enter into the Interstate Agreement on Qualification of Educational Personnel; to the Committee on the District of Columbia.

ADDITIONAL COSPONSORS OF BILLS

S. 2348

Mr. CHURCH. Mr. President, on behalf of the Senator from Maine (Mr. MUSKIE), I ask unanimous consent that, at the next printing, the name of the Senator from Utah (Mr. MOSS) be added as a cosponsor of S. 2348, the Federal Broker-Dealer Insurance Corporation Act.

The PRESIDING OFFICER (Mr. FANNIN). Without objection, it is so ordered.

S. 3546, S. 3677, AND S. 3687

Mr. CHURCH. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from South Dakota (Mr. MCGOVERN) and the Senator from Massachusetts (Mr. KENNEDY) be added as cosponsors of the following three bills: S. 3546, the National Air Quality Standards Act of 1970, which would accelerate the designation of air quality control regions required by the Air Quality Act of 1967; S. 3677, which would set up an independent agency to develop and enforce Federal environmental quality standards; and S. 3687, the National Water Quality Standards Act, which would increase the Federal grant authorization for waste treatment facilities to $2.5 billion a year for 5 fiscal years and extend the standards program to all navigable waters.

The PRESIDING OFFICER (Mr. FANNIN). Without objection, it is so ordered.

S. 3656

Mr. CRANSTON. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from New Mexico (Mr. MONTOYA) be added as a cosponsor of S. 3656, the proposed Veterans' Housing Loan and Amendments Act of 1970.

The PRESIDING OFFICER (Mr. JORDAN of North Carolina). Without objection, it is so ordered.

S. 3657

Mr. CRANSTON. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Ohio (Mr. SAXBE) be added as a cosponsor of S. 3657, the proposed Veterans Educational Assistance Allowance and Work-Study Program Act of 1970.

The PRESIDING OFFICER (Mr. JORDAN of North Carolina). Without objection, it is so ordered.

S. 3941

Mr. GRIFFIN. Mr. President, on behalf of the Senator from Pennsylvania (Mr. SCHWEIKER), I ask unanimous consent that at the next printing, the name of the Senator from Minnesota (Mr. MONDALE) be added as a cosponsor of S. 3941, to provide civil penalties for the use of lead-based paints in certain dwellings.

The PRESIDING OFFICER (Mr. FANNIN). Without objection, it is so ordered.

ADDITIONAL COSPONSOR OF A JOINT RESOLUTION

SENATE JOINT RESOLUTION 207

Mr. CHURCH. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Michigan (Mr. HART) be added as a cosponsor of Senate Joint Resolution 207, a resolution to create a Joint Committee on the Environment.

His name was omitted from the original list of cosponsors inadvertently, and he has been a strong supporter of this concept.

The PRESIDING OFFICER (Mr. FANNIN). Without objection, it is so ordered.

AMENDMENT OF SOCIAL SECURITY ACT WITH EMPHASIS ON IMPROVEMENTS IN THE OPERATING EFFECTIVENESS OF SUCH PROGRAMS—AMENDMENTS

AMENDMENTS NOS. 682 THROUGH 684

Mr. PROUTY. Mr. President, I rise at this time to express my intention to offer three amendments to H.R. 17550, the House-passed Social Security Amendments of 1970, when that measure comes to the Senate floor for our consideration. I ask unanimous consent for the printing in today's RECORD of the amendments which I submit, in order that my colleagues may study my alternative proposals.

Briefly, Mr. President, my amendments provide substitutes to sections 101, 102, and 107 of H.R. 17550. Section 101 is designed to increase social security, old-age, and survivors benefits, and section 102 increases special age 72 benefits under the Prouty amendment of 1965. Section 107 liberalizes the retirement earnings test.

As passed by the House, section 101 provides a 5-percent across-the-board increase in old-age and survivors benefits, raising the minimum benefit of $64 a month to $67.20 a month and to $100.80 a month for family benefits.

Mr. President, for the past three sessions of Congress I have sought to raise minimum social security benefits to a realistic level—a level which can truly fulfill the purpose of the Social Security System to provide a basic floor of protection for our retired workers. Last year I supported an increase in the minimum to $100; the best we could do was $64 a month. Now, Mr. President, just try to imagine an elderly person actually living on $64 a month. It cannot be done. That is why over 1 million social security beneficiaries are currently on welfare.

On Thursday, May 21, the House of Representatives passed a landmark bill, H.R. 17550, which contains many significant and needed changes in social security, medicare, and medicaid. I can support most of those changes wholeheartedly. I, too, have long advocated an increase in widow's benefits from 82½ percent to 100 percent of the spouse's benefits, a liberalization of the retirement test and many other reforms contained in H.R. 17550. I am also pleased that the House has increased the so-called Prouty payment special benefits for certain uninsured persons over age 72.

However, Mr. President, I cannot accept the meager 5-percent increase in benefits which raises the minimum level from $64 to $67.20. Such an increase is meaningless in light of the needs of our older people to support themselves in this period of rising prices. Indeed, Mr. President, $67.20 a month is only two-fifths of the minimum poverty level income.

In effect, we are being asked to sanction a Federal Government program which does not even provide beneficiaries half of the minimum income needed to sustain life. A retired person could barely buy a month's supply of food on $67.20, let alone pay for the necessary utilities, rent, and clothing. Just last week, Mr. President, I received a touching letter from an elderly lady in Vermont who described the extreme difficulty she had in living on even as much as $100 a month.

Accordingly, Mr. President, when the Senate considers H.R. 17550, I shall propose an amendment to section 101, to amend section 215 of the Social Security Act so as to provide a minimum benefit of $100 a month, and a correspondingly scaled increase up the line, beginning with a 10-percent increase at the lower levels and a 1-percent increase at the upper level. This increase would be financed out of the increased wage base and adjusted tax rate provided in H.R. 17550. I do not believe that any increase in contribution is required at this time, since it is estimatel that the system's trust fund will be substantial for the next 10 years. However, I am hopeful that the Senate Finance Committeee will seriously consider the possibility of either financing the future needs of the system out of general revenue or proposing an amendment to the House bill to retain the present tax rate, rather than deferring the increase as the House did.

Mr. President, even $100 a month is insufficient to provide an adequate income for retired persons. But we must strike a balance somewhere between a fully adequate minimum and the financial soundness of the system as an income-replacement device. The system has always been regarded as a basic floor of retirement income, which the retired beneficiary may then supplement from other sources. I estimate that $150 per month is the truly realistic estimate of an elderly person's minimum monthly income needs. My proposal is to close the gap between social security benefits and minimum income needs to a realistic degree. A minimum social security benefit of $67.20 requires a beneficiary to find additional income sources to the tune of over $80 a month if he is to live above poverty means. Such a burden cannot easily be met, even if the beneficiary is fortunate enough to have savings or a private pension—and most beneficiaries have no private pension income and only modest savings. I propose to reduce that burden to an acceptable level. Thus, my amendment is wholly consistent with the fundamental rationale of the Social Security System, while, at the same time, it faces up to the realistic income needs of retired persons. I want to make it clear, Mr. President, that I do not advocate turning the Social Security System, which is an earnings-related pension, into a straight welfare program. If I sought to do that, I would urge an even higher minimum benefit. For this reason, I introduced a bill in March of this year entitled the Older Americans Income Assurance Act, S. 3554, which would assure all older persons a minimum income, financed by the general revenues, of $150 per month. Thus I approach the needs of our Social Security System apart from the welfare needs of the 6 million older Americans living in poverty.

Mr. President, I approve the imaginative leadership of President Nixon in advocating automatic cost-of-living increases in social security benefits, which the House has now adopted. Congress should, however, at the same time provide an adequate benefit level upon which to build as the cost of living increases. Under the House version, the first benefit increase under the cost-of-living factor would not take effect, if at all, for 2 years, until January of 1972. In the meantime, we cannot complacently compliment ourselves on providing adequate retirement benefits if we are content to accept only a $67.20 minimum. Such action would constitute a callous disregard of the present needs of our older citizens.

My second amendment, Mr. President, very simply substitutes a 10 percent increase for the House-passed 5 percent increase in special age 72 benefits, so that the new monthly benefits will be $50.20. As the original author of section 228 of the Social Security Act, providing benefits to uninsured persons who reached age 72 by 1967, I can testify to the incalculable benefits this modest measure has produced in terms of easing the economic hardship of our elderly citizens who were unable to obtain coverage under the Social Security System. My amendment simply conforms the age 72 benefit to the 10 percent increase which I propose for covered beneficiaries.

Finally, Mr. President, I am sponsoring an amendment to section 107 of the House measure. As passed by the House, section 107 would increase from $140 to $166.66 the amount of monthly earned income permitted to a social security beneficiary prior to reduction of benefits. The House bill then very wisely creates an automatic scaled-up exempt amount every 2 years in proportion to the increase in average taxable wages. I am also very pleased to note that the House has adopted a $1 for $2 benefit reduction for all earnings above the exempt amount so that benefits would never be cut off entirely. I propose to exempt $200 per month from benefit reduction. Whereas the House measure would allow $2000 a year of earned income, I propose $2400. Otherwise the law would remain unchanged, so that the exempt amount will rise as average taxable wages increase.

Mr. President, I fervently believe that it is economically and socially unfair to discourage able-bodied retired persons from supplementing their pension income with part-time work. In my home State of Vermont, I am aware of numerous situations where healthy 70-year-old retired persons, such as carpenters and painters, would continue to contribute their useful skills part-time if they would not thereby lose their social security checks. This kind of work can be meaningful, not only economically, but psychologically, to a man who was accustomed to hard work all of his life. At the same time, he can contribute needed skills to his community, and in many communities today the skills of retired persons are sorely needed. I believe that a $2400 allowance base for earned income would more realistically meet the desirable goals of useful work and economic security.

I hope that my colleagues will join with me in my efforts to improve upon H.R 17550, in order that we may truly acclaim the Social Security Amendments of 1970 a landmark in wise legislation for our 16 million retired beneficiaries.

The PRESIDING OFFICER (Mr. Moss). The amendments will be received and printed, and will lie on the table.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT—AMENDMENT

AMENDMENT NO. 685

Mr. GRIFFIN submitted an amendment, intended to be proposed by him, to the bill (H.R. 15628) to amend the Foreign Military Sales Act, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 686

Mr. PERCY submitted an amendment, intended to be proposed by him, to House bill 15628, supra, which was ordered to lie on the table and to be printed.

(The remarks of Mr. Percy when he submitted the amendment appear later in the Record under the appropriate heading.)

NOTICE OF HEARING ON S. 1079, CONSENTING TO THE SUSQUEHANNA RIVER BASIN COMPACT

Mr. TYDINGS. Mr. President, as chairman of the special Judiciary Subcommittee to consider S. 1079, a bill consenting to the Susquehanna River Basin compact, enacting the same into law thereby making the United States a signatory body; making certain reservations on behalf of the United States, and for related purposes, I wish to announce that a field hearing on S. 1079 will be held at 9:30 a.m. on June 23 in the chambers of Judge Harry E. Dyer, Jr. in the Harford County Office Building in Bel Air, Md. Testimony will be taken from the State of Maryland, the Department of the Army, and the Susquehanna Interleague Committee on the League of Women Voters. Another hearing at some future date will be held in Washington to hear from the States of Pennsylvania and New York and Departments of Justice and Interior. Anyone wishing additional information should communicate with Mr. Terence Finn of my office at 225-4524.

ADDITIONAL STATEMENTS OF SENATORS

POSTAL REORGANIZATION ACT OF 1970

Mr. McGEE. Mr. President, the Tuesday morning, June 9, 1970, edition of the Washington Daily News, on page 2, contains an article written by Dan Thomasson, a Scripps-Howard staff writer, which I believe requires a response by me as chairman of the Committee on Post Office and Civil Service and the co-author of the Postal Reorganization Act of 1970. I ask unanimous consent that the article be printed at this point in the Record.

There being no objection the article was ordered to be printed in the Record, as follows:

PAY-AS-YOU-GO THREATENED: POSTAL BILL LOADED IN FAVOR OF TRUCKERS AND AIRLINES

(By Dan Thomasson)

The Senate Post Office Committee's proposal to reform the nation's mail service is so loaded with benefits for the big airlines and the trucking industry it would jeopardize efforts to put the Post Office Department on a pay-as-you-go basis.

That was the consensus today of congressional critics after analyzing the 285-page bill finally adopted last Friday after days of debate during which lobbyists clogged the halls outside the committee room.

The proposal's complex transportation section alone was described by critics as a "classic" example of catering to special interests. And a Post Office Department official said:

"If it is a choice between this and what we have now, we would be better off with the present transportation system."

The bill would prohibit the new postal authority it creates from making contracts with one segment of the air industry—the so-called "supplemental" or "nonscheduled" airlines. The House version of the bill would open mail service to these lines.

While the bill would permit the new postal authority to contract for certain routes with the big, regularly scheduled airlines at lower rates, it would discourage such contracts by setting up what postal officials call "impossible" restrictions.

These restrictions stipulate that the contract must have Civil Aeronautics Board (CAB) approval, forbid shipment of less than 1,000 pounds and require that only 10 per cent of the domestic and 5 per cent of the international airmail can be first-class letters.

In other words, at least 90 per cent of the mail in these contracts would range from parcel post to junk mail to magazines.

Postal officials said this provision would require them to ship low-priority mail the most expensive way while the high-priority letters sat on the ground. It would be an "impossibly expensive" proposition, they said.

"This contracting authority," said one postal official, "a clear fraud on the public."

XUM

In its report, the committee says it wants to discourage the proposed new postal authority from trimming its costs at the expense of the air carriers.

The air transportation provision of the bill also help the major airlines, represented by the air transport association, by stipulating that the postal authority can contract with short-haul "air-taxi" operators only when it is determined there is no "adequate" common carrier service to a particular area. And as soon as such service is established, the board of governors of the authority must cancel the air-taxi service.

The surface transportation provisions of the bill, according to both congressional experts and Post Office officials, are designed to give the big truckers a distinct advantage in mail hauling.

Unlike the railroads, the truckers would be assured of Interstate Commerce Commission (ICC) rates when they tender their availability for carrying mail. Postal officials contend these rates are too high.

The truckers also would not be forced to carry the mail, as are the airlines and railroads, but would be able to pick and choose where they want to participate in mail hauling—generally limiting their operations to profitable routes between the big cities.

Some congressional experts believe the truckers may have outfoxed themselves in lobbying thru this provision. They say the Post Office would be reluctant to use the trucks at such rates.

It is alleged that both the CAB and the ICC are industry-dominated, and by giving them regulatory authority over transportation within another government agency, the Senate Committee has assured the airlines and truckers a high return for handling the mail.

"This section is worth hundreds of millions of dollars to the big transportation boys," a congressional critic charged. "It leaves the new postal authority very little flexibility in trying to move the mail as well and as cheaply as possible."

Mr. McGEE. Mr. President, Mr. Thomasson's article describes the transportation provisions of S. 3842 as being "loaded in favor of truckers and airlines" and generally so bad that, in the words of one unidentified Post Office Department official, "we would be better off with the present transportation system." That anonymous source is in complete agreement with the representatives of all of the scheduled airline industry. Because, while the Air Transport Association and all of the individual airlines who are members of the Air Transport Association reluctantly agreed to the provisions of the Senate bill, they would all prefer the status quo.

Under existing law, the Postmaster General has no authority to negotiate any contract with any air carrier—period. All mail carried by scheduled air carriers is carried on a fair distribution of the mail at ton-mile rates established by the Civil Aeronautics Board. Neither Congress nor the Postmaster General has any say at all about the rate to be paid.

It is so, as Mr. Thomasson points out, that "supplemental" airlines are not permitted under the Senate bill to carry the mail where scheduled airline transportation is available, but it is fair to say that the Post Office Department never requested such authority in either the House version or in the Senate version of the bill; and the Federal Aviation Act of 1958 does not permit "supplemental" air carriers to carry the mail except in very limited circumstances. The Committee on Post Office and Civil Service does not have jurisdiction to amend the Federal Aviation Act, and we did not attempt to do so; although in our report accompanying S. 3842 we did recommend that the Committee on Commerce, which has such jurisdiction, give very careful consideration to the problem of permitting "supplemental" air carriers to transport mail.

Mr. Thomasson quotes other unidentified postal officials to the effect that the restrictions of the Senate bill, particularly on the Postmaster General to negotiate contracts with scheduled air carriers, are "impossible." Obviously, our committee does not agree with that anonymous postal expert. Our goal, as clearly expressed in our report, is to encourage the Post Office Department to use the most expeditious means of transportation of all kinds of mail—not just air mail or "important" letter mail or some other class of mail that produces a significant amount of revenue for the Post Office Department, but all mail.

In negotiating a contract, we intend to require the Post Office Department to make an effort to improve mail service, not merely to reduce the costs of transportation. If a contract for 10 cents a ton-mile can be negotiated, then the transportation of newspapers, magazines, advertising, parcels, and any other mail matter, particularly over long distances, can be improved—vastly improved. Nothing whatever will prohibit the new Postal Service from charging an extra fee to nonletter mail for air transportation service. Indeed, as our committee said in 1967, when we recommended special air transportation service for newspapers and magazines, we expect each class of mail to pay a fair rate for expeditious transportation. Our disappointment is that the Post Office Department has not, in 2½ years, developed such service for second-class mail as authorized by the 1967 act; indeed, in recent months it has gone far to eliminate the airlift program for regular first-class mail in a pound-foolish effort to pinch pennies.

The First Amendment stands as a protector for Mr. Thomasson and his unidentified postal sources, but I think it would be to the advantage of both the Postmaster General and me to know what postal official described the transportation system as in our bill as "a clear fraud on the people."

Mr. Thomasson describes the surface transportation provisions of our bill as "giving the big truckers a distinctive advantage in mail hauling." It does not do anything of the sort. Because the highway transportation industry has never carried the mail on other than a Star Route competitive basis, we have recommended a restrained approach to the development of this new program. We leave the choice, for instance, with the trucker rather than with the Government as to whether he shall be required to carry the mail; but it is absolutely false, contrary to Mr. Thomasson's statement, that truckers would be able to "pick and choose where they want to participate in mail hauling—generally limiting their operations to profitable routes between big cities." Mr. Thomasson's anonymous source needs to read the bill. Our bill requires that if a trucker wants to carry mail at all, he must submit a general tender of availability to carry mail on any route where his truck line is authorized to operate by the Interstate Commerce Commission. He cannot—he is forbidden—to "pick and choose" choice routes.

The rates paid to truckers could be either those rates established by the Interstate Commerce Commission or rates negotiated between the Department and a common carrier or a star route carrier, whichever method the Postmaster General wishes to use. The committee expects that the Postmaster General will use his negotiated-rate authority in order to reduce costs and improve service. Seventy-five percent of the mail now moved by rail is moved at negotiated rates rather than ICC rates. We think a similar situation could apply to truck transportation costs.

Finally, I think it should be pointed out, as a majority of our committee did in adopting this transportation section, that the Senate Committee on Post Office and Civil Service is not in sympathy with the cost-cutting practices of the present administration in the Post Office insofar as the transportation of mail is concerned. Although we are glad to see any programs for efficiency developed, we are not glad to see them when they result from slowing down the mail. The air taxi program, developed 3 years ago by Postmaster General O'Brien and his very fine staff under the direction and supervision of our committee, has been severely cut back in an effort to save money. The airlift of first-class mail program has been reduced so that, in some instances, the Department has virtually abandoned the hope of overnight delivery of regular letter mail within 750 miles of the origin of the letter.

If the only way we in Congress can stimulate the Post Office Department to try its best to deliver mail is by imposing legislative restrictions upon their authority to move high-revenue mail, to write a few "thou shalt nots" into the law, and to delegate to the Civil Aeronautics Board or the Interstate Commerce Commission the regulatory and supervisory authority to insure compliance with congressional policy, then that is the way we will do it.

It is not the Post Office Department which establishes policies of postal service; it is Congress. It is we who answer to the people, not the Postmaster General or the board of governors of a new postal service, or anyone in the Department who vents his unhappiness upon local newspapers. Our effort, our sole objective, is to improve the mail service.

I must say I have not seen that same objective demonstrated in the transportation policy and programs of the Post Office Department.

TIME IS PASSING FOR AMERICANS HELD PRISONERS OF WAR

Mr. GRIFFIN. Mr. President, long ago Benjamin Franklin wrote in Poor Richard:

> Dost thou love life? Then do not squander time, for that is the stuff life is made of.

Over 1,400 American prisoners of war, now held captive by the North Vietnamese, love life, and time is passing for them.

When will the North Vietnamese abide by the Geneva Declaration?

I do not know.

Time passes.

When will the North Vietnamese allow the delivery of mail to these men?

I do not know.

Time passes.

When will the North Vietnamese allow the wives and the children of these men to know if they are alive or dead, sick or well?

I do not know.

Time passes.

If life is indeed a long lesson in humility, then it matters not how long we live, but how. Without life, time is but death. In prison, time is without life.

Mr. President, time is passing for the American men held prisoners.

PROBLEMS OF AGING IN RURAL AREAS

Mr. MUSKIE. Mr. President, on June 2, the Special Committee on Aging continues its exploration of the problems of older Americans in rural areas. Among the witnesses we were privileged to hear was Dr. Roger S. Leach, field program coordinator for the cooperative extension service at the University of Maine.

Dr. Leach described a nutrition education program in Maine which has had great impact on the senior citizens employed as nutrition aides and their communities. Dr. Leach also pointed up most articulately the difficulties faced by the elderly poor whose problems are often not visible to the communities in which they live.

I ask unanimous consent that his remarks and my statement at the hearing be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

MAINE'S SENIOR SERVICE CORPS NUTRITION AIDE PROGRAM

(Statement of Dr. Roger S. Leach)

Maine is known to both residents and nonresidents as "Vacationland". Few people realize that Maine is the northernmost state in Appalachia and approximately 23% of its nearly one million people live on incomes that fit the poverty guidelines. Currently approximately 75,000 people are participating in the donated commodities or food stamp programs.

The Maine Cooperative Extension Service initiated a Nutrition Aide Program in November of 1968 as part of a nationwide effort in nutrition education. This initial effort has now been expanded to include twelve of our sixteen counties in one of these three separately funded nutrition aide projects: (1) The Expanded Nutrition Education Program, funded from the U.S. Department of Agriculture, (2) The Volunteer Nutrition Aide Program, supported by a grant from Title I of the Higher Education Act, and (3) The Senior Corps Nutrition Aide Project, contracted with the State Office of Economic Opportunity and funded through the National Council on Aging.

The Expanded Nutrition Education Program administered by the Federal Extension Service provides supporting materials for both professional staff and aides in all of our nutrition education projects as well as direct funding for the employment, training, and supervision of 50 to 60 nutrition aides.

The volunteer nutrition aide program, "Mobilizing Volunteers for Personal and Community Growth", is a one- or two-year demonstration project (depending on availability of funds) with an objective of recruiting, training, and supporting 150 volunteers over a two-year period. This project is based on these assumptions: that (1) there are people in every community who have time and a need to do something useful for others, (2) communities should be given encouragement to solve their own problems, and (3) we cannot obtain sufficient funding to employ enough aides to work with all low income families.

The Senior Service Corps Nutrition Aide Project was funded in January of 1970. Thirty half-time aides were employed by the end of February. All were 55 years of age or older and met the OEO poverty guidelines.

The basic approach for all of our projects has been the same. Before aides are employed in any county, local and state level Extension staff members meet with representatives from all agencies working with low income families in the area. Outreach workers, child and family services, public health nurses, Maine Employment Security Commission, Diocesan Bureau of Human Relations, Farmer's Home Administration, and others are represented. An attempt is made to reach an understanding whereby all agencies feel that this aide program will compliment their individual activities. If such an agreement cannot be reached, we will not initiate a program in that county. With our limited resources, we cannot afford to waste energy competing with other agencies. The most desirable arrangement seems to be an interagency committee on recruiting, training, supervision, and evaluation, for the aide program.

Direct supervision is provided by Extension professional staff. The local professional staff also conducts the training of the aides with assistance from the State Nutrition Specialist. Initial orientation and training of one or two weeks is followed by weekly half-day sessions throughout the duration of the project.

Training includes:

1. Getting acquainted with each other;
2. Getting acquainted with the job ahead;
3. Learning to be a helper;
4. How to prepare meals using simple, low-cost recipes;
5. How to plan and prepare well-balanced meals;
6. How to shop for food;
7. How to store food;
8. The value and use of food stamp and donated food programs;
9. An understanding of basic nutrition; and
10. How to become better managers of all resources.

Although this project has been in operation for only a few months, it is obvious that it has become extremely meaningful to the recipients, the aides and the communities. The meaning is captured in these reports from our field staff and aides.

Zelma reported that the selectmen said there were visible changes in the recipients of donated foods in his community. He meant that the recipients coming in to the food distribution center have a new facial expression, "they look pleased; they know that they will no longer be looked down on like dogs, but, in fact, are viewed as ladies". This change has come about because of the Nutrition Aides. The recipients know that when they go to their monthly food distribution they will have friends there, the Nutrition Aides.

Lucille has been visiting older people in her area and realizes that she cannot visit them often enough, so she has asked a number of neighbors if they might consider visiting these people. Lucille is excited about the fact that several of the neighbors are visiting the older people and that it is truly beneficial, both to the older adult as well as the visitor. It is sort of a neighbor to neighbor approach.

Mary in her contacts with people receiving donated foods learned that some people were not using corn syrup and she has suggested a modification of the corn syrup using a maple flavoring extract so that it tastes just like "maple syrup". Mary also reported that one of the persons she provided with this corn syrup recipe has passed it on to a coparticipant of donated foods. This helpful information is being recycled among the recipients. In addition, Doris, another Nutrition Aide, picked this information up from Mary and is passing it around to her recipients.

Mary reported that a woman receiving donated commodities said to her, "Officials look down on me, but you made me feel welcome and treated me like a person".

Dorothy, one of four of York County's Nutrition Aides who attended a week's training in certification of people to receive donated foods, said that the selectmen in two communities let her certify people with whom she comes in contact. Her work is good in the eyes of the selectmen.

Mary reported that the Nutrition Aide program to her was like a breath of Spring. She feels a new spirit and is living now. She feels better and looks forward to the next day. Stated simply she said, "I feel needed".

Laurette says because of her work as a Nutrition Aide she does not have time to think about herself and her problems—there are just too many other people to help. The Nutrition Aide program has been good for her morale.

Mary says, "I look forward to Fridays when all the Nutrition Aides and staff get together; I really can't wait for Fridays". She likes the fellowship, the relationships and the "schooling". She feels treated like a person with value.

Elin, a young 74-year-old Nutrition Aide, reported with a smile on her face, "Conrad, I may have wrinkles on the outside, but I don't have a one on the inside!" She looked just like a young girl, full of life and radiance.

Mara, another Nutrition Aide, summarized the program from the vantage point of someone deeply involved. She says:

"We find such situations as a young widow so numbered by grief that even her impending motherhood cannot give her a will to live—or a very elderly man who has lived all alone all winter on nothing but potatoes, because he thought that there was no one he could ask for help, no one who cared. We may hear of a family of eleven children, all under working age, whose home burned with all its possessions.

"We may find elderly people too feeble or crippled to get out to do errands, or too apathetic through loneliness to even prepare their own meals. We have found people who cannot eat properly because they need dentures, or cannot see without glasses they cannot afford—people imprisoned through lack of a crutch or wheelchair. We hear of sudden illness, accident, job-loss, discouragement, defeat. These things are our job. Not to BUY a crutch, or COOK a meal, but to help people regain their own initiative, and restore their pride by helping them to help themselves.

"Our role is to stimulate their interest, to provide information, to lead and guide the needy into the situations where their own effort will again sustain them. Whether the need is financial or physical—intellectual or spiritual, we must train ourselves to observe, in every circumstance, the loophole through which each individual may escape his predicament with his pride and his personal integrity intact. This program also offers employment to older adults. I think one of the basic precepts on which this program was founded is to restore to the aging their birthright of participation. In any age group, pride in accomplishment is more than a reward. It is a spur to further accomplishment.

"We hope we will see this program expanded from our small group to embrace every senior citizen who dares to hope his usefulness and productivity cannot be finished.

"The Elder Statesman's role in service to his country is well recognized. The Elder Citizen, too, has invaluable contributions to make to society through his accumulation of knowledge and experience.

"A unifying force such as this program can offer these older citizens many more rewarding years of service, from which our entire culture may reap incalculable benefits."

XUM

Senator Muskie. Thank you, Dr. Leach, for your excellent statement. How many counties does the program cover?

Dr. Leach. We have York County, Androscoggin County and northern Aroostook.

Senator Muskie. Rather well distributed over the state?

Dr. Leach. Yes.

Senator Muskie. How many low-income families are you now assisting with the program?

Dr. Leach. At the last report, we were working directly with 431, I believe, but that was about a month ago and, of course, it was just getting started.

Senator Muskie. The latest figure I have is that you have about 830.

Dr. Leach. That may be correct. I think that may be what has happened within the last month, because the project has been expanding quite rapidly.

Senator Muskie. The statement which you put in the record indicated that many older citizens are reluctant to use the food stamp and commodity distribution programs. I wonder if you would touch upon the reasons why so many of our older citizens do not now use the available programs.

Dr. Leach. I think one of the main reasons is that we are dealing with two different types of people. I think someone made the statement we are dealing with the poor who have grown old and the old who have grown poor.

Now the old who have grown poor just don't think in terms of taking what they call welfare; they are too proud. They need someone to go out and establish a personal relationship with them, become a friend, and then take them by the hand and say, "It is all right, this is a program that is for you," and take them in and get them certified.

I think this type of an approach is the only way we are going to reach these types of people.

Senator Muskie. Do you think it has the most value with respect to the second group; that is, the older poor?

Dr. Leach. No, I think it is of equal value to the poor who have grown old. I think they are somewhat more receptive to a program of this type, but they have still got to go ask for something in order to reap the benefits.

Senator Muskie. Is the accessability of these programs a limiting factor?

Dr. Leach. You mean location?

Senator Muskie. Yes.

Dr. Leach. I think very definitely. We have been finding people who would like to have been certified, but the roads were impassable or they could not get out to the certification center.

It does take transportation. I feel very strongly—in fact, we feel in all of our Nutrition Aide Programs that one very valuable element in building a bridge between the low-income and higher income people in the community is to try to involve them in providing things like transportation, building an organization. We find very frequently that the average citizen in our community does not understand the problems of the elderly, the problems of the poor.

We find this a very good way to get them acquainted with the problems, and, after all, they are the ones who are going to have quite an influence on what happens.

Senator Muskie. Have all Maine communities been receptive to these programs? What is the situation now, more receptive? Is the absence of the program in a community or county a limiting factor?

Dr. Leach. I have been directly involved with communities, in fact, my own community. I live in Orono and the first statement made was that there were no poor in Orono, or, at the most, perhaps 20. But I think it is kind of pathetic.

People don't really understand, they don't know the situation. I think that one of the problems we have is lack of education. We must build the bridge, as I indicated before, between the haves and the have-nots, so that they understand the situation and do something about it.

Senator Muskie. In other words, what you are saying is that the poverty of a lot of people, whether it comes to them in old age or is the condition in which they have lived all their lives, is not visible to their community.

Dr. Leach. Absolutely right.

Senator Muskie. Is this because of reticence or insensitivity on the part of the community? What is the reason?

Dr. Leach. I think we consciously have to bring people together; it won't happen by itself. We drive by these homes and we don't realize that somebody lives there or the problems he might have—perhaps it is insensitivity, blindness or just lack of awareness.

Senator Muskie. So that even in a state with small communities like Maine there is a lack of communication.

Dr. Leach. Very definitely.

Senator Muskie. I think our largest city now is 68,000, but even so we have that problem.

Do you find that the most rural persons eligible for food assistance programs would prefer food stamps or commodity distribution programs, or is there any distinction?

Dr. Leach. I really can't answer that question. Since they have not had the opportunity, they really don't know what the choices are. I think some of them have said they would rather have the food stamp program, but of course for us the donated food does provide an opportunity, a link where we can get in and at least share recipes. It provides some way of establishing that relationship which is very important.

Senator Muskie. The dietary help you mentioned in the 10 points involved in the training—how to prepare meals, for example, using simple low-cost recipes. This would seem to me to be a valuable service to provide. Have you had any reactions to that yet? Is such assistance given to all the people in these programs?

Dr. Leach. There again it varies with the individual. For some it is very helpful, for others we have not reached the point where we can work on dietary habits. It takes quite a while to establish a relationship where you can even suggest that they might need to improve their diets. This project has been of such short duration that we really have not gotten too far into the nutritional aspects.

The needs are there and over time we will be able to deal with them.

Senator Muskie. This next question I have probably is not answerable in light of the program's short experience, but I would like to put it any way.

Those elderly that you contacted in your program, what percentage have nutritional deficiencies?

Dr. Leach. I anticipated that question, but I cannot really answer it.

Senator Muskie. Did you have any impression that there are a sizable number who have nutritional deficiencies?

Dr. Leach. Yes, there are and it is awfully hard to put your finger on the real problem. Sometimes these people—as one of the aged referred to—are quite apathetic. They don't eat well and then because they don't eat well, they don't get a proper diet and feel more apathetic.

It is a kind of a cycle and you cannot put your finger on any one thing and say that is it, is the problem. But I think very definitely a high percentage of our elderly people do not have an adequate diet and, therefore, they cannot feel well.

Senator Muskie. I suppose that you have a special problem with the aged individual who lives by himself and lacks incentives to prepare his own meals.

Dr. Leach. Yes.

Senator Muskie. Is that in your program?

Dr. Leach. Well, just visiting with some of these individual older people provides some kind of an incentive for them. The aide may try to encourage them to try a new recipe or just to check with them and say, "What did you have for breakfast this morning?"

Once they establish a relationship with them, the rest follows. You don't do that on the first visit.

Senator Muskie. One final question: Again you may not have the experience yet to answer it, but I will ask you. At the White House Conference on Food Nutrition and Health last December, one of the major recommendations was this:

All housing programs for the elderly, regardless of the method of financing or sponsorship, should include meal services with proper nutrition.

What would be your reaction to that?

Dr. Leach. That is quite a blanket statement to respond to.

Senator Muskie. Yes; it is.

Dr. Leach. I think it is a very desirable thing. I am sure that for many people this would be very valuable. I also feel that we want to be careful that we don't take away from those who have ability, the opportunity to be creative and prepare their own meals. This is a creative thing for women preparing the meals and something for them to look forward to. It keeps their mind active.

I don't think you can make an inclusive statement.

Senator Muskie. What I was driving at in the question is that your kind of program, your kind of service thus provides for their additional needs.

Dr. Leach. Yes. Recently, suggestions have been made that that in-school lunch program facilities be used to provide a meal a day for some of our senior citizens. I think this would be a very valuable program. I think they are moving in this direction at the present time—not the school lunch necessarily—but using other facilities they have there.

Senator Muskie. I would like to congratulate you, Dr. Leach, on this program. Our people in Maine are not very communicative by nature which I suspect has resulted in the neglect, through lack of exposure, of a lot of the problems that we ought to deal with.

I want to congratulate you.

Dr. Leach. Thank you, sir.

I want to add one more thing. When you were asking me about communication—why people didn't understand the problems of the low income—I think that I would only be fair to say that we have a very strong feeling in Maine which is very deeply ingrained that anyone who really has any ambition will get out in his own way.

It is very uncomfortable to confront people on this issue, but they do have to be confronted. I am convinced of that. They have to be shown that the people who need these programs are not lazy, that really there are serious problems which cause them to be the way they are.

Senator Muskie. Thank you.

Statement of Senator Edmund S. Muskie

Mr. Chairman, the hearing today is timely and appropriate because the 7 million older Americans in Rural areas have too often been overlooked or ignored.

They are probably among our most "forgotten Americans."

They are forgotten because their retirement income needs are not met by social security or old age assistance.

Their nutritional needs, although aided by the food stamp and commodities distribution programs, are largely unmet because of gaps in these programs and woefully inadequate funding. In fact, our 20 million older Americans probably constitute the most uniformly malnourished segment of our population.

The depths and extremes of this "hunger crisis" are most acute among the elderly in rural areas.

Many are hungry or malnourished simply because they are too poor to buy enough food.

In far too many instances, they are confronted with the choice of buying food or necessary prescription drugs to maintain their health. And, too often, both needs suffer irreparably.

When food assistance programs are available, other problems present formidable obstacles.

Lack of adequate transportation can impose an almost impossible barrier for those who must travel great distances to receive free food at distribution points.

Of the 118,000 senior citizens in Maine, for example, only 40,000 have drivers licenses, leaving almost 80,000 with no immediate access to transportation.

Failing health can make it difficult to walk to the local welfare office to apply for food stamps or stand in long lines to receive food stamps in banks. It may also be impossible for senior citizens to walk to market to purchase food or carry heavy packages to their homes.

Fortunately, some steps are being taken to ease the nutrition crisis of the senior citizen in rural areas of America.

One such undertaking is the senior service corps nutrition aide program which is described in detail this morning by Dr. Roger Leach. Outstanding accomplishments have been achieved by this program.

For example, one nutrition aide located an elderly man who had been living on potatoes, apples and beans for an entire winter. After several calls, the malnourished older man agreed to apply for donated commodities. He is now gainfully employed after being jobless for several years.

In another senior service corps program in Maine, aides have been assigned to community action agencies in nine "Hunger Counties" designated by the citizens board of inquiry into hunger and malnutrition. They have worked as helpers in surplus food certification and distribution, resulting in the certification of 38,000 persons for surplus foods in areas which previously had no program. In Presque Isle, Maine, alone, 5½ tons of badly needed surplus foods were distributed in one month.

Other outstanding senior citizen projects in Maine are currently being funded under titles III and V of the Older Americans Act. Grants to 21 community organizations have resulted in 80 community centers for senior citizens in both urban and rural areas.

The community centers have helped senior citizens find new careers as well as meaningful volunteer opportunities.

The senior feeding program in the Waterville Center provides balanced meals for about 300 people once a day, five days a week. In Portland, two senior centers provide meals along with other services to older persons.

We need to expand such nutrition programs to rural areas where they are so badly needed.

The problems of senior citizens in Maine are symptomatic of those besetting the elderly throughout the United States. They have been forgotten in the past, and they will continue to be overlooked in the future unless major policy changes are made now.

In the area of nutrition, we must ask pressing questions:

Why do so many senior citizens lack adequate food? And how many are slowly starving that we have not yet discovered?

What is a realistic expenditure to ensure that each senior citizen has a nutritious diet?

How can we make our present food assistance programs more responsive to need?

In the wealthiest Nation in the world, with a gross national product approaching $1 trillion, it is unconscionable to delay in finding the answers.

POLLS OF THE FORT LAUDERDALE NEWS AND SUN SENTINEL SHOW STRONG SUPPORT OF PRESIDENT NIXON ON CAMBODIA

Mr. GURNEY. Mr. President, various newspapers in Florida have been conducting polls of their readers concerning the President's decision to send troops into Cambodia.

The Fort Lauderdale News and Sun Sentinel have recently conducted such a poll. Yesterday, I brought the results of the Sun Sentinel poll to the attention of the Senate. Today I call attention to the combined totals of the poll of both newspapers.

To put the results in the words of the editor and publisher, Jack W. Gore:

> A very large majority of our readers who participated in the poll registered their approval of Mr. Nixon's Cambodian decision and his program for ending the war as soon as possible.

I ask unanimous consent that the letter to me from Mr. Gore and the results of the polls be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Fort Lauderdale News,
Fort Lauderdale, Fla., June 2, 1970.

Hon. Edward J. Gurney,
U.S. Senator,
Senate Office Building,
Washington, D.C.

Dear Ed: As you may have already heard, The Fort Lauderdale News and The Sun-Sentinel conducted a poll, the purpose of which was to sound out the sentiment of our readers in regard to President Richard Nixon's decision to send U.S. troops into Cambodia and on two amendments currently under discussion in the Congress to curtail public funds for the Cambodian operation and to force our troops out of Vietnam next year.

Attached herewith you will find a copy of the questions we used in that poll, together with the results of the balloting as reflected by the ballots returned to The News.

I think you will find results very interesting inasmuch as they reveal that "a very large majority of our readers who participated in the poll registered their approval of Mr. Nixon's Cambodian decision and his program for ending the war as soon as possible."

For your information, The News made no editorial attempt to influence this poll in any fashion. We merely presented the issues to our readers along with the information that the final result of the poll would be sent to all members of the Florida Congressional delegation.

This we are now doing and we would be happy to receive any comments you might wish to make.

Sincerely yours,

Jack W. Gore,
Editor and Publisher.

Results of Poll

1. Do you support President Nixon's dispatch of troops into Cambodia to destroy enemy sanctuary and protect American troops, a mission that is to be completed by June 30? Yes, 6,973; No, 787.

2. Do you support the Cooper-Church Resolution that would cut off federal funds for retaining U.S. troops in Cambodia after June 30? Yes, 1,016; No, 6,592.

3. Do you support a House version of the McGovern-Hatfield Amendment that would require removing all U.S. troops from South Vietnam by June 30, 1971? Yes, 1,342; No. 6,004.

4. Should the U.S. hold out for a military victory in South Vietnam? Yes, 4,162; No, 2,865.

DELAY ON GOLDEN EAGLE PASSPORT

Mr. MOSS. Mr. President, the failure of the House of Representatives to take final action on the bill to extend the golden eagle passport is causing chaos among users of the passport and in the Government departments which administer the golden eagle passport program.

The passport idea has more than proved itself in the 5 years it has been in operation. Thousands of Americans have been purchasing a passport each year to provide admittance to all Federal recreational areas, including national parks and monuments.

The passport expired on March 31 of this year. Last September, well in advance of the expiration date, the Senate passed a bill extending the golden eagle passport and sent it to the House. Now, nearly a year later, the bill has just been put on the calendar, and a rule granted—but it still has not been passed.

In what I hope will be a spur to the other body to take action quickly, I ask unanimous consent to have printed in the RECORD a column written by Don Brooks for the Salt Lake Tribune of June 2, which indicates the "utter confusion" which now reigns because of the Hous delay. I might add that my office in Salt Lake City probably receives as many calls about the golden eagle passport as do the Government agencies involved.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GOLDEN EAGLE'S DEMISE LEAVES UTTER CONFUSION BEHIND

(By Don Brooks)

Tag along with the Dead Fish Editor now, if you will, while he does a bit of eavesdropping at certain places in the Federal Office Building. The FBI need not be concerned. The G-Man wigwam gets a wide berth.

Quiet now, please! We are in the receptionist's office of the Wasatch National Forest. Phones are are ringing like crazy. Rachel Davenport answers one line:

"Yes, mam. I'll talk to you about the Golden Eagle. No, mam. The Golden Eagle program is not in operation right now. Congress has not yet made a final decision on extending it.

"Yes, we can sell you a Forest Service recreation lands permit. It costs $7 and allows you to use recreation facilities such as improved campgrounds on all national forests. You may buy it here or at other Forest Service offices. You're welcome, mam."

Marie Manteca is on another line:

"No, sir. The Forest Service permit will not get you into Yellowstone or other national parks. It is good only on Forest Service recreation areas. I don't know why, sir. We will exchange it for a Golden Eagle passport if and when that program is extended by Congress. When will that be? We haven't any idea, sir."

NATIONAL PARK OFFICE

We now tippy-toe up a couple of flights to the National Park Service office on the sixth deck. Sarah Faron is talking over the Alexander Graham Bell:

"All I can tell you is if fees were charged last year, then they will be charged again this year. Now, we do not have a passport as yet which will be good on all national parks. I don't know if we will get one.

"Yellowstone? So much per day for each vehicle. No, that permit would be no good for entering a campground on the Teton National Forest. The Forest Service has it's own fee system. You must contact them."

So it goes. John Q. Public accepted the Golden Eagle program. He found it a very handy piece of cardboard to take care of his summer recreation needs.

And now John Q. is utterly confused. I know, because I stuck around the Forest Service office with Rachel and Marie for an hour Monday and heard them attempt to explain the messed-up situation that now exists. I even pitched in and answered a few calls myself.

One of them was from a little girl who said she had been told by her teacher to find out "what the poor people are going to do?"

I dunno, little gal, I dunno. Ask Congress. Ask when in heck the Golden Eagle is going to fly again!

POLISH ARMED FORCES DAY IN FRANCE

Mr. MUSKIE. Mr. President, June 20–21, 1970, has been declared Polish Armed Forces Day in France.

This event will honor the many brave and valiant Polish soldiers who fought for the freedom of France and Europe during World War II.

Commemorating this 30th anniversary two monuments will be unveiled in the cities of Lagarde and Dampheres. The monuments will pay due tribute to these brave men and will serve as a constant reminder of their brave and heroic acts.

Many of the veterans being honored are now living in our country. It is appropriate that we note this event and add our congratulations.

USDA COOPERATIVE POLICIES

Mr. DOLE. Mr. President, the principle of cooperation is a strategic concept in the government of the Nation.

The cooperative principle as interpreted by the many farmers of the Nation in forming organizations to accomplish what they could not accomplish alone, is an equally strategic factor in the history of growth and development of our agriculture and to its future.

The importance of cooperatives to agriculture has never been so emphatically outlined by a Secretary of Agriculture as it was recently by Secretary Hardin in a policy memorandum to the Department of Agriculture personnel.

Because the statement offers such definite support and requires action to implement these principles to the benefit of agriculture, I ask unanimous consent that it receive the wide distribution deserved by having it printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

SECRETARY'S MEMORANDUM NO. 1697: USDA POLICY ON COOPERATIVES

Farmers and other rural residents have long-recognized cooperative action as an effective instrument to help them adjust to a dynamic society. A progressive farm policy includes support for those who seek to help themselves through constructive group action.

Forty-one years ago, Congress approved the Agricultural Marketing Act. In it, Congress said: ". . . it is hereby declared to be the policy of Congress to promote the effective merchandising of agricultural commodities in interstate and foreign commerce, so that the industry of agriculture will be placed on a basis of economic equality with other industries . . . by encouraging the organization of producers into effective associations or corporations under their own control for greater unity of effort in marketing and by promoting the establishment and financing of a farm marketing system of producer-owned and producer-controlled cooperative associations and other agencies."

In addition, Congress has by law authorized the Department—

To help farmers improve their marketing, purchasing, and service cooperatives by studying their organization and operations and providing assistance to management;

To promote the knowledge of cooperative principles and practices;

To use cooperatives in its price support, commodity loan, crop insurance, and marketing agreements and orders programs;

To lend money to cooperatives for electric and telephone service;

To assist rural people and their communities to improve their economic and social positions through effective self-help programs and credit;

To encourage joint action of farmers by eliminating discrimination on the part of handlers against farmers who are members of a cooperative.

It is the policy of the Department to carry out the full intent and spirit of these laws and to offer maximum encouragement to cooperatives as a means of improving farmers' incomes and developing rural America. It is imperative that we renew and continously strengthen our efforts to do so.

Therefore, I hereby direct—

(1) The Administrator of each Agency in the Department—

To reexamine each year each of his programs and, where necessary, reshape them to carry out the full intent of the law and Department policy so as to offer maximum encouragement to the growth and development of sound, cooperatives; and

To report each year on such redirection of programs as he has taken pursuant to this Memorandum and continuing efforts to encourage cooperative growth and development.

(2) The Under Secretary to analyze these reports and recommend to me such action as he believes is necessary to implement effectively this Memorandum.

Secretary's Memorandum No. 1540, dated July 9, 1963, is hereby repealed.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

THE AD HOC COMMITTEE ON THE HUMAN RIGHTS AND GENOCIDE TREATIES

Mr. PROXMIRE. Mr. President, the Genocide Convention and the other human rights conventions before Senate committees are of such universal interest and significance as to attact unusually broad and active public support. Some 54 major national organizations have officially joined the Ad Hoc Committee on the Human Rights and Genocide Treaties. These organizations differ widely in their primary concerns and constituencies. They range from the national board of the YMCA and the American Federation of Teachers to Americans for Democratic Action, the United Automobile Workers, and the American Civil Liberties Union.

The Senate's failure to take action on the Genocide Convention is partly due to the American Bar Association's failure to endorse it. But this year even the ABA's House of Delegates came within four votes of giving its approval to the Convention. The spirited debate which took place in the ABA indicates that it has no decisive or overwhelming constitutional obligation to ratification.

Now I ask the Senate: Should we continue to withhold action on the basis of the lack of support from an organization which is almost evenly divided on the question of the Convention? Or should we rather heed what I believe is the majority opinion in this country by ratifying the Genocide Convention.

I believe that the position taken by the 54 organizations which are members of the Ad Hoc Committee on the Human Rights and Genocide Treaties better represents this country's opinion and national interests than does the position of the ABA.

I ask unanimous consent that the list of members of the Ad Hoc Committee on Human Rights and the Genocide Treaties be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

AD HOC COMMITTEE ON THE HUMAN RIGHTS AND GENOCIDE TREATIES

LIST OF ORGANIZATIONS

American Baptist Convention.
American Civil Liberties Union.
American Ethical Union.
National Women's Conference, American Ethical Union.
American Federation of State, County and Municipal Employees, AFL–CIO.
American Federation of Teachers, AFL–CIO.
American Friends Service Committee.
American Humanist Association.
American Jewish Committee.
American Jewish Congress.
American Roumanian National Committee.
American Veterans Committee.
Americans for Democratic Action.
Baha'i National Spiritual Assembly of the U.S.
B'nai B'rith.
B'nai B'rith Women.
Brotherhood of Sleeping Car Porters, AFL–CIO.
Episcopal Church.
Farband Labor Zionist Order.
Friends Committee on National Legislation.
Hadassah, The Women's Zionist Organization of America.
Industrial Union Department, AFL–CIO.
International Ladies' Garment Workers' Union, AFL–CIO.
International Rescue Committee.
International Union of Electrical Workers, AFL–CIO.
Jewish Labor Committee.
Jewish War Veterans.
League for Industrial Democracy.
National Association of Negro Business and Professional Women's Clubs.
National Association for the Advancement of Colored People.
National Board, YWCA.
National Catholic Conference for Interracial Justice.
National Jewish Community Relations Advisory Council.
National Conference of Christians and Jews.
National Council of Jewish Women.
Methodist Church, General Board of Christian Social Concerns.
Poale Zion, United Labor Zionist Organization of America.
Quaker U.N. Office.
Retail, Wholesale & Department Store Union, AFL–CIO.
Textile Workers Union of America, AFL–CIO.
Ukrainian Congress Committee of America.
Ukrainian National Association.
Union of American Hebrew Congregations.
Unitarian-Universalist Association.
United Automobile Workers of America.
United Church of Christ.
Women United for the United Nations.
Women's International League for Peace and Freedom.
Workers Defense League.
Workmen's Circle.
World Federalists, USA.
World Jewish Congress, American Section.
Conference of U.N. Representatives, UNA–USA.
National Council of the Churches of Christ in the USA.

JUNIOR ACHIEVEMENT

Mr. COOK. Mr. President, on May 21, 1970, I was honored to be the principal speaker at the Junior Achievement "Future Unlimited" Banquet at the Marriott Twin Bridges Motel.

However, I must say the real high point of the evening for all of those in attendance, including myself, was a talk by Cynthia Wilson on the subject of Junior Achievement and its impact upon her philosophy of life.

Mr. President, I have heard many speeches in my 13 years of public life—some good and some not so good—but this surely must rank among the best. This is the reason I wanted to invite attention to it today.

I ask unanimous consent that the speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH BY CYNTHIA WILSON

You have come here tonight expecting me to tell you about my three years in Junior Achievement, to tell you about the three years that changed my life. But that is not what I'm going to do. I am going to tell you what Junior Achievement caused me to discover about this country, about society, and about myself; and I will begin with America.

To the glory of mankind, for a unique time in history, there existed a country of money—and I have no greater, more reverent tribute to pay to America. For a country of money means a country of reason, justice, production, freedom and achievement. Man's mind and money were set free, and for the first time, there were no fortunes-by-conquest, only fortunes by work. But today, money is widely regarded as the root of all evil. Has the question ever been asked, what is the root of money? Money is an implement of exchange which will not exist unless there are goods produced, and men able to produce them. Money is the concrete shape of the abstract principle that men who wish to deal with one another must deal by choice, and give value for value. Is this to be considered evil?

Junior Achievement led me to question the attitude of self-righteous persecution of business by society. When business has given so much to society, when business has created countless innovations and products to improve every individual's life and make it a little easier, when business has opened new job possibilities where there were none before; for all of these business is condemned. Often singled out as the major cause of society's ills, industries have been cited as purveyors of "ruthless competition", where a man is judged solely on his ability alone, not on his need, his education, or his color. Is this to be considered evil? Does society persecute business because it gives no advantage to anyone? Because it doesn't start off giving the higher salary to the needier man? Because business can't reward anything but ability?

Business, and the product of business—money—demands of a person the recognition that men must work for their own benefit, not for their own injury, for their satisfaction, not their suffering. Junior Achievement caused me to discover the symbol of America—the symbol that has been slandered, ignored, corrupted and condemned—the dollar sign.

The dollar sign symbolizes money, and money demands that you sell not your incompetence to men's stupidity, but your talent to their intelligence. And when men live by trade, with reason, not force, as the final judge, it is the best product, the best performance, the man of best judgment and highest ability that will always win.

Money will not purchase happiness for the man who has no conception of his desires. Money will not buy knowledge for the fool, or esteem for the coward, or respect for the unfit. The man who damns money has obtained it dishonestly; the man who honors it has earned it.

Junior Achievement was the catalyst that sparked a desire in me to learn why America's economic system, Capitalism, was never cited as the reason for America's greatness. Capitalism, and its monogram, the dollar sign, have been ignored too long. Money is the barometer of a society's virtue. When, in a society, trading is done not by choice, but by coercion; when money is flowing to those who deal, not in products, but in favors; when men get riches by graft and by influence, rather than by work; when corruption is accepted and rewarded, and honesty becomes self-sacrifice, you may know your society is doomed. Until and unless it is acknowledged that money is the root of good, we are asking for our own armageddon. When money ceases to be the tool by which men deal with one another, then men become the tools of men.

Junior Achievement was the beginning of a change in my philosophy of life; the beginning of a new set of values and principles that were to determine the basis of what I believe in. Junior Achievement led me to realize that each man should advance as far as his own efforts can take him. Wealth is the product of man's capacity to think. Money is made—made by the efforts of honest men, each to the degree of his own ability. Then, advancing as far as one's own talents and energy allow, man develops pride in himself and his work. Man's highest recognized value is his own pride, which has to be earned; the attaining of your goals which is made possible by the creation of your own character—that your character, your emotions, your desires, your actions, are all products of the premises of your mind. And man must shape his soul in the image of his moral ideal, that he is born able to create, but must create by choice. Junior Achievement asked of me that I question the accusations and demands directed toward American industries and industrialists, demands that every man born is entitled to received food, clothing and shelter, with no effort on his part, as his birthright. To receive it—from whom? No answer. That every man owns an equal share of the technological advances created in the world. Created—by whom? No answer. That intellectuals who flutter around the globe and return to deliver the message that the backward peoples of the world demand a higher standard of living. Demand—of whom? No answer.

This country cannot survive on the morality of sacrifice. It was not built by men who sought handouts. From its beginnings this nation was a threat to the ancient rule of tyranny and dictatorship. In the brilliant, energy-filled burst of its youth, this country displaced to an unbelieving world what greatness was possible to man, what happiness was possible on earth.

America's system has to be rebuilt on the moral permise on which it was founded, the premise that man is an end in himself, not a means to the ends of others. That man's freedom, his life, his happiness, are his by inalienable right. This country will then become once again a haven for a vanishing species; the rational individual. The political system that will be in existence is contained in a single moral standard—man can obtain no values from others by force. Every man will stand or fall, live or die, by his own rational judgment. Man's proper stance is in an upright position, with an intransigent mind, and a stride that travels limitless roads.

This world can be won—it is real, it exists, and it is possible.

Thanks to Junior Achievement for being what it is.

RETIREMENT OF CARTHA D. DeLOACH FROM THE FBI

Mr. TALMADGE. Mr. President, last week Cartha D. DeLoach announced his retirement as Assistant to the Director of the Federal Bureau of Investigation.

Deke DeLoach, considered the No. 3 man in the Bureau, has served as an assistant to Director J. Edgar Hoover since 1965, and in that capacity he supervises all investigations and crime record operations of the FBI. He joined the Bureau in 1942, and over the past 28 years he compiled an illustrious record in Federal law enforcement.

I know that his services will be sorely missed when he leaves the Bureau on July 20. Deke DeLoach is my warm, longtime friend, and I know other Senators join me in wishing him every success and happiness in all his future endeavors.

I ask unanimous consent that there be printed in the RECORD a brief biographical sketch outlining Mr. DeLoach's service to the Bureau, and two articles from the Washington Evening Star regarding his announced retirement from the FBI.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

CARTHA D. DELOACH, ASSISTANT TO THE DIRECTOR, FEDERAL BUREAU OF INVESTIGATION, MAY 1, 1969

Cartha D. DeLoach, who was born July 20, 1920, in Claxton, Georgia, attended Gordon Military College, Barnesville, Georgia; South Georgia College, Douglas, Georgia; and Stetson University, Deland, Florida. During his college years he played varsity football. Mr. DeLoach received a Bachelor of Arts degree from Stetson and subsequently attended its Law School. He was given a "Distinguished Alumni" award by this institution in November, 1958, and a similar award by Stetson's Alumni Association in February, 1966. The Pi Kappa Phi Fraternity, of which he was a member, presented him an award in 1966. He received Honorary Doctor of Laws degrees from Stetson University in 1966 and from Lincoln College, Lincoln, Illinois, in 1968.

Mr. DeLoach, who is married and the father of seven children, was appointed a Special Agent in the FBI in December, 1942. After his training period, he served in the Norfolk, Virginia, and Cleveland, Ohio, Field Divisions. In August, 1944, he left the FBI temporarily for duty in the United States Navy and returned in April, 1946. Upon his return, he was again assigned to Cleveland after which he served in a supervisory capacity at FBI Headquarters. In October, 1951, he was elevated to the position of Inspector and in January, 1959, was designated an Assistant Director. In December, 1965, he became an Assistant to the Director, and in this capacity he supervises all investigative and crime records operations of the FBI.

As an active member of the American Legion for many years, he has served as Department Commander and National Vice Commander and now is Chairman of the National Public Relations Commission. He was named "Man of the Year" in the Legion by the State Commanders Society at the Legion's National Convention in 1963. In September, 1964, he received the annual President's Award of the National Association of State Directors of Veterans' Affairs for distinguished public service.

On May 12, 1967, the President of St. John's College, Washington, D.C., presented Mr. DeLoach the President's Medal of St. John's College. He was presented the George Washington Honor Medal by Freedoms Foundation of Valley Forge, Pennsylvania, in 1967, 1968 and 1969. He was selected for membership in the International Platform Association in September, 1967, by the Board of Governors of that organization, and selected to be a member of the Board of Directors of the Ophthalmic Research Foundation in 1968.

[From the Evening Star, June 5, 1970]

THIRD-RANKING FBI OFFICIAL RETIRING TO TAKE BUSINESS POST

(By Jeremiah O'Leary)

Cartha D. (Deke) De Loach, veteran FBI official and operating chief of the bureau in recent years as assistant to director J. Edgar Hoover, is retiring next month to enter private business.

De Loach, who will be 50 July 20, leaves on that date to become a vice president of Pepsico Corp.

There was no indication at FBI headquarters as to who will step into the post of assistant to the director, although there is speculation that the vacancy will be filled by one of 10 assistant directors.

By title, De Loach is the third-ranking official in the FBI behind Hoover and associate director Clyde A. Tolson, but in effect he has been the functional chief of four major divisions of the bureau: Domestic Intelligence, General Investigative, Special Investigative and Crime Records.

In this role, he has been in direct charge of all criminal investigations and FBI counterspy operations. He also has played a major part in representing the bureau in relations with Congress, the White House, other federal agencies, the Justice Department of which the FBI is part, and with the press.

LIAISON WITH WHITE HOUSE

During the five years of the administration of President Lyndon B. Johnson, De Loach was Hoover's liaison man with the White House and frequently briefed Johnson and his aides on cases involving national security, racial problems and FBI background checks on potential nominees for high office.

De Loach played key roles in a number of top-priority cases, including the strenuous FBI effort to eliminate the White Knights of the Ku Klux Klan in Mississippi after the murder of three civil rights workers in Neshoba County and the international manhunt that led to the apprehension of James Earl Ray, later convicted as the assassin of Dr. Martin Luther King, Jr.

De Loach's office on the fifth floor of the Justice Department building became the command center for hundreds of cases for which the FBI had jurisdiction. Hoover and Tolson, although retaining final authority in all matters affecting administration of the bureau, gave De Loach a long tether in day-to-day operations after he was appointed to his present job on Dec. 31, 1965.

De Loach has been known as a "take-charge guy" with no fear of responsibility, but at the same time reflecting the general viewpoint of Hoover, the man known to De Loach and everyone else in the FBI as "the Boss." His role under Hoover and Tolson was to take on the intricate detailed work involved in FBI cases, with the two older men continuing to exercise ultimate control.

His relations with a succession of Justice Department officials and attorneys general, like those of Hoover, were sometimes less than cordial. Before the CIA and the FBI worked out an amicable division of responsibility, De Loach figured in collisions between Hoover and the CIA over FBI operations overseas and CIA operations inside the continental U.S.

De Loach, a native of Claxton, Ga., and a star football player at Stetson University, joined the FBI in 1942. He was in the Navy from 1944 until 1946, when he returned to the FBI. He established a reputation as a tough, hard-working special agent, working on the whole gamut of FBI cases—bank robberies, kidnappings, car thefts, national security—in several field offices.

In 1951 he was promoted to inspector, transferred to Washington and assigned to the Domestic Intelligence Division. In 1953, he was transferred to Crime Records, the section which not only keeps track of national crime statistics and trends, but also acts as the FBI's public relations and press office. He was promoted to assistant director before he was 40.

De Loach became known as a skilled public speaker and a prominent official of the American Legion. He also holds a number of honorary degrees and awards and is a prominent Catholic layman in St. Mary's Parish, Alexandria, Va.

De Loach and the former Barbara Owens were married in 1945. They have seven children and make their home in Fairfax County, Va.

[From the Evening Star, June 6, 1970]

HOOVER SURVEYING AIDES TO FILL DE LOACH POST

(By Jeremiah O'Leary)

FBI Director J. Edgar Hoover has begun looking among his aides for someone to fill the post of departing assistant to the director Cartha D. DeLoach, who has been in effect the operating chief of the bureau.

DeLoach's decision to leave the bureau on July 20, his 50th birthday, to become a vice president of the Pepsico Corp., caught Hoover by surprise.

It's considered certain that Hoover himself will select DeLoach's successor as chief of the Domestic Intelligence, Criminal Investigation, Special Investigation and Crime Records Divisions, that the replacement will come from FBI ranks is also viewed as a certainty.

Speculation has centered on John P. Mohr who also holds the title of assistant to the director. He now has charge of the Identification, Administrative, Files and Communications; Inspection, the FBI Laboratory and Training Divisions.

Hoover, now 75 and showing no signs of wanting to retire himself, will be looking for someone in the image of DeLoach. The prescription would call for a veteran FBI man, well acquainted with Hoover's ways and wishes, completely responsive to the system and a workhorse capable of acting as chief of staff.

The new man also would have to be resilient enough to accommodate to the overall control and occasional vetos of Hoover and his long-time associate, director and best friend, Clyde A. Tolson.

In his 28 years with the FBI and five years as No. 3 man, DeLoach proved invaluable to Hoover because he knew his way around the White House and Capitol Hill.

At one stage in the administration of Lyndon B. Johnson, it was reported Johnson had promised DeLoach he would someday succeed Hoover as director. But Hoover has had continuous presidential blessing to stay on, and those close to him are certain Hoover has no plans for retiring at least until the new FBI building is completed in 1973.

DeLoach has seven children of whom five still have college ahead of them. Apparently he decided sometime ago that he was not going to get the top job and that he ought to shift to private industry as soon as he could qualify for full retirement pay.

XUM

THE RULE OF LAW—SPEECH BY MAYOR JOHN V. LINDSAY

Mr. JAVITS. Mr. President, the current issue of the RECORD, of the Association of the Bar of the City of New York, contains a speech entitled "The Rule of Law," delivered by Mayor John V. Lindsay, of New York City.

As a lawyer committed to the preservation of the rule of law as fundamental to a free society, I commend this speech to the attention of Senators and ask unanimous consent that it be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE RULE OF LAW

(By the Honorable John V. Lindsay)

What has happened to the rule of law in America?

Something is very wrong in America. You can hear it in a Governor's call for a bloodbath on college campuses. And in the Weathermen's rhetoric of violence that threatens New Haven tonight.

You can see it in the upended school buses of Lamar, South Carolina. And in the spiteful fires lit at Hunter and Yale to burn books and murder ideas.

You can sense it in the decision to spend more money on war than on people. And in the nihilistic leap across fact and reason to the conviction that the only way to build is to destroy.

The sights, the sounds, the sense of what we are becoming have spawned a polarization and hostility so fundamental that, for the first time in a hundred years, sane men worry about the violent end of America. Among the young, there is an increasing readiness to rush right on—to any destination, no matter how uncertain or ill-defined, as long as it is different from where we are now.

This is not a time for business as usual. It is not a time to talk about safe issues in safe ways. It is a time for understanding and for choice—to comprehend our alienation rather than merely naming it—to decide where we go from here. We must deal with a crisis of faith in the system. And if the Nation's leaders, at every level, do not speak to it, who can blame those who decide to disbelieve?

Growing numbers of our citizens are convinced that the American dream is a cruel illusion or a hypocritical nightmare. They hear the slogans of peace and they see the signs of a wider war. They hear the slogans of freedom and they see the signs of retreat. They refuse to serve a system which, in their view, consistently fails to rise to its own rhetoric.

Events have opened up a new credibility gap. But this time there is a crucial difference. The disaffected no longer compain that the government lies. They now insist that the government is a lie.

Nowhere is the crisis more acute—nowhere are the ragged edges of freedom more visible—than in the system of criminal justice . . . which tragically strikes more and more citizens as a criminal system of injustice.

Black militant and white radical—the poor and the politically unorthodox—in varying degrees and for different reasons, all have lost faith in the system. They perceive the law as partisan or insensitive or vicious. And they are at least partially right. They are angry. And they should be.

The poor could have told us years ago about the inequities of criminal justice—but no one was willing to listen. What committees have been formed for indigent defendants who languished in jail because of clogged calendars, archaic methods, or simply because they could not afford any bail—even fifty or a hundred dollars? The inmates of prisons even in my own city have a hatred as justified as anyone's for procedures that so grossly abuse their dignity. Most of them happen to be black or Puerto Rican, and poor. A few of the most desperate make another kind of bail—suicide.

It is difficult for blacks to believe in the system's fairness when bail for black defendants appears more severe than bail for white defendants. An abhorrence for Black Panther philosophy and practice—an abhorrence I share—does not excuse treating any black more harshly than whites. This is the key to understanding the current controversy over bail and other criminal procedures for the Panthers in New York and elsewhere.

There is not a simple answer to the question of whether the $100,000 bail for the New York Panthers is excessive, the question remains unresolved in the public mind even after appeals all the way to the Supreme Court. But in cases that seem comparable, involving whites, bail has been lower. This alone stirs doubt and suspicion among blacks and disaffected whites. It is that doubt and suspicion the system must face. It is that doubt and suspicion that must be dispelled by those of us who hope to save the system.

This is no new idea. Recall the conclusion in 1968 of the National Commission on civil disorders, the members of which, appointed by the President, were decidedly establishment people:

"The belief is pervasive among ghetto residents that lower courts in our society dispense 'assembly-line' justice; . . . that procedures such as bail . . . have been perverted to perpetuate class inequities. We have found that the apparatus of justice in some areas has become a focus for distrust and hostility."

Skepticism about the law is not confined to one part of the community. The signs of a legal structure that mocks its own ideals are everywhere for every American.

You cannot expect people to respect the law if you tell them, almost proudly, that its final arbiters should be mediocre. You do not persuade people that the law is apolitical by converting the highest court in the land into a political battlefield. And you do not convince people to wait patiently for justice with a Supreme Court nominee whose only notable public remark is an ethnic joke.

You do nourish and multiply disaffection by debasing the court. Or by turning toward repression, toward repudiation of our rights and liberties.

The course of events in recent months reveals clearly the reaction repression breeds.

Faith in the system declined—and rightly so—in the aftermath of the tawdry judicial parody enacted in the trial of the Chicago Seven—a trial that was fundamentally an examination into political beliefs. After that dubious exercise, a disaster for all concerned, it is harder to believe that the system is open, fair-minded, and humane.

Faith in the system declined—and rightly so—when those in charge of justice proposed legislation to undermine or erase basic protection against illegal searches and self-incrimination. We cannot begrudge the doubters their doubts when we learn how little opposition to these proposals has surfaced in either houses of congress.

Faith in the system declines—and rightly so—when the administration exults in its "prosecution mindedness"—and the intemperate language of the vice president heightens the tensions at a university already on the edge of turmoil.

And a fugitive faith is not recaptured by proposals for preventive detention—or new restrictions on peaceful picketing.

The dangerous temptation is to decide that we can no longer live with this system. But the inescapable truth is that we cannot live without it. If the schools close down for awhile—or if an outraged citizenry finally succeeds in tearing down City Hall brick by brick, we will survive somehow. But if we lose the courts, we lose everything. All we will have left is the law of the jungle.

The destruction of our legal institutions would level the strongest barriers between us and tyranny. It is the law which guarantees that we can speak and write whatever conscience moves us to believe. The law forbids the use of coerced confessions and secures the right to legal counsel in all felony cases. By requiring the exclusions of illegally seized evidence, the law discourages invasions of our homes or our privacy.

The law nurtured and protected the civil rights movement. It rescued many of the innocent victims of anti-communist hysteria in the days of McCarthyism. At its best, the law has pushed and prodded this nation toward a freer society. It sustains freedom today. And, I believe, we can use it to extend freedom's writ in the future.

What the law does, it often does imperfectly. Through accident or ignorance or design, the law sometimes falters and fails the crucial tests of liberty.

Worst of all, the archaic machinery of justice is remarkably resistent to change. Like every other bureaucratic institution, it is distant, impersonal, and even terrifying. It often fails to recognize that cases are people—and that when the wheels of justice grind "exceeding slow," they grind people down.

The courts could change. They could be modern. They could be efficient—and their efficiency could significantly reduce the number of defendants who wait too long for trial. The problem is partially money. And that has to be repaired. But you can't use money as a cop out. It is also true that the System stubbornly adheres to outworn patterns and traditions. It has not taken off the green eyeshades of a century ago. In sum, the law is far less than it should be.

But that is not only a description of the law—it is also a description of human existence. Life is at best uneven, and at worst unbearable. What keeps us going is the belief that, at least at the margins, we can make things better in life—or in the law—perhaps not in a moment or an hour, but in years of hard and continuing effort.

The effort will be slow and painful. It will not always work. A lot of the most important fights will be lost—and injustice will continue. But I do believe that through peaceful means, we have a decent chance to turn things around—to stop the official fascination with repression—to make law and order the Rule of Law that works instead of the code word that doesn't work.

In any case, we literally have no alternative. If we sacrifice the imperfect protections of the legal system for confrontation and violence, at the end of it all, there will only be more repression, more injustice, and more hatred. Freedom will be a memory, not a hope. Guilt or innocence will be a matter of expedience, convenience, and whim. And the sounds of dissent will be heard only in the solitude of the mind's ear.

If we embrace revolutionary violence, we will not only set back the cause of justice, we will render it irrelevant. If we protest by striking out against innocents, if we seek to cleanse institutions with the rhetoric of hate and the fury of destruction, we may satisfy some psychic longing—we may feel more potent and more committed—but we will lose the hope of building anything better in the place of what we now have.

Will we choose to live the mocking slogans of the purveyors of violence: "kill for peace" or "kill for justice" or perhaps "kill for love"? It not only sounds wrong. It is wrong. It *is* the wrong choice.

No society in the world has higher aspirations for individual freedom than ours. Inevitably, we fall short. Our task—your task

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and my task—is to make the reality equal to the promise. In peace, under law, we must go right on.

TALKING TO EACH OTHER AND LISTENING

Mr. CRANSTON. Mr. President, the Washington Post Outlook section of the past Sunday contains two very hopeful articles. They are quite pertinent to each other, and in this time of strident talking and militant demands and reactions they represent a remarkably low-keyed and sensible expression of concern about the state of the Nation and its people, especially its young.

The first is an excerpt from a commencement address by Secretary Finch at Arizona State University a week ago, in which he cautions that we must take students seriously because they help to voice the Nation's conscience.

His call for listening to the young is complimented by the valedictory to the 1969–70 academic year, written for the Washington Post by Charles Palmer, president of the National Student Association and a graduate of the University of California at Berkeley. Certainly what Mr. Palmer has to say about bringing our people together through building lines of communication and understanding of the other fellow's position is well worth listening to.

Mr. President, I ask unanimous consent that the two addresses be printed in the RECORD.

There being no objection, the addresses were ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 6, 1970]

LISTEN TO THE YOUNG, MR. FINCH ADVISES

(NOTE.—The following is excerpted from the commencement address by HEW Secretary Robert H. Finch at Arizona State University, Tempe, Ariz., last Tuesday.)

By tradition, commencement addresses take note of the times in which we live, and of the nation's deep dependence on our colleges and universities. Never have these two themes been more relevant than they are today.

Four weeks ago, Cambodia, Kent State, and Jackson State for most of us were just names. Now they are powerful symbols, and they have unleashed forces that may shake and transform the American political system. Headlines tell part of the story—six young Americans dead, scores of others injured, several hundred colleges and universities closed down . . . an episode wholly without precedent in the nation's history.

And behind the headlines there is rage and bitterness . . . uncertainty . . . and yet a passionate conviction these events *will not* have been in vain.

I visited Kent State. I held a long conversation with President Peoples of Jackson State, and these are indeed stunned communities—students, faculty, administrators—have come to Washington, and scores have come to my office, for long and searching conversations. Out of this ongoing dialogue has come fuller understanding on my own part, and I hope on theirs. The lines of communication are now open, but they must remain open and be improved.

From the left, we hear that "the system" is totally corrupt, that it must be brought down. From the right, it's "trouble makers" and "outside agitators" who are to blame. Neither extreme helps to describe events—they simply perpetuate apocalyptic myths. And both, on any scale of reason, represent "cop-outs."

But new changes are taking place as well. The great, diverse center has been catalyzed. There is a growing unity on many campuses, a drawing together of students, faculty and administrators. And substantial numbers of concerned and moderate students have signaled that they are becoming fiercely committed to involvement in politics . . . *within* the system.

They are being joined by others, young and old, who find to their amazement that they have interests in common with students. Some would point to environmental concerns, to the reordering of the nation's priorities, to the more rapid fulfillment of our commitment to racial justice.

And on the other side of the coin—disturbing signs, but no less part of the picture—old fault-lines are widening, between young and old and between town and gown . . . and also within the generations. The cleavage is both vertical and horizontal. It cuts many different ways.

Some might be tempted to play down these past few weeks—to write them off as another round of student unrest or a particularly vigorous outbreak of spring fever. Or they might be characterized with such words as "revolt" and "revolution." Both views, I think, are wrong. The one suggests we have nothing to be concerned about . . . the other, that it is too late to be concerned at all.

It is time, instead, to face hard reality . . . to admit to ourselves the sheer fact that much *has* changed, both on and off the campus . . . and to begin engaging in the compassionate criticism that leads to constructive action.

I would like first to address some remarks to those of you who are not students . . . for it is time to understand who students are and what they want. It is time to be very careful and discriminating about the role we think our students, and our colleges and universities, should play in our national life. It is time for reason, and sanity, and fine distinctions.

To begin with, let's all remember that students are not some sort of aliens traveling on false passports—but our own children, and the products of our laws, values and customs. Let us examine our views and practices—before discrediting theirs. Let us never make them the scapegoats for our own anxieties and fears.

Indeed, it is not easy for those who have struggled against economic adversity to understand others who seem blithely unconcerned about "making it" and whose lifestyle outrages accepted senses of decency. But adversity, let's remember, wears many faces. It can come in the form of draft notices and rejection slips as well as overdue bills. It can come in the absence of draft notices among those who know themselves to be privileged, and feel guilty because of it. And it can come in the incessant pressure for grades and degrees and credentials.

We must also recognize that today's students are ready to sacrifice—that indeed they have laid on the line their academic standing, their career-hopes, even their physical safety, for their beliefs. They have demonstrated courage . . . and staying power.

It is perfectly true that students have no monopoly on wisdom. They did not suddenly "discover" war, or hunger, or poverty, or discrimination. But, as it always has been through history, they are the least able to compromise with injustice. They have no tolerance for race hatreds. They have no patience with the deferral of burning problems.

The war *is* the issue for many of them—and many simply do not believe, as I do, that the Cambodian operation will shorten the war and speed the troop withdrawal. But that really is not the core of the issue: it is not the war they want brought home, it is the peace. They want to get on with the works of social renewal.

We should take students seriously, not because they are future voters or because they pose a threat to democratic process—*but because they help voice the nation's conscience.* It slanders an entire generation to confuse a militant fringe with the vast preponderance of deeply concerned, genuinely motivated young citizens—and it throws them into the extremists' arms.

[From the Washington Post, June 6, 1970]

"WE'VE USED EACH OTHER TOO LONG"

(By Charles Palmer)

I have been asked to give a valedictory address; to wrap up the year in a smooth package of rhetoric; to unfold what might be the scenario next month or next fall.

There are several alternatives open to any student speaker at any commencement exercise this year.

He can lead a walkout, condemning the university for complicity with the ever-growing war machine. If he wants to stay, he can recap the growth and change and trouble and education of his school year; he can talk about classes that never happened because the strike against the war and repression intervened; he can explain what happened in what some schools call "reconstituted" classes, where people discuss subjects as they relate to our society and our generation and our war.

He can eulogize Fred Hampton, the latest martyr in the continual purge of Black Panthers and other militant groups, and demand an end to the repression of black people.

The speaker can be moral, haranguing his audience about the senseless killing and destruction—of Vietnamese, of Americans; both those killed on the battlefield and those languishing in jails because they were courageous enough to say no.

The average valedictorian can talk about polarization and nonparticipation and partisan politics—and how all segments of our society are the victims of those vicious and continuing forces.

And whichever of these alternatives he does take, it's valid and true. All these things happened this year; these feelings of injustice and frustration and anger will be shared by the vast majority of his classmates.

After all, his student audience helped to make those large peace demonstrations last fall that President Nixon was too busy watching football to notice. They are the students who fought against racism in athletics in Colorado and challenged the exclusion of black people from the building trades in New York.

And we are the very same students who found ourselves—as so many who worked for social justice do—resisted, gassed, clubbed and jailed. Our publications have been shut down. Our teachers have been fired and denied tenure for standing with us. There is a lot to remember and recall at commencement this year.

THE SILENT MINORITY

But maybe the most important speeches are the guys who didn't make it to graduation. Not because they were tossed out of school; not because they chose, as a protest, not to attend, but because they were just never given the chance to even think about that choice.

There's the kid in L.A.'s East Side who's been out of the service for two weeks and is spending today reading the paper—the want ads—because there is no demand for a chicano who can shoot to kill.

There's the 42-year-old Teamster whose oldest son is going away to the state university this fall . . . and he's scared because he wants all the things for his kid that he didn't have and he's afraid that the Communists and radicals will pervert his dream.

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And money's tight and there's not the overtime he was counting on to pay the extra bills.

There's the mother of seven, on welfare, bitter about the possibility of her son ever surviving his inferior high school, and concerned that the President expects her children to live on 19 cents a meal.

We can't even talk about the participation of people as a valid solution to these problems, since we've now become embroiled in a game of seeing which side can build the biggest rally.

And we see the hard-hats, marching and waving what they call "their" flag, and we know that they do not represent the American labor movement. There are reasonable and humane men out there; Walter Reuther wasn't alone in fighting for social justice.

There are working men in this country, the kind whose children go not to Harvard and Yale but to Kent State and Jackson State, who don't want war and conflict, but a better world.

And between these men and students, bridges must be built. I don't believe they get built by throwning all the stones at those on the other side. They don't get built by trite rhetoric or self-righteous condemnations. They get built by our understanding the pressure on workingmen and relating to them in a language they understand.

Another lesson we must learn is that we've used each other for too long. Politicans, running for office, first speaking out on civil rights, now on the war—speaking out every election year and doing little else.

Nixon, soaking his silent majority, crassly interpreting students as ridiculing the men who fought in previous wars, allowing the economy to crumble bit by bit, letting money tighten so quickly that the gains won by labor will soon be negated by the dwindling job market.

POSITIVE GAINS

We have accomplished a great deal this year, the last few weeks in particular. When no one else would take on the President and his generals, we did. And we have shaken the establishment to its very roots. But there have been dangers in what we have done.

While our numbers have swelled and we have found ourselves with new and welcome allies, our movement remains, basically, white and middle class. We have allowed and, in fact, assisted in the creation of the fraud that Nixon-Agnew-Mitchell speak for the common man, while they, in fact, are helping to rob him of his money, his security and his freedom of choice. While we reacted with a righteous and justified anger at his escalation of the war, we have failed to channel that anger and energy into channels which are meaningful for working people.

At the same time, we have all noticed the absence of black and brown people from our ranks. They seem somewhat hardened at our horror and anger for they are neither surprised nor shocked at the murders of Kent and Jackson. They have seen it all before.

So it is that we must turn our concern to building lines of communication to those other groups and we must come to have some understanding of how it all feels in their shoes. We must build for the long run, for it is far more frightening than what we have seen.

This is a time of commencement, of beginning. Let us begin the work that will bring our people together, in a country that is just and moral. For many of us, this year marks our first substantive involvement in political action. As we begin, in earnest, the struggle to turn this country around on war, racism and poverty, let us not fall into the President's trap. Let us base our success on bringing together the American people, rather than tearing them apart.

SEA BREEZES FROM ST. LOUIS

Mr. DOLE. Mr. President, the U.S. Naval Academy Alumni Association publishes a monthly magazine called Shipmate. Along with the regular Alumni news, the magazine carries a column called Sea Breezes, written by a retired submarine captain by the name of Paul Schratz.

Captain Schratz no longer uses his naval title, for of recent years he has earned a Ph.D. and is now director of the Office of International Studies at the University of Missouri in St. Louis, with branches in four State campuses.

Despite what might be considered a heritage of years of militarism, Dr. Schratz has an incisive understanding of the civilian view in our presently polarized society. He combines this with a keen appreciation of the problems of national leadership in a world in conflict.

His most recent column, published in the June 1970, issue of Shipmate, contains much food for thought for this Nation today. It is, indeed, an example of what must happen if demoralization of our way of life is to be prevented. The thinking members of our population, those who still have the mental resiliency to see our national ferment objectively, must now speak up.

He refers, in part, to the current crises in Washington University in St. Louis—not, incidentally, one of the four campuses with which he is associated. Among the groups of students who visited the Capital recently was a delegation from Washington University, including their senior student body officers, seeking support to preserve their university from the radicals seeking to bring it down. Although the majority do not sympathize with the radicals, Schratz agrees with Admiral Rickover that—

> Academicians across the country have been bamboozled by young radicals who grant the professor neither the freedom to teach nor the student the freedom to choose courses which displease the rebels.

In Admiral Rickover's words, which he quotes from recent testimony before the Congress:

> No one in modern times has violated academic freedom so senselessly and brutally in our country. Why do we let them escape punishment for lawless acts in the name of the same academic freedom that they are attempting to destroy?

It is time to speak up, and this column is an example. Mr. President, I ask unanimous consent that the article entitled "The Revolt of Youth," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE REVOLT OF YOUTH

(By Paul Schratz)

We're all getting our lumps these days. The leadership of the dedicated and loyal senior military professional in Vietnam is criticized for gross overmilitarization of "a political and social problem." His concept of military justice is criticized as a travesty on the rights of the accused, even though many of the accused deliberately forfeit those rights by openly challenging the whole structure of discipline on which justice itself must be founded. Because of the over-competitive drive for advancement imposed on the senior by the system, he is accused of callousness and insensitivity toward the men who bear the brunt of his ambition. A great managerial feat in fighting a major war on the opposite side of the globe without mobilization is overlooked in accusations of over-organization and "staultification of innovation and dynamism" in the younger officers.

At the opposite end of the military pyramid, the fledgling officer in an ROTC uniform is equally harassed. Campus activities, protesting the war and its military leadership, swing out in mindless anger to destroy the symbolic presence of militarism on campus and with it the best hope for providing a civilianizing influence which they also claim is missing in the military profession. The current crisis at Washington University in St. Louis is typical. The majority of students and faculty have repeatedly expressed support for ROTC in campus polls, yet the young radicals burn and deface buildings and bring the university to a standstill. When police are reluctantly called in, substantial majorities of other students and faculty join the fray in sympathy with presumed rights of the minority, and the harassed university officials suddenly appear to be the aggressors. Worse, students and faculty not in sympathy with the radicals also attack the university with a multimillion dollar lawsuit charging that their studies are interfered with, their rights of assembly have been abridged and "orderly political processes and participation in education and related activities" are barred.

Admiral Rickover aptly suggested to Congress recently that academicians across the country have been bamboozled by young radicals who grant the professor neither the freedom to teach nor the student the freedom to choose courses which displease the rebels. "No one in modern times has violated academic freedom so senselessly and brutally in our country. Why do we let them escape punishment for lawless acts in the name of the same academic freedom that they are attempting to destroy?"

At close range, it is clear that the few leaders are fanatics with a religious zeal impenetrable to facts and logic and comparable to nothing since the inquisition. The tragedy is the many followers who accept the cause as their own and utterly reject the whole purpose of an education aimed above all to teach one to think, to evaluate and to judge on merit and not on mass appeal.

My own university is not involved, bless 'em, but as both a senior military member of the Establishment and a university official, I expect the worst of both worlds. Nonetheless, my support is unquestionably with the students, for here is our hope for a better world. I disagree on principle with violent activism, yet the world will someday be a better place if only because the iconoclast offers hope to throw off the shackles of the world as it is.

ADDRESS BY THE VICE PRESIDENT AT SUFFOLK COUNTY REPUBLICAN LUNCHEON, HUNTINGTON, L.I.

Mr. PROUTY. Mr. President, on May 28, the Vice President of the United States spoke at the Suffolk County Republican luncheon at Huntington, L.I.

Mr. President, in the speech, the Vice President outlined his views on certain aspects of our national economy and economic conditions in general. His remarks are quite timely and deserve consideration by a wide segment of our national population.

This for the very reason that, as the

Vice President points out, 28 million Americans are stockholders in American business. The final word which the Vice President gives us in these remarks is that 1970 is going to be a good year, and it is also a turnaround year in American foreign policy, with specific emphasis on Southeast Asia.

I am sure that many readers of the CONGRESSIONAL RECORD will benefit from the Vice President's remarks, as I have done.

I ask unanimous consent that the address by the Vice President be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY THE VICE PRESIDENT, SUFFOLK COUNTY REPUBLICAN LUNCHEON, THE TOWN HOUSE, HUNTINGTON, L.I., MAY 28, 1970

Today I'd like to talk to you about the American economy—where it is, and where it is headed.

I'm not one of those who thinks you can talk about the economy and not talk about the stock market. You can be sure that the market is a topic considered long and hard in Washington, because twenty-eight million people have their money invested in Wall Street; and whenever that many people have a common interest, it is an important national interest.

I was talking to John Mitchell the other day about an idea he has to revise the conflict of interest laws. When a new appointee takes office, under the new plan, he should be required *not* to sell his stock.

Last night, some 45 financial leaders came down to have dinner with the President at the White House. They presented a calling card: The highest single day Dow-Jones increase in history. If they can keep doing that, we'll feed them there every night for a month.

Seriously, we have to keep the market decline in perspective. It is true that the market is an accurate measurement of investor confidence, and it is true that it has an effect on both consumer spending and capital spending plans. But it is also true that Wall Street is capable of overreacting in both directions. It has predicted eleven out of the last four recessions. I don't critize this sensitivity on the part of the Wall Street community. It is difficult to remain calm and unruffled when your living depends on your ability to recognize and react to sudden changes in investor temperment.

Businessmen I've spoken to recently have made it clear that Cambodia has been a big influence in the market slide. Peace is bullish, and there are three fears that are currently prevalent:

First, that we have widened the war;

Second, that the withdrawals of our troops might be discontinued;

And third, that the Cambodian operation will add to our budget and thus to the inflationary spiral.

These fears are totally unfounded. As a matter of fact, if you have been making investment decisions on the basis of these fears, I suggest you take a hard look at reality.

The war has not been widened; we are not about to get into any war in Cambodia, nor are we about to assume the responsibility for training the Cambodian Army. The President has made that clear, and as the North Vietnamese have discovered, the President is a man of his word.

The Cambodian operation has seriously disrupted the enemy, assisted the Vietnamization process, and protected our plans to withdraw at least 150,000 additional U.S. troops as announced by the President. Thanks to the most successful military move since the Inchon landing in the Korean War, we can continue our withdrawal program without endangering the lives of the men remaining there next spring.

Finally, the Federal budget is not going to be increased as a result of the Cambodian move. In fact, it will help us move from a war economy to a consumer economy by hastening the day when the American troops are completely out of there and adding to the incentive for the communists to make peace.

So, I suggest that we heed the advice of Thomas Jefferson in our overall view. He said, "I prefer the flatteries of hope to the gloom of despair." Actually, we are talking here of the realities of hope—because the courageous decision by the President to clean out the Cambodian sanctuaries will be seen by historians and even by some of the instant historians as the action that turned the corner toward peace in Southeast Asia.

I don't claim to be an expert on the stock market, but if I had to make a decision today on the basis of the chances for peace, I would feel 100 per cent more assured than I would have 30 days ago.

Now let me turn more directly to the causes of the economic slowing pains that we are experiencing today.

The "Great Society" of the mid-sixties is now presenting its bill, and many of those now offering snap solutions to an inflation caused then are the same people who caused the present problems.

The effort of this Administration is to taper off inflation without the kind of recession that usually follows the kind of spree we were on in the Sixties. Although there have been substantial declines in the stock market and corporate profits, the decline in production has been relatively small.

Although unemployment is up, total employment was at an all-time high in March 1970 and only slightly less in April. Total employment in April 1970 was almost 1½ million higher than in April 1969.

Total production (Real GNP) was about one per cent less in the first quarter of 1970 than at its peak in the third quarter of 1969. All of the decline was in inventory accumulation.

Real per capita disposable income—*what individuals have available to spend after allowing for taxes and inflation*—was at the highest rate in history in the first quarter of 1970.

There is clear evidence that total production will begin rising soon, probably in the third quarter. The main reasons are:

1. Moderately rapid monetary expansion is now taking place after a period of exceedingly tight money up to February of this year.

2. Consumers' purchasing power will grow, as a result of the end of the tax surcharge, the big increase in social security benefits and the government pay increase.

3. Housing starts will turn upward because of the large back-log of demand and more money in supply, combined with vigorous programs of government to divert money into housing. Interest rates for new mortgages have turned down for the first time in 18 months. This turn will be hastened if the Congress will act on the Administration's emergency housing legislation.

4. Plans for investment in plant and equipment by businessmen remain steady and strong, according to the most recent surveys.

The decline in the stock market neither reflects nor predicts a serious decline of the economy. Experienced observers agree that the decline of the market far exceeds anything that can be explained by the relatively small drop in economic activity which we have experienced.

The stock market needs to be watched closely, but it would be a mistake to let its swings take us off the course toward price stability and sound economic growth.

We are now passing through the first phase of a successful campaign against inflation in which the rate of inflation ceases to rise.

As part of this campaign we have taken the following steps:

We have slowed down the growth of Federal spending drastically, from an average increase of 12 per cent a year in 1965–1969 to 7 per cent in 1970 and less than 4 per cent in 1971. This has enabled us to keep the budget close to balance in Fiscal 1970 and Fiscal 1971 despite actions by Congress to reduce Federal income.

We have achieved this restraint on total Federal spending while recognizing important new national priorities with respect to the environment, welfare, transportation and other purposes. To do this it was necessary to keep firm control of defense spending, cut back less urgent non-defense programs and press for greater efficiency throughout the government.

Last year we recommended to the Congress improvements in the Unemployment Compensation System and in Manpower Training programs which would both reduce unemployment and reduce the hardships caused by it. Congress has not yet enacted this legislation.

We have not deluded the American people into thinking there was an easy way out of the problem we had been left. We have not run for the superficially attractive solution of wage-price controls, which no one would want one month after they had been put into effect. And we have not pretended that we could coerce the economy into stability while creating all the real conditions of instability.

This Administration will not permit the increase in the cost of living to rise unabated; it will not curb inflation by permitting serious dislocation and the kind of unemployment prevalent in the early Sixties. Instead, it will continue to take the responsible middle course of cooling inflation steadily and surely, mindful of the concerns of workers, investors and consumers.

It might be a good idea to remember some of these facts of history when you hear the men who got us into this fix come up with the easy answers to get us out.

It is ironic, for example, to now hear the Democratic National Chairman, whose recent brief sojourn on Wall Street was spectacularly unsuccessful, hold himself out as an economic expert.

Back in 1963, when Lawrence O'Brien and his associates had been at the center of government power for 3 years, the unemployment rate was 5.7 per cent. Since then the work force has grown. If you apply a rate of 5.7 per cent to today's labor force of 83 million people, there would be ¾ of a million more people unemployed than there are today. You didn't hear him calling *that* a recession.

In summary, I would say this: 1970 is going to be a good year for business, with an upturn in the second half. But even more important for business and for the nation, 1970 will be a turnaround year in Vietnam, when a President showed the world that the United States intends to remain a great power, a power with enough muscle to bring about a peace with honor.

In the Middle East, at the Arms Limitation Talks, wherever in the world that our credibility is important in making progress toward peace, the spring of 1970 will be remembered as the time when everybody learned that it never pays to sell America short.

ADDRESS BY JACOB S. POTOFSKY

Mr. MUSKIE. Mr. President, on May 25, in the keynote address to the 27th biennial convention of the Amalgamated Clothing Workers, General President Jacob Potofsky spoke out in favor of congressional efforts to bring about an end

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to the war in Indochina. Citing unrest at home and neglect of our other interests abroad as results of this endless war, Mr. Potofsky made an urgent appeal for a reordering of our national priorities and, above all, for peace. I should like to second him in his closing words, as he said:

> This is the hour of decision. Our nation needs peace now. The world needs peace now. Let us all be united to help achieve that inspiring goal.

I ask unanimous consent that Mr. Potofsky's keynote address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

KEYNOTE ADDRESS BY JACOB S. POTOFSKY, GENERAL PRESIDENT AMALGAMATED CLOTHING WORKERS OF AMERICA, AFL–CIO, CLC

Members of the General Executive Board, Distinguished Guests, Delegates and Friends:

Greetings:

I salute you on two more challenging and eventful years.

The past two years have brought many gains to our members. We met two years ago just at the conclusion of the most difficult but most productive negotiations we had ever held in the clothing industry. You may remember that those negotiations brought a substantial wage increase, totalling 57½ cents an hour. Along with that increase came substantial improvements in our medical and retirement insurance programs.

Less than a year ago we followed up with a substantial increase in the cotton garment industry. Again our negotiations were the toughest we had ever experienced. It was not until almost the final hour that we settled on our increase of 45 cents an hour, plus major gains in our insurance and pension programs.

This period also saw the largest gain ever won for our laundry workers in New York; substantial improvements were also made for our many retail workers throughout the country; and another major increase was won for the members of our Xerox division in Rochester and other parts of the country. Gains were also won for our members in other branches, including gloves, neckwear, work clothes and uniforms, cleaning and dyeing and alteration tailors. Major gains were also made for our large group of members in Canada, and by our new joint board in Puerto Rico.

STEADY GROWTH

The past two years have also seen a steady increase in our membership. Almost 17,000 new members joined our ranks through organizing drives since we last met. Many of them were in Southern and Southwestern states and in retail stores, another expanding area. We brought a large group of glove workers in upstate New York into our union. But in general the new members come from every state and every industry in our jurisdiction.

I would like to welcome to our ranks the new-comers who are here for the first time.

May I ask the delegates from new shops to stand up and accept the welcoming applause of the convention.

Organizing the unorganized is a basic principle of our organization. We have therefore devoted more of our resources and energy than ever before to our organizing mission.

The problems are many and difficult. I cannot count the number of times we have won bargaining rights through an election but have been unable to sign a contract because an employer refuses to bargain in good faith. When we use the procedures of the National Labor Relations Board, we are met with lengthy delays—delays which sometimes destroy our efforts to maintain an organizing campaign. A ruthless and determined anti-union employer can prevent his workers from winning their right to a union contract for months and even years, by using the loopholes of the law and delays of NLRB.

A 16-YEAR STALL

Perhaps the most notorious example is the Rutter-Rex case in New Orleans, which began with an election victory in 1954 and is still not over 16 years later! We have won two elections and several favorable decisions before the NLRB and in the courts, but Rutter-Rex workers still do not have a union contract.

Last month we won an outstanding Supreme Court decision in the Rutter-Rex case. One hundred and sixty-one former workers there received more than $160,000 in back pay due them for wages lost during a strike. It was a fine decision—but our battle is not yet over. We still have a claim for back pay from 1960 and the Rutter-Rex workers still do not have a contract. And what is outrageous is that although Rutter-Rex has been found guilty of unfair labor practices, the government has showered that firm with contracts involving millions of dollars. That, my friends, should not be permitted!

MORE THAN WAGES

We have been winning wage increases and organizing new members despite all obstacles—but we have been doing a lot more, besides. Our health and retirement programs have been improving. In all our recent negotiations we have recognized that we had to increase the level of benefits to try to keep up with the increased costs of medical care.

In our two major industries, clothing and cotton garment, our members are now covered for most of their hospital costs, and we have raised benefit levels for disability and surgery. Similar improvements have been won in all our industries. During the two years we have raised our pension benefits in all industries—including a $10 a month increase for clothing workers which was agreed upon a little more than a month ago.

I cannot help but be proud of the benefits we have paid. In the last two years, we had 370,000 claims and paid out $80 million.

Since 1944, the beginning of our health insurance program, we have had 2.5 million claims and paid out $400 million.

Today there are over 40,000 Amalgamated members receiving pensions. Since 1947, when the program was started, we have paid out $317 million. Would you believe that in about 25 years our members have received almost three-quarters of a billion dollars through our own insurance and retirement programs? It is true, and we are mighty proud of it.

Our services to our members do not end with the welfare and pension programs. The Amalgamated, since its inception more than half a century ago, has looked for ways in which it could serve its membership beyond the boundaries of the factory and shop. Early in our history we began to pioneer in building low-cost cooperative housing and insurance programs and labor banks.

As the years went by, we expanded and improved on those institutions and continued to pioneer in new areas, such as medical clinics, day-care centers and scholarship programs. By now we have a network of institutions and programs, serving a variety of the needs of our members, and I am pleased to say that they are thriving and growing.

MEDICAL AND DAY-CARE CENTERS

Our medical centers and programs in New York, Philadelphia, Chicago, Rochester, Baltimore and several areas of Pennsylvania are constantly offering additional services, such as drugs, psychiatry, preventive care, services for dependents and other programs.

We have three day-care centers already in operation, two in the Baltimore region and one in Chicago. Four more are in progress—three more in the Baltimore region and one in the planning stage in New York. Meanwhile we have also become a major force in the campaign to expand the government's efforts in this field, which is of growing importance for all women workers.

In addition, we are providing more and more of our members' children with scholarship help, and we have pioneered in a new program to provide scholarships as a matter of right.

As the founding members of the United Housing Foundation in New York, we are building more low-cost housing than any other agency, public or private, in the United States. And we are about to start in Chicago, too.

Our bank in New York still offers low cost loans and checking accounts. This year, it made banking history by offering small savers the same high interest rate income which only corporations or the wealthy were able to obtain at other banks.

These are only some of the activities our union is sponsoring. I could spend much of the morning talking about our educational seminars and institutes, about our retiree centers and retiree educational programs, about the special rehabilitation program sponsored in New York or the special retiree apartment house in Philadelphia.

The range of our efforts to serve our members spans all of life, from childhood to the years of old age—from recreation to education to insurance to housing to health.

These are the activities of a union old in experience but young at heart, eager to find new ways we can serve our members and improve the communities where we live and work.

IN MEMORIAM

I want to take a moment to pay tribute to the men and women whose dedication and sacrifice helped make our achievements possible, and who are no longer with us as this Convention opens. Since our last gathering, we lost two of the great pioneers of our union Hyman Blumberg and August Bellanca.

Hyman Blumberg spent his entire lifetime in our ranks, starting in Baltimore in the first decade of the century and rising to become the executive vice president of the Amalgamated. During his more than a half century as a leader of our union, he played a role in many areas, including Rochester and Canada, New England and the South. He was a man of tremendous integrity, devoted to the membership, warm and friendly and beloved by all who knew him. He was also an excellent negotiator and a forceful organizer—a truly outstanding labor leader who gave his life to our cause.

August Bellanca came out of the same generation as Blumberg. He started with the Amalgamated in New York in the 1912 strike, and quickly established himself as a leader. He served as a vice president of the Amalgamated for many, many years, and was active in many areas. He was particularly well known in the Italian-American community, where he gave leadership to the democratic forces, during and after the Mussolini period. He, too, was a man much beloved by the many people who knew him and worked with him. Like Brother Blumberg, he will be long remembered.

May I say a word, too, about our late research director, Milton Fried, who for fifteen years gave to the Amalgamated his skills as an economist and a diplomat; and also about Samuel Smith, a one-time manager of the Chicago Joint Board and a vice president of our organization, both of whom died during the past two years.

I also want to pay tribute to Walter Reuther, one of the oustanding leaders of labor of our time, who died with his wife in a tragic airplane accident three weeks ago. We of the Amalgamated felt a special closeness to Walter and to his union, for we shared in the creation of the UAW in the early days of CIO. Reuther was a man of unusual vision, and all of us in the trade union movement will miss him.

My friends, for these leaders of labor, and for the others who are listed in our GEB Report who died during the past two years, I would like the Convention to rise and remain standing for a minute of silence.

The delegation arose and stood in silent tribute to the memory of their departed brothers.

CHALLENGES AHEAD

Most of my remarks so far, have been about the achievements of the union. I want now to refer to some of the challenges facing us, today and in the years ahead.

One of the challenges has been the changing nature of our industry. What was once an industry of small firms and family ownership is gradually being transformed into an industry of conglomerate giants, managed by professional administrators.

It is an inevitable change, matched by similar changes in other industries, but it poses many new problems. In past years we were able to establish a relationship based on mutual respect and long personal relationships with the individual owners of the companies with which we had contracts. Today some of the new conglomerates have long records of antiunionism. Their ownership is more distant and more difficult to approach. The challenge of these changing conditions in our industry will put us to the test.

Another development that gives us concern is in the technological field. Many new devices, processes and machines are being developed—all of them designated as "labor-saving." My friends, we are watching these developments with sharp eyes I can assure you that we will halt and we will not permit the introduction of any device or change which will in any way affect the security of your jobs or your wages. Job security and wage preservation are basic and will always remain so!

There is another challenge that does not lie within our control—and that is the current economic situation.

Continuing inflation has brought recession in its wake, and with recession we are now going through a period of growing unemployment. The results have been felt in our industries, which are experiencing declining sales, short work weeks and layoffs.

These conditions make even more serious and immediate the increasing threat posed by imports of apparel. The problem has grown so acute that just two months ago hundreds of thousands of our members carried out a mass work-stoppage to demonstrate our concern about the rising imports.

I want to tell you and I want to tell the nation that our work-stoppage was just the beginning of our campaign, not the end! We have no intention of standing idly by and allowing our jobs to disappear or our working conditions to deteriorate.

DANGER OF IMPORT FLOOD

We believe in international trade. But the old concepts of international trade no longer hold true.

Under the old theories, which were popularized 35 years ago, international trade was supposed to bring benefits to all the trading nations. Each nation naturally specialized in products based on its own resources and skills, and traded its products for those of other nations.

Today the advantages of technology are quickly available to any nation, and the speed of transportation has virtually eliminated special skills or resources.

Today, giant corporations set up factories all over the world, and every nation, developed or underdeveloped, has the capacity to produce.

Today, the principal advantage of one nation over another is likely to be low wages. The result has been that low-wage nations, particularly in the Far East, have been rapidly building up their textile and apparel industries and have zeroed in on the rich United States market.

You all know the result. Tremendous increases in imports, amounting to as high as 300 percent in some categories. Clothing and department stores are featuring foreign-made apparel at high mark-ups for themselves. We must put a stop to this!

The answer now is a law, a law to establish quotas for imports. Such a bill has been introduced by Chairman Mills of the Ways and Means Committee in the House of Representatives. I testified only last Wednesday in Washington in support of the bill, as did spokesmen of other unions. Many of you have already contacted your Congressmen, but we have to continue our efforts to impress on Congress the importance of passing a law, and passing it quickly.

Because of inflation, the threat of low-wage imports will grow even more serious. The threat must be stopped now, before our industry is overwhelmed and our jobs are lost. We have fought and we will continue to fight, until we have won this battle.

Our country is facing one of the darkest periods of the century. We are beset by a host of problems—more complex, more perilous and more numerous than at any time in recent history.

The war in Southeast Asia is escalating without end in sight; more of our boys are being killed and maimed. The blight of our cities is becoming worse with each passing day; pollution is increasing; our natural resources are being wasted; inflation is continuing at an intolerable rate; unemployment is increasing daily; prices and interest rates are soaring; dissent is discouraged and intimidated; our young people are frustrated, alienated and angry; our foreign friends are bewildered by our actions; extremism of right and left is becoming a part of our daily life; and our country is more bitterly divided than it has been in a century or more.

TIME TO SPEAK OUT

This is a sad and sorry picture. It can be remedied only if we begin by having the courage to look honestly at these issues. It is time to speak out. That is what I shall attempt to do.

I shall therefore talk principally about Vietnam because it underlies practically all our troubles. Vietnam is a vital key to war or peace in the world. On its swift end may well depend the very preservation of our own democratic way of life. And everything that we cherish lies in balance on the developments in that area.

I am not suggesting that the American public is of one mind about Vietnam. Because that is so, it is important to analyze the issue as rationally as possible.

Now, let's see what are the facts.

Vietnam has cost us almost 50,000 of our young and almost 300,000 wounded and maimed.

A week before last, more of our soldiers were killed than in any week during the past nine months.

It has disrupted the lives of millions of our young who were inducted in that war.

It has brutalized and demoralized our soldiers on a scale never before experienced.

We have devastated a land that we are trying to save; villages and towns have been destroyed; uncounted numbers of innocent Vietnamese have been killed or uprooted.

This war has already cost us more than $100 billion; yes, $100 billion.

The President recently vetoed a measure of Congress providing one and a half billion dollars more for education, on the ground that it is inflationary. Yet, at the same time, we are spending more than 2½ billion dollars a month on the war in Vietnam.

How topsy-turvy things are! Money for education is inflationary but money for killing is considered by some to be right.

But $100 billion is not the only cost.

We shall have to pay interest on that $100 billion probably indefinitely, and the interest bill alone in the future will be tens of billions of dollars.

We have been in Vietnam for almost nine years. We have bombed Vietnam, North and South, with more explosives than were used in World War II. Think of all that bombing against a small country. Yet it appears that the military will of the North Vietnamese and the Vietcong has not been broken.

MILITARY VICTORY A QUESTION

It has become questionable whether a military victory will ever be possible—a fact that even the generals are now admitting.

General Ridgway—the former UN and U.S. Commander in Japan, Korea and Far East, and later Army Chief of Staff, said some time ago:

"We should repudiate once and for all the search for a military solution and move resolutely along the path of disengagement."

On April 20, the President gave the nation a reassuring report that "everything is going well and we are in sight of a just peace." He announced at the same time an intention to withdraw 150,000 troops within a year. Yet, only nine days later, with nothing substantially new developing on the military scene, the President widened the war in Cambodia and renewed the bombing of North Vietnam—a complete re-escalation of the war.

One may ask: why the panicky rush? Why didn't he consult with the Congress about this? There was plenty of time. Was he afraid that the Congressional and public opposition would veto the military eagerness to go into Cambodia? After all, Congress has a Constitutional responsibility in these matters, too.

Our invasion in Cambodia means that all the tragic errors of escalation are being repeated. We are being plunged deeper and deeper into the pit of disaster.

CONGRESSIONAL RESPONSIBILITY

That is why we support the efforts of those courageous and truly patriotic American Senators who have sponsored legislation designed to bring to a speedy end the most disastrous war in our history. Let us pray that success may crown their efforts.

The Congress must exercise its Constitutional responsibility of not leaving the war-making decisions to the President alone. To do so would spell the abdication of its responsibility.

The Cambodian invasion is tragic on other grounds as well. For example, it may undermine or threaten the success of the arms control negotiations and talks in Vienna. And the success of these talks is vital to the peace of the world.

Another damaging consequence of the Cambodian maneuver is the definite weakening of American power to influence the situation in the Middle East. I need not remind you what a powder keg that is. The Mideast may blow up again.

Israel's security is an over-riding moral imperative of the world. Yet the Soviet Union freely sends arms, planes, missiles, technicians and pilots into Egypt to support Egyptian and Arab belligerency. Direct Soviet intervention in the Middle East has already stimulated Egyptian offensive action along the Suez Canal.

Do you believe that the Soviets would have dared to risk such brazen intervention into Egypt—particularly after its brutal invasion of Czechoslovakia—if we were not bogged down in Vietnam?

One must ask: "How did our country get so involved in Southeast Asia? What is the explanation?"

I suggest that there are two explanations underlying our activities in Vietnam. One is the dominant role of the military, and the other is the enormous profitability of war.

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MILITARY-INDUSTRIAL COMPLEX

It is probably a fact that never before in our history have the military and their allies in defense industries possessed such power in our nation. This military influence even worried President Eisenhower after his long experience as a general and as President. And if anyone had intimate knowledge of this military-industrial connection, President Eisenhower was the one.

President Eisenhower said in his farewell speech (January 18, 1961):

"We must guard against the acquisition of unwarranted influence . . . by the military-industrial complex . . . We must never let the weight of this combination endanger our liberties or democratic processes . . ."

Yet, that is exactly what happened.

The record of military miscalculation in Vietnam is terrifying.

Our so-called military experts have made one costly mistake after another. They have asked us to swallow their forecasts of victory through escalation far, far too often. They have asserted that their special sources of secret intelligence should command complete and unquestioning support. But their dismal record of failure has lost them their right to a blank check from the American people. We have all paid, and are still paying dearly, for their mistakes—and how much longer? Who knows?

Now we come to the other half of the military-industrial complex. If profits were taken out of war, we would have fewer and shorter wars. I have no hesitation in saying that if profits were taken out of the Vietnam war—profits shared by industrialists here and by the new crop of millionaires in Saigon—the Vietnam war would have been a dim memory by this time. All the talk about saving democracy for the South Vietnamese would have vanished into thin air by this time. Pious cries of security and patriotism are too often the mask for profiteering patriots. Let us never forget that.

The military are responsible for the staggering increase in defense expenditures from 12 billion dollars in 1948 to 80 billion this year—an increase of 700 per cent.

Senator William Proxmire established that military spending could be cut by $10 billion a year without impairing national security. The waste runs into billions more.

An Air Force efficiency expert testified on the enormously inflated costs of a Lockheed plane for the Air Force, amounting to $2 billion. You know what happened to him? He was fired for telling.

Over 2,000 former officers of the rank of colonel or navy captains or higher were employed by the leading military contractors. I don't have to tell you what that means.

The former Research Chief of the Pentagon called on Congress to halt the growth of the United States military machine before it became a Frankenstein monster that could destroy us.

WASTE VERSUS SECURITY

Do you know what happened when Congress was asked to scrutinize defense spending more closely? The President appointed a blue-ribbon panel to serve as a watchdog over the Pentagon. But do you know who was on the blue-ribbon panel? Eight of its members have interests of more than a billion dollars in defense-related industries. Instead, what we desperately need is the most critical, intensive examination of every aspect of defense spending industries.

Let us not mistake waste for security. The true American patriot is not the one who wants to increase defense spending. The true American patriot is the one who wants every dollar spent on defense to be spent effectively, not wastefully—and not for the benefit of defense profiteers.

We want an America which is strong—strong not only militarily, but economically, politically, diplomatically, and above all, humanly.

Now let me turn from the military arena to our domestic scene. What has the Vietnam war done to us at home?

The war has done great damage to the spirit of America. There is a bitter and ugly mood in the nation. A climate of fear has descended upon our land. The war has set men against each other. The war has caused division between the people and their government. It has aroused suspicions and false accusations. It has brought back some of the evils of McCarthyism—an evil which it took us years to overcome, and which we had all hoped would never reappear.

Today, we have taped wires, political snooping, secret informers—all of them the marks not of a democracy but of a police state.

Our Bill of Rights is in danger of erosion. Until we have peace, our very democratic processes are threatened.

Today those who oppose war are attacked for their lack of patriotism. Dissent is confused with disloyalty. Yet high government officials try to intimidate our newspapers and radio and TV.

THE RIGHT TO DISSENT

Let us bear this important fact in mind. Dissent is the spur to reform. It is in troubled days that the rights of the dissenters must be upheld if the liberties of the many are to remain safe.

Let us not forget that our nation's greatness springs from the vision of greater freedom for all, not restricted liberties for some. We must carry the torch of freedom against the forces of dark suspicion and fear.

When the war ends, we can hope that we will be able to establish our democratic priorities once again. But it may take much longer to recover from the spiritual effects of this military disaster.

One of the greatest tragedies is what has happened to our youth, so many of whom have lost much of their faith in our leadership and in our democratic system. Students are not saints, but neither are they bums or rotten apples!

Their frustrations and alienation have become intense. Some have resorted to violence—and in some cases, such as in the tragedy at Kent State and Jackson State, they have been met with inexcusable violence. It is most unfortunate that it took these tragedies to wipe out the indifference with which the problems of the young were met in high places.

I do not wish to be misunderstood. Violence must be condemned. It is self-defeating and leads only to more violence.

VIOLENCE LEADS TO CHAOS

Those who practice violence—whether they be young or old—whether they be white or black—whether they be students or national guard, or police or workers—must recognize that they are all contributing to chaos. If history teaches one thing, it is that chaos is followed by periods of the iron fist. After the chaos, no one knows what kind of dictatorship will emerge. We do not have to be reminded how Hitler came into power.

Let me say one word to the youth, to our young—for they are our most precious asset. Meet the challenge that faces you not with violence but with practical, constructive action. Choose the traditional way of democracy, the peaceful way. Become active this summer and fall in the election campaigns; work with labor to elect candidates who will help end the war in Vietnam speedily. Help not only end the war, but enable America to meet its domestic needs.

Years ago, students used to be excused from school to harvest the crops in the fall. Today, why not let them out of school to harvest votes?

I hope that we will give our youth the right to vote in national elections.

It will bring the talents and energies of our young into the normal democratc processes. Today, the educational levels of our young people are so much higher than they were before. They are old enough to fight and die in Vietnam; they are old enough to work, to marry, to pay taxes, yet they are denied the basic right to participate in our democratic society—the right to vote.

As a matter of fact, by depriving 18, 19, and 20 year olds of the right to vote, we are contributing to one of the causes of their despair.

The 18-year vote is overdue and should be passed by Congress this year.

BYPRODUCTS OF WAR

There are many other consequences of the Vietnam War.

The 30 billion dollars a year we spent for war cripples our financial ability to deal with serious domestic needs.

Every warplane built for Vietnam means we cannot build a new high school.

Every shipment of guns costs us public housing for our cities.

Every tank and truck means a cutback in our war on poverty.

Our needs are almost without end. Our resources of water and air are being polluted at such a rapid rate that the very life of civilization is in danger.

To reclaim our air and water will cost billions of dollars, to build advanced disposal plants, to change the way we burn our fuels, to create new and cleaner sources of power.

We must spend those billions of dollars if we are to preserve life itself—but today we are spending those billions on tanks and ammunition for Vietnam—almost $3½ million every hour of the day and night.

NEED DECENT HOMES

One of the most serious national needs is housing for those of moderate income. We need officially 2,600,000 new units of housing each year just to keep up with our population growth, but we are building less than half. In some cities, including New York, our stock of housing is slowly growing smaller at the very time when our needs are increasing.

We will never solve the crisis of our cities until we start a massive housing program.

But today inflation has driven up the cost of housing beyond the means of private enterprise to build it, and the war has robbed our government of the funds to build it.

As a result, we are not building middle- or low-income housing to meet our needs, and our cities continue to deteriorate.

Many of our citizens—blacks, Puerto Ricans, Mexican-Americans and others—have not been given equal opportunity. Some of their needs must be met through laws requiring an end to discrimination in voting, jobs, housing and education. These laws must be enforced vigorously and fairly.

TO WIPE OUT GHETTOS

But some of the needs of minorities can only be met by new expenditures for schools and housing and medical facilities to wipe out the ghetto slums from the face of the land. So long as we have a war budget and inflation, we will not have the funds that are needed for these purposes. Until we have peace, we will not be able to make substantial progress in reducing poverty and ending all trace of discrimination and bringing all people into a first-class citizenship.

My friends, the quicker we extricate ourselves from the war in Vietnam, the sooner we can attend to these urgent needs.

There are other costs of war as well.

Working people in America do not need an economist to tell them about inflation. We feel and see inflation every time we walk into a supermarket or barber shop or movie theatre. We feel and see inflation when we buy a car, or look around for a modest home to buy—those who can afford it—or get a bill from a doctor or hospital.

Despite wage increases negotiated by trade unions for every major industry during the

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past five years, workers' real wages have gone down instead of up.

There appears to be no end to the inflationary spiral. Despite the Administration's repeated predictions to the contrary, the battle against inflation has been lost! It is estimated that it won't take many more years before our present dollar will lose a third of its purchasing power.

Inflation is a direct consequence of our swollen wartime economy—and so are the steps taken by the Administration to halt inflation. One of these steps has resulted in the highest level of interest rates in more than a century. The government had to borrow more than 100 billion dollars for the Vietnam war. This has resulted in an escalation of interest rates, with the result that every purchase became more costly. The cost of money affects every nook and cranny of our lives.

If the war continues, interest rates may go so high that the government may find it difficult to finance the war and even minimum domestic requirements. That will mean higher taxes and more will be taken out of our pay envelopes.

Between inflation and high interest rates, many businesses will have to close down or face bankruptcy.

We don't need dictionaries to tell us when a recession comes. It is here right now—it is here!

UNEMPLOYMENT AND INFLATION

What do you think will happen when businesses close down? More and more unemployment. Those still working will be working fewer hours. Take home pay will go down and down.

I ask you, who is the first to lose his job when unemployment rises? Is it the President of General Motors or Dupont? Of course not! It is the working man, and what is worse, it is likely to be the least skilled, the member of a minority group, the person who has the least savings to fall back on, and the one who has the most difficult time to find a new job.

Neither inflation nor recession affects all equally. It is those of modest means—workers, retired people—who are hardest hit by both. If this trend continues, social tensions are bound to be aggravated. Both inflation and recession are a direct result of the war, and we will not end them until we end the war.

Two years ago we faced the challenge of a Presidential election. The trade union movement met the challenge with all its energy and determination, and almost single-handedly made it one of the closest elections of modern times. Nevertheless, despite our efforts, the election was lost.

The 1970 elections will be a battlefield for the control of Congress, particularly the United States Senate. In the elections of six to 12 years ago, a number of remarkable liberals came to the Senate from marginal states—men who might never have won except for the unusual liberal landslides of those years.

This year, no one has any expectation of a liberal landslide, and, as a matter of fact, a number of those Senators face very difficult re-election races. One of them, Senator Ralph Yarborough, of Texas, the chairman of the Senate Labor Committee and one of our liberal champions, has already lost to a conservative in the primary.

The labor movement must meet this challenge with all its resources. These Senators depend to a large extent on organized labor, because the support which used to come from their party has sharply declined. Only the trade union movement survives as a strong, nationwide institution to support liberal candidates.

I know I do not have to urge the officers and staff members of the Amalgamated to greater political efforts, for it was under Sidney Hillman's leadership that the labor movement first became active in political education and we have continued to devote ourselves wholeheartedly to this important task.

ACHIEVEMENTS AND CHALLENGES

So, delegates, I have talked this morning mostly about challenges, not achievements. The fact is, that we have much to be proud of. We have given working people a strong voice in their own destiny. In the course of our years, we in the Amalgamated have built institutions to provide many of the necessities of a decent life—health insurance, pensions, education, housing, medical care, and much more.

But this is no time to rest on our achievements. The challenges that confront our country and indeed the world, are overwhelming. If we do not meet them, our way of life, and civilization itself could be in mortal danger.

We, as Amalgamated officers and members, represent a cross-section of American working people, men and women from every area of the nation, from big cities and small towns and villages, from North and South, from the East Coast and the West Coast. Our membership works in factories and stores and service establishments. We represent every nationality and every race and religion.

Delegates, I am convinced that our members, like all working people, and like the majority of all Americans want peace. They want peace now, without delay. They want peace without further military adventures, without more killing.

So I call on you today, to bring up all your reserves of strength and dedication to our noblest ideals and goals.

PEACE, NOT WAR

We must strive to impress upon our government that the people of our country and of the world want and demand an immediate commitment to peace, not war.

We must bend every effort to influence our military leaders that death and destruction must come to an end, that the way of weapons is not our way.

I do nct talk of peace next year. I talk of peace now. The hour is late and the country's danger is great.

This is the hour of decision.

Our nation needs peace now. The world needs peace now.

Let us all be united to help achieve that inspiring goal.

(*The audience stood and applauded.*)

OKLAHOMA IS PROUD OF NORTH AMERICAN ROCKWELL CORP.

Mr. BELLMON. Mr. President, the recent decision to award the developmental contract for the B–1 aircraft to North American Rockwell Corp., is of considerable significance to the State of Oklahoma because this company operates a major industrial complex in the State. Oklahoma citizens have been justly proud of this company and the contributions it has made to the defense and space industries, and as a Senator from Oklahoma I am proud of the work our citizens have done in these vital areas. I am confident the company will continue its same excellent record of performance.

Certain charges have been raised concerning the B–1 contract award. In order to set the record straight, I ask unanimous consent that a statement from the Department of Defense be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF DEPARTMENT OF DEFENSE

It has been reported that the bid of the winner in the B–1 competition was the highest bid and presented the least desirable design. This is not the case. North American Rockwell Corporation was the lowest bidder, received the highest weighted score, and was the unanimous choice at each reviewing level.

When the contractors submitted their proposals, some 600 selected specialists reviewed and evaluated them over a period of months. The proposal was divided into a large number of separate sub-areas, and basic evaluation scores were rendered by separate evaluation groups after they analyzed each of the sub-areas. These raw data were consolidated and presented to the Source Selection Advisory Council. After hearing the presentation of the evaluation group, the Source Selection Advisory Council went into executive session. In this executive session the Advisory Council applied weighting factors to the raw evaluation data. These weighting factors had been created before the contractors' proposals were received. They were not changed and were never made available to the members of the evaluation team which conducted the detailed analysis.

The results of the Source Selection Advisory Council were formalized in writing and presented to the Secretary of the Air Force, who had the authority to select the winning contractor. In addition, this analysis and findings were presented to the Commander, Strategic Air Command; Commander, Air Force Systems Command; Commander, Air Force Logistics Command; The Force Council; and the Chief of Staff. All these individuals, as well as the Air Force Secretary's principal civilian advisors, reached the same conclusion as Secretary Seamans with respect to the contractor's proposal to be selected.

The North American-Rockwell Corporation received the highest weighted score of the three proposals and their negotiated bid was the lowest—some $1.35 billion compared to $1.45 billion and $1.56 billion for the other competing contractors.

The contract is for development and testing of the new aircraft only. No decision has been made on whether production will be authorized.

FDA PILL NOTICE

Mr. DOLE. Mr. President, recent hearings on oral contraceptives before the Monopoly Subcommittee of the Select Committee on Small Business succeeded in confusing and terrifying the 8.5 million American women who are taking these drugs and most of the general population who followed the news accounts of the hearings. Through an initial series of biased and one-sided witnesses, those hearings painted in the mind of the American public a nearly indelible picture of dangerous side effects, unknown possible damage, and heightened mortality rates associated with birth control drugs.

By the accounts of nearly every witness who appeared before the committee some definite hazards and risks are associated with oral contraceptives. By and large, however, these risks are ones which can be identified and effectively dealt with in a program of proper medical consultation and supervision. In balancing the risks against the benefits of oral contraceptives, a general view seems to be that the pill is valuable and worthwhile—when taken with an understanding of its risks and effectiveness and with continuing medical attention.

The hearings did disclose that too

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often women were taking these drugs without the understanding necessary for their full protection. In recognition of this situation, the Food and Drug Administration undertook to devise a means of alerting women to the risks without alarming them or interfering with their relationship between prescribing physicians and their patients.

Yesterday, before the House Committee on Government Operations, Dr. Charles Edwards, Commissioner of the Food and Drug Administration, made public the language of a notice which will be included in every package of oral contraceptives marketed in this country.

It would appear that the FDA notice is a reasonable statement, one which would alert women but at the same time avoid panicking them or imposing on their relationships with their doctors.

For the information of Senators, the text of the FDA notice is as follows:

> Do not take this drug without your doctor's continued supervision.
>
> The oral contraceptives are powerful and effective drugs which can cause side effects in some users and should not be used at all by some women. The most serious known side effect is abnormal blood clotting which can be fatal.
>
> Safe use of this drug requires a careful discussion with your doctor. To assist him in providing you with the necessary information, (firm name) has prepared a booklet (or other form) written in a style understandable to you as the drug user. This provides information on the effectiveness and known hazards of the drug including warnings, side effects and who should not use it. Your doctor will give you this booklet (or other form) if you ask for it and he can answer any questions you may have about the use of this drug.
>
> Notify your doctor if you notice any unusual physical disturbance or discomfort.

LEGAL ASSISTANCE TO THE POOR

Mr. JAVITS. Mr. President, the Young Lawyers Committee of the Association of the Bar of the City of New York has just published a survey of the many organizations which provide volunteer legal assistance to the poor in New York City. The breadth of services provided by these organizations is a demonstration, I think, of the real need we have in this country for legal services for everyone, and of the willingness of the legal profession to provide those services. This survey could be of great use as a demonstration of what can be done in a great city.

I ask unanimous consent that the survey, which is a committee report of the Association of the Bar of the City of New York, be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

COMMITTEE REPORT: NEW YORK VOLUNTEER ORGANIZATIONS RENDERING LEGAL ASSISTANCE TO THE POOR

(By the Young Lawyers Committee)

In response to numerous inquiries directed to the Association, the Young Lawyers Committee has prepared a revised list of groups who provide free representation and legal assistance to the underprivileged and poor in the New York City area and who make use of volunteer legal services from members of the Bar. The list contains a brief summary of each organization and the person to contact when volunteering. Because the size and activity of the organizations vary greatly, that person should be contacted for elaboration. The need for voluntary legal assistance is constantly growing and the number of groups with it; the Young Lawyers Committee realizes this list is not complete and hopes to issue periodic supplements. In addition, the Bar Associations throughout the City have referral lists for indigents. The Committee has attempted to provide a framework in which to place the various groups but overlap is inevitable.

SECTION 1

This group comprises organizations providing legal counseling and representation in both civil and criminal cases in the areas of housing, immigration and naturalization, landlord-tenant, welfare, family, matrimonial, employment, selective service, consumer and criminal law. These organizations are those which presently offer the broadest base of participation to volunteers.

A. The Legal Aid Society

The Legal Aid Society is the oldest and largest legal service organization in New York City. It has a continuing need for volunteers and is well organized to receive them. The Society is currently enlisting volunteer attorneys through several means: (a) a new program designed to extend the civil work of the Society's neighborhood offices to evenings, (b) an on-going program in conjunction with the Society's criminal branch and appeals bureau (under way for more than 10 years), (c) an on-going program with the staff of the Society's civil branch augmenting services during normal business hours, and (d) a special project in East Harlem (The Community Law Offices program), which is listed separately below.

A lawyer joining the civil branch nighttime extension program will be expected to devote at least three days during normal office hours for preliminary introduction to the work of a Legal Aid office. Subsequent training will be carried on during the evening hours and on weekends. A volunteer on the civil side for work during normal business hours at a Legal Aid Society office will be asked to commit himself for three months or more, will then receive the same introductory training as a new Legal Aid staff lawyer and will be introduced to the work of interviewing clients, counseling and undertaking court work.

Similarly, a lawyer who will commit himself for one month or more to work in the arrangement parts of the criminal court will be given the same introductory training as a Legal Aid staff lawyer or an assistant District Attorney and will have an opportunity to take up the work of a Legal Aid staff attorney in those courts as rapidly as he can undertake it.

The Joint Appeals Program of the Society, The Association of the Bar, and the New York County Lawyers Association affords opportunity to work upon a criminal appeal, briefing and urging the case in association with the Legal Aid appellate staff. Volunteers are assigned to cases from a panel which is administered by the Committee on Legal Assistance of The Association of the Bar. The time commitment necessary will obviously depend on the particular appeal.

B. Community Law Offices

This organization has provided legal assistance to the East Harlem community through 40 participating law firms and corporate law departments. Until recently, most of the volunteers' cases consisted of individual representation in divorce actions, family court proceedings, landlord-tenant controversies, consumer frauds and the like. However, CLO is now providing counsel in an increasing number of matters which involve corporate organization and financing, housing rehabilitation, economic development, job training and education.

Volunteers may staff the CLO office approximately once a month and follow through, on firm time, on both individual and group matters assumed by them during such office hours; volunteers may "specialize" and under this arrangement, CLO will schedule only specified types of matters (e.g. housing, consumer, membership corporations, etc.) for the volunteers; volunteers may handle CLO office assignments and follow-through work in two or three-man teams rather than on an individual basis; may hold themselves available, either individually or in teams, to work only on specified types of major CLO matters, such as corporate finance, legislative drafting, housing rehabilitation, school decentralization and the like; and volunteers may participate in CLO's new criminal law program under which interested criminal matters under the CLO staff's supervision.

C. Community Action for Legal Services, Inc.

CALS is the administrative and coordinating agency for New York City Office of Economic Opportunity-funded legal service projects, under which are presently organized approximately twenty-six comprehensive Neighborhood Law Offices in and for specific poverty areas of various sizes throughout the City. Each Neighborhood Law Office has a basic staff of lawyers which handles a complete variety of cases, and volunteers would work closely with such lawyers. The CALS Neighborhood Law Office program is and will be a major factor in the City's legal service capabilities. CALS will accept volunteers who are available for regularly scheduled daytime hours during the work-week, and who are willing to accept responsibility for handling cases or volunteer attorneys who are prepared to make court appearances in domestic relations cases.

D. MFY Legal Services, Inc.

This organization has been in existence since 1964, is presently O.E.O. funded and provides a well organized and intensive legal service function. It has a staff of 30 lawyers working fulltime, has offices on the lower East side and West side of Manhattan and is one of the largest organizations providing legal services to the poor in New York City. Civil cases make up over 90% of MFY's case load (primarily housing, welfare, family and consumer problems); the balance are criminal misdemeanor cases. The organization provides legal representation in all capacities as advisor, litigator and negotiator and represents both plaintiffs and defendants in civil action. MFY will take only volunteers who are able to give a block of time of at least 4 weeks of regular office hours, Volunteers will receive on-the-job orientation.

E. Harlem Assertion of Rights, Inc.

This organization, O.E.O. funded, maintains three neighborhood legal services offices, each with full-time legal staff, engaging in a wide range of general civil practice and limited criminal practice generally to the point of arraignment. Volunteer lawyers are welcome in all phases of the services. There is a need for prior consultation with such lawyers or firms to designate specific times for serving, i.e., one evening per week, for a specific length of time, at either the main office or the branch offices at 2133 8th Avenue and 1646 Amsterdam Avenue.

F. National Office for the Rights of the Indigent

This organization is a wholly owned subsidiary of the NAACP Legal Defense and Education Fund, Inc. It takes civil and criminal cases by referral but is generally limited to test cases involving new legal theories. Volunteers to conduct litigation and research legal problems can be used. There is no requirement for block time.

SECTION II

The following organizations provide guidance concerning business, economic and other community development problems.

A. The New York Urban Coalition, Inc.

The Urban Coalition has several different requirements for voluntary legal assistance in connection with its program to establish and maintain sound economic institutions in the Black and Puerto Rican communities of the City. The first is the Economic Development Task Force, which is involved in rendering assistance to minority entrepreneurs and ghetto-based businesses. The work consists, among other things, in preparing loan documents for long-term investment money on high-risk terms, and providing business counseling. The intended aim of this program is to provide "one stop service" to expedite the handling of small business problems by city agencies, coordinated with the giving of legal and training management and accounting advice.

Legal assistance volunteers will deal with the immediate problems involved in the operation and establishment of sound businesses and provide new ideas about types of businesses to develop and ways of involving the private sector more closely. It is estimated that 50 to 100 hours a year per volunteer would meet the Coalition's needs.

The Lawyers Committee of the Coalition's Housing Task Force meets to consider housing-legislation and other problems. This group renders assistance to local community groups who seek to sponsor private housing. At present, minimal direct legal counseling is being done, but considerable research is being undertaken on legislative reform and the development of new programs. There is no time requirement.

Another use for lawyers within the Coalition's structure is as proposal writers and "shepherds." The Coalition receives proposals for funding for which the Coalition has no money but which could be funded out of existing governmental appropriations or foundation money. Individual lawyers are necessary to prepare the requisite proposals (and undertake background work such as incorporation and tax exemption) and see to shepherding the proposal through the appropriate agency or foundation. No particular background is required and the time needed cannot be set.

B. Community Development Agency of the Human Resources Administration of the City of New York

This organization is the receiving and disseminating agency in New York City for the O.E.O. funds, and the administrator of O.E.O. funded community groups working in the poverty area. There are over 200 such groups, located in 26 different geographical areas of the five boroughs, each under the overall management of a Community Corporation, some of whose legal needs may be serviced through Community Action for Legal Services neighborhood law offices or other legal service groups. A great need exists for volunteer lawyers. Volunteers would be expected to render advice on a wide variety of matters including forms, doing business, applicable governmental regulations, problems of incorporation as nonprofit membership corporations, maintenance of proper reports, fees and licenses, possibility of tax exempt status from the Internal Revenue Service, etc. Volunteers would also work on developing entrepreneurial interests within the community and in qualifying for federal or other grants, with problems such as interpreting contracts and grants containing complicated formulae for matching funds.

SECTION III

The following are organizations specializing primarily in public-assistance law.

A. Center on Social Welfare Policy and Law at Columbia University

This organization engages in research, drafting and providing counsel for litigation on social welfare legislation and law. It obtains judicial review of significant legal issues raised by social welfare programs, gives legal aid on matters involving social welfare law through local legal social programs, conducts training programs, and develops training materials in the social welfare area. The Center can use volunteers especially for work on briefs and legal memoranda in major test cases. There would be no requirement that a specific amount of time be made available.

B. The United Welfare League

This organization is heavily engaged in the representation of clients for (1) welfare hearings, and (2) landlord-tenant problems. Its use of volunteers would relate to both of the above. There is no requirement that a block of time be volunteered.

C. The Citywide Coordinating Committee of Welfare Groups

This is an organization of welfare recipients primarily engaged in educating themselves, unaffiliated recipients, and the general public on the functioning and changes in the welfare system, and in influencing this and other systems to meet more adequately the income needs of poor people.

Volunteer lawyers or law students would be welcome to handle "Fair Hearings"—an administrative review held at a client's request to redress a grievance against the Department of Welfare, and to provide legal assistance on clients' welfare problems. Volunteers are also needed to train welfare recipients to handle fair hearings; to conduct seminars to acquaint recipients with legal issues and changes in the social services law; and to participate in social and legal research projects.

SECTION IV

Organizations primarily providing representation in the courts or administrative agencies on matters involving issues of civil rights, civil liberties or racial discrimination.

A. The National Association for the Advancement of Colored People

The NAACP national-office legal department offers advisory and research services to its 19 New York City branches, and, in addition, conducts some litigation referred to it from those branches. The branches have no legal staffs, all work from them is done on a voluntary basis by direct referral, or in conjunction with the NAACP main-office legal staff. It is probable that the NAACP will continue to put its primary emphasis on cases involving race discrimination. However, those desiring to be of assistance should call Nathaniel R. Jones, General Counsel.

B. The New York Urban League

The League, while heavily involved in projects affecting the poor, has at this time a limited involvement in non-fee legal services. There are, however, two programs in which legal aid is furnished by the Urban League. (a) The League sponsors twelve street academies which give "hard-core" school dropouts preparatory work required to resume their education. Each academy has an enrollment of 15 to 40 students. A salaried attorney is employed to represent students who encounter difficulties with the police or other authorities, and he would welcome assistance. (b) "Operation Open City" offers its services to anyone subjected to discrimination in the sale or rental of housing; legal representation is provided when possible but it also provides advisory services. "Open City" uses volunteer attorneys to appear before appropriate City and State Commissions.

C. The National Lawyers Guild

This organization undertakes litigation and defense in cases referred from many groups or agencies on matters involving peace, poverty, civil rights, civil liberties or racial discrimination. It can use volunteers for research, appellate briefs, and undertaking cases. There is no requirement for making a block of time available.

D. The American Civil Liberties Union and the New York Civil Liberties Union

The ACLU is a national organization which through NYCLU, its New York State affiliate, handles trial and appellate work in the New York area, primarily concerning free speech and equal protection of the laws. The primary objectives of the organization are to guard against encroachments upon the Bill of Rights. It also attempts to prevent and counteract legislation which is basically anti-civil libertarian. At present considerable emphasis is being placed on cases arising under the Selective Service law and regulations. Projects on student rights and mental commitment are also litigating actively in those areas. Volunteer lawyers may participate in hearings and trials or do research work on appellate matters in these areas. There is not time requirement for either organization.

E. Law Center for Constitutional Rights

The Center is a clearing house for other organizations and individual attorneys in providing advice on the most current theories of causes of action and trial techniques in the areas of civil liberties and civil rights, and it creates and develops new approaches through litigation and research. Volunteer lawyers would perform research work and write appellate briefs. It is not presently contemplated that litigation assumed by the Center would be handled by volunteer lawyers. There is no requirement for making a block of time available.

F. The Scholarship Education and Defense Fund for Racial Equality, Inc. (SEDFRE)

This organization, financed through foundation and private gifts, has three objectives: scholarships, largely for young activists in the civil rights and poverty field, leadership training in connection with community, civil rights, poverty and other related activities, and the following legal activities. The legal services operations of the Fund are advisory and litigative, criminal and civil. Its work involves civil rights and racial discrimination cases and substantial work in the welfare, family relations, landlord-tenant, consumer fraud and equal employment fields. It is the General Counsel for the National Welfare Rights Organization (Washington, D.C.) and does a substantial amount of legal service for other organizations. The Fund can usefully employ and relies extensively on volunteer lawyers in both research and litigation capacities. It does not require a block of time to be offered.

G. NAACP Legal Defense and Educational Fund, Inc.

This organization is the parent corporation of the National Office for the Rights of the Indigent. It concentrates its efforts in the area of civil liberties, civil rights and poverty law, conducting research but primarily involved in test litigation. It offers an unusually close supervision of the volunteer's work efforts and a volunteer will have the opportunity to work on a case from its inception to its trial and appeal. The NAACP Legal Defense and Education Fund is a separate entity, in no way affiliated with the NAACP.

H. National Emergency Civil Liberties Committee

This organization, formed in 1951, is concerned primarily with the preservation of the bill of rights and the expansion of civil liberties. It handles cases involving the Selective Service Law, anti-war demonstrations, illegal searches, the federal anti-riot act, Attorney General's list of subversive organizations, etc. The organization relies heavily on volunteer attorneys who either handle cases directly or write and prepare briefs. There is no specific amount of time which a volunteer must contribute.

I. New York Lawyers' Committee For Civil Rights Under Law

This organization, co-chaired by Vincent L. Johnson and Russell D. Niles, is the operating arm in New York of the National Lawyers' Committee For Civil Rights Under Law. It has been active in providing workshops and training programs to assist lawyers and others in understanding the Community School District System Act. Other projects include urban areas programs, antipoverty programs, challenges to various administrative decisions. Board of Elections cases, civil rights cases and class actions in unfair labor practices cases. There is a continual backlog of work and cases in all of these areas and volunteer attorneys are needed.

SECTION V

The following organizations are involved in general projects related to the poverty area or the administration of justice in the poverty area.

A. The Vera Institute of Justice

Vera operates entirely within New York City and its work is limited to criminal law reform. It provides no litigation services, but works closely with other agencies in the criminal justice system and is concerned with the quality of justice afforded the poor. Vera is currently engaged in a variety of activities, including consultant to the Mayor's Criminal Justice Coordinating Council, operating a project in the Manhattan Criminal Court designed to provide counseling, job training and employment for selected defendants as an alternative to criminal prosecution, an experiment in the Bronx Criminal Court with an advance adjournment program, and an experiment with the use of short form pre-sentence investigation in misdemeanor cases. Other programs under way include a study of the prosecution in juvenile delinquency cases, a comprehensive study of bail jumping, a study of the feasibility of a centralized prearraignment facility and an experiment of monitoring of police interrogation. Volunteer lawyers will be employed in the research and writing of studies and reports concerned with these matters. No block of time need be made available.

B. VISTA

VISTA (Volunteers in Service to America) recruits volunteer lawyers (among others) to work in economically depressed urban and rural areas. Law graduates, selected for the Legal Services programs on a national basis, live among the people whom they serve. The regular term of service is one year after six weeks of training in the area of urban and poverty law. VISTA attorneys serve as advisers and house counsel to local community organizations on matter of strategy, legal requirements and appropriate types of action. They are also engaged in the area of statutory reform, working with the Office of Economic Opportunity's Neighborhood Legal Services Agencies. VISTA attorneys are working on problems relative to consumer fraud; housing violations; cooperatives; credit unions; community planning; welfare rights; health issues; economic development; Federal and local funding; and preparation of individual and group cases for court actions.

C. The Council of New York Law Associates

The Council of New York Law Associates was formed this past November for the purpose of increasing the flow of information among young associates with the expectation of thereby increasing the degree of participation of such attorneys in the public service area. In its first few months some 600 lawyers have become members. This membership is spread among 75 firms and offices.

The Council expects to make a significant contribution to a great many sectors of the public service simultaneously without establishing any program of action or priority of interests. It will promote any and every potentially valuable project that may be of interest to any appreciable segment of its membership. The bulk of the Council's work, then, consists of maintaining relationships with a broad range of organizations already engaged in public service projects, assisting those organizations to make efficient use of the resources that the Council attracts. The supplying of legal assistance to the underprivileged is one of the areas of public service in which the Council engages. Legal assistance organizations with which and projects on which the Council and its members already are involved include: Trying civil liberties cases; working on Family Court matters; lecturing to high school and community groups on housing, consumer law, criminal law, etc.; helping the state defend against habeas corpus petitions; counseling small nonprofit organizations and community groups working with ghetto businesses on tax, corporate, labor and real estate matters.

Respectfully submitted.

George J. Wade, Jr.,
Chairman, Young Lawyers Committee.

THREAT TO BLAME PRESIDENT IF COMMUNISTS CONTROL SOUTH VIETNAM

Mr. BELLMON. Mr. President, a few days ago one of Washington's more critical newspaper columnists, Miss Mary McGrory, who writes as if she is convinced that the world will come to an end because Richard Nixon is President, wrote one of her typically hypercritical columns.

Toward the end she said of the President:

> He is incapable of believing that the Democrats would not, someday, accuse him of "losing Indochina," even though some of them are committing their futures to the proposition that it might be the best thing that ever happened to this fractured and anguished country.

Mr. President, the former Democratic National Chairman, my colleague from Oklahoma (Mr. Harris), said some things that might make it difficult for anyone including the President to believe that the Democrats do not mean to have their cake and eat it, too, so far as Indochina is concerned.

Ever since the President took office, the former democratic chairman Senator Harris, and his successor, Lawrence O'Brien, have demanded that the President surrender now and get all Americans out of Vietnam. They, more than any other two persons, have sought to turn Vietnam into a political issue.

Yet, in an off-guard moment, Senator Harris told some members of the press that the Democrats will blame President Nixon if the Communists take control of South Vietnam.

Columnists Roscoe and Geoffrey Drummond quote Senator Harris as saying:

> We will hold Nixon responsible if he turns South Vietnam over to the communists.

That is a very interesting threat, one that Miss McGrory apparently was not aware of.

The Drummonds go on to say:

> But simultaneously, Senator Harris and Democratic Senators like Edward Kennedy, George McGovern, Eugene McCarthy, and J. W. Fulbright are continuing to demand such a rapid pullout of U.S. troops that the end result would be to give the Communists control of South Vietnam.

So there you have it. Former chairman Harris and his successor demand that we pull out of South Vietnam, whether or not it means the Communists will take over.

But at the same time they are prepared to blame the President if the Communists do, and attempt to reap as much political gain as possible.

Miss McGrory is obviously capable of believing that Senator Harris did not mean what he said. So far as I know, he has not changed his mind. Incidentally, I should like to make reference to one other of Senator Harris' statements regarding the war in Vietnam. He is quoted in an Associated Press story of last October 8 as saying in January, 1969:

> Arguments of critics of President Johnson's policy in Vietnam have little validity. The biggest factor "—and I emphasize this point—" the biggest factor in prolonging the war is division at home. I'm sure the government will continue in Vietnam its present course and that we will not abandon the countries of Southeast Asia.

It is helpful to know, that at one time, Senator Harris' views, those who are fracturing our country are the biggest factor in prolonging the war. Those are my views, also.

Mr. President, in the interest of world peace now and in the future and to prevent needless killing in Indochina, those who are tempted to try to gain partisan or philosophical advantage by criticizing the President could do a great service to the country and probably to themselves by controlling this impulse. Partisanship may no longer stop at the water's edge, but certainly it has little merit in the rice paddies and jungles of Indochina.

I ask unanimous consent that Miss McGrory's column and two other articles on the same subject be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Dick Nixon Wears a Hard Hat

(My Mary McGrory)

The Senate was extremely polite, almost apologetic, as it wound the first delicate threads around the hands of a President bent on some unknowable venture in Indochina.

Sen. Frank Church, D-Idaho, one of its least partisan members and co-sponsor of the Cooper-Church amendment, explained that "no disrespect was intended" by this tentative, preliminary attempt at preventive detention of the war-making executive.

"We are strengthening the President's hand," said Church, "helping him overcome the evasions and foot-dragging by bureaucrats and foreign allies."

The language of the preamble of the amendment, which merely holds the President to his promise to bring all American troops "home" to Vietnam by July 1, was so softened that even Chairman John Stennis of the Armed Services Committee, a fierce and unwavering hawk, said it was "meaningless."

The Senate is extremely nervous on its first expedition into composite dissent, which probably will come to a vote this week. Since 1967, individual members like Sens. J. W. Fulbright and Eugene McCarthy have formed and led resistance, but the Senate as a whole has been content to let the commander-in-chief, who is the proprietor of the flag, the definer of "patriotism" and the protector of "our boys," make all the decisions.

The Senate is not built for speed or definance. Nor had it seen itself in the role of savior of the country, which it has now assumed in the eyes of millions of troubled and despairing Americans.

Since Cambodia, it has been swamped by mail and besieged by lobbyists—not the old comfortable kind who bought them lunch, but lean and hungry hordes of students, housewives, doctors, lawyers and clergymen demanding justice and threatening retribution at the polls. The senators are told that if they could reject Carswell, they can reject the war.

The President is free of such pressures. He is surrounded by servants and courtiers in his splendid mansion. He is told by his staff that the men who oppose him never did or would vote for him, and merit his contempt.

While George W. Ball, former undersecretary of state, the celebrated, tame dove of the Johnson years, was telling the House Foreign Affairs Committee that "congressional consultations," not congressional curbs, were the answer, the President was receiving the construction workers, the most vocal and violent supporters of his Cambodian decision, in the Oval Room. The day before, he had seen the head of the far-right Young Americans for Freedom.

"I'm only a senator," moaned Warren G. Magnuson, D-Wash., when importuned by the Yale Law School student lobby to stand up to the President.

It is, to be sure, an unequal contest. The President has symbolic and actual superiority. He did not even tell the Senate he was sending troops into Cambodia. Eight thousand were over the border when the Senate, with the rest of the country, learned about this new expansion to shorten the war.

When the howls of outrage went up, the White House virtuously claimed "fear of security risks on Capitol Hill."

Sen. George D. Aiken of Vermont, dean of Republicans and ranking member of the Senate Foreign Relations Committee, sputtered, "I have never betrayed a president's confidence. He didn't tell us because he knew we would not approve."

The President reckons, apparently, that disunity and fear will strike the anti-war forces in the Senate, who, after they deal with Cooper-Church, must face the radical McGovern-Hatfield fund cut-off. His marksmen have no convenient personal target, the sponsorship is bipartisan. No stars have yet been born during the struggle and, to date, no deep divisions. His spokesmen are invoking the prisoner-of-war issue to delay the vote.

It seems unlikely the Senate will part him from his money. For many of them, it would smack of regicide, and the presidency has become, partly due to the Senate's compliance, something of a monarchy.

What is needed more is an effort to separate the President from his memories and suspicions. He came of age in the 1950s, came into prominence as a Red-hunter and cold warrior. He was a leader in the hue and cry against the Democrats that they "lost China," never mind that we never had it. *He is incapable of believing that the Democrats would not, some day, accuse him of "losing Indochina,"* even though some of them are committing their futures to the proposition that it might be the best thing that ever happened to this fractured and anguished country. The President has, in short, put on his hard-hat, and the Senate is going to have a nasty, awkward time getting him to take it off.

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OU, OSU War Protest Meetings Book Harris

Oklahoma City.—U.S. Sen. Fred R. Harris will speak at the University of Oklahoma and Oklahoma State University next Wednesday for the war protest meetings, but Gov. Dewey Bartlett declined an invitation to appear.

Harris said he expects to discuss the Vietnam War situation in all his speeches, but added, "I regret that some people have tried to put a partisan label on the strong feelings I have concerning the war."

The Democratic national chairman said he "didn't change my mind on this war during this administration. I spoke out against it during the last administration."

During the final year of President Johnson's Administration, Sen. Harris spoke out in support of the President's policies in Vietnam, newspaper files show.

In a January 1968 interview with Lawton newspaper reporters, Sen. Harris said:

"Arguments of critics of President Johnson's policy in Vietnam have little validity.

"The biggest factor in prolonging the war is division at home. I'm sure the government will continue in Vietnam its present course, and that we will not abandon the countries of Southeast Asia."

He said he had visited Korea, Australia, Thailand, New Zealand, Malaysia and others.

"To a man, the leaders of those nations say, 'If you leave us here and pull out without a successful conclusion in Vietnam, you will have weakened our positions almost overwhelmingly.' "

Democratic Leaders Are Playing With Dynamite on Vietnam

The leaders of the Democratic Party are playing with political dynamite in trying to force President Nixon to withdraw U.S. troops from Vietnam so rapidly as to throw away all prospect of negotiating a peace.

The United States of America would be hurt—grievously hurt—by this shortsighted, reckless, perilous undermining of what the President is doing to end the war by seeking a fair peace.

No one is suggesting that those who want peace at any price, those who want to withdraw all American forces immediately, regardless of the consequences, should still their protests. All the President and others who are earnestly seeking disengagement and a decent peace are asking is that for a reasonable period Congressional critics should stop telling Hanoi that it doesn't need to negotiate, that all it has to do is to wait and they—the Congressional critics—will see that the U.S. government accepts a no-peace policy.

The Vietnamese war has never been a partisan issue, and attempting to bring it to an end with a fair peace is not a partisan issue. But leaders of the Democratic Party are now trying to make it so. Sen. Fred R. Harris of Oklahoma, chairman of the Democratic National Committee, disclosed this strategy in a candid remark to the press last week.

"We will," he said, "hold Nixon responsible if he turns South Vietnam over to the Communists."

But simultaneously, Senator Harris and Democratic Senators like Edward Kennedy, George McGovern, Eugene McCarthy, and J. W. Fulbright, are continuing to demand such a rapid pull-out of U.S. troops that the end result would be to give the Communists control of South Vietnam.

Thus, the national chairman of the Democratic Party is not only acting to make Vietnam a pay-dirt partisan issue but is also seeking to put President Nixon in such a box that no matter what he does he's bound to lose. . . .

In other words, Senator Harris' neat formula is to make Mr. Nixon punishable by the voters if he doesn't yield to pressures to get out quick and also if evil consequences come from yielding to such pressures.

Senators and congressmen know that the President has the constitutional duty to conduct foreign policy and that negotiating peace is the most difficult and delicate act of foreign policy. Heckling and harassing the President is delaying the peace—not hastening it.

Have the Democrats forgotten so soon that Richard Nixon is acting to end a war which he inherited from his Democratic predecessor and which they helped to authorize?

FOREIGN BANK SECRECY—COMMENTS ON S. 3678 AND H.R. 15073

Mr. PERCY. Mr. President, a problem which is of great concern to me and to all Americans is the apparent increase in tax and criminal activities which have been aided and concealed by the use of foreign bank accounts, especially in those countries that offer a maximum degree of bank secrecy.

The Committee on Banking and Currency is now holding hearings on two similar bills which attempt to curb this increase: S. 3678, introduced by the distinguished Senator from Wisconsin (Mr. Proxmire), and H.R. 15073, which was passed by the House on May 25, 1970.

There is widespread agreement on the need for legislation to curb the illegal use of foreign bank accounts. H.R. 15073 was passed unanimously. At the hearings held by the House Committee on Banking and Currency on this subject, all administrative agencies that testified supported the implementation of legislation to curb the illegal use of these accounts. The American banking community has also supported the need for corrective measures in this area.

While there has been uniform support for legislative action to control secret foreign bank accounts, there has been some disagreement over the specific means to be employed toward this end. The Treasury Department speaking on behalf of the administration strongly opposed several elements of H.R. 15073 and urged the enactment of several other provisions. Moreover, S. 3678 introduced by Senator Proxmire includes an additional provision not found in the bill passed by the House. This provision would prevent U.S. securities brokers from transacting business on behalf of a foreign entity unless that entity disclosed the person for whom it is acting or certified that it is not acting for a U.S. citizen or resident. It is a new and different concept which should be studied thoroughly. I believe that these differences will be thoroughly discussed and examined by the Senate Banking and Currency Committee, and that all Members of the Senate will give careful consideration to the proposed legislation before us.

I would also note that new legislation is just one element of the program necessary to effectively curb the illegal use of foreign secret bank accounts, and that I am pleased with efforts being made presently in connection with these other elements. In addition to any legislation to strengthen our own legal framework to combat this problem, the United States must seek increased assistance from foreign nations, especially those in which secret accounts are maintained for illegal purposes. I am pleased with the vigorous efforts being made by the administration to obtain increased assistance in tax and criminal matters from Switzerland, and the approaches being made for similar increased assistance from other nations.

I am also pleased with the increased efforts being made by the Internal Revenue Service and other law enforcement agencies to improve their existing enforcement methods and techniques to maximize their efficiency in combating this problem. I was especially encouraged by the recent announcement by the Treasury Department that U.S. taxpayers will be required to declare their interests in foreign bank accounts on this year's tax return. I believe this requirement will be extremely effective in reducing the number of foreign accounts used for illegal purposes. Finally, I am pleased with the assistance and positive attitude shown by the American banking community and other sectors of the economy that can greatly aid law enforcement officers in combating this problem of the illegal use of foreign secret bank accounts.

THE PEACEFUL REVOLT OF THE REAL VICTIMS

Mr. ALLOTT. Mr. President, of recent months I have not been one to indulge in blanket approval of the editorial policy of the great morning newspaper in the District of Columbia. I have more often than not found myself in opposition to what I feel are overly permissive and overly nihilistic positions.

This morning, however, as its lead editorial, the Washington Post has reaffirmed my faith in the basic principles of a free press and free journalism, and reasserted its proud credo of being "an independent newspaper."

The editorial points out that extremists from the left and the right are today doing incalculable harm to our Nation. In the concluding paragraph of a long and thoughtful dissertation, the editorial states what must surely be the basic feeling of the great majority of American people. It says:

> Surely those so-called "anarchists" of the left—the shouters-down and seizers and bombers—are in fact repressors. And surely "repression" in the form of extra-legal police violence or hardhat rampaging is of a piece with anarchy . . .

Is this not what the moderate position is all about? If we are to preserve our land—in the proudest all-encompassing meaning of the word—we must preserve respect for all the laws and all the rights of all the others. When our Nation was founded, procedures for legal and considered change were drawn from the inherited wisdom of ages past. The very ponderousness of some of the procedures was designed to prevent the species of instant change which, so frequently ill considered, so often results in disastrous, unlooked-for side effects.

We can see these side effects throughout history and throughout the world today. We call them dictatorships or police states or mob rule. Whatever the avenue they travel, they always result in the same thing: Repression of the people.

Mr. President, the editorial, entitled "The Importance of the Peaceable People," is by and large the balanced appraisal of our current social malaise which we have the right to expect from a newspaper of the stature of the Washington Post. I commend its study to all Senators and to all citizens of this country. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE IMPORTANCE OF THE "PEACEABLE PEOPLE"

"One might suppose that as extremists become increasingly inflammatory, moderates would close ranks and oppose them. But just the opposite is occurring. The moderates begin to take sides against one another. . . . Lest this give the impression that moderates are victimized, let it be said at once that most of them have a secret complicity in the activities of the extremist. The moderate conservative does not explicitly approve of police brutality, but something in him is not unpleased when the billy club comes down on the head of a long-haired student. The liberal does not endorse violence by the extreme left; but he may take extreme pleasure in such action when it discomfits those in authority."

The observation comes from the text of an undelivered speech by John Gardner, parts of which were printed on this page a while back. About the same time—on the heels of the Kent State killings—a long and exceedingly wise editorial in the Wall Street Journal made a number of similar points. It turned a shaft of light on the intellectual acrobatics of those who know better but who still manage to condone the brutalities of the violent left, and it was equally unsparing of those—who also know better—who cannot conceal a degree of brutish joy when the violent left meets violent counterattack. Since then we have had, in addition, Sen. Margaret Chase Smith's perceptive and moving appeal to the same persons, based on the same analysis of where the real danger lies in our present social chaos:

"It is time that the great center of our people, those who reject the violence and unreasonableness of both the extreme right and the extreme left, searched their consciences, mustered their moral and physical courage, shed their intimidated silence, and declared their consciences. It is time that with dignity, firmness and friendliness, they reason with, rather than capitulate to, the extremists on both sides—at all levels—and caution that their patience ends at the border of violence and anarchy that threatens our American democracy." Both Mrs. Smith and the Wall Street Journal warned—accurately, in our opinion—that anarchy on the left will beget repression from the right and that in any ultimate conflict between the two, repression is likely to prevail.

There are several things to be said about all this, and the first, in our view, is that these sensible, anguished voices are speaking truth—and they are speaking it in a disinterested, and therefore most compelling, way. Sen. Smith and Mr. Gardner are Republicans, and the Wall Street Journal is constitutionally conservative in outlook. Yet in none of their warnings concerning the radical students is there even the most faintly perceptible sound of a grinding ax. For these are not contestants in a national street-fight, contributors to our chaos who announce from on high that they see no reason to "lower their voices" or stop "shouting fire" until Jerry Rubin does. They do not view themselves that way. They are too repelled by the incivilities on all sides to undertake to manufacture more, and they have properly fixed their attention on the people in the stands—the nation's moderates, left and right, who are only tangentially involved in the fist-swinging and name-calling—as holding the key to how the thing comes out. "The notable fact about civil tumult today," John Gardner said, "is not that a few fanatics start it but that larger numbers of peaceable people tolerate it and lend themselves to it." The most "worrisome thing in the [New York hardhats] episode," the Journal observed, "was not violence by the workers but the cheering and confetti-throwing by the crowds of presumably respectable citizens."

We expect that if Mrs. Smith or Mr. Gardner or the editorialists at the Journal were asked whether they could not go back through the past few years and identify moments and moods in which they themselves had taken a mental short-cut or two in these matters, they would reply that they could. We know that we can. For it is characteristic of situations such as that to which this country has now come, that people and groups of people don't march into them in phalanx formation, eyes ahead, all self-aware: rather they slip into them, a bit at a time, sideways. And surely anyone who is honest knows why. There are, first, predispositions and perspectives that simply allow each of us to take some acts of violence seriously and not quite focus on others, perhaps for unwitting reasons of political or emotional convenience. Witness the outcries about the hardhats on the part of people who could view more (politically) congenial bashing with relative calm; and witness the outrage expressed over left-wing inspired bombings by people who didn't and don't give a damn that hundreds of Negro churches and homes have been bombed and/or burned in the South in recent years. There is, again, beyond the problem of perspective, the very real effect of the cross-tug. One talks with a student who is touching and makes sense, a shopkeeper whose view is no less affecting or persuasive, and it's all a bit like the war in Vietnam and people's reaction to it: only those who are not aware of their own limitations can find their way through all the complexities and uncertainties and mutually cancelling truths of our social turmoil without doubt or inconsistency. So one day you're enraged and the next day you're mild and the day after that there is something else on your mind. And meanwhile it all gets worse—imperceptibly at first and then perceptibly. Around that time, if a nation has any luck at all, people like those we have cited will blow the whistle.

What should be plain to all of us by now is that the tired old locations and debater's points don't constitute a worthy response—the so's-your-old-man line of reasoning that condones, or at least accepts, unspeakable acts on one side on the grounds that the other side has been even more unspeakable. There is another, less crude and infinitely more insidious response that Mrs. Smith's allusion to the Joseph McCarthy years got us to thinking about, and it too seems a good candidate for extinction—namely, the sentiment (never quite put in those historically fraught terms) that exculpates student and other violence on the grounds that one agrees with their objectives but does not approve of some of their tactics. For just as it was the last time around, tactics and objectives are inextricably bound together in this affair. Anyone who believes it is of no consequence that buildings are burned or bombed or that people are harmed or brute force exerted in the name of stopping the violence in Vietnam, plainly does not know what is wrong with the war there. And anyone hoeing a different political row, who believes it is acceptable for policemen or Guardsmen to gun down unarmed students or Black Panthers or rioters, does not know what is wrong about the campus or black violence he purports to deplore and similarity disqualifies himself as credible critic.

What Sen. Smith and Mr. Gardner and the Journal (and, we should add, a number of other voices) have done is to give meaning and illustration to that mindstopper "polarization," which they have wisely identified with the ungenerous new emotions of both the moderate right and left—the vanishing middle. We would add one point to their arguments, and, roughly, it is that there is nothing to "polarize" about. For it is true, in practical political terms, that a distinction can be drawn between "left-wing anarchy" and "right-wing repression," that the latter will tend to prevail in any broad-scale conflict, and that neither can, by its nature, win anything much worth winning in the end. But in another and maybe more important sense, it is a distinction without a difference. Surely those so-called "anarchists" of the left—the shouters-down and seizers and bombers—are in fact repressors. And surely "repression" in the form of extra-legal police violence or hardhat rampaging is of a piece with anarchy so far as its effect on order, law, and authority is concerned—is anarchy, in fact. The first is no suitable refuge (even at second hand, from the stands) for people of the left who fancy themselves free spirits. The second is no suitable refuge for people of the right who believe themselves traditionalists, upholders of duly constituted order. The combatants will doubtless keep up the fighting. But isn't it time for everyone else to wonder what he is so loudly (or secretly) cheering for?

EMERGENCY HOME FINANCE ACT OF 1970

XUM

Mr. PERCY. Mr. President, recently the House Committee on Banking and Currency reported H.R. 17495, a bill that this is substantially the same as the Emergency Home Finance Act of 1970, passed unanimously by the Senate 7 weeks ago. The purpose of the bill is to increase the supply of credit available to people who want to buy homes.

I urge my colleagues in the House to act promptly on the bill, so that we can move quickly into conference and enact a measure that will make home financing in the United States both more reasonable and more available.

President Nixon, in supporting this legislation, has clearly indicated his desire to see new measures for home financing adopted promptly. He proposed this week a supplemental appropriation of $250 million to permit immediate implementation of the act. There is little argument from any quarter that we need to take action now to force interest rates down and raise the level of homebuilding activity.

The most important provisions of the proposed Emergency Home Finance Act are those that are designed to increase the flow of money into housing through new channels.

Title I of the act authorizes the appropriation of $250 million to the Federal Home Loan Bank Board. This subsidy would be used to reduce the rate of interest charged by home loan banks to savings and loan associations, and so reduce mortgage rates for homebuyers. The act specifically provides that the funds are to be used in a way that assures that low- and moderate-income families will share fully in the benefits of lower interest charges.

The boost to homebuilding activity from this assistance should be significant. In testimony before our subcommittee, the President of the Federal Home Loan Bank Board estimated that the addition of this $250 million to the housing finance stream could result in an increase of $4 billion in homebuilding activity this year, enough to finance about 160,000 homes. This would take us a giant stride toward our national housing goals this year.

Title II of the act broadens an existing channel for financing home mortgages by permitting the Federal National Mortgage Association to purchase "conventional" mortgages. Fannie Mae would, for the first time, be able to buy mortgages that are not backed by the FHA or VA, and so enable the holders of these mortgages to make more home loans. The broadening of FNMA's secondary mortgage market activities could, within a few years, significantly expand available financing for the $20 billion of conventional mortgages that are issued each year.

Title III opens up a new channel for financing home mortgages. It authorizes the creation of a Federal Home Loan Mortgage Corp. to buy and sell residential mortgages. Operating under direction of the Federal Home Loan Bank Board, this new corporation could buy mortgages from savings and loan associations, mutual savings banks, commercial banks and other qualified financial institutions, with funds raised in the private capital market. These institutions would then be able to use the proceeds of these sales to make additional loans to homebuilders and buyers.

Title IV of the act would strengthen the President's ability to assist housing construction and rehabilitation where and when it is needed. Under the Senate-passed bill, $750 million in special housing funds authorized last year would be reallocated from congressional to Presidential authority, enabling the President to use the funds for financing a broad range of sales and rental housing.

In the House bill, an additional authorization of $1.5 billion is proposed. I do not believe this additional authorization is needed to accomplish the objective we have in mind. The Senate bill contemplates reselling the mortgages purchased to the FNMA, and through this tandem plan, providing financing for as many as 75,000 housing units. On this basis I urge the House to accept the Senate measure.

Title V of the proposed Senate act would provide up to $60 million yearly to reduce mortgage interest rates for some 150,000 middle-income homebuyers. This new subsidy for housing has an automatic control valve that shuts off the flow of Federal assistance as the financial emergency eases. I urge Members of the House to give serious consideration to the Senate proposal which aims to increase the flow of mortgage credit to hard-pressed middle-income families that have been priced out of the housing market by high interest rates.

Title VI of the Senate act aims to induce additional investment into housing by establishing a dual system for setting interest rates on FHA and VA-assisted housing. Under the dual system the Secretary of HUD and the Administrator of the Veterans' Administration are authorized to insure housing loans, either at a maximum interest rate set by the Secretary of HUD or at a rate agreed to by both borrower and lender, if no discount is included.

In passing this trial measure, rather than simply extending the existing interest rate authority of the Secretary of HUD and the Veterans' Administrator, the Senate version would put the dual system to the test of producing more home financing. The House, I believe, should join us in testing the ability of a dual system to channel critically needed investment funds into housing activity.

Mr. President, three basic housing facts face the Nation at this time: First is the fact that housing demand and supply are out of balance. The demand for housing by Americans is higher today than at any time since World War II. The supply of vacant housing is at an all-time low. It is clear that housing needs, particularly of low- and moderate-income families, are not being met. Second is the fact that homebuilding activity is at low ebb today. We have watched housing construction and rehabilitation fluctuate downward in recent months. It is clear that we need to boost homebuilding activity if we are going to achieve our national housing goals. The third fact is the high cost of money. Current interest rates have squeezed the supply of mortgage credit, particularly for low- and middle-income housing, to the vanishing point.

These facts make eminently clear the need for prompt enactment of the Emergency Home Finance Act of 1970 now.

THIRTIETH ANNIVERSARY OF MARGARET CHASE SMITH

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that a statement by the Senator from Nevada (Mr. Cannon) concerning the 30th anniversary of the membership in Congress of the Senator from Maine (Mrs. Smith) be printed in the Record.

There being no objection, the statement by Senator Cannon was ordered to be printed in the Record, as follows:

Statement by Senator Cannon

Mr. Cannon. Mr. President, it is with great pleasure that I pay tribute to our Senate Colleague, the Honorable Margaret Chase Smith of Maine, on this 30th anniversary of her membership in the Congress.

It has been my privilege to serve in the Senate with Mrs. Smith for almost 12 years. During that time, we have served together on two Senate committees—Armed Services and Space and Aeronautics.

In our years of service together I have grown to know and appreciate this fine lady. I have come to appreciate the rare qualities she possesses of quiet courage and strong conviction, her fair mindedness and independent judgment. As we worked together on the problems of national defense and space she has displayed the embodiment of the credo that a representative of the people owes to the people not only industry and diligence, but also judgment.

Mrs. Smith has won a secure place in the esteem and affection of all of us privileged to serve with her in the Congress of the United States. I extend to her the most heartfelt congratulations and best wishes on this momentous day in her personal history, and in the history of her State of Maine and the Nation.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. JORDAN of North Carolina). Is there further morning business? If not, morning business is concluded.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

Mr. CHURCH. Mr. President, I move that the Senate proceed to the consideration of the unfinished business.

The PRESIDING OFFICER (Mr. JORDAN of North Carolina). The bill will be stated by title.

The LEGISLATIVE CLERK. A bill—H.R. 15628—to amend the Foreign Military Sales Act.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Idaho.

The motion was agreed to, and the Senate resumed the consideration of the bill.

Mr. CHURCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHURCH. Mr. President, because of the myriad charges and counter charges made in the course of the debate, it is possible that some confusion has arisen concerning the exact meaning of the Cooper-Church amendment, and the precise effect it would have if adopted. For that reason, it would be well to include a listing of what the amendment does not prevent, as well as what it does prevent. In this way, misunderstandings may be avoided at the time of the vote.

First, the Cooper-Church amendment does not prevent U.S. airpower from attacking the sanctuary areas.

Second, retaliation or protective reaction, as Secretary Laird would label it, in response to enemy attacks originating from across the border, is not prohibited.

Third, hot pursuit of enemy forces, which cross into Cambodia, is not barred.

Fourth, the President's general use of his discretionary constitutional power as Commander in Chief to take such action as he deems necessary to protect the lives of American forces is certainly not limited in any way.

However, the Cooper-Church amendment does deny congressional endorsement in advance to any future action that the President might take in Cambodia in the name of protecting our forces in Vietnam. He would have to act under within his constitutional power as Commander in Chief.

Second, the amendment prohibits the retaining of American troops in Cambodia after June 30, without congressional consent.

Third, the amendment would prevent our sending military advisers or instructors into Cambodia, or engaging in combat activity in the air above Cambodia for the purpose of supporting the Cambodian forces.

I hope these specific definitions of the effect of the amendment will be helpful.

RESTORING THE CONSTITUTIONAL BALANCE

Mr. President, constitutional considerations bear heavily on the current debate in the Senate over the Cooper-Church amendment. In this connection, therefore, I wish to call attention to an authoritative article in the June 1968 issue of the Harvard Law Review.

Published 2 years ago, the article quite objectively states the basic issue which the Senate is now deliberating: "How is the President's authority as Chief Executive and Commander in Chief to be reconciled with Congress power to declare war?"

Mr. President, the article is a scholarly one. It goes to the basic documents of our Nation for its authority and its judgments. It fairly balances the division of authority between the President and the Congress in respect to the warmaking power. In so doing, it clarifies the very real power which belongs to Congress under the Constitution in the area of warmaking. It weaves a thesis that draws its main strands from the enlightening discussion in the constitutional convention. It traces the trend of power toward the Presidency right down to the present day. The conclusion reached, with which I agree, is that—

> It is only during this century and particularly the last twenty years that the President has asserted powers over the military which, if taken at face value, all but reverse the original distribution between the Executive and the Congress of the power to embark on war.

Mr. President, a great volume of reading matter has passed across my desk during recent weeks—as has been the case with other Senators. But I am obliged to state that the Harvard Law Review article is the finest, most thorough and objective study I have seen. I strongly urge that each Senator, regardless of his or her view as to the merits of the Cooper-Church amendment, take time before the vote on Thursday, June 11, at 1 p.m. on the Byrd amendment to read this article.

I ask unanimous consent that the text of the Law Review article be printed in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Harvard Law Review, June, 1968]

NOTES: CONGRESS, THE PRESIDENT, AND THE POWER TO COMMIT FORCES TO COMBAT

> Department of State, Memorandum[1]: "Over a very long period in our history, practice and precedent have confirmed the constitutional authority to engage United States forces in hostilities without a declaration of war."

> Lawyers Committee on American Policy Toward Vietnam, Memorandum[2]: "It is . . . imperative that Congress guard zealously against any executive usurpation of its exclusive power to declare, or to decline to declare war."

The question of the legality of the Vietnam conflict has two distinct aspects: the justifiability of United States intervention under international law, and the constitutionality of such action under domestic law. The first has been the subject of considerable debate;[3] the second has received less attention. Where it has not been dismissed as academic[4] the issue has usually been approached polemically. One side vigorously asserts the constitutional authority of the President to act as Commander in Chief of the armed forces, while the other side with equal vigor brandishes that provision of the Constitution which gives Congress the power to declare war. The two sides assert claims which have support in constitutional history and are not incompatible but which bypass the real issue: how is the President's authority as Chief Executive and Commander in Chief to be reconciled with Congress' power to declare war? Thus phrased, the question calls for an analysis of the proper constitutional allocation between the President and Congress of the power to control the use of force in foreign affairs.[5]

I. SOURCES OF THE POWER: THE TEXTUAL AUTHORITY

A. The power of Congress to declare war

1. The Original Understanding.—Article I, section 8 confers on Congress a number of specific powers relating to the regulation and control of the armed forces; among these is the power "to declare War."[6] Construed literally, the clause would give Congress no more than the purely formal power to issue a document called "a declaration of war." The function of such a document, it might be argued, would be to distinguish "war" in the constitutional sense from all other hostilities. Its issuance would effectuate certain legal results with potentially profound consequences. Treaties would be canceled; trading, contracts, and debts with the enemy would be suspended; vast emergency powers would be authorized domestically; and legal relations between neutral states and the belligerents would be altered.[7] But though there may have been a time when these changes in legal status were uniquely the result of the issuance of a formal declaration, this is clearly no longer true today.[8] Countries have long engaged in undeclared hostilities which in terms of the effort involved, the impact on citizens, and the effect on domestic and international legal relations are often indistinguishable from a formally declared war.[9] Both in American courts[10] and in international contexts[11] rules of law which become effective on a finding that "war" exists do not depend critically on ascertaining that certain formal steps have been taken.[12] The only function which uniquely remains for the formal declaration of war is largely that of a solemn act of state which serves as a means of arousing popular support at home and abroad and which is usually reserved for extreme cases. In fact, the formal declaration of war in the modern context is often deliberately avoided precisely because of the apparent commitment to total victory and the general hardening of attitudes likely to result.[13] Hence, a literal interpretation of the clause would give Congress a minimal role under modern conditions: the President would be able to "make" what in virtually all respects amounts to "war"; he just could not "declare" it.

That the war-declaring clause is not confined to such a narrow interpretation is made clear from the history of the clause in the Constitutional Convention. An earlier draft by the Committee of Detail gave Congress power to "make" rather than "declare"

Footnotes at end of article.

war. In direct contrast to the power of the British sovereign to initiate war on his own prerogative, the clause was the result of a deliberate decision by the framers to vest the power to embark on war in the body most broadly representative of the people.[14] The clause remained in its original form in the committee drafts several weeks after other foreign relations powers had been transferred from the whole Congress to the Senate and then to the President.[15] When the proposal to substitute "declare" for "make" was introduced, the debates over the issue indicate that the new wording was not intended to shift from the legislature to the Executive this general power to engage the country in war. At most, the sole reason for the substitution was to confirm the Executive's power "to repel sudden attacks."[16] In all other cases the commitment of the country to a trial of force with another nation was to remain the prerogative of Congress.[17] Both the purpose and intent of article I, section 8 are thus more accurately conveyed by construing that clause to give Congress not simply the power formally to "declare," but also the power generally to "initiate" war.[18]

2. The Meaning of "War."—If article I, section 8 is interpreted to mean that there shall be no war—declared or otherwise—unless Congress takes the initiative, the problem of defining "war" and "initiation" of war must be faced. From the beginning it has been recognized that not every involvement of the armed forces can be a "war" requiring congressional action.[19] In the modern context where international conflict has so many forms, the problem is even more difficult. Despite occasional judicial attempts to discover a unique, general legal definition applicable in all contexts,[20] it seems clear that no verbal formula can identify one class of armed hostilities as properly subject to rules and considerations wholly different from those applicable to other classes.[21] At best "war" will assume different meanings depending on the context which prompts the investigation,[22] whether it be the interpretation of a contract, a life insurance policy, a statute, or a constitution.[23] Accordingly, the meaning of "war" in the context of the constitutional allocation of power to use force in foreign relations must be determined with reference to the purpose of the war-declaring clause: to safeguard the United States against unchecked executive decisions to commit the country to a trial of force.

There are two possible reasons for requiring such a safeguard from the body most directly representative of popular sentiment. The first is that such a decision involves a risk of great economic and physical sacrifice not to be incurred without such approval. The second is that even in cases where no significant physical effort is likely to be required—as, for example, in a conflict with a weak nation unsupported by allies—the very act of using force against a foreign sovereign entails moral and legal consequences sufficiently significant to require an expression of popular approval.[24] These two rationales provide at least a starting point for formulating a definition of "war" which will give operational content to article I, section 8. The first argues for a definition phrased in quantitative terms, which would require congressional action prior to engaging in "major" hostilities above a certain level of intensity. The second would result in a more comprehensive, qualitative definition which would forbid any use of force against a foreign sovereign without prior congressional approval. Much of the early struggle between the President and Congress in this area can be read as an attempt to translate these admittedly vague conceptions into workable guidelines for determining the proper procedures for employing the military in foreign contexts.

B. The President as Commander in Chief and Chief Executive

Discussions of the President's power to control the armed forces invariably focus on the provision in article II that "[t]he President shall be Commander in Chief of the Army and Navy of the United States." As a source of power, however, this provision ought to play a rather meager role. From the first it has been interpreted as simply placing the President at the top of the pyramid of military command, making him in Hamilton's words, "first general and admiral of the confederacy."[25] Since the clause contains nothing to indicate the purposes for which the President may exercise the power thus granted to command the troops, these purposes must ultimately be found in other provisions of article II. Sections 1 and 3, which vest the "executive power" in the President and require him to "take Care that the Laws be faithfully executed," have long been construed to give the President the power to enforce the laws and "the peace of the United States" by any means he finds necessary.[26] While there has been some dispute over the extent to which inherent or implied powers of his office allow the President to use force without prior statutory authorization in other areas—notably to aid civil authorities or to protect states from domestic violence [27]—the authority of the President to use the armed forces, at least in the absence of restrictive legislation, in order to enforce within the United States substantial federal interests evidenced by the nation's laws is now generally accepted.[28]

If the President's power to employ troops extended only to situations involving the maintenance of internal law and order, there would be little room for conflict between presidential power to commit troops to combat and congressional power to initiate war. Except where he was repelling "sudden attacks" the proper exercise of the President's powers should not result in direct conflict with a foreign nation.

While there is some evidence that, absent an attack, the framers never intended troops to be used outside the country without congressional consent,[29] a rapid expansion of presidential power to use force abroad soon took place. The expansion began with the advance of the view that the duties of the Chief Executive included the power to protect American property and lives abroad—a view which received judicial support in the mid-nineteenth century in an opinion by Mr. Justice Nelson.[30] The authority for the exercise of such power seems to have been traced at times to the inherent powers of the Chief Executive [31] and at other times to the explicit duty to "take Care that the Laws be faithfully executed."[32] Although occasional efforts were made to limit this presidential power to the protection of "rights" of person and property as distinguished from the enforcement of broader national "interests,"[33] the validity of such a distinction soon became questionable. Since international law as well as statutes and treaties had long been considered part of the "laws" to which the "faithfully executed" clause refers [34] any interests evidenced by those laws became a potential subject for presidential protection by force. Further, even where there was no formal legal basis for such action, the President often undertook to protect broad foreign policy interests of the United States under inherent powers of the Chief Executive over foreign affairs. By the end of the nineteenth century the capacity of the Executive to protect apparently without distinction the great variety of such interests, whether evidenced by statutes, treaties, international law, or broad foreign policy aims, was well documented.[35]

C. The area of conflict

If all of these interests are proper subjects for presidential protection, it is apparent that the exercise of presidential powers over the military may well lead to interference with the rights or interests of other nations and thus launch the United States into war without congressional assent. At this point the constitutional issue arises of the extent to which Congress' power to declare war limits this power of the President to employ the armed forces abroad. To some extent the problem is not peculiar to the question of the power to control the military. The conflict between the grants of power in articles I and II is but a specific example of the more general problem of determining where the Constitution lodges the power to determine United States foreign relations.[36] As early as 1793, the problem arose in connection with President Washington's issuance of a neutrality proclamation on the outbreak of war between France and Great Britain. In the ensuing debate carried on in the "Pacificus-Helvidius" exchange between Hamilton and Madison, the latter argued that since the power over foreign affairs could effectively become the power to commit the country to a course which would lead to war, that power belongs to Congress by virtue of the war-declaring clause. Hamilton, on the other hand, argued that the power to determine foreign policy is essentially an implied or inherent function of the "executive power" although the implementation of such policies may depend on the subsequent exercise of concurrent or independent congressional powers.[37] By and large it is Hamilton's view which has prevailed. The President is recognized as possessing a wide variety of powers, the exercise of which does not constitute an infringement on congressional power to initiate war despite the possibility that his acts may provoke another country to resort to war.[38] But though the initiative in shaping foreign policy rests with the President, the power to implement that policy through the actual employment of the military theoretically still remains with Congress, wherever such employment would amount to making "war." As indicated by the debates, only in certain defensive situations where the President is responding to an attack is his power to use force without restriction—even to the point of waging war if necessary—compatible with the intent of article I, section 8. Hence, the struggle in this area with respect to the specific question of the power to control the use of the military can be viewed as centering on two major issues. The first is the problem of determining those "defensive" cases in which the President may wage war without congressional authorization. The second is essentially the problem discussed above of defining "war" in the sense of article I, section 8 as a limit on the President's power to use force to protect or advance American interests in all other situations.

The resolution of these problems has largely been left to historical practice. The courts have from the beginning shown a reluctance to enter this classic separation-of-powers debate [39] and, on the particular issue of the proper allocation of the power to embark on war, have been virtually silent.[40] What answer there is to the constitutional issue must come from the interpretations provided through history by the two concerned parties themselves—the President and Congress.

II. PRESIDENTIAL POWER TO ENGAGE IN WAR: THE THEORY OF SELF-DEFENSE

Though the war-declaring clause was intended to give Congress the power to initiate war in most cases, the debates suggest that at least in the case of a "sudden attack" the President was to be able to respond without prior congressional sanction, even though such response would amount to "making war." The rationale for conceding the existence of this power in the President no doubt lies in the recognition that where the defense of the country itself is at stake, there is simply no room for procedural restrictions which might hamper the republic's ability to

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survive intact. Thus viewed, the power need not rest on any specific provision of the Constitution; as a necessary concomitant of sovereignty itself, the inherent right of national self-defense gives the President full power to defend the country against sudden attack with whatever meas are at his disposal as Commander in Chief.[41]

Left unresolved, however, are such questions as what constitutes a "sudden attack," whether the attack must be directed against the United States, who is to determine when such an attack has occurred, and to what extent the President in repelling the attack must limit his actions solely to acts of defense.

A. The historical development

Precedents for the President's defensive powers were established under the country's first administration. In the course of American campaigns against the Indians in 1794 the Indians elected at one point to take a stand at a British fort located twenty miles within American territory. While technically an act of invasion, it was not clear that establishment of the fort by the British was in any way intended as an act of aggression against American territory. Though anxious to avoid a new conflict with the English which might arise if they supported the Indians against an American attack, President Washington nevertheless dispatched instructions to the American commander which left no doubt of his confidence that he possessed the power to begin such a conflict if necessary.[42] Fortunately, collision with the garrison proved unnecessary.[43]

The question of the scope of the President's power to respond to a foreign declaration of war arose early in Jefferson's first administration. When the Bey of Tripoli threatened to declare war on the United States Jefferson dispatched a squadron of frigates to the Mediterranean to protect American commerce there against attack in the event the threat were carried out. Before the squadron could arrive, war was declared "by the established custom of chopping down the flagpole of the consulate." [44] Doubtful of the extent of his power to act without congressional approval, Jefferson instructed his commander to release any prisoners taken and to release any vessels captured after having disarmed them. In the President's view his authority to act in defense of the country did not extend to taking further aggressive action, even against a declared adversary, in the absence of congressional authorization.[45] This conservative interpretation of the scope of the President's defensive powers was bitterly attacked by Hamilton. In his view once the country is attacked or war is declared by a foreign nation, the President has full power to respond with whatever force he deems fit. As long as the United States is not the initial aggressor, the President's actions will remain "defensive" requiring no further congressional action to enable him to continue to wage the war thrust on the country.[46]

Hamilton's view received support in the Mexican War a half century later. President Polk instructed General Taylor to occupy disputed territory and to treat any crossing of the Rio Grande [47] as an invasion authorizing him to attack first in defense and even enter Mexican territory in pursuit of the invaders.[48] The instructions were carried out, two skirmishes were fought, and hostilities finally erupted in April, 1846. Although he immediatel asked for congressional approval of his actions, the President sought to justify his recourse to arms without first securing such approval by the claim that he was defending the United States against attack. At the conclusion of a bitter debate over the factual basis for Polk's assertions that "war exists by act of Mexico," and that his response was a "defensive" one,[49] Congress finally accepted the President's claims and authorized further hostilities.[50]

The final stamp of approval on this expanding power of the President to make war without prior authorization under the theory of defense was given during the Civil War. In the *Prize Cases* [51] the Supreme Court upheld the validity of Lincoln's proclamation of a blockade of the Southern ports. The President was recognized as possessing unlimited power to wage war in defending against a war begun through invasion or rebellion; in addition, he was to be the sole judge of when such invasion or rebellion amounted to "war," thereby authorizing assumption of his full defensive powers.[52] Although four Justices, including Chief Justice Taney, vigorously opposed this result [53] the decision remains uncontroverted today.[54]

This expanding power of the President to engage in "defensive wars" is however, not without inherent limits. The basis of the theory in the *Prize Cases* is essentially Hamilton's: when another nation has "openly or avowedly" made war upon the United States [55] the President in responding is not himself "initiating" war but is merely accepting the challenge thrust on the country by the foreign attack.[56] Hence, in each case the determination must be made whether the hostile acts committed against the United States constitute "war," enabling assumption of his defensive war-making powers. In making this determination, definitional problems similar to those discussed above with respect to "initiating" war [57] must be faced. Hamilton's views notwithstanding, a declaration of war against the United States need not automatically place the countary at war. Thus, when Bulgaria, Hungary, and Rumania declared war on the United States on December 13, 1941, President Roosevelt ignored the declarations. Only later, as as gesture of friendship to the Soviet Union, did he ask Congress to recognize that the United States was at war with those countries.[58] Such empty declarations still leave open the decision whether to turn the "paper war" into an actual war [59] and, hence, theoretically remain candidates for congressional, rather than presidential war making.

Similarly, not every use of force against the United States is an act which places the country at war, justifying presidential defensive war making. Almost any attack on or invasion of the United States proper would probably qualify as such an act, as would a similar act aimed at United States territorial possessions.[60] Polk's actions set a precedent for also viewing as "war" the invasion of disputed territory claimed under a treaty of annexation. Less likely candidates are cases of attacks on United States ships or personnel stationed abroad. The response to an attack on the *Pueblo*, for example, could hardly be characterized as "defending the country" in a war thrust on the United States by act of North Korea; rather, the response in such a situation is more accurately a case of protecting American rights and interests abroad.[61]

It is the lesson of the *Prize Cases* that in all of these situations this determination—whether an attack against the United States has occurred which "thrusts war" on the country for purposes of presidential, defensive war making—is exclusively the President's. The rationale of the decision, however, does not extend to anything short of such an attack.

B. The modern context: Collective self-defense

The historical development of the self-defense rationale would limit independent presidential power to engage in war to certain cases involving direct attacks against the United States. The recent State Department memorandum suggests, however, that a "direct attack" is no longer a realistic prerequisite for exercise of the President's power to act unilaterally in national self-defense: in view of the delicate balance of power among nations as well as the frightening technology of modern warfare, an attack on a foreign country may just as surely threaten our security as a direct attack on United States territory.[62]

The notion that the United States possesses extraterritorial security interests is hardly novel. As early as 1811, in a resolution declaring that the Government would not view with indifference the transfer of Florida to any other power, the idea of "defining a security zone" of the United States was introduced into American foreign policy.[63] By the end of the nineteenth century, with the development of the Monroe Doctrine, the entire Caribbean area had come to be regarded as just such a zone.[64]

It was left, however, to the twentieth century and the experience of two world wars to give full birth to the idea of linking American defense with extraterritorial security interests. National security became world security, and there emerged the thesis of collective self-defense: war was an evil which the peaceful nations of the world must guard against by developing common means of halting an outbreak of aggression. The United Nations Charter explicitly recognized "the inherent right of individual or collective self-defense," [65] and the United States proceeded accordingly in the years following World War II to conclude a number of regional and bilateral security agreements. By these the United States generally agreed to regard an attack on a member nation as threatening its own safety and to assist in defensive measures.[66]

There are a number of difficulties with the theory that, for purposes of presidential war-making power, an attack on another country—even if under circumstances specified by a mutual defense treaty—is equivalent to an attack on the United States. Presumably, any resort to war—even where authorized by Congress—is justified only because in some sense United States security is thought to be at stake. Hence, the fact that "security interests" are involved does not in itself alter the normal processes for deciding whether such interests are worth defending at the price of war. That decision, where a foreign state is attacked, will depend on a variety of factors—proximity to the United States; the value of the country as an ally; other United States interests involved, such as military bases and military sites; and the nature of the aggression and the aggressor.[67] In each case difficult political and military decisions must be made which may well lead reasonable men to different conclusions in determining whether the interest involved is necessary to the defense of the United States. Where, on the other hand, the attack is against the United States itself, there can be no question presumably that the "security interest" involved warrants defending at the cost of war if necessary; to require the President to await what amounts to an obvious, foregone conclusion on the part of Congress is at best a needless formality, and at worst may occasion dangerous delay.

Yet, even if it be granted that not every eruption of violence abroad poses a threat so inimical to our own security that the defense of the United States itself is immediately involved, still, there may be *some* cases where such a threat *is* posed. For example, an invasion of Canada by communist forces—even if clearly aimed solely at that country—may be thought to represent a threat to our continued existence which is indistinguishable from that posed by a similar invasion of Alaska. Again, though, Hamilton's arguments point to a fundamental, albeit somewhat conceptual, difference between the two cases which suggest that in the case of Canada, though not in the case of Alaska, the President must seek congressional authorization to defend against the attack where time permits. The debates suggest that one of the prerequisites for

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unilateral presidential response even in defense of the country is that the attack be so "sudden" that resort to Congress is militarily precluded.[68] Although this requirement was apparently dispensed with in the case of a direct attack,[69] the reasons which justify dropping the requirement do not extend to the case of an attack on a foreign state. In the event of an armed attack on United States territory itself, Congress' decision whether or not to go to war is not simply bypassed as obvious; it is recognized as being completely superfluous: the President is simply assuming his wartime role as Commander in Chief in a situation in which the decision to resort to war has been taken out of the country's hands by the unilateral action of another state.[70] In the case of an attack aimed solely at Canada, on the other hand, the decision whether the United States will become involved in the conflict is still open. As long as this is the case, steps taken to repel the attack would amount, from the United States point of view, to "commencing" rather than "repelling" war: the type of decision the convention debates indicate was to be made by Congress.

To say that the President must seek congressional approval before going to war where "security interests" are threatened does not mean that the President's ability to defend the country will be unreasonably restricted. Especially in the context of nuclear warfare, the understanding of what constitutes an attack has been vastly altered; retaliatory action need not lose its defensive character merely because no physical blow has actually reached the nation's shores. But the fear of nuclear war which haunted the fifties helped give rise to a sense of need for prompt executive action which is often exaggerated in the context of current crises and the reemergence of more conventional warfare.[71] In these cases the constitutional interest in allowing Congress to decide what is worth the price of war should be accommodated as much as possible. While the President must still be left with the power to judge in the first instance whether a given event constitutes an imminent threat to our survival and demands a response which leaves no time to seek Congress' acquiescence in that judgment, such limited discretion falls far short of authorizing assumption of his defensive war-making powers whenever the interest jeopardized is labeled a "vital security interest." None of the recent examples of overseas conflict presents a convincing case for the President's use of force under the theory of self-defense. Neither the invasion of South Korea during President Truman's administration, the Arab threat to Lebanon during Eisenhower's, the sending of missiles to Cuba during Kennedy's, nor the disorder in the Dominican Republic during the current administration constituted a threat requiring an immediate response in order to defend the territorial sovereignty of the United States. With the possible exception, discussed in the following section, of the attacks on United States destroyers in the area this is also true of the current conflict in Vietnam.

C. Preparing for defense: Some unexamined assumptions about the power of the Commander in Chief

Although the commander-in-chief clause places the President at the head of the armed forces, it says nothing about the purposes for which or circumstances under which the military may be used.[72] Even the President's power to defend against attack stems primarily from the power inherent in the sovereign status of the United States under the Constitution to defend itself with its armed forces without first completing formal authorizing procedures; only in a derivative sense does this power devolve on the Commander in Chief as head of those forces. Accordingly, although a long line of precedent beginning with Lincoln's actions in the Civil War transformed the clause into "a vast reservoir of indeterminate powers in time of emergency," [73] such emergency powers were generally confined to the necessities of dealing with domestic problems in time of actual war.[74] However, a widespread practice has developed of citing the commander-in-chief clause as independent authority for doing apparently "anything, anywhere that can be done with an army or navy." [75] Such claims are clearly too broad. Yet even if the power to command and deploy the troops is restricted to actions which are necessary steps in preparing to defend the country,[76] considerable room is left for conflict with Congress' power to declare war. It will be possible to deploy troops in situations where, though combat is technically not involved, either the danger of provoking conflict is evident, or the deployment of troops itself is difficult to distinguish from a commitment of forces offensively against a foreign country.

Examples are provided by presidential actions prior to American entry into World War I and World War II. After the defeat through a Senate filibuster of a bill which would have given congressional approval to President Wilson's proposal for arming United States merchant ships in 1917, Wilson proceeded under "the plain implication of my constitutional duties and powers" [77] to order the arming of such vessels with instructions to fire on sight at submarines. The action was justified as a necessary measure of defense against the dangers to neutral United States shipping inherent in submarine warfare; yet, as Wilson himself later acknowledged, the action was "practically certain" to draw us into the war.[78] Nearly a quarter of a century later similar actions were taken by President Roosevelt. On September 3, 1940, in the famous "Fifty Destroyer Deal," the President announced to Congress that he had exchanged fifty overaged destroyers for British bases in the Western Atlantic, which were later occupied by American ships and troops.[79] In April, 1941, troops were sent to occupy Greenland, a Danish possession since 1814, under an arrangement with the Danish Minister in Washington—Denmark itself having been invaded by Germay on April 9, 1940. Two months later a similar occupation of Iceland, an independent nation, took place at that country's request, relieving the British troops which until then had occupied the strategic island. All of the troop movements involved were taken under Presidential authority as Commander in Chief for strategic reasons in insuring the defense of the Americas. All of the actions were easily subject to the interpretation that military force was being used to aid an enemy of Germany and might easily have led to immediate American involvement in the war.[80]

It might be argued that the fact that a foreign country may look on the deployment of military force in certain situations as a threat requiring retaliation does not mean the President has exceeded his authority. The fact that by shaping and directing American foreign policy he can provoke a country into an attack does not mean he has unconstitutionally "initiated" war.[81] At most, the argument continues, it is only the actual commitment of troops to combat, not their deployment in noncombat situations, which is subject to congressional control.

Where, however, military force is involved, there are strong arguments for recognizing limits on the employment of such force—by virtue of the war-declaring clause—regardless of whether such employment involves actual commitment to combat or mere deployment in friendly countries abroad in preparation for defense. The difficulty of distinguishing "mere troop deployment" from actual offensive employment against another nation is illustrated by the Greenland and Iceland examples. Secondly, even where forces are "peacefully" deployed abroad, a difficult problem arises if hostilities do in fact erupt, involving American troops in combat. An illustration is provided by one aspect of the current conflict in Vietnam. The incident which gave rise to the Gulf of Tonkin Resolution involved two alleged attacks by communist torpedo boats on a United States ship. It might be argued that this attack authorizes the war in which we are involved under the President's powers of self defense. If this argument were valid, the theoretical limits on the President's power to wage war would disappear in practice. Merely by sending troops to "hot spots" in the world, the President could insure that an attack on a foreign country would also be an attack on the United States troops stationed there. Although undoubtedly United States ships and troops abroad may defend themselves against attack without authorization, there must surely be a point when the attack has been repelled, and the enemy has indicated its hostilities are no longer directed at the United States, so that to continue the conflict or even to remain in the area would amount to aggressive war by the United States. Unlike an attack on United States territory proper, an attack on troops stationed abroad will generally still leave a decision to be made in determining whether the interest involved is worth the risk of war inherent in further military action. Since this is the type of decision which properly belongs to Congress, there are good reasons for requiring congressional approval before rather than after the conflict has started [82] and, hence, at least where the likelihood of conflict is apparent, for requiring approval of the dispatch of troops in the first place.

III. PRESIDENTIAL POWER TO PROTECT AMERICAN RIGHTS AND INTERESTS ABROAD: MILITARY MEASURES "SHORT OF WAR"

For the most part the United States has escaped the type of attack which would justify presidential use of defensive war-making powers. By far the most difficult struggle between the President and Congress over the power to control the use of the military has occurred in attempting to decide what limits are to be placed on the President's power to use force in all other situations—situations where, though the country itself has not been attacked, its interests and national aims abroad are threatened and require force for their protection or advancement. Although the President early assumed the power to enforce all sorts of national aims [83] Congress' power to declare war, if it is not to be purely formal, must include the power to decide when the country will go to war to protect such aims. Formally, then, the problem is one of definition: under what circumstances does the use of force abroad—for whatever purpose—involve a commitment of the country to a trial of force of the sort which prompted the requirement for prior congressional consent?

A. The historical development

The reasons for assigning to Congress the power to decide whether to initiate war—namely, to insure broadly based approval of a step likely to entail serious economic, physical, or moral consequences [84]—led to development of the notion that certain limited forms of military action, because they lacked such far-reaching consequences are not "wars" and do not require prior congressional approval. The form which this theory assumed in the nineteenth century resulted in what might be called a "qualitative" definition of war. The basic theory was that force could constitutionally be used without congressional approval when employed "neutrality" with respect to foreign political entities.[85] The theory was spelled out in 1912 in an attempt to justify President Taft's empployment of the armed

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forces in Nicaragua. In a carefully documented survey of nineteenth-century practice, the State Department drew a distinction between "intervention," which included interference with the political concerns of another state or political faction, and "interposition," which was confined solely to the protection of the persons or interests of the interposing country. Acts of the latter sort, it was argued, were justified under international law, and under the Constitution did not require ancillary legislation from Congress.[86] Most of the instances of presidential use of force during the nineteenth century can with varying degrees of success be reconciled with this theory.

The vast majority of the incidents involved landings to protect American property or lives abroad.[87] Generally undertaken during periods of disorder or civil unrest when local authorities could no longer provide protection against ordinary outlawry, these landings were, at least superficially, intended to maintain strict neutrality between contesting political factions.[88] The few landings to protect American treaty and other broad policy interests occurred primarily in the Canal Zone and, with the opening of Japan, occasionally also in the Far East. Again a similar pattern was supposedly followed: troops were stationed to protect the interests involved without direct interference in local political struggles.[89] A number of incidents involved the use of force to suppress piracy and the slave trade.[90] Such action was said to be aimed not at any sovereign nation, but at scattered gangs of "criminals" unanimously branded as such by both domestic and international law.[91] A similar theory was used to justify incidents involving punitive raids or reprisals against native islands and villages in so-called "uncivilized" areas of the world. These were generally undertaken in retaliation for crimes against citizens of the United States where normal diplomatic redress from the local natives was thought impossible. The practice was quick to fall into disuse as nearly all "primitive areas" came under the protection of one or another European power.[92] Finally, there were incidents where, in defending against attack or in suppressing outlaws, the President ordered "hot pursuit" of the attackers across the boundaries of another nation. Examples extend from President Monroe's orders to General Jackson in 1818 to pursue Indians in the South into Spanish territory of Florida to President Wilson's dispatch of troops in 1916 to pursue the Pancho Villa bandits across the Mexican border.[93]

The complications with Mexican authorities which resulted from the latter expedition [94] illustrate how easily this "neutrality" theory is abused. Indeed, landings to protect American interests abroad must almost invariably affect internal political struggles. The very presence of American force, which can potentially aid a favorable government if a rebellion threatens to succeed and which at the very least relieves local troops from guard duty, will tend to result in support for the status quo [95] and is easily viewed as an intervention in a civil struggle. A prime example is furnished by President McKinley's action in the Boxer Rebellion in 1900. Without express authorization from Congress a naval force had been sent to China and was subsequently employed, not merely for the purpose of rescuing and protecting American lives and property, but also to aid in avenging and punishing the rebels. Yet the President continued to maintain that our aims were directed solely at the legitimate purpose of rescuing imperiled citizens and that no "war" was involved.[96]

Finally, with President Roosevelt's intervention in Panama in 1903 the "neutrality" theory was apparently completely abandoned as a limit on the President's power to advance American interests through use of the armed forces. Invoking an 1846 treaty with Colombia which bound the United States to maintain the "perfect neutrality" of the Isthmus, Roosevelt ordered gunboats in the area to prevent Colombian troops from engaging the rebellious Panamanian "army."[97] The orders sent [98] and the actions taken strongly support the conclusion that military force was deliberately being used against the state of Colombia to establish a government more favorable to American canal interests.[99] The action set a precedent for later interventions and temporary occupations of countries in Central America and the Caribbean under Presidents Roosevelt, Taft and Wilson.[100] Although frequent attempts were made to justify the interventions on previous theories of neutrality [101] many of the actions taken were simply incapable of being accurately described as "neutral" with respect to the interests of foreign political entities.[102]

Yet despite the apparent abandonment of the "neutrality" theory as a limit on presidential power to use force abroad, the "Panama Policy" of Roosevelt, Taft and Wilson was not necessarily inconsistent with the primacy of congressional war-making power. The states of the Caribbean were in no position to respond to American intervention with sufficient force to occasion a major conflict. So predominant was American might in this area of the world that Government publications were able to claim that a threatened revolution could usually be quieted by the mere arrival of an American cruiser.[103] From a purely military point of view the operations involved, even in the extended occupations of Haiti and the Dominican Republic, were for the most part minor affairs.[104] Hence, it is possible to conclude that "war" in the sense of article 1, section 8, requiring congressional sanction, does not include interventions to maintain order in weak countries where a severe contest at arms with another nation is not likely to result.[105] Under such a "quantitative" definition of war, there was no infringement on Congress' power to initiate major conflicts.

B. The modern context: Diminishing limits on the President's power

1. The Changing Setting.—Though the history sketched above indicates a gradually shrinking interpretation of what is left to Congress by virtue of its power to declare "war," it is only during this century and particularly the last twenty years that the President has asserted powers over the military which, if taken at face value, all but reverse the original distribution between the Executive and Congress of the power to embark on war. The transformation has taken place against the background of a drastically changed factual setting which raises issues not easily answered by reference to history alone. The emergence of the United States at the turn of the century as a world power and the final, if somewhat reluctant, exchange after World War II of isolationist policies for "foreign entanglements" far beyond anything envisioned by the framers, make the question of the President's power to protect "broad American interests" far more relevant to the issue of Congress' power to initiate war than at any time in the nineteenth century. For the first time in its history America possesses a standing army, sufficiently large, sufficiently well-equipped, and sufficiently mobile to make possible, through presidential action alone and on very short notice, conflicts of unforeseeable dimensions anywhere in the world.[106] Distinctions between "the power to initiate war," "the power to direct American foreign policy," and "the power to use military force" begin to vanish as the military weapon is integrated into foreign policy as simply another tool of diplomacy. To ask when and by whom war was "initiated" in Vietnam is to illustrate the difficulty of attempting to determine which of the steps in a gradually increasing commitment should have been taken by the President and which by Congress.

The same changed circumstances, however, also lend increased significance to the constitutional concern, embodied in the war-declaring clause, that Congress express the country's willingness to undergo the internal repercussions which military conflicts are likely to entail. The difficulty lies in attempting to accommodate this constitutional concern with the need, in at least some situation, for speed, secrecy, and efficiency—the inherent advantages of the Executive. [107]

2. Recent Precedents.—The most striking illustrations of the shift in the power to commit forces to combat is the Korean episode. Faced with the invasion of South Korea, President Truman after brief consultation with advisers, committed the nation's troops to repel the invaders.[108] At no time was congressional authorization sought for the full-scale conflict which resulted. Although there is considerable evidence that without immediate action Korea would have been overrun,[109] there is also evidence that the sequence of events [110] left time to seek congressional approval and that failure to do so reflected a deliberate assertion of presidential prerogative.[111] Attempts were made to justify the decision on the grounds, *inter alia,* that the action was taken under the United Nations Charter, a part of both the treaty and international law which the Presdent is constitutionally empowered to execute, and that the President was protecting "the broad interests of American foreign policy." [112] Significantly, though, constant attempts were made by the administration to describe the conflict, not as a "war," but as a mere "police action," [113] suggesting that, indeed, the President's power to use force to protect such interests was somehow limited to military measures short of war. The action, however, was clearly not "neutral" with respect to foreign political entities; equally clearly, the conflict was not a "minor" one. The nature and size of this country's commitment, however measured—number of troops, number of casualties, extent of emergency legislation, dollar cost [114]—warrant the conclusion that however the line between "major" and '"minor" is drawn this, at least, was the type of involvement which the war-declaring clause was meant to preserve for legislative approval.[115]

Largely as a consequence of the dissatisfaction which subsequently developed over "Truman's War," President Eisenhower, when confronted during his administration with the necessity for military intervention in Formosa (1955) and the Middle East (1957), hastened to seek congressional authorization for his action.[116] Yet when troops finally were sent to Lebanon in the midst of its crisis with the United Arab Republic, Eisenhower claimed to be acting, not under the authority of the resolution, but under his inherent constitutional power to protect American lives and property abroad and to protect a nation whose independence was vital to United States interests and world peace.[117]

A joint resolution from Congress was also involved in the Cuban Missile Crisis of 1962. Passed one month before the quarantine proclamation, the resolution, as well as a resolution of the Organization of American States, was recited in the proclamation as authority for the action taken.[118] Though the evidence is ambiguous, President Kennedy apparently also claimed the inherent power to take whatever military action was necessary for the protection of American security interests.[119] President Johnson's landing of marines in the Dominican Republic in 1965 without congressional authorization was rationalized initially as necessary to protect the safety of American citizens,[120] and subsequently as an exercise of the President's

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power to preserve the security of the hemisphere in accordance with principles announced in the OAS Treaty.[121] In the current conflict in Vietnam, although additional reliance is placed on the Gulf of Tonkin Resolution, the State Department also argues that even without the resolution current actions are fully within the constitutional authority of the President as Chief Executive and Commander in Chief.[122]

All of these assertions share a single feature: following the precedent set during Korea, the theories which history has established with respect to the purposes for which the President may employ force abroad are heavily stressed, while the historical limitations which developed concurrently with those theories—if they did not in fact precede them—apparently are ignored. This shift in the manner used to justify presidential action is emphasized in the findings of the Senate Foreign Relations Committee in its recent report on national commitments [123] and is well supported by a comparison of recent and traditional presidential rhetoric. Assertions recognizing a limit on the President's powers to use force abroad by virtue of Congress' war power are on record from Presidents Jefferson, Madison, Jackson, Buchanan, Lincoln, Grant, McKinley, Wilson and Franklin D. Roosevelt.[124] Although some of these statements may well be merely "gestures of obeisance to Congress' power to declare war," [125] they nevertheless express recognition of a definite separation of powers in this area which, though incapable of precise definition and subject to easy abuse, at least requires some attempt to accommodate congressional interest in deciding what is worth the price of war with presidential determination to enforce and protect American interests. Any theory which purports to find a constitutional norm for such an allocation of power on the basis of an analysis of historical precedents will, by its very generality, be open to counterexamples. Yet the recognition that there are limits on executive military powers will at least direct efforts toward either constructing a more adequate theory or admitting that exceptional instances are departures from proper constitutional practice. To abandon recognition of such limits—even if only in the rhetoric [126]—and to rely on an asserted inherent power to use force, apparently without restriction, to protect American "interests" make such efforts pointless and should cause particular concern in an area where, as here, the only precedents on which future actions can be based are those set by the executive branch itself.

IV. THE PROPER ALLOCATION OF THE POWER: RESTORING THE CONSTITUTIONAL BALANCE

A. The relevance of the constitutional analysis

Theoretically the federal courts could assume the role of answering questions about the constitutionality of specific military actions. The obvious occasion would be a suit by a draftee resisting service or a particular assignment on the ground that the conflict was illegal.[127] But in recognition of the likelihood of direct conflict with the Executive and the appropriateness of such questions for political resolution, the courts so far have refused to consider these questions.[128]

In the absence of any final authority to whom appeal can be made or from whom enforcement can be sought, any attempt to brand particular conflicts as constitutional or unconstitutional is likely to be of little consequence. The constitutional analysis is better viewed as yielding a working directive to the executive and legislative branches that the commitment of the country to war be accomplished only through the closest collaboration possible, rather than an automatic formula for condemning or approving particular presidential action. The question should be: what concrete steps should the two branches take to assure that the policies behind the constitutional scheme are served?

B. Results of the constitutional analysis requiring congressional authorization for the use of force abroad

1. *When Should Authorization Be Sought?*

(*a*) *Presidential Discretion.*—One position which might be taken in attempting to comply with this constitutional directive is that the respective roles of the Executive and the Congress in controlling the use of the armed forces should continue unaltered, following the general trend suggested, if not made completely explicit, by recent practice. Under an extreme form of this theory the President could continue to send troops abroad and even commit them to combat according to his interpretation of the needs of the broad policy and security interests of the country. While the President would still seek congressional approval when he determined that such a course was feasible, under the official policy these resolutions would neither be necessary for the action nor would they limit his ability to commit troops beyond the terms of the resolution.

In view of the constitutional policy favoring congressional authorization of war, this position must rest on the argument that it is impossible in the contemporary context to require anything less than ultimate executive control. The contention would be that in order to make the Constitution workable, the war-declaring clause must be interpreted to place minimum limits on the President's power to respond with speed and flexibility to meet military crises.[129]

Even without traversing for the moment the basic premise of such a theory, the most that it could legitimately authorize would be presidential use of force in emergency situations where vital American interests would be jeopardized by the delay involved in any attempt to secure prior congressional action. But to equate all instances requiring the use of force with such emergencies seems clearly untenable. The position approaches acceptability only where there is no alternative which would allow greater participation by Congress while substantially preserving American interests.

(*b*) *"Major" Conflicts.*—An alternative is to require congressional authorization whenever the President's use of force, outside of the strict defense of the United States, is likely to result in a "major" conflict. Under this approach the purposes of the war-declaring clause would be satisfied by leaving for congressional action only the upper extremity of a whole scale of international conflicts of ascending intensity and scope.[130] Although there are obvious difficulties in attempting to draw a line on such a scale between "major" and "minor" conflicts, the theory assumes that at least there will be clear instances at both ends. The President would still be left with virtual discretionary power to decide when force must be used to protect American rights and interests, but he would be bound to seek congressional authorization where such action would be tantamount to initiating "war." Although the theory has considerable support in American history, in the present international context practical difficulties prevent the theoretical limitation from ever being employed as a guide for satisfying the constitutional norm for allocating control of the military.[131]

(*i*) *Problems of Prediction.*—One of the major problems inherent in any theory which depends on a determination of whether a sequence of events will result in a sizable conflict is the impossibility of predicting which particular events are most likely to result in war.[132] This is especially true in light of modern conceptions of the role of force in international politics. The use of the armed forces in a potentially explosive situation may, under the deterrence theory, actually lessen rather than increase the likelihood of war; but to pretend to be able to tell in advance whether war or peace will be the result of such action is to lay claim to a degree of prescience which few would find credible today.[133] These difficulties of prediction illustrate the crucial factual distinction between the context in which this quantitative limitation on the President's powers developed in the late nineteenth and early twentieth centuries and the context in which it is invoked today. At the time when the theory developed it was rare for such interventions to reach the stature of war.[134] The world had not yet achieved the uneasy stalemate of today in which every country is classified as friend, foe, or neutral and even the most minor skirmish which threatens to upset the balance raises the spectre of war of unknown dimensions. The unpredictability of the result of rushing troops to Lebanon,[135] the constantly revised predictions about the nature and extent of our involvement in Vietnam indicate that it can no longer be said with any degree of assurance that the commitment of troops to combat under *any* conditions is unlikely to result in major conflict.

(*ii*) *The Fait Accompli Problem.*—Lack of predictability would not be a serious problem if Congress could meaningfully decide whether to continue hostilities which have already commenced; but once our military forces are engaged, Congress often has little choice but to acquiesce. The de facto power of the President to present Congress with the *fait accompli* of a state of war has been demonstrated repeatedly in the past [136] and is reflected again today in aspects of the current Vietnam conflict.[137] This problem, too, has been aggravated by changed circumstances. With the assumption of worldwide commitments, the United States has come to occupy the center of a stage where indecision, a clash of wills between Congress and the President over the course to pursue in foreign affairs, or sudden "about-faces" in tactics is felt to discourage the confidence of our allies and encourage the actions of our enemies. The result is to make presidential action in the modern context largely irreversible.[138]

(*c*) *Returning to the "Neutrality" Theory.*—The conclusion suggested by the above considerations is not that there can be no limits on the President's power to employ the armed forces,[139] but that a quantitative limitation can no longer serve as a satisfactory guideline for the proper allocation between the President and Congress of the power to commit troops to combat. If Congress' war power is not to become purely symbolic, there must be as much room as possible for congressonal expression of its will prior to the use of force abroad for whatever purpose, at least where such use is not "neutral" with respect to foreign political entities. Yet there are very few occasions today in which a truly "neutral" use of force is possible. Only the protection of American lives and property during civil disorder appears to remain as a possible candidate for such neutrality and even here the employment of the armed forces will generally be highly suspect. Intervention at the request of a local government to suppress a revolutionary guerilla band usually is tantamount to taking sides in a political contest which, as Vietnam illustrates, may grow to unforeseeable dimensions when the rebels have external support or sympathizers. Consequently, every decision to commit troops to combat becomes a potential subject for congressional deliberation.[140] At the same time, however, it must be recognized that there will be cases where in the Executive's judgment there simply is no time to secure congressional authorization before act-

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ing. In such cases, where he believes that Congress would agree with his judgment that the interest at stake is worth defending at the risk of war,[141] the President should be able to take action while *simultaneously* seeking congressional authorization. These cases should be few. None of the recent military actions appears to have involved such genuine urgency as to preclude congressional participation in the decision to employ the military.[142] Even fewer should be the cases where the demands of secrecy preclude resort to Congress.[143] There will also be difficulties in determining the extent of the control over the armed forces which is to remain with the President as Commander in Chief.[144] To require congressional approval for every decision to deploy American troops is hardly either desirable or constitutionality required. Yet there will be some situations, such as the rushing of troops to Lebanon at that government's request which, although not involving immediate commitment to combat, so clearly entail the possibility of conflict that prior approval should be sought. Other cases, such as the Greenland and Iceland examples where the movement of troops is hard to distinguish from a hostile employment of force against another nation, are also candidates for prior congressional authorization. But although the difficulty of drawing a line cannot be avoided and must ultimately be left to the discretion of the President, at least the general presumption in accordance with which that discretion is exercised would be reversed: instead of assuming that the President may deploy American forces as he sees fit and only in the exceptional case need he seek congressional approval, the presumption should be that congressional collaboration is the general rule wherever the use of the military is involved, with presidential initiative being reserved for the exceptional case.

2. What Constitutes Authorization?—The problem of what constitutes adequate congressional authorization where it is needed is intimately connected with the problem of whether Congress is capable at all of meaningfully participating in decisions involving the use of the armed forces. An excessively wooden concept of what constitutes congressional exercise of its power to declare war would have the effect, not of preserving congressional authority, but of transferring more and more decisions to the more flexible executive branch. At the other extreme, when the President can count on securing a blank check from Congress whenever he envisions the need to employ force abroad, congressional participation, whatever form it takes, is largely meaningless. Between these extremes, a balance must be sought which secures genuine participation by Congress in controlling the use of the armed forces, while still permitting sufficient executive flexibility to meet constantly changing developments.

(*a*) *Treaties as Authorization.*—A claim often heard today is that mutual defense treaties which commit the United States to come to the aid of an attacked ally serve as authorizations to the President to use force if he deems it necessary in particular contexts for United States "aid" to take that form. The argument raises the question whether the congressional power to initate war may be exercised by the Senate alone through the treaty power, rather than by both houses of Congress acting together. Further, even if the treaty power is a legitimate mode of authorizing use of the military instrument, the problem remains whether existing treaties can properly be interpreted to constitute such authorization.

(*i*) *Constitutional Limitations.*—The treatymaking power has been held not to extend "so far as to authorize what the Constitution forbids"[145]—a limitation which has been construed to prevent the Senate and President from exercising by treaty a power exclusively vested elsewhere by the Constitution. Two such powers, cited in the past, are contained in article I, section 9 ("no money shall be drawn from the Treasury but in Consequence of Appropriations made by Law") and article I, section 7 ("all Bills for raising Revenue shall originate in the House of Representatives"). Although it has been argued that "appropriation by law" includes appropriation by treaty as part of the law of the land,[146] the provision has generally been construed otherwise: in order to implement treaties which require appropriations, a statute and, hence, independent legislative action by both houses is needed.[147] The debate whether article I, section 7 similarly forbids revenue-affecting provisions in treaties[148] has become largely academic through the use of congressional-executive agreements and statutes.[149]

The question remains whether the war-declaring power, like the power to control appropriations and, arguably, revenue laws, also requires participation by the House of Representatives. The language of the Constitution itself offers nothing to distinguish this provision from any of the other enumerated powers in article I, section 8, most of which have been the subject of treaties.[150] Indeed the same clause which gives Congress the power to declare war also confers the power "to Make rules concerning Captures" which has long been shared with the treaty power.[151] Yet despite these considerations, there remains serious doubt that action by the Senate alone meets the general intention of the framers respecting congressional involvement in war decisions. The possibility of giving the Senate alone the power to declare war was specifically considered and rejected. According to Madison's notes, Mr. Butler pointed out that objections based on the slow proceedings of the House were equally true of the Senate. Mr. Mason opposed giving the power of war to the Senate "because [it was] not so constructed as to be entitled to it." Both he and Mr. Ellsworth felt that it should be easier to get out of war than into it and hence, that while it would be sufficient to give the Senate alone power to ratify peace treaties, the entire "legislature" had the power of war.[152] These notes seem to indicate a deliberate intent to include the House of Representatives, with its popular representation, in the war-making decision.

(*ii*) *Treaty Interpretation.*—Regardless of the outcome of the constitutional issue, there is considerable support for the conclusion that none of the existing collective security and treaty agreements to which the United States is a party is by its terms designed to alter the distribution of the war-making power. A typical example of the guaranty provisions contained in such agreements is article five of the North Atlantic Treaty:[153]

"The Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all; and consequently they agree that, if such an armed attack occurs, each of them . . . will assist the Party or Parties so attacked by taking . . . *such action as it deems necessary,* including the use attack with whatever means are at his disposal.

When the treaty was submitted for ratification the contention that the United States was automatically committed to go to war in the event that one of the other members was attacked was specifically rejected in the Senate Committee Report and by the Secretary of State. The signatories, it was explained, were to be left free to decide for themselves in each instance what action was necessary.[154]

Partly to avoid the debates provoked by the NATO treaty over this issue, subsequent treaties have adopted language from the United Nations Charter[155] which even more clearly illustrates the neutrality of their obligations with respect to the internal distribution of the warmaking power. Thus, article IV of the SEATO treaty provides that in the event of armed attack on any member each signatory will "act to meet the common danger in accordance with its constitutional processes"; article IX requires that "the Treaty shall be ratified and its provisions carried out by the Parties in accordance with their respective constitutional processes."[156] Similar language in each of the forty-two mutual defense pacts to which the United States is a party[157] has led to general agreement that current postwar security treaties have not changed the relative powers of Congress and the President with respect to the use of the armed forces.[158]

(*b*) *Implied Authorization*: *Appropriations and Congressional Inaction.*—In addition to legislative instruments specifically authorizing use of the military it has been urged that where Congress under its power to raise and support armies[159] makes appropriations to support military operations abroad, such action constitutes at least implied approval of the President's war making and serves as authorization to continue the campaign. The difficulty with the argument is that since such appropriations must generally come after the hostilities have already begun, the effective choice remaining to Congress is likely to be severely limited. The "approval" which is expressed by the fact of such appropriations (in order not to "desert our fighting boys") is not unlike the "approval of President Theodore Roosevelt's action expressed by Congress' appropriating the money to bring back the fleet he sent halfway around the world.[160] The more blatant the *fait accompli* which forces Congress' hand, the less should exercise of its power of appropriation be taken as "consent" to the action. Even where there is no *fait accompli,* if the power over appropriations had been thought a sufficient safeguard against presidential war making, it becomes difficult to understand why the framers were so concerned about withholding the war power from the Executive in the first place. Although it may be admitted that an appropriations bill could be introduced under circumstances which leave room for no interpretation other than "a vote for the bill is a vote for the war," it is hard to see why, even in such cases, resort to implied rather than express authorization is necessary. If the issue at stake in voting for the appropriation really is so clear, a separate resolution to that effect, expressly authorizing the use of the appropriation for a specific military endeavor abroad will avoid later problems of "proving" congressional intent not evident on the face of the bill.

A variation of this argument is that failure of Congress to reduce appropriations or limit the size of the armed forces to a level which would make impossible continued prosecution of a war indicates consent to continuing the action. In addition to the objections raised above, arguments which rely on congressional inaction to show congressional approval completely shift the responsibility for initiating the war from Congress to the Executive. Further, the burden of securing a majority is shifted from those favoring to those disapproving authorization—a not insignificant factor in the political arena.

(*c*) *Resolutions as Authorization.*—The claim has been made that where authorization is needed nothing short of a formal declaration of war will satisfy the Constitution's demand for congressional control of the war power.[161] It is difficult, though, to find any rationale for such a claim. In addition to the obsolescence and general undesirability of a formal declaration today,[162] the claim finds support neither in the language of the Constitution, the intent of the framers, the available historical and judicial precedents nor the purposes behind the

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clause. The framers' desire to vest the war power in Congress is in no way defeated by allowing Congress through joint or concurrent resolutions or acts of congress to deliberate and decide whether or not to authorize specific military undertakings. As early as President Adams' administration similar procedures short of a formal declaration were followed to authorize the "undeclared war" with France[163] and were apparently accepted as entirely appropriate by courts considering claims which arose out of the conflict.[164] Since that time the use of the resolution, especially in recent years, has become the predominant means by which congressional participation in the decision to commit troops to combat has been sought.

But though potentially the resolution could serve as a vehicle for congressional participation in the decision to commit troops to combat, it is easily turned into nothing more than a device for rubber-stamping executive decisions. A resolution authorizing the President to use armed forces without restriction for whatever purposes he saw fit would seem an improper delegation of Congress' power because of its lack of sufficiently articulated standards. Two Supreme Court opinions, however, indicate that at least with respect to matters connected with foreign relations a wide latitude will be given to executive and congressional judgment of what constitutes sufficient standards, and hence, a proper delegation of authority by Congress to the President.[165] Yet considerations similar to those involved in the delegation doctrine are involved in determining the propriety of the resolution as a means of congressional authorization. The dangers are illustrated by recent practice. The resolutions on Formosa, the Middle East, Cuba and Vietnam are all ambiguous at best with respect to the function they are supposed to serve. At times specific words of authorization are employed; at other times only general words of encouragement and approval.[166] Usually presented in the context of an immediate crisis they are unable to suggest a specific plan of action, but are confined to offering vague measures of support for the President in carrying out a still undefined policy. Conscientious congressmen express concern that a blank check is being given to the President, and subsequent State Department interpretations of the scope of the authority granted do little to allay such fears.

Not all of these difficulties can be avoided; many of them are the inevitable result of the inability to foresee crises and predict their outcome. Others can be remedied in part by recognizing the significance of the resolution: that it *does* confer authority, potentially, to embark on war and that, therefore, the scope of authority should be clearly and unambiguously expressed. Where problems of predictability seem insurmountable, limited authority should be granted by providing for expiration and renewal after a specified time and by confining the authorization to specific areas and specific purposes.

Much of the burden of making such resolutions meaningful devices for securing congressional consent must fall on Congress itself. The temptation to shift to other shoulders the responsibility for a decision as distasteful as that of entering into war or authorizing the use of force has no doubt been partly responsible for congressional lack of concern in the past over presidential intrusion into this area. In situations where real emergencies are involved and unilateral executive action may be required, the burden falls on Congress either to voice its disapproval or give its consent without needless delay. To claim well after the fact of intervention that the country is now so involved that Congress has no real choice will invoke little sympathy if Congress' own delay in expressing its opinion has helped accomplish the fact. Finally, prophylactic measures such as a current review of the extent and nature of United States commitments may prove desirable.[167] With the lessons of the Vietnam War as a guide both to the sacrifices those commitments may entail and the difficulties in interpreting authorizing resolutions, a careful review of the language of those commitments may avoid later difficulties.

V. CONCLUSION: VIETNAM

Under the analysis in this note the validity of the President's actions in Vietnam depends on whether or not specific congressional approval has been secured for the war which has developed. The action is not a response to an attack on or a declaration of war against the United States. In terms of troop commitment and casualties—which now exceed those of the Korean War[168]—the conflict, excluding the Civil War, has become the third largest in American history: it is "war" within the meaning of article I, section 8. Current treaty agreements, in particular the SEATO Treaty, do not purport to serve as authorization for such a war. Such authorization, if it has been secured, must be found in the Gulf of Tonkin Resolution, which provides a clear example of both the difficulties and potentialities inherent in the resolution as a device for securing congressional consent.

The first clause of that resolution states that "the Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression."[169] The clause alone hardly represents more than a congressional rallying around the flag in response to the attack on a United States ship, and merely approves what could obviously be done without such approval: the repelling of an attack on American armed forces. Were this the entirety of the resolution, present operations would be justified only under the implausible construction that they were a continuing and necessary defensive response to the Gulf of Tonkin incident.[170] The second section, however, proclaims that "the United States is . . . prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom."[171] This rather comprehensive language certainly supports the interpretation given it by the administration: that it is a functional equivalent of a declaration of war[172] and as such the President may conduct the war as he sees it. He has the power to bomb North Vietnam[173] and presumably even China if that is deemed necessary to defend South Vietnam's freedom.

Despite apparent statements to the contrary when the bill was being debated,[174] Senator Fulbright claims, however, that there was no understanding that the resolution extended to the authorization of war.[175] In his defense it must be admitted that the circumstances surrounding the passage of the resolution hardly lent themselves to minimizing misunderstanding. The resolution was presented in an atmosphere of great urgency immediately after the attack. This factor, coupled with the allusions to that attack and the request for approval of a response to it, creates a strong suspicion that the implications of the second section were overlooked. Although such a result is surely as much the fault of Congress as of the administration, under the circumstances, compliance with the principle that Congress be given the closest possible participation in such decisions would have demanded at the least that prior to the decision the following year vastly to increase the commitment of troops to the area, congressional reassertion of its approval be sought. Arguments have been for the view that this is what was done in the May, 1965 appropriations request: the administration expresly stated that the request was not for a routine appropriation, but was being made as a means of presenting the Vietnam issue.[176] At the same time, however, the President made clear that the additional funds were needed to "protect our men and supplies"[177] and to provide them with modern equipment, thus illustrating the difficulty in attempting to construe such appropriations as equivalent to explicit authorization for the war. At best, the Gulf of Tonkin Resolution, even coupled with subsequent appropriations, leaves unclear the extent to which congressional authorization of the war has been expressed.

With respect to the future, the problem can be avoided by placing a strict time limit on the resolution, giving Congress adequate time to deliberate and review the resolution and encouraging the Executive to seek further specific support later. With respect to the present, although the *fait accompli* problem can no longer be avoided, the ambiguity is best resolved, not by relying on Congress' failure to repeal the resolution as provided for in the third clause,[178] but by resubmitting for congressional approval a resolution specifically phrased to give consent to the war.

FOOTNOTES

[1] U.S. Dep't of State, *The Legality of United States Participation in the Defense of Viet-Nam,* 54 DEP'T STATE BULL. 474, 488 (1966), reprinted in *Symposium—Legality of United States Participation in the Viet Nam Conflict,* 75 YALE L.J. 1084, 1085 (1966), [hereinafter cited as *Memorandum*].

[2] Lawyers Comm. on American Policy Toward Vietnam, *American Policy Vis-à-Vis Vietnam, Memorandum of Law,* in 112 CONG. REC. 2666, 2672 (1966).

[3] *See, e.g., Symposium—Legality of United States Participation in the Viet Nam Conflict,* 75 YALE L.J. 1084 (1966); Partan, *Legal Aspects of the Vietnam Conflict,* 46 B.U.L. REV. 281 (1966); Comment, *The United States in Vietnam: A Case Study in the Law of Intervention,* 50 CALIF. L. REV. 515 (1962).

[4] *See* Wright, *Legal Aspects of the Viet-Nam Situation,* 60 AM. J. INT'L L. 750, 768 (1966) ("[t]he issue seems unimportant in view of the broad Constitutional powers of the President to use armed force without Congressional support or declaration of war"). *Compare* Moore, *International Law and the United States Role in Viet Nam: A Reply,* 76 YALE L.J. 1051, 1091–93 (1967), *with* Falk, *International Law and the United States Role in the Viet Nam War,* 75 YALE L.J. 1122, 1154 (1966).

[5] The recent hearings before the Senate Foreign Relations Committee constitute the most thorough attempt to date to approach the issue in these terms. *See Hearings on S. Res. 151 Before the Senate Comm. on Foreign Relations,* 90th Cong., 1st Sess. (1967) [hereinafter cited as *Hearings on National Commitments*]; SENATE COMM. ON FOREIGN RELATIONS, NATIONAL COMMITMENTS, S. REP. No. 797, 90th Cong., 1st Sess. (1967) [hereinafter cited as NATIONAL COMMITMENTS REPORT]. The result of the hearings—Senate Resolution 187—is set out as note 140 *infra.* A recent and comprehensive survey of the presidential and congressional precedents in this area may be found in R. Russell, The United States Congress and the Power To Use Military Force Abroad, Apr. 15, 1967 (unpublished thesis in Fletcher School of Law and Diplomacy Library).

[6] U.S. CONST. art. I, § 8:

> The Congress shall have Power . . . [t]o define and punish Piracies and Felonies committed on the high Seas, and Offenses against the Law of Nations; [t]o declare War, grant Letters of Marque and Reprisal,

and make Rules concerning Captures on Land and Water; [t]o raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years; [t]o provide and maintain a Navy; [t]o make Rules for the Government and Regulation of the land and naval Forces. . . .

[7] *See* Prize Cases, 67 U.S. (2 Black) 635, 687–88 (1862) (dissenting opinion); J. Rogers, World Policing and the Constitution 27 34–35 (1943).

[8] *See* Eagleton, *The Form and Function of the Declaration of War*, 32 *Am.* J. Int'l 19, 20, 32–35 (1938).

[9] *See* F. Grob, The Relativity of War and Peace 283–89 (1949).

[10] *See* note 23 *infra*.

[11] F. Grob. *supra* note 9, *passim*.

[12] *See* U.S. Dep't of State, *The Question of a Formal Declaration of War in Vietnam*, in Senate Comm. on Foreign Relations, 90th Cong., Sess., Background Information Relating to Southeast Asia and Vietnam 175–77 (Comm. Print 3d rev. ed. 1967).

[13] *See id.* at 175; Falk, *supra* note 4, at 1154.

[14] C. Berdahl War Powers of the Executive in the United States 79 (1921); The Federalist No. 69 (A. Hamilton). Later comments by Hamilton indicate that in his view the power to embark on war was ordinarily an executive function which in the case of the United States was deliberately given to the legislature. *See* 7 Works of Alexander Hamilton 81 (J. Hamilton ed. 1851). There is considerable evidence from the history of the colonial period and experience under the Articles of Confederation, however, that this power in America at least, was generally considered an inherently legislative function. *See* R. Russell, *supra* note 5, at 22, 27; *cf.* J. Rogers, *supra* note 7, at 29–31.

[15] *See* J. Rogers, *supra* note 7, at 28.

[16] This is the reason advanced by Madison during the debate over the proposed change. An earlier vote had resulted in a defeat of the motion to change the language from "make" to "declare." At least one delegate, Mr. Ellsworth, changed his vote when it was pointed out that "make war" might be construed to give Congress power to "conduct war" after it had begun—a function clearly meant to be given to the Executive. *See* 2 M. Farrand, The Records of the Federal Convention of 1787, at 313, 318–19 (rev. ed. 1937). Since it is impossible to tell what reasons actually motivated those who voted for the change, it is not completely accurate to conclude that the Executive was to have even the power to "repel sudden attacks." At any rate Mr. Ellsworth's remarks make untenable any suggestion that the change in wording was designed to alter to any substantial degree Congress' power to "make" war. Other views expressed during the debates are recorded by Madison as follows. Mr. Pinckney objected to the original version, arguing that the House of Representatives was too numerous and, hence, too slow to be vested with the sole power to make war. He agreed with Hamilton that the Senate would be a better repository for this power. Mr. Butler felt the same objections were applicable to the Senate and the power should be given to the President, who would not make war except when the nation would support it. To this Mr. Sherman objected that the Executive "should be able to repel and not commence war," and Mr. Gerry expressed the view that he "never expected to hear in a republic a motion to empower the Executive alone to declare war." He supported Madison's motion to insert "declare," striking out "make" and leaving to the Executive "the power to repel sudden attacks." *Id.* at 318–19.

[17] What little is added to the Convention debates by the debates over ratification indicates that the most that was left to the President was the power to defend against imminent invasion when Congress was not in session. *See* R. Russell, *supra* note 5, at 63.

[18] *See Hearings on National Commitments*, 9–10; *cf.* Corwin, *The President's Power*, New Republic, Jan. 29, 1951, at 15.

[19] *Cf.* J. Rogers, *supra* note 7, at 21.

[20] *Compare* Prize Cases, 67 U.S. (2 Black) 635, 666) ("[w]ar has been well defined to be, 'That state in which a nation prosecutes its right by force' "), *with* Bas v. Tingy, 4 U.S. (4 Dall.) 37, 40 (1800) (separate opinion) ("[i]t may . . . be safely laid down, that every contention by force between two nations, in external matters, under the authority of their respective governments, is . . . war").

[21] *See* Osgood, *War and Policy*, in American Defense Policy 109, 114 (1965).

[22] *Compare* Bas v. Tingy, 4 U.S. (4 Dall.) 37 (1800) (hostilities with France from 1798 to 1800 constituted war within the meaning of a statute granting recovery of salvage value for private vessels recaptured from "the enemy"), *with* Gray v. United States, 21 Ct. Cl. 340 (1886) (same conflict was not a war for purposes of a 1778 treaty with France whose terms were to remain in force only while France was "at peace" with the United States).

[23] The United States Court of Military Appeals in determining that the Korean conflict constituted a war within the meaning of that term as used in the Uniform Code of Military Justice gave the following reasons for its decision:

> We believe a finding that this is a time of war, within the meaning of the language of the Code, is compelled by the very nature of the present conflict; the manner in which it is carried on; the movement to, and the presence of large numbers of American men and women on, the battlefields of Korea; the casualties involved; the sacrifices required; the drafting of recruits to maintain the large number of persons in the military service; national emergency legislation enacted and being enacted; the executive orders promulgated; and the tremendous sums being expanded for the express purpose of keeping our Army, Navy and Air Force in the Korean theatre of operations.

United States v. Bancroft, 3 U.S.C.M.A. 3; 5, 11 C.M.R. 3, 5, (1953).

For a review of this and similar cases attempting to determine whether the Korean conflict was a war see Pye, *The Legal Status of the Korean Hostilities*, 45 Geo. L.J. 45 (1956). For an illustration of the difficulties of defining "war" even in the context of a life insurance policy compare the majority with the dissenting opinion in New York Life Ins. Co. v. Bennion, 158 F.2d 260 (10th Cir. 1946).

[24] *Cf.* J. Rogers, *supra* note 7, at 34–35.

[25] The Federalist No. 69, at 515–16 (J. Hamilton ed. 1864) (A Hamilton). This view was endorsed a half century later in a Supreme Court opinion by Chief Justice Taney. *See* Fleming v. Page, 50 U.S. (9 How.) 603, 615 (1850).

[26] *See In re* Neagle, 135 U.S. 1, 63–64, 67, 69, (1890); *Ex parte* Siebold, 100 U.S. 371, 394–95 (1880) (dictum).

[27] *See* E. Corwin, The President: Office and Powers 130–39 (4th rev. ed. 1957); Note, *Riot Control and the Use of Federal Troops*, 81 Harv. L. Rev. 638, 647–52 (1968).

[28] *See In re* Debs, 158 U.S. 564, 582 (1895) ("the entire strength of the nation may be used to enforce in any part of the land the full and free exercise of all national powers and the security of all rights entrusted by the Constitution to its care"); E. Corwin, *supra* note 27, at 134.

[29] Since neither a standing army nor a navy was originally thought necessary, any military venture abroad would inevitably have required congressional participation in authorizing the expedition by raising troops or calling up the militia. Even where troops were available, resort to Congress was sought prior to their use abroad during the nation's first twenty-five years under the Constitution. *See* R. Russell, *supra* note 5, at 59–60, 146; *cf.* National Commitments Report 9.

[30] Durand v. Hollins, 8 F. Cas. 111 (No. 4186) (C.C.S.D.N.Y. 1860). The case arose out of the bombardment of a Nicaraguan town because of the refusal of local authorities to pay reparations for an attack by a mob on the United State consul. (For a detailed account of the incident see 7 J. Moore, A Digest of International Law 346–54 (1906).) Suit was brought by a private person against the naval officer for the value of property destroyed. Mr. Justice Nelson, then on circuit from the Supreme Court, upheld the defense that the officer was following legitimate orders of the President of the United States, declaring that citizens abroad, no less than citizens at home, are entitled to look to the Executive as head of the nation for the protection of person and property.

[31] *Id.*

[32] *See* M. Offutt, The Protection of Citizens Abroad by the Armed Forces of the United States 5 (1928).

[33] *See* E. Corwin, *supra* note 27, at 198–201.

[34] *See In re* Neagle, 134 U.S. 1, 63 (1890); 1 Op. Att'y Gen. 566, 571–71 (1822).

[35] *See* J. Rogers, *supra* note 7, at 79–80.

[36] The powers conferred on the executive and legislative branches which bear on relations with other nations have been characterized as "an invitation to struggle for the privilege of directing American foreign policy." E. Corwin, *supra* note 27, at 171.

[37] *See id.* at 177–81.

[38] Examples include the power to dismiss foreign ambassadors, to break off diplomatic relations with other countries, and to extend recognition to political factions claiming to constitute the legitimate government of a foreign nation. *See* C. Berdahl, *supra* note 14, at 26–37; Q. Wright, The Control of American Foreign Relations 285 (1922).

[39] *Cf.* Foster v. Neilson, 27 U.S. (2 Pet.) 253, 309 (1829) (Marshall, C.J.) ("[a] question like this . . . is . . . more a political than a legal question").

[40] *See* J. Rogers, *supra* note 7, at 38. In recent attempts to bring precisely this issue—the constitutionality of the President's action in Vietnam—before the courts, the cases have been dismissed as involving political questions in an unconsented suit against the government. *See* Luftig v. McNamara, 373 F.2d 664 (D.C. Cir.), *cert. denied*, 387 U.S. 945 (1967); Mitchell v. United States, 369 F.2d 323 (2d Cir. 1966), *cert. denied*, 386 U.S. 972 (1967).

[41] *See* C. Berdahl, *supra* note 14, at 58–62; *cf.* United States v. Curtiss-Wright Export Corp., 299 U.S. 309, 316–18 (1936).

[42] The instructions, issued without consulting Congress, read: "If, . . . in the course of your operations against the Indian enemy, it should become necesary to dislodge the party at the rapids of the Miami, you are hereby authorized, in the name of the President of the United States, to do it." Instructions from General Knox, Sec'y of War, to General Wayne, in C. Fish, American Diplomacy 83–84 (1915).

[43] The account is from C. Berdahi, *supra* note 14, at 62–63.

[44] S. Bemis, A Diplomatic History of the United States 176 (4th ed. 1955).

[45] In a message to Congress on December 4, 1801, Jefferson explained his actions:

> Unauthorized by the Constitution, without the sanction of Congress, to go beyond the line of defence, the vessel, being disabled from committing further hostilities, was liberated with its crew. The Legislature will doubtless consider whether, by authorizing measures of offense also, they will place our force on an equal footing with that of its adversaries. I communicate all material information on this subject, that, in the exercise of this important function confided by the Constitution to the Legislature exclusively, their judgment may form

> itself on a knowledge and consideration of every circumstance of weight.

11 ANNALS OF CONG. (1801).

[46] 7 WORKS OF ALEXANDER HAMILTON 746–47 J. Hamilton ed. 1851 (emphasis in original):

> [I]t is the peculiar and exclusive province of Congress, *when the nation is at peace* to change that state into a state of war; whether from calculations of policy, or from provocations, or injuries received: in other words, it belongs to Congress *only, to go to War*. But when a foreign nation declares, or openly and avowedly makes war upon the United States, they are then by the very fact *already at war*, and any declaration on the part of Congress is nugatory; it is at least unnecessary.

[47] The Rio Grande was the boundary claimed by the independent Republic of Texas since 1836 and subsequently by the United States on the annexation of Texas in 1845. *See generally* S. BEMI, *supra* note 44, at 232–38.

[48] *See id.* at 239; C. BERDAHI, *supra* note 14 at 70–71.

[49] Message to Congress, May 11, 1846, in CONG. GLOBE, 20th Cong., 1st Sess. 783 (1846).

[50] Act of May 13, 1846, ch. 16, 9 Stat. 9. Two years later, in passing a resolution of thanks to General Taylor the House tacked on an amendment reading "that the war was unnecessarily and unconstitutionally begun by the President of the United States." A subsequent motion to expunge this amendment from the journal was tabled. *See* CONG. GLOBE, 30th Cong., 1st Sess. 95, 343–44 (1848).

[51] 67 U.S. (2 Black) 635 (1863).

[52] The Court stated:

> If a war be made by invasion of a foreign nation, the President is not only authorized but bound to resist force by force. He does not initiate the war, but is bound to accept the challenge without waiting for any special legislative authority. . . .
>
> . . . The President was bound to meet it in the shape it presented itself, without waiting for Congress to baptize it with a name. . . .
>
> Whether the President . . . has met with such armed hostile resistance . . . as will compel him to accord to them the character of belligerents, is a question to be decided *by him* . . . .

Id. at 668–70 (emphasis in original).

Technically, the Court's statements constitute an alternative holding since the blockade was also recognized as retroactively sanctioned by Congress. *See id.* at 670–71.

[53] While recognizing the President's authority to use force to meet the rebellion under existing laws, the dissent would have denied effect, absent a formal declaration of war by Congress, to rules of law on blockade in time of war.

[54] *See* Mora v. McNamara, 389 U.S. 934, 937 (1967 (Douglas, J., dissenting), *denying cert.* to No. 20,420 (D.C. Cir., Feb. 20, 1967).

[55] *See* note 46 *supra.*

[56] *See* note 52 *supra.*

[57] *See* pp. 1774–75 *supra*.

[58] Message to Congress, June 2, 1942, in 88 CONG. REC. 4787 (1942); *see* F. GROB, *supra* note 9, at 290.

[59] *See generally* F. GROB, *supra* note 9, at 289–302.

[60] Though also accompanied by a declaration of war, the bombing of Pearl Harbor was recognized by Congress the following day in its declaration of war as having "thrust" war on the United States. Act of Dec. 8, 1941, ch. 561, 55 Stat. 795.

[61] *See generally* pp. 1787–94 *infra.*

[62] *See Memorandum, supra* note 1, at 484.

[63] *See* D. PERKINS, THE AMERICAN APPROACH TO FOREIGN POLICY 108 (rev. ed. 1962).

[64] *See id.* at 108–09. For a brief history of the development of this "security thesis" see *id.* at 107–15.

[65] U.N. CHARTER art. 51.

[66] *See, e.g.,* Southeast Asia Collective Defense Treaty, Sept. 8, 1954, art. IV, para. 1, [1955] 1 U.S.T. 81, T.I.A.S. No. 3170 ("[e]ach Party recognizes that aggression by means of armed attack . . . against any of the Parties . . . would endanger its own peace and safety"); North Atlantic Treaty, Apr. 4, 1949, art. 5, 63 Stat. 2242 (1949), T.I.A.S. No. 1964 ("an armed attack against one or more of [the Parties] shall be considered an attack against them all"); Charter of the Organization of American States, Apr. 30, 1948, ch. V, art. 24, [1951] 2 U.S.T. 2394, T.I.A.S. No. 2361 ("[e]very act of aggression by a State against . . . an American State shall be considered an act of aggression against the other American States"); Inter-American Treaty of Reciprocal Assistance, Sept. 2, 1947, art. 3, para. 1, 62 Stat. 1681 (1948), T.I.A.S. No. 1838 ("an armed attack by any State against an American State shall be considered as an attack against all the American States").

For an exhaustive listing of similar American commitments evidenced by treaty, by less formal arrangements, and by official unilateral declaration see U.S. Dep't of State, *United States Defense Commitments and Assurances, August, 1967,* in *Hearings on National Commitments* 52–71.

[67] *Cf.* Wolfers, *"National Security" as an Ambiguous Symbol,* in AMERICAN DEFENSE POLICY 1, 4, 6 (1965). The State Department in fact insists on interpreting current defense commitments so that after an attack on another nation has occurred, it still remains to the United States to determine "in light of future facts" exactly "what is necessary." Statement by N. Katzenbach, Under Sec'y of State, in *Hearings on National Commitments* 71, 97.

[68] *See* p. 1773 & notes 16, 17 *supra.*

[69] In the examples discussed above, Jefferson, Polk and Lincoln each had time to seek congressional approval before the action taken. Though action was taken unilaterally, each sought and received congressional authorization concurrently with or immediately after the steps taken. *See* Act of August 6, 1861, ch. 63, § 3, 12 Stat. 326 (confirming all acts, proclamations, and orders of the President, after the 4th of March, 1861); Act of July 13, 1861, ch. 3, 12 Stat. 255 (authorizing a variety of emergency measures including § 4 the capture and condemnation of vessels attempting to enter certain ports); Act of May 13, 1846, ch. 16, 9 Stat. 9 (authorizing Polk's actions against Mexico); Act of Feb. 6, 1802, ch. 4, 2 Stat. 129 (authorizing Jefferson to carry on hostilities against the Barbary Powers).

[70] *See* p. 1781 & note 46 *supra.*

[71] *See* NATIONAL COMMITMENTS REPORT 6.

[72] *See* p. 1775 *supra.*

[73] E. CORWIN, *supra* note 27, at 261.

[74] *See id.* at 228–34.

[75] Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579, 641–42 (1952) (Jackson, J., concurring) (referring, apparently with disapproval, to government claims of the scope of power conferred by commander-in-chief clause).

[76] *See* Mathews, *The Constitutional Power of the President to Conclude International Agreements,* 64 YALE L.J. 345, 383 (1955).

[77] Address before Congress, Feb. 26, 1917, in 54 CONG. REC. 4273 (1917).

[78] Message to Congress, April 2, 1917, in 55 CONG. REC. 103 (1917).

[79] A short account of the incident and the debate which it touched off is given in T. BAILEY, A DIPLOMATIC HISTORY OF THE AMERICAN PEOPLE 718–20 (6th ed. 1958).

[80] *See* J. ROGERS, *supra* note 7, at 68–71; E. CORWIN, *supra* note 27, at 202–04.

[81] *See* p. 1777 & note 38 *supra.* Presidential control of foreign relations has in fact been the dominant factor in American entry into most of the major conflicts in our history. Of the nine conflicts through World War II which historians recognize as "wars," only five were "declared." The remainder four (the Naval War with France of 1798–1800, the Barbary War of 1801–05, the Second Barbary War of 1815 and the Mexican Hostilities of 1914–17 either were justified under the theory of self-defense or, arguably, were authorized by congressional resolution in some form. *See* J. ROGERS, *supra* note 7, at 45–56. Even the "declared" wars, however, with the exception of the War of 1812, involved little more than mechanical congressional "recognition" of an existing state of war begun by the foreign country in response to American policies formulated largely by executive initiative. *See* E. CORWIN, *supra* note 27, at 204; J. ROGERS, *supra* note 7, at 54–55. Such broad executive power over foreign relations argues for even closer scrutiny of whatever powers do remain to Congress to control the use of the military.

[82] *See* p. 1796, *infra.*

[83] *See* pp. 1776–77, *supra.*

[84] *See* p. 1775 *supra.*

[85] *See* R. Russell, *supra* note 5, at 242–43, *quoted in* NATIONAL COMMITMENTS REPORT 11–12.

[86] U.S. DEP'T OF STATE, RIGHT TO PROTECT CITIZENS IN FOREIGN COUNTRIES BY LANDING FORCES 24–34, 40, 44, 48 (3d rev. ed. 1934) (Memorandum of the Solicitor).

[87] *See* LEGISLATIVE REFERENCE SERVICE, THE CONSTITUTION OF THE UNITED STATES OF AMERICA—ANALYSIS AND INTERPRETATION, S. Doc. No. 39, 88th Cong., 1st Sess. 541 n.9 (6th ed. 1964).

[88] *Compare* U.S. DEP'T OF STATE, *supra* note 86, at 33, *with id.* at 36.

[89] *See id.* at 34–38; R. VAN ALSTYNE, AMERICAN DIPLOMACY IN ACTION 642 (rev. ed. 1947).

[90] *See* NATIONAL COMMITMENTS REPORT II.

[91] R. Russell, *supra* note 5, at 165–66.

[92] *Id.* at 180–82.

[93] *See* C. BERDAHL, *supra* note 14, at 65–67.

[94] *See* S. BEMIS, *supra* note 44, at 552–53.

[95] *See* R. Russell, *supra* note 5, at 186.

[96] Message to Congress, Dec. 3, 1900, in 34 CONG. REC. 4 (1900).

[97] The "army" consisted largely of 500 "bought" Colombian troops and members of the local fire department—a force which probably would have proved inadequate but for the use of American naval vessels to prevent Colombian troops from landing at Colon. *See* T. BAILEY, A DIPLOMATIC HISTORY OF THE AMERICAN PEOPLE 492 (6th ed. 1958).

[98] A collection of the correspondence including the orders sent to American ships in the area is contained in UNITED STATES SENATE, DIPLOMATIC HISTORY OF THE PANAMA CANAL, S. Doc. No. 474, 63d Cong., 2d Sess. 345–76 (1914).

[99] *See generally* T. BAILEY, *supra* note 79, at 491–94; S. BEMIS, *supra* note 44, at 513–15.

[100] *See generally* S. BEMIS, *supra* note 44, at 519–38.

[101] *See* p. 1788 *supra.*

[102] *Compare* the strict observance of neutrality in an incident mentioned in T. ROOSEVELT, AN AUTOBIOGRAPHY 549 (1913) (to protect American property both sides were instructed to do their fighting outside the town, which was then given to the victor), *with* the clearly nonneutral incident described in S. BEMIS, *supra* note 44, at 532 & n. 1 (unhappy with Nicaraguan dictatorship, the United States employed American troops to help establish a new regime; bombardment of revolutionists was prevented on the grounds that it might injure American lives and property). Two methods of "interpreting the facts" to fit the neutrality theory developed. Actions were either described as intended to protect American lives and property without interference in local struggles, or, where American troops did take sides in the fighting, the opposing forces were labeled "bandits" or "outlaws," rather than members of a political entity. *See* F. GROB, *supra* note 9, at 231; SELECT COMMITTEE ON HAITI AND SANTO DOMINGO, INQUIRY INTO OCCUPATION AND ADMINISTRATION OF HAITI AND THE DOMINICAN REPUBLIC, S. REP. No. 794, 67th Cong., 2d Sess. 10, 12–14 (1922).

[103] *See* C. BEARD, THE IDEA OF NATIONAL INTEREST 477 n. 135 (1934).

[104] *See* F. Grob, *supra* note 9, at 231; *cf.* C. Beard, *supra* note 103, at 483–84. *But cf.* J. Rogers, *supra* note 7, at 74–78.

[105] *See* F. Grob, *supra* note 9, at 231–35.

[106] In 1789, when the Department of War (now the Department of the Army was established, the number of military personnel on active duty totaled 718. By 1812 the number had reached over 12,000. In the nineteenth century, with the exception of the years during and immediately following the Civil War, the total never significantly exceeded 50,000 until the Spanish-American War in 1898. It then increased to 200,000. For twenty years following World War I the average remained between 250,000 and 300,000. After reaching a World War II peak of 12.1 million in 1945, the total dropped to approximately 1.5 million (1947 to 1950) and, since 1950, has remained at approximately three million. *See* Bureau of the Census, U.S. Dep't of Commerce, Historical Statistics of the United States, Colonial Times to 1957, at 736–37 (1960).

[107] *See* E. Corwin, *supra* note 27, at 171.

[108] For the background to Truman's decision to enter war see Hoyt, *The United States Reaction to the Korean Attack: A Study of the Principles of the United Nations Charter as a Factor in American Policy-Making*, 55 Am. J. Int. L. 45 (1961).

[109] *See* P. Seabury, Power, Freedom, and Diplomacy 216 (1963).

[110] *See generally* R. Leckie, The Wars of America 850–58 (1968).

[111] *Id.* at 858.

[112] *See* U.S. Dep't of State, *Authority of the President to Repel the Attack in Korea*, 23 Dep't State Bull. 173 *passim* (1950).

[113] *See* R. Leckie, *supra* note 110, at 858.

[114] *Cf.* note 23 *supra.*

[115] *Cf.* R. Leckie, *supra* note 110, at 858; P. Seabury, *supra* note 109, at 208.

[116] *See* T. Bailey, *supra* note 79, at 834–35, 844–45.

[117] *See* State by the President, July 15, 1958, in 104 Cong. Rec. 13,903–04 (1958). The Middle East Resolution by its terms was limited to situations involving armed aggression by any country controlled by international communism. *See* Middle East Resolution, Pub. L. No. 85–7, § 2, 71 Stat. 5 (1957). There was, however, some suggestion by Secretary of State Dulles that the action was within the Eisenhower Doctrine, first, because the resolution did not require that the aggression be communist controlled, and second, because in any event this particular incident was communist inspired. *See* Krock, *Law and Intervention*, N.Y. Times, July 16, 1958, at 8, col. 4; *id.* at 3, col. 5.

[118] *See* Presidential Proclamation No. 3504; 27 Fed. Reg. 10,401 (1962).

[119] *Cf. id;* Statement by President Kennedy, News Conference, Sept. 13, 1962, in N.Y. Times, Sept. 14, 1962, at 12, col. 1; *Hearings on National Commitments* 19. The Cuban incident is an example—undoubtedly one of many—where the more warlike branch was not the executive but the legislative. Many members of Congress were calling for far more drastic action than the President, including the invasion of Cuba. *See N.Y. Times*, Oct. 14, 1962, at 1, col. 6.

[120] *See* N.Y. Times, Apr. 29, 1965, at 1, col. 8; *id.*, Apr. 30, at 1, col. 8.

[121] *See* Statement by the President; May 2, 1965, in N.Y. Times, May 3, 1965, at 10, col. 1.

[122] *See Memorandum, supra* note 1, at 484–85.

[123] *See* National Commitments Report 13, 23.

[124] The statements are collected in Putney, *Executive Assumption of the War Making Power*, 7 Nat'l Univ. L. Rev. 1, 6–30 (May 1927).

[125] E. Corwin, *supra* note 27, at 201.

[126] Since, with the exception of Korea and the Dominican Republic, congressional resolutions were involved in recent crises, presidential *practice* at least is not necessarily inconsistent with traditional recognition of congressional power to control use of the military.

[127] *See* Luftig v. McNamara, 373 F.2d 664 (D.C. Cir.), *cert. denied*, 387 U.S. 945 (1967); United States v. Mitchell, 369 F.2d 323 (2d Cir. 1966), *cert. denied*, 386 U.S. 972 (1967).

[128] *See* note 40 *supra.* For a review of some of the potential issues in such a suit see the dissenting opinions by Justices Stewart and Douglas in Mora v. McNamara, 389 U.S. 934, 934–39 (1967), *denying cert. to* No. 20,420 (D.C. Cir., Feb. 20, 1967).

[129] It is questionable whether this argument can ever achieve constitutional respectability once it is admitted that control over the decision to go to war belongs to Congress in ordinary circumstances. *Cf.* A.L.A. Schechter Poultry Corp. v. United States, 295 U.S. 495, 528 (1935) ("[e]xtraordinary conditions do not create or enlarge constitutional power"; Congress held to have exceeded its powers to regulate interstate commerce).

[130] *See* p. 1790 *supra; cf.* Osgood, *War and Policy*, in American Defense Policy 109, 114 (1965).

[131] *See* Jones, *The President, Congress, and Foreign Relations*, 29 Calif. L. Rev. 565, 578–80 & nn.43–44 (1941); *cf.* Mathews, *supra* note 76, at 385.

[132] Mathews, *supra* note 76, at 385.

[133] Eisenhower's intervention in Lebanon, for example, was felt to have averted rather than precipitated a conflict, though at the time not even the President attempted to predict such a result. *Compare* N.Y. Times, July 24, 1958, at 5, col. 1, *with id.*, July 16, 1958, at 1, col. 8.

[134] J. Rogers, *supra* note 7, at 80; *see* M. Offutt, *supra* note 32, at 4.

[135] *See* note 133, *supra.*

[136] *See* note 81, *supra.*

[137] *See* p. 1804, *infra.*

[138] *See* E. Corwin, *supra* note 27, at 222.

[139] This is apparently the conclusion which critics of the "major conflict" theory reach. *See* Mathews, *supra* note 76, at 385.

[140] The resolution which emerged from the recent hearings in the Senate Foreign Relations Committee expresses a similar sentiment:

> *Resolved*, That a commitment for purposes of this resolution means the use of, or promise to a foreign state or people to use, the Armed Forces of the United States either immediately or upon the happening of certain events, and
>
> That it is the sense of the Senate that, under any circumstances which may arise in the future pertaining to situations in which the United States is not already involved, the commitment of the Armed Forces of the United States to hostilities on foreign territory for any purpose other than to repel an attack on the United States or to protect United States citizens or property properly will result from a decision made in accordance with constitutional processes, which, in addition to appropriate executive action, require affirmative action by Congress specifically intended to give rise to such commitment.

S. Res. 187, 90th Cong., 1st Sess. (1967). Although the resolution is ambiguous in crucial phases (Where is the United States "not already involved" How does the "definition" of "commitment" in the first paragraph affect the meaning of "commitment" in the second paragraph? What is "specifically intended affirmative action by Congress"?), if interpreted to reflect the sentiment that presidential use of force must be restricted to cases where employed neutrally in order to preserve Congress' power to initiate war, the resolution seems an accurate description of the constitutional responsibilities of the President and Congress and a commendable attempt to restore the proper constitutional balance.

[141] The effort to review and define the "national commitments" of the United States—the original focus of the hearings in the Senate Foreign Relations Committee, *see Hearings on National Commitments* 51—seems most relevant as a possible guide in making such a judgment.

[142] *Id.* at 3.

[143] It has been suggested that the Bay of Pigs episode is an illustration of such a case. *See* R. Russell, *supra* note 5, at 425. A precedent for secret legislative proceedings to authorize the use of force against a foreign nation was established in 1811 in a series of acts authorizing the President to occupy and hold Florida against Spain. Apparently four such "secret laws" were passed, one of which, though referred to by Adams, has yet to be found. *See* C. Berdahl, *supra* note 14, at 46 n. 12. *See also* Parry *Legislatures and Secrecy*, 67 Harv. L. Rev. 737 (1954) (examining the success of the British Parliament in handling security matters through secret session during World War II).

[144] *See* pp. 1785–87 *supra.*

[145] Geofroy v. Riggs, 133 U.S. 258, 267 (1890).

[146] *See* Feidler & Dwan, *The Extent of the Treaty-Making Power*, 28 Geo. L.J. 184, 192 (1939); McDougal & Lans, *Treaties and Congressional-Executive or Presidential Agreements: Interchangeable Instruments of National Policy*, 54 Yale L.J. 181, 306 (1945).

[147] *See* 1 W. Willoughby, The Constitutional Law of the United States 549–52 (2d ed. 1929); Legislative Reference Service, *supra* note 87, at 469–70; McLaughlin, *The Scope of the Treaty Power in the United States*, 42 Minn. L. Rev. 709, 756–57 (1958).

[148] Arguably, a treaty is not a "bill" to raise revenues and, hence, is free from article I, section 7's requirement that such bills originate in the House of Representatives. *See* 1 W. Willoughby, *supra* note 147, at 558. *See generally* H.R. Rep. No. 2680, 48th Cong., 2d Sess. (1884).

[149] *See* 1 W. Willoughby, *supra* note 147, at 559; Legislative Reference Service, *supra* note 87, at 470.

[150] *See* E. Corwin, The President's Control of Foreign Relations 2 (1917); McDougal & Lans, *supra* note 146, at 217–18.

[151] *See* Q. Wright, The Control of American Foreign Relations 299, 355 n.45 (1922). An example is the Hague Convention of 1907 limiting the rights of belligerency. *See* E. Corwin, *supra* note 27, at 425 n.23.

[152] *See* 2 M. Farrand, The Records of the Federal Convention of 1787, at 318–19 (rev. ed. 1937).

[153] North Atlantic Treaty, Apr. 4, 1949, art. 5, 63 Stat. 2244 (1949), T.I.A.S. No. 1964 (emphasis added).

[154] *See* D. Cheever & H. Haviland, American Foreign Policy and the Separation of Powers 128 (1952); McLaughlin, *supra* note 147, at 676.

[155] Article 43 of the Charter describes the special agreements to be made by member nations in fulfilling their obligations to make armed forces available to the Security Council on certain conditions. It concludes with the provision that such agreements "shall be subject to ratification by the signatory states *in accordance with their respective constitutional processes.*" U.N. Charter art. 43, para. 3 (emphasis added).

The question which governmental department had the power to determine for the United States the number of troops to be placed at the dispostal of the Security Council was settled by Congress in the United Nations Participation Act, 22 U.S.C. § 287d (1964). The Act provides that any special agreement negotiated by the President respecting the number and type of armed forces to be made available must be submitted to Congress for its approval. "[T]he controlling theory of the act is that American participation in United Nations shall rest on the principle of departmental collaboration, and not on an exclusive presidential prerogative in the diplomatic field." E. CORWIN, *supra* note 27, at 221 (emphasis deleted).

[156] Southeast Asia Collective Defense Treaty, Sept. 8, 1954, art. IV, para. 1, art IX, para. 2, [1955] 1 U.S.T. 81, T.I.A.S. No. 3170.

[157] *See Hearings on National Commitments* 96–97.

[158] *See id;* NATIONAL COMMITMENTS REPORT 15; note 67 *supra*.

[159] *See* note 6 *supra*.

[160] *See* J. ROGERS, *supra* note 7, at 83–84.

[161] *See* Lawyers Committee, *supra* note 2, at 2672–73.

[162] *See* pp. 1772–73 *supra*.

[163] Act of July 9, 1798, ch. 68, I Stat. 578; Act of May 28, 1798, ch. 48, I Stat. 561; *see* C. BERDAHL, *supra* note 14, at 83–84.

[164] *See* Bas v. Tingy, 4 U.S. (4 Dall.) 37 (1800); Talbot v. Seeman, 5 U.S. (I Cr..) I, 28 (1801) (Marshall, C.J.) ("[i]t is not denied, nor in the course of the argument, has it been denied, that Congress may authorize general hostilities").

[165] *See* Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579, 635–37 (1952) (concurring opinion); United States v. Curtiss-Wright Export Corp., 299 U.S. 304, 324 (1936). The latter case has been interpreted as withdrawing "virtually all constitutional limitation upon the scope of congressional delegation of power to the President to act in the area of international relations." Jones, *The President, Congress and Foreign Relations,* 29 CALIF. L. REV. 565, 575 (1941).

[166] *Compare* Formosa Resolution. Pub. L. No. 4, ch. 4, 69 Stat. 7 (1955) ("the President . . . hereby is authorized to employ the Armed Forces of the United States"), *with* Middle East Resolution, Pub. L. No. 85–7, § 2, 71 Stat. 5(1957) ("if the President determines the necessity thereof, the United States is prepared to use armed forces").

[167] *See* p. 1797 & note 141 *supra*.

[168] *See* N.Y. Times, March 15, 1967, at I, col. 5.

[169] Vietnam Resolution, Pub. L. No. 88–408, § I, 78 Stat. 384 (1964).

[170] *See* p. 1787 *supra*.

[171] Vietnam Resolution, Pub. L. No. 88–408, § 2, 78 Stat. 384 (1964).

[172] *See Hearings on National Commitments* 82 (testimony of N. Katzenbach, Under Sec'y of State); 110 CONG. REC. 18,403, 18,409–10 (1964).

[173] *See* 110 CONG. REC. 18,409 (1964).

[174] *See id.* at 18,403–04, 18,409–10 (1964).

[175] *See* NATIONAL COMMITMENTS REPORT 21.

[176] Message to Congress, May 4, 1965, in SENATE COMM. ON FOREIGN RELATIONS, 90TH CONG., 1ST SESS., BACKGROUND INFORMATION RELATING TO SOUTHEAST ASIA AND VIETNAM 160–63 (Comm. Print 3d rev. ed. 1967); *see* Moore & Underwood, *The Lawfulness of United States Assistance to the Republic of Viet Nam,* in 112 CONG. REC. 15,519, 15,557–58 (1966).

[177] Message to Congress, May 4, 1965, *supra* note 176, at 160.

[178] "This resolution . . . may be terminated . . . by concurrent resolution of the Congress." Vietnam Resolution, Pub. L. No. 88–408, § 3, 78 Stat. 384 (1964).

Mr. DOLE. Mr. President, will the Senator yield at that point?

Mr. CHURCH. I yield.

Mr. DOLE. Just let me concur in the statement made by the Senator from Idaho in reference to that very clear and informative article, which I have read with great interest. As the Senator suggests, whatever one's position may be today, it is worth reading.

Mr. CHURCH. A scholarly piece, it was written 2 years ago, long before the Cambodian controversy. Taking the long historic view of the question before us, it has particular objectivity, and I commend it highly to each Senator before he casts his vote.

I thank the Senator from Kansas for concurring in that judgment.

VOICES FROM THE EDITORIAL PULPIT

Mr. CHURCH. Mr. President, it may be that the editorial writers of the Nation are further ahead in understanding of our Southeast Asian problem than are many policymakers here in Washington, D.C. These editorial writers do not have access to top-secret cables, daily lists of "body counts," and the unlisted phone numbers of our national security managers. Fortunately, their commonsense remains unaffected. They speak out in newspapers hundreds and thousands of miles away. I have read three editorials which reflect this commonsense and I wish to share them with my colleagues in the Senate.

In late May, the Intermountain Observer, published in Boise, Idaho, printed an editorial entitled, "The President Needs Help." In its opening paragraph the editorial states:

> Whether it be through the Church-Cooper Amendment, the Hatfield-McGovern Amendment or some similar version, which may soon emerge, it is becoming increasingly apparent that only by the exercise of congressional power of the purse strings will the United States be extricated from its military imbroglio in Southeast Asia.

The editorial concludes on the same positive note with which it began:

> It is also said that such measures constitute a seizing by Congress of foreign policy prerogatives which have long been exercised by the Presidency. Well, the pendulum in foreign policy has a way of swinging between the Congress and the Presidency, depending on the forces at work in the world and the country. Perhaps Congress is ready now to reassert a power which it has exercised from time to time in the past without challenge.
>
> If it doesn't, the war is almost certain to get worse.

I now refer to an editorial in the Salt Lake, Utah, Tribune. It recommends:

> If President Nixon is serious about getting Americans out of Vietnam at the earliest possible date, he should insist that his allies in Saigon bring their troops out of Cambodia, immediately.

I agree, because, as the editorial also points out:

> If South Vietnam can mount and sustain extended operations in Cambodia, why can't it do more of the same within South Vietnam? Why "Vietnamize" only to have the men thus capable of defending their home ground go off to fight what amounts to an expansionist war?

Finally, the New York Times this week gave another lucid and sensible endorsement to the Cooper-Church amendment. In a lead editorial, the Times quite correctly interprets the amendment of Senator ROBERT BYRD, as an effort to nullify the Cooper-Church amendment. In summing up, the Times editorial states:

> The Cooper-Church amendment is a timely and legitimate attempt by Congress to reassert its responsibilities. The Byrd amendment would pervert the amendment into another retreat from responsibility. It should be defeated.

Mr. President, I ask unanimous consent that the three editorials to which I have referred be printed in the RECORD at this point in my remarks.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Intermountain Observer,
May 23, 1970]

THE PRESIDENT NEEDS HELP

Whether it be through the Church-Cooper Amendment, the Hatfield-McGovern Amendment or some similar version which may soon emerge, it is becoming increasingly apparent that only by the exercise of the congressional power of the purse strings will the United States be extricated from its military imbroglio in southeast Asia.

A year ago, after Richard Nixon's election to the presidency, it seemed at least a possibility that the war could be ended at his initiative. The defeat of the Democratic Administration in the 1968 election had freed the presidential hands.

But when the new administration took hold it soon became clear that Nixon's policy for ending U.S. military involvement in Southeast Asia was both conditional and limited. It was conditioned upon the maintenance in South Vietnam of a non-Communist government. And it was limited to combat forces, meaning the United States would continue indefinitely the stationing of an unspecified but substantial number of support troops in South Vietnam.

Vietnamization was not a policy for withdrawing the U.S. military presence from Southeast Asia but for continuing it by other means. The military inactivity of the Viet Cong and the North Vietnamese during the first year of Nixon's term enabled him to begin the withdrawal of U.S. combat forces. But the military challenge this spring in Laos, then in Cambodia, shattered the illusion of Vietnamization and jolted the American public out of its complacency.

The White House claims that American troops were sent into Cambodia only to protect and hasten the withdrawal of U.S. forces from Vietnam. But the limited U.S. invasion of Cambodia was accompanied by an unlimited invasion by South Vietnamese forces equipped and supported by the U.S. The net effect has been an enlargement of the U.S. political commitment to cover Cambodia as well as South Vietnam.

In Laos it is the same thing. The more the President moves to shore up a deteriorating political situation, the more deeply does the United States become militarily involved. The extension of the war from South Vietnam into Cambodia and Laos makes it apparent that, far from getting out of Indochina, we are really getting in deeper. Moreover, it makes it plain that the President has lost whatever initiative or leverage he once held in the direction of de-escalation.

The power of Congress is the last resort that is left. The two measures now up for consideration would stop the war by shutting off the supply of funds in various ways. The Church-Cooper Amendment would stop payment on continuation of U.S. troops in Cambodia and on continued U.S. support for other troops in Cambodia. The Hatfield-McGovern Amendment would go further, shutting off U.S. military funds for Cambodia, terminating U.S. military assistance programs in Laos by the end of 1970 and cutting off U.S. military spending in South Vietnam by the end of 1970 except for the purpose of withdrawing of U.S. forces.

Some say such measures raise a constitutional question. This is not so. Congress has the indisputable right and power to appropriate funds and to refrain from doing so, as it chooses. The more pertinent constitutional question, if one there be, is whether the President did not long ago infringe on the power of Congress to declare war.

It is also said that such measures constitute a seizing by Congress of foreign policy prerogatives which have long been exercised by the Presidency. Well, the pendulum in foreign policy has a way of swinging between Congress and the Presidency, depend-

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ing on the forces at work in the world and the country. Perhaps Congress is ready now to reassert a power which it has exercised from time to time in the past without challenge.

If it doesn't, the war is almost certain to get worse.

[From the Salt Lake Tribune, May 27, 1970]

VIETNAMIZATION THREAT

Stepped up training of South Vietnam military forces to enable them to take over the fighting as American troops withdraw is the backbone of President Nixon's Vietnamization plan for getting the U.S. out of a troublesome war.

Official statements have indicated that the Vietnamization program is progressing on schedule and just prior to the invasion of Cambodia the President promised to withdraw an additional 150,000 Americans by next April.

Less than two weeks later the Cambodia invasion was launched with South Vietnamese troops making the deepest penetrations into that once neutral country. In answer to questions at his press conference May 8, the President said all American forces would be out of Cambodia by June 30 and indicated that their South Vietnamese allies would follow.

Now the administration is reiterating that withdrawal of U.S. troops will be completed by the June 30 deadline. But at the same time it is conceding that South Vietnamese forces will stay in Cambodia much longer and that their mission also has broadened from destroying North Vietnamese sanctuaries to bolstering up the new Lon Nol regime.

Vietnamization has been a huge gamble from the start. Responsible critics said it wouldn't work and skeptics still wonder if it is going as well as the administration would have everyone believe. But even if it is taking hold at last, we fear that any gains are going to be nullified by the expenditure of so many (40,000 at last report) of those Vietnamized soldiers in Cambodia.

If South Vietnam can mount and sustain extended operations in Cambodia why can't it do more of the same within South Vietnam? Why "Vietnamize" only to have the men thus capable of defending their home ground go off to fight what amounts to an expansionist war?

If President Nixon is serious about getting Americans out of Vietnam at the earliest possible date, he should insist that his allies in Saigon bring their troops out of Cambodia immediately. They could be sent back if necessary to destroy enemy buildups but the rest of the time we feel they could be better used at home where their presence is essential if American forces are ever to be pulled out.

The Cambodian adventure has cost the administration untold, perhaps as yet unknown, troubles at home and abroad. It cannot be allowed to undermine the one hope, Vietnamization, upon which the country now pins its hopes for honorable withdrawal from a senseless war.

[From the New York Times, June 10, 1970]

ANOTHER TONKIN RESOLUTION?

The effort to curb the further spread of the Vietnam war into Cambodia and to reassert the constitutional authority of Congress in the war-making process faces a second crucial test tomorrow when the Senate is scheduled to vote on a proposal by Senator Robert C. Byrd, Democrat of West Virginia, to alter the proposed Cooper-Church amendment to the Military Sales Act.

The Cooper-Church amendment, which easily surmounted another challenge last week, would bar major American ground action in Cambodia after June 30—President Nixon's own target for the withdrawal of American forces—without the consent of Congress. It also forbids, without prior Congressional approval, the commitment of American advisers or aircraft to support the Government of Cambodia or the financing of foreign advisers or troops for that purpose.

Senator Byrd's proposal, which has the personal support of President Nixon, stipulates that the Cooper-Church amendment would not "preclude the President from taking such action as may be necessary to protect the lives of the United States forces in South Vietnam or to hasten the withdrawal of United States forces from South Vietnam." This sweeping exception would, in effect, nullify the Cooper-Church amendment. It would give the President arbitrary authority for future operations in Cambodia similar in scope to the blank check that Congress gave President Johnson in the now-regretted Tonkin Gulf Resolution of 1964.

The rapid spread of the Cambodian conflict beyond the announced border targets, the introduction of South Vietnamese and Thai troops in direct support of the Lon Nol regime and the dubious viability of this new allied political and military effort should serve as ample warnings against any broad extension of fresh authority to an Administration that has already abused its powers in the initial Cambodian intervention.

The President's supporters charge that the Cooper-Church amendment unduly restricts the President's powers as Commander in Chief. This argument is based on a distortion of the Cooper-Church proposals and an erroneous concept of the prerogatives of the Commander in Chief.

The Cooper-Church amendment does not bar limited tactical air and ground strikes to protect American forces operating near the border. It does assert that the President may not open a new war in another country without the consent of Congress. This is consistent with the aims of the framers of the Constitution, who specifically granted the powers to declare war and raise armies to Congress so that the Commander in Chief could not commit the country to war wherever and whenever he chose, as eighteenth-century European monarchs were accustomed to do.

The Cooper-Church amendment is a timely and legitimate attempt by Congress to reassert its responsibilities. The Byrd stipulation would pervert the amendment into another retreat from responsibility. It should be defeated.

A RECONSIDERATION ABOUT VIETNAM

Mr. CHURCH. Mr. President, we in public life know how difficult it becomes to acknowledge a change in position on vital issues affecting the Nation. But we can, all of us, profit from Lord Salisbury's observation:

> The commonest error in politics is sticking to the carcasses of dead policies.

I am reminded of this by a letter I have recently received from William M. Capron, associate dean of the John F. Kennedy School of Government at Cambridge, Mass. As he states in his letter, Dean Capron was Assistant Director of the Bureau of the Budget during 2 years of the Johnson administration and also served in the Executive Office of the President during the Kennedy administration.

During this period, Dean Capron wrote me. and until April 30 of this year, when American troops were dispatched into Cambodia by President Nixon:

> I felt very strongly that no matter how misguided particular Presidential actions might be, it was inherently wrong for the Congress to attempt by legislation to place limits and constraints on Presidential discretion, particularly in the field of national security policy.

This is no longer, however, Dean Capron's position, according to the dean himself. He further stated:

> By his actions announced on April 30, the President has created a situation which holds such potential danger for this country, that I now feel that only by congressional action along the lines now being considered by the Senate (i.e. the Church-Cooper amendment) can these dangers be mitigated.

Later on in his letter, Dean Capron raises a question that has nagged at many of us here in the Senate. He expressed it in this fashion:

> Despite all the words spoken by the President and by his principal associates in the Administration, the Cambodian action has not only raised real and serious questions about effective civilian control over our own military establishment and invited the creation of pressure on the President from within the United States government, but it has also increased the actual and perceived leverage of the South Vietnamese regime, which we support, over our actions.

The final sentence of the letter reads:

> As I have indicated, I have come reluctantly and unhappily to the conclusion that this damage can only be repaired by affirmative Congressional action, and I urge support of measures to accomplish this purpose.

I commend to my colleagues this letter, and ask unanimous consent that its text be printed in the RECORD at this point in my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

HARVARD UNIVERSITY,
Cambridge, Mass., June 3, 1970.

DEAR SENATOR CHURCH: The present Administration's actions in Cambodia and the grave implications those actions hold for this country's future involvement in Southeast Asia have led me to a dramatic shift in views I have held long and deeply with regard to the efficacy of Congressional action designed to restrain Presidential discretion in national security affairs.

I served in the Executive Office of the President in the administrations of Presidents Kennedy and Johnson, and in 1964–1965 was Assistant Director of the Bureau of the Budget. During that period of service in official capacity, and since then up until April 30 of this year,I felt very strongly that no matter how misguided particular Presidential actions might be, it was inherently wrong for the Congress to attempt by legislation to place limits and constraints on Presidential discretion, particularly in the field of national security policy. I was directly involved in attempting to head off such attempted Congressional incursions in several instances during the period I served in the Budget Bureau. I have therefore not come easily nor casually to my present position, which finds me in strong support of Congressional initiatives along the lines being proposed by yourself and Senators Cooper, Hatfield, and McGovern, together with many other of your associates.

By his actions announced on April 30, the President has created a situation which holds such potential danger for this country, that I now feel that only by Congressional action along the lines now being considered by the Senate can these dangers be mitigated. Prior to April 30, I was among those who felt that President Nixon had demonstrated his resolve to extricate this country from what had become a hopeless and costly misadventure.

I did not come quickly to the view that we must cease military intervention in South Vietnam, for, although I was troubled by the 1965 actions of President Johnson, I was in sympathy with the basic objectives of those actions. It was not until later that I came to understand that however good those objectives might be, this nation did not have the capability to realize them through acceptable military means.

The decision to invade Cambodia, no matter how successful in the narrow military terms by which the Administration seems to be judging that action, is bad foreign policy on a number of counts. It has escalated the war, involving another country and another people. More seriously from the point of view of United States national interests, it has brought into question the credibility of this Administration's stated policies and goals. The significance for the Cambodian people, in a situation created by our action, in which troops of their ancient enemies are now operating in their territory, is tragic by itself. But of more immediate concern to the American people are the implications for our ability and intent to extricate ourselves militarily from Southeast Asia. Despite all the words spoken by the President and by his principal associates in the Administration, the Cambodian action has not only raised real and serious questions about effective civilian control over our own military establishment and invited the creation of pressure on the President from within the United States government, but it has also increased the actual and perceived leverage of the South Vietnamese regime which we support, over our actions. If the President's own reiterated statements of intent regarding witndrawal and steady reduction in the areas involved in conflict and in levels of violence are to be believed in this country and around the world, then these intentions must be written into law. Members of the Administration have argued that Congressional action to do so will undermine confidence in the President and in the United States, both here and abroad. On the contrary, it seems to me that the crisis in confidence was created by the President's recent actions and statements, and that he is now incapable unilaterally of eliminating this crisis. I wish to emphasize once again that no matter what claims the Administration may make regarding the "success" of the Cambodian venture, the underlying damage will remain. As I have indicated, I have come reluctantly and unhappily to the conclusion that this damage can only be repaired by affirmative Congressional action, and I urge support of measures to accomplish this purpose.

Sincerely yours,

WILLIAM M. CAPRON.

NIXON DOCTRINE FLAW REVEALED

Mr. CHURCH. Mr. President, since our large-scale involvement in South Vietnam in the mid-1960's, the U.S. Government has been repeatedly warned of the danger of finding our foreign policy being shaped not by ourselves but by the military government in Saigon; in other words, the government we prop up in South Vietnam, becoming the determiner of the policies of its mammoth protector, the United States. Unhappily, these admonitions have been well founded.

Stephen S. Rosenfeld, writing in the Washington Post on May 23, 1970, thoughtfully analyzed what he calls the "soft underbelly of the Nixon Doctrine of calibrated intervention."

We are asked:

> Must the United States underwrite all military initiatives, however unwise they may appear to be, which an ally considers essential to its security?

Mr. Rosenfeld says:

> There is measuarable anguish among those officials (in Washington) who fear the Thieu-Ky government will drag the United States into a Cambodian quagmire, if only to rescue an overextended South Vietnamese expeditionary force.

And then Mr. Rosenfeld reports:

> There is in Saigon measurable glee. "You are in it with us," President Thieu recently asserted, with what Larry Stern (of The Washington Post's Saigon Bureau) described as a "broad grin."

The apprehensions and forebodings are exacerbated, Mr. President, with each passing day of our military presence in Cambodia.

I ask unanimous consent that the article by Mr. Rosenfeld be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NIXON DOCTRINE FLAW REVEALED

(By Stephen S. Rosenfeld)

The Saigon government's insistence that it will fight on in Cambodia after American troops depart in June has revealed what might be called the soft underbelly of the Nixon Doctrine of calibrated intervention. Must the United States underwrite all military initiatives, however unwise they may appear to be, which an ally considers essential to its security? If not, how can Washington restrain a friend made heady by the expectation of American backing, or made desperate by fears of losing American backing, and how can Washington avoid the onus of dictating to its friend in the process?

There is, of course, historically nothing new to this dilemma. It expresses the characteristic tension between any properly nervous patron, apprehensive lest it become the dog wagged by the tail, and any understandably itchy client, aware all too well that its fate is not in its own hands. What is new is that the issue is arising significantly for the first time in an administration pledged to reorder American relations abroad.

We have it on the President's authority that this is the "central thesis" of the Nixon Doctrine: The United States will "participate" in its allies' defense and development "but America cannot and will not conceive *all* the plans, design *all* the programs, execute *all* the decisions and undertake *all* the defense of the free nations of the world" (*italics Mr. Nixon's*). This is the national for Vietnamization, the administration program to prepare Saigon to play an ever larger role in its own defense.

Clearly, the problem Mr. Nixon anticipated was in getting Saigon and other allies, to pick up that larger share. The nature of it, he specified in his State of the World message, was to be "manpower." His evident though unstated assumption was that the United States and its Asian allies would be in harmony on policy. He did not indicate how such harmony would be achieved, or what he would do in the absence of it. The image he cast was of a group of like-minded nations bravely making common cause.

The problem flowing from the Cambodian affair, however, is in getting Saigon to pick up that particular share of defense that the United States deems appropriate—and no more. Here in its first major test, the Nixon Doctrine's premise of harmonious policy is buckling. There is in Washington measurable anguish among those officials who fear the Thieu-Ky government will drag the United States into a Cambodian quagmire, if only to rescue an overextended South Vietnamese expeditionary force. There is in Saigon measurable glee. "You are in it with us," President Thieu recently asserted, with what Larry Stern described as "a broad grin."

The Thieu forcast aside, he has a point that even his dourest American critics might acknowledge. If the United States found it necessary to intervene in Cambodia to ensure the future safety of American troops, how can it advise Saigon that South Vietnam should not exercise the same prerogative for the sake of Vietnamese soldiers? To tell Saigon that American convenience comes ahead of South Vietnamese security takes no little gall.

Yet once a President declares that the United States will not "conceive *all* the plans" and once he determines to build up the military strength of a military government, then he opens himself up to precisely the bind which Saigon's fullbodied Cambodian ambitions have exposed. That is, he offers to Saigon nothing less than the opportunity to prolong or expand the war and to prevent the United States from conducting its own policy in respect to it.

It begs the question to state, as Secretary of State Rogers stated a few days ago, that Saigon's forces are "cooperating" with the Cambodian government and "we encourage that. The whole Nixon Doctrine as pronounced at Guam is that the Asians should work with each other to take care of their common problems." That answer may ease an official out of a tight spot at a press conference in Washington but it can hardly get a beleaguered nation out of a jam in Indochina. Does Mr. Rogers really want to sanction the line that any operation jointly undertaken by two or more Asian allies is a good operation, just for that reason?

It is possible—and it would perhaps be received by the administration as a deliverance—that by some combination of fudging and nudging the Pandora's box that is Cambodia can be emptied more or less of South Vietnamese soldiers and of Americans as well, at a tolerable cost in Saigon-Washington strain and in American public unrest. (This assumes, to be sure, that the President in fact intends to close down American military operations in Cambodia after June, and that his lieutenants in the military and elsewhere will faithfully implement his policy. This assumption is, one must concede, not exactly airtight.)

Nonetheless, a basic flaw in the Nixon Doctrine will remain the leverage on American policy that it offers to allies which, like Saigon, do not proceed from the same imperatives which press upon Washington. Time, consultation, pressure, maneuver, trust, realism and other political variables may help ease the administration over this particular hump. But there will quite surely be another.

Perhaps the real problem lies not in the Nixon Doctrine but in the nature of the foreign-policy goal which it was devised to serve. On this, there is a question. Is the Nixon goal in Asia to continue to project American power, as in earlier times, but with more Allied help and therefore at a lesser domestic cost? Or is it his goal to act on a more modest Asian scale in which case the Nixon Doctrine is a way to cushion and disguise an American withdrawal so as to make it as painless as possible to Americans and allies alike? We shall all know more about Mr. Nixon's answer as events unfold in Cambodia a month hence.

LAW OF THE LAND AND THE WAR POWER

Mr. CHURCH. Mr. President, it is important to know what things are not, as well as what they are. Specifically, I refer to the pending Cooper-Church

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amendment designed to limit our military involvement in Cambodia.

Mr. Merlo J. Pusey, of the editorial staff of the Washington Post, has recently written a thoughtful analysis of three resolutions and amendments relating to Southeast Asia, including the amendment which the distinguished Senator from Kentucky (Mr. COOPER) and myself have introduced.

With the modification in language overwhelmingly adopted May 26, 1970, by the full Senate, Mr. Pusey suggests that "no solid ground is left for White House opposition." He said:

> If the White House is alert to the gathering storm signals, it may yet embrace this mild restraint in the hope that it might become a matter for dealing with the more difficult problems ahead in regard to the war power. The Cooper-Church formula means that the Senate is not out to knife the President or take over direction of the war. It merely indicates there should be no more upsetting escalations without the knowledge and consent of Congress.

I ask unanimous consent that the article by Mr. Pusey be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 26, 1970]

LAW OF THE LAND AND THE WAR POWER

(By Merlo J. Pusey)

Much of the confusion over limiting funds for the war in Southeast Asia results from the fact that no consensus has yet emerged as to what Congress should do. There is strong sentiment behind the Cooper-Church amendment forbidding further incursions into Cambodia which comes to a vote today, but it does not fully satisfy the growing antiwar sentiment in Congress. Behind it are the McGovern-Hatfield amendment fixing a date for withdrawal of American troops from Vietnam, the Mathias resolution repealing congressional approval of the war, the Percy resolution designed to forbid future use of troops abroad without the consent of Congress and a number of others.

It seems highly probable that the Cooper-Church amendment will be adopted in some form. With the modification in language so as to indicate that the policy it would write into the laws is "in concert" with the President's announced aim of getting the troops out of Cambodia by July 1, no solid ground is left for White House opposition.

It is beside the point to say that passage of the amendment would indicate a lack of faith in the President's pledge. It would indicate only the determination of Congress to participate in the making of policies involving the lives of citizens. Equally far-fetched is the argument that the amendment might prevent the President from taking action necessary to protect American troops. The President has ample authority as Commander in Chief to repel any attack upon our armed forces, without waiting for Congress to act. The Cooper-Church amendment would say to him only that in acting to protect the troops he could not again invade Cambodia, without congressional approval.

If the White House is alert to the gathering storm signals, it may yet embrace this mind restraint in the hope that it might become a pattern for dealing with the more difficult problems ahead in regard to the war power. The Cooper-Church formula means that the Senate is not out to knife the President or take over direction of the war. It merely indicates that there should be no more upsetting escalations without the knowledge and consent of Congress.

The next challenge that the President will have to face in this area is more formidable. The amendment sponsored by Senators McGovern, Hatfield, Goodell, Hughes and Cranston would cut off funds for combat in Vietnam at the end of 1970, although funds could still be used for termination of U.S. military operations, withdrawal of U.S. troops, exchange of prisoners, aid to South Vietnam and so forth, with a proviso that all American military personnel be out by June 30, 1971. By this action Congress would impose on the administration a fixed withdrawal policy which could be altered only by a declaration of war or other congressional action.

Undoubtedly Congress has authority to take this drastic action, if it wishes, and if the war should continue indefinitely, against mountng internal protests, some last resort remedy of this sort might prove to be necessary. At present, however, it is difficult to imagine Congress taking upon itself the whole burden of liquidating the war.

Suppose that Congress should enact the December cut-off date for military combat in Vietnam and that Hanoi should launch a December offensive to strike a final crippling blow at the American forces preparing to leave. Congress would be loath to declare war or order a resumption of limited hostilities. Suppose that the enforced withdrawal in accord with an inflexible timetable should lead to a Communist sweep throughout Indochina.

The country needs to be prepared for unpleasant consequences of its retreat from Southeast Asia. Under even the best of circumstances now foreseeable, the outcome of our ill-advised venture may prove to be a bitter pill, and the bitterness would be greatly intensified if a hasty retreat were forced on a Republican President by a Democratic Congress. Incidentally, the effect might be to strengthen the hold of the President of the power to make war if a congressional venture in overriding the President should lead to disaster.

The risks of the McGovern approach may drive the Senate back to the Mathias-Mansfield proposal which would, in its original form, withdraw the blank check that Congress issued in the Tonkin Gulf resolution and endorse the announced Nixon policy of withdrawing from Vietnam. Coupled with the Cooper-Church amendment, this would put Congress on record against reheating the war in either Vietnam or Cambodia. Ways may be found to stiffen the Mathias-Mansfield mandate for withdrawal without trying to force a rigid congressional timetable upon a complex international denouncement.

The Percy resolution looks to the future and is not directly related to getting American forces out of Cambodia and Vietnam. It would express "the sense of the Senate that the President should not utilize the Armed Forces of the United States in interventions abroad for any combat activity without the express consent of the Congress except where the use of such force is necessary, pending congressional approval, to response to a clear and direct attack upon the United States, its territories or possessions, or upon forces of the United States that are lawfully deployed pursuant to a treaty or other specific congressional authorization."

This is a fair restatement of the constitutional provisions which place the war power in Congress. Why, then, did Senator Percy choose to offer only a sense-of-the-Senate resolution which the President could ignore? The policy he has stated is the law of the land, and Congress will have to find ways of getting it respected at the White House if our democracy is to be saved.

SOLID LABOR FRONT IS CRACKING UP

Mr. CHURCH. Mr. President, another major defection has occurred in the hitherto firm AFL–CIO support of American policy in Southeast Asia. I refer to an editorial in the forthcoming June–July issue of the Butcher Workman, official publication of the Amalgamated Meat Cutters & Butcher Workmen, AFL–CIO. This is the second major defection of recent days, the other being the strong criticism of our Southeast Asian involvement by Jacob Potofsky, president of the Amalgamated Clothing Workers Union.

The critical Butcher Workman editorial notes that religious groups, fraternal orders, and bankers are opposing the war. Then the editorial asks:

> Is everybody out of step except the AFL–CIO?

I ask unanimous consent that the text of the Butcher Workman editorial, appearing over the name of Patrick E. Gorman, secretary-treasurer of the Meat Cutters Union, be printed in the RECORD at this point in my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WAR AND THE AFL–CIO

Senator Fulbright of Arkansas, in the estimation of trade union leaders, may not have the best voting record in the Senate of the United States. Time will prove, however, that he is one of the nation's best statesmen and will be remembered in history as a great humanitarian.

The Arkansas Senator had the courage to state that the AFL–CIO has become part of the military establishment of our nation. Such is a serious charge. In our opinion, however, the charge, to a great extent, is true.

We do not believe that the leader of our great American trade union family speaks for that family in supporting the President in the present war dilemma of our nation. We have never been out of the official family of labor since we received our International charter in 1897. We have never, however, followed blindly, and never will, every edict that emanates from the official headquarters in Washington, especially where war is the issue.

The AFL–CIO is not infallible, and many of us feel strongly that it is out of step with the thinking of the 13,000,000 members it represents.

No rational segment in the make-up of America puts the stamp of approval on our war involvements. Thirty-two Presidents of our nation's best-known universities are on record that our boys should be brought home from Southeast Asia. Our university students from coast to coast who feel *they* will have to fight this war have the same opinion.

Practically every church denomination in our nation believes our involvement is immoral. Fraternal orders and groups double and triple the numerical strength of the AFL have advocated the stopping of this human slaughter. Millions have marched in our streets expressing a longing for peace. And martyrs, like Martin Luther King, have died in opposition to what is going on.

Even Louis D. Lundborg, Chairman of the Board of the Bank of America, the largest bank in the United States, before our own Senate Foreign Relations Committee said that the war is bad for business. He also said that if anyone is to blame, it is peo-

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ple like himself for not speaking up and speaking out sooner and asking "What goes on here?" Remember—this is a banker speaking, not a trade union leader! Is everybody out of step except the AFL–CIO?

We wonder how long the 13,000,000 trade unionists in the United States will sustain this opinion. We wonder also how many of the executive officers of the AFL–CIO down deep within their hearts share this ridiculous position. Until a more sane policy is developed, we have only to wait through the dark night for a clearer dawn while the moving finger of justice is writing indelibly across the hearts of every American that there must be freedom, peace and equality among the peoples of the world!

NUMEROUS NEWSPAPERS DECRY CAMBODIAN INCURSION

Mr. CHURCH. Mr. President, from the North, East, South, and West, Mr. President, the crescendo of criticism continues against our military involvement in Cambodia, specifically, and our policies in Southeast Asia in general.

Editorial criticism is not limited to the so-called "Eastern establishment" press, to which Vice President AGNEW is so addicted as a whipping boy.

For example, the Chattanooga, Tenn., Times states in an editorial on May 1, 1970:

> Not militarily, economically or psychologically does the Cambodian operation seem to make sense.

From the Midwest, the Akron, Ohio, Beacon Journal on May 13, 1970, criticizes the ferocious destruction of Cambodian villages such as Snoul. The editorial concludes:

> Perhaps the destruction of Snoul and other towns will eliminate some of the threats against our forces in South Vietnam.
>
> But at what price to the standing of the United States in the eyes of the world?
>
> And at what price here at home where differences of opinion on war policies are tearing us apart?

The Atlanta Constitution editorializes on May 2, 1970:

> We would hope, along with most Americans, that Mr. Nixon is right in thinking this Cambodian venture will help end the war. But we fear, rather, that President Nixon has fallen into the pattern of repeating the mistakes of the past.

And in the West, the Sacramento, Calif., Bee, in an editorial on May 2, 1970, makes the judgment that when the President sent American troops into Cambodia:

> The whole mess in Southeast Asia has been stunningly worsened.

I ask unanimous consent that the editorials from which I have quoted and many others—34 in all—be printed in the RECORD at this point in my remarks.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Akron (Ohio) Beacon Journal, May 1, 1970]

NIXON RISKS MAKING AN UNPOPULAR WAR INTOLERABLE

President Nixon's decision to send thousands of American combat troops into Cambodia to wipe out the "privileged sanctuaries" of the Communists is, in our opinion, a serious mistake.

It escalates the fighting and will inevitably increase American combat deaths and casualties.

It is an invasion of a neutral nation, despite the President's assurances that U.S. and South Vietnamese troops will be withdrawn as soon as the enemy command posts and strongholds have been destroyed.

The possible effects and repercussions resulting from this action in Southeast Asia and in the United States constitute far more than any calculated risk. It could produce a disaster.

In three speeches, President Nixon had warned North Vietnam and the Viet Cong: "If I conclude increased enemy action jeopardizes our remaining forces in Vietnam, I shall not hestitate to take strong and effective measures to deal with the situation." The movement of more and more North Vietnamese troops into Cambodia and increased activities in the sanctuaries constitute, the President said, an unacceptable risk to Americans in South Vietnam and provide sufficient basis for such "strong and effective" measures.

Mr. Nixon said destruction of the Red sanctuaries in Cambodia was "indispensable" for continued withdrawal of American troops from Vietnam and was aimed not at extending the war into Cambodia but at ending the war in Vietnam more quickly.

From a purely military standpoint, the President's action to destroy the enemy where the enemy is may be acceptable. But the years of disastrous war in Vietnam are proof that this is not just a military war. It is also a political war.

The President's action assumes that the Cambodians want to be rid of the Red sanctuaries which have existed on the border for five years. It also assumes that the new government, which ousted Prince Sihanouk as chief of state, has the support of the Cambodian people. It disregards the possibility that this invasion of Cambodia by U.S. and South Vietnamese may help Sihanouk return to power.

Before taking action, did Mr. Nixon take into account the deep, centuries-old ethnic hatred of the Khmers of Cambodia for the Vietnamese, both North and South? A thousand years of wars and massacres have irrevocably divided the Cambodians and Vietnamese. Does Cambodia rejoice over Mr. Nixon's decision? Or have we created another enemy?

This escalation of the war into Cambodia also helps consolidate the Communists in what may become the war of all Indochina. Leaders of North Vietnam, the Viet Cong and the Pathet Lao met with Prince Sihanouk AND Red China's Premier Chou En-lai in an Indochina "summit" conference last week. Peking announced its support of the "united front" against the U.S. Will war in Cambodia bring Red China actively and openly into the Indochina war?

President Nixon conceded that his decision may have its greatest impact here in the United States and that he may be "a one-term President" as a result. He accepts that risk.

If the military action inside Cambodia cannot be concluded, as hoped, within the month or so before the rainy season, and if the fighting drags on and on with mounting losses and dwindling chances of success, Mr. Nixon will have transformed an unpopular war into an intolerable one.

An open clash between the Congress and the President is a distinct possibility for critics of the Vietnam war may force a showdown on whether the war can be extended to Cambodia without consent of Congress.

Mr. Nixon mentioned that great decisions concerning the fate and future of this country had been made in the room in which he spoke. There were echoes there, too, of Johnson's folly.

It could be Nixon's folly now.

CAMBODIA FORAY INFLICTS NEW SCARS ON AMERICA

If you believe what you hear from Washington, the American invasion of Cambodia is a big success.

President Nixon said at his press conference last Friday night that progress had exceeded expectations. The White House announced the next day that huge quantities of North Vietnamese arms, ammunition and other supplies had been captured.

But that doesn't tell the whole story.

What is the reaction of the Cambodians in particular and the world in general to our tactics?

From the start, there has been a feeling of shock and revulsion that the United States would and did intrude upon Cambodia. And as some of the play-by-play stories filter out from correspondents on the scene, our posture looks worse.

Daniel Southerland, a special correspondent of the Christian Science Monitor, told how a U.S. armored squadron devastated Snoul, a rubber plantation town just inside the Cambodian border.

"American television cameras recorded the destruction of the town," Southerland reported, "a town where as many as 1,500 people used to live . . . Cameras also took pictures of four civilians who were killed, probably by napalm. A little girl was among them.

"The cameras took pictures of some Americans looting what was left in the town—drinks, mirrors, clocks, shoes, suitcases. A civic action team later returned belongings taken by U.S. troops . . . but an unfortunate impression had been created."

Summing it up, the reporter said that:

"On the plus side for the Americans, they had captured two heavy machine guns and an AK47 rifle, as well as some papers and a few scattered pieces of equipment. The U.S. command claimed that 88 enemy troops were killed, 63 of them by air strikes, but this is a highly dubious estimate . . . If there had been any significant supplies in Snoul they were taken away before the Americans got there.

"On the negative side, a town was destroyed, four Cambodian civilians were killed, a dozen Americans were wounded, a rubber plantation was destined for economic ruin and 1,700 to 1,800 rubber workers were now actively engaged on the side of the North Vietnamese."

This is reminiscent of the way many of the South Vietnamese towns and villages have been "saved" from the Viet Cong and the North Vietnamese in the last several years.

Perhaps the destruction of Snoul and other towns will eliminate some of the threats against our forces in South Vietnam.

But at what price to the standing of the United States in the eyes of the world?

And at what price here at home where differences of opinion on war policies are tearing us apart?

[From the Atlanta (Ga.), Constitution, May 2, 1970]

A DANGEROUS VENTURE

President Nixon has committed thousands of American troops to a new war in Southeast Asia with his decision to invade Cambodia.

It was a reckless decision. It represents, at the very least, a major escalation on our part of the war in Vietnam.

We have invaded another country, Cambodia, with the incredible argument that since the North Vietnamese fail to respect either the sovereignty or neutrality of Cambodia . . . that, well, somehow it's all right for U.S. troops to march into that country.

It is certainly true that North Vietnamese and Viet Cong soldiers have set up bases in

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Cambodia. In recent days, in fact, the Cambodian government has asked the United States for military supplies. *Supplies,* you understand, not U.S. troops. Every indication is that Cambodian officials were stunned at Mr. Nixon's sudden announcement that U.S. and South Vietnamese soldiers were launching a major attack on North Vietnamese strongholds on the Cambodian-South Vietnam border.

Mr. Nixon's own logic, as expressed in his address to the nation, seems inconsistent. He says, for example, that there have been major Communist bases in Cambodia for at least five years. We did not attack these bases, he said, "because we did not wish to violate the territory of a neutral nation."

Why is it, then, now necessary to invade this same neutral nation?

Mr. Nixon notes that North Vietnam has stepped up guerrilla actions in the past two weeks. Yet, if we are to believe Mr. Nixon's own comments on Vietnam of less than two weeks ago, the process of "Vietnamization" of the war has succeeded to the point that 150,000 more American troops can be withdrawn from Vietnam within this coming year.

What has changed so drastically that Mr. Nixon now feels it necessary to widen the war in Southeast Asia by sending combat troops into another nation? How can a new major line of battle make it possible, as Mr. Nixon suggests, to withdraw American troops even more rapidly? Or, as he also suggests, have the effect of reducing casualties?

"We will not be defeated," declared President Nixon, in announcing the invasion of Cambodia.

What does that mean? Is the next step to resume the bombing of North Vietnam? To send *more* American troops to Southeast Asia?

The decision to send American combat troops into Cambodia may, indeed, be defensible in strictly military terms. Yet, as we've learned painfully, it is not possible to "win" a guerrilla war in Vietnam in a normal military way. That knowledge has cost the lives of more than 40,000 American soldiers.

Mr. Nixon's decision to escalate the war by moving into Cambodia seems to spring from the same kind of thinking which led, years ago now, to our increasing involvement in Vietnam in the first place. We would hope, along with most Americans, that Mr. Nixon is right in thinking this Cambodian venture will help end the war. But we fear, rather, that President Nixon has fallen into the pattern of repeating the mistakes of the past.

[From the Baltimore (Md.) Evening Sun, May 1, 1970]

GAMBLE IN CAMBODIA

Temptation, naked and mocking, danced at the President's fingertips. There behind the Cambodian border crouched the elusive enemy, nightly springing forth to raid friendly supply lines, daily pushing deeper into defenseless Cambodia, constantly threatening the fragile South Vietnamese government headquartered 50 miles away in Saigon Mocking, yes, because the Cambodian border gives the Viet Cong and the North Vietnamese a protected sanctuary. But naked, too, because they are concentrated and thus vulnerable to a sudden mighty swoop by the Americans and their South Vietnamese proteges—or so, the generals told the President. Last night the President yielded and struck, and yet it was a fearful gamble.

The generals could be right. As a strictly military operation, this new thrust may well prove the quick and overwhelming success the President hopes it will be. In one stroke, perhaps, he will seriously cripple the enemy army, reassure both Cambodia and South Vietnam and, in Hanoi, make it perfectly clear that the United States is not to be trifled with. If so, well and good. Then he can put behind him the Cambodian adventure with his military rear firmly secured and, once again, pick up the withdrawal of American troops where temporarily he has laid it down. That is what the President surely intends to do.

The trouble is that among the bitterest lessons of the Vietnamese tragedy is this: military men cannot see beyond the muzzles of their guns and, too often, not even that far. They misled President Kennedy with their soft-sounding talk of military advisers; they misled President Johnson with brave-sounding talk of escalation and victory. Most of us now recognize these military concepts for military mirages which already have brought death to 40,000 American troops. Now again a President, armed with fresh military guidance, sets out on the proposition that the way to save lives and to close out the American part in the war is to make the war larger, actually to expand it into still another country—with American support.

The hazard that one more President, however sincerely, has reached out for one more mirage is painfully plain. If a quick military triumph in Cambodia is possible, so is a long and sputtering military stalemate. Following on that are the further possibilities that the North Vietnamese will increase their own military efforts, that the Chinese Communists will at last step in, that the now-promising American withdrawal will dwindle and be forced to stop. A drastic reversal of policy will have been forced upon Mr. Nixon, and the hopeful flickers from Moscow of peace talks at Geneva snuffed out.

This is the long-range danger which deeply disturbs a large number of congressmen. It cannot help but disturb ordinary Americans as well, for this newest "victory" stroke has beginnings which are by now chillingly familiar.

[From the Chattanooga (Tenn.) Times, May 1, 1970]

IN CAMBODIA: A STEP TOO FAR

Once again, and as difficult as it is to believe in the light both of past failures and present hard facts, the United States is widening its military effort in Southeast Asia. As before, it does so with the expressed hope it can thereby accomplish just the opposite: make more secure its withdrawal from South Vietnam. But on the basis of Wednesday's announcement it must be bluntly and gravely doubtful that our plans have enough probability of success; or even that many of our premises are sound.

The granting of limited arms aid to the Cambodians, who are struggling against great odds and some 40,000 or more North Vietnamese, is one thing. And we have favored it.

The dispatch of thousands of American troops north into the Parrot's Beak; American advisers to the South, down to the battalion level and at forward exposed commands; combat air, artillery and logistical support; air coordinators; all this is quite something else.

Not only are we closely supporting the South Vietnamese thrust into the Parrot's Beak of Cambodia, we have planned it in detail (one of the Vietnamese divisions involved, the 25th, has at least until recently been assessed as the worst division in the entire South Vietnamese army).

"Off the record" in Washington, the operation is being classed at temporary, possibly to last only about a week, and its purpose is described as clearing the area of enemy supply facilities. Such a move might help reduce the capability of the Communists to launch from Cambodia a new assault on Vietnam, it is reasoned, before the rains halt all military operations in late May.

Such a rationale is all but impossible of belief. We are beginning something now that involves extended commitments and, very likely, expanded consequences.

We are broadening the level of contact and the certainty of American forces in Vietnam are being steadily reduced.

And what happens if the field commanders advise us later that a similarly critical picture is shaping in Laos? Will extensions of commitment seem just as necessary there?

Even our own embassy in Saigon was, at least a short time ago, leary of the commitment we now assume. But again, the military has had its way. We share both its hopes and its frustrations. But it has persuaded Washington to an unwise course.

We do not agree with the heavy majority of the Foreign Relations Committee that there should be no help for Cambodia. But the unfortunate task of Congress now is to examine closely the need to set definite limits on such assistance. Not military, economically or psychologically does the Cambodian operation seem to make sense.

[From the Chicago (Ill.) Daily News, May 2-3, 1970]

TO CAMBODIA—AND BACK?

Mr. Nixon must have the bulwark of a united nations as he embarks on the perilous course he has set for the next several weeks. If the already visible and grave hazards were to be intensified by the aspect of an America falling apart in angrily warring factions, the nation's prospects would be needlessly worsened. The Commander-in-Chief has committed the nation; the operation is under way. That much cannot be changed.

But Mr. Nixon also told the nation that the excursion into Cambodia is a one-shot operation that he expects to last six weeks to two months. "Our purpose is not to occupy the areas. Once enemy forces are driven out of these sanctuaries and their military supplies destroyed, we will withdraw."

Such an operation should take no more than 60 days at the outside; if the end has not been achieved in that space, the President will have been proved wrong in his "one-shot" assessment. In that case, Congress and the American people should strongly demand that the venture be abandoned.

For the observers with long memories are already drawing uncomfortably apt parallels between Mr. Nixon's Thursday night assurances and the words spoken nearly six years ago by another President in other circumstances. "The United States intends no rashness and seeks no wider war," said Lyndon Johnson as he asked the Congress to put a legal base under the combat in Vietnam by adopting the Gulf of Tonkin Resolution. Almost 50,000 Americans have died in the subsequent widening of that war.

Mr. Johnson believed what he was saying then, and we do not challenge Mr. Nixon's sincerity now: You can believe that a policy he stakes his political future on is a policy he believes in. This does not excuse the almost conspiratorial secrecy that inspired the President to keep even his fellow Republicans in the Senate in the dark as to his plans on a matter so near the heart of public concern. Evidently the Pentagon persuaded him that now was the time to commit the nation first and inform it later—which lends substance to the Senate's concern over the President's ability to bypass the constitutional assignment of the warmaking authority to Congress.

But granted some evidence of tactical chicanery, we do not question that Mr. Nixon believed implicitly that he is, as he said, saving American lives in Vietnam and avoiding defeat and humiliation for the world's most powerful nation.

The major danger is not in any lack of sincerity or political courage. The major danger is that the President and his advisers do not comprehend how things have changed since a military leader could safely postulate that if only he dropped enough bombs and spent enough lives, right—that is to say, might—would prevail. It has not been true for a long time; certainly it did not prove out when the scores were finally totaled after World War II; it has not proved true in Vietnam.

Nor does it seem likely to prove true in Cambodia. Already the enemy has begun withdrawing from the sanctuary within the area of the Parrot's Beak. It is characteristic of the enemy not to stand still, or do the expected. Surely in a decade in Vietnam we must have learned that not even the "most powerful nation on Earth" can destroy an enemy it can't find.

So there are many who wince when the President of the United States speaks of "power" and "defeat" and "victory" in the same way a Bismarck might have spoken of them—and of "humiliation" as coldly unthinkable for this majestic nation.

Perhaps humiliation is unthinkable. But when it comes to disengaging from a war that has been insatiably consuming lives and treasure, a war without visible point, a war that defies our most ingenious efforts to win or even lose gracefully, a touch of humility may become the key to whatever "success" an American President can hope to salvage. If Mr. Nixon will acknowledge this he may still have to worry about his second term, but not about his place in history.

MR. NIXON'S OBLIGATION

A Gallup poll taken after President Nixon's Thursday night speech revealed widespread bewilderment. Fifty-one per cent approved the President's "handling" of the Cambodian situation. Yet to the question, "Do you think we should send U.S. troops to help Cambodia or not?" 58 per cent voted no and only 28 per cent yes.

We take this to mean that most Americans, while dreading the possible consequences of the Cambodian foray, believe that the President of the United States must have the nation's support as he tries to lead us out of the morass of Southeast Asia. And there are stirrings in Congress, on the campuses, and in the marketplaces and Main Streets of the nation that suggest his lease on the people's faith may be a very short one in the Cambodian venture.

And not only in the United States. As Premier Kosygin intoned that this country had added to its already heavy (and guilty) responsibilities in Southeast Asia by its "aggression" against Cambodia, European capitals were viewing the invasion as the gravest matter since the Cuban crisis.

These are not concerns that can be disposed of indefinitely by progress reports from Cambodia that reflect "favorable" balances of casualties.

Even Vice President Agnew has conceded that there can be no such thing as "winning" a ground war in Cambodia (though he did not go on to state the obvious, that there *can* be such a thing as a prolonged bogdown that defies any precise resolution).

This being so, Mr. Nixon invited a major credibility gap when he proclaimed both that the Cambodia excursion was a way to end the war earlier that might otherwise be possible, and that six weeks or two months would be the span of this limited exercise. Contributing to the gap have been the elaborate secrecy that denied prior knowledge of the move even to close administration friends like Sen. Hugh Scott, and Defense Sec. Laird's declaration that the Communists in North Vietnam had better hold still or suffer a renewal of our bombing.

If Mr. Nixon is in absolute earnest about speeding withdrawal he can show it in various ways. One would be to put the Paris negotiations on a higher plane by filling the long-vacant post of ambassador-chief negotiator. Another opportunity will have been the Tuesday conference with congressional leaders. These are the men whose understanding the President must have if his policies are to prevail. If he can persuade them that his over-all strategy is likely to de-escalate rather than, as many fear, escalate the war in Southeast Asia, they may in turn be able to reassure the people.

[From the Chicago (Ill.) Sun-Times, May 3, 1970]

THE FICTION OF NEUTRAL CAMBODIA

President Nixon made it clear that the United States is not embarked on an invasion of Cambodia. He said his action in sending U.S. troops into the border areas of Cambodia was necessary to clear out Communist military forces which have occupied those border areas for the last five years in "blatant violation of Cambodia's neutrality."

However, Mr. Nixon overlooked several salient facts about Cambodia's so-called neutrality. Since 1963 Cambodia has been belligerently neutral on the side of the Communists.

In 1963, believing that the Communists had won the war in Vietnam, Prince Norodom Sihanouk, the chief of state of Cambodia, broke off relations with the United States, telling us to "go to hell." Sihanouk then turned to the Communists for economic support and accepted considerable aid from both Russia and Red China. He allowed the Communists to ship arms and supplies to their guerilla forces in South Vietnam from Cambodia, via the "Sihanouk Trail," which ran from north central Cambodia into South Vietnam.

Sihanouk gave the Communist forces sanctuary in Cambodia. On March 18 Sihanouk's comrade in arms and military commander, Gen. Lon Nol (who was also neutral on the side of the Communists) turned on Sihanouk and displaced him and took over the government. The Communist reaction to Sihanouk's overthrow was to encourage a civil war in Cambodia to restore Sihanouk to his former position as chief of state and to direct attacks against north central Cambodia with troops.

Nor did Mr. Nixon mention that Cambodian troops have slaughtered more than 3,500 Vietnamese (chiefly South Vietnamese, mostly Catholic, many of them women and children) in a bloody outburst of the deep racial and religious differences that have existed between Cambodia and its neighboring states of North and South Vietnam and Thailand. The slaughter, which was shrugged off by Cambodian officials as being of no importance "because they are only Vietnamese," is evidence that the new Cambodian government of Gen. Lon Nol is a cruel and repressive regime which has earned no right to any sacrifice of American lives or treasure.

Mr. Nixon would therefore be well advised to confine his Cambodian operations to no farther than those border areas where the Communists have established military headquarters and supply dumps with the permission of the former Cambodian government and to stay no longer than necessary. To go farther, to offer any support to Gen. Nol's government, which is threatened by the Communists from the north and east, is to risk becoming involved in a situation which could be worse than Vietnam.

THE CONSEQUENCES HERE AT HOME

Mr. Nixon has made it perfectly clear that he recognizes not only the extent of the huge military gamble he has taken in Asia but the political gamble he is taking in the United States.

If the Cambodia adventure bogs this country down into a prolonged war and delays rather than speeds withdrawal of American troops as he says it will, Mr. Nixon acknowledges he may become a one-term President.

The American people want out of the war in Vietnam. They want an end to the squandering of men, money and the nation's morale in a war that can't be won in a traditional and conventional sense.

Mr. Nixon acknowledged this when he justified his new policy on the ground that it is necessary to allow him to make good on his promise to bring 150,000 more soldiers home by next Spring.

If all goes well, Mr. Nixon's popularity undoubtedly will soar. But if the months go by and the nation becomes bogged down in Cambodia as well as Vietnam, Mr. Nixon may find himself in the same position Lyndon Johnson did in 1968.

So long as America is involved deeply in war in Asia, domestic problems will multiply. Dissent with America's war policy and frustration over the continuing involvement in Vietnam extends to all elements in American society. The demonstrations on college campuses against the war are matched by statements of men of commerce and industry deploring the effect of the war on the American economy. The war against inflation cannot be truly effective until there is an end of the bleeding of American resources in Vietnam.

The cost of living has gone up in the United States 21.6 per cent in the five years American men have been fighting in Vietnam. In the previous five years, prices went up only 6.5 per cent.

A nation must remain economically strong if it is to be a leader in accomplishment for its own people as well as a world leader. And it cannot remain economically strong if it is torn by internal strife caused by living conditions and weakened by the deterioration of its money system.

Mr. Nixon expresses concern about the United States image if it must "accept the first defeat in its proud 190-year history."

This is a military concept. There are times when diplomatic and economic considerations must modify a nation's attitude on what constitutes defeat.

Other nations have adjusted to the need for changing such attitudes. France's withdrawal from Algeria may have been termed a defeat of sorts but it was an action in the national interest.

Americans have long since adjusted their ideas about what constitutes "victory" in Vietnam. The national interest demands more than old-fashioned military shibboleths. It demands a disengagement and a carrying out of the policy Mr. Nixon enunciated at Guam last July: The United States must avoid that kind of policy that will make countries in Asia so dependent upon us that we are dragged into conflicts such as the one in Vietnam. We can only hope that Mr. Nixon is right, that our involvement will speed the day of American liberation rather than mire us down anew.

[From the Los Angeles Times, May 3, 1970]

NIXON'S DANGEROUS GAMBIT

ISSUE: How does one weigh the risks attached to Mr. Nixon's new decisions on Cambodia against the chances for success?

President Nixon has made his fateful decision to move American troops into Cambodia.

We hope ardently that his gambit succeeds, and that the war is brought, as he implicitly argued it would be, to a swifter and more acceptable conclusion.

But we believe he risked too much for too little. We believe the hazards outweigh the possible gains. As much as we wish to support the President on the grave decision for which he asked the support of the whole country, we believe he has made a serious mistake.

It is quite true, as the President said, that the supply lines and sanctuaries in Cambodia across the border from Vietnam have enabled the North Vietnamese to prosecute the war in South Vietnam.

This has been so for about five years. Military men in Vietnam have wished for a long time to mount spoiling attacks across the border. Now the change of government in Phnom Penh has given the President the opportunity—and he took it.

At best, the results of the President's gamble would look something like this:

The ability of the North Vietnamese to carry on the war in South Vietnam would be seriously impeded. Their capacity to launch the "massive attacks" of which Mr. Nixon spoke would be severely retarded. In the meantime the South Vietnamese would have more time to improve their own situation.

If, as is argued by some responsible men, the North Vietnamese are now, really, stretched to the breaking point, this new evidence of American resolve might induce them to reach an agreement on the future of South Vietnam acceptable to the United States. The Soviet Union might be persuaded to bring about an international conference to settle the whole matter of Indochina.

In other parts of the world, most particularly in the dangerous Middle East, where the Russians have disturbingly raised tensions by sending their pilots to fly Egyptian warplanes, a show of American determination in Indochina might have a stabilizing, cautionary influence.

These considerations cannot be lightly dismissed. If such are indeed the results of the President's risky decision, it will turn out to have been the correct decision. We are certain the whole country hopes the President has made the right choice.

But the danger is that the President's decision will get the United States deeper into the war, and keep us there longer.

The whole experience of the war to date has been that there is never, at any time, an easy military solution. Suppose the North Vietnamese are able to draw back and avoid the brunt of trans-border attacks? Suppose their determination to carry on the war is not weakened, but strengthened, by the attacks? Suppose the American troops disrupt the border sanctuaries and withdraw, only to find that in several months the North Vietnamese have returned and the situation is basically the same as it is now? These are not idle suppositions. They are based on the history of the whole long war.

That history has shown us that the war is not a definable thing with fixed military boundaries, but an open-ended war, with all Indochina as the potential battlefield.

The North Vietnamese recently increased their pressure on northern Laos. Suppose they respond to the American action in Cambodia by trying to capture northern Laos? Does the United States then feel challenged to defend it?

We realize that the President spoke explicitly of confining American action in Cambodia to the border sanctuaries.

The risks of deeper involvement inescapably arise however, because of the rhetorical context in which he put his decision. He spoke, repeatedly, of the situation as a "challenge" to American will, American credibility, American power in the world. Dangerously, deplorably, he laid the prestige of this country on the line in Indochina in a way he had not done before, and a way President Johnson did not do after his decision to stop the bombing of North Vietnam.

We believe that American credibility abroad is better served by disengaging from Indochina—doing it carefully, not too fast, doing it very much as Mr. Nixon had been doing it—than by committing the nation more deeply in Indochina.

We believe that the people of this country simply will not sustain a deeper commitment.

We do not know what the future will bring. On balance, we believe that the chances for failure in the President's decision are substantially greater than the chances of success. But, like all Americans, we very much hope we are proven wrong, and he, right.

[From the Denver (Colo.) Post, May 1, 1970]

Cambodia—A Bleak Prospect

Richard Nixon admittedly laid his future as President on the line in his televised address Thursday night, but we would suggest that most Americans were less concerned with his political boldness than they were with his announcement of the extent of the new U.S. involvement in the Indochina war.

We were prepared for the argument and the rationalization in support of stepped-up military aid to Cambodia, an operation that has been officially under way for several days. Skeptical of its nature and worried about its potential, we nevertheless looked for no more than an explanation of its extent and purpose and perhaps a pledge of its limitation.

What we also got was the bleak news that "thousands" of American combat troops had joined with South Vietnamese forces in a joint attack on Communist strongholds across the Cambodian border, northwest of Saigon, and a pledge only that the troops would be withdrawn when those strongholds were secured from the enemy.

We find this revelation infinitely discouraging, no less so because the President attempted to justify this major military escalation and new territorial commitment in terms that have become all too familiar to Americans jaded by their country's involvement in a bloody and costly conflict that began as long ago as 1954.

It is the intransigence of the enemy, he said, that is prolonging that involvement today, and it is the "unacceptable risk" the enemy represents to our remaining troops that now has led to this further extension of that involvement. The President gave a blunt, aggressive impression in his brief address, using a map to explain his fateful decision to augment military aid to Cambodia with massive ground forces.

It is not to be considered an invasion, he said, but rather a move that is "indispensable for the continuing success" of the withdrawal of American troops from South Vietnam. When the Communist sanctuaries across the border have been cleaned out, the forces will be withdrawn.

If we concede some strategic military logic in the attempt to "clean out" enemy concentrations, the more pressing questions would seem to concern the amount of risk we are assuming in pursuing the enemy into another country and committing untold thousands of American troops to the operation.

If the goal is still to bring the boys home, as the President maintains, it seems like stretching logic to the breaking point to permit ourselves to be sucked into another widening of the war. And the fact that our will and character are being threatened, as the President put it, and not our power, scarcely strengthens that logic.

We appreciate the reality of President Nixon's political courage, that he would rather, as he said, be a one-term president who turned out to be right in his decisions than a two-term president who let his country down.

In sum, we must be highly skeptical of this new extension of our military involvement in Southeast Asia. But like all Americans we will hope for the best. We pray that the new endeavors are as limited in scope as the President expects and that they will protect and speed our withdrawal from South Vietnam.

While waiting for the results of this stroke, we would hope it could be received with a minimum of political partisanship and a maximum of the national unity that has brought this country through such storms before.

[From the Miami (Fla.) Herald, May 2, 1970]

Rerun of a Bad Dream—This Time in Cambodia

First the arms . . . next the military advisers . . . then the troops.

The script in Cambodia shockingly is the same as the story in Vietnam in the days of Kennedy and Johnson. We can hear Lyndon Johnson asking Congress for $700 million in 1965 (this year the war will cost $17 billion) when there were 30,000 Americans in the jungles and paddy fields and saying: "We have no desire to expand the conflict."

Reading yesterday of the loss of the first GI on official duty in Cambodia we can recall the days of 1963 when the death of a single American was a news event and the toll mounted alarmingly to eighty.

Then as now the host government opposed American involvement at first. The Vietnam government urged the withdrawal of American advisers. Cambodia, never consulted before 8,000 U.S. ground troops crossed its borders, "will protest."

So a nation that cannot realize its mistakes is condemned to repeat them. This, we regret to say, is what President Nixon has done in escalating the war in Southeast Asia.

The intrusion of Cambodia, alongside Vietnamese troops only lately regarded as shaky, is described as temporary—to clean out North Vietnamese and Viet Cong command posts before the monsoon season begins later in May.

But large bases are under construction. This makes a mockery of the national policy of withdrawal from the Vietnam war.

The credibility of Nixon policy also must fall in question. Cambodia has been a neutral. It wishes to remain a neutral. The North Vietnamese and the Viet Cong have violated that neutrality. So, over the border, to help Cambodia "defend its neutrality."

To give Mr. Nixon his due, he is taking a military gamble which has enormous risks. If it fails he may indeed become "a one-term President." If it succeeds (whatever success in this instance really means) he will have spent more blood and treasure in the Asian morass.

For most of Congress, and, we believe, most Americans are opposed to any more military ventures in Asia. Neither Congress nor the people were consulted. American troops are engaged in yet another foreign country without a declaration of war against anybody.

"I promised to end the war," said President Nixon Thursday night. "I shall keep that promise. I promised to win a just peace. I shall keep that promise. We shall avoid a wider war. But we are also determined to put an end to this war."

We have heard it all before—endless times. Sadly, it is not just a bad dream: it is reality in all its folly.

[From the New York Post]

The New Casualty List

A majority of the American people want to keep the casualties of our brave men in Vietnam at an absolute minimum. The action I take tonight is essential if we are to accomplish that goal.—President Nixon, April 30.

It was unclear at the time the President made that declaration how expanding a war could reduce casualties and it is even more questionable now. Last week more American combat soldiers were killed in Southeast Asia that at any time in the past eight months.

The figure given by the U.S. Command was 168 men lost. Assuming that the sudden increase in casualties was due both to Cambodia and to related counterattacks in Vietnam—and no more reasonable explanations are at hand—the President's chief justification for the invasion is fading fast.

"To protect our men" was the stated objective. The superficial rationale is that some sacrifice now will avert more casualties later. But, in truth, there is no objective way of judging how many men are being "protected."

The President also recalled his pledge to withdraw troops and asserted firmly that "they are coming home." But that is in question as well. Actually, no troops are shipping out at the moment—as the Pentagon acknowledges—and there are 3200 more men in Vietnam than there were a month ago. The Administration is committed to withdrawing 150,000 over the next year, but that promise was made before Cambodia, and what it is worth now is painfully uncertain. The figures that have immediate meaning are the casualty statistics—endless, and intolerable. There is surely no solace in the news that South Vietnamese casualties were also grimly large.

ECHOES OF THE CAMBODIAN ADVENTURE

1. BACK TO "TOTAL VICTORY"

Now "Operation Total Victory" in Cambodia has been accompanied by the renewal of U.S. bombing of North Vietnam. Raids more extensive than any undertaken since the air war was largely suspended in November, 1968, are under way, officially described as "protective reactions" in behalf of reconnaisance missions. In short, when the North Vietnamese fire at planes surveying their territory, the wraps are off. Who knows what other semantic ingenuities may be devised to camouflage President Nixon's desperate gamble for a military decision?

Vice President Agnew, asked yesterday on CBS' Face the Nation why the great bulk of troops participating in the Cambodian expedition were American rather than South Vietnamese, replied solemnly that this was consistent with our effort to "keep the casualties down." He also said we must concede that we cannot win a "ground war" in Asia. Next question?

We are living in a nightmare interval in which truth may be a major casualty each hour of each day. Mr. Agnew said confidently yesterday that the North Vietnamese are "quite debilitated and decimated." At the moment the evidence must be described as no more convincing than it was when the same characterization was used one, two and three years ago by those pressing for an investment of additional manpower and muscle.

All that is clear is that the Nixon "peace plan" has proved to be the old blueprint of the Pentagon and its front-men in Saigon.

It is based on the premise that we can impose a negotiated surrender on Hanoi without provoking any dangerous escalation by Peking or Moscow. To describe so hazardous an enterprise as a "minimal" or "limited" adventure is to play cruel games with reality.

2. THE PROPAGANDA MINISTRY

Herbert G. Klein, President Nixon's communications director, professes to hear only overwhelmingly favorable sounds in response to the Cambodian expedition. He says a "private poll" ran three to one in the President's favor and that mail, telegram and telephone have brought wonderfully affirmative messages. On Capitol Hill there are wholly different reports, with the Senate Foreign Relations Committee, for example, disclosing that it had received an unprecedented outpouring of wires with an 8-1 ratio condemning the U.S. moves.

Success, John F. Kennedy once remarked, has many fathers, and failure is an orphan. No public opinion verdict can be decisive at this juncture. But there is no visible dancing in the streets and there are many evidences of deep apprehension. In this connection it is noteworthy that a Harris poll, taken shortly before Mr. Nixon acted, and released today, showed 59 per cent opposed to any broader involvement in Cambodia or Laos under any circumstances. Were the fears and war-weariness expressed in that survey overcome by the President's speech, as a CBS telephone poll—the least reliable technique—now partially purports to find?

Meanwhile, Republican Senate leader Hugh Scott, whose own credibility has been badly undermined in recent days by his insistence that no bombing expansion was contemplated, is lashing out against the media for giving too much "free publicity" to "loudmouths" critical of the President. Does he mean Senator Aiken (R-Vt.), whose break with the Administration has received widest attention? Should Sen. Fulbright be required to buy time? Is there a new drive under way to make the networks organs of government policy?

[From the New York Times, May 2, 1970]

CAMBODIAN QUAGMIRE

President Nixon's shocking decision to send American troops into Cambodia immediately raises the question: Can they get out?

Withdrawal from South Vietnam as well as Cambodia is cited by the President, as the chief reason for plunging deeper into Indochina. The President's own rhetoric is once again ambiguous. He describes the American military move as a decision "to go to the heart of the trouble . . . cleaning out major North Vietnamese and Vietcong-occupied territories, these sanctuaries which serve as bases for attacks on both Cambodia and American and South Vietnamese forces in South Vietnam."

This is hardly a limited objective. The sanctuary areas now being used by Vietnamese Communist troops in Cambodia are far more widespread than the Fishhook and Parrot's Beak areas currently under allied attack. Talk of a six to eight-week operation, combined with Presidential language that indicates an effort to close out the Communist sanctuaries entirely, strongly suggests that more is intended than simply to shore up the Pnompenh regime and deter further Communist moves against it.

There is little reason to believe that the Vietnam war can be won by military operations in Cambodia, which cannot affect infiltration by sea, through Laos and across the demilitarized zone. There is little reason, furthermore, to believe that the Cambodian sanctuary can be closed. Similar bases have been cleaned out repeatedly within South Vietnam only to resume activity once allied troops withdrew; such operations are rarely attempted now in South Vietnam.

To pursue the objective of closing down Cambodia as a sanctuary assures a prolonged involvement of American troops and their likely entrapment in a quagmire as dangerous as that in South Vietnam, if Hanoi responds by escalating its own involvement there. The quicker the American action is terminated, the more likely it is that it can be terminated at a time of American, rather than Communist, choosing.

COMPULSIVE ESCALATION

With terrifying speed all the tragic errors of escalation are being repeated in Southeast Asia. Once again a President elected on a pledge of extricating the United States from the Vietnamese morass is embarked on a delusive quest for peace through widening the war. And each plunge down that road to disaster is followed posthaste by another and still another in a dismal replay of the futility ushered in by the initial escalation after Pleiku in February 1965.

The large-scale air attack on North Vietnam by American fighter-bombers this weekend did more than shatter the bombing halt ordered by President Johnson eighteen months ago. Coming just two days after the assignment of American troops to combat duty in Cambodia, the raid made it plain that the Pentagon is finding a receptive ear at the White House for its long campaign to strike at the enemy wherever its bases and supply lines may be.

This is a "domino" theory in reverse involving limitless risk and no discernible hope of success—a course rejected as to unpromising even at the height of the Johnson military expansion.

Unquestionably, the Nixon Administration is encouraged by the conviction that the Soviet Union and Communist China are so busy with their mutual animosities that they will refrain from stepped-up action in support of Hanoi and the other Communist elements in Indochina.

Yet the history of all past escalation in this area has been that it stiffens the Communist will to resist, pushes up the death toll, brings no serious move toward the peace table and drives both Moscow and Peking into more vituperative anti-American positions.

This is a two-way process of gambling with human destiny. Much of the inspiration for the President's stance in Cambodia obviously derived from concern that Moscow's increasing aggressiveness in the Mideast stemmed from a belief that the United States was a paper tiger.

What makes the current escalation doubly dismaying is its panicky pace. On April 20, from the relaxed setting of his ocean-front refuge at San Clemente, President Nixon gave the nation a reassuring report on the progress of Vietnamization and pacification. He was able to "say with confidence" that both processes were succeeding so well that another 150,000 American troops could be brought home.

Ten days later a much grimmer President was on television with a warning that the United States was in danger of battlefield humiliation that could topple it into the status of a second-rate power. Since then the area and extent of United States involvement have broadened so rapidly that even the defenders of the Administration's course have been left tongue-tied.

The first embarrassment was the disclosure that the Government Washington seeks to prop up in Cambodia was among the last to learn that American forces were en route to mop up Communist sanctuaries there. Comparable was the plight of such Administration stalwarts as Senate Minority Leader Hugh Scott cut adrift with White House-inspired statements that renewed bombing of the North was a remote contingency at the very time a hundred American planes were dropping bombs across the demilitarized zone.

The defeat in the Texas Democratic primary of Senator Ralph Yarborough, a Vietnam dove, will no doubt be taken by many around the President as evidence of popular approval of his new tough line. Mr. Nixon, by characterizing far-out elements among his campus critics as "bums," already has provided additional fodder for fear that much of this sudden militancy in Vietnam stems from a desire to divert attention from inflation, unemployment and other difficulties as the Congressional election moves into high gear.

The need in the conferences the President plans to hold tomorrow with four key Congressional committees is to get the focus back on deceleration of a war that, as Vice President Agnew acknowledged yesterday, the United States cannot hope to win and that makes impossible the attainment of urgent national goals. Making the war bigger is a formula for calamity, not extrication.

XUM

CAUTION IN CAMBODIA

Under the pressure of student and other protests, Congressional criticism and a worldwide clamor, President Nixon now has given the nation new assurances that his Cambodian incursion will remain limited in duration and character and, most important, will not be repeated later. His news conference commitments cannot undo all the disastrous consequences at home and abroad of this ill-considered adventure, but they do open the possibility of limiting the damage.

Mr. Nixon has promised categorically now to start withdrawing American troops from Cambodia this week and to get the great majority out by mid-June. By the end of June, he is pledged to remove all the rest, including the American advisers, air support and logistical aid provided the South Vietnamese forces in Cambodia. As a result, he expects the South Vietnamese forces to withdraw at approximately the same time.

Mr. Nixon acknowledged the North Vietnamese could re-establish their sanctuaries in six or eight months, but he indicated that the South Vietnamese Army then would have to deal with the problem alone. Earlier, Mr. Nixon assured Congress that American troops would not penetrate more than nineteen miles into Cambodia without Congressional approval.

All these assurances are designed to counter the country's fear of becoming bogged down in an expanded war that would impede and perhaps reverse disengagement from Vietnam. That fear is not limited to Mr. Nixon's critics. Some of his highest advisers opposed the Cambodian decision. Secretary of State Rogers, on April 23, told a Congressional subcommittee in closed session: "We recognize that if we escalate and we get involved in Cambodia with our ground troops, that our whole program [of Vietnamization and American withdrawal] is defeated. . . ."

Despite such advice, Mr. Nixon evidently decided to invade Cambodia and to bomb North Vietnam to respond to what he considered a Communist test of American "will and character" in the Middle East as well as Southeast Asia. But Indochina is a poor place for such demonstrations, as the sorry history of Vietnam has shown.

Instead of reinforcing American "credibility" in the world, the escalating Vietnam involvement undermined it by arousing a tide of anti-war and neo-isolationist sentiment in the United States. Cambodia promises to do the same.

The course of wisdom now, in addition to terminating the invasion quickly, is to resume vigorous efforts to negotiate a solution in Paris or elsewhere. Neither Moscow nor Hanoi has rejected outright the French proposal of a new Geneva conference.

President Nixon himself signaled last month that he was prepared to accept limited Communist use of the Cambodian sanctuary in preference to a wider war. A return to this policy might facilitate the reactivation of negotiations in one of the several areas the President mentioned during his Friday night press conference.

Meanwhile, reassertion by Congress of its responsible role in the war-making process would help restore public confidence in the American constitutional system and reinforce President Nixon's pledges of disengagement.

[From the St. Louis Post-Dispatch, May 14, 1970]

AND NOW CAMBODIANIZATION?

Vice President Nguyen Cao Ky of South Vietnam has never been lacking in gall, but he outdid himself in dropping into Cambodia to announce that his army expects to stay there a long time. Wearing a black flying suit adorned with silver stars, Ky held forth about the Saigon military's plans to remain in Cambodia until the feeble Lon Nol government has the strength to fight the Viet Cong and North Vietnamese by itself. This means never.

The Vietnamese (all of them) and the Cambodians have been deadly enemies for centuries, and even now the Cambodians are driving Vietnamese civilian residents out of the country; many, who have lived in Cambodia for years, have been slaughtered. The Cambodian army has just about enough strength to do this sort of job. It is said that as many as 500,000 Vietnamese may be expelled.

The South Vietnamese military were swept into Cambodia by the American troops who suddenly invaded the country two weeks ago. President Nixon says all Americans will be out by the end of June. Ky's troops can easily manage the ludicrous Cambodian army if it should try to cause trouble, so it appears that the Americans have handed over Cambodians to their ancient enemies, the Vietnamese. Of course, there are also North Vietnamese and Viet Cong troops in Cambodia, and it remains to be seen whether Ky's followers can stand up to them.

An interesting situation may be developing. Not long ago President Thieu of South Vietnam said it would take the Communists only a few months after the American departure to regain all the ground they have lost in Cambodia due to the American invasion, So what does this mean for Ky's occupation force (or was Ky only talking through his black baseball cap)? Ky's talk means Cambodianization, and it will not work any more than Mr. Nixon's Vietnamization will work. And if, say in July, the South Vietnamese start to take a licking in Cambodia, will the Americans run back in to save them?

Not if Congress denies the Administration funds for military operations in Cambodia; it is a powerful argument for passage of the cut-off resolution pending in the Senate.

[From the Sacramento (Calif.) Bee, May 2, 1970]

NIXON TRIES BUT FAILS TO JUSTIFY HIS ESCALATION OF THE WAR IN SOUTHEAST ASIA

President Richard Nixon was more emotional than logical in his nationwide defense of his indefensible expansion of American military involvement in Cambodia.

His arguments were specious, flag-waving and nothing can obscure the fact Nixon has escalated the Vietnam war, that he has compounded the folly of South Vietnam, that he has taken an action directly contrary to the whole implication of his campaign promises.

Manifestly the generals have made Nixon a captive, albeit a willing one, who from the beginning, has been hawkish toward the war. Nixon completely disregarded the lessons which he should have learned from the escalation of the Vietnamese war.

In a guerrilla war, the enemy merely falls back when moved against, disperses and regroups again. This undoubtedly will be the response of the Communists to American invasion of Cambodia, unless it is the intention of the United States to stay in its enlarged battlefield indefinitely.

America now has two nations from which to withdraw. Moreover, Nixon recognized the danger of his action when he warned any power which came to the aid of the Reds that America stood ready to retaliate with proper responses. This was a warning to Red China and proved Nixon is reapplying the old theme of brinkmanship so closely related to the name of the late Secretary of State John Foster Dulles.

With star-spangled rhetoric Nixon sought to invest this nation's Southeast Asian misadventure with a high moral content it never has had. He donned the toga of self-righteousness when he said he would rather be a one-time president than let American soldiers and morality be forfeited.

Emphasizing this theme, Nixon likened the American move in Cambodia to the two world wars and to the Korean War. The fact is, America's involvement in Southeast Asia almost uniquely departs from its roles in the wars he mentioned. It lacks the legitimacy of congressional sanction; it is not a war for principle, unless one equates the autocratic government in Saigon with democracy; it does not further American interests and safety, just the opposite.

Nixon merely defended discredited brinkmanship and escalation.

The whole mess in Southeast Asia has been stunningly worsened.

[From the Washington Post, Apr. 30, 1970]

THE NEW "LOW PROFILE" APPROACH IN CAMBODIA

From the very beginning of our effort in Vietnam we have rested our case on the sanctity of frontiers; North Vietnam had *invaded* South Vietnam, we argued, so it was aggression pure and simple. From this flowed our right to come to Saigon's aid, and bomb the North and all the rest. When North Vietnamese troops began in recent weeks to menace the new government in Cambodia, the refrain was the same; the White House wasted no time calling it "a foreign invasion" and never mind that the presence of large numbers of North Vietnamese troops in Cambodia had been a fact of life which we had accepted, without doing anything about it, for several years.

So now, because we don't like the turn of events in Cambodia, we have lent ourselves, with combat support and moral backing, to a *South Vietnamese* invasion of that country, without the slightest evidence that this support has been requested by Pnom Penh.

This is a stupefying development, which makes you wonder where in the world this Nixon crowd was when we were working our was insidiously into the Vietam War? Does nobody in this administration remember how that scenario went: first, try it with the South Vietnamese Army (ARVN), with American advisers and American equipment and American encouragement, and then if it doesn't do it, throw in air support, and then, if that doesn't work, American combat troops. Call it temporary, of course, something quick and surgical to buy time until our allies can pull themselves together and go it alone. If this administration can't remember how it went before, it ought to consider the possibility that a lot of people do—that we have been conned, once, by experts and that there are a lot of people, as the reaction in the Senate yesterday plainly suggests, who are in no mood to be conned again.

It may be, of course, that there is something to this that we haven't been told in the communique from the Saigon government, announcing the ARVN drive into Cambodia, and also the American collaboration in it, with military advisers, helicopters and air support. The President will have an opportunity to explain tonight in his television address just what there is about this adventure which distinguishes it from the follies of the past. For it is difficult, on the basis of what Saigon has said, and what the Pentagon has confirmed, to find any quarrel with Senator Mansfield's assessment: "Cambodia is a whole new ball game. If we become involved directly or indirectly, it becomes a general Indochina war."

Since we obviously *have* become involved, not only indirectly but directly, it certainly gives every appearance of being a step toward a "general Indochina war." And the hard questions come immediately to mind. Why, and why now, of all times, when we are supposed to be paring commitments and scaling down involvements and concentrating on Vietnamizing Vietnam? The obvious argument is that this will remove a great thorn in our Vietnam effort and thereby hasten our exit from the scene—or at least prevent it from being delayed. That is what we were told about the bombing of North Vietnam, and it is no more believable in this instance. For one thing, we would need far better evidence than anybody has offered in advance of this decision that the South Vietnamese can clear out the Cambodian sanctuary; still less is there any evidence that they can keep it cleared out. Even if they could, what is to stop the North Vietnamese, in the meantime, from turning around and giving their full attention to the subjugation of Cambodia? And where does this end, if not in an ever-increasing effort to make good on Mr. Ronald Ziegler's ambiguous implication that we suddenly have an obligation to keep Cambodia neutral and out of Communist control?

Frankly it did not occur to us, when the President first announced his new, "low profile" approach to foreign policy that its first real application would come in the form of active American collaboration in a South Vietnamese invasion of Cambodia. But we are, perhaps, getting ahead of things; we await the President's explanation tonight of what is new, let alone even remotely promising, about this policy.

[From the Washington Post, May 15, 1970]

CAMBODIA AFTER JUNE

Some of the blurred edges of Mr. Nixon's pledge to take "all Americans of all kinds, including advisers . . . out of (Cambodia) by the end of June" are beginning to come into focus. The clearer view is not entirely reassuring. Essentially, what Mr. Rogers and Mr. Laird have said this week in amplification of the President's withdrawal commitment is that, while ground troops will be removed from Cambodia by the set deadline, the United States maintains the option of using its own air and naval arms there and of supporting later forays by military units of South Vietnam.

One can appreciate why the administration would not wish to tell Hanoi and the Vietcong, from the rooftops as it were, that if only they will keep their heads down in Cambodia for six more weeks, they will never be bothered again. Ambiguity has an obvious military utility. Yet at a certain point in the American people's rising ferment, the reasons for keeping the enemy guessing but against the claims of Americans to be informed and reassured about their own government's policy. After everything that has happened in the last few weeks, is there still an argument about where the priority lies?

Perhaps these simple things should be said about the Cambodian intervention. First, it involves combat in another sovereign state, a fact not altered by the use of airplanes or ships or allies rather than ground troops. Second, the criticality of further operations in Cambodia, as opposed to their convenience, remains to be demonstrated, the more so as the current intervention is claimed to be a success. Third, such further operations confirm precisely the fears of those who suspected from the start that intervention in Cambodia could not be swift and "surgical." That is just what "a wider war" means.

Saigon's policy is especially disturbing. The Thieu-Ky leadership is broadcasting loudly that it intends to fight on in Cambodia after June 30; Mr. Ky speaks wistfully of recapturing a town fully 80 miles beyond Phnom Penh. But observers on the scene wonder how long a rekindling of traditional Vietnamese-Cambodian animosities can be avoided, if Saigon's strikes go on. Another worry is that South Vietnamese units, if deprived after June 30 of their customary extensive American support, may get into trouble so deep that pressure on the United States to rescue them will overwhelm the discretion evident now. The administration's commitment to the Thieu-Ky government is large. It is by building up its military prowess that Mr. Nixon hopes to allow troop withdrawals from Vietnam to go forward. Yet surely that commitment does not require the administration to license Saigon to fight a proxy war in a third country.

With some apprehension, we note reports that a good part of the Nixon policy in Cambodia is being based on estimates of what the American public will stand for. Use of airplanes, ships and South Vietnamese, it is suggested, may not make outrage brim over, the way the use of ground troops did. This is, in our view, a very chancy basis for policy-making. It literally asks for policy to be made in the streets. If students and others dismayed by the war come to believe that mass protest is the only deterrent Mr. Nixon will honor, then the evidence of the last three weeks plainly is that the protesters will accept that challenge. Domestic peace as well as international sense argues for limiting the intervention in Cambodia, before June 30 and after.

CAMBODIA: HOME TRUTH AND FIRST PRINCIPLES

"I know it is not the intention of the sponsors to aid the enemy," Senator Griffin said the other day and, in that gentle way politicians have of sticking a shiv into each other, he went on: "Of course, it is not. But it does aid the enemy when we tie the it does, and so here we go again, with the hands of the Commander in Chief." Well so same pious, specious arguments, reflecting the same (presumed) innocence of the kind of struggle we have been engaged in for five years, the same unwillingness to face the implications of what we have come to call *limited war*, and the consequent incapacity to talk about it in honest terms.

We begin by calling it limited and then when an effort is made to define a limit we call that "aiding the enemy" or worse—we are told that this or that inhibition will endanger American lives. Of course it will; that risk is inherent in a limited war; if economy of life had been our paramount concern, we would have fought this war in a far different, faster, and more efficient way, and at the risk of a far wider conflict—or not fought it at all. It is therefore tempting to write this off to ignorance or the rhetoric of political debate, to leave Senator Griffin at Valley Forge, as it were, with General Washington—except for the fact that the nature of limtied war is central to the current Senate effort to exert greater influence over war policy. On the off chance of illuminating the on-going debate, let us return to a few easily forgotten home truths and first principles:

The word limited, as applied to our Vietnam mission, means just that: "confined within limits; characterized by enforceable limitations upon the scope or exercise of powers." It modifies, it this instance, not just the manner in which a war is conducted but the objectives—the realistic outcome and the predictable gains—which can reasonably be expected, *as a result* of the limitations on the way it has been waged, unless you believe that a reduced investment can produce the same return.

Thus, we have *always* fought this war with our hands tied. We have not invaded or tried to conquer North Vietnam. We did not try to flatten that country with one swift and terrible bombing blow, although presumably we could have. Neither did we attack Hanoi's chief suppliers, Russia and China; it was not thought to be worth the risk of World War III. So we have always fought the hard way and taken and tolerated more casualties than we would have otherwise, and while this is not a pleasant thought, it is a fact. President Johnson used to say that a bombing halt would tie one hand behind his back—until he saw a purpose in halting the bombing and, understandably, stopped talking that way. He did not sweep into Laos or across the DMZ or into Cambodia.

Mr. Nixon, of course, has swept Cambodia; but in the process he has produced such a political trauma at home that, for all practical purposes, he has foreclosed his doing it again. He has tied his hands, or one hand, or another hand (you will perceive how grotesque this image can become) and this time the knots look permanent; as McGeorge Bundy observed last week "the appeal to the escalator has been ended by the mass reaction of Americans in (the) last fortnight."

And yet, the administration continues to threaten the sternest measures if the enemy does anything to interfere with "Vietnamization" and our orderly withdrawal, and those in the Senate who would merely ratify the President's public eschewal of further Cambodian incursions are being told by the Republican leadership that they are "aiding the enemy." The President, meanwhile, promises withdrawal, on the one hand, while continuing to project the prospect of a "just peace" as our fixed objective while up in the Senate, his critics draft a timetable for our departure and call it "an amendment to *end* the war."

What the Senate sponsors of this particular measure really mean, of course, is an end to *our participation in the war;* they can promise no more. What the President really means . . . who knows?—we do not yet have the habit of plain talk about this war. And because we are not likely to work our way out of it until we do begin to talk about it in real terms, there is a strong argument for passage of the Cooper-Church amendment, in a form satisfactory to the White House as well as the Senate. Our most urgent need now is not so much a prohibition imposed upon the President as a start towards a common understanding of *all* the limits imposed upon all concerned by a strategy of limited war.

[From the Washington Post, May 24, 1970]

THE VIETNAMIZATION OF CAMBODIA

The Nixon administration's plan to Vietnamize Cambodia—to support ongoing ground warfare there by South Vietnamese and other Asians after American troops leave next month—is risky and wrongheaded. Far from it being a "mistake" to set a timetable for the South Vietnamese, as Defense Secretary Laird said Friday, it is a mistake for the United States to grant Saigon what sounds too much like an unrestricted hunting license in a foreign country. This is the essence of a wider war, all the more disturbing for coming at a time when the setting of limits should be the key to policy.

Whatever can be said for Saigon's right to make occasional raids against Cambodian water sanctuaries, nothing can be said for a continuing presence. Such a presence invites Saigon to get in over its head and then to cry for an American rescue. It will surely tempt the Communists to make as much trouble as they can in vacated areas back in South Vietnam, with one likely consequence being a slowdown in American troop withdrawals. It encourages Saigon to assert what many Cambodians fear are its traditional ethnic and territorial ambitions or, at least, to draw Washington more deeply into the Cambodian whirlpool. If one accepts the administration's own claims of the great success of its Cambodian venture, in terms of supplies captured and sanctuaries spoiled, then the justification for a continuing Vietnamese presence reduces to nearly zero.

But that the administration supposedly is encouraging other Asians, such as Thais and Indonesians, to join military operations in Cambodia is a development with several puzzling aspects. Troubled as we are by the Cambodian intervention, we ordinarily would welcome Asian initiatives to come to Saigon's aid. The more the Asian governments cooperate with each other the better the

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chances of the United States' withdrawing and of the region's moving forward on its own. Yet for such an operation to have the best opportunity for success, it must be seen as an Asian one. The United States may help an Asian regional defense effort and entertain hope for it. But as soon as Washington invests its own prestige in that effort and takes on responsibility for its effectiveness, then the whole dreary cycle of American over-reaction and Asian under-performance will have begun again. For the administration to insist that every Asian exercise in collective security represents an unfolding of the "Nixon Doctrine" is gratuitous and probably harmful too.

If the sanctuaries in Cambodia really have been spoiled so spectacularly as administration spokesmen say, then the United States has no further appropriate business there; not in supporting the Lon Nol government, not in sponsoring Saigon's or Bangkok's designs on Cambodia, not in doing anything which makes that unhappy land more of a military and political cockpit than it already is. The United States has no obligations to Cambodia, nor should it take any on. Cambodia is the wrong place for the United States to be investing its own military or diplomatic resources, and this is the wrong time.

The American purpose ought to be to return its and its allies' focus to Vietnam. Presumably this was Mr. Nixon's intention on May 8 when he declared, "I would expect that the South Vietnamese would come out approximately at the same time that we do, because when we come out our logistical support and air support will come out with them." The President was offering himself good advice.

THE FLOOD OF MAIL AGAINST THE WAR

Mr. CHURCH. Mr. President, since President Nixon dispatched American troops into Cambodia in late April, I have received tens of thosuands of letters and telegrams against our military involvement in Southeast Asia in general and Vietnam in particular. Some of these communications reflect anger against our mindless military involvements in far-off places. Others reflect sadness at the tarnishing of our Nation's reputation as a result of the war. Others reflect a poignant personal feeling of despair that the Nation will ever right itself. But all are written with a determination that every effort ought to be made to end the war in that spirit which Senator Carl Schurz captured in the 19th Century when he said:

> Our country, right or wrong. When right, to be kept right; when wrong, to be put right.

These letters and telegrams to which I refer came from all sections of the United States. I wish to share some with my colleagues, that I have received from Idaho. I withhold the names, because I have not had time to obtain the consent of the writers to place their letters in the Record.

A 15-year-old boy, in writing me, expresses an analysis of the Southeast Asia war that adults would do well to emulate. He wrote:

> On the (TV) show, you stated many young boys will soon be old enough to fight, he writes. I'm 15, which makes me one of them. I know how it feels to hear so many men were killed today, thinking, soon it could be me. It is not dying I'm afraid of, but knowing I died in vain. There is no real cause to die for. In World War II, it was different, for Japan had bombed our soil. Then there was Hitler in Germany and the death of so many Jews. But in Viet-Nam? Nothing. No real outstanding cause.

A second correspondent writes:

> All of Soda Springs would like to see the war in Cambodia ended. Bring all the boys home.

Still a third urges:

> Please put every effort possible into leading our country into complete withdrawal from Viet-Nam and Cambodia so that peace can become a reality. All-out war is not desirable, but neither is slow military withdrawal which leaves many soldiers on active duty with little protection, or the closure of our colleges, interrupted educations, or deaths on campus.

A young man writes:

> Being of the younger generation (23) I feel that you do represent the younger generation in our stand in the current crisis in the Indo-China War as it is now always called.

A high-school student at Mountain Home, shares my view when he states:

> I have a great fear that the Cambodia situation will end up just like Vietnam. I feel we shouldn't be there, but I know demonstrations will be of no use. So I write to you. . . . All that is coming of the war is many grieving families . . .

And from another:

> Apparently our executive branch has forgotten about government of, by and for the people. To cut off their funds must be the only language the Administration understands. At least the voice of the people has no effect in ending this madness.

The impact of the war on our young has gravely concerned me and still another Idaho correspondent agrees:

> It frightens me when I see young Americans so disillusioned about their country. We must remember that in a very few years these young people will be part of the majority, but it is highly unlikely that they will be "silent," if their government ignores them now . . . I salute those of you who have put your political careers on the line in an attempt to end this fiasco. You are the true American patriots.

Finally, I want to share one more letter written by an Idahoan who remembers that President Charles de Gaulle braved fierce controversy bordering on insurrection in order to withdraw his beloved France from a wrong commitment in Algeria. This correspondent writes:

> France withdrew and as someone said, "She didn't fall into the sea."

I ask that the text of the letters from which I have quoted be printed in the Record at this point.

There being no objection, the letters were ordered to be printed in the Record, as follows:

DEAR SENATOR CHURCH: Two years ago I campaigned for you for the U.S. Senate. After watching you tonite on "To End the War", I know every minute of campaigning was worth it. I support your views entirely.

On the show, you stated many young boys will soon be old enough to fight. I'm 15, which makes me one of them. I know how it feels to hear so many men were killed today, thinking, soon it could be me. It is not dying I'm afraid of, but knowing I died in vain. There is no real cause to die for. In World War II, it was different, for Japan had bombed our soil. Then there was Hitler in Germany and the death of so many Jews. But in Viet-Nam? Nothing. No real outstanding cause. Men don't leave for Viet-Nam with a pat on the back and full support, but division and hatred to send them off. Those same men cannot say they will die so N. Viet-Nam will not invade Southeast Asia, for we don't know what they will or would do. And how about the P.O.W.'s. Instead of saving our men in North Viet-Nam, we are sending more men into Cambodia. Is this the road to peace? Certainly not.

This is more of an emotional letter than a logical one. But our country is emotionally divided, and the war certainly is not a logical one. I am sending a dollar to help you. I thank you, Senator for speaking out. It's about time. In a joint effort of the people and the Congress, we can end this war. We must end it or our country may not be around to celebrate its 200th birthday.

DEAR FRANK: We have no way to adequately express to you and the other great leaders in the Senate for your leadership in trying to end the war in Asia. The television program was impressive and I believe that it will make a tremendous impact on public opinion. We are sending a contribution to Support the Amendment to End the War in Vietnam.

Senator FRANK CHURCH: All of Soda Springs would like to see the war in Cambodia ended. Bring all the boys home. I had three grandsons over there. They should put this important question to a vote from all the people. We are not gaining, only losing.

DEAR SIR: With deep feeling we write to you regarding America's involvement in Viet Nam and Cambodia. As parents of two daughters and a son on two college campuses, we feel we have a great deal at stake and must express ourselves accordingly.

The deaths of those four students at Kent University is a direct result of this military action. How much longer can we ignore the advice of military leaders but listen to political leaders in the Indochina confrontation?

Please put every effort possible into leading our country into complete withdrawal from Viet Nam and Cambodia so that peace can become a reality. All out war is not desirable, but neither is slow military withdrawal which leaves many soldiers on active duty with little protection, or the closure of our colleges, interrupted education, or deaths on campus.

It seems that our world must learn to love persons enough to say, "I will not harm you just to get what I want." Our country could become the initiators of this movement by learning to communicate through careful listening and intelligent speaking, by caring for one another enough to eliminate wars, both foreign and domestic. Sound like the Golden Rule? We meant it so.

DEAR SENATOR CHURCH: On one of the local television stations last night, I had the opportunity to see you speak along with 4 other senators. This was an extremely effective and informative way to present your case for this proposed amendment.

You have my support completely in your work, as you have had for all the time you have served Idaho. I feel strongly that we here in the sparsely populated state of Idaho are fortunate to have such a mature and effective voice in Idaho. Being of the younger generation (23) I feel that you do represent the younger generation in our stand in the current crisis in the Indo-China War as it is now always called.

Again, keep up the good work and be assured that the young people of Idaho along with the older folks are behind you!

DEAR SIR: I am a student at Mountain Home High School, and I feel it is better to write to you than to riot or to burn buildings. I am worried about the situation in Vietnam and Cambodia. I have several relatives over there, and I don't want them killed or disabled for life. I don't claim I know what we should do, but I don't feel we should be over there. I am writing to you in hopes that maybe you can do something.

I have a great fear that the Cambodia situation will end up just like Vietnam. I feel we shouldn't be there, but I know demonstrations will be of no use. So I write to you in hopes that you will understand my feeling of leaving or having a military victory. All that is coming of the war now is many grieving families. All I know is we shouldn't be there. Can't something be done?

NEWSPAPER EDITORIALS OPPOSE OUR CAMBODIAN INTRUSION

Mr. CHURCH. Mr. President, throughout the Nation, many newspapers have endorsed the Cooper-Church amendment designed to terminate our direct military involvement in Cambodia. In so doing, the decision to send American troops into Cambodia is challenged.

I ask unanimous consent to have a few of these editorials printed in the RECORD at this point.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Baltimore (Md.) Evening Sun, May 12, 1970]

No New Cambodias

The United States commitment to the present Cambodian operation is accepted, however reluctantly, by the Senate Foreign Relations Committee. But the committee has now said, in startlingly concrete language, that there should be no new Cambodias. This is the gist of the amendment approved yesterday that would prohibit the following activities for the future: retention of United States forces (not only ground combat forces) in Cambodia, presumably after the projected pull-out date of June 30; the use of American advisers and instructors in that country; American support for mercenaries there; air support of Cambodian forces.

Whether the amendment will survive in the full Senate, or be accepted by the House (which had previously declined to adopt any such restrictions) is far from clear. Indeed, the whole question of operations in Cambodia, as opposed to South Vietnam, has surfaced so quickly it has not received the kind of thorough debate and consideration it deserves. Thus the State Department raises doubts about the constitutionality of such prohibitions and these have not been resolved. The President's right as Commander in Chief to "protect" American forces in South Vietnam—which he claims is one of the major objectives of the present operation—remains murky under terms of the amendment, although its sponsors claim no such restriction is intended. And the use of air power to support, say, South Vietnamese military action would apparently be permitted.

Even so, the intention of the amendment is clear and for the first time the initial, formal step has been taken to exercise congressional power over the purse strings to restrain the executive. This, as much as any demonstrations on the Ellipse or the nation's campuses, should provide pause for the White House and the Pentagon. We do not insist that the amendment in its present form is precisely the right way to go about the matter. The questions and doubts need to be examined further in senate debate later this week than they were by the committee. But the great cry across the country for Congress to reassert its authority has obviously been heard and produced a response, as salutary a development as there has been in the Capitol for a long, long time.

The Nixon Administration, in keeping with its benign neglect policy toward Latin America, is trying to defuse the controversy. Plans are being drafted to drastically reduce the size of the military missions in Latin America. That was the recommendation contained in Governor Rockefeller's report. Also, it seems, Pentagon planners have concluded independently that the larger missions should be scaled down. They are unnecessarily expensive and are often identified with undemocratic elements in the host countries.

This is a step in the right direction. The administration might also look to some of the larger embassies throughout Latin America, with the view toward cutting some unessential non-military personnel. Smaller embassy staffs would serve the dual purpose of lowering the United States profile in Latin America and providing fewer potential victims for would be political kidnapers.

[From the Boston Globe, May 13, 1970]

How to Turn Off the War

The Senate Foreign Relations Committee has moved to deny funds for unauthorized war operations. The bipartisan Cooper-Church amendment to the foreign military sales bill specifically seeks to prevent U.S. forces from becoming involved in a war for Cambodia and to insure that U.S. forces presently in Cambodia will be out by July 1 and be kept out.

The administration protests that this language imposes limitations on the President's authority as commander-in-chief, especially concerning his responsibility to protect American forces "within" South Vietnam.

This is the same argument presented two weeks ago to justify the invasion of Cambodian territory. Since congressional approval was neither sought nor deemed necessary by the Nixon administration, congressional opponents are left only with their unquestionable power to appropriate funds for the war machine.

Last week some 135 members of the House, including all of the Massachusetts delegation except Speaker John McCormack, supported unsuccessful moves to deny funds without congressional consent for incursions into Cambodia. This week each senator will have to vote publicly for wider war or withdrawal on whatever schedule.

Some suggest this will be an exercise in futility. But at least it means a significant reversal of the long-standing practice of automatically voting military appropriations. Between now and July 1 there will be numerous opportunities to attach identical amendments to all pertinent military appropriation bills. These votes will establish the record on which all congressmen and 35 senators must seek reelection. This is what the new student lobbyists need either to persuade congressmen to their peace views or to garner support for peace candidates.

There is also a chance that the Senate will approve the restrictions. The amendment is being supported by the Senate's two most distinguished Republicans, George D. Aiken of Vermont and John Sherman Cooper of Kentucky, as well as Senate Leader Mike Mansfield (D-Mont.).

Sen. Hugh Scott (R-Pa.), speaking for the administration, says the amendment will not get any "more than 30 votes." Sen. Frank Church, an Idaho Democrat and sponsor, counts "more than 40" supporters now and foresees a majority by Thursday's vote time. One hopes that Sen. Edward W. Brooke will support the amendment. Republican votes especially are needed and should represent no embarrassment to the President if we are to believe his statement that "all U.S. troops would be out (of Cambodia) by June 30." That is all the amendment asks.

The administration's ambiguity on the Church-Cooper amendment is typical of the credibility gap, once a hallmark of Johnson days, now apparent in Washington. It was never more evident than after the session Monday with the nation's governors. The meeting was designed to explore ways to communicate better with students. We are told a presidential "telethon" is being considered to start a dialogue with youth. There is no need for any such staged production. Actions will speak clearer than words.

A return to withdrawal and disengagement from Vietnam, reform of the draft, approval for the 18-year-old vote, and greater efforts to reduce military spending—rather than floating trial balloons about the need for more taxes—are all better ways to woo the young.

The suggestion of MIT professors to contribute a day's salary toward a $15 million peace candidates fund also has great merit. Their announcement said "we must ensure that the coming elections will create a Congress that will be committed to peace, the withdrawal of American military presence from Indochina and the prevention of other Vietnams." That is a worthwhile program, not only for university professors, but also for the students and all wage earners who want to turn off the war.

[From the Detroit Free Press, May 15, 1970]

Congressional Duty in War Is Finally Being Asserted

Had something like the Church-Cooper amendment now before the Senate been enacted half a dozen years ago, we wouldn't be stuck where we are today in Indochina.

The resolution would cut off funds for future American military activities in Cambodia, unless they were initiated with congressional approval. It would not affect the current operation there, but would hold the President to his deadline for pulling U.S. forces out of that country.

One reason we became so hopelessly entrenched in Vietnam is because from 1961, when the buildup of American advisers began, until last year, no one took any specific, concrete steps to stem the widening of the war.

What if two, three or four years ago, Congress had said to the President, "Look, we're not going to pay for any more than 50,000 or 100,000 troops in Vietnam"? No one can say for sure, of course, but the strong possibility is that "Vietnamization" would have begun much faster.

Instead, the executive was allowed to choose, decision by decision, to expand the conflict until the war we shouldn't have fought with 50,000 men has become the war we shouldn't have fought with 500,000.

The President has already announced he has no intention of staying in Cambodia. Why should he object to this congressional reinforcement of his own position? He did not oppose similar resolutions a few weeks ago forbidding use of U.S. combat troops in Laos or Thailand.

The amendment does not prevent Congress from changing its mind, should the politics or military situation of Southeast Asia require it. The swiftness with which the Tonkin resolution was passed shows how quickly Congress hands sweeping powers to the president in an emergency—and how easily a president can convince it that an emergency exists.

The State Department argues that the amendment restricts the President's "fundamental powers" as commander-in-chief, an argument that the executive branch is fond of making. The President has chosen to regard every opposition to his policies as a usurpation of his powers, as though opposition is automatically unconstitutional, illegal and somehow even un-American. That only encourages the kind of "patriotism" that beats up peaceful demonstrators, provokes more violent dissent and applauds the shooting of students.

The President, after all, is not the only one with constitutional duties and preroga-

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tives. Congress has the constitutional duty to declare war, to control expenditures and in a fundamental way to act as a check upon the executive. We are currently fighting an undeclared war at horrible expense in which two presidents have had unusual freedom of action. Church-Cooper is just an attempt to reverse a balance that for too many years has been weighted all in the other direction.

For many months, the only serious antiwar arena has been in the streets. Frustrated in their attempts to alter the course of the war and frequently goaded by the well-advertised indifference of the administration, those who oppose the war turned to marches, rallies, pickets, even—and we condemn it—violence. Church-Cooper is a big step toward moving the action back to the political arena, toward making American institutions seem viable and responsive again. We hope it will work.

[From the New York Post]

REVOLT ON CAPITOL HILL

A great many bills have been sent up to Congress by the Nixon Administration, but it must be especially anxious now about prompt attention to the bills for the Indochina war. There may be some delay; an increasing number of legislators seem reluctant to pay with a blank check.

In fact, it appears that at least 41 Senators support the legislation just reported out by the Senate Foreign Relations Committee, which would amount to a stop-payment order on funds for any U.S. military activity in Cambodia after June 30, and the House Democratic caucus will meet in an unusual session tomorrow—at the request of 54 members—to vote on a resolution introduced by Rep. Ryan (D-N.Y.) opposing the Cambodia invasion.

The Administration is apparently apprehensive about these developments. A State Dept. protest about "statutory" curbs on the powers of the Commander-in-Chief was hastily followed up yesterday by Secretary of Defense Laird with announcements of troop pullbacks from Cambodia and promises that "major" operations will cease by June 15.

It is doubtful that responsible critics will be satisfied by such countermeasures—or by official cheerleading about alleged triumphs in Cambodia even as unrest mounts in Saigon.

The Senate legislation, actually an amendment to the foreign military sales bill, and the Ryan resolution are both expressions and assertions of Congressional responsibility and leadership. There will be debate later on the proposed repeal of the Gulf of Tonkin resolution and on the even more stringent measure sponsored by Sens. Hatfield (R-Ore.) and McGovern (D-S.D.), intended to force withdrawal of American forces from Vietnam and Laos by the end of the year. In other words, neither the Pentagon nor the President can be calmly assured of unlimited funding for wider war in Indochina by demanding that Congress routinely pass the buck.

[From the New York Times, May 14, 1970]

CAMBODIAN WITHDRAWAL

The debate that has opened on the Cooper-Church amendment now gives the Senate a chance to vote a proposal that would bind President Nixon to his promise of withdrawing American troops from Cambodia. It would also make sure that he did not send them back without Congressional consent.

These reasonable objectives deserve reasoned discussion, not the "stab in the back" and "jubilization in Moscow" rhetoric employed in an attempt to discredit the amendment yesterday by some Administration supporters.

Administration arguments that the measure would hamper the President in his constitutional responsibility to take action to protect American troops merely confuse the issue. Nothing in the proposal would keep the President from carrying out the present Cambodian operation, all the more so since repeated statements by Mr. Nixon and Defense Secretary Laird assert that the operation is ahead of schedule and proceeding successfully. Mr. Laird, in fact, has publicly dismissed as unnecessary military pleas for more time to search for Communist arms in the sanctuary bases.

What the Cooper-Church amendment would do is cut off funds to retain American troops in Cambodia after the current operation is completed on June 30. It would also prohibit American advisers or air support for Cambodian forces.

However, the sponsors of the proposal have not attempted to bar limited arms aid for Cambodia nor American air interdiction of Communist supply lines through Cambodia to South Vietnam. Neither is there any attempt to rule out American air support to South Vietnamese forces should they return to Cambodia at a future date, although President Nixon has said that air support for the current South Vietnamese operation would halt by the end of next month.

The importance of the Cooper-Church amendment is twofold. It gives the Senate an opportunity to put on record the strong opposition within that body to a prolongation of military operations in Cambodia. And it would announce the Senate's determination to reassert Congressional prerogatives in foreign policy and defense, areas marked in recent decades by Presidential dominance—and tragic errors.

The real constitutional issue differs from the one the Administration is trying to make. The Constitution vests control over the nation's warmaking power in both the President and the Congress. No one can doubt the need for Presidential decision-making when split-second questions of nuclear war or peace may be involved. But there never has been such urgency in the Presidential decisions on Vietnam and Cambodia, now under challenge.

By adopting the Cooper-Church amendment and thus reasserting its right to be consulted before the country is taken into war again, Congress will strengthen not weaken the American position in the world. What Vietnam has shown is that it is a war undertaken without popular consent that undermines American credibility abroad, not the opposite.

[From the New York Times, May 17, 1970]

CAMBODIAN BALANCE SHEET

Desperately eager to head off a long-overdue reassertion of Congressional restraints over the President's warmaking powers, the Nixon Administration strove last week to put the best possible face on what it insists will be only a limited extension of the Vietnam war into Cambodia. It remains too early to tell how much or how little military success will attend the two-week-old Cambodian escalation, but it is already plain that it is a political disaster.

Administration sources cite a count of more than 7,000 reported enemy dead and an impressive list of weapons and other booty captured as evidence that the thrust into border sanctuaries has proved its worth. But even Defense Secretary Laird appears skeptical of the body count and nobody doubts that the seized supplies will be replaced in time.

Meanwhile, the main body of enemy forces has not been touched. The Communists continue to extend their grip over northern Cambodia and southern Laos, beyond the self-imposed limits of American penetration. Still a phantom is the central Communist headquarters that President Nixon has said was the principal target of the allied attack.

On the global political front Secretary of State Rogers has conceded that foreign reaction has been largely negative. Instead of inducing the other side to negotiate, President Nixon's get-tough policy appears to have stiffened Hanoi's resolve and strengthened North Vietnam's ties with its Communist allies. It has exacerbated Soviet-American relations at a critical time in the SALT talks and in Middle East negotiations; it even appears to have cooled the quarrel between Moscow and Peking.

But the heaviest price for President Nixon's Cambodian misadventure has been paid at home where bitter division and bloodshed have torn American society. Less than a month ago, Mr. Nixon was boasting that the Communists had made "their most fatal calculation" when they "thought they could win politically in the United States." Now it is the President who has misjudged the depth of American aversion to the war. This opposition has exploded not only on the campuses but within his own Cabinet, in the usually mute State Department bureaucracy and among such solid citizens as 1,000 "establishment" lawyers who plan to travel from New York to Washington this week to urge "immediate withdrawal from Indochina."

Henry Kissinger, the White House foreign policy adviser, yesterday said that the President's July 1 timetable of withdrawal would be fulfilled and that the South Vietnamese would pull out their combat forces about the same time. His statement is made speculative because they have gone far beyond the border sanctuaries and become deeply involved in Cambodia's internal affairs. In any case, it is difficult to believe that the Saigon forces, incapable thus far of mastering their own country, can save the inept rulers of a neighboring nation whose people are ancient enemies of the Vietnamese.

Equally unsettling is the reiteration by an American spokesman in Paris last week of the President's earlier warning that, if the Communists remain intransigent in negotiations and aggressive on the battlefield, "we will react accordingly."

Congress can help restore confidence at home and abroad on the direction of American foreign policy by beginning to reassert its own constitutional powers through adoption of the Cooper-Church amendment. Its goal of cutting off funds for future military involvement in Cambodia would not imperil the troops or undermine Presidential authority to carry out all of Mr. Nixon's stated objectives in the current drive there. Rather it would enable Congress to share with the Chief Executive, as it should, responsibility for ending a war that already has cost the United States far more than it could ever be worth.

[From the New York Times, May 19, 1970]

NO MORE CAMBODIAS

The firmness with which Senators of both parties are resisting efforts to kill or cripple the Cooper-Church amendment on Cambodia is encouraging evidence of a new determination in Congress to restore the constitutional balance in reaching vital decisions on war and peace.

The proposal to bar funding of American troops in Cambodia after June 30 does not infringe on the President's constitutional power to command the armed forces in the nation's defense. It does reassert the long-eroded constitutional prerogatives of Congress to participate in foreign policy and defense decisions, which President Nixon ignored when he unilaterally ordered American troops into Cambodia.

An aroused public opinion, to which Congress is at last responding, already has prompted the President to make an open commitment to terminate his Cambodian adventure by June 30. The Cooper-Church amendment would enable Congress to share

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responsibility for this important decision, as it should under the American constitutional system, and would give it the reassuring force of law.

The measure does not interfere with the military operations now under way. Nor does it bar any important actions in the future that the President himself has not already foreclosed. It does not prohibit limited arms aid to the Cambodian forces nor air interdiction of Communist supply lines through Cambodia to South Vietnam. Nor—despite some Congressional misgivings on this point—does it rule out future American air and logistical support to South Vietnamese units in Cambodia, although Mr. Nixon has pledged himself to halt the current support operations by June 30.

There is no need, despite Administration urging, for the amendment to re-state the President's power to take action to protect American forces in the field should they be in imminent danger of attack. Congress cannot restrict this power. What Congress seeks to prevent is the use of this power as a pretext for military operations of wider scope undertaken without consultation with the nation's elected legislators.

Essentially, the Cooper-Church proposal is a warning shot across the bows that says: "No More Cambodias!" It does not create a constitutional crisis, but implies that the President could precipitate one—if he again widens the war or reverses American disengagement from Vietnam without Congressional agreement. The Administration argument that the amendment would impair the President's credibility in dealing with the Communists is unpersuasive. The way to assure Presidential credibility is to gain Congressional support by treating Congress as a partner in decisions on peace and war. Acceptance of the Cooper-Church amendment would be a useful step in that direction. But whether the Administration accepts it or not, the Senate can best serve the national interest now by pressing ahead with its enactment.

[From the St. Louis (Mo.) Post-Dispatch, May 13, 1970]

Blocking Funds for Cambodia

The Administration cannot very well make a substantive objection to the Senate resolution designed to limit the United States invasion of Cambodia, since President Nixon has promised that "all Americans of all kinds" will be out of the country by the end of June. So it may be presumed the White House pressure that brought about defeat of a similar proposal in the House last week will not come into play.

Irrespective of Administration wishes and pledges, the bipartisan measure that would cut off funds for retaining American forces in Cambodia beyond the end of next month ought to be enacted. It cleared the Senate Foreign Relations Committee by a 9-to-4 vote on Monday and deserves overwhelming Senate approval; later this month or in early June, when the matter comes up for a vote, the Senate should also approve the broader antiwar resolution requiring military withdrawal from Southeast Asia.

The need for congressional restraints is underscored by considerable evidence that Mr. Nixon acted impulsively in sending American troops in Cambodia, and contrary to the advice of high-level civilian advisers. There was no immediate or compelling military reason to invade Cambodia and the expedition has proved pretty much of a fiasco despite the intensive effort of Pentagon propagandists to claim significant results.

The United States can be counted fortunate, thus far, in that there has been no major retaliation by the enemy. Mr. Nixon pictured the invasion as a means of cleaning out North Vietnamese and Viet Cong sanctuaries and protecting U.S. troops in Vietnam. But supposing the gamble had been followed by a disastrous Communist response elsewhere (something that still may occur)?

There are at least two sides in a fight, a situation Mr. Nixon seems sometimes to overlook. One side does not know how the other side will react, and herein lies a particular danger in the Indochina involvement. The problem of the sanctuaries is an old one, and who is to say that if sanctuaries are denied one place they will not appear in another?

The possibility has already been raised among Senators that the North Vietnamese may retaliate by attacking United States military installations in Thailand, an American sanctuary for the big U.S. bombers that issue forth to raid targets in Laos and Vietnam. There has never been a serious attack on the American bases in Thailand. Could an enlargement of the war into Thailand be the next possible step?

What might be called the theory of the falling sanctuaries points inexorably toward an enlarged war unless an irrevocable contraction begins. The ultimate sanctuary is China; there have been military men in the capital for years who have believed in the desirability of attacking China. Containing Peking is presumably the goal of the entire Southeast Asian operation. Only yesterday retired Lt. Gen. James Gavin, a notable opponent of Vietnam escalation, said he feared the risk of war with China was increased by the Cambodian invasion.

Unless the escalation is stopped the catastrophe of a war with 800,000,000 Chinese is possible, and indeed, may be inevitable. So Congress is obliged, in the light of the Cambodian enlargement, to take nothing for granted, to put up restraints to the Executive even while hoping they will not be necessary. We presume Mr. Nixon intends to honor his pledge to get out of Cambodia by the end of June, but a congressional funds cut-off would be a strong signal to the hawks pushing for a larger war.

[From the San Francisco Chronicle, May 13, 1970]

A Vote Against More Cambodias

The vote of the Senate Foreign Relations Committee to cut off funds for any future U.S. military action in Cambodia is probably unprecedented in wartime.

The words "in wartime" are the key words here, because it is the fact that the Vietnam war is constitutionally undeclared which underlies the Foreign Relations Committee's quarrel with the State and Defense Departments and the White House.

In a declared war, a vote by Congress in support of legislation to cut off all operational funds in a war theater would be unthinkable—even were it a newly entered and dubiously accepted theater like Cambodia. So that explains why no one has been able to recall a precedent for what happened Monday in Senator J. William Fulbright's committee.

Specifically, this rebuke to the Cambodian venture came up as an amendment to a bill authorizing the sales of foreign military goods. It was rushed through the committee on one day's discussion (just as the now reviled 1964 Gulf of Tonkin resolution was). Its bipartisan sponsors, Senators John Sherman Cooper and Frank Church said the force of their amendment would not keep the President from carrying out his present operation in Cambodia—which he has said he will definitely end by July—but could keep him from a future Cambodian operation without the express approval of Congress.

Apparently the issue may come to debate in the Senate as early as tomorrow, and this debate, like the vote of the committee, will undoubtedly emphasize the mood of dismay, doubt and disillusionment among many Senators and Congressmen in the Capitol.

Observers in Washington who write a newsletter for businessmen and who never express themselves in hyperbole say that rarely have government officials and members of Congress appeared so angered and confused over a presidential decision as over this one.

We don't think that that decision is going to be reversed by this vote or that it will unduly alarm or hamstring the President, because Congress can't conceivably intend to deny funds to operations already under way. But Congress has expressed its opposition by resolution to the President's sending combat forces into Laos and Thailand, and to deny him funds for a second Cambodia would be just a stronger assertion of the same view.

[From the St. Louis Post-Dispatch, May 16, 1970]

The Amendment On Cambodia

The Administration is moving in strength to block Senate proposals aimed at limiting the American involvement in Cambodia, but its arguments thus far are not persuasive and there is no indication a great many Senators are impressed. The target of Administration lobbying is the so-called Church-Cooper amendment that would bar funds for retaining troops in Cambodia after July 1; it would allow no money after that for American advisers or U.S. air support.

A weakness in the Administration position is that President Nixon promised unequivocally over television on May 8 that "all Americans, of all kinds, including advisers, will be out of Cambodia by the end of June." The amendment at issue does no more than put a congressional seal on Mr. Nixon's pledge.

Senator Griffin of Michigan, the assistant Republican leader in the Senate, says passage of the measure "would suggest the President doesn't mean what he says and that the Senate doesn't believe him." The record shows that Mr. Nixon has made confusing and contradictory statements on the matter, so the Senate has a reason for putting its own convictions on record in the form of specific legislation.

And credibility aside, there is another aspect of the situation. Since Mr. Nixon was obviously under pressure from the military brass to invade Cambodia, the Church-Cooper resolution should actually be helpful to him in fulfilling his withdrawal pledge, since the hawks would be given to understand they could get no more money. It might be said that the resolution is aimed more at the military men who want to enlarge the war than at Mr. Nixon himself.

There are indications the debate may center around the President's powers to protect American troops whether Congress restricts funds or not, an emotional issue that seems to us more or less irrelevant in the context. No one would advocate steps that would jeopardize the safety of American soldiers. But it would seem that the quicker and further the troops were withdrawn the less risk there would be.

Mr. Nixon said of the thrust into Cambodia that it was "indispensable" to the success of the Vietnamization program and necessary to protect American lives, though as he himself made clear the "threat" has existed in Cambodia for the last five years. Certainly the threat from Cambodia was less than the hazards to which United States troops may be exposed if things do not now go well.

It is quite possible that the Americans could come up against a powerful force of aggrieved Cambodians, North Vietnamese, South Vietnamese, Viet Cong and Laotians. The Thieu-Ky regime in Saigon says it plans to keep South Vietnamese troops in Cambodia after the promised American withdrawal, and if experience is a guide that government will try to keep the Americans in Cambodia as they have been kept in Vietnam.

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Perhaps most ominous of all, Mr. Nixon's action has prompted an unusual show of Russian-Chinese co-operation; Russia has proposed to China a joint Indochina policy to press for American withdrawal from Southeast Asia.

So it is conceivable the Cambodian thrust poses the risk of far deeper entanglement than Mr. Nixon envisioned. That is why so many Senators want to make prompt withdrawal from Cambodia as certain as possible, and why they want to make sure money will not automatically be available for a re-entry if some new crisis arises.

The Senate's duty is clear. In the interest of withdrawal and peace in Indochina it should cut off funds for Cambodia.

THE POWERS OF THE PRESIDENT

Mr. DOLE. Mr. President, as we continue to debate the President's power to exercise his constitutional duty as Commander in Chief, it is important that we consider the feelings of our fighting men in Southeast Asia. Often, the President's critics forget what the men who are doing the fighting think about the conduct of the war.

If we examine the broad cross-section of America, at home and in the combat zone, we discover strong and solid majority support for the President's conduct of Southeast Asia operations. There is little doubt, in fact, that the vast majority of the soldiers in the war zone support the President's decision to protect their lives by sending American forces into Cambodia. It is vital that none of us forget that these Americans in Southeast Asia do have faith in their Commander in Chief.

While some editors and others sit in the safety of their homes in America and condemn the President, I would remind my colleagues again that it is President Nixon who deescalated the war in Southeast Asia, that it is President Nixon who reduced our troop level by 115,500 men.

If we read the newspapers and listen to the commentators, they refer to certain Members of this body as "antiwar Senators." I assume that must mean those who support the President are "prowar Senators."

Of course, nothing could be further from the truth.

I know of no Member of this body who is not an antiwar Senator.

I know of no Member of this body who wants war as opposed to peace.

In fact, I know of no Member of this body who does not want peace at the earliest possible time in Southeast Asia, in the Middle East, and in every other trouble spot in the world.

Accordingly, I would say to those who coin the phrases, that the facts do not support their conclusions.

Mr. President, recently I noted a letter published in the Ashland, Kans., newspaper, the Clark County Clipper, written by Lt. Col. Roy Dickey, who is in the Air Force.

Let me read that part of his letter that deals with Cambodia. He is not writing from the safety of an office. He is not an editor, he is not a commentator, he is not a Member of this body, he is not a student, but, he is concerned about America.

This is what he writes:

> You commented on the President's decision to launch the recent Cambodian operation. I would also like to make a few comments and say that I admire the President for having the personal and political courage to make such a move. The action was long overdue. Our news media, protestors, and indignant dissenters seem to purposely ignore that the North Vietnamese are trying to impose their will by force on the South Vietnamese. Trying to, they have for years! They have forgotten that Laos belongs to the Laotians and not to North Vietnam. They have forgotten that Cambodia, too, is an independent country with the right to conduct its own internal affairs and to be free from interference and occupation by a vicious foreign power. The North Vietnamese are not. Cambodians. Why should they be permitted to use Laos and Cambodia as they see fit? This has in the past been called aggression and was not condoned by world powers, such as the invasion of Poland in WW II. Do we now condone this kind of thing by the North Vietnamese because Cambodia, Laos and South Vietnam are at various degrees of helplessness? Some say the government of South Vietnam is corrupt and does not have the support of its own people. Should we then turn the country over to the Communists who methodically killed and terrorized South Vietnam into virtual anarchy and forced us to start the large military buildup in 1965? Look how long it took the South to recover after the Civil War. They were in much better shape after the Civil War than the South Vietnamese were in 1965, but less than five years later it appears that South Vietnam is rapidly getting on its feet.
>
> Don't we as Americans have a national conscience? Don't we have enough smarts to realize that the world communist structure is solidly behind North Vietnam and absolutely delighted to see Americans do it to themselves?
>
> We have every moral right, the moral responsibility to protect our soldiers in South Vietnam. I feel that we have the very definite moral responsibility to protect innocent people in nations less fortunate than us, particularly when these countries are so openly attacked or occupied as Cambodia, Laos, and South Vietnam have been. I could go on and on and discuss the absolute idiocy of permitting the enemy, encouraging the enemy, to have flourishing sanctuaries; but I won't bore you. Yes, President Nixon did the right thing; and I think you should write him, your Congressman, and Senators to let them know that sensible Americans are behind him.

Mr. President, yesterday I also received a letter from a young lieutenant in California, who raises, a pertinent question. I shall not mention his name in the Record because I do not have his consent to do so, but let me read his letter:

> June 4, 1970.
>
> Dear Senator: I am departing shortly for my fifth tour of duty in Southeast Asia. I did not volunteer for any of these assignments, but I have not tried to snivel out or shirk my responsibilities to my country either, because I am certain that the President's policies on Southeast Asia are correct.
>
> Casualties have always been higher than they should have been since the enemy has enjoyed privileged sanctuaries. The enemy was careful not to make his sanctuaries too attractive as he was not sure we would not destroy them, therefore we had something of a psychological advantage. The Cooper-Church amendment would guarantee the enemy safe sanctuaries from which to stage troops and supplies.
>
> The Cooper-Church amendment would guarantee protection for the enemy. What guarantees are being provided for U.S. troops? I need to know since I have a wife and two daughters who want to know. Don't tell me withdrawal because we need protection to avoid being killed while withdrawing.
>
> Very respectfully,
>
> ——— ———.

Mr. President, let me say again that perhaps, from time to time, we lose sight of the men who are doing the fighting in Southeast Asia, of the American men in uniform who are asked to take the risks, and in some cases, to make the supreme sacrifice.

But more important, let me underscore again to those who so freely criticize the present President, that this is not President Nixon's war. The war was well on its way by January 20, 1969, when he assumed the high office of the Presidency.

Let me underscore that he has not escalated the war since that time. He has not sent more troops. He has withdrawn 115,500 men. He has not increased the bombing. He has reduced the bombing. There has been a reduction in casualties. The President has announced that another 50,000 men will be withdrawn by October 15 of this year and that by next spring, next May 1, an additional 100,000 men—which will mean, if I computed the total correctly, about 80 percent of all our combat troops in South Vietnam—will have been withdrawn because of the Vietnamization program.

Thus, I say, Mr. President, as we consider all the facts in the final hours before voting on the Byrd amendment, we should keep in mind this letter from the young lieutenant and the one from Lieutenant Colonel Dickey. They are on the firing line. They are not residing in a place of safety and criticizing the President or finding fault with his policies.

I do not know the politics of these two men and am not concerned about that. They are concerned about their safety, and the safety of their fellow men in Southeast Asia.

I happen to believe, as indicated yesterday, that we strengthen the Cooper-Church amendment by adoption of the Byrd amendment.

It would serve notice that we have a shared responsibility. I would hope that, when the vote comes tomorrow, the Senate in its wisdom will adopt the Byrd amendment by a wide margin.

Now, Mr. President, I wish to take a brief moment to welcome back those Senators, Governors, and Members of the House who have taken time to go to Southeast Asia, South Vietnam, and Cambodia, to find out for themselves just what is happening. Particularly I refer to the Members of this body, the distinguished Senator from Texas (Mr. Tower), the distinguished Senator from California (Mr. Murphy), and two intrepid Democrats, the distinguished Senator from New Hampshire (Mr. McIntyre), and the distinguished Senator from Nevada (Mr. Cannon)—who is a man familiar with those who are willing to take a gamble.

There were others from the House and from the executive branch, such as Bryce Harlow and the President's director of communications, Mr. Herbert Klein.

There were 13 gentlemen who had the courage, the interest, and the opportunity to take the long arduous flight to

South Vietnam, and to risk the possibility of death or capture, to see firsthand the result of the President's successful gamble in Cambodia.

Mr. President, I do not speak lightly when I talk of risking death or capture. When you are fighting guerrilla warfare; when there are no front lines, when the enemy has the capability of firing rockets and mortars into our bases at any time he is willing to risk his own life, then no American is completely safe.

I am certain, however, that the gentlemen who participated in this inspection trip found life much safer than it was before May 1. You cannot kill 9,000 of the enemy, you cannot capture 11 million rounds of small arms ammunition and 15,000 weapons; you cannot destroy his bases and his caches and disrupt his supply lines without making life a little safer for those on our side.

Mr. President, I recognize there are some divergent views on the value of this inspection trip, but one learns more in the field than by reading the newspapers, or by listening to commentators, or by listening to debate in this Chamber.

Mr. President, it is easy to criticize from a place of safety. But it is a little more difficult to take a look first hand. One can learn more in the field than by reading the papers or by listening to the debate that goes on in this safest of all sanctuaries—the Senate Chamber.

So, regardless of their individual views upon their return, whatever they may be, I commend my colleagues in the Senate who have taken the time to determine firsthand whether the Cambodian incursion was successful, to determine whether the pacification program in South Vietnam is successful, to determine whether the Vietnamization program is successful.

I would guess there are divergent views and that some may reach different conclusions. But whatever conclusion they reach, we owe them a debt of gratitude for their willingness and their courage to take this trip and to report to us.

LABOR LEADERS SUPPORT THE AMENDMENT TO END THE WAR

Mr. CRANSTON. Mr. President, yesterday a group of labor leaders representing unions with a total membership of 3.5 million in the United States met in Washington with the Senator from South Dakota (Mr. McGovern), the Senator from Oregon (Mr. Hatfield), and me, to discuss the efforts in Congress to find a way to end our participation in the war in Southeast Asia. Following that gathering, an announcement was made of the formation of a National Labor Committee To End the War.

I ask unanimous consent to have printed in the Record at this point the statement accompanying that announcement, which covers the position of these leaders of labor regarding the war in Southeast Asia generally, regarding the amendment to end the war, and regarding the Cooper-Church amendment.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Thomas E. Boyle

(Note.—Mr. Boyle is president of the International Chemical Workers Union and temporary chairman of the National Labor Committee To End the War.)

Eleven top officers and leaders of A.F.L.-C.I.O., A.L.A., and independent unions, with a total membership of 3½ million, met in Washington Tuesday (June 9) to plan labor activities in support of the Amendment To End the War.

We requested a meeting with the five original sponsors of the Amendment, and Senators Cranston, McGovern and Hatfield joined us during our deliberations, along with a representative of Senator Hughes. The group formed an *ad hoc* national labor committee to end the war and scheduled a second session on June 17, when a permanent committee and the names of the participating union leaders will be announced.

We want to demonstrate to the American people and to our government that millions of patriotic American workers want the War brought to an early end according to the rules of the Constitution. Those of us who join in supporting the Amendment declare that no group of workers in any one city can or should speak for the entire American labor movement.

Many of our members are veterans. We share the pride of all Americans in our flag. We shall carry and show it to demonstrate that pride.

We love our country. We feel that it has assumed an unnecessary burden by becoming shackled by the War. Inflation has been one of the results of that War. Our workers pay the price of inflation every day and our members who are on pension suffer. Unemployment, resulting from inflation, threatens the entire labor movement. Only by ending the War can inflation be ended.

Therefore we support the Amendment To End the War. In addition, we support a sound program of economic conversion designed to provide jobs as our economy shifts from war to peace. We also support the Church-Cooper Amendment and oppose any modification of it.

The PRESIDING OFFICER (Mr. Talmadge). What is the pleasure of the Senate?

The Senator from Kentucky is recognized.

Mr. COOPER. Mr. President, I have no prepared remarks. However, I do want to make a few comments on this matter.

I would like to say that the Senator from Kansas has been very assiduous and faithful in his duty as a Member of this body, and in his participation in this debate. I have enjoyed listening to him and I have paid attention to the issues that he has raised.

I agree with his statement that President Nixon has reversed the policy of the preceding administrations. The President has said that he seeks to secure an end to the war in Vietnam either by negotiation or by the policy of Vietnamization, I support that purpose.

The Secretary of State has said on numerous occasions that the President's policy is irreversible. I believe that it is irreversible unless by some chance, or because of unforeseen events, our country may be led into a widening of the war.

This is the real issue and that is the reason we are advocating the adoption of the amendment offered on behalf of the Senator from Idaho (Mr. Church), the Senator from Montana (Mr. Mansfield), the Senator from Vermont (Mr. Aiken), and myself.

I would agree also that the men who fight in Vietnam deserve the support of the Congress and of the people. Some of those who fight are regulars. Many of them are volunteers, and many have been drafted. They have obeyed the orders of their Government.

I believe that nearly every Senator has served in the military service and has served in wartime. I suppose that none of us looked forward with the greatest pleasure at the prospect of entering the military service in wartime. Nevertheless, we did so. We went. And that is true of those who have gone to Vietnam. They have not burned their draft cards. They have not evaded the draft. They have gone to Vietnam and they serve.

Many of these men—and I know it is true of a number from my State—have volunteered for a second tour of duty in Vietnam.

Our amendment will not in any way compromise the safety of these men, who serve in Cambodia, in Vietnam, and any place in Southeast Asia. Our view is that it will offer them the opportunity of a larger safety through the confinement of the war to Vietnam, and hope for an earlier end of the war.

The issue before the Senate is really not a difficult one to understand, although it has been misinterpreted.

Cambodia was invaded by the North Vietnamese and the Vietcong. Laos was invaded. South Vietnam was invaded.

I agree with the Senator from Kansas that many seem to forget that it was the North Vietnamese and the Vietcong who invaded these countries. The United States is not the aggressor. In Vietnam, whether or not it has been declared by the Congress or recognized by a resolution to be a state of war, it has been declared that our course is withdrawal from the war.

The United States owes no obligation to Cambodia. It owes no obligation by treaty. It owes no obligation because of any resolution of the Congress to authorize the use of our forces in Cambodia for Cambodia.

And I certainly assume that there is no executive agreement which would promise the use of our forces in Cambodia.

We have come to a point where our forces are engaged in Cambodia. The President has said that they will be withdrawn by June 30. I believe that statement to be correct. Our amendment, if it is agreed to, would then become effective. It would regulate the activities of our Armed Forces in Vietnam after that date, in the sense that I shall define.

We have no obligation to Cambodia.

The amendment provides that from July 1, we shall not become engaged in a war for Cambodia or in a war in Cambodia, without the consent of Congress.

I believe our amendment has sound constitutional authority.

It has been argued that the constitutional authority of the President to protect our forces would override the constitutional authority of the Congress to provide that we shall not become engaged in a war without the authority of Congress.

There is an area in which it is difficult to delineate the line between the powers of the President and the Congress. But there is a line.

I have read the debate of the Founding Fathers and recent briefs prepared upon the authority and war powers of

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the Commander in Chief, including his authority to protect the troops from the beginning, and most of the authorities spoke of the President's authority as one to repel sudden attack and to defend the troops against attack.

Gradually throughout the years, Presidents have extended this power beyond that concept. Throughout the years Presidents have sent troops into other countries to protect American lives and American property. But as the writers have said, the fact that such action has been taken beyond its proper scope does not make such action of continuing propriety either by law or by the Constitution. By legislative enactment, Congress can assert its authority.

I have read the questions asked yesterday by the distinguished Senator from Virginia (Mr. Spong), who is present on the floor, regarding the constitutional power of the President.

It has been interpreted as the power to repel sudden attack. I believe it would include the authority of "hot pursuit." If an emergency should arise near or upon the border between Cambodia and South Vietnam which should cause the President, as Commander in Chief, to think it necessary to take limited action to protect troops, I would agree that he could and should protect our men.

Our amendment provides in subsection 4, in effect, that the Air Force of the United States can be used to interdict the enemy and supplies from North Vietnam, or South Vietnam, or Cambodia, attempting to attack our forces in South Vietnam. Similarly, artillery and rockets could be used to protect our men and destroy sanctuaries.

Commonsense and judgment determine those situations where the Commander in Chief is using his authority to protect his men. Commonsense and judgment also lead us, I think, to believe if that authority is used beyond the necessity for the immediate protection of the Armed Forces, to engage our forces in situations in support of Cambodia, or for the retention of our forces in Cambodia on a more or less permanent basis I believe commonsense between Congress and the Executive, and agreement between them, would indicate that the Executive had moved beyond the concept of protection of the troops, and has entered the military-political field which is within the authority of the President and also of Congress.

Mr. SPONG. Mr. President, will the Senator yield?

Mr. COOPER. I shall yield in just a moment.

What we are really saying—and I think it should be simply stated—is that we are not condemning the action in Cambodia. We say nothing about it in the amendment. People have different judgments about it. It created uncertainty in this country but in a military way it has been helpful.

We are not attempting to encroach upon the President's constitutional powers.

The amendment intends that, if it should become necessary to protect Cambodia or become permanently involved in Cambodia as a part of the war in Vietnam, you are entering a field in which Congress has a right to enter into that judgment.

Mr. President, I yield to the Senator from Virginia.

Mr. SPONG. Earlier the Senator from Kentucky made reference to the questions I propounded yesterday to the Senator from West Virginia (Mr. Byrd), the sponsor of the pending amendment.

Mr. COOPER. The Senator is correct.

Mr. SPONG. I wonder if the Senator from Kentucky would comment on these questions in addition to what he has already said with regard to his understanding of the independent powers already possessed by the President as Commander in Chief. The questions appear on page 18957 of the Record of yesterday, June 9, 1970.

Would the Senator care to comment or give an opinion as to the independent powers presently held by the President as Commander in Chief with regard to the situations outlined in the questions?

Mr. COOPER. I will start with the question the Senator asked first.

Mr. SPONG. Yes.

Mr. COOPER. Without trying to define an area in terms of 2 or 3 miles, I would say the President has that authority.

Second, concerning his question "To destroy enemy supplies, staging areas, headquarters, and so forth, in a relatively narrow zone along the Cambodian-South Vietnamese border," "approximately 20 miles in width," I have already pointed out under subsection 4 of our amendment, the Air Force of the United States could attack such areas and artillery could be used and rockets could be used. As to the question whether there is continuing authority to enter Cambodia in a zone 20 miles in width, I would say our amendment does not recognize such authority. That is my judgment. But if an emergency situation should arise where our troops were in danger, I think the President, in his good judgment, would have the power to defend our troops against attack.

I cannot set out a line in terms of miles. I am trying to base the authority on steps against a sudden attack, repelling sudden attack, or in case of an emergency, such action as is necessary to protect the troops. I am trying to distinguish between such direct authority and the authority the Byrd-Griffin amendment would give to take any action that may be determined it is unlimited.

(At this point the Acting President pro tempore assumed the chair.)

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. COOPER. I yield to the Senator from Idaho, who is cosponsor of the amendment.

Mr. CHURCH. Mr. President, I wish to add an afterthought along the lines of the Senator's comment.

The key word in the Cooper-Church amendment is "retaining." Subsection 1 of the amendment prohibits the retention of American forces in Cambodia after June 30. I agree with the Senator from Kentucky that our amendment is intended to prohibit a permanent or quasi-permanent occupation of a buffer zone within Cambodia for an extended period of time.

However, if it were to happen that the enemy suddenly utilized a staging area, and there was a concentration of enemy troops and equipment obviously intended to be used against South Vietnam beyond the border, we would agree that the President, as Commander in Chief, has the constitutional authority to order his field officers to strike at and destroy such a base to protect American troops in South Vietnam. This would, however, be in the nature of a sudden strike and withdrawal operation.

I further agree with the Senator from Kentucky when he says that the adoption of the Byrd amendment would open up an exception so large that it honestly renders the Cooper-Church amendment meaningless.

The President could invoke the justification of acting for the purpose of defending American troops to cover almost any future operation that he himself might decide upon. That would be extremely unfortunate. That would permit our amendment to become another Tonkin Gulf resolution—if not even broader in conception—if the President were to decide later to use it for that purpose.

Mr. SPONG. Mr. President, will the Senator from Kentucky further yield?

Mr. COOPER. I yield.

Mr. SPONG. I address this question either to the Senator from Kentucky or the Senator from Idaho. They are both in the same boat.

Mr. COOPER. It is a good boat.

Mr. SPONG. I, of course, am interested in what Senator Byrd's reply will be to the questions I have propounded; but I should like the opinion of either of the sponsors of the Cooper-Church amendment whether they believe that under the language of the Byrd amendment the President would be granted tacit authority to order his military commanders in the field to do all these things.

Mr. CHURCH. My answer would be "Yes."

Mr. COOFER. The Senator from Virginia asked about the Byrd amendment. Let me read it. I should like to place it in the Record. It reads as follows:

> On page 5, line 7, before the semicolon insert a comma and the following: "except that the foregoing provision of this clause shall not preclude the President from taking such action as may be necessary to protect the lives of United States forces in South Vietnam or to facilitate the withdrawal of United States forces from South Vietnam".

The amendment has great appeal, because it speaks of protecting the lives of U.S. forces in South Vietnam. It will be argued and has been argued that Senators who vote against the amendment are not taking care to protect the U.S. forces in South Vietnam.

The Byrd-Griffin amendment cannot give the President any larger powers than the constitutional authority that he enjoys. What it would do, if it should be adopted by Congress, would be to approve in advance any action the President may want to take. His determination alone would justify it.

I want to make it clear that I am not talking in personal terms of the Executive who is President Nixon. He is my President. I am a member of his party. I have supported him in his program for ending the war in Vietnam. But we have been through this procedure before, the procedure of giving authority to the President, who did not intend, I am sure, to extend the authority which is given him beyond that as expressed at the time, but which was extended.

This amendment is broader in its scope than the Tonkin Gulf resolution, so far as the protection of troops is concerned.

The Tonkin Gulf resolution has two parts, one dealing with protection of the troops, and the other dealing with protection of the freedom of the protocol states. The Tonkin Gulf resolution gave the President authority—I recall it because I read it just a short time ago—to protect troops, to repel an attack upon the troops, and to defend them. It was defensive—to repel an attack on our troops and defend them. This amendment is like the old, familiar barn door—wide open.

If some situation should occur, if the Thais go into Cambodia—and the South Vietnamese evidently like Cambodia—and we find ourselves under some obligation to go into Cambodia and protect Cambodians or the Thais, I believe the commonsense and judgment of the Members of this body would be that the authority to do so would be the joint authority of the President and the Congress.

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We do not take away from the President the opportunity to employ any course of action he wants to employ, but if the situation is beyond the defense of the Armed Forces let us say, "It is a joint responsibility and let us reason together and let us determine whether action should be taken." I do not see anything wrong with that.

Mr. SPONG. I thank the Senator from Kentucky.

Does the Senator from Kentucky believe that the Cooper-Church amendment would be harmed if in that amendment the independent powers of the President, as Commander in Chief, which the Senator believes to be already held by the President of the United States, were spelled out?

Mr. COOPER. I doubt if we could spell out precisely what they are. I have indicated some, through reading the authorities that I have found, that have been characterized as being his powers.

Mr. SPONG. What we have before us, as the Senator from Kentucky has ably pointed out, is appealing language, in which we are speaking in terms of the protection of the troops and aiding our disengagement from South Vietnam. Within that framework, which is the common objective of all of us, it is my judgment that if the Senate in some way should work its will to express clearly those independent powers which the President possesses as Commander in Chief, the amendment would be strengthened.

Mr. COOPER. I am not foreclosing the possibility that it may done, but we are now talking about the Byrd amendment.

I would like to read from the Tonkin Gulf resolution relating to the subject we are now discussing:

> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

It is more limited in its terms than the Byrd amendment.

Mr. CHURCH. Mr. President, would the Senator permit me to make an observation at this point? The Senator from Virginia placed in the RECORD yesterday five very specific hypotheses. I think the difficulty of trying legislatively to define the President's constitutional authority is in a way underscored by reference to the hypotheses that the Senator has offered. Let us take them one by one.

The first reads as follows:

> To prevent enemy forces from crossing the border into South Vietnam and to pursue and destroy such forces as they attempt to leave South Vietnam for Cambodia? This contemplates a distance into Cambodia of no more than two or three miles.

Here is an example that falls within the area where the President's constitutional powers as Commander in Chief are being exercised. This is frequently referred to as a case of hot pursuit. I think without doubt the President has the power of hot pursuit in the protection of American forces, even though the hot pursuit carries our troops over the Cambodian border.

The second hypothesis reads as follows:

> To destroy enemy supplies, staging area, headquarters, and so forth, in a relatively narrow zone along the Cambodian-South Vietnamese border? This contemplates a zone into Cambodia of approximately 20 miles in width.

The answer to this question depends upon the method used and upon the time frame. Without doubt, the President could invoke his powers as Commander in Chief to order aerial or artillery strikes against bases of this kind. In fact, the precedents would carry still further: That he could launch a ground strike of limited duration for the purpose of destroying an enemy staging area that constituted an immediate threat to American troops.

Mr. SPONG. If I may interrupt, the Senator from Idaho is, of course, speaking of the powers the President has now?

Mr. CHURCH. Right.

Mr. SPONG. Exclusive of the Byrd amendment?

Mr. CHURCH. This is exactly so; he now has those powers under the Constitution.

Now, moving on to the third hypothesis:

> To attempt to find and engage any enemy troops within the zone just described, irrespective of whether they are on the verge of entering South Vietnam or whether they are just returning from it?

If the Senator means by that the power to go into Cambodia and to seek out the enemy, even though enemy activity there is not posing an immediate threat to our troops on the other side of the border, then we have probably crossed that line.

Mr. SPONG. Would the Senator from Idaho call this a gray area?

Mr. CHURCH. It is an exceedingly gray area; the precedents are not clear. If the Senate adopts the Byrd amendment, however, there is no doubt in my mind that the amendment can be construed as giving advance congressional consent to the President to undertake that kind of activity, if it is done in the name of protecting American forces in South Vietnam.

Now, the fourth illustration:

> To attempt to occupy and hold the zone in question, thus denying it to the enemy?

Here the Senator from Virginia contemplates a quasi-permanent occupation of a buffer zone within Cambodia. That goes beyond the precedents defining the President's inherent constitutional authority. But again I say to the Senator that if the Byrd amendment is adopted, it could readily be interpreted as conferring advance consent to a permanent occupation of a buffer zone by American forces. The next hypothesis:

> Fifth. To engage in any or all of the types of activity described in questions 2, 3, and 4, but to do so throughout all of Cambodia, or at least in parts of it beyond the 20-mile zone near the border?

This, of course, takes the wraps off entirely. Although none of us expects that the President would make such a decision in the future, I remind the Senator that we have been surprised before; presidential policy has been changed before. If President Nixon were to change his policy, he could refer to the Byrd language in much the same manner as President Johnson came to refer to the Gulf of Tonkin language, thus justifying any military activity in Cambodia, no matter how far it extends or how permanent it becomes, as long as he undertakes it in the name of protecting American forces in South Vietnam.

These are the best answers I can give to the distinguished Senator from Virginia.

Mr. COOPER. Mr. President, I agree with the interpretation of the Senator from Idaho.

Mr. SPONG. I appreciate the answers of both the Senator from Idaho and the Senator from Kentucky. I agree with the Senator from Kentucky that it would be extremely difficult to define language that spelled out the President's independent powers as Commander in Chief. Nevertheless, if such terms as "repel an attack" could be employed, I suggest it would be helpful——

Mr. DOLE. Mr. President, will the Senator yield at that point?

Mr. SPONG. After I finish my sentence—helpful within the framework that the Senate presently finds itself working.

The Senator from Kentucky has the floor.

Mr. COOPER. I would just say one thing: The Senator is absolutely correct when he says it is very difficult to define these powers.

Let us see if we can find out why it is difficult.

It is difficult, in my view, because it is of an emergency nature, dependent upon the circumstances. Who can say what the circumstances will be in the case of a sudden attack or an emergency situation? The situations would differ in every case. This, it seems to me, is the reason it is difficult to spell out the powers of the President.

But it is not difficult to think of situations where the Executive should not act alone, without consent of the Congress—those which are unrelated to the immediate defense of the troops. There must be situations in which Congress also has joint constitutional authority.

Mr. DOLE. Will the Senator from Kentucky yield?

Mr. COOPER. I yield.

Mr. DOLE. I might suggest to the Senator from Virginia that a section might be added as No. 5, to the Church-Cooper amendment, which would say, in effect, that "nothing herein contained shall impair the President's constitutional powers as Commander in Chief." That is a recognition of the President's powers, but not an effort to spell out every power the President might have and every right he might have. This is somewhat different from the suggested Byrd amendment.

Second, in reviewing the questions raised by the distinguished Senator from Virginia, it appears that the first, second, third, and fifth questions could be achieved with the Church-Cooper amendment, without adoption of the Byrd amendment, as long as the action was not in support of Cambodian forces. The only one I see that might be precluded by the adoption of the Church-Cooper resolution would be No. 4, "To attempt to occupy and hold the zone in question, thus denying it to the enemy."

That would violate clause 1, with respect to retaining U.S. forces in Cambodia. But the other three sections of the Church-Cooper resolution are directed at support of the Cambodian forces; so I fail to see that the Church-Cooper resolution is a prohibition against consideration of points one, two, three, or five raised by the Senator from Virginia, whether or not the amendment offered by the Senator from West Virginia (Mr. BYRD), is adopted.

Mr. SPONG. The Senator from Kansas has demonstrated the varying interpretations this language is subject to.

In a preface to posing the questions, I expressed the opinion that the Senate has a responsibility to try to work its will with the most specific language possible, if it wishes to participate in the formulation of policy with regard to Cambodia in the future.

What I conceive the Cooper-Church amendment to be attempting, in part, to do is to redefine the military theater.

I do not believe, as long as the Senators acknowledge what the Commander in Chief's powers are, that the Senate would be trying to tell the Commander how to operate the war, although I am not certain that at the present time that the amendment is not open to that interpretation.

I believe what is sought to be accomplished is a redefining of the theater of war—saying, in part, that the Senate does not want a new war beyond a certain point without consultation with Congress.

Mr. COOPER. We say that in subsections 2 and 3. I might say that the Senator has obviously given this matter a great deal of thought, because the questions are searching, and go to nearly all the points that we have thought about.

We consider that subsections 2 and 3 concern themselves with the issue of a new war for Cambodia, in which we are under no obligation, and subsection 1 would be designed to prevent the extension of the war into Cambodia beyond the actual powers of the Commander in Chief.

Mr. SPONG. I thank the Senator from Kentucky.

Mr. BAYH. Mr. President, as might have been expected, the fall of the neutralist Sihanouk government in Cambodia in early March of this year immediately raised the question of American assistance to the anti-Communist Lon Nol regime. Administration officials stated publicly that a request for military aid was being reviewed, but went further in saying that no American troops would be involved in Cambodia in accord with the President's Guam doctrine, which, as we know, was designed to try to shift security responsibility onto the nations of a given region.

Testifying before a House Appropriations Subcommittee on April 23, Secretary of State Rogers was asked about the extent to which the United States might be drawn into Cambodia. I think it is significant, in light of this discussion, to review his remarks. He said directly:

> We have no incentive to escalate. Our whole incentive is to de-escalate. We recognize that if we escalate and get involved in Cambodia with our ground troops, that our whole program (Vietnamization) is defeated.

The Secretary later restated the case against our involvement in Cambodia in much the same language before the Senate Foreign Relations Committee.

At the very same time the Secretary of State was cautioning against a wider war in Asia, we know now that contingency plans for U.S. military operations in Cambodia were being studied by the Secretary of Defense, the National Security Council, General Abrams, and the President himself. In fact, it appears that at the time President Nixon made his April 20 statement announcing the possible withdrawal of 150,000 troops during the next year, he had reviewed the Cambodian plans but tentatively deferred a decision.

The President's April 30 decision to invade Cambodia—taken after consultation within the executive but without so much as a passing nod to any congressional leaders—was a dangerous and irresponsible course of action. I must say, at the risk of sounding as if I am personally piqued at not being consulted, that this is not what I mean by a passing nod to anyone in the legislative branch. I would not expect the President of the United States to consult on this matter with the junior Senator from Indiana, nor—at the risk of being disrespectful—with our distinguished Presiding Officer, the senior Senator from Ohio (Mr. YOUNG). It seems to me that he could have consulted with the leadership of his own party and with the leadership of the relevant committees. But, as the record now shows, this did not happen.

Recent accounts of the decisionmaking process that led the President to authorize the Cambodian adventure serve only to confirm this view. It seems that President Nixon gambled that by suddenly widening the war into Cambodia, his toughness would impress the North Vietnamese and the rest of the Communist world that the United States can act vigorously, swiftly, and unpredictably.

If this was the message the President hoped to convey, it obviously was lost on the North Vietnamese, who indicated no greater willingness to discuss a negotiated settlement in the absence of a Presidential envoy at the Paris talks, and on the Russians, who continue to expand their military and political influence in the strategic Middle East.

In an aside, let me suggest that I hope the administration is giving increasing attention to the need to find a prestigious envoy to represent us at the peace talks. The Senator from Indiana is not so naive as to believe that this is automatically going to bring a successful culmination of the negotiation session, that peace will automatically descend with the appointment of a prestigious Presidential envoy. But it is fair to say that at least our chances of success are greater if, indeed, we do have someone of significant prestige representing the President there personally. In addition, I think it is fair to say that from the standpoint of the world forum, the view that others have of the United States will be significantly different if they see that we are making a maximum effort at the peace table to negotiate a settlement. Apparently, that is not the case now.

It appears to me that by committing the United States even further into this Asian quagmire the President, contrary to his own plan, has inadvertently restricted our options in other, more important areas of the world.

President Nixon's claim that the Cambodian operation was necessary because Vietnamization was threatened by a recent buildup in the border area sanctuaries sounds plausible, but when one examines the facts and the history of the situation as it actually unfolded, the President's explanation is not acceptable. Did these sanctuaries suddenly present an increased military threat to our men in Vietnam between April 20, when the President told the Nation that all was going well, and April 30, when the Cambodian attack was announced?

The reverse appears to be closer to the fact. Around mid-April, following the consolidation of the Lon Nol regime, the military situation in Cambodia forced the Communists to turn westward, away from Saigon and toward Phnompenh in order to protect their vital supply lines. In a little noticed statement of May 14, Secretary of Defense Laird seemed to substantiate this when he pointed out, for example, that nearly one-third of all Communist forces in Cambodia were now "facing the other direction and moving away from the sanctuary areas."

By the end of April, the size of the Communist force in the Cambodian sanctuary areas was greatly reduced and the risks involved in a search-and-destroy move across the border were thus greatly diminished. Our military urged that we take advantage of the situation. As Secretary Laird explained, "this was the time to hit them."

That the military had made a similar pleas during the Johnson administration for cleaning out the Cambodian sanctuaries—and had been rebuffed—is now clear. As Paul Warnke, former Assistant Secretary of Defense for International Security Affairs, said, these proposals were always rejected because "the political price was too high for the relatively minor military gain." That the military gains from search-and-destroy missions have been temporary at best—and expensive—is a lesson we should have learned by now.

Too often in the past we have asked our troops to take a so-called strategic emplacement, at great cost to us in lives, and military materiel, only to abandon it and to have to take the same place later. Are the Cambodian sanctuaries to become a new Hamburger Hill? I think it is a fair question for us to ask and for the people to ask.

Despite the success claimed for it, I doubt that the Cambodian operation will have any really lasting significance from a long-term military standpoint. "Any military gains," as former Secretary of Defense Clark Clifford has said, "will be temporary and inconsequential." The former Secretary of Defense went on to say:

> This is not an idle prognostication upon my part but is an opinion derived from past experience. Time and again in South Vietnam the recommendation was made that a sweep be conducted through the Ashau Valley on the grounds that a vital blow could be struck against enemy forces. Time and again, thousands of American troops would sweep through the valley and find practically no enemy soldiers. The same will happen in Cambodia.
>
> After the adventure is concluded and our troops have been pulled back to South Vietnam, I predict the enemy will quickly reoccupy the areas that we have cleared. Even if the decision were made to remain in Cambodia, then I predict the enemy will develop new bases and staging areas just outside the perimeter of the area we occupy in Cambodia. In either event, the military effect is negligible and not worth the effort.

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Our temporary military advantage in Cambodia notwithstanding, I believe that the political price—both at home and abroad—is still too high to justify such a reckless adventure.

Mr. President early in 1968, I spent 3 weeks in that part of the world. In fact, I landed back in the United States the first day the Tet offensive exploded in South Vietnam. We were in all corners of Vietnam and tried to explore as thoroughly as we could, on a non-VIP basis, without the red carpet treatment, what was going on. It gave me a better understanding of some of the complexities of Vietnam, although I hasten to add that it certainly did not make me an expert. I must admit, though, that of all the questions asked me by American military personnel, the most difficult one to answer—and I pose it only because I think it bears some significance on the discussion of whether the adventure in Cambodia was wise or unwise—the question which was asked me repeatedly by GI's was:

"Senator, tell me, did it make sense to have my outfit take that hill, that hamlet, or that village 3 months ago, where I saw two of my buddies fall, only to have to go back next week and retake the same territory once again?"

That is the operational effect of search and destroy missions—and that is we are involved in Cambodia, and have been involved in unsuccessfully in South Vietnam over a period of years. This type of operation has not been successful earlier and I personally see little reason to expect any greater success in the future.

That the President's action has escalated and widened the ill-fated Vietnam war already is apparent. The stepped-up Communist activity around Phnompenh, the heavy fighting in Laos, and the widespread and coordinated attacks within Vietnam itself are early but clear signs of an impending confrontation throughout Indochina. The Vietnam war is fast becoming an Indochina war.

I noticed yesterday, in one of the Washington newspapers, a reevaluation of earlier intelligence data relative to North Vietnam and Vietcong forces, particularly North Vietnam forces. The first estimates of enemy troop strength were in the neighborhood of about 50,000 to 52,000 troops. Because of the increased activity following Cambodia, however, a recent reappraisal has been made which leads one to believe that their forces are now almost twice that number—that more than 90,000 North Vietnamese forces are presently in South Vietnam.

Thus, I think it would be a serious error for us to underestimate the forces of the enemy remaining in Vietnam, at the same time the scope of battle seems to be widening throughout all of Indochina.

And now a more disturbing note. Writing in the New York Times of May 26, Harrison Salisbury reported that:

> Information . . . from sources close to Communist leaders in Asia suggests that the United States move into Cambodia has transformed the Indochina situation more radically than originally estimated.

An all-for-one and one-for-all agreement, apparently has been reached, according to this report, between the North Vietnamese, the Vietcong, Prince Sihanouk, and the Pathet Lao—with the full backing of Communist China.

What this means, in effect, is that there is almost no prospect for a political settlement of Vietnam alone. A negotiated settlement would now have to cover Cambodia and Laos as well. On the basis of the snail-like pace of the Paris talks, such a settlement is not likely to emerge in the near future, and seems less likely now than prior to the Cambodian invasion.

I am deeply concerned then that this Cambodian adventure will prolong the war and our unfortunate involvement in it. That it undermines the President's already fragile Vietnamization policy—as Secretary of State Rogers suggested—is clear. The withdrawal of American combat troops from South Vietnam, even under the most favorable military and political conditions, will place a heavy burden on the Saigon government and its troops.

That the repressive Thieu-Ky regime is not going to be blessed with a favorable political climate is predictable on the basis of widespread antigovernment sentiment, sentiment that is likely to increase as Thieu continues to stifle legitimate dissent. That the North Vietnamese and the Vietcong will not slacken their activity to accommodate U.S. withdrawals is also predictable. The recent attack on Dalat, for example, was simply a sign to Saigon that the enemy can—and will—attack when it so chooses.

What can we reasonably expect, if as Vice President Ky and Ambassador Bunker have indicated, the South Vietnamese continue to involve themselves militarily in the Cambodian civil war after the United States has pulled out? The prospects for Vietnamization, with 40,000 South Vietnamese fighting in Cambodia, are not encouraging. The critical need, if the President's withdrawal schedule is to be met, will be in South Vietnam—not in Cambodia. Indeed, if South Vietnamese forces are to broaden the scope of their involvement, it seems to me likely to lessen their effectiveness in pacifying the countryside in South Vietnam.

The President has failed to recognize the contradiction in a policy that seeks to Vietnamize the war in South Vietnam while it Americanizes the war in Cambodia.

The implications of the President's rash action for the whole of Southeast Asia are, however, only a part of my concern. The most important consequences of this reckless gamble are being felt here at home.

I think it is imperative that all of us assess the Vietnam war or, the Indochinese confrontation, on the basis of the facts as they exist today. It would be a tragedy, indeed, if today's decisions or tomorrow's decisions were based on yesterday's actions or yesterday's mistakes. The future of such policies would not only be disastrous but would, indeed, compound yesterday's errors.

Thus, I find myself looking differently at the Vietnam situation today than I did 5 years ago or as I did 12 months ago. During the early months of this administration, the Senator from Indiana, although not agreeing fully with administration policy, nevertheless felt obliged to give the President sufficient time to implement the plan he had for disengaging this country from the quagmire of South Vietnam.

I can no longer stand mute, Mr. President (Mr. Moss), not only because of a change in direction in our policy in South Vietnam but also because of the dangerous consequences of this new course on the domestic front.

The tragic deaths at Kent State—an outgrowth of protest against the President's sudden widening of the conflict—are a grim reminder of what this war is doing to America. Even before Cambodia, it was no exaggeration to say that the war in Vietnam was tearing at the very fabric of our society, a war that has cost 43,000 American lives; 275,000 American wounded; 100 billion American dollars.

And for what—to prop up the Thieu-Ky regime? All of this while American cities decay, while unemployment and inflation worsen, while social tensions are heightened and the unfinished business of America remains unfinished.

The war, in addition to the tragic human toil it takes, is the major source of our present economic ills—an unhealthy mixture of inflation and recession.

Just how we achieved this worst of both worlds economy is certainly no mystery. Around the middle of 1965, as was pointed out in the 1968 annual report of the Council of Economic Advisers:

> The growth of demand for industrial products suddenly accelerated as the direct and indirect consequences of the enlarged commitment of U.S. forces in Vietnam . . .
>
> Prices of consumer services began to accelerate, as service firms found it more difficult to obtain workers. With rising food and service prices and stronger demands for labor, upward pressures on wages intensified in both the organized and unorganized sectors. In the industrial area, the impact of demand on prices was strongest in the defense-related and capital goods sectors, where shortages of both capacity and skilled manpower were most pronounced. But prices also advanced in many other areas.
>
> The upward pressures on prices and wages in this period reflected both the speed of the advance and the high level of resource utilization which the economy achieved. These pressures tripped off a price-wage spiral.

Largely as the result of our deepening involvement in Vietnam, in the 2-year period from mid-1965 to mid-1967, the value of resources devoted to national defense rose 50 percent. In an economy operating at near capacity, this buildup generated tremendous inflationary pressures. In January, 1969, when President Nixon took office, these pressures were still very much alive—as was our involvement in Southeast Asia. A year and a half later and little has changed, except that the President is now set upon a course that deliberately seeks to increase unemployment in order to combat this Vietnam-generated inflation. The American people have already paid a very dear price for our Vietnamese adventure. To ask this Nation to bear an intolerable rate of unemployment—now at 5 percent and rising—to further pay for this seemingly endless and senseless war is to ask too much in my judgment.

And now Cambodia. A nation that had been promised an early end to the war by a presidential candidate with a foolproof plan, now finds itself faced with a great difference between what was said and what was delivered, and is once again treated to double-talk. The President has told us that in order to shorten the war in Vietnam we must widen it into Cambodia. The logic of this Cambodian adventure, I must admit, escapes me.

What America needs—and needs desperately—is not a wider war or a shorter war, but a conclusive end to the war.

Still the war goes on. It appears that not only is there no effective means for fulfilling the campaign promises of peace, but that there is no way of preventing an even wider war. The war seems to have taken on a life and logic all of its own. It has captured President Nixon in much the same way it imprisoned President Johnson.

The history of our involvement in Vietnam reveals that too often Government officials have become the victims of their own rhetoric. Only now it is captured arms and rice tonnage instead of body counts that may lead us into self-delusion.

The bizarre logic of recent events, as one might reasonably have predicted, is producing a growing sense of frustration and impotence both publicly and within the Congress itself. The President's reckless gamble has precipitated a crisis of confidence. And well it might have, with the Cambodian invasion coming only 10 days after the President's report to the Nation on Vietnam with its rosy predictions for cutting back on American involvement.

Mr. President, I think it is important that we not delude ourselves into the false hopes of some that these feelings are confined to the young and the campus. They are not. This sense of frustration is shared by millions of Americans of all ages. I think that most Members of the Senate feel it. Certainly, I feel it.

For 16 months I have said little about the war. To be sure, I was deeply concerned about its continuation. I did not agree totally with the Nixon policy for ending the conflict. However, as long as we were disengaging from the conflict I was determined to cooperate with the President. But now I must admit that the President's action has led me to despair about the prospects for liquidating our involvement in Vietnam. I am not ready to concede, however, that our system of government cannot respond. It can—but only if the Senate of the United States is prepared to exercise its constitutional authority and accept responsibility for limiting American participation in the Vietnamese quagmire.

This responsibility should not be taken lightly. Certainly, I do not look on it as a small responsibility. And I am sure that no other Senator does either. But today the Senate stands as the last hope against any further escalation of the war. Passage of the Cooper-Church amendment would not only restore the faith of millions of Americans in our system of government, but it would also restore the Congress to its rightful place within our constitutional framework—as the only body empowered to declare war, to raise and support armies, and to make rules for the governing and regulations of these forces.

I have weighed these salutary effects against the argument, advanced by opponents of the amendment, that it would be a "slap in the face" for the President and undermine his credibility abroad. The "slap in the face" theory, it seems to me, is both specious and irrelevant. It is specious because there is little the Senate could do to undermine the President's credibility abroad any more than he himself has done by expanding our misadventure or damage that could be done if the President failed to live up to his own timetable in Cambodia. It is irrelevant because it avoids the issue of whether American troops should become involved in Cambodia without congressional sanction and authorization.

This brings me to the two most basic questions of all in this debate. First, does Congress have the power to deny funds for the use of future military operations in Cambodia? Second, should Congress exercise that power if they have it?

On the first point, the Constitution is clear. Congress does have the power to act. The framers of the Constitution wisely anticipated the difficulty of maintaining effective civilian control over military policy, and thus they provided the specific means for exercising such control.

In order to avoid concentrating authority in any one body, the war power was divided between the President and the Congress. The Congress—not the President—was empowered to declare war, to raise and support an army and a navy, and to make rules for the Government and regulation of these forces. The President, who was also viewed as a symbol of civilian authority—but one more susceptible to the blandishments of the military—was made Commander in Chief.

The President, as Commander in Chief, is responsible for the conduct of military activities once war has been declared, and clearly he also has the power to repel any attacks on the United States. As Commander in Chief, the President alone is responsible for implementing military policy. In much the same way, the President alone is responsible for seeing that "the laws be faithfully executed."

But the President's power as Commander in Chief no more warrants the conclusion that he alone has the power to formulate military policy than does his obligation to enforce the law imply that he alone can make laws. As Justice Black pointed out in the steel seizure case:

> The Constitution is neither silent nor equivocal about who shall make laws which the President is to execute . . . The Constitution does not subject this lawmaking power of Congress to presidential or military supervision or control . . . The Founders of this Nation entrusted the lawmaking power to the Congress alone in both good times and bad. *Youngstown Sheet and Tube Co. v. Sawyer*, 343 US 587 (1952)

I believe the lawmaking powers of Congress extend to the formulation of military policy as well, as is so clearly spelled out in article I, section 8. And it was upon that grant of authority, I want to remind my colleagues, that Congress acted so wisely last year to prohibit the use of funds for the introduction of American forces into Laos.

The introduction of American forces into a country where they have previously been restricted from venturing for fear of widening the war, despite the pleas of the military, is clearly a major policy decision. At the very least, it seems to me, the Constitution requires that such a decision should have been shared by the people's representatives in Congress.

The concern of the framers of the Constitution, moreover, was not simply limited to dividing the war power between the Congress and the President. They specifically provided that congressional authority was to be insulated from Presidential encroachment by a constitutional requirement that military appropriations could not be for longer than 2 years. Alexander Hamilton, himself an ardent advocate of a strong executive, explained the importance of the 2-year limitation in Federalist Paper No. 26:

> The legislature of the United States will be obliged by this provision, once at least in every two years, to deliberate upon the propriety of keeping a military force on foot; to come to a new resolution on the point; and to declare their sense of the matter by a formal vote in the face of their constituents. They are not at liberty to vest in the executive department permanent funds for the support of an army, if they were even incautious enough to be willing to repose in it so improper a confidence.

The specific purpose of the 2-year limitation was to act as a brake on the growth of a standing army, which at that time was considered the major threat to constitutional processes. The larger import of the appropriations limitation, however, is that Congress is required to fully review and pass on our military posture before the expenditure of additional money. The congressional appropriations power as it relates to military policy, therefore, was clearly intended as an important constitutional check on both the President and the Armed Forces.

That Congress, after many years of simply acquiescing to executive leadership in military and foreign affairs, has recently chosen to exercise its constitutional powers, seems to have startled some people. That Congress has not acted so forcefully for so long, of course, in no way affected its authority to act last year in regard to Laos and similarly does not affect its authority for acting now to prohibit American combat troops from fighting in Cambodia after July 1, 1970. As Justice Black said in the Youngstown case, "The Founders of this Nation entrusted the lawmaking power to the Congress alone in both good times and bad." That Congress retains this power today is obvious.

That Congress should exercise this power to limit future American military operations in Cambodia, of course, is a different and more delicate question. And I want to re-emphasize the term "to limit future American military operations in Cambodia." I did not say "to limit the President." For, contrary to the message opponents of the amendment are intent upon conveying, it is not designed to—nor could it—limit the President's powers as Commander in Chief. These powers are constitutional and Congress cannot legislate away or infringe upon the President's constitutional authority.

But Congress can—and should—exercise its own constitutional authority to legislate the limits of American military policy in Southeast Asia. Rejecting the view that the Commander in Chief clause supports "any Presidential action, internal or external, involving the use of force," Justice Robert Jackson wrote:

> Congress alone controls the raising of revenues and their appropriations and may determine in what manner and by what means they shall be spent for military and naval procurement.

And in further attempting to define the precarious constitutional balance between the President as Commander in Chief and the Congress' lawmaking power, Justice Jackson pointed out:

> Presidential powers are not fixed but fluctuate, depending upon their disjunction or conjunction with those of Congress . . . When the President takes measures incompatible with the expressed or implied will of Congress, his power is at its lowest ebb . . . Courts can sustain exclusive presidential control in such a case only by disabling the Congress from acting on the subject. Presidential claim to a power at once so conclusive and preclusive must be scrutinized with caution, for, what is at stake, is the equilibrium established by our constitutional system.

Precisely, what is at stake is the integrity of our constitutional process. And because the stakes are so high, it is necessary for Congress to act. As the New Yorker magazine has said, in explaining the larger implications of this breakdown in our governmental system:

> If the United States government fails to honor the freedom of its own people, who are protected by the American Constitution, it will not honor the freedom of any people. This is the true relationship between the invasion of Cambodia and the survival of the free institutions that President Nixon mentioned in his speech, and for this reason the invasion of Cambodia and its consequences within America are the urgent concern not only of Americans but of all mankind.

Mr. President, passage of the Cooper-Church amendment would mark the beginning step in Congress' long journey back to a position of responsibility and leadership. I am confident Congress will take this step because it is both necessary and right that it do so.

Mr. President, I must confess that I had begun work on this statement long before President Nixon's June 3 interim report. After carefully studying the President's statement I saw no need, however, to alter the text of my remarks in support of the Cooper-Church amendment. After hearing the President recite those statistics on captured arms and rice and announce a troop withdrawal of 50,000 men within the next 6 months, I am even more certain today that expanding the war into Cambodia was ill-advised and shortsighted than I was on April 30 when the decision was announced.

Before Cambodia, Mr. President, the Nixon policy of Vietnamization was pulling Americans out of Vietnam at the rate of about 11,000 per month. Now, after an operation in which the President has told us that "all of our major military objectives have been achieved," and an operation he has described as the greatest victory in the long history of the war—the withdrawal rate for the next 6 months is down about 2,000 per month. To be sure, it is conceivable that we could double this amount in the following 6 months. It seems rather strange to the Senator from Indiana, however, that if this mission had been such an overall success why his withdrawal rate for the next 6 months is significantly less than the last 6 months.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. BAYH. Mr. President, I shall be no more than another minute and then I will be happy to yield to the Senator from Florida for questions or yield the floor. I appreciate his tolerance, and I will be glad to discuss this matter with him.

As for the seemingly vast inventory of captured weapons and food, its significance can only be measured in terms of North Vietnam's total resources and its ability to replenish the losses. While the Cambodian booty may be greater than caches uncovered as the result of operations Junction City and Cedar Falls, for example, it appears that in the past these missions have had little long-term significance.

No one knows for sure what the true, long-range impact of the capturing of these supplies will be. Certainly I would rather have them in our hands than in the hands of the enemy. But if anyone is looking at this adventure as a panacea for ending the war, history, I believe, will show he is relying on a false hope. In the past the enemy has shown an amazing ability to replenish his lines of communication and supplies, and, unfortunately, to continue the war at a steady pace.

It struck me, Mr. President, that what was noticeably absent from President Nixon's June 3 report was any reference to COSVN, the Communist control center located in Cambodia. In his April 30 statement announcing his decision to expand the war into Cambodia, President Nixon seemed to indicate that we would be striking a telling, perhaps even fatal, blow to the command center for all Communist operations in South Vietnam. The President's failure to even mention this aspect of the operation could only mean there is no COSVN—or we failed to uncover it. One wonders.

In the past, we have found that even though we had been able to capture Communist control centers, it was only a short time until new control centers sprung up. The amazing absence of enemy troops and casualties in that area leads us to believe that the major Communist forces had escaped.

Mr. President, one final thought on the amendment offered by the Senator from West Virginia (Mr. BYRD). The Byrd exception to the Cooper-Church amendment provides that the amendment shall not preclude the President from taking such action as may be necessary to protect the lives of United States forces in South Vietnam or to facilitate the withdrawal of U.S. forces from South Vietnam.

If this is simply a restatement of the President's constitutional powers as Commander in Chief, then it is unnecessary. As I pointed out earlier in my statement, just as Congress cannot legislate restrictions on the President's constitutional authority as Commander in Chief, it cannot expand those powers by statute. I recognize the President's responsibility to protect our forces in the field, but I do not believe he needs Congressional approval for this.

I believe he has the constitutional authority, in the first place. It is interest-

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ing to note, Mr. President, that the amendment adopted last year restricting our operations in Laos and Thailand carried no such exception. And yet for years, we have known that the Ho Chi Minh Trail, running down through one corner of Laos, has been a major supply route and sanctuary.

On the other hand, if the Byrd exception is another Gulf of Tonkin resolution—a blank check from Congress approving in advance any actions the President may take—then it is dangerous.

Such a gesture by the Congress can only serve to widen the war and continue our unfortunate involvement.

All of us are concerned about protecting American fighting men. It just seems to the Senator from Indiana, after a long period of patience, that the best way to protect our American fighting men is to end the war.

I yield to the Senator from Florida.

Mr. GURNEY. There were some aspects of the Senator's presentation that I wanted to question him on. Going back to the first question, about troop withdrawal, it was my impression that the President announced, about a year ago, his Vietnamization process, his planned troop withdrawal, and the approximate figures during the first year were about 100,000. It is now about 115,000, but during the first year the goal was about 100,000.

Then, of course, in April—I think April 20, to be exact—the President announced a further planned withdrawal of 150,000. The Senator from Indiana made the point that troop withdrawal was slowing up. I did not understand that. Would he further explain?

Mr. BAYH. If the Senator from Florida would reexamine the figures on the rate of withdrawal and compare those, not with the 150,000 figure over the next year as announced on April 20, but with the 50,000 figure that is to take place between October 15 and the present date, I think his arithmetic would lead the Senator from Florida to the same conclusion reached by the Senator from Indiana.

Mr. GURNEY. Well, how many troops have been withdrawn to date?

Mr. BAYH. About 110,000. I am sure the Senator fom Florida has ready access to those figures.

Mr. GURNEY. That was about the same figure I had, or about 100,000, as the President planned during the first year. But is it not also a fact that he has scheduled 150,000 to be withdrawn during the next year, and is not that a greater figure than 100,000?

Mr. BAYH. I am well aware of the announcement, I am also well aware of the fact that I watched on television the Commander in Chief of the U.S. Armed Forces characterize the Cambodian operation as the greatest military victory in the Vietnam war. Then he suggested that for 6 months following that great victory our troop withdrawal is going to be less than the previous 6 months. That does not make sense to me. Perhaps the Senator from Florida can explain its inconsistency.

Mr. GURNEY. Let me ask the Senator if he can recall any announcement or pronouncement the Commander in Chief, the President of the United States, has made, on the war in Vietnam which he has not fulfilled so far.

Mr. BAYH. Yes. I can remember hearing certain of our colleagues on the floor of the Senate bring to the attention of the Senate the fact that after the initial announcement of withdrawals, in fact, there was a significant period of time when, instead of fewer troops in Vietnam, there were more troops in Vietnam. I am pleased to answer the questions of the Senator from Florida, but can he, in turn, explain the inconsistency pointed out by the Senator from Indiana?

Mr. GURNEY. Why does not the Senator answer my question?

Mr. BAYH. I did.

Mr. GURNEY. The question was, on any pronouncement or announcement by the President of what he intends to do in Vietnam, where has he failed the people of the United States? I think the Senator has not answered it.

Mr. BAYH. I think the Senator from Indiana looks at the problem from a little different perspective than the Senator from Florida, because we believe the course of action in Cambodia will accomplish different things. Frankly, I say, not as a Democrat or as a Senator, but as a citizen of this country, I hope the judgment of the Senator from Florida is right. But I think history will show, if we can judge the future by the past, that it is not going to prove consequential in the long history of the war, and that it has increased tensions within this country.

Mr. GURNEY. Since the Senator from Indiana has not answered the question——

Mr. BAYH. I have answered the question. The RECORD will show that I have answered the question.

Mr. CHURCH. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Indiana has the floor.

Mr. BAYH. Mr. President, if the Senator from Florida wants me to mouth and repeat his assessments, he is not going to get me to do that. If he wants me to give good faith replies to his questions, I will stand here until the sun falls.

Mr. GURNEY. Mr. President, will the Senator yield further?

Mr. BAYH. I yield.

Mr. GURNEY. During his presentation, the Senator from Indiana made the statement that the incursion into Cambodia would prolong the war. Would he explain that further? In what way is it going to prolong the war?

Mr. BAYH. Mr. President, I know there are other Senators who want to speak. I would be glad to give the Senator a copy of my speech. Perhaps if he had read it or listened to it in total, he would know that I had answered that in a significant way.

Mr. GURNEY. I listened to it at length, but I did not hear anything beyond the statement itself.

Mr. BAYH. Well, here again I respect the good faith and the sincerity of my friend from Florida; but I fear that after I have answered the question, it is not going to be answered the way he wants it to be answered, and so he may feel that I have not answered it. But, having given this advance warning, I shall try.

It is difficult for the Senator from Indiana to see how we can be consistent in a policy that Vietnamizes the war in Vietnam and Americanizes it in Cambodia, without suggesting we are broadening the scope of the war. If we are taking South Vietnamese troops from the main scene of battle in South Vietnam, and dissipating their impact by spreading them into Cambodia, the Senator from Indiana cannot see how Vietnamization will proceed apace. In fact, it is rather interesting to me to note—and I am sure the Senator from Florida heard the remarks that I read of the Secretary of State relative to Vietnamization—that we have a considerable amount of inconsistency. The Senator from Indiana believes that the Cambodian adventure is not going to do anything to shorten the war. I hope I am wrong. But if we look at what happened in the Ashau Valley and what happened in the Iron Triangle, and we were shown pictures in our newspapers and on our television screens of captured supplies and weapons, we know that these missions accomplished little. I would much rather we had these weapons than they did; but the cold, cruel facts have shown that despite such captures in the past the enemy has been resupplied and the war has not stopped.

Several Senators addressed the Chair.

Mr. BAYH. I yield to the Senator from Idaho. If the Senator will permit me, I do not want to cut off this colloquy. I will be happy to continue it, but I thought it appropriate to yield to the floor manager of the bill.

Mr. CHURCH. Mr. President, I commend the Senator on his very able address.

In regard to the war's extension, is it not true that since the borders of Cambodia were breached, a number of events have occurred, suggesting that the war is being broadened, and, indeed, could be lengthened?

Mr. BAYH. Mr. President, I think this would be a good time to place in the RECORD a statement from the Washington Post on June 7, 1970, entitled "Broad Red Offensive," written by Robert G. Kaiser. I am sure the Senator from Florida, as well as other Senators, will be interested in it. I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BROAD RED OFFENSIVE

(By Robert G. Kaiser)

PHNOM PENH, June 6.—This morning's Vietcong attack on Siem Reap, near the historic temples of Angkor, is the most striking symbol of a worsening military situation in Cambodia.

Siem Reap in northwestern Cambodia is more than 200 miles from the Vietcong's old sanctuaries along the Vietnamese border. It is a strange target for the Communists unless they have serious plans to open a broad Cambodian offensive.

According to a number of observers here, such an offensive may be just what the Communists are planning. Several of Phnom Penh's most experienced diplomats and military attaches now share the opinion that Hanoi may have shifted its strategy in the last three months, making Cambodia its primary target in Indochina.

Even the Americans, who speak more optimistically about the military situation and the strength of the Lon Nol government than any other Western diplomats here, are concerned by the possibility of a new Communist strategy.

[Gunfire broke out here for nearly an hour tonight, UPI reported. Flares illuminated the sky as bursts of shots were heard in the vicinity of the rail yards. No explanation was given.]

"The big mystery," an American diplomat said, "is why they (the Vietcong) are going so far west."

These diplomats and observers here do not expect Cambodia to disappear suddenly down the Indochinese drain. The consensus is that whatever happens will happen at a deliberate, Southeast Asian pace.

There is also general agreement that the Communists have big problems to solve before they can effectively conduct a political and military offensive in Cambodia.

But almost the only optimists in Phnom Penh are the Cambodians themselves, who seem to live in a very private world. "They're a self-confident people, alas," sighed one Westerner who makes his living trying to follow their affairs.

A popular theory here is that the Vietcong may launch some military action just before or just after June 30, to try to force President Nixon either to keep American forces in this country beyond his deadline, or to bring them back in right after it passes.

From Phnom Penh, Mr. Nixon's current positino looks very difficult. "Why was President Nixon's speech (on June 3) so optimistic?" one diplomat asked. This experienced official doubted whether Hanoi would let the United States walk out of Indochina.

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The "salvation government" of Lon Nol reveals only self-confidence to the outside world. It claims to be following a foreign policy of neutrality. This must be the only neutral country in the world whose government-run newspaper can print a front-page cartoon in which Richard Nixon is depicted as an angel, as he was in Friday's "Courrier Phnompenhois."

In fact, the Cambodians find themselves utterly dependent on the United States, South Vietnam and probably Thailand. They are talking of recognizing Chiang Kai-Shek, and have sent a delegation to Seoul. They are counting heavily on President Nixon, whose political problems they apparently don't understand.

"They think Nixon is another Sihanouk," one diplomat said. "If he says yes, then everything is yes."

A Frenchman long in Phnom Penh said Sihanouk himself encouraged people here to count on large American aid. This source said the Cambodians looked to Laos—a country of only two million that has received millions of American dollars—as a model for what they would expect from Washington.

By almost all accounts, the government is woefully weak and not getting any stronger.

An American diplomat said of Lon Nol and his colleagues, "I think they're doing pretty well." But others who have been in Phnom Penh much longer take a different view. "They will exist as long as someone from outside will support them," said one. The government has developed no civil or military plans since taking office, another old hand said.

And yet there has been no challenge to Lon Nol that observers here think is significant. "There is no other group capable of mounting a government," said one diplomat—except Sihanouk. And there is no evidence here that Sihanouk's unpopularity has lessened since the coup, at least in Phnom Penh.

In fact, those who seem most pessimistic about this current government are often the most insistent that Sihanouk has lost whatever claim he ever had on Cambodian allegiance and affection.

But the government's strength is apparently not an indicator of wide popularity. Lon Nol is not a charismatic figure—that comment is made so often here it is now a stock joke.

The consequences of the government's policies—a war on Cambodian soil, the presence of thousands of unpopular South Vietnamese, etc.—are certainly unpopular.

While the Cambodian government moves gingerly, if at all, the Vietcong are moving boldly (or desparately) virtually all over the country.

They have attacked 10 of Cambodia's 19 province capitals since the coup. Two and perhaps three of them were reportedly the scenes of active fighting today. Most of these 10 were in eastern Cambodia, but the Communists have fought major engagements on all four sides of Phnom Penh.

They control most of northeastern Cambodia, and appear now to be seeking control of a kind over the whole northern half of the country. They have also been active in the south, along the Gulf of Siam, but apparent decision to disperse South Vietnamese troops in that area have either forced them out or compelled them to lie low.

As one diplomat here noted, the Communists' apparent decision to disperse all over the country can be interpreted either as a defensive or an offensive maneuver. Either way it can be effective, if the Vietcong and North Vietnamese troops can get the supplies and food they need.

Whether they can is one of the two most puzzling questions in Cambodia at the moment. There are credible reports here that the Communists began moving supplies out of their old sanctuaries in March or April at the latest, long before U.S. and South Vietnamese forces attacked the sanctuaries.

There are also unconfirmed reports that the new Communist supply line down the Sekong and Mekong Rivers is already in use. Whether these means or some other will provide what the Communist need is, simply, a mystery.

The fact that pessimism is the dominant mood here reveals the common assumption that the Vietcong will get supplies. They have already had some success capturing Cambodian supplies from provincial depots and warehouses.

The second great mystery is how the Communist will proceed through this next stage of the Indochina war. If they have not made Cambodia their number one target, what are they up to in Cambodia now? Vice President Ky said today he thought they were merely beating a disorderly retreat.

If the Communists have more deliberate intentions here, how will they pursue them? It is widely assumed in Phnom Penh that the Vietcong missed their best opportunity to seize this capital in April.

But perhaps, one diplomat suggested, they will ignore Phnom Penh, and try for domination of the entire countryside, following the dicta of guerrilla doctrine.

There is very little evidence to help solve this mystery. One source who knows Cambodia well says that in almost all areas of the country, the Vietcong have stopped pretending to be agents of Sihanouk, whom they have found to be unpopular.

The Vietcong have written off the local Cambodian Communists, the Khmer Rouge, who are trying to build their organization around little-known local leaders. There is no reason to think it will be easy to build an indigenous revolutionary movement among the apolotical, easy-going Cambodians.

But some observers here think the Communists will have certain advantages in the future, including popular hostility for South Vietnamese troops—who have apparently misbehaved in Cambodia—and anger toward the government that brought the country war, uncertainty, and what is likely soon to be a bad economic situation.

Meanwhile, if they can get the supplies they need, the Communists can maintain a large, dispersed military force in Cambodia. "They can take any city in the country any time they like," one old resident of Phnom Penh said. Military men here generally accept that judgement.

In recent weeks, the Lon Nol government's biggest short-term asset has been the South Vietnamese army—which many here believe will turn out to be a long-term liability. There is no question that South Vietnam forces in Cambodia have seriously disrupted the Communists, thus relieving much of the pressure on Cambodian forces.

But in the process, the South Vietnam soldiers have apparently ravaged parts of the countryside, looting, shooting indiscriminately and sometimes raping women. Their wayward ways are common gossip in Phnom Penh—as they are in Saigon. Public feeling against the South Vietnamese is strong here and, it is presumed, in the countryside too.

The South Vietnamese and Cambodian leaders seem to be natural allies—they need each other. The question asked often here is whether ordinary people of both countries can overcome natural hostility for the sake of a cause many of them know nothing about.

In the meantime, the Americans in Phnom Penh are the most up-beat Westerners in town. In three days of hearing people describe the Lon Nol government as utterly dependent on foreign help, one U.S. Army man said, "These people have the capability of pulling themselves out of this danger without any help from anybody else."

He described one of the leading Cambodian generals as an "exceptionally well-educated officer," and a good fighter. Another source who has lived here for more than a dozen years described the same general differently: "He's a clown. He dances well."

Mr. CHURCH. There is a stubborn inclination by certain observers to look at the Cambodian operation in the most limited possible frame—we have struck at certain border sanctuaries, and that we will withdraw from Cambodia within the time limitation set by the President.

I assume this to be the case. However, that is not the full picture of the Cambodian situation. Since the operation commenced, the situation in that part of Southeast Asia has become very complex.

The President, at a press conference on May 8, in response to a question, said he anticipated that the South Vietnamese would come out of Cambodia when we came out. He based this assumption on the fact that we furnished them with their logistics and their supplies.

Several days later, Vice President Ky, responding to a question relating to coming out of Cambodia, replied that that was a silly argument of silly people, apparently his reference being the President and the Vice President of the United States.

Since then, we have learned that South Vietnam is not coming out when we come out. Since then, the administration's policy has shifted. The administration now says that while we are coming out, we will continue to support the South

Vietnamese in the decisions that they make with reference to staying.

This is a significant development. It extends beyond the narrow framework imposed upon the American operations in Cambodia.

Furthermore, we are now told that Thai troops—who were not in Cambodia prior to this operation—are going to Cambodia. We do not know, as yet, how many. Their purpose is to join in the new front in Cambodia, presumably to support the Lon Nol regime. I consider this, especially when we remember that we have treaty obligations to Thailand, is a very significant development. It relates directly to the broadening of the war.

These, plus the Nixon doctrine, could involve the United States, in many ways, in the defense of Cambodia, unless the Church-Cooper amendment becomes a part of the law.

The Senator from Indiana has plenty of evidence already presented in the course of the few short weeks that have elapsed since the Cambodia borders were breached to suggest that indeed the war has been complicated, widened, and perhaps lengthened.

I commend the Senator for having made so forceful an argument on this floor today.

Mr. BAYH. I thank the Senator from Idaho for his observations. I might pose just one question, inasmuch as the Senator has been a distinguished member of the Committee on Foreign Relations.

The Senator pointed out that Thai troops were being sent in and Cambodian forces were being armed. From what source do these troops get their sustenance?

Mr. CHURCH. The Thai armed forces are being financed by the United States. Our generosity is hardly a secret.

Under similar attitudes and circumstances, Cambodian forces could also receive generous financing, as well as weapons, ammunition, equipment and supplies that they need to conduct their battle operations.

Alas, the government holding the moneybags, the financier of military operations in Cambodia by all friendly parties will, undoubtedly, be the United States.

Mr. BAYH. I thank the Senator from Idaho.

I ask unanimous consent to have printed in the Record at this point an article published in the Washington Post on June 8, 1970, written by the distinguished columnist Chalmers Roberts. Significantly enough, the title of this article is "Thai Troops Cost the United States $200 millon."

There being no objection, the article was ordered to be printed in the Record, as follows:

THAI TROOPS COST THE UNITED STATES $200 MILLION

(By Chalmers M. Roberts)

The United States has paid more than $200 million to Thailand for the support of its forces now in South Vietnam, according to Senate hearings released on American involvement in Thailand.

The extensively censored transcript of closed-door Senate Foreign Relations Committee hearings held last Nov. 11–17 was made public by Sen. Stuart Symington (D-Mo.), the subcommittee chairman. He also released a letter asking Secretary of State William P. Rogers for details of the American role in last week's announcement by Thailand that it will send "volunteers" to Cambodia.

Symington asked Rogers for details on when negotiations on the "volunteers" began, what the United States is to provide, what it will cost, the Thai role in supporting the Cambodian regime of Lon Nol and which country can bring about withdrawal of, Thai units from Cambodia.

Both the hearing and the letter are part of the effort by senators opposed to the Indochina war to force full disclosure of what the United States has been and is doing. The senators hope to increase pressure on President Nixon to end the conflict.

Despite more than 3,000 pages of transcript, the hearings, as censored, produced only a few nuggets of new information. Much of the hearings consisted of repetitious rival contentions between the senators, especially Symington and Sen. J. William Fulbright (D-Ark.), on the one hand, and the administration on the other about the nature of the American commitment to Thailand. Symington repeatedly castigated administration witnesses for excessive executive branch secrecy on matters he contended the Congress and the public had a right to know.

The $200 million figure was supplied by the administration. A submitted statement said American "support to Thai forces" had averaged about $50 million a year, or $200 million since their arrival in South Vietnam in 1966.

Fulbright put into the record a table showing that a Thai lieutenant general received $370 a month base pay, paid by Thailand, plus $450 a month in overseas allowance, paid by the United States. The scale ran down to a private whose base pay was $26 a month from his own country plus $39 a month from the United States.

In addition, the United States pays $2,500 for death and disability benefits for Thai enlisted men, $3,500 for noncommissioned officers and $5,500 for officers. A mustering out bonus, also paid by the United States, is $400 per volunteer. While in South Vietnam, the United States also pays for quarters, rations, transport and ammunition for the Thais. About 11,000 Thai troops are now there.

American Ambassador to Thailand Leonard Unger provided figures showing that in the period 1949–69 the United States had given Thailand $2,190,900,000 in all forms of economic and military assistance and for military expenditures. He also estimated that the American contribution of all sorts to the Thai economy was about $200 million a year in 1967 and 1968 and about $170 million in 1969.

Graham Martin, now Ambassador to Italy and former Ambassador to Thailand, said at one point that he thought the Thais had sent the troops to Vietnam "because they were requested to by the government of Vietnam and by the United States. I think they made that decision in the full realization that it was increasingly uncomfortable for the United States to have the massive deployment of U.S. troops with far less contingents from the other partners in the SEATO alliance."

The nature of the Southeast Asia Treaty Organization (SEATO) commitment by the United States, and how it was affected by the Rusk-Thanat statement, was much argued over during the hearings by the new agreement between senators and administration witnesses.

The Rusk-Thanat statement of March 6, 1962, signed by then Secretary of State Dean Rusk and Thai Foreign Minister Thanat Khoman, was defended by Unger as not "in any sense altering or extending our commitment under SEATO." The statement, in State's view, simply made clear that the United States could come to Thailand's aid on its own initiative wtihout the agreement of all the SEATO nations.

Fulbright, however, contended that the statement had created "a bilateral agreement" and had done so "without reference to Congress." But the most the administration witnesses would concede was that the statement had been an added assurance to Thailand at a moment of peril.

The peak of American military manpower, chiefly Air Force, in Thailand was 48,000, with 42,000 the ceiling for June of this year, a Pentagon statement said. Included are 290 men in the Special Forces.

Despite suspicions raised by senators and by subcommittee counsel Roland A. Paul that the Special Forces might have some role other than training, administration military and diplomatic officials denied it.

The issue of the Thai-American contingency plan, as the administration calls it, also figured in the transcript. Fulbright brought out that it was updated last August but he never got what he considered a satisfactory explanation as to how the two governments "agreed" to do so.

Symington indicated he considers the contingency plan issue, first made public last year, as moot after Secretary of Defense Melvin R. Laird publicly repudiated its applicability.

When Fulbright demanded of Unger his "authority" for the Nov. 19, 1967, agreement "in which you apparently committed our country to equip and supply the Thai forces in South Vietnam," the ambassador cited "instructions from the Department of State" based on the SEATO treaty.

An administration supplied "summary" of that secret agreement said that because the Thais "were concerned that the dispatch of this force could weaken their security position at home," the United States had agreed to provide an additional $30 million in aid to modernize the Thai forces, including provision of a battery of Hawk anti-aircraft missiles. The rest of the administration document was deleted from the transcript.

Much of the hearing related to Laos, the subject of another subcommittee hearing the transcript of which already has been released.

At one point it was disclosed that American planes in 1968 flew 67,000 sorties over Laos but the 1969 figure was censored. This sortie figure covered raids both on Northern Laos, in support of the Royal Government of Souvanna Phouma, and against the North Vietnamese on the Ho Chi Minh trail.

Walter Pincus, the subcommittee's chief consultant, read newsmen sortie figures for raids in North Laos alone, increasing for 20 in the year 1964 to 32 per day by September, 1968, to "over 100" per day in 1969.

Maj. Gen. Robert L. Petit, deputy commander of an Air Force unit at Udorn, one of the American bases in Thailand, testified that American Ambassador to Laos G. McMurtrie Godley "maintains a very tight control" over the sorties "going into North Laos."

All references to reports that Thai troops have been serving in Laos were deleted except for a newspaper report that 5,000 had been sent "disguised in the uniform of the Royal Laotian Army."

The hearings produced much wrangling about the American "interest" in Thailand and the nature of the Chinese and North Vietnamese threat but no agreement between the senators and the administration witnesses. About the only favorable senatorial comment came from Sen. Jacob K. Javits (R-N.Y.). He called Thailand "a bastion of the kind of order and stability and justice that we are trying so hard to attain."

Early in the hearings witnesses refused to discuss American post-Vietnam planning for Thailand but later on it was described as "merely proposals" without any decisions having been made. Witnesses refused to disclose any of the proposals although the committee implied the United States really intends to keep bases and forces in Thailand indefinitely.

The committee also made much of American payments to the Thai-run Express Transport Organization, with documentation to show that handling of American cargo had produced what the committee concluded was a profit of 35 to 40 per cent based on expenditures.

Mr. BAYH. Mr. President, I should like to repeat, since the Senator from Idaho is here now and had been called off the floor for other duties as I began my remarks, the reference to Secretary of State Rogers' statement to the House Appropriations Committee about not getting involved in Cambodia.

It is my understanding that he shortly thereafter testified before the committee of the Senator from Idaho, the Senate Committee on Foreign Relations, to the same effect. But I think it is interesting to note what the Secretary of State said to the House committee, and I suggest to my distinguished colleague from Florida that I would think that the Secretary would speak for the President of the United States on matters such as this. He said:

> We have no incentive to escalate—

This was 7 days before the Cambodian invasion—

> Our whole incentive is to deescalate. We recognize that if we escalate and get involved in Cambodia with ground troops, that our whole Vietnamization program is defeated.

It seems to me that perhaps by this statement the Secretary of State has answered the very pertinent question raised earlier by the Senator from Florida.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. BAYH. I am happy to yield.

Mr. GURNEY. Commenting on that specific point—and I hope we can get back to expanding on the other point, because that is what we had been discussing, but this point was raised earlier, and it is certainly fair to talk about it—of course, the word "escalation" means one thing to one Senator, and another thing to another Senator. To me, the word "escalation" means broadening the war, stepping up the war, further involving the United States of America, prolonging the war, sending more troops in, doing more of a whole lot of things.

The word "deescalation" means taking those steps, particularly those tactical steps, in Southeast Asia, which may very well lead to a shortening of the war, if it hurts the enemy and seriously sets him back, and of course that is what this debate during the last several weeks has been all about. I am well aware that some Senators have one viewpoint, and other Senators have another.

Speaking to the words of the Secretary of State, in the sense of this Senator, deescalation, in the light of the Cambodian incidents, means that when the President, the Commander in Chief, has taken a tactical step that has wiped out Communist sanctuaries, that has destroyed supplies, that has weakened the enemy's ability to wage war, this is indeed an escalation.

I realize that we have differences of viewpoint on that.

Mr. BAYH. We can describe "escalation" and "deescalation" in different terms, but it seems to me that we have to interpret it the way the Secretary of State described it. Although we might differ as to what "escalation" and "deescalation" mean, can we really say that there is much dispute about what he meant when he said that if we escalate and get involved in Cambodia with ground troops, our whole program is defeated?

Mr. GURNEY. I think that what the Secretary was talking about is that if we went permanently into Cambodia——

Mr. BAYH. He did not say that.

Mr. GURNEY (continuing). Supported the present Government of Cambodia, and shored it up and kept troops in there permanently, that, indeed, would be an escalation and a broadening of the war. Obviously, he did not mean that.

As a matter of fact, the Secretary of State spoke very eloquently on one of the television programs—I believe it was "Face the Nation," on CBS last Sunday—and answered a great many of the questions posed by the Senator from Indiana.

But to get back to prolonging the war——

Mr. BAYH. Before the Senator proceeds, let me suggest that I was not fortunate enough to hear what the Secretary of State had to say after the invasion. But I am insistent that we recognize what he said before the invasion. I think it is interesting to compare what he said then with what happened just 1 week later. It seems to me that there is a bit of inconsistency there. But the Senator from Florida and I can disagree and still pursue this colloquy.

Mr. GURNEY. We can. But, to get back to the prolonging of the war—because I think it is a most important point—I think there is a great deal of evidence on that subject, that the Cambodian incursion, with the destruction of the supplies that has resulted from this military operation, has indeed not prolonged the war in any sense, but, if anything, has shortened the war.

I cite, for example, an authority on Southeast Asia—perhaps an authority who is second to none—on how these people fight over there, their method of military operations, and that is Sir Robert Thompson, a Britisher, who masterminded the defense of Malaysia against communism and was successful in defeating communism there and rescuing Malaysia from falling into the hands of the Communists. He has said, for example, that the Communists have been set back anywhere from 9 months to a year by this operation into Cambodia. The enemy has been hurt previously, and because he has, our program of Vietnamization and our ability to withdraw our troops has been enhanced.

To me, that represents not only a very authoritative opinion but also an opinion of a great many people who follow the war in Southeast Asia.

This is why I was interested in pursuing the talk about prolonging the war.

Mr. BAYH. I explained that in my remarks earlier. I would be glad to reiterate what I said, hoping that the Senator from Indiana is wrong and the Senator from Florida is right and that the President of the United States is right. The one thing which we have in common is that we want to end that war.

Mr. GURNEY. I agree.

Mr. BAYH. The question is how we can best accomplish this purpose. It seems to me that we have to recognize some very hard facts. Analyzing the South Vietnam conflict is not easy.

The facts of the matter are, as I see them—and if the Senator from Florida has other facts, I shall be more than happy to hear them—that prior to the Cambodian invasion there were no South Vietnamese troops in Cambodia; prior to the Cambodian invasion, there were no Thai troops in Cambodia; prior to the Cambodian invasion, there were no U.S. troops in Cambodia. Now there are Thai, South Vietnamese, and American troops in Cambodia.

On the other hand, we have a joint statement of "all for one and one for all" from the Pathet Lao, from Sihanouk, from the Vietcong—everybody involved, backed by China.

If that does not mean an escalation, if it does not mean we are going to have to get a broader settlement, involving more territory and more nations, then the Senator from Indiana is misinterpreting these events. But I do not think so.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. GURNEY. It seems to me that the confusion arises from the terms "broadening" and "prolonging."

I might say to the Senator from Indiana that I suppose the invasion of Sicily and Italy during World War II and the invasion of France on the beaches of Normandy was a broadening of the war. I suppose it was. It also was the shortening of the war, in that these attacks led to the final defeat of Germany. The terms are quite confusing.

Mr. BAYH. Does the Senator suggest that those areas, from the standpoint of involvement and occupation by an enemy force, are analogous?

Mr. GURNEY. Was not Cambodia occupied by the North Vietnamese and the Vietcong?

Mr. BAYH. I am not arguing the complexity of the Southeast Asia situation; but for the Senator from Florida to suggest that there is a comparison between the two, is difficult for the Senator from Indiana to comprehend.

Mr. GURNEY. Does the Senator from Indiana suggest that the Communist sanctuaries in Cambodia were not occupied by North Vietnamese and Vietcong troops—the enemy?

Mr. BAYH. They were occupied—there is no question about that. They were occupied on the date that the Secretary of State said that to escalate and to go into Cambodia would ruin the Vietnamization program.

Mr. GURNEY. The parallel is exact between that and Italy and France.

Let us turn to another question.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. BAYH. I yield to the Senator from Idaho.

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Mr. CHURCH. The comparison of the Vietnamese war with the Second World War goes so far beyond the facts of the current situation that it should not go unchallenged.

The Second World War was an unlimited war; our stated objective was the unconditional surrender of the enemy. It was a war declared by Congress. It differed in character and in all its particulars from the present war, including the fact that the continuing conflict in Indochina is an undeclared war.

President Nixon has said repeatedly, as have his predecessors, President Johnson and President Kennedy, that this was a limited war for limited objectives. If it were not so, I am certain that long ago we would have invaded, occupied, and conquered all of Southeast Asia. That has not been our purpose. That was not the reason why we went there. All these Presidents have reiterated that this is a limited engagement.

To make these rash analogies between our situation in Southeast Asia today and our situation in the Second World War, such as when we went into Italy, seems to me to fly in the face of everything we know about our involvement in Southeast Asia and the declared, unlimited war for unconditional surrender that we fought in the days of the Second World War.

The essential purpose of the Church-Cooper amendment is to assume legislative responsibility in defining the theater of this limited war. That is its whole purpose. It seems to us that after so many years of inconclusive fighting, the time has come for Congress to assume responsibility in joining with the President in setting the outer limits of American involvement in Southeast Asia. In the Cooper-Church amendment, we are setting those limits precisely where the President has set them.

Mr. BAYH. In essence.

Mr. CHURCH. Yes; we have said, "If you are going to go beyond those limits in this limited war, then come back to Congress and let Congress share, as the Constitution intended, in any decision which opens up or expands the theater of American involvement." I reject the analogies based upon our experience in the Second World War.

Mr. BAYH. The Senator from Idaho knows well, and the whole country knows well, the nature of the guerrilla war in Southeast Asia. This was not involved in Western Europe in World War II. So that I think the comparison falls on its face.

Before returning to the discussion with the distinguished Senator from Florida, I want to emphasize that what this amendment does is not slap the President in the face but indicates a willingness and desire on the part of Congress to accept some of the responsibility. It gives the President an easier "out," to keep it from being just his war, and thus, hopefully to join him in ending the war.

Mr. CHURCH. The Senator is eminently correct. It seems to me that if we are going to come out of this morass in Southeast Asia, we must find a way to come out of it together. Otherwise, the frightful political recriminations, about which the President worries, will become reality. All of us will face them because there will not be a pleasant, popular ending to this war. Everyone knows that. We are presently withdrawing, which is the President's policy. This ending will not be the kind the American people have been accustomed to. There is, already, danger that serious political recriminations could devastate and divide our own country.

Looking ahead, I think that the best course for the country is for Congress to begin—now—to share a joint responsibility with the President for extricating the United States from this interminable and inconclusive war in Southeast Asia.

The Cooper-Church amendment is a first step in that direction. It assumes a legislative responsibility to define the outer limits of the American penetration into Cambodia, the exact place where the President himself has stated it. Thus, it is an offer to the President to join him in an orderly extrication of this country from the quicksands on the Southeast Asian mainland.

The persistence by some in attempting to construe the amendment as something else baffles me. The attempt to characterize our amendments as some kind of slap at the President of the United States is patently absurd.

The distinguished Republicans who have joined in supporting the amendment, such outstanding, acknowledged statesmen as JOHN SHERMAN COOPER, of Kentucky; GEORGE AIKEN, of Vermont: JACOB JAVITS, of New York; and many others, would have no part of any legislative attempt if its purpose was to embarrass or discredit the President. To insist upon interpreting the amendment in this fashion, is not only unfortunate, but utterly unsupportable.

Mr. BAYH. I appreciate the Senator's clarification, and salute him for his initiative in this area.

Now I am happy to yield to the Senator from Florida.

Mr. GURNEY. I thank the Senator.

I should like to go back and discuss a little bit the remarks just made by the distinguished Senator from Idaho. He feels deeply about this matter, as do all of us. So, to pooh-pooh the idea that there is any analogy between one war and another, I think, if he went over to South Vietnam or even to Cambodia right now and talked to the GI's over there and tried to reassure them that they were fighting a small war, not a big conflict like the Second World War was, that our objectives and aims are different now, and all the other arguments we have just heard, I think the reaction of the GI's might be, "The shot and shell are flying thick at me, just as they did in World War II. All the other things that are happening here happened in World War II."

One war is like another so far as the young men are concerned whose lives are being laid out on the line. So that I believe we should do the things that will not prolong the war but will shorten it.

An interesting thing on that score. I am sure that other Senators have had the same experience I have had, concerning letters written to me personally from Vietnam in recent days and also sent to me by parents who have received letters from their boys in Vietnam and Cambodia in recent days. The letters say, "Dear Senator" or to the parent, as the case may be, "Thank heaven, we have finally done something which will hit the enemy and hurt the enemy and shorten the war."

That is what they say, the soldiers in the field.

Now let us turn to another point the Senator from Indiana mentioned in his remarks, that I think is important, too.

He spoke about the political price that was being paid here at home. I guess part of the point was that there is so much uproar here at home that the President and the administration is losing the backing it had, or may have had, as far as Vietnam policy is concerned.

I think it is interesting to note the polls which have been made since President Nixon moved troops into Cambodia. One is from Newsweek and supports the President in the Cambodian action by a rather substantial majority. The most recent poll is even more interesting, and that is the Gallup Poll which was made just a few days ago, and shows actually that during the time the President sent troops into Cambodia, his popularity as President has risen.

I do not know what political price the Senator from Indiana is talking about but if he is talking about the administration's political price apparently the country backs up the President and backs up his Vietnam policy, and not only approves of what he is doing but also the popularity of the President has increased.

Perhaps the Senator could go into the political price he is talking about a little more.

Mr. BAYH. I must say, with all respect to my friend from Florida, that is a very poor reason, indeed, to invade Cambodia—in order to improve the President's standing in a Gallup poll.

Mr. GURNEY. Of course, the Senator from Indiana knows that is not why I made that argument at all——

Mr. BAYH. What the Senator from Indiana said—I will answer the question—what the Senator from Indiana said had nothing to do with popularity on the political scale. If anyone here is the least observant, and certainly my friend from Florida is most observant, any of us would have to come to the assessment that there is considerably more turmoil, agitation, confusion, and frustration in the country today, at almost any level, than there was before the Cambodian invasion. Just take a good look at the stock market. Read what the experts say this did to the confidence of the business community.

Mr. GURNEY. I thought the stock market was going up. Has not the Senator from Indiana read the stock market reports lately?

Mr. BAYH. I have no money, so I cannot be investing in the stock market.

Mr. GURNEY. The stock market is

going up, in case the Senator did not know.

Mr. BAYH. Well, if the Senator would read some of the statements coming from eminent, qualified members of the business community, they would give him an idea of the tremendous shock and jolt the invasion of Cambodia gave to the business community.

Mr. GURNEY. The business community is backing up the President. The poll made by the Research Institute of America shows that 80 percent of the business community is behind the President.

Mr. BAYH. It seems to me that the best poll, as far as support from the business community is concerned, if the Senator from Florida has to have some sort of poll——

Mr. GURNEY. I do not need a poll. You do.

Mr. BAYH. The Senator is the one who brought it up. If the Senator has to have some poll, I have had more businessmen suggest that the best barometer of the attitude of the business community is to see which way the stock market is going. If we compare where it is today and where it was before Cambodia—I think that answers the——

Mr. GURNEY. The stock market has been going down for month after month because it was too high. But let us turn to something else, the question of turmoil. The Senator mentioned Kent State as an example of the great turmoil now going on in the country. The Senator from Indiana should read the report of the Senate Internal Security Committee that warned the Senate 2 years ago of all kinds of trouble brewing at Kent State, and that was long before Cambodia.

Mr. BAYH. Now, does the Senator from Florida—I want to make sure we have all the facts on the record here—does the Senator believe that the unfortunate incident at Kent State was directly the result of the factors contained in the report to which he referred?

Mr. GURNEY. Mr. President, what I am saying is that trouble was brewing on the campus of Kent State University for 2 long years.

Mr. BAYH. Mr. President, is the answer to the question I posed to the Senator from Florida "Yes"? I want to make sure we get that into the Record.

Mr. GURNEY. What was the question?

Mr. BAYH. Mr. President, I would like to know if the Senator from Florida believes that the confrontation which occurred at Kent State University—a most unfortunate incident—was directly related solely to the conditions described in the report of the Internal Security Committee which was mentioned earlier by the Senator from Florida.

Mr. GURNEY. Mr. President, it certainly is due in part to the conditions revealed by the Senate Internal Security Subcommittee.

I also point out that trouble and turmoil has been going on on the Kent State campus for months and months. It has been a continual process, as it has been on many other college and university campuses throughout the country.

The point I am trying to make is that the trouble and turmoil on the campuses has been going on for a long time.

XUM

The trouble that was caused on the campuses by Cambodia is only one part of the whole campus picture.

The point that the Senator from Indiana was trying to make, it appeared to me, was that the trouble at Kent State University and all other campuses is the fault of the President of the United States because of the Cambodian incursion. And I do not think that is true.

Mr. BAYH. Mr. President, I will send to the periodical room for a copy of yesterday's Washington Post, which contains an article describing how the President had sent five of his young assistants to the various college and university campuses throughout the country.

I do not know whether the President sent anyone to the campus of Kent State University. We have had these investigations up one side and down the other.

These young men, members of the President's party, went all over the country. They came back with dramatic expressions of concern, saying that they themselves, as young men, were surprised to find the tremendous alarm that existed all over this country.

I do not for a moment want the Record to show, or my friend, the Senator from Florida, to get the idea, or anyone else that might read the Record, to get the idea that the Senator from Indiana believes that violent dissent because of the Vietnam war has any place on the campus or any place else.

I think when they get to the place of burning down banks, destroying institutions of higher learning, and doing physical damage to other citizens that this matter has gone beyond the point of legitimate dissent.

It has gone to the point addressed by former Justice Holmes long ago when he said, "The first amendment does not give anybody the right to cry 'Fire' in a crowded theater."

It has been my belief over the past few weeks that most of the dissent and the deep concern that has been expressed has been in a nonviolent way. It has been expressed not just by students, but also by mothers and fathers, by automobile workers and by steel workers.

My mail has increased astronomically. And all of this mail is not from students.

Mr. GURNEY. Mr. President, is the Senator speaking of the hard-hat demonstrations in New York a couple of weeks ago? Is that one of the examples the Senator is referring to?

Mr. BAYH. I must say that when a fellow, whether he is wearing a hard hat or not, tells me he is against obscenity, four-letter words, desecrating the flag, and burning down bank buildings, I say: "me too." And I do not think that has anything to do with the war in Vietnam or with the stock market.

Mr. GURNEY. Mr. President, I think they were backing the President's efforts in Vietnam.

Mr. BAYH. Mr. President, I think the President will have a rude awakening if he feels that the fathers and mothers of these boys and girls are not deeply concerned over this war in Vietnam. This is a matter that transcends occupational lines. It should transcend class lines.

Mr. GURNEY. Mr. President, I agree wholeheartedly with the Senator. But people all over the country are concerned over the disturbances going on on the college campuses, if that is the point the Senator was making.

Mr. BAYH. That was not the point I was making.

Mr. GURNEY. Mr. President, all I am saying is that there are many other fundamental factors involved in the campus dissent than Cambodia.

I pointed out two of the most notable examples of campus dissent. One was on the campus of Columbia University. I feel that the disturbances really began in the East. This was about 2 years ago.

One involved a piece of property which Columbia University was contemplating building on in the ghetto area. That was what that was all about.

I recall the disturbance at Cornell University when certain students came out of the administration building with guns and rifles in their hands.

I do not feel that those incidents had anything to do with Cambodia.

I agree that we do have much turmoil on college campuses. But I feel that this trouble and turmoil started long before the Cambodian incursion.

Mr. BAYH. Mr. President, before the Senator leaves this subject, I will just read into the Record part of this article to which I have referred.

Mr. GURNEY. I remember reading the article.

Mr. BAYH. Mr. President, since the Senator from Florida has read the article, I will not bother to take up the time to read the article now.

Mr. President, I ask unanimous consent that the article entitled "Young Aides Tell Nixon of Youth Unrest," written by Carroll Kilpatrick, and published in the Washington Post of June 9, 1970, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Young Aides Tell Nixon of Youth Unrest

(By Carroll Kilpatrick)

Eight youthful White House staff members reported to President Nixon yesterday that the Cambodian operation seriously damaged his support on the campuses and drove many moderate students into the arms of radicals.

The President met for more than an hour with eight White House staff members he dispatched last month to sample opinion on some 30 university campuses.

Chancellor Alexander Heard of Vanderbilt University, the President's temporary adviser on campus activities and thinking, was present for the meeting in the cabinet room.

The eight staff members, all under 30, were described as shocked by what they discovered on the campuses. They reportedly told the President that the extreme opposition to the Cambodian operation and the Vietnam war was not a fringe phenomenon but a widespread condition in the universities.

The staff members' reports generally bore out what others previously have found about the extent of student and faculty opposition to the administration's Southeast Asian policies.

The eight reported their findings earlier to senior staff members at the White House and in writing. The President invited them to give an oral report to him yesterday.

He now fully recognizes the extent of the campus opposition to him and his policies and is "very sensitive" to the problem, one informant said.

Hugh Sloan, 29, who visited Princeton, Columbia, Rutgers, Connecticut College, the Coast Guard Academy and New York University, said after visiting Columbia that "the depth of feeling is considerably stronger than I personally imagined."

He met at Low Library on the Columbia campus last month with a series of student and faculty groups. Prof. Charles Frankel of the philosophy department, a former assistant secretary of state for cultural affairs, said after meeting Sloan that the Cambodian operation was a blow to moderates on campus.

Students "felt betrayed," Frankel said at the time. Dean Carl Hovde of Columbia college, who also met with Sloan, told reporters that "patience has snapped over the (war) issue."

White House press secretary Ronald L. Ziegler said the eight staff members spent three or four days each visiting different campuses. Ziegler discounted one report that the eight were stunned by the opposition sentiment they encountered.

Other officials said it was true the eight had been shocked by the extent to which conservative and moderate students had turned against the administration because of Cambodia.

Ziegler said the staff members "talked to students, administrators and faculty to get their views—primarily to assess their feelings for the specific purpose of communicating their views to the President."

The staff members reported that a major target of campus criticism was Vice President Agnew.

The White House aides who made the survey for Mr. Nixon were, in addition to Sloan:

John L. Campbell, 26, he visited Duke, North Carolina Central College and the University of North Carolina.

William Casselman, 28, visited Claremont College and the University of California at San Diego.

Christopher DeMuth, 23, Harvard, University of Massachusetts, Boston College, and Northeastern University.

Jeffrey Donfeld, 26, University of California at Berkeley, University of Texas and the Los Angeles Valley Junior College.

Chester F. Finn, 25, Reed College, University of Washington and Montana State University.

Lee Huebner, 29, Northwestern, Ohio State and Bowling Green College in Ohio.

Don Murdock, 28, University of Wisconsin, Edgewood College in Madison, Wis., and Madison Area Technical and Vocational College.

Mr. BAYH. Mr. President, I must say that the Senator from Florida seemed determined to relate the student unrest over Cambodia and the militant violence on other campuses of 2 years ago.

I thought perhaps the Senator had not read the article.

I think the RECORD should show conclusively that there was deep concern, deep unrest, and deep division in this country as a direct result of the Cambodian invasion. That has nothing to do with politics.

I find myself as a member of the loyal opposition hoping and praying that the President can be successful, knowing that if he is successful, it will be the biggest political thing that he will have going for him.

We cannot ignore the fact that today there is unrest in this country. After a period of 15 or 16 months of planned disengagement—slowly, steadily, and surely—many of us in the opposition party who had gone along with the President on this matter, suddenly find that the situation has turned around and gone the other way.

This is what shocked the business community. This is what shocked the students. This is what shocked the country. That is why I am concerned. And I think the RECORD should show that.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. GURNEY. Mr. President, will the Senator yield further?

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. BAYH. Mr. President, to let my friend, the Senator from Florida, get his breath, I yield now to the Senator from New York.

Mr. JAVITS. Mr. President, I have some prepared remarks concerning the Byrd amendment which I would like to deal with first. Then I would like to make some remarks concerning the colloquy I have just heard between my distinguished colleagues.

BYRD AMENDMENT BEGS THE QUESTION

The amendment offered by the Senator from West Virginia (Mr. BYRD) only begs the question raised by the Cooper-Church amendment and settles nothing. For the President, according to his own declaration of his reasons for sending U.S. Forces into Cambodia, has already, in the words of the Byrd amendment, taken "such action as may be necessary to protect the lives of U.S. Forces in South Vietnam or to hasten withdrawal of U.S. Forces from South Vietnam."

But, the question now is—and it is raised by the Cooper-Church amendment—whether the Congress can place a limit on the exercise by the President of his power as Commander in Chief by restricting his authority to use appropriations in the support of forces carrying out his orders in Cambodia. This, I feel, the Congress has an absolute right to do. The President may choose not to use an appropriation on these conditions, but if he does use it, he cannot at the same time negate its purpose or its restriction.

What Senator BYRD tries to do is to turn the clock back to the time preceding the Cambodian decision and to disregard the fact of the decision or its implications. I believe the Cooper-Church amendment is not only a proper, but a wise, exercise of the congressional authority. For, the Senate, is dealing in the Cooper-Church amendment with the question of extending the theatre of war beyond Vietnam as a matter of basic policy. The Cooper-Church amendment seeks to restrain the President from using his Commander in Chief authority with respect to the security of our forces in Vietnam beyond the very limited involvement which he himself has specified as essential for that security.

It is proper to state that nothing the Senate can do, including the Cooper-Church amendment, can deprive the President of his Constitutional authority as Commander in Chief. All the Congress is asked to do by the Cooper-Church amendment is to limit broader-scale involvement in Cambodia which would intrude upon the warmaking powers of the Congress itself.

Indeed, the issue of liquidating the Vietnam war is now wholly a question of tactics and timetable. This is true of the Cooper-Church amendment and even of the much broader McGovern-Hatfield-Goodell-Cranston-Hughes amendment. The basic issue with which we still must come to grips is a definition of the war powers of the Congress and, therefore, by implication, of the President under contemporary circumstances. I do not say this in criticism of the Cooper-Church amendment, which strongly favor and in the drafting of which I participated as a member of the Foreign Relations Committee—but rather because it makes no such claim for itself.

What needs to be defined is how the Congress is to exercise its policymaking power with respect to war which is explicitly reserved to it in the Constitution in consonance with the President's executive or command authority as Commander in Chief. The Constitution defines this executive capacity of the President only to "take care that the laws be faithfully executed." The President certainly enjoys discretionary authority but it is the discretionary authority of an executive. He does not have discretionary authority with respect to warmaking in a policy sense. This is a power granted to the Congress under the system of checks and balances in the Constitution.

But, the adoption by the Senate of the Cooper-Church amendment—an important piece in an emerging mosaic—would be a significant historical milestone in asserting this authority of the Congress. Its historic significance may be further enhanced by the President's open endorsement of the Byrd amendment.

Under these circumstances I see the Byrd amendment, in its effect, as an effort to table the Senate's effort to reassert and to define the constitutional responsibilities of the Congress as specified in section 1, article 8, of the Constitution. If the Byrd amendment is adopted, it will set back a vital historic process—the assertion of the responsibilities of the Congress in warmaking. Also it will give new momentum to a phenomenon which has aroused such grave concern in our Nation in recent years—the exercise by the President of the warmaking power in the name of his authority as Commander in Chief. Since the first rumblings of World War II, we have seen this constantly expanding power of the President often due to abdication by the Congress of its warmaking powers. Throughout the past decade, this trend has gained an ominous momentum.

It has reached the point where any effort just to check the expansion of Presidential power is regarded by some defenders of the Presidency as an encroachment on the Office of the President. Many advocates of Presidential prerogative in the field of war and foreign policy seem at times to be arguing that the President's "powers" as Commander in Chief are what the President alone defines them to be.

I believe that passage of the Byrd amendment would amount to Senate acquiescence in this position—that is, the President enjoys such powers as Commander in Chief as he defines them to be. I believe that this could undermine

XUM

our whole constitutional system and lead the Nation into grave new crises at home and abroad.

What is most needed, in my judgment, is a new policy codification of rules to be followed in circumstances where military hostilities must be undertaken in the absence of a declaration of war. There are two categories of such circumstances: First, those on which a declaration of war is not justified or desirable because of the total consequences of a declaration of war; second, when the suddenness of events does not permit the prior enactment of a declaration of war.

In the nuclear age, hostilities are likely to continue to take the form of "limited" and even "clandestine" wars. Such wars require a response adapted to the circumstances and those circumstances do not seem to be adequately encompassed in the 18th century concept of a "declared" war, which is specified in the Constitution.

The Congress has done little or nothing, in my judgment, to adapt its constitutionally specified "declaration-of-war" power to 20th century circumstances. At the same time, our Presidents have shown great vigor and ingenuity in adapting and expanding the Commander in Chief powers to deal with limited and clandestine wars. The process of atrophy of congressional power and unilateral expansion of Presidential power in warmaking has now reached dangerous limits.

XUM

There is an urgent need for enactment of a law which codifies historical practice as it has evolved in a prudent manner harmonious with the Constitution. The Congress has ample powers to this under article 1, section 8, of the Constitution. I have been working on such legislation for some time and I intend to introduce a bill to this effect shortly.

Now, I would like to make two observations respecting the previous colloquy. One concerns the matter of the business community which the Senator from Florida has been discussing. It is a fact, as the Senator has said, that the stock market has made a slight recovery from its very deep low point. I hope that we will not be confused by that fact. The fact is that the stock market was at its lowest point for 4 or 5 years. However, it has made a slight recovery. I hope that it recovers more.

Inflation makes it impossible to finance the efforts of such a major corporation as the Penn Central Railroad.

There is a deep erosion of confidence, as shown by the plans for acquisition or for other business improvements.

We are beginning to see a marked erosion of confidence and a decrease in buying by consumers and continuing inflation.

The Vietnam war and the fact that there is in the minds of many people of the United States the suggestion of an expansion of the war because of the Cambodian move are very major contributing factors. Many very outstanding business leaders have expressed themselves on that score.

Business exigencies are now pressing also, as are so many social problems in our country, for some way to bring this war to a close, and not to proceed again, as unhappily Cambodia did, to devastate a large segment of the community because they saw an expansion rather than a contraction of our war efforts.

I hope very much the Senate will face this issue which is being so eloquently debated by Senators. It is essentially a constitutional issue.

Mr. BAYH. I appreciate the contribution of the Senator.

Mr. President, I apologize for the length of the debate. The Senator from Florida has been anxious to pursue some interrogation of the Senator from Indiana, and that is the reason we have been proceeding here.

Mr. JAVITS. Mr. President, will the Senator yield further?

Mr. BAYH. I yield.

Mr. JAVITS. I want to say also that I appreciate the courtesy of the Senator from Florida (Mr. GURNEY) because if he had not allowed me to be yielded to and make these expressions, I would not have been able to do so.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. CHURCH. Mr. President, throughout much of the debate, opponents of the Cooper-Church amendment have spoken as though they are for our servicemen and that our servicemen are for them. On the other hand, those who support the amendment presumably have no such support among the servicemen who are on the battle line in Vietnam. Of course, that is not so. I am sure the Senator from Indiana has received, as I have, a great many letters from servicemen in Vietnam who wholeheartedly support the effort we are making here.

One such letter arrived today. The letter is addressed to the Senator from Arkansas (Mr. FULBRIGHT), the chairman of the Committee on Foreign Relations. It is so pertinent, I believe it should be printed in the RECORD.

The letter is from one of our fighting men who has been in Vietnam for 10 months and who has been involved in the Cambodian operation. The letter is an indictment of both our presence in South Vietnam—which he labels as a "travesty of reason"—and our invasion of Cambodia—which he claims "was designed to fool the American public."

Mr. President, the soldier writing this letter concludes it with the following plea:

> Senator, I beseech you to listen to those dissenters our Vice President has been criticizing, for they are concerned about me and their country. They certainly seem more alarmed than either the President or his "silent majority."

I say "Amen" to these comments, and I hope that my colleagues will show their concern for this young soldier and the thousands like him by rejecting any attempt to water down the Church-Cooper amendment. We can do no less and still meet our responsibility to these young men.

Mr. President, I ask unanimous consent that this letter be printed in its entirety at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MAY 23, 1970.

Senator J. WILLIAM FULBRIGHT,
U.S. Senate,
Washington, D.C.

DEAR SIR: My purpose in writing you is twofold. First, I wish to add to the influx of mail demonstrating opposition to the Cambodian drive. As a soldier in Viet Nam for ten months, I am already appalled by the travesty of reason my country is perpetrating here; the push into yet another foreign territory shocks and frightens me.

Secondly, I hope to bring to your attention the extent to which the military officials "planned" the Cambodian campaign, a campaign which was supposed to save American lives and shorten the war.

My artillery unit, part of the 2nd Brigade, of the Fourth Division, was sent into Cambodia with absolutely no building materials, and inadequate water. We didn't receive sandbags, a necessity on any firebase, for three days, and when we did receive them, there were only ten bundles where we needed 160.

Never in Viet Nam did we have to do without materials necessary to provide protection from mortars and rockets. But in Cambodia, where the enemy has artillery pieces, we weren't supplied.

The official explanation was a shortage of logistical equipment, such as the 2½ ton trucks which moved our battery's ammunition and supplies. If that was the case, then why did our battalion commander use one of the few trucks allocated to my battery to move his personal privy and shower to Plei Djereng (Viet Nam), when we needed a truck for sandbags and water?

On our last night in Cambodia, we received enemy mortars and rockets. A friend of mine died, and many were injured: we do not have overhead coverage. I submit that what happened to us, and others, such as the 101st Airborne Infantry, who suffered badly, was the result of something other than a carefully planned maneuver designed to foreshorten the war and save lives. I submit that the campaign, which purportedly captured huge caches and killed many enemy—where the numbers of weapons, supplies, and enemy dead published in both dubious and captious—actually was designed to fool the American public and benefit a small group of people.

Senator, I beseech you to listen to those dissenters our Vice President has been criticizing, for they are concerned about me and their country. They certainly seem more alarmed than either the President or his "silent majority."

Sincerely yours,

——— ———.

Mr. CHURCH. Mr. President, again I commend the distinguished and able Senator from Indiana for the fine contribution he has made to the debate today.

Mr. BAYH. Mr. President, I appreciate the comments of the distinguished Senator from Idaho.

I feel I have occupied the floor for too lengthy a period of time. I see the Senator from Florida is no longer in the Chamber, so perhaps he has no further questions. I yield the floor, Mr. President.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H.R. 4204) to amend section 6 of the War Claims Act of 1948 to include prisoners of war captured during the Vietnam conflict, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11102) to amend the Public Health Service Act to revise, extend, and improve the program established by title VI of such act, and for other purposes.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 12858) to provide for the disposition of certain funds awarded to the Tlingit and Haida Indians of Alaska by a judgment entered by the Court of Claims against the United States; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. HALEY, Mr. EDMONDSON, Mr. TAYLOR, Mr. SAYLOR, and Mr. BERRY were appointed managers on the part of the House at the conference.

The message also announced that the House had passed a bill (H.R. 17923) making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1971, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 17923) making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1971, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The Senate continued with the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

Mr. BYRD of Virginia. Mr. President, I rise to discuss the Cooper-Church amendment to the Military Sales Act and simultaneously the amendment offered by my distinguished colleague from West Virginia, Senator ROBERT BYRD.

The Cooper-Church amendment provides, among other things, that "in order to avoid the involvement of the United States in a wider war in Indochina and expedite the withdrawal of American forces from Vietnam," no funds may be expended after June 30 for retention of U.S. ground forces in Cambodia, or for conducting any air combat activity over Cambodia other than to interdict the movement of enemy supplies into South Vietnam. This, in essence, is the intent of the amendment.

This amendment has given me a great deal of concern as to just how I should cast my vote.

I favor the objective of the Cooper-Church amendment. I do not want to see the United States become bogged down in a ground war in Cambodia.

Mr. President, 3 years ago, upon my return from Southeast Asia, I made a report on the floor of the Senate.

On April 11, 1967, I said that while public attention was focused on Vietnam, sooner or later, if the war continued, the problem would be widened and our Nation would be faced with grave decisions regarding Laos and Cambodia.

I want to read at this point a few paragraphs of my speech of 3 years ago:

> Our involvement in Asia does not stop with Vietnam.
>
> In order to help the war effort there, we have negotiated with Thailand and have constructed, or are in the process of constructing, four huge military bases there, each of which I visited.
>
> These bases are of great importance to the American military effort in Vietnam.
>
> For example, our giant B-52 bombers heretofore all flown from Guam—a 12-hour round trip to target—will, beginning this month, be operated partially, from Thailand—a 4-hour round trip flight to target.
>
> But our presence in Thailand further commits us in Asia, and it commits us to protect the Kingdom of Thailand.
>
> Visualize, if you will, the map. Vietnam is separated from Thailand by both Laos and Cambodia. In other words, Laos and Cambodia lie between the two countries in which we are currently militarily involved.
>
> The ultimate fate of Laos and Cambodia hangs in doubt with Communist pressure at a high point.
>
> A part of Laos is now an important military base for the Vietcong yet, another part of Laos is cooperating with the United States.
>
> Cambodia claims to be neutral and will not permit the United States to overfly it when U.S. planes go from Thailand to Vietnam. Yet, Cambodia is also a sanctuary for the Vietcong.
>
> Sooner or later, our nation may be faced with grave decisions regarding Laos and Cambodia.
>
> If such is the case and we decide to intervene, we will then have assumed the responsibility for all of what was French Indochina, plus its neighbor, the Kingdom of Thailand. If we conclude not to intervene in Laos and Cambodia, either or both could become another Communist-dominated North Vietnam.

That was my comment in 1967. Today, we are faced with precisely the kind of decision that I foresaw 3 years ago.

The decision is no easier now than it would have been 3 years ago. In some ways it is more difficult, because Communist aggression has spread.

From the very beginning, I have said that the commitment of American ground troops in a land war in Asia was a grave error of judgment.

I have also maintained that the error was compounded by the way in which the war has been conducted. President Johnson and Secretary of Defense McNamara tried to run it out of Washington—with unrealistic reins on the military commanders in the field. It took quite a while before the McNamara concept of a so-called limited war was proved a farce. It prolonged the war and increased the casualties.

The 2 million Americans who have participated in the Vietnam war for the most part did not ask to go there. They were sent there by their Government, most of them having been drafted, taken from their families, homes, and communities and sent to a far-off land to fight.

We now have in Vietnam some 425,000 Americans.

Whether it was wise or unwise to have become involved in Vietnam is not the question now. We must deal with the situation that exists today.

Our Nation is unified, I believe, in the desire to get out of Vietnam. Our Nation is divided, however, on how best this can be accomplished.

This brings me to Cambodia and to the Church-Cooper amendment.

In late April, there were indications that President Nixon might be called upon to make a decision with regard to going to the aid of the Cambodian Government following the ouster of Prince Norodom Sihanouk.

The President announced that he would address the American people on this subject the night of April 30.

That afternoon in the Senate prior to the President's speech, I urged him not to send American ground troops to fight in Cambodia. I expressed the hope that if aid were to be given in the form of air support, advisers or arms, that it be made clear ot the Cambodian Government—and to the American people—that this would not lead to involvement of U.S. combat forces.

I added:

> There must be a limit to American involvement in Asia. The United States cannot unilaterally assume the responsibility for the security of all of what was French Indochina.

That evening, the President announced his decision to attack North Vietnamese and Vietcong sanctuaries along the Cambodian-South Vietnamese border—and he sent American troops to accomplish this purpose.

I withheld judgment on the President's decision until I had the opportunity to obtain additional information.

At a White House meeting with the President the following Tuesday, May 5, I was assured, along with other members of the Armed Services Committee, that the President's action was a temporary military tactic for a specific military purpose.

The President stated categorically that no commitments had been made by our Government to guarantee the security of the Cambodian Government. He asserted, too, that all American troops would be withdrawn from Cambodia prior to June 30, and that he had no idea of our becoming bogged down in a ground war in Cambodia.

The President's action, as he explained it, did not contemplate the use of ground forces to fight for Cambodia. The invasion into Cambodia was, he said, for the limited, specific purpose of destroying enemy sanctuaries as a means of protecting U.S. soldiers in South Vietnam. These sanctuaries are within 20 miles of the Vietnamese-Cambodian border.

The invasion of a country with which we are not at war normally is clearly a matter on which the Congress of the United States should be consulted. But the President's action in regard to Cambodia is not a clear-cut example.

It is, to use the President's words, a temporary military tactic for the purpose of protecting American troops in the area adjacent to the enemy sanctuaries.

Nor can Cambodia be considered a neutral nation. The North Vietnamese and Vietcong have been using Cambodian territory without hindrance.

So I am of two minds in regard to the Cooper-Church proposal:

We already have too many commitments in Asia. I do not want the United States to assume the responsibility of protecting the Government of Cambodia; but I do not want our Commander in Chief to be prevented by legislation from taking reasonable temporary military steps to protect American troops still in Vietnam.

We have a prime obligation to those Americans our Government has sent to Vietnam. They are entitled to full protection.

This brings me to the amendment offered by the Senator from West Virginia (Mr. BYRD). The Byrd amendment would state in effect that while U.S. forces could not be used to protect the Government of Cambodia, they may be used to protect the lives of U.S. forces in South Vietnam, or to expedite the withdrawal of American troops from Vietnam.

If the Byrd amendment were approved by the Senate, then the Cooper-Church proposal, as amended by Mr. BYRD, would say to the President: "We do not want U.S. forces to be used for the protection of the Cambodian Government, but they may be used in Cambodia as a temporary military tactic, if the President deems it necessary to protect American troops in Vietnam, or to facilitate the ending of the Vietnam war."

As stated earlier, I long have been opposed to U.S. involvement in a ground war in Asia. Somehow, that war must be brought to an end.

But, as I see it, there is—at this late date—no good solution.

President Nixon, I am convinced, is making a sincere effort to achieve a solution—and, indeed, already has withdrawn 115,000 U.S. troops. He is pledged to withdraw 150,000 more by next April—50,000 of these by October 15 of this year.

So he is making progress toward reducing American involvement.

If one believes the President is sincere in his desire to bring the war to a reasonable conclusion, is not acting through the Commander in Chief the most effective way to achieve the desired results?

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MODIFICATION OF UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the previous order of June 5, 1970, requiring the running of the time for debate to begin immediately "after the disposition of the Journal" on tomorrow, be changed to "after approval of the Journal."

The PRESIDING OFFICER (Mr. BENNETT). Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MODIFICATION OF AMENDMENT NO. 667

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I be permitted to modify my amendment 667 star print to read as follows:

> On page 5, line 7, before the semicolon insert a comma and the following: "except that the foregoing provisions of this clause shall not preclude the President from taking only such action as is necessary in the exercise of his constitutional powers and duties as Commander in Chief, to protect the lives of United States forces in South Vietnam or to facilitate the withdrawal of United States forces from South Vietnam; and the President is requested to consult with Congressional leaders prior to using any United States forces in Cambodia if, as Commander in Chief, he determines that the use of such forces is necessary to protect the lives of United States forces in South Vietnam or to facilitate the withdrawal of United States forces from South Vietnam;"

Mr. President, the specific changes which I would thus be making in amendment 667, if I am permitted to modify my amendment, would be as follows. I would suggest that Senators may wish to read the star print which is on their desks as I attempt to make the precise suggested changes clear.

I would modify amendment 667 to insert the word "only" after the word "taking" on line 3; to delete the words "may be" and insert in lieu thereof the word "is" on line 4; after the word "necessary" on line 4, insert a comma and the following language: "in the exercise of his constitutional powers and duties as Commander in Chief,"; and at the end of the present language on line 6 of amendment 667 delete the quotation marks and the period, insert a semicolon and add the following language:

> And the President is requested to consult with Congressional leaders prior to using any United States forces in Cambodia if, as Commander-in-Chief, he determines that the use of such forces is necessary to protect the lives of United States forces in South Vietnam or to facilitate the withdrawal of United States forces from South Vietnam;"

Mr. President, that concludes the modification which I propose.

My modification, when taken together with paragraph (1) of the Cooper-Church amendment and language from the preamble of that amendment beginning with the word "unless" on line 3 of page 5, would then read as follows:

> Unless specifically authorized by law hereafter enacted, no funds authorized or appropriated pursuant to this Act or any other law may be expended for the purpose of—
>
> (1) retaining United States forces in Cambodia except that the foregoing provisions of this clause shall not preclude the President from taking only such action as is necessary, in the exercise of his constitutional powers and duties as Commander in Chief, to protect the lives of United States forces in South Vietnam or to facilitate the withdrawal of United States forces from South Vietnam; and the President is requested to consult with Congressional leaders prior to using any United States forces in Cambodia if, as Comamnder in Chief, he determines that the use of such forces is necessary to protect the lives of United States forces in South Vietnam or to facilitate the withdrawal of United States forces from South Vietnam;

Mr. AIKEN. Mr. President, will the Senator yield for a question?

Mr. BYRD of West Virginia. If I may proceed for 30 seconds, I will then yield to the Senator from Vermont.

I have asked the able majority leader if he had any objection to my asking that my amendment now be modified—and unanimous consent is required in view of the fact that the Senate has already entered into an agreement to vote on amendment 667 star print as it was written at the time the request was granted. The majority leader has no objection to my offering this modification.

I have talked with the able Senator from Kentucky (Mr. COOPER) and the able Senator from Idaho (Mr. CHURCH), cosponsors of the Cooper-Church amendment, to see if they would have any objection to such unanimous-consent request. They, in turn, have discussed the matter with the able senior Senator from Vermont (Mr. AIKEN).

I have also discussed it with as many of the cosponsors of my amendment on my side of the aisle as I could contact, and I have also discussed it with the able Republican assistant leader (Mr. GRIFFIN), who is a cosponsor on the other side of the aisle.

None of these Senators objects to my offering this modification.

I yield to the able Senator from Vermont.

Mr. AIKEN. Mr. President, my question is: The Senator from West Virginia understands that our troops are now in Cambodia and were sent into Cambodia solely on the basis of the President's constitutional authority and not on the basis of any legislative authority, does he not?

Mr. BYRD of West Virginia. I understand that the President, in taking the action he took on April 30, did so in the proper exercise of his constitutional authority, powers, and duties. I must be frank to say to the able Senator—and this is my own opinion purely—that I believe the Gulf of Tonkin Joint Resolution, which is now Public Law 88-408, gave him additional legal authority under which he could have acted. But the Gulf of Tonkin Resolution notwithstanding, I think the President acted in the proper exercise of his constitutional powers and duties in moving into Cambodia to protect the lives of our men in South Vietnam.

Mr. AIKEN. I think the executive de-

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partment has made it plain they do not rely on the Gulf of Tonkin resolution and have no objection to it being repealed.

Mr. BYRD of West Virginia. Exactly. I understand the President did not rely on that law.

Mr. AIKEN. And has no objection to it being repealed.

Mr. BYRD of West Virginia. I cannot say that.

Mr. AIKEN. I think our Committee on Foreign Relations has been given that understanding. Therefore, it is purely on constitutional grounds, and personally I think he is on much safer ground relying on constitutional authority rather than on interpretation or misinterpretation of any legislative action.

Mr. BYRD of West Virginia. I think I would have to agree to that.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia to modify his amendment No. 667?

Mr. COOPER. Mr. President, reserving the right to object and I will not object to the Senator seeking to secure the best amendment he can present— I think it is a worthy effort. I shall not object to the modification—I would like to follow the question of the Senator from Vermont, that I may have a better understanding of the purpose of the modification. The change may be an improvement. The original amendment No. 667, which the Senator introduced together with other cosponsors, has somewhat the same language. The amendment No. 667 reads in part:

> Except that the foregoing provisions of this clause shall not preclude the President from taking such action as may be necessary—

And the modification would read—

> shall not preclude the President from taking only such action as is necessary.

Then the Senator has added these words:

> In the exercise of his constitutional powers and duties as Commander in Chief, to protect the lives of United States forces in South Vietnam or to facilitate the withdrawal of United States forces from South Vietnam.

Am I correct in saying that in the Senator's judgment he considers the addition of the words "in the exercise of his constitutional powers and duties as Commander in Chief" as an important change?

Mr. BYRD of West Virginia. I do. I think it ties his "action" clearly to the President's authority, duty, and power under the Constitution without any regard whatever to any legal authority he might have under laws enacted by Congress.

Mr. COOPER. The sponsors of the Cooper-Church amendment have stated that it is their view that we cannot confer on the President any of his constitutional powers. Would the Senator agree to that statement?

Mr. BYRD of West Virginia. Yes. I agree that Congress cannot grant additional constitutional powers to the President.

On the other hand, we cannot diminish them.

Mr. COOPER. Would the Senator agree, that being true, that the addition of the words "in the exercise of his constitutional powers and duties as Commander in Chief" approves in advance such determination as he may make?

Mr. BYRD of West Virginia. My amendment does not approve or authorize anything. My amendment simply attempts to preclude what I view as an attempt by paragraph 1 of the Cooper-Church amendment to restrict the constitutional powers of the President of the United States. That is my view.

My amendment does not add any powers. It does not authorize anything. It is merely a limitation upon paragraph 1 of the Cooper-Church language taken in combination with certain words in the preamble.

Mr. COOPER. As I said earlier, I am not trying to argue that the President may make an improper decision. I am talking about the effect of the amendment.

As the language is written in the modified amendment, is it not correct that its effect would be that if the President made a determination, no one could challenge it?

Mr. BYRD of West Virginia. I think he has certain constitutional authority now; my amendment does not and could not add anything to the constitutional authority of the President.

Mr. COOPER. But by adopting this modification, would not Congress be saying, "Whatever the President determines, we approve?"

Mr. BYRD of West Virginia. I think the language in my amendment merely recognizes and tries to preclude the Cooper-Church amendment from attempting to alter the status quo, the constitutional powers of the President, acting as Commander in Chief. I think that the language of the Cooper-Church amendment in paragraph 1 cannot amend the powers and authority of the President under the Constitution, but I think it attempts to restrict his authority by indirection, through a cutoff of funds. I say this, of course, without any reflection upon the authors of the amendment. But my amendment does not give approval to anything. It adds nothing. It authorizes nothing new. It merely insists upon the status quo with respect to the constitutional powers of the President acting as Commander in Chief, where the safety of American forces in South Vietnam is concerned.

Mr. COOPER. Just one or two more questions.

There is nothing in your modification, is there, that provides for joint action between the Congress and the President?

Mr. BYRD of West Virginia. There is nothing in my amendment that requires any joint action between the Congress and the President.

Mr. COOPER. That is a distinction between the Cooper-Church amendment and the Senator's amendment. The amendment of the Senator from West Virginia leaves every determination wholly open to the President, with no requirement at all for joint action by the Congress.

Mr. BYRD of West Virginia. Only when he acts within the total universe of his constitutional power.

Mr. COOPER. Only he can make that determination.

Mr. BYRD of West Virginia. But he can do that now, without the Cooper-Church amendment and without the Byrd amendment.

Mr. COOPER. Under the clause, "and the President is requested to consult with congressional leaders prior to using any U.S. forces in Cambodia if, as Commander in Chief, he determines that the use of such forces is necessary to protect the lives of U.S. forces in South Vietnam or to facilitate the withdrawal of U.S. forces from South Vietnam," the modification provides only for consultation. I ask, if the President should determine that a situation in Cambodia were dangerous to the security of our forces or the security of the United States, and he should decide to send in large forces of the United States, occupy large territories in Cambodia, commence the support of the Cambodian Government, join forces with the Thais, would he only have to consult with congressional leaders?

Mr. BYRD of West Virginia. Mr. President, I cannot——

Mr. COOPER. I have taken a case that is extreme, but we have to look at all possibilities, and I have presented a case which might occur.

Mr. BYRD of West Virginia. It might occur.

Mr. COOPER. Would the modifications require the President to come to Congress, or would he just be required to advise with congressional leaders?

Mr. BYRD of West Virginia. In the first place, let me say that my amendment does not touch paragraphs (2), (3), and (4) of the Cooper-Church language. Those paragraphs, as far as I am concerned, are meritorious. I think there are some loopholes in them, as I shall attempt to demonstrate in a little while; but I think that paragraphs (2), (3), and (4) are calculated and designed to avoid American manpower participation and involvement in a new war, for Cambodia, against Cambodia, or in support of any Cambodian government.

Paragraph (1) is all that my amendment affects. Paragraph (1), as I have previously stated, in essence states that unless hereafter enacted by law, no funds authorized or appropriated in this act or any other law may be expended for the retention of U.S. forces in Cambodia. I think that that language as it exists, left untouched, if enacted, would attempt to preclude the President from properly exercising his constitutional powers as Commander in Chief if he thought it necessary to use U.S. troops in Cambodia for the protection of the lives of U.S. troops in South Vietnam. So my amendment is directed to perfecting what I view as a flaw, a weakness, and a mistake in that language.

But conceding that my amendment may be adopted, it adds nothing, it could add nothing, to the constitutional powers of the President of the United States as Commander in Chief. If he can do what the Senator says he may do with my language enacted into law, it is only because he can do it now, in recognition of his authority and powers under the Constitution of the United States. It would not be through any additional powers, authority, legal or otherwise, granted by my amendment. Some persons may even interpret it as a limitation.

Mr. COOPER. I say, with great respect, it is a limitation only in the respect that the President is asked to talk with the leaders.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. BYRD of West Virginia. I view it as a limitation in this respect: Without any language at all, without Cooper-Church, without the Byrd amendment, but under the Constitution as it is presently written, the President is Commander in Chief of the Army and Navy. I think that he may use U.S. forces in Cambodia if he deems it necessary, now, to protect the lives of American forces in South Vietnam, and I do not believe that he is confined to that constitutional predicate for the use of U.S. Armed Forces in Cambodia. I think he has additional legal authority under the Gulf of Tonkin language to so act.

But under my language, he would be confined to the constitutional predicate insofar as we would express our sentiments here. We cannot cut off or reduce his constitutional authority.

Mr. COOPER. Mr. President, I do not want to drag out the discussion, I do not condemn or criticize the military operation; it is done. But the explanation given was that a situation existed which could endanger our forces, not immediately, but in a period of the next few months.

Assume that the President is informed of a situation in Cambodia which he considers may be so dangerous to our troops or to the security of this country that he considers it necessary to move into Cambodia with large forces, to assure their protection; perhaps to join with the Cambodian troops and support the Cambodian government; to provide instructors and supplies to the Cambodian forces, and to South Vietnamese forces in Cambodia.

Does not the Senator consider that is a fairly large order, that it would be a new course in the policy of the war? Does he not consider that that would be a situation where there should be a joint determination by Congress and the President, when so much of our manpower and our future resources would be required?

But under the Senator's amendment, there is no requirement for joint action. In fact, on the contrary, if it does not require it, in effect, it would make none of those determinations ever come to Congress.

Mr. BYRD of West Virginia. No. If under my amendment it is not required, it is because under the Constitution of the United States it is not required. My amendment does not give the President any additional authority, period. I agree that the President, if we are going to attempt to enter into any new commitment, ought to come to Congress and get its approval for such a new commitment. But if we view what has been said by the President and the experiences that have developed since April 30 in the context of the conditions that caused the President to take the action that he did on April 30, I believe that we will have to recognize, first, that that was not a new commitment, that it was the same war, that we were fighting the same enemy, and that under the principles of international law, we were not, indeed, invading a neutral territory—we were just going over into another part of the war zone temporarily.

Second, I believe that in view of these things, if the President is acting in good faith—and we have got to have some faith in the President, regardless of what his name is or what his political party may be—I have faith that before he would attempt anything like such a new commitment, he certainly would come before Congress and request approval.

Third, I think that paragraphs (2), (3), and (4) of the Cooper-Church amendment, which I intend to support if this language which I have offered is adopted, go a long way toward expressing the clear sentiment of Congress, if they are enacted into law, against any involvement of American manpower in any "new commitment," in any "new war," in any war "for" Cambodia or "against" Cambodia or for or against any other country in Southeast Asia. I think they go a long way, if I may say so to the Senator from Kentucky, toward achieving what he hopes to achieve and what we all want to achieve.

But I fear that paragraph (1) could, to the extent that funds would be cut off, do indirectly that which Congress cannot do directly, and that is to inhibit or infringe upon, contravene or diminish, the powers of the President of the United States as Commander in Chief. Finally, may I say that the President's action in such a hypothetical situation would derive from his constitutional powers—not from any new authority emanating from my amendment, because there is none.

Mr. FULBRIGHT. Mr. President, will the Senator yield for a question?

Mr. BYRD of West Virginia. I yield to the Senator from Arkansas.

Mr. FULBRIGHT. What bothers me about the Senator's argument is an assumption that he seems to make, which he feels is self-evident, about the extent of the President's legitimate constitutional powers as Commander in Chief.

This theory, that, as Commander in Chief, he has vague and unlimited powers to involve us in a war in other countries, is a brand new one, which I never heard of before. Even Mr. Katzenbach, in his most extreme statement before the committee, did not dwell upon the President's powers as Commander in Chief. Before the Cambodian incident, I do not think it has ever been considered that the Commander in Chief's power meant any more than taking care of the needs of the Army—in other words, give them food, drink, and shelter, and look after them—while it is in a battlefield that has been authorized by Congress. It was never before interpreted to mean that this gives the President the capacity to attack or to enter or to invade other countries, on the theory that to do so might protect the lives of our troops.

I think this is a new theory, and I do not think it is a sound constitutional assumption. I think such an interpretation flies in the face of the Constitution.

I would return, first and foremost, to statements made by Alexander Hamilton in this regard. They are a good authority; at least I think they are. Being a strict constructionist, I still like to return to those who wrote the document and see what their interpretation was. I should like very much to read just one short excerpt from Federalist No. 69, written by Alexander Hamilton, who was, as the Senator knows, a strong advocate of an executive authority. He believed in a strong executive. But this is what he said:

> The president is to be commander in chief of the army and navy of the United States. In this respect his authority would be nominally the same with that of the king of Great Britain, but in substance much inferior to it. It would amount to nothing more than the supreme command and direction of the military and naval forces, as first general and admiral of the confederacy; while that of the British king extends to the *declaring* of war; and to the *raising* and *regulating* of fleets and armies; all which, by the constitution under consideration, would appertain to the legislature.

Moreover, the very language of the Constitution, it seems to me, is revealing, and I wish to emphasis it. This is article II, section 2:

> The President shall be commander in chief of the army and navy of the United States, and of the militia of the several states, when called into the actual service of the United States.

In other words, if I read that correctly, the President is not Commander in Chief at any time he so chooses, but rather when the Armed Forces are called into service by the Congress.

I grant that, by neglect and acquiescence, there have been some instances in which this has not been strictly followed, and of course we all admit that in the case of an emergency, an attack upon this country, it has always been interpreted that the President has the right to take appropriate action.

What the significance of this is, and what bothers me about the amendment of the Senator from West Virginia to the Cooper-Church amendment is that, it would negate this amendment, and as he has said—I think he has said it; others certainly have said it—there is a very remote possibility that the Cooper-Church amendment could be entered into law.

If the President opposed it, and I am sure he would, his veto could be overridden, but that is very doubtful. I am under no illusion. But this is still a very significant follow-on to the commitments resolution. What is joined here is the interpretation of the Congress' authority versus the President's. The same issue was involved in the commitments resolution. I am interested in restoring a reasonable participation by the legislative branch in the making of foreign policy.

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To illustrate what I mean, I want to read from a questions and answers pamphlet of the Bureau of Public Affairs, number 12, on page 5, an official document of this administration, the Department of State, May 1970. I want to read from it to illustrate what I think the issue is.

> QUESTION. What is the legal basis for the President's decision to commit American lives and materials in Cambodia?
>
> ANSWER. The President was acting under his constitutional authority as Commander-in-Chief of the Armed Forces of the United States. Also, as Chief Executive, he has the supreme responsibility for determining and directing our foreign policy.

I say this is not so. I think that any reasonable interpretation or any reasonable reading of the Constitution does not support that. The President does not have supreme responsibility under the Constitution. If we wish to give up our authority and delegate it to him, we do not change the Constitution. We simply abnegate, we abdicate, any responsibility for discharging our responsibility under the Constitution. We cannot change it. But we can neglect it.

I think the basic assumption of the Senator's amendment is incorrect constitutionally, and it would put the Senate in the position, if we approved it, of agreeing to his interpretation, which I think is a departure from the Constitution. I do not want to be part of a further weakening of the influence of the Senate in the making and carrying out of foreign policy. That is the main reason why I support the Cooper-Church amendment. It is very unlikely to be enacted, but it is an expression of the attitude of the Senate. It is similar in effect to the commitments resolution of last year, which I think was a very healthy step toward restoring the role of the Senate in our foreign policy.

This is simply based upon the general idea that discussion and participation by the Senate is a healthy thing, as opposed to allowing one man to make the kind of decision that has taken us into Cambodia—which was done without consultation with the Senate.

As a matter of fact, so far as the Committee on Foreign Relations is concerned, only 3 days before that took place, the Secretary of State appeared before the committee and in a sense disarmed us from any suspicion, because of his failure to mention the pending invasion or anything closely resembling it. Not only was the committee not told, but also, due to the fact that I had not the vaguest idea such an action was contemplated. I was completely taken by surprise when the decision was announced.

So I think this issue goes to the heart of our constitutional system. Congress, especially the Senate, is given a very special role in the area of foreign policy; it has responsibilities with regard to treaties, ambassadors, the confirmation of appointees, and so forth.

As a Senator, I find it very difficult to justify being here and not at least giving the country an opportunity to know what is going on in foreign policy.

With all deference—and I do not attribute all of this to this administration, because most of the things I am talking about arose in the previous administration—we were not told about Cambodia. Not only were we not told about the Cambodian decision but also, we have been deliberately and consciously deceived in the past with regard to such things as the cost of the Thai troops whom we were paying over $200 million and the amount we were paying to the Philippines for sending in their troops to Vietnam. Many of these arrangements that were made by the previous administration were not told to anybody. We just now, as a result of the Symington subcommittee, are finding out about them, after great and difficult troubles. Much of this has not been revealed to the public.

That is my objection to the Senator's amendment. I do not think there is anything in our history to justify this interpretation of the Commander in Chief's powers. It is a new theory. The only thing comparable to it that I know of is a statement about the President's powers by Dean Acheson, when he was in the State Department, back in 1951.

I know of no cases or anything of that nature that would support this new theory. I regret that I do not agree with the Senator from West Virginia on this, but I feel that the Senate has a role to play, and I want to see it play its proper role. I think the country would have been better off under the previous administration and it would be better off under this one if there were genuine consultation with the Senate.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I thank the able Senator.

If I may just respond, the Senator from Arkansas refers to "this interpretation of the Commander in Chief's powers." The Byrd-Griffin language makes no attempt whatsoever to interpret the President's powers. It does not add to those powers. It does not take away from them. It does not define them. It does not say what they are. It merely precludes the language in paragraph 1, when combined with language in the preamble of Cooper-Church, from attempting to circumvent or restrict or diminish the President's powers under the Constitution, whatever they are.

I do not attempt to say in the language of this amendment what the President's powers are. We do not attempt to interpret the President's powers. They are what they are, not by what we say in this amendment but by what the Constitution says they are.

Mr. FULBRIGHT. I did not make myself clear. I did not say the language of the amendment says that. I said that the argument the Senator is making assumes that.

Mr. BYRD of West Virginia. I have not made any argument.

Mr. FULBRIGHT. It was in the colloquy of the Senator from West Virginia with the Senator from Kentucky. It seems to me that the Senator from West Virginia assumes that the President, as Commander in Chief, has these powers to go into Cambodia. I thought he said that in his exchange with the Senator from Kentucky. I was not saying that the Senator from West Virginia said that in his amendment. I thought that in his exchange with the Senator from Kentucky he was assuming that the President has the power to do almost anything he likes as Commander in Chief, even so far as going into another country, such as Cambodia.

Mr. BYRD of West Virginia. I did not say, and I did not mean to say—if I did say—that the President may do whatever he wants "or almost anything he likes" in going into Cambodia. I simply said that I thought the action he took on April 30 was taken not on the basis of any legal authority which Congress may have given to him by statute but that he acted under his constitutional powers as Commander in Chief.

Even the cosponsors of the amendment—if I have not read incorrectly and do not recall incorrectly—have conceded that the President, in taking the actions he took on April 30 in ordering an incursion into Cambodia, acted within his constitutional powers. I do not believe I am misstating the position of the Senator from Kentucky. I have read the RECORD, and I think I am stating correctly, in essence, what he said. I believe the Senator from Kentucky has not found fault with the President's actions, so far as their being within the ambit of the proper exercise of his Presidential powers as Commander in Chief is concerned.

Mr. COOPER. I have said that in our amendment we do not speak about military operations. Our amendment is prospective, beginning July 1. I have not tried to talk about what happened in Cambodia.

I think everyone is concerned with the operation. There was great uncertainty in the country. But I am not here to speak against the President. We are talking about the powers of the Executive, and I am concerned about the future exercise of those powers without any effort to come to Congress, even when that exercise of power could lead to another new war.

Mr. BYRD of West Virginia. I know of the Senator's concern.

Mr. COOPER. It is a matter of great concern. It is not a derogation of President Nixon. We are trying to determine the rights of Congress.

Mr. BYRD of West Virginia. I think the able Senator may have misunderstood my reference to him. I was merely trying to respond to the distinguished Senator from Arkansas who had indicated that he thought, according to his understanding of what I had said, that I assumed the action in Cambodia, which was announced by the President on April 30——

Mr. FULBRIGHT. Yes.

Mr. BYRD of West Virginia (continuing). Was within his constitutional powers——

Mr. FULBRIGHT. That is what you said.

Mr. BYRD of West Virginia (continuing). And my response to that was that I thought even the cosponsors of the Cooper-Church amendment had conceded that——

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Mr. FULBRIGHT. In other words, you had assumed that, is that right?

Mr. BYRD of West Virginia. Yes, I had assumed that from a reading of the RECORD.

I said, also, that there is no argument with the able Senator from Kentucky and the able Senator from Idaho——

Mr. FULBRIGHT. Well, the Senator means that——

Mr. BYRD of West Virginia. If I might continue with my sentence—I do not think that they disagree, if I have read their statements correctly in the CONGRESSIONAL RECORD, and I do not think they question the constitutional power and authority of the President in ordering the Cambodian operation.

Mr. FULBRIGHT. Maybe I have not made it clear. First, I want to distinguish between constitutional "power" and "authority." The President may often do things by power and by virtue of his office which are in accordance with the Constitution. I make the distinction between power and authority, which is something authorized under a legal interpretation. Power is something that the President has because others are willing to follow his orders. We all know that that sort of power is something quite different from the President's constitutional authority.

Mr. BYRD of West Virginia. There is a great distinction.

Mr. FULBRIGHT. I agree with the Senator from Kentucky that we are not trying to undo the invasion of Cambodia. That is not what the Senator from Kentucky wants to do. We all know that we cannot undo that. It is done. I am interested in the future, and I was making the point simply because I do not want to subscribe to any Senate action which will be interpreted as a recognition that as Commander in Chief the President can move troops into any country when he alone believes it is necessary. If you subscribe to this new theory, there is no limit to the President's authority. If he feels that the activities of the Russian Government are inimical to the safety of our troops, under this interpretation, there is no reason he cannot bomb Moscow tomorrow. It is an untenable theory. It is a new theory. Maybe history will prove there is substance to it. At the moment, I do not believe that is the case. I do not believe this theory will stand a close constitutional examination; the fact that the President has the power to issue orders and to get the troops to follow does not make the act constitutional or in accordance with the letter and spirit of the Constitution.

I agree with the Senator from Kentucky. That is not the issue in his amendment, but it is the issue in the Byrd amendment. And passage of it would run the risk of putting the Senate on record as having this interpretation of denigrating what I believe to be the proper role of the Senate.

I agree further with the Senator from Kentucky. I am certainly not trying to criticize this President. My major criticism was voiced long before this President came into office. It was directed to his predecessor. But I am very anxious to do two things: One, stop the war in Vietnam and, two, restore the proper role of the Senate in our constitutional system.

I can think of no greater safeguard to the safety of this country than participation by the Senate—real participation by the Senate—in decisions involving the lives and fortunes of our people. I think it is very important that the Senate have a role, and I do not mean by that that the Senate is smarter than anyone else. It is simply that the procedures undertaken by 100 men in the Senate, elected from the various States, are, I think, a healthy way in which to refine the issues and bring to light any faults in them.

I believe in the Senate as a body which, given the opportunity to discuss matters, and given a reasonable amount of information, can make a contribution. That is all I am saying. If we proceed along the line of accepting the language of the State Department that the President has supreme responsibility, then we might as well fold up shop and make this a purely honorable position, for life, as in the House of Lords. If we wish to abdicate our responsibility, we should not have to run for office but should be appointed, so that we would not have to be bothered by running for office. The Senate would thus be reduced to a ceremonial body, like the House of Lords. However, I am not about to contribute to that, if I can help it.

Mr. BYRD of West Virginia. Mr. President, I do not intend to belabor the distinction between powers and authorities under the Constitution. I did use words, perhaps, interchangeably. I hope I did not misquote the Senator, but I think the transcript will show that he, too, used the word "power" a time or so when he may have meant "authority." Whether we are talking about power or authority, my amendment, as cosponsored by 10 to 12 other Senators, does not, to use the Senator's words, put "the Senate on record" as having approved of any particular "interpretation" of the authority of the President under the Constitution.

My language does not attempt to interpret. It does not add to the President's powers or authority. It does not take away from them; it does not attempt to define them. It merely says that whatever they are, the President shall not be inhibited, by cutting off funds, from exercising such constitutional power and authority if necessary to protect the lives of our troops in South Vietnam.

Mr. FULBRIGHT. I was referring to the language of the Senator, in debate, a moment ago with the Senator from Kentucky, and his words are part of the legislative history as to the meaning of this amendment. The Senator from West Virginia stated—I thought, unequivocally—that there is no question in the Senator's mind, or in the mind of the Senator from Kentucky but that the President acted within his constitutional authority.

I say that is not an issue and would not be a proper issue in considering the Cooper-Church amendment. It is an issue in considering yours, if that interpretation is allowed to stand. You have already made it in the legislative history of your amendment, in the arguments you presented.

Mr. BYRD of West Virginia. In essence, the Senator is expressing his viewpoint. He differs with me, and he has a perfect right to disagree with me, as to whether the President acted within his constitutional authority in ordering the Cambodian incursion. I think even the sponsors of the Cooper-Church amendment have said that the President acted within his constitutional powers in that action. But this language here does not go to that action. It has nothing to do with what he did on April 30. It does not touch that at all. It takes over after June 30.

The Cooper-Church language says that after June 30 no more funds can be utilized for retaining U.S. Armed Forces in Cambodia unless hereafter specifically enacted by law. The language that I have offered would simply say, "except" when the President himself determines that it is necessary to act, in order to protect our troops in South Vietnam, and so forth, and so forth.

Mr. FULBRIGHT. I do not see how the Senator can say that a recognition of what the President may do or want to do in the future is automatically constitutional, that there is authority for it in his role as Commander in Chief. I do not believe it is a fact. I do not believe there is any support for it. Adoption of the Senator's amendment will be taken as a precedent that the Senate has so abdicated its foreign policy role as in effect to be saying that the President may do as he pleases.

There certainly would no longer be any need for a declaration of war, because all the President would need to do as Commander in Chief is say, "I think we ought to move into Mexico. These people are threatening our troops." The Senator's amendment would result in a complete distortion and abdication of the role of the Senate.

Mr. BYRD of West Virginia. What the Senator from Arkansas has just said, if I understood him correctly, would be a complete distortion of the meaning of my amendment.

Mr. FULBRIGHT. Mr. President, it seems to me that this is what the Senator has said. We seem to have trouble with semantics. I think I have interpreted correctly the Senator's remarks.

Mr. SPONG. Mr. President, will the Senator from West Virginia yield for the purpose of clarifying the parliamentary situation?

Mr. BYRD of West Virginia. Mr. President, I yield to the able Senator from Virginia for that purpose.

Mr. SPONG. Mr. President, the Senator from West Virginia has asked for unanimous consent to modify his own amendment. His amendment is before the Senate pursuant to a unanimous-consent agreement, thereby precluding, as the Senator from Virginia understands it, any amendment to his amendment or any substitute for his amendment.

My question is—and I do this for the record—if the unanimous-consent agreement asked for by the Senator from

West Virginia is granted, the language he is presenting this afternoon would then take the place of his previous language and would not be subject to any subsequent amendment or any substitute before the vote at 1 o'clock tomorrow except by unanimous consent.

The PRESIDING OFFICER (Mr. HUGHES). The Senator from Virginia is correct.

Mr. SPONG. Mr. President, reserving the right to object——

Mr. BYRD of West Virginia. Mr. President, would the Senator allow me to make an observation?

Mr. SPONG. Certainly.

Mr. BYRD of West Virginia. Mr. President, even without this new modification, is it not true, Mr. President, that amendment No. 667, star print, which I offered some days ago, constituted an amendment in the second degree and that it therefore could not be amended, entirely aside from this new modification which I have offered today.

The PRESIDING OFFICER (Mr. HUGHES). The Senator from West Virginia is correct.

Mr. SPONG. Mr. President, reserving the right to object—and the Senator from Virginia certainly does not want to be in the position of preventing the sponsor of an amendment to modify his own amendment, especially when the modification, to some degree, helps his amendment—I would only ask that we proceed with the debate in order that certain other legislative history might be established. It may be that in the course of this debate there will be some changes suggested which would be acceptable to the Senator from West Virginia.

I do not now that there would be significant changes, but there might be changes in language that the Senator from West Virginia, as well as others, would later like to include but be precluded from doing so if we consent to his request at this moment.

Mr. BYRD of West Virginia. Mr. President, as I understand the parliamentary procedures in the Senate, approval of my unanimous-consent request at this time would not preclude me from asking unanimous consent that my language be further modified.

Mr. SPONG. Mr. President, I have made it clear that I have no desire to stop the Senator from modifying his amendment. But I would observe that from some of the language that has been discussed in the moments that we have been debating the matter, it might be that there is preferable language, preferable even to the Senator from West Virginia. I merely made my previous inquiry because I think the record should show the parliamentary situation as of this time.

In the course of his remarks, it might also occur to the Senator from West Virginia and others that there could be further changes he might wish to make.

Mr. BYRD of West Virginia. Mr. President, I feel that I need to respond to the statement of the able Senator from Virginia. I recognize his sincerity of purpose here. But I have to say that I have spent many hours in attempting to perfect and improve my amendment, taking into consideration the legitimate concerns that have been expressed to me by the able Senator from Virginia and by other Senators whom I could name.

To say now that we ought not to grant unanimous consent today, but should continue to debate the matter in the hope that tomorrow perhaps there might be other language suggested, I hope is really not within the cards here.

I have worked at least 2 days on this language. And I have touched base with the majority leader and with the sponsors of the Cooper-Church amendment, and with the able assistant leader on the minority side, and they have interposed no objections.

We are boxed in now, if this unanimous-consent request is not granted, with amendment No. 667, the star print. We will have to either vote it up or down.

This is an attempt to improve that language and to meet the legitimate concerns on the part of many Senators.

I think most everyone agrees that this is an improvement.

I do not want to delay this or to put it off. I want to secure unanimous consent within a reasonable time or I may withdraw my unanimous consent request. And I do not mean to say that disrespectfully.

Mr. SPONG. Mr. President, the Senator from Virginia had no intent of asking for any delay until tomorrow. I understood that the Senator from West Virginia came to the floor prepared to make some additional remarks in support of the Byrd-Griffin amendment, and of the changes thereto.

I only suggested that there be a reasonable period of time during which a discussion take place, because there is a possibility that changes would occur to the Senator from West Virginia.

For that reason, I suggested that we defer acceptance of the modification for a short time, but not with any idea of delaying it until tomorrow. I would like to make that clear.

Mr. BYRD of West Virginia. Mr. President, I misunderstood the able Senator. I think his suggestion is well considered.

I do not say that I will not agree to any proposed changes in the language of my modification. As I say, this language was not taken off the top of my head. It was worked on, hammered out, and then rehammered and discussed with cosponsors, legislative counsel, and so on. But I am perfectly willing to discuss the language for a while yet this afternoon.

Mr. SPONG. Mr. President, I thank the Senator.

Mr. BYRD of West Virginia. Mr. President, I compliment the Senator on his suggestion.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. Mr. President, I yield to the Senator from Idaho.

Mr. CHURCH. Mr. President, in light of the language, I can understand what has been troubling the Senator from Virginia. In the last few minutes of discussion, for example, a question came up concerning the term "authority" as opposed to the term "power."

The Senator from West Virginia correctly observed that there is a difference between "authority" and "power."

Mr. BYRD of West Virginia. The Senator from Arkansas quite correctly observed it.

Mr. CHURCH. And in the modified amendment which the Senator is offering, there are the words, "powers and duties." It reads:

> . . . in the exercise of his constitutional powers and duties as Commander in Chief.

I personally think that language could be improved, replacing "powers and duties" with "constitutional authority as Commander in Chief."

That term better represents, I believe, what the Senator from West Virginia has in mind.

I hope that the Senator will not foreclose the possibility of any alteration which might perfect the amendment and thus do harm to what he is trying to achieve in offering the modified language.

Mr. BYRD of West Virginia. Mr. President, I quite agree. There is always room for improvement. And perhaps we can improve it. But I must say that it has not been easy to work out the modifying language I have suggested here.

Mr. CHURCH. Mr. President, I appreciate that.

Mr. BYRD of West Virginia. Mr. President, if I may, after yielding to other Senators that I had already promised to yield to, I will then proceed with my statement.

The PRESIDING OFFICER (Mr. HUGHES). Is there objection?

Mr. BYRD of West Virginia. Mr. President, I do not think the Senators are ready to consent to my request yet.

Mr. FULBRIGHT. Mr. President, I am not ready.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. Yes, I yield to the Senator from Colorado.

Mr. ALLOTT. Mr. President, I have been sitting here for some time, and one or two of the items I wanted to discuss occurred far back in the line of discussion.

However, one or two of the remarks of the chairman of the Committee on Foreign Relations in his colloquy with the Senator from West Virginia bother me. It may be that with the confusion I did not understand him. I want to have straightened out the question as to whether or not the President is Commander in Chief of the Army and Navy of the United States. He is the actual Commander in Chief of the Army and Navy of the United States whether we are at war or not—at all times. Does the Senator agree with that statement or not?

Mr. FULBRIGHT. Mr. President, will the Senator from West Virginia yield so that I may reply?

Mr. BYRD of West Virginia. Mr. President, I yield for that purpose.

Mr. FULBRIGHT. I think it ties in with what I call the strict construction and the proper construction of the Constitution, which I read again:

> The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual service of the United States.

What does the "when" mean, read together with the other provisions of the Constitution that Congress is the one to declare war and make regulations concerning an Army and Navy, and Congress is the one, and the only one, that raises and supports an Army and a Navy? These are the responsibilities of the Congress, not the President. That is what I said a moment ago.

Mr. ALLOTT. Mr. President, will the Senator from West Virginia yield further?

Mr. BYRD of West Virginia. I yield.

Mr. ALLOTT. I thank the Senator for yielding.

I did understand the Senator correctly. I want to make my position clear on this matter, and I think the Constitution is perfectly clear on it. It refers to the President as Commander in Chief of the Army and Navy of the United States "and of the militia of the several States when called into the actual service of the United States;".

When a man enters the service of the Army or Navy he is already in the service of the United States. When he raises his hand, he takes an oath to support and defend the Constitution of the United States. So the portion that the Senator from Arkansas is referring to, "when called into the actual service of the United States," can only possibly refer to the militia; and it is obvious from a reading of the language that that is what is intended.

There has been much debate about the difference between the words "authority" and "power." I think that if I do something with authority it is because I also have the power. I find a differentiation without distinction.

I had hoped to be able to discuss this matter at some length this afternoon. I have in my hand a very learned paper written by Prof. Robert Scigliano, of the State University of New York at Buffalo, on exactly this matter. In it, he discusses at great length the formulation of the Constitution and the positions taken by various persons at that time.

Among other things, he points out that some people at that time wanted to make a distinction and did make a distinction between the power of making war and the power of declaring war. I cannot come to any other conclusion myself, and I must disagree with the chairman of the Committee on Foreign Relations. I think the primary and basic responsibility of the Government in foreign relations does lie within the President. This does not mean he should not advise with Congress.

I found myself in the previous administration a Member of the minority; yet apparently I was privy to advice in committee. That was really the only advice, because neither the President, the Secretary of State, nor the Secretary of Defense ever took me into their offices and confided in me; but the information which was adduced in two places—on two or three occasions when I appeared at the White House with numerous other Senators, perhaps 15, 20, or 40 Senators, and in the Subcommittee on Defense of the Committee on Appropriations—apparently did not come to the attention of others at that time.

I feel that this is a basic matter. The Constitution specifically gives Congress the power to advise and consent in certain instances of appointments, and it gives us the power for the ratification of treaties. In addition—and this is very significant and important—there was considerable debate at that time as to whether Congress would have to be talked to, referred to, for advice and consent not only when the President would declare war, but also when the President would make peace. So all these things are highly significant.

Mr. FULBRIGHT addressed the Chair.

Mr. BYRD of West Virginia. Mr. President, have I the floor?

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. FULBRIGHT. Mr. President, I do not want the floor.

Is the unanimous-consent request pending?

Mr. BYRD of West Virginia. Yes.

Mr. FULBRIGHT. I do not want to be contentious. I did not realize that the Senator's proposal was pending until I came to the Chamber a moment ago. I am not going to consent to it at the moment, certainly. I think that by inserting the additional language we have been discussing, including the request for consultation, which I consider is the President's constitutional duty in any case, the amendment becomes complicated. Of course, the Senator from West Virginia knows that I am opposed to his offering his proposal, although as between the two versions, this one has graver implications and, I think, needs further debate. This proposal provides additional language, and it is possible to assume from it a greater abdication by the Senate than the original language—if it is adopted. It may be adopted. I do not deny that the Senator from West Virginia has great influence in this body, and his proposal might very well be adopted. At the moment, I would not want to say that I would not agree to it at a later date. But the amendment has additional implications, as I stated a moment ago, or assumptions with regard to the President's authority as Commander in Chief.

If the Senator from West Virginia will allow me to do so, particularly in view of the remarks of the Senator from Colorado (Mr. ALLOTT), I should like to quote from a statement which might appeal to him. It was made by a well known man, Abraham Lincoln. When he was a Representative from Illinois, he made this statement in 1846:

> Allow the President to invade a neighboring nation whenever *he* shall deem it necessary to repel an invasion, and you allow him to do so, *Whenever he may choose to say* he deems it necessary for such purpose—and you allow him to make war at pleasure. Study to see if you can fix *any limit* to his power in this respect, after you have given him so much as you propose.
>
> The provision of the Constitution giving the war-making power to Congress, was dictated, as I understand it, by the following reasons. Kings have always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This, our convention understood to be the most oppressive of all kingly oppressions; and they resolved to frame the Constitution that *no one man* should hold the power of bringing this oppression upon us.

Mr. ALLOTT. Mr. President, will the Senator yield for a moment?

Mr. BYRD of West Virginia. I yield to the Senator from Colorado.

Mr. ALLOTT. It must be noted—and this a very important distinction in the remarks of Abraham Lincoln—that he said "that no one man should hold the power of making war." I believe that was the quotation the Senator from Arkansas made.

Mr. FULBRIGHT. Lincoln said:

> Allow the President to invade a neighboring nation——

Mr. ALLOTT. No; there was another sentence.

Mr. FULBRIGHT. He said:

> Whenever he shall deem it necessary—

The word "he" is underlined, apparently for emphasis—

> Whenever he shall deem it necessary to repel an invasion and you allow him to do so—

And that language is underlined—

> Whenever he may choose to say he deems it necessary for such purpose—and you allow him to make war at pleasure.

Mr. ALLOTT. That is the phrase:

> And you allow him to make war at pleasure.

But we do not have that situation now, because the war has already been made. It was made as a result of the Gulf of Tonkin resolution, or it was made, perhaps, without any authority at all. But that is not pertinent at this time; the war has already been made. It is in existence. The President is the Commander in Chief of the Army and Navy. There are no troops from the other groups; so far as I am aware, no units of the militia are engaged. If units of the militia are engaged, they are incorporated in the Army, Navy, Marine Corps, and Air Force.

So therefore, they are at all times under the command of the President.

So we are talking about making war here. The war has already been made. At a subsequent time I would be glad to explore with the Senator the situation of what we do in these modern times, in this greatly changed world. Maybe we will have to approach this problem sometime. If, on the radar blip some night NORAD sees 40 or 50 or 100 or 200 missiles coming over the horizon from the direction of one of the other countries in this world—surely I think it is our responsibility and we ought to be looking at what our responsibility is in that kind of condition—I do not think in a few seconds anybody is going to have time to consult Congress. This is another aspect of the problem that I hope will be discussed on the floors of the Houses of Congress. But the war has been made and the President is Commander in Chief.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. FULBRIGHT. I think it worth mentioning with respect to the Gulf of Tonkin resolution, the administration itself, in a letter to the committee concerning the repeal of the Gulf of Tonkin resolution, wrote that it is not relying on the Gulf of Tonkin resolution and it has no objection to its repeal. The preceding President, President Johnson, said, after it had been passed, that he could have done what he did without the Tonkin Gulf resolution, and that he could have done it from a constitutional point of view.

The Senator is anticipating a speech I was going to make a little later. Of course, the President at that time used it to try to neutralize possible opposition. He was wanting to get Republicans and any dissident Democrats disarmed before he took action. That was the real purpose of the Tonkin Gulf resolution. It was not to get any additional constitutional authority he did not have. He assumed he had it. He said later he had it and could do anything he wanted with it.

I disagree with Acheson's interpretation of Presidential powers and Johnson's interpretation. I said a moment ago it comes to the question of the role of the Senate, and I think it is an important one——

Mr. BYRD of West Virginia. Is the Senator talking about Presidential power or Presidential authority?

Mr. FULBRIGHT. Presidential constitutional authority; what he should do, if we have a reasonable interpretation of his role under the Constitution. If a man wishes to go beyond that and violate his constitutional oath, he may do it, if people will respond to it.

Lastly, in response to the Senator from Colorado's theory, if we accept that theory the President could go into China or go into Russia or go anywhere else he likes. I think the Senator's theory is basically faulty and very dangerous if he says the President can do that. He admits possibly there was no authority, because he does not defend the Gulf of Tonkin resolution. I hope he will not defend it, because, in my view, it was obtained by fraud and misrepresentation; and even if it had been a grant of authority, having been obtained under such false pretenses, it was not valid, any more than a contract obtained by fraud is valid. But I do not think the theory that, as Commander in Chief, the President can expand the war into additional countries, without any consultation or approval by Congress, is an acceptable one.

I grant that that is not what the Cooper-Church amendment is trying to get at, and that this has merely arisen in the course of the debate. What I am afraid of is that the amendment of the Senator from West Virginia raises this problem. It injects into the issue the extent of the Commander in Chief's authority.

I would very earnestly hope that we would not do anything further to weaken the role of the Senate, weaken it by acceptance of language which seems to endorse unlimited powers for the President as Commander in Chief.

I realize that the Constitution is not self-executing and that Presidents depend to a great extent on the respect of the people and of Senators. If we wish to ignore our role and turn it all over to the President, there is no other authority to fill the constitutional role assigned to this body. I think it is essentially a political matter and it depends on the commonsense of the Senate and the people as to how the Constitution is binding.

My only comment on that is that last year, by its vote on the commitments resolution, the Senate voted—and I shared the concern expressed then—that we had not been as careful about exercising our responsibility as we should have been, especially in the Gulf of Tonkin matter, and that we should try to play a meaningful role in the foreign policy area.

This is my main objection to the amendment of the Senator from West Virginia: I believe it would weaken the Senate's effort to reestablish its role.

Mr. ALLOTT. Mr. President, will the Senator yield to me for two very brief comments?

Mr. BYRD of West Virginia. I yield.

Mr. ALLOTT. First, I find, in talking with people, that they are willing to read things into my thoughts that I never thought of. I do not contend the President has a right to make war on China, but I agree entirely with the Senator from West Virginia that this is not a new war. It is not a new country.

It is, in fact, not even an area that is controlled by a new country. It has not been for 5 years. I think that is the first and greatest distinction.

Then I would like to add this: Since I was a Member of the Senate at the time of the Gulf of Tonkin resolution—the Senator from Arkansas prefers that term, rather than Tonkin Gulf; technically I presume he may be right, or it is another distinction without meaning—it may have been procured by fraud, I do not know; but I was a Member of the Senate at that time, and I just want to make it clear that the Senator from Colorado was not a party to the fraud, and I am sure the Senator from Arkansas would agree with that.

Mr. FULBRIGHT. Mr. President, I want to make it clear that I was hoodwinked. I was guilty, if Senators want to call it that—though certainly innocently—of representing to the Senate the same facts that were told to me by the Secretary of Defense and the Secretary of State. I repeated on the floor what they had said to me in committee. I was a vehicle, a conduit. Certainly I did not have any firsthand knowledge of what did or did not take place in the Gulf of Tonkin.

I did not suspect at the time that we were misled. I think subsequent developments have clearly proved that we were. Not only the committee hearings, but a recent book which goes much further into the matter, including interviews with practically every member of the crew of the *Maddox*, clearly establishes that we were hoodwinked.

All I am saying is that the Senator from Colorado, without any blame whatever, was entitled to believe what I believed and what I said, as well as what the other members of the committee said; and the Senator from Colorado had no other knowledge, either. I am not trying to assess blame to him. I do assess a great deal of blame to both the Secretary of Defense and the then Secretry of State, and to the Chairman of the Joint Chiefs, who came in and told us these stories which were not true.

But that is beside the point here. I do not think that the Gulf of Tonkin resolution is a valid grant of authority, if the President had the constitutional right to do that. I do not think he did. I think it was a denigration of the Constitution, and an infringement of the right of the Senate to play a role in this matter, and of Congress to declare war.

Mr. BYRD of West Virginia. Mr. President, the able Senator from Arkansas states that the amendment offered by myself and others "injects the question of the Commander in Chief's authority," or words to that effect.

Mr. President, the language which I am seeking now to utilize does make reference to the constitutional power of the President as Commander in Chief. The Senator from Arkansas will, of course, vote against my amendment, because he feels quite sincerely that it injects the question of the authority of the Commander in Chief.

I think that paragraph (1) of the Cooper-Church amendment injects the question of the authority of the Commander in Chief. It does not do so in so many words, admittedly, but I think that the authority of the Commander in Chief under the Constitution is sought to be inhibited—at least the attempt is being made to inhibit, proscribe, circumvent, or diminish it by that language.

So I do not concede at all, I do not agree at all, that the question with respect to the authority of the Commander in Chief has been injected by the Byrd amendment. Not at all. That question was implicitly injected when paragraph (1) of the Cooper-Church amendment was made a part of the bill before us.

As I say, the Senator from Arkansas will vote against my amendment, because he feels that way about it.

Mr. FULBRIGHT. Could I make——

Mr. BYRD of West Virginia. May I add that although my original amendment, as modified, did not use the words "in the exercise of his constitutional powers and duties as Commander in Chief," that meaning was meant to be implied.

The PRESIDING OFFICER (Mr. HUGHES). Is there objection to the request of the Senator from West Virginia?

Mr. FULBRIGHT. Yes, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. FULBRIGHT. At least right at the moment I must object, because I must leave the Senate Chamber for the time being.

Mr. BYRD of West Virginia. Mr. President, the modification that I am seeking to bring about today attempts to further nail down any actions by the President in sending forces into Cambodia, which he may deem to be necessary, and anchor such actions clearly in his constitutional powers, authority, and duties as Commander in Chief, whereas the original amendment which I offered—and which will be voted on up or down, unless I am permitted to offer this additional modification—simply says "except that the foregoing provisions of this clause shall

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not preclude the President from taking such action as is necessary." It does not say anything about the "constitutional" powers of the Commander in Chief. It could be interpreted to mean his authority and power under the Tonkin Gulf resolution. But I am trying to get entirely away from that in my modification of today, and refer only to his authority, powers, and duties under the Constitution.

This modification, it seems to me, is an improvement even from the standpoint of the Senator from Arkansas, if I may say so.

Mr. CHURCH. Mr. President, will the Senator yield for a question?

Mr. BYRD of West Virginia. It seems to me to be an improvement on my original language.

I yield to the Senator from Idaho.

Mr. CHURCH. First, I also regard the modification that the Senator now proposes as an improvement over the original modification. That is not to say that I endorse or support the new modification; I hope to explain my reasons during the course of the debate. I would like to ask certain questions for the record, so that we may clearly understand just what it is that the Senator from West Virginia has in mind in proposing this new language.

He said earlier—and this is the basic trouble with any amendment of this sort—that it is neither within our power to add or detract from such authority as the President, as Commander in Chief, may have under the Constitution. Is that not correct?

Mr. BYRD of West Virginia. Essentially that is correct. And it is also correct that the Senator from Idaho has said the same thing.

Mr. CHURCH. Yes. We are in agreement on that proposition.

If it is true that it is not within the power of Congress, regardless of what language we adopt—either to add to or detract from the constitutional powers of the President as Commander in Chief—why is it necessary to write an exception into this amendment at all?

Mr. BYRD of West Virginia. The Senator asks a good question. If it is true that we, by statute, can neither enlarge nor contract the President's powers, authority, and duties under the Constitution as Commander in Chief—and we both agree that we cannot—then why will the Senator not accept my amendment? It does not add to or enlarge, it does not increase—and could not—the constitutional authority, powers, or duties of the President. So why does the Senator not just accept it? That is a rhetorical question.

Mr. CHURCH. Yes; the Senator answers my question by asking his own. However, I am prepared to answer the Senator's question. It is just a matter of who goes first.

Mr. BYRD of West Virginia. All right; let the Senator from West Virginia try to answer the first question. The Senator from Idaho asked the first question.

Mr. CHURCH. All right.

Mr. BYRD of West Virginia. He asks, why do we put this exception in?

Mr. President, I thought I had answered the question when I made my statement on June 3.

The language in paragraph (1) of the Cooper-Church amendment, in connection with certain language in the preamble, in my judgment, would seek to restrict the President and inhibit, or would seek to prevent him from duly exercising his authority, his powers, and his duties under the Constitution to protect American troops in South Vietnam if it became necessary to do so by retaining U.S. Armed Forces in Cambodia. The Cooper-Church language seeks to do that by cutting off funds.

The U.S. Government has sent many American boys to South Vietnam. Over 400,000 of them are there now. They did not ask to go. Most of them are there through no choice of their own, and I feel that it is the duty of the Government to do everything it possibly can to protect their lives while they are there.

I can envision a time, on down the road beyond June 30, when the President, because of the exigencies of the moment, might have to take action by sending American forces back into Cambodia in order to protect the lives of American servicemen in South Vietnam. I do not wish to tie his hands in such an event, and this is why I have offered the amendment to paragraph (1).

That is the only paragraph which my language would attempt to perfect. So that the Cooper-Church amendment, as modified, would then read to the effect that hereinafter no funds shall be expended through this act or any other law for the retention of U.S. Armed Forces in Cambodia, except and only if the President determined it to be necessary for the protection of U.S. troops in South Vietnam.

So I seek by this amendment to make clear that the Cooper-Church language will not preclude the President, through a cutoff of funds, from taking action necessary to protect our men in South Vietnam—acting always, of course, within the ambit of this constitutional authority, powers, and duties.

I have been concerned about the Cooper-Church amendment since it was first brought to the floor. I see a great deal of good in it. I think it reflects a concern which we all share in the Senate. I think we all want to see American servicemen withdrawn from all of Southeast Asia as soon as it is possible to do so. I think we all want to avoid American manpower involvement in another war, in a new war, in a war against Cambodia, in a war for Cambodia, in a war in support of any Cambodian government. But I think we all also want to do everything to protect our servicemen who are in South Vietnam. It does not make any difference how they got there or who put them there. They are there, and I think we all agree that we want to do everything we possibly can to protect them and get them home.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. Not yet. I will be glad to yield in a moment. I am attempting to answer the question of the Senator from Idaho.

So it was as a result of a very deep concern on my part that I sought to devise some language which would assure both our own fighting men in South Vietnam and the enemy that the President's constitutional authority, powers, and duties are not going to be contracted or diminished by any cutting off of funds as long as he determines it to be necessary to take action to protect our men in South Vietnam.

As I have said, I want to vote for the Cooper-Church amendment. It has much in it that is good. It is calculated and designed to keep us from becoming involved in another Vietnam. But I am afraid of paragraph (1). It is for these reasons I have introduced the language if I may say so, in answer to the question by the distinguished Senator from Idaho.

Mr. CHURCH. Mr. President, the Senator from West Virginia has given a very thorough answer. I understand his motive, and I respect his point of view.

We are agreed on at least two very important premises. The first is that it is not within the power of Congress to abridge the President's constitutional authority as Commander in Chief to protect American forces in the field, whatever that authority may be. Second, we do not want to place American troops in the field in any added jeopardy by legislation.

Since we are in full agreement on those two propositions, I think we can find the language which will make it possible for us to converge on the same course.

I want to tell the Senator why I worry—though I concede that the new language is more acceptable to me than the former language—why I still feel so strongly that we could make a serious mistake in affixing an amendment of this kind to the Cooper-Church proposal. That mistake would have nothing to do with the purposes sought to be served by the Senator from West Virginia. However, if we adopt the Cooper-Church amendment in its present form, without making any congressional reference whatever to the constitutional authority that the President may possess as Commander in Chief, and if he decides later to order American forces back into Cambodia, he will have to justify that action to Congress and to the American people, as a legitimate exercise of his own authority. That is proper. The President would be less likely to order a return to Cambodia in force for any lengthy period of time, if he had to rest his case upon his sole authority as Commander in Chief to protect the troops. In other words, the action he would take under that authority would be circumscribed, it would have to be reasonably and directly related to the needs of our troops in the field.

But, on the other hand, if we adopt this language, then we assume the risk that, at some later date, the President may point to it as having somehow conferred in advance congressional consent upon whatever he decides to do in Cambodia, as long as he acts in the name of protecting American troops in the field.

There is a very good reason for us to be concerned, having behind us the Tonkin Gulf resolution experience. We passed

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that resolution because we thought we were giving our approval to a reprisal against certain torpedo boats that we were told had attacked an American destroyer at sea. Concurrently, the President was assuring Congress and the country that he had no intention of sending any Americans into combat in Vietnam. A few months later, however, the President changed his mind and ordered a huge expeditionary force into Vietnam, committing us to war on the Asian mainland. Congressional approval, the President said, had been given by the Gulf of Tonkin resolution.

As proof that Congress had authorized his action, how many times were we shown that resolution?

This is the reason why we are extremely wary of writing into this bill anything which might later be interpreted as constituting prior consent on the part of Congress to whatever action the President may take in the name of protecting American forces in the field.

That is the basis of the difference between us. Yet, when the Senator confines his exception to the constitutional authority the President may have as Commander in Chief, he does improve upon the language, in my judgment.

Mr. BYRD of West Virginia. The Senator from Idaho made reference to that future exigency which would cause the President to come back to Congress under this bill, as not modified by the Byrd amendment. The Senator from Idaho said that the President would then have to justify to Congress his actions in sending men into Cambodia for the protection of American troops in South Vietnam.

What the Senator is saying, if I may interpret in my own way, most respectfully, is that he would have the President come to Congress, and justify his constitutional authority. That is what, in essence, it would amount to.

Mr. CHURCH. What I had intended to convey was this: If we make no reference in this amendment to the President's constitutional authority as Commander in Chief, leaving the Cooper-Church amendment in its present form, then the President, later on would have to base a return to Cambodia on his own authority as Commander in Chief and demonstrate that his action stemmed directly from a need to protect our forces in the field. Under these circumstances, he would be much more careful to take only those actions that could be reasonably justified. If we add the Senator's language to the Cooper-Church amendment, however, we may later have the President interpreting it as having given him advance congressional consent for much larger operations, in effect, for expanding his authority, as long as they are taken in the name of protecting our troops in the field. That is the distinction I am trying to draw.

Mr. BYRD of West Virginia. The Senator has a right to interpret the Byrd amendment in that way, but I do not interpret it as in any way giving the President, or attempting to give the President, or claiming to give the President, or assuming to give the President any authority that he does not already have under the Constitution of the United States. I think that what the Senator from Idaho is saying is that implicit in the words of the Byrd amendment is some new authority. Mr. President, there is no new authority and none can reasonably be read into the Byrd amendment.

As I view the respective constitutional authority of the President, as against that of the Congress, under the Constitution, each operates in its own sphere. I think each is supreme in its own sphere. It seems to me that what the Cooper-Church amendment would say, in paragraph 1, if not amended, would be that each is supreme in its own sphere, but before the President can properly act to carry out his constitutional authority, within his own sphere, he must come over into our sphere and get our approval, else he cannot properly exercise his authority within his own sphere to act as Commander in Chief.

Of course, Congress has the power over the purse. It can cut off funds for the military or for anything else. If it does that, it is restricting the power of the President as Commander in Chief under the Constitution and just as effectively, in my judgment, as if Congress had passed a constitutional amendment doing that—which it cannot do—which only the people of the United States can do.

Mr. FULBRIGHT. Mr. President, will the Senator from West Virginia yield for clarification?

Mr. BYRD of West Virginia. I yield.

Mr. FULBRIGHT. Is he suggesting that it is unconstitutional to cut off funds?

Mr. BYRD of West Virginia. No.

Mr. FULBRIGHT. I do not think that I get the significance of that last remark the Senator made, "as effectively as if we had passed a constitutional amendment"——

Mr. BYRD of West Virginia. Yes, yes.

Mr. FULBRIGHT. What is the meaning of that?

Mr. BYRD of West Virginia. What I meant was——

Mr. FULBRIGHT. It leaves the implication that we are in some way, without justification, impinging upon his right as Commander in Chief.

Mr. BYRD of West Virginia. I think we would be in this instance.

Mr. FULBRIGHT. I do not think we are at all.

Mr. BYRD of West Virginia. I think there is a twilight zone here.

Mr. FULBRIGHT. I do not quite understand that concept. Take the passage of a law——

Mr. BYRD of West Virginia. One question at a time, please. The Senator from Arkansas is a very skillful debater. He asks a question, and before his opponent can attempt to answer the question, he asks a second question and then a third question, and then gives a lecture; and by that time, of course, his opponent has forgotten what the first question was all about.

Mr. FULBRIGHT. Not the Senator from West Virginia. He has the best memory of any man in this body, and in more ways than one. I have seen demonstrations of it.

Mr. BYRD of West Virginia. I thank the able Senator. He is always most courteous and overly generous. But, Mr. President, what I am attempting to say is that the Constitution can only be amended through procedures as outlined in article V of the Constitution.

Mr. FULBRIGHT. That I agree with.

Mr. BYRD of West Virginia. And that the President, under article II of the Constitution, has certain powers and duties.

Mr. FULBRIGHT. They are uncertain, according to this debate.

Mr. BYRD of West Virginia. They are uncertain. But—assuming just for the sake of argument— that he had the constitutional authority and duty to send men to Cambodia on a temporary basis——

Mr. FULBRIGHT. Well now——

Mr. BYRD of West Virginia. If the Senator will allow me to assume this, just for the sake of my argument, I am assuming that the President acted within his constitutional authority and duty in doing what he did. There are other Senators here, opposed to my amendment, who do not argue with that. The Senator from Arkansas will.

Mr. FULBRIGHT. Yes, that is quite right. I do.

Mr. BYRD of West Virginia. I am assuming that the President can do it again, if confronted with the same set of circumstances, and that he would be acting properly within the ambit of his constitutional authority and duty. But, to do that, even for the purpose of protecting the lives of our men in South Vietnam, he has to have money.

We cannot here amend the Constitution to say that the President has more authority or that we will take away from him certain constitutional authority. We cannot do that. But we can say there will be no money. And we shall have just as effectively, if we do that, prevented him from carrying out his constitutional authority and his duty, as if we had taken a stroke of the pen and amend the Constitution. It takes money to "retain troops." And that is precisely what paragraph (1) of the Cooper-Church amendment is getting at. It is getting at the milk in the coconut, the money.

Mr. FULBRIGHT. Mr. President, does the Senator mean by that that we are not justified in using that power if we choose to do so, if our judgment is that he is exercising his power—rather than authority—in a way that is inimicable to the interest of our country.

Mr. BYRD of West Virginia. The Senator from West Virginia is saying that Congress can cut off the money. It has the power of the purse. The Senator from West Virginia is saying that he thinks it would be unwise in the midst of a shooting war when the lives of our soldiers are in danger in South Vietnam to cut off funds for the President to use in the exercise of what he sees as his proper constitutional authority and duty; namely, the protection of American forces in South Vietnam.

Mr. FULBRIGHT. Mr. President, the Senator has now shifted, and I think properly so, to the question of the wisdom of the action, rather than constitutional authority.

Does not the Senator feel that if he

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is really interested—and I know he is, as I am—in protecting the lives of the soldiers, that he should bring them home instead of putting them in Cambodia?

This is where we have difficulty.

Mr. BYRD of West Virginia. Mr. President, may I answer the question before the Senator goes on to another one?

Mr. FULBRIGHT. Yes.

Mr. BYRD of West Virginia. Mr. President, I have heard it said that a military withdrawal is one of the most difficult of all maneuvers.

Yes, I would like to see our men brought home. I would like to see them come home tonight, tomorrow, or next week. But I do not believe that they can be brought home instantly, and as long as they are there I think that the President has a duty under the Constitution to do whatever he can do to protect their lives while they are in the process of withdrawal, however gradual. But if he does not have the money to perform his duty and authority and to do what he feels is necessary in order to protect American lives, then he is prevented from doing so just as effectively as if his authority under the Constitution had been abrogated by constitutional amendment. What good is authority if it cannot be used when needed?

Mr. FULBRIGHT. Mr. President, if the Senator would allow me to interrupt, as to this business of retreat, and so on, no one is suggesting that our troops leave instantaneously. But on the other hand there is no great mystery about how to end the war. The French ended a similar war in 1954. In the course of approximately 2 months after they had made up their minds that it was not in the interest of France to continue with that war, they liquidated the war and got a cease-fire and all of the killing of their soldiers stopped. The withdrawal took some time. But there was no further killing of their soldiers. It went off in a most orderly way.

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This is the alternative I was suggesting if the President is interested in protecting the lives of his soldiers, rather than in procuring a military victory. What bothers me is what the President actually does, as opposed to what he says. His actions are designed to achieve a military victory.

This is the kind of policy that the Senate ought to be consulted about. We ought to be told and we ought to be asked in the form of a declaration of war whether or not that is a good policy for the country.

I submit that it is an absolutely false doctrine to say that as Commander in Chief, and because he inherited a war, he has the unlimited power to go into Cambodia or into any other country.

He says he is not relying on the Gulf of Tonkin joint resolution. I was told in committee hearings that he is using his authority to bring the soldiers home. And the country accepted that until he moved into Cambodia.

The Senator knows that the reaction of the country to that move was an interpretation that he is expanding the war. This changes the whole character of the war.

The Senator now wants to change the amendment to have the effect of saying that the President's authority as Commander in Chief authorizes him to do anything he pleases.

The Senator has already said in the debate that the two sponsors of the Cooper-Church amendment admit that he has the power as Commander in Chief to move into Cambodia. I reject that.

The President himself recognizes some limits. Why did he say, "I will go only 21 miles." The Constitution does not say that. He recognized that there was a different situation there, or he would not make a speech and say, "I will go only 21 miles."

Now he is beginning to expand this. Every time a new speech comes along, there is a change in the circumstances.

If one accepts the theory that as Commander in Chief he can do anything that, to him, seems appropriate, there would be no limit. It is exactly what Abraham Lincoln said, that there would be no limit. We would have a scrapping of the Constitution.

The purpose of the Constitution is not to restrict anyone. But it does require a sharing of responsibility.

I think it is a sound principle.

I think it would be a great tragedy if the Senate gave up its responsibility to debate subjects which involve the lives and property of the people.

This is the whole issue: Should the Senate abdicate its responsibility and say that as Commander in Chief the President can do as he pleases any time he can say that it is to protect the troops? Under the Byrd amendment, that would be all that he would need to say.

This is an absolutely new doctrine. I never ran across this when I was in school. I never ran across the matter of the powers of the President being such that he could invade a country if he says it is to protect the troops—a country with which we had not heretofore been at war. I do not think it is sound at all.

I think it would be a great mistake to put the Byrd language in the Cooper-Church amendment. The Senator may very well have the votes. If he is going to put something in the amendment, I would much prefer that he put in the language which does not go to the constitutional issue.

The Senator's amendment guts the Cooper-Church proposal.

It waffles around with these constitutional responsibilities and duties and leaves greater uncertainty. It is a very dangerous thing.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. Mr. President, if I may respond to the Senator from Arkansas, I will then yield to the Senator from Kentucky.

First of all, the Senator makes reference to the President wanting a military victory. I do not believe that the President is expecting to achieve a military victory. But my amendment has nothing to do with a military victory in South Vietnam. I do not think that the President expects to achieve that. I do not think that any of us expect it.

Mr. FULBRIGHT. Mr. President, may I ask a question?

Mr. BYRD of West Virginia. In a moment. Second, the able Senator would have us believe that the Byrd amendment recognizes possession by the President of "unlimited power to go into Cambodia or into any other country."

This amendment does not attempt to identify or to define or to interpret the powers of the President. And, of course, the President does not have unlimited power to go into Cambodia.

His powers are not infinite under the Constitution. They would have to be infinite if they were unlimited. There is a limitation on his powers.

The President cannot do anything which to him seems appropriate under this amendment?

Mr. FULBRIGHT. Why not? I do not understand why not.

Mr. BYRD of West Virginia. Because the President is not the judge himself.

Mr. FULBRIGHT. Who is? Who does judge?

Mr. BYRD of West Virginia. The President is not the sole judge of where the constitutional line is drawn. The Supreme Court has been known to declare a President's acts unconstitutional.

Mr. FULBRIGHT. If he does not judge what is necessary to protect the lives of soldiers, who does judge? With the language of your amendment, we do not.

Mr. BYRD of West Virginia. The amendment which I have offered does not attempt to interpret or define where the Constitutional line is. It simply states he shall not be inhibited in his constitutional authority to protect our troops in South Vietnam.

Mr. FULBRIGHT. It leaves it up to him.

Mr. BYRD of West Virginia. Then, who is to be the judge under the Constitution? Will 100 Senators act as Commander in Chief?

Mr. FULBRIGHT. That is what the Senator is saying; that the President as Commander in Chief is the judge. It is a new theory.

Mr. BYRD of West Virginia. The Senator opened up an entirely new vista of discussion here when he said he would rather vote on my first amendment than on the modification because the first version would gut the Cooper-Church amendment.

Mr. FULBRIGHT. That is correct.

Mr. BYRD of West Virginia. The Senator surely does not want the Cooper-Church amendment gutted.

Mr. FULBRIGHT. No, I would oppose that.

Mr. BYRD of West Virginia. Then why the preference for my first amendment if it would gut Cooper-Church? I do not want to gut the Cooper-Church amendment; I want to improve it.

Mr. FULBRIGHT. I am against both of them. As long as you are going to gut it, do it correctly, where it is obvious to everyone; do not fuzz it up. The second one is more insidious because it uses language about constitutional authority and the Commander in Chief and asks that he consult with us. They consulted with us before and they did not tell the truth.

Mr. BYRD of West Virginia. What the Senator is saying is that the Senator from Idaho, who is a cosponsor of the Cooper-Church amendment, in stating the second amendment is an improvement on the first amendment, although it is more "insidious" and "fuzzy."

Mr. FULBRIGHT. That is right.

Mr. BYRD of West Virginia. The modification guts it, but it is not as "clear" in gutting it—even though the Idaho Senator says it is an improvement.

Mr. FULBRIGHT. It fuzzes it up.

Mr. BYRD of West Virginia. The Senator is calling into question the stated position of the Senator from Idaho.

Mr. FULBRIGHT. I have been here longer and I am more skeptical than he is. He has more faith than I. I have been here twice as long as he has been here, and I have been through a number of these things before, and I know how this kind of language can be brought up later on and thrown in your face.

To say it is up to the President to say what he may do at any time, anywhere, is a new concept. I do not want to be a part of that history making. I played a part in the Gulf of Tonkin resolution. I did not have the skepticism then. I did not believe the President would misrepresent the facts to a committee, but I have learned better.

I do not want to leave the wrong impression. I am just as strongly against the proposed amendment as I am against the modification. If the Senator is going to prevail, which he may because of his influence in this body, I would want him to prevail on his original amendment and not the modified amendment. Then, the matter would be clearcut. If this language goes in, we will never know and we will be confronted with a continuing interpretation of the powers of the Commander in Chief. This is such a new concept, used in this context, that I do not believe it would be wise at all. The more I think of it the more I think we should have a vote on the original amendment.

There is one other matter the Senator mentioned.

Mr. BYRD of West Virginia. Mr. President, before the Senator goes on, if the Senator wishes us to vote on the original amendment he has the power to decide. The Senator would simply object to the unanimous-consent request that I modify my amendment.

Mr. FULBRIGHT. I thought I did object.

Mr. BYRD of West Virginia. Then, we could vote on the original.

I have acted in good faith in trying to develop language which would meet the legitimate concerns of several Members of this body. I have sought to improve the amendment and in some way bring us at least part way toward the position that has been taken by the sponsors of the Cooper-Church amendment. I have tried to tighten up the original language of my amendment by tying it clearly to the constitutional authority, powers, and duties of the President—leaving aside entirely any legal authority which he may or may not have.

If the Senator feels that he would like to object to my unanimous-consent request I shall have to stay with the old language, and the Senate can vote on it.

Mr. COOPER. Mr. President, will the Senator yield to me for one moment on this point?

Mr. BYRD of West Virginia. I yield.

Mr. FULBRIGHT. Surely.

Mr. COOPER. Mr. President, I think we have argued for 2 or 3 days in a circular way the question of the authority of the President as Commander in Chief to protect our forces.

All agree he has that authority: that the Congress cannot take it from him or give it to him. The question is then asked, "Why cannot it be written in the amendment?"

The obvious answer is that we do not need to write it into law it is his constitutional authority. But if we write it into law, then Congress accepts all of its consequences.

Earlier today the distinguished Senator from New York (Mr. JAVITS) spoke on the floor of the Senate about the first Byrd amendment, and I wish to read to the Senate two of his sentences that I think apply to this matter:

> I believe that passage of the Byrd Amendment would amount to Senate acquiescence in this position—that is, the President enjoys such powers as Commander-in-Chief as he defines them to be. I believe that this could undermine our whole constitutional system and lead the nation into grave new crisis at home and abroad.

I believe the Cooper-Church, or Church-Cooper amendment, and the amendment of the Senator from West Virginia have different purposes. Our purpose is to place some check upon the power of the President with respect to Cambodia. In subsection 1 it states that forces shall not be retained in Cambodia after July 1. We do not mention the President's constitutional powers.

If, in fact, our forces should come under sudden attack in Cambodia, the President would have the same power. We say, that absent that kind of situation U.S. forces should not be retained in Cambodia without coming to Congress.

Also in sections 2 and 3——

Mr. BYRD of West Virginia. The Senator cannot have it both ways.

Mr. COOPER. I believe we can. Either we will give up every bit of authority in the warmaking field, at minimum, we should assert that in some cases Congress has joint authority.

The Senator has worked very hard on this matter. I know that he is an able lawyer and thorough student. We have talked about this matter many times. However, I think if some limits are not asserted we will end up finding there is no limit.

Mr. FULBRIGHT. Will the Senator yield?

Mr. COOPER. We are urging, in line with the President's policy to end the war in Vietnam, to put the brakes on so we will not become embedded in Southeast Asia.

Mr. BYRD of West Virginia. Mr. President, most respectfully I interpret what the Senator says as having the best of two possible worlds. He says the President could, in an emergency, even in the face of the enactment of the Cooper-Church amendment, utilize the "same power" as he did on April 30.

Mr. COOPER. No.

Mr. BYRD of West Virginia. The Senator did not say that?

Mr. COOPER. No. I said if they were in Cambodia and came under sudden attack on June 30, of course he would have the power.

Mr. BYRD of West Virginia. Yes.

Mr. COOPER. Once out of Cambodia, I do not believe he should go back.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. CHURCH. Mr. President, the key word is "retaining." That word was used advisedly. The amendment provides that funds are not available to retain American forces in Cambodia after the end of June.

Mr. BYRD of West Virginia. Is the Senator saying that if this bill is still being debated on July 1, he is willing to drop the paragraph (1) if all the troops are out? There would then be no troops in Cambodia to "retain." Would the Senator then be willing to delete that language?

Mr. CHURCH. The word "retain," as the debate has clarified, was used to serve two objectives: First, to make it clear that the Congress believed American troops should not stay in Cambodia after the end of June; and, second, to allow for those particular occasions that might arise where the President, in the exercise of his constitutional authority as Commander in Chief, might have to make a sudden strike into Cambodia in order to effectively protect American troops near the border. That is why we used the word "retain." We meant for it to cover both situations.

Mr. BYRD of West Virginia. What does the Senator mean by a "sudden strike"? Could not a "sudden strike" be one which would take us into Cambodia and "retained" there for 2 weeks, 4 weeks, 6 weeks, or 3 months? It would have been "sudden strike" and armed forces would have to be "retained" in Cambodia—without funds for their retention.

Mr. CHURCH. No. What I meant by "sudden strike" was an occasion where an enemy staging area, for example, was being utilized to concentrate troops and materiel for an imminent attack on American troops across the border. Under circumstances of that kind, in order to protect effectively our forces across the border, it might well fall within the President's authority to strike the sanctuary, clean it out, and withdraw again. That is why we used the word "retain". We felt that if the President decided later to go into Cambodia in force, with the intention of staying, that would be a decision so significant that it would redefine the theater of war. Properly, the President should come before Congress, make his case, and secure congressional consent.

Mr. BYRD of West Virginia. My amendment does not say he could go back into Cambodia.

Mr. FULBRIGHT. But the language does not say he could not, either.

Mr. BYRD of West Virginia. It says paragraph (1) shall be effective except when the President determines it necessary to protect the lives of American troops in South Vietnam.

Mr. CHURCH. Paragraph (1) is a prohibition against retaining troops in Cambodia. The Senator's language goes on to say, in effect, except where the President, acting as Commander in Chief, decides to remain in Cambodia in order to protect American troops in South Vietnam.

His language, even his modified language, would create an opening in the Cooper-Church amendment that could conceivably be cited to authorize a return to Cambodia for an extended period of time.

Mr. BYRD of West Virginia. My language does not authorize anything that the President is not already authorized to do. It merely prevents the Cooper-Church language from attempting to preclude the proper exercise of his constitutional authority. It does not authorize anything new.

Mr. CHURCH. In a legal sense, the Senator is quite correct; it does not confer any new or added power to the President. We are involved here in a question of political power. If the modified language of the Senator's amendment is adopted, we will have given the President a political tool to justify future action. If we do not pass it and leave the bill silent, then he will have to base any future action upon inherent power, in which case he will have to make certain that the action is directly and intimately related to the protection of our troops in the field.

From the political standpoint, I am fearful this language will be seized upon as giving prior consent to whatever he does. In view of our experience with the Gulf of Tonkin resolution, there is solid basis for my fears.

Mr. BYRD of West Virginia. The real political tool lies in the exercise of congressional power over the purse. The Appropriations Committees, for example, are the only committees in the Senate and in the House which have real power. The power of the purse is the real political tool.

Paragraph (1) of the Cooper-Church amendment, as written, and if unamended, would seek to use this real, raw political tool—the power of the purse—to contract, to diminish, the constitutional authority and power of the President of the United States, acting as Commander in Chief, to take necessary action to protect the lives of American servicemen in South Vietnam. It would say, "You may do this or that, but first of all, you have to go back to the money bag."

Let us lay this right out on the table and bare it to the scrutiny of everyone's eyes. The language in paragraph (1) of the Cooper-Church amendment says, "Mr. President, you may retain troops in Cambodia after June 30 only if you come back to Congress and, through the enactment of a new law, get appropriations with which to pay those troops." In essence, that is what it says. It does not matter that an emergency may require quick action to protect American lives in South Vietnam.

We all know the circuitous route by which an appropriation bill becomes law. The President could be confronted with an emergency situation. He might have to act, and it would be his duty to act, as Commander in Chief under the Constitution, to protect our men. But the action that he would have to take might require him to go back into Cambodia. There could be the same set of circumstances under which he went in on April 30 to protect our troops. Our troops might stay 60 days again the next time. But he has to first go to Congress under paragraph (1) of the Cooper-Church amendment. First, there has to be a budget estimate. Then there has to be a hearing on the appropriation bill. Then there has to be a discussion by the committee during the markup of the appropriation bill. Then, if the bill is reported, it has to run the risk and the gauntlet of the 3-day rule. Then it has to be debated on the floor of the Senate.

It seems to me that what we are saying to the President is, "You just can't do it," because the enemy would have had ample time to fold up its tents, remove its men, weaponry, military materiel, and ammunition, and move out, or it would have had ample time, if it chose to do so, in which strike and attack our men while all of this discussion and all of this debate was going on as to whether or not we should appropriate the funds. We are not cutting off his authority, the sponsors of the Cooper-Church Amendment say—no, but we are cutting off the money. What is a more effective "political tool" than money?

Mr. PERCY. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. PERCY. I, first of all, want to make clear that I have no objection to the modification of the language the Senator from West Virginia would like to introduce, and I hope he will be permitted this evening to modify the language in accordance with his own wishes, to improve and modify his original intention.

Second, I have been concerned somewhat about subparagraph (1). I think there can and should be an exception made.

I have an amendment which would not affect our vote tomorrow, but which I would like to send to the desk this evening for consideration of our colleagues should the distinguished Senator's amendment fail tomorrow. I would need about 60 seconds to submit it, and would very much appreciate knowing about when it might be appropriate for me to do that this evening.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may yield to the Senator from Illinois for the purpose which he has outlined, and that he may be recognized for not to exceed 3 minutes.

The PRESIDING OFFICER (Mr. CRANSTON). Without objection, it is so ordered.

Mr. PERCY. I thank my distinguished colleague very much indeed.

AMENDMENT NO. 686

Mr. President, in this debate on the Cooper-Church amendment and the Byrd amendment, we confront a variety of important considerations. These considerations include the desire of the President and the American people to shorten, rather than expand the war; the question of the related responsibilities of the President and the Congress in the war-making process; and the concern of everyone in the executive branch, the Congress, and the country for the safety of our forces in Vietnam.

It is my own feeling that we should not expand the geographic scope of the war, and that the President's promised total American withdrawal from Cambodia as of June 30, 1970, should be endorsed by Congress.

This is the time for such an endorsement. It is also the time for Congress to reassert its constitutional prerogatives to share with the President in war-making decisions.

These objectives—endorsing the President's plan for withdrawal from Cambodia by June 30 and reasserting the constitutional prerogatives of the Congress in war-making can be achieved by an amendment to the Foreign Military Sales Act which will take into full consideration the safety of our forces in Vietnam.

I now send to the desk an amendment which would disallow the commitment of U.S. forces to Cambodia unless it were necessary to respond to a clear and direct attack upon forces of the United States from Cambodia.

It is my hope that the language of this amendment would be satisfactory to the Senator from Kentucky (Mr. COOPER), to the Senator from Idaho (Mr. CHURCH), and to the President, who share our concern for peace, for constitutional balance, and for the safety of our American men in Southeast Asia.

The amendment reads simply as follows:

> On page 5, line 7, strike the words "(1) retaining United States forces in Cambodia" and insert the words "(1) having United States force in Cambodia except where the use of such forces is necessary, pending Congressional approval, to respond to a clear and direct attack upon forces of the United States from Cambodia."

Its purpose is simply to insure that we send a direct and definite message from the Congress of the United States and from the President to the North Vietnamese that, should they go back in and use these sanctuaries for the purpose of launching an attack upon us, we in Congress, forthwith and in advance approve the President's moving in to protect our forces and the program of withdrawal from Vietnam, but that the President, after he responded to that, would come back to Congress for our assent to or disapproval of the action that is taken, and for whatever debate would be required.

Clearly I have certainly been influenced by the eloquent discussions by the distinguished Senator from West Virginia that there should be some exception in this case, and the exception we are trying to provide and protect the country and our forces against is the use of those areas for an attack upon us. That is as simple and clear as I can make it.

Mr. BYRD of West Virginia. Exactly.

Mr. PERCY. I thank my distinguished colleague.

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The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

Mr. BYRD of West Virginia. I yield to the Senator from Virginia.

Mr. SPONG. Mr. President, I thank the Senator from West Virginia.

I think it is important that we establish legislative history here. I shall try to phrase this question so that it applies to either the amendment or modifications that the Senator from West Virginia has submitted—both to the amendment he submitted on last Wednesday and the modification he submitted today.

The Senator from West Virginia has said that neither of his proposals adds anything to the constitutional authority of the President of the United States. I would be interested in the views of the Senator from West Virginia as to the constitutional authority of the President of the United States at the present time, specifically with regard to situations that I outlined in a series of questions on yesterday. These questions are five in number. They are printed on pages 18956 and 18957 of the June 9 RECORD.

I might say to the Senator from West Virginia that earlier in the day both the Senator from Kentucky (Mr. COOPER) and the Senator from Idaho (Mr. CHURCH) gave their views on these five situations.

I believe that, whether or not any of the pending amendments are adopted, we would do well to have in the RECORD the answers to the questions from the sponsor of all the amendments.

Mr. BYRD of West Virginia. Very well. Would the Senator like to restate the questions?

Mr. SPONG. I would be pleased to do that.

I should like to know if the language of the Byrd modification contemplates the President's right—and rather than "right" I will substitute "authority," in view of our discussion earlier—authority, as Commander in Chief, to do the following, under the language of the amendments, or if the Senator feels that the President already has that authority under the Constitution: First. To prevent enemy forces from crossing the border into South Vietnam and to pursue and destroy such forces as they attempt to leave South Vietnam for Cambodia? This contemplates a distance into Cambodia of no more than 2 or 3 miles.

Mr. BYRD of West Virginia. Mr. President, first I emphasize again the premise which the able Senator from Virginia has already recognized—to wit, that the Byrd amendment, whether we are talking about the modification before the Senate or about the modification which, under the previous order, is to be voted on tomorrow, authorizes nothing new. It adds nothing new. Whatever the President may do in the future, in the event either modification is accepted, he could have done just as well without the enactment of either.

This brings me to this method of attempting to answer the Senator's question: I am saying, in answer to all four or five questions, that my amendment really has no bearing on them, because it does not add any authority to what the President already has as Commander in Chief under the Constitution.

Mr. SPONG. I would respectfully disagree with the Senator from West Virginia. I believe that what the Senator is adding is language that could be subject to interpretation, and that in both his first modification and his second modification there is language which, should the Cooper-Church amendment be enacted by the Senate, could give the impression of additional discretionary authority to the President of the United States.

Mr. BYRD of West Virginia. Mr. President, of course all of this language is subject to definition. The language in the Cooper-Church amendment is, likewise, subject to definition and interpretation. The lawyers will interpret it. They will argue about it. They will disagree with respect to the language in the Cooper-Church amendment. So, indeed, any language that we put in, call it the Byrd amendment or anyone else's amendment, is going to be subject to definition by someone, subject to interpretation, and subject to disagreement among the authorities.

But, Mr. President, my amendment does not authorize anything. Take, for example, the Formosa resolution. It was a joint resolution "authorizing" the President to do something. Take, for a further example, the Middle East resolution. It was a resolution that the President "be and hereby is authorized" to do something.

My amendment does not "authorize" the President to do anything. It merely makes an exception in the thrust of paragraph (1) of the Cooper-Church language and defines as well as it can the circumstances in which that exception will be made. The President, acting under the Cooper-Church language, as amended by my amendment, would be acting within his constitutional powers as Commander in Chief, not through any authority granted by my amendment.

Mr. SPONG. May I ask the Senator from West Virginia this: If no additional authority is granted by the language, as the Senator says, would the Senator give me his present interpretation of the constitutional authority of the President of the United States with regard to any of these five situations? I will refer specifically to the third one.

Mr. BYRD of West Virginia. May I respond to the first one?

Mr. SPONG. Yes.

Mr. BYRD of West Virginia. The first one was as follows, as the Senator included in yesterday's RECORD:

> To prevent enemy forces from crossing the border into South Vietnam and to pursue and destroy such forces as they attempt to leave South Vietnam for Cambodia? This contemplates a distance into Cambodia of no more than 2 or 3 miles.

I think the President has that authority and is exercising it now. I think that this is already being done. It seems to me that one of the cosponsors of the Cooper-Church amendment—I believe the Senator from Kentucky—indicated that the President can do this now, that we can send men across the border in hot pursuit, that we can do this in Laos, that we can do it in Cambodia. This can be done and has been done without the Byrd amendment.

Mr. SPONG. The second one is as follows:

> To destroy enemy supplies, staging area, headquarters, and so forth, in a relatively narrow zone along the Cambodian-South Vietnamese border? This contemplates a zone into Cambodia of approximately 20 miles in width.

Mr. BYRD of West Virginia. This contemplates a set of circumstances similar to those in which the President ordered troops into Cambodia on April 30. He did so in that instance, in my judgment, through the proper exercise of his constitutional powers, and I think the cosponsors of the Cooper-Church amendment have agreed. So, the President, having done it then, in the proper exercise of his constitutional authority, he can do it again. And he can do it entirely without the language which is in my amendment, and which gives him no new authority. Insofar as his authority is concerned, it would be derived from the Constitution; and whether he would have the money to exercise his authority depends on what we do about paragraph (1) of the Cooper-Church amendment.

Mr. SPONG. Would he have the authority to do it under the Cooper-Church language without the Byrd amendment?

Mr. BYRD of West Virginia. The Cooper-Church language does not add to nor take away any of the constitutional authority that the President possesses. But indirectly—and I think quite effectively—it could inhibit his exercise of that authority if it cuts off the funds. To that extent I think the Cooper-Church amendment could in some hypothetical situation prevent him from the proper exercise of his constitutional authority.

Mr. SPONG. Does the Senator from West Virginia believe that his modification would remove that inhibition from the present language of the Cooper-Church amendment?

Mr. BYRD of West Virginia. Yes, I do.

Mr. SPONG. Would the Senator address himself to the third question: "To attempt to find and engage any enemy troops within the zone just described, irrespective of whether they are on the verge of entering South Vietnam or whether they are just returning from it"?

Mr. BYRD of West Virginia. I think all of these questions were asked in the context of the Byrd amendment: If the Byrd language is adopted, can he do this and can he do that, and can he do something else?

Mr. SPONG. Yes, that is true.

Mr. BYRD of West Virginia. The answer to the third question would be that he can do only that which he determines to be necessary for the protection of American troops in South Vietnam; and he has the constitutional duty and authority, it seems to me, to do this regardless of the Byrd language. So if he determines that this set of circumstances, which the Senator has outlined, presents a clear and present and immediate danger to the lives of American troops in South Vietnam, it seems to me that, entirely aside from the Byrd language, the President has the constitutional authority and the duty to take whatever action is necessary to remove that danger to our troops and to protect the lives of our troops.

I simply think that the Cooper-Church language, through this requirement for enactment of a bill appropriating moneys, would, to that extent, place a limitation on the President's authority. My amendment seeks to remove that limitation.

Mr. SPONG. I take it, then, that the Senator's answer to the third question would also apply to questions 4 and 5.

Mr. BYRD of West Virginia. In an extremely exaggerated and unlikely hypothetical situation, I suppose it could, but not by virtue of the Byrd amendment—by virtue only of the President's constitutional authority, which was given to him by the makers of the Constitution.

I cannot envision a situation in which the circumstances described in questions 4 and 5—particularly 5—would arise, if we are to believe what the President says, if we are to have faith in his expressed intentions. But if it were to arise, he could only act in the proper exercise of his constitutional authority to protect the lives of American troops in South Vietnam.

Mr. SPONG. I would say, first, to the Senator from West Virginia that I do not believe the President contemplates any activity such as is described under questions 4 and 5. But when we consider either of the Senator's modifications, we must do so within the context of the Cooper-Church amendment. I am of the opinion that the addition of the Senator's language to the Cooper-Church enactment could be interpreted as giving authority for any of the situations I have hypothetically described, 1 through 5.

I am most appreciative of the time the Senator from West Virginia has taken in answering these questions. I thought I should ask these questions before he made any further reply.

Mr. BYRD of West Virginia. I thank the Senator from Virginia. His questions are incisive. But I use his words "giving authority" in such a hypothetical situation. The Byrd language gives no new authority. It simply attempts to prevent the Cooper-Church language in paragraph (1) from building a fence, as it were, around the President's constitutional authority and saying he may go only thus far or that far and, then, only if he can get the moneys with which to do so.

My amendment tries to make an exception as to where that line shall be drawn, that exception being where American lives are in danger in South Vietnam. The President already has constitutional authority to act in such a case. But he has to have money.

Let us say the hypothetical situation is brought into existence. If the Cooper-Church language is adopted without the Byrd amendment, it could very well mean that, as a result of the lack of funds, the President could not exercise his constitutional authority as Commander in Chief to protect the lives of American boys in South Vietnam, because, again, there would be those who would interpret the language this way and those who would interpret it another way. The Cooper-Church language is subject to definition.

So while Congress argues about interpretation of the language and argues about appropriating money, the hypothetical situation gets out of hand, and American boys in South Vietnam are attacked and their lives imperiled. That is what the Byrd amendment seeks to avoid.

Mr. SPONG. I think the Senator from West Virginia, the Senator from Kentucky, and the Senator from Idaho are striving in many ways toward the same objective. I think what the proposed legislation seeks to do is to spell out the collective will of the Senate in redefining the geographic area within which the presidential power or authority might be applied in the exercise of the President's position, under the Constitution, as Commander in Chief.

I am seeking, in these exchanges, to focus on the clearest language we might agree upon consistent with both legislative and presidential prerogatives. I might say to the Senator from West Virginia that the situation he has described, where we could become tied up in appropriations snarls while some decision is to be made, is not envisioned by the sponsors of the Cooper-Church amendment, if I understood them correctly this morning.

Certainly, not in the situation described in question one, probably not in No. 2, and all concede that No. 3 is a gray area; but I seek—a specific recital—and this is difficult to determine—of what the presidential authority is.

In short, I believe that the Senate does not wish to tell the President how he should function as Commander in Chief, but to say, for the time being, where he should function as Commander in Chief until there is further consultation with the Senate.

Mr. BYRD of West Virginia. If the lives of American servicemen were not involved, it might be an easier question to dispose of. But I do not think that we can say, here and now, that the President may go 20 miles, but that he may not go 21 miles. I do not think that we can say he is properly exercising his constitutional authority if he goes 20 miles, but that if he goes 2 kilometers farther, he is not acting in the proper exercise of his constitutional authority.

I do not think that we can delineate this constitutional authority in such a nice way. We must really look at what is before us. The Cooper-Church language says this, "unless specifically authorized by law."

I do not know what the cosponsors of the amendment said earlier today. I was not here. I can read it overnight. I am referring to the Senator's having alluded to what they said.

Mr. SPONG. That is my interpretation. Of course the Senator from Idaho is here.

Mr. CHURCH. Mr. President, may I be heard?

Mr. BYRD of West Virginia. I do not know what was said, but I look at the language of their proposal and it reads thusly, "unless specifically authorized by law hereafter enacted." Those words are clearly understood: "unless specifically authorized by law hereafter enacted, no funds"—that means not 50 cents, not $1—"no funds authorized or appropriated pursuant to this act or any other law may be expended for the purpose of retaining U.S. forces in Cambodia."

Taking the hypothetical situation discussed earlier, if it is necessary for the President to act to protect the lives of American servicemen in South Vietnam, he has to have money. Tactical operations in Cambodia cost money even when executed for the protection of American servicemen in South Vietnam. But this language says, "No funds authorized or appropriated pursuant to this act or any other law may be expended for the purpose of retaining U.S. forces in Cambodia," period. And regardless of whether forces are retained in Cambodia for the protection of the lives of American servicemen in South Vietnam. The Byrd language simply attempts to hammer out one exception to that prohibitive language. It does so in an effort to deal with that situation in which the lives of American servicemen might be endangered.

Mr. SPONG. I thank the Senator from West Virginia. I think there should be an exception, and I appreciate his efforts in that direction. I happen to believe, as I have expressed to the Senator, that the exception should be more specific, if we are to have it.

Mr. BYRD of West Virginia. I respect the viewpoint of the able Senator from Virginia. When we attempt to deal with specifics, then we are in another quagmire. One Senator wants this specific and another wants that item specificated. I think the best we can do is not to authorize any new authority nor attempt to be so specific as to say it will be 20 miles but not 21 miles; we should simply make the exception, so that the President is clearly not precluded from exercising his power under the Constitution for the protection of our servicemen in South Vietnam.

I am fearful that if the Cooper-Church language is adopted as written, the enemy will get the wrong message, or perhaps, it will be the right message—to wit, he can come back into those sanctuaries and before the President can order a man across that border, the President will have to come back to Capitol Hill and go through all of those circuitous labyrinths of exercises that must be executed before moneys can be appropriated. In the meantime, the enemy will have ample opportunity to attack or withdraw.

Mr. CHURCH. Mr. President, will the Senator from West Virginia yield?

Mr. DOLE. Mr. President, will the Senator from West Virginia yield?

Mr. BYRD of West Virginia. I yield now to the Senator from Idaho, and then I shall be happy to yield to the Senator from Kansas.

Mr. CHURCH. The fundamental difficulty stems from the fact that we are engaged today, and have been for many years, in a limited war in Southeast Asia. Our purpose has not been to invade or conquer North Vietnam. Our purpose has

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been to protect the Government of South Vietnam against the attempt of the Vietcong and the North Vietnamese to overthrow it. Thus, from the beginning, both the President and Congress have been faced with the dilemma of where to draw the line.

Up until now, Congress has left that determination entirely to the President, and those who support the Cooper-Church amendment believe that the time has come for Congress to share with the President the responsibility of drawing outer limits to this limited war.

We want to leave Cambodia outside those limits, doing this in a way that conforms to the President's own expressed intention to withdraw American troops from Cambodia by the end of June.

After June 30 has passed, we recognize there might be occasions when the President, in the proper exercise of his Constitutional authority as Commander in Chief, might have to take an action that would breach the Cambodian borders temporarily to protect American forces in the field.

We do not, however, want to fix a limit, and then write into that limitation an exception which would later be used as constituting prior congressional consent to a large or prolonged military return on our part to Cambodia.

I am unable to see why the purposes of the Senator from West Virginia—who is concerned about American troops in Vietnam, but no more so than the Senator from Idaho—could not be served by simply writing a proviso at the end of this Cooper-Church language to the effect that nothing in it does what we cannot do anyway, which is to impair the constitutional authority of the President as Commander in Chief.

Mr. BYRD of West Virginia. Mr. President, I think that is what my amendment does. It is perhaps a question of semantics. It does precisely that. It says that nothing in the Cooper-Church language impairs the constitutional authority of the President as Commander in Chief to act under certain circumstances—to whit, when our men are endangered in South Vietnam.

Mr. CHURCH. But the Senator goes further. I want to question him about some of his other language. For example, he says in the modified version of his proposed amendment:

> And the President is requested to consult with Congressional leaders prior to using any United States forces in Cambodia if, as Commander in Chief, he determines that the use of such forces is necessary to protect the lives of United States forces in South Vietnam or to facilitate the withdrawal of United States forces from South Vietnam.

First of all, it strikes me as being demeaning to Congress to write into law a request that the President come to consult with Congress. Second, who are the congressional leaders with whom the President should consult? Third, when is the consultation to take place?

Is it to take place at a time that would be meaningful, so that the advice of these leaders could be taken into consideration by the President. Or will consultation occur at the very moment of decision, when it would be nothing more than a method for conveying to the congressional leaders that new action is underway?

All of this is left unanswered by the language of the Byrd amendment. And for the record, I think answers should be supplied.

Questions of this kind, however, suggest that there is a cleaner way to achieve the Senator's purpose, such as adding a proviso at the end of the Cooper-Church language to the effect that nothing in the amendment impairs the constitutional authority of the President as Commander in Chief.

Mr. BYRD of West Virginia. Then the Senator would raise hobgoblins and ghosts with respect to everything that went before the proviso, which would not only include paragraph (1), but also paragraphs (2), (3), and (4). And the same question as to the hows, whys, and whens would be applied to the proviso.

Mr. CHURCH. The language I suggested would relate to subparagraph 1, and not to the other subparagraphs of the amendment.

Mr. BYRD of West Virginia. Mr. President, I thought the Senator said the proviso should be at the end of the Cooper-Church language.

Mr. CHURCH. The Senator is right. I meant, however, at the end of subparagraph 1.

Mr. BYRD of West Virginia. Mr. President, the Senator says that for the President to be requested to consult with congressional leaders would be demeaning to the President.

Mr. President, this is precisely what much of the argument has been about all along—the sponsors of the Cooper-Church amendment want the President to consult with Congress.

Of course, I want him to consult with Congress. He made a mistake in not consulting with Congress about his April 30 action. That was a tactical legislative blunder.

He should consult the Congress when the circumstances permit him to do so.

There could be a hypothetical situation in which he could not consult with Congress. Perhaps he would have time only to press a button. I do not envision this with respect to South Vietnam, however. We were talking about having the President consult with Congress. I added this language in response to the legitimate concern expressed by at least two Senators who felt that there ought to be something in this amendment which would deal with consultation. So it was included.

I do not consider it to be demeaning. It does not require him to consult. It is not mandatory. It is only permissive. I think that he would do it without the language, certainly in the face of his experience following his April 30 action.

I see nothing demeaning about requesting that this be done. This is terminology that is often used in Federal statutes, that so and so is requested to do so and so, to make such and such a report.

I do not consider that to be demeaning.

As to the identity of the congressional leaders, that would be up to the President. If I were to attempt to define the congressional leaders, I would certainly include the majority and minority leaders of both houses. Whether the President would want to go beyond that would be up to his discretion. But this would help to cure the situation.

Mr. CHURCH. Mr. President, would the Senator include the chairman of the Committee on Foreign Relations?

Mr. BYRD of West Virginia. Mr. President, the President could include him. When I start to include him in the amendment, why should I not include the chairman of the Appropriations Committee?

Mr. CHURCH. Or the chairman of the Committee on Armed Services?

Mr. BYRD of West Virginia. Or the chairman of the Committee on Interior and Insular Affairs, or the chairman of the Committee on Commerce. Where do we stop?

We should leave it to the discretion of the President. Certainly when the President talks to Senators MANSFIELD and SCOTT and with the leaders of the House, he has talked with the congressional leaders. If the President wants to broaden this, and I think he would want to do that in many situations, he would do it.

When should he do it? We cannot say he should do it 1 week, 3 weeks, or 6 weeks before. When we say prior, he has to use his discretion and good judgment based upon the circumstances which confront him.

I hope that helps at least to explain my interpretation of the language.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. Mr. President, I yield to the Senator from Kansas.

Mr. DOLE. Mr. President, I have listened with great interest to the discussion. I think it points up what many of us hope can be accomplished at this late hour, and that is an accommodation between the sponsors of the Church-Cooper amendment and other Senators who would like to find some accommodation.

I have participated in much debate in the past 2 or 3 weeks and I recall that the basic question has been: What are the rights and powers of the President vis-a-vis the rights and powers of Congress? I think we have all determined that we can list all the rights and powers of the President. We had one recitation after another of the historical powers from the days of George Washington to the present time, and we had suggestions on what the rights and powers of any President might be and what the rights and powers of Congress might be, and the specific powers delineated in the Constitution.

It appears to me this discussion may lead us one step further to some accommodation. I mentioned earlier in colloquy with the distinguished Senator from Virginia (Mr. SPONG) that perhaps we could add a section referred to by the distinguished Senator from Idaho (Mr. CHURCH); perhaps we could modify the Byrd amendment by saying that "Nothing contained in this section shall be deemed or construed to impugn the President's powers as Commander in Chief."

Since we have been unable to delineate the powers of the Commander in Chief and since every Senator has stated the

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Commander in Chief has the right to protect American forces, it appears to me that is what the argument is all about. There has been recognition that he has that right and power, and it seems to me the Senator from West Virginia perhaps between now and tomorrow at 11 a.m. might work out some further modification of the Byrd amendment and have a recognition by Congress that we do nothing in the Church-Cooper amendment that impugns the President's constitutional power as Commander in Chief.

Everyone has indicated we seek to do nothing to impinge his constitutional power and with that accommodation I would feel the Church-Cooper amendment might be acceptable to many on both sides of the aisle. It does in effect what the Senator from West Virginia suggested. It does recognize, as we all recognize in any event, that we can do nothing to add or detract from the constitutional power of the Chief Executive to be Commander in Chief. So I would hope there is still a possibility of some accommodation.

It does appear to me that if we require the President to consult with congressional leaders, I recognize the President could and should probably do that, but there is nothing binding. In any event it really appears we are for the first time reaching some area of accommodation. I hope it can be accomplished between now and 1 o'clock tomorrow.

I commend the Senator from West Virginia for discussing the possibilities and his modification this evening.

Mr. BYRD of West Virginia. Mr. President, I appreciate the remarks by the able Senator from Kansas. I offered this amendment in good faith in an effort to bridge some of the gap that seems to exist between some of us and not only in an effort to do that but also in an effort to satisfy my own conscience.

If objection is to be made we will just have to vote on the original modification. I can withdraw the unanimous consent request if anyone wishes to object. Then, of course, we can just have a vote up and down on amendment No. 667, star print.

In a few moments I would like to have the Chair again present my unanimous-consent request. At this time, I will proceed with the speech I have prepared for delivery on the floor this afternoon.

Mr. President, the able and distinguished senior Senator from Idaho (Mr. CHURCH) yesterday referred to my amendment as a "blank check" and said:

> It could readily become a second Gulf of Tonkin Resolution, an open invitation to the President to do what he wills in Cambodia, without the further approval of the Congress—as long as he does it in the name of protecting our forces in Vietnam.

Mr. President, my position regarding any involvement of U.S. Armed Forces in Cambodia is a matter of record. I am opposed as much as is any other Senator to the sending of any Americans to fight additional land wars in Asia. Moreover, I want to see our American military forces withdrawn from Cambodia. I want them withdrawn from South Vietnam as soon as it is possible to do so in an orderly way which will not reward Communist aggression. Time and again, I have said that the Asians should carry the manpower burden of keeping Asia free.

In a Senate floor speech on April 4, I stated:

> The United States should not become involved in the fighting in Cambodia. The new rulers of Cambodia have been hinting that they may seek American help in fighting the communists. For too long now, American troops and the American people have shouldered a heavy burden in fighting in Southeast Asia. To fight in Cambodia would only add to that burden.

Again, on June 3, when I submitted my perfecting amendment to the Cooper-Church amendment, I said:

> The United States should not become involved in fighting in Cambodia for Cambodia, or in support of any Cambodian Government.

As I emphasized in my June 3 Senate floor speech, I have no objections to paragraphs 2, 3, and 4 in the Cooper-Church amendment, and if my amendment to paragraph 1 is adopted, I expect to vote for the Cooper-Church amendment as it would then be amended. Of course, paragraphs 2, 3, and 4 could undoubtedly be improved, but I do not personally intend to offer any amendment to change the verbiage therein.

My amendment, No. 667, star print, was introduced by me to make clear that the President's authority—in the fulfillment of his duty as Commander in Chief—to protect the lives of American troops stationed in South Vietnam, remains clear and uncompromised. My amendment reads as follows:

> On page 5, line 7, before the semicolon insert a comma and the following: "except that the foregoing provisions of this clause shall not preclude the President from taking such action as may be necessary to protect the lives of United States forces in South Vietnam or to facilitate the withdrawal of United States forces from South Vietnam."

Mr. President, I again want to state beyond reasonable doubt that the purpose of my amendment is to recognize the President's authority, power, and duty to take such action as may be necessary to protect the lives of U.S. forces in South Vietnam, and that it is definitely not to be misconstrued, misinterpreted or misunderstood to open any doors or loopholes for the use of American troops in Cambodia to support any Cambodian Government or to fight a war for Cambodia.

The Senator from Idaho erred in saying that the Byrd amendment is a "blank check." Is it a "blank check" to recognize the President's authority and duty, as Commander in Chief, under the Constitution, to take such action as may be necessary to protect the lives of U.S. forces in South Vietnam? Is it a "blank check" to recognize his authority and duty to take such action as may be necessary to facilitate the withdrawal of our forces from South Vietnam? I am not a military man, but I have always understood that the withdrawal of an army can constitute one of the most difficult of military maneuvers under certain conditions.

A careful reading of the plain language of my amendment, together with the statements that have been made in support of it, should convince anyone that the amendment is no "blank check" and that authorization is not being given for the use of American troops to prop up any Cambodian Government. The amendment does not give the President any power or authority that he does not already have under the Constitution and under the Gulf of Tonkin joint resolution which was enacted into law in 1964.

How, then, could the Byrd amendment be a "blank check" to the President? He sent American ground troops into Cambodia on April 30. My amendment was nonexistent then. Yet, most Senators do not question the President's constitutional authority in taking the action which he took.

Congress can pass no law diminishing the constitutional authority of the President. Why, then, does he need my amendment as a "blank check" if, in the future, he should deem it necessary to again attack sanctuaries in Cambodia in order to protect our military forces in Vietnam? My amendment would not give him any additional power or authority over what he already has. What he did on April 30 without my amendment he could do in the future without my amendment. I would not accuse my friend, the able senior Senator from Idaho of resorting to the use of a scare word, but he has referred to my amendment as a "blank check." I would no more consider giving the President a "blank check" than would the Senator. I want, as much as does the Senator from Idaho, to get out of Cambodia and to stay out of Cambodia. I, too, want to get out of South Vietnam, as I have said repeatedly, but I do not think that this is something that can be done overnight. Our men are in South Vietnam.

They were sent there by our Government—most of them through no choice of their own—and our Government has a duty to do whatever it can to protect their lives while they are there. That is what my amendment is all about.

The question of the constitutional allocation of powers between the executive and legislative branches, certainly, may be an issue of such great dimensions as to justify debate completely independent from the wisdom or the unwisdom of Vietnam. I say, however, with all the earnestness at my command that the President's actions in moving into Cambodia did not, in fact, usurp the constitutional powers of Congress. I do, however, question the constitutional validity of congressional action which, in effect, would seek to limit the President's constitutional authority to take actions necessary to protect the lives of our fighting men in South Vietnam.

If, as seems clearly beyond doubt, Cambodia has been used as a sanctuary from which military operations against U.S. forces have been undertaken, surely the President's order to clean out those sanctuaries was a tactical decision and within his exclusive power and authority as Commander in Chief. If it were necessary to repeat the same action 6 months from now, in the interest of protecting our forces in South Vietnam, it would

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again be a tactical decision and within the President's powers and authority to implement as Commander in Chief. What justification is there for congressional action now to cut off funds from U.S. Armed Forces which may have to be utilized in Cambodia 6 months from now in carrying out the same kind of tactical action as was begun on April 30 by the Commander in Chief for the purpose of protecting American lives in South Vietnam?

I question any congressional action which serves to restrict the constitutional authority of any President to protect American troops by cutting off funds. The able Senator from Idaho said yesterday that the Cooper-Church amendment "does not deny the President's constitutional power as Commander in Chief to protect the safety of American forces," and that "the President has a responsibility to protect U.S. forces in Vietnam." The Senator went on to say that the President "does not need a mandate from the Congress for this purpose."

Mr. President, the President, indeed, does not need a "mandate" from the Congress to protect U.S. troops in Vietnam, but he does need money to do so. Tactical maneuvers—even for the protection of American servicemen—cannot be executed without funds. Over and over we have heard that the Cooper-Church amendment does not prohibit the use of U.S. Armed Forces in Cambodia in the future to protect American lives in South Vietnam. In so many words, perhaps it does not. But it does say that, except by law hereafter enacted, no funds shall be authorized or appropriated for the retention of U.S. forces in Cambodia after June 30. What could be plainer than that?

No, the President does not need a mandate. He needs funds, and here is where the Cooper-Church amendment would do by indirection that which it cannot do by direction—namely, to restrict or negative the President's power to fulfill his duty, as Commander in Chief, to act for the protection of our forces in South Vietnam.

Congress undoubtedly has the power and the authority to cut off funds for military operations of any kind—there is no question about this. But in so doing, it can negate the constitutional power of the President as Commander in Chief to implement certain necessary tactical decisions which are within the universe of his authority rather than within the ambit of legislative authority. Why would Congress do this?

We are not faced with a situation in which the President wishes to pursue a war indefinitely and Congress wishes to terminate it. Rather, we are faced with a situation in which both the President and the Congress have expressed a policy determination to end American manpower involvement in Southeast Asian conflict as rapidly as competing considerations will allow. Ergo, the question before us is not one of reversing Presidential policy but rather that of drastically limiting the President's discretion and flexibility in carrying out a policy, in which we of the Congress agree.

It is really a question of delineating or at least recognizing the fine line of separation between Presidential and congressional powers under the Constitution. As a matter of fact, it deals with such a twilight zone of competing powers so delicately balanced that they appear at times, and in some situations, to overlap.

It is said by the worthy opponents of my amendment that, if future emergencies should require a reintroduction of ground forces into Cambodia for the protection of American troops in South Vietnam, the President need only come up to the Congress and request the funds and Congress will appropriate the moneys.

We all know, however, that the enactment of a law appropriating funds takes time. There first must be a budget estimate prepared. Congressional hearings are then required. Committee discussions are time consuming at the subsequent markup session. Any appropriation bill reported to the Senate must then run the gauntlet of the 3-day rule. Debate can go on ad infinitum. By this time, the enemy can have folded its tents and quietly moved away, taking its ammunition, its weapons, its military materiel and men, and the enemy will have been spared simply through the fortuitous process of congressional delay. Or, the enemy could, under the protecting cover of congressional indecision and delay, proceed to launch an attack upon our forces in South Vietnam.

In other words, if the President should be given intelligence reports which indicated that the enemy was heavily massing for an attack from Cambodian sanctuaries 6 months from today—at a time when our forces in South Vietnam will have been reduced from 30,000 to 380,000 men—the President would be unable to attack the enemy with American ground forces until such time as he could go before Congress and get a bill passed providing funds for the implementation of such protective action. By the time the money was appropriated, it could be too late. What Senator would want to take a chance on imperiling the lives of American servicemen in South Vietnam by fettering the President's hands where such a tactical operation might be clearly justified and required and where time and speed may be of the essence?

When the enemy masses in such Cambodian sanctuaries, those sanctuaries are not "neutral" territory, but, in reality, they are part of the war zone, and no attack upon them in any sense can be construed as a "new war." It is the same war and the same enemy. The Cooper-Church amendment would, in effect, however make the Cambodian-South Vietnamese border a more formidable Maginot line than was ever embraced in the concrete fortifications outflanked by the Germans 30 years ago. The enemy would be free to attack at will from the Cambodian side and would be immune from ground attack by American ground forces who would be allowed to pursue only to the border where they would have to stop.

No, the President does not need a "mandate" from Congress to protect the lives of American troops in South Vietnam against privileged enemy sanctuaries in Cambodia. The Constitution gives him this mandate, and the Gulf of Tonkin resolution expressed prior congressional approval of such a mandate. But he does have to have funds to carry out this constitutional mandate, and the first paragraph of the Cooper-Church amendment, as it is now written, would, if it were ever enacted into law, accomplish indirectly what the Congress—as I have said—cannot do directly, namely, infringe upon the constitutional powers of the Commander in Chief. The cutting off of funds by Congress is just as effective as would be the cutting off of Presidential powers by constitutional amendment—which is beyond the purview of Congress in the final analysis. Both end in the same result.

I again refer to the able Senator from Idaho, not through disrespect or with any ill feeling—I respect, admire, and love him as a friend—but I again refer to him only because he stated that—

> The Byrd proposal could readily become a second Gulf of Tonkin resolution, an open invitation to the President to do what he wills in Cambodia without the further approval of Congress—as long as he does it in the name of protecting our forces in Vietnam.

Mr. President, I did not offer my amendment as an open invitation to President Nixon or to any other President "to do what he wills in Cambodia." I do not believe that the President desires to involve—deviously, covertly or overtly—American ground troops in the support of the Cambodian Government. The President has stated time and time again that he intends to bring our men out of Cambodia, and he is doing this. He has already reduced our forces in South Vietnam by 115,000 men, and he has promised to bring 50,000 more men home by October and an additional 100,000 by next spring. Surely the Senator from Idaho—and I do not intend to put words in his mouth, and he would not let me if I tried to do so—does not imply that the President is attempting intentionally to delude the American people. Surely the Senator from Idaho does not mean to imply that the President wants really to involve America in a war in Cambodia for Cambodia, a war which would require sending more men to Southeast Asia rather than returning more American servicemen home from Southeast Asia.

Surely the Senator from Idaho does not mean to imply by the words, "an open invitation to the President to do his will in Cambodia," that the President wants to prolong the bloodshed or that the President nurses some secret and evil scheme to enlarge American manpower involvement in Cambodia—a scheme which he would not dare reveal to the American people. Do we not trust the President? Is this what the Senator from Idaho is saying? Will not the American people hold the President responsible if he does not fulfill his promises to bring Americans home from Southeast Asia? The President surely knows this, and I am confident that his is a burden which none of us bears.

The truth of the matter is, Mr. President, that my amendment limits the President's use of any American troops in Cambodia to a very well defined and clearly stated purpose, namely, the protection of American troops in South Vietnam. In doing this, my amendment gives the President no new authority. He already has this authority. My amendment simply makes clear that the Cooper-Church amendment, as now written, would not interfere with his clear duty and authority to act to protect our men in South Vietnam.

The able Senator from Idaho says that the Byrd amendment "could readily become a second Gulf of Tonkin resolution." Mr. President, let none of us labor under any illusions as to what we are doing here. The Cooper-Church amendment, as now written, will not likely become law; although I believe that if my amendment were to be adopted, the chances of acceptance by the other body would be enhanced. I feel that the chances of getting the approval of the President's signature to the Cooper-Church amendment would be enhanced. But, if the Cooper-Church amendment is not perfected by my language—or by somebody's language—I feel that passage of the amendment by the Senate would mean no more than a closely divided expression of Senate sentiment.

I do not think that such would represent the sentiment of the majority of Americans. But I do believe that Senate acceptance of the Cooper-Church amendment would be misconstrued by the enemy, and I feel that it would encourage the enemy to believe that henceforth it could operate just across the Cambodian border from Vietnam with immunity.

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I am constrained to take issue with the Senator's statement that my amendment "could readily become a second Gulf of Tonkin resolution." There is no need for a second Gulf of Tonkin resolution even if any of us wanted such. The Gulf of Tonkin joint resolution was enacted into law in 1964, and that law has never been amended, repealed or ruled unconstitutional. It is on the books today and has been for 6 years. It clearly states congressional approval and support of "the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression." To what enemy does the Gulf of Tonkin resolution refer when it alludes to "armed attack against the forces of the United States"? It refers to "the Communist regime in North Vietnam," as set forth in the preamble of the joint resolution, which was enacted into Public Law 88-408.

"The Communist regime in North Vietnam," I repeat. That is the same enemy against which the incursions into Cambodian sanctuaries were made on April 30 by U.S. Armed Forces. That is the same enemy against which I seek to preserve protection for our American servicemen in South Vietnam through the wording of my amendment. But no "second Gulf of Tonkin resolution" is required—Public Law 88-408 refers to Southeast Asia and expressed support and approval of Presidential action to "repel armed attacks"—yes, even from Cambodia—"against the forces of the United States."

Therefore, the Congress has given its advance approval and support of the President, as Commander in Chief, to take all necessary measures to "repel any armed attack" against the forces of the United States "launched from Cambodian sanctuaries." That advance approval was given in Public Law 88-408, as I have already stated. My amendment could not become a second Gulf of Tonkin resolution. In the first place, it does not enlarge the congressional sanction of the use of Presidential authority as set forth in Public Law 88-408. The truth of the matter is the Cooper-Church language would, in effect, seek to negate the Gulf of Tonkin joint resolution—Public Law 88-408—without amending or repealing Public Law 88-408 outright.

Of course, any language is subject to definition and interpretation by the lawyers and by everyone else. The language of the Cooper-Church amendment is not the last word in perfection—I say this with all due respect to the sponsors thereof—and it, too—as I will soon attempt to demonstrate—can be subject to definition. But I believe that the verbiage of my amendment, when taken with my own statements and those of cosponsors of my amendment, leaves no room for doubt as to its intent and meaning. I know that there are those who say that the President might send troops to Cambodia to fight for a Cambodian Government and that he may do so under the guise of acting "to protect U.S. forces in South Vietnam." But we have to have faith in our President as Commander in Chief, regardless of who he is or what his political party may be, at the time. And it would seem to me that any President, in sending troops again into Cambodia is going to have to make his case, and it will have to be a good one. It will be subjected to the burning scrutiny of every critical eye—and it should be.

Our problem, here in the Senate, it seems to me, is to state with as much clarity as is possible, the intent of the Congress to avoid American manpower involvement in any new war in Asia—such as a war against the Government of Cambodia or a war in support of the Government of Cambodia—while, at the same time, not infringing upon or weakening, in any way—or appearing so to do—the authority and duty of the President, as Commander in Chief, under the Constitution, to take such action as is necessary to protect the lives of U.S. forces in South Vietnam or to facilitate their withdrawal from South Vietnam.

Mr. President, paragraph (1) of the Cooper-Church amendment has troubled me from the beginning. I want to eliminate American manpower involvement in Southeast Asia—not increase it. I believe that paragraphs (2), (3), and (4) are intended to do this—although paragraph (2) carries a loophole as big as a tunnel—big enough to allow the use of "any U.S. personnel in Cambodia" who engage in "combat activities" so long as they do not do so "in support of Cambodian forces." All the President would have to say, under paragraph (2), in explaining the use of U.S. "personnel" in Cambodia to "engage in any combat activity," is that they are fighting to support South Vietnamese forces—not Cambodian forces. This is my interpretation of the language.

Why do Senators strain at a gnat and swallow a camel? Why do Senators who oppose my amendment—which would permit U.S. ground troops to be used in Cambodia only when necessary to protect the lives of American servicemen in South Vietnam—support the language in paragraph (2) which would permit U.S. personnel to engage in combat activity in Cambodia for the support of South Vietnamese forces? Are U.S. "forces" in paragraph (1) to be distinguished from U.S. "personnel" in paragraph (2)? If so, it is a distinction without a difference as long as U.S. "personnel" may "engage in any combat activity."

But, as I say, paragraph (1) of the Cooper-Church amendment has troubled me from the beginning. I cannot cast a vote to tie the President's hands when it comes to necessary action to protect American troops in South Vietnam—and there are over 400,000 there now. Ask the fathers and mothers and sisters of those 400,000 American men in South Vietnam what should be done. They will say that they want to see their sons and brothers return home as soon as possible but, while they are there, protect their lives.

Mr. President, I had to introduce this amendment. I could not vote for the Cooper-Church amendment without it.

I know of the genuine concern on the part of all Senators with regard to this matter. As I indicated in my Senate floor speech on June 3, I feel that we in the Senate must take every action within our constitutional power—so long as we do not attempt to preclude the proper exercise of his constitutional powers by the President, acting as Commander in Chief—to avoid American manpower involvement in a new war in Asia, whether it be a war against Cambodia, or for Cambodia, or in support of any Cambodian Government.

I have also indicated that I share the concern of other Senators who believe that the President made a mistake—under the peculiar circumstances of the Cambodian incursion—in not consulting with congressional leaders in advance of the action taken. When I say congressional leaders, I would leave it up to the discretion of the President as to the identity of those congressional leaders. Certainly I would think that the majority and minority leaders in both bodies would fall within the definition.

In any event, in order to reach these legitimate concerns on the part of all of us, and in order to make the intent of my amendment as incontrovertible, as indubitably clear, and as infallibly certain as I can possibly make it, I have asked unanimous consent to modify my amendment No. 667, star print.

I hope that the Senate will adopt my perfecting language. If the supporters of the Cooper-Church amendment really want to see their amendment become law, I may be mistaken, but it seems to me they should get behind my amendment to paragraph (1) and vote to adopt it. The chances of ultimate enactment of the Cooper-Church amendment would thereby be enhanced, I believe.

No, Mr. President, my amendment is no "blank check." And it is not a "second Gulf of Tonkin Resolution." It is a bona fide, good faith effort to eliminate what many of us regard as an unacceptable restriction upon the protection of American servicemen. As I say, the Government sent these men to South Vietnam and it has a duty to do everything it can to protect their lives while they are there.

Mr. President, will the Chair again submit my unanimous-consent request to the Senate?

The PRESIDING OFFICER. Does the Senator renew his request?

Mr. BYRD of West Virginia. I renew my request.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD of West Virginia. Mr. President, is there objection to my request?

The PRESIDING OFFICER. Is there objection?

Mr. CHURCH. Mr. President, the Senator from Arkansas (Mr. FULBRIGHT) objected earlier to this unanimous-consent request. He advised me that he did not intend to withdraw his objection. He remained in the Chamber for a period of time after he made his objection. When he was obliged to leave, he asked me to protect his rights, and I am therefore obliged to object in the name of the Senator from Arkansas.

As the Senator from West Virginia knows, I prefer the modified version of his amendment that he has offered today to his previous amendment, and it is my hope that tomorrow we can examine this situation further prior to the time for the vote, and perhaps some accommodation can be reached.

The PRESIDING OFFICER. Objection is heard.

Mr. CHURCH. I hope the Senator will renew his offer tomorrow.

Mr. BYRD of West Virginia. Mr. President, I thank the Senator. I hope that tomorrow the Senate will permit me to modify my amendment. As the Senator from Idaho has indicated, it is his feeling—and I share that feeling—that the modification which I now seek to have included is an improvement over my modification of the other day, and I would hope that the Senate would want to vote on what is generally conceded, I believe, to be improved language over that which is before us.

But I will, of course, accept the will of the Senate. I appreciate the reasons why the Senator from Idaho has found it necessary to object this evening.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. COOPER. I have told the Senator that I would not object to the modification.

Mr. BYRD of West Virginia. Yes.

Mr. COOPER. I continue in that position.

Mr. BYRD of West Virginia. I thank the Senator.

Mr. SPONG. Mr. President, if the Senator will yield, I would like the RECORD to show that I was present, and I have no objection. I prefer the Senator's second modification.

Mr. BYRD of West Virginia. I thank the able Senator.

Mr. President, I do not ever wish to be in the position, myself, of objecting to a Senator's having the opportunity to modify his own amendment; but this is the right of any Senator, and I had the opportunity before today—as a matter of fact, I had the opportunity before the Senate entered into any agreement—to modify the amendment to my heart's content. But the further modification is the result of further study.

So I hope that the Senate tomorrow will permit us to vote on this modification; but if it does not, we will vote on the first modification, and I may even be constrained to withdraw my unanimous-consent request. We shall see.

I yield the floor.

Mr. ALLOTT. Mr. President, every day I receive numerous letters and memoranda from the academic community expressing interest in, and concern about the current debate over the President's powers as Commander in Chief.

I have recently received an especially interesting document from Prof. Robert Scigliano, a member of the department of political science at the State University of New York at Buffalo.

Professor Scigliano enjoys the high regard of his professionals in political science. His books include "The Supreme Court and the Presidency, Technical Assistance in Vietnam," and "South Vietnam: Nation Under Stress." In addition, he is currently doing research directly related to the subject of this current debate—the war powers of the President. In fact, this research will soon result in a book from the reading of which we all will profit.

Professor Scigliano has been kind enough to share with us all some of his thoughts on one relevant aspect of the current debate. He has sent me a fascinating essay on the intentions of the Founding Fathers with regard to the war power. Consider his findings with regard to the Constitutional Convention and the First Congress:

> There is considerable evidence that the Framers generally were inclined to view the powers of war and foreign affairs as executive. They did not, by and large, object to having the President possess these powers but were anxious that he not be enabled to launch a war, although they did want him to be able to act in an emergency; and they wished to prevent him from making treaties, especially treaties of peace, on his own authority.
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> The question of the President's powers arose in the first days of the Constitutional Convention. One of the Virginia Resolutions stipulated that the executive under the Constitution would "possess the executive powers of Congress" under the Confederation (there being no executive branch under that government). Charles Pinckney said he was for a "vigorous executive but was afraid the executive powers of the existing Congress might extend to peace and war, etc.," and John Rutledge plainly objected that "he was not for giving him [the executive] the power of war and peace." By the power of war and peace, as the context makes clear, was meant that of "launching" war and "concluding" peace. The same meaning was usually conveyed in the Convention debates by the expression "make" war and peace, used in the sense of making a law or making a treaty. The point needs some emphasis inasmuch as the use of the term "make" war in the Constitutional Convention is sometimes misunderstood to mean "wage" war. In order to meet these objectives, the delegates amended the resolution to provide that the power of the yet-to-be-organized executive would be "to carry into effect the national laws" and "to appoint to offices in cases not otherwise provided for." But the delegates could not have seriously meant so to limit the powers that could be given the President. Certainly the resolution was never invoked for that purpose, despite occasions on which it might have been, and it quietly passed from view after being referred with other matters to the Committee of Detail in late July. While it was still in existence and before any of the President's powers had yet been decided upon, Gouverneur Morris casually remarked, as though it were self-evident, that the President would be "in possession of the sword."
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> The broad war and foreign relations powers of the President were also recognized in the legislation enacted by the First Congress, which, containing many of the Framers, has been called a continuing Constitutional Convention. The act establishing the Treasury Department, concerning whose business the President was given no authority by the Constitution, delegated the duties of the Secretary to him; but the acts establishing the Foreign Affairs and War Departments stated, in identical language that the Secretary would "perform and execute such duties as shall, from time to time, be enjoyed on or entrusted to him by the President." Incidentally, when the same Congress changed the name of the Foreign Affairs Department to that of the Department of State, in order that it might assume certain domestic responsibilities, it did not hesitate to specify the added duties of the Secretary.

Professor Scigliano is also illuminating with regard to the important passages of the Federalist, and of the Constitution on which the Federalist is such a brilliant commentary. Professor Scigliano says:

> There is no question that the Constitution conveys broad war power to the President. To be sure, only one provision explicitly conveys this power: that which makes him "commander in chief of the army and navy of the United States; and of the militia of the several states, when called into the actual service of the United States." *The Federalist* is often cited as evidence that the Framers intended the President to have "no powers that any high military or naval com-

mander who was not also President might not have." There, in Number 69, Hamilton observed that the President's authority as commander in chief "would amount to nothing more than the supreme command and direction of the military and naval forces, as first general and admiral of the Confederacy." But clearly such an interpretation misconceives what Hamilton meant by "supreme command and direction." In Federalist Number 74, where Hamilton took up the commander-in-chief clause again, he explained his meaning as follows: "The direction of war implies the direction of the common strength; and the power of directing and employing the common strength, forms a usual and essential part in the definition of executive authority." Nowhere in the Federalist is there support for the thesis, frequently put forward today, that Presidential incumbents, not the Framers, forged the commander-in-chief clause into a potent executive instrument.

The Constitutional oath of office required of the President confirms Hamilton's understanding of the commander-in-chief clause. If it is not itself a grant of power, it at least illuminates the military power granted the chief executive elsewhere in the document. The oath reads: "I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States." Indeed, the oath seems to light up an area which is wider than the commander-in-chief clause. If the President may do all that is necessary to preserve, protect, and defend the Constitution, what is he forbidden to do when the Constitution is imperiled? It is worth noting that no other officer of government takes the same oath as the President. Congressmen, federal judges and the executive officers, and all state officials are obligated simply "to support this Constitution."

The President's war power in the Constitution does not rest solely on the commander-in-chief clause. He is also charged with the duty "to take care that the laws be faithfully executed." This power does not refer explicitly to military matters, of course, but it is applicable to them. Rebellion, insurrection, and other civil disturbances obstruct the execution of the laws: May not the President use military force, if necessary, to eliminate the obstruction? A reasonable inference from the "take care" clause is that he may, and Presidents have acted upon it. It is not surprising, given the implications of this clause, that James Wilson, a leading Framer, should describe it in the Pennsylvania ratifying convention as a "power of no small magnitude."

Mr. President, so that all Senators may have the benefit of Professor Scigliano's splendid scholarship, I ask unanimous consent for his memorandum to be printed in the RECORD; along with his brief cover letter to me.

There being no objection, the letter and memorandum were ordered to be printed in the RECORD, as follows:

STATE UNIVERSITY OF NEW YORK AT
BUFFALO,
June 1, 1970.

HON GORDON ALLOTT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ALLOTT: In consideration of your interest in the question of the war power of the President, I am enclosing some thoughts on that subject. They are taken from research on which I am at present engaged.

Sincerely,
ROBERT SCIGLIANO,
Professor.

THE PRESIDENT AND THE WAR POWER: THE INTENT OF THE FRAMERS

(By Robert Scigliano)

There is no question that the Constitution conveys broad war power to the President. To be sure, only one provision explicitly conveys this power: that which makes him "commander in chief of the army and navy of the United States; and of the militia of the several states, when called into the actual service of the United States."[1] *The Federalist* is often cited as evidence that the Framers intended the President to have "no powers that any high military or naval commander who was not also President might not have."[2] There, in Number 69, Hamilton observed that the President's authority as commander in chief "would amount to nothing more than the supreme command and direction of the military and naval forces, as first general and admiral of the Confederacy."[3] But clearly such an interpretation misconceives what Hamilton meant by "supreme command and direction." In Federalist Number 74, where Hamilton took up the commander-in-chief clause again, he explained his meaning as follows: "The direction of war implies the direction of the common strength; and the power of directing and employing the common strength, forms a usual and essential part in the definition of executive authority."[4] Nowhere in the Federalist is there support for the thesis, frequently put forward today, that Presidential incumbents, not the Framers, forged the commander-in-chief clause into a potent executive instrument.

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The President's war power in the Constitution does not rest solely on the commander-in-chief clause. He is also charged with the duty "to take care that the laws be faithfully executed."[7] This power does not refer explicitly to military matters, of course, but it is applicable to them. Rebellion, insurrection, and other civil disturbances obstruct the execution of the laws: May not the President use military force, if necessary, to eliminate the obstruction? A reasonable inference from the "take care" clause is that he may, and Presidents have acted upon it. It is not surprising, given the implications of this clause, that James Wilson, a leading Framer, should describe it in the Pennsylvania ratifying convention as a "power of no small magnitude."[8]

Finally there is the vesting clause of Article II of the Constitution. By it, "The executive power shall be vested in a President of the United States of America."[9] There has been considerable dispute as to whether this clause makes a general grant of war power to the President. The issue has two parts: Does the clause grant general executive power, and, if so, does that power extend to military matters?

It has been argued that the vesting clause merely stipulates the title of the person who will exercise the executive power enumerated in the body of the executive article. But this argument has too much against it. If the Framers intended the President's executive power to be limited to an enumeration, why did they not say so? They did say, in Article I, that Congress would possess "all legislative powers herein enumerated."[10] The Presidential enumeration, moreover, is obviously incomplete. For example, it mentions the President's power to nominate and, with the Senate's advice and consent, to appoint public officials, but it says nothing about the power of removal. It states that he may require the written opinions of the heads of executive departments, but is silent concerning his other relations with officials in the executive branch. The somewhat sketchy list of powers in the executive article is satisfactorily explained if the vesting clause is seen to convey general executive power. Under this interpretation, some powers were enumerated in the article because they were legislative or judicial in nature (for example, the veto and pardon powers) and would not otherwise be possessed by the President. Some were enumerated for emphasis (apparently the power to require written reports falls here, although Hamilton in *The Federalist* considered it "a mere redundancy in the plan"[11]). And certain enumerations (most notably, that of the appointment power) were intended to limit the President's possession of executive powers.

Those Framers who had most to do with shaping the executive article, James Madison, Gouverneur Morris, and James Wilson, all considered the vesting clause of the article to convey general power to the President. So did most members of the First Congress (including most members who had also been Framers) when, in establishing executive departments, they denied any power in Congress to control the removal of the heads of the departments.[12] Political practice, and practical necessity, have supported the general-grant theory of executive power.

The more arguable question is whether executive power includes power over war. At first glance, this does not seem possible; but let us examine the question closely. Early American thinking about the powers of government was influenced mainly by the writings of Locke, Montesquieu, and Blackstone, all of whom had the British government as their subject of study. It is true that Locke distinguished the power of executing domestic laws from that of "war and peace, leagues and alliances, and all the transactions with all persons and communities without the commonwealth." He called the first power "executive" and the second "federative if any one pleases. . . . I am indifferent as to the name," but he observed that they were nearly aways united in the same hands.[13] For Locke, this power corresponds to the power which every man possessed in the state of nature to execute the law of nature for himself. The law of nature is basically one of self-preservation, and civil societies execute that law for themselves in their relations with each other, as did particular men before they entered into civil society. Montesquieu maintained Locke's definition of the two powers, while calling them both simply "executive," one dealing with domestic and the other dealing with external matters.[14] In a similar way Blackstone saw the prerogatives of the British crown to extend to sending and receiving ambassadors; making treaties, leagues and alliances; and making war and peace.[15]

Among the Framers, Hamilton most clearly expressed the Lockean conception of executive power. The reader is referred to the statement of Hamilton we have cited in connection with the commander-in-chief clause. We might also cite his view in Fed-

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eralist Number 78 that "the execution of the laws, and the employment of the common strength, either for this purpose or for the common defense, seem to comprise all the functions of the executive magistrate."[16] Hamilton's great argument under the name of "Pacificus" in defense of Washington's Neutrality Proclamation of 1793 was grounded on the belief that the Constitution gives the President, as part of the executive power, a general power of transaction affairs with other countries.[17] Hamilton's major antagonist on the issue of the nature of executive power was his collaborator in the writing of the Federalist numbers, James Madison. Writing as "Helvidius," Madison responded to Hamilton-Pacificus, denying that the war and treaty powers were executive in nature and arguing that the executive power was concerned with the execution of the laws.[18] Madison appears to have taken a similar position very early in the deliberations of the Constitutional Convention, when he indicated his agreement with the views expressed on the subject of the President's powers by James Wilson. The only powers which Wilson considered "strictly executive" were those of executing the laws and appointing officers not appointed by the legislature.[19]

Madison was driven to reply to Hamilton's "Pacificus" articles by Jefferson's urgent entreaty. "For God's sake, my dear sir," Jefferson wrote his friend, "take up your pen, select the most striking heresies and cut him to pieces in the face of the public."[20] Well might Jefferson have been concerned. If the broad grant of executive power given the President by the Constitution includes power over military and, more generally, foreign affairs, as Hamilton maintained then the President's authority in this realm is not confined to the enumerated powers in Article II and, on the other hand, Congress's authority there is confined to the enumerated powers in Article I. That is to say, Congress in the military and foreign realm possesses the power to declare war and the Senate the power to approve treaties and diplomatic appointments, and nothing else; and these powers, being exceptions to the general executive power reposed in the President, are to be strictly construed. On the other hand, if, as Madison maintained, the broad grant of executive power given the President does not include power over military and international matters, then the President's authority in this realm is limited to the enumerated powers in the Article. The only explicit powers are those of making treaties and receiving ambassadors, and his designation as commander in chief of the army and navy.

It should be noted that Madison's view of the President's war power is not a narrow one. With the commander-in-chief clause apparently in mind, he had this to say about its scope in one of his Helvidius pieces: "In war, a physical force is to be created; and it is the executive will, which is to direct it. In war, the public treasures are to be unlocked; and it is the executive hand which is to dispense them. In war, the honors and emoluments of office are to be multiplied; and it is the executive patronage under which they are to be enjoyed."[21] He stated in the Constitutional Convention that the executive "would necessarily derive so much power and importance from a state of war that he might be tempted, if authorized, to impede a treaty of peace," and so attempted to exclude him from participation in such treaties.[22] And in the Virginia ratifying convention, he assured his fellow delegates that the Constitutional Convention had maintained the maxim "that the sword and the purse ought not to be put in the same hands."[23]

Even so, Madison's view of the scope of the executive power cannot be sustained. Does he regard the commander-in-chief power as executive in nature? If so, then the general grant of executive power conveyed in the vesting clause (and which Madison believed was conveyed in that clause) must include the power of war and foreign relations. If not, then what kind of power could it possibly be? Further, consider his concession that "the executive may be a convenient organ of preliminary communications with foreign governments, on the subjects of treaty or war."[24] Upon what is this convenience based? What of the various other transactions which the United States must have with foreign governments? They, too, seem to come conveniently, or naturally, within the domain of the President, and yet no explicit power is given to him by the Constitution. And what about the Presidential oath? The words "preserve, protect, and defend" in the oath must have had special meaning to Madison, for he co-sponsored the amendment which added them there.[25] Does the sweep of these words contemplate nothing more than a chief executive who makes treaties and receives ambassadors and a commander in chief who directs the physical force of the nation, as important as these powers may be? Do they not call to mind someone who will be much concerned with "the collective interest and security?"—an expression which Madison himself, incidentally, used at one point in the Convention to describe the power of the executive.[26]

The fact is that Madison did not consistently sustain his own position, expressed in the early Convention deliberations as Helvidius, regarding the nature of executive power; nor that expressed as Helvidius regarding the scope of the power given the President by the Constitution. Nor did Wilson appear to have been more consistent. If the executive power consists of executing the laws and appointing to office, as he, along with Madison stated in the convention deliberations referred to, how could he speak as follows on the subject of the Senate's powers: "Besides their legislative powers, they possess three others, viz: trying impeachments, *concurring in making treaties*, and in appointing officers"?[27] Note also Wilson's observation that the government established by the Constitution "secured all the internal advantages of a republic, at the same time that it maintained the external dignity and force of a monarchy."[28] Clearly, Madison and Wilson found it easier to expel war and foreign affairs from the domain of executive power than to keep them out. Their difficulty, we may suggest, lay in the fact that war and foreign affairs are from a theoretical point of view most reasonably explained as being executive, or akin to executive, in nature; and from a practical point of view most reasonably entrusted, in major part at least, to the President.

There is considerable evidence that the Framers generally were inclined to view the powers of war and foreign affairs as executive. They did not, by and large, object to having the President possess these powers but only to his possessing them without limitation. They were anxious that he not be enabled to launch a war, although they did want him to be able to act in an emergency; and they wished to prevent him from making treaties, especially treaties of peace, on his own authority.

The question of the President's powers arose in the first days of the Constitutional Convention. One of the Virginia Resolutions stipulated that the executive under the Constitution would "possess the executive powers of Congress" under the Confederation (there being no executive branch under that government). Charles Pinckney said he was for a "vigorous executive but was afraid the executive powers of the existing Congress might extend to peace and war, etc.," and John Rutledge plainly objected that "he was not for giving him [the executive] the power of war and peace."[29] By the power of war and peace, as the context makes clear, was meant that of "launching" war and "concluding" peace. The same meaning was usually conveyed in the Convention debates by the expression "make" war and peace, used in the sense of making a law or making a treaty.[30] The point needs some emphasis inasmuch as the use of the term "make" war in the Constitutional Convention is sometimes misunderstood to mean "wage" war. In order to meet these objections, the delegates amended the resolution to provide that the power of the yet-to-be-organized executive would be "to carry into effect the national laws" and "to appoint to offices in cases not otherwise provided for."[31] But the delegates could not have seriously meant so to limit the powers that could be given the President. Certainly the resolution was never invoked for that purpose, despite occasions on which it might have been, and it quietly passed from view after being referred with other matters to the Committee of Detail in late July. While it was still in existence and before any of the President's powers had yet been decided upon, Gouverneur Morris casually remarked, as though it were self-evident, that the President would be "in possession of the sword."[32]

The question of the President's war power came up again in the Convention, indirectly, in the August debate as to whether Congress' control over war should be expressed as empowering it to "make" war or "declare" war.[33] What the delegates wanted was to give the legislature the power to bring on or establish war (they also debated as to who should be given the power to "make" peace), but some of them saw important nuances of meaning between "make" and "declare." Madison and Elbridge Gerry, for example, feared that power in the legislative branch to "make" war might leave none in the executive branch "to repel sudden attacks," whereas a power to "declare" war would leave the President able to act in an emergency. Roger Sherman, on the other hand, believed the President could still repel attacks under a Congressional power to "make" war, and he feared that a legislative power to "declare" war would imply an executive one to "commence" war. Whatever effect the decision to give Congress the power to "declare" rather than "make" war has had, delegates to the Constitutional Convention thought it would draw less of the war power from the executive reservoir.[34]

The broad war and foreign relations powers of the President were also recognized in the legislation enacted by the First Congress, which, containing many of the Framers, has been called a continuing Constitutional Convention. The act establishing the Treasury Department, concerning whose business the President was given no authority by the Constitution, delegated the duties of the Secretary to him; but the acts establishing the Foreign Affairs and War Departments stated, in identical language that the Secretary would "perform and execute such duties as shall, from time to time, be enjoyed on or entrusted to him by the President."[35] Incidentally, when the same Congress changed the name of the Foreign Affairs Department to that of the Department of State, in order that it might assume certain domestic responsibilities, it did not hesitate to specify the added duties of the Secretary.

Even Jefferson, who professed no love for a very energetic government, shared the broad view of the executive power. In fact, his remarks on the subject sound Hamiltonian. In September, 1789, he wrote Madison as follows: "We have already given in example, one effectual check to the dog of war, by *transferring* the power of declaring war from the

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Footnotes at end of article.

executive to the legislative, from those who are to spend, to those who are to pay."[36] In an opinion he prepared in his capacity as Secretary of State he declared: "The transaction of business with foreign nations is *executive altogether*. It belongs, then, to the head of that Department [that is, branch], except as to such portions of it as are especially submitted to the Senate. *Exceptions are to be construed strictly*."[37] In writing the American ambassador to France in 1793, he commenced that "the executive [is] charged with the direction of the military force of the Union, and the conduct of its affairs with foreign nations."[38] Finally, if further proof is needed, Secretary of State Jefferson, also in 1793, informed Citizen Genêt that the President, "being the only channel of communication between this country and foreign nations, it is from him alone that foreign nations or their agents are to learn what is or has been the will of the nation."[39]

We may summarize as follows: The Constitution gives the President broad power in the realm of war and foreign relations; and this power appears to be conveyed not only through specific grants in Article II but also and more fully through a general grant of power contained in the vesting clause of the Article. If this last is true, and, as we have pointed out, the evidence is not undisputed, then Congress' power to declare war and the Senate's power to ratify treaties are exceptions to the general grant. As exceptions, they are to be strictly construed; what was not expressly taken from the President remains with him.

In our concern with the executive powers of the President, we should not overlook the legislative powers of Congress. The legislative branch possesses formidable powers of its own—not just slices from the executive stock—which give it extensive direction over the conduct of war and foreign affairs by the President. The most significant powers dealing directly with these subjects authorize Congress "to provide for the common defense," "raise and support armies," and "provide and maintain a navy."[40] In addition, Congress has received from the Constitution powers primarily of a non-military character which have an important bearing upon military matters. The stipulation that all money drawn from the Treasury be under appropriation acts reinforces the powers just cited, and the power to regulate commerce with foreign nations furnishes a basis for legislative direction of some aspects of foreign policy, as well as the conduct of hostilities at sea.[11] Finally, the so-called sweeping clause of the Constitution gives Congress broad authority to carry into execution by legislation the President's powers over military and foreign affairs.[42] Thus, despite all the President's authority in military and foreign affairs, Congress, as Story has said, has "a controlling influence over the executive power, since it holds at its command all the resources by which a chief magistrate could make himself formidable. It possesses the power over the purse of the nation, and the property of the people. It can grant, or withhold supplies; it can levy, or withdraw taxes; it can unnerve the power of the sword by striking down the arm which wields it."[43]

CONCLUSION

We may summarize our argument as follows: The Constitution grants the President broad war-making powers. This judgment is supported by express provisions of the executive article, including the Presidential oath. It appears also to be supported by the vesting clause of the article. The vesting clause, we have argued, conveys general executive power to the President, and this power includes not only that of executing the laws but that of war and foreign affairs as a whole. This general power is both illustrated and qualified in the enumeration of powers in the executive article, and qualified by the delegation of certain executive functions to Congress. With respect to the war power, Congress was given authority to declare war and, through the Senate's participation in treaties, to conclude peace.

Our interpretation of the nature of executive power is that made by the writers on government from whom the principle of separation of powers was derived. Our interpretation of the executive power vested by the Constitution in the President best comports with the terms of the document and the necessities of government. There is considerable evidence to support both interpretations in the deliberations of the Constitutional Convention and in other views expressed and actions taken by members of the founding generation, although the evidence is not uncontroverted. Some persons at the time of the formation of the government appear to have been uncertain with respect to the exact nature and scope of the President's executive power; some expressed the belief that the executive power was limited basically to the execution of the laws (with the supervisory power over executive personnel that this implied), although they also tended to express views supporting our broader interpretation as well; and some appear to have believed that the executive power extended to all of the war power except that of launching war and making peace, which they considered to be legislative powers. The weight of the evidence supports the position we have argued.

However great, the President's war power is limited. If he employs the force of the community, it is the legislative branch which, as Locke tells us, "has a right to direct how the force of the community shall be employed."[44] The President is in possession of the sword but it is one which Congress has selected and whose condition it ensures; he wields the weapon but, unless attacked, when and against whom it directs. And yet Congress, as Locke also tells us, is much less capable of directing the President's actions in the military and foreign domain than when he acts in his ordinary executive capacity. Such actions "must be left in great part to the prudence of those who have this power committed to them to be managed by the best of their skill for the advantage of the commonwealth."[45] Indeed, without denying Congress's ultimate Constitutional control over the war power, are there not circumstances when the President might be justified in acting outside of the law? What if "a strict and rigid observation of the laws may do harm, as not to pull down an innocent man's house to stop the fire when the next to it is burning?"[46] But we need not borrow from Locke for our authority: Does not the Constitution, contemplating its own preservation, oblige the President to preserve and protect and defend it?

FOOTNOTES

[1] Art. I, sec. 2, para. 1.

[2] The quotation is from Edward S. Corwin, *The President; Office and Powers* (New York: New York University Press, 1948), p. 276, but many others have said substantially the same thing. For a recent example, see Joseph E. Kallenbach, *The American Chief Executive* (New York: Harper & Row, 1966), p. 526.

[3] Alexander Hamilton, John Jay, and James Madison, *The Federalist* (New York: Modern Library, 1937), p. 448.

[4] *Ibid.*, p. 482.

[5] Art. II, sec. 1, para. 9.

[6] Art. VI, para. 3.

[7] Art. II, sec. 3 and sec. 1, para. 1, respectively.

[8] Jonathan Elliot, ed., *The Debates in the Several State Conventions on the Adoption of the Federal Constitution,* 2nd ed. (Washington: Jonathan Elliot, 1836), vol. II, p. 474. See also Federalist No. 70, *op. cit.*, pp. 454–63.

[9] Art. II, sec. 1, para. 1.

[10] Art. I, sec. 1, para. 1.

[11] No. 74, *op. cit.*, p. 482.

[12] See Charles C. Thach, *The Creation of the Presidency, 1775–1789* (Baltimore: The Johns Hopkins Press, 1922), ch. VI, "The Removal Debate," pp. 140–165.

[13] John Locke, *Two Treatises on Civil Government,* Book II, secs. 144–48.

[14] Montesquieu, *The Spirit of the Laws,* Book XI, esp. ch. 6.

[15] William Blackstone, *Commentaries on the Laws of England,* vol. I, pp. 252–58.

[16] *Op.cit.*, p. 486. Compare this language with Locke's reference to the power "of employing the force of the community in the execution of such laws, and in the defense of the commonwealth from foreign injury." (*Op.cit.*, Book II, ch. 1, sec. 3).

[17] Alexander Hamilton, "Pacificus," in *Works,* ed. by Henry Cabot Lodge (Putnam's Sons, 1940), col. IV, pp. 432–89.

[18] James Madison, "Letters of Helvidius," in *Writings,* ed. by Gaillard Hunt (New York: G. P. Putnam's Sons, 1904), vol. VI, pp. 143–82.

[19] Max Farrand, ed., *Records of the Federal Convention of 1787;* rev. ed. (New Haven: Yale University Press, 1937) vol. I, pp. 65–67, June 1 (Madison's notes); p. 70, June 1 (King's notes).

[20] Madison, *op.cit.*, vol. VI, p. 138 n.

[21] "Letters of Helividius," No. IV, *op.cit.*, p. 174.

[22] Farrand, *op.cit.*, vol. II, Sept. 7, p. 540 (Madison's notes).

[23] Elliot, *op.cit.*, vol. III, p. 367.

[24] "Letters of Helvidius," No. I, p. 146.

[25] Farrand, *op.cit.*, vol. II, Aug. 27, p. 427 (Madison's notes).

[26] *Ibid.*, July 17, p. 34 (Madison's notes).

[27] Elliot, *op.cit.*, vol. II, p. 474. Emphasis supplied. This place in the Pennsylvania ratifying convention, but see also his comments in the Constitutional Convention in Farrand, *op.cit.*, vol. II, Sept. 6, p. 523 (Madison's notes).

[28] Farrand, *op.cit.*, vol. III, p. 139.

[29] Farrand, *op. cit.*, vol. I, June 1, pp. 64–65 (Madison's notes).

[30] See, for example, *ibid.*, vol. I, pp. 73–74 ("making peace and war"); vol. II, p. 318 ("It would be singular for one authority to make war, and another peace"), p. 319 ("there is a material difference between the cases of making *war*, and making *peace*"); vol. III, p. 405 (the power "of making war, was divided between the Senate and the House of Representatives"—not from the debates but from a letter by Morris).

[31] *Ibid.*, June 1, p. 65 (Madison's notes).

[32] Ibid., vol. II, July 24, p. 105 (Madison's notes). Morris later in the Convention referred to the President as "the general guardian of the national interests." (*Ibid.*, Sept. 7, p. 541 [Madison's notes]).

[33] *Ibid.*, vol. II, August 17, pp. 318–19 (Madison's notes).

[34] Although not directly relevant to our discussion, it should be mentioned that some delegates also shared Rufus King's concern "that *'make'* war might be understood to [mean] 'conduct' it, which was an executive function." (*Ibid.*, p. 319).

[35] Laws of the United States, vol. II, secs. 6, 32, 48.

[36] Letter to James Madison, Sept. 6, 1789, in Thomas Jefferson, *Writings,* ed. by Andrew A. Lipscomb and Albert E. Bergh (Washington: The Thomas Jefferson Memorial Assn., 1903), vol. VII, p. 461. Emphasis supplied.

[37] "Opinion," Apr. 24, 1970, *ibid.*, vol. III, p. 16. Emphasis supplied.

[38] Letter to Gouverneur Morris, Aug. 16, 1793, *ibid.*, vol. IX, p. 195.

[39] Letter to Edmond C. Genêt, Nov. 22, 1793, *ibid.*, p. 256.

[40] Art. I, sec. 8. Other grants in this section authorize Congress "to define and punish piracies and felonies committed on the high seas, and offences against the law of nations"; "make rules for the government and regulation of the land and naval forces";

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"provide for calling forth the militia to execute the laws of the union, suppress insurrections, and repel invasions"; "provide for organizing, arming, and disciplining the militia, and for governing such parts of them as may be employed in the service of the United States"; and "exercise exclusive legislation in all cases whatsoever . . . over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings." The Fourth Amendment indirectly grants power to Congress: "No soldier shall, in time of peace be quartered in any house without the consent of the owner, nor in time of war, but in a manner to be prescribed by law." And the habeas corpus provision of Art. I, sec. 9, in a negative way gives power either to Congress or the President, or to both: "The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it."

[41] Art. I, secs. 9 and 8, respectively.

[42] Art. I, sec. 8.

[43] Joseph Story,*Commentaries on the Constitution of the United States* (Boston: Little, Brown, 1858), vol. I, p. 372.

[44] Locke, *op. cit.*, Bk II, sec. 143.

[45] *Ibid.*, sec. 147.

[46] *Ibid.*, sec. 159.

AMENDMENT NO. 687

Mr. SPONG. Mr. President, the question of congressional prerogatives in the area of foreign affairs and war is not a new one. It goes back to the framing of the Constitution. Its more modern manifestations date from the lend-lease program of 1941. It is, I believe, regrettable that it has taken a crisis to bring the question into the spotlight and demand action upon it. But the failure to resolve the question previously has done just that.

While the Senators and Representatives who voted for the Tonkin Gulf resolution certainly did not intend to vote for a major war of indeterminate duration, the language of that resolution is clear: I quote:

> (T)he United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.

Three conditions are imposed under the resolution: First, the President must decide that force is necessary, second, the force must be used in a SEATO member or protocol state, and third, the state in which the force is used must have requested U.S. assistance.

These three conditions have been met in Southeast Asia—first in Vietnam, later in Cambodia. Even without the resolution, the President has maintained, with I believe some legal basis, that he has had authority to undertake the actions which he has ordered. In addition to this, the realities of the military situation led to the conclusion that the area of Cambodia entered by U.S. troops had for some time been a theater of war, a sanctuary for enemy troops operating in South Vietnam.

Accordingly, it was the President's prerogative as Commander in Chief to go in. One of the sponsors of the Cooper-Church amendment, Senator CHURCH, has stated that neither he nor Senator COOPER have based sponsorship of their amendment on the belief that the President acted illegally or exceeded his authority under the Constitution.

Consequently, it is policy—future policy concerning Cambodia—with which the Senate should now concern itself. The Senate, regardless of the dim prospects for agreement with the House, should express itself and attempt to participate in the formulation of our future policy in Cambodia. The Cooper-Church amendment seeks to do this. It might be viewed as an attempt to redefine the theater of the war, not to determine how to conduct the war within an authorized theater. I believe a majority of the Senate wishes to join an expression against the use of U.S. forces in Cambodia in support of Cambodian troops or in support of any Cambodian Government. I know a majority of the Senate share my fear of a widening land war in Asia involving U.S. troops. What I believe the Senate should do is state a clear caveat against this in a manner that does not impinge upon the President's authority as Commander in Chief, and is consistent with its own constitutional prerogatives, including the appropriation of funds.

Certainly I do not want to endanger further a single U.S. serviceman who is in Southeast Asia, nor do I wish to be a party to anything that could delay the announced disengagement of our troops from South Vietnam. On the other hand, I do not believe the Senate wishes to grant broader powers in Cambodia to the President as Commander in Chief without his having to consult with Congress prior to entering a new theater of war.

The Senator from West Virginia (Mr. BYRD) seeks to guarantee the protection of our troops in South Vietnam and to facilitate the withdrawal of U.S. forces from South Vietnam by modifying the Cooper-Church amendment as follows:

> Except that the foregoing provisions of this clause shall not preclude the President from taking such action as may be necessary to protect the lives of United States forces in South Vietnam, or to facilitate the withdrawal of United States forces from South Vietnam.

Or, the Senator from West Virginia seeks to modify the language as follows. I ask unanimous consent to have this language, as previously submitted by the Senator, printed at this point in the RECORD.

There being no objection, the modification of amendment No. 667 was ordered to be printed in the RECORD, as follows:

> On page 5, line 7, before the semicolon insert a comma and the following: "except that the foregoing provisions of this clause shall not preclude the President from taking only such action as is necessary, in the exercise of his constitutional powers and duties as Commander in Chief, to protect the lives of United States forces in South Vietnam or to facilitate the withdrawal of United States forces from South Vietnam; and the President is requested to consult with Congressional leaders prior to using any United States forces in Cambodia if, as Commander in Chief, he determines that the use of such forces is necessary to protect the lives of United States forces in South Vietnam or to facilitate the withdrawal of United States forces from South Vietnam;"

Mr. SPONG. I believe this language, which has a commendable purpose, could be subject to a broad interpretation, an interpretation that would allow the President to widen the conflict beyond the theater of war along the South Vietnamese-Cambodian border. It is also subject to interpretation that would sanction the use of U.S. forces in Cambodia in support of Cambodian forces anywhere in Cambodia, despite the stated opposition of its sponsor, Senator BYRD, to such policy at this time.

AMENDMENT NO. 687

In the belief that the Cooper-Church language would not be damaged if we spell out the authority we presently understand the President to have as Commander in Chief and if we redefine the theater of operations, I propose the following language. I do so mindful of the parliamentary situation, which, in the absence of unanimous consent, would require that the Byrd amendment be voted upon first. Also, I offer the language with the knowledge that it is difficult to spell out the specifics of the President's present independent authority as Commander in Chief. The language is as follows:

> Except that the foregoing provisions of this clause shall not prevent the President from taking action along the Cambodian border with South Vietnam to forestall enemy attacks from that area into South Vietnam, to repel such attacks once they are in progress, and to engage enemy forces fleeing from South Vietnam into that area of Cambodia, if the President as commander-in-chief concludes that such action is essential to the protection of United States troops in South Vietnam and to their withdrawal from that country.

As has been stated in the debate, we are operating in a gray area in determining senatorial and presidential constitutional prerogatives. This makes it necessary that the Senate define its position as clearly as possible.

Mr. President, I send this amendment to the desk.

The PRESIDING OFFICER (Mr. CRANSTON). Without objection, the amendment will be received and printed and will lie on the table.

Mr. BYRD of West Virginia. Mr. President, what is the pending question before the Senate?

The PRESIDING OFFICER. The pending question is the adoption of the amendment of the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, for the record, may I say that it is my present intention to submit anew tomorrow the unanimous-consent request which I made today and to which there has been objection.

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following additional routine business was transacted:

ADDITIONAL COSPONSOR OF A BILL

S. 364

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the next printing, the name of the

Senator from Washington (Mr. JACKSON) be added as a cosponsor of S. 364, the Uniform Services Retirement Pay Equalization Act.

The PRESIDING OFFICER (Mr. CRANSTON). Without objection, it is so ordered.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT—AMENDMENT

AMENDMENT NO. 687

Mr. SPONG submitted an amendment, intended to be proposed by him, to the bill—H.R. 15628—to amend the Foreign Military Sales Act, which was ordered to lie on the table and to be printed.

(The remarks of Mr. SPONG when he submitted the amendment appear later in the RECORD under the appropriate heading.)

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 674

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Colorado (Mr. ALLOTT), I ask unanimous consent that, at the next printing, the name of the Senator from West Virginia (Mr. RANDOLPH) be added as a cosponsor of amendment No. 674 to S. 3112, to require an investigation and study, including research, into possible uses of solid wastes resulting from mining and processing coal.

The PRESIDING OFFICER (Mr. CRANSTON). Without objection, it is so ordered.

RECESS UNTIL 11 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 11 o'clock tomorrow morning.

The motion was agreed to; and (at 7 o'clock and 55 minutes p.m.) the Senate took a recess until tomorrow, Thursday, June 11, 1970, at 11 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, June 10, 1970*

The House met at 12 o'clock noon.

Rev. Jack Vibbert, First Methodist Church, Greensburg, Ky., offered the following prayer:

Almighty God, our Father, we praise Thee for the dawn of this new day which has come from the breath of Thy divine love. In the midst of life's feverish ways, lead our steps and help us not to falter in our search to find peace and unity, which come to those led by Thy merciful hand.

Through our waiting hours direct us in Thy wisdom; may we be free from spiritual and intellectual neglect, ever mindful that our place may be fulfilled only with stout hearts and deep convictions. Work strong in us, O God, and guide us in all our labors; and should disappointment come, grant that it minister to our greater strength. Help us to realize that what we do will always be determined by what we are.

Let us continue the day in Thee—

"To lean our arms awhile
Upon the window-sill of heaven,
And gaze upon the Lord,
Then, with vision in our hearts,
Turn strong to meet the task."

In the name of Christ. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

EULOGIES TO THE LATE HONORABLE GLENARD P. LIPSCOMB, OF CALIFORNIA, AND JAMES B. UTT, OF CALIFORNIA

Mr. FRIEDEL. Mr. Speaker, I am calling to the attention of the House membership that the closing date for eulogies to the late Congressmen Glenard P. Lipscomb, of California, and James B. Utt, of California, has been set for Friday, June 19, 1970. This has been set as the cutoff date for all insertions that will make up the compendiums of eulogy to these two Members of Congress who, but for their untimely passing, would now be serving in the 91st Congress.

PLANS FOR FLAG DAY CELEBRATION

(Mr. BROOKS asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. BROOKS. Mr. Speaker, as chairman of the Flag Day Committee, I have the honor to report that your committee met Monday and plans are going forward for the ceremony honoring our flag at noon next Monday, June 15.

With the able assistance of the members of your committee, we have made arrangements for the Naval Air Training Command Flag Pageant, band, and choir, to take part in the program. The pageant is most informative and inspirational and we feel it will be a worthy highlight to the ceremony. Invitations to join us, as our special honored guests, have been extended to the Joint Chiefs of Staff and the Commandant of the Coast Guard.

I urge my fellow Members to join with us next Monday in this tribute to our national emblem. This will be a particularly timely expression of our allegiance and an appropriate show of our national unity.

APPOINTMENT OF CONFEREES ON H.R. 12858, DISPOSITION OF FUNDS AWARDED TO TLINGIT AND HAIDA INDIANS, ALASKA

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 12858) to provide for the disposition of certain funds awarded to the Tlingit and Haida Indians of Alaska by a judgment entered by the Court of Claims against the United States, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Colorado? The Chair hears none, and appoints the following conferees: Messrs. HALEY, EDMONDSON, TAYLOR, SAYLOR, and BERRY.

PROVIDING FUNDS FOR SELECT COMMITTEE CREATED BY HOUSE RESOLUTION 976

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91–1173) on the resolution (H. Res. 1071) to provide funds for the select committee created by House Resolution 976, and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. RES. 1071

Resolved, That effective June 8, 1970, the expenses of conducting the studies and investigations authorized by H. Res. 976, Ninety-first Congress, incurred by the select committee to investigate current aspects of the United States involvement in Southeast Asia, not to exceed $50,000, including expenditures for the employment of clerks, experts, consultants, technicians, and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House, on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration.

SEC. 2. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

With the following committee amendment:

On page 1, line 5, strike out "$50,000," and substitute in lieu thereof "$30,000,".

The committee amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

THOSE OF US IN THE MIDDLE

(Mr. KOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOCH. Mr. Speaker, last night a bomb exploded at police headquarters in New York City. At least four persons were reported to have been injured. Fortunately, no one was killed. The aimless, senseless violence rocking and shocking our country must not be tolerated.

Those who say they are opposed to the inequities in our society and then seek to right them by the use of violence in fact wrong every one of us. Hurling epithets at policemen and firemen and degrading them by calling them pigs is part of the dehumanizing process that gives the bombthrower his criminal license to kill. No one can question that wrongs have been committed upon fellow citizens by individual policemen and in such cases those guilty of violating the law must be held accountable for their acts even where they wear an official uniform. Similarly citizens who burn, snipe, and exhort others to violence on the campuses or in the streets must be held accountable and punished.

We who believe in the democratic process, who believe it is that process which permits us to reform our society and remove the many inequities that exist, cannot—indeed must not—stand silently by while the militants on the left and the right seek to destroy this country.

Violence in this country no matter how described and in support of whatever goal must never be condoned. Those of us in the middle have a duty to speak out, express our condemnation, and act accordingly.

PERSONAL ANNOUNCEMENT

Mr. DULSKI. Mr. Speaker, on Monday, June 8, I was in Buffalo on official business. Had I been present, I would have voted "nay" on rollcalls Nos. 154, 155, 156, and 157. Earlier I missed rollcall No. 149. Had I been present, I would have voted "aye" on rollcall No. 149.

NEED FOR ACTION ON EMERGENCY HOME FINANCE ACT

(Mr. WIDNALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WIDNALL. Mr. Speaker, 55 days have now elapsed since the other body enacted the Emergency Home Finance Act—S. 3685—by a unanimous vote of 72 to 0. Forty-five of those days were consumed first in attempting to induce the chairman of the Banking and Currency Committee to hold a meeting to consider the bill and then in bickering over the proposed inclusion of highly controversial proposals of the ranking majority members.

Ten days have now elapsed since the committee resolved its differences and filed its report. Still we cannot get a rule to bring this badly needed emergency legislation to the floor for a mere 3 hours of debate.

This bill has the support of the administration—the unanimous backing of the other body, the prayers of the housing industry and the hopes of thousands of homeless Americans.

How do we impress on the majority leadership of this body the great need for action?

IMMEDIATE ACTION REQUIRED FOR HOME CONSTRUCTION

(Mr. WYLIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYLIE. Mr. Speaker, I would like to associate myself with the remarks of the gentleman from New Jersey, Mr. WIDNALL. The housing situation in our country today has reached the critical stage.

The demand for better housing for our middle-income and low-income families is now at the highest level since the period immediately after World War II. Furthermore, this demand promises to grow rapidly over the next few years.

Yet, the unhappy fact is that we are not even meeting our current housing needs, let alone making any progress toward providing for our future requirements.

This decline in housing production has seriously hurt the well-being of our people and the health of our vital homebuilding industry. Both have suffered primarily because of one reason—the scarcity of mortgage credit.

I believe it is obvious that the national interest urgently requires immediate action to achieve a turnaround in home construction. And I believe it is equally obvious that the surest way to accomplish this—to get housing starts moving up again—is by generating additional housing credit by passing immediately the Emergency Home Finance Act.

FIVE SUB-4-MINUTE MILERS AT THE UNIVERSITY OF OREGON

(Mr. DELLENBACK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELLENBACK. Mr. Speaker, on the balmy evening of June 5, 1970, in Eugene, Oreg., the University of Oregon held its annual "Twilight Track Meet." Eighty-four hundred people came to watch the meet held in perfect weather conditions at Eugene, a city called by many the "track capital of the world."

One of the highlights of the meet was the mile run. Eight runners started this race and, almost unbelievable as it may seem, five of them ran the full mile in less than 4 minutes.

I would like to pay tribute to these five young men, four of them present or former students at the University of Oregon, who accomplished this extraordinary feat, and also to the University of Oregon's extraordinary coach, Bill Bowerman, who has coached more sub-4-minute milers than any other man in the world. A total of 10 University of Oregon runners have now run sub-4-minute miles.

I list the men in the order of their finish:

Runner	Time	Hometown
Roscoe Divine	3:56.3	Vancouver, Wash.
Steve Prefontaine	3:57.4	Coos Bay, Oreg.
Dave Wilborn	3:58.2	Albany, Oreg.
Norm Trerise	3:59.1	Vancouver, British Columbia.
Steve Savage	3:59.2	Florence, Oreg.

I take special personal pleasure in emphasizing that two of these athletes come from cities—Coos Bay and Florence—in Oregon's Fourth Congressional District.

EMERGENCY HOME FINANCE ACT PASSAGE IS URGENT

(Mr. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLACKBURN. Mr. Speaker, a widely circulated housing industry newsletter starts off this week's issue with this tale.

> In a Scandinavian folktale, a farm maid carries a large, full basket of eggs atop her head, toward market. She envisions selling them all, and investing and reinvesting the proceeds in an ever more glorious future. As she dreams, she trips.

The editor then draws the parallel between our great hopes for housing and the sorry results. He does not overlook the fact, nor will our constituents, that prompt passage of the Emergency Home Finance Act would be helpful and notes that we managed to vote $290 million for the SST last week.

Mr. Speaker, is the leadership of this body so lacking in perspective, that it cannot differentiate between legislation which will have an immediate beneficial effect on our citizens and that which will not. Is another week to be lost while we consider postal reform? It is admittedly important, admittedly urgent—but not so important or urgent that we cannot set it back a few hours to consider the Emergency Home Finance Act.

EMERGENCY HOME FINANCE ACT WILL BE STEP IN RIGHT DIRECTION

(Mr. WILLIAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILLIAMS. Mr. Speaker, I would like to urge prompt consideration of the Emergency Home Finance Act of 1970 which has already been approved by the other body without a dissenting vote.

This bill (H.R. 17495) which is now before the Rules Committee, is an emergency response to a national situation that is distressing to the housing industry and the American public. Many thousands of our families want and need to purchase their own homes, or rent better housing, but are prevented from so doing because of inflated costs and high interest rates.

We can do something about these high interest rates and the slowdown in home construction by passing this legislation now before us. While the bill is no panacea to the many ills of our homebuilding industry, it is clearly a step in the right directon.

I ask my colleagues to join me in giving their strong support to this legislation.

EMERGENCY HOUSING BILL

(Mr. HANNA asked and was given permission to address the House for 1 minute.)

Mr. HANNA. Mr. Speaker, as I listened to the presentations of my colleagues from the Committee on Banking and Currency this morning I would have been led to assume that they were trying to make it appear as if they did not have bipartisan support for the emergency housing bill which was before our committee or that they solely entertained concern for the housing industry. I am sure they did not mean to give that impression, and I am sure that they would agree that without the help of a substantial portion of the Democrats on that committee that bill would not have come from the Banking and Currency Committee.

As it now stands, the bill is before the Rules Committee, and the implications now are that there is no concern in the Rules Committee or that the leadership of this House is holding this particular legislation back. I believe the chairman of the Rules Committee would certainly give a different aspect to that situation than the one which has been drawn here this morning.

There are a number of emergencies in this land, of which the housing industry emergency is one. I am sure the Rules Committee is attempting to address itself to the emergencies brought before it as quickly, effectively and efficiently as it can. I would presume they will bring prompt and immediate attention to the housing industry legslation, and they have so assured me.

The chairman of the housing subcommittee, the gentleman from Pennsylvania (Mr. BARRETT) is giving his full efforts toward seeing that this House gets an early opportunity to vote on this legislation.

I hope the comments we heard this morning mean that we will have full support for that legislation on the opposition's side of the aisle, and I believe we can be assured we will have support on the Democratic side of the aisle, and this bill will become law promptly.

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SCHEDULING OF BILLS BEFORE THE COMMITTEE ON RULES

(Mr. COLMER asked and was given permission to address the House for 1 minute.)

Mr. COLMER. Mr. Speaker, I just came down from a committee meeting. I did not hear the speeches that were made down here a few minutes ago, but I did hear the gentleman from California (Mr. HANNA), and I assume from that that some charge has been made here against the Committee on Rules of holding up the housing bill. I just want to say in response to that that there has been no effort whatsoever on the part of the chairman of that committee or any member of that committee to withhold action on the housing bill. The committee has been trying to cooperate with the various members in getting matters before this House that have some emergency nature. I might say that I am just as much interested in getting the housing bill out as anyone in this Chamber is. I have spoken to the chairman of the Committee on Banking and Currency on two or three occasions about bringing this bill up. He told me that he had to be out of town part of this week and that he would be back Monday. We cannot consider everything at one time. This committee was in session all day yesterday and it will be in session all day today on the postal reform bill. We cannot comply with the requests or the desires of every individual Member of the House in programing these bills. We will get to it just as soon as we can.

EMERGENCY HOME FINANCE ACT

(Mr. HUNT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HUNT. Mr. Speaker, I do not think there is a Member in this House, or a citizen in any of our districts who would not agree that we need to control inflation. But there are a whole lot of people who are having to tighten their belts as we fight against it. One of the problems is that inflation hurts everyone but the fight against it has a much more severe impact on selected people.

It is nothing new to recognize that the housing market is hardest hit in times like these but it is certainly revealing to note the callousness of the majority toward legislation designed to relieve some of these selective problems.

The Emergency Home Finance Act is a uniquely different bill which would serve to relieve the problems of people who need housing now; the problems of unemployed carpenters, plumbers, bricklayers, and others; and do all this without fanning the fires of inflation.

Unless we pass this bill soon it will be too late to help before this year's building season is over. Delays in getting this bill to the floor are unconscionable.

PERMISSION FOR SUBCOMMITTEE ON HOUSING, COMMITTEE ON BANKING AND CURRENCY, TO SIT DURING GENERAL DEBATE TODAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Subcommittee on Housing of the Committee on Banking and Currency may sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

AMENDING WAR CLAIMS ACT OF 1948

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 4204) to amend section 6 of the War Claims Act of 1948 to include prisoners of war captured during the Vietnam conflict, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, line 23, strike out "$1" and insert "$2".

Page 3, line 23, strike out "$1.50" and insert "$3".

Page 4, line 7, strike out "$1.50" and insert "$3".

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

Mr. HALL. Mr. Speaker, reserving the right to object, I wonder if the distinguished chairman of the Committee on Interstate and Foreign Commerce would give the Members an explanation of this, before we allow it to go by unanimous consent, particularly as to whether the Senate amendments are germane in view of the House rules and what the additional cost would be.

Mr. STAGGERS. Mr. Speaker, will the gentleman yield?

Mr. HALL. I am glad to yield to the chairman.

Mr. STAGGERS. In trying to answer the gentleman, in taking the question of germaneness, they are germane. As you know, they apply to our prisoners of war. This will cost about a half a million dollars a year additional for those men who have been imprisoned by the enemy during wartime. That is the sort of thing it applies to. The fact is that when we passed the bill in this body we had just taken what had been carried through for many, many long years. The Senate thought, due to additional cost, that they should recognize this a bit more, and I can assure the gentleman it has not been changed by any amendments. We were in consultation with the minority, and we agreed this compromise was all right.

Mr. HALL. I appreciate the explanation of the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

Mr. SPRINGER. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I am happy to yield to the distinguished gentleman from Illinois.

Mr. SPRINGER. Mr. Speaker, I think this is good legislation and that it should be passed and that the unanimous-consent request is in order.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 11102, MEDICAL FACILITIES CONSTRUCTION AND MODERNIZATION AMENDMENTS OF 1970

Mr. STAGGERS. Mr. Speaker, I call up the conference report on the bill (H.R. 11102) to amend the provisions of the Public Health Service Act relating to the construction and modernization of hospitals and other medical facilities by providing separate authorizations of appropriations for new construction and for modernization of facilities, authorizing Federal guarantees of loans for such construction and modernization and Federal payment of part of the interest thereon, authorizing grants for modernization of emergency rooms of general hospitals, and extending and making other improvements in the program authorized by these provisions, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

Mr. GROSS. Mr. Speaker, reserving the right to object, I should like to ask the gentleman from West Virginia the same questions that the gentleman from Missouri (Mr. HALL) addressed to him with respect to the preceding bill. Are the amendments germane and did the conference boost the cost?

Mr. STAGGERS. Mr. Speaker, if the gentleman will yield; yes, I will say in reply to the gentleman from Iowa. However, we expect to explain these matters as we consider the conference report when we take it up for the consideration of the House.

Mr. GROSS. Then time will be taken by the gentleman from West Virginia to explain it?

Mr. STAGGERS. Yes.

Mr. GROSS. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 9, 1970, pp. 18960–18967, CONGRESSIONAL RECORD.)

Mr. STAGGERS. Mr. Speaker, the conference report before the House today provides a 3-year extension of the Hill-Burton hospital construction program, with a number of amendments designed to improve and strengthen the program. The conferees met on numerous occasions, and I come before you with the program which we unanimously recommend for your approval.

The House bill would have authorized a total in grants of $937 million over a 3-year period; the Senate bill provided a 5-year program, at a total cost of $3,305,000,000.

The conference substitute is a 3-year program authorizing a total of $1.202 million, plus whatever amounts are required for interest subsidies over that period.

In addition, the House bill would have established a program of guaranteed loans for public or private nonprofit health facility construction and modernization, with an interest subsidy payable only in the case of guaranteed loans for private nonprofit facilities. The House bill authorized $900 million in guaranteed loans over a 3-year period, whereas the Senate bill authorized $2.5 billion in guaranteed loans over a 5-year period, plus an additional $750 million in appropriations for direct loans for public facilities.

The conference substitute is a 3-year program of guaranteed loans, at a total of $500 million a year, which will cover both guaranteed loans with an interest subsidy for private nonprofit groups, and a program of direct loans from a revolving fund established with $30 million in initial capital for public facility construction, with the loans for public facilities being sold by the Secretary subject to an interest differential payment sufficient to recover the full principal amount of the loan to obtain capital for further public facility loans.

There has been a great deal of interest expressed in a feature of the Senate bill providing retroactive application of the loan guarantee program to cover projects on which construction or modernization was begun after January 1, 1968. The Senate bill authorized this type of retroactivity without restriction, subject to determination by the State agencies; however, the conferees learned that approximately 1,150 projects were potentially eligible for this retroactive guarantee, which would have been sufficient to use up the total authorization nationwide for several years, thereby in effect, severely restricting the availability of this program for future construction or modernization projects.

The conferees therefore agreed to a severely limited form of retroactivity, limited to a total of not more than two projects in any one State, and requiring that the State agency determine that unless refinancing is obtained through this new program, it will be impossible to complete construction or modernization of the project, or its continued operation after completion. The intent is not to provide operating funds, but rather to provide for those situations where the schedule of repayments of the loan principal, together with payments of interest annually are at such high levels that the project is no longer a feasible one unless refinancing is obtained under the more generous terms that will be available through this legislation.

One of the more difficult problems facing the conferees was the question of the method by which grant funds would be allotted among the States. This problem was debated at great length in our Subcommittee on Public Health and Safety, was extensively considered by our full committee during its executive session consideration of the bill, was the subject of floor amendments when the bill was considered in the House, was debated at considerable length during Senate committee consideration, and was the subject of floor amendments in the Senate.

The formula set out in the report before the House today is the same as that contained in the bill as initially passed by the House. Grant funds for modernization will be allotted according to a formula which takes into account population, per capita income, and need for modernization. This formula benefits the more urban States relatively more than it does the more rural States. Loan guarantees are to be allotted among the States according to this same type formula, thereby benefiting the urban States relatively more than the rural. Grant funds for new construction are to be allotted according to the traditional Hill-Burton formula which is based upon population and the square of a State's allotment percentage. This formula benefits the States having low per capita income relatively more than it does States having a higher per capita income, which, in general, are the more urban States.

In order to obtain agreement, however, the House conferees agreed to adding to the measure now under consideration, a requirement that the Secretary of Health, Education, and Welfare conduct a study of the operation of the existing construction grant formula, with recommendations to be made to the Congress on Monday, May 15, 1972, for the Congress to consider in connection with the necessary legislation providing for renewal of this program.

There are a number of other revisions contained in the conference report which in general reflect improvements that experience has shown to be necessary or desirable.

The bill authorizes a substantial increase in funds for construction of outpatient facilities, while requiring that adequate provision be made for hospital care for patients at these facilities who require hospitalization. Where these facilities are located in a rural or urban poverty area, the Federal share of construction costs for these facilities may be as much as 90 percent of these costs. In addition, a priority is given for construction of projects of this type.

Another provision in the Senate amendment which we agreed to, but with some modifications, was a proposal to prevent administratively imposed budgetary freezes, reduction, and rollbacks from applying to a number of health programs. The House conferees agreed to this provision, with the proviso that it is to be limited to funds appropriated for fiscal years ending before July 1, 1973, and applies only to programs under the Public Health Service Act, the mental retardation legislation, and the community mental health centers legislation.

Mr. Speaker, the conference on this legislation was somewhat more difficult than most conferences and it was necessary to have a number of meetings to resolve all the points in dispute. We feel that we have brought to the House a good bill, and we recommend the adoption of the conference report.

Mr. ALBERT. Mr. Speaker, will the distinguished gentleman from West Virginia yield?

Mr. STAGGERS. I yield to the distinguished majority leader.

Mr. ALBERT. Mr. Speaker, I should be remiss if I failed to take this opportunity prior to final congressional action on H.R. 11102, the Medical Facilities Construction and Modernization Amendments of 1970, to pay a few words of tribute to the chairman and members of the Committee on Interstate and Foreign Commerce for the outstanding job they have done in connection with this measure. H.R. 11102 is almost solely the product of the labors of our Committee on Interstate and Foreign Commerce. Legislation to extend and liberalize the Hill-Burton Act was introduced by the gentleman from Florida (Mr. ROGERS), and others, on February 18, 1969. Proposed hearings were delayed several times on request of the administration. When the administration finally did appear to present its views late in March it was able to offer only a few exceedingly broad and general suggestions as to proposed changes in the existing law. No draft bill or specific amendments were given the committee. In executive session, the administration's proposals were rejected in toto and H.R. 11102, a clean bill, was reported on May 20 embodying modifications in the hospital construction legislation developed by members of the committee and perfected in the give and take of the committee's deliberations. It passed the House on June 4, 1969, by a rollcall vote of 351 to 0.

President Nixon in his proposed budget for 1971 submitted to the Congress last January, recommended the termination of the Hill-Burton hospital construction program. I am delighted that the conferees have rejected the President's proposal. The conference report, as did the House-passed bill, provides for a 3-year extension of the Hill-Burton program. Wisely, the Congress recognizes that this program has been highly beneficial and successful. And by our actions today, we will be serving notice on the President that we expect it to be continued and funded at a level to assure its continued successful operation.

My congratulations once again to the gentleman from West Virginia (Mr. STAGGERS), and his colleagues on the Interstate and Foreign Commerce Committee for a job well done.

Mr. SPRINGER. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I am happy to yield to the distinguished ranking minority member of the committee.

Mr. SPRINGER. Mr. Speaker, a bill extending the authorities and authorizations for the Hill-Burton program was passed by the House last fall. It retained the traditional grant programs with which we are all familiar and which have been building hospitals for a quarter of a century. In addition there were new forms of assistance for nonprofit hospitals in the form of guaranteed loans with interest subsidies. The total package was to cost just under $900 million for the 3-year period.

Today we bring to you for consideration, and we hope approval, the results of a long, arduous and sharply divided conference with the other body. The differences between House and Senate versions of the bill were major. The money to be authorized in the Senate version was roughly three times that of our bill. Allocation formulas would have been changed and site acquisitions included had the Senate version prevailed.

The conference report embodies several compromises but we feel that the essential elements of the House bill have been preserved. The authorizations now come to $1.244 million which constitutes a major victory for our approach. The present formula for allocating funds to the States was retained from the House bill and after great travail is also retained in the conference-reported measure. Site acquisition is not included.

Public hospitals were not included as eligible applicants for loan guarantees or interest subsidies because of the municipal and Federal fiscal implications. Since the House bill was passed the Treasury and the Budget Bureau have worked with Senate staff and eventually found a way to minimize the dangers. An amendment to the bill by Senator DOMINICK included public hospitals and the machinery was devised to make it workable. It was necessary to revise these provisions further in the conference but when everyone was satisfied that loans could be made to public hospitals without jeopardizing bond issues the arrangement was agreed to and is included in the conference report.

A requirement in the Senate bill that all money appropriated for health programs of all sorts be spent within the year was considered a dangerous incursion into executive prerogatives by your conferees. In order to come back with a bill it was finally agreed to retain the requirement for three programs only. They are Hill-Burton, mental health, and mental retardation.

Most of the other provisions in the conference report are no more than modifications of things that were included in the House bill and the essential elements of which have not been tampered with.

I recommend that the House approve the conference report.

Mr. STAGGERS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DICKINSON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 378, nays 0, not voting 51, as follows:

[Roll No. 161]

YEAS—378

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Aspinall
Baring
Barrett
Beall, Md.
Belcher
Bell, Calif.
Bennett
Berry
Betts
Bevill
Biester
Bingham
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Brasco
Brinkley
Brock
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Burton, Utah
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Camp
Carey
Carter
Casey
Cederberg
Celler
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Cohelan
Collier
Collins
Colmer
Conable
Conte
Conyers
Corbett
Corman
Crane
Culver
Cunningham
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Dennis
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Eilberg
Erlenborn
Eshleman
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Fascell
Feighan
Findley
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Foreman
Fountain
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gettys
Giaimo
Gibbons
Gilbert
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harrington
Harsha
Harvey
Hastings
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Keith
King
Kleppe
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Langen
Latta
Lennon
Lloyd
Long, La.
Long, Md.
Lowenstein
Lujan
Lukens
McClory
McCloskey
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKneally
Macdonald, Mass.
MacGregor
Madden
Mahon
Mann
Marsh
Martin
Mathias
Matsunaga
May
Meeds
Melcher
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Morton
Mosher
Moss
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
Olsen
O'Neal, Ga.
O'Neill, Mass.
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Podell
Poff
Preyer, N.C.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rees
Reid, Ill.
Reifel
Rhodes
Riegle
Rivers
Roberts
Rodino
Roe
Rogers, Colo.
Rogers, Fla.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roybal
Ruppe
Ruth
Ryan
St Germain
Satterfield
Saylor
Schadeberg
Scherle
Schneebeli
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Stokes
Stubblefield
Sullivan
Symington
Taft
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Tunney
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watkins
Watson
Watts
Weicker
Whalen
Whalley
White
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wold
Wolff
Wright
Wylie
Wyman
Yates
Yatron
Young
Zablocki
Zion
Zwach

NAYS—0

NOT VOTING—51

Anderson, Tenn.
Ashbrook
Ayres
Biaggi
Brademas
Bray
Clay
Coughlin
Cowger
Cramer
Daddario
Dawson
Dent
Dowdy
Esch
Fish
Fisher
Fraser
Gaydos
Hansen, Wash.
Hathaway
Kirwan
Leggett
McCarthy
McMillan
Mailliard
Mayne
Meskill
Murphy, N.Y.
Ottinger
Passman
Patman
Pollock
Powell
Price, Ill.
Rarick
Reid, N.Y.
Reuss
Robison
Rooney, N.Y.
Roudebush
Sandman
Scheuer
Schwengel

XUM

Steiger, Wis.
Stephens
Stratton
Stuckey
Whitehurst
Wyatt
Wydler

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Biaggi with Mr. Reid of New York.
Mr. Dent with Mr. Coughlin.
Mr. Gaydos with Mr. Ayres.
Mr. Rooney of New York with Mr. Fish.
Mr. Leggett with Mr. Mailliard.
Mr. Stephens with Mr. Mayne.
Mr. Stratton with Mr. Pollock.
Mr. Daddario with Mr. Meskill.
Mr. Price of Illinois with Mr. Cramer.
Mr. Reuss with Mr. Esch.
Mr. Hathaway with Mr. Schwengel.
Mrs. Hansen of Washington with Mr. Cowger.
Mr. Dowdy with Mr. Bray.
Mr. Fisher with Mr. Ashbrook.
Mr. Patman with Mr. Robison.
Mr. Brademas with Mr. Roudebush.
Mr. Murphy of New York with Mr. Wydler.
Mr. Anderson of Tennessee with Mr. Steiger of Wisconsin.
Mr. Stuckey with Mr. Wyatt.
Mr. McMillan with Mr. Whitehurst.
Mr. Clay with Mr. Crane.
Mr. Scheuer with Mr. Rarick.
Mr. Kirwan with Mr. Powell.
Mr. Passman with Mr. Ottinger.
Mr. McCarthy with Mr. Dawson.
Mr. Dent with Coughlin.
Mr. Gaydos with Ayres.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

CLEAN AIR ACT AMENDMENTS OF 1970

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1069 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 1069

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17255) to amend the Clean Air Act to provide for a more effective program to improve the quality of the Nation's air. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Commerce now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, and all points of order against the provisions beginning on page 52, line 1 through page 53, line 4 of said committee substitute are hereby waived. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. MADDEN. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Tennessee (Mr. QUILLEN), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1069 provides an open rule with 2 hours of general debate for consideration of H.R. 17255, Clean Air Act Amendments of 1970. The resolution also provides that it shall be in order to consider the committee substitute as an original bill for the purpose of amendment and that all points of order are waived against the provisions beginning on page 52, through line 4 on page 53 of the committee substitute. Points of order are waived against the specific language on pages 52 and 53 because of the question of germaneness.

The purpose of H.R. 17255 is to speed up, expand, and intensify the war against air pollution.

The Secretary of Health, Education, and Welfare will be authorized and directed to establish nationwide air quality standards and the States will be left free to establish stricter standards, if they so desire. Thus, the war against air pollution will be carried on throughout the Nation rather than only in particular geographical areas.

Within 60 days after promulgation of national ambient air quality standards, the Governor of a State may file a letter of intent that the State will, within 180 days and after public hearings, adopt a plan for the implementation and enforcement of such standards, and the Secretary may extend the 180-day time period for good cause shown but not to exceed an additional 180 days.

I commend the committee for reporting this legislation to eliminate the disgraceful pollution of the air, especially in industrial urban centers. The Calumet region of Indiana is making slow progress on air pollution. Steel mills, oil refineries, and other air polluters will welcome both Federal and State unity to join with local governments to solve this gigantic air pollution menace that is endangering the health of millions of helpless citizens over the Nation.

The bill authorizes appropriations for fiscal year 1971 in the amount of $200 million, for fiscal year 1972 in the amount of $250 million, and for fiscal year 1973 in the amount of $325 million.

Mr. Speaker, I urge the adoption of House Resolution 1069.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Indiana (Mr. MADDEN) has ably stated House Resolution 1069 makes in order consideration of the Clean Air Act Amendments of 1970, under an open rule, 2 hours of debate, the committee substitute is made in order as an original bill for the purpose of amendment, and points of order are waived against that part of the committee amendment which includes all of page 52 and the first 4 lines of page 53 of the bill. This language, which amends the Federal Aviation Act, is nongermane.

The purpose of the bill is to speed up, expand, and intensify the war against air pollution in the United States. A thorough review of the Clean Air Act as presently administered indicates an intensification is necessary.

The bill authorizes the Secretary of Health, Education, and Welfare to establish nationwide air quality standards with the States left free to establish even stricter standards in their own boundaries. No standards may be less vigorous than Federal standards. For the five pollutants which the Secretary already has established criteria—sulfur oxides, particulate matter, carbon monoxide, hydrocarbons, and photochemical oxidants—national standards would be issued within 30 days after the date of enactment. With respect to other pollutants, standards would be proposed within 30 days after the criteria has been established.

Each State must file a letter of intent, that the State will within 180 days adopt a plan to implement and enforce the standards. If a State fails to file a letter or implement the plan in 180 days, the Secretary himself may institute an acceptable plan. The bill authorizes the Secretary to test or require to be tested in a manner he deems appropriate any new motor vehicle or engine as it comes off the assembly line in order to determine whether the vehicle or engine conforms with national standards, already adopted. Further, he is authorized to establish limitations on ingredients of fuels in motor vehicles when he deems it necessary. The Secretary is given similar authority for air pollutants in aircraft and aircraft engines. Under present law, the Secretary does not have such authority. The bill authorizes appropriations for fiscal year 1971 of approximately $200 million; 1972, $250 million; 1973, $325 million. Of these amounts, $75 million for 1971, $100 million for 1972, and $125 million for 1973 are earmarked for research relating to controlling pollution resulting from the combustion of fuels in vehicle and aircraft engines.

There are no agency reports.

Mr. Speaker, I recently introduced a package of seven bills on air and water pollution control, a description of which I outline here.

H.R. 16024 amends the Land and Conservation Fund Act of 1965 to authorize the sale of surplus Federal real property to any State, county, municipality, or other political subdivision to be used as a public park or recreation area. Moreover, and moneys realized from these sales in excess of $54,700,000 a year will be placed in the land and water conservation fund which, in turn, will be used to provide additional park and recreational facilities.

This bill, when enacted, could transfer vast amounts of land from restricted Federal reservations to much-needed recreational and park land available to all the people.

H.R. 16025 is concerned with the burgeoning pollution problem. This bill recognizes that a pollutant might reasonably be considered as a resource out of place; indeed, the bill states clearly that pollution of air, water, and land can be ameliorated only by greater use of reclamation and recycling of material from solid wastes such as metals, plastics, ceramics and glass, paper products, and the like.

Failure to reclaim and recycle materials not only causes pollution of all kinds but also contributes to the wasteful depletion of primary natural resources—squandering our heritage, so to speak. The reason for this failure is that we do not know how to make the reclamation of materials economically advantageous as compared with using up primary resources. The problem is especially serious in regard to scrap automobiles.

Thus, this bill has two purposes: First, to provide for investigations, studies, surveys and research into the development of methods for encouraging greater reclamation and recycling materials from solid wastes; and, second, to give special consideration to the problem of motor vehicle hulks.

Now, who is going to do these things and how are they going to achieve their goals? This program will be carried out by the newly created Council on Environmental Quality and they are going to develop a carrot and stick method—that is, they will study the relative effectiveness of various types of incentives, including financial and tax relief, along with regulatory measures to accelerate reclamation or recycling materials not presently competitive with primary resources. They will then make recommendations to the President for legislative proposals or executive actions which will insure attainment of the goals of this bill.

H.R. 16026 zeroes in on air pollution. This bill amends the Clean Air Act so as to extend its duration, provide for national standards of ambient air quality, expedite enforcement of air pollution control standards, authorize regulation of fuels and fuel additives, provide for improved controls over motor vehicle emissions, and to establish standards applicable to dangerous emissions from stationary sources.

Briefly, this bill streamlines the implementation required to secure clean and healthful air. It facilitates direct action by the Federal Government and shortens the length of time between recognition of a source of air pollution and its abatement. Perhaps most significant, it establishes stiff penalties of $10,000 fine per day per violation rather than the previously established fine of $1,000 maximum fine per violation.

H.R. 16027, H.R. 16028, and H.R. 16029 are each concerned with the abatement of water pollution. They constitute three separate amendments to the Federal Water Pollution Control Act, each of which deals with vital areas.

H.R. 16027 deals primarily with grants of money. The first portion of this bill updates and extends the authority of the Department of the Interior to support and encourage research relating to the causes, control, and prevention of water pollution. Grants may also be made for studies that will enhance or protect water quality, demonstrate advances in waste water reuse technology, or contribute to knowledge concerning associated problems. More specifically, the kinds of research this bill is designed to support are:

First, practical means of treating municipal sewage so as to maintain the maximum amount of the Nation's waters at a quality suitable for repeated reuse;

Second, methods and techniques of identifying the effects of pollutants upon water quality;

Third, methods and procedures for evaluating the effects of augmented streamflow on water quality;

Fourth, analyses of bodies of water with respect to water quality, waste disposal practices, water uses and needs, and water quality management;

Fifth, development of better methods of managing storm sewer discharges;

Sixth, development of advanced waste treatment and waste water renovation; and

Seventh, development of new and improved methods of managing industrial waste discharges.

The second portion of this bill authorizes increased moneys to the States for planning programs to prevent and control water pollution. The argumentation in the size of these grants available deserves special recognition. The original act authorized $3 million for each of the years 1957 to 1961. The amounts authorized for 1961 to 1967 were $5 million, and from 1967 to 1970 it was $10 million. This bill authorizes $12.5 million in 1971 $15 million in 1972; $20 million in 1973; $25 million in 1974; and $30 million in 1975. The tremendously augmented moneys speak eloquently for how important the State role is in water pollution abatement.

H.R. 16028 is especially significant. It broadens the scope of the Water Quality Act in several very meaningful ways by amplifying both the national policy and the waters subject to enforcement action by the Secretary of the Interior.

The national policy will now embrace not only the concepts of water pollution abatement and environmental quality enhancement, but will also provide for planning future water quality management in keeping with our Nation's population growth, industrial expansion, agricultural intensification, energy requirements, recreation and conservation uses, and environmental quality.

This bill broadens the scope of waters under protection to include not only interstate and navigable waters as before, but also ground waters.

These underground water resources are an important portion of our water supply formerly free from protection against pollution. This bill also protects against pollution of the territorial seas of the United States. The high seas beyond the contiguous zone are protected from pollution transported from or originating in areas over which the United States has sovereignty.

A third effect of this bill is to put sharper teeth into enforcement procedures. The existing Water Quality Act does not specify penalties for violation of water quality standards, leaving the appropriate abatement procedures to the discretion of the courts. This bill specifies that the court may enforce its judgment by issuing an injunction against activities which cause violation of the standards or by levying fines of up to $10,000 per day for each violation.

The third water pollution control bill, H.R. 16029, is designed to provide financial assistance for the construction of waste treatment facilities. The bill, when enacted, will make $4 billion of Federal moneys available to States and municipalities over the next 4 fiscal years. Further, it requires that by January 1973, the Congress shall receive from the President a report on the financial requirements for construction of waste treatment facilities for fiscal years 1975 through 1979, thus assuring program continuity throughout the next decade.

This bill also adds flexibility to the ways that these moneys can be made available by permitting the Federal Government to incur obligations in the form of grant agreements as well as by direct granting.

H.R. 16030 establishes an Environmental Financing Authority to assist in the financing of waste treatment facilities. The purpose of this bill is to assure that the inability to borrow necessary funds at reasonable rates does not prevent any State or municipality from constructing waste treatment works authorized and financed with the aid of grants provided by the Secretary of the Interior, as just described. This Authority will be a federally insured agency and occupy a statutory position parallel to that of the well-known Federal National Mortgage Association and the Government National Mortgage Association.

The impact of this Environmental Financing Authority is hard to overestimate because many municipalities, especially those with limited tax bases, are unable to supply their share of the money needed to construct waste treatment facilities. Bond issues in these days of high interest rates have met increasingly with failure. These forces have combined to frustrate achievement of the national goal of water free from pollution.

I take great pride in presenting a discussion of these administration bills to you. Each of them is a major step forward in the preservation and enhancement of our environment; together they are a dynamic, effective program of great value to the people of the United States.

Mr. Speaker, I have no further requests for time, but I reserve the balance of my time.

I urge the adoption of the resolution and the bill.

Mr. MADDEN. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. FARBSTEIN).

Mr. FARBSTEIN. Mr. Speaker, I want to thank the gentleman from Indiana (Mr. MADDEN) for yielding me this time.

Mr. Speaker, I rise in opposition to the rule on H.R. 17255, the Clean Air Act Amendments of 1970. I am opposing the rule because of the undue haste with which this bill is being brought to the floor of the House. Less than 24 hours' notice has been given and a committee hearing record is not yet available.

I am opposing the rule because I believe that the Members of this House should have had more than a few hours to consider a bill as complex and as vital to the Nation's health and welfare as this one. The number of ineffective pieces of environmental protection legislation at

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the State, local, and Federal level, is legion. Given the complexity of such legislation, it is perhaps not surprising that so many legislatures have failed to keep their promises. I do not want this House to fail. I believe that a mere 24 hours' notice of such an important measure is totally inadequate. I urge the House to delay consideration of this bill until the Members have an opportunity to give it the careful thought and scrutiny it demands.

Hundreds of young men and women, and also many older people as well, intended to come to Washington at their own expense, many from great distance, to work within the system to let the Congress know of their concern that the blight of the internal combustion engine should be ended. The focus of their interest was to be H.R. 17255 and four amendments to be offered to the bill.

Unfortunately, through those actions which sometimes happen in the U.S. Congress, these fine people will not have their chance to speak their minds; nor will the Members of the House have the benefit of their thoughts and the opportunity to reflect on the many complex problems involved in this legislation.

The issues raised by these four amendments, whether one agrees or disagrees with them, are fundamental and have far-reaching implications for the Nation's environment and its transportation system. The amendments deserve careful scrutiny and enlightened and informed debate.

Mr. Speaker, the Nation is becoming accustomed to air pollution legislation so riddled with loopholes and delays as to be unworkable. Two and one-half years ago the House unanimously passed the Air Quality Act of 1967. Since that time not one smokestack has been cleaned up; and up to 80 percent of auto emission control devices fail to function properly after 11,000 miles of performance. As a result of inadequate legislation and administration, the pollution of our air has increased. This bill, as reported from committee, makes many small improvements to the present legislation. But none of these improvements is enough to curb the rising levels of environmental poison. I had hoped to strengthen at least one part of this bill, and help solve at least one-half the problem, the half, or rather 60 percent contributed by the automobiles. This does not mean that I am at all satisfied with the still too weak provisions for stationary sources, the factories and powerplants.

Mr. Speaker, I do not want to vote against air pollution control legislation. But we have already broken too many promises to the American people. I urge my colleagues to oppose the rule so that after due consideration, we may at least present the American people with half a solution.

One of the amendments would adopt as minimum national standards for auto emissions the standards already adopted and approved by California for 1971, 1972, and 1974 model cars.

A second would authorize voluntary testing of devices driven over 4,000 miles, with the Federal Government empowered to require the auto industry to correct patterns of defects uncovered.

A third would substitute the far superior fuel additive regulation provisions recommended by the administration for the almost totally unworkable provision in the committee bill.

The final amendment would establish auto emission standards beginning in 1975, based on the cleanest feasible propulsion system, rather than on what the internal combustion engine can achieve.

Should the House nevertheless vote to consider the bill today, I hope and trust that the Members of the House will make the sustained effort to consider these amendments and will then join with me in supporting their adoption on the floor.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. FARBSTEIN. I yield to the gentleman.

Mr. MADDEN. Mr. Speaker, I think the gentleman overlooks the fact that this is an open rule and the gentleman can offer any amendment he desires during debate in the Committee of the Whole House.

Mr. FARBSTEIN. I appreciate that and that is the reason for my last statement. However, there was no notice given on this legislation; it was not programed. In addition, I am voting against the rule because I feel this bill should be put over in order that Members of Congress and the people of the United States might know what legislation is coming up.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. FARBSTEIN. I yield to the gentleman.

Mr. MADDEN. As I understand it, it was the purpose of the leadership to call up the postal reform bill today on the floor. But yesterday the Committee on Rules, of which I am a member, was holding hearings from 10:30 a.m. to 4:30 p.m. and we were unable to get the bill reported out. We are still holding hearings upstairs on the postal reform bill and had it not been for the long Rules Committee hearing on postal reform this bill would not have been up for consideration today.

Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. RYAN).

Mr. RYAN. Mr. Speaker, I believe the gentleman from New York is exactly right on this question.

The degradation and contamination of our environment and the consequent effects upon the health of our citizens is a paramount issue. Far-reaching legislation is essential to preserve the quality of our environment.

In 1967, the Clean Air Act was passed unanimously, I believe; it has not sufficiently reached the problems to which it was addressed. The reason that it has not been more effective is probably because it was too noncontroversial. It satisfied too many interests to the detriment of the public.

Strong legislation is necessary. The Secretary should be empowered to set national emission standards for all stationary sources and not just for new sources. H.R. 17255 applies only to new sources which endanger the public health and welfare—a far too restrictive test. The test should be whether or not any source—old or new—contributes to the deterioration of environmental quality.

I believe the Secretary should have the power to issue court enforceable cease and desist orders against polluters as my bill, H.R. 17113, provides.

Several of us had intended to offer strengthening amendments, which would have been circulated in advance to the Members of the House so that they would have an opportunity to consider them fully and to be prepared to discuss them and to debate them. I prefer the approach of my bill, H.R. 17113, and might want to offer it as a substitute.

The lateness with which this bill was scheduled, not having been programed until late yesterday afternoon makes that impossible.

I believe the procedure under which this bill is now being brought to the floor does a disservice to the Members of the House. We are entitled, it seems to me, at least to notice the previous week when the leadership intends to bring up a very important piece of legislation. If, in fact, the leadership found there were no other bills to schedule today, so be it. It is more important that we act thoroughly, with careful scrutiny, than simply programing a bill in order to have something to do. Members should have sufficient notice for the consideration of major legislation.

Public concern about air pollution is so great that there is a groundswell of support for strong legislation. There should be enough notice for the public to let Congress know their feelings.

Beyond that, I am informed that the hearings are not available.

Mr. SPRINGER. Mr. Speaker, will the gentleman from Indiana yield?

Mr. MADDEN. I yield to the gentleman from Illinois.

Mr. SPRINGER. I have in my hand a copy of the hearings. They have been on the desk for the Members of the House.

Mr. RYAN. The hearings were not available to my office this morning. They may be here now. I am glad they are.

Mr. VAN DEERLIN. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. I yield to the gentleman from California.

Mr. VAN DEERLIN. Mr. Speaker, I can well understand the problems that the Rules Committee and the leadership both encountered yesterday, and I concede it would not look well for the House on a Wednesday, in the month of June, to be virtually idle. However, both as a Californian and as a member of the Committee on Interstate and Foreign Commerce, I do somewhat resent the idea that this very important piece of legislation should be considered as a sort of stopgap activity, a backup piece of business for the House of Representatives—something to be considering on such short notice.

For that reason, for the first time in my 8 years in this body, I intend to observe the absence of a quorum when we come to a vote on the rule.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. I yield to the majority leader.

Mr. ALBERT. Mr. Speaker, I certainly want to be among the first to recognize the interest which the three gentlemen who have spoken in opposition to this rule have had over the years on this subject. The record speaks for itself. I am sure that no Member is more conscientious or devoted to clean air than they. I agree with them that this is an important subject, one of the most important confronting the human race.

I also agree that in all instances as much notice as possible should be given to the House. I must call to the attention of the House the fact, however, that we did take extraordinary caution in announcing the program last week. Not only did the whip notice contain the usual reservation that any further program may be announced later, but we did specifically point out that there had been programed, and that perhaps it would be brought up on Wednesday, the postal reform bill, but that in case a rule was not granted, we would announce another program for Wednesday. I at first considered the Emergency Housing Amendments, but the distinguished chairman of the committee was not ready to go to the Rules Committee on that matter.

The distinguished gentleman from Florida (Mr. SIKES) stated that he could be ready on the military construction authorization bill for today, but it was requested by a number of Members—and this was specifically brought to my attention before we had made any arrangements to change the program or to add to the program—to give an extra day on this bill because there was a highly controversial item in it. In order to accommodate Members who wanted that extra time, I decided to heed the petitions of the gentleman from West Virginia and the gentleman from Florida to program the clean air bill, particularly in view of the fact that they advised me that it had come out of the committee unanimously.

That is the reason the bill was programed. It was one bill that had come out unanimously and the committee chairman was seeking to have it programed. Whether I was right or wrong, that is what happened, and after I promised the gentleman from West Virginia that I would program the bill, and we did have this day free, I did it.

I hope my colleagues, even though they are entitled normally to more notice than this, will realize we did give special notice that the program might have to be changed. We did announce when we made the program announcement that any bill that had a rule would be eligible for substitution. To that extent I think I should rise in defense of the procedure which we have used.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, perhaps the protesting gentlemen would prefer to meet on Friday or Saturday. We have not had a Friday or Saturday meeting for quite some time. Perhaps they would prefer to meet on Friday or Saturday.

Mr. ALBERT. So far as that is concerned, that would be immaterial to me. I was just trying to keep the business of the House moving.

Mr. VAN DEERLIN. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from California.

Mr. VAN DEERLIN. Mr. Speaker, I would like to advise the gentleman from Iowa that any Friday or Saturday during the entire month of June would be quite satisfactory to me.

Mr. GROSS. Except on my birthday.

Mr. MADDEN. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. GRAY). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FARBSTEIN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 336, nays 40, not voting 53, as follows:

[Roll No. 162]

YEAS—336

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Alexander
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Aspinall
Baring
Barrett
Beall, Md.
Belcher
Bell, Calif.
Bennett
Berry
Betts
Bevill
Biester
Blackburn
Blanton
Boggs
Boland
Bolling
Bow
Brinkley
Brock
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Utah
Bush
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Camp
Carter
Casey
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collins
Colmer
Conable
Conte
Corbett
Coughlin
Cramer
Crane
Culver
Cunningham
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Dennis
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, La.
Eilberg
Erlenborn
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Feighan
Findley
Fish
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Foreman
Fountain
Frelinghuysen
Frey
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Gettys
Gibbons
Gilbert
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Harsha
Harvey
Hastings
Hathaway
Hays
Hébert
Heckler, Mass.
Henderson
Hicks
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Keith
King
Kleppe
Kluczynski
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Langen
Latta
Lennon
Lloyd
Long, La.
Long, Md.
Lujan
Lukens
McClory
McCloskey
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKneally
Macdonald, Mass.
MacGregor
Madden
Mahon
Mailliard
Mann
Marsh
Martin
Mathias
Matsunaga
May
Meeds
Michel
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nelsen
Nichols
Nix
O'Hara
O'Konski
Olsen
O'Neal, Ga.
O'Neill, Mass.
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Podell
Poff
Preyer, N.C.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Reid, Ill.
Reifel
Rhodes
Rivers
Roberts
Robison
Rodino
Roe
Rogers, Colo.
Rogers, Fla.
Rooney, Pa.
Rostenkowski
Roth
Ruppe
Ruth
St Germain
Sandman
Satterfield
Schadeberg
Scherle
Schneebeli
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stubblefield
Sullivan
Taft
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Ullman
Vigorito
Waggonner
Waldie
Wampler
Watkins
Watson
Watts
Weicker
Whalen
Whalley
White
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wold
Wolff
Wright
Wylie
Wyman
Yatron
Young
Zablocki
Zion
Zwach

NAYS—40

Anderson, Calif.
Bingham
Brasco
Brown, Calif.
Burton, Calif.
Button
Carey
Chisholm
Clay
Cohelan
Collier
Conyers
Corman
Edwards, Calif.
Farbstein
Hanna
Harrington
Hawkins
Hechler, W. Va.
Helstoski
Hungate
Jacobs
Koch
Lowenstein
Melcher
Mikva
Nedzi
Obey
Rees
Reid, N.Y.
Rosenthal
Roybal
Ryan
Stokes
Symington
Tunney
Udall
Van Deerlin
Wilson, Charles H.
Yates

NOT VOTING—53

Anderson, Tenn.
Ashbrook
Ayres
Biaggi
Blatnik
Brademas
Bray
Celler
Cowger
Daddario
Dawson
Dent
Dowdy
Downing
Edwards, Ala.
Esch
Fallon
Fisher
Fraser
Friedel
Garmatz
Gaydos
Giaimo
Hansen, Wash.
Kirwan
Leggett
McCarthy
McMillan
Mayne
Meskill
Ottinger
Passman
Patman
Pollock
Powell
Price, Ill.
Reuss
Riegle
Rooney, N.Y.
Roudebush
Saylor
Scheuer
Schwengel
Smith, Calif.
Stephens
Stratton
Stuckey
Tiernan
Vander Jagt
Vanik
Whitehurst
Wyatt
Wydler

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Wydler.

Mr. Giaimo with Mr. Pollock.

Mr. Biaggi with Mr. Ayres.

Mr. Price of Illinois with Mr. Bray.

Mr. Stratton with Mr. Saylor.

Mr. Garmatz with Mr. Whitehurst.

Mr. Friedel with Mr. Esch.

Mr. Fallon with Mr. Cowger.

Mr. Downing with Mr. Ashbrook.

Mr. Dent with Mr. Vander Jagt.

Mr. Celler with Mr. Smith of California.

Mr. Daddario with Mr. Meskill.

Mr. McMillan with Mr. Edwards of Alabama.

Mr. Patman with Mr. Roudebush.

Mr. Passman with Mr. Wyatt.

Mr. Leggett with Mr. Schwengel.

Mr. Brademas with Mr. Mayne.

Mr. Blatnik with Mr. Riegle.

Mr. Anderson of Tennessee with Mr. Tiernan.

Mr. Reuss with Mr. Powell.

Mr. Stephens with Mr. Vanik.

Mr. Fisher with Mrs. Hansen of Washington.

Mr. Dowdy with Mr. Kirwan.

Mr. Dawson with Mr. Fraser.

Mr. Stuckey with Mr. McCarthy.

Mr. Scheuer with Mr. Ottinger.

Mr. SYMINGTON changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17255) to amend the Clean Air Act to provide for a more effective program to improve the quality of the Nation's air.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17255) with Mr. GALLAGHER in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from West Virginia (Mr. STAGGERS) will be recognized for 1 hour and the gentleman from Illinois (Mr. SPRINGER) will be recognized for 1 hour.

The Chair recognizes the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I yield myself whatever time I might require to explain the bill.

Mr. Chairman, first I would like to say there seems to have been some controversy over the rule. I do not believe there is going to be this kind of controversy over the bill, because the bill has been well considered, and it has been given ample hearings. Many amendments were offered. Those amendments were either adopted or voted down in the committee. The hearings started in December 1969 and proceeded through April of this year over a period of almost 4 months.

As I said, I do not believe there is any controversy over the bill itself. I know some amendments will be offered. We of the committee would be very happy for them to be offered and considered and in the proper way either voted up or voted down.

Air pollution in the United States is the result of pollution from numerous highly diversified sources. They range from millions of automobiles driven on city streets on interstate highways to a relatively limited number of facilities and plants which are large-scale polluters such as powerplants burning coal or fuel oil.

In fashioning effective strategies in the campaign for clean air in the United States, the different pollutants which affect our health and welfare in different ways and in varying degrees of severity, and the different sources from which they emanate must be controlled.

Every Member of this House knows we have had ample publicity not only in the newspapers and magazines, but also on TV and radio and through other media showing the dangers of the environment and to our health. That is one of the reasons this bill is before the House now, the fact that recognition has been given to these dangers.

The original act was enacted in 1955. It authorized research, and then in 1963, some beginning was made with regulation. Actually it was not until 1967, however, that the first bill of any consequence passed this House. So this program has been in operation for only 3 short years.

I would be the first to admit that not enough has been done under the present law. That is the reason why we have come here with a new bill changing the authority of the agencies, changing the procedures by which regulations will be adopted, and certainly cutting down on the time during which these things will be done.

Effective technologies to reduce or eliminate particular pollutants must be developed. Many people think these have already been developed and can be put into effect, but this is not true. That is the reason why almost half the money in this bill is for research and development. For instance, in checking on automobile air pollutants, it takes an average of about 9 to 13 hours to conduct checks to see whether a car meets the required standards. We are hopeful that under this bill there will be developed effective machinery to test cars within a very short time on the assembly lines or at test stations. That cannot be done now. It requires entirely new test methods.

As I said, really the first regulatory legislation was enacted in 1967. We have to develop the technology to carry out the new legislation now before us.

While the basic strategies in the Nation's war against air pollution must be developed in a unified and consistent way by the Federal Government, the implementation and enforcement of these strategies will have to be effected in every community in the United States. Therefore, prompt and effective regional, State, and local efforts are needed to win the campaign for clean air.

If we left it all to the Federal Government, we would have about everybody on the payroll of the United States. We know this is not practical. Therefore, the Federal Government sets the standards, we tell the States what they must do and what standards they must meet. These standards must be put into effect by the communities and the States, and we expect them to have the men to do the actual enforcing.

While a start has been made in controlling air pollution since the enactment of the Air Quality Act of 1967, progress has been regrettably slow. This has been due to a number of factors: First, cumbersome and time-consuming procedures called for under the 1967 act; second, inadequate funding on Federal, State, and local levels; third, scarcity of skilled personnel to enforce control measures; fourth, inadequacy of available test and control technologies; fifth, organizational problems on the Federal level where air pollution control has not been accorded a sufficiently high priority, and sixth, last but not least, failure on the part of the National Air Pollution Control Administration to demonstrate sufficient aggressiveness in implementing present law.

On the other hand, the picture is not entirely bleak. Citizens and officials on the grassroot level throughout the United States have become seriously aroused over the threat of air pollution to health and well-being and they are anxious to have stringent controls imposed and enforced effectively at the earliest possible date.

It is also important to note that some industries have become aware of the need for effective pollution control measures. This ground swell is important if we are to secure clean air everywhere in the United States, and it is important that this momentum not be lost.

Therefore, it is urgent that Congress adopt new clean air legislation which will make possible the more expeditious imposition of specific emission standards both for mobile and stationary sources and the effective enforcement of such standards by both State and Federal agencies.

Mr. FARBSTEIN. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I am happy to yield to the gentleman from New York.

Mr. FARBSTEIN. Will the gentleman please tell me why it is the entire Nation cannot have the same standards the State of California has in connection with the reduction of pollution that comes from the internal combustion engine? California had different standards for 1971, 1972, and 1974, yet under this bill the same standards exist up until 1975. The California standards are much more stringent. I would appreciate the gentleman telling me why the rest of the Nation cannot have the same standards as California.

Mr. STAGGERS. I should like to make my statement first, because this is a part of our presentation. I will answer the gentleman when I get through, if the gentleman does not mind.

The imposition of national ambient air quality standards and declaring each State as an air quality control region are steps aimed toward the achievement of those objectives. Effective pollution control requires both reduction of present pollution and prevention of new significant pollution problems.

Therefore, particular attention must be given to new stationary sources which are known to be either particularly large-scale polluters or where the pollutants are extrahazardous. The legislation, therefore, grants authority to the Secretary of Health, Education, and Welfare to establish emission standards for any such sources which either in the form of entire new facilities or in the form of expanded or modified facilities, or because of expanded or modified operations or capacity constitute new sources of substantially increased pollution.

Automotive pollution constitutes in excess of 60 percent of our national air pollution problem and such pollution is particularly dangerous in the highly urbanized areas of our country. Therefore, increased attention must be paid to that source of pollution by insisting on the kinds of motor vehicles and fuels which would reduce pollution to minimal levels.

The committee hopes that the automobile manufacturers will not limit their choice of antipollution devices to those developed by them in-house, and that the two great industries—automobile manufacturers and automotive fuel producers—will join hands to develop the most effective technologies. The Government is not particularly well equipped to design cars or to determine the composition of fuels appropriate toward these ends. However, Congress would be derelict if it did not vest in the Government appropriate residual authority with regard to vehicles and fuels to make the necessary decisions should members of these industries fail to do so on their own.

The legislation, therefore, provides for more stringent testing of automobiles. Such testing is not limited, as heretofore, to the testing of prototypes. Such testing will continue but the tests should require each prototype rather than the average of prototypes to comply with regulations establishing emission standards.

In addition to prototype testing, daily testing either on a sampling or car-by-car basis will be required of vehicles as they come off the assembly lines. If such tests raise reasonable questions of compliance with applicable emission standards, the Secretary may suspend or revoke the certificate. He may, however, issue certificates for those cars which actually comply with the regulations in effect at that time.

The manufacturers must warrant that the vehicles have control systems or devices substantially of the same construction as the systems and devices on the prototype vehicles for which a certificate has been issued. Labels or tags must be permanently affixed to the vehicles or engines that are covered by a certificate. Such labels or tags must contain such additional information as the Secretary may prescribe.

In authorizing the Secretary to prescribe limitations for automotive fuel ingredients, the committee has conditioned the Secretary's authority by requiring specific findings based on specified evidence. The committee has done this for the purpose of assuring that such limitations will not be imposed lightly if other equally satisfactory alternatives are available.

In addition, the legislation provides for aircraft emission standards. The Secretary of Health, Education, and Welfare is authorized and directed to establish, after consultation regarding safety aspects with the Federal Aviation Administrator, emission standards for aircraft and aircraft engines. Such standards would be enforced by the Administrator in the certification and inspection of aircraft or aircraft engines pursuant to his authority under the Federal Aviation Act of 1958.

The Administrator would also be authorized to prescribe standards governing the composition of any aircraft fuel or fuel additive for the purpose of achieving the aircraft emission standards established by the Secretary of Health, Education, and Welfare. The authority of the Secretary to establish emission standards would preempt State authority to establish or enforce any aircraft emission standards.

Under present law the Secretary does not have authority to establish such standards although the aircraft industry has voluntarily agreed to abate smoke emissions.

Furthermore, the legislation contains special provisions to combat pollution from Federal facilities. It directs Federal agencies in the executive, legislative, and judicial branches to comply with applicable Federal, State, interstate, and local emission standards. The Secretary is authorized to exempt any facility on a year-by-year basis. The Secretary is to report each January to the Congress all exemptions granted during the preceding calendar year, together with the reason for granting each such exemption.

Instead of exercising leadership in controlling or eliminating air pollution the Federal Government has tended to be slow in this respect. The foregoing provisions are designed to reverse this tendency. The level of appropriations available for the modification of Federal facilities to eliminate or reduce air pollution has been inadequate.

The committee hopes that the Administration will seek and the Congress will provide adequate appropriations to remedy this unfortunate situation.

The legislation would extend authorizations for appropriations through fiscal year 1973. The bill authorizes appropriations for the fiscal year 1971, totaling $200 million, for the fiscal year 1972, $250 million, and for the fiscal year 1973, $325 million. Of these amounts, $75 million for 1971, $100 million for 1972, and $125 million for 1973 are earmarked for research relating to controlling pollution resulting from the combustion of fuels. These authorizations constitute a substantial increase over and above the level of appropriations authorized during the preceding years. The highest amount authorized for any one fiscal year—fiscal year 1969—was $185 million.

The Subcommittee on Public Health and Welfare held extensive hearings on the problems dealt with in this legislation. The provisions of the bill were fashioned on the basis of the testimony received in these hearings. I am proud to say that the subcommittee has done an outstanding job and our full committee found it necessary to make relatively few changes in the bill reported unanimously by the subcommittee. Our full committee likewise voted unanimously to report the bill, although three members of our committee, as will be seen from their additional views appended to the committee report, would have liked to have gone still further than the full committee felt was warranted at this time.

I hope the House will give its support to this legislation so that the war against air pollution in the United States may be speeded up, expanded and intensified, and that the air we breathe throughout the Nation will be wholesome once again.

Mr. Chairman, I will say to the Members of the Committee of the Whole House on the State of the Union that this is a very strong bill, as strong as it could be made at the present time. Undoubtedly, as time goes by there will be more stringent laws and standards and requirements. I think it is a good bill. I think it has been well considered by the subcommittee and, as I said, the hearings started back in December and ended in April. I think they did a good job and I recommend the passage of the bill to the House.

Mr. MAHON. Mr. Chairman, will the chairman yield?

Mr. STAGGERS. Yes, I yield to the gentleman from Texas.

Mr. MAHON. I represent an area which has a number of cotton gins. There are also carbon black plants in the area. The operators of these industrial establishments have some concern about legislation relating to clean air. Of course, I think we all are very much interested in doing whatever is reasonably possible to improve the quality of the air in the United States.

In the opinion of the chairman of the committee, is there anything in this bill that would tend to be confiscatory at all with respect to an industry such as the ones to which I have made reference?

Mr. STAGGERS. In response to the gentleman from Texas I would say this, that the States must set up a plan which must meet the Federal standards established by the Secretary. In establishing the emission standards I am sure the States will take into consideration the particular problems of air quality control which exist in particular areas. This question will be left up primarily to the States.

Mr. MAHON. I thank the gentleman.

Mr. STAGGERS. There will have to be ambient air quality standards for all of America and these standards which the States will have to meet will be set up by the Secretary.

Now, Mr. Chairman, in response to the statement of the gentleman from New York (Mr. FARBSTEIN), I might say any State can have more stringent ambient air quality standards if they want to. If a State plan is presented to the Secretary, to carry out such stricter standard I am sure it will be approved. I hope the gentleman is listening because no one is preventing any State from having stronger standards and a State plan designed to carry out such standards.

We would hope that this will take care of any State that says they have peculiar problems. We are not holding them back, but we say that all of the States must comply with the nationwide standards. We think that at the present time this is the best we can do. If any State wants stronger standards, we think it will know best what it should do and how far it should go. But if any State does not come up with a State plan to the satisfaction of the Federal Government then the Federal Government will step in and establish a plan for such State.

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Mr. FARBSTEIN. Mr. Chairman, will the gentleman yield further?

Mr. STAGGERS. I yield to the gentleman from New York.

Mr. FARBSTEIN. Mr. Chairman, can the gentleman from West Virginia envision the city of Detroit restricting the numbers of internal combustion engines? Does not the gentleman realize——

Mr. STAGGERS. Mr. Chairman, I would interrupt the gentleman from New York for just one moment because I want to answer that question, which is a question I know he wants to make a speech about, and that is automobiles.

But I would say to the gentleman that we do have standards here, and we will inspect, if necessary, each and every motor vehicle engine that comes off the assembly line to see that the engines that come off the assembly line meet the qualifications so as to be assured they will meet the emission standards. We will not just have the prototypes tested but the cars as they come off the assembly lines.

Mr. SPRINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in 1967 Congress passed a comprehensive air quality act which imposed duties upon the Federal Government and the States in regard to improving the air which surrounds us. It was a good law and it probably would work out if left alone. Since that time we have become increasingly impatient with delay in this vital area and so we are here today to reshuffle the cards and deal out new responsibilities. In doing so we must recognize that no law can create clean air. No governmental organization, no bureau, no administrator can order clean air into being. It is a long process which is necessarily limited by what we know and the technology for attacking the problem.

Because we are impatient there has been a tendency to look for scapegoats. It is easy to point fingers at elements in our society and decry their activities as shortsighted and dangerous. It is more difficult to acknowledge that our environment is basically the result of all of us enjoying the way of life we have collectively developed. If we allow ourselves the luxury of electing victims of our ardor for changes and demanding results which cannot be achieved we will be undoing the cause of clean air rather than advancing it. As legislators we have a duty to look at the problem in the broadest way and choose solutions that will make ultimate sense. Probably no piece of legislation is perfect and Members of this House as well as individual citizens may honestly differ as to what can reasonably be accomplished at this time. We want to act boldly but we must not act rashly.

The bill which is brought to the floor today by the Commerce Committee is the best thinking of a group of your colleagues who have been wrestling with this problem in Congress for many years now. Legislation concerning clean air did not suddenly erupt a year or two ago. On the contrary, this House has passed progressively ambitious legislation in the field since 1955. In that year President Eisenhower suggested, and Congress passed, Public Law 84–159 which provided for research and technical assistance to States and communities in identifying and attacking air pollution problems. Research studies and congressional hearings went on over the next few years and the program was extended in 1959. A year later an addition to the legislation was made to recognize the emerging realization that automobile exhaust had become one of the major contributing causes of air pollution. During the next administration these auto exhaust studies were extended.

In 1963 the first general provisions for abatement and control were written into law. These were in the form of grants to encourage and assist local governments in attacking the problem and at the same time urging Federal installations to lead the way.

In 1965 Public Law 89–272 authorized the Department of Health, Education, and Welfare to prescribe national standards for motor vehicle emissions. In addition, research into control methods for sulfur oxides was launched. A year later we added assistance by way of grants to help run local control agencies as well as establish them.

Now we come to the Air Quality Act of 1967 which was the first attempt at a comprehensive control and abatement system. As I have already said it was a good law but we are determined today to move to act as rapidly as possible. The differences between present law and that proposed by the bill before us today I will point out as I go along.

At the present time HEW has the responsibility for solving the scientific problems. There is much that we must know about the very nature of pollutants and how they affect us and our environment. Out of about ten major pollutants HEW has now been able to pin down half and tell us just what they do that is hurting us. The next responsibility of the Federal Government is to look for ways to cut down or eliminate these pollutants without closing down the entire store. Armed with this information, regional commissions decide what overall standard of air quality is desirable for their regions. H.R. 17255 will change that by having HEW set up national air quality standards. As the scientific details emerge and the control methods are developed, the air quality standards for the entire nation will be adjusted accordingly. This change is desirable because it is a natural and logical one. The basic quality of the air for which we strive should be uniform. Let it be understood that the air quality standards is the target at which we shoot with all of the control machinery eventually devised.

It was recognized in the present law that air quality and even control efforts do not break down neatly into political boundaries. For that reason interstate regions were contemplated as the norm. The only trouble with such efforts is that they are by nature cumbersome and slow to develop. This bill would make each State a region. In that way there are immediate lines of communication and authority to translate information into action. This does not mean that interstate arrangements cannot be made. They can. Furthermore, existing regional machinery may be retained where States have gone ahead and tackled the problem on a cooperative basis.

The success of the entire effort depends upon what is done to meet the national air quality standard at the local level where the pollution is actually created, emitted and breathed by our citizens. The bill therefor provides that State governments will create plans for the implementation and enforcement of the air standards. In fact a State may declare more stringent standards if it feels it necessary. Such plans for cracking down on the sources of pollution must be forthcoming within 180 days. If a State hangs back and fails to move out, the Federal Government will take over and make rules and regulations amounting to a State plan. Machinery for forcing a plan upon a State is spelled out including penalties of $10,000 a day for failing to act. In addition, authority is granted to inspect establishments to check up on the plan. This latter authority is new in the bill now before us and should expedite performance or enforcement.

It has been the philosophy of the law up to this point that State and local agencies should determine the exact methods and procedures for controlling emissions by installations. This is not basically changed by this bill. It does, however, contemplate that new stationary sources which are especially hazardous to health will have Federal standards. Although it is a departure, it is sensible. Since the Federal Government is determining the air quality target and working constantly on control techniques it is the best position to have them make a decision about new sources. Stopping these extraordinary problems before they develop is best for the antipollution effort and it is also best for those who would build such installations and then find they could not operate.

Motor vehicles are a popular villain in the piece, and rightly so. Control devices have come a long way in the last few years. Better control must be achieved. But it is also imperative that we get the most out of the standards already in effect. Testing a few until they seem allright and then certifying an entire run of automobile models so equipped is not very smart. The real test for progress in this field is the quality of control on the cars which roll off the assembly line and end up on our main streets and in our driveways. Recognizing this, perhaps belatedly, this bill will provide for production line testing. As a followup, States will be required to inspect cars after they are on the road as soon as practical means for such inspections are available.

Much has been said about getting the lead out. Perhaps a crash requirement to delead gasoline would result in dramatic improvement in air quality. I seriously doubt that it would be all that great. There may be other ingredients or additives in gasoline which are equally harmful. Legislating lead out of gas might get rounds of applause in some quarters but is hardly the way to go about it. The bill gives authority to HEW to limit the ingredients in fuels if such ingredients can be identified as the culprits which impair health or make automobile control devices roll over and die. This authority coupled with the intensive efforts in fuels research should help eliminate the more dangerous ingredients and at the same time perfect better and safer fuels for automotive purposes.

Aircraft are being watched closely of late. Some models spew out a prodigious stream of smoke. It should be eliminated as rapidly as possible. This bill allows for emission standards to be set for aircraft engines. Airlines have already recognized that their particular kind of pollution, whether a major contributor or not, is highly visible and not the best advertising. Already most airlines have agreed to replace or refit their engines with devices which have been developed in the last year to render them relatively smokeless.

One of the frustrating aspects of air pollution legislation is the presence of large Federal installations either operated directly by the Government or under its direction which contaminate the atmosphere on a large scale. How can we expect cooperation or credibility for the governmental effort when the installations controlled by Uncle Sam are some of the worst polluters? The Federal Government as much as some private businesses has dragged its feet for purely economic reasons. Allowing the Government to remain immune from the rules which we wish to impose on others is wrong. Actually it should lead the way. Recognizing the real considerations of national security might intervene in certain cases this bill requires Federal installations to meet whatever standards those around them must meet and allows for exemptions on the very limited basis of a year at a time. I know that our colleagues on the committee will be watching closely the use of this exemptive authority. We expect that localities which harbor Federal installations will also be watching and reporting to us their compliance or lack of it.

To carry out the ambitious programs outlined here will cost money. It is a lot of money and yet there will be some who will feel it is far too little. This is not an effort on which you can pour a bucket of money and thereby have instant clean air. It must be done in some kind of logical order and only so much can be done in a year no matter how much is spent. The committee feels that the authorizations contained in this bill represent sensible but still generous goals for spending and accomplishing in this field. For the vital fuels research to which I referred earlier it provides $75 million for fiscal year 1971, $100 million for fiscal year 1972, and $125 million for fiscal year 1973. All other activities described will take $125 million in fiscal year 1971, $150 million in fiscal year 1972, and $200 million in fiscal year 1973. At that time we will again analyze our progress in all respects. If we have devised a workable system here—and I think we have—the progress in these next 3 years should be dramatic.

The committee worked very hard to come here with a bill you can accept and be proud of. In my opinion it is the best and most balanced approach which could be devised. Its pieces fit together and should be taken as a whole. I know that many people have great feeling about certain parts of this effort and this problem to the exclusion of other parts. As a committee and as a Congress we cannot be thus diverted. We must attack the problem across the entire front and this bill does so, giving due emphasis to all elements. I recommend H.R. 17255 to the House.

Mr. SCOTT. Mr. Chairman, our health is dependent on the cleanliness of the air. But our air, especially in heavily populated areas, is becoming increasingly polluted. And we have only to read the forecasts of population experts to realize that—in the near future—virtually every area of the United States will be heavily populated. Therefore, unless we change things, the country will soon have heavily polluted air.

Mr. Chairman, we have seen action before here in Congress to clean up our air. In 1967 we passed the Clean Air Act, but it just has not done what we had hoped it would.

Let us hope that H.R. 17255, as reported out by the Committee on Interstate and Foreign Commerce, will do the job.

Over the next 3 years, it would provide more than three-quarters of a billion dollars in additional Federal funds—and nearly half of that, Mr. Chairman, would go for research into better ways to clean up automobile fuels and engines which, in combination, cause 60 percent of our air pollution.

The bill provides stringent penalties for those found guilty of air pollution and, perhaps even more important, streamlines the process by which such persons can be moved into our courts.

The bill centers responsibility for setting clean air standards—and enforcing them—with the State Governors and with the Secretary of Health, Education, and Welfare. It designates the States and allied geographic areas as air quality control regions and requires them to adhere to at least minimum standards of air quality. It requires extensive testing of new auto engines—not only in prototype but in production, too. It forbids the creation of new stationary sources of air pollution unless they adhere to strict standards. And it provides—for the first time—for the creation of emission standards for aircraft engines.

Mr. Chairman, I support this legislation. I hope it will succeed where previous legislation has failed.

Mr. SPRINGER. Mr. Chairman, I yield 5 minutes to the gentleman from Georiga (Mr. THOMPSON).

Mr. THOMPSON of Georgia. Mr. Chairman, I thank the gentleman for yielding. I will not take the 5 minutes, but I do rise in support of this legislation.

We are all every much aware of the problems of some of the major cities so far as air quality is concerned. The gentleman from Illinois has very adequately and in detail explained the provisions of this particular act.

What we are doing today is in effect answering the needs of the public, answering the cries of the public that legislation be enacted which would guarantee not merely the present generation but future generations that we will have a clean environment, that the air they breathe will be free of noxious gases, and that there will be no people in any city, in effect suffocating and contacting respiratory diseases because of dirty air that exists through failure of Government to operate.

So the standards that are being established by this act are not only reasonable standards, but they are necessary. They are necessary to give us the protection for our future. They operate in conjunction with our local governments. They provide that where there is an area of the country in which several States may be involved, we can have a regional clean air area and thus more efficiently and effectively provide for clean air standards throughout the United States.

This is needed legislation. It is good legislation, and I think it will receive the overwhelming support of the Congressmen not only in the House but the other body as well and also the American public.

Mr. SPRINGER. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. REID).

Mr. REID of New York. I thank the distinguished gentleman for yielding.

Mr. Chairman, I rise in support of H.R. 17255, the Clean Air Act Amendments of 1970, and H.R. 11833, the Resource Recovery Act of 1970.

The authority given to the Secretary of Health, Education, and Welfare under the clean air amendments to establish nationwide ambient air quality standards is essential if we are to restore clean air to this country in the foreseeable future. In the past, States have played leading roles in the attack on air pollution, but it appears that some States are now falling behind. Beyond that, air—clean or dirty—does not respect political boundaries and a unified nationwide attack is necessary if progress is to be made.

Stricter enforcement procedures, new Federal emission standards for new stationary pollution sources, and controls on pollution from Federal facilities are all necessary steps and I am pleased to see them included in this bill. Many of these provisions were included in H.R. 17090, Clean Air Act amendments which I introduced on April 16, 1970.

However, there is a major omission in the committee bill and I strongly support the amendment to be offered to close this loophole. In its provisions on fuel composition, the committee bill fails to include the ban on lead in gasoline which I feel is essential to cleaner air. While it does not include an outright ban, the bill proposed by the administration would give the National Air Pollution Control Administration the authority to ban lead as well as other additives in gasoline.

The administration bill is superior to the committee bill with regard to fuel composition in four other respects as well: First, the administration bill covers all fuels, not just auto fuels as the com-

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mittee bill does; second, while both bills provide for regulation of fuel composition to eliminate adverse effects on public health and welfare, the committee bill requires that no fuel composition regulations may be established if the health danger can be remedied through increased auto emission standards. This is a serious failure to make the oil industry take action in the public interest; third, the administration bill does not require the rigorous medical and scientific evidence stipulated in the committee bill before action may be taken; and fourth, the administration bill gives NAPCA necessary authority to procure the fuel additive pollution research it needs from the industry.

I am pleased that the administration has taken such a strong and vigorous stand on the critical matter of fuel composition, and heartily support the amendment to be offered to substitute the administration provisions on fuel composition for the weaker committee version.

The three other amendments to be offered—adopting California's auto emission standards as the nationwide minimum, authorizing NAPCA to conduct voluntary testing on autos that have been driven 4,000 miles, and providing for the gradual adoption of standards based on the most pollution free propulsion system available—are also necessary to a meaningful fight on air pollution.

I am hopeful that the Congress will adopt these rigorous standards and thereby serve notice on the fuel and automobile industries that this Nation intends to do more than talk about cleaning the air. Restoring the clarity of our skies is more than an esthetic goal—it is essential if we are not to modify our weather inadvertently and if we are not to exacerbate the lung and breathing illnesses from which too many Americans already suffer. Indeed, New York City today announced that it was in a "high pollution forecast stage" because of stagnant weather conditions. Surely we cannot wait any longer to take steps to prevent this situation.

Finally, Mr. Chairman, I would just say that there has been some research in the State of New York with regard to lead emissions, particularly on submicroscopic particles. Dr. Vincent Schaefer of the State University in Albany estimates that each auto at normal idling speed turns out about 100 billion particles per second. I am told further that some of these particles find their way into the lungs of human beings, and, indeed, when individuals smoke, it is possible that this lead may, in fact, be vaporized in the lungs. I know not the ramifications of this, but it does seem clear to me that it is important to study very carefully the need for very stringent standards in terms of lead. Yet, in just breaking up the larger particles but not necessarily seeing that there is combustion of the small particles, we may be creating a problem for which we have no real conception as to its implications.

Mr. Chairman, I think this bill is a very distinct step forward. Its passage is essential to heeding President Nixon's call to restore our environment.

Mr. SPRINGER. Mr. Chairman, I yield to the gentleman from Kansas (Mr. Skubitz) such time as he may consume.

Mr. SKUBITZ. Mr. Chairman, achieving the objective of clean air for our entire country is an expensive and a slow process. We would like to have it done tomorrow but the realities of life do not allow for that. We do want to be sure that it will come about. The Air Quality Act of 1967 was a comprehensive bill which was designed to bring it about in due course. Today we feel that certain revisions of the scheme set forth in the present law are necessary to speed up the process somewhat further.

The bill before us today should do that. In the process it will spend as much as $775 million over the next 3 years but many of the changes that are being made will expedite the process we believe in other ways than the expenditure of funds.

This bill provides for the creation of national air quality standards as opposed to regional standards in the present law. As new scientific data is produced the standards can be revised with a minimum of administrative holdup by having national standards. Hereafter each State will be designated as an air quality region. Although States may cooperate and interstate regions already in existence may remain, this new arrangement simplifies the chain of command and puts State governments directly in the line from information to ultimate action.

The Federal Government will now set specific emission standards for new stationary sources of pollution which present unusual and special health hazards. Motor vehicle emissions will be tested on a spot basis at the assembly line rather than depending upon the test results from a few prototype engines. This should insure that the vehicles on the road are as efficient as those initially tested.

Automotive fuel can be regulated as to its ingredients. This is another way of saying that if it actually is a practical thing, the Government can require that the oil companies get the lead out.

Standards for aircraft engines will be set and the airlines, recognizing the handwriting on the wall, have already agreed to use cleaner engines in their new planes and to eventually retrofit the planes on the line.

In addition to all the things that are going to be required from private business, for the first time we are saying without equivocation that Federal installations are going to have to live up to the rules that the Federal Government makes for others. As in everything else the Federal Government must have an out for exceptional circumstances, and the Secretary can exempt installations for good cause shown but only for a year at a time. I certainly hope that the executive branch will turn the screws down on its own operations and that the Congress and specifically our committee will watch carefully that the Government is not fudging on its own rules. I for one promise to keep an eye on it.

In my opinion the bill before us today is a great improvement over the present law and I recommend its passage.

Mr. SPRINGER. Mr. Chairman, I have no further requests for time, and I reserve the balance of my time.

Mr. JARMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am very proud that the Subcommittee on Public Health and Welfare has been responsible for producing this important piece of legislation which will be of tremendous benefit to the American people. Our subcommittee began hearings as early as December of last year in order to determine why progress in the war against air pollution under the Air Quality Act of 1967 has been so slow.

In our early hearings, we concentrated on automotive air pollution which constitutes 60 percent of the air pollution problem in the United States. We heard departmental witnesses and witnesses from the automobile industry. It became apparent from their testimony that important changes would have to be made in automotive emission standards in order to reduce pollution from motor vehicles. It also became apparent that more stringent testing would have to be done of new automobiles in order to assure that they will achieve the stricter emission standards. Furthermore, new technologies would have to be developed in order to achieve these standards and the composition of motor vehicle fuels might have to be modified in order to make the operation of the new antipollution equipment possible.

Our subcommittee during its subsequent hearings in March and April heard numerous witnesses from the automobile, as well as the petroleum, industries who gave us their considered judgments as to what would have to be done in order to reduce automotive pollution.

The bill which we have brought to the House today represents our best judgment as to what is necessary to come closer to the goal of assuring the American people clean air once again.

The able chairman of our full committee, Mr. Staggers, has already given you the broad picture. Let me, therefore, concentrate on giving you some additional details with regard to the provisions of the bill. Under the bill, the Secretary of Health, Education, and Welfare will be authorized and directed to establish nationwide ambient air quality standards. The States will be left free to establish stricter standards for all or part of their geographic areas. Under present law, ambient air quality standards are to be adopted by the States on the basis of criteria set forth by the Secretary.

By authorizing the Secretary to establish nationwide standards based on the criteria developed by him for various pollutants, the war against air pollution will be carried on throughout the Nation rather than only in particular geographical areas. Furthermore, unless a State desires to set stricter standards, the time that would be consumed by such States in adopting ambient air quality standards will be saved.

The bill provides for the establishment of air quality control regions by declaring each State as an air quality control region. However, the Secretary is authorized to establish interstate air quality regions for the purpose of dealing with air pollution problems of an interstate nature. Existing interstate regions remain in effect.

Under present law, the Secretary is

directed to establish air quality control regions but only a few such regions have been established thus far. Consequently, actual air pollution enforcement activities have been delayed excessively. Additionally, the proposed regions are not contiguous and, therefore, do not cover the entire United States.

By making each State area an air quality region, the time consumed in establishing such regions on a selective basis will be saved. By dividing the entire United States into contiguous air quality regions, the war against pollution will be carried into every part of the United States.

For the five pollutants for which the Secretary already has established criteria: Sulfur oxides, particulate matter, carbon monoxide, hydrocarbons, and photochemical oxidants. Proposed national standards would be issued within 30 days after the date of enactment of this legislation. With regard to other pollutants such standards would be proposed within 30 days after the criteria have been issued.

The legislation would revise the enforcement provision contained in present law. Within 60 days after promulgation of national ambient air quality standards, the Governor of a State may file a letter of intent that such State will, within 180 days and after public hearings, adopt a plan for the implementation—principally by prescribing appropriate emission standards—and enforcement of such standards. A State may adopt more stringent ambient air quality standards, and the Secretary may extend the 180-day time period for good cause shown but not to exceed an additional 180 days.

If a State fails to file a letter of intent or does not adopt a plan or adopts a plan which does not meet the statutory requirements, then after reasonable notice, the Secretary may publish proposed regulations setting forth a State plan. The State within 30 days either may adopt such plan or may petition for a public hearing. The Secretary must give at least 30 days' notice of such hearing. Within 60 days after the hearing, the Secretary shall, on the basis of the evidence presented at such hearing, promulgate either the original or a modified plan.

If, as a result of a State's failure to enforce its plan, ambient air quality standards are not met, the Secretary is to notify the State and persons who violate the plan. If the State fails to act within 30 days the Secretary may request the Attorney General to bring suit to secure abatement of the pollution. The court may assess a penalty of up to $10,000 for each day during which any person fails to take action ordered by the Secretary to abate the pollution.

The Secretary may inspect any establishment for the purpose of determining whether the State plan is enforced or whether the establishment contributes to or fails to take required action to abate pollution.

Under existing law, procedures are more complex and more time consuming, and no authority is provided for the Secretary to inspect establishments.

Perhaps one of the most significant provisions in the bill deals with the establishment of Federal emission standards for new stationary sources. The Secretary is authorized and directed to establish Federal emission standards for new stationary sources where emissions from such sources are extremely hazardous or where such emissions contribute substantially to the endangerment of the public health or welfare. The purpose of this new authority is to prevent the occurrence anywhere in the United States of significant new air pollution problems arising from such sources either because they generate extrahazardous pollutants or because they are large-scale polluters.

At present emission standards for stationary sources are established exclusively by the States.

The promulgation of Federal emission standards for new sources in the aforementioned categories will preclude efforts on the part of States to compete with each other in trying to attract new plants and facilities without assuring adequate control of extrahazardous or large-scale emissions therefrom.

Such emission standards may be enforced either by a State as part of that State's plan or by the Secretary if a State fails to include such standards within its plan. The provisions for court actions to secure abatement and the imposition of penalties are comparable to the provisions described in section 4 of this legislation.

I have already mentioned the importance of automotive air pollution in the United States. Under the provisions contained in the bill, the Secretary is authorized and directed to test, or require to be tested in such manner as he deems appropriate, any new motor vehicle or motor vehicle engine as it comes off the assembly line in order to determine whether the vehicle or engine conforms with the applicable emission standards. Such tests are in addition to testing the prototypes furnished by the automobile manufacturers for purposes of securing certificates of conformity. On the basis of the assembly line testing, the Secretary may suspend or revoke any such certificate in whole or in part. Hearings on the record are to be conducted by the Secretary at the request of any manufacturer who desires to challenge the Secretary's decision to suspend or revoke a certificate, but such hearings shall not stay the suspension or revocation. Determinations made by the Secretary on the basis of such hearings are subject to judicial review.

Experience has shown that the testing and certification of prototypes does not of itself assure that automobiles coming off the assembly line which are sold to the public comply with the Federal emission standards. Therefore, the legislation authorized inspection of assembly plants and the testing of automobiles and engines coming off the assembly lines.

Additionally, the legislation provides that States must require inspection of motor vehicles in actual use if the Secretary, after consultation with the State, determines that the achievement of ambient air quality standards requires such inspection and that such inspection is technologically and economically feasible.

Your committee is aware that low-cost, easily operated instrumentation techniques for such inspections are not available at present. Since automobiles account for 60 percent of the air pollution problem in the United States and since new antipollution devices must be developed and installed on automobiles to meet more stringent emission standards, it will be necessary also to develop more effective measuring devices to make possible inexpensive and efficient tests.

The Secretary, therefore, is directed to conduct research and development activities with respect to low-cost instrumentation techniques to facilitate the measuring of automotive emissions. The Secretary is directed to report to the Congress his recommendations for testing programs to assure that emission standards are met during the life of vehicles and engines.

The provisions which authorize the Secretary to establish standards for automotive and other fuels are likewise of great importance. The Secretary is authorized to establish limitations on—or providing for elimination of—ingredients of fuels—including additives—which endanger the public health or welfare or which impair the performance of emission control devices or systems on automobiles. Before imposing such limitations the Secretary is required to make certain specific findings as to the necessity of the imposition of such limitations.

Present law does not authorize the imposition of such limitations on automotive or other fuels.

I need not go into further detail on the provisions dealing with aircraft emission standards and pollution from Federal facilities because Chairman STAGGERS has already dealt with these provisions and, therefore, I can conclude at this point by asking the House to support this very worthwhile legislation. Our subcommittee has worked very hard on this legislation. All of the members of the subcommittee, including myself, are listed as sponsors of the bill (H.R. 17255) and it is my hope that this legislation will make possible substantial improvements in the quality of the air which we will breathe as the provisions of this legislation will be implemented and enforced.

Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. ROGERS).

Mr. FARBSTEIN. Mr. Chairman, will the gentleman from Florida yield in order that I may clarify something before he starts, so I will not interfere with his statement, or would the gentleman rather complete his statement and then have me ask the question?

Mr. ROGERS of Florida. Mr. Chairman, I will ask the gentleman to allow me to complete my statement. If we do not get into his question then, we will get into it on the 5-minute rule.

Mr. Chairman, I strongly support this legislation. The committee has done an excellent job on the bill and is bringing to the Congress the most effective bill that I think could be proposed to clean up the air in America.

There has been much attention given

to the many forms of pollution in our Nation today. Unfortunately, this attention which has gained the general support of the entire population, has come at a very late date. We find ourselves in a position now of acting quickly to remedy our excesses or we will be forced to change our entire life-style.

For scientists of almost every discipline have told us that we cannot go on polluting our environment and expect to continue living as we are today. Even today we are forced to do things differently than our ancestors because we have fouled our environment.

Air pollution is one of the most pressing forms of pollution because unlike others, the air around us is unavoidable. We do not have to swim or look at dying lakes. But everyone must breathe.

It is one thing to think of clean air for the beauty of it. After all, the pictures of smog over our major cities is a national disgrace.

But it is much more serious than that. Clean air in some parts of our Nation is in such short supply that, if we continue along the same lines which we have for the past decade, we have been warned that mass deaths may result in this decade. Other experts forecast that residents of our major cities may have to wear gasmasks, while others tell us that the layers of smog are creating a wall between the Sun and the Earth so that sunlight may be blocked, in whole or in part, thus affecting the temperature of the earth and the growth patterns of our vegetation.

Indeed, these forecasts are already ringing true. Doctors in California blame pollution for the rising number of deaths from emphysema. And in Los Angeles, 10,000 people have been advised to move elsewhere because of the adverse effects of smog on their respiratory systems.

The chief culprit in the air pollution story is the automobile. Between 55 and 60 percent of the problem is traced to the auto and in heavily populated areas this figure is much higher.

It is estimated that the automobile annually dumps about 90 million tons of pollutants into the air. In 1967 we thought we had started an effective program which would reduce auto pollution, but found differently during hearings.

Dr. John Middleton, the Director of the National Air Pollution Control Administration, testified that between 70 and 80 percent of the automobiles tested during one study failed at least some portion of the standards. This, in effect, means that we, the public, are paying for antipollution devices which are not working to the standards set out by the Secretary.

If Members want to clean up the air in America, they will vote affirmatively for this bill.

Mr. Chairman, we have changed the concept from the 1967 law, which all of us were not pleased with, particularly the administration of the law. The law has not been effectively administered. The provisions of the law were not even enforced. For instance, under the law, fuel was supposed to be registered. But this was never done and I do not know why.

We did not have an adequate testing program for automobiles, and used only four prototypes to determine if the standards were being met by a particular manufacturer. And, instead of taking each result on a separate basis, they were using an average on the four prototype automobiles. We are changing this and saying that each prototype automobile must meet the standard itself—not be averaged. We are also going to have the daily inspection of the assembly-line production so that we will get to this problem of cleaning up the auto emissions.

In changing the theory of the legislation, we go from setting up little air regions to national air standards. To show how effective the law has been since 1967, I would note that there has been only one interstate region approved. When the law was passed, we envisioned more than 75.

I believe they now say there are 17 regions approved by HEW. That does not mean 17 States; it means 17 parts of States in most instances. That is about what has been accomplished. HEW says they may get up to 70 by the end of the summer. This entire procedure is too ponderous and needed to be changed, so the committee in this bill has changed it.

The Secretary of Health, Education, and Welfare under this legislation will set a national air quality standard for ambient air quality. This is a standard that will be for the whole Nation, to assure clean air to the American people based on criteria, scientific information as to how many parts per million are permissible for particular pollutants. Five of those criteria have already been determined by scientific and medical evidence, and they have been published.

From that, then, the national standard will be established. And these will be published 30 days after the passage of this law. Under the present law the approach has been by regions proceeding with hearings to determine whether there should be a region here or there. The committee has cut across that time-consuming process. We say now that every State is a region, right off, so that we can begin to effectively administer the law.

The air quality standard established by the Secretary must be carried out by the States, according to a State plan. This State plan will implement the air quality standard by setting emission standards and controls within the State to control those pollutants, in order to meet the overall quality air standard. This will be true in every part of the Nation.

Each State plan will be submitted to the Secretary. If the Secretary does not think the plan meets the need, it will go back. If it is not then corrected, the Secretary himself will have the authority to go in and set the plan. Further, if the law is not enforced by the State, the Secretary may go in and enforce it, or go through the courts for injunctive relief or whatever the equities of the case may allow.

Now, as to stationary sources, those in existence will be met that way, through the State plan by its emission controls to meet the air quality standard. As new factories are built, the Secretary will be permitted the right to set emission standards; not just a quality of air standard but emission standards, so that we know that new sources of pollution will not develop.

Where there is a particular hazardous substance, the Secretary can also go in.

This takes care, basically, of stationary sources.

On the automobile, the Secretary will be given the right, of course, to continue emission standards.

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. STAGGERS. Mr. Chairman, I yield the gentleman an additional 5 minutes.

Mr. ROGERS of Florida. Mr. Chairman, some say we ought to do just like California. The gentleman from New York is concerned.

The Secretary now has the authority to put whatever standards he believes are necessary for the safety of the American people into effect, and the 1975 standards are the same, as I understand it, as those of California. It has been true that California has advanced its standards some over what the Federal Government has, but this does not mean that the Federal Government right now cannot change its standards immediately.

I presume, after the passage of this bill, and the interest indicated by the Congress, the Secretary probably will even increase those standards where he feels it is feasible.

I think all of the authority that the Secretary needs is already on the books. We are now giving him more authority to correct the emission standards in the factory, by daily inspection on the assembly line.

Furthermore, we allow him the right to go in and say that this is not just a device problem but it may also be a gasoline problem. We then give the Secretary the right to go in and say, "You cannot put this additive in the gasoline if it affects the public health" or—because it is not just public health that is involved—"or on the further ground if it will prevent emission standards from being met."

What many people are forgetting is that this is really a problem of two industries. It is the combination when they come together that produces the problem. The Secretary now can set any emission standards he wants coming out of that automobile. And nothing comes out of the tailpipe until the fuel goes in. So he can control anything he wants right now, basically, through emission standards on what is coming out of the tailpipe of that automobile.

Mr. FARBSTEIN. Will the gentleman yield?

Mr. ROGERS of Florida. Yes; I yield to the gentleman.

Mr. FARBSTEIN. The first question I would like to ask is with relation to your statement that there is inspection at the time that the automobile is produced on the assembly line. According to information I have received, auto engineers say it is almost impossible to judge if a device works until after the vehicle is broken in after approximately 4,000 miles, and while assembly line inspection can test individual devices for quality control, no opportunities exist to see if the device actually works in operation. It has been held that over 53 percent of the devices have been found to have broken down and been of no use after 11,000 miles. What good is there to an inspection at the assembly line, then?

Mr. ROGERS of Florida. Evidently the gentleman does not understand the inspection process. What I would say to him is, first of all, your prototypes are those that have been run 50,000 miles, so the devices, first of all, are proved prototypes. This is 50,000 miles and not 4,000 miles. We are requiring all of the prototypes meet all of the standards.

Mr. FARBSTEIN. But how about an automobile that has never had a prototype?

Mr. ROGERS of Florida. Let me finish.

We are also incorporating the further testing and the further assurance to the public by requiring that the testing is done from the assembly line every day. As soon as something shows up the Secretary can go in there and lift a certificate and those cars cannot be sold in interstate commerce until the matter is corrected. They can then be tested and, when the Secretary determines that the car or cars meet the standard, he will immediately certify that tested car. So the gentleman can be assured that this legislation will be carried out.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAGGERS. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. ROGERS of Florida. I think, if people will study this bill, they will see that we have incorporated effective provisions to reach the automobile. I also feel the Secretary should use the Government automobiles for testing. And if a pattern of failure develops, then I think the Secretary should make a public announcement of this. This will put public attention on any failure and bring appropriate action.

Also, we go into the airplane problem. We allow the Secretary to set emission standards for airplanes which are to be administered by the Federal Aviation Administration, keeping in mind safety features.

Furthermore, we have a provision about Federal-installation polluting. We direct that all Federal installations, who, incidentally, are some of the biggest polluters in this Nation, shall abide by the pollution laws, and the only way they can get an exception is to go to the Secretary. That exception cannot be granted for more than 1 year and then the Secretary must explain to the Congress why he granted that exception. In other words, this is telling the Federal agencies: "We want you to stop polluting the air, too."

Now, we have strong enforcement provisions in the bill. We have the most rapid means which I know of bringing in States with complete authority to get things done. If the States will assume this responsibility—and I think they will under this legislation—we are going to have clean air in this Nation. If they do not, we are still going to have clean air, because the Federal Government is going to come in and clean up the air if the States do not meet their responsibilities.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman from Florida yield?

Mr. ROGERS of Florida. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. I am sure the gentleman from Florida is aware that, under existing legislation, many conferences have been held on pollution, out of which certain recommendations have come. What is going to happen under the new legislation to those recommendations emerging from conferences already held?

For example, the conference procedure has dragged out for over 3 years in the Marietta, Ohio-Vienna, W. Va., area, we have finally arrived at some recommendations and hope all this time is not lost.

Mr. ROGERS of Florida. Actually, what we did in the present bill is to allow any regions that have been performing under the law to continue to do so where progress has really been made. However, the chairman of the committee has already agreed that we would add clarifying language to the bill along this line.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Florida. I yield to the gentleman from West Virginia.

Mr. STAGGERS. I propose to offer this amendment on this subject later on.

Mr. ROGERS of Florida. I think this will clarify the question of the gentleman from West Virginia.

Mr. HECHLER of West Virginia. Mr. Chairman, if the gentleman will yield further, I have one more brief question. We have miserably failed to prevent air pollution by trying to apply the laws now on the statute books. Polluters have used every opportunity to delay and there has been a long, drawnout procedure which has frustrated public efforts to clean up air pollution.

Is there any injunctive process under this pending legislation which will immediately force abatement of an air pollution source?

Mr. ROGERS of Florida. This authority is contained in the bill, that the Secretary can go into the court for the abatement of pollution. So, the authority is in the bill now providing for this type of court procedure.

The CHAIRMAN. The time of the gentleman from Florida has again expired.

Mr. STAGGERS. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. HECHLER of West Virginia. Mr. Chairman, if the gentleman will yield further I am still concerned about whether polluters can be enjoined. What the gentleman from Florida is saying, then, is that this court procedure will not in itself constitute a long drawnout delay of pollution abatement, is that correct? We must have speedier action to obtain clean air.

Mr. ROGERS of Florida. Well, of course, I do not know how long it will take for the court to act, but an injunctive procedure is very rapid in obtaining a determination of the question. I think it is about as rapid an attack on the problem as we can get. I think the gentleman from West Virginia will be very pleased with this legislation. It is going to clean up the air.

Mr. FARBSTEIN. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Florida. I yield to the gentleman from New York.

Mr. FARBSTEIN. On page 40, section (2) (a) I understand that the administration's proposal originally required that the representative sample failed to meet the test for emission standards, the whole class of automobiles would be revoked and the certificate would be revoked? Now, suppose a representative sample under the present law of the production code does not meet the standard of emission, can the Secretary revoke the certificate for a whole line of cars, or just the one being tested?

Mr. ROGERS of Florida. In other words, if your representative sample coming off the daily production line does not meet the standard he can raise and withdraw the certification for that whole assembly line production.

Mr. FARBSTEIN. That is all I want to know.

Mr. STAGGERS. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, first I want to recognize the work that has been done by the chairman of the full committee and by the gentleman from Oklahoma (Mr. JARMAN) as well as the gentleman from Florida who just spoke in framing what seems to me to be a most adequate and strong act to control air pollution.

I have a question that I should like to propound to the chairman at this time:

Since the bill has two provisions that seem to me to be its salient factors strengthening the present law, it seems to me it is well to know precisely what these do. The first factor, of course, is the provision by which the Federal Government establishes ambient air standards. This of course did not exist in the previous bill.

The other salient factor strengthening the present law that seems to me to be an extremely effective new method of controlling air pollution is control of emissions from new sources.

First I should like to ask the chairman whether a new source necessarily means new equipment, or whether a new source may include an altered or increased effluent from a plant?

It is my understanding that the legislation grants authority to the Secretary of Health, Education, and Welfare to establish emission standards for any such sources which, either in the form of entirely new facilities, or in the form of expanded or modified facilities, or because of expanded or modified operations or capacity, constitute new sources of substantially increased pollution?

Mr. STAGGERS. That is true, I say to the gentleman, and that is the intent of the committee in passing the legislation. And I want to make it perfectly clear that this was the reason for putting a specific statement into the report as to what the intention of the committee was.

Mr. ECKHARDT. I understand that that is clearly spelled out in the report.

Mr. STAGGERS. It is.

Mr. ECKHARDT. Therefore, it would appear to me that, for instance, an old steel plant which altered its production in a particular unit or operation, even though that unit was an old unit, would be controlled just as its competitor, a new steel plant, would be controlled, where new equipment plus new sources of emission occur?

Mr. STAGGERS. That is correct.

Mr. ECKHARDT. I thank the chairman.

Mr. STAGGERS. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. VAN DEERLIN).

Mr. ANDERSON of California. Mr. Chairman, will the gentleman yield?

Mr. VAN DEERLIN. I yield to the gentleman from California.

Mr. ANDERSON of California. Mr. Chairman, I wish to thank the gentleman for yielding.

I commend the committee for putting its attention to the problem of air pollution, but I feel that we can, and must, strengthen the provisions in H.R. 17225, the Clean Air Act Amendments of 1970.

Air pollution continues to darken our cities' skies and threaten our total environment with its poisonous chemical mixtures.

The primary contributor to this pollution is the automobile which accounts for nearly 80 percent of the air pollution in our cities. The automobile is responsible for dumping into the atmosphere each year more than 90 million tons of pollutants; this is twice as much as any other single contributor. If air pollution is to be curtailed, dangerous emissions from automobiles must be substantially reduced.

To combat the problem of vehicular air pollution the Federal Government is issuing emission control standards, but the present approach is inadequate for a number of reasons. Studies have shown that under existing controls automobile air pollution in the United States will more than double in the next 30 years. This is due to the projected increase in both the number of vehicles and the miles driven by each vehicle.

Only California has adopted emission standards which will stabilize air pollution and control the production of oxides of nitrogen. But, we want to not only stabilize air pollution, we want to eliminate it.

We have an immediate and pressing duty to protect the health of the American people by curbing dangerous vehicular air pollution. It is clear that present efforts to curb pollution by regulating new car emission levels are wholly unsatisfactory. Therefore, we must take immediate steps to encourage the development of low-emission vehicles.

Legislation, such as the bill (H.R. 14534 which I have cosponsored, would require Federal procurement of low-emission vehicles, thus fostering development of nonpolluting vehicles. By offering legislatively guaranteed markets, a reasonable rate of initial production is possible. Such a proposal would make the nearly 400,000 vehicles now used by the Federal agencies a guaranteed market for low-emission vehicles. In 1968, the Federal Government spent $26 million for the purchase of about 16,000 passenger cars and $129 million for nearly 46,000 buses, ambulances, and trucks. Under the procurement plan limitations, the total additional yearly costs cannot exceed $34 million. This additional cost is a small price to pay for alleviating the dangers of air pollution and for preserving a life-sustaining environment.

In addition, Mr. Chairman, I feel that we should put Detroit on notice that they must develop a low-emission vehicle. Last year, the California Senate passed a bill which would ban pollution causing engines in new motor vehicles after January 1, 1975. The bill died in the assembly. Similarly, I have introduced a bill, H.R. 17516, which is identical to the California bill.

We must strengthen our laws in order to eliminate air pollution. Our health and our very existence depend on our action.

Mr. VAN DEERLIN. Mr. Chairman, I thank my colleague from California for his comments, and I am glad the gentleman was here because his is a district which knows a great deal about the problem to which we address ourselves today.

As a matter of fact, there are occasions today when the unclean air from the gentleman's district sometimes wafts its way as far southward as the otherwise salubrious city of San Diego. And even there, we are learning something about what they have suffered for many years in Los Angeles.

Mr. Chairman, we had a fight on this legislation just 3 years ago. It was then that the delegation from California rallied sufficient support within the House membership to win the right for our State to maintain stricter standards against auto effluents than prevail in the other 49 States. This change was accepted by the rest of the House, I think on the grounds that California had been suffering from this problem longer, and had taken greater strides toward meeting the problem.

Unfortunately, since that fight in 1967—and even though we did improve legislation then on the books—air pollution has grown still worse.

It is my opinion that the bill we are about to pass today, unless we give serious attention to the amendments which will be offered, will fail to take the additional steps that are necessary now to call a halt to this ever-mounting pollution.

Mr. BELL of California. Mr. Chairman, will the gentleman yield?

Mr. VAN DEERLIN. I yield to the gentleman.

Mr. BELL of California. Mr. Chairman, I would like to commend the gentleman for his statement and for his forthright stand on this issue.

Is it not true that sometimes to get something done you have to take somewhat drastic action to get the problem solved; and in this particular instance it might be the automobile industry that needs to take drastic action? What is your opinion of this concept?

Mr. VAN DEERLIN. I congratulate the gentleman. Speaking of drastic action, he will recall that the State senate in California last year, by a 26 to 5 rollcall, voted to require the elimination or phasing out of the internal combustion engine in automobiles sold in our State, by the year 1975.

Mr. BELL of California. Does the gentleman think that by just continuing the way we are going it is likely to be enough to solve this problem in Los Angeles and San Diego and other troubled areas?

Mr. VAN DEERLIN. New York and Philadelphia and Chicago.

Mr. BELL of California. Yes; New York and Philadelphia.

Mr. VAN DEERLIN. No.

Mr. BELL of California. Does the gentleman think anything significant is going to be accomplished in pollution abatement if we just continue the way we have been going for the last few years with just a few little changes here and there in the way of improvements?

Mr. VAN DEERLIN. I think the gentleman anticipates my attitude on that.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. VAN DEERLIN. I yield to the gentleman.

Mr. STAGGERS. Did I understand the gentleman to say that he wanted all internal combustion engines phased out in California by 1975?

Mr. VAN DEERLIN. I said our State senate felt so deeply the concern of the people of California that the senate voted last year to phase out all internal combustion engines sold in California by the year 1975—but the bill was not enacted into law.

Mr. STAGGERS. Oh, I see.

Mr. FARBSTEIN. Mr. Chairman, will the gentleman yield?

Mr. VAN DEERLIN. I yield to the gentleman.

Mr. FARBSTEIN. Under an amendment that I will offer, we want to phase out the internal combustion engine by 1978. Until 1975 the California standards should prevail. But after that, gradually, in 3 years, large motors and smaller motors and so on will be phased out. So by 1978 there shall be a clean engine and no longer a smog-producing engine. I believe the technology of the automobile companies is such that they can produce, or they can mass-produce, an automobile which will be clean and at the same time be able to sell at prices similar to those at which they are sold today.

Mr. VAN DEERLIN. May I say, I feel the gentleman's generosity in extending the limit by 3 years over what the California Senate is willing to do will impress itself on all, except possibly the auto industry.

The most dramatic evidence of air pollution is always to be found in dirty smokestacks in factories, belching smoke across populated communities. The fact of the matter is that in urban areas 90 percent of the poisons in our air come right out of the automobile exhaust pipe. While it is easy to get civic campaigns started against those black factory smokestacks, it is a much sadder experience when you try to do something about what goes into fuel composition or into the manufacture of an automobile.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. VAN DEERLIN. Mr. Chairman, is it possible to have an additional minute?

Mr. STAGGERS. I yield the gentleman from California 1 more minute.

Mr. VAN DEERLIN. I would like to make the point that by compelling others to do this job, we can save a great deal of money. This Congress has authorized a billion dollars, and appropriated $600 million for clean water. I think we could get by for much less money when it comes to establishing clean air if, by law, we put the matter up to the automobile and oil industries themselves.

I regret that so many of those who are present are members of the committee who have already listened very patiently to my arguments before today. I should like to point out that on page 51 of the report, you will find a fairly concise statement of our objections, signed by three members of the committee—the gentleman from New York (Mr. OTTINGER), the gentleman from Rhode Island (Mr. TIERNAN), and myself. Thank you.

Mr. STAGGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. MIKVA).

Mr. MIKVA. I thank the Chairman. I should like to add my compliments to those of other speakers to the committee and the subcommittee for what I consider to be an overall excellent job. I think this bill goes a long way toward solving some of the problems that we as a country have in cleaning up our air.

I have the dubious distinction, according to the Federal air pollution authorities, of representing one of the most polluted, if not the most polluted districts in the entire country. While I am aware of the long stride forward that has been made, I think there is one instance where a defect in the 1967 act must be cured if we are going to begin to approach clean air in the urban areas of our country. That has to do with an item that so fundamentally touches on States' rights and local initiative that I for the life of me cannot understand how it crept into the 1967 act. I think this is the time for it to be removed.

I refer of course to the provision that preempts local and State governments from doing anything about automobile emissions, not only in terms of living up to the Federal standards which are strict, but in terms of trying to impose standards that are more strict. I regard as an anomaly the fact that a State or a local government can impose such different standards on fuel. It can impose such different standards on any kind of stationary sources. It can impose such different standards on motorboats. Only the automobile is treated as some kind of privileged character which does not have to meet State or local standards.

For example, United States Steel is in my district. I think it has other plants in the districts of many of the Members on the floor today. They have to meet local and State antipollution and stationary air standards of all localities in which they produce. Automobiles have to meet local laws insofar as size is concerned, insofar as tires are concerned, insofar as equipment is concerned. Only in the special area of air pollution are they given a pass, and while I have great regard for the automobile industry, I think we pay too high a price for their being able to operate under one single standard.

The late Justice Frankfurter once described the local government as 50 separate laboratories in which we are to find new ways of solving problems, and I think in this area we ought to repeal that preemption of new solutions, and I intend to offer an amendment to that effect.

Mr. STAGGERS. Mr. Chairman, I yield 5 minutes to the gentleman from North Carolina (Mr. PREYER), a member of the committee.

Mr. PREYER of North Carolina. Mr. Chairman, I rise in support of this legislation. In recent months the words "environment" and "ecology" have been trigger words, words that have set off our deepest emotions. We have all been viewing with alarm, but alarm by itself puts out no fires, to mix metaphors. We have all made a lot of noise on the stairs, and now it is time to come into the room. It is time to stop talking and to take concrete action. Action is a whole lot harder than talking, and when we ask ourselves what kind of law should we pass that will do something about air pollution, the popular demonology of pollution is not of much help, nor is jousting at "greedy business" or "mindless technology."

What we have to do is to apply creative intelligence to the problem at hand. One problem is that we know so little about what to do. For example, Barry Commoner, who testified before our subcommittee, said that we are woefully ignorant about the nature of air pollutants and about the chemistry that is going on in this massive air over our cities. He described an instrument he was using at Washington University which provides a total analysis of an air shed for nitrogen dioxide and sulfur dioxide. You put this instrument in the back of a station wagon. You point it at the sky, and as you drive down the road, you can read off on a paper chart the concentrations of nitrogen dioxide and sulfur dioxide. The amazing fact is that this is the only instrument of its kind in the country.

This means that we need a much stronger research effort and that we are limited in what we can do legislatively by our lack of knowledge. Commoner, while testifying on this bill, estimated we probably face a 10-year period of research and operation of pilot plants before we have some final answers. So I think the point we should make here is that our hopes should not be too high for a final answer on this bill.

Our people in this country are already aroused to a high pitch of disbelief, frustration, and despair on many matters, and we do not need any more total solutions that do not work. The present bill is responsible legislation because it does what we know how to do—no more and no less.

It offers no final Apocalyptic solution, but this represents the best we know how to do at this time, and I strongly support it. The bill provides that as our technology develops, as our research gives us more facts, then the Secretary of Health, Education, and Welfare is empowered to upgrade and strengthen air pollution standards in the light of such new knowledge.

What does the bill do? It strengthens the present law in five significant respects—which have been commented on already and which I will not repeat. It provides for tripling of funds for air pollution control. I should like to make two general points which have not been commented on.

One thing I think the bill recognizes is that we cannot return to some pretechnological womb. We cannot return to Walden Pond. What we have to work with in this country, the only real possibility we can consider, is solving this problem in terms of a growing economy. As Walter Heller pointed out recently, by the year 2000 we will have to have twice as many schools in this country, and, if human nature stays the same way, we will have to have twice as many jails and twice as many everything, so solving the air pollution problem in terms other than in terms of a growing economy is probably impossible.

If we retreated, say, to an 1870 level of technology—and if we went back to 1870, we would have to realize the bison were already dead, the eastern forest had already disappeared, and colonial cities were in a decline—then the median standard of living, if we went back to that time, would be far below the 1970 poverty line. So I think we have to deal with this problem in terms of solving it within the framework of our modern economy and not by "Buddhist economics" (that is, by reducing our gross national product until we are back to the Tibetan village level).

I think it can be done. The mayor of a small midwestern town recently said: "If you want this town to grow, it has got to stink." This fatalism is totally unacceptable.

I would like to make one comment on the substance of the bill itself, and that deals with the national standards and with respect to industry's role in the big cleanup, because industry has got to play a key role. Industry has objected in a number of instances to national standards, but we must have clear guidelines from Government that will apply uniformly to protect each individual industry's competitive position. This means we must have national standards.

Some industries objects to national standards because of their belief that State regulations can more easily tailor the situation to local industry needs. But if we do not have national standards, we find what has happened is that States begin to bid against each other to attract polluting industries. A State says, "We will be easier on you if you come into our area." Or the industry will say, "If you enforce this standard against us, we will move our industry into another State." So I say it is not fair to those States who are trying to do something about pollution to allow such lowering of standards to attract polluting industries into other States, so I think the national standard is an excellent approach.

We are embarking now on a new experiment in government, an experiment to determine whether we are wise enough to direct our affairs in a way which recognizes the essential interdependence of man and his environment.

The situation is not hopeless despite some doomsday prophets, and I think the human race can solve it with the proper efforts and proper programs. I think this bill is a fine step in that direction.

Mr. HALL. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Evidently a quorum is not present. The Clerk wil call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 163]

Addabbo
Anderson, Tenn.
Ashbrook
Ashley
Ayres
Baring
Barrett
Biaggi
Blatnik
Brademas
Brock
Carey
Celler
Chisholm
Clark
Clay
Conable
Corbett
Cowger
Cramer
Culver
Daddario
Dawson
Diggs
Dowdy
Edmondson
Esch
Evins, Tenn.
Fallon
Fraser
Frey
Garmatz
Gaydos
Gilbert
Halpern
Hansen, Wash.
Hébert
Horton
Jones, Ala.
Jones, Tenn.
Kirwan
McCarthy
McMillan
MacGregor
Mathias
Mayne
Meskill
Morton
Ottinger
Passman
Patman
Pepper
Pollock
Powell
Reid, N.Y.
Reuss
Riegle
Roe
Rooney, N.Y.
Roudebush
St Germain
Scheuer
Schwengel
Steiger, Wis.
Stephens
Stratton
Stuckey
Vander Jagt
Wilson, Bob
Wilson, Charles H.
Wyatt
Wydler

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. GALLAGHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 17255, and finding itself without a quorum, he had directed the roll to be called, when 357 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. STAGGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. MURPHY).

Mr. MURPHY of New York. Mr. Chairman, as a member of the committee, I congratulate the chairman of the full committee and the chairman of the subcommittee and the gentleman from Florida (Mr. ROGERS) on an outstanding legislative accomplishment in presenting this clean air bill to the House.

The city of New York is starting to shut down different city functions because of an atmospheric inversion. At no time in the past and at no time in the future is this legislation more necessary. I urge its speedy enactment.

Mr. Chairman, today the House is considering what may be one of the most significant pieces of legislation of 1970. The Clean Air Act amendments will arm Federal officials with the legal weapons to probe, prosecute, and punish willful air polluters.

Today, there are no less than seven major departments and agencies involved in the air pollution battle in the metropolitan area I represent. Yet, we are losing the fight for life and lung a little more each day. The amendments we will act on today will reverse the trend of this battle. We will put teeth into the fight for clean air.

During consideration of these amendments in the Committee on Interstate and Foreign Commerce, my colleagues agreed with me that a serious obstacle to success in cleaning up our air was the inability of the Federal Government to move decisively in areas of suspected pollution.

For this reason I brought an amendment through the committee which provides dramatic new enforcement powers to the Federal Government. The need for this kind of power was amply demonstrated to me in my own district, where pollution from one State flows into another and neither State can adequately compel changes in the other State.

This language, which is now contained as section 112(f) of this bill, will give the States the necessary backup from the Federal Government to stop interstate pollution.

The bill permits officers or employees duly designated by the Secretary of Health, Education, and Welfare upon presentation of appropriate credentials and a written notice to the owner, to enter, at reasonable times, any establishment which the Secretary has reason to believe is or may be in violation of regulations issued for the control of air pollution. These officers shall be authorized to inspect records, files, papers, processes, controls, and facilities relevant to compliance with the air pollution regulations. A separate notice is required for each inspection, and inspections shall be promptly completed.

As you can see, we are authorizing the Federal Government to step into critical interstate situations—such as exist in the major industrial areas of this country, and elsewhere—where the interstate mechanisms have failed to abate pollution.

This section is one which can be embraced by every State in the Union because it gives the States the added muscle they have lacked in years passed.

The language for this section grew out of a conference I held in New York this spring. Every important agency in the metropolitan area involved in the air pollution battle was represented. Federal, State, city, and interstate officials suggested the language of this section to me as a vital and necessary arming tool to reverse the increasingly dangerous blanket of foul air which threatens the health of every one of us.

I strongly commend this section to the Members of the House.

I also strongly commend the full Clean Air Act Amendments of 1970 to this body. All of these steps we consider today are vitally needed if the Federal effort in the fight for clean air is to be but little more than that of a mere bystander.

Mr. SPRINGER. Mr. Chairman, I yield such time as he may consume to the gentleman from Nebraska (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I have long been active in efforts to clean up our air and water and land pollution.

In order that I may make my position clear I herewith refer to a letter from the Associated Press Bureau in Nebraska asking my position on various aspects of the problems of air and water pollution. Their letter to me reads as follows:

THE ASSOCIATED PRESS,
Omaha, Nebr., February 20, 1970.

Hon. GLENN CUNNINGHAM,
Rayburn House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE CUNNINGHAM: Some of the biggest news of the day involves the growing public interest in ecology and the problems of air and water pollution.

For our next roundup on Nebraska congressional opinion, we would like to ask some questions dealing with the pollution problem in the United States and specifically in Nebraska:

1. How seriously do you view the threat of air and water pollution in the nation? Do you concur with those who claim the planet may be destroyed in a few short years by pollution? Or do you think the immediate threat has been over-dramatized?

2. How strong a role should the federal government play in the antipollution fight? Should the government have punitive powers to force industry to take antipollution measures? Do you think business and industry have dragged their feet on pollution?

3. How seriously do you view the pollution problem in Nebraska? What should be done about the feedlots that are dumping untreated wastes into Nebraska's rivers and streams? Can we depend on Nebraska's growing industrial community to take steps voluntarily to combat polltuion or must they be forced by the government to do so?

Sincerely,

JOHN M. ARMSTRONG,
Correspondent.

P.S.—One further question: Should business and industry pass on the costs of pollution control to the consumer, or should they use some of their profits to pay for pollution abatement?

Mr. Chairman, I replied to the Associated Press inquiry at some length, and I now present my reply to the AP:

February 26, 1970.

Mr. JOHN ARMSTRONG,
The Associated Press,
Omaha, Nebr.

DEAR JOHN: I think the topic for your next round up of Nebraska Congressional opinion is an excellent one.

Before answering your questions specifically regarding ecology and the problems of air and water pollution, may I point out that that was one of my major concerns even prior to my becoming Mayor of Omaha in 1948. At that time—that is, prior to my election as Mayor—we had a civic effort called the Omaha Improvement Plan and there were various study groups set up to study various aspects of Omaha's many problems. The purpose of the studies was to determine what, if anything, should be done, and if some action was to be taken, what amount of money should be recommended to be placed in a package in the form of a bond issue to provide the means of solving these problems, or at least to make a start at solving them if they required a long range program.

I was appointed by the chairman of the overall committee, who was the President of Northwestern Bell Telephone Company, to be the chairman of the Omaha Improvement Association's Committee on Sanitation. There were other members of my committee, probably five or six, but I do not recall exactly. We made a detailed study of Omaha's long-neglected sewer problems and the dumping of untreated sewage into the Missouri River, as well as other ecological problems, including air pollution. Of the some twelve or more study groups, our committee recommended, as I recall it, approximately $3½ million in the form of bond issue money to accomplish the most urgent needs. The total package of these bonds recommended by the various study groups amounted to a considerable sum and that is why we were cautioned to hold our recommendations to a reasonable amount in order that the voters would not be too frightened by the whole package of recommendations.

The voters did approve the majority of the bond issues that were on the ballot, including the money for the fixing of our sewers and the problem of dumping of raw sewage into the Missouri River, for air pollution and related subjects. This was the first start that Omaha had made in all of its history to stop the pollution of the Missouri River due to the raw sewage being thrown into it at various locations, from the airport to a considerable distance south of the old Ak-Sar Ben Bridge. We also built a tremendous number of sewers that were broken, creating a seepage problem, and during heavy rains our old combined sanitary and storm sewers were flooding the streets. The combined sewers naturally contained a considerable amount of raw sewage. We also recommended a strong anti-smoke ordinance, as it was called in those days, although this required no bond money but was a part of cleaning up our environment.

Subsequently the advisory committee which I mentioned above were made permanent and a part of the city government when the bonds were approved. I was then named Secretary of the Omaha Sanitation Commission, which was then charged with carrying out the recommendations we had originally made and the expenditure of the funds that had been approved by the voters.

I took a special interest also, as noted above, in smoke abatement because it was a major problem in Omaha at that time. So I made a detailed study of this and looked particularly at St. Louis, which at that time had done a tremendous job in cleaning up its air pollutants. I have forgotten the name of the man in St. Louis who achieved these successful results, but because of what he did he was eventually elected Mayor of that city. In any event, I finally personally prepared a comprehensive smoke-abatement and/or control ordinance which I presented to the City Council with strong arguments for its adoption, and it was adopted.

Shortly thereafter I was elected Mayor of Omaha and it fell upon me to implement and administer the smoke-abatement ordinance which I had presented and which had been adopted prior to my election as Mayor. The first thing I did was to employ a professional person, a graduate chemical engineer, to administer the program. His name was Herb Ulrich and I vividly recall how very effective he was in carrying out the ordinance. It used to be that dozens upon dozens of smoke stacks belched out black soot and smoke every morning for hours on end and other times during the day. Mr. Ulrich told me that no smokestack should emit any smoke, soot, etc., because if it did it simply meant that the heating unit supplying that smokestack was either faulty or improperly operated.

In further carrying out the ordinance, we stationed spotters every morning beginning at dawn on three of the tallest buildings in Omaha so that we could have a view of where this smoke was coming from. I recall going with Mr. Ulrich atop the Telephone Building, which was one of our lookout posts. In any event, when Mr. Ulrich and his staff saw this smoke being emitted they would spot the location and go there immediately and talk to the people and explain to them that the heating unit was either faulty or being operated improperly. And we were severe with industry in these cases. As a result, over a period of three or four years we had eliminated 90 plus percent of all of these black, sooty, smokey emissions from chimneys and smokestacks. As a matter of fact, our program was so successful that we received national recognition for what we had done.

So I am no Johnny-come-lately in this field and I am sorry that Omaha again has a problem because what happened after I left the Mayor's officer was that they combined Mr. Ulrich's department with two or three other departments and relegated him to a minor position. This handicapped Mr. Ulrich and his staff in carrying out their duties, and what might have happened behind the scenes or behind closed doors with top city officials is unknown to me. But the program was gradually phased out. So all of our good work really went for naught and even today when I see these emissions from smokestacks I say to myself, "Somebody ought to see these people and stop this because it can be stopped if the heating unit is efficient and properly operated."

Now to your questions.

1. I view with great seriousness the threat of air and water pollution in the nation and I do concur with those who claim the planet may be destroyed in a few years by these pollutants. I do not think by any means that this threat has been over-dramatized. (I might add that because I was so deeply involved with clean air way back in 1946, 1947, 1948, and until 1954, when I was Mayor, that I even hesitated to walk the streets because of the additional dangerous condition of the environment due to exhaust fumes from automobiles.)

2. I think that the Federal Government must play a strong role in this pollution fight and I wholeheartedly support President Nixon's program. As a matter of fact, I am a co-sponsor of all seven of the President's bills in this area.

I do not always approve of the Federal Government having punitive powers, but in this field the government has no other recourse but to have punitive powers to force industry to undertake anti-pollution measures. In this field it does no good for one city or one state to have an outstanding program if an adjacent state does not have the same type of program. For example, the Missouri River does not affect just Nebraska. It is not enough for Omaha to stop polluting it. Other jurisdictions must do likewise. This is also true of air pollutants. They have no respect for state boundary lines. Therefore, it is a Federal problem and must be dealt with as such.

I do believe that business and industry have not met their respnsibilites regarding pollution, but I believe they are beginning to recognize the problem and will be cooperative. It is just a very sad thing that our atmosphere today is so contaminated because of the many years of neglect of this problem by those who have caused it.

3. I think Nebraska has a serious pollution problem and much needs to be done, but I do feel that overall it is the larger, more industrial states who bear the greatest responsibility. I do not mean for one moment that Nebraska does not have a problem and should not do all it can to abate pollutants. I would mention feed lots, for example, that are dumping waste into Nebraska's rivers and streams. I would say that this must not be allowed to continue. It matters not who pollutes the streams. The big problem is to stop pollution from whatever source.

I do not know whether or not we can depend upon Nebraska's growing industrial community to take steps voluntarily to abate pollution, but I do know that if it is not stopped the Federal Government will step in and require some action.

I believe those who are causing the pollution actually should bear the costs of controlling pollution of our air and water and other phases of the environmental problem. Business and industry, in my opinion, should not pass on the costs of pollution control to the consumer but should use their own funds for this purpose. The public at large should not be penalized for something over which they have no control. Mr. Nixon's program in this field is extraordinary. Yes, we have problems, but I know of no problem that is any greater than this one which we are discussing in this letter.

I might add as an aside that one of the reasons I have opposed the Platte River Dam from Ashland north is that it is my belief, after studying engineering data, that this dam would result in a highly polluted mud hole, just as the Potomac River which runs right through the City of Washington is one of the most polluted rivers in the United States. So my hat is off to Mr. Nixon for the fight he is going to wage, and I hope that the majority party, which controls the Congress, will cooperate with those of us in the minority and see that this legislation which he has recommended and which I have cosponsored is speedily enacted into law.

In reference to the Potomac River, I might add that it is so full of chemicals that to me the water is unfit to drink even after its so-called treatment. As a result I purchase for use in our home bottled water, pure unadulterated spring water, which comes from upper New York State. This is expensive to me but for the good of my health and that of my family I have found it necessary to assume this expense.

You have chosen a good topic and I wish you well. There is much more that I could say, but I think I have said as much as you would care to hear from me at this time.

Sincerely yours,

GLENN CUNNINGHAM,
Member of Congress.

Mr. Chairman, in conclusion I wish to outline a position paper on ecology which involves the problems of air, water, and land pollution. My position paper reads as follows:

ECOLOGY—PROBLEMS OF AIR, WATER, LAND POLLUTION

(A position paper by Congressman GLENN CUNNINGHAM)

My interest in and concern for our environment began many, many years ago, prior to my election as Mayor of Omaha in 1948. As chairman of the Committee on Sanitation of the Omaha Improvement Association, a civic organization, I became deeply involved in the city's long-neglected sewer problems, the dumping of untreated sewage into the Missouri River, air pollution, and other ecological problems. As a result of the studies and recommendations of the Omaha Improvement Association, bond issues were approved by the voters and funds became available for sewer repair and construction, sewage treatment, smoke abatement, etc. The study committees were made permanent as part of the City Government and became known as the Omaha Improvement Commissions. I was named Secretary of the Omaha Sanitation Commission. In this position, and subsequently as Mayor, it fell upon me to implement the programs and regulations the voters approved to carry out the Omaha Improvement Commission responsibilities.

One of the most serious environmental problems existing in the city at that time was the black soot and smoke that belched out of several dozens of smokestacks. I made a detailed study of this problem and prepared a comprehensive smoke-abatement and control ordinance which was presented to the City Council and adopted. Soon thereafter I was elected Mayor of Omaha and one of my duties was the implementa-

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tion and administration of this smoke-abatement ordinance. We worked closely with industrial firms, providing information and instructions on operation and renovation of their heating units, resulting in greater efficiency and economy in their operations and achievement of our goal—reduction of air pollution. Eventually 99 plus percent of all the black, sooty, smoke emissions from chimneys and smokestacks was eliminated. As a matter of fact, this program was so successful that it received national recognition.

I view with great seriousness the threat of air and water pollution in the nation today. These environmental problems have no respect for boundary lines and therefore I think the Federal Government must play a strong role in combatting pollution and efforts to make our environment more livable and enjoyable not only for ourselves but for future generations.

The first Federal air pollution program was authorized in 1955, just prior to my election to the Congress. In the years I have served in the Congress I have consistently supported anti-pollution legislation. In 1963 we enacted the Clean Air Act. Much progress in the cleaning up of our air and water has resulted from this and subsequent legislation. Because of my efforts for passage of the Air Quality Act of 1967, President Johnson invited me to the White House when he signed the bill into law and presented to me one of the pens he used.

I wholeheartedly support President Nixon's program for control of air, water, and land pollution, and I have co-sponsored seven bills which constitute his legislative program in this area. These bills are designed to wage a constructive and effective campaign against air and water pollution by encouraging better soil conservation, the development of parklands and public recreation areas, as well as dealing with means of disposing of trash and all "solid wastes." This legislation is also designed to clean up our water resources, to improve the quality of the air we breathe and to remove from the landscape the litter and trash which have become a national eyesore.

The President's plan involves fundamentally new philosophies of air, land, and water use, stricter regulations, increased government action, expanded citizen involvement and new programs to make sure that government, industry, and individuals all are called upon to do their share of the job and to pay their share of the cost.

Each of the seven bills uses a different approach, but together they form a comprehensive anti-pollution program. Highlights of each of the bills I have introduced follow:

H.R. 16031: Amends the Land and Water Conservation Fund Act of 1965. Provides for the acquisition of lands for use as National parks and Federal recreational areas. Also allows the Government to dispose of lands for which it has no use, the receipts from which would be used to obtain other more useful lands.

H.R. 16032: Authorizes the Council on Environmental Quality to conduct studies and make recommendations respecting the reclamation and recycling of material from solid wastes; extends the provisions of the Solid Waste Disposal Act, the principal concern of which is the junked car. The object of this bill is to clean up the face of America. Included would be the development of disposable containers to help unclutter the American landscape.

H.R. 16033: Amends and extends the Clean Air Act, provides for national standards of ambient air quality, expedites enforcement of air pollution control standards, regulates fuels and fuel additives, provides for improved controls over motor vehicle emissions. This legislation is concerned both with control of noxious discharges from internal combustion engines and with air pollution resulting from industrial discharges.

H.R. 16034: Establishes an Environmental Financing Authority to assist local and state governments in the financing of waste treatment facilities.

H.R. 16035: Provides a 5-year program with the Federal and the State or municipal governments contributing toward the construction of waste treatment facilities on a matching basis. The Federal Government would contribute 40 percent of the cost and the State or municipal government would contribute 60 percent.

H.R. 16036: Amends the Federal Water Pollution Control Act to establish standards for pure water; implements swift and effective enforcement of water pollution control measure. Gives the Secretary of Interior authority to achieve such enforcement fairly and equally throughout all of the states.

H.R. 16037: Principally concerned with developing and supporting improved state and interstate water pollution control programs, with chief emphasis on research, investigations, training and demonstration activities conducted by the Department of Interior. Also upgrades water pollution control programs carried out by individual institutions and agencies assisted by Federal funds.

Mr. Chairman, I believe the above very well outlines my long interest in these problems and that I am no Johnny-come-lately in doing something about cleaning up our air, rivers, and land which problems, in my estimation, and perhaps the most important problems facing this generation today and for future generations whose very existence depends on what we do not to protect them.

Mr. SPRINGER. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. Keith).

Mr. KEITH. Mr. Chairman, I rise in support of the legislation.

Mr. Chairman, if you were a nonsmoker and spent a day breathing the air in the city of New York, you would have experienced the same ill-effects of smoking two packs of cigarettes. The air in New York is polluted. The air in Washington is polluted. In fact, the air in many of our major cities is polluted.

The bill before us today is designed to quicken the pace of the battle against the destruction of our atmosphere. I am not an alarmist in saying that time is running out. In fact, some experts in the field feel it may be already too late.

The Air Quality Act of 1967 laid the foundation for the battle, but did not go far enough. We have experienced a hodge-podge of activity in the antiair pollution effort with far too many rules, regulations, and procedures arising from the several jurisdictions involved.

The last 3 years have produced evidence that clearly shows some national minimum standard dealing with the emission of air pollutants must be established. This bill will do just that. It puts standards into effect throughout the Nation without having to wait for individual State action.

Further in the area of interstate pollution problems, it provides a clear means for Federal enforcement of these newly established standards. Such authority is essential in a Nation that is growing closer and closer together through advances in the transportation and the product marketing fields.

The enforcement provisions have also been strengthened so that an obviously guilty polluter cannot rely on administrative delays to put off eventual installation of control devices.

This measure further deals with the very serious problem of stationary air polluting facilities. Under this bill, the Secretary of Health, Education, and Welfare would have increased ability to control and stop such hazardous offenders.

More than 60 percent of our national air pollution problem is caused by automobiles. This is particularly acute in areas of high population density which receives a concentrated dosage of carbon monoxide and carbon dioxide emissions from automobiles.

One health association advises pedestrians to minimize their breathing while walking along city streets. In fact, they recommend the rush hour ambiant to stop breathing entirely while outside an air-conditioned environment.

It is possible, if we do not act, that one day the Public Health Service will recommend an end to unprotected breathing regardless of an individual's location, unless strong measures are taken now.

The need then, for stronger air pollution control measures is great. This bill before us now, Mr. Chairman, provides increased control and stronger penalties. It better organizes the attack on the polluters from the national point of view.

Air is the basic substance of life. The elements of the air comprise the greater portion of our body composition. Without clean air to breathe all else is inconsequential.

And so, Mr. Chairman, I strongly urge my colleagues on both sides of the aisle to consider the merits of this bill and vote for its final passage.

Mr. SPRINGER. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. Halpern).

Mr. HALPERN. Mr. Chairman, I rise in enthusiastic support of this legislation.

Mr. SPRINGER. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. Bell).

Mr. BELL of California. Mr. Chairman, I rise in support of this legislation.

Mr. SPRINGER. Mr. Chairman, I yield 5 minutes to the gentleman from Kentucky (Mr. Carter).

Mr. CARTER. Mr. Chairman, air pollution, as most of us know, causes many diseases, bronchitis, emphysema, and even lung cancer.

The known causative agents are hydrocarbons, carbon monoxides, nitrous oxides, and particulates.

Many instances of widespread serious illnesses have followed protracted periods of extreme pollution. Increases in death rates have been noted in London, New York City, Los Angeles, and Donora, Pa.

In many areas of our country, we still see smokestacks belching forth clouds of poisonous pollutants. A still greater menace occurs from the many automobiles, 80 million, in our country. They account for approximately 50 to 55 percent of the pollution.

The present bill permits the Secretary of Health, Education, and Welfare to set standards of air quality throughout the country and emission standards for all new smoke-emitting factories. In case a pollution problem occurs, the Secretary is empowered to come into the State or region and institute immediate abatement procedures. In case of autos, new standards have been set for emissions, and the automobile industry has been quite cooperative. The problem of leaded gasoline has been mentioned. The chief complaint concerning this substance is that it clogs the devices used to clean the emissions, and not because lead is itself a dangerous pollutant.

All in all, it is my feeling that this is a good bill and should be passed.

Mr. STAGGERS. Mr. Chairman, I yield 3 minutes to the gentleman from Rhode Island (Mr. TIERNAN), a member of the committee.

Mr. TIERNAN. Mr. Chairman, I thank the gentleman for yielding.

The report on H.R. 17255 by the House Interstate and Foreign Commerce Committee, of which I am a member, states from the outset that—

> The strategies which we have pursued in the war against air pollution have been inadequate in several important respects and the methods employed in implementing those strategies often have been slow and less effective than they might have been.

H.R. 17255 is an attempt to speed up, expand, and intensify the war against air pollution and for that reason, I support its general thrust. The problem is that the bill does not go far enough.

It has been shown that the automobile is responsible for 60 percent of all air pollution in the United States. Yet this bill fails to deal effectively with eliminating pollutants from this engine. Members of a bipartisan group, including myself, Congressmen LEONARD FARBSTEIN, DANIEL BUTTON, LIONEL VAN DEERLIN, and RICHARD OTTINGER have prepared amendments designed to strengthen H.R. 17255 so as to make certain that automobile pollutants are eliminated as a major source of environmental decay by the mid-1970's.

My amendment deals with the regulation of fuel composition. The amendment substitutes a far superior version recommended by the administration, in place of the fuel composition section in the committee bill. The amendment would provide the National Air Pollution Control Administration with the power to regulate the composition of fuels, thus giving it the ability to ban lead as well as other additives in gasoline, in order to reduce pollution. It is my feeling that the NAPCA needs this power if we truly hope to have clean air in the near future.

In a comparison between H.R. 17255 and my amendment, I think it is clear that the latter is more effective in the fight for clean air. First, the administration bill covers all fuels. H.R. 17255 applies only to auto fuels. Second, both provide for regulation of fuel composition to eliminate adverse effects on public health and welfare. The committee bill, however, requires that no regulation may be established if the health danger can be remedied through increased auto emission standards. The burden is thus put on the auto industry, and the oil industry is left pretty much free and clear. Third, the committee bill requires specific "finds derived from relevant medical and scientific evidence" to prove that a fuel or fuel additive endangers public health or welfare. The administration bill requires no such rigorous proof.

NAPCA has indicated it could probably not scientifically justify banning lead in gasoline under this procedure. Fourth, the administration bill provides authority for NAPCA to secure from industry fuel additive pollution research it reasonably needs to assess pollution characteristics of fuels. The Food and Drug Administration has such power. The committee bill provides only the power to secure research already done. NAPCA would thus be required to do much of its own research at a substantial additional cost. Tied to rigorous evidence requirement, it would be almost impossible for NAPCA to operate under this procedure.

Clean air is vital to our health and happiness. H.R. 17255 can be an effective tool toward cleaning our air, especially if we accept the amendments which are being offered to strengthen the bill. The problems of environmental pollution, unless dealt with quickly and effectively, will plague mankind forever. The steps contained in H.R. 17255 are but the bare minimum. I urge my colleagues to support this vital legislation with the amendments.

Mr. STAGGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from West Virginia (Mr. HECHLER).

Mr. HECHLER of West Virginia. Mr. Chairman, I believe the Nation is indebted to the Congress in its demand for strict air pollution control.

Mr. STAGGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. VANIK).

Mr. VANIK. Mr. Chairman, I rise in support of this bill, but I am also in support of amendments which I believe are important to make the bill more effective.

Like many Members of this House, I was shocked to learn late last evening that the regularly scheduled legislation for today, the postal reform bill, had been removed from consideration and that H.R. 17255, the Clean Air Act Amendments of 1970 had been substituted. This air pollution control legislation is an extremely vital bill for the health and future of our country, and yet it has been brought up for consideration today on less than 24 hours' notice. The hearings of the committee which handled the bill were not available for distribution until midmorning today—2 hours or so before debate on the bill was to begin. These hearings come in two volumes and total 891 pages. Mr. Chairman, I wanted to look through these hearings and study them, but the sudden scheduling of this bill has denied me that opportunity and right.

Mr. Chairman, there are terrible weaknesses in this bill, particularly as it relates to automotive air pollution control.

The present internal combustion automobile engine is the most serious and dangerous source of air pollution in the Nation today. The U.S. Public Health Service estimates that the auto causes 60 percent—or more—of all air pollution in America today. Automobile exhausts create 180 billion pounds of poisonous pollutants a year. Medical research teams have found that heart diseases, lung cancer, respiratory ailments, and eye infections increase in proportion to the increase of automobiles. In addition to causing disease and death, air pollution cuts crop production, destroys trees, and is estimated to cost the economy $30 billion annually. The type of damage that can be done is well illustrated by the U.S. Forest Service estimate that 1.3 million trees in the San Bernardino National Forest will die in the next 5 years because of smog on the freeways.

These facts, plus the fact that the 100 million autos on the highways today will increase to 150 million by 1980, demand the strongest possible action.

The action taken by the committee bill will alleviate auto pollution for a little while; but as the number of cars on the highways grows the level of pollution will begin to rise again. It will grow and grow until in the near future auto exhaust pollution will be even worse than it is today.

It is for this reason that I am supporting four strengthening amendments to the bill before us today.

First, in the area of auto emission standards, I will support the amendment to adopt the present California standards as nationwide minimums. Under the present air pollution control laws, California was permitted to set tougher standards than the national criteria, if it could be shown that these standards were feasible. These California standards have been set and are feasible and economical. As a result the people of California will have a reduction of auto emissions and pollutants from new cars; the people of my congressional district will not. The people of New York City, of Pittsburgh, Chicago, and Philadelphia will not—and yet all of these cities have severe air pollution problems. The health of all these people is being threatened. They have been "zoned" for a lower quality of air; they have been "zoned" for a higher level of disease, sickness, and discomfort.

The bill before us does not adopt the California standards. As a result the National Air Pollution Control Administration plans no national reduction in hydrocarbon or carbon monoxide standards until 1975.

Therefore, I am supporting the amendment to adopt the California standards as nationwide minimums. This will not prevent the Air Pollution Control Administration from setting tougher standards. It will require that Detroit's current know-how in auto emission control will be available to all Americans—not just Californians.

Second, I will support the amendment to provide for better emission control devices. Presently, when autos come off the assembly line, the emission control device is quality tested. If the car passes the emission test, it is moved on to the showroom and on to the consumer. Yet it now appears that the ability of these emission control devices to control pollution deteriorates rapidly as the car is used. One Federal study has shown that 57 percent of the emission-control devices installed on the auto fleet of a major car rental firm failed to live up to their billing as smog deterrents after being in use only 11,000 miles. The committee bill before us does not provide for testing cars on the road under real road conditions. Therefore, I am supporting the amendment to permit voluntary tests of cars after 4,000 miles of road usage. If the resulting tests indicate a failure of the emission control device, the manufacturer would be required to bring the device back up to standard through production line improvements and recalls.

Third, the present bill, H.R. 17255, does not deal adequately with the problem of fuel composition. Lead-free gas will be required by 1975 to meet emission standards. But this bill places nearly impossible conditions on the National Air Pollution Control Administration's ability to control fuel composition. First, instead of applying to all fuels, the bill deals only with auto fuels. Second, it puts the burden of proving that the fuel exhaust is creating a public health menace on the public agency, but gives the agency no authority to require oil company research to prove the health or safety of the fuel and its additives.

Therefore, I plan to support an amendment which will permit the Department of Health, Education, and Welfare to regulate fuels that would be dangerous in present, high emission autos. It would also require the industry to provide the necessary research to determine the absence or presence of health dangers in fuel mixtures and additives.

Fourth, and most importantly, I will support the amendment to phase out the internal combustion engine from use in automobiles. This amendment is the most vital. It is only through this amendment that we really begin to solve the pollution problem. This amendment will involve major changes. But the seriousness of the pollution crisis demands changes. Earth Day speeches are not enough. Action is demanded.

This amendment is needed for two reasons. First, emission controls can only remove a certain percentage, a certain amount of the emission pollution and poison produced by the internal combustion engine. Second, as the number of motor vehicles increase, the total staggering level of automobile air pollution will rise—even though the pollution per vehicle will be less. In a few years, our cities will be even more choaked with exhaust fumes than they are today.

The solution is to move to a new power source. We must plan now to move beyond the present technology.

The bill before us makes no provision for better pollution standards after 1975. Emission standards would be geared to the internal combustion engine instead of the machine being geared to mankind's survival under this bill. If the standard car motor cannot be substantially improved after 1975—and it does not appear that it can be—the car industry would be permitted to continue to mass produce life-killing internal combustion engines. The amendment would warn Detroit that not just the cleanest gasoline engine must be developed, but the cleanest possible energy source—whether it be electric, steam or gas turbine. If the internal combustion engine could not meet the standards set by feasible and clean propulsion system, production of the polluting engine would be gradually phased out. In 1975 engines of more than 375 horsepower—and comprising less than 5 percent of all new car sales today—would be no longer produced. Engines of over 275 horsepower would be phased out in 1976; those over 175 horsepower in 1977, and all internal combustion engines in 1978.

There is agreement by experts in the field of propulsion systems that pollution-free units can be mass produced almost immediately, that such engines can be cheaper to operate than existing internal combustion engines and will provide the public with all the performance qualities he has come to demand from his modern automobiles—without the creation of poisonous wastes.

The elimination of the internal combustion engine will be a major conversion, but jobs will not be eliminated; industries need not be dislocated.

It is a task we must undertake. The future of our Nation and the health of our people are critically involved.

There are other sections of this legislation which I do support and applaud, Mr. Chairman.

The move to establish national ambient air quality standards is long overdue. To date, the States have been left to establish their own air quality standards. In all too many areas, there has been delay and foot dragging—and ridiculously low standards set to accommodate local industries and interests. The establishment of national standards will insure action throughout the Nation on a rapid basis. A State would be left free, of course, to set stronger standards if it so wished. Further, if a State fails to enforce its plan, the Secretary of Health, Education, and Welfare can notify the State and persons who violate the plan. If, after such notice, the State fails to act within 30 days, the Secretary of Health, Education, and Welfare may request the Attorney General of the United States to bring suit to secure abatement and cessation of the pollution. A court may then assess a fine of up to $10,000 per day for each day during which the polluter fails to take corrective action.

I am particularly pleased, Mr. Chairman, that this bill moves toward a concept which I have long advocated: the establishment of industry-by-industry pollution standards. Under this bill, the Secretary of Health, Education, and Welfare can establish emission standards with regard to any class of new stationary sources which, because of the nature or amount of emissions, may contribute substantially to endangerment of the public health or welfare. It is my hope that he will establish standards on an industry-by-industry basis, taking advantage of the latest technology.

A steel mill, operating anywhere in Ohio, or the Nation, should be required to make the same kind of effort to control the pollution emission of an oxygen steel furnace. A steel mill creates pollution in certain ways wherever it is located. The procedures to control this form of pollution are likely to be substantially alike. If we would insist on uniform approaches for pollution control of this industry—wherever the plants are located—the competitive benefits of a dirty plant would be eliminated. A steel plant in Youngstown, Massilon, or Middletown would have to make the same effort to control pollution as a plant in Cleveland. There would be no profit in pollution. There would be no production cost advantage to the dirty producer. When the profit is eliminated in pollution by uniform high standards in air quality and pollution control, the battle will be won.

Under the same principle, HEW could establish uniform pollution control standards for the chemical, oil refining, foundries, food processing, and cement-making industry, and other industries. In each case the pollution control regulation would be directed to the specific pollution of a specific industry. Every plant within the same group could be required to maintain the same high standards. There would be no variation in pollution control procedure by a given industry by region or area of operation. The standards for each type of plant would be the same in Zanesville as they are in Dayton or Cleveland. No other part of the State or Nation could lure our industry on the basis of a greater tolerance for pollution.

I feel that Federal standards for pollution control on an industry-by-industry basis are necessary and inevitable. National standards of pollution control would prevent another State from attracting any industries because of a greater pollution tolerance. Such competition is unfair and against the public interest.

Mr. STAGGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. CASEY).

Mr. CASEY. Mr. Chairman, the people of Houston and Harris County, Tex., know the seriousness of air pollution. We have lived with it for many years—and in spite of determined efforts by our local governments to control it—we know it cannot be done without Federal help.

Some 15 years ago, when I had the privilege of serving as county judge, the administrative head of Harris County, I was instrumental in having our commissioners court, on its own initiative, create the first air pollution control program in the State of Texas. We had no State or Federal laws to guide us. We worked closely with our major industries to seek their voluntary cooperation to curb pollution. Some did. Others did not, and we brought suit against nearly a hundred major industries and obtained agreed judgments against most of them. I know what local governments can do to curb pollution—if the locally elected leaders have the courage and determination to take action. I also know they cannot do it all alone, and need the vast resources of the Federal Government to assist them.

Some of us were deeply disappointed when the first Clean Air Act was brought before this House on July 24, 1963. Like the first Water Pollution Control Act of 1961, we found that few, if any, of its provisions were of help in combatting our own local problems. Many followed my example, and voted against these two measures as a matter of protest in the hope they would be sent back to committee and substantially strengthened. Subsequently, as my colleagues know, our objections were heard and these acts broadened and the hand of cooperation was extended from the Federal level to our States and localities. And I have supported these programs since that time.

I learned another fact at the local level of fighting air and water pollution, and that is this: industry needs help in paying the massive cost of installing the devices necessary to curb the emission of pollutants. In Harris County, many of the air scrubbers and other devices needed cost as much as $1½ million and that was in the mid-1950's. When I entered Congress, one of the first major bills I introduced was to give industry the necessary tax incentive to install antipollution devices by permitting rapid amortization of the cost. For years, I pushed the administrations of both parties to endorse such a proposal. It was with great personal satisfaction that I saw these provisions finally enacted into law in the Tax Revision Act signed by the President on December 30, 1969.

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Industry now has the incentive, and you can see the effect in nearly every major publication as company after company announces how much it plans to spend to curb pollution. I take modest pride in stating that this one provision enacted into law by this House will do more to curb pollution than all we have done so far in this field, for we have voluntarily enlisted the great resources and technology available to industry to aid us in this fight.

In Houston and Harris County, as I know in other parts of our country, the people are deeply disturbed over the defilement of our air and water resources. Many new groups are being formed to join in the fight for a clean environment, and those of us who have long been concerned welcome with enthusiasm their great assistance. My hope is that their enthusiasm never wanes, for it is going to be a long fight to reverse the decades of negligence and it cannot be done without the cooperation of our people, our industries, and our governments at all levels.

Today, as the House begins its consideration of the Clean Air Act Amendments of 1970, which I intend to support, I express my thanks on behalf of our people to the distinguished chairman and members of the committee for their work on this bill. The funds authorized under this legislation are urgently needed, if, as the committee report stated, we are to assure "that the air we breathe throughout the Nation is wholesome once again."

Mr. STAGGERS. Mr. Chairman, might I inquire how much time is felt on this side?

The CHAIRMAN. The gentleman has 2 minutes remaining.

Mr. STAGGERS. Mr. Chairman, I yield 1 of those minutes to the gentleman from New York (Mr. FARBSTEIN).

Mr. FARBSTEIN. Well, Mr. Chairman, I suppose all I can say in passing is we got as much notice of the fact that the bill was going to be on for today as the time I am getting now. However four amendments will be offered.

And I will offer one of the amendments. Three other gentlemen will offer the other amendments, we will try to do something to tighten the bill, to make it effective, so that it will benefit the people instead of benefiting the automobile companies and the oil companies.

Mr. Chairman, according to the Public Health Service, the auto is responsible for 60 percent of all air pollution—180 billion pounds—in this Nation. Pollution from the auto is a serious health hazard in every city in this country with a population of 50,000 or more. This air pollution is the cause of disease and death, cuts crop yields and kills forests, and costs the economy $30 billion annually. Automotive air pollution thus stands as the logical target of those who want to improve the quality of the environment. If the Federal Government is willing to undertake the commitment, the auto can be eliminated as a major source of air pollution by the mid-1970's and a radical reduction achieved almost immediately.

The air pollution bill we have before us, H.R. 17255, fails to achieve this objective. Indeed, it appears to bend over backward to accommodate the auto and oil industries. It is far more limited than the recommendations of the administration.

Indeed, with respect to some provisions of the bill the public interest might better be served if there were no bill at all. If we are going to eliminate the auto as a source of air pollution, it is going to require more than Earth Day speeches.

The following four amendments are being offered to the bill in an attempt to bring this legislation up to the level of the administration recommendations and give the House an opportunity to assert its commitment to save the environment by going beyond the administration position.

1. VOLUNTARY FEDERAL INSPECTION OF DEVICES IN OPERATION

Congressman VAN DEERLIN will offer an amendment authorizing voluntary inspection of auto control devices in operation for over 4,000 miles. If a defect pattern is uncovered, the company would be required to correct it at its own expense, and certification of the device would be revoked until the design defect was also corrected.

Auto engineers say it is almost impossible to judge if a device works until after the vehicle is broken in after approximately 4,000 miles. While assembly line inspection can test individual devices for quality control, no opportunity exists to see if the device actually works in operation. Regulations require devices to work up to 50,000 miles. Current tests simulating operating conditions, however, are unrealistic.

NAPCA tests of rental cars operated at various mileage intervals found that after a few thousand miles up to 80 percent of vehicles tested failed at least one emission test. A study conducted by the California Air Resources Board corroborates this study. This amendment provides an implied warranty to insure the device is manufactured to meet the mileage requirement.

2. ADOPTION OF THE EQUIVALENT OF THE CALIFORNIA STANDARDS

Congressman BUTTON will offer an amendment to establish as national automotive emission standards for 1971, 1972, and 1974 standards equivalent to those already adopted by California. These would be minimum standards, and would in no way preclude the Secretary of the Department of Health, Education, and Welfare from setting higher standards or standards for other years.

Current administration pronouncements call for no change in auto pollution standards for existing regulated pollutants from the 1970 standards until 1975.

In the meantime, we are to be left with the current standards and an ever-increasing number of cars. Under current law, California can set higher emission standards for autos in its jurisdiction, if they are approved as technologically feasible by HEW.

California has set standards far more rigorous than 1970 Federal standards. These have been approved by HEW and will be required of the 10 percent of the auto market which is produced for California. We see no reason these standards should not also apply to the other 90 percent of the market. It is not a question of technological capability or economics, only whether citizens of New York or Miami may have the same opportunity for cleaner air as those in Los Angeles. What makes it even more imperative that such standards apply nationwide is the general unavailability of California devices outside the State—even if the individual is willing to wait and pay more to get them.

3. AUTOMOTIVE EMISSION STANDARDS BEGINNING WITH THE 1975 MODEL SHOULD BE BASED ON THE CLEANEST FEASIBLE PROPULSION SYSTEM

I will offer an amendment to set auto emission standards beginning in 1975 on the basis of the cleanest feasible propulsion system. Large horsepower internal combustion engines which cannot meet the standards would be phased out first based on the following timetable:

Based on sales of 1969 American cars, the phasing out would have the following effect:

Three hundred and seventy-five horsepower in 1975—less than 5 percent of new car sales.

Two hundred and seventy-five horsepower in 1976—35 percent of new car sales.

One hundred and seventy-five horsepower in 1977—all but 10 percent of new car sales.

All internal combustion engines in 1978.

Current auto emission standards are based on what the inherently polluting internal combustion engine can achieve. There is general recognition that the internal combustion engine cannot be cleaned up much beyond the standard proposed by the administration for 1975 models. This amendment sets standards based on what the best available technology with whatever engine system can achieve these standards. Its object is clean air.

There is also general agreement outside of Detroit that pollution-free propulsion systems can be mass produced almost immediately. Such engines are cheaper to manufacture and operate than existing internal combustion engines and provide the consumer with all the qualities he has come to expect in an automobile.

Phasing out large horsepower engines first has the advantage of eliminating the highest pollutant first. Large engines burn more fuel and thus produce higher levels of pollution. It also has the following additional advantages:

It is easier to develop a new propulsion system in large engines.

Fewer people buy automobiles with large engines for personal use, therefore, any recalls that might be necessary to perfect the system would affect fewer people. The industry follows a practice now of putting experimental systems, which may need recalling to perfect them, on "odd-ball lines" that attract fewer customers and inconveniences fewer customers. This would follow that practice.

4. REGULATION OF FUEL COMPOSITION AND THE ELIMINATION OF LEAD

Congressman **TIERNAN** will offer an amendment that would substitute for the committee fuel composition section, the far superior version recommended by the administration.

Under California law, the State Air Resources Board is empowered to regulate the composition of fuels with the aim of reducing pollution. The exercise of this power has brought a significant reduction in pollution.

A major element in the administration's air pollution program is to provide the National Air Pollution Control Administration—NAPCA—with a similar nationwide authority, which could be used to regulate or ban lead as well as other additives in gasoline. Going beyond regulation of lead is important as there are other harmful additives, especially among potential substitutes for lead.

The committee bill leaves the shell of the administration fuel regulation power, but effectively "guts" any action under it. This is demonstrated by reference to at least four of its provisions. First, the administration bill covers all fuels. H.R. 17255 applies only to auto fuels. Second, both provide for regulation of fuel composition to eliminate adverse effects on public health and welfare. The committee bill, however, requires that no regulation may be established if the health danger can be remedied through increased auto emission standards. The burden is thus put on the auto industry, and the oil industry is left pretty much free and clear. Third, the committee bill requires specific "finds derived from relevant medical and scientfic evidence" to prove that a fuel or fuel additive endangers public health or welfare. The administration bill requires no such rigorous proof.

NAPCA has indicated it could probably not scientifically justify banning lead in gasoline under this procedure. Fourth, the administration bill provides authority for NAPCA to secure from industry fuel additive pollution research it reasonably needs to assess pollution characteristics of fuels. The Food and Drug Administration has such power. The committee bill provides only the power to secure research already done. NAPCA would thus be required to do much of its own research at a substantial additional cost. Tied to rigorous evidence requirement, it would be almost impossible for NAPCA to operate under this procedure.

Mr. CRAMER. Mr. Chairman, I was pleased to vote in favor of the rule on H.R. 17255, a bill to amend the Clean Air Act. The crisis of air pollution is one of the most critical domestic problems facing our Nation today. This problem must be faced up to and under the provisions of the bill we are considering here in the House today we are showing our concern by proposing to speed up, expand, and intensify the war against air pollution. We are attempting to assure that the air we breathe is wholesome once again. Mr. Chairman, I support H.R. 17255 and trust it will have the overwhelming support of the House.

Mr. DONOHUE. Mr. Chairman, I most earnestly hope and urge that this measure before us, H.R. 17255, providing for a more effective program to improve the quality of the air we breathe throughout this Nation, will be speedily and overwhelmingly adopted.

For several years we have clearly and rightfully recognized air pollution as a major national danger and we have initiated legislative efforts to control and eliminate this danger.

However, and unfortunately, the evidence that has been presented to us today obviously and definitely reveals that the procedures and instruments which we have been pursuing in this war against air pollution have been deficient in several important aspects, and the means and methods employed in implementing these procedures have been too often too slow and much less effective than what is necessary and essential to timely achieve and complete the objective.

In summary, this measure, therefore, is proposed and recommended to strengthen existing legislation by declaring each State an air-quality-control region; by establishing and promulgating more stringent nationwide air pollution correction standards for new stationary sources, for automobile and engine testing, for automotive and aircraft fuels; by requiring Federal facilities to comply with all applicable standards; by imposing stricter and more severe implementation procedures and enforcement penalties; and by increasing and extending the appropriations authorizations to carry out these provisions over the next 3 years.

These new legislative provisions combined with the proven values in our existing programs will serve to project a more effective corrective and containment attack upon this major health menace of air pollution which threatens to continuously increase unless we promptly adopt more vigorous measures.

In essence and in reality, Mr. Chairman, this is a matter of life and death of our American people, and I hope that this bill will be unanimously approved without extended delay.

Mr. MONAGAN. Mr. Chairman, I support the Clean Air Act Amendments of 1970 to provide for a more effective program to improve the quality of the air we breathe.

I supported the Clean Air Act of 1963 and the Air Quality Control Act of 1967, and I wholeheartedly support the 1970 amendments to expand and intensify the offensive against air pollution.

The Clean Air Acts in 1963 and 1967 were good starts in the fight to alleviate air pollution hazards, but air pollution continues to pose a serious threat to the health and well-being of American citizens. We need more stringent regulations guarding the quality of the air we breathe and we need vigorous enforcement of the regulations designed to curb air pollution. I am pleased that this bill fulfills both of those requirements.

The bill under consideration contains several new provisions for insuring cleaner air: First, the Secretary of the Department of Health, Education, and Welfare is authorized and directed to establish nationwide air quality standards. Under the provisions of the bill States will be free to establish stricter standards, but they would have to comply with the minimum Federal standards. For administrative purposes, each State will constitute an air quality region, and if a State fails to adopt an acceptable air quality plan, the Attorney General is authorized to bring suit to secure abatement of polluters within the State who violate the Federal standards. A court may assess a penalty of $10,000 a day against persons failing to comply with the law.

Second, the bill sets forth Federal emission standards for new stationary sources of pollution, and provides for either State or Federal enforcement of these provisions. Under existing law, States set the emission standards and the new Federal standards will prevent States from trying to attract new industries by having lax pollution emission control standards.

Third, the bill provides for tighter automotive emission control standards and for new testing and certification procedures to insure that new motor vehicle engines comply with the regulations.

Fourth, the bill establishes new limitations on fuel additives which endanger the health and welfare of persons or which interfere with the proper functioning of emission control devices.

Fifth, the bill, for the first time provides for the imposition of emission and fuel additive standards for aircraft.

The emphasis that this bill places upon automobile emission standards is entirely in order. Automobiles are responsible for over 60 percent of the Nation's air pollution, and if we can implement tight, workable emission standards in this area, we will be almost halfway home.

Also, the promulgation of nationally uniform standards recognizes that air pollution is a national problem and cannot be treated by establishing small pockets of resistance. Without national standards, States will never succeed in cleaning up their air if neighboring States do not go along with them in establishing standards.

This is a good bill, and I urge my colleagues to join me in supporting this measure.

Mr. BENNETT. Mr. Chairman, I am happy to support legislation to amend the Clean Air Act. My bill, H.R. 15871, is similar to the bill reported from the committee.

I strongly favor the thrust of this legislation. I believe it is needed and will strengthen the Clean Air Act.

Over the last 15 years, Congress has enacted laws to control air pollution. The first legislation passed was in July 1955, authorizing a Federal program of research in air pollution and technical assistance to State and local governments. In the period between 1955 and 1963 it became clear that not enough was being done to curb air pollutants, and in December 1963 the Clean Air Act was passed. Improvements to the Clean Air Act were made by Congress in 1965 and 1967, which I have supported.

The bill the House is considering today has a wide sweep to it, proposing the Federal Government to do more to halt the rising health and economic hazard of air pollution, which I am told costs the American people some $12 billion annually in economic loss alone. This estimated cost due to air pollution is damage to property and materials, agricultural losses, reduced property values and reduced visibility that may contribute to automobile accidents and airport delays. My own hometown of Jacksonville, Fla., has experienced two separate incidents of this type. In 1948 nylon blouses and stockings actually disintegrated on the wearers and in 1961 severe vegetation damage was experienced in the residential areas on both sides of the St. Johns River, which flows through the middle of Jacksonville. National Air Pollution Control Administration experts say there is little doubt that air pollution caused these incidents.

As President Nixon said in his message on environment, February 10, 1970:

> Air is our most vital resource, and its pollution is our most serious environmental problem.

The problem is one which must be solved through strong legislation and also by individual action.

I believe the Federal program to halt air pollution is providing vital assistance to State and local communities. In the last several years it has been my pleasure to have Dr. John T. Middleton, Director of the Federal air pollution program, and his regional director, Gene B. Welsh, of Atlanta, participate in urban and environmental seminars in Jacksonville. They both gave excellent presentations and helped to alert local officials, civic leaders and citizens to the need and availability of anti-air-pollution programs. This has helped spur citizen action. In Jacksonville we have some very effective leaders in the fight to control air pollution. For example, Mrs. Lee Adams, is stimulating private and public efforts for clean air in Jacksonville.

Mr. Chairman, the House Interstate and Foreign Commerce Committee has provided substantial leadership for a nationwide battle against air pollution. I support this legislation to approve the strongest and most effective measure to combat this problem.

Mr. PRICE of Illinois. Mr. Chairman, I am pleased to have this opportunity to express my concern regarding the needs of my area for combating air pollution and for meliorating waste disposal methods.

These are among the crucial problems that must be faced today. They vitally effect the health and wealth of the entire Nation. The current focus on the area of ecology demonstrates the intense concern the people of the country have for these problems.

Last August, the St. Louis area experienced a pollution blackout—the atmosphere became unable to disperse pollutants. Not until the winds increased was the problem alleviated. In this day and age of enormous industrial complexes and increased use of roadways, we cannot wait or even count on nature to lessen the threats these problems create. After all, we cannot yet control the weather. The urgency of finding solutions to effectively control air pollution increases daily.

We must now increase our efforts towards finding an effective solution to this problem. To be effective, these efforts must include more stringent standards of air quality and methods of enforcement of these standards to be applied nationwide. There must, of course, also be a provision for curtailing pollution emissions to prevent crisis episodes as we experienced in August. The urgency of this problem must be impressed on all regions of the country, and each must be required to comply either with the standards published in the Federal Register or with equivalent ones. The regions, furthermore, must be required to conform in the most expedient way. Their plans, therefore, must be submitted for review and there must, in addition, be at intervals, inspections of each air quality control region.

There must also be a provision for overcoming the present confusion that exists in our air quality control region since both States were required to submit standards by January 6, 1970, and by July 5, 1970, each State must submit implementation plans.

Finding more practical and economical waste disposal methods must be of equal concern to us, especially since incineration increases air pollution.

The States must be directed to make greater efforts to initiate experimental waste disposal systems and to develop new techniques for solid waste disposal.

Methods must be developed to reduce the amount of money and effort spent on dumping and incineration—the two prevalent methods of disposing of wastes today. Improved techniques must be developed to recover useful materials from the waste and to lessen the amount of useless materials.

It is imperative that there now be additional endeavors by Congress to improve techniques of air pollution control and waste disposal. We must not rest in our efforts. If further research is required to find solutions for ending air pollution or for finding practical or inexpensive ways of disposing of waste, let it be. But, concurrently, more effective methods and standards must be implemented.

The legislation that is currently before the House, H.R. 17255 and H.R. 11833, can effect these goals. Therefore, I strongly support these bills and urge their adoption.

Mr. COHELAN. Mr. Chairman, I rise in support of H.R. 17255, the Clean Air Act, but I do so with mixed emotions and many reservations.

This bill represents a step ahead in the effort to curb air pollution. I was particularly pleased to see that the Secretary of Health, Education, and Welfare is directed to establish nationwide air quality standards. I am concerned, however, that these standards will not be stringent enough or adequately enforced to curb air pollution.

I am especially concerned that this bill does not directly attack the primary cause of air pollution—the automobile. According to the Public Health Service, automobile emissions are responsible for 60 percent of all air pollution. This fact dictates the need for a concentrated attack on automotive emissions.

It was for this reason that I supported the four amendments that were offered today. The first authorized voluntary inspections of automobiles after the first 4,000 miles and required manufacturers to correct defects in the emission system.

Another amendment would allow the adoption of California emission standards as nationwide minimums. It would not preclude the setting of still tougher standards by NAPCA. It would insure that the current technology on the production line would be made available to all the States, not just California.

The third amendment would restore the administration bill's provisions with regard to fuel composition. Rather than placing the burden of proof on the agency, it would permit NAPCA to both regulate fuels which would be dangerous in current, high emission vehicles, and to require and obtain from industry the research necessary to determine the presence or absence of health hazards from fuel mixes or additives.

The last amendment would serve notice on the auto industry that further progress after 1975 is imperative. It would provide for the gradual adoption of emission standards based not on the possibilities of a pollution free internal combustion engine, but of the most pollution free propulsion system available. The object is clean air; the standards should be set to achieve that object, not to fit a particular type of engine.

Most important is that this Nation should have realistic and enforceable air quality standards. I am not convinced

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that the Secretary of Health, Education, and Welfare can act with enough speed. Thus I favor the imposition of some additional emission standards, such as the California standards, which are enforced.

I hope that when the bill returns to the House that the questions I have raised will be more satisfactorily answered.

Mr. RYAN. Mr. Chairman, the problem of environmental pollution is one of the most serious problems facing our Nation.

Air pollution is dangerous to our health and to our economic well-being. At last there is a public awareness and concern about air pollution which makes it possible to enact far-reaching legislation. H.R. 17255, the Clean Air Act Amendments of 1970 does strengthen air pollution control programs, but it does not embrace the approach which I believe necessary.

One area where the legislation falls short is in section 112, which deals with emission standards for stationary sources. The bill provides the Secretary of Health, Education, and Welfare with the power to establish standards for such sources only when they are new and only when they endanger the public health and welfare—an unduly restrictive test. The test should be whether any source—old or new—degrades the quality of the environment.

There must be stringent Federal emission standards for all stationary sources, and these standards must be strictly enforceable.

Under the pending bill, each State would become an air quality region, permitting the Secretary of Health, Education, and Welfare to create interstate regions when he deems it necessary.

I fear that this emphasis on State action rather than regional action is a move in the wrong direction. Instead of turning to State governments which have too often demonstrated their unwillingness to take effective action to control pollution, the regional approach should be expanded. My bill, H.R. 17113, does just that.

Air pollution knows no political boundaries. It cannot be confined within the borders of any one State. Neither city nor State lines can hold the menace of air pollution, as is evident in the New York-New Jersey metropolitan area. My bill provides authority for the Secretary of Health, Education, and Welfare to create air quality regions and air quality control commissions which would set standards for the regions and enforce the established standards.

Another area of the bill which is not strong enough is that section dealing with enforcement.

My legislation, H.R. 17113, would permit the Secretary of Health, Education, and Welfare to issue court enforceable cease and desist orders against polluters.

In addition, my legislation makes acts of pollution civil offenses subject to fines of $50 to $2,000 for each violation. I think the combined approach of cease and desist orders and monetary fines provides the type of strict enforcement which is necessary to make the polluters of our environment understand that they can no longer poison our air with impunity.

Also my bill provides that a private citizen may bring suit in the name of and on behalf of the United States against the polluter when the Federal Government fails to take action.

H.R. 17113 bans leaded gasoline. It is clear that leaded gas is a significant contributor to air pollution. It is also obvious that unleaded gasoline is feasible; such a product is on the market today. Manufacturers would have 1 year to cease producing this detrimental fuel.

H.R. 17113 also provides for a State motor vehicle inspection program. This program would be run by the Secretary of Transportation, who would be able to impose, before approving any State highway safety program, the requirement that such a program include inspection of emission control devices as one of its features. In addition, grants would be made available to meet the costs of the inspection program.

I intend to support the amendments to be offered which would strengthen the motor vehicle pollution section of this bill.

They include substituting the language of the administration's bill regarding the regulation of fuels and fuel additives; authorizing of voluntary inspection of emission control devices which have been in operation over 4,000 miles and mandatory correction of defects by the manufacturer; establishing as minimum national automotive emission standards, standards equivalent to those adopted and approved by the State of California for 1971, 1972, and 1974; and the establishment of motor vehicle standards based on the cleanest feasible propulsion system.

This bill provides $200 million for fiscal year 1971, $250 million for fiscal year 1972, and $325 million for fiscal year 1973. This is an excellent start. I suggested similar amounts in my bill with one exception—that $50 million be authorized to conduct and accelerate research and development solely in the field of alternatives to the internal combustion engine.

In the past, such research and development has not been singled out for specific funds, and thus the amount of such research and development has been inadequate.

In addition, my bill repeals section 105(c) of the Clean Air Act, which places a percentage limitation on the amount of Federal funds which any one State may receive. Needless to say those States which are more industrialized need air pollution funds more than those which are less industrialized. It is highly unrealistic to compare States like New York, California, and Illinois with more rural States. For this reason, I feel that section 105(c) should be repealed.

Mr. Chairman, our environment is so threatened that it is going to take strong measures to save it. Congress must provide tough national standards backed up by stringent enforcement powers and adequate funds.

Cleaning our air is not going to be easy. We will have to measure up to the task. We can no longer afford to talk about the problem. We can no longer afford to say—"this is a beginning; we'll be able to do more tomorrow."

There have been too many tomorrow's in the past. Unless we make a firm commitment to preserving our environment, the future may hold no more tomorrows.

Mr. Chairman, I include at this point in the RECORD the statement I made before the Interstate and Foreign Commerce Committee on April 14, 1970, in which I discussed my bill H.R. 17113:

STATEMENT OF HON. WILLIAM F. RYAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. Chairman, I appreciate the opportunity to offer testimony before the Public Health and Welfare Subcommittee of the House Interstate and Foreign Commerce Committee. We are all aware—and the general public is becoming increasingly aware—of the awesome havoc we have wreaked upon our environment. Perhaps more than any other problem facing this nation, pollution intrudes on every citizen's life every single day. Its severity may be most immediately apparent to the city dweller, but even the most isolated farmer in the most remote section of the country is likewise exposed to it.

Before discussing the legislation which I have proposed to amend the Clear Air Act, I should like to make some mention of the severity of the problem now at hand. Something approaching 200 million tons of contaminants are now hurled into the atmosphere every year. These pollutants range from the noxious and highly visible soot pouring out of industrial smokestacks to the colorless and odorless, but potentially lethal, carbon monoxide produced by automobiles.

Periodically, this infusion of gases and solid particles into the atmosphere reaches a point of over saturation. We are then subjected to the killer smogs which have hit Donora, Pennsylvania, New York City, Los Angeles, and other communities. It is, almost literally, pure luck that the disasters thus far have not been even more acute in number of victims and in duration.

Let me just point to a few statistics on pollutant levels to demonstrate the daily hazards we endure. While the carbon monoxide content in clean, dry air near sea level is .1 parts per million, the average daily content in midtown Manhattan often exceeds 15 parts per million during business hours. The oxidants component in clean, dry air near sea level is .02 parts per million; the average daily content at East 121st Street in Manhattan is .04 ppm's. As compared to .001 parts per million of nitrogen oxide in clean, dry air near sea level, the average daily content at East 121st Street is 109 ppm's. And the comparative figures for sulphur dioxide are .0002 ppm's in clean dry sea level air and .111 ppm's at East 121st Street. Finally, suspended particulates average 124 micrograms per cubic meter in Manhattan's air.

These statistics are not unique. Nor are they unusual. Anyone who has traveled through Gary, Indiana, Chicago, Los Angeles, Cleveland, or a hundred other cities, has seen the layer of smog overhanging their skylines. Anyone who suffers from emphysema or asthma or bronchitis has experienced the agonies of polluted air. Anyone who has been caught in a traffic jam, or who has driven the streets of any town or city, has been subjected to a small part of the over 90 million tons of contaminants spewed forth from automobile exhaust systems.

Perhaps even more frightening is the very real peril that the entire world's heat balance is going to be irreversibly altered and that all of human life—not just people peculiarly susceptible to the noxious pollutants filling our air—will be endangered.

We are all victims of our own folly. And yet we are all culprits, as well, for each of us is a polluter. Certainly it would be more comfortable to place the blame on impersonal entities—"the system," "the establishment," or "big business." But, while corporate action and governmental inaction have played a major role in bringing us to our present disastrous condition, they have been ably assisted and abetted by each individual, ready to reap the personal benefits of convenience and ease. Every enzyme pre-soaking, every aluminum can, every weekend car rental, every pre-packaged cook-and-serve dinner contributes to a polluted environment.

Of course, moralizing is no answer. Nor, in fact, is it even fair to say that we have arrived at our calamitous state solely because of greed or indifference. There are very real conflicts in legitimate social goals. We may now understand the effects of insecticides on the ecological balance, but who will argue that underdeveloped nations must continue to live with plague and widespread disease? We may recognize that massive urban construction poses massive disposal problems, but who will tell the poor that they must continue to live in sub-standard housing?

We will not resolve our conflicts by arguing for a return to a pre-technological society. But we can, and inded we must, begin to act rationally in choosing between competing alternatives to achieve a desired end.

There is no question that transportation for commuters into the inner cities is essential. But there is very real cause to consider whether hundreds of thousands of large, internal combustion engined automobiles, each driven by a lone commuter, are the most beneficial means to achieve this end. There is no question that speedy travel between the coasts is needed, but it may well be that the extra hour or two gained by larger and faster jets is not worth the accompanying noise.

These are just two examples of the approach which we, as individuals and as legislators, must begin to follow—assessing our actions, and the programs and activities to which we commit funds, in terms of their impact upon our environment, and choosing those which minimize that impact, even if the expense is thereby higher.

This approach looks to the long term reordering of our consumption habits. But the short term, as well, offers us opportunity to undertake effective and immediate steps to ameliorate air pollution and remediate its causes. The legislation which I have introduced mandates and enables aggressive action to these ends.

H.R. 17113, which amends the Clean Air Act, 42 U.S.C. 1857, provides several distinct components, each of which is strong by itself, and which together provide a coherent, stringent strategy to meet the challenges which clearly have not yet been met, and which the Administration bill clearly fails to meet.

Perhaps most important, the bill provides power to enforce the law. Hitherto, the Secretary of Health, Education, and Welfare has only had the authority, under Section 108(k) of the Clean Air Act, to request the Attorney General to seek an injunction to abate pollution sources "upon receipt of evidence that a particular pollution source or combination of sources (including moving sources) is presenting an imminent and substantial endangerment to the health of persons, and finding that appropriate State or local authorities have not acted to abate such sources. . . ."

This provision is brigaded with language diminishing its utility—"imminent and substantial endangerment." It is susceptible to use only if the State or local authorities have not acted, and a finding has been made to this effect. H.R. 17113, on the other hand, gives strong and powerful enforcement authority. The Secretary may issue cease and desist orders, the regional commission which the bill creates in another section may do so, and similarly, the States are required to include such power within the plans they must tender for approval to the Secretary.

I have just made mention of regional commissions, and I want to more fully explain this reference. H.R. 17113 authorizes the Secretary of Health, Education, and Welfare to establish air quality regions, and Air Quality Control Commissions to set standards for these regions. These standards may be more stringent than the nationally applicable standards set by the Secretary, and, in such case, they will then supersede the Federal standards, as well as State standards which are weaker.

I recognize that the Clean Air Act now provides, in Section 105, for interstate air quality agencies or commissions. However, these bodies do little, and have virtually no power.

The commissions I propose do have major functions, and they have firm authority to enforce the standards they establish. And these two characteristics are essential. Air pollution is virtually by definition a problem which knows no man-made boundaries. City borders and state lines have significance for taxing bodies, but they are irrelevant in terms of deterring the smoke of the steel plants in Gary from polluting the skies over Chicago. The stench of the New Jersey chemical plants is shared in unwilling comity by New York City, and the DDT sprayed over the farms of California disperses in the air over Arizona and Nevada.

Regional commissions, mandated to set firm air quality standards, and armed with the Secretary's authority to issue cease and desist orders, are the key to dealing with air pollution rationally and effectively.

H.R. 17113 not only provides adequate enforcement power, and it not only creates regional commissions equipped to abate pollution. It further authorizes the Secretary of Health, Education, and Welfare to set nationally applicable standards for ambient air quality, and for designated industries. The need for national standards naturally follows from the pervasiveness of the problem, and the wide dispersal from their sources of pollutants. It accomplishes little for New York State to establish meaningful pollution control standards if her neighboring states set only minimal restrictions.

In the same vein, national standards for designated industries are a distinct need apart from nationally applicable standards of ambient air quality. While the latter establish pollution levels in terms of the presence of gases and particles in the air, the former go directly to governing the processes of particular industries which call for special provisions. Thus, the steel industry must be governed by restrictions which address the particular methods and systems which it employs, and those pollutants for which it is most directly responsible.

H.R. 17113 also embodies a provision which I believe especially important in putting meaningful penalty behind the fine rhetoric which is so common in condemning polluters. Acts of pollution are made civil offenses, and polluters are subject to fines ranging from $50 to $2,000 for each violation. Thus, not only is cease and desist authority provided by my bill to stop acts of pollution, but monetary fines are also authorized to punish those who are patently guilty of degrading our environment. What is more, in those instances, should they arise, where the Federal Government fails to bring an action to recover these penalties, the private citizen is authorized to bring suit in the name of and on behalf of the United States against the polluter.

This is far reaching legislation, but it is necessary. We have seen that the government has done too little and even that has been done too seldom. Yet, our air continues to decline in quality. This degradation of our environment is not going to await the arousal of bureaucracies; concerned citizens must be given the opportunity to protect themselves and society by bringing suit when the government fails to do so.

There are several other provisions of H.R. 17113 to which I want to allude briefly. The bill contains a section providing for Federal assistance to those workers whose plants have been ordered to cease and desist their polluting activities, and who have thereby had to either lower their output or cease operation while readjusting their manufacturing methods.

My bill also bans the making of leaded gasoline. I think the evidence abundantly clear that the lead which is entering our atmosphere through the use of leaded gasoline in automobiles is one of the most perilous pollutants, and, yet, also one of the most easily eradicable pollutants in terms of cutting off further entry into the air. Thus, H.R. 17113 gives just one year to cease manufacture of this product.

My bill also provides for a state motor vehicle pollution control inspection program. The Secretary of Transportation would be able to impose, before approving any state's highway safety program, a requirement that the program include, as a part of vehicle inspection, procedures to assure the adequacy of performance of emission-control devices in motor vehicles. The Secretary of Transportation would establish standards based on pollution emission standards established by the Department of Health, Education, and Welfare. Grants would be available to assist in meeting the cost of this program.

Finally, H.R. 17113 repeals that section of the Clean Air Act—section 105(c)—which places a percentage limitation on the amount of Federal funds which may be received by any one state. It is obvious that industrialized states such as New York, California, and Illinois, have far more severe pollution problems than do the rural state. Consequently, their need for funds is far more acute, and repeal of section 105(c) recognizes this fact.

Obviously, money is a prime requisite and H.R. 17113 recognizes this by authorizing for the Clean Air Act $200 million for fiscal year 1971, $250 million for fiscal year 1972, and $300 million for fiscal year 1973. In addition, $50 million is authorized to conduct and accelerate research into and development of alternatives to the internal combustion engine.

I also want to briefly discuss the problem of waste disposal and the legislation which I have introduced—H.R. 642—to meet this problem. The statistics here are no less stark than those I recited earlier concerning air pollution. On the average, each person in this country generates about 7 pounds of trash a day.

About 73 percent of refuse now goes into open dumps; 15 percent is incinerated; 8 percent goes into sanitary land fills; 1 percent into compost; and only about 3 percent is salvaged.

Obviously, the need for solid waste disposal facilities is enormous. H.R. 642 would meet this need. It would permit the Secretary of Health, Education, and Welfare to make grants for surveys by state, interstate, municipal, and intermunicipal agencies of solid waste disposal practices and problems within their jurisdiction. Money would also be available for these agencies to develop solid waste disposal plans. In addition, the Secretary would be able to make grants for construction of solid waste disposal facilities, including completion and improvement of existing facilities.

At present, the national average expenditure on waste disposal is $6.81 a year per person. This amount in no way comes close to meeting the costs which must be incurred if we are to grapple in any way adequately with the annual total of 180 million tons of

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solid waste. I recognize that to some degree this paltry total of $6.81 per person reflects a reluctance upon the part of local communities to meet their responsibilities. But, the overwhelming problem is not one of failure to recognize the problem, but rather, a lack of funds to deal with it.

H.R. 642 provides such funds. It raises the funding for those portions of the program administered by the Secretary of Health, Education, and Welfare for fiscal year 1970 from $19,750,000 to $152 million, and it authorizes $216 million for fiscal year 1971 and $236 million for fiscal year 1972. And for those portions of the program administered by the Secretary of the Interior, there is authorized $15 million for fiscal year 1970, $18 million for fiscal year 1971, and $21.5 million for fiscal year 1972.

In summary, I want to emphasize that the degradation of our environment calls for effective and forceful legislation. H.R. 17113 and H.R. 642 answer this call. But, equally as important, there must be a commitment, on our part, on the part of the Executive branch, and on the part of every citizen and business, to stop the slow but steady suicide we have embarked upon. We can deplore and we can impore endlessly, but rhetoric is no more than empty air—and in this case very dirty empty air. We can legislate and we can appropriate. But legislation and money are only allies of action and for enforcement. We are truly using up our trump cards, and the game may soon be over—permanently. I do not want to sound overly ominous or to be a prophet of doom, but the peril allows no less.

Mr. STAGGERS. Mr. Chairman, I rise to close the debate on this side, and to say I believe the committee has considered this bill very well.

As I have said, hearings started in December and ended in April. The committee members heard all the testimony. After hearing all the testimony they came up with the strongest bill they could.

I believe it is a good bill and a strong bill, regardless of any aspersions or innuendoes which might be cast against it.

It is a little like anything else we do in life. We would like to do things right now, but we do not have the technology necessary and have many times not done all the things which ought to be done.

The situation is a little bit like the situations which faced the late President Kennedy when he said in 1961 that he hoped to have a man on the moon and back during the decade. Well, this has happened, but it did not happen without a lot of hard work by those involved. We hope not 10 years from now but 3 years from now we will have the technology by which we can control a great many of these things. I know some say that the only way to control it is to get rid of the internal combustion engine. However, anybody who has any commonsense knows that we cannot do that now. It will take time. We are trying to clean it up so it will not be a pollutant to the air.

Mr. Chairman, this is a strong bill and as good a bill as we could come out with at this time. It certainly gives everyone a chance to develop those things and do those things that are necessary to stop pollution in this country.

Mr. SPRINGER. Mr. Chairman, in reiterating what the chairman of this committee has said, I would like to make two points if I can.

All of the amendments which are being submitted here today were before our committee in one form or another. They were up for discussion. We have considered everything here, every alternative that I know of.

The second point I want to make is that we in this bill greatly changed the existing law of 1967 and we strengthened it in five different ways that I outlined in my speech a few minutes ago.

Everything that has been talked about here today or which will be introduced by way of amendment was discussed at great length in the committee. We finally came to you with this bill. It is a good bill, it is an improved bill, and it is a strong bill. It has a tremendously increased authorization to back it up.

May I say that I think we went as far in this bill as we could go with the knowledge we have at hand at the present time and still make a reasonable commonsense version.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. This bill is a good bill. It has been well conceived and well thought out and is well appropriated for.

Now I yield to the gentleman.

Mr. YATES. Will the gentleman state why one of the States of the Union which wanted to promulgate stricter emission standards for automobiles than those which are set forth by the Federal Government should not be allowed to do so?

Mr. SPRINGER. This was gone into in great detail. I will not go into all of it here as to why it was, but it was felt that you could not have 50 different emission standards. That is the reason, and that could conceivably happen. The gentleman is talking about one of the amendments that the gentleman's colleagues will introduce, which I will be opposed to. Why? Because he will let any locality that wants to to set up its own emission standards. When you do that it means that you cannot drive from one county to another in Illinois, just the same as you could not drive in 50 different States, and you would have all different laws.

Mr. YATES. Suppose the State of Illinois wants to set up stricter emission standards for automobiles in the same way as the State of California. Why should it not be permitted to do so?

Mr. SPRINGER. May I say that we would not have done it in the State of California except in one county that has had the worst situation in the world, with the possible exception of London. There was a good reason for the exception of California.

Now, if I may, I would like to go ahead.

Mr. Chairman, I want to emphasize that I think this bill is a good one and the chairman would not have brought it out to you unless he thought it was a good bill. He has been strong for a good, sound, clean-air bill which was well financed. And, in that effort, I have taken every opportunity I could to back him up.

Mr. Chairman, this bill came out of the committee unanimously. I do not mean that everyone agreed with every single provision of it, but there certainly was not any opposition that I knew of to the bill as it finally came to the floor of the House.

Mr. Chairman, I wanted to make that statement to the members of the Committee at this time before we get into the amendments.

Mr. Chairman, I have no further requests for time.

Mr. STAGGERS. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, pursuant to the rule, the Clerk will now read the committee amendment in the nature of a substitute printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Clean Air Act Amendments of 1970".

NATIONAL AMBIENT AIR QUALITY STANDARDS

SEC. 2. (a) Section 107 of the Clean Air Act (42 U.S.C. 1857c–2) is amended by adding at the end thereof the following:

"(e) (1) The Secretary shall publish in the Federal Register proposed regulations establishing nationally applicable standards of ambient air quality for any pollutant or combination of pollutants which he determines endanger or may endanger the public health or welfare and with respect to which criteria have been issued under this section, and he shall allow a reasonable time for comment thereon by interested parties.

"(2) Within thirty days after the date of enactment of the Clean Air Act Amendments of 1970, the Secretary shall publish proposed regulations establishing ambient air quality standards for each pollutant or combination of pollutants for which air quality criteria have been issued pursuant to this section before such date of enactment. The Secretary shall publish proposed regulations establishing such standards for any other pollutant or combination of pollutants within thirty days after he issues criteria with respect thereto pursuant to this section.

"(3) After considering the comments referred to in paragraph (1) and other relevant information, the Secretary shall, by regulation, promulgate such standards with such modifications as he deems appropriate. He may from time to time thereafter, by regulation similarly prescribed, revise standards promulgated under this section."

(b) (1) The first sentence of section 107 (c) of such Act is amended by striking out "criteria issued pursuant to subsection (b), including those criteria subject to the proviso in subsection (b) (1)" and inserting in lieu thereof "the standards issued under subsection (e)".

(2) Section 109 of such Act (42 U.S.C. 1857d–1) is amended by inserting "that prescribed or" before "approved".

(3) Section 306(4) of such Act (42 U.S.C. 1857j–2) is amended by striking out "State".

AIR QUALITY CONTROL REGIONS

SEC. 3. (a) Section 107 of the Clean Air Act (42 U.S.C. 1857 c–2) is amended by striking out the matter in such section which precedes subsection (b) thereof and inserting in lieu thereof the following:

"AIR QUALITY CONTROL REGIONS AND NATIONAL AMBIENT AIR QUALITY STANDARDS

"SEC. 107. (a) (1) For the purpose of insuring the expeditious attainment of ambient air quality standards throughout the United States, the Congress hereby declares that each State shall be an air quality control region.

"(2) In addition to the regions provided for by paragraph (1), the following areas shall be considered air quality control regions:

"(A) Any air quality control region established under this section before the date of enactment of the Clean Air Act Amendments of 1970 which included all or part of more than one State.

"(B) Any region—

"(i) which the Secretary designates after such date,

"(ii) which includes all or part of more than one State, and

"(iii) the establishment of which the Secretary determines is necessary to deal with interstate air pollution problems.

The Secretary may designate an air quality control region under subparagraph (B) of this paragraph only after consultation with appropriate State and local authorities. The Secretary shall immediately notify the Governors of the affected States of any designation made under subparagraph (B) of this paragraph."

(b) Section 106 of the Clean Air Act (42 U.S.C. 1857 c–1) is repealed.

REVISION OF IMPLEMENTATION AND ENFORCEMENT PROVISIONS

SEC. 4.(a)(1) Section 108(c) of the Clean Air Act (42 U.S.C. 1857d(c)) is amended by striking out paragraphs (1) through (4), by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively, and by inserting after subsection (b) the following:

"(c)(1) If—

"(A) within sixty days after promulgation of any new or revised national ambient air quality standard under section 107(e), the Governor of a State files a letter of intent that such State will within one hundred and eighty days after such filing, adopt, after reasonable notice of the proposed plan and public hearings on such proposal, a plan for the implementation, maintenance, and enforcement of such standard of air quality,

"(B) such plan is established in accordance with the letter of intent, and

"(C) the Secretary determines—

"(i) that the plan is consistent with the purposes of this Act insofar as it assures achieving such standard of air quality within a reasonable time,

"(ii) that an adequate means of enforcement by State action, including authority comparable to that in subsection (k) of this section, is provided,

"(iii) that such plan contains adequate provisions for intergovernmental cooperation, including, in the case of any area covering part or all of more than one State and designated as an air quality control region by the Secretary under section 107(a)(2), appropriate provision for dealing with interstate air pollution problems, and

"(iv) that such plan contains adequate provision for revision from time to time, as required by the Secretary, to take account of improved or more expeditious methods of achieving the standards,

then such plan shall be the plan applicable to such State. A State may adopt an ambient air quality standard applicable to such State or any portion thereof for any pollutant if the Secretary agrees such State standard is more stringent than the national ambient air quality standard for such pollutant. Upon application by a State, the Secretary may for good cause shown grant (with respect to all or part of a plan) an extension of such one hundred and eighty day period for such additional period, not to exceed one hundred and eighty days, as he determines necessary. If a State which has such a plan fails within 60 days after notification by the Secretary or such longer period as the Secretary may prescribe to revise it as required pursuant to subparagraph (C)(iv) or the last sentence of this paragraph, then such State shall be regarded for purposes of paragraph (2) as not having such a plan. Any revised State plan which the Secretary determines is consistent with this subsection shall be the plan applicable to such State. At such time as the Secretary, after consultation with the State, determines that the achievement of an air quality standard under section 107(e) requires inspection of motor vehicles in actual use and that such inspection is technologically and economically feasible, the State shall revise its plan to provide for such inspection.

"(2) If a State does not (A) file a letter of intent, or (B) have a plan in accordance with paragraph (1) of this subsection, the Secretary may after reasonable notice publish proposed regulations setting forth a plan for the implementation, maintenance, and enforcement of such standard of air quality to be applicable to such State. If, within thirty days from the date the Secretary publishes such proposed regulations, the State has not adopted a plan determined by the Secretary to be in accordance with paragraph (1) of this subsection, or a petition for public hearing has not been filed under paragraph (3) of this subsection, the Secretary shall promulgate the plan applicable to such State in accordance with the proposed regulations.

"(3) If, before the thirtieth day after proposed regulations have been published under paragraph (2) of this subsection, the Governor of the State affected by such proposed regulations petitions the Secretary for a hearing, the Secretary shall call a public hearing for the purpose of receiving testimony from State and local air pollution control agencies and other interested parties affected by the proposed regulations, to be held in or near one or more of the places where the plan will take effect. At least thirty days prior to the date of such hearing, notice of such hearing shall be published in the Federal Register and given to interested parties. On the basis of the evidence presented at such hearing, the Secretary shall within sixty days make findings as to whether the proposed plan should be modified. If the Secretary determines no modifications are necessary, the plan shall take effect. If the Secretary determines modifications in the plan as published are necessary, he shall promulgate revised regulations setting forth a plan in accordance with such modifications, which will become effective immediately upon promulgation.

"(4) Whenever, on the basis of surveys, studies, or reports, the Secretary finds that as a result of the failure of a State to take reasonable action to enforce the plan applicable to such State, the ambient air quality of anv air quality control region or portion therefore does not meet an air quality standard established under section 107(e), the Secretary shall notify the affected State or States, persons not in compliance with the plan, and other interested parties, of such finding. If such failure by the State to take such action extends beyond the thirtieth day after the date of the Secretary's notification, the Secretary may request the Attorney General to bring a suit on behalf of the United States in the appropriate United States district court to secure abatement of the pollution. The court, giving due consideration to the practicability and to the technological and economic feasibility of complying with provisions of the plan established to implement such standards, shall have jurisdiction to enter such judgment and orders enforcing such judgment as the public interest and the equities of the case may require. In the case of any person who is notified by the Secretary of remedial action to be taken to abate such pollution and who fails to take such action within the time specified by the Secretary, the court may also assess a penalty of up to $10,000 for each day of violation after the end of such specified time. In determining the amount of such penalty, the court shall take into account the efforts of the defendant to abate the pollution in question.

"(5) For purposes of carrying out paragraph (4), officers or employees duly designated by the Secretary, upon presenting appropriate credentials and a written notice to the owner or person in charge, are authorized to enter, at reasonable times—

"(A) any establishment located in an air quality control region within any part of which the Secretary determines the air quality does not meet an air quality standard prescribed under section 107(e), in order to determine whether the requirements of the State plan applicable to such establishment are being enforced, or

"(B) any establishment which the Secretary has reason to believe is or may be—

"(i) contributing to air pollution subject to abatement under paragraph (4), or

"(ii) failing to take remedial action required by a notice issued under paragraph (4),

in order to determine whether any such contribution or failure is occurring,

including, for this purpose, inspection, at reasonable times, of records, files, papers, processes, controls, and facilities relevant to such purpose. A separate notice shall be given for each such inspection, but a notice shall not be required for each entry made during the period covered by the inspection. Each such inspection shall be commenced and completed with reasonable promptness."

(2) The heading for section 108 of such Act is amended by inserting "IMPLEMENTATION AND ENFORCEMENT OF" before "AIR QUALITY".

(b) Section 108(d)(1) of such Act is amended by adding at the end thereof the following new subparagraph:

"(E) A conference may not be called under subparagraph (A), (B), or (C) of this paragraph with respect to a pollutant for which (at the time the conference is called) a national ambient air quality standard has been prescribed under section 107(e)."

(c) With respect to each ambient air quality standard and each implementation and enforcement plan approved or submitted for approval by the Secretary before the date of enactment of this Act under section 108(c) of the Clean Air Act as in effect prior to the date of enactment of this Act, such section 108(c) shall continue in effect in the same manner and to the same extent as if this Act had not been enacted until such dates as the Secretary shall establish, except that no such date shall be later than one year after the date of enactment of this Act.

FEDERAL EMISSION STANDARDS FOR NEW STATIONARY SOURCES

SEC. 5. (a) Title I of the Clean Air Act (42 U.S.C. 1857 et seq.) is amended by adding after section 111 the following new section:

"EMISSION STANDARDS FOR NEW STATIONARY SOURCES

"SEC. 112. (a) For the purpose of preventing the occurrence of significant new air pollution problems arising from or associated with any class of new stationary sources which, because of the nature or amount of emissions therefrom, may contribute substantially to endangerment of the public health or welfare, the Secretary shall from time to time by regulation, giving appropriate consideration to technological and economic feasibility, establish standards with respect to such emissions. Such emission standards may be established only after reasonable notice and opportunity for interested parties to present their views at a public hearing. Any regulations hereunder, and amendments thereof, shall become effective on a date specified therein, which date shall be determined by the Secretary after consideration of the period reasonably nec-

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essary for compliance. The Secretary may exempt any industry or establishment, or any class thereof, from this section, upon such terms and conditions as he may find necessary to protect the public health or welfare, for the purpose of research, investigations, studies, demonstrations, or training, or for reasons of national security.

"(b) Such emission standards shall provide that—

"(1) If such emissions are extremely hazardous to health, no new source of such emissions shall be constructed or operated, except where (and subject to such conditions as he deems necessary and appropriate) the Secretary makes a specific exemption with respect to such construction or operation.

"(2) In the case of other emissions, any new source of such emissions shall be designed and equipped to prevent and control such emissions to the fullest extent compatible with the available technology and economic feasibility, as determined by the Secretary.

"(c)(1) If, within such period as may be prescribed by the Secretary, any State or interstate air pollution control agency, adopts a plan for enforcement of the emission standards promulgated by the Secretary under this section, such plan shall, if the Secretary determines it provides adequately for the enforcement of such emission standards, be applicable within such State or other area.

"(2) If a State does not adopt a plan in accordance with paragraph (1) of this subsection, the Secretary shall after reasonable notice and a conference with representatives of appropriate Federal departments and agencies, prepare regulations establishing an enforcement plan for such State. If, prior to the date the Secretary publishes such regulations the State has not adopted such plan, the Secretary shall promulgate such regulations.

"(d) If at any time the Secretary determines that any person is violating the emission standards established by him pursuant to this section, and that the State or interstate agency is failing to carry out the plan adopted as provided in subsection (c)(1) or established as provided in subsection (c)(2), he shall notify the affected State or the interstate agency and the person violating the emission standard, and shall specify the time within which such violation must cease. If such violation does not cease within such time the Secretary may request the Attorney General to bring suit on behalf of the United States in the appropriate United States district court to secure abatement of the pollution. The court shall have jurisdiction to enter such judgment and orders enforcing such judgment as the public interest and the equities of the case may require. The court may also assess a penalty of up to $10,000 for each day of violation after the time specified by the Secretary pursuant to this subsection for the cessation of the violation, except that, in determining the amount of such penalty, the court shall take into account the efforts of the defendant to abate the pollution involved.

"(e) Prior to establishing emission standards under subsection (a), the Secretary shall consult with appropriate Federal departments and agencies and State agencies having responsibilities related to any stationary sources to which such emission standards will be applicable.

"(f) For purposes of enforcement of this section, officers or employees duly designated by the Secretary, upon presenting appropriate credentials and a written notice to the owner or person in charge, are authorized to enter, at reasonable times, any establishment which the Secretary has reason to believe is or may be in violation of regulations issued under this section to determine whether any such violation is occurring (including, for this purpose, inspection, at reasonable times, of records, files, papers, processes, controls, and facilities relevant to compliance with the regulations). A separate notice shall be given for each such inspection, but a notice shall not be required for each entry made during the period covered by the inspection. Each such inspection shall be commenced and completed with reasonable promptness."

(b) Section 108(b) of such Act (42 U.S.C. 1857d(b)) is amended by inserting before the period at the end thereof the following: "or under section 112 of this Act".

CONTROL OF AUTOMOTIVE EMISSIONS

SEC. 6. (a) Section 206 of the Clean Air Act (42 U.S.C. 1857f–5) is amended to read as follows:

"MOTOR VEHICLE AND MOTOR VEHICLE ENGINE COMPLIANCE TESTING AND CERTIFICATION

"SEC. 206. (a) The Secretary shall test, or require to be tested in such manner as he deems appropriate, any new motor vehicle or new motor vehicle engine submitted by a manufacturer to determine whether such vehicle or engine conforms with the regulations prescribed under section 202 of this Act. If such vehicle or engine conforms to such regulations, the Secretary shall issue a certificate of conformity upon such terms, and for such period (not in excess of one year), as he may prescribe.

"(b)(1) In order to determine whether new motor vehicles or new motor vehicle engines being manufactured by a manufacturer do in fact conform with the regulations with respect to which the certificate of conformity was issued, the Secretary is authorized to test such vehicles or engines. Such tests may be conducted by the Secretary directly or, in accordance with conditions specified by the Secretary, by the manufacturer.

"(2)(A) If, based on such tests, the Secretary determines that such vehicles or engines do not conform with the regulations with respect to which the certificate of conformity was issued, he may suspend or revoke such certificate in whole or in part, and shall so notify the manufacturer. Such suspension or revocation shall apply in the case of any new motor vehicles or new motor vehicle engines manufactured after the date of such notification (or manufactured before such date if still in the hands of the manufacturer), and until such time as the Secretary finds that vehicles and engines manufactured by the manufacturer do conform to such regulations. If, during any period of suspension or revocation, the Secretary finds that a vehicle or engine actually conforms to such regulations, he shall issue a certificate of conformity applicable to such vehicle or engine.

"(B)(i) At the request of any manufacturer the Secretary shall grant such manufacturer a hearing as to whether the tests conducted on the vehicles or engines are appropriate, whether any sampling methods which have been applied are appropriate, or whether the tests have been properly conducted, and make a determination on the record with respect to such suspension or revocation; but suspension or revocation under subparagraph (A) shall not be stayed by reason of such hearing.

"(ii) In any case of actual controversy as to the validity of any determination under clause (i), the manufacturer may at any time prior to the sixtieth day after such determination is made file a petition with the United States court of appeals for the circuit wherein such manufacturer resides or has his principal place of business, for a judicial review of such determination. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary or other officer designated by him for that purpose. The Secretary thereupon shall file in the court the record of the proceedings on which the Secretary based his determination as provided in section 2112 of title 28 of the United States Code.

"(iii) If the petitioner applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Secretary, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Secretary, in such manner and upon such terms and conditions as the court may deem proper. The Secretary may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken and he shall file such modified or new findings, and his recommendations, if any, for the modification or setting aside of his original determination, with the return of such additional evidence.

"(iv) Upon the filing of the petition referred to in clause (ii), the court shall have jurisdiction to review the order in accordance with chapter 7 of title 5, United States Code, and to grant appropriate relief as provided in such chapter.

"(v) The judgment of the court affirming or setting aside in whole or in part, any such determination of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28 of the United States Code.

"(vi) Any action instituted under this subparagraph shall survive, notwithstanding any change in the person occupying the office of Secretary or any vacancy in such office.

"(c) For purposes of enforcement of this section, officers or employees duly designated by the Secretary, upon presenting appropriate credentials and a written notice to the manfacturer or person in charge are authorized (1) to enter, at reasonable times, any plant or other establishment of such manufacture, for the purpose of conducting tests of vehicles or engines coming off the production line, or (2) to inspect, at reasonable times, records, files, papers, processes, controls, and facilities used by such manufacturer in conducting tests under regulations of the Secretary. A separate notice shall be given for each such inspection, but a notice shall not be required for each entry made during the period covered by the inspection. Each such inspection shall be commenced and completed with reasonable promptness.

"(d) The Secretary shall establish methods and procedures for making tests under this section and inform the manufacturers with respect thereto."

(b)(1) Section 203(a) of such Act (12 U.S.C. 1857f–2(a)) is amended by striking out "or" at the end of paragraph (2), by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; or", and by adding at the end thereof the following:

"(4) for any manufacturer of a new motor vehicle (A) to sell any new motor vehicle to which subsection (e) of section 206 applies unless such vehicle is warranted, and a label or tag is affixed thereto, in accordance with such subsection, or (B) to fail to comply with such a warranty."

(2) Section 206 of such Act (as amended by subsection (a)) is further amended by adding at the end thereof the following:

"(e) Every new motor vehicle or new motor vehicle engine sold by a manufacturer shall be warranted to have systems or devices for the control or reduction of substances emitted from the vehicle or engine that are substantially of the same construction as systems or devices, on test vehicles or test engines, for which a certificate has been issued to the manufacturer under subsection (a), and the manufacturer shall

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furnish with each vehicle or engine written instructions for necessary maintenance by the ultimate purchaser. In addition, the manufacturer shall indicate by means of a label or tag permanently affixed to such vehicle or engine that such vehicle or engine is covered by a certificate of conformity issued for the purpose of assuring achievement of emissions standards prescribed under section 202 of this Act. Such label or tag shall contain such other information relating to control of motor vehicle emissions as the Secretary shall prescribe by regulation."

(3) Section 204(a) of such Act (42 U.S.C. 1857f–3) is amended by striking out "or" after "(2),"; and by inserting ", or (4)" after "(3)".

(4) The first sentence of section 205 of such Act (42 U.S.C. 1857f–4) is amended by striking out "or" after "(2),"; and by inserting ", or (4)" after "(3)".

(5) The second sentence of such section 205 is amended by striking out "and"; by inserting a comma in lieu thereof; and by inserting ", or 203(a)(4)" before "shall".

(c) Section 203(a)(1) of such Act is amended—

(1) by striking out "the manufacture for sale,", and

(2) by striking out "it is in conformity with" and inserting in lieu thereof "such vehicle or engine is covered by a certificate of conformity issued (and in effect) under".

(d) The amendments made by subsections (a), (b), and (c) of this section shall apply in the case of motor vehicles and motor vehicle engines manufactured after the thirtieth day after the date of enactment of this Act; except that if prior to such thirtieth day the Secretary prescribes and publishes in the Federal Register an effective date (not earlier than thirty days and not later than one hundred and eighty days after the date of enactment of this Act), such amendments shall apply to vehicles and engines manufactured after such effective date.

(e)(1) Paragraph (1) of subsection (a) of section 203 of such Act is amended by inserting "(in the case of any person, except as provided by regulation of the Secretary)," after "commerce, or"; and by striking out "United States for sale or resale" and inserting in lieu thereof "United States".

(2) The first sentence of paragraph (2) of subsection (b) of such section is amended by striking out "by a manufacturer" and inserting in lieu thereof "or imported by any person".

(3) Paragraph (3) of section 212 of such Act (42 U.S.C. 1857f–7) is amended by striking out "The" and inserting in lieu thereof "Except with respect to vehicles or engines imported or offered for importation, the"; and by adding before the period at the end thereof "; and with respect to imported vehicles or engines, such terms mean a motor vehicle and engine, respectively, manufactured after the effective date of a regulation issued under section 202 which is applicable to such vehicle or engine (or which would be applicable to such vehicle or engine had it been manufactured for importation into the United States)".

(4) The amendments made by this subsection shall apply in the case of motor vehicles and motor vehicles engines imported into the United States on or after the sixtieth day following the date of enactment of this Act.

TESTING REPORT

SEC. 7. The Secretary shall report to Congress within one year after the date of enactment of this Act the results of research and development conducted under section 104(b)(1) of the Clean Air Act with respect to low-cost instrumentation techniques to facilitate the determination of the quantity and quality of air pollutants emitted from motor vehicles, and such report shall include his recommendations for a program of testing to assure the emission standards for motor vehicles and motor vehicle engines are met during the life of such vehicles and engines.

STANDARDS WITH RESPECT TO FUEL

SEC. 8. (a) Section 210 of the Clean Air Act (42 U.S.C. 1857f–6c) is amended by adding at the end thereof the following:

"(f)(1) The Secretary may, on the basis of specific findings made in accordance with subsection (g), establish standards respecting the composition or the chemical or physical properties of any fuel or fuel additive by specifying limitations on (or providing for elimination of) ingredients (including additives) or on the physical or chemical characteristics of any fuel or class of fuels (A) if any emission products of such fuel or fuel additive will endanger the public health or welfare, or (B) if such fuel or fuel additive will impair to a significant degree the performance of any emission control device or system which is in general use, or which the Secretary finds has been developed to a point where in a reasonable time it will be in general use, on a significant number of motor vehicles or motor vehicle engines.

"(2) For the purpose of carrying out such standards the Secretary may prescribe regulations prohibiting the manufacture for sale, the sale, the offering for sale, or the delivery of any fuel or fuel additive unless it is in conformity with such standards as may be applicable to it.

"(3) This subsection shall not apply to aviation fuel or additives thereto.

"(g)(1) Any standards pursuant to clause (A) of subsection (f)(1) shall be established by the Secretary on the basis of specific findings derived from relevant medical and scientific evidence, including (in the case of a standard with respect to a motor vehicle fuel or fuel additive) a finding that it is not otherwise technologically or economically feasible to achieve the emission standards established pursuant to section 202 of this Act.

"(2) Any standards pursuant to clause (B) of subsection (f)(1) shall be established by the Secretary on the basis of specific findings derived from scientific evidence, including a cost-benefit analysis comparing emission control devices or systems which are or will be in general use and require the proposed standard, with emission control devices or systems which are or will be in general use and do not require the proposed standard.

"(h) For the purpose of making his findings under subsection (g), the Secretary may require the manufacturer of any fuel or fuel additive and the manufacturer of any motor vehicle or motor vehicle engine to furnish any information which has been developed concerning the emissions from motor vehicles resulting from the use of any fuel or fuel additive, or the effect of such use on the performance of any emission control device or system."

(b) Section 210(c) of such Act is amended by inserting after "subsection (b)" the following: "or subsection (h)".

(c) Section 210(d) of such Act is amended (1) by inserting "or the regulations prescribed under subsection (f)(2) or fails to furnish any information required by the Secretary within the period specified by him pursuant to subsection (h)" after "subsection (a)"; (2) by striking "$1,000" and inserting in lieu thereof "$10,000"; and (3) by inserting "or failure" after "violation".

AIRCRAFT EMISSION STANDARDS

SEC. 9. (a)(1) Title II of the Clean Air Act (42 U.S.C. 1857f–1, et seq.) is amended by adding at the end thereof the following new part:

"PART B—AIRCRAFT EMISSION STANDARDS

"ESTABLISHMENT OF STANDARDS

"SEC. 231. (a) The Secretary shall by regulation, giving appropriate consideration to technological feasibility and economic costs, prescribe as soon as practicable standards applicable to the emission of any kind of substance from any class or classes of aircraft or aircraft engines which in his judgment cause or contribute to, or are likely to cause or to contribute to, air pollution which endangers the health or welfare of any persons, and such standards shall apply to such aircraft or aircraft engines whether they are designed as complete systems or incorporate other devices to prevent or control such pollution. Any such standards shall include requirements with respect to the manufacturers' warranty of such systems or devices necessary for the purposes of this Act.

"(b) Any regulations initially prescribed under this section, and amendments thereto, with respect to any class of aircraft or aircraft engines shall become effective on the effective date specified in the order promulgating such regulations, which date shall be determined by the Secretary after consideration of the period reasonably necessary for compliance.

"(c) Any such regulations, or amendments thereto, with respect to aircraft, shall be prescribed only after consultation with the Federal Aviation Administrator in order to assure appropriate consideration for aircraft safety. The Administrator shall apply such standards and regulations in the certification and inspection of aircraft or aircraft engines pursuant to his authority under the Federal Aviation Act of 1958.

"STATE STANDARDS

"SEC. 232. (a) No State or any political subdivision thereof shall adopt or attempt to enforce any standard relating to the control of emissions from aircraft or aircraft engines subject to this part. No State shall require certification, inspection, or any other approval relating to the control of emissions from any aircraft or aircraft engine as a condition precedent to the initial retail sale, titling (if any), or registration of such aircraft or aircraft engine."

(2) Title II of the Clean Air Act is amended—

(1) by striking out "this title" wherever it appears in sections 202 through 212 and inserting in lieu thereof "this part";

(2) by striking out "TITLE II" in the heading for section 212 and inserting in lieu thereof "PART A"; and

(3) by inserting after section 201 the following:

"PART A—MOTOR VEHICLE EMISSION AND FUEL STANDARDS"

(b)(1) Section 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1421) is amended by adding at the end thereof the following new subsection:

"AVIATION FUEL STANDARDS

"(d) The Administrator may prescribe, and from time to time revise, regulations (1) establishing standards governing the composition or the chemical or physical properties of any aircraft fuel or fuel additive for the purpose of controlling or eliminating aircraft emissions which the Secretary of Health, Education, and Welfare (pursuant to section 231 of the Clean Air Act) determines endanger the public health or welfare, and (2) providing for the implementation and enforcement of such standards."

(2) Section 610(a) of such Act (49 U.S.C. 1430(a)) is amended by striking out "and" at the end of paragraph (7); by striking out the period at the end of paragraph (8) and inserting in lieu thereof "; and" and by adding after paragraph (8) the following new paragraph:

"(9) For any person to manufacture, deliver, sell, or offer for sale, any aviation fuel or fuel additive in violation of any regulation prescribed under section 601(d)."

(3) That portion of the table of contents contained in the first section of the Federal

Aviation Act of 1958 which appears under the side heading "Sec. 601. General Safety Powers and Duties." is amended by adding at the end thereof the following:

"(d) Aviation fuel standards.".

FEDERAL FACILITIES

"SEC. 10. Section 111 of the Clean Air Act (42 U.S.C. 1857f) is amended to read as follows:

"CONTROL OF POLLUTION FROM FEDERAL FACILITIES

"SEC. 111. Each department, agency, and instrumentality in the executive, legislative, and judicial branches of the Federal Government having jurisdiction over any real property or facility, or engaged in any activity resulting in the discharge of pollutants into the air, shall comply with applicable Federal, State, interstate, and local emission standards and with the purposes of this Act in the administration of such property, facility, or activity. The Secretary is authorized to exempt any department, agency, instrumentality, property, facility, or activity, in whole or in part, from compliance with any applicable emission standard if he determines it to be in the paramount interest of the United States to do so. An exemption may not be granted under the preceding sentence for a period in excess of one year. Nothing in the preceding sentence shall be construed to prevent the granting of additional exemptions to the same parties and with respect to the same activities upon expiration of the original exemption. The Secretary shall report each January to the Congress all exemptions from the requirements of this section granted during the preceding calendar year, together with his reason for granting each such exemption."

EXTENSION OF AUTHORIZATIONS

SEC. 11. (a) The first sentence of section 104(c) of the Clean Air Act (42 U.S.C. 1857b–1(c)) is amended by striking out "and", and by inserting before the period at the end thereof the following: ", for the fiscal year ending June 30, 1971, $75,000,000, for the fiscal year ending June 30, 1972, $100,000,000, and for the fiscal year ending June 30, 1973, $125,000,000".

(b) Section 309 of the Clean Air Act (42 U.S.C. 1857(l)) is amended (1) by striking out "and" immediately following "June 30, 1969,", and (2) by inserting before the period at the end thereof the following: ", $125,000,000 for the fiscal year ending June 30, 1971, $150,000,000 for the fiscal year ending June 30, 1972, and $200,000,000 for the fiscal year ending June 30, 1973".

(c) Such section 309 is further amended by adding at the end thereof the following new sentence: "Such portion as the Secretary may determine, but not more than 1 per centum, of any appropriation for grants, contracts, or other payments under any provision of this Act for any fiscal year beginning after June 30, 1970, shall be available for evaluation (directly, or by grants or contracts) of any program authorized by this Act."

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

AMENDMENT OFFERED BY MR. VAN DEERLIN

Mr. VAN DEERLIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VAN DEERLIN: On page 44, line 3, strike out "or".

Page 44, line 4, insert before the period the following: ", or (C) to fail to comply with the requirements of section 206(f)(2)".

Page 44, line 24, strike out the quotation marks.

Page 44, insert after line 24 the following:

(f)(1) The Secretary shall conduct, or cause to be conducted such inspections, tests, studies, research and investigations as may be necessary to determine whether new motor vehicles or new motor vehicle engines conform to the regulations prescribed under section 202 of this title, after such vehicles or engines have been in operation, under normal conditions of maintenance and use, at least 4000 miles. Any inspection of a new motor vehicle or new motor vehicle engine, after its sale to the ultimate purchaser, shall be made only if the owner of such vehicle or engine voluntarily permits such inspection to be made, except as may be provided by any inspection program established pursuant to the last sentence of subsection 108 (c) (1) of Title I of this act.

"(2) If through testing, inspection studies or other investigation of representative numbers of any class or category of motor vehicles or motor vehicle engines, or by other means, the Secretary determines that such class or category of new motor vehicles or new motor vehicle engines, operated under normal conditions of maintenance and use, does not conform to the regulations prescribed under section 202 of this title he shall immediately notify the manufacturer or manufacturers thereof of such determination of non-conformity. The notice shall contain the finding of the Secretary and shall include all information upon which the findings are based, and shall be published in full in the Federal Register as promptly as possible. The Secretary shall within thirty days of such notice afford all interested parties an opportunity to present their views and evidence in support thereof, at a public hearing or in writing, with regard to the Secretary's determination of non-conformity. The Secretary shall within a reasonable time, but in no event more than 60 days from the date of notice of non-conformity, direct the manufacturer to provide prompt notification of such non-conformity to the owners of all motor vehicles or motor vehicle engines included within the class or category, unless the Secretary, on the basis of all the facts and evidence in the public record of such proceedings, shall conclude that the class or catgeory or new motor vehicles or new motor vehicle engines is in conformity with the regulation, and publish such conclusion together with the reasons therefore in the Federal Register as promptly as possible.

"(3) The notification to the owner provided for in this subsection shall contain a clear descripiton of the non-conformity, a statement of measures to be taken to remedy such non-conformity and a commitment of the maunfacturer to cause such non-conformity to be remedied at no cost to the owner.

"(4) The U.S. District Court shall have jurisdiction to restrain violations of this section or any order of the Secretary issued under this subsection, upon petition by the appropriate U.S. Attorney or the Attorney General on behalf of the United States."

Mr. VAN DEERLIN. Mr. Chairman, I regret the need for imposing both on the Clerk and on the Members of the House the reading of such a long amendment, but it is one which is quite important in a piece of legislation which is in itself of paramount importance.

The existing law provides only for the testing of prototype vehicles of emission-control devices. The committee bill which we have before us would improve upon this to the extent that it would require assembly line testing. If that is the best we can manage I am for it, but I think we can do still better. I think that the consumer out there who has bought a car, and has relied upon the warranty of purchase, should have some way of making certain that the car he is driving will hold up in the kind of condition that it was when it left the assembly line.

The committee report itself bears out the need for this. It says:

> Experience has shown that the testing and certification of prototypes does not of itself assure that automobiles coming off the assembly line which are sold to the public comply with the Federal emission standards. Therefore, the legislation authorizes inspection of assembly plants and the testing of automobiles and engines coming off the assembly line.

That is from page 3 of the report.

The experts tell us that no testing is really valid until the devices have been operating at least 4,000 miles—and that means operating under driving conditions, not under protected conditions that prevail in the testing of prototypes at the factory.

As a matter of fact, the present regulation on the prototype says that we should expect these devices to work for 50,000 miles.

Now, some interesting tests have been conducted in California, conducted on a controlled basis within the Hertz rental car fleet, and the findings there were that 53 percent of the Hertz cars tested between 10,000 and 11,000 miles were deficient in one respect or another in regard to their effluent-control devices.

Adequate test equipment for this purpose costs about $10,000 per unit, and it is possible that through the adoption of this amendment it would mean that $1 million would have to be spent across the Nation to provide these consumer tests. The fact of the matter is that we shall be spending about $750 million as consumers on these devices, and it seems reasonable that $1 million should be spent to make sure that we are not wasting the $750 million. The American public is entitled to know that the devices will last, that they are working, that they are going to help restore clean air.

Mr. Chairman, I would be willing to answer any questions anyone may have on this amendment.

Mr. ROGERS of Florida. Mr. Chairman, will the gentleman yield?

Mr. VAN DEERLIN. I yield to the gentleman from Florida.

Mr. ROGERS of Florida. Mr. Chairman, I notice that the amendment would require this to be voluntary. Is that correct?

Mr. VAN DEERLIN. The reason that wording, I would say to the gentleman from Florida, is that many States have a requirement for mandatory testing. We would not want to exclude these from coming under the protection of the amendment, but in addition to those States which do require mandatory testing, I would like to know that every consumer could obtain it voluntarily.

Mr. ROGERS of Florida. I think the gentleman would want the House to know that there is no State, insofar as I know, that has mandatory automobile testing for air pollution. Is that not correct?

Mr. VAN DEERLIN. If these failures turn up in ordinary inspections as required, I want them to be corrected.

Mr. ROGERS of Florida. Not for emission standards. There is really no test, because we do not have the testing devices. Frankly, is that not basically the problem now in the country?

Mr. VAN DEERLIN. We have it in California, and we are doing something about it.

Mr. ROGERS of Florida. The gentleman knows that they are not doing anything as far as requiring testing on emission standards.

Mr. VAN DEERLIN. I will state to the gentleman from Florida that my son has spent time in court for violating the air with his car.

Mr. ROGERS of Florida. They did not have any testing devices. Many communities have ordinances which say if a person causes excess pollution, where they see a lot of smoke coming out, but what the gentleman is talking about is a lot different than emission standards as such, as I am sure the gentleman knows.

Mr. VAN DEERLIN. The gentleman from Florida knows that these devices are available.

Mr. ROGERS of Florida. I am not sure that they are yet available.

But in this case you are concentrating research and developing testing devices that can be used.

I think the House should also know before you vote on any amendment like this that we have directed the Secretary to develop testing devices which we do not have.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. STAGGERS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I certainly recognize the intentions of the gentleman from California (Mr. Van Deerlin), one of the very able members on our committee. I am very sure his intentions are only the finest and certainly insofar as his intention is concerned, certainly it is right. But I would like to point this out to the Members of the Congress right now.

The bill contains this language:

> At such time as the Secretary, after consultation with the State, determines that the achievement of an air quality standard under section 107(e) requires inspection of motor vehicles in actual use and that such inspection is technologically and economically feasible, the State shall revise its plan to provide for such inspection.

This is a part of the bill. They can do that under the State plan.

Mr. Chairman, I am opposed to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California, Mr. Van Deerlin.

The question was taken; and the chairman announced that the noes appeared to have it.

Mr. VAN DEERLIN. Mr. Chairman, I demand tellers so that we might see a little show down the middle aisle and a little of the feeling and the mood of the membership.

Tellers were refused.

So the amendment was rejected.

Mr. WAGGONNER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I take this time to try to make a little legislative history that might in time come to be important to all of us.

I do not think there is any argument among us about whether or not we ought as best we can to provide for cleaner air. Certainly, we all agree in this respect.

But I want to ask some questions of the committee chairman or the ranking minority member.

First as to section 206 on page 39 of the bill, which has to do with motor vehicle and motor vehicle engine compliance testing and certification.

Is it intended in the language of the committee bill that the Secretary of Health, Education, and Welfare will be required to test on the assembly line and certify every single engine produced for a period not to exceed 1 year before the manufacturer can sell that engine?

Mr. STAGGERS. I might say "No," categorically.

Mr. WAGGONNER. Then what is proposed?

Mr. STAGGERS. It means he can keep testing and when there is evidence that there is any failure or they do not come up to place, they can stop the assembly line right there and stay there.

Mr. WAGGONNER. It means he can, until he is so satisfied?

Mr. STAGGERS. That is right.

Mr. WAGGONNER. Is it necessary every time an engine design is changed by the manufacturer that he submit this new engine design to the Secretary of Health, Education, and Welfare for testing and certification?

Is the answer to that "No"?

Mr. STAGGERS. I would say this. I do not think he has to, if it is a trade secret, as to whatever he is doing—I do not think you would have to give this in advance. But they do have to meet certain standards. This is the criteria—they have to meet certain standards. I do not think they would have to show the design or anything, but after they started performance they have to meet certain performance standards.

Mr. WAGGONNER. How can this determination be made unless the Secretary of Health, Education, and Welfare engages in this testing which will precede certification?

Mr. STAGGERS. I would certainly say that he would have to. The only way he could do it would be on the first ones tested.

Mr. WAGGONNER. Then, in view of the gentleman's answer, if an automobile manufacturer or an engine manufacturer should change the design of the engines that he produces in mass production—and just for argument's sake we will say he produces 100,000 of these engines—then the Secretary of Health, Education, and Welfare could come in and revoke or suspend the certification of an engine for which the design has been changed because, in his opinion, the new engine does not meet the standards that he had set forth.

Mr. STAGGERS. According to the legislation, the manufacturer would have to submit a prototype and it would have to be tested.

Mr. WAGGONNER. Then the answer to my first question should properly have been that when an engine design is changed, the manufacturer must submit a prototype for testing?

Mr. STAGGERS. That is correct. I did not understand your question and I did not answer it correctly.

Mr. WAGGONNER. Let us talk a little bit about fuel. Section 8 of the bill, which has to do with standards with respect to fuel, states that:

> "(f)(1) The Secretary may, on the basis of specific findings made in accordance with subsection (g), establish standards respecting the composition or the chemical or physical properties of any fuel or fuel additive by specifying limitations on (or providing for elimination of) ingredients (including additives) or on the physical or chemical characteristics of any fuel or class of fuels (A) if any emission products of such fuel or fuel additive will endanger the public health or welfare, or (B) if such fuel or fuel additive will impair to a significant degree the performance of any emission control device or system which is in general use, or which the Secretary finds has been developed to a point where in a reasonable time it will be in general use, on a significant number of motor vehicles or motor vehicle engines.

Am I to believe that under the authority of this section establishing standards with respect to fuels, the Secretary of Health, Education, and Welfare can, today, because no time is prescribed, if he so desires and feels he has sufficient information, say to the manufacturers and producers of fuels, "You have got to take lead out of gas. You have got to put another additive in. You have got to change your formula"?

Mr. STAGGERS. Under another section of the bill the Secretary is required to make specific findings that it affects either the health or the operation, and so forth, before he can put these measures into operation, and it must be based upon the facts and not allegations that he does not know about, and they have to be so stipulated.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

(By unanimous consent, Mr. Waggonner was allowed to proceed for 5 additional minutes.)

Mr. WAGGONNER. I would like to ask the chairman this question. Let us consider the Department of Health, Education, and Welfare. Under existing legislation, the Secretary of Health, Education, and Welfare made application of existing law which would allow him to remove from the market under conditions he could prescribe DDT. Now they are having second thoughts about DDT and they think they made a mistake. The scare has already been introduced in the minds of the public that lead is harmful to health, that it is a pollutant, and the administration apparently shares some concern because they apparently want to get lead out of gasoline. It might well be. I do not know. But they propose that a tax be placed on leaded gasoline, in effect, to try to take leaded gasoline off the market as well as produce revenue.

If the Secretary feels that he already has sufficient information, can he now

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say, "You cannot manufacture gasoline and market it any longer that has lead in it"?

Mr. STAGGERS. No, he cannot. If the gentleman is talking about present law, as it is now constituted, he cannot.

Mr. WAGGONNER. I am talking about the law as it will be by these amendments.

Mr. STAGGERS. He will have that authority.

Mr. WAGGONNER. And he could do that tomorrow?

Mr. STAGGERS. If he has the facts, and he has proven this by facts, that they are a danger and poisonous—I am trying to find it in the bill so I can cite it to the gentleman.

Mr. WAGGONNER. We are getting into some dangerous ground, because we are talking about something we have not thought through.

Mr. STAGGERS. It says in this clause under section 8:

> "(g) (1) Any standards pursuant to clause (A) of subsection (f) (1) shall be established by the Secretary on the basis of specific findings derived from relevant medical and scientific evidence, including (in the case of a standard with respect to a motor vehicle fuel or fuel additive) a finding that it is not otherwise technologically or economically feasible to achieve the emission standards established pursuant to section 202 of this Act.

Mr. WAGGONNER. Then the gentleman is saying to me, Mr. Chairman, that if information already exists or they believe they have that information which will prove that lead in itself in gasoline is harmful, whether they are right or not, but they believe they are right, if they have developed this information before this proposal is signed into law, it will be within the power of the Secretary of Health, Education, and Welfare at any point he desires to say that they must take lead out of gasoline.

Mr. STAGGERS. It is not based on belief. This says specifically that it is based upon specific findings.

Mr. WAGGONNER. When must those findings have been made?

Mr. STAGGERS. If this is possible, and I do not think it is at the present time, then it would have to be constituted on specific findings derived from relevant medical and scientific evidence.

Mr. WAGGONNER. The gentleman's answer is quite interesting. The gentleman just made the statement he did not think this was the case or possible at the present time. Is the gentleman saying to this House that nothing during the course of consideration of these amendments was produced in evidence to show that lead was harmful in gasoline?

Mr. STAGGERS. I did not say that.

Mr. WAGGONNER. That is the net effect, Mr. Chairman, of what the gentleman just said.

Mr. STAGGERS. No; I do not want the House to believe that.

Mr. WAGGONNER. Let us get this record straight because this legislative history is important, and none of us has had a chance to study this except those on the committee. This legislation was scheduled yesterday, and it came out of the blue, with many of us not having had an opportunity to prepare ourselves.

Mr. STAGGERS. The chairman of the committee had nothing to do with that. The chairman of the committee was called yesterday and asked if he could appear before the Rules Committee, and I am complying with what I was requested to do.

I think there is nothing wrong with this. I think it is perfectly clear. There is no shenanigan. Some legislation was needed on the floor, and the chairman said he would agree to be helpful to the House and to carry on business.

Mr. WAGGONNER. I know there is no shenanigan. I do not imply that.

Mr. ROGERS of Florida. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I yield to the gentleman from Florida.

Mr. ROGERS of Florida. Mr. Chairman, I think if the gentleman will look at this in context, he will see what we have done. As the gentleman knows, under the existing law, all of the burden of cleaning up emissions that were polluting the air from automobiles was placed on the automobile industry. That was where the burden was placed. The automobile industry said, "We cannot meet Government standards in 1975 if there is lead in gasoline." Now there was no authority for the Secretary to do anything about gasoline.

Mr. WAGGONNER. Let me ask a question. Does that mean that Government standards are bad, or that lead in gasoline is bad?

Mr. ROGERS of Florida. We are saying it is the joint burden of the oil industry and the automobile industry, because both products go to produce the pollution, so what this amendment does very simply is to say that the Secretary will also have the right to bring in the oil industry to help meet the problem, and he does this in a very precise way.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

(By unanimous consent, Mr. WAGGONNER was allowed to proceed for 5 additional mintues.)

Mr. ROGERS of Florida. Mr. Chairman, if the gentleman will yield further, it is outlined how the Secretary does it. If all the emissions standards could be met and we could clean up the air without going into regulating any one industry, that would be fine, but it happens that this is not so.

So we have established now the authority where, if there is evidence that it is necessary to take out or eliminate certain components or certain additives to gasoline—and lead is one—that will be considered, no question about it, and if that is necessary, this bill will give the Secretary that authority.

Mr. WAGGONNER. Is it intended that in changing the gasoline formulas, if the Secretary says that they must take something out, that the formulas, as is the case with engines, for new fuels must be submitted to the Secretary for approval?

Mr. ROGERS of Florida. Let me say, we did not give authority—which is what I believe the gentleman is concerned about—for the Secretary to go in and tell the companies how to make gasoline. We do not tell them how to make an automobile engine. We do not want to get into that and do not want the Federal Government to do it.

Mr. WAGGONNER. And there is a good reason. We do not know how to do it, either.

Mr. ROGERS of Florida. I understand. We are not going to permit that.

We have said that if there is a component part of the gasoline or if there is an additive, which the facts show will affect the public health, and medical and scientific facts show this, or will prevent the emission standards from being met, the Secretary may act as to that component part or that additive.

Mr. WAGGONNER. What appeals are made available to the manufacturer of an engine or the producer of a fuel, if they take issue with the findings of the Secretary of Health, Education, and Welfare?

Mr. ROGERS of Florida. They have the Administrative Procedure Act.

Mr. WAGGONNER. And only the Administrative Procedure Act?

Mr. ROGERS of Florida. And an appeal to the court, from the Administrative Procedure Act.

Mr. WAGGONNER. In some cases they would.

Mr. ROGERS of Florida. They would in this case.

Mr. WAGGONNER. Not in all cases do people have the right of appeal to the court under the Administrative Procedure Act. In some instances under the Administrative Procedure Act the decisions are final, when they render a decision.

Mr. ROGERS of Florida. I believe they would in this instance.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I yield to the gentleman from Texas.

Mr. KAZEN. Let me see if I can understand this. If the Secretary of Health, Education, and Welfare decides that lead is injurious to public health and that they then order lead be taken out of gasoline, and lead happens to be a component upon which high-compression engines depend to run——

Mr. WAGGONNER. As it is.

Mr. KAZEN. As it is—and those engines are already on the road now, that means they will stop the manufacture of that gasoline, and those cars then must stop. Is that the idea?

Mr. WAGGONNER. I should like to have an answer from some member of the committee.

Mr. ROGERS of Florida. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I yield to the gentleman from Florida (Mr. ROGERS) for an answer.

Mr. ROGERS of Florida. I thank the gentleman for yielding.

First of all, it will have to be established. As we know, the automobile industry is now reducing the compression in the engines. This is already being accomplished in the 1971 models.

Mr. KAZEN. I will take a 1970 high-compression engine. What will I do for gasoline?

Mr. ROGERS of Florida. Now, first of all, there is a nonleaded, high-test gasoline already being produced for high-compression engines, and already one company is producing it—Amoco.

Mr. KAZEN. Yes; but that does not work in the high-compression engines.

Mr. ROGERS of Florida. Yes; that is already a nonleaded gasoline. Amoco produces it for the high-compression engine, not for the low-compression engine. That is all they produce now. Other companies are also producing.

Mr. WAGGONNER. At a cost of 2 cents a gallon more and it still contains pollutants in the form of aromatics.

Mr. ROGERS of Florida. They will have the necessary gasoline to run the automobiles now on the road.

Mr. WAGGONNER. Does the gentleman recognize that conservative estimates made by people who know something about the refinery operation, capacity, and cost in this country are that it will take in excess of a minimum of $6 billion to convert the refineries of this country to produce unleaded gasoline?

Mr. ROGERS of Florida. I have heard the claim made, and that other people say it may go $2 billion. That is quite possible. Amoco is now producing high-compression gasoline without lead at 1 cent over the regular price.

Mr. SATTERFIELD. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I yield to the gentleman from Virginia.

Mr. SATTERFIELD. I should like to make this observation; the hearings are replete with evidence, statement after statement that if we go to nonleaded gasoline at this time then for the next 10 years we will have two classes of gasoline in this country one to take care of the present population of automobiles, and a different class of fuel for the new population of motor vehicles and that this will cost somewhere between $3 billion and $6 billion to the petroleum industry alone to deal with such a situation.

The CHAIRMAN. The time of the gentleman from Louisiana has again expired.

Mr. PICKLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I do not just yet. I will try to yield later.

This is a section of the bill that came in for considerable discussion in the hearings and later in meetings of individuals trying to find a better answer. The members of the committee know that I have had reservations about this particular section, and I felt we ought to eliminate the words "the composition of" when we talked about gasoline. The committee felt, though, that we ought to keep it in there. I must say that there are certain safeguards, and I want to be fair to the committee. I believe they tried to protect what they thought were the best interests of those people who manufacture gasoline. Overall the Secretary must make specific findings based, exactly as the chairman of the committee read, on medical and scientific evidence. Then the secretary could establish certain safeguards specifying a limitation on the composition of the fuel or the additives if two things take place: One, if they endanger the public health and, second, if they would impair to a significant degree the performance of any emissions product. I think those are good safeguards. The Secretary must meet those two requirements. That does give us some assurance that you will not just automatically overnight have a change in the formulas.

I will ask this committee this question. I understand the intent of the committee was that it would just use the word "additives." Additives are our real problem. There is no intent on the part of the committee to try to establish a formula here for one grade of gasoline. You are not trying to get at the composition of gasoline but rather to control the emissions of pollutants that come out of the exhaust. We are really trying to get at the additive problem and not so much at the composition or the grade form of the gasoline?

Mr. ROGERS of Florida. Will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Florida.

Mr. ROGERS of Florida. I think the gentleman knows that we are not trying to say to a manufacturer that he has to make his gasoline in a particular way. What we are saying is we want the Secretary to have the authority wherever the facts show that a particular component or an additive of gasoline—a particular item—affects adversely the public health or prevents emission standards from being met, then the Secretary can say that this item should be reduced or eliminated. It is put on that basis and the findings are made. He does not go in and say that that is the way you will make gasoline. Yes. You are correct on that.

Mr. PICKLE. The committee is not attempting to establish one grade of gasoline for all manufacturers?

Mr. ROGERS of Florida. We are not trying to establish any kinds of grades. What we want is for the public health to be protected and auto emission standards to be met for the benefit of the public health.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the chairman.

Mr. STAGGERS. I think the gentleman from Louisiana was worried about the fact that this would be a hard ruling made in the courts. Of course, these matters come up under the Administrative Procedure Act, and then they have recourse to the courts. If they feel, after all of the hearings have been laid before them, that these were not the facts and that the ruling was wrong, the court will have the final decision.

Mr. PICKLE. The chairman, I think, would say that those people who manufacture gasoline have given full cooperation in the consideration of this bill. They are not trying to throw roadblocks in the way. But certainly they will be concerned if you are trying to say to them that the Secretary can establish standards that will allow the manufacturer to have only one grade of gasoline. I think if we can have that assurance, it will give them the sense of assurance that they are entitled to.

Mr. STAGGERS. I think it is the intent of the committee all the way through.

Also I repeat again what the bill has to say here. Certain criteria must be met or if they do not, they can take those into consideration.

Mr. PICKLE. I thank the chairman.

AMENDMENT OFFERED BY MR. SAYLOR

Mr. SAYLOR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SAYLOR: On page 46, insert after line 25 the following:

"(f) Section 208(b) of such Act is amended to read as follows:

"'(b) The Secretary shall, after notice and opportunity for public hearing, waive application of this section to any State which has adopted standards for the control of emissions from new motor vehicles or new motor vehicle engines, unless he finds that such State does not require standards more stringent than applicable Federal standards to meet compelling and extraordinary conditions or that such State standards and accompanying enforcement procedures are not consistent with section 202(a) of this Act.'"

Mr. SAYLOR. Mr. Chairman, first let me commend the committee for bringing this bill to the floor. The improvements that are contained in this bill in my opinion are excellent. But the amendment that I have offered I think is an amendment which is absolutely necessary if we are going to clear up the air pollution in this country.

The basic question is whether or not the Federal law is going to become the floor or the ceiling on air pollution.

Now, Mr. Chairman, the committee has already made one exception to the State of California. They say they have good reason for making that exception in the State of California. Very frankly, if you will read the record, you will find out that the same conditions that exist in California exist in every metropolitan area of the United States.

What my amendment, if adopted, would do is to say that if the States will establish standards which are higher than those of the Federal Government, it is perfectly proper for the Secretary to approve those standards.

Now, very frankly, while California has made out a good case, the industrial State of Pennsylvania from which I come has had more deaths due to air pollution than any other State in the Nation. Under the law at the present time we are bound by what the Federal standards are.

Mr. Chairman, the State of Pennsylvania is interested in increasing its standards. They are trying to see to it that the automobiles that are sold in Pennsylvania meet a higher standard than the Federal standard.

Now, I cannot see why, if this committee is really interested in cleaning up air pollution and not in trying to see that the Federal Government is the sole monitor or the sole agent to determine what is air pollution, that they would give other States who have these unusual problems the right to have higher standards.

Now, I did not put in this amendment the fact that the States could do it automatically. I have seen to it that this amendment is so drafted that they must confer with the Secretary and when they establish to his satisfaction that they

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have a condition which requires a greater standard, then they should be permitted to put those standards into effect. I think this is in the interest of good legislation.

Let me point out to you that the conditions in Alaska, which is one of our sister States, are not the same as they are in Massachusetts or Pennsylvania or New Jersey or the highly industrialized States. New York has a problem with fog and smog that is just as bad as that condition which exists in California. California has made a great to-do about their condition because it is concentrated in one local area. But everyone of you who comes from a metropolitan area has this same problem.

Mr. Chairman, all I am seeking to accomplish through the adoption of this amendment is to say that if your States come in and show the Secretary that they have a problem, give the States the right to establish for the cars that are sold in their States a higher standard of emission than the general rule that the Federal Government has established.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to the gentleman from Texas.

Mr. ECKHARDT. Do I not understand that your amendment does not permit 50 different rules? As a matter of fact, it would only permit the number of rules suitable to the Secretary; would it not?

Mr. SAYLOR. That is correct; you would not have 50 unless they could give proof to the Secretary that would be adequate, but where there is a special situation and the Secretary is satisfied it is a special situation, and the State proves to him, then he could approve higher standards to be set up for that State.

Mr. ECKHARDT. So that there would be two guarantees against the rule being overly burdensome: One, the good judgment of the legislature of the State, which presumably would not enact legislation putting an extra burden on its citizens and, two, the judgment of the Secretary of Health, Education, and Welfare; is that correct?

Mr. SAYLOR. That is correct.

Mr. FARBSTEIN. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to the gentleman from New York.

Mr. FARBSTEIN. Am I to understand, then, that all that you seek is that the other States of the Union have the same right that the State of California has in setting standards that they deem necessary for the health and safety of their people?

Mr. SAYLOR. That is all that I am asking, and I ask that they go to the Secretary and make out their case just as California must go.

Mr. FARBSTEIN. Mr. Chairman, I believe that the amendment offered by the gentleman from Pennsylvania (Mr. SAYLOR) shoud be passed unanimously, because there is no reason that I can see why only California shall be permitted to set healthful standards for its citizens, and none of the others.

I thank the gentleman for yielding.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SPRINGER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the wording has been very carefully made in this amendment in order to try to get around the amendments which have been offered by several gentlemen that I know of over here who are planning to offer one which gives not only States but localities the right to set any standards they want.

The gentleman from Pennsylvania has offered an amendment with a slight modification—if they can convince the Secretary what the facts are.

Mr. Chairman, we made an exception. We thought we were sound. We did not try to make a lot of exceptions, because, Mr. Chairman, I think we have gone into this matter very carefully when we made the last survey that I know of, that was made by the Public Health Service, which showed that the situation in one county, Los Angeles, in this country was 4.98 worse than any other city in the country. That is almost five times as much. We felt that the county of Los Angeles had made out a case, and we had to observe it.

There is not any other situation in this country that is even comparable to that in Los Angeles. Anyone who wants to make a study of this will find out that there is no other place where engine emissions from automobiles are anything like they are there. There is not any place in this country where the weather conditions are like they are in Los Angeles. It is merely one weather condition which, combined with all the other factors of engine emission, make up quite a dangerous situation. But if you had not had Los Angeles in this, California would not have gotten this exception. Any of you gentlemen who live in California and have gone to San Francisco know there certainly is no situation like that there. I have been in both places, and I do not have to be a stranger—all I have to do is walk around in the streets, or go over the freeways, to see that the situation is not the same. And that is the reason, because there is this one county of Los Angeles that we made the exception.

Mr. Chairman, we cannot, may I say, have 50 different standards, but it could be possible. The reason the gentleman has drawn this amendment the way he has is because he says it is only possible to do it, under his amendment, if you can convince the Secretary.

Let me just give you an illustration of what would actually happen if you wanted to give everybody this right to set up their own standards. There is nothing to prevent them from setting up their own standards and penalties where you could have 15 or 20 States which could prohibit the use of an automobile on the highways of that State unless you had a motor that conformed with the standards of that State. You cannot be any more ridiculous than that. And that is what you are getting into when you start letting every State in the Union set up its own standards. And that is exactly the problem that is involved in this.

I am not going to go into the expense problem. But some of you gentlemen surely can understand if you have an automobile manufacturer manufacturing 15 or 16 different engines at 15 or 16 different rates, depending on what the local body thought was necessary in its own particular situation, you can see what the problem would be.

I merely develop that point to give you some of the problems which we did not go into today but which we talked about in committee.

Mr. ROGERS of Florida. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman.

Mr. ROGERS of Florida. I certainly concur with the gentleman.

As was pointed out, you just cannot drive from one State to the other if we permitted this type of thing, without everybody paying a fine or else having his car pulled off the road.

Second, we direct the Secretary that he shall set standards, and we want him to set the highest standards, the strictest standards, so that the people in Alaska are going to be protected just as much as anybody else. They ought to be and they will be under the committee bill.

I agree with the gentleman that this amendment definitely and any amendment like it, should be voted down.

Mr. SAYLOR. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Pennsylvania.

Mr. SAYLOR. I would just like to call to your attention that the only State that has had any deaths from air pollution is the State of Pennsylvania. You can talk all you want to about Los Angeles, but the only State that had any deaths from pollution coming from automobiles is the State of Pennsylvania in the town of Donora. This is a matter of record.

Mr. SPRINGER. I do not know about the situation altogether in Donora. But it was my understanding that there were other conditions than autos which had to do with the death in Donora.

If anybody has ever traveled through that town, as I used to, when I came from Illinois each time going back and forth—I can very well understand the situation because there was a great deal of pall hanging over that town which did not come from auto engine ignitions but came from the large factories all up and down that valley and that river.

Mr. SAYLOR. The reverse of that situation is essentially what you had in Los Angeles for which you made an exception. Carrying that argument to its conclusion, you would say that the other 49 States of the Union should not allow any car licensed in California to drive anywhere else because they have different standards than we have in the other States.

Mr. SPRINGER. It would not conflict because their standards are higher and they can just drive in the other States without fear of prosecution. I will say to the gentleman again, the only reason we made an exception for California was because of the situation being five times as bad as anywhere else in the country, in Los Angeles.

Mr. ECKHARDT. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I had proposed to support a modified amendment that would have permitted States to make their own rules governing standards of automobile construction relating to emission of pollutants. But, frankly, I believe this is more guarded and it answers some of the objections that would be, or could be, presented to an amendment that permitted each State to make its own rules so long as the rule was stricter than the existing Federal law.

I think it answers the contention that there could be an inordinate number of rules that would make it too burdensome for a manufacturer to comply.

With that in mind, I would favor the approach here above those of such type that might be offered later.

Incidentally, I should like to point out to the House that if any of the other approaches did pass, at least it would arguably make the bill difficult to enforce. This does not do so. But I do want to be sure as to precisely what the amendment does, and I should like to ask the gentleman from Pennsylvania a few questions on the matter. First, do I understand that no standard can be established by any State unless the Secretary concurs?

Mr. SAYLOR. That is correct.

Mr. ECKHARDT. Second, do I correctly understand that the Secretary could not under this provision concur unless the standard adopted by the State was consistent with section 202(a) of this act?

Mr. SAYLOR. That is correct.

Mr. ECKHARDT. Do I also correctly understand that such a standard could not be adopted by a State unless it addressed itself to an extraordinary condition in that State and constituted a stiffer rule than the Federal rule?

Mr. SAYLOR. That is correct.

Mr. FARBSTEIN. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from New York.

Mr. FARBSTEIN. In connection with the statement about conditions in various States, I would just like to say for the record that right now there is an air pollution alert in New York City. The last time such an alert took place 175 people died. New York has asked people not to drive their cars because people are dying now. It would seem to me that the least we could do would be to amend the law so that the very minimum would be the standard set by California. I believe an amendment will be offered today to set the minimum standards as those of California in connection with antipollution.

Mr. ECKHARDT. Mr. Chairman, I support the amendment.

Mr. FARBSTEIN. I will go for that amendment.

Mr. MIKVA. Mr. Chairman, I rise in support of the amendment.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. MIKVA. Mr. Chairman, originally I had intended to offer a separate amendment, which the distinguished gentleman from Illinois (Mr. SPRINGER) referred to. However, after hearing the amendment that has been offered and some of the discussion on it, I rise in support of this amendment. This amendment avoids some of the questions that have been raised about the proposal I was going to offer, and yet at the same time meets the very pressing problem which the committee did not address itself to, either in its report or in the bill itself, namely how do we meet the fact that whatever was true in 1967, as far as California was concerned, is true today in many of the urban areas of this country? The gentleman from Pennsylvania, the author of the amendment, referred to the fact that deaths have occurred in Pennsylvania. Deaths have occurred in Chicago; deaths have occurred in other big cities as a result of automobile pollution; because the fact of the matter is that you cannot separate out pollution caused by automobile emissions, from the other pollutants which as a total create the conditions under which there is real danger to the life and health of our population.

The Governor of my State, Governor Ogilvie, specifically addressed a letter to me, and I believe to the other members of the Illinois delegation, in which he strongly urged that a strong effort be made to repeal the preemption clause which exists in the 1967 act. Governor Ogilvie wrote:

STATE OF ILLINOIS,
OFFICE OF THE GOVERNOR,
Springfield, May 8, 1970.

Hon. ABNER MIKVA,
Member of Congress,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN MIKVA: I should like to enlist your support for the repeal of a provision in the Federal Clean Air Act that unreasonably restricts state and local authority to regulate air pollution caused by motor vehicles.

Federal emission standards are a necessary minimum. But existing standards do not adequately control emissions even of carbon monoxide and hydrocarbons, much less of nitrogen oxides and other pollutants. Indeed, it is improbable that nationwide standards will ever be strict enough for our most congested areas since they are applicable to rural areas as well. Nevertheless, Congress in 1967 forbade the states to regulate emissions from new vehicles in response to the manufacturers' request for a single national standard.

An exemption from this pre-emption was provided only for California, which had demonstrated the existence of a special problem. Now, with the recent issuance of federal criteria for automotive air pollutants, it is clear that many other states may be confronted with the need to go beyond the federal standards in order to protect the public health and welfare. While federal law allows state regulation of automobile use, it deprives the states of one of our most effective weapons—the control of emissions from new vehicles.

It would be unfortunate enough if federal law merely denied the states power to protect their own citizens. But the federal law is also internally inconsistent, for the preemption section is wholly incompatible with the simultaneous federal expectation that the states set and achieve air quality standards for automotive pollutants. Congress has told us we must develop automotive controls and at the same time has deprived us of the authority to do so.

A bill to amend the Clean Air Act will soon reach the floor of the House of Representatives, where an effort will be made to insert a provision repealing the pre-emption section in accord with bills introduced earlier in this session. I support this effort to restore to state and local governments the power to prevent pollution from motor vehicles, and I am writing each of the Nation's Governors and to the Illinois Congressional delegation to ask for expressions of support.

Sincerely,

RICHARD B. OGILVIE,
Governor.

An expression of support has come from many of the mayors of the large cities of this country. One such letter I have received is as follows:

NATIONAL LEAGUE OF CITIES,
U.S. CONFERENCE OF MAYORS,
Washington, D.C., April 29, 1970.

Hon. ABNER J. MIKVA,
U.S. House of Representatives,
Longworth House Office Building,
Washington, D.C.

DEAR CONGRESSMAN MIKVA: The National League of Cities and U.S. Conference of Mayors support enactment of H.R. 16013 to repeal the present federal pre-emption of state and local motor vehicle emission standards which are more stringent than federal standards. We believe that there should be no federal pre-emption of any state or local regulations controlling air pollution which are stricter than federal requirements.

The National League of Cities National Municipal Policy for 1970 states in its section on air pollution: "States and local governments should not be precluded from adopting more restrictive standards than those adopted at the federal level."

Many local communities have air pollution problems which they believe to be more serious than generally appreciated at the federal level. These communities must be free to act positively to control air pollution to the extent they believe necessary for the health and well being of local citizens.

We commend you for your interest in this problem and look forward to working with you in support of H.R. 16013.

Sincerely,

ALAN BEALS,
Director, Congressional Relations.

Very simply, I say to the members of this committee that we have no way of meeting the problems unless there is some authority in State government to impose stricter standards on motor vehicles.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. MIKVA. I yield to the gentleman from Colorado.

Mr. EVANS of Colorado. In order that I may better understand the provisions of the amendment offered by the distinguished gentleman from Pennsylvania, I wonder whether or not the effect of his amendment would be to control the sale of vehicles alone or control the sale of vehicles and the use of vehicles? What I have in mind is a family that is leaving one State and going to 15 or 20 States in a car they bought in their home state. Is it the use of the vehicle or the purchase and use of the vehicle that your amendment is directed to?

Mr. MIKVA. I shall yield to the gentleman from Pennsylvania in a moment. First, I would like to say that as I read the present law—and I made a serious inquiry into the present provisions—used automobiles are not affected. The only provision relates to new automobiles. In answer to the gentleman's question, I would say that a State, such as the State of Illinois, can today, whether or not this amendment passes, tell you that you may not drive your automobile into Illinois unless you meet certain standards in regard to your vehicle. The restriction is on new vehicles.

I yield to the gentleman from Pennsylvania to answer the question more specifically.

Mr. SAYLOR. My amendment itself is directed merely to the sale of new automobiles and not to the transportation of automobiles.

Mr. ROGERS of Florida. Mr. Chairman, will the gentleman yield?

Mr. MIKVA. I yield to the gentleman from Florida (Mr. ROGERS).

Mr. ROGERS of Florida. Of course, this would give the Secretary a complete out from meeting his responsibilities. What we have directed him to do is set tough pollution standards. California was already into this before the Federal Government got into it. That was why they were granted this arrangement. Now the Federal Government is going to set strict standards, if the Secretary will do it. We will have a situation where the Secretary can say, "You will meet these strict standards." Instead, under this, he can say, "In New York, if you cannot meet it, you do not have to." I do not think we ought to give them that out. I oppose the amendment.

Mr. REES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to address the Committee on this matter, because, when I was in the California State Senate, I wrote the present State legislation we have on automobile emissions. This was written with almost the unanimous opposition of the automobile manufacturers.

In California, to register a car, one has to have an approved device which has been approved by the Motor Vehicle Pollution Control Board. For example, as a Member of the U.S. Congress, and as a legal resident of the State of California, when I purchased a car here, I had to have a special order, because I could not register that car in California unless I had a certification that I had an approved air-pollution-control device that was approved by the State of California.

If I were not from the State of California, and I were traveling to the State of California, I could drive all through the State just as long as I did not become a resident and register my car there as a legal resident of the State of California.

If we approve this amendment, it does not mean we have to stop and leave the car at the New York, California, or Illinois border, but it means, if we wish to become residents of that State, we have to come up to the minimum health standards regarding automobile emissions.

We allow the States to develop minimum health standards. This is what we are talking about. We are not talking about automobiles. We are talking about health of human beings.

In 1955 when I was a freshman in the California State Legislature, I was chairman of a special subcommittee on health effects of air pollution. We were just beginning to develop information on emphysema, which is a lung disease. We did not know about emphysema. Now we find emphysema is becoming one of the major causes of death in the State of California. It is a lung disease, the inability of the lungs to function. Its probable cause is living in air polluted areas. We find the doctors, in southern California are telling many families they had better move out of this smog basin and go some place where they will not have this concentration of pollutants.

Many people say pollution might not necessarily be caused by the automobile or maybe only a small contribution. In California we have very tough laws. We have basin type controls on stationary sources. In Los Angeles we outlawed all open air burning and all open air incinerators about 15 years ago. We outlawed all industrial air pollutants quite a few years ago. We will not even allow the steam plants to build within the Los Angeles Basin. We have effective control on stationary pollutants, all stationary sources of pollutants, but still we have air pollution because of the last uncontrolled source, the motor vehicle, continues to pollute the atmosphere.

Detroit has not admitted this. They would not admit it 10 years ago or 5 years ago. They always say it is something else. In California we had to fight the automobile industry every foot of the way, because they say they are not responsible. I think they are. I think every State has the right to look at the health of the people of that State and to come up with minimum standards to fit that State. I think if we do not grant to the several States, as we have granted to California, this right, then we are going to have bare minimal standards dictated by States with minimal pollutants. I think to protect the health of our people we have to have maximum standards where States deem that they need maximum standards to protect the health of their citizens. I urge an aye vote on this amendment.

Mr. KOCH. Mr. Chairman, I move to strike the requisite number of words and rise in support of the amendment.

It is hard for me to understand why there would be any objection to voting for this amendment since it was brilliantly conceived. It does not impose these high standards on every area. It does not even give to every area the right to impose those standards for its own protection.

What it says is that the Secretary of Health, Education, and Welfare may, upon application, where the facts warrant it, permit an area to impose upon itself the standards that California now has.

It is hard for me to believe that the Members here would want to permit the residents of California and the Members who come from California to say, "Well, we in California saw the problem. We recognized it, and we are protecting our own constituency while the rest of the country is not protected."

It appears to me that the constituency in California should be protected and its Members should be commended for their foresight, and that we have an obligation to say, "Yes; if a like condition exists in the State of New York, or any other State, that application could be made to the Secretary of Health, Education, and Welfare, to grant the same prerogatives to such State that California has been granted."

I should like to say to the Members, as an example of our special problem in New York City that in the borough of Manhattan at times nearly 70 percent of the vehicles, during certain hours of the day, are taxis. They, with other vehicles are the prime cause for the pollution in the borough of Manhattan.

Is it unreasonable to permit the State of New York, if upon application it establishes that the air pollution in the State is so bad that action needs to be taken and higher emission standards imposed? Is it unreasonable to say that the Secretary of Health, Education, and Welfare may hear such an application and if the Secretary of Health, Education, and Welfare finds after a hearing that our problem is equal to that of California that New York may take the same measures taken by California?

I should like to ask the distinguished gentleman from Florida (Mr. ROGERS), if he is present—and if not, then the chairman of the committee—why, sir, is it not right to give to the Secretary of Health, Education, and Welfare the right to pass upon an application of an individual State which wishes to bring before him facts which would show that the problem existing in California exists elsewhere?

I see that both the gentlemen are present. Do they not have confidence in the Secretary that he would only make a finding permitting the change if in fact a like situation existed?

Mr. ROGERS of Florida. Mr. Chairman, will the gentleman yield?

Mr. KOCH. I yield to the gentleman from Florida.

Mr. ROGERS of Florida. I hope the gentleman realizes what we are doing in this legislation now is tightening it up and saying to the Secretary, "We want you to have strict standards." They have already published standards the same as those in California for 1975. I am sure they are going to be tightened up in the interim years.

Mr. KOCH. May I ask the gentleman another question along the same line?

Mr. ROGERS of Florida. Certainly.

Mr. KOCH. If tomorrow, or upon the passage of this bill, the State of New York wanted to make an application to the Secretary, and if it were to establish that right now our problem in New York is the equal of that in California, is it the gentleman's judgment that we should wait until 1975 to deal with that problem?

Mr. ROGERS of Florida. I am sure the gentleman knows under present law the Secretary of Health, Education, and Welfare can move in any of these fields any time there is an imminent danger to health.

Mr. KOCH. I ask the gentleman again: Is it his judgment that if the State of New York were to make an application under the new law, the Secretary of Health, Education, and Welfare ought not to have the power to approve the stricter standards if the facts show that New York has the same kind of pollution as that which exists in California?

Mr. ROGERS of Florida. What I am

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saying to the gentleman is we want the Secretary to impose those strict standards all over the Nation. We give him this authority in the bill. I do not believe he should have the right to get out of it by saying, "I will let some State assume the burden."

The gentleman knows that many States will not even assume a burden.

Mr. KOCH. But, I say to the gentleman, assuming for a moment that the pollution standards are adequate for the State of Iowa, which perhaps does not have as many taxis and other vehicles as the State of New York, is the gentleman saying that New York shall not have that right in the interim and must wait until 1975 when the Secretary says, "These California standards shall apply to the whole United States"?

Is not the issue of States rights involved here?

Mr. ROGERS of Florida. What I am saying is if there is an imminent danger to New York, then the Secretary can act now under the authority of the law. He has that authority now.

Mr. MOSS. Mr. Chairman, I rise to support the amendment offered by the gentleman from Pennsylvania, and I do so after giving it a great deal of very careful thought.

I listened with interest to the comments of my colleague from California (Mr. REES). I recall my service in the legislature of my State back in 1949 when we passed some of the pioneering legislation dealing with the problems of air pollution. I realize fully how frustrated we would have been had we been confronted with Federal standards which were inadequate to meet the needs of California and the peculiarities of the Los Angeles basin. I recognize that there are other sections of this Nation having peculiarities—we live in one right here in the Washington metropolitan area—where the pollutants from motor vehicles frequently cause considerable personal discomfort. This is an area of intensive pollution. If the States can advance the technology to deal with this problem and can make a convincing show to the Secretary—and the language of the amendment is drafted so as to avoid any crazy "pattern of standards"—it is reasonably drafted—I assume the man occupying the office of the Secretary, whoever he might be, would give very, very careful consideration to any excessive economic impact upon what constitutes one of the basic industries of this Nation and not impose onerous or unreasonable burdens upon it. I think this is a reasonable request, and it is in the sense of the reasonableness of the request that I extend my support to it and urge the support of the members of the Committee.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. MOSS. I am very pleased to yield to my friend, the distinguished gentleman from Texas.

Mr. ECKHARDT. Does the gentleman from California not agree with me that with respect to emission standards for new automobiles this act does preempt the field and requires a single standard everywhere except California?

Mr. MOSS. I think that it does. Yes, indeed.

Mr. ECKHARDT. The gentleman from Florida was indicating that special problems might be met by the Department of Health, Education, and Welfare in areas where that special problem existed in his answer to the gentleman from New York in the discussion with him, but as I understand the law as drafted, special problems may be met in every field except emissions from new automobiles. The provision referred to by the gentleman from Florida is found in section 108(k) but it is aimed at a contributor to the alleged pollution and provides for injunctions to stop the emission of contaminants. It is not directed at the manufacturer of a facility which may cause pollution. Is that not true?

Mr. MOSS. I think that is quite true.

Mr. ECKHARDT. And all we are attempting to do here is to provide a minimal relaxation of that preemption.

Mr. MOSS. I think it is the bare minimum that a State could reasonably expect to take care of problems peculiar to that State or to an area within that State.

I am very pleased to yield to my friend, the gentleman from Florida.

Mr. ROGERS of Florida. I thank the gentleman for yielding.

I want to clear this up. There is provision in the law that says whenever there is an imminent danger the Secretary may act.

Mr. MOSS. I think we are envisioning something here short of an imminent danger.

Mr. ROGERS of Florida. I say if it is all that serious, the Secretary may act.

Mr. MOSS. It would require moving so quickly and the danger would have to be of such magnitude that Ithink this would not deal with that problem. That contemplates an entirely different problem. However, I think this is a reasonable request of the committee and of the Congress.

Mr. WILLIAMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am in favor of national standards to be met by all States in fighting air pollution. But I think we have to recognize the fact that in more States than just California we do have special problems.

Just to set the record straight I have heard talk here today about having different types of engines and numerous types of gasoline in order to get away from the lead additive, a great air polluter, which is now placed in gasoline in order to get a higher octane rating.

Mr. Chairman, I want to tell the members of the committee that this is just not true. The additive which can be placed in gasoline and which can take the place of lead and which will burn in the process of combustion and not discharged into the atmosphere as a pollutant, are aromatic hydrocarbons that are a product of the cracking of crude oil.

If we say to every oil company in this country today, "We are going to give you 2 years to phase out the use of lead as an additive," we could do it and add an additional 1 cent a gallon to the cost of gasoline. The cost of putting lead in gasoline is 2 cents a gallon, approximately. The expense of aromatic hydrocarbon which has to be refined and added to the gasoline would be less than 3 cents a gallon and would produce the same high-octane gasoline.

Mr. Chairman, all this talk about $6 billion or $7 billion could be amortized at a cost of 1 cent a gallon.

So, we do not need a lot of different types of engines. But, we should give consideration to phasing out the diesel engine which is a great polluter.

However, Mr. Chairman, to get back to this specific amendment, you have to realize the fact that in a State like Pennsylvania we have numerous unusual conditions where other air pollutants emitted by automobiles and I have reference to industrial pollutants. For instance, in the city of Philadelphia, in the Greater Philadelphia area, we have a great concentration of refineries, an unbelievably large concentration of refineries. We have steel mills and every other type of industry. The vehicles that we are talking about in the States which would set higher standards would be applied only to those vehicles registered in that State.

You have already heard the distinguished gentleman from Pennsylvania (Mr. SAYLOR) talk about the deaths that occurred in one of our smaller cities and I can tell you that the concentration of steel mills around the city of Pittsburgh sets that city apart as much as any other city insofar as air pollution is concerned.

Mr. Chairman, we must take into consideration the fact that while we do support national standards, at the same time we have to recognize the possible adverse conditions which exist in some States and we must provide the legislation for dealing with those special cases. Therefore, I recommend the support of this amendment?

Mr. SAYLOR. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS. I am happy to yield to the gentleman from Pennsylvania.

Mr. SAYLOR. Mr. Chairman, I have heard our colleague, the gentleman from Florida (Mr. ROGERS), say that this bill has a provision to the effect that the Secretary has a right in the case of imminent danger to act. Do the other 49 States have to wait until he acts while citizens are in danger of losing their lives, rather than giving the State legislatures the opportunity to act, or do they have to come down to the Secretary and ask for some relief? That is what the bill presently provides. Therefore, I would like to see this amendment adopted.

Mr. ROGERS of Florida. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from Florida.

Mr. ROGERS of Florida. The gentleman knows that the bill—and it is already being done under present law—the Secretary is setting strict standards for automotive emissions. This is done because these automobiles are moving emission sources. In other words, they go from one State to another. That is why we are approaching it in this manner and not allowing one State to set a high standard and another not to do likewise.

Mr. WILLIAMS. I understand the gentleman's statement, but I also understand that the national standards are not as high as your committee would like to have reported out at this time—not as high standards that you will probably be reporting out 5 or 6 years from now.

So that all I am saying to you is that we must realize that there are special conditions in States other than California that will require standards higher than the Federal standards at this time.

Mr. COLLIER. Mr. Chairman, will the gentleman yield for a question?

Mr. WILLIAMS. I yield to the gentleman from Illinois.

Mr. COLLIER. Mr. Chairman, I would ask the gentleman, do I understand that for years the States have had the authority to set the standards in their own States? Is there anything that prohibited all of the States from doing what California did?

Mr. WILLIAMS. I do not know that there was any.

Mr. COLLIER. Then, if there was not, why have they been silent all these years? Why is it that all of a sudden we find that the Federal Government is going to set standards? It just seems to me that somebody has been asleep at the switch.

Mr. WILLIAMS. The answer is that everybody has not been asleep at the switch and they have not been asleep at the State levels in certain instances.

The city of Philadelphia today has the highest anti-air pollution elimination standards in the country in all probability, as far as any municipality. Years ago the city of Pittsburgh adopted regulations and they cleaned up the atmosphere in Pittsburgh tremendously.

Mr. COLLIER. Will this lower the standards?

Mr. WILLIAMS. No, it will not.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAGGERS. Mr. Chairman, I would like to find out what time limit we can place on this amendment to close debate on it.

I believe we have been debating this one amendment for an hour, and I think that is sufficient time. I would just like to find out how much time would be required.

Does the gentleman from Michigan desire time?

Mr. DINGELL. Yes, I do.

MOTION OFFERED BY MR. STAGGERS

Mr. STAGGERS. Anyone else?

Mr. Chairman, I move that all debate on this amendment and all amendments thereto close in 10 minutes.

The motion was agreed to.

Mr. DINGELL. Mr. Chairman I rise in opposition to the amendment offered by my dear friend, the gentleman from Pennsylvania, and I move to strike the requisite number of words. As every one here knows, the author of this amendment is not only one of our most able, sincere, and valuable Members, but he is one of our Nation's truly great conservationists.

Mr. Chairman, I think the best argument against this amendment was made by one of its proponents and supporters, the gentleman from California (Mr. REES).

We have had a long fight to get uniform Federal standards on water quality and air quality. I was the author of the first legislation to create uniform Federal standards on water pollution. I was the first author of legislation to create Federal standards on air pollution, both on moving and stationary sources.

A few years ago on the floor of this House this body adopted a piece of legislation which set up a requirement that the Federal Government would have uniform Federal standards in all kinds of air pollution, moving and stationary. On the offering of my friends from California we adopted an exemption which permitted California, because of the supposedly unique circumstances there, to create local standards which would be stronger upon the showing of need. Now we have made great progress under the uniform Federal standards on moving sources, and many of my colleagues seem to think and seem to express the thought that we do not have strong Federal standards, and that we will not have strong Federal standards between now and 1975. Nothing is further from the truth. There is a very simple answer to this point that I think has to be brought out. The fact of the matter is that between now and 1975 the Federal Government is going to adopt exactly the same standards that will be adopted by the State of California on moving sources of pollution. If California is doing as well as its representatives say—then that is all that can possibly be done for any State.

I think that should make it quite plain that there is no desperate need to Balkanize this Nation and have to have 50 different assembly lines and 50 different designs of automobiles and 50 different kinds of automobile engines produced and marketed in this country.

I think it should be known that everyone in this country should understand that his Federal Government is not going to allow marketing of autos that do not meet the highest possible technological and economic standards that can be achieved for the prevention of air pollution. The law says that it should be thus, and the Congress and your committee will insist it be so.

Now it is assumed that California is unique. I am here to tell you that it is not unique. My friend, the gentleman from Pennsylvania, complains that they have air pollution problems in Pennsylvania. He is right. I am here to tell you we have air pollution problems in Michigan. I am here to tell you you have them in New York City.

I am satisfied that there is not a single metropolitan area that does not have grave air pollution problems. These problems are related to the meteorological conditions and are related to industrial emissions and are related to the number of automobiles and the concentration of people and to geographical factors.

This is precisely the reason why we need strong high Federal standards. Not 50 different standards that are going to involve all of us in innumerable and immeasurable and everlasting disputes over what shall be the 50 different automotive air pollution abatement standards in this Nation.

I say that strong Federal standards are the only device under which we can have a meaningful cleanup and abatement of pollution from automobiles that is emitted into the atmosphere of the United States. Automobiles move from State to State, city to city, area to area. California, New York, Michigan, and Pennsylvania should know that the innumerable visiting autos meet the very highest and best standards.

I want to make one thing very clear. The proponents of this amendment would have you believe it is not possible for a State to challenge the Federal standards. This demonstrates the clear lack of knowledge of the standards on their part because before the standards can become promulgated, it must be done pursuant to a hearing where all viewpoints are heard. Each and every State can then come forward and stress both the problems which it has with regard to pollution and the need for a particular kind of device and relief to abate pollution which happens to afflict their people.

The Federal Government will be responsive to the wishes of the States for stronger and better standards, and we, the representatives of the people, will see that it be so.

There is further the opportunity of a judicial review of Federal standards if they are not strong enough and the States are fully qualified to speak on behalf of their people.

So anyone who has the idea that the Federal standards are not the approach is entirely in error, and I would urge the House to reject this amendment summarily.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. SPRINGER).

Mr. SPRINGER. Mr. Chairman, I think this has been well debated. I think certainly everyone has made up his mind on the basis of the debate that we have had here.

The committee in 1967 considered this most carefully. We again considered it most carefully this year on the expiration of the 1967 act. We think we have made a broad improvement in five areas. We came to the conclusion that we simply could not leave this thing open to the possibility where you could have as many as 50 different standards.

There has been a lot of talk here today about what a State could or could not do. But if a State does get permission to set up its own standards upon, we will say, even a petition to the Secretary, they can include in their legislation and prevent any other automobile from being driven on the highways of that State, if that State wants to do it.

There are broad indications here that they would not do it. But that does not keep a State from doing it if it wants to do it.

This committee is faced with a very practical situation, gentlemen. We simply could not throw the door open to the possibility where you could have even as many as eight, 10, or 12 different engines out on the highway unless your consumers want to pay for that. That is

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exactly what you have to do in this instance if you allow that kind of standards to be created in so many States as I have indicated could possibly happen.

I think the committee has done a good job in thinking and working this thing through this whole matter and every facet of what the gentleman from Pennsylvania is talking about has been debated.

Some of the members of the committee here have joined in the debate on both sides so that you have a picture of this. It means that we should vote against this kind of amendment and the vote against this kind of amendment was very strong in committee because we felt it simply was not practical to undertake this kind of amendment to leave the door open to what would happen and what I think the Members here think would happen and what could and is most likely to happen if we got the kind of pressures that have been indicated here on the floor might be put on the various States for the various problems that arise.

Putting all this aside, whatever has been said here, about my city being as bad as Los Angeles—it simply is not true because the Public Health Service has made a survey of all of these. There is not any place in the world, as I have indicated to you, except London, that is anywhere near as bad as Los Angeles.

Los Angeles is roughly five times as bad as any other city in this country. I am giving you a picture of why we allowed a relaxation in the case of the State of California. I felt that the State of California, upon the presentation they made, should have that relaxation. And if it had not been for the one county, which had 10 to 12 million people in it, which is Los Angeles County, they would not have gotten the exemption which they did. I felt that they were entitled to this kind of exemption by virtue of what the Public Health Service found there. The Public Health Service did not find any city in the country more than one-fifth as bad as the county of Los Angeles, and that is the reason that we allowed the exemption.

Mr. VAN DEERLIN. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. If I have any time remaining, I yield to the gentleman from California.

Mr. VAN DEERLIN. I would like to refresh the gentleman's memory. In the bill before the committee 3 years ago there was no exemption for California. It came to the floor and had to be fought out on the floor the same as this one has to be fought out. This amendment was not even offered in committee. This is a States rights amendment which seems to me every bit as valid as the one relating to California before.

Mr. SPRINGER. The subject was well debated in the committee. The whole issue of what should be done was discussed under almost exactly the same kind of amendment discussed by the gentleman from California, whether anyone actually offered the amendment or not. That I do not know. But I can say it was discussed from one end of the hearings to the other.

The CHAIRMAN. The Chair recognizes the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I yield to the gentleman from New York.

Mr. LOWENSTEIN. Mr. Chairman, I appreciate the gentleman's yielding. I merely wish to support the remarks of the gentleman from New York (Mr. KOCH).

Mr. STAGGERS. Mr. Chairman, we are here to legislate for the 50 States. That is our purpose. We are trying to present a strong, national clean air bill and not to split its provisions in different ways and let the States go their own ways, which the gentleman from Illinois spoke about. Where were the States during all the years until 1965, and even after that when Federal legislation was passed in 1967, which was not strong enough. We realize that, and we have attempted to make it stronger. We expect the Secretary to make the automotive standards as strong or stronger than the California ones. We do not want it to stop with those standards. We want the best national standards which America can have. We want the best for the land. But we do not want to split these standards up 15 different ways.

What are the possibilities if we do not have strong national standards? I do not oppose the objectives of the amendment offered by the gentleman from Pennsylvania, but I think his amendment would result in exactly the opposite of what is intended. We would have weak Federal standards. We would in effect be saying, "Let the States do it."

You will abrogate your responsibility as a Congressman of the United States if you say, "Let us leave it to the States to do this." If you want uniform standards so that cars can travel out of one State and into all 50 States, as they do today, vote against the amendment. We ought to have a strong law. We ought to have the standards stronger than California has. We can say to the Secretary, "Let us have stringent standards." Let us not abdicate our responsibility. Let us defeat the amendment, pass a bill, and get it on the books.

Mr. NELSEN. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Minnesota.

Mr. NELSEN. I wish to join with our good chairman. I served on the subcommittee that sat through all the hearings, and I am in full agreement with the chairman. I hope the amendment is defeated and the bill is passed in its present form.

The CHAIRMAN. The time of the gentleman from West Virginia has expired. All time has expired.

The question is on the amendment offered by the gentleman from Pennsylvania (Mr. SAYLOR).

The question was taken; and on a division (demanded by Mr. SAYLOR), there were—ayes 49, noes 79.

Mr. VAN DEERLIN. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. SAYLOR and Mr. STAGGERS.

The Committee again divided, and the tellers reported that there were—ayes 50, noes 66.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. TIERNAN

Mr. TIERNAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TIERNAN: Page 47, strike out line 12 and all that follows down through line 20 on page 49, and insert in lieu thereof the following.

"REGISTRATION AND REGULATION OF FUELS AND FUEL ADDITIVES

"SEC. 8. (a) Subsection (a) of section 210 of the Clean Air Act is amended to read as follows:

"'(a) The Secretary may by regulation designate any fuel or fuel additive, and after such date or dates as may be prescribed by him, no manufacturer or processor of any such fuel or fuel additive may sell or deliver it unless the manufacturer of such fuel or fuel additive has provided the Secretary with the information required under subsection (c) of this section and unless such fuel or fuel additive has been registered with the Secretary in accordance with subsection (c) of this section.'

"(b) Section 210 of such Act is amended by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively, and by inserting after subsection (a) the following new subsection:

"(b) The Secretary may, on the basis of information obtained under subsection (c) of this section or any other information available to him, establish standards respecting the composition or the chemical or physical properties of any fuel or fuel additive to assure that such fuel or fuel additive will not cause or contribute to emissions which would endanger the public health or welfare, or impair the performance of any emission control device or system which is in general use or likely to be in general use (on any motor vehicle or motor vehicle engine subject to this title) for the purpose of preventing or controlling motor vehicle emissions from such vehicle or engine. For the purpose of carrying out such standards the Secretary may prescribe regulations—

"(1) prohibiting the manufacture for sale, the sale, the offering for sale, or the delivery of any fuel or fuel additive; or

"(2) limiting the composition or chemical or physical properties, or imposing any conditions applicable to the use of, such fuel or fuel additive (including the maximum quantity of any fuel component or fuel additive that may be used or the manner of such use)."

"(c) Section 210(c) of such Act (as so redesignated by subsection (b) of this section) is amended—

"(1) by striking out 'For the purposes of this section the Secretary shall' and inserting in lieu thereof 'For the purpose of establishing standards under subsection (b), the Secretary may require the manufacturer of any fuel or fuel additive to furnish such information as is reasonable and necessary to determine the emissions resulting from the use of the fuel or fuel additive or the effect of such use on the performance of any emission control device or system which is in general use or likely to be in general use (on any motor vehicle or motor vehicle engine subject to this Act) for the purpose of preventing or controlling motor vehicle emissions from such vehicle or engine. If the information so submitted establishes that toxic emissions or emissions of unknown or uncertain toxicity result from the use of the fuel or fuel additive, the Secretary may require the submission within a reasonable time of such scientific data as the Secretary may reasonably prescribe to enable him to determine the extent to which such emissions will adversely affect the public health or welfare. To the extent reasonably consistent with the purposes of this section, such requirements for submission of information with respect to any fuel additive shall not be imposed on the manufacturer of any such additive intended solely for use in a fuel only by the manufacturer thereof. Among other types of information, the Secretary shall';

"(2) by inserting in clause (2) 'the description of any analytical technique that can be used to detect and measure such additive in fuel,' after 'above,';

"(3) by striking out in such clause 'to the extent such information is available or becomes available,';

"(4) by striking out 'clauses (1) and (2)' in the second sentence and inserting in lieu thereof 'the provisions of this subsection'; and

"(5) by striking out 'such fuel additive' in such sentence and inserting in lieu thereof 'such fuel or fuel additive'.

"(d) Section 210(d) of such Act (as so redesignated by subsection (b) of this section) is amended—

"(1) by inserting after the first sentence the following new sentence: 'The Secretary may disseminate any information obtained from reports or otherwise, which is not covered by section 1905 of title 18 of the United States Code and which will contribute to scientific or public understanding of the relationship between the chemical or physical properties of fuels or fuel additives and their contribution to the problem of air pollution.'; and

"(2) by striking out 'subsection (b)' in the first sentence and inserting in lieu thereof 'subsection (c)'.

"(e) Section 210(e) of such Act (as so redesignated by subsection (b) of this section) is amended (1) by inserting 'or subsection (b)' after 'subsection (a)'; and (2) by striking out '$1,000' and inserting in lieu thereof '$10,000'.

"(f) The amendment made by subsection (e)(2) of this section shall be effective with respect to any fuel or fuel additive to which a regulation issued under section 210(a) of such Act or a standard established under subsection (b) of such section (as amended by this Act) applies."

Mr. TIERNAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD. As I have already explained to the chairman, this amendment is a section of the administration bill which was presented to the committee and was not adopted by the committee. I believe it will save time for the committee if we consider it read.

The CHAIRMAN. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

Mr. TIERNAN. Mr. Chairman and members of the committee, what I have attempted to do here today is to present to the committee for its consideration the language in the bill which was presented by the administration to the committee, because I believe this is very important, and I believe it is necessary that we talk about the standards with respect to the fuels.

I commend the committee for its work on this bill because, as the chairman indicated, it is a step forward. I certainly agree with the chairman in a sense that it is something to improve the situation we have.

What my amendment will do is to go a little bit further, to be more stringent. It certainly will give the Secretary more power with regard to the type of fuels and additives that will be used in the future.

For example, it requires anyone who is using an additive to submit his findings and research data, which he has obtained, without making it necessary for the Secretary to undertake independent research.

Since the administration has put this forth in its bill, I believe we should support the administration in its efforts to curtail the pollutants that are put into the air.

The present bill now before us puts the burden on the automobile industry solely. It does not affect the manufacturer of the fuels used in the automobiles. I believe that the administration bill and the amendment I offer, which is the administration language, goes much further than the committee bill and it is necessary because of the situation we have here in America today.

We all know that the number of cars in our country today is increasing every year. Particularly those Members who come from large urban areas know of the situation which has certainly been exemplified by the situation in Los Angeles. In my own State, in all the urban areas, we have this problem. I know those who live in the cities know what it means to go into the city when it is rainy and a cloudy day, and there is heavy traffic downtown, not only with fuel being used in automobiles but also fuel being used for the heating and power of our great country.

I believe this is a time the Secretary should have made available to him through this amendment the information, the scientific data, which would be made available by the language under the administration bill.

Therefore, I believe we should not only require the automobile industry to meet this challenge, this grave challenge, which everyone recognizes here, but also the fuel industry. It is a question of balancing the needs of industry against the needs of our people.

I believe we have reached the point where we will look back, a few years from now, and say, "Why did we not do something about this five years ago?" This is the time to do something. The country needs it. This is the time for us to act.

I move the adoption of my amendment.

Mr. STAGGERS. Mr. Chairman, I rise in opposition to the amendment.

I shall take only a moment of the time of the committee, because the time is late. I hope we will not take too much time on these amendments.

Under the amendment offered by the gentleman from Rhode Island any Secretary, no matter who he is—and he might be changed; there has been a change recently—could take arbitrary actions. We think what is required by the bill is in accordance with our American way of doing things. I think the amendment ought to be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Rhode Island (Mr. TIERNAN).

The amendment was rejected.

AMENDMENT OFFERED BY MR. FARBSTEIN

Mr. FARBSTEIN. Mr. Chairman, I offer an amendment, and I ask unanimous consent that reading of the amendment be waived and that I may explain it.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The amendment is as follows:

Page 46, insert after line 25 the following:

"(f) Section 202 of the Clean Air Act is amended by striking out in subsection (b) thereof 'prescribed under this section,' and inserting in lieu thereof "prescribed under subsection (a) of this section' and by adding at the end thereof the following:

" '(c)(1) The Secretary shall immediately commence the testing of motor vehicle engines propelled by any system other than the internal combustion engine which have emission characteristics superior to the internal combustion engine. On the basis of such tests, the Secretary shall, by regulation prescribe as soon as practicable, but not later than December 31, 1971 regulations for the control of automobile emissions which in his judgment cause or contribute to, or are likely to cause or to contribute to, air pollution which endangers the health or welfare of any persons, and such standard shall apply to such vehicles or engines whether they are designed as complete systems or incorporate other devices to prevent or control such pollution.

" '(2) The regulations initially prescribed under this subsection shall be applicable (A) on and after January 1, 1975, to all new motor vehicles propelled by engines having 375 horsepower or more and to all new motor vehicle engines having 375 horsepower or more, (B) on and after January 1, 1976, to all such new vehicles and engines having 275 horsepower or more, (C) on and after January 1, 1977, to all such new vehicles and engines having 175 horsepower or more, and (D) on and after January 1, 1978, to all new motor vehicles and new motor vehicle engines. Amendments to any regulations prescribed under this subsection shall become effective on the effective date specified in the order promulgating such regulations which date shall be determined by the Secretary after consideration of the period reasonably necessary for industry compliance.' "

Mr. FARBSTEIN. Mr. Chairman, this is a very simple amendment. I will not take my 5 minutes.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield to me?

Mr. FARBSTEIN. I yield to the gentleman.

Mr. STAGGERS. So we might get a time limit on that. I will wait until the gentleman gets through first.

Mr. FARBSTEIN. This is the same amendment I offered I think either last year or 2 years ago when the question of air pollution was the local issue in Los Angeles. At that time I said that the internal combustion engine ought to be banned by 1978. Of course, at that time it seemed as though it was an odd-ball amendment, but strange as it may seem, it has caught on. It has caught on in the sense that the people of this Nation realize that something has to be done about the pollution that is killing so many of our citizens.

What my amendment seeks to do is to ban the internal combustion engine in the sense that the amendment would set auto emission standards beginning in 1975 on the basis of the cleanest of the propulsion systems. Internal combustion engines which cannot meet the standards would be phased out first on the basis of their power on the following timetable: based on sales of 1969 American automobiles, the phaseout would have the following effects: the automobile engines with 375 horsepower would be outlawed in 1975. In other words, you have 5 years within which to use up an automobile that has a 375-horsepower engine. Less than 5 percent of the new-car sales had this horsepower, so there will not be very much of a loss. Second, in 1976 275-horsepower engines will be outlawed. There you get 35 percent of your new-car sales. Third, in 1977, 175-horsepower engines will be outlawed, and all but 10 percent of the new-car sales are those. Then in 1978 there will no longer be permitted an internal combustion engine.

Mr. Chairman, I have ridden in and I know for a fact that there can be produced other engines which are equal to the internal combustion engine. I have ridden in a steam car out here 2 blocks away from where I am standing only a couple of months ago. I understand that steam car can be built to cost no more than the automobile of a similar type that is mass produced today costing between $2,800 and $3,500.

We have to realize that the time has come when we must plan ahead in order that our people will be protected. It seems to me 8 years is time enough for the automobile industry to use its technology in a fashion that will no longer make necessary the internal combustion engine. I think they can do it. The only thing that is missing is the will and the fact that they have a large investment in the internal combustion engine.

Mr. VAN DEERLIN. Mr. Chairman, will the gentleman yield?

Mr. FARBSTEIN. I yield to the gentleman.

Mr. VAN DEERLIN. Mr. Chairman, the California Senate last year by a vote of 26 to 5 voted favorably on a bill which would have outlawed the internal combustion engine by the year 1975. That bill did not become law, but it reflected the sentiment of the people of California and the concern for what is happening through the use of an engine that cannot avoid emitting pollutants.

Mr. Chairman, I want the gentleman from New York to know that this was a branch of our State government which was not only a rather conservative body, but which had and still has a majority of Republicans.

Mr. FARBSTEIN. I thank the gentleman for his remarks.

Mr. Chairman, I know that the internal combustion engine is inherently deadly, dirty, and cannot be cleaned up. The only thing we can do to save the lives of our people is by adopting this amendment.

The amendment would establish automotive emission standards beginning with the 1975 model, based on what the cleanest feasible propulsion system can achieve.

The amendment is premised on the belief that the quality of the air should be determined on the basis of the best available technology, even if that means moving away from technology currently in general use.

The internal combustion engine is inherently a high polluting system. The theory of current antipollution technology is that add-on devices and mechanical adjustments in the engine can filter or catalytically remove the harmful pollutants produced by the internal combustion engine.

In the last 3 years the American public has spent a billion and a half dollars buying devices and mechanisms to control the internal combustion engine; and yet learned this year that up to 80 percent of those devices fail after only a few thousand miles of normal driving.

More importantly the quantity of automotive poisons entering our atmosphere is rising at a dramatic pace.

Most important of all, health, impairment of property and vegetative damage due to air pollution is on the climb. In my own city of New York death rates from emphysema have increased by over 500 percent in the last 10 years; deaths from chronic and acute bronchitis have increased by 300 percent; lung cancer and heart disease are at an all time high.

The last 3 years' experience indicates that the internal combustion engine is, by nature, dirty. Moreover, every auto expert not indentured to the auto industry agrees that the internal combustion engine could be cleaned up only at unacceptable costs and then only up to the approximate level of the administration's proposed standards for 1975 models.

But with the increase in the number of automobiles on the highways, these standards will be sadly deficient by the end of this decade. The only really economically feasible method of cleaning up auto pollution once and for all is to ban the internal combustion engine or to insist that Detroit meet the rigorous standards of other nonconventional modes of propulsion.

I have personally driven in a sleek, modern, efficient, and fast steam car, employing the Rankin system.

I have also personally observed vehicles powered by gas turbine engines. Both the steam car and the gas turbine work, and work well. You have not only my word as to this but the word of governmental studies like the Morse panel, the Battelle Memorial Institute, the Senate Commerce Committee, and the California Assembly which confirm what I saw with my own eyes.

The question now is whether Detroit will abandon its present obsolete and environmentally destructive technology and give the American people the best that 20th century science and engineering can offer.

Mr. BELL of California. Mr. Chairman, I rise in favor of the amendment offered by the gentleman from New York.

My Los Angeles constituents' awareness of the dangers of automotive pollution—smog—is exceeded by none.

They suffer from it daily.

Thanks to the progressive action of local Los Angeles and California State government some years ago, pollution in our area caused by stationary sources has been virtually eliminated. As my good friend Congressman Rees has said.

At the time these ordinances were enacted, many claimed that they were too drastic. Too unreasonable. That they would cause inordinate expense.

These naysayers were proved wrong and I am proud that residents of my area exercised the courage of their convictions.

Today we are considering an amendment against which the same charges will be leveled.

The health crisis caused by automotive pollution again demands so-called "drastic" measures.

This time, however, we cannot depend on local administrative remedies.

We are forced to turn to national policies to stimulate answers to what is increasingly a national problem.

Ninety percent of the smog in Los Angeles is caused by automotive pollutants.

Sixty percent of all smog in the Nation stems from the same source.

We have all been hopeful that the automobile industry would itself undertake to remedy the dangers to health and life brought about by the products of the internal combustion engine.

And to some extent they are doing this, and for these efforts I commend them.

We are also aware, however, that there can be degrees of commitment. A commitment can be wholehearted, as in our successful moon landing, or it can halfheartedly limp along with too much rhetoric and too little action.

I am confident that some day, if we waited long enough, Detroit would inevitably build clean cars.

But can we afford to wait that long? Is there not some way we can speed up the process, enhance the commitment? It is like Chairman Staggers has said: In quoting the late President Kennedy about a moon landing in this decade. He points up the same point inadvertently that I am making. Sometimes it is better to set a goal and force the kind of action that will meet it.

We cannot legislate with the stroke of a pen an instant pollution-free engine. But we can legislate the commitment incentive that is presently lacking.

The pending amendment would do just that.

This amendment would provide us with a positive, rational approach to a critical problem.

It would not automatically outlaw the internal combustion engine.

On the contrary, it is possible that through fuel research and other technological developments the internal combustion engine can be made livable.

It is also possible, however, that the solution will lie in a new propulsion system such as a revised steam or turbine engine.

My constituents do not care what we call it, or how it works.

They do care that it will provide the transportation required in our society today while simultaneously sparing their environment and health the kind of devastation we are now witnessing.

Mr. Chairman, I am certainly aware

that the urgency felt by residents of Los Angeles and New York is not shared by those who are presently being spared the suffocating stench of smog.

They can argue that automotive pollution is not their problem.

But I call on my colleagues from such areas to contemplate the long-run inevitability that without action now, they, too, will ultimately have to face the same problems.

If we can cooperate today, we can ensure early relief for citizens such as I represent, while guaranteeing that those not now burdened by dangerous pollution need never fear it.

There is no need to wait another 10 or 15 years.

We can act now by approving the pending amendment and I strongly urge that we do so.

Mr. STAGGERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would like at this time to see if we could arrive at a time limitation on the consideration of this bill because some Members of this body have other obligations. Therefore, I wonder if we could reach a decision to vote on this amendment and all other amendments to the bill by 6:30 p.m.? I do not feel that that would be cutting off unduly the time of anyone. I would like to do this in order to get the bill passed this evening.

Therefore, Mr. Chairman, I ask unanimous consent that we vote on this amendment and all other amendments thereto and vote on the bill at 6:30.

The CHAIRMAN. The gentleman's request is that debate on all amendments close at 6:30?

Mr. STAGGERS. That is right; and vote on the bill.

Therefore, Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments to the bill conclude at 6:30.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I will only take one-half minute of that time right now.

Mr. Chairman, I rise in opposition to the amendment just proposed to the House for the reason that this just is not possible. It is not a feasible amendment to say that we are going to do this at a certain time. The experts say we can have a clean internal combustion engine and we expect to hold them to their statements. We can take another look at this when this law comes again before Congress 3 years from now. If progress has not been made by that time, we can take the necessary action which will be required.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. FARBSTEIN).

The amendment was rejected.

AMENDMENT OFFERED BY MR. KLEPPE

Mr. KLEPPE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. KLEPPE: On page 49, line 10, strike out the quotation mark.
>
> Page 49, insert after line 10 the following:
>
> "(i) The Secretary is authorized to conduct as soon as practicable a full investigation and study (including, if appropriate, a pilot or demonstration project) respecting the feasibility of combining gasoline with alcohol made from grain, in order to produce a cleaner burning motor vehicle fuel, thereby reducing both air pollution and grain surpluses."

Mr. STAGGERS. Mr. Chairman, I reserve a point of order against the amendment offered by the gentleman from North Dakota (Mr. KLEPPE), but I will not raise the point of order until the gentleman has spoken and has given his views.

The CHAIRMAN. The gentleman from West Virginia reserves a point of order on the amendment.

Mr. KLEPPE. Mr. Chairman, I want to take a very brief moment to discuss this amendment. We have been talking about fuels all afternoon in this debate, and this amendment deals with fuels also. There is nothing new about this proposal. It is very self-explanatory. It is something that has been under consideration for many years. As a matter of fact, during the Eisenhower administration there was a congressional commission appointed to study this question, and the only reason nothing was done was because of the cost involved.

To make alcohol out of grain and to blend it with gasoline to reduce pollution in the air from automobiles is something that works, but it is more costly than to make alcohol from ethylene, which is a petroleum product.

The point I want to make, Mr. Chairman, is that there are some offsetting costs involved when you use grain as a raw material. The offsetting costs are that we have a surplus of grain today, and we could reduce the cost to the taxpayers and our Federal Government if we would utilize more grain to make alcohol to blend with the gasoline.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. KLEPPE. Mr. Chairman, I yield to the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I agree with the objectives of the amendment offered by my colleague, the gentleman from North Dakota. I wish to say that the Secretary already has the needed authority—I will not take time to read the language—but it is under section 104, subsections 1 and 3 of that, that gives him the authority already. We will urge the Secretary to proceed along these lines. I think it is a worthy objective, and that he should be doing this kind of research.

Mr. KLEPPE. Mr. Chairman, I thank the gentleman for his comments.

Mr. SPRINGER. Mr. Chairman, will the gentleman yield?

Mr. KLEPPE. I am happy to yield to the gentleman from Illinois.

Mr. SPRINGER. Mr. Chairman, may I say that I want to commend the gentleman from North Dakota (Mr. KLEPPE), for his excellence in the pursuit of this subject of making alcohol from grain to blend with gasoline.

I too recall—because I was here during the Eisenhower administration—when this commission to study this matter was set up. Again I want to commend the gentleman for bringing this matter to the attention of the committee, and I certainly wish to assure the gentleman that we will do all that we can to assure that this very important subject which the gentleman has raised will be studied.

Mr. SEBELIUS. Mr. Chairman, will the gentleman yield?

Mr. KLEPPE. I yield to the gentleman from Kansas.

Mr. SEBELIUS. Mr. Chairman, I thank the gentleman for yielding, and I would like to associate myself with the remarks made by the gentleman from North Dakota.

Mr. Chairman, this legislation to amend the Clean Air Act would be a positive step by Congress to protect the quality of our environment.

H.R. 17255 would extend the duration of this act, provide for national standards of air quality, expedite enforcement of air pollution control standards, authorize regulation of fuels and fuel additives, provide for improved controls over motor vehicle emissions and establish standards for dangerous emission from stationary sources.

Regarding this obviously needed legislation, I am particularly interested in the amendment introduced by my good friend and colleague, the Honorable TOM KLEPPE, from North Dakota. The gentleman from North Dakota's amendment would provide for an urgently needed study and pilot program in the use of grain alcohol as an additive to gasoline to eliminate tetraethyl lead pollution of the atmosphere.

For some time now, it has become obvious air pollution from tetraethyl lead now used in gasoline as an antiknock additive is a most serious pollution problem. Leading scientists across the Nation have warned of the serious dangers from possible lead poisoning. There is reason to believe this proposed pilot study could provide us with a reasonable answer to this problem through the use of grain alcohol.

Using grain alcohol as a substitute for lead would have many obvious side benefits. Not only could we reduce dangerous pollution, but we could provide a tremendous grain market and thereby reduce the farm surplus and the farm program cost. We could also provide a high protein grain residue for low-cost health food and livestock needs as well. The social impact of this research has far-reaching implications.

Since the cost feasibility of this proposal has been questioned, I feel a full investigation and study, including a pilot or demonstration project in the wheat belt, should be implemented as soon as possible.

Mr. KLEPPE. Mr. Chairman, with the assurances of the gentleman from West Virginia (Mr. STAGGERS), I ask unanimous consent that I may be permitted to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. MELCHER. Mr. Chairman, will the gentleman yield?

Mr. KLEPPE. I yield to the gentleman from Montana.

Mr. MELCHER. Mr. Chairman, I want to commend the gentleman from North Dakota for his very fine explanation of the possibilities of the utilization of our grain resources, and I want to join with the gentleman in his efforts. Not only would this help control pollution but also promote a broad market for grains.

Mr. KLEPPE. I thank the gentleman.

AMENDMENT OFFERED BY MR. HECHLER OF WEST VIRGINIA

Mr. HECHLER of West Virginia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. HECHLER of West Virginia: on page 54, line 12, strike out $75,000,000 and insert $750,000,000; on page 54, line 13, strike out $100,000,000 and insert $1,000,000,000."
>
> On page 54, line 14, strike out "$125,000,000" and insert "$1,250,000,000".
>
> On page 54, lines 18 and 19, strike out "$125,000,000" and insert "$1,250,000,000".
>
> On page 54, lines 19 and 20, strike out "$150,000,000" and insert "$1,500,000,000".
>
> On page 54, line 21, strike out "$200,000,000" and insert '$2,000,000,000".

The CHAIRMAN. The gentleman from West Virginia (Mr. HECHLER) is recognized for 2 minutes.

Mr. HECHLER of West Virginia. Mr. Chairman, the current legislation that we are considering authorizes only a total of $200 million in the fiscal year 1971. My amendment would enable the expenditure of ten times that amount and ten times the amounts authorized for subsequent fiscal years.

What will $200 million buy? I have checked with the Department of Defense and find that $200 million will buy one, only one Poseidon nuclear submarine now under construction. Is not human life on this planet worth more than one nuclear submarine? Air pollution threatens the very existence of human life on this planet.

How many Members on the floor if faced with the choice in 1961 of whether they would prefer to invest $30 billion to go to the moon or to make life livable for human beings on this planet by eliminating air pollution, would not have chosen to eliminate air pollution? We have the chance to eliminate air pollution if we have the will to undertake it.

We have the opportunity to make a bold stroke to achieve a genuine cleaning up of the air. Air pollution is costing the American public conservatively $11 billion, and more probably $15 billion a year. This does not include the impairment to health and medical payments and loss of productivity or damage to architectural buildings. I see by the evening paper that even the Lincoln Memorial is threatened by air pollution. Our forests are threatened by air pollution. Our crops are threatened. But more important, human beings and their health are seriously threatened.

Here is an opportunity for the Congress to authorize sufficient funds to solve the problem. These funds will be expended, I am assured by S. Smith Griswold, former director of the National Air Pollution Control Administration, for the purpose of strengthening the State agencies which have the primary responsibility under the new legislation.

The States and not the regions will be the entities which will enforce the Secretary's standards. The Secretary will promulgate ambient air standards. Ambient air standards are used under the Air Quality Act of 1967 and the problem has been that the States where regions have been designated very often do not have the manpower or ability to come up with implementation plans. In other words, they do not know how to translate ambient air standards into emission standards. The inadequately staffed, inadequately equipped State air pollution control programs do not have the resources to evaluate their air pollution problems nor the means to resolve these problems. Increased funding is not always the answer, but in this case adequate Federal support is sorely needed to beef up the State programs.

I would say that less than 10 States out of the 50 have adequate pollution control agencies today, and even these are hard pressed for adequate financial support.

While I am talking about this question of State responsibility under the pending proposed legislation, I would like to point out that the legislation we are considering does not provide any authority for the Secretary of Health, Education, and Welfare to establish a maximum period within which each State must meet the national air quality standards. The bill does not authorize HEW to enforce the national standard or the plan except where the State fails "to take reasonable action to enforce the plan." It is absolutely unclear what "reasonable action" means.

Additional financing might not prevent these long, drawn-out delays, and I am pleased that the authors feels that the injunctive process can help. Yet the Secretary of Health, Education, and Welfare will only be able to enjoin those who emit pollutants for which standards and a plan has been developed.

I am disturbed that the Secretary cannot issue standards until criteria reports have been published. The NAPCA has identified between 30 and 50 pollutants, but has only published criteria for five since 1967. A crash program, utilizing the additional funds which I would authorize through my amendment, would enable the publication of criteria for these additional pollutants, as well as development of the technology to abate this pollution.

We really ought to directly control emissions from larger plants by setting national emission control levels, not ambient levels, and let the States in the first instance try to enforce Federal emission standards. If this does not work out in a particular State, then the Secretary can move much more quickly than he would under the proposed legislation. If emission controls are set for new facilities, we really ought not to discriminate, but should set them for all facilities above a certain size.

Another aspect of this proposed bill which disturbs me are the clauses contained on pages 33 and 36 which relate to technological and economic feasibility. For example, page 33 of the bill refers to a suit in the U.S. district court by the Attorney General to secure abatement of the pollution. There follows this sentence:

> The court, giving due consideration to the practicability and to the technological and economic feasibility of complying with provisions of the plan established to implement such standards, shall have jurisdiction to enter such judgment and orders enforcing such judgment as the public interest and equities may require.

And on page 36, the bill states:

> The Secretary shall from time to time by regulation, giving appropriate consideration to technological and economic feasibility, establish standards with respect to such emissions.

Now I do not understand why these phrases are necessary. Obviously the Secretary will take such factors into consideration where necessary, but keeping uppermost the public interest. To write these phrases into legislation emphasizes their importance above and beyond the public interest. I doubt whether Columbus would have succeeded had Queen Isabella stressed practicability, technological, and economic feasibility. Certainly it was not technologically or otherwise feasible to go to the moon in 1961. If Jefferson had placed these factors uppermost he never would have allowed Lewis and Clark to embark on their expedition. We have long since passed the point where we should allow polluters to plead that their economic interests are being threatened by having clean air. I believe the following letter puts the issue of economics into a little clearer perspective:

> PRATT, W. VA.,
> *April 30, 1970.*
>
> HON. KEN HECHLER,
> *House of Representatives,*
> *Washington, D.C.*
>
> DEAR SIR: The residents of the Upper Kanawha Valley are facing the problem of air pollution, which in the Montgomery, West Virginia, area, has assumed absurd proportions.
>
> There are several reasons why I say this. First is the obvious financial burden it places on home owners in the area. It is necessary to repaint at least every other year due to the large quantities of grit, spot and flyash forever present in the air. Second, there is the mental and spiritual depression brought on by the continuous, ever increasing blanket of smog which covers our beautiful mountains and threatens to obliterate the sun. Finally and most important, is the effects of this blanket of gloom on the health of the citizen victims who must live and work in the area. It is a rare person, indeed, who does not suffer sinus and bronchial irritations from breathing this stinking, malodorous air. After all, we haven't much choice but to breathe this so-called air, have we?
>
> The source of these abysmal conditions? The Union Carbide Metals plant at Alloy, West Virginia.
>
> According to the public relations department of Union Carbide, it will be at least five or six more years before we are allowed to breathe in safety. I find this six year estimate hard to believe, though; since, for the past 35-years, Union Carbide has been promising that "within five or six years" they will have the problem solved. I have begun to get the impression that by "solving the problem" they mean to wipe out the entire

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population of the Montgomery area, and by doing so will have no need to curb their destruction of nature.

In fact, Union Carbide seems to have very little concern for its employees either. Among the employees with whom I am acquainted, my father included, not one is entirely free from emphysema, bronchitis, and other respiratory diseases. I think their plight is similar to the coal miners who are victims of "black-lung."

The reason nothing has been done about these toxic conditions eludes me. There is no valid excuse which can be offered by Union Carbide; they are financially as well as technically capable of putting an end to the health hazard of air pollution around Montgomery. I sincerely feel and hope that something can be done to force Union Carbide to stop the pollution. The citizens of the Upper Kanawha Valley put their lives in your capable hands, Mr. Hechler.

Very truly yours,

Edgar F. Scales, Jr.

We have made some bold decisions in this Congress to increase the recommendation of a paltry $214 million in the President's budget for waste treatment plants and water pollution control to $1 billion. I therefore feel that we should take similar action in the area of air pollution control, and initiate a meaningful program such as outlined in my amendment.

Right now we are losing the battle to control air pollution.

The air is getting dirtier and dirtier.

The high-sounding titles of the two basic pieces of legislation which Congress has passed: the "Clean Air Act" of 1963 and the "Air Quality Act" of 1967 have not lived up to their titles.

The Nation is far ahead of the Congress in demanding clean air, and tough regulations with teeth in them to enforce the law.

Now we have a chance to move forward boldly and launch an all-out fight against air pollution. I hope that my amendment will receive support. For the future of the human race, we can afford to spend more than the cost of one nuclear submarine to preserve human life on the planet earth.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia (Mr. Hechler).

The amendment was rejected.

AMENDMENT OFFERED BY MR. BUTTON

Mr. BUTTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Button: Page 46, insert after line 25 the following:

"(f) Title II of the Clean Air Act is amended by inserting after section 212 the following new section:

"'STATUTORY STANDARDS

"'Sec. 213. (a) Notwithstanding any other provision of this title, the maximum level of emission from any new motor vehicle or new motor vehicle engine, expressed in grams per mile, with respect to reactive hydrocarbons, carbon monoxide, and oxides of nitrogen shall be as follows: Reactive hydrocarbons—2.2 for 1971, 1.5 for 1972, 1973 and 1974; carbon monoxide—23.0 for 1971 through 1974; oxides of nitrogen—4.0 for 1971, 3.0 for 1972 and 1973, and 1.3 for 1974. For the years after 1974, such levels shall be determined by the Secretary in accordance with this title but such levels shall not exceed those established herein for 1974.

"'(b) Nothing in this section shall be construed to prohibit the Secretary from establishing for any year with respect to reactive hydrocarbons, carbon monoxide, and oxides of nitrogen, emission standards establishing lower levels of emission than those provided in this section.'"

The CHAIRMAN. The gentleman from New York (Mr. Button) is recognized for 2 minutes.

Mr. BUTTON. Mr. Chairman, this amendment seeks the same goals as the amendment proposed by the gentleman from Pennsylvania (Mr. Saylor) but it uses a different avenue.

I believe it meets the objections of the gentleman from Michigan (Mr. Dingell) and some of the others who feel that there should not be a patchwork of different regulations among the States.

This would move up by 5 years the period of time when there would be standards set nationwide—and move it up from 1975.

The Federal standards under the provisions of this bill will match those projected for California by 1975 but meanwhile the rest of the Nation must suffer with inadequate control standards.

This amendment will begin the process of cleaning up the air 5 years earlier, which time has been lost and we cannot afford to lose much more time.

Mr. Chairman, I move the adoption of the amendment.

Mr. GUDE. Mr. Chairman, I rise in support of the gentleman from New York's amendment and commend him for his concern with reducing the harm from the principal source of air pollution, the internal combustion engine. Although this bill, H.R. 17255, as reported from committee, will substantially strengthen our efforts to curb air pollution, it was weakened in committee from the administration's initial recommendations to alleviate pollution from the automobile.

The Public Health Service states that the automobile is responsible for 60 percent of all air pollution in the United States and is costing Americans $30 billion annually. Here in the Washington metropolitan area we have a particular problem with the automobile. It is astonishing to note that the 61 square miles that the District encloses has the highest auto density in the entire country, and traffic is constantly increasing. This year the District is approaching 5,000 cars per square mile. Therefore, to the extent in fighting air pollution nationally and in the Washington metropolitan area, we know that automobiles are a prime target.

Our goal must be the attainment of pollutant free vehicles as a complete substitute for our present types in the shortest period of time. We must not flag in our efforts to achieve this end. The diseases scientists associate with air pollution are definitely on the upswing. Emphysema, for example, an ailment which permanently destroys sections of the lung, had a rate in 1950 of less than two deaths per 100,000 while in 1966 the rate increased to more than 12 deaths per 100,000.

Although it is difficult to pinpoint a specific pollutant as causing a specific disease, scientists assure us that we can not only look for a decrease in emphysema but also for a real improvement in man's general health and welfare with the removal of all filth from the air regardless of its origin.

Therefore, while we are making some progress against air pollution in Washington—we have had a 46-percent reduction in oxides of sulfur and a cessation of most open burning—we must in no way slacken our efforts. For this reason I urge the adoption of this amendment as well as the other amendments which are being offered which would restore the requirements of H.R. 17255 to the more stringent levels recommended by the administration.

Mr. STAGGERS. Mr Chairman, I rise in opposition to the amendment. I think it is unwise at this time to legislate in this way. The subcommittee and the full committee considered these and all other approaches. We hope we can do much better than the standards that would be set by the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. Button).

The amendment was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. Ryan).

(By unanimous consent, Mr. Koch yielded his time to Mr. Ryan.)

AMENDMENT OFFERED BY MR. RYAN

Mr. RYAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Ryan: On page 36, line 4, strike out "and economic feasibility" and on page 37, line 3 and 4, strike out "and economic feasibility".

Mr. RYAN. Mr. Chairman, the purpose of the amendment is to strike from the new section 112, which empowers the Secretary to establish Federal emission standards for new stationary sources, the requirement that the Secretary give appropriate consideration to the economic feasibility of proposed emission standards. In both section 112(a) on page 36 and section 112(b)(2) on page 37 the bill refers to "economic feasibility." I believe that the threat to our environment is so great that, as a matter of public policy, industry should be required to use the most advanced technology regardless of whether or not a particular industry finds it economically feasible. I fear that the language of the bill as presently written, will encourage industry to say, "This will cost too much and we can't do it." The only way to achieve clean air is to set the standards and require compliance.

For example, in New York City, before the city of New York required Consolidated Edison to reduce the sulfur content of its fuel, the utility said it was simply impossible, that it would cost too much. But when faced with a deadline, it not only met the standard but did so a year sooner than required. It did cut down the sulfur content of its fuel. Although the cost was some $15 million a year, when prorated among all the users, it came out to something like 14 cents a month for the average residential user of electricity.

I do not think the Secretary should be

put in the position of determining economic feasibility. Experience shows that industry will not reveal its cost figures to him. Similar provisions have been adopted in various State laws, and State control agencies have time and again run into difficulty because they cannot obtain the cost factors and other information. Then they wind up in court litigating the question of economic feasibility.

The task of the Secretary should be to set standards strict enough to control and eliminate air pollution. His hands should not be tied.

I urge support for this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. RYAN).

The amendment was rejected.

AMENDMENT OFFERED BY MR. RYAN

Mr. RYAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RYAN: On page 36, lines 1 and 2, strike out "substantially to endangerment of the public health or welfare" and insert in lieu thereof "to the deterioration of the quality of environment".

Mr. RYAN. Mr. Chairman and members of the Committee, this amendment also applies to the new section 112, which makes possible Federal emission standards for new stationary sources. Under the provision as proposed by the committee, the source must contribute "substantially to the endangerment of the public health or welfare." My proposed substitute language would require that the source contribute "to the deterioration of the quality of the environment."

I think this is a very important distinction. Our concern should be whether or not the pollutant, which is to be controlled, does, in fact, affect and cause deterioration of the environment. To impose on the Secretary the burden of determining whether pollutants endanger public health and welfare reverses the place where the burden should be. The burden should be upon the polluter to establish that he does not contribute to the deterioration of the environment.

The test for setting standards should be environmental deterioration.

Section 112(b)(1) imposes an "extremely hazardous to health test" for an absolute prohibition on construction and operation. That restriction should be more than sufficient in terms of requiring a health danger. If we are to achieve clean air and save our environment, then we must not unduly restrict the Secretary.

I urge support for this amendment.

Mr. STAGGERS. Mr. Chairman, I rise in opposition to the amendment. I might say this is taken care of in the State plans and certainly it is not needed in this bill. The amendment should be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. RYAN).

The amendment was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. VAN DEERLIN).

Mr. VAN DEERLIN. Mr. Chairman, the committee has been most patient. I am happy to yield back the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. ROGERS).

Mr. ROGERS of Florida. Mr. Chairman, I urge the passage of this bill. It will clean up the air in America.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. DINGELL).

(By unanimous consent, Mr. DINGELL yielded his time to Mr. STAGGERS.)

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, I ask unanimous consent to yield my time to the distinguished chairman of the full committee.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. ROSENTHAL. Mr. Chairman, reserving the right to object, there has been a serious time limitation. I had no amendment to offer, but many others have been precluded from offering an amendment by the serious time limitation. Is there some special reason why the gentleman wants to yield the additional time to the chairman of the committee?

Further reserving the right to object, Mr. Chairman, are there any other members of the committee who plan to engage in this same type of operation?

I object, Mr. Chairman.

The CHAIRMAN. Objection is heard.

Mr. ECKHARDT. Mr. Chairman, I wish to use my time.

Mr. Chairman, I merely would offer my time to anybody who had something to say and who could say it in that period of time, so it is really up for grabs, except that I was quite sure the chairman could use it.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. SPRINGER).

Mr. SPRINGER. Mr. Chairman, I think this bill has been well stated. I think everybody has had his say on it, and in view of the way in which it has been received, I hope this bill will pass.

The CHAIRMAN. The Chair recognizes the gentleman from West Virginia (Mr. STAGGERS), the chairman of the committee.

Mr. STAGGERS. Mr. Chairman, I am not going to take the full 4 minutes. I do appreciate the courtesy of my colleagues in yielding time to me.

What I have to say I can make very brief.

I want to compliment the Committee for the way they have conducted themselves in talking about and arguing over this bill.

This is a bill with which I am sure none of us fully agrees, but we have come out with a strong bill. The subcommittee presented a strong bill which the Members thought was for the best interest of our Nation. The full committee concurred in that and has brought it to the floor. We believe it is a strong bill. We believe it is one that will help to curb this environmental danger we have.

This is a problem we will be taking a look at again 3 years from now.

I commend the bill to the House for passage.

AMENDMENT OFFERED BY MR. STAGGERS

Before we close debate, Mr. Chairman, I offer an amendment which I believe is concurred in by the committee.

The Clerk read as follows:

Amendment offered by Mr. STAGGERS: Page 35, line 15, insert after the period the following: "The amendments made by this section shall not be construed as repealing or modifying the powers of the Secretary with respect to any conference convened under section 108(d) of such Act before the date of this Act."

Mr. STAGGERS. Mr. Chairman, I do not desire to discuss the amendment.

Mr. SPRINGER. Mr. Chairman, we have no objection to the amendment on this side.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia (Mr. STAGGERS).

The amendment was agreed to.

Mr. STAGGERS. Mr. Chairman, before the Committee rises, I do want to compliment the subcommittee. The members did work long and hard, for many hours, to bring this bill to the full committee and to the House.

I thank the gentleman from Illinois, the ranking minority member of the committee, the gentleman from Illinois (Mr. SPRINGER) and all who serve on the committee for their cooperation. They have done a grand job. And I believe we have brought a good bill to the floor for the good of the country.

The CHAIRMAN. Are there any further amendments to be proposed? If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee substitute amendment, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. ALBERT) having assumed the chair, Mr. GALLAGHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill—H.R. 17255—to amend the Clean Air Act to provide for a more effective program to improve the quality of the Nation's air, pursuant to House Resolution 1069, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. CUNNINGHAM

Mr. CUNNINGHAM. Mr. Speaker, I offer a motion to recommit.

XUM

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CUNNINGHAM. In its present form, Mr. Speaker, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. CUNNINGHAM moves to recommit the bill H.R. 17255 to the Committee on Interstate and Foreign Commerce.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SPRINGER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 375, nays 1, not voting 53, as follows:

[Roll No. 164]

YEAS—375

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Aspinall
Baring
Barrett
Beall, Md.
Belcher
Bell, Calif.
Bennett
Berry
Betts
Bevill
Biester
Bingham
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Brasco
Brinkley
Brock
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Burton, Utah
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Camp
Carey
Carter
Casey
Cederberg
Celler
Chamberlain
Chappell
Chisholm
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Cohelan
Collier
Collins
Colmer
Conable
Conte
Conyers
Corbett
Corman
Coughlin
Crane
Culver
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Dellenback
Denney
Dennis
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, La.
Eilberg
Erlenborn
Eshleman
Evans, Colo.
Fallon
Farbstein
Fascell
Feighan
Findley
Fish
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Foreman
Fountain
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Gallagher
Garmatz
Gettys
Giaimo
Gibbons
Gilbert
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harrington
Harsha
Hastings
Hathaway
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Keith
King
Kleppe
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Langen
Latta
Leggett
Lennon
Lloyd
Long, La.
Long, Md.
Lowenstein
Lujan
Lukens
McClory
McCloskey
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKneally
Macdonald, Mass.
MacGregor
Madden
Mahon
Mailliard
Mann
Marsh
Martin
Mathias
Matsunaga
May
Meeds
Melcher
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Mizell
Mollohan
Monagan
Montgomery
Morgan
Morse
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
Olsen
O'Neal, Ga.
O'Neill, Mass.
Patten
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Podell
Poff
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Rees
Reid, Ill.
Reid, N.Y.
Reifel
Rhodes
Rivers
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rooney, Pa.
Rosenthal
Rostenkowski
Roybal
Ruppe
Ruth
Ryan
St Germain
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Schneebeli
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Wis.
Stokes
Stubblefield
Sullivan
Symington
Taft
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Tunney
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watkins
Watson
Watts
Weicker
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wold
Wolff
Wright
Wylie
Wyman
Yates
Yatron
Young
Zablocki
Zion
Zwach

NAYS—1

Cunningham

NOT VOTING—53

Ashbrook
Ashley
Ayres
Biaggi
Brademas
Bray
Brown, Mich.
Clark
Clay
Cowger
Cramer
Daddario
Dawson
Delaney
Dowdy
Edwards, Calif.
Esch
Evins, Tenn.
Fisher
Ford, William D.
Fraser
Galifianakis
Gaydos
Hansen, Wash.
Harvey
Kirwan
McCarthy
McMillan
Mayne
Meskill
Moorhead
Ottinger
Passman
Patman
Pelly
Pepper
Pollock
Powell
Reuss
Riegle
Roe
Rooney, N.Y.
Roth
Roudebush
Scheuer
Schwengel
Steiger, Ariz.
Stephens
Stratton
Stuckey
Vander Jagt
Wyatt
Wydler

So the bill was passed.

The Clerk announced the following pairs:

Mr. Ashley with Mr. Ayres.
Mr. Rooney of New York with Mr. Wydler.
Mr. Passman with Mr. Cowger.
Mr. Delaney with Mr. Vander Jagt.
Mr. Biaggi with Mr. Pelley.
Mr. Stratton with Mr. Pollock.
Mr. Roe with Mr. Brown of Michigan.
Mr. Moorhead with Mr. Roth.
Mr. McMillan with Mr. Ashbrook.
Mr. Brademas with Mr. Riegle.
Mr. Daddario with Mr. Meskill.
Mr. Clark with Mr. Esch.
Mr. Evins of Tennessee with Mr. Cromer.
Mr. Dowdy with Mr. Bray.
Mr. Galifianakis with Mr. Steiger of Arizona.
Mr. Gaydos with Mr. Wyatt.
Mr. Patman with Mr. Roudebush.
Mr. Fisher with Mr. Schwengel.
Mr. Stephens with Mr. Mayne.
Mr. Pepper with Mr. Reuss.
Mr. Edwards of California with Mr. Clay.
Mr. William D. Ford with Mr. Powell.
Mr. Dawson with Mr. Scheuer.
Mr. Fraser with Mr. Ottinger.
Mrs. Hansen of Washington with Mr. Stuckey.
Mr. McCarthy with Mr. Kirwan.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill (H.R. 17255) just passed.

The SPEAKER pro tempore (Mr. PRICE of Illinois). Is there objection to the request of the gentleman from West Virginia?

There was no objection.

COST OVERRUNS FOR THE SAFEGUARD ABM SYSTEM ARE INCREASING

(Mr. OBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBEY. Mr. Speaker, tomorrow we will be voting on a military construction bill which includes $357 million for the Safeguard program. Before Members vote on this bill they should be aware of the fact that cost overruns for the Safeguard ABM system have been increasing by over $130 million per month for the past year. This is how we got where we are on ABM:

On March 14, 1969, President Nixon announced his position in favor of the Safeguard system. At that time he said:

> The present estimate is that the total coast of installing this system will be $6–$7 billion."

The frequenty quoted administration cost figure was $6.6 billion.

In early May 1969, it was revealed that the $6.6 billion cost of the system did not include $1.2 billion for the warheads, money included in the Atomic Energy Commission budget.

On May 22, 1969, it was revealed that another $2.5 billion had to be added to the total cost of the system for research and development. This made the total cost of the system $10.3 billion, including the cost of the warheads.

On May 22, 1969, it was also revealed that it was later decided to extend the

Safeguard system to cover Alaska and Hawaii, the cost of the program would increase $450 million to $500 million.

On December 1, 1969, Senator JOHN STENNIS, chairman of the Senate Armed Services Committee, issued a report on cost overruns indicating no overrun on the $4.185 billion cost of phase I, that part of Safeguard which had been approved by the Senate in August and the House in October.

On December 16, 1969, Senator HATFIELD revealed, and the Department of Defense acknowledged, that the overrun on phase I was $277 million.

On February 24, 1970, Deputy Secretary of Defense, David Packard announced that the cost of phase I had increased from $4.1 to $4.5 billion.

On April 8, 1970, Mr. Packard told members of the House Appropriations Committee that the cost of phase I had increased another $100 million, from $4.5 to $4.6 billion. At that time, he indicated that the total cost of the system is now estimated to be $10.7 billion, a cost overrun of $1.6 billion over the $9.1 billion estimated cost 1 year earlier.

In his April testimony Mr. Packard also acknowledged that the $10.7 billion total did not include the $1.2 billion for warheads, $158 billion for research on advanced radars, an unknown amount for warheads for the improved Spartan missiles, or operating costs which will range from $100 million per year for a two-site system to $350 million per year for a 12-site system.

These figures indicate that the cost overrun of this system has averaged over $130 million per month during the past year.

Furthermore, the total estimated cost of phase II deployment has almost doubled from the first announced figure of $6.6 billion to at least $12 billion, with millions more to be added in for warheads, the improved Spartan missile, operating costs, and perhaps the extension of the system to Alaska and Hawaii.

I have serious doubts, too, that costs for the ABM will stop here. Deputy Secretary Packard has conceded that inflation and design improvement may cause "some continuing cost growth of this defense."

With a system as complex as Safeguard, future design changes would certainly seem to be a reasonable expectation. Inflation will surely be a factor also, just as it is with nondefense expenditures.

In light of this, it is difficult to doubt that Mr. Packard's concerns for continuing cost growths will be justified.

INFORMATION ON THE ABM SYSTEM

(Mr. SIKES asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. SIKES. Mr. Speaker, in my remarks in the body of the RECORD today I shall include information on the ABM system, which I think will be of interest and value to the Members of the House.

Presumably on tomorrow we will take up the military construction appropriation bill, and I believe that the factual material which I shall place in the RECORD will be useful for a better understanding of the ABM system; what is proposed and what will be achieved. I trust you will study my statement.

FACTS YOU WILL NEED ON THE ABM

Mr. Speaker, the Committee on Appropriations has reported the fiscal 1971 military construction appropriation bill. It is H.R. 17970. Contained in this bill is the sum of $357 million for construction on the Safeguard program and $8.8 million for family housing to support Safeguard. The program is discussed in the committee's report issued June 8, 1970. In the report separate views appear on the ABM system. They are in opposition to the Safeguard system and I feel that I should comment on the statements contained therein.

First let me touch on the charges made that the costs are too high. Admittedly, the costs for Safeguard are high. So are the costs of all advanced weapons systems. Instead of looking at the cost of Safeguard, let us look at the alternatives. Without some measure of protection against missile strikes against the United States, an open invitation exists for any belligerent to risk inflicting a crippling blow if it should appear to be sufficiently in their interests to do so. I do not think anyone can calculate the cost of that risk, but I do not want to assume responsibility for imposing it upon us.

We anticipate that the ABM program will provide a high level of protection for our own strike capability and some protection for the people of our cities. Thus, in the event of a hostile strike, a substantial measure of death, damage and destruction could be averted. I do not know how to place a dollar value on that accomplishment either, but I will guarantee it would save human lives and much more than the cost of the Safeguard system. It would give us a chance to survive as a Nation which otherwise we would not have.

Now let us look at the actual costs of proceeding with the development of Safeguard.

The currently estimated Department of Defense investment costs for the Safeguard program which has been approved by the President—Grand Forks, Malmstrom, and Whiteman plus advanced preparation for five additional sites—is $5.9 billion.

In the event that the President decides to implement up to an eight-site Safeguard system and the Congress authorizes it, the total Department of Defense acquisition cost would be as much as $9 billion.

If it is necessary to go to a full 12-site system, the total Department of Defense acquisition cost would be $10.7 billion.

In evaluating these costs, it should be noted that about $2 billion has been obligated to date. For example, the $5.9 billion figure represents an additional obligation of about $4 billion. The corresponding figure for the 12-site deployment is approximately $8.8 billion.

The remaining obligations and expenditures required for any of these deployments would be spread over a period of more than 5 years.

Safeguard, whether a three-site or a 12-site deployment is worth the cost. Here is what the system would accomplish.

The three-site deployment provides substantial capability to protect a necessary number of Minuteman missiles against both SS-9 and SS-11 missiles. The U.S.S.R. does not presently have the capability to successfully attack our total Minuteman missile force in a first strike. The three-site deployment, by itself, will significantly increase the cost for our enemies to attain this capability.

A "picket line" defense will save substantial numbers of American lives in the event of a Chinese attack or an accidental attack.

The improved Spartan missile will have higher performance. Given a line of Safeguard sites across the northern boundary of the United States, plus the Whiteman and National Capital Area sites, such as is envisioned by the five additional sites, and given the improved Spartan, significant early protection temporarily can be provided from the Chinese threat. Clearly, in the event of such an occurrence, the additional expenditures involved would be well worthwhile.

A full 12-site defense would protect U.S. citizens against accidental launch and the kind of attack which the Chinese could launch within the decade. It would also provide substantially increased protection to U.S. land-based forces above that provided by the three-site deployment.

Safeguard is a program which can be implemented in a phased basis as the threat develops. Its costs must be evaluated against other alternatives.

First, there is no other alternative which would protect the American people in the event of an accidental launch or a Chinese attack.

Second, with regard to the protection of the U.S. land-based deterrent in the 1975 time period, in the absence of Safeguard, several programs would have to be started from scratch in fiscal year 1971 while the SALT talks are still in progress. These programs would have to be pursued simultaneously on a crash basis, with the additional costs which that would involve. There is no guarantee that these programs would be less expensive than the Safeguard system, that they would work, or that they could be deployed in time to meet the threat.

Finally, the full costs of other alternatives are not known, but they are apt to be equally expensive. As a point of reference, the Minuteman system, through fiscal year 1971, will have cost about $13 billion to build. A decision to resite Minuteman, whether in hard sites or on mobile launchers, would not be cheap. There are funds in the fiscal year 1971 budget to begin studies of various Minuteman point defense systems. However, their radars would still not be as hard as a missile silo. There is no guarantee that a point defense of Minuteman would be any cheaper than a Safeguard defense of Minuteman. An address by Dr. John S. Foster, Jr., on May 12, 1969, makes this clear:

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> The NIKE-X R&D program, upon which both Sentinel and Safeguard were based, always had a Sprint missile for point defense of targets, specifically Minuteman and cities. We have, from time to time, examined specialized systems, designed only to hard point defense, with the hope that we could find something much cheaper or much better. But we haven't found it.

The committee's hearings indicate that the cost to build and operate an additional 40 Poseidon submarines is estimated to be approximately $8 billion. The Navy's ULMS system is expected to cost substantially more.

Now let us talk about another charge which is carried in the separate views. The charge is that the capabilities of the Safeguard system are marginal and that its effect on the strategic arms race is explosive. These charges are not new. They are, however, usually not stated so succinctly. Stripped of their usual rhetoric, they reveal their basically contradictory nature. First let us talk about the effect on the strategic arms race.

There is no longer a race. We established goals years ago which we felt would provide an adequate capability for America's defense in our missile program. For a long time we were far ahead of the Soviets. That is no longer true. They have built a larger number of missiles than we, and their missiles are larger and more destructive. They are continuing to add to their missile capability by increasing the numbers. Both we and the Russians are improving the missiles that we have, but only the Russians are continuing to add significantly to the number of missiles in inventory. So we are not in a race with the Russians. We are not even trying to catch up.

In addition to their lead in missiles, the Russians have an advantage in experience. The Russians have built an ABM system. We do not know how good it is, but good or bad, they are several years ahead of us because their's is operational and our's is not. To seek a measure of protection for our own missile sites can hardly be seized upon by the Russians as an indication that we are stepping up the arms race. It is notable, however, that Communists negotiate more realistically when the odds favor the other side. We have never learned to throw our weight around in a conference, but the Russians have. It can be recalled that we flexed our muscles over the Cuban missile crisis and the Russians backed down. That is the only similar incident in recent history. Where we made our intentions and our determination very clear, the Russians backed down and that should tell us something. The Russians will deal much more realistically on arms limitations when they realize we mean to have an ABM capability to the extent that we need it.

Much is now being made of the fact that the Safeguard system is not adequate to defend American cities against a Russian attack. This is true. Safeguard is severely limited as a city defense against a Russian attack. The concept of an ABM system built primarily for city defense was abandoned when the Safeguard program was initiated. This system is intended to defend some of our Minuteman missiles and some of our strategic bombers so that they cannot be destroyed and the United States left helpless by a Russian first strike. As a result, the primary function of the Safeguard interceptors will be to defend Minuteman missiles and strategic bombers. Because of this and because of the configuration of the Safeguard deployment only a few interceptors would be available to defend a particular city. Nevertheless, the system will provide a limited defense of the American population against a Russian attack.

COMMENTS ON SEPARATE VIEWS

More significantly, the capabilities of the Safeguard system are adequate for missile defense against the U.S.S.R. provided there is only a moderate increase in Soviet missile capability in quantity and quality. The system is designed not to protect the whole 1,000 Minuteman force but to protect some portion of that force which is necessary to preserve the effectiveness of our land-based deterrent. It will do this job until it is overwhelmed—that is, its interceptors are exhausted. Clearly it has a limited number of interceptors. If the Russian threat increases by a very large factor, the Safeguard system will maintain its ability to destroy a given number of enemy missiles but will no longer guarantee the survival of a specific number of Minutemen. However, the cost to the Russians of building a force sufficient to guarantee that they could overcome this limited number of interceptors and also deliver a sufficient number of missiles in a first strike would be tremendous. In order to knock out the U.S. land-based second strike capability, the U.S.S.R. must deplete Safeguard area defense missiles nationwide with SLBM-launched missiles in order to destroy our bomber force. They must exhaust Safeguard defense missiles protecting Minuteman, and employ other missiles to destroy Minuteman. Finally, they must keep a sufficient number of missiles in reserve to destroy U.S. cities.

In summary, it is the nature of the Safeguard to greatly increase the cost of attaining a first strike capability while having little or no effect on the U.S.S.R.'s second strike capability. It is a limited system with limited purposes and for this reason it should slow, not accelerate, the acquisition of strategic weapons by the United States and Russia.

There is this statement in the separate views:

> We predicted last year the Department of Army . . . would immediately seek its expansion into a nationwide system . . . the two-site Safeguard is now being expanded into an eight-site system.

Let me comment on this. Secretary of Defense, Melvin R. Laird, stated during the fiscal year 1971 budget hearings:

> We are not moving ahead hastily with this program, but rather on a measured basis which preserves our deployment momentum. If we waited until Phase I was completed and tested before authorizing any additional deployment, we would lose several years in our deployment schedule. Certainly we could not complete a deployment before the end of the decade at the earliest, considering the necessity of rebuilding our entire production and construction team. This rebuildup would add significantly to the total cost of the program. But, most importantly, at the rate the threat is growing, Safeguard would not be available in time to match the expanding threat.

In an address before the annual luncheon of the Associated Press in New York on April 20, 1970, the Secretary of Defense, Melvin R. Laird, stated that—

> Clearly, this administration has not accelerated the previously planned deployment of offensive systems during our 15 months in office. On the contrary, we have slowed it down. . . . We slowed the original deployment plan Congress approved, keyed it to the emerging threat on an annual review basis, and reoriented it to provide more timely protection needed for our land-based deterrent forces.
>
> If the programed forces established by the last administration some years ago and approved by Congress were deemed appropriate and necessary for the security of the U.S. in the 1970's against the then projected threat, I am at a loss to understand how critics can claim that the Nixon administration has escalated the arms race. The record clearly shows that we have not done so. We have chosen instead to defer major new weapons decisions as long as possible pending developments in the Strategic Arms Limitation Talks.

With regard to the contention that the Safeguard system is being expanded from a two-site system to an eight-site system, it should be noted that funds are being requested only for advance preparation at five of the eight sites.

The purpose of advanced preparation is to start early on long leadtime tasks such as site survey and site selection. Advance preparation does not imply either authorization or commitment to deploy at the five sites. Furthermore, expenditures for these sites will be minimal in the fiscal year 1971 program.

The Deputy Secretary of Defense, David Packard, stated in the 1971 budget hearings that the advance preparation of the five additional sites does not commit us to full phase II deployment without further review and further decisions. The deployment can be modified as required by changes in the threat, arms limitation negotiations, or unilateral actions of the Soviets or Chinese Communists.

There are a number of other statements made in the separate views on which I propose to treat briefly. For instance, the separate views state:

> As far as the protection of our Minuteman ICBM's is concerned, the Safeguard ABM is not a plausible defense. . . . If the Soviet Union should ever undertake the destruction of our Minuteman ICBM's, the Safeguard ABM could be easily neutralized by a concentrated attack on the missile site radars.

By way of comment, let me state this: As previously mentioned, the U.S.S.R. would have to exhaust Safeguard defensive missiles in an attack on missile site radars.

Dr. Charles Johnson, scientific adviser to General Starbird, testified before the Military Construction Subcommittee last year—part 1, page 175. Part of the discussion was as follows:

> Mr. LONG. Arthur Biel of Lawrence Radiation Laboratory says: The missile site radars have been designed to handle multiple reentering objects and hence should be effective against saturation attack, including attacks on themselves. The most probable mode

> of failure would be through the exhaustion of defending Sprints.
>
> Dr. JOHNSON. That is right. When you design a system of this sort you try to design it so that you will only fail under exhaustion. You can add Sprint if you expect the attack to be larger. We try to avoid failing from, what I mentioned earlier, leakage, or blackout, or things we call Achilles heels.
>
> If we fail by exhaustion, that means we have taken one of his reentry vehicles out for each Sprint that he might have shot at the radar or silo.

The Safeguard system is designed to protect against or increase the cost of a first strike attack. The U.S.S.R. must provide additional missiles to knock out Safeguard radars. This will greatly increase the cost to them of a first-strike attack. Also in order to achieve a first strike capability against Minuteman defended with Safeguard, they would have to build a tremendous number of additional SS-9's and equip them all with MIRV's or, more likely, build many SS-9's with MIRV's and build and re-equip a substantial number of SS-11 rockets with more accurate warheads.

I have already discussed the Chinese threat. But it is evident that a thin system will be able to give early protection against the Chinese, a full 12-site system will give protection through the next decade, and the 12-site system likely can be modified to give substantial protection against the Chinese threat long into the decade of the 80's.

Let me point out also in connection with accidental launch, that such a launch would come from the same direction as a purposeful launch and be handled in the same manner as a purposeful launch.

Consequently, the same detection and defense would be effective.

I note also this paragraph in the separate views:

> There was a great protest . . . against the proliferation of nuclear-warheaded Sprint and Spartan missiles within our shores. The President's rejection of the Sentinel and his limitation of the system . . . hushed the protest. But apparently the shrinking of the ABM was only a temporary pause . . . bringing into existence again the possibility of the American people having to live in proximity to the nuclear antimissiles.

Let me make this comment.

This statement implies that the Safeguard system, like the Sentinel program, would place nuclear warheads in very close proximity of large population centers. This contention does not consider the basic difference between the Sentinel and Safeguard systems. The President stated in his news conference of March 14, 1969, that—

> The program also does not do some things which should be clearly understood. It does not provide defense for our cities, and for that reason the sites have been moved away from our major cities. I have made the decision with regard to this particular point because I found that there is no way, even if we were to expand the limited Sentinel system which was planned for some of our cities to a so-called heavy or thick system—there is no way that we can adequately defend our cities without an unacceptable loss of life.

Deputy Secretary of Defense David Packard in a statement before the Senate Foreign Relations Committee said:

> The Safeguard deployment away from cities shows the Soviets that we are not to gain a first strike capability against them. Our cities . . . cannot be and will not be protected from heavy Soviet attack.

Secretary of Defense Melvin R. Laird stated before the same committee that:

> We are recommending that we change from what could be construed as a provocative deployment around our cities—the original Sentinel—to a defensive, and clearly nonprovocative, phased deployment.

Finally some Safeguard critics point to this year's Defense budget request of some $365 million for research, development, test, and evaluation of Safeguard and argue that there is obviously too much concurrency between research and development and the procurement and deployment activities. They ask, How can we be justified in moving ahead with deployment, particularly deployment beyond phase 1, when we are still being asked to put up that kind of money for research and development?

To those critics I say let us review the cold, hard facts. An unbiased review of these facts can only lead to the conclusion that concurrency is no real problem and that we must move ahead now with the modified phase 2 deployment.

First, it is a fact that the Soviet Union has built up a rather alarming momentum in the development and deployment of their strategic offensive missile forces—a momentum which, if continued, will result in a serious threat to the survivability of our land-based retaliatory forces by the mid-1970's. Also, the recent Chinese demonstration of competence in the satellite field and their continuing progress in nuclear weapons technology pose a potential threat to our population which could also materialize in the next 5 or 6 years.

Second, it is a fact that the 365 million dollars I mentioned is to cover not just research and development but also test and evaluation and, I might add, will be distributed much more toward the test and evaluation end of the spectrum than toward the research end. The research part of this program, most of the development, and much of the testing, as far as the major components are concerned, is now history.

After all, this hardware is, as of now, backed up by years of solid, intensive development and test effort. The Spartan is a direct descendant of the Zeus missile, whose development history goes back some 14 years; the phased-array radars and Sprint missile development go back 7 years to the beginning of the former Nike-X program. The Spartan and Sprint missiles have done quite well in their development testing phase. The missile site radar, data processors, and computer programs have been tied together at Meck Island and made to operate successfully. A limited engineering development model of the perimeter acquisition radar has been operating with good results.

There are simply no big scientific problem areas or high risk development questions to cause us worry. There now remains, of course, a lot of good hard, honest engineering effort to be put into making these components work together as an integrated system through system testing. That effort will be expensive and time consuming and will be funded for the most part from R.D.T. & E. appropriations, as it is on any large complex system, but it does not in any practical sense preclude moving on with production and site construction. The modified Spartan missile is somewhat of an exception since it still must go through a development and component test period, but it is a rather straight-forward development with no known high-risk features. In the case of all of the major components, though, including modified Spartan, the program is being managed so that concurrency between component development and testing and the production and installation of those components will be kept to a minimum.

Third, it is a fact that some of the system integration work will be carried out on the ground at the phase 1 sites as they are deployed.

For example, they will provide for multiplesite radar internetting tests that can only be done when there are two sites. Again, though, this is not a high-risk effort but just a considerable amount of shakedown and adjustment work. It is also a fact that the equipment readiness dates for these two sites and the third site, for which funds are being requested this year, have been carefully planned to be at least 4 months apart so that orderly use can be made at each site of the deployment and test experience gained at the earlier sites.

Fourth, it is a fact that to get any large and complex weapon system installed and operating to meet the very real threats that could confront us by the mid-1970's requires action now. For example, if we waited for phase 1 to be completed and only then decided to move further with the deployment, it would be 1980 at the earliest before such additional deployments could be realized.

My analysis of these facts leads me to the conclusion that the very least we can do is to move ahead with the very prudent modified phase 2 deployment proposed by the administration. Any lesser course of action would mean taking intolerable risks with our national security.

ADM. CHESTER R. BENDER, COMMANDANT OF THE COAST GUARD

(Mr. GIBBONS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. GIBBONS. Mr. Speaker, because of an important meeting of the Ways and Means Committee, I was unable to be present at the swearing-in ceremony of Adm. Chester R. Bender as our new Commandant of the Coast Guard. He and his family have my heartiest congratulations.

We in the Sixth Congressional District of Florida are especially proud that Admiral Bender grew up in Plant City, Fla., and many of his family still reside there. He was graduated from the Coast Guard Academy in 1936. A pilot, he earned his wings in June 1940.

He has had a distinguished service in the Coast Guard. Admiral Bender received the Bronze Star Medal during World War II for service in the Philippines as air-sea rescue advisor and liaison officer with the Far East Air Forces under the commander, 7th Fleet.

After the war he commanded air stations at Traverse City, Mich., and Barbers Point, Hawaii, and the cutter *Bering Strait* in the Pacific. He also held several posts at Coast Guard headquarters in Washington, serving at one time as aide and pilot to the Commandant.

He was promoted to rear admiral in 1964 and served as commander, 9th Coast Guard District—covering U.S. Coast Guard activities on the Great Lakes—and Superintendent of the Coast Guard Academy. Most recently, Admiral Bender served in San Francisco as commander, 12th Coast Guard District and as commander, western area. In the latter capacity, he exercised certain operational controls over all Coast Guard commands in the Pacific.

He was nominated to be Commandant of the Coast Guard with the rank of admiral, on April 16, 1970, for a 4-year term beginning June 1.

Admiral Bender is married to the former Annamarie R. Ryan of Sault Ste. Marie, Mich. They have one son, Mark Allan.

We in the Sixth District have especial reasons to be grateful to the Coast Guard for its services. Recently, the Coast Guard assisted in the removal of oil from two derelict ships in Tampa Harbor, which if not removed, would have endangered our beaches and polluted a large area.

Because I think the public needs to be reminded of the vast and varied activities of the Coast Guard not only in oil pollution control, but in marine safety, hazardous cargo operations, port security, and marine law enforcement, I would like to conclude these remarks by attaching a fact sheet of the vital services performed by the Coast Guard.

May I say again, congratulations to Adm. Chester R. Bender for his many services to our Nation. I am confident the Coast Guard will continue to perform its many vital services to our Nation under his able command.

The fact sheet referred to follows:

Fact Sheet: U.S. Coast Guard—Today and Tomorrow

Search & Rescue—In 1969 the Coast Guard responded to more than 48,000 calls for assistance and provided help to 4,675 persons in peril. The value of vessels and aircraft (including cargo) aided came to $2.5 billion, or more than four times the Service's entire budget for the year.

Operating Forces—The Coast Guard operates some 330 ships, 168 airplanes (including 104 helicopters) and over 700 shore units of all types. There are approximately 38,500 military personnel in the Service, including 900 cadets at the Coast Guard Academy. Through a modernization program begun several years ago, the Coast Guard has constructed a sizable fleet of medium and high endurance cutters.

Aids to Navigation—The Coast Guard maintains over 45,000 aids to navigation in the U.S. and in certain overseas areas. They range from familiar lighthouses (many are now automated) to buoys, lightships, offshore towers, and LORAN transmitting stations. The latter form a global network, extending from Europe, the Far East and Southeast Asia as well as the U.S.

Icebreakers—Seven Coast Guard polar icebreakers and one for the Great Lakes, make up the U.S. icebreaker fleet. These cutters bring vital supplies to Arctic and Antarctic bases and conduct scientific and oceanographic missions. The Coast Guard's 1971 budget includes appropriations for the first new icebreaker to be built by the U.S. since 1954. The powerful cutter will be 385′ in length, displace 12,200 tons, and have a 40,000 shaft horsepower.

Law Enforcement—As the chief federal agency for maritime law enforcement, the Coast Guard enforces a number of federal laws dealing with navigation, pollution, port safety and conservation. In the latter area, Coast Guard ships and aircraft enforce fisheries conservation agreements with Canada, Russia and Japan.

Vietnam—Under the President's Vietnamization program, the Coast Guard is training South Vietnamese Navy personnel to take over operation of the 82-foot patrol boats which the service has manned there since 1965. Thus far, 19 of 26 cutters have been transferred. Two large Coast Guard cutters are also being turned over to the Republic of Vietnam.

Oil Pollution Control—A Coast Guard research and development team has successfully tested an air-delivered anti-pollution transfer system (ADAPTS) which can remove oil from damaged tankers. The system uses collapsible, inflatable, rubber-coated bladders, each capable of storing and transporting as much as 140,000 gallons of oil. Coast Guard aircraft drop the bladders and associated pumping equipment by parachute. ADAPTS is one element of a comprehensive pollution control effort in which the Coast Guard is involved. Other features include a harbor advisory RADAR system for improved traffic control, pollution containment systems, clean-up systems, and increased surveillance. The Coast Guard has also been designated to administer a clean-up contingency fund under the provisions of the Water Quality Improvement Act of 1970.

A COLLEGE PRESIDENT'S APOLOGY TO THE PRESIDENT OF THE UNITED STATES

(Mr. WAGGONNER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, the current issue of U.S. News & World Report—June 15—carries excerpts from a letter written by Dr. Miller Upton, president of Beloit College in Beloit, Wis., to President Nixon under the headline, "I Apologize for the Grotesque Failure of the Campuses."

The good doctor has displayed more honesty, more commonsense, more understanding of the difficulties facing the President than has any man I know. In a few hundred words, he has said what most college presidents in the Nation have had neither the courage nor the intelligence to say about the tragic lack of rational leadership on the campuses across the Nation.

I will shorten my introductory remarks about his letter in the hopes that my colleagues will take the few minutes necessary to read Dr. Upton's letter in its entirety. Few have ever said so much in so few words. This is his letter:

College President's Open Letter—"I Apologize for the Grotesque Failure" of the Campuses

(Note.—Recently the president of Beloit college in Beloit, Wis., Dr. Miller Upton, wrote an open letter to President Richard M. Nixon. Excerpts follow:)

As a college president, a past scholar-teacher, and one who has consciously devoted his whole life to the cause of higher education . . . I wish to apologize to you and the nation for the grotesque failure of the academic community at this hour of national trial and turmoil. . . .

I was a conscientious objector during World War II, and were I of draft age now I would be a conscientious objector again. But my moral opposition to war—however deeply and conscientiously held—does not entitle me on any ethical or moral grounds to take violent action against those who disagree. I must bear witness to truth as I see it, but I must also respect the right of the other person to do the same. Certainly I must never hurt or demean another simply because he won't go along with my own conviction. . .

We in the colleges and universities have tolerated unspeakable intimidation and thought control on the part of radical students, faculty and others. And yet when Vice President Agnew speaks out forcefully against such, the only voices that are heard from the academy are those who castigate him and you for repressing dissent.

There are few college campuses, if any, where Vice President Agnew—or any member of your Cabinet, for that matter—could speak without disruption and even physical abuse and intimidation. But a convicted murderer, dope peddler, or one committed to the forceful overthrow of the Government will receive not only a respectful hearing but will be paid a handsome honorarium in addition.

In the light of his high position, I have been embarrassed by some of the Vice President's intemperate language. But surely he has as much right to dissent and to be given a respectful hearing as any of the criminal element of our society.

Much of the academic community is now telling you how to settle the war in Vietnam and being critical of your effort to protect lives and shorten the war by moving troops into Cambodia. I find it highly unbecoming of us to presume to tell you how to fight the war in Vietnam when we aren't even able to settle the wars on our own campuses.

Nor do I use the word "war" in this context lightly. The throwing of missiles to do physical harm, the throwing of fire bombs to burn buildings, the use of guerilla tactics via arson and vandalism, the shooting and killing of combatants and noncombatants is every bit as much war as that which prevails in Vietnam, Cambodia and the Near East. I have often wondered sardonically how many protesters of napalm have themselves thrown fire bombs or engaged in arson.

I have also been appalled by a certain arrogance and inconsistency on our part with regard to the way we are free to tell you and others how to handle your jobs but become deeply resentful, insulted and even hostile when there is any suggestion of your intrusion into "our" domain. I am quite sure that I am able to run Beloit College better than you, but by the same token I am sure that you are able to deal with the issues of the Presidency of the United States—including fighting the war in Vietnam—better than I.

The widespread propensity of members of the "intellectual" community to make judgments without benefit of facts is one of my greatest disillusionments and embarrassments. As a matter of fact, my early naïveté led me to embrace the academic life because of my belief that members therein were committed to intellectual honesty, rational be-

> havior and humanistic concern and compassion. Recent incidents have merely confirmed all the more what my life's experiences have suggested:
>
> Academic man is as much motivated by vested interest, is as much controlled by base emotion, and reasons as much from prejudice as any other mortal. . . .
>
> Although my own sentiments are basically with the young people, I must admit that there is a general pandering to the young at the present time that is both disgusting and irresponsible—disgusting because it prostitutes normal respect and affection; irresponsible because it is creating an unrealistic cleavage between age groups. . . .
>
> We have been quick to tell you that you are alienating the youth of America, but we seem to pay little attention to the way we are alienating our own constituencies by our failure to protect the authentic academic integrity of our institutions.
>
> Implicitly we are also alienating the youth of America over the long run by our failure to be faithful to our leadership responsibilities.
>
> The pain that hurts most of all is the realization that I bear partial responsibility for the unnecessary deaths of four young people on the campus of Kent State University. The National Guard troops should never have been there in the first place because we should never have permitted the conditions to develop which necessitated the presence of troops. Once this die was cast, it was simply a matter of time before tragedy would strike.
>
> If fault lies anywhere for the Kent State deaths, it lies not with you and the Vietnam war but with the radical acts and excesses we have tolerated in the name of dissent. . . .
>
> Last fall I joined with a number of other college presidents to urge your rapid withdrawal of troops from Vietnam. I reaffirm this plea. But when I consider the whole matter fully and objectively, I have to concede that you have been more faithful to your leadership responsibilities than we in academe have been to our own.

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HARASSMENT AND MISTREATMENT OF FOREIGN NATIONALS

(Mr. SYMINGTON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SYMINGTON. Mr. Speaker, harassment and mistreatment of foreign nationals is not a new phenomenon on the world scene. It is a primitive practice dangerous enough to the pursuit of peace when confined to private citizens such as the Americans and British who are held as innocent hostages by revolutionary forces in Jordan today. But the recent kidnapping of the U.S. diplomat in Jordan, Morris Draper, seems to signal a renewal of the series of threats, kidnappings and other aggressive acts against diplomatic personnel by individuals and groups seeking political leverage in certain countries. This has resulted in the tragic death of a distinguished German Ambassador, an American Ambassador, and great danger to a number of others.

The pattern casts a somber shadow on the path ahead for any nation which harbors malcontents. As one formerly charged with insuring the protection of the persons and property of the diplomatic corps in Washington, and who sought for 2 years to increase that protection, I am sensitive to the effect the absence of such protection has on the attitudes of foreign emissaries and their confidence in our laws and the integrity of our society. The shame and difficulty which attend the harassment of Embassy personnel by the casual criminal would be infinitely magnified should such activity be initiated to achieve political goals. I would certainly not wish to see the tactic of diplomatic kidnapping employed here by any group or individual seeking to free prisoners who would be for the purpose described as "political."

The problem is worldwide both in geography and significance. It strikes at the heart of the world's best hope for peace which lies in calm and uninterrupted communication between governments and the people they represent.

The framework for such communication is fragile enough without subjecting it to this kind of strain. How may we seek to minimize the possibility that this tactic will continue to be employed by desperate men? I think the establishment of an international compact with two principal provisions could prove helpful. By the first, a signatory nation would agree to extradite any person whose release is achieved in this manner, following the removal of the threat to the diplomatic personnel concerned. By the second formal recognition would be denied by a signatory nation to any government formed by persons who have pursued this avenue to power. These groups and individuals should be brought to justice, not to power, by deeds of this kind. In the meantime, they must be considered virtual pariahs in a family of nations which would call itself civilized. They should be treated as such. For this reason I introduced this resolution which I hope might find the favor of this House.

PROPOSED CHANGE IN HOUSE RULES ON VOTING

(Mr. GUBSER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUBSER. Mr. Speaker, for myself, and a bipartisan group of about 40 Members of the House, I am today introducing an amendment to the House rules which would provide simply that the author of an amendment defeated on a teller vote may be recognized in the House for the purpose of requesting a separate yea-and-nay vote on his amendment. If 20 percent of a quorum support his request, the yeas and nays would be ordered.

As you know a number of student groups have raised a very legitimate point regarding meaningful and important teller votes which are not a matter of record.

The absence of a recorded vote on specific issues has created a situation where individual groups now place their own interpretation on the strictly procedural vote on the previous question. This is a dangerous practice because it is subject to numerous interpretations and, furthermore, transfers minority rights to the majority.

Congress, as an institution, is under attack. The charge of "secrecy" is a valid one and we should move forthwith to change the antiquated teller system of taking votes.

Every citizen has the right to know how his Congressman voted. This is why we have introduced this much needed amendment to the Rules of the House of Representatives.

My bill is cosponsored by the following Representatives of both parties: John B. Anderson, Republican, of Illinois; Charles E. Bennett, Democrat, of Florida; Edward G. Biester, Jr., Republican, of Pennsylvania; John Brademas, Democrat, of Indiana; Donald G. Brotzman, Republican, of Colorado; Garry Brown, Republican, of Michigan; George Bush, Republican, of Texas; Daniel E. Button, Republican, of New York; William Clay, Democrat, of Missouri; R. Lawrence Coughlin, Republican, of Pennsylvania; Philip M. Crane, Republican, of Illinois; John Dellenback, Republican, of Oregon; David W. Dennis, Republican, of Indiana; Joshua Eilberg, Democrat, of Pennsylvania; Seymour Halpern, Republican, of New York; Ken Hechler. Democrat, of West Virginia; Frank Horton, Republican, of New York; Edward I. Koch, Democrat, of New York; Robert L. Leggett, Democrat, of California; Spark M. Matsunaga, Democrat, of Hawaii; Catherine May, Republican, of Washington; Robert McClory, Republican, of Illinois; Paul M. McCloskey, Jr., Republican, of California; Joseph M. McDade, Republican, of Pennsylvania; Clarence E. Miller, Republican, of Ohio; Chester L. Mize, Republican, of Kansas; Richard L. Ottinger, Democrat, of New York; Claude Pepper, Democrat, of Florida; Bertram L. Podell, Democrat, of New York; Albert H. Quie, Republican, of Minnesota; Ogden Reid, Republican, of New York; Henry S. Reuss, Democrat, of Wisconsin; Donald W. Riegle, Jr., Republican, of Michigan; Philip E. Ruppe, Republican, of Michigan; John P. Saylor, Republican, of Pennsylvania; Henry C. Schadeberg, Republican, of Wisconsin; Fred Schwengel, Republican, of Iowa; Sam Steiger, Republican, of Arizona; Louis Stokes, Democrat, of Ohio; Charles M. Teague, Republican, of California; John V. Tunney, Democrat, of California; Lionel Van Deerlin, Democrat, of California; Charles W. Whalen, Jr., Republican, of Ohio; and John M. Zwach, Republican, of Minnesota.

OBSTRUCTION OF JUDICIAL PROCEEDINGS

(Mr. ADAIR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADAIR. Mr. Speaker, the recent Chicago Seven conspiracy trial and the Black Panther trial in New York are part of an assault by revolutionaries and anarchists who seek to destroy our democratic institutions. The use of disruptive tactics by the defendants and their counsel in these cases to obstruct and sabotage the judicial process was one of the most shameful episodes in American judicial history. Since it was never anticipated that defendants would seek to escape justice by making it impossible to conduct a trial at all, we are ill equipped to meet this new and serious challenge to our judicial system. Consequently, I am today introducing legislation which I feel will tend to deter such misconduct in the future and maintain the decorum and civility in a courtroom which is so essential to preserving the rights of the accused and promoting the search for truth.

In order to understand why present remedies are inadequate and how this void will be filled by the legislation I propose, it is necessary to review a few of the recent cases in which attempts have been made to prevent the judicial process from functioning.

In 1944, the U.S. Government tried 30 American Nazis and Fascists for undermining the morale of our Armed Forces. Throughout the trial the defendants and their lawyers used storm trooper tactics. When a document was offered in evidence, each lawyer would read it for 10 or 15 minutes and then let his client study it leisurely. Then each of the 30 lawyers would rise and make an objection in as belligerent and insulting manner as possible. Judge Eicher, concerned that he might create reversible error, practiced restraint and listened patiently to the abuse and insults directed at him. After 7 months of continued disruption, Judge Eicher died. His death created a mistrial and the defendants went free as the Government prosecutor did not want to engage in a second ordeal.

Five years later in a trial of 11 Communist leaders before Judge Harold Medina in the Federal district court in New York, the defendants, aware of the success of obstructive tactics in the 1944 trial, attempted to wear down the judge by insolence. On several occasions Judge Medina was called a Fascist in court. Defense counsel on 1 day alone made 30 motions designed to delay the trial. The argument on a motion to close the doors during lunch lasted 2 days. Judge Medina survived the trial but the effect which the barrage of criticism and courtroom disruption had on him is reflected in the following statement which he made in court:

> You will not goad me into making any statements which will create error in this courtroom. But I plead with you, stop it. You are wearing me down. I don't know whether I will be able to last through the trial, but I will do my utmost to do so.

The preceding two cases are mild in comparison to the brazen disregard which the defendants in the Chicago Seven trial had for our judicial system. The audacity of the defendants, their counsel, and partisans of these defendants who packed the courtroom, was the most serious challenge our judicial system has ever experienced and made the effective conduct of the judicial process impossible.

Judge Hoffman was insolently referred to as "Julie," "Hitler," "fascist pig," "liar," "sadist," and "executioner," and was told that "he will go down in infamy." They screamed obscenities which even in the most permissive circles would be considered extreme. A Vietcong flag was brought into the courtroom. They ridiculed the court by putting on judicial robes. Not only did their lawyers do nothing to quiet their clients, but they supported and justified their outbursts. The defense lawyers, despite instructions not to advise the jury of certain rulings, deliberately violated these instructions and informed the jury about them. In addition, the defendants packed the courtroom with partisans who yelled derisive comments at the prosecutor and the judge and joined in bursts of loud laughter by defendants at adverse testimony.

The most recent courtroom debacle is the trial of the Black Panthers who were indicted in New York for numerous offenses, including the bombing of two police stations. The defendants and their six counsel used the same tactics that had been used in the Chicago trial, with a few ingenious variations. When they entered the courtroom, both defendants and their adherents yelled "power to the people." They called Justice Murtagh "fascist pig," "faggot," "gangster," and numerous other insults. On two occasions, they caused melees in which they threw tables and chairs around the room. They threatened the judge continuously with such phrases as "we are going to get you."

In one screaming scene, the defendants kicked and fought with court attendants. One detective and three policemen were hospitalized. A bomb was thrown at the judge's home and there were riots near the courthouse. The lawyers approved of the conduct of their clients as ideologically justified and necessary. Finally, Justice Murtagh suspended proceedings as witnesses could not be heard and there were riotous conditions in the courtroom.

These recent cases dramatically illustrate the nature of the challenge confronting our legal system today and the inadequacy of existing remedies. For any provoked misconduct on the part of the judge there is a full legal remedy. The propriety of the judge's or prosecutor's conduct can be the subject of repeated appeals by the defendant on due process grounds.

The only remedy, however, for misconduct by the defendant and/or his counsel is the contempt power which is not adequate to ward off the new challenge the revolutionaries are mounting against our courts. "Direct criminal contempt," which appears in rule 42(a) of the Federal Rules of Criminal Procedure, has been defined as "any act committed in the immediate view and presence of the court or so near the presence of the court as to obstruct or interrupt the due and orderly course of the proceedings." Under rule 42, such conduct is punishable by summary disposition.

The criminal contempt power is insufficient for the following reasons: First, the judge is hesitant to use such power as its use may constitute reversible error; second, rule 42(b) of the Federal Rules of Criminal Procedure may disqualify a judge from presiding over the contempt charge; third, contempt charges become effectual only after the trial; and fourth, contempt charges are an ineffective deterrent to such conduct.

It should be clearly understood, at the outset, that the actions of the accused and their counsel in these trials were directed at the judge and/or the prosecutor as symbols or representatives of the Government, and undertaken for the purpose of sabotaging the trial either by causing unnecessary delays, forcing the judge to commit reversible error, or simply diverting attention from the charges brought against the defendants. This being done with the hope that the judge will react in such a manner that public opinion will be aroused in their behalf. It is for this reason that the contempt power is inadequate.

In such cases, the judge must be extremely cautious in his use of the contempt power as it can easily be interpreted as being arbitrary or oppressive. The judge who is offended is often charged as acting as both the prosecutor and judge. When a jail sentence is imposed, as the jailing of Bobby Seale in the Chicago Seven trial, questions of due process concerning the right of an accused to a trial with all the attending safeguards arise. Mr. Chief Justice Taft in *Cooke* v. *United States* (1925) 267 U.S. 517, 539, 69 L. Ed. 767, 45 Sup. Ct. 390, referred to this dilemma:

> The power of contempt which a judge must have and exercise in protecting the due and orderly administration of justice and in maintaining the authority and dignity of the court is most important and indispensable. But its exercise is a delicate one, and care is needed to avoid arbitrary or oppressive conclusions. This rule of caution is more mandatory where the contempt charged has in it the element of personal criticism or attack upon the judge. The judge must banish the slightest personal impulse to reprisal, but he should not bend backward and injure the authority of the court by too great leniency. The substitution of another judge would avoid either tendency . . .

It was this opinion of Mr. Chief Justice Taft that prompted the enactment of the disqualification provision of rule 42(b) of the Federal Rules of Criminal Procedure which reads in part:

> (b) . . . If the contempt charged involves disrespect to or criticism of a judge, that judge is disqualified from presiding at the trial or hearing except with the defendant's consent. . . .

The Federal courts have generally taken the position that whether a judge is disqualified or not is "determined by the degree of personal reaction by the judge which is shown or may be presumed to result from the particular misconduct charged. In any event, the possibility of unfairness resulting from his reaction is certainly the underlying rationale for the application of the rule." 3 A.L.R. Fed. 420, 425–426.

In *Offutt* v. *United States* (1954) 348 U.S. 11, 99 L. Ed. 11, 75 Sup. Ct. 11, the Court conceded that judges also are human and may unwittingly identify offense to self with obstruction to law and that in such cases the judge should not sit in on the contempt charge. Reviewing the history of the disqualification, the court in *United States* v. *Brandt* (1961, CA 6, Mich.) 294 F. 2d 879, followed the construction that if the contempt was in any sense personal to the judge, raising the issue of possible unfairness resulting from the operation of human emotions, a hearing and disposition of the charges should be made by a different judge. Similarly, see *United States* v. *Combs* (1968 CA 6, Ky.) 390 F. 2d 426, 3 A.L.R. Fed. 410.

In order to avoid placing a judge in the position of being overcautious to take action because it might constitute reversible error and to avoid the problems inherent in determining whether the judge is disqualified under rule 42(b) and the consequent disruption of the trial, I am introducing, with 27 cosponsors, the following legislation to make the conduct charged a separate indictable offense:

H.R. 18006

> To amend title 18 of the United States Code to provide a penalty for persons who interfere with the conduct of judicial proceedings, and for other purposes
>
> "*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) chapter 73 of title 18 of the United States Code is amended by inserting at the end thereof the following new section: "1511. Obstruction of court and grand jury proceedings
>
> "(a) Whoever interferes with the conduct of any proceeding before a judicial officer of the United States by willfully and repeatedly interrupting such proceedings with noisy outbursts, obscenities, insults, or other similar conduct, shall be fined not more than $5,000 or imprisoned for not more than 5 years, or both.
>
> "(b) For the purposes of this section, the term 'judicial officer' means the Supreme Court of the United States, a United States court of appeals, a United States district court, or any justice or judge of such courts or a United States magistrate."
>
> (b) The chapter analysis of such chapter 73 is amended by inserting immediately below the item relating to section 1510 the following:
>
> "1511 Obstruction of court and grand jury proceedings"."

XUM

This legislation will provide an objective test as opposed to the present subjective one in order to determine whether the conduct is criminal and whether or not the judge is disqualified.

Moreover, the contempt charge is effectual only after the trial as a deterrent to future misconduct. If the defendant and/or his counsel were on notice that such conduct, itself, constituted a felony, it is unlikely that they would engage in such as an indictment would be immediately brought by the U.S. attorney and the defendants would have no opportunity to sabotage the trial. In addition, defendants, such as those in the 1944 Nazi trial, who caused charges to be dropped by their disruptive tactics could still be charged with the separate crime of obstructing justice.

The use of obstructive tactics to sabotage a trial is a more serious "obstruction of justice" than those appearing under that heading in chapter 73 of title 18 of the United States Code which carry the same penalty; for example, influencing an officer, juror, or witness; picketing outside a courtroom; and obstruction of proceedings before departments, agencies, and committees.

Obstruction of judicial proceedings was considered indictable at common law. *Lawler* v. *Commonwealth,* 43 S.W. 2d 348, 241 Ky. 82. Moreover, prior to the revision of the Federal law on crimes in 1940, it was considered a felony. Section 135 of 35 Stat. 1113 enacted on March 4, 1909, provides in pertinent part:

> Whoever . . . in any court of the United States or before any United States commission or officer acting in such commission, or any grand or petit jury . . . who corruptly or by threats or force or by any threatening letter or communication, shall influence, obstruct, or impede the due administration of justice shall be fined not more than $1000 or imprisoned not more than 1 year or both.

This section became what is now section 1505 of the United States Code in 1940 and is entitled "obstruction of proceedings before departments, agencies, and committees." All reference to obstruction of proceedings in a Federal court or grand jury proceeding was dropped and for no apparent reason—at least, no rationale appears in the report accompanying the legislation.

In addition, it should be noted that a number of States have enacted similar statutes for the protection of State judicial systems from such abuse. Section 27 of article 2 of the Maryland Code, for example, provides as follows:

> If any person . . . in any court of this State . . . endeavor to obstruct or impede, the due administration of justice therein, he shall be liable to be prosecuted therefor by indictment . . .

This legislation was upheld by the court in *Romans* v. *State* (1940) 16 A. 2d, 642, 178 Md. 588, 61 Sup. Ct. 732, 312 U.S. 695, 85 L. Ed. 1131, as being constitutional:

> The statute is in aid and definition of a class of those criminal acts which are known to the common law as obstructions of justice. The words of the statute are general and embrace in comprehensive terms various forms of obstruction . . . Likewise, if by acts of similar quality and nature, the due administration of justice in any court shall either be impeded or obstructed or be so attempted, there is an obstruction of justice. . . .

In summary, the legislation we introduce today simply codifies common law and reenacts a provision which formerly existed in the United States Code. This is not a repressive measure, but one designed to make our democratic institutions more effective. Indeed, if this legislation is not enacted, far harsher countermeasures may be resorted to.

FBI DIRECTOR HOOVER LAUDS SENATOR McCLELLAN'S ADDRESS ON LAW ENFORCEMENT

(Mr. HAMMERSCHMIDT asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous material.)

Mr. HAMMERSCHMIDT. Mr. Speaker, the senior Senator from Arkansas, the Honorable John McClellan, spoke recently to graduating law-enforcement students at the FBI National Academy. Director J. Edgar Hoover praised Senator McClellan's presentation as "one of the greatest addresses made before a National Academy graduating class."

Senator McClellan warned of dangers to America from crime and lawlessness, appraised pertinent U.S. Supreme Court decisions, and outlined current legislative efforts to strengthen enforcement by improving Federal criminal law.

It was an important speech for an important occasion.

I would like to have Mr. Hoover's introduction of Senator McClellan printed hereafter, to be followed by the address to the graduating class, National Academy, FBI, and remarks of Mr. Hoover at the conclusion of the speech by the esteemed senior Senator from Arkansas.

The material follows:

DIRECTOR'S INTRODUCTION OF HON. JOHN L. McCLELLAN

It is a particular privilege and honor to have as our speaker a dedicated public servant of uncompromising principles who has represented the people of Arkansas in the House of Representatives for two terms and in the United States Senate since 1943.

Born on a farm in Arkansas, he later graduated from high school at Sheridan, Arkansas. Thereafter, he studied law in his father's law office for five years. He became the youngest lawyer in Arkansas at that time and, because he was four years under the legal age for admission to the bar, the State Legislature passed a special bill allowing him to practice law before he reached the legal age. In the practice of law he distinguished himself both locally and beyond his state's boundaries.

After service in the United States Army in World War I, he returned to his home state and served as City Attorney for the city of Malvern. Later he became prosecuting attorney for the Seventh Judicial District of Arkansas, and his outstanding record in that office persuaded the voters in the Sixth District to elect him as their Representative to the United States Congress.

In November, 1942, he was elected to the United States Senate and has been reelected to that body ever since.

As Chairman of the Government Operations Committee and also of the Criminal Laws and Procedure Subcommittee, he has won bipartisan support and respect for his penetrating investigations into labor racketeering and organized crime.

He is a staunch supporter of effective and progressive law enforcement, and I know of no man whose career reflects more outstanding accomplishments in the cause of justice.

It is my personal pleasure to present a true friend of law enforcement and a distinguished American, the Honorable John L. McClellan, Senior Senator from Arkansas.

ADDRESS OF HON. JOHN L. McCLELLAN

Mr. Master of Ceremonies, Director Hoover, graduates of the Academy, and ladies and gentlemen.

I hardly know how to respond to that most gracious and somewhat extravagant introduction. I am indeed grateful to you, Mr. Hoover. I hope there is a recording of your remarks—I may need them. I maybe could use them well when I campaign two years from now for reelection. I first met our great Director of the Federal Bureau of Investigation in 1935 when I first came to Congress. I immediately admired him then; my respect for and appreciation of him, and my confidence in him has continually increased with each passing year. No man in America has contributed more to the internal security of our nation and to law and order than has Director J. Edgar Hoover. I am proud to be on this platform with him today.

Graduation time, at least as institutions that are not racked with violence and demonstrations, is a happy time, and I am sure this is a happy and rewarding occasion for you this morning. I am honored and highly pleased to have the privilege of addressing you briefly and sharing, at least vicariously, the sense of pride and accomplishment which I know must abide in each of you at this hour, and I was very much gratified and reassured by the remarks of your President who preceded me here on this platform. An elegant speech by him. I am sure you are glad to have the past twelve weeks behind you. They undoubtedly have not been easy for some of you. But no one expected your efforts to be less than the best and you have met those expectations and your efforts are at this hour being crowned with success.

The National Academy itself is only one of many, many marks of Mr. Hoover's pioneering foresight in law enforcement. Since 1935, under his direction, the Academy has turned out hundreds and hundreds of graduates—men like you who became leaders in law enforcement and in their profession. The demands of law enforcement are very heavy and they are increasing all of the time. They are greater today than ever before in the history of our country. So much so that it has become fashionable to have high-level commissions and committees to examine all phases of our social structure, particularly as they relate to crime and law and order.

Study after study has been made and publicized analyzing our law enforcement establishment and its needs and recommending methods and programs to upgrade and to improve it. Stripped of all of the rhetoric, virtually every one of these studies arrives at the same conclusion and submits substantially the same recommendation. They all say that law enforcement officials need better education and training; more modern and sophisticated equipment; and higher salaries. Incidentally, that is what Mr. Hoover has been saying over and over throughout his distinguished career.

Now you have implemented at least one of these factors in your own careers by having taken this FBI course of training. Thus it is men such as you, who become well trained, to whom we must look for the hope, for the future of law enforcement.

Our country is in trouble, it's in trouble from within. The preservation of this Republic and the perpetuation of our free society under the rule of law are today challenged and it is endangered. Our system of criminal justice and constituted authority is under persistent assault. Those who occupy your position of responsibility in that system are on the front line—you are on the firing line—of resistance to that assault. You are the immediate and primary target of the law violators, the subversives, and the revolutionaries. It is you who must take the risk and bear the brunt of the verbal and physical attacks of those who seek to destroy our system. It is you, the police, who must do your job in a growing atmosphere of hostility. It is you—our front line defenders—who while doing your duty must endure the epithet, "Pigs" and the vile profanities and obscenities that will be ringing in your ears.

Dissent is a precious right, but peaceful civil disobedience is an illusion. Flouting society's rules—disobeying laws that one doesn't like—brings on inevitably confrontation with authority and frequently escalates into violence. While some who may do this may be sincere, I would remind them that the technique is a characteristic tool of those seeking to overthrow our Republic. Threats are today commonly advocated and practiced to compel compliance with ludicrous and outrageous demands. Currently, small bands of self-professed revolutionaries are more and more resorting to arson, sabotage, bombings, and threats of personal violence as they prepare for guerrilla warfare in the metropolitan centers of our Nation.

Today there is no sanctuary—no refuge—from the ravages of crime and the assaults of the criminal. Crimes of violence are committed everywhere—in the streets and alleys, on the highways and byways, in our churches and in our schools, and in our places of business and in our homes.

If we project a crime-rate increase over the next ten years equal to the past, we find that our country will be inundated with an intolerable wave of lawlessness which it cannot possibly withstand or survive. Unless there is a reversal of present trend, by 1980, just one decade from now, there will be from 18 to 20 million major crimes committed in this country annually. I don't believe our society can withstand that assault upon its structure nor can our government withstand such an attack upon its sovereignty.

We find that America's vitality is today being undermined by that so-called "invisible government" of forces of organized crime. The syndicate, the Cosa Nostra, that vast criminal conspiracy has infested our society like a massive cancerous growth. It has become an incubator of crime that saps the strength and weakens the whole fiber of our body politic. No citizen escapes its demoralizing and devastating consequences. This monster must be destroyed.

During the past ten years while the crime rate has been skyrocketing to unprecedented heights, the lawbreaker has enjoyed greater immunity and protection under the law than ever before. Instead of helping to stem the tide of permissiveness, civil disobedience, and lawlessness by adhering to and honoring almost two hundred years of legal principles and precedents, our Supreme Court seemingly has chosen this era of turmoil and turbulence to reinterpret and to give new construction and meaning to many parts of our Constitution. New "constitutional rights" have been devised; they've been contrived and have forced the alteration of evidentiary rules and law enforcement procedures to make the police officer's job increasingly more difficult, more complex, and more perilous.

Certainly the Constitutional rights of both society and the accused must be preserved. But those rights should be kept in balance. Bear in mind that the words of that great document—The Federal Constitution—have not changed. They're the same today as when they were written. Their meaning and application are simply being changed by strained construction, inverse logic, and unsound reasoning employed by the Court in many instances to overrule procedents and to change the law of the land.

Statistics dramatically portray the picture. Of 123 Federal criminal cases reviewed by the Supreme Court since 1960, 68, or 55 percent of them, were reversed; during that same period of time out of 146 state convictions that were appealed to the Supreme Court, it reversed 114, or 78 percent. I do not believe that our Circuit Court and District Federal Judges and that our State Supreme Court Judges are so unqualified and incompetent as to warrant such wholesale reversals of convictions sustained in their Courts.

It is also significant to note that in making this incredible record of reversals in criminal law cases, the Court has specifically overruled its previous decisions or rejected the reasoning of 28 of its own precedents, often by a five-four margin. Twenty of those reversals involved a change in constitutional doctrine and interpretation.

The famous Miranda case is a specific example. The five-member majority of the Court in the Miranda case overruled and repudiated interpretations of the Constitution which had been the law of the land as established by judicial precedents of long-standing. Twenty-eight Justices of the Supreme Court had previously rejected the requirement of warnings made mandatory in the Miranda decision—explicitly holding that the Constitution did not require such warnings to be given. This is a clear instance, and one of a number in which it appears that five members of the Supreme Court substituted their personal opinion of what they believe the Constitution should say, and what the law should be, instead of interpreting the Constitution to say and to mean what it says and what it has meant since its adoption.

While we're now having changes, I hope these changes are for the better and that we have already reached the high watermark of activism and false liberalism which has too often prevailed on the Court in recent years. In other words, the "search and reverse" policy which has been pursued—I think excessively—should be, and I hope it will now be, measurably tempered and modified so as to better balance the protection of society with the rights of the criminal.

Congress is also enacting new laws and making appropriations to strengthen the criminal justice system and to deal more realistically and effectively with lawlessness and crime.

In 1968 we enacted the Omnibus Safe Streets and Crime Control Act. Title I of that act, as you know, provides for Federal assistance to states and local law enforcement agencies. Annual appropriations last year were, I believe, 268 million dollars; this year in the budget bill, as passed by the House, the amount is 480 million dollars for this purpose. I think these annual appropriations within the next three or four years will go as high possibly as one billion dollars a year, to provide this aid authorized under that bill for our local law enforcement officers. It will take that long—I think—some three, four, or five years before we begin to feel the full impact and to be able to appreciate the full benefit that that act is providing.

Title II of the act modifies this Miranda decision to which I have referred, restoring in some measure the valid and time-tested, fair, and adequate rule of voluntariness with respect to confessions and incriminating statements. It is my earnest hope, and I sincerely believe, that the Supreme Court, when this title reaches it on challenge, will uphold and sustain its validity and constitutionality. I think it should do so.

Title III provides for carefully controlled use of wiretaps and electronic surveillances and provides the opportunity for similar legislation to be enacted by the states to aid local law enforcement. We fought a hard battle in the Senate to get that title enacted, as well as Title II, but the Senate overwhelmingly passed both, and I can say to you that this Title III, the legalizing of wiretaps and electronic surveillance under proper supervision as the act provides, is proving most helpful and most beneficial and particularly so in dealing with organized crime in this country.

On January 3rd of this year, the Senate passed by a record vote of 73 to one the "Organized Crime Control Act of 1969," commonly referred to as S. 30. It's another omnibus bill and it deals primarily with evidence gathering and trial processes in organized crime cases. Among other things, it revamps the grand jury system, permits the securing of testimony in certain instances over the objections of self-incrimination, and also permits the taking of depositions of witnesses who may be in danger of reprisals. It also provides increased punishment for habitual, professional, and organized crime offenders. United States Attorney General

Mitchell has termed this bill "one of the most imaginative and comprehensive proposals to combat organized crime that was ever introduced in the Congress."

The House Judiciary Committee is now holding hearings on this measure, and I sincerely trust that it will act favorably and expeditiously and that this bill will be enacted into law during this session of Congress.

The dangers that stem from the threat that mounting lawlessness, crime, and corruption poses to the preservation of an orderly, safe, and decent society are indeed great and challenging. That challenge we must meet and overcome.

You were selected out of the ranks of law enforcement to receive expert instruction and specialized training. You've now received it, you are today graduating from that course, so you are now better equipped and prepared to meet your responsibilities. Indeed, you should now have both the capability to instruct and the inspiration to lead your fellow officers in waging a determined battle against the criminal forces that are operating in our country.

Yours is the responsibility to help make law enforcement what it should be and what it can be. You have the job of upgrading efficiency, and by precept and example of encouraging the highest degree of integrity, professional skill and performance on the part of your fellow officers.

You are committed to a difficult task; I don't envy you that task. There is no smooth or easy path to the goals of law enforcement. Your course of duty will not always be easy or pleasant, nor will it be safe. Patience, restraint, and courage are indispensable qualities that will be exacted of you. You will often be abused, misused and subjected to barrages of insult and vituperation, even be wrongfully accused of police brutality, but in such trying ordeals you must not despair and become discouraged. Remember, there are millions and millions of Americans who still care, and the forces of right and decency and law and order are beginning to unite and I believe they will fully support you in this war on crime; a war that can be and a war that must be won.

In conclusion I express my sincere appreciation for your dedication, and congratulate you upon having attained the distinction and recognition that is conferred upon you here today. And I know that millions of Americans join me in the sentiments that I have expressed here this morning in wishing for each of you a most successful and rewarding career as you contribute to the preservation of a free, safe, and a great society in our beloved America.

DIRECTOR'S REMARKS AND INTRODUCTION OF DISTINGUISHED GUESTS

We have just, I believe, listened to one of the greatest addresses made before a National Academy graduating class in the history of the academy. Senator McClellan outlined to you various bills that have been enacted by the Senate, some of which are now before the House of Representatives for consideration. He was very modest in what he had to say about the Legislation in the Senate. He was the sparkplug, he was the man who led an uncompromising fight for the essential ingredients that went into the legislation that was finally enacted by the Senate, and the credit for it is solely due to him; and we thank you, Senator.

THE UNITED STATES IS IN INFLATIONARY RECESSION

(Mr. BURLISON of Missouri asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BURLISON of Missouri. Mr. Speaker, for the benefit of those who do not work, do not buy anything, do not borrow money, do not rent or own a home, are not involved in business, do not own stocks or bonds and do not read newspapers, I have news for you. We are in a recession—not an ordinary garden variety recession, but an inflationary recession. In old-fashioned recessions, unemployment was high and prices low. The new model recession does not work that way. Now unemployment is up and so are prices. It costs more to be unemployed these days.

Last month 5 percent of the labor force was out of work—a million more workers than a year ago. At the same time, the cost of living is rising 7.2 percent per year. Inflation is no stranger. We have had it around for a long time. But, while it used to creep, now it gallops—the fastest since 1952.

Interest rates have reached astronomical heights. They have risen 36 percent in 1 year to the highest point since the Civil War.

The most sensitive barometer of economic climate is the stock market. In the economic boom of a few years ago the question being asked was "Will the market break 1,000?" "How high will it go?" Now everyone is asking, "Will it go below 500?" "How low can it go?"

Not everyone owns stock, but everyone loses when the market tumbles as it has in these last few months. Communities that cannot market their bonds must defer needed projects or levy higher local taxes to pay for them. The stock market collapse and erosion of bond values has meant an evaporation of some $250 billion in wealth. The average investor has lost more than $7,000 in the last year.

It should be unmistakably clear that the policies now in force for controlling inflation are not succeeding. It is possible to argue that they may even be contributing to the problem. Apparently the President expected inflation to be an easy mark. Early statements from the administration carried the impression that halting inflation would be a relatively painless operation accomplished by the simple expedient of reducing the money supply.

Arthur Burns, who as Chairman of the Federal Reserve is now advocating a kind of wage-price control, was saying that the rate of inflation could be reduced to 3 percent by the end of 1969. Similarly, on April 29, 1969, a member of the President's Council of Economic Advisers naively claimed:

> We have turned the corner on inflation without really noticing it.

In the face of mounting evidence to the contrary, extravagant claims of progress have a hollow ring. Insistence that all is going according to the "game plan" is no longer reassuring to anyone. A basic element of that plan was budgetary surpluses for the next 2 years. It is now openly admitted that there will be no surpluses. Instead, there will be "mild" deficits necessitating an $18 billion increase in the national debt ceiling. Incidentally, I voted just this month against raising that limit.

A few months ago I made a speech in Missouri in which I set out some of the things I thought the President ought to include in his fight against inflation.

First. He should speak out against excessive wage, price, and interest increases. It has been shown conclusively that this does have impact.

Second. He should take steps to revitalize lagging sections of the economy. Congress has provided him the tools for this purpose by allowing selective credit controls.

Third. He should make a greater effort to eliminate needless and wasteful Government projects. Congressmen and Senators did not need a 41-percent increase in salary and the President did not need a 100-percent raise. Some of the Buck Rogers weapons systems that do not work and are not necessary to our security should be scrapped. Our space program could be curtailed and the foreign aid program could be streamlined and reduced.

Again, Mr. Speaker, I respectfully request the President to consider them. There is no point in denying that we are in a recession. Our attention and our best efforts should be focused on alternative solutions. Unfortunately, it appears that the President has delayed so long in taking positive action, that the Congress must soon seriously consider wage and price controls.

LET US GET THE GOLDEN EAGLE FLYING AGAIN

(Mr. BURTON of Utah asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BURTON of Utah. Mr. Speaker, I rise today to speak in behalf of the golden eagle passport program and to urge the leadership of the House to take action on this meritorious program as quickly as possible.

Although the Senate approved a bill last September to extend the program—which allows visitors to enter and use more than 3,000 national parks, forests, and refuges at an annual fee—the House has yet to bring it to the floor for a vote. Unfortunately, much confusion has resulted by this inactivity on our side of Capitol Hill, since the golden eagle program officially expired at the end of March.

The chaos is just beginning to be felt by our traveling Americans and by the Federal agencies involved. There is concern in the field offices of the Forest Service and the National Park Service, whose workers are having some difficulty explaining why a program so popular and successful as the golden eagle has been allowed to expire.

The situation has been further complicated by the necessity for the Forest Service to initiate its own recreation user fee program, which became effective on May 25. The $7 annual user permits being issued by the Forest Service, however, do not cover areas administered by the National Park Service.

Although the Forest Service has announced that the 1970 user permits now

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being issued will be exchangeable for a Government-wide permit if and when the golden eagle flies again, this cumbersome process is an unfortunate and unnecessary burden on the many thousands of Americans who visit our national parks and forests each year.

Mr. Speaker, there can be little question as to the merit of the Golden Eagle program, or to its increasing acceptance by the American public.

In 1965, when the program was initiated, 90,400 golden eagle passports were issued. The figure was multiplied to a total 403,100 passports issued in the first half of 1969, attesting to the great popularity of the program. These statistics would seem to show the program is booming and should be expanded, not allowed to die.

It should also be noted that funds received through the program go into the Land and Water Conservation Fund, which is used to purchase additional recreational facilities. About 60 percent of annual appropriations from the fund are normally available to the States.

The golden eagle program is especially beneficial to our retired citizens who have the time to travel and can visit our Nation's natural wonders at a great reduction in cost. For them and for the many other Americans who rely upon it, I urge that the House act without any more delay on the golden eagle program.

Mr. Speaker, an excellent article on the difficulties caused by House delay on the golden eagle program appeared in the Salt Lake Tribune on June 2. I ask unanimous consent that the article by Don Brooks be printed following these remarks:

GOLDEN EAGLE'S DEMISE LEAVES UTTER CONFUSION BEHIND

(By Don Brooks)

Tag along with the Dead Fish Editor now, if you will, while he does a bit of eavesdropping at certain places in the Federal Office Building. The FBI need not be concerned. The G-Man wigwam gets a wide berth.

Quiet now, please! We are in the receptionist's office of the Wasatch National Forest. Phones are ringing like crazy. Rachel Davenport answers one line:

"Yes, mam. I'll talk to you about the Golden Eagle. No, mam. The Golden Eagle program is not in operation right now. Congress has not yet made a final decision on extending it.

"Yes, we can sell you a Forest Service recreation lands permit. It costs $7 and allows you to use recreation facilities such as improved campgrounds on all national forests. You may buy it here or at other Forest Service offices. You're welcome, mam."

Marie Manteca is on another line:

"No, sir. The Forest Service permit will not get you into Yellowstone or other national parks. It is good only on Forest Service recreation areas. I don't know why, sir. We will exchange it for a Golden Eagle passport if and when that program is extended by Congress. When will that be? We haven't any idea, sir."

NATIONAL PARK OFFICE

We now ippy-toe up a couple of flights to the National Park Service office on the sixth deck. Sarah Faron is talking over the Alexander Graham Bell:

"All I can tell you is if fees were charged last year, then they will be charged again this year. Now, we do not have a passport as yet which will be good on all national parks. I don't know if we will get one.

"Yellowstone? So much per day for each vehicle. No, that permit would be no good for entering a campground on the Teton National Forest. The Forest Service has it's own fee system. You must contact them."

So it goes. John Q. Public accepted the Golden Eagle program. He found it a very handy piece of cardboard to take care of his summer recreation needs.

And now John Q. is utterly confused. I know, because I stuck around the Forest Service office with Rachel and Marie for an hour Monday and heard them attempt to explain the messed-up situation that now exists. I even pitched in and answered a few calls myself.

One of them was from a little girl who said she had been told by her teacher to find out "what the poor people are going to do?"

I dunno, little gal, I dunno. Ask Congress. Ask when in heck the Golden Eagle is going to fly again!

HARVARD PRESIDENT'S BACCALAUREATE ADDRESS

(Mr. PIKE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PIKE. Mr. Speaker, I have never been overwhelmed by the word "Harvard." It represents a great university among many great universities. Nothing ever said in my household was designed to make my sons feel they would be bereft of a formal education if they went elsewhere.

Harvard's president, Nathan M. Pusey, on the other hand, did give a great baccalaureate address to his graduating class yesterday, and it deserves the widest possible circulation. It did not get it at Harvard, where only 65 of the 1,017 seniors attended. In the hope that its inclusion in the RECORD by a member of the class of 1943 at another great university in New Jersey will not detract too greatly from its message, I would like to insert it in the RECORD. While its basic message have been said elsewhere and earlier, it has not been said better, and the fact that the reality of hard-core "extremist splinter groups of the New Left," seeking to destroy not only our universities but all our institutions and Nation is recognized so soberly and eloquently at Cambridge should be a source of satisfaction to us all. I am personally delighted that the message arrived just before my daughter graduated. I had begun to fear it might never get there at all. President Pusey's address follows:

I want to speak today not about the baffling problems of the world outside but of what I take to be a declination in the quality of our life here which I find disturbing. I have chosen to introduce what I have to say by calling attention to a point of similarity between the present situation of Harvard and that which obtained when I returned to Cambridge 17 years ago to become the university's 24th president.

I became president here during a very troubled period on college and university campuses. The fears, accusations, strife and excitement which at that time upset academic communities reverberated about the name of Joseph McCarthy.

What the historians will have to explain is not Joseph McCarthy. It is rather the reception he was accorded. Millions upon millions of people in the United States needed him and wanted him, or at the very least accepted him, and in so doing in a sense created him.

He certainly was not without blame. He was, and remains in my view, a shameful, cynical politician who discovered how to play skillfully on people's emotions for his own gain but it is much too facile to dismiss the evils and anguish that wracked campuses and country at that time by simply naming him a scapegoat and letting the rest of society off scot-free.

It was said at the time that McCarthy was the first to discover how to use the mass media for personal political advancement. I am afraid this is too large a claim, but certainly he raised the practice momentarily to a new peak of effectiveness. The organs of public opinion gave him enormous coverage for years and thus contributed to build his reputation. In the period of his rapid rise he told a friend of mine in Appleton that he had first glimpsed the secret of political success by reading "Mein Kampf." Hitler's technique, he said, rested on the skillful use of the big lie. Tell a whopper and keep on repeating it. In time people will come to believe it.

THE BIG LIE

Joseph McCarthy's big whopper was that the Communists had taken over the State Department. Hitler's big lie had been that the Jews had almost destroyed Germany. McCarthy was also a master of telling an endless flow of little lies to sow doubt and distrust and play on people's emotions. For him discourse was a tool of exploitation. That is, language was to be used not for clarification and increased understanding, but for accusation, distortion, misrepresentation, denunciation, defamation—in any number of ways to obfuscate and confuse and by so doing to engender and inflame feelings of hate and anger.

It was his cunning intent by playing on people's fears and hostile emotions to attract to himself mass support. He built his following by feeding hateful attitudes and by unleashing bigotry, for to the frightened and worried the fears he played on were so real that he appeared to them as hero and savior. He advanced his political career by first inciting a mass public opinion. He then used this to put pressure on individuals and groups of individuals and institutions—the scape-goats he had identified for society—to make their practices conform to his followers' view of how they should behave. The successes he achieved in this way would in turn serve to maintain and strengthen his personal ascendancy. It was not a particularly attractive period in our history.

Now, less than 20 years later, our campuses are experiencing a not dissimilar period of torment whiplashed as they are by a resurgence of his hateful technique. Again people are looking for scapegoats. But this time the attack comes not from the outside but from within, from extremist splinter groups of the New Left made up of students and—I am sorry to acknowledge—also of some faculty who for reasons not quite clear to me would like to see our colleges and universities denigrated, maligned and even shut down.

A FAMILIAR APPROACH

These critics go about their task in a way huntingly familiar to an older generation. Their aim is to build a following for themselves. They would do this by sowing doubts and suspicions. They hope then to attract sufficient support to be able to enforce demands on those whom they malign and designate as the enemy, using the old means of distortion, accusation, guilt imputed by association, and so on. And they thrive as people lend them credence.

Let me illustrate what I have in mind. During your freshman year this university experienced what I have been told was its first strike by employes. It was occasioned essentially by a contest for control between the leadership of two rival unions. But that is not the way it was reported in what I remember as one of the first of the scores of S.D.S. propaganda leaflets to which we—all of us at Harvard—have been continuously subjected. In the view of the author of this early flyer the employes' strike was clear evidence of the university's mistreatment of its workers ("Harvard University uses scab labor and maintains oppressive working conditions").

You, the students, were called to a show of virtuous indignation to help set the grievous wrong right. And I remember certain young members of the faculty marched with the dissident students on this occasion. The big lie let loose amongst us began then to take shape. That is, that the university is a hopelessly bigoted, reactionary force in our society which serves the interest of a hideous military-industrial complex by doing its chores and by intellectually emasculating the young entrusted to its care so as in time to turn them over as docile slaves to a contemptible "establishment."

JOB INTERVIEW FUROR

In your sophomore year, you will recall for example, there was a considerable furor over who should or should not be permitted on campus to interview graduating students for possible jobs. The S.D.S., playing on dissatisfaction widely held in our community, made an inflammatory issue out of the presence of a Dow recruiter on the campus, implying that his presence proved the university's insidious complicity in the hated war effort.

What should have been the issue, as was ultimately recognized, was the appropriateness of the Office of Graduate and Career Plans, which had been established and is maintained as a convenience to students seeking opportunities for employment or graduate study, and the validity or suitability of its procedures. Unless you are completely unlike the Harvard men who have gone before you I doubt that any of you would ever want that office to confront you with an arbitrarily restricted list.

Last year among several egregious examples of distortion and misrepresentation designed to magnify indignation and sow distrust (I cite only two or three examples of a possible many) was the university's alleged "expansion." No attempt was made to understand or accurately report the university's building needs, activities or plans. These are many and complicated, but to our new critics quite obviously, we were simply ruthlessly and senselessly exploiting the poor and the oppressed.

The word "expansion" was then seized on as a slogan and chanted, again and again in mindless fashion to confuse and defame, and beyond this, it was hoped to impress the confused and by doing so to gain increased support.

This year a major accusation has been the university's complicity with our nefarious Government through the work—the very fine scholarly work, let me say in passing—of the Center for International Affairs. The fantastic unfairness—not to mention the ignorance—of this accusation is almost incredible to anyone who has made even a small effort to find out what the center does in fact do.

ONE STEP FURTHER

One can read through all the leaflets circulated by these extremists who have dwelt among us in recent years, bent on slandering an institution it might have assumed they would love, or lovingly find fault with, without discovering a single effort to clarify, to analyze, to explain or honestly to represent.

Always they insinuate, distort, accuse, their aim being not to identify and correct real abuses, but always rather by crying alarm intentionally to arouse and inflame passions in order to build support for "nonnegotiable demands," and by this means to enlarge their following and enhance their power. Clearly the old McCarthy technique is at work again, but this time—it is a sorrow to have to acknowledge it—by our own, and in our midst.

It is my conviction that deceitful talk and the tendencies toward coercive action could not have made the inroads they have in academic communities in recent years had all of us to whom they are deeply repulsive been more ready to oppose them. That is part of the story. But only part.

Deeper is the fact that underlying and even supporting the many disturbances which have shaken our campuses in recent years is an as yet only vaguely articulated, but nevertheless widely shared, feeling of revulsion against the values and modes of living of the enlightened society based on reason, tolerance and the advancement of science, which humane people have dreamed about, and have through generations been struggling to create.

Somehow, in your time, for many the tastes for this long-wished-for kind of life have gone flat. Its authenticity and its attractiveness have lost their tone. In the university world this is a present major problem, perhaps our most frightening one.

I am sorry to speak so somberly and critically on this occasion, but I feel I must. Your years at Harvard have been among the most tormented that have ever beset institutions of higher learning in this country. The effect of these years on each of you is something which only you can assess. Probably it will become clear only with the passing of time.

But troubled as the years have been I cannot believe—at least I do not want to believe—the effect will prove to have been wholly negative. You have had to adjust rather fast, for it is not games you have been playing here during these years but rather the real thing. It admits the upsetting alarums and excursions occasioned during your years in college by a determined few who have worked consistently to attract attention to themselves by misrepresenting what we are about.

A HOPEFUL SIGN

As you have gone ahead with your work, you have made manifestly clear one hopeful sign. That is, your generation's vigorous assertion that you will not be satisfied with a learning or a way of life whose most convincing credentials are only that they have been accepted before. You have professed convincingly that you will not be content with a learning which has not been freshly authenticated; and you have also made clear that you will have little respect for a learning which does not carry at one time both a dimension of deep personal involvement and social outreach. No one can fault you here.

But we would be disturbed—many of us not of your generation who have gone before—if there were any implication in your valid fresh insight that depth of concern has somehow now made knowledge less valuable, perhaps even unnecessary, or that strong feeling and conviction of rightness have done away with the need for—indeed with respect for—rigorous intellectual discrimination, regard for individuals as opposed to masses of people, and a restraining awareness of the dubiety of all human ends.

FEELING OF HELPLESSNESS

What then can I say to you at the end of your college years? It must be, I think, that neither unreasoning zeolotry nor despair is an acceptable attitude for Harvard men. You have seen much of one end, I suspect, have at least occasionally been tempted by the other. It has been said that your generation is the first in America to have grown up without optimism. This is a sad commentary if true. Personally I do not believe that it is, or at least that it need be.

It has been remarked by many, however, that you have a widespread and deep feeling of helplessness because you see so many things that need to be set right and feel so powerless to effect change. If so, such feeling is not without justification. But you must not assume you are the first to have felt this way, for it is a feeling with which the concerned have always had to contend.

In such mood it is easy to denounce, to find fault, to make unjust accusations, to visit the shortcomings of the world, and of ourselves, on scapegoats—even to light fires or throw stones—for personal relief or for exploitation—easy and totally unworthy. It is more difficult to maintain a realistic sense of human limitation, to refuse to become frustrated and angry, to analyze, to assess, to seek to understand and explain; to determine to be adult and fair; thus to work patiently to improve while refusing to succumb to either cynicism or hopelessness. It is a long way around, but it is the civilized way, and the only way for those who have come truly to understand the rule of humane learning.

I may put it this way: There is a world of reason, modesty, charity and trust in the midst of, and opposed to, the oppressive and contentious world of deceit, anger, vilification and self-righteousness now made so manifest all about us again, as 20 years ago, by would-be exploiters. This former world is created and precariously maintained in all generations by civilized men, a world for which in the depths of our hearts I am sure we all yearn. What I have wanted to say to you today is simply that in my view, as Harvard men, you are called to serve that world.

THE BIG THICKET

(Mr. BUSH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BUSH. Mr. Speaker, last month I toured the Big Thicket area of east Texas with numerous representatives of conservation groups that are working to get a portion of the area set aside as a national park. For years there has been a great deal of talk about a national park in the Big Thicket region of Texas, but with no result. At the conclusion of my tour, I told those who had accompanied me that on returning to Washington I would urge that the administration take the lead in the fight for a Big Thicket National Park. I said this because the time for talking has ended, and the time for productive action to begin is now.

After speaking with Secretary of the Interior Walter Hickel, it is most pleasing for me to tell you that the Secretary, who favors the idea of a Big Thicket National Park, has expressed to me his keen personal desire to see constructive action be taken by the Department of the Interior. I am authorized to say that the Secretary of the Interior is strongly committed to the preservation of the Big Thicket. This is good news for ecologists, ornithologists, and conservationists all across the United States. With this expressed interest, we must now push forward for action, both administrative and legislative. The Secretary's interest demonstrates the administration's con-

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tinuing concern with conservation, and his indication of support from the Interior Department is a welcome sign.

Any person who has had the opportunity of viewing this beautiful area of east Texas knows that protecting this unique region is a most worthwhile project.

While I feel the Senate hearings to be held in Beaumont, Tex., June 12, will be important in calling additional attention to the need for protecting a portion of the Big Thicket area, I still believe an important impetus for developing a national park must come from the administration.

Certainly, I will continue to work with the Department of the Interior and other interested Government agencies to see that progress on development of a Big Thicket National Park moves forward. But I did want to bring to the attention of my colleagues, this good news I have received from Secretary Hickel.

AUSTRALIA'S PRIME MINISTER WANTS MEAT INSPECTION "COMPROMISE"

(Mr. MELCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MELCHER. Mr. Speaker, on April 15, I discussed the adequacy and inadequacy of our inspection of meat imported into the United States in a talk here on the House floor.

Since that time, some things have been happening.

The Department of Agriculture has suspended imports of mutton from Australia slaughtered after May 15 until the Australians get their slaughter and inspection practices—which have been questioned for several years—up to standards in foreign plants licensed to standards required by the United States. Our law says inspection and standards in foreign plants licensed to ship to the United States shall be equal to ours.

Obviously, processing and inspection of mutton in Australia has not been equal to ours for some time. The Wholesome Meat act requires that it be equal. The USDA tells us, in effect, that it never has been, and we have been overlooking some serious deficiencies for over 2 years.

I rise to discuss this matter further today because I am concerned that there may be other instances of tolerating less than adequate methods and inspection, and I am alarmed that compromises, rather than enforcement of equal inspection, may be in the making.

I have recently reviewed an article in the Queensland Country Life, a weekly published at Brisbane, Australia, which appeared May 21, 1970. The article reports on an interrogation, in the Australian Parliament, of the Minister of Primary Industry, Mr. Anthony, on their meat inspection situation.

Mr. Anthony is quoted directly in the article as replying to a member from Victoria, who had asked if overwork was the cause of a decline in inspection standards for imported meat, as follows:

> What Mr. McIvor says about the inspection staff at the meatworks is quite true. There is a severe shortage of inspectors. They are required to work overtime. In many instances, I have not been able to give them their annual leave. Giving it to them would have meant meatworks having to close down because they would not have been able to operate to the standards necessary to meet export requirements. . . .
>
> This is a matter that gives me great concern. We are trying to cope with it.

The paper then reports U.S. rejection of mutton because it did not meet our standards, stating that their mutton was unclean.

Mr. Anthony told the Parliament:

> But I would like to make it clear that our inspection standards are high. They were laid down originally to meet the British requirements.
>
> Any talk that the meat is not wholesome or that it contains organisms harmful to human beings is not correct.
>
> There has been quite a lot of talk about caseous lymphadenitis and cysticercus ovis, which have been detected.
>
> These are not harmful to human beings. However, the U.S. Administration will not allow meat with evidence of them to enter the country.

Mr. Speaker, if I were to describe caseous lymphadenitis here on the floor I would lose all but the strongest stomachs within my hearing. Cysticercus ovis is not so repulsive. It is a tapeworm cyst. If dogs eat the cysts they develop a tapeworm that attains up to 3 feet in length but there is no evidence that they incubate in human bodies. The cyst, located in muscle, calcifies as it ages, and the ovis is killed by cooking or freezing but who wants them dead or alive in their meat?

If the Minister of Primary Industry in Australia regards caseous lymphadenitis and cysticercus ovis as wholesome, he is welcome to keep them in Australia.

I am pleased that he now knows they are not acceptable in the United States, but I am concerned that we have been so long cracking down—under a law which requires equal standards—on Australian practices which permitted them to pass inspection in intolerable numbers.

The thing which concerns me most in the article, is a statement by Minister Anthony that some of the requirements being made on their slaughtering plants are almost impossible to meet, and then the statement, in direct quotes:

> We propose to try to find some sort of compromise between the standards the U.S. Department of Agriculture wants and the standards we are able to prescribe.

Mr. Speaker, our law says their inspection and standards are to be equal.

There is no provision for compromise. We used to have a weasel word in the formula—"substantially" equal. But Congress took that out. The law now says "equal," period. Congress clearly made the change to positive language to stop compromises.

After several years of being permitted to operate plants where the viscera taken out of an animal could not later be associated with the carcass, and with inspections so poor that 9½ percent of their mutton was rejected at U.S. ports after wholly inadequate random sampling of their meat, I can understand why the Australian Minister thinks our Department of Agriculture is susceptible to compromising our standards.

I am shocked by what I am learning about compromise in the past, and the more I learn of it, the more convinced I am that Congress should pass my bill, H.R. 17444, to require piece-by-piece inspection of all imported meat, after it reaches our shores and after it has been thawed, before it is allowed to go into any sort of market channels.

Then and only then can we be assured against defects in imported meat which may be regarded as wholesome by the Australian Minister, but as garbage and even sewage by our consumers.

I can assure you that the one veterinarian in the Congress of the United States has no intention of accepting any compromises for foreign producers with our domestic meat inspection standards.

Our domestic livestock industry has a much greater stake in the fight for truly equal inspection of imported meat than limiting imports. I am aware that an effort is being made to disparage my position on imported meat inspection as a part of the meat import limitation battle and not a bona fide concern about inspection.

I am deeply concerned about equal inspection.

The American livestock industry has built the confidence of consumers in our domestic meat inspection system, and in the wholesomeness and sanitation of the meat in our stores bearing the USDA inspected and approved label.

Imported meat—except for a very tiny fraction imported in consumer packages—is not labeled as imported, or with country of origin. It gets U.S. inspected and approved labeling at the docks and moves on to consumers indistinguishable and often mixed with our domestic meat.

If housewives find impurities in the meat they buy at the grocery store, they have no way of knowing the origin of the meat and identifying it as a foreign product.

Our domestic meat industry will suffer, not just from the quantity imported, but far, far more from a loss of confidence by housewives in the quality of meat at the meat counters all over the United States.

This affluent Nation can afford to guarantee its consumers wholesome, sanitary meat products, foreign or domestic. The exporters can afford to maintain American standards if they want access to our markets, without compromising our standards in any way.

I would like to disabuse the Minister of Primary Industries of Australia of his idea that the United States will compromise. There is at least one Member of the U.S. Congress who will not tolerate any compromise, and who will stand here on the floor and protest daily if any compromises are made, with complete confidence that a vast majority of my colleagues in the House and Senate will support clean meat.

I submit the text of the article, "Meat Inspection Major Problem" from the Queensland Country Life of May 21, 1970, for my colleagues to read in full:

MEAT INSPECTION MAJOR PROBLEM

Australia has a meat inspection problem. This was admitted in Parliament by the Minister for Primary Industry, Mr. Anthony.

But he *emphasized* that organisms *in Australian meat to which the Americans were objecting were not harmful to humans.*

Mr. Anthony was replying to Mr. McIvor (Lab., Vic.), who asked whether overwork among meat inspectors was the cause of a decline in inspection standards for export meat.

Mr. Anthony said: "What Mr. McIvor says about the inspection staff at meatworks is quite true.

"There is a severe shortage of inspectors. They are required to work overtime.

"In many instances, I have not been able to give them their annual leave. Giving it to them would have meant meatworks having to close down because they would not have been able to operate to the standards necessary to meet export requirements.

"So we have a major problem. We have been trying desperately to recruit more inspectors.

"We have recruited more, but we seem to be losing them as fast as we recruit them.

UNCLEAN

"This is a matter that gives me great concern, and we are doing all we can to try to cope with it."

Mr. Anthony said Australian mutton had been rejected by the United States because it was not meeting the standards laid down under the U.S. Wholesome Meat Act.

It had been rejected because it was unclean. Particles of foreign matter had been found in the meat as well as certain organisms which were objectionable to the U.S. authorities.

"But I would like to make it clear that our inspection standards are high," Mr. Anthony said.

"They were laid down originally to meet the British requirements.

COMPROMISE?

"Any talk that the meat is not wholesome or that it contains organisms harmful to human beings is not correct.

"There has been quite a lot of talk about caseaus lymph adenitis and cysticercus ovis, which have been detected.

"These are not harmful to human beings. However, the U.S. Administration will not allow any meat with evidence of them to enter the country."

Mr. Anthony said the main problem Australia had with its mutton chains was in trying to correlate the viscera with the carcass. "Many of our abattoirs are not geared to do this," he said.

Mr. Anthony stated that some of the requirements being asked of them were almost impossible to meet.

"We propose to try to find some sort of compromise between the standards the U.S. Department of Agriculture wants and the standards we are able to prescribe," Mr. Anthony said.

"I conclude by saying that I am very conscious of the inspection problem and will do what we can to solve it.

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PRESIDENTIAL COMMISSION TO INVESTIGATE DEATHS ON JACKSON STATE COLLEGE CAMPUS

(Mr. McCLORY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCLORY. Mr. Speaker, some days ago I expressed support for the creation of a Presidential commission to investigate the tragic deaths at Kent State University in Ohio sponsored by the gentleman from Ohio (Mr. STANTON). I see no reason why similar action is not in order for the investigation of the deaths of two students which occurred on the campus of Jackson State College in Mississippi on the night of Thursday, May 14, 1970.

At the invitation of Clarence Mitchell, chairman of the legislative committee of the Leadership Conference on Civil Rights, I attended a meeting last night in Washington and heard the forthright statements of four Jackson State College students who discussed the events leading up to and during the confrontation with local police and State troopers which ended in the tragic deaths of two students and the wounding of some 15 others.

While I have not discussed this subject with any representatives of local police, State troopers, or the Mississippi National Guard, or other local and State officials from the area of Jackson, Miss., it is abundantly clear that only a complete and objective investigation of this tragedy can satisfy the present demands of the Nation for imposing responsibility where it deservedly belongs.

Questions which have been raised and which deserve full and complete answers are those:

First. Were the measures taken in the Jackson State College incident essential to the defense of life or property—and for the preservation of order?

Second. Were the officers who were at the scene of the slayings trained in the proper control of civil disturbances and in the use of nonlethal methods for controlling civil disturbances and riots?

Third. What parts were played by the slain and wounded individuals in the disruptions which ended in the Jackson State College tragedy?

Fourth. What part, if any, was played by outside professional agitators or revolutionaries, if any, which might require investigation and prosecution under Federal statutes?

Fifth. What steps should be taken to avoid any such recurrence and what conditions should be altered in order to avoid the disruptions which in turn gave rise to the student-police confrontation?

Mr. Speaker, I am communicating with the President urging that such a Presidential factfinding commission should be established. A copy of my request is going to the Office of the Attorney General with the expectation that the full cooperation of that office will be afforded in producing the full facts upon which an enlightened judgment by the President and Members of Congress may be based.

I should add that among the students from Jackson State College who appeared last evening in Washington and who presented their statements for the benefit of a number of Members of Congress were Warner Buxton, president of the student body, Greg Antoine, Irma Bingham, and Farries Adams. The widow of the slain student, Philip Gibbs, as well as his sister, Miss Mary Gibbs, were also present.

Mr. Speaker, I make this statement and call this subject to the attention of my colleagues with the thought that other Members of this Chamber may wish to support like action as a necessary step toward getting at the root causes of this and other similar tragedies and with the expectation that appropriate legislative and executive actions predicated upon enlightened judgments may lead eventually to well reasoned solutions.

Mr. Speaker, I am informed that both the Republican and Democratic leadership of the other body have directed a joint letter to the President urging such an investigation by a Presidential commission.

I support the request made by the gentleman from Pennsylvania, Senator SCOTT, and the gentleman from Montana, Senator MANSFIELD, in their letter to the President. In addition, I request specifically that the Jackson State College tragedy shall be investigated with particular reference to the questions which I have raised.

ELLIOT L. RICHARDSON, NEW SECRETARY OF HEALTH, EDUCATION, AND WELFARE

(Mr. MORSE asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. MORSE. Mr. Speaker, the President's announcement last Saturday that he was appointing Under Secretary of State Elliot L. Richardson to the post of Secretary of Health, Education, and Welfare, to replace Mr. Finch when he moved to the White House as counsellor to the President, was indeed well received. As one who has had the great pleasure of knowing Elliot Richardson for many years, I know that the President could not have found a more qualified man, both by his outstanding abilities and by highly successful experience, in the Department of State, in HEW during the Eisenhower administration, and in his home State of Massachusetts.

As Tom Wicker noted in a recent editorial in the New York Times, "Elliot Richardson, the new Secretary, has shown himself at the State Department to be a forceful administrator and a quick learner. With former experience in HEW and a term as Massachusetts attorney general under his belt, he has a good background for his tough new assignment."

Wicker's assessment has been echoed and reechoed by countless observers who have been impressed by the quiet but highly effective performance which Elliot Richardson has turned in at the State Department. As Secretary of State William Rogers is reported to have said to the President:

> It's like taking my right arm.

Coming to the State Department as a relative neophyte in foreign affairs, Mr. Richardson, in the year and a half he has served as Under Secretary, has won critical acclaim for his quick mastery of the Department and his duties, from those both in the Department and out. Among his major accomplishments was the broad reorganization of the Department which he initiated in order to make it a more responsive organization for the

Secretary. Clearly, his wide ranging and incisive intellect, and the fresh insights he has brought to his present responsibilities, will be missed in the State Department.

At the same time, it is not difficult to understand why the President chose him to head the tremendously important and complex Department of Health, Education, and Welfare. As the Boston Herald Traveler noted in a recent editorial:

> It is the special bureaucratic problems of the Department of Health, Education, and Welfare that moved President Nixon to appoint an able, tough-minded administrator, Elliot L. Richardson, to succeed Mr. Finch.

But Mr. Richardson brings more than the capabilities of the tough-minded administrator to his new job. He brings, too, the kind of sensitivity, intelligence, resourcefulness, and low-key determination that will be required in this demanding post.

Having served as Assistant Secretary of Health, Education, and Welfare during the Eisenhower years, and as Acting Secretary for several months in 1958, he is certainly no stranger, either to the Department or to the complexity of the very pressing problems with which it must deal.

I am confident that he will do a characteristically outstanding job and I wish him well.

REDUCTION IN JUNK MAIL LISTS

(Mr. GOLDWATER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOLDWATER. Mr. Speaker, I was happy to join with my colleague, Representative Frank Horton, and 65 other Members in sponsoring a bill to prohibit the sale or distribution by Federal agencies of names and addresses to be used for commercial solicitation.

The citizens of our Nation are being inundated with waves of junk mail. In most cases, this material is not only unsolicited, but is simply thrown away unread. In many cases, the materials constitute an outright invasion of privacy. Congress has acted to restrict the mailing of pornographic advertisements. It is time now to go further in protecting people from other materials. As one constituent pointed out to me, the definition of what is undesirable and obscene to an individual can extend far beyond the issue of pornography, and can include most junk mail sent out today.

Under a loophole in the Freedom of Information Act, the Federal Government has, through many of its agencies, been providing commercial outfits with mailing lists of various sorts. The hapless individuals on these lists are subjected to a deluge of unwanted mail, with no recourse for relief.

It is ironic that Government agencies should be providing this service, while at the same time the taxpayer must pay for subsidies to the Post Office Department to cover the costs of carrying the junk mail thus generated. Junk mail does not carry its own financial weight according to accounting studies of the various mail classes. The President has proposed an increase in the rates charged for this mail. But this will not take the burden from the individual receiving the mail.

The proposed legislation will not prevent legitimate access to agency information under the Freedom of Information Act, but will protect Federal employees, past and present members of the Armed Forces, or persons registered with any Federal agency from being subjected to a Government-originated invasion of privacy. I am happy to note that Governor Reagan has already initiated a similar policy in the State of California, and think it only just that we represent the Federal Government in its role as protector of the rights and privacy of the individual.

PROPOSED CHANGES TO PRESENT DRAFT LAW

(Mr. BINGHAM asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous material.)

Mr. BINGHAM. Mr. Speaker, I am introducing today with cosponsors the National Service Act of 1970, a bill which will completely replace the Selective Service System with a system of national service. This bill provides that young men register at age 17, receive counseling, and at age 18 make one of three choices:

First. To volunteer for military service; or

Second. To volunteer for civilian service as an alternative; or

Third: To take their chances on being drafted under a lottery system.

When military manpower requirements are low, these requirements could be met largely through the pool of volunteers, thus providing an essentially volunteer army with most men who choose the lottery not having any service required of them. When, for any reason, the need for Armed Forces exceeds the volunteer supply, this system would have the flexibility of a lottery to meet manpower requirements. At the same time, the concept of the civilian soldier, which is essential to the continued civilian influence within the military, would be retained.

I am very pleased, Mr. Speaker, that my plan has received bipartisan support. The following Members of Congress are joining me on the initial introduction of this legislation:

Hon. Daniel E. Button, Republican of New York.

Hon. John D. Dingell, Democrat of Michigan.

Hon. James G. Fulton, Republican of Pennsylvania.

Hon. Seymour Halpern, Republican of New York.

Hon. William D. Hathaway, Democrat of Maine.

Hon. Henry Helstoski, Democrat of New Jersey.

Hon. Thomas M. Rees, Democrat of California.

Hon. James H. Scheuer, Democrat of New York.

Hon. Frank Thompson, Jr., Democrat of New Jersey.

Since the Selective Service System will expire in 1971, and Chairman Rivers has promised the Congress and the public that the House Armed Services Committee will hold comprehensive hearings on this important subject before the end of this session, I am hopeful that this plan will receive full consideration at that time.

A substantial segment of our young people feel bitterly about the Vietnam war and what they regard as the injustice of the present system, as evidenced by those who have chosen to accept jail or self-imposed exile in Canada or Sweden. My plan assures that these individuals would have the same alternative to serve in a civilian, noncombatant capacity which is now arbitrarily restricted to those who are total pacifists and who meet rigid religious standards. It also meets many of the objections voiced by critics of an all-volunteer army by maintaining the concept of the civilian soldier.

The National Service Act of 1970 provides a viable alternative to both the present Selective Service System and to the all-volunteer army approach. I would like at this time to present a more detailed description of the operation of this plan.

Each male citizen of the United States will have to register with a local placement center of the National Service Agency at age 17. During the interval between 17 and 18, the registrant will receive counseling from trained personnel at the placement center on the three options: First, enlistment in the military; second, enrollment in the civilian service for a period of time "equivalent" to 2 years in the Armed Forces; or third, the option to register for a military lottery similar to the one now in effect.

A registrant who elects civilian service will attempt to find a job with an employer who has previously "qualified" the job for participation in the civilian service program. Local placement centers will maintain lists of qualified job categories as well as specific qualified jobs which exist throughout the Nation. Each local placement center, therefore, will be able to direct interested registrants to civilian service job opportunities anywhere in the United States.

Jobs will qualify for participation in the civilian service system if the Director and those to whom he delegates the task find that the occupation fits within both standards outlined in the statute as well as standards promulgated by regulation. The statute specifies that suitable employers will include but will not be limited to: First, State, Federal and local agencies; second, public, private, and parochial schools; third, nonprofit hospitals; fourth, law enforcement agencies; fifth, penal and probation systems; sixth, noncommercial organizations such as the Red Cross, whose principal purpose is social service.

In order to qualify, employers will have to (a) meet requirements detailed by regulations promulgated by the Director, on the type of job and the amount of job training and supervision available; and (b) indicate to the extent possible, how they intend to insure that participation of civilian service registrants in the occupation will not interfere unreasonably with the regular labor force in that area.

Qualified employers will have to pay the going rate for the type of work that the registrant does. This salary, however, will be paid to the National Service Agency which, in turn, will return to the registrant an amount determined by the Director for "subsistence." This amount will vary depending on the cost of living in the area, and the number of dependents the registrant has to support. The difference between the subsistence allowance and the wages paid will go to the National Service Agency to offset the cost of administering the civilian service program.

Registrants seeking jobs may be attractive to employers because of their youth—an asset especially in public school teaching. Most qualified job categories, such as elementary and high school teaching, will have clear manpower shortages. And many employers, such as police departments, will want to hire registrants in the hope that the registrants will then remain in their field of work.

The local placement center will provide to registrants who are employed in the geographical area, assistance in finding housing, recreation, and health care. Local government and community organizations will also be asked to take some responsibility for the welfare of civilian service workers in the area—for example, housing in YMCA's or housing in local homes, police assistance in physical training, a lecture series, and so forth.

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A registrant unable to find a qualified job on his own initiative will enter the National Service Corps. The Corps will directly operate Federal programs in areas of social need such as reforestation and mass-produced housing for the poor. For example, the Corps might well operate an "environmental task force" as recommended recently by Secretary of the Interior Hickel—New York Times, March 6, 1970, 13:1. The Corps will also operate educational and training programs especially for registrants from deprived backgrounds. These programs will enable the registrant (a) to do useful and semiskilled work for the remainder of his civilian service tour, and (b) to find skilled jobs following the completion of his service.

The enlistment and lottery options will be essentially unchanged from what they are now. Those who decide to take their chances with the lottery will undergo 1 year of liability. The lottery will proceed by the random selection of birthdays.

Civilian service is a voluntary choice of service which the Nation honors as an alternative to military service or the lottery. If a registrant, therefore, is discharged from the civilian service "for cause"—after a full hearing and appeals—his name will be placed in the lottery next following the date of his discharge; he will be deemed to have waived the right to the alternative to the lottery.

The length of time registrants have to serve in civilian service, and the extra benefit of military service—for example, higher salary, travel, GI bill—will be valves to check and control the flow of men into the three options. If, for example, the Director concludes that not enough men are choosing the lottery option because the civilian service option is too attractive, the length of time required for civilian service could be increased. After some testing, a desired balance between the three options will be achieved by manipulating the positive and negative incentives.

A person choosing to volunteer for civilian service or for military service would be able to defer actual service for up to 4 years of education or training. This would provide an educational postponement which is a true deferment of service and not a de facto exemption.

In the event of declared war, all persons subject to this act would be liable for training and service in the Armed Forces and they would be inducted unless exempt or deferred for such training and service in the following order:

First. Volunteers and delinquents;

Second. Persons in the military lottery pool;

Third. Persons who are serving in the civilian service program, with the most recent registrants being inducted first;

Fourth. Persons under age 26 who were not inducted for training and service during their 12-month period of prime eligibility in the lottery pool; and

Fifth. Persons who have completed civilian service under this act.

Persons who object to war in any form would be classified as conscientious objectors and would be exempt from military service, as they are now.

Mr. Speaker, I would like at this time to place in the RECORD the text of the National Service Act of 1970 followed by a section-by-section explanation and commentary. I would also like to mention that I included a discussion of the more difficult policy questions that we wrestled with in the preparation of this bill when I discussed it on the floor on March 10. This discussion appears on pages 6700 through 6701 of the RECORD.

The bill follows:

H.R. 18025

A bill to create a new National Service Agency to fill military manpower requirements, to create a voluntary civilian service as an alternative to military service, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act may be cited as the "National Service Act of 1970".

POLICY AND INTENT OF CONGRESS

SEC. 2. The Congress finds that—

(1) the defense of the United States requires that a substantial portion of the young men in the United States must serve, at some time, in the Armed Forces of the United States;

(2) the manpower requirements of the Armed Services are unlikely to be met entirely by voluntary enlistments, and that ongoing provisions for conscription are necessary;

(3) the present Universal Military Service and Training Act, both in conception and administration, works grave and unnecessary inequities on the lives of the young men required to serve under it;

(4) there are many areas of nationally valuable work to which the market economy and Government programs presently supply inadequate amounts of manpower;

(5) young men of draftable age have both the ability to serve effectively in these areas and an idealistic desire to serve their country through participation in them; and

(6) a system of national service which affords an effective channel for these high aspirations and for accomplishment of these vital tasks, and at the same time provides for the military needs of the United States, is in the greatest national interest.

Therefore, it is the policy and intent of Congress in enacting the National Service Act of 1970—

(1) to fulfill military manpower needs by establishing procedures for the selection of men into the Armed Forces of the United States by means of a random lottery;

(2) to provide a free choice for young men between serving their country in a civilian or a military capacity, and to provide within the civilian category a variety of choices;

(3) to encourage civilian service registrants to become employed in areas of social need and to work within these areas in ways which do not interfere with the existing market and labor structure of those areas; and

(4) to create a selection process for the military and alternative service which eliminates the inequities in the present selective service system.

NATIONAL SERVICE AGENCY

SEC. 3. (a) There is hereby established in the executive branch of the Government an agency to be known as the National Service Agency, and a Director of National Service who shall be the head thereof (hereafter referred to in this Act as the "Director").

(b) The National Service Agency shall include a national headquarters, such regional headquarters as shall be established by the President, and such local placement centers as shall be provided by the President.

(c) The Director and three Deputy Directors shall be appointed by the President by and with advice and consent of the Senate and shall serve at the pleasure of the President. No person on active duty with the military forces of the United States shall be considered eligible for appointment as Director, Deputy Director, or any other office or position within the National Service Agency.

(d) Except as otherwise provided in this Act, the Director shall appoint, and fix, in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates, the basic pay of such officers, agents, and employees as he deems necessary to carry out this Act.

(e) The Director is authorized, subject to the availability of funds appropriated for such purposes, to procure such space, personnel, and other material necessary to carry out the provisions of this Act.

(f) Within the National Service Agency there shall be established three divisions, each headed by a Deputy Director appointed under subsection (c). These divisions are—

(1) the Civilian Service Division which shall be responsible for the operation and administration of the civilian service as established by this Act;

(2) the Military Lottery Division which shall be responsible for the operation and administration of the system for the fulfill-

ment of military needs as provided for in section 10 of this Act;

(3) the Registration and Placement Division, which shall be responsible for operation and administration of all local placement centers as established in section 3(b) of this Act.

The Deputy Director in charge of Registration and Placement shall also be responsible for the appointment, within each regional center as authorized in section 3(b) of this Act of a Regional Registration and Placement Administrator.

(g) Each Regional Registration and Placement Administrator shall appoint a civilian board for his region, none of whose members shall be employees of the National Service Agency, to handle claims as provided for in sections 6(a)(4), 6(b)(3), and 7(b), and shall appoint such hearing examiners who shall hear testimony, make findings of fact and conclusions of law and arrive at a decision as to the merits of any registrant's claim. A registrant shall have the right to appeal any such decision to the regional board as provided in section 7.

SELECTION OF QUALIFIED OCCUPATIONS

SEC. 4. (a) With the assistance of such advisory committees as the Director may establish, the Director shall from time to time promulgate regulations establishing specific occupational categories in which civilian service registrants may serve.

(b) An occupation shall be deemed suitable under subsection (a) of this section if—

(1) the occupation is of substantial social benefit to the community, Nation, or foreign nations wherein the registrants are to perform their service;

(2) Federal participation in the occupational area is constitutionally permissible under the First Amendment to the United States Constitution;

(3) participation of registrants in the occupation will not interfere unreasonably with the availability and the terms of employments of nonregistrant employees;

(4) registrants are able to meet the physical, mental, and educational qualifications that the occupation requires; and

(5) the occupation is in other respects suitable to the goals of this Act.

(c) Suitable occupations shall include but shall not be limited to jobs in the employ of—

(1) State, Federal, and local government agencies;

(2) Public, private, and parochial schools;

(3) Nonprofit hospitals;

(4) Law enforcement agencies;

(5) Penal and probation systems; and

(6) Private, nonprofit organizations whose principal purpose is social service.

Suitable occupations shall not include jobs in the employ of—

(1) profitmaking business organizations;

(2) labor unions;

(3) partisan political organizations;

(4) organizations engaged in religious functions;

(5) domestic or personal service companies or organizations; and

(6) commercial farms.

(d)(1) Any action for the issuance, amendment, or repeal of any regulation promulgated by the Director under subsections (a) and (b) of this section shall be initiated by a proposal made (A) by the Director on his own initiative, or (B) by petition of any interested person, showing reasonable grounds therefor, filed with the Director. The Director shall publish such proposal and shall afford all interested persons an opportunity to present their views thereon, orally or in writing. As soon as practicable thereafter, the Director shall by order act upon such proposal and shall make such order public. Except as provided in paragraph 2 of this subsection, the order shall become effective at such time as may be specified therein, but not prior to the day following the last day on which objections may be filed under such paragraph.

(2) On or before the thirtieth day after the date on which an order entered under paragraph (1) of this subsection is made public, any person claiming that he will be adversely affected by such order if placed in effect may file objections thereto with the Director specifying with particularity the provisions of the order deemed objectionable, stating the grounds therefor, and requesting a public hearing upon such objections. Until final action upon such objections is taken by the Director under paragraph (3) of this subsection, the filing of such objections shall operate to stay the effectiveness of those provisions of the order to which the objections are made. As soon as practicable after the time for filing objections has expired the Director shall publish a notice in the Federal Register specifying those parts of the order which have been stayed by the filing of objections and, if no objections have been filed, stating that fact.

(3) As soon as practicable after such request for a public hearing, the Director, after due notice, shall hold such a public hearing for the purpose of receiving evidence relevant and material to the issues raised by such objections. At the hearing, any interested person may be heard in person or by representative. As soon as practicable after completion of the hearing, the Director shall by order act upon such objections and make such order public. Such order shall be based only on substantial evidence of record at such hearing and shall set forth, as part of the order, detailed findings of fact on which the order is based. The Director shall specify in the order the date on which it shall take effect, except that it shall not be made to take effect prior to the ninetieth day after its publication unless the Director finds that emergency conditions exist necessitating an earlier effective date, in which event the Director shall specify in the order its findings as such conditions.

(c)(1) Any person who will be adversely affected by such order if placed in effect may at any time prior to the ninetieth day after such order is issued file a petition with the United States court of appeals for the circuit wherein such person resides or has his principal place of business, for a judicial review of such order. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Director or any officer designated by it for that purpose. The Director thereupon shall file in the court the record of the proceedings on which the Director based its order.

(2) If the petitioner applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceding before the Director, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Director, and to be adduced upon the hearing, in such manner and upon such terms and conditions as the court may deem proper. The Director may modify its findings as to the facts, or make new findings, by reason of the additional evidence so taken, and it shall file such modified or new findings, and its recommendation, if any, for the modification or setting aside of its original order, with the return of such additional evidence.

(3) Upon the filing of the petition referred to in paragraph (1) of this subsection, the court shall have jurisdiction to affirm the order, or to set it aside in whole or in part, temporarily or permanently. If the order of the Director refuses to issue, amend, or repeal a regulation and such order is not in accordance with law, the court shall by its judgment order the Director to take action, with respect to such regulation, in accordance with law. The findings of the Director as to the facts, if supported by substantial evidence, shall be conclusive.

(4) The judgment of the court affirming or setting aside, in whole or in part, any such order of the Director shall be final, subject to review by the Supreme Court of the United States by writ of certiorari.

(5) The remedies provided for in this subsection shall be in addition to and not in substitution for any other remedies provided by law.

(f) The Director shall from time to time solicit information from all public and private employers who are authorized pursuant to subsections (b) and (c) of this section to participate in the civilian service program on—

(1) what types of jobs, whether existing or newly created for civilian service registrants, each employer would propose to have filled by registrants within the employer's organization;

(2) how many of each type of job the employer believes he could usefully fill;

(3) what effect civilian service registrants would have on his employment, and particularly hiring, practices; and

(4) what physical, mental, and educational qualifications the employer would require for civilian service registrants filling these jobs.

(g) The Director shall certify specific jobs as qualified for employment suitable for Civilian Service Corps employment according to the regulations promulgated by the Commission under subsections (a), (b), (c), and (d) of this section. The Director shall appoint hearing officers who shall hold hearings on the written request of any employer or registrant adversely affected by a decision of the Director as to the suitability of a specific job as Civilian Service Corps employment. The registrant or employer may appeal the decision of a hearing examiner to the appropriate regional board, as provided in section 13(f), within thirty days of receiving notice thereof. The decision of the regional board may be reviewed by the Director at the request of the registrant or employer. The decision of the Director shall be final.

(h) The Director shall regularly compile lists on a national basis of job opportunities which qualify within the occupational categories which are currently available, so that registrants shall have information or job opportunities throughout the Nation. These lists shall be available to registrants at local placement centers.

REGISTRATION

SEC. 5. (a) Except as otherwise provided in this Act it shall be the duty of every male citizen of the United States to present himself for and submit to registration at the local placement center which serves the area in which he resides within ten days after the seventeenth anniversary of his birth; except that all persons heretofore registered under the Military Selective Service Act of 1967 or from corresponding provisions of law shall be deemed to have satisfied the registration requirements of this paragraph.

(b) Each local placement center shall, at the time of registration, provide each registrant with detailed information on the nature and scope of the operations of the National Service Agency as provided to each placement center by the Office of the National Director. This information shall include but is not limited to a description of the operation of the military lottery, of enlistment opportunities in the Armed Forces, a list of general occupational categories established by the National Commission pursuant to section 4, and a detailed list of the actual qualified civilian service jobs available in the geographical area.

(c) Each local placement center shall maintain a staff of counselors who shall interview registrants and explain the details of the operations of the national service system.

(d) Each local placement center shall cause each registrant to complete, or where necessary shall complete for each registrant, such forms as may be required by regulations implementing this title, and such information shall be forwarded to the Director. All information contained in these records pertaining to registrants shall be disclosed only to authorized employees of the National Service Agency and to the individual registrant.

EXEMPTIONS AND DEFERMENTS

SEC. 6. (a) The following persons are exempt from participation in the militarv lottery or in the Civilian Service Corps:

(1) Personnel of the Army, Navy, Air Force, Marine Corps, and Coast Guard; cadets and midshipmen of the United States Military Academy, United States Naval Academy, United States Air Force Academy, and United States Coast Guard Academy; students enrolled in officer procurement programs at military colleges whose curriculum is approved by the Secretary of Defense; members of Reserve components of the Armed Forces and the Coast Guard; persons who served honorably on active duty in the Armed Forces at any time prior to the date of enactment of this Act; members of organized units of the federally recognized National Guard, the federally recognized Air National Guard, the Officers' Reserve Corps, the Regular Army Reserve, the Air Force Reserve, the Enlisted Reserve Corps, the Naval Reserve, the Marine Corps Reserve, or the Coast Guard Reserve, so long as they continue to be such members and satisfactorily participate in scheduled drills and training periods as prescribed by the Secretary of Defense.

(2) Persons found physically, mentally, or morally unfit on a permanent basis, by standards to be prescribed by the President for any national service, either military or civilian, under this Act.

(3) Persons who are not citizens of the United States. Any person who becomes a citizen of the United States after attaining the seventeenth anniversary of his birth and before attaining the twenty-fifth anniversary of his birth shall be registered and treated in all respects as if he had attained the seventeenth anniversary of his birth on the date of his naturalization, except that his liability for service under this Act shall not extend beyond the thirtieth anniversary of his birth.

(4) (A) During any period other than the period of a war declared by Congress, persons who, by reason of training and belief, are conscientiously opposed to any participation in the national service system established by this Act.

(B) During the period of a war declared by Congress, persons who by reason of training and belief, are conscientiously opposed to participation in war in any form.

(C) In order to establish conscientious opposition under subparagraph (A) a registrant must prove by a clear preponderance of the evidence that service in general in a military and civilian capacity would be a violation of his most profound convictions. In order to establish conscientious objection under subparagraph (B), a registrant must prove by a clear preponderance of the evidence that participation in war in any form would be a violation of his most profound convictions. Whether an individual meets the requirements of this paragraph shall be determined pursuant to the procedure as provided in section 7.

(b) (1) The following persons shall be deferred, under regulations prescribed by the President, from participation in the military lottery and the Civilian Service Corps:

(A) Persons satisfactorily pursuing a full-time course of instruction at a high school or similar institution of learning shall be deferred until graduation or until the end of the sixth academic year spent following completion of grade eight or the equivalent grade levels thereof.

(B) Persons found physically, mentally, or morally unfit on a temporary basis, under standards to be prescribed by the President, for any national service, military or civilian, under this Act, shall be deferred for such time as that condition of unfitness shall continue.

(C) Any person granted a hardship deferment by the civilian board in their region pursuant to paragraph (2) (A) below.

(2) A registrant may present, in writing, a claim of hardship pursuant to the procedure provided in section 7 at any time before or during a registrant'- participation in the national service. Upon examination of the registrant's claim of hardship, a civilian board may—

(A) reject the claim as a whole;

(B) determine that the subsistence allowance of a civilian service registrant as provided for in section 9(b) (4), shall be increased to provide for members of the registrant's family who are substantially dependent upon him for financial support, such increase not to exceed $4,000 per year maximum; or

(C) determine that the civilian service registrant be placed in a civilian service job if one is reasonably available which will enable him to reside with those members of his family who are substantially dependent upon him for personal services or for other forms of personal assistance; or

(D) upon a finding of hardship and a finding that subparagraphs (B) and (C) are insufficient either alone or applied together to provide adequately for members of the registrant's family who are substantially dependent upon him determine that the registrant be granted a hardship deferment from national service for as long as necessary; except that upon the twenty-fifth anniversary of his birth, a registrant deferred under this paragraph shall be deemed to have participated in the military lottery and not to have been selected during his period of liability.

CLASSIFICATION; RIGHT TO APPEAL CLASSIFICATION

SEC. 7. (a) Each registrant shall be classified according to regulations promulgated by the Director by the local placement center where he is registered on the basis of information supplied by the registrant to the local placement center. Whenever a registrant's status changes so that he believes that he is entitled to a classification different from that which has been previously assigned him, he shall apply to the local placement center by alleging in writing the facts which he believes entitled him to a different classification.

(b) A registrant may appeal his classification by notifying the civilian board appointed by the Regional Registration and Placement Administrator of that region pursuant to section 3(g) on or before the thirtieth day after receiving notice of any classification by the local placement center. The civilian board shall refer all appeals to a hearing examiner as provided for in section 3(g) to hear testimony, make findings of fact and conclusions of law, and arrive at a decision as to the merits of the registrant's claim. The hearing shall be held as close to the area in which the registrant resides as is practicable.

(c) The registrant may appeal the decision of the hearing examiner to his civilian board within thirty days of receiving notice thereof. The civilian board shall review the whole record and affirm the hearing examiner's decision only if supported by reliable, probative, and substantial evidence. At its discretion, the board may hear further testimony.

(d) Decisions of the civilian boards may be appealed by the registrant to the Director whose standard cf review shall be the same as that of the civilian boards, described in subsection (c) of this section.

(e) A registrant who appeals his classification shall be entitled to appeal and to have the right to counsel at all stages of the appeal process. The National Service Agency shall, at its own expense, provide a lawyer for those unable to afford counsel. The hearing examiner shall determine whether the registrant is capable of paying all, some, or none of the cost of counsel. His decision shall be subject to appeal.

ELECTION OF SERVICE OPTION

SEC. 8. (a) Unless exempted as provided in section 6 of this Act, each registrant (including those with deferments) on or before ten days prior to his attaining the age of eighteen years shall notify in writing his local placement center of his election to enlist in the Armed Forces, to participate in the military lottery, or to participate in the civilian service program.

(b) Any registrant who elects to enlist in the Armed Forces may have his entry into active service postponed by the Director if the Director finds that a program of education or training proposed to be undertaken by the registrant would enhance his potential contribution to the mission of the Armed Forces, but a postponement granted hereunder shall end at the close of the 48th month after the month in which granted (which may not be before or include the month in which the registrant graduates from high school or similar institution of learning), or at the time the registrant successfully completes or otherwise ceases to engage in such education or training, whichever first occurs.

(c) Upon receipt of the forms provided for the section 5(e) above, the local placement center shall immediately cause the names and registration number of each registrant selecting the military lottery option to be sent to the Deputy Director in charge of the Military Lottery Division. Only those registrants who have selected the military lottery under section 8(a) or those who have been placed in the military lottery as provided in section 18(b) of this Act shall be processed as provided in section 10 of this Act.

LENGTH OF SERVICE

SEC. 9. (a) Each person selected through the military lottery for service with the Armed Forces of the United States shall serve in active training and service for a period of twenty-four consecutive months, unless sooner released, transferred, or discharged in accordance with procedures established by the Secretary of Defense.

(b) Each person electing participation in the civilian service shall serve in active training and service for that period of time which the Director shall deem appropriate for the particular occupational category into which that person has been placed; except that no person shall be required to participate in active service in the civilian service for less than the period served by those participating in the military lottery or for more than forty-eight consecutive months.

OPERATION OF THE MILITARY LOTTERY

SEC. 10. (a) The Director of the National Service Agency shall establish under this Act procedures for the selection of men into the Armed Forces of the United States by means of a random lottery of those individuals who have elected under the provisions of section 8(a) to participate in the military lottery.

(b) The lottery shall proceed by means of random selection. The random selection method will use three hundred and sixty-six days to represent the birthdays (month and day only) of all registrants who have elected to be placed in the lottery pool. On a date to be selected by the Director of the National Service Agency once each year the lottery shall be conducted selecting in a random manner each day of the year for every man who has since the last such lottery been placed in the lottery pool. On the same date, a supplemental drawing will be conducted to determine alphabetically the random selecting sequence by initial letter in surname among registrants who have the same birthday.

(c) The Secretary of Defense shall periodically notify the Director of the National Service Agency and the Deputy Director in charge of the military lottery of the number of registrants required to fill the manpower needs of the Armed Forces of the United States. The Director shall issue orders to report for induction to that number of individuals in the order that their birthdates and names were selected in the military lottery. Each registrant shall remain in the lottery pool for a period of twelve months following the date of the lottery selection for which he is eligible.

(d) A registrant who has received an order to report for induction but who has been granted a deferment under section 6(b) or under a procedure established by the Armed Forces, shall have his induction order stayed indefinitely but shall have his deferment reviewed each year thereafter until the twenty-fifth anniversary of his birth by the board which originally granted his deferment. If it is determined that the registrant can no longer qualify for a deferment, the induction shall be reactivated. When the registrant reaches the twenty-fifth anniversary of his birth, his induction order shall be permanently canceled.

(e) Any registrant who is discharged from the Civilian Service Corps pursuant to the provisions of section 18(b) of this Act shall have his name and birthdate placed in the random selection which next occurs following the date of his discharge from the Civilian Service Corps and shall remain eligible for a period of twelve months thereafter.

CIVILIAN SERVICE JOBS

SEC. 11. (a) It shall be the duty of each registrant who has elected to serve in the civilian service within six months of his election of civilian service or within six months after his deferment under paragraph 6(b) has expired, whichever is later, either—

(1) to locate and become employed as a full-time employee in a job which has qualified for participation in the civilian service either upon previous application of the employer or upon application of the registrant, as provided in section 4; or

(2) if unable to qualify under (1) or (2), to join the Civilian Service Corps provided for in section 12; except that a registrant may not elect to enroll in the Civilian Service Corps until two months after his election or the expiration of his deferment, whichever is later; except that a registrant may have his duty to comply with paragraph (1) or (2) suspended by the Director if the Director finds that a program of education or training proposed to be undertaken by the registrant would enhance his potential contribution to the mission of the Civilian Service Division, but a suspension granted hereunder shall end at the close of the 48th month after the month in which granted (which may not be before or include the month in which the registrant graduates from high school or similar institution of learning), or at the time the registrant successfully completes or otherwise ceases to engage in such education or training, whichever first occurs.

(b) It shall be the duty of each registrant who has selected a job or a program pursuant to subsection 6(a) to remain satisfactorily employed or enrolled for a period of time determined by the Director for the particular occupational category or program in which the registrant is employed or enrolled as provided in section 9(b).

(c) Public non-Federal and private employers who have employed civilian service registrants shall have the authority at all times to accept, reject, conditionally accept, or dismiss any individual civilian service registrant; except that if it shall be determined by the civilian service that any registrant was rejected or dismissed because of race, color, creed, or national origin, then the Director is authorized to declare under procedures provided in section 4 that the public or private employer be disqualified from inclusion on the official list of civilian service jobs. The employer shall be authorized to reapply for qualification under procedures provided in section 4.

(d) When any civilian service registrant withdraws or is dismissed from a civilian service job, and it is determined by a hearing, as provided for in section 19, that the registrant is to continue in the civilian service, then the registrant shall report to the local placement center nearest to his current place of residence, within ten days of the termination of the hearing, in order to be assigned to a new job or Federal program for the duration of his time obligation.

CIVILIAN SERVICE CORPS

SEC. 12. (a) There is hereby established a Civilian Service Corps which shall be under the direction of the Corps Administrator who shall be appointed by the Director. The Corps Administrator shall be under the immediate supervision of the Deputy Director of the Civilian Service Division. The Corps shall train and employ registrants who elected civilian service and who, having not found employment in a job which qualified for the civilian service, joined or were deemed to have joined the Civilian Service Corps.

(b) In order to operate the Civilian Service Corps, the Director is authorized—

(1) to establish any or all new facilities, including new construction necessary for the operation of the Corps;

(2) to establish necessary provisions for housing of the registrants enrolled in the Corps;

(3) to provide whatever is necessary to insure for the proper medical care of the registrants enrolled in the Corps, including but not limited to the utilization of armed services medical facilities;

(4) to request and utilize the services of any or all—

(A) departments of the Federal Government;

(B) agencies, departments, or units of regional, State, county, municipal, or town governments; and

(C) trade organizations, charitable organizations, educational institutions, any other private or public organization or group or any person or group of persons.

(5) to establish within the Corps programs for registrants who come from deprived backgrounds, which programs shall be essentially educational and training in scope and designed to enable the registrants to enter productive employment for the remainder of their civilian service and thereafter.

ADDITIONAL AUTHORITY OF THE DIRECTOR

SEC. 13. In addition to the authority granted in section 12, the Director is authorized—

(1) to delegate any authority vested in him under this Act, and to provide for the subdelegation of any authority;

(2) to establish a procedure for compensating all volunteers. Such procedure shall provide that non-Federal employers of volunteers must pay to the Federal Government the same wage paid by the employer to nonvolunteers performing the same or similar work or the minimum wage, whichever is greater, and that the Federal Government will compensate all volunteers at a rate equal to a subsistence allowance based on the cost of living in the geographical areas in which the volunteers work;

(c) to establish procedures to protect all volunteers from discrimination by any employer because of race, color, creed, or national origin;

(d) to utilize, when necessary, the services of all departments of the Federal Government; and

(e) to establish such regional review boards as may be necessary to hear appeals as provided for in sections 4(g) and 7(c).

(f) to prescribe such rules and regulations necessary to carry out the provisions of this Act.

APPLICATION OF PROVISIONS OF FEDERAL LAW—REGISTRANTS NOT FEDERAL EMPLOYEES; FEDERAL EMPLOYMENT LAWS INAPPLICABLE

SEC. 14. (a) Except as otherwise specifically provided in this Act, a registrant in the Civilian Service Corps shall not be deemed to be a Federal employee and shall not be subject to the provisions of laws relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

(b) Registrants in a Civilian Service Corps shall be deemed to be employees of the United States for the purposes of the Internal Revenue Code of 1954 and of title VI of the Social Security Act (42 U.S.C. 401 et seq.), and any service performed by an individual as a registrant shall be deemed for such purposes to be performed in the employ of the United States.

(c)(1) Registrants in a Civilian Service Corps shall, for the purposes of the administration of the Federal Employees' Compensation Act, be deemed to be civil employees of the United States within the meaning of the term "employee" as defined in section 790 of title 5 and the provisions thereof shall apply except as hereinafter provided.

(2) For the purposes of this subsection:

(A) The term "performance of duty" in the Federal Employees' Compensation Act shall not include any act of a registrant—

(i) while on authorized leave; or

(ii) while absent from his assigned post of duty, except while participating in an activity authorized by or under the direction or supervision of the Corps.

(B) In computing compensation benefits for disability or death under the Federal Employees' Compensation Act, the monthly pay actually received by an enrollee for satisfactory performance of his work shall be used.

(C) Compensation for disability shall not begin to accrue until the day following the date on which the enrollment of the injured registrant is terminated.

POLITICAL DISCRIMINATION AND ACTIVITY—INQUIRIES CONCERNING POLITICAL AFFILIATION AND BELIEF

SEC. 15. No discrimination shall be exercised, threatened, or promised by any person in the executive branch of the Federal Government against or in favor of any registrant in, or any applicant for enrollment in, the Civilian Service Corps because of his political affiliation, beliefs, or activities.

REPORTS BY EMPLOYEES

SEC. 16. Each employer (whether public or private) of a civilian service registrant shall submit a report to the Director, in such form and manner as the Director shall require, whenever a registrant leaves or is removed from his employ. Except in cases of the normal expiration of a registrant's obligated service, such report shall state in detail the circumstances of, and reasons for, such termination.

CATEGORIES OF REMOVALS FROM JOB; EFFECT

SEC. 17. Each civilian service registrant shall possess the same rights of employment security against his employer as are enjoyed against such employer by other employees of similar rank and length of service. Any registrant who is removed from a job because of its abolition, or for any other reason not reflecting negatively on his performance, shall not be considered to have violated his obligation with the service; shall be considered to have been withdrawn without prejudice; and shall be eligible for transfer to new jobs within the service for which he is qualified. If a registrant is removed for any other reason (hereinafter referred to as "for cause"), he shall be liable to disciplinary action by the National Service Agency.

ADVERSE ACTIONS BY THE DIRECTOR

SEC. 18. (a) Adverse action against a civilian service registrant shall be begun by the Director only upon the basis of a special report from the registrant's employer supporting the registrant's removal from his job for cause or announcing the registrant's unauthorized departure from his job.

(b) Adverse actions against a registrant may include the imposition of such disciplinary sanctions, up to and including dismissal from the civilian service with loss of any benefits which would accrue as a result of completion of service, as the Director or his authorized representative shall deem necessary. A registrant who is dismissed from the civilian service as the result of an adverse action shall be deemed to have elected to participate in the next military lottery whose date of drawing, as provided in section 10(b), is after the date of dismissal; except that any such registrant who has completed at least half of his required length of service in the civilian service before his dismissal, and has been selected by the lottery, shall be required to serve only one year in the military.

(c) A registrant may be dismissed from the civilian service only under circumstances involving willful disobedience, insubordinate conduct, conviction of a felony or highly unsatisfactory performance.

(d) Sanctions imposed by the Director against a registrant for misconduct shall not impair any rights of action, public or private, criminal or civil, accruing to any other party against such volunteer by reason of his misconduct.

(e) The Director shall establish procedures for the administrative release of registrants from the civilian service for reasons of health or hardship, where the documented basis in fact for the claim would be at least sufficient to confer an exemption from the obligation to serve. Action leading to such a release may be initiated either by the registrant concerned or by the civilian service. A registrant so released shall remain eligible for all benefits normally accruing to those who have successfully completed their service.

ADVERSE ACTIONS—PROCEDURES

SEC. 19. (a) The Director shall establish and impose administrative sanctions, up to and including dismissal from the civilian service by adverse action, to punish any registrant who fails to fulfill his obligation. He shall promulgate a code of sanctions consistent with the provisions of this Act, by regulation.

(b) There shall be created in the National Service Agency a Legal Corps. All members of the Legal Corps shall be members of the bar of at least one State. Members of the Legal Corps shall preside over each and every disciplinary hearing and each and every appeal therefrom. The Legal Corps shall be divided into a Hearing Division and an Appeals Division.

(c) The Director shall establish procedures for conducting a full and impartial hearing in any case where adverse action against a volunteer is contemplated or has been taken by the National Service Agency. Such a hearing shall be held at the request of the registrant; no registrant shall be dismissed from the civilian service without such a hearing. One member of the Legal Corps shall preside over each such hearing, and shall interpret the law and the facts in reaching a verdict and in imposing or upholding such sanctions as are found warranted.

(d) Any registrant whose punishment is imposed or sustained at a hearing held under section 20(c) of this Act may take an appeal in writing to the Appeals Division of the Legal Corps within ten days of the announcement of the hearing judgment. The Appeals Division shall consider all appeals expeditiously. At its discretion, it shall hold an appeal hearing which may make fresh inquiry into both the facts and the law of the case. Such a hearing shall be presided over by three members of the Appeals Division.

(e) The Director shall promulgate rules governing all disciplinary hearings. Such rules shall provide for the right of the registrant to be advised by counsel, to confront any adverse witnesses, and to compel the attendance of witnesses. If a registrant facing a disciplinary hearing or an appeal therefrom desires representation by legal counsel but is unable to pay for it, the civilian service shall provide him with the services of an attorney who has been admitted to the bar of at least one State and is not employed by the civilian service, at no cost to the registrant.

(f) Any registrant who has abandoned or been dismissed from any employment shall have the right to a hearing in order to establish that his service has been satisfactory for completion of his obligation within the terms of section 22 of this title.

JUDICIAL REVIEW

SEC. 20. (a) A person suffering legal wrong because of action by the National Service Agency is entitled to judicial review. Such review shall be within the original jurisdiction of the district courts of the United States by writ of mandamus as provided in section 1361 of title 28, United States Code.

(b) There shall be no judicial review of actions by the National Service Agency or any officer or agent thereof until all administrative remedies provided in this Act have been exhausted and Agency action is final.

(c) To the extent necessary to decision and where presented, the reviewing court shall decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning and applicability of the terms of an Agency action. The reviewing court shall—

(1) compel action unlawfully withheld or unreasonably delayed;

(2) hold unlawful and set aside actions, findings, and conclusions found to be—

(A) arbitrary, capricious, an abuse of discretion, or not otherwise in accordance with law;

(B) contrary to constitutional right, power, privilege, or immunity;

(C) in excess of statutory jurisdiction, authority, or limitations, or short of statutory right;

(D) without observance of procedure required by law; and

(E) unsupported by substantial evidence in the case when taken as a whole and based on the entire record.

COMPUTATION OF TIME OF SERVICE

SEC. 21. All the time spent by a registrant from the time of his initial entry into the civilian service shall count toward satisfaction of his obligation except—

(1) time spent in legal detention or incarceration; and

(2) time spent unemployed after voluntary abandonment of a job or dismissal from work for cause: *Provided, however*, That if disciplinary proceedings are instituted by the civilian service as a result of such abandonment or dismissal and the registrant is acquitted of fault, all the time spent unemployed after such abandonment or dismissal shall be counted toward satisfaction of his obligation.

ORDER OF CALL IN EVENT OF WAR

SEC. 22. Notwithstanding any other provision of this Act, for the duration of any period of war declared by Congress, all persons subject to this Act shall be liable for training and service in the Armed Forces and shall be inducted, unless exempt or deferred, for such training and service in the following order:

(1) Volunteers and delinquents,

(2) Persons in the military lottery pool under section 10 of this Act,

(3) Persons in civilian service under this Act, those with least service therein first,

(4) Persons under age 26 who were not inducted for training and service during their 12-month period of prime eligibility in the military lottery pool; and

(5) Persons who have completed civilian service under this Act.

MISCELLANEOUS AMENDMENTS

SEC. 23. (a) Section 5315 of title 5, United States Code, is amended by striking out

"(70) Director of Selective Service." and inserting in lieu thereof

"(70) Director of National Service."

(b) Section 5316 of such title 5 is amended by adding at the end thereof the following:

"(128) Deputy Directors, National Service Agency (3)."

ADMINISTRATIVE PROVISIONS

SEC. 24. So much of the positions, personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available or to be made available in connection with the functions, powers, and duties exercised by the Selective Service System immediately before the effective date of this Act as the Director of the Bureau of the Budget shall determine shall be transferred to the Director of National Service. The transfer of personnel pursuant to this section shall be made without reduction in compensation for one year after such transfer.

PENALTY

SEC. 25. Whoever knowingly violates any provision of this Act or any rule or regulation issued under this Act shall be imprisoned for not more than two years.

REPEALER

SEC. 26. The Military Selective Service Act of 1967 (50 U.S.C. App. 451 et seq.) is hereby repealed.

SAVING CLAUSE

SEC. 27. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SEVERABILITY

SEC. 28. If a part of this Act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this Act is invalid in one or more of its applications, that part remains in effect in all valid applications that are severable from the invalid applications.

APPROPRIATIONS

SEC. 29. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

XUM

EFFECTIVE DATE

Sec. 30. (a) This Act shall take effect ninety days after the Director of National Service first takes office, or on such prior date after enactment of this Act as the President shall prescribe and publish in the Federal Register.

(b) The Director of National Service and the Deputy Directors of the National Service Agency may (notwithstanding subsection (a)) be appointed in the manner provided for in this Act, at any time after the date of enactment of this Act. Such officers shall be compensated from the date they first take office, at the rates provided for in this Act. Such compensation and related expenses of their offices shall be paid from funds available for the functions to be transferred to the Agency pursuant to this Act.

Section-by-Section Explanation and Commentary

Section 1. *Short Title:* "The National Service Act of 1970".

Section 2. Policy and Intent of Congress: This section explains the six premises in the National Service System.

Section 3. *National Service Agency:* This section attempts to end the inefficiency and lack of uniformity caused by the decentralized, uncompensated and part-time local draft boards of the Selective Service System.

A National Service Agency will replace the Selective Service Systems. The Agency shall be headed by a Director and three Deputy Directors. All four will be appointed by the President with the advice and consent of the Senate and will serve at the *pleasure* of the President. The agency will have three functions:

(1) The supervision of the Civilian Service from locating jobs in the private economy which "qualify," to running the federally operated Civilian Service Corps;

(2) The operation of a yearly birthday lottery similar to the lottery in effect today, including calling for induction when their number comes due; and

(3) The operation of local placement centers where registrants will be able to receive counselling on the options available to them, and where all classifications will be handled according to national regulations promulgated by the Director under the Administrative Procedure Act.

The country will be divided by the Director into regions. Each region of the country will have a Regional Registration and placement Administrator who shall appoint full-time civilian boards, whose members shall be compensated and none of whose members shall be employees of the National Service Agency (in order to get unbiased decision-makers). The Boards, with the assistance of hearing examiners, shall handle all appeals of classifications, also according to uniform national regulations.

Section 4. *Selections of Qualified Occupations:* This section is designed to create an orderly and open method of performing the difficult task of choosing which jobs in the economy will "qualify" for participation in the Civilian Service Program.

First, the section sets admittedly vague statutory guide-lines to the jobs—the jobs must be "of substantial social benefit," constitutionally permissible, and must not undercut the job market in that area.

Second, the guidelines are clarified by examples within the statute of both suitable occupational categories (for example, "jobs in non-profit hospitals") and non-suitable occupational categories (for example, "jobs with commercial organizations").

Third, the section creates a four-stage procedure that the Director is required to follow to determine which occupational categories and which specific jobs within the categories fit within the statutes guide-lines: (1) the Director solicits information from an initial list of potentially qualified employers on how many jobs and what types of jobs the employers think should qualify. (2) The Director holds hearings and publishes regulations on which occupational categories and which specific jobs qualify. After objections are filed, the Director holds hearings on objections raised to the regulations. (4) Any party aggrieved by a final order of the Director can appeal to the nearest federal Court of Appeals for judicial review, Presumably, the great majority of jobs will not require this third stage.

Fourth, jobs which have "qualified" will be compiled by the Director and be made available to young men at the time they register.

Because the Director is responsible for the entire process of job selection (although he will, of course, delegate most of this responsibility), both the definition of precise job categories and the application of these categories to specific jobs will be under one authority.

Section 5. *Registration:* All male citizens shall be required to register at age seventeen at which time they will get detailed information on the options available to them. Since registrants will not have to select among the options until age eighteen, they will have a year to make a reasoned decision. For most registrants, this year will coincide approximately with the last year of high school.

Section 6. *Exemptions and Deferments:* In this section, only those exemptions and deferments of the present systems which were thought necessary were retained.

(A) Three exemptions and deferments were eliminated:

1. Sole surviving son. This exemption, designed to prevent a family from losing its last son, is no longer necessary since non-military civilian service is available as an option.

2. Ministers and ministerial students. If the purpose of this exemption is to insure a supply of men who will do socially valuable work, this purpose is met by allowing a socially oriented, civilian alternative to the military service. Furthermore, there is a fairly persuasive objection that this selective exemption involves an unconstitutional establishment of religion.

3. Occupational deferments. Civilian Service in itself is a system of occupational exemptions. Unlike occupational deferments, however, Civilian Service jobs will be (a) determined on an articulated basis instead of by regulation alone; (b) chosen at a national level instead of at the discretion of local boards, (c) devoid of the regional variances and uncertainties that have resulted in the past from allowing local boards to determine which occupations to defer; and (d) jobs of direct social usefulness including jobs with elementary schools but not including jobs with private, defense-related industries.

(B) Those exemptions which were retained in the Act include:

1. Persons serving in the Armed Forces, Reserves, ROTC, etc.

2. Persons found physically, mentally, or morally unfit as a permanent basis. (A less rigorous standard will be set for civilian service which few will fail to meet, e.g., the blind, mentally retarded, seriously incapacitated).

3. Residents who do not become citizens until 25. (It seems unfair to burden those who have not yet enjoyed the benefits of citizenship with the service obligation to the country. If national service is thought of as a prepayment for citizenship, service would only be required of those residents *intending* to become citizens. A determination of this intent would be complex and could be oppressive).

4. Persons conscientiously opposed to service in either a military or civilian capacity.

(C) The deferments retained include:

1. Persons satisfactorily enrolled in high school;

2. Persons found physically or psychologically unfit on a temporary basis; and

3. Persons granted hardship deferments. The hardship deferment will be granted only after a showing that either (a) additional financial compensation or (b) work enabling the registrant to reside at home, or (c) both (a) and (b) together are insufficient to provide for the registrant's dependents.

Section 7. *Classification; Right to Appeal Classifications:* All routine classifications will be made initially by local placement centers. All classifications, including conscientious objectors and hardship classifications will be appealable: (1) to a hearing examiner who will take evidence and make conclusions of fact and law; (2) to the Regional Civilian Board, which will review the examiner's decision to determine if it is supported by "reliable and substantial evidence," and which at its discretion may hear further testimony; (3) to the Director whose standard of review shall be the same as the Civilian Board: and finally (4) on judicial review to the nearest Federal District Court.

Section 8. *Election of Service Options:* At age 18, the registrant must irrevocably choose one of the three options. A person choosing military service may postpone actual service for up to four years of education or training.

Section 9. *Length of Service:* This section creates a time differential between conscripted military service (up to 24 months), and Civilian Service (from 24 to 48 months). The exact differential will be modified to regulate the flow of manpower into the three options. If too many registrants are choosing Civilian Service, the time required for Civilian Service will be increased. The Civilian Service minimum of two years is the maximum for those conscripted into the military, and the Civilian Service maximum will be four years—serving longer than four years could work too great a hardship on registrants' lives—with varying lengths possible for different occupational categories.

Section 10. *Operation of the Military Lottery:* The same random birthday lottery that is in force today will be preserved. Unlike today, however, only those who elected to be exposed to the risks of the lottery will participate in it.

Section 11. *Civilian Service Jobs:* This section details the requirements of those who have elected the Civilian Service option. These registrants will be given six months to find a qualifying job, and once hired must remain there for the required length of service. However, a registrant may postpone actual service for up to four years of education or training. If unable to find a job, they will be placed in the Civilian Service Corps. Employers will retain the right to reject or dismiss registrants provided there is no discrimination on the basis of race or religion. Registrants who are dismissed through no serious fault of their own will report to local placement centers where they will be able to choose a new job.

Section 12. *Civilian Service Corps:* The Corps will train and employ in collective tasks those registrants unable to find a qualified job on their own. In order to operate the Corps, the Director is authorized to request that private or public organizations assist the Corps in training registrants.

Sections 13–20. These sections provide: that there shall be no discrimination against or in favor of any registrant; that whenever a registrant leaves or is removed from his employ, his employer must submit a report explaining the termination: that a registrant who is removed from his job "for cause" (i.e., "highly unsatisfactory performance") may be dismissed from the Civilian Service after he has exhausted his appeal rights; that a registrant so dismissed shall be deemed to have waived his Civilian Service option and shall be placed in the next military lottery; that those so placed in the lottery, who were dismissed after having completed at least half the time required in Civilian Service, will only be required to serve one additional year in the Armed Forces if selected by the lottery; and that all final decisions are subject to judicial review.

Section 21. Provides that all the time spent in civilian service shall count toward fulfillment of a registrant's obligation except if the registrant is in prison or has voluntarily quit his job, in which case his time shall only count if the registrant is found to be not at fault by the civilian service.

Section 22. Provides for an orderly call up in time of war declared by the Congress. Following military volunteers and lottery draftees, persons in the civilian service program would be called, with the most recent volunteers being called first.

Section 23. Technical amendments to current law.

Section 24. Provides for an orderly transition from the Selective Service System to the National Service System.

Section 25. Provides that persons who fail to comply with the provisions of this Act shall be imprisoned for no more than two years.

Section 26. Repeals the Selective Service Act.

Section 27–29. Housekeeping.

Section 30. Provides that this Act becomes effective not more than ninety days after the Director of the National Service System takes office.

NATION'S ECONOMY

(Mr. WILLIAM D. FORD asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WILLIAM D. FORD. Mr. Speaker, 17 months of the Nixon administration's policies have brought this Nation's economy to its lowest point since the Hoover depression of the early 1930's. Only a few statistics are needed to verify this gloomy picture:

Unemployment has reached 5 percent, or 4,100,000 persons out of work. More than 1,300,000 have lost their jobs in the past year. Even Republican economists warn that the unemployment rate may reach 6 percent in the coming year, meaning another million persons without jobs. The increase in unemployment this year has been the sharpest 5-month climb in over 10 years.

Living costs are continuing to soar. They have risen 6 percent since December, the sharpest increase in nearly 20 years. Food, housing, and medical costs have led the way in this upward swing, striking hardest at middle-income families and retirees.

Real income, or actual take-home pay in terms of buying power, has dropped 2.8 percent since September 1968, and continues to go down. Overtime is becoming a thing of the past.

Interest rates have reached a 100-year high, and federally financed mortgage rates have risen 26 percent since Nixon took office. Half of all American families have been priced out of the housing market, and college students must pay 12 percent for loans to finance their education.

Housing starts dropped 42 percent in 1969, even though the demand for new housing is higher than ever. Unemployment in the building trades industry rose to 11.9 percent last month, and high interest rates are making it impossible for young families to buy homes.

The gross national product, a key indicator of our economy, dropped to $724.3 billion in the first quarter of 1970, and has fallen some $6 billion in the past 6 months.

The stock market has plummeted in recent weeks to such a dangerous point that experts fear a repeat of the 1929 crash. Even the "blue chip" issues have dropped 40 and 50 percent, or more.

Who is suffering from this economic tailspin? Not big business, and not the big bankers, who so avidly support Republic policies. Bank profits were up 13 percent in 1969. United States Steel reported its profits up 38.8 percent for the final quarter of 1969, compared to 1968, and Kennecott Copper's profits rose 71 percent in 1969 over 1968.

It is the long-suffering "middle American" who is paying through the nose for the Nixon recession, and his loss cannot be measured by statistics. Percentage points do not reveal the fear of unemployment, the depleted savings accounts, the deferred medical or dental care, the postponed vacations, the meatless dinners, the unpaid bills, the threadbare clothing or the wornout automobiles which must be patched up and driven "one more year."

My own home State of Michigan provides a striking example of how the "Nixon" recession is affecting the working people of the Nation. Michigan's unemployment rate for March was 6.4 percent—well over the national average. In some areas of Michigan, it was even higher—10 percent in Bay City, 7.1 percent in Grand Rapids, 7.6 percent in Muskegon, 11.7 percent in Port Huron, and 12.6 percent in the Upper Peninsula.

The effect in Michigan is even more graphically shown in figures, just released, showing that 21,060 Michigan workers had exhausted their unemployment benefits in the first 4 months of the year. This compares with about 40,000 for the entire year of 1969.

The administration's current attitude toward unemployment was well described in testimony before the Select Subcommittee on Labor of the House Education and Labor Committee on March 30. Charles C. Killingsworth, professor of labor and industrial relations at Michigan State University, commented on the "typical analysis" used in justifying "transitional" unemployment.

"The argument runs as follows," Professor Killingsworth said:

> Just bear with us while the employment rate runs up; this is an unavoidable consequence of the policies that are necessary to defeat the psychology of inflation; but as soon as we have won that psychological victory, we can loosen the screws on monetary and fiscal policy, and the renewed growth of aggregate demand will smoothly and automatically carry us back to a satisfactory level of low unemployment.

Professor Killingsworth pointed out that unemployment percentages do not take into consideration the large number of young men in the armed services who would ordinarily be part of the work force. If this factor is considered, the unemployment rate would be even higher. This is even more emphasized by the fact that unemployment in the military-age group—20 to 24—is 7.3 percent—well over the national average.

During the 1968 presidential campaign, Candidate Nixon made an issue out of balanced budgets, Federal surplus, and Republican fiscal responsibility. The 1969 Democratic budget had a $3.2 billion surplus, and the Democratic Congress cut over $5 billion from the Nixon 1970 budget. Yet, the 1971 Nixon budget projected a surplus of only $1.3 billion, and this has already disappeared even before the fiscal year begins.

The administration has tried to cut expenditures—at the expense of such vital Federal programs as aid to education, health research, and the war on pollution. But there has been no effort on the part of the President to cut such needless expenses as the controversial ABM system, excessive military hardware, or the bloated farm-subsidy program.

The deteriorating state of the Nation's economy is graphic proof that the Nixon administration's policies are a complete failure. It is time for the President to face up to the situation, and use the powers of his office to halt our plunge into economic disaster.

THE NURSING HOME PATIENT—DO WE REALLY CARE?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. PRYOR) is recognized for 60 minutes.

GENERAL LEAVE TO EXTEND

Mr. PRYOR of Arkansas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject matter of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. PRYOR of Arkansas. Mr. Speaker, in the past several weeks I have received literally thousands of letters and communications from citizens across our Nation who are interested in providing better care for the aged. Most of our correspondence comes from relatives of patients now confined to nursing homes and homes for the aged, from the patients themselves, from nurses, doctors, and concerned citizens. Most have met with frustration time and time again in their efforts to improve the plight and dilemma now facing 1 million Americans confined to these institutions.

Not all homes are bad. Some owners and operators are diligently trying to render public service.

Today, I am taking a very minute sampling of our mail and presenting to our colleagues actual cases of experiences in nursing homes and homes for the aged.

These cases demonstrate once again the fragmentation, overlapping, and layer upon layer of bureaucratic involvement in the nursing home industry which has, it would appear, the best in-

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terest of everyone in mind but the patient himself.

These cases further indicate, Mr. Speaker, the control, the selfish and greedy interests—not only of many of the nursing homeowners and operators but also the nursing home associations and lobbying groups which foster these conditions and also thrive in this area of bureaucratic confusion.

Mrs. Glenn Trethewey of Robbinsdale, Minn., was a volunteer visitor in many nursing homes and finally placed her own mother in such a home. She observed and wrote me that many nurses' aides were "interested only in their paycheck."

On four successive visits to a patient dying of cancer she found the patient lying in a urine-soaked bed, dried vomit on her gown and pillow, food particles in the bed. She called an aide, who did nothing but change the top sheet.

She watched an old patient choke to death on a piece of meat. Another patient told her, "I would eat better, but the girls do not have enough time—they push it at me too fast."

She watched aides stand and chatter while patients rang buzzers for help. She saw them walk by rooms, indifferent to the cries of aged persons calling out in distress.

Mrs. Trethewey found the aides had little or no training, that they failed in such functions as administering simple exercises to patients recovering from strokes.

Finally she found her own mother, strapped down, naked to the waist, lying in a draft and calling for help. She writes:

> She must have been observed by several aides who apparently passed her door with indifference, but when I came in, one bustled in behind me, now all attention because I was there, and telling me how "naughty Grandma had been, so we had to tie her down."

Not only in Minnesota, but throughout the country, shortages of qualified and dedicated personnel who will work for $1.60 per hour are widespread.

Nursing home operators complain that low wages attract poor caliber help but their profits soar—and the Labor Department reports an extremely high turnover among nursing home personnel.

Nurses' aides are often untrained and undedicated, caring for the sick not as a mercy but only as a job.

Such difficulties only serve to underscore the need for good supervision by the nurse in charge. According to medicare extended care facility regulations, she is to be in charge of "the total nursing care of patients during her tour of duty," to oversee such activities as making sure each patient is kept "clean, comfortable and well-groomed," and treated "with kindness and respect."

Where was this supervisor?

From Chicago, an anonymous patient writes that his nursing home is unsanitary and improperly equipped.

> Most of the patients have constant diarrhea. The food is atrocious, some of it not edible. Sanitation poor. Toilets not properly cleaned.
>
> The building was built as a nursing home. But no sliding doors in bathrooms, no sit-down showers, faucets not of the type that can be pushed by crippled hands. One elevator, also used as a service elevator.
>
> No evidence of a sprinkler system or fire protection, and the nurses told me it would be impossible to evacuate the third floor patients in case of fire. No fire drills either.

The State of Illinois requires no written record of fire drills. Yet Federal extended care facility provisions say that there must be "evidence" of fire drills at least twice a year. Is evidence possible without a written record?

Again, we find the intent of the law prostituted, enforcement of that law absent.

There is no requirement in Illinois for a written fire evacuation plan. What is the evacuation plan of this nursing home? Evacuate the first two floors and let the third floor patients burn?

I have noticed that fire escapes on many "older" nursing homes are so steep they would frighten even the young and agile; so narrow that it would be impossible for a wheel chair to pass.

I cannot imagine how bedridden patients would be evacuated down a normal outside fire escape. Only a few yards from one such building I saw an overflowing bin of trash waiting to be burned. The home could easily catch fire. In fact it was a firetrap. What then of the patients inside?

Although death rates in nursing homes are so high that the National Fire Prevention Association has declared them at the top of the list of unsafe places to live, it is in the area of fire regulations that Federal and State standards tend to be most weak, most confusing, most subjective.

I would point out that over a recent period, six persons died in nursing home fires for every patient killed in a hospital fire.

Several years ago, a fire at Fitchfield, Ohio, killed 63 nursing home patients. Authorities at that time found that only 386 of the State's 1,153 nursing homes met minimum safety requirements.

And yet, what was done? Virtually nothing. And, this January the tragedy was repeated in that same State when 32 patients died at Marietta, Ohio.

Most nursing home patients are old and crippled. They need the benefit of every doubt. Why, then, continue to risk lives with standards that are not mandatory?

Mrs. Veda H. Reeves, a resident of the State of Tennessee, visited her husband the morning of his death—January 2, 1970. She found him lying in a wet bed. She realized he was dying and rang the buzzer for help. No one came. After 15 long and desperate minutes, another patient went for the nurse.

Mr. Reeves had been in the nursing home 5 days. He had been moved there from a hospital, against his wife's wishes, when his medicare allotment was gone. Mrs. Reeves described to me in her letter the 5 days before his death:

> The heart medicine he was supposed to be given early in the morning would be lying on his table when I arrived at almost noon. He had not been fed; he was not bathed. He was tied to the bed with blankets to be shaved although he was completely helpless and could not have moved without help.

Mrs. Reeves asked the nurse to call a doctor to attend her dying husband, but the doctor never arrived.

Mrs. Reeves writes:

> I do not know if he was called or if he was too unconcerned to come. No one at the home tried to do anything to help either him or me. It was necessary to have an ambulance drive us twenty miles to a hospital to have him pronounced dead.

Mr. Speaker, the Tennessee regulations are:

First. Restraints to be used only on physician's order. (Broken.)

Second. Medicine to be administered only under direction of a registered or practical nurse. (Broken).

Third. Physician available to nursing home for emergencies. (Broken).

The State of Tennessee requires an attendant call system. So does the Government in its extended care facility regulations. The buzzer was there, but no one to help. Was it possible that, like call-systems in many nursing homes, it was not in working order? Did no one care? It makes us wonder.

Mrs. Frances Hess of Laurens, N.Y., paid $125 per week for nursing home care for her invalid mother, yet the home was understaffed and neglected to clean her mother's false teeth. She developed pyorrhea and could not eat. The staff continued to administer regular doses of insulin.

One morning Mrs. Hess could not awaken her mother. She checked with the nurse in charge.

The nurse said:

> You better not bother her. She has had a bad day.

Mrs. Hess asked why, if it was so bad, the doctor had not been called.

The nurse replied:

> You know your mother is very ill and doesn't have long to live—we can't call the doctor over every little thing.

Mrs. Hess called the doctor herself. He arrived just in time to save her mother from an extreme case of insulin shock; cause: the unadjusted insulin dosage.

Was the nurse in charge here really a nurse or simply a woman in a white uniform?

Even a layman could diagnose insulin shock in a known diabetic.

Symptoms: overexcitement, incoherence, fainting, finally a coma. Why was the nurse not able to recognize these symptoms? More probably through lack of attention than lack of knowledge.

A charge nurse should have "the ability to recognize significant changes in the condition of patients and take necessary action," state the regulations. Yet, in this case, nothing was apparently done.

Why did no physician come? Requirements stipulate that one be available in case of emergency.

The patient's diet was not modified, even though there was a marked change in eating habits. Federal requirements specify that nursing services should be coordinated with dietary services. Yet, no action was taken.

Mrs. Dorothy Holdridge of Swanton, Ohio, placed her mother in a nursing home. She became "more and more fuzzy in mind, not eating, and losing ground," she writes. She found that her mother, like other patients, was being kept under the influence of sedatives and drugs so the help would not be bothered.

> The pay-off was when an uncapped nurse held my mother against her will, wrapping her mean, strong legs around her frail body, stabbing her with a long needle, thus knocking her out. My mother's arm turned black from the shoulder to the finger tips, and this frightened the nurse, so all night long, vinegar was applied to the arm.

Mrs. Holdridge removed her mother from the home. It took 3 months to undo the drug damage.

Mrs. Holdridge does not refer to a physician in her letter. It is doubtful that a doctor would have prescribed sedatives in such a way as to keep not only her mother, but most other patients snowed under. Yet the State of Ohio requires that a physician order medicine.

An uncapped nurse gave the shot. Was she a registered nurse or licensed practical nurse? Or was she an orderly? Maybe the janitress. There is no nursing home regulation in Ohio to insure that medications are given by such qualified personnel.

Drug abuse has become a major problem in nursing homes throughout the country—so much so that a survey last fall indicated that one-seventh of nursing home drug prescriptions are administered wrong.

Both State and Federal regulations are lax in the entire area of pharmaceutical services and daily the patient faces the very real possibility that he or she will be administered the wrong drug. Who cares, Mr. Speaker?

Arthur Schellenkens of Chicago, Ill., lived in four nursing homes before he died. Treatment at each home made his condition worse, not better.

His hearing was impaired at the first nursing home through rough treatment.

The next home took away his clothes at night. There were not enough blankets and Mr. Schellenkens was always cold.

At the third home he became very ill. His stomach began to shrink and finally he could not eat. He was moved again to his fourth home.

The last nursing home gave him no blanket at all, did not wash his clothes and forgot his medicine. Mr. Schellenkens finally met his death under these conditions. He had entered with only a slight heart condition, but when he died he was clutching his stomach.

His daughter writes:

> Yes. They got a lot of money from welfare for suffering and neglect of my father.

Nursing homes often make conditions worse, not better.

A study at the University of Chicago showed that 24 percent of elderly residents died in the first 6 months after entering three nursing homes in the Chicago area as against 10 percent of a control group of a similar age awaiting entrance.

Dr. James D. Coyle, Jr. of Sacramento, Calif., who specialized in treatment of older patients, reported in Medical Economics magazine:

> The first thing to find out is whether a nursing home is designed for negative or positive care.
>
> A negative care home gives only custodial care. No effort is made to improve the patient's condition. Almost no patients go home. They're there to vegetate until death.

I ask, Mr. Speaker, how will our society be judged on how we cared for and treated our aged?

Mrs. Mary Pearson was employed as a dietician in an Arkansas nursing home but found that no matter what posted menus said:

> You just didn't have the food except when someone was coming over.

Patients were usually fed spam and bologna because:

> They didn't know what they were eating anyway.
>
> For nearly two years a tubercular patient washed trays in cold water. Outside the kitchen, a tall, uncovered refuse trailer held excrement from soiled diapers. "Multitudes of flies swarmed about. The trailer was uncovered. It was not removed each day and not washed out."

Patients only received 700 to 800 calories per day, cooked from supplies that included "hatchery reject eggs with maggots in the cases, bacon held so long it was molded black, very poorly home-canned foods."

Mrs. Pearson recalls that when inspectors were in the lobby, the words "coats blue" came over the intercom and the kitchen immediately prepared dinners of frozen pork and chicken.

Laws can be written for posted menus, but can laws be written to make operators serve the food when inspectors are not present?

Dishwashing procedures are described in Federal extended care facility requirements as "well-developed, understood, and carried out in compliance with the State and local health codes."

Do State and local health codes specify cold water?

Mrs. Dorothy Plato, a licensed vocational nurse, worked in a Four Seasons nursing home in Dallas, Tex.

The home was new, elaborately designed and well-landscaped, considered one of the most desirable in the area. The furniture was plush and colorful and the floors—even the hallways—were carpeted.

Visitors saw hot meals served in generous portions. Medicare inspectors saw medicines in order, charts up to the minute, records well-kept. Yet Mrs. Plato found actual conditions somewhat different.

When there were no visitors and no inspectors, food became inadequate in both quality and quantity. Medicine was administered haphazardly and medical care was poor.

Mrs. Plato recalls:

> All of the private pay patients are on a separate hall. They get better service, better food and are treated with the highest regard and esteem.
>
> The patients who are on Medicare and County Welfare are also in a wing to themselves. Their care is of only the barest of necessities and the food is the poorest of all.
>
> Medication for Medicare and welfare patients must be ordered from the Four Seasons Pharmacy and the price is ridiculous. Some of the medications that a private pay patient takes that cost $3.00 will cost the Medicare patient $6.00, simply because the government is paying the bill.

Ambulatory and bed patients received the same diet. A typical meal: one piece of meat and one bite of potato, a piece of thin cornbread, two crackers, and a cup of weak tea. Always cold.

Neither of the two head nurses had previous experience with geriatric patients. The director of nurses did not seem to understand when Mrs. Plato pointed out that an aide was giving oral feedings with "the same asepto syringe that was being used to irrigate the foley catheter."

One nurse was in charge of dispensing medicine to 60 patients. Result: late medications.

When medicare inspectors came, they notified the home far in advance. Normal activities were dropped for all-out efforts to prepare.

Mr. Speaker, who protects the patients?

With medicare inspections reporting far in advance of this inspection there is no need to say "coats blue" over the intercom.

No legislation prevents low ratios of nurses to patients. Nurses in charge do not necessarily need training to geriatric care. Extended care facility requirements can stipulate an "adequacy of diet," but why should there be need of legislation to say the food must be hot? Have booming profits "dehumanized" nursing homes in America?

Such conditions in Government-subsidized facilities should not be tolerated. But as long as notice of inspections is given far in advance, such homes can continue to buy carpet—but not better care.

Mrs. Theressa Gay was allergic to several foods. She entered a nursing home in Palto Alto, Calif., with the assurance that her special diet would be followed.

The home began to serve foods that she could not eat. She asked to see the dietitian but was told the dietitian was not available. She sent a list of foods to the kitchen but there was no change.

When Mrs. Gay complained she was told the list of foods she could not eat was "too long," and that it was too difficult to prepare meals for her. She lost weight and finally contacted the administrator. His only reply: "We have a dietitian."

California State regulations don't require a dietitian.

But they do require therapeutic or modified diets as prescribed by a physician.

Extended care facility requirements state:

> Diets are prepared and served as prescribed by the attending physician.

> Therapeutic diets are planned, prepared and served with supervision or consultation from a qualified dietician.

Where was the dietician? Who is enforcing the regulations? No one.

Who suffers? Again, the patient.

Yes, a jungle of problems and dilemmas seem to preclude the development of better care for our elderly.

The nursing home industry constantly complains of personnel shortages, shortages of beds, shortages of professional skills, registered and licensed practical nurses, therapists and social workers. Low salaries prevail throughout the industry except for those in the ownership structure, and high turn-over rates are the rule rather than the exception. Thus, the nursing homeowners and operators excuse themselves and rationalize the poor standard of care they provide.

The Government, on the other hand, complains of the impossibility of enforcement of high standards—or even the enforcement of weak existing standards—on poorly constructed and negligently operated facilities with poorly qualified and profit oriented operators.

The Government blames the nursing homes. The nursing homes blame the Government. And the patient again is caught in the middle. Lobbying forces of the nursing home industry have purposely kept legislation and enforcement weak at both Federal and State levels and yet our taxpayers are funneling $2 billion annually into the nursing home industry.

Mr. Jordan Braverman quite appropriately entitled his recent study, "Nursing Home Standards—A Tragic Dilemma in American Health." In far too many States the report reveals a grave laxity of protection. Our Federal Government has continued to rely on State jurisdictions to exercise responsibility. State governments, on the other hand, have looked to the Federal Government to set specific guidelines.

Thus, no one is in control. The patient continues to suffer and it is no wonder that many of these institutions are, in fact, "half-way houses between society and the cemetery."

Nursing home regulations vary in character from a comprehensive 143 page book of requirements—Kansas—to a 9 page 6 by 4 inch pamphlet—Rhode Island—that resembles a Girl Scout manual. Mr. Braverman states that—

> It appears that only those services which may be considered very minimal and basic to patient care are required by most jurisdictions.

But everyone is comfortable with the status quo—especially the nursing home industry. Why not? It knows that the demand for other priorities makes Government action in this area weak, impotent and ineffectual. Thus, the nursing home industry continues to resist change and regulations which would benefit the patient.

The nursing home industry today in America and the lobbying groups which become its spokesman in Washington and 50 State capitols, camouflaging itself behind the veil of hypocrisy when they maintain, "We are constantly trying to upgrade our industry."

But as our Government policy has continued to leave control of the nursing homes largely up to the members of that field, one HEW official stated recently:

> The nursing home industry has not yet reached the ethical plane that would support self-regulations.

The Government's own lack of regulation of this growing field of health care leaves little inducement for nursing homes to undertake the voluntary application of innovations that may in some way whittle away some of its bulging profits. I would remind my colleagues that of the 24,000 nursing homes and homes for the aged that 90 percent of them exist today for a profit.

I would point out that only nine States require that the administrator of a nursing home possess a high school diploma. The Federal regulation states that it would be "desirable" for a nursing home administrator to be a high school graduate. This is a typical example of State regulations, which do not recognize the necessity of stronger regulations, and the Federal jurisdiction confusing an objective rulemaking method.

Thus, we see on one hand a profit-oriented industry, with its own interest in play, and on the other, ineffectual and impotent leadership in both standards development and enforcement from our State and Federal governments. Each continues to rationalize its own failures as layers of bureaucracy choke off any immediate hope of improving the situation.

Mr. Speaker, today, Wednesday, June 10, 1970, the patient again has become the victim of commercialization, power politics, and an apathetic bureaucracy as the Department of Health, Education, and Welfare is announcing that all HEW regulations and Federal standards for the intermediate care facility will be rescinded. HEW explains their position in its press release of today by saying it is taking this step "to give the States more flexibility."

Yes, it is almost impossible to believe that the Federal Government is paying more than half the bill for care in these institutions and yet we strip away all regulations on these nursing home operators.

Again, we see that the Department of Health, Education, and Welfare has simply buckled-in to pressure from the nursing home industry.

Again, we see that profit has conquered and care has suffered.

On February 24, I, along with several of my colleagues, introduced House Resolution 850 which would establish a bipartisan select committee of the House of Representatives to fully examine this Nation's overall policies and goals in relation to the care of our elderly citizens in nursing homes and homes for the aged.

This select committee would also be empowered to make recommendations to the Congress after its investigations. I again urge consideration of this legislation.

Mr. Speaker, the nursing home patient cries out today for our help. That cry must not fall on deaf ears.

Mr. HOWARD. Mr. Speaker, will the gentleman yield?

Mr. PRYOR of Arkansas. I shall be glad to yield to my friend from New Jersey.

Mr. HOWARD. Mr. Speaker, I rise today to join the distinguished representative from Arkansas in calling for the creation of a special committee of the House to study nursing homes and homes for the aged.

With the passage of medicare legislation, this area has expanded rapidly with the concomitant expansion of old problems and the creation of many new ones. The Federal Government has become an investor in the nursing home business to the tune of $2 billion per year.

Of course, there are many persons involved in this business who do an outstanding job. However, with this expansion, operation of nursing homes has in every sense become an industry. In some instances, a nursing home is an impersonal business seeking only profits. In others, administrative and bureaucratic boondoggles have deprived the elderly of adequate care or potential benefits. Many nursing homes have now lost any sense of concern for their patients in the quest for the dollar. The gentleman from Arkansas has done a laudable job in cataloging cases of incredible, if not criminal, neglect, and abuse. The plight of our senior citizens in need of nursing home care must not be exploited by those seeking only a fast dollar.

The Senate Special Committee on aging, headed by my good friend, the distinguished junior Senator from New Jersey, HARRISON A. WILLIAMS, has inquired into the problems of our senior citizens. Much remains to be done, however, and the House must be an active participant in the task. The gentleman from Arkansas has shown that "isolated instances" of abuse and neglect have become too frequent to be called "isolated instances" any longer. Our senior citizens must not be relegated to an inferior or subhuman status or placed in unsafe surroundings simply because they are no longer able to be active producers in our society. We have the power today to insure that our senior citizens are not scrapped like used machinery, but rather are accorded the honor and affection and care they have rightfully earned during their productive years.

Currently five committees in the House are concerned with isolated aspects of the problems of the aged. As experience has proved time and time again, a successful effort to study a problem requires coordination and the requisite coordination can be achieved only by the consolidation of functions into one committee.

Mr. Speaker, the gentleman from Arkansas has done an excellent and thorough job in compiling the facts which ought to move this body to create a special committee on nursing homes and homes for the aged. He is to be commented for undertaking this project single-handedly and on his own volition. The horrors he has uncovered cry out for remedy—we can begin that process today by supporting the resolution now pending in the House.

Mr. PRYOR of Arkansas. I thank the gentleman from New Jersey for his contribution and appreciate his generous remarks.

Mr. HECHLER of West Virginia. Mr. Speaker, will the gentleman yield?

Mr. PRYOR of Arkansas. I shall be glad to yield to my friend from West Virginia.

Mr. HECHLER of West Virginia. Mr. Speaker, I would like to add my commendation to the gentleman from Arkansas for the outstanding leadership which he has asserted toward the improvement of nursing homes.

If the gentleman from Arkansas will allow me, I would like to quote from one of the letters from a resident of my own hometown sent to him which I think expresses the feeling of many of those in nursing homes, the feeling of respect and the feeling of applause for what the gentleman from Arkansas is doing.

This letter comes from James W. Price, 2785 Third Avenue, Huntington, W. Va., and reads as follows:

February 26, 1970.

Representative David A. Pryor,
Representative of Arkansas,
Washington, D.C.

Hon. Representative Pryor: Congratulations on your action in behalf of the old people of this country. You are on a vital issue that is so important to all of us now and for sure later. We need more of your forthright kind of action. I hope you can keep on hammering. The abuses you have pointed out are so flagrant it is pathetic. Arkansas should be proud to have a Representative such as you are.

Sincerely yours,

James W. Price.

Mr. Speaker, I would like to second that thought. I think Arkansas and the Nation are proud of the work which the gentleman in the well has done and is doing toward cleaning up the situation in the nursing homes of this Nation.

Mr. PRYOR of Arkansas. Mr. Speaker, I appreciate the generous comments of my friend from West Virginia, someone who has long been interested in the care and concern for the aged of our Nation.

Mr. LUKENS. Mr. Speaker, will the gentleman yield?

Mr. PRYOR of Arkansas. I will be glad to yield to the gentleman from Ohio.

Mr. LUKENS. Mr. Speaker, I thank the gentleman for yielding and wish to offer a bipartisan comment at this point to the distinguished gentleman from the State of Arkansas (Mr. Pryor). I am pleased that he has made the point in this commendable attempt to bring out the serious matter of fatal tragedies in these nursing homes.

The gentleman has seen fit to address himself now to a specific feature in connection with the general matter of nursing homes, and that is the matter of safety standards. I refer particularly to those concerning fire prevention in these nursing homes.

I would state to the gentleman, as I am sure the gentleman knows, that we in the State of Ohio suffered a very great tragedy in January of this year resulting in the loss of several lives because a nursing home did not meet all the Ohio specifications for fire prevention. This home was found to be wanting in making proper plans or preparations for the evacuation of these elderly individuals who could not move quickly.

Also in the matter of flooring materials and drapes in the home, or fireproofing these were proven to be inadequate and, at this, installed legally. Some facilities even further prevented the possibility of people being evacuated safely.

So, Mr. Speaker, again I want to add my commendations to the gentleman for his excellent leadership in bringing these matters before the eyes of the public, and to the attention of this body specifically.

Mr. PRYOR of Arkansas. Mr. Speaker, I deeply appreciate the remarks of my friend, the gentleman from Ohio (Mr. Lukens). We do have serious problems created particularly in the field of fire prevention and control in our nursing homes. We will discuss this subject later on in the coming weeks in more detail, and with documented evidence that we have obtained.

Mr. UDALL. Mr. Speaker, once again the gentleman from Arkansas (Mr. Pryor) has performed a public service by calling to the Members' attention the scandalous conditions existing in this Nation's nursing homes. How much longer can blatant profiteering be tolerated—and to a considerable extent subsidized by the Federal Government—while large numbers of old and infirmed Americans in nursing homes are ill-housed, ill-fed, and poorly tended or ignored by unprofessional help?

I do not want to paint every nursing home in the country with the same brush. There are good ones, some of them in my own congressional district. But the undeniable fact is that the horror stories recounted today by the gentleman from Arkansas are the rule rather than the exception.

Surely, it is past time that the Congress take a look at policies of the Federal Government which have contributed to the dehumanization of the elderly. I hope my colleagues will join me in supporting the proposal to create a select committee of the House to examine existing Federal policy on nursing homes and homes for the aged. That committee could offer the guidance we desperately need.

Mr. WOLFF. Mr. Speaker, there are over 1 million Americans confined to nursing homes in the United States. This, in effect, constitutes 1 million reasons why we cannot sit back any longer and let the disgraceful conditions found in so many nursing homes continue.

The plight of the aged is one which covers much ground. It is also an issue which the Federal Government has only partly tackled. Although Congress has stood up to social security and medicare reforms, Congress has used the silent sufferings of aged invalids as an excuse for not taking action in this area. We have, apparently, permitted our responsibilities to be pushed aside under the maxim "Out of sight is out of mind."

Our distinguished colleague from Arkansas, Mr. David Pryor, is a man of tremendous conscience. He has spent considerable time in nursing homes caring for forgotten patients while studying their problems. The results of his findings where shocking proof of the incredible disgrace, suffering and in some instances death which had been prompted by poor nursing home care.

The exploitation of a few has perpetuated hardship and suffering for many.

The aged, who have contributed so very much to the Nation, find that the Nation has abandoned them once they are no longer able to stand up for their rights.

They have found, in some instances, that their last days often contain more hardship and degradation than the sum total of their life experiences.

In turn, we see that the blatant disregard for Federal law, human dignity and compassion has enabled nursing homes to fester at the expenses of patients, their families and the Government.

After hearing some of the documentary evidence of the deterioration of nursing home facilities, one can only wonder how any child can bring himself to place his ill parent in a nursing home. For even the ones which seem reputable, in some instances, have only been examples of the art of masquerade.

Must each American family with an ill elderly parent remove his parent from nursing homes?

The sins of commission exhibited by many of these homes are not the sole problems of geriatric patient care. There are many cases in which the sins of ommission are just as brutal.

Weak laws and the lack of Federal regulations often set the stage for patient suffering.

There is for example the haphazard monitoring of nursing care homes. Such laxity, it has been shown, enables some homes to stage a temporary adherence to laws and human ethics—virtually a mockery of justice. Moreover, this staged performance is the cruelest of hoaxes. To one day create an atmosphere of warmth, clean facilities, excellent care and concern, and then to turn around and thrust senior citizens back into squalor after a Federal investigation is complete could not be any more brutal. In essence, such behavior is admission that the nursing homes know right from wrong but could care less.

We cannot permit our citizens and the Federal Government to continue to support these tragedy hidden institutions.

We spend over $2 billion each year on the Nation's nursing homes. Much of that money has done little more than to increase the wealth of exploitative, insensitive people. We must stop supporting these ineffectual, outmoded and ill-equipped homes.

We must upgrade standards in nursing homes, and insure that these standards are maintained. We must, moreover, make certain that those who administer these homes and who take care of our elderly patients are educated, compassionate and well equipped to cope with their problems.

And we must do it now.

It is for this reason that I have joined with several of my colleagues in filing legislation which would establish a select committee to study Federal policies with regard to the care of the aged.

In this way, we will have an effective force to investigate and make recommendations for the improvement of nursing homes.

For action in this matter is long overdue.

And if we fail to heed this call to action, whatever else we do for our senior citizens and their families will be as futile and hypocritical as the blot on the Nation's conscience which we call nursing homes.

Mr. PEPPER. Mr. Speaker, you know I am pleased to have this occasion to bring again, attention to the deplorable conditions which exist in some of our Nation's nursing homes and emphasize the fact that such conditions cannot be allowed to continue.

These nursing homes are not providing the type of care to which a person is entitled and for which they pay—often with hard-earned savings and meager retirement benefits. Regulating conditions and raising standards is not enough to assure proper care if there is not enough money to finance this care, especially in view of today's rising costs. If the patient and the elderly are unable to supply this additional money, we must face the alternative of enacting legislation which would authorize more Federal funds which would enable the nursing homes to carry out their functions properly or we must resign ourselves to perpetuating the conditions we are now criticizing.

I am aware this involves a commitment of many millions of dollars. But if we commit ourselves in words we must commit ourselves in deed. These heartbreaking conditions will not disappear through wistful thinking. Untrained aids, ill-equipped kitchens, crowded conditions, inadequate diets and lack of staff can be changed only if we can reequip the facilities and retrain the personnel or if we hire better personnel. All this requires money and we must provide it.

Another area in which the patient and the nursing home need Federal assistance is in custodial care. Long term care is a financial burden most people cannot afford. Too often these people are hospitalized in order to take advantage of medicare benefits or they simply do without any care at all. I will soon offer legislation which would alleviate this problem and which would fill the present gap in meeting our obligations to those citizens who are unable to care for themselves and unable to look out for their own best interests. It is the least we can do.

NATIONAL CATASTROPHIC ILLNESS PROTECTION ACT OF 1970

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 30 minutes.

Mr. HOGAN. Mr. Speaker, I have today introduced a bill (H.R. 18008) on which I have been working for several months and which I consider to be an extremely important piece of legislation.

The legislation, the National Catastrophic Illness Protection Act of 1970, would, if enacted, allow our Nation's families to protect themselves against the scourge of catastrophic illness. The bill would provide the mechanism for such protection in a manner which could involve a very small Federal expenditure.

Catastrophic illness, by definition, would comprise those illnesses which require health-care expenses in excess of what normal basic medical or major medical coverage provides protection for. Once a family finds itself faced with having to pay for health-care costs of an extended nature, they are saddled with a financial burden that is staggering to comprehend.

Imagine, if you will, what it means to finance for years hospital care which will run between $80 and $100 a day after your routine insurance has been exhausted. For middle-income Americans who earn too much to receive welfare and who are not rich enough to even begin to meet such obligations, the result of catastrophic illness is instant poverty. The family is driven to its knees.

Such a family, which has probably already watched one of its members incapacitated and perhaps destroyed medically, also finds that its financial stability has disintegrated. Usually, private hospitals cannot afford to provide care after the family can no longer afford to pay for the hospital's services. This means that the afflicted member of the family must be transferred to whatever public facility exists to treat patients under such circumstances. Unfortunately, these public institutions are often understaffed, underequipped, and horribly overcrowded. All too often they become depositories where families must leave their children or other loved ones, because the doors of all other possible assistance have been slammed in their faces.

Catastrophic illness does not refer to a specific or rare disease. It is any disorder—from the exotic calamity to the common coronary. It is the fall from a step ladder in a home, a highway accident, or even the untimely sting of a bee, which cost one family over $57,000. It is anything that happens to any of us that causes medical expense in excess of what the actuaries tell us we should expect. Virtually every family becomes medically destitute when that point is reached. Fortunately, only a small portion of medical cases are of such magnitude. But for the thousands of families who, through no fault of their own, find themselves pummeled into such an abyss, there is—currently—no hope.

While catastrophic illness is nondiscriminating in whom it attacks, when it attacks and where it attacks, it seems that a tragically high number of these cases involve children. When a child is the victim, the parents are often young marrieds who find themselves depriving their healthy children of a wholesome family life in order to finance the health care of a sick child. Often, the havoc is so great that the young couples must watch their dreams go down the drain as all present and future planning is marshaled toward the single goal of finding the money to pay for their ill child's care. While nearly all of the pediatric diseases that are catastrophic are individually rare, in the aggregate they afflict more families than most of us would imagine. The list of obscure diseases such as Tay-Sachs disease, Niemann-Pick disease, Gaucher's disease, Fabrey's disease, metachromatic-leukodystrophy, leukemia, muscular dystrophy, myasthenia gravis, and the scores and scores of other maladies that destroy our people at enormous emotional and financial cost to their families appears endless.

Obviously, when catastrophic illness strikes the head of a household—the breadwinner—the disaster is compounded.

We are too great a nation to stand idly by—leaving our families that are victimized by catastrophic illness to their own devices. They have no devices. They are alone.

The legislation which I am proposing will go a long way toward mitigating against the problems of catastrophic illness because it will stimulate our insurance industry to provide coverage that will allow any family to protect itself fully against the costs of catastrophic illness. The legislation would foster the creation of catastrophic illness—or extended care—insurance pools similar to those that have been successful in making flood insurance and riot insurance feasible.

Because all participating insurance companies would be required to promote the plan aggressively, and because we would be dealing, statistically, with a small minority of all claims, the cost per policy should be low. As more people buy this new protection as part of their health care program, thereby spreading the risk, the cost should drop even more. The Federal role would be limited to reinsuring against losses in those instances where insurance companies paid out more in benefits than they took in in premiums. As the insurance industry gained experience under the plan they would be able to sharpen their actuarial planning so that such losses should be limited, if they occur at all.

We have taken careful steps to preserve the State role in insurance administration and to allow the Secretary of Health, Education, and Welfare to participate in the actuarial review of the policy rate structure in order to assure that the rates charged for those new policies are fair to all parties concerned.

Perhaps the most attractive feature of this legislation is that it would be free of all of the constraints that are plaguing existing federally funded health care programs. We would not be overburdening an already overburdened social security system in order to finance the plan. Families whose choose not to participate in the program would not be required to do so. However, on the other hand, families desiring to secure this protection would be assured of an opportunity to do so.

Under my program a deductible formula would be used to stimulate each family to provide basic health care protection. It would only be when this deductible level had been exceeded that the catastrophic insurance protection plan would be utilized. Under our formula, a family with an adjusted gross income of $10,000 would have to either pay the first $8,500 of medical expense or have provided themselves with $8,500 worth of basic insurance protection to offset the deductible requirement. Coverage from existing basic health and major medical plans would generally be sufficient to satisfy this deductible amount. However, if a family with an adjusted gross income of $10,000 incurred expenses during the period of a year that exceeded $8,500, our catastrophic or extended care program would be available to see the family through the period of financial burden when they would ordinarily be left on their own without help.

Again, because relatively few families would experience medical costs of this magnitude in a single year, the costs for this insurance should be quite reasonable—especially as more and more of our citizens availed themselves of its protection.

In developing this legislation I have met with many individuals uniquely experienced in the problems of catastrophic illness. I have discussed this proposal at great length with members of the medical community and have consulted leading members of the insurance community. More important, I have met with families that have been victimized by catastrophic illness. I have studied their plight in great detail. I know that it is wrong that these families are, in effect, abandoned—almost as a small boat adrift in stormy water.

I know that we can do something to help them and we do not have to spend ourselves into Federal bankruptcy to do it. All we need do is utilize a concept that has been tested successfully in other analogous areas.

I know someone who has watched a rare, truly catastrophic illness, strike and ravage a son—my good friend and former partner, Harold Gershowitz. He, incidentally, suggested the idea for this legislation. In watching his young son slowly die he has chronicled many of his thoughts during this experience in a book of verse. One of his entries seems particularly appropriate to the business before us.

Harold Gershowitz observed that we all seem too busy with the tumultuous pace of day-to-day living to take the time to reflect about those whom life is passing by.

Let me share with you his poem entitled "Beautiful Children":

Everyone seems busy
Shopping, working, driving, dating—
While beautiful children lie patiently waiting.

Highways are paved, homes are built
And life keeps rushing ahead—
While beautiful children
Live out their lives having never left their bed.

The seasons come and the seasons go
And we hope for the good times they bring—
While beautiful children
  Wait . . . having never known the Fall
And having never seen the Spring.

Our cities are filled with streets and playgrounds
Where boys and girls run and shout,
But there are also institutions filled
With beautiful children
Who have no idea what life is about.

Life can be hectic and full of petty problems
With which we seem too busy to cope,
But there are all these beautiful children
And we busy people are their only hope.

There are indeed, all these beautiful children, and there are their families—the teenagers, the adults, and the senior citizens some of whom are victims—and all of whom are candidates for catastrophic illness.

Indeed, we busy people here in this Chamber are their only hope.

I urge my colleagues to support the national catastrophic illness protection bill.

I include the text of the bill and a summary of the provisions, as follows:

H.R. 18008

A bill to establish a national catastrophic illness insurance program under which the Federal Government, acting in cooperation with State insurance authorities and the private insurance industry, will reinsure and otherwise encourage the issuance of private health insurance policies which make adequate health protection available to all Americans at reasonable cost

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—GENERAL PROVISIONS

SHORT TITLE

SECTION 101. This Act may be cited as the "National Catastrophic Illness Protection Act of 1970".

FINDINGS AND PURPOSE

SEC. 102. (a) The Congress finds and declares that, despite the great advances in health insurance programs which have been made within both the public and private sectors of the economy, many individuals are still unable to secure adequate health insurance protection or to secure such protection at rates which they can afford. The Congress further finds that few of our citizens are protected from catastrophic illness and that provisions are generally lacking which would allow for such protection in the future.

(b) It is therefore the policy of the Congress and the purpose of this Act to establish a National Catastrophic Illness Insurance Program under which the Federal Government, with the cooperation of the States and their insurance authorities and with the active participation of the private insurance industry, will encourage the issuance of private policies which offer adequate health insurance protection on such terms and conditions as will guarantee that such protection is available to all Americans including those who cannot afford it under existing programs and policies, and will reinsure such policies on terms and conditions calculated to provide the maximum encouragement to insurance companies to participate in the program either individually or through insurance pools established for the purpose.

DEFINITIONS

SEC. 103. When used in this Act (unless the context otherwise requires)—

(1) the term "extended health insurance" means insurance against all costs paid or incurred for medical care (as defined in section 213(e) of the Internal Revenue Code of 1954 and the regulations issued thereunder);

(2) the term "costs of medical care" includes, with respect to any individual, all of the expenses of medical care (as so defined), incurred by or on behalf of persons covered by such individual's extended health insurance policy, which are deductible by such individual under section 213 of the Internal Revenue Code of 1954 (or would be deductible by such individual under section 213 of such Code but for the percentage limitations contained in such section) for the taxable year in which such expenses are paid or incurred;

(3) the term "insurer" includes any insurance company, or group of insurance companies under common ownership, which is authorized to engage in the insurance business under the laws of any State;

(4) the term "pool" means any pool or association of insurance companies in any State which is formed, associated, or otherwise utilized for the purpose of making extended health insurance more readily available;

(5) the term "person" includes any individual or group of individuals, corporation, partnership, association, or other organized group of persons;

(6) the term "reinsured losses" means losses on reinsurance claims under this Act and all direct expenses incurred in connection therewith, including, but not limited to, expenses for processing, verifying, and paying such losses;

(7) the term "Secretary" means the Secretary of Health, Education, and Welfare;

(8) the term "State" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa; and

(9) the term "year" means a calendar year, fiscal year of a company, or other period of twelve months designated by the Secretary.

TITLE II—ESTABLISHMENT OF PROGRAM; STATE PLANS

PROGRAM AUTHORIZATION

SEC. 201. The Secretary is authorized to establish and carry out a National Catastrophic Illness Insurance Program as provided for in this Act.

STATE CATASTROPHIC ILLINESS INSURANCE PLANS

SEC. 202. (a) The National Catastrophic Illness Insurance Program shall be designed to carry out the purpose of this Act through the establishment of statewide plans providing extended health insurance and the reinsurance by the Federal Government of the insurers and pools of insurers who offer extended health insurance under such plans.

(b) Each insurer which is reinsured under this Act (or which is a member of a pool reinsured under this Act) shall cooperate with the State insurance authority in each State in which it is to acquire such reinsurance in establishing and carrying out the plan of such State described in subsection (a).

(c) Each statewide plan described in subsection (a) must be approved by, and administered under the supervision of, the State insurance authority, or be authorized or required by State laws, and shall be designed to make extended health insurance more readily available to all individuals in the State and particularly to those who would be unable to secure adequate and complete health insurance protection at reasonable rates without coverage by extended health insurance policies meeting the requirements of this Act which are issued and made available under such plan. Such plans may vary in detail from State to State because of local conditions, but all plans shall contain provisions that—

(1) extended health insurance issued by insurers under the plan will be available to all eligible individuals (as defined in section 203) at reasonable premiums (as determined under section 204), subject only to a deductible or deductibles meeting the requirements of section 205;

(2) if any insurer declines to write a policy of extended health insurance covering one or more eligible individuals making application therefor in accordance with this Act, or agrees to write the policy only at surcharged rates or subject to specified conditions, such insurer will promptly notify both the applicant and the State insurance authority, which shall take such action as may be necessary or appropriate to provide for the issuance of the policy by a pool or by otherwise allocating the risk to be insured to two or more insurers (acting through the all-industry placement facility described in section 206 or otherwise);

(3) all extended health insurance policies for which application is made by eligible individuals under the plan will be promptly written after such application and the payment of initial premium and will be separately coded so that appropriate records may be compiled for purposes of performing loss prevention and other studies of the operation of the plan;

(4) such reports as the Secretary shall by regulation prescribe will be submitted to the State insurance authority and to the Secretary setting forth information, by individual insurers, including the number of risks insured under the plan and such other information as the State insurance authority or the Secretary may request;

(5) notice will be given to the policyholder a reasonable time prior to the cancellation or nonrenewable by an insurer of any policy written under the plan (except in case of nonpayment of premium), in order to allow ample time for an application for new coverage to be made and a new policy to be written under the plan; and

(6) a continuing public education program will be undertaken by the participating insurers, agents, and brokers to assure that the plan receives adequate public attention.

(d) Each plan shall in addition contain such terms, conditions, requirements, and other provisions as the Secretary shall determine to be necessary or appropriate to carry out the purpose of this Act.

ELIGIBLE INDIVIDUALS

Sec. 203. For the purpose of this Act, and for the purposes of any State plan submitted under section 202 and the insurance policies issued thereunder, an individual shall be an eligible individual if (1) he resides in the State submitting such plan, and makes application for extended health insurance coverage under such a policy in such manner and form as the State insurance authority (in accordance with regulations of the Secretary) shall direct, or (2) he is not an eligible individual under clause (1) but is a member of the household of a person who is an eligible individual under clause (1), and is such person's spouse, child, grandchild, parent, or grandparent.

PREMIUMS

Sec. 204. (a) the Secretary is authorized to undertake and carry out such studies and investigations and receive or exchange such information as may be necessary to estimate—

(1) the premium rates for extended health insurance which, based on consideration of the risks involved and accepted actuarial principles, would be required in order to make such insurance available on an actuarial basis, and

(2) the rates, if less than the rates established under paragraph (1), which would be reasonable, would encourage prospective insureds to purchase extended health insurance, and would be consistent with the purpose of this Act.

(b) On the basis of estimates made under subsection (a) and such information as may be necessary, the Secretary shall from time to time prescribe by regulation the premium rates which may be charged for extended health insurance under policies issued by insurers under State plans approved under section 202. Such rates may vary according to the number of individuals in the insured individual's family who are covered by the policy, and on the basis of such other factors as the Secretary may find to justify rate differences (whether based on differences in the risks involved in the coverage or otherwise). Losses sustained by insurers and pools charging premium rates prescribed under this subsection which are lower than the corresponding estimated risk premiums determined under subsection (a)(1) shall be compensated for by premium equalization payments made as provided in section 504.

(c) Premium rates prescribed under subsection (b) shall, insofar as practicable, be—

(1) based on a consideration of the risks involved in the coverage, including differences in risks due to family size or composition;

(2) adequate, on the basis of accepted actuarial principles, to provide reserves for anticipated losses, or if less than an amount adequate to provide such reserves, consistent with the objective of making extended health insurance coverage available so as to encourage prospective insureds to purchase such insurance and with the purpose of this Act; and

(3) stated so as to reflect the basis for such rates, including the differences (if any) between the estimated risk premium rates determined under subsection (a)(1), the estimated rates determined under subsection (a)(2), and the rates actually prescribed under subsection (b).

DEDUCTIBLES

Sec. 205. (a) The total amount payable to or with respect to any eligible individual on account of costs of medical care paid or incurred in any year under an extended health insurance policy issued by an insurer or pool under a State plan approved under section 202 may be reduced by a deductible equal to so much of such costs, actually paid or incurred by such individual, as does not exceed the amount determined under subsection (b).

(b) The deductible for any individual or family for purposes of subsection (a), with respect to costs of medical care paid or incurred in any year, shall be—

(1) 50 percent of the amount by which the adjusted income of such individual or family for such year exceeds $1,000 but does not exceed $2,000, plus

(2) 100 percent of the amount by which the adjusted income of such individual or family for such year exceeds $2,000.

No deductible may be imposed in the case of an individual or family whose adjusted income does not exceed $1,000.

(c) Notwithstanding any other provision of law, the deductible applicable with respect to any individual or family for any year under this section shall be reduced by the amount of any payments made toward the costs of medical care of such individual or the members of such family under title XVIII or XIX of the Social Security Act or under any other public or private health insurance policy covering such medical care.

(d) As used in this section with respect to any individual or family for any year, the term "adjusted income" means the gross income of such individual or family for purposes of chapter 1 of the Internal Revenue Code of 1954, reduced by the aggregate amount of the personal exemptions allowed such individual or the members of such family for such year under section 151 of such Code.

(e) For purposes of subsections (a) and (b), if an individual pays or incurs costs of medical care in any year with respect to a specific illness or injury which began in a previous year and continued without interruption until the time such costs are so paid or incurred, such costs shall be considered to have been paid or incurred in such previous year.

ALL-INDUSTRY PLACEMENT FACILITY

Sec. 206. Any plan under this title shall include an all-industry placement facility doing business with every insurer participating in the plan in the State, and shall provide that this facility shall perform certain functions including, but not limited to, the following:

(1) seeking, upon request, to distribute the risks involved in the issuance of any extended health insurance policy or class of policies equitable among the insurers with which it is doing business; and

(2) seeking to place insurance up to the full insurable value of the risk to be insured with one or more insurers with which it is doing business, except to the extent that deductibles, percentage participation clauses, and other underwriting devices are employed to meet special problems of insurability.

INDUSTRY COOPERATION

Sec. 207. (a) Each insurer seeking reinsurance under this Act shall file a statement with the State insurance authority in each State in which it is participating in a plan under this title, pledging its full participation and cooperation in carrying out the plan, and shall file a copy of such statement with the Secretary.

(b) No insurer acquiring reinsurance under this Act shall direct any agent or broker or other producer not to solicit business through such a plan, nor shall any agent, broker, or other producer be penalized by such insurer in any way for submitting applications for insurance to an insurer under the plan.

PLAN EVALUATION

Sec. 208. (a) In accordance with such rules and regulations as the Secretary may prescribe, each State insurance authority shall—

(1) transmit to the Secretary any proposed or adopted plan, or amendments thereto; and

(2) advise the Secretary, from time to time, concerning the operation of the plan, its effectiveness in providing extended health insurance, and the need to form a pool of insurers or adopt other programs to make extended health insurance more readily available in the State.

(b) The Secretary may by rules and regulations modify the plan criteria set forth under this title, if he finds, on the basis of experience, that such action is necessary or desirable to carry out the purpose of this Act. The Secretary may also, with respect to any State, waive compliance with one or more of the plan criteria, upon certification by the State insurance authority that compliance is unnecessary or inadvisable under local conditions or State law.

TITLE III—REINSURANCE COVERAGE

REINSURANCE OF LOSSES UNDER EXTENDED HEALTH INSURANCE POLICIES

Sec. 301. (a)(1) The Secretary is authorized to offer to any insurer or pool, subject to the conditions set forth in section 303, reinsurance against losses under extended health insurance policies under the plan or plans of any one or more States.

(2) Reinsurance shall be offered to any such insurer or pool only on all extended health insurance written by it or by its members.

(b) Reinsurance coverage under this section may be provided immediately following the enactment of this Act to any insurer or pool in any State on a temporary basis, and on such terms and conditions as may be agreed upon, and coverage under such terms and conditions may be bound with respect to any such insurer or pool by means of a written binder which shall remain in force not more than ninety days and shall expire at the earlier of either—

(1) the termination of such ninety-day period, or

(2) the effective date of any governing contract, agreement, treaty, or other arrangement entered into between the insurer or pool and the Secretary under section 302 for the purpose of providing reinsurance coverage against losses under extended health insurance policies.

(c) No reinsurance shall be offered to any insurer or pool in a State after the expiration of the written binder entered into under subsection (b), unless there is in effect in such State a plan as set forth under title II and the insurer or pool is participating in such plan, and unless, in the case of an insurer in a State where a pool has been established pursuant to State law, the insurer is participating in such a pool.

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REINSURANCE AGREEMENTS AND PREMIUMS

SEC. 302. (a) During the first year following the date of the enactment of this Act, the Secretary is authorized to enter into any contract, agreement, treaty, or other arrangement with any insurer or pool for reinsurance coverage, in consideration of payment of such premiums, fees, or other charges by insurers or pools as the Secretary deems to be adequate to obtain aggregate reinsurance premiums for deposit in the National Catastrophic Illness Insurance Fund established under section 503 in excess of the estimated amount of losses under extended health insurance policies during such first year, and thereafter the Secretary may increase or decrease such premiums for reinsurance if it is found that such action is necessary or appropriate to carry out the purpose of this Act.

(b) Reinsurance offered under this Act shall reimburse an insurer or pool for its total proved and approved claims for covered losses under extended health insurance policies during the term of the reinsurance contract, agreement, treaty, or other arrangement, over and above the amount of the insurer's or pool's retention of such losses as provided in such reinsurance contract, agreement, treaty, or other arrangement entered into under this section.

(c) Such contracts, agreements, treaties, or other arrangements may be made without regard to section 3679(a) of the Revised Statutes of the United States (31 U.S.C. 665 (a)), and shall include any terms and conditions which the Secretary deems necessary to carry out the purpose of this Act. The premium rates, terms, and conditions of such contracts with insurers or pools, throughout the country, in any one year shall be uniform.

(d) Any contract, agreement, treaty, or other arrangement for reinsurance under this section shall be for a term expiring on April 30, 1971, and on April 30 each year thereafter, and shall be entered into within ninety days after the date of the enactment of this Act or within ninety days prior to April 30 each year thereafter, or within ninety days after an insurer is authorized to write insurance eligible for reinsurance in a State which it was not authorized to write in the preceding year.

CONDITIONS OF REINSURANCE

SEC. 303. (a) Subject to the provisions of subsection (b), reinsurance shall not be offered by the Secretary in a State or be applicable to insurance policies written in that State by an insurer—

(1) after one year following the date of the enactment of this Act, or, if the appropriate State legislative body has not met in regular session during that year, by the close of its next regular session, in any State which has not adopted appropriate legislation, retroactive to the date of the enactment of this Act, under which the State, its political subdivisions, or a governmental corporation or fund established pursuant to State law, will reimburse the Secretary, in an amount up to 5 per centum of the aggregate extended health insurance premiums earned in that State during the preceding calendar year on insurance reinsured by the Secretary in that State during the current year, such that the Secretary may be reimbursed for amounts paid by him in respect to reinsured losses that occurred in that State during a calendar year in excess of (A) reinsurance premiums received in that State during the same calendar year plus (B) the excess of (i) the total premiums received by the Secretary for reinsurance in that State during a preceding period measured from the end of the most recent calendar year with respect to which the Secretary was reimbursed for losses under this Act over (ii) any amounts paid by the Secretary for reinsured losses that occurred during this same period;

(2) after thirty days following notification to the insurer that the Secretary finds (after consultation with the State insurance authority) that there has not been adopted by the State, or the extended health insurance industry in that State, a suitable program or programs, in addition to plans under title II, to make extended health insurance available, and that such action is necessary to carry out the purpose of this Act; except that this paragraph shall not become effective until two years after the date of the enactment of this Act, or at such earlier date as the Secretary, after consultation with the State insurance authority, may determine;

(3) after thiry days following notification to the insurer that the Secretary, or the State insurance authority, finds that such insurer is not fully participating—

(A) in the plan in the State;

(B) where it exists, in a pool; and

(C) where it exists, in any other program found by the Secretary to aid in making extended health insurance more readily available in the State:

Provided, That the Secretary shall not make any such finding with respect to any insurer unless (i) prior to making such finding the Secretary has requested and considered the views of the State insurance authority as to whether such finding should be made, or (ii) the Secretary has made such a request in writing to the State insurance authority and such authority has failed to respond thereto within a reasonable period of time after receiving such request;

(4) following a merger, acquisition, consolidation, or reorganization involving one or more insurers having extended health insurance in the State reinsured under this Act and one or more insurers with or without such reinsurance, unless the surviving company—

(A) meets the criteria of eligibility for reinsurance, other than as provided under section 302(d); and

(B) within ten days pays any reinsurance premiums due; or

(5) upon receipt of notice from the insurer or pool that it desires to cancel its reinsurance agreement with the Secretary in the State.

(b) Notwithstanding the foregoing provisions of this section, reinsurance may be continued for the term of the policies written prior to the date of termination or nonrenewal of reinsurance under this section, for as long as the insurer pays reinsurance premiums annually in such amounts as are determined under section 302, based on the annual premiums earned on such reinsured policies, and for the purpose of this subsection, the renewal, extension, modification, or other change in a policy, for which any additional premium is charged, shall be deemed to be a policy written on the date such change was made.

RECOVERY OF PREMIUMS; STATUTE OF LIMITATIONS

SEC. 304. (a) The Secretary, in a suit brought in the appropriate United States district court, shall be entitled to recover from any insurer the amount of any unpaid premiums lawfully payable by such insurer to the Secretary.

(b) No action or proceeding shall be brought for the recovery of any premium due to the Secretary for reinsurance, or for the recovery of any premium paid to the Secretary in excess of the amount due to him, unless such action or proceeding shall have been brought within five years after the right accrued for which the claim is made, except that, where the insurer has made or filed with the Secretary a false or fraudulent annual statement, or other document with the intent to evade, in whole or in part, the payment of premiums, the claim shall not be deemed to have accrued until its discovery by the Secretary.

TITLE IV—GOVERNMENT PROGRAM WITH INDUSTRY ASSISTANCE

FEDERAL OPERATION OF THE PROGRAM IN NON-COOPERATING STATES

SEC. 401. (a) If at any time, after consultation with representatives of the insurance industry, the Secretary determines that operation of the National Catastrophic Illness Insurance Program as provided in the preceding provisions of this Act cannot be carried out in any State, or that such operation in any State, in itself, would be assisted materially by the Federal Government's assumption, in whole or in part, of the operational responsibility for extended health insurance under this Act (on a temporary or other basis), he shall promptly undertake any necessary arrangements to carry out such Program in that State through the facilities of the Federal Government, utilizing, for purposes of providing extended health insurance coverage, either—

(1) insurance companies and other insurers, insurance agents and brokers, and insurance adjustment organizations, as fiscal agents of the United States,

(2) officers and employees of the Department of Health, Education, and Welfare, and such other officers and employees of any executive agency (as defined in section 105 of title 5 of the United States Code) as the Secretary and the head of any such agency may from time to time, agree upon, on a reimbursement or other basis, or

(3) both the alternatives specified in paragraphs (1) and (2).

(b) Upon making the determination referred to in subsection (a), with respect to any State, and at least thirty days prior to implementing the National Catastrophic Illness Insurance Program in such State through the facilities of the Federal Government, the Secretary shall make a report to the Congress and such report shall—

(1) state the reasons for such determination,

(2) be supported by pertinent findings,

(3) indicate the extent to which it is anticipated that the insurance industry will be utilized in providing extended health insurance coverage under the Program, and

(4) contain such recommendations as the Secretary deems advisable.

ADJUSTMENT AND PAYMENT OF CLAIMS

SEC. 402. In the event the Program is carried out as provided in section 401, the Secretary shall be authorized to adjust and make payment of any claims for proved and approved losses covered by extended health insurance, and upon the disallowance by the Secretary of any such claim, or upon the refusal of the claimant to accept the amount allowed upon any such claim, the claimant shall have the right of judicial review as provided by section 501(b).

TITLE V—PROVISIONS OF GENERAL APPLICABILITY

CLAIMS AND JUDICIAL REVIEW

SEC. 501. (a) All reinsurance claims for losses under this Act shall be submitted by insurers in accordance with such terms and conditions as may be established by the Secretary.

(b) (1) Upon disallowance of any claim under color of reinsurance made available under this Act or any claim against the Secretary under section 402, or upon refusal of the claimant to accept the amount allowed upon any such claim, the claimant may institute an action against the Secretary on such claim in the United States district court for the district in which the insurer's principal office is located or the insured individual resides (or resided).

(2) Any such action must be begun within one year after the date upon which the claimant received written notice of disallowance or partial disallowance of the claim, and exclusive jurisdiction is hereby conferred upon United States district courts to hear and determine such actions without regard to the amount in controversy.

FISCAL INTERMEDIARIES AND SERVICING AGENTS

SEC. 502. (a) In order to provide for maximum efficiency in the administration of the reinsurance program under this Act, and in order to facilitate the expeditious payment of any funds under such programs, the Secretary may enter into contracts with any insurer, pool, or other person, for the purpose of providing for the performance of any or all of the following functions:

(1) estimating or determining any amounts of payments for reinsurance claims;

(2) receiving and disbursing and accounting for funds in making payments for reinsurance claims;

(3) auditing the records of any insurer, pool, or other person to the extent necessary to assure that proper payments are made;

(4) establishing the basis of liability for reinsurance payments, including the total amount of proved and approved claims which may be payable to any insurer, and the total amount of premiums earned by any insurer in the respective States for reinsured extended health insurance; and

(5) otherwise assisting in any manner provided in the contract to further the purpose of this Act.

(b) (1) Any such contract may require the insurer, pool, or other person, or any of its officers or employees certifying payments or disbursing funds pursuant to the contract, or otherwise participating in carrying out the contract, to give surety bond to the United States in such amounts as the Secretary may deem appropriate.

(2) In the absence of gross negligence or intent to defraud the United States—

(A) no individual designated pursuant to a contract under this section to certify payments shall be liable with respect to any payment certified by him under this section; and

(B) no officer of the United States disbursing funds shall be liable with respect to any otherwise proper payment by him if it was based on a voucher signed by an individual designated pursuant to a contract under this section to certify payments.

NATIONAL CATASTROPHIC ILLNESS INSURANCE FUND

SEC. 503. (a) To carry out the program authorized under this Act, the Secretary is authorized to establish a National catastrophic Illness Insurance Fund (hereinafter called the "fund") which shall be available, without fiscal year limitations—

(1) to make such payments as may, from time to time, be required under reinsurance contracts under this Act;

(2) to make preminum equalization payments as provided in section 504; and

(3) to pay such administrative expenses as may be necessary or appropriate to carry out the purpose of this Act.

(b) The fund shall be credited with—

(1) reinsurance premiums, fees, and other charges which may be paid or collected in connection with reinsurance provided under title III;

(2) interest which may be earned on investments of the fund;

(3) such amounts as may be advanced to the fund from appropriations in order to maintain the fund in an operative condition adequate to meet its liabilities; and

(4) receipts from any other source which may, from time to time, be credited to the fund.

(c) If, after any amounts which may have been advanced to the fund from appropriations have been credited to the appropriation from which advanced, the Secretary determines that the moneys of the fund are in excess of current needs, he may request the investment of such amounts as he deems advisable by the Secretary of the Treasury in obligations issued or guaranteed by the United States.

(d) An annual business-type budget for the fund shall be prepared, transmitted to the Congress, considered, and enacted in the manner prescribed by law (sections 102, 103, and 104 of the Government Corporation Control Act (31 U.S.C. 847–849)) for wholly-owned Government corporations.

PREMIUM EQUALIZATION PAYMENTS

SEC. 504. (a) The Secretary, on such terms and conditions as he may from time to time prescribe, shall make periodic payments to insurers and pools in recognition of such reductions in premium rates under section 204(b) below estimated risk premium rates under section 204(a)(1) as are required in order to make extended health insurance available on reasonable terms and conditions.

(b) Designated periods under this section and the methods for determining the sums of premiums paid or payable during such periods shall be established by the Secretary.

RECORDS, ANNUAL STATEMENT, AND AUDITS

SEC. 505. (a) Any insurer or pool acquiring reinsurance under this Act shall furnish the Secretary with such summaries and analyses of information in its records as may be necessary to carry out the purpose of this Act, in such form as the Secretary, in cooperation with the State insurance authority, shall, by rules and regulations, prescribe. The Secretary shall make use of State insurance authority examination reports and facilities to the maximum extent feasible.

(b) Any insurer or pool acquiring reinsurance under this title shall file with the Secretary a true and correct copy of any annual statement, or amendment thereof, filed with the State insurance authority of its domiciliary State, at the time it files such statement or amendment with such State insurance authority.

(c) Any insurer or other person executing any contract, agreement, or other appropriate arrangement with the Secretary under section 302 or section 502 shall keep reasonable records which fully disclose the total costs of the programs undertaken or the services being rendered, and such other records as will facilitate an effective audit of liability for reinsurance payments by the Secretary.

(d) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of investigation, audit, and examination to any books, documents, papers, and records of any insurer or other person that are pertinent to the costs of any program undertaken for, or services rendered to, the Secretary. Such audits shall be conducted to the maximum extent feasible in cooperation with the State insurance authorities and through the use of their examining facilities.

GENERAL POWERS

SEC. 506. In the performance of, and with respect to, the functions, powers, and duties vested in him by this Act, the Secretary shall (in addition to any authority otherwise vested in him) have the same functions, powers, and duties (including the authority to issue rules and regulations) as those vested in the Secretary of Housing and Urban Development under section 402, except subsections (c)(2), (d), and (f), of the Housing Act of 1950. Any rules or regulations of the Secretary shall only be issued after notice and hearing, if granted, as required by the Administrative Procedure Act.

SERVICES AND FACILITIES OF OTHER AGENCIES—UTILIZATION OF PERSONNEL, SERVICES, FACILITIES, AND INFORMATION

SEC. 507. The Secretary may, with the consent of the agency concerned, accept and utilize, on a reimbursable basis, the officers, employees, services, facilities, and information of any agency of the Federal Government, except that any such agency having custody of any data relating to any of the matters within the jurisdiction of the Secretary shall, to the extent permitted by law, upon request of the Secretary, make such data available to the Secretary.

ADVANCE PAYMENTS

SEC. 508. Any payments which are made under the authority of this Act may be made, after necessary adjustments on account of previously made underpayments or overpayments in advance or by way of reimbursement. Payments may be made in such installments and on such conditions as the Secretary may determine.

TAXATION

SEC. 509. The National Catastrophic Illness Insurance Fund, including its reserves, surplus, and income, shall be exempt from all taxation now or hereafter imposed by the United States, or by any State, or any subdivision thereof, except that any real property acquired by the Secretary as a result of reinsurance shall be subject to taxation by any State or political subdivision thereof, to the same extent, according to its value, as other real property is taxed.

APPROPRIATIONS

SEC. 510. There are hereby authorized to be appropriated such sums as may be necessary to carry out this Act.

NATIONAL CATASTROPHIC ILLNESS PROTECTION ACT OF 1970

(Introduced by Representative LAWRENCE J. HOGAN (Republican of Maryland) June 10, 1970)

PURPOSE AND ORGANIZATION OF LEGISLATION

The proposed National Catastrophic Illness Protection Act of 1970 is designed to encourage private health insurers, with the assistance of the Federal Government, to provide adequate health insurance protection for persons who cannot otherwise afford such protection, or whose medical and health expenses are such that extended health insurance protection is not available. According to the findings outlined by Congress in the proposal, "many individuals are still unable to secure adequate health insurance protection or to secure such protection at rates which they can afford" and "few of our citizens are protected" from the costs of "catastrophic illness."

To deal with these problems, the bill would create a Federal health reinsurance program designed to encourage the development by the private insurance industry of policies which would afford individuals extended protection. Working with the industry, the Government would reinsure policies on terms and conditions calculated to provide maximum encouragement to insurance companies to participate in the program, either individually or through pools established for the purpose.

The legislation contains five titles designed to meet the program's objectives. Title I contains general provisions relating to the program, including the statement of Congressional findings and a section setting forth the definitions used in the proposal. Title II establishes the National Catastrophic Insurance Program by means of State-wide plans providing extended health insurance coverage through a program by which the Federal Government reinsures losses of insurers or pools of insurers offering extended health insurance policies. Title III contains the Federal reinsurance mechanism for protecting insurers against losses incurred by plans provided under title II of the bill. Title IV of the legislation establishes a separate reinsurance program to operate in those States where a State-wide plan is not developed in accordance with title II of the bill. Title V of the proposal contains general provisions relating to claims and judicial review procedures and Federal financial obligations in connection with the reinsurance programs established under titles II and IV of the bill.

SECTION-BY-SECTION ANALYSIS

Title I—General Provisions

Section 101—*Short Title*. Provides that the legislation may be known as the "National Catastrophic Illness Protection Act of 1970."

Section 102—*Findings and Purpose*. Sets forth the findings of the Congress that there are still many individuals who cannot secure or cannot afford adequate health insurance protection and that very little insurance protection is available to help meet the costs of catastrophic illness or disease. Establishes as the policy of Congress the need for a National Catastrophic Illness Insurance program to encourage States and private insurers in the development of policies which will meet the problems set forth in the statement of findings.

Section 103—*Definitions*. Defines certain terms used in the Act, such as "extended health insurance," "costs of medical care," "insurer," "pool" and "reinsured losses." Among the definitions are:

(1) *extended health insurance,* meaning insurance against all costs paid or incurred for medical care as defined in the Internal Revenue Act.

(2) *costs of medical care,* include expenses of medical care incurred by or on behalf of persons covered by an extended health insurance policy which are deductible in accordance with provisions in the IRS Code.

(3) *Insurers,* include any insurance company or group of companies under common ownership authorized to engage in the insurance business under laws of a State.

(4) *pool,* meaning association of insurance companies in a State formed or organized for the purpose of making extended health insurance more readily available.

(5) *reinsured losses,* meaning losses on reinsurance claims under this Act and all direct expenses incurred in connection with such claims, including processing, verifying, and paying such losses.

Title II—Establishment of program; State plans

Section 201—*Authority*. Authorizes the Secretary of Health, Education and Welfare to establish and carry out a National Catastrophic Illness Insurance Program.

Section 202—*State Plans*. Provides that the program shall involve the creation of State-wide plans providing extended health insurance, and that the Federal Government will reinsure insurers and pools of insurers who offer such insurance. Each insurer (or pool of insurers) will work with the State insurance authority in carrying out the State-wide plan. All plans would have to include:

(1) that extended health insurance be available to all eligible individuals, as defined in Sec. 203, and at a cost which is reasonable, as defined in Sec. 204, subject only to deductibles authorized in Sec. 205.

(2) that where an insurer does not agree to write a policy of extended insurance, or does so under various limiting conditions, the State authority is notified. The policy would then be placed with a pool or otherwise assigned to insurers by the "all-industry placement facility," provided for in Sec. 206.

(3) that data be compiled and studied in connection with the operation of the State-wide plan.

(4) that certain reports be submitted to the State insurance authority by individual insurers.

(5) that any cancellation of a policy provide for reasonable notice to permit coverage under a new policy to be written under the plan.

(6) that public information about the plan be readily distributed.

Further, each plan would have to contain such terms, conditions, requirements and other provisions determined to be necessary to carry out the purpose of the program.

Section 203—*Eligible Individuals*. In order to be eligible for policies issued under a State-wide plan, an individual would have to be a resident of the State and make appropriate application, or be a member of the household of such a person and his spouse, child, grandchild, parent or grandparent.

Section 204—*Premium Setting*. Premium rates would be set on the basis of a study of the risks in question and accepted actuarial principles. These rates would be promulgated by the Secretary for use by States and insurers in charging for extended health insurance issued under plans approved under Sec. 202 above. Rate differentials would be authorized on the basis of the number of persons covered in a family, or by other factors approved by the Secretary, including the different risks involved in various coverage arrangements. Where insurers established rates lower than those promulgated by the Secretary, any losses sustained by these insurers or pools of insurers would be compensated by "premium equalizers" provided for in Sec. 504 of the bill.

Section 205—*Deductibles*. Provides that, before payments are made under an extended insurance policy, a deductible must be satisfied through an equal amount of medical expenses paid or incurred by such individual. The amount of such deductible is determined by relating the extent of medical expenses to adjusted income and is equal to one-half of the amount by which a person's or family's adjusted income exceeds $1,000 but does not exceed $2,000; *plus* all of the amount by which such adjusted income exceeds $2,000. (A person with an adjusted income of $10,000 would have a deductible of $8,500.)

For the purposes of this section, the term "adjusted income" means the gross income of an individual or family for tax purposes less the aggregate amount of personal tax exemptions allowed the individual or family.

For satisfying the deductible, costs paid and incurred with respect to an illness which began in the previous year and continued uninterrupted until such costs were paid or incurred, shall be considered to have been paid or incurred in such previous year.

The deductible would be reduced by the amount of any payments, for the costs of care covered by the Medicare and Medicaid programs, or by any other public or private health insurance policy covering such care.

Section 206—*All Industry Placement Facility*. A State-wide plan must provide for an all-industry placement facility which would have the responsibility of distributing equitably the risks involved in the issuance of extended health insurance and which would seek to place insurance up to the full insurable value of the risk to be insured.

Section 207—*Industry Cooperation*. Provides that certain statements pledging participation and cooperation with the State insurance authority would be required of insurers seeking reinsurance under the program. In addition, no insurer shall direct any agent or broker not to solicit business through such a plan, nor penalize agents or brokers in any manner for submitting applications under the plan.

Section 208—*Plan Evaluation*. Provides that the State plan shall be evaluated from time to time in accordance with criteria established by the Secretary.

Title III—Reinsurance coverage

Section 301—*Reinsurance of Losses under Extended Health Insurance Policies*. Provides that the Secretary is authorized to reinsure against the losses which might be incurred under extended health insurance policies. Temporary reinsurance would be authorized immediately after enactment, but at the expiration of such temporary period, only permanent reinsurance is available to insurers participating in a State-wide plan as provided for in title II.

Section 302—*Reinsurance Agreements and Premiums*. Authorizes the Secretary to make agreements with insurers and pools for reinsurance in consideration of payments of reinsurance premiums deposited in the National Catastrophic Illness Insurance Fund provided for in Sec. 503 of the bill. Reinsurance offered would pay an insurer or pool for total proved and approved claims for losses in connection with the provision of extended health insurance over and above the retention of such losses by insurers which were required in accordance with the reinsurance contract. Terms would be made annually in connection with any reinsurance contract.

Section 303—*Conditions of Reinsurance*. Provides a detailed procedure for implementation of the reinsurance program in a State within specified time requirements, taking into account certain State and local factors which might affect such implementation.

Section 304—*Recovery of Premuims; Statute of Limitations*. Provides that the Government may recover in the courts any unpaid premiums lawfully payable to the Government by an insurer under provisions of a 5-year statute of limitations.

Title IV—Government program with industry assistance

Section 401—*Federal Operation of Program in Noncooperating States*. Authorizes after certain determinations that, where a State-wide program cannot be carried out, or that the objective of the program would be materially assisted by the Federal Government's assumption of the plan, arrangements for operation by the Government may be carried out. Insurers would deal directly with the Federal Government as fiscal agents of the United States.

Section 402—*Adjustment and Payment of Claims*. If a Federally-operated program is provided for, the Secretary is authorized to adjust and pay claims for proved and approved losses covered by extended health insurance.

Title V—Provisions of general applicability

Section 501—*Claims and Judicial Review*. Provides procedures for judicial review of disallowances for claims for losses under the

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reinsurance program, whether State-wide or operating by the Federal Government.

Section 502—*Fiscal Intermediaries and Servicing Agents*. Authorizes the Government to enter into contracts and other arrangements for claims review, receiving and disbursing funds for making payments, etc.

Section 503—*National Catastrophic Illness Insurance Fund*. Provides for the creation of a fund for purposes of receiving premiums for reinsurance, paying claims, and so on.

Section 504—*Premium Equalization Payments*. Provides that the Secretary may make periodic payments to insurers and pools in recognition of reductions in premium rates below estimated risks as provided for in Sec. 204.

Section 505—*Records, Annual Statement, and Audits*. Self-explanatory.

Section 506—*General Powers*. Authorizes the Secretary of HEW to exercise certain powers vested in the Secretary of HUD under the Housing Act of 1950, in addition to powers provided in this proposal.

Section 507—*Services and Facilities of Other Agencies*. Provides that the Secretary may, on a reimbursable basis, utilize the services of other Government agencies.

Section 508—*Advance Payments*. Authorizes necessary payment adjustments in connection with the program.

Section 509—*Taxation*. Exempts the National Catastrophic Illness Insurance Fund from Federal taxation, except that any real property acquired by the Secretary as the result of reinsurance would be taxable by States or political subdivisions.

Section 510—*Appropriations*. Authorizes such appropriations as are necessary to carry out the provisions of the bill.

APPLICATION OF THE DEDUCTIBLE UNDER THE NATIONAL CATASTROPHIC ILLNESS PROTECTION ACT OF 1970

The deductible, or the amount of medical costs which must be incurred or paid in one year before benefits begin under this insurance, is based on individual or family income and would be as follows:

Adjusted income:

	Deductible
$1,500	0
2,000	$500
2,500	1,000
3,000	1,500
3,500	2,000
4,000	2,500
4,500	3,000
5,000	3,500

And so on up the scale.

"Adjusted income" means the gross income of an individual or family for tax purposes less the aggregate amount of personal tax exemptions allowed.

The deductible would be reduced by the amount of any payments, for the costs of care covered by the Medicare and Medicaid programs, or by any other public or private health insurance policy covering such care.

Example: A family with an adjusted income of $10,000 would during a year be required to pay or incur medical expenses to the extent of $8,500 (or to have insurance coverage to meet those expenses in whole or in part; Medicare or Medicaid payments would reduce the deductible similarly). At that point all medical expenses regardless of the extent, during that year, or for any lengthy illness or injury the treatment of which extends into another year, would be covered under such a policy.

For further information, contact: Ilona Modley or Dixie Barger, phone 225-4131.

HIGHWAY SAFETY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 10 minutes.

Mr. FINDLEY. Mr. Speaker, today I am introducing a bill designed to close a major gap in highway safety programs. Its enactment will be a giant step forward in reducing the heavy toll of accidents in which trucks and buses are involved.

In 1969, more than 56,000 persons were killed on our Nation's highways, according to the National Highway Safety Council's preliminary report. The estimated injured were in excess of 2 million.

This bill would require each truck and bus under the jurisdiction of the Interstate Commerce Commission to be equipped with a tachograph, a recording instrument which provides a permanent record by chart of speed in miles-per-hour, distance traveled, nonoperating time of the vehicle, and the number and duration of stops.

Experience in several of our States and in a number of foreign countries where the tachograph is mandatory equipment, shows clearly that these devices promote speed control. The instrument will not prevent accidents, but will serve as a warning device to drivers and provide accurate records for owners, drivers, and law enforcement agencies.

I hope that the Congress can move swiftly to consider this proposal. The slaughter on our Nation's highways must be reduced.

The bill follows:

H.R. 18011

A bill to require that buses and trucks operated in commerce be equipped with instruments to provide a record of certain operating data, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

REGULATIONS

SECTION 1. (a)(1) Not later than the one hundred and eightieth day after the date of enactment of this Act, the Secretary of Transportation (hereafter in this Act referred to as the "Secretary") shall prescribe and publish regulations in the Federal Register establishing specifications for one or more instruments for installation in buses and trucks operated in commerce which shall (A) indicate the speed of such buses or trucks, in miles per hour, (B) provide a nonresettable odometer to record the total miles traveled by such vehicle up to at least one million miles, (C) indicate by a signal, whether visible or audible, to the driver of such bus or truck when it is exceeding a specific rate of speed, and (D) provide for a permanent visible record (by chart) of (i) the speed of such vehicle (in miles per hour), (ii) the distance traveled (in miles), (iii) driver changes (if any), and (iv) the number and length of periods during which the vehicle was not operated, and (E) be attached to such bus or truck and secured from unauthorized use with a lock or seal in such a manner as to automatically indicate on the record required by clause (D) each time any such instrument or instruments are opened.

(2) Such specifications shall include specifications with respect to (A) accuracy under various forces and conditions, (B) visibility or audibility, as the case may be, and (C) resistance of such instrument or instruments to impact and corrosion.

(b) The Secretary shall by regulations provide by whom and for what period of time any records made by such instruments shall be retained.

ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW

SEC. 2. The provisions of subchapter II of chapter 5, and chapter 7, of title 5, United States Code, shall be applicable with respect to regulations prescribed under section 1 of this Act.

PROHIBITED ACTS

SEC. 3. (a) It shall be unlawful for any person to operate or cause to be operated in commerce any bus or truck manufactured on or after January 1, 1972, unless such bus or truck is equipped with an instrument or instruments which comply with regulations prescribed by the Secretary pursuant to section 1 of this Act.

(b) It shall be unlawful for any person to operate or cause to be operated in commerce after January 1, 1974, any bus or truck manufactured before January 1, 1972, unless such bus or truck is equipped with an instrument or instruments which comply with regulations prescribed by the Secretary pursuant to section 1 of this Act.

(c) It shall be unlawful for any person to offer for sale for use in any bus or truck or to install in any bus or truck any instrument or instruments, which are represented by such person to comply with regulations prescribed by the Secretary pursuant to section 1 of this Act, unless such instrument or instruments in fact comply with such regulations.

PENALTIES

SEC. 4. Any person who willfully and knowingly violates section 3 of this Act shall be fined no more than $1,000 for each such violation.

DEFINITIONS

SEC. 5. As used in this Act—

(1) The term "commerce" means commerce between any place in a State and any place outside thereof, or between places in the same State but through any place outside thereof.

(2) The term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and any possession of the United States.

(3) The term "motor vehicle" means any vehicle driven or drawn by mechanical power which is manufactured primarily for use on the public streets, roads, or highways, except any vehicle operated exclusively on a rail or rails.

(4) The term "bus" means any motor vehicle designed to carry more than eight passengers.

(5) The term "truck" means any motor vehicle designed to carry property in furtherance of any business activity.

NATIONAL SERVICE ACT OF 1970

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, I wish to discuss a bill which I have cosponsored, the National Service Act of 1970. This bill is designed to avoid many of the dangers of an all-volunteer army while giving a young man the option of serving his country in a military or civilian capacity.

Under the National Service Act of 1970, each young man would register at age 17 with the local office of the National Service Agency. At that time he would be informed of the three alternatives available to him when he turns 18.

First, he could volunteer immediately for military service. Second, he could allow his name to be submitted for consideration in the draft lottery for that year. Third, he could volunteer for civilian service. The first two options are the same as under the present system, while the third would enable those young men who wish to do socially valuable civilian work to do so in place of military service.

A registrant who elects civilian service may directly attempt to find a job with an employer participating in the civilian service program. Suitable employers would include Federal, State, and local agencies, schools, nonprofit hospitals, police, and Federal programs such as VISTA, Peace Corps, and Teachers Corps. A registrant unable to find a qualified job on his own would enter the National Service Corps. The Corps would directly operate Federal programs in areas of social need such as reforestation or mass-produced housing for the poor.

A Civilian Service Volunteer would be required to remain in the position he has selected for a period of time determined to be the equivalent of 2 years of military service. He would be paid a subsistence wage, and his employer would pay the difference between that wage and the market wage for the job to the Federal Government. This source of funds would be used by the Federal Government to offset the administrative costs of the program, and to help meet the expenses of the National Service Corps when it functioned as the employer of last resort. An 18-year-old who chose civilian service could postpone actual service for up to 4 years in order to obtain an education or complete his training.

Enactment of the National Service Act of 1970 would be beneficial in several respects. First, the flexibility of the present system to expand draft calls rapidly in times of national emergency would be retained. Second, it would continue the voluntary aspect of the present system in which the majority of our military personnel are citizen soldiers on short-term duty. Third, because a force of professional soldiers would not have to be purchased at existing market prices, the overall cost to the country would be lower than with an all-volunteer army. Fourth, enactment of this bill would be an indication that Congress considers our civilian needs as pressing as our military needs. Finally, the universality of national service would emphasize that all citizens have an obligation to serve their country in some capacity, not just those unable to obtain educational or occupational deferments.

RECORD VOTES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Michigan. Mr. Speaker, together with a bipartisan group of my colleagues, I have today introduced legislation under which a minimum of one-tenth of the Members of the House could compel a record vote on any amendment to any bill debated by the House in the Committee of the Whole House.

Few changes we might make in the system would mean more than the power of a responsible minority to compel a record vote on controversial issues. The cornerstone of our American system is responsible representation of the changing needs and desires of the people whose will we assemble here to voice.

No procedural gimmick should be permitted which denies to the people the recorded judgment of each Member of the House, especially on those issues where a significant number of Members feel responsibility to the electorate cannot be effectuated without recordation.

Congress cannot command respect without being deserving of respect, and, any of its procedures which tends to reflect an attempt to avoid responsibility causes it to appear to be less deserving of respect.

For many years I have been a strong advocate of congressional reform. Congress, and particularly the House of Representatives as the voice of the American people, must be efficient, hard-working, honest, responsible, well informed, and responsive to those it governs. This requires among other things a constant updating of its procedures and rules.

Since coming to Congress, I have fought for technical changes to give Congress better information on and greater control over the vast sprawling Federal Government and the activities of its 6 million employees and military personnel. The concept of an Office of Program Aanalysis and Evaluation incorporated in a bill I introduced when I first came to the Congress in 1967 is included in the bill reported by the Rules Committee on May 12, as are many other changes, but far from all those which have been advocated by those of us who have actively sought congressional reform these past several years.

Our first responsibility is to make the American system work, and for my part I shall pursue, one by one, if need be, those changes which are indispensible to that end.

The rule change I seek is necessary because of technical procedures now in effect.

As my colleagues know, the most informal but important debate on a bill takes place in what is called the "Committee of the Whole House"—the Whole House considering a bill as would a committee—a practice necessary to expedite the work of such a large legislative body. To save time, success or failure of amendments is determined by "teller" votes, a counting of "bodies" for or against the measure but not a recording of names, record votes being prohibited, and for good reason. For example, should each Member exercise his right to offer one amendment to each bill, rollcalls alone would require over eight, 40-hour weeks. But, teller votes were intended to expedite the business of the House, not to provide a means of escaping responsibility.

When a bill comes before the House it is often a package worked out by a small number of senior Congressmen. To change this package, two steps are necessary. First, it must be amended in the Committee of the Whole, without a recorded vote. If it passes in the Committee, it must be adopted in regular debate, where a record vote can be taken. Practically speaking, unless an amendment is approved in the Committee of the Whole, there is no opportunity to offer it again except through a "motion to recommit," the usage of this legislative tool being severely limited.

This procedure can—and has been—misused.

Too many times I have seen important amendments decided in Committee of the Whole by too few voting Members without further recourse being available, whereas a recorded vote on the issue would have prompted the presence and commitment of all Members. It works both ways; the result sometimes being good and sometimes bad, but it still permits a Congressman to avoid taking a position on critically important votes.

For example, I can sympathize with those who sought a clear-cut expression from each Member on the amendments to restrict use of funds for military activities which were proposed last month during debate on the military procurement authorization bill. Although the substantive position I supported prevailed, I think each one of my colleagues who opposed the House action should have had an opportunity to be so recorded.

This procedure can—and must be—changed.

If we are to "secure the blessings of liberty to—our posterity," as each Congressman has pledged himself to do in his oath of office, then Congress must constantly operate out in the open where the people can see how it works and what it does. Every Congressman should stand up and be counted on the issues—even more so—we should be required to sound off and be recorded.

STRATEGIC ARMS LIMITATION

The SPEAKER pro tempore. Under previous order of the House, the gentleman from California (Mr. COHELAN) is recognized for 15 minutes.

Mr. COHELAN. Mr. Speaker, as a consistent proponent of the strategic arms limitation, I was encouraged by the article in the Washington Post today which reports on the progress of the Strategic Arms Limitation Talks—SALT.

According to the Post, an agreement to ban deployment of the multiple warhead missiles—MIRV—is a definite possibility in the SALT negotiations.

As my colleagues are aware, I, along with more than 100 Members of the House, proposed to the President that we halt testing and the development of MIRV. This news that a bilateral halt is in the offing is welcomed.

It would be a significant gesture if the administration would formally announce a delay in further deployment of the

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land-based MIRV's pending progress in the SALT talks.

The military reports that testing of the system is complete, therefore our strategic posture is secure. However, I consider delaying deployment a vital step for the reasons well known to the students of this subject.

The verification of MIRV's can only be accomplished by on-site inspection. It is this problem that has caused the arms limitation agreements to flounder. Thus, if deployment is complete, the inspection issue could cause an agreement to abort.

I take the floor today to urge the administration to announce that it has ordered the cessation of the land-based MIRV deployment. I do this because I fear that the business-as-usual attitude exhibited in the past by the Department of Defense could jeopardize the SALT talks.

There is another factor that should be mentioned. If the reports of the SALT talks—that ABM's will be limited to Washington, D.C., and Moscow—are true, then the administration should report to the American people what precautions are being taken so that billions of dollars are not wasted in other areas of the Safeguard ABM.

Personally, I am still convinced that the ABM is unnecessary and will not work as an entire system. However, if there will be an ABM subject to a two-site SALT limitation, I do not wish this Nation's assets further wasted on ABM sites that will never be used.

Mr. Speaker, at this point I insert the article, "Hope for MIRV Curb Rises at Arms Talks" by Mr. Chalmers M. Roberts that appeared in today's Washington Post. I commend the reading of this article to my colleagues in the House:

HOPE FOR MIRV CURB RISES AT ARMS TALKS

(By Chalmers M. Roberts)

For the first time there is now a real possibility that the strategic arms limitation talks at Vienna will produce a Soviet-American agreement to prevent the otherwise inevitable massive deployment of multiple nuclear warheads known as MIRVs.

This would be coupled, perhaps as a second stage of a SALT agreement, to an initial pact to freeze at present levels the numbers of rival missiles and to limit anti-missile (ABM) defenses to the protection of Washington and Moscow, as earlier reported by The Washington Post.

The MIRV part of the agreement would be to halt further testing. That would be designed to prevent emplacement of multiple warheads on Soviet missiles and also to end deployment, which is beginning this month, of MIRV warheads on American Minuteman 3 missiles as well as on the Poseidon missiles due to be emplaced on nuclear submarines beginning next January.

If this comprehensive package, which the two nuclear superpowers are now approaching, is eventually signed and sealed, it would be a substantial curb in the nuclear arms race.

But there are many complex issues as yet unresolved and a key decision remains to be made by President Nixon and probably similar major decisions by the Soviet leadership.

It is against this background of what is in motion at the secret Vienna conference table, where the two sides met yesterday for their 15th formal session, that the remarks, also yesterday, of Secretary of State William P. Rogers acquire meaning.

According to the State Department's version of what he said at a closed session of the House Foreign Affairs Committee, Rogers declared that "we have put forward proposals dealing with all offensive and defensive strategic weapons systems, including ABMs and MIRVs. Our approach has been concrete and comprehensive. The Soviets have also indicated a preference for a comprehensive approach, but have not been as concrete as we in spelling out important specifics."

Rogers said that "both sides have presented their respective positions and are now engaged in a more detailed examination of specific issues." He credited the Soviets with avoiding "polemics even in recent meetings," a reference to meetings since Moscow denounced the American action in Cambodia.

The Secretary coupled his hopeful view with the diplomat's traditional warning that while "some common ground has emerged," there "are still important differences," that "we are in the early stages of exploring the issues" and that "it is already apparent that hard negotiations remain." He added that "it is not clear yet what sort of an agreement will result or when. Nevertheless, we continue to be optimistic."

The most hopeful timetable is for an agreement in principle on at least the initial pact and perhaps also on the MIRV curb at the time SALT takes a summer recess, probably at the end of July. The talks are expected to resume in Helsinki next fall where, it is hoped a formal treaty would be written.

While the Soviets have indicated less interest in curbing MIRVs than has the United States, the verification issue has been the chief sticking point. Moscow has been adamant in the opposition to onsite inspection and scientists say that unless one is within a few feet of a warhead it is impossible, technically, to determine whether it has a MIRV warhead. Hence the use of a MIRV test ban as the way to control multiple warheads.

The belief is that Mr. Nixon would accept this proposal if the ABM-launcher agreements were reached though apparently he has yet to make that decision. But a strong clue to that possibility came on June 4 from an unexpected source, John S. Foster, Jr., the Pentagon's research chief who has been a hard liner on arms control.

In the first such administration statement, Foster said that "if MIRVs were to be eliminated by an arms control agreement, the Minuteman 3 and Poseidon systems could revert to a single warhead configuration."

A MIRV test ban, it is reasoned, would prevent both reliability and increased accuracy tests and thus would greatly limit the importance of multiple warheads. Whatever the risk inherent in a test ban, to be checked by Moscow and Washington by means located outside the other's territory, it would be offset by the ABM-launcher agreement, it is reasoned.

Foster also told the House committee that the excavations for the first ABM site, at Grand Forks, N.D., could be "refilled with dirt or if the foundations had been completed, they could either be abandoned or ripped up."

THE AMERICAN ADAGE: OUT OF SIGHT, OUT OF MIND—THE PLIGHT OF OUR AGED

(Mr. PODELL asked and was given permission to extend his remarks at this point in the Record.)

Mr. PODELL. Mr. Speaker, recent events have demonstrated the effectiveness of serious mobilization among a large, vocal, and informed segment of our population. The fact that hundreds of thousands of people came to Washington or wrote to their representatives is an encouraging and healthy aspect of our political system. I know I speak for many of my colleagues when I say that I found their arguments and statements articulate and convincing.

However, I become increasingly distressed because there are certain groups without our citizenry who are unable to speak for themselves, who are incapable of coming to Washington or of writing letters, but whose plight demands immediate attention. I am speaking about the 1 million senior citizens in our nursing homes around this country. With heart-rending frequency, they have found themselves the unwilling victims of the shocking conditions that we find in many nursing homes today. It is time for this Congress to take the initiative in this matter and fight the old adage, "out of sight, out of mind." Our senior citizens deserve better.

American technology and living conditions have prolonged the length of life of our citizens. We have provided senior citizens with social security and some health benefits so that they may have some means of support upon their retirement.

Yet, we have failed to provide adequate facilities for these people in the event of their illness. And we know illness strikes our senior citizens almost without warning. We have failed to provide an important intangible in this case: treatment with dignity even if the patient may be unable to care for his own needs. Instead, we have made entrance into a nursing home a demeaning experience for too many of our older Americans who should have the right to live out the rest of their lives in dignity and with decent care.

Visits show that many of the nursing homes are fire traps. Periodically, we read of incidents where older people have died in such fires. Many nursing homes do not enforce the most basic rules of sanitation. Food is below standard, as is the medical care. Most of the homes are seriously understaffed. For the most part, the prices and the costs of maintaining an older person in such a home is exorbitant. It is no wonder that people dread going there.

Through its inaction, the Federal Government is supporting this ongoing crisis of inadequate care. It has been assumed that because some standards seem unenforceable, we should not even bother to try. We have traditionally felt that all the Government has to do is provide the money; the conditions in which they must live are viewed as an unrelated issue.

Public officials can no longer claim ignorance of these conditions. We are all now aware that there are one million of our senior citizens who sit in nursing homes waiting for our assistance. I call upon this Congress not to disappoint them.

WE HAVE ARRIVED, NOW WHAT?

(Mr. HANNA asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HANNA. Mr. Speaker, our economy is presently being tortured by a policy the foundations of which rest upon premises no longer relevant. The recognition of this fact explains why the performance of present administration economic programs has been so disastrous.

Let us consider some of the false foundations upon which present policy is based. First, there is the myth that Federal financial institutions are presently capable of regulating the flow, use, and velocity of the Nation's capital. This is untrue.

Hundreds of billions of dollars lie outside the jurisdiction of Federal policy. Pension funds, Eurodollar deposits, insurance trusts, to name but a few, are not affected by our present Federal structure. Because of this, it is quite impossible for Federal policy to coordinate and manage successfully the Nation's capital. To suggest otherwise is misleading, but that is precisely what the administration is doing.

Second, administration planners have permitted themselves to base the financial management of the country on the "fire brigade" concept. That concept requires that we deal only with the "fires" after they ignite. The policy is to put out the fire rather than prevent it in the first place.

In effect, what has happened is that we ineptly deal with the economy only when crises appear. Our response is crisis-oriented, and as a result the rest of the economy is, while we are so preoccupied with the crisis, neglected. Or, as we have recently learned, our response to one crisis becomes the cause of another.

Let us consider two very specific examples—two current crises. Inflation and unemployment are increasingly compelling factors in the economy. When this administration came to power, inflation was touted as the "problem." Policymakers in the administration immediately fell into the "fire brigade" trap and in their one dimensional view of our complex economic machine directed all their attention, resources, concern, and energy to putting out the inflation fire.

No efforts were made to develop policies that would prevent fires from breaking out elsewhere. The entire Nixon "brigade" was fighting inflation and if only this fire could be put out all would be well. Of course, this simplistic approach to the economy couldn't hold up.

By directing all the resources and energies at inflation, a new crisis was precipitated—unemployment. Now we observe the decisionmakers scurrying about trying to redirect policy. In order to deal with two fires, it has become abundantly clear that they have been unable to put out either. And, as expected, new fires, new crises, are igniting.

The third basis for present policy is as equally invalid as the two already described. The administration is laboring under the rhetorical myth that we still must attain some intangible economic goal connected with the mystique of ever greater output. Because policy planners in the administration are so caught up in their own outdated rhetoric, we watch amazed as the inflation fighters stand by as corporations dizzily compete against one another for diminishing capital in order to expand their output.

Administration inability to put a real brake on such a disastrous money market strain not only is inconsistent with their inflation control policies, which were, for a long time, tightening capital, but have virtually destroyed the homebuilding and home finance industries. Interest rates have skyrocketed, but corporate access and demands on the money market continue undiminished.

What, in effect, happened as a result of an inconsistent policy of not putting a brake on corporate demand for capital, while at the same time constricting the money market, is an escalating competition for the limited money available. The result is an unacceptable rate of interest on everything from home mortgages to municipal bonds. The most unproductive use of our wealth is generating ever higher interest rates, and that is exactly where we are now.

These of course are just a few of the inconsistencies in present policies. These inconsistencies and crises exist because policy planners in the administration have been unwilling, or unable, to recognize the new realities in America's economy.

We must reorient our thinking in terms of our national economic circumstances. The most compelling fact is that our economy has arrived. The economic goals we set for ourselves in the 1930's have been attained. By 1968 we were at virtually full employment, we had a steady and manageable real rate of growth in our GNP, inflation was still well below most other industrialized nations, the dollar was the firmest currency in the world, progress was being made on the balance of payments, interest rates were manageable.

In arriving at our economic peak on the goals established by labor and industry in the early 1900's and by Government and finance in the 1930's, we emphasized specialization. The scientific community and the engineering supplemental force cheerfully and effectively fell into dynamic partnership with these fractional specialized efforts. We practiced tunnel vision with a vengeance and every activity tended to live in its own well. Now we see that the complexity we have arrived at demands major attention on the interrelationships and interactions between segments of our society and the environment in which it flourishes. For over 50 years, this has been nobody's business. Suggestion for any meaningful consideration was looked upon as infringement upon "free enterprise." Well, the new reality has arrived. An economy or a society which does not bring attention, talent, money, and energy to bear upon the problems of interdependency between man and man, man and natural resources, and between man, resources and nature is doomed to decay and maybe death.

Our problems began when we did not, and still do not, recognize that the economic machine had reached its peak. All of our institutions had been created to encourage the economy to reach our stated goals. When we arrived, we did not know quite what to do. And because we did not recognize the new realities created by our arrival, we, through our institutions, kept doing what we always did—encourage more.

This unreal policy did not take long to get out of whack and present us with a few crises. Precisely at that same time, this administration came to power. We had then certain recognizable alternatives. First, determination of where we were with this economy and on that determination create new policy. Coincidental with the new policy, create new institutions and restructure existing institutions to deal with the new realities. Second, we could continue on the unreal path then being followed of dealing inadequately with the crises as they inevitably emerged.

The administration unfortunately has opted for the second alternative and as a result has come into direct conflict with reality. Policies have not only had a negative impact, they have created uncertainty and confusion.

The new reality is that our economy, now that it has arrived, must be managed—maintained—maximized. These must be the economic catchwords. Our institutions must now be restructured so that they can realistically manage and maintain our wealth and economic strength, rather than to continue to encourage and promote unbridled and unplanned growth.

If we are to maximize what we have attained, we must discard the outdated, and even dangerous rhetoric that extolls a nonmanaged economy. We can no longer afford diffused and segregated centers of economic policymaking.

Economic decisions can no longer be made in the vacuum of an open market committee meeting, a ways and means tax bill markup session, or in the Office of the CEA. Corporate decisions cannot be made in the vacuum of national considerations, nor wage demands pushed in the absence of a coordinated national policy.

The absence of management today, and the irrelevant attitudes that reflect realities of a decade ago, will no longer do. We have already been made painfully aware of how quickly we can lose all we have gained by not recognizing the new circumstances of our economy, and our unwillingness to change our policies to meet these circumstances.

What is immediately necessary is a series of intensive meetings between all the various personnel representing the center of national economic and financial power. At these meetings we must redefine our understanding and restructure institutions so that our policies and institutions are consistent with the realities in the national economy.

Some 40 years ago, a set of different economic circumstances caused this Nation to reassess both its attitudes and institutions. At that time we directed our energies at regaining and redistributing lost national wealth. What emerged was a new, and almost revolutionary approach in handling a capitalist economy.

Today, although the economic conditions are not similar, the reasons to reassess and restructure our economic policies are just as compelling. Today we are faced with maintaining what we have gained. What must emerge is a new thrust and new attitudes in dealing with the economy.

PENN CENTRAL RAILROAD AND FEDERAL GOVERNMENT LOANS

(Mr. BARRETT asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. BARRETT. Mr. Speaker, this morning's newspapers reveal that the administration is using the Defense Production Act to bail out a $7 billion corporation, the Penn Central Co. It appears the Government's benefactors have directed the providing of relief for wealthy bondholders and banks which have lines of credit out to the railroad conglomerate.

I was on the Banking and Currency Committee when the Defense Production Act was enacted and I do not recall that it was the intent of the Congress to use the act as a subterfuge to channel governmental largesse to huge corporations and banks. The defense business is only a small fraction of Penn Central revenues and it is absurd for the Defense Department and the Federal Reserve to come to the corporation's rescue under the guise of defense needs. The Defense Production Act was intended to give the smaller contractor a line of credit on a par with the big corporations which have always had good arrangements with the banks.

The very fact that the big banks were beginning to cut off Penn Central credit should have given the Nixon administration reason to doubt the advisability of backing new loans to the corporation. When banks would not lend to a $7 billion corporation, then something is drastically wrong and I question whether it is proper for the Federal Government to become involved in an apparently open-sided guarantee of credit in such a situation.

If these new loans fail, it will be the American taxpayer who will have to foot the bill. There are plenty of other areas of the economy that need help desperately, particularly housing and small business, yet we do not see emergency administration meetings on these problems. They apparently only act when a huge corporation and its stockholders are hurting.

Yesterday Cabinet officers of the Nixon administration ran all over town raising funds for Penn Central. They were apparently near panic to take care of the corporation. I would like to see a similar concern and a similar series of emergency meetings on each small business bankruptcy and homebuilding bankruptcy that has taken place during the first year and a half of the Nixon administration.

ENVIRONMENTAL CLEANUP: PART 2—CHRYSLER CORP.

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, this is the second part of a series of information tracts which I have come across dealing with environmental cleanup programs and plans by American industry. As I stated when the series began, I hope to show in these reports that our much-maligned free enterprise system is beginning to respond to the challenges of environmental pollution.

I know there will be criticism of the tracts by those who see business as the major or sole cause of pollution. These are perhaps the same critics who are convinced that passing of Federal law is the solution to every ill and every problem of pollution in the country, and who fail to recognize that government—Federal, State, and local—is and always has been, one of the largest sources of pollution of America's natural heritage.

On the other hand, I hasten to point out that industry is not blameless. Heretofore, and for the most part, the damaging environmental effect of the production process was simply not considered by management and/or labor. To change that situation in today's receptive public atmosphere will take more than words, fancy pamphlets or good public relations efforts. Action—effective, sustained, and expensive—is needed.

One of the very first things we learned in our beginning courses in economics was the existence of certain factors of production—usually labor, land, capital, and entrepreneurship. In light of the extent of degradation of our natural environment, I am suggesting that pollution control and abatement must soon take on the characteristic of another factor of production. Only then can we hope to make a truly significant dent in cleaning up our polluted country. In short, the costs of pollution control and abatement must become part of doing business. I maintain that the public is willing to share these costs in order to improve the changes of a cleaner and healthier environment for their children and their children's children.

In a pamphlet entitled "Toward a Cleaner Environment: A Report on Chrysler Corp. Efforts to Combat Pollution," one firm of the auto industry outlines its commitment to pollution control. In the introduction to that report, two sentences adequately summarize one of the reasons for my series of articles. They read:

> Much of what is printed and said about pollution leaves the impression that little is being done by industry and business to combat this problem.
>
> This simply is not true.

Knowing that our colleagues are interested in finding possible solutions to the problems of pollution, I commend the Chrysler report to their careful attention. The report follows:

TOWARD A CLEANER ENVIRONMENT: A REPORT ON CHRYSLER CORPORATION EFFORTS TO COMBAT POLLUTION

Environmental pollution is the number one concern in this country today. Ecologists warn that unless something is done to reverse environmental deterioration all Americans are going to see their quality of life destroyed.

Much of what is printed and said about pollution leaves the impression that little is being done by industry and business to combat this problem. This simply is not true.

Chrysler Corporation is a good example of a corporation that has worked consistently over the years to solve the pollution problem. As long ago as the late 1930s Chrysler production men were building plants with separate facilities for industrial waste treatment. And since the photochemical smog theory was first developed in 1953, Chrysler engineers have led the industry with systems designed to eliminate or reduce exhaust emissions, and bring them into compliance with federal and state regulations.

There is no method known today by which even the most simple product can be manufactured without producing waste. And designing and building cars and trucks is an extremely complex process, involving extensive facilities, such as manufacturing and assembly plants, power plants, laboratories, testing grounds, and service shops. The variety of materials used in the manufacture of cars and trucks is also extremely broad. They include steel, rubber, wood, paint, glass, chemicals, oils, grease, and tars, to name just a few. These materials must be smelted, stamped, welded, soldered, painted, dipped, and sprayed. And they produce waste which can add to the earth's pollution.

The problem does not end there. After the manufacturing process is over, and the cars are on the road, they themselves become a potential generator of pollutants.

But there is a favorable side to the problem—the very high proportion of industrial wastes, scrap, and emissions that are cleaned up, reclaimed, recycled, disposed of, and otherwise prevented from fouling the environment. It is good housekeeping as well as good business to conserve natural resources and re-use metals, liquids, chemicals, and other materials, and Chrysler does this wherever possible. For example, the re-use of scrap metals from all Chrysler stamping plants is 100 per cent. A large percentage of the water used in the manufacturing process is treated and recycled. Moreover, eighty per cent of the materials that make up a finished automobile—mostly metals—are recycled back into the economy, making the automobile one of the most highly re-used of any industrial product.

To control the potential pollutants resulting from its industrial operations, Chrysler depends upon complex and expensive facilities, equipment, and systems which have been developed and perfected over many years. Engineers had to design or invent many of their own facilities and equipment when needed pollution controls could not be purchased or did not exist. Much of this work was carried out before industrial pollution became a national issue and before government agencies began strict enforcement of pollution codes. Chrysler capital expenditures for industrial air and water pollution controls now average between eight and ten million dollars a year.

Recognizing the need for a single corporate group to coordinate and advise management on pollution abatement problems, Chrysler has established an Air, Water, and Industrial Waste Control Committee. The committee analyzes pollution problems, recommends policy, and makes sure approved programs are carried out. The committee also investigates new methods of pollution abatement and attempts to anticipate the requirements of future codes.

While Chrysler has been devoting a great deal of money and manpower to the control of industrial pollution, it has also been working long and hard to reduce undesirable emissions from its vehicles.

Chrysler engineers first undertook a program of research and experimental engine modification for this purpose in the 1950s. It proved to be a massive effort involving years of time and thousands of man hours, but the program gave Chrysler a head start over the rest of the industry. In the 1960s the company successfully applied its engine modification concepts to new and used vehicles.

Today not only 1970 Chrysler-built cars but more than 90 per cent of all the 1970 cars built by the American automobile industry make use of the basic innovations developed by Chrysler engineers and incorporated in the Chrysler Cleaner Air System. This system is so effective that five 1970 model cars generate fewer emissions subject to controls than those thrown out by one 1960 model car.

As a result, after having reached a peak of pollution in the mid-1960s, the air over this nation's cities is becoming progressively cleaner, month by month, and year by year. By the early 1980s, when through a total industry effort better than 90 per cent of all vehicles will have emission control devices, the quality of air in this country will compare wth the air of 1940.

Following is a detailed summary of Chrysler Corporation's efforts to control air, water, and solid waste pollutants in its manufacturing operations, and to eliminate or reduce the emissions from the products it builds and sells.

AIR POLLUTION AND THE AUTOMOBILE

Chrysler engineers, during the 1960's, developed the first practical system to reduce automotive emissions through a concept of engine modifications. No better alternative to this system has since been offered by anyone. More than ninety per cent of all automobiles now built in North America use this Chrysler-developed system.

The first work on the Chrysler system started in 1953, following the development of a new theory that smog in certain areas of California was caused by the photochemical effects of bright sunlight on concentrations of hydrocarbons and oxides of nitrogen under certain special conditions. Since the automobile engine produced large amounts of hydrocarbons and oxides of nitrogen, it was singled out for the first time as a major contributor to this type of air pollution. Chrysler immediately joined an industry-sponsored investigation to determine the soundness of this new theory and the degree to which the automobile was responsible for smog.

The industry investigation convinced Chrysler Corporation scientists and engineers that the photochemical theory was correct, and that the automobile did contribute to the smog problem in Southern California.

LITTLE INFORMATION AVAILABLE

Not only was the photochemical smog theory new; there was very little information of any kind about smog. Specifically, little was known about levels of hydrocarbons and oxides of nitrogen in the atmosphere. There was considerable controversy about the levels or ratios at which these materials would react to create smog. And because of the lack of instruments which could measure and evaluate them, scientists knew very little about the specific nature of automotive emissions.

After massive traffic studies and field surveys, an acceptable emissions level was esbalished—comparable to the emissions level in 1940. Chrysler engineers developed several firsts in instrumentation, and many of their emission test techniques are now used by government regulatory agencies. Chrysler was the first to adapt a non-dispersive infra-red gas analyzer, once used in submarines, to measure exhaust emissions from the automobile.

By 1956, enough information had been gathered to begin a broad exploration of possible solutions. Chrysler scientists and engineers investigated more than 100 proposals, ranging from catalytic mufflers and afterburners to special reactors which would replace the exhaust manifold. These investigations ultmiately led to the development of the effective pollution control systems now in general use in the automobile industry.

Early in this development period, Los Angeles authorities asked that emission control devices also reduce carbon monoxide, although major emphasis should continue to be on control of hydrocarbons. This request was apparently based on the popular belief that carbon monoxide and engine exhaust are synonymous. They are not. Carbon monoxide is commonly identified by its sight, smell, and taste; yet it is in fact colorless, odorless, and tasteless.

Carbon monoxide results when anything is burned at less than perfect combustion. From all available evidence, the amount of carbon monoxide produced by automobiles does not pose a health problem. Studies show that even in bumper-to-bumper traffic, carbon monoxide levels in the car are only slightly higher than those on the sidewalk. However, even though carbon monoxide emissions do not contribute to photochemical smog, they do constitute waste and can be toxic at levels above those normally encountered in the atmosphere. Therefore, automobile manufacturers have made considerable efforts to reduce carbon monoxide levels since 1956, and that effort will continue.

NEW FACTOR IS INTRODUCED

Until 1959, it was assumed that the only important source of automotive engine emissions was the exhaust. Early investigations, with inadequate instruments, led to this assumption, and no one questioned it. In 1959, however, while conducting a study for an entirely different purpose, automotive engineers from another company found that crankcase emissions were a substantial source of hydrocarbons. The industry immediately began working on devices to control this source of emissions and also began a study to determine its magnitude.

Crankcase emissions, which in 1959 accounted for about 20 per cent of the total automobiles smog output, are caused by combustion gases which are forced past the piston rings into the atmosphere through the oil filler tube. To offset this condition in Chrysler-built cars Chrysler Corporation installed a closed crankcase ventilation system which transfers the gases from the crankcase to the intake manifold so they are burned in the cylinders instead of being released into the atmosphere. The method is known as the "blowby" control device, or PCV (positive crankcase ventilation). It is generally agreed that this simple system, which has been installed on all new cars since 1962, has solved the problem of hydrocarbon emissions from the crankcase.

NEW ENGINES PROPOSED

After the photochemical smog theory was proved, many people suggested that the best way to eliminate pollutants would be to replace the piston engine with another power source—such as electric, steam, or turbine engines.

Knowing the practical limitations of these other power sources, Chrysler engineers concentrated on refining and improving the economical and efficient engine already in existence so that it would burn gasoline more completely and efficiently and thereby reduce air pollution.

INTRODUCE CLEANER AIR SYSTEM

On its 1966 models, sold in California, Chrysler introduced what has become known as the Cleaner Air System (CAS). This combination of selective engine adjustments and modifications which produce better combustion and improved engine efficiency was installed on all Chrysler-built cars in the U.S. with the 1968 models. The system was further improved for 1970 U.S. models to meet the new federal exhaust emission requirements. Emission levels on 1970 model cars as compared with 1963 models are as follows: carbon monoxide emissions reduced by 70 per cent; hydrocarbon emissions reduced by nearly 85 per cent.

Chrysler's development of the Cleaner Air System has received commendation from the County of Los Angeles, the State of California, and the federal government.

In developing the Cleaner Air System, Chrysler engineers explored every aspect of engine design and function, as well as all the complexities of carburetion, distribution, combustion, and fuel flow in the search for means to reduce automotive emissions.

For example, the carburetor, which regulates the distribution of the gasoline-air mixture, received considerable attention. And for good reason. Too rich a mixture results in greatly increased emissions of both hydrocarbons and carbon monoxide. Too lean a mixture brings poor operation, bad starts, and an unsafe vehicle.

The carburetor of the current Cleaner Air System has a small hole in the center of the throttle blade. Chrysler engineers drilled this hole in 32 different places on the blade to observe the effect on distribution. After time-consuming and expensive tests on the chassis dynamometer, they found the precise location at which the greatest reduction in emission levels was achieved. During the development of the 1966 Chrysler-built models, engineers ran 4,000 such tests on different aspects of the carburetor-mixture relationship.

The Chrysler Cleaner Air System, which resulted from this research, effectively reduces exhaust emissions. It is relatively simple and inexpensive, requires practically no additional maintenance beyond the normal recommendations, and does not adversely affect the engine's economy and performance.

USED CAR PACKAGE

Chrysler Corporation has recently introduced a system to reduce the pollution in emissions from vehicles built before the Cleaner Air System came into general use. Called the Used Car Cleaner Air Package (UCCAP), it is based on the principle of the Cleaner Air System. On March 18, 1970, Chrysler Corporation announced the availability of the UCCAP for nearly 100 per cent of its domestic Chrysler-built cars for the 1955 through 1967 model years.

The company immediately began a priority distribution program to supply its dealers in California with UCCAP parts and service instructions. The package was then made available to Chrysler Motors Corporation dealers throughout the country.

With UCCAP and proper engine tune-up, harmful emissions from typical older cars can be reduced as follows: 50 per cent less hydrocarbons; 50 per cent less carbon monoxide; 30 per cent less oxides of nitrogen. While UCCAP incorporates most of the features of the original Chrysler engine modification concept, some new features have been added which further reduce oxides of nitrogen.

EVAPORATIVE LOSSES

While preliminary work was being carried out on the Cleaner Air System, automotive engineers became aware of another source of hydrocarbon emissions—evaporative losses from the gas tank and carburetor. As in the case of crankcase emissions, evaporative losses had been largely overlooked in the early stages of the emission control program. However, extensive cooperative work done by the automobile and petroleum industries, the State of California, and the federal government established that they were also a substantial source of hydrocarbons.

VAPOR SAVER INTRODUCED

These evaporative hydrocarbon emissions are yet to be totally controlled. But important progress was made when Chrysler introduced a new Vapor Saver package on its 1970 models sold in California. It will be installed in 1971 motor vehicles nationwide.

The Vapor Saver eliminates more than 90 per cent of the fumes resulting from gasoline evaporation and expansion during temperature changes while the engine is not operating. The system is reliable and durable, contains no moving parts, and no components subject to deterioration. And it requires no adjustment or servicing.

The system displaces the lighter air in the crankcase with combustible fuel vapors with twice the density. These vapors, which once were vented into the atmosphere, are now carried by gravity feed from the carburetor and the fuel tank into the crankcase for storage until the engine is started. The combustible vapors then are burned in the cylinders during normal engine operation.

GOALS HAVE BEEN MET

As a result of all these developments, the emission control standards originally set for the automobile industry have been met, and in many cases exceeded. Chrysler Corporation's contribution to this achievement has been substantial. The company's breakthrough in developing the Cleaner Air System enabled the industry to meet the standards quickly and economically. Although Chrysler continues to explore alternatives, no better system has been developed by anyone.

Some additional gains may still be made with further engine modifications. Beyond that, a variety of afterburners and catalytic mufflers have been proposed. These devices achieve levels of emissions as low as any achieved by other power sources. Unfortunately, these devices are expensive and subject to deterioration at high temperatures. In addition, they require scarce materials and would probably reduce fuel economy.

However, Chrysler Corporation is making a major effort to develop advance emission control systems, including catalysts, which will meet 1975 California and federal air quality standards. But on the basis of current technical knowledge, it is expected that some changes in gasoline composition will be essential for the successful development of catalytic systems.

STILL PROBLEMS TO SOLVE

Despite all the progress in reducing the pollutants in engine exhausts, many problems remain. For example, how can hydrocarbons and carbon monoxide be reduced without increasing oxides of nitrogen? The reduction of oxides of nitrogen is accomplished by a mechanism exactly opposite from that which reduces hydrocarbons and carbon monoxide.

Oxides of nitrogen, which are formed at very high temperatures during combustion, were not subjected to control until recently. Current standards require only that oxides be increased by no more than 15 per cent as a result of other emission controls.

EXPLORING ALL KNOWN APPROACHES

Chrysler Corporation has allocated thousands of man hours and spent millions of dollars for research into emission controls on conventional and non-conventional engines, including the turbine engine on which Chrysler's work is well known. As a result of these efforts, the company has reached three conclusions:

1. No single approach can yet meet all of the anticipated requirements. Not enough is known about durability, basic materials, longevity, and compatibility with other components.

2. If all laboratory problems were solved, it would still be nearly impossible to put any of the proposed controls into production by the 1974 models. Control of unconventional power sources would take much longer.

3. Any of the proposed approaches—conventional or unconventional—would cost at least three times as much as the current system. This would mean an added bill of about $3 billion annually to buyers of automotive products.

As a result, Chrysler is intensifying its efforts to develop more practical solutions. It recently completed a new fuel emissions laboratory at its Proving Grounds in Chelsea, Michigan, to provide additional space for its expanding air pollution control activities. This 12,000 square foot facility improves the company's ability to test various automotive emission control systems under field conditions. The company has also developed and installed new emission control test equipment in its vehicle assembly plants.

Chrysler Corporation's contributions to the abatement of air pollution have brought about a series of engineering achievements. Moreover, the systems which have been developed have been practical and reasonably priced, and have not detracted from car performance. Chrysler will continue to respond to the need for protecting the environment, while providing quality transportation at the lowest possible price.

AIR POLLUTION AND THE FACTORY

Chrysler Corporation, with more than 62 million square feet of manufacturing, office, and storage space at 123 major facilities in the United States alone, is a major corporate citizen. It has always been aware of its responsibilities as a citizen of the communities in which it lives—including its responsibility to contribute to clean air. Hundreds of Chrysler employees are working to meet that responsibility—in programs designed to improve the environment both inside and outside its plants.

Chrysler has spent hundreds of millions of dollars in recent years on plant expansions and construction of new, modern facilities. It has spent more millions installing the latest equipment to insure cleanliness, eliminate dust and oil mists, provide proper in-plant air and lighting, and provide the tools to meet new and more stringent federal standards as well as Chrysler's standards of good housekeeping.

Most pollution problems faced by the plants are easily identified. Smoke can be smelled. Dust can be felt. But the damage and irritation they cause are not always immediately determined because of the lack of proper testing facilities. There have also been periods in which there were no specific codes which defined acceptable and unacceptable pollution levels. As a result, solutions have come hard. But they have come.

Chrysler invested money and manpower in the control and treatment of all wastes and emissions long before federal or local standards were set for environmental control. In fact, Chrysler engineers, relying on their experience in pollution control, have helped several government agencies draft code standards. For example, company representatives recently gave technical assistance in the drafting of new county and state pollution standards.

In many cases, as with the construction of Huber Foundry in Detroit, Chrysler Corporation engineers, working with government agencies, established their own rigid pollution abatement standards in advance of formal government requirements.

Foundry and forge operations, by their nature, require the most expensive and most elaborate equipment for environmental control. Each individual factory has problems peculiar to its own location, atmospheric conditions, and power supply that affect stack emissions or odors.

Designing customized control equipment, frequently with the help of a supplier, requires considerable experimentation to determine the procedures which will assure clean plant emissions. It is a complicated process, requiring weeks or even years to test, build, and operate properly. And there is no guarantee that what succeeds in one plant will succeed in another.

Chrysler's coal-fired powerhouses in both the United States and Canada consume 600,000 tons of coal per year. To preserve the air around these powerhouses, the company has installed devices which trap the 50,000 tons of ash, fly ash, and particle dust produced by this combustion.

At the Winfield Foundry, Chrysler has replaced existing pollution abatement equipment with more advanced devices on a continuing basis. In the late 1940s, before pollution codes existed, the company installed abatement equipment on the electric arc furnaces. In 1959 and 1960, production increased and existing equipment had to be modified. Last year, when Chrysler began melting iron at the rate of 22,000 tons per year, it doubled the dust collecting equipment installation (baghouse) at Winfield at a cost of three-quarters of a million dollars. This baghouse collects 150 tons of dry dust per year. In addition, other collectors have been installed at the foundry to handle sand, Bentonite, and Seacoal.

MEETING THE NEW CODES

In trying to adapt to new codes which have been written, Chrysler Corporation is now conducting tests with the help of an industrial engineering consultant firm to determine powerhouse stack emission levels. In some plants, coal-fired boilers have already been converted to oil and gas. These conversions have cost Chrysler Corporation between $1 and $3.5 million per plant in these projects alone.

The St. Louis car assembly powerhouse, for example, has been converted to natural gas because of the high sulphur content of the coal used there. The boilers and heaters in Los Angeles, and Toledo, Ohio, are fired by natural gas. Detroit area plants which have converted from coal to gas include Highland Park, Wyoming Export, Mack Avenue, and Hamtramck.

Chrysler is continuing its efforts to improve the combustion efficiency of all its powerhouses. Improved combustion will not only reduce the amount of fly ash to be trapped and handled, but will also give the corporation better value for its fuel dollars.

COMPLEXITY OF THE PROBLEM

Because codes may change as new evidence comes in, Chrysler must invest its environmental control funds prudently. It requires patience and an understanding of the complexity of the pollution problem by private citizens, government, and business in order to effect fair and reasonable controls.

In 1964, Chrysler built Huber Foundry, the first large industrial facility built by a major manufacturer within Detroit's corporate limits in more than 12 years. This foundry presented Chrysler engineers with major pollution problems at a time when pollution codes were just being written. These engineers, using the pollution abatement guidelines then available, and relying on the guidance of government officials, obtained the most advanced equipment which would meet present and anticipated future needs. The program was successful.

Emissions from the two 50-ton per hour cupolas are cleaned by high energy water scrubbers which remove 2,500 tons of sludge per year. This creates clean air which exceeds the requirements of the Detroit, Wayne County, and Michigan codes.

One million gallons of water are cleaned and recirculated at the Huber Foundry each year to clean the cupola emissions. Thirty-three dust collectors clean the air leaving the plant. The collectors use 240,000 gallons of water per hour and trap nine tons of dust per day, dust which is then hauled away by rail for disposal. The water is cleaned and recirculated.

Acoustical control systems designed into the plant reduce noise to a low level never before reached in a foundry. And environ-

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mental controls change the air in the plant every eight minutes.

LOS ANGELES PLANT

The five gas-fired incinerators installed in 1968 at the company's Los Angeles Assembly plant dispose of 2,700 pounds of organic solvents daily from the plant's eight paint bake ovens.

It was the first installation of its type to receive authority for construction under new regulations issued by the Air Pollution Control District, County of Los Angeles.

The five incinerators, or afterburners, provide a 94 per cent reduction in emission of organic solvents. Engineers from many companies have inspected the installation and talked with Chrysler engineers to learn the parameters involved in solving an air pollution problem of this type.

Chrysler personnel work constantly with paint manufacturers to produce paints which present fewer environmental problems for employees and reduce waste which can lead to pollution. Changes have been made to reduce sludge and fumes in body dip and body enamel.

Chrysler now uses electrostatic paint on all small interior parts in Chrysler plants and in the body prime painting at Newark, Belvedere, and Hamtramck. This change, while not required at present, should prevent pollution problems from developing in the future.

ACTION ON MANY FRONTS

Chrysler Corporation has been active in other areas to improve environmental control in its plants.

For example, the Air, Water, and Industrial Waste Control Committee was organized within the company to include its own subcommittees on air pollution and noise abatement. The company's Facilities Engineering Department has its own staff assigned to recommend and implement programs for plant environmental controls. Chrysler civic affairs executives work directly with government representatives and individual citizens on air and water improvement programs.

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Chrysler's Industrial Hygiene Department for years has conducted periodic environment investigations based on standards established by government agencies and accepted standards-making organizations. Two-man teams check the work environment in manufacturing plants on a scheduled basis and whenever special problems arise in individual plants. The primary goal is to control in-plant air pollution including dusts, fumes, gases, mists, and vapors. In addition, manufacturing processes are audited to insure control of irritative substances and noise. This department also conducts special tests and surveys of equipment using radioactive sources licensed for use by the Atomic Energy Commission.

The Industrial Hygiene Department issues recommendations for controls which are implemented by the local plant management. During 1969 alone, 13 scheduled checks and 139 special investigations were conducted by the department's industrial hygienists. These specialized personnel also advise other departments involved in general air pollution, and water and solid waste disposal.

Chrysler Corporation is concerned about pollution of all kinds. Top level attention is given any problems that may develop. The company is especially proud of its "instant response" system which enables it to act immediately on complaints from individual citizens or government agencies.

WATER AND SOLID WASTE POLLUTION

Chrysler Corporation has always practiced water conservation. Recognizing the basic value of water, and the importance of water pollution abatement, Chrysler's corporate manufacturing engineering group has charged individual plants with the responsibility of making sure this vital resource is not abused. All Chrysler plants follow a water conservation program and report their efforts to the corporate level for review and evaluation.

All of Chrysler's assembly and stamping plants recirculate the water used to provide cooling for welding operations. All its machining and casting plants use recirculated water for heat treat, test stand facilities, and casting machines, as well as for welding operations.

Moreover, every plant constructed by Chrysler Corporation since the early 1950s has included separate systems for the disposal of sanitary, storm, and manufacturing process wastes. This action was taken even though the three separate systems often joined into one system outside Chrysler property. The wisdom of this early effort was soon clear. Water pollution codes have since been developed which call for separate systems as used by Chrysler.

Since 1960, when Chrysler plants were directed by corporate facilities engineering to conduct a new evaluation of their water conservation programs, water savings of 60 per cent have been realized. For example, water savings for a typical stamping plant amount to 350,000,000 gallons per year. For a typical engine or machining plant, the water savings amount to 200,000,000 gallons per year.

As pollution control laws—Federal, State, and local—become more strict, Chrysler engineers, scientists, and technicians are continuing their studies in an effort to keep abreast of new legislative requirements. They continually investigate new methods, systems, and procedures to make the corporation's pollution abatement efforts even more effective.

PILOT PROGRAM

Chrysler's Trenton (Michigan) Engine plant is a prime example of how industry meets the water pollution problem. When the plant was built in 1951, the original treatment facility was the most advanced of its type. This facility was updated in 1968 to take advantage of the latest practical developments in waste water treatment. It is now the site of an additional pilot waste water treatment plant that may have far-reaching effects on the treatment of all water, even by municipalities, in the years ahead.

The process removes phosphates, oils, and other contamination from the waste water before it is returned to the streams. The pilot plant was placed in operation in December, 1969, with some equipment modification in early February, 1970. Conclusive results with large amounts of waste water will not be in until late 1970 or early 1971. However, Chrysler has cooperated closely with government officials in all states and plant cities to work out meaningful water quality standards. These officials are kept fully informed of all results of this project.

City officials in Detroit, Syracuse, and Dayton—locations where Chrysler is planning new waste water treatment plants—are especially interested in the efforts and test results of the Trenton Engine pilot plant.

If the system proves successful, the waste water treatment facilities at Detroit Universal Division, the New Process Gear plant at Syracuse, and the Dayton Airtemp plant will also embody this latest technical advance.

WASTE WATER TREATMENT

Cooperation of this type has also resulted in other municipal-industry waste water treatment facilities in Detroit. The Mound Road Engine plant facility in Detroit and the Eldon Avenue Axle facility remove oils from waste water by skimming and adsorption. The oil-free flow is then put into the municipal sewer system so the adsorbing agent and other solids can be removed at the municipal waste treatment plant. This system of municipal-industry treatment was first used at the Chrysler Indianapolis Electrical plant in 1967. Chrysler Corporation has invested more than $5 million in water treatment at the three plants—Mound Road Engine, Eldon Avenue Axle in Detroit, and the Indianapolis Electrical Plant.

The joint treatment system permits both industry and the municipality to use their best resources in disposing of industrial waste without duplication of equipment. This system, which as the Mound Road plant will treat about one million gallons of waste water per day, also handles waste from other Chrysler industrial plants in the area which may not have sufficient flow for separate facilities. Chrysler Corporation employs a staff of trained technicians and engineers to operate and maintain the system.

Chrysler's Belvidere, Illinois, $2.4 million waste water treatment facility, installed when the car assembly plant was built in 1963, is another good example of corporate citizenship. Federal regulations, formulated after the facility was constructed, call for the level of biochemical oxyen demand (BOD) (the amount of dissolved oxygen that is needed by bacteria to decompose wastes) not to exceed five parts per million (ppm). The Belvidere plant BOD was 100 ppm.

Through the efforts of Chrysler technicians, the BOD count was dropped to between 10 and 20 ppm, and can be expected to drop even more with the addition of another lagoon to hold the treated waste water longer before it is released.

PUBLIC PRAISE

This approach led to public commendation from an officer of the Federal Water Pollution Control Administration at a public hearing in Chicago:

"Chrysler Corporation . . . in my experience has been one of the most forthright corporations in the United States in its pollution abatement program.

"They have not waited for State, Federal or local officials to come up and force them to do things, develop standards, develop criteria. They have put in the devices which they have believed on their own would do the job, and in a good many cases they have shown the way.

". . . while we had recommendations to make about other cities and some 33 industries in the area (Detroit), we didn't about Chrysler. They already were doing the job."

"Doing the job" at Chrysler's Canadian operations requires a $3 million treatment complex to handle all the industrial and storm water waste which emanates from the plants at Chrysler Centre in Windsor, Ontario.

Construction began in 1967, and the facility was completed in November, 1968. The waste treatment plant conforms to all City of Windsor requirements and also meets the stringent requirements of the Ontario Water Resources Commission governing the flow of industrial wastes into open water.

The process consists of three stages of successive treatment designed to remove oil and suspended solids. The influent includes such industrial waste materials as welding coolants and liquids from metal preparation such as acid wash, caustic dip and phosphate dip, gas, free oils, soluble oils, and storm water.

This influent comes into the facility at a rate as high as 3,000 parts per million and is returned to the Detroit River, though non-potable, as clear as tap water.

The addition of a water recirculating system at Windsor for the underbody dip primer operation has improved the conservation of water and eliminated a costly disposal problem.

Originally, the operation used 1.3 million gallons of water per year, which was trucked away for disposal as a watery sludge. With the addition of the recirculation system of piping, filters, pumps, and scrubbers to remove the sludge from the water, not only is water conserved but the amount of paint sludge to be disposed of is also reduced. The estimated five per cent overflow from the system is fed directly into the treatment plant for conditioning before being released into the Detroit River.

Water used for wash and dip operations at Chrysler plants is cleaned by scrubbers and then re-used, reducing waste and alleviating the disposal problem. Chrysler first began using water wash paint spray booths in 1935. These booths reduce the fumes from paint operations, providing a better plant environment for workers.

OHIO, INDIANA SYSTEMS

When the Toledo Machining plant was built in Perrysburg, Ohio, in 1966, it included a million dollar water treatment plant. Its three-stage process can continuously treat 24 million gallons of water per month or nearly one million gallons per day. This water is then suitable for release into the Maumee river which flows into Lake Erie, or for re-use in the manufacturing plant.

Chrysler has also begun work to bring its older plants up to the same high standards as its new plants. At its Indianapolis Foundry, for example, Chrysler has invested more than $1 million in a treatment facility which was put into use on December 11, 1969. This system re-uses the purified water in the plant's emission cleaning system and in slag cooling. To check the purity of the water, Chrysler places tropical fish in an aquarium containing treated water. This test is part of an elaborate daily testing of the system's effectiveness.

The Airtemp Division plant at Bowling Green, Ky., has a new waste water treatment plant which represents an investment of $1.2 million; and the Trenton, Michigan, Chemical plant plans to have its own waste water treatment facility by April, 1971 which will replace the present "holding tank" system in use there.

Until recently waste water was converted to vapor at the corporation's stamping plant in Twinsburg, Ohio. The $168,000 facility, with the capacity to handle 500 gallons per hour, had eliminated the possibility of water and air pollution in the community. However, as a final preventive measure, arrangements have been completed to have the waste water hauled by a private contractor who reclaims the oil waste in the water.

SOLID WASTE TREATMENT

Chrysler has invested millions of dollars in the necessary research and actual construction of systems to curb the pollution of water and air. In addition, it has been a leader in establishing systems which properly dispose of solid industrial wastes such as scrap metal, paper, packing material, and other forms of trash.

Chrysler Corporation's Purchasing Department, which makes contracts to remove all waste materials—solid, liquid or semi-liquid—estimates that on a corporate-wide basis Chrysler generates 7,608 tons of salable metal scrap per working day, and that non-metallic wastes—rubbish, sand, cardboard, liquids, and materials, total 6,861 tons per day.

A recent survey of 44 plants revealed that the average annual disposal costs ranged from a high of $7.99 per ton to a low of $1.29 per ton, for an average annual cost of $2.41 per ton for the car assembly, stamping, truck assembly, basic manufacturing, and diversified products operations.

In 1969, Chrysler Corporation disposed of 1,454,142 tons of waste at a cost of $3,500,103. Not included in the report and the figures above are the costs of collecting and handling waste material in the plants prior to legal disposal.

Because cost figures for water pollution control vary greatly, and include projects completed, projects underway, and projects considered necessary between now and 1975, it is not possible to establish specific costs in any model year capital improvements budget.

METHODS OF DISPOSAL

Chrysler solves the solid waste problem in two ways: sell the waste or pay to have it hauled out and disposed of legally.

Private contractors haul to legal disposal areas thousands of tons of solid, semi-solid, and liquid wastes generated in Chrysler's assembly and manufacturing plants across the country.

Solid waste material from the Huber Foundry and Hamtramck Assembly plant in the Detroit area, for example, is hauled by rail to Monroe, Michigan, to a landfill maintained by the Port of Monroe Authority. The waste material is being used to reclaim bottom land for eventual use as an industrial park.

In the Los Angeles area, waste from the Chrysler plant is being used to build up low land areas for private housing developments. Similar use is being made of solid waste at other Chrysler locations.

At other automotive companies, the responsibility for solid waste disposal rests with the individual plants or operating divisions. At Chrysler, private contractors are awarded three-year contracts which permit them to make investments in equipment and facilities impossible under shorter term contracts. Chrysler follows their performance closely, including checking the landfill disposal sites used by the private contractor before the contract is signed.

Scrap metals, although representing a large part of the daily tonnage of waste, do not ordinarily contribute to pollution. These metals—drop-offs, turnings, and defective or damaged parts—are sold through normal sales outlets.

LIQUID WASTE DISPOSAL

Liquid wastes in the form of spent oils, emulsions, chemical wastes, and paint sludge probably represent industry's major pollution potential. Federal, State, and local regulations establishing standards for liquid discharge into sewers or local watersheds are becoming increasingly restrictive.

Chrysler Corporation sends contaminated or spent solvents to outside contractors who reclaim the material and sell it back to Chrysler so it can be used again. The reprocessed solvents come back into the plant at about the same cost as new materials.

Oily wastes are reprocessed by outside contractors into low-grade petroleum products used at the plants, or they are converted into base stock which is used in the manufacturing processes by the Chemical Division.

This reprocessing and recycling procedure has helped Chrysler keep the total disposal cost, which runs as high as several hundred dollars per ton for some specialized wastes, to a relatively reasonable cost.

EPILOGUE

Chrysler Corporation takes pride in its long tradition of using the earth's natural resources wisely. It is also proud of its engineering progress which has led to cleaner air and water. However, it is clear that a good deal of work remains to be done by our entire economic society if man is to continue to enjoy the benefits of his natural environment.

More research into the total environmental problem—by industry, government, and the universities—is needed to determine how man can become more compatible with a finite system of which he is only a part. The research should continue, and be intensified.

Chrysler Corporation believes that the leaders of this nation's industrial system have the good sense, the ability, and the will to adapt this system to the natural environment, for the sake of the public it serves and our succeeding generations. Chrysler will continue its efforts to improve the quality of life which all men desire, and to preserve the natural resources over which man has been granted stewardship.

ROBERT ELLSWORTH

(Mr. MORSE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MORSE. Mr. Speaker, there are many of us who had the honor to know the U.S. Permanent Representative to the North Atlantic Council, Robert Ellsworth, as a colleague in the House of Representatives.

It is, therefore, with particular pride that I take this opportunity to bring to the attention of the House a report of the recent NATO Ministerial meeting in Rome which appeared in the International Herald Tribune.

As is pointed out in the article, the diplomatic formula which the ministers devised in calling for European security talks and in proposing an East-West discussion of mutual, balanced force reductions, "represents a switch to the initiative on the part of NATO and puts the ball back in the court of the Warsaw Pact powers, who have been pushing various security conference proposals at the West for more than a decade." The decision to transmit the proposal through the Italian Government to the Warsaw Pact powers signifies meaningful diplomatic action on the part of the NATO governments to determine what the prospects are for progress.

This new initiative is, I feel, in no small way attributable to the efforts and the dedication of our former colleague from Kansas. Robert Ellsworth has brought to his new role the wisdom, skill, and effective statesmanship from which the Congress benefited so greatly. It is indeed encouraging to know that this country, NATO, and the world continue to enjoy his valuable service.

The article follows:

[From the International Herald Tribune, May 28, 1970]

"WITH ALL INTERESTED PARTIES": NATO ASKS SECURITY TALKS, BALANCED MUTUAL ARMS CUTS

(By Don Cook)

ROME, May 27.—The North Atlantic Treaty Organization declared its readiness today "to explore when it will be possible to convene a European security conference" and commissioned the Italian government to make initial sounding "with all interested parties, including neutral and nonaligned governments."

At the same time, however, the 15 NATO foreign ministers, in a communiqué issued at the conclusion of their regular two-day spring meeting, agreed that there would have to be progress in the bilateral talks which are already under way on Germany and Berlin, in particular, to justify entering into a broad multilateral conference on security.

But the diplomatic formula, which the ministers devised in a full day of intensive give-and-take discussion, represents a switch to the initiative on the part of NATO and puts the ball back in the court of the Warsaw Pack powers, who have been pushing various security conference proposals at the West for more than a decade.

The Italian Foreign Ministery will be making formal contact probably with every non-NATO government in Europe in the immediate future to transmit formally both the final NATO communiqué and an accompanying declaration from the ministerial meeting proposing an East-West discussion of mutual, balanced force reductions. It was noted that a deputy foreign ministers meeting of the Warsaw Pact powers is to be held early next month, and the hope is that the NATO initiative will be given active consideration by the Communist powers at that time.

The NATO communiqué makes specific mention of a proposal pushed by British Foreign Secretary Michael Stewart for "establishment of a permanent body as one means, among others, of embarking upon multilateral negotiations in due course." The NATO ministers also laid down in very general terms the kind of agenda which should be explored for a security conference:

"The principles which should govern relations between states, including the renunciations of force; the development of international relations with a view to contributing to the freer movement of people, ideas and information and to developing cooperation in the cultural, economic, technical and scientific fields as well as in the field of human environment."

In fact, these two "agenda headings" are very close to the agenda for a European security conference which was proposed by the Warsaw Pact powers in a communiqué following a foreign ministers meeting in Prague last October. By transmitting this text formally, through the Italian government, to the Warsaw Pact powers, instead of leaving it to them to read in the newspapers, the NATO governments will be taking diplomatic action instead of propaganda action to see whether there is any really serious thrust behind the security conference idea.

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WELL SATISFIED

Official American sources said the United States was "well satisfied with the outcome" of the NATO meeting. At the previous ministerial session in Brussels last December, the American position was considerably less enthusiatic about a security conference, but since then, of course, the West German government has initiated talks in Moscow and Warsaw and four-power talks have begun on Berlin.

The American spokesman emphasized that "progress must be evident in the area of bilateral discussions before we can move into multilateral talks" but at the same time, it was stated that there was no objection to multilateral explorations in principle. It is simply the American position, which was also reflected in the NATO communiqué, that a security conference should follow on a record of progress and achievement in other negotiations now underway.

Nor does the United States ask for across-the-board progress in all the talks which are going on. It simply asks for indications of progress in at least some fields to avoid getting NATO involved in a multilateral security conference with no realistic prospects of success or improvement.

The Italian government, in transmitting the results of the NATO meeting to other governments, will in effect be inviting everybody to express their interest, or non-interest, in holding exploratory talks on mutual force reductions and on the convening of a security conference.

A SENSE OF DOOM: POLLUTION OR THE BOMB

(Mr. MORSE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MORSE. Mr. Speaker, the dimensions of our economic dependence on the military establishment are staggering. In terms of our gross national product, our labor force, our Federal budget, and numbers of our scientists and engineers, there is a vast involvement in defense and defense-related activities. This concentration has been telling on our society and on the quality of our environment. The advances of science and technology—from detergents and colored tissue to lethal chemicals and the nuclear threat—are outrunning our human and physical potential. In both available resources and in priorities for attention, these problems have gone unattended, until now they rival, if not supersede, the traditional issues of "national security" as urgent questions involving our very existence.

We have created a vast disproportion which we must now equalize. Conversion, in terms of both a rearrangement of national priorities and a shift of our economy into peace time production, is necessary to steer us away from the collision course toward which rapid technological change and rapid social change is taking us. The prospect of economic conversion presents complex problems, but also magnificent opportunities. The needs of our cities, our rural areas, for education, health, and the improvement of our environment, present great challenges.

A number of years ago I proposed that the United States utilize the demonstrated capacity of systems management techniques in the solution of nondefense public problems. I have introduced legislation to gear up the much needed long-range planning to enable our economy to shift smoothly into peacetime production. I am convinced that we can and must transfer this technological capacity, not only out of economic necessity, but out of the pragmatic recognition that this capacity can be successfully harnessed for the solution of our society's most pressing human needs. We need both the foresight and the commitment to move ahead with this.

Barbara Ward, British author, economist and educator, delivered a speech in Chicago under the sponsorship of the Chicago Council on Foreign Relations, the English Speaking Union, and the Adlai Stevenson Institute, in which she presented most effectively and compellingly the need for such foresight and commitment. I am honored to present it here for the careful consideration of my colleagues:

[From the New York Post, Jan. 3, 1970]

A SENSE OF DOOM: POLLUTION OR THE BOMB

(By Barbara Ward Jackson)

CHICAGO.—The human race is moving into an era which it can hardly understand or master. The root of the confusion is the furious and accelerated pace of scientific and technological change and the almost opposite effects of this headlong progress.

On the one hand our incredible mastery over physisocial laws which puts a man on the moon and will carry him beyond Mars seems to promise limitless horizons, total control, triumphant man setting the universe itself to work for his needs. Prometheus is alive and well and has stolen the cosmos.

At the same time, we realize the limits in our mastery. Now that we have left our planet, we can see it from the moon as it really is—very small, blue and shining, the only-carrier in ultimate space and dependent for its survival on a little envelope of air, a thinner covering of soil, and the living waters.

Into these last safeguards, our science, our technology, our inventions, our hunger for things is thrusting what may be irreversible pollution. The air which all must share moves across frontiers carrying death-dealing chemicals from one nation's industry to another nation's forests. The oceans begun to fill up with indestructible junk. Lakes die. Rivers are sewers. Humans breathe twice as fast as their grandparents because the supply of oxygen is impaired.

Behind everything, dwarfing every other risk, is nuclear destruction.

Let me take three examples of this interplay between an unlimited scientific capability and a limited human and physical potential, which together produce major crises ahead of all expectation or preparation. Defense, the cities, the plight of the Third World all illustrate the syndrome. They are also, in some measure, interconnected.

Defense begins with a traditional and not unrespectable doctrine—the balance of power. America's military strength, disastrously withdrawn after the First World War, remains in being as an active counterpoise to Russian might and Communist pressure after the second. Then into this traditional frame we pour the full resources of scientific research and industrial mobilization. Each superpower commands roughly the same scientific establishment. Russia's smaller consumer sector makes it an industrial match for America.

The confrontation begins. America has the bomb. Russia gets the bomb. Each side guesses what the other can invent in the way of further steps in effective destruction. It becomes the course of wisdom to keep ahead of that step.

To be perfectly "safe" American planners feel they must be in advance of any weapon system they can scientifically imagine the other side to command. They conceive of a "bomber gap" in the '50s. Then comes the "missile gap" upon which John F. Kennedy campaigned. Today it is an "anti-missile gap."

The mechanism is the same.

Keeping ahead means constantly inventing new and more devastating and more irresistible weapon systems. But since the other side is known to be able to invent them too, absolute superiority is never achieved.

This competitive race has now gone beyond any limit of reason. If we take a megaton warhead, which is 50 times more powerful than the Hiroshima bomb, it can virtually wipe out a city of half a million.

The Soviet Union has about 145 cities of over 100,000 and six big multimillion urban concentrations. One can therefore estimate that 200 nuclear warheads could more or less eliminate Russia's urban population and perhaps 70 per cent of its industry. The U.S. has some 4200 nuclear bombs and missiles. We can therefore, destroy Russia about 20 times over.

The Russians' projects are more modest. With 1700 warheads, they could only destroy America four or five times over. However, if the multiple independently targeted vehicles (MIRVs) are introduced, each warhead will contain four or five megatons, and this would bring Russia up to America's present rate of kill—20 times—and allow America to move on to a remarkable hundred-times overkill.

So much for the thrust of science and invention which has turned the balance of power into a horror of science fiction. Now comes the limiting factor.

To achieve an attack on a scale to insure no counterstroke—an effective "first strike," in the jargon—either superpower would have to launch so many missiles that the single atmosphere shared by the whole planet would not absorb first the deadly radiation and then the plagues loosed by the unburied dead. In any case, no first strike would eliminate all response. Some submarines could still strike back.

But the issue is academic. The "first strike" itself strikes back at the attacker through the total violation of our destructible and interdependent atmosphere. With the thrust of our science and the power of our industry, we have therefore pushed defense over the frontiers of sanity and confront nuclear annihilation. And at every new level of spiraling costs—$20 billion, $40 billion, $100 billion—we are as insecure as ever.

As the nation built up this vast apparatus, mobilized great armies whose only industry is defense, created close interrelationships between the military machine and the top industrial power structure there was created, at incredible speed and without anyone either meaning it or noticing it, a built-in lobby for the $80 billion arms budget which is now incredibly difficult to dislodge.

The Vietnam war has followed something of the same cycle. Beginning as a quite modest effort of containment, it has burgeoned into a vast and incredible exercise in modern weaponry and chemical warfare. This apparatus is so destructive in its direct effects and so devastating in its impact upon the local economy that the original aim has been swamped and the country America came to help has been all but annihilated.

Moreover, the combined effect of steadily rising arms expenditure has meant steadily increasing inflation in America. Out of every tax dollar 71 cents goes to war, the most inflationary of all exercises.

Defense puts no goods or services back into the economy to mop up the wages and salaries it distributes. We cannot use obsolete Minutemen. We cannot live in old tents. We cannot eat discarded rations. And since the mark-up on defense supplies has in some cases reached 100 percent and more, and according to Sen. Mike Mansfield at least $23 billion of sheer waste has occurred over the past decade, the inflationary impact has been irresistible.

The consequence is, too, that there are no resources available for other great problems—as with defense—the sheer scale of technological change, linked now with equally rapid social change, has launched mankind into total crisis before the full nature of the emergency has been appreciated. All around the world, epidemic control ahead of full-scale modernization has led to a population explosion.

This is well known. But this is only the beginning of the story.

The new millions are also on the move. Men cannot cross the oceans to empty temperate land as in the 19th Century. They are swiftly moving within their own frontiers—out of the stagnant countryside into the exploding cities. Cities are now growing three and four times as fast as population. But they are growing ahead of the means of employing the migrants and their own city-born. Unemployment rates of 20 to 30 per cent are common in big cities, and for youths it can be nearer 50 per cent.

The U.S. shares some of this crisis in its ghettos created by massive black migration—which few noticed at the time—from the rural South. It is not scaremongers but the National Commission on the Causes and Prevention of Violence that warns the country of the risk of near-civil war if the present trends continue—the poor left to fester in the rundown cities, the wealthy retreating to heavily defended white suburbs, there to share the fall and collapse of imperial Rome—the destruction of urban order and civilized life.

But in the cities of the Third World the crises are, if anything, greater. The Atlantic world, like a white suburb, may have to live in perpetual defense against the armed anger of the 80 per cent of the world's people who enjoy not even 20 per cent of the world's wealth.

These crises and disproportions were not intended or planned. Many flow from the rapid changes in our totally radical world. They will continue if we remain on our present collision course. But they are neither inevitable nor incurable. In fact we begin to see a way forward.

The first step is to aim at halving the arms budget. If it can be done by agreement with the Russians at Helsinki, all the better. We already have the Test-Ban Treaty and the Nonproliferation Treaty to show us that agreement is not impossible. If not, President Nixon could follow up his bold initiative over germ warfare and give a unilateral lead.

America would still have as big a defense budget as under President Eisenhower. It would still have rather more than a lead in nuclear destructiveness. It would still maintain a reasonable NATO commitment.

But it would have started the move away from Armageddon. It would have freed itself for new initiatives.

The present policy of phasing out the Vietnam struggle would be made irrevocable, and America could learn from the tragedy that armed intervention in other peoples' social struggles and civil wars destroys more than it cures. It is better to learn that lesson in Asia than in Latin America.

With $40 billion to $50 billion saved each year, the nation could make the cities its first priority.

America almost alone in the world has no plans for new cities. With 100 million more Americans coming along, at least 100 new cities are needed by the year 2000. These, coupled with a total rebuilding of the ghettos, could give the arms industry the framework for reconversion and get the best brains out of the death research and into working for the betterment of the human condition.

If $30 billion went to the cities, $10 billion could then go, as America's 1 percent of gross national product, to carrying the "green revolution" of rising agriculture all around the Third World. Linked with city-building to match the urban multitudes, such a program would do more for American survival than depleting forests or dropping bombs and napalm on civilians.

A fantasy? Utopia? No, simply a modest rearrangement of priorities in a trillion dollar economy which, not by evil or ill will or conspiracy but by the thrust of its own vast science and technology, has been swept off its course.

But the change of direction is pitifully urgent. Young people cannot love their country. Poor people cannot live in it. The citizen cannot raise himself above fear. The sense of doom afflicts us all.

So let there be a quantum jump away from our unpremediated but lethal concentration of destruction. Let us turn from a curse to a blessing. Let us choose life.

ELLIOT L. RICHARDSON SPEAKS

(Mr. MORSE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MORSE. Mr. Speaker, on April 29, Under Secretary of State Elliot L. Richardson spoke before a group of Soviet and American citizens, at the second national convocation on the challenge of building peace. His message is significant, I think, for its realism, and for its constructive, practical approach.

To deny that there are basic and serious disagreements between our two nations which are not likely to be dissipated in the near future, would be self-deluding, if not highly irresponsible. On the other hand, however, to fail to recognize that there are areas of common interest between the United States and the Soviet Union, and to categorically reject efforts which seek to maximize these points of mutual concern, would be self-defeating and dangerously inflexible.

The fact is that we can no longer afford to be doctrinaire in our thinking and in our policies. We must be responsive to the realities of the international situation today. Under Secretary Richardson goes a long way in demonstrating his understanding of the issues and the prospects for progress. I recommend his address, which I am including here, to my colleagues:

ADDRESS BY THE HONORABLE ELLIOT L. RICHARDSON, UNDER SECRETARY OF STATE, BEFORE THE SECOND NATIONAL CONVOCATION ON THE CHALLENGE OF BUILDING PEACE, HILTON HOTEL, NEW YORK CITY, APRIL 29, 1970

It is a privilege to be asked to participate in this extraordinary symposium.

Distinguished Soviet and American citizens are today mingling in this hall and exchanging views in a public forum, a fact which in itself contributes to a more positive relationship between our two countries.

Privately organized meetings such as this add a valuable dimension to official contact. I congratulate all involved on this initiative and hope that your discussions will be fruitful and will lead to other such meetings, with the next round, perhaps, taking place in the Soviet Union.

My remarks today were composed with an eye both to the unique nature of this audience and the title of your convocation. I seek to focus your concern on the grave hazards to world peace which arise when local conflicts threaten to escalate to the point of confrontation between the Soviet Union and the United States. Neither of our two countries—no country, indeed—can afford to underestimate these hazards.

There are many questions on which the United States and the Soviet Union disagree. We are likely to continue to disagree. There is nothing to be gained by pretending that this is not the case. Despite these differences, we also have areas of common interest. I should like to concentrate today on how we can maximize one of those areas of common interest: how we can most effectively insulate ourselves against the escalation of local conflicts. Whatever strengthens and promotes this common interest will also serve the cause of peace. To this end I would like to suggest three simultaneous and complementary forms of action.

The first involves acknowledging and developing what I shall refer to as "spheres of restraint"; the second calls for encouraging regional self-policing and the development of regional institutions and capabilities; and the third requires strengthening United Nations mechanisms so that they can more effectively cope with local conflicts.

As I look at the world situation that now seems to be emerging I see an uneasy equilibrium at the center in which the crucial element is the U.S.-USSR bilateral strategic relationshiup. In recent years we have both come to recognize the need to give this strategic relationship greater stability.

Significant headway has already been made. Agreements on a partial test ban treaty, the banning of nuclear weapons from Antarctica and from outer space, and the nuclear Non-

Proliferation Treaty have been followed by a draft treaty barring weapons of mass destruction from the seabed. The Strategic Arms Limitation Talks now under way in Vienna have even greater potential for stabilizing our strategic relationship. Extremely sensitive and complex matters touching upon the vital security of each side are at stake. But if solutions continue to be pursued in the same serious manner in which the talks have begun, we are confident that ways can be found to limit the dangers and costs of the strategic arms race.

Beyond this central strategic equilibrium and destined, I believe, to become increasingly important are complex new configurations of power involving other countries and, in some cases, new regional groupings. In some areas of the world the power of the United States is involved in the local balance; in some areas Soviet power is involved; in other regions we are both involved, directly or indirectly.

Certain regions where both of us are now deeply involved are so important to the central configuration of power that accommodations will require a careful process of negotiation on outstanding issues. Central Europe, for which the NATO ministerial meeting recently proposed mutual and balanced force reductions, is the outstanding example.

In other areas, however, where neither of us is now so heavily committed, progress can be made toward reducing the danger of expanded local conflict by deliberately limiting our involvement. This does not require that we agree on the origin and merits of the conflict in question nor that we forgo all interest in the area. What is required is that we do agree—either tacitly or explicitly—to refrain from any action, direct or indirect, which might disturb its internal equilibrium.

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Since the world of the 1970's is not likely to be a placid one, this will not be an easy task. Experience has shown that the process of modernization is inevitably accompanied by convulsion and dislocation. Turmoil and turbulence are thus unfortunately likely to continue to accompany rapid social change in large parts of the world. Peaceful development—economic or political—is a process that has thus far eluded much of mankind.

The temptations, the impatience, and the anger which will be stirred by continuing eruptions and violence in developing areas emphasize the need for major power abstention. The development of "spheres of restraint" will require that both major powers recognize that their long-term interests are not furthered by attempts to gain short-term—and often fleeting—advantage.

Each side has its own views as to what constitute current examples of such attempts. I believe, for instance, that the Soviet Union should realize that any immediate gains it might make by attempting to take advantage of the troubled Middle East situation are far outweighed by the danger of stirring up a wider conflict. When in such an area one of us—in this case the USSR—involves itself militarily, it is inevitable that the other will take notice and react.

We in the United States, meanwhile, must come to terms with the fact that violent upheaval—however repugnant to our preference for orderly and peaceful change—is going to continue to occur. We must realize that in most such situations U.S. power is neither a desirable nor an effective prescription.

In addition to realizing that we have neither a moral right nor a duty to intervene in every local quarrel, both the U.S. and the USSR must also recognize that our power to deal with such disputes is sharply circumscribed by the new confidence and strength of many of the smaller nations. In many cases, to be sure, our participation—together with such leverage as we can usefully exercise—can help the parties find an acceptable formula for a settlement. This is what we are seeking to do in our discussions on the Middle East. But such efforts should not lead us to believe that an imposed solution, even where we can agree on its basic elements, is a lasting solution. Where persuasion fails, coercion is not an acceptable option.

These perceptions are reflected in the way the Nixon Administration is attempting to remold U.S. foreign policy. They can be seen in the more precise manner in which we are now setting the limits of our obligations. As President Nixon has put it, "We have commitments because we are involved. Our interests must shape our commitments, rather than the other way around." Accordingly, we are being more exact in the delineation of those U.S. interests which, when threatened, must call forth a response.

We hope that the Soviet Union is also undertaking a new look at its own real interests around the world to see whether they too might not, to advantage, be defined more narrowly. To the extent it does so, the development of spheres of restraint will become an easier task.

But even if both of us successfully pursue a course faithful to a recognition of spheres of restraint, this may not, in itself, be sufficient to insulate local conflicts and to prevent the risk of escalation. A second form of action, therefore, will also be important—that is, encouraging regional efforts to develop institutions for coping with local problems and disputes.

The Charter of the United Nations—in Articles 33 and 52—clearly envisages regional efforts which can contribute to the preservation of peace. These aspects of the Charter should be given increasing attention, especially by the developing countries.

While experience to date does not suggest that major successes will soon be achieved in this way, the record is not without promise. From the dispute between Costa Rica and Nicaragua two decades ago to the more recent conflict between El Salvador and Honduras, the Organization of American States has demonstrated a useful capacity for peacemaking. The Organization for African Unity has also scored some success in mediating disputes—as in those between Ethiopia and Somalia and between Morocco and Algeria, both in 1964. Nor should one discount the efforts made by the OAU in other instances where, although success was not achieved, some restraint was encouraged and useful experience gained.

In Asia, too, regional organizations are beginning to develop. These, as President Nixon observed in his report to the Congress on foreign policy, "can be bulwarks of peace." We look forward to their undertaking such a role in the future, and even now we hope that the nations of the area can help resolve the conflict in Southeast Asia, for certainly they have a paramount interest in seeing this accomplished.

It will be especially important, however, to guard against expecting too much too quickly from the emergent regional consciousness in various parts of the world. The necessary concentration of regional power and the formation of institutions for regional action will take time. Early failures or false starts should not lead us to abandon the encouragement of truly regional initiatives.

Since regional action to maintain local stability or control local conflicts will not, in many cases, be adequate, a third form of action is also necessary. U.S.-Soviet cooperation in United Nations efforts to contain and, if possible, settle local conflicts. If this is to be accomplished, the United Nations role in the prevention, isolation, and resolution of local conflicts will have to be revitalized.

The UN, now in its 25th Anniversary Year, has done well in fostering economic development, scientific interchange, and in the area of human rights. It must now be strengthened and enabled to do the job its Charter envisions in the maintenance of peace. The central questions here are when and how peacekeeping can most effectively be brought into play and how the U.S. and the Soviet Union can best join with others to make it work.

It is time to break through the six-year-old impasse on peacekeeping procedures and peacekeeping machinery. An effective and reliable new set of ground rules must be developed, one which allows for a quick response in emergencies. United Nations action must take account of the interests of all, be impartial in intent and application, and call forth the cooperation of the contending parties as well as of those nations on whom the UN must depend for manpower and funds. Procedures should also be politically responsive, efficient in administration, and adaptable to rapidly evolving events.

Among the key points on which the United States believes progress should be made are: The uses of "voluntary" peacekeeping, more precision and realism toward the balance of responsibilities between the Security Council and the Security General, firmer arrangements for ensuring the availability of personnel and facilities, widening the area of recruitment of peacekeepers, and more reliable and equitable sharing of costs.

I am glad to be able to take note today of the fact that the United States and the Soviet Union have already been discussing some of these matters both in informal meetings and in the negotiations of a United Nations working group in an attempt to work out guidelines for future international action. Although differences of approach exist between us with respect both to interpretation of the Charter and to practical mechanics, these need not stand in the way of uncovering sufficient common ground to afford a practical basis for certain UN peacekeeping operations. The responsibility for action, in any case, lies with the entire international community, not with the United States and the Soviet Union alone. The middle powers in particular must continue to play a key role in energizing and activating peacekeeping efforts.

When referring to "peacekeeping" I do not speak of it as applying only to actions taken after conflict is perilously close or has broken out. If the international community is to be insulated against the potential impact of local conflicts, efforts must be started at an early stage; quarrels and disputes cannot be ignored until the peace has been ruptured.

The UN Charter does not, after all, contemplate that the UN should be the last resort in efforts to preserve the peace. Articles 14, 33 and 36 of the Charter lay the basis for timely action by the General Assembly and the Security Council to recommend appropriate procedures or methods of adjustment of international disputes. It is a sad commentary on recent trends that these articles have largely fallen into disuse, and some of the blame must surely be borne by the United States and the Soviet Union.

Article 99 is also relevant to this discussion. Under this provision, the Secretary General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security. In assigning the responsibility to the Secretary General, the Charter thus provides, in effect, for an early warning system. The responsibility for action resides elsewhere, but realistic and imaginative efforts are now called for to bring this potentially significant role of the Secretary General more fully into play.

If the full potential of the Secretary General's role has been neglected, the same can also be said of the Security Council. In September of last year, Foreign Minister Gromyko called attention to the power of the Security Council to consider general as well as specific problems affecting the maintenance of peace.

The government of Finland, which has been especially interested in such proposals, has suggested making the Security Council more of a center for world consultations by holding regular meetings at the foreign minister level. The U.S. hopes that some agreed way can be found to pursue this possibility. Also worth exploring is a recent Brazilian proposal to set up small informal subcommittees of the Security Council to examine the fundamental issues in specific disputes and to provide good offices for peaceful settlement of disputes.

Revival of the moribund International Court of Justice would also help to strengthen the mechanisms designed to settle disputes peacefully. Secretary Rogers last Saturday proposed several ways to enhance the role of the Court, which does not now have a single pending case before it.

The Secretary suggested that greater use be made of the chambers of the Court; that the chambers meet outside The Hague; that regional chambers be established, particularly in the developing world; and that regional organizations be given access to the Court. Noting that the major problem is the failure of states to submit disputes to the Court, Secretary Rogers underlined the intention of the United States to make more use of the Court in its own international disputes. He encouraged other states to do the same, adding:

"Mankind eventually must become wise enough to settle disputes in peace and justice under law."

The approaches I have outlined—the creation of spheres of restraint, the encouragement of regional institutions, and the strengthening of international peacekeeping machinery—will not by themselves, it is true, bring us to this goal. Neither will they guarantee our safe passage to a securely ordered world free of the shadow of thermonuclear war. They are, however, steps on the way—steps we can take now.

If we succeed in these, we shall have the chance to take other, longer steps. If we do not succeed in these, we may never have that chance.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Wyatt (at the request of Mr. Arends), for today and tomorrow, on account of illness.

Mr. Dent, for the period from June 11 to June 26, on account of attending Geneva Conference of ILO as congressional delegate.

Mr. Pepper (at the request of Mr. Boggs), for today, on account of official business.

Mr. Patman (at the request of Mr. Boggs), for today and through June 11, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Cunningham), to revise and extend their remarks and include extraneous matter:)

Mr. Findley, for 10 minutes, today.

Mr. Miller of Ohio, for 5 minutes, today.

Mr. Halpern, for 5 minutes, today.

Mr. Brown of Michigan, for 5 minutes, today.

(The following Members (at the request of Mr. Pryor of Arkansas), to revise and extend their remarks and include extraneous matter:)

Mr. Gonzalez, for 10 minutes, today.

Mr. Dent, for 30 minutes, today.

Mr. Cohelan, for 15 minutes, today.

Mr. Olsen, for 60 minutes, on June 11.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Corbett and to include extraneous matter.

Mr. Scott immediately following the remarks of Mr. Springer in general debate in the Committee of the Whole today on the Clean Air Act Amendments of 1970.

Mr. Bell of California, following the remarks of Mr. Farbstein on his amendment offered in the Committee of the Whole today.

Mr. Gude, to extend his remarks immediately following those of Mr. Button and prior to the vote.

(The following Members (at the request of Mr. Cunningham) and to include extraneous matter:)

Mr. Duncan in two instances.
Mr. Hunt in two instances.
Mr. Mize.
Mr. Harsha.
Mr. Wydler in two instances.
Mr. Scherle.
Mr. Schneebeli.
Mr. Broomfield.
Mr. Bush in two instances.
Mr. Conte in two instances.
Mr. Whalen.
Mr. Bob Wilson.
Mr. Nelsen.
Mr. Findley.
Mr. Wold.
Mr. Steiger of Arizona.
Mr. Widnall.
Mrs. Reid of Illinois.
Mr. McKneally in three instances.
Mr. Coughlin.
Mr. Keith.
Mr. Dellenback.

(The following Members (at the request of Mr. Pryor of Arkansas) and to include extraneous material:)

Mrs. Griffiths in four instances.
Mr. Celler.
Mr. Corman in two instances.
Mr. Murphy of New York in two instances.
Mr. Dingell in two instances.
Mr. Patman in two instances.
Mr. Edwards of California in three instances.
Mr. Addabbo in three instances.
Mr. Annunzio in three instances.
Mr. Baring in two instances.
Mr. Delaney.
Mr. Minish in two instances.
Mr. Patten in two instances.
Mr. Nichols.
Mr. Biaggi in five instances.
Mr. Anderson of California in two instances.
Mr. Stokes.
Mr. Donohue in two instances.
Mr. Fulton of Tennessee in three instances.
Mr. Fountain in two instances.
Mr. Kluczynski in two instances.
Mr. Gonzalez in two instances.
Mr. Rarick in two instances.
Mr. Jarman in two instances.
Mr. Dorn in two instances.
Mr. Dent in five instances.
Mr. Gibbons in two instances.
Mr. Thompson of New Jersey in two instances.
Mrs. Green of Oregon in six instances.
Mr. Bingham in five instances.
Mr. Hagan in two instances.

BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on the following days present to the President, for his approval, bills of the House of the following titles:

On June 9, 1970:

H.R. 10184. To provide for the disposition of judgment of the Sioux Tribe of the Fort Peck Indian Reservation, Mont.; and

H.R. 15166. Authorizing additional appropriations for prosecution of projects in certain comprehensive river basin plans for flood control, navigation, and for other purposes.

On June 10, 1970:

H.R. 14306. To amend the tobacco marketing provisions of the Agricultural Adjustment Act of 1968, as amended.

ADJOURNMENT

Mr. PRYOR of Arkansas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 31 minutes p.m.), the House adjourned until tomorrow, Thursday, June 11, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2122. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize appropriations for the fiscal years 1972 and 1973 for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes; to the Committee on Public Works.

2123. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to extend the duration of the highway trust fund, and for other purposes; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HAYS: Committee on House Administration. House Resolution 1071. Resolution to provide funds for the select committee created by House Resolution 976; with an amendment (Rept. No. 91-1173). Ordered to be printed.

Mr. CELLER: Committee on the Judiciary. H.R. 17825. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes (Rept. No. 91-1174). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR (for himself, Mr. Mollohan, Mr. Fuqua, Mr. Erlenborn, Mr. Roberts, Mr. Cleveland, Mr. Williams, Mr. Collier, Mr. Miller of Ohio, Mr. Derwinski, Mr. Button, Mr. Pirnie, Mr. Griffin, Mr. Hunt, Mr. Crane, Mr. Snyder, Mr. Buchanan, Mr. Kuykendall, Mr. Fisher, Mr. Hays, Mr. Blackburn, Mr. Pollock, Mr. Johnson of Pennsylvania, and Mr. Shriver):

H.R. 18006. A bill to amend title 18 of the United States Code to provide a penalty for persons who interfere with the conduct of judicial proceedings, and for other purposes; to the Committee on the Judiciary.

By Mr. ADAIR (for himself, Mr. Burke of Florida, Mr. Dickinson, and Mr. Broyhill of Virginia):

H.R. 18007. A bill to amend title 18 of the United States Code to provide a penalty for persons who interfere with the conduct of judicial proceedings, and for other purposes; to the Committee on the Judiciary.

By Mr. HOGAN:

H.R. 18008. A bill to establish a national catastrophic illness insurance program under which the Federal Government, acting in cooperation with State insurance authorities and the private insurance industry, will reinsure and otherwise encourage the issuance of private health insurance policies which make adequate health protection available to all Americans at a reasonable cost; to the Committee on Interstate and Foreign Commerce.

By Mr. BINGHAM:

H.R. 18009. A bill to amend section 403(b) of the Internal Revenue Code of 1954 with respect to eligibility for certain annuity plans; to the Committee on Ways and Means.

By Mr. CORMAN:

H.R. 18010. A bill to provide for the establishment of a national cemetery in Los Angeles County in the State of California; to the Committee on Veterans' Affairs.

By Mr. FINDLEY:

H.R. 18011. A bill to require that buses and trucks operated in commerce be equipped with instruments to provide a record of certain operating data, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HAYS:

H.R. 18012. A bill to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations; to the Committee on Foreign Affairs.

By Mr. MILLER of California:

H.R. 18013. A bill to permit expenditures in connection with the provision of certain public improvements or public facilities in the city of Hayward, Calif., to be counted as local grants-in-aid to federally assisted urban renewal projects in the city of Hayward, Calif.; to the Committee on Banking and Currency.

By Mr. MINISH:

H.R. 18014. A bill to provide for an equitable sharing of the U.S. market by electronic articles of domestic and of foreign origin; to the Committee on Ways and Means.

By Mr. MINSHALL:

H.R. 18015. A bill to amend the Internal Revenue Code of 1954 to allow an incentive tax credit for a part of the cost of constructing or otherwise providing facilities or equipment for the control of water or air pollution or for processing of solid waste, and to permit the amortization of such cost within a period of from 1 to 5 years; to the Committee on Ways and Means.

By Mr. OBEY:

H.R. 18016. A bill to declare that certain federally owned land is held by the United States in trust for the Stockbridge-Munsee community, and to make such lands parts of the reservation involved; to the Committee on Interior and Insular Affairs.

By Mr. PEPPER:

H.R. 18017. A bill to authorize the Secretary of the Interior to sell reserved phosphate interests of the United States in certain lands in Florida to the record owner or owners of the surface thereof; to the Committee on Interior and Insular Affairs.

By Mr. ROGERS of Florida:

H.R. 18018. A bill to amend the Tariff Act of 1930 to provide for informal entry under regulations of certain educational articles manufactured in the United States; to the Committee on Ways and Means.

By Mr. SIKES (for himself, Mr. Long of Louisiana, Mr. Saylor, Mr. McClure, and Mr. Brock):

H.R. 18019. A bill to amend section 4182 of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. WALDIE:

H.R. 18020. A bill to prohibit Federal financial assistance for State or local educational agencies which permit primary or secondary students within their jurisdiction to conduct experiments with live animals; to the Committee on Education and Labor.

By Mr. WHITTEN:

H.R. 18021. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

H.R. 18022. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Ways and Means.

By Mr. WOLD:

H.R. 18023. A bill to amend section 4182 of the Internal Revenue Code of 1954, to remove statutory restrictions on the sale of .22 caliber ammunition; to the Committee on Ways and Means.

By Mr. WYATT:

H.R. 18024. A bill to amend title II of the Marine Resources and Engineering Development Act of 1966; to the Committee on Merchant Marine and Fisheries.

By Mr. BINGHAM (for himself and Mr. Button, Mr. Dingell, Mr. Fulton of Pennsylvania, Mr. Halpern, Mr. Hathaway, Mr. Helstoski, Mr. Mr. Rees, Mr. Scheuer, and Mr. Thompson of New Jersey):

H.R. 18025. A bill to create a new National Service Agency to fill military manpower requirements, to create a voluntary civilian service as an alternative to military service, and for other purposes; to the Committee on Armed Services.

By Mr. DELLENBACK:

H.R. 18026. A bill to amend the act of April 12, 1926 (44 Stat. 242; chap. 117), as amended; to the Committee on Interior and Insular Affairs.

By Mr. DENT (for himself, Mr. Gibbons, and Mr. Gaydos):

H.R. 18027. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to require motor vehicle safety standards relating to the ability of the vehicle to withstand certain collisions; to the Committee on Interstate and Foreign Commerce.

By Mr. BOB WILSON:

H.R. 18028. A bill to assist in the efficient production of the needed volume of good housing at lower cost through the elimination of restrictions on the use of advanced technology and for other purposes; to the Committee on Banking and Currency.

By Mr. SKUBITZ:

H.J. Res. 1253. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. TAFT:

H.J. Res. 1254. Joint resolution to authorize the President to designate the period beginning September 20, 1970, and ending September 26, 1970, as "National Machine Tool Week"; to the Committee on the Judiciary.

By Mr. BROWN of Michigan:

H. Res. 1073. Resolution urging withdrawal of Russian personnel from the Middle East; to the Committee on Foreign Affairs.

By Mr. GUBSER (for himself, Mr. Anderson of Illinois, Mr. Bennett, Mr. Biester, Mr. Brademas, Mr. Brotzman, Mr. Brown of Michigan, Mr. Bush, Mr. Button, Mr. Clay, Mr. Coughlin, Mr. Crane, Mr. Dellenback, Mr. Dennis, Mr. Eilberg, Mr. Halpern, Mr. Hechler of West Virginia, Mr. Horton, Mr. Koch, Mr. Leggett, Mr. Matsunaga, Mrs. May, Mr. McClory, Mr. McCloskey, and Mr. McDade):

H. Res. 1074. A resolution to amend the Rules of the House of Representatives; to the Committee on Rules.

By Mr. GUBSER (for himself, Mr. Miller of Ohio, Mr. Mize, Mr. Ottinger, Mr. Pepper, Mr. Podell, Mr. Quie, Mr. Reid of New York, Mr. Reuss, Mr. Riegle, Mr. Ruppe, Mr. Saylor, Mr. Schadeberg, Mr. Schwengel, Mr. Steiger of Arizona, Mr. Stokes, Mr. Teague of California, Mr. Tunney, Mr. Van Deerlin, Mr. Whalen, and Mr. Zwach):

H. Res. 1075. A resolution to amend the Rules of the House of Representatives; to the Committee on Rules.

By Mr. SYMINGTON:

H. Res. 1076. A resolution expressing the sense of the House of Representatives with respect to an international compact regarding the safety of persons entitled to diplomatic immunity; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURTON of California:

H.R. 18029. A bill for the relief of Miguelito Ybut Benedicto; to the Committee on the Judiciary.

H.R. 18030. A bill for the relief of Hem Chow Loo; to the Committee on the Judiciary.

H.R. 18031. A bill for the relief of Alice Paz Z. Manlucu; to the Committee on the Judiciary.

H.R. 18032. A bill for the relief of Isais Sanabria Montalvan; to the Committee on the Judiciary.

By Mr. GOLDWATER:

H.R. 18033. A bill for the relief of Mrs. Lili Gek-Lee Kho Kim and Mr. Jai Uk Kim; to the Committee on the Judiciary.

By Mr. KEITH:

H.R. 18034. A bill for the relief of Thomas C. Johnson; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

506. The SPEAKER presented a petition of Milomir Radovich, Chicago, Ill., relative to redress of grievances, which was referred to the Committee on Ways and Means.

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EXTENSIONS OF REMARKS

HIGH SCHOOL STUDENTS SPEAK OUT

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1970

Mr. MIKVA. Mr. Speaker, it is all too rare an occasion that permits young people to make their voices heard in Congress. For that reason, I am most proud to place in the CONGRESSIONAL RECORD the results of a questionnaire drawn up by the students of the Second Congressional District High School Advisory Council and sent to the high school students of the Second District in Illinois.

Students in the Second Congressional District come from families of diverse and heterogeneous backgrounds. The district includes urban areas, suburbs, steel mills, universities, urban renewal areas, fine neighborhoods, slums—even some farms. The results of this poll, I believe, thus effectively show a representative cross section of the thinking of American youth about pressing national issues.

I hope that my colleagues will note the wide range of political and social concerns upon which the students have voiced articulate and genuine beliefs. The purpose and organization of the Student Advisory Council is made clearer, I think, by a short note from the student representatives on the council, and I am including that note as a preface to the complete tabulation below:

A STATEMENT OF CONCERN AND HOPE BY THE HIGH SCHOOL STUDENTS OF THE SECOND CONGRESSIONAL DISTRICT

As high school students growing and learning in a country increasingly faced with critical issues and decisions, we have found that the walls of our school can no longer hide the world. And yet, while we all have very deep feelings about the problems facing our community and our nation, because we neither vote nor riot, our views often go unnoticed.

Congressman Abner J. Mikva of our District recognized the problem and helped to develop the Second Congressional District High School Advisory Council. The Council, consisting of one representative from each high school in the District, meets several times a year with Congressman Mikva and discusses with him the problems we as students are facing and the solutions we feel would be helpful.

In order to better represent the students of our schools, and to establish a closer contact with our Representative in Congress, the council recently distributed a questionnaire to the high school students of the Second District. We feel the results of this questionnaire clearly show the deep concern young people have about the issues facing our country, and we hope this will be the start of a long and worthwhile dialog between the generations.

The complete results of the poll are summarized below:

SECOND CONGRESSIONAL DISTRICT HIGH SCHOOL ADVISORY COUNCIL

[Answers in percent]

1. Voting age: I favor lowering the voting age to 18:

Yes	81
No	12
Undecided	6
Did not reply	1

2. Marijuana:

I believe that the penalty for possession of marijuana is—

Too harsh	41
Appropriate	31
Not stiff enough	25
Did not reply	3

I think marijuana should be legalized:

Yes	31
No	51
Undecided	16
Did not reply	2

3. Hunger: It is my opinion that hunger is—

A very serious problem in Illinois	43
A somewhat serious problem in Illinois	43
Not a serious problem in Illinois	11
Did not reply	3

4. ROTC:

There is an ROTC program in my school:

Yes	30
No	65
Did not reply	5

There is no ROTC program in my school but I would like to see one established:

Yes	31
No	46
Did not reply	23

5. Draft law: I favor—

The previous system which permits student deferments	13
The present lottery system which permits student deferments	19
A lottery system with no student deferments	10
An all-volunteer army	54
Did not reply	4

6. Vietnam: I favor—

Reducing the level of fighting while peace negotiations are in progress	32
Continuing military operations at the present level regardless of developments in the Paris peace talks	9
Immediately withdrawing all our troops from Vietnam	39
Discontinuing negotiations and step up military operations to attain a military victory	15
Did not reply	5

7. College campuses: I believe the federal government should become involved in enforcing order on college campuses:

Yes	39
No	37
Undecided	21
Did not reply	3

8. Student councils:

(a) There is a student council in my school:

Yes	92
No	4
Did not reply	4

(b) I think the student council has a direct effect on school policies:

Yes	31
No	50
Undecided	14
Did not reply	5

(c) I believe that my student government should have a say in school policy:

Yes	78
No	9
Undecided	9
Did not reply	4

9. Dress code:

(a) There is a dress code in my school:

Yes	38
No	55
Did not reply	7

(b) I think the dress code is—

Too strict	23
Fair and proper	34
Not restrictive enough	7
Did not reply	36

10. School policy: I favor the community having a voice in the determination of school policy:

Yes	38
No	32
Undecided	21
Did not reply	9

11. Future government spending: I think the federal budget on future government spending should be as follows:

	Decreased	Same	Increased	Did not reply
Defense budget	45	33	12	10
Aid to education	4	15	73	8
Poverty programs	8	17	67	8
Foreign aid	47	35	8	10
Aid to cities	10	37	45	8
Space program	50	30	13	7
Welfare	16	27	49	8
Health	4	20	68	8

12. Availability of books, movies and magazines to the public: I think the laws regulating their availability should be—

Increased	16
Decreased	43
Remain the same	30
Did not reply	11

13. Guns: I believe that—

Everyone has a right to bear arms	17
Guns should be registered	50
All guns should be made illegal, except for law enforcement officers	21
Did not reply	12

14. Air pollution: It is my opinion that air pollution is—

A critical problem in this country	60
A serious problem in this country	27
Not a matter for serious concern in this country	3
Did not reply	10

15 City, state and local organizations: My feelings towards the following organizations are as follows:

	Positive	Negative	Undecided	Did not reply
American Civil Liberties Union	28	12	47	13
John Birch Society	7	41	38	14
Black Panther Party	22	50	16	12
City government in your area	33	31	23	13

	Positive	Negative	Undecided	Did not reply
Operation Breadbasket	54	19	15	12
Republican Party	20	33	35	12
Police	48	25	15	12
Democratic Party	39	16	32	13
U.S. Congress	41	17	29	13
New Mobilization Committee	21	17	47	15
American Independent Party	21	24	41	14
Students for a Democratic Society	26	40	21	13

WELCOME TO THE CHALLENGING WORLD OF BUSINESS

HON. WALLACE F. BENNETT

OF UTAH

IN THE SENATE OF THE UNITED STATES

Wednesday, June 10, 1970

Mr. BENNETT. Mr. President, throughout my years of service in the Senate, I have always felt a close affinity with the business community. I am a product of it and remain convinced that American free enterprise has made an immeasurable contribution to the material and cultural welfare of America. Business is not without its problems but certainly most other segments of the American Nation also must make that admission.

Recently, Mr. Robert Marquardt, Thiokol Chemical Corp. group vice president, addressed the graduates of the School of Business and Economics at Weber State College in Ogden, Utah. Mr. Marquardt explained to the graduates what they could expect in the business world and pointed out to them that a certain amount of abuse by opponents and radicals would be part of their career experience. He also highlighted the great contributions of private industry and urged the graduates to continue in that tradition. I ask unanimous consent that Mr. Marquardt's address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Each time I stand before a group such as this an inner voice urges me to "make it short, make it real short." Over the years I have concluded that I am being told to "make it short" not from fear that you will go to sleep, but rather that you will not. Your energy, your preparedness, your motivation—and just plain moxie—warns me that I had better get back to work because one of you soon will come looking for my job. Right now, there are several things in favor of my keeping it. My age. My experience. And a most important ingredient that I call "street smart." Street smartness is nothing more than the product of my reactional biography and age with lessons learned in the real world as a catalyst.

One might assume that exposure to at least one graduation exercise per month would dull my enthusiasm for such events. Actually it works in reverse. Graduations have become the stimulant I need to climb the next rung, to accept the next challenge, to prove that the youth of today and the establishment are really one and the same, and—most importantly—to carry out my company's commitment to an "impossible dream." As an educator dealing with those not so fortunate as we, as an officer of one of our nation's largest companies, as a father, and as a businessman, I feel compelled to level with you and to tell it to you like it is.

The American way of life is in serious trouble. Unrest in the ghettos and on the campuses, crime in the streets, undereducation, poor housing, decaying cities—all get the lion's share of the columns in your daily newspaper. As businessmen you are to become important in this country's solution to these problems! More, and more, business is being called upon for help.

"Business and industry built our cities," says Cleveland's energetic Negro Mayor Carl B. Stokes. "If they are going to be rebuilt, it will take more of that same investment and ingenuity. You can't develop a city without the private sector." As a local leader profoundly concerned about the deterioration of our social and physical environment, Stokes is the first to admit that such a plea for greater business involvement is a 180-degree reversal from local government thinking of a few yeas ago. In those days, says Stokes, business and government "eyed each other like strange tomcats." Today, he believes neither business, nor local government, nor society itself can afford not to have business involved in the problems that plague our urban environment.

Businessmen, of course, will never end vandalism or murder or man's basic inhumanity to man. But they are, for the first time, trying to help reduce some of the root causes of mounting urban unrest. They are also moving slowly—if somewhat tentatively—in the direction of what Dr. Charles E. Johnson of the Harvard Business School calls "synthetical decision making." This is a distinctly revolutionary process by which otherwise normal business decisions are governed partly by social, cultural, and environmental considerations.

Business leaders in our area have been very active in utilizing the resources of their companies to help solve the major social problems. Kennecott is actively leading statewide efforts in the JOBS program. Hercules is deeply involved in migrant laborer programs. Boise-Cascade is involved with the Department of Housing and Urban Development project Breakthrough in the development and production of low cost housing.

Here in Utah, Thiokol makes a major part of the propulsion systems for America's intercontinental ballistic missiles. The Poseidon and Minuteman missiles have been major deterrents in the U.S.-Russian cold war confrontation over the past ten years. Yet Thiokol also operates the Economic Development Operations, which is totally committed to the quest for solutions to social-ecological problems. Locally, we operate the Clearfield Job Corps Center and the Clearfield Advanced Corpsman Institute for Para-Professional Training. In New Mexico we have the Indian Law Enforcement Academy and the Indian Family Employment Training Center. We have similar schools in other states, and, in the last three years, have trained and placed more than 10,000 previously unemployed individuals. We work with HUD in some of its housing projects. We have built new plants in ghetto and rural poverty areas. We have developed specialized curricula for the unemployed and for public schools and colleges, including your own Weber State. We are assisting in training its public dropouts and potential dropouts and in its adult education programs. And we continue to develop specialized training programs for correctional institutions.

By thus applying our resources on Indian reservations, in large city slums, and in poverty areas wherever they are found, we feel we are fulfilling our company's social responsibilities. In so doing we have created new, diversified efforts for our company.

In this setting I welcome you to the challenging world of business, a bustling, changing enterprise. It will embrace you, anger you, abet you, embarrass you, scold you, teach you and taunt you, and mature you—if you have what it takes. Let's look at some of the things you can expect in the business world during the decade of the 1970's

One thing is certain—there will be change. Dramatic and traumatic change! Rapid change! No less an authority than John Everett, President of the New School for Social Reform, believes that the rate of change in the 70's will be at least twice as fast as the rate has been over the last 20 years. In other words, 1980 will be as different from 1970 as 1970 is from 1950. Viewed a little differently, in 1950 television had little more to offer than wrestling matches and Milton Berle. Newspapers and radio were the chief sources of news. In 1970 virtually every home has television. Who in 1950 would have predicted color television in millions of homes by 1970? Who in 1950 would have dared project that all the world would watch an American astronaut step onto the surface of the moon?

Ernest A. Jones, chairman of the board of MacManus, John and Adams, recently described the decade of the 1960's as one that began with John Kennedy challenging our determination, and ended with Tiny Tim challenging our digestion. I expect more than that from the 1970's. For the 1970's—as I see them—are bright with promise and opportunity. According to the National Planning Association, America won't have enough workers, skilled and unskilled, to do all it wants to do in this decade. This projection is made in the face of the population explosion and a high unemployment rate.

Today, the U.S. population totals about 204 million, and is expected to reach at least 235 million by 1980. An increase of 31 million in 10 years, equivalent to our entire population in 1860.

Economists predict that by 1980 more than one out of every three families in the U.S. will have an annual income of $15,000 or more. By 1980 another 27.5 percent of our families will earn between $10,000 and $15,000. Therefore, slightly over 60 percent of all U.S. families in 1980 will earn in excess of $10,000. Do you realize that as a nation the value of goods and services being produced per month—$78 billion—is equal to our total annual output in 1939. Even this will grow by 50 percent by 1980.

As future business leaders you must understand that the coming of age of the new generation — your generation — will have significant impact on both the structure of our economy and the very way in which business will be conducted. Tomorrow's consumer will be younger—the number of household heads under 35 will grow twice as fast as the total adult population in the next 10 years. He will be much better schooled—over 40 percent of all young people in this decade will go on to college, compared to about half that rate in the '30's. That he will be appreciably better heeled has already been demonstrated. And beyond this, tomorrow's adult—judging from the message we are currently receiving from you, the young—will have different values and aspirations. Are you prepared to accept the challenge of such a business climate? I think you are.

Before you assume the mantle of leadership there is one more contract you must sign. If you are to be a businessman you must assume his hallmark, accept his vignette, embrace his reputation. Let me tell you now that soon you will be numbered among the most evil men in the United States. As a businessman, you will be called a polluter, a warmonger, a profiteer, an unscrupulous merchant. You will be held responsible for everything bad. You will be charged with causing overpopulation—an interesting allegation—and the technology of your employer will be called the ruination

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of mankind. You will be told that medical and pharmaceutical discoveries, which have saved millions of babies from death and have held down wholesale pestilence and disease, are products of the establishment and that by extending life expectancy, they too are making the world overpopulated. Some will tell you that businessmen, through medical science, are permitting people to live too long.

Some of these allegations against the businessman are valid. He is a polluter. But so are you to some degree, as is virtually every other citizen of our country. So is the federal government. Business recognizes both its failure and its responsibility in the matter. So much so that in 1970 business will spend $4 billion of its own dollars—not tax dollars—to solve the pollution problem. Hold your head up high my friends. Turn the other cheek. Tell it like it is. That $4 billion is more money than NASA's space budget in the current year.

Technology, the product of industry, has been accused of dehumanizing us. Part of the contention is that technology has turned the modern employee into a machine, or—even worse—only part of a larger machine. Some of this may be a well deserved criticism, but most of it is pure poppycock. The part of our lives spent on the job is so much less burdensome today than it was 40 years ago it is simply ridiculous to speak or dehumanization. Does anyone really believe that the factory worker would rather carry a load on his back than drive that load around on a forklift? Does anyone believe that the engineer would rather scribble endless pages of calculations than submit those calculations to a computer? Does anyone believe the farmer would rather wrestle a plow pulled by a mule than ride down the row in the air conditioned cab of a tractor-cultivator?

Let me tell you some of the positive things I think a businessman is. In 1969, he found a quarter of a million "unemployables" who never could hold steady jobs. He trained them and put them into jobs that paid more money than they ever dreamed of earning before. For poor kids who couldn't otherwise go to college, he took $350 million and saw to it that those who earned them got scholarships. Now isn't that evil? He gave an additional $800 million to non-profit organizations for medical research, to help stamp out cancer, heart disease, and a hundred other dread diseases of the world. To build new housing for the poor and the middle income families in U.S. cities, he put up $1.25 billion so that more people could live in decency. After that, he put up $15 billion in social security taxes to help provide support and medical care for our senior citizens. This is the contribution of business above and beyond the social security payments of the employee. And he added $41 billion in income taxes to help pay the bills of running our country. In addition to all these things, our country's most evil man contributed millions of hours of personal and business time to virtually every humanitarian cause. Remember these accusations, for you too soon will be called evil.

At the close of 1969, Time Magazine ran an advertisement that has provoked a remarkable response. The advertisement characterized people—all Americans, and, yes, even businessmen—rather than a product. It read like this:

"I have died in Vietnam. But I have walked the face of the moon.
I have befouled the waters and tainted the air of a magnificent land. But I have made it safe from disease.
I have flown through the sky faster than the sun. But I have idled in the streets made ugly with traffic.
I have littered the land with garbage. But I have built upon it a hundred million homes.
I have divided the schools with my prejudice. But I have sent armies to unite them.
I have beat down my enemies with clubs. But I have built courtrooms to keep them free.
I have built a bomb to destroy the world. But I have used it to light a light.
I have outraged my brothers in the alleys of the ghettos. But I have transplanted a human heart.
I have scribbled out filth and pornography. But I have elevated the philosophy of man.
I have watched children starve from my golden towers. But I have fed half of the earth.
I was raised in a grotesque slum. But I am surfeited by the silver spoon of opulence.
I live in the greatest country in the world in the greatest time in history. But I scorn the ground I stand upon.
I am ashamed. But I am proud.
I am an American."

My friends, I am proud of my profession, as you will be. Many of the dreams we shared with all Americans have failed to materialize entirely. Hunger and poverty have not disappeared from the earth. Pollution will not disappear for the asking. War in all its horror is still with us. I am willing to grant that deplorable conditions surround us. But those who condemn most loudly are not to be found rushing in with brooms and mops to help clean it up.

All over America, the young are shouting their concern about the plight of the poor. So is the most evil man in America, the businessman. So am I, a private citizen. Young, old, private citizen, college student, businessman—you and I share the same concern about the undernourished and undereducated wherever they live. Business is doing something about it. Will you accept the challenge to do more when you join our ranks.

May I leave you with this plea. Business desperately needs your personal leadership in helping to settle the deadly discrepancy between principle and procedure . . . of promise passed off as performance . . . of the wish presented as the deed. Perhaps with your help, industry will be able to cast off its image as the house of the most evil man in our nation. There is no one here today who is not deeply indebted to our society. We should ask ourselves: How many backs have been bent for us? How many hands extended in help? How many paths that we tread have been made by dead men's boots? Fortune has smiled upon us. Perhaps the time is now to pay our dues. Accept my challenge. Duplicate in the next ten years the progress that has been made in our country during the last 20 years. This is your world—the world of business.

"THE UNITED NATIONS IN THE ENVIRONMENTAL PARADE"—AN ADDRESS BY RICHARD N. GARDNER

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1970

Mr. BRADEMAS. Mr. Speaker, there has been much concern in recent years about the state of the domestic environment in the United States. But the domestic dimension is only one aspect of a world ecological crisis.

Mr. Richard N. Gardner, formerly Deputy Assistant Secretary of State for International Organization Affairs and currently professor of law and international organization at Columbia University, has recently commented on the international aspects of the environmental crisis.

Mr. Speaker, I insert Mr. Gardner's remarks in the RECORD to encourage further consideration and discussion of the international aspects of environmental problems. The remarks follow:

CAN THE U.N. LEAD THE ENVIRONMENTAL PARADE?

(Statement of Richard N. Gardner)

Almost everyone is now marching under the banner of environmental defense. The U.N. ought to be marching out in front. It isn't. It joined the parade very late—after the parade had passed its door. Whether and how it can exercise any real leadership in this area is a question that concerns not only environmental specialists but also students of international law and organization.

The U.N. has been painfully slow in coming to grips with environmental problems. For years selected aspects of the human environment were dealt with rather ineffectively by various Specialized Agencies, with no overall direction and no real sense of urgency.

In his address to the General Assembly in September 1963, President Kennedy tried to change all this. He called for a global effort to defend the human environment—to "protect the forest and wild game preserves now in danger of extinction—to improve the marine harvests of food from our oceans—and prevent the contamination of air and water by industrial as well as nuclear pollution."

Nobody at the U.N. responded. And when he died nine weeks later, his hopeful initiative was quietly shelved by the Johnson Administration.

STOCKHOLM CONFERENCE

Not until 1968 was the defense of the human environment again brought before the General Assembly. The Swedish delegation took its historic action in proposing the Conference now scheduled for Stockholm in 1972.

A. U.N. response to the environmental challenge is long overdue. While some measures to deal with the environment can be taken by individual nations alone, there are resources that do not belong entirely to any nation—the sea, certain lakes and rivers, migratory animals—whose effective management requires international cooperation. Even management of the environment within the confines of a single nation may benefit from the sharing of national experience.

UNITY OF THE WORLD'S ECOLOGICAL SYSTEM

Moreover, we are finally beginning to recognize that how a nation deals with its national environment is no longer its own and nobody else's business. We are beginning to comprehend the unity of the world's ecological system, which means that all nations may be affected by how any one of them treats its air, water and land.

We are gradually awakening to the realization that all mankind depends on the same scarce and relatively shrinking resource pool, and therefore has an interest in the wise husbanding of resources wherever they may be located. And business firms around the world are beginning to see that they cannot accept the additional costs of antipollution measures unless their overseas competitors do the same.

For all these reasons, the international community will be increasingly involved in environmental issues—even those that have hitherto been regarded as "domestic." Indeed, the most powerful impetus to world order may no longer be the threat of nuclear war, but rather the urgent necessity of new trans-national measures to protect the global environment.

ROLE FOR THE UNITED NATIONS

What exactly can the U.N. system do about environmental problems?

This is what our distinguished panel of experts is going to tell us today. To help begin our discussion, let me make a few suggestions:

To begin with, the U.N. could undertake a massive program to educate the world's people, particularly political leaders, on the problems of the environment; could sponsor joint research efforts and studies; and could finance the training of specialists to handle different environmental problems.

It could organize a world-wide observation network, using observation satellites and other new technology, to monitor the world's environment on a continuing basis, and it could operate a service for the evaluation and dissemination of this information for all nations.

It could encourage the negotiation of international agreements providing for firm anti-pollution and other environmental commitments so that nations and industries accepting their environmental responsibilities suffer no competitive disadvantage in international trade.

It could insure that multilateral aid programs are carried forward with due regard for their environmental implications, and could encourage the application of environmental safeguards in bilateral aid. (Downstream erosion from the Aswan Dam, we now discover, may wash away as much productive farm land as is opened by the new irrigation systems around Lake Nasser.)

WORLD HERITAGE PROGRAM

Finally, it could establish a U.N. Program for the World Heritage, including scenic, historic and natural resources now in danger of destruction whose survival is a matter of concern to all mankind.

Obviously, each nation should be free to decide whether or not to nominate a property within its territory for inclusion in the Program. At the same time, the community of nations should be free to decide whether or not to accept it.

Countries whose resources were included in the Program would gain the advantage of international advice and financial aid in their development with consequent benefits to their economies as a whole. And the world community would be in a position to safeguard unique and irreplaceable resources—Venice, Angkor Vat, some of the great wildlife reserves of Africa—in which all mankind has a common interest.

ESTABLISHMENT OF "OVERVIEW" COMMITTEE

If the U.N. is to act effectively on environmental problems, a central group of distinguished scientists should be established under the General Assembly and the Economic and Social Council to evaluate and help coordinate the work of the different U.N. agencies active in this area. The historic pattern of functional specialization contains the danger that ecological interrelationships may not be adequately considered. For example, FAO may vote, as it recently did, to continue use of DDT; but this question needs to be looked at by a group whose thinking is not mainly centered on agricultural productivity. An "overview" committee of experts could take a broader view in evaluating the implications for the environment of new as well as existing scientific discoveries.

If the U.N. is to act effectively on environmental problems, the General Assembly and ECOSOC, acting on the advice of a new environmental committee, will need to have real power to direct the work of the Specialized Agencies—a power that does not exist today. In environment as well as in development, the major U.N. contributors are likely to grow impatient with the historical organizational pattern in which closely related questions are dealt with in piecemeal fashion by competitive and often hostile U.N. bureaucracies.

INTERNATIONAL ENVIRONMENTAL AGENCY

Awareness of the U.N.'s shortcomings has already led some to seek a substitute means of dealing with environmental problems. Writing in the April 1970 issue of *Foreign Affairs*, George Kennan proposes the creation of an International Environmental Agency run by the rich countries of the world.

This proposal, I submit, is unrealistic and politically naive. The developed countries of the world control less than half of the world's land area. They have no authority to legislate for the territory controlled by others or for the oceans and polar regions which are beyond national jurisdiction. The notion that recommendations or decisions taken on the global environment in a "club" of developed countries would carry sufficient legitimacy to determine the actions of the rest of the world is wholly fanciful to anyone familiar with contemporary developments in international organization.

Although most of the world's pollution is now done by the advanced countries, the actions of the less developed countries can have serious effects on the global environment. As they press forward with their own plans for development, it is vital to their own and the general welfare that they not make all the same mistakes that we have made. Rich and poor countries alike, for example, must be concerned if Middle East countries permit oil pollution from drilling off their coasts or if African countries permit the destruction of their wildlife and natural resources.

Kennan is also wrong in urging that the environmental agency be run by scientists. There is no choice but to engage all nations, developed and less developed, at the political level where firm commitments to national action can be made.

I hope the United States Government will not be tempted to by-pass the U.N. on the environment in favor of smaller, more comfortable forums. It was inappropriate, in my view, for President Nixon to make his first concrete proposal for international cooperation on the environment in NATO. As an organization of limited membership whose principal function is military defense against the Soviet Union, NATO is not well suited to be the centerpiece of our effort in this field.

UNIVERSAL SYSTEM NEEDED

The global environment concerns all nations, regardless of national, ideological, or racial differences. It offers new opportunities to transcend these differences and form a global partnership in which we and the Soviet Union take a leading role. Some work on the environment can be usefully undertaken in regional agencies like NATO and OECD, but a universal problem needs a universal system of organizations to deal with it. The U.N. system, including its regional commissions and Specialized Agencies, is the nearest thing to a universal system we have. The Stockholm Conference provides an additional reason to make it more universal by admitting mainland China and divided states. Let us at least urge the U.N. to invite the Peking regime, the two Germanies, the two Viet Nams, and the two Koreas to participate in the Stockholm meeting.

LUTHER H. HODGES SELECTED AS "MAN OF THE SOUTH"

HON. HERMAN E. TALMADGE

OF GEORGIA

IN THE SENATE OF THE UNITED STATES

Wednesday, June 10, 1970

Mr. TALMADGE. Mr. President, each year, Dixie Business magazine, published by Hubert F. Lee of Decatur, Ga., selects a "Man of the South." The 1969 distinction went to Luther H. Hodges, former Governor of North Carolina and Secretary of Commerce.

Also, in Mr. Lee's current issue there appears an article on the official dedication on May 9 of the Stone Mountain Memorial Carving. It was my honor and pleasure to preside over the dedication and to serve as chairman of an advisory committee for the program.

I ask unanimous consent that there be printed in the Extensions of Remarks, an article on the honor bestowed upon Mr. Hodges and Mr. Lee's column about the Stone Mountain dedication.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

THE GREAT STONE FACES

The Carvings of Robert E. Lee, Stonewall Jackson and Jefferson Davis on the sheer side of Stone Mountain were dedicated May 9, 1970.

And thus the 1909 dream of Mrs. Helen Jemison Plane for a memorial to honor the Confederacy has at last come true.

Mrs. Plane was the great aunt of Robert Jemison, Jr., great Birmingham builder and developer, now in his 90's. I was his guest at Birmingham Rotary when he told me the story years ago.

Members and officials of the United Daughters of the Confederacy turned out in great force and were well pleased when Vice President Agnew said

"The men we honor here today—Lee, Davis and Jackson, were bonded together in war, and now are bonded together for the ages on a great mountain of granite."

As there is a movement underway to have Jefferson Davis enshrined in the Hall of Fame for Great Americans at New York University, we applaud Mr. Agnew's declaration.

"In the life of Jefferson Davis, the principle that will be remembered most is dignity in defeat. In the 24 years of his life after the Civil War, the quiet dignity of this American triumphed over all those who would abuse him. It would be well to remember, too, that when religious intolerance caused some to attack Judah Benjamin, Davis elevated him to be his Secretary of State."

Georgia's distinguished Senator Herman Talmadge as Governor helped make the carvings possible, introduced VP Agnew, as well as Post Master General "Red" Blount, who is trying to make use of 1906 ideas of W. D. Boyce to reorganize the Post Office.

Georgia Gov. Lester Maddox announced that Margaret Mitchell had been named to the Georgia "Hall of Fame."

I nominate Helen Jemison Plane, who started it all, while head of the Atlanta Chapter UDC for the honor.

Ben Fortson, Secretary of State received cheers when he led the "Rebel Yell," it was a symbol of unity as well as nostalgia. Ben introduced special guest.

Noble Thomas T. Irvin, my favorite for getting things done, who heads the St. Mt.

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Memorial Association and is Georgia Commissioner of Agriculture, called the Dedication meeting to order—all 30,000.

The Choral Concert by the Decatur Civic Chorus and music by the Third Army Band enlivened the ceremonies.

Rep. Ben B. Blackman, introduced Senator Herman Talmadge, who presided.

Senator Richard B. Russell and Phil Campbell were in Athens, Ga. for dedication of the $11 million Richard B. Russell Agriculture Center. Clifford Hardin declared it a "lasting tribute to the Georgia Giant," in his Athens talk.

Dr. Green led the invocation. Dr. Wm. Holmes Borders said the Benediction.

My old friend Gutzon Borglum was the first, Augustas Lukeman the second and Walker Hancock the third sculptor who worked to carve Helen Jemison vision on Stone Mountain.

Success of the dedication was due to the many who did the planning and the work—including Tom Elliott, General Manager, Bill McKinney, his assistant and Mrs. Sara Stilwell, Public Relations.

Both my grandfathers were in the Confederate army and I never pass through Vicksburg but I remember grandfather John Simeon Fowler, born Aug. 1, 1831, died Aug. 9, 1911, who fought at Vicksburg.

I remember and every boy in my neighborhood still living remembers grandfather Fowler's great six shooter, fired by caps which still had a lead bullet in one of its chambers. As I walked down the street with that gun hanging on a rope around my waist, mothers would call their children into the backyards.

LUTHER HODGES "1969 MAN OF THE SOUTH"

(By Garland B. Porter)

Luther Hartwell Hodges, one of the most distinguished North Carolinians of his time, is the "1969 Man of The South" and elected to the "South's Hall of Fame For The Living" by Dixie Business Magazine, as announced by Hubert F. Lee, who founded Dixie Business in 1929. Published at Decatur, Ga., suburban Atlanta, Dixie Business seeks to honor men who have contributed conspicuously to the South during their lifetime, so they personally may derive some satisfaction in knowing their work has been appreciated by their contemporaries.

Mr. Hodges, who was born in Pittsylvania County, Va., March 9, 1898, entered politics after retiring from a successful career with Marshall Field & Co., became Governor of North Carolina, and Secretary of Commerce of the U.S. and was graduated from the University of North Carolina in 1919, and was accorded doctorate degrees by a number of universities and colleges. He has been financial and economics consultant in the international as well as national field and has served on many committees, among them Presidential appointments.

Having inspired the Research Triangle of North Carolina, while Governor of the State, he served as Chairman of the Board afterward.

DISTURBANCE BY OUR COLLEGE STUDENTS

HON. BENJAMIN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1970

Mr. BLACKBURN. Mr. Speaker, recent disturbances by our college students have caused many of us to ponder the reasons why our young people have found it necessary to take this course of action to express their dissatisfaction with their Government.

Not only has the news media launched into a full-scale analysis of the situation, but private citizens as well have obviously taken some time to puzzle over this serious matter. For the interest and information of my colleagues, I am inserting a copy of a letter which I received from one of my constituents, Mr. Hugh Smith, in which he questions the educational system which has produced such actions by our young people. The dangers and failures of mass education are examined in the May 25, 1970, issue of the Geisinger Indicator in the article "Overcrowding the Schools" which I am also inserting in the RECORD:

TO: THOSE WHO BELIEVE IN AMERICA

The recent deaths of four students at Kent State University is of great concern and sorrow to all Americans. Subsequent information on this tragic happening, which has not been widely publicized, indicates that there were certain unidentified forces at work which probably had a great deal to do with the final result. Student leaders (?) all over the country cry "Peaceful Demonstration." Would any reasonable person call burning of the R.O.T.C. building and the throwing of bricks, rocks and iron pipes peaceful demonstration. They forget that David slew Goliath with a stone.

It now appears that we should look into the underlying reasons for campus unrest. It is reliably reported that the so called "militant students" comprise only about 3% of the total college student body. What motivates this 3% is most difficult to determine. But what about the other 97%? Why do they follow the militant group and become involved in riots and not so peaceful demonstrations? The first stone must be cast at home environment and upbringing. The so called "permissive" atmosphere leads to no respect for any type of authority and ultimately to no respect for the law. The second finger must be pointed at college administrators and faculties. The administrators have been very weak-kneed where student demands have far exceeded legitimate demands. They have almost condoned violence, arson and other criminal activities. Certain faculty members have, under the guise of intellectual freedom, encouraged and abetted activities going far beyond peaceful demonstration. There is little taught in the colleges today which emphasizes that this country was made great by respect for law and order, and transgressors were punished. Could anyone in this country be proud of the "Chicago Seven" during their trial?

What is all this "Anti-Establishment" business? From all the news accounts, this is entirely negative. What programs do they propose for improvement of society?

Why not work for betterment rather than trying to tear down what is already here? We often hear that college students today are probably more intelligent, better educated and less likely to accept established mores. Assuming all of this to be true, the essential ingredient missing is maturity and experience. Many of these young people cannot distinguish truth from a lie, truth from half truth or exaggeration from actual fact. They say to the President, "Stop your staff from criticizing youth," yet this is in direct contrast to their criticism of most anything that comes to mind.

The Indo-China war seems to bring out the worst in the student group and also among many others. No right thinking person likes war. General Sherman (not a very popular historical figure in my home state of Georgia) said, "War is hell." In every war this country has ever fought, there have been dissenters. In the Revolutionary War, there were many Tories. The Mexican War was depicted as helping only the land hungry Texans. What war was more tragic than the War Between the States when Americans killed Americans. The Spanish-American War could be termed aggression. World Wars I and II could be characterized as "pulling Europe's chestnuts out of the fire." We can probably all now agree that Indo-China is most unfortunate. It appears we slipped into this situation without really realizing it. The student protests, what lies behind them? With the males, is it no feeling of obligation to country, personal fear, an inconvenience to their personal plans or a true and honest moral protest against the war? With the females, is it also lack of obligation to country, loss of boyfriends, an appeal to their motherhood instinct or moral protest? There is much evidence that reasons other than honest moral protest are very substantial.

No man wants to go to war and risk his life. Every normal man is afraid. Having served over four years in the army during World War II and having participated in every campaign in the European Theater, I know from personal experience. What really worries me in this entire area is, were this country to face a situation of war or be conquered or destroyed, would our youth say "this country is not worth fighting for."

This entire writing, so far, has concerned youth. There are many others in this country who are just as bad, if not worse. There are those dissident groups who riot, loot, pillage, burn and inflict personal injury or death. We all are against organized crime—are they any worse than the Black Panthers? There are those in public office who hear only the dissident voices and say "Go along with them, this means votes, or this should help my political ambitions. The silent majority won't care." Some of these same people are so prejudiced that, in effect, no southern judge can be nominated and affirmed for the Supreme Court. What kind of people are we sending to Washington? Could they stand a full exposure of all facets of their private and public lives as occurred when two southern judges were nominated for the Supreme Court?

Many of these same people now propose to tie the hands of the military in Indo-China, very possibly at risk of lives of our fighting men. What qualifies some of our senators to proclaim themselves great military strategists? Furthermore, they, in effect, say the President has lied to the American people and cannot be trusted. Why not wait and see? This proposed action in the Senate is about the most infamous since the attempt to impeach President Johnson.

I would say to the silent majority, "Be silent no more." Raise your voices louder than the dissidents. Exercise your vote and throw the "money changers" out of the temple in Washington or wherever they may be. And finally, those of you who are parents, raise your children to love and respect our country.

HUGH E. SMITH.

ATLANTA, GA.

OVERCROWDING THE SCHOOLS

The long term effects of overcrowding our schools is perhaps the least understood phenomenon in our society. In fact, the chief occupation of our economic machine appears to have been educating technicians to service the vast complexity called civilization through intensive experimentation. To educate all persons to be equally capable and efficient has been the unquestioned goal for many years.

The recent large scale rioting by otherwise normally intelligent young people raises the question where have we failed? The issues the students raise are only temporarily relevant, for the cause obviously lies much deeper.

What one observes is that increasingly higher education of masses of students have transformed most, if not all, who have undergone it into real enemies of present day society and provided recruits for the worst forms of socialism.

Rethinking the meaning of education, which is study and research of the lessons of both past, present and future, one soon realizes that this is a lonely occupation and not necessarily suited to mass production via computers and massive halls.

Thus, one is drawn to the conclusion that there exists a fundamental error in the theory that Intelligence is increased by rote recital of textbooks, and true and false tests. Also at fault is Parental Indifference by parents too busy living their own lives.

Observing how our forefathers for thousands of years acted to bring about civilization, one finds that they did so by seeing a need and then finding a method to do the job.

This requires some basic qualities within an individual such as Common Sense, Initiative and Experience from association with what was to be done. Little or no formal textbook education was usually required except apprenticeship to an able man before them.

The way our forefathers handled overpopulation was to organize its youth into two groups, usually by the year of birth, those who trained to become warrior-merchants and those who remained with the parent tribe. Periodically, whenever the food supply or opportunities for jobs decreased, the tribe split and those who left fought and died in the attempt to gain new lands for themselves and their children.

Since there are relatively few new resources in the form of lands not occupied, most moderns have turned to intensive development of their own areas, which yielded results for a generation or so, but whose future bounty is now questioned.

So unusually large numbers of young adults, far more than needed for research and development and formal leadership, are resenting their confinement to institutions of higher learning without obtaining personal satisfaction from learning.

Learning by rote or textbook over a prolonged time leads only to boredom and under the rules of good advertising repetition of an assertation, no matter how fraudulent, will be accepted in time by most everyone. Now the acquisition of knowledge without a use for it is the surest way to drive a person to rebellion. Since the experiences and values of one generation, especially during periods of great change, are not relevant to vaguely understood new conditions, the climate for the appearance of a masterful, narrowminded, self assertative leader has been set. This is where the news media, especially the TV system, mindlessly elevates the most emotional and violent in its attempts to reach the sensational. Thus, once upon returning to a campus as a homogenous crowd, the rioting occurs over and over again as contagion spreads. In every age there are those politicians who make use of the contagions of their time to turn tide of fortune their way. The Pied Pipers of "Peace at any price" have led as many nations to oblivion as did those who lead them into unnecessary wars.

No doubt many a harrassed University President is glad that he does not live under the rules of Ancient Greece which held the teacher responsible for the actions of their pupils throughout their lifetimes. Perhaps you have forgotten that Socrates was forced to drink the poison Hemlock because his star pupil, Alcibiades, offended the Athenians too often. Impatience of those militantly minded youth on campus is trying to turn the seat of learning into a cutting edge of social change.

If their University Administrators fall into the trap of politics they will have forefeited their traditional role in society for a mess of potage as they are shunted ignobly aside by the more able professional politician seizing the opportunity to gain favor with the impatient.

The problem is not easily solved, but it is obviously one of fundamental error in trying to overeducate everybody until nobody is educated for what has to be done.

AEROSPACE TECHNOLOGY AND THE NATION'S SOCIOECONOMIC PROBLEMS

HON. FRANK E. MOSS

OF UTAH

IN THE SENATE OF THE UNITED STATES

Wednesday, June 10, 1970

Mr. MOSS. Mr. President, one of the important by-products of the aerospace age has been the ability of several aerospace companies to adapt their technology and know-how to the solving of the Nation's socioeconomic problems. One such company is the Thiokol Chemical Corp., which maintains a large job corps center in the State of Utah.

A good friend of mine, Robert L. Marquardt, group vice president of the Economic Development Operations of Thiokol Chemical Corp., has written an article for the June 1970, issue of Social Service Outlook, the official publication of the New York State Department of Social Services.

Mr. Marquardt explains in some detail how his company and other companies are helping to solve these important problems. I ask unanimous consent that the article, entitled "The Social Dividends of Aerospace," be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE SOCIAL DIVIDENDS OF AEROSPACE

(By Robert L. Marquardt)

The Apollo 13 mission and the miracle of the technologies and systems that guided three human beings over a quarter-million miles of space has dramatically focused everybody's attention on our aerospace program, its significance—a significance, I want to underline, for everyone, not only small coteries of scientists—and its relevance for everyday life, not only for aerospace disciplines.

I cannot accept the increasingly widespread belief that progress in aerospace is necessarily in conflict with progress in the war on poverty or in solving other social ills. We are told more and more often that our industry (by "our industry" I mean aerospace) is distorting national priorities. The accusation has an appealing sound, but I am not sure it has much more than that.

For one thing it is based on the notion that all the money that we spend on defense and space must be subtracted from what we can spend on other needed projects . . . and vice versa.

These alternatives, however, do not accurately picture the real situation. The main weakness of the argument, in my view, is that it overlooks the creative role that expenditures on both space and social programs play in generating more resources than they consume.

The other day an economist who manages nearly $2 billion worth of investments for a group of mutual funds went on record with a forecast of full employment over the next decade. Why this rosy outlook? Why would he bet a $2 billion portfolio on this cheerful prognosis? Largely, he believes, because our economy will be able to exploit the developments of aerospace technology and research and development.

But while aerospace technology will be creating must of the wealth we need to attack social ills, it does not follow that social programs will simply consume that wealth. Let me give an example and a few figures.

My company is involved in many socioeconomic programs. Among these are an Urban Men's Job Corps Center, at Clearfield, Utah; the Para-Professional Institute in Utah; an Employment Training Center for Indian families, at Roswell, N.M.; start-up of new plants in urban ghettos and in rural areas for hiring the hard-core unemployed; supporting Housing and Urban Development in home occupancy training and new low-cost building materials; managing the Indian Police Academy and numerous other programs.

The role of these projects—to different degrees—is to help men and women who have suffered social, economic, or educational deprivation. We do this by assisting them in making social and personal adjustments, filling in educational and health gaps, providing vocational training, and helping in other ways to equip them for more fruitful and productive lives.

When they come to us, most enrollees are unmotivated as well as undereducated; the majority come from backgrounds of broken homes and welfare support. The prognosis, for most, is a dismal lifetime of the same and the great probability that their offspring will be equally alienated, deprived and economically unproductive.

In less than three years, Thiokol's learning centers alone have placed more than 6,000 "hard-core unemployables" in pretty good jobs. We have reason to believe that most of them . . . not all, unfortunately . . . will acquire the habit of working and that this will replace the previous habit of not working.

Now, if you assume the minimum starting wage rate of $1.80 an hour, each working individual will earn over $3,700 a year. If these 6,000 trainees remain at the starting wage level to age 65, their income will be approximately $1 billion.

The alternative? Welfare payments of $60,000 to $100,000 per person to age 65. For these 6,000 people, that would add up to $420 million of welfare.

The figures, of course, are subject to a lot of correction. Some trainees, we know, just won't make it and will drop out again. But on the other side we are currently placing an additional 300 enrollees a month from our various programs and we know that most of our placements will work up to better incomes. Indeed, many are now starting at considerably higher rates, and the least of my problems at the moment is finding good jobs for our graduates.

Perhaps all this sounds like a digression. I prefer to think of it as a slightly roundabout approach to my subject: The research and development gap.

I use the term R & D Gap to express a concern for some of the things that are not being done today and for what this may mean for tomorrow. But my concern is not entirely critical; it is mixed, rather, with a large measure of pride.

CONQUEST OF TIME

I don't think we have to feel excessively humble about acknowledging that we have made mistakes. Our critics never fail to remind us that we have been wrong in some of our forecasts, timetables, budgets and technical developments. If it is any comfort to them, let me say now that we will make more mistakes in the future.

But, I would suggest that one of the greatest contributions of our technology lies precisely in this: We have given the world a new systems approach that allows meaningful decisions to be made not just for today, nor even for tomorrow, but for 10 years or more in the future.

Most people, of course, can be a lot smarter about solving problems of the past than those of the future. Even the best systems approach can only allow for—but cannot eliminate—new circumstances, changes that may or may not occur, unexpected discoveries, or research programs that do not pan out. But even if you make no allowances for these hazards, I think it is fair to say that our technologists have been spectacularly—even unbelievably—right, far more often than they have been wrong.

In 1961 President Kennedy boldly promised that Americans would land on the moon within that decade. Last year aerospace technology fulfilled his promise in spite of the fact that most of the hardware and a good deal of the needed knowledge did not exist when the President spoke.

Our industry has helped to redeem a number of other "impossible" promises under equally "impossible" schedules. Development of the Minuteman was one that I remember with prticular pride since I had the privilege of working on it. The Polaris is another industry blue ribbon. And the list could go on and on.

The significance of such tightly scheduled accomplishments has been completely overlooked by our critics and even by some of our friends. I think it may yet turn out that the greatest achievement of aerospace technology lies *not* in the *conquest of space* but in the *conquest of time*.

The instrument of that conquest, as I have already indicated, is systems technology. It consists, essentially, of identifying all the elements of a large and complex problem (for as many of them as possible) and then parceling them out for coordinated and concurrent solutions. It makes use of whatever organizations or individuals seem best qualified to yield the necessary answers and to put the right equipment in the right place at the right time.

There are a number of advantages in utilizing a wide range of talents, wherever they may be found—in government, in public and private institutions, or in private industry. Not the least of the advantages is that this technique makes it possible to exploit existing knowledge and tradition without being restricted by them. And because each contributor approaches a defined aspect of the problem in conventional and unconventional ways, work can move forward—even on pacing items—in broad and time-compressing waves.

PROGRAMING SOLUTIONS

This important aspect of aerospace, the ability to analyze complex missions, line up problems to be solved years in advance, and then to program the solutions, is almost as important as the solutions themselves.

And it is paying off. Industry and government have been applying these management methods to a wide range of nonaerospace problems. It is not surprising to me that aerospace companies have either taken the lead or make important contributions in medicine and medical technology, in hospital systems, in environmental health and pollution controls, in weather forecasting and in weather modifications, in developing new educational concepts and new teaching equipment, in transportation, in housing, and in developing and exploiting new food resources.

In two of the largest challenges that face our society, I confidently expect to see ever increasing involvement of the systems and technologies that have grown out of the aerospace complex. One of these is that bewildering cluster of unsolvable problems that we call the urban crises, the other is the next great frontier for science and business—the oceans of the world.

Similarities between oceanographic and space research are pretty obvious. At this stage they involve comparable environments and hazards and are even alike in the way vast complexes of systems and people converge and focus dramatically on manned missions. Scott Carpenter, who switched from astronaut to aquanaut, symbolizes much of this commonality.

It is in areas like these that we may be shortchanging our future by failing to make adequate investments in research and development. I believe that we now have many of the systems that will enable us to manage massive programs. The question that increasingly confronts us is: Do we understand the problems that need to be solved?

RESEARCHING PROBLEMS

In-the-bank research will be needed to forecast possible problems as well as to solve them. It will be needed to buy the lead time that makes effective systems management possible. And it is needed not only to tell us about things we had better not do, or that we should do differently.

Scientists tell us that within a relatively short time we will be able to make accurate long-range forecasts of the weather over large areas of the earth. And not long after that, we may be able to modify weather. Losses caused by weather in the United States are estimated at 1,200 lives and $11 billion a year, so it would seem obvious that weather research is worth large expenditures. But here, too, I think we need a systems approach that will help us to define—and solve—some of the problems that could arise out of our technology. If this requires more money for research, then budget and spend it.

Our environment is increasingly polluted by the by-products of modern life. We don't yet know the answers to air and water pollution or even to the hazards of our increasingly noisy lives. But it is certainly clear that these problems can only be dealt with as part of a complex of social, economic and technological innovations.

We need research not only to solve known problems, but also to deal with new problems that arise out of the solutions to old ones. We have been warned that mankind is outgrowing his food supply. But it is little appreciated that most food-short countries actually produce—and even harvest—more food than they consume. They break down, however, in methods of preserving, storing, transporting and distributing a significant part of their harvests. In some ways progress can actually complicate this imbalance.

Agricultural research has been steadily increasing staple food output in many countries. India, for example, now has some 40 million acres planted in new strains of rice that yield 10 times as much as older strains. On paper at least, this chronically food-short country could be self-sufficient in staple foods within the next five years.

But there is a difference between sufficiency on paper and in the stomachs of people. Technologies for preserving and distributing food are relatively simple, but they won't just come about. These are jobs for systems management. They call for analysis of a wide range of related problems, the anticipation of developing needs, and arranging to have the necessary solutions available where and when they are wanted.

With so many urgent problems clamoring for attention, action and money, it is hardly surprising that the partisans of one cause should feel hostile to those who advocate another. The talk we hear today about distortion of priorities is not new. It means now what it has always meant—that someone else's pet project is getting more attention than mine.

How many of us push aside a fine lunch because millions of our fellow Americans go without lunch? How deeply do we feel our responsibility for the fact that so many of our fellow citizens are living in poverty where malnutrition is evident and increasing?

Left in untroubled comfort, it might be quite a while before we spontaneously decided to take any major action to change this condition. Yet I'm sure that academically and intellectually we all know that hunger is wrong and intolerable.

In the great capitalist tradition, some of the underprivileged have lately taken to lobbying for their interests. I hope I don't have to emphasize to you that I thoroughly disapprove of lawlessness, that I hold no brief for looting, burning and the destruction of property. But I am even less sympathetic to the idea that we can deal with the growing malignancy of poverty in this country merely by denying it or by suppressing the protestors.

And while I have been emphasizing here the need for broad research in great clusters of problems, I want to make it clear that this should never be an excuse for sitting on our hands. Even before we have fully defined all the elements that need attention, we can and should address ourselves to those that are immediately visible.

NEW APPROACHES

Within the small frame as well as in the large, systems management can yield important benefits while helping to define the broader areas of investigation. It can, in fact, greatly alter our conception of the problems to be solved. Let me give you an example.

At the time Thiokol began its Job Corps operations, we naturally studied hard what educators and social scientists knew about the problems we would be facing and the people we would be working with. On the basis of the best available research at that time, Job Corps headquarters in Washington took the position that no more than five percent of the Corps population had the social or educational background to attain high school educational certification. We were advised to structure our programs accordingly.

Naturally we listened. But we didn't stop there. One of the lessons we had learned in the aerospace business was to be serious about research, but not solemn or uncritical. We decided to take nothing for granted. In the past, when we went into those remote areas that are most suitable for testing big rocket engines, we had had to recruit propellant technicians out of populations of beet farmers and shrimp fishermen. We had been quite successful in training our employes in new skills; we even thought our experience might have been as relevant as that of the educational experts since all our training work has been tailored to the needs of adults.

SETTING UP PROGRAMS

One of the first things we learned in setting up our educational programs for the Job Corps was that Ph. D. instructors were not necessarily the best choice for communicating with fifth-grade dropouts. So in many case we recruited production workers and trained them to be teachers. We adopted and adapted educational devices and teaching aids; and when we couldn't find suitable ones, we invented our own. We concentrated on motivation and the pacing of education to the vocational needs of the individual.

In brief, we followed much of our old rule book: In an R & D project you must first try to identify the problem. You determine what isn't working, and why. You examine the state of the art and relate available technology to the function to be performed. You decide whether new technologies are needed and try to figure out how to develop them. You quantify your answers in explicit detail and plan a program to achieve the defined objectives.

How has this approach worked? Today, 20 percent of the young men who pass through our Clearfield Job Corps Center earn high-school diplomas or equivalency certificates. This is *four times* what conventional educational research had told us was possible. The diplomas and certificates, I might add, are issued by Utah county and state educational agencies so we have no opportunity to load the results in our favor. Nor do we have to color another fact: More than 200 of our past dropouts have already entered college on scholarships.

Our brief experience in this field has made us confident that systems approaches can break through conventional educational and motivational barriers. We are betting thousands of dollars on it. Since the first of this year we have been operating the Clearfield Job Corps Center on an incentive contract, the first ever written for the educational program. We guaranteed performance.

Does this term sound familiar? It ought to. Incentive contracts are borrowed directly from the aerospace industry. We think the idea of quantifying educational results has revolutionary implications for the entire knowledge industry. And we know some disinterested educators who feel even stronger about it than we do.

Much of the aerospace industry is active in these new frontiers. Lockheed has applied aerospace management techniques to hospital systems; Avco has applied them to water resources management; Ling-Temco-Vought to business and vocational schools; General Dynamics to waste disposal; Westinghouse to the training and ground transportation areas, and scores of other companies have attempted solutions to scores of other social problems.

DISTANT PROBLEMS

Unfortunately, the idea seems to be around that expenditures for R & D are just sly ways of dipping into the pork barrel. It is not always easy to disprove this notion, especially when we are working on problems that may not even become visible for five or 10 years.

But that, in essence, is what R & D is all about, or at least, a large part of it. If we had not solved those invisible, or barely visible, problems years in advance and had research stored, Apollo would not have gone to the moon last year.

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The urban and environmental problems that now face us are greater than any we have encountered in the past in aerospace. Yet in many years R & D funding is actually diminishing instead of expanding to the new needs and opportunities.

Recognizing all the difficulties created by conflicting pressures and priorities—and by the need to support our commitment in Vietnam until it can be safely reduced—it seems to me that lowered levels of R & D funding could turn into very expensive savings.

Ongoing programs for discovering opportunities, as well as for solving problems, will become increasingly essential to our physical well-being as well as to our survival and freedom. And on the record of history, R & D spending is the best investment America can make.

THE ARMS TRADE—PART XIII

HON. R. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1970

Mr. COUGHLIN. Mr. Speaker, for those of us who are concerned about the unrestrained international trade in arms, I recommend a recent article in Business Week magazine.

The article provides the reader with all the latest facts and figures, and examines the most significant trends in the trade. Seldom have I read such a superior article covering so complicated a topic and written in so concise a fashion.

I urge those who are unfamiliar with the arms trade problem to read this article so that they may acquire an appreciation of the trade's size and scope, and the dangers it poses to us all:

[From Business Week magazine, May 23, 1970]

THE BOOMING WORLD TRADE IN ARMS

Last week, the U.S. agreed to sell 16 A-4B Skyhawk jets to Argentina for $5-million, and decided in principle to sell both Skyhawks and F-5 fighters to Brazil, Chile, and Colombia.

In Moscow, meanwhile, the Kremlin was mulling over the consequences of its sale of additional MIGs and SAM-3 antiaircraft missiles to Egypt.

In Paris, the French followed up the sale of more than 100 Dassault Mirage 3C fighters to Libya and another 30 to Spain, with 16 to Brazil.

And in London, the British were anticipating additional sales of Hawker Siddeley V/STOL aircraft to the U.S. Marine Corps that could run into hundreds of millions of dollars.

In all, it was another busy week in the international arms business. And while no nation seems likely to catch up immediately with the U.S., the world's No. 1 arms salesman, the deals reflect the growing competition from Russia, France, and Britain.

In the quarter century since the end of World War II, some $66-billion worth of conventional arms have been pumped into world markets. Close to $50-billion of those weapons have come from the U.S., which achieved its status mainly through military aid programs bolstering allies during the cold war. Side by side, Washington has also mounted an aggressive campaign to sell arms abroad.

Now, however, because of mounting criticism in Congress, the Pentagon is shifting tactics and is urging industry to take on more of the arms sales job. "In view of growing Congressional concern over U.S. arms exports programs, the government is playing down its role and expecting industry to take up the slack," says a Pentagon official frankly. "It's more in keeping with the times."

NEW EMPHASIS

New and little-publicized guidelines for U.S. foreign-arms sales were laid down in mid-February by Ronald I. Spiers, director of the State Dept.'s Bureau of Politico-Military Affairs. Under his directive, the government will henceforth curb its active arms-sales promotion and will wait instead for customer nations to ask to buy arms.

When they do, however, U.S. embassies and Washington officials have a free rein to encourage arms purchases directly from U.S. companies. Control will be exercised through the use of export licenses and the government will try to avoid involving itself in the sales terms.

It remains to be seen how the new government rules will affect total sales of U.S. arms. The new regulations come on top of limitations imposed on U.S. arms exports by Congress. Grants and sales to Latin America, for example, are not supposed to exceed $75-million annually; the yearly ceiling for Africa is $40-million.

Sales of "sophisticated weapons" to underdeveloped countries are still prohibited, though Congress has not defined the term. "What's sophisticated to Upper Volta clearly isn't sophisticated to Argentina," a Pentagon official notes wryly.

TOP DOG

Despite the new limitations, however, the U.S. is not expected to lose its lead in the near future. American arms sales, which have exceeded grants since 1962, run up to $2.6-billion annually. About 50% of these have been handled by the Pentagon, while 30% have involved direct dealings between U.S. manufacturers and foreign nations. The remaining 20% required direct credit or guarantees provided by the U.S. government.

In addition, a small business in arms is done by private dealers, who buy and sell surplus weapons and spare parts.

The major buyers of U.S. arms are the European countries, Canada, Japan, Australia, and a few oil-rich Middle Eastern nations. Only about 20% of the sales are to underdeveloped countries.

FMC Corp.'s M-113 armored personnel carrier and the Lockheed F-104 and Northrop F-5 fighters typify American arms sales success stories. The M-113 has been marketed in such nations as Australia, Canada, Denmark, West Germany, Iraq, Jordan, the Netherlands, Sweden, and Italy. More than 2,200 F-104s fly in the air forces of 14 nations, and about 1,100 F-5s have been built or are on order for 16 nations. The U.S. has sold 8,000 Philco-Ford Sidewinder air-to-air missiles abroad as well as 2,000 Raytheon Sparrow air-to-air missiles.

Not all export deals have gone off as expected. Britain canceled an order for 50 General Dynamics F-111 fighter-bombers after adopting a less ambitious military strategy. Australia is buying 24, but because of the plane's technical problems, Canberra is planning to lease 24 F-4s as stand-ins.

New sales possibilities continue to open up, though Switzerland is in the final throes of deciding whether to buy the Ling-Temco-Vought A-7 attack plane or the Fiat G-91 from Italy. Holland is considering the Northrop P-530, which is not yet in production, and Lockheed's CL-981, along with French and Swedish competitors.

BALANCE

As it has been increasing its arms sales effort, the U.S. has been operating a declining program of arms grants. These dipped to $589-million in the past fiscal year from $1.2-billion five years ago. Most of the weapons giveaways go to "forward defense" countries near the Communist bloc, such as South Korea, Nationalist China, Turkey, and Greece. In the past year, aid recipients picked up another $117-million worth of arms and equipment that had been declared surplus to U.S. needs and sent to government disposal yards to be scrapped.

These programs represent what might be called normal arms exports activities. But Congress also appropriates $2.5-billion annually for a special Pentagon fund to equip South Vietnamese, Thai, and Laotian forces in support of the Vietnam war. One measure of the program's size: The U.S. Air Force in the coming fiscal year will buy more aircraft for export to Southeast Asia—Cessna T-37 small jets and Bell UH-1 helicopters, for example—than it will buy for itself.

In addition, the Pentagon is quietly moving to tighten the American grip on the military-aircraft market in the Far East. In mid-June, the Air Force will select the winner in a competition to build a new International Fighter. This is to be an easy-to-fly, easy-to-maintain supersonic fighter for South Korea, Nationalist China, South Vietnam, and Thailand to enable them to combat the Asian Communist bloc's Soviet MIG-21 more effectively.

Northrop, McDonnell Douglas, Lockheed, and Ling-Temco-Vought are the main competitors for the initial 325-plane order. But the free-world market for light fighter-ground attack aircraft—now dominated by Northrop's F-5—is huge, and the winner of the International Fighter competition probably will be able to sell it far beyond Asia.

As U.S. industry reaches out for such global customers, it is sure to run into greater competition from many foreign governments. But its biggest challenge is undoubtedly the Soviet Union. Western intelligence sources estimate that in the past few years Russia has been selling more than $1.5-billion worth of arms annually to developing countries alone. There are no reliable figures on the scope of its aid or sales to Warsaw Pact allies.

MOSCOW'S MUSCLE

Russia sells or barters arms to nations outside its own bloc rather than giving them away, and deals mainly in aircraft and missiles. As a result, Moscow stores, which regularly run out of green vegetables during winter, are stuffed with pineapples and pineapple juice. The fruit comes from North Vietnam in part payment for AK–47 rifles and PT–76 tanks, and for the MIG–21s, 100-mm antiaircraft guns, and surface-to-air missiles which Russia supplies to the Hanoi regime to give it one of the most formidable air-defense systems ever encountered by U.S. aircraft.

Moscow shops currently also are flooded with stuffed footrests from Egypt, which are probably part of an arms barter deal.

North Vietnam and Egypt each account for about one-third of Russia's military aid. The remaining third is split between such countries as India, Algeria, Syria, Iraq, and Cuba, Soviet aid to Cuba since 1960 has included about 130 MIG–17s, 19s, and 21s; about 200 T–54 tanks and 60 assorted Navy aircraft, including 18 Komar-class guided-missile boats.

The Soviets currently are expanding their trade efforts into new markets, however. Moscow apparently has broken Jordan's long reliance on American and British arms after offering to supply King Hussein with anti-aircraft guns, machine guns, and rifles. Western sources also expect Russian arms sales soon to Saudi Arabia, another traditional British-American buyer.

Moreover, the Soviets, along with the British and French, are challenging U.S. arms dominance in Latin America, wooing Peru and Bolivia in particular. The Russians do not hesitate to undercut American prices. They are peddling their T–54 tank, for example, at $100,000; the U.S. equivalent, the M–48, costs twice that much.

FRANCE'S EFFORT

Lagging behind the Soviets, but just as aggressive, are the French, who rank as the world's third-largest arms exporters. Last year, their trade dropped some 37%, largely because of their embargo on shipments to Israel. But the outlook has now brightened with Mirage sales to Libya, Spain, and Brazil this year. Paris expects 1970 to be as good as, if not better than, the $800-million arms-sales record it chalked up in 1968.

In choosing its weapons designs, France looks not only at how well they will fill national defense needs, but their export potential. This explains why Avions Dassault has sold 700 Mirages to a dozen foreign air forces against 300 at home. The same is true of France's popular Alouette turbine helicopter. Nearly 30 overseas customers have bought 1,286 Alouettes, compared with 614 purchased by the French armed forces.

In addition to tailoring their weapons for export, the French make sales more tempting with incentives. They cut interest rates on recent Mirage deals, for example, from the usual 8% to 3.5%. When Belgium bought license rights to the Mirage, the French promised Belgian industry participation in future French aircraft programs.

Until their self-imposed ban on arms sales to Israel last year, the French had never paid much attention to embargoes declared by other nations. In 1963, when the United Nations declared that arms that could be used to enforce apartheid should not be sent to South Africa, the U.S. and Britain adhered to the ban, but the French promptly made South Africa one of their biggest customers. In fact, the government in Pretoria largely financed French development of a new missile, the Crotale, and France recently had to clear a sale of the missile to Lebanon with South Africa.

Nor does France hesitate to take advantage of a customer nation's disenchantment with its traditional suppliers. It sewed up the Mirage deal with Libya when the new military regime there showed a more pro-Egyptian stance in the Arab-Israeli conflict and turned from Britain and the U.S. as suppliers.

THE BRITISH

The French have taken over some traditional British markets. But Britain, the fourth-largest arms supplier, has managed to double its international sales from an estimated $240-million three years ago to an estimated $480-million now. Arms deals negotiated by the government now amount to 28% of Britain's total exports. To make it easier for foreign countries to buy British, the government produces a catalogue entitled *British Defense Equipment*, which covers everything from aircraft, ships, and tanks to sleeping bags and fire-fighting equipment.

Britain's principal arms customers tend to be former Commonwealth countries and nations in the Middle East. In the past two years, Britain has sold frigates to New Zealand; Hawker Hunter fighters, Centurion tanks, and Tigercat surface-to-air missiles to Jordan; Lightning fighter aircraft to Saudi Arabia; and Tigercat missiles to the Persian Gulf sheikhdom of Qatar.

Along with France and Russia, Britain also has been making inroads in Latin America with the sale of Canberra bombers to Peru, submarines to Brazil; and a $7.2-million contract announced in January to build frigates and submarines for Chile. Last year, a British export task force with an exhibition ship visited Latin America to talk about arms sales.

ALSO-RANS

The remaining portion of the world arms market is shared by Italy, Canada, Sweden, Switzerland, West Germany, Belgium, and Israel, although it is relatively insignificant. Many of these countries' sales are made to nations that prefer to stay independent from the major powers. Among the items they buy are Belgian FN rifles, Swedish jets, missiles, and cannon, Italian Fiat G–91 jets, and Israeli UZI submachine guns, which also have been sold to the U.S. Secret Service.

In January, West Germany sold 600 of its speedy 40-ton Leopard tanks to Italy under an arrangement whereby Italy will build about 82% of the tank. The Leopard has also beaten out the Chrysler M–60 in sales to Belgium, Norway, and the Netherlands. Aside from the Fiat jet, Italy manages to sell light arms and munitions to its European neighbors. And in addition to a SAAB J–35 fighter deal with Denmark, Sweden has sold the SAAB 105 reconnaissance-strike aircraft to Austria.

Sweden, because of its neutrality, tries not to sell arms to countries engaged in combat. It now regrets having set up a factory for Egypt in the 1950s to make the Carl Gustaf machine gun, which today is a standard Egyptian weapon. In another deal, Sweden delivered a large number of antitank guns to Australia, which are now being used in Vietnam. Sweden is refusing to supply ammunition for the guns as a protest against Australia's involvement in the war.

THE FUTURE

In the 1970s, the international arms business is expected to take on a new character. One reason is that Western Europe has launched a number of cooperative development ventures to reduce its dependence on American arms. These efforts have a spotty record so far, but the trend will probably continue because modern weaponry is becoming so expensive.

Britain, Germany, and Italy are cooperating in the development of an advanced jet fighter known as MRCA (for Multi-Role Combat Aircraft) to save money. Britain and France—in a similar joint-development program—have started production of the Jaguar strike aircraft.

Britain and Germany are collaborating on developemnt of a 155-mm towed gun; Britain and France are working on the Martel air-to-air missile; and France and Germany have joined forces to produce the Roland surface-to-air missile.

In addition, some industrialized nations buying U.S. arms are starting to demand more licensing arrangements with American companies as part of arms deals. Washington recognizes that cooperative ventures as well as licensing agreements will drive down sales to developed nations. But it anticipates that sales to less-developed countries will increase in the 1970s; military aid programs are expected to level off at about $350 million annually.

THIRD WORLD

One expert on the international trade in arms—Geoffrey Kemp, formerly of London's Institute for Strategic Studies and now at the Center for International Studies at Massachusetts Institute of Technology—foresees another trend developing. In the underdeveloped "third" world, he says, defense expenditures and levels of armament will continue to grow, but at a slower rate. He sees the emergence of more supplier nations—Japan, for example—suggesting that a buyers' market may be the phenomenon of the 1970s.

In any case, the U.S. will find a rising demand for more advanced weapons in the third world, even if the total world demand for its arms slackens. In 1955, no developing country had supersonic military planes; by 1968, 29 did. In 1957, no developing country had long-range surface-to-air missiles; by 1968, 18 did. The trend seems clear.

WHERE U.S. WEAPONS GO

[Value of shipments]

Fiscal 1969:	*Millions of dollars*
West Germany	525
Iran	184
Japan	81
Italy	74
Republic of China	38
Canada	36
Greece	36
Australia	34
NATO	33
Spain	30
Great Britain	28
Norway	28
Switzerland	27
France	25
Argentina	19
Chile	13
Belgium	11
Brazil	10
Morocco	10
Netherlands	8
Denmark	4
Libya	3
New Zealand	3
South Africa	3
India	2
Venezeula	2
Peru	1
Classified countries	1

Classified countries include Israel, Jordan, Saudi Arabia, and Pakistan.
Data: Defense Department.

WHO SUPPLIES THE WEAPONS

[Annual volume of arms shipments in millions of dollars]

Nation	Total shipments	Shipments to developing nations
United States	2,600	670
Soviet Union (estimated)	2,000	600
France	500	200
Great Britain	305	135
Italy (estimated)	100	35
West Germany (estimated)	80	50
Canada (estimated)	60	30
Switzerland	26	5
Sweden	20	7
All other (estimated)	150	100

XUM

THE DEALERS WHO ARE CASHING IN

"The private arms industry is really a joke compared to the government side of the business," says Samuel Cummings, founder and president of International Armament Corp. (Interarms). "We just get a few crumbs from the master's table."

But those "few crumbs" have been enough to make Cummings the world's largest private dealer in military small arms and a very wealthy man.

For nearly 20 years, Cummings, a gun buff since he learned to take apart and re-assemble a World War I German machine gun at age five, has bought up small arms that governments declare surplus and sold them to other countries.

Interarms stores its weapons in 10 warehouses with over 100,000 sq. ft. of space a few miles south of the White House and the Pentagon on the Virginia side of the Potomac River. It also operates a large reconditioning and converting plant and still other huge warehouses in a London suburb.

Cummings, a big man with a quick grin and frequent flashes of ironic humor who looks more like an art dealer than an arms trader, is secretive about the size of his company's sales. "Our aim is to say we've had a $100-million year. We've never made it, but we've come fairly close."

ESSENTIAL FOLLY

Moreover, Cummings expects his business to have a long life, based as it is on "the essential folly of the arms race itself." "We're in a business that's guaranteed to last forever", he says. Sometimes, the surplus arms he buys are in their original delivery package. "They're for sale simply because some politician thinks he has to have the latest chrome-plated version." Sometimes they have passed through many hands and many countries before Cummings gets them.

XUM

Interarms refuses to give many specifics. But Venezuela and the Royal Thai Navy have been among its recent customers. And the company has just bought 200,000 outmoded light weapons of many origins—U.S., British, French, German, Japanese—collected by South Vietnam since World War II.

Interams also recently bought a large quantity of surplus ammunition from Indonesia. Though modern, the ammunition can no longer be used by Indonesia since that country adopted a more modern Western military look. But it can be marketed in Latin America and elsewhere.

COMPETITORS

Other companies have specialties in the international arms business. When a foreign government needs hard-to-find spare parts for certain U.S.-made military equipment, for example, chances are it will turn for help to Astra Aircraft Corp., of New York City, founded 10 years ago by a former airline flight engineer, M. D. Acosta. Astra maintains a detailed card file on millions of aircraft and ordnance components made by U.S. manufacturers. Its reference system covers items from rocket launchers to radio antennas to parachutes.

If a foreign government does not know where to obtain needed spares, Astra will not only provide the information, but arrange to find the components in the U.S., buy them and resell them to the overseas customer.

Another private international arms dealer is NAPCO Industries, Inc., of Hopkins, Minn. A diversified company in the automotive field, NAPCO boasts that it "can supply any part for all U.S. military vehicles made in the last 30 years."

Among NAPCO's principal customers—33-year-old President Gary B. Rappaport calls them his "friendly foreign nations"—are Italy, Greece, Spain, and Israel.

Much of NAPCO's spare parts inventory was picked up over the years as scrap or production overrruns. But what it does not stock, the company will reproduce on order from military blueprints.

THE UNITED NATIONS AND ITS ROLE IN PEACEKEEPING

HON. ROBERT J. CORBETT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1970

Mr. CORBETT. Mr. Speaker, for the information and possible interest of my colleagues, I insert the text of an address delivered by Vice Adm. Arnold F. Schade, commander, Eastern Sea Frontier and U.S. Delegate to the U.N. Military Staff Committee, at an Armed Forces Day banquet in Pittsburgh, Pa., May 15, 1970, before the Military Order of the World Wars:

UNITED NATIONS AND ITS ROLE IN PEACEKEEPING

To suggest a talk about the United Nations as a force in the world effective in maintaining peace usually gets a little more attraction than a stifled yawn.

We must agree that in many instances it does appear ineffective. People look at the situation in Vietnam and in the Middle East, to mention just two of the hot spots where war is actually being waged, and then say—the United Nations is useless. Well, I would suggest the United Nations as a peacekeeping force merits neither lavish praise nor should it be completely condemned. The United Nations as an instrument for discussion does serve a purpose and, in fact, if we did not have such an organization, there would be tremendous pressure to create one. It has been said that the United Nations became indispensable before it became effective.

Whatever its weaknesses as an international peacekeeping force—and these are well known—the U.N. still provides a forum for discussion, a common meeting ground, and a mirror of world opinion without which international relationships would be even more difficult to reconcile than they are now.

We Americans have come to the full realization that it is neither practicable nor desirable for the United States to attempt to function as the conscience and the enforcement officer to preserve the peace of the world. We are firmly committed to collective security and the President recently reaffirmed the importance of the UN and the need for U.S. leadership in seeking ways to strengthen the organization.

So today I'd like to start with the premise that we work within the framework of the UN—

And recognizing its limitations, show the need for balanced modern U.S. military forces.

With respect to peacekeeping the United Nations was organized essentially to preserve the peace of the world and this remains the primary test of UN effectiveness.

The UN Security Council has never authorized enforcement action or developed the machinery to take action against peace breakers and the proposed arrangements to provide armed forces through agreements between troop contributors and the Security Council have never been materialized.

Military sanctions therefore have never come into play and for that matter economic sanctions which have been applied have not always been effective partially because they have not been universally observed. However, the UN built up ad-hoc arrangements for voluntary peacekeeping, providing for military observers or contingents volunteered by UN members to help stabilize local conflicts. The UN has made notable contributions to security through peacekeeping actions of this nature in the Middle East, Cyprus, Kashmir, the Congo and elsewhere. The success of these actions has depended on the support or acquiescence of all major powers and the willingness of Canada, Iceland, and Scandinavian countries and others to give political backing and to contribute men and money, and on cooperation by the conflicting parties including consent by host country to the stationing of UN military personnel on its soil.

The total resources of the UN amount to ———.

At that price you can't buy much law and order all around the world!

Just quickly, to enumerate a few of its achievements, we do have now a nuclear test ban treaty which is designed to help turn down the nuclear arms race, to reduce the possible dissemination of nuclear weapons by limiting nuclear testing, and to prevent radioactive pollution around the world. We have an outer space treaty which bans placement in orbit or stationing in space of nuclear weapons or other weapons of mass destruction; we have a nonproliferation treaty which is intended to keep the number of nuclear powers to a minimum—at present five; and it is under the constant badgering and pressures of the smaller nations in the United Nations that the two super powers, America and Russia, have agreed to attempt the reduction in the strategic weapons systems race currently being undertaken in Vienna, known as the SALT talks.

Another area getting serious attention now is the sea beds treaty. I believe that this will result in agreement not to in-place nuclear weapons and other weapons of mass destruction on the deep ocean floor.

If we observe those areas where the United Nations has fielded military operations—in the past twenty-five years, they have been involved in fourteen—they range in size from a few observers to armed conflict involving one-half million troops in Korea. Essentially there are two kinds of military operations—one is the use of observers to monitor cease fire and armistice arrangements, while the other is peacekeeping operations where the UN fields organized military contingents to act as a buffer between warring parties—an example the UN emergency force, on the Israeli-Egypt line from 1957 to 1967—or to prevent civil war and help restore and maintain order, as in Cyprus for the past 6 years and in the Congo in early 1960s. This latter was successfully undertaken in the Congo with some twenty thousand troops, and did in fact establish reasonable peace over a four year period of time.

Now we have three kinds of international situations involving the two super powers which have a direct impact on whether peace can be achieved under any set of circumstances.

The first would be a situation where either the United States or the USSR considers its own national interests to be paramount. For example in Hungary and Czechoslovakia for the Russians, and Cuba for the United States.

A second situation would be with the U.S. and the USSR indirectly involved on opposite sides but not prepared to drag the other into the conflict. This was the case in Korea. It's the case today in South Viet Nam, and there are some elements of this in the middle east. Now in either of the above, it is quite apparent that the UN cannot be fully effective in the case of the Middle East. The UN has been able to play a limited but significant role in bringing about and maintaining a cease fire and in contributing in numerous ways to a lowering of the intensity of the conflict.

The third aspect which does present the UN with an opportunity is where third-power countries are involved where neither of the super powers have a direct stake. Examples of this would be in Congo, Cyprus, Kashmir and the like.

I think it is interesting to note that a few years ago the smaller nations in frustration demanded that the U.S. and the USSR get together and settle their differences so that the rest of the world could get on with improving economy and their standard of living. To a certain degree this has taken place so that today the U.S. and the USSR are undertaking bilateral and private discussions.

And how do the little nations view this—well, they view this very dimly—they say now that the two superpowers are ganging up on them to make all their decisions for everybody and these decisions are being imposed upon them whether they like it or not.

The UN does have a small force in the Middle East, and it would appear that this would be a fine place for the UN to be effective and bring about some sort of a settlement. Let's look at the Middle East. The Russian objectives appear to me to advance their national interests at the expense of the West—to maintain a continuous state of instability, to arouse animosity against the western powers, and to gain a foothold by expanding their own prestige and influence throughout the entire mediterranean littoral. They have succeeded pretty well in this. But, it is my opinion that they do not wish to confront the U.S. in the Middle East, nor do they wish to see Israel defeated as a power. For if Israel were to disappear there would be no compelling desire for the Middle East powers to accept Soviet military equipment and direction, and Russia might soon lose much of its current influence in that area. Nor would there be the unifying force through the Arab world, and the resentment against the western world that exists by the presence of Israel. So their objective is to keep it hot but not to let the pot boil over.

Now the U.S. objectives are immediate cease fire, to maintain a balance of power, to preserve the integrity of the state, to restore the peace, to improve the economies of the Middle East states, and to retain U.S. lines of trade, primarily oil at the moment. Unfortunately, the British, who were a stabilizing power, are virtually disappearing in accordance with their policy to abandon everything east of the Suez.

Once again, with these contradicting national objectives, where the Russians want a continuing instability, and the U.S. wants peace and stability, the UN can play only a limited role. Well, where does the UN go from here in peacekeeping?

Disarmament is a very live subject and I would point out that the U.S. is doing a considerable amount unilaterally even though the Russian fleet appears to be growing in a most significant fashion. For example, at the end of fiscal year '69, the U.S. Navy had a fleet of 886 ships. Today we have 761. By the end of fiscal year '71, we will be down to 757. Fortunately, while we are cutting back on those ships approaching twenty-five years of age or more, we do have a very ambitious new construction replacement program. There does appear to be a point, however, when quality cannot compensate for quantity.

The U.S. national interests, of course, must be preserved by the strength of our own Armed Forces. I would be the first to say that NATO has been tremendously effective, but we must look to our own forces to preserve our own national interests both unilaterally and in support of collective security agreements.

I say this in spite of the demonstrations against war which have primarily led to the image of the military man in uniform becoming somewhat tarnished.

The present trend in international affairs reflects the overall presence of power and pressure.

Let it be remembered that in Czechoslovakia, in a single night, Russia violated basic principles of the U.N. Charter, and its own twisted proclamations that it strives for international peace and security.

But what is worse, the Soviets attempted to justify their uncouth actions with a strange doctrine of "limited sovereignty".

The Soviets have told us repeatedly that they intend to build up their navy and their merchant marine. They demonstrate a new understanding of sea power. In the last ten years they have grown from a maritime nonentity to a major sea power.

They can and do operate major forces, both missile firing surface ships, and missile firing submarines in every major ocean.

If their capabilities are known, it is true that the intentions of their political leaders are unknown.

It is also true that the military capabilities require years to develop but political intentions can change abruptly.

As I stated earlier, we have taken steps to cut back our overall military strength. There are certain risks in these military cuts. There are many who believe that Communism is an ideology which can be fought with intellectual weapons, overlooking the fact that Communism is so often imposed by brute force. So we must not only use intellectual weapons but we must be ready to confront Communism with sufficient physical force to be a credible deterrent.

In more than twenty years of cold war, deterrence has been only partly successful in that we have not had a nuclear war, but there has been plenty of violence.

Now we are moving ahead with the strategic arms limitation talks to limit strategic weapons. Secretary of State Rogers said (1 December 1969): "The U.S. will enter these negotiations with serious purpose and with the hope that we can achieve balanced understandings that will benefit the cause of world peace and security. Yet we begin these negotiations knowing that they are likely to be long and complicated and with the full realization that they may not succeed."

For the U.S. to be meaningful and beneficial in today's world; to shoulder the responsibilities and duties that result from the right of a free people: to be able to act: all these require the active *presence* of the United States.

We need two elements of military "presence." One is to confront the major communist powers with strong, versatile, highly mobile, and constantly ready military forces to discourage any type of aggressive action. This need will be with us for a long time. The other equally important need is the deterrent force we can provide to support the security of the smaller and less powerful nations from further aggressions—whether this be overtly military or by subversion and infiltration.

Under the Nixon doctrine as set forth by the President we will observe our treaty commitments, and we will provide a shield if a nuclear power threatens the freedom of an ally or a nation whose survival we consider vital to our security. In cases, involving other types of aggression, we shall help, in accordance with our treaty commitments but we shall look to the nation directly threatened to assume the primary responsibility of providing the manpower for its defense.

I state this in full realization of the restraints on the use of power and the violent resentment against military action in today's world. The U.S. cannot unilaterally wield its military power beyond the political and moral limits which govern our Nation. It is my firm belief that these constraints, whether self-imposed by moral consciousness or dictated by political realities, do not invalidate the need for selective continued U.S. military presence abroad, but, rather, reinforce that need.

The Mediterranean Basin and the eastern arc of Asia are the two most critical and dangerous parts of the world. In both of these our military "presence" in fully respected strength is needed. It may well prove to be the determining factor in preventing further bloodshed.

Vietnam has been a center of action, a center of attention. But, it is only a relatively small area in U.S. Pacific command operations that cover 85 million square miles of the earth's surface. To defend the United States against attack through the Pacific Ocean and to support U.S. national policy and interests throughout the Pacific, the Far East and Southeast Asian areas is a mission carrying great responsibility.

It is not an easy mission. No one expects it to be. But it is being done by many men, in many different places. Men on boats, men in planes, men walking on the ground, using a wrench, a rifle, a rope; men, working with their hands, their minds, their hearts.

The United States must maintain strong, modernized, and balanced military forces. Only in this way can we preserve national security as we pursue a quality life for all our people. Only in this way can we continue to guard the ramparts and heritage of a free land and a free people given us by the Nation's founders.

To quote the President in his address to the United Nations general assembly; "Surely, if one lesson above all rings resoundingly among the many shattered hopes in this world, it is that good words are not a substitute for hard deeds and noble rhetoric is no guarantee of noble results."

HON. CLIFFORD DAVIS

HON. RICHARD FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1970

Mr. FULTON of Tennessee. Mr. Speaker, the news of the death of our former colleague from Memphis, Clifford Davis, has truly saddened me.

There are many here today who had the privilege and good fortune to serve with "Mr. Cliff" for many of his 24 years in the House of Representatives. Unfortunately it was my privilege to serve with him only during his last term in the 88th Congress. But during that short time I came to know, respect, and develop a great fondness for him.

The 88th Congress was my first term in the U.S. House of Representatives.

Almost from my first day in the House Mr. Cliff extended his hand of friendship to me. He helped guide me, counsel me, and assist me during those often lonely and confusing freshman days. For this I owe an obligation of gratitude which I can repay now only through the high respect and esteem which I continue to hold for Clifford Davis.

He was an amiable, well-liked, and able legislator. He was my friend and I shall miss him.

An editorial follows:

EX-LAWMAKER CLIFFORD DAVIS, SERVED MEMPHIS 24 YEARS

Clifford Davis, 72, former Democratic member of the House of Representatives from Memphis, Tenn., died yesterday at his home, 4611 Butterworth Pl. NW, after an apparent heart attack.

He had been practicing law here since 1964, when he was defeated in a Democratic primary in Memphis by George W. Grider. Mr. Davis had served in the House without interruption since 1940.

The former legislator had at least two close brushes with death during his political career.

He was one of five congressmen wounded on March 1, 1954, when members of the Puerto Rican Nationalist Party fired pistol shots onto the House floor from the visitors' gallery. He was shot in the right calf and was hospitalized briefly.

Again, on Aug. 6, 1962, Mr. Davis and his wife, Carolyn, narrowly escaped death along with 69 other persons who were aboard an American Airlines plane that crashed as it attempted to land at Knoxville, Tenn., during a violent thunderstorm.

Born in Hazelhurst, Miss., Mr. Davis attended public schools in Memphis and received his law degree at the University of Mississippi.

He served as municipal court judge in Memphis from 1923 to 1927, and as vice mayor and commissioner of public safety to 1940.

A key lieutenant in the powerful Edward H. (Boss) Crump political organization in Memphis, he won a seat in Congress in a special election in 1940.

During his congressional career, he championed a number of causes, including a reduction in time and expenditure for political campaigning.

He was a Baptist, a Mason and Shriner.

Survivors include his wife, two sons, Clifford, Jr., of Jarrettsville, Md., and Ray, of Hartford, Conn., and a daughter, Mrs. George Chauncey, of Richmond.

CONCERN ABOUT THE SECOND YEAR ACTION PLAN

HON. JOHN JARMAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1970

Mr. JARMAN. Mr. Speaker, a number of Washington businessmen are seriously concerned about the second year action plan, and have asked that the following statement be made a part of the CONGRESSIONAL RECORD:

CONCERN ABOUT THE SECOND YEAR ACTION PLAN

My name is Simon Kriger; I am the principal shareholder of S. Kriger, Inc., located at 712–12th Street, N.W., within the proposed Second Year Action Plan. Mr. Nichols and Mr. Bromwell asked that I participate in this presentation to the City Council on behalf of all the Small Businessmen Affected by the Second Year Action Plan. This evening I will address myself only to the common problems we all have, saving for tomorrow afternoon the details of my particular situation.

First, I want to bring clearly to your attention the inequities of the current urban renewal eminent domain provisions as they apply to any person whose property is condemned. While the Fifth Amendment of the United States Constitution requires that an individual not be deprived of his private property without just compensation, the current law does not make whole a businessman or home-owner whose property is deemed needed for the higher purposes of his community. To a significant extent public improvements, such as the Second Year Action Plan, are financed by individual sacrifices on the part of those unfortunate persons located in the geographic area affected.

The basic standard used for determining "just compensation" is the price which a "willing buyer" and a "willing seller" will agree upon. However, only by legal fiction is a "willing seller" involved in a condemnation proceeding. Only because he is not willing to sell is an individual's property condemned. In most cases, he is not willing to sell because his property represents to him a far greater value than to an ordinary person—due to its unique service for his particular business, or to the established clientele who know the business because of a long-time geographic identification, or other intangible factors of "good will". None of these considerations are recognized in determining the amount the owner will be paid for his property.

A second uncompensated loss to businessmen dispossessed by an urban renewal plan is the amount of profits sacrificed by the confusion and disruption caused by relocation. Even if a businessman is able to find new quarters close by, packing, moving and unpacking often require months during which business cannot be conducted. This loss is, of course, doubled if a businessman exercises his first option rights to return to the redeveloped area.

In addition, while the current law provides for payment of actual moving expenses (providing a businessman does not move more than 100 miles from his current location) the HUD regulations specifically exclude the costs of fixtures and of any physical alterations required to be made in structures because of the need to relocate. Moving any business requires construction of new facilities—kitchens for restaurants, presses for printers, vaults for art dealers—often requiring many thousands of dollars. Excepting these costs forces a businessman not only to forgo ordinarily anticipated profits, but also to suffer severe out-of-pocket expenditures.

Finally, each businessman is offered the opportunity to move back into the new, modern facilities several years later. This is absurd. First, by that time he makes good in his new location or closes his business. Second, if he returns, the rent alone will be six to ten times more and he would have to start all over to build his business.

If a businessman were to decide himself that expansion of his business, remodeling of his store, or the addition of new equipment would provide sufficient long-term benefits to outweigh the costs and disruptions involved, expenses such as these could be tolerated. However, when a public authority makes the decision that relocation is necessary for the public good, requiring improvements to be subsidized by losses to individual small businessmen is inequitable and unfair.

The losses involved are also intolerable to many small businessmen in the purely economic sense. The Council should recognize that implementation of the present plan under current law will cause many of the businesses affected to close down. The coming of the Metro has already registered one notable casualty — Lowdermilk's bookstore — which provided a unique service to this city for many years. There are many others who must very seriously consider whether it is worth the effort to play the relocation game. Because of the heavy-handed, abrupt and arbitrary manner in which this program has been developed to date and the total lack of meaningful sympathy expressed by public officials for our plight, we can hardly be blamed for anticipating the same treatment in the future in handling our relocation and moving problems.

However, these losses—the losses to businessmen displaced and the losses to the city of unique talents and cultural variety—are not necessary to achieve the goals of the Second Year Action Plan.

The National Capitol Planning Commission and the Redevelopment Land Agency ("RLA") wish to maximize the impact of the Metro system as a spur to new development in downtown Washington. They propose to condemn large blocks of land currently owned and occupied by small businesses in order to assemble them into large parcels suitable for construction of major new buildings by large private developers. Urban renewal is deemed necessary by the RLA.

"To assemble parcels of sufficient size for feasible development by private investors, and to achieve maximum public benefits through design and development."

In answer to the question "Why won't the Metro System be sufficient to bring about private development, without urban renewal?" the RLA answers:

"Metro will provide greater accessibility, and greater potential development opportunities, throughout the Washington Area—not just in Downtown. Further, the Metro System by itself cannot overcome the problems of land assembly and poor environment in the areas surrounding the stations."

The developers of the Second Year Action Plan thus identify three reasons for urban renewal: to concentrate on Downtown, to overcome the problems of poor environment, and to overcome the problems of land assembly. However, the program will provide no long-range benefits with respect to the first two identified reasons and is not necessary to achieve the third. When the properties are finally assembled and leveled, a private developer will still have to choose whether to invest in downtown, on Connecticut Avenue or in the suburbs; only if the assembled properties are sold at less than their true market value could any artificial incentive to construction in Downtown be created. Similarly, the proposed plan will do nothing to provide a better "environment" in the general area. This will arise from construction of the subway, increased public facilities and increased attention to safety of the public streets.

Therefore, the real purpose for the Second Year Action Plan is land assembly. Because the blocks included in the Plan are broken up into small ownership parcels, the city planners have decided that the only way to combine them in groups suitable for construction of larger buildings, which will create more jobs, more taxes and generally increased business activity, is to condemn them all through urban renewal.

This is just not so. In the very short period of one week since the idea was suggested to us by Downtown Progress, owners of at least some of the businesses involved have been able to agree upon terms for joint development of their properties in economically significant parcels. For instance, the businesses along the west side of 12th Street—Altman's Parking Lot (two owners), A & N Trading Co., Inc., S. Kriger, Inc. and D. L. Bromwell, Inc.—have entered into a binding legal agreement jointly to develop or sell their properties, totalling 16,917 square feet, sharing the profits according to the relative square footage that each now owns. We have asked our attorneys to prepare the necessary documents for us to form a corporation to which we plan to transfer title to all the properties. Our example is conclusive proof that land assembly *can* be accomplished without intervention of the urban renewal plan, without great sacrifice to the businessmen involved, and without their loss to the community at large.

Our assembled properties will now be available for development by us or for purchase and development by private parties whenever the financial climate is such that construction of major new buildings in the area is economically feasible. We have every reason to believe that we will be able to obtain financing comparable to that which any private developer could assemble, given the necessary time. Because we will be master of our own ship and captain of our own fate, we cannot complain when we choose to relocate ourselves, even though in so doing we will not rely on public subsidies.

XUM

The major issue before the City Council, and the cry which we businessmen have raised since we heard of the proposal, has been "Why now?" We are not opposed to progress in downtown. We want it as much as Woodward & Lothrop. As I have shown, we are willing to work toward it, and to achieve success where big business and Downtown Progress have failed in the past. We ask only to be given a chance to develop fully our plans, and to see that our needs and ideas are taken into consideration in renewal of Downtown.

In addition to the arbitrary exclusion of small businessmen, their ideas, and their problems during the creation of the Second Year Plan, the proposal before the Council has other deficiencies which can be cured by the *mere* addition of sufficient time. Most glaring is the lack of *any* plan for reuse or disposition of the properties to be acquired. The proponents of the plan are able to create dream castles for the future of the area—pavillions, international centers, shopping plazas, huge office buildings—all of these have been mentioned to us—without any concrete proposals tested either by city planning concepts or by economic reality. The City Council, and the affected businessmen, are being asked to make huge financial commitments and undergo severe personal hardships, respectively, without any clear idea of the ultimate result. As a businessman, I would never put the cart before the horse, and would require a clear outline of planned operations before making such an investment. As a responsible public body, the City Council should demand no less.

With a little time the proper mixture of demolition, rehabilitation, and public and private redevelopment can be put together, with a spirit of cooperation, and a mutual devotion to Downtown Washington. Where are you likely to find a group as dedicated to the good of the city and of the Downtown area, as those who have invested and labored here for many years, watching the timid flee at the first signs of difficulty?

There is no reason why the Plan must be rushed to immediate approval. In order to obtain funds in this year's HUD budget, a plan must be submitted this month. However, funds will be available next year, and the next, and the next. The Neighborhood Development Program is designed for yearly increments—well-planned yearly increments. The Downtown plan can be included just as well twelve months from now.

There is no need for approval in order to make construction possible. The Second Year Action Plan does not contemplate the beginning of construction until *after* the Metro is completed—three or four years from now. Knox Banner, Executive Director of Downtown Progress, has told us that it will be impossible to begin construction until subway work is completed. Surely design and clearing can be completed in two or three years following careful development of a plan for use as well as destruction.

For the same reason there is no net savings to the businesses involved by having renewal parallel subway construction. It will not do so. We look forward to a year to eighteen months of chaos during which G and Twelfth Streets will be planked over. Then, just as business is returning to normal, we will be displaced. Eighteen months later, construction of the new development will begin. Therefore, we do not see the Second Year Action Plan as saving us any worries from the Metro confusion—it will merely extend them.

The valuation of our properties already must include the expectation of the subway. The cost of condemning them, should this same proposal emerge from further planning, will not change substantially during the next year.

To us the only parties who appear likely to benefit from immediate approval of the Downtown portions of this plan are our big business neighbors who would like nothing better than to have our competition removed for two or three years.

I trust all of the above will be taken into consideration and that you will reach the only rational solution to this problem. A Chinese scholar once told me that it is easy to destroy, but very difficult to create. The plan submitted to the Council this evening contains a great deal of destruction.

A COURAGEOUS COLLEGE ADMINISTRATOR SPEAKS OUT

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1970

Mr. STEIGER of Arizona. Mr. Speaker, for too long, too many college campuses have been more like battlegrounds, rather than citadels of learning, culture, and contemplation.

The executive dean of Phoenix College in Phoenix, Ariz., has taken exception to this climate on the campuses and believes that college administrators can do much to rectify the situation. After seeing a statement by the commission on legislation of the American Association of Junior Colleges, Dean P. Lee Thompson, wrote a thoughtful letter of rebuttal. I believe that his viewpoint is one shared by the overwhelming majority of Americans. In the hope that students, faculty, administrators, and taxpayers will reflect on his conclusions and learn the fallacy of violence, I am inserting the letter in the RECORD at this point:

MAY 29, 1970

COMMISSION ON LEGISLATION,
American Association of Junior Colleges,
Washington, D.C.

GENTLEMEN: I have carefully read your statement on the question of protest on the campus. I certainly cannot agree with your conclusions. I do agree with paragraph 1, but I cannot agree with the second part of paragraph 2 in which you conclude that the use of loaded firearms should never be used. Let me justify my position.

The key to dissent and rightful expression of dissent is *peaceful*. My personal observation tells me that much of the dissent on the college campus is not peaceful, it is not American, it is not in good taste, and it is not in the American tradition of rational, peaceful, persuasive dissent; but rather it is violent, vulgar, disgraceful, challenging and disrespectful of the rights of others. I am convinced that we must maintain law and order and the American principles of control of the violent students and non-student provoquers or college campuses will continue to require the National Guard, the police and perhaps federal troops. A police force must have the power and authority to enforce its legitimate mission and commands. At Kent State I think, from the reports given, that the "peaceful" students provoked the Guardsmen into using legitimate means of control. I regret that some students lost their lives. Yesterday, at our State University—a short distance from our campus—snipers fired in "peaceful" dissent on the police and citizens, broke windows, fire-bombed cars, passing motorists and innocent bystanders, and last night "peaceful" violence erupted in Phoenix when snipers blasted police cars.

Gentlemen, if this is "peaceful" dissent, as a veteran I do not know the meaning of war and I submit that force must be matched with force and these "peaceful" protesters must be dealt with firmly, but with compassion and understanding.

For the reasons stated, the examples illustrated, and my own personal observation, I cannot support the commission's statement.

After several years of being humiliated, embarrassed, criticized with disrespect by dissenting students, we have determined on this campus to enforce, if necessary, respect in all our student-faculty relationships by taking appropriate disciplinary action of expulsion of those students who do not wish to take advantage of the educational opportunities offered by this institution. I recognize this takes courage, but I believe college administrators must be courageous; our police must be courageous; all those in key positions must be courageous enough to deal with these violent students.

May I suggest the commission deliberate again on this matter and adopt a realistic statement which can be supported courageously by college administrators.

Sincerely yours,
J. LEE THOMPSON,
Executive Dean.

THE QUESTION OF PROTEST ON THE CAMPUS: A STATEMENT BY THE COMMISSION ON LEGISLATION OF THE AMERICAN ASSOCIATION OF JUNIOR COLLEGES

The Commission on Legislation of the American Association of Junior Colleges deplores the resort to violence on the nation's campuses. The right of students to peaceful expressions of dissent must be recognized by all—citizens, college authorities and civil authorities. Freedom of expression is a cornerstone of our national democracy. To restrict this right, bowing to the tensions of the times, would do irreparable damage to our nationhood and our national honor.

We urge college authorities to develop effective techniques for accommodating student dissent. Such techniques should provide leadership to channel student dissent into peaceful paths, to keep open avenues of communication between students and college and civil authorities, and to protect the rights of non-dissenting students. "No-exist" confrontations should be avoided; civil authorities should be called in only when necessary; their methods of control should never include the use of loaded firearms. The events at Kent State University and Jackson State College show all too clearly the risks involved.

We urge our national leaders to recognize that dissenting students have deep and legitimate grievances which they are expressing. To castigate the students' behavior without recognizing the causes of that behavior is in itself a provocative approach to the problem. If, on the other hand, the students can be encouraged to feel that their grievances are heard and seriously considered in national policy decisions, their need to resort to demonstrations, with their inherent risk of violence, will abate.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

INFLATION—AN ECONOMIC MALADJUSTMENT

HON. CHARLOTTE T. REID

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1970

Mrs. REID of Illinois. Mr. Speaker, recently Dr. Harold W. Fox, professor of marketing at Northern Illinois University, DeKalb, Ill., published a paper entitled, "Inflation—An Economic Maladjustment." While space does not permit reprinting the entire paper in the RECORD, under leave to extend my remarks I include herewith Professor Fox's summary of his findings:

FACING THE 1970's

From the indications available, it appears that the future course of inflation depends primarily on political decisions, which are outside the purview of economic forecasting. The following economic points seem worth emphasizing:

1. After three decades, of prosperity, business, labor, and the consumer have at their disposal many alternatives that reduce the effectiveness of fiscal and monetary policies.

2. The most disastrous course of action, in the opinion of many economists, would be governmental price-wage controls. Whatever the economic consequences, the basic problem of price regulations is political: it is impossible to enforce a law that is frequently violated by a large proportion of the citizenry.

3. Assuming no new war and no major governmental action to escalate the rate of inflation, the immediate, short-term outlook is for a slight recession accompanied by continuing inflation. For one thing, many labor contracts provide for substantial wage increases over the next several years. For another, increasing dependence on nonpostponable labor-intensive services such as medical care, auto repairs, hotel services, and baby-sitting, plus rising financial outlays on interest, insurance, and property taxes give the American economy a strong inflationary base. To this can be added agricultural price supports, oil quotas, obsolete building codes which perpetuate inefficiency in home construction, and other government programs that maintain or raise prices. But, hopefully, the rate of price increase will abate.

4. Over the longer term, it appears that the price system's traditional role as allocator of resources will continue to erode. The present outlook is for greater emphasis on what economists call social overhead. There seems to be an inescapable need for concentration on urban renewal, mass transportation, air purification, water cleansing, and many other collective projects. Insofar as they are essential for human survival, there is no choice but to motivate these social efforts. The challenge is to perform them effectively while preserving America's heritage of individual freedom including occupational options and business incentives.

In principle, the price mechanism could coordinate social undertakings as well as individual pursuits. For example, if each automobile and each bus had to defray the costs of its infringement on the environment, most commuters would have to elect mass transportation.

Only wealthy people could afford the high cost of riding in a separate car. But such an extension of the price system might engender strong sentiment for governmental redistribution of wealth and income.

5. This paper has shown that two variants each of cost-push, demand-pull, and social rigidity interact to erode the purchasing power of the dollar, with little likelihood of a reversal. The most important influence on the future course of price stability is the will of the citizenry. Output must be increased and infusions of buying power curtailed toward a zone where the supply of most goods and services is in balance with demand at existing prices. If the implications of economic policies are widely understood and if price stability receives vigorous backing, policymakers—mainly in governments, but also in labor unions and corporate directorships—will pursue whatever ecnomic goals the public deems to be in its interest. Cure from the malady of inflation depends on the resolve of the people and the skill of their representatives.

THE MEDIA IS HUMAN

HON. JOHN WOLD

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1970

Mr. WOLD. Mr. Speaker, each and every day we are reminded that violence has become a part of American life. At one time most Americans felt it was confined to dealings between nations or restricted to States unable to properly govern themselves but the past decade has seen it brought increasingly home. Indeed, few Americans are spared its effects.

In a sense, the increasing level of violence is a reflection of the state of our society today. We are becoming polarized. Reason is being replaced by a lack of thought. There are signs that the solid middle is being eroded by the demagogues of both left and right.

The level of polarization has reached the point where, in a sense, the prophesy of violence becomes self-fulfilling.

We must pursue policies that will quiet the noise, that will lessen the discord, that will heal the wounds. To do so will require more understanding than many have exhibited. It may even require the giving up of momentary gain—political or otherwise.

The instruments that can convey the new sense of purpose are the news media. At the moment they are the subject of considerable criticism and even attack. The reasons for it are many and complex. Part stems from a vague general intuitive feeling that modern communications contribute to the level of violence in America—"Television is a live medium and those who use it go out of their way looking for action."

Another criticism is that the news journalists, particularly those from certain geographical areas, are insulated or calloused to the everyday events of life.

Whatever the validity of the other levels of criticism this is one that, in my judgment, is not justified.

Those in the news media are not insulated from the human problems of our time. Like everyone else the newsmen are members of our society and they, along with the rest of us, have suffered very real problems from the violence that threatens our Nation.

In the real estate section of the Sunday, June 7, 1970, issue of the New York Times, there was an excellent article about the very human problems of the coproducer of one of the more controversial television news programs today. The article chronicles the problems which befell Mr. Sanford Socolow, coproducer of the Columbia Broadcasting System's network news program "The CBS Evening News," and his family. Just over a year ago, Mr. Socolow was forced by the very real threat of violence into moving his family out of the city, where he had lived all his life, into the suburbs. The cause was not a single riot or demonstration but a series of what some might term "mundane" conflicts among neighbor-tenant-landlord.

As the author of the article notes, the series of incidents "is hardly a typical one—but in a broad sense the Socolow case represents a cross-section of the abrasive, sometimes agonizing Tenant-Landlord Court, but seldom reach public notice."

Although the level of violence in instances of this type is more in threat than in action, it does not detract from its importance as an object lesson. In my judgment, we must find means of resolving all the little problems and conflicts that confront us if we are ever to successfully deal with the larger ones.

I think Mr. Robert Alden's article could be very instructive in showing some of the factors that work to produce the intolerable circumstances outlined. Therefore, I include his article, "Feud on 33d Floor Drives a Family Into Suburban Life," in the RECORD at this point:

[From the New York Times, June 7, 1970]

FEUD ON 33D FLOOR DRIVES A FAMILY INTO SUBURBAN LIFE

(By Robert Alden)

It is now a year, almost to the day, that Sanford Socolow, a lifelong resident of the city, his wife and children, moved to the suburbs.

What follows is a case history of a family that wanted to remain in New York but was forced to move, not for the usual reasons, but because of a bad neighbor-tenant-landlord relationship. The case history is hardly a typical one because it involved most unusual circumstances.

But in a broad sense the Socolow case represents a cross-section of the abrasive, sometimes agonizing tenant-landlord relationships that end in Tenant-Landlord Court, but seldom reach public notice. In the last year alone, the Tenant-Landlord Courts of the city handled a staggering load of 358,385 cases.

Normally, such landlord-tenant disputes are so clouded by claim and counterclaim that it becomes impossible to determine where the truth lies. In the Socolow case, in the words of Judge Martin B. Stecher, who heard the case, "the facts are not in serious contention."

In addition, since the Socolow family at one point took refuge in my house out of fear of a neighbor, I was able to get firsthand reports of the succession of bizarre events that transpired

To set the scene, Mr. Socolow is the coproducer of the Columbia Broadcasting System's network news program, "The CBS Evening News with Walter Cronkite." In March, 1967, he moved with his expectant wife and an infant son into a three-bedroom 33d-floor appartment in a new luxury building at 444 East 82d Street.

The owner of the apartment house at that time was Winston-Holzer; the managing agent at that time was Douglas L. Elliman & Co. The monthly rental for the apartment was $525.

XUM

Within a few weeks after the Socolows moved in, a man, identified in the court papers as "K" and later by the police as Herbert Kaye, moved into an apartment opposite the Socolow apartment. Almost immediately the man proved to be an unusual neighbor. In Judge Stecher's words:

"K had parties which were frequent and noisy. His guests were numerous, raucous and persistently on hand.

"What went on at these parties is not clear, but the guests—who paid a fee to attend K's parties—lined up in the corridor several times a week, waiting noisily and impatiently to enter K's apartment. Having done so, they spilled back out into the corridor, using it as part of the K residence, where they drank, fought and caroused."

There were other odd disturbances.

On one occasion, in late August, 1967, the Socolows said they were disturbed "by what sounded like inhuman wails and screams from the corridor outside our door."

"There were heavy bangs and what sounded like fingernails trying to dig into Kaye's door," Mr. Socolow said. "The noise continued for possibly half an hour. Interspersed were hysterical screams—'I know you're there, Herbie.'"

Mr. Socolow said that he opened the door and found a young man down on his knees in front of Kaye's apartment. He asked the man to leave since he was disturbing the sleep of the children (a second child had since been born). The man, who according to Mr. Socolow did not appear intoxicated, refused, saying, "I'll buy your kids." The police were called.

The police dragged the fellow away bodily while he cried and screamed, "Leave me alone. I'm a nice Jewish boy. Leave me alone."

Beginning in September, Mr. Socolow and other tenants in the building had repeated conversations complaining about Kaye—once a week or more—with the district manager for Douglas Elliman in charge of 444 East 82d Street.

The manager repeatedly told Mr. Socolow that he was aware of Kaye and the shenanigans in his apartment, that the police had been informed, and that he was in the process of evicting Kaye.

Inquiries by Mr. Socolow to the 19th Precinct, which has jurisdiction in the area of 82d Street and York Avenue, disclosed no record of any complaint made by Douglas Elliman against Kaye. Month after month went by. The parties continued with the usual noise and attendant excitement. The plot developed.

Judge Stecher, in his account of the case, wrote:

"K in time acquired two companions in residence—a huge dog and an even larger man. Both seemed to serve the same function: to preserve by their size and threatening demeanor K's peace and discipline in the 33-d-floor corridor and apartment."

The large man's efficiency, according to Mr. Socolow, was a match for his size. He roamed the corridor enforcing the order of the queue and assuring complainers that they would soon be admitted to Kaye's apartment to join in the party fun.

The tenants on the 33d floor of the luxury building were cowed.

On the evening of Jan. 20, the Socolows left their apartment to go to a dinner party. Their two children were in the care of a baby-sitter. Soon the teen-aged sitter found herself terrified by the loud and vulgar talk outside, people rattling the front door of the Socolow's apartment and the booming voice of the hefty keeper of the queue. She telephoned her mother.

The Socolows returned to find the perturbed mother and the frightened daughter. When the mother had to shoulder her way by three girls waiting outside the Kaye apartment in order to get to the Socolow apartment, the large man advised the girls to "ignore that nut."

A couple of hours after the sitter and her mother had left, in the early hours of Jan. 21, there was a sudden outburst of what sounded to Mr. Socolow like a fight in the corridor.

"I jumped from bed," Mr. Socolow said, "opened the door and found that a considerable group of party-goers were in the hallway, again loud and vulgar, obscene and vile.

"I asked the bouncer," Mr. Socolow said, "to take the party back into Kaye's apartment and shut the door to cut down the decibel count. Suddenly Kaye leapt into the corridor and, with a maniacal gesture and look on his face, screamed abuse at me: 'You want quiet, go live in a cemetery. As a matter of fact, if you're looking for trouble, I'll give it to you. I'm going to get you. I'm going to get your family.'

"At which point," Mr. Socolow said, "the bouncer, announcing in a yell that he was going to beat me up and my family too, advanced on me. I retreated, slammed the door and bolted it. They proceeded to bang on it, putting a slight dent in the steel."

In Judge Stecher's view, "only timely slamming of [Mr. Socolow's] door saved him from serious injury."

The Elliman representative was told immediately of the incident, according to Mr. Socolow, and the representative said that Kaye was being evicted and should be out by the end of the week. By the end of the week Kaye had not been evicted.

The court later determined that, although numerous tenant complaints had been made over a period of at least five months and although the police had been called to the building on several occasions, "no effort was made by the landlord to stop K or evict him from the premises."

It was at this point that this writer came into the picture. I was vacationing in Barbados when I received a telephone call from Mr. Socolow, a journalistic colleague.

He said that he feared for the safety of his family and asked if he could move the family into a spare room in my apartment, which was in another building. At the same time, Mr. Socolow wrote Mr. James J. McSherry, a district manager of Douglas Elliman:

"Because of the vile and obscene occurrences in the 33d floor corridor of 444 East 82d Street, I have moved my family from apartment 33A. I have abandoned the apartment—I hope, temporarily—because of the threat of physical harm to me and my family."

In the words of Judge Stecher:

"Their [the Socolows'] fears were justified. One evening [Feb. 15, 1968] after their departure, the Socolow's front door was vigorously assaulted by an unknown person wielding an ax," Judge Stecher said.

The ax attack accomplished what the remonstrations of the tenants and their offers to bear witness against Kaye had failed to accomplish. With the permission of the absent Socolow family, Douglas Elliman, on Feb. 16, stationed an armed guard in the 33d-floor Socolow apartment.

Early in the morning of Feb. 19, someone using a flammable liquid set fire to the Socolow door and the abutting walls and floor.

Kaye has since been indicted on an arson charge in connection with this incident.

As soon as the fire was extinguished, the guard called the police and, while they were investigating the case, in a second incident, the police said that Kaye assaulted a policeman inside the Socolow apartment. Kaye was arrested and has since pleaded guilty to the charge of fighting with a policeman. He will be sentenced on that charge in Manhattan Criminal Court tomorrow.

A few nights after the fighting incident, Kaye, out on bail, was roaming the 33d floor corridor rifle in hand. He was forcibly disarmed by the private guard.

The Socolow family, staying in my apartment, made occasional trips to their apartment, at 444 East 82d Street in the company of a guard provided by Douglas Elliman to get needed articles of clothing.

As I was a personal witness, I know that they were thoroughly shaken by their brush with Kaye. Mrs. Socolow burst into tears on several occasions, not only because of the nature of the experience, but also because she had been uprooted from her home with a newborn child and young son.

The Socolows removed all of their personal possessions from 444 East 82d Street on Feb. 28.

"I felt that my first obligation was to see to the safety of my family," Mr. Socolow said. "We could not remain there. My basic complaint was that, although we had offered time and time again—as did other tenants in the building—to bear witness against Kaye, Douglas Elliman and the landlord did nothing about evicting him. We suspected that we were subject to corporate lying about so-called eviction efforts and the subsequent findings of the court proved that our suspicions were justified.

"But what is even more appalling is that if we tenants in a luxury building paying sky-high rents were not able to get relief from a fellow tenant who was making our lives miserable, how much more difficult it must be for tenants in the less affluent areas of the city to enjoy the peace and quiet that their lease entitles them to have."

John F. Hamlin, chairman of Douglas Elliman, refused to comment publicly on Judge Stecher's findings or on any aspect of the case.

Judge Stecher wrote in his decision that "to the end of February, the landlord made no effort to evict K or otherwise inhibit him." It was only in March, after the Socolows removed all their personal possessions, that the landlord brought a summary proceeding against Kaye and had him evicted.

The Socolows' fears in the case of Kaye were well-grounded. In addition to the assault on the policeman and the charge against him for setting fire to the Socolow door, it turned out that Kaye was wanted on a fugitive warrant on a charge of arson in Pennsylvania, accused of burning down a motel in Bucks County.

As for Kaye's large companion, the police reported that he has a record of 22 arrests, including charges of burglary and rape.

Shaken by their experience, the Socolows moved temporarily from my house to another apartment in the city while they searched for the suburban home where they now live.

"We moved to the suburbs," Mr. Socolow said, "because my wife and I were so disturbed by what could and did happen to us. If we felt we could not be safe, I did not want to live there. We hated to leave the city. But my wife never recovered from the fright. I felt that there was nothing else for us to do."

A LETTER FROM A CONSTITUENT IN VIETNAM

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1970

Mr. HUNT. Mr. Speaker, I have just received a letter from a constituent who is serving in Vietnam which I would like to share with my colleagues. Sp4c. Louis

J. Brooks, born and raised in my hometown of Pitman, N.J., is serving with the Army's 25th Division and writes of his impression of American troop action in Cambodia as well as his observation of attitudes generally:

> I thought you might like to know the general attitude over here toward the push into Cambodia, and the student riots on the college campuses. I have yet to hear one negative opinion toward Nixon's decision to go into Cambodia. It is evident to everyone over here that these enemy sanctuaries had to be destroyed . . . It was factual that as long as these camps (North Vietnamese Army base camps) were allowed to exist, this region of South Vietnam would never be totally secure.

I would observe that not only was the region around Saigon constantly threatened so long as the enemy could mount attacks from its base camps in Cambodia with relative impunity, but the capacity to mount these attacks has a direct relation to the safety of our own troops operating within the range of the base camps.

Specialist Brooks continues:

> After our withdrawal (from Cambodia), I can see our area becoming so inactive with enemy activity that the Arvn's (South Vietnamese Army) could take over the whole battle. I mean either a total withdrawal of U.S. troops, or at least a withdrawal of the infantrymen.

Certainly, this is a very important factor in the President's policy, for to enable the success of the Vietnamization program is to insure the continued withdrawal of American combat troops.

While convinced that the President's decision was right under the circumstances, Specialist Brooks then turns his attention to troop reaction to antiwar demonstrations here at home:

> Most of my friends cannot understand the big protest at home, since there is none here. I feel our news media have created much of the trouble . . . Our soldiers are treated better here than in any other war. The morale here is very high. The biggest morale problem is homesickness . . . If the college students understood Nixon's decision like I do, I don't think the deaths at Kent State would have taken place.

Mr. Speaker, I submit that the almost fanatical idealism of the militants heading the antiwar protests is totally inconsistent with the idealism of those who are engaged in the combat zone of Vietnam. It seems that in the case of the former there is the nebulous intellectual form of idealism while in the latter, represented by those like Specialist Brooks, there is the very real and tangible struggle to enable the people of an entire Nation to exercise the most cherished individual liberty—the right to choose their own destiny. This, in my view, is the most valued idealism.

SAFETY STANDARDS FOR AUTOMOBILE BUMPERS

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1970

Mr. DENT. Mr. Speaker, the toll of life, limb, and property lost each year in high-speed automobile accidents is incredible and we have all been made keenly aware of it, and are doing what we can to correct it. But it is a relatively little known fact that thousands of persons are injured and billions of dollars are lost each year as a result of low-speed automobile accidents.

The human suffering and inconvenience is staggering, and the enormous economic cost is passed along to the consumer in the nature of large repair bills, higher insurance premiums, and decreased life expectancy of the vehicle. In addition, these accidents constitute a heavy strain on the automotive repair business, on our court system, on our police agencies, and on the scarce materials used in making necessary repairs.

Two recent studies conducted by the Insurance Institute for Highway Safety point out the delicacy of the automobile's external structure and the magnitude of the costs associated with low-speed collisions. Tests performed on four 1969 sedans—Chevrolet Impala, Ford Galaxie, Plymouth Fury I, and Ambassador SST—demonstrated that on the average, they sustained approximately $200 in damage when driven forward into a barrier at 5 miles per hour—equal to a fast walk; $650 in the same situation at 10 miles per hour—jogging speed; and $500 to both automobiles when driven into the rear of an identical vehicle at 10 miles per hour.

Tests on four 1970 small and less expensive cars—Volkswagen, Toyota Corona, Ford Maverick, and American Hornet—demonstrated the following damage in the same circumstances: $150 at 5 miles per hour into a barrier: $400 at 10 miles per hour into a barrier; and $400 at 10 miles per hour into another car. Frankly, there is just no legitimate reason why automobile bumpers should crumple at such low speeds.

The automobile industry presently makes a bumper that can withstand an impact of only 2.8 miles per hour. Dr. William Haddon, Jr., president of the Insurance Institute, stated in testimony before the Senate Commerce Committee that—

> Current automobile exterior designs, while aimed at the eye of the consumer in the showroom, are pointed directly at his wallet on the road.

The technology presently exists to produce a resistant bumper; it is merely a question of applying the available engineering skills to the task. One company has already reported the successful testing of a new bumper, safe to vehicle and passengers at speeds up to 30 miles per hour.

Mr. Speaker, with that background, I am now pleased to introduce a bill to require motor vehicle safety standards relating to the ability of the vehicle to withstand certain collisions. My bill would amend the National Traffic and Motor Vehicle Safety Act of 1966. It requires the Secretary of Transportation to prescribe motor vehicle safety standards to insure that motor vehicles manufactured after January 1, 1972, will be able to withstand a collision—either front or rear—with an immovable object at speeds up to and including 10 miles per hour without sustaining property damage or injury to the occupants of such vehicle.

I hope this bill will receive early and favorable consideration by the Interstate and Foreign Commerce Committee, and urge my colleagues to join me in sponsoring it. I believe it can go a long way toward reducing the tremendous claim low-speed collisions make on us all.

"IT'S UP TO YOU"—A COMMENCEMENT DAY ADDRESS BY MR. BARING OF NEVADA BEFORE NEVADA HIGH SCHOOLS, 1970

HON. WALTER S. BARING

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1970

Mr. BARING, Mr. Speaker, Graduation Day, 1970, around the United States, and especially in Nevada, coincided with thoughts I had regarding the seemingly unending and unwarranted disruptions on American college campuses.

As many of the students graduating from high school at the first of this month plan to go on to college, I felt it necessary to address the graduates on the basis of what these students, who will be freshmen on the campuses next fall, can do to insure that their higher education process is not interrupted by misguided and unthinking students who have the only desire, apparently, to cause unrest on campus and do not have the keen desire to complete their studies during the academic year or allow others to do so.

The students who desire to bring about changes in our system of government, and college administration policy for that matter, have the right to disagree. But they only have that right, and I will emphasize that they are only right, when they go about it in a peaceable and constructive manner.

The anarchistic movements on some of the campuses by some of the students has caused, I believe, alarm not only in the minds of the parents of all potential college-age students.

Many adult Americans today have, what I will term, a "bad taste in their mouth" regarding college students because of a few students who disrupt campus life, destroy property, and put the rights of all students in jeopardy.

This situation I want to help correct.

With this in mind, I prepared and delivered the following speech to two high schools at graduation this June 1970, with the hope that they would be sure to find the best path through their coming college life:

IT IS UP TO YOU

> Being the commencement speaker here today reminds me of my own high school days. I am particularly reminded of Congressman James Scrugham who was asked on numerous occasions to be the guest speaker in high schools across the State. Congressman Scrugham went on later to become Senator Scrugham, serving the State of Nevada in the U.S. Senate. I had great admiration for this man who had a marvelous knowledge of every aspect of Nevada's economy, but he had an exceptional, extensive and first-hand knowledge of mining in this State. I can well

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recall that no matter what the occasion, or no matter what the announced subject of his speech happened to be—it always ended up being a talk concerning gold, silver, lead, zinc, copper, manganese and cinnebar.

Well, although I have always been a champion of mining during the years I have served Nevada in the United States Congress, I am not going to speak to you today on the subject of mining. Because you are a youthful audience, I intend to speak to you on a subject of importance to youth. Now, I ask you, what could be more interesting to young people, than the subject of youth, itself?

A number of years ago, a poll was taken among a number of young people, and when the questionnaires were tabulated, it was found that the two things that young people wanted most of all were:

1. To get along with people, and to have more friends, and
2. To find their right and true place in life.

I believe that if a poll were taken today, the questions would be answered just about the same. Of course, the war has altered and influenced the thinking of young people to a considerable extent, because this is something that interferes with the course of normal living. I wish to God that the war were ended, and that every last one of our fighting men were home! I further wish that all wars would cease, and that no one would ever have to go to war again! However, our country is engaged in war, and I believe that either we should win the war, or we should get out! I cannot see the continuation of a war which is getting us nowhere, and which could go on and on indefinitely.

This does not mean that I condone in any way the draft card burners or the American flag destroyers. We have a wonderful country—the best in the world—and the American flag is a symbol of all of the good things which our country represents. Naturally, there are things which need correction within our governmental structure. There are abuses within our governmental system, just as there are abuses within the social system. However, it is not the systems which should be destroyed, but rather the injustices and the wrongs which should be corrected and eliminated. People and their wrong actions must be changed, and they can be changed, through education. Riots, rebellion and destruction are not the ways to go about making the desired changes. To engage in draft card burning, American flag defacement, riots, demonstrations and senselses destruction of buildings—such as we have seen across our nation)—is despicable and it is certainly not American. It is downright anarchy! If changes are needed, our forefathers provided us with a constitution which can be amended. This is the orderly American way!

It is gratifying, generally speaking, that our Nevada schools and colleges have not gone along with that deplorable type of behaviour. In fact, recently the students at the University of Nevada in Reno paid an approving tribute to the university president and his wife, by giving them an all-expenses-paid-trip to California. This was certainly a "switch" from what we have witnessed in colleges across the country.

There has been a very unhealthy trend of thought spreading among many of the youth of this country, and I would like to bring a word of warning to you at this time. There are subversive forces and underground movements which have been for some time (and still are active) engaging in polluting the minds of our young people! They have impressed the minds of our youth with the idea that they should not believe or have confidence in people who are older than thirty years of age. They have attempted to turn the minds of the youth of this country against their parents. They have exaggerated and blown up out of all proportion the so-called "generation gap." They have tried to create a great breach between the younger and the older generations.

Unfortunately, many young people—misled and misguided—have become the victims of poisonous influences. They have not stopped to consider that the very leaders in these subversive movements are persons who are way past their thirties!

I have two very good examples to illustrate this point I am making. There is a certain past-middle-aged, silver-haired woman who is a leader in the so-called "New Morality" movement, who publicly has told young people that there is no longer any need for the ten commandments. This is a deliberate attempt to break down the necessity of law and order—and it comes from a person long past thirty.

Another example is a man who was one of the leaders in a recent "march" upon the Federal Building in Reno. His youthful followers who carried signs upon which were painted the symbol of the clenched fist, apparently did not notice that this anarchist was a man between forty and fifty years of age! Yet, these very same agitators will attempt to tell the youth of our country not to listen to their parents, and not to believe in or trust anyone over thirty years of age!

We are living in times which require a great deal of perception and awareness because there are forces at work which are bent on destroying our country and the very systems which made America a great nation. By using clever plays upon words and diabolical subterfuge, they have made great inroads upon the youth of our country. Twisted thinking has influenced the minds of the youth on many campuses, who have fallen victims to this false propaganda. It is important for us to remember that if government and social changes are necessary, there are sane and orderly ways and means of bringing about these changes. These ways and means are not found in revolution, vandalism, pillaging and looting. It was a pitiful sight in Washington, D.C. not long ago, to see about one fourth of the city go up in smoke, while youthful "hoodlums" looted burning stores, defying law and order, as they carried away radios, television sets and all manner of other furniture.

The fact of the matter is that there will always be a need for the ten commandments. (Without law and order this world would be an utter chaos.) The ten commandments are a basic code for human behavior designed to serve for all time.

Therefore, there is no such thing as a "new" morality. One of the Ten Commandments is honour thy father and thy mother, and this is just exactly what this modern, or "mod" morality would not have young people do.

I do not need to tell you that riots, strikes, unkempt young people in dirty clothing, filthy movies, obscene pictures and pornographic literature have become commonplace in our society. The youth of our country represent the most valuable possession that we have. This is why our young people have become the collective target of the enemy forces at work within our country. Drug abuse—the use of drugs among many young people—is the most vicious, depraved and diabolical plot of all. There was a time when decency and morality constituted the acceptable way of life in America, and this was considered to be proper, even if it was not always practiced. Degeneracy was the exception, and it was generally shunned! Today, however, things that used to be looked upon with abhorrence are looked upon lightly, and even advocated! There was a time, also, when criminals were considered enemies of society. Because they had broken the law, they were believed to be deserving of punishment. Today, soft-headed psychologists tell us that acts of stealing, murder and sexual crimes are merely the product of body chemistry or unfortunate environmental conditions. They further contend that the criminals who commit the atrocities are not to be blamed for their crimes. Only too often thieves and hoodlums are referred to merely as underprivileged people, although many of them have had material and social advantages far beyond any possessed by their forefathers. In the big cities, young men wielding switchblade knives and bicycle chains are defended as innocent victims of our "cruel" society. The result of all of this distorted thinking has been a breakdown of law and order, and an utter disrespect for the law. Our country has seen a spiraling crime rate, and a wave of permissiveness and immorality.

As I mentioned before, the *goal* of the enemy is the break-down of the morality of our youth. Atheistic forces have succeeded in eliminating prayer from our schools. Now, they are intent upon removing all forms of worship and sacred observances from our public and national life! They want to discontinue showing any religious films on television. So concentrated have these atheistic forces been, in their efforts, that a large segment of our society has abandoned God. This is a far cry from the worshipful attitude of our forefathers, who founded our Nation upon the principles of God. Today the denial of God's very existence is not unusual. I am sure that many of you have heard of the idiotic statement, "God is dead." Those who adhere to this atheistic claim have no conception as to what life actually is. God is life. Therefore, God is the very opposite of death. How could life be death? There is a song being sung lately which says, "if God is dead, what is this that lives within my heart."

Actually, it is the widespread turning away from God that caused the abandonment of morality, and the decay of human conduct. A person who believes that God does not exist, possibly might not possess definite principles for the regulation of human conduct. As a result, such a person would have to work out his own moral system. Murder, stealing, and other crimes would not necessarily be wrong to him. The criteria for right and wrong, for him, would be relative—and not based upon absolute standards laid down by God. Again, I say that there must be a general return to the ten commandments, if this country and this world are to survive and to overcome the present world dilemma! As a Christian, I say that the unbelieving world must be looked upon not with condemnation, but rather with an attitude of compassion. Even though there is often a tendency to ridicule the "hippies," the pornographic writers, the abstract artists and the wild, drug-addicted musicians, they should be prayed for very earnestly, instead. Somehow the fact must be communicated to them, and to all unbelievers, that God does exist, that he does reveal himself, and that he can be known!

In you, young people, lies the hope of the world. With concern and compassion and understanding, you have the power to re-make the world. It is certainly evident that many changes must be made, but they must come about in the right way! The right and proper way is not the way of violence, or rioting, or destruction. In order to change the old, we have to possess something better to offer. We cannot tear down just for the sake of tearing down. We cannot tear down the "establishment" or any other time-honored thing, just for the sake of destruction. We must exercise wisdom and understanding, and we must be sure that we have something better—something that will benefit mankind—before we lend ourselves to movements devoted to change.

Finally, although the present world condition seems disturbed and confused, it is a good thing to remember that there is always a way out—if we are in tune with the God who lives in us. This is not a meaningless platitude, nor is it a matter of "wishful thinking." It is a truth that each and every one of us gathered here together has one thing in common. This is the fact that we are alive! If we were to say that we are not alive, we would have to resort to telling a falsehood. Therefore, we have a truth—an undisputable fact—about which there can be no doubt—and upon which we can begin to build our lives. The next important step in our self-discovery is the realization that this life, which is the source of our existence, is something greater than our human identity. Without this life which animates us, our bodies would be reduced to nothingness in a very short time.

When we learn that life is God, and when we see that God lives within us, we have discovered the secret that will lead us into personal freedom. Socrates said, "man, know thyself." When we become acquainted with this super self which gives life to our bodies, we will begin to look upon the world in an altogether different manner. We will see how futile it is to try to change things from a human standpoint. We have heard the statement, "as long as there are human beings, there will always be wars." Well, I have news for you. In reality, we are not human beings! The life that lives in you and me is not human. It is the very life of God—which makes us divine beings, or spiritual beings. We are not "human" beings, at all!

Within each and every one of you young people here today, there is a genius locked up inside of you, just waiting to be recognized and set free! God has placed his spirit within you, and you are here on this earth to accomplish a particular purpose! Jesus of Nazareth announced, "the kingdom of God is within you." Listen to the "still small voice" which speaks within your heart. Herein you will have the guidelines for a meaningful and successful life—with plenty of friends! Remember, each of you is a genius in your own particular way. Go forth in good courage, because you are needed! The world is waiting for you to contribute something fine.

GEORGE SEUFFERT AND A NEW YORK CITY BAND

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1970

Mr. ADDABBO. Mr. Speaker, I want to call to the attention of my colleagues in the House a most interesting and worthwhile project now in the planning stage in New York City. The project is being shaped by Mr. George Seuffert, of Douglaston, N.Y., and if he is successful, New York City will soon have an official band.

George Seuffert has already planned a series of free concerts to be held on the steps of city hall this summer and he has also interested Mayor John Lindsay in the idea of an official band to play at schools, hospitals, and at ceremonies for visiting dignitaries. Anyone who knows George Seuffert knows that he will probably be successful in making his plan a reality. I have known George and his talented family for a number of years and I am one of those who believes in his plan for our city.

The proposal which George Seuffert is urging on city officials has particular meaning for our young people and as George explains it, his musical plans seem to be geared toward improving our communication with youth. The story of George's plan was recently told in an article in the May 25 edition of the Long Island Press and I place the text of that article in the RECORD at this point so that my colleagues may read this fascinating story:

MUSIC CONSULTANT LOOKS TOWARD CITY'S OWN BAND

(By David Glauberman)

Into his fifth decade as a legendary band conductor, George Seuffert of Douglaston is not about to slow down.

On the contrary, the 57-year-old director of The Seuffert Band is looking forward to heading up the official New York City Band—if and when the band is formed.

Seuffert (as in "toy fort") himself is optimistic that there will in fact be a commercially-sponsored city band "before the end of the second Lindsay Administration."

Mayor Lindsay has been encouraging the idea. Seuffert told The Press in a recent City Hall interview, and as Lindsay's $1-a-year music consultant Seuffert expects that he would be handed the official baton.

"A band can be employed in the summer giving free concerts and throughout the year working at schools, hospitals—the whole bit," said Seuffert, as well as musically greeting visiting dignitaries, he added.

The city formerly maintained several departmental bands, but they were all cut for economy purposes in the last decade.

"It's my hope that it will be at no cost to the city," said Seuffert. "Let's look at it from this point of view. The finest professional band in this city would cost about $500,000. . . . It would have to be a cooperative venture."

As conductor of The Seuffert Band, which he inherited from his father in 1929, the crew-cut Ridgewood-born musician has had a wealth of experience in trying to lure dollars from local businessmen.

"I was the first individual to interest commercial concerns in sponsoring free concerts in the city," recalled Seuffert. "It goes back to the days of the Depression when, music being a luxury, it went right out of the window. I went to Grandview Dairy and sold them the idea. They were amenable provided I came up with a gimmick to tie it in with their product."

With that, Seuffert opened his wallet for a reporter and revealed an aging ticket dated June, 1933, that was shaped like a milk bottle cap and proclaimed the sponsor's name on one side and "admit one" on the other.

Even today, despite his band's reputation, Seuffert still finds that he must "keep plugging all the time" to get firms to subsidize the conductor and his men, who may range in number from 25 at an Aqueduct race track concert to 48 at one of his weekly summer concerts in Forest Park.

Frequently appearing with his band is a solo trumpeter billed professionally as Leona May Smith, who also has been billed for 37 years as Mrs. George Seuffert. The couple has four sons—an anesthesiologist in Anchorage, Alaska, who plays piano; a senior at Fordham who serves as a percussionist in his father's band, and two students at Xavier High School in Manhattan, one a trumpeter who received free music lessons from an expert, the other a clarinetist and bassonist. It's what might be called a musical family.

A former music teacher at Bushwick High School and Grover Cleveland High School (where he was department chairman at his retirement in 1967, Seuffert is preparing for a series of free summer concerts to be given periodically on the steps of City Hall.

"There'll be a tremendous variety," he said, "ranging from the Young Saints of Harlem to high school bands. We also plan a salute to youth program here, featuring the All-City High School Band, the All-City High School Orchestra, and the All-City High School Chorus, to emphasize the constructive and artistic facets of our school system."

In a personal salute to youth, the veteran conductor—whose band plays Tchairkovsky, Richard Rodgers, John Phillips Sousa and Giacomo Puccini at its concerts—said he likes a great deal of rock music.

"I don't divide music into popular and classical and so on," Seuffert said, "It's either good or poor. A great deal of contemporary music is good—groups like the Association. Possibly through this medium our youngsters will discover that there are composers like Bach."

MEMORIAL DAY MESSAGE BY LT. COL. R. P. DUNWELL

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1970

Mr. HUNT. Mr. Speaker, Memorial Day 1970 was marred by a few dissident elements who are too young to appreciate or heed the significance of the sacrifices of the millions of American servicemen throughout our proud history so that the individual liberties and freedoms which we have inherited and would protect with our lives might be passed on, undiminished, to future generations. The right to dissent is clearly among those individual liberties, but I note with dismay that many localities and military installations cancelled Memorial Day ceremonies and services because of threatened demonstrations and the fear of violence.

However, messages were delivered to millions of concerned Americans who solemnly observed Memorial Day services and were no doubt inspired of the imperative need to dedicate ourselves ever so much more sincerely to preserving a way of life which no other nation in the history of the world has so long enjoyed. Such a message was prepared and delivered by Lt. Col. R. P. Dunwell at Memorial Day Services in Berryville, Va. Colonel Dunwell is the assistant to the legislative assistant to the Commandant of the U.S. Marine Corps and I am pleased to have the opportunity to preserve his timely and inspiring words in the pages of the CONGRESSIONAL RECORD.

SPEECH OF LT. COL. R. P. DUNWELL, MEMORIAL DAY SERVICES

It is a great privilege for me to participate in Memorial Day Services here at Berryville. I am honored to stand in the company of those who rest beneath these grassy slopes.

When this day began to be observed, it was only a day set apart for decorating the graves of those who perished in the Civil War. Year by year it has grown in meaning and in scope until it has come to be the all souls day of the Nation. It now aims to guard and keep alive the memory of all who at any time or in any place, have laid down their lives for this great Nation. To all who by their death have magnified her, to all her servants who have departed this life in her faith, this time is consecrated. There is none so long dead as to be out of mind. There is none so humble as to be overlooked. There is none so mighty or renown as not to receive an added dignity and grace from the spirit of the hour.

Today we recall not only those who wore our Nation's colors in camp and field, but all who gave up health or friends or quiet hours for their country. All who were ready to forego the rewards of office, even the goodwill of their fellow men, not because they loved these less but because they loved our country more.

Is the love of this great land and all she stands for, so encompassing, so consuming, as to be worth the sacrifice of life itself? We look around us, and there is our answer . . . those markers and those white crosses. How many mothers and fathers view those humble markers and think "here is all I loved and hoped for, my hope for the future, my light in a dark world?" How many remember, as I do, that terrible loneliness... the silence . . . surrounding the return home of a beloved friend killed in combat? They know . . . those who return and those who do not . . . just why it is they must risk all, even life itself, to preserve for all times a belief, an ideal, a principle. They know and they don't want any one to forget.

We are indeed a privileged people. But as President Eisenhower said in his second inaugural address, "A people that values its privileges above its principles soon loses both."

These graves and others throughout the world attest to the fact that America and Americans have placed principle above privilege.

There is rampant in our country today, a sinister force of unbelievers. A force committed fanatically to the disruption of our society, to the destruction of our traditional way of life, and to the breaking and smashing of authority wherever it may be found. A force that takes advantage of freedom's privilege to flaunt our enemies' flag while they burn and desecrate our flag . . . the flag these men died for. A force which burns and loots in the name of peace. A force that uses American freedom to destroy those freedoms. This force believes that if they are noisy and destructive enough, we the American people, will give in . . . will accept defeat. In this belief they have made the same mistake that so many of our enemies of the past have made. They have underestimated us. They have underestimated our resolve, our determination, our courage to maintain the principles of freedom.

The survival of freedom demands knowledge and understanding based on courage, conviction and deep faith. It demands a patience and sacrifice strong enough to outlast and overcome the forces which seek to limit or destroy freedom. Let our enemies take notice, freedom will survive . . . for America is strong in heart, strong in spirit, and strong in vigilance.

Freedom is a right endowed by our Creator on all men. It is not exclusive. Yet some have never known it, some have had it taken from them by force or simply lost it through complacency; some received it by being born in the right place at the right time; some have fought for it, some . . . many . . . have died for it. Freedom dies when men will not live for it and will not exert themselves in its defense. John Stuart Mill said almost a century ago:

"War is an ugly thing but not the ugliest thing. The decayed and degraded state of moral and patriotic feeling which thinks nothing is worth a war is worse. A man who has nothing which he cares about more than his personal safety is a miserable creature who has no chance of being free, unless made and kept so by the exertions of better men than himself."

We the living have a duty . . . assigned to us by those we are honoring today. A duty to know about America's ideals and principles, and how they were developed through the years past. Thus, we re-affirm within our hearts and lives that statement of principle summed up in those few short lines of the preamble to the Constitution.

". . . To form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare and secure the blessing of liberty for ourselves and our posterity."

We, the people, must strive for excellence in order "to form a more perfect union." We the people must work for justice while ensuring domestic tranquility. These qualities must go hand in hand. They are of particular worth in our Nation today.

"Provide for the common defense, promote the general welfare." The values we cherish as Americans will not survive without the continuing, constant attention of every citizen, involving himself physically, economically, and spiritually in his Nation's welfare.

"And secure the blessings of liberty to ourselves and our posterity." Let us have an individual awareness of freedom, liberty, the rights of man. Every free man—at work, at home, in public, and in the secret places of his heart . . . must be ready to preserve our heritage of freedom.

Since the days of our Founding Fathers, many have given their lives so that this experiment in freedom, called democracy, might survive. The men who founded this Nation knew that in their world, a free society would have to prove that it was capable and worthy of survival. Today, we face the same test of our moral values and our convictions.

You, who have lost someone in our Nation's service, can painfully appreciate at what great cost our Nation's heritage has been passed on to us. It is among people like you, communities such as this, that the torch of freedom so valiantly purchased must be passed on. It is here that the fundamental moral and spiritual strength of our people resides. We have shared much as a people. These dead whom we honor here today represent our ties with one another . . . through them we share an inspiration, a bond with the past, a hope for the future.

Those here today . . . and all Americans throughout this country . . . must work with resolve and resourcefulness to find solutions to problems which are a part of this great country in which we live.

The years ahead will be difficult. Our Nation is facing many complex problems, both here at home and overseas. I am confident that if we all work together we can perpetuate that which has, thus far, been achieved at great sacrifice. We have the example of these men . . . the inner resources of their spirit . . . To honor them, we must sacrifice . . . sacrifice some of our wealth and some of our leisure and dedicate them to the purposes for which these men gave their lives. It has been well said that "the price of freedom is eternal vigilance."

Eternity is a long time. But time moves more slowly where there is not freedom.

THE UNION SHOP AND POSTAL REFORM

HON. CHESTER L. MIZE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1970

Mr. MIZE. Mr. Speaker, Columnist David Lawrence has explored the issue of compulsory unionism in the postal reform bill from an angle not generally recognized in the current debate over this provision. I feel that all of my colleagues who are taking a serious look at the implications of this particular provision will find Mr. Lawrence's column, "The Union Shop and Postal Reform," as it appeared in the June 9 edition of the Washington Evening Star, of special interest. Under leave to extend my remarks, I wish to call attention to his observations. The column follows:

THE "UNION SHOP" AND POSTAL REFORM

(By David Lawrence)

One of the strangest phases of modern democracy is the belief that "liberals" always defend freedom of speech and freedom of individual thought. Presumably the last proposal in the world to receive their approval would be any form of coercion—such as, for instance, compelling a citizen to belong to a particular political party or a national organization claiming to represent any group of citizens.

Yet the "liberals" are strangely silent over the section of the postal reform bill now pending in Congress that would permit labor unions to negotiate for a "union shop," which means that employees may retain their jobs only if they join a union.

The idea that a government employee could lose employment because he or she refuses to become a member of or pay dues to a private organization would seem to be the kind of thing one would expect under a fascist system—certainly not under a democracy.

The postmaster general, who agreed to the new plan, evidently did so because of a desire to settle the recent postal strike and to obtain support for the reorganization of the Post Office Department. The AFL–CIO, while helping to end the dispute, apparently saw an opportunity to get a "union shop" for postal workers as a step toward compulsory unionization for federal employees generally.

The union leaders are already saying that, if they get the scheme into operation in the postal service, with its 750,000 workers, they will endeavor to obtain the same arrangement for all civilian workers in the federal government. There is an intimation that they will seek to extend it to state, county and city governments.

Nineteen states prohibit any interference with the "right to work," but forced unionism could be imposed on public employees in the other 31 states.

In the executive order President Kennedy issued in 1962 authorizing for the first time the unionization of federal employees, compulsory unionism was specifically prohibited.

This was reaffirmed by President Nixon in his executive order covering labor-management relations in the federal service, effective Jan. 1, 1970. It expressly gives each employee "the right, freely and without fear of penalty or reprisal, to form, join, and assist a labor organization or to refrain from any such activity, and each employee shall be protected in the exercise of this right."

The new legislation would withdraw that protection so far as postal workers are concerned.

Compulsory unionization has long been a matter of controversy in America, and it would be logical to assume that the "liberals" would be the first to denounce any effort to penalize a federal employee who refuses to be forced to join a union. But they have very rarely spoken out against such coercion even in non-public employment. Possibly this is because they have been friendly to the cause of labor in a general sense.

If, of course, the delivery of the mails is turned over to a private organization and the government has no power over it except to contract for service, such a corporation could deal with unions that insist on a "union shop." But there is no sign as yet that the government will completely detach itself from whatever project is set up to handle the mail service. The Washington Daily News said the other day in an editorial:

"The Post Office is a public service, and even under the reform bill would be financed in part by taxes. It ought not be subject to rule, directly or indirectly, by union politicians.

"Government service should be open to any citizen who wishes to work for the government, who is needed and who can qualify for the job, whether or not he belongs to a union."

In these days of spectacular controversy and debate on public issues, much emphasis is placed on "repression" as an undemocratic attitude toward the rights of a free people. But somehow the compulsion involved in requiring a worker to join a union as the price of keeping a job in the government itself seems to have been completely neglected by the intellectuals as well as by all activists supposedly interested in the cause of true freedom for the individual in America.

There are no signs of any picket lines or "demonstrations" to protest against compulsory membership in a labor organization. Perhaps "conservatives" who oppose such coercion won this label because they believe in "conserving" individual rights.

WHY THE CURRENT NATIONAL CRISIS IN CONFIDENCE

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1970

Mr. CORMAN. Mr. Speaker, my distinguished colleague, Richard T. Hanna, recently delivered a speech before the Chiropractors Association of Orange County, Calif., entitled "Why the Current National Crisis in Confidence."

I would like to take this opportunity to share with the House Mr. Hanna's most perceptive analysis of the current national crisis, and I offer the text of his speech for insertion into the RECORD:

WHY THE CURRENT NATIONAL CRISIS IN CONFIDENCE

I doubt if anyone in public life could have honestly foreseen the reaction unleashed immediately after the President's announcement to send American troops into Cambodia. Certainly the Vietnam policy has been causing increasing uncertainty, tension, and frustration. There has been a simmering constitutional crisis since the Tonkin Gulf resolution. And there has been continuing erosion in confidence in the government's ability to deal with a wide range of issues ranging from Vietnam to the economy to the environment.

Underneath the surface of the visible issues there grows a distrust of the political process. Americans are feeling more and more that we are in a state of drift. No one seems to be able to say, this is where we are and there is where we want to go. Our sense of national purpose and image, once so strongly understood and regarded, has eroded into uncertainty and a lack of confidence in ourselves and in our leadership.

The President's decision on Cambodia has brought our national identity crisis to the peak. Cambodia has become the focus of these more fundamental and serious concerns. And these concerns must be put into perspective before we can rationally deal with them.

During the past few months and especially within the past few weeks, I have been trying to understand the context of the swiftly moving events. I have been honestly trying to answer the question, where are we, as a people, and why? In answering this most fundamental question, I've come to the conclusion that the crisis in our national image centers around a confused understanding of the components of our power, how that power has been utilized throughout our history, and how the exercise of our various power components have changed their relationships to one another and between our political institutions, specifically the President and the Congress.

It seems to me that there are three basic elements to our power. First there is the intangible moral power that has emanated from our democratic institutions—tolerance for opposing points of view, the ability to accommodate, and our spirit of pragmatism. This type of power is difficult to put a finger on, but, when you examine our early history, you realize that these intangible, but real assets made quite an impact. In a world that was monarchist and authoritarian, our democracy, as an example and an alternative, served as a tremendous moral power. This type of power set our tone and direction. There was little doubt as to who we were and what role we had to play. We had to demonstrate that a society with our institutions could be successful, could grow, and prosper. Our history has dramatically demonstrated the wisdom of the men who created our institutions.

The Civil War severely tested the power of our political institutions, but those institutions remained stable and were the principle underpinning of our national power.

It is interesting to note that most of our efforts abroad, from our earliest to our most recent involvements, have been, at least in our justification, based either on preserving or promoting our moral concepts. In our early history our moral power was sufficient to promote our causes. For a long time it was really the only important base of our power. During those times our rhetoric and actions could be consistent.

As we prospered and expanded, two very important elements were added to our initial power base. The industrial revolution and our efficient exploitation of immense reservoirs of natural resources added the element of economic power to the strong base of our moral power. It was not very difficult to translate our economic power into terms that meshed nicely with our moral strength. For a long time, although contradictions appeared and hypocracies existed, our economic and moral power bases complimented one another.

The depression changed the nature of our economic strength. The Federal Government found it necessary to take an increasingly larger role in the management of the economy.

Although the nature of our economic strength changed, the rhetoric has not and, as a result, there has been a controversy over what actually constitutes our economic strength. The depression was the second real test of confidence in our institutions. We survived and prospered, but our image was shaken and very important relationships between the Congress and the President were altered. Our initial moral strength, i.e., the delicate balance in our democratic institutions, was allowed to take a back seat in order to preserve our economic strength. Of course, this alteration took place in the name of preserving our moral power.

On the heels of the depression the World War brought to the forefront the third major element of our power—our military ability. Although we maintained a military establishment throughout our history, only in World War I and II and the period thereafter did it become the major expression of our power. Even after World War I our military power quickly receded and our moral and economic strengths preempted the field.

The military power component emerged after World War II as the most significant element in our power base. In the post World War II period we have become increasingly dependent on the use of our military. But in almost every case we have justified the use of this power in order to promote and preserve the fundamental base of strength we possess—the moral strength emanating from our political institutions. We have stressed and emphasized the military component of our power, and, with the exception of the rhetoric, we have allowed both our moral and economic power to take minor roles. And once again, in emphasizing the military, we have given more power to the Presidency, thereby altering basic institutional arrangements.

Thus we have a cycle that has led us to our present circumstances. We have, in our actions, de-emphasized the first and most fundamental basis of our power—our moral strength—which is based on our institutions. Our preoccupation with using the military arm has de-emphasized the second most important element of our strength—our economy. The most visible manifestation of our power is our military, and this component, the last one to develop, is the least important component of our threefold base of power.

The emphasis on the military component is severely testing our institutions, the most fundamental basis of our moral power, and at the same time is damaging our economy. The great confusion, the great frustration, and the great sense of drift we now feel is directly caused by the emphasis of our power on the military component. Public leaders further confuse and frustrate when they justify the use of our military power as the principle means of preserving our moral and economic strength. For just the opposite is happening. Our continuing emphasis on the military expression of our power is eroding the two more fundamental strengths of our nation. As a result, it is rather obvious that our actions have not been consistent with our rhetoric and what has occurred is a national crisis in identity.

Unless we realize that this is what has happened we will not be able to effectively deal with the Indochina malaise. We must once again reinstate the two basic fundamentals of our power—the moral and economic. Our first concern must be with these, and honestly with these. Our rhetoric must be clear and truthful.

With this perspective it is obvious that if we are to preserve our more fundamental strengths we must disengage, militarily, from Indochina, as fast as we possibly can.

By reasserting our basic strengths we will once again offer a clear picture of who we are and where we are going—a prosperous country with strong democratic institutions. We will be able to keep our rhetoric consistent with our actions and thereby rebuild public confidence. We will also be able to restore the constitutional balance between our institutions.

BLOOD TRANSFUSION DEVICE SOLD

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1970

Mr. PATTEN. Mr. Speaker, one of my constituents, Walter Jinotti, of New Brunswick, invented a blood transfusion device that will help save the lives of millions of persons.

The device, purchased by Baxter Laboratory, of Chicago, Ill., expects to have Mr. Jinotti's invention on the market in about 2 or 3 months. According to experts, the blood transfusion device has great potential value, its application ranging from use in hospitals, to use on the battlefield.

I am proud that Mr. Jinotti, a technologist, has invented this promising device and I am also happy for the millions of persons it will help throughout the world.

An article from the Home News, of New Brunswick, N.J., on May 23, 1970, contains details of Mr. Jinotti's distinguished invention, "Blood Transfusion Device Sold."

The article follows:

[From the Home News, New Brunswick, N.J., May 23, 1970]

BLOOD TRANSFUSION DEVICE SOLD

(By Doris Brown)

Walter Jinotti's life-saving blood transfusion invention, which the Middlesex General Hospital technologist announced here in February 1969, has been bought by Baxter Laboratory of Chicago and within a few months will be available to hospitals throughout the world.

Staff physicians at Middlesex General Hospital, who have been using Jinotti's Constant Infusion Chamber for more than a year, hail the invention as a major breakthrough in blood transfusion and also foresee its use in the treatment of cancer and urological surgery.

Jinotti's invention can be used for both venous or intra-arterial blood transfusion or for injection of IV (intravenous) solution. It is expected to supplant present methods of transfusion because it is more reliable and less dangerous than those methods.

ONE OF A KIND

"There's nothing like it in the world," according to Dr. H. Stephen Brody, chief of urology at the hospital.

The self-contained device, which weighs two pounds and is smaller than a shoebox, promises to be of great value in emergencies and disasters.

"It will be particularly advantageous on the battlefield," Brody predicted.

He considers the invention "the finest method up to date that I have seen for rapid transfusion" and said that he had used it "at least three times." On one occasion, Brody awakened Jinotti "at 2 a.m. and said bring down the device."

"The thing we like about it is the fact that the flow is so fantastic. I pushed in a pint of blood in five minutes. I was amazed," Brody reported.

He cited his use of the Jinotti invention when a "patient was in shock in the emergency room and needed blood."

NO OPERATOR

The invention works without a human operator, so in emergencies "releases an extra pair of hands," Brody pointed out. Another boon "is that blood can be given at a constant rate while the patient is lying down."

The urologist is further enthusiastic over the versatility of Jinotti's invention. The device permits slow transfusion without the danger of clogging. He envisions its use in his own specialized field: "We feel it has many, many applications."

A larger adaptation of the device could be used for delivery of an irrigating solution that would provide better vision for the surgeon in performance of bladder and prostate operations, Brody said. "I use a system as old as the hills now," he said.

Brody was one of some 150 physicians who signed affidavits endorsing the invention more than a year ago.

PILOT TESTED

It was pilot tested by individual physicians at Middlesex General Hospital, two hospitals in New York City and one in Philadelphia.

Four other staff physicians at Middlesex General Hospital joined Brody in hailing the invention and its potentials when Jinotti this week disclosed purchase of the device by the Chicago laboratory.

Dr. Maxwell Borow, general surgeon and thoracic surgeon, spoke from personal experience, praising use of the device for rapid blood transfusion.

"I had a vascular case bleeding profusely. I was giving two bags (of blood) as a must to keep up with the patient," he said.

Borow said, "Usually it takes half an hour to transfuse a patient from a bag. With Mr. Jinotti's device, we get it in five minutes."

"It's been pilot-tested and found to be effective," said Dr. Jasper Van Avery, director of endocrinology, division of internal medicine.

ENDORSEMENT

Dr. Norman Rosenberg, director of surgery and chief of vascular surgery, also has been deeply interested in use of the device here over the past year and joined his colleagues in endorsing Jinotti's invention.

Dr. Robert J. Zullo, chief of medical oncology, was most "interested in the infusion of cancer," which Jinotti anticipates as an important potential for his invention.

Since the device "will pump any fluid and has other attachments," the inventor explained that it will greatly aid cancer treatment.

He envisioned use "for constant profusion of drug under high or low pressure into a cancer tumor for destroying cells with a flow of many hours under adjustable pressure."

NEW USES

"We have found new uses for the device at every turn," said Jinotti. He also foresees use of his invention for injecting dye for tests.

The technologist has been working for more than five years on this invention. He perfected a working model at the beginning of 1969.

Jinotti, who was brought here about 12 years ago by Rosenberg, was a pioneer heart pump operator at the hospital. He manned the pump for the team that performed the first successful open heart surgery there.

His work with the heart pump aroused his interest in the problem of providing a better device for blood transfusion and led to this invention.

Jinotti said that Baxter Laboratory expects to have his invention on the market "within two or three months."

He looks for its widespread use in hospitals throughout the world and expects, "there could be 20 or 30 in every hospital."

INSIDE NORTH VIETNAM

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1970

Mrs. GRIFFITHS. Mr. Speaker, the informative series on North Vietnam written by Robert S. Boyd, chief of the Knight Newspapers' Washington Bureau, continues daily in the Detroit Free Press. At this time, I would like to insert into the RECORD the fourth through the eighth articles of this series:

LEADERS IN HANOI REFUSE TO BUDGE ON PEACE TERMS

(By Robert S. Boyd)

I left North Vietnam more discouraged about the prospects for peace in Indochina than when I arrived.

Even if President Nixon's Cambodian tactic temporarily blocks North Vietnamese supply lines, I see little chance that they will give up their goals and sue for peace on our terms.

There is nothing like a set of interviews with leading officials in Hanoi to chase away any optimism on that score.

Their peace terms are a stone wall. They do not give an inch on the basic issues.

Nor, for that matter, has Mr. Nixon yielded a great deal on his side of the bargaining table.

His much-touted concessions (stopping the bombing, a partial withdrawal of U.S. troops, allowing the National Liberation Front a seat at the peace table) do not get down to the heart of the matter.

For the root cause of the war, the thing all the fighting has been about, is who shall control South Vietnam.

The Vietnamese communists fully intend to control it, interviews with their leaders and study of their official statements made clear.

And Richard Nixon has not yet decided to let them have it.

So—We're stuck.

Asked if there isn't some small step either side could propose—short of adopting the entire 10-point peace plan proposed by the communists—Foreign Minister Nguyen Duy Trinh shook his head.

Trinh was not likely, of course, to announce a change in the communist bargaining position in a newspaper interview. In fact, the North Vietnamese haven't budged from the 10 points even in private talks with U.S. negotiators in Paris.

Nevertheless, his answer was discouraging.

"The problem is whether Mr. Nixon agrees to renounce the aggression (in other words, get out of Vietnam)," he said.

"As long as there are aggressors on Vietnamese soil, we will fight on . . . until all the aggressors have been driven out," Trinh said.

"Peace is further removed than ever," agreed Ngo Dien, official spokesman for the foreign ministry.

"It is true that at present there is not much prospect for peace," said Luu Quy Ky, secretary-general of the North Vietnamese Journalists' Association.

"We shall have to carry on the fight persistently until Nixon gives up his daydreams and leaves Vietnam to settle its own affairs".

The North Vietnamese argue that Mr. Nixon's concessions in Paris are irrelevant and misleading.

For example, they claim his promise to withdraw all American forces eventually is spurious because he attaches an unacceptable condition to it: That North Vietnam also withdraw its troops from South Vietnam.

This they will never do, the North Vietnamese insist, because Vietnam is one country and they have a right to fight for their independence anywhere on their soil.

Mr. Nixon knows mutual withdrawal is out of the question, Hanoi says. Therefore his promise is a "mere deception," according to Foreign Minister Trinh.

Mr. Nixon actually intends a prolonged, Korean-style "occupation" of South Vietnam by a combined U.S.-South Vietnamese force, Trinh said.

His associate, Ngo Dien, said Hanoi doesn't even agree with the western concept of "bargaining" at Paris.

"We do not accept the idea of 'bargaining'—of giving one thing in return for something else," Dien said.

"It is not possible for us to negotiate away our independence, or any part of it. Before anything else, the United States must accept the independence of Vietnam—all Vietnam. Then agreement on other questions can follow."

Nevertheless, the North Vietnamese do

claim they have made some concessions of their own. They cite three:

They say they agreed to come to Paris before the United States halted all bombing north of the DMZ.

(But U.S. officials note that they refused to discuss anything except a complete bombing halt until that was ordered by LBJ.)

They say they are willing to negotiate details of a settlement before all U.S. troops actually leave Vietnam—provided the United States first agrees in principle to withdraw all its forces unconditionally.

(U.S. officials say this is like asking a fellow to drop his gun before you parley with him. The fellow would rather parley gun in hand.)

They say the Provisional Revolutionary Government (PRG) set up by the National Liberation Front has a perfect right to rule South Vietnam by itself. But they are willing to refrain from exercising that right pending general elections.

In the interim, a temporary coalition government will be set up, including the PRG and other political factions in the south, to conduct the elections.

(U.S. officials suspect this is a trap. They fear the communists would permit only docile fellow-travelers in the coalition government. They would easily dominate it and take it over, as communists did in Eastern Europe after World War II.)

Other than these points, Hanoi's peace terms are rigid: The United States must get out, quickly, completely, and no questions asked.

What happens after that is none of our business, they say.

Some of the next steps are clear, however. One of the first: Thieu and Ky must go. They will be replaced in Saigon by a "peace cabinet" representing all South Vietnamese factions that stand for "peace, independence and neutrality."

Who will decide who meets these fine-sounding standards?

"That is an internal matter for the South Vietnamese people," Foreign Minister Trinh said obscurely.

Hoang Tung, editor-in-chief of the official communist party newspaper, Nhan Dan, said one test for membership in the "peace cabinet" would be opposition to American troops remaining in Vietnam.

Just about anyone who will say "Yankee go home"—even Thieu—will be acceptable, Tung implied.

The "peace cabinet" then will negotiate with the PRG, and set up a temporary coalition government.

This government will oversee the U.S. troop withdrawal and run the country until general elections are held. No date is set for the elections.

Eventual reunification with the north is also specified, but again, no date is set.

Since Mr. Nixon has flatly rejected these terms for peace, what happens now?

The North Vietnamese say they are settling in for a long war.

"It is bound to be a long struggle," said Minister of Culture Hoang Minh Giam, an old associate of Ho Chi Minh's, "We must not be impatient."

"If our generation does not achieve victory, our children and grandchildren will," said Luu Quy Ky.

The North Vietnamese say they rule out nothing—renewed U.S. bombing of the north, an invasion of their country by a million men. If that happens, they will retreat to the mountains and wear us down in guerrilla war, they say.

The North Vietnamese economy is so primitive that it is almost invulnerable to American pressure—particularly as long as Russia and China are willing to supply her.

Thus, matched against an enemy whose economy is increasingly upset by the strain of war, and whose public opinion is increasingly disenchanted, North Vietnam believes it can wait us out.

"The United States may be powerful, but you are not more powerful than we are on our own soil," said Ngo Dien. "You will never be able to win. In the end, we will certainly win."

FACELESS THREE RULE N. VIETNAM

(By Robert S. Boyd)

Quick now, who are Le Duan, Truong Chinh, Pham Van Dong?

Chances are you never heard of them.

But they are the three top men in one of the oldest and most stable ruling parties on the face of the earth today.

They dominate the government of North Vietnam, along with a dozen or so other key members of the Lao Dong (workers) Party founded by the late Ho Chi Minh.

The same tightly knit group has run North Vietnam since it declared its independence Sept. 2, 1945. They beat the French and have fought the United States to a standstill.

Other world leaders of those days—Harry Truman, Winston Churchill, Joseph Stalin, Charles de Gaulle, Chiang Kai-Shek—are dead or out of real power.

But Le Duan, Truong Chinh, Pham Van Dong & Co. carry on.

As secretary general of the Lao Dong Party, Le Duan holds the key levers of power in a communist state. He laid down the current party line recently in a 40,000-word document published five months after Ho's death.

As chairman of the standing committee of the national assembly and chief ideologue of North Vietnam, Truong Chinh cracks the whip over intellectuals and keeps discipline tight.

As premier of the government in Hanoi, Pham Van Dong, one of Ho's earliest disciples, runs the day-to-day affairs of the regime. A neighbor says he works gruelling hours, and gets home to sleep only three or four nights a week.

Further down the line come Gen. Vo Nguyen Giap, defense minister, commander-in-chief of North Vietnam's tough army and victor of Dienbienphu; Foreign Minister Nguyen Duy Trinh, chief Paris peace talks strategist Le Duc Tho, and other members of the Lao Dong "politburo."

They are a faceless bunch. There is as yet no single "star" in the collective leadership that took over when Ho died.

Ho's successor as president is 80-year-old Ton Duc Thang. Nobody has replaced Ho as chairman of the central committee of the Lao Dong Party.

The only subject of a "personality cult" is Ho himself. His is the only portrait that appears in public buildings. His sayings and advice are quoted everywhere. His praises are sung in music, dance, films and stories. Tiny shrines to Ho appear in villages and schools. In the countryside, he seems to be venerated almost like a reincarnation of Buddha.

But not Le Duan, Truong Chinh, Pham Van Dong & Co.

They remain anonymous, down to earth, ordinary.

They are said to travel about the streets without pomp or special security. Their wives are said to do their own shopping in the public stores.

The leaders apparently have no fear of their people, foreign residents agree.

Are they split into factions? Is there wrangling over who will succeed Ho as number one?

There is much speculation in the West about this. Some evidence has been gathered which seems to indicate that Truong Chinh heads a "hardline" group which favors the Chinese "protracted war" line. Le Duan is said to lead a more moderate, pro-Russian group.

The CIA reportedly holds the hawk-dove split theory. State Department experts are more skeptical.

Another policy question that is said to divide the North Vietnamese leadership is whether to concentrate more on "building socialism in the North" or focus first on "liberating the South."

Asked about this, minister of culture Hoang Mink Giam, a long-time associate of Ho Chi Minh, said:

"We give parallel and equal priority to North and South. The two are intertwined.

"If we do not pay due attention to the struggle against American aggression, there will be no more Vietnam. At the same time, we must pay due consideration to building socialism in the North, or we will not have the means to carry out the struggle in the South."

At any rate, it was impossible for an outsider in two weeks in North Vietnam to detect any signs of dissension.

Furthermore, it does not seem particularly important since, by all accounts, the leadership is united on the essentials: To get the Americans out of Vietnam and maintain their independence and freedom from all foreign interference—including, incidentally, Chinese and Russian.

When asked about a split, officials in Hanoi merely scoff.

"Your CIA claims our leadership is divided and that we have "dissenting opinions," said Hoang Tung, editor-in-chief of the Lao Dong newspaper, Nhan Dan.

"Our leaders have been formed through 40 years of struggle. They have emerged from the heart of this struggle. This is the basic reason that our leaders have an identity of mind on the basic questions.

"On a host of secondary questions involving our life and struggle, they may have different views," Tung said. "This is reality and we encourage it."

In his long article, party chief Le Duan hinted at some internal disagreement and bickering:

"At present a number of comrades of the leading organs do not attach due consideration to the collective leadership principle," he wrote.

"There can be absolutely no concessions on matters of principle. However, a fair and just solution to complicated problems . . . is to know how to make concessions to each other when differences of views crop up."

At another point, he wrote:

"The struggle between old and new, between progress and backwardness arises inevitably and permanently inside the party . . .

Le Duan quoted Ho's appeal for unity in his "Final Testament", written shortly before his death:

"Harmony is an extremely precious tradition of our party and of our people," Ho wrote. "Let all comrades, from the central committee to the cells at the party's base, preserve the harmony and unity of the party like the apple of their eye." It seems doubtful that that unity, forged in 40 years of struggle under Ho's leadership, will now be seriously shattered.

HANOI ARTFUL AT BALANCING ACT

(By Robert S. Boyd)

North Vietnam is a giant funnel. Out of the narrow neck at the bottom flow the arms and supplies to support the fighting men in the south.

Into the broad top comes an endless tide of food, weapons and equipment from its giant communist allies, Russia and China.

Without their help, North Vietnam could not feed herself—much less wage a protracted war against the United States.

With their help, North Vietnam can probably carry on its struggle indefinitely, until U.S. patience runs out.

XUM

Russian and Chinese aid seems assured as long as Hanoi wants it. There is no way the U.S. can cut it off without risking a major war.

Traveling through North Vietnam, I passed hundreds of trucks on the highway. About half were Russian, half Chinese.

The trucks bound south were loaded with six-inch pipe, petroleum, steel beams, pontoons for bridges, tires, tracked vehicles and other Soviet-supplied war materiel.

The trucks headed north were empty or carried wood. It was obvious where their cargo had gone.

The North Vietnamese railroad is kept running largely with Chinese equipment.

Ordinary citizens travel on Chinese bicycles. The powerful or favored move in Russian-made cars or jeeps.

Brand new tractors (I couldn't tell if they were Russian or Chinese) sit in crates by the railroad.

Chinese rifles and machine guns, Russian artillery pieces and of course the deadly SAM anti-aircraft missiles form a bristling defense against American raids.

To keep their funnel full, the North Vietnamese have performed an artful international balancing act.

Despite the quarrel between the Soviet Union and China, the North Vietnamese have managed to remain on good terms with both of them. Thanks and praise are always distributed even-handedly.

"Our people are eternally grateful for the extremely great and invaluable assistance of fraternal socialist countries, especially the Soviet Union and China," Le Duan, Secretary-General of the Lao Dong (Communist) Party, said in a February policy statement.

Equal warnings are issued against "rightist and leftist deviation."

This tight-rope walk has not always been easy. When the Soviet Union invaded Czechoslovakia to crush a liberal revolt in 1968, Hanoi was the first communist state to congratulate Moscow. But Peking vigorously condemned the Russian intervention.

When Cambodia's ousted Prince Sihanouk set up a government-in-exile in Peking last month, the Chinese and North Vietnamese promptly recognized it. But the Russians have not done so yet, and still maintain links with the rightist Lon Nol regime in Phnom Penh.

The Soviets openly boast that they persuaded North Vietnam to come to the peace talks in Paris. Peking still insists negotiations are a mistake and protracted war the only answer.

In his "final testament" before his death last September, Ho Chi Minh regretted the "misunderstanding" that spoiled communist unity.

Le Duan said: "Our party will devote all its efforts to restoring and safeguarding solidarity and single-mindedness in the socialist camp. . . ."

While dependent on Russia and China for help, North Vietnam is determined to remain independent of both of them politically.

In fact, the great schism between the two Red Giants may actually make it easier for Hanoi to maintain her independent ways.

While some elements in Hanoi's leadership are regarded as more in tune with Chinese thinking, and others as more Russian-minded, they are all, first of all, pro-Vietnamese.

Hanoi's historical museums make no effort to hide the fact that Vietnam's traditional enemy, for 20 centuries, was China.

Her victories over Chinese invaders are celebrated with electrified maps, just like the triumph over the French at Dienbienphu. Heroines of the air war against the U.S. are compared to anti-Chinese heroines of yesteryear.

As for the Russians, North Vietnam repeatedly disregarded Soviet advice to deploy its SAM missiles in hardened concrete silos. Instead, the missiles are said to be kept mobile to avoid American bombers.

As party leader Le Duan put it in his February statement: "While attaching great importance to learning from the revolutionary experiences of the fraternal countries and parties. . . . our party has constantly based itself upon the concrete realities emerging from the Vietnamese revolution and the realities of Vietnamese society . . .

"The Vietnamese revolution's present great victories are attributed to the revolutionary lines and methods independently and creatively adopted by our party."

In other words: Thanks, Russia and China—but we'll run our own country our own way.

HANOI, SAIGON WORLDS APART

(By Robert S. Boyd)

A thousand miles lie between Hanoi and Saigon, the two capitals of the two Vietnams, but 16 years of separation and war have driven them even farther apart.

Hanoi is a primitive, oxcart and bicycle society—poor but clean, orderly, single-minded. Except for a small elite, everybody lives on the same spartan standard.

Saigon is a motorbike and limousine society—disorderly, dirty, corrupt and split six ways from Sunday. By official estimates, 50 percent live in squalor, 10 percent in luxury and the rest in between.

Hanoi enjoys the strengths of disciplined communist rule—and suffers the rigidity and stuffiness of totalitarianism.

Saigon, for all its reputation as a military dictatorship, tolerates considerable dissent. It has vitality, flawed by doubt, dissension and dimness of purpose.

Fitting these two societies together, if the communists should ever reach their goal of unifying all Vietnam, would be a painful puzzle. Even the communists admit it might take 20 years.

Hanoi and Saigon have always been different, even though both are old Vietnamese cities with a heavy overlay of French culture.

Hanoi traditionally looked down on the lazy, decadent south. Saigon resented the ambition and zeal of the north. But now the gap between the two capitals has become a chasm.

Part of the difference stems from sheer numbers.

Hanoi is now half empty. Its 600,000 citizens are less than its pre-war population. Many of the people dispersed to the countryside during the U.S. bombing, especially the teen-agers, are still gone.

Saigon, on the other hand, is swollen beyond endurance. From 560,000 people in 1954 it now has 2,200,000. The mayor's office says this is the highest population density of any city in the world. In some quarters there is barely a square yard of ground per person.

Furthermore, Saigon is a city at war and looks it. There are rocketing and terror bombings almost every night. Barbed wire, pillboxes and heavily armed troops are everywhere. Large sections of the city were occupied by the Vietcong during Tet two years ago. To get rid of them, the U.S. Air Force leveled an entire district where 200,000 people lived. The outer fringes of some districts are still unsafe.

Hanoi, for all its warlike rigor and fervor, is very far from the fighting. The slight damage from the U.S. bombing raids ended 18 months ago and has mostly been repaired. There are few armed men in sight, no barbed wire, no curfew. Even the famed one-man air raid shelters are neglected and full of trash.

Although both North and South Vietnam depend on huge doses of foreign aid, the foreign presence in Hanoi is almost invisible. In Saigon it is overwhelming.

Very few Russians or Chinese appear on the streets of the northern capital. A westerner is still an object of curiosity, followed by stares and packs of little boys.

In Saigon there is a sullen but understandable resentment of the hordes of outlanders who hog the best restaurants and prettiest girls, clog the streets, drive prices sky-high and meddle into everything.

But the gulf between the two cities goes deeper than this. It stems not only from their different political systems, but from life-styles that have clashed for centuries and led to earlier temporary divisions of the Vietnamese nation into two or, more often, three distinct parts.

Some contrasts jotted in my notebook after back-to-back visits to each capital:

Hanoi is a clean city. The streets are washed daily. The sidewalks are swept. There are few odors to bother western noses.

Saigon stinks. The air downtown is blue with fumes from Hondas and ancient taxis. By official estimate there are three gasoline-powered vehicles for every five feet of city streets. The smog is so thick you hardly notice the occasional reek of teargas. In the back streets, the stench of rotting garbage, open sewers and putrid canals shimmers in the hot sun.

Hanoi is quiet. The clop-clop of oxen and the creak of bicycles make a soothing background music. The only jarring noise is the persistent horn-blowing of the truck drivers and the periodic blasts of patriotic music and propaganda from the street loudspeakers.

Saigon is deafening. Helicopters and Hondas clatter through sky and street. In late afternoon on the once tranquil terrace of the continental palace hotel, where French colons sipped aperitifs, the constant roar drowns out conversation.

Hanoi has a simple, rustic gaiety. There is laughing and singing in the streets at night. But there are few restaurants, no bars, no dance halls or "cafe society." A few movie houses and state-sponsored cultural events make up the amusement world.

Until curfew Saigon has a hectic night-life. There are excellent restaurants with French, Chinese and Vietnamese cuisine. Bar girls, night clubs and strip-joints give a honky-tonk air.

Hanoi is poor but honest. You can safely leave several hundred dollars worth of local currency in your hotel room. The girls are plainly and modestly dressed in long pants and blouses.

Saigon is sodden with corruption. Everyone seems to have his hand in the till. Street urchins will snatch the watch right off your wrist. The black market teems. If you say no to the pimp offering a "nice young girl," he will suggest a "nice young boy."

Finally, Hanoi is as tight as a drum. There is one beat and everyone marches to it. The radio, press, movies, books, plays, dances and story tell a single tale. The communist party is right; everyone else is wrong. It resembles a well-run military post.

To an outsider, this tyranny does not look particularly repressive. In part, this is because it is useless to resist. Furthermore, it does provide a basic living for everyone, and that's more than many Asian governments do. The war appeals to patriotism and national pride, and also helps rally people behind their leaders.

In Saigon, on the other hand, the military men who operate the government tolerate a fair amount of looseness.

Much of the national assembly is in opposition, and the administration must wheedle necessary reform laws. Protests by students, veterans and Buddhists are treated with considerable latitude, although in the end the mailed fist comes down.

But the clash and interplay of ideas is reasonably open by Asian standards. The fan of opinion is far wider than in the north. The local papers print the criticisms of Sen. William Fulbright as well as the demands of Saigon students. When papers go too far, that edition is seized, but the paper continues to publish.

In all its doubt and dissension and disorder, Saigon feels more like home to a westerner than Hanoi, with its iron discipline and rigid dogma, will ever be.

Hanoi Says Nixon Worse Than LBJ

(By Robert S. Boyd)

In North Vietnamese eyes, Richard Nixon is even worse that Lyndon Johnson was.

Although it was LBJ who bombed the daylights out of their country, Mr. Nixon is considered even more "treacherous," "stubborn" and "cruel" than his predecessor.

In fact, they believe Mr. Nixon invented the Vietnam war.

In the museum of the revolution in Hanoi, which covers the 40-year struggle against French and then American intervention, there is an interesting exhibit devoted to Mr. Nixon.

It is dated 1953, and it shows him smiling and chatting with the former French puppet emperor, Bao Dai.

The caption asserts that this was when Mr. Nixon—then a freshman vice-president—conceived his policy of "using Vietnamese to fight Vietnamese."

Another display shows Mr. Nixon visiting Hanoi in the spring of 1954, before the French defeat. He toured Dien Bien Phu on that trip.

The exhibit recalls Mr. Nixon's April 1954, speech suggesting American aid to the French—a project which President Eisenhower rejected.

In other words, Hanoi dates Mr. Nixon's "Vietnamization" plan of 1970 back 17 years—even before the French collapse.

That's how long they say the President has been trying to make South Vietnam into an American "colony" by means of Vietnamese troops.

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As a general rule, American presidents are not among North Vietnam's favorite people. The last good one, in their eyes, was Abraham Lincoln, whom Ho Chi Minh admired in his youth.

It is the North Vietnamese view:

That Woodrow Wilson fouled up by ignoring the young Ho's pleas for Vietnamese self-determination at the end of World War I.

That Franklin Roosevelt showed promise, but he died before he could be of much help.

That Harry Truman sold out to the French in 1946 and supported their campaign to hang on to their old colony.

That Dwight Eisenhower refused to hold the promised elections to reunite Vietnam in 1956. Instead, he created a tyrant, Ngo Dinh Diem, and put him in Saigon.

That John Kennedy beefed up the American "advisers" and launched a "special war" of counter-insurgency against "liberation forces" in South Vietnam.

That Lyndon Johnson "Americanized" the war with half a million GIs and expanded it to North Vietnam.

And now, at the bottom of the barrel, comes Richard Nixon.

Mr. Nixon's "Vietnamization" plan is crueler than LBJ's "Americanization" of the war, said Luu Quy Ky, Secretary General of the North Vietnamese Journalists Association.

"The cruelty lies in the fact that if Nixon uses the blood of other people, he will not be as economical with it as with American blood," Ky said.

Mr. Nixon is also more deceptive than LBJ, according to the North Vietnamese. Vietnamization is only a ruse to lull the American public, they argue. While cutting down U.S. casualties and costs, Mr. Nixon is actually prolonging and extending the war, they say.

The harshest indictment of Mr. Nixon I heard in my two weeks in North Vietnam came from Hoang Tung, a smiling, deceptively mild-mannered intellectual who is editor-in-chief of the official communist party newspaper, Nhan Dan (The People).

"Nixon has accelerated his own defeat—his political defeat at home and the defeat of his policies in Indochina," Tung said.

"Why? Because he has done things contrary to common sense, things that even those who used to agree with him now dissent from, things that even President Johnson dared not do."

Specifically, Tung cited what he called Mr. Nixon's "escalation" of the war in Laos, the overthrow of Prince Sihanouk in Cambodia (which Hanoi claims was a CIA plot), and now the invasion of Cambodia.

"Mr. Nixon even succeeded in making a communist ally out of Cambodia's pleasure-loving Prince Sihanouk," Tung scoffed.

"We couldn't do that," he said. "But your Nixon did."

The editor said sarcastically that Mr. Nixon undertook the Cambodian operation only days after his secretary of state told Congress it wouldn't be done, and after a Senate committee voted against helping the Lon Nol government of Cambodia.

"Nixon acted in defiance of the Legislature," Tung said. "His acts bring much dissent. He is more unpopular than Kennedy or Johnson."

Tung added: "Nixon claims his 'silent majority' supports him. But that is self-deception. The votes cast for Nixon in your last election were not meant for him to expand the war, but to end it."

A number of American bomb casings that have fallen on Vietnamese soil have been derisively painted with Mr. Nixon's name.

Billboards, slogans and cartoons mock him, and one day, in the southern part of the country, while American planes were roaring overhead on a bombing mission, a 23-year-old girl looked up and said quietly: "Nixon's airplanes."

NATIONAL LITTLE LEAGUE BASEBALL WEEK

HON. HERMAN T. SCHNEEBELI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1970

Mr. SCHNEEBELI. Mr. Speaker, one of the great pleasures of representing the 17th District of Pennsylvania is the fact that it contains the capital city of international Little League baseball.

I am sure we are all aware of the outstanding contributions this organization has made in developing the character and fitness of so many of our young men. Those of us from Williamsport are particularly proud of the role our city has played in the development of this outstanding international activity.

On this observance of National Little League Baseball Week, which continues through Saturday, I would like to share with my colleagues the following article, which was published by the Williamsport Grit on June 7:

National Little League Baseball Week

Little League Baseball will observe its 31st anniversary beginning Monday with the observance of National Little League Baseball Week. The observance will continue through Saturday.

Spreading its wings from its humble beginning in this city 31 years ago, Little League Baseball will be celebrated by more than 2,000,000 participants, their parents, and leaders of more than 6,000 communities across the United States and the world.

Little League activities all over the world are run from the headquarters in South Williamsport where Peter J. McGovern, president of L.L.B., and other administrators have their offices.

The sport for boys 8 to 12 has come a long way since the first game was played on the sandlot field at the Park Point (outside the right-centerfield fence at Bowman Field) June 7, 1939.

The growth of Little League has been fast and there are more leagues this year than there were last year. Last year there were 6,256 Little Leagues (8 to 12 age), 1,477 Senior Leagues (13 to 15), and 249 Big Leagues (16 to 18) teams. There are close to 8,000 leagues this year although the computer hasn't come up with a final figure.

L. L. B. Week comes by Presidential proclamation, starting with the late President Dwight D. Eisenhower.

The week calls for nationwide attention to the Little League movement as a wholesome, beneficial experience carried on in the public interest for boys throughout the world. Local communities conduct special events during this period to highlight the activities of the program and to encourage support and interest.

The nearly 8,000 leagues in the U.S. and foreign lands have received letters from McGovern and James A. Farley, of New York City, president of the Little League Foundation, asking for continued support for the foundation that was federally chartered Feb. 11, 1955 . . .

Little League is the only sports agency in the United States to hold federal charter of incorporation and its role in cultivating a climate of decency, discipline, and teamwork is vital to the preservation of American ideals.

Today hundreds of former Little Leaguers are now major league stars. Included are 14 of the 25 world champion New York Mets, including Tom Seaver, Nolan Ryan, Ken Boswell, Bud Harrelson, Ed Kranepool, and Ron Swaboda. Boog Powell, of the American League champion Baltimore Orioles is a former little leaguer.

Other major league stars that played Little League ball include Carl Yastrzemski, of the Boston Red Sox; Danny Cater and Roy White, of the New York Yankees; Richie Allen and Nelson Briles, of the St. Louis Cardinals; Tommy Helms and Tony Perez, of the Cincinnati Reds; Bill Freehan and Micky Lolich of the Detroit Tigers, and Rusty Staub, of the Montreal Expos.

PENN CENTRAL CASE PROVES THE NEED FOR A NEW RFC

HON. WRIGHT PATMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1970

Mr. PATMAN. Mr. Speaker, the credit problems of the giant Penn Central Transportation Co. illustrate once again the failings of our commercial banking system.

There is simply no source of big credit at reasonable terms and this becomes particularly apparent during periods of tight money.

This huge corporation went into the markets and was unable to raise money with debentures bearing 10½-percent interest rates. Had there been a bank of last resort such as the old Reconstruction Finance Corporation—RFC—this corporation would have been able to negotiate an immediate loan at reasonable interest rates. Its difficulties would not have reached the crisis stage had there been an RFC.

What is startling is the fact that Penn Central is a huge corporation with $7 billion in assets. Despite this size, this corporation could not obtain the necessary funds and this raises the question of what is happening to the small and medium size companies around the Nation. If a $7 billion corporation is choked off from credit sources, then what must be happening to the average businessman?

We need a source of funds in a bank of last resort—something modeled after the successful Reconstruction Finance Corporation. The RFC was able to provide reasonable credit for corporations as well as for many needed public projects—schools, water and sewer facilities, parks, and the like.

The Nation should take a close look at what has happened to Penn Central and realize that we cannot continue under such a risky system minus a source of credit where it is needed. We are not talking about taking any business away from the commercial banks. We are talking about an RFC-type bank as a lender of last resort. In other words, when the banks turn down a worthy borrower, a development bank—an RFC—could fill the breach and make the credit available at reasonable terms.

Mr. Speaker, these would be loans which would be repaid with interest. Over a period of years, the bank would probably become essentially self-supporting with the repaid loans serving as a revolving fund. The RFC was a successful operation in the 1930's and 1940's and early 1950's and the Congress should never have allowed it to expire.

I hope my colleagues will give strong consideration to reviving something similar to meet the needs of the 1970's.

COLONEL CERAR BEGINS NEW DUTIES AUGUST 15

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1970

Mr. LONG of Maryland. Col. Paul R. Cerar, former post commander at Edgewood Arsenal, will retire from the U.S. Army on August 1 of this year. I should like to commend him for his long years of devoted service to his country by including the following article in the RECORD:

ARSENAL COMMANDER TO TAKE POST AT HARFORD JUNIOR COLLEGE—COLONEL CERAR BEGINS NEW DUTIES AUGUST 15

Col. Paul R. Cerar, who will retire from the United States Army on Aug. 1, will assume the position of coordinator of cooperative work experience and occupational education at Harford Junior College on Aug. 15.

Announcement was made last week by the H.J.C. board of trustees that the 51-year-old former Post Commander at Edgewood Arsenal has been selected for the position.

The president of HJC, Dr. Joseph Hankin, said Col. Cerar would coordinate the development of cooperative work-study programs with appropriate industries.

He was one of the eight to ten people interviewed and had the most balanced qualifications, said Dr. Hankin.

Along with his other duties, Col. Cerar will help in the coordination of community service projects including adult education, community use of college services and facilities as well as development of cultural and recreational projects.

He has served as Post Commander since 1967 and has also been deputy director for chemical, biological, radiological and nuclear operations for the Army General Staff during 1966–67.

He was also deputy director and commander of planning and evaluation at the test center in Salt Lake City, Utah.

Col. Cerar first served in Harford county at Edgewood for two years from 1949–51 as an instructor and executive officer of the radiological defense branch of the Chemical Warfare School.

He has also had experience as ground munitions branch chief and munitions branch chief of the now defunct research and development labs at the Arsenal.

Col. Cerar is a graduate of West Point and holds his master's degree in physics from Columbia. He taught physics for three years at the Academy and later trained staff officers for NATO in Naples.

He and his wife, Vivian, have two sons, Paul R. Jr., and Jeffrey. The Cerars recently purchased a residence in the Bel Air area.

BALTIC STATES FREEDOM DAY

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1970

Mr. BROOMFIELD. Mr. Speaker, Baltic States Freedom Day, which is observed annually and which will be commemorated this year on Sunday, June 14, marks the 30th anniversary of a tragedy in the history of Lithuania, Latvia, and Estonia.

On June 14, 1941, the Soviet Union forces overran these three countries which were enjoying independence and freedom since 1920. Innocent Lithuanians, Latvians, and Estonians were ruthlessly deported to Siberia, causing the death of tens of thousands of freedom-loving people.

We Americans have not forgotten the tragic events that took place 30 years ago. And these events give us all cause to reflect on the fragile nature of human freedom.

The Soviets are to be condemned for violating a solemn international treaty which was signed in 1920 at which time the Soviets renounced "voluntarily and forever" all sovereign rights over the peoples and territories of the Baltic States. This treaty, along with so many treaties concurred in by the Soviets have been abrogated and affected the lives of millions of freedom-loving peoples.

The United States has never recognized the illegal and unlawful usurpation of the Baltic region by the Soviets. Our State Department continues to deal with the diplomatic representatives of the Baltic countries who served the last independent governments of these nations.

On this somber occasion, I join with my colleagues in paying tribute to the gallant Baltic people.

It is my fervent wish that one day soon Lithuania, Latvia, and Estonia will again be enjoying freedom as independent nations.

SUPPLY OF INDUSTRIAL RAW MATERIALS, UNITED STATES VERSUS THE SOVIET UNION

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1970

Mr. BUSH. Mr. Speaker, as one concerned with the overall natural resources, in fact resource shortages, in the United States, I found the following paper by Dr. Raymond Ewell, vice president for research and professor of chemical engineering, State University of New York at Buffalo, of great interest. The House Republican Task Force on Earth Resources and Population, of which I am chairman, was honored to have Dr. Ewell present this information as testimony June 10.

Twelve years ago Dr. Ewell prepared an article on education and research in the Soviet Union in which he presented 13 general conclusions regarding Russia.

A look at these 13 conclusions and the new article which follows entitled "Supply of Industrial Raw Materials, United States versus the Soviet Union," will clearly indicate, I think, that we must do more in this country toward building up our reserves of natural resources.

Dr. Ewell's paper clearly shows more incentives are needed if we are to hold our own in this fundamental field. I want to call attention particularly to the action recommendations—the need for forceful and innovative diplomatic initiatives.

This paper also clearly shows the need to keep our economic position strong through the employment of ingenious new ways of encouraging domestic exploration for all minerals and other natural resources:

SOME GENERAL CONCLUSIONS REGARDING RUSSIA

1. Russia is a more formidable adversary than most Americans realize. It is a big, powerful, well managed nation—here to stay for the foreseeable future.

2. One of the most important reasons Russia is a formidable adversary is the character of the Russian people themselves. They are vigorous, dynamic, intelligent, self-confident, well disciplined people, who would clearly give a very good account of themselves in any conflict.

3. Russia is a country in a hurry. It is moving up fast in the world. Most Russians are well aware of this fact and quite proud of it, too. Everyone works hard in Russia whether he (or she) is a research scientist, a factory worker, a train attendant, a waitress, or a hat check girl (and no tips).

4. Russia is a country with few frills or luxuries, but the people are adequately supplied with the necessities of life. This policy enables the planners to divert more of the national product into capital investment, military development, and education.

5. Russia is on a strong uptrend in all aspects of its national development—education, research, industry, military power, standard of living, capacity to influence other countries, and self-confidence of the people. From what I saw in Russia this will prob-

able become increasingly apparent during the next five to 10 years.

6. For this last reason it is very difficult for the United States to make calculations on the effect of one program or another in getting us or keeping us ahead of the Russians. Russia is moving so fast that U.S. policy will have to be dynamic in order to have any assurance we will stay ahead or get ahead of the Russians. This is a fluid, dynamic situation and only fluid, dynamic policies will enable us to keep a balance of power with Russia.

7. Thinking and planning at all levels in Russia is characterized by "forward" thinking—not *"status quo"* thinking or "rest-on-your-laurels" thinking. Everyone is looking to and working towards the future—five, 10, or 20 years.

8. In addition to the present military threat, Russia gives promise of presenting a strong economic threat to the United States and Western Europe. I was told that Russia plans to export large quantities of manufactured goods of all types within the next five to 10 years, including automobiles, cameras, watches, machine tools, electrical, radio and television equipment, chemicals, and textiles.

9. In meeting the basic needs of the people for food, clothing, and shelter, Russia today is about where the U.S. was in 1900 to 1910. In transportation and medical services they are relatively farther ahead, possibly about where we were in 1930 to 1936.

10. The present government in Russia seems to be quite stable and unlikely to be dislodged in the foreseeable future. Economically Russians are the best off they have ever been in history. Therefore, the people are reasonably contented with their lot and do not complain. Russians simply do not comprehend individual freedom as we understand it, and therefore, place little value on freedom.

11. Russian thinking is influenced by the fact that they live in a big country with vast distances and limitless natural resources. This causes them to think "big" like Americans, rather than thinking "small" as Western Europeans tend to do.

12. Russia is making much more effective use of womanpower than the U.S. Women work in all types of factories, in transportation, construction, and agriculture. Women comprise 30 to 40% of engineering students, 90% of medical students.

13. The big threat from the Soviet Union is not now or next year or even five years from now. The big threat, for which we must prepare, is 10 and 20 years from now. The Russians are in the middle of a tremendous educational and economic buildup which has a long way to go yet. It takes time to develop the kind of momentum they now have, and this is why decisions and action are needed in the U.S. now.

SUPPLY OF INDUSTRIAL RAW MATERIALS, UNITED STATES VERSUS THE SOVIET UNION

(By Raymond Ewell)

The high level of affluence in the United States is consuming industrial raw materials at a very high rate—and at a steadily increasing rate as our level of affluence continues to go up. Most of these industrial raw materials are of mineral origin, such as petroleum, natural gas, iron ore, copper, chromium, nickel, aluminum, etc. In addition, we get lumber, good pulp and natural rubber from forest resources. And, we get cotton, wool and a few other industrial raw materials from agricultural sources. Virtually no important industrial raw materials come from the ocean (other than offshore petroleum production). In this discussion I am referring only to non-food raw materials.

Our domestic mineral and forest resources are being rapidly depleted so that the United States is being forced to import more and more of our industrial raw materials. This trend has been going on for many years, but at an accelerating rate during the past 20 years. I estimate that out of the 32 most important industrial raw materials consumed by our manufacturing industries the United States is self-sufficient in only 7 of these materials, and we have to import all or part of our requirements of 25 materials (see table attached).

Large-scale importation of so many materials vital to our well-being leads to many economic and political problems and obviously has an adverse effect on our international balance of payments. As our shortages of industrial raw materials develop still further, this will have the effect of slowing the rate of increase of our standard of living and eventually lead to a leveling off and still later to an actual decline in our standard of living. This may happen in the next 20 to 30 years.

This prospect is magnified even more by the expected growth of population in the United States. The population of the United States is now 205 million and currently growing at 1 percent per year. If this rate continues United States population will be 275 million in the year 2000. It will obviously be more difficult to provide a high standard of living for 275 million than for 205 million persons.

If it were not for the competition for world leadership between the United States and the Soviet Union, the most serious result of this trend of affairs on the people of the United States would be a gradual decline in our material standard of living. This would not be too disastrous. We could undergo a considerable decline in our material standard of living and it wouldn't hurt us any. In fact, we could more than compensate for this by improving the cultural life in our country.

But the competition for world leadership between the United States and the Soviet Union puts an entirely different light on this picture. At the same time that the raw material position of the United States is declining, the raw material position of the Soviet Union is becoming stronger. Of the 32 major industrial raw materials, the Soviet Union is self-sufficient in 27 and needs to import only 5 of these materials (see table).

Today the Soviet Union has much greater reserves of mineral and forest resources than the United States, and known reserves of mineral resources in the Soviet Union are steadily increasing as new deposits are discovered. As recently as 1950 the known reserves of mineral resources in the United States exceeded those of the Soviet Union, but during the past 20 years the mineral resources of the United States have gone down while those of the Soviet Union have gone up. I would estimate that the cross-over point was about 1955.

For example, the Soviet Union now greatly exceeds the United States in such basic mineral resources as petroleum, natural gas, iron ore, aluminum ore, lead/zinc ore, chromium, and manganese, in addition to other vital materials such as gold, platinum and diamonds. In addition, the Soviet Union has incomparably greater forest resources than the United States or even the United States and Canada combined.

The Soviets started in earnest after World War II to explore Siberia and other areas of the Soviet Union for mineral deposits. They have been spectacularly successful in this endeavor, and have discovered large new deposits of many minerals, including many metallic and non-metallic minerals besides petroleum, natural gas and coal. The Soviets have put particular emphasis on the training of geological scientists and engineers for this task ever since the 1930's. When I was in the Soviet Union in 1957 I was told that they were graduating six times as many geologists as the United States.

The Soviet Union is a very large country as shown by the following data:

Soviet Union	8,700,000 square miles.
United States (including Alaska)	3,600,000 square miles.
United States-Canada	7,400,000 square miles.
U.S.A.-Canada-Mexico	8,200,000 square miles.

The geological exploration of the Soviet Union is still in full swing and still more mineral discoveries can be expected in the future.

Even though the Soviet Union in 1970 has much greater reserves of industrial raw materials than the United States, our total industrial production greatly exceeds that of the Soviet Union. The ready availability of raw materials at economic prices is one of the principal determinants of industrial production, but there are other important determinants, too. Our deficiency in raw materials vis-a-vis the Soviet Union in 1970 is more than compensated by the following factors:

1. Proximity of Canada and Mexico as ready sources of industrial raw materials.
2. Superior technology in nearly every industry.
3. Better research and development—the source of our superior technology.
4. More productive labor.
5. More efficient organization and management in industry.

The importance of Canada (and to a lesser extent, Mexico) cannot be over-emphasized. Canada is a vast storehouse of industrial raw materials which are virtually as accessible as if they were within our own borders. Without Canada our raw material position would be much more precarious than it is now. Moreover, Canada is still in an exploratory phase, geologically speaking, whereas the United States (except Alaska) has been quite thoroughly explored.

While the above five factors are keeping us ahead of the Soviets in industrial production for the present, this will become increasingly difficult to do as the raw material gap between the United States and the Soviet Union continues to widen in the years ahead. By 1990 or 2000, the Soviet superiority in raw materials will become so overwhelming that we may not be able to maintain our lead in industrial production, including both military and non-military production.

Another aspect of the industrial competition between the United States and the Soviet Union is the following. While total industrial production in the United States is greater than the Soviet Union, a large part of U.S. industrial production is luxury consumer products which the Soviets do not even make or produce in only token quantities. Automobiles for everybody, the vast array of electrical appliances, motor boats, expensive sports equipment, instant foods, cosmetics, elaborately equipped single-family homes are examples of luxury consumer products that make up the "super-affluent society." Such products comprise a major part of U.S. industrial production but are made on a very small scale or not at all in the Soviet Union.

Soviet industrial production is still largely concentrated on production of basic materials (such as steel, cement, petroleum, and fertilizer), capital equipment and military equipment. Soviet production of some basic products is nearly as high as that of the United States and will probably exceed the United States in some cases within the next 10 years. A few examples will illustrate this point:

	Actual, 1968		Reasonable estimate, 1980	
	United States	U.S.S.R.	United States	U.S.S.R.
Steel (million metric tons)	123	107	150	170
Cement (million metric tons)	68	88	85	125
Coal (million metric tons)	507	594	600	750
Petroleum (million metric tons)	430	309	550	550
Natural gas (billion cubic meters)	603	171	1,000	400

If these estimates are anywhere near right, this means that in 1980 the Soviet Union will be substantially ahead of the United States in production of steel, cement, and coal, about even in petroleum, but still lagging in natural gas. The United States will probably still be ahead in production of non-ferrous metals as a group, but not by very much.

Steel, cement, coal, petroleum and other basic products are the "sinews of industrial power" which constitute the real foundation of a country's economic power. Luxury consumer products do not add to a country's economic power, and in fact undoubtedly detract from a country's economic power in the context of competition between two giants such as U.S.A. and U.S.S.R.

But the big difference between Soviet and U.S. industrial production is that Soviet production is solidly based on domestic raw materials whereas the United States is having to depend more and more on raw materials imported from all over the world.

Does this situation add up to a real danger to the United States? I would say that it does. The Soviet Union has had world domination as its primary goal ever since 1917 and the penultimate step in achieving that goal is to surpass the United States in economic, political and military power. The United States has been the world's number one power in every sense of the word since 1918. The Soviet Union seeks to displace the United States from that position and be recognized as the number one power. At present the United States has a GNP nearly double that of the Soviet Union, but in basic industrial power, (steel, petroleum, cement, etc.) the two countries are nearly even. The Soviet Union has been gaining on the United States steadily ever since the end of World War I. The Soviet Union's increasingly predominant position in raw materials is a major factor in swinging the balance in favor of the Soviet Union.

How will this situation constitute a danger to the United States? Once the Soviet Union feels they are beginning to pull ahead of the United States in "basic industrial power" and believing that military and political power follow industrial power, the Soviet Union may begin to put political pressure on suppliers of raw materials to reduce or stop shipments to the United States and/or raise prices of raw materials to the United States and her allies. Countries which might conceivably be pressured in this way include Libya, Zambia, Congo, Nigeria, Ghana, Kenya, Turkey, Iran, India, Indonesia, Thailand, Philippines, Finland, Sweden, Greece, Yugoslavia, and perhaps even South American countries.

If such a stratagem succeeded even in part, the United States would be faced with worsening terms of trade in raw materials and a very difficult problem of obtaining enough raw materials to feed our industries. If the Soviets could engender even a partial interdiction of the flow of raw materials from other continents to the United States, this would have a disastrous effect on our industrial production.

RECOMMENDATIONS FOR ACTION

In order to counteract such a possible sequence of events, the United States should take all possible economic, diplomatic and legislative steps to strengthen our relationships with key areas now supplying raw materials to us.

My recommendations for action are:

1. Continue to cultivate the best possible relationships with Canada and Mexico, our two next door neighbors.

2. Continue to cultivate the best possible relationships with Australia and New Zealand.

3. Continue to maintain good relations in Europe, particularly with the non-Communist countries and with Yugoslavia, since Europe is still a significant source of some industrial raw materials.

4. Greatly improve our relationships with all South American countries, if necessary by making much greater concessions than we have in the past.

5. Develop a zone of political and economic influence in West and South Africa, from Morocco to South Africa.

Canada and Australia are of first importance, with Mexico and New Zealand of lesser importance. Canada and Australia both have enormous untapped mineral resources and probably still undiscovered resources.

South America is a vast storehouse of raw materials, and it is absolutely essential that the United States take any and all necessary steps to insure our continued access to the raw materials of this great continent.

Africa is probably the greatest remaining storehouse of raw materials, and I am recommending that the United States should develop a zone of political and economic influence in West and South Africa. Many of the countries of West and South Africa are important sources of industrial raw materials for the United States, notably Morocco, S.W. Africa, Nigeria, Gabon, Congo (Kinshasa), Zambia, Rhodesia, Angola, and Republic of South Africa. West Africa is now becoming an important source of petroleum, in addition to many minerals. East Africa is important, too, but it is farther away and therefore less accessible in a turbulent world. And North Africa, except Morocco, seems likely to be dominated by the Soviet Union within a few years.

Asia, although the largest continent, is least important to the United States as a source of critical raw materials. Also, it is far away. The United States could get along without Asia altogether, if we had unrestricted access to raw materials from Canada, Australia, Mexico, South America and West and South Africa. It is true we now get tin and natural rubber from Indonesia, Malaysia and Thailand, manganese, mica and jute from India, copper, copra and hemp from the Philippines, petroleum from the Persian Gulf, et al., but we could get along without any of these raw materials from Asia. Turkey is a special problem in west Asia since it is a member of NATO but is gradually being outflanked by the Soviet Union.

The important industrial raw materials are petroleum, iron ore, uranium, copper, lead, zinc, nickel, manganese, chromium, cobalt and some others, and the United States has access to adequate supplies of these raw materials if we obtained none of them from Asia. Tin might be a problem, but we could probably get along with western hemisphere sources of tin plus the further development of substitutes for tin.

RESEARCH AND NEW TECHNIQUES OF DISCOVERY

In addition to making our foreign sources of raw materials more secure, the United States should accelerate research on (1) new methods of utilizing lower grades of domestic minerals and (2) new techniques of discovery of new domestic sources of minerals. In a country as large as the United States (and Canada and Mexico, too) there are undoubtedly large mineral deposits which have not yet been discovered. New, more sophisticated techniques of discovery need to be developed in order to enlarge our domestic sources of minerals.

CONCLUSION

The present and future superior position of the Soviet Union in raw materials compared to the United States presents a real economic and political threat to our country.

The United States should take steps to insure continued access to raw materials from Canada, Mexico, Australia, South America and West and South Africa. Also, the United States should accelerate research on methods of utilizing lower grades of minerals and on new methods of discovery of minerals.

Comparison between the United States and the Soviet Union of self-sufficiency and non-self sufficiency in major industrial raw materials

(Including all industrial raw materials with worldwide consumption over $100 million per year, except food raw materials)

United States

Self-sufficient: Coal, uranium, molybdenum, titanium, sulfur, phosphate rock, and cotton.

Not self-sufficient: iron ore, cooper, lead, zinc, tin, nickel, cobalt, mercury, chromium, manganese, tungsten, silver, gold, platinum, diamonds, bauxite, asbestos, potash, petroleum, natural gas, leather hides, wool, lumber, wood pulp, and, natural rubber.

Soviet Union

Self-sufficient: Coal, uranium, molybdenum, titanium, sulfur, phosphate rock, cotton, iron ore, lead, zinc, nickel, cobalt, mercury, chromium, manganese, tungsten, silver, gold, platinum, diamonds, asbestos, potash, petroleum, natural gas, wool, lumber, and wood pulp.

Not self-sufficient: copper, tin, bauxite, leather hides, and natural rubber.

This list omits some large-volume, low-priced raw materials such as salt, sand, clay, limestone, crushed stone, et al. in which most large countries are self-sufficient and which do not enter into international trade to any great extent.

LOYALTY

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1970

Mr. GIAIMO. Mr. Speaker, it is unfortunate for Hamden, Conn., that C. Malcolm Johnson is moving to Cape Cod, Mass. Mal has contributed much to Hamden. His service and hard work in community affairs were among the reasons that Mal was honored by over 500 friends at a dinner on May 28, 1970.

Mr. Speaker, I wish at this time to insert the remarks of Mr. Samuel Mann, Worshipful Master of Olive Branch Lodge, No. 84, A.F. & A.M., made at the dinner honoring C. Malcolm Johnson.

LOYALTY

I always find it necessary, when I hear myself spoken in a way that I hardly recognize, to point out that I am confident to deliberately be a comprehensionist, in a word that seems to be completely preoccupied with specialization . . .

Let's take a look at that word "Loyalty" . . . The dictionary defines loyalty as being steadfast in allegiance to one's country, government, or sovereign; faithful to a person, ideal, or custom . . . How accurate, this is rather naked explanation of the meaning of the word . . . To me it means much more . . .

To me loyalty is that quality which prompts a person to be true to the things he understands . . . It means definite direction, fixity of purpose . . . Loyalty supplies power and poise . . . It is a quality woven through the very fabric of one's being and it makes that thing to which you are loyal . . . Yours . . . Loyalty gives success to those who are true to the cause which they undertake . . . Loyalty is positive, it is active—it's alive . . . Now we know the meaning of that word.

Mal Johnson is retiring now and I do not want him to leave without public notice that Olive Branch Lodge #84, is losing a good Mason—my Junior Warden—a worker and an honest one. He had those traits of perceptiveness and understanding which made all of us comfortable in turning over our precious ideas and our Masonic fortunes to his idealistic treatment . . .

Olive Branch Lodge and its membership, are richer for the work that has been done by C. Malcolm Johnson, Junior Warden.

CONGRESSIONAL REPORT TO NINTH DISTRICT RESIDENTS, JUNE 1, 1970

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1970

Mr. HAMILTON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following report I sent to my constituents on June 1:

CONGRESSIONAL REPORT TO NINTH DISTRICT RESIDENTS

At its best, the American health care system is spectacular. It has produced the Salk vaccine and eliminated the terror of polio. It has prolonged life by some 20 years in the last 60 years. It has made an unprecedented assault on disease with antibiotics, drugs and life-saving technology.

But the system is showing signs of stress and strain. Health costs are spiraling and resources are growing short. The pressures of an exploding population and a growing shortage of medical professionals are beginning to tell.

Complaints concern the unavailability of care for the poor and the isolated; long hours in the waiting room; hurried and sometimes impersonal attention; difficulty in obtaining night and weekend care, high drug costs, and loopholes in insurance coverage.

Physicians' fees are increasing at twice the rate of the consumer price index, and hospital costs are rising at three times the consumer price index. While 75 percent of the U.S. population is covered by some form of health insurance, only about one-third of its medical bills are paid through insurance. Most Americans could still be financially destroyed by a prolonged and serious illness in the family.

The growing dissatisfaction with our health delivery system . . . the increasing costs of health care . . . the shortcomings of our health insurance plans all are issues which already are before the Congress. Pressures are mounting for public and private sectors to provide effective, affordable, high-quality care to all Americans.

The extent of the Federal government's participation in the health care system already is substantial. Federal outlays now account for 28 percent of the Nation's total health expenditures. In fiscal year 1969, Medicare, with outlays of $6.6 billion, and Medicaid, with outlays of $4.4 billion, accounted for 55 percent of the Federal, State and local governments' bill for health services and supplies.

The Federal budget provides about 60 percent of all funds spent for health research, with industry contributing 28 percent, and foundations, voluntary health agencies and others contributing 11 percent. Thirteen Federal agencies are engaged in some form of health research, accounting for expenditures totaling $1.6 billion this fiscal year.

Federal contributions to the construction of health care facilities in fiscal year 1969 amounted to $360 million—about 15 percent of the total cost. The largest Federal program in this area is the Hill-Burton program. From 1946 to 1970, this program approved construction or modernization of about 467,000 hospital and long-term care beds costing about $12 billion, of which the Federal share was $3.7 billion.

The Federal government also is increasing its participation in community and regional health programs. Grants for ambulatory care centers will amount to about $40 million in fiscal year 1970. Another $26 million will be spent in fiscal year 1971 in the Partnership for Health Program, which assist States, regions and communities in planning and implementing health care programs. An estimated $68 million will be allocated in 1971 for regional programs to improve health service and technology in specific regions of the country.

Yet, even with this kind of Federal participation, the Nation faces a crisis in health care. Roger Egeberg, assistant secretary for health in the Department of Health, Education and Welfare, said recently: "This Nation is faced with a breakdown in the delivery of health care, unless action is taken by the government and the private sector."

The great technological achievements of our health care system pale a bit when we realize that 15 other countries have longer life expectancies than the U.S.; 14 other countries have a lower rate of infant mortality, and five have better maternal mortality rates.

The subject of health care and the disparity between its capabilities and its availability to large numbers of Americans will be the debate of the 1970s in the Congress.

JOHN J. ROONEY

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1970

Mr. CELLER. Mr. Speaker, as I reviewed my many years in the House of Representatives, I thought of the very many friends I had made, of the many who have departed, and of the many who still serve with me. I thought of JOHN J. ROONEY who came to the House 26 years ago and who brought with him, as I did years before, the feel and heart of Brooklyn, the intimate knowledge of the people, and the sixth sense of what Brooklyn wants and needs.

I maintain Brooklyn is unique; its quality is like no other quality in the United States. It has a vitality and particular sensitivity that is known only to those who have worked long and hard to meet the infinite variety of the needs of its people. Such a man is JOHN ROONEY.

I recall how we worked together on liberal legislation before the House, on matters relating to immigration and refugees, and how we joined forces to help the new State of Israel. The decisiveness of JOHN ROONEY is nowhere better shown than when he stated his conviction that we must withdraw from South Vietnam stating, "not next year nor next month but now."

The loyalty of JOHN ROONEY cannot be questioned, the loyalty that runs through to his friends, to his constituents and, above all, to his country. I am happy to have gained a portion of that loyalty from JOHN ROONEY, my colleague and friend.

SCOUT POWER TIDIES THE HACKENSACK

HON. WILLIAM B. WIDNALL

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1970

Mr. WIDNALL. Mr. Speaker, in this day and age when so much space is accorded the destruction and irresponsibility of some youths, it is encouraging and heartening to see what youth can do to achieve immediate, wholesome results for the community and environment.

I point to an ambitious project carried out by "a thousand or more heroes from Bergen County," N.J., as an example that typifies the attitudes, motivation and action of young people, but which we read and hear of too seldom.

If this is an apparently uncommon example of youthful endeavors, it is only because of the large scale of the operation. A thousand volunteers spending four Saturdays. But it is typical of the purposefulness of today's youth.

I offer this commendation for the RECORD of their performance not as a rejoinder to recalcitrants or an admonishment to accusers, but as a report of what is going on today in the minds and actions of most of our youth.

In pictures which I am unable to show, and words which I set forth here, the June 12 issue of Life magazine reports the following:

Everyone talks about the environment, but along New Jersey's Hackensack River, Girl Scout Troop 127 has gone into action. Last fall when the girls went down to plant ivy along the banks of the shallow-slow stream that flows past the town of River Edge, they found the river and its banks so fouled by junk and trash that no amount of ivy would have done any good. The scouts might have said "nice try" and given up the idea, but Troop 127 has a resourceful leader, Mrs. William Mars, and was utterly undaunted. Throughout the winter they agitated, got items in the paper, found a planner to work with them, spoke at meetings and badgered the county for help. Finally, thanks to their persistence, a thousand or more heroes from Bergen County—young and old, but mostly young—got out in the goo and muck and on four Saturdays last month pulled 60 big truckloads of assorted disfiguring debris from seven miles of the Hackensack.

Some captions from the article's pictures:

Some things people had dumped into the Hackensack over the years: auto springs, shopping carts, auto chassis, transmissions, fuel oil tanks, refrigerators, washing ma-

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> chines, motors, wheels, baby buggies, roller skates, bikes, trikes, dishpans, buckets, barrels and tires, tin cans, umbrellas, Christmas trees, dead pets, one stuffed mounted lamb and a red carpet three yards long. . . . Rescue squads with power winches on their trucks hauled out most of the heavy debris but sometimes, the best and only way was the combined pulling power of Girl Scouts from several Bergen County troops—plus an assistant or two.
>
> The idea that the Hackensack might be more than the wet eyesore it evidently became goes back a long way—to Teddy Roosevelt's administration, in fact, which proposed putting a dam on the river to stop tidal pollution from its lower reaches. Fifty years ago, the idea of making a recreation area of the 15-mile stretch between Oradell and Teaneck was brought up, revived in 1935 and then revived again this year. But no action—or money—ever went with any of these schemes. This was one reason Troop 127 decided to see whether something couldn't be done on the community level. The mass assault came close, now and then to adding to the river's debris. Nancy Lippincott, for instance nearly left her boots behind when she became stuck on the bottom. Friends dragged her out, and the boots came too.

I congratulate Girl Scout Troop 127 of River Edge, N.J., and the other members of the community who cooperated with them in an immediate clean up of our environment.

LION "BIG MIKE" NUZZI—A MAN FOR ALL REASONS

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1970

Mr. WYDLER. Mr. Speaker, the Lions of New York State—and I am proud to be one—met last week at the Pines Hotel in Fallsburg, N.Y., for the annual convention during which they renew their dedication of more than half a century to the Lions' motto—"We Serve."

These community leaders, as part of Lions International, a worldwide service organization that numbers a million strong, are pledged to fellowship and service through autonomous Lions Clubs—each helping its own community in its own special fashion and all united in many larger enterprises for good, in Lion districts, guided by outstanding Lions who seek a wider service in Lionism as district governors.

Happily for my own Lion district, District 20 K-2, our Lion delegates at Fallsburg have chosen as their district governor for 1970–71, the first year of the new Lion decade, Lion Michael J. Nuzzi of the New Hyde Park Lions Club, a man who I claim proudly as both my constituent and my leader in Lionism for the coming year.

Lion "Big Mike" Nuzzi, as he is affectionately known, is the enthusiastic, gigantic embodiment of the Lion virtues of charity, patriotism, and community service. His New Hyde Park Lions Club reflects his qualities and has earned the honor of being the No. 1 Lions Club in our district. This is hardly surprising when we realize that in 15 years of Lion membership, Lion Mike has sponsored 21 lions, including nine past presidents and the president-elect for 1970–71, into his club.

During his campaign for district governor, Lion Mike's supporters dubbed him "a man for all reasons," and the title is an apt one. Lion Mike Nuzzi is the devoted father of five children of his own—and the beloved "Uncle Mike" of every boy who plays Little League Baseball in New Hyde Park. He is a successful and reputable businessman, whose successful fuel oil business is founded on the American footings of family cooperation, hard work, and fair measure for a fair price. In 1969, he was named both "Man of the Year" by his fellow businessmen in the New Hyde Park Chamber of Commerce and "Citizen of the Year" by veterans' organizations, in tribute to his patriotism, his civic pride and his service to the youth who are truly the Nation's hope for the days and years ahead.

But it is as Lion Michael J. Nuzzi—my own district governor for the Lion year 1970–71—that I hail him today. I congratulate Lion District Governor "Big Mike" Nuzzi and I pledge him my wholehearted support during the year ahead.

QUINCY'S HEADSTART PROGRAM

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1970

Mr. FINDLEY. Mr. Speaker, Quincy Project Headstart will celebrate its fifth birthday this June. The city led the way nationally in that it had a program for the cultural-economic deprived children 5 years before the Headstart program was organized by the Federal Government. Because of this previous successful experience, the program in Quincy literally had a head start on its own project. Many advantages accrued to the project and its sponsorship under the public school system has proven to be its greatest asset. Working in cooperation with the schools, the program had benefited from over 100 years of educational experience, know-how, excellent classrooms, and other physical equipment. Many other programs without comparable experience and facilities have not done as well.

Under the direction of William Sacadat, the first comprehensive curriculum guide for a Headstart program in the State was completed; in addition, a series of five teacher text-manuals also were compiled in the areas of psychology, art activities, language, music, and science. Mr. Sacadat's leadership has, indeed, been important to the success of the program.

Parental involvement in the Quincy program also has been outstanding. For example, "Headstart Cook Book" was published. Tested recipes were contributed by mothers, who also did the editing and compiling. The parent advisory board has repeatedly shown that they are an integral part of the program by assisting in the decisionmaking in many areas. Mothers are regularly volunteering to work in the classrooms and to chaperone on field trips. A mothers club has been organized that has enjoyed programs and demonstrations on nutrition, sewing, self-defense—karate—reducing, and professional lectures on art.

The Quincy program began standardized testing of its pupils in 1967 and is currently completing a research and followup on its students for the past 3 years. All indications point to a very substantial increase in test scores, academic achievements, and successes in school. Kindergarten teachers have repeatedly praised the Headstart program along with parents of children who have had the benefit of Headstart. In addition, the University of Chicago conducted a yearlong study and observation of the Quincy project. Dr. Merle Carnes of the University of Illinois conducted a 2-day workshop and study in Quincy. The University of Southern Illinois sent its regional training officer to view the project. All have commended the program as one of the finest they have seen.

Because of the high caliber of the program and because of its continued interest in the welfare of the children, I wish to offer my congratulations and my best wishes for a happy fifth birthday to Quincy, Ill., Project Headstart.

HOUSING RIGHTS ACT OF 1970

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1970

Mr. BOB WILSON. Mr. Speaker, today I am introducing the Housing Rights Act of 1970 which is aimed at bringing housing construction into the 1970's.

It has been demonstrated that horse and buggy housing construction methods cannot meet the burgeoning demands of this decade. We face the need for 26 million homes during the 1970's. We cannot continue to use the techniques of the 1930's to build housing during the 1970's. We cannot allow the restrictions of the past to stop us from reaching our goals for the future.

The legislation I am introducing will insure that when Federal dollars are used to back the building of houses, no barriers to efficient construction methods will be raised by local building codes, or by restrictive contracts negotiated by labor groups.

Essentially, it would extend Operation Breakthrough to the national level. We have seen that when the design capabilities and the technological skills of America's industries are applied to the housing field, they produce results. The use of modular housing, or prefab units, presents us with the opportunity to reach our ambitious housing goals. But the way must be cleared so that we can apply the latest technology and build the millions of new dwelling units needed to house our growing population.

My bill provides that—

> Any provision or requirement in building codes or other local law or ordinance, or in any contract or agreement, which restricts the use of new or improved techniques, methods or materials or of preassembled products in connection with the construction or major rehabilitation of federally assisted housing shall be invalid with respect to such housing except where such restriction is deemed necessary to assure safe and health-

> ful working or living conditions: Provided, that any such technique, method, material or product shall, for the purpose of this section, be judged as to safety and health under the same standards as otherwise applicable provisions of law, ordinance, contract or agreement apply to permitted techniques, methods, materials or products, either expressly or by common practice.

This section contains safeguards which will make certain that new technology is practical and will provide good, safe housing. The Secretary of Housing and Urban Development would be authorized to test, or have tested, new materials and methods, to compare them with present techniques and to judge their comparability.

If we are to meet a national housing goal, we must have equal and fair building regulations across the country. If the taxpayers are going to foot the bill, they should rightfully expect the benefits of new housing technology to be available in all sections of the Nation.

Much progress has been made on the labor front. Due to the unique nature of the housing industry there have been many localized contracts, some of which have been restrictive and designed to keep out any semblance of modernity in housebuilding methods. Secretary Romney of HUD has made a major breakthrough in his pilot projects at HUD and has reached agreement with several unions on the modular-housing concept.

The 18 building trades unions have a vast stake in the future of America's housing industry. The market is there. The demand is evident. The assurance of volume is obvious. Large scale construction of modular housing will provide a new industry employing thousands of workers. Much of the seasonal aspect of today's housing industry will be eliminated by the construction in factories of housing sections. There will still be considerable onsite labor required. Overall, labor has a lot to gain by encouraging the construction of 26 million housing units during this decade. The sharp cutbacks in homebuilding over the past 5 years are a danger signal that the old ways do not fit today's market.

The financial facts of life are that the old concept of house and lot has become a fiscal impossibility for many families today. Using the rule of thumb that housing should cost 2⅛ times annual income, the $8,000 wage earner finds today's residential prices out of reach. The answer is to provide housing that is within his income bracket. The fact that nearly a half-million mobile homes are being built each year indicates that there is a demand for reasonably priced, modern and convenient housing.

It is only realistic to anticipate that the local barriers to house construction cannot be broken down simply by edict. My bill provides recourse by the Government, or by local builders, through the courts. It provides that the Attorney General of the United States, after consultation with the Secretary of HUD or other appropriate Federal officials, can file a civil suit in U.S. district court, if it is believed that codes or contracts violate the intent of this law, to obtain equitable or preventive relief, or for damages. It is hoped that this section will not have to be widely used, but it should be included for the protection of the taxpayers and to facilitate moving ahead on the housing front.

This measure is proposed not as being restrictive, but with the intent of opening the door to an all-out offensive against our housing shortage. I am hopeful that it will receive prompt and favorable committee consideration, and that the Congress will pass it so we can get on with the job. We must turn on the green light for housing in this country.

RIGHT TO DISSENT PROVIDES NEITHER THE RIGHT TO DESTROY PROPERTY NOR THE RIGHTS OF OTHERS

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1970

Mr. COLLIER. Mr. Speaker, it should be noted that the backlash from many responsible citizens to the actions of some students, professors, and administrators of colleges and universities across this Nation may have a very grave effect on the future of higher education. It is obvious that millions of taxpayers in this country are bitter over the destruction and violence on the campuses and the widespread arbitrary closing of many schools.

It is my understanding that the letters I have been receiving on this subject are quite the same as those coming into the offices of my colleagues. Even folks who had contributed financially to colleges and universities in the past tell me that they will no longer make any type of contribution—or at least until the colleges and universities get back to some normal type of operation.

Perhaps one of the most widely circulated letters comes from a civil engineer who says:

> We, as taxpayers, are responsible for paying the salaries of school teachers and for the operation of buildings. More than 30% of the Illinois state budget is used to operate the universities. Should we not be incensed that an organized minority can shut down major institutions of learning while the administrators cower in fear or even support anarchy to varying degrees?
>
> Remember that we are paying for the operations of universities which are closed or have been closed. We are paying the salaries of staff members who are no longer teaching students. What is their right to a paid vacation during the time designated as part of the regular school year at our expense? We are paying for the National Guard and for police protection, much above the budgeted items and we are paying higher insurance rates as a result of vandalism. We are paying for buildings on and off campuses that have been destroyed by students, and it is not their property to destroy.
>
> Many parents and students are paying fees for an education which they can no longer expect to receive under present campus conditions caused by the organized student activists.

The writer of this letter goes on to request that everyone send a letter to at least five other people using the chain letter principle to bring the situation to the attention of those who are going to be faced with paying the bills through the heavy taxes paid for institutions of higher learning at both a State and Federal level and even on a voluntary basis in many instances. The writer closes by saying:

> We must stand up and be counted now, if we are to retain a decent education system.

He points out that—

> Laws made in the streets are likely to be administered in the gutter.

I do not believe that most citizens feel any differently about the right of dissent than I do. It is a right that is as basic as the freedom of this Nation itself. It is certainly a freedom which countless thousands of Americans have given their lives to preserve in past wars. But no citizen has the right to resort to violence nor infringe upon the constitutional or civil rights of another in the pursuit of his own particular beliefs.

If this is not a cardinal principle which is recognized at the university and college level where people are presumed to be intellectually advanced and prone to reason, what hope is there for retaining a system of law and order in this country? Unless this basic fact of life is recognized by those who are charged with the responsibility of running the institutions as custodians for the majority who provide the financial support, it will not take very long to destroy higher education in these United States.

PESTICIDE KILLING NATION'S SYMBOL

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1970

Mr. OBEY. Mr. Speaker, I am entering the following United Press International article into the RECORD as yet another indication of the threat which hard pesticides such as DDT and dieldrin pose to American wildlife:

> PESTICIDE KILLING NATION'S SYMBOL
>
> A widely used pesitcide is contributing to the decline in the population of the bald eagle, the national bird which already is considered an endangered species in 48 states.
>
> Interior Department scientists say they have detected poisoning from dieldrin in growing numbers of bald eagles found dead in the United States.
>
> They said that, perhaps more importantly, dieldrin and other environmental pollutants may affect the eagle population by reducing the bird's reproduction capability.
>
> Dr. Lucille Stickel, pesticide research coordinator at the Interior Department's Patuxent Wildlife Research Center in Laurel, said dieldrin is widely used in all parts of the nation by farmers and in woolen mills to treat fabrics against moths.
>
> Residues from the pesticide apparently drain into streams and lakes, where some of them accumulate in the bodies of fish, which make up the bulk of the eagles' diet, she said.
>
> In 1968, the last day for which research results of tests at Patuxent have been completed, seven of 26 bald eagles examined had high levels of dieldrin in the brain. Dieldrin was "the only apparent cause of death" in five, said Charles W. Meacham, commissioner of the Fish and Wildlife Service. The five victims came from Florida, Wisconsin, Maryland, Missouri and South Carolina.

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HOW MUCH DOES OUR FLAG COST?

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1970

Mr. HALPERN. Mr. Speaker, Walter J. Kaiser, Jr., the Americanism chairman of American Legion Post 980, the Hollis-Bellaire-Mark Post in Queens Village, N.Y., has written an article redolent with the aura of deeply felt patriotism. His moving words describe what the American flag costs—what it costs not in terms of dollars and cents, but in terms of blood and bravery and loss of life. His splendid essay expresses the emotion most of us feel for what the late Everett McKinley Dirksen, the distinguished former minority leader of the Senate, used to call gallant men and gallant deeds.

The sight of the American flag waving in the breeze is a thrilling sight. To be sure, there are quarrels among us as to where it should fly and what policies it should symbolize. Yet, most of us believe that, at hours of maximum peril to our country the flag is a vibrant national symbol which unites us all, bringing us to a common accord in defense of our country.

Therefore, it is important that Mr. Kaiser has spoken in praise of our flag at this time of peril for the cause of freedom, when our country is threatened all around the world and here at home as well.

The American flag, which unites us all, has never been a more irreplaceable symbol than it is today. We need to see it beating in the breeze just as we need to feel the beat of our hearts. And we need to pledge allegiance—to the flag, to the country for which it stands, one Nation ultimately indivisible, despite the discord which has recently afflicted us.

Mr. Kaiser's inspiring essay follows:

HOW MUCH DOES OUR FLAG COST?

(By Walter J. Kaiser, Jr.)

As the Americanism Chairman of an American Legion Post, I have been asked many times, during our American Flag campaigns, one outstanding question, "How much does our Flag cost?" I have always answered this question in terms of dollars and cents, but this answer never seemed to reflect the real price, the true price, that so many Americans, and too many Americans have paid for our Flag.

To find the real answer, I believe we would have to go back many many years, to many many wars, to many many battlefields. Back there, on those bloodstained battlefields, we could ask the crippled, the blind, the dying and the dead. We could ask them "How much does our Flag cost?".

Back there, we could ask the Patriots at the Boston Tea Party, the Minutemen at Concord, the frost-bitten soldiers at Valley Forge, and the weary and the hungry fighting men at Gettysburg. We could ask all the great Presidents and all the great Generals, who constantly saw through tear-dimmed eyes, ever present death and destruction. I think they could tell us how much our Flag costs.

We could ask the heroes at Chateau Thierry, the gallant sailors, buried on the *Arizona* at Pearl Harbor, the marines at Iwo Jima and Guadalcanal, the stretcher bearers at Anzio Beach. We could ask all those who landed at Normandy, and those who fought in the Battle of the Bulge. They could probably tell us how much our Flag costs.

There is a possibility that we would not have to go to such extremes to find the real answer, we could probably find it right here at home. We could visit the numerous veterans, who lay on their sick beds, at the various Veterans' hospitals throughout the Country, and there we could ask the armless, the legless, the mentally ill, the diseased and the shell-shocked. We probably wouldn't have to ask, because, we would surely see the price they paid for our Flag.

There is even a further possibility that we could find the answer right in our own neighborhood. We could ask the Gold Star mothers, who lost their only sons, the wives who lost their husbands, the children who lost their fathers or their brothers, and all those who lost their sweethearts. I believe that if you were to ask them, they would say they paid for our Flag, with loneliness and sorrow; heartache and tears; sacrifice and suffering; and heartbreak and despair.

Today and everyday as you see our Flag flying ever so proudly, try to give it a long lingering look, and deep in your hearts, try to realize just what it symbolizes. The White and Red stripes symbolize the purity of purpose for which our comrades shed their blood. The White Stars in the field of Blue symbolize that the heights of pure democracy can reach to the very stars in the heavens.

Our Flag could be made from a flimsy piece of printed cotton, or it could be made into a banner of beautiful silk. The intrinsic value could be very great, or it could be very small, but its real value, its true value, is the precious symbol we all work for, live for, and perhaps someday die for. It is the symbol of a free Nation, of free men, true to the faiths of the past, and dedicated to the principles of Freedom, Justice and Democracy.

For just a moment, I wish you would bow your head and in the concept of your own belief, say a silent prayer, thanking God that the colors of our Flag are still Red, White and Blue, and pray that our boys in Vietnam, and those who are stationed all over this world will do everything they can to keep it that way.

PUBLIC HEALTH OFFICIALS OPPOSE THE WAR

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1970

Mr. EDWARDS of California. Mr. Speaker, we have all heard the slogan, "War is unhealthy for children and other living things." Nothing could be more true, so it is not surprising that an organization of public health officials should take a position against the war, as the Northern California Public Health Association has done. What is worthy of note is the unanimity with which the association acted at its May 22 annual meeting. The resolution below, adopted by more than 90 percent of the members present and signed by 159 northern California public health officials, conforms precisely to my own beliefs:

The Northern California Public Health Association, dedicated as it is to the health of all peoples, vigorously condemns U.S. Military involvement in Southeast Asia and calls for withdrawal of our forces there.

There is a critical need to redirect our nation's overseas war energies and expenditures to finish our domestic wars against ill health, poverty and discrimination.

CONCERNED ABOUT EMERGENCY DETENTION ACT

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1970

Mr. STOKES. Mr. Speaker, as you may well know, I have been intensely interested in legislation to repeal the Emergency Detention Act of 1950 which was enacted as title II of the Internal Security Act of 1950. It is an act which, as a lawyer, I find replete with constitutional infirmities and, as a member of a minority group in this country, I find totally repugnant.

As some of my colleagues are aware, the President can devolve the far-reaching powers of the act onto his Attorney General by his self-determined finding that an "insurrection within the United States in aid of a foreign enemy" is occurring. And, once the powers of the act have been invoked, a whole series of constitutional problems arise. While this law has never been invoked, the President could make the decision tomorrow if he wished; there are no standards to which he is accountable; there are no safeguards against arbitrary action. Furthermore, there is evidence to support the notion that this is no idle question.

While you can imagine the fear that is already rising that this law might be invoked to the detriment of the nonwhite groups of this country, Mr. Speaker, you might not realize that other minority groups feel the same way. I, therefore, would like to submit for the RECORD the following copy of a letter from the director of the Anti-Defamation League of B'nai B'rith to the chairman of the House Internal Security Committee:

ANTI-DEFAMATION LEAGUE
OF B'NAI B'RITH,
Washington, D.C., April 24, 1970.

HON. RICHARD H. ICHORD,
Chairman, House Committee on Internal Security, Cannon House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your recent letter inviting our views on the bills pending before the House Committee on Internal Security to repeal the Emergency Dentention Act of 1950 which was enacted as Title II of the Internal Security Act of 1950.

Earlier this year we joined with other national and local Jewish organizations in urging the Congress to repeal Title II. We said at that time that Title II is "thoroughly repugnant to American tradition. Our national security is amply protected by the laws that punish espionage and sabotage through conventional, constitutional criminal proceedings." A copy of that statement has been forwarded to the Committee.

At this time we reaffirm our support for repeal of Title II and urge prompt action by your Committee and the House to join the Senate which has already passed such legislation, S. 1872. The fact that a bipartisan group of some 135 House members has introduced repealer bills is an indication of the widespread support both in and out of the Congress for repeal of Title II. Although the law has never been invoked and there are now no plans to use it, "unfortunately," as Deputy Attorney General Richard G. Kleindienst wrote the Senate Judiciary Committee in December, "the legislation has aroused among many of the citizens of the United

States the belief that it may one day be used to accomplish the apprehension and detention of citizens who hold unpopular beliefs and views." Repeal of the Act, as Mr. Kleindienst said, will allay these unfounded fears and suspicions. "This benefit outweighs any potential advantage which the Act may provide in a time of internal security emergency."

We concur in these views. Title II has no place on our statute books. As former Chief Justice Warren recently said, it is not in the American tradition. There are now adequate laws on our books to protect our country against espionage, sabotage and subversion without the need to resort to the totalitarian concepts underlying Title II. We, therefore, urge your Committee to recommend repeal of the Act to the House.

We respectfully request that this letter be included in the printed record of the hearings.

Sincerely yours,

DAVID A. BRODY.

THE DECISIVE DECADE

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1970

Mr. CONTE. Mr. Speaker, this past weekend I was the principal speaker at the commencement exercises for Southwick High School's class of 1970 at Southwick, Mass.

At that very fine affair the salutatory was delivered by Rene R. Bouchard, a graduating senior who chose to speak on "The Decisive Decade." His remarks concerned the tumultuous decade of the 1960's and were extraordinary in that they took full note of both the good and bad of that time period.

Mr. Speaker, at a time when so much public opinion in this Nation is polarized at the extremes, it was refreshing to hear a young American stand before his peers and his elders and deliver an address of force and balance.

His words were optimistic, not plaintive; hope, not despair was his message. Optimism and hope traditionally have been the weapons of the young against a world that at times seems hostile. These are fine tools indeed, and I hope they are held by many of Rene Bouchard's contemporaries.

At this time, Mr. Speaker, I would like to insert his remarks in the RECORD:

THE DECISIVE DECADE

Doctor Tolley, Reverend Flahive, Congressman Conte, Superintendent Weeks, School Committee Chairman Putnam, Mr. Prew, Members of the Faculty, Fellow Graduates, Ladies and Gentlemen: Welcome to the graduation exercises of Southwick High School's class of 1970.

The theme of these exercises this evening is "A Look at Our Times."

Tonight, I shall speak about the lessons of history in "The Decisive Decade", January, 1960 through December 1969.

In the sixties, America became involved in Vietnam, pulled its troops out of France, developed serious talks with the Soviet Union, and witnessed growing unrest at home. Although these events are now recent history, they should teach us a lesson about history. George Santayana said it to an earlier generation: "A nation that does not know its history is fated to repeat it."

The sixties was a time of dissent and demonstration, of nonviolence followed by violent rebellion of young people and minority groups who were dissatisfied with the status quo. But even though we had riots, strikes and rebellion, we did not have a complete revolt.

Some say that demonstrations show a decay in our country. I do not agree. I believe that they are a healthy sign. They show concern for the problems of this country. The riots in Watts and other cities, and the demonstrations in Chicago and on the campuses focused attention on equal Civil Rights and equal justice for all Americans. The people are listening to the lessons of history. My generation is concerned and will continue making social reforms. Today, our problem is how to implement the civil rights laws.

The most striking events of the sixties had a profound effect on the world situation: the Cuban Missile Crisis, the Vietnam War, the Korean Ship Dilemma, the Arab-Israeli War, and the crises in Latin America.

Look, if you will, at the problem of violence. The late Mahatma Gandhi showed how to get changes by peaceful nonviolent resistance. His example of nonviolent rebellion spread to the United States during the sixties and was used successfully by the followers of Martin Luther King. Yet, January of 1961 saw a young President Kennedy in office, then—dead—in two years. In the years following, political assassinations became common: in America, Martin Luther King, Malcolm X and Robert Kennedy; in Africa, Mboya and Balewa. These killings proved the instability of political life throughout the world. America and the world were not as secure as we had been led to believe. Yes, violence increased in many ways in the sixties—hi-jackings, bombings, riots,—and with these—a disrespect for the law.

On the positive side of the decisive decade, we Americans saw the successful advancement of our space research program. We won the "long-dreamed-of" race for the moon . . . in July, 1969! After billions of dollars and thousands of man hours, we made it, we were the first to land on the moon. For what? Back on earth, the poor of Appalachia, Nigeria, India, Asia and South America were starving! When does our moral duty to feed these people stop? It should stop only when we have no more to give. All the moon rocks and dust in outer space are not worth the lives of millions of starving human beings here on earth. The lessons . . . learned from the moon . . . were they worth the price?

Our parents' generation has made significant contributions in improving our standard of living. They have given us Salk and his polio vaccine, Fleming and the miracle drug—penicillin, and recently, Christian Barnard and the heart transplant. Electronics and computers, to mention only two, are developing our knowledge and technology every day. We must use these medical and technical advances to feed and educate the poor and underprivileged wherever they live.

In this Spring of 1970, we appear to be a divided country, divided on many different issues—but mostly—divided on the war, racial justice, and the generation gap. These issues are tearing our country apart. Let us learn a lesson from history; division can make a nation useless. We must unite . . . our purposes and our goals. Unity is the challenge of the seventies. And violence never gets its intended goals.

Too many people go through life content . . . happy with their own little plot of mediocrity. This is not for me. I can't stand a constant pace of life, over and over, each day. Life must be full of change, and, with it, conflict, and with it, improvement. Life must have meaning. For me, I have found deep meaning in my religion and I hope to help others . . . as a Passionist priest. My goal is to work with teenagers, for they hold the hopes and ideals of the human race. I want to help them find meaning in their lives. This is a challenging yet difficult task. But, you don't have to become a priest to do this. There is a need for teachers, social workers, Peace Corps workers, VISTA volunteers; and there is a need for good parents to help their children find meaning in life.

John Fitzgerald Kennedy, a young man of the decisive decade in America looked forward to the sixties with an air of hope, stated it clearly for then and now, in his Inaugural Address: "All this will not be finished in the first 100 days. Nor will it be finished in the first 1,000 days. . . . Nor even perhaps in our lifetime on this planet. But let us begin."

THE LIBRARY OF PRESIDENTIAL PAPERS

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1970

Mr. WYDLER. Mr. Speaker, the Library of Presidential Papers, a private institution chartered by the board of regents of the State of New York, is providing valuable services of citizenship education. This includes the distribution of historical documents, together with introductory essays related thereto, to high schools and colleges throughout the United States.

The Library, which has as its chairman, Mr. Arthur T. Roth, former chairman of the board of the Franklin National Bank, and as its president and chief executive officer, Dr. R. Gordon Hoxie, former chancellor of Long Island University, conducted on April 3–5, 1970, at Montauk, Long Island, N.Y., a notable symposium on the Office of the President of the United States. Senior White House staff members, for all presidential administrations, from President Hoover through President Nixon, participated in this unique gathering, with more than 100 business, professional, and labor leaders, from throughout the United States.

Equally inspiring, is the constructive volunteer work of college students at the Library. They are now planning the first symposium on the Office of the President of the United States for college students. This will be convened in the fall of 1970 with representatives from more than 100 colleges. Among the student volunteers who are planning this symposium are: Miss Bernadette Casey, Mr. Daniel Henry Frank, and Mr. Walter Konrady, all of the C. W. Post Center, Long Island University, Greenvale, N.Y.; Mr. Mark A. Pfeiffer, a senior honor student at Dartmouth College, Hanover, N.H.; and Mrs. Dee Workman Kirbow, a young alumna of Columbia College in Columbia, S.C.

In recently volunteering their services, these young people wrote the following statement of purpose:

The Library of Presidential Papers recognizes the important role of contemporary youth in developing a center for the study of the highest public office in the land. We believe that there is both an opportunity and a need to build bridges of understanding between the youth of America and the Office of the President of the United States.

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We propose the National Youth Conference on the Presidency as an instrument in that bridge building, and with constructive examination of the critical problems we face.

Mr. Daniel Henry Frank, who is a resident of Garden City, Long Island, N.Y., wrote the following mandate for this national youth conference:

The '60's will go down in history as the decade when youth assumed an especial role on the American scene. In essence, young people of America have grown in stature and ability. They relate to significant issues of our time. To communicate and serve effectively they need a more complete understanding of the Office of the President of the United States. They must better understand the views of the President on the critical problems we face. And the President, in turn, must be aware of how these relationships appear to them. President Nixon recognized this crucial juncture upon chartering the upcoming 1970 White House Conference on Youth and Children, an event which will seek ways to make more meaningful the role of youth of the '70's in society.

The United Nations is embarking upon its first World Youth Assembly.

But despite these best efforts in the public sector, there is a role in the private sector of building these bridges of understanding. It is our contention that an arduous task in communications lies ahead for the purposes of relating the youth with the Office of the President of the United States. We believe that the Library of Presidential Papers can, in large measure, fulfill the obligations and duties of the private sector through its forthcoming National Youth Conference on the Presidency. This creative undertaking will bring together responsible student leaders from colleges throughout the nation meeting with responsible senior leaders who are serving in, or have served with the Office of the President. Through this interchange, we can and will build respect based upon understanding.

Such constructive work of our college students is worthy of support. The Library of Presidential Papers, by inspiring such services, is contributing much to our institutional values, and understanding.

AN AMERICAN CITIZEN WRITES HER CONGRESSMAN

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1970

Mr. TEAGUE of Texas. Mr. Speaker, under leave to extend my remarks in the RECORD, I wish to include a letter I have received from an individual I have known well over a period of years. I think that Mrs. Norman Anderson of College Station, Tex., is the average American citizen, loyal, true, and patriotic and very concerned about what is happening to her country, my country, our country. Her letter is typical of many I receive and I want others to read what she has to say:

DEAR MR. TEAGUE: I am again enclosing clippings from the Dallas News which readers have written that in a large measure express my views.

We have coddled and cowtowed—almost glorified anything young or youthful until now they expect what they want anytime, anywhere and now. Who are they to tell the College Presidents how to run the college; or Mr. Nixon what his foreign policy is to be now—this week?

I am opposed to 18 year olds voting. Many are still in high school, do not own property, haven't got responsibility, are too easily swayed by emotion, aren't now being drafted. Maybe the voting age should be lowered, but not to 18. I think a hard core of young communists trained for trouble are our leaders here. As a taxpayer, I resent closing colleges and losing education time constantly.

I am appalled at the action of the liberal clique in the Senate who would defeat us in the Asian conflict by denying funds to the President. They are asking that we give up everything we fought for and insulting the President. What he did in Cambodia was necessary.

I don't understand the liberals who seem to believe that capitulating to the communists works. Why should the communists negotiate in Paris? The Senate is trying to give them the victory.

And I don't understand why some are afraid to build our defenses against Russia for fear that she will be offended? We must stay strong and superior to Russia or we will be ruined. While we observe our agreements, they break them and forge ahead. This time they intend to be well ahead before they pretend to agree. I think our country is in grave danger—due in great part to Mr. Fulbright, Kennedy, Church, Hatfield, and Goodell.

I have lost trust in Congress—they talk but they don't act against a union or individuals who break the law (strike of the Postal workers) for example. The men who struck and hurt others financially in many ways received rewards just as those who stayed on and the law was specific in their case. No one suggested punitive action—What does this do to law and order? The ordinary taxpayer is getting very frustrated.

I resent the so-called objective treatment of issues by television. They are slanted against the administration and conservatives and glorify youth—even the commercials do.

I am sure your job is discouraging at times.

Cordially,

MRS. NORMAN ANDERSON.

IN SUPPORT OF THE 18-YEAR-OLD VOTE

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1970

Mr. EDWARDS of California. Mr. Speaker, the debate over the 18-year-old vote turns not on whether they should have it but on how this should be accomplished. There is wide agreement in Congress and in the administration that 18-year-olds should have the vote. The following letter to the editor of the Washington Post from officers of the Leadership Conference on Civil Rights presents a cogent argument for doing it by act of Congress and leaving it to the Supreme Court to establish the constitutionality of the law, the letter follows:

DEAR SIR: Much has been written in recent days by the Washington Post and by others concerning the constitutionality of the Senate-passed bill to lower the voting age to 18 years. Since this issue of constitutionality will confront the House of Representatives very shortly, it would appear appropriate to set forth the position of the Leadership Conference on Civil Rights thereon and to respond briefly to what seem to us essentially "academic" arguments.

When distinguished law professors differ on the question of the constitutionality of a law as here (Harvard's Paul Freund and Archibold Cox *pro* and Yale's Louis Pollak and Alexander Bickel *con*), it is apparent that scholarship is not going to resolve the issue. What is at stake, rather, is the future evolution of the equal protection clause as part of a living Constitution. It should be obvious that only the Supreme Court of the United States will chart this future course and that no one can predict with absolute certainty what this course will be. Many considerations, however, lead us to conclude that Congress should lower the voting age to 18 and leave the Supreme Court to determine the constitutionality of its action.

The framers of the Civil War Amendments looked primarily to Congress to enforce the rights guaranteed by them. Except for the legislation passed during the Reconstruction period, however, Congress abdicated this responsibility until it passed the Civil Rights Act of 1957. In the intervening period, it became the Supreme Court's task to enforce the right to vote, to equal protection and to due process. All this time the Supreme Court itself hoped that the Congress would begin to share its burden.

It is in this context that the Supreme Court's decision in *Katzenbach* v. *Morgan* must be evaluated. Acknowledging the full authority which the fifth section of the Fourteenth Amendment gives to Congress to enforce the equal protection guarantee of the Fourteenth Amendment, the Court held that Congress could compel states to act in a manner which the Court could not decree in the absence of Congressional legislation:

We think it is most hazardous for anyone to conclude that after welcoming the participation of Congress to what, at long last, has become a common congressional, judicial and executive enterprise to enforce the guarantees of the Thirteenth, Fourteenth and Fifteenth Amendments, the Court will hold unconstitutional a considered effort of Congress to assure millions of 18-year olds an equal right to vote.

The fact that the second section of the Fourteenth Amendment, which became effective in 1868, authorizes the reduction of Congressional representation of any state which denies the right to vote to male citizens 21 and over does not imply that the Court must rule that lowering the voting age to 18 is an inappropriate way to enforce the equal protection guarantee. The judgment with respect to the proper age for voting should be left to Congress and its notions of propriety and equality may reasonably be subject to change as time goes by.

There is no longer any rational opposition to 18-year old voting. The Senate adopted that provision by a vote of 64 to 17. The Nixon Administration supports 18-year old voting, arguing only that it should be accomplished by constitutional amendment rather than statute. The importance of bringing college-age men and women into the political arena is now generally accepted in the halls of Congress.

In this view, one might suggest the overwhelming probability that the Supreme Court will uphold the action of Congress if it enacts the Senate bill. The Court is, above all, a pragmatic institution. Under President Roosevelt it shifted from outlawing New Deal measures to validating them in the interest of national recovery. Under President Eisenhower it reversed an ancient segregation decision to fit the needs of the times. One finds it hard to believe that the Court would add to the existing divisiveness of the nation by taking away from the young people of the nation the right to vote after the right had been granted by Congress.

Constitutional arguments there will continue to be on both sides. But the practical answer will come from a Court which understands that the future of America lies at the ballot box rather than on the campuses and in the streets and that a Congressional decision to utilize the equal protection clause to this end should be hospitably received.

Sincerely yours,

JOSEPH L. RAUH, Jr.,
General Counsel.
CLARENCE MITCHELL,
Legislative Chairman, Leadership Conference on Civil Rights.

THE TIME IS NOW

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1970

Mr. PHILBIN. Mr. Speaker, I include in my remarks a very thought-stirring letter which appeared in the Washington Daily News.

I am not given to pessimism concerning the future of this great Nation. On the contrary, I have deep faith in our country, in the intrinsic soundness, commonsense, and courage of the American people.

And I believe that, notwithstanding the distressing emotional upset, confusion, and unrest of our times, this country when put to the test and aroused to the threats and dangers that confront us, will rally to the cause of ordered freedom, solve these problems and repudiate the determined, well-organized enemies outside and inside our gates.

Courage, prompt and determined action, sound judgments, and an awakened sense of our posture, our future, and what must be done under the Constitution and the law to protect and preserve our great, unequalled heritage are required without further delay.

This must be the daily job of every American—the urgent duty of all those who are intent upon the present and future preservation of this great, free country. There is no time to lose.

Let us reassert our confidence in the future growing greatness of this nation, and mobilize our resources and our energies to the defense of our liberties, the building of our standards and the forward march of our institutions and the people.

The letter referred to, follows:

TIMETABLE TO REMEMBER

One of the most widely read books of all times is The Decline and Fall of the Roman Empire, written by Edward Gibbon in 1788. He set forth five basic reasons why that great civilization withered and died. These were:

1. The undermining of the dignity and sanctity of the home, which is the basis for the human society.

2. High and higher taxes, the spending of public money for free bread and circuses for the populace.

3. The mad craze for pleasure; sports becoming every year more exciting, more brutal, more immoral.

4. The building of great armaments when the real enemy was within—the decay of individual responsibility.

5. The decay of religion; faith fading into mere form, losing touch with life, losing power to guide the people.

The average age of the world's civilizations has been 200 years. These nations rose and fell in the following sequence:

From Bondage to Spiritual Faith.
From Spiritual Faith to Great Courage.
From Courage to Liberty.
From Liberty to Abundance.
From Abundance to Selfishness.
From Selfishness to Complacency.
From Complacency to Apathy.
From Apathy to Dependence.
From Dependence back to Bondage.

In 14 years the United States will be 200 years old. This cycle is not inevitable. It depends on you.

WENDALL A. PARRIS.

PALME—THE "CURIOUS YELLOW" PRIME MINISTER

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1970

Mr. RARICK. Mr. Speaker, Olaf Palme, the Socialist Prime Minister of Sweden and that country's leading American baiter, paid a little-noticed visit to Washington this week.

While he addressed a women's club on "The Emancipation of Man," his topic was aimed at forced equality of the sexes by destruction of any predetermined roles on account of sex.

In fact, the Crown Prince of Sweden would have us believe that in his country it is regarded unnatural for a woman to have a different role than the man, or to devote more time to children.

Yet, the great emancipator and apologist for the Communist murderers of American men in Vietnam, was only concerned about our morals should we have a military victory in Southeast Asia.

As I have earlier commented, we have many wonderful Swedish Americans in the United States and I am sure that there are many Swedes in Sweden who are pro-American, but among them is not their "Curious Yellow" Prime Minister Palme.

I insert a clipping from a local paper at this point:

[From the Evening Star, June 9, 1970]

VICTORY OR DEFEAT?

(By Joy Billington)

The prime Minister of Sweden, Olaf Palme, here on a private visit designed to repair fractured U.S.-Swedish relations, was asked questions about Cambodia, the treatment of the U.S. ambassador in Sweden, the longshoremen protest against him at Kenyon College, Ohio, last week, and his appearance in the film "I Am Curious (Yellow))"—when he was guest speaker at the Woman's National Democratic Club yesterday.

This was after his prepared address, "The Emancipation of Man."

Emphasizing that he did not wish to "abuse hospitality" or intervene in national affairs, Palme nevertheless expressed what he described as his honest reaction to the news of President Nixon's "invasion" of Cambodia.

"When I received the news, I felt that even if it were a military victory, it would be a moral defeat for the U.S."

This was for two reasons, Palme explained. It meant an extension of the war. It meant that "a great power went into a small nation without the explicit request and consent of the government of the country in question."

In protesting such action, Palme said, "we are really only asserting our own right to exist, as a small country."

American deserters given sanctuary in Sweden, he said are in a long tradition of men fleeing from many wars.

"We have not encouraged them," he emphasized.

Some of them are quiet and adjust to Swedish life, he said. Some of them are active, "and call me a lackey of Nixon." Others are drug addicts who are in trouble with the law there for criminal offenses connected with drugs.

Their presence, however, is a reflection of Sweden's traditional laws protecting the individual. "The U.S. has the same laws. If the situation were reversed, our people would benefit in the same way by your laws."

Asked by a questioner about the treatment of the U.S. Ambassador Jerome Holland, whether there was any racism, Palme said that being a Negro would make Holland more popular with Swedes. The vast majority of Swedes are pro-American, he insisted. They are also anti-war, but they still wish to maintain good relations. Only a tiny minority have behaved badly, the Prime Minister said.

Concerning the demonstration against him and his country on Saturday at Kenyon College, Ohio, Palme said he was sad to see that many of the protestors did not know much about the slogans written on their signs.

"And they didn't want to listen, just to howl. They didn't hear that I was actually making a speech about the equal distribution of wealth and the need for strong unions," he said with irony. "They looked very angrily at the Reverend who was to give the invocation, because he looked much more prime ministerial than me."

PIXIELIKE

The pixielike Swede, asked about "I am Curious (Yellow)" in which he appears in a documentary sequence (being interviewed as the Minister of Communications he then was) said he was "conned" into it by the director.

"I haven't seen it. I'm not curious enough. The director didn't tell me he was doing his documentary on another area of human endeavor!"

His major address, delivered to a room packed with women, including his wife Lisbeth and his press secretary, Berit Rollen, a woman, was a serious explanation of developments in Sweden towards freeing men and women from their traditional sex roles.

"We have talked too long about the emancipation of women and the problem of woman's role in society. It is human beings we shall emancipate." The greatest gain of increased equality will be the end of predetermined roles on account of sex, he said.

At school and through TV, boys got an exaggerated picture "of what it means to be a man," tough, hardboiled, wild-west hero supermen and soldiers. "The boys compensate their lack of contact with kind, everyday men by looking upon mass media men as their ideal."

The new way to combat this in Sweden is for both parents to work part-time, or full-time with day-care facilities.

"If a politician today should declare that women ought to have a different role than the man, that it is 'natural' she devotes more time to children, he would be regarded as something out of the Stone Age."

REFORMING THE SENIORITY SYSTEM

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1970

Mr. REUSS. Mr. Speaker, the following two articles, by Norman C. Miller in

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the Wall Street Journal of May 22, 1970, and Dave Secrest in the May 30, 1970, issue of Business Week, discuss the prospects for reforming the House seniority system:

Reforming the House Seniority System

(By Norman C. Miller)

WASHINGTON.—The retirement of 78-year-old Speaker John McCormack at the end of this year will remove the prime symbol of the Old Guard in the House of Representatives. But more than a change at the top will be necessary to alter the basic power structure in the tradition-bound House.

Reform of the hallowed seniority system will be necessary before fundamental change occurs. The real power in the House is held by the committee chairmen. And as long as their positions are protected by the rigid seniority custom, strong-willed chairmen can wield their power with little regard for the desires of their junior colleagues—or the Speaker, whoever he may be.

Thus, for years the Southern Democratic conservatives who control major House committees have blocked or created great difficulty for legislation the party's liberal majority professes to favor. Speaker McCormack, though he espoused an old-style liberalism, gladly allowed this anomalous situation because the Southerners helped elect him. And the heir apparent to the speakership, Carl Albert, could turn out to be equally weak in dealing with chairmen. The 62-year-old Oklahoman certainly has shown no eagerness as majority leader to upset the established system.

PRESSURE ON MR. ALBERT

Nonetheless, the prospective change in the Democratic leadership gives a powerful impetus to the heretofore low-keyed effort to reform the senority system. As the front-runner for the speakership, Mr. Albert will come under extreme pressure from the reform-minded Democrats to accept their ideas. And for the No. 2 job of majority leader, the reformers have a good chance to elect one of their own. Liberal candidates James O'Hara of Michigan and Morris Udall of Arizona both say they want to make committee chairmen more responsive to the party majority.

Moreover, junior House Republicans are mounting a reform campaign of their own The GOP leadership has already given its blessing to a study of the seniority issue by a party committee that's dominated by reform-minded members. The fact that reform forces are active in both parties creates a competitive climate in which meaningful reform becomes more likely.

To be sure, there's scant chance that either party will decide to junk completely the time-honored method of selecting chairmen solely on the basis of length of Congressional service; seniority doubtless would remain a factor in the selection of chairmen. Nor would one party's overhaul compel the other to follow suit. In both parties and in both houses of Congress, although the seniority system is only a custom and not a rule, it is deeply ingrained, and it will not be modified easily.

The inflexibility breeds bitterness among the invisible junior members in the 435-seat House. Third-termer James Scheuer, a 50-year-old Democrat, voices the frustration of many in both parties:

"This Congress abounds in capable men in their 30s and 40s and 50s, but they are smothered by the dead hand of those born in the last century."

Indeed, nine of the House committee chairmen were born in the 1800s, and the average age of all 21 chairmen is 68, while the average age of all the House members is 52. This generation gap rankles the relative youngsters because the power of a committee chairman is enormous. He fosters or stifles legislation and investigations, and the final product frequently bears his name. He is fawned on by the news media, and Presidents seek his counsel.

MR. WALDIE'S FRUSTRATION

The angry frustration of a 45-year-old Democrat, Jerome Waldie of California, finally brought the long-simmering seniority issue to a boil last February. Declaring his disgust with the "unresponsiveness" of House Democratic leaders, the audacious third-termer urged the party caucus to vote a lack of confidence in Speaker McCormack, who was then professing determination to stay in office. The Waldie motion was resoundingly quashed, but the dramatic rebellion against the party's elderly leader spurred moderate reform forces into action.

Leaders of the Democratic Study Group, a loose alliance of more than 100 liberals, began pressing for establishment of a party committee to study the seniority issue. While the Democrats debated, junior Republicans persuaded their leaders to seize the initiative and appoint a study committee of their own. Under pressure, Democratic leaders then acquiesced in a seniority study too, and the party caucus gave its approval in March.

Thus the machinery for possible reform by the Democrats was cranked up well before the McCormack announcement. The party's 11-member study committee is broadly representative, from fiery freshman Shirley Chrisholm of New York to a pillar of the House establishment, Olin Teague of Texas. The committee chairman, Julia Butler Hansen of Washington state, is widely respected, and she promises an "open-minded" study. Reform Democrats are confident that the committee will make its report in time for decisive action at the January caucus in which the new Congress will be organized.

But the reformers' high hopes hardly foreordain certain change, particularly so long as the Democrats control the House—as they have since 1955. The typical House Democrat has learned to live under the smothering hand of his elders, abjectly grateful for the crumbs they drop in the form of subcommittee chairmanships, meanwhile creeping up the seniority ladder; death or retirement will empty the committee chair eventually.

Southern Democrats benefit the most from seniority, acquiring a disproportionately high share of chairmanships because their one-party districts give them lifetime tenure. The Southerners will use all their considerable skills to maintain the power they have employed so often to thwart the Democratic liberal activists.

The Democratic Study Group, after analyzing votes on 30 key issues in the last Congress, has reported that nearly one-third of the committee chairmen voted more often with the Republicans than with their own party. Named as "opposition chairmen" were such strategically situated Southern Democrats as William Colmer of Rules, George Mahon of Appropriations, Wilbur Mills of Ways and Means and Mendel Rivers of Armed Services.

The Democrats' stake in the status quo, notwithstanding the rebels in their midst, makes some think the Republicans are the more likely reformers. The GOP's elders might well resist any proposals for change, but on the whole the House Republicans are more receptive to new procedures. The reason is basic: Almost half the Republican members have served only three terms or less and thus have no vested interest in seniority. (More than two-thirds of the Democrats have served four terms or more.)

A CAMPAIGN ISSUE

Republicans, moreover, see a potential campaign issue in seniority. Second-termer Paul McCloskey of California, in a letter earlier this year to GOP House leaders, said that pledging Republicans to reforming the seniority system "would enable us to capitalize on the serious vulnerability of the Democratic leadership's age and unresponsiveness to the problems of the '70s." The Democrats could still be vulnerable to such charges that they merely change leaders and don't change the system.

Just what form the change should take is an open question in both parties. The reformers agree only that they don't like strict seniority. Few would like to revert to the pre-1910 system of allowing the Speaker potentially dictatorial power to make committee assignments; nor do most members think it would be practical to let everyone compete for chairmanships, which could lead to chaotic electioneering and logrolling. Most reformers appear to favor something between strict seniority and these extreme alternatives.

At this point, the details are not as important as the change in climate. For the many House members no longer willing to wait on a system geared solely to longevity, a real opportunity has arisen at last to achieve reform.

[From Business Week magazine,
May 30, 1970]

Government—Taking the Creaks Out of Seniority

"Even societies that worship their ancestors don't automatically put them in charge of their Armed Services Committees," protests freshman Representative Allard K. Lowenstein (D-N.Y.).

Like Lowenstein, who is 41, the younger members of Congress have complained for years about the traditional seniority system that automatically elevates inept as well as capable legislators to power on the basis of sheer durability and a safe district. In a nation increasingly absorbed with the problems of youth and social change, the critics view the domination of Capitol Hill by elderly men with growing alarm.

While the retirement of 78-year-old House Speaker John W. McCormack may help assuage the criticism, it still leaves Congress with three committee chairmen over 80 and seven over 70. But, to nearly everybody's surprise, some changes may be in the making.

Both Democrats and Republicans have set up task forces to review seniority and make recommendations before the Congress next January. Nobody expects any revolutionary changes; in some form or other, the basic principle of seniority will be maintained. But even a partial breakdown would chip away at some of the fiefdoms that dominate Congress.

Power plays. With their chairmanships safe from almost any attack, senior members swing inordinate power. They can usually keep bills they do not like from getting any real hearing or can push through those they do like. Since committee members are beholden to the chairman for such favors as subcommittee chairmanships, they are unlikely to dissent on any but the most critical matters. Pressure groups that can keep a chairman in their camp usually have little to fear from a committee. The House Commerce Committee, for instance, rarely approves any legislation that the broadcasters oppose. The Public Works Committee responds far more readily to the highway lobby than to urban planners.

The seniority system is particularly grating in the House. The Senate, with virtually open rules, is already fairly free-wheeling; committee bills often are rewritten on the floor. In the House, though, the chairman may preside over a cozy little dominion. He is usually backed by the Speaker as a matter of principle—and there is little reason to expect Carl Albert of Oklahoma to buck the chairmen when he becomes Speaker any more than McCormack did. Committee bills sometimes go to the floor with no amendments permitted and debate strictly limited. Panels such as Armed Services and Appropriations, whose chairmen have enormous power to affect projects in other members' districts, are seldom reversed by the House.

But the creation of the machinery for reform has now given the frustrated junior members reason to hope that change is on the way. The task forces can hardly report to their party caucuses that they find the system just dandy as it is. And both groups are headed by moderates known to favor some bending of the seniority line.

"We'll do something about seniority," says Representative Julia Butler Hansen (D-Wash.), who heads the Democratic task force. Mrs. Hansen, who is 62, is hardly a rebel. In seven terms in Congress, she has never been a crusader for institutional reform. But a friend quotes her as feeling that "senility, secrecy, and seniority" are problems Congress must deal with.

The head of the GOP task force, Representative Barber B. Conable, Jr. (R-N.Y.), is one of the newer breed—47, a third-termer, protégé of GOP leader Gerald Ford, and a hard-working member of Ways & Means. He senses "quite a bit of ferment" about the system, "and we don't have the hangups about preserving seniority that the Democrats have."

But the argument for reform is especially strong within Democratic liberal ranks. Seniority gives disproportionate power to Southern conservatives. Almost half the committee and subcommittee chairmanships are held by members from 14 Southern and border states. "Most chairmen are products of either the courthouse politics of the South or the machine politics of the North," complains Representative Henry S. Reuss (D-Wis.).

The system has its staunch defenders, of course. They cite, especially, the political favor-swapping that would enter into any system of electing chairmen. They assert that chairmen now can stand up without fear against the increasing powers of the Presidency. And seniority supposedly assures that a legislator will at least learn the subjects his committee deals with before he gets to be chairman.

Most people assume that the seniority system, entrenched as it is, must be rooted in the rules of Congress and difficult to overthrow. In fact, it has no authority other than tradition. Either party can abandon it by a majority vote of a full-party caucus and choose chairmen some other way.

OPTIONS

The task forces are studying a number of options. If they get to the heart of the matter, they will go for some procedure to permit either the committees or the party caucus to elect chairmen. Most suggestions would give the senior member first crack. If he were rejected, the slot would be open, with perhaps the next most senior member up for a shot at it.

The most reform-minded lawmakers prefer the full-party vote. Mrs. Hansen doubts the majority of Democrats would go that far, but she thinks they might opt for "some kind of ratification." This could mean that the party leaders, or some select committee, would nominate a new chairman if the senior member were turned down.

Other suggestions would simply put some limits on chairmen—rotating the job among a panel's top three members, an age limit, or a limit on the years one man could serve.

Another frequent suggestion is that members be restricted to one committee or subcommittee chairmanship, giving more young members a crack at power. Today, multiple chairmanships abound. Representative F. Edward Hebert (D-La.) heads four Armed Services subcommittees. Wright Patman of Texas heads Banking & Currency, three subcommittees, and the Joint Economic Committee every other term.

Mandate. The task forces could also simply limit chairmen's powers by permitting a majority of any panel to call a meeting when the chairman refuses. But task force members feel their mandate goes beyond that.

"Seniority has become a symbol of Congress' alleged unresponsiveness," says Representative Clarence J. Brown (R-Ohio) of the GOP task force. "We'll make some specific suggestions for change because we sense real discontent with the present system."

A NEW BREED OF IN-HOUSE EXPERT

When Congress finally gets around to overhauling the seniority system, the breed of lawmaker most likely to take over will be the legislative technician—the specialist—rather than just a younger edition of the cloakroom wheeler-dealer who dominates the scene today.

The trend toward specialization has been quietly gaining momentum for years. This is particularly true in the House, where 435 members strive for reputations and power within the framework of 16 principal committees.

Traditionally, specialization has gone hand-in-hand with the power built up through seniority; a congressman tended to focus on the subject matter of the committee where he landed, or on the special interest of his constituents. Recently, two things have given the trend a healthy shove forward—and in a different direction. One is the increasing and more complicated volume of Congressional business. The other is the militance of younger members, many of whom arrive with the desire and background to take a leadership role in legislation right away.

The reasons for choosing a specialty are as varied as the subjects. Representative James T. Broyhill, a Republican, started delving into cable television's potential, he says, "because my district in the mountains of North Carolina can't get good TV reception."

Representative Williamson Stuckey, Jr. (D-Ga.), has become the chief spokesman of the mutual fund industry in the Commerce Committee, though he is only in his second term. "It was the first bill I could get interested in that was major legislation. I thought the funds were getting a raw deal, so I got in," he says.

Representative David Pryor (D-Ark.) recently made national headlines with his exposé of nursing home standards. He based his findings on visits he made, disguised as an attendant, to a number of rest homes.

Representative Morris Udall (D-Ariz.), an outspoken reformer, says specialization will give the younger members "a piece of the action."

"This is where we in the House have it all over the Senate," says Udall. "A senator has to serve on six committees and maybe 20 subcommittees. There is no reason why a freshman member of the House can't become the leading expert on a subject in his first term."

WINDS OF CHANGE

So pervasive is the trend toward specialization that even members of the House establishment applaud it. Representative Hale Boggs (D-La.), who doubles as majority whip and as a member of the Ways & Means Committee, says that "a man coming up here for his first term should be prepared to specialize or he shouldn't come at all. . . . The day will come when men will run for Congress pointing to the skills they have already—in engineering or science, say—and to what they will do with those skills in Congress."

The day may be here already. In March, the famous oceanographer Athelstan Spilhaus announced he was running for Congress as a Republican from Florida. The 58-year-old retired professor said that he would stress his work with Presidential science commissions and his expertise in pollution control and resource uses of the ocean.

CHOICES

A specialty may not be that easy to come by for every new member of Congress. Skills developed in private life or in state politics may be blind alleys for an ambitious new arrival.

But focusing on an area outside one's training can be rewarding. Representative Jack Brooks (D-Tex.), a newspaperman and lawyer, was an early advocate of computer time-sharing by government agencies. Now, as chairman of the Government Operations subcommittee on government activities, Brooks is the House's resident expert on the future of computerization. "Folks back home may not know too much about computers, but they can sure understand when you save hundreds of millions of dollars in tax money by using them," says Brooks. "And you can be sure I let them know."

Representative Joseph Karth (D-Minn.), was a semiskilled laborer who became a national union organizer and chairman of the labor committee of the Minnesota state legislature. Now the leading expert on space science research, Karth credits his college engineering studies, which were interrupted by World War II, and "a lot of midnight oil," for his reputation.

"Sure, I wanted to get on Education & Labor when I came here, but there wasn't room and someone had to go on Science & Astronautics," Karth says. "It's been hard, but I've gotten a great deal of satisfaction out of learning something new."

ON THE VANISHING MIDDLE

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1970

Mr. EDWARDS of California. Mr. Speaker, to those who think they know which side they are rooting for in the struggle between "left-wing anarchy" and "right-wing repression," I commend the thoughtful editorial from today's Washington Post, which points out quite rightly that the distinction between the two sides is a "distinction without a difference." To embrace either is to embrace a loser. The editorial follows:

THE IMPORTANCE OF THE PEACEABLE PEOPLE

"One might suppose that as extremists become increasingly inflammatory, moderates would close ranks and oppose them. But just the opposite is occurring. The moderates begin to take sides against one another. . . . Lest this give the impression that moderates are victimized, let it be said at once that most of them have a secret complicity in the activities of the extremist. The moderate conservative does not explicitly approve of police brutality, but something in him is not unpleased when the billy club comes down on the head of a long-haired student. The liberal does not endorse violence by the extreme left; but he may take extreme pleasure in such action when it discomfits those in authority."

The observation comes from the text of an undelivered speech by John Gardner, parts of which were printed on this page a while back. About the same time—on the heels of the Kent State killings—a long and exceedingly wise editorial in the Wall Street Journal made a number of similar points. It turned a shaft of light on the intellectual acrobatics of those who know better but who still manage to condone the brutalities of the violent left, and it was equally unsparing of those—who also know better—who cannot conceal a degree of brutish joy when the violent left meets violent counterattack. Since then we have had, in addi-

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tion, Sen. Margaret Chase Smith's perceptive and moving appeal to the same persons, based on the same analysis of where the real danger lies in our present social chaos:

"It is time that the great center of our people, those who reject the violence and unreasonableness of both the extreme right and the extreme left, searched their consciences, mustered their moral and physical courage, shed their intimidated silence, and declared their consciences. It is time that with dignity, firmness and friendliness, they reason with, rather than capitulate to, the extremists on both sides—at all levels—and caution that their patience ends at the border of violence—and anarchy that threatens our American democracy."

Both Mrs. Smith and the Wall Street Journal warned—accurately in our opinion—that anarchy on the left will beget repression from the right and that in any ultimate conflict between the two, repression is likely to prevail.

There are several things to be said about all this, and the first, in our view, is that these sensible, anguished voices are speaking truth—and they are speaking it in a disinterested, and therefore most compelling, way. Sen. Smith and Mr. Gardner are Republicans, and the Wall Street Journal is constitutionally conservative in outlook. Yet in none of their warnings concerning the radical students is there even the most faintly perceptible sound of a grinding ax. For these are not contestants in a national street-fight, contributors to our chaos who announce from on high that they see no reason to "lower their voices" or stop "shouting fire" until Jerry Rubin does. They do not view themselves that way. They are too repelled by the incivilities on all sides to undertake to manufacture more, and they have properly fixed their attention on the people in the stands—the nation's moderates, left and right, who are only tangentially involved in the fist-swinging and name-calling—as holding the key to how the thing comes out. "The notable fact about civil tumult today," John Gardner said, "is not that a few fanatics start it but that larger numbers of peaceable people tolerate it and lend themselves to it." The most "worrisome thing in the [New York hardhats] episode," the Journal observed, "was not violence by the workers but the cheering and confetti-throwing by the crowds of presumably respectable citizens."

We expect that if Mrs. Smith or Mr. Gardner or the editorialists at the Journal were asked whether they could not go back through the past few years and identify moments and moods in which they themselves had taken a mental short-cut or two in these matters, they would reply that they could. We know that we can. For it is characteristic of situations such as that to which this country has now come, that people and groups of people don't march into them in phalanx formation, eyes ahead, all self-aware: rather they slip into them, a bit at a time, sideways. And surely anyone who is honest knows why. There are, first, predispositions and perspectives that simply allow each of us to take some acts of violence seriously and not quite focus on others, perhaps for unwitting reasons of political or emotional convenience. Witness the outcries about the hardhats on the part of people who could view more (politically) congenial bashing with relative calm; and witness the outrage expressed over left-wing inspired bombings by people who didn't and don't give a damn that hundreds of Negro churches and homes have been bombed and/or burned in the South in recent years. There is, again, beyond the problem of perspective, the very real effect of the cross-tug. One talks with a student who is touching and makes sense, a shopkeeper whose view is no less affecting or persuasive, and it's all a bit like the war in Vietnam and people's reaction to it: only those who are not aware of their own limitations can find their way through all the complexities and uncertainties and mutually cancelling truths of our social turmoil without doubt or inconsistency. So one day you're enraged and the next day you're mild and the day after that there is something else on your mind. And meanwhile it all gets worse—imperceptibly at first and then perceptibly. Around that time, if a nation has any luck at all, people like those we have cited will blow the whistle.

What should be plain to all of us by now is that the tired old locutions and debater's points don't constitute a worthy response—the so's-your-old-man line of reasoning that condones, or at least accepts, unspeakable acts on one side on the grounds that the other side has been even more unspeakable. There is another, less crude and infinitely more insidious response that Mrs. Smith's allusion to the Joseph McCarthy years got us to thinking about, and it too seems a good candidate for extinction—namely, the sentiment (never quite put in those historically fraught terms) that exculpates student and other violence on the grounds that one agrees with their objectives but does not approve of some of their tactics. For just as it was the last time around, tactics and objectives are inextricably bound together in this affair. Anyone who believes it is of no consequence that buildings are burned or bombed or that people are harmed or brute force exerted in the name of stopping the violence in Vietnam, plainly does not know what is wrong with the war there. And anyone hoeing a different political row, who believes it is acceptable for policemen or Guardsmen to gun down unarmed students or Black Panthers or rioters, does not know what is wrong about the campus or black violence he purports to deplore and similarly disqualifies himself as credible critic.

What Sen. Smith and Mr. Gardner and the Journal (and, we should add, a number of other voices) have done is to give meaning and illustration to that mindstopper "polarization," which they have wisely identified with the ungenerous new emotions of both the moderate right and left—the vanishing middle. We would add one point to their arguments, and, roughly, it is that there is nothing to "polarize" about. For it is true, in practical political terms, that a distinction can be drawn between "left-wing anarchy" and "right-wing repression," that the latter will tend to prevail in any broad-scale conflict, and that neither can, by its nature, win anything much worth winning in the end. But in another and maybe more important sense, it is a distinction without a difference. Surely those so-called "anarchists" of the left—the shouters-down and seizers and bombers—are in fact repressors. And surely "repression" in the form of extra-legal police violence or hardhat rampaging is of a piece with anarchy so far as its effect on order, law, and authority is concerned—*is* anarchy, in fact. The first is no suitable refuge (even at second hand, from the stands) for people of the left who fancy themselves free spirits. The second is no suitable refuge for people of the right who believe themselves traditionalists, upholders of duly constituted order. The combatants will doubtless keep up the fighting. But isn't it time for everyone else to wonder what he is so loudly (or secretly) cheering for?

GET INVOLVED

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1970

Mr. NICHOLS. Mr. Speaker, one of the most enjoyable duties that I have as a Congressman is to deliver the commencement addresses at several high schools in my district each year. It is a pleasure to see our young people ending their high school education and going either on to college or into the business world.

This year, I was invited to speak at the Pell City High School's commencement exercises. I was particularly impressed by the valedictory and salutatory addresses delivered by members of the graduating class. Because of the timliness of these addresses and the views expressed by these young people, I would like to insert them in the RECORD at this point.

The valedictory address entitled "Get Involved" was delivered by Debra Ann Alverson and the salutatory address was delivered by Charles Dennis Abbott.

The following is the text of a speech delivered by Charles Dennis Abbott as the salutatory address for the graduation exercises at Pell City High School on Friday, May 22, 1970, at 8 p.m.:

Faculty and friends, I wish to extend to each of you the warmest of welcomes and to express our appreciation for the support and assistance that you have given us for so many years. Through our years of public education you have guided us with patience mingled with hope. Now, as we await the final steps of graduation, there are no words capable of expressing our gratitude.

We are venturing into a new world—a frightening world—a world we have had no part in creating. But we possess one great advantage over any human being in our country. That advantage is being an American citizen. We will journey along life's path with the same basic rights granted to each and every individual. How we use these rights determines our destiny.

With each right, however, there is a responsibility; and it is this burden that weighs heavily upon our shoulders—responsibility which some of us have never known. The very word frightens us. After tonight, however, we must meet the challenge, we must grow up, we must face responsibilities, and we must make our own decisions.

We will make out own decisions and we will live with the results of our choices for the rest of our lives. But we, at least, have the right to make the decisions. We are American citizens living in a free society under a democratic government—a government which cannot exist without rights, responsibilities, and decisions. Human sense is still the lifeline of this great country even though we do live in an age of mechanized brains and computers. Indeed, this country is run on "the will of man."

And in the same sense our society thrives on "the will of man." Our country can only be as great as we want it to be. Our rights and responsibilities can be fulfilled only if we want to fulfill them. And, more importantly, our future lives can only be as good as we wish them to be. We, as Americans, possess the rights and abilities, and it is our duty to our country and to our personal lives to use them.

Through our basic training in high school we have learned to forgive, to share, and to possess. But most importantly, we have learned to become involved—involved in pep rallies, sports events, school elections, and many other extra-curricular activities. This involvement has helped us to realize the democratic way of life: this life of "better to give of yourself than receive." This admonition of being an American with rights and responsibilities, this thought of being a *part* of a country, a state, a city, and even a school. We are ready to meet the challenge, and I think we will succeed. And so it is tonight that I, as do the other Seniors, welcome you "on the first day of the rest of our lives." Thank you.

The following is the text of a speech delivered by Debra Ann Alverson as the valedictory address for the graduation exercises at Pell City High School on Friday, May 22, 1970, at 8 p.m.:

GET INVOLVED!

When Nathan Hale said, "I regret that I have but one life to give for my country," he became involved. When George Washington consented to serve as President of a newborn nation, he became involved. When Franklin D. Roosevelt began to jerk the American economy out of a severe depression, he became involved. When Ralph Nader acted as self-appointed overseer of consumer interests, he became involved. When Richard Nixon decided to send United States troops into Cambodia to stamp out the kindling fires of Communist takeover there, he became involved. Can we, as United States citizens, do any less?

It is so easy to become *un*involved. It is possible to lie on one's living room couch, exclaim over the horrors of war as reflected on the newsreels, push a button on the automatic channel changer, and watch reruns of the "I Love Lucy" show. Or, one could listen to reports of highway fatalities on the radio, and then search for another station that is playing the latest "Three Dog Night" record. Or, perhaps upon scanning the front page of one's newspaper and reading of a violent demonstration, one quickly flips through to find the funnies. And, upon arriving at one's favorite swimming spot at a lake or stream and finding the stench of pollution unbearable, it is possible to merely begin swimming at a public pool. But, these and other problems confront people every day, and I contend that it is not right to assume a passive attitude toward them. In order for these or any other problems to be solved, someone must be interested in solving them. Someone must be involved!

To be involved does not necessarily mean to picket the city hall daily or to take part in a demonstration at the local university, but it does mean to be concerned with things which happen in one's own community and in the world also. We, who are almost high school graduates, have a responsibility to learn what we can about world, national, state, and local affairs because in approximately three years, we will have a voice in them. A citizen who does not bother to care about the problems surrounding him is not a very effective voice in choosing the right officials and in making the right decisions. An informed citizenry is the key to an effective government, and an informed citizenry is one which is concerned, knowledgeable, and, above all, involved.

I've mentioned the word "involved" many times, but perhaps some are asking the question "What is she talking about? How can I become involved in anything?" I submit to you that "involved" covers a wide range of meaning. For the past twelve years, all of us have been involved in the take of obtaining a high school education. But, after this night, the paths of our lives will divert in many different directions, and we will no longer be known as a senior class but as 138 separate individuals. Some of us are going to college or trade schools; others are beginning to pave their own way in life by holding a job; still others have chosen to be married. But, no matter what path we choose, each of us has the responsibility of recognizing problems which are around us and doing our best to correct them. However, before deciding whether or not to be involved in a certain problem, it is imperative that one think about every aspect of that problem, weigh the pros and cons in one's mind, and act upon his decision only when he feels very deeply in his heart that his decision is right. After deciding to become involved, his actions *must* be constructive; the actions of the men fighting in southeastern Asia is constructive; lying down in the streets is not. Forking out a few extra tax dollars to fight the pollution of our environment is constructive; protest rallies are not.

In conclusion, I would like to say that each of us has a responsibility to ourselves, our community, and our country. This responsibility is to be aware of the problems around us, to be concerned enough to search for a solution to these problems, and to be involved enough to be willing to work toward the correction of these problems. In other words, get involved.

WIDOWS OF MILITARY MEN NEED ADDITIONAL BENEFITS

HON. WALTER S. BARING

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1970

Mr. BARING. Mr. Speaker, I wish to insert in the RECORD today an editorial that appeared in the Fallon Eagle Standard in Fallon, Nev., April 14, 1970, wherein our colleague in the House of Representatives, Representative CHARLES GUBSER of California's 10th District, is noted as having introduced a bill to provide for military retirees to receive the same survivor benefits that are offered to civilian Federal retirees.

I wish to be on record as in support of such legislation and urge my colleagues in the House to put their support behind this measure, H.R. 6226.

Following is the editorial:

MILITARY WIDOWS SAID TO BE "LEFT HOLDING THE BAG"

The Fleet Reserve Associaton fights for Widow's Equity. What do we mean by the Widow's Equity Bill?

The widows of retired military personnel are really left holding the bag. By this I mean, upon the death of a retired member, the pension that was being received by the retired member is cut off at the time of his death.

The widow of a retired military man is the only widow who does not receive an annuity based on her husband's retired pay. Many believe the retiree's pension will continue after the retiree's death. This is far from the truth. This is a cruel inequity and should be corrected. The Fleet Reserve Association, an organization of more than 75,000 career Sailors and Marines, has launched an intensive legislative program to correct this inequity. The FRA has conducted a comprehensive, eighteen month study of Survivor Benefit Programs offered to the Government and Private Enterprises. The FRA has drafted Corrective Legislation which provided for military retirees to receive the same survivor benefits that are offered to Civilian Federal Retirees. This bill was introduced by Representative Charles S. Gubser of California's Tenth District, on February 5, 1969. H.R. 6226 is now before the House Committee on Armed services.

The principal of the bill is widely supported by members of the house, including Chairman L. Mendel Rivers.

Under the provisions of H.R. 6226 the widows will receive no more than widows of Federal Civilian retirees are receiving. To get the benefits they should be receiving now H.R. 6226 should be enacted into law immediately.

Career Sailors, Marines, and Retirees of both services should join with our shipmates, both locally and nationally in gaining support for H.R. bill number 6226 your Widow's Equity Bill.

THE CLAUDE GARRETT SOCIETY

HON. RICHARD FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1970

Mr. FULTON of Tennessee. Mr. Speaker, the old Chinese proverb which teaches that "a journey of a thousand miles must begin with the first step" is being put into practice by a group of very civic minded citizens of Goodlettsville, Tenn., in their efforts to combat pollution.

Through a new organization known as the Claude Garrett Society has no dues but requires only that members actively engage in an antilitter campaign by picking up at least five pieces of litter daily.

The Goodlettsville Gazette recently carried an account of the new organization and how it functions. I insert the article from the Gazette in the RECORD at this point:

CLAUDE GARRETT SOCIETY FORMED

A positive approach to the pollution problem was initiated today in Goodlettsville, by a new society known as the Claude Garrett Society. There are no dues. To be a member a person simply has to sign the pledge with any of the officers of this society, and if he will be positive in his fight for cleanliness as far as he is personally concerned. The society was named the Claude Garrett Society because of Garrett's constant picking up of litter and debris in order to make Goodlettsville cleaner. It was pointed out that when one of Goodlettsville's most prominent and beloved citizens takes time from his busy activities and his work in order to make the City of Goodlettsville a cleaner city that was a good name for other businessmen and citizens and students of the Goodlettsville area.

The program in its beginning stage is quite simple, not only will the members not pollute nor defile nor litter the area, but they will engage actively in pledging to themselves and to each other that they will pick up five (5) pieces litter daily with Sunday being excepted and deposit same in a trash can or waste basket. This is the first positive approach to this problem without engaging in just rhetoric and talking or telling the other man what he can do, but actually doing yourself.

The new officers of the society are L. Kenneth Johnson, a local attorney, President; Frank R. Tinnon, owner of Matt Thomson Realty Company, First Vice-President; Thurman F. Brooks, owner of Brooks' American Service Station and Councilman, Second Vice-President; Dr. James King, owner Acme Pharmacy, Third Vice-President; Charles Prentice, Fourth Vice-President; Sarah Crabtree, Secretary-Treasurer.

Frank R. Tinnon, First Vice-President, pointed out that all civic organizations and churches are asked to support this worthy program as it costs nothing and will pay great dividends in beautifying our area, and there is no telling where it might stop. He further pointed out that he had already secured a stick with a nail in it in order to help him in picking up debris.

Those wishing to join this worthy enterprise may turn their name in to any of the officers of the society as aforementioned, or churches or local civic organizations can simply draw up a paper wherein the people agree to pick up five (5) pieces of litter a day and not to litter. These papers will be turned in to the Secretary.Treasurer, then they will be enrolled as members of the Claude Garrett Society.

The President, L. Kenneth Johnson, pointed out that they would appreciate hearing any further suggestions as to how we might make our area cleaner and more beautiful, and that they hope that this is only a small beginning for a great enterprise headed in the right direction, based upon personal initiative and headed in a positive way toward the goals of our country and community.

L. Kenneth "Ken" Johnson, president of the Claude Garrett Society, said he had received suggestions that an area in particular need of cleaning up is that coming off the interstate into Goodlettsville.

It was suggested that many members of the Claude Garrett Society who are walking for health or for other reasons, direct their walking activities to this particular area to clean it up pointing out it would be a healthy and good presentation of the City of Goodlettsville to prospective home-owners, buyers, etc. It was also pointed out that the Goodlettsville Plaza area has a great deal of litter on the outside edges that need to be cleaned up, and particular attention is directed to members of the society to pick up debris in this area, if convenient.

It has, also, been suggested during the past week that an award be given to the neatest and cleanest business and the neatest and cleanest residence and the most improved business and residence. Any other comments or suggestions will be welcomed by any officer of the society. These suggestions should be turned in to Sarah Crabtree, secretary-treasurer.

Mr. Speaker, a very important aspect of the activity of the Claude Garrett Society in addition to the fact that it is going to reduce litter and the unsightliness caused by litter, is that it initiates very positive personal commitment to doing something about the pollution problem. If an individual takes the time to pick up five pieces of trash daily he is going to become very much aware of and concerned about the larger and more difficult aspects of environmental pollution. This in turn can lead to a very positive commitment on a much larger scale to put an end to this blight and restore quality to our environment.

Mr. Speaker, the city of Goodlettsville within Metropolitan Nashville-Davidson county, is my new home and I am extremely proud to live in a community with conscientious neighbors and fellow citizens who are actively engaged in improving their community on a day-to-day basis.

RESULTS OF QUESTIONNAIRE

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to place in the CONGRESSIONAL RECORD the tabulated results of my questionnaire I mailed to my district this spring:

[Public document—official business]

HOUSE OF REPRESENTATIVES,
Washington, D.C.

DEAR FRIENDS: Here is the copy of my questionnaire I mailed to you this spring.

As we are entering the 1970's, it is generally agreed by our U.S. citizens that there must be a re-ordering of national priorities for this decade. We must set 10 year goals and work toward new national achievements. The American people and both parties realize this.

These government policies will have great effect on the lives of each of us, our families and friends—even determining the security of the American people and the directions of our national progress.

At the close of the 60's we should not forget, with all our problems and divisions among our people, the tremendous advances that the USA has made. We have learned what we can do when we in the US organize our brains, management, our scientists, engineering and technical skills for the Apollo lunar programs. We Americans did beat the USSR in the moon race—we all should be very proud of our US astronauts and each US citizen for this unbelievable accomplishment of the absolutely perfect Apollo 11 and Apollo 12 missions. What has been learned in systems management through NASA, can now be applied to US domestic problems.

In the 70's, we must work for a sound US economy with everybody sharing in the good things and good life we can provide. Our goal must be real progress without runaway inflation, unemployment, high taxes and more debt. The Vietnam war must be brought to a speedy close, with the thanks of a grateful nation for our US servicemen and women, and their families who have served and sacrificed for our good Country with such unselfish patriotism and devotion. We must work as good citizens of the Free World and must try to avoid future Vietnams.

But how do we accomplish these things? We must order our US priorities to reach these high goals that most of us in our Congressional District are agreed on. Here is your chance to participate! As an added service to our District people, I am writing each home, asking your advice and considered opinion. The results will be given direct to you, to the President, to our US Congress and to our Pennsylvania legislators and state officials.

Please take the responsibility of making the decision on your priorities on the reverse of this sheet (even lack of answer is counted as little interest for your Ward, Boro or Township).

This is our Country—let's unite and run our Government the right way, for the benefit and opportunity for all of us—and most important, the safety and security of our families and friends, and the fine American people.

I'm proud to be an American!—and deeply appreciate the opportunity you have given me to serve in Washington as Congressman. Your interest will help me and my office give good intelligent representation.

Sincerely,

JIM FULTON.

QUESTIONNAIRE RESULTS FROM OUR SOUTH PITTSBURGH AND SOUTH COUNTY 27TH CONGRESSIONAL DISTRICT

Here are the answers and recommendations of the citizens of our South Pittsburgh and South County 27th Congressional District tabulated separately by groups. I believe you will be interested in the different positions taken by these various groups of citizens, as I have been.

Amazingly, there appears to me to be no generation gap or even a communication gap among our people, young or old. We have received more answers to this questionnaire setting our priorities for 1970 than on any questionnaire we have ever sent.

We have received an extraordinary number of replies from our high school students, and recent graduates.

Our young people in our District are really interested and want to participate actively in our government decision-making process. I welcome such a generous voluntary response and participation.

Top five priority issues

(No. 1 is highest, 2 next highest, etc.)

Registered voters:	*Percent*
1. Inflation, high price supports on food	25
2. Crime control and drug problems	19
3. Vietnam war	18
4. Tax reduction, reduced government spending	17
5. Education and vocational training	15
Other	6

Teachers:	
1. Education and vocational training	28
2. Vietnam war	25
3. Inflation, high price supports on food	22
4. Crime control and drug problems	11
5. Antipollution programs, conservation	9
Other	5

Present high school students:	
1. Vietnam war	30
2. Education and vocational training	24
3. Inflation, high price supports on food	23
4. Antipollution programs, conservation	12
5. Crime control and drug problems	6
Other	5

High school graduates of past 3 years (age 18 to 21 years):	
1. Vietnam war	35
2. Antipollution programs, conservation	23
3. Education and vocational training	17
4. Inflation, high price supports on food	10
5. Population control	8
Other	7

Lowest five priority issues (*least wanted*)

(No. 1 is lowest, 2 next lowest, et cetera)

Registered voters:	*Percent*
1. More civil rights legislation	27
2. SST program	25
3. More atom bombs	15
4. Cotton and tobacco subsidies	12
5. Busing students	10
Other	10

Teachers:	
1. Cotton and tobacco subsidies	32
2. Busing students	21
3. More atom bombs	19
4. Prayer in public schools	4
5. ABM—2d phase	8
Other	6

Present high school students:	
1. More atom bombs	33
2. Cotton and tobacco subsidies	22
3. SST program	17
4. More civil rights legislation	16
5. Busing students	7
Other	5

High school graduates of past 3 years (age 18 to 21 years):	
1. More atom bombs	34
2. ABM—2d phase	24
3. Busing students	14
4. Cotton and tobacco subsidies	11
5. SST program	9
Other	7

Most opposed programs (on this question most people simply stated they opposed three to five programs without stating their preference)

Registered voters:	*Percent*
1. More atom bombs	80
2. Vietnam war	80
3. Increased Federal debt	79
4. Cotton and tobacco subsidies	79
5. Busing students	78

Teachers:	
1. Cotton and tobacco subsidies	67
2. Busing students	58
3. More atom bombs	57
4. Vietnam war	46

5. Government guaranteed annual income	46
Present high school students:	
1. Vietnam war	59
2. More atom bombs	57
3. Unemployment	49
4. State income tax	39
5. More civil rights legislation	35
High school graduates of past 3 years (age 18 to 21 years):	
1. More atom bombs	73
2. Busing students	64
3. Vietnam war	56
4. State income tax	49
5. ABM—2d phase	45

REMARKS OF CONGRESSMAN JOHN H. DENT, DEMOCRAT, OF PENNSYLVANIA, AT AFL–CIO MARITIME TRADES DEPARTMENT LUNCHEON

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1970

Mr. DENT. Mr. Speaker, under unanimous consent, I include the following address I made to the AFL–CIO Maritime Trades Department luncheon on June 10, 1970:

REMARKS OF CONGRESSMAN JOHN H. DENT, DEMOCRAT, OF PENNSYLVANIA, AT AFL–CIO MARITIME TRADES DEPARTMENT LUNCHEON

It is always a pleasure to come back to one of these Maritime Trades Department luncheons—because this is one of the groups that fully appreciates the message that I have been trying to get across to the American people for years: The message that we have been cutting our own economic throats in this country by knuckling under to the competition of foreign industry.

You, in the maritime industry, are acutely aware of what damage this cutthroat competition can do. You have seen American imports and exports increasing at dramatic rates over the past several decades—and, at the same time, you have seen your share of this business decline at an alarming rate.

One of the things that must hurt the most is the knowledge that a large share of this unfair competition has come from some of your fellow citizens—from the American-owned shipping companies which have built, registered, and manned their vessels in foreign countries, and then have cynically turned around and competed for American cargo. These companies have profited unconscionably by taking bread out of your mouths.

As I have said, this is an old issue—and a sore one—with the maritime industry. I am pleased that you long ago enlisted in the battle to put an end to this runaway-flag menace to America's economy and to her ability to defend herself in time of crisis. You, in the maritime industry, and I are old allies in this fight—reaching back to hearings which I first chaired in 1962, and to even earlier efforts on both our parts to put an end to the rising tide of foreign competition which poses such a threat to our Nation.

I also know that your concern about this issue extends beyond your own industry—that you are involved in the larger fight to see that our trade with foreign nations is conducted on a basis that is fair to American industry, fair to American workers and fair to the American economy. I applaud the efforts of the Maritime Trades Department, and its affiliated national and international unions, to focus the spotlight of public opinion on the unfair tactics used by foreign industry—aided and abetted by foreign governments—as the first step toward enactment of corrective legislation.

And let me emphasize that the proper word is "corrective," and not "protective," as some people charge. Foreign governments provide incentives for their industries engaged in world commerce, and they provide safeguards against competition from other nations. This is particularly true in the maritime industry, which other countries underwrite in countless different ways, so that it can cut the price of shipping cargo, and thus attract business to its fleet. It is about time that we showed the same concern in this country—not only for our merchant fleet but for all American industries which have to compete in the world marketplace to stay alive and to stay healthy.

This is the reason why I supported so enthusiastically the Merchant Marine Act of 1970, which passed the House by a margin of 307 to 1 last month, and which is now awaiting action by the Senate. At the root of that legislation is a determination—long overdue—to make the American merchant marine competitive with foreign shipping.

This legislation has an enormous potential. It opens the way to putting the American flag back onto the high seas—and we all know that we have been virtually driven off the world's sealanes by ships flying the flags of other nations. It opens the way for reducing the soaring deficit in our international balance of payments. Dollars that are spent to haul cargo to and from the United States in foreign bottoms are dollars that are taken out of our own economic stream. By making the American-flag fleet competitive, we will be plugging one of the leaks that are causing this dollar drain.

It opens the way for bringing back under the American flag the ships that now fly runaway flags. The return of the cargo-carrying capacity of these vessels will mean more jobs for seafarers, more profits for American business, and more tax dollars for the United States—and these dollars, in turn, can be put to work building more ships in American shipyards, and that will lead to more jobs in shipbuilding and steel plating and in a variety of other domestic industries, and still more profits for American business and more tax dollars for the Federal Treasury.

For 3 years, the spiral has worked the other way. We have exported seagoing jobs, business profits, and tax dollars, and this has caused a lessening of demand, jobs, profits, and tax revenues in all of the supporting industries and services upon which shipping and shipbuilding rely.

I would have preferred it—and I know you would have, too—if this legislation had slammed the door on the runway-flag operations immediately. But I also know—and I trust that you are also aware—that it would have been unrealistic to expect that an arbitrary end to the runaway operation could have worked.

If we had issued an ultimatum to the runaway operators, telling them to either give up their foreign holdings immediately, or else give up any chance to be eligible for the benefits that are available under this new program, their answer would have been emphatic: Given that kind of "either-or" choice, they would have gone foreign, and stayed foreign—and we never would have put an end to this runaway situation.

Let me tell you why I say that:

The runaway situation did not "just happen." To a large extent, it was a creation of the U.S. Government. At the end of World War II, the Government was so anxious to dispose of the huge wartime fleet that it encouraged many operators to buy these ships at bargain-basement prices and register them under foreign flags. The Government went further—by amending the Internal Revenue Code to specifically exempt the profits of these runaway shipping operations from American taxes. And the Government had created the climate that made all of this possible by the way in which it limited benefits under the Merchant Marine Act of 1936 to just a handful of American shipping companies. Since the 14 subsidized companies were the only ones which could possibly compete with foreign-flag operations, that act, alone, forced scores of American companies to use the foreign-flag device—with its cheap foreign building costs, its cheap foreign labor costs, and its great tax advantage—in order to stay in business.

Congress is finally doing something about this. The bill passed by the House extends the benefits of our merchant marine program to all operators, in all segments of the industry. For the first time in our history, we are proposing that all elements of this industry be treated fairly and equitably.

That is a powerful incentive to attract the runaway shipping operations back to the American flag. But you have to apply some test of reasonableness to this move, because, as you know, the runaway operators have substantial holdings, and a share of their present operations is composed of relatively new ships. An operator is unlikely to scrap a ship which still has economic life left in it—particularly when he knows that it will take years before the program now working its way through Congress will become fully effective and completely implemented. And an operator is also unlikely to sell a vessel which still has economic life left in it—because that vessel would then remain in the trade, competing with him for the cargo that moves between this country and other countries.

That is why this legislation proposes an orderly way to resolve the problem. It puts an operator on notice that, if he wants to participate in the American maritime program, he must agree to freeze his foreign holdings at their April 15, 1970, level. And he must phase out that foreign operation over a 20-year span—a span equal to the economic life of a vessel.

This does not mean that we will have to face the full brunt of the runaway situation for another 20 years, far from it. Many of the ships in the runaway fleets are right now nearing the end of their economic usefulness. Once those ships are retired or scrapped, they cannot be replaced. If any of the runaway-flag ships are lost at sea, they cannot be replaced. If any charters for foreign-flag vessels expire, they cannot be renewed.

In other words, we are talking about an orderly—and accelerating—phaseout of the runaway operations during the 20-year period. During that same time, we will be phasing in on an orderly—and, I hope, accelerating—basis, a modern, efficient, speedy American-flag fleet.

As I say, I know of your long fight against the runaways. I think I sense in the Maritime Trades Department a preference for an immediate end to the runaway problem, if that were possible. But I would caution you to be realistic, to accept the fact that this legislation finally establishes both a principle with regard to the runaways and an orderly, acceptable and realistic method for bringing an end to this situation which has had such disastrous effects on this industry and on the American economy.

I would hope that, by establishing this principle with relation to runaway-flag shipping, the Congress will proceed to review the entire issue of international trade in the same light—particularly with reference to the American manufacturers who have runaway from fair labor standards in this country, set up shop in foreign lands, and who are now flooding the American market with goods produced at sweatshop wages.

I have said many times before—including, I am sure, in one of my appearances here—

that there are three cornerstones to the American economy: Production, distribution, and consumption. And I have said that we must protect all three cornerstones in order to keep our economy healthy.

Through the Merchant Marine Act of 1970, we are shoring up one of those cornerstones: Distribution. Now let us get to work to protect the ones which remain—production and consumption—so that our economy can get back on the high road once again.

Thank you very much.

IMPORTS

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1970

Mr. MINISH. Mr. Speaker, I am today introducing legislation to provide for an equitable sharing of the U.S. market by electronic articles of domestic and foreign origin.

We can all agree that there are benefits to be derived by our country as well as by other nations through the promotion of free trade. However, in the electronic field the volume of imports has become so overwhelming that it has severely dislocated the domestic industry, put thousands of Americans out of work, and almost completely halted American production of many basic electronic products and components.

I include at this point in the RECORD both an analysis of my legislation and testimony presented to the Ways and Means Committee which outlines the plight of the American electronic worker:

Analysis of Legislation To Provide for an Equitable Sharing of the U.S. Market by Electronic Articles of Domestic and Foreign Origin

Section 1 of the bill provides that the total quantity and value of any consumer electronic product and accessories of foreign manufacture that may be imported (or released from storage) for domestic consumption in any calendar year shall not exceed the quantity or value in which that product was imported (or released from storage) for domestic consumption in 1966. The proviso specifies that if the domestic consumption of an article increases (or decreases) more than 5% from the 1966 level, then the ceiling on imports of that article will be adjusted in an amount proportionate to the change in domestic consumption.

Section 2 of the bill parallels Section 1 with respect to electronic components of foreign manufacture of the types used in the manufacture of consumer electronic products. The base period here is the average for the three calendar years 1964–1966 inclusive.

Section 3 of the bill provides that during the year in which the bill becomes effective the formulas utilized in Sections 1 and 3 of the bill shall be applied but the amount of the base domestic production used to calculate the maximum on imports shall be reduced to the proportion of the base year or years consumption which corresponds to the proportion of the calendar year remaining in which this bill is enacted.

Section 4 of the bill provides that the Secretary of Commerce shall allocate to importing countries a share of the allowable imports of consumer electronic products and components of particlar types based upon the amount of past imports of such products by such countries during a representative period. The Secretary is permitted in his allocation to give due account to special factors which have affected, or may affect, the trade in any types of electronic articles. The Secretary is to give special favorable weight in the allocation process to foreign countries which have no greater restrictions on imports into their countries from this country upon their imports of such articles. The Secretary is to certify to the Secretary of the Treasury the allocations made under this Section.

Section 5 of the bill provides that the Secretary of Commerce, upon any interested party's application, determine whether domestic production of any article involved in this Act in conjunction with imports allowed under this Act is adequate to meet estimated annual consumption of the article. If a deficiency in domestic production is found, the Secretary is to determine the increase in imports that is required to eliminate the deficiency on the next calendar year, and to certify his determination to the Secretary of the Treasury.

Section 6 authorized the President to enter into agreements with foreign countries to provide for orderly and equitable access to our domestic markets in accordance with this Act. In accordance with any such agreements, the President may by proclamation adjust the amounts of imports allocated to foreign countries pursuant to this Act.

Section 7 of the bill provides that the release into our domestic markets of imported articles covered by this Act shall be regulated on a quarterly basis.

Section 8 of the bill provides that the determinations of the Secretary of Commerce and President under the Act shall be final.

Section 9 provides that the bill is effective upon enactment.

Testimony Presented on Pending Foreign Trade Proposals

(Submitted by and on behalf of: International Association of Machinists and Aerospace Workers, AFL–CIO, International Brotherhood of Electrical Workers, AFL–CIO, International Union of Electrical, Radio and Machine Workers, AFL–CIO.)

Our testimony is offered in behalf of the employees of the electrical and electronic products manufacturing industries as a matter of joint concern by the International Union of Electrical, Radio and Machine Workers AFL–CIO, the International Brotherhood of Electrical Workers AFL–CIO and the International Association of Machinists and Aerospace Workers AFL–CIO. Our three international unions have a combined membership of close to 2,250,000 workers.

The developments that have been taking place at the workshop level in our electrical-electronic manufacturing plants in all sections of the United States lead inescapably to the conclusion of an industry in crisis.

Our local unions and local lodges have been reeling from the impact of layoffs and plant closings, as employer after employer in the consumer electronics industry of the United States (and Canada) has cut back or suspended production in their North American plants.

U.S.-owned multinational corporations have established hundreds of plants outside the U.S. and Canadian borders, shutting down American and Canadian factories, dismissing their workers, and transferring production and jobs to foreign plants. Wages paid to workers in these facilities range from 10¢ to 35¢ an hour. Moreover, U.S. multinational firms enjoy other "comparative advantages" in host countries such as local tax exemptions, low rents and other concessions.

Components and parts made in the United States plants are shipped to offshore American owned plants (or subcontracted to low-wage foreign manufacturers) for assembly and return to this country. Customs duty is levied only on the "value added" by the extremely low-wage foreign labor.

This practice, which has thrown thousands upon thousands of American workers out of their jobs, is in a large part both directly and indirectly traceable to the abuse and exploitation of Item 807:00 of the Tariff Schedules of the United States.

In recent years, U.S. imports of TV sets, radios, radio-phonographs, tape recorders, electronic desk calculators, typewriters, and many other products and parts, have mushroomed. Imports currently supply over 90 percent of radios and tape recorders sold in the U.S. market; between 40 and 50 percent of the black and white, and nearly 20 percent of the color TV sets and most of the household sewing machines, electronic desk calculators, portable typewriters, and a wide variety of electrical, electronic and related products. Moreover, recent American patented inventions, covering such high growth items as video tape recorders, will be produced in Japan and elsewhere, but marketed in this country. Air conditioning systems, home laundry, kitchen and other household appliances will soon disappear from our assembly lines as imports of these foreign produced items reach 1973 projections.

Our technical know-how is literally peddled abroad to foreign firms through licensing agreements and joint-venture partnerships of U.S. and foreign "competitors."

Developed in large measure with government research and development grants, our technology is sold as a commodity to foreign producers and is counted as a profitable source of income by U.S. electronic companies. The workers of the industry, particularly those already unemployed, are deprived of any share in this benefit.

Foreign competitors, freed of the high cost of basic research and development, have been quick to concentrate on elaborating and improving their product lines and to market high quality end products in the top-dollar sales market of the United States.

In any case, whether stemming from the production lines of Japanese or other foreign suppliers or from the offshore subsidiaries of American owned multinational companies, the exploitation of the labor-cost differential is the greatest cause of job loss by American electrical workers.

High U.S. labor costs are blamed as the reason or justification for the flight to low-wage areas. Wages in the consumer electronics industry—not high by American standards—cannot be expected to compete with foreign wages of 10c to 35c an hour—nor with the $1 an hour wage-fringe-social benefit costs in Japan. Even if wages were reduced to the $1.60 legal minimum, they would, with fringe costs added, be more than double the total current Japanese wage-fringe costs. They would be from 8 to 12 times as much as the prevailing labor costs in Singapore, Hong Kong and Taiwan and 5 times as high as prevailing labor costs in Mexico. Thus, these countries enjoy a "comparative advantage" over the U.S. by virtue of pitifully substandard wages with which American wages cannot compete. Nor should they be expected to.

The employees of the electronics industry are the victims of a combination of factors that has caused their jobs to disappear overseas and their skills to become redundant and unmarketable.

The loss of employment has struck impartially at male and female, blue collar and white collar, technicians and degree holding engineers alike. Black Americans and Latin Americans only recently recruited out of the ghettos and barrios for training into the entry jobs of the electronics industry are cruelly thrown back into unemployment.

It is counter-productive to go into the ghettos and barrios with programs to train minority group members for an opportunity to enter the industrial mainstream and then to export these jobs across our borders and overseas. It would seem we are more concerned with solving the labor surplus problems of all countries but our own.

Yet, the types of jobs exported are precisely the unskilled and semiskilled jobs needed here if we are to win the war against poverty and provide dignified and gainful employment for our disadvantaged poor.

In material attached to our statement we trace the loss of over 50,000 factory workers jobs in the radio and TV receiving equipment industry and the electronic components and accessories sector during the period from late 1966 to the first quarter of this year. The play of the same factors that have already caused the loss of 50,000 jobs can be cited to predict the total disappearance of the remaining jobs in these industries unless Congress takes speedy and realistic action.

We ask the Committee to keep in mind that the interests of the workers in this industry are more properly representative of the aims of the American people and the well-being of this country than are the profit-centered compulsions of the American and foreign-based multinational companies who are responsible for our plight:

We urge the Committee to consider the following:

Enactment of truth in import labeling law to identify the manufacturer and country of origin of all imported products.

Elimination of special "value added" tariff loopholes through repeal of Items 806:30 and 807:00 of the Tariff Schedules of the U.S.

Legislation which will limit the unrestrained flood of imports of electronic and electrical products and which will provide a formula for orderly marketing through equitable sharing in an expanding market by all producers of these products.

Adjustment assistance for workers displaced by imports, which would be accessible and readily available through a simplified qualifying process.

Measures which would supervise and curb the outflow of American technical know-how and investment capital and measures which would regulate the mushrooming overseas growth of American based multinational corporations.

We also call for Congressional support for a realistic international program to raise substandard wage levels to narrow the gap with our domestic minimum wage requirements.

Finally, we propose that Congress establish a cabinet level Department of Foreign Trade to combine all the responsibilities and functions now dispersed among many departments and agencies. Frequently these agencies are found to be at cross purposes with one another, and in the unhappy circumstance of the workers of the electrical-electronic industry, unsympathetic and downright hostile to our simple needs.

QUEENS VFW COMMANDER FIGHTS FOR HOSPITAL AND MED SCHOOL

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1970

Mr. ADDABBO. Mr. Speaker, recently my good friend, Joseph P. Corbo, of Richmond Hill, N.Y., was installed as Queens County commander of the Veterans of Foreign Wars. His succession to the high-level position was earned by 12 years of dedicated service in the veterans' organization.

During the past 10 years, Joseph Corbo and I have worked together on a number of projects related to veterans, including the long struggle for the construction of a veterans' hospital in Queens County. Now that Joe Corbo has reached the top position in the Queens County VFW, I am looking forward to renewing our joint effort to see this project through to a successful completion.

The Veterans' Administration has insisted that any new VA hospital be situated adjacent to or near a medical school. Our county does not have a medical school at the present time, but I know that Joe Corbo will provide constructive leadership to citizen efforts to make this kind of complex a reality for Queens County. I certainly pledge my best efforts to work side by side with Joe Corbo and the VFW toward this end.

The new Queens commander served with the 7th Fleet in the South Pacific and was involved in three major campaigns during his 3½ years of naval service. He was honorably discharged in 1946 and served in the Naval Reserves until 1961. He has lived in Richmond Hill for 15 years with his wife, Julia. They have two children, Jane, age 22, and Julia, age 6.

I want to take this opportunity to extend my congratulations to Joe Corbo on his years of dedicated service to the more than 230,000 veterans in Queens County and to all programs to benefit veterans in our Nation. I know he will be an outstanding commander and a fine spokesman for our veterans.

HARD HATS HAVE SOLUTION TO WAR

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1970

Mr. CLAY. Mr. Speaker, the construction workers of America and their union leaders are to be commended for their splendid display of valor, courage, and patriotism. Evidence of their concern about the war in Vietnam and support of President Nixon's policies in Southeast Asia was vividly displayed by the recent "Hard Hat" marches in New York City and St. Louis. The more than 50,000 American flags carried in the parades attest to the patriotism of our great construction workers. The beating of women and children in both New York and St. Louis dispells any doubt that they lack valor and courage.

Mr. Speaker, I believe the construction workers of America have provided us with the solution to the war in Vietnam. There were 350,000 construction workers who marched in New York to show their support of American involvement in Vietnam. In St. Louis there were 50,000 construction workers who marched to express the same support. The grand total in New York and St. Louis comes to 400,000 workers who believe that we ought to be fighting to preserve liberty and democracy in Vietnam.

Mr. Speaker, it may be just a coincidence, but there are 400,000 young American men now in Vietnam. Many of them do not believe they should be there. Most Americans, I am sure, would be eternally grateful to the construction workers of America who really believe in the war—if they would exchange their hard hats and flags for helmets and rifles—and replace our disgruntled servicemen in Vietnam.

DEAF CHILDREN TAXING SPECIAL SCHOOLS

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1970

Mr. CONTE. Mr. Speaker, of the many misfortunes in this life, one of the most poignant is deafness, particularly when it is congenital. Today, about 16,000 youngsters are reaching school age without the gift of hearing because of the German measles epidemic of 1963 to 1965. They and thousands of others whose deafness accrues from other causes depend upon a relatively small number of institutions and some very dedicated teachers and administrators to draw any sense of normalcy from the silence which enshrouds them.

To my mind, the very finest of these institutions is the Clarke School for the Deaf which, I am proud to say, is located at Northampton, in my First Congressional District of Massachusetts.

I have been to this school often, met with the students there and have never come away unimpressed. The work that is being done there and the spirit of the youngsters there is an inspiring example of people struggling to overcome severe adversities.

The problems of the deaf child and the work that is under way to help him is portrayed in the Wall Street Journal edition of May 25. This fine article tells some of the effort that is being put forth at Clarke and other fine institutions for the deaf and I would like to enter it in the RECORD at this time:

MEASLES AFTERMATH—DEAF CHILDREN, BORN IN RUBELLA EPIDEMIC, TAXING SPECIAL SCHOOLS—LIP READING, SIGN LANGUAGE ADVOCATES DIFFER ON BEST WAY TO TEACH YOUNGSTERS—SOME HELP FROM TINY TIM

(By Elliott Carlson)

Mrs. Barbara Tommasi's kitchen sometimes sounds more like a boiler factory. She often bangs pots and pans and slams lids just to see how much noise she can make. There is, of course, a reason. Mrs. Tommasi is trying to teach her deaf four-year-old daughter to recognize a variety of sounds.

"I sit Diana near the sink while I clang the pans—anything to make her aware of common, ordinary noises," says the Nashville mother. By teaching Diana to connect sounds with their objects, Mrs. Tommasi is trying to give Diana a learning experience that most deaf youngsters miss.

Diana Tommasi is one of 16,000 youngsters born with hearing impairments resulting from their mothers' contracting German measles while pregnant during the measles epidemic of 1963 to 1965. These children are now of school age, and their education, at home and in public and private schools, is posing problems. Parents are sometimes unable to cope with the problems and, worse, even to recognize in time that their children have hearing problems. Public schools are by and large ill-equipped to deal with a deaf child, and private schools are finding it difficult to handle the large numbers resulting from the epidemic of German measles, or rubella.

Complicating the situation, the experts in education of the deaf are divided into two camps. There is a bitter controversy among them about the best way to teach the deaf. Some say the youngsters should be taught only to lip read; others insist the deaf should be taught sign language also.

A VACCINE FOR RUBELLA

Rubella itself is now preventable. A vaccine has been developed that is highly effective, and drives are under way in many communities to wipe out the disease completely. Deafness won't be wiped out, of course—rubella is a big cause but not the only cause of deafness—but the strain on the schools for the deaf probably will never again be what it is now.

Health officials warn that there may be another epidemic of rubella next year unless the vaccination program is broadened. But even if deafness does again increase, the parents of the children will have an advantage that parents of the 1965 rubella babies didn't have. Hospitals now routinely test the hearing of the newborn with various electronic devices. If that had been done during the last rubella epidemic, many of today's deaf children would be far better off.

"There are critical time periods. Unless you reach a deaf child when he is very young, you may further limit his capacity to learn and fit into society," says Kay Horton, chief of the language department of the Bill Wilkerson Hearing and Speech Center in Nashville. She and other experts say parents of some of the rubella babies didn't know the children were deaf until they were two years old or older.

RISING ENROLLMENT

The rubella babies' hearing impairments range from moderate to severe. The thousands of these children with serious problems are now enrolled—or trying to enroll—in the nation's 1,180 schools and preschool facilities for the deaf. In all, these schools enrolled about 44,000 students in 1969, up from 32,000 in 1964.

At some schools, enrollment has risen nearly tenfold in recent years as a result of the rubella children. This year, for instance, the number of preschoolers at the San Francisco Hearing and Speech Center soared to 107, up from an average of 12 children before the epidemic. The New York City School for the Deaf, where preschool enrollment has jumped to 193 from 65 in 1965, recently introduced half-day double sessions.

Once a child is admitted to a special school, he is hooked up, plugged in and turned on with various science fiction-like devices. The wealth of new electronic equipment is one of the few advantages that the young rubella children have over deaf youngsters of the past. They are given new hearing aids that can be worn in all kinds of situations—on the playground, for instance—and that also bring them a wider range of sound. Oscilloscopes enable them to watch sound gradations on TV-like screens and thus better control their voices. Videotapes enable them to watch themselves when they speak and thus better control their sometimes wild gyrations.

DANCES AND BASKETBALL GAMES

Typical of the schools is the Clarke School for the Deaf, a private, residential school founded 103 years ago in Massachusetts. A close look at Clarke reveals much about the problems of educating the deaf.

Situated on a bucolic 30-acre hillside overlooking Northampton, Clarke tries hard to resemble a school for ordinary children. The 220 children, once totally isolated, now mingle freely with townspeople. Students participate in sports and cultivate the social graces. Clarke's basketball team regularly plays teams from local high schools (breaks are indicated by unusually loud buzzers and by flashing red lights). Older students attend dances. (They can't hear the music but pick up the vibrations.)

Most of Clarke's students are between six and 17 years old. They were lucky to get in—the school has room for only about 50% of the applicants—and their education is costing $4,000 a year. (The students come from around the country, and their home states often pick up part or all of the bill; the school has scholarship funds that help students, too.) The fee is rising to $5,000 next fall. When the Clarke students graduate at age 17, it is hoped their speech will be good enough to let them enter normal high schools as freshmen.

Clarke founded oralism—the lip-reading movement—for the deaf in America. School officials feel strongly that lip-reading is the best way for deaf people to get along in the world. "Our job is to equip deaf youngsters for the hearing world. You can't do this with manual techniques, which tend to isolate deaf persons from outside contacts," asserts George T. Pratt, president of the school. (Mr. Pratt is not deaf and neither are any of the 50 teachers at the school.)

Most schools for the deaf favor the oral approach, in which youngsters first learn to read lips and then to mimic the action and try to speak like normal children. But critics say this deprives the deaf of their "natural and normal" language—sign language. Also, critics cite a 1969 study at Chicago hospitals that blamed the heavy emphasis on lip-reading for poor scholastic achievement among the deaf.

McCay Vernon, professor of psychology at Western Maryland College in Westminister, contends that few deaf persons can truly master lip-reading and speaking. Those who can't, he asserts, remain "social isolates" all their lives because of their inability to communicate. He maintains that "most deaf youngsters drop out of school at ages 14 to 17, functionally illiterate and unable to speak or use the language of signs." He says the main problem is that so many English sounds look alike that accurate lip-reading is almost impossible.

LEARNING TO SPEAK

Most critics favor combining all methods in a single program, an approach already followed by some schools. In Washington, Gallaudet College, the only college for the deaf in the world, practices "total communication" in which sign language and oral techniques are used together.

But advocates of oral training, such as the people at the Clarke school, argue that the combination doesn't work because youngsters tend to become dependent on the simpler manual methods, and, as a result, never learn to speak. The oralists reject the criticism of their methods and contend that their technique is getting better all the time as new equipment becomes available to help children learn to read lips and speak.

Normal children learn to speak by imitating the sounds of others. Deaf children, of course, can't hear these sounds, so at Clarke and other schools that believe in oralism the deaf children rely on powerful earphones or hearing aids. These still don't enable most youths to hear normally—or even close to normally—but they do at least let them hear some sounds. The teacher then tries to get the youngster to watch the lip movements and facial expressions of those about him. Eventually, the teacher hopes, the child will begin to imitate, however, imperfectly, the movements in an attempt to express himself.

To speed the process, some schools use phonetic symbols. They also use cards that illustrate the manner and production of various sounds and models and diagrams that show the position and movement of speech organs. In time, children are taught vocabulary, multiple meanings of words and abstractions that are difficult to illustrate, such as hate and love.

Even when youngsters emit sounds resembling speech, they have a long way to go. "Many deaf children mimic their teachers in an exaggerated way. They try so hard to emphasize their words, they inadvertently wave their hands and bob their heads a lot," says Ralph White, audiovisual director at the Clarke school. Clarke has solved this problem by installing videotape machines that enable youngsters to see themselves making the unnecessary, wild festiculations.

Many schools hope to motivate youngsters to improve their oral performance through closed-circuit TV shows in which the students star. At Clarke, students recently wrote and acted out a Walter Cronkite-type newscast, complete with an anchorman and roving reporters. At 10 o'clock one recent morning, classes were interrupted for the five-minute newscast, which brought a roundup of local news, weather and sports and even a commercial for a fictitious hearing aid.

"Reporters will have to do well or the students viewing won't be able to read their lips," says Mr. White, "So you can bet they'll be motivated, because if they do poorly they'll get a terrible ribbing."

HELP FROM TINY TIM

One big problem after the youngsters learn to speak is that they tend to talk in a falsetto that is unpleasant to the ears of normal hearers. To get youngsters to speak in a more natural way, the Lexington School for the Deaf in New York uses a variety of techniques. Among other things, it has a youngster speak in front of a contraption in which 12 light bulbs are placed in a vertical row. As the voice ranges, different numbers of lights light up; if he lights up nine, he knows he is speaking properly.

But just getting some youngsters to speak at all can be the biggest problem. This year Lexington discovered it could spark chatter by mixing deaf preschoolers with normal children from the neighborhood. The preschoolers quickly acquired words like "hey" and "yeah" and, according to a teacher, sounded a lot more like typical kids. Another teacher found that deaf preschoolers became downright gabby after listening to highly amplified records of the Beatles and Tiny Tim.

"Tiny Tim is good because his voice has so many variations," says Marjorie Held, a Lexington teacher. "After hearing him, even babies begin making bubbly sounds of their own."

FOURTH ANNUAL DRIVER EXCELLENCE NATIONAL FINALS

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1970

Mrs. GRIFFITHS. Mr. Speaker, on May 22 and 23, the city of Detroit hosted the fourth annual driver excellence national finals sponsored by AMVETS, the American Veterans of World War II, Korea, and Vietnam, and the Dodge Corp. I am particularly impressed by this program. It is wonderful that the men who found their comradeship in war have turned in peace to the saving of lives through driver excellence. It is also a pleasure to see the good kids rewarded. I had the honor of addressing the awards banquet on May 23 at the Ponchartrain Hotel and to be given the opportunity then of meeting the many people involved as well as learning more about the driver excellence program, which has been established to promote certain standards of excellence in driving among our population and to foster greater safety on our Nation's roadways.

At this time, I insert into the CONGRESSIONAL RECORD an AMVETS press release related to the competition program and the winner of the finals, Ron Breitwisch, of Wisconsin, as well as a memorandum report about the AMVETS-Dodge "Operation D. E." traffic safety van:

NATIONAL DRIVER EXCELLENCE CHAMP DINES WITH TRANSPORTATION SECRETARY

WASHINGTON, D.C.—A 17-year-old Manitowoc, Wisconsin youth was the honored guest at a special luncheon here, Tuesday, June 2, with the Secretary of Transportation of the United States, John A. Volpe.

Ron Breitwisch, winner of the AMVETS-Dodge National "Driver Excellence" Finals in Detroit, Michigan last week, was extended the invitation in a special telegram from Secretary Volpe following the final competition.

Young Breitwisch and his parents were joined by AMVETS National Commander Robert B. Gomulinski of Fraser, Mich. and Byron J. Nichols, Vice President of Chrysler Corporation, at the Capitol Hill luncheon in Secretary Volpe's private dining room in the Transportation Building.

Young Breitwisch, a Ham radio operator and honor student, won his title in the final competition at Detroit May 23.

He received a new Dodge Challenger and a $1,000 scholarship as the top driver among his fellow state champions. Second place winner Robert Stander, of Grand Rapids, Michigan and third place winner Donald C. Smith of Washington, D.C. both received $1,000 scholarships.

Edward and Ethel Breitwisch, the champion's parents, were on hand to watch their son glow in the winner's circle following the six hour driving event.

Breitwisch, who makes his home at 1622-A Division Street, is a junior at Lincoln High School. He was named to the National Honor Society last week. Following graduation he plans to study electrical engineering at the University of Wisconsin.

State "Driver Excellence" champions from across the nation competed in Detroit May 22-23 for more than five thousand dollars in scholarships and prizes.

The driving skill event brought the top high school driver education graduates into final competition in a five phase program designed to test motoring law and driving theory, automobile handling abilities, traffic driving expertise, and emergency vehicle control. The proper use of safety equipment available in the car is a factor in both the state and national events.

The AMVETS-Dodge Driver Excellence program uses a complicated handling, braking and vehicle maneuvering course for the state eliminations. It graduates to a five phase complex competition at the national level.

The national program, called Operation Driver Excellence, is staged as a cooperative effort between the American Veterans of World War II, Korea and Viet Nam (AMVETS) and the Dodge Division of Chrysler Corporation.

The finalists secured berths in the national event by winning state competitions over their fellow driver education graduates from a group of nearly a quarter of a million eligible participants.

Candidates for the state competitions are designated by the head of their high school driver education departments. The state eliminations are carried out under the direction of local police authorities with the national event conducted in cooperation with the Michigan State and Detroit police departments.

The program was designed to point up the need for better driver licensing procedures and the importance of improved automobile handling abilities by drivers in present day motoring activity.

The proper use of the safety equipment available in the car is a factor in both state and national events. Penalty points are assessed if the contestant does not carry out such practices as fastening seat belts, locking doors, adjusting mirrors, etc.

In the national event, held at the civic center complex in Detroit, the driver education graduates were given written examinations in the first phase of the program. This is designed to test their knowledge of motoring law and driving theory.

The second phase is a closed course event, similar to the state competition, designed to test handling, stopping and parking abilities on an elapsed time basis.

The third phase of the national event is made up to test the contestants driving expertise under actual traffic conditions. With a police officer acting as judge, the student competitor is put through a predetermined course involving surface street, intersection and thruway traffic problems.

The fourth and fifth phases concern the handling of a vehicle in emergency situations. This is carried out through a panic stop and an emergency evasion test.

In the panic stop, the contestant builds the car speed to a predetermined figure and then at a surprise signal locks the brakes and exhibits his ability to control the car in a skidding situation.

The emergency evasion phase of the program involves the contestants' ability to make a quick, forced evasion maneuver and maintain control of a vehicle.

This is carried out by the student driving into three traffic lanes. Each lane has a light poised over it. When the student builds the speed of the car to a predetermined figure one of the lights become green . . . the contestant must put the car in the green lane from a predetermined speed and in a specified minimum distance. This activity simulates the avoidance of a sudden highway lane blockage through accident or obstacle.

AMVETS-DODGE "OPERATION D.E." TRAFFIC SAFETY VAN

The AMVETS-DODGE traffic safety van, from January 1969, to May, 1970, has visited cities in 22 states, traveling in excess of 30,000 miles. During this time, we have endeavored to gather traffic safety facts, as they relate to the findings and statistics of *Highway Safety Program Standards* prepared by the U.S. Department of Transportation.

Traffic safety is a subject of vital interest in all parts of the country. In almost every state, interviews with Traffic Safety Directors and law enforcement officers indicate intensive studies are being conducted to determine causes of accidents, including whether or not fatalities resulted from vehicle equipment, inadequate traffic controls or driver error, with special attention to high accident areas.

HIGHWAY SAFETY PROGRAM STANDARD 6—CODES AND LAWS—PURPOSE

"To eliminate all major variations in traffic codes, laws and ordinances on given aspects of highway safety among political subdivisions in a State, to increase the compatibility of these ordinances with a unified overall State policy on traffic safety codes and laws and to further the adoption of appropriate aspects of the Rules of the Road section of the Uniform Vehicle Code."

Extensive interstate travel reveals that road laning and informations signs are generally uniform on turnpikes, tollroads and freeways so that, although requiring skill and concentration, such travel is often easier than "in-town" driving, where differences in traffic regulations, traffic signal placement and design, parking restrictions and poorly marked street signs confuse and distract. This is particularly apparent in resort areas where visitors from many states drive under varying sets of rules, creating problems which could be solved through enactment of uniform traffic regulations, vehicle inspection, equipment requirements and licensing laws.

Vehicle equipment

Optional equipment in most states includes seat belts, electric turn signals and, in Texas, windshield wipers.

Some states require this equipment only in later car models and most, as a matter of common sense, recommend the use of hand signals during the daylight hours.

Although not always required equipment, it is becoming unusual to see drivers—and passengers—not using seat belts. Campaigns by veterans organizations and civic groups, perhaps more than statistics, have made Americans conscious of the need for greater protective measures. The AMVET seat belt drive, for instance, involved not only AMVET members but their families and entire communities, with, of course, safety as the theme of the campaign. Following initial impact, drivers have found that the use of a secure seat belt eases driving fatigue and have developed an almost unconscious habit of fastening seat belts.

Licensing laws

There is an apparent need for continuing driver education, periodic re-testing and physical examination after a certain age. Quite often, the automobile traveling the wrong way on the highway is piloted by a "senior citizen" whose failing eyesight prevented his seeing directional signs and road markings.

Few states have compulsory examination after the initial testing. Some have provision for this procedure but do not implement it, until damage has been unnecessarily inflicted.

One 80 year old Miami, Florida, man was found to have total paralysis of the legs and operated his car, raising and lowering his foot, by pulling or pushing on his trouser leg. He had driven daily for many, many years, renewing his driver's license as required, without ever having to furnish proof of his mental or physical ability to operate a motor vehicle.

An almost blind man in St. Petersburg, Florida, drove with the aid of his elderly wife, who could not drive but directed her husband when to turn or stop.

These, of course, may be isolated cases, but can one really know where that driver might appear? Defensive driving technique is not always the answer in such instances.

DRIVER EDUCATION

In its travels, the traffic safety van was visited by hundreds of high school students. These young people, whose present life and future hopes and plans are, necessarily, so different from that of our generation, seem to have a much greater awareness of the potential danger of today's high speed roads and vehicles. They take great pride in learning to be safe and skillful drivers.

It was found that in the cities requiring attendance by traffic law offenders at traffic courts to observe, first hand, results of traffic violations, there were fewer repeat offenders, particularly among the young people. In some states, application for restoration of revoked or suspended licenses may be granted only after successful completion of an intensive driver education course.

In every high school visited, serious attention is given to the driver education course. Schools not offering this course, transport students to other schools for this purpose.

CONCLUSION

We do not hold, certainly, that all elderly people are poor or unsafe drivers, or that all young people are faultless. However, physical impairment, slower reflexes and, in some cases, mental confusion caused by advanced years can and should be detected before the *renewal* of drivers' licenses. This can only be accomplished through periodic re-testing and AMVETS would not be adverse to pressing for this type of legislation.

These tours have impressed upon us the great need for uniform traffic codes and laws in all states, as well as vehicle inspection and equipment regulations.

In this memorandum report, we have commented briefly on only a few points which we felt might be of interest or constitute special driving problems.

As, daily, more cars move onto our streets and highways, these problems are multiplied many times and the subject of traffic safety becomes of paramount importance.

AMVETS and Dodge, through "Operation D.E." (Driver Excellence) are attempting to do their part in helping to educate our driving public in the need for greater safety measures in all areas and are constantly searching for ways to improve and expand a program which has gained such wide and immediate acceptance.

A TELEGRAM SENT TO FITCHBURG, MASS., LAW DAY EXERCISES FROM HON. PHILIP J. PHILBIN

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1970

Mr. PHILBIN. Mr. Speaker, most regrettably, it was not possible for me to leave the House to attend the impressive Law Day exercises conducted at Fitchburg, Mass., courthouse on May 1, 1970. It would have been a special honor and privilege for me to attend.

However, in response to the very gracious invitation of my dear, greatly esteemed and distinguished friend, State Senator Joseph D. Ward, I sent the following telegram to the distinguished assemblage so fittingly celebrating the day in this great and beautiful city:

APRIL 30, 1970.

Hon. JOSEPH D. WARD,
Ward, Bird & Donovan,
Attorneys at Law,
Fitchburg, Mass.:

Am very thankful to you and greatly honored for your kind invitation to make Law Day address this Friday at the Fitchburg Courthouse. Unfortunately, because of legislative situation here, it will not be possible for me to be with you for what I know will be a most rewarding and inspiring occasion.

Law Day is a timely reminder for all Americans to consider and recognize with gratitude the cherished freedoms that are ours under the Rule of Law.

This nation was founded upon the principle that ours is a government of law by men chosen by the people, with the result that our democracy has been preserved by collective action and strengthened to uphold its values in periods of strife and turmoil and at all other times.

Let us make this Law Day 1970 a day of remembrance of the great sacrifices which have been made to guarantee and sustain individual freedom. Let this memorable day which the leadership and people of Fitchburg celebrate with such profound loyalty and devotion to our beloved country, renew our spirit of dedication to our blessed freedoms, and serve as a reminder that in these days of turbulence and upset, it is for all of us to recognize and honor the obligation of all citizens to obey our laws, respect the rights of others and maintain the stability and order of our communities, the security of our homes and the liberties and rights of our citizens and all those living among us.

Obedience to the majesty of the law, respect for the individual rights of the people, regardless of race, class or creed, and unswerving determination at all costs to guard our heritage with renewed vigor, courage, and in every way that may be necessary, will assure the nation, and prove to the world, our high purpose to maintain, promote and enrich our great free system against all those who would destroy it.

Heartiest congratulations upon your most appropriate, impressive exercises on Law Day, and warm greetings, regards and best wishes to all.

Phil
Congressman PHILIP P. PHILBIN.

THE DELANEY ANTICANCER AMENDMENT

HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1970

Mr. DELANEY. Mr. Speaker, according to a story in this morning's press, the administration has mapped a legislative strategy to modify the so-called Delaney anticancer clause, which was enacted on September 6, 1958, as Public Law 85–929.

This legislation prohibits the use of any cancer-inducing chemical additive in food. Specifically, it provides that—

> No additive shall be deemed to be safe if it is found to induce cancer when ingested by man or animal, or if it is found, after tests which are appropriate for the evaluation of the safety of food additives, to induce cancer in man or animal.

This particular provision followed the recommendation of the International Union Against Cancer at its symposium in Rome in August 1956. At that time, members of the conference, consisting of over 40 cancer experts from some 21 countries, unanimously recommended that, as a basis for active cancer prevention, the proper authorities of various countries promulgate and enact adequate rules and regulations prohibiting the addition to food of substances found to induce cancer. After discussing this recommendation with a number of eminent cancer experts in the United States, and having their strong support, I recommended this amendment.

With regard to reported plans to modify this legislation, I would like to share with my colleagues, and others who read the RECORD, the views expressed in a letter I recently received from Miss Elise Jerard, chairman of the Independent Phi Beta Kappa Environmental Study Group. The letter follows:

INDEPENDENT PHI BETA KAPPA ENVIRONMENTAL STUDY GROUP, AND
CITIZENS RIGHTS COMMITTEE,
New York, N.Y., June 3, 1970.

Hon. JAMES J. DELANEY,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. DELANEY: According to Food Chemical News, officials in high places have publicly described the so-called Delaney or "Anti-Cancer Clause" in the Food Law as "ridiculous," have claimed that it would make us "limited vegetarians" if enforced and that it is "time to think of establishing safe tolerances" for substances found capable of inducing cancer. The phrase "limited vegetarians" is particularly confusing inasmuch as our vegetables contain residues of pesticides which have been found in tests to induce cancer, as well as our meats, fish, eggs, cheese and even, in traces, our milk.

While it is true that we cannot scrap all those foodstuffs during the period when such dubious additives will—one hopes—be phased out of use, certainly, in the opinion of our members who include cancer experts and after the prolonged research of our Phi Beta Kappa members, there seems to be no excuse for killing or "nibbling to death" with modifications the "Anti-Cancer Clause" which can offer, now and in the future, protection against the invasion of our diet by cancer-inciting chemicals.

Moreover, there is clear evidence that to establish "safe tolerances" would constitute a giant backward step in public protection—offered in the name of science.

WHY CANCER IS IN A CLASS BY ITSELF

Cancer testing is unique because cancer develops slowly and, as the experts eloquently put it, silently. In dogs tests may take 7 or 8 years to show cancer while in humans there may be no manifestations of the malignancy for 15 to 25 years. In general, once the malignant process has been established it is irreversible. Since a single dose of a cancer-causing chemical or repeated very small doses have been shown to incite cancer the present push for so-called "safe tolerances" would gravely jeopardize a public which has already been subjected to a multiplicity of serious hazards.

Dr. Roy Newton, former Vice President in Charge of Technical Operations at Swift and Company, characterized certain misleading arguments for permissiveness in the use of additives as dangerous "confusers."

We should like to cite a few of them which now are rampant in respect to the "Anti-Cancer Clause."

THE CONFUSERS

The Claim.—Our advanced technology can now measure unprecedentedly slight amounts of chemicals in food. Therefore, "zero tolerance" no longer has meaning.

The Facts.—This is irrelevant. Because we can measure substances already present in food does not mean that we need to introduce into food small amounts of chemicals known to be capable of inducing cancer. If so-called "safe tolerances" were established they would apply not to one food item but possibly to hundreds or as Dr. William Stewart has suggested, even to a thousand.

The Claim.—Some natural substnces may contain constituents which chemically could be suspected of inciting cancer. Are we going to throw them out of the diet?

The Facts.—The so-called Delaney Clause or "Anti-Cancer Clause" was devised for protection against synthetic additives, foreign to human biology, and generally never consumed by man on earth.

The Claim.—Even familiar substances like sugar have been found to cause cancer in tests—so what is proven by them?

The Facts.—Competent cancer researchers have been unable to verify that experiment. Dr. W. C. Hueper, a member of our

Committee on Environmental Contamination and emeritus Environmental Cancer Chief of the National Cancer Institute, as well as several other top-notch scientists in this country and abroad, tried to repeat the test reported by a Japanese team but did not attain the results with sugar. It was concluded that impurities must have been responsible for the significant number of cancers elicited.

The Claim.—Large doses are used in cancer tests. They have nothing to tell us about the small amounts of the compounds which human beings will ingest.

The Facts.—In *all* food and drug tests large amounts are used, first, because animals are short-lived and expensive and, second, because there must be a factor of safety to protect humans—and individuals differ in some respects by a factor of 100 and in others, as shown by Dr. Roger Williams, by as much as a factor of 500. However, cancer tests are generally performed not only with high doses, but also with medium and low concentrations.

Why so much objection to large doses in cancer tests when the risk is unique and extremely grave? A negative finding in a test on animals does not assure safety for humans; but a positive result is a warning. Why the willingness to discount the warning when cancerization is a terrible fate which overtakes about one-fourth of the population?

The Claim.—If the skin of a cancer-prone mouse is painted with a chemical compound and cancer develops, that substance would be banned by the Delaney Clause.

The Facts.—False. The tests are basically feeding tests. To round out the picture other methods are generally used. The evaluation by qualified experts is based on a wide clinical spectrum.

The Claim.—The Delaney Clause does not offer leeway for scientific judgment.

The Facts.—Nothing in the Clause prevents the most thorough scientific appraisal and evaluation.

What the Clause does provide is a check on recklessness and bias resulting from industrial pressures and priorities.

THE CLAIM ABOUT CYCLAMATES

Highly placed officials have also stated or implied that the crack-down on cyclamates occurred because of the rigidity of the "Anti-Cancer Clause;" also, that one would have to drink a grotesque amount of cyclamate-containing beverages "to get the dose that caused cancer in animals."

As pointed out by Consumers Research, cyclamates have been used as ingredients not only of soft drinks but of hundreds of food products, many of which could be ingested day after day—by persons in all states of health and susceptibility to cancer, a state which is not identifiable.

Furthermore, bladder cancers were caused not only, as claimed, with "a dose 50 times higher than normal human consumption" but also by the low level of 8 parts per million.

Cyclohexylamine, a highly dangerous breakdown product of cyclamates, was found in 40% of the subjects studied. Also, work in the Worcester Institute of Experimental Biology showed human chromosome damage by cyclamates, while FDA scientists found that the substance caused birth defects in animals.

In sum, cyclamates were established as carcinogenic at low concentration, as well as teratogenic.

THE CLAIM ABOUT THE CLAUSE AND THOSE CRANBERRIES

The "cranberry episode" is also frequently cited as an unfortunate effect of the Delaney Clause. However, HEW Secretary Arthur Flemming, seeking an "Anti-Cancer Clause" in the 1960 legislation regulating food dyes, disclosed at a hearing of the Interstate and Foreign Commerce Committee some rarely mentioned details of the ban on aminotriazole.

American Cyanimid Co. had asked registration of the pesticide for soy beans, apples and cranberries, on a no-residue basis. Amchem Products Co. submitted a petition seeking a residue tolerance. Cranberry growers jumped the gun by using aminotriazole before it was registered or adequate tests had been performed.

In May, 1959, the FDA Division of Pharmacology reported: "The requested tolerance of 1 p.p.m. for apples, pears and cranberries should not be established, as the pathological evidence shows undoubtedly that this compound is a carcinogen . . . aminotriazole caused cancer in rats and cats at *high and medium and low doses* (10 p.p.m.) in feeding tests . . . a no-effect level was not found."

Three million pounds of cranberries were found to be contaminated. The FDA tested and cleared a total of 33.6 million pounds and released them to the market labeled "Examined and passed by the Food and Drug Administration." Despite the fact that the product was unjustifiably used, the industry was compensated at the taxpayers' expense. In the Thanksgiving season an indeterminate number of persons susceptible to cancer—or people with cancers—could have consumed a relatively large amount of cranberries contaminated by a compound which had caused cancer in animals at the very low dosage of 10 p.p.m.

THE SYNTHETIC FEMALE HORMONE

The ban on stilbestrol, used for rapid fattening of poultry, has likewise been blamed on the "unscientific" Delaney Clause. Prudent scientists, however, backed the move. Dr. Roy Herz, Chief of the Branch of Endocrinology of the National Cancer Institute, stated, after residues of the hormone had been found in the livers of treated poultry and parts beneath the skin: "Stilbestrol is known to produce a variety of tumors in several species *after prolonged exposure* . . . in rare cases cancers have developed in (human) patients after prolonged use of stilbestrol. . . . It is therefore desirable to eliminate the hazard, no matter how small the dosage, of continued consumption of this material in one's diet for years of one's life."

THE SCIENTIFIC RATIONALE OF THE "ANTI-CANCER CLAUSE" AS PRESENTED BY THE U.S. NATIONAL CANCER INSTITUTE

The chief points of an extensive document prepared for HEW Secretary Flemming by scientists of the National Cancer Institute are as follows: (1) Cancer can be caused by *very small doses* of carcinogenic agents. (2) Not all members of the exposed population are expected to develop cancer but *those most susceptible cannot be identified.* (3) Even a powerful carcinogen requires years in man to become evident (often 15–25 years). (4) *No change* need be recognized in the organs or tissues destined to become cancerous before the cancer appears. (5) *Small doses frequently repeated* have been most effective in cancerization. (6) *Young animals have been most susceptible.* (7) *No one can tell how much or how little* of a carcinogen will be required to produce cancer in any human being, nor how long it will take for the cancer to develop. (8) The effect of chemical carcinogens can be markedly *increased by other compounds* (co-carcinogens). (9) the evidence suggests the *irreversibility* of the carcinogenic process, once it has been initiated, and further suggests *a cumulative effect.* (10) Every chemical compound found to cause cancer in man has produced cancer in one or more species of animals, though ont necessarily in the same sites. (11) Cancer is induced by ionizing radiation. Radioactivity may be ingested with food. (12) It must be noted that there are numerous *simultaneous* exposures to carcinogens. (13) *No "safe tolerance"*, in the light of complexities and knowledge, can be established for a carcinogen—for human beings.

(See: "The Role Of Certain Chemicals And Physical Agents In The Causation Of Cancer; G. Boroughs Mider, Associate Director of Research, National Cancer Institute)

THE BAN ON CARCINOGENIC FOOD ADDITIVES BY THE INTERNATIONAL UNION AGAINST CANCER

The International Union Against Cancer first published its findings and Resolutions in regard to food additives in 1957 in the *Acta Unio Internationalist Contra Cancrum* (13,195) and has continued to affirm the position which influenced the introduction and wording of the so-called Delaney Clause.

The adoption of this Clause is supported by distinguished scientists and physicians, including Dr. Alton Ochsner, eminent cancer surgeon and Director of the Ochsner Foundation and Clinic, a past President of the American Cancer Society.

"Safe Dose and the Delaney Clause" From a Chapter on Environmental Cancer in the Forthcoming Lawyer's Medical Cyclopedia by Dr. W. C. Hueper, Recipient of the Rosenthal Medal of the American Association for the Advancement of Science, Awarded a WHO Fellowship for Research in Cancer and Allied Diseases:

"The adoption of a "safe dose" of carcinogens would be bound to result in an increased exposure of the population to environmental carcinogens. . . . The "safe dose" would be set in the final analysis at an arbitrary level, since the available methodology does not permit the determination on which a "safe dose" can be reliably based. *It would accommodate mainly industrial and commercial interests at the expense of the exposed population which would pay the price with cancerous disease, death and excessive medical expenses."*

Cannot the FDA protect us from cancer risks without an anti-cancer clause? Cannot consultation with scientific advisory boards assure such protection?

The record is not entirely reassuring. To cite two instances:

Twenty years of correspondence between the FDA and manufacturers of selenium-containing pesticides did not result in a ban, although the Chief Pharmacologist testified that these pesticides have the capacity to penetrate the peel of fruit and enter the body (the principal product being apples). In tests, even at low dosage, animals were prolongedly symptomless and eventually manifested cancers which proved fatal.

In the aramite case, this useful miticide was used for more than twenty kinds of fruits and vegetables, some consumed raw. After liver cancers were found in tests by the FDA, a ban on the product was ordered. United Rubber Company, which manufactured the pesticide, asked consultation with the Scientific Advisory Committee. This Committee recommended that tests at a still lower dosage be performed for two more years. The FDA agreed, although not obliged to accept the recommendation. Accordingly, for two more years the American people consumed the residues of a pesticide which had caused cancer at low concentrations. When the still-lower dosage also elicited cancers the FDA finally banned the product from Interstate Commerce. A Memo from the Chief Pharmacologist observed that the recommended tests at a lower dosage would "not remove the onus that aramite is a known carcinogen." This and other instances would seem to indicate the need for an "Anti-Cancer Clause" in the Food Law.

SOME CLARIFYING SCIENTIFIC COMMENTS

Dr. Albert Tannenbaum, Medical Research Institute, Michael Reese Hospital:

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"It is not possible unequivocally to establish 'safe tolerances' even for weak carcinogenic substances. It is possible (sometimes) in laboratory tests. Such data cannot be applied to the problem of man, subject over his lifetime to not only the same but many kinds of additives whose actions and effects are cumulative. . . . There is evidence that cancer-causing agents produce irreversible changes. The spirit and meaning of the Delaney Clause should be retained."

Dr. Howard L. Stewart, National Cancer Institute (Dr. Stewart is now serving as a consultant on the problems of the FDA):

(*On the difference between toxic substances, in general, and cancer-causing compounds*) "If not too badly damaged, cells may recover from toxic effects . . . but effects of carcinogens are definitely long-lasting if not permanent and the likelihood of cancer increases with repeated exposure of tissues to carcinogens.

"Publication 749 'Problems In The Evaluation Of Carcinogenic Hazard In The Use Of Food Additives' published by the National Academy of Sciences (Food Protection Committee) contains a good deal of useful information but also contains . . . insecure conclusions . . . (it) lists two 'justifications' for using carcinogens in food: if (1) values to the public are such that banning the use will constitute an important *loss and hardship* (2) there is no reasonable good carcinogenic alternative.

"These words sound like reasons to save money, to save work, neither of which are valid excuses to deliberately *expose human beings to the risk of cancer.*

"Carcinogens do not act directly only on exposed tissues. Carcinogens admitted by the gastro-intestinal tract may produce cancers in many sites other than the gastro-intestinal tract, e.g., lung, pancreas, mesenteric membrane, lymph nodes, salivary glands, brain, thyroid, ear duct, liver, kidney, uterus.

"The total carcinogenic load must be considered: exposure to ultraviolet light, radiation, radioactive substances in water and food, industrial wastes, exhaust from gasoline and diesel engines, tarred roads, medicine, arsenic, pesticides, herbicides, estrogen and so forth. . . . Accordingly, no safe dose of carcinogens can or should be set."

Dr. Martin Levin, Professor of Epidemiology, Roswell Park Institute (New York State Cancer Research Hospital):

"The question of evaluation is: Whether we want to place our major emphasis in the direction of health, safety—or on the maximum utilization of chemical additives."

With, to us, is the crux of the matter.

Sincerely,

ELISE JERARD, *Chairman.*

CONGRESSMAN GIBBONS' LATEST NEWSLETTER

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1970

Mr. GIBBONS. Mr. Speaker, under leave to extend my remarks, I would like to have placed in the CONGRESSIONAL RECORD a copy of my latest newsletter which I am mailing to the residents of my congressional district.

The letter follows:

JUNE 1970.

DEAR FRIEND: This is another in a series of congressional reports as this year reaches the halfway point. Your views or comments are always welcome.

Cambodia—The President took a gamble in moving American troops into Cambodia, and I hope he succeeds.

Of course, only time will tell whether the military successes our forces seem to have achieved will be of lasting significance. Of course, I hope they are and that we are nearer to a just conclusion of the Indochina War.

Tampa port deepening—The $102 million deepening of the main navigation chanels of Tampa's port has been approved by the U.S. Corps of Engineers. The next step is approval by the Budget Bureau and the House Public Works Committee. I have contacted the President and alerted him to the importance of this project and have asked him to make every effort to see that the necessary funds are included in his budget for this project.

VA hospital—The new Veterans Administration hospital near the University of South Florida is proceeding on schedule and is expected to be completed by the fall of 1971. This $19.5 million structure on a 22-acre tract will have 720 beds, including a 240-bed psychiatric wing. It will be a part of the $60 million medical complex which will include the new University of South Florida medical school.

Tampa's airport tower—Tampa International's new multi-million dollar terminal complex will be completed late this year. Crucial to the safe operation of this enlarged facility will be a new and taller air control tower. Through follow-up work with the Federal Aviation Administration, we were able to have the $1.37 million for this new tower included in this year's appropriations by Congress.

Local pollution control—A pollution crisis threatened Tampa Harbor several weeks ago when crude oil from two long-abandoned ships began to leak. By working with the Department of Justice, the U.S. Corps of Engineers and the Coast Guard, Senator Holland and I were able to get special pumps flown in and the oil has been removed by the Coast Guard.

Environment—This past April, I sponsored along with the students at the University of South Florida, a day-long seminar on the preservation and improvement of our environment. Such seminars help make us aware of the need for action in this important area. The federal government has a major responsibility for working on the problems of pollution.

Among the several bills which I have already introduced are proposals which would:

Establish national emission standards for clean air and provide penalties for failure to obey orders to cease and desist from pollution practices.

Eliminate lead from gasoline, thereby reducing air pollution from autos.

Require nationwide protective emission devices on auto and truck exhausts and emission limits which all autos would have to meet.

Establish a Congressional Committee on Environment and Technology to develop laws to control air, water and other environmental pollution.

Authorize the U.S. to help establish educational programs to promote understanding and support of activities to improve our ecological environment.

Improve the Manpower Act to provide for the training of specialists in the abatement of environmental pollution.

I also voted to appropriate $800 million under the Federal Clean Water Act.

A study of the obnoxious odors in part of Tampa Bay was undertaken at my insistence by the Federal Water Pollution Control Administration and they have recommended measures to clean up the Bay.

The economy—Inflation and recession seem to be jointly with us. While prices still climb, unemployment also continues to climb. There has been a 45 percent increase in unemployment over the past 17 months from January 1969 to May 1970. This represents 1.6 million additional jobless for a total in excess of four million unemployed. An unemployment rate of five percent means a loss in goods and services of $45 billion annually. Interest rates on home mortgages continue at a record high level with no sign of decline. President Nixon's prophesied slim budget surplus for this year has also slipped into a deficit of approximately $11 billion, and this even after Congress had cut his budget by $6.3 billion. Once again the Congress has been asked by the Administration to increase the national debt by $18 billion to $395 billion.

What to do? Many experts now advise that selective wage, price and profit controls must be imposed. If our economy continues to slide into a recession while the cost of living soars, we will be facing some very tough decisions. Meanwhile, the President has the power, as yet unused, given to him by Congress last year, to control interest rates, credit and related economic factors.

Our uncertain economic condition is largely a result of our Indochina war which badly distorts our priorities by requiring an expenditure of around $25 billion additional defense dollars each year.

Legislative activities—Seniority and secrecy are the two major vices of Congress. The first allows the same men to continue in powerful committee chairmanships solely because they have survived; and the latter shuts out both press and public from many committee meetings. These secret committee sessions are the main place where congressional policy is shaped. I have supported action to drastically curb both secrecy and seniority.

Other legislative activities I have supported include:

Testimony in support of a resolution to urge the President to use his economic powers to curb high interest rates, powers voted him by the 1969 session of Congress.

A personal appearance before the House Rules Committee, urging that the food stamp program be revamped to save $276 million in duplicated administrative costs. Although the Administration at first opposed my suggestion, they now appear to favor it.

A Child Development Act to promote a "Good Start" in the development and education of the nation's children.

Bills to provide grants to local school systems for special courses in drug abuse, as well as teacher training for such courses and for more research into the effects of harmful drugs, including marihuana.

An amendment to the Omnibus Crime Control and Safe Streets Act of 1968 to provide that major metropolitan areas such as ours, will directly receive at least 50 percent of the federal anti-crime funds allocated to a state. This will put the federal anti-crime funds where the need is.

Ways and Means Committee actions—The Ways and Means Committee is one of the oldest and the most prestigious committees in Congress. I have the honor of being the second Floridian in the history of Congress to serve on this Committee.

As a member of the Ways and Means Committee, I have a role in writing all tax legislation, as well as in such matters as Social Security, Medicare and foreign trade policy. Our Committee has been in almost continuous session on such matters since early 1969. For seven months of that year, we worked on tax reform. We then approved, and the Congress passed, a revised tax law which will give most middle and lesser income taxpayers tax cuts of five to fifteen percent over the next two years. Those reforms are insufficient, however. We still have a tax law which taxes income from the average citizen's work on his job at a much higher rate than income from non-work sources. The federal tax laws are overly complex, and much more work is needed on them.

The Committee has also just completed a revision of the Social Security program as well as Medicare.

Starting next January 1, Social Security recipients will receive a five percent increase in their cash payments. This is in addition to the 15 percent hike approved by the Ways and Means Committee and Congress last year.

We adopted several new procedures to limit the soaring rise in costs of Medicare. I hope they work because the cost of this program has exceeded predictions.

Foreign trade—Our Committee is presently engaged in extensive foreign trade hearings. Foreign trade in this country amounts to about $80 billion a year, and it is an important factor in our nation's economy.

We are presently hearing public witnesses on the matter of tariffs and import quotas. The garment, fruit and vegetable, and oil industries are among those who will be affected by the actions of our Committee.

America is the largest foreign trading nation in the world, and a healthy trade policy is essential to the well being of all of us. A healthy trading policy means to the consumer competitive prices as well as a broader range of products from which to select.

Students—All but a tiny minority of Americans reject violence as a method of political change. So do I.

Let me repeat what I have said before. I do not excuse nor condone violence by any group of whatever age or persuasion.

During the first week in May, our capital was visited by large numbers of students from all over the United States, some of whom were from Florida. Many students visited this office, and I am pleased to report that those with whom I met were level-headed, decent young Americans who were quite concerned with the problems we confront today.

Family activities—Martha remains quite active here in Washington as President of the Congressional Wives group for the 88th Congress. Additionally, she has hosted luncheons in the Capitol for wounded Vietnam war veterans.

Martha and our boys will be spending the summer in Florida, and I hope to get down there, too, whenever time will permit.

Report requests—I periodically send a legislative report to those persons who have asked to be placed on my mailing list. If you would like to be added to that list, please fill out the form below and send it back to me.

Sincerely,

SAM M. GIBBONS.

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REORGANIZATION OF THE FEDERAL TRADE COMMISSION

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1970

Mr. KEITH. Mr. Speaker, the reorganization of the Federal Trade Commission is a welcome action, particularly during a period when consumerism and inflation are major topics of discussion.

For too long the Commission's operations have served as an unintended aid to industrial machinations. Companies under investigation by the FTC could count on several years of litigation and administrative procedures before any adverse action would be taken against them. During that time, these unscrupulous companies were able to soak the public for profits on goods and services that would eventually be removed from the market.

In addition, the reorganization of its antitrust division should spell swift justice for those companies who seek to exploit the general welfare for personal gain. No more, I hope, will lengthy litigation and administrative procedures be a ticket for continued exploitation.

But the reorganization has implications in other than trade areas. The changes were instigated by a directive from President Nixon and is part of his overall objective to build a more efficient and responsive Federal bureaucracy during his term of office.

As the load of responsibility increases at the Federal level, new and innovative ideas will have to be implemented if the American governmental system is to remain responsive to and fully cognizant of the needs of the people.

Nor can we continue to depend on the seemingly unrequitted flow of tax dollars to finance waste and inefficiency. Already we have reached—if not surpassed—the limits of taxpayer endurance.

The FTC changes, then, are very welcome from the point of view of its own operations, and whet the organizational appetite with the implication of possible far-reaching governmental restructuring in the future.

"ASSIGNMENT TO NEGLECT"—A CRUEL MISNOMER

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1970

Mr. MURPHY of New York. Mr. Speaker, the May 22 issue of Life magazine contained an article which has shocked and outraged millions of Americans. The article, entitled "Assignment to Neglect," described alleged conditions at the Veterans' Administration Hospital in the Bronx, N.Y., and in the VA hospital system. The impact of the article was to represent the care we afford our wounded veterans as medieval, inadequate, and even negligent.

This article is a disgrace, because it does a major disservice to the dedicated men and women who staff our 166 VA institutions, and because it inaccurately reports conditions within the VA system. One need only read the rational retort of Dr. A. M. Kleinman, director of the Kingsbridge veterans hospital, or the telegram of VA Administrator Donald Johnson to Life magazine, to see where the truth lies. Under the leave to include my remarks in the RECORD, therefore, I include their rebuttals to the distortions to truth pandered in the heinous Life article:

MAY 20, 1970.

From: Donald E. Johnson, Administrator, Veterans Administration central office, Washington, D.C.

Life magazine of May 22 carries an article on VA Medical Care. With its nearly nine million circulation the Publication reaches every community in America and may lead to inquiries at your Station. Following for your information is the text of my telegram of this date to the Editor of Life.

From the obviously contrived cover page and staged hospital photographs right down to every biting word of the denunciatory narrative, the article in the May 22, 1970 issue of Life Magazine gives a totally distorted picture of Veterans Administration Medical Care.

Thus, it serves to needlessly alarm present and prospective patients to discredit the competent and dedicated staffs at VA's 166 Hospitals, and to make more difficult the recruitment of medical staff your article says we so sorely need.

The article describes the VA Hospital system as the biggest in the world, and yet in your zeal to condemn, you could not find one good word to say about any part of this vast program.

The reporter held a nearly 90-minute interview with me in my capacity as head of the VA. What survived of this in-depth interview was a single two-line sentence in the final article, and even this one sentence contribution was airily dismissed in the next sentence of the story.

Your staffers visited the Washington, D.C., VA Hospital on three separate occasions, talked freely to many patients including severely disabled Vietnam veterans, and shot scores of photographs, many of a 22-year-old Vietnam amputee in his treatment routine.

Could the fact that all of these veterans voluntarily praised the VA Medical care be the reason that not one word or one picture about these veterans appeared in Life?

Could it be that of the 800,000 veterans treated each year the one complaining patient featured by Life—who condemned his country as well as VA care—better fitted the story Life wanted to tell?

The truth is that each month VA Hospitals receive literally hundreds of unsolicited letters from veterans and their loved ones expressing gratitude for the excellent VA care these veterans received.

Life describes the VA system as a medical slum. Here are just a few facts about this so-called slum—facts that were given to Life, but withheld from its readers by the Magazine.

All of VA's 166 Hospitals are fully accredited by The Joint Commission on Hospital Accreditation, which is composed of representatives of The American Medical Association, The American Hospital Association, The American College of Physicians, and The American College of Surgeons.

The basic VA Medical Care Budget for the current Fiscal Year of $1,541,701,000 is by far the highest in all VA history. President Nixon has already asked Congress for $210,000,000 more than even this record sum for the Fiscal Year starting next July 1. The extra money will permit the addition of more than 5,700 employees to our hospital staffs.

VA Hospitals are affiliated closely with nearly every major medical school in the nation, an invaluable partnership that permits VA to keep abreast of the best and most sophisticated medical care.

VA Hospital staffs are not only hard-working and completely dedicated to the proposition that our sick and disabled veterans will never be forgotten or neglected (as charged in the Life article), but include many of the real experts in American Medicine, more than 2,200 of VA's 5,100 physicians are Board Certified Specialists as the result of three to five years extra medical training.

All of this is not to say that the VA medical system cannot be improved just as every other medical program should seek improvement. We are committed to constant progress and improvement, for it is our goal to provide the very best possible medical care to every eligible veteran.

VETERANS ADMINISTRATION HOSPITAL,
Bronx, N.Y., May 20, 1970.
Mr. THOMAS GRIFFITH,
Editor, Life Magazine, Time and Life Building, Rockefeller Center, New York, N.Y.

DEAR MR. GRIFFITH: In the interest of truth and in the hope of allaying the fears and deep concern which have been unjustifiably aroused in the American public by the article, "Assignment to Neglect", May 22, 1970, I trust that you will publish this letter. My comments are directed to the quality of care received by the spinal cord injury patients who are the subjects of the article, but they apply to our other patients as well.

The title "Assignment to Neglect" is a cruel misnomer. Our patients are far from neglected. Considering the handicaps under which we work, the quality of care which our patients receive should be classed as "superb"—but we class it only as "good" because of certain handicaps. Yes, we do have shortcomings. The buildings are old, the physical layout of the wards is inefficient, space is limited, and personnel is small in numbers but enormously large in dedication and devotion.

Let us examine every picture of the article. Of the twelve patients shown about whom something is written, six are of Marke Dumpert. Some time ago Marke Dumpert was transferred to another hospital at his own insistent request. Shortly after his arrival there, he pleaded with us to take him back, which we did.

The cover shows Marke Dumpert as apparently very depressed. On page 25 Dumpert is pictured waiting "helplessly to be dried." Actually he had been wheeled under the shower by a nursing assistant assigned to this task, and after he had been partly lathered with soap, the assistant was asked to step aside by the photographer who wished to take this picture. The fact is that no patient is left under the shower after completion of the bath. All are wheeled away and dried immediately. This picture, like the others to be described, are posed to illustrate a point, but the point illustrated is untruthful as in this instance, or a partial or distorted truth in others.

The picture on page 25 shows quadriplegic patients (patients who are paralyzed in all four extremities) lying on Stryker frames in the enema room. The caption states that they "wait up to four hours to be attended by a single aide." This is a misrepresentation of the facts. These patients are given their enemas promptly after arrival in the enema room. However, unlike normal people who expel bowel contents shortly after receiving an enema, it takes most of these patients from one to two hours to do this. In a few patients the process may take up to three hours, very rarely four hours. And what are the patients doing during this interval? Some of them doze, others chat with one another, and still others may day dream. The patients may be left alone for short periods of time because they are securely strapped to the frames.

On page 29 Marke Dumpert is shown in three poses. In the bottom two he is shown being treated by therapists. The caption reads "hospital aides strap him into a brace so he can stand." This is a partial truth. The clinic in which this picture was posed is known as the ADL Clinic: i.e., activities of daily living are taught here. This is the first and in many respects perhaps one of the most important phases of rehabilitation of paralyzed patients when they are permitted to get out of bed. Many patients are fearful and must be given steady and repeated encouragement to make the physical effort. Dumpert was one of these but one of our nurses spent untold hours of her own time to encouraging him to make the attempt. He finally did, and now attends this clinic and others regularly. This picture then, although posed, reflects a truth about the care which our patients receive, but no one can tell from the caption that this treatment is excellent. It might have been a gracious and truthful gesture in the direction of some of the positives of VA care had had the caption so indicated.

The picture on page 30 shows a patient lying almost naked in bed. Also shown is another patient lying on a stretcher. The caption reads: "In a partitionless ward of the Bronx VA Hospital a disarray of dirty linen is allowed to pile up around a quadriplegic's bed while the patient himself lies naked, unable to clothe himself after a shower." The whole thing was posed. The patient is Marke Dumpert who was taken to his bed after the shower previously interrupted was completed. Every bed has a cubicle curtain which is drawn when the patient is being cared for. In this instance, at the direction of the photographer, all of the cubicle curtains were drawn back out of sight of the camera lens. The "dirty linen" consists of the sheet which had covered the patient when he was being wheeled back from the shower room plus a number of clean pillows. Paralyzed patients need many pillows to be placed around them by nursing personnel for proper body positioning and for both comfort and convenience.

The other patient shown in the same picture, a World War II veteran, was asleep when he was photographed. He resents bitterly the fact that he was photographed without his knowledge or consent. If awake, he says that he would have refused to give permission. He says he feels that the Bronx VA has saved his life, and is thankful for the care which he receives here.

The upper picture on page 31 shows a sleeping patient and, on the floor beside him, a mouse caught in a trap. We do not use traps in our campaign against mice which admittedly we do have. We use tested and approved methods for mice control. Construction of buildings in the vicinity of the hospital, and some construction on the hospital grounds involving excavation tend to chase field mice into the buildings.

With respect to rats, there has been only one complaint made by a patient. This occurred last August. There have been no subsequent complaints. One of our experts states categorically that mice and rats do not exist together. If there are mice, there are no rats, and vice versa. What it may have been is a black squirrel. We have many squirrels on our park-like grounds, some gray, others black. One of the latter could have invaded the hospital.

The bottom picture on page 31 shows "a totally crippled patient who must depend on a buddy who still has the use of his arms to get a sheet thrown over him." This is totally misleading. Quadriplegic patients have lost the inner body controls of temperature which normal people have. They frequently prefer to remain with as few coverings as possible, and we permit this inside the wards. The throwing of the sheet over the patient was the photographer's idea.

The final picture on pages 32 and 33 shows the enema room. On the right are two patients on Stryker frames while between them a hemiplegic patient in a wheel chair is giving a cigarette to quadriplegic patient Andrew Kmetz. The caption states that the patients are waiting for treatment. This is not true. Kmetz was dozing while the photographer was taking pictures of him. He awoke as Frank Stopiello in the wheel chair was wheeled in to pose, giving Kmetz the cigarette. Stopiello was an overnight patient who had been admitted for the annual complete checkup which we give to all of our ex-patients, and he himself was not in need of an enema. Kmetz was disturbed at the invasion of his privacy. Stopiello is one of hundreds of paralyzed patients in our follow-up program. These patients have been rehabilitated to a full life in their communities and they return to us by appointment once a year for a complete checkup. Is this neglect?

The left side of the same picture shows several trash cans, one of them seemingly bulging with trash. The latter can is protruding into the area occupied by the patients. The caption reads, "Because of overcrowding, they must share a corner with trash cans." The cans are needed in the room for disposal of the trash which accumulates in the process of giving and evacuation of enemas and subsequent cleaning up of the patients. However, the trash cans are segregated to one side of the large room, and a curtain separates them from the patient area. This curtain was pushed back and the overloaded can pushed towards the patient for misleading photographic effect.

I began this letter by expressing the hope that you would publish it in the interest of truth and in the hope of allaying the fears and deep concern which have been unjustifiably aroused. In concluding I wish to express my fear and concern that the article may lead to the title "Assignment to Neglect" becoming a self-fulfilling prophecy. The staff on the spinal cord injury wards who work so hard with such difficult patients to achieve the wonderful results that they do have become thoroughly disheartened by the article. Staffing these wards has always been difficult, people frequently refusing to accept assignments there. As attrition occurs, it may become even more difficult to recruit replacements. Without an experienced staff, these patients cannot be treated. Neglect, now untrue, may become true later. But I have faith in the spiritual strength of our staff and in their ability to overcome their disheartenment. I also know that sensationalism in the press usually has only short term effects. I hope that your article will prove to be no exception to the rule.

Yours truly,
A. M. KLEINMAN, M.D.,
Hospital Director.

HIGH INTEREST RATES—INFLATION—UNEMPLOYMENT

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1970

Mr. ANDERSON of California, Mr. Speaker, the present administration has become more and more program-oriented and less and less people-oriented. Decisions are made with greater concern for a political gain, than for the effect on the lives of human beings.

In no area is this more apparent than the economy. The results of the current policy are readily seen and illustrate the priorities of the administration. First, let us consider the policy; second, we will consider the results; and finally, we will suggest corrective measures.

PRESENT POLICY

The administration, upon taking office 17 months ago, announced that it would not use its power and influence in the economic sector. Thus, the administration has abdicated its authority in this field. For better or for worse, the powerful economic interests were given a free rein and, as a result, have demanded "whatever the market will bear."

RESULT OF ECONOMIC POLICY

This lack of policy has devastated our economy. By permitting the big banks to charge "what the market will bear," the administration has presided over the highest interest rates in 100 years. Prime commercial rates—the rates for only the best customers—which were 6 percent in December 1969, are now 8.30 percent.

A 1-percent increase in the interest rate on a 30-year mortgage raises the repayments of principal and interest by 12 percent. On this basis, mortgage interest rate increases over the past 17 months have already raised the cost of housing by nearly 25 percent.

This, in turn, means that the prospective home buyer can no longer buy a home. Thus, the home construction industry cannot afford to build homes for those with a moderate income.

As a result, new housing starts have fallen to 1.1 million units. This is particularly devastating when we realize that we must construct 2.6 million units a year in order to adequately house our population.

A second consequence of the high interest-tight money policy is unemployment. Because money is tight, business cannot expand, and in many instances, must cut back production. The result is less work for those fortunate enough to have a job or no work for the less fortunate. Unemployment, down to 3.4 percent in December 1969, has risen to 5 percent and shows indications of rising even further. In other words, nearly a million Americans have lost their jobs since the present administration took office.

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If the unemployment rate continues to increase at its present rate, unemployment by December 1970 will be nearing 7½ percent.

A third consequence of this misguided policy is the rise in the cost of living. The consumer price index shows that inflation is still on the rise. The goods and services that we would purchase for a dollar in 1957–59 are now selling for $1.34. There has been a 13-cent increase since 1968. When we equate this to food, rent, and clothing, we realize that a man must have received almost an 11-percent increase in pay since 1968 simply to stay even.

CORRECTIVE MEASURES

There is little doubt that this policy of high interest rates, unemployment, and tight money must be revised. The evidence indicates that inflation has not slowed—it has, as a matter of fact, increased.

First, the administration must roll back interest rates. Congress has given the President the tools to control credit. Through Public Law 91–151, the President could require the allocation of credit into areas where it is needed the most and restrict it in areas where there are inflationary trends. Thus far, the President has not used this authority.

Second, the administration should announce its intention to stabilize wages, prices, and other segments of our economy.

Third, the administration should make a greater effort to cut Federal spending in wasteful, unnecessary areas. We must use our funds in productive areas that improve the quality of life for all our citizens.

Finally, we must become more people-oriented and less program-oriented. We must be more concerned with the actual effect a policy may have on the personal situation of an individual, and we should encourage the administration to be more concerned with the programs which consider the housewife, the small businessman, the prospective homebuyer, those on a fixed income, and the moderate- and middle-income worker.

BRIDGES WE ARE BUILDING

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1970

Mr. BUSH. Mr. Speaker, the junior achievement program is one that is to be commended for giving valuable experience to our young people. In Houston, before a banquet of the Junior Achievement of Southeast Texas, Mr. B. F. Biaggini recently spoke on "Bridges We're Building." It contains information I think is noteworthy, and I, therefore, include the text of Mr. Biaggini's remarks in the CONGRESSIONAL RECORD:

BRIDGES WE'RE BUILDING

Standing before this fine, mixed audience of young and "not quite as young" people and hoping to say something of meaning to two age groups which seem to be speaking different languages at times these days, I feel that I must begin by confessing that I don't know how big a "generation gap" is.

I know the measurement of many things—a yard, a mile, a ton, or even a light year. But the length and breadth of this gap between our generations about which we hear so much today is something that mystifies and bewilders me.

There are and *should be* differences between age and youth. But between the two there should be a *bridge*, not a chasm—a bridge we all have crossed or must cross as part of the natural scheme of things. Certainly the length of the bridge is something that is different for each one of us, but we all have a vital interest in seeing that the bridge is as short, as broad and as sturdy as it is possible for our minds to make it.

I hope this generation gap is not really as wide as some say. How *very much* I hope it, you young people will know for yourselves in just a few years when you hold your own helpless baby in your arms. You will think about how completely this precious little life is dependent upon your care. And then you will ask yourself a question filled with a bittersweet sadness: When he's 15, will I still be able to communicate with this child I love so dearly today?

Since we all start out this way, how can we ever *really* become strangers who don't even talk to one another?

Let's look at this need to communicate from the standpoint of time. Within the young lifetime of every Junior Achiever here tonight we have seen the first satellites orbit the earth and witnessed the first walk of man on the moon. Within the lifetimes of those of us who sponsor the Junior Achievement program we have seen the development of such wonders as controlled atomic power, television, the jet airplane, the diesel electric locomotive, computers that record practically all of our activities and aid in our decision-making, and—more important—social and material progress on a scale never before known.

We have produced all of this by developing—and being willing to live in—a society that is organized to reward the productive efforts of the individual and to protect the rights of all who believe in and wish to enjoy the opportunities that are available to the individual in that kind of society. In this effort, the United States of America has led the way. It is true, of course, that some parts of the world are more developed than others. But we have demonstrated the principle, and we must not lose sight of it.

It is extremely important that a system such as ours—one which produces the benefits for its people that ours does—should develop from within and grow from within. And it is in that context that we must view this program that we all know so well as Junior Achievement. All of our efforts—our accomplishments for the future—depend on our having a "fountain of youth" from which we can draw the educated, imaginative, resourceful and well-motivated leaders of the future.

Mr. Robinson has told you of my own interest in Junior Achievement, and he himself has been a JA volunteer for 10 years and presently serves as one of your directors. Many others at Southern Pacific also share in this interest. Vice President D. K. McNear is a former vice president, former president and now a director of Junior Achievement of San Francisco. In Houston, we have had approximately 140 of our officers and employes active as advisers in the past 20 years, with about the same number also active in fund drives and other behind-the-scenes activities which enable JA to carry on.

In the 1969–70 Junior Achievement year, Southern Pacific has been sponsoring 32 JA companies in 21 cities from Portland, Oregon to Houston. One of the youngsters in our Phoenix, Arizona JA company, Miss Sharion Jo Patterson, was elected National Junior Achievement president at the annual convention at Indiana University last August 21. Sharion is the first young lady, the first black, the first Arizonan, and the first Southern Pacific-sponsored candidate to win this honor, and we hope she is but the forerunner of other SP-sponsored young people who also will win it.

Because of our interest in Junior Achievement, then, and because I saw an excellent opportunity to meet and talk with some of the finest youth of Houston, I was delighted to accept this Future Unlimited speaking engagement, even if I am a bit unsure about the generation gap. I felt it also would be an opportune time to review with middle mangement—represented by many of your advisers—and with management—represented by their employers—some thoughts generated by feedback from young people, including those in Junior Achievement. It would be, I hoped, an opportunity to help shrink this mysterious generation gap between us.

When you young people enrolled in Junior Achievement you were promised that if you became totally involved in the program you would achieve satisfaction and enjoyment, coupled with personal growth and a sense of accomplishment. The fact that 175 companies out of 178 ended the year successfully, and that 85% of the enrollees stayed with the program, indicates the promises were kept.

You learned many things this JA year—especially that you must have a reasonable approach, a sincere attitude and a flexibility of mind if you are going to have a decisive influence in affairs which affect you and your company. You also learned to go along with the majority, once a decision was made.

When you came into the program you asked for and expected certain freedoms within which to operate, certain safeguards and guidelines within which to grow. In effect, your Junior Achievement company became a *miniature business in operation*. Then, whether it was popular or not, you *did* conform to a set of rules and, as evidenced by your presence here tonight, proved to yourself that required conformity need not be deadly boring or destructive of your initiative. You learned that rules and regulations are helpful—not necessarily restrictive—and that people can only function in groups if they have mutual respect for one another's rights.

You may recall that on February 16, 1970 students at Sam Houston Senior High School (some of whom may be here tonight) staged a protest march aimed at the Houston School Board's crossover integration policies. Principal Kenneth L. Wilbanks allowed the demonstrators about 30 minutes, and then he wisely told them: "You have made your point. Now I suggest that you get on with your business." Equally wise, the students did just that.

The fact is, youth *has* made its point, across the nation, and the point has been emphasized with campus disorders, sit-ins, building takeovers and strikes. Now, it is past time to get on with our real jobs; it is past time to follow a better road. It is time to go where the action *really* is, and to see what you can *do* to get society moving in your direction.

And believe it, you *can* be effective, you *can* change things. But you must use your energies and resources constructively, and in concert with like-minded people.

Planned action for constructive purposes can work wonders; blind opposition is only time-wasting and frustrating.

Last September I was one of the hosts of the International Industrial Conference at San Francisco, an event which drew leading businessmen as delegates from 70 countries. The visionary theme was "Closing the World Income Gap," and it had to do with ways to apply business know-how to improve the lot of people everywhere.

Among the conference participants was Mr. Amirali Fancy, one of the foremost industrialists of Pakistan and also a leader of the Islamics, whose 15 million members follow the spiritual leadership of the Aga Khan. In this second role Mr. Fancy has helped to build schools, clinics and hospitals throughout his country.

One afternoon during the conference Mr. Fancy was walking down the street when his path was blocked by a young demonstrator—a girl I'd hardly describe as having much regard for good grooming—who demanded of him in a taunting tone: "Well, what have you and your friends accomplished today?" Mr. Fancy simply smiled and said, "Young lady, I suspect we have accomplished more today than you and *your* friends will accomplish in a lifetime, *if* you continue on your present course."

His words of wisdom could well be applied to you young people in a different, and reverse, sense—because you *will* accomplish a great deal in your lives if you continue in *your* present course.

But you will need a platform from which to speak, a base from which to operate. You will need finances and organizational skill to motivate people to join your team. And that is why, among many other reasons, you will eventually *become* the so-called "Establishment."

When you do come into everyday contact with this structured, ordered world which some call the Establishment, you are going to find many of the same problems and opportunities you found in Junior Achievement—except that they will be *magnified*. And as you apply yourself in business or professional life you will find the same rewards Junior Achievement brought you—except *they too* will be magnified.

Eventually, you will find that you do have a role in problem solving and you will be called on for recommendations about what part your organization will play in such diverse areas as pollution control, plant site beautification, equal employment opportunities, educational support and community welfare programs. These subjects may seem far removed from profit and loss considerations, but they account for more and more planning and thinking time on the management level of business today.

Eventually you will have to decide what part of your revenues you will want to earmark for development and research. Too little, and you may not attract people as inquisitive and eager as you are. Too much, and you may cause other departmental budgets to suffer, or the business even to fail.

You will have to experiment with various pre-employment and advancement testing procedures, and guard against management by seniority alone, which can sometimes become management by mediocrity.

You will have to face severe and unrealistic government restrictions—some of them artificially imposed to protect other businesses which might otherwise face extinction either because of poor management or lack of patronage.

You will have to explain and defend any profits you may make against those whose lack of understanding causes them to believe that profits are evil, and that all business ventures should be owned and operated by the state.

You will have to initiate job performance evaluation systems and relate promotions and salaries to accomplishments, not positions.

You will have to protect your employes and stockholders against cyclical recessions by diversifying activities so that layoffs and shutdowns will be minimized.

You will have to be concerned with turnover at all levels of your organization, and you will have to determine what your responsibilities and obligations are in personnel retention.

You will have to raise your corporate voice occasionally so that those who make the law and those who enforce it will respect your rights, will allow an atmosphere in which you can live and grow, and will protect you, your employes and your plant from irresponsible factions.

You will have to do these things so that you can become successful enough to be able to utilize some of your time to help solve the problems of our society. And, believe it or not, if you do these things well you will find that there will be time available to devote to civic betterment and to family, sports, hobbies and cultural pursuits.

Only 40 years ago, when I was a youngster, it was a big thing to spend a Saturday afternoon at an amusement park or a weekend at the seashore. We would talk about that experience from September to the following June. But just think about the changes! Last summer our Southern Pacific Club at San Francisco chartered two large airplanes to fly members to Europe for three-week vacations. This year club flights will be going to Europe again, to Hawaii and to other distant places, and most of those making these wonderful trips are rank-and-file employes. Technology has reduced the time one must work to have the good life, and it has vastly expanded our opportunities for many extra pleasures of our choice—hobbies, travel, education, sports and recreation.

For the past 32 weeks your JA advisers have been telling you some things about yourselves, about the business world, about their place in it, and about the place you one day can occupy. Many of the things they mentioned, I am sure, have become more meaningful to you as your Junior Achievement year moved along.

When they said you must be dependable in work habits, you recall the nights when key personnel in your company failed to show up, making it impossible either to get out and sell your product or to manufacture enough for the sales force to sell.

When they said you will need marketable skills, you recall the Achievers who appeared to have two left hands, who tried and tried but could never hammer a nail straight or learn to use a power tool. Perhaps you came to realize that the advisers were right when they said that there is a need for education and training of individuals in basic skills, and for the continual upgrading of those skills, and for care in placing people where they can do the best jobs.

As you reminisce about Junior Achievement some day, you will appreciate the sacrifice in time and energy your advisers made these past 32 weeks, and you will understand that such extra work is an obligation and an extension of training that adults cheerfully accept. This is *their* way of changing society for the better, you see, and this can one day be *your* way of doing the same.

In your 32 weeks with JA you now have been exposed to the *need for profit* and, hopefully, you have come to the conclusion that business careers are as honorable, as challenging and as important as careers in nonprofit endeavors, and that they require as much preparation, dedication and commitment as many other worthy careers.

As you have looked at your beautiful new Brookhollow building—one of the most modern JA plants in the nation—I hope it has occurred to you that successful businessmen and successful businesses—out of *profits,* remember—frequently provide the money and expertise that make community betterment projects possible. When millions must be raised for a United Fund, a hospital, a Junior Achievement program or any worthwhile community effort, it is the business community, large or small, that is asked to lead in making the financial contribution. Usually it is the businessman, big or small, who makes up and heads the committee that goes from door-to-door and office-to-office to raise the money.

Working with visionaries and dreamers, the hardheaded businessman furnishes the material goods and the guidance upon which we are steadily building a better society. His motives and practices are frequently condemned by the uninformed or the misinformed, but none of the critics has brought us a better way to correct the injustices or solve the problems which everyone finds so easy to identify.

Young friends, at least give the Americans of my generation—your fathers and mothers—credit for getting some results. Look around you at the good people in this room who are past 50 and consider some of the things they have done:

They have given you a far healthier world and practically wiped out dreaded epidemics in a score of diseases. They have increased life expectancy about 50% in five decades. They have cut the work week almost a third while more than doubling per capita production. They have lived through modern history's greatest depression and hardest wars, and survived cold and hunger to see that you had good food, warm homes and the greatest educational opportunities ever known.

They have tried to give *you* the best—and you show it, by being the tallest, healthiest, brightest generation ever to grace this land. Because they were materialistic you will work less to earn your own necessities, learn more in less time, enjoy more leisure, and have a wider choice of how you may contribute to society. These are the same people who have *started* the fight against numerous social problems—even if they'll not be allowed the years to finish it. And yes, they also hold the dubious distinction—which I am sure you will inherit—of paying more taxes than any Americans in history!

I often wonder where and how this generation of mine has failed in the face of its multitude of successes and achievements. I believe its greatest shortcoming has been its inability to communicate simply and in understandable terms its great concern for the very problems that are so much in the news today with youth and the entire world. It might surprise and delight many young people to discover that lots of us "old folks" are idealists too.

Practically every businessman that I know has given unselfishly of his time and talent in working on social, cultural and environmental problems. But because they haven't advertised, organized, protested or picketed, their constructive activities have been shoved into the background by a new breed of activities. Unfortunately these hard-working businessmen haven't even really communicated to their own families the truly exciting details of what they are doing and how they are motivated by a sincere concern for the world in which we all live. Could it be that in this failure to share such information—they don't think of their jobs as a drag at all but are just plain weary at 6 p.m. and need a change of pace in order to renew their zest for tomorrow's challenges at work? I think so.

Your own JA advisers are probably a case in point. You know them as sincere, hard-working individuals with your best interests foremost in their minds. But what about their own families? I wonder how many wives and sons and daughters have really been made to understand the importance of what these good men are doing and why—and how many regard JA meeting night as just a night when Daddy's away from home.

Yes, my generation has had failures—many of them. But it is turning over to you young people a world that tolerates failures, and that gives you the means to correct them. If your generation can make as much progress as mine has, you should be able to solve a great many of the earth's remaining ills.

For 32 weeks your advisers have been on a team with your parents, teachers and clergy, trying to work with you toward solutions to some of your problems, trying to answer some of your questions, and trying to broaden the base of mutual understanding. You have discussed and perhaps sometimes disagreed on many subjects. But hopefully you have been building those necessary bridges of understanding, through communications that will remain open to benefit you, your adviser, Junior Achievement and the community at large.

We have been hearing you these past 32 weeks, in Houston and throughout the land, hoping to be able to make a useful appraisal of what you are saying. We have added your thoughts and suggestions to our plans for the future, and we do accept the challenge youth appears to have laid down to us. You have been vocal and you have made some excellent points, and I promise you that the "Establishment" is listening.

You have told us that you want stability, peace and understanding among peoples and nations, so that you can inherit a proper climate for what you want to do to make this world a better place.

You have told us that you want a business-community-government union that respects the autonomy of each segment, without patronage or coercion.

You have told us that you want the opportunity to innovate and experiment, and a chance to grow as individuals.

You have asked us to give further consideration to social consciousness in our business planning so that we can all work to a solution of ecological and environmental problems, integration, educational reform, conservation and beautification.

You have asked for the right to advancement geared to your capabilities, and you have asked for the setting of realistic goals and objectives.

You have asked us to treat you as human beings, on an individual basis, and not as a set of statistics all painted with one brush.

If, as I have said, we had been able to communicate clearly with each other, you would realize that these are not new thoughts, but rather are views rather widely held in the over-30 group.

My generation does not seek to suppress honest dissent, nor is it frightened of change. It has lived through a lot of both. What it *is* worried about is the communications gap that persists in some areas and the apparent inability of too many youngsters and adults to bridge it with patience and grace and tolerance.

Houston's Junior Achievement is happy evidence that the bridge can be built—for we have shown these past 32 weeks that we can talk to each other, both ways, and find answers that mean something.

We are all in this world together, good friends. We are going to have to learn to make our decisions in terms of their impacts in a world so crowded that we can hardly turn around without digging our elbows into our neighbors' ribs. We are in a world where we must learn to breathe each other's air, drink each other's water and eat each other's food. We have been placed in each other's close company for a while, and we'd do well to try to enjoy the company. We *can*, if we listen to each other, learn from each other, and pledge each other mutual trust—and, having done that, join each other in building a brave and wonderful new world.

THE COOPER-CHURCH AMENDMENT

HON. MARTIN B. McKNEALLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1970

Mr. McKNEALLY. Mr. Speaker, I am pleased to insert in the CONGRESSIONAL RECORD the following excellent article which appeared in The Wall Street Journal of Tuesday, June 2, 1970, with reference to the pending Cooper-Church amendment. This article is a model of careful reasoning and cuts through some of the sophistries that surround this issue. Certainly it reflects the point of view of many of us who are in the Congress, especially the need for congressional-executive consultation in the handling of our foreign policy commitments:

THE COOPER-CHURCH AMENDMENT

As the Senate debates the Cooper-Church amendment to cut off funds for certain types of military operations in Cambodia, our biggest headache is trying to figure out what its words mean. Its passage would do more harm than good unless something is done to clarify what it says, first, about the President's power to strike into Cambodia in protection of American troops already in the field, and second, about policies intended to bolster the non-Communist government in Cambodia.

On its face the amendment seems to say that despite the President's powers as Commander in Chief he cannot undertake military operations in Cambodia even if enemy forces there are attacking or about to attack American troops already in South Vietnam. Either the amendment means this or it means nothing at all with regard to this question; its sponsors seem confused as to which is the case. Witness Senator Church on the Senate floor:

"We do not raise into question here the power the President has as Commander in Chief. He derives that authority from the Constitution itself. We could not deny him his powers under the Constitution if we tried. Nothing in our amendment would interfere with his right to protect American troops in the field or to provide for their immediate needs."

If the amendment does fully preserve the President's right to protect American troops, then it does not change his right to act within Cambodia if his purpose is to protect American troops, as it is in the current operations. If the amendment denies him the right to act in Cambodia regardless of his purpose, then it interferes with his right to protect American troops in ways the Commander in Chief deems necessary. The amendment's sponsors cannot have it both ways.

Both the Constitution and common sense dictate that Congress cannot act as Commander in Chief of troops actually in the field, as it would be doing when it draws lines of military maps in a theater long since drawn into the war by the enemy. It does not wish to say it's different because international boundaries are involved when the enemy constantly violates these boundaries and when the nation involved does not object. Nor does it wish to say Congress is only formalizing limits the President himself has established, since limits are one thing when drawn by the Commander in Chief and another thing when etched into law.

At the amendment's second level, we find another set of considerations. We think it entirely appropriate that Congress concern itself with the broad question of American policy toward the Cambodian government, and in fact we think the Administration should seek to involve Congress here. But once again we are left unsure what policy the Cooper-Church amendment seeks to promote. There is quite a difference between a policy of "no American troops" and a policy of "let the place sink."

The general thrust—and the ostensible defense—of the amendments is to implement a policy of no American troops. It has a sleeper section, however, that could undercut any effort whatever to aid Cambodia in its self-defense. This section prohibits U.S. participation in any agreement to provide military instruction in Cambodia. In other words, the U.S. could not provide technical or financial assistance if the South Vietnamese, Indonesians, Thais, Koreans or others undertook to help Cambodia train its army.

It's difficult to conceive a more wrong-headed provision. If we want to reduce our presence in Asia, regional cooperation is what we should try to promote, not inhibit. Also, the section makes hash of the sponsors' arguments that they only want to help the President follow the policy he has already set, for nothing could be more contradictory to the Nixon doctrine.

Despite all this, the Cooper-Church amendment is directed at a concern with which we sympathize—that Congress be more involved in foreign policy. What is needed is the type of Congressional-Executive consultation that helped prevent an Indochina expedition in support of the French during the Eisenhower years. But it is not a matter of writing a law but of building an ongoing process; a specific piece of legislation is important only to the extent it helps build the basis for a continuing process. As it now stands, casting an ambiguous shadow both on the President's powers as Commander in Chief and on the Nixon doctrine of U.S. assistance for self-help, the Cooper-Church amendment will not build but undermine the process.

Yet it could conceivably be turned into something else if the Senate and the Ad-

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ministration can work together to clarify what it says about the Commander in Chief's powers and to remove the sleeper section. In the process of working out those problems, perhaps the two branches could make a small start toward the trust, understanding and cooperation necessary to truly meaningful consultation on future policy.

OVERGUILT: A PROBLEM FOR AMERICANS

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1970

Mr. WHALEN. Mr. Speaker, recently the Washington Post printed an abbreviated version of the article entitled "Overguilt: A Problem for Americans," by June Rossbach Bingham. The article originally appeared in the April 1970 Vassar Alumnae magazine.

Mrs. Bingham, the author of several biographies and a contributor to the New York Times Magazine and McCalls, is, as many of you may know, the wife of our distinguished colleague from the 23d District of New York.

During the recent Anglo-American Conference on Africa, Mrs. Whalen and I had the opportunity to become acquainted with this accomplished writer and delightful woman. The discussions we had with her on the generation gap were as probing and perceptive as her article. She herself possesses the "ineffable grace of humor," one of the attributes she suggests be used to silt up the generation gap.

Mr. Speaker, as I believe Mrs. Binghams' very timely article will be of interest to my colleagues and the readers of the RECORD, I insert it at this point:

OVERGUILT: A PROBLEM FOR AMERICANS

(By June Rossbach Bingham)

Like Spanish moss, guilt is growing down over the faces of Americans. Saplings are being bowed, mature trees are stifling, and some proud old ones have collapsed.

Overguilt, like overkill, is counterproductive. It may lead to paralysis or a tragic waste of resources. While "a little learning is a dangerous thing," with the corollary that much learning is good, the reverse applies to guilt: a little is good, but too much may be dangerous. Maddened by its good, the overguilty person, like the rogue elephant, may charge about, bashing his head into immovable objects or trampling other people under foot. Neither he nor his victim may recognize the cause of his embattlement. But the existence of overguilt may be surmised when someone consistently puts his worst foot forward. As C. P. Snow writes in his latest novel:

"Guilty relationships, the more so if the guilt was not conscious, had a built in tendency to lead to further guilt. One had done something which one couldn't thrust away or live with peacefully or reconcile with one's nature: with many people . . . there grew a violent impulse to do something which one could face even less. Guilty relationships pushed both partners further to the extreme. All guilt had a tendency towards escalation . . . George knew that those who accused him or mourned over him were right: well, to hell with them, he'd give them twice as much to be right about."

What Freud called "free-floating anxiety" seems nowadays to have a counterpart in "free-floating guilt." This appears both in collective and personal form, both in the public domain and the secret recesses of the insomniac heart, both in common to Americans and as varied between the generations. Causes for guilt, moreover, seem to be proliferating during the very period when the traditional guilt-reducers have been dwindling in power. The possibility of divine forgiveness is not available to those convinced that "God is dead." For many there is a vacuum not only where God, but also the devil used to be. In place of the devil, therefore, some people find no one to blame but themselves or others when things go wrong. Sometimes this insistence on laying all blame on human shoulders, a form perhaps of hubris, leads to panic. Says Michael Thomas in *Look,* April 15, 1969: "I was sneaking around New York like a . . . guerrilla, in constant fear of being arrested. . . . Somewhere alone the line, I'd forgotten that I'd not done anything wrong. I'm going to court tomorrow. . . . I'm sure they're going to find me guilty . . . because I feel guilty. It's just a little Local Paranoia, but it grows and grows."

In addition to the loss of guilt-reducers there may be loss of opportunity to make amends. Especially is this true when the aggrieved party has developed a vested interest in his role as The Oppressed, perhaps as an escape from *his* overguilt. Some militant black leaders, for example, make it impossible for a sympathetic white to join in their overdue battle for social justice; some disenchanted young people, white and black, refuse to allow for the possibility that the middle class—or their parents as its symbol or representative—could do anything right. On the other side of the fence, some parents and academics refuse to entertain the uncomfortable hypothesis that dissident students, as "consumers" of modern upbringing and education, could be correct in their negative, complacency-blasting assessments. Says a college dean, more elastic than many of his colleagues. "We keep talking about when we were their age, forgetting that *we never were their age.*"

Some of the young have coupled their loathing for the ancient barriers between white and black, male and female, rich and poor, between nations and between religions, with the erection of an equally bristling barrier between the generations. There is, they insist, a radical discontinuity between those above and below the Great Divide (of thirty). So seductive has this concept of discontinuity become that, in the below-thirty group, a "generation" is no longer defined in biological terms of two to three decades, but in psychological terms of two to three years. Among some newly emerging adolescents, the word is "Don't trust anyone over seventeen." A woman with a twenty-three-year-old son in the police force and a twenty-one-year-old recently suspended from college, refers to "my son, the cop," and "my son, the cop-out."

These many young "generations" tend to be more tolerant of each other than of an elder, even when there is substantive disagreement among them. Statistically few, but highly publicized, are the extremists, whether of far left or far right, together with the far back, the far out, and those males from 11 up to 24 who comprise 75 per cent of the persons arrested for serious crimes. The vast majority, far less publicized, comprise the demi- rebels, or the demi-squares, or the uneasy communters between these two positions. Says John Hersey, a master of one of Yale's residential colleges, "Students . . . are the most open, most threatened, most serious, most generous people I [have] ever known."

Why do so many feel so threatened? True, the post-nuclear world offers unprecedented dangers. As one young man said bitterly. "We recognize that our fate is in the hands of someone we don't even know." Yet this world also offers unprecedented opportunities. Ironically, it is sometimes the opportunities rather than the dangers that cause the worst anxiety. For opportunity entails freedom of choice, and with choice comes responsibility, admitted or not, and with responsibility may come guilt, admitted or not.

Some young people suffer the guilt of not living up to the inflated standards of an upwardly mobile society; others suffer the guilt of not being able to find sufficiently "relevant" standards to live up to. With the ancient philosophies and theologies thrown open to question, there is no longer a generally recognized structure into which a person can fit himself and relax. Today he is not even sure when he is *right*. Indeed, whatever he does, he finds some people he admires disapproving of it. Small wonder that many young people are fearful of making a commitment, or having made one, keep worrying at it. The state of anomie, or normlessness, of doing your own thing, turns out, in many instances, to be less fun than advertised. When a compass has no "North," its owner may wander in circles, while his loved ones cannot chart their course by him. When "the sky's the limit," one of many old adages that cry out for redefinition, an individual may not know either how much to trust others or himself. To be weightless is not a comfortable alternative to being overloaded.

"In today's existential vacuum," says Viktor Frankl, "no instinct tells man what he has to do, and no tradition tells him what he ought to do; soon he will not know what he wants to do."

Many of the young respond to this "existential vacuum" with quiet desperation or loud complaint; others turn to radical passivity or activism. A few become loners, the modern equivalent of the Flying Dutchman, refusing to give themselves to a person or to society, while others escape into intimacy with one partner or a small group whose judgment is sufficiently reassuring for them to "feel good about" themselves. But no matter what the arrangement, or lack of arrangement, it is subject to change without notice.

In characterizing the impermanence of many young Americans—and their counterparts in other developed countries—psychiatrist Robert J. Lifton refers to the legendary old man of the sea who changed his form whenever threatened. In *Partisan Review,* Lifton says of "protean man":

"Rather than being free of guilt, his guilt merely takes on a different form. . . . He suffers considerably from it, but often without awareness of what is causing his suffering. For his is a form of hidden guilt: a vague but persistent kind of self-condemnation related to an awareness that he has no outlet for his loyalties and no symbolic structure for his achievements. This is the guilt of social breakdown . . . experienced by whole nations and people, both the privileged and the abused."

In this period of "social breakdown" or "existential vacuum" the elders have their own forms of overguilt. Having grown up in a time when Puritanism had been reinforced by Victorianism, they find themselves today in a tide-rip of values. They may, for example, be condemned by the young for uptightness about the very habits of self-control, dutifulness, and ability to plan from which their elders had criticized the slightest lapse. The sacrifices they had made for their children may now be rejected rather than appreciated and the parental role of selflessness devaluated to that of a patsy. Accustomed to feeling guilty for their faults, they may now feel guilty for their virtues. And their guilt may be intensified when a member of what Jack Newfield characterizes as the "me, now, and why not" generation accuses them of "hypocrisy."

Two groups of these elders are relatively fortunate. One group has reached the open plateau where far-sighted old eyes can range over wide vistas; where the knapsack of responsibility can gratefully be laid down; and where the person may become what nature appears to intend and which many Oriental societies honor, namely, the observer rather than participant. For better or worse their choices have been made and their periods of testing survived. They have made their bed, but sometimes their grandchild will not let them lie in it in peace. Instead he blames them personally for the institutional hypocrisies to which his generation has made people more sensitive than formerly. "You complain of modern violence," said a youth to his liberal, kindly grandparents, "but the way you serve large meals when babies are starving strikes me as violence."

The second relatively fortunate group is middle-aged, with time enough still to try out some of the more "natural" attitudes promulgated by the young, together with experience enough to choose among them. Such people appreciate youthful experimentation, believing there would be small progress without it. They also recognize that the post-nuclear world stands in parlous need of new ways of relating, in the national as well as the personal sphere. Somehow they have come to terms with their own mistakes, either through the grace of God's or man's forgiveness, or through the opportunity to make restitution, or through the aid of friends or "helping" professionals. Or they may be lucky enough to have found the kind of work that for them, as for Kahlil Gibran's Prophet, is "love made visible." Yet their peace too may be shattered when the young make them lose their temper or their appetite by what Kenneth Keniston calls the "metaphysical violence that refuses the humanity of one's opponent." As he writes in The Young Radicals:

"During a time when values change with each generation, the values most deeply embedded in parents and expressed in their behavior in times of crisis are often very different from the more "modern" principles, ideals, and values that parents profess. . . . Filial perception of the discrepancy . . . may help explain the very widespread sensitivity amongst contemporary youth to the "hypocrisy of the previous generation."

Indeed some confrontations by the young, whether on campus or in the living room, seem designed to bring on the very "times of crisis" that test the authenticity of the elders' beliefs. The elder who is thus forced to shift gears from the rational to the irrational may find his "gut-reaction" fitting poorly into his cherished picture of himself as a mature (cool) and tolerant person.

Two groups of less fortunate elders react to such times of crisis in opposite ways. One group might be called the "cubes"—square any way you slice them. From atop their self-built pedestals they deliver absolutist moral judgments that "turn off" not merely the young but many of their contemporaries as well. How much—if any—unconscious jealousy of the young underlies their intransigence is anybody's guess. In all events their refusal to reconsider their own basic tenets may serve, as does the youthful extremism, to widen the generation gap.

The second group are those who collapse in the face of the young challenger. Psychologically they stand, head down, patiently accepting every load of blame, personal and collective regardless of any choice they had in the matter or any statute of limitations. They may feel not just regret—or justified anger—but self-flagellating remorse when reminded of the heinous acts by slave owners half a century before their own ancestors had set foot on this continent. And they rarely correct even the most exaggerated or biased accusation against them by the challenger. "We must have done something wrong," is workable as a hypothesis, especially if it leads to amends or doing better next time. But it is not workable as a way of life. Overguilt for these people may appear in the form of a blanket placativeness; the varsity letter they sport figuratively on their sweater may be "M" for "Martyr."

Their collapse, moreover, may take physical as well as psychological form. There may be a stoppage of the heart or of the ability to sleep; they may develop a depression or one of the many psychosomatic ailments. These people may be lost in what Dante called the "dark wood, midway in the journey of life," when reverse adolescence can cause an agonizing identity crisis in both sexes. Some parents or academies feel as if suddenly set down upon sand, not the hardpacked variety, but the soft blowing stuff of the desert, constantly shifting, difficult to keep their balance—or their humor—in. Unless they can find a buried pylon on which to place their feet, they sink, as in quicksand, despite a belated or frantic shoveling by their confronter.

A college junior, intelligent, short-haired, and at times short-tempered, announced to his parents one vacation that he had decided never to marry.

They, knowing his fondness for young ladies, were astounded.

"After seeing your marriage," he said, "I never want one of my own."

Well, one reaction to that remark might have been, "Lots of luck. Anyone as pompous and cruel as you, my boy, deserves to live alone."

Another reaction might have been the stomach-drop of fear that he is on drugs. For some people react, even long after a sizable intake of phychedelics, by demonstrating a loftiness of manner that is similar to pomposity, or a loss of empathy with non-drug-takers that is similar to cruelty. Says a recent Yale study:

"Such people seem to have a high opinion of their own profundity, a feeling that they are more creative and productive than any objective measure indicates; a tendency to feel dissociated and detached, as if they were above and beyond the normal world of social reality; a relatively high degree of interpersonal insensitivity toward those who do not share all their assumptions, and an impulsivity that might be seen as intolerance of any limits, questions or skepticism."

The reaction of the young man's parents, however, was instant guilt. He probably never noticed, but his barb remained festering in their consciences, exacerbating the insecurity that had been part of their root-problem, and degenerating into guilt's deformed offspring, self-hatred.

Since the young man does not take drugs, what could he have been thinking? That his parents had deliberately had a stormy marriage? That it does not take more effort to keep a marginal marriage going than a blissful one blissful? Has he never played tennis while his partner was double-faulting, and found it worse than useless to make the partner feel so guilty that tension botches his forehand as well? Or was the young man unthinkingly following the mores of his peer group, namely, in the cause of their high ideal of "openness" and honesty, to kick sleeping dogs awake?

And why did the two old dogs, in self-defense, not growl or nip? Why did they not point out that the person who insists on "sharing" some thought that he knows will be shattering to his listeners may not be "sharing" at all? Instead, he may be using his "openness and honesty" as a form of bludgeoning—or of proselytizing—not because he is secure, but precisely because he is insecure. (The young man, as he reported later with chagrin, had been having girl-trouble.)

Why should the young, today, so often feel insecure? In part, perhaps, because their age-group is the first to have been confronted since early childhood with a bedlam of decisions that in ancient Greece were made by Fate, that in the Bible were made by God, that in the days of the settlers were made by Providence, and that in most other parts of the world are still made, at least partially, by the person's family or tribe, his economic or social niche—in short, by something other than his conscious mind. "In Africa and most of Southwest Asia," says Dr. Nathan S. Kline, "when something goes wrong, the individual will share his depression, or his confused perceptions, with other members of the group. These people simply don't have the Westerner's sense of individual responsibility. Moreover, these people are also able to share their troubles with their ancestors, whom they believe are still very much present as spirits. Finally, they have a belief in white magic. This enables them to believe that things can change almost overnight. . . . They never feel boxed in, that there is no way out as the . . . anxious person often feels in the West."

Americans under thirty feel anxious for another reason. They were the first to be brought up according to the advice of the then-new profession of child-development "experts" whose ideas were popularized only after World War II. When the conscientious parent, at their behest, was sufficiently understanding and articulate for his children to become more aware of their own dependent, aggressive, and sexual drives than the parent ever was, he may unwittingly have handed them a key to Pandora's box.

For when today's elders were young, many thoughts literally did not cross their minds. These are often the thoughts that do cross the mind of today's young person. They also cross the television screen upon which his eyes have been focused since before the age of memory. Once an emotion has entered a person's consciousness, he may be forced to make a decision about it. Should he let it cross his lips? Should he act on it? Often before he has decided what to do, another uninvited emotion appears. He is bedeviled by a multiplicity of choice. Often after he has made a decision, he is plagued by doubts. Lot's wife is not the only character who turned to salt after looking backward once too often.

While the young person wrenches about in confusion, turning for reassurance perhaps to astrology, or to I Ching, or to his age-group, he sees the authority—figures of his world acting as if they knew what they were about. Their seeming certainty, he reasons, must be a hang-up or hypocrisy. Else how could they be going about their business when this "business" of theirs has led to a loathed war abroad and to racial and economic injustices at home that are far more "obscene" than all the four-letter words laid end to end. Enraged by the establishment's apparent willingness to treat some humans as sub-humans, the young person rushes about taking any old bull by the horns. The ensuing struggle may or may not lead to new insights on either side, but it is almost certain to exhaust the aging bull—or cow.

The rage of young Americans toward their own authority-figures was noted by one of the middle-aged who identifies with them. Said Norman Mailer in his Pulitzer Prize winner of 1969:

"A generation of the American young had come along different from five previous generations of the middle class . . . in their hate for the authority . . . The authority was the manifest of evil to this generation."

Today even the non-radical young person considers himself more "hip" than his elders ("hip" deriving from "hep," a jazz term meaning "aware"). And he is likely to be correct, in that the many inner choices he has been forced to make have given him new forms of awareness. Awareness, further-

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more, like murder, will "out," with the young person feeling compelled at times to report to his elders not merely on what he considers to be their mistakes, but on what he knows they will consider to be *his* mistakes. Few have the tact to smoke behind the barn any longer; they prefer to swagger into the house, or campus, with butt (or worse) in hand.

A college freshman, for example, doing well in her studies, kept telephoning her parents about the coming weekend's pot-parties. She thus forced them to become co-conspirators in her breaking of the law or to issue an order they could neither enforce nor even check up on.

It would appear that the prime bugaboo for many young people is not the old fear of adult disapproval but the fear of avoiding this disapproval through half-truth or silence, both being seen as forms of hypocrisy. Jousting is no longer on horseback with a young contemporary, but indoors with an elder. These young people have not stopped to distinguish between deceit in the service of self-interest, and half truth in the service of the other person's feelings. Nor are they willing to believe that their favorite virtue, openness, can be a form of aggression, while hypocrisy, their most hated vice, may, like silence, be a form of love.

In time, the young people may discover that there can be a problem, the solution of which is a more difficult problem, and that fooling some of the people some of the time—or even remaining silent while they innocently fool themselves—may be preferable to crippling them. In the meantime, the young continue to be puzzled by the appearance within themselves, after one of the confrontations, of a deep unease. It cannot be guilt, for, are they not pure (ie., free and open)? The faults, then, must lie with the parents for flaunting their pain, no doubt, in order to manipulate the young. Yet this reasoning too brings no surcease. How ironic, it would be, if despite their unprecedented and valuable awareness, the young were chaining themselves with links of overguilt to the very people from whom they are trying to detach themselves.

The parents, for their most part, may feel a deep relief when their young person is finally detached enough to handle his own life. For they are then freed from some of the overguilt that may also stem from the advice of the child development "professionals." Whereas parenting, for the Victorians, was simple—nothing to it, just don't spare that rod—it is, for the modern parent, a source of chronic anxiety. Let their child, perhaps even when grown, have an accident or illness, a failure in work or relationships with people, and overtly or covertly, the parents will be blamed—or blame themselves. Said the late Drew Pearson, a columnist less sentimental than many of his equally widely-read colleagues:

"All the specialists report that the family plays the most important part in building a child. He can be raised in the slums, in abject poverty, even without much education, and if he has a strong father and mother, he will not only survive but become a constructive citizen."

Left out of such over-simplifications are the many other influential factors such as the grab-bag of the genes, the child's sex and place in the family, the kind of "chemical" reaction he sets up in other people, and his suitability to his historic era. Fortunately, though belatedly, Freud's doctor-daughter, Dr. Anna Freud, together with some of her pediatric colleagues, has come to the rescue of the brow-beaten mother, Jewish and otherwise:

"To put the blame for the child's neurosis on the mother's short-comings . . . is a facile, misleading generalization. I believe we ought to view the mother's influence against the background of the child's spontaneous developmental attitudes."

The child today develops against a background that includes the bomb and the pill, the "tube" and the computer, and a dimension of change unparalleled in history. Buckminster Fuller encapsules this dimension by comparing Einstein's view of the universe with Newton's:

"Newton said . . . that a body persists in a state of rest except as it is affected by other bodies; normal was "at rest"; Einstein turned it the other way: 186,000 miles a second is normal; we are living in a world where change is normal."

Normal it may be, but there remain parts of the human psyche that cannot keep up with it. Nor can these slow-to-learn, largely unconscious parts be hurried by conscious effort. Un-American as it may be to admit it, there are areas of living wherein it is no longer true that "where there's a will, there's a way." Effort of will, for example, will neither speed a realignment in the deep unconscious nor slow the rate of change that is placing both generations in their particular form of "the double bind."

This term, coined by psychiatrists Donald Jackson and Gregory Bateson, covers a process, often unconscious, whereby the maximum of guilt is caused with the minimum of effort. It is related to what the logicians call "paradox," to what the theologians call "the ambiguity of the human situation," and to what the layman calls, "damned if you do and damned if you don't." A jocular version is Dan Greenberg's mother who, after giving him two sport shirts, greets his arrival, wearing one of them, with "So, you didn't like the other?"

A medieval version, fortunately rare, was a test for witchcraft. The suspected person was bound and thrown into deep water. If he floated, he was a witch rejecting his baptism; if he sank, he drowned. A Victorian version, more widespread, was the ditty:

"Mother, may I go in for a swim?"
"Yes, my darling daughter,
"Hang your clothes on a hickory limb,
"But don't go near the water."

Some double-binds seem to be written into the human script. When King Oedipus discovered what his, and every man's, ambivalence toward his parents had led him to do, he put out his eyes. Even earlier in infancy than the Oedipal bind, according to Erik Erikson, is the six-month-old's impulsive biting of the breast that feeds him.

Though the existence of the double-bind is not new, the recognition of its implications is. And within this recognition lies one way to reduce overguilt. For when a problem is admitted to be beyond our solution, the responsibility for not having solved it drops from our shoulders. We can continue to try out alternate ways of handling it, but our frustration need not be compounded with inordinate self-blame. Says the Columbia philosopher, Charles Frankel, about our post-modern period:

"[The] greatest ambiguity or tension is between its belief that man has the power to solve his problems and the obvious circumstances that respect for man and tolerance for him require the acceptance of his inability to solve all or even many of his problems. . . . While we must never admit defeat, we are going to have to live with deep disappointments."

Disappointments, yes; overguilt, no! In the interest of silting up the generation gap, we might consider some of the following activities:

To find a bloodless scapegoat, whether a hoary one such as tough luck, or a current one such as the torrents of change, and load upon it rather than upon human shoulders the surplus shame and blame;

To declare the double-bind, like the blow beneath the belt, an unfair practice, and determine neither consciously to use it nor allow its use on oneself. (Some binds can be escaped by saying to their inflictor, "Since I can't fully satisfy you either way, I'll do neither.")

To summon afterward, if not at the time, the ineffable grace of humor. "I will remember," said an older man recently to a troubled youth, "how I used to sit around with my guilt, waiting for my crime to come along."

To draw up a guilt-disarmament-treaty between the generations, a *détente cordiale*. One clause might be for the young to reduce the roughness of their confrontations. "Silence isn't golden," said a newly emancipated person just over thirty, "it is diamonds; it is uranium." The second clause might be for the elders to reduce the extent of their perfectionism (a programming of them perhaps, by their post-Victorian parents). As a former rebel, now happily married, with a child, said about the ancient guilts that, like tarbaby, are still clinging to her:

"When you're a kid and all things seem possible, your parents' expectations may seem tolerable. But when you get older, busier, more defined, limited—it may be too much to have them criticizing towards the same ideal as before."

The third clause might be to reward the overguilt reliever and punish the overguilt loader (a guilt-loader may be halted by loading guilt on him for guilt-loading, much as a forest fire can be halted by lighting a well-placed counter-fire).

Overguilt loaders of both generations can be spotted by their harshness of judgment, the stone in their hand ready for casting at anyone who does not conform to their particular set of values. Overguilt relievers, on the other hand, can be spotted by their lack of need for self-justification and a capacity for endurance that gives time a chance to bring new developments or new perspective on old developments. As General Smuts once said, "There are situations in which time is the only solvent."

By whatever solvent, when overguilt is reduced, a benign rather than vicious cycle is likely to follow, with each generation no longer so defensive that it cannot budge from its fixed position. The elders, precisely because they are older, might be the first to initiate the guilt-reduction process. For with their telescopic lens of age, they can see far enough ahead to picture their young person, unless there has been reconciliation, left at their death with a possibly crippling burden of overguilt, especially when he reaches *his* middle years. Whoever takes the first step, moreover, may be amazed at the warmth that, all along, has been underlying the crust.

One middle-aged parent paid a visit to her grown son who was living in a far state. She summoned her courage and asked him to forgive her for having got a divorce while he was growing up.

"But Mother," he said gently, "there's nothing to forgive. It wasn't anyone's fault that while *I* was growing up, so were *you*."

MILLS-HARSHA BILL WILL SOLVE SHOE AND TEXTILE IMPORT PROBLEM

HON. WILLIAM H. HARSHA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1970

Mr. HARSHA. Mr. Speaker, today, I appeared before the Committee on Ways and Means in support of legislation that is vitally important to the people of my

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district and, indeed, the entire Nation. This legislation, H.R. 16397, which provides for orderly trade in textile articles and in articles of leather footwear, is urgently needed and long overdue.

As you know, H.R. 16397, of which I am proud to be a cosponsor, would regulate imports of textiles and shoes either by law or through international negotiations. This regulation has become increasingly necessary over the years as the American markets have been deluged by imports of these vital commodities. The problem has existed for quite some time, but in recent years it has grown in a dramatic and devastating way. Since 1960, shoe imports have increased by 600 percent. The entire growth of 80 million pairs in the U.S. market in the past 2 years has gone to foreign shoe manufacturers, with imports increasing nearly 30 percent from 1967 to 1968. Similarly, textile imports from all sources rose from 2.9 billion square yards in 1967 to 3.6 billion square yards in 1968. Furthermore, the advances in textile arrangement, entered into by the United States and other nations in 1961, inadequate to prevent the disruption of markets for textile articles in the United States. The effects of increasing imports are already being felt in segments of our economy which can least afford it. The vast majority of shoe manufacturing takes place in small towns, where the factories are the major sources of income and employment. These small and medium-sized manufacturers form the backbone of the industry and, unfortunately, it is these same manufacturers who first feel the damage which has been done by the unrestrained growth of imports.

This is true in my district in Ohio, which is particularly affected by rising shoe imports. It is indeed frightening then to realize that unless some form of control is instituted, foreign manufacturers will probably absorb nearly 50 percent of our American footwear market by 1975. Furthermore, there is every indication that foreign shoe imports could conceivably equal as much as 90 percent of U.S. production in just 5 short years.

In the face of this overwhelming evidence of damage to our markets and to our economy, the Congress must take action. We must protect American workers and the shoe and textile industries from the existing perilous import situation. The legislation which the committee is considering provides an effective and flexible method of dealing with the import problem and I have urged the committee to report it favorably for House action, as soon as possible.

In a nation such as ours where the economy is based on free enterprise, there is also an important need for fair enterprise. We do not seek to close our markets, but it is essential that we make every effort to protect our own economy through fair competition policies. By implementing shoe and textile import quotas in such a manner we can maintain a healthy economic stability at home while encouraging other nations to share in our markets without overrunning them.

I have urged expedition of this all important matter before the Ways and Means Committee, and I am addressing my colleagues today to call their attention to the Mills-Harsha bill so that when it reaches the floor of the House of Representatives we will be able to take prompt, favorable action.

CHILD CARE PROGRAMS ENDORSED BY PRESIDENT'S TASK FORCE ON WOMEN'S RIGHTS AND RESPONSIBILITIES

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1970

Mr. DELLENBACK. Mr. Speaker, the report of the President's Task Force on Women's Rights and Responsibilities, which was released this week, includes a recommendation for expanded child care services in the United States. Their recommendation reads as follows:

> The Administration Should Urge Congress To Adopt the Liberalized Provisions for Child Care Proposed in S. 2986 for Inclusion in the Social Security Act (Section 437 of Title IV). The Administration Should Also Support Authorization of Federal Aid for Child Care for Families Not Covered Under the Family Assistance Plan, With at Least a Modest Appropriation in 1970.
>
> Lack of adequate child care facilities has been found to be a major deterrent to solution or even significant progress in providing greater education opportunities for children, reducing the welfare burden, giving greater dignity and self-respect to mothers on welfare, filling critical manpower needs in shortage occupations and providing real freedom of choice in life style for women.
>
> Every Federal and State study of the status of women has referred to the necessity for expanding child care facilities.
>
> Department of Labor manpower experts cite lack of child care as the most serious single barrier to job training or employment for low-income mothers.
>
> Our national goal should be:
>
> 1. A system of well-run child care centers available to all pre-school children. Although priority would be given the needs of low-income working mothers, the facilities should be available to middle income mothers who wish to use them.
>
> 2. After-school activities for school-age children at all economic levels who require them.
>
> The National Advisory Council on Economic Opportunity estimated this year that 700,000 migrant children need day care. Only 13,000 spaces are available.
>
> The Council found that 1,373,000 economically deprived children could have benefited from participation in full-time Head Start programs. Only 213,000 spaces were funded this year.[1]
>
> The Task Force endorses the Administration's plan for increasing facilities for care of pre-school and school age children, with priority for low income and welfare families.
>
> In addition, we recommend that the Administration support legislation to authorize Federal grants for developing child care facilities for families at all income levels, with at least a modest appropriation.
>
> The funds would be used to construct child care centers, expand existing care programs, renovate facilities, assist States in improving their licensing standards, train professional and sub-professional staff, research, food programs, and a comprehensive study of existing child care programs at Federal, State, and local levels.

The House Republican task force on education and training earlier this spring issued a report endorsing much the same approach to expanding child care development services. Our approach—emphasis on services for the economically disadvantaged while at the same time making services available to all who need them, including the children of working mothers by gearing fees to income levels—was endorsed in legislation introduced by some 40 Republican Members of Congress. The bill, H.R. 15776, also provided for increased emphasis on training professional and paraprofessional personnel for work with young children; research and development of more effective programs; construction of facilities and evaluation of Federal programs for young children.

Presently, the Select Subcommittee of the Education and Labor Committee is in the process of taking final action on a Comprehensive Child Development Act which coincides with the points recommended by the President's Task Force on Women's Rights and Responsibilities. It is our hope that this legislation will be enacted into law during this session of Congress and will stand as the first significant step in providing the children of the Nation—including the children of mothers who work outside the home—with the child care and child development services needed to assure their sound development during the first 5 years of life.

FREEDOM FOR THE BALTIC STATES

HON. HAROLD D. DONOHUE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1970

Mr. DONOHUE. Mr. Speaker, through the years, I have conceived it to be my duty to join with all my colleagues here, and fellow citizens throughout the country, in urging the Soviet Union to concretely demonstrate the reality of their proclaimed words and good intentions by granting freedom to the Baltic States and all the other small countries that they have illegally occupied and enslaved. I have also been very glad to urge the President of the United States to exert his influence, as this Nation's Chief Executive, upon the United Nations, to call upon the Russian leaders to restore the rights of self-determination to all the people that they now unlawfully hold in subjugation.

In my opinion, Mr. Speaker, it is only by persevering in these public expressions and efforts, which we surely owe to the unfortunate people in these dominated countries, that we will be able to generate sufficient world condemnatory opinion and pressure to convince Soviet Russia to liberate the persecuted peoples in the Baltic States and the other small countries that Russia still holds under tyrannical rule.

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[1] Office of Economic Opportunity, *Continuity and Change in Antipoverty Programs,* Second Report of National Advisory Council on Economic Opportunity, 1969.

I am, therefore, very pleased, Mr. Speaker, to include, at this point, the statement and resolution copy, recently forwarded to me by Leonard Valiukas, president of the executive committee of the Americans for Congressional Action to Free the Baltic States. The material follows:

RED TERROR IN LITHUANIA, LATVIA AND ESTONIA

The Kremlin is fond of saying that Russian imperialism died with the czar. But the fate of the Baltic nations—Lithuania, Latvia and Estonia—shows this to be a cruel fiction. The Communist regime did not come to power in the Baltic States by legal or democratic process. The Soviet Union took over Lithuania, Latvia and Estonia by force of arms. The Soviets invaded and occupied the Baltic States in June of 1940, and the Baltic peoples have been suffering in Russian-Communist slavery for 30 years.

The Balts are proud peoples who have lived peacefully on the shores of the Baltic from time immemorial. For instance, this year marks the 719th anniversary of the formation of the Lithuanian state when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251.

The Lithuanians, Latvians and Estonians have suffered for centuries from the "accident of geography." From the West they were invaded by the Teutonic Knights, from the East by the Russians. It took remarkable spiritual and ethnic strength to survive the pressures from both sides. The Balts, it should be kept in mind, are ethnically related neither to the Germans nor the Russians.

After the Nazis and Soviets smashed Poland in September of 1939, the Kremlin moved troops into the Baltic republics and annexed them in June of 1940. In one of history's greatest frauds, "elections" were held under Red army guns. The Kremlin then claimed that Lithuania, Latvia and Estonia voted for inclusion in the Soviet empire.

Then began one of the most brutal occupations of all time. Hundreds of thousands of Balts were dragged off to trains and jammed into cars without food or water. Many died from suffocation. The pitiful survivors were dumped out in the Arctic or Siberia. The Baltic peoples have never experienced such an extermination and annihilation of their people in their long history through centuries as during the last three decades. Since June 15, 1940, these three nations have lost more than one fourth of their entire population. The genocidal operations and practices being carried out by the Soviets continue with no end in sight.

Since the very beginning of Soviet Russian occupation, however, the Balts have waged an intensive fight for freedom. During the period between 1940 and 1952 alone, some 30,000 Lithuanian freedom fighters lost their lives in an organized resistance movement against the invaders. The cessation of armed guerrilla warfare in 1952 did not spell the end of the Baltic resistance against Soviet domination. On the contrary, resistance by passive means gained a new impetus.

The Government of the United States of America has refused to recognize the seizure and forced "incorporation" of Lithuania, Latvia and Estonia by the Communists into the Union of Soviet Socialist Republics. Our Government maintains diplomatic relations with the former free Governments of the Baltic States. Since June of 1940, when the Soviet Union took over Lithuania, Latvia and Estonia, all the Presidents of the United States (Franklin D. Roosevelt, Harry S. Truman, Dwight D. Eisenhower, John F. Kennedy, Lyndon B. Johnson, and Richard M. Nixon) have stated, restated and confirmed our country's nonrecognition policy of the occupation of the Baltic States by the Kremlin dictators. However, our country has done very little, if anything, to help the suffering Baltic peoples to get rid of the Communist regimes in their countries.

The case of the Baltic States is not a question about the rights of self-rule of Lithuania, Latvia and Estonia, since this is established beyond any reasonable doubt, but the question is how to stop the Soviet crime and restore the freedom and independence of these countries. The Select Committee of the House of Representatives to Investigate the Incorporation of the Baltic States into the U.S.S.R., created by the 83rd Congress, after having held 50 public hearings during which the testimony of 335 persons was taken, made a number of recommendations to our Government pertaining to the whole question of liberation of the Baltic States. According to the findings of this House committee, "no nation, including the Russian Federated Soviet Republic, has ever voluntarily adopted communism." All of them were enslaved by the use of infiltration, subversion, and force. The American foreign policy toward the Communist enslaved nations, the aforesaid House committee stated, must be guided by "the moral and political principles of the American Declaration of Independence." The present generation of Americans, this committee suggested, should recognize that the bonds which many Americans have with enslaved lands of their ancestry are a great asset to the struggle against communism and that, furthermore, the Communist danger should be abolished during the present generation. The only hope of avoiding a new world war, according to this committee, is a "bold, positive political offensive by the United States and the entire free world." The committee included a declaration of the U.S. Congress which states that the eventual liberation and self-determination of nations are "firm and unchanging parts of our policy."

At a time when the Western powers have granted freedom and independence to many nations in Africa, Asia and other parts of the world, we must insist that the Communist colonial empire likewise extends freedom and independence to the peoples of Lithuania, Latvia and Estonia whose lands have been unjustly occupied and whose rightful place among the nations of the world is being denied. Today and not tomorrow is the time to brand the Kremlin dictators as the largest colonial empire in the world. By timidity, we invite further Communist aggression.

Recently the U.S. Congress has made a right step in the right direction by adopting *H. Con. Res. 416* that calls for freedom for Lithuania, Latvia and Estonia. All freedom-loving Americans should urge the President of the United States to implement this legislation by bringing the issue of the liberation of the Baltic States to the United Nations. We should have a single standard for freedom. Its denial in the whole or in part, any place in the world, including the Soviet Union is surely intolerable.

H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

Passed the House of Representatives June 21, 1965.

Attest:

RALPH R. ROBERTS, *Clerk.*

THE IMPORTANCE OF THE "PEACEABLE PEOPLE"

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1970

Mr. THOMPSON of New Jersey. Mr. Speaker, increasingly of late we find individuals or groups of individuals resorting to violence in expressing their views on controversial issues. Increasingly these extremists preempt the public stage to the exclusion of others. This polarization poses a considerable danger to our constitutional freedoms and to our country. This fact has been observed very eloquently in recent days by the distinguished gentle lady from Maine, Senator MARGARET CHASE SMITH, and by Mr. John Gardner and others. A commentary upon their views appeared as the lead editorial on Wednesday, June 10, in the Washington Post. I think this commentary ably sets forth a situation which should receive the attention of all thinking people.

The editorial reads as follows:

THE IMPORTANCE OF THE "PEACEABLE PEOPLE"

"One might suppose that as extremists become increasingly inflammatory, moderates would close ranks and oppose them. But just the opposite is occurring. The moderates begin to take sides against one another. . . . Lest this give the impression that moderates are victimized, let it be said at once that most of them have a secret complicity in the activities of the extremist. The moderate conservative does not explicitly approve of police brutality, but something in him is not unpleased when the billy club comes down on the head of a long-haired student. The liberal does not endorse violence by the extreme left; but he may take extreme pleasure in such action when it discomfits those in authority."

The observation comes from the text of

an undelivered speech by John Gardner, parts of which were printed on this page a while back. About the same time—on the heels of the Kent State killings—a long and exceedingly wise editorial in the Wall Street Journal made a number of similar points. It turned a shaft of light on the intellectual acrobatics of those who know better but who still manage to condone the brutalities of the violent left, and it was equally unsparing of those—who also know better—who cannot conceal a degree of brutish joy when the violent left meets violent counterattack. Since then we have had, in addition, Sen. Margaret Chase Smith's perceptive and moving appeal to the same persons, based on the same analysis of where the real danger lies in our present social chaos:

"It is time that the great center of our people, those who reject the violence and unreasonableness of both the extreme right and the extreme left, searched their consciences, mustered their moral and physical courage, shed their intimidated silence, and declared their consciences. It is time that with dignity, firmness and friendliness, they reason with, rather than capitulate to, the extremists on both sides—at all levels—and caution that their patience ends at the border of violence and anarchy that threatens our American democracy."

Both Mrs. Smith and the Wall Street Journal warned—accurately, in our opinion—that anarchy on the left will beget repression from the right and that in any ultimate conflict between the two, repression is likely to prevail.

There are several things to be said about all this, and the first, in our view, is that these sensible, anguished voices are speaking truth—and they are speaking it in a disinterested, and therefore most compelling, way. Sen. Smith and Mr. Gardner are Republicans, and the Wall Street Journal is constitutionally conservative in outlook. Yet in none of the warnings concerning the radical students is there even the most faintly perceptible sound of a grinding ax. For these are not contestants in a national street-fight, contributors to our chaos who announce from on high that they see no reason to "lower their voices" or stop "shouting fire" until Jerry Rubin does. They do not view themselves that way. They are too repelled by the incivilities on all sides to undertake to manufacture more, and they have properly fixed their attention on the people in the stands—the nation's moderates, left and right, who are only tangentially involved in the fist-swinging and name-calling—as holding the key to how the thing comes out. "The notable fact about civil tumult today," John Gardner said, "is not that a few fanatics start it but that larger numbers of peaceable people tolerate it and lend themselves to it." The most "worrisome thing in the [New York hardhats] episode," the Journal observed, "was not violence by the workers but the cheering and confetti-throwing by the crowds of presumably respectable citizens."

We expect that if Mrs. Smith or Mr. Gardner or the editorialists at the Journal were asked whether they could not go back through the past few years and identify moments and moods in which they themselves had taken a mental short-cut or two in these matters, they would reply that they could. We know that we can. For it is characteristic of situations such as that to which this country has now come, that people and groups of people don't march into them in phalanx formation, eyes ahead, all self-aware: rather they slip into them, a bit at a time, sideways. And surely anyone who is honest knows why. There are, first, predispositions and perspectives that simply allow each of us to take some acts of violence seriously and not quite focus on others, perhaps for unwitting reasons of political or emotional convenience. Witness the outcries about the hardhats on the part of people who could view more (politically) congenial bashing with relative calm; and witness the outrage expressed over left-wing inspired bombings by people who didn't and don't give a damn that hundreds of Negro churches and homes have been bombed and/or burned in the South in recent years. There is, again, beyond the problem of perspective, the very real effect of the cross-tug. One talks with a student who is touching and makes sense, a shopkeeper whose view is no less affecting or persuasive, and it's all a bit like the war in Vietnam and people's reaction to it: only those who are not aware of their own limitations can find their way through all the complexities and uncertainties and mutually cancelling truths of our social turmoil without doubt or inconsistency. So one day you're enraged and the next day you're mild and the day after that there is something else on your mind. And meanwhile it all gets worse—imperceptibly at first and then perceptibly. Around that time, if a nation has any luck at all, people like those we have cited will blow the whistle.

What should be plain to all of us by now is that the tired old locutions and debater's points don't constitute a worthy response—the so's-your-old-man line of reasoning that condones, or at least accepts, unspeakable acts on one side on the grounds that the other side has been even more unspeakable. There is another, less crude and infinitely more insidious response that Mrs. Smith's allusion to the Joseph McCarthy years got us to thinking about, and it too seems a good candidate for extinction—namely, the sentiment (never quite put in those historically fraught terms) that exculpates student and other violence on the grounds that one agrees with their objectives but does not approve of some of their tactics. For just as it was the last time around, tactics and objectives are inextricably bound together in this affair. Anyone who believes it is of no consequence the buildings are burned or bombed or that people are harmed or brute force exerted in the name of stopping the violence in Vietnam, plainly does not know what is wrong with the war there. And anyone hoeing a different political row, who believes it is acceptable for policemen or Guardsmen to gun down unarmed students or Black Panthers or rioters, does not know what is wrong about the campus or black violence he purports to deplore and similarly disqualifies himself as credible critic.

What Sen. Smith and Mr. Gardner and the Journal (and, we should add, a number of other voices) have done is to give meaning and illustration to that mindstopper "polarization," which they have wisely identified with the ungenerous new emotions of both the moderate right and left—the vanishing middle. We would add one point to their arguments, and, roughly, it is that there is nothing to "polarize" about. For it is true, in practical political terms, that a distinction can be drawn between "left-wing anarchy" and "right-wing repression," that the latter will tend to prevail in any broad-scale conflict, and that neither can, by its nature, win anything much worth winning in the end. But in another and maybe more important sense, it is a distinction without a difference. Surely those so-called "anarchists" of the left—the shouters-down and seizers and bombers—are in fact repressors. And surely "repression" in the form of extra-legal police violence or hardhat rampaging is of a piece with anarchy so far as its effect on order, law, and authority is concerned—*is* anarchy, in fact. The first is no suitable refuge (even at second hand, from the stands) for people of the left who fancy themselves free spirits. The second is no suitable refuge for people of the right who believe themselves traditionalists, upholders of duly constituted order. The combatants will doubtless keep up the fighting. But isn't it time for everyone else to wonder what he is so loudly (or secretly) cheering for?

SOCIAL SECURITY'S POWER TO TAX

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1970

Mr. RARICK. Mr. Speaker, H.R. 17550, which started out as a bill to increase social security benefits passed the House on May 21 with amendments delegating to the Department of Health, Education, and Welfare the power to raise taxes. The chairman of the Ways and Means Committee, page 16557 of the RECORD on that date, set forward a succinct statement of the threat to constitutional government should this bill ever become law.

There have been additional developments which may well amplify the danger of turning the power to tax over to an unelected Cabinet official.

The Associated Press, on May 19, reported that the plan for a national health insurance system was the brainchild of Walter Reuther. On May 25, 1969, Robert J. Myers resigned his position as Chief Actuary of the Social Security Administration.

H.R. 17550, which has now passed the House, raises the taxable base from $7,800 to $9,000 and boosts the tax rate from 4.8 to 5.2 percent. According to Mr. Myers:

> The top policymaking officials for the Social Security Administration have strong beliefs in the desirability—even the necessity—of the public sector taking over virtually all economic security provisions for the entire population and thus eliminating private efforts in this area.

Mr. Myers feels the policymakers have as their goal a $15,000 salary base for the tax and a scheme of eventually establishing retirement benefits equal to earned income before retirement—so long as it is the workers' tax dollars that support the bureaucracy.

Many Members are already aware that the efforts to tie social security benefits to the cost of living are but the groundwork toward financing an entire public insurance system out of general tax raises rather than from a trust fund.

If that day ever arrives, the country is finished.

Several newsclippings and a letter follow:

[From the Washington Daily News, June 4, 1970]

EXPANDING SOCIAL SECURITY

After 33 years in the Social Security System—23 years as chief actuary—Robert J. Myers is apt to know as much, and probably more, about the subject than anyone else.

But Mr. Myers has resigned his $35,300 job because he disagrees with the apparent philosophy of the top managers of the Social Security System. He said Commissioner Robert M. Ball and his deputy, Arthur Hess (both appointed under Democratic administrations), are seeking to expand the system to cover "complete economic security for everyone."

The Social Security tax already has been raised 13 times, and another raise is in the works. The tax this year, it is estimated, will cost employers and employes more than $38 billion. Some lower income people already

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pay more in Social Security taxes than in income taxes.

If the "expansionists" in the Social Security System have their way, Mr. Myers says, the benefits in retirement eventually will be virtually as high as income before retirement.

The original aim of the Social Security System was to lay down a "floor of protection" which would provide retired people with a minimum income. Only about 7 per cent of those now drawing social security lack other sources of income.

Social security taxes now are levied on the first $7,800 of everybody's wage. The House has passed a bill to raise this level to $9,000 and to boost the rate from 4.8 per cent to 5.2 per cent. The "expansionists," Mr. Myers says, are shooting for $15,000 salary base for the tax. (Employers match the tax on employes.)

The question is: At what point does the tax on individuals, and the cost to business, become overly burdensome in proportion to the need? And at what point, if the expansion continues, are private pension funds overshadowed and diminished?

Mr. Myers' resignation raises some fundamental questions. These questions should be scrupulously explored by both the Nixon Administration and by Congress. We think it a shame the government has lost the expertise of Mr. Myers—but if his resignation will lead to a thorough examination of all these questions, along with a wide public debate, some good may come of it.

Social Security is a compulsory system for most Americans. The people who pay the taxes to support it ought to have more opportunity to determine where it is going.

[From the Washington Daily News,
June 2, 1970]

Actuary Quits in Anger—Plays "Expansionists" at Social Security

(By William Steif)

The Social Security Administration (SSA) is looking for a new chief actuary today because members of the Nixon Administration "outraged the moral sense" of Robert J. Myers, who was SSA's chief actuary for 23 years until he resigned last week.

Mr. Myers' anger, however, is not directed at the White House. It is aimed at his superiors in the Health, Education and Welfare (HEW) Department and at his former colleagues within SSA.

The soft-spoken actuary, a federal employe since 1934, said in an interview today that he quit his $35,300-a-year post for a principle.

Mr. Myers, 57, charged that Social Security Commissioner Robert M. Ball, Deputy Commissioner Arthur Hess, both appointed by Democratic administration, and other "expansionists" within SSA were trying to build a system of "complete economic security for everyone" when the loss of earnings occurs.

SEEK INCOME PARITY

The expansionists "feel the government's responsibility for retired persons goes far beyond providing a level of benefits on which the vast majority can subsist," he said. "They feel the government should provide a level of income virtually as high as income before retirement."

By contrast, Mr. Myers conceives of Social Security as only "a floor of protection." He said "this conservation administration should be speaking out to educate the American people. The expansionists are keeping quiet and when the Democrats come into office again, they'll be off to the races."

By that, Mr. Myers said, he meant that the expansionists would squeeze out private pension plans, vastly curtailing these plans' investments with dire consequences to the private enterprise system.

CREATING VACUUM

He said evidence of the effort to stifle private pension plans lay in the Internal Revenue Service's recent revision of tax allowances "to restrict the growth and development" of the private plans, leaving "a vacuum that could only be filled by expansion of Social Security."

"I didn't feel I had a right to speak out" when the Democrats were in control, Mr. Myers said. But "the new administration should have its own political people in political jobs. It didn't—it has no one from the insurance, private pension or employe benefits industries. Social Security is run just the way it was when (former HEW secretary) Wilbur J. Cohen was here and trying to expand it in a number of ways."

Mr. Myers said he warned HEW Secretary Robert H. Finch and Under Secretary John G. Veneman of "the pitfalls" when the new Social Security law was being drafted last year. But HEW and especially Mr. Ball and Mr. Hess "tried to push" Social Security much further by proposing a wage base as high as $15,000 and increasing the Social Security tax.

Fortunately, Mr. Myers said, "the congressional and White House officials saved the program . . . but even now, people here (SSA) don't support it strongly."

BACKS NIXON

Mr. Ball denied this, saying "I fully support the President's policies and recommendations in the Social Security field."

Mr. Myers said the House's decision to adopt Mr. Nixon's plan for adding a cost-of-living mechanism to Social Security elated him. He said this would keep the relationships among payments, wage base and tax consistent.

Benefits now are "reasonably adequate," he argued, "and taxation is high enough. Only 7 per cent of those on Social Security now require welfare."

Mr. Myers denied he wanted Mr. Ball's job, as has been rumored for months. "My first choice would be to stay in this job I dearly love," he said.

But Mr. Myers has been increasingly critical of his bosses, Mr. Ball noted, and said "it has become clear for some time that Mr. Myers is no longer content to serve as an objective career civil servant, but wants to be a policy spokesman. This was not his function . . . I believe it is primarily for this reason he resigned from his job."

Mr. Ball praised Mr. Myers' "technical competence, knowledge and important contributions" and said it was "too bad he chose to end his career at Social Security in this way."

A spokesman for the commissioner insisted there were no major philosophical differences between Mr. Ball and Mr. Myers, and that Mr. Ball, too, believed in the "pluralistic approach—a compulsory system supplemented by private pension plans and thrift, and backstopped by welfare."

[From the Washington Post, May 20, 1970]

Reuther Left Appeal for U.S. Health Plan

New York, May 19.—Walter P. Reuther, killed in an airplane crash May 9, left behind an impassioned plea for a system of national health insurance in the United States.

He worked on it during the afternoon before he, his wife and four other persons plunged to their deaths. It was to have been delivered at the Albert and Mary Lasker Foundation awards luncheon on May 14. Sen. Edward F. Kennedy (D-Mass.) substituted for Reuther.

In Reuther's prepared remarks, made public today, he made several points for a national health service which he said would cost no more than Americans are now spending privately.

They include a demand to end waste and make use of communal facilities, public accountability, a special development fund, and putting the program under the Social Security system.

"This," Reuther said, "is really the first time in human history that man is capable of mastering his physical environment. But a basic dilemma remains in the human community: Science and technology have multiplied many times man's power—but they have not increased his understanding, or his compassion, or his sense of brotherhood, or his sense of human solidarity at the very moment in human history when these virtues may be the very essentials of man's capability to survive."

This dilemma, he said, was especially prevalent in the United States.

[From U.S. News & World Report, June 8,
1970]

A key member of Congress, commenting on House approval of tying Social Security benefits to the cost of living: "It is a step toward financing the system out of general tax receipts, rather than out of a trust fund. If we ever reach that day the country is finished."

Hon. John R. Rarick,
House of Representatives,
Washington, D.C.:

You may be interested in seeing this. On May 25, Under Secretary Veneman accepted my resignation, effective immediately, after Commissioner Ball attempted, in vain, to muffle and intimidate me with regard to three speeches that I was making in support of the Nixon Administration's position on Social Security legislation.

Robert J. Myers.

Department of Health, Education,
and Welfare, Social Security
Administration,
Washington, D.C., April 14, 1970.

Hon. Robert H. Finch,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

Dear Mr. Secretary: It is with the utmost regret that I am constrained to submit my resignation as Chief Actuary of the Social Security Administration.

I am deeply concerned about the welfare of the Nation, and I wish to serve the Nixon Administration and the Congress to the best of my ability. I believe that I can best serve these causes by remaining in my present position until the President signs the Social Security bill which will result from the pending Congressional deliberations. Therefore, I have not set a definite date for my resignation. If you believe that my continued presence is not in the best interests of the Department, I will be glad to make my resignation effective at any earlier date. I would appreciate your informing me as to your views on this matter.

I wish to make it clear that my resignation is by no means related to my views on the pending Social Security legislation. In fact, the situation is quite the opposite. I strongly believe that the President's proposal is an excellent one, including its sound financing. It is certainly the most progressive, forward step taken in the Social Security field in many years.

I believe that the President's proposal very well conforms with, and implements, the moderate philosophy of Social Security. It is a progressive, forward step that would prevent future over-expansion of the program, which would destroy private efforts in the economic security field and thus lead to serious consequences insofar as our national economy is concerned.

I should also add that now—as at all previous times during my 35 years of actuarial service with the Social Security program—no one has made any attempt whatsoever to influence or sway the technical actuarial cost estimates for the existing program or any proposed changes therein.

The question might well be raised as to why I believe, in all conscience and integrity, that I must resign. I have previously talked with you about my strong personal beliefs and have given you much supporting factual evidence to substantiate my views—namely, that certain of the top policy-making officials of the Social Security Administration (who are holdovers from the Johnson Administration) have strong beliefs in the desirability—even the necessity—of the public sector taking over virtually all economic security provisions for the entire population and thus eliminating private efforts in this area. It seems to me that this viewpoint is completely alien to that of the Nixon Administration.

Further, and equally important, it is my deeply-held conviction, as I have expressed to you a number of times in the past, that these officials of the Social Security Administration have not—and will not—faithfully and vigorously serve the Nixon Administration. Rather, they will exert their efforts to expand the Social Security program as much as possible by aiding and supporting any individuals and organizations that are of this expansionist conviction. Such anachronistic actions took place extensively during the Eisenhower Administration—against its political views. Such working at cross purposes with the Nixon Administration has occurred in the past year, and is still occurring, althought to a somewhat limited extent so far. I have brought to your attention, on several occasions, the fact that the Social Security Administration is excessively wasteful by spending far too much time and money in performing research, conducting program planning, and collecting statistics in a manner that is not only nonproductive of sufficient worthwhile results, but also inimical to what I understand to be the philosophy and goals of the Nixon Administration.

Undoubtedly, there will be those who will say that I am taking this action solely or largely because I seek enhanced personal recognition. This is not the case. There is no position of any type that I would rather serve in than my present one, and I am not happy to have to leave it.

Evidently, no credence is placed in what I have related to you personally or in other evidence that I have furnished you on this matter, which has such an important effect on the future of the Social Security program. Therefore, I must, in good conscience and personal integrity, resign. It is especially dismaying to me to have to take this action, because I had hoped to serve the Nixon Administration not only with competence and integrity—as I had tried to serve all previous Administrations—but also with great enthusiasm, since I strongly believe in its philosophy and goals.

Sincerely yours,
ROBERT J. MYERS, S.S.A.,
Chief Actuary.

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MARGUERITE RAWALT

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1970

Mrs. GRIFFITHS. Mr. Speaker, Marguerite Rawalt, the distinguished Washington attorney, testified recently before the Subcommittee on Constitutional Amendments of the Senate Committee on the Judiciary in behalf of the "Equal Rights Amendment." Marguerite Rawalt served as a member of the President's Commission on the Status of Women, and of the first Citizens' Advisory Council on the Status of Women, 1961–68; as chairman of the Committee on Civil and Political Rights of Women, and of the Task Force on Family Law and Policy. She served as president of the Federal Bar Association, the National Association of Women Lawyers; the National Federation of Business and Professional Women's Clubs; and as chairman of the Legal Committee of the National Organization for Women, 1966–69, when it took up first appeals in the title VII cases. At this time, I insert in the RECORD Marguerite Rawalt's testimony for everyone to read:

SUPPORT OF THE "EQUAL RIGHTS AMENDMENT" TO THE CONSTITUTION

(By Marguerite Rawalt)

This following analysis of laws and court decisions compels the conclusion that American women of 1970 are without "equal protection of law" and "due process of law" guaranteed to "all persons" by the 14th and the 5th Amendments to the United States Constitution.

The United States Supreme Court is the final interpreter of what the Constitution means. The Court does not rule in a vacuum, but upon a specific case situation measured against an existing law, or the Constitution. Crowning the pediment above the white marble columns of the Supreme Court building are the words "Equal Justice Under Law". But equal justice does not exist for women under the Constitution as interpreted to date. They are the one remaining "class" and category not yet adjudged to come under the legal umbrella of the Constitution, except for their right to vote. Constitutional guarantees may not be denied on account of race, religion, or national origin (even aliens). Yet, that one-half of each race, or origin, born female, is still outside the ambit of such legal protection. For example, shall the Negro woman be employed because race discrimination is illegal, or be denied such employment because she is female subject to restrictive laws?

The U.S. Congress should no longer tolerate this injustice in the society of a great world power. It should act without any further delay to submit to the States for ratification, the pending "Equal Rights Amendment" which would establish a clear and unambiguous constitutional yardstick for measuring laws which discriminate against half of the citizens. The proposed amendment reads:

"Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex."

This amendment calls for legal equality for both men and women, and would strike down any law restricting the freedom of women or men on the basis of their sex.

The 14th Amendment, ratified in 1868, forbids any State to "deprive *any person* of life, liberty or property without due process of law; or to deny *any person* the equal protection of the laws." The 5th Amendment, applicable to the Federal Government, forbids depriving "any person of life, liberty or property without due process of law."

As interpreted by our courts, the 5th and 14th Amendments to the Constitution uphold a whole network of State discriminatory laws limiting women in the right to work, limiting the rights of married women in ownership and management of property, precluding them from choosing their domicile, and restricting other civil and political rights. For example:

1. The lack of constitutional protections for women of the U.S. has supported the failure of our Congress to ratify the United Nations Convention on Political Rights of Women, thus creating a cloud upon our international image as a democracy.

2. The 14th Amendment did not give women the right to vote.

3. The 14th Amendment has never yet been applied by the Supreme Court to guarantee to an individual female citizen, the right to work at any lawful occupation of her choice, although the Court has applied its "equal protection" clause to insure the right to work to Chinese laundrymen, Japanese fishermen, a train conductor, and an Austrian cook. The Court as early as 1872 denied the application of the amendment to give a woman the right to practice law.

4. The Supreme Court, on the other hand, has applied the 14th Amendment to limit, restrain, and deny freedom to work to women by upholding maximum hours limitations, upholding exclusion from certain occupations. Its 1908 decision in *Muller* v. *Oregon* excluded women from "equal protection" by the rationale that "sex is a valid classification" for imposing restrictions which barred women from jobs. This precedent stands today, 62 years later, and has been the bulwark of the existing multitude of State laws enacted under the euphonious label of "protective labor laws".[1]

5. Title VII of the Civil Rights Act of 1964, forbidding discrimination in employment, after 5 years of operation, has not received consideration by the Supreme Court. One case which the Court accepted on March 2, 1970 does not involve the constitutional issue.

6. The 14th Amendment does not insure equitable property rights to married women.

7. The 14th Amendment has not fully opened doors to jury service by women.

8. Through the decades, the 14th Amendment failed to abrogate laws imposing longer prison terms on women criminals than for men. It was not until 1968 that the Pennsylvania Supreme Court struck down such a law in that State.

1. *Our country's international image.* The legal status of women of the United States is one of the greatest hypocrisies of our nation. The United States solemnly signed the United Nations Charter whose preamble asserts that "We the people of the United Nations, determined to reaffirm faith in the equal rights of men and women and of nations large and small . . ." and whose purposes declare "fundamental freedoms for all without distinction as to race, sex, language, or religion". Yet the United States has refused to ratify the U.N. Convention on the Political Rights of Women, which merely affirms that "women shall be entitled to vote in all elections, be eligible to hold public office, on equal terms with men." The Assistant Secretary of State in 1947, explained that "if the Equal Rights Amendment were added to the Constitution there would be nothing of a constitutional nature to prevent signing."[2]

The American Law Institute's "Statement of Essential Human Rights" declares that "*Every one* has the right to protection against arbitrary discrimination in the provisions of the law because of race, religion, sex . . ." and that "Barring an individual or group from the exercise of any right on the grounds of WHO they are (e.g. women, Negroes, Catholics) as distinguished from WHAT they have done (e.g. criminals or mental incompetents) would constitute arbitrary discrimination."

2. *The 14th Amendment did not give women the right to vote.* In 1873 Susan B. Anthony and other women were indicted and fined by the Federal Court of New York for having cast ballots in the 1872 presidential election. The Court ruled that "equal protection of law" did not apply to give them voting rights.

It required 50 years of pleading and persuasion before the U.S. Congress and before the State legislatures before the (19th) amendment was ratified to declare that the right to vote "shall not be denied or abridged by the U.S. or any State on account of sex." In 1963 a court decision states that a Negro's vote and a woman's vote are an equal vote, whatever their race or sex.[3]

3. *The 14th Amendment did not give women the right to practice a lawful profession.* In 1872, the U.S. Supreme Court upheld the denial to a woman of the right to

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Footnotes at end of article.

practice law in Illinois. The 14th Amendment was held inapplicable. The Court thus affirmed the decision of the Illinois Supreme Court which had said:

"That God designed the sexes to occupy different spheres of action . . . that it belonged to men to make, apply and execute the laws, was regarded at common law as an almost axiomatic truth."[4]

Ultimately, all States extended the right to practice law to women.

4. *The 14th Amendment has not been held to extend to women the right to work at any lawful occupation of an individual's choice.* In a line of decisions from 1884 to 1963, the U.S. Supreme Court has made it clear that the equal protection clause of the 14th Amendment guarantees the right to follow any of the common legitimate occupations of life—IF you are a male citizen or a male alien.

The Court struck down a San Francisco ordinance which denied licenses to operate laundries to Chinese.[5] In 1914, it outlawed a Texas statute which operated to deny the job of freight train conductor to a fireman-engineer.[6] In 1915, the Supreme Court voided an Arizona statute which restricted an alien Austrian cook from working in a restaurant. Said the Court:

"It requires no argument to show that the right to work for a living in the common occupations of the country is the very essence of the personal freedom and opportunity that it was the purpose of the amendment (14th) to secure."[7,8]

To this writing, research has failed to disclose a single case in which our high court has upheld the right of an individual female to work at any lawful occupation of her choice. To the contrary—

4(a). *The 14th Amendment has been applied to limit and restrict women in the right to work at any occupation of their choice.*

Sex discrimination exists under the labor laws of every State, the District of Columbia and Puerto Rico, with the signal exception of the State of Delaware which repealed all such laws in 1969 according to the Handbook of Women's Bureau, 1969.

Beginning with the Massachusetts statute of 1874 limiting hours of work for women, an expanding deluge of laws limiting not only hours of work, but overtime pay (reserved to the men), exclusion from certain occupations altogether, weight that might be lifted on certain jobs, varying from a low 12-pound maximum to a 35-pound one, exclusion from night work when pay was highest, etc. These laws were in truth enacted for the men, and by the men at a time when no women had a voice or a vote. And at a time when relatively few women worked outside the home. Today, the women's workforce is more than 30 million. Under the beneficent-sounding and deceptive banner of "protection" of the "weaker sex" these limitations continue to this day, solidified into union contracts which preclude most of the 3½ million union women right out of promotions, overtime pay, and even seniority rights. These laws reach nationwide to impose limitations upon non-union women numbering in millions. Because of "exceptions" they offer no "protection" against long hours to the semi-professional thousands in offices, nor to the scrub-women who work into the night cleaning offices and business establishments.

Today, 41 States and the District of Columbia have maximum hours limitations on women workers. This precludes employers from promoting them to supervisory jobs where overtime may be required and must be available, and precludes them from opportunities to earn the attractive double pay for overtime. Weight-lifting limitations (varying from 12 to 35 pound maximums) imposed by state law or by company policy are a basis for keeping women out of jobs they are qualified to fill.

These restrictive laws for women, under the guise of "protection" came under early review by the U.S. Supreme Court. In 1905, that Court held that a New York law limiting the hours of labor for male and female workers in a bakery was a violation of the 14th Amendment and invalid.[9] But, just three years later, the Supreme Court upheld the Oregon statute imposing maximum hours for women only which likewise was challenged under the 14th Amendment as a denial of equal protection of law. In a landmark decision titled *Muller* v. *Oregon*, the Court upheld the hours limitation for women workers by declaring the principle "*Sex is a valid basis for classification*". Women, *as a class*, could be denied equal protection under the 14th Amendment. This decision has supported and undergirded the whole structure of restrictive labor laws on women workers, and stood unchallenged until Congressional action of 1964.

This doctrine of placing all females in a "class" as a ground for denying 14th Amendment protection, has mushroomed through the years. As late as 1960, for example, the Texas Court of Appeals quoted this shibboleth as authority for refusing admission of a woman to a State university; and certiorari was denied, notwithstanding the high court's decision in 1938 applying the 14th Amendment to order the University of Missouri to admit a Negro male student to its law school.[10]

5. *Title VII, Civil Rights Act of 1964 has not opened wide the doors of employment opportunity for women.*

Hopes leaped high among women when Congress enacted the Civil Rights Act of 1964 which, after amendment, makes it unlawful to discriminate in employment on account of race, color, religion, sex, or national origin.[11]

The prohibition against discrimination on account of "sex" was added on the floor of the House, by amendment. The Chairman of the House Judiciary Committee, a distinguished lawyer, argued heatedly against this amendment, on the ground "it would put in question the protective labor laws for women".[12] Congresswoman Martha Griffiths presented realistic examples of the situation supporting inclusion of women, else the "white woman would be last at the hiring gate".

Title VII created the Equal Employment Opportunity Commission (EEOC) to administer these provisions but without giving to the Commission any enforcement powers. Its role is conciliation. The Commission's rulings today require that virtually all jobs must be open to men and women, based upon qualifications only.

Federal Courts and Title VII—and State "protective" laws.

Women themselves, in industry, have courageously filed complaints with the EEOC and have followed up by bringing suits in Federal courts to remove discrimination against them. The first three cases decided all ruled against the women plaintiffs. Two upheld weight-lifting limitations by State law and company policy. The third refused to find a "substantial constitutional question" in the conflict between an 8-hour maximum hours law of the State and the 14th Amendment. The U.S. Supreme Court refused to take appeal from the three-judge constitutional ruling and remanded the case for appeal through the U.S. Court of Appeals. These decisions were in June and August, 1967, and May 1968. At this point, Title VII stood not only meaningless so far as discrimination against women was concerned—it stood with two adverse decisions against it. What Congress had seemingly given, the courts had taken away.

The National Organization for Women, a newly formed civil-rights-for-women organization, came immediately to the fore, offering legal and financial assistance to the women in all three cases. Women attorneys of NOW's Legal Committee volunteered their professional time and talents, filed appeals, battled delaying tactics, and prepared and filed briefs in two U.S. Courts of Appeals, as well as the appeal to the Supreme Court.

As a result, two landmark decisions came out of two Appellate Courts, turning the losses into wins. The U.S. Court of Appeals, 5th Circuit, in March 1969 handed down the first authoritative and final decision, reversing the District Court of Georgia, in *Weeks* v. *Southern Bell Telephone and Telegraph Co.*[13] The Court rejected a 35-pound weight limitation as a valid exception to the statute where the applicant had seniority and qualifications for the job.

The second landmark decision was handed down in September 1967 by the U.S. Court of Appeals for the 7th Circuit, Chicago. Its decision voided sex discrimination based on weight-lifting limits, separate seniority lists for men and women, and job classifications serving to exclude women from the better paying posts. *Bowe et al* v. *Colgate-Palmolive Co. et al.*[14] Two cases which involve the 14th Amendment issue and whether State hours laws are constitutional, are pending decision in the U.S. Court of Appeals, 9th Circuit, San Francisco. *Mengelkoch* v. *N. American Aviation Co.* and *Rosenfeld* v. *Southern Pacific R.R.*[15,16]

The Supreme Court agreed on March 2, 1970 to accept for decision a case involving the question whether a large industrial employer may legally deny a job to a woman applicant on the ground that she is mother of pre-school-age children. *Phillips* v. *Martin-Marietta.*[17] No constitutional conflict is involved.

Employment discrimination reality. Within the past month an authentic survey was published by the Bureau of National Affairs, a first survey of 150 executives, about 60% representing larger companies employing 1,000 or more, and 40% executives from smaller companies. The survey revealed that today: 59% (nearly 3/5ths) of employers still disqualify women on the basis of sex; 51% of employers still apply the state "protective" laws, notwithstanding EEOC rulings, and even recent rulings of State Attorneys General that Federal law supersedes; 49% apply weight-lifting limitations; and 44% apply State maximum hours laws for women.

Thus, the only avenue open to women in industry to be free from the shackles of hours limitations, occupational shut-outs, weight-lifting limitations and other restrictions on their employment, is to incur the cost and delay, and risk to their jobs, of bringing individual or class suits in Federal Courts, case by case, employer by employer, State law by State law, to seek the right to employment at any lawful occupation of their choice—even the right to be considered for promotion to better paying positions. A constitutional amendment banning sex inequality would provide the unassailable yardstick for elimination of State laws binding women only. It would overrule "sex as a valid classification" foundation of present State restrictive laws.[17a]

6. *The 14th Amendment does not insure fair and equitable property rights to married women.*

In every State in the Union, one or another kind of legal disability or restriction limits the property rights of married women, as reported by the President's Commission on the Status of Women.[18]

Property rights are fixed by State statutes. The 1944 opinion of the Florida Supreme Court summarized the situation:

"a woman's responsibilities and faculties remain intact from age of maturity until she finds her mate; whereupon, incompetency seizes her and she needs protection in an extreme degree. Upon the advent of widowhood she is reinvested with all her capa-

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Footnotes at end of article.

bilities which had been dormant during her marriage, only to lose them again upon remarriage. Intermittently, she is protected and benefited accordingly as she is married or single."[19]

There are 42 common law States, and 8 community property States. Under common law principle, each spouse owns whatever property he or she earns. Where the husband was the sole wage-earner or businessman, all the property acquired during the marriage was therefore his property. State statutes have variously modified the common law principle, yet some limitation remains in every jurisdiction.

In the community property states, husband and wife each owns an outright one-half of real property acquired during marriage, even though the wife has no outside earnings. But in most jurisdictions, the husband and not the wife, has sole management rights, enabling him to create debts and dissipate the property without knowledge or consent of his wife. Texas revised such law in 1968.

An equitable division of property upon termination of marriage which follows formula "that there first be deducted from each spouse's property the debts of that spouse. Inherited or separate property would then be excluded. The remaining properties, the marital property, would then be divided equally 50–50 between husband and wife." Such a formula appears in a recent draft uniform law or Dissolution of Marriage proposed by the National Conference of Commissioners on Uniform State Law.

The Presidential Commission on the Status of Women stated its considered conclusions that—

"Marriage as a partnership in which each spouse makes a different but equally important contribution is increasingly recognized in this country.[20]

"During marriage, each spouse should have *a legally defined* substantial right in the earnings of the other, in the real and personal property acquired through those earnings and in their management."[21]

It seems clear that the proposed constitutional amendment would crystalize the 50–50 marriage partnership principle and set up a controlling legal test for eliminating remaining inequities.

7. The 14th Amendment has not opened doors to jury service for women.

The Civil Rights Act of 1957 provided that women were entitled to sit on all Federal juries. "Entitled" on the one hand, but subject to a whole variety of conditions and practices applicable only to women, which still serve to limit State jury service.

Until 1966, three States totally excluded women from serving on juries. Indicative of the fact that State statutes still control, the Supreme Court in January 1970 upheld Alabama and Georgia statutes on jury selection, although holding that the particular jury commissions had abused their discretion in the exclusion to large degree of Negroes from the jury rolls.[22]

There are still not less than 20 States and the District of Columbia which provide differential treatment for men and women as jurors, such as the requirement that any women must affirmatively request to be listed.

A constitutional amendment is needed which cannot be twisted into a ruling that "sex is a reasonable classification."

8. The 14th Amendment, through the decades, was not applied to abrogate longer prison sentences for women criminals than for men.

It was not until 1968 that the Supreme Court of Pennsylvania voided that State's Muncy Act in a case in which a woman convicted of robbery was sentenced to prison for a term of up to 10 years, instead of the 1-to-4-year term which would have been the maximum sentence for a man for the same offense.[23]

The legislative rationale when such laws were enacted was that "it required longer to rehabilitate a female criminal than a male."

Congressional treatment of the proposed equal rights amendment.

All that Congress is asked to do is to submit the proposed constitutional amendment to the States for their ratification. At least ten States have already taken official action memorializing the Congress to do so.[24]

In all the years and through all the Congresses since 1923 when it was first introduced, the House of Representatives has but once taken a vote upon Resolutions to submit the Equal Rights Amendment. For years, the proposal has not been reported out of the House Committee on the Judiciary. Four hundred and thirty-five members of the House are precluded from opportunity to vote upon submitting the amendment, although 238 members have introduced the bill in the 91st Congress.

The U.S. Senate has voted on this proposal on four occasions: in 1946, 1950, 1953 and 1960 in which is here described as a game of "shadow-boxing". When the Resolution declaring that "equality of rights under the law . . . shall not be denied or abridged on account of sex" came to the floor in 1950, and in 1953 and 1960, it was first "amended" by the addition of the so-called *Hayden Rider* which read that this "shall not be construed to impair any rights, benefits, or exemptions now or hereafter conferred by law on persons of the female sex." As one Senator put it: "In one paragraph it would grant women equality and in the second wipe out that equality by granting special benefits."

The real and effective opposition to the Equal Rights Amendment has come from organized labor and those determined to maintain and perpetuate the "protective" laws for women. All the devices of delay, recommitment, bottling up in committee, nullifying amendment, and counter proposals have been brought to bear in the Congress. In 1956, during debate on legislation to create the U.S. Civil Rights Commission, the Chairman of the House Judiciary Committee stated "distinctions based on sex had never been considered within the purview of the equal protection clause of the 14th Amendment." (Cong. Rec. House July 19, 1956, p. 12349).

At the opening of Congress in January 1961, the Chairman of the House Judiciary Committee introduced H.J. Res. 92 as a counter proposal to the Equal Rights Amendment, if we are to judge by a prior measure in 1947 of the same variety. The proposal each time was to establish a Commission on the Legal Status of Women "to study and review the nature and extent of discriminations based on sex" and to "report to the President, who in turn would transmit the report to the Congress."[25] The opening paragraph reciting the policy in both instances was:

"Declaration of Policy. That it is the declared policy of the United States that in law and its administration, no distinctions on the basis of sex shall be made except such as are reasonably justified by differences in physical structure, biological, or social functions."

The President's Commission on the Status of Women (1961–1963).

The Citizens' Advisory Council on the Status of Women (1963–1968).

The Commission on the Status of Women, appointed in 1961, was composed of 26 members charged by Executive Order "to develop plans for advancing the full partnership of men and women in our national life" with responsibility "for developing recommendations for overcoming discriminations in government and private employment on the basis of sex."

The Commission, chaired by Mrs. Eleanor Roosevelt, included five Cabinet Secretaries, two U.S. Senators, two Congresswomen, the Chairman of the Civil Service Commission, the presidents of four national women's organizations, two representatives of trade unions including the AFL–CIO, one from industry, an editor, a lawyer, a college president, a sociologist, and a social research director. These 11 men and 15 women submitted their report, *American Women*, to President Kennedy in October 1963.[26] The Commission's "Invitation to Action" set off a nationwide response. The President immediately created by Executive Order a Citizens' Advisory Council on the Status of Women, and a Cabinet Committee (the Inter-Departmental Committee, or "I.D." Committee) to go forward with implementing the recommendations of the Commission.

The most controversial issue in the deliberations of the Commission centered around the so-called "protective" labor laws for women, and the proposed Equal Rights Amendment. The Commission took a compromise route.

"Since the Commission is convinced that the U.S. Constitution now embodies equality of rights for men and women we conclude that a constitutional amendment need not NOW be sought . . . . but *early and definitive court pronouncement*, particularly by the U.S. Supreme Court *is urgently* needed."

Seven years later, definitive court pronouncement is still urgently needed.

President Nixon after taking office in January 1969, appointed a Citizens' Advisory Council on the Status of Women of individuals of his choice, and also appointed a Task Force on Women's Rights and Responsibilities. The Task Force submitted its report Dec. 15, 1969.

This Council endorsed the Equal Rights Amendment on February 7, 1970, and recommended that the President request its immediate passage by the 91st Congress.

When will organized labor give equality of opportunity to the female workers in its ranks and whom it represents in employment contracts?

The powerful American Federation of Labor, over the years, has opposed the Equal Rights Amendment on the ground that it would abrogate such "protective" laws for women as still stand on the books.

When California's 8-hour per day and 40-per-week laws limiting women workers was enacted, the Los Angeles Times of March 9, 1911 reported that "the passage of this revolutionary measure was anticipated because there has been unmistakable evidence that the Legislature and the administration is dominated by labor union influences."

The AFL–CIO statement to the Commission on the Status of Women in 1963 was as follows:

"Enactment of the Equal Rights Amendment would jeopardize existing state legislation establishing minimum wages, maximum hours, and other special provisions for the protection of working women against substandard conditions of employment."

A great break-through occurred when one progressive and powerful union, *The International Union, United Automobile Workers*, changed its policy to conform to Title VII as interpreted by the EEOC. Its published policy in 1969 cited the EEOC ruling that Title VII supersedes "such state laws" with which it is imperative that we comply conscientiously and vigorously.

"Many employers have utilized the so-called 'state protective laws' to deny women as a class, opportunities to work overtime, for recall, to bid on certain jobs, work in certain departments and on certain shifts, notwithstanding the fact that an individual woman might have had the seniority, skill and ability which should have been recognized. Wherever such a practice still exists the Local Union should challenge it both in grievance machinery and with EEOC."

Further, the convention body of the UAW meeting in Atlantic City this April, 1970, voted to endorse the proposed constitutional amendment.

Activity and Progress of the 1960 decade. In the passing decade, in the late 1960's,

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Footnotes at end of article.

women in all walks of life, of all ages, all economic situations, including young women students, have become aware and knowledgeable about their second-class legal status. A whole series of new organizations for women, by women, and of women have sprung up with one common purpose of demanding full freedom of choice to live and work as individual members of society.

President Kennedy's 1960 appointment of a Commission on the Status of Women, and its report on discriminatory laws and practices, proved to be a real call to action which has stimulated new thinking and progress. Commissions on the Status of Women in every state, the District of Columbia and Puerto Rico have researched their laws and recommended and sought changes. Congress enacted Title VII in 1964, opening up new doors of employment opportunity. The Equal Employment Opportunity Commission has issued guidelines calling for elimination of restrictive conditions in employment on account of sex as well as race. The United Automobile Workers and at least one other large and respected trade union have changed stand and recommended elimination of the "protective" laws for women. The U.A.W. has gone further, and has voted its endorsement of the Equal Rights Amendment. Litigation in Federal Courts, and the EEOC guidelines, have led to state determinations to withhold enforcement of these restrictive laws.

President Nixon's Citizens Advisory Council on the Status of Women in February 1970 endorsed the Equal Rights Amendment and recommended his action in the present Congress.

What overriding justification can there be for adhering to the opposition of the American Federation of Labor to the passage of the Equal Rights Amendment in the light of today's economic conditions, in light of the facts that:

1. The AFL speaks only for a fraction of the working women who are affected by the so-called "protective" laws—its ranks number less than 3½ million women, compared with some 26,000,000 other women working outside the home.

2. The AFL speaks only upon a fractional area of the laws which affect women's legal rights, whereas equality is sought not only as to labor standards laws but as to laws governing property rights, civil rights, and political rights.

3. The AFL speaks only for a fraction of all women within its ranks, as illustrated by Federal Court suits which its members have had to institute at their own expense and risk, in order to seek enforcement and observance of Title VII as to sex discrimination.

4. The AFL does not speak for all big trade unions or small, since the powerful United Automobile Workers, and affiliated unions, have recently taken the position that the labor standards laws for women are restrictive and a violation of Title VII, and that the Equal Rights Amendment to the constitution is needed.

What holds Congress back? Why should it continue to set up a roadblock against submission of the proposed Amendment to the States?

FOOTNOTES

[1] Muller v Oregon (1908) 208 U.S. 412.

[2] Cong. Rec. July 19, 1956, p. 12349.

[3] Gray v Sanders (1963) 372 U.S. 368.

[4] Bradwell v. Illinois (1872) 83 U.S. 130; also in re Lockwood (1894) 154 U.S. 116.

[5] Yick Wo v Hopkins (1886) 118 U.S. 356.

[6] Smith v Texas (1914) 233 U.S. 630.

[7] Truax v Raich (1915) 239 U.S. 33.

[8] Takahashi v Fish & Game Commission (1948) 334 U.S. 410.

[9] Lockner v New York (1905) 198 U.S. 95.

[10] Allred v Heaton (1960) Tex. Civ. App.) 336 S.W. 2d 251; cert den 364 U.S. 517; reh den 364 U.S. 944. Missouri ex rel Gaines v Canada (1938) 305 U.S. 337.

[11] Civil Rights Act 1964, effective July 1, 1965; 78 Stat. 241–352 Title VII 78 Stat 254–6, 42 U.S.O. 2000.

[12] Congressional Record, vol. 110, pt. 2, pp. 2578, 2580, 2732, also H. Rep. 914, Part 2, to H.R. 7152, 88th Cong.

[13] Weeks v Sou. Tel & Tel. Co. (CA–5, 3–4–69) 408 F. 2d 228, rev & rem. S.D. Ga. 277 F. Supp 117.

[14] Bowe et al v Colgate Palmolive Co. (CA–7, Sept. 26, 1969) 416 F. 2d 711 rev. S.D. Ind. 272 F. Supp 332.

[15] Mengelkoch v Industrial Welfare Comm. of Calif. and N. American Aviation Co. (C.D. Calif. 5–10–68) 284 F. Supp 950; appeal refused. Oct. 28, 1968, U.S.S.C. 393 U.S. 83; remanded to Dist. Ct.

[16] Leah Rosenfeld v Southern Pacific Co. (D.C. Calif. 11–22–68) 293 F. Supp 1219, on appeal in Ca–9.

[17] Phillips v Martin-Marietta. (CA–5, Oct 13, 1969) 416 F. 2d 1257, pet heh denied.

[17a] Bur. Natl. Affairs, Bull. No. 1047, Part 2, March 5, 1970. ASPA–BNA Survey: Employment of Women.

[18] *American Women* (1963) report of the President's Commission on the Status of Women. Obtainable Govt. Printing Office, Washington, D.C. 20402, $1.25—p. 47.

[19] Taylor v Dorsey (1944 Fla Sup Ct) 19 S. 2d 876.

[20] Task Force Report on Family Law and Policy—to Citizens' Advisory Council on Status of Women. From that Council, Room 4211, Dept. Labor Bldg., Washington, D.C. 20210.

[21] *American Women* supra. p. 47.

[22] White v Crook (M.D. Ala. 1966) 251 F. Supp 401. Hoyt v Florida (1961) 368 U.S. 57. Carter v Jury Commission (1970) 396 U.S. 320. Turner v Fouche (1970) 396 U.S. 346.

[23] Commonwealth v Jane Daniel (Pa. Sup. Ct. 1968) 243 A. 2d 400.

[24] States of New York, North Dakota, Minnesota, Maryland, Connecticut, Pennsylvania, Delaware, Massachusetts, Louisiana, California.

[25] Annals, American Academy Political Science, Vol. 251.

MRS. GUSSIE SANFORD: MILITARY WIFE OF THE YEAR—1970

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1970

Mr. PHILBIN. Mr. Speaker, I want to report to the Congress and the American public on the selection of the military wife of the year. We are all aware of the many thousands of military wives who devote untold energies to the betterment of civil programs while at the same time maintaining their homes, raising their families, and keeping the letters flowing to their husbands. They contribute much to maintaining the excellent morale of our Armed Forces, and all Americans owe them a great debt.

The idea for the annual award grew out of a world-wide entertainment tour to military families conceived by Art Linkletter and Wilson Harrell, president of Harrel International, Inc., and sponsored by Mrs. Alfred J. Stokely, president of Stokely-Van Camp, Inc. The tour not only brought entertainment to the wives and dependents of active duty military personnel, but it discovered and then focused attention on the remarkable work the military wives in all five branches of the service were doing on bettering community relations between the military and the civilian population. It was then decided to hold a competition and to find the most outstanding military wife in all the services.

All women's clubs, whose memberships are wives of active duty Armed Forces personnel throughout the world are invited to submit nominations. Through a selection process, the field is then narrowed to five—a representative of each of the five major military branches of the service. The final judging is done by a panel of distinguished women at a formal dinner in Washington, D.C.

On the evening of May 26, 1970, the panel of judges selected Mrs. Gussie Sanford as the "Military Wife of the Year, 1970," and I am highly pleased to provide the following background information about the selection. It outlined some of Mrs. Sanford's many contributions in the interest of humanity, democracy, and freedom.

This young lady is an outstanding military wife of the year and a great American. Our House Armed Services Committee, the Congress, the Armed Forces and the country have every reason to be very proud of her.

MILITARY WIFE OF THE YEAR ANNOUNCED

Mrs. Gussie Sanford, wife of Army Lt. Colonel Albert Sanford, of Frankfort, Germany, the mother of five children was judged the Military Wife of the Year on May 26, 1970, at a gala banquet in the Shoreham Hotel in Washington, D.C. This was the 4th annual award produced by Harrell International and sponsored by Stokely-Van Camp in cooperation with the Department of Defense.*

Mrs. Sanford was presented with a replica of a statue that is on permanent display at the Pentagon and is dedicated to the Military Wife of the Year, by radio-television personality Art Linkletter. Each of the five finalists were also given an eighteen inch bronze statuette, called the "Milli." Mrs. Sanford began travel the next day to military bases throughout the U.S. meeting with wives involved in volunteer activities and with volunteer leaders in the civilian world.

Each of the five finalists was presented to the audience of over 300 distinguished members of Congress, Department of Defense and Washington socialites by an entertainer or representative of her husband's service. Mrs. Anselma Beckwith, Coast Guard Wife of the Year was presented by TV star Monte Markham. Mrs. Anne Greer, Marine Wife of the Year was presented by astronaut Lt. Colonel Walt Cunningham. Mrs. Bonnie-Jane Luft, Air Force Wife of the Year, was presented by well-known military writer Louis Stoekstill. Mrs. Gussie Sanford, Army Wife of the Year, was presented by Under Secretary of the Army, Thaddeus R. Beal, Mrs. Laure Weymouth, Navy Wife of the Year, was presented by film star Jackie Cooper.

Judges in the Stokely-Van Camp contest were selected by Mrs. Walter Varney Magee, President of the General Federation of Women's Clubs and were: The Honorable Mary Brooks, Director of the Mint; Mrs. John Sherman Cooper, wife of the Senator from Kentucky; Mrs. Clifford M. Hardin, wife of the Secretary of Agriculture; Mrs. Elmer Rusted, wife of the National Director of the U.S. Savings Bonds Division of the U.S. Treasury; and Dr. Bennetta B. Washington, Director, Women's Centers Job Corps and wife of the Mayor of Washington, D.C.

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[*] The award is given to the woman with the most outstanding volunteer record in both civilian and military communities.

MAJORITY OF THE HOUSE URGES ARMS FOR ISRAEL IN LETTER TO PRESIDENT

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1970

Mr. CELLER. Mr. Speaker, under leave to extend my remarks in the RECORD, I am pleased to enclose the following letter to the President, which as of this date, has been signed by 219 Members of the House of Representatives:

JUNE 10, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: It is clear to us that the moment has arrived for the United States to take firm action to meet the present danger posed by the involvement of the Soviet Union military forces in the Middle East. In the face of this threat, we believe that it is urgent that our government provide Israel with additional supersonic jet planes to enable her to deter aggression against her.

It is public knowledge that the Soviet-Arab aircraft strength is now four times the strength of that of Israel and that the presence of Soviet fliers and technicians may adversely affect Israel's heretofore qualitative advantage.

The Congress is vitally concerned with the threat of Soviet presence in the Middle East, as evidenced by the number of signatories hereto, and by the letter sent to the Secretary of State which was signed by over seventy Senators, urging the immediate sale of these planes so vital to the preservation of the balance and peace in the Middle East.

Respectfully yours,

Abbitt, Watkins M. (Va.). Addabbo, Joseph P. (N.Y). Albert, Carl (Okla.). Anderson, Glenn M. (Calif.). Anderson, John B. (Ill.). Anderson, William R. (Tenn.).

Annunzio, Frank (Ill.); Ashley, Thomas L. (Ohio); Baring, Walter S. (Nev.); Barrett, William A. (Pa.); Beall, J. Glenn, Jr. (Md.); Bell, Alphonzo (Calif.); Bevill, Tom (Ala.); Biaggi, Mario (N.Y.); Biester, Edward G., Jr. (Pa.); Bingham, Jonathan B. (N.Y.); Blatnik, John A. (Minn.).

Boggs, Hale (La.); Bolling, Richard (Mo.); Brasco, Frank J. (N.Y.); Brinkley, Jack (Ga.); Brock, W. E. (Bill) (Tenn.); Broomfield, William S. (Mich.); Brown, Clarence J. (Ohio); Broyhill, Joel T. (Va.); Buchanan, John (Ala.); Burke J. Herbert (Fla.); Burton, Phillip (Calif.); Bush, George (Tex.).

Button, Daniel E. (N.Y.); Byrne, James A. (Pa.); Camp, John N. Happy (Okla.); Carey, Hugh L. (N.Y.); Casey, Bob (Tex.); Celler, Emanuel (N.Y.); Chappell, Bill, Jr. (Fla.); Clark, Frank M. (Pa.); Clausen, Don H. (Calif.); Clawson, Del (Calif.); Cleveland, James C. (N.H.).

Cohelan, Jeffery (Calif.); Conable, Barber B., Jr. (N.Y.); Conte, Silvio O. (Mass.); Conyers, John, Jr. (Mich.); Corbett, Robert J. (Pa.); Corman, James C. (Calif.); Coughlin, R. Lawrence (Pa.); Cramer, William C. (Fla.); Crane, Philip M. (Ill.); Daddario, Emilio Q. (Conn.); Daniel, W. C. (Dan) (Va.); Daniels, Dominick V. (N.J.).

Davis, John W. (Ga.); Delaney, James J. (N.Y.); Denney, Robert V. (Nebr.); Dent, John H. (Pa.); Derwinski, Edward J. (Ill.); Diggs, Charles C., Jr. (Mich.); Dingell, John D. (Mich.); Donohue, Harold D. (Mass.); Dorn, Wm. Jennings Bryan (S.C.); Downing, Thomas N. (Va.); Dulski, Thaddeus J. (N.Y.); Duncan, John J. (Tenn.).

Dwyer, Florence P. (N.J.); Eckhardt, Bob (Tex.); Edwards, Don (Calif.); Edwards, Jack (Ala.); Eilberg, Joshua (Pa.); Fallon, George H. (Md.); Farbstein, Leonard (N.Y.); Fascell, Dante B. (Fla.); Feighan, Michael A. (Ohio); Fish, Hamilton, Jr. (N.Y.); Fisher, O. C. (Tex.); Flood, Daniel J. (Pa.); Flowers, Walter (Ala.).

Ford, Gerald R. (Mich.); Fraser, Donald M. (Minn.); Friedel, Samuel N. (Md.); Fulton, James G. (Pa.); Fulton, Richard (Tenn.); Fuqua, Don (Fla.); Gallagher, Cornelius E. (N.J.); Garmatz, Edward A. (Md.); Giaimo, Robert N. (Conn.); Gibbons, Sam (Fla.); Gilbert, Jacob H. (N.Y.).

Goldwater, Barry M., Jr. (Calif.); Green, Edith (Oreg.); Green, William J. (Pa.); Grover, James R., Jr. (N.Y.); Gubser, Charles S. (Calif.); Gude, Gilbert (Md.); Hagan, G. Elliott (Ga.); Haley, James A. (Fla.); Halpern, Seymour (N.Y.); Hanley, James M. (N.Y.); Hansen, Orval (Idaho); Harrington, Michael (Mass.).

Harsha, William H. (Ohio); Hastings, James F. (N.Y.); Hawkins, Augustus F. (Calif); Hays, Wayne L. (Ohio); Heckler, Margaret M. (Mass.); Helstoski, Henry (N.J.); Henderson, David N. (N.C.); Hicks, Floyd V. (Wash.); Hogan, Lawrence J. (Md.); Holifield, Chet (Calif.); Horton, Frank (N.Y.).

Hosmer, Craig (Calif.); Howard, James J. (N.J.); Hull, W. R., Jr. (Mo.); Karth, Joseph E. (Minn.); Kee, James (W. Va.); Keith, Hastings (Mass.); King, Carleton J. (N.Y.); Koch, Edward I. (N.Y.); Kuykendall, Dan (Tenn.); Kyros, Peter N. (Maine); Latta, Delbert L. (Ohio); Leggett, Robert L. (Calif.).

Lennon, Alton (N.C.); Long, Clarence D. (Md.); Long, Speedy O. (La.); Lowenstein, Allard K. (N.Y.); Lujan, Manuel, Jr. (N. Mex.); McCarthy, Richard D. (N.Y.); McClory, Robert (Ill.); McCloskey, Paul N., Jr. (Calif.); McCormack, John W. (Mass.); McCulloch, William M. (Ohio); McFall, John J. (Calif.).

McKneally, Martin B. (N.Y.); Macdonald, Torbert H. (Mass.); MacGregor, Clark (Minn.); Madden, Ray J. (Ind.); Mailliard, William S. (Calif.); May, Catherine (Wash.); Michel, Robert H. (Ill.); Mikva, Abner J. (Ill.); Miller, George P. (Calif.); Minish, Joseph G. (N.J.); Monagan, John S. (Conn.); Moorhead, William S. (Pa.).

Morgan, Thomas E. (Pa.); Morse, F. Bradford (Mass.); Morton, Rogers C. B. (Md.); Moss, John E. (Calif.); Murphy John M. (N.Y.); Murphy, William T. (Ill.); Nix, Robert N. C. (Pa.); O'Hara, James G. (Mich.); Ottinger, Richard L. (N.Y.); Patten, Edward J. (N.J.); Pelly, Thomas M. (Wash.).

Pepper, Claude (Fla.); Pettis, Jerry L. (Calif.); Philbin, Philip J. (Mass.); Pike, Otis G. (N.Y.); Pirnie, Alexander (N.Y.); Podell, Bertram L. (N.Y.); Preyer, Richardson (N.C.); Price, Melvin (Ill.); Pucinski, Roman C. (Ill.); Railsback, Tom (Ill.); Randall, William J. (Mo.); Rees, Thomas M. (Calif.).

Reifel, Ben (S. Dak.); Reuss, Henry S. (Wis.); Rhodes, John J. (Ariz.); Riegle, Donald W., Jr. (Mich.); Rodino, Peter W., Jr., (N.J.) Rogers, Byron G. (Colo.); Rogers, Paul G. (Fla.); Rooney, Fred B. (Pa.); Rooney, John J. (N.Y.); Rosenthal, Benjamin S. (N.Y.); Roth, William V. (Del.); Roudebush, Richard L. (Ind.).

Roybal, Edward R. (Calif.); Ryan, William F. (N.Y.); St Germain, Fernand J. (R.I.); Sandman, Charles W., Jr. (N.J.) Satterfield, David E., III (Va.); Scheuer, James H. (N.Y.) Schneebeli, Herman T. (Pa.); Shriver, Garner E. (Kans.); Sikes, Robert L. F. (Fla.); Sisk, B. F. (Calif.); Stanton, J. William (Ohio) Steiger, William A. (Wis.).

Stokes, Louis (Ohio); Stratton, Samuel S. (N.Y.); Stubblefield, Frank A. (Ky.); Symington, James W. (Mo.); Taft, Robert Jr. (Ohio); Thompson, Fletcher (Ga.); Thomson, Vernon W. (Wis.); Tunney, John V. (Calif.); Udall, Morris K. (Ariz.); Van Deerlin, Lionel (Calif.) K. (Ariz.); Van Deerlin, Lionel (Calif.); Vanik, Charles A. (Ohio); Vigorito, Joseph P. (Pa.); Waggonner, Joe D., Jr. (La.).

Waldie, Jerome R. (Calif.); Watkins, G. Robert (Pa.); Whalley, J. Irving (Pa.); Williams, Lawrence G. (Pa.); Wilson, Bob (Calif.); Wilson, Charles H. (Calif.); Winn, Larry, Jr. (Kans.); Wolff, Lester L. (N.Y.); Wright, Jim (Tex.); Wyatt, Wendell (Oreg.); Wydler, John W. (N.Y.); Yates, Sidney R. (Ill.); Zion, Roger H. (Ind.).

HOUSE OF REPRESENTATIVES—*Thursday, June 11, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

He looked for a city which hath foundations, whose builder and maker is God. Hebrews 11: 10.

O God of grace and goodness, we thank Thee for America with her high mountains, her deep valleys, her broad plains; for her homes, her churches, her schools, her Government; above all, for her people dedicated to faith, to freedom, and to the fruits of democratic living. We thank Thee for the heritage which is ours—the good gifts of the past—and we pray that we may continue these good works in the present, taking steps which lead to the higher ground of a free and a just society.

Help us and our people to accept our responsibilities as citizens of this Republic we love—to vote intelligently, to pay our taxes readily, to obey the laws of our land fully, to give our influence to right and good causes heartily, and to live as free men ought to live, going beyond the requirements of justice and mercy.

Thus may we begin to feel a bit at home in Thy kingdom, through Jesus Christ our Lord. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

APPOINTMENT AS MEMBER OF JOINT COMMITTEE ON IMMIGRATION AND NATIONALITY POLICY

The SPEAKER. Pursuant to the provisions of section 401(a), Public Law 414, 82d Congress, the Chair appoints as a member of the Joint Committee on Immigration and Nationality Policy the gentleman from Connecticut, Mr. MESKILL, to fill the existing vacancy thereon.

PERMISSION FOR SUBCOMMITTEE ON IRRIGATION AND RECLAMATION, COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, TO SIT DURING GENERAL DEBATE TODAY

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the Subcommittee on Irrigation and Reclamation of the Committee on Interior and Insular Affairs be permitted to sit during general debate this afternoon.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON HIGHWAYS, COMMITTEE ON PUBLIC WORKS, TO SIT DURING GENERAL DEBATE TODAY

Mr. DORN. Mr. Speaker, I ask unanimous consent that the Subcommittee on Highways of the Committee on Public Works may meet this afternoon at 2 o'clock during general debate.

This has been cleared with the minority.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

COMMITTEE ON THE JUDICIARY WILL NOT BE INTIMIDATED

(Mr. CELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CELLER. Mr. Speaker, there appears in the RECORD of June 9, 1970, a statement taking very vigorous exception to objections lodged against S. 30, relating to the control of organized crime in the United States. Certainly anyone is sturdily within his rights so to do this. However—and this is a very strong however—it is not within anyone's rights to lodge an innuendo which assails the character of the opposition to the bill. I quote directly from the statement made, "What I am trying to do here is to show the false character of the argument being used against this legislation, and to note that the influence of organized crime is being brought to bear to prevent the enactment of this law. I hope that the Members of the House of Representatives will see what is really at stake——"

Be it noted that in opposition to many portions of the bill are not only outstanding legal scholars but such eminently respected groups like the Association of the Bar of New York, the National League of Cities, the Judicial Conference of the U.S. Courts, the Criminal Law Council of the American Bar Association, in addition to the two bodies specifically named in the statement; namely the Association of the Bar of the City of New York and the American Civil Liberties Union.

The Committee on the Judiciary of the House of Representatives will not be intimidated by innuendoes of this kind. It is presently conducting hearings on this bill and I remind the Members that S. 30 was considered for 1 whole year by the Senate committee before it was referred to its counterpart in the House. This, in itself, bespeaks the intricacy of the proposal and S. 30 requires of this body the most responsible scrutiny. To do less would be an injustice to the challenging nature of the legislation before us.

WHAT GOES ON IN OUR COUNTRY?

(Mr. VANIK asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. VANIK. Mr. Speaker, what goes on in our Government?

Cabinet officials transfer to new offices. Huge new bureaus and managements are interposed between the Cabinet and the President and between the Cabinet and Congress. Confusion is the victor.

The entire bureaucracy trembles. Brave men quit or get fired. Subservience, acquiescence, and mediocrity have become the order of the day.

WHITE HOUSE CONFERENCE ON CHILDREN AND YOUTH

(Mr. BIESTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIESTER. Mr. Speaker, this morning the President has asked Stephen Hess, National Chairman of the White House Conference on Children and Youth, to announce plans for the White House Conference on Youth. Each of us in the House should be aware of this important development evidencing the concern of the White House to listen to the youth of our Nation. While we all realize that no one forum can suffice as a means of communication from young people to the White House, I personally found the plans outlined by Mr. Hess to be genuinely exciting, and I am sure that our young people will see in the Conference an opportunity to help shape the course of events affecting not only themselves but also society as a whole. There has never been a more pressing need for such a Conference. There has never been a deeper need to open channels of communication between youth and the adult community, and between youth and the institutions of Government. The Conference announced by Mr. Hess promises to take a long stride in this direction.

TRIBUTE TO GEN. ELIZABETH P. HOISINGTON

(Mr. MIZE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MIZE. Mr. Speaker, I wish to join my colleague from Kansas in tribute to Gen. Elizabeth P. Hoisington, Director of the Women's Army Corps of the United States, on the day of her historic promotion to the rank of general.

General Hoisington and Gen. Anna-Mae M. Hays, Director of the Army Nurse Corps, also promoted today, are the first women to become general officers in the history of our country.

Elizabeth Hoisington, born in Newton, Kans., still considers the Sunflower State her home State. She joins a distinguished company of native Kansas women as a true pioneer today, as she is honored by her President and Congress for a career of outstanding public service.

The pioneering spirit of Kansas women did not diminish with the settling of our State. It did not diminish with the culmination of the successful fight for adoption of the 19th amendment, guaranteeing women the right to vote. Amelia Earhart, from my hometown of Atchison, was an internationally known aviatrix and established many world records in the early days of flying.

Now Elizabeth Hoisington joins this select group in national leadership, and I am sure that she will permit all Kansans to share this day with her in a small way.

General Hoisington has been Director of the Women's Army Corps since August 1, 1966. She is the daughter of a West Point officer, and has three brothers who are graduates of the Military Academy as well. Her two sisters are married to Regular Army officers.

A graduate of the College of Notre Dame in Maryland, General Hoisington holds the Legion of Merit with Oak Leaf Cluster, the Bronze Star, the Army Commendation Medal, and the French Croix de Guerre.

I join my colleague in congratulating General Hoisington, and also General Hays, on this very special day.

CRITICAL HOUSING SITUATION

(Mr. CHAMBERLAIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHAMBERLAIN. Mr. Speaker, our housing situation is one of the most difficult and critical problems facing the country today. This is particularly true in Michigan and I am certain it is true in many other areas throughout the Nation.

Although I have no single, quick, or easy solution to the housing crisis, I submit that the problem should not be ignored nor neglected—and that to do so only aggravates a situation that is rapidly deteriorating.

We have legislation pending that offers help—namely, the Emergency Housing Finance Act—which has already passed the other body by a unanimous vote. This bill has been reported by the House Committee on Banking and Currency; but as yet, it has not been acted upon by the Rules Committee.

Mr. Speaker, action is needed—the

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sooner the better. For this reason, I respectfully urge the majority leadership to make certain that the matter is scheduled promptly in order that this urgently needed housing legislation may be considered by this House.

PERMISSION FOR SUBCOMMITTEE ON HOUSING TO SIT DURING GENERAL DEBATE TODAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Subcommittee on Housing of the Committee on Banking and Currency may sit during general debate today.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

TO FACILITATE DISPOSAL OF GOVERNMENT RECORDS AND TO ABOLISH JOINT COMMITTEE ON THE DISPOSITION OF EXECUTIVE PAPERS

Mr. DENT. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 14300) to amend title 44, United States Code, to facilitate the disposal of Government records without sufficient value to warrant their continued preservation, to abolish the Joint Committee on the Disposition of Executive Papers, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, strike out lines 16, 17, and 18, and insert:

"(b) Authorizations granted under lists and schedules submitted to the Administrator under section 3303 of this title shall be mandatory, subject to section 2909 of this title. Authorizations granted under schedules promulgated under subsection (d) of this section shall be permissive."

Page 3, after line 6, insert:

"(d) The Administrator may promulgate schedules authorizing the disposal, after the lapse of specified periods of time, of records of a specified form or character common to several or all agencies if such records will not, at the end of the periods specified, have sufficient administrative, legal, research, or other value to warrant their further preservation by the United States Government.

Page 3, after line 6, insert:

"(e) The Administrator may approve and effect the disposal of records that are in his legal custody, provided that records that had been in the custody of another existing agency may not be disposed of without the writeen consent of the head of the agency."

Page 3, line 7, strike out "'(d)" and insert "'(f)"

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

AUTHORIZING CERTAIN PRINTING FOR SELECT COMMITTEE ON CRIME

Mr. DENT. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the concurrent resolution (H. Con. Res. 580) authorizing certain printing for the Select Committee on Crime, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the concurrent resolution.

The Clerk read the Senate amendment, as follows:

Page 1, line 4, strike out "ten" and insert "twenty-five."

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

PRINTING AS A SENATE DOCUMENT COMPILATION ENTITLED "FEDERAL AND STUDENT AID PROGRAMS"

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91-1175) on the Senate concurrent resolution (S. Con. Res. 61) authorizing the printing of the compilation entitled "Federal and State Student Aid Programs" as a Senate document, and ask for immediate consideration of the Senate concurrent resolution.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 61

Resolved by the Senate (the House of Representatives concurring), That the compilation entitled "Federal and State Student Aid Programs", prepared by the Library of Congress for the Senate Committee on Labor and Public Welfare be printed as a Senate document; and that there be printed sixty-two thousand two hundred additional copies of such document, of which forty-three thousand nine hundred copies shall be for the use of the House of Representatives, ten thousand three hundred copies shall be for the use of the Senate, four thousand copies shall be for the use of the Senate Committee on Labor and Public Welfare, and four thousand copies shall be for the use of the House Committee on Education and Labor.

SEC. 2. Copies of such document shall be prorated to Members of the Senate and the House of Representatives for a period of sixty days, after which the unused balances shall revert to the respective Senate and House document rooms.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

AUTHORIZING PRINTING OF ADDITIONAL COPIES OF SENATE HEARINGS ON SPACE PROGRAM BENEFITS

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91-1176) on the Senate concurrent resolution (S. Con. Res. 66) authorizing the printing of additional copies of Senate hearings on space program benefits, and ask for immediate consideration of the Senate concurrent resolution.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 66

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Aeronautical and Space Science Committee six thousand additional copies of its hearings held during the Ninety-first Congress, second session, on space program benefits.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

AUTHORIZING THE COMPILATION AND PRINTING OF A REVISED EDITION OF THE BIOGRAPHICAL DIRECTORY OF THE AMERICAN CONGRESS (1774-1970)

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91-1177) on the Senate concurrent resolution (S. Con. Res. 70) authorizing the compilation and printing of a revised edition of the Biographical Directory of the American Congress—1774-1970—and ask for immediate consideration of the Senate concurrent resolution.

The Clerk read the Senate concurrent resolution as follows:

S. CON. RES. 70

Resolved by the Senate (the House of Representatives concurring), That there shall be compiled and printed, with illustrations, as a Senate document, in such style and form as may be directed by the Joint Committee on Printing, a revised edition of the Biographical Directory of the American Congress up to and including the Ninety-first Congress (1774-1970); and that six thousand four hundred and thirty-five additional copies shall be printed, of which one thousand five hundred and forty-five copies shall be for the use of the Senate, four thousand three hundred and ninety copies for the use of the House of Representatives, and five hundred copies for the use of the Joint Committee on Printing.

With the following committee amendment:

Page 1, after line 13, insert:

"SEC. 2. There is hereby authorized to be appropriated for the Joint Committee on Printing such sums as may be necessary for the employment of personnel and the payment of expenses to carry out the provisions of this Resolution."

The committee amendment was agreed to.

The Senate concurrent resolution, as amended, was concurred in.

A motion to reconsider was laid on the table.

PRINTING OF STATE EDITIONS OF 1970 U.S. CENSUS OF POPULATION

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91-1178) on the resolution (H. Res. 1041) providing for the printing of additional copies of the State editions of the publication entitled "1970 U.S. Census of Population," and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

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H. Res. 1041

Resolved, That there be printed additional copies of the State editions of the publication entitled "1970 United States Census of Population" so as to furnish twenty-five copies to each Member of the House of Representatives: *Provided*, That the copies received by each Member shall contain only the population figures of the State from which he is a Representative.

With the following committee amendment:

On line 3, strike out the words "twenty-five" and substitute in lieu thereof the words "twenty-one".

The committee amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING PRINTING AS A HOUSE DOCUMENT A REPRESENTATIVE SAMPLING OF PUBLIC SPEECHES OF FORMER PRESIDENT DWIGHT D. EISENHOWER

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91-1179) on the resolution (H. Res. 1072) authorizing the printing as a House document of a representative sampling of the public speeches of former President Dwight D. Eisenhower, and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. Res. 1072

Resolved, That there shall be printed as a House document a representative sampling of the speeches of former President Dwight D. Eisenhower selected from the three primary periods of Eisenhower's public life: (1) His service as the Supreme Allied Commander in Europe during the war years; (2) his term as Supreme NATO Commander; and (3) his Presidency. The copy for such House document shall be prepared under the supervision of the Librarian of Congress and the style and format of printing such document shall be under the supervision of the Joint Committee on Printing.

Sec. 2. Four thousand three hundred and ninety additional copies shall be printed. Copies of such document shall be prorated to Members of the House of Representatives for a period of sixty days, after which the unused balances shall revert to the House Document Room.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 17970, MILITARY CONSTRUCTION APPROPRIATIONS, 1971

Mr. ANDERSON of Tennessee. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1070 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 1070

Resolved, That upon the adoption of this resolution it shall be in order to move, clause 6 of rule XXI to the contrary nowithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17970) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes, and the provisions of clause 2 of rule XXI are hereby waived with respect to any appropriation contained in such bill.

The SPEAKER. The gentleman from Tennessee (Mr. Anderson) is recognized for 1 hour.

Mr. ANDERSON of Tennessee. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from California (Mr. Smith), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1070 provides that upon adoption of the resolution it shall be in order to consider H.R. 17970, military construction appropriations, clause 6 of rule XXI—the 3-day rule—to the contrary notwithstanding. The resolution also provides for a waiver of points of order against the provisions of clause 2, rule XXI, because the authorization bill has not been signed into law, because it has not been passed by the other body.

Mr. Speaker, I urge the adoption of House Resolution 1070.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the distinguished gentleman from Tennessee has stated, we did waive the 3-day rule, but I am not certain it is necessary now insofar as probably a third day has expired. The other waiver was simply because the authorization bill is not yet signed into law. It passed the House on May 20.

Mr. Speaker, I urge adoption of the rule so we may proceed with consideration of the appropriation bill.

Mr. ANDERSON of Tennessee. Mr. Speaker, I yield 5 minutes to the gentlewoman from Michigan (Mrs. Griffiths).

(By unanimous consent, Mrs. Griffiths was allowed to speak out of order.)

Mrs. GRIFFITHS. Mr. Speaker, I have asked for this time to notify the House that on behalf of myself, the gentlewoman from New Jersey (Mrs. Dwyer), the gentlewoman from Washington (Mrs. May), and the gentlewoman from Massachusetts (Mrs. Heckler), I have this day placed on the Clerk's desk a petition to discharge the House Judiciary Committee from further consideration of House Joint Resolution 264, an amendment to guarantee men and women equal rights under the Constitution of the United States.

This amendment has been in the Judiciary Committee since 1923. Mr. Speaker, two generations and 7 years is long enough for any committee to consider an amendment.

In spite of the fact that there are 245 introducers of this amendment, the committee last held hearings on the amendment in 1948. One generation and 2 years have passed. A new generation has come of age, and another generation passes into middle age. It is well past time that this amendment be considered.

Actually, I have been one of those people who has felt that from many standpoints this amendment is unnecessary. The Constitution properly interpreted should protect women now, but, Mr. Speaker, no matter how well the Supreme Court has aided all other minority groups, no matter how many columns have been written on the fact that the Supreme Court has dragged Congress into the 20th century, the truth is that where women are concerned, the Supreme Court still speaks from the thought processes and the institutions of the Middle Ages. Congress and the Executive are light-years ahead of them.

Two days ago the then Secretary of Labor, Mr. Shultz, laid down the best and most comprehensive guidelines in connection with antidiscrimination of women by Federal contractors that have ever been promulgated. I cannot praise him highly enough. It is the single best thing ever done by the executive on behalf of women. I am proud to say that President Johnson issued the Executive order which called forth the guidelines.

In the first such step of its kind, Attorney General Mitchell has entered the case of Phillips against Martin-Marietta on behalf of Mrs. Phillips. I applaud his action also. In 1964 this body passed the Civil Rights Act which included nondiscrimination on account of sex. Yet the Supreme Court has delayed decision on any case under this statute and the lower courts have decided in every case against the woman.

As I pointed out, one of the real purposes of passing this amendment is to force the Supreme Court into the modern world.

It is time that the Constitution properly interpreted should have made this amendment unnecessary. It is additionally true that, together with the Executive, we have amended the laws to protect women; but to enforce these laws will cost millions of dollars from individual women and a century of time. In addition, in a climate which moves as Senator Smith has pointed out toward repression, women would be safer with a constitutional amendment.

Young people of today object that political parties do not carry out their promises.

Mr. Speaker, I am reminded that the equal rights amendment has been a part of both party platforms since 1944, and of the Republicans since 1940. One generation and 6 years is long enough.

I sat in this body when a discharge petition for a postal pay raise was put on this desk, and Congressmen lined up to sign it. The line should start right here, and this committee should be discharged from further consideration of this amendment this afternoon.

Mr. ANDERSON of Tennessee. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REQUEST FOR PERMISSION FOR COMMITTEE ON RULES TO HAVE UNTIL MIDNIGHT TO FILE CERTAIN PRIVILEGED REPORTS

Mr. ANDERSON of Tennessee. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

Mr. GROSS. Mr. Speaker, reserving the right to object, would that request include the rule on the bill H.R. 17070, the alleged postal reform bill?

Mr. ANDERSON of Tennessee. As I understand, it could be included in this request.

Mr. GROSS. Mr. Speaker, have the hearings been completed on that bill?

Mr. ANDERSON of Tennessee. No, the hearings are in progress at this moment, and I believe it is the hope of the committee that we will go into executive session later in the day and vote on the bill.

Mr. GROSS. In view of the gentleman's answer, I would ask him to withhold his request at this time, because if this includes a request for the reporting of a rule to the House on H.R. 17070, I would have to object to it, at least until the content of the rule is made available.

Mr. ANDERSON of Tennessee. Mr. Speaker, in deference to the gentleman's point which is valid, I withdraw my request.

The SPEAKER. The gentleman withdraws his request.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 165]

Annunzio
Ashbrook
Ashley
Biaggi
Blatnik
Brademas
Brown, Mich.
Burlison, Mo.
Bush
Button
Chisholm
Clark
Clay
Conyers
Cowger
Culver
Daddario
Dawson
Denney
Diggs
Edwards, Calif.
Edwards, La.
Esch
Frey
Fulton, Pa.
Galifianakis
Gallagher
Gaydos
Gettys
Gibbons
Gilbert
Gray
Hansen, Wash.
Harvey
Hawkins
Hays
Heckler, Mass.
Ichord
Keith
Kirwan
Leggett
Long, La.
McCarthy
McDade
McMillan
Martin
May
Mayne
Moorhead
Murphy, N.Y.
Ottinger
Passman
Patman
Pelly
Philbin
Pike
Pollock
Powell
Purcell
Reid, N.Y.
Reuss
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roudebush
St Germain
Satterfield
Scheuer
Schwengel
Stafford
Steiger, Wis.
Stratton
Stuckey
Taft
Teague, Calif.
Van Deerlin
Weicker

The SPEAKER. On this rollcall 352 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On May 28, 1970:

H.R. 780. An act to authorize the Secretary of the Interior to construct, operate, and maintain the Merlin division, Rogue River Basin project, Oregon, and for other purposes.

On June 2, 1970:

H.R. 11372. An act to amend the act entitled "An act to authorize the partition or sale of inherited interests in allotted lands in the Tulalip Reservation, Washington, and for other purposes," approved June 18, 1956 (70 Stat. 290); and

H.R. 12878. An act to amend the act of August 9, 1955, to authorize longer term leases of Indian lands at the Yavapai-Prescott Community Reservation in Arizona.

On June 5, 1970:

H.R. 3920. An act for the relief of Beverly Medlock and Ruth Lee Medlock;

H.R. 5419. An act to provide relief for Comdr. Edwin J. Sabec, U.S. Navy;

H.R. 6402. An act for the relief of the Sanborn Lumber Co., Inc.;

H.R. 8694. An act for the relief of Capt. John T. Lawlor (retired); and

H.R. 9910. An act for the relief of Hannibal B. Taylor.

CREATING MARINE SANCTUARY AND PROVIDING FOR OIL PUMPING IN SANTA BARBARA AREA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91–349)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee on Interior and Insular Affairs and ordered to be printed:

To the Congress of the United States:

In 1955 the State of California took steps to protect a particularly beautiful area of its coastline by creating a State Sanctuary extending sixteen miles along the Santa Barbara Channel and closing it to all petroleum exploration. About a decade later, however, the Federal Government issued leases for petroleum exploration immediately seaward from the State Sanctuary. Oil platforms were soon constructed and petroleum drilling began. In January 1969, a blowout in the Channel resulted in widespread oil pollution of the sanctuary.

The twenty Federal leases seaward from the Sanctuary which were granted by the previous Administration should be cancelled. Legislation being submitted today would terminate these leases and create a Marine Sanctuary. Compensation to the lessees would be funded by revenue from oil production at the Elk Hills Naval Petroleum Reserve which is also located in California.

To avoid further marine pollution, however, it will be necessary to continue pumping oil from three leases in the area. The oil beneath the Channel where the 1969 blowout occurred is contained in a geological formation which was damaged by oil drilling. If not bled off this high pressure oil would escape through zones of structural weakness causing further pollution. The legislation I am proposing would, therefore, allow production on these three leases under strict management controls.

This proposal for Santa Barbara illustrates our strong commitment to use offshore lands in a balanced and responsible manner. It recognizes the earlier decision made by the people of California to set aside a part of their coastline as a sanctuary, and it extends the protected area across the Channel to Santa Cruz Island.

This recommendation is based on the belief that immediate economic gains are not the only, or even the major, way of measuring the value of a geographic area. The ability of that area to sustain wildlife and its capacity to delight and inspire those who visit it for recreation can be far more important characteristics. This proposal recognizes that technology alone cannot bring national greatness, and that we must never pursue prosperity in a way that mortgages the nation's posterity.

I urge the Congress to give this legislation early and careful consideration. It represents another way in which the Federal Government can clearly demonstrate its commitment to the quality of life in America.

RICHARD NIXON.

THE WHITE HOUSE, *June 11, 1970.*

MILITARY CONSTRUCTION APPROPRIATIONS, 1971

Mr. SIKES. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17970) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 2 hours, the time to be equally divided and controlled by the gentleman from Michigan (Mr. CEDERBERG) and myself.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Florida.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17970), with Mr. BURKE of Massachusetts in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous consent agreement, the gentleman from Florida (Mr. SIKES) will be recognized for 1 hour and the gentleman from Michigan (Mr. CEDERBERG) will be recognized for 1 hour.

The Chair recognizes the gentleman from Florida (Mr. SIKES).

Mr. SIKES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I must take a moment of your time to express my appreciation to the members of the subcommittee and to the staff for their effective and meaningful cooperation and a job well done. The members of the subcommittee, Mr. MCFALL, Mr. PATTEN, Mr. LONG, Mr. CEDERBERG, Mr. JONAS, and Mr. TALCOTT have given unstintingly of their time during long and careful hearings. They have helped to produce a bill which I think is a good bill. We have developed in our subcommittee one of the strongest and most effective teams in the Congress. I am equally pleased with the work of the staff. We are fortunate in having young staff members with dedication, who are growing in knowledge and capability and who have done an extraordinarily good job for the committee and for the Congress.

The bill now before the Congress recommends an expenditure of $1,997,037,000 for military construction for the various programs of the Department of Defense during fiscal year 1971. This compares with $2,134,800,000 which was recommended by the Office of the Secretary of Defense and the Bureau of the Budget. The Committee recommendation represents a reduction of $137,763,000 below the budget. Of this amount, $39,071,000 was eliminated in the authorization process in the House.

It must be noted that authorizing legislation has not been completed. The House has passed a bill but the Senate has not acted. Consequently, we have accepted the House-passed bill as a guideline. Undoubtedly, there will be a requirement for revisions in the estimate now before you when Senate and Conference action has been completed on the authorization.

As in previous years, let me urge that you study the report which accompanies this bill. It tells you briefly, but in reasonable detail, the principal problems confronting the military construction program and the efforts which are being made to cope with those problems.

Consider, if you will, the small size of the program now before you. This has been the case for years. The budget request for fiscal year 1971 provides for increases only in certain special categories of construction. Excluding these special high-priority categories of facilities, and taking into account the effects of inflation on construction costs, the fiscal year 1971 budget does not represent an increase above last year's military construction level.

It is essential to note that military construction, during the period of the Southeast Asia conflict has been held to absolutely minimum levels. The $2.9 billion which has been provided since 1965 for construction in support of the Southeast Asia conflict largely has been at the expense of the replacement and modernization of facilities at permanent installations in the United States. Witnesses have been unanimous with regard to the adverse effect of World War II barracks and bachelor officer quarters and inadequate family housing upon the retention of military personnel. If we hope to achieve an all-volunteer force, adequate facilities for military personnel will have to be provided. Without a substantial improvement, it will be extremely difficult to retain people in the military service, much less attract them to the service.

At almost any base you visit you will find the services are required to make do with many inadequate facilities or with facilities which were not designed for present-day purposes. Some of these are temporary World War II structures which have long outlived their usefulness. Maintenance is far behind desired levels; as a matter of fact, deferred maintenance is increasing year by year. That means we are failing to keep pace with the inroads of obsolescence and decay. This shortens the life of structures which otherwise could be useful for much longer periods. One of the greatest problem areas is that of housing and under the term "housing" I include family housing, bachelor enlisted quarters and bachelor officers' quarters. Housing should be comfortable, adequate, and pleasing, but sometimes it is disgraceful.

The simple fact is that the rate of construction provided in the budget request will not allow the military services and Defense agencies to provide for new missions, keep up with depreciation of their existing plants, and catch up on their outstanding facilities deficits. These deficits total approximately $19,100,000,000 for the Active Forces, $1,200,000,000 for the Reserve Forces, and $2,800,000,000 for family housing. Thus the level of requested appropriations is considerably less than the amount needed for replacement and modernization. The effect of the failure to provide more adequate facilities has been, and will continue to be, low retention of military personnel, high real property maintenance costs, and high operating costs because of inefficient plant layout.

The committee has tried to place greatest emphasis on the timely construction of certain types of facilities, such as housing, personnel support facilities, and pollution abatement items. It has deferred items of other types which it feels are less urgent.

Please note also that this program is directed toward the needs of a permanent peacetime military force. It takes into account projected reductions in the size of the military establishments and programs for postwar peacetime force of approximately 2,600,0000 persons. This compares with 3,127,000 at the end of April 1970.

The bill takes into account all base closures and realinements which have been announced. Only minor adjustments were required to accomplish this. There probably will be other base closures in the future, maybe after election, but there is no way to identify them now and to reflect them in this bill.

Fluctuations in the implementation of the military construction programs have in recent years contributed imbalances almost as bad as the low level of recommended programs. It will be recalled that last November the administration froze construction contracting except for family housing, pollution abatement, and a few urgently needed projects. It is anticipated that the freeze will be lifted before the end of the current month. This means we will have almost a 2-year construction program in operation and this will produce a measure of complication. The Services understand the problem and they have assured us that they plan to phase in the two programs in an orderly way. The committee has provided guidelines to assist in this matter.

There also is the serious problem of inflation. This has produced a cost escalation which is inescapable and, when added to the problems of deferral, has increased the problems of the services in their efforts for orderly contracting. Regretfully, deferrals aggravated by inflation have necessitated cutbacks in the level of construction and in the quality and quantity of scheduled projects. For a number of years, costs went up by 2 or 3 percent per year. Now they are jumping at the rate of 8 percent per year, and the future looks even more bleak.

In this bill Safeguard is the most costly item and in fact it accounts for most of the increase in the military construction program over last year. The amount provided herein is $357 million. Last year the appropriation was $14,100,000. However, due to a change in the program, there was carryover of $83 million which was available last year. Details of the program are shown on page 6 of your report. I discussed the Safeguard program quite thoroughly in yesterday's Record in light of criticism which had been expressed in separate views in the committee report. I trust that you have had an opportunity to study my comments but for your information, they appear on page 19245 in yesterday's Record.

The committee has approved new obligational authority for military construction for the Safeguard program in the amount of $357 million and $8,800,000 for family housing to support Safeguard. This will provide: $322,000,000 for construction, site preparation, renovation, and land acquisition; $27,400,000 for planning and design; $4,400,000 for access roads; and $3,200,000 for research and development facilities at Kwajalein Missile Range. The amounts made available for fiscal year 1971 are in addition to $335,200,000 of new obligational authority made available in fiscal years 1968 through 1970.

The objectives of the deployment of the Safeguard as set out by the President on March 14, 1969, are:

First, protection of our land-based retaliatory forces against a direct attack by the Soviet Union;

Second, defense of the American people against the kind of nuclear attack which Communist China is likely to be able to mount within the decade; and

Third, protection against the possibility of accidental attacks from any source.

The Safeguard military construction program which is being funded this year will provide construction, including remote launch sites, at Phase 1 sites which are Grand Forks and Malmstrom and where contracts already have been let; construction and access roads at Whiteman Missile Site Radar, Mo.; advance preparation at five phase II sites. These are to be in Northeastern United States, the Washington area, the Upper Northwest, the Michigan-Ohio area, and Warren Air Force Base. The program will also provide additional research and development facilities at Kwajalein Missile Range; and 400 units of family housing. Fiscal year 1971 funds will also provide for mission depot facilities and area offices, and for additional planning and design.

According to testimony received by the committee, the denial of funding for construction at Whiteman Missile Site Radar or the denial of funds for advance site preparation at the five other phase II sites would delay the possible operational readiness dates for these sites by a year. Similarly, the funding of remote launch sites at each of the two phase 1 sites is necessary in order to provide this increase in missile defense capability in accordance with the schedules for the initial operating date of these sites.

You will, of course, want to know the total investment cost of the system we are now discussing. The currently estimated investment cost for the program which is set forth in this bill is $5.9 billion. We have obligated or spent about $2 billion. If the program should be completed, we will need about $4 billion more. Please bear in mind that I am not talking about construction alone. I am talking about the entire cost of the system. To complete the eight-site Safeguard system would require a total expenditure of as much as $9 billion. A full 12-site system has been projected by the Department of Defense and if it should be authorized and funded by the Congress, the total cost on that system would be $10.7 billion.

Now let us turn to the Vietnamese program. It is small, the budget request was for $40 million, and under the House-passed authorization bill this amount was reduced to $25 million. The committee recommends this amount. It is almost altogether for the support of the Vietnamization program. This is treated in detail in your report on page 7.

We have also approved a contingency fund of $35 million as requested by the Office of the Secretary of Defense for unexpected and emergency operations. We feel this is a necessary item because of the unpredictable nature of happenings in that part of the world.

There is an item which I want to call to your attention. It is the family housing program which is being provided in limited numbers for the families of Vietnamese servicemen. It is extremely difficult for people in the United States to understand the plight of the serviceman in Vietnam. His salary is low and his benefits are few. Until recently, there has been no housing program for his dependents. Consequently, it has been difficult for his family to survive even under austere circumstances. An experimental project was initiated to provide very simple, very cheap housing. The cost in most instances varies from $400 to $600, and in a few cases to $900. The materials largely are provided by the United States and the work is done by the Vietnamese. The result is an extremely small and austere house, but at least it is a home. The results of making some of these available has given a tremendous boost to morale among the Vietnamese. We think it is one of the best investments we have made in the program of Vietnamization. It is helping to cut the desertion rate which is aggravated by the fact that the Vietnamese soldier is very concerned about his family. It is still a small program and it should be expanded.

For our own servicemen and their families, in this year's bill we provide for 8,000 units of on-base family housing. The number for this compares with 4,800 units for fiscal 1970. The Pentagon estimates that 12,500 units per year is a minimum requirement for a satisfactory housing level for those eligible for quarters. It is obvious that we are far short of that goal. As a matter of fact, we have never been close to that number. In other words, the housing situation is not one which, on most bases, can be said to improve morale and encourage retention. Since retention is now an increasingly difficult problem and since a lack of proper housing is one of the items which always figures prominently in retention problems, it would be well to give more thought to providing additional adequate housing wherever it is needed.

Family housing is denied almost entirely to those in the lower enlisted grades. It is authorized only for those above E4 and for some career E4's. This arbitrary limitation increases the hardship of young people who, regardless, of their station in life, are going to fall in love, get married, and have babies. Their plight is serious and in some instances desperate. Even when the wife also is working, they are very often forced to live under extremely bad conditions. The services say they can't even provide housing for those who are eligible. Consequently, they will not undertake a broader responsibility. It is a very disheartening situation and one day I hope the Congress and the Department of Defense will stop ignoring it and do something about it.

Despite this generally unhappy situation, the committee has found it difficult to arouse the Services to a determined effort to correct the housing shortage. The level of construction which is programed drops well below the minimum which the Services state they must have. We on the committee have repeatedly urged that imagination and engineering skills be pressed into service to provide more housing units for the money that is available through new concepts or changes in program definitions. While there has been some response and some improvement, it does not measure up to the level which we think the Services are capable of providing. Again in this year's report, we urge that a more vigorous effort be made to develop new housing programs which can relieve the problem with minimum expenditures.

The committee is pleased by the progress which is being made in pollution control programs by the military services. The program before you this year in this area totals $75,400,000 for 105 line items. It is by far the largest amount ever appropriated for this purpose and it attacks air, water, and industrial pollution. There is still much to be done before pollution control at military bases reaches a fully satisfactory level. It is estimated that the total requirement to bring military bases into full compliance with Federal and State regulations, including this year's appropriations, is approximately $235 million. Nevertheless, I can state that I now believe the program on which we are embarking will place the military services ahead of their counterparts in the civilian economy in this very important field. Consequently, I commend the military services for the progress which they are making and urge that it be continued.

Last year we explored more fully than ever before the administration of nonappropriated funds. I think the results have been a better managed program and more acccountability. Nonappropriated funds are generated by profits from messes, PX's, and so forth. They are used for the construction of service clubs, swimming pools, and other items of this nature when it is not possible to get a direct appropriation from the Congress for them. We find that total projected expenditures for fiscal 1970 in this category are estimated to be $56.3 million and that $151.4 million has been spent for construction with nonappropriated funds in the previous 5 fiscal years. I think the services themselves were more than a little surprised at the scope of the program, and I am confident that a better program will result from the inquiries of this committee.

One of the heaviest cuts in this bill has been taken in NATO infrastructure, not that the program is not needed. It is needed. We must have facilities if NATO is to function effectively. The burden has been increased heavily by the defection of France from the NATO countries. A cut in the NATO program is inflicted primarily to try to force our own people to negotiate more effectively for the repayment of a proper share of the costs by our allies. As in most negotiations involving Uncle Sam, the people on the other side of the table are better at waiting out a situation or they play a better poker hand than our representatives. We think our spokesmen too frequently yield, and we seek to strengthen their resolve. The budget request is for $50 million. We provide $33,500,000.

We are seeking to provide adequate living, training, working, and storage facilities. Consequently, we have not made meat-axe cuts in the bill before you. There would be no justification for such a course of action. The bill was heavily pruned by the Department of Defense and the Bureau of the Budget. It was again reduced by the authorizing committee. It has been cut about as much as it can stand.

I have attempted to state that there is a vital need for a more adequate military construction program, which is based around sound planning and supported by proper maintenance. It is equally important that long-range planning for military contingencies take into account the lessons learned in warfare of the present and that projected for the future. In all of this Congress and the Department of Defense share a joint responsibility. The primary burden is on the Department of Defense, but Congress should give full support where support is justified. There is need for constant and sympathetic cooperation and both should accept their responsibility not to stint where Amer-

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ica's safety or the well-being of uniformed personnel are concerned.

Finally, let me comment on the now prevalent furor over military expenditures and emphasize the obvious fact that we have never spent too much on military construction. Those who are genuinely interested in the well-being of American families should not overlook the fact that the needs of many of the families of those in the uniformed services are being neglected to an extent as great as any in civilian life.

To those who wish to direct efforts for reductions in expenditures primarily toward the military let me point to the fact that, taking into consideration the Vietnamese war and the higher costs of defense due to wages and inflation, we actually have the smallest level of defense spending we have had in years. Defense spending without these added factors is less than it was in the early 1960's, in times of comparative peace. As a result of this situation, badly needed modernization of equipment has been delayed and construction of on-base facilities has had to take more than its share of the reduction. Those are dangerous delays which are becoming more aggravated with each passing day.

The Russians have not made a corresponding reduction in their level of defense spending. They spend approximately twice as great a percentage of their gross national product on defense as we do. They are spending about as much in dollar value as we spend, and Russia, by virtue of lower wages and better control of inflation, gets more for a defense dollar than we do.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I yield to my distinguished friend, the gentleman from North Carolina.

Mr. JONAS. Is it not true that as a percentage of our national income, defense spending has gone down since World War II while as a percentage of national income our spending for social and welfare programs has gone up?

Mr. SIKES. Yes; it has been going down very steadily.

Mr. JONAS. While spending for social and welfare programs has been going up?

Mr. SIKES. That is very definitely true and that is reflected in the budget before us. Right now we are spending proportionately less money for the defense needs of our country than at any time, I think, since just before the Korean war.

Mr. JONAS. Will the gentleman from Florida, the chairman of the committee, assure the committee now sitting that the funds in this bill for advance site preparation, for the five phase II sites, do not amount to a commitment to deploy Safeguard ABM's at those sites?

Mr. SIKES. None whatever. This is advance planning. It involves a minimum amount of money and does not commit us to deployment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Florida (Mr. SIKES) has consumed 21 minutes.

Mr. CEDERBERG. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, the gentleman from Florida has given his usual detailed explanation of this military construction appropriation bill. I will not go over the same issues, but will instead confine my remarks to a few general statements which express my concern regarding the military construction program.

It is my contention that the program we are appropriating for today is the minimum program required to carry on the adequate construction that is needed for our military services throughout the world.

We have all been hearing a great deal about the future possibility of having a volunteer army. I think we have to recognize that if this comes about, and I am not opposed to it in spite of the problems that are inherent in accomplishing it, a volunteer force will require substantial additional expenditures in the military construction program—not less.

If we are to expect our young men to make the military a career, then we will have to provide more adequate and proper family housing than we have at the present time. We will also have to provide better facilities for our men to work in while they are are in the service.

I would like to call your attention to page 3 of the report which refers to the fact that military construction programs are substantially underfunded. Our facility construction deficit totals approximately $19,100,000,000 for the Active Forces, $1,200,000,000 for the Reserve Forces and $2,800,000,000 for family housing.

This is based on a force of approximately 2.6 million men, which is what we expect to have after the Vietnamese situation is concluded. So I believe the discussions we hear these days about the great savings that are expected in the Department of Defense after Vietnam are misleading. These savings will be far less than anticipated if we are going to modernize our military, make it attractive for our men to serve, and continue a force capable of carrying out its mission in defense of our country.

As the gentleman from Florida has stated, there are funds in the budget for pollution abatement. We certainly want to do everything possible to be sure that our military installations comply with all local and Federal regulations concerning pollution control.

Funds for family housing are also included and I agree with the chairman as to how much more is really needed. But we all recognize the current fiscal situation and 8,000 additional units is all that we are going to be able to fund this year.

Insofar as the Safeguard anti-ballistic-missile program is concerned, it is my understanding that the gentleman from Illinois (Mr. YATES) will present an amendment to delete all ABM funds except those for research and development at Kwajalein.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. CEDERBERG. I yield to the gentleman.

Mr. YATES. I propose to offer an amendment which will delete funds for deployment of the Safeguard ABM system.

Mr. CEDERBERG. I want to say that I have the highest regard for the gentleman from Illinois. He has been stalwart in his opposition to this program but we have been up and down this hill more times than I can recall. As I have said, I respect his judgment, and even more his persistency. But we have already debated and voted on this issue in the authorization bills for military construction and military procurement this year. The debate on the military procurement authorization bill included a teller vote on an amendment to delete all procurement funds. The amendment was defeated 131 to 85. This was immediately followed by another vote on an amendment to strike phase II procurement funds. This second amendment was defeated 128 to 86. We also voted on a similar amendment on the military construction authorization bill. This was defeated on a teller vote of 146 to 76. These votes took place in the past few weeks.

I am sure the gentleman from Illinois will present his case and do so effectively, but I hope that the House will not spend too much time this afternoon on the ABM issue. As I have said, we have been down this road too many times and I do not think we should travel it again.

I would also encourage those of you who have military installations in your districts to read the report. It includes information concerning what military construction is planned for each district and State.

There really is nothing in this bill that is new or unusual. It is the same kind of bill we have presented year after year in order to provide adequate facilities for the defense of our country and the men who serve in it.

Mr. Chairman, I yield back the remainder of my time.

Mr. SIKES. Mr. Chairman, I yield 10 minutes to the distinguished gentleman from Illinois (Mr. YATES).

Mr. YATES. I thank the gentleman for yielding.

Mr. Chairman, I thank the gentleman from Florida for his courtesy and his generosity in giving me this time. The subject of my amendment, the Safeguard ABM, is one of the most important that faces this Congress. It has been considered before and will be presented again because it is so controversial.

Mr. CAREY. Mr. Chairman, will the gentleman yield?

Mr. YATES. I am glad to yield to the gentleman from New York.

Mr. CAREY. I take this time for the purpose of asking the chairman of the subcommittee if he would assist me in regard to the material in the report on page 7. This is in regard to providing, as the report states:

> Minimum essential support of U.S. forces whose presence in Southeast Asia is necessary during the various phases of Vietnamization.

I understand this to be part of the Vietnamization program. The question I direct to the gentleman is this: I assume that with the reduction of our troop strength in Vietnam as programed by President Nixon, there would appear to be available for troop housing the billets that have been used by our troops. And yet I see there would be a pipeline, as the report puts it, for urgent needs of an estimated $246 million. There was a funding of $25 million for additional housing and a backlog of funded construction in Vietnam of $275 million. In other words, sizable sums seem to be available for the housing essential for the Vietnamese troops, for the Republic of Vietnam. The question I ask is whether or not we can use existing housing that our troops have been using to house the Vietnamese troops as they take over?

Mr. SIKES. Mr. Chairman, if the gentleman will yield, I assure you that all of the existing United States and South Vietnamese facilities have been taken into consideration in planning the request for the items that are now before us. The South Vietnamese use any of our facilities that are available as soon as they become available, if they are suitable for the Vietnamization program.

But I must point out to the gentleman that their requirements are considerably different from ours. Our bases were built on a large and a more elaborate scale. Our bases are not always located where the Vietnamese troops will be required to be located. All this has been taken into account. Also a great deal of recoupment has already been accomplished. I do not feel that there is any money available for recoupment that has not already been taken into consideration.

Mr. CAREY. I thank the gentleman for yielding. The only point I would make is that Vietnamization is going to be a considerably more expensive program than some of us had envisioned. I understand the reason for this is that we provide housing not only for the Vietnamese troops, but also for the families of the Vietnamese troops.

Mr. SIKES. I am glad the gentleman touched on the matter of the Vietnamese family housing. This is something the members of this subcommittee have explored very carefully. The requirements for the troops themselves are on a very minimal basis. They are substandard if compared with the facilities we build for our own forces. But there has been in addition a small program of housing which has been developed for the families of the Vietnamese troops.

Mr. Chairman, I think this is one of the best things we have done over there. We are talking about an extremely austere little one-room house, a house that may cost $400 to $600. Generally we provide the material and the Vietnamese provide the labor. In some cases we build the whole house.

The reason this housing is important is because the Vietnamese forces have to live under very difficult circumstances. Their pay is low and inflation takes a terrific toll. Their families have suffered in comparison, to other families in Vietnam, and that has caused a high desertion rate. The Vietnamese are highly attached to their families. They leave and go home to see how their families are doing. They do not really feel they are deserting. They go to see how their families are doing.

If we have provided a very small low-cost house for their families, we have given them a morale boost. This is one of the best and low-cost things we have done.

Mr. CAREY. Mr. Chairman, I certainly would not oppose low-cost housing for the Vietnamese. The difficulty we have is that many of the troops from my own area and from other major cities, while they are serving in Vietnam, actually have families who do not have adequate housing at home, where they have originated. I wish we could do something for those families as well.

Mr. YATES. Mr. Chairman, there is no higher priority for this Nation today than assuring our national security in a world torn by explosive forces. While it is well we should seek to find a basis for stopping the arms race which continues unabated between the Soviet Union and ourselves, until an acceptable understanding is reached, we have no alternative except to maintan our national strength and power. Having accepted this principle, however, that does not mean this Nation is required to buy every new strategic weapon that is proposed and to buy it in greater quantity than the Soviet Union.

It does not mean we must waste our resources in purchasing expensive and unnecessary weapons systems merely because they have the recommendation of military experts. Some Members may have seen the television documentary a few nights ago that showed the results of three Air Force programs for the construction of certain supersonic bombers such as the B–58, several hundred of which are now resting in an Air Force scrapyard in Arizona, the B–70, the lone survivor of which is in an Air Force museum, and the FB–111, a bomber of inadequate range and payload. All three programs were built at a cost of $6.5 billion, that we can never recover, $6.5 billion that has gone down the drain, buying aircraft which contributed absolutely nothing to our defense.

I predict, Mr. Chairman, the ABM, the Safeguard ABM, will undoubtedly join that unfortunate array of weaponry that looked so pretty, so expensive, and turned out to be so ineffective.

Congress does have a function to perform in reviewing our military posture. It is a most important function. It is our responsibility to insist that to the greatest extent possible this $70 to $80 billion a year that is spent on defense must not be wasted in ill-conceived, unproven and rashly hurried weapons systems.

That is why today I will offer an amendment to strike the funds for the deployment of the Safeguard ABM. I say to the House that the Safeguard ABM is ill-conceived, it is unproven, it is being rashly hurried into deployment, nationwide deployment, without having completed its research cycles.

It is a current example of Maginot line thinking.

Do Members remember the storm which swept across the country late in 1968 and early last year over the deployment of the Sentinel ABM system? President Nixon called a halt to that system. He announced he was discarding it for the Safeguard system. But the Sentinel system has not been discarded. The only thing that has been discarded is its name.

I ask the Members to look at these two charts. One of them shows the deployment of the so-called discarded Sentinel ABM system. The other shows the deployment of the current Safeguard system.

Members will note that the Sentinel system has 15 footprints. The Safeguard system has 12 footprints. However, the thrust is the same. The only thing that has happened is that the centers of the footprints have been moved from the perimeters of the cities, a few miles away. This was done in order to quell the storm of criticism that swelled when people were told that they were going to be living with nuclear tipped Sentinel missiles.

For all intents and purposes the two systems are still the same. The Safeguard is the Sentinel, except that there is a different name and fewer footprints.

Mr. Chairman, the impression was given by the President last year that this was to be a new concept and a new system, but all one has to do is to look at the two charts to see that, in both, the areas to be protected are the same.

Let me point out the missile bases. Here we have Grand Forks and Malmstrom, in the center of two footprints, and in the Sentinel system we have Grand Forks and Malmstrom in the center of two footprints.

In the phase 2 we are going to be asked to put a Safeguard site at the Warren Air Force Base in Missouri. Under the Sentinel system there is an installation at the Warren Air Force Base in Missouri.

What is the difference? They are identical. The two systems are virtually identical. The areas to be protected are the same.

So let there be no doubt as to what has happened. Neither Sentinel nor Safeguard has any substantial difference, one from the other. Admittedly, they offer no protection, either of them, against the Russian missile threat, and that appears in the RECORD.

Many of the Members of the House believe that the Safeguard and the Sentinel before it, the antiballistic missile system, would cover the skies over the United States with a protective umbrella like a protective shield.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. YATES. Mr. Chairman, may I have 5 additional minutes?

Mr. SIKES. Mr. Chairman, I yield the distinguished gentleman 5 additional minutes.

Mr. YATES. I thank the gentleman.

Nothing is further from the truth. One need only to look at the testimony before this subcommittee, before the Defense Appropriations Subcommittee, to see the admissions by the highest officials of the Department of Defense that a saturation attack by the Soviet Union would overwhelm any anti-ballistic-missile system that we could possibly deploy.

But they still make the same kind of a representation to this country that this system will protect the country. Nothing is further from the truth.

These are systems that will not protect the missile bases they are supposed to protect. They will not protect against the so-called Chinese threat as the Department of Defense represents. The Safeguard will not protect our Air Force bomber bases as is claimed, too. They will not protect against an accidental missile launch.

Mr. FRASER. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Minnesota.

Mr. FRASER. My recollection is that when the President reexamined the question of the ABM and said that the Sentinel deployment was proceeding under a mistaken concept; namely, that of city defense——

Mr. YATES. That is correct.

Mr. FRASER. He also said that one of the reasons why that was a mistaken concept was that this might lead the Soviet Union to believe we were trying to acquire a first strike capability.

Mr. YATES. That is correct.

Mr. FRASER. On this ground he recommended Safeguard, which he told us would be primarily aimed at defending Minuteman fields.

Mr. YATES. That is correct.

Mr. FRASER. Do I correctly understand that what the gentleman is telling us now is that despite what the President has said, in the Safeguard II deployment they are moving back toward city defense, that defense the President said he was abandoning?

Mr. YATES. I will tell the gentleman that they never moved away from it. The only thing they moved were some sites on the perimeters of the cities.

But, as far as the footprints themselves and the areas to be covered by the sites, they are almost identical—they are almost exactly the same.

If the Department of Defense were to be honest—and I use that word advisedly—were to be honest in following the mandate of the President in protecting our Minuteman sites, they would seek to protect only the two sites, maybe Whitman. Phase 1 provides for deployment at Malmstrom and Grand Forks, now in Phase 2 at Warren Air Force Base. But they are going beyond that. They ask funds for five more sites in this bill. There is money in this bill for five additional sites. There is one for Warren in here and four beyond that. The next phase will include another four sites, making 12 in all. So we are moving away from the representation the President made when he discarded the Sentinel last year.

Mr. FRASER. Mr. Chairman, will the gentleman yield further?

Mr. YATES. I yield to the gentleman.

Mr. FRASER. I understand around Moscow the ABM system has been partially completed with some 64 or 67 launchers. Is my understanding correct that that is as far as the Soviets have progressed?

Mr. YATES. To the best of my knowledge it is true. And I know from testimony before the Committee on Appropriations that our officials in the Department of Defense are not concerned about the Soviet ABM. Our Minuteman could completely overcome them by a saturation attack whatever ABM system the Soviets are able to construct.

Mr. FRASER. I might tell the gentleman I listened to the testimony which suggests that half of the payload of one submarine equipped with Poseidon missiles could overrun the total existing ABM defense around Moscow. Half the payload of a single submarine of Poseidon missiles could overrun the entire Soviet ABM defense around Moscow. Will the gentleman agree to that?

Mr. YATES. I am sure that is true. Yes.

Mr. COHELAN. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from California.

Mr. COHELAN. I want to thank the gentleman and compliment him on the brilliant statement he is making today, showing again the defects of the system. However, one of the things I would like the gentleman to bring out is the important question of what is going on in the SALT talks. The question there seems to be that there is going to be some kind of an agreement, and here we are going forth with an appropriation of vast sums of money. How will we eliminate this waste if, as we all hope, there is an agreement on ABM in the SALT talks with the Russians?

Mr. YATES. I myself believe that the most important part of those talks is not the ABM system but, rather, the MIRV. That is the most important thing. I think the ABM discussions are only a warmup for MIRV, because I am sure, just as our officials know how ineffective the Safeguard ABM would be in trying to resist a Russian attack, so, too, am I sure the Russians know how ineffective their system would be in attempting to resist an attack by the United States. That is why you see the report as you did in yesterday's press to the effect that the Russians and the United States may agree upon limiting the ABM systems to Washington and to Moscow.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. CEDERBERG. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. YATES. Before taking up the justifications for this system, let me point out there still have been no intercepts by Spartan or Sprint missiles of any ICBM's in any test. All we know is that the Department of Defense said several years ago under exact and highly controlled conditions it was able to intercept a missile fired from the Vandenberg missile base in California with an antimissile fired from Kwajalein, but the Department of Defense has not told us how many times they attempted this experiment. They have not told us how many times it failed. And they still have not used the Spartan or Sprint. So, without completing the basic research necessary, the Department of Defense is now engaged on a full-scale deployment in the country. Before research is completed they are engaged on a full-scale deployment in the country.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. YATES. I am glad to yield to my colleague from Colorado.

Mr. EVANS of Colorado. Mr. Chairman, the gentleman from Illinois is making a very fine statement and has hit upon a point which I think cannot be overemphasized. Over the last 10 or 15 years it seems to me we should have learned a lesson, and that is this: that we do not deploy or buy a weapons system until it is tested and proven according to specifications and according to what it is designed to accomplish.

Mr. YATES. The gentleman is exactly right.

Mr. EVANS of Colorado. In those instances where we have gone ahead, as the gentleman has described, and after the acquisition of additional sites and the missiles are in place, we still have not proven this to be an effective system as of today.

Mr. YATES. The gentleman is exactly right.

Mr. EVANS of Colorado. Mr. Chairman, if the gentleman will yield further, we have had weapons system after weapons system that cost many millions more than originally anticipated. Now we are going to slip into the acquisition of another system and it will cost three or more times more than has been projected.

Mr. YATES. I will state to the gentleman that last year in urging this system Secretary of Defense Laird said that the Russians were engaged in a huge buildup of missiles and we had to have the ABM in order to protect our missile sites. This year there is a different story. He say now we will have to build individual radars in addition to the ABM's in order to protect our missile sites.

Mr. Chairman, the point I want to make is that the Department of Defense is finally on the right track. If they go through with the Safeguard deployment and build this enormous, highly complex radar system, they are building a system that is extremely vulnerable, that can be knocked out by cheap Russian missiles, not the SS–9's. There are no hard emplacements for the Safeguard radars. If you destroy the eyes of the Safeguard, you have ruined the entire system. There is an alternative, one alternative is to construct a small radar for each missile. If we want to protect our missiles and we ought to really concentrate on that by building a small radar for each missile instead of having an overall general kind of deployment which is supposed to protect everything and actually protects against nothing.

But the point is, Mr. Chairman, that the experts on whom the Department of Defense frequently depends for advice like Dr. Panofsky and Dr. Garwin have stated that the huge radar complex is not only unnecessary but ineffective and that a complex of small radars, with one radar protecting each missile, would be much more effective at a fraction of the cost. And the Spartan would no longer be necessary. They would use the Sprint.

Mr. Chairman, if the purpose of the ABM is to defend our Minuteman, it should be designed for that purpose. The Safeguard nationwide area system is not designed for that purpose, and will not do the job.

The second reason for deploying the Safeguard is that the Chinese are expected to have a nuclear missile ICBM capability within the decade and the system is needed to protect against that threat.

I cannot understand why an ICBM deterrent supposedly satisfactory to hold off a much more sophisticated Russian missile threat cannot have the same force against the Chinese as well. But it is said that the Russians fear our deterrent and, therefore, we must protect it.

Do not the Chinese fear our deterrent as well? Do they not know they would be committing national suicide beneath a wave of nuclear-headed missiles coming from this country, from bombers, from Polaris-firing submarines, if they were to threaten to attack this Nation.

But, apparently, the Department of Defense believes the Communist Chinese are not as rational as the Russians.

Mr. Chairman, it is stated on page 52 of the Appropriations Committee hearings for this year:

> We know from past experience that the Asian Communists are tenacious opponents and are willing to take great losses of life in achieving their objectives.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. CEDERBERG. Mr. Chairman, I yield the gentleman an additional 5 minutes.

Mr. YATES. I thank the gentleman. I do not know which expert in the Department of Defense supplied that answer for the record. It is stated that, therefore, it is reasonable to conclude that our ability to deter Communist China with our strategic offensive forces is considerably less certain than in the case of the Soviet Union. Certainly, since Korea the Chinese have been considerably less belligerent in their military adventures than has the Soviet Union. It has had border forays with the Russions and with the Indians; it has threatened to take over Quemoy and Matsu, but never fulfilled the threat. It has been relatively quiet. Why, then, does this unnamed expert from the Department of Defense believe that the Chinese somehow would be provoked into flinging a flight of missiles toward the United States, knowing what the terrible retaliation and possible total destruction would be?

Even assuming that the Chinese were to develop a missile force of 25 missiles or so. It could overcome any Safeguard missiles by sending them en masse at any single target.

As Dr. Richard Garwin pointed out recently:

> If we assume that 12 Spartan farms are adequate, then each one must have enough interceptors to handle the entire imagined Chinese force. If one assumes that the Chinese will have 25 ICBM's at a certain time, and if two Spartans are required per Chinese ICBM, then 50 Spartans must be allocated to each farm and some 600 for the total system. Unfortunately, outside the atmosphere, straps and junk and perhaps tank fragments provide many reasonably realistic aim points for the Spartan missiles, so that a more likely number of Spartans required per enemy missile is 10 or 20. This, together with the need for defending against concentration of the small Chinese missile force, would demand some 3000 to 6000 Spartans in the United States.

And, Mr. Chairman, let us look at the gravity with which the Department of Defense looks at the Chinese threat. Yesterday in the Washington Post it was said that the Soviet Union and the United States might agree that IBM sites would be limited to protecting Washington and Moscow. If that is true, if they agree on that, what happens to the Chinese threat if we have ABM sites agreed to be built only for Moscow and Washington? What happens to the rest of the country?

If there is a Chinese threat, how can this administration agree to let it lie open to the possibility of attack from the Chinese Communists?

The third reason advanced for the deployment of Safeguard is that we must protect against destruction of our bomber bases so that the bombers can take off to retaliate. Presumably the missiles which are aimed at our bomber bases under this threat would be from submarines, because if they were from land-based missiles our warning system would advise us in plenty of time to permit the bombers to take off. If this kind of attack took place would not our own ICBM's be used? When did the Department of Defense abandon the concept of deterrent?

Finally, Mr. Chairman, it is asserted that the Safeguard will act as a protection against the possibility of an accidental launch of a missile from a foreign land. We find great difficulty in envisioning, and I find great difficulty in envisioning a national ABM catchall over this country which would protect every corner of the United States from an accidentally launched missile. In order to provide that kind of protection the ABM system must be much broader in its coverage, and the entire system would have to be on a perpetual alert.

Who in the long chain of command, from the President down to the ABM operator who pushes the button, will make the decision that the nuclear-tipped antimissiles are to be fired—and how many? How much time will be available for each decision along the chain?

Mr. Chairman, there was a great protest throughout this country against the proliferation of nuclear-warheaded Sprint and Spartan missiles within our shores. The President's rejection of the Sentinel and his limitation of the system to two fairly remote sites at the time of his announcement hushed that protest. But apparently the shrinking of the ABM system to those two sites was only temporary, and now the Department of the Army is engaged in a whole nationwide system before we have even stopped to consider how effective the results will be.

Why must the Safeguard be expanded, and its expense escalated, without some tangible proof that the system will work? Even its proponents should want to wait to see what the results of deployment at the two missile bases in North Dakota and Montana will be.

It should be pointed out that those who oppose the deployment do favor research funds that are in this budget, and the research on the ABM should go forward. Our opposition is to deploying the system which may very well be a sham rather than the protective device that it is represented to be.

We cannot afford to spend billions of scarce dollars on such a system. The United States does not improve its national security by building weapons systems which are not needed and do not work.

Mr. CEDERBERG. Mr. Chairman, I have no further requests for time.

Mr. SIKES. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from California, ranking member of the subcommittee (Mr. McFall).

Mr. McFALL. Mr. Chairman, the Congress has previously authorized phase I of Safeguard.

This House, after much debate, authorized phase II of Safeguard and phase II is now pending in the other body. The outcome, of course, is uncertain.

I can understand why the opponents of the Safeguard system grasp at every opportunity they have to present their case against Safeguard. It is an important matter that should be debated before this House and before the Congress and, of course, to be determined by the American people.

I would just like to make clear, as briefly as I can, what the subcommittee that is presenting this bill for the consideration of the House has done—why we have done it—and with the details of exactly what we have done, so that those of you who are going to vote on this will understand what you are voting on at this time.

Most probably, because of the previous all-inclusive debate that the House has had on this subject almost everyone's mind is made up on the question of whether or not Safeguard is necessary for the security of our country.

But at every point in the process, of course, we must make the decision again. I believe the committee has an obligation to make clear to you exactly why we are doing it and what we are doing.

As indicated in our report, the Committee has approved new obligational authority for military construction for the Safeguard program in the amount of $357 million and $8,800,000 for family housing to support Safeguard.

There are those who ask "why build Safeguard?" I say because our national security demands that we do nothing less than move ahead with the modest and prudent modified phase II deployment recommended by the administration this year.

It is a sound and well-thought-out program that provides us with options to satisfy one or all of several important objectives: It will help preserve the retaliatory capability of our land-based deterrent forces, both Minuteman and bombers, against the Soviet threat, and it is a step toward a system which will defend our people against the ICBM threat from Red China or against an accidental attack launched by any country.

Today, of course, the Chinese have no ICBM force, and today we clearly have sufficient retaliatory power to deter the Soviet Union from a missile attack upon this country. But what concerns me, and must surely concern us all, is our ability to continue to be safe from attack

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through the foreseeable future. Unfortunately, the hard facts make it very clear that we have no basis for complacency about the potential threat of 5 to 7 years from now. These facts show that the Soviet Union, during the 5 years between 1965 and 1970, have quintupled their strategic offensive missile launchers. They have about 1,500 today as compared to only about 300 5 years ago. During these same 5 years the United States has maintained its 1965 level of around 1,710 strategic missile launchers which includes submarine-launched missiles. This relative Soviet momentum and its implications for the strategic balance of the mid-1970's is indeed cause for grave concern.

In addition, we must not overlook the steady progress of the Chinese Communist nuclear weapons test program and their recent launching of a satellite. These developments are clear evidence of a potential ICBM capability on their part—one which might lead to nuclear blackmail against us, if we have no ABM defense.

Insofar as the Soviet threat is concerned, there are alternatives to Safeguard that we could adopt; for example, we could buy more Polaris submarines, more bombers and more Minuteman missiles. But such a lessening of the restraint we have shown in offensive weapon buildup would most certainly complicate the problems of arms control during this critical period of the SALT negotiations, and the adoption of such an alternative would mean ignoring the potential Chinese threat.

The full costs of other alternatives are not known, but they are apt to be equally expensive. As a point of reference, the Minuteman system, through fiscal year 1971, will have cost about $13 billion to build. A decision to resite Minuteman, whether in hard sites or on mobile launchers, would not be cheap. There are funds in the fiscal year 1971 budget to begin studies of various Minuteman point defense systems. However, their radars would still not be as hard as a missile silo. There is no guarantee that a point defense of Minuteman would be any cheaper than a Safeguard defense of Minuteman. An address by Dr. John S. Foster, Jr., on May 12, 1969, makes this clear:

> The NIKE-X R. & D. program, upon which both Sentinel and Safeguard were based, always had a Sprint missile for point defense of targets, specifically Minuteman and cities. We have, from time to time, examined specialized systems, designed only to hard point defense, with the hope that we could find something much cheaper or much better. But we haven't found it.

The committee's hearings indicate that the cost to build and operate an additional 40 Poseidon submarines is estimated to be approximately $8 billion. The Navy's ULMS system is expected to cost around $10 billion.

In the bill we have before you we have provided the following money:

For Grand Forks, $41 million to complete construction.

For Malmstrom, $149 million, for major construction to completion.

For Whiteman, $127 million for land acquisition, major construction to completion.

For advance site preparation for five phase II sites, $15 million for design and land acquisition as required.

For R. & D. support, at Kwajalein, $3 million to continue R.D.T. & E. construction.

For mission depot facility and area offices, $5 million for major construction or renovation to completion.

For standard design, $17 million—a total of $357 million. This is broken down into phase I and phase II as follows:

Phase I, $169 million.

For the Whiteman site, $127 million.

For Sprints at Grand Forks and Malmstrom, $35 million.

For advance preparation, five sites, $15 million.

For other costs, $11 million. This includes modification of an existing Army depot and added military construction supervisory costs.

I am convinced that the modified phase II Safeguard deployment is the best solution to our dilemma. It will give us the hedge we need against the uncertainties of the future, and, at the same time, will not be provocative to the Soviet Union, since it does not threaten their deterrent. In short, it is a sensible and modest investment in the future security of our Nation.

Mr. COHELAN. Mr. Chairman, will the gentleman yield for a question?

Mr. McFALL. I yield to my colleague from California.

Mr. COHELAN. I thank the gentleman for yielding. Again talking about the relative balance between the Russian strength and our strength, I was not too clear what the gentleman's point was in relation to symmetry or asymmetry. Are you saying that the Russian's strategic deterrent which is assured destruction capability no longer applies in that kind of situation? Do we not have a second-strike capability?

Mr. McFALL. I am saying that the Russian progress has been accelerating while ours has been maintained in approximately the same strength. I have not said anything about the symmetry or the asymmetry of the Russians. The Russians still have, as we have, the ability to destroy us and we them.

Mr. COHELAN. Then the gentleman agrees, does he not, that we still have, notwithstanding the numbers cited, a second strike assured destruction capability; is that correct?

Mr. McFALL. I am not sure we would have this in view of the continuing buildup of the Russians, the way the Russian SS–9 and the SS–11 is continuing. If they continue the way they are, then I would think our Minuteman deterrent would be threatened and that one of the reasons for Safeguard is to protect our Minuteman deterrent against some kind of first strike from the Soviet Union. It would not be any kind of threat to their deterrent, because I do not believe our cities could be protected against any kind of extensive launch by the Soviet Union of a number of the 1,500 vehicles which they have.

Mr. SIKES. Mr. Chairman, I yield 5 minutes to the gentleman from Maryland (Mr. LONG).

Mr. LONG of Maryland. Mr. Chairman, I want to compliment the chairman of the subcommittee (Mr. SIKES) on his leadership of this subcommittee. He not only has a masterly understanding of the problems of defense, but he makes it a joy to be on the subcommittee.

The military construction appropriation recommended in this bill is under $2 billion. Our construction needs in this country are tremendous. Our total backlog of military construction need is about $23 billion; at the annual rate of less than $2 billion, it would take a dozen years just to make up for our backlog—even if we did nothing for our future defense needs. Although some might quarrel with individual items, no one could say we have spent ourselves blind in any way. It is a modest appropriation request.

I address myself today to the problem the military intelligence functions which the Army proposes to move from Fort Holabird, Maryland, to Fort Huachuca in Arizona. The Military Construction Subcommittee held hearings and conducted an on-site investigation of the facilities at Fort Holabird and at Fort Huachuca. The subcommittee found that the Army has given insufficient consideration to the total facility implications of the move. On this basis, the Appropriations Committee report on the military construction appropriation bill recommended that the Army "further review its plans to move intelligence functions from Fort Holabird to Fort Huachuca."

When I first heard of the proposed move of these intelligence functions, I was resigned to it as part of the general economy cut, which I have long supported. We need to save all the money that is not absolutely necessary to our defense, because the taxpayers in this country are carrying a tremendous burden, and any excess military spending must interfere with the economic and social development of this country.

In addition, with this huge $23 billion backlog of construction needs, it is important that we spend our money wisely on the things we need, since we will never be able to spend enough to accomplish all the essential projects.

However, when I looked into the proposal to move the intelligence functions from Fort Holabird, I found this was not an economy move at all, but a very expensive geographical move, one that would cost $50 million to $60 million. Included in the costs are $12.5 million, for transferring and moving, and the temporary construction costs, much of which would have to be replaced later on with permanent facilities; $33 million for 5-year construction costs at Fort Huachuca; and $15 to $20 million for base housing at Fort Huachuca. As justification for this expenditure, the Army claims there will be a $2.5 to $3.5 million saving annually.

No businessmen would invest $50 million to $60 million to save this modest annual amount, especially when we consider the United States is paying 7 percent interest on the money borrowed to build such installations. If we count in the interest—and how can we justify not doing so—the annual cost would be

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someplace between $5 million and $8 million, vastly greater of course than the savings which the Army claims. And we have all learned to look with a somewhat skeptical eye on military claims of cost savings from any kind of installation or procurement.

Moreover, the move is not warranted, even for the training needs of the Army. Although the Army has claimed that the classroom facilities at Fort Holabird are inadequate, the commander of the base told the subcommittee that his office had not requested the move and regarded the classroom facilities as satisfactory. We looked through the classrooms, and found them in good shape.

The Army claims that Fort Holabird is inadequate for the electronic surveillance training. The commander of the base did confirm that Holabird is inadequate for this type of training.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. SIKES. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. LONG of Maryland. The committee found—and this is in the committee report—that the Army gave insufficient consideration to using Fort George Meade as an adjunct to Fort Holabird, where classroom work can be done.

In other words, we felt that the classroom work could continue at Fort Holabird, with its millions of dollars worth of such facilities, and that any additional electronics surveillance training could be moved to Fort Meade.

I wish to point out that only a year and a half ago the Army looked into the whole question of moving the facility to Fort Meade and made a special report on the subject. Only a year and a half ago the Army wanted to move the intelligence functions at Fort Holabird to Fort Meade, just a short distance away.

The Army admits that most of the field intelligence training could be carried on at Fort Meade. But they object to the time required to go back and forth. I have checked that distance, and it is 14 miles from gate to gate. That is not a very long distance to go, it seems to me, to carry out 5 or 6 days of training, during a several week training period.

The combat surveillance training with Mohawk aircraft cannot be conducted at Fort Meade because of the congested air space, the Army claims. They feel the air space is saturated, and strictly controlled by the FAA. I have checked with the FAA. They have not been asked by the Army to make such a recommendation, and do not know what they would recommend if asked.

The Army tells us one thing, and then we find out they have not really checked into the facts.

Earlier the Army claimed that radar and ground sensor training could not be carried on at Fort Meade. The Army has now admitted in a memorandum, that radar and ground sensor training can be carried out at Fort Meade.

In addition, Fort Holabird and Fort Meade are close geographically to the intelligence complex that is located in the Washington area. In fact, one of these activities, the National Security Agency is located at Fort Meade. Both installations are just a few miles from the Central Intelligence Agency at Langley, Va.; the Defense Intelligence Agency; and the Army Security Agency.

Moving the Intelligence School to Arizona would be moving it several thousand miles away. It would be very difficult to get back and forth.

Some of the people who work at Fort Holabird have written to me and pointed out that if the intelligence center moves, its files and the information from these activities must be sent back and forth continuously at great expense.

I want to quote one additional statement that was made to me by one of the experienced personnel at Fort Holabird, because I think his statement has brought a lot to bear on the question of whether the Army is improving its effectiveness by moving the intelligence unit from Fort Holabird at the expense of $60 million several thousand miles away. He said:

> Having been employed as a civil servant at Fort Holabird since 1956, six years after the U.S. Army Intelligence School was opened in 1950, I would like to point out some information concerning the proposed move to Fort Huachuca, Arizona. To my estimation and past observance, I feel that the proper functioning and implementation of USAINTS will be set back approximately 4 to 6 years. If the proposed move is carried through, the Intelligence School will function in name only for approximately 4–6 years until the school is properly organized and settled both physically and scholastically. *FOR USAINTS to be set up and function in an orderly and proper manner it took from 1950 to 1956 at Fort Holabird.*

For all of these reasons, I feel that this would not only be a very expensive move, but it would disrupt both for a number of years in the future and perhaps for all time the intelligence work that is being carried at Fort Holabird.

Thank you.

Mr. Chairman, I yield back the balance of my time.

Mr. SIKES. Mr. Chairman, I yield such time as he may require to the distinguished gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I would like to associate myself with the remarks of the gentleman from Illinois (Mr. YATES) as they relate to the ABM.

While I do not oppose the appropriation of funds for further research and development of the Safeguard system, I believe there are too many questions about the workability of this system which should be answered before we vote additional funds to expand it.

I am greatly concerned also about the cost of this system. The legislation before this House today would appropriate $357 million for Safeguard. Proponents of the system tell us the total cost of the 12-site system would be $10.7 billion. But, testimony indicates that the total cost is at least $11.9 billion, excluding operating costs, the cost of warheads for the improved Spartan missiles, $1.2 billion for warheads included in the AEC budget, and other research activities.

I think it would be valuable, Mr. Speaker, to point out just how we got where we are today on the matter of ABM costs.

On March 14, 1969, President Nixon announced his position in favor of the Safeguard system. At that time he said:

> The present estimate is that the total cost of installing this system will be $6–7 billion.

The frequently quoted administration cost figure was $6.6 billion.

In early May 1969, it was revealed that the $6.6 billion cost of the system did not include $1.2 billion for the warheads, money included in the Atomic Energy Commission budget.

On May 22, 1969, it was revealed that another $2.5 billion had to be added to the total cost of the system for research and development. This made the total cost of the system $10.3 billion, including the cost of the warheads.

On May 22, 1969, it was also revealed that if it was later decided to extend the Safeguard system to cover Alaska and Hawaii, the cost of the program would increase $450 to $500 million.

On December 1, 1969, Senator JOHN STENNIS, chairman of the Senate Armed Services Committee, issued a report on cost overruns indicating no overrun on the $4.185 billion cost of phase I, that part of Safeguard which has been approved by the Senate in August and the House in October.

On December 16, 1969, Senator HATFIELD revealed, and the Department of Defense acknowledged, that the overrun on phase I was $277 million.

On February 24, 1970, Deputy Secretary of Defense David Packard announced that the cost of phase I had increased from $4.1 to $4.5 billion.

On April 8, 1970, Mr. Packard told members of the House Appropriations Committee that the cost of phase I had increased another $100 million, from $4.5 to $4.6 billion. At that time he indicated that the total cost of the system without the warheads is now estimated to be $10.7 billion, a cost overrun of $1.6 billion over the $9.1 billion estimated cost 1 year earlier.

In his April testimony Mr. Packard also acknowledged that in addition to not including the $1.2 billion for warheads, the $10.7 billion total does not include $158 million for research on advanced radars, an unknown amount for warheads for the improved Spartan missile, or operating costs which will range from $100 million per year for a two-site system to $350 million per year for a 12-site system.

These figures indicate that the cost overrun of this system has averaged over $130 million per month during the past year.

Furthermore, the total estimated cost of phase II deployment has almost doubled from the first announced figure of $6.6 billion to at least $12 billion, with millions more to be added in for the improved Spartan missile, operating costs, and perhaps the extension of the system to Alaska and Hawaii.

I have serious doubts too that costs for the ABM will stop here. Deputy Secretary Packard has conceded that inflation and design improvement may cause "some continuing cost growth of this defense."

With a system as complex as Safeguard, future design changes would certainly seem to be a reasonable expecta-

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tion. Inflation will surely be a factor also, just as it is with nondefense expenditures.

In light of this it is difficult to doubt that Mr. Packard's concerns for continuing cost growths will be justified.

And it is for these reasons, Mr. Chairman, that while I favor continued research on the ABM system, I do not favor deploying a system with as many doubts about it as this one has. We should have learned by now that simultaneous research and deployment equals cost overruns par excellence.

Mr. SIKES. Mr. Chairman, I yield such time as he may require to the distinguished gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Chairman, I thank the distinguished chairman and commend him on the work he and his committee are doing in behalf of our defense.

I want to say that I am grateful for the energetic and expert service the gentleman from Florida has given this House. His expertise on the far-flung military installations of this country and his detailed knowledge of these installations surely is unequaled.

I note that in the committee report the committee decided to delete for the time being funds to construct a large jet aircraft engine overhaul facility at Kelly Air Force Base. The committee feels that the Air Force has failed to provide adequate justification for the construction of the facility at this time, and has directed the service to conduct further studies of the project and the need for it. However, my understanding has been that this engine overhaul facility is very much needed and is vital to the long-range needs of the Air Force.

My personal feeling is that wherever possible the military services should maintain their equipment in their own shops, rather than use outside contractors. In this case, I am concerned that delay of the engine overhaul facility would deprive the Government of any capacity to overhaul such large engines as the TF-39. Although I am far from being an authority on this subject, I believe that the facility will be required sooner or later.

I know that the committee, and especially the chairman, are familiar with this matter and share my concern. I yield to the chairman's unexcelled knowledge and expertise in this matter, and respect his judgment, and only desire to inform him of my understanding of this matter, and to convey my concern about it.

Mr. SIKES. Mr. Chairman, I yield myself such time as I may require to respond to the distinguished gentleman from Texas.

I applaud his interest and his hard work. I know the importance of what he is seeking to achieve. I assure him that this subcommittee has a sympathetic interest in his project and that the matter will continue to have our careful consideration as additional facts are made available.

I yield such time as he may require to the distinguished gentleman from Illinois (Mr. McCLORY).

Mr. McCLORY. Mr. Chairman, I rise to express myself in support of this legislation.

Mr. Chairman, in expressing my support for the bill H.R. 17970, I am pleased to note that the committee has reduced appropriations for military construction programs for fiscal year 1971 by almost $138 million below budget requests. While total new obligational authority is slightly above the amount in last years' appropriation bill, I hasten to point out that the increase results specifically from two items which are essentially nonmilitary in nature—namely, family housing and water pollution abatement projects.

On the subject of family housing, I am pleased to note that 150 family housing units have been authorized for Great Lakes Naval Training Center in my congressional district. This will help resolve the housing shortage which the officers and men of the Navy are experiencing at this great naval training center. The cost for this housing is substantial—with a total of $4,350,000 allocated for the family housing needs at Great Lakes. While this is not sufficient to meet all of the housing requirements, it will go a long way toward enabling the families of those who are serving in the Navy to avoid being separated—and will help relieve the strain on private housing in the surrounding areas.

Mr. Chairman, I am also pleased to note that the committee has recommended funds totaling more than $19 million for other improvements at Great Lakes, including more than $12.5 million for water pollution abatement facilities to be coordinated with the comprehensive project of the North Shore Sanitary District, which is now underway. This recognition of Federal responsibility to help reduce water pollution in Lake Michigan is most gratifying—and fulfills a promise made by President Nixon when he visited my congressional district earlier this year.

Mr. Chairman, I also am pleased to note the appropriation of funds for a vitally needed naval hospital corps school totaling almost $3 million. Approximately $3.5 million is appropriated for other improvements at the naval training center.

Mr. Chairman, I am aware of the studies which are now underway to phase down the Army operations at Fort Sheridan. In this connection, I note that funds for the sewage treatment facility have been eliminated in the authorization bill, as well as in this bill. It is my expectation that Fort Sheridan will continue to fill an important role in our defense program and that the necessary funds for water pollution abatement will be available after this subject is clarified and the future status of Fort Sheridan is more accurately determined.

Mr. Chairman, I am aware also of the controversial aspect of funds for continuing work on the Safeguard anti-ballistic-missile system—ABM. It has been convincingly represented to me that the development of this system is essential for our national safety and that the ABM itself is a defensive capability intended to protect American lives and property against enemy nuclear attack. On that basis—and after the most careful study and thought—I am satisfied that appropriation to the extent set forth in this bill is necessary.

Mr. SIKES. Mr. Chairman, I yield such time as he may require to the gentleman from California (Mr. COHELAN).

Mr. COHELAN. Mr. Chairman, I rise in support of the statement made by the gentleman from Illinois (Mr. YATES). I wish warmly to associate myself with his remarks.

As you know, for many years now I have been taking strong exception not only to the deployment of this system but to the long leadtime items that were talked about many years ago. The record is well documented on this.

In the full Committee on Appropriations early this week I had an opportunity to make what may be my swan song on this question. I cited a work which will be published this month by Dr. Herbert York which is entitled "Race to Oblivion." It is a brilliant statement of the history of strategic weapons development in our country. Among other things, Dr. York points out some of the gross mistakes that we made in the course of missile weapons development since sputnik, and goes into great detail about the Thor missile and about the Jupiter missile citing some of the statements that were made by the Department of Defense in support of those systems at that time. The main thrust of this very important paper, though, is in opposition to the deployment of the ABM system. So I hope, as I have urged my colleagues on the Appropriations Committee in my remarks made the other day, that as we approach this complex problem of strategic weapons development, we take a more critical approach and study these questions even more intensely than I think we have in the past.

Mr. Chairman, at the appropriate time I will advance again argument in support of the amendment to be offered by the gentleman from Illinois.

Mr. MACDONALD of Massachusetts. Mr. Chairman. I have serious reservations about the priorities involved in the military construction bill which is before us today. I am concerned both with what has been included in this legislation and with what has been left out. I make specific reference to the lack of funds for the Chelsea Naval Hospital in Chelsea, Mass.

This facility serves the entire New England area and does so with a structure that is 129 years old. It is the primary reception station in the region for wounded Vietnam veterans. The present building was intended for no more than 350 beds but nearly twice that many patients requiring beds are now being treated by the hospital. This number approaches the maximum limit which the hospital is authorized to hold. I toured this facility recently and saw firsthand the effect of crowding two men into a space originally designed to hold just one.

Since 1966, efforts have been underway in the Congress to replace the present building with a seven-story hospital complex. In that year, we authorized, as a result of an amendment which I had introduced, $9.3 million. Of this amount,

$9 million was approved for funding. Two years later, an amended authorization was requested for $2 million—an amount which the Senate then cut in half. Eventually, $1.3 million was appropriated.

In the meantime, officials at the hospital had cleared up various local problems and early last year were ready to put the contract out for bids. However, as a result of rising inflation, indications were that the low bid would exceed the $10.3 million total appropriations. I was informed that an additional $1 million would be necessary before construction could proceed. The Department of Defense was notified and promised to give the matter serious consideration in developing the fiscal 1971 request that is before us today.

When the request was released in March of this year, no funds for Chelsea Naval Hospital were included. I was told that this was due to the fact that rising costs over the course of a year had raised the need from $1 million to nearly $6 million. Consequently, because of "existing priorities," the Bureau of the Budget had not included these funds in its request for military construction.

I question these priorities. The bill before us today will provide funds for new landing strips, recreational facilities, and officers' clubs, but it does not provide the funds which are necessary to build this new hospital for which the need has been so clearly demonstrated. I agree that we must practice some economy in Federal spending, however, I question the wisdom for practicing it at the expense of the hundreds of sick and wounded GI's who utilize the facilities at Chelsea Naval Hospital.

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I fear that, if no one at the Department of Defense or at the Bureau of the Budget sees fit to recommend the necessary funds, the inflationary spiral will only push the costs higher. I know that, in the past, the Armed Services Committee has always recognized the very great need for a new hospital in Chelsea, and I am aware of the pressure under which they were placed this year on this legislation, but I would hope that positive and final action can be taken during the coming months which will enable construction of the proposed facility to begin next year at the latest. I regret that we are not able to take that action here today, and I also regret that for the reasons outlined above, I am forced to vote against this bill.

Mr. WHITEHURST. Mr. Chairman, I wish to make clear certain items in this bill regarding the comparison of authorization and appropriation requested for the naval shipyard, Norfolk, Va.

In the fiscal 1968 program, the Congress authorized and funded projects for the naval shipyard, Norfolk, Va., which included:

Pumping improvements for drydocks, 1, 2, and 3	573,000
Radar overhaul facility	573,000
Total	1,236,000

These items could not be awarded within available authorization and were not started by October 1, 1969, when the authorization was automatically rescinded under the provisions of section 805(a) of Public Law 90-408.

These projects have been included again in the fiscal 1971 program at a higher estimated cost. Since the previous authorization has been rescinded, new authorization in the full amount of the project estimates is required. However, the $1,236,000 previously appropriated by the Congress for these items is still available and when combined with the funds recommended by the committee in this year's bill will allow the Navy to proceed with construction of the full scope of projects approved for the naval shipyard at Norfolk.

Mr. GIAIMO. Mr. Chairman, I rise to oppose the inclusion of funds in this bill for deployment of the Safeguard antiballistic-missile system.

In early 1968, the gentleman from California (Mr. Cohelan), the gentleman from Illinois (Mr. Yates), and I were the first three Members of Congress to publicly oppose the deployment of an ABM system. We were pretty much alone then. We are not alone anymore.

As congressional knowledge and public awareness of the ABM system have increased, so has opposition to its deployment. Only through a massive administration campaign to equate ABM support with patriotism and only with a tie-breaking vote by the Vice President could the President win congressional approval of two ABM sites last year. I am confident that the administration proposal to expand the system to five new sites will not fare as well this year.

My opposition to ABM deployment is not partisan, Mr. Chairman. I opposed deployment of the Sentinel ABM system recommended by the Johnson administration, and I am no less opposed to deployment of the Safeguard system.

Neither is my opposition based on ideological considerations. I have said countless times on the floor of this House that the safety and security of all our citizens must always be our first priority. I have always advocated a first-class defense for this Nation.

I am opposed to ABM deployment because I do not believe, first of all, that this system has been or is likely to be perfected. On March 17, 1970, I inserted in this Record an editorial from the New York newspaper Newsday concerning the ABM. I quote from that editorial:

> In order to be credible, the enormously complex ABM system of defense—which depends on a precise, chain-reaction sequence of detection and destruction of attacking missiles—must function at 100 percent efficiency, with no margin for error. It is no use to talk of knocking out, say, five of eight enemy ICBM's, because the thermonuclear warheads of the other three would wreak death and damage of catastrophic proportions. The ABM is thus unlikely to deter a fanatic enemy unless he is convinced he cannot possible penetrate its defenses. There is a deep division of opinion within the scientific community over whether the ABM can ever provide such a guarantee. Yet we continue to posit that guarantee as our goal.

I do not believe we can afford such a risk, Mr. Chairman, I do not believe we can afford to spend untold billions of dollars on a defense system whose credibility is, at best, questionable. If we are to have a first-class defense—and I believe we must—then it had better be effective, practical, and credible. The ABM meets none of these criteria.

Some may argue, Mr. Chairman, that the ABM may someday be perfected. That is their privilege. I am willing to provide funds for research on this and other possible defense systems as long as there is a chance for success. I will not support, however, the expenditure of funds to deploy a system that is obviously not perfected.

How many failures must we have, Mr. Chairman, how much money must we waste before we realize that production and deployment of any defense system should only come after completion of the vital research work involved? How long will it be before we realize that unlimited appropriations, insufficient research, and hurry-up deployment will not provide us with an effective defense? How long must we condone the waste of billions of dollars on preventable cost overruns because we are told it is in the national interest to waste money on defense?

I oppose deployment of the ABM system, Mr. Chairman, because I sincerely believe that we can spend our money more effectively on other defense items and in other areas. I am truly sorry that those who pick apart appropriations for non-defense programs are often willing to give the Pentagon a blank check. I am dismayed by those who brand advances in health, housing, and education as "boondoggles" but are unwilling to use the same criteria when considering the defense budget.

I think the time has come for this Congress to be consistent and to live up to its responsibilities. Let us fight to end the ridiculous farm subsidies given to wealthy farmers. Let us put a stop to the outrageous misuse of funds by certain antipoverty organizations. Let us eliminate the inequities in our system of taxation. Above all, let us abandon the costly and unfortunate practice of treating the Pentagon like some "sacred cow" and instead chart a new course of efficiency and economy in defense spending.

Where defense is concerned, I want billions for the best but not one cent for waste. Because of this, I oppose deployment of the ABM.

Mr. BOB WILSON. Mr. Chairman, although the Appropriations Committee has deferred $6,736,000 for an important undersea technology laboratory for the Naval Undersea Research and Development Center in San Diego until more information can be received from the Navy, I am hopeful this will be resolved in time for the Senate to approve funds for this project so that the House can consider it later in conference with the Senate on H.R. 17970.

Mr. LONG of Louisiana. Mr. Chairman, I can only deplore the shortsightedness and lack of perception of the Army in neglecting to even ask the Congress for funds for construction at Fort Polk, La., during fiscal year 1971. I say the Army is shortsighted because our military leaders are allowing an excellent military post to further deteriorate despite past events which have proven Fort Polk necessary to the national defense. The Army shows its lack of perception by not looking ahead to the years when this military installation most certainly will be needed again as it has periodically for the past 30 years. Despite its long history as an indispensable and important training base for American troops through three conflicts, there is yet only one building on the entire post constructed with appropriated funds as a permanent structure, and it was made permanent only because no engineer could devise a means to build it as a temporary building.

I am appalled at the Defense Department's attitude toward Fort Polk, especially in view of all the promises made to me and to the people of Louisiana over the years, promises which were apparently designed to lull us into a more cooperative spirit. Louisiana has indeed been cooperative throughout the 30-year history of the past, and the Army has not kept the first of its commitments.

All of this is still more appalling in view of the facts contained in a news article published this week in various Louisiana newspapers which I have just received, outlining the relative costs to the taxpayer for the training of soldiers at Fort Polk and her sister posts around the country. If the Army is truly interested in saving money I recommend action on the basis of this data. The article follows:

> FORT POLK, LA.—It costs less to train an Infantry soldier at Fort Polk than at any other training center in the nation.
>
> Combat commanders have long recognized the quality of soldiers trained here and now it is documented that soldiers are being turned out at mammoth savings to the taxpayer of up to $1,000 per man. Fort Polk trains over 60,000 men annually.
>
> Figures compiled by the Comptroller, U.S. Continental Army Command, Fort Monroe, Va., show significant savings at Fort Polk in a dozen military occupation specialties (MOS) over other training centers.
>
> One example is that of an Infantry Direct Fire Crewman. According to the keeper of Continental Army Command pursestrings, it costs $1,690.94 to turn out each soldier in this MOS at Fort Polk.
>
> Conversely, the same source sets the price tag at $2,639.94 at Fort Gordon, Ga.; $2,239.00 at Fort Dix, N.J., and $1,922.00 at Fort Jackson, S.C.
>
> Fort Polk trains light weapons infantrymen at a cost of $1,474.67. This is $226.81 less than Fort Lewis, Wash., is able to train the same MOS and $645.33 less than Fort Gordon.
>
> Continental Army Command statistics covering total direct and indirect costs per trainee during Fiscal Year 1968–69 show Fort Polk's costs substantially lower than those of Fort Ord, Calif.; Fort Lewis, Fort Gordon, Fort Dix, Fort Jackson, S.C., and Fort Leonard Wood, Mo.
>
> In its 30-year history Fort Polk has trained well over 10 million soldiers for the Army. Even today the demand for well trained Infantry soldiers is heavy. But the spiraling cost of defense has been held down at Fort Polk with no loss in training effectiveness.
>
> General William C. Westmoreland, Army Chief of Staff, summarized this feeling while in charge of Allied military operations in Vietnam:
>
> "Ft. Polk has a fine reputation in Vietnam and it certainly has a fine reputation with me.
>
> "The many hundreds of young men I have talked to who received basic combat training in the United States, plenty of whom were trained at Ft. Polk, spoke very highly of training in general, but those trained at Ft. Polk were particularly complimentary as to the realism of their training," he said.
>
> Captain Joseph F. Trimble, a combat veteran of Vietnam, is typical of those in charge of training here.
>
> Two letters addressed to Capt. Trimble by former trainees illustrate their high regard for the caliber of Ft. Polk instructions.
>
> After being in combat, Pfc. James R. Rivard wrote: "I feel that your training must have been superior as I feel a lot more confident over here than men from other training forts."
>
> "I certainly am proud I was at Ft. Polk," wrote Pfc. Jerry Austin after a week of training in Vietnam. "The introductory training I received at Ft. Polk is being repeated here in Vietnam," he said.
>
> A number of factors affect the cost of training in southwest Louisiana. Ideal weather helps lessen the drain on taxpayers' dollars because there is no requirement for special seasonal clothing. Construction and fuel costs are minimized by the mild climate. Loss of vital training time due to inclement weather is almost nonexistent.
>
> Food costs are reduced since in warm climates the caloric intake of soldiers is less than in cold climates; the health record is better at Ft. Polk than other military posts offering Basic Combat Training, and is the only such installation in America to have gone two years without a single death from meningitis.
>
> Diversified terrain makes superior training possible at Ft. Polk. The 200,000-acre military reservation duplicates land formations of North Africa, Western Europe, Southeast Asia and Latin America.

Mr. Chairman, although there are some great disappointments in the appropriations for military construction which I personally would soon correct, I offer my support for the bill at this point, urging my colleagues to approve it.

I have taken special note of the appropriations slated for construction at England Air Force Base at Alexandria, La., which is in my own district, leading me to compliment the Air Force for its program of steady and effective development of this airbase. Each year the Air Force makes an effort to institute some improvements to the physical facilities there, and I have no doubt these are accompanied by even greater improvements in the installation's mission and in individual performance.

The bill should be approved.

Mr. VANIK. Mr. Chairman, I intend to vote against passage of the bill before us today, the military construction appropriation bill of 1971. Under the archaic rules of the House, this is the only way I can register my protest on the record against the $365 million appropriation contained in this bill for the antiballistic-missile system.

There are parts of this nearly $2 billion bill that I do support. If we are to move toward a volunteer military establishment, it is clear that we will need to provide adequate pay allowances and housing for those in our Nation's Armed Forces. At present, we are not providing adequate programs of support in either the area of pay or housing. I have estimated that up to 150,000 servicemen and their dependents are receiving a level of pay that, by definition, places them in the poverty category. Money provided in this bill for improved military housing is needed and should help to encourage enlistment and retention of career personnel in the armed services.

However, the continued development of the ABM system is so wasteful and so dangerous to the peace of the world, that I cannot support a bill which includes money for its expansion.

And this bill does provide for the expansion of the ABM system. Without any assurance that the ABM will actually operate as planned, the two-site Safeguard program is now being expanded in this bill to an eight-site missile system. How much more will the system be expanded next year? How many more billions will we be asked to pour down the drain next year? How soon will we be needing another missile system to protect the ABM?

It is expected that the total request for ABM in the coming fiscal year will be $1.6 billion. I do not object to expenditures for research and development for this project. I do object to the deployment of such a weapons system because it is an expenditure of enormous sums of money for a weapon which—as technologically developed today—cannot do the job, and second, because it will lead to further arms races and world instability at a time when we are praying that the SALT conference can bring a lessening of the world's tensions and the armaments race.

Members of the Armed Services Committee and Appropriations Committee, who have given great study to this matter, have pointed out that if the Soviet Union maintains their ICBM force at approximately the present level, there will be no need for the ABM to protect our missile force. If the Soviets improve the accuracy of their ICBM's and expand to MIRV's, then the ABM system will be hopelessly outclassed and outnumbered—and there will be no sense in spending tens of billions of dollars on this defense system which will not defend. What about ABM construction to guard against a third party attack—such as one from Red China? Members of the committees again point out that ICBM technology is developing rapidly, multiple warheads are being provided and decoys developed which can easily foil any areawide defense provided by the type of ABM system that we have developed to date. It simply makes no sense to install a weapons system which is already being surpassed by the weapon it is meant to stop.

In the horrible, sickening logic of the nuclear age in which we live, our defense rests on convincing the potential enemy that any attack on us is suicidal, that no matter what attack an enemy launches on us, we will have the force and power to make a return attack which will be fatal to the attacker. There is today, and in the foreseeable future, no defense against our seaborne missile force—our submarine Polaris fleet. Thus we are preparing to spend billions and billions of dollars to defend only one of our deterrent arms, our stationary missiles—which are rapidly becoming obsolete because of increased ICBM accuracy by both our country and the Soviet Union.

What will further ABM deployment do to the Strategic Arms Limitations Talks now going on in Vienna? There is no way of telling, but I believe that it will seriously impair their chances for success. A further round of action and reaction will develop between the two super powers and the chance for stopping the unbelievably deadly arms race may be lost forever. Although it may be contended that we are appropriating money for an expanded ABM system to protect our missiles with a deterrent force which survives an enemy attack, the Soviets may well believe that we are building a bigger system as part of a plot to attack them first. We know this is not true; we know that our only desire in this world is peace—but the Soviets are looking at our actions, not our words. As a result, therefore, of any expanded ABM system on our part, they will counterreact by developing more MIRV's and bigger bombs—thus the dangerous, multibillion-dollar process goes on.

Consideration of this appropriation for an expanded ABM can wait until we see how SALT is proceeding. We must not throw away what may be one of mankind's last great hopes for peace just to build a weapon which will not accomplish its purpose.

Mr. BENNETT. Mr. Chairman, I rise in strong support of the legislation before us. I think it shows the careful study that is characteristic of the gentleman from Florida and his committee.

One point I wish to comment upon in particular. The hearings at page 308 disclose an inquiry about the movements within the naval air technical training command. It was proposed originally to move about 3,000 students in this program to Memphis from Jacksonville, Fla.; and then, in order to do this and to make room at Memphis, it was suggested that 1,500 students be moved from Memphis to a new center to be established at Meridian. The hearings developed, and properly so, that this is not a proper course of action; and that instead the students removed from Memphis to make room for those being moved from Jacksonville should be put in Jacksonville.

Mr. Chairman, it is clear that when the military move into an area, as they have in Jacksonville, that it is a great blow to the economy when they move out; and this should not be done absent very compelling reasons. There obviously is no very compelling reason to start a new base in a third location when men are moved from Jacksonville to Memphis, forcing the latter to make room for them by moving others from Memphis. The committee, and particularly its chairman, Congressman SIKES, are to be congratulated for correcting this error in planning before it had gone too far and before funds were expended to bring this about.

Mr. OTTINGER. Mr. Chairman, I rise to protest most strongly the inclusion of $357 million in new obligational authority for Safeguard ABM construction in fiscal 1971 in this appropriation.

I can see no justification, either from a strategic or an economic standpoint, to appropriate funds at this time for advance preparation of five phase II area defense sites in addition to the hardpoint sites at Malstrom, Grand Forks, and Whiteman. The committee claims that denial of the funds will delay operational readiness dates for these sites by a year. It appears to me that such a delay is very much in our national interest at this time, particularly in light of encouraging reports emanating from the strategic arms limitation talks that progress is being made on agreements to limit ABM sites and to curtail development of MIRV. If we are indeed carrying these negotiations forward in good faith, it is unwise at this time to proceed with further ABM site development at a heavy cost to the taxpayers. Repeated cutbacks in funds for important domestic programs have been justified by the inflationary impact of Federal spending, yet we are now being asked to appropriate more than $350 million for a system which expert opinion claims will never be effective for its intended purposes in any event.

Mr. Speaker, every year the Pentagon comes up to the Hill with a different justification for ABM. First it was for protection against Russian attack. Then a possible missile assault from the technologically primitive Chinese arsenal was advanced. And finally, we were warned about the need for protection against possible accidental attacks from any source. The committee in its report is attempting to coalesce this confusion by citing all three potential dangers as reasons for pushing forward with a broadened ABM program. It is time to apply commonsense to this perennial controversy, and we can do so without in any way harming the security of our Nation. Since there is no proof that the radar systems on which the ABM would depend would themselves survive a missile attack, there is no reason to believe that the ABM will ever function as intended. In the positive spirit of the SALT negotiations and our general initiatives for peace throughout the world we should defer further work on this system. Our nuclear submarine fleet provides ample deterrent threat to any nation which might conceivably make the insane move of launching a nuclear attack on the United States, and I am convinced that we would do ourselves and the cause of international peace a favor by denying the ABM funds in this bill.

Mr. CONYERS. Mr. Chairman, I am opposed to the military construction appropriation bill for 1971. In the face of ever pressing domestic needs crying for attention from every corner of this country I do not believe an appropriation of $1,997,037,000 for military construction can be justified. This figure, moreover, represents an increase over fiscal year 1970 appropriations of $435,747,000. Especially unwarranted are the funds recommended for the Safeguard missile system. For years the antiballistic missile has been some rather dubious technology in search of a rationale. Its latest guise is no more convincing than any of the earlier justifications. America, in reality, cannot afford to squander these millions, nor the future billions of dollars this program will cost in the years to come. The needs of her people are too great and the future security of this Nation will not depend so much on our weaponry as on their well-being.

Mr. HORTON. Mr. Chairman, I have listened carefully to the debate that is taking place on this bill. I would be the first to say that H.R. 17970 contains many important and worthwhile military construction projects and programs. I would say categorically that I support at least three out of four of the projects funded in this bill and requiring most of the $1,997,037,000 which the bill appropriates.

In addition to funds for the service academies and funds earmarked for Vietnamization and support of the South Vietnamese Army, I heartily support the $75,000,000 appropriation for pollution abatement construction projects on military installations. I have seen firsthand some of the air and water pollution abuses taking place on military bases, and I applaud the determination of the Department of Defense and the distinguished members of the Appropriations Committee to act on this problem.

However, Mr. Chairman, this bill contains a flaw which to me at this time, outweighs all of its good points. I am speaking of the $365 million included in this bill for deployment of the Safeguard anti-ballistic-missile system, including $8 million for housing at ABM facilities.

These funds will be spent to continue construction at the two-phase I ABM sites begun during fiscal 1970 with the $14 million that was appropriated last year, and to begin construction of radars and ABM launching sites included in the six new phase II program.

Despite the President's assurances last year, when he rejected President Johnson's plan to defend population centers with Sentinel ABM sites, that only two hardened Minuteman ICBM sites would require ABM protection, I voted last year against any deployment funds for the Safeguard program. I felt that inadequate assurances had been offered: First that the Safeguard would be a workable defensive weapon and second, that its effect on the new phase of the strategic arm race had been measured carefully enough. The answers available then or now to these questions do not, in my mind, justify an expenditure at this time of nearly half a billion dollars in the next fiscal year for this new program.

I have supported and will continue to support funds for research and development of a workable ABM system; should the clear need arise for America to take this step we should be ready. But I do not believe that readiness is achieved by deploying these eight sites when it is not clear that the ABM sites themselves will not be more vulnerable to attack than the offensive missile silos they are protecting.

If this were an earlier era, I would probably make my statement in opposition to this phase of the appropriation and to this program and vote for the bill on final passage because of my support for other programs included in it.

I no longer feel this is responsible. For despite serious questions raised by a number of colleagues about the wisdom of the Safeguard program in gen-

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eral, and the wisdom of expanding what was to be a two-site program by fourfold in a single year into an eight-site program, no procedural opportunity has been offered to obtain a recorded yea-and-nay vote on this $365 million item. The only way remaining for us to record strong opposition to this project in this amount of money is to oppose the bill on final passage.

The challenge which is really facing us on this measure is not whether the House of Representatives will agree to spend money to abate pollution, or to improve the service academies, or to help speed Vietnamization. We will and must do these things. Our challenge is to rise up and be counted against a controversial new program in which $365 million is beginning to look very much like the tip of an iceberg which will cost tens of billions of dollars, which will help to perpetuate the imbalance between defense and domestic spending, which may not serve any defensive purpose, and which may hinder the progress of SALT talks now in progress in Vienna. This is our challenge. Do we accept with a nod of our heads and with rhetoric the divided judgment of the Appropriations Committee without the opportunity for a record vote?

I think this challenge is of overriding importance in our consideration of H.R. 17970. Thus I will cast a "nay" vote when the roll is called.

Mr. SIKES. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, and facilities for the Army as currently authorized in military public works or military construction Acts, and in sections 2673 and 2675 of title 10, United States Code, $637,909,000, to remain available until expended.

AMENDMENT OFFERED BY MR. YATES

Mr. YATES. Mr. Chairman, I offer an amendment.

Mr. COHELAN. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 166]

Addabbo
Annunzio
Ashbrook
Ashley
Aspinall
Barrett
Biaggi
Biester
Blatnik
Brademas
Broyhill, N.C.
Broyhill, Va.
Bush
Celler
Chisholm
Clark
Clausen, Don H.
Clay
Conable
Conyers
Corman
Cowger
Culver
Daddario
Dawson
Denney
Dent
Dickinson
Diggs
Dwyer
Edwards, Ala.
Edwards, La.
Erlenborn
Esch
Fascell
Fish
Ford, William D.
Foreman
Fountain
Gaydos
Gibbons
Hansen, Wash.
Hastings
Hawkins
Hays
Hébert
Holifield
Jarman
Kirwan
Kuykendall
Long, La.
McCarthy
McDade
McMillan
Martin
Mayne
Michel
Moorhead
Murphy, N.Y.
Ottinger
Passman
Patman
Pelly
Philbin
Pike
Podell
Pollock
Powell
Pryor, Ark.
Reid, N.Y.
Reuss
Rhodes
Rooney, N.Y.
Rosenthal
Roudebush
Ruth
St Germain
Satterfield
Scheuer
Schwengel
Skubitz
Smith, N.Y.
Stafford
Steiger, Wis.
Stratton
Stuckey
Taft
Thompson, Ga
Ullman
Weicker
Whitehurst
Whitten

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BURKE of Massachusetts, Chairman of the Committee on the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 17970, and finding itself without a quorum, he had directed the roll to be called, when 337 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. YATES: On page 2, line 7, strike out "$637,909,000" and insert "$284,109,000".

Mr. YATES. Mr. Chairman, my amendment would strike out the funds for the deployment of the Safeguard ABM. Those of us who are opposed to deployment favor programs for research on the ABM, and in the course of my remarks I will point out that there are alternatives to the deployment of the Safeguard ABM which offer much more promise and hope for perfecting a system than does the Safeguard ABM.

Mr. Chairman, Congress does have a function to perform in reviewing our military posture. It is our responsibility to insist that to the greatest extent possible the $70 billion to $80 billion that we approve annually for weaponry for the Department of Defense shall not be ill conceived, unproven and irrationally hurried weapons systems. That is why I have offered my amendment today to strike the funds for the Safeguard ABM system which I say to the House is ill conceived, is unproven and is being irrationally hurried into deployment before adequate research has been done upon it.

Mr. Chairman, I say that the Safeguard ABM will not do—will not do—the things that the Department of Defense says that it is intended to do. And Department officials, if pressed, will concede the system will not perform the functions they hold out for it.

It is admitted in the testimony before the Appropriations Committee that the system will not protect against an all-out Soviet missile attack. It will not protect against the so-called Chinese threat if and when the Chinese threat comes into being—it is nonexistent today—it will not protect our bomber bases from missiles fired from submarines, it will not protect against the accidental launching of a missile. It will do none of these things.

The Department of Defense itself concedes that it will not do many of these things. That is why in testimony before the Department of Defense Appropriations Subcommittee Secretary Packard had this to say, and listen to this: He says:

> If we do have to take further steps, we have options available.

This is a concession by the Department of Defense, that further steps may be necessary in order to do the protective things that they have outlined. In other words, "if we have to take further steps" we have these options.

> For example, we have under consideration a new, smaller, less-expensive radar and data processer aimed specifically at close-in defense of Minuteman.

Why do they not continue the research on that before they deploy the Safeguard?

He further says:

> Deployment of this equipment with additional Sprint interceptors is a possibility. Also, we are actively working on ways of rebasing Minuteman missiles in harder silos or on transporters. Further, we shall continue to study additional forms of ballistic missile defense, such as those previously mentioned.
>
> A longer range program for enhancing the survival of our deterrent is the Undersea-launched long-range missile system, for which we now have an active research and development program.

Does it make sense to engage in this multibillion dollar system deployment, knowing that it is ineffective, when we may wind up using a different antiballistic missile system? I think we ought to stop right now. I think we ought to weigh the alternatives before this full commitment. I think that we ought to strike this appropriation from this bill.

For these reasons, Mr. Chairman, I urge approval of my amendment striking out the funds for deployment of the Safeguard antiballistic missile system.

Mr. TUNNEY. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from California.

Mr. TUNNEY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I intend to vote for an amendment to delete the $357 million construction funds for the ABM.

The committee's minority report states the reasons very clearly.

> (1) Its costs are too high; (2) its capabilities are most marginal; and (3) its effect on the strategic arms race is potentially explosive.

The expansion of the ABM is a tragic waste of money on unproven hardware. This system will not work and adds nothing to America's security. In fact, it will actually reduce our security by recklessly fueling the arms race at precisely the moment when a major breakthrough in the SALT talks is at hand to bring it under control. A massive deployment of the ABM would leave the United States open to the misinterpretation as to whether it might really be building a first strike nuclear capability.

If other nations then feel the need to protect themselves we will have set off another cycle of action-reaction. Billions of extra dollars will be spent. Fifty billion dollars, more than twice the cost of putting a man on the moon, is the projected ABM cost. But these billions will yield no greater security for America. Rather, their inflationary impact will weaken job security and dollar security even further.

It is ludicrous that increased expenditures on the ABM are not regarded by the President as inflationary after he vetoed expenditures on health and education because he held them responsible for "spending ourselves poor". In this distortion of national priorities by a near-obsession with military hardware, I share the anguish of Senator MANSFIELD who asked:

> Where will it all end?

But the most immediate effect of the President's shortsighted decision will be to speed the already declining economy into our worst recession in well over a decade. The vast sums of money earmarked by the President for ABM will almost certainly have to be used instead for economic recovery before the year is out.

Moreover, the President should spell out his apparent intentions to put ABM sites in heavily populated areas of northern and southern California. These sites obviously will become Russian and Chinese targets in the event of open intercontinental missile warfare, and since the ABM will not work, millions of Californians in urban areas will be less secure than they are now.

Deployment of the ABM also creates fear of accidental nuclear explosion. Considerable anxiety is being generated among a great many citizens in California and yet they cannot even be certain that the ABM will provide protection to them.

The President wants to increase the ABM program now to $1.5 billion, five times more than the administration is asking to help cities fight crime, and nearly twice as large as the amount being asked to fight water pollution.

We have already spent, since the end of World War II, over $20 billion on missile systems which were never completed or when developed were found to be obsolete. Furthermore, the advocates of the ABM have been unable to agree with certainty as to justification for its immediate deployment.

I urge the Members of the House to join with me today to end this madness by deleting the funds for ABM construction.

Mr. CEDERBERG. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I will try to be as brief as possible. During general debate I pointed out that this issue has already been debated and voted on twice this year. We also voted on it last year, and here we are again. I commend the gentleman from Illinois for being so persistent.

Mr. Chairman, I would like to make a few brief points. First, the members of the Committee on Armed Services, and members of the Appropriations Committee, Subcommittees on Military Construction and Defense have all heard and considered detailed testimony on this issue. They almost all agree that this is the correct approach. We can obtain a body of scientific opinion, both pro and con, on this issue. This is possible on almost any issue.

The gentleman says it will not work. I do not know that it will not work, and maybe the gentleman does not know. But just let me say that if the gentleman from Illinois is wrong we could lose the country. If the gentleman from Michigan is wrong, we lose the money.

Now, if I had to make that choice, I would prefer to lose the money. I prefer to be on the safe side. I am not convinced that the arguments presented by the gentleman from Illinois are any better than the arguments presented by the other side.

As as matter of fact, after attending the hearings and considering the facts I am in favor of the position we present in this bill. But, apart from that—let me reiterate again—if I am wrong we may lose the money, but if the gentleman from Illinois is wrong we could lose the country.

Mr. YATES. If the gentleman will yield, it is not the gentleman from Illinois who is asserting that the system will not work; that is the testimony of Dr. Foster and Secretary Packard before the Committee on Appropriations.

Mr. CEDERBERG. I have listened to Dr. Foster and Mr. Packard. They are the ones who supported this item in the bill. As a matter of fact, this item was presented in a slightly different form under a Democratic President——

Mr. YATES. That does not make it right.

Mr. CEDERBERG. No; that does not make it right, but it also does not make it wrong.

Mr. YATES. That is right, but Dr. Foster and Mr. Packard both agreed that an all-out Russian attack cannot be stopped.

Mr. CEDERBERG. If I am going to make a choice I am going to choose the safer course. If we follow my course we might lose some money, but it may save the country. If we follow the choice presented by the gentelman we could lose the country.

Mr. BELCHER. Mr. Chairman, will the gentleman yield?

Mr. CEDERBERG. I yield to the gentleman from Oklahoma.

Mr. BELCHER. Mr. Chairman, I would just like to make an observation that if the ones who are trying to save the money that will be spent for this system would have been as dedicated about saving money in every other boondoggle that has come before us, then it would not have been necessary to raise the debt limit the other day.

Mr. COHELAN. Mr. Chairman, will the gentleman yield?

Mr. CEDERBERG. I yield to the gentleman from California.

Mr. COHELAN. Mr. Chairman, I thank the gentleman for yielding. I believe the gentleman has made his presentation over the years, and I realize that testimony and arguments have been presented on both sides of this question. But I want to ask the gentleman what he feels will happen if there is an agreement made in Vienna, vis-a-vis the MIRV weapons system, as is now being discussed. And, as to the ABM, what are we going to do if we are to successfully go ahead with those discussions?

Mr. CEDERBERG. Let me say to the gentleman that I cannot answer that question because I am not privy to what the agreement might be. I am hopeful that some kind of agreement will be made that would make it possible to scale down the kind of threat we now face from the Russians. I cannot tell the gentleman what that agreement might be, but I have confidence in the people who are trying to complete it. I do not know anyone who wants to spend money for defense, including the ABM, except as may be required in the best interests of our country.

I have great respect for the gentleman from California and for the gentleman from Illinois. I do not want to spend this money—you do not want to spend it—but if we spend it and I am wrong, we will only lose the money. If we do not spend it, we could lose the country.

Mr. COHELAN. Notwithstanding our disagreement, the gentleman is very knowledgeable in this field, and has been very useful for many, many years on his committee. But what are we going to do if they agree to scrub the system? Do you not feel it will be better to postpone this?

Mr. CEDERBERG. I am more concerned about what might happen if they discontinue the system. If we complete the SALT talks, and if we have an agreement, something can surely be worked out. But what if we do not effect a meaningful agreement? Then we would have a time lag that would definitely not be in the best interests of the country.

Mr. COHELAN. The gentleman must know that options are still open and it still brings us back to the fundamental question of whether or not we have an assured destructive capability or a second-strike capability. I think the gentleman knows that.

Mr. CEDERBERG. I know, but if we are going to make a mistake, I want it to be a mistake on the safe side.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. CEDERBERG. I yield to the gentleman.

Mr. JONAS. I think one answer to the gentleman from California is, and this should be understood, that the money will not be spent next year. This is new obligational authority. Part of it will be spent in future years.

Mr. CEDERBERG. I have complete confidence in those who are running the Department of Defense and as to how they will spend this money.

Mr. COHELAN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in support of the amendment offered by my friend the gentleman from Illinois (Mr. YATES).

Mr. Chairman, I have fought the deployment of an ABM system since the 1966 Nike X decision. The names and some components have changed but the central question has not been answered: will the entire system work? The answer to this simple yet central question has not been satisfactorily answered, yet we are going ahead deploying a multibillion dollar system that does not seem capable of completing its assigned mission.

We must remember that the Safeguard ABM is a composite of five individually and supposedly interlocking components: two distinct missile systems—Spartans and Sprints—two different radars—MSR and PAR—and a highly sophisticated data processing system. There has been little further information that the data processing component will work at all. This is crucial because the information collected by PAR will not be transferred by the processing system to MSR which coordinates antiballistic missiles to intercept the incoming missiles.

In this years hearings on military construction, Deputy Secretary Packard said—page 72 of hearings:

> We are concerned about the development of computer systems and the software . . . The computer program is designed so that it will have the capability of being expanded later if necessary . . . I am confident that we *will* be able to achieve an adequate computer capability.

Mr. Chairman, I submit that this testimony is devastating. What it means is that we do not now have a basic computer and data processing capability for ABM and yet we are asked to deploy it. Without this component the entire system will not work.

Thus the central question—Will the Safeguard system work?—is in serious doubt.

There are other disconcerting aspects of this system. Its "search for a mission"—the Chinese in 1968, the Soviets in 1969, the accidental launch, and the Chinese in 1970—eloquently bespeak the uncertainty of this multibillion-dollar experiment. Still other strategic questions have not been answered: How can Safeguard ABM "protect" against a low altitude attack, or shipping nuclear weapons into a harbor under a neutral flag?

There is another very recent development that should enter into these debates today. There are persistent reports that the SALT talks will agree to limit an ABM to Washington and Moscow. If this turns out to be the case, has DOD planned to avoid waste in other site locations? We do not have any information on this.

Mr. Chairman, I have consistently urged that the deployment of strategic weapons such as ABM and MIRV could have a devastating effect on the SALT negotiations. Yesterday, I spoke on the decision to deploy MIRV in the light of tentative agreements to limit MIRV's in the SALT talks. The other information that SALT negotiations might limit ABM to Moscow and Washington, D.C., has not generated any new positions by the administration on the deployment of phase II of the Safeguard ABM. This is an unconscionably compounded tragedy. Not only does the system not work, but we are in the process of deploying it in areas that might not be allowed if the SALT treaty is negotiated.

As important is the total cost of this system, which according to current estimates is over $12 billion—quite a cost overrun for the initial cost projections of $6.6 billion.

I have fought the ABM deployment from its inception. It is untested as an entire system, it is costly, it is of doubtful strategy value, it is a waste of our Nation's precious assets. As I have mentioned in prior debates—

> This is not a question of national security. This is a question of condoning massive waste in the military sphere and refusing to look at the pressing needs of the people in our cities.

I am not, nor have I ever been against security, but national security involves more than massive defense expenditures; it requires the reallocation of our spending priorities to our critical domestic problems. Thus, I do not favor a wasteful defense budget or one that leads to an escalation of the arms race. The ABM is the most visible symbol of these twin evils in defense planning. It does not work and it is costly.

I urge the Members to support this amendment and only appropriate funds to test a single prototype of the ABM and not deploy it to many additional sites without adequate testing.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. COHELAN. I am glad to yield to the gentleman from Illinois.

Mr. YATES. I thank the gentleman for yielding. I want to call to the attention of the Members of the House to charts that have been prepared in accordance with the Department of Defense programs. They show the almost identical deployment between the Safeguard and the Sentinel. They are almost the same deployment. The difference is minimal.

Mr. COHELAN. I thank the gentleman.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. COHELAN. Mr. Chairman, I ask unanimous consent that I may be permitted to proceed for an additional 2 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. QUILLEN. Mr. Chairman, I object.

Mr. SIKES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the amendment is designed to limit the ABM program entirely to research and development. Such an action would make a farce of the ABM program and of the years of effort and would mean that the many millions of dollars expended would be wasted money.

We have been working on an ABM system since 1956 and on the development of some of the components of the Safeguard system since 1963, all of it until this year in the research and development stages. The obligations up to and including fiscal 1970 for ABM programs have been $5.2 billion. Over $4.1 billion of this has been for R.D.T. & E. If we have learned anything at all, we should now be ready for deployment and that is taking place in a very limited way. If we are not going to have deployment, let us forget the whole thing. Let us stop spending money needlessly.

The objective of research and development in defense programs is to perfect improved weapons systems. There has never been a case where we simply carried on experimentation for the sake of experiment. The amendment would accomplish exactly that. It would mean carrying on experimentation for the sake of experiment, with no prospect ever of achieving an effective weapons system. It may be possible to have a more ridiculous proposal, but I doubt it. The success of experiments shows we are ready for limited deployment. If we change now to another system such as additional Poseidon submarines, it means more delay—and we already are late.

If you would look at the record of the hearings and the CONGRESSIONAL RECORD, you will find the following statement:

> Without some measure of protection against missile strikes against the United States, an open invitation exists for any belligerent to risk inflicting a crippling blow if it should appear to be sufficiently in their interests to do so.
>
> We anticipate that the ABM program will provide a level of protection for our own strike capability and some protection for the people of our cities. Thus, in the event of a hostile strike, a substantial measure of death, damage and destruction could be averted. I do not know how to place a dollar value on that accomplishment, but I will guarantee it would save human lives and much more than the cost of the Safeguard system. It would give us a chance to survive as a Nation which otherwise we would not have.

I am sure that the House has noted from the morning headlines that the Soviets have now stationed missile-launching submarines off Greenland, with their missiles targeted on the Northeastern United States. They already have missile-launching submarines on site with missiles targeted on the eastern and southern coasts of the United States.

Shall we ignore this ominous situation?

To adopt this amendment is to ignore the presence of the Soviet missile-launching submarines off our coast.

For whose benefit?

I want protection for this country—not wishful thinking. Any measure of protection is better than no protection.

Yes, I know we have disarmament talks in progress. I hope they are successful. I hope they are even partially successful. But let me respectfully remind my colleagues that we have had 1,500 talks with the Soviets and you can tick off on the fingers of one hand the significant achievements of those 1,500 conferences. Go ahead with all the talks you want. Push for disarmament. I wish you well. But I urge that we in Congress help our Nation to keep its powder dry while the talks go on.

An overwhelming defeat for this amendment will show the Soviets that more than talk is required. Meaningful action on disarmament can speedily be reflected in cutbacks in our own weapons program, including ABM. Adoption of this amendment would simply give the Soviet ABM system a longer lease on life and remove the incentive for meaningful disarmament talks. We might present an attack on the U.S. because our enemies no longer could consider us defensless.

Mr. WYMAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I will be very brief, but I also am a member of the Defense Subcommittee, and I have heard the testimony to which the gentlemen have made reference.

We depend for our deterrent against attack in this country on missiles underground and under the ocean. We have the Polaris and the Poseidon and ground installations in the North Central United States. I think we owe it to the people of this country to maintain as strong a deterrent position as we can. This second stage Safegard ABM system is designed to deter the enemy, as the distinguished gentleman from Florida has said, from thinking they can knock out our missiles on the ground in the United States.

If we wait and see before funding long lead time items, until we have a test and evaluation of an actual ABM intercept, as has been suggested by the gentleman from Illinois here this afternoon, it can defer the realities of a Safeguard system of the limited type sought for as much as 5 to 10 years.

I think such a delay is contrary to the best interests of our people. In the long run what I hope will happen will be we will transfer our retaliatory deterrent to submarines in the ULMS program, because ULMS will need no ABM system, and we will have a continuing capability that will assure that any enemy that launches against us will be able to be wiped out. They will know this, and then maybe we will get into and be able to maintain a nuclear checkmate position worldwide. At this juncture in our affairs, however, we certainly owe it to the people of this country to see that this missile deterrent of ours is maintained and strengthened. One way to do it is to continue with this modified ABM system at this time.

XUM

I urge that the amendment be defeated.

Mr. SIKES. Mr. Chairman, I wonder if we can get an agreement on time. I do not want to cut anyone off, but I believe the Committee would like to move along.

I ask unanimous consent that all debate on this amendment and all amendments thereto close in 20 minutes.

The CHAIRMAN. Is there objection to the unanimous consent requested of the gentleman from Florida?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. RANDALL).

Mr. RANDALL. Mr. Chairman, I rise in opposition to the amendment to strike all funds from H.R. 17970 for deployment of the Safeguard program: The opponents of Safeguard seem to have three worries.

First, they are worried about what effect deployment will have on the SALT talks. In answer to that let's not forget there might never have been any SALT talks, or any agreement by the Soviets to even meet to talk, had it not been for our decision on the deployment of the first phase of the Safeguard system.

Second, the opponents are so very worried that the system will not work. Well, our enemies seem to have made it work. Does anyone believe Soviet armies would be stupid enough to spend money if it would not work. Surely we possess as much technological capability as the Russians. The truth is our tests have been going on during the past year. This information has been classified and quite properly has not been mentioned here, but the great majority of this past year's tests have been successful.

Third, there is worry about the cost. As has been pointed out by the gentleman from Michigan, if the opponents are wrong, and the system will work and yet we fail to deploy it—then we are in real bad shape; if they are right and the system does have some defects then all we have lost is the cost up to the point the system proves defective.

Mr. Chairman, there is one thing we can say for the opponents of the Safeguard system. They are not only insistent but believe in perseverance. The question we are considering today was debated last year by the Armed Services Committee, and later by the Defense Appropriations Subcommittee; then the same issue has been debated again this year by the Armed Services Committee and by the Defense Appropriations Subcommittee, and now finally by the Military Construction Subcommittee of the House Appropriations Committee.

In other words we have been up the hill and down the hill, and up the hill and down the hill again. Once again in our debate today the central issue is whether we may take the risk to lose some money, on the one hand, or take the infinitely greater risk to lose our country on the other. There is only one course to take on this or almost any other issue, and that is the safe course. If we adopt this crippling amendment today, we ignore a grave threat to the United States. Today we are not debating Vietnam or the Cambodia incursion but the defense of America or protection of ourselves. We owe it to the people of this country to keep the credibility of our deterrent. If we delay to deploy the Safeguard, then we suffer a serious loss of time, which cannot be regained or recovered.

There has been adequate debate. There has been full and complete discussion. Perhaps there has been even too much argument over this issue. We have the same old opponents, the same old arguments. It is interesting to note that those who argue against the ABM are the same ones who are against providing funds to insure the safe withdrawal of our troops from South Vietnam. But this same source of opposition to military procurement of this kind seems to be most interestingly withdrawn and be strangely dissolved when our military hardware is needed for presently existing confrontations in other geographical areas of the world.

The time to end the debate over the Safeguard is long past due. The reason is that for far too frequently and for far too long we have charitably and generously provided our enemies advance notice of our intentions. As my colleague from Missouri has so appropriately put it, we telegraph our intent to punch the enemy before it ever happens.

We have plowed the ground. There is nothing new. Let us not forget the time is late. Our enemies have an ABM.

On matters of national defense the late distinguished Speaker Rayburn so eloquently said he would rather live in an America with less affluence than to be a rich man in some other country. We have a gross national product that will soon reach one trillion dollars. We can afford what it takes for defense. We must not and we cannot worry about the cost if it means saving this country. If all of us would only stop to think we would not ask the price of survival.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. BINGHAM).

Mr. BINGHAM. Mr. Chairman, I want to make three quick points.

First, Secretary Laird has based a great deal of his argument for the ABM deployment on the projections for the deployment of the Soviet SS–9's. The country has not been informed that there have been no new starts on SS–9's since last September or October. This changes the whole picture. It greatly weakens the case for Safeguard.

Second, there is a serious question about whether the hardware being contemplated for Safeguard is the right hardware. Many technical experts argue that, while it is possible to construct a system of ABM's to protect the Minutemen, they should be short-range and should not include the long-range Spartan. What happened here was that a system developed for nationwide defense was applied to a different task.

Third, the testing cannot be completed, cannot take place. I have seen the Kwajalein test site. They can test only one or two missiles at a time. The problem of testing for a complex attack is insoluble.

I understand that one reason why the Bell Laboratories refuse to undertake any further contract, after the present contract, is that they have concluded that the software problem of developing computers for a complex attack is insoluble.

I urge adoption of the Yates amendment.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. GUBSER).

Mr. GUBSER. Mr. Chairman, it is unfortunate that important issues like the antiballistic missile tend to polarize in the extremes. It seems that one must be labeled as either an all-out proponent or opponent of an ABM system. Logical positions in between the two extremes are totally ignored when in fact a valid middle stance can be taken. This describes my personal position on the system.

Mr. Chairman, I strongly believe that our deterrent strategic system must be safeguarded and protected. If a potential enemy has the knowledge that we can survive a first strike and still have the capability of retaliating, it is probable that he will not initiate the first attack.

For a long time we were relatively secure because of our deterrent missiles like Polaris and Minuteman. But later it appeared that possible enemies were developing and deploying overwhelming power which rendered the Minuteman vulnerable. This was the reason for the decision to deploy phase I of the Safeguard system.

I supported the deployment of antiballistic missiles at Mahlstrom and Grand Forks Air Force Bases. I support continuation of the development at these two sites, as well as at Whitman Air Force Base, because they are designed and intended to protect our Minuteman deterrent capability.

Yes, there are technical doubts, but in view of the urgent time requirements imposed upon us by an unsettled world, I believe we must proceed with the deployment of ABM's at these three sites.

But beyond this point I must take issue with the administration, the majority of the Armed Services Committee on which I serve, and the majority of the Appropriations Committee. I feel very strongly that we need not rush into deployment of ABM missiles at the five additional sites proposed.

This proposal is based upon a completely different philosophy of defense than that which justified the first three sites. This deployment would not be for the purpose of protecting our deterrent capability. Rather, it would be for protection against a Chinese threat and protection of certain population centers. Here, I do not believe the time factor is as urgent as in the first three sites and I feel that we can wait for another year's development and, hopefully, a diplomatic breakthrough in the SALT talks.

If China develops as a nuclear power, the deployment of Polaris and Poseidon submarines into Asiatic waters can act as a deterrent against the developing Chinese capability, just as it did against the developing Soviet capability. They can give us time just as they gave us time to respond to the Soviet threat.

Furthermore, by injecting a totally new concept and philosophy into our defense at this time, we will introduce an additional complicating factor into the delicate SALT talks now in progress.

I have heard some military authorities venture the opinion that overconcentration of our strategic missiles and our antiballistic missiles into a narrow continental corridor will only serve as an inducement to the Soviet Union to risk a first strike. Their nuclear capability is well dispersed. Ours is concentrated into a narrow corridor. Obviously a dispersed-launch capability has a greater probability of successfully initiating a first strike against a highly concentrated target area. The time has come when we should stop concentrating our power into that narrow corridor and disperse it at sea.

I cannot support the Yates amendment because it uses too broad a brush. It would eliminate timely protection for our Minuteman missiles and I cannot in good conscience be a party to such an act. I do state, however, that this is far enough. I sincerely hope that we will pause and reflect before embarking upon a broad and expensive plan which is based upon a totally new concept of defense and one which has not been completely thought out.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

(By unanimous consent, Messrs. OBEY, COHELAN, and YATES yielded their time to Mr. GIAIMO.)

The CHAIRMAN. The Chair recognizes the gentleman from Connecticut (Mr. GIAIMO).

Mr. GIAIMO. Mr. Chairman, I rise in support of the amendment of the gentleman from Illinois (Mr. YATES).

I was very interested in the comments of my distinguished colleague and friend the chairman of the subcommittee, the gentleman from Florida (Mr. SIKES) who stated several minutes ago that he is interested, and I believe properly so, in the protection of the United States and not in wishful thinking.

I, too, feel exactly this way. Yet, I believe we put a different interpretation on this. Unless we are assured that we have a perfected ABM defense system, the highest possible example of wishful thinking that we can wish upon the American people is to sell them a bill of goods that they have a good defensive ABM system when in fact, the ABM system will not be effective in case of an attack. The American people will then be putting their eggs into a defective basket which will be found wanting when it is needed. They will indeed have been lulled into a sense of false security.

Let us look at the testimony of the Deputy Secretary of Defense, Hon. David Packard, on page 4, part 4 of the hearings where he says:

> Also at Kwajalein the Spartan interceptor had satisfactorily completed the first phase of development testing. We have had 15 launchings of which 11 were completely successful, 2 partially successful, and 2 failures. Our Sprint interceptor is being tested also satisfactorily at the White Sands missile range. We have had 38 launches of which 19 were completely successful, 9 partially successful, and 10 failures.

Now, I submit to my colleagues apply this kind of a defense record to an attack on the city of New York or any other major city in this Nation and assume that the Russians or the Chinese or anyone else sends over a host of missiles and of our ABM missiles launched against them 19 are successful and 10 are failures. I submit to you that an ABM system which does not knock out 100 percent of those incoming missiles has still resulted in the destruction of New York City or any other major population area of this Nation and that we will have in fact accomplished nothing.

And, mind you, these tests were done under perfect conditions, not under sudden attack by a very real enemy desiring to invade our defensive system by using all kinds of modern decoy techniques and devices to avoid our defensive system.

Mr. COHELAN. Mr. Chairman, will the gentleman yield?

Mr. GIAIMO. I yield to the gentleman.

Mr. COHELAN. Does not the gentleman agree that the basis of our whole strategic posture is the second strike capability?

Mr. GIAIMO. Of course, and also our dependence on mutual deterrents. The safety of this Nation depends, I am convinced, on the adequacy of our offensive missiles and our second strike capability. I believe we are engaged in wishful thinking if we cause the American people to believe that we can build a defensive system which is going to give us adequate protection. A defensive system in missile warfare must be 100-percent effective. Otherwise it does not work. It does not matter whether we have one missile coming into New York City or we have three missiles. We get into arguments of overkill and everything else but the fact of the matter is that if one lands, millions and millions of Americans will be killed. Deterrence must depend upon our offensive capability of retaliation.

I will take second place to no one in my desire to see the United States have an adequate defense, but the time has come, in my opinion, in this Congress when we must question the Department of Defense and its expenditures of money. We can no longer allow the Department to hide behind the argument that "If you cut this in any way, if you question us in any way, you are somewhat less than loyal, you are somewhat less than willing to give us a 100-percent defense position for this Nation." This is just not so. Time and time again we have seen examples of waste in the Department of Defense which they will sweep under the rug and say "We had to do this in the interest of national defense." Of course, reasonable men understand that in preparing an adequate defense with new and experimental programs, there must be some waste, but you and I and this Congress have an obligation as never before to make greater efforts to see to it that this waste, this experimentation with questionable programs is held to a minimum.

We cannot just constantly go on presenting greater and greater tax bills to the American people so that we can spend billions of dollars for an F-111 airplane and billions of dollars for a C-5 transport airplane and billions and billions and billions of dollars for the ABM system and then have some person in the DOD come before the American people blithely and say, "The program did not work. But we are $5 billion or $10 billion poorer because of the fact that it did not work." We cannot in good conscience as legislators continue to allow the Department of Defense to come up here and not have to justify these programs. We cannot any longer shirk our duty. We must question much more intensively the DOD on many of their programs which are highly questionable. The DOD must be held to the same degree of accountability that we demand of every other agency of the U.S. Government.

I urge the adoption of the amendment.

Mr. LOWENSTEIN. Mr. Chairman, this amendment should be adopted. I want to take a few minutes to consider in detail one aspect of the controversy over ABM and MIRV, because I believe we are very close to a peril point of vast import for the whole world. One hesitates to use the overworked word "crisis" to describe anything short of the onset of world war III. But we have a crisis, in the most literal sense, at the Strategic

Arms Limitation talks now in progress in Vienna.

If an agreement is reached to limit the development and deployment of strategic weapons like ABM and MIRV, we can hope to extend the mutual deterrence that has bought time to try to resolve major conflicts without a major war.

If we fail, however, we can look forward to a destabilizing spiral in the arms race that will further imperil the security of the world and lead to even greater squandering of money and energy on weapons that nobody wants except those who profit from making them and those who see power and prestige in possessing them.

Given these stakes, it would be tragic if the Nixon administration seeks to retain a misleading statistical margin in overkill capacity at the price of a substantial reduction in the possibility of getting an agreement in Vienna. We teeter toward oblivion reciting slogans about security.

My concern about developments in Vienna was not quieted by a story in the Washington Post on May 14 reporting that the administration is linking an arms agreement with an expanded ABM system and the introduction of multiple warheads on our nuclear missiles.

The story said:

> The Nixon Administration strategy for winning Senate approval for these weapon apparently is to make a vote against them look like a vote against an arms control pact. It was based on a statement Secretary of Defense Laird made May 12 before the Senate Armed Services Committee.

XUM

Secretary Laird, predicting success at SALT, said the accuracy of that prediction depended on Congress's willingness to go along with the President's desire to expand the Safeguard defense system and deploy MIRV on our Minuteman III missile force.

In effect we are asked to believe that we can have an agreement limiting strategic arms and the arms we need to agree to limit at the same time, a feat that would make eating our cake and having it too look relatively simple.

As with the decision to invade Cambodia, this latest test of the limits of our credulity leaves us feeling like Alice in Wonderland.

> "There's no use trying," said Alice, "one *can't* believe impossible things."
>
> "I daresay you haven't had much practice," said the Queen.
>
> "When I was your age, I always did it half-an-hour a day. Why, sometimes I've believed as many as six impossible things before breakfast."

The kind of "willing suspension of disbelief" that the Queen recommends to Alice may be necessary for poetic faith, as Coleridge said, but political faith cannot rely indefinitely on such stretchable imaginations. If the Nixon administration learned no other lesson from its predecessor, it should have learned that one.

One cannot believe impossible things, and the effect of Mr. Laird's statement was to spread gloom among even the most sanguine about the sincerity of the administration's desire to arrive at a significant arms agreement in Vienna. The revelation on CBS News May 25 that installation of Minuteman III missiles with multiple warheads has been in progress in North Dakota since April 18, two days after resumption of the SALT talks, did little to dispel this gloom.

Equally disturbing was a passage in Mr. Laird's speech of April 20 to the Associated Press editors in New York, in which he said that any delay in deploying MIRV or in expanding ABM would involve "intolerable risks" to American security. In view of the administration's stated goal of seeking an agreement with the Soviets to limit the deployment of strategic weapons systems, one hoped that Mr. Laird was speaking for himself, or that he had his signals crossed, or that "clarifications" would follow hard upon newly sown confusion. But the President quickly dashed these hopes with his enthusiastic endorsement of Mr. Laird's remarks.

The Secretary's anxiety about "intolerable risks" becomes more comprehensible when considered in the perspective of the discouraging history of arms negotiations. I. F. Stone, the intrepid journalist who next to President Eisenhower has done as much as anyone to alert the Nation to the "military-industrial complex," suggests in an article in the April 9 issue of the New York Review of Books that Mr. Laird may be trying to help pull us back from the "dangerous" brink of an arms agreement.

I want to cite a portion of Mr. Stone's article that sheds interesting historical light on our present situation:

> Nineteenth-century Britain had its "gaps" and its Joe Alsops, too. Recurrent appeals to lift the burden of armament and divert the funds to eradicate the slums and other social evils were countered with recurrent panics about enemy build-ups. In these the British Admiralty, the shipbuilders, and the gunpowder manufacturers played a hidden part, making use of frenetic newspapermen in their orbit of influence, as the Air Force lobby with the aviation, electronics, and shipbuilding industries do today. Antiwar political leaders and journalists exposed these scares then as now, but with no permanent effect.
>
> The strongest and safest country in the world, and the one with the largest navy, was a victim of the worst invasion nightmares, just as today the strongest nation on earth seems to spend more time than any other worrying about its security. There were six "panics" between 1847 and 1892, all fomented for their beneficial effect in boosting military and naval expenditures. . . .
>
> These panics illustrate the tactic, still in use today, of projecting some fantastic possibility and treating it as if it were a reality. The earliest precursor of our latest equivalent, the Nixon-Laird scare about the Soviet SS–9, was the panic created by Lord Palmerston and the Duke of Wellington in 1847 when they seized on some dockyard expansion in France to picture England in danger of what we would now call a "first strike." Palmerston insisted that the shift to steam navigation had "thrown a bridge across the Channel," suddenly filling the ancient moat which had so long protected England from invasion. The seventy-seven-year-old Duke of Wellington, then doddering, said 50,000 men could be moved across this bridge undetected in a single night from Cherbourg and make a surprise attack on London the next morning! This "bridge of steam" was the first of many graphic but wholly fallacious metaphors which have supplied the melodrama for armament scares ever since.

There is, of course, room for argument about the intentions of the present administration so far as arms control is concerned. Mr. Stone is convinced that they are essentially cynical, but he nevertheless finds that the perpetual running of arms races is explained by an "alliance of primitive instinct, private interest, and technological momentum, in a world without law." These last two factors, technological momentum and a lawless world, have a powerful effect on the defense decisions of the most well-intentioned statesman, who must make these decisions in an insecure, everyman-for-himself international environment where a technological innovation in a rival's arsenal could mean defeat and destruction of his own country.

There have been no improvements in international law and order significant enough to nullify Rousseau's observation that the anarchical condition of the international state system and the conflicts of interest and insecurities bred in such a precarious situation condemn its members to a "state of war."

In such a state of affairs, national security becomes the principal preoccupation of any statesman, and it is no wonder that the "security dilemma" between improving one's own military security and improving the security of the world by risking—no matter how slightly—that military security has been generally resolved in favor of the former.

But even with the benefit of the doubt that Mr. Laird's notion of "intolerable risks" stems from the kind of obsessive concern with security that affects defense planners, it is at best the product of an outmoded set of calculations.

We have been in the nuclear age long enough to understand that the security of the world is closely intertwined with the security of the two superpowers who have it within their power to destroy it, and that given this fact the "security dilemma" faced by decisionmakers takes on a new formulation and the question of risks acquires a new perspective. Mr. McGeorge Bundy recently testified before a subcommittee of the Senate Foreign Relations Committee as follows:

> It is wholly false to suppose that the national security is always served by adding strategic weapons and never by their limitation. In the world of the 1970's the truth is more nearly the opposite. We have more than enough strategic weapons today. The addition of new systems which will inevitably produce further Soviet systems is not the road to safety for anyone in any country.

But it is necessary to observe that Secretary Laird may have been guilty of something more than merely outmoded thinking. There is something disingenuous, to say the least, about his account to the editors of the development of the Soviet SS–9 missile. I am inserting in the RECORD at the end of my speech Mr. I. F. Stone's thoroughly documented refutation of Mr. Laird's argument, a refutation that appeared in the June 4 issue of the New York Review of Books and that deserves careful study by those concerned about the trend in the arms race.

The Secretary told the editors that he

was releasing "maximum information" so the American people could see "that we are literally at the edge of prudent risk" in delaying deployment of new weapons.

He said:

> In 1965 there were no operational launchers for the large Soviet SS–9 missile, which, in its single warhead version, can carry up to 25 megatons. Today I can report to you that there are some 220 SS–9s operational with at least 60 more under construction . . .

If this means anything, it means that there has been a sudden jump in SS–9 missile-site construction by the Soviet Union. The reality, however, is more nearly the opposite. On May 7 a top secret Pentagon report based on photographs taken from our Samos satellites over the Soviet Union was leaked to the Washington Post. The report revealed not an abrupt increase in SS–9 sites, as Secretary Laird implied, but rather a tapering off. The Soviets, according to this report, actually built fewer sites in 1969 than they did in 1965—66 sites in 1965 compared to 54 in 1969.

This information only substantiated doubts about the secretary's arguments raised by the way he arrived at the conclusion that the United States has been losing strategic superiority to the Soviets. He said that between 1965 and 1970 the Soviet Union "has more than tripled its inventory of strategic offensive nuclear weapon launchers from 500 to about 1,700" and "virtually quadrupled" the millions of tons of nuclear explosives in its strategic arsenal. He did not add that it has been accepted for some time among strategic thinkers and in Pentagon circles that neither of these indices means very much, that what matters in weighing the strategic balance is the number and accuracy of nuclear warheads that can be delivered, and not the number of launchers or the gross megatonnage.

I thought that Secretary McNamara, in his 1967 San Francisco speech announcing the decision to proceed with a limited Chinese-oriented ABM, had laid to rest the notion that Mr. Laird now tries to resurrect as the basis for his argument. I want to quote Mr. McNamara in full on this subject because his remarks not only serve to rebut Mr. Laird, but suggest as well something about the state of mind of those who view potential arms agreements primarily as threats to the defense budget.

Here's what Secretary McNamara said almost 3 years ago:

> Many commentators on the matter tend to define nuclear superiority in terms of gross megatonnage or in terms of the number of missile launchers available.
>
> Now, by both these two standards of measurement the United States does have a substantial superiority over the Soviet Union in the weapons targeted against each other. But it is precisely these two standards of measurement that are themselves misleading.
>
> For the most meaningful and realistic measurement of nuclear capability is neither gross megatonnage, nor the number of available missile launchers; but rather the number of separate warheads that are capable of being *delivered* with accuracy on individual high-priority targets with sufficient power to destroy them.
>
> Gross megatonnage in itself is an inadequate indicator of assured-destruction capability, since it is unrelated to survivability, accuracy, or penetrability, and poorly related to effective elimination of multiple high-priority targets. There is manifestly no advantage in over-destroying one target, at the expense of leaving undamaged other targets of equal importance.
>
> Further, the number of missile launchers available is also an inadequate indicator of assured-destruction capability, since the fact is that many of our launchers will carry multiple warheads.
>
> But by using the realistic measurement of the number of warheads available, capable of being reliably delivered with accuracy and effectiveness on the appropriate targets in the United States or Soviet Union, I can tell you that the United States currently possesses a superiority over the Soviet Union of at least three or four to one.
>
> Furthermore, we will maintain a superiority—by these same realistic criteria—over the Soviet Union for as far ahead in the future as we can realistically plan.
>
> I want, however, to make one point patently clear: our current numerical superiority over the Soviet Union in reliable, accurate, and effective warheads is both greater than we had originally planned, and is in fact more than we require.
>
> Moreover, in the larger equation of security, our "superiority" is of limited significance—since even with our current superiority, or indeed with any numerical superiority realistically attainable, the blunt, inescapable fact remains that the Soviet Union could still—with its present forces—effectively destroy the United States, even after absorbing the full weight of an American first strike.

With that passage from Secretary McNamara's 1967 speech in mind, one cannot help but be skeptical when Secretary Laird raises the twin spectres of Soviet increases in megatonnage and missile launchers to argue that we will run "intolerable risks" if we delay scheduled deployment of MIRV and the next phase of Safeguard ABM. As Mr. I. F. Stone points out, the Secretary's own testimony before the House Armed Services Committee, which was released 9 days after the AP luncheon, showed that we retain the same overwhelming 3-to-1 superiority in deliverable nuclear warheads that we had in Secretary McNamara's day.

Aside from the issue of how best to calculate the strategic balance, this passage from McNamara's speech touches on an even more fundamental reason for rejecting Mr. Laird's specious arguments: the fact that given the present nuclear standoff, arguments about "superiority" are on a level with determining how many angels can stand on a pinhead. Whether we are strategically "superior" to the Soviets remains the most academic of questions as long as they can survive any test of that superiority with enough firepower intact to destroy us, and vice versa.

Mr. McGeorge Bundy, in his testimony before the Senate subcommittee, made the same point in another way. In examining the various criteria used to determine the relative strategic standing of the superpowers, he said:

> The main proposition which we need to understand in order to limit the dangers of the nuclear age is that enough is enough. The Soviet Union and the United States have long since reached and passed that point. Each is now able to do totally unacceptable damage to the other, no matter how a nuclear catastrophe begins. Sane political leaders on both sides know this reality for what it is. It is of course possible that some still unknown technological development is likely in the present decade. So we have enough and more than enough, and we are on the edge of a most unstabilizing and dangerous escalation. Now is the time to stop.

Enough is enough, and now is the time to stop. These are the essential points that we must hold to no matter how many sophisticated—and I use that word in its classical pejorative sense—arguments are thrown out to confuse the issue. It is this nuclear satiety on both sides that provides both a compelling reason as well as the occasion for the United States and the Soviet Union to disengage from the mindless "actions-reaction" dialectic whose ultimate synthesis will be a nuclear Armageddon.

Now is the time, when both sides are secure in the knowledge that for all practical purposes they are even, to halt a race that leads to nothing but greater and greater expenditures and greater and greater risks. As the recent American Assembly on Arms Limitation put it in its report:

> At present there exists a roughly equal and relatively stable nuclear balance between the U.S. and the U.S.S.R. A rare coincidence of favorable political and strategic conditions provides a real but fleeting opportunity for agreement between the U.S. and the U.S.S.R. to halt the arms race in both quantity and quality of weapons, and then to diminish the threat to mankind posed by existing weapons.

It is a fleeting opportunity and one that may be lost forever if we go ahead with the deployment of MIRV or with the second phase of Safeguard ABM, or if the Soviet Union extensively tests the SS–9 with multiple warheads.

Mr. Chairman, there is no reason to lose this opportunity by allowing ourselves to be panicked out of an arms agreement by those who see their bureaucratic and financial interests threatened by such an accord. We have already seen that Soviet increases in megatonnage and missile launchers have done nothing to change the strategic balance. It takes only a layman's understanding of nuclear-age strategy to see that MIRV and ABM are not only unnecessary but dangerously destabilizing.

The paramount objective of our nuclear strategy is to deter a nuclear first strike by maintaining a second-strike capability as economically as possible, and thus to preserve the mutual deterrence that exists between us and the Soviet Union. This stable situation would be jeopardized should one side acquire, either intentionally or inadvertently, a first-strike capability.

Thus in judging the merits of a weapons system, we must ask if we need the weapon to maintain our second-strike capability, or whether the proposed weapon would upset the balance of terror.

The wisdom of the decision to outfit our missiles with multiple warheads depended on the judgment that the Soviets were moving toward deployment of a heavy ABM system, which, it was argued, raised doubts about our ability to strike an effective retaliatory blow against them in the event of a Soviet first strike.

MIRV's, that reasoning goes, would be able to penetrate an ABM system and thus were considered necessary to maintain the credibility of our deterrent.

But since this decision was made, it has become clear that the Soviets are not deploying a heavy ABM system. The Tallinn system, once assumed to be part of a budding heavy ABM system, is now known to be without significant ABM capability. The Galosh system around Moscow employs technology we discarded 10 years ago and is, in any event, a small system. The Soviets are not deploying any other ABM system at this time, and should they decide to deploy a heavy ABM system at some time in the future, the lead time necessary to do so is longer than that required to deploy an American MIRV force. Thus, the MIRVing of our missile force can, at the very least, be postponed without jeopardizing our retaliatory capability. Indeed, there is absolutely no security reason to go ahead with the deployment of MIRV in June or to equip our submarines with a MIRVed Poseidon in January, as the administration seems hellbent on doing.

There is still time to stop the deployment of MIRV. Additional flight testing is needed to make them operational, and an agreement not to deploy them can still be monitored by surveillance satellites. The Soviets are almost 2 years behind us in testing MIRV's, so a freeze on testing—and therefore on deploying—them can hardly be said to leave us at a disadvantage. But a failure to implement such a freeze quickly can leave everyone in deep trouble permanently, since an ICBM equipped with MIRV is indistinguishable from its unMIRV'ed counterpart, at least from the vantage point of a surveillance satellite. Given Soviet aversion to onsite inspection, once MIRV's are deployed there will be no way to determine the extent of deployment and thus agreement to limit or abolish them becomes enormously difficult, if not impossible, to monitor and enforce.

The ABM system is equally unnecessary to maintain our second-strike capability. ABM spokesmen have argued for its deployment on the grounds that it is needed to defend a portion of the land-based Minuteman missile force against a possible Soviet attack and to defend our population against the threat of a Chinese attack later in the decade. Neither capability is required, and even if they were neither could be achieved with the proposed Safeguard system.

Additional defense of our land-based Minuteman force, already buried in hardened silos, is unnecessary because there is no threat, either actual or potential, to our ability to retaliate in the event of a nuclear attack. Secretary Laird and other ABM proponents have argued that ABM deployment is necessary to defend against a possible first-strike knockout blow from the new Soviet blockbuster missile, the SS–9.

But such a scenario is more than improbable; it is impossible. In the first place, a successful attack on our land-based missile force would have to destroy all or almost all of our 1,000 Minuteman missiles plus our 54 Titans. Should even a few ICBM's escape, they would be sufficient to inflict an unacceptable degree of damage on the attacker. But even if the Soviets could eliminate our ICBM force, we would still have 450 intercontinental bombers and 656 missiles on our Polaris submarines with which to retaliate.

No sophistry can obscure the fact that neither the SS–9 nor any other presently conceivable addition to the Soviet arsenal can threaten our retaliatory capability. Safeguard—even if it worked—is simply unnecessary to assure the continued credibility of our second-strike capability, and thus to assure our ability to deter a Soviet nuclear attack.

Just as unnecessary is an area or population defense against the Chinese, who should be able to launch a nuclear attack against us by the end of the decade. But a Chinese attack against the United States—even when they are able to launch one—would be an act of national suicide on their part, and no rational argument can be concocted that rates our ability to deter the Chinese less than our ability to deter the Soviets. An area defense against a mad Chinese dictator eager to eradicate China as swiftly as possible is therefore fortunately as unnecessary as it is impossible.

For it is clear that even if Safeguard were necessary to maintain our deterrence capability, it simply would not work at this stage of its development, even without the accelerated offensive countermeasures that the Soviets would surely take. In short, ABM cannot perform its theoretically assigned function of protecting our land-based missile force.

Consider the testimony of defense analyst Dr. Jeremy Stone on this point:

> Highly complicated computer programs, sensitive radars, and missiles filled with electronic equipment are supposed to be regularly shooting down hundreds of incoming missiles in an environment with radar-blinding fireballs, electronic-disrupting blast and X-ray effects, and earth-shaking detonations.

And Dr. George W. Rathjens of MIT has told the Senate Armed Services Committee that simply a few more months of SS–9 production would allow the Soviets to overwhelm Safeguard with enough warheads left over to imperil Minuteman, if that were their intention. The Rathjens testimony, incidentally, reflected the growing realization that technological developments, especially improvements in missile accuracy, are rendering fixed, land-based ICBM's indefensible, regardless of hardened silos or defensive systems.

Indeed, it is ironic that almost all the arms-race problems we face have come about because powerful political and bureaucratic pressures have resisted the obvious solution to the projected vulnerability of Minuteman; namely, switching the bulk of our strategic offensive capability to Polaris submarines.

We have it on Mr. McNamara's authority that the original decision to install 1,000 land-based Minutemen was based on faulty intelligence about Soviet capabilities. Had the assessment been more accurate, we might have settled for a few land-based missiles to supplement the invulnerable second-strike capability of our Polaris fleet.

Because of the bureaucratic propensity to mistake what exists for a necessity, we have compounded that original error by spending huge sums to refurbish strategically obsolete weapons with superhard silos, ABM's, and multiple warheads.

If logic prevailed over vested interests and inertia, land-based missiles would be scrapped as they became vulnerable in favor of the mobile, invulnerable Polaris submarines. A lot of money would be saved. So would some measure of stability in the arms race, since there would be no cause for new concern about our seeking a first-strike capability. Yet, our second-strike capability would be more secure than ever.

Understandably, those who are trying to sell us ABM are more interested in the sale than in the details of the warranty or in the open-ended price tag attached to their defective goods. In 1967 we were told we could have the Sentinel ABM for under $4 billion. Now we are up to $12 billion, and best of all from the point of view of the salesmen, the demand for ABM is potentially insatiable. As my distinguished colleague from New York (Mr. PIKE) put it the other day:

> What we have here is the most ineffective and cost-ineffective weapons system in history.

But more senseless and more tragic than the waste of money would be the effect of deploying MIRV and ABM on the stability of the mutual deterrence that exists between us and the Soviets. And that is why I have said we are voting on this amendment at a time of unnoticed but almost unparalleled crisis. For the deployment of ABM and MIRV must add new and very combustible fuel to the arms race, fuel that can imperil the second-strike capability of both sides.

ABM and MIRV are interrelated in a way that compounds the action-reaction phenomenon associated with arms races. ABM is being sold as a defense of both land-based missiles and population. The latter sales pitch, with its claim of lowering the number of "hostages" one side could kill in response to a first strike by the other side, amounts to a threat to the second-strike capability of each.

Both sides respond to this threat by devising means of penetrating ABM to insure their ability to deter attack through the capability of inflicting an unacceptable degree of death and destruction in a retaliatory strike. So MIRV, with its capacity to penetrate ABM, is sold as an insurance measure. This is exactly what happened when reports of a Soviet ABM led to Secretary McNamara's decision to begin work on Minuteman III and Poseidon.

But MIRV, in addition to insuring a second-strike capability against an ABM system, could also be used to knock out an opponent's land-based ICBM's in a counterforce strike. Owing to the exchange ratios of MIRVed missiles, the side striking first would have a tremendous advantage. Because of these ratios, for example, if each missile on both sides

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had five warheads, the launching of a single missile by one side could potentially destroy 25 of the other side's land-based warheads.

This threat, in turn, becomes a talking point for ABM, and so the vicious cycle grinds on, as we are reminded again by Secretary Laird's current campaign to sell Safeguard as a protective measure against the threat of a MIRVed SS–9.

And so it goes on and on, with ABM's calling forth MIRV's and MIRV's calling forth ABM's. Dr. Herbert F. York described this relationship this way in his testimony last month before the Senate Foreign Relations subcommittee:

> ABM and MIRV are thus inseparable; each one requires and inspires the other. Separately or in combination, they create uncertainty in each of the nuclear powers about the capability and even the intentions of the other. These uncertainties eventually lead in turn to fear, overreaction, and further increases in the number and types of all kinds of weapons, defensive as well as offensive.

With an abundance of MIRV's and ABM's on both sides, the Stangelovian scenario of a first strike, especially in a crisis situation, becomes plausible enough to heighten insecurity on both sides and undermine the mutual deterence on which the modicum of security we have enjoyed has rested.

Short of this lies a range of dangerous developments. It is probable, for example, that the Soviets will counter our deployment of MIRV by adopting launch on warning procedures for their ICBM's to bolster what they will doubtless perceive as a sagging deterrence posture.

This would make the fate of the world depend more than ever on technology that has been proven fallible, on sophisticated radars and computer systems never sounding a false alarm of an American attack. One only has to recall the time a few years back when a flock of geese was mistaken on our radar screens for a Soviet bomber fleet to appreciate how much closer to doomsday a decision to "launch on warning" would bring us. Yet the Soviets are likely to adopt this inexpensive and easily implemented move because it would save them the trouble and the considerable cost of restructuring their strategic forces to maintain the credibility of their second-strike capability. They are not likely to be persuaded by the Pentagon that our MIRV's, because they have a lower yield than Soviet multiple warheads, are not and should not be perceived as counterforce weapons, but rather as an additional component of our retaliatory arsenal. Since accuracy is just as important as yield in destroying silo-based missiles, the Soviets must assume that normal improvements in accuracy would quickly give our MIRV force a counterforce capability. Should they counter this threat with a decision to "launch on warning," the world will have entered what might well be the penultimate phase of the nuclear age.

The time to get off this mindless merry-go-round into oblivion is now, and the place to do it is Vienna. The optimum solution for both sides would be a ban on both MIRV's and ABM's. There is no doubt that the security of the world, as well as the national well-being of the United States and the Soviet Union, would be greatly improved if neither had either of these weapons.

But if the best solution proves unattainable, there are other agreements that could at least temper the anxieties and slow down the escalation that must accompany the continued uninhibited development of MIRV and ABM.

One possibility that has found proponents in arms-control circles would take as its guiding principle the fact that stability, which in the nuclear age depends on the mutual deterrence that comes with each side possessing a secure second-strike capability, would be enhanced if both sides relied primarily, if not exclusively, on submarines. I discussed some of the reasons for this earlier.

Failing an outright ban on ABM and MIRV, this principle could serve as the basis for an agreement that would ease and perhaps ultimately solve the problems associated with both weapon systems. Land-based missiles would be phased out, and with them would go the need for ABM and other expensive devices to lessen their vulnerability, in favor of missiles housed in submarines.

If an agreement cannot be reached to ban MIRV, a limit on the number of nuclear-armed submarines each side could deploy would at least allow each to keep track of how many warheads the other had targeted against it. This would ease one serious consequence of MIRV—the insecurity caused by not knowing how many warheads the other side could unleash.

As the distinguished columnist Mr. Joseph Kraft has written in discussing this possibility, since submarines can be tracked, "each side's pearls, so to speak, would be in a limited number of oysters. And each side would know exactly how many oysters were available to the other side."

Mr. Kraft seems to think there is hope that the administration, having rejected the advice of Mr. Gerald Smith—its own dedicated chief of the Arms Control Agency and of our delegation in Vienna—that we propose a mutual suspension of developments in offensive and defensive strategic weapons, might at least propose this more modest approach.

But even if the administration were willing to try this route, the Russians might well not be willing to do so, knowing that our missile-launching submarine force is superior to theirs, and that we are probably ahead in antisubmarine weaponry as well.

I have not yet discussed the problems posed by the contrast between our avowals and our actions. Perhaps the most serious of these is the atmosphere generated by such inconsistencies. The Soviets are difficult enough to deal with, the world situation is poisoned enough, the problems posed by legitimate national concerns are complex enough, that working out a significant arms-control agreement would be a task of Herculean proportions under the best of circumstances. How grim it is to have to add to all these difficulties the odd proclivity of this administration to say and do things that suggest that any desire it may have to reach an agreement is subordinate to a stronger desire to maintain a meaningless nuclear "superiority."

President Nixon could have given a clear signal that we were seriously interested in reversing the historical trend of the arms race by following the advice of the Senate and proposing a mutual freeze on strategic nuclear weapons. He chose instead to give the opposite signal. He refused to delay the testing of MIRV and the deploying of ABM at least for the duration of the SALT talks, despite the clear fact that such a delay would have no adverse effect on our security. He lends his prestige to the specious and scary Laird arguments for expanding ABM and pushing on with scheduled deployment of MIRV in June. This vote today will add another obstacle to reversing course.

We are told that we must continue to deploy the ABM as a trading card to get the Soviets not to continue deploying their ABM. Will the administration assure us in that context that it is not true that the Soviets have offered to scrap their ABM if we will scrap ours and that we have rejected that proposal?

A few days ago, it was revealed that on April 22, 6 days after the Vienna talks had resumed, Secretary Laird issued a secret memo calling for monolithic support in the Department of Defense for the deployment of MIRV and ABM.

This memo deserves to be quoted as another indication that the decisionmaking process in this administration is shutting itself off from dissenting views and, indeed, from reality itself.

Mr. Laird wrote:

> I want you to understand there must be no speculation which would indicate, or even imply, that a MIRV or ABM deployment moratorium is desirable.

It is hard to escape McGeorge Bundy's conclusion that—

> There are times and topics for toughness with Moscow, but SALT in April is not one of them, and many of those who urge this tactic are men who do not want SALT to succeed. It will be very hard to get a good agreement even if we do only what we have to do. It will probably be impossible if we provide unnecessary ammunition to Soviet weapon-lovers by pressing our own deployments relentlessly throughout the talks.

So now it is up to Congress to cry halt to further escalations in weaponry, at least until it is clear that the administration is seeking, not rejecting, a reasonable agreement, and that it is the Russians who are unwilling to accept such an agreement. If that is in fact the case, if the Russian position is also dominated by those who fear an agreement more than they fear no agreement, then SALT is doomed, and so, alas, may we all be.

We lose nothing by trying to reach an agreement. We can lose everything if we fail to try. Between alternatives like those, there is no rational excuse for failing to try. And that is what we do if we reject this amendment today.

The article referred to follows:

Memo to the AP Editors: How Laird Lied

(By I. F. Stone)

Secretary of Defense Laird's recent speech to the editors of the Associated Press on April 20 recalls a legendary exploit in military-political annals: the villages Prince Potemkin built for Catherine the Great's tour of the Russian countryside. Laird's description of the Soviet nuclear arsenal bears about as much relation to reality as the rosy-cheeked peasants trotted out for inspection by the delighted and bamboozled Empress.

The inner circle of the Kremlin, hearing from Laird that the US is in imminent danger of becoming a second-rate power, that its nuclear forces have declined so far as to put us (in Laird's words) "literally on the edge of prudent risk," must wish—like Catherine's courtiers—it were only so.

Secretary Laid began his address by commending himself on his honesty. "When I assumed office fifteen months ago," he told the AP editors at their annual luncheon, "I immediately established as a top priority goal the restoration of credibility in the Department of Defense." Ever since, he assured them, he had followed "President Nixon's desire to make more information available to the American people." Copies of his address were placed beside the plates of the 1500 editors who heard him, and they were urged to take the copies home for further dissemination. Rarely has an Administration been so anxious to spread bad news.

I have prepared this article as if to serve as a memorandum for the AP editors who heard the Secretary. It sums up one Washington newsman's efforts to check on Laird's presentation. The hope is that AP editors will be led to recheck all of this for themselves, to put their staff men onto the Pentagon briefing officers and the documentary sources herein covered, and then report the results of their own investigation to their readers.

The Laird address struck the theme of an alarmist campaign soon joined by the President himself and the Pentagon's chief of research and development, Dr. John S. Foster. The immediate purpose is to stem the growing effort in Congress to block the ABM and MIRV. The Administration's campaign also reflects a fear of public pressure for a moratorium in the deployment of ABM and MIRV in order to assure the success of the SALT talks. (The Senate on April 9 voted 72 to 6 for a resolution urging Nixon to propose a mutual freeze on strategic nuclear weapons.) A measure of Laird's frantic mood is the memo he sent his Pentagon aides two days after the AP speech stamped "Secret . . . Sensitive." [1] The text which leaked to the Washington *Post*, May 10, said:

> It has come to my attention that misleading and even erroneous information is being disseminated concerning our negotiating positions at the Strategic Arms Limitation Talks in Vienna. In particular, information which indicates the desirability of a moratorium on MIRV and ABM deployment is harmful.
>
> I do not believe that Department of Defense officials have been involved in indicating any positions which could be construed as favorable to a MIRV or ABM deployment moratorium. I want to be sure you understand, however, there must be *no* speculation which would indicate, or even imply, that a MIRV or ABM deployment moratorium is desirable. [Italics is original.]

This secret memorandum puts in perspective the alarms which followed from Dr. Foster and the White House. In a speech April 23, Dr. Foster told the American Newspaper Publishers Association that "the Soviet Union now is about to seize world technological leadership from the United States." President Nixon in a briefing that evening for Congressional leaders warned that the Soviet Union might soon become the greatest military power on earth and then "the American position in Europe and the Far East will crumble overnight." [2] This campaign hardly provides the ideal accompaniment for the SALT talks, which reopened in Vienna only four days before Laird spoke. If it were true that America is in such imminent danger of becoming a second-rate power, we ought to be spending billions more on arms, not talking about disarmament or arms limitation at Vienna. That seems to be the message Laird is trying to get across.

The Washington *Post* in a brilliant editorial May 1 has already exposed the fact that Dr. Foster's alarms rested in no small part on two sentences from a recent speech by Soviet Communist Party Leader Brezhnev. These were quoted out of context as if he were talking about the nuclear arms race. The Washington *Post* reproduced the passages in between the two sentences and commented that from Dr. Foster's presentation, "you could hardly have guessed that the speech was made by party chief Brezhnev on the occasion of presenting an award for superior production to the Kharkov tractor works, or that it was entirely devoted to peaceful industrial and agricultural progress in the Soviet Union." [3] Laird's presentation, as we shall see, is equally selective.

The heart of Mr. Laird's address was that "for the past five years the United States has virtually been in neutral gear in the deployment of strategic offensive forces, while the Soviet Union has moved into high gear in both deployment and development of strategic nuclear weapons" as part of "a major effort since 1965 to change the balance of power." He said, "The United States then, unlike the situation today, clearly occupied a superior position."

If the AP editors check for themselves they will find it impossible to reconcile this over-all picture with the figures Laird himself presented to the House Armed Services Committee only a month before his AP luncheon address. A good place to start in checking this is with the new Armed Services Committee hearings on our military posture. They were released just nine days after the AP luncheon Laird gave that committee the annual comprehensive review that every Secretary of Defense has been making to Congress since the later Eisenhower years. In this Laird "posture statement," at page 6874, there is a table comparing the number of "force loadings," i.e., nuclear warheads, deliverable by the two superpowers. Laird told the committee the Soviet total was 1,350 compared to 4,200 for the U.S. We had more than three times as much deliverable nuclear destructive power. How in the light of his own figures could he tell the AP editors we no longer had superiority?

Laird's assertion that for five years "the United States has virtually been in neutral gear in the deployment of strategic offensive forces" does not stand up under examination. In the past five years, for example, we have expanded the number of warheads on our Polaris fleet by 250 percent. Laird hides this dramatic expansion by the way he puts the comparative figures in the table to which we have just referred. He gives the figure for SLBMs (submarine-launched ballistic missiles) on both sides in "launchers." He gives the Soviets 110 and ourselves 656, a 6–1 disparity in our favor. But if the figures are given not in launchers but in the number of warheads on those launchers, the disparity in our favor is 15–1. How can our deployment during the past five years be called "virtually in neutral gear" when the number of warheads on our nuclear submarine fleet has expanded so dramatically in that period?

This expansion is given added importance by the fears that increasing accuracy may soon make all land-based missiles vulnerable to first strike attack, no matter how deeply buried in hardened silos. A first strike strategy, however, is still made suicidal by the fear of retaliation from bombers and submarine-launched missiles. It represents a huge step forward in protecting the US deterrent when the number of warheads it can launch from undersea has been increased so enormously. I did not become aware of this until *Jane's Weapons Systems 1969-70*, a new publication in the famous *Jane's* military handbooks, arrived recently from London. At the top of page 107 it disclosed that 448 of the 656 launchers on our Polaris fleet are now outfitted with the A–3 missile.[4] The somewhat earlier *Jane's Fighting Ships* for 1969–70 had already disclosed (at page 387) that the A–3 missile, "capable of delivering an explosive force of between 0.7 and 1 megaton," has three separate warheads.

These A–3 missiles are not MIRVs, i.e., multiple independently targeted '"rentry vehicles" but only MIRVs, i.e., simply multiple warheads in a cluster. But they triple the punch and destructive power on each Polaris launcher. There are no similar triple-headers yet deployed on the other side.

So if the number of our A–3 launchers is multiplied by three and added to the remaining single-warheads on the 208 A–2s, we have a total of 1,552 warheads on our fleet as compared with the 110 Laird gives for the Soviets.

The A–3 also represents a sharp increase in range. The A–2 has a range of 1500 miles; the A–3, 2500. According to *Jane's Weapons Systems* this is the result of "a major re-engineering of the basic missile to achieve a 60 percent increase in range for approximately the same weight and dimensions as the A–2 model." [5] "It has been calculated," says the SIPRI *Yearbook of World Armaments and Disarmament* (p. 102), "that replacing the A–1 with the A–2 results in doubling the target area. The A–3 expands the A–1 target area by a factor of six. Polaris A–3 also provides six times as much ocean for the submarine to hide in." That is hardly standing still. When Pentagon press spokesman Jerry W. Friedheim chimed into the Laird alarm campaign with a "background" press conference on April 23, he unintentionally revealed that even the latest model Soviet subs are far behind ours in range. He said he would "not be surprised" if there were at least one of the latest model Soviet nuclear "Yankee-class"—the Pentagon's own Pentagonistic term—subs cruising offshore in the Atlantic within 1200 to 1500 miles of the United States, the maximum range of its missiles.[6] That is roughly half the range of the Polaris A–3. So the Soviets are far behind us in range, too.

The Friedheim background conference inadvertently disclosed another area in which Laird was less than candid. Friedheim showed color pictures of a Soviet multiple-warhead (not MIRV but MRV) test. Laird did not tell the AP editors that while the Russians are just beginning to test MRVs, we began to test MIRVs two years ago [7] and will soon begin deploying them. The Minuteman 3 with three independently targeted (MIRV) warheads is scheduled for deployment in June. And the Poseidon missile, which can carry from ten to fourteen independently targeted warheads, is to begin replacing the Polaris A–3 on our nuclear submarines next January.

Far from being in neutral gear, the Navy seems to be moving full speed ahead. It already has under development a new underwater monster as a successor to Poseidon. It is building a test and evaluation submarine for ULMS (Improved Underwater Launched Missile System). This submarine, as the new edition of *Jane's Fighting Ships* describes it,[8] "would be 'on station,' i.e., capable of targeting major Soviet cities and military complexes, even before it cleared harbour and would have an operating area which includes most of the Atlantic, the Pacific and Indian Oceans." This deployment for a

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Footnotes at end of article.

missile submarine *Jane's* adds, "would make such a craft virtually invulnerable to any Soviet ASW [anti-submarine warfare] threat."

In addition, while the Poseidon missile "has double the payload and twice the accuracy" of the A–3, the longer range missile being developed for ULMS "could be a completely new weapon or an improved version of the Poseidon."[9] On April 30, during the debate on the 1971 defense authorization bill, Congressman Leggett (R., Cal.), one of the "Fearless Five" dissidents on the House Armed Services Committee, revealed for the first time that the ULMS would have 24 missile launchers as against the 16 on Polaris. How can our strategic weapons program be termed in neutral gear with such momentous projects under way?

Indeed by the mid-1970s the Soviets will find themselves even more behind than now unless a freeze is negotiated or they step up the pace of their arms effort very sharply. The latest *Strategic Survey* just issued by the Institute for Strategic Analysis in London says that by 1975 the number of deliverable nuclear warheads in the American strategic arsenal will be "about 11,000" while the Soviet, "which has already begun to develop its own multiple warhead system, could presumably increase its numerical strength by some similar percentage." If the expansion of the Soviet force is by the same percentage as the US, the Soviets will have some 5,000 deliverable nuclear warheads by 1975, or less than half as many as the US. That, too, doesn't sound like we are in low gear.

The AP editors can see just how far behind the Soviets are, and how thoroughly they were being gulled by Laird, if they recheck for themselves the two-page "balance sheet" Laird gave them to show what has happened in the last five years to the strategic balance between the US and the USSR. The balance sheet shows that the Soviets are indeed overtaking us in numbers of land-based missiles—but it also discloses inadvertently how many of their missiles are types we consider obsolete. A re-examination and recheck of the balance sheet will also throw some fresh light on that bugaboo, the Soviet SS–9 missile, the 15 to 25 MT monster, which is now supposed to threaten us with a first strike.

Laird began by saying that in 1965 the Soviets had "about 220 launchers for the relatively old-fashioned missiles—SS-6s, SS-7s, and SS-8s—somewhat similar to our Titan. We had 54 Titans in the inventory at that time." We have the same number now. Laird says that "in this category of old-fashioned multi-megaton weapons" the Soviets still have a 4-1 advantage. Then he says that in 1965 the Soviets had no SS–9s whereas today they have 220 with at least 60 more under constuction, while we have no counterpart: "So in this area the Soviets have and will maintain a monopoly."

I went back and reread that opening section of the Laird balance sheet with fresh understanding after I stumbled on a revealing passage in Part 1 of the new House Appropriations Committee hearings on the 1971 defense budget which were released just two days after Laird's speech to the AP. In Part 1 of the hearings, at pages 596 and 597, the AP editors will find this colloquy. The questions (and the astringent final comment) were by Congressman John J. Rhodes of Arizona, a ranking Republican on the Appropriations Committee.

Mr. Rhodes: Is the SS–9 a liquid-fueled missile?

General John D. Ryan, Chief of Staff, US Air Force: Yes, sir.

Mr. Rhodes: Are there not tremendous logistical problems connected with the launching of a missile like this?

General Ryan: Our Titan II is also a liquid.

Mr. Rhodes: That is one of the reasons we changed.

This colloquy is revealing in three ways. It brings sharply to attention that the SS-9 is liquid-fueled. Except for Titan II, all our other liquid-fueled missiles—Atlas, Thor, Jupiter, and Titan I—were phased out long ago. In the second place General Ryan did not deny it when Representative Rhodes said there were "tremendous logistical problems connected with the launching of a missile like this." He merely replied that Titan II was also liquid-fueled. Nor did General Ryan deny the implication of Representative Rhode's final remark, "That is one of the reasons we changed." So the SS-9 turns out to be of a type we abandoned long ago as cumbersome and inefficient.

Indeed, rummaging around in past hearings, I found the SS-9 described as an imitation of the Titan II. More than two years ago, when the SS-9 was still classified, Dr. Foster, then as now the Pentagon's Director of Defense Research and Engineering, told the Senate Armed Services Committee hearings on the Status of US Strategic Power,[10] "I find the Soviets reacting to our moves. We have deployed a Titan I and then subsequently a Titan II in in a hard silo. The Soviet Union has followed with the deployment of most recently the [deleted] which is very similar to Titan II." The deletion could have referred only to the SS-9, and I have been so assured by an informed source.

The reason we allow the Soviets a virtual monopoly—as Laird puts it—in this type of missile is that we consider it outmoded.

A few years ago the Pentagon was boasting of our superiority in developing the solid-fuel missile. But when I asked the briefing officer in the Pentagon who specializes in this question whether the liquid-fuel missile was as efficient as the solid-fuel, I was assured, to my bewilderment and surprise. that it was. But when I pulled off the shelf the Air Force ROTC manual on Aerospace Weapons Systems[11] and read the passage which follows, he said he meant his answer in a very strict sense. Liquid fuel indeed has more thrust than solid fuel but this advantage is outweighed by the other disadvantages it imposes on missiles fueled by it. This is what the ROTC manual says:

None of the early liquid propellant missiles are satisfactory for the popular concept of "push button" warfare since they lack stability of fuel and require considerable human attention in their preparations for launching. Other disadvantages are the lack of mobility, large size, and high cost of production. Continued research, utilizing lessons learned in the use of the liquid-propellant ICMBs and IRBMs, resulted in the production of the SM–8 Minuteman.

Mobility, hardening [of the silo in which the missile is placed to make it less vulnerable to attack], quicker firing, lighter weight, smaller size and lower cost make the Minuteman almost a different weapon compared to the other, first generation, ballistic missiles. The three-stage solid-fueled Minuteman was developed to be scattered throughout the United States in hardened underground silos or mounted on mobile railroad cars travelling over the nation's vast railway system. [Will the passenger soon lose his train to the missile? IFS.] Its solid fuel also permits it to be loaded and ready to be launched in seconds if necessary, since the entire countdown can be completed in advance, leaving only the actual firing to be actuated on signal. Even the firing signal can be given by remote control.

With this as background we are better able to assess Laird's balance sheet of land-based missiles. He gives the Soviets a total of 1240 land-based missile launchers. He divides them into three categories. The first is made up of 220 of what he calls the "relatively old-fashioned missiles—SS–6s, SS–7s, and SS–8s—somewhat similar to our Titan." These seem to be what might be called Model T missiles. The Pentagon press office told me that none of them were in hard silos. (It took all of an afternoon to get information on the SS–6. Apparently it is not included in the manual on Soviet missilery used by the Pentagon press office. The briefing officer who finally answered my question about it said it took so long to answer because the SS–6 is now regarded as a space launch booster rather than as a weapon!) So 220 of the 1240 Laird gives the Russians are the earliest, most cumbersome, and most vulnerable type of rocket, resembling our Atlas or our Titan I.

The second category is the SS–9 which, as we have already seen, is a larger version of the Titan II. The size of the Titan II warhead is classified but it has generally been described as between 5 and 10 megatons. The SS–9 is described by Laird as between 15 and 25 megatons. It is not the early type of liquid-fuel rocket. It is fueled by "storable liquid" like Tital II, as Secretary of the Air Force Seamans explained[12] later in the colloquy with Representative Rhodes, and as Rhodes understood. Storable liquid represents a considerable improvement over the original liquid fuel. But neither General Ryan nor Secretary Seamans denied that there were great logistical difficulties in the use of storable liquid. The whole subject is wrapped in secrecy but as one expert told me, "It's not like solid where you can pour it and forget it, like concrete." The liquid is highly corrosive; the plumbing has to be flushed out from time to time; the firing may require from ten to twenty minutes. The firing is not virtually instantaneous, as with the solid-fuel rocket.

Some light on the difficulties Congressman Rhodes may have had in mind may be found in McNamara's posture statement of January 23, 1967. He said the US was keeping its fifty-four Titan missiles for a few more years because their 6100-mile range enabled them to reach certain targets in the USSR beyond the range of the then current Minuteman but that the same targets would be within the reach of the new Minuteman 3 and Poseidon. "The Titan II," McNamara reported, "is very expensive to operate, at least $600,000 per missile annually and probably closer to $1 million when the indirect costs of this relatively small force are considered." He spoke of the need to buy boosters for "testing and reliability demonstration" and of "six follow-on tests per year," i.e., one every two months. If the SS–9 is like our Tital II, it might best be described as an Edsel. So a total of 440, or more than a third of the 1240 land-based missiles with which Laird credits the Soviets are of this older variety, ranging from 5 to 25 megatons, trying to make up in megatonnage for what they lack in flexibility of handling and in accuracy.

The third category of land-based missiles with which Laird deals appears at first sight to be like Minuteman "In 1965," he said in his balance sheet, "the Soviet Union had *no* [italics in original] relatively small ICBM launcher comparable to our Minuteman. . . . Today the Soviet Union has over 800 such launchers operational, and a projected force that could exceed 1,000 within the next two years. These launchers include both the SS–11 and SS–13 missiles." This sounds as though the Soviets have almost caught up with us in the small solid-fuel missile like Minuteman, of which we have 1,000. But those who look more closely—and it is important to look very closely at everything Laird says—will see that while he gave the impression these missiles were solid fuel he did not say so explicitly.

The misleading impression was created by saying that the Soviet missiles were like Minuteman, and the impression was strengthened by the way the Pentagon press office handled inquiries about it. The briefing officer who gives out information about Soviet missiles insisted over and over again to me in two days of telephone calls that of the two types Laird mentioned—the SS–11 and

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Footnotes at end of article.

the SS–13—the first was solid fuel and the second was classified. The fact that descriptive details about the later model were classified led one to believe that it must be more advanced—solid fuel or better.

I told the briefing officer I had difficulty reconciling this with *Jane's Weapons Systems* and with the new *Strategic Survey* by the Institute for Strategic Studies in London. The former (at page 629) merely said, "There is some evidence that [Soviet] missiles using solid fuel motors are in a late stage of development and these have faster reaction times," i.e., than the liquid-fuel missiles. The somewhat more recent *Strategic Survey* went a little further and said, "The first Soviet solid-fueled missile is already being deployed." Eight hundred missiles cannot be deployed overnight, like toy soldiers. The silos take many months of construction, and are clearly visible by reconnaissance satellites. But the Pentagon press officer retorted scornfully that Laird's word was better than *Jane's* and the *ISS*.

After picking up considerable evidence, oral and written, to the contrary, I finally accused the briefing officer of giving out false information, though perhaps unwittingly. "I know you fellows have a job to do," I said, "but I did not think you would give a false answer to a direct question. I think the handbook you are using on Soviet missiles is phonied up." This led to an angry outburst in which he said he would inform Daniel Z. Henkin, the Pentagon's information chief, of my charges. I said I welcomed that and would like Henkin to call me. Within ten minutes, the same briefing officer called back apologetically and said that Laird himself in testimony last year to the House Appropriations Committee had described the SS–11 as *liquid*, not solid, fuel and the SS–13 as solid fuel. I had myself discovered this passage the night before and was preparing to use it against the Pentagon.

The incident shows how easily a reporter may be misled by the Pentagon press office if he does not do a good deal of independent research on his own. According to the briefing officer, the handbook he was using was revised as a result of this exchange to make it conform with Laird's earlier testimony. AP editors can find this testimony for themselves on page 8 of the special briefing, "Safeguard Anti-Ballistic Missile System," May 22, 1969, before the House Appropriations Committee. Laird said:

"Currently about two-thirds of the Soviet ICBM force consists of SS–11s, a small Minuteman-sized, liquid fuel missile. With its currently estimated warhead yield and accuracy, this weapon does not pose a threat to our Minuteman forces. The Soviets have just started to deploy a new solid-fuel ICBM, the SS–13. But again this missile, with an even smaller warhead yield and no better accuracy, constitutes even less of a threat than the SS–11 to our Minuteman force."

So it is obvious from Laird's own testimony that most of the 800 "Minuteman-type" missiles to which he referred in the speech to the AP are liquid-fuel missiles inferior to our Minuteman. They have just begun to deploy a solid-fuel missile like Minuteman while we are about to deploy Minuteman 3, which will carry three MIRVed warheads.

I will not weary the reader by taking apart all the half-truths and disingenuous nonsense in the Laird speech. But I would like to touch on two points, one melodramatic, the other fundamental. The former is in that portion of his balance sheet where he says that Soviets have tested a Fractional Orbital Bombardment System "and could have an operational version already deployed" while the US has "developed nothing comparable." Dr. Ralph Lapp tells me that not a single operational analysis at the Pentagon has shown that an FOBS has military value for the US. I would like to see AP editors check this out for themselves through their own sources.

A more fundamental point is raised by Laird's assertion, which made sensational headlines, that while "the Soviet Union has virtually quadrupled the total megatonnage in its strategic offensive force," the US in that same five-year period "reduced its megatonnage by more than 40 percent." This makes it sound as if we are falling fearfully behind. In fact, these figures are only an index of Soviet technological backwardness.

"More popular attention has traditionally been given," says the latest *Strategic Survey* by the Institute for Strategic Studies, "to the explosive power ('yield') of nuclear warheads than to the accuracy with which they can be delivered. Yet, when blast is the measure of effectiveness (as it is when attacking missile silos), the effects of improving accuracy are dramatically greater than the effects of increasing yield. . . . [I]mprovements in the accuracy with which warheads are delivered have something like five to six times more effect than do proportional increases in the yield of the warheads themselves. Doubling the accuracy thus has about the same effect as multiplying the yield by ten. . . . [O]nce high accuracy has been achieved by a missile system with small warheads (50 to 100 kilotons), small increases in that accuracy will produce large increases in effectiveness." This is why the US, instead of increasing the number of its missiles, has been improving their accuracy, and why we (and the Russians, too, though more slowly) have been moving steadily in the direction of smaller warheads.

A concluding observation from the *Strategic Survey* will make this clearer. It says improving the CEP[13] of a 5 megaton warhead from 3,000 to 1,500 feet gives about a 20 percent increase in the probability of destroying a hardened silo, while improving the CEP of a 200 kiloton warhead from 1500 feet to 750 feet gives about a 50 percent increase in that probability. The 200 kiloton weapon is superior in this sense to a 5 megaton weapon, though the latter has 25 times its explosive power or megatonnage!

It is the improvement in accuracy and guidance which is threatening to make the land-based missile obsolete, by rendering it vulnerable in the near future to direct attack. In this race the U.S., by every indication, is ahead. Dr. Herbert York, former head of research and engineering at the Pentagon, has said that accuracy has increased 400-fold since the V–2 and tenfold since the ICBM program was initiated fifteen years ago, and that a twofold further increase in accuracy would make the MIRVed Minuteman a first strike weapon, and a fourfold increase would make a first strike weapon of Poseidon. "It is very easy," he said of this picture, "to imagine what the Russiar Cassandras are saying."[14]

The most dramatic development ahead is in our ABRES (Advanced Ballistic Missile Reentry System) program, now funded at $105 million, which would put maneuverable wings on the missile and a guidance system mapper in its cone to adjust its flight path, enabling it to home in on the target.[15] The view from the other side is more fearful than anything Laird painted for the AP editors because if you add improved accuracy and guidance to the vast multiplication of our warheads by MIRV, the Soviets are in more imminent danger than we. The chances are that we, rather than they, will be the first to achieve a first strike capacity.

The whole alarmist campaign launched by Laird, Foster, and Nixon is pitched to the maintenance of superiority whereas early in the Administration Nixon had promised to base arms policy on "sufficiency." Both sides now have more than ample power for deterrence. If superiority is to become the goal, then neither side will ever have a sufficiency. Endless arms race at ever greater cost is the prospect.

The SALT talks must fail if this is how the Nixon Administration approaches them. The AP's editors owe it to themselves and their readers to recheck Laird's alarms and explain their significance for the arms race and SALT.

FOOTNOTES

[1] Bernard Nossiter, Washington *Post*, May 10. James Reston, in *The New York Times*, May 11, said that his paper had received a copy of the same recent memorandum but had decided not to publish it. "The incident suggests," he commented, "that the opposition within the Pentagon has now reached the point where even highly classified documents are being purloined and distributed to the press." If the pressure rises. *The New York Times* may even begin to print them.

[2] Evans and Novack, Washington *Post*, April 27. See also John W. Finney's account of the same briefing in *The New York Times*, April 28. Notes taken by those present are circulating with White House permission on Capitol Hill, and have even reached my office.

[3] See also the equally hard-hitting Washington *Post* editorial April 22 on the Laird speech to the AP.

[4] "There are a total of 336 A–3 and 208 A–2 missiles assigned to the Atlantic fleet. One hundred and twelve A-3s are assigned to the Pacific fleet." *Jane's Weapons Systems 1969–70*. First year of issue. Sampson Low, Marston & Company, Ltd., London, 1970.

[5] p. 106.

[6] The Pentagon sees Soviet submarines off our coast every spring before the annual defense authorization bills come up in Congress. It is curious in this case, however, that Friedheim did not say a nuclear sub had been spotted but only that he would not be surprised if one were there! When we asked how many nuclear subs *we* had cruisin the Atlantic we were told this was classified. When we asked why it was classified, we were told "because we don't disclose that sort of information"!

[7] The first flight test of the Poseidon missile, which is MIRVed, according to *Jane's Fighting Ships 1969–70*, p. 387, was as far back as August 16, 1968.

[8] Foreword to the 1969–70 volume, p. 76.

[9] *Jane's Fighting Ships 1969–70*, p. 387.

[10] Part 1, p. 110.

[11] May 1961, still the only edition publicly available, published by the Air University, pp. 26–7.

[12] See Part 1, page 597, House Appropriations Committee hearings on the 1971 defense budget.

[13] Circular Error Probable. "This is the radius of a circle," the *Survey* explains, "centered on the exact target, within which 50 percent of the warheads delivered by that type of missile can be expected to fall."

[14] See page 41, SIPRI *Yearbook of World Armaments and Disarmaments*, 1968/69.

[15] This is what the *Strategic Survey* alludes to when it says (p. 32), "The development of terminal guidance systems, which allow the individual warhead to be stored during reentry and which alone would be capable of achieving a CEP as small as 750 feet, is thus of particular importance in the case of missiles with smaller warheads."

The CHAIRMAN. The Chair recognizes the gentleman from Colorado (Mr. EVANS).

Mr. EVANS of Colorado. Mr. Chairman, I rise in support of the amendment and wish to commend the last speaker in respect to what he said.

I would like to ask the gentleman from Michigan (Mr. CEDERBERG) in respect to his statement whether in his opinion he feels that on balance we have made progress in terms of increasing the effectiveness of this system in view of the history of the last 7 years? I do not think we have in all deference to the good faith of the gentleman. I submit that whenever there is disagreement between representatives of the Department of Defense, our generals and the Congress as to whether or not a missile system or a weapons system will be good or bad, that we are in a position to rely alone on saying if we are going to be mistaken, we should be mistaken on the side of getting the new system, because the mistake would be less in that regard than the other one.

Mr. Chairman, I submit that in this day and age the people of this country will not accept the action of this Congress in binding them in making such a choice. I think we have to exercise our discretion. I think we have to tell the military and the Department of Defense that it is completely unacceptable to continually come to Congress and present such choices to us by saying, "Make a mistake if you will make it on the side of defense, but ignore the other aspects of the question."

Mr. CEDERBERG. Mr. Chairman, will the gentleman yield?

Mr. EVANS of Colorado. I yield to the gentleman from Michigan.

Mr. CEDERBERG. I will state to the gentleman that the Armed Services Committee has questioned the Department of Defense on this. Our subcommittee has questioned them on it. The Defense Appropriations Subcommittee has questioned them on it at least twice and it has been questioned on the floor of the House more than once this year. We also questioned it twice last year. In other words, there has been sufficient questioning.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, if we are mistaken in either direction a holocaust can destroy civilization as we know it. The only argument that has been made against the amendment that recognizes this fact is that made by the gentleman from New Hampshire. Deterrence is the only thing that can protect civilized society in the United States and the Soviet Union from that kind of holocaust. It would not be with the ABM system that is now being advocated and which places us on the threshold of competition for a first strike capability. It has nothing to do with defense as opposed to no defense. The question is, whether we go into a second phase of competition for a first strike capability. If we do so, we start the beginning of the end unless we can settle this thing in the SALT talks. If SALT fails, we then enter into a race to Armageddon in the name of achieveing national security.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. HUNGATE).

Mr. HUNGATE. Mr. Chairman. I rise in support of the Yates amendment.

Mr. Chairman, it has been stated that if the committee is wrong we lose money. If Mr. YATES is wrong we lose the country. With all due respect to Mr. YATES' position, I submit we have discovered more than one way to lose this country, after observing the present administration for 1½ years and the operations of this Congress for the last 6 years and while comment would be improper, I believe the other body is in session today, I think there may be several ways to lose this country. One is through writing checks. Some feel we should not be so excited about things such as this ABM expenditure since we are spending money in other areas. However, Mr. Chairman, some of us are concerned when those on the other end of Pennsylvania Avenue become excited enough to veto the expenditure of $600 million on education, but can swallow $60 or $70 billion on defense spending or over $100 billion spent in Vietnam without a murmur.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri, Mr. HALL.

Mr. HALL. Mr. Chairman, I think we have had too much argument about too many different things at the sacrifice of precious time by the same old dispensers of the same old bromides who change color depending on geography, whether it is the Far East or whether it is the Near East.

As far as the SALT talks are concerned, one who engages in a contest with a porcupine is most liable to get stuck. Obviously, I have little hope in consorting with an avowed aggressor. There has already been too much said and we have telegraphed too many punches and part truths, without concept of or recognition for the need and security of military information.

Never has so much been said, by those so poorly informed, about things which never should have been mentioned in the first place, if I may paraphrase Sir Winston Churchill. If one lacks proof for this, the geographical change from Fort Warren, Wyo., to Missouri, is evidence per se.

I have served on the Subcommittee on Research and Development of the Committee on Armed Services from its inception. This thing we consider is a defensive measure and can be done; it will deter the aggressive opposition or cost them beyond their capability to build. If it becomes a question of saving country or saving money, there is a deeper question—that of saving lives, or social experiments. If we are to gamble, I for one am going for country, and saving the 20 to 60 million additional lives; it is known the Safeguard will accomplish whether FOB, or threat of the Chinese or Russian Communist missile.

The CHAIRMAN. The Chair recognizes the gentleman from Tennessee (Mr. QUILLEN).

Mr. QUILLEN. Mr. Chairman, I urge that the amendment be defeated.

I yield back the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. SIKES).

Mr. RIVERS. Mr. Chairman, do I have time to speak on this amendment?

The CHAIRMAN. The Chair will state that the gentleman from South Carolina is entitled to be recognized.

Mr. RIVERS. Mr. Chairman, I believe in saving America.

Mr. Chairman, I yield the balance of my time to the gentleman from Florida (Mr. SIKES).

The CHAIRMAN. The Chair recognizes the gentleman from Florida.

Mr. SIKES. Mr. Chairman, the Defense Subcommittee and the Military Construction Subcommittee on Appropriations have not been careless about money. In the past 3 years we have saved the Nation $12.5 billion by reductions in defense programs. We look very carefully at every expenditure proposal that comes before us, and we have looked very, very carefully at the ABM.

Mr. Chairman, I think it is significant that administration after administration after administration, starting with President Eisenhower, has recommended a program to defend America against intercontinental ballistic missiles. Surely they were not all wrong. We have plowed this ground many times. There is absolutely nothing new in this question before us. It boils down very simply to whether we are going to have an ABM, or nothing? The time is late. We should have had one long ago. Our enemies do have an operational system.

Now, what is wrong with defending America? You do not ask the price of survival. It is failure to survive that we should be thinking about.

The late Sam Rayburn said, "I would rather be a live American with an empty pocketbook than a dead one with a full pocketbook." He was right.

But that is not the issue here. We can afford this program. A nation with a trillion-dollar economy can afford whatever it needs for defense if it is needed for America's survival. And that is the only question: We will have a better chance to survive if we have an ABM system. We should not delay it any longer.

Mr. Chairman, I urge the defeat of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. YATES).

The question was taken; and on a division (demanded by Mr. YATES), there were—ayes 26, noes 98.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MILITARY CONSTRUCTION, NAVY

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, and facilities for the Navy as currently authorized in military public works or military construction Acts, and in sections 2673 and 2675 of title 10, United States Code, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $285,672,000, to remain available until expended.

AMENDMENT OFFERED BY MR. WYMAN

Mr. WYMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WYMAN: On page 2, line 16, strike out "$285,672,000" and insert in lieu thereof "$287,357,000", and add after the word "expended," line 17, the following ": *Provided, however,* That the increment of said funds applicable to the Portsmouth Naval Shipyard, Portsmouth, New Hampshire, shall be available for expenditure only at such time as the closure order applicable to that yard shall be rescinded.

Mr. WYMAN. Mr. Chairman, the amendment I am offering provides $1.685

million for essential line item work at the Portsmouth Naval Shipyard to be available for expenditure during fiscal year 1971 only if and when the closure order with respect to this yard is rescinded. The amendment increases the overall amount appropriated to the Navy by this sum with the aforementioned express limitation.

At page 20 of the committee report there appears an inaccurate statement that none of the original $5.68 million authorized for Portsmouth Naval Shipyard could or would be expended for other than design during fiscal year 1971. The Navy has advised me, since publication of the committee report, that $1.685 million of these funds which are for steam line extension, electrical shop improvements, and engineering offices, should be available and can be utilized virtually immediately upon rescission of the closure order.

Portsmouth Naval Shipyard is the oldest Navy yard in the United States. It has three drydocks and an ongoing capability for repair and overhaul of nuclear submarines that is of the finest quality in the United States. It also has the added capability and technical proficiency of converting nuclear-powered submarines from the Polaris missile system to the Poseidon missile system.

These existing facilities and ongoing capabilities will be needed for the foreseeable future for the repair and overhaul as well as conversion of our underseas nuclear fleet which is one of the principal retaliatory deterrents on which this Nation relies to prevent an attack upon our people. It would be folly to scrap this R. & O. capability and drydock availability in the face of the fact that nuclear-attack submarines have to come in for R. & O. every 3 years and ballistic missile submarines every 5 years.

The original decision to close Portsmouth made 6 years ago by then Secretary of Defense McNamara was a cost-motivated, nondefense-oriented decision. It resulted in large measure from the fact that new construction costs at Portsmouth were high, derived from repeated interruptions of new construction schedules by temporary naval priority assignments by the Navy Department requiring the taking of personnel away from the new construction assignments then at the yard. In the meantime, the emphasis has changed at this yard so that the Navy's program for it is now exclusively repair and overhaul and no longer new construction.

This is an entirely new function and, on this basis, with an appropriately lessened onboard complement in the vicinity of 6,000 personnel, Portsmouth Naval Shipyard has a continuing role in the naval shore establishment of vital importance to the operational capabilities of our underseas fleet. This role is to keep it in good repair, to overhaul it, to convert it as necessary, and to have this outstanding capability and these excellent facilities available on a continuing basis to the U.S. nuclear submarine fleet.

As I have said previously, there is no question but what the money for these line items will be needed if and when the order to close the Portsmouth Naval Shipyard is rescinded. I expect a final decision on this will be made before the end of this year and I believe the closure order will be lifted. The money should be available at that time for these needed utility items.

In these circumstances, I urge the adoption of this amendment at this time.

Mr. SIKES. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I must state to my colleagues that I take the floor in opposition to the amendment with a great deal of reluctance. There is no Member of the House who has worked harder for his district, or who is more genuinely sincere in providing adequate defense facilities than the distinguished gentleman from New Hampshire. He is my very warm friend. I count him one of the most valuable members of the Committee on Appropriations and of the Subcommittee on Defense. I wish it were possible for me to support his efforts. But, Mr. Chairman, I cannot do so, in view of the evidence and the testimony before us.

The first problem is the fact that these are not budgeted items. Actually I feel there is a need for these projects. But the Portsmouth yard is under a closing order. The announcement was made some years ago that the Portsmouth yard is to be closed by 1974. There has been no change in that picture. I hope there will be. I think there is a need for that yard. Even though there was no budget request before us, the committee explored very carefully the possibility of constructing the projects within the next fiscal year in the event we received word that the Department of Defense had changed its plans to close the yard. This has not occurred.

Departmental witnesses stated that even if these projects were approved and funded, it is questionable that the planning could be completed and the projects placed under contract during fiscal 1971.

In other words, we can have another look at the needs of the yard next year. In the meantime I hope the Navy will decide to keep the yard open. I do not believe we will lose any time. I wish the gentleman Godspeed in his effort to have the yard remain open. I certainly shall support efforts to have the facilities at Portsmouth improved when we know the yard will continue in operation.

Mr. WYMAN. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I yield to the gentleman from New Hampshire.

Mr. WYMAN. The two items to which the gentleman made reference do not require contract specification or definition, and the amendment is very specific in its limitation that none of the funds authorized for the two projects shall be available for expenditure until such time as the closure order applicable to the yard is rescinded. My point is that if we do not do this and the yard closure order is rescinded, let us say, in September, if the gentleman's position is adhered to, they could not implement even the steam line and the electrical shop repairs that are necessary until well into the fall of 1971; there would be no funds and substantial delay would occur.

Such a delay would be inimical to the interests of the Navy and inimical to the interests of the yard. The amendment does not call for appropriation in excess of authorization. In fact, only about one-fourth of the authorization. The matter of budget action was considered before the authorizing committee and resolved in favor of Portsmouth.

I urge the gentlemen to accept the amendment, recognizing the limitation on the spending of the money involved.

Mr. SIKES. In answer to the gentleman, may I read from the testimony at the hearings:

> Mr. SIKES. When do you think you would award a contract for each of these projects in the event it were found that the yard would remain open?
>
> Admiral ENGER. I will have to split my answer, sir, for the three projects. In the case of the Engineering Management Offices and the utility improvements we perhaps could complete the design and award a contract within perhaps a year.

He said, "Perhaps."

Again, Mr. Chairman, these are not budgeted items. I am very sympathetic, but I do not feel it represents orderly procedure on the part of the committee to accept nonbudgeted items when we cannot even be certain the projects can be placed under contract within the period of the next fiscal year, or that the yard will continue in operation beyond 1974.

Mr. WYMAN. Mr. Chairman, will the gentleman yield further?

Mr. SIKES. I yield to the gentleman from New Hampshire.

Mr. WYMAN. I would just like to clarify the statement I made earlier with respect to Admiral Enger's testimony. I have since checked with the Navy, and have been informed that the testimony, insofar as it indicated delay would be involved until next year, was inaccurate, and that the utility items could and would be implemented. They were included by the Navy in their line-item justification. The question of the authorization and the budget was taken up before the authorizing committee and it was authorized. Again, I ask the gentleman to allow these utility items with the express limitation provided.

Mr. SIKES. I have read the testimony in that respect. I cannot go back of the evidence which was submitted. I urge that the amendment be rejected.

The question was taken; and on a division (demanded by Mr. WYMAN) there were—ayes 32, noes 36.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk concluded the reading of the bill.

Mr. SIKES. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that bill do pass.

The motion was agreed to.

Accordingly, the Committee rose, and the Speaker having resumed the Chair, Mr. BURKE of Massachusetts, Chairman of the Committee of the Whole House on the State of the Union, reported that

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that Committee, having had under consideration the bill (H.R. 17970) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes, had directed him to report the bill back to the House with the recommendation that the bill do pass.

Mr. SIKES. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. TALCOTT

Mr. TALCOTT. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. TALCOTT. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. TALCOTT moves to recommit the bill H.R. 17970 to the Committee on Appropriations.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. COHELAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 308, nays 57, not voting 64, as follows:

[Roll No. 167]

YEAS—308

Abbitt
Abernethy
Adair
Addabbo
Albert
Alexander
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Arends
Aspinall
Ayres
Baring
Barrett
Beall, Md.
Belcher
Bell, Calif.
Bennett
Berry
Betts
Bevill
Biester
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Bray
Brinkley
Brock
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Utah
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Camp
Carter
Casey
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins
Colmer
Conable
Conte
Corbett
Coughlin
Cramer
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dennis
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Dowdy
Downing
Dulski
Duncan
Edmondson
Edwards, Ala.
Eilberg
Erlenborn
Eshleman
Evans, Colo.
Evins, Tenn.
Fallon
Feighan
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Foreman
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gettys
Giaimo
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Griffin
Griffiths
Gross
Grover
Gubser
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harsha
Harvey
Hastings
Hathaway
Hicks
Hogan
Holifield
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kazen
Kee
King
Kleppe
Kluczynski
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Langen
Latta
Leggett
Lennon
Lloyd
Long, La.
Long, Md.
Lukens
McClory
McCloskey
McClure
McCulloch
McDonald, Mich.
McEwen
McFall
McKneally
MacGregor
Madden
Mahon
Mailliard
Marsh
Mathias
Matsunaga
May
Meeds
Melcher
Meskill
Miller, Calif.
Mills
Minish
Mink
Minshall
Mize
Mizell
Mollohan
Monagan
Montgomery
Morton
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nelsen
Nichols
Obey
O'Hara
O'Neal, Ga.
Patten
Pepper
Perkins
Pettis
Pickle
Pirnie
Poage
Poff
Preyer, N.C.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Reid, Ill.
Reifel
Rhodes
Rivers
Roberts
Robison
Rodino
Roe
Rogers, Colo.
Rogers, Fla.
Rooney, Pa.
Rostenkowski
Roth
Ruppe
Ruth
St Germain
Sandman
Saylor
Schadeberg
Scherle
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Staggers
Stanton
Steed
Steiger, Ariz.
Stephens
Stubblefield
Sullivan
Symington
Taft
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Tiernan
Tunney
Udall
Van Deerlin
Vigorito
Waggonner
Wampler
Watkins
Watson
Watts
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wold
Wright
Wyatt
Wydler
Wylie
Wyman
Yatron
Young
Zablocki
Zion
Zwach

NAYS—57

Adams
Anderson, Calif.
Ashley
Bingham
Brasco
Brown, Calif.
Burton, Calif.
Button
Carey
Celler
Cohelan
Culver
Diggs
Dwyer
Eckhardt
Edwards, Calif.
Farbstein
Fraser
Gilbert
Green, Pa.
Gude
Halpern
Harrington
Hechler, W. Va.
Heckler, Mass.
Helstoski
Horton
Karth
Kastenmeier
Koch
Lowenstein
Lujan
Macdonald, Mass.
Mikva
Miller, Ohio
Morse
Mosher
Nedzi
Nix
O'Konski
Olsen
O'Neill, Mass.
Podell
Rees
Rosenthal
Roybal
Ryan
Scheuer
Schneebeli
Stokes
Talcott
Thompson, N.J.
Vanik
Waldie
Whalen
Wolff
Yates

NOT VOTING—64

Anderson, Ill.
Annunzio
Ashbrook
Biaggi
Buchanan
Bush
Chisholm
Clark
Clay
Conyers
Corman
Cowger
Crane
Cunningham
Daddario
Dawson
Denney
Dent
Edwards, La.
Esch
Fascell
Fountain
Gaydos
Gibbons
Hansen, Wash.
Hawkins
Hays
Hébert
Henderson
Jacobs
Keith
Kirwan
McCarthy
McDade
McMillan
Mann
Martin
Mayne
Michel
Moorhead
Morgan
Ottinger
Passman
Patman
Pelly
Philbin
Pike
Pollock
Powell
Price, Ill.
Reid, N.Y.
Reuss
Riegle
Rooney, N.Y.
Roudebush
Satterfield
Schwengel
Stafford
Steiger, Wis.
Stratton
Stuckey
Ullman
Vander Jagt
Weicker

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Mr. Ottinger against.

Mr. Annunzio for, with Mr. Conyers against.

Mr. Patman for, with Mr. Reuss against.

Until further notice:

Mr. Fountain with Mr. Buchanan.

Mr. Corman with Mr. Steiger of Wisconsin.

Mr. Rooney of New York with Mr. Anderson of Illinois.

Mr. Hayes with Mr. Ashbrook.

Mr. Biaggi with Mr. Weicker.

Mr. Stratton with Mr. Reid of New York.

Mr. Gibbons with Mr. Cunningham.

Mr. Gaydos with Mr. Riegle.

Mr. Fascell with Mr. Cowger.

Mr. Morgan with Mr. Crane.

Mr. Mann with Mr. Mayne.

Mr. Henderson with Mr. Bush.

Mr. Clark with Mr. Esch.

Mr. Satterfield with Mr. Pelly.

Mr. Pike with Mr. Martin.

Mr. Moorhead with Mr. McDade.

Mr. Price of Illinois with Mr. Stafford.

Mr. Dent with Mr. Denney.

Mr. Daddario with Mr. Michel.

Mr. Ullman with Mr. Vander Jagt.

Mr. Edwards of Louisiana with Mr. Roudebush.

Mr. Passman with Mr. Keith.

Mr. McMillan with Mr. Pollock.

Mr. Stuckey with Mr. Schwengel.

Mr. Jacobs with Mrs. Chisholm.

Mr. Powell with Mr. Kirwan.

Mr. Hawkins with Mr. McCarthy.

Mr. Clay with Mr. Dawson.

Mrs. Hansen of Washington with Mr. Philbin.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE EXTENDED

Mr. SIKES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill (H.R. 17970) just passed.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO HAVE UNTIL MIDNIGHT TONIGHT TO FILE PRIVILEGED REPORTS

Mr. ANDERSON of Tennessee. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

PERMISSION FOR SPECIAL INVESTIGATING SUBCOMMITTEE OF COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO SIT DURING GENERAL DEBATE ON TUESDAY, WEDNESDAY, AND THURSDAY NEXT

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the Special Investigating Subcommittee of the Committee on Interstate and Foreign Commerce may be allowed to sit during general debate on Tuesday, Wednesday, and Thursday of next week.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader the program for the balance of this week, if any, and the schedule for next week.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Oklahoma.

XUM

Mr. ALBERT. Mr. Speaker, in response to the distinguished minority leader's inquiry, we will ask to adjourn over upon announcement of the program for next week.

Monday is Flag Day, and there will be appropriate ceremonies in the House Chamber.

Monday is also Consent Calendar Day.

There are four suspensions:

H.R. 15608, relating to the acquisition of property for the Independence National Historical Park;

H.R. 16416, to reimburse the Ute Tribe for tribal funds used to construct the Uintah Indian irrigation project, Utah;

H.R. 17958, to provide increases in the rates of disability compensation; and

H.R. 370, to increase the amount allowed for specially equipped automobiles for disabled veterans.

Also on Monday we will have H.R. 15361, Youth Conservation Corps, under an open rule with 1 hour of debate.

Tuesday is Private Calendar Day.

Also on Tuesday there will be H.R. 17070, the Postal Reorganization and Salary Adjustment Act of 1970; general debate only. This is under an open rule with 4 hours of debate.

For Wednesday and the balance of the week, there will be House Resolution 914, providing for agreeing to Senate amendments to H.R. 4249, Voting Rights Act Amendments, with 1 hour of debate.

Then we will continue the consideration of H.R. 17070, the Postal Reorganization and Salary Adjustment Act of 1970.

If we reach them, there are two other bills we are placing on the program:

S. 2315, to restore the golden eagle program, under an open rule with 2 hours of debate; and

H.R. 17495, Emergency Home Finance Act of 1970, subject to a rule being granted.

In addition, Mr. Speaker, the gentleman from Arkansas, the distinguished chairman of the Committee on Ways and Means, Mr. Mills, has asked that we advise the House that one day next week he will seek to call up by unanimous consent nine bills unanimously reported from the Committee on Ways and Means.

Mr. Speaker, I ask unanimous consent that these bills may be listed in the Record.

Mr. GROSS. Mr. Speaker, reserving the right to object, my attention was diverted. What are the bills?

Mr. ALBERT. Nine bills to be taken up by unanimous consent, from the Committee on Ways and Means. The chairman has asked that they be printed in the Record. They will be called up under unanimous consent next week.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The bills are as follows:

H.R. 2076, withholding of city income tax on Federal employees.

H.R. 4605, importation of contraceptive devices.

H.R. 6049, definition of metal bearing ores.

H.R. 9183, free entry of certain exported and reimported articles.

H.R. 10517, amending provisions of the Internal Revenue Code relating to distilled spirits.

H.R. 15979, interest on loans sold out of Agricultural Credit Insurance Fund.

H.R. 16506, tax treatment of cemetery corporations.

H.R. 16745, exemption from duty of repairs to shrimp vessels.

H.R. 17473, extending period for filing claims for floor stock refunds of excise tax.

Mr. ALBERT. Mr. Speaker, this announcement is made subject to the usual reservation that conference reports may be called up at any time and that any further program may be announced later.

ADJOURNMENT TO MONDAY, JUNE 15, 1970

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that business in order under the Calendar Wednesday rule may be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

IMPACT OF POLLUTION ON CORPORATE PLANNING

(Mr. KUYKENDALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. KUYKENDALL. Mr. Speaker, probably the No. 1 challenge in our country today, and indeed throughout the world, is the challenge to preserve our environment. This is a war in which all humanity is lined up on one side against the single enemy—pollution. Each of us, from the 6-year-old who picks up an empty beer can from the roadside or reminds his dad not to throw it there in the first place, to the major industries, must bear our share of responsibility in the continued war on pollution.

One of my major interests since first coming to Congress has been to help create a cleaner environment. I am happy that I have had some effect in committee and on the floor of the House in sponsoring legislation or helping to get legislation enacted which is designed to strengthen the attack on all types of pollution—air, water, and noise.

There have been many discussions on the problem of pollution and, of course, there is a wide disparity in assessing the blame and in offering solutions. I believe we are wrong if we attempt to hold any one section of the country, or any industry wholly responsible for creating pollution and we are equally wrong in accepting the idea that pollution can be cleaned up by any single industry or any group. Victory in this war will take united effort, with each of us doing our part in preventing pollution and in cleaning up what already has been deposited in our rivers and streams, on the earth and in the air.

The American Management Association recently held a panel discussion on the problem of pollution. As a contribution to hearing many sides of the question of pollution and how representatives of industry view the matter, I commend the following speech by Mr. George A. Spater, president, American Airlines, Inc. Mr. Spater's remarks should be of interest to all people interested in the subject of ecology as a basis for discussing industry's role in pollution abatement.

Mr. Spater has done an outstanding job in pointing out the tremendous improvement made by the aircraft and airline industry in noise abatement over the past few years. He also pointed out the work being done and the challenge that we face in the total control of air pollution from aircraft engines.

I am afraid the speech may be a little bit too defensive in discussing the ecology role of the military aircraft since it might possibly be interpreted as justification for not getting industry's house in order, but that does not detract from Mr. Spater's well-reasoned presentations.

This very fine speech given from an industry point of view certainly recognizes that the airline companies of our Nation realize there is a problem and realize that they must play a major role in solving it:

THE IMPACT OF POLLUTION ON CORPORATE PLANNING

The English word "pollution" is derived from a Latin one meaning to make unclean. It is commonly used today to mean certain types of unpleasant man-made additions to the environment.

Nature itself has always been a major polluter in the broader sense. The year 1815 was known throughout the world as "the year without a summer" because of the gigantic quantities of volcanic dust discharged by eruptions in the Pacific, obscuring the sun in America and Europe. London in 1968 was sprinkled by a fine pink and yellow sand brought there by strong winds from the Sahara Desert. The thunder of lightning discharges, the smell of decaying animal and vegetable material, the lava and suffocating gasses emitted by volcanoes are other unpleasant contributions of nature.

Nature has a self-cleaning mechanism capable of handling a large amount of pollution, including that made by man, but no one knows how close we are to overloading the mechanism. Every thinking person is concerned by the possibility that we may be dangerously close to that point, and perhaps in some areas may already have exceeded nature's ability to cleanse. The people of the United States are producing, every year, over 218 million tons of air pollution—about 2000 pounds per year for each individual in this country. Symbolic of the spiritual seventeenth century was John Bunyan's Christian, portrayed as carrying "a great burden upon his back," made up of sins of unspecified weight. Symbolic of the industrial twentieth century is the American citizen bent over by the ton apiece each of us must carry—and not just a total of one ton apiece, but a ton apiece per year.

This pollution is from hundreds of sources. The home furnace is a pollution manufacturer; so is the incinerator. The emissions created by dry-cleaning establishments in large cities amount to 4 pounds per person per year. But the largest single source of emissions is attributable to the fuels burned by the various media of transportation. Of the 2000 pounds of emissions a year per individual, about 900 pounds are derived from transportation, mostly on the highways. It has been estimated that the airplane is responsible for about 3% of the total air pollution. Of this 3%, roughly two-thirds is the product of military and private flying. The balance, or one-third, 1% of the total, is attributable to the airlines.

I intend to discuss this 1%.

A word first about the figures I have used. Our knowledge of pollution has increased very rapidly as new and improved techniques for measuring it have become available. A study of total air pollution for the year 1967, published in the HEW Report to Congress—December 1968, concluded that the total air pollution in this country amounted to 110 million tons per year. A year later, a more sophisticated study made by the Air Quality Emissions Group of HEW concluded that the total pollution was double the earlier estimate, or 218 million tons a year. These later figures are believed to be more accurate and all the data I have used have been computed or recomputed on the basis of the most recent information available, for both total emissions and emissions by aircraft engines.

Until the first commercial jets were introduced in 1958, virtually no thought was given to the emissions of aircraft engines. In order to obtain sufficient power on takeoff of these early jet engines, water was injected in the combination chamber. This created a dense black plume. It also created great comment and criticism. In actual fact, the jet engine of 1958, despite this visible black plume, was a far cleaner engine than the piston engine it replaced. The piston engine produced over 110 pounds of emission per trip. The 1958 jet engine produced about 55 pounds, a 50% improvement. But the jet engine emission was very visible.

Then in 1961 the airlines introduced the fan jet engine. This further reduced the emissions to 49 pounds per engine per flight. An even greater advance has been made in 1970 by the engine in the big Boeing 747, which produces less than 34 pounds of emissions per flight. Thus, in 12 years, while the horsepower of engines has increased 1400%, the emissions have been cut by two-thirds. The new aircraft carry more people, so that the emissions per passenger carried have been dramatically improved. The emissions per passenger carried in the old piston aircraft were twenty times as great as in the modern Boeing 747. Expressed in another way, there has been a 95% improvement.

This record of achievement has largely gone unnoticed. And the reason it has gone unnoticed is that the major thrust of recent criticism has been directed toward the *visibility* of pollution, rather than to the measured content. The JT8D engine installed on some of the short and medium range aircraft, such as the Boeing 727 and the Douglas DC–9, although a much cleaner engine than its predecessors (that is, emitting less pollution), produces the familiar black plume—very much like that produced by water injection. The blackness of the plume is the result of the light-absorbing and light-dispersing qualities of the tiny particulates, which are nontoxic emissions, just as the blackness of thunderclouds is due to similar phenomena. The presence or absence of smoke, or the blackness of smoke, is no measure of the amount of pollution being emitted.

Nevertheless, it is important to emphasize the point that much of the regulation and threat of regulation, and much of the litigation and threat of litigation, has been directed toward the *appearance* of pollution rather than to its actual content.

A favorite standard for measuring pollution is the so-called Ringelmann Scale, which requires an observer to visually compare the color of the smoke being emitted with various shades of grey in a measuring device. When government regulations set standards based on the Ringelmann Scale, the polluter may be able to comply with the regulation by using fuel additives to reduce the darkness of the smoke. The result will be less *visible* pollution, which makes the regulator happy, but this is accomplished at the cost of more invisible toxic emissions—and a much worse environment.

To repeat, the significant factor is not the color of the emissions, but its content. Content is determined by the chemical composition of the fuel and the efficiency of the combustion process. The principal unwanted products are sulphur oxides, carbon monoxide, hydrocarbons, nitrogen oxides and particulates (smoke). In many cases improvements can be accomplished by burning a different fuel and by improving the efficiency of the combustion.

Unfortunately, there is no known fuel change which would reduce the toxic emissions of jet engines. Jet fuel, for example, contains virtually no sulphur. Sulphur has the unhappy faculty of combining with oxygen to create sulphur oxides and then with water to form sulphuric acid. Sulphur is commonly found in fuel used in factories, power plants, home oil burners and to a small degree in automobiles.

Neither does jet fuel contain lead, which is found in automotive fuel and which combines with other chemicals to produce various toxic elements.

Further, the jet engine is already a highly efficient combustor when compared with other types of fuel burners. Thus, with no advantages to be gained from fuel changes and the only opportunities for improvement depending on the increased efficiency of an already highly efficient engine, the progress made by the airlines in controlling emissions has necessarily been evolutionary, but nevertheless it has been remarkably effective, as evidenced by the continued reduction of emissions from 1958 to date. As matters stand today, there is no known technique or device by which further reductions can be immediately effected. Progress will depend on research efforts, and research is continuing in a number of directions.

The most promising of these directions was suggested by the recent discovery that over 60% of the pollution created by jet engines comes from the relatively brief periods when the airplane is standing or taxiing, and less than 40% while it is flying. A vigorous attack is being launched on solving the idling problem. If this is successful, and we are confident it will succeed, another substantial advance will have been made. The areas around airports will particularly benefit.

It is unfortunate that the only public familiarity with what the industry has accomplished is derived from the recent agreement of the airlines to install new burner cans in the JT8D engines. It cannot be stressed too often that this is principally an aesthetic improvement. And while I warmly endorse aesthetic improvements, they should not be allowed to obscure the real advances in the reduction of engine emissions that have been made without public fanfare and editorial backslapping.

To round up this part of the discussion, I would like to point out that the airline industry has never been inattentive to the aesthetic problem. The JT8D burner can replacement was the result of thousands of hours of test flying by four of the major airlines, following much research by the manufacturer, which was undertaken long before the current furor. The engines on the Boeing 747 and those on the DC–10 and Lockheed 1011 aircraft to be delivered next year are not only smoke free but also produce fewer invisible emissions—a triumph for both cosmetics and clean air.

The second topic I mean to discuss is noise. Noise has always been a burden to American cities. Nearly 200 years ago Benjamin Franklin, a resident of peaceful colonial Philadelphia, found it necessary to move his house from High Street to Second and Sassafras because "the din of the Market increases upon me, and that, with frequent interruptions, has I find, made me say some things twice over."

The airplane has brought a new type of noise to the areas near airports, an annoyance that we would very much like to reduce. Some things have already been done. Much more remains to be done.

First, what has been done. When jets went into service in the late 1950's, they were equipped with sound suppressors. The loss of efficiency resulting from these suppressors cost $10,000 per plane annually.

Second, within 3 years we came along with the fan-jet engine, not only more efficient than the conventional jet and producing fewer emissions, but operating with lower takeoff noise. Almost all airline aircraft being operated in the United States today are equipped with fan engines.

Third, new aircraft currently being delivered are treated with extensive acoustical materials specially designed to reduce noise levels and alleviate the annoying high-frequency whine. The added weight of the acoustical material alone on each 747 is the equivalent of 10 passengers a trip.

Fourth, in addition to these aircraft modifications, special approach and takeoff patterns are in effect at major urban airports to minimize the noise in surrounding neighborhoods. These procedures are responsible to a large degree for existing congestion at many airports; they also increase operating costs.

These things have been done. Future progress depends on research directed at a more complete understanding of noise generating mechanisms, and of the propagation and attenuation of noise in the atmosphere, about which we currently know little. The airlines, airplane and engine manufacturers, various technical societies, and the federal government are all involved in these studies. NASA alone will spend $14.9 million for such research projects during fiscal 1971.

We are continuing to press for each new engine to be quieter than the last. American Airlines was the first airline to include noise limits as a part of its specifications in an aircraft purchase contract. As the technology becomes available, the airplane engine will become quieter, but at no point can we foresee a perfectly silent airplane engine. Airports are going to be noisy places for sometime to come.

As a consequence, there must be more effective zoning by city authorities to restrict noncompatible uses of property adjoining airports. Speculators continue to build homes and apartments directly under flight paths although they know, or should know, that the people who live in these dwellings are going to be made uncomfortable by the noise. A current example is the proposed Twin Pines Development, a state low-cost residential project to be built in the Canarsie section of Brooklyn, which would place 20,000 people 800 feet under an approach to Kennedy Airport now used to divert noise from heavily populated areas of Brooklyn. Today's morning papers announced a proposed state housing project for Floyd Bennett Field, also beneath Kennedy Airport approach and takeoff paths. It is difficult to understand how a government can justify such obvious disregard of the citizens it is purporting to protect.

To sum up: The problem of environmental control is one which must be attacked by all sectors of society: government, producers and consumers.

Government is at fault when it subordinates real improvement to apparent improvement. Government is also at fault when it fails to enact realistic standards, or to exercises governmental restraint to protect the public against incompatible uses of property.

The producers are at fault if they fail or refuse to utilize existing techniques and devices to reduce pollution. They are also at fault if they fail to undertake the necessary research to accomplish further improvements.

As to the consumers, I believe they are prepared to pay for the added costs of environmental control. They are at fault if they fail to elect public officials who will carry out the programs necessary to such control.

Corporate planning must give effect to two realities: first, there is certain to be more regulation; second, there is certain to be more demanding public pressures for environmental improvement. This means that perceptive management will make such improvements as are now possible and will demand and support research into the yet unsolved problems.

TABLE I.—ANNUAL EMISSIONS PER INDIVIDUAL IN THE UNITED STATES

	Pounds of emission per individual	Percent of total
Motor transportation	807	38.1
Heat, light, air-conditioning	443	20.9
Miscellaneous (forest fires, agricultural burning, etc.)	362	17.1
Industrial products	285	13.4
Garbage and other solid waste disposal	109	5.1
Aviation	69	3.3
Nonhighway use motor fuels	25	1.2
Rail and ship transportation	20	.9
Total	2,120	100.0

TABLE II.—ANNUAL EMISSIONS BY MILITARY, AIRLINES AND GENERAL AVIATION

	Pounds of emission per individual	Percent of total
Military	36	1.7
Air carrier	24	1.2
General aviation	9	.4
Total	69	3.3

TABLE III.—EMISSIONS BY ENGINE TYPES (DURING TAKEOFF AND LANDING)

	Pounds of emission per engine	Pounds of emission per passenger carried[1]
1. Piston engines	111.6	14.88
2. Jet engines 1958	55.2	3.56
3. Fan jets 1961	49.1	3.16
4. JT9D engines 1970	33.5	.6979

[1] Assumes 50 percent load factor for each aircraft type.

NOTES

Emissions are for landing-takeoff cycle including all operations below 3,000 feet. Computed by multiplying the known engine emissions during each phase by average number of minutes for each operation: Idle—13.0 minutes; Takeoff—1.4 minutes; Approach—5.8 minutes.

Data derived from Northern Research and Engineering Corporation study, "Nature and Control of Aircraft Engine Exhaust Emissions" 1968, and unpublished Pratt and Whitney findings presented to the ATA.

(This table updates the information shown in Public Health Service Publication No. 999-AP-42, table 32, p. 49, by using the results of improved measuring techniques.)

Emissions during takeoff and landing cycle account for 84.8 percent of total emissions in 4-engine aircraft and 72.8 percent in 2- or 3-engine aircraft, table 42, northern research report "Engine Emissions Levels during a Landing and Takeoff Cycle."

TABLE IV.—EMISSION REDUCTION 727/JT8D ENGINE (DURING TAKEOFF AND LANDING)

	Pounds of emission per engine	Pounds of emission per passenger carried[1]
JT8D standard	25.9	1.59
JT8D smoke fixed	19.1	1.21

[1] Assumes 50 percent load factor.

Source: Computed on same basis as figures in table III.

OIL IMPORTS AND TARIFF REVISION

(Mr. BELCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BELCHER. Mr. Speaker, Mr. Robert C. Dunlop, chairman of the Board of Sun Oil Co., recently testified in behalf of the American Petroleum Institute before the House Committee on Ways and Means regarding oil imports and related policy issues.

I share the concern Mr. Dunlop expressed at that time about the impact of the proposed tariff system and increased foreign oil imports upon the domestic oil industry and its capacity to serve the welfare and security of this Nation and its people as they deserve to be served.

I insert the text of Mr. Dunlop's testimony in the hope that every Member will read it carefully and ponder its import:

STATEMENT OF ROBERT G. DUNLOP, CHAIRMAN OF THE BOARD, SUN OIL CO., PHILADELPHIA, PA., BEFORE THE WAYS AND MEANS COMMITTEE, U.S. HOUSE OF REPRESENTATIVES, IN BEHALF OF AMERICAN PETROLEUM INSTITUTE, JUNE 3, 1970

I am Robert G. Dunlop, chairman of the board of Sun Oil Company, Philadelphia, Pennsylvania.

I appreciate the opportunity to appear today with my associates to share with you our views on oil imports and related policy issues as they affect the trade expansion legislation now before you.

Mr. Ikard has forcefully demonstrated that reliable supplies of petroleum adequate to meet our basic needs are essential to the military and economic security of this nation. And Mr. Wright has raised grave questions as to whether that security would in fact be provided under the program recommended by the majority of the Cabinet Task Force on Import Control.

I shall conclude our presentation by discussing some of the specific issues which we feel require careful consideration in determining oil import policy. I will point out the significant advantages of the quota system over the tariff approach, comment on the real cost of import restraints, look at the prospects for synthetic fuels development and, perhaps most importantly, review petroleum industry capital requirements over the next 15 years relative to alternative methods of import control.

Right at the outset I want to say that we welcome this opportunity to re-examine and re-appraise petroleum import policies. Periodic policy reviews are essential to shaping and re-shaping effective strategy for the future. I would only ask that in this review we keep our eyes firmly fixed on the real objective—the objective of providing secure supplies of primary energy adequate to meet our essential needs. Import limitation is not an end in itself, but simply a tool to help us reach that objective. We must guard against becoming so deeply concerned with the mechanics of import controls that we lose sight of the energy security goal which we are really seeking.

If we think in terms of that goal, the import control issue can be brought into sharper focus. We simply need to measure alternative approaches against the goal, choosing the one which will provide the required security of energy supply at the lowest real cost to the nation.

It is significant that the members of the Cabinet Task Force on Import Controls reached unanimous agreement on the need to restrain the influx of foreign oil, while disagreeing widely on the appropriate control mechanism to be adopted. This important question—tariffs versus quotas—has been and remains one of the major issues to be resolved in connection with the overall review of the United States oil import control program.

After careful and extensive evaluation of this problem over a number of years, I want to say that I oppose the use of tariffs at this time to control the volume of foreign oil imports into the U.S.

I oppose the proposed tariff system for these reasons:

First, it is not directed principally toward volumetric control of foreign oil flowing into the United States, which is our basic need. While the quota system achieves this goal very precisely, the tariff system does not and, in fact, cannot. The Cabinet Task Force itself recognized this weakness of the tariff approach when it recommended that imports from the Eastern Hemisphere be limited to 10 per cent of domestic demand. In effect, the Task Force has superimposed a tariff plan on the quota system.

Second, the tariff system as proposed would impose itself into the pricing mechanism for crude oil and products in the United States oil industry.

This would inhibit the ability of the industry to provide the necessary supply of petroleum from secure sources. If we are to limit imports from insecure sources to 10 per cent of requirements, we must be sure that we can attain 90 per cent of our requirements from secure sources. Mr. Wright's testimony has demonstrated that this will require a major effort.

The substitution of administrative manipulation for market forces in pricing decisions simply doesn't work. And we need look no further than the present situation in natural gas to see why. Federal control of wellhead gas prices over the past 15 years has resulted in an over-stimulation of demand and a deterrent to supply. Today we are reaping the bitter fruits of that policy in dwindling supplies and the weakening of our capability to meet future needs for natural gas. This is in itself a major threat to our long-run objective of energy security. We dare not now expose the oil segment of the industry to the same handicap.

Our need is to strengthen incentives, to encourage the broad-scale development of liquid and gas reserves in North America and to accelerate the development of synthetic fuels. We will be dooming the effort to failure before the fact if we adopt a system of import control which would reduce incentive and restrict generation of capital through governmental price manipulation.

The potential for disruptive federal control under the recommend tariff plan can hardly be overstated. We suggest that provision for such arbitrary interference is not only unnecessary but is in fact a grave threat to our national goal of energy security.

A third reason why I oppose tariffs is the inherent uncertainty this approach would create as to future prices and investment opportunity. The nature of petroleum exploration is such that large, high-risk investments must be committed on a long-term basis. Finding and development programs must be instituted 5 to 10 years in advance of expected production. A tariff plan laced with uncertainty about future prices can only result in a drastic reduction of the incentive for new oil and gas exploration and development.

Finally, in our view the tariff approach will not result in significant savings to consumers as its proponents claim.

Under the quota system, most of the differential value of foreign oil flows through to consumers in the form of lower prices. Institution of a tariff would direct this flow of value to the federal government. Petroleum consumers would have to pay correspondingly higher prices unless the government chose to reduce other taxes by a like amount. The Task Force itself proposed that the money be used for other purposes such as the development of strategic reserves or synthetic fuels. This, in effect, would put the government into the energy development business to strengthen a security position which was weakened by substituting a tariff for the quota system. In our view, this provides no additional benefits to anyone.

In regard to the cost of import controls, those who choose to emphasize the gross cost to the U.S. petroleum consumer rather than the net resource cost have performed a disservice to the nation. We should keep in mind that any reasonable consideration of costs must be on a net basis, with the offsetting of economic gains and losses. Thus, multiplying total U.S. oil demand by the average cost differential between domestic and foreign crude oil exaggerates true cost. For that figure must be offset by a number of benefits which stem directly from import controls. Among these benefits are the lower prices which flow through to consumers due to lower-cost oil imported under the present program, royalty and bonus payments to the federal government, and oil tax payments to state and local governments. Consideration must be given also to the job losses and other economic disruptions that would result from reduced U.S. petroleum industry activity.

Viewed in this light, the cost of present import controls is considerably less than opponents of the quota system would have us believe. The most reasoned and responsible comment on this matter that I have seen was made last year by Russell E. Train, then Under Secretary of the Interior. Speaking before the annual meeting of the American Petroleum Institute, he said this (and I quote):

"Costs of the present program to consumers have been estimated as high as seven billion dollars based on 1975 use rates, compared with a resource cost of about one billion dollars annually. But it is this lower figure—the net cost to the nation after all transfers from one American pocket to another have been wrung out—that is the true measurement of the premium we are paying to have a reliable oil supply in support of our national security." (end of quote.)

Mr. Train went on to say that this cost appeared to him to be "quite modest" in comparison to other national security outlays. We agree.

I would like here to make the additional point that focusing on gross cost to the consumer, as the Cabinet Task Force did, unnecessarily compounds a growing national problem. The problem of our unwillingness, or inability, to recognize that attaining national goals such as energy security and environmental improvement is going to cost all of us something. The true cost is the "net resource cost," which in effect measures the reduction in goods and services resulting from the pursuit of other than economic goals. These are the costs we must consider in evaluating policy alternatives.

When attention is focused instead on gross cost to the consumer, comparisons are badly distorted, pressures for cost reduction are intensified, and the quality of policy decision-making suffers. All too frequently, this road leads to restrictive regulation which precludes creative response directed toward minimizing cost. I hope that we can avoid this in considering oil import control policy.

In our view, the quota system has proved to be a fundamentally sound and very effective approach to import limitation. Under it, the U.S. petroleum industry in the past decade had found and developed very substantial new supplies of oil and gas under very difficult circumstances. At the same time, American consumers have enjoyed the benefits of a rising volume of lower-cost foreign oil as a supplement to domestic supplies. This is not to say that the system is perfect; it is not, and we know that it can be improved. But it is to say that the quota approach to import control has proved itself in actual practice over more than a decade.

Now, for the next few moments I would like to get specific about a very important aspect of future petroleum policy—money and investment. If we accept the proposition that the real issue is not the mechanics of import control but the most effective method of building our energy security for the future, then financial resources become the key consideration. To develop the supply capability required to assure energy security in the United States, we will have to spend billions of dollars. And, frankly, right now it is difficult to see where all that money will be coming from.

In attempting to put this money problem into perspective, I will draw upon material developed by John Winger, vice president of the Chase Manhattan Bank and one of the country's foremost authorities on petroleum financing. Although the supply and demand projections upon which Mr. Winger's financial requirements are based are not precisely the same as those presented by Mr. Wright, both lead to the same conclusions relative to future financial requirements.

First, let's see what the magnitude of capital requirements would be if we were to attempt to maintain the present relationship between imports and domestic production.

Mr. Winger postulates that if the United States is to maintain a minimum safe level of proved petroleum reserves and not become more dependent upon outside sources than it is now, the petroleum industry must find and develop 105 billion barrels of oil and 560 trillion cubic feet of natural gas in the next 15 years. Based on past results, the industry would need to spend approximately $150 billion over the next 15 years to find and develop that much oil and gas.

The industry is not going to have anywhere that amount of money available for such investments in the next 15 years. In fact, there is no cogent reason for expecting that it will commit very much more than the $68 billion invested in the past 15 years. Capital is in short supply and we will have to be highly selective in deciding where and how to use it. At the present level of economic incentives, then, it is unlikely that investment in the search for petroleum will exceed some $75 billion over 1969 to 1985 period. This would enable us in 1985 to supply just over half of our oil needs and about 55 per cent of our gas needs from domestic sources. Conceivably, we could meet the projected oil deficit with imports, but it is unlikely that we could import enough gas to meet requirements.

Now, assume that the import recommendations of the Task Force majority were implemented and domestic crude oil prices were pushed down by an average of 30 cents per barrel. What could we then anticipate in the way of investment? Mr. Winger estimates that under these conditions total outlays for the petroleum search over the next 15 years would approximate only $30 billion. This would be $45 billion less than would otherwise be invested.

At this level of expenditures, we would be able to satisfy only about one-third of our oil and gas needs from domestic sources by 1985. And since there are severe limitations on the volume of gas that can be imported into the United States, a larger share of overall energy demand would shift to oil. This would boost our oil needs to some 26 million barrels a day by 1985, and require that as much as 70 per cent would have to be imported.

Mr. Winger goes on to point out, as Mr. Wright did a few moments ago, that in this situation the United States would be required in 1985 to depend upon the Middle East and North Africa for a sizable share of its imported oil. Specifically the forecasts indicate the United States would be dependent upon these Eastern Hemisphere sources for almost half of its oil supplies in 1985.

We submit that this degree of dependence on petroleum sources which historically have been subject to supply interruptions poses a national security problem of the first magnitude. And even in the absence of supply interruptions, I think it is becoming apparent that such a heavy dependence on Eastern Hemisphere oil, which is largely controlled by an organized group of producing countries, would result in higher prices and the loss of anticipated savings to American consumers.

Please keep in mind that the capital investment figures I have been discussing above refer only to the finding and development phases of petroleum activity. The industry will continue to require tremendous amounts of capital for refining and other facilities beyond the wellhead over the period we have been discussing. Mr. Winger has estimated these additional needs to total some $77.5 billion over the next 15 years. On a combined basis, this means total capital requirements of the United States petroleum industry between now and 1985 could range from $153 billion to $233 billion.

I should point out that these estimates make no allowance for two factors which could substantially affect the level of capital needs in the future—continuing inflation and the national effort to improve our environment.

In regard to inflation, there is little in today's outlook that suggests any quick halt to the rise in prices. We hope that the Administration's current efforts to slow inflation will be successful. But a realistic view of the future tells us that we must expect inflation to add significantly to our investment needs in coming years.

While it is far too early to attempt to estimate the amount of money that will be required to preserve and improve the quality of our environment, we do know that the costs will be substantial.

The American Petroleum Institute estimates that right now the oil industry's expenditures for operating facilities relating to air and water pollution control are approaching a rate of one-half billion dollars annually. Obviously, this spending will grow substantially in the future.

Over and above this, the industry is now deeply involved in seeking solutions to the problems of pollution from motor vehicle exhaust emissions. Central to this effort will be far-reaching changes in refining operations to eliminate or reduce the amount of lead in gasoline. Precise cost estimates cannot now be made since fuel quality targets have not yet been established. But it is evident that total costs of solving this problem could range from $3 billion to $10 billion, depending on octane quality requirements.

As I indicated earlier, the outlook for obtaining the total capital required is bleak under present economic circumstances. And it would become far more so if the Task Force recommendations were implemented.

A brief look at our present situation will perhaps help you to grasp the enormity of the capital problem for the future. Historically, the industry was until recently able to provide nearly all of its capital requirements internally by plowing back some 75 per cent of its cash earnings. This is no longer true, as the experience of the Chase Manhattan group of petroleum companies demonstrates. During the past 10 years, expenditures have increased at a faster rate than available funds from cash earnings. This growing deficit has been met principally through a large increase in debt and only in part through equity financing.

As a result, the debt ratio for this group of companies has increased by 50 per cent since 1964, rising from 12.7 per cent to 19.7 per cent at the end of 1969. In dollar terms, the long-term debt position has more than doubled, going from $5.5 billion to $12.8 billion. And these figures do not include substantial indirect financing, which has been estimated to total more than $7 billion.

There are severe obstacles to obtaining these growing amounts of outside capital. The industry has not enjoyed exceptionally high profits, and now it is feeling the additional impact of the 1969 tax changes and of continuing cost inflation. Coupled with the relative scarcity of capital today, these factors indicate that the petroleum industry under the best of circumstances faces difficult financing problems in the years immediately ahead. Adoption of an import control system having as an integral objective the reduction of U. S. crude oil prices would only precipitate an additional flight of capital and seriously worsen an already grave problem.

I would like next to examine with you one additional aspect of the petroleum supply situation. I refer to the broad field of synthetic fuels development and the outlook for its contributions to our future energy supply.

Among the strengths of our nation in the long-term energy picture are the large coal and shale oil reserves which will provide the resource base for a substantial synthetic fuels industry in the future. Adding to these resources on a continental basis are the vast reserves in the Athabasca and other tar sands deposits in Western Canada. Considerable research and pilot plant work are already under way on development of fuels from shale and coal, and, of course, my company has had mining and extraction facilities in operation in the Athabasca tar sands for more than two and one-half years.

However, the present state of technology and the present economics of the energy business preclude any one of these sources from becoming a significant supply factor in the time period we are considering. It has been estimated that, given proper economic incentives, a minimum of five to six years would be required to develop multi-plant production capacity for shale oil, and that a slightly longer period would be required for multi-plant capacity for producing liquids and gas from coal.

The two points I want to emphasize relative to synthetic fuels development are these:

First, it is unrealistic and dangerous to assume that synthetic fuels can make any really substantial contribution to our domestic energy supplies during the next 10 years. And they certainly cannot be considered to be a source of emergency supply. The additional research that is required, the full testing of commercial-size plants that must be carried out, and the large capital investments that are required preclude rapid development of synthetic fuels production. And, of course, a reduction in crude oil prices would mean further delay.

However, in view of the growing gap between our energy requirements and our ability to meet demand with secure supplies from conventional sources, it is imperative that we begin now to formulate a framework of national policy for the orderly development of synthetic resources. The long lead times required dictate that a carefully planned program be initiated now if these sources are to make a significant contribution to our energy needs in the 1980's.

Perhaps I can emphasize these points by describing from my personal knowledge Sun Oil Company's costly experience with the project to develop production from the Athabasca tar sands.

We initiated research and related work on this project in the early 1960's, began plant construction in 1964, completed the facilities in 1967, and went into commercial operation in late 1968. Economically, the results to date have been very disappointing, although the technology developed has produced a very high quality synthetic crude oil. However, due to the problems involved in instituting a new technology, we have experienced a series of mechanical problems which have delayed our attaining full-scale production. These have been gradually corrected, and we are encouraged by current production levels.

I should point out, however, that the project was initially judged feasible and undertaken in the anticipation of crude oil prices having a reasonably constant relationship to the cost of production. On that basis, we have invested more than one-quarter of a billion dollars in the complex. Any reduction in crude oil prices, such as envisioned under the Task Force majority recommendations, would seriously impair our ability to develop the project into a profitable operation.

I emphatically agree with the Task Force that there would be no production from the tar sands at or anywhere near a crude oil price of $2.50 per barrel. And I further think that it would be virtually impossible to attain the Task Force projection of one million barrels daily by 1980 at the proposed price of $3.00 per barrel.

This would require 22 plants the size of our facilities and an investment of more than $6 billion. More importantly, really large-scale production from the Athabasca tar sands must await the development of economic *in situ* technology. And one company in the forefront on this technology indicates that commercial development of the method is dependent upon a price level of $3.50 to $3.75 a barrel.

In brief, a viable synthetic fuels industry is dependent upon the refinement of current technology, upon stable prices which are responsive to market forces, and upon the investment of very large amounts of capital. This is the route we must follow to achieve effective development of synthetic fuels for our use in the years ahead.

Before closing, I would like to make the additional point that expanding imports of oil and gas will accentuate an already critical balance of payments problem. To the extent that we strengthen the domestic industry and develop alternative synthetic sources, this growing drain on the payments balance will be reduced.

In summary, I would like to reiterate the point which I made at the beginning of my statement: Our basic concern is assuring to the maximum extent possible the development of secure energy supplies which are adequate to cover our essential needs. Or to put it another way, our concern is to limit our dependence on insecure foreign sources for energy essential to our military security and our economic growth. To achieve this objective, we feel that policy positions relating to external trade in petroleum should be reached in the light of three basic considerations:

1. The need for effective quantitative limitation of oil imports, as necessary to maintain the health and viability of the domestic petroleum industry.
2. The need to strengthen incentives for investment in finding and developing domestic petroleum resources. This will require that crude oil prices be permitted to move in response to domestic market forces and that controls over natural gas wellhead prices be substantially relaxed or removed.
3. The need to encourage the orderly development of a synthetic fuels industry capable of making significant contributions to U.S. energy supply in the 1980's and beyond.

We submit that the quota system for controlling oil imports will contribute to meeting all of these needs, and do so at an acceptable real cost to American consumers.

In relation to the specific legislation before your Committee, we urge you to extend the national security provision of the Trade Expansion Act in its present form to make possible continuation of the quota system for limiting oil imports into the U.S. We make this recommendation in the belief that this policy is in the best interests of the American people, and that it is the most effective means of assuring energy supplies essential to our military and economic security into the future.

Thank you for your interest and attention.

BRIG. GEN. ELIZABETH P. HOISINGTON

(Mr. SHRIVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SHRIVER. Mr. Speaker, today ceremonies were held in the Pentagon marking the promotion to brigadier gen-

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eral in the U.S. Army of Col. Elizabeth Paschel Hoisington, director, Women's Army Corps and Col. Anna Mae McCabe Hays, chief, Army Nurse Corps.

This occasion marked the first time women have been promoted to the rank of brigadier general in the U.S. Army.

We, in Kansas, are especially proud that Brigadier General Hoisington achieved this high rank. She is a native of Newton, Kans., and I am proud to count her among my distinguished constituents.

I congratulate both Brigadier General Hoisington and Brigadier General Hays. They both have made important contributions to the armed services of our great Nation, and indeed have earned the honors and promotion bestowed upon them today.

General Hoisington is one of the great women of our Sunflower State. She came by her outstanding military career quite naturally, following in the footsteps of her family. She is the daughter of a West Point officer and the sister of three West Point graduates. Both of her sisters are married to Regular Army officers.

She began her military career 27 years ago when she was commissioned a third officer, second lieutenant, in the Women's Army Auxiliary Corps at Fort Des Moines, Iowa, and received her Regular Army commission in December 1948.

During World War II, she was executive officer of the Women's Army Corps Detachment, Headquarters Command. in the European Theater of Operations, and from 1948 to 1950 she served in the same capacity at the WAC Battalion, General Headquarters, Far East Command in Tokyo.

On November 1, 1964, she became the seventh commander of the U.S. Women's Army Corps Center and commandant of the U.S. Women's Army Corps School.

General Hoisington has been awarded the Legion of Merit with Oak Leaf Clusters, the Bronze Star Medal, the Army Commendation Medal, and the French Croix de Guerre with Silver Star.

She holds the bachelor's degree in chemistry and mathematics from the College of Notre Dame of Maryland. Her alma mater also has conferred upon her the honorary degree of doctor of laws.

Mr. Speaker, this was a historic day for the U.S. Army and for Brigadier Generals Hoisington and Hays. Through their exemplary service, they have distinguished themselves, the Army, and the Nation.

BRIG. GEN. ANNA MAE McCABE HAYS

(Mr. ROONEY of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ROONEY of Pennsylvania. Mr. Speaker, I enjoyed a very rare privilege today—one, in fact, that is unprecedented in the history our Nation. I was honored to attend ceremonies at the Pentagon marking the promotion of two outstanding women to the rank of brigadier general in the Armed Forces of the United States.

I am particularly proud to make note of that promotion ceremony because one of the two new women generals has strong family ties to my congressional district.

Col. Anna Mae McCabe Hays, promoted today to brigadier general, is Chief of the U.S. Army Nurse Corps. Her parents, the late Maj. and Mrs. Daniel J. McCabe, headed the Allentown, Pa., Salvation Army from 1932 until 1939.

She began her career as a nurse in 1938 when she enrolled in the nurse training program at Allentown Hospital.

Today, when she has an opportunity to get away briefly from her Nurse Corps responsibilities, she is a frequent visitor to the Lehigh Valley of Pennsylvania where members of her family still reside. She considers Hellertown, Pa., her home.

News of her promotion was greeted warmly by Mrs. Donald E. Fritchman, of Hellertown, her sister, and Daniel McCabe, of Emmaus, her brother. I share with them, and with all of the citizens of the Lehigh Valley, a deep sense of pride in the distinctive tribute paid an outstanding woman, Anna Mae McCabe Hays, by her promotion today to the rank of general.

I know I express the sentiments of all of my colleagues in recognizing General Hays and Gen. Elizabeth P. Hoisington, Director of the Women's Army Corps, for their exemplary service to our country which earned for them this deserved promotion.

I include the following material:

RESPONSE BY BRIG. GEN. ANNA MAE McCABE HAYS FOLLOWING PROMOTION

Thank you Secretary Resor and General Westmoreland for honoring the Army Nurse Corps by pinning these stars on my shoulders. I am also grateful to each of you for joining us this morning to share this memorable occasion in the history of our Corps.

I shall wear these stars with great pride but with deep humility for I know full well they represent no special merit of mine, but rather they reflect the dedicated, selfless, and often heroic efforts of Army nurses throughout the world since 1901 in time of peace and war.

There are not enough points on these stars to call to notice all of those who deserve public recognition for having played a special part in bringing them to rest on my shoulders. However, I wish to express gratitude to our President, Mr. Nixon, and to the members of Congress, particularly those who serve on the Senate and House Armed Services Committees. I would also like to acknowledge the efforts of the American Nurses' Association through the years in helping to bring this distinction to military nursing thereby enhancing the stature of the nursing profession.

The Army Nurse Corps owes a special debt to the former Surgeons General of the Army, especially LTG Leonard D. Heaton, and to my predecessors as Chief of the Army Nurse Corps. Four former chiefs are present this morning.

Finally, I wish to give foremost credit to those directly responsible today for this signal honor bestowed upon the Corps at this time in our history—the Secretary of the Army, the Honorable Stanley R. Resor; the Chief of Staff of the US Army, General William C. Westmoreland; and our Surgeon General, LTG Hal B. Jennings, Jr. To them, I wish to simply say thank you in behalf of Army nurses everywhere—those on active duty, those who serve in the Reserve Components, and those who are retired.

As for myself, I shall not betray the confidence that has been placed in me. Albert Einstein once said: "I must remind myself a hundred times each day that what I am I owe to the lives of other men, both living and dead, and that I must exert myself in order that I may give in the same manner that I receive." This has been and will continue to be my philosophy as long as I am able to serve my country. I pledge I shall devote my efforts toward achieving the goals of the Army Medical Department, the United States Army, and our Nation.

Thank you very much.

[From the Washington Star, May 22, 1970]

THE WOMEN WILL BE GENERALS—IKE'S NURSE TO GET STAR

(By Ruth Dean)

When Col. Anna Mae Hays boarded a train for the 59-mile trip from her Allentown (Pa.) home to Philadelphia to join the Army Nurse Corps 28 years ago, she little realized that a general's star awaited her at the end of that career.

"It was 28 years to the day," she said as she recalled that day and the exciting news she received May 15 that she was one of two Army women, and the first two women in the services, to be nominated by President Nixon to the temporary rank of brigadier general.

The other is Col. Elizabeth P. Hoisington, director of the Women's Army Corps. Their promotions have to be confirmed by the Senate.

"I never ever dreamed I'd become a full colonel," said the 50-year old nurse veteran of World War II duty in the China-India-Burma theater and Korea at the battle of Inchon.

"This is a tremendous uplift for Army nurses," she said. Hundreds of letters and telegrams, many from former patients and doctors she has worked with have flooded into her Forrestal Building office.

One was from the Army Surgeon General, Lt. Gen. Hal B. Jennings Jr., who was in Europe when the White House announcement was made.

"This is a proud moment in your life and in your chosen career," he wired.

Col. Hays, who was one of the special nurses at Walter Reed who nursed the late President Dwight D. Eisenhower through his 1956 ileitis attack, is proud of the 5,000 nurse officers under her direction.

DYNAMIC CORPS

"Our corps is very visible and dynamic," she said. "Seventy-five percent of our officers are youngsters, either lieutenants or captains."

Since November, 1967 when Congress passed legislation authorizing more colonels for the nurse corps and lifted restrictions against promotion to general officer rank, the ANC now has 60 colonels and almost 500 lieutenant colonels. The ANC is the oldest of the women's services and will celebrate its 70th anniversary next year.

Col. Hays is proudest of the record of Army nurses in Vietnam. There are now 750 stationed there "from the DMZ to the Delta in all types of hospitals from the larger stationary hospitals to the inflatable hospitals," she said.

Col. Hays has visited Vietnam twice and will be returning in the fall.

"We have no nurses in Cambodia and no hospitals there," she said.

But helicopters facilitate movement of the wounded to the 45th Surgical Hospital near Tay Ninh in Vietnam, which is "the closest hospital to the Cambodian border," she said.

BETTER THAN TENT

The Medical Unit Self Contained Transportable (M.U.S.T.) air-conditioned hospital is a vast improvement over the old tent hospitals she said. A former operating room supervisor herself, Col. Hays said they are equipped for immediate surgery with the most sophisticated equipment.

"And nice clean white sheets mean so much to men so close to the front lines," she said.

To emphasize the point, she added, "any mother, or relative, can be assured their men are receiving the best medical and nursing care."

Col. Hays said the professional experience a combat nurse receives "cannot be duplicated elsewhere." It's an experience she said that "anyone interested in nursing should have. I don't think the public understands this."

The ANC chief said she did not think anti-war sentiment has cut into recruitment of graduate nurses for the corps "because nurses are professional people who deal in everyday life and death realities."

The pretty brown-haired nurse chief, who thinks her father's being with the Salvation Army inspired her to "spending my life in the service of others," retires next year at the end of her four year term.

She discounts any implication that her promotion to general can be interpreted as a moral victory for the women's lib movement. "We have 18 percent men in the Army Nurse Corps, so I felt this was a recognition of service of all our nurses," she said.

As to what significance the promotion has for herself personally, Col. Hays smiled and said, "it won't affect my responsibilities but I'll have more fringe benefits."

Those fringe benefits will include more pay and a slight modification of Col. Hays' uniform to accommodate her new general's star when her promotion comes through.

The uniform will essentially be the same as her fellow male officers, she said, "but I hope a little bit more feminine if at all possible."

A BIRTHDAY TRIBUTE TO THE HONORABLE JEANNETTE RANKIN

The SPEAKER pro tempore (Mr. PEPPER). Under a previous order of the House, the gentleman from Montana (Mr. OLSEN) is recognized for 60 minutes.

GENERAL LEAVE TO EXTEND

Mr. OLSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. OLSEN. Mr. Speaker, one of the outstanding features of the American political system is the way in which the sweetest and the most charming of ladies can come along, every so often, and join the fight, and lead the regiments, and raise the flag of victory—and then go back to being the sweetest and most charming of ladies.

So it has been with Jeannette Rankin, who has spoken from the heart, with fire and conviction, through all her years in the political arena. As field secretary of the National American Woman Suffrage Association, as the first woman elected to the Congress, as a leading opponent of American entry into World War I and the only voice in Congress against American entry into World War II, she has long been recognized as an outstanding exponent of the right of dissent.

Nor is she inclined to be satisfied with moral victories. She wants results, and, in setting patterns, she tends to get results. The antiwar sentiment in vogue today in Congress is wholly in keeping with many of Miss Rankin's past pronouncements. As for women's rights, these are now reality in many respects, and Miss Rankin can be said to be in large part responsible for that.

It is a great pleasure, on the occasion of her 90th birthday to salute her performance, in the name of political integrity, of which she is the chief apostle in this imperfect world.

For the information of my colleagues, I would like to include the following article from today's Washington Post and two telegrams:

JEANNETTE RANKIN: RADICAL AT 90

(By Judith Martin)

If Jeannette Rankin shows any sign of age on her 90th birthday, it is a slight weariness at seeing ideas she has advocated for 70 years being treated as something radically new.

Miss Rankin, whose birthday will be celebrated today at a Montana-sponsored dinner in the Rayburn House Office Building, is a former representative from Montana, first elected in 1917 to become the first woman to serve in Congress.

Her great causes then, and through the years, have been peace and women's rights, and she did not hesitate to fight for them alone. She was one of 56 congressmen to vote against American entry into World War I, and, 24 years later when she was serving her second term in Congress, the only member of Congress to vote against the declaration of war against Japan which brought the United States into World War II.

Two years ago, she led the Jeannette Rankin Brigade, a rally of women marching on Capitol Hill to protest the war in Vietnam. Last fall, she was out at moratorium marches, in Georgia and California. And as always, she writes letters and responds to requests from peace groups.

Her stand has always been against all war, for whatever reason, and for the immediate disarmament of the United States, which she believes would lead to international disarmament.

The Jeannette Rankin Brigade and the Congress which followed it were also a focal point for the early development of the Women's Liberation Movement. Miss Rankin, who joined the women's suffrage movement at the beginning of the century, said she thinks the present movement "is doing splendid work, but I can't get excited about it because I got so excited so long ago.

"Everything they talk about, we talked about before 1914."

But just when you think she's missed the differences, as when she suggests that women ought to be paid to take care of their children because "most women would prefer to stay home with their children," she says things like, "It's superficial to ask for equal pay—what we need is a complete revision of the money system."

Long ago, she worked for abortion and improvement of marriage and divorce laws, but she's impatient with such things. "They won't be necessary once people get the idea that women are human beings." And that will come, she said, "when they behave like human beings and stop submitting to everything and everyone."

She is more enthusiastic about the peace movement. "It's growing very powerful." That the war has meanwhile spread, too, does not discourage her. "You can't say a tree is no good because it's grown so many feet high and not higher yet."

Her chief focus now, however, is work for direct, preferential voting, which she believes will lead to the election of candidates who will assist her other causes.

In 1917, in a speech in Carnegie Hall, she advocated direct, popular elections, omitting the preferential aspect in which a voter could list several choices in order because she felt that vote-counting systems then could not handle the more complicated procedure.

But basically, she feels that eliminating the Electoral College wouldn't help the problem of a voter's not being able to select the candidates. "We can get a president out of office, but we can't get one in,'" she said.

Fifty-some years later, people have begun thinking the same thing. "After the 1968 conventions, there was public sentiment for it, and that was the time to start pushing it again," she said.

And so Jeannette Rankin has found herself back with the radicals again.

SALEM, MASS

JEANNETTE RANKIN,
Rayburn House Office Building,
Washington, D.C.:

Sincere regrets that I shall not be with you in person to offer my congratulations for your noble achievements and to wish you many happy returns of the day with greatest admiration.

DOROTHY G. HALL.

HELENA, MONT.

Hon. JEANNETTE RANKIN,
Washington, D.C.:

Let us rejoice that Jeannette Rankin came into the world 90 years ago to say let the women vote, let the door to Congress open to women and let us follow reason and not violence in meeting world troubles. It took energy and it took courage and we are proud to stand with you and celebrate in this great occasion.

BELL NORMAN,
FREDA FELGAMAN.

Mr. CELLER. Mr. Speaker, I salute Jeannette Rankin on her 90th birthday. I salute her also, as the first lady ever to be a Congresswoman. She was first elected a Member of the 65th Congress, 1917–19, and was again a member of the 77th Congress, 1941–43.

This gallant lady was a pioneer for female suffrage and helped to win the vote for women. Today, the issue of social welfare is a national concern; decades ago Jeannette Rankin took her stand for the betterment of her fellowman. As far back as 1915, she visited New Zealand and worked as a seamstress in order to gain personal knowledge of social conditions. We are her beneficiaries.

It was my good fortune to have been her colleague in the 77th Congress. I had then and have ever since a great admiration for her charm of manner, courage, and intellect. More recently, she appeared before the House Judiciary Committee, ably defending her proposal for electoral college reform. When I opened the hearings and stated, as I customarily do, "You may be seated", Miss Rankin replied, "May I stand? I fight better standing." Is this not the summation of her long, active, committed life?

Mr. PEPPER. Mr. Speaker, in 1958 John Kennedy named Miss Jeannette Rankin one of his "Three Women of Courage" in an article he wrote for McCall's. I would like to join my colleagues in congratulating this remarkable lady on her 90th birthday. Her lifetime dedication to humanitarian principle has inspired Americans throughout the most turbulent and difficult years of this century, and has reminded us again and again that idealism and energy in the cause of justice are not the sole property of youth.

Born into the frontier egalitarianism of the West, Miss Rankin was a pioneer in the suffrage movement. Graduating from the University of Montana at the age of 22 in an age when it was still most unusual for women to go to college, she went on to study at the New York School of Philanthropy, and it was there that she first became interested in woman suffrage. As a social worker in Washington and California she combined the struggle to end the exploitation and misery of women workers, and the fight to get them the vote. As president of the Montana branch of the National American Woman Suffrage Association, she led the successful campaign that gave women in her home State the vote.

Jeannette Rankin was never one to sit back while others did the work, and then take credit for the results. She was prompted in 1915 by her desire for firsthand knowledge of the problems of women workers to go to New Zealand and take a job as a seamstress. This experience added to her conviction of the urgent need for improvements in the lot of women.

Back in Montana, the voters, many of whom were women voting for the first time, elected Miss Rankin in 1916 to the House of Representatives on a peace platform. Just 2 days after she took her seat, she joined 40 of her fellow Members of the House to vote against American involvement in World War I. "I want to stand by my country—but I cannot vote for war," she said, and it is on this rock of principle that she has stood throughout the more than half century since.

In a way, it was unfortunate that Jeanette Rankin's service in the House occurred during wartime. The peace issue and later the requirements of running a war, distracted the attention of Congress from the pioneering humanitarian legislation introduced by her during both her terms—in World War I and in World War II. She was the first to propose a bill authorizing free instruction in hygiene for mothers and infants, and she was the first to introduce an "independent citizenship for women" bill.

I remember very well Miss Rankin's second term of office in the 77th Congress, and her historic solitary vote against lend-lease and U.S. involvement in World War II. We served together from 1941–43, and I was one of her many colleagues who respected and admired her for her courage in taking a position on principle and sticking by it. We did not agree with her on that issue, but we could not help being deeply impressed by her idealism and her dedication to the cause of peace.

In addition to working for peace, Miss Rankin was among the first to advocate reforms which have been taken up by others in recent years. As early as 1917 she called for abolition of the electoral college and direct election of the President. Only last year she returned to testify before the House and Senate Judiciary Committees on this crucial issue. As the namesake and honorary chairman of the Jeanette Rankin brigade, she led a march by women to Congress to present a resolution demanding that Congess end the war in Vietnam. And throughout her life she has stood up for civil rights and equality before the law, without regard to sex or race. Finally, she has lived to see many of the urgently needed reforms in working conditions and social welfare for women which she proposed and fought so hard for, become accomplished fact.

I salute Miss Rankin for her long and fruitful career in the cause of peace, justice, and humanity. Her courage has indeed been phenomenal, and her dedication an inspiration to Americans of four generations. I think she will be remembered by history as one of America's greatest women and outstanding moral leader, just as she is loved, admired, and respected by those of us who have had the honor and the pleasure of knowing her and working with her. To her, I extend my warmest congratulations and birthday wishes.

Mrs. MAY. Mr. Speaker, in this year when people are finally becoming aware of the very real need for providing women full equality under the laws of our land, it seems so very fitting that Congress pay special tribute to Jeannette Rankin on this, her 90th birthday.

Congress—especially we women in Congress—is privileged to honor our very own pioneer, even as the national conference on "American Women at the Crossroads: Directions for the Future" gets underway.

Her warmth, her strength of character, her dedication to principle, her courage and integrity, have been and will continue to be the subject of innumerable writings and speeches.

Living up to her commitment to peace and voting against entering both of the World Wars of our century could not have been easy. She has been justifiably called the Nehru of our country—ahead of the times.

She was far in the forefront in calling attention to the needs of our first Americans, the Indians, and to the conditions that existed on the Indian reservations. She was actively and constructively interested in the development of public lands and national parks.

Her lifelong concern about the basic problems of humanity—about the long range health of civilization—can only inspire the deepest admiration and respect.

It is, therefore, a very real honor to join with my colleagues in paying the tribute she so well deserves to the First Lady of this Chamber, the Honorable Jeannette Rankin.

Mr. ALBERT. Mr. Speaker, I am honored to join the gentleman in his tribute to the Honorable Jeannette Rankin on the occasion of her 90th birthday. Miss Rankin, who served from Montana in 1917, was not only the first woman Member of Congress, but also served prior to the establishment of the suffrage amendment in 1920.

Miss Rankin joined the suffrage movement at the beginning of the century. She is entitled to be impatient with those who consider today's women's rights movement radical, since she advocated many of these reforms since before World War I. I can imagine that her position earned her many rebuffs and discouragements and I commend the courage which allowed her to persevere in her efforts over 70 years.

Miss Rankin's entire life has been dedicated to the establishment of women's rights and peace and she pursued her goals alone, if necessary, and in the face of all opposition and adversity. I remember as a boy reading the newsstory of Congresswoman Rankin's vote against American entry into World War I. I recalled those stories again when in World War II she was the lone Member of Congress to oppose the declaration of war against Japan which brought the United States into World War II. Regardless of one's viewpoint, the courage of her stand was apparent to all.

Miss Rankin made it possible for all American women to attain many of their rightful privileges as citizens which once were denied them. Her greatest contribution, in my mind, was to open the door of the Congress to permit the entry of able women. We now have women Members who are among the most distinguished and influential members of either sex ever to serve in Congress. We are proud of them and their contributions, not only to women's causes but to our work over the broad spectrum of legislative responsibility. Many of us here, women and men, have contributed to the cause of women's rights in such important areas as equal pay for women and in the extension of the equal opportunity provisions of the Civil Rights Act of 1964 to prohibit discrimination based on sex.

The necessity to secure full equality for women in all aspects of American life is no longer an arguable point. The breakthrough has been made. Much has been done; much remains to be done. Miss Rankin has passed the torch to many able women. They and we salute her today. We extend her our thanks for the years of work she has dedicated to improving the quality of life for American women. We wish her many happy returns on this, her 90th birthday.

Mrs. REID of Illinois. Mr. Speaker, I am proud to join my colleagues in paying tribute to the first woman to be elected to the U.S. House of Representatives, Jeannette Rankin, who is celebrating her 90th birthday today.

On March 4, 1917, Jeannette Rankin was sworn in as a Representative from Montana. She served one term; then decided she could further her causes better in the Senate. Defeated in her Senate bid, she returned to social work, woman's suffrage, and working for peace. She was out of Congress for many years and then was elected again for another term in 1941—just before the outbreak of World War II.

Miss Rankin is perhaps best known for her votes against the United States entering the two World Wars, but she was a dedicated person in many other areas and is known as one of our most outstanding legislators. She was one of the first persons who cited the need for attention to Indian reservations and Indian citizens. She was a person who was interested in the development of public lands and the conservation of our natural resources. She was concerned about western problems and western civilization and she had a deep interest in finding solutions to the problems of less fortunate and disadvantaged persons.

But, in addition to all of this, Jeannette Rankin was a pioneer in behalf of women's rights and, in my judgment, she paved the way for other women to be elected to public office at the national level.

It is good to have this opportunity to join in the tribute to Jeannette Rankin. I wish her a happy birthday today and hope that she will be fighting for her causes for many more years.

Mrs. HECKLER of Massachusetts. Mr. Speaker, I am reminded of our brave Astronaut Neil Armstrong when I consider Jeannette Rankin. After all, he took that "giant step for mankind" as the first man on the surface of the moon. Miss Rankin took a giant first step for womankind when, on March 4, 1917, as a Representative of the State of Montana, she was sworn in as the first woman Member of Congress.

Both events were great historical milestones. I am delighted to welcome Miss Rankin back to Washington as the Congress marks this unofficial "Jeannette Rankin Day." I wish her a happy 90th birthday.

I am pleased that the first Congresswoman was a Republican. Miss Rankin and I share something else in common. We are both redheads.

Since that memorable day when Jeannette Rankin was elected to Congress, a total of 75 women—32 Republicans and 43 Democrats—have been elected or appointed to Congress. The roll includes 10 women in the Senate and 65 in the House. There is presently one woman in the Senate and there are 10 women in the House. I think that Miss Rankin was courageous in taking that first step. But the way has been shown and, since I believe that the potential of women has been tremendously underutilized in this Nation, I encourage women to become involved in politics and in today's great causes and to run for public office.

Jeannette Rankin fought, in both public and private life, for the causes of her day including social betterment and woman's suffrage. And, like her contemporaries, one of her greatest causes was that of seeking peace.

She was never fazed by any opportunity gap for women. Jeannette Rankin is a remarkable person, as well as a remarkable woman. I believe the Nation should rightfully join in tribute to her achievements.

I join all of my colleagues in welcoming her, and wish her many more happy and fruitful years ahead.

FORWARD TO FREER TRADE, NOT BACKWARD TO PROTECTIONISM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. **FINDLEY**) is recognized for 5 minutes.

Mr. FINDLEY. Mr. Speaker, today, I want to discuss the subject of import quotas and trade expansion. I believe that this may well be the most important subject with which the Congress deals this year. One approach before the Ways and Means Committee would provide for continued trade expansion and the prosperity, both at home and abroad, which such can bring. The other approach of imposing import quotas on certain products, however, would have a direct adverse effect on every single American who wears clothes and shoes—and who does not? Beyond that, it may potentially mark the opening shot in a trade war which could cause stagnation of the world economy as nations vie with each other to erect trade barriers which would divide and fragment the free world.

Before Americans decide they want to take the enormous risks inherent in quotas, or—better said—before we in Congress decide to impose that risk upon them, it is important that we consider carefully what may result. I do not pose as an expert. My political judgment may also be questioned. After all, yesterday I appeared before the Ways and Means Committee to attempt to present a case against restrictive quotas to a committee, 13 of whose members—including the chairman—have sponsored such a bill. A political expert might at least hesitate before taking a lonely position opposed to the 306 Members of this House who have petitioned the President asking him to use his full weight to seek "voluntary" quotas on shoe imports.

Yet, I am here today, because I believe that this issue is so important to the American people, as consumers and as working-class citizens, as well as to long-term standing of our Nation in world affairs that it simply must not be decided upon narrow grounds or for the exclusive benefit of one or two special interest groups.

Should imports of shoes and textiles be restricted, as proposed in H.R. 16920?

The bill would set quotas for 1970 on the average of imports during 1967–68, and beyond this would limit them according to the ups and downs of the U.S. market. For textiles, the overall average would be about 2.9 billion square yards, a rollback from 1969 imports of some 3.6 billion square yards. For shoes, the average would be about 185 million pairs, a reduction from the 1969 volume of 195 million pairs.

Are these quotas in the national interest? Are they in the interests of the American consumer? Or agriculture? Or the working man? Or the businessman?

In each case, the answer must be no.

Our national economic life today is dominated by the problem of inflation. No domestic issue is more important, no issue affects more people adversely, no issue presents a greater challenge to our society. Yet, quotas, and the higher consumer costs they will spawn, will only fuel the fires of inflation and thus harm the national interest. Quotas remove one of the dampening influences upon price increases because foreign competition would no longer tend to hold domestic prices down. For example, it has been estimated by the National Retail Merchants Association that quotas on textiles will cause a 15 to 25 percent rise in some clothing prices. Similar inflationary effects upon prices can be expected in other industries where restrictive trade practices are imposed.

Nor will quotas serve consumer interests. Protectionism taxes consumers to protect producers and thereby destroys the consumer's purchasing power. Nothing could be more self-defeating, and nothing could hurt the consumer more. At the same time that protectionism taxes the consumer-taxpayer and destroys his purchasing power, it also raises the costs of the protected goods he must purchase. The consumer gets hit the hardest, and from three different directions.

In this particular case, this bill proposes to hit hardest those consumers who can least afford it—the poor and those with middle incomes. Of the three basic essentials of life—food, shelter, and clothing—this bill proposes to raise the price of the shirt or blouse on your back and the shoes on your feet. The poor who have difficulty paying for shoes now will be worse off in the future.

The lower a family's income, the greater the proportion of that income must be spent upon shoes and clothing. Quotas make the pinch even tighter and have a sharp regressive character that hurts poor people worst. This bill is certainly not in the interests of the American consumer, rich or poor.

American agriculture, already in deep trouble in foreign markets, would risk a severe blow from this bill. In the past 3 years, after record crops have produced surpluses here at home, U.S. exports of farm products to Europe's Common Market have fallen by $300 million, due in large part to European protectionism and rising agricultural production on the Continent. So far, the United States has been able to stave off proposals which would greatly restrict the importation of American soybeans. However, the moment the United States imposes quotas on shoes and other products, we will have opened the door to a flood of retaliatory protectionist measures worldwide, including the Common Market—measures which will affect all American businessmen, all American workingmen, all American consumers, and certainly the American farmer whose foreign markets will be hurt.

And we risk severe harm by placing quotas on textile imports from Japan, the largest importer of U.S. agricultural products, now totaling almost $1 billion annually. This year Japan has become our first billion-dollar agricultural customer in history.

In fact, one of the great ironies of this quota legislation is that producers of leather and cotton fibers, who are a part of the industries seeking protection, will be directly hurt by the proposed quotas. Last year Japan exported $285 million worth of textiles to the United States, but purchased fully one-fifth of the raw cotton exported by us, valued at $52 million. Of the $84 million worth of shoes Japan sent to us, Japan returned $54 million through the purchase of hides and skins to make such products. It is a cinch that quotas imposed to keep out Japanese shoes and textiles will be met on their part by drastic reductions in the purchase from the United States of the

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raw materials which go into these products. Japan can buy cotton and hides elsewhere.

The workingman is first and foremost a consumer, and therefore he will suffer from protectionist policies resulting in higher prices on the goods he buys and higher taxes. Indeed, the interests of people directly involved in the local industry seeking protection are mixed. Let me illustrate from personal experience. Last year, I received several hundred postcards from employees of Brown Shoe Co. in my hometown calling attention to the problem posed to their factory and their jobs by shoe imports from Italy and Japan. Several weeks later I had a chance to visit personally with one of the people who had written to me. That person, a production line employee, volunteered this comment, "I can see two sides of this problem. We have to buy shoes for our family, and frankly, it would hurt if we could not buy lower-priced imports. We simply could not keep everyone in shoes as well as we do now."

The average businessman will also be badly hurt should a wave of protectionism sweep the country. With everyone else, he would suffer the added dangers from inflation and the higher prices he must pay for his purchases and therefore pass on to his customers. In addition, artificially high prices stimulate the search for substitutes for his product. Finally, since quotas do not remedy the basic structural problems in an industry, but only prolong them, they provide no real lasting relief for the businessman. He must live in constant fear that the quotas will be removed, unable to build a sound economic base for his business.

With all of these apparent liabilities to the American consumer, farmer, workingman, and businessman, why is Congress today considering inflicting quotas on an unaware and unsuspecting public?

The answer is that for the first time, two industries which have assembled over recent years a powerful constituency on Capitol Hill have joined forces.

One is the shoe industry. This is an industry with a relatively high input of labor. Automation of its manufacturing process is severely limited by the lack of uniformity in the principal raw material, leather. Compared with most industries, labor-saving techniques in the shoe industry have been almost nil in recent years. Inevitably, shoes imported from countries with low-cost labor, like Japan, present severe competition.

This competition has not killed U.S. shoe production; indeed, U.S. production has remained fairly steady. However, U.S. shoe consumption has been rising steadily, with the increased business going almost entirely to imports.

I am more keenly aware of this problem than some Congressmen, perhaps, because shoe manufacturing is the principal industry in the small Illinois town, Pittsfield, which is my home. Over the years the challenge of imports has been repeatedly brought to my attention.

The other industry in this package is the textile producers. For my part, I have come to respect the political power of textile interests. They do not represent the broad interests of American agriculture. They do not represent consumers. They certainly do not represent the international best interests of our country.

Our most scandalous agricultural program—the one for cotton—is largely the creature of the same textile interests now clamoring for import quotas. This program costs the taxpayers nearly a billion dollars a year, which, unbelievably, equals the market value of the entire U.S. cotton crop.

Over the years, the price of domestic cotton was kept—by the taxpayer—well above the world price. As a consequence, the demands for imported cotton fabrics increased. Fundamentally, this shortsighted anticotton policy helped underwrite the cost of research and induced the successful development and expanded use of cheaper synthetic fibers. This uneconomic cotton policy hastened the day of reckoning for cotton and textile interests alike.

In 1964, cotton mills had a chance to change the course of events, to make their products more competitive in both domestic and foreign markets. Thanks to new legislation, they received a price reduction of 30 percent in raw material cost. Instead of passing even part of this advantage on to the consumers, the price average of basic cotton constructions continued a steady upward trend. Not even the slightest dip occurred to show when the lower price of raw cotton became effective.

Now this industry wants additional Government subsidy—this time in the form of an absolutely protected market. It seems to me that it is time to call a halt.

It will undoubtedly be argued that a limited class of workingmen and businessmen—that is, those who might actually lose their jobs or be forced to close their doors—will be benefited, at least in the short run, from protectionist policies. However, the interests of local industry, while important, should not be overriding. In order of importance, here are the factors I feel should be considered in judging a policy question on import quotas:

First. Impact on the Nation's economy. Here the potential loss of U.S. jobs and profit earnings has to be balanced off against the fact that quotas by their very nature are inflationary, and the possibility that one quota measure will be followed with others.

What is the profit situation of the textile industry which is clamoring for quotas with the higher prices they will bring? Fortune magazine's listings showed that total sales for textiles increased 11.3 percent in 1968 and 10.2 percent in 1969, while sales of wearing apparel increased 20.5 percent in 1968 and 20.8 percent in 1969. In 1968, the textile industry led all other industries in the Nation in profit increases—up a phenomenal 32.2 percent. Following this tremendous increase in 1968, profits declined 1.9 percent in 1969 with the subsequent downturn in the economy. For the apparel industry, profits increased 27.1 percent in 1968 and, despite the downturn in the economy, were up 12.8 percent in 1969. If individual plants are experiencing difficulties, the industry as a whole is indeed strong and healthy. The Wall Street Journal recently summed it up this way:

> In these inflationary times, import competition is among the few factors working toward holding prices down.

Price disciplines are eased in direct ratio to quota levels. Quotas may postpone the day of reckoning, but they also make it more severe when it finally comes—and it will come.

Second. Impact on average citizen: Here job loss to a few has to be balanced off against the fact that quotas tend to boost the cost of living to all Americans on the item, which next to food is the most essential in the family budget—clothing. Quotas on textiles and shoes definitely would tend to impose important additional budget pressures on a large number of families of medium and low income, and this at a time when inflation has already pressed many families to the wall.

Third. Impact on our international objectives: Through foreign aid, food for peace, Peace Corps and related activities, our country has sought to encourage economic development of other countries and particularly in areas of national advantage. We oppose the tendency of the Common Market to become highly protective. We have sought the expansion of trade relations with most nations.

Trade restrictions, especially on items produced in areas where wage rates are low, work against these objectives.

As the world's leading trading nation, we risk retaliation and the possibility of escalating trade warfare, by meeting a relatively-limited domestic problem with import quotas.

As the President stated in his trade message to Congress in 1969:

> Any reduction in our imports produced by U.S. restrictions not accepted by our trading partners would invite foreign reaction against our own exports—all quite legally. Reduced imports would thus be offset by reduced exports, and both sides would lose. In the longer term, such a policy of trade restriction would add to domestic inflation and jeopardize our competitiveness in world markets at the very time when tougher competition throughout the world requires us to improve our competitive capabilities in every way possible.

It must be remembered that the Smoot-Hawley tariff—a trade protection measure—backfired. Instead of helping to ease U.S. economic depression, it aggravated it. Unable to compete in U.S. markets, other nations raised trade barriers. From 1930 to 1934, the value of U.S. exports dropped 70 percent, and world trade fell by the same.

Not since the Smoot-Hawley days has protectionist fever reached such a peak in the United States as now.

It is my hope that this challenge will be met in an enlightened way by the Congress, first by rejecting the mounting pressures for quotas, and second, by exploring ways to reduce still lower the barriers to international trade.

Certainly, it is true that there are instances where local industries have received substantial damage from import competition. But this does not mean that we should prop them up all the higher, at tremendous cost to the taxpayer, so that when they finally fall it will be even worse. Every time we have tried such a policy, we have paid dearly for it.

Instead of turning to the tried and tired remedies of the past which have reliably brought us only hardship, instead of turning to protectionism and quotas, instead of turning backward to ideas and policies which have never worked, we must formulate new ideas, we must make every possible adjustment to make foreign trade flourish.

If taxpayers' dollars are to be used to aid local producing units in difficulty, let it be in the form of adjustment assistance which recognizes that nations may have different competitive advantages. Instead of taxing to prop up and sustain inefficient industries, let Government help them find new areas of competitive advantage which will allow them once again to compete in the world market. We have never done this with textile interests, and our failure to do so has cost taxpayers precious billions of dollars badly needed for other purposes. It has also bred an industry totally dependent upon government checks, government handouts and political favors.

Beyond whatever assistance Congress may provide to affected industries, we must also continue to look forward, not backward, in our tariff reduction plans for the future.

Tariff reductions and reduction of other trade restrictions by means of general international agreement were considerable under the recently-concluded Kennedy round negotiations.

However, because all parties must agree to whatever is done, reductions of this sort are far less than many of the parties would be willing to accept. Like wartime ocean convoys, the negotiations can move only as fast as the slowest party.

Another round of negotiations, right on the heels of the other, would produce little if anything.

At the same time, a will to make substantial advance may exist among the principal industrialized nations. This possibility should be explored, to see if the nations of OECD and perhaps others will join together in staged reductions of remaining barriers to trade. This of course is authorized under GATT.

The European Economic Community, which has moved decisively to remove almost all barriers to commerce among its six members, is the best known of the major trade associations.

Less well known is the European Free Trade Association, or the outer seven, as it has sometimes been called. With Britain as the principal partner and Iceland as the recently added eighth member, these nations have been doing business with each other—except in the field of agriculture—on a free trade basis for several years. The project has been a success.

Unlike the Common Market, the EFTA association permits each nation to establish whatever individual trade policies it wishes external to the group of seven nations. External policy on tariff, quota, and other measures vary from one nation to another. But in dealing with each other, commerce is almost as unrestricted as between Indiana and Illinois.

I mention this because a number of people prominent in commerce and politics in Britain have been undertaking an intensive study of the possibility of extending the free-trade area concept to include the United States, Canada, Japan, and perhaps other nations.

It is being explored by some as an alternative to British entry into the Common Market. Instead of moving behind the protected barriers of the Common Market, Britain and these other nations would agree, on a staged basis, to join with the United States and others in removing all barriers to commerce from one to another—whether the barriers be in the form of tariffs, quotas, border taxes, internal taxes or other devices.

It is an idea that thoroughly merits exploration, and frankly, I am strongly attracted to the possibility of a great free trade area encompassing most of the major industrialized nations, letting each compete freely for markets throughout the entire area.

In my view, this is the rational direction to take—forward toward freer trade—rather than backward to protectionism.

I mentioned the severe blow to agriculture which might result if retaliatory trade practices were adopted by countries which import our agricultural products. At the same time, I believe that our tremendous agricultural production potential presents us with our strongest argument against additional quotas and in favor of expanded trade. It presents us with an opportunity we should not hesitate to press in trade negotiations with other countries. Let me explain.

One of the most critical questions facing the United States and Japan is the imbalance of trade wherein we are running a deficit with Japan at the rate of a billion and a half dollars per year. Many have observed, and I am inclined to agree that we cannot permit this gap to continue—it must be narrowed in the best interests of both countries.

I submit, however, that limiting Japan's textile shipments to the United States and running the risk of a trade war, is not the way to do it. Rather, I say the course of action for this Nation to take at this crucial time in U.S. relations with the Pacific and all Asia is to sell more to Japan and to concentrate further on reducing the Japanese restraints on U.S. investments in Japan.

Japan's total textile and apparel sales to the United States for the latest 12-month period on record accounted for only about 8.5 percent of U.S. consumption in volume and only 4.2 percent in dollar value. However, as I mentioned before, U.S. exports of agricultural commodities alone to Japan are now likely to exceed a billion dollars for this fiscal year ending June 30, 1970.

Furthermore, Japan's needs for agricultural commodities is increasing at a rapid rate. On December 3, 1969, Bunroku Yoshino, Minister of Japan to the United States spoke to the farm magazine editors in Chicago. He referred to a recent report issued by the Japanese Ministry of Agriculture and Forestry saying:

> Rise in import needs by 1977 will include 86% more soybeans, 22% more wheat and 67% more feed grains, as well as sharp increases in other products.

In fiscal year 1969, Japan bought from the United States over $200 million worth of soybeans, $112.2 million worth of wheat and flour, $218.7 million worth of feed grains, and about $50 million worth of hides and skins, as well as a number of other commodities.

The figures for soybeans and feed grains are of special interest to me because of the vantage point of my constituents and the vast resources of the State of Illinois and the great Midwest. But actually, the figure on soybeans, in particular, should be of great interest to my colleagues in Southern States—the home of cotton and textiles—as well, for soybean production is now firmly established throughout the South and is increasing tremendously.

I have here the statistics for soybean production by States and would like to include them in the RECORD at this point:

U.S. SOYBEAN PRODUCTION BY LEADING STATES

[In millions of bushels]

State	1964	1969
Illinois	143.3	220.9
Iowa	121.2	174.3
Indiana	66.2	104.8
Arkansas	61.1	86.6
Missouri	58.6	81.9
Minnesota	57.0	76.0
Ohio	41.8	67.9
Mississippi	24.5	50.3
Louisiana	8.0	30.5
Tennessee	13.4	28.6
Nebraska	12.0	26.8
North Carolina	16.3	24.2
South Carolina	17.1	21.5
Kansas	12.0	19.5
Alabama	3.7	14.7
Kentucky	5.8	13.5
Michigan	7.5	11.8
Georgia	2.4	11.2
Virginia	7.6	9.0
Texas	1.7	7.5
Maryland	4.1	6.7
South Dakota	4.0	6.3
Delaware	2.4	4.6
Florida	1.6	4.5
Oklahoma	2.0	3.4
Wisconsin	1.9	3.3
North Dakota	2.7	3.0

Source: USDA

And most producers in these States are finding that foreign markets are very important outlets for our soybeans and soybean products. For example, about 40 percent, or about 2 out of every 5 acres of annual soybean production has been exported in recent years. In fiscal year 1969, the total U.S. soybean crop was valued at about $2.5 billion, and we exported over $1.1 billion throughout the world. Already this fiscal year through April, USDA estimates that we have exported about $1.45 billion worth of soybeans, meal, and oil.

The big question which Minister Yoshino did not answer is how much of Japan's future needs will come from the United States. For soybeans, Japan has made a most important move toward liberalization. Japan agreed to advance the effective date for reduction of duty on soybeans by 1¾ years. Thus, the reduction from the present 10-percent rate to the new 6½-percent rate will occur sooner. For soybean meal, Japan is making further liberalization by removing the quotas at the end of 1970.

However, there still is a duty on soybeans and our Government's objective

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should be, and is, to seek its early and complete removal.

As successful as our negotiations on the importation of our agricultural commodities have been, I believe we must be more forceful and make such negotiations a matter of higher priority. That high priority must be established now. The penalty for not making such decisions now is to risk losing these markets in the long term development of Japan's procurement of her food needs.

The most important natural resource of this Nation is our great capacity for dependable agricultural production year after year with efficiency unmatched anywhere in the world and the plentiful supply of the major commodities upon which the world population depends—soybeans, corn, wheat and other feed grains.

Are we to risk losing these markets because we have launched a trade war at the wrong time on the wrong issue? Will we gain new agricultural markets? I do not believe that this Nation can long remain prosperous without the economic muscle of U.S. agriculture. In today's world the potential loss of markets to the United States which may be triggered by textile and footwear quotas could be too large a handicap for even our great country to carry.

And it need not be.

Sometimes agreement can be reached if new elements are injected into the discussion. I submit that we should inject the element of expanding U.S. agricultural trade into our current textile negotiations with Japan. This would give Japan an opportunity to exercise its tremendous buying power and to use one of its great sources of national strength as a means of developing a sounder, more profitable long-range relationship with the United States. Japan can and should buy more of our agricultural products, and the United States should negotiate from that position of strength rather than seeking to impose quotas.

I am confident there are other significant items of trade between the United States and Japan which could become part of discussions which might be much more meaningful than the narrow, self-defeating concentration on textiles.

We are at a critical juncture. We can turn back the clock on trade, or we can move boldly ahead in the best of American tradition by expanding markets, fostering opportunities, and laying the foundation for the growth of American commerce, prosperity, and foreign opportunities. There can be no question that the latter course should be our choice.

CONGRESSIONAL QUARTERLY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WILLIAMS), is recognized for 10 minutes.

Mr. WILLIAMS. Mr. Speaker, Congressional Quarterly's disdainful regard for accuracy with regard to statistical conclusions, which I have previously pointed out in this House, now appears to apply to its editorial extrapolations.

I refer specifically to the sentence in the May 6 Congressional Quarterly release regarding House Member's recent financial disclosures, which states:

> "More than one-third, 160, of the reports were blank, pointing up loopholes in the disclosure requirements."

The clear inference in this statement is that all Members of the House are inherently in potential conflict-of-interest positions and that 160 of them had been able to avoid that revelation by a deviously contrived reporting rule.

The real loophole is Congressional Quarterly's lack of understanding of the rule's purpose, unless Congressional Quarterly intentionally seeks to indict from premises which responsible journalism would at least demand be stated.

Two theories exist on the function of financial disclosure. One holds that every public officeholder is obligated as a condition of service to have every detail of his personal affairs widely publicized.

The other theory is well explained in the recent book Congress and the Public Trust, a report of a study of legislative branch ethics which was financed by the Ford Foundation and conducted by a special Committee of the Bar Association of the City of New York.

The report states on page 73:

> Disclosure must be public, but it need not be "complete" in the usual sense.

The report further comments:

> It is common for journalists and reformers in this area to call simply for "complete" or "full" financial disclosure, but few go on to say exactly what the terms mean. If such disclosure means Members should bare to the public every economic detail about themselves, their families and their associates, then it is unprecedented and unnecessary. Such requirements now exist nowhere in our law and are not essential to conflict-of-interest regulation.

It may be arguable whether a disclosure rule based on one of these premises would be more in the public interest than one based on the other. Both, however, rely on the proposition that the collective common sense of the American voter is capable of assessing their representative positions, without the pious urgings of the profit-oriented publication of Congressional Quarterly to have an institutionalized inner circle do it for them.

I happen to have personal knowledge that some of the 160 Members which Congressional Quarterly inferentially libels, including myself, reported no holdings simply because they have only nominal net worth or have no holdings in any company doing business with, or regulated by, the Federal Government.

Others made negative reports after electing to divest themselves of their holdings in a very depressed market rather than endure continuing unfounded abuse. Still others rearranged their portfolios for the same reasons. Any of these reasons are totally legitimate toward the objective of financial disclosure and therefore do not exist as a result of loopholes.

It is difficult for me to believe that such elementary analysis of either the rationale of disclosure or the reasons for 160 negative reports could have eluded Congressional Quarterly's editorial judgment. If that is reasonable, it is even more difficult to justify Congressional Quarterly's conclusions, with no declaration to Congressional Quarterly's assumptions, as a legitimate exercise of freedom of the press.

REPORT ON ACTIONS OF THE CONGRESS

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York (Mr. ADDABBO), is recognized for 15 minutes.

Mr. ADDABBO. Mr. Speaker, every year at my own cost and expense I have sent out to my district a report of the actions of the Congress. Earlier this year I sent out over 180,000 reports, together with a questionnaire, which is presently being tabulated. As we reach the halfway mark of this second session I believe it would be well to reflect on some of the actions we have taken. Some of the highlights of a national and international nature and the actions I have taken thereto, I believe, can be categorized as follows:

INDOCHINA

I have sponsored several resolutions calling upon the President to accelerate the withdrawal of our troops from Vietnam and expressing my position against the sending of troops to Cambodia, Thailand, Laos or North Vietnam without a declaration of war or a Joint Resolution of Congress. Our Nation has already met its original commitment to South Vietnam and now we must bring our forces home safely and speedily. Only in this way can we concentrate on reuniting a Nation badly divided at home.

MIDDLE EAST

I have made several statements on the crisis in the Middle East in order to urge a clarification of U.S. policy in that troubled area. I have repeatedly called upon the President to act favorably on Israel's request to purchase Phantom and Skyhawk jet aircraft. In addition to my support for military assistance to Israel, I have called for a more forceful U.S. policy within the United Nations against Arab terrorism, against the presence of Soviet personnel in Egypt and in support of the sovereignty of the State of Israel.

ENVIRONMENT

The threatened destruction of Jamaica Bay continued and efforts to extend runways at Kennedy Airport into the bay have increased. For these reasons I have taken a strong stand against any further construction at Kennedy Airport. I recently testified before a special committee of the National Academy of Sciences urging that the bay area and its residents be protected against increased air and water pollution, aircraft noise, and air traffic congestion which threatens to make this area uninhabitable for future generations.

SOCIAL SECURITY

I have sponsored broad legislation to increase benefits and improve health insurance programs under social security. Congress did pass a 15-percent social security increase at the close of last year and the House recently approved another 5-percent increase with an automatic adjustment for future increases in the cost of living. These measures were part of the bill I sponsored and I am hopeful that other improvements in these programs will be made shortly.

THE ECONOMY

Runaway inflation and tight money policies have disrupted the Nation's economy. I am particularly concerned about increasing unemployment statistics and the impact of high interest rates on the housing industry. I have sponsored legislation designed to bring about lower interest rates and provide incentives for the construction of needed middle- and low-income housing units in our city and in the Nation.

CRIME AND NARCOTICS

The entire system of law enforcement, the judiciary and citizen education have gone without our attention for too long. I have supported programs to educate our young people about the dangers of narcotics and drug abuse and to create additional treatment centers and after care programs for addicts. In addition I have voted for or sponsored legislation to appropriate additional funds for local law enforcement agencies and research in crime control.

TRANSPORTATION

I have sponsored bills to provide additional funds for public transportation in order to improve our city's subway and commuter system. I have also been in the forefront of the battle to find a site for a fourth jetport to serve the New York area and relieve Kennedy of the dangerous and disruptive air traffic congestion and related problems.

COMMITTTEES

I continue to serve on the important House Appropriations Committee and Select Committee on Small Business. These assignments afford me a unique opportunity to participate in the major decisions which affect the Nation's priorities at home and abroad and to speak for you in the debate about these priorities.

This is a time of crisis in America—a time when the rule of reason is being tested by dissenters at opposite ends of the political system. It is my hope that our system will rise to the occasion by meeting these challenges with imaginative and just solutions to real problems. I am always available to discuss these issues with you and to hear your views and suggestions.

REPORT OF THE PRESIDENTIAL FACTFINDING COMMITTEE FOR SOUTHEAST ASIA

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, at the request of President Nixon, four Members of the Senate, four Members of the House of Representatives, and the Governors of three States last week completed a factfinding mission to South Vietnam and Cambodia. Upon return the group submitted a report to President Nixon at a meeting in the White House yesterday.

Members of the House delegation on the panel were, besides myself, Mr. Fisher, of Texas, Mr. Bray, of Indiana, and Mr. Whitehurst, of Virginia.

I submit herewith to my colleagues the report which the committee made to the President:

Report of the President's Factfinding Commission on South Vietnam, June 10, 1970

At the request of the President, our group undertook a whirlwind journey to Southeast Asia, leaving Washington, D.C. on June 3, 1970.

From June 5 through June 8, we met in South Vietnam and Cambodia with senior U.S. and South Vietnamese civilian and military leaders and with American and ARVN soldiers in the field. We visited villages and hamlets. We met with enemy defectors. We ranged into active battle areas. We visited with Cambodian soldiers. We were at liberty to see and talk with anyone we wished in regard to any aspect of the war.

Some of the group concentrated on the pacification program while others went into battle areas. Others visited Cambodia's capital. Some consulted veteran reporters in the area. While the visit was much too brief to be conclusive, most of us are agreed on the following broad points.

1. The Cambodian operations are militarily successful, certainly for the short term. Huge quantities of enemy arms, equipment, ammunition and foodstuffs have been captured. More than 10,000 of the enemy forces in Cambodia—an estimated one-fourth of the total—have been destroyed. Enemy command and logistical systems have been disrupted. Especially in the III and IV Corps Tactical Zones, the enemy's capability to conduct large-scale operations within South Vietnam has been substantially reduced for at least six to eight months. The confidence and morale of South Vietnamese forces have been undergirded by their proven mettle in battle and—as one top U.S. leader reported to us—as they have demonstrated a capability for combined force operations not deemed obtainable for at least two more years. The American servicemen we encountered also responded enthusiastically to this combat initiative.

We are agreed that the attack on the sanctuaries has produced important immediate dividends for the U.S. and South Vietnam.

2. We are most favorably impressed with the leadership of our own and ARVN military forces, and with the competence and dedication of State Department personnel in Saigon. Ambassador Bunker and General Abrams are extraordinarily able and effective leaders for our country. Our troops in the field are magnificent.

3. Military planning in Saigon, as in Washington, is firmly set on the removal of American forces from Cambodia by the June 30 deadline set by the President. All leaders we met with agreed that, due at least in some measure to the Cambodian operation, the scheduled U.S. troop withdrawals can safely and surely proceed. We conceive and hope that in coming months an acceleration of withdrawals may even become possible. Some ARVN forces will likely remain in Cambodia for an additional time to complete the very arduous task of locating enemy caches and removing or destroying the captured materiel. South Vietnamese leaders, both military and civilian, disavow any intention to position ARVN troops permanently in Cambodia or to allow any of their Cambodian activities to impair the Vietnamization and pacification programs within South Vietnam. They firmly state, however, that an enemy attempt to reconstitute the sanctuaries will provoke an ARVN re-entry.

4. U.S. embroilment in a wider war in Cambodia is not contemplated or expected by any of the top American or Vietnamese leaders we consulted on this trip. To the contrary, all of these leaders freely acknowledged the fact that June 30 is the deadline for the removal of all U.S. ground forces, including advisers, from Cambodia. ARVN forces will not be employed in Cambodia, according to our authorities, without the consent of the Lon Nol government. We are assured that U.S. support for ARVN forces will not be allowed to underwrite adventurist efforts in Cambodia by the ARVN at the expense of our objectives for South Vietnam.

5. There is noteworthy progress in the military and civilian aspects of Vietnamization, auguring well for U.S. disengagement and the long-term viability of South Vietnam.

On the military side, 115,000 Americans have left, and 150,000 more are to come home by next May. The Vietnamese are pridefully taking their place. We were greatly pleased by the confidence—indeed, eagerness—of Vietnamese military leaders to assume their expanding role, despite the consequent marked reduction in U.S. casualties and the sharp increase in theirs. The Delta area—"the backbone of the nation," as a top American leader described it to us—is now wholly under Vietnamese military direction, our 9th Division having been withdrawn. Other important military areas have been moved under Vietnamese direction, including the defense of the Saigon area. Vietnamese military training has been increased by 30 percent and their military trainees in the U.S. tripled, including especially Air Force pilots—a skill at which the Vietnamese excel, according to reports volunteered by a number of our own military leaders.

On the civilian side of Vietnamization—the pacification program—progress is also encouraging. Our meetings with province and hamlet chiefs and our visits to representative villages were particularly rewarding in revealing the crucial role of local courage and leadership in regaining control in this nation so long undermined by subversion, terrorism, and war. The Vietnamese Popular Force units, roughly comparable to our civilian components, are sharply on the increase. Some 350,000 of the People's Self-Defense Force are now armed, forcing the Viet Cong to wage war on the people as well as on regular military units. Territorial Security Forces, now more than 500,000 men, are attaining a 3–1 weapons capture ratio today as contrasted to a 1–3 ratio only two years ago. The roads, the waterways, the railroads are improved and are increasingly secure in ever wider areas. Enemy recruitment in South Vietnam is sharply down, so that almost three-fourths of enemy combat strength in this region now consists of North Vietnamese—a proportion almost exactly reversed from what it was in earlier phases of the war. Enemy defections were almost 40,000 last year, and our leaders anticipate tens of thousands more this year. Elections have been held in over 90 percent of the villages and hamlets and other important elections are near at hand—a presidential election next year, half of the Senate this fall, and 44 provincial councils this month. President Thieu is pressing for more election improvements, including a run-off requirement for the presidential election in 1971, and is attempting to develop coalition groups to reduce the political party proliferation in South Vietnam.

Noteworthy, indeed, we believe, is the continuing enthusiasm of village and hamlet chiefs to stand for election despite the obvious perils of these leadership positions targeted by the Viet Cong. In IV Corps we learned that despite an assassination rate of 8–12 a month, 82 percent of these 16,000 elective officials chose to run again, and 50 percent of them were reelected. Significant also is the fact that the newer leaders are younger and better trained.

In sum, we have both seen and felt an increasing vitality and confidence in this

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hard-pressed country. We share the conviction of our leaders in Vietnam that the present prospects are more promising than at any previous time during our long involvement in this war.

6. We were pleased especially by reports given us by our own leaders and President Thieu on the "Land to the Tiller" program, which promises to have a revolutionary social and economic impact throughout this country. This program, signed into law by President Thieu on March 26, is devised to end land tenancy and ultimately will distribute 2.5 million acres—60 percent of the cultivated riceland in Vietnam—to more than 800,000 rural families. Next month a series of two-week training programs will begin for 4,000 village officials who must administer this program. President Thieu expressed great enthusiasm for this far-reaching effort both for its intrinsic merit and for its countervailing influence against Communist land-redistribution propaganda. Our group commends his initiative and shares his enthusiasm.

7. Despite the heartening advance of Vietnamization, the improved operational capabilities of the RVNAF, the potential of land reform, the severe logistical embarrassments of enemy forces, the immediate tactical success of the Cambodian operations and the gathering strength of the Vietnamese political structure, we must not exclude the possibility of significant setbacks in the progress we have noted in Vietnam. Historically, there have been heartbreaks there, and this young republic will doubtless suffer more of them as an implacable enemy persists for an indeterminate time. An important indicator in coming months will be the manner in which the Republic of Vietnam measures up to these adversities. From the indications available to us, we deduce that the South Vietnamese have the tenacity and courage, and now hopefully have the time, to win their long struggle for survival.

8. Particularly for those among us who have been previously in Vietnam, the evidence of progress, military, economic, and political, is plainly evident. The clear impression we carry away with us from this brief but intensive survey is that at last in South Vietnam one can discern a genuine prospect for self-defense, a strengthening promise of political viability, and a growing spirit of confident nationhood. We prayerfully hope, and most of us believe, that all of this will be enhanced by the bold move into enemy havens in Cambodia.

9. On leaving this tormented region, we conclude that the objective of our country must continue to be neither military victory nor an indefinite continuance of our participation, and assuredly not an enlargement or broadening of our military role in Southeast Asia, but rather an orderly withdrawal of American personnel in phase with the mounting capability of the South Vietnamese to assure their own security and lead their own lives in their own way.

Approved by: Governor John Love, Governor Raymond Shafer, Senator Howard Cannon, Senator George Murphy, Representative William Bray, Representative O. C. Fisher, Representative Melvin Price, Representative William Whitehurst.

NATIONAL SOJOURNERS GOLDEN ANNIVERSARY CONVENTION

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. SIKES. Mr. Speaker, I take pleasure in calling to the attention of the House the fact that the National Sojourners will, during this month, celebrate that organization's golden anniversary convention. The occasion will be observed on June 24–27 at Columbus, Ohio.

The National Sojourners, Inc., is an outstanding organization whose membership is made up of commissioned officers and warrant officers, both active and retired, of the Armed Forces who are Master Masons. As would be anticipated, their principal purposes are to cultivate Masonic ideals, to support patriotic aims and activities, to develop true patriotism and Americanism, to bring together members and former members of the Armed Forces of the United States in efforts to further national defense, and to oppose influences calculated to weaken the national security.

National Sojourners believe in God as the Supreme Architect of the Universe. They hold that political, economic, and social problems are subsidiary to and ever separate from that steadfast belief in God.

They maintain that God must motivate man if present-day problems are to be solved, and urge active participation in maintaining that Government for which our forefathers fought.

National Sojourners remember that George Washington once said:

> When we assumed the soldier we did not lay aside the citizen.

Gov. James A. Rhodes of the State of Ohio has proclaimed June 24–27, 1970 as National Sojourners Week in Ohio. He has urged the people of the State of Ohio to honor the National Sojourners, welcome the delegates in the true Ohio spirit, and requested the flags of the Nation and Ohio be flown those days as a special tribute to the patriotism and fidelity of National Sojourners.

National Sojourners have met and worked on land, on sea, in the air, under the sea, and in outer space. A number of Presidents have been members, including Warren G. Harding, Franklin D. Roosevelt, and Harry S. Truman. Also included in its membership are such outstanding military leaders as Douglas MacArthur, Lyman Lemnitzer, and Arleigh Burke, to mention only a few, and Astronauts Aldrin, Eisele, and Schirra.

The majority of the Grand Masters of the Masons in the United States are either active or honorary members of the organization.

They have active chapters in Vietnam, other overseas areas, and throughout the United States.

I urge a salute to National Sojourners on their Golden Convention.

THE HONORABLE JOHN J. WILLIAMS OF DELAWARE

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, there is no other Member in either House of Congress of the United States to which the term "honorable" more aptly fits than the extra-distinguished gentleman who represents the State of Delaware in the U.S. Senate, JOHN J. WILLIAMS.

In January 1971, irrespective of the outcome of elections throughout the country, and irrespective of which party will organize the other body, the Halls of Congress will no longer be able to boast that Senator JOHN J. WILLIAMS is on the job. Senator WILLIAMS is retiring.

The message of the man as compared to his colleagues is immeasurable. This typical WILLIAMS quote, from an article in this morning's Wall Street Journal, is symbolic of what the Senate and the Nation is losing with the Senator's retirement:

> If the Republicans won control of the Senate, I would be Chairman of the Finance Committee, and I would have liked that very much . . . But above all, I would have liked to be Chairman at an age when I could handle the job without question. It was tempting, but you just can't make exceptions to your principles.

The Senator feels, as I do, that public officials should retire gracefully from the scene when age begins to inhibit one's capacities to give the full measure of devotion to his constituents and the Nation. The Senator does not need a Federal law passed to require this sensible policy. No, the "conscience of the Senate" simply retires.

For others, a Federal law might be necessary and knowing this, I introduced H.R. 2121 which would require that "each officer and employee in or under the Government of the United States shall be separated from the service of the United States at the age of 70 years."

So far, my bill has gotten exactly nowhere in the Congress; perhaps the example of the Honorable JOHN J. WILLIAMS of Delaware will assist my efforts. But irrespective of the fate of this one piece of legislation, the important, the magnificent, and the historic point that we should remember today is that because of principle a man is leaving his past with the Government. And, gentlemen, the most incredible thing about this retirement is this—JOHN J. WILLIAMS retires in order to better serve his constituency.

An article by Alan L. Otten in the Wall Street Journal tells something of the unique impact of Senator WILLIAMS on the institutions of the Congress of the United States and I highly recommend it to all Members. The article follows:

DEPARTING CONSCIENCE

(By Alan L. Otten)

WASHINGTON.—When a new Senate meets in January, several present members will be missing—a few having quit, a few retired by the voters. None will leave a hole more uniquely difficult to fill than Republican John Williams of Delaware, who for almost 24 years has battled, often alone, for honesty and high ethical standards in Congress and the rest of Government.

Mr. Williams is leaving voluntarily—and in a way that demonstrates anew his claim to the title of "the conscience of the Senate." He is retiring at the end of this session not because of ill health or imminent defeat but as a matter of principle. Just turned 66, he would be 72 by the end of another term, and simply does not believe that he—or any Senator, judge, or other public official—should hold public office at that age.

"After 70, you just don't carry your share of the load," he argues earnestly. "You have to rely more and more on staff aides, and they become the ones who make the decisions, and there's a situation where the person making the decisions is not accountable to the people."

Retirement wasn't an easy choice. Though Mr. Williams avoids cocktail parties and other social functions, he loves the Senate, where he is now the third-ranking Republican behind George Aiken of Vermont and Milton Young of North Dakota. "If the Republicans won control of the Senate, I would be chairman of the Finance Committee, and I would have liked that very much," he concedes. "But above all, I would have liked to be chairman at an age when I could handle the job without question. It was tempting, but you just can't make exceptions to your principles."

Mr. Williams has always been a Senate anomaly. In a body of lettered men, he's a mere high-school graduate. Other Senators are handsome, articulate, extroverted; he is shy and gangling, the perfect country rube, a dreadful speaker whose almost-inaudible nasal sing-song has earned him another nickname, "Whispering Willie."

Most Senators held a series of lower offices; Mr. Williams, a small-town (but very successful, self-made) feed merchant and chicken farmer, was only briefly a member of the Millsboro town council before running for the Senate in 1946. (No other Republican wanted to take on the top popular Democratic incumbent; then, to everyone's surprise, the national tide against post-war controls carried Mr. Williams to victory.)

And where most Senators pursue from the start some favorite field such as foreign affairs or urban problems, the Senator from Delaware slipped by accident into his career as the nemesis of evil-doers. Constituents began complaining about undeserved delinquency notices from the Federal tax office in Wilmington; following up, he found his own name on the delinquent lists, and had canceled checks to prove that was an error. Closer investigation revealed the cashier had been systematically embezzling for almost seven years—and what really violated the Senator's strict Methodist morality was the way top officials seemed unconcerned and reluctant to act. "It planted in my mind the idea that things could be wrong, with little being done to correct them," he says, his thin lips drawing even tighter in disapproval.

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This success started other leads coming his way, and he gradually built voluminous files and a network of tipsters. He exposed a mammoth tax-fixing ring in the Internal Revenue Service, excessive grain storage payments by the Commodity Credit Corp., shoddy practices in defense contracting. It was his disclosures that helped indict Billie Sol Estes and Bobby Baker. He battled—sometimes successfully, sometimes not—to reduce tax depletion allowances on oil, cut merchant marine subsides, limit soil bank and other farm payments.

He managed it all, too, without the large staff, wide-open subpoenas and dramatic TV hearings that characterize most Congressional investigations. A confirmed loner, he checked out his leads himself or with the aid of his long-time secretary, and then, when he was sure he had the facts, he laid it all out in a thoroughly documented speech on the Senate floor.

Practicing what he preached, he refused all Government subsidies on his Delaware farms, and once embarrassed Senate colleagues by turning back unspent stationery funds. Repeatedly he has blocked proposals for Congressional pensions he considered extravagant.

A loyal Republican and consistent conservative on most domestic matters, he hasn't hesitated to hit GOP wrong-doing as hard as Democratic. He early called for Sherman Adams to quit as assistant to President Eisenhower, and last year opposed Clement Haynsworth for the Supreme Court as a man "insensitive to the expected requirements of judicial ethics." (He did, however, support the Carswell nomination.) When the Nixon Administration budget followed the previous practice of including trust fund income with other Government tax receipts, he blasted "sleight-of-hand bookkeeping."

This fall he will take his files back home to Millsboro, and spend a good amount of time weeding out references that might compromise any of his sources—men and women he has always scrupulously shielded. Then he hopes to make the files available for public inspection.

Beyond that, he won't discuss his post-Senate plans except to promise he will not take any other public post, elective or appointive. "If I were going to be in public service at that age, I'd rather stay here." He sold out his feed business some years back, but another business venture is certainly possible; "I come from a family," the Senator notes, "that believes there are a lot of ways to live without being on the public payroll." He will not, however, write a book; "I can't sit still that long."

He thinks well of his Senate colleagues—"human beings with the same frustrations and frailties as men in private life," but also "dedicated men, trying to do the best possible job." Perhaps most surprisingly, after 24 years of exposing misdeeds, "I am leaving with greater confidence in the overall integrity of mankind, and particularly the integrity of Government workers, than when I came in. I have seen so many men willing to gamble their own security, their family's security, with no possible gain, no possible recognition, just to correct a situation they considered wrong. It's been a tremendously reassuring experience."

DON'T DICKER WITH DICKEY-LINCOLN

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, is there no way Members of the House of Representatives can say "No" to a proposal to destroy vast portions of our natural beauty by the unnecessary construction of a hydroelectric project and make it stick? This body has forcefully rejected the Dickey-Lincoln project by five record votes in the past 5 years, but still funds are requested for the project by the Corps of Engineers this fiscal year. It is my understanding that the Appropriations Committee may consider the public works appropriations bill next week. I sincerely urge the members of that committee, "Don't Dicker with Dickey-Lincoln."

Mr. Speaker, to repeat, Dickey-Lincoln has been rejected by this body by five record votes in the past 5 years. Its authorization was rejected by a recorded vote in 1965. We have cast four record votes against any appropriation for its construction planning. Our last record vote against it was 265 to 132. How many more times must the conservationist across America fight this project?

This administration has announced some giant and long overdue steps designed to follow through in preserving our environment and just last week I placed in the CONGRESSIONAL RECORD the commitment as expressed by President Nixon to improving this land of ours. I also stated at that time that the public did not question the President's commitment to improving the environment but the unfortunate part is that translating the President's desires into action throughout the Federal bureaucracy is a problem of herculean proportions. The continued activities of the Corps of Engineers to construct Dickey-Lincoln is the prime example of this problem.

It is obvious that the President's message and the will of the American public—as done in the past—will continue to be ignored by the Corps of Engineers.

Dickey-Lincoln is perhaps one of the most destructive projects ever proposed by the Army Engineers. It is vigorously opposed by numerous outstanding national and regional conservation organizations, including: Appalachian Mountain Club, Maine Audubon Society, Maine Fish and Game Clubs, Massachusetts Audubon Society, National Wildlife Federation, Natural Resources Council of Maine, New England Advisory Board on Fish and Game Problems, Sierra Club, State Biologists Association of Maine, and the Wilderness Society.

Dickey-Lincoln would consist of an elevated artificial reservoir of dead-surface water spread over 140 square miles of the upper St. John Basin, plus six dams around its perimeter to keep it from spilling over, plus various power plants, switchyards, transmission lines, project buildings, and spoil areas. It would have a reservoir fluctuation of 40 vertical feet, and a shoreline exposure at low pool exceeding 42 square miles. It would take the despoilers only 7 years to destroy what has taken nature an eternity to create for the benefit of mankind.

A Federal Inter-Agency Committee report on New England water resources a few years ago called the upper St. John Basin where Dickey-Lincoln would be built "the largest remaining wilderness in Eastern United States" and said it should be preserved in its unique wilderness condition—resources of the New England-New York Region, Part II, Volume III, page 6, 1955. For generations, the Great Maine Woods have provided a caliber of outdoor adventure and inspiration that cannot be experienced elsewhere in the northeast. Dickey-Lincoln would destroy much of this area.

In addition to the upper Basin's pervasive forest primeval character, the Inter-Agency Committee found that its famed scenic qualities include the entire portion of the river and valley above the mouth of the Allagash, which enters the St. John between the proposed Dickey and Lincoln damsites—the most vibrant two-thirds of the upper St. John above the mouth of the Allagash would disappear beneath Dickey Reservoir—the "Fish River Chain of Lakes"—which would be traversed by extra high voltage transmission lines—and strikingly beautiful mountain setting. Deboullie Mountain, about 4 air-miles from Dickey damsite, would be excavated to obtain gravel and stone for Dickey dam.

The Inter-Agency Committee recommended that—because of its "unique upland wilderness character, its outstanding scenic and geological features, mountain peaks, lakes, forest and marshlands"—the reach of the Upper St. John River Basin beginning near Deboullie Mountain should be set aside or "reserved" to preserve the unspoiled wilderness character of these Great Maine Woods.

Mr. Speaker, there has been a substantial revision in our thinking on priorities as they relate to our environment. We, the people of the United States, have come a long way toward recognizing that there is more to life than merely living. We are now concerned with those things which may contribute to the betterment of life. Leisure time has been increasing which we can use to renew the needs of what some have called the inner-man. It was Henry David Thoreau who said, "In wilderness is the preservation of the world." In his book, Walden, he also said:

> We need the tonic of wildness, to wade sometimes in the marshes where the bittern and the meadow-hen lurk, and hear the booming of the snipe . . .
>
> We must be refreshed by the sight of inexhaustible vigor, vast and titanic features, the sea-coast with its wrecks, and the wilderness with its living and its decaying trees.

From men such as Thoreau and John Muir, in the middle of the past century, to the leaders of today, there has been a continuing tradition of love for the great outdoors and unending efforts to conserve its limitless values. John Muir spoke for the mountains and the wilderness with such a missionary zeal that he moved many people to constructive action. Theodore Roosevelt may have been an advocate of the soft voice in international relations, but he spoke in thunderous terms about the disappearance and abuse of natural resources. Carl Schurz, the German-American Civil War general and Interior Secretary, began efforts to halt the uncontrolled exploitation of federally owned forests and paved a way for Gifford Pinchot to carve out the national forest system.

Throughout the years there has been a long list of other outstanding conservation leaders who have kept alive the warning that the American people cannot wander too far from nature and the great outdoors, without loosing character, strength, roots, and orientation. Some of these areas of the great outdoors must be preserved.

Mr. Speaker, I am not unaware that there are also some other priorities on use of our natural resources which must be met. But, I assure my friends here today Dickey-Lincoln is not a case requiring further sacrifice of the Nation's diminishing areas of unique natural beauty for a vitally needed water resource project. Dickey-Lincoln's only water resource purpose other than power is not significant according to the testimony of a former Assistant Secretary of the Interior. It would be built solely for power purposes and equivalent power can be produced more cheaply by less destructive means elsewhere in New England. Interior officials have admitted that Government power can be generated by alternate methods cheaper than the Dickey-Lincoln project, but they contend the Dickey-Lincoln project is essential for the comprehensive—power—development of the St. John River. In my opinion, the unique values of the Upper St. John and its Great Maine Woods are far too precious to be sacrificed for power development.

Construction of Dickey-Lincoln in the middle of these Great Maine Woods would result in a level of intrusion and ecological disturbance throughout the entire region that would forever destroy its unspoiled, cathedral-like wilderness quality. The Inter-Agency Committee reported that the benefits of these Great Maine Woods can be enhanced by improved access roads to their perimeter; they will be destroyed by penetration.

Mr. Speaker, the Great Maine Woods and Upper St. John River are an American heritage to be preserved—not to be destroyed. I most earnestly urge that if this matter again comes before the House we reject any appropriation for construction planning of the Dickey-Lincoln power project. Don't Dicker with Dickey-Lincoln. Let us say "No" this time with such overwhelming emphasis that it can be put to rest for all time.

FLAG DAY

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, this Sunday, June 14, is Flag Day. It will mark the 193d anniversary of the approval of the resolution by Congress establishing the stars and stripes. Since that summer day "old glory" has flown proudly over the Capitol of this Nation in times of crisis and tranquillity. It has weathered the storm of challenges both internal and foreign. Today it is a symbol of our great heritage and an inspiration to all freedom loving people.

In observing Flag Day, I would call our attention to the famous flag tribute written by Marine M. Sgt. Percy Webb—the text of which follows:

> I am Old Glory: For more than nine score years I have been the banner of hope and freedom for generation after generation of Americans. Born amid the first flames of America's fight for freedom, I am the symbol of a country that has grown from a little group of thirteen colonies to a united nation of fifty sovereign states. Planted firmly on the high pinnacle of American Faith my gently fluttering folds have proved an inspiration to untold millions. Men have followed me into battle with unwavering courage. They have looked upon me as a symbol of national unity. They have prayed that they and their fellow citizens might continue to enjoy the life, liberty and pursuit of happiness, which have been granted to every American as the heritage of free men. So long as men love liberty more than life itself; so long as they treasure the priceless privileges bought with blood of our forefathers; so long as the principles of truth, justice and charity for all remain deeply rooted in human hearts, I shall continue to be the enduring banner of the United States of America.

Today when America is under verbal attack from various quarters and patriotism is sometimes ridiculed and scorned, I believe we, as Representatives of this Nation, should encourage the observance of Flag Day. Although we have differences of opinion and have experienced awesome problems, we are assured in the knowledge that the United States of America still remains the world's best hope for freedom and justice.

We here in the House can do our part in helping to promote the observance of Flag Week by displaying our Nation's flag throughout the Halls of Congress. Toward this end I urge my colleagues to join with me in displaying their office flag in the hallway outside their office.

THE NEED FOR FLEXIBILITY IN THE NATION'S TRANSPORTATION PROGRAM

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, yesterday the distinguished Secretary of Transportation, John A. Volpe, testified before the House Public Works Committee on the subject of Federal highway legislation.

The Secretary's testimony was a great disappointment to me because its orientation was so narrowly directed to highways. It failed to give any quarter to the country's other transportation needs. Furthermore, he ridiculed the concern expressed by many over the want of a balanced transportation system by pointing to the use that has been made of the highways and by saying that the cause of the imbalance is due, not to how much has been spent on highways in the past, but to how little has been spent on mass transportation. This may be one answer, but I would suggest that if less had been spent on highways in the past, the alternative modes of transportation would have had a larger market and consequently more financial support. As it is, over the years we have spent more than $50 billion in Federal funds on highways and barely a billion on mass transit. This great disparity in funding has caused a highway reflex in the communities because of the abundance of free highway money and the alternative lack of mass transportation money. And since the mid-fifties, with the establishment of the multibillion-dollar Highway Trust Fund, we have seen a dramatic drop in the use of trains and buses. With this decline in use by the public, a vicious circle has evolved with equipment and service deteriorating, in turn causing an even further fall-off in riders and losses of revenue.

We must redress the imbalance of past expenditures. Despite the claims by the administration, there is not much improvement in this year's budget. The President has recommended that in fiscal year 1971 we spend approximately $4.5 billion, but just 6 percent of this, $285 million on mass transit. Furthermore while Secretary Volpe, in his testimony yesterday, projected an expenditure of slightly over $9 billion on highways in the next 6 years, the administration has submitted a mass transportation bill in which only $3.1 billion would be available for commitment over the next 5 years with actual appropriations amounting to only $1.86 billion.

In his statement, Secretary Volpe said, "For the future there should be a better balance of effort." How is this a better balance of our effort, particularly when there is such a backlog of mass transit needs and growing urban concentrations demanding more public transportation at a rate greater than highways?

The Department of Transportation has submitted to Congress a highway needs study for the next 15 years totaling $320 billion. This is a gargantuan figure which will far exceed whatever is left for other modes of transportation. But, perhaps more important than the simple economics of this estimate, is the mistaken premise on which it is based and on which the Department of Transportation seems to be relying. The estimate appears to be calculated on the expectation of a continued rise in highway use equal to the growth in population. But, the fact is that highway use may not—and indeed should not—grow in the same proportion as the population. Indeed, as our population concentrations go up, the use of highways should proportionately go down.

Very simply, when we come to the point that our superhighways are bogged down in commuter traffic each morning and night, or that projected traffic patterns demand six to 10 lanes of highway to handle the traffic, then it is time to move on to some form of public transportation. Financially it is cheaper to build one pair of tracks than the 12 lanes of highway needed to carry the same passenger load, to say nothing of the land and housing that is saved, the real estate taxes preserved, and the pollution avoided. Just because people use highways to the point that they are overloaded, is not a justification to go on building highways. In most instances people have had no choice and simply have had to resort to car travel.

On a number of occasions the Secretary has talked about the desirability of a single Transportation Trust Fund, and I am in accord with him on this. But, yesterday, the Secretary forgot about this idea and spoke only of the extension of the Highway Trust Fund until 1977. While recommending that there be some diversification of this trust fund to finance a number of highway related programs, such as beautification and safety, he failed to recommend that any allowance be made for any form of mass transportation.

I would suggest, Mr. Speaker, that with the Highway Trust Fund scheduled to expire in 1974, we have a golden opportunity to make the change needed to update our total transportation program and indeed to give "balance" to our transportation system. Instead of extending the Highway Trust Fund, we should replace it with the establishment of a single Transportation Trust Fund in 1972, the year that the Highway Trust Fund's revenue authority expires. In this way there would not be a break in the continuity of the highway program. The Highway Administration could continue to expend funds collected prior to October 1972 from the trust fund through 1974. This would give the Department of Transportation time to set up the administration of its new funding program so as to continue the funding of the Interstate System after 1974, as well as other modes of transportation. Some highway advocates have expressed the concern that a change to a single Transportation Fund would slow down the interstate program. In terms of the operation of the program, there is no reason why it should. What the opponents of the Transportation Trust Fund are really worried about is the competition highways would get from other modes of transportation. But why should highways be given special protection or special preference over other modes of transportation? If mass transit is established to be a better means of transportation in some areas to serve the public, why should Federal funds not go to that mode that can most efficiently and economically serve the public.

There are a number of Governors and mayors who have requested greater flexibility in the expenditure of Federal transportation funds. Some have not been able to use their share of highway funds, while desperately needing mass transit money. Legislation has already been introduced in several States to allow diversion of State Highway Trust Fund dollars to public transportation programs. Among these is Virginia. And in Maryland a transportation trust fund has already been established. Is it right that this Congress rigidly continue to embrace the Highway Trust Fund, while other forms of transportation get so little support and while the States are moving ahead in the development of overall transportation programs and funding mechanisms? Are we here in Congress to stand in the way of progress and change desired by the localities we serve? With the widening of the Highway Trust Fund to a single Transportation Trust Fund, the Congress would give the Department of Transportation and the States maximum flexibility for determining how expenditures should be made and also secure a long-term funding mechanism for all modes of transportation. Certainly such flexibility would be in accord with Secretary Volpe's interest in making President Nixon's purported "New Federalism" work.

Mr. Speaker, we need to move forward to meet the changing transportation needs of our times. Let us not be so captured by the past success of the highway program that we cannot respond to the demands of a new era requiring that attention be paid to, and funds provided for, the mass transit needs of our urban and great metropolitan centers.

THE TEACHER CORPS

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, today I rise to speak of one of the most innovative and successful education programs which Congress has initiated, the Teacher Corps.

Congress created the Teacher Corps in 1965 under title V of the Higher Education Act. It was a time of increasing awareness that the educational needs of our Nation's poor children were not being met.

Many of us in Congress and in the education professions knew that too often our schools were not reaching many students, and particularly the children of poverty. Many of our schools were not able to prepare the disadvantaged so that they would have real choices about the course of their lives.

As some educational reformers have put it, students were being "turned off and turned out" to lives which were limited both personally and professionally—a waste in human resources that the Nation could ill afford.

Like other sponsors of the Teacher Corps legislation, I believed the Teacher Corps program could be a means of helping schools and universities to find new ways of reaching these children such as through teachers acquiring new attitudes and skills, the introduction of new curriculums in schools and universities, and through more effective use of school personnel.

All of these educational reforms could require changes in the ways that schools and universities had traditionally operated, and as we all know, to change our habits is sometimes very difficult. However, many schools and universities had indicated that they wanted to attempt change but lacked the necessary money and personnel.

In preparing the Teacher Corps legislation, we attempted to devise a program that would not only attract and prepare large numbers of committed young people for careers in poverty-area schools but would also facilitate the adoption of reforms in teacher preparation and classroom teaching.

PURPOSES OF THE TEACHER CORPS

Mr. Speaker, the Higher Education Act of 1965 set forth these purposes for the Teacher Corps:

> (1) To strengthen the educational opportunities available to children in areas having concentrations of low-income families and
>
> (2) To encourage colleges and universities to broaden their programs of teacher preparation.

The law provides that these purposes are to be accomplished "by attracting and training qualified teachers who will be made available to local educational agencies for teaching in such areas," and by "attracting and training inexperienced teacher interns who will be made available for teaching and inservice training to local educational agencies in such areas in teams led by an experienced teacher."

Mr. Speaker, as one of the original sponsors of the Teacher Corps program, I am pleased to report today that the Teacher Corps has been remarkably successful in meeting the purposes that Congress has assigned it. Moreover, the Teacher Corps has appealed to many thousands of young people who want to work constructively to bring about improvements in our society.

ACCELERATING EDUCATIONAL REFORM

I believe it is important that we understand the scope of the Teacher Corps accomplishments. I would mention four

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major areas in which I believe the Teacher Corps has demonstrated its effectiveness.

First. It has accelerated the adoption of educational reforms both in universities and in schools.

The Teacher Corps has helped universities, schools, their communities and State departments of education to work together in pursuing such reforms.

The Teacher Corps has, for example, enabled school districts to participate in the design of teacher education; has given universities the opportunity to become familiar with the actual conditions in the schools for which they are preparing teachers; has involved parents in planning the education of their children; and has insured that a Teacher Corps program supports the State's own plans for educational reform.

NEW APPROACH TO FEDERAL ASSISTANCE

Second. The Teacher Corps has demonstrated a sound new approach to Federal assistance.

It has required that participating institutions determine what they want to accomplish and spell out their objectives for institutional change, and then has used its resources to sustain a program until it can be supported with local resources.

For example, the Louisville schools' Project Focus is the school system's long-term plan to introduce differentiated staffing—which involves the use of teams of master teachers, regular teachers, teaching interns and aides—to meet more effectively the needs of individual children. The first steps of Project Focus have used a Teacher Corps program to reorganize the staffs and instructional programs in five Louisville elementary schools.

DISSEMINATING NEW IDEAS

Third. Too often, what we have learned from expensive educational research is not put to use in schools. But the Teacher Corps has taken the initiative in disseminating the educational materials and techniques which have been developed by the Office of Education and its regional laboratories and by others.

For instance, the Teacher Corps has generated an awareness and understanding of the so-called 10 models of competency-based teacher education which were developed under grants from the Office of Education.

This fundamentally new approach to teacher preparation demands that prospective teachers learn techniques that have already been proved effective in teaching children. And it further requires that would-be teachers actually demonstrate these skills before being awarded either a degree or certification.

As of now, seven universities are attempting the difficult transition to this new approach through their Teacher Corps programs. Moreover, all colleges and universities which apply for Teacher Corps programs in fiscal 1971 will be asked to use some degree of competency-based teacher training in their programs.

THE APPEAL TO COMMITMENT

Fourth. Mr. Speaker, the Teacher Corps has attracted thousands of young Americans who want to volunteer their energies and talents to serve in educating disadvantaged children. In fact, for every Teacher Corps applicant who can be accepted, 10 must be turned away each year because the program does not have enough money to utilize them.

Teacher Corps interns volunteer for 2 tough years of service and average about 60 hours of work each week. Approximately 80 percent of their time is spent in school classrooms and in neighborhood education projects, and the remainder is devoted to study leading to a bachelor's or master's degree in education from a nearby participating university and to teaching certification.

For these activities, interns now receive a stipend of $75 a week, and because this stipend is taxable, an intern's take-home pay is sometimes as low as $54 a week.

At present, about 2,600 corpsmen—interns and their team leaders—are serving in 135 school districts and three prisons while studying in 77 universities. Teacher Corps programs are located in 40 States, Puerto Rico, and the District of Columbia, and the school districts involved are about equally divided between major cities and small towns or rural areas.

In addition, I would point out that all members of Teacher Corps teams are employees of the local school district, fully subject to that district's customs and regulations.

Mr. Speaker, let me stress that a volunteer's service to deprived communities does not terminate when he completes his training program. As of October 1969, 72 percent of the Teacher Corps volunteers who completed the program in 1968 were still teaching in poverty-area schools. Of the 1,300 former interns, an impressive 86 percent have remained in education or a related social service.

As the Federal Times noted in its recent appraisal of the Teacher Corps:

> In comparison, a sample of 1967 college teacher graduates by Grade Teachers magazine found that only 19 percent would accept teaching positions in disadvantaged areas.

QUESTION OF TEACHER CORPS APPROPRIATION PROMPTS SURVEY

Mr. Speaker, because the Office of Education appropriation bill for fiscal year 1971, which contains funds for the Teacher Corps, is presently under consideration in Congress, it is important that we be aware of the effectiveness of the development.

As a sponsor in the House of the original Teacher Corps legislation, I have followed with keen interest the progress of the program. For this reason, I felt that an examination of its effectiveness from the vantage point of those involved at the grassroots level was appropriate.

In an effort to make a thorough survey, I wrote in April 1970, to 92 university deans and presidents; State, county, and local superintendents, school board officials and local school principals. I asked these university and school administrators to address themselves to the following questions about the Teacher Corps, which I feel are of major concern—and to make any additional comments they wished:

First. Is there effective local control?

Second. Have the university and the school systems been enabled to bring about desired changes?

Third. Has the Teacher Corps provided needed services to the schools?

GENERAL CONCLUSIONS OF THE SURVEY

From the 65 responses I received, several general conclusions about the Teacher Corps program can be drawn.

First. Administrators feel that there is a serious need for improving the quality of elementary and secondary education, particularly in poverty-area schools, and they view the Teacher Corps as an important means of achieving this goal. In this regard, new teaching methods, more materials, and curricula have been introduced by Teacher Corps programs in local schools.

Second. Regular school teachers have been stimulated to carry on these innovations on their own.

Third. Improved teacher education has been brought about through Teacher Corps programs.

Fourth. The inadequate funding has limited the impact of the Teacher Corps.

Fifth. Local control is adequate and is maintained by the Teacher Corps guidelines, which insist on cooperation among universities, State departments, schools and school communities.

Sixth. The Teacher Corps has prompted States to reexamine and modify their teacher certification policies and standards.

Seventh. The Teacher Corps has made possible additional services to poor children in their schools, and communities have been provided, such as in-school and after-school tutoring programs, classes in cultural enrichment, and store-front schools.

Mr. Speaker, with these general conclusions in mind, I would like to discuss in greater detail the answers these college and school administrators made to my questions.

I. IS THERE EFFECTIVE LOCAL CONTROL?

The overwhelming majority of the public school and university administrators to whom I wrote said "Yes."

Generally, they felt that the Teacher Corps guidelines which establish the terms and conditions of the Federal grant are flexible. In some instances, they looked upon these guidelines as vital means for maintaining local control. As Dean Elmer J. Clark of Southern Illinois University pointed out:

> Teacher Corps has helped to establish and make operational the concept of community-based education through encouraging local control and planning.

Numerous university and local school officials stressed that local autonomy is assured by the selection procedures for Corpsmen and by the contractual arrangements under which Corpsmen operate. In this regard, the selection of trainees is made jointly by the local school districts, the school community and the cooperating university. Moreover, interns, once in training, are under the direct supervision of the local school district.

In my survey, I found 40 responses specifically referring to my first question.

In general, the comments reflected the feeling that "certain nationally applied

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rules and regulations are necessary for efficient fulfillment of Corps purposes."

Several school administrators echoed Gordon McAndrew, superintendent of the school for the city of Gary, Ind., who attributed much of Teacher Corps' success to its reliance on local control. He said:

> Much of the progress may be attributed to the fact that primary responsibility for the program's operation rests with the local school system which is strategically situated to recognize areas of specific educational needs.

II. HAVE THE UNIVERSITY AND SCHOOL SYSTEMS BEEN ENABLED TO BRING ABOUT DESIRED CHANGES?

Without exception, every university and school district administrator who wrote me recognized actual or potential changes resulting from a Teacher Corps program. These changes were primarily in two areas.

A. CHANGES IN TEACHER TRAINING

First, many administrators noted observable changes within universities, school districts and in communities and human relations.

For example, on the university level, the Teacher Corps has had its largest impact on teacher training programs. This was reflected in a statement by Superintendent Modeal Walsh of Graham County, N.C.

> Our colleges and universities are just beginning to re-evaluate their teacher training programs in terms of a more relevant approach. It would be a mistake to discontinue Teacher Corps at this stage.

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Because the Teacher Corps emphasizes on-site training in local schools, it is a means of teacher preparation which is responsive to the needs of the communities it serves.

Moreover, as Dr. Richard Moe, dean of the School of Education at Pacific Lutheran University, pointed out, this approach to training has the added advantage of a greater appeal to today's college students.

> It is daily becoming more evident that traditional programs of teacher education may not be acceptable to the upcoming generation of college students who prefer a closer tie between theory and practice.

The letter from Dean J. A. Williams of the University of Georgia at Athens provided a specific example of change in teacher training:

> The Teacher Corps programs we have operated have served as very effective means for laboratory basing a graduate teacher education program for the education of teachers of Early Childhood Education with emphasis on the disadvantaged population.

Generally, then, as L. Harlan Ford of the Texas Education Agency observed:

> The Teacher Corps idea for teacher preparation is a very functional one and has been replicated in varying degrees by institutions involved in the programs.

B. TEACHER CERTIFICATION POLICIES REVAMPED

Modifications in teacher certification policies have also been stimulated by the Teacher Corps. Dean George Denemark of the University of Kentucky among others made this point:

> Because of the presence of Teacher Corps on our campus, we have also been more aware of the need to modify requirements for certification for liberal arts graduates who decide to go into teaching. This has resulted in a new certification program for this type of person.

As a result of more liberal certification policies, teaching as a career is available to a greater number of students. Moreover, the presence of a Teacher Corps program has stimulated an interest among students not majoring in education for teaching disadvantaged children.

Joseph Manch's comment on behalf of the board of education of Buffalo, N.Y., clearly indicated this to me. He said:

> There has, indeed, been a noteworthy growth among the faculty of the State University College at Buffalo in becoming actively involved in the education of inner-city children, and in turn creating an early awareness in their college students of the needs of these children.

In this regard, Dean Robert Simpson from the State University College at Buffalo said:

> We have statistical data to indicate that an increased number of our student teachers, that is, those who are in regular undergraduate teacher education programs and nearing the end of their programs, are requesting assignments for student-teaching in inner city settings.

COMMUNITY—INSTITUTION RELATIONS STRENGTHENED

In addition to effecting changes in teacher training and teacher certification policies, the Teacher Corps has created a greater awareness of the needs of disadvantaged children and has brought poverty communities into closer contact with both universities and schools.

First, because the volunteer teacher-interns spend most of their time in schools and local communities, they have become more aware of the needs of the disadvantaged child.

Second, the Teacher Corps has emphasized the importance of tapping community resources for educational planning. It has strived to bring school systems and universities into closer communication with each other and with the communities they serve. This has encouraged the evolution of an educational system more responsive to the needs of the community.

Superintendent Walsh of the Graham County schools in North Carolina related the Teacher Corps' impact in the area of community relations as well:

> For this school district, Teacher Corps has been a major catalyst for improvement not only in our approaches to teaching inner-city children and youth but improvement also in our way of working with inner-city parents and community in general.

The Corpsmen, who live in the community and spend 20 percent of their working time there, have helped to establish links between the university and school district and the community.

The result of these new relationships has been, in a number of instances, the university's first steps away from an "ivory tower" approach to teacher training. For example, in many cities, university faculty are now offering their courses in the schools or in special centers in the inner-city.

And Dean Roland Goddu of Catholic University credits the Teacher Corps with indicating to educators "the real point of focus for change in American education: the classroom with children who are not being taught."

INADEQUATE FUNDING

Despite the successes which I have mentioned, not every administrator reported to me appreciable changes resulting from participation in Teacher Corps programs. Yet even in these instances, they saw the Teacher Corps as creating potential for change.

In this regard, Robert E. Jenkins, superintendent of the San Francisco Unified School District, wrote:

> Frankly, the change in training at the local level has been negligible. This does not mean that the potential for change is not there.

George E. Dick of the University of Toledo's School of Education made a similar reference in his letter:

> Naturally, one will not find educational change uniformly occurring in our Teacher Corps schools or programs, but the opportunity for educational change is available through the Teacher Corps . . . You realize that professional educators are not prone to make educational changes and usually need some pushing.

Mr. Speaker, inadequate funding was repeatedly cited as a major factor impeding the realization of the goals of the Teacher Corps.

The level of funding has directly affected the number of programs which can be supported and the number of interns who can be included in any school.

Very candidly, Superintendent Dale Parnell of the Oregon State Board of Education said:

> The number of corpsmen in Oregon has never been large, and it will therefore have to be my opinion that they have not materially changed the educational opportunities of children in low-income areas of this state.

The level of funding was also mentioned by John W. Porter from the State of Michigan Department of Education:

> You asked whether Teacher Corps has enabled Michigan to bring about changes that we wanted. The response is "No"; but that response grows out of the level of funding for Teacher Corps programs . . . it is obvious that the impact on total teacher preparation product is relatively low and could be substantially increased if the funding level were increased to a point where the number of Teacher Corps graduates were large enough to make a bigger difference in the total number of teachers.

III. HAS THE TEACHER CORPS PROVIDED NEEDED SERVICES TO THE SCHOOLS?

Mr. Speaker, as I examined the Teacher Corps' role in effecting educational change, I also explored what Teacher Corps programs mean in terms of actual service to schools and children. It was this question which elicited the most agreement.

Although Dean Hubert Everly from the University of Hawaii stated that "more services had been rendered to volunteers than received," he did feel that:

> On the balance, I would judge that long-range benefits to schools will result.

The administrators I wrote in Oregon and Puerto Rico were less than completely satisfied with the results in their areas. They felt that total impact of Teacher Corps was limited by the size of the program; yet they did point out that their schools were afforded richer and more extensive services.

The services of the Teacher Corps can be placed in several general categories.

A. SUPPLEMENTARY SERVICES

University of Oklahoma President J. Herbert Hollomon's comment was representative of a number of other administrators:

> From all reports, the program has had a very successful first year. It is perceived as one of the better Federal programs in which the Oklahoma City schools participate. The Corpsmen are beginning to provide real services to the schools.

Dean Robert Marrow of the State College of Arkansas noted:

> There have been problems, but the Corpsmen's presence is affecting the educational effort of these schools.

The creativity, flexibility, and dedication of the corpsmen were repeatedly lauded and held to be largely responsible for the supplementary services they rendered to both the school and community.

Mr. Speaker, these services included: Public kindergartens that have been instituted in six Arkansas elementary schools, breakfast programs that have been organized and carried out by corpsmen in several States, and counseling and guidance programs that have been initiated in many schools with Teacher Corps teams.

Superintendent Norman Drachler cited other examples in the Detroit public schools. He said that:

> Most often a Teacher Corps team assigned to a local school does provide children in that school with a wider range of opportunities. The effect of our Teacher Corps teams have included efforts in tutorial assistance, career guidance, drop-out prevention, Afro-American culture and life, and planning for urban renewal.

Dean J. Marc Jantzen reported:

> Teacher Corpsmen at the University of Pacific are conducting after-school and/or week-end programs that open the school library, conduct charm classes, English instruction for parents and students, Spanish instruction for classroom teachers, medical aid programs, recreational programs that organize inter-mural teams.

B. VALUABLE ADDITIONS TO SCHOOL STAFF

In addition to these supplementary services, the Corpsmen are valuable additions to school staff.

In many letters, I found mention of the assistance the corpsmen provide to the regular school staff, such as by increasing possibilities for instruction to small groups and individual students.

Manpower is not the only factor, though. More important, the Teacher Corps has provided the innovativeness, flexibility, and commitment I have already mentioned. As Dean Roland Goddu of the Catholic University of America put it:

> The dedication of Teacher Corps trainees has overcome gross deficiencies in materials and services for children in many schools of the District of Columbia in particular. Without these additional persons providing primarily services in teaching language arts and conceptual development, even more children in big-city schools would not have the opportunity to learn to read.

INNOVATIONS CARRIED ON BY SCHOOLS

Mr. Speaker, it is highly important to note that the changes and services provided by Teacher Corps have left an impact after they complete their internship in the schools.

By introducing and demonstrating methods and materials and by acting as resource people, the corpsmen leave behind them enthusiasm and tools for the regular staff to continue better serving their students. Dean Keith Goldhammer of Oregon State University spoke to this point:

> Teacher Corps trainees have provided essential services in their schools, have augmented the staff beyond the limitations possible within the school district and have helped to stimulate some creative approaches to the proper education of children in these districts.

CONGRESS RECOGNIZES SUCCESS OF TEACHER CORPS

Mr. Speaker, I hope my colleagues will find these results of my survey useful. Indeed, the House has already recognized the accomplishments of the Teacher Corps by voting last month to appropriate $30.8 million for the program for fiscal year 1971. This was the full amount requested by the administration, which, like the previous administration, has supported the Teacher Corps.

The Senate Appropriations Committee has also recommended $30.8 million.

Although this amount is an increase of approximately $9 million over the funds available in fiscal 1970, these moneys have been earmarked for retraining teachers with degrees who are not yet qualified to teach.

Presently, there is a strong bipartisan move in the Senate to increase the Teacher Corps appropriation by $10 million over the amount the House approved and the Senate Appropriations Committee has recommended.

I strongly support this effort, and hope that when the Senate appropriations bill is returned to the House for final approval, it will be in the amount of $40.8 million for the Teacher Corps.

For without the additional $10 million being proposed in the Senate, the Teacher Corps will be unable to undertake, on a large scale, the programs contained in the Student Teacher Corps legislation which I was pleased to sponsor earlier this year.

This legislation authorized a trained and supervised corps of volunteer tutors and instructional assistants, and the mounting of additional programs in correctional institutions and on Indian reservations.

In 4 short years, we have watched the Teacher Corps become one of the most exciting and effective programs within the Office of Education. And we have seen it provide the means to serve for thousands of our young people who want to take part in local programs of constructive change.

RECOMMENDATION ABOUT TEACHER CORPS ADMINISTRATION

Thinking back to the congressional intent in Teacher Corps legislation, I now, however, have one serious concern.

I—and the other sponsors of the Teacher Corps legislation—knew that a program such as this would need flexibility of action, and one expression of this conviction was in specifying that the directorship be accorded the status and authority to report directly to the Commissioner of the Office of Education.

We believed that a unique agency like the Teacher Corps—which is viewed by young people as a means of putting their idealism to work and which depends heavily on youth in achieving its goals—could not be handled as just another Federal aid program.

Presently, because it is administered as part of a bureau, the Teacher Corps director does not report directly to the Commissioner. This is particularly unfortunate not only because it places unnecessary bureaucratic handicaps on the Teacher Corps, but because it reduces the opportunity of the Commissioner to utilize the Teacher Corps to accelerate the adoption of educational reforms.

Now, with new authorities—such as the Student Teacher Corps and expanded opportunities in correctional education—the Teacher Corps will be appealing to even larger numbers of youth—not only of college age but younger.

Mr. Speaker, I strongly recommend that the Secretary-designate of the Department of Health, Education, and Welfare and the new Commissioner of Education, as part of their examination of the organization of the Office of Education, review congressional intent concerning the Teacher Corps.

I believe they would find it to be in the best interest of the Office of Education—and of all those who look to the Office for leadership—to have the Teacher Corps report directly to the Commissioner, and thereby help facilitate the achievement of the intent of Congress in the Teacher Corps—namely, to help colleges and universities and school districts to make major institutional reforms.

Otherwise, Mr. Speaker, I fear the bright promise and demonstrated success of the Teacher Corps is in danger of being drained away.

TEXT OF LETTERS

Mr. Speaker, because several of the letters I received in response to my questions were particularly helpful, I ask that they be inserted in the RECORD at this point. They are illustrative of the supportive attitudes of school and university officials across the country toward Teacher Corps.

The letters follow:

SCHOOL CITY OF GARY,
Gary, Ind., April 15, 1970.

Congressman JOHN BRADEMAS,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN BRADEMAS: The Gary Teacher Corps Programs, which involves a partnership between the School City of Gary and Indiana University Northwest, is making a significant contribution to the Gary Public Schools.

The twenty-six Teacher Corps trainees, all locally recruited, have shown a great spirit of pride and dedication in their progressive achievement of skills and competencies related to a new focus on teacher preparation. Their efforts demonstrate their personal and growing feelings of responsibility to alleviate conditions of poverty which so frequently characterize the life of the disadvantaged. Course work at the University, intense involvement in teacher-related activities in the school and their participation in community activities, attest to this fact.

The four Team Leaders who are masterful teachers are each assigned groups of 6 to 7 interns, whose real-life teaching experiences they supervise and direct in coordination with the responsibilities of regular teachers in the poverty school area. Because of their common concern for removing barriers to learning for the disadvantaged child, a strong and cohesive atmosphere of comradeship characterize the operation of the teaching teams in each of the four schools.

The spirit of this critical concern is not limited to the child's school life but extends into his waking hours at home with parents, siblings and other elements which influence his life. Parents are also being included in the child's teaching-learning activities at school. This action has engendered much community support and cooperation for the programs of the local schools. Local community people have helped to formulate new courses and to modify the content of university courses to provide greater relevancy to the needs of low-income and disadvantaged families and to formulate Teacher Corps policy and guidelines at the local, regional and national levels.

The impact of these influences on the educative process in the Gary Schools is twofold. (1) There is first and foremost a decided impact on quality of learning and individualized instruction for the pupils. (2) There is an improved quality of teacher preparation—academically and practically—for those who plan to teach disadvantaged children in our schools. This has resulted from conjoint efforts on the part of the School City and the University.

The movement toward individualization of instruction in our program has been accelerated with emphasis on the personalization of teaching for each child. This concern has caused regular teachers to take a more diagnostic view of each child in order to identify those who need special help and consideration and to direct and co-manage the interns' micro and other teaching activities.

In other words, getting to know, to understand, and to emphasize with the child his interests, his affections, and capabilities, as would be factors inherent in this process, are crucial to teaching him effectively. Through various organizational set-ups, individual tutoring, group tutoring, tutoring in groups, full-class teaching, etc.—using this similar process the interns and the Team Leaders are providing better opportunities for our boys and girls to acquire the learning skills, concepts, and other competencies necessary for a good education. The impact is most favorable and perceptible as pupils respond with improved self-perceptions from their newly established identities with interns and Team Leaders.

It is heartening to note, also, that the University is responsive to the need for greater relevancy between the ivory curriculum towers of university thoughts and the circumstances of teaching living and learning in disadvantaged areas. The University has demonstrated flexibility by allowing for changes and modifications in teacher training procedures with emphasis upon immediate happenings in the community and in some instances within a historical perspective.

This has all been cast within a framework of realistic issues as to what teaching-learning and studying mean to today's generation of children. This augurs well for the public elementary school in a disadvantaged community. For universities seldom take such postures with serious and pervasive intent. Thus, the 26 trainees receiving teacher training in this federally funded program will be better prepared than trainees in a traditional teacher training program to minister to the crucial needs of children from low-income families.

The impact of these aforementioned influences in the Gary Teacher Corps Program is steadily and progressively improving. Much of the progress may be attributed to the fact that primary responsibility for the program's operation rests with the local school system which is strategically situated to recognize areas of specific educational needs and to direct and re-direct our human resources toward needed institutional change.

The proximity of the directorship and the place where real teaching and learning is sought constitutes not only a strategic vantage point for us to regulate the most vital aspect of the program but, also, provides us with the security of knowing directly that the most vital of the program's objectives are being achieved. Everyone connected with this program, including those connected with our prior cycles, indicates that this program is far better organized than previous cycles, and is producing greater impact, and is operating to the satisfaction of all concerned. The realism and value of this program, then, can be viewed in terms of its emphasis on increased teacher competency for improvement in the quality of learning for our boys and girls. Translation of this realization is reflected in:

(1) the active and direct interest which parents and other community people are displaying in the educational aims of our program;

(2) the personalization of instruction with interns and Team Leaders addressing themselves to the real learning problems of disadvantaged children;

(3) the new instructional techniques and approaches being introduced by Corps members;

(4) the unusual teacher training—competency oriented mainly from the LEA's viewpoint, that our interns are receiving. As a result of this, we have little or no doubt that at the end of this two-year program we will have beginning teachers with valuable experience and a vast repertoire of realistic and effective teaching strategies oriented to teaching in our schools. This conclusion will be drawn from our own observations and efforts;

(5) the growth interest of local persons who have learned and inquired about the operational framework of the program and who wish to be considered for the sixth cycle. Such interest has been expressed by teacher aides, secretaries, students in academic areas other than education, and individuals whose college careers were interrupted because of more pressing obligations;

(6) the strong and direct interest which the Superintendent has taken in the program because of its relevancy to our needs. As a result of this posture, this undergraduate program is becoming a core of focus to the administrative staff. Supervisors, Directors, Principals, and some teachers are turning to the availability of this program as a resource media, especially in connection with teacher workshop and video-tape activities;

(7) Teacher Corps' representation as a model program in the Gary Schools, disseminating and or reflecting administrative and supervisory skills and strategies on how a program may function effectively for the welfare not only of Teacher Corps but for other elements of the total school structure. Because of the apparent success of the administration of this program other program coordinators have called upon Teacher Corps for advice and suggestions; and

(8) Indiana University Northwest's attempt to work effectively more than ever before with the public schools and to develop and provide a program needed to promote a better quality of education for the boys and girls of the inner city.

In view of these revelations, I urge you to support all legislation relative to the funding of the Teacher Corps Program.

Sincerely,

Gordon McAndrew,
Superintendent.

Enterprise City School District,
Compton, Calif., April 13, 1970.

Hon. John Brademas,
The House of Representatives,
Washington, D.C.

Dear Sir: I am most pleased to reply to your request for information with regards to the Teacher Corps Project. Although a "Californian", I am well aware of your outstanding legislative contribution to education, but more importantly, to our society in general.

As an educator I have served my entire career (18 years) in what is considered a "ghetto impoverished area". I have witnessed, first-hand, the continuing plague of failure on the part of our educational system, in attempting, to meet the needs of children. I have served through the "ranks", from teacher to assistant superintendent, thus, statements that I will say are based upon the experiences of, unfortunately, more failures than successes.

Since 1963, my primary responsibilities in the district has been the development and implementation of programs for disadvantaged youth. I have helped to develop programs ranging from the prevention of juvenile delinquency program, to what I consider our most successful program, "Teacher Corps". The Teacher Corps has been the only compensatory program that has emphasized, simultaneously, three important elements that have been long neglected by most other programs: (1) serving children; (2) serving the community; and (3) most importantly, the specialized training of teachers who will serve disadvantaged children. Since the inception of the Corps program in our district, we have developed what I consider an outstanding working relationship between ourselves, the University of Southern California, and Teacher Corps in Washington, D.C.

Our district has had *full control* in the selection of Corpsmen, both interns and team leaders. Our staff has been used by the University for screening on numerous occasions. The district, has from the beginning, maintained complete control in the development of the proposal and establishing objectives for the program. We have had the encouragement and support, both, from Washington and the University to initiate various innovative instructional programs.

As a result of the Teacher Corps program, Corpsmen planned and established a math and science lab center, which by the way is under the supervision of a former Corpsman. The "learning center," which specializes upon the analysis of critical social issues ranging from race relations to narcotic information, is also operated by Corpsmen. These centers continue to be maintained by both Corpsmen and parent aides from within our target communities. Another innovative practice was the establishment of eight non-graded individualized classes. This program was a forerunner of our Team Teaching complex at one of our target schools. I could go on endlessly as to the Corpsmen's impact upon our district.

It has not all been successes, but the commitment and the ability to try, has become a by-word of our Corpsmen. However, most importantly, are the direct services that have been offered to our children. Since 1966, we have had not one complaint lodged against

Corpsmen from either children or parents. This speaks for itself!

Although I have written about the Corps program in our district, I have just recently completed (March 17, 1970) my doctoral dissertation which included a study of 123 Corpsmen and school administrators. This study was limited to Teacher Corps programs in Southern California, and more specifically whether the Corps' training program was considered effective in preparing them as teachers of the disadvantaged. The study has shown, conclusively, that this training program was a most effective vehicle in preparing teachers to serve in "ghetto" or poverty stricken schools.

I am firmly convinced that the Teacher Corps can and does serve a most vital function by preparing teachers, and also serving children who have the most needs. I hope the information that I have related to you will be meaningful and helpful.

If I can be of further service please call upon me.

Sincerely,

DON HODES,
Assistant Superintendent.

MARSHALL UNIVERSITY,
Huntington, W. Va., April 7, 1970.

Hon. JOHN BRADEMAS,
Member, Congress of the United States,
Rayburn House Office Building,
Washington, D.C.

DEAR MR. BRADEMAS: Marshall University has been involved with the National Teacher Corps since its beginning. We have had two units preparing for teaching at the elementary school level.

The National Teacher Corps has provided increased and improved educational opportunities for children from lower income families. I have been very closely involved with the members of the Corps at Marshall University, particularly during the past several weeks. The young men and women in this program are very much concerned about the boys and girls with whom they work and they are providing many educational opportunities which would not be available if the National Teacher Corps were removed.

I had an opportunity just last Saturday to talk with one of the school superintendents associated with the Marshall University Teacher Corps unit and he stated that the young people working in the Corps in his county had had a most favorable influence on the community in which they are working. As we have learned more about how to utilize the corpsmen as aides to the regular teachers we have enhanced the learning opportunities for the boys and girls. Where there have been failures of the Corps to provide better education for children from low income families the colleges and public schools must assume much of the blame. We are only now learning how to utilize these young men and women in an effective way. The future promises much more suceess.

It is still too early to know whether the National Teacher Corps is helping us to improve education programs. This we can state for the Marshall University program: we are striving through the use of the Corps to build more flexible and effective programs. Again our success has not been dramatic but it takes time to build the climate for change. Your letter came on the day when we were announcing major changes in the Marshall University Teacher Corps organization. We have not been satisfied with our approach and we decided to alter the staff and program in the middle of a two-year program. We will revise the program for this summer with the plan to provide dramatic changes for the beginning of school in the fall of 1970.

We could do this with the Corps because the personnel and the program are flexible. This same type of experimentation would have taken two to four years in the regular teacher education programs. It is our expectation that the Corps will experiment with those experiences which we believe should be a part of teacher education. We appreciate the opportunity to use the Corps for program experimentation and development.

I do not see how we could have any more local control of the program. The Marshall University program is supervised by local people and the total effort is integrated into the local school organization. Whenever any part of the program is to be altered we confer with local school officials.

I was not a strong advocate of the National Teacher Corps in its earliest days. However, I now believe it to be one of our few and maybe the most effective means we have to experiment to bring change in teacher education and at the same time to provide improved services for boys and girls in need of special assistance. Probably no facet of our educational structure has needed more change and is more resistant than teacher education. We are just now beginning to see the type of ferment develop which should be the forerunner of some rather dramatic changes. We at Marshall University expect the National Teacher Corps to play a vital role in this change.

Our problems with the Corps are due to lateness of appropriation of funds, the limited size of the unit and the lack of stability in Federal funding. It is difficult to successfully launch programs which must be delayed until the last moment because Congress has delayed its action and it is a handicap to have funds so limited in size that one cannot adequately staff for the effort. We must have more funds and have them early enough for adequate planning if we are to be successful. The question of stability is always associated with Federal programs. We need a five year commitment to the programs. Educational enterprises cannot be most effective if we do not know from one year to the next whether they are to be continued. Qualified staff members cannot be attracted or assigned to programs that may not be funded more than one year. There are other problems but they are rather minor compared to the delay in appropriations, size of funding and the lack of stability in funding.

It is a pleasure to express to you my impressions of the National Teacher Corps and to relate problems related to our association with Federally funded programs. I shall be glad to discuss these statements with you any time I may be of assistance to you.

We appreciate the assistance we have received and you can be assured that we are seeking to use the funds provided to improve educational opportunities for our people.

Sincerely yours,

ROBERT B. HAYES,
Dean of Teachers College.

THE CATHOLIC UNIVERSITY OF AMERICA,
Washington, D.C., April 14, 1970.

Hon. JOHN BRADEMAS,
Rayburn House Office Building,
Washington, D.C.

DEAR MR. BRADEMAS: I am pleased to respond to your request for my frank opinion of the Teacher Corps Legislation.

The Teacher Corps has effectively served as the "experimental school" for programs in teacher education particularly children from low income areas. Since my experience with the program has been totally urban, in this context the program has developed a high level of local control by school districts and in some cases even by individual school officers.

The dedication of Teacher Corps trainers has overcome gross deficiencies in materials and services for children in many schools in the District of Columbia in particular. Without these additional persons providing primarily services in teaching language arts and conceptual development even more children in big city schools would not even have the opportunity to learn to read.

While the Teacher Corps legislation has stimulated and encouraged an increased pace of change in teacher preparation programs materials development, differentiated teacher roles, and child learning, real leverage for assuring the continuation of a new level of teaching service seems improbable even in those situations where significant amounts of local dollars have been added to available Teacher Corps funds.

Year by year funding, the yearly modification of level of operation, while forcing inventiveness, ingenuity and flexibility, have not encouraged local agencies to look upon the acceptance or adoption of program changes initiated through Teacher Corps as permanent impact. This perception may in effect allow the Teacher Corps trainees to be more readily accepted by the establishment in the schools, it also provides a rather easy "cop-out."

The cop-out is more readily available in teacher training programs at Universities where just now a beginning flow of Teacher Corps type trainers of teachers are maturing and beginning to seek further training.

Many university cynics expect that this pipeline will also be dried up right at the point where research, evaluation and higher level trainer training could develop a pipeline of new breed trainers. The Teacher Corps is just on the verge of having involved or developed a small core of trainers who can generate a spin-off in advanced students and research.

The Teacher Corps by being action and classroom oriented has turned around for some the process of teacher training and research in teaching. Even if the Teacher Corps has (in my opinion) sometimes jumped too quickly on some new bandwagons in teacher education, it has provided a ripe and relevant situation for testing, analysing, and developing new teacher training procedures and theories.

The Teacher Corps has been a change agent at a very minimal level within the tolerances of the local political situation, available trainer resources and single year funding. The Teacher Corps has not caused a revolution, it has only indicated the real point of focus for change in American education: the classroom with children who are not being taught.

The Teacher Corps legislation should be renewed. Multi-year funding must be required, Research and Training of Trainers should be authorized from this special perspective. The Teacher Corps could well become the "experimental school" type legislation for teacher preparation programs.

I hope these judgments based on my continued experience from the first day of its authorization and the fortune of some distance in my present role are helpful for you and your committee.

Sincerely,

Dr. ROLAND GODDU, *Dean.*

STRATEGIC STOCKPILE OF GOLD

(Mr. JOHNSON of California asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. JOHNSON of California. Mr. Speaker, on behalf of myself and our distinguished colleague from southern California, BOB WILSON, I introduce a bill to establish a strategic stockpile of gold for space and defense needs.

In recent years, the consumption of gold for nonmonetary uses in the United States has been rising rapidly. In view of certain peculiar attributes, this has been particularly true of our gold requirements in the space and defense industries.

In our space craft, gold is used for the thermal control surfaces and for meteorite detection. It has proven invaluable in meeting light reflection needs. Gold is essential for the manufacture of all types of circuits for our electronics and communications industries, and especially for use in microminiature circuits used in computers. Where there is a demand for functional reliability in these sophisticated and technical industries, there is no substitute for gold.

Approximately 7 million ounces of gold was consumed in the United States during 1969 for jewelry, dental needs, industrial applications, and finally defense and space requirements. Of this total, approximately 2.7 million ounces—or nearly 40 percent of the total domestic consumption—went to space and defense programs.

Gold production in the United States during the same period was 1.6 million ounces. Thus the Nation did not come anywhere near meeting its own strategic gold requirements, much less its normal domestic industrial and consumer requirements of its people.

This means that the balance of our gold must be imported. And who are the leading producers of gold in the world—the Republic of South Africa and the Soviet Union. The way the world is turning topsy-turvey these days, can anyone say how dependable these sources would be for supplying our own strategic defense needs for this mineral?

Today in this Nation we have only two major gold producers—Homestake Mines in Colorado which is mining approximately 37 percent of our domestically produced gold and the Carlin Mines in Nevada which is yielding about 20 percent of our domestic production. All the rest of our gold is produced as a biproduct from copper mining operations.

The fact that there are few other producers of gold remaining in this country is not because there is no more gold to be mined. In 1967, the Bureau of Mines reported then that there are some 400 million ounces of known gold ore reserves, but virtually none of it can be mined profitably at the present price of gold on the open market.

True, these are reserves, but they are not like money in the bank as some would believe. Tooling up a gold mining operation is an extremely costly operation, both in dollars and in time and energy. It cannot be undertaken overnight.

If we are to avail ourselves of this source of desperately needed gold, we must begin to tool up now, not tomorrow, when those domestic sources of supply which exist today have disappeared altogether.

In introducing this legislation, we believe that a viable and expanding domestic gold-mining industry is decidedly in the national interest. But as you can see in this Nation of ours, this industry, for all practical purposes, is on the verge of disappearing. Certainly if our domestic mines are producing less than a fourth of the mineral required by our own citizens, and as demand increases production decreases I do not think we can say we have a healthy, viable industry.

Basically, we believe that the establishment of a national stockpile of gold, acquired and maintained by the Office of Emergency Preparedness, would have dual benefits.

First, it would be a "hedge" against the day when our space and defense requirements may exceed not only our own domestic production capacity as it does now, but also exceed our import capacity.

Secondly, it is our hope that the requirement that the Office of Emergency Preparedness acquire what amounts to an estimated 11 million ounces of gold in the next 2 years would stimulate the market to the point where gold mining will be profitable and people will be able to tool up those long dead operations and the industry is revitalized.

Therefore, we introduce today a bill to preserve and stabilize the domestic gold mining industry and to increase the domestic production of gold to meet the needs of national defense.

Thank you.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SATTERFIELD (at the request of Mr. DANIEL of Virginia), for today, on account of official business.

Mr. CUNNINGHAM (at the request of Mr. GERALD R. FORD), for from 3 p.m. today, on account of official business.

Mr. STEIGER of Wisconsin (at the request of Mr. GERALD R. FORD), for today, on account of illness.

Mr. NEDZI, for June 15 through June 19, on account of official business.

Mr. FOUNTAIN (at the request of Mr. ALBERT), for from 1:30 p.m. today until return, on account of official business as a member of the Advisory Commission on Intergovernmental Relations meeting in California.

Mr. DANIELS of New Jersey, for June 17 through June 29, on account of attendance at International Labor Organization Conference at Geneva, Switzerland.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BEALL of Maryland), to revise and extend their remarks and include extraneous matter:)

Mr. FINDLEY, for 5 minutes, today.

Mr. WILLIAMS, for 10 minutes, today.

(The following Members (at the request of Mr. ANDERSON of California), to revise and extend their remarks and include extraneous matter:)

Mr. GONZALEZ, for 10 minutes, today.

Mr. FARBSTEIN, for 20 minutes, today.

Mr. ADDABBO, for 15 minutes, today.

Mr. DULSKI, for 30 minutes, on June 17.

Mr. DULSKI, for 30 minutes, on June 18.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. LOWENSTEIN to extend his remarks following the remarks of Mr. GIAIMO in debate today.

Mr. SIKES to revise and extend his remarks on H.R. 17970 and include extraneous matter and tabulations.

Mr. GROSS in three instances and to include extraneous matter.

Mr. PEPPER to extend his remarks following those of Mr. OLSEN, on his special order today.

(The following Members (at the request of Mr. BEALL of Maryland) and to include extraneous material:)

Mr. MINSHALL.

Mr. PETTIS.

Mr. DENNEY in six instances.

Mr. HANSEN of Idaho.

Mr. ROTH.

Mr. HOSMER in three instances.

Mr. POFF.

Mr. GOODLING.

Mr. MORSE.

Mr. WYMAN in two instances.

Mr. WOLD.

Mr. COUGHLIN in two instances.

Mr. MARTIN.

Mr. WYATT.

Mr. NELSEN.

Mr. BELCHER.

Mr. KEITH.

Mr. GOLDWATER.

Mr. BURKE of Florida.

Mr. TAFT.

Mr. BROWN of Michigan.

Mr. WHITEHURST.

Mr. HORTON.

Mr. SCHERLE in two instances.

Mr. FINDLEY.

(The following Members (at the request of Mr. ANDERSON of California) and to include extraneous matter:)

Mr. JACOBS.

Mr. GONZALEZ in two instances.

Mr. DOWNING in two instances.

Mr. ASHLEY in two instances.

Mr. DONOHUE in two instances.

Mr. WRIGHT in two instances.

Mr. ROGERS of Colorado in two instances.

Mr. RARICK in two instances.

Mr. MINISH.

Mr. JOHNSON of California in two instances.

Mr. WALDIE.

Mr. ABBITT.

Mr. DINGELL in two instances.

Mr. FRASER.

Mr. PATMAN.

Mr. MONAGAN in two instances.

Mr. FALLON in two instances.

Mr. EVINS of Tennessee.

Mr. BLATNIK in two instances.

Mr. KLUCZYNSKI in two instances.

Mr. FOUNTAIN in two instances.

Mr. DORN in two instances.

Mr. MAHON in two instances.

Mr. ANDERSON of California in two instances.

Mr. MCCORMACK in two instances.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 4204. An act to amend section 6 of the War Claims Act of 1948 to include pris-

oners of war captured during the Vietnam conflict, and for other purposes; and

H.R. 11102. An act to amend the Public Health Service Act to revise, extend, and improve the program established by title VI of such act, and for other purposes.

ADJOURNMENT

Mr. ANDERSON of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 39 minutes p.m.), under its previous order, the House adjourned until Monday, June 15, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2124. A letter from the Secretary of the Army, transmitting a draft of proposed legislation for the relief of Vyacheslav Pavlovich Artemiev and others; to the Committee on the Judiciary.

2125. A letter from the American Symphony Orchestra League, Inc., transmitting the league's audit report for the fiscal year ended May 31, 1970, pursuant to the provisions of Public Law 87-817; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DENT: Committee on House Administration. Senate Concurrent Resolution 61. Concurrent resolution authorizing the printing of the compilation entitled "Federal and State Student Aid Programs" as a Senate document (Rept. No. 91-1175). Ordered to be printed.

Mr. DENT: Committee on House Administration. Senate Concurrent Resolution 66. Concurrent resolution authorizing the printing of additional copies of Senate hearings on space program benefits. (Rept. No. 91-1176). Ordered to be printed.

Mr. DENT: Committee on House Administration. Senate Concurrent Resolution 70. Concurrent resolution authorizing the compilation and printing of a revised edition of the Biographical Directory of the American Congress (1774-1970) with an amendment (Rept. No. 91-1177). Ordered to be printed.

Mr. DENT: Committee on House Administration. House Resolution 1041. Resolution; 1970 United States Census of Population with an amendment (Rept. No. 91-1178). Ordered to be printed.

Mr. DENT: Committee on House Administration. House Resolution 1072. Resolution authorizing the printing as a House document of a representative sampling of the public speeches of former President Dwight D. Eisenhower (Rept. No. 91-1179). Ordered to be printed.

Mr. ROGERS of Colorado: Committee on the Judiciary. H.R. 16408. A bill to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended, with an amendment (Rept. No. 91-1180). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROGERS of Colorado: Committee on the Judiciary. S. 3274. An act to implement the convention on the Recognition and Enforcement of Foreign Arbitral Awards, with an amendment (Rept. No. 91-1181). Referred to the Committee of the Whole House on the State of the Union.

Mr. CORMAN: Committee on Ways and Means. H.R. 17068. A bill to amend the Tariff Schedules of the United States to provide for a partial exemption from duty for certain transportation vehicles manufactured or produced in the United States with the use of foreign components imported under a temporary importation bond with amendments (Rept. No. 91-1182). Referred to the Committee of the Whole House on the State of the Union.

Mr. DULSKI: Committee on Post Office and Civil Service. Improved Manpower Management in the Federal Government (Rept. No. 91-1183). Referred to the Committee of the Whole House on the State of the Union.

Mr. COLMER: Committee on Rules. House Resolution 1077. Resolution for consideration of H.R. 17070, a bill to improve and modernize the postal service, to reorganize the Post Office Department, and for other purposes (Rept. No. 91-1184). Referred to the House Calendar.

Mr. YOUNG: Committee on Rules. House Resolution 1078. Resolution for consideration of H.R. 16968, a bill to provide for the adjustment of the Government contribution with respect to the health benefits coverage of Federal employees and annuitants, and for other purposes. (Rept. No. 91-1185). Referred to the House Calendar.

Mr. SISK: Committee on Rules. House Resolution 1031. Resolution amending clause 19 of rule XI of the Rules of the House of Representatives with respect of lobbying practices and political campaign contributions affecting the House of Representatives, and for other purposes with an amendment (Rept. No. 91-1186). Referred to the House Calendar.

Mr. O'NEILL of Massachusetts: Committee on Rules. House Resolution 1062. Resolution authorizing the Speaker of the House of Representatives to appoint a special committee to investigate and report on campaign expenditures of candidates for the House of Representatives (Rept. No. 91-1187). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER:

H.R. 18035. A bill to amend the Truth in Lending Act to eliminate the inclusion of agricultural credit; to the Committee on Banking and Currency.

By Mr. ASHLEY (for himself, Mr. Button, Mr. Carey, Mrs. Chisholm, Mr. Culver, Mr. Edwards of California, Mr. Fraser, Mrs. Green of Oregon, Mr. Halpern, Mr. Hanna, Mr. Hicks, Mr. Koch, Mr. Leggett, Mr. Matsunaga, Mr. Mikva, Mr. Ottinger, Mr. Riegle, Mr. Ryan, Mr. Sandman, and Mr. St Germain):

H.R. 18036. A bill to amend title 32 of the United States Code to establish a commission to oversee and improve the capability of the National Guard to control civil disturbances, and for other purposes; to the Committee on Armed Services.

By Mr. ASHLEY (for himself, Mr. Daddario, Mr. Esch, Mr. Fascell, Mr. Fulton of Pennsylvania, Mr. Harrington, Mr. Karth, Mr. Moss, Mr. Podell, Mr. Railsback, and Mr. Rosenthal):

H.R. 18037. A bill to amend title 32 of the United States Code to establish a commission to oversee and improve the capability of the National Guard to control civil disturbances, and for other purposes; to the Committee on Armed Services.

By Mr. DONOHUE:

H.R. 18038. A bill to amend title 39, United States Code, to provide for the mailing of mail matter by relatives to members of the Armed Forces overseas at no cost to such relatives; to the Comimttee on Post Office and Civil Service.

By Mr. DOWNING:

H.R. 18039. A bill to facilitate the transportation of cargo by barges specifically designed for carriage aboard a vessel; to the Committee on Merchant Marine and Fisheries.

By Mr. FUQUA:

H.R. 18040. A bill to amend the District of Columbia Nonprofit Corporation Act to provide corporations formed under that act with the same powers with respect to borrowing money as are provided corporations formed under the District of Columbia Business Corporation Act; to the Committee on the District of Columbia.

By Mr. GONZALEZ:

H.R. 18041. A bill to establish a pilot program designated as the Youth Conservation Corps, and for other purposes; to the Committee on Education and Labor.

By Mr. HORTON (for himself, Mr. Gibbons, Mrs. Mink, and Mr. Wolff):

H.R. 18042. A bill to limit the sale or distribution of mailing lists by Federal agencies; to the Committee on Government Operations.

By Mr. MURPHY of New York (for himself, Mr. Brasco, Mr. Fraser, and Mr. Sandman):

H.R. 18043. A bill to amend the Fish and Wildlife Coordination Act to provide additional protection to marine and wildlife ecology by requiring the designation of certain water and submerged lands areas where the depositing of certain waste materials will be permitted, to authorize the establishment of standards with respect to such deposits, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. OTTINGER:

H.R. 18044. A bill to designate certain lands as wilderness; to the Committee on Interior and Insular Affairs.

H.R. 18045. A bill to assist the States in developing a plan for the provision of comprehensive services to persons affected by mental retardation and other developmental disabilities originating in childhood, to assist the States in the provision of such services in accordance with such plan, to assist in the construction of facilities to provide the services needed to carry out such plan, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. QUILLEN:

H.R. 18046. A bill to amend title 38 of the United States Code to extend educational benefits under that title to children of veterans having service-connected disabilities rated less than total, to pro rate benefit amounts on the basis of the degree of disability, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ROBISON:

H.R. 18047. A bill to promote the safety of ports, harbors, waterfront areas, and navigable waters of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. CABELL:

H.R. 18048. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. FOREMAN (for himself, Mr. Baring, Mr. Burton of Utah, Mr. Hansen of Idaho, Mr. Lloyd, Mr. McClure, Mr. Rhodes, Mr. Steiger of Arizona, Mr. White, and Mr. Wold):

H.R. 18049. A bill to provide that the cost of certain investigations by the Bureau of Reclamation shall be nonreimbursable; to the Committee on Interior and Insular Affairs.

By Mr. HOGAN:

H.R. 18050. A bill to protect the public health and safety by amending the depressant, stimulant, and hallucinogenic drug laws, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 18051. A bill to provide general revenue to the U.S. Treasury, to regulate and establish fees for the importation and exportation of controlled dangerous substances, to amend the narcotic and drug laws, and for other purposes; to the Committee on Ways and Means.

By Mr. JOHNSON of California (for himself and Mr. BOB WILSON):

H.R. 18052. A bill to preserve and stabilize the domestic gold mining industry and to increase the domestic production of gold to meet the needs of national defense; to the Committee on Armed Services.

By Mr. OTTINGER:

H.R. 18053. A bill to make available an additional $10 billion for the low-income homeownership and rental housing programs; to the Committee on Banking and Currency.

By Mr. ST GERMAIN:

H.R. 18054. A bill to provide for an equitable sharing of the U.S. market by electronic articles of domestic and of foreign origin; to the Committee on Ways and Means.

By Mr. SISK (for himself, Mr. GUBSER, Mr. MCFALL, and Mr. TALCOTT):

H.R. 18055. A bill to assist in the provision of decent, safe, and sanitary dwelling accommodations for migrant and other seasonally employed farmworkers and their families; to the Committee on Banking and Currency.

By Mr. STAGGERS (for himself and Mr. SPRINGER):

H.R. 18056. A bill to improve warranty practice and thus improve the commerce of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. WHALEN:

H.R. 18057. A bill to appropriate an additional amount to carry out section 102 of the Manpower Development and Training Act of 1962; to the Committee on Appropriations.

By Mr. ROGERS of Colorado:

H.J. Res. 1255. Joint resolution to authorize and request the President to proclaim the period January 10, 1971, through January 16, 1971, as "National Retailing Week"; to the Committee on the Judiciary.

By Mr. BLACKBURN (for himself, Mr. GRIFFIN, Mr. SATTERFIELD, Mr. LUKENS, Mr. THOMPSON of Georgia, and Mr. RARICK):

H. Con. Res. 658. Concurrent resolution to express the sense of Congress that no further troop withdrawals should take place until an agreement has been reached by the United States with representatives of the North Vietnamese and the Vietcong regarding the release of all American prisoners; to the Committee on Foreign Affairs.

By Mr. TIERNAN:

H. Con. Res. 659. Concurrent resolution to modify certain tariff concessions granted by the United States; to the Committee on Ways and Means.

By Mr. DADDARIO:

H. Res. 1079. Resolution to set an expenditure limitation on the American military effort in Southeast Asia; to the Committee on Foreign Affairs.

By Mr. YATRON:

H. Res. 1080. Resolution designating January 22 of each year as Ukrainian Independence Day; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. HAMMERSCHMIDT introduced a bill (H.R. 18058) for the relief of Manuela Rosa Urbina, which was referred to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

401. By the SPEAKER: Memorial of the Legislature of the State of Iowa, relative to United Nations intervention in behalf of American servicemen held as prisoners of war by North Vietnam and the National Liberation Front; to the Committee on Foreign Affairs.

402. Also, memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to the Selected Reserve of the Coast Guard; to the Committee on Merchant Marine and Fisheries.

PETITIONS, ETC.

Under clause 1 of rule XXII,

507. The SPEAKER presented a petition of the city council, Jacksonville, Fla., relative to designating Cape Kennedy as the operational base for the space shuttle system; to the Committee on Science and Astronautics.

SENATE—*Thursday, June 11, 1970*

(Legislative day of Wednesday, June 10, 1970)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

The Reverend Charles S. Hubbard, minister, First United Methodist Church, Wilson, N.C., offered the following prayer:

Almighty God, our Father, we humbly pray for Thy presence in this place now, knowing that except the spirit of our God be here we labor in vain. We give Thee thanks for a Nation rich in privilege and great in opportunity—a Nation we are called in our time to serve.

Therefore, we ask Thy guidance for our President and Vice President, and especially we pray for Thy grace on these, Thy servants, who represent and defend the dignity, freedom, and well-being of all our people. Hold them in Thy hands, O God. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. RUSSELL).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 11, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Wednesday, June 10, 1970, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EULOGIES TO THE LATE HONORABLE GLENARD P. LIPSCOMB, OF CALIFORNIA, AND JAMES B. UTT, OF CALIFORNIA

Mr. JORDAN of North Carolina. Mr. President, I am calling to the attention of the Senate membership that the closing date for eulogies to the late Congressmen Glenard P. Lipscomb, of California, and James B. Utt, of California, has been set for Friday, June 19, 1970. This will serve as the cutoff date for all insertions in the RECORD, which are then collected to make up the compendiums of eulogy to these two Members of Congress who, but for their untimely passing, would now be serving in the 91st Congress.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The Senate resumed the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. The time between now and 1 o'clock is under the control of the majority leader and the minority leader or their designees. At that time a vote will be taken on amendment No. 667, the Byrd amendment.

Mr. MANSFIELD. Mr. President, I wish to transfer my time to the distinguished Senator from West Virginia (Mr. BYRD), the author of the pending modification to the Cooper-Church amendment.

Mr. SCOTT. Mr. President, I wish to transfer my time to the distinguished Senator from Kentucky (Mr. COOPER).

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. SCOTT. Mr. President, I make the point of order of no quorum.

The ACTING PRESIDENT pro tempore. On whose time?

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time for the quorum call be equally divided.

Mr. SCOTT. Mr. President, I ask unanimous consent that the time be equally divided.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded, and I do so only because time is wasting. There will not be any time to dispense in view of a commitment which has been made to the distinguished Senator from New Hampshire (Mr. McINTYRE) that he be recognized for 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, would the Senator from Idaho yield me not to exceed 10 minutes?

Mr. CHURCH. Mr. President, I am happy to yield 10 minutes to the Senator from Montana.

The ACTING PRESIDENT pro tempore. The Senator from Montana is recognized for 10 minutes.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. MANSFIELD. Mr. President, I yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to modify my amendment No. 667, star print.

The Senators have a copy of the star print at their desks, if they will look at it and follow it as I read.

Mr. President, I ask unanimous consent to modify my amendment No. 667, star print, as follows:

> On page 5, line 7, before the semicolon insert a comma and the following: "except that the foregoing provisions of this clause shall not preclude the President in the exercise of his constitutional authority, powers and duties as Commander in Chief, from taking only such temporary action as is clearly necessary to protect the lives of United States forces in South Vietnam or to facilitate the withdrawal of United States forces from South Vietnam, in which circumstances the President is requested to first consult with Congressional leaders;"

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. FULBRIGHT. Mr. President, reserving the right to object, this is quite similar, I believe, to the modification that was suggested yesterday and to which I objected. I do not know that I would like to take the time or should take the time of the Senator to reiterate my reasons for this objection.

Mr. BYRD of West Virginia. Mr. President, the Senator is taking his own time. I have asked unanimous consent to modify the amendment.

Mr. FULBRIGHT. I object, Mr. President.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. BYRD of West Virginia. Mr. President, I have no objection to discussing it. I understand the Senator to say something about his taking my time.

Mr. FULBRIGHT. Whose time am I taking? I do not have any time.

The ACTING PRESIDENT pro tempore. Who yields time to the Senator?

Mr. FULBRIGHT. Mr. President, I was reserving the right to object. I was only going to say a few words.

Mr. CHURCH. Mr. President, I yield 2 minutes to the distinguished Senator from Arkansas.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas is recognized for 2 minutes.

Mr. FULBRIGHT. Mr. President, I do not want to take too much time. The President himself has been quoted in the newspaper as approving amendment No. 667. We certainly would not want, without his approval, to change it, because there would be a false impression given that he had approved this changed version, when he had not.

This matter has been under consideration for several days. And for us to change it now at the last moment when many Senators have been absent would not be right. I do not object to filibusters. I have often participated in them. They serve a good purpose on the whole. Nevertheless, there has not been a large attendance of Senators. I think it would be a mistake to change the pending amendment at this time.

This is a highly complicated matter. It involves the balance between the Executive and the Senate, and as a Senator, I feel it is my responsibility to help maintain a balance between the two.

Therefore, I cannot agree to the modification. It confuses the issue as to what is really involved, because in essence the Byrd amendment would nullify the Cooper-Church amendment, which is an effort to reassert the prerogatives and the influence and the responsibility of the Senate in matters of war and peace.

I think, therefore, that the issue would be much clearer and would be much easier for people who have not been present to understand if they were to hear all the subtleties of the constitutional and political issues.

I am, therefore, bound to object.

Mr. MANSFIELD. Mr. President, I believe that I am recognized for 10 minutes.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. MANSFIELD. Mr. President, the latest casualty figures from Southeast Asia are 50,567 Americans dead. Approximately 8,000 of those were killed in noncombat operations and the balance in combat. The total number of wounded—and these figures are based on reports which go back to last Saturday—amount to 280,694 Americans wounded.

The total casualties of Americans in South Vietnam in the past 6 years is 331,261—331,261 American casualties in a war in which we have no business, which was a mistake in the beginning, and has been a continuing tragedy.

Mr. President, let me say that I am disturbed at reports about Thai troops coming into Cambodia to be subsidized, equipped, and logistically supported by the United States, of South Vietnamese troops going into Cambodia, staying in there after the Presidential deadline, to be logistically equipped with American advisers and air support provided by the United States.

May I say that I am concerned about a number of other things—such as the CIA is using AID funds to carry on covert activities in Laos.

May I say that I am disturbed by the fact that the Chinese have built a line from Meng La in Yunnan Province down to Muong Sai in Laos. From that area, they are extending a Chinese built road, mainly by Chinese labor troops protected by Chinese antiaircraft battalions, to Dienbienphu in Vietnam on the West, very close to the border of Thailand.

In addition, they have also built a road, an offshoot of the road, from Muong Lo, eastward to Phong Saly.

This is a most important area as far as the future developments affecting this country are concerned. One cannot gainsay, one cannot deny, the relationship between the situation which confronts this country at home today and what has been going on in Vietnam for the last 6 years and longer.

It is an area which is having an impact on every American home. It is arousing emotions. It is creating a divisiveness among our people. And it is bringing about a polarization in our feelings. All of this bodes no good for the Republic.

Mr. President, the pending business is the so-called Byrd-Griffin modification of the Cooper-Church amendment. In response to one question which has been raised many times, I would like to reiterate what those of us who sponsor the Cooper-Church amendment have said time and time again regarding the constitutional issue as it affects the pending question.

The President has constitutional powers to protect the lives of U.S. servicemen or any other U.S. citizens not only in Vietnam but anywhere in the world.

He does not need congressional sanction for that purpose.

But the executive branch does not have unilateral constitutional power to commit this Nation to a course of international action which requires a continuing and indefinite input of men and money into one country, even in the name of defending U.S. forces or achieving some other military objective in a second country. He does not have the power, I repeat, to take a course that leads toward war, however that course is described. His legal pursuit of such a course, no less than its continuing national support, requires congressional concurrence. This interpretation is underscored by the national commitments resolution which the Senate adopted earlier in the present Congress.

If the executive branch, without the sanction of Congress, does make a broad commitment on its own in Cambodia, directly or indirectly, it treads a questionable ground, as it may have done in Korea almost two decades ago.

By contrast, the executive branch could act however it wished in Cambodia should Byrd-Griffin be enacted. The executive branch could pursue a broad and indefinite national undertaking, with force, aid, or whatever—without further reference to Congress. The Senate would have already given its authorization in advance—in advance, I emphasize—as it did in the Gulf of Tonkin resolution regarding Vietnam, to whatever any agency of the executive branch did in Cambodia, whether it was wise or foolish, necessary or unnecessary, responsible or irresponsible; whether it led to a wider war or not; provided what was done, was done in the name of this President or a successor, and in the name of

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withdrawing U.S. forces from Vietnam or protecting U.S. forces in Vietnam.

But if the executive branch were to make such a commitment on its own without the concurrence of Congress, after the Cooper-Church amendment, as is, were enacted—if it were—the executive branch would break the law. It would tread on the most dangerous constitutional ground. Cooper-Church alone, therefore, can work in concert with the President's intent to curb U.S. involvement in Southeast Asia. But add the Byrd-Griffin modification, and the Senate would open the door wide to the legal expansion of our involvement in Cambodia and Southeast Asia.

In conclusion, I wish to state that this is no longer a Vietnamese war. In my opinion, it is not even an Indochina war. It is, I believe, a Southeast Asian war which now includes not only the old countries of Indochina—Laos, Vietnam, and Cambodia—but Thailand, as well, and the end is not yet in sight.

On the question of sanctuaries: Laos is a sanctuary, Thailand is a sanctuary, North Vietnam is a sanctuary, China is a sanctuary, Okinawa is a sanctuary, and others could be mentioned.

This is a momentous question, in which the constitutional rights, prerogatives, and responsibilities are, in my opinion, at stake. There is nothing personal in the Cooper-Church amendment. It is not directed against any President, but it is directed toward the Senate itself. It will be up to the Senate to decide what it wants to do so far as that particular matter is concerned.

Mr. BYRD of West Virginia. Mr. President, I yield myself 5 minutes.

Some days ago, I offered an amendment and later modified it. It is No. 667, star print. I offered the amendment on my own initiative. It was not offered at the request of the White House. I have not talked with the President at any time. I did not ask the White House for its support, although I do appreciate the support which was given.

Mr. MANSFIELD. Mr. President, will the Senator from West Virginia yield?

Mr. BYRD of West Virginia. I yield.

Mr. MANSFIELD. I have asked the Senator to yield only that I may corroborate emphatically what he has just said. This is his amendment; it is his idea; it is his responsibility; and he has offered it on his own.

Mr. BYRD of West Virginia. I thank the able majority leader.

I discussed with the able majority leader and the able Republican assistant leader, several days ago, the fact that I had an amendment that I wanted to offer. I ask to be protected for that opportunity. They assured me that I would have it, and I received it.

When I offered the amendment, the able Republican assistant leader immediately said that he would want to cosponsor it, and he did. So it is the Byrd-Griffin amendment, as the majority leader has said before. I merely wanted to emphasize the fact that this amendment grew out of my own concern and out of discussions with Senators likewise concerned about what may be the interpretation of paragraph (1) of the Cooper-Church amendment. It is said that my amendment would nullify the Cooper-Church amendment. My amendment does not touch paragraphs (2), (3), or (4) of the Cooper-Church amendment in any way whatsoever. I have indicated time and again that I would like to support those three paragraphs.

My amendment does not nullify paragraph (1) of the Cooper-Church language. It merely makes an exception, and that one exception is that when the President—in the proper exercise of his constitutional authority, power, and duties—determines it to be temporarily necessary to use U.S. Armed Forces in Cambodia for the protection of American troops in South Vietnam or to facilitate the withdrawal of those troops from South Vietnam, he may do so.

I came back to the Chamber yesterday, after working 2 days with other Senators and consulting my own conscience, and offered a modification of my amendment. I feel that every Senator should be accorded the right to modify the language of his own amendment. Of course, any Senator has a perfect right to object to a unanimous-consent request to modify an amendment. The Senator who has objected was acting within his rights. I had an opportunity to modify my amendment to my heart's content prior to the time the Senate entered into a unanimous-consent agreement. But after the passage of time, I suppose one can see things that he did not know about or did not see earlier. So it was after the passage of time and after much study and consideration that I came to the Chamber and suggested a modification that I thought would meet the legitimate concerns of myself and other Senators with respect to amendment No. 667.

Throughout the debate yesterday, I learned that there were those who felt that the word "authority" should be put into the modification; that it only made reference to the President's powers and duties, and that we should include the word "authority." This was an inadvertence, and so today I have added the word "authority" because I think it should be in.

There were those who said if the Byrd amendment were adopted, it would open the door for the President to make new commitments, or to get into a new war, or to get involved in something permanent. I thought those were expressions of legitimate concern. So today I have offered to insert the word "temporary." "Temporary" is the opposite of "permanent." So it reads:

> Shall not preclude the President in the exercise of his constitutional authority, powers, and duties as Commander in Chief, from taking only—

I stress the word "only"—

> such temporary action as is clearly necessary.

There were those who thought the President might go into Cambodia under the guise of protecting American troops in South Vietnam. We say here——

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. BYRD of West Virginia. I yield myself 2 minutes.

We say it must be "clearly necessary." What does "clearly necessary" mean? If it is clearly necessary for the President, upon the advice of his generals and military and civilian advisers, to act for the protection of American troops in South Vietnam, he should be able to convince the congressional leadership that it is clearly necessary to take action.

I continue with the language in the modification:

> Clearly necessary to protect the lives of United States forces in South Vietnam or to facilitate the withdrawal of United States forces from South Vietnam, in which circumstances—

I did not have this in my first amendment—

> in which circumstances the President is requested to first consult with Congressional leaders.

So we tried to go more than halfway in meeting the expressed objections to the Byrd amendment.

There are those who say that my amendment will gut the Cooper-Church amendment. It was said last night by one Senator, although facetiously, that he would prefer to have the first amendment because it would more clearly gut the Cooper-Church amendment.

But what are we looking for here? Are we looking for an issue, or are we looking for the enactment into law of meaningful language that will help avoid another Vietnam but which, at the same time, will make clear that the President can act, decisively and promptly, for the protection of American troops in South Vietnam?

The amendment makes clear that he cannot use it as a guise to get us into a new war, into a permanent war, into a new commitment. I use the word "guise" only because it has been used in discussions heretofore.

So here is an effort to meet the objections to close the gap and to come up with language——

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. BYRD of West Virginia. I yield myself 1 minute.

Which might stand a slim chance of acceptance in the other body, once it is passed by the Senate.

I have said before, and I say again, to many of those Senators who oppose my amendment and support the Cooper-Church amendment as written, the Cooper-Church amendment as it is written is not going to become law—period. The House will not accept it. If it did, the President would veto it, I should think. Certainly, two-thirds of the two Houses, or of either body, would not override the President's veto on this question. So do we want something enacted into law, or do we just want an issue? If we want an issue, then let us vote for something that will gut the Cooper-Church amendment so that its doom is assured, and then we will have an issue. Is that the argument?

Mr. President, objection has been made to my request to modify my own language.

The ACTING PRESIDENT pro tempore. Does the Senator wish to yield himself such time as may be necessary?

Mr. BYRD of West Virginia. Yes.

Mr. President, I ask unanimous consent that I be permitted to offer this modification——

Several Senators stood.

Mr. BYRD of West Virginia. I ask unanimous consent that, if the Byrd-Griffin amendment, No. 667, star print, does not prevail on the vote which is scheduled for 1 o'clock today, I be recognized immediately after the vote for the purpose of offering the modification as an amendment, to be voted on at 2 o'clock this afternoon.

Mr. CHURCH. Mr. President, reserving the right to object—and I do not intend to object—would the able Senator from West Virginia be agreeable to modifying his unanimous-consent request in this particular: If on the vote a 1 o'clock his amendment in its present form does not prevail, I would have no objection to his being recognized then for the purpose he has requested; but if his amendment in its present form does prevail, I would ask him to modify his unanimous-consent request to permit the Senator from Idaho to be recognized.

Mr. BYRD of West Virginia. Mr. President, I so modify my request.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. FULBRIGHT. Mr. President, I reserve the right to object. I confess I have not been on the floor all the time during the month of this filibuster.

The ACTING PRESIDENT pro tempore. On whose time does the Senator speak?

Mr. FULBRIGHT. Mr. President, I reserve the right to object.

The ACTING PRESIDENT pro tempore. On whose time?

Mr. FULBRIGHT. I assume on that of the Senator who asked unanimous consent.

Mr. BYRD of West Virginia. Mr. President, I yield whatever time, out of my own time, the Senator may need.

Mr. FULBRIGHT. I have already tried to explain my position. We spent a month talking, much of it on the pending amendment. I make no plea against long and extended debate on important matters. I think it is very important. I never object to that at all. But I do object to suddenly changing the language—language that we have debated extensively—and asking for a vote in an hour on the new language. I do not know the full implications of what the Senator has in mind. As a general rule I have no objection to the Senator being recognized. But I do object to his insisting on a vote within an hour on a new proposal which I have not studied and the full implications of which I do not know.

I want to make clear again that it is always painful to take issue in any respect with the distinguished Senator from West Virginia, and what is involved here is not a personal matter. It is the standing of the Senate of the United States. What is involved really is whether the Senate is to give meaning to the commitments resolution. Does it want to be a body which has any influence on foreign policy, or any other policy, or does it want to be a rubberstamp for the Executive? This is what is at stake here. The Senator from West Virginia is seeking to——

Mr. BYRD of West Virginia. Mr. President, if the Senator will pardon an interruption, I will attempt to deal with his objection to the unanimous-consent request—and I have yielded to him on my own time, so I beg his pardon for interrupting him.

Mr. President, I offer to modify my unanimous-consent request to delete any reference to a vote today at 2 o'clock.

Mr. FULBRIGHT. In other words, the unanimous-consent request simply is that the Senator from West Virginia be recognized after the vote?

The ACTING PRESIDENT pro tempore. For the purpose of offering an amendment.

Mr. BYRD of West Virginia. Yes.

Mr. MANSFIELD. With a proviso.

Mr. BYRD of West Virginia. Yes, with a proviso.

Mr. DOLE. With a proviso? I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Who yields time?

Mr. BYRD of West Virginia. I yield myself 1 additional minute.

I want to be sure that all Senators understand what the request was. I would not deny any Senator, although I would have the right to do so—and the Record will always show for the future that I have made this statement—an opportunity to modify his own amendment if he were trying in good faith to adjust it to meet the honest concern of other Senators and of his own conscience.

I shall never object to his having that opportunity, though I would have the right to do so. I do not say this in criticism of what the Senator from Arkansas has done. I can appreciate his reasons. But now we are beyond that point. Now I am asking unanimous consent that, once the vote on this amendment has been taken, I be recognized for a chance to submit my modification in the form of an amendment.

Mr. DOLE. Mr. President, will the Senator yield at that point?

Mr. BYRD of West Virginia. I have withdrawn my request for a vote at 2 o'clock, and my request still carries the proviso that in the event my amendment prevails, the able Senator from Idaho (Mr. Church) would then be recognized for whatever purpose he wishes.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DOLE. Will the Senator yield to me?

Mr. BYRD of West Virginia. I yield.

Mr. DOLE. I certainly have no objection to the Senator from West Virginia being recognized immediately following the vote on the initial Byrd amendment. I object to the proviso that would permit the Senator from Idaho to be recognized following recognition of the Senator from West Virginia.

Mr. BYRD of West Virginia. No. He would not be recognized following me. It is one or the other, depending on the way the vote goes on this amendment. If it prevails, he is recognized. If it does not prevail, the Senator from West Virginia is recognized.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. MANSFIELD. All Senators are equal. What we give to one, we should give to another, regardless.

Mr. BYRD of West Virginia. I hope the Senator will not insist on his objection to my unanimous-consent request.

Mr. DOLE. At this time, I am constrained to object.

Mr. BYRD of West Virginia. Does the Senator still object?

Mr. DOLE. Yes.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. DOLE. I might say to the Senator from West Virginia that if we could eliminate the proviso, I would have no objection to the Senator from West Virginia being recognized, but I think we should get to the proviso at the appropriate time, and not in advance.

Mr. BYRD of West Virginia. Mr. President, I must say I would be constrained not to make the unanimous-consent request if it means we have to deny the Senator from Idaho his pound of flesh also.

Mr. President, I hope that the Senator will not object to this. We may prevail, in which case let the Senator from Idaho do whatever he wishes. He has that right. And if we do not prevail, then I would have my opportunity to get a vote on my modification.

Mr. CHURCH. That is fair.

The ACTING PRESIDENT pro tempore. Does the Senator renew his objection?

Mr. DOLE. I withdraw my objection.

Mr. BYRD of West Virginia. I thank the Senator.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. PERCY. Mr. President, reserving the right to object——

Mr. BYRD of West Virginia. Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. COOPER. Mr. President, I yield 2 minutes to the Senator from Illinois.

Mr. PERCY. Mr. President, as I said on the floor of the Senate last night, I have been very sympathetic to what the Senator from West Virginia has been trying to accomplish, but he has had an opportunity. I said at that time I would not object to his modifying his own language; but objection was raised. It was my strong hope that once we had voted on the Byrd amendment we could then move to another amendment, and I offered last night an amendment of which the distinguished Senator from West Virginia himself said, immediately after my reading it, "This hits the nail right on the head."

I think the amendment I have offered accomplishes what the President wants to accomplish. It clearly gives him the authority to move in, and clearly warns Hanoi that we would move in, if we were attacked from Cambodia. It warns them that if they use these sanctuaries once again, they would be subject to attack by us; but it also preserves the right for the Senate and for Congress to see that we retain a certain measure of shared responsibility in connection with broadening this war.

For that reason, I object.

The ACTING PRESIDENT pro tem-

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pore. Objection is heard. Who yields time?

Mr. BYRD of West Virginia. Mr. President, I yield myself 1 minute.

Does the Senator from Illinois intend, may I ask most respectfully, to interpose an objection repeatedly to my request that I be given an opportunity to get an up-or-down decision on language which I am trying to offer for the improvement of the Cooper-Church language?

Mr. PERCY. Mr. President, my own reason for objecting might be a very personal reason, but it does involve the scheduling of my own time. I am going, this afternoon, back to Illinois with the Navy Department in connection with the closing of a naval base that is exceedingly important to the State of Illinois. Several of us are to be, this evening, in Chicago for a dinner honoring our colleague, Senator RALPH SMITH, so we must be absent from the Senate this afternoon. Several of us must leave to maintain those schedules.

We made those schedules on the basis that we would have a vote up or down on the Byrd amendment at 1 o'clock. In fact, many of us have canceled schedules in order to be here this afternoon for that vote. It is for that reason that I find that, on a matter as important as this, I would not want to have a vote during that period of time this afternoon while we would be gone.

Mr. BYRD of West Virginia. Mr. President, does the Senator understand that I had withdrawn my request for a vote at 2 o'clock this afternoon?

Mr. PERCY. Yes, I did understand that.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. BYRD of West Virginia. Mr. President, I yield myself 1 minute. I often have problems in connection with my own schedule, and I know that every Senator has such problems at times. I certainly do not think I ever would impose an objection, just to suit my own personal schedule, to the unanimous consent request of another Senator that he be recognized. I may object, but not because of any inconvenience to my own personal schedule. Let the RECORD show that I would never do that.

Mr. SPONG. Mr. President, will the Senator yield for a question?

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. BYRD of West Virginia. Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator from West Virginia has 34 minutes remaining.

Mr. BYRD of West Virginia. I allow myself 1 minute, and I yield to the able Senator from Virginia.

Mr. SPONG. Mr. President, I regret that I was not here when the Senator from West Virginia made his unanimous-consent request. I ask him, in the event his amendment now pending is defeated, would his second modification be subject to further amendment during the debate, or to substitution?

Mr. BYRD of West Virginia. Mr. President, it would not, because my modification, as an amendment, would be an amendment in the second degree, and therefore would not be open to further amendment.

Mr. SPONG. So, if the Senator's unanimous consent request is agreed to, and his first amendment is defeated, there would have to be a vote on the exact language of his second modification before any other amendments could be considered on the floor?

Mr. BYRD of West Virginia. My amendment would be in the second degree. But if my amendment is agreed to, as I understand it, that would not shut off an opportunity, later, for any Senator to get to the language in paragraph 1 as amended. There are ways to do that.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. MANSFIELD. Mr. President, will the Senator from Kentucky yield me 1 minute?

Mr. COOPER. I yield the majority leader such time as he may require.

Mr. MANSFIELD. Mr. President, I hope that the Senator from West Virginia will listen to this. If there is no agreement, it is the intention of the Senator from Montana, as majority leader, to offer a modification of his own at the conclusion of the vote.

Mr. BYRD of West Virginia. Mr. President, I renew my request, and I implore the able Senator from Illinois not to interpose a personal objection.

Mr. President, I do not think there is any likelihood of a vote on my second amendment this afternoon. Certainly there is enough to be said about it, I think, to keep it going. I also have to get somewhere tonight. I have to be somewhere tomorrow night. So I renew my unanimous-consent request, Mr. President.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. PERCY. Mr. President, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. PERCY. Mr. President, my objection is based not only on the fact that several of us have scheduling problems——

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. PERCY. May I have 2 minutes?

Mr. COOPER. Mr. President, I yield 10 minutes to the distinguished Senator from New Hampshire.

The ACTING PRESIDENT pro tempore. The Senator from Illinois was speaking, and wanted someone to yield him time.

Mr. COOPER. I yield him 2 minutes, and then I have been asked for time long since, by the Senator from New Hampshire.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. COOPER. I yield 2 minutes to the Senator from Illinois.

Mr. PERCY. Mr. President, as I said last night, I would have no objection, at any time up until 1 o'clock, to the distinguished Senator from West Virginia modifying his language in any way he sees fit, to clarify his intention and purpose. But there has been objection to that, and the language will be voted on as it was originally introduced.

I now feel, because of, first of all, scheduling problems, and second also because I feel that we should alternate. This is, after all, the Cooper-Church amendment, and I believe that the authors of the original amendment should have an opportunity, now that we have spent many days debating the Byrd amendment, to have a vote on some language they feel can be introduced at this time in the form of an amendment. For that reason, I object.

Mr. BYRD of West Virginia. Mr. President, I yield myself 1 minute.

I say, with all due respect to the able Senator from Illinois, that this is certainly a new theory. Now that we have taken care of objections with respect to personal problems—and I do not mean to be personal at all about this, but I have indicated that we would not vote this afternoon—we have a new theory, that because Senator BYRD has had one chance, let somebody else have a chance. Mr. President, that theory is not written anywhere into the Senate rules. The Cooper-Church language has had its chance. It has been discussed on the floor of the Senate for weeks. It was discussed in the committee before being brought to the floor. There is no objection to my request on the part of the sponsors of the Cooper-Church amendment. They are not making the objection that someone else ought to have a chance.

I hope the Senator will reconsider his objection and not interpose an objection on that basis.

Mr. PERCY. I believe the sponsors of the Cooper-Church amendment are in sympathy with my objection.

Mr. COOPER. Mr. President, I yield 10 minutes to the distinguished Senator from New Hampshire.

THE FACT-FINDING MISSION TO SOUTHEAST ASIA

Mr. McINTYRE. I thank the distinguished Senator from Kentucky.

Mr. President, 9 days ago I left, at the request of the President, on a fact-finding trip to Vietnam and Cambodia.

I went on this trip leaning toward the opinion that our invasion of Cambodia, whatever its short-term military gains, could only lead to a wider war.

And I left feeling that the time had come for Congress at last to share with the President the responsibility for making the decisions necessary to lead us out of this terrible war.

Nothing I saw or heard during the course of my visit has led me to question these views I held.

I do not deny that there is considerable evidence that changes have occurred in Vietnam and that the Cambodian incursion to date has been a military success.

I found, for example, that in the 3 years since I last went to Vietnam, great progress has been made in security and pacification. Everywhere I looked, I saw telling evidence of this. I drove down Highway 5 out of Saigon last week. Three years ago this highway was closed because travel on it was completely unsafe.

There is strong evidence that the Cambodian incursion to date has provided military gains.

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First. We have disrupted the enemy's communications and supply lines between the sanctuaries and South Vietnam.

Second. We have captured large amounts of enemy food supplies and military equipment.

Third. We have relieved the pressure of the enemy on the southern half of South Vietnam.

Fourth. It is quite obvious that the success of the operation has increased the confidence of the South Vietnamese in their own fighting abilities.

Fifth. American servicemen that I encountered responded enthusiastically to this combat initiative.

But it must be said, too, Mr. President, that the incursion, to date at least, has not been a total success.

We have not yet uncovered COSVN, the elusive Communist command post which originally was a prime objective.

We are told that only half of the enemy arms and supply stockpiles in Cambodian sanctuaries will have been uncovered by June 30.

If this should prove out, Mr. President, surely the damage to the enemy and the blunting of his initiatives, especially in South Vietnam III and IV Corps, will fall short of our hopes.

However, whatever the tactical successes or shortcomings of the Cambodian incursion, I feel that its real evaluation, even in military terms, will have to await the enemy's response during the next 6 to 8 months.

And arguments over the short-term pluses and minuses only obscure the farther reaching consequences of the action.

The acid test of the Cambodian action is not the tactical gains or losses; it is whether we have widened the war or whether the action will help us get out of Vietnam more quickly.

I could not obtain an unequivocal reply to my inquiry about whether the Cambodian action justified an earlier withdrawal.

Not one American official with whom I talked—from Ambassador Bunker and General Abrams on down—would recommend an acceleration of troop withdrawals as a result of our operations in Cambodia. I was told simply that the issue was too speculative and was, in the last analysis, a matter of the highest policy decisionmaking.

I do know, however, that the monthly withdrawal rate proposed between now and October is 20 percent below the schedule followed during the early months of this year.

The use of American and South Vietnamese troops in Cambodia already has led to a reduction in allied troop strength in South Vietnam. Further reduction at the present time might spread the remaining forces too thin to permit them to accomplish their assigned mission.

But most important to our long-term prospects for disengagement from Vietnam is Cambodia's new role as a major battlefield in this war.

Despite our hopes that the incursion will be only a temporary, limited, tactical sortie, I am deeply troubled that the war has been expanded.

First, I fear that the Cambodian operation has led to a hardening of positions on both sides and that prospects for a negotiated peace, while never very encouraging, are now dimmer than ever.

Second, there is also the growing problem of what to do about ethnic Vietnamese in Cambodia fleeing into South Vietnam. Some 90,000 already have done so. We know that these people are not friendly to the Lon Nol regime and may ally with the enemy in Vietnam and Cambodia.

Third, there is the problem of South Vietnamese military forces remaining in Cambodia after we withdraw our troops by June 30.

President Thieu has said that his forces will not remain permanently in Cambodia, but also has emphasized that the ARVN will go back into Cambodia any time enemy sanctuaries are rebuilt and reoccupied.

Vice President Ky recently returned from talks with Lon Nol and said:

> The South Vietnamese are ready to go any place, any time the Cambodians request our help.

Finally, the Lon Nol government of Cambodia is fragile and in grave danger. It wants to be neutral but is not strong enough militarily to maintain that stance. Fighting is in progress there now, yet many high and knowledgeable U.S. military declare that Cambodia is not fit to fight. In the event of its fall by reason of military aggression or civil war, it could seriously impede our progress in South Vietnam.

These factors combine to pose for us some ominous alternatives.

What do we do if the defense of Cambodia by Asian forces runs into trouble? Do we go back in to save them? Or do we keep to our word not to do so when the alternative may be the collapse of the Lon Nol regime and the conversion of all of Cambodia into one vast Communist sanctuary from which attacks on the South can be launched?

And what do we do if continued operations in Cambodia by the South Vietnamese keep the present government in power but keep American boys indefinitely in Vietnam, in the face of a war at home which is tearing our own country apart?

It is considerations such as these which convince me that we must disengage ourselves from Vietnam with all due speed, that we must get out, not deeper in.

The Cooper-Church amendment is directed toward this end. It is an attempt by Congress to share with the President the responsibility for future decisions on war and peace in Southeast Asia. I strongly urge its passage, without the Byrd amendment.

I do this for the following reasons:

First. The Cooper-Church amendment, as now written, does not threaten either the success of our Cambodian operations or the safety of the troops participating in those operations. It takes effect only after June 30, by which time all U.S. troops will be out of Cambodia in accordance with the President's own timetable

Second. The Cooper-Church amendment as now written will not affect the President's inherent constitutional authority, after June 30, to take whatever action is needed to protect the safety of American troops anywhere in the world. If American troops are in immediate physical danger, the President will be able to act decisively, without coming to Congress, in order to protect them. In addition, the amendment does not prevent air strikes over Cambodia in support of Vietnamese troops or hot pursuit by ground forces across the border.

Third. The Cooper-Church amendment makes clear that under our Constitution, the President and Congress have a shared responsibility in making the major decisions of war and peace. Accordingly, the amendment is not an affront to the President or his legitimate powers, but an assertion by Congress of its own constitutional responsibility.

Fourth. The amendment, however, is counter to no expressed policy announcement of the President. Mr. Nixon has stated that our troops will be out of Cambodia by June 30 and that they will not be sent back thereafter. As the preamble to the amendment states, this is "in accord with the intention of the President." Accordingly, the amendment will come into force only if the President reverses his present position.

Fifth. To suggest that the President may reverse his position is not to distrust his word. Conditions in Southeast Asia may change and policy changes may be required by them. The purpose of the amendment is to insure that such changes—which could involve us deeply in a considerably wider war—are made only with the approval of Congress. If such approval is forthcoming, U.S. action in Cambodia—or elsewhere—would not be precluded by the amendment.

Sixth. The Byrd amendment would negate the effect of the Cooper-Church amendment. The Byrd amendment, on the surface, addresses itself only to Presidential action needed "to protect the lives of U.S. forces in South Vietnam or to facilitate the withdrawal of U.S. forces from Vietnam." These words would be susceptible, however, to an open-ended interpretation. They could be used to encompass any military action deemed necessary to a successful prosecution of the war. Our present Cambodian operation was justified in such terms, notwithstanding the extreme doubts of many observers that it will have the presumed effect. Accordingly, the Byrd amendment, I believe, is inconsistent with the duty of Congress to share with the President the grave responsibility of decisions on war and peace.

Mr. President, I do not take my position here today in any spirit of partisanship.

We got into this war together. And we can only get out of it together.

Four administrations, both parties, and the Congress of the United States share the responsibility for our involvement there. And the responsibility for the difficult and agonizing decisions necessary to get us out of there must be above party and branch of government.

The goal must be peace, not politics.

We must all remember, especially we Democrats, that this was not Mr. Nixon's war; he inherited it from us.

Accordingly, I call on Senators to approach this problem in a spirit of cooperative bipartisanship. I will continue to support the President in his efforts for peace.

And, in my opinion, we must also do more. We must help the President make the difficult decisions which alone will bring us the peace we so badly want.

The Constitution makes clear that in matters of war and peace there is a shared responsibility between Congress, which is given the power to declare war and to raise and support armies, and the President as Commander in Chief.

The existence of this shared responsibility is deeply enshrined in our long history. Its importance to our domestic tranquillity has had articulate spokesmen from our own State—Webster, Tobey, and Bridges among them.

Thirty-one years ago, one of these gentlemen—Senator Styles Bridges, whose Senate seat I now hold and a man who knew the face of middle America well—told the Nation in a radio address:

> Our manifest destiny is to keep unspoiled the best example in our civilization of a democracy that works. The decision of war or peace is too great to leave in the hands of any one man.

Mr. FULBRIGHT. Mr. President, will the Senator from New Hampshire yield?

Mr. McINTYRE. I yield.

Mr. FULBRIGHT. I want to congratulate the Senator from New Hampshire and commend him on having drawn what I believe to be sound conclusions from his observations and experiences. I wondered—I do not believe he mentioned it directly—whether he found out anything about what had been reported in the newspapers that we were, at least, considering paying for a large Thai Army to occupy and protect Cambodia, including Phnompenh?

Mr. McINTYRE. No. I only read about that in the newspapers on the airplane on the way back.

Mr. FULBRIGHT. They did not tell you——

Mr. McINTYRE. We did not get into the question of Thailand troops which we are paying and now are being moved to aid against the Vietcong in Cambodia.

Mr. FULBRIGHT. I agree with the Senator that if this country is not to suffer irreparably and continue to suffer irreparable harm, we should disengage. But one thing that worries me about the possibility of our disengaging is the fact that if the Thai move in with a substantial army——

The PRESIDING OFFICER (Mr. Young of Ohio). The time of the Senator has expired.

Mr. FULBRIGHT. Mr. President, will the Senator from Kentucky yield me 2 more minutes?

Mr. COOPER. I yield 2 more minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 2 additional minutes.

Mr. FULBRIGHT. It has occurred to me—and maybe the President did not anticipate it—but when we release the long, historical ambitions of the Thai for Cambodian territory, and they used to own two large provinces in Cambodia, plus the rivalry with the Vietnamese, the President, regardless of his good intentions, may be under extreme pressure to go in there to maintain a kind of umpireship among Cambodians, Thai, and Vietnamese, with all of them quarreling about who will inherit what part of Cambodia.

I think this greatly complicates any possibility of a negotiated peace. If I understood the Senator correctly, he also stated that be believes this incursion into Cambodia would make a negotiated peace much more remote. Is that correct?

Mr. McINTYRE. The opportunities, which are not very great, are made less.

Mr. FULBRIGHT. This is the great tragedy of the whole question. I firmly believe that a negotiated peace is the only possibility for a meaningful peace. I do not believe that a military victory in the traditional sense is possible under the circumstances which exist in that area, because the area is bounded by China, and the kind of terrain there, and the nature of the hostility itself. A military victory is not possible—short of using nuclear weapons.

Did the Senator hear any talk about the possibility of our using nuclear weapons in any way in Southeast Asia?

Mr. McINTYRE. None.

Mr. FULBRIGHT. Is it the Senator's impression that the firm policy of this country is not to use nuclear weapons in Southeast Asia? Does the Senator know?

Mr. McINTYRE. I do not know.

Mr. FULBRIGHT. The Senator does not know. I thank the Senator.

The PRESIDING OFFICER (Mr. Young of Ohio). The time of the Senator has expired.

Mr. CHURCH. Mr. President, will the distinguished Senator from Kentucky yield me 3 minutes?

Mr. COOPER. I yield 3 minutes to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized for 3 minutes.

Mr. CHURCH. Mr. President, I want to commend the able Senator from New Hampshire for the very telling statement he has just completed.

He went out to Vietnam with an open mind. He came back with an independent judgment.

For that, we honor him.

TRIBUTE TO SENATOR COOPER—THE QUIET COOPER OF COOPER-CHURCH

Mr. CHURCH. Mr. President, the distinguished Senator from Kentucky (Mr. Cooper), after I forewarned him that I intended to insert a tribute to him in the Record, warned me not to do so.

This is the first time that he and I have disagreed in the course of this debate. Thus, on my own authority, I want to insert into the Record a tribute which the distinguished Senator from Kentucky richly deserves.

Mr. President, Dana Bullen of the Washington Evening Star wrote recently an excellent article entitled "The Quiet Cooper of Cooper-Church." I am in full agreement with Mr. Bullen in his description of our distinguished colleague from Kentucky as a man with a strong reputation for integrity, logic, and persistence.

A word about the use of the term "quiet" in the Bullen headline is in order, lest it be misunderstood. Some in this country now insist on quietness as a prerequisite of patriotism, equating love of country with a willingness to abdicate the first duty of all citizens in a democracy: to think and study the issues for themselves and to bear their share of the responsibility for the actions of their Government.

In reaction to the view that Government expresses some divine will, rather than the efforts of honest but fallible men, others are unwilling to accept a government with a will completely its own, failing to respond or to encompass the deeply-held beliefs of both majority and minority. This one group has come to fear quietness as much as the other group feels that it is desirable or necessary. These increasingly conflicting views are one set of many dubious legacies of the tragic war in Southeast Asia that have sprung up in our country.

In Senator Cooper's case, quietness has not meant sitting unobtrusively in a corner, hoping that somehow or another events would miraculously work themselves out in Indochina—long after hope has become the proverbial ostrich, refusing to remember where all past actions have led or to admit where all similar present actions will logically and inevitably lead. Unswayed by wishful thinking, he has looked behind the rhetoric of success always promised, but in retrospect never gained—a commodity, it seems, more elusive than captured rice or guns—and has accepted the unpleasant reality of the increasingly dangerous implications of our policies in Indochina.

Senator Cooper has not taken the politically easy course. He has insisted that we share responsibility for the policies of the Government of which we are—or should be—so important a part. The Cooper-Church amendment expresses this responsibility in accordance with the letter and spirit of the Constitution.

Senator Cooper's quietness in his fight has been matched by firmness. In the words of the baccalaureate address given at his alma mater, the University of Kentucky, several days ago, Senator Cooper has again shown that "forebearance to use violence does not constitute complacency" and that "militant impatience does not require violence in order to prove itself." He has demonstrated that the most effective militance of all is that which perseveres for the principles that matter most.

Mr. President, I ask unanimous consent that Mr. Bullen's article entitled "The Quiet Cooper of Cooper-Church" be printed in the Record.

There being no objection the article was ordered to be printed in the Record, as follows:

THE QUIET COOPER OF COOPER-CHURCH

(By Dana Bullen)

The Senate storm over Cambodia has a quiet center where John Sherman Cooper, R-Ky., is taking on all comers.

With a reputation for integrity, logic and persistence, the 68-year-old former U.S. ambassador to India maintains that limitations on U.S. military operations in Cambodia are needed to insure against a larger war.

"They talk about undercutting the President," the soft-spoken senator said in an interview. "It's not an attack on the President's powers. I believe he wants to end the war. But Congress has its responsibility."

UNCONTROLLED EVENTS

Cooper fears that despite President Nixon's declared intentions, events could intervene, over which the President might have no control—such as a stepup in North Vietnamese forces, the appearance of Chinese "volunteers" or development of a Cambodian civil war.

"All we say is that before this operation is extended or leads us into war in Cambodia, the President, as prescribed by the Constitution, must come to Congress and ask for its consent," he said.

Specifically, the Cooper-Church amendment, sponsored by the Kentucky Republican and Sen. Frank Church, D-Idaho, would prohibit "retaining" U.S. forces in Cambodia and would bar military operations or support for Cambodian forces without the approval of Congress after July 1.

The Senate at present is about evenly divided on the proposal.

In earlier contests, the tall, shy-mannered senator who plans to retire when his present term ends in two years, racked up an impressive Senate record.

"Cooper is regarded as someone who just goes where the facts lead," said Sen. Philip A. Hart, D-Mich. "Party labels don't distract him. Personalities are not involved. Sincerity is never questioned. When you put all that together, you've got a guy who can move."

WORLD WAR II SERVICE

A graduate of Yale who went on to Harvard Law School, Cooper served as state representative, county judge and circuit judge in his home state before seeking a Senate seat. In World War II, Cooper enlisted as a private at age 41, later became an officer and headed the reorganization of the German judicial system in Bavaria at the war's end.

Since he was first elected to the Senate in 1946, Cooper has been in and out of that body. Three times he was elected to fill unexpired terms, twice he was defeated, and it was not until 1960 that he was elected to a full six-year term.

After one upset, Cooper served as ambassador to India in 1955–56. During another period out of elected office, he was a delegate and alternate delegate to the United Nations. In the Senate in 1959, Cooper came within four votes of defeating Everett Dirksen for GOP leader.

He was a principal sponsor of the 1964 Civil Rights Act and in 1965 offered the measure that created the Senate's Ethics Committee.

Last summer's effort, which failed by two votes to block deployment of the Safeguard antiballistic missile system, focused on a Cooper-Hart Amendment.

The roots of the current Senate debate on Cambodia, it happens, rest in several earlier Cooper measures, including the "National Commitment" resolution, approved 70–16, by the Senate last year.

ONLY JOINT ACTION

This "sense of the Senate" resolution, aimed at heading off future Vietnam-type involvement, asserts that only joint action by the President and Congress can produce "commitment" by the United States to another nation.

Two months later, Cooper again took the Senate floor during the debate over military spending to propose language that would bar use of U.S. combat troops in Laos and Thailand.

"It raised a storm," he recalled. "It was evident that something was going on that some knew of—but we didn't."

At the time, it never occurred to Cooper to include Cambodia in the section. "You couldn't very well pass something saying you're not going to invade a neutral country."

With scant support from other senators, Cooper initially faced an attack against his proposal on the floor. Senate Majority Leader Mike Mansfield was prompted to deliver a strong defense of Cooper.

"I want him to know that I honor him for what he has said . . .," Mansfield said.

Cooper persisted, and the Senate eventually adopted the Laos-Thailand measure, 86 to 0. Critics claimed it had no binding effect, and a House-Senate conference killed the provision.

Trying again to get the provision into law, Cooper vowed, "This time I'll make it bulletproof." With some modification, the measure passed again, 80 to 9, and was signed by the President.

Overall, said Cooper, "its been a long effort. First to stop the bombing and see if we could get negotiations going. Then to limit the war as tightly as possible with the amendment.

"The sooner we leave (Indochina), the better it will be for the United States and those countries over there," he said.

Mr. BYRD of West Virginia. Mr. President, how much time remains?

The PRESIDING OFFICER (Mr. YOUNG of Ohio). The Chair advises that 31 minutes remain to the Senator from West Virginia, and 22 minutes to the Senator from Kentucky.

Mr. BYRD of West Virginia. I thank the Chair.

Mr. AIKEN. Mr. President, will the Senator from Kentucky yield me 10 minutes?

Mr. COOPER. Mr. President, I yield 10 minutes to the Senator from Vermont.

Mr. AIKEN. Mr. President, there are so many ramifications to the subject now under discussion that I will take them up briefly one by one.

The first and probably the most important item connected with consideration of the Cooper-Church and Byrd amendments probably relates to the record of the Nixon administration itself.

For the last 4 weeks Members of this body have been bombarded with letters, telegrams, and petitions sponsored by veterans' organizations, Republican committees, and others urging—even demanding—that we unite the country and support the President in his expansion of the Southeast Asian war into Cambodia.

Now, Mr. President, the decision of the President to expand the war into Cambodia is one of two of his decisions which I have questioned, the other one being the installation of the ABM, a nonexistent defense weapon at the time I opposed it.

But, Mr. President, President Nixon has made many other decisions and recommendations, which are good.

Leta me enumerate a few of them.

First. The Nuclear Non-Proliferation Treaty which attempts to control the distribution of nuclear weapons around the world.

Second. The President has recommended the most revolutionary and generous changes in welfare policies proposed in 30 years.

Third. He has initiated discussions with Red China looking to improving relations with that country and has liberalized the opportunity of Americans to make purchases from that country.

Fourth. By visiting Budapest he was the first U.S. President to ever pay a visit to a Communist country.

Fifth. He has submitted the Genocide Treaty to the Congress for ratification. This is a highly controversial proposal. I will cross this bridge when I come to it.

Sixth. He has greatly improved relations with Japan by recommending the return of the civilian economy of Okinawa to the Japanese.

Seventh. He has recommended cuts in defense spending until for the first time in 20 years a greater percentage of the Federal budget will be devoted to human resources rather than to preparations for war—the breakdown being 41 percent for human resources and 36 percent for national defense.

Eighth. He has attempted to mollify the world by moving from a policy of nuclear superiority to one of nuclear sufficiency.

Ninth. He has recommended continuation and expansion of the OEO program for an additional 2 years and has raised the rank of OEO Director to Cabinet level status.

Tenth. He has strongly urged Congress to adopt the Philadelphia plan which assures black people their share of jobs in Federal construction projects.

In many respects President Nixon is the most liberal President in this century and one of the most liberal Chief Executives of any country.

I, for one, am willing to judge him on his whole performance as President rather than on a single item in which I presently feel he is in error.

However, Mr. President, I am quite chagrined to learn that so many of those who ardently support him in expanding the war oppose him even more ardently when he tries to improve the lot of the poor people of this country.

Now, Mr. President, considering the Cooper-Church amendment, although I am a cosponsor, I seriously do not believe that the fate of this country depends on the passage or defeat of this amendment whether the Byrd amendment is approved or not.

The amendment has already served a useful purpose, and Senators COOPER and CHURCH are to be highly commended for putting it in focus.

Certainly a constitutional question is involved, a question that has been with us since the founding of this country.

There is no doubt that the President has the constitutional responsibility for protecting the people of the United States in his role as Commander in Chief of the Armed Forces.

There is no doubt that Congress has the constitutional responsibility for raising the funds necessary for the operation of our Government and making the appropriations which make such operation possible.

We are told that the writers of our Constitution intended to make it impossible for any one of the three branches of our Government to assume a dictatorial position over the country.

I say that is good.

From time to time each branch of Government has undertaken to usurp the powers of one or both of the other two.

In March 1941, Congress enacted the Lend-Lease Act, an act giving President Roosevelt authority to make agreements with any other country even to the extent of determining war without further consultation with the Congress.

At that time the State Department was declared 4–F and has been 4–F most of the time ever since.

The lend-lease bill purported to be an effort to aid England in her fight against Hitler and his totalitarian forces.

May I say here that the main issue was not aid to England but whether the United States should convey the power to make agreements which could lead to war from the Congress to the executive branch.

The bill was made a partisan issue and the lend-lease bill passed with the support of 50 Democrats and 10 Republicans, with 19 Republicans and 12 Democrats voting against it.

During the 8 years when President Eisenhower was in office, there was a high degree of harmony among the three branches of the Federal Government and a good degree of harmony between the United States and the rest of the world.

During that 8-year period, our economy was reasonably good and not one American soldier lost his life fighting on foreign soil.

It was during the term of President Eisenhower that we were urged to dispatch troops to Indochina to aid the French.

President Eisenhower, with the advice of General Ridgway, wisely refused to get us involved in the political and military mire of Southeast Asia at that time.

In 1961, President Kennedy, reluctantly I am sure, authorized the dispatch of our first troops to South Vietnam.

In 1964, President Johnson requested Congress to enact the Gulf of Tonkin resolution which was erroneously interpreted as giving him authority to expand the war to any extent which he felt was required for the security of the United States.

I would like to say at this point that President Nixon in expanding the war into Cambodia was on much sounder grounds in relying on constitutional authority than President Johnson was in relying on legislative authority to expand the war into North Vietnam.

However, this argument will continue into the indefinite future so I will not say any more about it now.

The effect of the war has been—not counting the loss of over 40,000 American lives and the wounding of nearly 300,000 American military personnel—an increase in the national debt of the United States to nearly $400 billion, unprecedented inflation which is bringing unprecedented discouragement and hardship to millions of Americans and a crippling of the American economy until we have now been forced out of many world markets because of the inflationary costs of production in this country.

At the present time employees are being laid off from important industries all over the Nation while those who are not being laid off are seeing their working hours cut to the point where their paycheck is insufficient to meet the needs of their families.

This situation can be attributed almost wholly to the cost of the Indochina war.

We are now in a position where we must consider subsidizing exports, erecting high tariff walls, or seeing our industries move out to other countries where the lower cost of production will still permit them to compete in world markets.

Now, Mr. President, President Nixon says he will get all of our troops out of Cambodia by June 30.

I believe he will.

He has expressed his intention to get us out of involvement in the Indochina war before the end of his term.

I believe he will try.

But, Mr. President, he is going to find that it will not be easy to get out of this involvement in Southeast Asia.

He will be under pressure not to minimize the war and leave Asia to the Asians, but to keep on with it and possibly expand it to include other countries.

He may not be able to resist this pressure without the help of the Congress.

The Cooper-Church amendment will help him.

There is not the slightest question that if this amendment passes without being hamstrung, that the relations between the Congress and the executive branch will be improved.

It is not good to have the legislative and executive branches at bitter odds with each other even though debate as to the authority of each will undoubtedly continue.

But let us not repeat the mistakes of the past by giving to the executive branch of Government carte blanche authority to assume the war making powers and responsibilities which constitutionally belong to the Congress.

Mr. MANSFIELD. Mr. President, will the Senator yield me 1 minute?

Mr. COOPER. Mr. President, I yield 1 minute to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized for 1 minute.

Mr. MANSFIELD. Mr. President, I want to say that I am in wholehearted accord with what the distinguished Senator from Vermont has said, and most especially with the last several lines which I hope the Senate will take to heart.

Mr. President, in conformance with the statement I made earlier during the course of the debate on the pending modification, it is my intention, if the present modification is defeated to offer the following amendment to the Church-Cooper amendment on behalf of Senators COOPER, AIKEN, CHURCH, and myself.

The amendment will read as follows:

> On page 5, between lines 18 and 19 insert the following: Nothing contained in this section shall be deemed to impugn the Constitutional power of the President as Commander-in-Chief.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD of West Virginia. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from West Virginia is recognized for 1 minute.

Mr. BYRD of West Virginia. Mr. President, again I express the hope that Senators will interpose no objection to my being recognized immediately after the vote on the Byrd-Griffin amendment at 1 o'clock, provided that amendment does not prevail, with the additional proviso that if the vote is in the affirmative on that amendment and the amendment prevails, the able Senator from Idaho would then be recognized immediately after the vote.

Mr. CHURCH. Mr. President, I hope the Senator from West Virginia understands that I have no objection. I had none before. I have none now. However, after the 1 o'clock vote, the Senator from Montana (Mr. MANSFIELD) has asked for recognition. The Senator from Arkansas (Mr. FULBRIGHT), before he left the Chamber, asked me to renew an objection to any unanimous-consent request offered.

As a matter of senatorial courtesy, I said that I would do this for him while he was out of the Chamber.

On that basis, I would have to object.

Mr. JAVITS. I will object.

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. BYRD of West Virginia. Mr. President, I will withdraw my request in order that the able Senator from Idaho (Mr. CHURCH) may speak with the Senator from Arkansas (Mr. FULBRIGHT).

The PRESIDING OFFICER. The Senator's time has expired. Who yields time? If no Senator yields time, the time will be charged equally to both sides.

Mr. MANSFIELD. Mr. President, I think there is a great disparity in the time. May I ask how the time stands?

The PRESIDING OFFICER. The Senator from West Virginia has 28 minutes remaining; the Senator from Kentucky has 12 minutes remaining.

Mr. MANSFIELD. Mr. President, in view of the fact that the Senator from Kentucky is, I believe, the only remaining speaker on our side, I hope that other Senators who wish to speak in favor of the Byrd-Griffin language will do so, so that the remaining time may be equalized.

Mr. COOPER. Mr. President, I yield 2 minutes——

Mr. BYRD of West Virginia. Mr. President, will the distinguished Senator from Kentucky yield me 10 seconds?

Mr. COOPER. I yield.

Mr. BYRD of West Virginia. Mr. President, we started with equal time. I yielded time to the Senator from Arkansas, who opposes my amendment, and I am prepared to yield additional time to the Senator from Kentucky. I will yield 5 minutes to him, which will leave me 23 minutes, and he will have 17 minutes.

The PRESIDING OFFICER. The Chair advises Senators that a minute has been lost on each side within the last few minutes.

Mr. BYRD of West Virginia. Let that time be charged also against my time.

The PRESIDING OFFICER. Who yields time?

Mr. COOPER. Mr. President, I yield 3 minutes to the distinguished Senator from Maryland.

Mr. TYDINGS. Mr. President, I think that during the course of the debate some Senators may have lost sight of the history behind the debate.

Thomas Jefferson had a sense of history. He remembered the long list of kings and rulers who crossed borders and plunged their countries into disastrous wars without the approval of their parliaments and people. And he remembered that, even while the blood was spilling and the coffers emptying, to his people the monarch was saying, "The war—it is for your own defense, for your own good."

Jefferson believed that, under the newly framed Constitution, his Nation would have none of that. He knew that the Constitution gave Congress the power to declare war and the power to raise and support armies. And he believed that these constitutional provisions would surely protect our Nation from the scourge of Presidential wars.

Jefferson aptly reflected his expectations in a letter to Madison. He wrote that by vesting in Congress the power over war, the constitutional framers had established "one effectual check to the dog of war."

The recorded intent of the framers of our Constitution reflects the accuracy of Jefferson's interpretation. On August 17, 1787, the Constitutional Convention debated the clause giving Congress the power to declare war.

This clause originally gave Congress the power "to make war." And the framers of our Constitution agreed that the power over war should lie with Congress. For as George Mason said, the President "could not safely be trusted with it."

But the framers of our Constitution also believed that the President should have the power to defend against a sudden attack. With this in mind the framers decided to substitute the phrase "declare war" for "make war."

Thus, as their historic debate reflects, the writers of our Constitution intended Congress to retain control over the power to make war, with the proviso that the President was empowered to repel unilaterally sudden attacks.

History teaches us that Congress too often has betrayed the wisdom and intent of our Founding Fathers. Too often has Congress failed to live up to its constitutional responsibilities over the great issue of war and peace. And too often has it bowed to the chimera of Executive omnipotence over this vital area.

We know too well the product of this neglect—the result of our willingness to give the President a blank check to make war. It has opened a pandora's box of horribles. It has produced the calamity of Vietnam.

The amendment of the distinguished Senator from West Virigina (Mr. BYRD) will test whether the Senate is going to continue on this calamitous course. A "yea" vote will do just that. Or whether the Senate shall vote no and reassert for the good of the Nation its constitutional authority over the making of war and peace, and help end our involvement in the war.

The Byrd amendment grants to the President the authority unlimited in time, manpower, or expense to keep our troops in Cambodia in the name of protecting our forces in South Vietnam. It is said that this is necesary to reaffirm the President's right to protect our troops against attack from Cambodia. But this rationale is the sheerest of folly.

For, as I have noted, our Constitution already gives to the President the power to do just that—to defend against sudden attacks. Moreover, if history teaches us anything, it is that the President is all too aware of this power. The last thing Congress has to do is to remind him of it. Thus, on the basis of this rationale, the Byrd amendment is completely unnecessary.

But generally the acts of Congress are not interpreted as empty gestures. And I am concerned that the Byrd amendment will not be so interpreted. I am concerned that it could be used as another Gulf of Tonkin resolution. An open invitation to the President to take us into another endless war in Southeast Asia.

I am reminded of the wisdom of Lincoln. When President Polk started the Mexican War by sending American forces into disputed territory along the Rio Grande, Lincoln wrote:

> Allow the President to invade a neighboring nation, whenever he shall deem it necessary to repel an invasion, and you allow him to do so, whenever he may choose to say he deems it necessary for such purpose—and you allow him to make war at pleasure. Study to see if you can fix any limit to his power in this respect, after you have given him so much as you propose.

I do not think the President intends to take us into a wider war in Southeast Asia. But I am unwilling to exchange my own constitutional responsibilities in this area for a ray of hope. If the Vietnam war teaches Congress anything, it is that it must no longer neglect its constitutional authority in this area. It must, as Jefferson said, keep tight rein on the dogs of war.

Because the Byrd amendment would again relinquish those reins and give the President practically carte blanche authority to make war in Cambodia, the Senate must reject this amendment.

The PRESIDING OFFICER (Mr. YOUNG of Ohio). The time of the Senator from Maryland has expired.

The Chair observes attachés standing in the Chamber. The Chair orders and directs that the Sergeant at Arms keep the Senate floor clear of all personnel except the staffs of the Sergeant at Arms and the Secretary of the Senate, the secretary to the majority and his assistant, the secretary to the minority and his assistant, and those attachés assigned by the Democratic and Republican Policy Committees, until following the time when the vote has been concluded this afternoon. The Chair instructs the Sergeant at Arms to commence to enforce this rule forthwith.

Who yields time?

Mr. BYRD of West Virginia. Mr. President, once more, although I think it will be futile, I ask unanimous consent that I be accorded recognition immediately after the vote on my pending amendment, in the event that amendment No. 667 does not prevail.

The PRESIDING OFFICER. Is there objection?

Mr. PERCY. Mr. President, I object. I object for the reasons I have previously stated.

The PRESIDING OFFICER. Objection is heard.

Mr. GRIFFIN. Mr. President, I was not in the Chamber previously.

Mr. SCOTT. Mr. President, on behalf of the Senator from West Virginia, I yield time to the assistant Republican leader.

Mr. GRIFFIN. Mr. President, will the Senator from West Virginia yield me 3 minutes?

Mr. BYRD of West Virginia. I yield 3 minutes to the Senator from Michigan.

Mr. GRIFFIN. I am very sorry to hear that the senior Senator from Illinois objects. I was not in the Chamber when he made his objection before. I just do not understand it. I think it is a very bad precedent to be setting.

The Senator from West Virginia concurred in the unanimous-consent request to provide for a time certain to vote. Because of that technicality, he is in effect being precluded from doing what he would otherwise be able to do without unanimous consent.

Because of that technicality, he should be accorded an opportunity, by being recognized following the vote, to offer his perfecting amendment. I wonder if the Senator from Illinois really will not withdraw his objection. Does he not think it would set a bad precedent to preclude the Senator from West Virginia from offering a perfecting amendment?

Mr. PERCY. If I may be yielded time for the purpose, Mr. President, I should like to reply to the distinguished assistant minority leader.

Mr. SCOTT. Mr. President, I yield to the Senator from Illinois.

The PRESIDING OFFICER. The 3 minutes yielded to the Senator from Michigan have expired. Who yields time?

Mr. SCOTT. Mr. President, will the Senator from West Virginia yield time to the Senator from Michigan, so that the Senator from Illinois may answer the inquiry?

Mr. BYRD of West Virginia. I yield 2 minutes to the able Senator from Michigan.

Mr. PERCY. Mr. President, as the distinguished assistant minority leader knows, I was under the impression that we were going to vote on the Byrd amendment on Wednesday. I learned that a unanimous-consent agreement had been entered into for a vote on Thursday, necessitating my canceling a very important meeting in Chicago today.

Under the terms of that unanimous-consent agreement, it was agreed by all Senators that the only vote that could be put at 1 o'clock would be either on a tabling motion or on the amendment itself, and that no substitute amendment could be interjected. This was agreed to by every Senator. It was a binding agreement, under the normal procedures of the Senate; and the procedure of offering a substitute amendment could not be followed in this case.

I have consistently said, and I say once again, I have no objection whatsoever to the distinguished Senator from West Virginia modifying his amendment in any way he sees fit so we can vote on that language, as he wants it, at 1 o'clock. I did not object to it today, nor did I yesterday. But I do object to the proposal that the pending business then, under the unanimous-consent agreement, would be the Byrd amendment again. How much longer must that be the pending business? The distinguished Senator has had his chance. I feel it is right that we rotate and that the authors of the Cooper-Church amendment have the right to amend their own amendment, and they have been barred from so doing up to this time. If they wish to do so, I think it is only fair that they have an opportunity; and if they do not wish to do so, I would ask for recognition so that I may ask unanimous consent that the Percy amendment could be voted on, which the distingiushed Senator from West Virginia was gracious enough to say last night he would agree to.

Mr. GRIFFIN. What about the possibility of voting tomorrow on the modified Byrd amendment? Would not that be a reasonable compromise and still preserve the procedures of the Senate?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SCOTT. Mr. President, will the Senator from West Virginia yield 2 minutes to me?

Mr. BYRD of West Virginia. Mr. President, I yield 5 minutes to the distinguished Senator from Pennsylvania.

Mr. SCOTT. Mr. President, may I express the hope that some way can be found for the Senator from West Virginia to be heard on any subsequent revision he has in mind, because it seems to me he has tried, in all good faith, to secure that opportunity by the only way he could do it at this point, and that is to secure a unanimous-consent request. He has not secured it. It may be that he would agree to securing a vote on some intervening amendment, if that is the desire, but I would like to find a way to permit the Senator from West Virginia to offer such further modification, frankly because it contains a clause which I have said publicly, downtown, and uptown, ought to be in there, and that is the right of Congress, or of the Senate, to be notified in the event there are any similar actions to that of entering into Cambodia, for example.

That is why I would hope we could work it out, as the Senate so often works out its various problems, by extending the courtesy to the Senator from West Virginia. If there is a desire to get something else in here, let us try to get a time agreement that we vote on an intervening amendment and then vote on the amendment of the Senator from West Virginia. That is what I would like to see.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. SCOTT. I yield to the Senator from Michigan.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that following the vote on the Byrd amendment at 1 o'clock, the Senator from West Virginia be recognized to offer the modified version of his amendment, and that we vote on the modified version at 2 o'clock this afternoon.

The PRESIDING OFFICER. Is there objection?

Mr. MANSFIELD. Mr. President, I object, because I have announced that I will seek recognition to try to bring this impasse to an end. I have an amendment which I intend to offer, and, as majority leader, I intend to seek recognition at that time from the Vice President of the United States, who I anticipate will be in the chair now occupied by the distinguished Senator from Ohio (Mr. YOUNG).

The PRESIDING OFFICER. Objection is heard.

Mr. SCOTT. Mr. President, may I then propose a different unanimous-consent request?

The PRESIDING OFFICER. Who yields time?

Mr. SCOTT. Mr. President, will the Senator from West Virginia yield me time?

Mr. BYRD of West Virginia. I yield 1 minute to the Senator from Pennsylvania.

Mr. SCOTT. I ask unanimous consent that following the vote on the Byrd amendment, the amendment of the Senator from Montana shall be in order, and that a vote may be had on it not more than 2 hours thereafter, and that following the vote on the Mansfield amendment, the Senator from West Virginia (Mr. BYRD) may be recognized, and that a vote may be had on the Byrd amendment not more than 2 hours after the vote on the Mansfield amendment.

Mr. MANSFIELD. Mr. President, I reserve the right to object, and I do so reluctantly, because the amendment which will be cosponsored by Senators COOPER, CHURCH, AIKEN, and MANSFIELD will be offered only in case the pending modification of the Cooper-Church amendment is defeated; otherwise it will be "up for grabs."

Mr. SCOTT. Mr. President, may I then modify my unanimous consent request as follows: That if the Byrd amendment shall not be adopted, the Senator from Montana (Mr. MANSFIELD) be recognized and that the time be equally divided for a period of 2 hours, to be followed by a vote; and then following that, the Senator from West Virginia (Mr. BYRD) be recognized, and that 2 hours of debate be allowed on that amendment, followed by a vote.

Mr. MANSFIELD. Mr. President, reserving the right to object, I would like very much to go along, but I think, in all fairness to the Senator from Arkansas, who indicated he would be against any agreement to that request, and with the approval of the distinguished Senator from West Virginia, who I think is aware of the situation, I object very, very reluctantly. If it can be cleared up on that basis, I would be glad to agree.

Mr. SCOTT. Perhaps we can do so later on.

Mr. BYRD of West Virginia. Mr. President, how much time do I have remaining.

The PRESIDING OFFICER. The Senator from West Virginia has 12 minutes.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senator from Idaho may have Mr. Norvill Jones sit at the majority leader's desk during further deliberations.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I think I sense the feeling of Senators. I think it would be a vain thing and a useless effort for me to attempt to renew my unanimous-consent request; and I say that certainly without any ill feeling, but I do want the RECORD to show again that I sought to modify my amendment by adding to it the language which I thought would go a long way toward meeting the honest concern that has been expressed to me by other Senators. So I sought to do that. But having failed, I shall not make any further effort, I shall not cry over spilt milk. I shall proceed now, if I can possibly do so, to try to convince Senators of the merits of the amendment that is pending before the Senate.

Even though I have not been permitted to modify it, Mr. President, I think that the legislative history would indicate that the clear intent and meaning of the amendment would encompass the various modifications that I have sought to include today.

One of those modifications was that the President could only take action, on a temporary basis, if, in the proper exercise of his constitutional authority, powers, and duties, he thought that it was necessary to send men back into Cambodia—necessary for the protection of our men who are in South Vietnam; it would be only on a temporary basis.

I cannot speak for the administration, but I can read and I can listen, and it is my understanding that the administration has indicated time and time again that any incursion into Cambodia would be only on a temporary basis. I think the legislative history will show that that is the intent of my amendment. There is no intent here to open up any loopholes or doors whereby the President might move in, under the guise—even if he wanted to do so, and I do not believe he does—of protecting American troops in South Vietnam, and thus become committed in a new war or in a permanent war.

The intent of the language also is that such actions must be clearly necessary for the protection of our troops in South Vietnam.

Mr. President, I again express my support of paragraphs 2, 3, and 4 of the Cooper-Church amendment. I think that the Cooper-Church amendment has been drawn with the idea in mind to meet the concerns of all Senators, and of the people of the United States. We are concerned lest we get involved in a new war. We are concerned lest we get drawn into a second Vietnam. We all want to see our men out of Cambodia at the earliest possible moment. We all want to see our men brought home from South Vietnam at the earliest possible moment.

But, Mr. President, we do have more than 400,000 men in South Vietnam now. It does not make any difference how they got there, or who put them there; they are there, and they cannot be brought home overnight. It does take time. The President has indicated his desire to bring them home. He has brought 115,000 men home. He has promised to bring another 50,000 home by October, and another 100,000 by spring of next year. So the plan is to withdraw, but it does take some time; and while we have men in South Vietnam, I feel that the American people want those men to be protected.

Our Government sent those men to South Vietnam. Many of them are there through no choice of their own, and it is the duty of our Government and the duty of the President as Commander in Chief, under the Constitution, to do everything possible to protect the lives of those men who are in South Vietnam, and to do everything that we can to facilitate their withdrawal from South Vietnam.

It is because of this concern—which I think I have expressed in behalf of every Senator—that those men's lives be protected, that I have attempted to modify paragraph (1) of the Cooper-Church language to make it clear that the President shall be able to act to protect them. He has the constitutional authority and duty to do that, Mr. President, but paragraph (1) would say, in effect, that no troops may be retained in Cambodia after June 30, period.

Of course, the proponents of that paragraph say, "Well, the President can come back, and he can make his case and get a new appropriation."

But we all know what that means. We would have to have a budget estimate, there would have to be congressional hearings and discussions within the committee, and marking it up; then the bill must run the gauntlet of the 3-day rule, there must be Senate debate, and by that time, the enemy has gone, or has attacked our men.

We cannot add to the President's constitutional authority nor take it away; but we can put handcuffs on it. We can prevent the proper exercise of that authority, and I am afraid that paragraph (1) of the Cooper-Church amendment, as now written, would do just that by cutting off funds.

It is for that reason that I have offered the language in my amendment, hoping to make it clear that the Cooper-Church amendment, if enacted into law, will not attempt to preclude the proper exercise of his constitutional authority, powers, and duties by the President of the United States acting as Commander in Chief, if it becomes clearly necessary for the protection of the lives of our men in South Vietnam to temporarily use ground forces again in Cambodia.

That is the purpose of my amendment. I hope that the RECORD will be clear as to its intent and meaning. It is an effort to help all sides. We all want to get out of the war, but we want also to protect our men. Mr. President, the language as now written will never become law. Let us not suffer any illusions about that. The other body will not accept it; or, if it does, the President would veto it, and if he were to veto it, it would be impossible to get two-thirds of both Houses to override his veto. So this language cannot become law as now written. I am hopeful that if my language is adopted, it might be somewhat more acceptable to the other body, and might have better chances of enactment, because I do want to see the Cooper-Church amendment enacted into law, if it can be amended as I have sought to amend it.

Mr. President, I urge Senators to vote for my amendment.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes.

Mr. BYRD of West Virginia. Mr. President, I yield the 3 minutes to the Senator from California.

Mr. MURPHY. I ask for a minute and a half.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. MURPHY. Mr. President, I have just returned from Vietnam; and I do not mean from Saigon, I mean from forward fire-support areas. I have been with the troops who have been fighting.

I can assure the Senate that they do not understand the procedures being discussed here today; and I, too, do not understand them, either. I do not see how anyone, as the Senator has so eloquently said, can argue that it is proper to send boys out to fight and then not permit the President and those military experts charged with the responsibility to do what they believe is right for the national security, for the safety of the troops, and in order to bring them home and hurry the hoped for peace.

I point out that with regard to the war in Vietnam the President has kept his promise; 115,000 men have come home. The next 150,000 are coming home on schedule. There has been no doubletalk. There has been no whitewash.

I would suggest that it would be very difficult for this Senator to face the young men I had lunch with 2 days ago, at a place called Shakey's Hill, and explain to them why this language is not acceptable, or why it would be necessary, before an attack as important as the Cambodian excursion, temporary though it be, that it be discussed and debated here in the Senate.

I can tell you what the result of such a debate would be. The original estimates were 2,000 Americans killed. We are actually down to about 10 percent of that, because of the element of surprise, because the President was permitted to give the order for the South Vietnamese troops, the ARVN forces, to move in quickly, without debate or without public disclosure.

In spite of that, we were told by defectors—specifically, a lieutenant colonel in charge of 8,000 men in the Parrot's Beak area—the enemy still had 20 hours' notice.

The element of surprise would be destroyed by preceding debate, and I do not understand how Senators can rationalize this to those courageous, brave young men who were sent out there, who would prefer to be somewhere else.

I personally support the amendment most enthusiastically, and I cannot understand, nor have I heard any logical rationale for, not supporting it. I think this entire debate is ill-advised at this time. I think it should be had at a time when the country is at peace, and when we are not concerned with the lives of American boys who are doing a job, and who have turned around completely the initiative of the war.

The PRESIDING OFFICER. The time of the Senator from West Virginia has expired.

Mr. MURPHY. I thank the distinguished Senator for yielding.

The PRESIDING OFFICER. Who yields time?

Mr. COOPER. Mr. President, I yield 5 minutes to my cosponsor, the Senator from Idaho.

Mr. CHURCH. Mr. President, the efforts to modify the Cooper-Church amendment, such as the modification offered by the Senator from West Virginia, are nothing more nor less than attempts to write into the law a congressional waiver—a waiver which says that once the President puts on his Commander in Chief's hat, Congress automatically agrees to accept whatever action he and he alone deems necessary. I cannot believe that the Founding Fathers ever envisioned having Congress provide the President, acting as the Commander in Chief, with such a waiver, and the writing of such a waiver into the pending legislation could provide a significant precedent for other legislation.

For some unexplained reason, until now, it has always been understood that Congress could not impinge on the President's authority as Commander in Chief to protect our troops in the field or our citizens abroad. Until now, it has always been understood that a congressional waiver, a congressional disclaimer, was not necessary. The President has understood this, as has Congress.

I would remind Senators that on sending our troops into Cambodia, the President did not deem it necessary to state that his actions in any way impinged upon the constitutional authority of Congress. This is what the President thought of issuing such a disclaimer. And Congress ought to learn from it.

The real issue—and we must face it now—is to preserve the dignity and integrity of the role that the Constitution intended the Senate to play. That can be accomplished in only one way: We either face up to it now, or we turn once more away from it. We either stand up now or we roll over and play dead again. The issue is whether the Senate of the United States is willing to assert the authority that the Constitution vests in it, and to do so without writing in a disclaimer which, for all practical purposes, subverts the limitations imposed by the Cooper-Church amendment.

I hope that, at long last, after 6 years of inconclusive warfare, all for reasons unrelated to the vital interests of the United States, or the health, safety, and well-being of the American people; after three Presidents have shown themselves unwilling or unable to extricate this country from the morass into which we have sunk so deeply, the Senate will, at long last, stand up to its responsibility; that we will undertake to assert the power that the Constitution vests in this body, and that we will begin to write the outer limits of American participation in this widening Indochina war. That is our responsibility; that is what we seek to assert through the enactment of the Cooper-Church amendment. I say let there be no congressional disclaimer.

Mr. DODD. Mr. President, I take the floor to support the Byrd amendment because I consider it a reasonable way of moderating the dangerously inflexible language of the Cooper-Church amendment to the Foreign Military Sales Act.

When President Nixon informed the American people on April 28 that he had ordered American troops to move against the Communist sanctuaries in Cambodia, I announced my immediate support for the President's action.

I did so on the grounds that this action would save American lives, expedite the rate of American withdrawal from Vietnam, and increase the possibility of a negotiated settlement.

In the outburst of protest that followed the President's action, many emotional and unfounded charges were made.

It was charged that we were escalating the war by attacking the enemy's Cambodian sanctuaries. But the fact is that we are fighting the same enemy and the same war in largely the same territory, and that we are still committed to the same ambitious program of troop withdrawal from Vietnam.

The essential purpose of the operation was to permit us to deescalate our own involvement in the war without the danger of major enemy attacks from the direction of Cambodia while we were doing so. From this standpoint the operation has been a brilliant success, which has set the enemy back at least 6 months, and conceivably as much as a year.

It was also charged that we were violating international law in crossing the frontiers of a neutral country. But as the able Senator from West Virginia pointed out in his masterful presentation of June 3, if a government which claims neutrality fails or is unable to prevent the movement of troops or supplies through its territory by one side, then the other side has the right, in self-defense, to cross into the so-called neutral territory in order to deal with the enemy forces there.

It was charged that we had entered Cambodia without the invitation of its government and without notifying it in advance. But now that the Cambodian Government has made it clear that it welcomes our action and would, indeed, like us to stay longer, I do not hear any of the original critics arguing that this approval morally validates our action.

It was in the course of the initial overcharged reaction to the Cambodian events that the so-called Cooper-Church amendment was introduced in the Senate.

This amendment would not only prohibit the authorization of funds to retain U.S. forces in Cambodia beyond July 1, 1970, but it would also prohibit the authorization of funds for air operations in Cambodia in support of the Cambodian forces; for attaching advisers or specialists or any other military personnel to the Cambodian forces in any capacity; or for the payment of the ethnic Cambodian mercenaries whom we recruited and trained in Vietnam and who are now bearing a heavy share of the battle in Cambodia. Finally, it would make it impossible for us to give any special assistance to the government of Thailand or South Vietnam or any other government which may seek to assist Cambodia resist a Communist takeover.

Whatever the intention of its authors and supporters, I say that this amendment, if it were ever to become law, would guarantee a Communist takeover of all of Southeast Asia, and this in very short order.

Over the past several weeks, first in the hospital and then at home, I have sought to follow the course of the debate on this amendment in the CONGRESSIONAL RECORD. My one regret is that my health has made it impossible for me to take part in this debate actively because no more momentous issue has come before the Senate in recent years.

I say this despite the fact that the Cooper-Church amendment could almost certainly never become law. Even if it were approved by the Senate, it would stand virtually no chance of being approved by the House. And if, by some miracle, it were approved by both Chambers, the President would still have the right of veto.

But I would nevertheless consider it a disaster of the first magnitude if the Cooper-Church amendment were to obtain the support of a majority of the Senate.

Its approval by the Senate would mark a major victory for the resurgent isolationism which today afflicts our country.

It would be an affront to the President, in the sense that those who vote for it put themselves in the position of refusing to accept at face value the President's assurance that all American forces engaged in the present operation will be withdrawn from Cambodia by the end of June.

It would be a challenge to the President's constitutional power as Commander in Chief because it would prevent the President, without prior congressional approval, from taking any future action, by land or air, against Communist buildups in Cambodia, even if such action were to become urgently necessary to protect American troops in Vietnam.

It would also be a direct challenge to the President's Guam Doctrine, in the sense that it would deny any kind of assistance to the beleaguered Cambodian Government, even assistance through neighboring Asian countries.

It would be an evidence of national disarray, at the highest level of Government, which could only encourage our enemies and make them more inflexible in response to our surrender of flexibility.

I support the modifying language proposed by the Senator from West Virginia because it makes it clear that the amendment "shall not preclude the President from taking such action as may be necessary to protect the lives of United States forces in South Vietnam or to facilitate the withdrawal of United States forces from South Vietnam."

It distresses me that this debate has been necessary.

We all want peace.

We all want to see our American boys come home from Vietnam as rapidly as possible.

But there would be no point in terminating the Vietnam war in a manner which invites more wars and larger wars in the very near future. And it is this issue that lies at the heart of the current debate on Vietnam and on the Cooper-Church amendment.

The distinguished columnist Crosby Noyes put the matter in these words:

> These proposals are no more than the nose of the camel. The trend is toward the outright abdication of the United States as a major world power. If it prevails, the world is going to be a very dangerous place to live in, not only for Americans, but for everyone else as well.

If the Cooper-Church amendment in its original form should ever become law, then the world will certainly become a more dangerous place to live in.

I hope that Senators will give due weight to the larger issues involved and that they will cast their votes for the Byrd amendment.

Mr. President, I ask unanimous consent to insert into the RECORD the complete text of a letter to U.N. Secretary General U Thant from the Cambodian Government dated May 5, in which Cambodia's Permanent Representative to the U.N., Mr. Khim Tit, states that:

> The Cambodian government notes with satisfaction that the President of the United States of America took into account in his decision the legitimate aspirations of the Cambodian people, whose only desire is to live in peace, in its territorial integrity, in independence and in strict neutrality.

In the same letter the Cambodian representative said that his government "respects the sentiments expressed by President Richard Nixon."

I ask unanimous consent that the letter from the Permanent Representative of Cambodia to be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

New York, *May 5, 1970.*

U Thant,
Secretary-General
United Nations
New York.

Sir: On instructions from my Government, I have the honour to bring to your notice the following statement by the Government of Rescue of Cambodia dated 4 May 1970:

"In his message to the Nation on 30 April 1970, Mr. Richard Nixon, President of the United States of America, announced important measures he had taken to deal with increased military aggression by North Viet-Nam in the territory of Laos, Cambodia and South Viet-Nam. One of those measures concerned United States assistance for the defence of Cambodian neutrality, which was being violated by the North Viet-Namese.

"The Government of Rescue notes with satisfaction that the President of the United States of America took into account in his decision the legitimate aspirations of the Cambodian people, whose only desire is to live in peace in its territorial integrity, in independence and in strict neutrality. For that reason the Government of Cambodia wishes to declare that it respects the sentiments expressed by President Richard Nixon and to express its gratitude to him.

"It is high time that other friendly nations understood the extremely serious situation in which Cambodia is and came to the assistance of the Cambodian people, the victims of armed aggression. The Government of Rescue now renews the appeal for assistance it made on 14 April 1970 and declares that it will accept all unconditional assistance given in any form (military, economic and diplomatic) by friendly countries.

Given at Phnom Penh, 4 May 1970."

I should be grateful if you would transmit the text of this letter to all States Members of the United Nations.

Accept, Sir, the assurances of my highest consideration.

Khim Tit,
Permanent Representative of Cambodia.

Mr. HOLLINGS. Mr. President, 4 weeks ago the Congress set out to reestablish its responsibility in war and peace. It moved to reaffirm confidence in representative government. Its aim in May under the Cooper-Church amendment for Cambodia was the same as last December for Laos and Thailand. In order to expedite withdrawal, to make certain we did not fall into another South Vietnam, the Congress limited the battlefield to South Vietnam alone. The President approved this on December 29, 1969, and at the time of the Cambodian incursion, Cambodia was considered a third country not to be involved with ground combat troops, the same as Laos and Thailand. In fact, the Secretary of State told a committee of Congress less than 48 hours before Cambodia:

> We recognize that if he escalates and if we get involved in Cambodia with our ground troops, that our whole program is defeated.

With this background it is important to emphasize that with Cooper-Church we move also to reestablish the credibility of the President and the credibility of the Congress. However, there has been political reaction on both sides. And there is a playing on words as to the Byrd amendment now before us. It means what it says—that nothing should prevent the President from taking action necessary to protect the lives of our troops in South Vietnam or to facilitate their withdrawal. You cannot legislate for twisted design or distorted motive. Obviously this inherent right has been distorted and there are those who fear that it will be employed again to go back into Cambodia. If the Congress speaks through Cooper-Church with the Byrd proviso, then no Commander in Chief will employ the Byrd proviso unless there is a clear and present danger different than headquarters and supply dumps just over the line. Whether or not the Byrd proviso is affirmatively included is of little import because the right of the President as Commander in Chief to protect our forces is inherent. However, the responsibility of making war in a third country, of spreading the war to a third country is constitutionally that of the Congress. Like many who watched in dismay the limited and costly policy employed in Vietnam, I, too, yearned for military victory. But each Commander in Chief, including the present one, has tied the hands of the military and refused to give the order to win. Obviously, under this policy it would be wrong to widen the field of battle and assume responsibilities in another Southeast Asian country. And let me reaffirm that the Constitution is alive and living here in America. We do not need search parties to look for it in Cambodia. The need of the hour is a national policy supported by both the President and the Congress. This is not to be found by viewing enemy caches and consulting battle commanders 10,000 miles away. It must be rediscovered in the hearts of citizens and Congressmen here at home determined that this Nation stand together.

SUPPORT FOR COOPER-CHURCH AMENDMENT

Mr. HARRIS. Mr. President, concerned citizens continue to express their opinion about the military involvement of this country in Cambodia. I recently received a well-thought-out letter from Thomas Hale Boggs, Jr., wherein he expressed support for the Cooper-Church amendment. Since we have a key vote on this issue today, I thought Mr. Boggs' letter would be of particular interest to my colleagues and I ask unanimous consent that it appear at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Chevy Chase, Md.,
June 5, 1970.

Senator Fred R. Harris,

Dear Fred: As a potential candidate for Congress, I would like to express my support for the Cooper-Church Amendment and my views on the recent U.S. military incursion into Cambodia.

The action in Cambodia well illustrates the false assumption, characteristic of too much of U.S. policy throughout the Vietnam war, that battlefield tactics and firepower will achieve our objectives.

Our announced purpose in Vietnam has been political success, not military victory, yet we have measured progress by casualty ratios and bombing effectiveness.

This latest Cambodian adventure is a logical but regrettable outgrowth of a failure to recognize the limits of military power. The danger is not that the operation will fail, but rather that it will succeed enough to delude us that new and bolder military initiatives should be undertaken.

Strategic gains in Southeast Asia, even once achieved, have a way of evaporating. The replacement of enemy arsenals once captured, and the reappearance of enemy troops once driven off, have been recurring facts of life in Indochina for twenty years. The lesson of history in that region must be that if weapons of war cannot succeed militarily, they must certainly be of very marginal use politically.

If the war has gone badly in Vietnam, it has been more troublesome at home. This frustrating and protracted conflict has not only drained off American blood and treasure; it has precipitated at home one of the most serious social and economic dislocations in our history.

Sophocles said once that "war loves to prey upon the young." This war has taken a gruesome toll not only of our young men in the field, but also a toll of incalculable proportion in the puzzlement and despair of thousands of our youth. People of good will, of all ages and all political persuasions, are driven increasingly to frustration, confusion and bitterness over Vietnam.

No thoughtful person can disagree that our first and most urgent priority must be to end the war in Vietnam.

To end the war, we must confront, and act upon, some realities that many Americans will find unappealing:

First, we must adhere strictly to the deadline of June 30, 1970, for removal of all U.S. military personnel from Cambodia. Further military movements into Cambodia or Laos, or across other national borders in that region, must not occur without the prior approval of Congress.

Second, we must fix and, barring a contrary decision of Congress, adhere to a deadline of June 30, 1971, for the orderly withdrawal of all American combat troops from Vietnam.

Third, we must use our considerable influence with President Thieu to withdraw his troops from Cambodia and begin to take meaningful steps to broaden the political base of his government.

To Americans like myself, accustomed to the swift, decisive and honorable influence of our country in world affairs, these suggestions are discomforting.

There will be no enemy surrender.

There will be no joyous, popular outpouring of people into the streets, celebrating the conclusion of the war.

Those whom the war has disfigured, or who have lost relatives and friends in battle, will be entitled to an explanation we cannot easily supply.

But the alternatives to this policy of disengagement are far less acceptable.

To persist in the war is unthinkable. It would further divide the country and would even be of doubtful military utility.

To seek dramatic short-run military advantage, as in Cambodia, would be to foster misplaced hope for a decisive victory that cannot come.

Worse still, to fail to commit ourselves to a withdrawal program is to squander lives, time, effort and attention necessary to begin a healing process at home.

In seeking the Presidency, Richard Nixon promised a plan to end the war. After his election, I, like other Americans earnestly hoped that he would implement such a plan. I refrained from public criticism. I believed that he was entitled to a reasonable time to turn us toward peace.

Now, however, the time for silent expectation is past. We are at a juncture as serious as any in the course of the war, for in the glow of short-run Cambodian successes, the President is susceptible to seduction by military planners.

There is a danger that he will, even unwittingly, lead us deeper into an Asian quagmire. The pressures are strong and obvious:

South Vietnam is intoxicated with fresh military success;

Cambodia, newly friendly—and desperate—has implored us for military assistance;

Thailand's security remains in jeopardy;

Laos remains a scene of war, and our presence there has been acknowledged without drastic domestic outcry;

NVA troops and stores in Cambodia and Laos have confirmed that the Vietnam conflict is something more than a civil war.

At no previous time has there been a more compelling necessity to bring countervailing influences to bear on the President. Members of the House and Senate, mindful of their past failure to assert their Constitutional prerogatives, are seeking to restrict the President's power to spend for war. Thousands of Americans—lawyers, teachers, workers, students, housewives, clergymen—are engaging themselves actively in the electoral process this year. I am convinced that this working within the system, peacefully but with determination, will have a remarkable effect.

Finally, President Nixon has damaged the cause of sensible resolution of this war by raising the spectre of the United States as a "helpless giant." No nation doubts our strength. If there is doubt we must dispel—in ourselves as well as in the world—it is the doubt that we are capable of recognizing the limits of our power; that we understand the best uses of our resources; and that we know our responsibilities to our people. This way lies the only honorable end to the war in Vietnam.

It is my sincere hope that the Cooper-Church Amendment will prevail and that it will be adopted in Conference. The Democratic Party has control of the Congress and we must, as a party, vote to end the war.

Sincerely yours,

THOMAS HALE BOGGS, Jr.

XUM

Mr. SCOTT. Mr. President, will the Senator yield me 1 minute for a unanimous-consent request? Do we have any time?

Mr. BYRD of West Virginia. We have no time remaining.

Mr. COOPER. I yield 30 seconds to the Senator.

UNANIMOUS-CONSENT REQUEST

Mr. SCOTT. Mr. President, I have cleared this with the distinguished majority leader.

I ask unanimous consent that immediately upon the disposition of the pending Byrd amendment, and if that amendment is unsuccessful, the Senator from Montana (Mr. MANSFIELD) be recognized for the purpose of offering an amendment; that there be a time limitation of 2 hours on said amendment, the time to be equally divided between the proponents of the amendment and the minority leader; that immediately upon the disposition of that amendment, the Senator from West Virginia be recognized for the purpose of offering an amendment; that there be a time limitation of 2 hours on said amendment, the time to be equally divided between the Senator from West Virginia and the majority leader; that immediately upon its disposition, there be a period of 2 hours on the committee amendment, the vote to occur on the committee amendment at the end thereof, and the time prior thereto and the 2-hour period prior thereto to be equally divided between the minority leader and the majority leader, with one proviso—if I may have the attention of the majority leader—that if the Senator from Michigan (Mr. GRIFFIN) wishes to offer an amendment, he also be given 2 hours subsequent thereto.

Mr. DOMINICK. Mr. President, reserving the right to object, and I probably will object——

Mr. COOPER. Mr. President, on whose time is this?

Mr. SCOTT. Mr. President, I withdraw this proposal and will offer it again later.

Mr. COOPER. Mr. President, the debate on the amendment which Senators CHURCH, AIKEN, MANSFIELD, and I have offered and the various amendments to it has been helpful, I believe, to the Senate and to the country. It has been a great honor to work with the cosponsors of the amendment and I have appreciated also the help of many others who have supported the amendment.

I may say that many of the speeches opposing the amendment have been very constructive and have recognized the importance of asserting congressional authority in questions which relate to the engagement of our country and its resources—human and material—in war. I hope that the Members of the Senate will support the Cooper-Church amendment and thus take an important step toward assuring for the Congress joint authority in making such decisions. In the present state of the war in Vietnam our decisions can be toward disengagement, as the President proposes, or toward further engagement in Southeast Asia as circumstances beyond the control of the President and the Congress may dictate. If there are those who do not favor the amendment, I would rather that they would vote against it when the opportunity comes, and would not support the Byrd amendment which is now the pending business. I say this with respect and admiration for the distinguished Senator from West Virginia (Mr. BYRD), because I know that his purpose is good.

In considering the two amendments, the Cooper-Church and the Byrd-Griffin, it is important to do so in the framework of the war in Vietnam and to analyze the purposes with which they are drawn, and the consequences to which they could lead.

The purpose of the Cooper-Church amendment is to support the policy which the President has announced, which is the disengagement of the United States in the war in Vietnam. It seeks this objective, by providing in its subsections 2 and 3, that the United States shall not become engaged in a war in Cambodia, for Cambodia, for any government or any forces of Cambodia, without the consent of the Congress. Cambodia is a country to which the United States owes no obligation by treaty, resolution or Executive agreement. It surely must be clear to the Congress and the people of our country that the United States cannot be lawfully engaged in a war in Cambodia without the consent of the Congress.

The resolution has a second objective. It is to prevent the United States from becoming engaged in an extension of the existing state of war in Vietnam in a new theater—Cambodia—without the consent of the Congress. It would seem obvious from the most practical judgment that the Vietnam war will not be ended, or its end will be delayed if our forces, steadily reduced as the President has declared, are required to fight in a widening area. And certainly it is obvious that the South Vietnamese, for whom we have spent so much time in training, and in American resources and lives, should not dissipate their strength in Cambodia when they have not been able to defend South Vietnam. One argument that has been made against these two objectives of our amendment is that it will limit the authority of the President, will tie his hands to conduct the war in Vietnam. It will not limit his authority, unless it is considered by the administration and by the opponents of our amendment that this authority should be so broad as to send our forces and the South Vietnamese forces to engage in a new war in Cambodia, or a major extension of the Vietnamese war in that country. Logic, commonsense, and the declared objective of the President to end the war in Vietnam honorably and return our forces from Vietnam to the United States in such time as their safety dictate, surely that enlargement of the war is in conflict with his purpose. They dictate that if such circumstances arise that convince the President that another entry into Cambodia was necessary, such a decision should require the joint determination with him upon a matter which would mark a major change in U.S. policy—affecting the resources and people of our country and having broad repercussions not only in Southeast Asia, but throughout the world.

It is argued that our amendment would limit the authority of the President to protect American forces now fighting in Vietnam and Cambodia. This argument has been made to attract the sympathy and concern of the Senate and the people of the United States and it is, of course, a concern of the sponsors of our amendment for we, no less than others, want protection of our forces to be assured. But it is not a correct argument. As long as our forces are in Cambodia, the President has the fullest authority under the Constitution to protect them. Our amendment does not attempt to bear upon the military operation in Cambodia, as it is prospective, taking effect on July 1, the day after the President has said American forces will be returned from Cambodia to South Vietnam. If the question arises, whether our amendment would deny or limit the President's constitutional authority to protect American forces in Vietnam. Again I say that our amendment would not deny the full protection of American forces in Vietnam—now or after June 30. The President has ample authority which cannot be conferred on him, or limited by our amendment or by the Congress, to use his constitutional authority to protect our forces. We have pointed out in the debate that section 4 of our amendment agrees with his authority to use our air force, artillery, and rocket fire emanating from South Vietnam, to interdict enemy forces or supplies and to attack sanctuaries, from whatever source, attempting to threaten American forces in

South Vietnam. We have pointed out also that under the long continuing and agreed constitutional authority of the President to defend American forces, the President has the authority of retaliation, of engagement in hot pursuit, to repel attacks and to take such emergency action as he deems necessary along the South Vietnamese-Cambodia border to protect our troops. Again, I affirm that if a larger danger to our troops should arise, one which he believes would require an extension of the war into Cambodia, or a war for Cambodia, the line of his power would merge with the congressional power, and in good judgment and comity, the executive could come to the Congress for its consent.

Although I know the Senator from West Virginia does not so intend, the adoption of his amendment would have as its consequence, the Congress' acquiescence in any determination that he might make as to the necessity of extending his authority, beyond that of repelling attacks against our forces, to the extension of war in Cambodia, for Cambodia, or the extension of the Vietnam war into the new theater of Cambodia. I make this statement without implying that the President intends to take such action, for I respect him and his office, and I believe he does not intend to extend the war. But it is necessary to make this distinction, if this body and the Congress ever intend to assert its joint authority on the question of Vietnam and, in a larger sense, the future questions of warmaking.

We have come to a critical point in this body today as our vote may well affect the war in Vietnam, in extending the war into Cambodia or, on the other hand, disengagement from Vietnam. We have come to a critical point as our vote may afford precedents for the engagement of this country in future wars. We have come to a critical constitutional decision—whether the Senate and the Congress will assert its constitutional authority or surrender again its authority without limit to the executive. This could be the last opportunity of the Congress to assert and retain its constitutional authority in what I believe to be a very clear case—that is, on the issue of engaging in a new war, or the extension of the war in Vietnam. The precedents of Senate action of 1969 sustained our position. In 1969 the Senate adopted the Commitments Resolution. In September, the Senate approved an amendment I offered, providing that U.S. forces could not be used to support the local forces of Laos or Thailand, by a unanimous vote. Although it was not approved by the House, a later amendment providing that American ground forces should not be used in Laos or Thailand, even though sanctuaries exist in Laos, was adopted by the Congress and was approved by the President.

It will be helpful to the Congress, to the President, to the protection of American forces in Vietnam, to the objective of the President's declared purpose of ending the war in Vietnam. It will be reassuring to the people of the United States if the Senate shall refuse to approve the Byrd amendment and if it shall approve the amendment offered by Senators CHURCH, AIKEN, MANSFIELD, and COOPER.

Whatever may happen to the amendment in the House of Representatives, at least the Senate will have met its responsibilities.

The VICE PRESIDENT. All time on the amendment has now expired.

The question is on agreeing to the amendment No. 667 of the Senator from West Virginia (Mr. BYRD) as modified.

Mr. CHURCH. Mr. President, have the yeas and nays been ordered?

The VICE PRESIDENT. The yeas and nays have not been ordered.

Mr. CHURCH. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The VICE PESIDENT. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent on account of illness and, if present and voting, would vote "yea."

The yeas and nays resulted—yeas 47, nays 52, as follows:

[No. 153 Leg.]

YEAS—47

Allen
Allott
Baker
Bellmon
Bennett
Bible
Boggs
Byrd, Va.
Byrd, W. Va.
Cannon
Cook
Cotton
Curtis
Dodd
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Holland
Hollings
Hruska
Jordan, Idaho
Long
McClellan
McGee
Miller
Murphy
Pearson
Prouty
Russell
Scott
Smith, Ill.
Sparkman
Stennis
Stevens
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.

NAYS—52

Aiken
Anderson
Bayh
Brooke
Burdick
Case
Church
Cooper
Cranston
Eagleton
Fulbright
Goodell
Gore
Gravel
Harris
Hart
Hartke
Hatfield
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Kennedy
Magnuson
Mansfield
Mathias
McCarthy
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pell
Percy
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Smith, Maine
Spong
Symington
Tydings
Williams, N.J.
Yarborough
Young, Ohio

NOT VOTING—1

Mundt

Mr. BYRD of West Virginia. Mr. President, may we have order in the galleries while the clerk reads the recapitulation of the names?

The VICE PRESIDENT. The Senate will be in order and the galleries will please remain quiet.

On this vote, the yeas are 47 and the nays are 52. The amendment is rejected.

[Applause in the galleries.]

The VICE PRESIDENT. The galleries will be advised that if the Chair hears a further outburst of that kind, the galleries will be cleared.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to be recognized following the recognition of the distinguished Senator from Montana (Mr. MANSFIELD).

The VICE PRESIDENT. The Chair would advise the Senator from West Virginia that while a rollcall is in progress the unanimous-consent request of the Senator from West Virginia cannot be entertained.

Mr. BYRD of West Virginia. Mr. President, I ask that the Chair inform the galleries of rule XIX of the Standing Rules of the Senate, and what it states.

The VICE PRESIDENT. The Chair would advise the galleries that demonstrations in the Senate Chamber are not in order and will not be tolerated under any circumstances.

Mr. MANSFIELD. Mr. President, I move that the vote by which the amendment as modified was rejected be reconsidered.

Mr. CHURCH. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, I have an amendment at the desk which I call up and ask for its immediate consideration.

The VICE PRESIDENT. The Senate will be in order.

Mr. ALLOTT. Mr. President, may we have order so that we can hear the reading of the amendment?

Mr. ERVIN. Mr. President, may we have order?

The VICE PRESIDENT. The Senate will be in order. The clerk will state the amendment.

The BILL CLERK. The Senator from Montana (Mr. MANSFIELD) offers an amendment on behalf of himself, the Senator from Kentucky (Mr. COOPER), the Senator from Vermont (Mr. AIKEN) and the Senator from Idaho (Mr. CHURCH) as follows:

On page 5, between lines 18 and 19, insert the following: Nothing contained in this section shall be deemed to impugn the constitutional power of the President as Commander in Chief.

Mr. MANSFIELD. Mr. President, I yield to the distinguished Senator from West Virginia (Mr. BYRD).

Mr. BYRD of West Virginia. Mr. President, I extend my appreciation to the distinguished sponsors and the——

The VICE PRESIDENT. Will the Senate please be in order? If the Senate cannot be in order, it will become necessary to clear the Chamber and to clear the galleries.

The Senator from West Virginia may proceed.

Mr. BYRD of West Virginia. Mr. President, again I want to express my thanks to the sponsors, the cosponsors, and the supporters of the Cooper-Church amendment. I thank especially those who participated in the debate last evening, the able Senator from Idaho (Mr. CHURCH), the able Senator from Kentucky (Mr. COOPER), the able Senator from Arkansas (Mr. FULBRIGHT), and other Senators who participated in that debate, who took the side of the opposition to my amendment. I express my appreciation to them for the way they conducted their remarks and for the fine presentation they made with respect to their objections to my amendment. They conducted what I consider to be a very high level of debate on their part.

They were most generous and courteous to me at all times. And I compliment them for not only carrying on a fine colloquy and a great debate, but I also want to congratulate——

The VICE PRESIDENT. Will the Senator suspend?

The Chair has no intention of letting the Senator continue until we have order in the Senate and in the galleries.

This is the final warning. The galleries will be cleared if necessary.

The Senator may continue.

Mr. BYRD of West Virginia. Mr. President, I commend the cosponsors of the Cooper-Church amendment for having conducted a fair fight, a good fight. They know that I certainly have only the kindest of feelings toward them.

I also express my appreciation to those Senators who have come to the Chamber today and voted, who have come at great effort to themselves with respect to their health, and at great inconvenience.

Further, I extend my special appreciation to those Senators who cosponsored my amendment and to those who joined in voting for it.

Finally, let me say that I would like, at some point down the road—and I will not ask for unanimous consent—to offer my amendment which I had tried to offer today. And I shall hopefully have that opportunity at some point. I want to put the Senate on notice that it is my intention of doing so and to have a vote at some point on my modification.

It will be my intent to call up that amendment, and I will have the right to do so. I make that statement now.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. BAYH). The Senator from Pennsylvania is recognized.

Mr. SCOTT. Mr. President, I make this request while most Senators are present. I have cleared the revised proposal with the distinguished majority leader. And I am anxious that all Senators hear it.

I will pose this because I would like to see it done in fairness to the distinguished Senator from West Virginia who has sought so often to find some way in which he may be heard on a further amendment.

We all recognize that the distinguished majority leader is entitled to be heard first, as indeed he has been recognized for that purpose.

Having cleared this with the majority leader, I would now ask unanimous consent, since the Byrd amendment has been disposed of and the Senator from Montana (Mr. MANSFIELD) has been recognized and has offered an amendment, that there be a limitation of 2 hours on said amendments and any amendments thereto, the time to be equally divided between the proponent of the amendment and the minority leader, and that immediately upon the disposition of that amendment, the Senator from West Virginia (Mr. BYRD) be recognized for the purpose of offering an amendment, that there be a time limitation of 2 hours on said amendments, and any amendments thereto, the time to be equally divided between the Senator from West Virginia and the majority leader.

I would point out that certain additional requests, previously made, are not included in this amendment; that it does not affect the final vote on the Cooper-Church amendment; but that it does give the Senator from West Virginia (Mr. BYRD) an opportunity to be heard. I think in all fairness that he should be heard, so as to express in the course of debate what he has not been allowed to do by unanimous consent. I have cleared this proposal with the majority leader.

Mr. CURTIS. Mr. President, reserving the right to object, I should like to ask the distinguished minority leader whether this particular unanimous-consent request is the only way in which the distinguished Senator from West Virginia may offer his amendment.

Mr. SCOTT. It is not, of course, the only way; but it is the only way in which it may be done in timely fashion in order to accommodate a number of Senators who have out-of-town engagements and would prefer not to be here late Friday or on Saturday. That is a part of our problem.

Mr. GOLDWATER. Mr. President, I object.

Mr. MANSFIELD. Mr. President, the amendment that is now at the desk and is the pending business needs no explanation. The language is clear, to the point, concise, brief, and answers, I believe, a doubt which has been in the minds of some Senators. I think that without question that doubt will be removed.

The modification reads as follows:

> Nothing contained in this section shall be deemed to impugn the constitutional power of the President as Commander in Chief.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. DOLE. The amendment offered by the Senator from Montana, the Senator from Kentucky (Mr. COOPER), the Senator from Vermont (Mr. AIKEN), and the Senator from Idaho (Mr. CHURCH) does, in large measure, answer some of the criticisms that have been raised with reference to the Church-Cooper amendment. I would hope that in a very few minutes we might discuss how the proposed amendment would relate to each of the four sections of the Church-Cooper amendment and what effect and bearing it would have. I should think that it would not take long to discuss the amendment and that there would be no reason why, so far as I know, we could not proceed to vote on it.

I would also ask the Senator from Montana whether he would have any objection to changing the word "impugn" to the words "in any way modify." It would be a very minor change.

Mr. MANSFIELD. I would prefer to leave the language just as it is, not because of any pride of authorship, but because the amendment is a combination of the thinking of several Senators. I think the same objectives can be achieved. I would prefer to stand on the amendment as it is.

Mr. DOLE. The Senator from Kansas suggested a somewhat similar amendment yesterday afternoon. I support the efforts made by the Senator from Montana, and believe the amendment could be disposed of very soon after there has been an opportunity to discuss its application to each section of the Church-Cooper amendment.

Mr. MANSFIELD. Mr. President, I should like to attribute to the Senator from Kansas some part in the idea which evolved into this amendment, because of remarks he made several times during the course of the debate.

Mr. DOLE. Mr. President, if the Senator from Montana has no objection, I should like to be permitted to join as a cosponsor of the amendment.

Mr. MANSFIELD. I am delighted. I have no objection. I make that request.

The PRESIDING OFFICER (Mr. BAYH). Without objection, it is so ordered.

Mr. SCOTT. Mr. President, this amendent also serves to establish recognition by the Senate that the President does have certain constitutional powers and, indeed, is in the process of exercising them. We are not impugning his very broad general powers. The amendment means that the Senate will not try to tell the President what his duties are. We recognize them, but, as I have said so many times before, the Senate does want to be heard in some way on the Cambodian matter. Therefore, I ask the distinguished majority leader if he will permit me to join as a cosponsor.

Mr. MANSFIELD. I am delighted to have the Senator from Pennsylvania do so, and I make that request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, I should like to join also as a cosponsor. I do hope, indeed, that the distinguished Senator from West Virginia (Mr. BYRD) will have an opportunity to present his modified amendment. I was quite willing to vote on that proposal today, and I would be willing to cancel any plans so that I may be here to meet that schedule.

I ask unanimous consent that I may be made a cosponsor of the amendment of the Senator from Montana.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Virginia (Mr. SPONG), the Senator from Illinois (Mr. PERCY), and the Senator from New York (Mr. JAVITS) be added as cosponsors.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. STEVENS. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield to the Senator from Alaska.

Mr. STEVENS. I merely wish to ask a question which this amendment raises in my mind. It is the same question I have asked at each gathering we have had so far to discuss the Cooper-Church amendment.

I assume that the President's constitutional authority includes power to send troops into Cambodia again if he should so desire. But as I understand the Cooper-Church amendment, those troops could not be paid. Is it the intention of the majority leader that the operation of the Cooper-Church amendment would be suspended if the President in fact did have constitutional authority for his action to send troops into Cambodia?

Mr. MANSFIELD. I think the distinguished Senator from Alaska is raising a wraith; he is creating a possibility which, in my opinion, would never occur.

The Cooper-Church amendment asks the President to act in concert and to consult with Congress before he takes action which we think is our constitutional responsibility and his as well. We are not antagonistic toward this President or any other President. We want to strengthen the elected President's hand, with the hand of the elected Congress.

The amendment seeks to give the President a respite from the advisers who may be around him all the time and perhaps unduly sway his judgment, although not necessarily intentionally, to give him a chance to have another recourse which might be, and we would like to see, beneficial to him.

The question about the payment of troops has been answered many times by the distinguished Senator from Kentucky, who has indicated that such a possibility would not arise. I would not expect any President to act without consulting Congress, if by some chance the Cooper-Church amendment became law, or at least to consult with the leaders of his own party.

Mr. STEVENS. I appreciate the comments of the distinguished majority leader, but I am still of a mind to raise the question, as I said to the people who briefed us in our conference. The distinguished Senator from Kentucky, as I understand, has indicated that if the President utilizes his constitutional authority, the Cooper-Church amendment would prohibit the payment of troops unless there were further consultation with the Senate. Is it the Senator's position that assuming the President consulted with the Senate, the troops could be paid, notwithstanding Cooper-Church?

Mr. MANSFIELD. I would say that that would apply primarily to mercenaries and other troops to whom support is given or air cover is furnished.

In the meantime, I ask unanimous consent that the distinguished Senator from Arizona and the distinguished Senator from Wyoming (Mr. HANSEN) be be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Montana has the floor.

Mr. MANSFIELD. Mr. President, I yield to the Senator from Idaho (Mr. CHURCH).

Mr. CHURCH. Mr. President, only paragraph (2) of the Cooper-Church amendment relates to the question of compensation or allowances for American personnel, and that reads: "paying the compensation or allowances of, or otherwise supporting, directly or indirectly, any U.S. personnel in Cambodia who furnish military instruction to Cambodian forces or engage in any combat activity in support of Cambodan forces."

The limitation on the payment of compensation would apply only to American personnel in Cambodia who furnish military instruction to Cambodian forces, or who engage in any combat activity in support of Cambodian forces.

The Senator from Alaska does not, therefore, raise a question that is affected by the substance of the amendment.

Mr. STEVENS. Mr. President, will the majority leader yield?

Mr. MANSFIELD. I yield.

Mr. STEVENS. Again, I appreciate the comments of the Senator from Idaho. As I understand the majority leader's amendment, we are to state that we are not trying to impugn the authority of the President. That authority includes the right to protect our troops, and if he wanted to go into Cambodia again, he could do that. As the Senator from Idaho has pointed out, any one of our troops who engages in combat activity in support of Cambodian forces cannot be paid if the Cooper-Church amendment is adopted.

I would urge the majority leader to examine the question of what would happen if the President exercised his constitutional authority. Would the troops get paid? This is the hiatus which separates those who support and those who oppose that provision. I support the majority leader. I think we should confirm that the President has the authority to do what he has a right to do. However, I do not think we should punish anybody in the Armed Forces who follows the lawful authority of the President and say to him, "Notwithstanding that you have followed the President's authority and command, you cannot get paid under the Cooper-Church amendment."

Mr. MANSFIELD. Mr. President, the Senator raises a question which I think has been answered several times during the course of the debate, and it would be covered by the powers which the President has as Commander in Chief. I would have no fear that any American soldier in Cambodia or elsewhere would not be paid under the terms of the Cooper-Church amendment.

Mr. SCOTT. Mr. President, at this point I ask for the yeas and nays on the Mansfield amendment.

The yeas and nays were ordered.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. McCLELLAN. I thank the majority leader for yielding to me. I wanted to clear up the point he has just referred to. If the President has the constitutional power to take whatever steps are necessary to protect our troops, as Commander in Chief—and I so interpret the Constitution—the question arises in my mind, when he carries out his announced plan to get all of the troops out of Cambodia by the end of this month, and in the meantime, before he is able to carry out his plan and withdraw 150,000 troops within another year, in the course of that period of time, or any other time, if our troops should become endangered again by reason of another sanctuary or some situation on the border of Cambodia, would the President still have the power to send our troops in there to protect them? Would this amendment then, if the President exercises his power, assuming he has it under the Constitution, deny to the President, or attempt to deny to the President, that power, or would it deny pay to the soldiers carrying out the orders of the Commander in Chief? I think that question is critical. I think we should get the authors of the amendment to interpret its meaning and their intention in this respect.

Mr. MANSFIELD. I think I can categorically say "No" to that question, because there are rights of the President which are inherent and which we have never questioned; but what we do not want to get involved in is another war in another country without the Congress being consulted.

Mr. McCLELLAN. I think everybody agrees, but taking into consideration the fact that it was the sanctuaries in Cambodia and the President's attempt to eradicate them for the protection of our troops that precipitated this original amendment and all the action that has occurred on it here in the Senate, I think, whatever we do, we should make it crystal clear that we still expect and intend that the President of the United States shall protect our troops by taking whatever action that may be necessary to do so; and also that the Congress will provide the money that may be required to finance that action, including the pay of our soldiers.

Mr. MANSFIELD. Again I can answer categorically and say that the answer to all the questions raised by the distinguished senior Senator from Arkansas is in the affirmative. We are not impinging or impugning the powers of the President. We have made that very clear throughout the course of the debate. The question has been raised many times. As far as safeguarding all American troops, or even civilians is concerned, we recognize where the President's prerogative as Commander in Chief lies. We do not question it.

Mr. McCLELLAN. May I ask the distinguished leader another question? In what way does this amendment change or alter the powers that were conferred, or attempted to be conferred, upon the President by the Gulf of Tonkin resolution?

Mr. MANSFIELD. It does not conflict with that in any way, giving the Senator a horseback opinion, and to make very certain that there will be no conflict between the President and the Gulf of Tonkin resolution, on the basis of its interpretation, it is the intention of the leadership to call up a measure, hopefully later this month, to bring about its recision. The administration has said that in no way, shape, or form does it stand on what it is doing in Southeast Asia on the Tonkin Gulf resolution.

Mr. McCLELLAN. I understand that, but the Gulf of Tonkin resolution is still in force. In my judgment, this proposal, the Cooper-Church amendment, seriously conflicts with and is irreconcilable with the powers attempted to be conferred there and the expression and approval of this body with respect to the action that the President may on should take in that area.

Mr. MANSFIELD. No; I would disagree with my distinguished colleague, because I for one have never placed much credence in the Tonkin Gulf resolution, even though I voted for it. I think it has been stretched far beyond its legitimate bounds as an expression of congressional intent. I would say that at the present time, despite the fact that it has not been repealed—hopefully, it will be shortly—based on what the President has said, there is no basis for what he is doing or what we are doing in Southeast Asia in the Tonkin Gulf resolution. It would really have no basis at this time. That is my personal opinion.

Mr. McCLELLAN. Since the Tonkin resolution, then, is a nullity insofar as what is occurring over there is concerned, then I assume we can agree that the President, in going into Cambodia, has in no way violated the powers that were attempted to be conferred on him—though I think he had those powers under the Constitution anyway—to take the action he has taken thus far.

Mr. MANSFIELD. Well, it is a moot point, but I would say that the thing which has caused concern in the Senate, and I would assume in the House of Representatives as well, was the fact that precipitate action was taken into a new country, without consultation. We think that there is a division of powers, that Congress is the equal of the Executive, and that we should be brought into consultation, so that the executive and the legislative branches could act in concert and on a coordinated, cooperative basis.

Mr. McCLELLAN On the factual issue, this is where I stand.

Mr. MANSFIELD. I would point out, if I may, that the Cooper-Church amendment does not pass on the legality of what the President has done in Cambodia, but, in effect, looks to the period of June 30 or July 1 and thereafter, when the President has announced there would be a total withdrawal—an announcement which I believe in implicitly.

Mr. McCLELLAN. Since we believe the President implicitly, that is what has puzzled me about this whole procedure. If we have confidence in the President and believe he will do as he has promised, then why take this precipitate action to advertise to the world that there is a doubt, and that there is suspicion that he will not keep his word? For that reason, I just cannot go along with this Cooper-Church amendment.

Mr. MANSFIELD. If I may interrupt at that point, we take the President at his word up until June 30.

Mr. McCLELLAN. But it is no good beyond that time?

Mr. MANSFIELD. Beyond that, we would like to be brought into consultation. After all, we have a constitutional responsibility, too, and, if anyone in this Chamber should know what the Constitution means to us, it is the distinguished Senator from Arkansas.

Mr. McCLELLAN. I think I do know, in some degree at least, though I am not an expert.

But the thought I have in mind is that there is a way to have this consultation, and I do not know that it would ever be denied, upon request. I doubt that the President would ever deny it upon request. We could have that consultation, and we could operate in that fashion, without this precipitate action to advertise to the world that there is a distrust, a lack of faith in the President, and that he cannot be relied upon beyond June 30. That is what disturbs me. And one other fact——

Mr. MANSFIELD. Mr. President, that just is not so, because this amendment really does trust the President. It supports him. It strengthens his hand.

I would recall to the distinguished Senator that, if Presidents in the past, and perhaps in the present, had consulted with their friends in Congress and heeded their advice, maybe some of the mistakes which have been made would not have been made. I refer specifically to the advice given by the distinguished Senator from Georgia, the President pro tempore of this body (Mr. RUSSELL), the distinguished Senator from Mississippi, the chairman of the Armed Services Committee (Mr. STENNIS), and others, all of whom urged President Johnson not to go into South Vietnam. I think that, even though there was——

Mr. McCLELLAN. That was after consultation.

Mr. MANSFIELD. No, that was before consultation; and I remember visiting Senator RUSSELL on his sickbed at Walter Reed Hospital before that action was taken.

Mr. McCLELLAN. And then Congress passed the Tonkin resolution, after he went in there.

Mr. MANSFIELD. That is right.

Mr. McCLELLAN. So Congress ratified whatever the President did.

Mr. MANSFIELD. But this was before the Tonkin Gulf resolution.

Mr. McCLELLAN. But Congress ratified it by that resolution, unequivocally.

Mr. MANSFIELD. Well, that depends on the interpretation. As far as the Senator from Montana is concerned, he had no idea at that time that it would be stretched as far and as long as it was. I might have voted for it anyway; with hindsight it is easy to re-create; though my guess is that I would not. But the deed is done, and I have to share the burden of responsibility.

Mr. McCLELLAN. The only other question or observation I wish to make—and I appreciate the distinguished Senator yielding to me——

Mr. MANSFIELD. It is a pleasure.

Mr. McCLELLAN. I have to go on to the Appropriations Committee in a moment; but I should like to make one other observation about this alleged widening of the war.

I do not know what will happen in the future, but as of now, with respect to Cambodia, if that was widening the war, the war was widened by the enemy, who invaded neutral territory and took it over to get an advantage for its operation against American troops.

In other words, these sanctuaries became a legitimate war target, just as much as any area in South Vietnam was a target where the enemy had supplies stored. It is just as much a legitimate target; and it was the enemy that widened the war over there into Cambodia and not the United States. We went across the border into Cambodia to destroy the war facilities, ammunition, and supplies that the enemy stored and built up to use against our own troops.

That is why I support the President. I think he would have been derelict in his duty as Commander in Chief had he not cleaned out these sanctuaries and this threat to the flank of our troops while we are in the process of withdrawing from the conflict.

I thank the Senator for yielding to me.

Mr. MANSFIELD. I thank the distinguished Senator from Arkansas. But it is an enlargement, it is an extension of the war. It is not a Vietnamese war any longer, and it is not an Indochinese war; it is a Southeast Asian war.

In Cambodia, according to the report issued today by the Department of Defense, 273 Americans have been killed and 1,196 have been wounded. Overall, 50,567 Americans have lost their lives in Southeast Asia, and 280,694 have been wounded. The total of all casualties is 331,261.

The figures speak for themselves.

Several Senators addressed the Chair.

Mr. MANSFIELD. Mr. President, I yield the floor, and turn it over to the distinguished Senator from Idaho.

Mr. HOLLAND. Mr. President, I wish to make a parliamentary inquiry. Will the Senator yield for that purpose?

Mr. CHURCH. I am happy to yield to the distinguished Senator from Florida.

The PRESIDING OFFICER (Mr. BAYH). The Senator will suspend briefly to permit the Presiding Officer to suggest that Senate personnel excluded from the floor during the vote, pursuant to a prior unanimous-consent agreement, may again be admitted.

The Senator from Florida may proceed.

Mr. HOLLAND. Mr. President, am I correct in my understanding that the amendment of the Senator from Montana and others is an amendment in the second degree, and is therefore not subject to amendment?

The PRESIDING OFFICER. The Chair is advised by the Parliamentarian that that is accurate.

Mr. HOLLAND. I did not understand the ruling.

The PRESIDING OFFICER. The Senator from Florida is accurate in his statement.

Mr. HOLLAND. Mr. President, that being the case, I should like to address some questions to either the Senator from Idaho or, preferably, the Senator from Montana as the author of the pending amendment, if he may be yielded to for the purpose of answering my questions.

Mr. MANSFIELD. Me?

Mr. HOLLAND. Yes.

Mr. MANSFIELD. I thought I had yielded the floor.

Mr. HOLLAND. Mr. President, we un-

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derstand the modesty of the Senator from Montana, but we realize also that he is the author of the pending amendment.

Mr. MANSFIELD. Four of us are.

Mr. HOLLAND. It is an amendment in the second degree, and cannot be amended. Therefore, I wish to explore the meaning of it.

Do I correctly understand that this amendment applies to all of section 7 of the bill?

Mr. MANSFIELD. That is correct.

Mr. HOLLAND. And section 7 of the bill includes all of the so-called Cooper-Church amendment?

Mr. MANSFIELD. The Cooper-Church amendment, that is right.

Mr. HOLLAND. Therefore, this amendment, if adopted, would apply equally to all sections of the Cooper-Church amendment; am I correct in that understanding?

Mr. MANSFIELD. That is correct.

Mr. HOLLAND. That being the case, there is no real reason for apprehension on one point that has been mentioned in the debate, that this amendment might only apply to subsection (4) of section 7, is there?

Mr. MANSFIELD. It applies to all of them equally.

Mr. HOLLAND. It applies equally to all of the subsections?

Mr. MANSFIELD. All four.

Mr. HOLLAND. That means it applies to those that have to do, first, with retaining U.S. ground forces in Cambodia; second, with paying the compensation or allowances of, or otherwise supporting, directly or indirectly, any U.S. personnel in Cambodia who furnish military instruction for Cambodian forces, or engage in any combat activity in support of Cambodian forces; third, with entering into or carrying out any contract or agreement to provide military instruction in Cambodia or to provide persons to engage in any combat activity in support of Cambodian forces; or fourth, with supporting any combat activity in the air above Cambodia in support of Cambodian forces; and also to the amendment modification already forming a part of the Cooper-Church amendment, which makes their prohibition into a limitation applicable after June 30. It applies equally to all those provisions, does it not?

Mr. MANSFIELD. That is correct.

Mr. HOLLAND. In the opinion, then, of the Senator from Florida, this could mean that the recognition of the constitutional duty of the President as the Commander in Chief of the Armed Forces of the United States would apply in no way to any part of any of the activities after June 30 recited in the revised Cooper-Church amendment. Am I correct in that?

Mr. MANSFIELD. Yes. We hope to have a new deal after June 30. We do not want to be involved precipitately in Cambodia or any other country again, and we want some assurance that there will be some consultation with Congress, which I really cannot envisage any Member of this body being against. After all, we are a coequal branch of the Government; we are entitled to that consideration; and we have to answer for our actions, as the President does, also.

Mr. HOLLAND. Of course, every Senator will agree to that statement. Yet, it appears to the Senator from Florida that the amendment as now proposed, since it applies to the whole of the Cooper-Church amendment as modified, would simply recognize the fact that the Commander in Chief has complete command of our Armed Forces, and it simply expresses the pious hope that the Senate be conferred with in the event of activities taken after June 30. Am I correct?

Mr. MANSFIELD. No. There is nothing pious about the hope. I do not think that is a very good word to use in relation to a very serious proposition which affects the welfare of this Republic and its policy overseas. This is a most serious matter, and those of us who have been advocating this and the majority of those who have been against the Cooper-Church proposal have looked upon it as a very serious matter.

What we say, in effect, in writing, is what both sides have said during the course of this debate. The question has been raised by those who are opposed to certain segments of the Cooper-Church amendment. The question has been answered in denial by those of us who favor the Cooper-Church amendment. What we do now is to put in writing what is the intent and the understanding on a matter which has never been questioned so far as the Senate is concerned, regardless of the sides the Senators were on.

Mr. HOLLAND. Mr. President, I appreciate the frankness of the Senator. I wonder whether, for the purpose of clarifying the record, he would point out the wording in section 7 of the act, as it has already been modified and as it would be further modified by his amendment, which does anything to require any action by Congress after June 30.

Mr. MANSFIELD. Yes. It takes in the question of consultation. We are reasserting our responsibility. That has been one of the main tenets behind this idea.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield to the Senator from Idaho.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield to the Senator from Idaho.

Mr. HOLLAND. I am very happy to address my question to the Senator from Idaho.

What wording in the modified Cooper-Church amendment, which has already been modified to become a limitation rather than a prohibition—and I approve of that—and has already been modified to apply only to actions after June 30—and I thought that was a conciliatory action—what wording now in the entire Cooper-Church amendment as modified and as proposed to be further modified by the pending amendment would require action of Congress after June 30? I wish the Senator would read such wording into the RECORD.

Mr. CHURCH. I will be happy to read the amendment. It is explicit on that point. It reads:

> In concert with the declared objectives of the President of the United States to avoid the involvement of the United States in Cambodia after July 1, 1970, and to expedite the withdrawal of American forces from Cambodia, it is hereby provided that unless specifically authorized by law hereafter enacted, no funds authorized or appropriated pursuant to this act or any other law may be expended after July 1, 1970, for the purpose of—

The four following subsections of the amendment specify the purposes for which money will no longer be available.

The Senator from Montana has proposed only to add to this amendment a final section making explicit what we have said implicitly all along, something all of us know and concede—that it is not within the power of Congress to add to or detract from such authority as the Constitution itself confers on the President as Commander in Chief.

Mr. HOLLAND. I thank the Senator for his answer, and I ——

Mr. CHURCH. If I may complete my answer.

It is a far cry from making explicit the recognition that the President does have powers that he derives directly from the Constitution, and the assertion made by the distinguished Senator from Florida that all we are doing is expressing a pious hope. I doubt there is anyone who believes his powers are so large that the President can simply disregard the prohibitions in the amendment. No one has contended in the course of this debate that the President's inherent constitutional powers, as Commander in Chief, extend anywhere near that far.

Mr. HOLLAND. I thank the Senator for his frankness.

I have one more question. Is it the Senator's contention, therefore, that the wording of his modified amendment, even as further amended by the amendment now being considered, would require positive action by Congress in the event the President took action after June 30 to send troops into Cambodia for purposes which were clearly within his power and within his authority as Commander in Chief?

Mr. CHURCH. Any action the President takes hereafter, which comes within such authority as he derives directly from the Constitution, as Commander in Chief, is action that Congress could not prohibit him from taking. To impugn his constitutional authority lies outside our power. The amendment offered by the Senator from Montana expresses that. It has been implicit all along, however.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. CHURCH. I yield.

Mr. ERVIN. Does not the Constitution of the United States apply to every section of this bill, if it is enacted into law, and to every section of every other act of Congress?

Mr. CHURCH. It does, indeed.

Mr. ERVIN. Will the Senator inform me as to why he feels it is necessary to have an amendment declaring that the Constitution of the United States still lives and breathes and has vitality?

Mr. CHURCH. Is it not from any desire on my part that this amendment was offered. It is offered out of recognition that many Senators, on both sides of the aisle, felt that it would be desirable to make this explicit. I agree with the

Senator from North Carolina that there is no need to make it explicit. Yet, it is in response to an evident desire on the part of many Senators that we do so.

Mr. ERVIN. Can the Senator from Idaho inform me why any Member of the Senate should have an idea that anything can be added to the Constitution of the United States or subtracted from the Constitution of the United States by putting an amendment into law?

Mr. CHURCH. No.

Mr. ERVIN. In other words, this is just a vain gesture.

Mr. CHURCH. There are those Members of the Senate who feel that it would be advisable for the Senate to make expressly clear, in adopting the Cooper-Church amendment, that it is not our intention to impugn the President's constitutional authority. This lies beyond our reach, anyway.

Mr. ERVIN. Does not the Senator from Idaho concede that Congress gave the President of the United States permission to use the Armed Forces not only in Vietnam but also in Laos and Thailand under the second section of the Gulf of Tonkin resolution.

Mr. CHURCH. The Senator is within his rights to construe the Gulf of Tonkin resolution in that manner. There are, however, some Members of the Senate who feel that, in view of the circumstances at the time of its passage, it should not be given such an interpretation today. Regardless, passage of this amendment into law, as the latest statement of Congress, would affect whatever authority Congress may have previously given under the Gulf of Tonkin resolution.

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Yet, we must recognize that the administration itself regards the Tonkin Gulf resolution as obsolete. The State Department informed the Committee on Foreign Relations, in an official letter, that it no longer relies on the authority of that resolution, and this administration has no objection to its repeal.

Mr. ERVIN. If the Senator would yield to me briefly to make a statement, without losing his right to the floor, let me say that is another one of the foolish statements made by the State Department over the years.

Does not the Senator from Idaho agree with the Senator from North Carolina that even such a document or proposal as the Cooper-Church amendment cannot add anything to the Constitution or subtract anything from it?

Mr. CHURCH. The Senator is quite correct.

Mr. ERVIN. Then why is it necessary for us to say so?

Mr. CHURCH. Because there are many in the Senate who wish to say so.

Mr. ERVIN. I would love for some Senator to explain by what mental process he reaches the conclusion that we should say that the Constitution of the United States still lives and moves and has its being.

Mr. CHURCH. I do not take issue with the position of the distinguished Senator from South Carolina——

Mr. ERVIN. North Carolina.

Mr. CHURCH. North Carolina. [Laughter.] On the point he made.

Mr. ERVIN. I just would like to say in conclusion——

Mr. CHURCH. We drew up the original Cooper-Church amendment in such form that there was no explicit reference to the constitutional authority of the President of the United States. We did not think it was necessary.

Mr. ERVIN. I agree. I do not think it is necessary now either.

Mr. SCOTT. Mr. President, will the Senator from Idaho yield?

Mr. CHURCH. I am happy to yield to the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, I have been talking with a number of Senators and I have heard of no objection to the amendment. Some may voice it when the roll call is had. But there certainly seems to be little objection to it. It would therefore be my hope that we could get to a vote. I am concerned about the plans of a number of Senators. I hope that this can be done. I believe that this is the most consequential and important amendment as yet offered. I think it is very good, indeed, that we discuss the Constitution and that we recognize the President has certain powers, functions, responsibilities, and duties.

Many of us have been contending for this, and I will be glad to see it. That is why I asked to be a sponsor. But I shall not abuse the point I have made.

If brevity is not the soul of wit, at least it is the safest way to convenience a number of our friends.

Mr. MILLER. Mr. President, I wonder whether the Senator from Idaho would be good enough to yield for a question?

Mr. CHURCH. I am happy to yield to the Senator from Iowa.

Mr. MILLER. Mr. President, I should like to have the attention of the Senator from North Carolina as I ask this question of the Senator from Idaho.

The Senator from Florida asked a question which I believe really troubles a number of us. I should like, perhaps, to rephrase it and ask my good friend from Idaho if he would give us his judgment on it.

There is a feeling on the part of a number of people in the Senate that the Cooper-Church amendment, while it does not say so, and while those who support it disclaim it, nevertheless, there is a feeling that it has the appearance, and has so been interpreted by some, as suggesting that the action taken by the President with respect to the Cambodian sanctuary operation was outside his powers as Commander in Chief.

Now, as I see it, the Senator from Montana, with the pending amendment, has sought to make it clear that any future activities of the President, taken as Commander in Chief, will not be impaired one iota by the Cooper-Church amendment. That has been the intention of the proponents of the Cooper-Church amendment.

I should like to know whether the Senator from Idaho would be willing to state that there is no intention whatsoever that it be interpreted that the Cooper-Church amendment, if it is modified by the Mansfield amendment, is a suggestion on the part of the Senate that the action taken by the President of the United States with respect to the Cambodian sanctuary operation was beyond his powers as Commander in Chief?

Mr. CHURCH. The amendment offered by the distinguished Senator from Kentucky (Mr. COOPER) and myself in its original form, and in its present form, does not question the constitutionality of previous actions taken by the President. Ours is a prospective amendment. It looks beyond the end of June, and conforms to the declared policy of the President, as it relates to the future.

Furthermore, if we amend the amendment in the way suggested by the distinguished majority leader, we make explicit what has always been implicit; namely, that the President does have constitutional powers as Commander in Chief. It is not our intention to impugn those constitutional powers by passage of the amendment.

I think, since this amendment does look ahead, and does not pass judgment upon the past, that it does not raise any question, one way or the other, as to the propriety of previous actions taken by the President.

Mr. MILLER. Then would the Senator say and state this, as a sponsor of the Cooper-Church amendment, that there is no intention that the amendment as modified by the Mansfield amendment, but even if it is not modified by the Mansfield amendment, is any suggestion that actions taken by the President with respect to the Cambodian sanctuary operation were beyond his powers as Commander in Chief?

Mr. CHURCH. Let me yield first to the Senator from Vermont, if I may.

Mr. AIKEN. Mr. President, I should like to repeat what I have said many times before, that on the afternoon of the 27th of April, when Secretary of State Rogers came before the Foreign Relations Committee, many of us—I do not know if everyone did—made it perfectly clear to him that we had no objection whatever to cleaning out the nests on the Cambodian side of the boundary. No specific number of miles was mentioned, but I, for one, assumed that it would be 5 or 10 miles where most of the sanctuaries and the materiel were found.

We did make it clear that we were not in favor of adding a whole new country of Cambodia to the war area. President Nixon later established the distance of 30 kilometers, or 20.7 miles, as the distance. That was probably about twice as far as the committee had in mind when we told him we had no objection to fighting back on the border and cleaning out the enemy sanctuaries on the Cambodian side.

I think that should be made clear because, to the best of my recollection, no one objected to defending our troops along the border. I think the President was well within his rights in undertaking this.

However, we now appear to be extending our lines across Cambodia—I do not know how far—I assume 250 miles. It does appear that Cambodia is heavily involved now and for how long no one knows.

In fact, I have noticed two items come over the news services this afternoon.

One is to the effect that Russia has replied to Indonesia, Malaysia, and Japan, that she will gladly join in helping to straighten out the Southeast Asian situation.

Of course, we can take that statement with as much of a grain of salt as we would like to.

The other story referred to counteracting the invasion of Cambodia by troops of other countries, that Russia would step up its aid to North Vietnam.

Mr. CHURCH. Mr. President, I thank the Senator very much for his remarks. I again call the attention of the distinguished Senator from Iowa to the language in the preamble language, already approved by the Senate. This makes clear that our amendment is prospective; that we are providing a legislative definition to the theater of war.

Overall, we are establishing the outer limits in Cambodia at those points the President himself has fixed, and that language is:

> In concert with the declared objectives of the President of the United States to avoid the involvement of the United States in Cambodia after July 1, 1970, and to expedite the withdrawal of American forces from Cambodia, it is hereby provided . . .

This shows clearly that we join with the President by giving legislative definition to the outer limits of our involvement in Cambodia.

In this manner, we provide the President legislative backstopping for what he himself is striving for.

Mr. MILLER. Mr. President, I appreciate the comments of the Senator from Idaho and the Senator from Vermont. They have shed some light on this subject which I had heretofore not been aware of.

In view of the statement of the Senator from Vermont regarding the attitude of the members of the Foreign Relations Committee at the time the Secretary of State appeared before the committee, would it not be fair then to say—and this is a very important question and I must ask for the attention of my friend, the Senator from Idaho—that there is no intention on the part of the proponents of the Church-Cooper amendment to impliedly criticize the action of the President of the United States with respect to the Cambodian sanctuary operation as having gone beyond his powers as Commander in Chief.

Mr. CHURCH. Mr. President, there is no intention either to criticize or to endorse any previous action that the President has taken. The whole amendment is addressed to the future.

Mr. MILLER. I understand that it is a prospective amendment. But as I have stated, I am not directing this at the proponents of the Cooper-Church amendment. I am suggesting that there are some Members of the Senate and a certain number of people in the general public who have made the suggestion that the action taken by the President was beyond his constitutional powers as Commander in Chief. And there has also—whether the proponents of the amendment like it or not—been a suggestion made that the Cooper-Church amendment was an implied criticism that the President had indeed exceeded his powers.

I want the RECORD to be clear on that. If I understand it correctly, and particularly in light of the remarks of the Senator from Vermont, there is no intention to suggest by this amendment that the President exceeded his powers as Commander in Chief in the Cambodian sanctuary operation.

I think we ought to be able to have a yes-or-no answer on that question from one of the cosponsors.

Mr. CHURCH. Mr. President, I yield to one of the cosponsors, the distinguished Senator from Vermont.

Mr. AIKEN. Mr. President, I think that it was sometime after the action in Cambodia by our allies had started that the President announced that 20.9-mile limitation. I cannot remember how long it was. But when the attack took place, the impression was that all Cambodia would be involved. And I am afraid that it is involved.

I think there is a very difficult situation cropping up there between countries which adjoin Cambodia. But as the situation was, we did not object to cleaning them out along the border. There was no statement as to how far the involvement would be.

My recollection is that it was 2 days after the attack started that the President made the announcement of 20.9 miles.

It would have helped had that been announced in the beginning. But we did feel that it was a very serious matter to involve the whole country.

Mr. MILLER. Mr. President, I do not know of any Senator who does not think it is serious if the whole country of Cambodia is involved. But to me, the real thrust of my question related to the Cambodian sanctuary operation. It did not extend beyond the sanctuaries at all.

It seems to me, from what the Senator from Vermont has had to say, that the feeling of the members of the Foreign Relations Committee was quite favorable toward—or certainly not opposed to—the cleaning out of the sanctuaries, which as I understand it is the sanctuary operation.

If that is so, I do not understand why we could not for the sake of legislative history here make it clear that nothing is intended by the Cooper-Church amendment, with or without the Mansfield amendment, to imply a criticism or a suggestion that the President exceeded his constitutional powers as Commander in Chief with respect to the Cambodian sanctuary operation.

Mr. CHURCH. Mr. President, every Senator has his own opinion regarding the question raised by the Senator from Iowa. The Cooper-Church amendment was drafted to avoid the passing of a collective judgment on actions that the President had taken heretofore.

Throughout the debate, I have stressed repeatedly that the amendment is not intended as a slap at the President. It is not intended as a criticism of the President. It is not intended as an indictment of the President. Nor is it intended to raise any question concerning our trust in the President, his integrity or his word.

I do not know how we could be more specific.

We have even revised the preamble so that it expressly says that the amendment is in concert with the declared objectives of the President. That is as far as we can go. We look to the future by setting certain limitations on the expenditure of public money. We fix those limitations where the President himself has fixed them.

We define the matter in terms that the President himself has embraced. How that can be taken as an indictment of the President of the United States is beyond my comprehension.

I do not know of any proponent of the amendment who has ever said it was intended as an indictment of the President. We have tried to use the clearest language possible.

Mr. MILLER. Mr. President, if the Senator would yield further I agree. I do not know of any of the proponents who have made such a suggestion.

I do know more than one Member of the Senate who has suggested that this was a slap at the President, to use the Senator's language, inasmuch as they thought he might very well have exceeded his powers as Commander in Chief and that there has been a reflection of this view by some segments of the general public and, I think, by some segments of the press.

I just think that it is very unfortunate that such misinterpretations might have been attached to it and especially in view of the statements of the proponents, such as has just been repeated by the Senator from Idaho, that there is no intention here to criticize or indict the President for anything he has done.

I do appreciate that response of the Senator. I think that it will lay to rest some of these misconceptions that have unfortunately been spread around.

I thank the Senator from Idaho.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr. HOLLAND. Mr. President, I think that we have cleared up most of the questions. However, one still remains in my mind.

I appreciate the fact that the Senator has said repeatedly that there is nothing in the amendment as now drafted or proposed to be drafted, that there was nothing in the proposal originally attacking the power or authority of the President to do what he did in ordering the raids into Cambodia.

I appreciate the statement of the Senator from Idaho and also the statement of the Senator from Montana which indicated that the present amendment would extend—as of course we should extend it, because we could not do otherwise—our recognition of the constitutional power of the President to continue after July 1 to do those things that he thinks are necessary as Commander in Chief of the Army for the protection of our men.

The only thing that bothers me still is

this: Although, apparently, the Senator from Idaho still clings to his idea that even though the President could, after July 1, in the event conditions, in his opinion, required it, renew the raids into Cambodia for the purpose of doing the same thing that he has done through the raids already made, a question is left as to whether the troops would be paid and the expenses would be paid of conducting those raids unless future legislation were introduced and passed, making appropriations. I want to clear up that remaining point.

Mr. CHURCH. There should not be any doubt on that score. A careful reading of the Cooper-Church amendment makes it clear that the only restriction that is placed upon the payment of compensation or allowances to American personnel is contained in subsection 2 of the amendment. The prohibition reads as follows:

> Paying the compensation or allowances of, or otherwise supporting, directly or indirectly, any United States personnel in Cambodia who furnish military instruction to Cambodian forces or engage in any combat activity in support of the Cambodian forces.

That is the only prohibition in the amendment as it relates to the question of paying allowances or compensation to American personnel.

Mr. HOLLAND. May I ask the Senator a question at that point?

Mr. CHURCH. Yes.

Mr. HOLLAND. My understanding has been that section 1 also might be construed as being applicable to the payment of the compensation and also the expenses involved in renewing raids, if that were deemed to be necessary by the Commander in Chief, because section 1 reads:

> retaining or returning United States forces in Cambodia.

Mr. CHURCH. I suggest to the Senator from Florida that the provision merely reads:

> retaining United States forces in Cambodia.

Mr. HOLLAND. That is one of the troubles about the whole situation. There are copies on our desks, and mine happens to have the words "or returning."

Mr. CHURCH. No; the amendment is tightened to read "retaining" American forces.

Mr. HOLLAND. Not to the payment of American forces that, in the judgment of the Commander in Chief, may have to be returned there for the purpose of making further raids?

Mr. CHURCH. I cannot conceive that if the President acts within his constitutional authority in ordering American forces in the field for further action, any question would ever be raised in Congress relating to compensation that the men are entitled to. This amendment is drafted in such a way that it would not raise such an issue.

Mr. HOLLAND. In other words, it is not the intention of the sponsors of the amendment to leave in question at all the right of the payment of the forces which might be sent back in by the President, or of the expenses in connection with their operations if additional raids are ordered by the Commander in Chief?

Mr. CHURCH. As long as the President is acting within his authority, no question could be raised.

Mr. HOLLAND. No future appropriation would be required, and no existing appropriation would be affected?

Mr. CHURCH. The amendment has been drafted very carefully in this respect. I hope my answers have been reassuring to the Senator.

Mr. HOLLAND. I think the Senator has been very clear. I thank him for making these answers.

COMMITTEE MEETINGS DURING SENATE SESSION THIS AFTERNOON

Mr. DOLE. Mr. President, I ask unanimous consent that all committees may be permitted to meet during the session of the Senate this afternoon.

The PRESIDING OFFICER (Mr. INOUYE). Is there objection? The Chair hears none, and it is so ordered.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Leonard, one of his secretaries.

TERMINATION OF CERTAIN PETROLEUM EXPLORATION LEASES AND CREATION OF A MARINE SANCTUARY—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 91-349)

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following message from the President of the United States, which was referred to the Committee on Interior and Insular Affairs:

To the Congress of the United States:

In 1955 the State of California took steps to protect a particularly beautiful area of its coastline by creating a State Sanctuary extending sixteen miles along the Santa Barbara Channel and closing it to all petroleum exploration. About a decade later, however, the Federal Government issued leases for petroleum exploration immediately seaward from the State Sanctuary. Oil platforms were soon constructed and petroleum drilling began. In January 1969, a blowout in the Channel resulted in widespread oil pollution of the Sanctuary.

The twenty Federal leases seaward from the Sanctuary which were granted by the previous Administration should be cancelled. Legislation being submitted today would terminate these leases and create a Marine Sanctuary. Compensation to the lessees would be funded by revenue from oil production at the Elk Hills Naval Petroleum Reserve which is also located in California.

To avoid further marine pollution, however, it will be necessary to continue pumping oil from three leases in the area. The oil beneath the Channel where the 1969 blowout occurred is contained in a geological formation which was damaged by oil drilling. If not bled off this high pressure oil would escape through zones of structural weakness causing further pollution. The legislation I am proposing would, therefore, allow production on these three leases under strict management controls.

This proposal for Santa Barbara illustrates our strong commitment to use offshore lands in a balanced and responsible manner. It recognizes the earlier decision made by the people of California to set aside a part of their coastline as a sanctuary, and it extends the protected area across the Channel to Santa Cruz Island.

This recommendation is based on the belief that immediate economic gains are not the only, or even the major, way of measuring the value of a geographic area. The ability of that area to sustain wildlife and its capacity to delight and inspire those who visit it for recreation can be far more important characteristics. This proposal recognizes that technology alone cannot bring national greatness, and that we must never pursue prosperity in a way that mortgages the nation's posterity.

I urge the Congress to give this legislation early and careful consideration. It represents another way in which the Federal Government can clearly demonstrate its commitment to the quality of life in America.

RICHARD NIXON.

THE WHITE HOUSE, *June 11, 1970.*

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, informed the Senate that, pursuant to the provisions of section 401 (a), Public Law 414, 82d Congress, the Speaker had appointed Mr. MESKILL of Connecticut as a member of the Joint Committee on Immigration and Nationality Policy, to fill the vacancy thereon.

The message also announced that the House had agreed to the following concurrent resolutions:

> S. Con. Res. 61. Concurrent resolution authorizing the printing of the compilation entitled "Federal and State Student Aid Programs" as a Senate document; and
>
> S. Con. Res. 66. Concurrent resolution authorizing the printing of additional copies of Senate hearings on space program benefits.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H.R. 14300) to amend title 44, United States Code, to facilitate the disposal of Government records without sufficient value to warrant their continued preservation, to abolish the Joint Committee on the Disposition of Executive Papers, and for other purposes.

The message also announced that the House had agreed to the amendment of the Senate to the concurrent resolution (H. Con. Res. 580) authorizing certain printing for the Select Committee on Crime.

The message further announced that the House had passed a bill (H.R. 17255) to amend the Clean Air Act to provide for a more effective program to improve the quality of the Nation's air, in which

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it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore (Mr. ALLEN):

H.R. 4204. An act to amend section 6 of the War Claims Act of 1948 to include prisoners of war captured during the Vietnam conflict, and for other purposes; and

H.R. 11102. An act to amend the Public Health Service Act to revise, extend, and improve the program established by title VI of such act, and for other purposes.

HOUSE BILL REFERRED

The bill (H.R. 17255) to amend the Clean Air Act to provide for a more effective program to improve the quality of the Nation's air, was read twice by its title and referred to the Committee on Public Works.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The Senate continued with the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

Mr. DOLE. Mr. President, after a brief statement, I should like to ask a few questions of the Senator from Idaho concerning the amendment offered by the Senator from Montana (Mr. MANSFIELD) and other Senators, myself included.

It appears that the Senate began debate on the Cooper-Church amendment to the Military Sales Act on May 13. It is now June 11. It appears that we have perhaps come full tilt.

Yesterday afternoon, the junior Senator from Kansas suggested that perhaps the only way out of the dilemma was to state very clearly at some point in the Cooper-Church amendment that nothing contained in that amendment in any way impaired the powers of the President acting as Commander in Chief. Therefore, I am pleased to note that that idea is shared by the distinguished Senator from Montana (Mr. MANSFIELD), the distinguished Senator from Kentucky (Mr. COOPER), the distinguished Senator from Vermont (Mr. AIKEN), the distinguished Senator from Idaho (Mr. CHURCH), and a host of other Senators.

I say that because there is now a clear indication, in the event the amendment shall be adopted—and I have every reason to believe that it will be adopted—that notwithstanding some 30 days of debate, and notwithstanding the many questions raised by the Senator from Kansas and by many other Senators, there never was and never will be, and of course cannot be, any move by the Senate or by Congress to add to or detract from the powers the President has under the Constitution. So far as I am concerned, that is what the debate has been all about, for the most part.

There has been a feeling—at least, a public reaction—that somehow, by adopting the Church-Cooper amendment, Congress was restricting the President's power. It has been said time and time again on the floor of the Senate that we do not have that power; that Congress does not possess the power or the right to infringe in any way upon the constitutional powers of the Chief Executive.

I am not certain just what great impact this amendment might have, but share the view expressed by the distinguished minority leader that it is a significant amendment. I believe it goes a long way toward resolving some of the doubts many Senators have had. Many feel that President Nixon has made every possible effort to extricate the United States from Southeast Asia, more specifically South Vietnam. Many of us believe that the incursion into Cambodia means a shortening of the war, not a widening or a lengthening of it.

I have recited time after time in the past 30 days the fact that since last June 8—about a year ago—the troop level in South Vietnam has been reduced by about 115,500. The President recently announced a reduction of another 50,000 by October, and another 100,000 beyond that by next May. That will mean a total reduction of about 80 percent in combat forces in less than 2 years. To me, that is highly significant.

I have steadfastly supported the President because he is disengaging in Southeast Asia. He can see the end of the war in South Vietnam. So the Senator from Kansas and other Senators who share that view—and some of the sponsors of the Church-Cooper amendment share that view—give the President credit where credit is due.

I should now like to ask the Senator from Idaho two or three questions, if he wishes to respond.

As I read the amendment offered by the Senator from Montana, myself, and other Senators, it very clearly says that nothing contained in Church-Cooper shall be deemed to impugn the constitutional power of the President as Commander in Chief. As the Senator from Florida and the Senator from North Carolina have indicated, we could not do that in any event. We have neither the right nor the power to do it, but this is a recognition on our part.

I ask the Senator from Idaho, then, does this mean that we do not diminish the President's power, that we do not increase the President's power, or otherwise modify the powers and duties of the President as Commander in Chief.

Mr. CHURCH. Mr. President, in reply to the distinguished Senator, I repeat what I have said before—that it does not lie within the authority of Congress to add to, alter, modify, or detract from the authority the Constitution vests directly in the President as Commander in Chief.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. DOLE. I yield to the Senator from Colorado.

Mr. DOMINICK. Is it not a fact that if we adopt this amendment, whether we have done anything about the powers of the Commander in Chief, if in fact he, as Commander in Chief, decides to use some of the troops, under the Cooper-Church amendment those troops could not receive their pay?

Mr. DOLE. I do not interpret the Church-Cooper amendment in that way. In fact, I might say to the Senator from Colorado that that question was just raised by the Senator from Florida.

I yield to the Senator from Idaho to respond.

Mr. CHURCH. As I have said several times this afternoon, the only portion of the Church-Cooper amendment that relates to the question of compensation or allowances is subsection (2). That is confined to American personnel in Cambodia who furnish military instruction to Cambodian forces or who engage in combat activity in support of Cambodian forces. Those are the only types of American personnel whose compensation or allowances could not be paid under the amendment.

Mr. DOMINICK. If I may say so, the words "directly or indirectly" are in that section.

Mr. CHURCH. Yes.

Mr. DOMINICK. So if our troops went in there to knock off some of the Vietcong who had attacked us, it could be interpreted as helping the Cambodians.

Mr. CHURCH. Mr. President, the Senator is straining at a gnat.

Mr. DOMINICK. No; I am just telling the Senator how it reads.

Mr. CHURCH. The purpose of the amendment is to make clear that we do not want to authorize appropriations after July 1 to pay the compensation of American military instructors who are sent to Cambodia. Nor do we want to pay forces that are sent into Cambodia to support Cambodian troops in the field. That is the line we are trying to draw.

I say, in all respect to the Senator, it also conforms with the declared objectives of the President. He told us he does not intend to send American personnel into Cambodia as instructors, or to use our forces for the purpose of helping Cambodian forces. We are simply drawing the limitation to conform with the President's declared policy.

Mr. MURPHY. Mr. President, will the Senator from Idaho yield?

Mr. CHURCH. I do not have the floor.

Mr. DOLE. I yield to the Senator from California.

Mr. MURPHY. I would like to ask the distinguished author of the amendment, when we talk about conditions and what we should or should not do in Cambodia, is it not true, in the first place, that we are not in control of those conditions?

When we look at it from the aspect of what is good for the national security and what is considered proper to achieve the stated objective of bringing the war in South Vietnam and Cambodia—and Laos, if you will; they are all the same war—to an end, and a proper end, when we say arbitrarily that as of a certain date we must not do anything beyond that, does it not occur to the Senator that this gives the enemy an advantage of knowing our timetable? And if the Senator were the enemy, would he not say, "All right, I will just wait quietly until after the 30th, or the 15th, or whatever it is, and then I will make my plans"? Does not this restrict the capabilities and the opportunities that one must have in the conduct of such an unfortunate struggle?

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. DOLE. I yield to the Senator from Vermont.

Mr. AIKEN. I have heard people say that those who supported the Cooper-Church amendment were giving aid and comfort to the enemy. All I want to say is that it does not show courage to make a remark like that.

Mr. MURPHY. All I can say to my able colleague—and I assume what he said was directed at my remarks——

Mr. AIKEN. I did not name anybody. The Senator can name them.

Mr. MURPHY. I said if I were the enemy and I had the advantage of knowing the other side's timetable, I would make my plans accordingly. I have no intention of impugning, and I have no intention of implying the opinion that anyone would give aid and comfort to the enemy. I merely said that, putting myself in the enemy's position, it would be an advantageous thing. I would be pleased if the Senator would show me how that would not be the case.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. DOLE. Mr. President, I yield to the Senator from Idaho with the understanding that I do not lose my right to the floor.

Mr. CHURCH. The Congress did not set the timetable. The President of the United States set it. We did not manufacture the prohibitions in the amendment. We drew them to conform with the limitations the President had declared to the country and to the world.

To make such an argument, as made by the Senator from California, ignores the facts. He says the limitations contained in this amendment are, in effect, giving aid and comfort to the enemy. The limitations contained in the amendment are a reflection of those imposed by the President himself, that he declared to the world, including the enemy. So if his statement has any relevance at all, he should direct it to the President of the United States.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. DOLE. I yield to the Senator from California.

Mr. MURPHY. I would point out to my distinguished colleague that I may be sensitive on this point because I have just come back from Cambodia and South Vietnam, and I have seen at firsthand exactly what is happening there. I have seen a great change taking place under this particular administration. I have seen the initiative of the war turned completely around. I have seen the hope of peace increased to a great degree since my last trip there.

My concern—and it has been a concern from the beginning—is that the Communist propaganda will take any restraint that is placed on the President and will be twisted—I am sure it is not the intent of my distinguished colleague—into a message around the world that will say, "The American people have lost confidence and the Congress has decided it must restrict and restrain the President, that they no longer trust him, and that they must write into law even the question of whether troop payments can be made."

The troops out there are very much interested in this. They do not understand the logic behind it, or the timing. They do not understand why, when they suddenly are in a situation where they believe they have achieved the advantage, that now possibly they will not be permitted to press the advantage.

A period of 6 months passes by, or 8 months pass by. The North Vietnamese come back in and decide to rebuild the sanctuary, resupply it, restock it, and open up the port of Sihanoukville—which I had not heard very much about, but I find that 90 percent of the supplies in that area did not come down through the Ho Chi Minh Trail; they came in through the port of Sihanoukville.

I think it is to our advantage. I think it is definitely of great concern to the safety of our troops, and I must say that I am inclined to listen to the military experts. I am inclined to listen to people like Ambassador Bunker, in whom I have great confidence.

I carefully read the entire RECORD of the Vietnamese debacle, if I might call it that, and how we got there, of the mistakes that have been made since we have been there, and of the restrictions that have been put on so that we are still there—not by Congress, but by civilian advisers 12,000 miles away.

I am greatly concerned, and it worries me. I know that the distinguished Senator has the very best motives in mind, and that there should be a delineation of powers between the executive and the legislative branches. No one questions that. But here we are in a war, whether it is a declared war, undeclared, or whatever; and suddenly, in the midst of it, we are faced with this proposal—after so many mistakes, and after certain knowledge that the enemy cannot win militarily, but can only win by dividing us here in America. He has known that for 3 years. That is the plan: "We cannot win it out there; we will beat them in Washington."

That is why I say I am afraid. I am afraid that this intent, as legitimate, as plausable, as well-meaning as it may be, will be misunderstood. I would enthusiastically join in it at another time, but I would find it very hard to explain to the kids I had lunch with 2 days ago what is going on up here, and I would hate to try. That is my only concern. My concern is not with where the power rests; my concern is what is in the best interests of the present and future security of the United States of America. I would hate to be a party to anything that might inadvertently or, for any other reason, make a mockery of the battles that have gone on out there, and the more than 40,000 lives that have already been lost, with 200-some-odd thousand casualties besides.

I think this is an important investment, and I think the time has come when we ought to really assess it realistically, putting all emotion, theory, and everything else to one side. Maybe this is not the right time to make these judgments. I do not think it is. But in the meantime, I would think we would seek to protect the proper rights of the President to any degree possible, to make certain that this man, who has done such a magnificent job thus far, not be impeded in anything he might want to do.

Quite frankly, he has also restricted the inroads into Cambodia to 30 kilometers. All the experts out there, both foreign and domestic, talk about the "Nixon line." They wish it had gone farther. The North Vietnamese retreat 35 kilometers, and we cannot touch them; and they reform and regroup and come back out to kill more American boys.

This is not fiction. This is what has been going on.

Every military man I talked to said, "Why did we not make this Cambodian excursion 5 years ago, or 4 years ago, to break up their supplies, to break up their food sources, to break up their communications, and thereby make it impossible for them to continue to fight?"

If we want to make restrictions, I respectfully submit that we should start finding ways to restrict the judgments in Hanoi, Moscow, and Peking. That is where the Communist leaders reside. That is where the trouble started, and that is where is should end.

Mr. DOLE. Mr. President, I thank the Senator from California, and share the fears he has expressed. As I stated yesterday, I commend the Senator from California and others who made the recent trip to South Vietnam and Cambodia for their willingness and their courage.

The debate has now consumed about 30 days, and I believe that many of the questions raised by the Senator from California and others have been resolved. I should like, very quickly, to ask the Senator from Idaho to respond to this question:

It is my understanding that as recently as yesterday, the Senator from Idaho placed in the RECORD what could be done and what could not be done in the event the Church-Cooper resolution was adopted. As I understand, if the President, as Commander in Chief—since we do nothing to diminish, modify, add to, or detract from his powers—should determine, as Commander in Chief, that an intrusion into Cambodia was necessary for the protection of American forces, that could be done. Is that correct?

Mr. CHURCH. As the Senator knows, we considered a series of hypothetical situations in an attempt to define presidential authority under the Constitution, as well as the President's role as Commander in Chief, in so far as precedents tend to give us some indication of that authority.

It was implicit before, and it would be explicit if we pass the amendment proposed by the distinguished majority leader, that whatever authority the President has to protect American troops in the field under the precedents, authority that he derives directly from the Constitution as Commander in Chief, would not be affected by the amendment.

Mr. DOLE. That would include, I assume, air strikes and other military or

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tactical maneuvers, not simply those limited to the use of ground troops?

Mr. CHURCH. The Senator is correct.

Mr. DOLE. I ask that question because it is still another reason why there should be a strong vote supporting the Mansfield amendment. It does underscore the recognition by this body that we have in no way attempted, in the past few weeks of debate, to add to or detract from the powers accruing to the President by virtue of the Constitution.

That has been made crystal clear by the introduction of this amendment by the Senator from Montana, the distinguished majority leader.

With reference to sections 2, 3, and 4, of the Church-Cooper resolution, as I interpret those sections, they are limited primarily to support of Cambodian forces, and the Senator from Kansas, and nearly every other Senator on this floor, have indicated publicly that despite our feeling for the 7 million Cambodians, we do not want to be bogged down in another war in another country; and that is the primary purpose of sections 2, 3, and 4, is it not?

Mr. CHURCH. The Senator is correct. These subsections were drafted in such a way as to protect us from becoming involved in a new national commitment, defending still another government in Southeast Asia. Therefore, the wording was carefully designed to make that purpose clear.

Mr. DOLE. Then finally, in the event the President should determine, as Commander in Chief, that air strikes or air activity above Cambodia, or entering into some contract to provide some instruction in Cambodia, was necessary to protect American forces, would that be a proper determination, in the opinion of the Senator from Idaho?

Mr. CHURCH. I can only reply with respect to the matter of combat activity in the air.

Subsection (4) of the amendment prohibits the use of funds for conducting any combat activity in the air above Cambodia in support of Cambodian forces.

The legislative history of the amendment makes it clear that the amendment does not attempt to reach the use of American airpower for the protection of our own forces, the interdiction of supplies, or for any purpose other than a purpose related to the support of Cambodian forces.

Mr. DOLE. I thank the Senator from Idaho.

Let me conclude by saying that the amendment offered by the distinguished majority leader for himself and others is a highly significant amendment, not for what it does, because, as has been clearly said many times, we cannot add to or subtract from the President's constitutional powers; but it is a recognition—and will be recognized by the American public—that notwithstanding the long debate and notwithstanding the controversy, there has been no effort by this body to undermine or undercut in any way the President's constitutional rights, duties, and powers.

I yield the floor.

Mr. DOMINICK. Mr. President, I take the floor only for a few minutes to ask some questions of the Senator from Idaho.

I have read and reread the language which he has in this amendment, and I have read it so many times that perhaps I am just not getting the full import of what he is trying to do.

We will assume, for a moment, that the Mansfield amendment has been adopted; and it seems to me that, as the Senator from Kansas has said, it is a recognition of the respective branches of Government and their respective powers. Nevertheless, under that role, as Commander in Chief, let us assume again that some American forces are put into Cambodia as a rescue effort for prisoners held in Cambodia. The major portion of the thrust to try to rescue those prisoners is conducted by the Cambodian forces. So we are there to try to support them.

It is my understanding that, under subsection 2, if we do that, even though they are there under order and we are simply supporting the forces who are trying to rescue our own men, we cannot pay our own men. Is my understanding correct?

Mr. CHURCH. The Senator's understanding is not correct. On the basis of his hypothetical situation, if the purpose of the rescue operation was to reach and secure the release of American prisoners of war, all the President would need to do is say so. No one would argue with him. I think the Senator is really trying to create a problem that does not exist.

Mr. DOMINICK. Let me assure the Senator from Idaho that I am not trying to create any problem at all. I am trying to solve it.

Mr. CHURCH. Let me try to reassure the Senator on that score. Taking his hypothetical situation, if the purpose of the operation was to rescue American prisoners of war, and the President, acting through his commanders in the field, sent an American rescue force in, and quickly brought it out again, the fact that the Cambodian forces in the area might get some fallout benefit does not go to the heart or purpose of the mission. Therefore, no one would contend that those engaged in the mission, by virtue of any language in the Cooper-Church amendment, would be deprived of their pay.

Mr. DOMINICK. So the Senator from Idaho is interpreting the language as saying that the heart and purpose of the activity must be to support the Cambodian troops, and the heart and purpose should not be to try to do something for American forces.

Under subsection (3), there is a prohibition against carrying out any agreement to provide military instruction in Cambodia. Does that purport to apply to American forces, or does it purport to apply to any agreement we might have in support of Thais who decide to go down there for military instruction?

Mr. CHURCH. Subsection (3) undertakes to prevent our doing indirectly what subsection (2) prohibits us from doing directly with American personnel. If under subsection (3), American money were to be used for the purpose of financing the military instruction in Cambodia, that kind of activity would be prohibited by the amendment.

Mr. DOMINICK. That is what I was afraid of, if I may say so, because it seems to me that it immediately says that the United States is not going to support, economically or otherwise, for example, an all-Asian defense force trying to protect themselves from invasion by the North Vietnamese.

Mr. CHURCH. If the Thais think it it important enough to furnish military instruction to their neighbor—and I may add, their traditional enemy—the Cambodians, they are quite capable of furnishing that instruction themselves.

We can do many other things that are not reached by this amendment. We can furnish arms, weapons, equipment, military supplies, most anything, to the Cambodians. The amendment does not attempt to prevent us from giving material assistance either directly or indirectly. All it attempts to do is to prevent us from embroiling ourselves, once more, in the same sequence of events that entrapped us in Vietnam. We were trying to avoid that situation, where first we give small arms, then we give sophisticated equipment, then we send in American personnel to teach the Cambodians how to use sophisticated equipment, and then we send in combat troops to protect the American personnel. That is the sequence of events that took place in Vietnam. We do not want the same sequence to start in Cambodia. This does not impair, in any way, our transfer of weaponry or materiel assistance to the Cambodians. Nor would it impair the Thais in giving military instruction to the Cambodians if they felt that it was necessary and were willing to underwrite that part of their effort.

Mr. DOMINICK. I think that explanation is helpful. I would like to add, however, the problems that I see with it.

One of the things that the President is trying to do is to disengage us from the South Vietnamese situation.

One of the ways he is trying to do it is to create a homogeneity or a homogeneous feeling among the people in those areas, in their effort to try to preserve their own nationality and not be overrun by the North Vietnamese. We are giving aid to many of the countries in that area. We have not been giving it to Cambodia specifically, but we have been giving it to Thailand. We have economic aid of sorts going into Malaysia in one form or another. The Indonesian conference is going on, in which all these countries have gotten together to try to see what they can do about solving this problem.

Are we, by this amendment, prohibiting the use of any of our funds in support of whatever groups we may say that we want to assist in Cambodia?

Mr. CHURCH. I yield to the distinguished Senator from Vermont.

Mr. AIKEN. I would like to answer that question, briefly.

It is the purpose of this resolution to prevent the use of American taxpayers' money to hire mercenaries to fight in a third country for—I guess I had better stop there. I almost said "for the purpose of maintaining American investments." And I am not speaking just to

Cambodia. I would apply it to any other country.

Mr. CHURCH. I would like to say——

Mr. DOMINICK. I think I ought to clear the RECORD on this situation. This is the first time I have heard the Senator from Vermont imply that. I am concerned that he should make allegations of that kind. What we have been trying to do is to provide economic assistance to the countries so that they can survive on their own.

Mr. AIKEN. Who made the allegations?

Mr. DOMINICK. We are not trying to provide assistance so that they can be mercenaries of the United States.

Mr. AIKEN. I am not mentioning any investment company names or business interests which have found a bonanza in Southeast Asia. If the Senator from Colorado wants to name any, or knows any, that is all right. I just think it is well to stop any operations before they get started.

Mr. DOMINICK. The Senator is entitled to his opinion, but I would think that the allegations are pretty broad in the way he is determining what we have been trying to do both in Thailand, the Philippines, in Korea, and in a variety of other areas where we have been supplying support. I do not look at those people, who are fine people, as being mercenaries of the United States. The Senator has a right to that opinion, if he wants, but I think it is a totally erroneous opinion and I am frank to say so.

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I think it gives somewhat of a heated interpretation to this discussion, something I am trying to do my best to calm down and not heat up.

Mr. COOPER. Mr. President, will the Senator from Colorado yield?

Mr. DOMINICK. I yield.

Mr. COOPER. I heard a part of the colloquy between the Senator from Colorado, the Senator from Idaho, and also the Senator from Vermont. I think that the statement of the Senator from Vermont is intended to protect the taxpayers money from being furnished or given away, and, therefore, is correct. But I would say, further, that I know the question was raised during debate as to whether the amendment would be in conflict with the Guam doctrine. As I understand that doctrine, the President, looking into the future, is calling upon the countries in Southeast Asia, and perhaps in other areas, to assume the burden of their defense, so far as manpower is concerned. I believe he further said that our role would be to furnish supplies and aid.

Now there is a problem about Cambodia even in that respect. Cambodia is not included in any foreign aid program or in any military sales program.

In the hearings, we were informed that there was no authority to provide supplies and aid to Cambodia under existing law, either in the Foreign Aid Act or in the Military Sales Act. There are several provisions in both acts which give to the President certain emergency powers to use funds which have been appropriated to his use for the furnishing of supplies. But we were told that unless the country is designated in one of the acts, those powers could not come into play.

It is my view that the United States could not engage in a large program of supplying munitions, money, or aid to Cambodia, without Congress approving such a program.

Mr. DOMINICK. If I may say to the Senator from Kentucky, I hope that is correct, but I do not think that we should insist, and the President has said he is not going to, but the question is, what are we going to do in the way of giving supplies and equipment to the Thais, who then would be able to go ahead and help the Cambodians? Apparently, at this point, the Senator from Vermont thinks that they are mercenaries of the United States. I personally resent that. I think that is the wrong——

Mr. AIKEN. Well, Mr. President, it does not prevent——

Mr. DOMINICK. Interpretation, but he has the right to it, but I have the right to resent it, too.

Mr. AIKEN. Our giving supplies to the Thais. It prevents hiring people from other countries, wherever we can get them, to go into a third country and——

Mr. CHURCH. Fight for us.

Mr. AIKEN. Fight for us. If that is not mercenary, then what in the deuce is it?

Mr. DOMINICK. I would presume, under those circumstances, that we could say the same thing about any economic aid given to any country, if that country supports another country under attack.

Mr. MURPHY. Mr. President, will the Senator from Colorado yield for an observation?

Mr. DOMINICK. Let me finish this first, and then I will be happy to yield.

Mr. President, the thing I am pointing out is that this is causing ambiguity. Even though I will be happy to support the amendment of the Senator from Montana to this amendment, I think we still have the problem in here of trying to interpret what it means under any given set of circumstances, many of which cannot now be foreseen.

I would hope that out of the Indonesian conference we will be getting the ability of the Asian nations to do far more in their own defense than they have been able to do up to date. I would hope that the Senator from Idaho, the Senator from Kentucky, and even the Senator from Vermont, would hope that. But it also occurs to me, in the economic realm, that we are probably going to be called upon to try and assist them to do a lot of these things. If we are so called upon, are we then going to be prohibited, by the wording of this amendment, from being of assistance to people trying to help themselves or their neighbors? That is what I find very confusing.

Mr. MURPHY. Mr. President, will the Senator from Colorado yield?

Mr. COOPER. Mr. President, would the Senator from Colorado allow me to finish the interpretation I began awhile ago?

Mr. DOMINICK. I am sorry. Of course, I am happy to yield to the Senator from Kentucky.

Mr. COOPER. I believe that under existing law the United States could not furnish any supplies directly to Cambodia through the Military Sales Act or the Foreign Aid Act without the authority of Congress. Now the Senator has asked, as I understand it, would not this interpretation foreclose assistance from Thailand if they wanted to render such assistance?

Mr. DOMINICK. That is correct, or South Korea.

Mr. COOPER. In my judgment, it would, if Thailand or Korea were supported by the United States in doing so. If to escape or avoid the prohibition against U.S. personnel being in Cambodia, the United States acted through Thailand or some other country to move into Cambodia, then I think that our amendment is intended to prohibit such a movement. There is merit in what the Senator from Vermont says, in that if we persuaded some other country to move into Cambodia and furnish that country with our supplies, I do not like the word "mercenary" but that is exactly what it is. Then we are doing indirectly what the law would prohibit us from doing directly.

However, if Thailand and Korea, with their own resources, determined as a policy of their governments that they would want to assist Cambodia without our paying them to do it, there is nothing to prevent them as sovereign countries from taking such action.

Mr. MURPHY. Mr. President, will the Senator from Colorado yield?

Mr. DOMINICK. If the Senator will wait until we have finished this colloquy, I shall be happy to yield to him.

Mr. President, if we should be providing assistance to the Thai defense forces against the North Vietnamese and the Vietcong within Thailand, and then a portion of those forces should be used by Thailand to support Cambodia, then we would be prohibited from spending any of that money. Is that the interpretation that I should give to this amendment?

Mr. COOPER. That is a nice distinction, as all of these questions are. They cannot be thoroughly spelled out, as the Senator knows so well. But I think that the meaning is obvious. If the United States determines as its policy or if the President determines that as a matter of policy, that we should encourage the Thais, Koreans, or South Vietnamese to go into Cambodia and engage in a war which we are seeking to prevent the United States from becoming engaged in, then I think that such a policy would be in violation of this amendment.

If Thailand entered Cambodia as a measure of defense of its own country without our directing them to do so, I would assume that such a decision would be a matter for its own sovereignty.

We are most interested in the Guam policy. I think it is a good policy. I want to support it and I will support it if it is enunciated and acted upon in Congress.

I want to say again, however, that by stating the policy, and using that statement as a basis to take such action as the President might take to supply arms and men and materiel to another country, would be a new policy with a new direction. I do not believe that it could be done without his coming to Congress and getting approval for the men, for the supplies, and for the munitions that would be necessary.

I really believe that our amendment expresses the existing law.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. MURPHY. Mr. President, in the discussion of mercenaries, unless I misheard my distinguished colleague, it sounded to me that an impression was given that we were hiring soldiers from a foreign country to go and fight our battle in Southeast Asia.

First of all, I point out that that is not the case, that the soldiers in the country of Cambodia are now fighting to preserve their independence.

The Government of Cambodia is not a new government. It is the same Government with the head of the Government deposed. Sihanouk, who played both ends against the middle, has been put aside by his people. But the Government is exactly the same. The head of the Government is in exactly the same position as he was under Sihanouk.

These people are not saying, "Come and hire us to go fight for you." They are fighting for themselves. They want the right to determine their system and form of government.

All these people are asking for from us is aid in the matter of arms. I do not think that is creating a mercenary force at all. And I am afraid that my distinguished colleague—who is not listening to my explanation—must agree with that statement. It is a different situation. These people have asked for our assistance. They have asked for our help in the matter of arms with which to defend themselves against the ravages and atrocities of the Vietnamese and the Vietcong.

I was present when a man in command of a group told me that the afternoon before they had chased a group of Vietcong halfway up the mountainside with nothing but hand grenades. He said, "If we had some rifles and some ammunition, we could handle our own case."

They are not mercenaries. These are unfortunate people who are beset by an enemy and would like to have us give them some arms with which to protect themselves.

I for one, since it is obviously in the best interests of the United States to preserve as many free nations around the world as we can, can see nothing wrong with it. Nor do I see that we have anything to gain by dealing in discussions of semantics which in the windup will impede the right of those who have the responsibility for the judgment.

The Thais have already sent troops into Cambodia. Why? There is no mystery about it. If one looks at the map he will see that if Cambodia falls to the Communists, then all of Southeast Asia is going and the entire effort will have been wasted.

It was pointed out earlier that the main supplies coming into that area do not come from the Ho Chi Minh Trail. They come from Sihanoukville. And if that port is reopened, we will have the same situation, possibly with the sanctuaries, instead of being 35 miles from Saigon, moved back to 40 or 50 miles. But they will be the same sanctuaries and there will be the same possibility of rearming and bringing in fresh troops, resupplying machine shops, hospitals, and all of the rest on foreign soil against the objections of the Cambodian government.

I say that these people who say to us, "Just give us some guns with which to protect ourselves" should not be classed as mercenaries. I do not believe that any one who is willing and who has the courage and determination to defend his own freedom should be called a mercenary if he simply asks for a little help, a little instruction, and a few guns.

I think "mercenaries" is an ill-advised term, just as I think this entire discussion is badly timed, to take place at a period when this country is at war, whether it be a declared war or an undeclared war.

Mr. President, during our late trip to Southeast Asia, we had several discussions about the term "mercenaries." I agree with the distinguished Senator from Colorado.

I pointed out these details because I do not consider these people to be mercenaries. They are not being hired by the United States to fight for the United States. They are asking for arms from the United States with which to defend their own freedom, their own right to self-determination, and their own right to carry out the policies of this Nation fixed by the last four Presidents.

Mr. DOMINICK. Mr. President, I thank the distinguished Senator from California who expresses himself extremely clearly and extremely well on this point.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. AIKEN. Mr. President, is the Senator aware of the fact that it is far more profitable for the soldiers of some governments to fight in Vietnam than it is for them to fight insurgents in their own country? Is the Senator aware of the fact that a Thai lieutenant general receives $370 if he stays at home. He receives a $450 bonus if he goes to Vietnam. That makes a total of $820 in all. And that applies all down the line. Up until recently it applied to the Philippine soldiers, too. They can make twice as much and more by going to Vietnam and fighting under our direction than by staying at home and protecting their own country by fighting insurgents there.

I would be glad to put the schedule of bonuses in the RECORD if the Senator desires.

Mr. DOMINICK. The Senator can do that at any time he wants to—now or later.

Mr. AIKEN. Mr. President, is the Senator aware that a captain in Thailand receives $70 a month at home and that we pay him a $150 bonus, making $220 if he goes to Vietnam.

So, when we talk about their not being mercenaries, I think the fact that they can get twice as much by fighting for us in a foreign country as they can by protecting their own country answers the question.

I am not saying this to criticize Thailand or the Philippines but to refute any statement that we do not hire others to fight for us.

Mr. MURPHY. Mr. President, I was speaking with reference to Cambodia. I know the Senator did not hear me because he was busy getting this information from an aide.

I point out that with reference to the term mercenaries in Cambodia, the people of Cambodia that I talked to, military and civilian, want only guns with which to defend their country.

I do not consider that that classifies them as mercenaries.

Mr. AIKEN. Mr. President, does the Senator understand that if other nationalities go into Cambodia to fight that we will not pay them a bonus?

Mr. MURPHY. I have no idea. I had not heard it discussed.

Mr. AIKEN. Well, they are going into South Vietnam and fighting for them.

Mr. MURPHY. The people in Thailand, the people in South Vietnam, the people in Laos, and the people in Cambodia are all in one area. Those people know very well, whether we like to face up to the fact or not, that if the Communists from the North—from Hanoi—supplied from Red Russia and Red China, are successful in any one of those countries, it will just be a period of time before they will all be under Communist rule.

We also know that the Communist plan to extend Communist imperialism has not been changed, has not been altered. We also know that, at least in Vietnam, when the people were given the choice, more than 800,000 of them walked from the North to the South. They walked rather than go under Communist rule. These are the backdrops against which this entire dramatic sequence must be played. When these people are inclined to do something that is in our best interest, I submit that it might be in their best interest, too. I submit that the Thais, perhaps, want to make certain that they do not have Communist government in Cambodia. I suggest that it is to our great advantage that we make certain that the port of Sihanoukville not be reopened, because if it is reopened, supplies will come in, sanctuaries will be rebuilt, and American boys will be killed in South Vietnam. I do not think we can separate these facts.

I am glad to see that lately the news media, particularly the press, have begun to refer to the "Indochina" situation, which is what it was in the beginning, has been from the beginning, and certainly is now. There is no question that all the countries in that region have a stake in the outcome. If one of those countries falls, there is no doubt in anybody's mind that the next country will be in greater jeopardy, and so it will go.

Mr. AIKEN. Mr. President, will the Senator from Colorado further yield?

Mr. DOMINICK. I yield.

Mr. AIKEN. I do not see any good to be brought about by putting in the RECORD all the rates which we pay to

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soldiers who fight for us in Vietnam. If any Senator insists on my doing so, I shall be glad to do so. The Thais get roughly twice as much for leaving their own country to fight in Vietnam, and, until recently, so did the Filipinos, as they would have received if they had stayed in their own countries to fight the infiltration there.

Mr. DOMINICK. The Senator from Vermont may do whatever he wishes to do with that list. I have not seen it. I do know, of course, that we are giving bonuses. I have known that from the beginning. But I would not necessarily say that those men are fighting for us. They are fighting on the same side as the people who are trying to prevent their countries from being overthrown by the North Vietnamese and the Vietcong. Perhaps we have some disagreement there. But some 60,000 troops are in Laos and 40,000 in Cambodia.

Considering the number of troops that North Vietnam has been trying to put into South Vietnam, it is pretty evident that the Communists are trying to take over the Asian countries, and the Asian countries are trying to do something to prevent it. We, in return, are trying to help our friends to do something about it. I do not find that to be so horrible as the Senator from Vermont apparently does.

The colloquies we have had with the Senator from Kentucky (Mr. COOPER) and also with the Senator from Vermont (Mr. AIKEN) indicate some of the problems we still have with the wording of the amendment. That is the point I was trying to bring up. We may find ourselves fouled up in a series of really difficult problems as to whether the men who are carrying out the orders of the Commander in Chief can continue to receive their pay, and whether we can continue to provide aid for the Thais, the Koreans, and the people of other countries who are trying to prevent their countries from being overrun, whether by the North Vietnamese, the North Koreans, or anybody else in that area. It strikes me that this proposal could easily create all kinds of problems by affecting their credibility in the eyes of the free nations of Asia.

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Mr. President, before I conclude, I ask unanimous consent to have printed in the RECORD a series of comments by my distinguished colleague from Colorado (Mr. ALLOTT), reporting on certain letters which he has received from professors throughout the country in support of the President's position. It is an extremely cogent series of articles.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR ALLOTT

Mr. President, as we continue to explore, with proper thoroughness, the many complex facets of the current debate, I continue to receive reflective communications from members of the academic community to express support for President Nixon's stand with regard to the necessary and proper powers attaching to the President's role as Commander-in-Chief.

It has been my pleasure to receive the wise counsel of many scholars who have devoted their professional lives to examining the many relevant issues of this debate. And it has been my pleasure to share these reflective communications with all the members of this body.

Today, I want to share four more of these illuminating communications. Two are letters from professors of political science. Two are letters from professors of law.

Professor Thomas Landon Thorson is a member of the political science department at Indiana University at South Bend.

Professor Thorson takes a balanced position with regard to the current debate. He says:

"While I think no one could argue that the Senate has no role in the conduct of foreign affairs and that it together with the House has legitimate checks on presidential power, it seems to me clear that the Cooper-Church proposal as originally drafted could make no important constitutional point, but could only serve to embarrass the President and weaken him in his international duties."

With regard to the current dilemma the Nation faces, Professor Thorson speaks with an insight won from many years studying American political processes, and from experience on the scene in the South Pacific. He says:

"The proper long term resolution of this costly affair requires utmost flexibility and room for maneuver in both a public and a private way. This requires restraint on the part of the Senate, restraint which is no doubt peculiarly difficult because of pressure both public and from conscience.

"While it would not be true to say of the Senate what Harlan Fiske Stone said of the Court in *U.S.* v. *Butler* that the Court can be strained only by its own sense of self-restraint, nonetheless self-restraint is very much the course of wisdom and I applaud you for advocating it."

Mr. President, the second letter I want to share with Senators today comes from Professor William G. Andrews, Chairman of the Department of political science at the State University College at Brockport, New York. Professor Andrews writes:

"I am deeply distressed by what appear to be hasty, ill-considered, and dangerous attempts by members of the United States Congress to impose apparently unconstitutional restrictions on the President's powers in defense and foreign affairs. My understanding of the United States Constitution and of the debates attendant upon its drafting, ratification, and early implementation lead me to believe that the granting to Congress of the power to declare war was not intended to restrict the power of the President as Commander-in-Chief and as chief representative of the United States in international relations in situations where no formal declaration of war was deemed appropriate or necessary. In other words, I understand the President to have the power to make war and Congress to have the power to declare that a state of war exists for purposes of international law. Many Presidents throughout our history have exercised that power in more than 150 instances. Why should Congress suddenly decide now that they were acting unconstitutionally?"

Mr. President, the third letter I want to share with my colleagues today comes from Professor Charles E. Rice.

Professor Rice is a member of the faculty of the Notre Dame Law School. He is a widely respected student of constitutional law. Professor Rice is strongly opposed to measures that would erode the powers of the President acting as Commander-in-Chief. He says:

"The Cooper-Church amendment presents a basic issue which ought to be decided apart from the pressures of demonstrations and confrontations. When the question is considered on its merits, the weakness of the resolution becomes apparent. For it proposes to set a short-range time limit on military operations that are not susceptible to such a limitation. The critical fact is that lives are at stake and, in the judgment of those who are competent in military affairs, a precipitate withdrawal can endanger American troops in both Cambodia and Vietnam."

The fourth letter I want to share with Senators today comes from a scholar who, although young, is uniquely well qualified to speak on these complex matters of constitutional importance. The author of this letter is Professor Fred L. Morrison.

Professor Morrison is a member of the faculty of the University of Minnesota Law School. He has a PH. D. in political science as well as a law degree. Before earning these two advanced degrees he was a student at Oxford University.

Professor Morrison's argument supporting the President's right to make tactical decisions—such as the decision to clean out the Cambodian sanctuaries—is all the more persuasive because he does not personally approve of the President's decision with regard to Cambodia. But Professor Morrison understands that the question of personal approval of a particular exercise of Presidential power is logically independent of the question of whether a particular exercise of Presidential power is within the President's constitutional powers.

Professor Morrison's argument includes the following reasoning:

"The Cooper-Church amendment would be an irresponsible exercise of budgetary power. The amendment seems to incorporate three propositions: an initial premise, a formal declaration, and a necessary consequence. These are:

"*Proposition One: the initial premise.* The Congress wants the President to get the United States out of Southeast Asia with all possible speed.

"*Proposition Two: the formal declaration.* The Congress does not want the President to do this in the manner in which he is currently doing it.

"*Proposition Three: the necessary consequence.* The Congress does not want to make any other suggestion about how it should be done.

"The first of these propositions is the initial premise. It is clearly within the proper scope of Congressional action. It is a statement of national policy. It reflects the view of most citizens of this nation.

"The statement of this initial premise, by itself, squares with the enunciated policy and the actual practice of the incumbent administration. The President has reduced troop strength in Southeast Asia by more than 20% since he took office. He proposes another reduction of more than 25% within the next year. I wholeheartedly agree with this premise, as I am certain that you do.

"It is the second proposition, the technical core of the amendment which is objectionable. It tells the President how he cannot accomplish the result demanded by Proposition One. It places yet another restriction on the already limited scope of alternatives open to the President in attempting to carry out that policy.

"This second proposition invades the President's powers as Commander-in-Chief. If there is to be any distinction between the power of the Congress 'to declare War' and 'to raise and support Armies' on the one hand and the power of the President as 'Commander-in-Chief of the Army and Navy of the United States' on the other hand, it is surely that the Congress should make the broad policy decisions and the President should make the tactical military decisions.

"Mr. Nixon 'inherited' a situation in which more than a half million American troops were in Southeast Asia. He has adopted a policy of de-Americanization of the conflict, in accord with the sentiments of most Americans and most of the Congress. The present action is at least arguably in furtherance of that policy. It is a question of tactics. Will the agreed purpose of the speedy withdrawal of American troops from the area be hastened more by destroying enemy supply bases or by weathering further attacks? This kind of tactical question, the answer to which must be based upon political and military intelligence and advice, can only be made by an individual.

"Let me repeat that I would have opposed the decision to enter Cambodia. I applaud the President's decision to remove American troops by June 30. I feel, however, that the decision was his to make. We elected him to make decisions, not to agree with me. Only an individual, not a committee or a bi-cameral Congress, can effectively make tactical decisions.

"The third proposition is the implicit, inherent, and necessary evil of the Cooper-Church proposal. The movers of the plan would compel the President to abandon his plan of action. They neither suggest nor provide an alternative. Their criticism is destructive, but not constructive. They eliminate a tactical plan (and publish its permanent elimination to the enemy), but provide no alternative to replace it.

"Many problems have more than two solutions. This is one. In this case, some supporters of the amendment obviously favor immediate and unconditional withdrawal to the ports for summary embarcation to the United States. Others seem to favor a Gavin-type 'enclave' approach. Still others might favor continuing the policy of 'Vietnamization,' within a more limited territorial sphere. Some see a role for the United States in support, but not combat, activities. I doubt that a Congressional majority could be found for any one of these strategies.

"I suggest a challenge to the proponents of the amendment. In addition to saying how the President should *not* conduct the hostilities in Southeast Asia, they should indicate how they think he *should* conduct them. The task would be fruitless; no majority could be found for any one plan. The failure of such an undertaking should conclusively demonstrate why decisions of this type must be left with the President. Any other course eventually leads to command paralysis."

Mr. President, there is one thing I would like to point out with regard to Professor Morrison's letter. He is in possession of one of this Nation's most precious resources. He has a sense of humor. He writes:

"If General Washington had required the consent of the Continental Congress before crossing the Delaware, the Redcoats would have been celebrating Easter, not Christmas, when he arrived in Trenton."

He also writes:

"Some tell us to 'Make Love, Not War.' It would certainly be preferable! To my knowledge, no committee has ever been successful in either undertaking. I hope that the Senate will express its opinions on the merits of the use of troops in Southeast Asia. Indeed, the giving of advice to the President should be one of its main functions. I equally hope, however, that the Senate will not undertake joint command of the Army. The proposed amendment does that."

Mr. President, so that all Senators may enjoy and profit from these four letters, I ask unanimous consent for them to be printed in the RECORD.

The PRESIDING OFFICER (Mr. SAXBE). The question is on agreeing to the amendment of the Senator from Montana (Mr. MANSFIELD) and other Senators.

Mr. MANSFIELD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from Montana (Mr. MANSFIELD) and other Senators. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Maine (Mr. MUSKIE), and the Senator from Georgia (Mr. RUSSELL) are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent on account of illness.

The Senator from Colorado (Mr. ALLOTT), the Senator from Idaho (Mr. JORDAN), the Senators from Illinois (Mr. PERCY and Mr. SMITH), and the Senator from Vermont (Mr. PROUTY) are necessarily absent.

If present and voting, the Senator from Idaho (Mr. JORDAN), the Senator from Illinois (Mr. SMITH), and the Senator from South Dakota (Mr. MUNDT) would each vote "yea."

The result was announced—yeas 91, nays 0, as follows:

[No. 154 Leg.]

YEAS—91

Aiken
Allen
Anderson
Baker
Bellmon
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dodd
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Goldwater
Goodell
Gore
Gravel
Griffin
Gurney
Hansen
Harris
Hart
Hartke
Hatfield
Holland
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Kennedy
Long
Magnuson
Mansfield
Mathias
McCarthy
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Murphy
Nelson
Packwood
Pastore
Pearson
Pell
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Smith, Maine
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Tower
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—0

NOT VOTING—9

Allott
Bayh
Jordan, Idaho
Mundt
Muskie
Percy
Prouty
Russell
Smith, Ill.

So the amendment offered by Mr. MANSFIELD for himself and other Senators was agreed to.

Mr. FANNIN. Mr. President, every citizen I have talked to, and all of my colleagues in this body, the administration—Democrats and Republicans alike—long to see an end of the war in Vietnam.

We, all of us, believe that civilized men and civilized nations should be able to settle any difference or disagreement without resorting to armed conflict.

The division which so disfigures our Nation at this moment arises from our apparent inability to unite on a practical plan to bring a satisfactory conclusion to the conflict in Southeast Asia.

We all recall that in the Korean war political considerations dictated strategy. Our military commanders in the field were permitted to pursue only limited military objectives. And that conflict dragged on into a weary stalemate.

Since President Lyndon Johnson increased the American military presence in South Vietnam the same sort of political considerations have hampered and frustrated our fighting men and their commanders.

The port of Hanoi exists today as a privileged military sanctuary. The rail line which brings supplies and materiel from Red China continues to function in normal fashion.

Until President Nixon courageously determined to destroy the sanctuaries in Cambodia, that land area, falsely described as neutral, served as a supply base and staging area for hundreds of successful forays into South Vietnam.

The amendment offered by the Senator from Idaho and the Senator from Kentucky is perhaps not calculated to prolong the war, but in my view its enactment would inevitably prolong the conflict.

This is an attempt to legislate control of our military strategy.

This is an attempt, in my view, to discredit the judgment of the President of the United States, to question his integrity and his honor.

President Eisenhower was fond of saying that all of us have 20–20 hindsight.

Hindsight, supported by history, surely indicates that had not political considerations prevented MacArthur from destroying the Red Chinese sanctuaries north of the Yalu River, the war in Korea would have been terminated in a real peace much earlier.

If we the Members of the U.S. Senate legislate controls on our Commander in Chief and his military deputies in the field, we will surely prolong the war.

An end to this conflict in Southeast Asia can be had the moment the Communist North Vietnamese are willing to renounce their designs for territorial aggrandizement and give up their plan to enslave the South Vietnamese people.

American participation in the war will end much sooner as the result of the destruction of the Communist supplies in Cambodia.

The South Vietnamese armies have demonstrated their increasing capability to carry on the conflict as their own responsibility.

Dare we vote for this legislation and thus perpetuate those political limitations which proved so disastrous in the Korean conflict?

Dare we declare to the world that the Senate of the United States has no confidence in the honor and the integrity and the promised word of the President of the United States?

For 6 long years the wishful thinkers have urged forebearance, have successfully hamstrung American military might, have, in my opinion, condemned our soldiers to die in vain in a struggle they were not permitted to win.

In all the history of the world it is recorded that when armies face each other there is no end to the killing until one side or the other is rendered impotent, or until both are exhausted.

The President's action in Cambodia has produced tangible evidence in the record of materiel captured and destroyed to suggest that the capability of the North Vietnamese armies has suffered grave injury.

In my view, to adopt the Church-Cooper amendment would be to hand the North Vietnamese a victory they have not won, to prolong the war, to prevent the President from carrying out his plan of returning American troops, to condemn the South Vietnamese, to continue an endless, almost hopeless defense of their freedom.

Let us rather support the President, let us repeat to all aggressors that it is our intention and desire to bring American troops home, but that our longing for peace will never permit us in conscience to condemn the people of South Vietnam to slavery and political execution.

If we are to withdraw from South Vietnam, if we are to permit Cambodia and Thailand and Australia to be gobbled up by the Communist aggressors, should we also limit the Commander in Chief so that we cannot respond in any helpful way to the next world crisis?

Should we withdraw from the North Atlantic Treaty Alliance?

Should we withdraw our obligation in every other corner of the world?

Should we refuse to aid Israel as the Russian materiel continues to pile up in the hands of the enemies of Israel?

Mr. President, I for one shall support President Nixon for what he has done to hasten the end of the war in South Vietnam. I shall support President Nixon in whatever course he may feel necessary to deter aggression in the Middle East, or in any other part of the globe where it occurs.

This is not a matter of the United States of America attempting to discipline and police the world. It is the response of the conscience of a Christian nation which cannot sit idly by and do nothing to prevent the terror from engulfing other men and other nations.

Mr. President, the last vote in the Senate today indicates the support that is now evident in this body for our President.

The majority of the people of this Nation through recent nationwide polls have too registered their great support of the President in his action to end the war in Vietnam through the highly successful incursion into Cambodia.

ORDER FOR ADJOURNMENT UNTIL TOMORROW, AND FROM TOMORROW UNTIL MONDAY, JUNE 15, 1970

Mr. MANSFIELD. Mr. President, if I may have the attention of the Senate, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 a.m. tomorrow; and that when the Senate completes its business tomorrow, it stand in adjournment until 10 a.m. on Monday morning next.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

(Subsequently, the order with reference to the adjournment to tomorrow was modified to change the hour of convening tomorrow from 11 a.m. to 10 a.m.)

UNANIMOUS-CONSENT REQUEST

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on Monday after a brief period for the transaction of routine morning business, it be in order to take up Calendar No. 918, H.R. 17399, the supplemental appropriation bill; that there be a time limitation of 3 hours attached thereto; and that there be, within that 3 hours, a time limitation of 1½ hours on an amendment to be offered by the distinguished Senator from New York (Mr. JAVITS) and all amendments thereto.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. JAVITS. I have only one request to make. I have no objection whatever, but I have a rather important press conference here at 10:30, and I should like to feel that my part of the bill would not start until 11.

Mr. MANSFIELD. I think that can be arranged.

Mr. JAVITS. The Senate is coming in at 10, and that is a little earlier than I thought it would.

The PRESIDING OFFICER. The Chair asks the Senator from Montana, is he referring to taking this bill up tomorrow, or on Monday?

Mr. MANSFIELD. Monday.

The PRESIDING OFFICER. Is there objection?

Mr. COTTON. Mr. President, reserving the right to object, I dislike very much to interpose an objection to taking up the supplemental appropriation bill on Monday, but, Mr. President, I feel very strongly about one matter, and if I had contributed one single word or taken up 1 single minute in the extended debate, filibuster, or however you wish to term it of the last month on the Cambodia matter, I would not even say what I am going to say now.

But, Mr. President, last year, when we were working on the HEW appropriation bill, the Senate will remember that it went far into the fall, for reasons beyond our control, and worked a grave hardship on the educators of this country. School districts did not know where to turn. They could not hire teachers. They did not know what they were going to have. They could not get ready for the school year.

Much of the money we finally appropriated for education in this country—quite a portion of it—probably went to naught because we were so late. This year we made a promise—and by that I mean the Appropriations Committees of the House and Senate—that we would get at it and work expeditiously, so that the school districts and the educators of this country would have this information.

In order to bring this about, the House separated the HEW bill into two bills, so that we could act on the appropriations for education and later act on health and welfare. This was done, and the House expeditiously acted, held hearings, passed the bill through the House, and sent it to the Senate.

The distinguished Senator from Washington, the chairman of the Subcommittee on HEW, immediately scheduled hearings, and we worked long hours and completed our hearings on the education bill, and reported it to the full committee, and the full committee reported it to the Senate. It has been on the calendar all through this long, extended debate on the conduct of the war.

I recognize one drawback. When we requested that we take time out to get this appropriation bill for education through the Senate, so that it could go on to conference and to the President, the distinguished majority leader refused to do so unless we could get a definite limitation on debate; because in that bill—are the so-called Whitten amendment and the Jonas amendment. Those amendments long have been a bone of contention, and our southern friends and some others feel very strongly about it and want to be heard.

To this point, we have not been able to say to the majority leader—and I am saying this in justice to him and to be fair to all parties—that we can get an agreement, say, for 4 hours, 2 hours on a side, for those amendments, and limitation for the rest, so that he could let us in with this education bill, with any degree of certainty about how long it was going to take. I do not hesitate, and have not hesitated, to appeal to my Southern brethren in the Senate to make an agreement as to time.

I admire their adherence to their principles and voted with them in committee. I would hope they would be cooperative in this matter, because it is very vital. We have lost almost all the effect of our getting at this bill early and of the dedicated and devoted efforts in the House and in the Senate.

We are now at the end of a school year, with the necessity of the school districts in this country hiring their teachers and getting ready for the coming school year, and we are without action on this bill, which has been on the calendar since May 15.

The unanimous-consent request is to take up the supplemental bill, which has just been reported by the committee. I think that the action on appropriations for education is more pressing than any other matter that is being held up, perhaps with the exception of raising the debt limit; it certainly is more pressing than the supplemental bill, even though the supplemental bill is for the remainder of fiscal 1970 and not for 1971. This is the zero hour with respect to the school districts and the educators of this country being able to proceed with their business.

XUM

I would feel constrained, regretfully, to object to taking up any other measure ahead of this bill, although my position is weakened by the fact that we have not been able to say to the distinguished majority leader that we have an agreement on a time limit. I wish we could get that kind of agreement and take up this measure.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. COTTON. I yield, and I retain my reservation to object.

Mr. STENNIS. Mr. President, reserving the right to object, I make no objection to this supplemental appropriation bill, and I make no objection to bringing it up and hearing the presentation with respect to the education bill.

The Senator from New Hampshire is very familiar with all the problems that go with the so-called Whitten amendment and the Jonas amendment, and in the Appropriations Committee he and I have battled about this.

Mr. COTTON. I have supported the Senator's position.

Mr. STENNIS. The Senator from New Hampshire has been very understanding.

I do not want to delay the bill, and I do not think anyone else does who is interested in those amendments. We do want time to present fully the issues involved, at a time when there will be good attendance in the Senate to vote.

I sent word last week, when they called me on the telephone, that that was my attitude about hearing the education bill. I do not know who may wish to speak and how much time they would require. The Senator from North Carolina is interested. He speaks for himself, of course. The Jonas amendment originated in his State. The Senator from Alabama and I have worked together. We want a reasonable amount of time for the presentation, and circumstances in which we have a good attendance in the Senate. I think that is all any of us ask. I would like to see the education bill come up.

Mr. COTTON. Mr. President, would the majority leader be willing to indicate what his suggestion would be about the matter of time, should it be possible to take up the education appropriation bill?

Mr. MANSFIELD. Mr. President, since I have made this suggestion, some further ramifications have developed which may make the possibility of the supplemental on Monday a little more moot than it is at present, and its outlook is not too bright.

It is the intention of the joint leadership not to take up other pieces of legislation unless there is a time limitation, until and unless the Foreign Military Sales Act is passed. We have spent at least 3 weeks on that, and we just cannot be pushing legislation aside to take up other legislation. It is unfair to those interested in the pending business. It is my belief that we can take them up, and other matters, only on a time limitation agreed to.

Mr. SCOTT. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. I yield.

Mr. SCOTT. I think that I could add, I have reason to believe there would be objection from individual Senators unless there were a time limitation.

Mr. MANSFIELD. I appreciate that. May I say to the distinguished minority leader that I wish it would be possible, for example, to come in earlier on Monday and spend 3 hours on the supplemental, under the terms outlined, and 3 or 4 hours on the Office of Education bill which the distinguished Senator from New Hampshire has mentioned, which has been on the calendar almost a month now, and the need for which is great. The need for both is great because, as the Senator has pointed out, the supplemental has to do with appropriations this year and the education measure has to do with school situations and the like which, the longer they are postponed, the more difficult they will be to face up to.

So, I will take a chance and add to that request that, following the disposition of the supplemental appropriations, there be a limitation of 4 hours on the Office of Education bill, with the time to be equally divided between the majority and minority leaders, or whomever they may designate.

Mr. ERVIN. Mr. President, reserving the right to object, I should like to assure my good friend from New Hampshire and also the majority leader, that I will cooperate and try to get a vote on those amendments to the HEW bill, after reasonable debate; but I would be most reluctant, at this point, to agree on a time limitation.

Mr. MANSFIELD. That knocks out the second part. I am sorry.

Would the Senator object if I renewed my previous request to take up the supplemental appropriation on Monday? I referred to the Senator from New Hampshire because he is the one most interested, and I can understand his concern.

Mr. COTTON. Mr. President, I had resolved that this was imperative, that I would object to taking up any other bill unless this were taken up——

Mr. MANSFIELD. Very well.

Mr. COTTON. But—wait a minute, please——

Mr. YOUNG of North Dakota. Mr. President, if he does not object, I will.

The PRESIDING OFFICER (Mr. SAXBE). Objection is heard.

Mr. MANSFIELD. I was going to say, considering the fact that objection has been made to a time limitation, would the distinguished Senator from North Carolina and his associates consider the possibility of a 5-hour limitation on the education bill?

Mr. JAVITS. Mr. President, if the Senator will yield, what about amendments to the education bill? There may be a considerable number. Normally, when we have unanimous consent approval, so much time is allowed to each amendment.

Mr. MANSFIELD. That is correct, but let me get this answer first.

Mr. JAVITS. All right.

Mr. MANSFIELD. Then we will see.

Mr. ERVIN. Mr. President, before I reply to the distinguished majority leader, I should like to have the distinguished Senator from Mississippi make a statement.

Mr. STENNIS. Mr. President, regarding the education bill, and reserving the right to object, and addressing myself now to the education bill, debate on the Whitten amendments—there are two of them—amendments which have been up before several times. For my own part, I would be willing to take the two Whitten amendments together, making one vote out of it. I do not know how many want to speak, but if we allow 2 hours to a side on the two lumped together amendments, and I do not believe all that time would be taken, and we would then be ready to vote on it.

Mr. COTTON. How much time on the Jonas amendment?

Mr. STENNIS. That is a different subject matter. I should like to have the distinguished Senator from North Carolina speak on that.

Mr. MAGNUSON. Mr. President, I would have to object to that 5-hour provision because I do not think we could finish this big education bill, especially the money part, in 1 hour, if we were limited to 2 or 3 minutes to an amendment or a section. I think we will probably end up with 4 hours on the Whitten amendments, but there are scores of other items in the bill that even on the questions that might be asked on the huge bill, would take up a lot of time, whether they were amendments or not.

Mr. SCOTT. Also the Jonas amendment?

Mr. MANSFIELD. Well, Mr. President, I think——

Mr. MAGNUSON. I do not object, but——

Mr. MANSFIELD. Mr. President, I think that I understand the reaction to both of these bills, and I therefore withdraw my request at this time and hope that something can be worked out later.

Mr. MAGNUSON. Mr. President, if the Senator will yield, I think that the Senator from New Hampshire and I—one other thing we are trying to do—we are starting now, again, to get communications from columnists and newspaper people about another delay on the education bill. We want to make it clear why there is a delay, and what is causing it.

I hope that my friends in the press gallery will give us some help on this matter.

Mr. MANSFIELD. Mr. President, going over the Calendar No. 856, S. 2583, conveyance of property in the State of Wyoming, is being held up because of a possible conflict with the Morse formula.

Calendar No. 867, Senate Joint Resolution 173, dealing with the U.N. Headquarters, is being held up at the request of certain Senators.

Calendar No. 868, H.R. 15628, is the pending business.

For the information of Senators, I am going down the calendar now, on page 8.

Calendar No. 874, Senate Concurrent Resolution 64, is the Mathias resolution having to do with the repeal of the Gulf of Tonkin resolution, and that will be taken up at an appropriate time.

Calendar No. 875, H.R. 16916, the Office of Education appropriation bill, is in limbo for the time being.

Calendar No. 878, S. 3074, having to do with minimum standards for guarantees covering consumer products which have electrical, mechanical, or thermal components, will have some amendments offered to it, so that will have to wait its turn.

Calendar No. 892, S. 3302, a bill to amend the Defense Production Act of 1950, will have some amendments offered to it.

Calendar No. 913, S. 3842, a bill to improve or modernize the postal service and to establish the U.S. Postal Service, has some gaps in it and will not be eligible to be taken up until those gaps have been taken care of, because it will take unanimous consent to displace the pending business, and that will take a little while.

Calendar No. 918, H.R. 17399, an act making supplemental appropriations for the fiscal year ending June 30, 1970, will have to wait until some time next week.

The next three bills, orders Nos. 919, 920 and 921, have been cleared; and the last two, orders Nos. 922 and 923, will be out shortly.

Mr. President, may I say to the Senate, especially the distinguished Senator from Delaware (Mr. WILLIAMS) and the distinguished Senator from Washington (Mr. MAGNUSON)——

Mr. SCOTT. Distinguished but absent at this moment. [Laughter.]

Mr. MANSFIELD. And the distinguished Senator from Indiana (Mr. HARTKE), and others, they have amendments outside of the Cooper-Church amendment; so if they would begin to bring up those amendments now, so that we could, hopefully, vote of them tomorrow——

Mr. COTTON. Mr. President, before the Senator yields the floor will he yield to me?

Mr. MANSFIELD. Yes, indeed.

Mr. COTTON. Since this colloquy, I have been informed and I am sure I would be corrected——

Mr. MANSFIELD. I think the Senator from Arizona (Mr. GOLDWATER) has one or two amendments, too.

Mr. GOLDWATER. I might say that I do have two and I intend to call up at least one of them. But I would suggest, and not facetiously, that the leadership might entertain the idea of setting aside the pending business so that we can get on with the business of the country.

Mr. MANSFIELD. Oh, no. Oh, no. It is the intention of the leadership to stay with the Foreign Military Sales Act until it is disposed of one way or the other. The only exceptions that I would make would be extremely limited, with a time limitation attached, because after all, this is the business of the country, and I think we should stay with it until——

Mr. GOLDWATER. I made that suggestion not in a facetious way——

Mr. MANSFIELD. I understand. The Senator is never facetious.

Mr. GOLDWATER. Because it could be some time—maybe into July—before——

Mr. MANSFIELD. It could be. But all of us here want to cooperate with the Republican administration and pass the Republican administration's bills as expeditiously as we can. And I am not speaking facetiously.

Mr. COTTON. Mr. President, will the Senator from Montana yield now?

Mr. MANSFIELD. Yes, indeed.

Mr. COTTON. Since the colloquy regarding the education appropriation bill, I have been informed that those particularly interested in the two Whitten amendments and the Jonas amendment would be willing—and they will correct me if I am wrong—to have an hour on each side on the two Whitten amendments and an hour on each side on the Jonas amendment. That is a total of 4 hours.

Undoubtedly, and the distinguished Senator from Washington is completely correct, there will be other amendments offered to the bill. However, it has been my experience in my years here, and I daresay the experience of most Senators, that when we are dealing with an appropriation bill, if we have an hour on each amendment—30 minutes on each side—everyone leaves the floor and never hears anything but the last 10 minutes on each side.

I would think that any amendments of which I am aware to the remainder of the education bill could easily, and perhaps more intelligently, be disposed of, because Senators would remain on the floor and hear what it is all about, if they had 10 minutes to a side on whatever amendments were offered.

In that case, we could assuredly dispose of the bill before adjournment Monday night.

It would be a tremendous service to the educators of this country and to the school districts of this country. I am throwing that out as a suggestion.

Mr. MANSFIELD. I understand—unlike Anne Boleyn, my neck is not so small—and I have had some contact with the education lobby over the last several years. I appreciate what the distinguished Senator from New Hampshire has said. But that would be a whole day, and we would not even be sure of final action then.

So I think what we ought to do is to stick to the pending business and take our chances and take things as they come along, but dispose first of the pending business one way or the other.

Mr. COTTON. Mr. President, I do not want to be persistent on this thing. But with reference to the whole day, my mind goes back to the past 3 weeks and to what happened on Mondays. There have been two or three speeches on the past Mondays and then the Senate has adjourned. So, a whole day, if it is Monday, does not seem to me to be a great waste.

Mr. MANSFIELD. Mr. President, I am not one in favor of setting precedents too loosely. I look upon myself as a strict constructionist in many repects.

Mr. COTTON. The Senator from Montana certainly is today.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. MAGNUSON. Mr. President, I hope there was no impression given here today by the Senator from New Hampshire and me that we do not think the pending business is one of the most important matters before the United States.

Mr. MANSFIELD. Absolutely not.

Mr. MAGNUSON. We believe that it is. But we do have a little responsibility when we look around and see that, even though we are on the most important business in the United States, there might be a day when a lot of Senators do not think it was so important because they are not present.

We might be able to move this matter along. That has been done on many occasions. But apparently we cannot get a limitation on even the money items. Some of them can be disposed of in 15 minutes. Others might take an hour or 2 hours.

We all know the arguments concerning the Whitten amendments. That is why I thought we could get an agreement.

Mr. MANSFIELD. May I say to the distinguished Senator from Washington, the chairman of the committee, and to the distinguished ranking minority member of the committee, that I would do anything to get them off my neck. But I cannot do much about it.

While I do not like it, I hope the Senators appreciate my position.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. COTTON. Mr. President, I think that the distinguished majority leader has been most considerate of us and has been most patient with our supplications. I personally appreciate it.

The Senator from Montana did use one expression that I am sure he did not attach any particular significance to. That concerned the education lobby.

Mr. MANSFIELD. I was speaking personally.

Mr. COTTON. As far as I know, all the people that have been concerned—and the Senator from Washington and I have had occasion to hear and correspond with them—are not lobbyists in the sense that we usually use the term. They are educators and are not paid for lobbying. They are deeply concerned with being able to plan for the year ahead.

I am sure the distinguished majority leader did not use the term "educational lobby" in the sense of any professional lobby.

Mr. MANSFIELD. No. I am glad that the Senator corrected me, because I do not look upon a lobbyist as being something disrespectful or a lobby as being something that is unneeded.

A lobby is needed on occasion. A lobby can do a good educational job, especially in the field of educaiton.

Mr. President, in view of the statement I have made, I would hope that the Senator from Delware (Mr. WILLIAMS), the Senator from Washington (Mr. MAGNUSON), the Senator from Indiana (Mr. HARTKE), the Senator from Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. GOLDWATER), and others who may have amendments to section 7 of the bill——

Mr. SCOTT. Mr. President, there are amendments to sections 9 and 10, one by the Senator from Iowa (Mr. MILLER), and one by the Senator from Colorado (Mr. DOMINICK).

Mr. MANSFIELD. Mr. President, if they can offer those amendments, we can act on them tomorrow.

Mr. WILLIAMS of Delaware. Mr. President, I hope that we can get an agreement. But I would ask that there be a time limitation on each amendment of at least 15 minutes to a side, or perhaps 10 minutes. We are dealing with $10.5 million here. And I think that it would be most unfortunate if it came to a vote on an amendment and the matter could not be explained.

I hope that there would be a unanimous-consent agreement that would take care of any amendment that would arise.

Mr. MANSFIELD. Mr. President, if there are any, I am sure they will be taken into consideration.

Mr. WILLIAMS of Delaware. Any unanimous-consent agreement that can be worked out, I will agree to.

I am perfectly willing to offer my amendments and make them the pending business. It will take very little time to dispose of them.

Mr. MANSFIELD. Mr. President, it has been a long, hard day. Maybe we could vote on tomorrow morning.

Mr. WILLIAMS of Delaware. Mr. President, the amendment is subject to a division. And I have promised that we would ask for a division. There will be two votes.

I would be willing to enter into a unanimous-consent agreement to limit debate on the first amendment to 40 minutes, 20 minutes to a side, and on the second one to 15 minutes to a side.

Mr. MANSFIELD. Mr. President, will the Senator offer those amendments?

Mr. CHURCH. Mr. President, does the Senator from Delaware desire rollcall votes on the amendment?

Mr. WILLIAMS of Delaware. Yes. Mr. President, I will call up amendment No. 666.

Mr. President, as I stated earlier, this is an amendment to the text of the bill itself. It would require unanimous consent to offer the amendment out of order at this time. I ask unanimous consent to offer amendment No. 666 out of order.

Mr. CHURCH. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. Saxbe). The Senator will state it.

Mr. CHURCH. Mr. President, under the existing parliamentary situation, is it necessary for the distinguished Senator from Delaware to obtain unanimous consent to call up his amendment in view of the fact that the committee amendment now pending has not been finally voted on?

The PRESIDING OFFICER (Mr. Saxbe). The Senator is correct.

Mr. CHURCH. Mr. President, I have a further parliamentary inquiry.

The PRESIDING OFFICER (Mr. Saxbe). The Senator will state it.

Mr. CHURCH. If the Senator from Delaware does receive unanimous consent, once his amendments are voted on, does the committee amendment then become the pending business?

The PRESIDING OFFICER (Mr. Saxbe). The Senator is correct. Is there objection to the unanimous consent request of the Senator from Delaware?

Mr. SCOTT. Mr. President, has the clerk stated the amendment?

The PRESIDING OFFICER (Mr. Saxbe). Not yet. If there is no objection, the clerk will state the amendment.

The Legislative Clerk. The Senator from Delaware (Mr. Williams) proposes amendment No. 666 as follows:

On page 2, beginning with line 9, strike out all through line 24 on page 3.

The language sought to be stricken is as follows:

Sec. 2. Section 31 of such Act (22 U.S.C. 2771) is amended—

(1) by striking out of subsection (a) "not to exceed $296,000,000 for the fiscal year 1969" and inserting in lieu thereof "not to exceed $250,000,000 for each of the fiscal years 1970 and 1971"; and

(2) by striking out of subsection (b) "during the fiscal year 1969 shall not exceed $296,000,000" and inserting in lieu thereof "shall not exceed $300,000,000 for each of the fiscal years 1970 and 1971".

Sec. 3. Section 33 of such Act (22 U.S.C. 2773) is amended—

(1) by striking out of subsection (a) "the fiscal year 1969" and inserting in lieu thereof "each fiscal year"; and

(2) by striking out of subsection (b) "the fiscal year 1969" and inserting in lieu thereof "each fiscal year".

Sec. 4. The last paragraph of section 1 of such Act (22 U.S.C. 2751) is amended by striking out "denying social progress" and inserting in lieu thereof "denying the growth of fundamental rights or social progress".

Sec. 5. It is the sense of Congress that (1) the President should continue to press forward urgently with his efforts to negotiate with the Soviet Union and other powers a limitation on arms shipments to the Middle East, (2) the President should be supported in his position that arms will be made available and credits provided to Israel and other friendly states, to the extent that the President determines such assistance to be needed in order to meet threats to the security and independence of such states, and (3) if the authorization provided in the Foreign Military Sales Act, as amended, should prove to be insufficient to effectuate this stated policy, the President should promptly submit to the Congress requests for an appropriate supplementary authorization and appropriation.

Mr. WILLIAMS of Delaware. Mr. President, the amendment would be subject to a division, and I announced that I would ask for a division. Paragraphs or sections 2, 3, and 4 of the Military Sales Act would be considered together. Section 5 would be considered as a separate proposal.

Mr. JAVITS. Mr. President, may we hear the amendment read before I pass on it?

The PRESIDING OFFICER. The Chair is of the opinion that the Senator's proposal does not require unanimous consent and can be acted upon by request of the author.

Mr. WILLIAMS of Delaware. I would request such a division.

The PRESIDING OFFICER. That will be ordered.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New York will state it.

Mr. JAVITS. Do I correctly understand that this section may be divided upon the request of any Senator?

The PRESIDING OFFICER. Of any Senator.

Mr. JAVITS. Is it not a fact that if there is a division on the request of a Senator, all separable parts of the amendment may be divided, and that the Senator making the request can choose to limit the division to four items or one item and have another vote?

The PRESIDING OFFICER. The Senator can designate how he wants the proposal divided, so long as it is divisible on a recognizable point.

Mr. JAVITS. There is no inhibition upon any Senator to ask for an additional division besides the one already requested?

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. May I understand the request made by the Senator from Delaware?

Mr. WILLIAMS of Delaware. The request I made was that we divide the amendment by taking the first part, which strikes sections 2, 3, and 4, all of which relate to the Military Sales Act. That would leave section 5 for a separate vote.

Mr. JAVITS. Is there any limitation of time on this question?

The PRESIDING OFFICER. There is no time limitation at present.

Mr. MANSFIELD. One will be requested. At least, a suggestion for one has been made.

Mr. JAVITS. Right now?

Mr. MANSFIELD. Yes—for tomorrow, not for tonight.

Mr. WILLIAMS of Delaware. So far as I am concerned, I have no objection.

Mr. MANSFIELD. Would the Senator mind making his request?

Mr. WILLIAMS of Delaware. I suggested that it would be agreeable to me to make the limitation 40 minutes, 20 minutes to a side, on the first section; and on the last one, 15 minutes to a side.

Mr. JAVITS. I object to the last request. I object to any time limitation on section 5.

The PRESIDING OFFICER. Does the Senator from New York object to the time limitation on the first portion?

Mr. JAVITS. On the second portion.

The PRESIDING OFFICER. Is there objection to the time limitation on the first portion?

Mr. JAVITS. What is that limitation?

Mr. MANSFIELD. Forty minutes, 20 minutes to a side.

Mr. JAVITS. Mr. President, I find myself embarrassed because the chairman of the committee is not in the Chamber. But this seems to me to be the heart of the bill. The amounts involved are very large. I doubt very much whether the manager of the bill would wish to agree to this proposal. As a member of the Committee on Foreign Relations—of which, incidentally, the majority leader also is a member—I should think we should at least get the advice of the manager of the bill as to so drastic a limitation.

Mr. MANSFIELD. Although I do not have the responsibility, I would be willing to assume it; and if proved wrong—which I doubt—to rescind the request.

Mr. JAVITS. I might suggest, since the amounts are so large, that there be a limitation of 2 hours on sections 2, 3, and 4, 1 hour to a side. If and when the Senator from Idaho (Mr. CHURCH) returns to the Chamber he feels that that is too long a time, I would be glad to abbreviate it. But as a member of the Committee on Foreign Relations, I would not want to see this proposal all tied up and disposed of with a limitation of 40 minutes, 20 minutes to a side, on so important a subject.

Mr. MANSFIELD. I have an idea that the distinguished chairman of the committee would be agreeable to the suggestion made by the Senator from Delaware, and the chairman would be the manager of the bill.

Mr. JAVITS. He would; I agree. Can we make the limitation a half-hour to a side? That would provide 1 hour on sections 2, 3, and 4.

Mr. MANSFIELD. The Senator from Delaware had asked for 40 minutes, 20 minutes to a side, on sections 2, 3, and 4.

Mr. JAVITS. I am suggesting an hour.

Mr. SCOTT. Mr. President, I suggest that we are spending more than 20 minutes arguing.

Mr. JAVITS. I suggest that the Senator from Delaware agree to 1 hour. Any Senator could hold us up for 10 hours.

Mr. DOMINICK. Why should we wait until tomorrow to vote? Why not vote tonight? We have already voted. Why not get this over with?

Mr. SCOTT. We want to see how fast the buck passes around here.

Mr. MANSFIELD. Mr. President, I think, considering my responsibility to the leadership, we ought to take some cognizance of the health of Senators. Some of them have returned from very long trips. It will take them some time to recover. I speak on behalf of Senators on both sides of the aisle. I would prefer to have the Senator from Colorado reconsider his suggestion. We can vote tomorrow.

If we do not work, we are going to look foolish; it seems to me that we are looking pretty foolish as it is. I want to see some work done in the Senate. We cannot quit by Labor Day, as was anticipated; we will be in session for the rest of the year. The work is piling up, and the arguments are piling up at the same time.

Mr. JAVITS. I want to help in every way I can. Would the majority leader mind if we had a quorum call now, so that I might consult with the manager of the bill?

Mr. SCOTT. The Senator from New York makes the point of order that a quorum is not present.

Mr. JAVITS. I suggest that we have a quorum call.

Mr. SCOTT. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SCOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

XUM

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, as long as the hour of germaneness is past, first I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I also ask unanimous consent that there be a period for the transaction of routine morning business with a limitation, hopefully, of 3 minutes attached thereto.

The PRESIDING OFFICER. Without objection, it is so ordered. Morning business is in order.

COMMUNICATION FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following letter, which was referred as indicated:

REPORT ON PREVENTION AND CONTROL OF AIR POLLUTION AT FEDERAL FACILITIES

A letter from the Secretary of Health, Education, and Welfare transmitting, pursuant to law, a report on the prevention and control of air pollution at Federal facilities, dated January 1970 (with an accompanying report); to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. ALLEN):

A memorial of the Legislature of the State of Florida; to the Committee on Foreign Relations:

"SENATE MEMORIAL No. 880

"A memorial to the Congress of the United States urging the improvement of present policies with relation to prisoners of war in North Viet Nam

"Whereas, the lot of a prisoner of war is at best an unhappy one, and all governments should be persuaded that the mistreatment of the prisoner of war lends no support to the political and military causes those governments espouse, and

"Whereas, the conditions in North Vietnamese prison camps are known to be shocking and inhumane, and

"Whereas, North Vietnamese prison camps refuse to release sick and wounded prisoners of war in need of intensive medical attention, refuse to permit neutral inspections in accordance with the Geneva Convention which they ratified, and refuse to permit a regular flow of mail, and

"Whereas, the effects of the knowledge of the inhumane treatment coupled with the absence of knowledge of who has survived to endure that treatment extracts an unconscionable toll of grief and anxiety from the families of those missing in action or known to be prisoners of war, and

"Whereas, the Florida Legislature feels compelled to act in whatever capacity it may to be of assistance in this matter, Now, therefore, be it resolved by the Legislature of the State of Florida:

"That the United States Congress take all appropriate measures to insure that the United States Government redouble its efforts on behalf of those persons imprisoned in North Viet Nam, to curtail flagrant violations of human decency, to mollify the familiar pang of anxiety and anticipation, to bring about safe and more tolerable conditions, and to urge the release of the identity of prisoners, release of the sick and injured, initiation of neutral inspection and the permitting of a free flow of mail.

"Be It Further Resolved that copies of this memorial be transmitted forthwith to the President of the United States, the Vice-President of the United States, the President of the Senate, the Speaker of the House in the United States Congress, and each member of the Florida delegation to the Congress of the United States.

"Approved by the Governor June 2, 1970.

"Filed in Office Secretary of State June 2, 1970.

"TOM ADAMS,
"Secretary of State."

A memorial of the Legislature of the State of Florida; to the Committee on Public Works:

"SENATE MEMORIAL No. 230

"A memorial to the Congress of the United States urging support for the early completion of Interstate 95 in Florida and an investigation through appropriate committees of the undue delay in completion of this highway

"Whereas, Interstate 95, a part of the Interstate highway system of the United States, has been partially constructed along the east coast of Florida; and

"Whereas, the Florida Department of Transportation is unable to proceed with plans for further construction until it receives approval from the United States Bureau of Public Roads for a free highway parallel to the Sunshine State Parkway; and

"Whereas, this approval has not been forthcoming for reasons not readily discernible; and

"Whereas, it is deemed of the utmost importance for Interstate 95 to be completed in its entirety, but particularly that portion of Interstate 95 between Vero Beach and Fort Pierce in order to connect with the Sunshine Parkway, now therefore,

"Be it Resolved by the Legislature of the State of Florida:

"That the congress of the United States is hereby requested to investigate through its appropriate committees this undue delay in completion of Interstate 95 in Florida.

"Be it further resolved that copies of this memorial be dispatched to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of the Florida delegation to the United States Congress.

"Filed in Office Secretary of State May 21, 1970.

"TOM ADAMS,
"Secretary *of State."*

A memorial of the Legislature of the State of Florida; ordered to lie on the table:

"HOUSE CONCURRENT RESOLUTION No. 4006

"A concurrent resolution commending Congress for its wisdom and foresight in passing the Endangered Wildlife Bill, H.R. 11363.

"Whereas, the State of Florida has, by virtue of its geography and geology, been blessed with an incomparable landscape of springs, streams, lakes, bays, beaches, dunes and woodlands which shelter and support bountiful populations and myriad species of fish and wildlife, and

"Whereas, these features of Floridian terrain provide a variety of fish and wildlife habitats which are rapidly being altered or diminished by human population demands and the Twentieth Century mode of living, and

"Whereas, the State of Florida has, through the promulgation and enforcement of appropriate laws, afforded protection to its fish and wildlife resources to the fullest extent consistent with preservation of its habitat, and

"Whereas, regardless of these efforts, the

State of Florida, through the recited loss of habitat, altered environment, and associated human activities, finds itself faced with decimation, expiration, or extinction of numerous species of fish and wildlife unique to the state and which collectively reflect the image and heritage of Florida, to wit:

Florida Panther, Florida Manatee, Key Deer, Florida Round-tailed Muskrat, Everglades Mink, Florida Everglade Kite, Southern Bald Eagle, American Peregrine Falcon, Florida Sandhill Crane, American Ivory-billed Woodpecker, Dusky Seaside Sparrow, Cape Sable Sparrow, and Great White Heron.

"Eastern Reddish Egret, Roseate Spoonbill, Wood Ibis, Florida Mangrove Cuckoo, Eastern Brown Pelican, Florida Scrub Jay, American Alligator, American Crocodile, Indigo Snake, Green Turtle, Atlantic Sturgeon, Suwannee Bass, and Okaloosa Darter, and

"Whereas, the Congress of the United States, during its 91st Session, recognized the precarious status of various fish and wildlife to be continental in scope and accordingly passed the Endangered Wildlife Bill, H.R. 11363, NOW, THEREFORE, Be It Resolved by the House of Representatives of the State of Florida, the Senate Concurring:

"That the Congress of the United States be commended for its wisdom and foresight in the passage of this vital legislation.

"Be it Further Resolved that the Legislature of the State of Florida fully endorses the concept and urges all Americans, within and without the boundaries of Florida, to lend individual and collective support to the objectives of such legislation so as to preserve for future generations those creatures which were enjoyed by our forefathers and which are now the responsibility of our present society.

"Be it further resolved that copies of this resolution be dispatched to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

"Approved by the Governor May 20, 1970.

"Filed in Office Secretary of State May 20, 1970.

"Tom Adams,
"Secretary of State."

A resolution adopted by the Suburban Federation of Republican Women, of Milwaukee, Wisconsin, urging the Congress to remove the Federal Government from the field of welfare payments; to the Committee on Finance.

A resolution adopted by the Suburban Federation of Republican Women, of Milwaukee, Wisconsin, urging the Senate to continue to reject the United Nations Genocide Convention; to the Committee on Foreign Relations.

REPORTS OF A COMMITTEE

The following reports of a committee were submitted:

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, with an amendment:

S. 1830. A bill to provide for the settlement of certain land claims of Alaska natives, and for other purposes (Rept. No. 91-925).

By Mr. CHURCH, from the Committee on Interior and Insular Affairs, without amendment:

S. 1732. A bill to designate certain lands in the Craters of the Moon National Monument in Idaho as wilderness (Rept. No. 91-928).

By Mr. MOSS, from the Committee on Interior and Insular Affairs, with amendments:

S. 26. A bill to revise the boundaries of the Canyonlands National Park in the State of Utah (Rept. No. 91-923); and

S. 27. A bill to establish the Glen Canyon National Recreation Area in the States of Arizona and Utah (Rept. No. 91-924).

EXTENDING CIVIL DEFENSE EMERGENCY AUTHORITIES—REPORT OF A COMMITTEE (S. REPT. NO. 91-926)

Mr. JACKSON, from the Committee on Armed Services, reported an original bill (S. 3949) to amend the provisions of title III of the Federal Civil Defense Act of 1950, as amended, and submitted a report thereon, which bill was placed on the calendar, and the report was ordered to be printed.

EXTENDING LEAVE FOR MEMBERS OF THE UNIFORMED SERVICES IN HOSTILE FIRE AREAS—REPORT OF A COMMITTEE (S. REPT. NO. 91-927)

Mr. STENNIS, from the Committee on Armed Services, reported an original bill (S. 3948) to amend section 703(b) of title 10, United States Code, to extend the authority to grant a special 30-day leave for members of the uniformed services who voluntarily extend their tours of duty in hostile fire areas and submitted a report thereon, which bill was placed on the calendar, and the report was ordered to be printed.

EXECUTIVE REPORTS OF A COMMITTEE

Mr. DOMINICK. Mr. President, as in executive session, from the Committee on Armed Services I report favorably five general and flag officers in the Air Force, Army, and Navy. I ask that these names be placed on the Executive Calendar.

The PRESIDING OFFICER (Mr. Bayh). Without objection, it is so ordered.

The nominations, ordered placed on the Executive Calendar, are as follows:

Adm. Ignatius J. Galantin, U.S. Navy, for appointment to the grade of admiral, when retired;

Brig. Gen. Frank A. Bailey, Arkansas Air National Guard, for appointment as a Reserve commissioned officer in the U.S. Air Force, to the grade of major general; and

Lt. Gen. James Dyce Alger, Army of the United States (major general, U.S. Army); Lt. Gen. Andrew Jackson Boyle, Army of the United States (major general, U.S. Army); Lt. Gen. John Edward Kelly, Army of the United States (major general, U.S. Army); and Lt. Gen. Charles Wythe Gleaves Rich, Army of the United States (major general, U.S. Army), to be placed on the retired list, in the grade of lieutenants general.

Mr. DOMINICK. Mr. President, in addition, I report 207 nominations for appointment in the Regular Army in the grade of major and below. Since these names have already been printed in the Congressional Record, in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER (Mr. Bayh). Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows.

Gerald O. Anderson, and sundry other persons, for appointment in the Regular Army of the United States; and

Michael F. Archer, and sundry other scholarship students, for appointment in the Regular Army of the United States.

BILLS AND JOINT RESOLUTIONS INTRODUCED OR REPORTED

Bills and joint resolutions were introduced or reported, read the first time and, by unanimous consent, the second time, and referred or placed on the calendar, as follows:

By Mr. HART:

S. 3945. A bill for the relief of Constantin Adamidis; to the Committee on the Judiciary.

By Mr. METCALF:

S. 3946. A bill for the relief of Maria Henar Del Amo; to the Committee on the Judiciary.

By Mr. MAGNUSON (by request):

S. 3947. A bill to amend the Northwest Atlantic Fisheries Act of 1950 as amended, the North Pacific Fisheries Act of 1954 as amended, and for other purposes; to the Committee on Commerce.

(The remarks of Mr. Magnuson when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. STENNIS:

S. 3948. A bill to amend section 703(b) of title 10, United States Code, to extend the authority to grant a special 30-day leave for members of the uniformed services who voluntarily extend their tours of duty in hostile fire areas; placed on the calendar.

(See reference to the bill when reported by Mr. Stennis, which appears under the heading "Reports of Committees".)

By Mr. JACKSON:

S. 3949. A bill to amend the provisions of title III of the Federal Civil Defense Act of 1950, as amended; placed on the calendar.

(See reference to the bill when reported by Mr. Jackson, which appears under the heading "Reports of Committees".)

By Mr. MONDALE:

S. 3950. A bill for the relief of Marietta Dacto; to the Committee on the Judiciary.

By Mr. FULBRIGHT:

S.J. Res. 209. Joint resolution to amend the Communications Act of 1934 in order to require licensees under such act to provide time, as a public service, to authorized representatives of the Senate and the House of Representatives; to the Committee on Commerce.

By Mr. MONDALE (for himself, Mr. Anderson, Mr. Bayh, Mr. Byrd of West Virginia, Mr. Eagleton, Mr. Eastland, Mr. Gore, Mr. Hart, Mr. Harris, Mr. Kennedy, Mr. Miller, Mr. McCarthy, Mr. Montoya, Mr. Pell, Mr. Proxmire, Mr. Randolph, and Mr. Yarborough):

S.J. Res. 210. Joint resolution to provide a one-year moratorium on the termination or modification of designations of areas as redevelopment areas for the porposes of the Public Works and Economic Development Act of 1965; to the Committee on Public Works.

(The remarks of Mr. Mondale when he introduced the joint resolution appear later in the Record under the appropriate heading.)

By Mr. JACKSON:

S.J. Res. 211. A joint resolution to authorize an ex gratia contribution to certain inhabitants of the Trust Territory of the Pacific Islands who suffered damages arising out of the hostilities of the Second World War, to provide for the payment of noncombat claims occurring prior to July 1, 1951, and to establish a Micronesian Claims Commission; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Jackson when he introduced the joint resolution appear later in the Record under the appropriate heading.)

S. 3947—INTRODUCTION OF A BILL PROPOSING AN AMENDMENT OF NORTHWEST ATLANTIC FISHERIES ACT OF 1950, AS AMENDED, AND THE NORTH PACIFIC FISHERIES ACT OF 1954, AS AMENDED

Mr. MAGNUSON. Mr. President, by request, I introduce, for appropriate reference, a bill to amend the Northwest Atlantic Fisheries Act of 1950 as amended, the North Pacific Fisheries Act of 1954 as amended, and for other purposes. I ask unanimous consent to have printed in the RECORD a letter from the Assistant Secretary for Congressional Relations, transmitting the proposed legislation.

The PRESIDING OFFICER (Mr. SAXBE). The bill will be received and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The bill (S. 3947) to amend the Northwest Atlantic Fisheries Act of 1950 as amended, the North Pacific Fisheries Act of 1954 as amended, and for other purposes, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, and referred to the Committee on Commerce.

The letter, presented by Mr. MAGNUSON, is as follows:

DEPARTMENT OF STATE,
Washington, D.C., May 28, 1970.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is enclosed a draft of a proposed bill "To amend the Northwest Atlantic Fisheries Act of 1950 as amended, the North Pacific Fisheries Act of 1954 as amended, and for other purposes".

It is requested that this bill be referred to the appropriate committee for consideration; its enactment is recommended.

Two Protocols to the International Convention for the Northwest Atlantic Fisheries have recently entered into force. The United States has ratified these Protocols. One provides for a new method for entry into force of regulations proposed by the International Commission for the Northwest Atlantic Fisheries, established by the Convention; the other grants authority to the Commission to propose regulations for international measures of control (enforcement) to ensure uniform application of the fisheries conservation regulations through joint action. These Protocols require amendments to the Northwest Atlantic Fisheries Act, which is the implementing legislation for the Convention. The proposed changes in the North Pacific Fisheries Act are consequent to the changes in the aforementioned Act. The bill also proposes measures to facilitate United States representation to the Commission and to similar international fisheries commissions.

The Protocol on entry into force of regulations was initiated by the United States, and is designed to expedite the procedure for adoption of regulations proposed by the Commission. Under the previous procedure, each government participating in the Panel for the Convention subarea to which a proposal applied had to take affirmative action to signify its approval thereof before a proposal could enter into force. There have been long delays in the entry into force of some Commission proposals, apparently in large measures because of inertia in taking the required action, particularly on the part of countries whose fishermen are little affected one way or the other by the proposal in question. Under the new procedure a government is deemed to have approved a proposal unless it objects within a specified period. Adequate safeguards are included to protect the rights and interests of the contracting governments and their fishermen. The aims of the Convention will be achieved more fully through this more expeditious system of bringing necessary conservation proposals into force. The procedure will also apply to proposals relating to joint enforcement which may be made under the other Protocol.

The Northwest Atlantic Fisheries Act requires both the Secretary of State and the Secretary of the Interior to take positive action to accept a proposal on the part of the United States. The proposed amendment would require the Secretary of State to take appropriate action, with the concurrence of the Secretary of the Interior with regard to such proposals. The United States has never rejected a proposal, and, in fact, among the fourteen member governments, only one proposal has been subject to objection. The United States would have six months in which to act. The Secretary of the Interior would be required to inform the Secretary of State within five months as to what action he considers appropriate with regard to such proposals and the Secretary of the Department in which the Coast Guard is operating would be required to similarly inform the Secretary of State with regard to proposals relating to national and international measures of control. The Protocol also provides for extended periods of objection if one party rejects the proposal during the six month period. The Secretaries would have a similar obligation to inform the Secretary of State within these periods concerning appropriate action in sufficient time to allow the Secretary of State to file an objection within the time allowed by the Protocol. With regard to the latter provision of the Protocol, it may be that the United States would find a proposal acceptable but would not wish to be bound by it if another party objected to it and relieved itself of any obligation to give effect to the proposal. Under the Protocol a proposal becomes effective for all governments, except those which have presented objections, at the end of the objection period, unless a majority of the governments concerned have objected in which case all governments are relieved of any obligation to give effect to the proposal. In the latter circumstance, any of the governments may agree among themselves to give effect to the proposal, which is also provided for in the legislation.

Since a very significant proportion of the fisheries in the Convention area are conducted in waters off the coasts of the United States, it is in our interest to secure prompt acceptance of necessary conservation proposals. In the past, numerous proposals which were necessary or desirable from the standpoint of United States interests were unduly delayed by inaction on the part of one or more of the other parties to the Convention. Thus the changes in the Convention are very much in our interests; we believe that the proposed changes in the legislation is a reasonable method of implementing them on behalf of the United States.

The Protocol on measures of control expressly permits the Commission to make proposals related to national or international measures of control to ensure the application of the Convention and the conservation regulations adopted thereunder. At present, each contracting government is required to enforce the terms of the Convention and the regulations adopted thereunder with respect to its own nationals. The Protocol permits a supplemental system of international inspection or enforcement to be adopted under the terms of regulations proposed by the Commission and approved by member governments. This will permit more efficient and uniform enforcement of Commission regulations designed to conserve the stocks of fish in the Convention area in the Northwest Atlantic, a significant part of which lies off the coasts of the United States.

Before proposing the Protocol to governments, the Commission discussed the question of enforcement at some length, and decided that enforcement of the Commission's regulations would be more uniform and efficient if some form of international inspection or enforcement system were adopted. Consideration was given to amending the Convention to specify the form of international inspection or enforcement, as is done for example in the International North Pacific Fisheries Convention. It was concluded, however, that some flexibility would be preferable. Thus the Protocol authorizes the Commission to adopt such proposals without specifying their nature. Proposals will not enter into force until approved by the Contracting Parties under the procedure discussed above. Accordingly, it is not possible to be specific in the amendments to the Northwest Atlantic Fisheries Act concerning the international enforcement activities which may be undertaken by the United States with respect to foreign fishing vessels in the Convention area or by other parties with respect to American fishing vessels in the Convention area, as it is for example in the case of the North Pacific Fisheries Act where international enforcement procedures are spelled out in the Convention. Rather, it will be necessary to implement enforcement proposals which enter into force for the United States by regulation.

International enforcement has been discussed extensively with the concerned segments of the fishing industry in the Northwest Atlantic, and we have found them to be strong advocates of such a program. In view of the magnitude of the foreign fishing activities in the area, they consider it to be essential that American enforcement authorities have an opportunity to ensure that foreign fishermen adhere to the same strict standards that we require of the American fishermen. They realize full well that this can only be undertaken on a reciprocal basis.

The proposed amendments would empower the Secretary of the Department in which the Coast Guard is operating, with the concurrence of the Secretary of State, to issue the necessary regulations to implement the enforcement proposals which enter into force with respect to the United States and to cooperate with officials of other parties to the Convention in implementing such proposals. Proposed section 7(d) would give a legislative basis for foreign enforcement officers taking action with respect to American vessels pursuant to such proposals, within certain limitations which are specified in the section. Other limitations also might be specified in the Secretary's regulations, and, of course, the proposals negotiated in the Commission with participation of the United States, including industry advisers, might also contain limitations on such activities. In fact, they are expected to do so, on the basis of the preliminary consideration the Commission has given to proposals it might make under this authority.

Proposed section 7(e) would give a legislative basis for American enforcement officers to take action with respect to foreign Northwest Atlantic Fisheries Act permits the Secretary of the Interior to designate vessels pursuant to such proposals. The officers of the States of the United States to inforce its provisions. International enforcement authority, however, would be limited to officers of the Fish and Wildlife Service and the Coast Guard, since it is understood that other parties to the Convention believe that such activities will only be undertaken by National officers. Such officers may be directed to appear in foreign courts to assist in their proceedings if necesasry when they have encountered a violation in the course of their international enforcement activities, according to proposed section 7(f).

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Proposed section 9(c) would make it unlawful to prevent any duly authorized international inspector from boarding a vessel and making his inspection, or to interfere with his activities, conducted pursuant to an enforcement proposal effective for the United States. This is based on a provision of the North Pacific Fisheries Act. Proposed section 10(b) would provide penalties for violating this provision. Such a provision is essential to ensure that individual fishermen do not frustrate international enforcement procedures which are accepted by the United States, although we do not anticipate difficulties in this regard.

Section 12 of the North Pacific Fisheries Act incorporates in haec verba sections 7(a) and (b), 9, 10, and 11 of the Northwest Atlantic Fisheries Act. Some of these sections would be amended in accordance with the above proposals. It is deemed desirable not to amend the Northwest Atlantic Fisheries Act with exceptions for the North Pacific Fisheries Act incorporated therein, but to insert the pertinent provisions in the North Pacific Fisheries Act itself, including those provisions of the Northwest Atlantic Fisheries Act applicable to it which are not being amended in order that the North Pacific Fisheries Act may stand alone with appropriate provisions or regulating its fisheries. The changes proposed do not amend the substance of the provisions of the Northwest Atlantic Fisheries Act which are incorporated in the North Pacific Fisheries Act in any way, although a few minor modifications of language are proposed to accommodate the changes in the language of the latter Act and to clarify the provisions relating to violation of court order. Some renumbering of sections is proposed in order that the provisions may be incorporated in the most appropriate places.

Title III of the proposed legislation also suggests procedures for facilitating United States representation on the various international fisheries commissions. United States Commissioners are appointed by the President in accordance with implementing legislation, including the two Acts cited above. At times United States Commissioners may not be present at commission meetings for various reasons, including vacancies, illness, and other obligations during the periods involved. This is especially true with respect to meetings of committees of the various commissions, which may require technical representation. Other parties to these Conventions are generally represented at all meetings by commissioners, however, because they have a greater tendency to appoint technical commissioners and because they usually do not require presidential level action on appointments. Thus they may designate a commissioner for a single meeting. The proposed legislation would allow the Secretary of State to designate Alternate Commissioners to attend meetings at which he finds the United States would not be represented by the full number of Commissioners to which it is entitled. Such designations would be for the meeting in question only, and would be solely for the purpose of ensuring that the United States has appropriate representation at such meetings without having to seek approval of the President concerning a temporary situation. The President's authority to make permanent appointments of Commissioners would be unimpaired, of course. This authority would extend to all present international fisheries commissions except one, and to any similar bodies which may be established in the future. The one exception is the International Pacific Salmon Fisheries Commission, since the convention which established it provides that Commissioners must be appointed by the President. No other such convention contains such a limitation, and it is believed that the proposed legislation will permit the United States to carry out its obligations under these conventions in a more efficient and satisfactory manner.

The next Annual Meeting of the Commission will be held during the first week of June 1970. That Meeting is expected to propose international measures of control. Accordingly, it would be advantageous to the United States if the proposed legislation were enacted prior to the time in which the United States must accept or reject proposals from this year's Meeting in order that the United States might best carry out its obligations under the Protocols.

The Bureau of the Budget advises that there is no objection to the presentation of this draft bill from the standpoint of the Administration's program.

Sincerely yours,

David M. Abshire,
Assistant Secretary for Congressional Relations.

SENATE JOINT RESOLUTION 210—INTRODUCTION OF A JOINT RESOLUTION PROPOSING A 1-YEAR MORATORIUM ON THE TERMINATION OF DESIGNATED EDA COUNTIES

Mr. MONDALE. Mr. President, I am deeply concerned about the plight of 96 counties in 31 States that are about to lose their EDA designation and thus become ineligible to receive assistance from the Economic Development Administration. In order to prevent this I am introducing a joint resolution to provide a 1-year moratorium on the termination or modification of any EDA-designated area. This joint resolution is very similar to an amendment that was offered in the House by Congressman John Blatnik. That amendment, H.R. 15712, received approval by the House Committee on Public Works on Thursday, June 4, and passed the House last Monday, June 8.

During the latter part of May, 96 counties in 31 States were advised that their status as "redevelopment areas" would be terminated on June 30, 1970 and that they would then become ineligible for further assistance under the Economic Development Act. This action was taken on the basis of the eligibility formula established by the act which must be applied annually to every designated county. When this formula was applied to these 96 counties it was found that they were no longer eligible.

The current formula, however, is greatly outdated and does not reflect the true economic conditions of a given area. Thus, counties with an increasing need for economic assistance will be losing eligibility at a time when unemployment and recession are gripping the country.

The main factor used in this formula is the unemployment rate for the given county. The Congress as well as the Economic Development Administration has been very concerned about the formula that is used and the accuracy of the data that is available when applying the formula. There are several problems that exist with the present method of designating eligible areas, and because of this a study is under way to revise the present system or else devise a new one. This study should be completed within a year.

In the meantime, however, the use of the old formula threatens to exclude many counties from economic assistance when their needs have never been greater.

The major problem is that much of the necessary data is out of date. The most important factor for determining a county's eligibility is its unemployment rate. Yet the EDA is determining this year's eligibility on the basis of last year's unemployment data at a time when unemployment is increasing at its fastest rate in 10 years.

This problem is compounded by the use of inaccurate population figures for the counties. EDA still relies basically on 1960 census data for the determination of the size of the labor force. But this gives a serious downward bias to the unemployment statistics in any county which has lost population during the last 10 years—as many of our rural redevelopment areas have. Thus, the unrealistically low figures for the jobless are joined with unrealistically high figures for the size of the total labor force, leading to the great underestimation of the true rate of unemployment.

The problem is further compounded by the use of procedures for the collection of unemployment data which were developed over 10 years ago for use in large labor areas and are often inaccurate when applied to the labor force in small rural areas. Since EDA serves mainly these small rural labor areas, it greatly needs procedures which can take into account the peculiarities of the economic and employment in such counties.

For these reasons I am introducing a moratorium on redesignation of these counties for 1 year. This will provide the necessary time for the present system to be changed or a new one developed. The Economic Development Administration and the House Public Works Committee are currently working on such a system.

I am happy to learn that Senator Montoya's Economic Development Subcommittee of the Senate Public Works Committee will be holding hearings on June 18, 1970, on the extension of the Economic Development Act and on the joint resolution that I am offering.

This 1-year moratorium will be of great benefit even if by chance the present system is not changed, because by this time next year EDA will be able to use up-to-date information that was obtained during the 1970 census. For these reasons I think it is imperative that this joint resolution be passed.

The following are a list of States that will be adversely affected by this designation of counties unless the Senate acts favorably on this joint resolution:

List of States

Alabama, Arizona, Arkansas, California, Connecticut, Florida, and Georgia.

Iowa, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, and Michigan.

Minnesota, Mississippi, Missouri, Montana, New Mexico, New York, and North Carolina.

Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Utah, West Virginia, and Wisconsin.

I ask unanimous consent that the joint resolution be printed in the Record.

The PRESIDING OFFICER (Mr.

Bayh). The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the Record.

The joint resolution (S.J. Res. 210) to provide a 1-year moratorium on the termination or modification of designations of areas as redevelopment areas for the purposes of the Public Works and Economic Development Act of 1965 introduced by Mr. Mondale (for himself and other Senators), was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the Record, as follows:

S.J. Res. 210

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled. That notwithstanding section 402 of the Public Works and Economic Development Act of 1965 or any other provision of that Act, the Secretary of Commerce shall not terminate or modify the designation of any area as a redevelopment area for the purpose of that Act after June 1, 1970, and before June 1, 1971.

SENATE JOINT RESOLUTION 211—INTRODUCTION OF THE MICRONESIAN CLAIMS ACT OF 1970

Mr. JACKSON. Mr. President, I introduce for appropriate reference a Senate joint resolution to authorize an ex gratia contribution to certain inhabitants of the Trust Territory of the Pacific Islands who suffered damages arising out of the hostilities of the Second World War, to provide for the payment of noncombat claims occurring prior to July 1, 1951, and to establish a Micronesian Claims Commission.

On April 6, 1970, at the request of the Department of the Interior, Senator Allott and I introduced Senate Joint Resolution 189. The purpose of that joint resolution is to authorize an ex gratia contribution to certain inhabitants of the Trust Territory of the Pacific Islands who suffered damages during the Second World War, and to establish a Micronesian Claims Commission.

On June 4, the Committee on Interior and Insular Affairs held an executive session, at which time we heard a report from Assistant Secretary of the Interior Harrison Loesch on current negotiations with the Micronesians about the future political status of the Trust Territory. It was the opinion of the committee, insofar as claims against the United States are concerned, that we should have legislation before us dealing not only with claims arising during World War II but those that arose during the postsecure period, and the Department of the Interior was requested to submit to us, as a drafting service, a bill to provide for the settlement of these two kinds of claims.

The Subcommittee on Territories of the Committee on Interior and Insular Affairs has scheduled a hearing for 10 a.m. on June 17 to consider this subject matter. The hearing will be held in room 3110, New Senate Office Building.

I ask unanimous consent that following my remarks there be printed in the Record the letter of June 10, 1970, from Secretary of the Interior Hickel, together with the text of the joint resolution drafted by the Interior Department.

The PRESIDING OFFICER (Mr. Saxbe). The joint resolution will be received and appropriately referred; and, without objection, the joint resolution and letter will be printed in the Record.

The joint resolution (S.J. Res. 211) to authorize an ex gratia contribution to certain inhabitants of the Trust Territory of the Pacific Islands who suffered damages arising out of the hostilities of the Second World War, to provide for the payment of noncombat claims occurring prior to July 1, 1951, and to establish a Micronesian Claims Commission, introduced by Mr. Jackson, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs, as follows:

S.J. Res. 211

Whereas, certain Micronesian inhabitants of the Trust Territory of the Pacific Islands, formerly under League of Nations Mandate to Japan, suffered from the hostilities of the Second World War;

Whereas, the United States, while not liable for wartime damages suffered by the Micronesians, has responsibility for the welfare of the Micronesian people as the Administering Authority of the Trust Territory of the Pacific Islands;

Whereas, the Governments of Japan and the United States entered into an agreement on April 18, 1969, to contribute *ex gratia* the equivalent of $10,000,000 to the Micronesian inhabitants of the Trust Territory of the Pacific Islands in view of the suffering caused by the hostilities of the Second World War, each Government contributing the equivalent of $5,000,000, Japan's contribution to take the form of products and services;

Whereas, payment of these *ex gratia* contributions to certain Micronesian inhabitants of the Trust Territory of the Pacific Islands will meet a long-standing Micronesian grievance and will promote the welfare of the Micronesian people;

Whereas, certain Micronesian inhabitants of the Trust Territory of the Pacific Islands claim to have suffered damage to or loss or destruction of property, personal injury or death caused by military and civilian employees of the United States Government and arising out of accidents or incidents between the dates of the securing of the various islands of Micronesia by the United States Armed Forces and July 1, 1951, and within an area under the control of the United States at the time of the accident or incident;

Whereas, the United States is desirous of making an equitable settlement of these claims by way of a monetary contribution: *Therefore, be it Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That this resolution may be cited as the "Micronesian Claims Act of 1970".

TITLE I

Sec. 1. (a) It is the purpose of this title that, with respect to war claims, the United States should make an *ex gratia* contribution of $5,000,000 matching an equivalent contribution of the Government of Japan, to Micronesian inhabitants of the Trust Territory of the Pacific Islands who are determined by the Micronesian Claims Commission to be meritorious claimants, in particular amounts to be awarded by the Micronesian Claims Commission, and that the High Commissioner of the Trust Territory of the Pacific Islands, hereinafter referred to as High Commissioner, or his designee, shall pay to said Micronesian claimants as soon as possible following his receipt of the final report of the Micronesian Claims Commission on the claims allowed, such amounts as are finally certified pursuant to section 4 hereof:

(b) A "Micronesian inhabitant of the Trust Territory of the Pacific Islands" is defined for the purposes of this joint resolution as a person who:

(1) became a citizen of the Trust Territory of the Pacific Islands on July 18, 1947, and who remains a citizen as of the date of filing a claim; or

(2) if then living, would have been eligible for citizenship on July 18, 1947; or

(3) is the successor, heir or assign of a person eligible under subsections (1) or (2) and who is a citizen of the Trust Territory of the Pacific Islands as of the date of filing a claim.

Sec. 2. (a) There is hereby authorized to be appropriated to the Trust Territory of the Pacific Islands $5,000,000, in addition to the normal budgetary expenditures for the Trust Territory of the Pacific Islands and in addition to the appropriations authorized by section 2 of the Act of June 30, 1954, as amended, to be paid into a "Micronesian Claims Fund". The High Commissioner is hereby authorized to create and manage said Micronesian Claims Fund.

(b) Funds approximating $5 million appropriated to the Trust Territory of the Pacific Islands for supplies or capital improvements in accordance with the Act of June 30, 1954, as amended, shall be paid into a Micronesian Claims Fund as the products of Japan and the services of the Japanese people in the amount of one billion eight hundred million yen (currently computed at $5,000,000) are provided by Japan pursuant to Article I of the "Agreement between the United States of America and Japan", signed April 18, 1969. These funds together with the sum authorized to be appropriated by subsection (a) of this section shall constitute the whole of the Micronesian Claims Fund.

Sec. 3. (a) There is hereby established a Micronesian Claims Commission, hereinafter referred to as the Commission, such Commission to be under the control and direction of the Chairman of the Foreign Claims Settlement Commission. The Commission shall be composed of five members, who shall be appointed, in consultation with the Secretary of the Interior, by the Chairman of the Foreign Claims Settlement Commission, one of whom he shall designate as Chairman. Two members shall be selected from a list of Micronesian citizens nominated by the Congress of Micronesia. Any vacancy that may occur in the membership of the Commission shall be filled in the same manner as in the case of the original appointment. The members of the Commission shall serve at the pleasure of the Chairman of the Foreign Claims Settlement Commission. No commissioner shall hold other public office or engage in any other employment during the period of his service on the Commission, except as an employee of the Foreign Claims Settlement Commission.

(b) The members of the Commission shall receive compensation and allowances as determined by the Chairman of the Foreign Claims Settlement Commission by application of the rules and regulations which apply to officers and employees of the Trust Territory of the Pacific Islands, but in no event shall traveling and other expenses incurred in connection with their duties as members, or a per diem allowance in lieu thereof, exceed that prescribed in accordance with the provisions of subchapter 1 of chapter 57 of title 5, United States Code. The term of office of the members of the Commission shall expire at the time fixed in subsection (e) for winding up the affairs of the Commission.

(c) The Commission may, subject to the approval of the Chairman of the Foreign Claims Settlement Commission, appoint and fix the compensation and allowances of such officers, attorneys, and employees of the

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Commission as may be reasonably necessary for its proper functioning, which empoyees shall be in addition to those who may be assigned by the Chairman of the Foreign Claims Settlement Commission to assist the Commission in carrying out its functions. The compensation and allowances of employees appointed pursuant to this section shall be within the rules and regulations which apply to officers and employees of the Trust Territory of the Pacific Islands, but in no event, to exceed the amount of allowances prescribed in subchapter 1 of chapter 57 of title 5, United States Code. In addition, the Commission, with the approval of the Chairman of the Foreign Claims Settlement Commission, may make such expenditures as may be reasonably necessary to carry out its proper functioning. Officers and employees of any other department or agency of the Government of the United States or the Government of the Trust Territory of the Pacific Islands may, with the consent of the head of such department or agency, with or without reimbursement, be assigned to assist the Commission in carrying out its functions. The Commission may, with the consent of the head of any other department or agency of the Government of the United States or the Government of the Trust Territory of the Pacific Islands, utilize, with, or without reimbursement, the facilities and services of such department or agency in carrying out the functions of the Commission.

(d) The Commission shall, subject to the approval of the Chairman of the Foreign Claims Settlement Commission, prescribe such rules and regulations as are necessary for carrying out its functions. As expeditiously as possible and, in any event, within three months of its appointment, the Commission shall give public notice in the Trust Territory of the Pacific Islands of the time when, and the limit of time within which, claims may be filed, which notice shall be given in such manner as the Commission shall prescribe: *Provided*, That the final date for the filing of claims shall not be more than one year after the appointment of the full membership of the Commission. A majority of the membership of the Commission shall be necessary to transact business: *Provided, however*, That an affirmative vote of at least three members shall be required for the promulgation of rules and regulations, and for the final adjudication of any claim.

(e) The Commission shall wind up its affairs as expeditiously as possible and in any event no later than three years after the expiration of the time for filing claims under this Act.

SEC. 4. (a) The Commission shall have authority to receive, examine, adjudicate, and render final decisions, in accordance with the laws of the Trust Territory of the Pacific Islands and international law, with respect to claims of the Micronesian inhabitants of the Trust Territory of the Pacific Islands who suffered loss of life, physical injury, and property damage directly resulting from hostilities between the Governments of Japan and the United States between December 7, 1941, and the dates of the securing of the various islands of Micronesia by United States Armed Forces and those claims arising as post war claims on or before July 1, 1951. When all claims have been adjudicated, the Commission shall certify them to the High Commissioner for payment, the claims covered by title I of this Act shall be paid from the Micronesian Claims Fund, except that as to claims based on death, up to $1,000 shall be paid immediately upon adjudication, and the claims covered by title II of this Act shall be paid by the High Commissioner from the funds appropriated for such purpose.

(b) No later than six months after its organization, and annually thereafter, the Commission shall make a report, through the Chairman of the Foreign Claims Settlement Commission, to the Congress of the United States concerning its operations under this Act. The Commission shall, upon winding up its work, certify to the Chairman of the Foreign Claims Settlement Commission, the Secretary of the Interior, and to the Congress of the United States the following:

(1) a list of all claims allowed, in whole or in part, together with the amount of each claim and the amount awarded thereon;

(2) a list of all claims disallowed;

(3) a copy of the decision rendered in each case.

(c) In the event that funds remain in the Micronesian Claims Fund after all allowable and adjudicated claims are paid, such remaining funds shall be transferred from the Micronesian Claims Fund to the Treasury of the Trust Territory of the Pacific Islands for appropriation by the Congress of Micronesia for the welfare of the people of the Trust Territory of the Pacific Islands. In the event that the allowable and adjudicated claims covered by title I of the Act exceed a total of $10 million, the High Commissioner shall make prorata payments.

(d) No payment shall be made on an award of the Commission unless the claimant shall first execute a full release to the United States and Japan in respect to any alleged liability of the United States or Japan, or both, arising before the dates of the securing of the various islands of Micronesia by the United States Armed Forces.

SEC. 5. There is authorized to be appropriated such sums as may be necessary for the operation and administrative expenses of the Foreign Claims Settlement Commission, to the extent needed to cover activity connected with this Act, and of the Commission in order to carry out the purposes of this Act.

SEC. 6. The agreement for the payment of the Micronesian claims covered by title I of this Act having been reached by negotiators of the Governments of the United States and Japan, and since personnel to be appointed by the High Commissioner or the Commission will be available to assist the people of the Trust Territory of the Pacific Islands insofar as may be necessary in filing all claims covered by this Act, no remuneration on account of services rendered on behalf of any claimant, or any association of claimants, in connection with any claim or claims shall exceed, in total, one per centum of the amount paid on such claim or claims, pursuant to the provisions of this Act. Fees already paid for such services shall be deducted from the amounts authorized by this Act. Any agreement to the contrary shall be unlawful and void. Whoever, in the United States or elsewhere, demands or receives, on account of services so rendered, any remuneration in excess of the maximum permitted by this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $5 thousand or imprisoned not more than 12 months, or both.

TITLE II

SEC. 1. It is the purpose of this title that, for the purpose of promoting and maintaining friendly relations by the settlement of meritorious post war claims, the Micronesian Claims Commission is authorized to consider, ascertain, adjust, determine, and make payments, where accepted by the claimant in full satisfaction and in final settlement, of all claims by Micronesian inhabitants against the United States on account of damage to or loss or destruction of private property both real and personal, or personal injury or death of Micronesian inhabitants of the former Japanese Mandated Islands, now the Trust Territory of the Pacific Islands administered by the United States under a trusteeship agreement with the United Nations, including claims for damage to or loss or destruction of personal property bailed to the United States Government or the Government of the Trust Territory of the Pacific Islands, and claims for damages incident to the use and occupancy of real property, whether under a lease, express or implied, or otherwise, when such damage, loss, destruction or injury was caused by the United States Army, Navy, Marine Corps, or Coast Guard, or individual members thereof, including military personnel and United States Government civilian employees, and including employees of the Trust Territory Government acting within the scope of their employment: *Provided*, That only those claims shall be considered by the Commission which are presented in writing as provided for in section 3(d) of title I of this Act and the accident or incident out of which the claim arose occurred prior to July 1, 1951, within the islands which now comprise the Trust Territory of the Pacific Islands and within an area under the control of the United States at the time of the accident or incident: *Provided further*, That any such settlements made by such Commission and any such payments made by the High Commissioner under the authority of this title shall be final and conclusive for all purposes notwithstanding any other provision of law to the contrary and not subject to review.

SEC. 2. There is hereby authorized to be appropriated, the amount of $20,000,000 to be expended by the High Commissioner for the purposes of making payments to the extent authorized by this title of this Act.

SEC. 3. Any funds appropriated for the purposes of this title which remain after the settlement of claims under the provisions of this title shall be covered into the Treasury of the United States.

The letter presented by Mr. JACKSON is as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., June 10, 1970.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to your request of April 17, 1970, there is enclosed a draft joint resolution entitled "To authorize an *ex gratia* contribution to certain inhabitants of the Trust Territory of the Pacific Islands who suffered damages arising out of the hostilities of the Second World War, to provide for the payment of noncombat claims occurring prior to July 1, 1951, and to establish a Micronesian Claims Commission."

This draft has been prepared as a service to you. Since it has not been cleared by the Bureau of the Budget, you will understand, I am sure, that we can make no commitment at this time concerning the position of the Department on the measure.

Sincerely yours,

WALTER J. HICKEL,
Secretary of the Interior.

ADDITIONAL COSPONSORS OF BILLS

S. 1830

Mr. CHURCH. Mr. President, on behalf of the Senator from Washington (Mr. JACKSON), I ask unanimous consent that, at the next printing, the names of the Senator from Utah (Mr. MOSS), the Senator from Montana (Mr. METCALF), the Senator from Oklahoma (Mr. BELLMON), the Senator from Nevada (Mr. BIBLE), the Senator from South Dakota (Mr. MCGOVERN), and myself be added as cosponsors of S. 1830, to provide for the settlement of certain land claims of Alaska natives, and for other purposes.

The PRESIDING OFFICER (Mr. SAXBE). Without objection, it is so ordered.

S. 3941

Mr. GURNEY. Mr. President, on behalf of the Senator from Pennsylvania (Mr. Schweiker), I ask unanimous consent that, at the next printing, the name of the Senator from Wisconsin (Mr. Nelson) be added as a cosponsor of S. 3941, to provide civil penalties for the use of lead-based paint in certain dwellings.

The PRESIDING OFFICER (Mr. Saxbe). Without objection, it is so ordered.

SENATE RESOLUTION 416—SUBMISSION OF A RESOLUTION TO DEVELOP ELEPHANT BUTTE RESERVOIR FOR RECREATIONAL PURPOSES

Mr. MONTOYA. Mr. President, I submit, for appropriate reference, a Senate resolution that is designed to make Elephant Butte Reservoir, located in Sierra County near Truth or Consequences, N. Mex., more usable for water-related recreational activities. The resolution would authorize the Senate Committee on Interior and Insular Affairs to study and recommend alternative ways that sufficient quantities of water can be added to Elephant Butte Reservoir, so that it can serve recreational purposes.

Elephant Butte is one of the oldest reclamation projects in the West, having been authorized by Congress on May 4, 1907. The primary purpose for the reservoir was to provide irrigation water for the arid Southwest. Congress in 1962 provided for recreational facilities at Elephant Butte, but the available water has been inadequate even to meet all irrigation needs. By the middle of the summer the reservoir is drained to the absolute minimum for irrigation, and its potential as a recreational resort is therefore unrealizable at the present time.

The additional income that recreational facilities at Elephant Butte Reservoir could bring to the people of this area is very important, in light of the economically-deprived condition of Sierra County. In 1966, 30.9 percent of the families in Sierra County received incomes below the Social Security Administration poverty cutoff, compared to 22.6 percent of the families in the typical U.S. county. A median-family income in Sierra County in 1966 was only $3,663, compared to the U.S. county standard of $4,630.

Educational achievement in Sierra County is likewise below national standards. A median of 8.9 school years were completed by persons age 25 and over in Sierra County in 1960, whereas the typical county showed 9.5 years. Perhaps more indicative of the level of illiteracy, 12.6 percent of the population of Sierra County had failed to complete over 4 years of school in 1960, contrasted to the national norm of 7.8 percent.

According to Social Security Administration criteria for designation of the poor, out of a total of 2,244 families, 694, or 30.9 percent, were poor in 1966 in Sierra County. In the State of New Mexico as a whole at the same time, out of 271,000 families, 60,900, or 27.4 percent were poor. Poverty, therefore, affected the families in this county more heavily than New Mexico overall. Moreover, the State of New Mexico showed a higher poverty rate than the Nation in general, where 15.1 percent of all families were poor in 1966.

Relative to other U.S. counties, economic conditions in Sierra County have become worse, not better, during the 1960's. The number of poor families in the county increased by 9.6 percent—and the population of all families in the county rose by 27.7 percent—between 1960 and 1966. In 1966, 75 percent of the U.S. counties had a smaller proportion of families living on income below the poverty cutoff than Sierra County. This represented a worsening in the relative position of Sierra County from 1960, when 68 percent of the counties of the Nation ranked lower in severity of poverty.

If sufficient water can be maintained in Elephant Butte Reservoir so that it can serve throughout the summer as a water recreational facility, the result will be a substantially increased level of tourist visitation to the reservoir area. This undoubtedly will improve economic conditions for the people of the area. From the nationwide perspective, the reservoir will represent an additional place where Americans can retreat momentarily from the congestion of more urban places.

I welcome the support of my fellow Senators for this step toward realizing the full, multipurpose potential of Elephant Butte Reservoir.

I ask unanimous consent that the Senate resolution be printed in the Record at this point.

The PRESIDING OFFICER (Mr. Young of Ohio). The resolution will be received and appropriately referred; and, without objection, the resolution will be printed in the Record.

The resolution (S. Res. 416) was referred to the Committee on Interior and Insular Affairs, as follows:

S. Res. 416

Resolved, That the Committee on Interior and Insular Affairs, or any duly authorized subcommittee thereof, is authorized under section 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to make a full and complete study as to the feasibility of acquiring, by purchase or otherwise, additional quantities of water sufficient to enable the Elephant Butte Reservoir, New Mexico, to be utilized, on a year around basis, for recreational purposes, and to meet its current and continuing obligations to provide water for irrigation purposes.

Sec. 2. The Committee shall report the results of its study, together with such recommendations as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1971.

Sec. 3. For the purposes of this resolution, the Committee, from the date on which this resolution is agreed to until January 31, 1971, is authorized to (1) make such expenditures as it deems advisable; (2) employ upon a temporary basis, technical, clerical, and other assistants and consultants; and (3) with the prior consent of the heads of the department or agency concerned and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the government.

Sec. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate from vouchers approved by the chairman of the committee.

SENATE RESOLUTION 417—AUTHORIZING THE PRINTING OF ADDITIONAL COPIES OF THE SENATE REPORT ON "ALASKAN NATIVE CLAIMS SETTLEMENT ACT OF 1970" (S. 1830)

Mr. MANSFIELD. Mr. President, on behalf of the Senator from Washington (Mr. Jackson), I send to the desk a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The legislative clerk read the resolution, as follows:

S. Res. 417

Resolved, That there be printed for the use of the Committee on Interior and Insular Affairs five thousand additional copies of its report to accompany S. 1830, a bill to provide for the final settlement of all land claims of Alaska Natives, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was considered and agreed to.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT—AMENDMENT

AMENDMENT NO. 688

Mr. BYRD of West Virginia submitted an amendment, intended to be proposed by him, to the bill (H.R. 15628) to amend the Foreign Military Sales Act, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 689

Mr. DOMINICK submitted amendments, intended to be proposed by him, to House bill 15628, supra, which were ordered to lie on the table and to be printed.

SECOND SUPPLEMENTAL APPROPRIATIONS, 1970—AMENDMENTS

AMENDMENT NO. 690

Mr. MONDALE (for himself, Mr. Case, Mr. Pell, Mr. Kennedy, and Mr. Javits) submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 17399) making supplemental appropriations for the fiscal year ending June 30, 1970, and for other purposes, which was ordered to lie on the table and to be printed.

AMENDMENTS NOS. 691 AND 692

Mr. MONDALE (for himself, Mr. Case, Mr. Kennedy, and Mr. Javits) submitted two amendments, intended to be proposed by them, jointly, to House bill 17399, supra, which were ordered to lie on the table and to be printed.

AMENDMENT NO. 693

Mr. JAVITS. Mr. President, I submit, for myself and for Senators Bayh, Brooke, Cranston, Goodell, Hart, Hatfield, Mondale, McGovern, Muskie, Nelson, Packwood, Pell, Scott, and Williams of New Jersey, an amendment to the Second Supplemental Appropriations Act, to provide a supplemental of $65 million for the Neighborhood Youth Corps summer programs, as an addition to the $50 million supplemental recommended by the Appropriations Committee for this summer.

Under the recommendations of the Appropriation Committee, the proposed $50 million supplemental would be utilized for two separate components of the Neighborhood Youth Corps summer program. First, the report indicates that $15 million would be used for support for a recreational program to be administered by the Department of Labor in cooperation with the Bureau of Outdoor Recreation of the Department of Interior. It is not clear as to the extent to which job opportunities would be available under this appropriation.

Second, the committee indicates that $35 million would be used to provide approximately 80,000 new summer job opportunities for disadvantaged youth under the Neighborhood Youth Corps summer job program, which provides work with public and private nonprofit organizations during the summer months. It would supplement approximately $147 million now appropriated for this summer under the regular appropriations bill.

Mr. President, I think that the members of the Appropriations Committee deserve high commendation for their support for a supplemental for summer programs.

Mr. President, in testifying before the Subcommittee on Deficiencies and Supplementals, I sought $100 million, on behalf of myself and 15 cosponsors. But as the committee reported the bill, it provided $15 million of the $50 million which it did allow for certain recreational opportunities. We find it very difficult to figure out what that may mean in jobs, though it does represent recreational opportunity. We think it is an excellent addition, but we do not believe that we should let that preempt the job slots which would be created if we had the money. Hence, the amendment seeks $115 million instead of the $100 million which I sought before the committee.

I wish to pay tribute to the Senator from West Virginia (Mr. BYRD), who was very open minded and very forthcoming and took a personal initiative to include the 35 million figure for jobs based on findings by the Department of Labor, and also a $15 million supplement to that figure for recreation activities. I do not wish in proposing this amendment or pressing it to represent in any way any derogation of the splendid role played by the Senator from West Virginia in respect of this matter.

Also, the administration is to be commended for recognizing the need for a supplemental.

However, as I shall document, while the proposed supplemental recognizes the need, it will not meet the need.

Mr. President, the recommendation for an additional appropriation for the Neighborhood Youth Corp summer job program falls some $65 million short of the $100 million, which the U.S. Conference of Mayors has indicated can still be effectively used and should be used in our cities during the coming months.

On May 7, 1970, the U.S. Conference reported that the 227,173 additional slots could be used nationwide.

The survey indicated that the Nation's 50 largest cities alone can effectively use 165,298 slots.

For example, in my own city of New York, more than 37,081 additional slots over and above the 25,419 now allocated could be put to effective use for this summer.

But it is not just a big-city matter. The Conference of Mayors has indicated that in our smaller cities an additional 61,875 slots are required.

For example, in Little Rock, Ark., 200 additional slots are needed; New Haven, Conn., 550 slots; Des Moines, Iowa, 100 slots; and in Charleston, S.C., 300 slots are needed.

Mr. President, I ask unanimous consent that there be included at this point in the RECORD, a copy of a letter dated May 7, 1970, from the Conference of Mayors, indicating the needs, together with a detailed chart indicating the number of slots allocated to date and the additional number that could be effectively used in each of our major cities.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONFERENCE OF MAYORS,
Washington, D.C., May 7, 1970.

HON. JACOB K. JAVITS,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR JAVITS: In response to your request for information, we have made inquiries as to the cities' 1970 needs for the summer Neighborhood Youth Corps slots beyond those allocated to them to date. The information we have received from the fifty largest cities shows that the total number of additional slots that these cities could effectively utilize this summer is 165,298.

On the basis of our contacts with a sample of the smaller cities, we estimate their need and capacity to utilize additional slots to be approximately 30 percent above their present allocation. This would mean an additional 61,875 slots needed by the smaller cities.

Combining these figures, the present real need for summer 1970 is 227,173 additional slots nation-wide.

I trust that these statistics will be helpful to you in pointing up the critical need for an enlarged appropriation for the summer Neighborhood Youth Corps program.

Sincerely,

JOHN J. GUNTHER,
Executive Director.

1970 SUMMER NEIGHBORHOOD YOUTH CORPS PROGRAM.—THE NEEDS OF THE 50 LARGEST CITIES

City	1969 total need	1970 allocation	Total city needs 1970	Additional required
Akron	612	378	765	387
Atlanta	2,267	1,460	2,840	1,380
Baltimore	7,000	4,255	8,000	3,745
Birmingham	1,390	894	1,738	844
Boston	2,200	1,588	2,750	1,162
Buffalo	2,845	1,750	3,557	1,807
Chicago	31,000	19,676	38,750	19,074
Cincinnati	1,935	1,198	2,419	1,221
Cleveland	6,900	4,211	8,000	3,789
Columbus	1,100	675	1,378	703
Dade County (Miami)	2,150	1,592	2,688	1,096
Dallas	1,520	986	1,900	914
Dayton	620	453	775	322
Denver	800	522	1,000	478
Detroit	7,780	5,873	9,725	3,852
El Paso	719	427	900	473
Fort Worth	785	499	981	482
Gary	1,380	1,073	1,725	652
Honolulu	1,461	889	1,826	937
Houston	2,644	1,739	3,555	1,816
Indianapolis	650	481	812	331
Jersey City	1,275	853	1,594	741
Kansas City, Mo	1,400	989	2,225	1,236
Los Angeles (including Long Beach)	12,828	9,629	16,000	6,371
Louisville	2,605	1,574	3,256	1,680
Memphis	1,500	993	1,875	882
Milwaukee	1,925	1,317	2,406	1,089
Minneapolis	1,750	1,080	2,188	1,108
Newark	4,180	2,707	12,000	9,293
New Orleans	8,490	1,136	10,613	9,477
New York	50,000	25,419	62,500	37,081
Norfolk	1,750	1,148	2,188	1,040
Oakland	3,857	2,407	4,821	2,414
Oklahoma City	1,270	782	1,588	806
Omaha	1,455	886	1,819	933
Philadelphia	4,105	3,380	12,500	9,120
Phoenix	3,285	2,005	4,106	2,101
Pittsburgh	3,915	3,366	4,894	1,528
Portland, Oreg	1,066	777	1,328	551
Rochester	1,225	744	1,531	787
St. Louis	1,834	1,335	4,000	2,665
St. Paul	683	324	854	530
San Antonio	3,742	2,297	4,678	2,381
San Diego	2,689	1,679	2,616	937
San Francisco	2,625	1,663	3,291	1,618
Seattle	1,496	1,048	1,500	452
Tampa	1,925	1,523	2,406	883
Toledo	700	432	825	393
Tulsa	420	261	525	264
Washington, D.C	12,805	8,530	30,000	21,470
Total	214,758	130,903	296,201	165,298

Mr. JAVITS. At an approximate cost of $445 per opportunity, meeting this total need of 227,173 documented by the U.S. Conference of Mayors would require an additional supplemental appropriation of $100 million.

The committee recommendation of an additional $35 million would provide only an additional 80,000 slots, leaving unsatisfied the needs of 147,173 additional youths for the summer months, according to U.S. Conference of Mayors figures.

Mr. President, we cannot look to the private sector this summer to bridge the gap between the number of opportunities now provided under the Neighborhood Youth Corps job program and the documented need. As the June 6, 1970, report of the President's Council on Youth Opportunity notes, in discussing the overall job picture for this summer:

> The National Alliance of Businessmen anticipates that 192,000 disadvantaged youths will be hired this summer through its program. As of May 31 NAB had received pledges for 86,000 jobs, 45% of the goal.

We face a particularly serious situation in our cities this summer as a result of the special impact of higher national unemployment in poverty areas. While the overall unemployment rate was 5.8 percent in May, the teenage jobless rate was 14.3 percent, the second highest rate in 4 years, the highest having occurred in April of this year.

And perhaps most critically, Mr. President, the unemployment rate among black teenagers during the first quarter of this year was 32.7 percent—or approximately one-third—compared with 20.9 percent in the first quarter of last year.

Mr. President, even if my proposed supplemental and that proposed by the committee are provided in order to make available an additional 227,000 opportunities to supplement the 328,000 which will be provided under existing appropriations, the aggregate—555,000 opportunities—will meet the needs of less than a third of the youths who could benefit from this program this summer. The Department of Labor estimates that the "target group" for the Neighborhood Youth Corp summer program—which has been projected at 1.5 million youths in recent summers—will include at least 1.7 million youths this summer.

I ask unanimous consent that the text of my amendment be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. SAXBE). The amendment will be received and appropriately referred; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 693) is as follows:

> On page 12, line 8, strike out "$50,000,000" and insert in lieu thereof "$115,000,000."

Mr. JAVITS. Mr. President, the method by which we should approach this matter may have certain technical problems, so I also file a notice of motion to suspend the rules in respect of the amendment I am proposing, should such a motion develop to be necessary in connection with the parliamentary procedure I may pursue with respect to this amendment. Also, I may submit an amendment approaching the matter in a different way.

NOTICE OF MOTION TO SUSPEND THE RULE—AMENDMENT TO SECOND SUPPLEMENTAL APPROPRIATIONS BILL, 1970

AMENDMENT NO. 693

Mr. JAVITS submitted the following notice in writing:

> In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 1 of rule XVI for the purpose of proposing to the bill (H.R. 17399), making supplemental appropriations for the fiscal year ending June 30, 1970, and for other purposes, the following amendment, namely: viz: on page 12, line 8, strike out "$50,000,000" and insert in lieu thereof "$115,000,000."

Mr. JAVITS (for himself and other Senators) also submitted an amendment, intended to be proposed by them, jointly, to House bill 17399, supra, which was ordered to lie on the table and to be printed.

(For text of amendment referred to, see the foregoing notice.)

ESTABLISHMENT OF THE MANPOWER DEVELOPMENT PROGRAM—AMENDMENT

AMENDMENT NO. 694

Mr. JAVITS. Mr. President (Mr. SAXBE), I submit today an amendment to the administration's Manpower Training Act, S. 2838 which I sponsored in the Senate, to continue and expand present efforts to provide basic education, vocational training, and employment placement assistance for inmates of correctional institutions.

Under the proposed amendment, the Secretary of Labor would be authorized to make grants to and enter into contracts with public agencies and private for profit and nonprofit organizations for the provision of such assistance to inmates of Federal, State, and local correctional institutions. The Secretary would be required to obtain the prior concurrence of the Secretary of Health, Education, and Welfare, the Attorney General as to each grant or contract. Where appropriate the Secretary would be required to consult with State and local correctional officials. There would be authorized to be appropriated $50 million for fiscal year 1971 and $75 million for fiscal year 1972, which would provide approximately 34,000 and an aggregate of 51,000 opportunities respectively on the basis of costs under current programs of this kind.

The amendment would provide essentially for an expansion of the programs which have been developed under section 251 of the Manpower Development Training Act. Under that section, which expires this June 30, the Secretary of Labor, together with the Secretary of Health, Education, and Welfare, has developed and carried out experimental and demonstration programs of training and education for persons in correctional institutions. In fiscal years 1968 and 1969, 37 demonstration projects at the Federal, State, and county levels were operated for 3,511 inmates, covering more than 44 different occupations. Of all 29 States currently participating in programs under the Manpower Development and Training Act, three State agencies are responsible for the programs; the State Education Agency and the State Employment Service working in cooperation with the State Correctional Agency. In two institutions—Sandstone, Minn., and the Tarrant County Jail in Texas—public training facilities are being utilized off the prison site. In the former, the Pine City Vocational School is providing training and in the Texas institution, the Fort Worth Manpower Training Skills Center is the training agency. North Dakota uses the individual referral method exclusively, to both public and private education agencies.

Under the amendment, preference would be given to programs and projects which provide for the involvement of industry, labor, and similar private sector organizations in the development of curriculum, together with the provision of instructors, up-to-date equipment, and arrangements and/or contracts for the employment of inmates upon release. Thus, the amendment seeks to apply, in the context of correctional training, the concept of the job opportunities in the business sector program of insuring jobs at the end of the training processes. Involvement of the private sector in these ways has already met success in a number of instances.

An excellent coop training program has been conducted in Rhode Island, where offsite part-time instruction in industry—Lessona Corp. and Bulova Watch Co.—falls under the auspices of instructors from local business concerns who also teach at the prisons. This program provides training in machine operation for inmates while developing interest and support in the business sector and in the educational agencies. The Department of Health, Education, and Welfare shortly expects to fund another program that has been designed in Maryland in cooperation with the Maryland Department of Corrections and the State education agency. This particular program is unique in that it will provide offsite training in various offices in the operation of office machinery and typewriters. Because of bonding and security problems, this is a great step on the part of industrial people who will be working on offering jobs while at the same time evaluating and linking together programs involving education, corrections, and private sectors training under the State education agency.

The amendment also seems to encourage projects or programs to test the effectiveness of pretrail or presentencing arrangements under which sentencing may relate to manpower training in lieu of parole or mandatory sentencing of offenders not able to be placed on usual parole or bond. At this time, negotiations are in process to pilot a program to explore the potential of such arrangements.

The amendment also provides for promulgation of regulations, the authorization of assistance for training allowances and for medical, transportation, and bonding assistance where necessary.

Mr. President, experience has established the value of programs of this kind. A field check of five prison programs operated under section 251, MDTA conducted by the Manpower and Training Division of the Department of Health, Education, and Welfare reveals the following comparative rates of recidivism for prison inmates with training and for those who did not undergo training:

[In percent]

State institution	Recidivism rate for inmates with training	Recidivism rate for inmates without training
Georgia	15	60
Minnesota	14	63
Tennessee	10	60
Florida	15	67
Texas	12	65

A random check of participating institutions made by the Manpower and Training Division indicates that those individuals who were trained and then returned, returned for less serious offenses such as parole violation.

The potential of programs of this kind arises also from the fact that such a large percentage of the prison population is young. According to a study completed in April 1966, approximately 30 percent of all male prisoners are from 15 to 24 years old and almost 20 percent are between 20 and 24 years old, the crucial period when most young men are starting careers and beginning family life.

As I indicated, the program which this amendment would authorize would provide approximately 34,000 opportunities in fiscal year 1971 and an aggregate of 51,000 opportunities in fiscal year 1972. There are currently more than 400,000 individuals in correctional institutions, and an additional 800,000 in the correctional process generally, so that the proposed program may only be regarded as a beginning.

However, it is a beginning that should be made. As Chief Justice Warren E. Burger noted on February 17, 1970, in remarks before the Association of the Bar of the city of New York:

> Few prisons today have even a minimal education or vocational training program to condition the prisoner for his return to society as a useful self-supporting human being. A distressing percentage of prisoners cannot read or write.
>
> The training programs in most State institutions are limited to a few skills, and there is almost no effort to correlate training programs with the demand for particular skills. It is no help to prisoners to learn to be pants pressers if pants pressers are a glut in the labor market or bricklayers or plumbers if they will not be admitted into a union. I suggest these two simple illustrations to indicate the desperate need for comprehensive and coordinated planning and research at local and national levels. This requires a monumental effort with the best leadership and brains of labor unions, industry, the Department of Justice, of Labor, and of Health, Education and Welfare. To be successful these programs need local community support which must involve Churches, YMCA's, Chambers of Commerce and Bar Associations."

I ask unanimous consent that the text of the amendment be referred and certain materials describing the projects implemented to date under section 251 be printed in the RECORD.

The PRESIDING OFFICER (Mr. SAXBE). The amendment will be received and appropriately referred; and, without objection, the material will be printed in the RECORD, as requested by the Senator from New York.

The amendment (No. 694) was referred to the Committee on Labor and Public Welfare.

The material, presented by Mr. JAVITS, is as follows:

MANPOWER DEVELOPMENT TRAINING PROGRAMS FOR ADULT OFFENDERS

(By Ronald C. Tarlaian, Division of Manpower Development and Training)

CHAPTER ONE—PROGRAM DEVELOPMENT

Background

It has been proved that most offenders, when they enter correctional institutions, have had little training or job skill. While incarcerated, only a few of them receive the kind of skill training and job guidance that enables them to compete successfully for full-time, stable employment upon release. Many persons are released from local and county jails and workhouses annually, most of them after relatively short stays. Characteristically, ex-inmates have had unstable employment experience or perhaps none of real significance. As a group, they are undereducated and have poor attitudes toward the "world of work". Many come from broken homes. Such backgrounds, in combination with a penal record present grave handicaps to post-release job quests. Lack of job success is apparently a significant factor in the high rate of recidivism among offenders in all parts of the country.

Several research and experimental projects under the MDTA, which included skill training, basic literacy training, counseling, job development and placement, demonstrated appreciable success in enhancing the employability of releases. In view of the apparent need for training and related services and the benefits to be anticipated through furnishing them more broadly to inmates, Congress has authorized a pilot program under the MDTA through FY 1970. This pilot program is financed 100 percent from Federal funds without regard to State apportionment. It is expected to yield the experience on which to base a comprehensive program of training and related services for all inmates to enable them to obtain suitable, full-time jobs upon release.

Legislative authority

The authority for training for inmates of Correctional Institutions is provided in Title II, Part D, Section 251 of the Manpower Development and Training Act, as amended, as follows:

"The Secretary of Labor shall, during the period ending June 30, 1970, develop and carry out experimental and demonstration programs of training and education for persons in correctional institutions who are in need thereof to obtain employment upon release. Arrangements for such education and training shall be made by the Secretary of Health, Education, and Welfare after consultation with the appropriate area manpower development and training advisory committee. Programs under this part shall be conducted through agreement with officials of Federal, State, and local correctional institutions. To the fullest extent practicable, the Secretary of Labor shall utilize the available services of other Federal departments and agencies involved. . . ."

Factors considered in development of projects

(a) Age—15 years of age and older.

(b) Jurisdiction of confinement—Federal, State and local institutions.

(c) Geographic location of institution.

(d) Length of sentence.

(e) Types of offenses of trainees.

(f) Educational backgrounds of inmate trainees.

(g) Characteristics of inmates trainees.

Types of training projects

(a) Institutional-type training on the prison sites.

(b) Institutional-type training off the prison site, either for groups of inmates or individual inmates, in existing facilities public or private. (Limited to those States with work release laws and Federal institutions operating under the Federal Work Release Law).

(c) Classroom instruction to supplement work experience.

Related services included

(a) Remedial academic instruction usually antecedent to or in combination with skill training. In short-term institutions remedial education alone may be appropriate.

(b) Pre-vocational training, aimed at work attitudes and habits, grooming, techniques of job hunting, usually in combination with or antecedent to skill training. In short-term institutions pre-vocational education alone may be appropriate.

(c) Individual and/or group counseling in combination with training.

(d) Job development and placement services.

(e) Post-release follow-up including counselling and further placement service if needed.

Selection of occupations

(a) Wide rather than local demand.

(b) Need for coordination with existing academic and vocational training programs.

(c) Facilities and space within the institution.

(d) Projects should be planned to achieve reasonable coincidence between completion of training and release of trainees from the institution.

(e) Institutions must meet the requirement of maintenance of effort. The existence of a vocational training program in an institution does not preclude extending MDTA resources to that institution. MDTA resources should, however, be used to strengthen and broaden the coverage of such programs. MDTA resources may not be used to replace local resources devoted to education and training programs.

Incentive payments

Inmates in training in projects which provide for incentive payments may have their reserve fund credited with a maximum of $20 per week while in training up to a total of 52 weeks. The incentive payment for a inmate trainee may be augmented by $5 per dependent per week as defined in the Secretary's MDTA regulations, with a maximum of $30 augmentation. This will allow gatemoney for inmates and assist them in the crucial weeks after release.

CHAPTER TWO—AN OVERVIEW OF MANPOWER DEVELOPMENT AND TRAINING PROGRAMS IN CORRECTIONAL INSTITUTIONS

Fiscal 1968 projects

Location, Number of trainees, and occupations:

Draper, Ala. (150), Pre-vocational, basic Education, Air Condition Repair, Welder, Sign Writer, Pre-Release, Auto Service Station Mechanic.

Jamestown Calif., (128), Pre-vocational, Basic Education.

Chattahoochee, Fla., (120), Auto Mechanic Appliance Repair, Welder, Electric Motor Winder, Short Order Cook, Baker, Farm Equipment Mechanic.

Reidsville, Ga., (214), Auto Mechanic, Draftsman, Welder, Masonry, Offset Pressman, Auto Body, Sewing Machine Repairman.

Chicago, Ill., (180), Basic Education, Building Maintenance Man, Furniture Upholster, Offset Pressman, Welder, Construction.

Vienna, Ill., (128), Welder, Drafting, Production Machine Operator, Farm Equipment, Mechanic, Office Machine Repairman.

Lansing, Kans., (90), Auto Mechanic, Production Machine Mechanic, Laborer, Basic Education.

Thomaston, Maine, (116), Cook, Sheet Metal Installer, Gas Engine Repair, Auto Mechanic.

Ionia, Mich., (16), Cooks, Bakers.

Jackson, Mich., (12), Welder Combination.

Jackson, Mich., (12), Machine Operator.

Marquette, Mich., (16), Machine Operator.

Ionia, Mich., (8), Welder.

Ionia, Mich., (12), Machine Operator.

Stillwater, Minn., (200), Basic Education, Pre-vocational, Cook, Welder, Production Machine, Draftsman Mechanical, Janitor I, Individual Referrals (50).

Carson City, Nev., (20), Upholstery Furniture.

Oregon, Statewide (25), Single Referral.

Howard, R.I., (45), Production Machine Operator.

Columbia & Manning, S.C., (400), Clerk-General, Auto Mechanic, Bricklayer, Carpenter, Electrical Appliances, Key Punch, Maintenance Man, Programmer, T.V. Service and Repairs, Welder.

Memphis, Tenn., (135), Auto Body Repair, Auto Mechanic, Welder, Electrician, Electronics, T.V. Service, Small Gas Engine, Upholsterer.

Fort Worth, Tex., (60), Pre-Vocational, Remedial, Cook, Laborers, Production Machine, Sheet Metal Fabrication, Welder.

Provo, Utah, (75), Remedial, Auto Service Mechanic, Auto Body, Diesel Mechanic, Machine Operator, Electric Appliance Repair, Employment Orientation.

Everett, Wash., (105), Logger-All Round.

Fiscal 1969 projects

Location, number of trainees, and occupation:

Florence, Ariz., (12), Drafting.

Buford and Milledgeville, Ga., (192), Auto Mechanic, Drafting, Gasoline Repair, Welder, Maintenance Man, Cosmetologist, Bricklayer.

Boise, Idaho, (45), Single Referral.

Pendleton, Ind., (190), Auto Body, Building Maintenance Man, Furniture Upholster, Offset Pressman, Welder, Construction.

Hutchinson, Kan., (100), Basic Education, Welder, Draftsman, Production Machine.

Lexington, Ky., (136), Pre-vocational, Auto Mechanics, Welding, Auto Body, Building Maintenance, Clerk-Typist, Nursing Assistant.

Sandston, Minn., (115), Individual Referral, Heavy Equipment, Carpentry, Construction Electrician, Production Machine, Gas Engine.

Moberly, Mo., (150), Welder, Draftsman, Meat Cutter, Machine Operator, Office Machine Service.

Concord, N.H., (20), Cook.

Concord, N.H., (20), Auto Mechanics.

Dallas, Pa. (12), Carpet Layer.

Huntsville, Tex., (160), Gas Engine Repair, Welder, Furniture Refinishing, Auto Body, Farm Equipment Mechanic, Auto Mechanic, Welder at Ferguson.

Rawlins, Wyo., (60), Auto Service Specialist, Carpenter, Lithography.

Fiscal 1970 (to date)

Location, number of trainees, and occupations:

The District of Columbia, (50), Clerical.

Bristol, Mass., (60), Auto Mechanic Repair.

Deer Island, Mass., (15), Accounting Clerk.

Deer Island, Mass., (15), Draftsman, Detail.

McNeil Island, Wash., (60), Inspector-General.

Plymouth, Mass., (24), Landscape Gardener.

Plymouth, Mass., (20), Auto Body Repair.

Summary

Number of Projects: 44.

Type of projects: two Federal, 5 County, 37 State.

Age range: 15–60+.

Trainees:	
Male	3,782
Female	143
Total	3,925

Types and numbers of various occupations: 44 different occupations; 146 courses—basic education, individual referrals.

CHAPTER THREE—INNOVATIVE FEATURES OF MANPOWER DEVELOPMENT AND TRAINING PROGRAMS

Since Manpower Development and Training Section 251 must seek as wide a variety of experiences as possible, the program has sought innovation in training programs within the field of corrections.

Programs for short-term institutions

Short-term institutions yield a challenge to educators in the development of a program befitting their particular needs. MDT has conducted pre-vocational, basic and remedial education within such institutions and the results have lead to the conclusion that there offerings are best for the short-termers. After release, many are referred to skill training under MDT. Sierra Conservation Camp, California, is an example of this type of program.

Varied programs

Institutions, where inmates have indeterminate sentences and widely varied abilities, present and even greater challenge. MDT has been able to set-up cluster-type programs which are geared to any ability level of an individual as well as presenting them with open-entry/open-ended training. This makes possible the individualization of programs. Kentucky Village is making use of this type training.

Utilization of various teaching methods

Conventional teaching methods and teaching machines are presently being evaluated quite carefully to determine their place in the various correctional settings.

Programmed Instruction can and is being used in correctional training as well as other MDT programs. Many programs have shown that Programmed Instruction is most successful when it is part of the curriculum, not the total curriculum. This is substantiated by (Murphy, 1969) when he states that "the need for an individualized program has already been established, and its extrinsic advantages have been indicated. Individualized work is very quiet work. A totally individualized program can have a built-in pall level in the same manner as does programming." There have been cases where this method of teaching has forsaken group interaction and a common understanding of common problems be they academic, vocational, or social. As Murphy continued, "the result is that an individualized instructional program can be a very dull program".

Involvement of teacher aides

Teacher corpsmen are presently being used in Buford, Georgia, and will soon be "tried" at Stillwater, Minnesota. Inmate teacher aides involving short-timers and long-termers are being incorporated into the program at Provo, Utah to see if the short-termers will continue after release and if long-termers will react in a more positive way toward their peers and possibly prepare for a career after release. To develop a cadre of men within the educational setting would be another desired effect.

Library involvement

A library program intergrated within the vocational curriculum is a feature being assessed in Florida. Just as the library can enhance an appreciation for English and Literature, so can the resources of the library be used to develop an appreciation of the occupation in which the inmate will be trained.

Specialized programs

Programs designed for specific inmate populations are being developed. Montana, which has a high rate of bad check passers in prison will design a program specifically for this group. Nevada, similarly, will develop a program for the American Indian, Kentucky for the moonshiner, Boston for the Spanish Speaking inmates (only 5% of the population is Spanish Speaking, but 45% commit traffic violations.) A program in Texas used the regular MDT skill center in Fort Worth to train the inmates from Tarrant County Jail in all occupations offered at the center.

Summary

There is no doubt that the overall purpose of MDT training for offenders is to determine whether or not training can aid in the reduction of recidivism. To date, reports from various programs have indicated a much lower recidivism rate among MDT trainees than non-trainees. Minnesota reported only 14% recidivists compared to 66% for the general population. These statistics are for other than first offenders.

The results of training, innovation, etc., will be compiled in order to develop guidelines for the conduct of a comprehensive program of training responsive to the needs of all inmates. What was presented here represents MDT's initial effort in corrections. It does not reflect the total correctional scene which involves many other agencies. It is hoped that by coordinating the expertise of each agency concerned with correctional training, a total rehabilitative approach can be established and effects long lasting.

REFERENCE ENTRIES

Strategies for Adult Basic Education. Perspective in Reading No. 11 Edited by Joseph A. Mangano, 82 pp.

Murphy G. *Individualizing Instruction in Adult Basic Education Programs*. Albany, New York, Adult Basic Education Program.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 641

Mr. CHURCH. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Missouri (Mr. Eagleton) be added as a cosponsor of amendment No. 641 to H.R. 16916, making appropriations for the Office of Education for the fiscal year ending June 30, 1971, and for other purposes.

The PRESIDING OFFICER (Mr. Saxbe). Without objection, it is so ordered.

AMENDMENT NO. 671

Mr. GRAVEL. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Ohio (Mr. Young), the Senator from Massachusetts (Mr. Kennedy), the Senator from Oklahoma (Mr. Harris), the Senator from California (Mr. Cranston), the Senator from New York (Mr. Goodell), the Senator from Michigan (Mr. Hart), the Senator from Hawaii (Mr. Inouye) and the Senator from Maine (Mr. Muskie) be added as a cosponsor of amendment No. 671 to H.R. 15628, to amend the Foreign Military Sales Act.

The PRESIDING OFFICER (Mr. Saxbe). Without objection, it is so ordered.

NOTICE OF HEARING BY SUBCOMMITTEE ON INDIAN AFFAIRS

Mr. McGOVERN. Mr. President, I wish to announce that the Subcommittee on Indian Affairs of the Committee on Interior and Insular Affairs has scheduled an open hearing for Thursday, July 9, on S. 750, to amend section 4 of the act of May 31, 1933 (48 Stat. 108), to add certain lands to the Wheeler Peak Wilderness, Carson National Forest, N. Mex., and for other purposes, and H.R. 471, to amend section 4 of the act of May 31, 1933 (48 Stat. 108). These bills relate to the Taos Indian Pueblo in the State of New Mexico.

The hearing will be held in room 3110, New Senate Office Building, beginning at 10 a.m. Anyone who may wish to appear at the hearing or submit a written statement in connection with the proposed legislation is requested to contact the staff of the Committee on Interior and Insular Affairs in order that proper arrangements may be made.

NOTICE OF HEARINGS ON ESTABLISHMENT OF A FEDERAL BROKER-DEALER INSURANCE CORPORATION

Mr. SPARKMAN. Mr. President, at the request of the Senator from New Jersey (Mr. WILLIAMS), I wish to announce that the Subcommittee on Securities of the Committee on Banking and Currency will meet on Thursday, June 18, 1970, to continue hearings on S. 2348, a bill to establish a Federal Broker-Dealer Insurance Corporation.

The hearing will be held at 2 p.m. in room 5302, New Senate Office Building.

SUMMARY FIRING OF JAMES E. ALLEN, JR., AS COMMISSIONER OF EDUCATION

Mr. PELL. Mr. President, I am deeply upset at the summary firing of James E. Allen, Jr., as Commissioner of Education. Jim Allen is a man of ability, honesty, and true distinction; a man whose objectives were the providing of an opportunity for the best possible education to all Americans, whether young or old, white or black, English or foreign-language speaking. The action itself was saddening, the manner in which it was done, one which I believe can only make more chaotic the present situation regarding the administration's commitment to Federal programs of support for education.

Mr. Allen brought to the job of Commissioner a great deal of expertise and deserved better than he received from those making policy for the administration. I must make special note that the reason given for his firing is an alleged lack of administrative ability rather than his views on school integration or intervention in Cambodia. I think this is perhaps an attempt to besmirch a man's reputation, one which I do not believe will be successful. Mr. Allen came to Washington from the position of commissioner of education for the State of New York, where, incidentally, he had a budget far greater than the Federal Office of Education. When he was being considered for the post of Commissioner, one of the strong points in his favor was his ability as an administrator.

It is true that there is a degree of administrative difficulty in both the Office of Education and in the parent Department of Health, Education, and Welfare. However, it should be recognized that these difficulties are an outgrowth of an administration which provides a mechanism whereby policy decisions are made by an Office of Budget and Planning, with the program office having virtually no input into those decisions. What is even more disconcerting is the fact that once a decision has been made, there have been many instances of low-level appointees circumventing these decisions by calls to friends in the White House and the Bureau of the Budget. This endemic leakage of authority from the Office of Education is also evidenced by the fact that there are presently approximately seven vacancies in major positions in the Office of Education. Competent people have declined to take these jobs, knowing the downgrading which the Office of Education has received in this administration.

Moreover, key management positions, erstwhile held by professional civil servants, have been left unfilled because political clearances have been required for what have been otherwise nonpolitical positions, thus further aggravating management difficulties within the Office of Education.

There is one other point growing out of yesterday's action which is most important to me as chairman of the Subcommittee on Education of the Senate Committee on Labor and Public Welfare. The administration has sent up a number of major education bills. One of the most important is that embodied in S. 3883, the Emergency School Aid Act of 1970. Last Tuesday we received testimony from then Secretary Finch, then Commissioner Allen, and other officials in the Department regarding this bill. Yet, how can we adopt a measure such as this, which provides for $350 million in discretionary funds, without receiving the testimony of the Secretary and Commissioner who would have responsibility for implementing that discretion? It would appear that our efforts of last Tuesday will have to be duplicated if we are going to get personal commitments on measures of this magnitude, and this applies to all the administration's proposals.

Finally, on a personal note, I know Mr. Allen came to Washington with high hopes and meaningful plans. He was rebuffed in his efforts to implement these plans, either by budgetary or political decisions—the former in the interest of a false economy and the latter in an attempt to placate those who would thwart our goal of equal educational opportunities for all children.

This is an administration which itself says, watch what we do, not what we say. The sad firing of Commissioner Allen is just one more indication that the rhetoric of support for education is just that, with very little real commitment. James E. Allen will always have my warmest personal respect and support in his future activities. I only hope his experience under this administration will not serve to make it even more impossible for us to get able administrators for the Federal Government.

EXPRESSING APPRECIATION TO DR. JAMES E. ALLEN—RESOLUTION ADOPTED BY SENATE COMMITTEE ON LABOR AND PUBLIC WELFARE

Mr. PELL. Mr. President, this morning a resolution was adopted by the Senate Committee on Labor and Public Welfare in executive session, expressing its appreciation to Dr. James E. Allen, outgoing Commissioner of Education and Assistant Secretary of Health, Education, and Welfare, for his outstanding service to American education and the young people of this Nation. I ask that it be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

Whereas, Dr. James E. Allen has served with integrity and with distinction as United States Commissioner of Education and as Assistant Secretary of Health, Education, and Welfare since his confirmation by the Senate on May 5, 1969;

Whereas, this Committee has jurisdiction over education and has had an opportunity to observe and work with Dr. Allen during his tenure as Commissioner and Assistant Secretary; and

Whereas, Dr. Allen, as Commissioner and as Assistant Secretary has earned the approbation of this Committee and his fellow citizens for his efforts to assure a quality education for all Americans, regardless of race or national origin:

Therefore, be it resolved,

That the Senate Committee on Labor and Public Welfare expresses to Dr. James E. Allen its appreciation for his outstanding service to American education and the young people of this nation as United States Commissioner of Education and Assistant Secretary of Health, Education, and Welfare.

THE FORTHCOMING RETIREMENT OF SENATOR WILLIAMS OF DELAWARE

Mr. MANSFIELD. Mr. President, a very interesting story appeared in the Wall Street Journal this morning in the column entitled "Politics and People," written by Alan L. Otten, and subtitled "Departing Conscience." It has to do with the voluntary retirement of our distinguished colleague the senior Senator from Delaware (Mr. WILLIAMS).

It is a very laudable article or column in some respects, not as laudable as I would like to see it in other respects, but on the whole a good column, and it is one which will bring a pang to many of us because, regardless of party, we all have a great deal of admiration for the integrity, perseverance, and bulldogging abilities of Senator JOHN WILLIAMS.

Therefore, with these inadequate but heartfelt words, I ask unanimous consent that this article be inserted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DEPARTING CONSCIENCE

(By Alan L. Otten)

WASHINGTON—When a new Senate meets in January, several present members will be missing—a few having quit, a few retired by the voters. None will leave a hole more uniquely difficult to fill than Republican John Williams of Delaware, who for almost 24 years has battled, often alone, for honesty and high ethical standards in Congress and the rest of Government.

Mr. Williams is leaving voluntarily—and in a way that demonstrates anew his claim to the title of "the conscience of the Senate." He is retiring at the end of this session not because of ill health or imminent defeat but as a matter of principle. Just turned 66, he would be 72 by the end of another term, and simply does not believe that he—or any Senator, judge, or other public official—should hold public office at that age.

"After 70, you just don't carry your share of the load," he argues earnestly. "You have to rely more and more on staff aides, and they become the ones who make the decisions, and there's a situation where the person making the decisions is not accountable to the people."

Retirement wasn't an easy choice. Though Mr. Williams avoids cocktail parties and other social functions, he loves the Senate, where he is now the third-ranking Republican behind George Aiken of Vermont and Milton Young of North Dakota. "If the Republicans won control of the Senate, I would be chairman of the Finance Committee, and I would have liked that very much," he concedes. "But above all, I would have liked to be chairman at an age when I could handle the job without question. It was tempting, but you just can't make exceptions to your principles."

Mr. Williams has always been a Senate anomaly. In a body of lettered men, he's a mere high-school graduate. Other Senators are handsome, articulate, extroverted; he is shy and gangling, the perfect country rube, a dreadful speaker whose almost-inaudible nasal sing-song has earned him another nickname, "Whispering Willie."

Most Senators held a series of lower offices; Mr. Williams, a small-town (but very successful, self-made) feed merchant and chicken farmer, was only briefly a member of the Millsboro town council before running for the Senate in 1946. (No other Republican wanted to take on the top popular Democratic incumbent; then, to everyone's surprise, the national tide against post-war controls carried Mr. Williams to victory.)

And where most Senators pursue from the start some favorite field such as foreign affairs or urban problems, the Senator from Delaware slipped by accident into his career as the nemesis of evil-doers. Constituents began complaining about undeserved delinquency notices from the Federal tax office in Wilmington; following up, he found his own name on the delinquent lists, and had canceled checks to prove that was an error. Closer investigation revealed the cashier had been systematically embezzling for almost seven years—and what really violated the Senator's strict Methodist morality was the way top officials seemed unconcerned and reluctant to act. "It planted in my mind the idea that things could be wrong, with little being done to correct them," he says, his thin lips drawing even tighter in disapproval.

This success started other leads coming his way, and he gradually built voluminous files and a network of tipsters. He exposed a mammoth tax-fixing ring in the Internal Revenue Service, excessive grain storage payments by the Commodity Credit Corp., shoddy practices in defense contracting. It was his disclosures that helped indict Billie Sol Estes and Bobby Baker. He battled—sometimes successfully, sometimes not—to reduce tax depletion allowances on oil, cut merchant marine subsidies, limit soil bank and other farm payments.

He managed it all, too, without the large staff, wide-open subpoenas and dramatic TV hearings that characterize most Congressional investigations. A confirmed loner, he checked out his leads himself or with the aid of his long-time secretary, and then, when he was sure he had the facts, he laid it all out in a thoroughly documented speech on the Senate floor.

Practicing what he preached, he refused all Government subsidies on his Delaware farms, and once embarrassed Senate colleagues by turning back unspent stationery funds. Repeatedly he has blocked proposals for Congressional pensions he considered extravagant.

A loyal Republican and consistent conservative on most domestic matters, he hasn't hesitated to hit GOP wrong-doing as hard as Democratic. He early called for Sherman Adams to quit as assistant to President Eisenhower, and last year opposed Clement Haynsworth for the Supreme Court as a man "insensitive to the expected requirements of judicial ethics." (He did, however, support the Carswell nomination.) When the Nixon Administration budget followed the previous practice of including trust fund income with other Government tax receipts, he blasted "sleight-of-hand bookkeeping."

This fall he will take his files back home to Millsboro, and spend a good amount of time weeding out references that might compromise any of his sources—men and women he has always scrupulously shielded. Then he hopes to make the files available for public inspection.

Beyond that, he won't discuss his post-Senate plans except to promise he will not take any other public post, elective or appointive. "If I were going to be in public service at that age, I'd rather stay here." He sold out his feed business some years back, but another business venture is certainly possible; "I come from a family," the Senator notes, "that believes there are a lot of ways to live without being on the public payroll." He will not, however, write a book; "I can't sit still that long."

He thinks well of his Senate colleagues—"human beings with the same frustrations and frailties as men in private life," but also "dedicated men, trying to do the best possible job." Perhaps most surprisingly, after 24 years of exposing misdeeds, "I am leaving with greater confidence in the overall integrity of mankind, and particularly the integrity of Government workers, than when I came in. I have seen so many men willing to gamble their own security, their family's security, with no possible gain, no possible recognition, just to correct a situation they considered wrong. It's been a tremendously reassuring experience."

MIDDLEBURY COLLEGE HONORS SENATOR AIKEN WITH DEGREE OF DOCTOR OF CIVIL LAW

Mr. MANSFIELD. Mr. President, the other day I had the privilege of inserting in the Record a copy of the commencement address made by the distinguished Senator from Vermont, Senator Aiken. At that time he received the degree of doctor of civil law. I have just been able to find the citation which was read prior to the awarding of the honorary degree, and I ask unanimous consent that the citation, which typifies this great man, this rock of granite from Vermont, be incorporated at this point in the Record.

There being no objection, the citation was ordered to be printed in the Record, as follows:

George D. Aiken, Doctor of Civil Law

Venerated and venerable Vermonter, as rugged as granite, as enduring as marble, he derives his power of statesmanship, not from electric or nuclear sources nor from political manipulation, but from a character of fierce integrity and shrewd independence which deeply trusts both man and nature. His pioneering, life-long love of wildflowers confirms his belief that like Voltaire's Candide, "we must cultivate our garden," in Vermont, not Vietnam. Acknowledged as neither hawk nor dove but wise old owl, he knows from a life's experience that there can perhaps be as much wit and wisdom learned in a red school house as in a white house. Vigorous protector of the environment and defender of individual rights, not vested interests, he seeks to heal the erosion of natural soil and national spirit. His farmer's instincts and kinship with Vermont's traditions recognize the need of the youthful educational community to help one's neighbors and old folks with their chores next fall by harvesting a fine political crop. He stands with Thucydides' ideal leader, Pericles: "We do not say that a man who takes no interest in politics is a man who minds his own business; we say that he has no business here at all." In a time of turmoil and torment, he understands that peace and patriotism are not irreconcilable ideals. Like Vermont's old poet laureate, her senior senator listens to youth in peaceful protest:

Now I am old my teachers are the young.
What can't be molded must be cracked and
sprung.

I strain at lessons fit to start a suture.

I go to school to youth to learn the future.

Auctoritate mihi a curatoribus Collegii Medioburghiensis commissa, te ad gradum Doctoris in Civili Legi, *honoris causa*, admitto.

JEANNETTE RANKIN IS 90 YEARS OLD

Mr. MANSFIELD. Mr. President, Jeannette Rankin is 90 years old. She served two terms, on two different occasions, as a Congresswoman from the First District of the State of Montana. She served during the First World War, and, I believe, with 56 others, voted her conscience against the declaration of war against the Central Powers.

She came back many years later, was elected in 1940, served in 1941 and 1942 in the House of Representatives, and was, I believe, the lone vote against the declaration of war against Germany, Italy, and the Empire of Japan, in the Second World War.

Regardless of one's feeling about Jeannette Rankin, one must give her credit for great courage and for great capability. She has done much for her country in her own way. She has advanced the cause of women a great deal. She was the first Congresswoman, and she served with distinction.

Jeannette Rankin was born in a small settlement near Missoula, now my hometown, when Montana was a territory. I do not want to give away the date of her birth, but as long as this is her 90th birthday, I am sure everyone can add, unless he has taken the "new math."

I did want to express ont he floor of the Senate my appreciation to Jeannette Rankin for her courage, her tenacity, and her perseverence down through the years, and to salute a great woman on her 90th birthday.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 919, 920, and 921, in that order.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

PURCHASE OF U.S. OBLIGATIONS UNDER FEDERAL RESERVE ACT

The bill (S. 3889) to amend section 14(b) of the Federal Reserve Act, as amended, to extend for 2 years the authority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 14(b) of the Federal Reserve Act, as amended (12 U.S.C. 355), is amended by striking out "July 1, 1970" and inserting in lieu thereof "July 1, 1972" and by striking out "June 30, 1970" and inserting in lieu thereof "June 30, 1972".

LILLIAN I. ANDERSON

The bill (H.R. 2012) to amend the act of October 25, 1949 (63 Stat. 1205), authorizing the Secretary of the Interior to convey a tract of land to Lillian I. Anderson, was considered, ordered to a third reading, read the third time, and passed.

EAST GREENACRES UNIT, RATHDRUM PRAIRIE PROJECT, IDAHO

The bill (H.R. 9854) to authorize the Secretary of the Interior to construct, operate, and maintain the East Greenacres unit, Rathdrum Prairie project, Idaho, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The Senate resumed the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, on the divided amendment, on the first half there be a limitation of 1 hour, the time to be equally divided between the Senator from Delaware (Mr. WILLIAMS) and the Senator from New York (Mr. JAVITS).

Mr. JAVITS. Mr. President, if the Senator will yield, not the Senator from New York. The manager of the bill.

Mr. MANSFIELD. And the manager of the bill, or whomever he may designate.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. JAVITS. The majority leader stated before that he was assuming the responsibility, in the absence of the manager of the bill. I am accepting that statement.

Mr. MANSFIELD. Yes, indeed.

Mr. JAVITS. And if the manager has some different views, I am sure that Senators will conform to the order.

Mr. MANSFIELD. Yes, it will be rectified.

The PRESIDING OFFICER. At what time is the time limitation to start?

Mr. MANSFIELD. At the conclusion of morning business tomorrow.

Mr. JAVITS. Mr. President, that relates only to sections 2, 3, and 4. There is no limitation on section 5.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The unanimous-consent agreement was subsequently reduced to writing, as follows:

Ordered, That further debate on the first division of the Williams (Delaware) amendment to strike (No. 666), to H.R. 15628, to amend the Foreign Military Sales Act, be limited to one hour to be equally divided and controlled by the Senator from Delaware (Mr. WILLIAMS) and the Senator from Idaho (Mr. CHURCH).

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR MURPHY TOMORROW

Mr. MANSFIELD. I ask unanimous consent that, after a very brief period for the transaction of morning business tomorrow, the distinguished Senator from California (Mr. MURPHY) be recognized for not to exceed 1½ hours.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR TYDINGS TOMORROW

Mr. MANSFIELD. I ask unanimous consent that, at the conclusion of the speech of the Senator from California, the distinguished Senator from Maryland (Mr. TYDINGS) be recognized for not to exceed 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. It is the intention that at the conclusion of the speech of the Senator from Maryland, time will begin to run on the pending amendment.

DISPOSITION OF CERTAIN FUNDS AWARDED TO THE TLINGIT AND HAIDA INDIANS OF ALASKA

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 12858.

The PRESIDING OFFICER (Mr. SAXBE) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 12858) to provide for the disposition of certain funds awarded to the Tlingit and Haida Indians, of Alaska, by a judgment entered by the Court of Claims against the United States, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MANSFIELD. I move that the Senate insist upon its amendment and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the presiding officer appointed Mr. MCGOVERN, Mr. METCALF, Mr. GRAVEL, Mr. FANNIN, and Mr. STEVENS conferees on the part of the Senate.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The Senate resumed the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

Mr. DOLE. Mr. President, the Senate has just taken a very significant step in the adoption of the amendment of the distinguished Senator from Montana, the majority leader (Mr. MANSFIELD) and other Members of this body, approving by a vote of 91 to 0. The amendment is of great significance.

For it demonstrates that the U.S. Senate has great confidence in President Nixon. It demonstrates that the Senate in no way questions the prior actions, the present actions, or perhaps the future actions of the President of the United States. Perhaps more importantly, it suggests that after almost 30 days of debate on the Church-Cooper resolution, the Senate, in its wisdom, has determined that it is not possible, even proper, to itemize the rights, powers, duties, and obligations of any President.

So as I indicated earlier today, this is a most significant development in the debate on the Church-Cooper resolution. The adoption of this amendment goes a long way toward satisfying many of the objections raised by those of us who have had reservations with reference to the Church-Cooper resolution.

I repeat, it demonstrates the confidence that this body has in the present occupant of the White House, and for that I am grateful.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. DOLE. I yield to the Senator from Wyoming.

Mr. HANSEN. Mr. President, I join with my distinguished colleague from Kansas. I was one of the several cosponsors of the amendment recently unanimously adopted by the Senate. I think that we had a very graphic demonstration here this afternoon of the wisdom incorporated in the rule which provides for unlimited debate in this body. I discerned a very much different attitude displayed here this afternoon than was clearly in evidence some time ago.

When we get down to debating realities of efforts on the part of the Senate and on the part of Congress to restrict the authority of the President as Commander in Chief of the Armed Forces of our country, if we are honest with ourselves, as I think we were today, we have to face the realities, and must recognize that it is extremely difficult, having vested, as we have through the Constitution, certain powers and authorities in the President, to make meaningful limitations on those powers through the legislative appropriative process here in the Senate.

As a consequence, I was extremely pleased and gratified, as is the Senator from Kansas, by the action taken by this body today.

I think, after all of the debate, after having heard every facet of this problem considered both pro and con, we realized, and our action this afternoon indicated very clearly our acceptance of the fact, that it would be extremely unwise, through the appropriative processes—

which are reserved to Congress by the Constitution—to attempt to limit the constitutional authority of the President to exercise his full authority as Commander in Chief.

So I share the pleasure and satisfaction that has been noted by my distinguished colleague from Kansas in taking note of the fact that, after the debate which has lasted now for several weeks, it was the unanimous opinion of the Members of this body present this afternoon, by that 91 to 0 vote, that we did not want to try to restrict the constitutional authority and the power that the President of the United States has in discharging his responsibility as Commander in Chief of the Armed Forces.

I thank my distinguished colleague.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. DOLE. I yield to the Senator from Colorado.

Mr. DOMINICK. I also add my endorsement to what the Senator has just said. I think that the problems we have had with this bill were pretty well brought out in the last series of debates, including the one which I had this afternoon on the interpretation of the language with my friend from Kentucky, my friend from Idaho, and the Senator from Vermont.

It seems perfectly apparent to me that there are a number of ambiguities which can arise under very foreseeable circumstances in the Asian theater, which could easily be applicable in other theaters of the world. So I was delighted to hear that we were going to accept unanimously the fact that the President is Commander in Chief, that he does have these powers constitutionally, and that he does have the obligation as well as the powers to try to do something toward the protection of American forces.

I agree with the Senator from Kansas and the Senator from Wyoming in their analysis of this vote, and I certainly hope it will give the President some encouragement as to our feeling for his responsibilities.

Mr. DOLE. I appreciate the comments of the Senator from Wyoming and the Senator from Colorado. To me, the vote was a clear-cut demonstration of unanimity with reference to the actions taken by the President to protect American forces and any future action the President might take to protect American forces. There has been a clear recognition of this fact on the Senate floor for the past several days by nearly every Senator, that we are not trying to restrict the President's right to protect American forces, we are not trying to restrict the President's right to order air strikes into Cambodia or some other country. We are not even attempting to restrict the President's right to go into some other country. After coming full tilt, after almost 30 days of debate, it would appear now that what was done today might well have been done 2 or 3 weeks ago, that we might have agreed on similar language earlier. But the debate has been helpful. It has illustrated concern in the Senate for our powers, rights, obligations, and duties under the Constitution.

In the matter of 2 or 3 weeks there has been a strong indication across the country that the President has certain rights, duties, obligations and powers, and that among those is the inherent right and power to protect American forces and American citizens wherever they may be.

The unanimous vote a few moments ago was a clear demonstration of unity, a clear demonstration that everyone in this body shares the hopes and aspirations of President Nixon that the war in Southeast Asia can be concluded and that it can be done without in any way impinging upon the rights of any President as Commander in Chief. So this has been a historic day in the Senate.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a telegram signed by 493 residents of Newton, Kans., supporting the President's rights and powers under the Constitution.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

NEWTON, KANS., *June 11, 1970.*

President RICHARD M. NIXON,
c/o Hon. ROBERT DOLE,
New Senate Office Building,
Washington, D.C.

Support the President Project Newton Jaycees Chairman Fred H. Nickel, Newton, Kansas.

We support and back the President's program in Cambodia for the protection of the U.S. troops in Vietnam. We oppose the restriction of the President, as Commander in Chief of the Armed Forces, from doing what is necessary to protect those troops. We support the President's Vietnamization program and the speedy withdrawal of our troops from Indochina. We wish you well.

Newton and area citizens: Edwards Abrahams, Adaline Abrahams, Moreland Williams, Keith Freebine, Robert Cornelius, Marydaul, Levern Bernhardt, George Rikea, Walter Harry, Delbert Beaudnink, G. D. Butcher, Marshall Kendrick, E. O. Smalley, Burl Dodds, Mrs. Merle Oliver, Marjorie Danner, Marion Danner, Harold Hartenberger.

Boyd White, Merlin Esau, W. H. Kennedy, Harlin Duerksen, Lowell Dodd, Bill Pfitzinger, Bonne Pfitzinger, R. Honras, J. Mitcham, B. R. Stiner, Barbara Koehn, Dale Glass, Myrtle Glass, Adrian Southern, Edward Southern, Audrey Southern, Ada Wyatt, Kathy Southern, Galen Townsend, C. Atkins, Jack Schmidt, D. Teel, M. Bean.

O. Allen, Gladys Bean, Frank Morse, Libbie Morse, H. Beach, Ross Hines, Fern Hines. Carl Grob, Mary Grob, Dennis Boor, Bill Gwinup, Morris, Hogan, Leslie Kemp, Pastor Bender, Mrs. Jim Vaugn, Mrs. E. D. Harms, Mrs. Dick Stineman, Brenda Bartel, Mrs. Roger Grant, Mrs. Ken Saxton, Mrs. Tom Swaney, Mrs. Tom Robertson.

Mrs. Allen Steeley, Mrs. Robert Moser, Mrs. Allen Tullberg, Mr. and Mrs. Ed Wahlers, Bazil Holstine, Sam Classen, Mr. and Mrs. Ned Ross, Kay Beutler, Art Reimer, Fred Nickel, Gary Warkentine, Mary Cornelius, Ralph Albertson, Mel Jantzen, Clifton Robinson, Warren Hockman, L. D. Sorrell, B. C. Moberley, W. H. Ashcraft, Phil Anderson.

Myrtle Folowel, Dacten Shive, H. A. Crum, Darwin Minnis, John Dunkelberger, James Decker, Robert Brown, Pauline Swickered, Art Turner, Marylee Brainerd, G. E. Blayock, Clif Overholt, Mrs. Robert Whomans, Mrs. M. A. Hawkins, Mr. A. W. Lauduck, Arle Des Combs, L. Hilderbrand, Winfred Bennett, Francis O. Shausaunty.

James L. Moffatt, Elmil Deschant, John Hobbs, Rita Parker, John R. Suderman, Deanna Spore, Doug Decker, Betsy Decker, Judy Diringer, Glenn Reed, Roy Smith, Carl Oswald, Marshall Pierce, Sandy Stephens, Roger Shields, Merle Burkhart, Ralph Owens, Arneta Owens, James Barber, L. Nelson.

Leonard Nelson, R. Miller, Lydia Williams, Ronald Orand, Mary Nickel, Frank Koehn, Roy Pletcher, Frances Decker, Pete Wiens, Richard Job, Leslie Monroe, Gary Wray, Ed Christians, Imogene Bishops, Martha Irskik, Florence Alliso, Melinda Nicholson, Bonnie Lee, Sherry Warren, Robert Warren, Katzie Jantz, Harold Kruze.

Helen Heeke, Raymond Heeke, Ricky Eason, Evelyn Klassen, Loren Kemph, Ronald Griffith, Phyllis Griffith, Kimberlyn Whitson, John Hobbs, Raymond Moulds, Walter McQuade, Virginia Sharrer, Mary Freeman, Louis Freeman, Bessie Luttrell, Nadine Brunner, Deboyse Windy, Richard Windy, Mrs. Kenneth Chapman.

Richard Schroeder, Larry Davis, Vera Williams, Barbara Williams, Barbara Chard, Mrs. Richard Oller, Clarence Corfman, Bessie Oller, Roy Beacham, Mrs. Fred Bragg, D. G. Sibley, Leo McChesney, P. J. Garnica, Dorothy Williams, Rebecca Schroder, Lehman Sorrell.

Billie Chard Jr., Mrs. Glenn Thomi, Rev. Glenn Thomi, Richard Oller, Ralph Beacham, Eloise Beacham, Maxine Stephenso, E. F. Stucky, Robert Edyeston, Sondra Fleet, Mike Oglesby, Paul Stapleton, Cecil Butler, G. E. Morford, Hoss Morford, Robert Lambert, Carl Burns, N. Bill Spach, Dick Birduss, Robert Moser, L. Richardson.

Elmer Carson, Marion Mayall, Gary Klufa, Sara Ratzlaff, K. Cherryholmes, C. Mills, Lloyd Lowler, Alice Smith, C. Palaciez, Mike Jones, Don Cotnes, Mike Stiver, Jan McClure, David Sump, Violet Wiggins, J. Fitzgerald, R. Wiggins, Arthur Unruh, Dave Potts, Jim Dicken, Dick Stineman, Ken Saxtox, Roger Grant, Tom Swaney, Jim Veughn.

Frank Spangler, Tom Roberson, Allen Stely, Jean Knoeker, Paul Dix, P. Potter, John McKinley, Pat Holmes, Clyde Holmes, Mr. and Mrs. H. Myrtle, Mr. and Mrs. Gordon Woof, Mr. and Mrs. Hazel Muerhoff, Dean Spencer, Patti Burnette, Olivia Arreola, Raul Arreola.

Mildred White, Roger Heitschmidt, Bill Pocock, Julie Juarez, Elsie Gonzolez, Jose Gonzoles, Mrs. Howard Miller, Howard Miller, Mrs. Frank Snark, Donald Werren, John Ashbaugh, M. J. McIcleus, Helen Weeds, Martha Peters, Augusta Klassen, Elizabeth Adams, Barbara Stout, Jarrell Jones, Bertha Casey, Ann Knoeken;

Mrs. John Bowers, Fred Puttroff, Mrs. C. Mitchell, Vernon Megli, Norman Chapman, Earl Beamgans, Charles Freeman, Eldon Marshall, Orville Preston, Eddy Meacham, E. Nuss, Allen Dean, Ralph Kroeber, E. Schelal, T. Spense, Roy Lichtenberger, W. Duby, Brock Baker, Frank Glenn, Fred Prouty, William Launhart, Guy Miles;

Hazel Abrahams, Hazel Pierce, A. Zook, R. Zook, Raymond Alexander, Gracie Prejean, Fred Spencer, Jerry Johnson, O. Hucksen, Drew Warren, E. Mathicks, L. Sparks, R. Thrasher, Elaine Wyman, C. E. Smith, Mrs. Carl Mills, B. K. Warren, K. L. Schlender, W. R. Kyle.

M. L. Foslowsky, Harold McCormick, R. A. Goldsmith, R. N. Stewart, Mrs. Norris Davis, Beaulah Stewart, Phillip Sharer, Lyle Powers, Jr., Richard Parsons, Gary Kisten, Mrs. Van Colvin, V. L. Perrill, John Frangrow, W. Anderson, Mrs. Faye Osborn, Edward Christains, Darrell Curfman, Mrs. Edwin Jantz, Agnes Dyck, Mike Jantz.

Ernest McKim, Olga Jeurez, L. Wilfening, Russell Martin, Daniel Stauth, Terry Myers, Jack Unruh, Cheryl Sparling, L. Boyd, H. Dick, L. Stahl, Ugo Olsen, Helen Noton, Stanley Ropp, C. Busenitz, Jean Holmberg, Larson Woelk, Ed Edwith, Dillard Lantl, John Wiebe, James Ryan, John Hobbs, Ann Goodall, Dick Yost, Don Grienbe.

Donald Schommer, John Wiebe, Homer

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Owery, W. H. Nelson, Carl Budde, James Duane Koehn, Bobby V. Oung, W. E. Classen, Ted Classen, Arnold Kim, Ed Harms, Melvin Grubb, Mary Grubb, M. Lehman, John Bowers, McCulley Ashlock, Jack Mar, Maxine Dickson, Gene Smith.

Hazel Kirk, Sharon Decker, Cheryl Walker, Cheryl Moore, Sheldon Detwiler, Tom Swaney, John Hall, K. L. Spoonemore, Judy Spoonemore, Robbie Feterman, R. Anduss, Jerry Killfoil, Clinton Thompson, Zella Gade, V. Steel, Bob Romer, Paul Gance, Paul Bean, Larry Gawthrop, E. V. Blow, T. V. Kruse, Carole Spore, Gene Price.

Ruby Wiebe, Henry Wiebe, Irvin Fast, Alice Fast, James Phillip, Eileen Unruh, V. Unruh, Everett Hull, Patricia Hull, Dena Hull, Herbert Brackeen, Irene Phillips, Debbie Rowland, W. Holdeman, S. Ashbaugh, Rex Brown, John Elix, Dene Keirson, Richard Hege, Kenneth Hamburger, Danny Odom, Donnell Green.

Clifford Mitchell, M. Daumann, Tony Becker, Janet Shepler, Robert Keinhardt, Frank Little, Dick Yost, G. McCall, Joe Higgens, Tom Beeman, Jesse Downey, J. Spellman, Roy Speaks, Donovan Schmidt, Ronald Worcester, Michael Tullan, Donald Walker, La Dean Ratslaff.

J. Hilderbrand, D. Cohn, W. J. Burke, Mr. and Mrs. M. H. Turnbutl, Howard Knox, Lou Walker, W. L. Mason, John Rothwell, Leland Moore, Harold Clark, Z. C. Leonida, Allen Tullbero, Marge Tullberg, Jim Klassen, Gale Klassen, H. R. Miller, Barbara Hollingshead,

Charles Hollinshead, Dick Krehniel, Wilma Unruhn, Jim Goering, La Anne Wiebe, Helen Janzen, Anna Janzen, Susan Krehbiel, Patti Krehbiel, D. A. Curt, Marchita Curtis, Rita Covalt, Alva Dieker, Mr. and Mrs. Dave Schrag, Mr. John Penner, Luelle Penner, Susie T. Schmidt, Elythe Cassil, H. F. Schmidt, Alvin Gossen,

Mervin Cassil, Ernest Baergen, Carrie Baergen, Marie Entz, Bertha Goossen, Irene Janzen, Rozella Wiebe, Dorothy Miller, John Wiebe, Geraldine Benton, James Allen, Myrtle Allen, Pearl Price, Lester Miller, S. D. Hartzle, John Unruh, Larry Rehmert, Ken Fisher, Robert Wiebe, Ruth Miller.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AN INVITATION TO VISIT FREDERICK, MD.

Mr. MATHIAS. Mr. President, I rise for a very happy purpose, the purpose of inviting the Members of the Senate and their families, the members of the Senate staff and their families, and, in fact, to issue a general invitation to visit the town of Frederick, Md., during the 225th anniversary of the founding of Frederick.

Well, now, Mr. President, Senators may ask, "Why should I visit Frederick, Md.?"

The reason I think Senators and everyone else would be interested in visiting Frederick, Md., during its historic 225th commemoration is that it is a community which represents so many of the qualities which have proved so valuable in American life and which would be of particular value to Americans in this decade in addressing themselves to the problems that face the country.

Frederick, Md., was founded in 1745. Almost immediately it came to the attention of the world because it was the scene of a summit conference during the French and Indian Wars in which the commander of the British Empire forces, General Braddock, met with colonial Governors, with Benjamin Franklin, and with Col. George Washington.

Twenty years later, Frederick was the scene of ferment during the Revolution. To use contemporary words, it was the scene of dissent and protest.

It is interesting that this was the dissent and protest of those who lived in that community. They did not wait for someone else to be told what was good or bad. They recognized the worth of important principles which were disturbing the American Colonies in the decade of the 1770's, and they reacted to those conditions.

The judges of the Frederick County Court took the first official action in what is now the United States of America; namely, to repeal the Stamp Act, by directing the clerk of the court to proceed to do business without the stamps which were required by act of Parliament. That was a formidable kind of dissent.

There was some excess in their protests. The people of colonial Frederick, in their revolutionary zeal, charged some of their compatriots with treason because they were Tories, and had them hanged, drawn, and quartered, which was the medieval punishment for treason in those days.

The human qualities of the people prevailed, however, and those excesses produced the reaction which excess always produces, in that the barbaric medieval punishment for treason was abolished from Frederick, Md.

John Greenleaf Whittier painted a picture of Barbara Frietchie, describing Frederick as the town in which "the clustered spires of Frederick stand green-walled by the hills of Maryland."

Frederick is the town which gave to the soldiers of the Union, in the Civil War, the image of Barbara Frietchie.

There are those who would dispute the exact historical accuracy of John Greenleaf Whittier's ballad of Barbara Frietchie, but the accuracy of the facts has nothing to do with the vision of courage, patriotism, and loyalty that was presented to the soldiers of the Union during some of the dark days of the Civil War.

During that same period, the people of Frederick were participants in many of the exciting activities of the time, such as the ransom of the town by Jubal Early, the duels fought by Gen. Wade Hampton, and the nearby battle of Monocacy, in which a small group of determined men proved, even in defeat, that they could win a victory by steadfastness and thereby save the Nation's Capital from raid and, perhaps, ruin.

There is, Mr. President, visible evidence of this long history still available in Frederick. It is a part of a changing world that is much unchanged.

I, therefore, believe that Members of the Senate will find much inspiration and much strength from a visit to Frederick during its 225th anniversary.

In this connection, I ask unanimous consent to have printed in the Record a short statement by Stuart S. Janney III, outlining some of the events scheduled during Frederick's 225th anniversary commemoration.

There being no objection the statement was ordered to be printed in the Record, as follows:

THE 225TH ANNIVERSARY OF THE FOUNDING OF FREDERICK, MD.

(By Stuart S. Janney, III)

Frederick in the past has provided leadership and support for the great movements of our country. As early as 1765 Frederick repudiated the British tax stamp. This was prior to the Boston Tea Party. Almost exactly one hundred years later, Frederick banks paid a ransom of $200,000 to General Jubal Early's troops shortly before the Battle of Monocacy. These two events delayed Confederate troops long enough to allow fortification of Washington. In the years following, the city of Frederick reimbursed the banks. I have proposed a bill now before the Congress which would repay the city of Frederick for the service they rendered our Union.

The people of Frederick have planned tours and activities June 8 through 14 to make the anniversary as meaningful and interesting as possible. The tours will include the home of Barbara Frietchie, the grave of Francis Scott Key, the home of Chief Justice Roger Brooke Taney, Rose Hill Manor, the Hessian Barracks, Court House park and vicinity, the Historical Home and Museum, Steiner House, Visitation Convent Gardens, and many of Frederick's famed churches, which form the "Clustered Spires."

All the people of Frederick are to be congratulated for their efforts. I would like to specifically thank Mr. Glenn Moore Rice, Alderman and Chairman of the City's celebration; Mrs. Charles S. V. Sanner, Chairman of Bell and History Days; Mr. Bernard Callan, Jr., Coordinator; Mrs. William Moore, Mrs. William Hobson, and Mrs. Sperry Storm, in charge of Hostesses; Mr. M. Croghan and Mr. Myron Randall, in charge of publicity; Mr. Ronald House, Treasurer; Mrs. Robert Swansen, Ticket Chairman; those presenting the pageant, written by Joseph Twiner, directed by Col. Richard Clendenin, and produced by Mr. and Mrs. Otho Barnett; Thomas Poss, in charge of Craft; Richard Hammond, President of the Chamber of Commerce; Jack Doll, Transportation; Charles Main, Chief of Police; George Schroeder and H. David Hagan, Bell Ringers; H. Thomas Summers and C. Lease Buzzard, in charge of Taney House and Rose Hill Manor.

As we approach the bicentennial of our country and become more aware of our heritage, a trip to Frederick during these anniversary days would be both a pleasurable and educational experience.

TRIBUTE TO SENATOR WILLIAMS OF DELAWARE

Mr. JAVITS. Mr. President, a laudatory and well-deserved article regarding our colleague from Delaware, Mr. Williams, who has announced his retirement from the Senate, is published today in the Wall Street Journal.

The article is published under the headline "Politics and People," and is written by Alan L. Otten, entitled "Departing Conscience."

I ask unanimous consent to have it printed in the Record.

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There being no objection the article was ordered to be printed in the Record, as follows:

[From the Wall Street Journal, June 11, 1970]

Politics and People: Departing Conscience

(By Alan L. Otten)

Washington.—When a new Senate meets in January, several present members will be missing—a few having quit, a few retired by the voters. None will leave a hole more uniquely difficult to fill than Republican John Williams of Delaware, who for almost 24 years has battled, often alone, for honesty and high ethical standards in Congress and the rest of Government.

Mr. Williams is leaving voluntarily—and in a way that demonstrates anew his claim to the title of "the conscience of the Senate." He is retiring at the end of this session not because of ill health or imminent defeat but as a matter of principle. Just turned 66, he would be 72 by the end of another term, and simply does not believe that he—or any Senator, judge, or other public official—should hold public office at that age.

"After 70, you just don't carry your share of the load," he argues earnestly. "You have to rely more and more on staff aides, and they become the ones who make the decisions, and there's a situation where the person making the decisions is not accountable to the people."

Retirement wasn't an easy choice. Though Mr. Williams avoids cocktail parties and other social functions, he loves the Senate, where he is now the third-ranking Republican behind George Aiken of Vermont and Milton Young of North Dakota. "If the Republicans won control of the Senate, I would be chairman of the Finance Committee, and I would have liked that very much," he concedes. "But above all, I would have liked to be chairman at an age when I could handle the job without question. It was tempting, but you just can't make exceptions to your principles."

Mr. Williams has always been a Senate anomaly. In a body of lettered men, he's a mere high-school graduate. Other Senators are handsome, articulate, extroverted; he is shy and gangling, the perfect country rube, a dreadful speaker whose almost-inaudible nasal sing-song has earned him another nickname, "Whispering Willie."

Most Senators held a series of lower officers; Mr. Williams, a small-town (but very successful, self-made) feed merchant and chicken farmer, was only briefly a member of the Millsboro town council before running for the Senate in 1946. (No other Republican wanted to take on the top popular Democratic incumbent; then, to everyone's surprise, the national tide against post-war controls carried Mr. Williams to victory.)

And where most Senators pursue from the start some favorite field such as foreign affairs or urban problems, the Senator from Delaware slipped by accident into his career as the nemesis of evil-doers. Constituents began complaining about undeserved delinquency notices from the Federal tax office in Wilmington; following up, he found his own name on the delinquent lists, and had canceled checks to prove that was an error. Closer investigation revealed the cashier had been systematically embezzling for almost seven years—and what really violated the Senator's strict Methodist morality was the way top officials seemed unconcerned and reluctant to act. "It planted in my mind the idea that things could be wrong, with little being done to correct them," he says, his thin lips drawing even tighter in disapproval.

This success started other leads coming his way, and he gradually built voluminous files and a network of tipsters. He exposed a mammoth tax-fixing ring in the Internal Revenue Service, excessive grain storage payments by the Commodity Credit Corp., shoddy practices in defense contracting. It was his disclosures that helped indict Billie Sol Estes and Bobby Baker. He battled—sometimes successfully, sometimes not—to reduce tax depletion allowances on oil, cut merchant marine subsidies, limit soil bank and other farm payments.

He managed it all, too, without the large staff, wide-open subpoenas and dramatic TV hearings that characterize most Congressional investigations. A confirmed loner, he checked out his leads himself or with the aid of his long-time secretary, and then, when he was sure he had the facts, he laid it all out in a thoroughly documented speech on the Senate floor.

Practicing what he preached, he refused all Government subsidies on his Delaware farms, and once embarrassed Senate colleagues by turning back unspent stationery funds. Repeatedly he has blocked proposals for Congressional pensions he considered extravagant.

A loyal Republican and consistent conservative on most domestic matters, he hasn't hesitated to hit GOP wrong-doing as hard as Democratics. He early called for Sherman Adams to quit as assistant to President Eisenhower, and last year opposed Clement Haynsworth for the Supreme Court as a man "insensitive to the expected requirements of judicial ethics." (He did, however, support the Carswell nomination.) When the Nizon Administration budget followed the previous practice of including trust fund income with other Government tax receipts, he blasted "sleight-of-hand bookkeeping."

This fall he will take his files back home to Millsboro, and spend a good amount of time weeding out references that might compromise any of his sources—men and women he has always scrupulously shielded. Then he hopes to make the files available for public inspection.

Beyond that, he don't discuss his post-Senate plans except to promise he will not take any other public post, elective or appointive. "If I were going to be in public service at that age, I'd rather stay here." He sold out his feed business some years back, but another business venture is certainly possible; "I come from a family," the Senator notes, "that believes there are a lot of ways to live without being on the public payroll." He will not, however, write a book; "I can't sit still that long."

He thinks well of his Senate colleagues—"human beings with the same frustrations and frailties as men in private life," but also "dedicated men, trying to do the best possible job." Perhaps most surprisingly, after 24 years of exposing misdeeds, "I am leaving with greater confidence in the overall integrity of mankind, and particularly the integrity of Government workers, than when I came in. I have seen so many men willing to gamble their own security, their family's security, with no possible gain, no possible recognition, just to correct a situation they considered wrong. It's been a tremendously reassuring experience."

ADDITIONAL STATEMENTS OF SENATORS

CORRECTIVE TREATMENT—NOT DRASTIC SURGERY NEEDED IN PRESIDENTIAL ELECTIONS

Mr. HRUSKA. Mr. President, in the past few days the results of a certain primary election have caused some Senators to raise again the specter of a constitutional crisis in 1972 if the electoral college is not abandoned in favor of direct election of the President. The Senate will have an opportunity to discuss this question when Senate Joint Resolution 1 is called up later in this sesson. At that time I expect to have a few words to say with regard to direct election. At present six of us on the Judiciary Committee are preparing minority views on that resolution; views that I hope will make a strong case for the defeat of direct election.

So far the debate on electoral reform, in my judgment, has been too circumscribed. The proponents of constitutional change have a heavy burden of proof to carry if they are to convince our Nation that it should abandon a manner of selection of our Chief Executive which has functioned so well for almost 200 years. The great glare of publicity has focused on what would happen should no electoral college majority develop for one candidate. An event which has never happened, I might add. Too little attention has been given to the radical changes direct election would have on many aspects of our political system. What would happen to the two-party system? To the federal system? What changes would occur in our campaigning and nominating processes?

What effect would all of these matters have on the nature of the Presidency and on the identity of the men to hold that office? These are questions for which we have no definite answers at this time. These are questions that the proponents of direct election either ignore or claim have no importance. I could not disagree more. The Presidency is the capstone of our federal system. Any proposal which will radically affect this office must be scrutinized with great care. It is my belief that direct election of the President has not received the thoughtful examination it needs before it is submitted to the States for ratification.

In this regard, a speech given by the distinguished junior Senator from Colorado has recently come to my attention. Because I think this address is an examination of some of the issues I have been discussing, I ask unanimous consent that it be placed in the Record so that we may all have the benefit of his thinking. Calling direct election "drastic surgery" on a patient which at most needs only corrective treatment, Senator Dominick makes a clear case for rejection of Senate Joint Resolution 1. I also ask unanimous consent that a statement by Senator Dominick before the subcommittee on constitutional amendments be likewise printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Remarks on Electoral Reform Prepared by Senator Peter H. Dominick for the Ninth Annual Seminar on Breast Cancer

During the campaign of 1968, you could not pick up a newspaper or magazine on any given day that did not contain an article about the possibility of a deadlock in the presidential election. At one point in the early summer, when George Wallace had made a particularly strong showing in the polls, a feature length article appeared in a national weekly magazine. It was fiction, written as if the election were over. No one had gotten a majority in the Electoral College and the issue had been sent to

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Congress. The House was deadlocked in determining the President, and the Senate, with a Democratic majority, had elected the former Senator Robert Kennedy as Vice President, who had taken office. The article ended leaving the country without a President. The story read like an Allen Drury novel with one Constitutional crisis after another. It was as good as a best seller.

It was fiction. No crisis occurred. Since that time, many have said "but it could have happened." Not only did it not happen, it has never occurred in 180 years. This is not mere chance. The very nature of our political system tends to prevent such a crisis. One of the principal factors working against anything like this happening is the two party system. Another principal factor is the electoral process itself.

In any close election with a strong third party candidate there is the possibility that the election will be thrown into the House of Representatives where there is always the possibility of a deadlock. There is the possibility of an elector not voting the way his state voted. There is a possibility that the candidate receiving the most electoral votes might not receive the most popular votes. None of these have occurred in this century, though we have had three close elections in the last twenty years.

Only two elections have been thrown to the House—in 1800 and in 1824. Both times as a result of highly unusual circumstances. Out of almost 16,000 electoral votes cast in this country, only five were cast "against instructions." We have had only one President elected by the electoral college who did not receive the most popular votes. This was in 1888. Nevertheless there is a strong movement to throw out the Electoral College and institute a direct popular vote system. In a close election under direct popular vote, however, a difference of a few hundred thousand votes out of over 70 million cast is for all intents and purposes, a deadlock. Kennedy won by about 112,000 votes in 1960, and Nixon by about 510,000 in 1968. Recounts, which would surely result would cause long delays in determining a winner. Few people give the system credit for having prevented these terrible occurrences. Very few have discussed the same problems which would probably occur under a system of direct election of the President.

You are medical men, highly trained in your profession. You do not recommend or perform major surgery, with all its hazards, unless there are no alternatives. The life of your patient depends on your knowledge and judgment. The more you know about the physical and mental health of your patient, the better you can diagnose his illness and do that which is necessary to cure that problem. You do not indiscriminately treat the patient with drastic methods on the mere possibility he might have something wrong.

This evening I would like to discuss some adverse reactions that could occur if drastic surgery is performed on our electoral process. I would like to discuss some facts which will diagnose the strengths of our present electoral system and some clear, known illnesses that can be effectively treated and cured without performing a lobotomy.

Supporters of the direct popular vote cite a few weaknesses of the present system, then use these as justification for scraping the entire system for one which is purely theoretical. On pure theory, arithmetic and a dogmatic devotion to simple majority rule, the direct popular vote is held up as a cure-all.

Nothing is said of the crisis and problems which would be created by a direct popular vote. If we are going to replace a system that has developed over a period of 180 years and that has produced a President able to govern this country in each of 46 elections, we should know the theoretical and practical hazards of the process replacing it. It has done the job for which it was designed. In a close election, the direct popular vote may well be more prone to failure and chaos.

We are all familiar with the stories about a possible deadlock during the 1968 elections. Let me briefly tell a story about that election, a fictional story, as it might be conducted under a direct popular vote system, requiring a 40% plurality to win, with a run-off between the top two finishers if neither received 40% of the vote.

THE SCENARIO

Senator Eugene McCarthy has been rejected by the Democratic Convention, but believes the country still needs a "peace" candidate. He would have had no chance of gaining even one electoral vote under the present system. There are already three candidates. Wallace might get 13–14% of the vote. Nixon might get 38–39%. Humphrey and McCarthy would split the rest, and it could well be Nixon-McCarthy in a run-off rather than Nixon-Humphrey. He enters the race.

Nelson Rockefeller, seeing McCarthy take the plunge, decides he also has a chance. He reasons that many do not favor Nixon, but are equally unimpressed with Humphrey and are even afraid of Wallace and his ultraconservative views. What they want is someone who is progressive, but not too liberal. A press conference is called in Albany. Now there are five.

This logic now impresses those conservatives who supported Ronald Reagan in Miami. If Nixon wins, he will surely run again in 1972. There will be no chance for the conservatives until 1976. Reagan will be 65, and can't be Governor of the Nation's most populous State forever, certainly not beyond 1974. With a roar from Dodger Stadium in Los Angeles, Reagan is in the running. We have six major candidates, with several others, including yippies and women's liberationists.

Such a scenario was suggested by *Time Magazine* in the May 4, 1970 issue in an essay entitled, "How Not to Elect A President."

I would like to carry this plot a few steps further.

The election is held on the first Tuesday in October. We have had to move the election back to allow time for a run-off, if necessary. Mr. Nixon receives 39% of the vote. Mr. Humphrey receives 20% of the vote, and Mr. McCarthy also receive 20%. Wallace receives 13%, and the others, 8%. Over 70 million votes are cast, and only 50,000 votes separate Humphrey and McCarthy. Humphrey leads, but McCarthy requests a recount in Illinois, because of alleged irregularities in Cook County, and in Massachusetts, since Humphrey piled up his largest plurality in that State. Humphrey asks for a recount in California. Finally, a nationwide recount is necessary. It will take time to recount some 36 million votes.

Then, an action is filed in Kentucky and Georgia challenging the validity of their votes. Georgia and Kentucky allow 18 year olds to vote. Congress passed a law allowing 18 year olds to vote, but such a denial in other states raises a Constitutional question of the validity of that law. No court fights are started on allegations of fraud, but some challenges are still pending because of Federal certification of candidates who had not complied with some state laws. Irregularities are charged because Wallace was listed as the Democratic candidate in Alabama. Since the Constitution does not provide for political parties, the states can still require such listings by State law. The Supreme Court will have to sort that one out. Many voters complain because they couldn't get to both Federal voting booths and State voting booths, and if they did, the ballots were different and confusing. Let's also assume the student riots are involved in protesting Federal Marshalls monitoring the voting at the Federal polls. Some polls were shut down because of the demonstrations, but most were re-opened before official closing times.

Assuming all of these problems are resolved, Nixon and Humphrey are now in a run-off and the campaign is on again. The general election was the first Tuesday in October, but the Democratic candidate was not determined until November 15th, and the run-off is the first Tuesday in December. Humphrey complains that Nixon has been campaigning for six weeks. He filed an injunction in each Federal District Court in the country to prevent any campaigning until the number two man had been determined. The injunctions were based on "equal time provisions", but some courts went one way, and some went the other. The appeals were on their way to the Supreme Court, but were just not in time.

There is a run-off. Nixon receives 50.01% of the vote. Humphrey receives 49.99% of the vote. Less than 150 thousand votes separate the candidates and recounts start again.

January 20th rolls around, and there is no clear winner. The country has no President.

Amendments are being offered to the direct popular vote because besides the problems I have hypothesized, this system is extremely expensive. These amendments would require a joint session of the House and Senate to vote on a candidate, if no one received at least 40% of the vote.

Assume the same facts with Nixon and Humphrey receiving the most votes, but neither gets 40%. Nixon received 39% of the vote. Humphrey received 38%. Both the House and Senate are controlled by the Democratic Party who elect Humphrey. He is clearly a minority President. He did not receive the most popular votes.

We can add scenarios of Wallaoe dealing with Nixon to throw him his support in the run-off in return for concessions in the South and a Cabinet position.

Mass demonstrations are conducted in Washington, and on college campuses across the Nation in protest of an archaic system of bureaucratic government. The Government is paralyzed. There is no effective leadership. National Guard troops are called out by the Governors, but there are no Federal troops called up because there is no Commander-in-Chief.

This story can go on and on. I do not pose this as a scare tactic. I think it is apparent there are serious problems in the direct system because it would require changes in every level of our political structure. Congress could not legislate away all the problems and if it could, it may result in Federal controls and requirements not desirable. Nothing can avoid the chaos that could result from recounts and court fights. The prize is too big. There are no electoral votes to determine a winner. Part of the problem may be the present system has worked so well, in fact, without any adverse results for almost 100 years, that we assume change is simple and wouldn't affect political parties, our states, or our large cities. The fact of the matter is, it would change our political system.

A direct popular election will require Federal legislation setting up uniform voter qualifications, some Federal process for certifying candidates and establishing uniform ballots. Arrangements would have to be made for Federal monitoring of the election since all of these other people would still be needed to run the state system, and a conflict might be created. These are some of the practical political problems.

Now we have a Federal system with a balance between the States and the Federal Government. I personally feel it is essential to retain the Federal-State relationship. The alternative is actually a Federal-city complex under the direct popular vote because of the concentrations of large populations in a few major cities. Some may disagree whether this

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result is good or bad, but the practical problems such a system creates are almost insurmountable and could well be dangerous.

In my story, I covered two major arguments proposed by supporters of the direct popular vote and illustrated how the same could occur under any system—the possibilities that the present system might end in a deadlock or might elect a President who did not receive the most popular votes. One of the major factors in the strength of our present election method is the two party system.

There is a distinct hazard that the direct popular vote will weaken the two party system by encouraging splinter candidates. The greater number of prominent candidates in the general election under any system, the greater chance that it will break down. The closer the election, the greater likelihood of problems. If we have both close races and several strong candidates, the odds go up that the system will "misfire", so to speak.

I would like to discuss one of the other major arguments used by proponents of direct popular vote.

It is charged that under the direct system, everyone's vote counts the same. We vote as a Nation. One-man-one-vote. Now, supposedly, the small States have an advantage because they get more electoral votes compared to the population of the State. The essence of this argument is that fewer people have a greater proportional effect on the outcome. I can show you many statistics showing Colorado residents lose some of their voting power under a direct popular vote. As the Senator from Colorado, I feel it is not my duty to dilute the influence of the people who elected me. Be that as it may, the theory that everyone would have an equal vote is just not true under the present system, or any proposed system including direct popular vote.

The direct popular vote and the one-man-one-vote rule in based on a purely arithmetic or numerical system of politics. Everyone is just a number, and we add up the total. This is an exceedingly simplistic theory that has no foundation in reality. At the risk of sounding pompous, I feel the people who elected me are more than mere numbers. People also reflect regional needs and opinions. The Rocky Mountain West doesn't have the same problems or the need for the same solutions to those problems as the East Coast area of Boston-New York-Washington. The direct popular vote can completely neutralize the wishes and desires of a greater number of people of a larger region of the country to the wishes of a few in one small area of the country, just as can the present system. I guess it really comes down to who gains and who loses.

Let me give you an example from the 1968 election if the direct popular vote had been in effect. It must be realized in a pure numerical system, such as direct popular vote, even the total vote is not important. Only the net difference of votes between the top two finishers is important. Only the plurality is important.

Seventeen small states each gave pluralities to Nixon in 1968. These states are Alabama, Arizona, Colorado, Delaware, Idaho, Missouri, Montana, Nevada, New Mexico, New Hampshire, North Dakota, Oregon, South Dakota, Utah, Vermont, Wisconsin, and Wyoming. These include the entire Rocky Mountain region. These states cast 84 electoral votes for Nixon. The total votes cast for Nixon and Humphrey were 7,760,875. The total plurality for Nixon in those states was 691,197 votes.

The State of Massachusetts cast 14 electoral votes for Humphrey. A total of 2,236,062 votes were cast in Massachusetts. The total plurality for Humphrey was 702,374. By a margin of 11,177 votes, Massachusetts completely nullified the choice of the majority of the people in 17 states. Including one whole region of the country. The 1,469,218 people voting for Humphrey in Massachusetts nullified the votes of 4,226,036 people in 17 other states.

The criteria under direct popular vote is not just who wön in a certain state or city, but by how much he won.

Candidates are going to concentrate their campaigns in those areas where they can achieve the greatest margin of victory. They will necessarily reflect the views of that area. There is certainly a community of interest in the major metropolitan areas just as there is in rural farming areas. The urban-rural conflict has been with us for a long time, but the large cities can easily out vote the rural areas. Presidential candidates, under a direct popular vote system, will certainly appreciate your vote in Colorado, but the odds are better for them in Massachusetts or New York or Chicago or Los Angeles. They must favor those areas which can give them the most votes and those areas are the big cities. Candidates only have to hold their own in the Rocky Mountain area or Colorado.

There are many other problems created by the direct popular vote, but I wanted to clearly illustrate that three major arguments used against the present system are just as applicable to the direct popular vote. Certainly there could be some improvement of the present system.

I feel quite strongly we should find a better alternative than to throw the election into the House, ballots to be cast State by State.

A joint session of the House and Senate with each member voting individually seems much better.

We could easily eliminate our electors, as such. Let the electoral votes be case automatically by the State. No one, and certainly those of us fortunate enough to held public office, seriously believes the American people are incapable of exercising their own judgment. We don't want a "faithless elector" voting for someone the majority of the people of Colorado did not support.

I also feel it would be better to eliminate the unit rule where a State casts all its ballots for the winning candidate whether he won by a margin of one vote or 100,000 votes. I personally favor casting electoral votes by Congressional Districts with each State having two votes representing its Senatorial seats.

As a practical matter, the States can cast their electoral ballots on a district or proportional basis if they pass a law to that effect. Maine, in effect, casts ballots on a district basis now.

There is no simple sure fire method of electing the President. In any close election with more than two candidates, there is the clear danger of failure to elect someone on the first vote. I feel this danger is much greater under direct popular vote than under the present system. Lowering the plurality required to 40% will not save the direct popular vote system. It lowers the odds of failure slightly. That is all.

The present system can be improved and reformed. It has worked well, however, and should not be thrown away. Don't be deceived by the popular cry for direct vote for the Presidency. It could destroy the two party system and result in a leaderless country.

STATEMENT OF SENATOR PETER H. DOMINICK BEFORE THE SENATE SUBCOMMITTEE ON CONSTITUTIONAL AMENDMENTS JANUARY 23, 1969—ELECTORAL COLLEGE REFORMS

Thank you Mr. Chairman, my fellow colleagues on the Subcommittee. Thank you for allowing me the opportunity of appearing before you.

The recent election has raised more strongly than ever the general demands for reform of our Electoral System. The manner of selection of the highest Executive office in this land has come under severe criticism from broad elements across our Nation. The interest in Colorado is great. I would like to express some of my views to the Subcommittee as I see the relationship of the smaller Western States to this problem and particularly the relationship of Colorado.

As the Committee is aware, I am a co-sponsor of both Senator Mundt's district plan and Senator Ervin's and Senator Sparkman's proportional plan. I am strongly opposed to complete abolition of the Electoral System at this point in our Nation's history, but I do favor revisions in that system. There is no clear indication that abolition of the system is necessary in order to correct the primary objections. This may be likened to cutting off a head to cure a ruptured appendix. Any plan calling for direct popular election is fraught with difficulties which may prevent its ratification by three fourths (3/4) of the states. Certain reforms are clearly necessary such as the problem of the "faithless elector" and the contingent election of a President and Vice President by the separate houses of Congress. The Unit Rule of casting electoral votes should also come under intensive scrutiny by this Subcommittee, as I am confident it will.

I desire to point out to this Subcommittee at the outset of my basic objection to any plan adopting a direct popular vote.

Such a plan will give the Federal-City complex an even greater influence and control of the election of the President and Vice President and reduce substantially the influence of the smaller states. The present system is weighted in favor of the large industrial states and particularly the major seven states of California, New York, Pennsylvania, Ohio, Illinois, Texas, and Michigan. The direct popular vote would give greater influence to the major urban cities in those and other states. Such influence would attract those interested largely in power. Certain of those cities now are, or have been in the past, controlled by city "bosses" who pledge to "deliver" the vote for candidates of their choice and who have the machinery to do so. Tammany Hall still exists though such men as Carmen de Sapio are gone from those Halls. This contingency is a serious threat to the smaller states as many do not have total population equal to that of one of the major cities such as Los Angeles, Chicago, or New York.

Because of the demands on a major candidate's time, and the expense of a national campaign, these smaller states not only may not see or hear the major candidate, but also television and press coverage may be more limited. Millions were spent on the Presidential campaign in 1968. I fear much more will have to be spent in a direct popular election. The key to any direct popular vote plan is a fully informed electorate. The best medium appears to be television and such time, as we well know, is very expensive. Campaign expenses must be dealt with extensively to make such plan fair and representative.

I am sure this Subcommittee is aware of these problems.

Further, each of us as members of Congress must proceed with great caution not to upset drastically the balance of influence between the smaller states and the large urban centers. The direct popular vote plan with its increased influence through a Federal-City complex cannot, at this point in our history, maintain the delicate checks and balances between the smaller states and the larger states. This is not a state sovereignty vs. Federal Government problem, but a shift of influence from the large state to the large city. The large urban city is more subject to control by "political machines". Under the present system, as well as the proposed district and proportional plans, the out-state areas can still exert balancing influence on the large urban centers because they do not lend themselves as readily to central political control. Regional and rural influences may still be heard. Although any system is weighted to favor the large populous areas, we should not totally ignore the historical development of our Presidential election machinery which maintains a modicum of balance between large and small states.

Reform, however, is necessary and vital to the stability of our electoral process. This Congress will hopefully correct the serious threats and criticisms of our process.

These principal threats are:

1. Correcting and eliminating the hazard of the "faithless elector" or a group of such electors acting in concert.

2. Devising an alternative means of electing a President in the event of a tie or lack of a majority or plurality of the electoral vote. This would involve a run-off election or a joint session of the House and Senate voting as individual members for a President and Vice President together. The possibility of a deadlock, delay, or a Vice President from the opposite political persuasion is not relished by any segment of our society.

3. Revision of the Unit Rule concept of casting electoral ballots. Such gross disenfranchisement of a great segment of the voters cannot be condoned.

4. Insuring that the nominee of a party be listed at the head of his party ballot in every state.

The first practical problem presented by a direct popular vote plan is Federalization of voting requisites regarding age. Such requisites are now controlled by the states, and range from 18 years to 21 years of age. The issue presented is not the Constitutional issue of 18-year-olds voting. As the Senators are aware, I have been a strong proponent of reducing the voting age to 18 years of age and making this standard across our Nation. Differential in age limitations, it seems to me, is as discriminatory as race limitations. The problem is obtaining ratification from the necessary three-fourths (¾) majority of the states. I would despair to see the needed reforms just mentioned fail because of this related problem. I would suggest to the Senators that the smaller states' concern with the Federal-City complex and the threat of control by "city bosses" and political machines with the resultant further erosion of the small states' influence on the election of the President in the direct popular plan may result in failure of three-fourths (¾) of the states ratifying the amendment and the four particular reforms previously mentioned must be accomplished.

I will make a brief statement concerning the four critical problems of our present system, then address myself to a short consideration of the salient features of the district and proportional plans.

The "faithless elector" has just been considered by this body and I understand that the object of that debate, Dr. Bailey, is scheduled to appear before this Subcommittee. The real threat lies in a group of such electors acting in concert to throw the election into the House of Representatives. The spectre of "deals" rears its ugly head. Bargaining for the highest office in the land would seriously jeopardize the general acceptance of any winner, and may further result in frustrating the intent of the people. We must ask ourselves the question, would that man have the mandate necessary to govern and adequately exercise the powers of his office.

There is no longer any necessity for the office of elector. The office can be eliminated under the present system as well as the various proposals for revision. The elimination of the office does not require abolishment of the whole electoral system. There is a serious legal and Constitutional question, however, whether the states by law can require an elector to vote in a given manner under the present system. A Constitutional Amendment so binding an elector is a superfluous appendage. The voters do not need an intermediary to exercise their judgment. This argument posed by proponents of the direct system is valid. It does not necessarily follow that the only method of election left is direct popular vote.

The contingency of the last election being thrown into the House under the present system was fraught with dangers, many real, others imagined. The fact remains that the clear possibility exists of substantial delay in selecting the President and a Vice President being selected from the opposite or even a minority party.

All proposals to reform the electoral college have included alternatives to correct these dangers. The two most significant would require the Senate and House to meet in joint session, each member having one vote, with a limit on the number of votes. The other proposal is a national run-off. The Subcommittee should consider carefully the time delay and cost involved in the latter proposal. Would additional campaigning be allowed? Both proposals have merit.

We must further determine whether a majority is necessary under any system. A major argument of proponents of the direct popular vote is that a "minority President" may be elected under the present system. Minority as I am using the term means one who finishes second or below in the popular vote. This danger is caused by the Unit Rule, primarily.

The direct plan will not eliminate the possibility of a President with only a plurality vote. As a matter of fact, it may enhance this possibility by fractionalizing our two party system. The question is how large a plurality is necessary. Forty percent appears to be the magic figure adopted by the various amendments. This country has had only three "minority Presidents" under the present system, and only once, in 1876, did the winner's chief opponent receive an absolute majority. There have been, now, twelve "plurality" Presidents. Only one, President Lincoln in 1860, failed to receive forty percent of the popular vote. He received 39.79%.

This problem ties in directly with the Unit Rule. Certainly this Rule lends some influence to the smaller states, but lends greater influence to larger states. No President before President Nixon won the Presidency with less than a majority of the seven big states and their 210 electoral votes. This does not mitigate the fact that the Unit Rule is the most unfair, unrepresentative, undemocratic feature of our whole electoral system. The practice of casting the whole block of votes of one state for a candidate who wins by one vote is not only antagonistic to the one vote one man rule, but effectively disenfranchises many voters in that state.

Again, however, abolishment of the Unit Rule does not require abolition of our whole electoral system. Such action may be compared to chopping off an arm to cure an infected finger.

I am a co-sponsor with Senator Mundt of S.J. Res. 12, calling for a district plan. The office of elector is retained with a binding declaration by the elector to vote for certain candidates for President and Vice President. It requires a majority of electoral votes. In any event no candidate receives a majority, the three highest are chosen and voted for by a joint session of the House and Senate, each member having one vote, three-fourths (¾) being a quorum. If no person has received a majority after the fourth vote, the fifth ballot shall be taken on the two with the highest number of votes on the fourth ballot.

I also co-sponsored S.J. Res. 2 with Senator Ervin and Senator Sparkman. This plan calls for a proportional distribution of the electoral vote in each state based on the percentage of the popular vote received in that state. It wholly abolishes the office of elector and each state's votes are automatically cast on a percentage basis. A candidate must receive 40% of the total electoral vote. If not, the two highest shall be voted on by a joint session of the House and Senate, each Congressman having one vote.

Both provide for abolition of the Unit Rule. By retaining the electoral vote, they balance the small state-large city interests inherent in the direct plan.

They solve the problem of the "faithless elector". They prevent delay, stalemate and a Vice President from another party by providing for a joint session of the House and Senate, narrowing the candidates and limiting the number of votes.

Both would solve the four critical deficiencies of the present system previously pointed out. Each provides a more direct relationship to the popular vote by eliminating the Unit Rule, thus minimizing any possibility of a "Minority President."

I would point out one or two statistical facts in relations to the proposals and minor problems presented by each plan.

Under a district plan in the 1960 and 1964 elections, the results would be different. This Subcommittee was given these figures by Mr. Neal R. Pierce, Political Editor of *Congressional Quarterly*, in hearings held in the 89th and 90th Congress. They appear on page 233 of the Hearing Record. Under a district plan, in 1960, President Kennedy would have received 244 electoral votes and President Nixon 279—270 votes being a majority. The result would have been changed from President Kennedy's 303 electoral votes to President Nixon's 219.

In 1964, the district plan would have given President Johnson 466 votes instead of 486, and Senator Goldwater 72 rather than 52.

No figures are yet available for 1968 by districts.

In 1960, under a proportional system, President Kennedy would have received 265.623 electoral votes and President Nixon 266.075. If only 40% were necessary, President Nixon would have been elected. In 1968, on a proportional system requiring 40%, President Nixon would have received 231.524 votes, and Hubert Humphrey 218.570. George Wallace would have received 79.822 votes. Forty percent is 215.20 electoral votes.

I offer to the Subcommittee a chart I have prepared giving the state by state breakdown on the electoral votes each candidate would have received in the 1968 election on a proportional basis. I would request that it be printed in the record of these hearings with my statement.

I would point out under Senator Mundt's plan, S.J. Res. 12, in my opinion, the office of elector could be eliminated without altering the basic intent. This plan would retain a semblance of Unit Rule in each district wherein the plurality winner gets its one vote. The plurality winner statewide gets two votes. Each voter effectively has three votes. It minimizes the Unit Rule and retains the local and regional influence within each state, which I feel is so necessary to balance our system.

The proportional plan of Senator Ervin and Senator Sparkman, S.J. Res. 2, directly relates to the popular vote, but still retains the state and regional influence. It eliminates entirely the Unit Rule. It does present the problem that, statistically, in any close election, where third parties are a factor, there is little probability that the leading candidate will receive a majority of the electoral vote. He may not receive even 40%, but this contingency is provided for. If a 40% plurality is an acceptable winning margin, the plurality issue is not critical.

I congratulate the Subcommittee and appreciate it giving me this opportunity. I commend the Senators, and thank them for their attention to my remarks.

STUDENT DISORDERS

Mr. SCOTT. Mr. President, the deaths of the four students at Kent State University were an intense tragedy to the Nation. Particularly concerned was the American Bar Association's law student division.

John A. Long, president, American Bar Association, law student division, made a statement on May 6 which deserves the attention of my colleagues and which I feel is a constructive suggestion; namely, bolstering communications in order to improve our present democratic processes.

As I recently pointed out in my joint letter with Senator Mansfield of May 6, 1970, I am deeply concerned over the pervasive unrest on our Nation's campuses. In that letter the Senate majority leader and I called for a National Commission to investigate the Kent State deaths and student disorders generally. I am now pleased to see that a responsible appreciation of this problem has come from the ranks of the students themselves. I have today received a letter from John A. Long, president of the law student division of the American Bar Association. He too is concerned over student unrest. Like his fellow students, he has called for a meaningful response from the Government on substantive issues the students have attempted to raise, but he has also suggested programs whereby students can constructively help to fashion that response through our democratic processes.

He and his fellow law students have distinguished themselves by assisting all of our young people in finding alternative means for the redress of their grievances. In the demonstrations of last week they did not advocate violence in the streets; many of them acted as legal marshals to see that the activity was both legal and peaceful. More significantly these law students attempted to articulate the views of young people through precinct work, petitions, and as many of us saw, direct lobbying here in the Halls of Congress.

I ask unanimous consent that it be placed in the Record, along with a recent letter I received from him. His message echoes what I have maintained, publicly and privately—that it is time to unclog the channels of communication and for all to begin to work more effectively through our democratic process. We risk too much by violence and shouting.

There being no objection, the material was ordered to be printed in the Record, as follows:

Statement by John A. Long, President, American Bar Association, Law Student Division

The deaths of four students at the Kent State University campus this past Monday are a tragedy which should deeply touch every person in this country. It is a grim and disenchanting situation when tensions and conflict are so rampant in our country that deadly violence becomes so inevitable. Many place blame with the National Guard for such severe, unwarranted and oppressive measures. Equally, people indicate that massive demonstrations and mob tactics which result in irrational destruction of property and disregard for basic constitutional rights must be firmly met.

Placement of so-called "blame" in this fashion is no longer tolerable. The fault lies with all America. Too often people are passive and irresponsible. It is time that dissent is recognized and heard in this country before violent confrontation results. It is the responsibility of us all to hear, evaluate, and respect the views of all our citizens, before they feel compelled to dramatically demonstrate.

Time has come for all individuals in our society to look closely at themselves and ask:

How have we allowed communication and fundamental democratic processes to degenerate to such an intolerable level? And, most importantly, how do we avoid such unnecessary tragedies as those at Kent State University in the future?

Confrontation will not be avoided until all of us, regardless of our philosophy, actively participate in our democracy. This includes intelligently forming opinions based on all the facts and information, and then responsibly voicing that opinion. We each must make every effort to inform others of our views and its underlying reasons; we must contact our government representatives; and we must actively endorse and support candidates for office who will commit themselves to our view.

The members of the legal profession in particular must regain positions of local leadership. A profession dedicated to complete ascertainment of facts and non-violent settlement of disputes cannot idly stand by in a time of crisis and retain any vestige of integrity or respect. Law students, too, must assume positions of leadership in their universities. If they cannot inspire dissatisfied fellow students to see the futility of violence as a means of dissent, then hopes for a free and peaceable Democratic system are certainly misplaced.

The Board of Governors of the Law Student have unanimously endorsed the above statement.

American Bar Association,
Chicago, Ill., May 12, 1970.

Hon. Hugh Scott,
U.S. Senate,
Washington, D.C.

Dear Senator Scott: The massive demonstrations by the nation's young people this past week have convinced me that the time has come for the professional students of this country to provide the leadership necessary to implement viable alternatives to violent confrontation. As president of the Law Student Division of the American Bar Association and as co-founder last October of the National Coalition of Student Professionals I have been in a unique position to understand the needs and concerns of our young people and to provide the channel of communication necessary to develop and implement such alternatives. Moreover, as the only student member of the ABA Commission on Campus Government and Student Dissent, a fifteen member commission of National leaders, including presidents and deans from the Nation's most respected universities, I have been made all the more aware of the values and attitudes which must be legitimately accommodated if mutual respect and understanding is to be achieved.

I am convinced that law students in particular have the requisite leadership and administrative ability to channel the idealism, energy and frustration of young people into constructive activity. In a spontaneous and responsible burst of energy this last week law students across the country led, assisted, and co-ordinated their fellow students in effective political action against the War. They acted as legal marshals in orderly demonstrations in Washington and cities throughout country. They helped to organize precinct work, articulate letter campaigns, panels to list and evaluate candidates for election this fall, and groups to make direct communications to Members of Congress and the Administration.

The Law Student Division, which represents the 70,000 law students in the 144 Accredited Law Schools of the country, has been at work establishing a legitimate national consensus of the concern of its members. Through our Board of Governors, a twenty man body representing every region and viewpoint nationally, we issued a unanimous statement of concern over the Kent State deaths and the immediate need for the voice of the young to be heard in reordering our national priorities. Through our Congressional Liaison Office and regional legislative committees we have attempted throughout last year to keep in close touch with student sentiment and to maintain a constant awareness of the activities of our Government representatives. Beyond this, the formation of the Coalition of Student Professional provides a potential vehicle to accurately reflect the views of the more than 750,000 students in Medicine, Pharmacy, Nursing, Architecture and Law.

As I interpret these facts, Senator, it is clear that professional students for the first time have assumed their appropriate roles as responsible campus leaders. Through the Law Student Division and after that the National Coalition they stand ready to follow up with quiet persistence and sophisticated administration the emotional outpourings of this last week. Through our efforts I am convinced that we can materially contribute to the establishment of a responsive dialogue between the Government and the University Community.

In regard to your proposal along with Senator Mansfield to establish a Commission to Investigate the Kent State deaths and student unrest generally I hope that a meaningful response to the divisions within our society can be articulated. I stand ready with my organizations to serve in whatever capacity is needed on that Commission. Through it, I hope that all of us can become students attempting to solve the problems of these troubled times.

Very truly yours,

John A. Long.

THE SPEAKER RETIRES

Mr. KENNEDY. Mr. President, I ask unanimous consent that editorials from the Dedham Transcript, of Dedham, Mass., and the Lowell Sun, of Lowell, Mass., relating to the retirement of the Speaker of the House, be printed in the Record.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

Nation Owes McCormack Big Debt—Says Ex-Mayor Collins

(By John F. Collins)

(Editor's note.—Former Boston Mayor John F. Collins, widely recognized as one of the outstanding municipal administrators of his time, substitutes this week as guest columnist for James G. Colbert, who is recovering from a massive attack of pneumonia.)

To write a column as substitute for Jimmy Colbert is both a heavy responsibility and a challenge.

A heavy responsibility because of the desire as well as the duty to bring to Jimmy's thousands of readers the inside news, the wise wise interpretation, and the skillful judgment to which they are accustomed.

It is an impossible challenge because I know of few who possess Jimmy's fluency in and command of the King's English or his ability to make his writing so absorbingly interesting to his readers. And so it is with considerable trepidation that I begin.

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If we were to search for a subject of unusual political and human interest to the readers of this column, we might start with James G. Colbert himself.

There has probably not been a personage in Massachusetts political history of the last forty-odd years who has not had occasion to ask for and to benefit from the advice of Jimmy Colbert in matters of candidacy, campaigning, and general political strategy.

Jimmy is unmatched in his ability to judge the temper and mood of the voting public and in his ability to forecast election results whether the matter be one of issues or personalities.

He has had the confidence, and I wish to emphasize, kept the confidence, of men and women on both sides of the party aisle, at every level of government.

Among those, besides his readers, who have benefited from his views, have been the late beloved Maurice J. Tobin, mayor, governor, and Secretary of Labor, who relied heavily on Jimmy's advice, the late beloved Mayor Jomn B. Hynes, who constantly enjoyed the exchange of views and the matching of wits with Jimmy; and countless others, including your deponent.

We wish Jimmy a speedy and complete and happy recovery, for his own sake and for that of his family, and to spare his thousands of readers any further exposure to pedestrian prose.

And now, as to political news itself, at this writing the most important news is that Speaker John W. McCormack has decided not to seek reelection.

The City of Boston and the entire nation owe a tremendous and eternal debt of gratitude to John McCormack.

Half of our present voting population is too young to remember the innumerable and invaluable services of John McCormack starting several decades ago. He was a right-hand man not only to presidents but also to the cause of social justice. He never flinched from a fight; he never feared an enemy. If it was good for the people of the United States, then John McCormack was there, all the time. He was never too big to attend to the interests of his lowliest constituent.

He has enjoyed the confidence and admiration of all whom he has encountered in public office. He has not hesitated to make a promise and has never broken a promise. His personal and public life are shining examples of probity, integrity, and respect and love for his fellow human beings.

The magnificent accomplishments of Speaker McCormack, for the past eight years the second most powerful figure in America, have been well chronicled in the national and local press: forty-two years in Congress and an active public life of half a century, trusted leader under President Roosevelt, Truman, Eisenhower, Kennedy, Johnson, and Nixon. He at all times placed the welfare of his country and his state above politics and personal popularity.

It is the opinion of this writer, however, that his contributions to the city of Boston and the Commonwealth of Massachusetts are somewhat less well known. The Speaker played a leading role in the retention and expansion of public facilities such as the Navy Yard, Army Base, Hanscom Field, and NASA.

He made many major contributions to Boston's Government Center project, which might be of interest to Bostonians. I describe it briefly as illustrative of many other contributions.

In 1959, after my election as Mayor of Boston, the concept of the Government Center as we now know it, had been apparently shattered. The late Mayor John B. Hynes, my distinguished predecessor and friend, had appointed a Government Center Commission, chaired by Robert Morgan, to remove the blight of the barrooms, tatto parlors, and burlesque houses of Scollay Square and replace it with a cluster of federal, state, and local buildings. Political bickering and lawsuits had rendered this vision impossible as of January 1, 1960.

After consultation with all segments of Boston, I decided that the concept should be revived and expanded. I called Speaker McCormack in Washington to enlist his support. A visit to Washington followed.

The Federal Government had decided to build the Federal Building in the Back Bay on the site presently being developed for the John Hancock Headquarters Building. City Hall was to have been built on Washington Street on the old Boston Post site, which now houses the new Boston Company Building. The Commonwealth of Massachusetts was uncertain as to where, if or when, it would deal with its additional space requirement.

I requested the Speaker to convene a meeting of the Massachusetts Congressional delegation. He complied without delay, and the Congressmen and Congresswoman Edith Nourse Rodgers, voted unanimously to urge the Federal Government to support the Scollay Square site.

The decision of the Federal Government to build the Federal Building on Back Bay land, which it controlled was the next item on the agenda. To deal with this problem, Speaker McCormack arranged a meeting with the GSA administrator Franklin Floete.

Present were: myself, William Saltonstall, representing the then Senator Leverett Saltonstall, and Ted Reardon, representing the late John F. Kennedy, then Senator from Massachusetts. The persuasive powers of John McCormack and the authority of the Speaker of the House were never more apparent.

Shortly after the meeting, the GSA and the Federal Government agreed to the Scollay Square location for the Federal Building. The Government Center then became a viable possibility. I. M. Pei drew the overall land use plan; the architectural competition ensued; and the magnificent Government Center complex was approved by the Redevelopment Authority under Edward Logue (of which James G. Colbert was a member) and the City Council.

Architects across America have judged the new City Hall to be the greatest public building constructed in America in this century, and the Government Center itself, with its wise use of open space, has become an amenity which will be enjoyed for centuries by all who love Boston. John McCormack played a pivotal role in the events leading to its creation.

I have told this story in public once before, but I am pleased to have this opportunity to repeat it for the written record.

The decade of the 70's may well determine the social and political direction of America for the early part of the next century. Those who seek the responsibilities of power on every level of government could utilize the public and private life and record of John W. McCormack as a guide for their endeavors. America and his native city will miss him.

We wish for the Speaker and his beloved but now ill Harriet our best wishes for a well-earned respite from the rigors of a half century of public service in the tumultuous period spanning 1920 to 1970. Well done, Mr. Speaker.

AN OLD SOLDIER

As elder statesmen go, Boston's Congressman John W. McCormack qualifies.

After holding the prestigious position as Speaker of the House for the past eight years and a member of Congress since 1928, there are few men in the history of the country who could come close to offering a challenge.

Now 78 years old, the Congressman from Boston has decided to rest on his laurels in public service by retiring to the quiet life to which he is so greatly entitled. His decision not to seek re-election (which he could have won in a walk) shows his personal awareness of trying to continue in the public service while combatting the frailties of advancing years.

While he has been a loyal and steadfast disciple of the principles and policies laid down by his beloved Democratic party, he has at all times commanded the respect and admiration of his colleagues on Capitol Hill, whether Democrat or Republican. His honesty, his integrity or his devotion to duty have never been challenged.

One of his closest friends in Congress over a long span of years was Lowell's late Congressman Edith Nourse Rogers. As a Republican, she disagreed with Mr. McCormack on many national issues, but it was always constructive disagreement that never diluted the respect that each had for the other.

In 1962 Congressman McCormack was elected Speaker by his colleagues, succeeding the late Sam Rayburn of Texas. It was a signal honor that not only reflected great credit upon him, but one which brought considerable prestige to the Commonwealth of Massachusetts.

Congressman McCormack has made a wise decision, however reluctant he may have been in reaching it. We would much rather remember him as an articulate and capable presiding officer in the House rather than a man who had succumbed to senility.

The Commonwealth wishes John McCormack its very best as he enters the twilight of life.

They say that old soldiers never die—they just fade away. As an old soldier in the public service, John McCormack may fade away—let's hope it will be a long and graceful process.

A DEPARTURE WITH HONOR AND RESPECT

The decision of House Speaker John McCormack to resign permits a graceful exit for a very old, very able, and conscientious servant.

This has been a troubled year for him, a year in which he has had to shoulder the bitterness of betrayal within his official family and one in which he has had to carry on the most responsible duties in the face of growing rebellion from young lions.

His retirement, nevertheless, is no retreat. The field he leaves, he clearly won and dominated.

Once, John McCormack was a young lion, too. The politics he brought to Washington were the "New Politics" of his era. For more than four decades, he has championed causes which curdled the blood of conservatives and brought satisfaction to progressives.

Social Security may seem like a moss-backed consideration to the young activists of today. But when it was introduced and fought for by such as John McCormack, then in his thirties, it was treated as outright social revolution by its opponents.

John McCormack knew that if progress was to be won, it had to be won within the system. So he learned the system well enough to master it. He learned its strengths and its weaknesses, and he exploited both to serve the ends he believed to be in the best interests of the nation and his party.

Now it would seem that the young might learn something from that. John McCormack's lifetime is a study in making the system work from inside the government, just as Walter Reuther's lifetime is a study in making the system work from outside the government.

If both lifetimes prove anything, they prove that the system can work. It can be made to work. Where it goes wrong is in the people who work within it or who choose to ignore it. Where it goes wrong is where and when the people set the wrong goals for it.

Many stand eager to take John McCormack's place. It would seem that the electorate of his district should look hard at the problems the district faces. John served his district well during his lifetime, and because he did that the district provided him with the freedom he needed to serve his nation well. That, too, is the way the system works.

Hopefully, the person who replaces John McCormack will be as tireless in his devotion to answering the needs of both the constituency and the nation as he was.

McCormack Steps Down

The career of House Speaker John McCormack spans an era of great change in American life. During his 42 years on Capitol Hill, he has been privy to the legislative actions that shaped much of the change. So his announced retirement does, in a way, close out a chapter.

McCormack's humble Boston background imbued him with a view of life that enthusiastically supported President Roosevelt's New Deal.

He earned his spurs and the respect of Sam Rayburn during those years of radical innovation. When Rayburn became speaker, McCormack was elected majority leader, and never thereafter left the ranks of Democratic leadership.

His last years as speaker have been marred somewhat by liberal attacks from within his own party and the indictment of two close associates for influence peddling. But McCormack's grip on the majority of Democratic faithful within the House has remained quite firm.

The void he leaves in the heavily Democratic Ninth District will not lack for aspirants. Among the announced are State Sen. John Moakley, City Councillor Thomas I. Atkins, a Negro, and Daniel J. Houton, a 31-year-old Tufts graduate student. City Councillors John Saltonstall and Louise Day Hicks might enter the lists, it is rumored. The primary will be crowded.

No matter who wins, it is safe to say that the canny political instincts and energetic service of John McCormack will not soon be equalled. When he leaves, a long tradition will depart with him.

SENATOR SPARKMAN'S SALUTE TO EX-REPRESENTATIVE JEANNETTE RANKIN

Mr. SPARKMAN. Mr. President, today a grand lady celebrates her 90th birthday. I refer to ex-Representative Jeannette Rankin. She was the first woman elected to the U.S. Congress, thus paving the way for the other fine women who have followed in her footsteps. She served from 1917 to 1919 as a Republican from Montana. She served a second term 1941 to 1943.

Although she is 90 years old, she is still active. Recently she said that there ought to be at least 100 women in the House of Representatives. Her record is outstanding in the promotion of women's suffrage.

During her second term I had the privilege of serving with her in the House of Representatives. While I did not agree with her on a number of issues, I always respected her for the forthright way in which she fought for the things in which she believed. I was reminded recently that on one occasion during a seated discussion on an issue she is reported to have said:

> May I stand? I fight better standing.

I am happy to join with the three Senators who are still serving as Senators since the time she was in the House and the other 11 Senators, now serving in the Senate, who served with her in the House, in saluting a truly wonderful American.

GETTING OUT OF VIETNAM

Mr. GRAVEL. Mr. President, I ask unanimous consent to have printed in the Record an article entitled "Set a date in Vietnam, Stock to it. Get out," written by Clark Clifford and published in Life magazine.

To my mind it states most clearly our position in Vietnam and offers a succinct proposal for our disinvolvement.

There being no objection, the article was ordered to be printed in the Record, as follows:

Set a Date in Vietnam. Stick to It. Get Out

(By Clark Clifford)

On the evening of April 30, I heard President Nixon inform the American people that in order to "avoid a wider war" and "keep the casualties of our brave men in Vietnam at an absolute minimum," he had ordered American troops to invade Cambodia.

My mind went back to a day in April 1961 when I received a telephone call from President Kennedy. He asked me to come to the White House to discuss the Bay of Pigs disaster which had just occurred. He was agitated and deadly serious. I shall never forget his words: "I have made a tragic mistake. Not only were our facts in error, but our policy was wrong because the premises on which it was built were wrong." These words of President Kennedy apply with startling accuracy to President Nixon's decision to invade Cambodia. Unfortunately, it is clear that President Nixon's action is an infinitely greater mistake than President Kennedy's, because more than 400,000 American boys remain involved in Vietnam, and far graver damage has already been done to our nation, both at home and abroad.

Like most Americans, I welcomed President Nixon's promises to end the Vietnam war and bring our boys home. Like most Americans, I applauded the President's action in withdrawing 115,000 of our troops so far, and have noted his intention, with some qualifications, to withdraw 150,000 more in the next 12 months. Like most Americans, my sincere inclination is to support our President in times of crisis. However, I cannot remain silent in the face of his reckless decision to send troops to Cambodia, continuing a course of action which I believe to be dangerous to the welfare of our nation. It is my opinion that President Nixon is taking our nation down a road that is leading us more deeply into Vietnam rather than taking us out.

George Santayana once said: "Those who cannot remember the past are condemned to repeat it." In my personal experience with the war in Vietnam, I have learned certain basic and important lessons. It has been my hope that the present administration would study the past and determine not to repeat certain actions previously taken. However, I must express the deepest concern that it is now apparent that President Nixon has not grasped these vital lessons which seem so blazingly clear as we look back at the last five years of our substantial participation in the Vietnam conflict.

I have learned three fundamental lessons from my personal experience with Vietnam and I shall present them in this article. I shall then discuss how these lessons apply to the Cambodian situation. Finally, I will suggest a specific plan for our extrication from Vietnam.

The national security of the United States is not involved in Vietnam, nor does our national interest in the area warrant our continued military presence there.

The basis of our original participation in the conflict in Vietnam was the general acceptance of the so-called "domino theory." If South Vietnam were permitted to fall, then other nations of Southeast Asia, and possibly even in the Asian subcontinent, might topple, one after the other. If this occurred, it was alleged, the national security of the United States would be adversely affected. At one time, I accepted the reasonableness of this theory, but my own personal experience has led me to the conclusion that it is now unsound.

One of the major reasons for the change in my own thinking has been the attitude, evidenced over the last five years, of the nations in Asia that would be most seriously affected if the domino theory were applicable. These nations are infinitely better acquainted with the political, military and diplomatic facts of life in that part of the world, for they have lived with them for hundreds of years. As one looks at the map of the area, it is interesting to fan out from South Vietnam and ascertain the number of troops that these countries have sent to help South Vietnam because, in the final analysis, that is the most accurate test of the degree of their concern.

Burma, Laos and Cambodia, to the west, have sent no troops to South Vietnam. Singapore and Malaysia have sent no troops, while Thailand has sent only token forces.

The Philippines have sent no combat troops. The personnel of the engineering units and hospital corps it did send have been largely withdrawn. Indonesia, India and Pakistan have sent no troops.

These are the closest dominoes, and should be the first to fall.

As far as Laos and Cambodia are concerned, their behavior hardly justifies any sacrifice of American lives or treasure on their behalf. The situation existing in these countries is incredibly sleazy, and should be known and understood by all Americans.

Most of the men and materiel of war used to fight against American forces in South Vietnam come down the Ho Chi Minh Trail through Laos. Is Laos prepared to make any sacrifice to prevent the use of the trail? Certainly not! In fact, the exact opposite is the case. On March 6, 1970, Souvanna Phouma, prime minister of Laos, had a press conference and said:

"I told the ambassador from North Vietname last year that we will accept the *use of the trail by North Vietnamese troops* with the condition that those troops withdraw from the important regions of Laos."

While American pilots, on a sharply escalated basis, are fighting and dying in support of Laotian forces engaged with Communist troops, the ruler of Laos suggests a deal that would permit the North Vietnamese free use of the trail through Laos to transport troops, guns and ammunition to kill Americans in South Vietnam.

In Cambodia, for years, enemy supplies have come into the port of Sihanoukville and have been transported across Cambodia into South Vietnam, to be used against American forces.

Laos and Cambodia have not been prepared to jeopardize their own interests to prevent North Vietnam from conquering the South. In fact, at least until Sihanouk's recent fall, both countries have been helping the North Vietnamese, and maneuvering to make their own deals. The United States has become involved in the age-old intrigue and chicanery that are traditional in the area.

I feel strongly that we have met, many times over, any obligation or commitment that we had in that part of the world, and I believe that the developments of the last five years should persuade us that the time has come to disengage in Southeast Asia and bring our men home.

XUM

I believe most Americans agree, but from what he says and does, President Nixon continues grossly to exaggerate Vietnam's importance to our national security.

In giving thought and study to this enigma, I have reached the conclusion that President Nixon has a curious obsession about Vietnam and Southeast Asia. Back in 1954, in a speech to the American Society of Newspaper Editors in the East Room of the White House, then Vice President Nixon: "If in order to avoid further Communist expansion in Asia and particularly in Indochina, if in order to avoid it we must take the risk now of putting American boys in . . . I personally would support such a decision." This is particularly startling because Mr. Nixon was recommending that we send American troops into Indochina to help the French who were engaged in war there to retain their colonial territories.

In 1965, President Nixon, then a private citizen, wrote a letter to the New York Times. In that letter, he declared that "victory for the Vietcong . . . would mean ultimately the destruction of freedom of speech for all men for all time, not only in Asia but in the United States as well." In his speech of Nov. 3, 1969 he referred to the "great stakes involved in Vietnam," and asserted that they were no less than the maintenance of the peace "in the Middle East, in Berlin, eventually even in the Western Hemisphere."

I want very much for the President of the United States to be wise, mature and to exercise good judgment, but a statement of this kind shakes my confidence to its very core. I cannot remain silent when President Nixon acts as though he believes that a certain political result in a small underdeveloped country of 18 million persons in Southeast Asia is somehow crucial to "the future of peace and freedom in America and in the world."

I have learned these past years that the war in Vietnam is a local war arising out of the particular political conditions existing in Southeast Asia. I consider it a delusion to suggest that the war in Vietnam is part of a worldwide program of Communist aggression.

President Nixon continually argues that we must fight in Vietnam now to avoid "a bigger war or surrender later." But it is clear to me that the only real danger of a "bigger war" would come from the continued escalation of the rapidly widening conflict in Indochina.

We cannot win a military victory in South Vietnam, and we must, therefore, cease trying to do so.

The goal of winning a military victory in South Vietnam has proved to be a will-o'-the-wisp that has led us from one military adventure to another. I have reached the clear conclusion that we are not winning such a victory, nor can we win it in the future.

Certain restraints have been placed upon our military activity by the political realities that exist. We have been unwilling to invade North Vietnam, or to engage in indiscriminate bombing or mining of its harbors. As a result, we have been occupied in the most difficult type of guerrilla war and probably what is the most difficult terrain in which to fight. Our enormous firepower and our airpower are seriously limited and restricted by the fact that most of the fighting takes place in the deepest jungles in Southeast Asia.

In warfare, a nation has three major goals. The first is to kill as many of the enemy as possible on the field of battle. The second is to destroy the enemy's war-making potential, and the third is to seize and hold enemy territory. In the present conflict, a substantial number of the enemy have been killed but the troops from the North continue to come down in an uninterrupted flow. The enemy is well armed, well equipped and well trained, and is expert in guerrilla warfare. And Hanoi has made clear beyond any reasonable doubt its willingness and ability to accept substantial casualties for as long as necessary.

As to the second goal, we have been unsuccessful because we are wholly unable to destroy the enemy's war-making potential. The factories turning out guns, rockets, mortars and the materiel of war are not located in North Vietnam, but in Red China and the Soviet Union. We cannot destroy the factories in those countries. We attempted instead to impede the flow of weapons into South Vietnam by a bombing campaign in the North. In my opinion, the results did not warrant the enormous cost to us.

We have been no more successful in pursuing the third goal of seizing and holding territory. The enemy does not operate along a battle line; his objective is not to hold territory. When we attack, the enemy yields, but he returns when we move out.

In the pursuit of these goals, we have lost the lives of close to 45,000 Americans, had more than 275,000 wounded, spent over $125 thousand million, lost close to 7,000 planes, and dropped more tonnage of bombs in this conflict than we did in World War II and the Korean War combined.

Our problem in Vietnam is due not only to our inability to attain the military goals, despite our great effort, but to the fact that the struggle is basically a political one. The enemy continues to symbolize the forces of nationalism. The regime which we support is a narrowly based military dictatorship.

President Nixon has repeatedly asserted that the only alternative to his Vietnamization program is the "defeat and humiliation" of the United States. He has announced his determination not to accept this "first defeat" in our nation's history. The President's view constitutes, in my opinion, a complete misreading of the nature of the conflict in South Vietnam, of our role and purpose there and of the American national interest. The alternatives in Vietnam are not military victory on the one hand, or defeat and humiliation on the other. We did not intervene to conquer North Vietnam, but solely to extend a shield for South Vietnam. We did not intervene to impose any particular government on South Vietnam. The interests of the South Vietnamese people will be served and our objectives will be achieved by a realistic political settlement. A program for orderly disengagement will create the conditions in which productive negotiations become possible. Such a program is the only way to peace, and peace in Southeast Asia is the only victory that we should seek.

One of the deepest concerns I have about our present policy in Vietnam is that President Nixon, while he proclaims his dedication to a political settlement, by his actions still seeks to gain the military victory that cannot be won.

We cannot continue to fight the war in Vietnam without doing serious and irreparable injury to our own country.

The effect of the war on the young people in the United States is a virulent one. They feel especially affected by the war because they are the ones who have to fight it. Many of them do not believe in it and they are at a loss to understand why they must fight and die in a remote corner of Southeast Asia when they know their country is in no peril whatsoever. One of the poisonous effects of the conflict is the disunity and bitterness, and in some instances violence, it has brought about in our country.

The war has confused many Americans and has caused a continuing loss of confidence because the institutions of our government have not dealt with the pressing problem of national priorities. Every domestic problem we have, including poverty, inadequate housing, crime, educational deficiencies, hunger and pollution is affected adversely by our participation in the Vietnam war, and I do not believe these problems will be brought under control until we have disengaged from that conflict.

The war is a major contributor to the inflation that is hurting every citizen in our nation. We are also in the midst of a serious setback as far as business is concerned. The effect of the war on our economy is dramatic. Almost immediately after our foolhardy entry into Cambodia, the Dow-Jones industrial average declined over 19 points.

What troubles me is that President Nixon continues to give priority to policy in Indochina and to ignore its consequences at home. His actions are dividing the nation when we need desperately to be united and to devote our energies to our critical domestic problems.

The Cambodian invasion ignores these three lessons. The President ordered up to 20,000 American troops into Cambodia, and has now promised to have them out by July 1. I know already, in my own mind, that the operation will achieve little. The enemy will fade into the jungles of Cambodia, which are just as impassable and impenetrable as those in Vietnam. Any military gains will be temporary and inconsequential.

This is not an idle prognostication upon my part but is an opinion derived from past experience. Time and again in South Vietnam, the recommendation was made that a sweep be conducted through the Ashau Valley on the grounds that a vital blow could be struck against enemy forces. Time and again, thousands of American troops would sweep through the valley and find practically no enemy soldiers. The same will happen in Cambodia.

How unfortunate it is that President Nixon did not heed the congressional testimony of Secretary of State William P. Rogers when he testified on April 23, just one week before the President spoke. Secretary Rogers said:

"We have no incentive to escalate. Our whole incentive is to de-escalate. We recognize that if we escalate and get involved in Cambodia with our ground troops, that our whole program (Vietnamization) is defeated."

I anticipate that in the period of the next few weeks glowing reports will flow back from Vietnam regarding the outstanding success of the drive into Cambodia. Figures will be proudly presented showing the number of tons of rice captured, bunkers and staging areas destroyed, substantial numbers of weapons and quantities of ammunition found. A determined effort will be made to portray the entire adventure as a success, even though no major engagements will have taken place and the number of enemy casualties will be woefully small. This has happened time and time again, and our hopes have been raised only to be dashed by new enemy offensives. The capture of supplies and equipment, in the past, has been met by an increase in the supply of such equipment by the Soviet Union and China, with resulting increased flow down the pipeline from North Vietnam.

A further worry I have is that this ill-advised move into Cambodia could create a whole new set of problems. The open violation of Cambodian neutrality on the part of our troops could well constitute an open invitation to the North Vietnamese to expand their efforts further over Indochina on the pretext of defending independence. Our march into Cambodia now jeopardizes the ancient capitals of Phnom Penh and Vientiane. I do not have the prescience to visualize what may take place in this regard, but I know that we have greatly expanded the danger of the conflict spreading throughout Cambodia and Laos, and even further.

Also, there is a curious psychology I cannot understand that attaches importance to capturing territory even though it is held for a temporary period. A perfect illustration is Hamburger Hill. We drove the enemy off Hamburger Hill at great loss of life to our troops, and then later on withdrew. As soon as we pulled out, the enemy reoccupied Hamburger Hill and we went back and repeated the process. I do not know who holds the hill today. I am sure it doesn't matter.

After the adventure is concluded and our troops have been pulled back to South Vietnam, I predict the enemy will quickly reoccupy the areas that we have cleared. Even if the decision were made to remain in Cambodia, then I predict the enemy will develop new bases and staging areas just outside the perimeter of the area we occupy in Cambodia. In either event, the military effect is negligible and not worth the effort.

President Nixon, in his address to the nation of April 30, informed the American people that the invasion of Cambodia is indispensable to the withdrawal of our troops from South Vietnam, that it will serve the purpose of ending the war in Vietnam, that it will keep our casualties at a minimum, and that it will win a just peace.

These contentions violate every lesson that we have learned in the last five years in Vietnam. The bitter experience of those years demonstrates clearly to me that our incursion into Cambodia will delay the withdrawal of our troops from South Vietnam because it spreads the war and intensifies it. This decision will not end the war, but will lengthen it because of the reactions of the enemy to this new development. It will not keep our casualties down but will increase them, not only because of the men killed in Cambodia but because of the increased level of combat which I predict will be the other side's response in Vietnam. It will not achieve peace but will postpone it or destroy entirely the chances of obtaining it. Even though we pull out, the damage has been done, and the bankruptcy of our present Vietnamization program has been exposed.

The thrust of President Nixon's position in his speech of April 30 was that if we escalated our efforts into Cambodia, it would aid our program of Vietnamization.

Although I consider the attack on Cambodia to be fraught with the most serious military consequences, I attach even greater danger to the diplomatic results that will flow from it.

Many of our friends around the world are shocked at this imprudent expansion of the conflict. They had hoped that they would see a contraction of the area of conflict and instead they learn, with deep apprehension, that it is being widened. The Cambodian adventure ignored the request of Foreign Minister Malik of Indonesia that no action be taken to extend arms support to Cambodia pending a regional conference to find ways of preserving that country's neutrality.

The decision appears to have been made so precipitately that the proper consideration was not given to the effect of the action on Communist China. The action was taken right after the recent conference of Communist representatives from China, Cambodia, Laos and North Vietnam. This conference ended with an agreement of mutual support and cooperation in combating American and other enemy forces in Indochina.

The predictable Soviet reaction was also apparently discounted. Premier Kosygin, on May 4, called a special news conference to warn of the worsening in Soviet-American relations. Mr. Kosygin stated that the Cambodian move raised serious doubts about President Nixon's sincerity in seeking an "era of negotiation." Mr. Kosygin went so far as to suggest that President Nixon's statements could not be trusted. This does not mean that either China or Russia will intervene directly, but it does mean that they will give North Vietnam all the aid it needs to neutralize our action.

Another unfortunate result of our action is to imperil the success of the strategic arms talks now being held in Vienna. Mr. Kosygin stated that our actions put the Soviet Union on guard and decrease their confidence, without which it is difficult to conduct negotiations.

Domestically, the re-escalation of the war has gravely increased the disaffection of young Americans, and the disruption of our society.

The active invasion dramatizes another facet of President Nixon's statements on the war which has caused me the deepest concern. In his speech of April 30, President Nixon again warned the North Vietnamese that, if they accelerated the fighting, he would take stern action in response. He has done this on at least four or five occasions and, in each instance, the enemy has responded by some type of military action. I suggest that this is the road to utter chaos. While announcing the withdrawal of a limited number of troops on the one hand the President keeps threatening the enemy by assuring him that we are perfectly willing to raise the level of combat. This is not the path to peace. It is the path that will lead to more and more fighting and more and more dying.

It is time now to end our participation in the war. We must begin the rapid, orderly, complete and scheduled withdrawal of United States forces from Indochina.

President Nixon has described his program of Vietnamization as a plan for peace. I believe, however, that it can never bring peace in Southeast Asia, and that it is, in fact, a formula for perpetual war.

This war can only be ended by a political settlement. Nothing that the Administration is now doing holds any promise of bringing one about. And our present program for indefinite military presence in Vietnam makes such political settlement impossible. So long as our withdrawals are conditioned on the ability of the South Vietnamese to assume the combat burden, Hanoi cannot be expected to believe that we are genuinely interested in, or would even accept, the kind of political compromise that a peaceful settlement would require. The present Saigon government, on the other hand, will never make the necessary accommodations so long as it is secure in the belief that American forces will remain in sufficient numbers to keep it in power.

It seems clear that the Administration believes it has proposed in Paris a genuine basis for compromise. In my opinion, however, these proposals are not realistic, nor will they lead to any progress.

Accordingly, what we need is a program that will Vietnamize the peace rather than prolong the war. In July 1969, in an article in the magazine Foreign Affairs, I recommended the definite, scheduled withdrawal of our ground combat forces from Vietnam by the end of 1970. I now propose to go further, and set a final date for our complete disengagement. Such final date might even be advanced if certain agreements are reached. The following is my specific three-point plan:

1. Announce publicly that all U.S. forces are to be removed from any combat role anywhere in Southeast Asia no later than Dec. 31, 1970, and that all U.S. military personnel will be out of Indochina by the end of 1971, at the latest, provided only that arrangements have been made for the release of all U.S. prisoners of war.

2. Move promptly to end B-52 attacks, all search-and-destroy missions, and all other offensive operations, except as necessary to protect the security of U.S. forces, as disengagement proceeds.

3. Inform Hanoi and Saigon that *we are prepared to negotiate an even more rapid withdrawal* if the safety of our forces is assured by a cease-fire or other arrangements in South Vietnam, and if there is an understanding regarding the cessation of military pressures in Laos and Cambodia.

President Nixon has maintained that, were he to announce a withdrawal schedule, Hanoi would lose all incentive to negotiate a settlement. It is abundantly clear, however, that Hanoi feels no incentive to negotiate at the present time. The President has also asserted that North Vietnam would then simply wait until our troops have been reduced in number and launch attacks. But this potential exists whether a withdrawal program is announced in advance, or simply in installments. A third objection has been that the South Vietnamese forces may not be ready to assume the full combat burden and that a military conquest and bloodbath may ensue. But our objective should be to establish the conditions that will lead, not to the continued necessity for combat capability, but rather to a political compromise that will bring peace and stability to that troubled land.

On a number of occasions, President Nixon, in arguing that it would be improper for us to leave Vietnam now, has used the so-called "bloodbath" argument. He has suggested that the massacre of many South Vietnamese, including a million and a half Catholics who fled from the North, would occur when our forces withdrew.

I find this position difficult to understand. In the first place, the figure of one million and a half Catholics who fled to the South, referred to by President Nixon in his speech of Nov. 3, 1969, is incorrect. A study of this subject, published in 1956, by the South Vietnam Department of Education and the National Commission for UNESCO, discloses that the number is not 1.5 million but 754,-710. This is significant because the President overlooked the fact that there are still living in *North* Vietnam today approximately 800,000 Catholics. There are also Catholics among the leadership of the National Liberation Front in South Vietnam.

The President bases his claim of "bloodbath" on his charge that when the Communists took over North Vietnam in 1954, they slaughtered thousands upon thousands of North Vietnamese. In fact, the records of the International Control Commission disclose that, in the two years following the armistice of 1954, only 19 complaints were filed covering political reprisals in all of North Vietnam. Later, in 1955 and 1956, a peasant revolt was harshly repressed, and the best estimate is that 10,000 to 15,000 may have died.

It is my firm belief that, when it becomes apparent that the Americans are in fact leaving, all parties seeking power in South Vietnam will have a strong incentive to negotiate a compromise settlement. All will recognize that compromise is their one assurance of a share in political power. The contending factions must now be aware that, in the absence of compromise, they can look forward only to continued conflict and disruption. The need for peace must now be apparent to all but the very few whose power and profit depend on war. We should not forget that, in South Vietnam's election of 1967, and under circumstances that could hardly be described as favorable, a candidate advocating accommodation for the purpose of peace secured 17% of the votes counted, while the winning military ticket fell far short of a majority.

The North Vietnamese negotiators have indicated their willingness to talk seriously if the United States declares the total and unconditional withdrawal of its troops from South Vietnam. Their suggestion of a six-month period for such withdrawal need not be accepted, but their acceptance of the principle should not be ignored.

The obvious advantage of the three-point plan proposed herein is that it will specifically and unequivocally have all U.S. forces out of Indochina by the end of 1971 at the latest. It also frees the President from military pressure to slow or stop the withdrawal process. The plan takes account of the plight of the Americans now held captive and gives them and their families the hope of early release. No such hope can exist while the war continues and even intensifies. It offers also an immediate reduction in the level of violence throughout Vietnam. The ending of B–52 raids and search-and-destroy missions, so long as the other side does not act to jeopardize the security of our troops, will lower casualties and create a climate far more hospitable to the process of political settlement. This approach could serve to get negotiations started again, and as they progress, this diminution in hostilities can develop into a complete cease-fire.

The time has come for us tò grasp the initiative in making the necessary and vital decisions. President Nixon's policy of making our withdrawal dependent on his three criteria is a grievous error. These criteria are: 1) the level of enemy activity; 2) progress at the peace talks in Paris, and 3) the speed with which the South Vietnamese take over the fighting. Even a cursory study discloses that items one and two are controlled by Hanoi, while item three is controlled by Saigon.

We should no longer allow our own perception of our own interests to be distorted or deflected by our apprehensions as to what may occur politically in Saigon. American national interests require American disengagement from South Vietnam. I am convinced that, as currently enunciated, the Nixon program will not bring this about.

We should, instead, decide now to get out of Vietnam on a scheduled and orderly basis no later than the end of 1971. We should, at the same time, make known our readiness to negotiate a much earlier withdrawal and we should move now to scale down the level of violence. Only in this way can we achieve the peace that all Americans want, and that American military might can never win.

The present policy must be changed. The only effective method to accomplish this is sustained pressure from the public. The enormous upswing in antiwar sentiment, following the Cambodian transgression, must be maintained and strengthened and continuously brought to the attention of our country's leaders.

The solution is within our hands—if we will but use it.

LAXNESS IN FEDERAL PROCEDURES FOR SETTING PRODUCT SAFETY STANDARDS

Mr. KENNEDY. Mr. President, it is certainly true that the average citizen is affected in his almost every activity by Federal statutes, rules, and regulations. We may not think of it at the time, but the purity of the food and other things we buy, the packages they are contained in, transportation of those packages, the competition among producers, the advertising of the product, and even the growing of the raw materials are all subject to regulation by Federal agencies under laws passed by Congress.

Most of us are at least vaguely aware of the existence of Federal legislation concerning flammability of fabrics, labeling of hazardous substances, safety of toys, and safety of motor vehicles. We are not concerned with the details of the administration of such laws, however; we merely assume that we are being fully protected by our Government. A study released last week by the National Commission on Product Safety now informs us that we are mistaken.

The report tells us that "contrary to broad public expectations, urgent problems of product safety are not being handled." It concludes that "if these conditions persist, the agencies will serve mainly to insulate resistant industry from legitimate public demands for safer consumer products." It is incumbent upon Congress, and the consuming public, to see that these conditions do not persist.

I would like to call to the attention of my collegues an excellent article appearing on this recent report in the Washington Evening Star. I ask unanimous consent that the article by Mr. Robert Walters, and a summary of the report accompanying that article, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STUDY CHARGES LAXNESS IN THREE KEY PROGRAMS

(By Robert Walters)

The National Commission on Product Safety today released a report charging that the enforcement of three major consumer safety programs has been marked principally by bureaucratic delay, "continual communication with lobbyists" and a lack of significant concern for the public's needs.

The strongly worded report said the blame for the situation must be shared by Congress, the four government departments and agencies which administer the programs and the manufacturers who have found that "neither self-interest nor competition" is a compelling reason for producing safer products.

"Contrary to broad public expectations, urgent problems of product safety are not being handled," the report said. "If these conditions persist, the agencies will serve mainly to insulate resistant industry from legitimate public demands for safer consumer products."

INDEPENDENT STUDY

The report is based upon an independent study for which the commission contracted, rather than the work of the commission itself, Arnold B. Elkind, chairman of the commission, said his agency's decision to publish the document should not "be taken to imply endorsement of its contents."

Nevertheless, the commission's decision to release the report under its name and to seek wide distribution of a study strongly critical of other government agencies and departments represents an unusual departure from traditional practice.

The 182-page report criticized virtual nonenforcement of:

The National Traffic and Motor Vehicle Safety Act of 1966, the country's principal auto safety law, administered by the Commerce Department and the Department of Transportation's National Highway Safety Bureau.

FABRICS ACT OF 1953

The Flammable Fabrics Act, originally passed in 1953 and amended in 1967, administered by the Department of Health, Education and Welfare, Federal Trade Commission and Commerce Department.

The Federal Hazardous Substances Labeling Act of 1960, amended by the Child Protection Act of 1966 and the Toy Safety Act of 1969, administred by the Food and Drug Administration of the Department of Health, Education and Welfare.

"The administration of these programs has been marked by too much timidity, procrastination and inordinate delay, although there have been some instances of effective action," the report said.

"As if instinctively, the agencies approach any problem so as to seek accommodation with the regulated industry and to avoid major conflict with it," the report added. "Continual communication with lobbyists and representatives of the regulated industries causes agency preoccupation with the economic burdens and dislocations that specific safety standards would impose.

WIDESPREAD DECEPTION

"One consequence of these conditions has been a wide-spread public deception."

The study was equally critical of Congress:

"While Congress has committed vast paper power to agency discretion, it has failed to provide agency resources commensurate with the regulatory problems presented.

"The facade of consumer protection programs but not the reality has been created."

The conclusions were reached by the four veteran attorneys who prepared the report under a $42,500 grant from the commission. The study director was Howard A. Heffron, the first chief counsel of the Federal Highway Administration.

DISTRICT LAWYER

Heffron, a former law professor at the University of Washington and a graduate of Harvard Law, lives in Bethesda and practices law in the Washington office of Stroock & Stroock & Lavan, an international firm.

The commission was created by Congress during the tenure of former President Lyndon B. Johnson.

Describing the auto safety program as "a disappointment to many," Heffron's study said:

"There is no radical new 'safety' car even close to production, the traffic toll has not declined and the safety standards which have been issued reflect in great measure safety features which originated within the industry and had already been incorporated in many vehicles.

CHART RATES ADVANCES

The study included a chart describing each of the 34 vehicle safety standards promulgated by the Commerce Department since 1967—and rating every one of those supposed improvements as either "not significant" or having either "minor" or "moderate" significance. None received any higher rating.

"The safety standards simply set forth legal performance requirements already met by safety features in many or most domestic makes and models when the standard was issued," the report said. "Almost every performance requirement was derived from industry development and practice.

"Industry has led and government has followed."

The federal tire safety standard was described as "devoid of innovation—in fact weaker than its industry predecessor," but the study said it resulted in considerable improvement, principally because the "voluntary" testing and certification program previously conducted by the Rubber Manufacturers Association was designed to avoid embarrassment to tire makers.

LETTERS OF WARNING

On the subject of recall campaigns and manufacturers' letters warning of potential safety hazards the report said:

"Letters are carefully couched to indicate only that the recipient's vehicle 'may have' or 'could possibly have had' or has 'the possibility' of a problem. The word 'defect' is almost never used. . .

"In (one) instance, the manufacturer referred to the possibility that the accelerator rod could become stuck 'preventing the return of acceleration control to engine idle' and went on to characterize the problem as involving 'a relatively slight safety hazard.' "

There has been no followup effort on the part of the government to monitor recall campaigns, to determine the basis on which auto makers decide that a recall is warranted or not warranted, the study added.

Although federal legislation allows the National Highway Safety Bureau to seek court injunctions to temporarily halt violations of the law, the agency never has requested such a legal order, the report said.

COMPROMISE SOLUTIONS

On three occasions, the NHSB has initiated legal action to impose civil penalties, but "all three matters were settled by compromise (and) no company admitted any violation of the act," the report said.

Fiat Motor Co. paid $15,000 to settle a penalty claim based on its marketing of a car with a rear-view mirror which did not meet federal standards, Mohawk Rubber Co. paid $25,000 after a batch of its tires failed a safety test, and General Tire & Rubber Co. paid $50,000 to settle a similar claim.

The law allows the government to assess penalties up to $400,000, and the number of tires involved in the last two cases would have allowed such a claim to be pressed, the report said.

"In settling for the relatively small sums of $25,000 and $50,000, the government hardly served notice to industry that it would prosecute standard violations rigorously," the study said.

NO DETERRENT SEEN

"The sums involved would not seem in and of themselves to be high enough to serve any deterrent purpose—and they probably did not even compensate the government for the costs of its investigations. And the settlement enabled the manufacturers to avoid . . . full disclosure in open court," it added.

Turning to the Flammable Fabrics Act, the report said more than two years have passed since it was signed into law, but as of March—when the study was completed—"not a single new flammability standard for any product covered by the amended act has been issued."

XUM

The report added:

"Nor has the old standard been extended to any dangerously flammable textile products which were outside the coverage of the old act. No proceedings with respect to any such dangerously flammable products have yet been instituted.

STATUS OF REPORTS

"Indeed, the Department of Commerce has not yet submitted a single annual report as required by the amended act, and the Department of Health, Education and Welfare apparently submitted its first annual report one year late."

Instead of requiring that all material used for children's night-wear be as nonflammable as possible, a Commerce Department official proposed last year that those garments which did not meet such a standard be labeled: "Warning: Keep away from fire."

The report also said:

"Despite the accumulation of data from the Federal Trade Commission, from . . . congressional hearings, from Consumers Union and from the National Bureau of Standards, not one formal move has taken by the Secretary (of Commerce) to extend the old inadequate standard to infant receiving blankets, regular blankets or any of the other dangerously flammable household goods."

EXAMPLE CITED

In implementing the Federal Hazardous Substances Act, the Food and Drug Administration has unnecessarily extended and delayed enforcement for two or three years, the study charged.

One example cited in the report:

"Close to three years ago, FDA became aware, through complaints and reported accidents, of a serious problem concerning lemon-oil furniture polishes. Children had been reported as being attracted by the yellow-colored, lemon-scented, glass-bottled lemon-oil type of polish, which they mistook for a lemon bottled drink."

Because the polish contains "highly toxic petroleum distillates" and was reportedly responsible for the hospitalization of 178 young children last year, it required the special labeling authorized under the act.

In March 1967, the report said, an FDA official wrote to the trade association which represents the five companies that produce the polish. He proposed that the product be banned, reformulated to reduce the harmful contents or labeled to clearly indicate the potential danger.

Since that time, one company has switched from a bottle to a can, another has reduced the toxic materials—"and three companies continued to manufacture and distribute a product which, despite some cautionary labeling, results in severe illness in children because of its hazardous contents and misleading packaging."

CONSUMER SAFETY PROBLEMS

This study is concerned with how three major consumer safety programs—automobile safety, flammable fabrics, and hazardous substances, including toys—have actually worked. The administration of these programs has been marked by too much timidity, procrastination, and inordinate delay although there have been some instances of effective action.

The Food and Drug Administration has taken over 2 years to bring to completion proceedings for a proposed ban of the commonly recognized and highly dangerous poison, carbon tetrachloride, and this same agency failed to use its authority to ban carbon tetrachloride provisionally, as a substance posing imminent hazard to public safety, pending completion of the administrative proceedings.

FLAMMABILITY STANDARD

The Department of Commerce has failed to take steps to apply even the weak existing flammability standard to dangerously flammable blankets, bedding, and other interior furnishings, which were made subject to safety regulation over two years ago, and the Department has only this year begun initial proceedings for a special flammability standard relating to children's wearing apparel.

As for the automobile safety program, although a few important standards have issued, they have been drawn from safety features already incorporated in the vehicles of most domestic manufacturers.

These, as well as other disappointments in the consumer protection programs, are all the more alarming because, by and large, Congress has granted to the agencies concerned powers generally adequate to deal with the regulatory problems involved.

To be sure, there are statutory inconsistencies. For example, there are burdensome formal rulemaking requirements in the hazardous substances program, which are not in the others. Moreover, useful authority granted to one agency, such as administrative power to ban hazardous products pending a hearing, or full subpoena power with respect to flammable fabrics have not been granted to other agencies.

VAST PAPER POWER

The agencies, however, cannot blame their poor records of achievement on major gaps in their statutory powers.

While Congress has committed vast paper power to agency discretion, it has failed to provide agency resources commensurate with the regulatory problems presented. The facade of consumer protection programs but not the reality has been created.

Only one fulltime employee with the Food and Drug Administration's Bureau of Compliance has been responsible for enforcing the banning or labeling of thousands of potentially hazardous products regulated under the Hazardous Substances Act.

Congress appropriated no funds to implement the broad, new flammable fabrics program during its first year; indeed, the budget of the enforcing agency, the Federal Trade Commission, was actually cut.

RELIANCE ON INDUSTRY

The National Highway Safety Bureau has never been provided the funds to construct its own research and test facilities. As a result, the bureau is far too dependent on the automobile industry for data needed to develop standards and on cumbersome contracting procedures and dispersed private facilities for compliance testing and defect discovery.

The agencies have also contributed to their own ineffectiveness. For years, the Food and Drug Administration failed to make open and public demands for adequate appropriations to implement the hazardous substances legislation.

The Department of Commerce has seemingly bent over backward to erect cumbersome administrative procedures for the promulgation of flammable fabric standards, which have been conducive to delay.

The National Highway Safety Bureau has failed to take vigorous enforcement action to require stiff civil penalties from manufacturers of noncomplying products, and has thereby impaired the credibility of its enforcement stance.

SEEK ACCOMMODATION

As if instinctively, the agencies approach any problem so as to seek accommodation with the regulated industry and to avoid major conflict with it. Ironically, the timidity with which the agencies approach their task seems endemic to the administrative process established for consumer protection.

The financial, technical, and legal resources of the regulated industries are far greater than those of the agencies. Administrators apparently fear that a major conflict in rulemaking or enforcement would tie up so much of the agency's resources that its ability to press its program would be hamstrung.

They fear also that the entrenched economic interests they regulate could retaliate through the legislative process, particularly through appropriations, since legislators with a direct constituent interest, such as a particular manufacturing plant in their district or state, may be more responsive to such local economic interests than to generalized consumer interests.

Then, too, administrators running these programs find that their agencies, due to lack of resources or inadequate staffs, cannot provide them with the backup data they regard as necessary to withstand challenge from the regulated industry. Like many laymen, they seem to be wary of lawyers and fear a court test of their policies.

LAYERS OF REVIEW

Continual communication with lobbyists and representatives of the regulated industries causes agency preoccupation with the economic burdens and dislocations that specific safety standards would impose.

The government penchant for multiple layers of review preceding final decision produces conflicting interests within the agencies, which may create a stalemate and allow industry representatives to probe for the soft spots receptive to delay. In sum, the consumer safety regulatory process in fact has too often been a dialog between government and industry, with informal communications not open to public scrutiny.

One consequence of these conditions has been a widespread public deception. Contrary to broad public expectations, urgent problems of product safety are not being handled. If these conditions persist, the agencies will serve mainly to insulate resistant industry from legitimate public demands for safer consumer products.

There is no simple, single way to invigorate these programs. The overriding need is for adequate funding and facilities. Fulfillment of this need, however, will only make more vigorous administration possible, but not insure it. At the least, the agencies would be enabled to compile the information and data needed to support strong safety standards and enforcement.

INDEPENDENT VOICE

To counter industry arguments and the institutional constraints limiting vigorous agency action, an independent voice speaking for the generalized consumer interest should be intruded into the administrative process.

That voice should be heard in the critical phases of standard setting before specific proposals are published, and later, when formal proposals have been formulated. The ubiquitous presence of the consumer spokesman should stiffen the spine of a most timid official.

Neither self-interest nor competition has impelled manufacturers to produce products that are as safe as possible. The reasons have been well stated by Commissioner Philip Elman of the Federal Trade Commission:

"The answer, very simply, is that competition and voluntary actions of businessmen do not always suffice to safeguard the public interest. Competition does not inevitably take the form of a rivalry to produce the safest product. Indeed, the competitive struggle may sometimes lead to a 'shaving' of the costs of manufacture involving some sacrifice of safety. Nor does competition always reward, in the form of greater volume and higher profits, the manufacturer who tries to sell 'safety' as a feature of his product.

Consumer safety legislation represents the community's value judgment that industry's economic interests too often do not coincide with the public interest in optimum product safety and that governmental power must be employed to subordinate these economic interests where they clash with product safety.

VIGOROUS ACTIONS

Vigorous enforcement actions seeking stiff civil penalties should be brought. Such action vindicates and reinforces the community's value judgment and strengthens the hands of those persons within corporate management charged with responsibility for safe product development and quality control. For the same reasons private rights and remedies should be created to supplement the agency's own enforcement activities.

In public information and other policies, the agencies should consider industry's susceptibility to consumer pressure in the marketplace for safer products. Consumer safety agencies should be empowered to test products, report the results, and otherwise inform the public regarding the relative hazards of particular products, the manufacturers concerned and their response.

Companies that create safer products or exceed the minimal requirements of safety standards should receive recognition, and those failing through laxity or disinterest to do so should be identified.

Commercial incentives—through government procurement policies and through the creation of markets to supply product safety requirements—should be created with a view toward the harnessing of vast industry resources to achieve public interest safety goals.

CAMBODIA

Mr. SCOTT. Mr. President, I ask unanimous consent to have printed in the Record some letters, a statement, an article, and a letter to the editor, all of which express views which I am sure are of interest in the context of the present debate.

There being no objection, the material was ordered to be printed in the Record, as follows:

May 22, 1970.

Dear Corporal Thomas: Your own service in Vietnam and your understanding of the situation there give special meaning to your views and I want you to know how much I appreciated your letter with the statement which you and three of your fellow Marines signed. While it is rather we here who should be sending encouragement to you in the tragically difficult job you are doing so well, I am deeply grateful for the confidence and understanding you have demonstrated. Your trust strengthens my efforts to lead America toward the challenges before us in the months and years ahead.

With my best wishes.

Sincerely,

Richard Nixon.

San Francisco, Calif.

Mr. Richard M. Nixon,
President of the United States,
Washington, D.C.

Dear Mr. President: I am writing this letter in response to all the antiwar demonstrators and your asking for the prayers of all Americans. I would like to say that my thoughts and prayers are with you daily, and that I have the greatest confidence in your wanting and doing everything in your power to achieve a just and lasting peace in Vietnam. I have viewed your past months in office with the greatest of admiration for you and what you stand for. You were sworn into office on the day that I reported into staging in preparation for duty in Vietnam, and I can say that "I knew then peace would come once again.

I am enclosing a statement that I wrote as a counter to what all of these antiwar demonstrators are screaming about and stand for. I trust you will accept this as the feelings of the vast majority of all Americans everywhere. Thank you for taking time out of your busy schedule to answer and read this letter.

Sincerely yours,

Ronald J. Thomas.

Statement Presented by Marines Serving in the Republic of Vietnam

We deplore the presence of non-student agitators on American campuses throughout the Nation; who with malice and unqualified arguments, are trying to undermine our Nations basic commitment: "To aid any peoples who are being subjected to Communist indignities."

We have been witnesses to the wanton destruction of life and property by the Viet Cong and North Vietnamese armies who are being supplied by bases inside sanctuaries such as Cambodia and Laos. We have also seen what taking these weapons away from them will do. Under these circumstances, we feel that you have no valid justification for not wanting us to enter Cambodia, and destroy supply points and staging areas that the enemy is using to step up actions against us. We feel that by entering Cambodia, we will be able to withdraw sooner than anticipated from all Southeast Asia.

All that we ask is that you please abstain from your riots and demonstrations, and allow the President to prove to you and all Americans that he wants, and is doing everything in his power, to attain a just and lasting peace in Vietnam and all of Southeast Asia. We feel this is not asking too much of you, in comparison to what our country has asked of all of the men who now serve or have served in Vietnam.

Thank you.

Cpl. Ronald J. Thomas,
L/Cpl. Leonard E. Falcon,
Cpl. R. F. Braenler,
Cpl. James E. Bartsle.

Cambodia Success Discredits Critics

(By Roscoe and Geoffrey Drummond)

Washington.—When it comes to lack of credibility, the war-protesters, the Senate doves and other critics of President Nixon's withdrawal programs win the prize. Moments after the President announced the Cambodia operation, the critics told the nation that it would be a total flop, a short-term mistake, a long-term disaster, that U.S. forces would be mired down and never able to get out.

The Cambodia operation is succeeding, not failing. U.S. forces are pulling out on schedule, not staying in.

The denuding of the sanctuaries of war materiel crippled the enemy. Can President Nixon's critics seriously argue that this vast weaponry would not have been used against the United States and South Vietnam if it hadn't been captured?

Allied lives are being saved, the withdrawal timetable can now be stepped up and South Vietnam gains valuable time to get better ready to take the brunt of defending itself.

These antiwar protesters are not "charlatans"; they are overwhelmingly honest and sincere in their views. But they are achieving such a massive lack of credibility that when there is another round of "we're-right-you're-wrong-Mr. President," we ought to bear in mind that sincerity doesn't guarantee wisdom.

When the Cambodian action began, Richard Nixon's critics were suddenly horrified at what they called the U.S. violation of Cambodia's neutrality. But where was their "horror" during the past five years while the North Vietnamese army was severing the border sanctuaries from Cambodia to use them as staging areas for attack on South Vietnam?

The war protesters are also wringing their hands because, they contend, the war is being widened. It isn't being widened; Hanoi had already been making war against Cambodia and in Cambodia. What is being widened is the defense against the common enemy.

The war protesters seem to think it is a terrible thing that the common peril has caused Cambodia's two neighbors—South Vietnam and Thailand to bury their traditional hostility and join in collective defense.

What's wrong with that? Isn't that what many have long been seeking—the smaller Asian countries coming together to defend each other? Cambodia has asked for continuing help from Saigon and is getting it. It has asked for Thai volunteers, and Bangkok is providing them.

It is quite true that no one can be sure that the Cambodian Government can survive the Communist invaders, but the prospects of survival are enhanced by depleting the sanctuaries. It is true that no one can be sure that Hanoi will ever engage in serious peace talks. But the incentive to do so is enhanced by the Cambodia operation.

What surprised us about the President's interim report on Cambodia is the tremendous commitment he is making to the American people.

He has made it before and he now repeats it:

"I have pledged to end this war. I shall keep that promise." This is a difficult and uncertain commitment from the standpoint of domestic politics: He doesn't have to make it. All he has to do is to commit himself to steady withdrawal and turning over the fighting to South Vietnam.

But he is doing more. He is pledging to end the war.

Soldier Writes Home: GI's Support Attack

To the Editor of The Inquirer: In the light of recent criticism concerning President Nixon's decision on entering Cambodia—I wish to quote comments from two recent letters from our son who is currently stationed in Saigon:

"I am really burned up at the demonstrations they are having back home. The thing that gripes me is that no one wants to get out of Vietnam more or faster than the GIs that are here.

"I have yet to hear a dissenting word from anyone here over President Nixon's decision to enter Cambodia. The decision is basically sound and shows both good military and common sense.

"This, more than anything, will help in getting our troops home. Our going into Cambodia has saved more American lives and shortened the war more than any operation in the war so far.

"The protesters have done nothing but encourage the enemy, damage the U.S. image abroad (and at home) and generally hinder the army's ability to conduct military operations with a free hand."

Concerned Mother.

Merion.

A WHITE HOUSE CONFERENCE ON YOUTH

Mr. DOLE. Mr. President, this morning the President asked Stephen Hess, national Chairman of the White House Conference on Children and Youth, to announce plans for the White House Conference on Youth. I want to be certain that my colleagues in the Senate are aware of this important development expressing the renewed concern of the President in listening to the youth of our Nation. I, personally, found the plans outlined by Mr. Hess to be exciting in form, unique in substance, and bold in direction.

There has never been a more pressing need for such a conference. There has never been a deeper need to open the channels of communication between youth and the adult community. There has never been a greater need to allow youth to help create their own legacy.

The Conference announced by Mr. Hess promises to take a giant and essential stride in this direction.

CAMPUS DISORDERS

Mr. ALLEN. Mr. President, the spate of recent college disorders by student and nonstudent activists is a cause of great concern to a majority of our people. The problem is not easily solved, but it is obvious that we must devote our efforts to determining the root cause of college disturbances. In this regard, I ask unanimous consent to place in the Record a most thought-provoking article by the eminent columnist, Mr. Henry J. Taylor.

Also, Mr. President, the Board of Education of Montgomery County, Ala., recently adopted a resolution concerning campus unrest and urging that the President call a White House conference for the specific purpose of finding a solution to the many problems besetting the educational process as a result of these disorders.

I also ask unanimous consent to place the resolution in the Record.

There being no objection, the article and resolution were ordered to be printed in the Record, as follows:

Campus Ills Red Fomented

(By Henry J. Taylor)

Are part of the campus disorders a Red plot? You be the judge. For a perilous feature of our day is that too many people are either too civilized, too inexperienced, too distracted or too dense to grasp the documented truth.

We are being brainwashed whenever we are told that the thrust here is not organized. The CIA and FBI both know that the center for it is in Prague, within the shadow of the Ruzyne Airport. There the immense so-called International Union of Students, financed and braintrusted by Moscow, is supporting university anarchists here and throughout the free world.

The Kremlin departmentalizes this place into "country desks." Each section supervises a country. Cunningly, each tailors the "issues" for each country. Naturally, the IUS drums on the Vietnam issue here and "peace! peace! peace!" to further a Red victory in Southeast Asia.

A Pole, Vlod Konarski, a man with a bite like a saber-tooth tiger, supervises the British thrust. The IUS vehicle there is the militant Radical Student Alliance in London. Two subdivisions are supervised by Jean Bougareau, a Frenchman, and Martin Abein, who is Dutch.

In Eire the IUS thrust, localled the International Movement, is based at Trinity College, Dublin. The IUS supervisor is Hardial Sinh Bains, a naturalized Canadian born in India.

A Bains sidekick is Ralph Schoenman, 34, the student shepherd of the Bertrand Russell Peace Foundation—the man who concocted the mock trial of President Johnson in Stockholm to protest against Vietnam. Ironfisted Schoenman served a "martyr" stretch in Montjoy Prison, Dublin. Britain banned Schoenman and Scotland Yard caught him. To the dismay of the CIA and FBI, Schoenman had an American passport.

In West Germany the Berlin police documented the IUS's control of Rudolf Dutschke ("Red Rudi") when Dutschke was arrested on April 11, 1968, during riots in nearly all the West German universities.

In France the IUS thrust is supervised by Daniel Cohn-Bendit ("before you can build you must destroy"), who is not even a Frenchman. He's German. The success, typified by the March 3 Nanterre campus mayhem which saw Dsan Paul Ricouer kidnapped and 125 policemen injured, has all but paralyzed French education. University faculty members are brutalized and kidnapped almost daily.

The French parliament has enacted a university reform law. In it the campuses are supposed to be autonomous. But by staging demonstrations identical with those here the continued attacks have forced Education Minister Oliver Quichard to open France's campuses to police jurisdiction by declaring university grounds to be public thoroughfares.

I had lunch in New York not long ago with Italian Foreign Minister Aldo Moro. Italy, too, has enacted a new university reform law. Mr. Moro, himself a professor, sponsored it. "But what can we do?" he asked. "In my country, as in France, your country and throughout the free world, the Reds' technique is always to up their demands with every concession they gain."

Japanese Premier Eisaku Sato spoke similarly on his visit here. He said that last year student arrests in campus disorders exceeded 14,000 (ours exceeded 3,600) and that the IUS thrust has reduced Japanese education to a shambles. The IUS vehicle there is the immense Zengakuren student organization along with five other factions.

In addition to its thrusts in Europe, Asia Latin America and the United States the IUS now runs terrorist training centers for African students. The CIA has uncovered them in Budapest and Warsaw and in Leipzig, Bernau and Bautzen, East Germany. These have trained and sent back to their African homelands more than 1,000 student insurrectionists in the past six months. The IUS's anarchists are entrenched in the colleges all the way from Morocco on the Atlantic clear down to the border of the Union of South Africa.

There's no Alfred Hitchcock mystery in what is happening here, nor the brainwashing that accompanies it. Of course, none is so blind as one who will not see. But wake up, America! Our enemies are promoting a civil war in the United States. "It can't happen here" is a totally dangerous philosophy. It will happen if we still refuse to wake up and call a spade a spade.

Resolution

Whereas, widespread disruption of the orderly educational processes on the campuses of our colleges and universities is of great concern to us; and,

Whereas, certain student activities, by a minority group on campus, contributes to this disruption and threatens the educational future of the majority of the young people as well as the peace and tranquility of our State and Nation; and,

Whereas, we believe the President of the United States and the Congress are also concerned about the present conditions existing on our college and university campuses,

Now, therefore, be it resolved by the Board of Education of Montgomery County, Alabama, as follows:

1. That the education of the young people of America is most vital to the future of this Nation.

2. That the activities of a minority group on our college and university campuses, whose purposes are to disrupt the education of the majority of students, to cause campus unrest and to bring about riots and destruction of public property must be stopped.

3. That a White House Conference with responsible student representatives, college and university officials, and administration and Congressional leaders participating would be most helpful in finding the solution to these problems which we face today and we urge the calling of such a White House Conference.

4. That the Secretary of the Board of Education of Montgomery County, Alabama is directed to send a copy of this Resolution to the President of the United States and the Congressional Delegation from the State of Alabama.

I certify that the above is a true and correct copy of a resolution adopted at a regular meeting of the Board of Education, Montgomery County, Alabama, held at its offices at 307 South Decatur Street, Montgomery, Alabama, on May 28, 1970.

W. T. McKee,
Secretary.

COMMENCEMENT ADDRESS BY SENATOR GOLDWATER AT NORWICH UNIVERSITY, NORTHFIELD, VT.

Mr. GOLDWATER. Mr. President, as most of the Members are aware, I am becoming increasingly concerned with reckless and unsubstantiated charges against the American military system and Defense Establishment. I am especially concerned because these charges have been growing in volume while the Soviet military buildup grows in importance.

Many times I have stressed the fact that the destruction or the weakening of our defense system is not the way to increase the chances of peace throughout the world. On the contrary, if there is one course of action which can increase the chances of another world conflict, it is the one that leads in the direction of American disarmament.

Mr. President, I outlined my concern on this matter recently in a speech to the graduating class at Norwich University in Northfield, Vt. For the information of the Senate, this fine institution has been training young Americans for careers in civilian life and for careers in the military service of their country for 151 years.

I ask unanimous consent that my remarks at Norwich University be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Remarks of Senator Barry Goldwater of Arizona at the 151st Commencement Exercises at Norwich University, Northfield, Vt.

It is a great honor and privilege for me to be with you here today to participate in the exercises which will mark the graduation of this fine group of young American men.

I find it especially gratifying because the commencement here today involves two subjects in which I am vitally interested: Youth and the American military system.

Most of you will be a part of that system only briefly. Your education at Norwich has been, for the most part, a preparation for careers in civilian life. But you have also been trained to take your place beside men who are devoting their lives to service in our Armed Forces.

Before I go any further, I want to emphasize here and now as strongly as I possibly can that theirs is one of the most honorable professions which our society has to offer at a time of crucial importance to our Nation's security and the cause of human freedom throughout the world.

It is my firm, unshakable belief that the course they are following enjoys the approval, and indeed, the gratitude, of the overwhelming majority of responsible American citizens. They are a vital part of the forces which are working hardest to maintain peace throughout the world, forces the majority of our people support.

We are today undergoing one of those unfortunate cycles in the affairs of nations where many poorly informed people are using the military profession and defense establishment of our nation as a scapegoat on which to vent their frustration and irritation over an unhappy war in Indochina and critical problems on the domestic front.

We are today witnessing an all-out and dangerous assault on the so-called Military Industrial Complex. The President of the United States has seen fit to describe this attack as "open season" on the American military.

From the vantage point of age, I want to assure this graduating class today that what is taking place at the present time is not new, either in this nation or in other nations of the free world. During the period between World War I and World War II many movements flourished in this country in the name of pacifism, in the name of disarmament, in the name of peace. A whole extravaganza of charges were publicized in Senate hearings against the so-called munitions makers. In the oversimplification of that day, attempts were made to convince the American people that wars were the result of activities on the part of people who manufactured the sinews of war. A connection was drawn between deaths on the battlefields and profits made by the manufacturers of armaments. On many campuses in this country peace groups flourished and the ROTC was held in contempt.

In Great Britain the movement was even more pronounced. At one time a majority of the undergraduates at Oxford University signed a document called the "Oxford Oath" that pledged them never to take up arms in any war at any time. And, of course, many of those young men a few years later participated valiantly in the Battle of Britain.

Needless to say, in this period disarmament was mistakenly thought to be a sure road to an era of peace. It was believed that if the nations of the world could agree to dismantle their weapons systems, sink their warships and disband their armies, the drive toward aggression would cease to exist in the world.

History has shown us that reasoning men have many times talked themselves into this kind of rationale. It grew from a disbelief that intelligent, well-educated, reasonable men could not prevail in the council of nations to convince all possible aggressors of the stupidity of waging war.

Time and again, these well-meaning intellectuals have been proven wrong. Their argument is as erroneous as the belief that the nature of man can somehow be changed by the adoption of a certain type of legislation.

It may be entirely reasonable to acknowledge that war is wasteful and brutal and non-productive. But unless all men bow to that acknowledgment and bind their ambitions and their endeavors to it, it just won't work. There is no way to pass a law which could make all men forever noble, thereby eliminating his human tendencies toward avarice and greed and selfishness and hatred. By the same token, it is impossible to expect all nations, friendly and unfriendly, to be swayed by our own belief in the value of peace and the foolishness of war. If this were the case, there would be no Communist enemy confronting our fighting men in Vietnam and Cambodia. If this were true, there would be no need for strategic arms limitations talks at Vienna. And, of course, if this were true, there would be no need for defense expenditures of any kind and there would be no need for courageous, well-trained young men like yourselves.

This is what the so-called advocates of peace in this nation are actually asking us to believe. A sign which reads "Make Peace, Not War" could easily get the overwhelming support of a vast majority of 204 million Americans. But such a lopsided vote wouldn't assure that it could poll a single ballot among the leaders of the Viet Cong or the North Vietnamese Communists.

It does no good to say you are for peace and against war. Nobody has an exclusive right to this kind of humane attitude. The vast majority of people all over the world subscribe to it, and of those, the most sincere, I have no doubt, are the members of the American military establishment.

Critics of the war in Vietnam and of the MIC and of all things having to do with the military and defense establishment of this country would like you to believe that men who make it their business to become experts in the art of military strategy and tactics are automatically proponents of war. I have, as have many men of my generation, seen war at first hand. I number among my friends and acquaintances many generals, admirals, colonels, majors, captains, lieutenants and enlisted men. And I can tell you that the strongest, best qualified opponents of war in any nation are the men who have seen it at first hand, who have experienced the suffering and the heartbreak and the inconvenience of armed conflict.

By the same token, the strongest guarantors of peace in the world today are the men of the military. It stands to reason that if we had no military, Communist aggressors in all parts of the world would feel justified in reaching for additional territory and more power over the lives of innocent people. This is what happened in Korea. It's what almost happened in the Chinese offshore islands of Quemoy and Matsu. It's what almost happened in Lebanon, in Berlin and in Cuba. In every instance the tension arose from a Communist miscalculation of American weakness or lack of will.

And it stands to reason that nothing has changed in this respect. In fact, officials in the Pentagon are becoming more alarmed every week at new evidences of a Soviet weapons buildup. Officials such as Secretary of Defense Melvin Laird, Chief of Naval Operations Admiral Thomas H. Moorer and Dr. John S. Foster, Jr., head of Defense Research and Engineering, informed the Senate Armed Services Committee only last month that the Russian arms buildup is "a matter of great and growing concern." Secretary Laird laid great emphasis on accelerated construction of huge Soviet SS–9 intercontinental missiles.

At the same time, high ranking naval officers reported that the U.S. is facing a serious challenge from the progressive buildup of Russian naval forces in strategic areas of the world. In fact, part of this Soviet fleet is maneuvering off the coast of Florida today.

These warnings have been growing more frequent and more emphatic in recent months. But they have been drowned out by the loud chorus of leftwing agitators and liberal intellectuals who constantly insist that the United States must take the lead among the super powers in promoting surrender through disarmament.

Almost everyone of these left-wing experts on all things political, diplomatic and military use the same arguments. Many of them use identical phrases. Their stock answer to the warnings of our defense officials is to charge that the Pentagon is attempting "to frighten" the American people.

As a matter of fact, these arguments against the military, against the MIC, against the Asian policies of the United States, are so similar that some of us are lead to wonder who calls the shots. It almost seems as though some central intelligence center is putting out an anti-military line to be followed by left-wing spokesmen each week. The only other explanation is to charge these critics with such a total lack of originality and imagination and ideas that they are forced to parrot the assertions of each other.

As I observe the American scene today and listen to the innocent din for "surrender" from a tiny but loud minority of our citizens and then consider what the Russians are up to, I begin to understand the true greatness of Britain's wartime leader, Winston Churchill. Most Americans, especially of this generation, think of Churchill only in terms of a strong, courageous leader who mobilized the military opposition which ultimately crushed the Axis powers in Europe. Some of us older students of history remember those grim days of the "Oxford Oath" in which Mr. Churchill tried repeatedly and unsuccessfully to warn the British against disarmament in the teeth of the Hitler threat. You guessed it. In those days, Winston Churchill was denounced as an enemy of peace, as a man who wanted Britain to embark on a course of warmongering and who was spending his time trying to "frighten" the British people.

We know now that it was time to frighten the British people. The developments that Mr. Churchill foresaw and predicted actually occurred. And they occurred so long before the British people were willing to listen to sound advice that it almost caused the lights of freedom to be extinguished forever on the "tight little island."

Looking back on Mr. Churchill's experience, I think it behooves us today to listen to the voices of warning—even if they should prove "frightening" to our comfortable form of existence.

There are times when it is to our complete advantage to be frightened if the facts support a frightening thesis. It does us no good to fluff off the warnings of government officials based on the best possible intelligence merely because the content of those warnings carry serious implications for our security. I certainly would much rather heed an assertion by Secretary Laird than to accept a declaimer by some college professor or research foundation.

We have a defense establishment for a very important reason. We attempt to man it with the best qualified men available. When they warn of a possible threat to the security of the United States, I think it must be treated with utmost gravity.

My fear, very frankly, has been that we might not be warned and even frightened when developments among our enemies warrant it. I say this because I honestly believe some of the peace advocates in this country are attempting to intimidate our military leaders. Anyone today who warns of a Communist buildup or who suggests the erection of any kind of defense system (such as the ABM) is almost automatically subjected to charges that he is a "hawk" and is bent on a course of action which might lead us into World War III or to a nuclear confrontation. It will be a dangerous development if these loud proclaimers and dissenters ever succeed in muting the voices of warning. By the same token, it will be a dangerous thing if our people ever become convinced that the way to solve our social and domestic problems is to cut our defense expenditures below a level adequate to insure the security of 204 million Americans.

XUM

Recently we have heard, even from some industrialists who should know better, Senate testimony to the effect that our military expenditures and the war in Vietnam are primarily responsible for price inflation which we are experiencing today. This is a pet theme of the critics of the military and I must admit it sounds very legitimate. However, it just is not true, and the government's official figures on Federal spending show what I mean. These figures prove that defense spending at the Federal level dropped two percent between the years 1952–1960. And while it increased 75 percent in the period between 1960–1968, it dropped off by 10 percent in the period between 1968–1971.

But to get the picture in its proper perspective and to see what really is causing the price inflation of today, you have to take a look at Federal spending for such resources as health, education, labor, social security and other human resources. This spending increased 227 percent between 1952–1960. It increased another 165 percent between 1960–1968 and an additional 41 percent in the period from 1968–1971.

Federal spending on all other purposes in these three periods showed the following: An increase of 49 percent between 1952 and 1960; an increase of 78 percent between 1960 and 1968; an increase of 14 percent between 1968 and 1971.

In closing, let me again congratulate this graduating class and urge it to remain cleareyed and clear-minded in the difficult days which may be ahead for those who choose to embark upon a military career. I thank you.

CULEBRA

Mr. KENNEDY. Mr. President, the Department of the Navy currently is dropping aerial mines, firing artillery shells, and conducting other weapons testing and naval training on an island that is part of the Commonwealth of Puerto Rico.

The island of Culebra and the town of Dewey with some 700 residents is the site of the Atlantic Fleet's favorite naval and aerial bombardment range. It should be noted that the citizens of Puerto Rico are U.S. citizens and, therefore, entitled to the full protection of the guarantees of the U.S. Constitution.

The history of the use by the U.S. Navy of a portion of the island dates to the Executive order signed by President Theodore Roosevelt in 1902. Between 1902 and 1911 the residents of the town of San Illdefonso were evicted and many of them formed the new town of Dewey at the extreme south of the island. The Navy returned in 1924 for a series of military and naval maneuvers and finally began formal and continuous naval training in 1936.

In 1941, President Franklin D. Roosevelt designated Culebra as a naval defense area restricting entrance and exit through its 3-mile territorial waters. However, the Navy was required to establish rules and standards permitting passage through these waters.

Similar restrictions on the air space over the island also have meant that the island has become virtually isolated except at those specific times authorized by the Navy. Emergencies of any gravity require transportation to Puerto Rico or the arrival of medical help to Culebra. The mayor of Dewey has complained of the transportation restrictions and the reluctance of the Navy to relax its restrictions.

Similar complaints regarding the failure of the Navy to give advance notice of its maneuvers, training exercises and bombardments also have not brought any result, according to a study by the Puerto Rico Civil Rights Commission.

The study shows the economic hardships endured by the citizens because of the Navy occupation of the island and clearly shows the impossibility of economic development under the present conditions. The island's potential as a tourist attraction remains totally unattainable because of these problems.

Although the Navy has stated that there is no danger to the citizens from its activities, a recent incident brings even that assertion into question. On May 22, the Governor of the Commonwealth of Puerto Rico was on a yacht in unmarked waters. The Governor was on a trip to the island to investigate conditions there. Children were swimming off the shore of the island, again in an area where there were no warning signs that any bombardment was expected. Suddenly six mortar shells dropped into the water less than 200 yards from the children.

This incident raises serious questions about the manner in which the Navy assures the safety of the residents of the island.

In addition to the 2,000 acres of the island that the Navy now uses on the northwest portion of the island, it has announced its plans to lease an additional 2,350 acres while permitting some 680 acres to revert to the Commonwealth. I think we must seriously question whether the national interest requires this expansion.

I have requested that the Secretary of the Navy investigate and report on alternative uninhabited sites that would serve Naval training purposes and would permit the return of the entire island of Culebra to the Commonwealth.

I also have requested that Senator HENRY JACKSON's Armed Services Subcommitee hold a more extensive hearing on the question of the Navy's continued use of the island than the House hearing scheduled for tomorrow. The House hearing is slated only to cover the Navy's request for acquisition of additional land.

At the very least, I would expect that the Navy Department would heed the recommendations made by the Puerto Rico Civil Rights Commission in this matter.

At this time, I ask unanimous consent for the inclusion in the RECORD of the recommendations of the Civil Rights Commission, as well as my correspondence with the Navy Department.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RECOMMENDATIONS

The Civil Rights Commission makes the following *recommendations:*

(1) On the basis of the evidence under our consideration we are unable to appreciate the existence of installations and military training operations of so sophisticated a type as to justify a scope of operations so vast that it must include almost the whole perimeter of the Island of Culebra and its adjacent islets and keys. Likewise, neither is the enlargement of the safety zone which comprises extensive private lands in the Island of Culebra justified. According to the Plan proposed by the United States Navy, on the private lands included in the enlarged safety zone, residential uses are deemed to be *totally* incompatible with the military training operations.[1] Likewise, the possibilities of a tourist development and resort development on the private lands within the safety zone are *totally* eliminated. Under the mentioned Plan the only use permitted for these properties is that of agriculture and cattle raising.[2] This subjection of the uses and exploitation of the private lands in the situation above mentioned, where the prime value and, almost the only value of the private lands consists in the possibilities of development as a tourist and resort area, and it appearing that agriculture, particularly cattle raising, has almost completely disappeared in terms of any commercial profit, constitutes an *unreasonable* and *irrational* regulation. For these reasons, we advise the United States Navy to circumscribe, in the best interest of national defense and the necessary accommodation of the rights of persons consecrated in the Constitution of the United States, its operations and restrictions for an adequate military training to the northwest zone of the Island of Cule-

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[1] Cf.: *El Mundo,* Saturday, April 25, 1970, pages 1–A continued on 16–A; *The San Juan Star,* Saturday, April 25, 1970, page 18.

[2] *Ibidem.*

bra. This zone was the one which originally, from 1936, and up to the year 1960, was utilized solely by the Navy as a zone of operations of naval and air training. At the present time, it is unpopulated and constitutes one of the 'least drastic means' for not violating the constitutional rights of the persons on the Island of Culebra.

(2) In the same way we recommend that the United States Navy draft *reasonable, clear, precise* and *non-discriminatory* standards and regulations for the granting of permanent entry and departure authorizations through the restricted zone.

(3) It is also recommended that an adequate and easy system of communication with persons who desire to travel through the restricted zone so that they may obtain the corresponding permit from the local naval authorities.

(4) It is also recommended that substantially reliable advance notices be established for the benefit of the persons in Culebra and other interested persons in Puerto Rico respecting the training activities of the Navy in the restricted zone.

(5) We recommend the adoption by the Navy of a better system for attending to complaints and claims, particularly from the fishermen, because of the disturbances and damages caused by the Navy in carrying out its maneuvers.

(6) It is recommended that any fundamental determinations established respecting the Island of Culebra, its adjacent islets and keys, should require an opportunity to hear the municipal authorities and private persons. Likewise, any present and future arrangements between the Commonwealth of Puerto Rico and the local federal authorities and those in the United States with respect to the situation in Culebra, should provide for prior consultation with the municipal authorities of this island, the persons affected by this situation, and, indeed, the citizenry in general on the Island of Culebra and in Puerto Rico.

JUNE 9, 1970.

Hon. JOHN H. CHAFEE,
Secretary, Department of the Navy, Washington, D.C.

DEAR MR. SECRETARY: I have read recent accounts of an incident in which the Governor of the Commonwealth of Puerto Rico and bathers on the shore of the island of Culebra were nearly struck by mortar or artillery shells.

This incident raises additional questions of the feasibility of the Navy continuing its use of the island of Culebra as a target and training area. It particularly brings into question the current application by the Department to acquire some 2300 acres of the island for the same purposes.

I would appreciate your comments on this question and also would like to know whether there has been an investigation of the recent incident in which shells apparently fell in an unrestricted area.

Moreover, I would appreciate knowing what alternatives have been explored by the Navy to the continued use of the island of Culebra.

I look forward to your response on this matter.

Sincerely,

EDWARD M. KENNEDY.

THE PRESIDENT'S CAMBODIAN DECISION

Mr. SCOTT. Mr. President, I ask unanimous consent to have printed in the RECORD a statement made by William H. Rehnquist, Assistant Attorney General, Office of Legal Counsel.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE PRESIDENT'S CAMBODIAN DECISION

Mr. Chairman, distinguished guests, it is a great pleasure for me to be here with you at the Nationalities Leadership Training School of the Republican State Committee of Pennsylvania. I think it is extremely important, in a nation such as the United States with its historic tradition of being a "melting pot" for numerous different nationalities who have emigrated here, that the contributions and heritages of these various nationalities be recognized by the nation and by the Republican party. Each of us is a member of some sort of ethnic, religious, or racial minority, and while all of these minorities are not subject to discriminatory treatment, all of us are on occasion reminded, if by nothing more than jokes, of our minority status. My paternal grandfather and grandmother emigrated from Sweden, and settled in Wisconsin, where I grew up. Swedes, as you may or may not know, are felt by many of their more or less antagonistic neighbors to be somewhat dumber than other nationalities. I learned in the course of growing up that the only thing dumber than a dumb Norwegian was a smart Swede. I also learned this bit of doggerel:

"Ten thousand Swedes came out of the
weeds at the battle of Copenhagen;
Ten thousand Swedes came out of the
weeds chased by one Norwegian."

I also remember my father and his brothers and sisters saying that my grandfather and grandmother refused to speak Swedish in their home when their children were present, because they were so anxious to have them become fluent in English. While this was doubtless done from the noblest of motives, I think that today many would regard it as a mistaken way of expressing one's deep desire to be a good American. The day is long past when we think there is any inconsistency between wholehearted loyalty to the United States, and a deep and abiding respect for the nationality, the language, and the traditions of the foreign country from which our forefathers have emigrated. The Nationalities Leadership Training School of the Pennsylvania State Republican Committee is a splendid recognition of this fact. Its success, and the success of other programs in other states, is a fine tribute to the work of Mike Banko, the State Nationalities Director for the Republican State Committee. I want to commend both him, and Mr. Laszlo Pasztor, Director of Heritage, Republican National Committee, for their role in making these groups an important part of the Republican Party.

I would like to discuss with you tonight President Nixon's decision of some five weeks ago that American forces in South Vietnam should cross the Cambodian border in order to destroy sanctuaries which had been used by the enemy as bases from which to attack American and South Vietnamese forces.

That decision was violently assailed by the "dove" faction in this country, both as to its legality and as to its wisdom. While my official position with the Justice Department has required me to touch only upon the legal aspects, I think it a rather poor show to simply conclude that the President was constitutionally authorized to do what he did, leaving the implication that it may well have been unwise. I am satisfied from my rather lowly vantage point that the President's decision was not only entirely consistent with the Constitution, but was a wise and statesmanlike one.

Those who criticize the legality of the President's decision apparently do so on the ground that he had no authority to order American troops to cross the Cambodian border. Such a conclusion is contrary to the great weight of historical and constitutional precedent in this field. The framers of the Constitution, meeting in Philadelphia in 1787, decided to divide the "war power" of the new nation between the Executive and Congress. The Executive was made Commander in Chief of the armed forces, but Congress was given the power to declare war. It is clear from the debates in the Convention that the President, as Commander in Chief, was given exclusive authority to decide how a military campaign or war, once commenced, should be conducted.

The succeeding 180 years of our history have proven beyond any doubt that the President may, when he deems it necessary, commit American armed forces to combat in foreign lands without any congressional declaration of war. This happened under President Polk, President Theodore Roosevelt, President Taft, President Wilson, and President Truman. Indeed, President Truman committed the United States to repelling the North Korean invasion of South Korea, a military engagement which certainly amounted to "war" in the dictionary sense of the word, which lasted for nearly three years and which involved several hundred thousand American ground troops, as well as air and naval support for them. He did this without Congress ever having declared war, or having formally ratified his action in doing so.

In 1964, President Johnson asked Congress for authority to use American armed forces against the North Vietnamese enemy because of the latter's attack on American naval vessels in the Gulf of Tonkin. In response, Congress passed the Gulf of Tonkin resolution, which authorized in the broadest language the use of American combat troops to help defend South Vietnam from North Vietnamese aggression.

This was the situation that President Nixon faced in making his Cambodian decision. A relatively large-scale war, involving hundreds of thousands of American troops, was then in progress, having been commenced by his predecessors with the full authorization of Congress. President Nixon, surveying this situation when he took office, and realizing that the great majority of American people wanted peace with honor in Vietnam, devised the program for Vietnamization of the war. This program called for gradual withdrawal of American troops, as the South Vietnamese army became capable itself of holding off the invaders from the north. That plan had already led to withdrawal of substantial numbers of American troops from Vietnam when, in April, 1970, the President was confronted with a new development. A significant buildup by the enemy of its sanctuaries just inside the Cambodian border from South Vietnam, coupled with a change of government in Cambodia, suggested that the incursion by American troops into the Cambodian sanctuaries was both necessary to protect American troops fighting in the field in South Vietnam, and would have a remarkably good chance of success.

The President, as Commander in Chief, has always been charged with responsibility for making whatever decisions were necessary to protect the lives of American forces engaged in the field of combat. By deciding to cross the Cambodian border with American troops, President Nixon did not bring Cambodia into the war against us; he made it easier for Cambodia to defend its own neutrality against North Vietnamese infiltration. The protests uttered by the Cambodians against American incursion were obviously only of the most formal and perfunctory nature. Under these circumstances, the President's decision was a classical case of a determination by the Commander in Chief as to how a war, then in progress for six years, should be waged. It was not a decision to commence new hostilities against Cambodians, but a decision to prosecute existing hostilities by attacking North Vietnamese inside the Cambodian border—where their activities clearly violated Cambodian neutrality. It was well within the President's power as Commander in Chief, under the Constitution, to take this action.

Let us turn now to the wisdom of the President's decision. His attackers contend that the decision dramatically catalyzed the opposition of college students to the war, thus further dividing the country. The critics said that the President's move widened the war, and took another step towards committing us to a prolonged land war on the Asiatic continent.

I don't think these criticisms can be properly evaluated without a brief look at the historical context of the Vietnamese war, and at some of the events of recent history.

When President Nixon took office in January, 1969, he inherited a war which had become increasingly unpopular with the American people. Part of this unpopularity stemmed from the attitude of the preceding Administration, which was to sanction gradually increasing involvement of American troops in Vietnam without any corresponding effort on its part to mobilize domestic opinion in support of the sort of sacrifices necessary to win any war. Part of this unpopularity stemmed from the real doubts on the part of many people that involvement of American ground troops in a land war on the Asian continent was wise. Still another part of the unpopularity of the war resulted from the relentless harping on all of the arguments against war by what I may call the "academic-journalistic" complex—the highly vocal, highly articulate, highly determined band of professors, journalists, liberal politicians, and other opinion makers who were determined to turn national policy around in this regard.

Now, unpopularity of a war is nothing new in history. I don't think there has ever been a popular war in this country—there have been wars of varying degrees of unpopularity. New England virtually seceded during the War of 1812; New England again violently opposed the Mexican War, during which Thoreau went to jail in order to protest payment of taxes which went to finance the American military expedition. During the Civil War, extensive draft riots took place in New York, and Lambdin P. Milligan, who may fairly be called a traitor to the North, was a hero in many parts of Indiana and Ohio. The first World War started on a sufficiently idealistic plane, and lasted a sufficiently short time, that war weariness did not set in until after it was over, and people became thoroughly disillusioned with the peace of Versailles. I served in the second World War, as did millions of other Americans, and I think the feeling there was simply of doing one's duty, rather than of any exalted national purposes, so far as the typical soldier was concerned. War weariness became more of a public phenomenon during the last stages of the Korean War, and of course the Vietnamese War has witnessed the highwater mark of that sort of attitude.

There is nothing easier to do than talk against war. General Sherman said, "War is hell." The terrible sacrifices required of those soldiers actually exposed to enemy fire, and the lesser though significant sacrifices required of those who serve in the armed forces in non-combat positions, need no detailing here. The awesome responsibility faced by any President, and any Congress, who decide to commit American armed forces to combat cannot be doubted. "Make love, not war" is a most appealing slogan.

Given the tremendous war weariness of the American people in January, 1969, nothing could have been more appealing from a political point of view to the incoming Republican President than to call a press conference, describe the entire war as a mistake which had been made by the preceding Administration of the opposite political party, and begin a precipitate march to waiting transports.

But Richard Nixon is more than the head of a political party, he is the President of the United States. He is also a student of history.

Lord Acton, the eminent English historian, said that those who would not learn from the mistakes of history are doomed to repeat them. I am sure that President Nixon was well aware that his decision to send troops into Cambodia would not be popular with those who have urged an immediate end to American involvement in Vietnam. He said as much in his television speech on April 30. But he has rather distinguished company in his unpopularity in this sort of thing. Winston Churchill, thought by many to be the greatest statesman of the first half of the Twentieth Century, was viewed as a pariah only a few years before public opinion overwhelmingly made him Prime Minister of England in England's darkest hour during the second World War. He was viewed as a pariah, not merely by the "peace at any price" politicians of his day, but by a substantial segment of English opinion generally because of his opposition to the Munich settlement. Munich, which is a dirty word now, was not a dirty word at the time it happened. The hero of those days was Neville Chamberlain, who was wildly acclaimed upon his return from Munich, in September 1938, for having brought—or perhaps, more accurately, "bought"—"peace in our time". The ending of a war, the avoidance of a war, are tremendously popular events. But peace, in rare cases, history tells us, can be purchased at too high a price—a lesson of which the Munich settlement is a classical example. There have been two great, tragic patterns in the world history of the past half century—the first of these was the emergence of Nazi Germany as a world power, with the holocaust of the second World War as its result. The second was the emergence of the Soviet Union, during and after the second World War, as a world power with similar imperialist expansionist goals, with the Cold War as its result. Woven into each of these patterns is a recurring theme of defeatism and peace at any price.

All of us of middle age remember the chronology of Adolf Hitler's aggression in Europe. In 1935 he remilitarized the Rhineland. In 1937 he took over Austria. In 1938 he dismembered Czechoslovakia, and in 1939 took over most of what remained of it. Later in 1939, he sought to dismember Poland. Poland refused to voluntarily submit, and the Western Allies, seeing the handwriting on the wall, bowed their backs. The result was the beginning of the second World War.

During the summer of 1939, when war appeared imminent in Europe, there was in France particularly a great deal of peace sentiment, as William L. Shirer points out in his recent book, "The Fall of the Third Republic". This sentiment was epitomized by an editorial which appeared in a leading French newspaper only a few weeks before the outbreak of war, entitled "Why Die for Danzig?" Danzig, the seaport on the Polish corridor, the editorial pointed out, was far away in Eastern Europe, and was not worth risking French lives to save.

The second World War was made possible only by the alliance between Russia and Germany, in the course of which Russia took over the Baltic nations and a large part of Poland as the price for her acquiescence in German armed conquest. As a result of the disastrous Yalta Conference decisions, at the end of the second World War Russia was permitted to take over and virtually enslave most of Eastern Europe. It is this tragic series of actions which we commemorate, however feebly, in our recognition of Captive Nations Week each year. Since the second World War, we have seen the Berlin blockade, the Korean War, the barbaric invasion of Hungary in 1956, and the almost equally barbaric destruction of emerging independence in Czechoslovakia more than a decade later.

More recently, we have seen the emergence of Communist China as a world power, making its aggressive presence felt in its takeover of Tibet, and in its participation in the Korean War.

If ever there was a lesson of history writ large by the events of the last four decades, it is that totalitarian dictatorships do not behave quite the way democracies do in their dealings with other nations, and that good will, peaceful intentions, and minding one's own business are not a guarantee against aggression and conquest by these powers.

It is easy to forget, when one reads some of the treatments of the Vietnamese war, that it is the North Vietnamese who are invading South Vietnam, financed and equipped by the great Communist powers. It is easy to forget that the United States troops in the field are fighting for the right of self-determination of the South Vietnamese people, with the alternative being the imposition on them of a brutal dictatorship by the rulers of North Vietnam. It is easy to forget this because the war critics have so inundated the printed page with an insistence on immediate American withdrawal that is in some cases mindless, and in other cases misguided.

The mindless opposition to the President's policies comes from those who have either made no attempt to learn the lessons of history, or have proved unable to learn them. These are the people who are saying thirty years later, "Why die for Danzig?" They are the ones who are saying that no piece of any foreign field is worth the life of one American boy.

The answer given to this position by our forefathers, in this country and in many others, was not to say that yes, the lives of our sons are measurable in terms of foreign real estate, for phrased that way, they obviously are not. When they have tried to articulate their feelings, they have done so with sentiments which sound "corny" in today's sophisticated and blase world. Patrick Henry said that life was not so dear or peace so sweet as to be purchased at the price of chains and slavery; Woodrow Wilson said that the right is more precious than peace. However, it may be phrased, there is certainly an overwhelming consensus of our Nation's great men who have concluded that so long as we live in a world of nation states, and that so long as some of these nation states seek to swallow their neighbors, a nation which does not wish to be eventually swallowed will have to stand its ground at some point. The alternative is very simply expressed in the phrase "Better red than dead." Much as every thinking person despises war, the only alternative to risking war in a situation of sufficient gravity is servitude.

The other critics of the President's Cambodian invasion, who insist that our troops must forthwith march to the boats, admit the theory that there may be a place where a nation must stand its ground—that there may be a Danzig worth dying for—but they insist that South Vietnam was not such a place. They say that we are engaged in what is at least in part a colonial war, in which we are trying to maintain the existing South Vietnamese Government against indigenous rebels which we have no business doing.

President Nixon, upon his accession to office last year, was not afforded the luxury of being able to call back the moving finger of time, and decide initially for himself whether or not American ground forces should become involved in Vietnam. He had before him the judgment of his three immediate predecessors—President Eisenhower, President Kennedy, and President Johnson—that United States involvement, even with ground forces, was necessary in the national interest. He was also confronted by the rather obvious fact that a decision to suddenly pull out of a conflict then raging is not the same decision as to whether to enter upon the conflict in the first instance. Nations in the Far East and elsewhere who might have had no misgiving had we never committed our forces in Vietnam might have a significantly different opinion of a United States decision to "cut and run" in 1969.

No one doubts that it takes both wisdom and courage to admit a mistake. But this is a rather casual and simplified way of speaking about the decision the President had to make when he took office in 1969. Since it was not his mistake he would have been admitting, it would have been a relatively simple thing for him to do had it seemed wise. The President, however, realized that larger stakes were involved for this Nation than the gaining of political advantage, or the pleasing of a vocal minority. Together with his top advisors, he devised the strategy of "Vietnamization" of the war, by which, instead of indefinite commitment of United States ground forces to the struggle in Vietnam, these forces would remain only such time as was required to permit the South Vietnamese Army to itself take over the defense of its country. The United States now had a limited and reasonably well-defined objective in Vietnam, consistent both with America's role as a responsible world power and with its recognition that it could not act as a policeman for the world.

The Vietnamization program began succeeding from the outset. As I noted earlier, thousands of American troops have been withdrawn from that theater of war—for the first time in six years, instead of the total number of troops engaged in Vietnam constantly rising, it has steadily declined. The President's course was popular with the majority of the people, and even those who had vocally demanded faster withdrawal conceded that the President had "defused" the war issue.

Yet American men were still exposing life and limb to enemy fire, and American casualties, though decreasing, continued to occur. In April, the President's attention was called to what appeared to be an increasing threat to the safety of American troops from increased build-up in the Cambodian sanctuaries. It became clear to him that the continued success of the Vietnamization program and the maximization of security for troops in the field, required the destruction of these sanctuaries. On the other hand, he was well aware, I am sure, that by ordering such action, he would reopen Vietnam as a political issue.

The easy course, no doubt, would have been to conclude that the attack on the Cambodian sanctuaries would simply have raised too much of a domestic political problem at home, and to have declined to authorize it. Such a decision would probably not even have been news, to say nothing of headline news. Though it would have had a profound effect on the lives and safety of American soldiers who would be subject to attack from Cambodian sanctuaries, it would have created scarcely a ripple on the domestic political scene.

The President, to his everlasting credit, I believe, declined to follow this course. He chose a course which he knew could do him only political damage in the short run, because as Commander in Chief he recognized that it was his duty to take necessary measures for the protection of our troops in the field.

The results of the five weeks' attack on the Cambodian sanctuaries demonstrate convincingly that the President's decision saved American lives and significantly improved the prospects for early withdrawal of virtually all American ground forces from Vietnam.

The success of the Cambodian move, however, has not diminished the stridency of the criticism of it by the "dove" faction of it in the country. They are not interested in the fact that the President's move was for the purpose of, and had the effect of, better securing the safety of American forces in the field. They are not interested in the fact that the President's move was for the purpose of, and had the effect of, accelerating the time at which American troops could be fully withdrawn, and the dual goal of peace with honor be achieved. Indeed, these opponents do not appear to be interested in any sort of facts in connection with the Vietnamese War.

The President's opponents in the Senate have offered a series of resolutions which would seriously and, in some cases, I believe, unconstitutionally restrict his authority as Commander in Chief to protect the safety of American forces in the field. The President's opponents in the Senate insist on congressional control of battlefield decisions historically made by the Commander in Chief. We Republicans must bend every effort, and urge like thinking people of other political persuasion to bend their efforts, in order to prevent this type of restriction on the President's power as Commander in Chief. Pennsylvania Republicans can contribute to this effort in a particular way, by working for the reelection of your distinguished Senior Senator, and Senate Minority Leader, Senator Hugh Scott in November.

A Washington columnist recently made the sage observation that the Cambodian decision had "drained some of the President's political capital." As a short-run assessment of the situation, I suspect that comes as no surprise to the President. He knows just as his outstanding predecessors have known, that a President's political capital exists for the purpose of being spent in support of the Nation's vital interests. That is just what the President has done in the case of the Cambodian decision. History will award the decision on this point to him, and not to his critics. But right now, he needs the support of every one of you. He well deserves that support, and I am confident he will get it.

SENATOR COTTON—"ADVANCE INTO REALISM"

Mr. McINTYRE. Mr. President, my colleague, the distinguished senior Senator from New Hampshire (Mr. COTTON) has served his Nation in the Congress for more than two decades.

He believes in our system and is committed to making it work. On Memorial Day he demonstrated that commitment by frankly examining this Nation's military policy.

His anguish over the effects of the Vietnam war on our country and our people, his belief that the Tonkin Gulf resolution should be repealed, his concern for the role of Congress, and his commitment to helping the President, reveal his statesmanship.

Because of the importance of this speech to our present deliberations and to our continued examination of this Nation's future military role in the world. I want to share my distinguished colleague's thoughts with you.

Mr. President, I ask unanimous consent that the statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

[From the Hampton (N.H.) Union, June 3, 1970]

ADVANCE INTO REALISM—U.S. SENATOR COTTON

On this day we commemorate the honored dead of all wars, but because of its inception, Memorial Day has been particularly reminiscent of the Civil War. This is especially true this year for not since the Civil War, not even the day after Pearl Harbor, has our Republic been in such grave danger. The peoples of the world distrust us and, in a measure, are arrayed against us. Our own people are divided and disrupted. Our resources have been wasted. Our economy is threatened. The faith of Americans in their leaders, and even in their system of government, appears to be faltering.

At the moment the burning issue is the war in Southeast Asia. I shall touch on it briefly. As one of those who represent you in Washington, you would expect me to do so. I must emphasize, however, that the conflict in Vietnam, tragic though it is, is only one symptom of the hazards that threaten the strength and security of the Nation. It is to the overall danger that I want to address myself today.

But first Vietnam. On this day we are heartsick when we think of nearly 50,000 young Americans already killed in the jungles of Asia. It is useless to spend any of my precious minutes discussing who is to be blamed except to say that the Congress must share that blame and must do its share in putting an end to the carnage. In August 1964 Congress, at the request of President Johnson, passed the Tonkin Resolution authorizing the President to take such steps as he deemed necessary to protect American security and preserve peace in Southeast Asia. For nearly six long years that resolution stood and still stands today as the formal official endorsement of the representative of the American people for the pursuit of the Vietnam war. I was one of 88 Senators who voted for it—a vote which I have long since repented. It is useless to say that I did not dream the President would send ground troops to fight almost singlehanded on the continent of Asia or to say that 87 other Senators made the same error. The unlimited authority was there and I could read. Indeed, I am the only member of New Hampshire's delegation who had sat in Congress during the war in Korea and heard General MacArthur and General Ridgway warn against ever again committing ground forces in Asia. The resolution must be repealed.

There are certain things Congress cannot and should not do. One of these is to attempt to direct military operations. After the disastrous Battle of Bull Run, the Congress created a "Committee on the Conduct of the War" which remained for four years as a thorn in the side of President Lincoln. It summoned generals to testify. It recommended changes in command. It debated the places to be attacked. All this was promptly known by the enemy. After the war General Lee remarked that the "Committee on the Conduct of the War" in the Congress was as valuable to him as ten divisions added to his army.

I shall be frank with you. I did not approve of our entrance into Cambodia. I believe that any temporary military advantage would not atone for further disrupting our people and further inflaming world opinion against us. I cannot agree with the President in his support of the Thieu-Ky Government, and I resent attempts of that government to dictate American policy. This I have said to the White House. However, I am not impressed by the attempts of those in the Senate who, having waited so long to take affirmative steps, now seek to harass and discredit the President by fixing dates in advance when the stern measure of shutting off pay, arms, and supplies to our fighting men shall be invoked. If the President fails to withdraw from Cambodia on the date to which he has pledged himself, that last resort can be put in force. The Defense Authorization Bill will be coming to the Congress at that very time. Reluctantly, many of us supported President Johnson for five years in the hope that he could bring the war to a successful conclusion. We can give President Nixon five weeks before we tie his hands.

One added contribution must be made by the Congress. It must cease delegating its authority to the Executive. Indeed, the very bill to which the limiting amendments are being proposed authorizes the President to distribute arms in the amount of $600 million to any nation on earth.

But as I have said, Vietnam with all its dead whom we mourn today could be only a preview of what may happen to the United States of America unless we make a complete about-face in the courses we have been following since the end of World War II. Those were jubiliant days and full of promise, and the United States was full of promises. With an unselfish devotion to the cause of world peace and the protection of weaker nations, for which we are given little credit today, we were the moving spirit founding the United Nations. We took the lead in organizing various segments of the world into defensive alliances protecting their members from aggression and preserving the peace—NATO in Europe, SEATO in Asia, ANZUS in the Pacific, and O.A.S. for the South and Central American States. All in all, we have committed ourselves to come to the defense of 42 nations. We embarked on a program of financial aid to a vast number of nations outside the Iron Curtain. As time passed, we became imbued with the notion that we were the Heaven-appointed leader, supporter, guardian, and policeman for the whole world. And the world began to resent it. Assaults on our embassies and consulates have spread from country to country. Since World War II we have spent nearly $3 billion to support the United Nations which now turns its back on us and $120 billion in aid to countries that now despise us. Our vast military establishment, the cost of which since World War II is now fast approaching a trillion dollars, is spread around the world, mostly in places that do not want us. Yet, despite all these colossal expenditures for world defense, the Soviets are overtaking and surpassing us in the weapons so vital to our own national security.

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These are the reasons for our staggering debt, for our taxes, inflation, high interest rates, and a faltering currency. This is the reason we have been unable to cope with water and air pollution, clean up our cities, and preserve our forests and open spaces.

Most of all, this is a contributing cause for the decadence, loss of morale, lawlessness, drug addiction, and actual sedition on the part of many of our people.

Korea and Vietnam should show us how little we may except from our former friends if we keep our pledged word to come to the defense of any one of the 42 nations. We better begin an "agonizing reappraisal" of these obligations and commitments we have assumed.

We have nearly a million military personnel stationed throughout the world not counting Vietnam and Korea. In Europe alone we have 310,000 and 250,000 of their dependents. No country wants them with the possible exception of West Germany and, even there, they are a constant source of irritation. It costs us more than a billion dollars a month to maintain our troops in Europe, money flowing out of this country into foreign countries and ruinous to our balance of payments. Yet, we hear that the Pentagon is considering giving Franco 60 Phantom Jets to permit us to keep our air base in Spain. Why?

That is why I say to you that Vietnam may be only a prelude unless we have an about-face, particularly in our foreign policy. There are those who will say that I am advocating a "retreat into isolationism." I say to you on this Memorial Day that I am advocating an advance into realism. At this time the greatest contribution our country can make to all men everywhere is to rebuild a strong and sound America, a powerful and unassailable bastion of freedom, ready to act in concert with but wholly free from the slightest appearence of attempting to convert or dictate to other nations.

And that is the only way to renew the faith and devotion of our own people to the only constitutional Republic in all history—the United States of America.

VICE PRESIDENT AGNEW ASKS ALL-OUT WAR ON CRIME

Mr. GURNEY. Mr. President, in an address before the Annual Conference of U.S. Attorneys here today, Vice President AGNEW spoke on the importance of an all-out war on crime. I ask unanimous consent that the text of the Vice President's remarks be printed at this point in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ADDRESS BY THE VICE PRESIDENT

In his State of the Union Address to the Congress, President Nixon said:

"We have heard a great deal of overblown rhetoric during the sixties on which 'war' has perhaps too often been used—the war on poverty, the war on misery, the war on disease, the war on hunger. But if there is one area where the word 'war' is appropriate it is in the fight against crime. We must declare and win the war against the criminal elements which increasingly threaten our cities, our homes, and our lives."

I believe it is appropriate before this audience of United States Attorneys, who are appointed by the President as the Federal prosecutors and are thus in the vanguard of the war on crime, to focus the spotlight of publicity on some of the "criminal elements" referred to by the President.

Those elements are truly the enemies of our country.

They weaken its moral fiber by purveying illegal drugs and pornography.

They weaken its will by instilling in our citizens a fear of walking the streets at night—a fear of every approaching stranger.

They weaken its governmental structure by corrupting weak public officials and framing others. In one way or another, they affect local political processes.

They weaken its economy by infiltrating legitimate businesses and labor unions, by cheating on taxes and by other frauds.

These then are the enemy:

The organized criminal: The Mafia Chieftian and his henchmen, the labor racketeer, the drug pusher, and the smut peddler.

The street criminal: The rapist, the robber, and the burglar.

The white collar criminal: The tax cheat, the embezzler, the dishonest repairman, and the dishonest businessman.

Like all who would threaten the life and health of this nation, they must be fought with every weapon available and consistent with our Constitution.

Under our Constitution, the primary role in combating crime is assigned to the States. But the recent massive increase in crime and the growing interstate scope of its operations have prompted the Nation's leaders, of all political persuasions, to take a new look at Washington's responsibilities. The Federal government is today committed to strengthening state and local law enforcement authorities through financial and technical assistance on an unprecedented scale. From a modest beginning in 1968 the Law Enforcement Assistance program has grown to the extent that we have asked the Congress to provide nearly a half-billion dollars for the next fiscal year.

We think that results are beginning to show. There are some encouraging signs.

Much of this is due to the tireless dedication of you and your staffs. You are filling, arguing, trying, closing, and handling the appeals of many more criminal cases, even though the whole process has become more difficult. Justice is coming more swiftly and surely, and more effectively.

We have also seen that as a result of more police exposure, crime rates in the District of Columbia have declined for five consecutive months. FBI statistics show that for the first time in several years the rate of increase in violent crime in the country decreased in 1969.

Please do not let me mislead you. The amount of crime itself did not decrease. It was up over 1968. Nevertheless, the downward turn in the rate of increase is encouraging and, as I have indicated, it is a start.

The Federal Government does have a special responsibility in the fields of organized crime, illegal use of narcotics and dangerous drugs, and the proliferation of pornographic materials, because of the interstate dimensions of these problems, and because of the high mobility and the international implications of organized crime and illegal drug operations. And for much the same reasons, we have a growing interest in the white collar crime problem.

The Administration's declaration of war on organized crime was made in President Nixon's message to the Congress on April 23, 1969. Organized crime is America's principal supplier of illegal goods and services, such as narcotics, illicit drugs, prostitution, pornography and unlawful gambling. Its principal income comes from these sources. But it is increasingly operating in the fields of legitimate business. To insulate its activities from governmental interference, the syndicates systematically attempt to corrupt public officials and to exercise local political influence. In some cases they are successful. To control markets and supplies, they infiltrate labor unions. To curtail competition with American free enterprise, they use blackmail, extortion, tax evasion, fake bankruptcy, fraud, and other unscrupulous means to reap exorbitant profits.

As you know, we have made great progress in our efforts to mobilize against organized crime. Thirteen of the twenty Strike Forces of prosecutors and investigators recommended by the President are now on duty at strategic locations throughout the country, and the other seven will be soon established. Indictments and prosecutions of key syndicate leaders are on the upswing. We are beginning to make the Federal presence felt in the underground.

The success of these Federal Strike Forces prompted the President to create, on June 4th of this year, the National Council on Organized Crime. Under the Chairmanship of the Attorney General, this Council will formulate an effective, coordinated national strategy for the elimination of organized crime.

The President's statement, at the time of this Council's creation, goes to the very heart of the problem we face today—it is a message which all Americans should heed:

"Organized crime in the United States has three goals: exploitation, corruption, and destruction. When it cannot directly exploit, it seeks to corrupt; what it cannot corrupt, it seeks to destroy. Its degrading influence can be felt in every level of American society, sometimes in insidious, subtle ways, but more often in direct acts of violence and illegality. It is a malignant growth in the body of American social and economic life that must be eliminated."

Unfortunately, the legislation needed to effectuate the President's program has not been provided. The anti-gambling statute, the witness immunity statute, the wagering tax law amendments, and the organized crime control measure which the President urged the Congress to enact are still not law. Although three of these proposals have been passed by the Senate, not one has gotten out of Committee in the House of Representatives. On behalf of the President I urge the House to hasten action on these needed reforms.

Sadly, I must report that the Administration's proposals on drugs, on pornography, and on crime in the District of Columbia are in much the same status. I don't believe that I need to go into detail with you about the enormity of the drug problem, the seriousness of the District of Columbia's problems, and the necessity for stopping the flow of pornography into American homes.

Our Federal law enforcement agencies have made progress in these problem areas with the weapons available to them. But they need more. Despite special Presidential messages to the Congress on these problems, the needed legislation has not been enacted. Congressional action is imperative.

I know that we do not have to ask for renewed dedication on your part in the anticrime program. I am sure that we have your complete support.

But I would like you to take back to your communities the concept that the war against crime must be more than a governmental effort. It requires the concern and efforts of all Americans. For ultimately, it is the community which must be the bulwark against the deterioration of the security of our homes, our parks, our streets and our places of business.

As individuals and as members of a community, each American must work to create an environment in which criminal behavior is not a feasible alternative to lawful productivity—indeed, we must make it clear to those who doubt it that lawful productivity is the only possible course.

The lack of community involvement in our urban centers unquestionably contributes to the fact that so much of our criminal activity occurs there. But this association is not a necessary consequence of density. An attack on local officials, on places of business, on those basic institutions which are vital to life and freedom in this society is, ultimately, an attack on each citizen. In the absence of citizen concern, suspicious activities go unnoticed, crimes are not reported, victims receive no aid. This is a high price to pay for anonymity and a hesitancy to get involved.

But we are all involved. Every citizen must be encouraged to continue to make a meaningful contribution to the war on crime. And government officials at the local, state and federal levels must continue to encourage the cooperation of citizens and community groups in this urgent undertaking.

Gentlemen, I sincerely implore you and your staffs and all other dedicated Americans responsible for the operation of our criminal justice system not to despair at the enormity of the task ahead of you. For I think that now, in this new decade, there is much to be encouraged about. I think that we can see some light.

There is national leadership committed to control of crime.

There is Government commitment at all levels—Federal, State, and local.

And there is greater support and assistance on the part of all responsible citizens. They have let us know of their concern and they have offered their support. This is no doubt the most valuable aid available to you.

Our task is to convince these criminal elements—whether they be violent or outwardly gentle, gross or polished—that the America of the Seventies is aroused—and that we are going to apply the law evenly and justly in an all-out war against crime.

JEANNETTE RANKIN'S 90TH BIRTHDAY

Mr. ELLENDER. Mr. President, former Congresswoman Jeannette Rankin is 90 years old today. We are hearing much about equal rights for women in the public presses and I think at this time it is appropriate that we pause to commemorate this great lady's birthday.

On June 11, 1880, Miss Rankin was born at a small settlement in Montana known as Missoula, while that State was still a territory. She was graduated from the University of Montana in 1902. After graduation, she traveled East to study social work in New York. Seven years later she was busily engaged in promoting the cause of woman suffrage, first in the State of Washington early in this century, then in California, and Montana from 1912 to 1914.

I think it should be noted that this lady, who was to leave her mark on our Nation's history and on the history of the Congress, was no stranger to the plight of those she was seeking to assist. She sought personal knowledge of social conditions by experiencing them on her own. The record shows that she once took employment as a seamstress in order to understand the improvements needed to assist the plight of the poor.

By 1916 she was engaged in politics and became a candidate for a seat in the 65th Congress from Montana. She succceeded in winning that election and served from March 4, 1917, to March 3, 1919. She was the first woman in the United States to be elected to the House of Representatives. She did not stand for reelection, deciding instead to become a candidate for the Republican nomination for the Senate—an effort which proved unsuccessful.

After her term in the House and until the 1940's, she returned to her work of promoting social progress in our country. She stood for election to the 77th Congress and won her second election as a Member of the House, where she served from January 3, 1941, to January 3, 1943. She did not choose to run for reelection.

I think it appropriate that we honor this lady today. She is remembered as putting our country above all others, as being opposed to foreign involvements, and as seeking to do everything possible to lift her country through her own efforts. It is needless to say that social conditions have improved a great deal since Miss Rankin's early efforts. It is also true, however, that many of the problems she sought to solve are still with us today.

I join many of her friends in wishing her well on the occasion of her 90th birthday.

BRUTAL TREATMENT OF AMERICAN POW'S BY NORTH VIETNAM

Mr. GURNEY. Mr. President, if anyone has any doubts as to the treatment meted out to American prisoners held by the North Vietnamese Communists, I suggest they read the testimony of Lt. Robert Franchot Frishman, given before the House Internal Security Subcommittee, December 9, 1969. The hearings have been printed and are now available.

Lieutenant Frishman, a naval pilot, was shot down and captured on October 24, 1967.

He was both wounded and injured in that action. After being exhibited to antiaircraft crews and offered to both civilians and soldiers for regular beatings, he was finally taken to some sort of compound.

There he was subjected to constant interrogation, some by interpreters masquerading as doctors.

The medical treatment, if it can be called that, resulted in the severing of nerves in one foot, rendering it partially without feeling. A more serious elbow injury was solved by simply removing the elbow.

The wounds were allowed to fester and drain for months.

Thereafter, he was kept in solitary confinement.

As a result, Lieutenant Frishman's arm is practically useless. He will require extensive treatment, and an artificial elbow joint eventually at the prosthetic center in San Diego.

Lieutenant Frishman was one of the prisoners finally released through the good offices of the American Committee for Solidarity with the Vietnamese. The representatives who came to his rescue were also members of the Students for a Democratic Society, Rennie Davis, Linda Sue Evans, and others, acting as agents of the 53-year-old youth leader, David Dellinger.

Davis and his companions required these American prisoners to sign propaganda statements, admitting war guilt. In other words, the aim was really propaganda against the United States, rather than any humanitarian efforts to help American prisoners of war.

This testimony is a graphic demonstration of how the North Vietnamese violate the Geneva Conventions, to which they are signatories.

I recommend that all my colleagues read the testimony of Lieutenant Frishman, lest we forget what American prisoners are suffering and enduring in the prison cells in North Vietnam.

MANAGEMENT OF SHORELINES AND ESTUARIES

Mr. HOLLINGS. Mr. President, over the past 2 months the Subcommittee on Oceanography of the Commerce Committee has been holding hearings on 2802 sponsored by Senator MAGNUSON, S. 3183 sponsored by Senator BOGGS, and S. 3460 sponsored by Senator TYDINGS. I consider these bills to be among the most important environmental legislation now pending in the Congress.

In our hearings we have received strong support from the States, from conservation and industrial interests, and from the other organizations that have appeared before us. Later this week the newly formed Coastal States Organization will meet to provide us with additional advice and recommendations regarding this legislation.

I am pleased that as part of their longstanding interest in the wise management of the coastal zone, the Conservation Foundation has seen fit to devote its entire May 1970 CF Letter to "Effective Management of Our Priceless Shorelines and Estuaries." The CF Letter contains an excellent statement of the policy issues pertinent to this legislation and succinctly summarizes some of the testimony our subcommittee has received. I recommend it to the Senate.

I ask unanimous consent that the May 1970 CF Letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

Needed: Effective Management of Our Priceless Shorelines and Estuaries

The nation's priceless coastlines and estuaries are in trouble. They are being mismanaged, misused and degraded.

While some progress have been made in recent years, the nation lacks an effective system for managing its coasts and bays and estuaries. Efforts are being made in Congress, and in some states, to solve the problem. But meanwhile these natural resources, which are of great value to the general public, remain in a state of siege.

Private interests and even government agencies demand that they be dredged and filled and built upon—to make profits, to promote industry and expand the tax base, and to accommodate a population that is growing and is shifting to cities. (The nation's seven largest metropolitan areas are on the coasts of the Great Lakes.)

In spite of their tremendous natural value for wildlife, for sport and commercial fish and shellfish production, for recreation, and for scenic beauty, the coasts and estuaries are constantly being surrendered to other uses.

Housing poses a major demand, and not for basic homes and high-rise apartments alone. The second-home market continues to mushroom, fed by corporate conglomerates operating on an unprecedented scale, often in ecologically sensitive coastal areas. There is pressure for expansion of ports and their facilities, to handle jumbo tankers, containerization and growing tonnages; for building and expansion of airports, to accommodate greater traffic and larger planes; for highways, causeways and bridges, for electric power generating plants at sites with abundant cooling water; for garbage dumps; for marinas and other recreation facilities; for navigation; and for extraction of more oil, sand, gravel and other minerals.

Some findings culled from the National Estuary Study (Interior Department, Fish and Wildlife Service, January 1970) and the National Estuarine Pollution Study (Interior's Federal Water Quality Administration, November 1969):

The nation's coastline, including the Great Lakes, is more than 100,000 miles long (including bays and inlets to the point they narrow to 100 feet). For the 48 contiguous states the figure is 59,157 miles. Some 21,724 of these 59,157 miles are considered to be recreation shoreline or to have recreation potential. But only 1,209 miles were publicly owned and available to the public when last surveyed in 1962. An additional 581 miles were publicly owned but restricted. The other 19,934 miles were privately owned. Says the National Estuary Study: "Although some of this (private) shoreline is available for public use . . . the vast majority of it is preempted for non-recreational purposes."

The national population grew 46% in the three decades from 1930–60. But in estuarine areas the growth was 78% in the same period.

U.S. coastal counties contain only 15% of the land area of the United States, but 33% of the population and 40% of the manufacturing plants.

The urban regions of southern and central California, in wide arcs surrounding Los Angeles and San Francisco, had a population of 13.8 million in 1960. It is predicted that by the year 2000 they will be joined in a megalopolis 600 miles long with a population of 44.5 million.

In most cases, states own or control their adjacent tidelands, marshlands and submerged lands. They also have inherent power to control land use. However, the states have delegated most of this power to city and county governments. These, in turn, have frequently used zoning and tax policies to promote commercial and industrial development of shorelines and exploitation of nattural resources. Local governments rely heavily on property taxes. They are exposed to all manner of pressures and may be quick to act out of political expediency.

In 1966 Congress established a temporary, Presidentially appointed Commission on Marine Science, Engineering and Resources. Its final report ("Our Nation and the Sea," January 1969) put the problem this way:

"Effective management to date has been thwarted by the variety of government jurisdictions involved, the low priority afforded marine matters by state governments, the diffusion of responsibilities among state agencies, and the failure of state agencies to develop and implement long-range plans . . . Rapidly intensifying use of coastal areas already has outrun the capabilities of local governments to plan their orderly development and to resolve conflicts. The division of responsibilities among the several levels of government is unclear, and the knowledge and procedures for formulating sound decisions are lacking."

Said Dr. Edward Wenk, Jr., former executive secretary of the National Council on Marine Resources and Engineering Development: "In most states, there is no single focus for guiding rational development, because conservation, economic promotion, pollution control, tourism, highways and community planning are considered separately. Funds for land acquisition are hard to come by. Legal control over land use is complex and ineffectual. Ambitious and overlapping jurisdiction between local, state and federal government create serious problems."

The crucial factor is that once a coastline or estuarine area has been physically degraded or destroyed, it is virtually impossible to restore the natural environment. The ultimate goal is to achieve maximum benefit to society through various combinations of multi-purpose use, preservation of the natural environment, and conservation of coastal resources.

The question is: How? What kind of management program can be set up that will be effective enough to do this large and complex job?

FEDERAL LEGISLATION

The primary coastal zone management focus is now on Congress, where a number of bills are pending. Though there are significant differences, all are cast in the same mold, offering grants to states as incentives to develop and implement comprehensive management plans for coastal areas, including those on the Great Lakes. The bills do *not* make any state action mandatory.

States would have the primary responsibility for establishing coastal management plans. The federal government would have authority to review plans and implementation procedures to be sure they are effective and for the public's benefit, as a condition for approval of grants.

The bills are S. 2802 (sponsored by Senator Warren Magnuson of Washington) and H.R. 15099 (sponsored by Congressman Alton Lennon of North Carolina), which are identical; H.R. 14730 and 14731 (both by Lennon); S. 3460 (by Senator Joseph Tydings of Maryland); and S. 3183 (Senator J. Caleb Boggs of Delaware) and H.R. 14845 (Congressman George Fallon of Maryland), which are identical bills proposed by the Nixon Administration. Basically, the bills include these major provisions:

The federal government would be authorized to make grants to coastal states for comprehensive coastal zone planning and management—provided a state program meets a wide range of planning, development and environmental protection prerequisites.

These prerequisites include designation by the governor of a single state agency to develop a plan and administer the program. (The Administration bills, however, would allow more than one state agency to develop the management plan.)

The prerequisites also include the formulation of a plan for balanced coastal land and water use—with opportunity for later modification; the holding of public hearings during such formulation or modification; necessary research; and consultation with government agencies which have jurisdiction over coastal areas, and examination of their plans and regulations. The Administration bills call for more than consultation and cooperation. A state agency would have to show how its management plan will be "coordinated" with other management and resource use plans at the federal, state and local levels. The Administration bills require that the state governor's approval precede federal approval of a program.

Before approval of a grant, the federal agency would have to be satisfied that the state has authority to implement the management plan.

This authority would include power to issue land use or zoning regulations or, under the Administration proposal, "authority to require local zoning to conform with the state management plan"—a clause which would allow a state to abdicate a prime role to local officials.

The state agency would also have to be able to acquire lands through condemnation and other means; to develop land and operate facilities such as beaches and marinas and to make waterfront activities conform with the plan (this clause is not included in the Administration bill); and to issue or withhold permits for state, local and private projects, depending on whether they are consistent with the plan.

Some of the bills would require that a state agency have authority to borrow money and issue bonds for land acquisition or land and water development and restoration projects, and would authorize the federal government to guarantee bond issues or loans for such projects. The Administration bill does not contain these provisions.

Some of the bills forbid federal agencies to undertake any coastal zone development project which a state considers inconsistent with its plan—unless the federal agency administering the law investigates and finds that such project is, "on balance, consistent with the general objectives." When a state approves a federal project as consistent, the federal government would be able to review the project and reject it if it finds that the project is, on balance, inconsistent. The Administration bills, in more limited language, say: "Federal agencies shall not approve proposed projects that are inconsistent with the plan without making investigation and finding that the proposal is, on balance, sound." The federal agency administering the coastal program would have "an opportunity to participate in any investigation."

Federal agencies would have to include, in any request for an authorization to fund a project in a coastal zone, a statement on its "relevance" to the state's plan. The Administration proposal contains no relevancy provision.

Federal grants, for either planning or implementation, would be limited to 50% of the cost of a project. The actual allotment to each state would be based on population, the amount and nature of the coastal area covered by the plan, and other factors. The Administration bill would put a $200,000 ceiling on the amount any state could receive for either planning or implementation. It would also prohibit the use of grant funds for acquiring real property.

The bills call for varying amounts of money to carry out the law. The most generous is S. 3460, which would create a Marine Resources Fund, to be stocked with up to $125 million a year of otherwise unused Outer Continental Shelf revenues, which come mainly from oil and gas leases. The Administration bills would authorize $2 million for planning grants in fiscal 1971, and unspecified amounts to be determined by Congress for succeeding years and for operating grants starting in fiscal 1972.

The various coastal zone bills also differ as to where the new program should be located in the federal government. One proposal would place it in the Interior Department. Another in the National Council on Marine Resources and Engineering Development (part of the Executive Office of the President). Still another would put the program in a National Oceanic and Atmospheric Agency (NOAA), which has been proposed in separate pending legislation (S. 2841 and H.R. 13247). (NOAA has been referred to as a "wet NASA.")

The Administration bills would give the coastal zone program to Interior, and Secretary Walter Hickel has already moved to bolster his department's bid by creating a new Office of Marine Affairs.

REACTIONS AND SUGGESTIONS

Testifying at a December 3, 1969 hearing of the House Public Works subcommittee on rivers and harbors, Hickel invited strengthening of the Administration's coastal zone management legislation. Suggesting the absence of a sufficient inducement for states, he pointed out that "the only lever we will have will be that the grants won't be available to those states that don't want to submit their programs to us. And beyond that it would take much stronger legislation, which might have to happen."

He said that during discussions of the bill at Interior, the question was raised, "Are we going strong enough? Then we also have to start selling from that local area up. We have got to take or attain politically what is attainable. I think this is just a bare start. I don't even say it is a good start, but it is a start." Hickel told the subcommittee members: "If you want to strengthen the bill for more regulatory authority, if it is attainable, I don't object to that because I do see the necessity."

Others have agreed that the inducements may be too weak, and that the spending proposed by the Administration bill is too little in view of the costly planning and management jobs involved. Sydney Howe, president of The Conservation Foundation, in a statement to the Senate Commerce oceanography subcommittee in April, took the same position and also pointed out that the bills provide no incentives to *local* governments.

Witnesses at the hearings also recommended that the federal matching share of grants to states be two-thirds rather than half and that a state be eligible for grant bonus if, during preparation of the plan, it adopts interim controls to regulate development affecting coastal areas.

It was also suggested that the law carry a stick as well as offer a carrot. Harold F. Wise, testifying on behalf of the American Institute of Planners, asked: "What would happen if a state does not respond to the provisions of this legislation and fails to create the required state agency or to engage in adequate management and planning activities? How, then, is the national interest enunciated and protected?" He recommended that if a state doesn't act within three years, or if its federal grant is terminated for failure to adhere to federal conditions, the federal government itself be empowered to establish land use development standards and control development under a permit system.

Said Howe, urging a similar alternative: "The program should not be permitted to succeed or fail solely through voluntary state responses to minimal incentives." Another approach, he said, would be to reduce a state's entitlement to funds under *other* federal assistance programs—programs which "could create environmental-impact problems in the coastal zone unless they were well planned and coordinated."

He also advocated that the legislation go beyond the usual requirement of "consultation and coordination" between governmental bodies and have "all three levels of government actually join in the planning process as participants." This would include both the planning and management phases, and both planning and operating agencies. "Understanding can be facilitated best, and polarization can be diminished, if the three levels of government can work together from the beginning," he said.

Similarly, Frank Gregg, chairman of the New England River Basins Commission, testified: "Unless the coastal planning process incorporates the project planning activities of state line agencies, the responsible state agency may be in a continuously defensive posture in attempting to review specific project proposals. The best way to secure state agency cooperation in coastal zone management is to get them involved in a positive way in the planning process."

Gregg made the same point with respect to federal agency participation. And Wise urged full recognition and utilization, in both planning and management, of all available state and federal plans and programs.

Theodore Pankowski, Jr., of the Izaak Walton League of America, warned against too great a reliance on comprehensive planning and "balanced uses," as opposed to *acquisition* programs to insure the protection of important areas regardless of their eventual use. "Planning under any circumstances is a long, drawn-out proposition," he said. "Further, there are no assurances that any plan will actually be implemented once drawn, and we are concerned lest intermediate and important public opportunities will be forestalled, perhaps lost."

In this connection, it is useful to review the history of an earlier attempt to safeguard the nation's estuaries:

Starting back in 1966, Congressman John Dingell of Michigan and others pressed for legislation to set up a federal-state system for protecting estuaries somewhat like the one now proposed in the coastal zone bills. There was a long and tough fight, and when the Estuary Protection Act (P.L. 90–454) finally became law on August 3, 1968, it was only a shadow of its former self. (See May 22, 1967 and April 22, 1968 *CF Letters*.)

Rather than providing a system of management and control, the law called for a study and inventory by the Interior Department. This National Estuary Study was to "focus attention on whether any land or water area within an estuary and the Great Lakes should be acquired or administered." The Secretary of Interior was directed to submit a report by January 30, 1970, "together with any legislative recommendations, including recommendations on the feasibility and desirability of establishing a nationwide system of estuarine areas . . . and the designation and acquisition of any specific estuarine areas of national significance which he believes should be acquired by the United States."

The result? Strong statements of concern ("It is impossible to exaggerate the urgency of the situation"), but a report devoid of any recommendations for an acquisition program—either direct federal acquisition or by cost-sharing or incentive grants to the states. Such a step is "not appropriate . . . at this time," said the letter of transmittal from Interior. "We believe that further study, impossible under the extreme time restrictions under which the work leading to this support was done, will be required for the development of concrete suggestions."

As to a "nationwide system of estuaries," the report said that such a system already "exists in Nature." It said that "*all* estuaries, in fact, are part of a natural system and thus there is no basis for excluding any of them."

Said Howe in his testimony: "We are dismayed that the study fails to recommend an action program to help protect key estuarine areas by acquisition." Calling acquisition an "essential tool," he urged Congress to "take the initiative" to include in coastal zone legislation matching incentive grants to the states for a focused program of acquisition of rights in estuarine and coastal lands and waters. Similarly, Wise opposed the Administration bill's restriction against using grant funds for acquisition of real property. And he supported federal underwriting or guarantee of state bond issues or loans for land acquisition and development projects.

OTHER CRITICISMS

Local governments have come out against key provisions of the proposed legislation. Barry A. Williams, a county commissioner in North Carolina, testified for the National Association of Counties. He agreed that coastal zones have been mismanaged and that something should be done about it. But he said a state agency should not have authority to draw up land use and zoning regulations which control private and public uses. "Planning and zoning are the traditional mechanisms by which local governments guide physical development and establish a tax base." He urged regional planning and review by existing "Councils of Government and area-wide planning organizations made up of local elected officials."

Mrs. Doreen Marshall, mayor of Newport Beach, Calif., testified for the National League of Cities and the U.S. Conference of Mayors. She said: "We oppose the concept of transferring total authority over coastline planning and zoning to the state governments." She said primary responsibility should remain with local governments, but allowed that states should have "the power to set standards and guidelines, and to overrule local planning decisions only when it is clearly in the public interest to do so."

Howe put the issue this way: "Our concern is that land use development decisions in the coastal zone be made cooperatively with public officials who are in a position to be objective about long-term environmental values and that such decisions not be, in effect, private ones ratified by an overwhelmed local government searching for tax revenues.

"The overriding reason for questioning whether local governments generally should continue to make final decisions on environmentally significant developments in critical coastal areas is not, however, that our tax structure tends to skew objectivity on development decisions. It is that the natural systems which are affected so often operate beyond the reach of local jurisdictions."

Thus, before meaningful coastal zone management can be realized, two jurisdictional decisions must be reached. Federal legislation must delineate the degree of federal government authority vis-a-vis the states, and each state, in turn, must decide how much authority a state agency shall have vis-a-vis local governments.

"I would think," said Russell Train, then Under Secretary of Interior and now chairman of the Council on Environmental Quality, "that we would all welcome a great deal of innovation and imaginative new thinking on the part of state and local governments."

Under one theory, a local government could remain free to do a great deal of planning and zoning, so long as it didn't impinge upon the state's coastal management plan and enforcement powers. Local governments could reject projects under their own standards—which might even be more strict than those of the state—and thus a project would have to undergo a "double veto" system at local and state levels.

Among other difficult problems that have to be worked out at the state and local levels: Definition of how much area, particularly landward area, is to be put under coastal zone management; sources of funds for acquisition of land or water areas, or for development; and provisions for adequate hearings and other public participation in the planning and review processes.

The question of where the proposed new program might be housed in the federal establishment has also evoked criticism. Wise of the AIP questioned the "workability" of putting the program in the hands of a "committee of agency heads, which would, in fact, be a committee of equals." (Such as the National Council on Marine Resources.)

As for the Interior Department, Wise asked: "Would it have, in fact, the necessary coordinative and directive authority to deal with agency activity that occurs, for example, within the Department of the Army and its Corps of Engineers?"

William J. Duddleson, director of policy studies for The Conservation Foundation, said he is "skeptical" that NOAA would be appropriate to entrust with coastal zone problems, the most critical of which "come by land and not by sea" and are conservation problems, since NOAA would be an organization whose "expertise and interest and main thrust is deep-water ocean research and technology development."

There must be an "effective, unified federal response," stressed Wise. He suggested placement in the Executive Office of the President, but not in an interagency body.

WHAT NEXT?

The prospects for final congressional action appear dim—for this year, at least. And the major hang-up so far is not substantive, but jurisdictional. Many federal agencies and congressional committees have programs or interests in the coastal zones. To most of them, the large, comprehensive program now envisioned would be a plum, or, if it went elsewhere, a loss of some present authority.

This is particularly evident in the House of Representatives, where bills are pending in *both* the Merchant Marine and Fisheries Committee (H.R. 14730, 14731 and 15099) and the Public Works Committee (H.R. 14845). Although in each case subcommittees held brief hearings at the end of last year, none have been held in 1970. (One reason: Congressman Lennon, chairman of the Merchant Marine subcommittee on oceanography, was ill for several weeks and then was engaged in a primary fight, which he won.) The Public Works Committee has been tied up with other matters, but a spokesman said the subcommittee on rivers and harbors "definitely" plans to hold hearings during this session.

In the Senate, the Commerce Committee's subcommittee on oceanography has been conducting hearings and has agreed to send the legislation it will report out to the Public Works Committee for review.

There is another complicating factor—the national land use bill (S. 3354) introduced by Senator Henry Jackson of Washington on January 29. This bill is similar to the coastal zone management legislation, but it would cover *all* the nation's lands. Obviously, this means some form of overlap. The Senate Interior Committee has almost finished work on the Jackson bill, and staffers expect it to reach the floor by early summer. If passed by the Senate, it could conceivably diminish interest in the coastal zone legislation. However, some efforts are being made to reconcile the two bills. And it is argued that the coasts and estuaries warrant special, more urgent treatment because they are particularly vulnerable and threatened. The land use bill involves longer range planning and would step on even more political and economic toes. In any case, the House Interior Committee is not regarded as likely to act on a land use bill this session. For one thing, it is awaiting the report of the Public Land Law Review Commission, due on June 30.

STATE ACTIVITIES

Though a new federal program could do much to stimulate good coastal management, primary responsibility still rests with the individual states. Some have already taken steps to protect their valuable shoreline resources:

Massachusetts.—On November 23, 1965, Massachusetts enacted a Coastal Wetlands Act authorizing the Commissioner of the Department of Natural Resources to take the initiative in wetland protection. He can issue orders restricting uses to which particular wetlands—and adjoining land—can be put and prohibiting such actions as dredging and filling. The orders can be adopted only after a public hearing in the affected town. Private owners can retain all their rights subject to the restrictions, or they can challenge the state on grounds their property is being "taken." (More than 13,000 acres have been protected so far, and only one owner has gone to court in a case still pending.) The Department can also acquire land or easements if necessary.

Wisconsin.—Effective August 1, 1966, Wisconsin enacted a water resources law requiring counties to promulgate "shoreland" use regulations in their unincorporated areas, including the land within 1,000 feet of lakes. These regulations are separate from general zoning ordinances. Failing action by a county, the state is authorized to establish and enforce necessary regulations. The purpose is to "further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structure and land uses and preserve shore cover and natural beauty." (A similar law, applying statewide, was passed by Oregon last year.)

California.—In 1965, the California legislature established a regional San Francisco Bay Conservation and Development Commission and gave it authority to devise a comprehensive plan for the large estuary and at the same time to control dredging, filling, diking, etc. If a project requires a local government permit, that must be obtained before BCDC review. Several bills now pending in the state legislature would establish a similar agency and management system for the whole California coastline. One of the bills (A.B. 730), introduced by Assemblyman Alan Sieroty and others, would also differentiate between two zones. A "primary area" would, with some exceptions, extend seaward to the state's jurisdiction of three miles and landward to half-mile from mean high tide. In this area, any development would be subject to direct regulatory control of a state coastal commission. A "coastal-marine zone" would cover the remaining landward area up to the "highest elevation of the nearest coastal mountain range." In this area, the commission could only review, comment and "seek to influence" any proposed development that would significantly affect the primary area.

Texas.—Another management tool is the moratorium. Among five coastal bills passed by the Texas legislature last year was one declaring a three-and-a-half-year "moratorium and suspension of the sale or leasing of, and of the establishment of any bulkhead line on, the surface estate of any state-owned submerged lands, beaches and islands for any purpose under any existing law of this state." The moratorium is in effect pending results of a comprehensive study by the Interagency Natural Resources Council. Only state-owned lands are included, of course, and there are certain exemptions.

Georgia.—In some states, a public right to ownership or use of coastal areas has also been claimed under common law. For example, it generally, has been assumed that many of Georgia's coastal marshlands are privately owned. But in March, Attorney General Arthur K. Bolton issued a position paper asserting state ownership. The theory: the English crown originally held such property in trust for the common public benefit, and any subsequent action by the state to relinquish these public rights is null and void. Thus, he said, the marshlands "are not susceptible to private exploitation or conservation without regard to the common-law trust purposes to which these lands have long been dedicated." Since many industries are involved, a court challenge is anticipated. (Similarly, the state of California has filed suit in an effort to establish public rights in some submerged lands in San Francisco Bay.)

Oregon.—Public access to shores is a key consideration in management. The "wet sands" on Oregon's beaches have long been held to be public property. Last December, the Oregon Supreme Court ruled that the public also owns the "dry sands" up to the vegetation line. The court reasoned that the public's long-standing use of these areas had established a right which prevails over the rights of private ownership. (A new Texas law provides criminal penalties for denial of access to public beaches. And H.R. 11016, introduced by Congressman Bob Eckhardt of Texas in 1969, would declare a federal interest in the public's right to use the nation's beaches and would provide federal grants to help states acquire beach rights-of-way or easements. The House Interior Committee has taken no action on Eckhardt's bill.)

A number of other states have taken action to protect their coasts and estuaries, and some have statewide authority which covers coastal resources. The problems are complex and are compounded by political and economic pressures.

In its session early this year the Washington state legislature struggled over, but did not pass, a coastal management bill. Builders and developers aggressively opposed versions of the legislation supported by conservationists. In Rhode Island a bill also failed to pass before adjournment earlier this year—in this case chiefly due to the opposition of town governments who objected to any loss of jurisdiction over land use decisions.

In sum, wise use and conservation of coastal resources has emerged as a major issue on the nation's environmental agenda. It's clear that the challenge will require the attention of all concerned about the future of our endangered coastlines.

XUM

ESTIMATED MILEAGE OF RECREATION-TYPE SHORELINE IN 28 MAINLAND COASTAL AND GREAT LAKES STATES

[In miles]

State	Total	Type			Ownership		
					Public		
		Beach	Bluff	Marsh	Recreation areas	Restricted areas	Privately owned
Alabama	204	115	....	89	3	1	200
California	1,272	283	883	106	149	100	1,023
Connecticut	162	72	61	29	9	....	153
Delaware	97	41	....	56	9	9	79
Florida	2,655	1,078	406	1,171	161	122	2,372
Georgia	385	92	....	293	5	....	380
Illinois	45	13	32	....	24	4	17
Indiana	33	33	....	....	3	....	30
Louisiana	1,076	257	....	819	2	....	1,074
Maine	2,612	23	2,520	69	34	....	2,578
Maryland	1,368	40	912	416	3	113	1,252
Massachusetts	649	240	288	121	12	6	631
Michigan	2,469	292	1,959	218	357	....	2,112
Minnesota	264	22	175	67	19	....	245
Mississippi	203	134	....	69	....	25	178
New Hampshire	25	7	9	9	3	....	22
New Jersey	366	101	33	232	18	15	333
New York	1,071	231	590	250	47	....	1,024
North Carolina	1,326	285	260	781	139	42	1,145
Ohio	275	20	195	60	9	5	261
Oregon	332	133	181	18	101	....	231
Pennsylvania	57	9	44	4	19	....	38
Rhode Island	188	39	145	4	8	10	170
South Carolina	522	162	....	360	9	10	503
Texas	1,081	301	421	359	5	18	1,058
Virginia	692	160	118	414	2	26	664
Washington	1,571	121	1,294	156	46	27	1,498
Wisconsin	724	46	634	44	13	48	663
Total	21,724	4,350	11,160	6,214	1,209	581	19,934

Source: Report 4, Outdoor Recreation Resources Review Commission, 1962.

MECHAM LEAVES FOUR CORNERS COMMISSION

Mr. BENNETT. Mr. President, a public announcement will be made today of the impending resignation of L. Ralph Mecham, of Utah, as Federal Cochairman of the Four Corners Regional Commission.

It is with mixed emotions that I learned of Ralph's coming departure because he has done an outstanding job both as Federal Cochairman and before that as special assistant to the Secretary of Commerce for regional economic coordination. Yet, his new responsibilities in private industry will afford him great challenge and enable him to continue to work for the economic development of Utah and the other "Four Corners" States.

Because it was my privilege to sponsor Ralph for both of his Federal appointments and since 21 of Utah's 29 counties are within the Four Corners region, I have followed the progress of the Commission with keen interest.

He was nominated for this Assistant Secretary-level position last September and confirmed by the Senate on October 1, 1969. His excellent qualifications and ability were attested to in part by the unique manner in which his nomination was handled by the Senate. The Senate Public Works Committee approved his nomination without a hearing and the rules of the Senate were suspended so that he could be unanimously confirmed all on the same day. This is something of a record.

He has functioned, in effect, as Federal Cochairman since mid-August of 1969, when his predecessor announced that he was resigning to take another important Federal post. Characteristically, Ralph has done a superb job. For more than 13 years, he served on my staff, for the last 7 of those years as my administrative assistant. He has applied the same driving energy and great professional skills to the Four Corners job that I have seen close at hand.

As the Senate Public Works Committee hearings of last year show, the Four Corners Commission program had been lagging badly. Much more rapid and new progress has been made since Ralph became Federal Cochairman; although, as he has said, much more needs to be done if this experiment in new federalism is to achieve its full potential. He is deeply dedicated to preserving and restoring the strength and vitality of State and local governments. It is not surprising, therefore, that one of his first successful efforts was to emphasize the State-Federal partnership aspect of the regional commission program and to cement good relations with the four Governors, who are members of the Commission.

Moreover, as one who has spent most of his professional life working in the U.S. Senate, he has kept in constant contact with the congressional delegations of the four States, working closely with members of both political parties. He believes the commissions, of necessity, must be nonpartisan, with bipartisan support, if they are to succeed in their missions to assist in reversing their economic lag behind the Nation.

Under his leadership, the Four Corners Commission is moving to truly regional projects and programs that create jobs and generate new income or save those that already exist. This replaces the practice of dividing the money equally among the four States for highly localized projects which, while useful, may not create jobs. Furthermore, he has pushed through and completed the long awaited comprehensive regional plan which Congress has said should be followed by all Federal and hopefully all State and local agencies. Of course, such plans must be constantly revised. But when coupled with the Regional Federal Economic Development Council, which he reactivated and chairs, it may at long last be possible to bring direction to the $2.5 billion that the Federal Government spends in the Four Corners region in a largely uncoordinated way. One important regionwide project that will be presented to the Commission in Park City, Utah, today under a motion he made, is a major new and much needed highway system. New highways are critical to the economic development of our region which lacks adequate roads because of the vast distances and inadequate tax base coupled with massive Federal ownership of lands.

Speaking of Federal lands, Ralph has recommended that public land administration for economic development purposes is vital to the region since more than 50 percent of its lands are federally owned, with another 10 percent being Indian reservations. Unfortunately, most of these lands have been administered in a way to retard economic development rather than to assist in creating jobs. Ralph represented the Department of Commerce on the Public Land Law Review Commission and presented a major study to the Commission calling attention to the critical role that public lands play in the economy of important areas in most of the States in the Union. This is particularly true in our region which is greatly dependent, economically, on Federal lands.

Federal Cochairman Mecham recognizes that this is vital to the future of America to achieve balanced, economic growth throughout the United States as strongly urged by President Nixon in his 1970 state of the Union message. More than 50 percent of the Four Corner's 92 counties have lost population during the past decade while 25 percent barely held their own. Ralph believes that the primary role of the Commission is to assist these counties and nearby growth centers in order to stop the "brain drain," reverse outmigration generally, raise per capita incomes, create more jobs, protect the environment, and improve the quality of life in the have-not, largely rural counties of this Nation and our region.

He has rendered outstanding service to the Nation and to his region and most ably represented the State of Utah. He will be missed greatly and I wish him well in his new career. I ask unanimous consent that a press release announcing his resignation be printed in the RECORD.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

PRESS RELEASE ON L. RALPH MECHAM

L. Ralph Mecham, Federal Cochairman of the Four Corners Regional Commission, today announced that he will submit his resignation to President Nixon soon and take a position in private industry.

Mr. Mecham, who has held the Assistant Secretary level post since October 2, 1969, made the announcement at a meeting of the Commission which consists of the Governors of Arizona, Colorado, New Mexico and Utah together with the Federal Cochairman.

Mr. Mecham said that it was a great privilege to work with the "distinguished and able Governors" who serve on the Commission and praised them for their cooperation and concern for the economic well-being of the 92-county Four Corners Region. He indicated that he has received assurances both from the White House and from the Secretary of Commerce that the Governors will be fully consulted in selecting a new Federal Cochairman, a Presidential appointee who must be confirmed by the Senate. Cochairman Mecham said that he hopes to complete his duties sometime in August.

In presenting his final oral report to the Commission, Mr. Mecham pointed to a few of the most important areas of achievement during what will be his 11 months in office. Under his leadership the first comprehensive regional economic development plan has been completed. Major advances have been made in coordinating with the many Federal agencies who serve the region including the activation of the Federal Regional Council for Economic Development chaired by Mr. Mecham. The concept of partnership between the State and Federal Governments through the Commission has been restored and developed in place of tendencies toward Federal domination. Significant steps have been taken to interrelate the Commission research program focused on an over-all goal of creating jobs and generating new income. Order has been brought to the administrative system through a series of reforms and new management procedures. In addition the Commission agreed in November to follow the new regional plan with its project priorities beginning July 1, 1970, moving to programs of regional significance rather than merely localized projects in each state.

"However, much more needs to be done if this challenging experiment in 'New Federalism' is to achieve its full potential," Mr. Mecham said.

He indicated that he would present a detailed report with recommendations to the Commission on each of several areas where he believes Commission action should be taken.

SENATOR McGOVERN ON THE AMENDMENT TO END THE WAR

Mr. McGOVERN. Mr. President, several weeks ago I joined with Senators HATFIELD, HUGHES, GOODELL, and CHURCH in a half-hour telecast on amendment 609, the amendment to end the war. Senator CRANSTON, who was also an original sponsor of that measure, was unable to take part because of another commitment.

The television program, which was broadcast on the National Broadcasting Co. network, presented an alternative plan for American disengagement from Vietnam. We believe it is much more in keeping with the national interest than the so-called Vietnamization strategy which is now being pursued.

Unlike the President, we did not have access to public service time. We agree that the Chief Executive should be able to address the American people on such critical issues whenever he chooses. But we also believe opposing views should be made available, and that this need is not fulfilled by news broadcasts which must, of necessity, be presented in summary form.

The only choice in these circumstances was to purchase the time for our broadcast, and to ask viewers to help pay its cost. The response indicated broad interest in such programs and in the amendment to end the war.

To date we have received some $460,000 in contributions to help pay the cost of the original broadcast and to finance further efforts of the same kind. That is not a large amount when measured against the great expense involved in national telecasts, but it does assure that we can continue to effectively place this issue before the American people. Negotiations and preparations for further broadcasts are underway.

In my view this process is the best means we have available to offer the American people the information they need to make wise decisions on the transcendent issue of Vietnam. Beyond that, I believe it tells people who have become disillusioned through years of war and protest that there is hope in our system of Government and politics if we will but use the legitimate opportunities for action it affords.

Mr. President, I ask unanimous consent that there be inserted in the RECORD at this point a brief message to the thousands of people who are helping our efforts.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C.

MY DEAR FELLOW AMERICAN: Thank you for your contribution to help enact The Amendment to End the War in Southeast Asia. It will be used to communicate the importance of this effort to others.

You can help further by: calling, writing, or wiring your Congressmen and Senators urging their support; circulating a petition to secure names and addresses of other people who will support the Amendment by contacting their Congressmen and Senators. Please send us these petitions.

Gratefully yours,
GEORGE MCGOVERN,
U.S. Senator.

Amendment to End the War, Box 1-A, Benjamin Franklin Station, Washington, D.C. 20044.

THE EARTHQUAKE IN PERU

Mr. HARRIS. Mr. President, we have all been saddened by the terrible earthquake that struck northern Peru last week. The latest reports, which are most upsetting, indicate as many as 50,000 people may have been killed, and that well over 100,000 people may have been injured.

I was glad that President Nixon has approved a $10 million special grant to Peru and is planning other assistance.

I understand that AID has also been providing assistance. Immediately after the disaster, I contacted AID and learned that food and medical supplies were being flown to Peru, and that in addition, U.S. aircraft were being made available for rescue and for the distribution of emergency supplies.

Many private citizens have also joined in assisting Peru. B. F. Spohrer, general manager of Peruvian Airlines, Inc., of Miami, Fla., informed me that seven U.S. doctors, Robert L. Cherry, Rush K. Acton, Manuel Gonzalez, Oswald H. Coury, Donald Transue, Harris Anderson, and L. L. Lund, all volunteered their time and were flown to Peru by Peruvian Airlines, which has also been transporting needed drugs for the earthquake victims. These doctors and Peruvian Airlines are entitled to special commendations.

As we learn more about the extent of the awful damage in Peru, I am hopeful that the efforts underway will be continued and increased if necessary, and that we will help in the long-range rebuilding of northern Peru and to alleviate as much as possible the great human misery and suffering which has resulted from this tragic catastrophe.

NATIONAL SEASHORE PARKS

Mr. MATHIAS. Mr. President, as each of us realizes, the pace of modern society has quickened. But anyone who has been able to retreat for a day to one of the Nation's seven national seashores realizes the peace that one can find in our country's parks.

The quality of that experience is in danger. In the New York Times of May 31, 1970, Bayard Webster reported on Assateague Island National Seashore in Maryland, the country's newest federally operated coastal recreation site. Once again, it appears that man is his own worst enemy as he crowds the land and disregards the requirements of his environment.

Congress has established seven national seashores since the first one at Cape Hatteras, N.C., in 1937. Now we must not fail to take adequate steps to maintain present sites nor fail to consider plans to acquire new areas. In the establishment of new recreational facilities, we need to be sure that they are within easy access of all citizens. For example, I introduced a bill to establish the Chesapeake and Ohio Canal National Historical Park in Maryland and the District of Columbia. The Department of the Interior has formally endorsed this piece of legislation. Therefore, I am asking the Senate Interior Committee for immediate hearings and prompt approval of this legislation.

After reading the New York Times report, I do not believe anyone could doubt the necessity for review of plans for Federal parks. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 31, 1970]

NATIONAL SEASHORE PARKS STRUGGLE WITH VAST CROWDS AND LITTER

(By Bayard Webster)

ASSATEAGUE ISLAND, MD.—"This place already gets so jammed in summer that there are days when we can't cope with all the people," the park ranger said as he drove a visitor along the bumpy beach road at Assateague Island National Seashore, the country's newest Federally operated coastal recreation site.

"Last year we prepared for 800 campers on July 4th," said the ranger, Leonard W. Mckenzie, "but 1,400 arrived on Memorial Day. We're going to have to reduce the number of our camping sites. We hate to do it but we can't preserve the environment and provide a quality camping experience with such large crowds."

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From Cape Cod, Mass., to Point Reyes, Calif., members of national seashore supervisory staffs report overcrowding, lack of facilities, littering, and erosion by man and nature as threatening large sections of the 600-odd miles of Federally controlled coastal recreation preserves on ocean and bay front.

ACQUIRED BY DEVELOPERS

At the same time the few shoreline areas still available are being snapped up for industrial and private development at a record-breaking rate.

There are seven national seashores along the rim of the continental United States. Besides those at Assateague Island, Cape Cod and Point Reyes, they are located at Fire Island, L.I.; Cape Hatteras, N.C.; Cape Lookout, N.C. [not yet open]; and Padre Island, Tex.

National seashores are established by acts of Congress after consultation by the Interior Department with the state or states involved. The National Park Service administers them and determines the restrictions and regulations governing their use.

The first national seashore was Cape Hatteras, authorized by Congress in 1937. Today, its 70-odd miles of ocean front and relatively well-established barrier dunes are a monument to the millions of dollars and thousands of man-hours spent on their preservation.

$5 MILLION FOR DUNES

"We've got to perpetuate the beach or we'll have no national seashores," Kittridge A. Wing, superintendent of the Cape Hatteras seashores, said as a chill wind whistled through the loblolly pines outside his office at Manteo, N.C.

"We lose anywhere up to six feet of beach a year," he said, "and so far it's cost more than $5-million to keep the dunes here." He explained that extensive use of sand fences to entrap sand and the planting of beach grasses to consolidate it had helped to save the beach.

"There are other problems," he went on. "Last year we had 1,120,000 visitors here—a 5 per cent increase over the previous year. We have trouble with the dunes but it's even tougher to keep up with the increased need for recreation facilities—our needs are just monstrous."

Several hundred miles to the north in South Wellfleet on Cape Cod, James H. Bowman, a 39-year-old civil engineer on the staff of the national seashore there, tipped his chair against the wall of his superintendent's office and recited a slightly similar litany.

"We've reached the limit of development," he said of the 55-mile-long, 44,000-acre Federal preserve that was authorized in 1961 and formally established four years ago.

VISITS UP 10 PERCENT A YEAR

"We had four million visits last year and the total has been creeping up about 10 to 15 per cent a year," he went on. "One of our main problems is the impact of people on the dunes—even a footprint can lead to a deep ravine in a dune if the wind comes up and blows the sand away."

"Beach buggies are going to be a real problem," he said.

"Just to keep litter and trash in the garbage cans—trying to train a whole new generation to dispose of their cans, bottles and packages—is a problem," Mr. Bowman said.

STANDARD PROBLEM

Although many conservationists feel that state and local parks can help alleviate the burden on the Federal system, they are also aware that the high level of appearance standards and restrictions on visual pollution in federal parks can be difficult to achieve by provincial governments pressured by local business interests.

On a different tact, a more radical suggestion to alleviate the pressures on seashore parks was advanced by Mr. Bowman, who appreciates Cape Cod in all seasons.

"Why not stagger the school vacation schedules?" he said. "I think many children and families would like to come in May and June or September and October—two of the most beautiful times of the year up here. It would make for less crowding and a better experience for everyone."

But other simpler solutions have slipped by.

In 1935 a National Park Service survey of undeveloped seashore areas recommended that 12 areas with a total shoreline of 439 miles be preserved as national seashores.

Only one of these areas—Cape Hatteras—was set aside. The major portions of the other areas were eventually acquired by private and commercial developers.

WIDE SURVEY IN 1955

Twenty years later, in 1955, a more extensive seashore recreation area survey of the Atlantic and Gulf coasts was made for the National Park Service. It said that the highest priority should be given to the acquisition of 16 areas.

Today, 15 years later, only three of these areas—Cape Cod, Fire Island and Padre Island—have been or are being acquired. One other—Cumberland Island, Ga.—is being sought by the parks service. Many of the remaining areas on the list have gone the way of industry and the private developer.

Some specialists in shore ecology feel that most of the national seashores of the future must be developed on the nation's coastal islands. Many of them are privately owned and were not considered by the Park Service because it thought they would be too difficult and expensive to acquire.

But now that the ownership of many of the off-shore islands along the Atlantic coast has transferred to heirs with varied interests, conservation groups hope that some will eventually become national wildlife and recreation preserves.

ISLAND MADE A SANCTUARY

One that has recently gone through this process is Wassaw Island off the coast of Georgia, near populous Savannah. It was formerly owned by the Parsons trust, a collection of heirs of the original owner.

MEMORIAL DAY—A MOMENT FOR LOWERED VOICES

Mr. McINTYRE. Mr. President, one of America's great newspapers, the Baltimore Sun, has printed countless thoughtful essays on our Nation and our way of life.

Many of these essays, I am sure, came from the pen of Edgar L. Jones, and today I would like to call particular attention to one of his most recent efforts, a quiet, nostalgic, moving recollection of Memorial Day in Hanover, N.H., in the 1930's, when he and I were students at Dartmouth.

Mr. President, I call attention to this essay because I believe it makes a significant point, a point which may be ignored or overlooked in these days of dissent, demonstration and divisiveness.

Ed Jones is telling us that we must seek out those special times and places where Americans can come together again—with lowered voices and in common purpose—if only for a fleeting hour.

Surely there are such special times and places, even in today's polarized society. It behooves all of us to seek them out.

I commend Ed Jones' essay to all who read the Record. I ask unanimous consent, Mr. President, to place it in the Record.

There being no objection, the essay was ordered to be printed in the Record, as follows:

[From the Baltimore Sun, May 30, 1970]

A Memorial Day Parade

(By Edgar L. Jones)

Hanover, N.H., used to have a Memorial Day parade in the long ago mid-1930's. Maybe it still does. But the chances are slim that the solemn march out to the drowsy, tree-encircled town cemetery any longer retains the same flavor of bittersweet community homage to the fallen few from the Great War and the fewer still from the Spanish-American and Civil wars.

A sense of community was rare in Hanover, a small town dominated by Dartmouth College. The town-and-gown antipathy was a steady undercurrent as students spoke slightingly of the "townies," and the residents kept up their own morale by sneering at the senselessness of the "pinheads." And in the depression years the relatively rich and spendthrift ways of the students (the more noticeable ones) rubbed the wrong way in a town with little going for it other than dependence on college largesse.

The students were rambunctious; not perhaps by today's standards, but they got into fights with fire hoses and did some damage. Their catcalls and wisecracks helped to spoil movie-going at the town's one theater, the Nugget. Once or twice a year, also, they staged raids on the Nugget, trying to break in without paying, and one of the earliest whiffs of tear gas was from the town's slender defense of paid admissions.

Apart from the rowdyism, the college era was one of nonmilitant pacifism. Disarmament and never-again sentiments continued strong in the long lull following the war to end all world wars. Professors still taught the evils of the munitions makers and the propaganda effects of waving flags and marching drums. Once a year in the spring there was a peace strike, with speeches in the auditorium, and some of the more committed or outspoken students on Ivy League campuses organized the Veterans of Future Wars, demanding their war bonuses in advance as a mockery of the whole veterans' bit epitomized by the American Legion and V.F.W.

But Memorial Day was different. Men of a previous generation had been killed in war, and it had become a moot point for them whether they had died in a great cause or as the gulliable victims of the munition makers. Their lives had been cut short when not much older than the students, and on a beautiful spring day they lay beneath the row of markers. Nobody would want to mock them or the flag beneath which their dreams were buried. The American flag in those days had not been politicized as a banner to be flaunted beligerently by one faction and torn down by another. It was there, like a church spire or library dome, as one of the fixtures of everyday life.

So it was that the Dartmouth band marched with the townies on Memorial Day—those of us who had not hurried off to Smith and Mount Holyoke on dates. In our white flannels we formed a column with the Hanover boys and girls in their Sunday best, women with armloads of lilacs or maybe peonies, the veterans in their overseas caps and a few old-timers in even earlier uniforms. There was a prayer, a speech or two, a wreath ceremony, a ragged gun salute, and one member of the band played taps while another out behind the shrubbery did the echo.

Nothing was especially memorable in retrospect, except that it was Memorial Day in the old-fashioned way and the only still-remembered occasion when students joined in a town ceremony and for an hour or so formed a community. Nothing should suggest that out of it came a new respect of one group toward the other. But briefly they had found common ground in a show of respect for those who had died in the name of the nation and who could neither savor nor bear the blame for what came after.

DISTRICT OF COLUMBIA CRIME LEGISLATION CURRENTLY IN SENATE-HOUSE CONFERENCE

Mr. DODD. Mr. President, conferees of this body and of the House of Representatives are now considering crime legislation for the District of Columbia.

The measure passed by both bodies differ significantly and it is my hope that the most meaningful and effective bill, one that will withstand constitutional challenge, will emerge from that conference and be adopted by both Houses of Congress.

This must be done so that we can get on with the task of curbing crime in our Nation's Capital.

We are all mindful of the serious menace which crimes of violence pose to the citizens of this city and to the many thousands of persons who visit Washington each year.

Unfortunately, the Nation's Capital has been captioned the "crime capital" of the country, a charge which I believe is unfounded. But the serious nature of crime in Washington must not be diminished. It is a real and pressing problem and one with which the Congress must deal effectively this year.

We all recognize the contribution which youngsters under the age of 18 make to the total crime problem which exists in Washington. Decidedly, a disproportionate number of violent crimes are increasingly committed by young persons in our city and we must make every effort to reverse this process.

In so doing, however, we must propose and enact legislation that will strengthen the entire criminal justice system, a system that has long been overlooked in its total context in the District of Columbia.

Perhaps most important, care must be exercised that our zeal to curb crime is not such that in enacting crime control measures we infringe upon the rights of the law-abiding citizen as well as the criminal.

I have long supported crime control legislation in this body and, in fact, have sponsored a number of such measures which are either now the law of the land or well on the way towards enactment this year.

Among these measures was the Juvenile Delinquency and Youth Offenses Control Act, which became the first comprehensive Federal effort to assist the States in their efforts to prevent and to curb delinquency.

In succeeding years, I introduced firearms legislation and dangerous drug controls, which are now on the lawbooks, and in 1968 I proposed the Juvenile Delinquency Control and Prevention Act, which is the basic Federal statute concerning the subject of juvenile crime in the United States.

In January of this year the Senate passed the Controlled Dangerous Substances Act, a measure which is intended to help curb drug abuse in the United States and House action on that bill should be forthcoming in the near future.

However, the issue to which I address my remarks today is the crime legislation specifically designed for the District of Columbia.

The separate bills now being considered in conference cover the spectrum of the criminal justice system from law enforcement to court reform.

Under these proposals the court structure in Washington would be revised substantially. Further methods of dealing with young offenders would be changed drastically. Criminal procedure and penalty structure revisions are also provided for.

In certain instances I must vehemently object to the nature of the revisions.

There are specific provisions of the House bill which should be stricken from any conference report and the resulting legislation.

In dealing with juvenile crime in Washington, or in any other jurisdiction for that matter, care must be exercised to insure that we do not violate the integrity of the basic philosophy of the juvenile court.

That philosophy is the concept of assisting the youngster in order that he might be rehabilitated and returned to society to pursue a non-criminal existence.

Care must also be exercised that we do not erode the rights of youngsters in an overzealous attempt to curb the problem of juvenile delinquency.

The framers of some of the House provisions seem to have forgotten why the legal status of "juvenile delinquency" was created in the first place.

It was based on the philosophy that delinquent behavior was behavior less than a crime to be treated correctively rather than punitively.

Substantial improvement can be made in the juvenile court process without eroding this approach or the rights of juveniles.

I know that juveniles do commit violent and pernicious crimes.

I know that some of these youngsters appear to be remorseless.

However, these factors should not negate the basic principle of rehabilitation of the youthful offender, which is the hallmark of the juvenile court idea.

If there have been failures in our juvenile courts it is not because the philosophy of rehabilitating juveniles is at fault. Rather, it is the result of a failure of the Nation's Capital, and other communities as well, to provide the necessary programs of probation, counseling and treatment to implement this philosophy.

We should continually seek to curb juvenile crime and to appropriately treat and rehabilitate youngsters through the improvement of the juvenile court process, rather than propose means that are questionable on philosophical and constitutional grounds.

Mr. President, I believe that there are several provisions in the House crime bill that raise serious constitutional questions.

Further, they would destroy the current concept of separating the juvenile offender from the adult offender in both our courts and penal institutions.

It is to these provisions that I take exception, and urge that they be stricken from the final version of this legislation.

However, before moving to those specific objections, let me first clarify the changes in juvenile court procedure, especially in the fact-finding, adjudicatory stage, which have been brought about by recent Supreme Court decisions.

While the Court has moved in recent years with regard to protecting the rights of juveniles, the basic doctrine of juvenile justice has not been diminished and the principle of parens patriae, which considered the child a ward of the state and deserving of special attention, should not be abolished.

In the 1967 Gault case, the Supreme Court held that during the adjudicatory stage of the juvenile delinquency proceeding, certain constitutional safeguards are required, such as notice of charges, right to counsel, the rights of confrontation and examination, and the privilege against self-incrimination.

Just recently the Court in the Winship decision specifically held:

> The constitutional safeguard of proof beyond a reasonable doubt is as much required during the adjudicatory stage of a delinquency proceeding as are those constitutional safeguards applied in Gault.

The Court said further that observance of the standard of proof beyond a reasonable doubt "will not compel the States to abandon or displace any of the substantive benefits of the juvenile process."

And so, Mr. President, I believe it is clear that, if the Congress is to legislate in this area, then we must be cognizant of the Court's dictates with regard to juvenile justice.

This leads me to my first objection to a specific provision of the House crime bill.

That bill utilizes a standard of "preponderance of evidence" in the fact-finding stage of the juvenile process, whereas the Senate bill utilizes the standard of "beyond a reasonable doubt," the very standard which the Supreme Court held to be necessary during the adjudicatory stage of the juvenile proceeding, when the accused is charged with an act which would constitute a crime if committed by an adult.

This means the Court held that the standard "beyond a reasonable doubt" is required in the juvenile adjudicatory stage, because it is a due process safeguard that is afforded adults charged with crimes. I am certain Senators will agree with the Court that juveniles should be afforded no less protection than is given to adults.

It is obvious that the House language cannot withstand the constitutional test of the Winship case, and it is clear that the Senate language must be adopted.

Another provision of the House version of this crime bill lowers the age for youngsters to be tried as juveniles from 18 to 16 when they are charged with specific felonies, and requires that they automatically be tried as adults.

There is no discretion given to the juvenile court judge.

The House bill overlooks the fact that the District of Columbia juvenile court

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system has existing waiver provisions that it can use when serious cases come before it.

During the period from 1965 through 1969, for example, 100 cases of serious juvenile crimes were transferred to the adult courts in the District.

Mr. President, the only benefit that I can foresee from such a retreat from the original concept of the juvenile court is that future statistics may reflect a reduction in juvenile crime, simply because 16 and 17 year olds would be tried as adults and recorded as such.

Certainly the lowering of the age for prosecution as an adult is not going to have any great effect upon curbing crime by youngsters. The numbers may change, because more youngsters will be in the same category with adults, but the problem will remain.

In all probability it will have the effect of making these juveniles bigger and better criminals.

This subcommitte has heard substantial, and in plain language, disgusting testimony relative to the conditions in our adult prisons.

I am convinced we are not going to alleviate the crime problem by throwing more 16 and 17 year olds into institutions with finely honed adult professional thieves, drug addicts, and killers.

Even more regressive, the House bill provides for the waiver to adult courts of 15 year olds charged with specific felonies, and once waived, regardless of the outcome of the adjudication, the youngster can never be brought before the juvenile court again.

Clearly, such provisions are unnecessarily harsh and inimical to the impartial administration of juvenile justice.

Further, taking into consideration the House bill's definition of a child and from a reading of the transfer provisions of the bill, it is conceivable that a situation could arise where a 17-year-old car thief would be adjudicated as a delinquent since auto theft is not one of the listed felonies calling for automatic trial as an adult, while a 15-year-old car thief could be tried as an adult, if waived, because a 15-year-old can be waived for any felony.

I would hope that such provisions are stricken from the final version of this bill and that the Senate standards relative to waiver are adopted wherein the prosecution is required to establish grounds for waiver which is similar to the law now on the books.

Another provision of the House bill which perplexes me is that which provides that, at the time of disposition, a "delinquent" or a child "in need of supervision" may be treated identically.

Obviously, a delinquent child, one who is a lawbreaker, needs different treatment from a child who is simply in need of supervision, such as a truant.

The Senate bill does maintain such separation and I believe that is the logical, preferable course to follow.

I take serious issue with another House provision which would allow a juvenile who had been committed to a juvenile institution to be transferred to an adult institution, without formal proceeding, including petition and waiver.

I would acknowledge that such a provision in certain cases would satisfy the condition of expediency. However, I would still rather see separate facilities maintained for juveniles, no matter how recalcitrant, apart from crime hardened adults.

Thus far I have restricted my remarks to those provisions of the House bill that concern juveniles, the juvenile court and its procedures.

I shall now turn to other sections of that bill which contain provisions with which I take exception.

The first area of controversy is the much maligned and much misunderstood so-called "no-knock" provision.

Mr. President, at the time of the Senate debate on the Controlled Dangerous Substances Act during January of this year, much discussion centered on the "no-knock" provisions of that bill. At a point in the debate I suggested an amendment to those provisions which was subsequently offered by the junior Senator from Michigan (Mr. GRIFFIN) to substitute language relative to "no-knock" searches that was identical to that contained in a Senate passed bill concerning crime in the District of Columbia.

Mr. President, that amendment was adopted by this body in that bill. I supported its adoption then and I now urge the adoption of the same language in the conference report, rather than the "no-knock" provisions which are contained in the House version of the District of Columbia crime bill.

The Senate's provisions relative to "no-knock" searches are reasonable and prudent.

The "no-knock" provisions in the House version of this bill are not.

The difference is that the Senate bill requires probable cause for belief that the evidence will be destroyed or that the officer will be endangered, rather than the House approach of "reasonable belief" as to the "likelihood" that evidence will be destroyed or the officer's life will be endangered.

I believe that the Senate language constitutes a more proper restraint on law enforcement and eliminates any possibility of abuse.

My final comments are directed to the mandatory prison sentences which are provided for in the House bill including mandatory life sentences for persons convicted of crimes of violence.

Such sentences are also provided for in cases involving crimes committed with dangerous weapons and crimes committed while on court ordered release pending further proceedings.

There are no such provisions in the Senate bill.

On principle, I object to the concept of mandatory sentences.

There is absolutely no evidence that they contribute to the deterrence of crime. Current studies indicate that delinquents are not even aware of the penalties, mandatory or otherwise, for the crimes they commit. Yet, they do infringe upon the right of the court to exercise discretion in the sentencing of offenders. In fact, many judges will turn a serious offender loose rather than subject him to lengthy mandatory penalties.

I know that mandatory sentences sound tough and they have a certain public appeal, but that is about as far as it goes.

We are attempting to effect a reduction in crime in the District of Columbia, and I see no evidence that mandatory sentences will help us do this.

Mr. President, I have cited certain of the more objectionable provisions of the House crime bill and I have detailed my reasons for these objections.

I believe that we can curb crime in the Nation's Capital and we should do so through effective and constitutional means.

The provisions of the House bill to which I have objected do not meet these standards, and I am convinced that they should be stricken from the final version of this crime legislation.

COMMENDATION FOR OTTO OTEPKA

Mr. TOWER. Mr. President, the Public Affairs Luncheon Club of Dallas, Tex., is composed of a responsible group of citizens who have taken it upon themselves to study various domestic and international issues and express their views on these issues to public officials. I am proud that such a group of concerned Americans are also Texans. Their initiative is a fine example for us all.

Recently, Mr. Otto Otepka addressed the club and was received warmly and with great interest. The members of the organization have presented me with a resolution commending Mr. Otepka which I ask unanimous consent to have printed in the RECORD at this time. As Senators will note, the resolution has also been sent to President Nixon, Secretary of State William Rogers, Senator Eastland, and Mr. Idar Rimestad.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

COMMENDATION TO OTTO OTEPKA

Whereas, Otto Otepka has been subjected to endless harassment, punishment, and personal reprisal for speaking truthfully under oath to a Congressional investigating committee, and,

Whereas, his unyielding insistence that subversives and undesirables of potential or proven disloyalty should be barred from sensitive government posts has resulted in a loss of his civil rights, and,

Whereas, Otto Otepka has become a symbol of suppression of any investigation of communism by Congress or by any internal security bureau such as the Subversive Activities Control Board of which he is presently a member, and,

Whereas, Otto Otepka has endured character assassination the extent and duration of which would have already destroyed men of lesser strength and courage.

Now therefore, be it resolved that the Public Affairs Luncheon Club of Dallas express to Otto Otepka our gratitude and undying appreciation for his commitment to honor, integrity, and to the internal security of our nation.

PUBLIC AFFAIRS LUNCHEON
CLUB OF DALLAS,
MRS. ANDREW B. SMALL,
President.
MRS. PHILIP L. COLLINS,
Chairman, Resolutions
Committee.

BIG THICKET ARTICLE OF 1949 IN FORD TIMES

Mr. YARBOROUGH. Mr. President, a fellow conservationist wrote to me recently about the proposed Big Thicket National Park. In this gentleman's letter, he mentioned an article on the Big Thicket which he had seen about 30 years ago and he recommended it to me. The Library of Congress Legislative Reference Service took the meager clues available, and in a display of their outstanding service, located the article and obtained a copy of it for me.

This article demonstrates that interest in the Big Thicket is not a new thing, and that it has been the inspiration for many authors over many years.

Mr. President, I ask unanimous consent that the excellent article by Mr. Franklin M. Reck, which appeared in the March 1949, issue of the Ford Times beginning at page 39, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Ford Times, Mar. 1949]

BIG THICKET

(By Franklin M. Reck)

John Knight, who was born in the Big Thicket 60 years ago, says it's easy to make a living there. All you've got to do is turn loose a few wood hawgs and a couple of steers and forget 'em. In the fall they'll fatten up on acorns and beech mast, and there's your meat.

If you've got a little clearing, you can raise outsize beans and sweet potatoes, the land is that rich. Add a few cat squirrels, white perch, and some venison, and you can live like a king at almost no expense.

The Big Thicket of East Texas is a vast wilderness where you hardly expect to find it—not 50 miles north of Houston, Texas' largest city, and less than 25 from Beaumont.

Nobody agrees on how big it is. John Knight says 30 miles square, but he's referring only to the densest part. If you include any part of the national forests that surround it on three sides, the Angelina, Davy Crockett, and Sam Houston, it's closer to 100 miles across.

The Big Thicket, in ages past a lake, is a wilderness of pine, cypress, and hardwoods, dotted with bayous, lakes and rivers where the fishing is good, a region inhabited by game and predatory "varmits." The traveler cruising along its sand roads is often tempted to stop his car and wander into the woods looking for wildflowers, but he would do well not to wander too far. On a gray day he might discover within 50 paces that he isn't sure how to get back to the road.

Three men who had lived around the Thicket most of their lives went squirrel hunting a couple of years ago. They entered the woods at eight in the morning and when their bags were full they tried to set a compass course out to the road. They couldn't go in a straight line because of "baygalls", dense areas so solid with bush and muscadine vines not even a dog could crawl through. These baygalls kept turning them away from the direction they wanted to go until they found themselves going in circles. At eleven that night they finally came out on the road, 35 miles from their car.

Last year, a flier, finding the ceiling closed down at Houston, headed north in the direction of the Big Thicket, looking for an alternate airport. He's never been heard of since, and no one has caught sight of the wreck of his plane.

Only men like John Knight, Bill Neal who runs a fishing camp out of Cleveland, Texas, or C. M. Gothard, who has boats on River Lake, can find their way around in the Thicket, and they'd rather not be caught out at night.

You walk through aisles of tall slash pine, bypassing thorny haw bushes, till you come to the banks of Big Sandy Creek. On the banks are big cypress, four feet through, with "knees" sticking up from roots for 20 feet in all directions.

Fishing in the Big Sandy is fair. Baiting his hook with minnies, crawfish, or even artificial plug, the angler can take bass, white perch, catfish, goggle-eye, river trout, and the bottom-feeding gaspergou. But he would do well not to sit on a log and let his feet dangle in the pool. One man tried it and got his leg chewed by an alligator. Now and then Knight spots a 'gator in the Big Sandy.

The rate at which the trees grow in the Thicket is fabulous. Local publicity says they grow faster here than anywhere in the South. On the reservation, where occasional dead trees have been cut and turned over to the "peckerwood mills" (small, portable outfits), you can see annual rings that measure an inch across, indicating a growth of two inches in diameter in a single year.

One settler, lured by factory wages, left his farm on the edge of the Thicket in 1941. When he returned five years later, his fields were obliterated by self-seeded pines, 15 feet high and six, eight inches through. The only way he could find where the fields had been was to locate bits of broken barbed wire. Aided by fertile, low ground, the wilderness had lost no time claiming its own.

Aside from oil and timber, the Thicket has yielded to man many deposits of top-grade sand and gravel, formed when the region was part of the Gulf. Riding the road from Cleveland to Romayor, the traveler passes pits where suction-pump boats are drawing the building material from the earth to a depth of 35 and 40 feet, leaving lakes of cold spring water.

Farther on, the old pits have created new fun for the fishermen. Bill Neal, west of Romayor, has some 50 of the old pits, now green and forested. Around their rims are the ridges formed when steam drags scooped off the top soil and laid it around the edges. These odd-shaped, clear, deep lakes are stocked by the state with perch, bream, and bass. Since they're small, the fisherman can handle most of them from the banks, wandering from lake to lake through the forest.

Closer to Romayor, the Trinity River gives the sportsman a chance at bigger game. C. M. Gothard, lanky settler with boats on the Trinity, says that the biggest catfish he ever caught out of the Trinity weighed 110 pounds. He caught it on a minnow, though he states that a trout ate the minnow and the cat came along and swallowed the trout.

Now and then the Trinity capriciously changes its course, leaving a lake stranded in the forest. Each year the river overflows, restocking the lake with fish. Gothard has one such river-lake seven miles long, where you can stand and see mullet leaping two and three feet out of the water.

The Big Thicket is a vast natural wilderness, thus far indifferent to the forays of oil men and lumber barons, big enough to swallow their busy efforts behind a wall of green. It's a Northland isle hung with moss. It mixes subtropical plants with Canadian wildflowers. It's well worth a day's detour to the traveler whose spirit lifts to the challenge of a region that dares you to tame it.

DISTRICT OF COLUMBIA CRIME

Mr. MATHIAS. Mr. President, I wish to remind Congress of our responsibility in facing and dealing with the serious crime problem in the District of Columbia, since Congress has chosen to retain virtually exclusive governmental authority within the District.

To this end, I ask unanimous consent to insert in the RECORD a list of crimes committed within the District yesterday as reported by the Washington Post. Whether this list grows longer or shorter depends on Congress.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

POT-SNIFFING DOG AT AIRPORT FINDS SUITCASE CONTAINING DRUG

Two college students were charged with receiving a 4½-pound shipment of marijuana at National Airport late Thursday after policemen from three police departments, assisted by the District's pot-sniffing dog, Narco, trailed them to the airport parking lot.

Metropolitan police, acting on information from an informer, joined airport and park police at National to await an air freight delivery of packages and suitcases from Los Angeles. Narco, who is trained to detect marijuana, sniffed out the suitcase with the illegal contents.

Police waited until Georgetown University student Felippe F. Echavarris, 20, of 240 M St. SW., and Richard E. Chapman, 19, a student at American and George Washington universities, arrived to pick up the package. The police followed them to the parking lot and charged them with possession of marijuana.

In other serious cases reported by area police by 6 p.m. yesterday:

ROBBED

Mustafa S. Akapana, of Washington, was robbed by four men about 12:30 a.m. while getting into his car in the 1400 block of Harvard Street NW.

Kathryn Ann Haley, of Washington, was robbed in the rear of 201 I Street SW. The incident took place about 1 p.m. when Miss Haley was grabbed from behind and sprayed in the face with a chemical substance by two men.

Randolph John Smith, of Washington, was robbed about 3 a.m. while in the 2700 block of 14th Street NW. Smith's assailant struck him in the face several times before fleeing.

Frank Matthews, night manager of Piper Brothers Gas Station, 1301 Kenilworth Ave. NE., was robbed by two men.

Arthur Rice, of Washington, was beaten by two men in the 1000 block of 12th Street NW. about 9:30 p.m. Tuesday.

Toney Krokoski, of Washington, was robbed by two men in the 200 block of Upshur Street NW. His assailants kicked and beat him about the face.

Peter A. Marx, of Washington, was robbed about 11:17 p.m. Tuesday by three gunmen at 28th Street and Dunbarton Ave. NW. The assailants escaped with money, personal papers and a District driver's permit.

Daniel F. Sauls, of Washington, was robbed by two men who beat him about the face and chest in the 200 block of 1st Street SE.

Wayne A. Essig, of Arlington, was robbed while walking in the 1300 block of 3d Street NW. by three men.

SMALL BUSINESSES IN FAVOR OF S. 3528

Mr. McINTYRE. Mr. President, on June 15 the Small Business Subcommittee of the Banking and Currency Committee will begin hearings on a number of legislative proposals to provide further assistance to small businesses.

One of the bills we will be considering, S. 3528, which I introduced in March of this year, is designed to assist small

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businesses in making plant and equipment changes necessary to meet Government pollution control standards and to encourage the development and utilization of new and improved methods of waste disposal and pollution control.

The National Federation of Independent Business polled all of its members concerning this bill. Sixty-seven percent of those responding indicated that they are in favor of the bill.

Mr. President, I ask unanimous consent that the news release giving the complete results of the survey, including a State-by-State breakdown, be printed in the RECORD.

There being no objection, the news release was ordered to be printed in the RECORD, as follows:

THE BRIEF FACTS

Passage of strong anti-pollution legislation appears likely in the next few years, and this may include tough standards of compliance for business. Some may not be able to afford costly changes and be forced to close. Legislation prepared by Senator Thomas McIntyre of New Hampshire, S. 3526, would authorize the Small Business Administration to make low-interest loans to small firms needing money to comply with Federal or state anti-pollution laws. In the National Federation of Independent Business poll, 67 percent of the business owners favor this measure, 25 percent are opposed and 8 percent offer no opinion.

The strong public outcry against pollution may bring new Federal laws which will, in time, sweep away air and water pollution . . . and many small businesses as well.

This possibility looms if Congress should impose high anti-pollution standards which require businesses to spend large sums of money on new equipment, remodeling or relocation. Those that could not afford to make the changes would be legislated out of business.

Anticipating this problem in view of tight money conditions, Senator Thomas McIntyre of New Hampshire is sponsoring a bill which would authorize the Small Business Administration to make loans to small businesses unable to meet Federal or state anti-pollution requirements without suffering "substantial economic injury" in the absence of such a loan. These SBA loans would be at rates below commercial rates.

Two-thirds of the nation's independent business owners apparently favor this bill, according to a poll by the National Federation of Independent Business. The actual response was 67 percent for the bill, 25 percent opposed and 8 percent undecided.

Returns from New Hampshire show 78 percent favoring the measure, 18 percent objecting, and 4 percent neutral.

Many business owners are concerned that Congress, swept up in the ecological-environmental cause, may force business to meet rigid new standards beyond the financial ability of many firms who do not have access to additional funds from the stock, bond, or debenture markets.

Senator McIntyre, in introducing the bill, said he supports the pollution enforcement goal, adding, "I think we should be aware of the differential impact which anti-pollution enforcement action may have on small businesses as opposed to large corporations . . . I am afraid that many small business concerns will not have the funds available to meet new standards that will be set . . ."

The situation could parallel the one facing many small meat processors and freezer-locker owners resulting from passage of the Wholesome Meat Act, which has created technically impossible standards so that industry sources expect many small firms to close, unable to make the changes. The Department of Agriculture so far has delayed implementation of the regulations promulgated by bureaucratic interpretation of the law.

Senator Alan Bible of Nevada, chairman of the Senate Small Business Committee, has sought to get SBA loan authorization to help those affected.

The anti-pollution problem is considered a vital one by small businessmen, but the cost factors involved raises the possibility that much of the burden will be put on business. The McIntyre bill would affirm the government's role in assisting small businesses in meeting this problem.

STATE BREAKDOWN FIGURES

DIRECT SBA TO GIVE LOANS TO FIRMS TO COMPLY WITH FEDERAL ANTIPOLLUTION PROGRAMS

State	Percent in favor	Percent against	Percent undecided
Alabama	70	22	8
Alaska	75	20	5
Arizona	56	33	11
Arkansas	61	32	7
California	65	27	8
Colorado	65	26	9
Connecticut	74	20	6
Delaware	80	15	5
Florida	64	26	10
Georgia	72	21	7
Hawaii	74	18	8
Idaho	65	25	10
Illinois	67	24	9
Indiana	68	23	9
Iowa	66	25	9
Kansas	61	29	10
Kentucky	69	24	7
Louisiana	68	27	5
Maine	68	27	5
Maryland	69	22	9
Massachusetts	68	25	7
Michigan	68	22	10
Minnesota	71	20	9
Mississippi	65	28	7
Missouri	64	26	10
Montana	70	22	8
Nebraska	65	27	8
Nevada	65	28	7
New Hampshire	78	18	4
New Jersey	73	21	6
New Mexico	60	28	12
New York	70	21	9
North Carolina	67	27	6
North Dakota	67	21	12
Ohio	70	23	7
Oklahoma	61	31	8
Oregon	71	20	9
Pennsylvania	69	24	7
Rhode Island	60	40	....
South Carolina	64	24	12
South Dakota	68	26	6
Tennessee	63	26	11
Texas	63	28	9
Utah	59	36	5
Vermont	77	15	8
Virginia	67	24	9
Washington	69	22	9
Washington, D.C.	67	33	....
West Virginia	70	22	8
Wisconsin	62	30	8
Wyoming	61	31	8

DEATH OF "DOC" HILL

Mr. FONG. Mr. President, it is with a sense of deep personal loss and great sadness that I pay tribute to the memory of one of Hawaii's most colorful and outstanding political leaders—"Doc" William H. Hill, a man of great influence in State politics and business circles for nearly half a century. He would have been 80 on June 15.

Senator Hill, a Republican and President of the first State senate, had been in failing health in recent years and resigned from office last January.

"Doc" Hill was as legendary a figure as modern Hawaii has produced. His start in the Aloha State was as colorful and inspiring as the life he made for himself in the land that he adopted over 50 years ago.

"Doc," as he was affectionately called by his many admirers and associates, arrived in Hawaii by jumping ship in Hilo in 1913 at the age of 22. From the day he set foot in Hawaii, he led an Horatio Alger life. He built a personal fortune and became one of the most influential and powerful figures in State politics during the critical period of transition from territory to State.

Senator Hill was born on June 15, 1890, in the Great Smoky Mountain country of Buncombe County, N.C. He left school after the sixth grade to go to work and before long wound up in San Francisco.

While working at odd jobs on the west coast, he heard navy seamen rave about the beauties of the South Seas and decided to cast his fate into the Pacific. By signing on as deckhand on a windjammer that was carrying a load of lumber to Hawaii, "Doc" was able to reach the Islands, jump ship, and start life anew in the land that became his home until his death.

"Doc" described his early days in the Islands in the following words:

> Hawaii was like a fairyland and everybody was so nice and kind. I just stayed here . . . not a nickel in my pocket.

Senator Hill received his spurious medical title—"Doc"—when he began peddling eyeglasses on credit to old plantation workers on the Big Island. According to his personal account, he bought four dozen pairs of the spectacles from a Chinese store for 40 cents each, then sold them for $4.00.

From that modest financial beginning, "Doc" Hill was successful in building an estate that is valued in the millions. Always aware of his wife's valuable counsel and assistance, "Doc" credited 99 percent of any success I have had to his wife, Ouida, "that fiery redhead." She was a nurse from Virginia on a visit to Waikiki when "Doc" met her in 1926. They were married within a week.

"Doc" was one of those political phenomena who knew no party line limits. He was first elected in 1928 and lost only one election—in 1936 from "pure overconfidence". He spent nearly four decades in Territorial and State legislatures as a leader and dedicated public servant.

The Honolulu Advertiser equated Senator Hill as something of an Island counterpart of the late Senator Everett Dirksen. Its June 8 editorial acknowledged that:

> Like the Republican congressional leader, Doc Hill in later years was a sometimes flamboyant senior citizen given to a mixture of gentle quips and biting humor. But beneath the folksy exterior was a tough political pragmatist and shrewd businessman.

It goes on to say:

> Big Islanders will properly remember Doc as a self-made man of means who brought a mixture of government benefits and business activity to the island.
>
> His affection for the Big Island was so apparent as his quick defense of its interests. The combination made him an unbeatable figure.
>
> This combination of ability, interest and humor is rare and will be missed both at home and in the State Capitol.

No higher tribute could be paid to Senator Hill than when Rev. Abraham

Akaka called him "a modern alii of Hawaii."

Senator Hill is survived by his widow, Ouida, and two daughters, Mrs. Patricia Tunis of North Hollywood, Calif., and Mrs. Shirley Steiner of Fairhaven, N.J.

Mr. President, Hawaii has lost a most active, civic-minded, and distinguished citizen. Doc Hill's passing is mourned by the host of friends he made during his lifetime of selfless and dedicated service to his community and State.

Mrs. Fong and I extend our heartfelt sympathy and sorrowful aloha to his beloved wife Ouida and to his family in their bereavement.

FORMER FEDERAL PROSECUTORS FOR THE DISTRICT OF COLUMBIA DEPLORE PROVISIONS OF THE DISTRICT OF COLUMBIA CRIME BILL

Mr. ERVIN. Mr. President, on Tuesday, June 9, a distinguished group of former Federal prosecutors in the District of Columbia spoke out candidly and forcefully in opposition to certain provisions of the District of Columbia crime bill now in conference.

In their statement these former members of the U.S. Attorney's Office emphasized their past and continuing commitment to effective law enforcement. Yet they have had the wisdom and foresight to know that many of the provisions of the bill will impede law enforcement rather than enhance it. They stated in a poignant manner the same principle which I have sought to impress upon the Senate when they said:

> This community should not be subjected to measures of doubtful constitutionality, questionable necessity, and demonstrable ineffectiveness.

These courageous individuals denounced mandatory minimum sentence and severe penal provisions as being among the "most objectionable features" of the House-passed bill, H.R. 16196.

They accurately noted that the House bill "would give the District of Columbia one of the most backward Juvenile Codes in the United States."

They pointed out the short-sighted approach in matters of criminal procedure such as allowing appeals by the prosecution in midtrial and appeals by the prosecution even after a trial in which a defendant has been acquitted and placing the burden of proof on a defendant on the issue of insanity. The prosecutors note that—

> Passage of these provisions would subject criminal convictions to certain constitutional attack and endless litigation. All this does is to remove the deterrent effect of swift and sure punishment, multiply appellate issues, and undermine the principle of finality in criminal cases.

They reiterated the dangers inherent in "no-knock" search authority and expressed concern over the prospect of shoot-outs "between officers and citizens, each acting on the facts as he sees them at the moment."

They also denounced preventive detention as unsatisfactory on public policy grounds alone without even reaching grave constitutional questions.

And, finally, they opposed the strange provision which would require an innocent victim of a policeman's unlawful arrest to pay the guilty policeman's attorney fees in a civil suit for unlawful arrest.

Mr. President, I commend these former prosecutors for their courageous statement and ask unanimous consent that this statement be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF FORMER FEDERAL PROSECUTORS ON THE DISTRICT OF COLUMBIA CRIME BILL

We are all former Federal prosecutors for the District of Columbia. We are united in opposition to certain provisions of the omnibus crime bill for the District of Columbia passed by the House of Representatives and presently in conference between the House and Senate. None of us considers himself "soft on crime" or a "bleeding heart." As members of the United States Attorney's Office we committed ourselves to the goal of effective law enforcement. We remain committed to that goal. We also believe that this community should not be subjected to measures of doubtful constitutionality, questionable necessity, and demonstrable ineffectiveness. We urge the Congress to reject provisions which will impede the cause of law enforcement rather than help it.

We have set forth our views on certain provisions of the House bill in some detail in the hope that they may assist the members of the conference and the Congress before they finally act on this legislation.

A. The mandatory sentencing and severe penal provisions of the House bill are among its most objectionable features:

(1) This bill makes breaking into a gum machine, a pay phone, or a parking meter second degree burglary, a felony punishable by up to 15 years imprisonment. By contrast, arson, a crime far more dangerous to life and property, carries a penalty of up to ten years and robbery by force and violence a penalty of up to 15 years. It is utterly disproportionate to treat breaking into a vending machine as a crime of the same or greater severity than these offenses.

(2) This bill provides that any person convicted of three so-called "violent" crimes shall be sentenced to a mandatory life sentence, with no possible parole until he has served 20 years. "Violent crimes" include assault with a dangerous weapon, which can be committed in circumstances which would not justify the imposition of the harsh sentence contemplated by the bill.

(3) Furthermore, any person convicted of a "crime of violence" while armed with a weapon, including an imitation pistol, must be sentenced to a minimum of three years imprisonment and may be sentenced to life imprisonment. Since buglary is a "crime of violence" under this provision, a person apprehended breaking into a vending machine while carrying a toy pistol would receive at least three years in prison and might receives a life sentence.

(4) Mandatory sentencing provisions are contrary to experience in penology and are likely to be counter-productive from the standpoint of law enforcement and corrections. The report on Standards for Criminal Justice of the American Bar Association has concluded: "the legislature should not specify a mandatory sentence for any sentence category or for any particular offense." (ABA Standards Relating to Sentencing Alternatives and Procedures, p. 48). These provisions embody a distrust of the ability of trial judges to protect the community in their sentencing of convicted offenders. This distrust is misplaced. Mandatory sentences deprive trial judges of discretion to make the punishment fit the crime and the criminal. Moreover, mandatory sentencing provisions discourage guilty pleas and force more defendants to take their chances at trial, even though they actually are guilty. Since at least some of these defendants are likely to be acquitted after trial, such provisions virtually guarantee that guilty defendants who would otherwise be convicted will be set free. Mandatory sentencing provisions also can create serious disciplinary problems for our prison authorities. By precluding the prisoner from shortening his time, they impede correction and rehabilitation by destroying a prisoner's principal incentive for good behavior and self-improvement.

(5) Another provision of this bill provides that any person convicted of any three felonies, whether violent or not, may be sentenced to life imprisonment. The House bill, however, lacks the procedural safeguards contained in the Senate bill, which requires a judicial determination, with the assistance of psychiatric and psycholoigcal experts, that the defendant is beyond rehabilitation before a life sentence may be imposed.

(6) Still another provision of the House bill would create a presumption that sentences for two or more offenses shall run consecutively, even if the offenses arise out of the same transaction. This is contrary to the leading authorities on sentencing, such as the ABA's study which states: "Consecutive sentences are rarely appropriate." (ABA Standards Relating to Sentencing Alternatives and Procedures, p. 171).

B. The provisions of the House bill relating to juveniles would give the District of Columbia one of the most backward Juvenile Codes in the United States.

(1) It is provided that any juvenile 16 or older who is merely charged with any of a number of crimes—including breaking into a vending machine if this bill becomes law—will automatically be treated as an adult criminal defendant. Not even a judicial determination of probable cause that he committed the offense would be required to treat him as an adult, much less a judicial inquiry whether he can be rehabilitated in a juvenile institution.

(2) This bill would lower to 15 the age for transferring a juvenile charged with any felony, violent or not, to adult criminal court. The presumption is apparently in favor of transfer, instead of consigning the juvenile to adult court and adult penal institutions only when it is evident that other methods of rehabilitation and protection of the community have failed or are unavailable. Perhaps most extraordinary, a juvenile who has once been transferred to adult criminal court could never again be treated as a juvenile—even if he is acquitted of the charge in the adult criminal court. He must thereafter be treated as an adult criminal even if charged with the most trivial offense.

(3) These provisions for relegating greater numbers of juveniles to adult criminal processes come at a time when adult penal facilities in the D.C. Jail and at Lorton are notoriously overcrowded. These institutions are breeding grounds for more crime. On the other hand, for the first time the District has an outstanding institution for hard-core juvenile offenders—the new Juvenile Facility at Laurel, Maryland. This institution provides maximum security for juvenile offenders and, unlike the adult institutions, it is not overcrowded. This is the wrong time to give up on the possibility of rehabilitating juvenile offenders, especially when it can be done while protecting the community at the same time.

(4) Further, at a time when the procedural rights of accused juvenile delinquents are being enlarged in the United States, this bill would abolish the right to trial by jury, the most important safeguard developed by our legal system for the determination of guilt

or innocence. Trial by jury was explicitly provided when our present Juvenile Court Act was enacted in 1938 because Congress was convinced that the Constitution requires this right for any juvenile charged with an offense which would be a crime if committed by an adult. Nothing in the history of the last 30 years indicates that Congress was wrong. Moreover, since the question of the constitutional right to trial by jury in a juvenile delinquency proceeding is presently before the Supreme Court, there is every reason to avoid precipitate action in advance of a decision by the Court.

(5) This bill would also authorize the transfer of a delinquent from a juvenile institution to an adult penal institution without affording him the full procedural rights that any adult would have before he could be convicted of a crime and confined in such an institution. Whatever the arguments may be for affording a juvenile in a delinquency proceeding fewer procedural rights than adults, there is no justification for confining a juvenile in an adult penal institution without first according him the procedural rights of an adult. Moreover, the bill would authorize the mingling in the same institution of juveniles found to have committed criminal acts and those found merely in need of supervision such as truants from school. The effect of such provisions would be to subject juveniles who might be salvaged to influences which could turn them into incorrigible criminals. Everyone will lose in the process and the community will be rendered less safe rather than more so.

C. Other criminal procedure provisions of the House bill are so constitutionally dubious that they must by their nature invite trouble. It is no service to law enforcement to subject criminal convictions to certain constitutional attack and endless litigation. All this does is to remove the deterrent effect of swift and sure punishment, multiply appellate issues, and undermine the principle of finalty in criminal cases.

(1) For example, the House bill authorizes appeal by the prosecution from certain rulings during trial and directs the trial court either to adjourn the trial or to declare a mistrial until the appeal is determined. But the law governing former jeopardy is clear that a mistrial may be declared over a defendant's objection only in case of "manifest necessity." It is difficult to see how this provision of the bill can be squared with the constitutional limitation. The effects of this provision, if implemented, are readily predictable: there will be attacks on the motives of the prosecution any time such an appeal is taken, on the ground that the prosecutor is seeking a mistrial because he fears the jury will decide against him.

(2) Moreover, the House bill authorizes appeal by the prosecution even after trial and directs the appellate court to decide the appeal even if the defendant has been acquitted. Few principles have been more firmly settled in the courts of the United States than that judges should decide only cases of actual controversy in which there are genuine adversary interests. This is the essence of the doctrine of judicial restraint. But this provision would purport to compel a court to decide questions which cannot affect the outcome of the case and in which the acquitted defendant has no interest in presenting the other side.

(3) This bill would also place the burden of proof on the defendant with respect to the issue of insanity. This is contrary to the tradition of Anglo-American law that the prosecution must prove every element of a criminal offense—including the criminal intent and guilty mind of the defendant—beyond a reasonable doubt. This requirement of proof beyond a reasonable doubt is an essential of due process of law under our Constitution.

Provisions like these are a threat, not an aid, to the orderly enforcement of the criminal law. If they are struck down by the courts, convictions will be overturned and guilty men may be freed.

D. (1) The so-called "no knock" provisions of the House bill raise serious questions of public policy, wholly apart from constitutional considerations. These provisions are sufficiently obscure in language, purpose, and effect that their enactment may leave the law more confused and less workable than it was before. Depending on how they are interpreted, these provisions may do any one of three things, each of doubtful wisdom:

"(i) They may make no change in the existing powers of law enforcement officers to enter private premises without prior announcement of their authority and purpose. If so, they are superfluous and will merely spawn prolonged litigation.

"(ii) Or they may expand the existing 'no knock' powers of law enforcement officials by creating a looser concept of exigent circumstances than the courts have heretofore recognized as justification for dispensing with an announcement of authority and purpose. For example, if officers or judges construe these provisions as authorizing a 'no knock' entry whenever narcotics, gambling paraphernalia, or other easily destroyed evidence are sought, the exceptions would swallow up the general rule that an announcement of authority and purpose is ordinarily required.

"(iii) Or these provisions may actually curtail the existing powers of law enforcement officials. These provisions can be interpreted as requiring law enforcement officials to obtain a 'no knock' warrant whenever it is feasible to do so, even though exigent circumstances would justify an entry without an announcement under existing law. The officers' failure to obtain such a warrant will give the defendant an additional argument against the legality of their actions and may make the job of the police harder, rather than easier."

(2) More fundamentally, the question is whether Congress should enact such provisions, without a greater showing of need than has so far been made, over the opposition of many law-abiding people in this community. Many people, correctly or incorrectly, believe that these provisions threaten privacy and justify resort to self-help and resistance to entry by law enforcement officers. It is no benefit to law enforcement officers to expose them unnecessarily to greater risks of resistance or attack by citizens. It is easily forgotten that the requirement of an announcement of an officer's authority and purpose is not just to protect the occupant. It is also to protect the officer by giving the occupants of the premises notice and opportunity to comply with his request for entry. Otherwise the citizen may think the intruder is a housebreaker. No responsible person can welcome the prospect of "shoot-outs" between officers and citizens, each acting on the facts as he sees them at the moment.

E. The preventive detention provisions of the House bill also raise grave questions of public policy. Reasonable men may differ as to the constitutionality of the principle of preventive detention. But the absence of certain essential procedural safeguards makes these provisions unsatisfactory on those grounds alone.

(1) The procedural protections of the House bill are deficient. They do not require that the judicial findings in support of detention be supported by admissible evidence and they contemplate detention merely on a proffer of information by the prosecutor. The bill apparently gives the defendant no right of cross-examination at the detention hearing. Pretrial detention evidently can be authorized solely on unsworn hearsay and other materials which no court would consider admissible proof of a defendant's guilt or innocence. It is surely reasonable for the prosecution to present some admissible evidence, subjected to the test of cross-examination, in justification for the pretrial detention of a defendant whose guilt has not yet been proved.

(2) These provisions also make it a felony for a defendant "willfully" to fail to appear in court when required to do so. Yet they allow conviction of this offense on his failure to appear, even if he has not received actual notice of an appearance date. We are aware of no precedent in our legal system and no constitutional principle which would allow conviction of a defendant of a serious felony, involving a guilty state of mind, without requiring proof of that element of the offense. Proper provision should be made to deal with defendants who willfully thwart court processes, but there is little point in enacting self-nullifying statutes which hold out an illusory promise to the community of greater safety.

F. Perhaps the most extraordinary feature of the House bill is the provision that in any civil suit against a police officer for wrongful arrest, the court must order the plaintiff—even if he wins the case—to pay the defendant an attorney's fee. We have never heard of such a requirement anywhere in the English-speaking world. This provision is obviously designed to deter the bringing of such lawsuits, whether they are meritorious or not. It seems as if the framers of this provision assume that Metropolitan Police officers make illegal arrests so frequently that they must be made immune from the law by blocking the free access of citizens to the courts. The insult to the Metropolitan Police Department that is implicit in this provision is sufficient reason to defeat it. And it is a strange concept of law and order that would prevent people from taking their cases to courts of justice.

LIST OF FORMER FEDERAL PROSECUTORS

David C. Acheson, 950 L'Enfant Plaza, S.W.
Judah Best, 1819 "H" Street, N.W.
Miss Joan A. Burt, 1822 11th Street N.W.
William L. Davis, 1100 Vermont Avenue, N.W.
Charles T. Duncan, 1001 Connecticut Avenue, N.W.
David Epstein, 1730 "K" Street, N.W.
Mrs. Carol Garfield Freeman, 888 17th Street, N.W.
Gerald E. Gilbert, 815 Connecticut Avenue, N.W.
Henry H. Jones, Howard University School of Law.
Alan Kay, 1225 19th Street, N.W.
John R. Kramer, 1000 Wisconsin Avenue, N.W.
Robert E. Levetown, 1710 "H" Street, N.W.
James C. McKay, 888 16th Street, N.W.
David W. Miller, 734 15th Street, N.W.
Edward T. Miller, 1828 "L" Street, N.W.
Allan M. Palmer, 1707 "N" Street, N.W.
Daniel A. Rezneck, 1229 19th Street, N.W.
Sidney S. Sachs, 839 17th Street, N.W.
Bruce P. Saypol, 888 17th Street, N.W.
John R. Schmertz, Jr., 506 "E" Street, N.W.

THE NATIONAL ECONOMY

Mr. TOWER. Mr. President, our national economy is presently undergoing a significant and sometimes painful readjustment. I believe this readjustment is the more painful for being long overdue. It is also absolutely essential for our best long-range national interests. I also believe during recent months that we have lost some of our ability to keep things in perspective. We are most decidedly passing through shoal waters marked by manufacturing layoffs, a troubled stock market, inflationary prices, and some rise in unemployment. But our giant economic ship of state is not going aground. The economy continues sailing along at a near-record level of activity—regardless of the jitters of an always excitable Wall Street and partisan prophets of doom in this election year.

It is time to reply to the critics of this administration's economic policies.

First, let us look at our position—where the overall economy stands in relation to its position when the slowdown began around the middle of last year. Let us view the economic indicators from July of last year and those of now:

The drop in industrial production in April, off 2.4 percent, from last July is not too great despite big cutbacks in certain areas like autos and aerospace. In two of the four recessions since World War II, production fell 8 to 9 percent, and in 1957–58 it fell 14 percent. Even the mild recession of 1960–61 saw it fall 6 percent.

Personal income in April, up 6.6 percent since last July, went above the $800 billion mark for the first time in history—expanded by Government worker pay raises, larger social security payments, and hefty wage increases in private industry.

And employment at 78.9 million in April is still within a dime's length of the recorded high of 79.1 million recorded in March, even with some layoffs.

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Let us look at still another indicator—the gross national product, the total measurement of the Nation's outpouring of goods and services. The GNP in the first quarter of this year is up 3.8 percent from last spring and still rises. If we adjust for inflation, the GNP is now down only 0.3 percent from its second-quarter 1969 level.

The soft spot in the national economy is in corporate profits—down 11 percent over this period—a result of runaway labor costs. But still the contraction thus far has been much less than in several other profit-slump periods since World War II.

Now let us look at our rather emotional and presently moody stock market which has dropped about one-third since the end of 1968, as measured by the Dow Jones industrial averages. Much more volatile than the economy generally, the market has been hard hit by tight money, high interest rates and most assuredly by the uncertainties resulting from the Indochina conflict and the rumblings in the Middle East. But Wall Street historically has always been on the pessimistic side, and the stock market usually overreacts relative to the economy generally. As an example:

From its low point in mid–1962 to its high at the start of 1968, the market rose some 85 percent, while the GNP rose about 50 percent. Between late 1966 and the end of 1968, the market climbed about 32 percent and the GNP went up only 15 percent.

In past weeks we have all watched a tremendous decline and then resurgence of that same stock market. I believe the pains for Wall Street often are greater than pains for the economy in general—more hypochondria than real. They are often exaggerated out of perspective—as are some other economic indicators.

It takes a firm hand at the helm of our economic ship of state to continue sailing a true course when there are many cries to turn in another direction. But the President has not been swayed by the partisan voices proposing wage and price controls. Hopefully, I trust, there is no one in this body or on the other side of the Hill who really believes that the artificial device of wage and price controls is a cure for the presently felt effects of years of inflationary spending.

World War II showed us a sorry situation with wage and price controls. We had to have an enormous bureaucracy, a vast amount of paperwork, much travel to Washington, pressure on legislators, heavy legal fees, long delays, and much frustration.

We do not cure a decade of Federal financial excesses—mistakes that the Nixon administration is successfully trying to correct—overnight. But the economic course the President picked for us when assuming office 18 months ago is a true economic heading. Our policies have already worked to squeeze out excess demand. The present sluggishness is an inevitable part of a period of transition to more orderly economic growth.

But perhaps we can even learn a lesson from this difficult time in our history. The lesson for businessmen and labor is the fundamental need for efficiency and productivity along with voluntary wage and price restraint. When we indulge to excess—as we have done with our economy for many years through excessive borrowing and overspending—we must pay the penalty necessary to return to economic health. A dose of wage and price controls is no way to cure our illness.

The President has demonstrated admirably that we mean to stay on course with a blend of fiscal and monetary policies consistent with orderly expansion and restoration of reasonable price stability. After nearly a decade of short-range, politically inspired economic manipulation, this Nation is again guided by an administration dedicated to responsible economic stewardship.

I am confident the President is charting a course consonant with our Nation's long-range best interests. I further predict an economic rejuvenation in the very near future. I do not pretend to economic prophesy. My prediction is based on signs already observable. They are there for others to see.

CLAUDE L. CALLEGARY—A CONCERNED VETERAN

Mr. TYDINGS. Mr. President, each year on Memorial Day we take time off from the daily pressures of job and home to recall those men and women who made the ultimate sacrifice on our behalf.

Memorial Day should remind us of the ideals of freedom and justice for which these brave people laid down their lives and induce us to redouble our efforts to achieve those ideals. Too often, however, the rhetoric of a Memorial Day speech is simply that—rhetoric—without any real thought as to what we owe to those whom we are honoring. Occasionally, however, a speaker will display deep and thoughtful insight into the real meaning of Memorial Day. Such a speaker is Claude L. Callegary, chairman of the Maryland Veterans Commission, who delivered the principal Memorial Day address this year to the Department of Maryland, VFW, representing 26,000 overseas wartime veterans.

Mr. Callegary, now a Baltimore attorney, volunteered for service in the Army in March 1941, 9 months before Pearl Harbor. In 1942, he was sent to the Aleutians. At the end of the campaign, he was ordered to the South Pacific to fight in New Guinea, and in October 1944, he was seriously injured in a plane crash on the tiny island of Biak. He utilized his stay in Army hospitals by working for a high school degree and eventually received his LL.B. from the University of Maryland.

Since leaving the Pacific, Mr. Callegary has devoted much of his time and energy to helping his fellow veterans. Among many other honors, he is a past national commander of the Disabled American Veterans.

In the Memorial Day address that he delivered at Loudon Park National Cemetery, Mr. Callegary addressed himself to the responsibility owed to those who have fought and died for their country. Among other things, he emphasized the need to reach out "in understanding and compassion" to let the youth of America know that we too are concerned with the future of the United States, and the need to dedicate ourselves to protecting the rights of all GI's, black and white, returning to the United States.

Mr. Callegary's remarks demonstrated his commitment to the ideals for which those whom we honor on Memorial Day died.

I recommend his comments to the attention of Senators.

I ask that his remarks be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

MEMORIAL DAY SPEECH, MAY 30, 1970

(By Claude L. Callegary)

My friends and fellow veterans, we are here to honor the dead of all the wars. I hope you will accept my calling them the silent minority. How do we honor them? By coming to this beautiful National Cemetery and spending a few minutes with them once a year. The National Cemeteries all over Europe and Asia, Alaska, the United States pay eloquent tribute to our friends and comrades whose lives have ended in service of their beloved United States. Do our responsibilities end by leaving the service and paying honor to those who have died? Do we not have a much greater responsibility to them? Is it not true that we have travelled these United States and we know about it; its good and its bad? Do we not know about the world and the people of the world, their good and their bad? Do we not live in a country where because of this silent minority whom we honor, we have the opportunity to work, live, play, raise our families in peace? Were we fortunate enough to walk away from war without wounds; to come home to a grateful Nation, to loving families?

What responsibilities do we have as veterans in a world where the United States and China and Russia have and are developing and are deploying weapons which could bring death and total destruction to them and to us? The war in South East Asia with 40,000 dead and 300,000 Americans wounded, in the Middle East, and I quote the American Legion National Executive Committee Resolution of May 6, 1970, "the continued existence of a free and democratic Israel is in the national interest of the United States," and this existence is now threatened. Do we know about such things? In spite of all this, are we brave enough to acknowledge that war is cruel and destructive and that all of our efforts must be directed towards a peaceful solution to our relationships with the other nations of the world? I believe we are!

As an American who was badly wounded during World War II, and who has visited our National Cemeteries, our hospitals, our battle fronts over the world, I submit to you that there is no country in the world which has expended more in fighting men and wounded men and given more of its own national resources to preserve precious freedom of the world.

Do we think about our men in Viet Nam, and Korea, in Europe, on our ships, and in our submarines? Do we say to ourselves that a black soldier who dies or loses a limb in the service of our country is of equal value to a white soldier who has lost his life or his limb and that we, as veterans, honor them both?

What responsibilities do we have to those—

Who have fought and died and who were wounded and to their survivors;

To a young Viet Nam veteran who has left a young wife and child;

To the Korean veteran who has lost a leg or limb;

To a World War II veteran who is no longer able to exist on a tiny compensation check and is spending his days in a veteran hospital; or

To a World War I veteran who has helped to save the world from our enemies?

I submit to you that our burden is now even greater, because we have the wounded and the survivors and the economic burdens of all our wars and we must meet the challenge of these issues.

To all of us, in honor of the wounded and their survivors, and our silent friends who have spoken so eloquently with their lives, I propose, that we have a "veteran bill of rights and obligation" and that we adopt it on this day:

1. *That we* of the Veterans of Foreign Wars, of the American Legion, Disabled American Veterans, Jewish War Veterans, Catholic War Veterans, and all of the other veteran organizations that represent those who have fought and died and who have a much greater knowledge of the world and its problems meet and try to understand and communicate with the youth of today, we are entitled not only to *speak out* to them but we are *obligated* to *reach out to them;* in understanding and compassion, to let them know that we too are concerned with the future of the United States.

2. That we, as veterans, who have fought for the rights of those who have been oppressed or enslaved concern ourselves deeply with the rights of all of our G.I.'s who returned, not only the white but the black veteran who must return to a community which not only is not interested in his war but in many instances is hostile to him as a person.

3. That we must support and maintain actively the Veterans' Administration, whose sole purpose in life is to take care of the needs of the wounded, the widows, and the orphans. We must see that in the cost of war are adequate funds to enable the Veterans' Administration to carry out its mandate. Only the veteran population of the United States can be an effective force in this direction.

4. We must become aware of the needs of the hospitals, and the hospitalized veterans in each area of the country, the loneliest hours of a wounded, or a sick veteran, are those that are spent without companionship or friends in the Veterans' hospitals, we must develop within the Veterans' organizations, a program whereby those of us who are able, reach out and become the friend of one of our fellow veterans who is hospitalized. Not to do the work of a service officer, but to become a friend to visit him, to talk to him, to let him know that we who have created the Veterans' hospitals and who have urged their maintenance and continued existence, have not forgotten him; that we understand his problems and we extend the hand of friendship.

Of all my experiences working with those who I have talked about, their greatest fear is that of being forgotten, of being lonely, of not being cared about.

On this Memorial Day, in the presence of our silent comrades, we can pledge that in honor of them we can make life a little richer for those who they have left behind.

Thank you.

LOBBYING EFFORTS TO TIE THE HANDS OF THE PRESIDENT AS COMMANDER IN CHIEF

Mr. DOLE. Mr. President, as most of us know, there is a concerted lobbying effort going on in support of the efforts to tie the President's hands in Vietnam and in the whole matter of the constitutional duties of the President as Commander in Chief and as the maker of foreign policy.

I think it is well for the Members of this body to know that this effort is not a hit or miss effort by concerned individual citizens, but it is, instead, being done by coordinated groups of lobbyists.

The overall coordinator appears to be an organization called Congressional Action Committee, which lists its address as room 419, Vanderbilt Hall, 40 Washington Square South, New York, N.Y.

Six Washington-based groups are said by the Congressional Act Committee to be helping. They are the Bipartisan Congressional Clearing House; the Continuing Presence in Washington; Cornell University Lobby Group, which incidentally is listed at 1741 Longworth Office Building; Law Students Against the War, which also lists a Longworth Office Building address; Project Pursestrings, and the Virginia Coalition.

Mr. President, I do not know if these groups have registered as lobbyists, but that is a matter that should be looked into. Certainly even the surrender and isolationist lobby should have to abide by the rules.

The Congressional Action Committee has given detailed instructions to its lobbyists on how to deal with us.

And I must congratulate them, because they do lay stress on politeness.

The committee even tells its lobbyists how to approach the Members of Congress and what tactics to use. One line especially intrigued me. It has to do with Cambodia. And I quote it verbatim:

> But stress: invasion of a neutral country (even though it was not "in fact" completely neutral).

Mr. President, that is most interesting. The committee admits that Cambodia was not completely neutral because of the fact that the North Vietnamese had sanctuaries there, but even so they want their lobbyists to stress that Cambodia was completely neutral.

Apparently opposition to deception is not a part of the new morality. I might ask, though, how can we trust these people if they advocate deception in their own literature?

There is another paragraph that also is interesting. I quote again:

> If nothing else gets to him, ask if the military advantage we might achieve in Vietnam (which is dubious) is worth the civil strife it is causing at home, the alienation of students and faculty across the nation (particularly college youth), and the increasing polarization of our society.

Mr. President, this is typical of the logic we are getting in some quarters. What it amounts to is that those of us who approve of the President's decision to defend American lives are being literally blackmailed by threats of civil strife and warnings about alienating and polarizing the people.

I believe that the Members of this body are honorable enough and courageous enough not to be intimidated by this kind of threat.

PRESERVE THE BIG THICKET

Mr. YARBOROUGH. Mr. President, this Friday, June 12, 1970, field hearings will be conducted on my bill, S. 4, to establish a 100,000-acre Big Thicket National Park in southeast Texas. These hearings will be held in Beaumont, Tex. The distinguished Senator from Nevada (Mr. BIBLE), chairman of the Subcommittee on Parks and Recreation of the Senate Committee on Interior and Insular Affairs, will conduct the hearings.

The urgency of immediate action to save this unique biological treasure is demonstrated by a recent newspaper article. This article, by Mr. Jerry Flemmons, which appeared in the May 26, 1970, issue of the Fort Worth Star Telegram on page 4A, is an excellent one.

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BIG THICKET FOR SALE—GOING, GOING, GONE

(By Jerry Flemmons)

Lance Rosier was an old man when he died the other day. The irony in his death seems to be that his beloved Big Thicket as a life force died before he did.

Rosier, a squinty-eyed bantamweight, did not drink, smoke or dip snuff. Nor did he drive or even own a car. He lived in Saratoga. At 120 pounds he was a huge man in everything but ambition.

Rosier wanted only to walk within what remained of the Big Thicket.

There was—is—precious little remaining of the Big Thicket. Oil and lumber, particularly lumber, companies which own the land "clean down to China and clear up to the sky," real estate developers out for a quick buck and and politicians who do not care are to blame.

No one else.

The Big Thicket, as one writer believed,

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was a biological island of rare plant and animal life, a "giant wild garden being looted."

Rosier cared for his Big Thicket. He was by normal standards an uneducated man. As a self-taught naturalist, one of the best in the world, Lance knew each plant (and its Latin name) and animal in the Thicket.

Professors with Ph.D's dangling from their names came to learn from the skinny-necked, plain-spoken man. When Drs. Corey and Parks came to Saratoga researching their authoritative "Biological Survey of the East Texas Big Thicket," Rosier had to show and identify for them most of the plants.

Other "doctors" from Venezuela, Norway and Japan came from Rosier to learn. Lan Rosier was sort of a woodsy Aristotle who would teach what he knew to anyone.

There are those who argue the Big Thicket still lives. An association exists to save the final traces. They are good people, but they will lose. Lance Rosier tried for 40 years.

In the beginning, perhaps a million or so years ago, there were 3 million acres of Big Thicket. Less than 300,000 acres remain, scattered across five counties in bits and pieces.

It is estimated that 50 acres disappear daily under the bulldozer or the saw or are smothered in oil overflow. Fifty acres yesterday, today and tomorrow and the day after.

Imagine six blocks of downtown Fort Worth disappearing by 5 p.m. this afternoon. That's what it is like to the Big Thicket.

One of the best fighters for the Big Thicket has lost his punch. Sen. Ralph Yarborough wanted a national park made and introduced a bill. But he is defeated. No matter what you thought about him or his politics, he did more than any other office-holder to save the Big Thicket.

Lumber companies kill the hardwoods, the cypress and the magnolia to make way for pine, which gives them money. They spray their pine groves and kill birds. They inject a poison into oaks to make room for more pine.

Pine boards are sawed and painted and lettered to advertise land developments. A bulldozer clears land. A builder throws up his rickety-ticky houses and plants saplings in the yards. That's progress.

Oil companies let their wells overflow, smothering plants and driving away small animals.

In all of the world there are perhaps a dozen ivory-billed woodpeckers. They live in the Big Thicket. The woodpeckers will die soon. What's a woodpecker compared to a barrel of oil, or a power saw or a "For Sale" sign?

There are rhododendrons, azaleas, masses of wild honeysuckle, dogwood, wild wisteria and orchids, red oak, sweet gum, maples, Spanish moss and no future.

Lance Rosier, an unworldly man, knew it well, though few knew him.

He died of cancer. He was 67. The Big Thicket died of neglect. It was a million or so.

BEEF IMPORTS

Mr. HANSEN. Mr. President, unfortunately, I was unavoidably absent yesterday during Senator HRUSKA's colloquy on beef imports. However, I was delighted to read this morning of the scholarly and beneficial discussion which was held on the floor of the Senate among the various interested Senators.

I agree with what my distinguished colleagues said yesterday, and I compliment their diligence and work to bring this most important subject to the Senate floor.

Mr. President, we hear a lot these days about the rising prices. Because of its importance in the everyday diet of the average American, beef undergoes closer scrutiny. It is true that the cost of consumer beef has risen; however, put in proper perspective, beef is still one of the real bargains on the grocer's shelf. The retail price of beef has gone up 30.6 percent during the last 12 years. This is compared to a 31.3-percent increase of all consumer costs.

The truth is that the average family spends 16.5 percent of its income on food. This is the lowest percentage in history. The important thing to note, however, is that only 15 percent of the total food bill is attributable to meat products.

Another point which should be remembered by those who advocate greater freedom in importing beef is that the beef which the housewife buys at the supermarket cannot be readily compared to the freshly slaughtered steer. There is a vast difference between carcass beef and beef in a celophane and plastic container on the grocer's meat counter. The finished product represents many added costs which are largely accountable for the increased price of beef to the consumer.

For example, in April of 1968, the difference between the retail price of beef per pound and the price of carcass beef was 12.8 cents. By May of this year, the difference between the carcass price and the retail price of beef was closer to 20 cents. This alone represents an increase of 64 percent in just the last 2 years.

Mr. President, those that assail increases in the price of consumer beef and use that fact as a basis for advocating increased beef imports simply do not clearly understand the meat import situation. It is the cost of processing, cutting, wrapping, and displaying the marketable beef products that costs the money. The actual cost of the carcass has increased in price very little since 1950 and 1951.

In 1950 the price of a choice steer was $29.02 per hundred pounds. In 1951 this had increased to $35.04 per hundred pounds. Yesterday, choice cattle sold for $30.85 per hundred pounds on the Chicago market.

Those who attempt to bring down the price of beef by allowing increased imports should take note of the fact that carcass beef is cheaper today than it was in 1951. The culprit of rising beef prices is not the producer. My figures have proven that.

Another thing that should be pointed out is that most of the beef that comes into the United States is in the form of carcasses. This means that the added labor, packaging, and processing costs which have resulted in a 64-percent increase in the carcass to retail cost spread would still apply to imported beef.

Mr. President, one need only look at the foreign beef import situation to recognize that the domestic producer is under substantial pressure because of the great influx of meat since the first of the year.

During the first 4 months of 1969 the United States allowed 318,426,000 pounds of beef to be imported into the United States. During the same period of 1970, there was 425,893,000 pounds of beef imported into this country. This represents an increase of some 33.7 percent over the same period in 1969. The situation is such that several of the meat importing countries are scheduled to fill their beef quota by late summer. In one case, Honduras' unofficial information indicates that they have already fulfilled their 1970 beef import quota.

The great increase in the rate of beef imports under the Beef Import Quota Act is certainly alarming; however, of even more importance is the shipping of beef from a third country such as Australia or New Zealand to Canada and then transshipping this beef into the United States. Under this process, the meat from a third foreign country can come into the United States without the limiting effect of a quota since we do not at the present time have a written agreement with Canada restricting meat imports across the border.

As of June 5, these transshipments amounted to 20 million pounds since the first of this year. For the week ending June 5, the transshipments were 1.8 million pounds. This is a truly important fact when you consider that beef transshipments for all of 1969 amounted to 18 million pounds. It was alarming in 1969—it is worse than alarming in 1970.

The ranchers and stockmen in the United States cannot afford to compete on the open market with an unlimited supply of imported meats.

Unrestricted imports of foreign beef into the United States means that our cattle industry would be competing directly with countries like New Zealand, Australia, and Ireland. We would be putting our ranchers in the position of competing with countries which pay their farmworkers an average of $20 to $23.50 per week. The average farmworker in the United States receives $11.50 per day.

Mr. President, the inflation which has affected nearly every product has just begun to be reflected in beef prices. Those who take issue with nominal increases in beef prices should realize that the farmer and rancher has been one of the hardest hit by increased prices in other areas.

For example, the Agriculture Department reports that during the period 1957–59 the average price for men's overalls was $3.51. On December 15 of last year the same item cost $5.34. That is an increase of about $1.80 on that one item, an increase of a good deal more than 50 percent.

I have a rather extensive list illustrating the increased cost of various commodities over the last 10 years which amply shows how inflation has affected the farmers' buying power during the last decade. I ask unanimous consent that this list be printed in the RECORD.

There being no objection the list was ordered to be printed in the RECORD as follows:

	1957–59	1969
Men's suits, wool, with 1 pair pants	$43.60	$67.00
Men's work shoes, per pair	7.87	11.90
Women's shoes or oxfords, per pair	5.76	8.72
Women's panties or briefs, nylon	.62	.95
Women's house dresses, percale	3.29	5.77
Women's street dresses, cotton	6.18	8.94
Women's nightgowns, cotton	2.57	3.52
Women's sweaters, artificial fibers	5.53	8.20
Women's hats, felt	3.80	5.49
Girls' dresses, cotton, sizes 7 to 14	3.68	5.23

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	Average, 1957–59	Dec. 15, 1969
Sheets, 81 by 108 inches, percale, full size	$2.50	$3.34
Curtains, kitchen, readymade, pair	2.16	2.92
Toilet soap, regular size, per cake	.11	.15
Laundry detergents, per pound	.28	.31
Laundry starch, per pound	.19	.27
Electricity, per kilowatt-hour	.2239	.0209
Telephone, local service, per month	4.04	5.55
Newspapers, daily and weekly, yearly subscription	10.40	14.40
College tuition, year	210.00	405.00
Coal, bituminous, prepared sizes, per ton	18.00	21.90
Furnace or fuel oil, per gallon	.16	.18
Gasoline, filling station, per gallon	.31	.34
Gasoline, regular, tank truck, per gallon	.27	.30
Lumber, per 1,000 board feet, 2 by 4's, fir, standard or better	144.00	178.00
Dressed boards, common, No. 2 and better	156.00	211.00
Wood shingles, cedar, 16-inch, No. 2, per sq	14.40	26.80
Asphalt surface, mineral surface, per sq	9.01	9.75
Portland cement, 94 pounds net	1.47	1.76
Concrete blocks, 8 by 8 by 16 inches, per 100	25.00	30.00
Windows, house, D.H. unit, per unit	20.90	28.30
House paint, ready-mixed	6.34	7.26
Kitchen wall cabinets, double door, each	23.10	33.80
Kitchen sink, enameled, without fixtures	226.00	35.10
Plows, moldboard, 2-bottoms, 1-way	280.00	400.00
Disk harrows, tandem, 10 feet each	673.00	932.00
Grain drills, tr. dr., fert., 13-tube	646.00	1,090.00
Grain drills, tr. dr., press, 24-tube	1,260.00	2,050.00
Corn picker-husker, 2-row	2,120.00	3,730.00
Tractor manure loaders, hydraulic	439.00	818.00

Mr. HANSEN. Mr. President, the shocking increases in so many of the prices paid by the farmer explain why it is imperative that the rancher and producer receive a fair price for his cattle.

The facts prove that the livestock industry is not making even a fair profit on its products. There are cases in which a rancher might make 5 percent on his livestock investment—if a rancher starts to calculate his profit in terms of return on capital investment, I doubt that he would come up with even a 1-percent return.

In 1969, there were 10 million farm employees in America. One can only speculate as to how many additional jobs depend on the production of crop and beef products.

Texas, living conditions, employment, and the various social programs which have become so much a part of the American way of life would all undergo a substantial change if we are not able to maintain the beef and meat production industry. It is clear that those who talk about reducing the price of beef through increased imports must also consider ways to replace the tremendous social and domestic benefits which are derived from our domestic livestock production.

THE GENOCIDE CONVENTION

Mr. TYDINGS. Mr. President, America is the only major power in the United Nations that has refused to ratify the one international treaty seeking to halt mass killing—the U.N. Convention on the Prevention and Punishment of the Crime of Genocide. My purpose is to examine the obstacles that have prevented us from joining the 75 other nations that have ratified the Genocide Convention.

After the world witnessed the horror of the extermination of 6 million Jews in World War II, the United Nations in 1948 drafted and unanimously passed its Genocide Convention. The convention recognizes the principle that genocide is a practice offensive to all mankind, and that international cooperation is required to eliminate this practice. On June 16, 1949, President Truman sent the convention, signed by the U.S. representatives to the United Nations, to the Senate urging advice and consent to ratification. After referral to the Foreign Relations Committee, a subcommittee held hearings and then referred it to the full committee where it has languished for the past 20 years.

The administration, however, has recently recommended Senate ratification. Following Secretary of State Rogers' recommendation that ratification would serve the national interest, and Attorney General Mitchell's opinion that there are no constitutional obstacles to U.S. ratification. President Nixon in his February 19, 1970 message to the Senate stated:

> I endorse the Secretary of State's considered judgment that ratification at this time would be in the national interest of the United States. By giving its advice and consent to ratification of this Convention, the Senate of the United States will demonstrate unequivocally our country's desire to participate in the building of international order based on law and justice.

Article II of the convention defines genocide as any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, as such: First, killing members of the group; second, causing serious bodily or mental harm to members of the group; third, deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; fourth, imposing measures intended to prevent births within the group; fifth, forcibly transferring children of the group to another group. Punishable acts also include conspiracy to commit genocide; direct and public incitement to commit genocide; attempt to commit genocide; and complicity in genocide.

A close look at the major objections to the convention reveals that they are more emotional and political than legal. One of these objections has been that the convention is unconstitutional in that it overrides our legislative process in deeming genocide an international crime. However, a careful reading of article V indicates that the main thrust of the convention is to require parties to outlaw genocide within the structure of their own legal systems:

> The Contracting Parties undertake to enact, in accordance with their respective Constitutions, the necessary legislation to give effect to the provisions of the present Convention . . .

Consequently, Congress must implement legislation to make genocide a crime. Criminal prosecution under the convention would not be possible without this subsequent legislation.

A second major objection is that the convention provides for "compulsory jurisdiction" by the World Court, depriving an American citizen of his constitutional right to a trial by jury. However, a correct understanding of article VI completely discredits this charge:

> Persons charged with genocide . . . shall be tried by a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to the Contracting Parties *which shall have accepted its jurisdiction.*

In the more than 20 years since the convention was adopted, no such international penal tribunal has come into existence. However, only if such a court is proposed, and if the United Nations should adopt an appropriate treaty, and if the President of the United States submits it to the Senate for consent, then will the United States, after open debate and consideration by the Senate, determine if it wishes to accept the jurisdiction of the Court. The convention grants the International Court of Justice—commonly called the World Court—powers of interpretation only; it has no power to try persons accused of genocide.

Therefore, since the international penal tribunal does not yet exist, and since no American citizen could ever come within its jurisdiction unless the Senate specifically ratified a new treaty providing for such jurisdiction, persons accused of genocide would be tried in the local courts of the nation where the crime allegedly occurred.

Opponents of the convention also claim that matters of human rights are not the proper concern of treaties. Two human rights treaties which the Senate ratified most recently without a single dissenting vote—the Supplementary Convention on Slavery, 1967, and the Supplementary Convention on Refugees, 1968—prove the historical inaccuracy of this charge. There is ample evidence that Senate ratification of treaties dealing with human rights is constitutionally valid.

Former Supreme Court Justice Tom C. Clark chaired a Special Committee of Lawyers of the President's Commission for the Observance of Human Rights Year 1968 in the preparation of "A Report in Support of the Treatymaking Power of the United States in Human Rights Matters." After a thorough review of the constitutional provisions for treatymaking powers, the report concluded that:

> Treaties which deal with the rights of individuals within their own countries as a matter of international concern may be a proper exercise of the treaty making power of the United States.

If further proof be needed, surely the fact that we used the treaty power nearly 25 years ago to become a party to the United Nations Charter—a basic purpose of which is the promotion of human rights for all—reveals the transparency of this charge.

If our country through international agreements can protect the lives of migratory birds and fur seals, surely it can prevent mass murder of human beings.

I have tried to counter these emotional, inaccurate charges. The convention does not authorize criminal prosecution without implementing legislation. The convention does not call for mandatory American participation in an international penal tribunal unless the Senate chooses to ratify a specific treaty calling for this. The subject of the matter of human rights is a proper concern under the constitutional provisions for treatymaking powers.

The failure of the Senate to ratify the Genocide convention remains a significant obstacle to international efforts to eradicate genocide.

Seventy-five nations have ratified the convention. Does the United States have a moral exemption from the crime of genocide? Is it an exclusive American privilege to deny the right of existence of entire human groups? Failure of the Senate to ratify the convention can only indicate an unwarranted moral arrogance toward a heinous crime.

Frankly, Mr. President, from the viewpoint of international politics and prestige, can we afford not to ratify? Our delay serves only to give unfounded credence to charges that we are committing genocide in Vietnam and at home. Our friends are confused; our enemies are delighted. We must obliterate such a needless source of confusion from our foreign relations.

It is up to the Senate to end our long isolation as the only major power that has not gone on record against mass murder.

THE QUALITY OF VETERAN'S CARE

Mr. MONDALE. Mr. President, attention has recently been turned to the quality of care which our wounded veterans from Vietnam have been receiving.

What we have seen has been a national disgrace.

Life magazine recently did a full cover spread on the shame of our overcrowded, understaffed, and underequipped veteran's hospitals. This article shocked the Nation, but it was no news to any veteran of Vietnam or to the Veterans Affairs Subcommittee of the Senate Labor and Public Welfare Committee on which I serve.

We began hearings on the quality of medical care for returning veterans last November. By January of this year, I had heard and read enough, as a member of that subcommittee, to state my strong feeling that "the casualties of the war in Vietnam must not come home simply to be made casualties of the war against inflation." The hearings, under the chairmanship of the able Senator from California (Mr. CRANSTON), were concluded in the end of April, and present a clear, objective, and shameful picture of our treatment of those who have paid so dearly in that war.

I must make it very clear that I am not faulting the veterans hospitals or the thousands of doctors and medical personnel who work so hard—against such odds—to bring care and comfort to our wounded and crippled veterans.

The fault—and there is, indeed, a very serious fault—lies with the administration, which has chosen to pour resources into aircraft carriers, ABM's, Pentagon public relations, and other military hardware while slashing some $70 million from the original fiscal year 1970 VA hospital and medical care budget.

The full-time employment of doctors and nurses in the veterans hospitals is roughly at the level of 1966—in spite of the fact that casualties requiring hospital care have tripled since that year. And if the administration's fiscal year 1970 budget cut had been approved, an additional 3,586 medical-care personnel would have been dropped and some key facilities construction abandoned.

Senator CRANSTON has recommended, based on our hearings, $174 million to be added to the VA budget for hospital and medical care. I strongly support these recommendations and hope that my colleagues will do so also. The need is carefully and vividly documented. Our responsibility cannot be more clear. And we can hardly question the ability of our Nation, which is evidently thought rich enough to afford a $290 million supersonic transport that cannot fly over land, to afford the additional funds necessary for decent veterans care.

It is bad enough when vital domestic programs are sacrificed in the name of "fiscal restraint"—when the space program continues to eat up $3.5 billion. It is worse when the workingman—and especially the young, the unskilled, and the minorities—are asked to sacrifice their jobs in our inequitable and ineffective fight against inflation. But when the wounded veteran, perhaps disabled for life because he served his country, is also asked to sacrifice medical attention, there is something wrong with much more than our economic policies. There is something tragically distorted in our values and our sense of moral commitments.

I make no secret of my displeasure with the continuation of the war and with what I consider to be excessive expenditures on questionable military hardware. But I will never for a moment question our deep gratitude to the men who have served or our deep responsibility to those who have paid so dearly.

Mr. President, what we owe these men can never truly be repaid. But we must make every effort to provide the finest care possible for these unfortunate victims of our Indochina war. I urge support of Senator CRANSTON's recommendations, and I urge the administration to reassess their obligation to those who have lost the most in this tragic conflict.

NOMINATION OF ELDON G. SCHUHART TO THE FEDERAL FARM CREDIT BOARD

Mr. TOWER. Mr. President, the Senate Agriculture Committee last week reported favorably for full Senate action the nomination of Eldon G. Schuhart to the Federal Farm Credit Board. On Wednesday, June 3, his nomination was confirmed. I regret that I was not able to speak on behalf of this nomination then, but I shall take this opportunity to say a few words now.

It has been my privilege to know E. G. Schuhart personally for a number of years, and I can certainly attest to his expertise in agricultural matters as well as his personal integrity. He served in the U.S. Marine Corps from 1942 to 1946, retiring with the rank of captain. He was born in Dalhart, in the upper northwest reaches of the Texas Panhandle, and has lived there all his life actively engaged in farming and ranching.

He is known to his friends and to the voters of Texas simply as "E. G." During 1968, he was known as "Schuhart of Dalhart" as he stumped from one end of the State to the other as a candidate on the Republican ticket for the post of State agriculture commissioner. I can say without hesitation that Texas voters found him well informed on the whole range of agricultural issues facing the multifarious agricultural industries in our vast State. There is probably no man in the United States who knows the interests and problems of farmers and ranchers better than E. G. Schuhart.

I must also add that he served as a member of the stockholders committee of the Federal Land Bank of Houston from 1956 to 1959, at which time he became a member of the board of directors of the bank. He was also mayor of Dalhart from 1949 to 1951, so the Senate can see that his interest in government has been active and his efforts successful. He served the maximum three appointed terms as a member of the Houston Farm Credit Board, having been appointed by the Governor, of the Farm Credit Administration by and with the advice and consent of the Federal Farm Credit Board.

In view of his vast experience, I am sure that the Senate has made a wise decision by confirming his nomination to the Federal Farm Credit Board.

VIEWS OF SAN FRANCISCO LAWYERS ON VIETNAM POLICY

Mr. CRANSTON. Mr. President, in the unprecedented outpouring of public concern and distress over the administration's recent incursion into Cambodia there stand out many important statements of dissent. One of these statements was signed by 429 lawyers in San Francisco. It is a clear, logical, and succinct declaration of the misguided rationale by which we have become embroiled in this tragic and futile war, and the disastrous ramifications this involvement is having at home.

At this time, I ask unanimous consent to have printed the text of this fine statement in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

[From the San Francisco Chronicle, May 11, 1970]

A STATEMENT OF CONCERN: 429 LAWYERS ON VIETNAM POLICY

The signers of this statement are San Francisco attorneys of varied experiences and political persuasions. Our common concern is the recent turn of events in Indochina.

The United States has now begun an offensive against the North Vietnamese sanctuaries across the border of Cambodia, and is now supplying arms to the Cambodian government. The President has stated that these initiatives are intended to facilitate withdrawal, to protect American lives, and to avoid the humiliation of a great power. He states that it is his continuing purpose to terminate the present war.

We respectfully record our dissent.

The war can be terminated at any time by our orderly withdrawal. Such a course would not risk American lives. We maintain full command of the air and the sea, and can bring home our troops at will.

The new offensive, limited in purpose though it may be, can only be explained as a further effort to achieve political results in Vietnam and Cambodia by the use of military force. The attack is not related to a planned withdrawal; on the contrary, it risks a greater involvement.

The lesson of Vietnam is that we cannot gain or keep military control of any area, in the absence of strong popular support, without a massive and sustained deployment of forces on the ground. An advance into new territory merely expands the area we are required to police.

In broader terms we have learned, or should have learned, that military operations cannot achieve our objectives in Vietnam. Our experience has been one of tragic and continuous failure.

We have failed to win a military victory, despite the commitment of overwhelming power.

We have failed to negotiate a peace, despite our willingness to make ever greater concessions.

We have failed to eradicate corruption or to build a popular and democratic government.

We have failed to protect the lives and property of the people of South Vietnam, although we originally intervened for this very purpose. Instead, in response to the military needs of the moment, we have spread explosive and chemical destruction up and down the nation, from which the land and the people may never recover.

Our failures in Vietnam itself, however, are but a part of the tragedy. The indirect damage caused by the war, on a worldwide scale, may well have more permanent impact.

We have countenanced an expansion of the war powers of the President beyond the fair intendment of the Constitution, to the point where Congress and citizens alike begin to fear for the future of the democratic process.

We have come close to alienating an entire generation of young people, who are compelled to fight in a war which most regard as futile, if not immoral. The strain of the war sharpens our existing divisions and strengthens the opponents of our essential institutions of law and government.

We have diverted our energies from pressing needs at home and abroad because of the war. While we have witnessed the proliferation of weapons of mass destruction and the rapid and dangerous deterioration of our environment, we have wasted our major resources on a war which is insignificant with respect to our national security, and irrelevant to our survival.

We cannot remedy past failures by compounding them, nor salvage our national pride by extending a war we cannot win. What we can do and should do is withdraw, so that we can start afresh. Then, and only then, can we effectively set about building a secure and inhabitable world.

A

Anderson, Michael B., Anderson, Gary S., Allan, Walter R., Albrecht, Arthur R., Aikman, Alexander B., Armstrong, William H., Ashford, Harold A., Athearn, Leigh, Aufmuth, Laurence A., and Austin, John P.

B

Bader, Reese W., Balabanian, David M., Bannister, John G., Jr., Baudler, David E., Beck, Jeffery F., Beers, John Roger, Begley, John C., Benney, James H., Berger, Gary D., Bernard, Lucius P., Betzina, Keith, Beuche, William A., Jr., Black, J. David, Blackstone, George A., Bledsoe, Leighton M., Bloom, Gary M., Blum, Robert, Boches, Ralph E., Bomse, Stephen V . Bonapart, Alan D., Boudett, John L. Boyle, Matthews P., Borregard, Leo E., Bradley, John L., Brainerd, Alexander L., Brandel, Roland E., Braun, Jerome, Briggs, Susan S., Brigham, Thomas S., Broll, William F., Brosnahan, James J., Buchanan, Peter S., Bunim, David E., Bunnin, J. Bradley, Burke, T. Robert, Burton, Richard C., Burton, Robert J., and Bush, William J.

C

Caleshu, James T., Calhoun, Alexander L., Jr., Canady, Richard W., Carlton, Alan, Carpenter, Russell B., Cary, Anthony, Caton, Curtis M., Cattani, Maryellen B., Cheatham, Robert, Christiansen, Gary B., Christy, William B. IV, Chun, Thomas Lyman, Clifford, Charles H., Clyde, George H., Cole, George H., Jr., Collin, Francis J. Jr., Collins, Eric, Cook, John C., Cooper, John S., Cowan, Stephen A., Creason, Joe C., Jr., Crew, Eugene C., Crimins, M. L., Craycroft, Charles W., Cullen, Michael J., Curtman, Lawrence E. III, Currey, Edwin L., Jr., and Cutler, John H.

D

David, Anthony P., Davidson, James E., Davis, Craig, DeBenedictus, Dario, Delich, S. W., Della Santa, Bernard J., Dent, Larry B., Dezurich, Paul, Diamond, Philip E., Dinkelspiel, Lloyd W., Jr., Dotson, La Verne L., Dougherty, Jerome C., Dowling, William J., Jr., Dowling, William J. III., Doxsee, Lawrence E., and Dumke, Richard A.

E

Eddy, John A., Edelman, Lawrence, Edmondson, Robert, Eigner, Richard M., Eisenhardt, Roy, Eliot, John G., Jr., Endsley, Harry B., Epstein, Robert S., Evers, William D. and Evring, Harden R.

F

Fabian, Robert H., Falk, Jerome B., Jr., Farber, Seymour, Fawcett, F. Conger, Feldman, Jesse, Felt, Donald K., Fields, Frederick S., Fine, Timothy H., Fisher, R. Frederic, Fleischmann, Hartly, Fleichmann, Roger J., Flynn, John A., Fousekis, James T., Fowler, John W., Fox, Alan L., Frankel, James B., Frazier, Jefferson, Freeland, Alan C., Fremlin, Robert, Frey, Edwin A., Jr., Friend, Ronald L., and Friedman, Stanley.

G

Gage, John, Garfinkle, Gary, Garnhill, James, Garrett, James J., Gaskill, Jean C., Gates, Robert P., Gelhaus, Robert J., Generes, Faye, Gettlemen, Michael, Gilbert, Anthony C., Gilbert, Richard I., Gilmar, S. F., Gilson, Willard D., Glasser, Henry L., Gleason, Gerald K., Gleason, Jean W., Gnoss, George H., Jr., Goetzel, Thomas, Goldman, Melvin R., Goulden, Charles Evans, Goff, Richard L., Gowdy, Greig A., Grant, Stephen, Greene, A. Crawford, Greene, Bruce R., Greene, Richard L., Gregory, Noble K., Grodin, Joseph R., Guggenhime, Richard J., Gustafson, Andrew B., Gutting, Richard E.,, Jr., Goodin, Vernon L., Gordon, S. Graham, and Guttierrez, Max, Jr.

H

Haas, Raymond P., Halloran, Michael, Hannan, J. Thomas, Hanson, Kristina M., Harlick, Robert M., Harmon, Robert L., Harrington, James E., Jr., Harrington, Richard, Harris H., Donald, Jr., Harrison, David R., Hart, Darryl A., Hauser, John N., Haydel, Douglas A., Hayes, Lauffer T., Haynes, James K., Hebert, Victor A., Hehmeyer, Alexander M., Heilbron, David M., Heilbron, Louis H., Herr, Robert C., Herzstein, Mortimer H., Hildreth, Richard G., Hillman, Albert J., Hobin, Patrick S., Hoffman, Fred C., and Hoffman, John.

Hogan, Claude H., Homrighausen, Paul E., Hook, John B., Horrick, Gilbert L., Horwich, W. E., Howard, Henry W., Howerton, Herman H., Hultquist, Larry, Hyman, Bruce W., and Hynes, William Michael.

I

Irwin, William R.

J

Jablonski, James A., Jack, Robert B., Jackson, Bartlett A., Januta, Donatas, Johnsonn, Carol S., Johnson, Reverdy, Johnson, Richard C., Johnson, Stephen C., Johnson, William F., Johnson, Willoughby C., and Jorgensen, Etic W.

K

Kaapcke, Wallace L., Kagel, John, Kane, Danel H., Jr., Kaplan, Richard M., Kasanin, Mark D., Kastel, Eugene W., Kaufman Mark E., Kelly, Michael J., Kent, Roger, King Donald B., Kinsell, Dillman C., Jr., Kinyon, Richard S., Kirkwood, Robert C., Kleinberg, James P., Kline, Allen E., Knebel, Jack G., Korbholz, M. L. Kornblum, Carole A., Kornblum, Guy O., and Kostic, Thomas F.

L

Lacey, Thomas M., Lukusta, Boris H., Lanctot, Lawrence R., Laughlin, John R., Lee, Thomas A., Jr., Legge, Charles A. Leiter, Peter S., Lenvin, Nancy G., Leonard, Carl A., Light, Richard N., Lillevand, M. Peter, Linderman, Jay S., Lippett, Peter E., Little, Paul, Livsey, Robert C., Loring, H. Helmut, Lowe, Edwin N., Jr., Lowry, John B., Ludvigson, David L., Luks, Philip J., Lundquist, Weyman I., David W. Lennihan, and Harold L. Levy.

M

Mackey, William R., Madison, James R., Maffly, Donald H., Maier, Paul C., Maines, Robert L., Marcus, Gerald D., Marer, Alan, Marron, Michael R., Martel, John S., Martin, William J., Jr., Mason, Joseph G., Mellor, Michael L., Meredith, R. W., Merritt, James E., Mills, Robert A., Mitchell, Matthew P., Monheimer, Marc H., Moody, Graham B., Jr., Mooney, Ralph James, Moore, John L., and Moorman, Albert J.

Montgomery, Thomas E., Morgan, Frank E., Morley, C. Blaine, Morrill, Robert B., Morris, Richard B., Moskovitz, Ronald B., Murphy, Robert E., Murphy, Patrick A., and Murray, Richard.

MAC

MacMichael, J. Richard.

MC

McCall, James R., McCune, D. Thomas, McGrouther, Robert, Jr., McGuire, Thomas B., and McKee, William D.

N

Nagel, Kenneth C., Nellis, Noel W., Nelson, Bruce A., Nelson, David E., and Nolan, David C.

O

Ohlbach, Robert E., and Owen, Michael I.

P

Page, Harry, Parker, Michael L., Patrick, Lester S., Patterson, Leonard M., Peck, Girvan, Pelavin, Alvin H., Peterson, Ronald C., Phillips, Barbara A., Phillips, Theodore W., Pollak, Stuart, Ponsford, Terrence V., Popofsky, M. Laurence, Porter, John C., Porter, William L., Prael, Charles F., Preuss, Charles F., and Atherton Phleger.

R

Ralls, Robert, Raven, Robert D., Ray Thomas, Read, Donald, Reder, Barry, Reding, John A., Reed, James E., Reese, Charles W., Reese, Francesca, Reese, John R., Rembe, Toni, Renne, Louise H., Reene, Paul A., Rhodes, Theodore E., Rice, Denis F., Rice, Granfield E., Richards, Norman B., Richards, Stephen D., Ripley, Earl M., Ritchey, Craig S., Roberts, Sidney E., Robinson, Jerry, Robinson, Walter J., Rogers, Joseph W., Jr., Rosenkrantz, Gayle Nin, Rosenquist, James W., Rosson, Robert R., Jr., Rosston, Edward W., Rubin, Asher, Ruby, Charles S., Rumph, Charles W., and Russell, Theodore A.

S

Sakol, Jonathan H., Sax, Paul J., Saxe, Steven L., Schlieman, Walter C., Schmalz, Robert L., Schumacher, Matthew A., and Schwab, Douglas M.

Sears, George A., Seligson, Robert A., Shaffer, John C. Jr., Shearer, Thomas R. Jr., Sheehy, John W. Jr., Shefler, Stephen, Shumway, Ron, Siggins, Richard J., Silberman, Arthur, Silk, Thomas, Silver, L. B., Silver, Stephen H., Sims, Richard M. IV, Skinner, Jeffrey A., Slichter, Donald A., Sloss, Frank

H., Small, Marshall L., Smith, N. Richard, Solomon, Deene Goodlaw, Sonnenberg, Victor D., Sparks, John R., Sperry, Leonard M. Jr., Spiegel, Hart H., Spiegel, Michael S., Sproul, John A., Sproul, Robert G. Jr., Stansbury, John O., Steele, Robert L., Sterling, William W., Stern, Julian N., Stone, Harold Albert, Stoppello, Diana, Strain, David, Stromberg, Rose E., Swan, Peter N., Sieglitz, Frank E., and John E. Sparks.

T

Taggart, William E. Jr., Taussig, Peter E., Tegethoff, David A., Tennis, Stephen M., Terry, Thomas D., Thayer, Ernest C. Thiesmeyer, Kirtley M., Thompson, Robert, Tingle, James O'M., Torre, Gary J., and Tuttle, George D.

U

Unterman, E. Thomas.

V

Van Dam, David J., Van Every, Peter J., Vapnek, Paul W., Verriere, Paul H. Jr., and Voltz, Charles E.

W

Walker, C, Richard, Walker, Gary T., Washburn, Edgar B., Watkins, William W., Webber, Paul A., Weber, Gordon M., Weiner, Edward A., Weltin, Philip R., Westover, Christopher A., Wexler, Howard M., Wheeler, Malcolm E., White, Robert J., Wild, Nelson H., Williams, Robert W., Willmarth, Francis G., Wisner, James F., Wolf, Paul T., Wolfe, Sheldon H., Wright, Gerald A., Wade, Barry L., Weingarten, Max, Williams, George A., Jr., and Wilmar, Michael B.

Y

Yasuda, Thomas Y.

Z

Zaloom, E. Anthony, Ziegler, William J. Jr., and Zilber, Norman A.

THE PRESIDENT'S POLICIES IN INDOCHINA

Mr. FULBRIGHT. Mr. President, I would once again like to acknowledge and report on the petitions I have received in opposition to the President's policies in Indochina.

I have reported to the Senate on three previous occasions—May 13, 19, and 28—on the petitions and correspondence I have received. Since the President's decision to move into Cambodia, I have now heard from about 325,000 people. Volunteers are still assisting me with the sorting and counting of the mail.

I have received petitions bearing 169,990 names. Of these, 167,624 are opposed to the continuation and widening of the war in Indochina. I think that this has been a remarkable expression of sentiment from citizens across the country.

Among the recent petitions I have received was one with 2,200 names collected in Fayetteville, Ark. The signers express support for the McGovern-Hatfield amendment and a group of eight students and faculty members presented the petition to me this week.

Mr. President, I ask unanimous consent to have printed in the RECORD an article from the Northwest Arkansas Times, Fayetteville, of June 5, which tells of the visit to Washington of the Fayetteville group:

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UA PEACE GROUP LEAVES SATURDAY

Eight members of the Fayetteville Peace Group leave Saturday morning for Washington, D.C., with a petition containing the signatures of 2,200 persons who oppose the war in Vietnam.

The petition supports legislation proposed by U.S. Sens. Mark Hatfield and George McGovern that would cut off funds for the war in Southeast Asia by Dec. 1, 1970. Only those funds necessary to the withdrawal of American troops would be permitted.

Dr. Art Hobson, an associate professor of physics at the University of Arkansas and chairman of the Peace Group, said he and seven University students have arranged to meet next week with each Arkansas senator and congressman. Copies of the petition will be presented to the Arkansas delegation.

Hobson said the group will spend the entire week in Washington, lobbying and doing staff work for those senators favoring the Hatfield-McGovern bill.

He said a second group under the supervision of Dr. O. H. Zinke, professor of physics, will travel to Washington in two weeks, and plans are for a third and possibly a fourth group to make the trip later this summer.

Mr. FULBRIGHT. Mr. President, I have summarized the other petitions I have received since my last listing and I ask unanimous consent that this additional list be printed in the RECORD.

Petitions bearing 4,930 signatures collected by the Downtown Peace Coalition in the financial district of San Francisco. The petitioners are "distressed by the President's total defiance of Congressional channels and Constitutional guidelines" and call for "cessation of the invasion of Cambodia" and withdrawal from Indochina."

A petition from Stuttgart, Ark., with 24 signatures, which reads:

> We pray and earnestly hope you may help call our boys home from this unwise war across the sea, at once, without delay. Please help save our boys and our people and the taxpayers. We deeply appreciate all you do for our people and the saving of human life.

A further petition from the University of Arkansas with 231 signatures which states:

> We . . . declare our support for your efforts in obtaining immediate disengagement of American forces in Southeast Asia and your efforts in denying President Nixon the funds to maintain their presence in that area.

A petition from 24 students and faculty of the University of Arkansas Medical Center favoring the "Amendment to End the War."

Petitions with 92 signatures from Nassau County, N.Y., supporting the Senate Foreign Relations Committee's position against military involvement in Cambodia.

A petition from Redwood City, Calif., with 26 signatures opposing the President's policies and defiance of the Constitution.

A petition with 16 signatures from Santa Cruz, Calif., calling for withdrawal of U.S. forces from Southeast Asia.

Petitions with 47 signatures from Hayward, Calif., 13 from Daly City, Calif., and six from Loomis, Calif., supporting the "Amendment To End the War."

Petitions with 21 signatures from Houston, Tex., 36 from Costa Mesa, Calif., 21 from San Jose, Calif., 24 from Honolulu, 23 from Santa Cruz, Calif., and 16 from Monroe, N.C., all supporting the "Amendment To End the War."

A resolution from the faculty of Virginia State College, Petersburg, Va., deploring the invasion of Cambodia "and what the continuation and extension of the war is doing to the American Nation."

A petition from 29 lawyers in California which concludes:

> Cambodia and the Kent State campus are both parts of an ugly whole that will become far worse unless we withdraw from Southeast Asia and turn our energies and resources to our problems at home.

A petition from 36 members of the staff of Northside Center for Child Development, New York, opposing the invasion of Cambodia and calling for a reordering of our priorities.

Petitions from 15 persons in Cambridge, Mass., 51 at Mt. Holyoke College, South Hadley, Mass., six in San Carlos, Calif., and 98 American students currently in Denmark, all opposing the continuation and expansion of the war.

A petition from 21 members of the Boston University Medical Center urging support for the "Amendment To End the War."

A petition from 72 members or friends of Eliot Unitarian Chapel in Kirkwood, Mo., urging support of the Percy resolution, the Cooper-Church amendment and the McGovern-Hatfield amendment.

A petition from 29 persons in Jamaica, N.Y., urging "every possible effort to end the war immediately."

Petitions with 100 signatures from students and teachers at Hillhouse High School, New Haven, Conn., supporting the Hatfield-McGovern amendment.

A petition from 17 members of the Department of Art, California State College at Hayward, protesting the "illegal and immoral war in Southeast Asia."

A petition with 37 names from Croton-on-Hudson, N.Y., supporting the Senate Foreign Relations Committee's position against military involvement in Cambodia.

Petitions supporting the "Amendment to End the War" from 27 members of the faculty of the School of Art at the University of Iowa; 25 persons in Malibu, Calif.; 10 faculty members in the Walnut Creek, Calif., School District; 10 persons in Daly City, Calif.; 14 at East House Enterprises, New York; 24 in Los Gatos, Calif.; 64 in Modesto, Calif.; and 24 in Kansas City, Mo.

A petition with 43 signatures from Webster College, Mo., deploring "the loss of lives for a fruitless cause, the credence our Government has given to corrupt regimes in South Vietnam, that our elected representatives in the House and Senate have been ignored and autocratically 'tuned out' the systematic villification of any form of dissent."

A petition with 49 signatures from Patterson, Calif., opposing the President's actions in Cambodia.

A petition with 30 signatures from Springfield, Pa., calling for repeal of the Tonkin Gulf resolution.

A petition from 22 faculty members and administrators at St. Xavier College, Chicago, stating:

> We, being charged with the security and education of our youth, see that this war in Southeast Asia produced an unprecedented

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> alienation and has undermined the very legitimacy of our political institutions.

Petitions favoring the "Amendment to End the War" from 21 members of the program of eastern African studies of Syracuse University; 11 persons in Flushing, N.Y.; 15 in Berkeley, Calif.; 10 in Novato, Calif.; 20 in Geneva, N.Y.; 13 in Yuba City, Calif.; and 12 in Livermore, Calif.

A statement from 17 staff members of the Division of Higher Education, Board of Education, United Methodist Church, which reads, in part:

> The expansion of the war . . . has opened further the wound inflicted by the undeclared war in Vietnam. Our nation cannot now "pursue peace" by widening the war and increasing the killing and the destruction. To do so will only compound the problems of national unity in a time when the young are increasingly alienated from American institutions. We express our anguish over the failure of government officials . . . who have been disdainful of the honest and patriotic dissent to the invasion of Cambodia and the continuance of the fighting in Vietnam.

A petition with 32 signatures from the Student Concern Coalition, Riverdale Country School, Bronx, N.Y., supporting the Cooper-Church amendment.

A petition appealing for Congress to "stop the war" from 108 citizens of Sherman Oaks, Calif.

Petitions from 371 persons in the New York area supporting the Hatfield-McGovern amendment.

Petitions from 73 persons in Houston, Tex., calling upon Congress to "regain control of foreign policy which the President has assumed alone without seeking the advice and consent of the Senate."

A petition from 37 persons in Delmar, N.Y., "fully supporting the Foreign Relations Committee" and stating that "the tragic experience in Vietnam must not be repeated in Cambodia."

Petitions in English and Spanish with 305 signatures of residents of the Mission District of San Francisco. The petitions express "deep concern at the escalation of American military action in Southeast Asia," and "strong support for the McGovern-Hatfield amendment."

A petition from 97 members of the American community in Morocco deploring the "enlargement of the American military involvement in Indochina, abridgement of constitutional procedure, disregard of world opinion and of the national sentiment for peace, disrespect for constitutional rights of expressing dissent."

A petition from 16 persons in Dallas, Tex., calling the war unconstitutional and divisive and calling on Congress to assert its responsibility.

A petition with 17 signatures from various Pennsylvania cities supporting efforts to end American involvement in the Indochina war.

A petition with 13 signatures from Brooklyn, N.Y. calling for "immediate revocation of the Gulf of Tonkin resolution" and a petition with 10 signatures from Novato, Calif., supporting the "Amendment To End the War."

A petition from 65 students and faculty of theology at Manhattan College, Bronx, N.Y., who "seriously question the morality of our military involvement in Vietnam" as well as the legal basis for continuing the war.

A petition from 30 persons in Sebastopol, Calif., opposing continued escalation of the war.

Petitions with 1,797 signatures from MIT faculty, students, and staff affirming "strong support for the constitutionally responsible efforts of the Senate Foreign Relations Committee to prevent further escalation of the war in Southeast Asia."

A petition from 10 Arkansans, part of the group of more than 4,000 Federal employees who protest continued and expanded U.S. military involvement in Southeast Asia and support the "Amendment To End the War."

Petitions with 455 signatures gathered in Detroit by Concerned Citizens for Peace in Southeast Asia. They urge Congress "to end all appropriations for Southeast Asia except moneys for transportation to bring our troops home."

Signatures from 516 members of the academic community of Westfield State College, Massachusetts, on petitions condemning the President's conduct of the war, "specifically the expansion of the war as a result of the recent invasion of Cambodia."

Petitions from 125 persons in Berkeley, Calif., who oppose "the use of guns and military forces as a means of dealing with political problems either within our country or by our Government in its relations with other nations."

An additional 1,150 signatures on petitions from the San Francisco area supporting the Foreign Relations Committee and calling for "cessation of the invasion of Cambodia"; "withdrawal from Indochina"; and demanding "that the President, in keeping with the Constitution and his oath of office, take no further military action without the advice and consent of the Congress." This brings the total of names on such petitions from the San Francisco area to 9,117.

Some 1,020 additional signatures on petitions from the New York area, many gathered by the New Democratic Coalition. The petitions read:

> We . . . do fully support the Senate Foreign Relations Committee's position against any military involvement in Cambodia. We urge you and other members of your committee to take all necessary steps to bring before the full Senate and the American public all the facts behind this further expansion of the war. The tragic experience of Vietnam must not be repeated in Cambodia.

Altogether I have received such petitions with more than 3,500 signatures from the New York area.

Six hundred and ten additional signatures on petitions gathered by the Queens College community in New York. A total of 8,142 persons have signed these petitions protesting "President Nixon's unconstitutional escalation in Indochina" and reaffirming the right of peaceful dissent.

A petition from Oakland, Calif., with 65 signatures supporting the "Amendment To End the War."

Letters from 38 young people in Cedarhurst, N.Y., protesting the President's actions in Southeast Asia.

A petition with 96 signatures gathered by the Psychological Research and Service Center, University of Southern California. The petition begins:

> We . . . being of the philosophy that continuing and expanding the war in Southeast Asia is illegal and immoral, declare our dissent from existing national policies . . .

Letters from 19 persons in Los Angeles calling the President's actions "a direct usurpation of the powers of Congress under our Constitution."

Petitions supporting the "Amendment To End the War" signed by 30 persons in the San Francisco area, 21 in Coal Run, Ohio, 12 in Lodi, N.J., 12 in San Mateo, Calif., and 51 members of the Class of 1972, University of California School of Pharmacy, San Francisco.

A petition from 91 students and faculty members of the Department of French, University of California, Berkeley, calling the President's decision "repugnant to the conscience of a free people and potentially disastrous to our existence as a democratic citizenry."

A petition signed by 100 students and faculty members of Texas Southern University, strongly opposing the President's actions.

A petition signed by 77 Massachusetts residents "appalled by the recent expansion of the war in Southeast Asia."

Letters from 23 persons in Chicago calling for withdrawal from Cambodia and Vietnam and repeal of the Tonkin Gulf resolution.

A petition from 41 persons in Schenectady, N.Y., expressing support for the Senate Foreign Relations Committee.

A petition from the San Francisco area with 374 signatures urging approval of the "Amendment To End the War."

A petition from 65 Massachusetts citizens supporting the move to repeal the Tonkin resolution.

"Petitions for Peace" with 620 signatures from various New York cities, urging passage of legislation to cut off funds for the war.

A petition from 103 persons in Miami Beach, Fla., supporting the "Amendment to End the War."

A petition with 260 signatures of parishoners of St. Charles Borromeo parrish, Cinnaminson, N.J., supporting the "Amendment To End the War."

A petition with 32 signatures from the Comprehensive Child Care Project, which says:

> We are in full support of your stand against the war in Indochina. Please continue your efforts to end the war and to bring back our boys.

A petition from 286 students, staff, and faculty of the Brearley School, New York, strongly opposing the President's policies.

A petition from Glendale Community College, Arizona, with 197 signatures in support of the McGovern-Hatfield amendment.

A petition with 21 signatures from Riverside, Calif., supporting a cutoff of funds for military operations in Southeast Asia.

A petition from Tama, Iowa, with 28 signatures supporting Amendment 609.

A petition with 63 signatures from Garden City, N.Y., supporting the Foreign Relations Committee.

Seven hundred and seventy-five signatures on petitions from Melrose, Mass., calling for no further appropriations for the war in Cambodia, Laos and Vietnam.

Petitions supporting the "Amendment to End the War" from 68 students and faculty of Kennedy High School, El Cerrito, Calif., 19 persons in Oakland, Calif., five in Oklahoma City, seven in Ball Club, Minn., and 18 in San Pablo, Calif.

A petition from 33 members of the St. Paul, Minn., Section of the National Council of Jewish Women "deploring escalation of the war in Southeast Asia."

A petition from 191 American students and teachers in Paris condemning the President's usurpation of powers.

A petition from 66 persons professionally engaged in the practice of school psychology in Connecticut urging use of congressional power to end the war and expressing deep concern over the impact "which war and violence have on children."

A petition from 16 persons in Norton, Mass., opposing the extension of the war.

Petitions with 91 signatures from Cuyahoga Falls, Ohio, supporting the "Amendment To End the War."

Petitions with 420 signatures gathered by students, staff, and faculty of the Department of Anthropology, Stanford University, supporting amendments to restrict funds for military activities in Southeast Asia.

A petition from 15 persons in Claremont, Calif., supporting the Senate Foreign Relations Committee.

Petitions calling for a restriction of funds for further military operations in Indochina signed by 41 persons in San Francisco, 16 in Iowa City, Iowa, eight in Hollywood, Calif., 25 in Los Angeles, 66 in Palo Alto, Calif., eight in Los Gatos, Calif., 33 in Berkeley, Calif., 18 in Santa Cruz, Calif., and 19 in Kalamazoo, Mich.

A letter signed by 138 law students and teachers at the University of Colorado strongly opposing the President's actions.

A petition signed by 38 Americans in Kyoto, Japan, calling for withdrawal of American troops and supporting a restriction of funding for further military operations.

A petition from 13 members of the cast of "Fiddler on the Roof," New York, urging repeal of the Gulf of Tonkin resolution and restriction of expenditures for military activities.

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FEDERAL EXPLOITATION OF WYOMING

Mr. HANSEN. Mr. President, a United Press International article, printed June 7, contains some pertinent information on what the article calls "some 50 years of Federal exploitation of the State" of Wyoming.

The article relates that—

> Thirty-eight per cent of all the revenue from public lands in the United States comes from one state—Wyoming.

This certainly indicates that my State is paying a great deal more than its fair share. These moneys go into the reclamation fund, and Wyoming has paid into that fund $377 million more than it has received for reclamation projects within our State.

The article points out:

> Yet the state has had to pay interest on money borrowed from that fund.

UPI notes the following:

> Since 1920, when the public domain lands were first leased under the Mineral Leasing Act, the federal government has taken $664 million from mineral rentals and royalties from the state.

The article reports that there is great hope in Wyoming that the Public Land Law Review Commission will recommend that Congress enact legislation to return a fairer share of the revenue from Wyoming's considerable mineral wealth to Wyoming—a State whose land surface is 48 percent federally owned, and whose minerals are 72 percent federally owned.

Regardless of the recommendations of the Commission, the people of Wyoming are setting great store in their faith in the Congress—their faith in the Members of the Congress to insure that Wyoming gets fair treatment along with the other States. I share that faith, and am hopeful that such action will not be much longer delayed.

Alaska, for example, receives a 90 percent return on its mineral royalties. Wyoming hopes for at least a 60 percent return. The following paragraphs are pertinent to outlining the situation in Wyoming today:

> Federal control of the state's minerals is particularly significant in light of the following facts.
>
> Of the 50 states, Wyoming ranks first in coal, second in uranium, third in oil shale, fifth in petroleum and seventh in natural gas. The state is on the threshold of untold mineral development in uranium, oil, oil shale, iron ore, coal, trona, aluminum and gypsum.
>
> With all the nation's energy requirements increasing by leaps and bounds, under normal circumstances Wyoming would seem well-assured of a prosperous future.
>
> But the specter of the federal government remains on the state's economic horizon. The state's share of landowner's royalties from minerals is only 37.5 per cent, with 52.5 per cent going into the federal reclamation fund, and 10 per cent into the federal treasury.

Mr. President, there is a suggestion in this article that Congress may deny my State a fairer return, on grounds that other States are benefiting from these inequities at the expense of Wyoming, a State of only about 330,000 people.

Mr. President, I urge the Members of the Senate to help prove this speculation is inaccurate, to ease the burden, which of all the States has fallen and continues to fall most heavily on Wyoming.

I ask unanimous consent that the United Press International article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Cheyenne (Wyo.) Tribune-Eagle, June 7, 1970]

LAND LAW COMMISSION'S REPORT READY, MAY END FEDERAL "OWNERSHIP"

The results of a study conducted by the Public Land Law Review Commission are scheduled to be released June 30 and Wyomingites are hoping the report will spur Congress into enacting legislation to end some 50 years of federal exploitation of the state.

The federal government receives an overwhelming share of the state's mineral royalties and Wyoming's leaders view this with bitterness. The federal government owns 48 per cent of Wyoming's land surface and 72 per cent of its minerals.

Federal control of the state's minerals is particularly significant in light of the following facts.

Of the 50 states, Wyoming ranks first in coal, second in uranium, third in oil shale, fifth in petroleum and seventh in natural gas. The state is on the threshhold of untold mineral development in uranium, oil, oil shale, iron ore, coal, trona, aluminum and gypsum.

With all the nation's energy requirements increasing by leaps and bounds, under normal circumstances Wyoming would seem well-assured of a prosperous future.

But the specter of the federal government remains on the state's economic horizon. The state's share of landowner's royalties from minerals is only 37½ per cent, with 52½ per cent going into the federal reclamation fund, and 10 per cent into the federal treasury.

COLONIALISM

Gov. Stanley K. Hathaway calls this form of exploitation nothing more than "colonialism."

Secretary of State Thyra Thomeson, who is the former chairman of the Western Interstate Committee on Natural Resources, calls it "inequitable, unjust, unconscionable and discriminatory."

Since 1920, when the public domain lands were first leased under the Mineral Leasing Act, the federal government has taken $664 million from mineral rentals and royalties from the state.

"That's more than the combined state budgets of Wyoming since we became a state," Hathaway said.

"It is interesting to note that while a considerable portion of these monies go into the reclamation fund, Wyoming has paid into that fund $377 million more than it has received for reclamation projects within the state," he said.

Thirty-eight percent of all the revenue from public lands in the United States comes from one state—Wyoming. Yet the state has had to pay interest on money borrowed from that fund.

Attempts have been made to gain a more equitable share of the state's mineral royalties. For years Wyoming governors and its congressional delegations have proposed that the public land states be given a greater share of the revenue from their public lands. But no progress has been made in Congress where the action must be taken.

ONE LAST EFFORT

"We are making one last determined effort to correct this inequity," Hathaway said. "As a result of the studies of the Public Land Law Review Commission it is hopeful appropriate legislation will be introduced and passed by Congress."

The governor said it was his understanding that such legislation would not be introduced until the next session of Congress. But, Hathaway said, if the injustice is not corrected at this time, it will be too late for the state.

"When you consider Wyoming is the second least populated state in the nation," he said, "a state which has been very slow to develop economically even with its abundance of natural resources—one can point to the federal government as being instrumental in depriving us of this economic development."

Preliminary census figures for 1970 show Wyoming with an estimated population of 328,000.

Such a sparse population hardly provides

Wyoming with a tax base to build schools and hospitals or provide necessary governmental services on the state and local levels.

"We just don't have the economic activity that we would have if there were a fair distribution of this money," Hathaway said.

The state is seeking at least a 60 per cent return on the mineral rentals and royalties. This would mean roughly an additional $6 million a year in the state coffers.

"As we get into the development of coal resources, greater production of uranium and eventually the production of oil shale," Hathaway said, "the amount of money going to the federal government will be even more out of proportion."

NINETY PERCENT

Wyomingites point to Alaska when they talk about the inequities involved in their mineral royalty returns. Alaska receives 90 per cent return on its mineral royalties.

"Alaska has not yet realized the full benefits of this royalty return," Hathaway said, "but with the North Slope oil discoveries and eventual production of this great reserve, Alaska will have no financial problems."

Ironically, it was a Wyoming senator who was instrumental in obtaining the 90 per cent mineral royalty for Alaska.

The late Frank Barrett sponsored the Alaska Statehood Bill which included the 90 per cent provision. Barrett was hopeful that if Congress adopted the 90 per cent return he could then build a case for increasing the return to other public land states, including Wyoming.

Wyoming also faces another problem in attempting to get its mineral royalty returns increased. States which benefit from the reclamation fund without having to contribute monies are reluctant to correct the inequity.

Hathaway said it is just not the Eastern states which oppose changing the percentage return, but also some of the Western states who benefit greatly from the reclamation projects.

"I think the states without public lands are quite satisfied with tapping some of the resources of the public land states and they are not very interested in giving us a greater return on our revenue."

VIEWS OF BUSINESS FIRMS ON SOUTHEAST ASIA INVOLVEMENT

Mr. CRANSTON. Mr. President, it has recently come to my attention that a number of enterprising students at the School of Business Administration at the University of California, Berkeley, have undertaken a poll of major business firms in the Bay Area of California.

Spurred by the frightening events of recent weeks these business students sought to participate in a peaceful, constructive way by asking the employees of several major business firms their views on our involvement in Southeast Asia.

Included in the 63 firms that participated in the poll were such businesses as: The Bank of America, Wells Fargo Bank, Santa Fe Railroad, McGraw Hill, and Montgomery Ward.

The impact and results of this poll were interesting and indicative. During the course of the poll taking, for example, one employee was heard to exclaim that the student action "was causing the financial district to jump up and down."

After many weeks of negotiating and polling the results were tabulated by an accounting firm: 12,700 ballots were issued and 8,169 returned. Of those returned approximately 71 percent were in favor of congressional action to—promote and ensure an end to the use of U.S. air, ground and sea forces in the undeclared war in Southeast Asia.

Approximately 20 percent did not want the Congress to take action in regard to our involvement in Southeast Asia at this time, and the remainder were invalid.

These results, I feel, are indicative of the extent of public concern and distress in the business community over the events of recent weeks both at home and abroad, and lend further support to the widespread view that we must end our tragic and futile involvement in Southeast Asia.

The people who participated in this fine effort are to be congratulated in the productive and positive way in which they have channeled their concern, and at this time I ask unanimous consent to have printed in the RECORD an article from the San Francisco Chronicle which describes the important activities of these students.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the San Francisco Chronicle, May 14, 1970]

UNIVERSITY OF CALIFORNIA MODERATES POLLING BUSINESS FIRMS ON WAR

(By Carolyn Anspacher)

The least militant, most establishment-oriented students at the University of California in Berkeley have moved their activities off-campus in an effort to plumb the anti-war sentiment of the Bay Area business communities.

Quietly and with almost no fanfare, graduate and undergraduate students of US's "ivory tower" Schools of Business Administration are negotiating with many of the area's major firms and corporations to allow them to poll employees on the war in Southeast Asia.

First to respond favorably to the proposal were Bank of America and Wells Fargo where, using a secret ballot distributed by management employees will vote tomorrow.

The ballot allows employees either to endorse or to reject "a call for immediate congressional action to end the war in Southeast Asia."

Dieter Klein, a Ph.D. candidate in Management Science and chairman of the student committee, declared that goal of the future business executives is to "emphasize future Congressional action rather than past Presidential policy."

Tom Williams, 31, a graduate patent attorney and now a candidate for a master's degree in business administration, said "it means to us that moderates can move constructively within the system."

The conservatively-suited, well-shorn business students blanketed the financial district on Tuesday. They distributed leaflets urging the business community to cooperate in the survey of the war issues. Within three hours 30,000 leaflets were handed out and, Klein said, the response was "overwhelming."

He said that many businessmen came out of their offices and requested a poll of their employees.

Typical was the Bank of America, whose officials said that some 5000 will be asked to express their opinion at the bank's headquarters building and at No. 1 South Van Ness avenue.

Discussions are also under way with heads of the Pacific Gas & Electric Co., the Southern Pacific, Levi Strauss, Kaiser Industries and other major banks for polls early next week.

NORTH VIETNAMESE OFFICERS SAY ENEMY IS DISORGANIZED

Mr. FANNIN. Mr. President, in yesterday's issue of the Washington Daily News, Don Tate, a Scripps-Howard writer, writing from Saigon, reports two ranking North Vietnamese army officers as stating that the Cambodian move has completely demoralized the North Vietnamese and the Vietcong.

The two defecting officers, both lieutenant colonels, reported that the Cambodian drive disrupted the supply system that had taken years to build, had created severe morale problems, and created dissension in the ranks.

One of the officers had commanded more than 8,000 of the enemy troops in the 1968 Tet offensive against Saigon. The other officer was in the Parrot's Beak section of Cambodia when American forces struck there.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RANKING COMMANDERS: DEFECTORS SAY REDS ARE DEMORALIZED

(By Don Tate)

SAIGON.—Probably the most authoritative briefing President Nixon's fact-finding group of governors, congressmen and White House officials got during their just-concluded visit to Cambodia and Vietnam occurred in a night-time session with two former North Vietnamese army officers who defected.

The message from these two erstwhile careerists: the allied mop-up of Red sanctuaries inside Cambodia disrupted and demoralized the Reds.

One of the officers, Lt. Col. Nguyen Van Nang, had been deputy commander of thousands of North Vietnamese and Viet Cong operating in a wide area from Saigon westward into the Cambodian Parrot's Beak. He was in the Parrot's Beak when the allies struck in late April.

Ironically, some of the troops under Col. Nang's command were supposed to attack Saigon on the night of May 2. The allied thrusts aborted those plans. Also aborted was Col. Nang's career as a communist. On May 20 he defected.

COMMANDED 8,000 REDS

The other officer, Lt. Col. Tran Van Dac, before he defected had commanded more than 8,000 Red troops in the attacks on Saigon during the 1968 Tet offensive.

Col. Nang told the visitors the allied attacks on the Cambodian sanctuaries had shattered a supply system it had taken years to put together and had caused severe morale problems among his troops. Cadre and soldiers had dared say openly for the first time in Col. Nang's memory, "victory is no longer possible." Some of the troops even resisted orders and refused to fight, he said.

Col. Nang also told how difficult it had been to recruit South Vietnamese to carry on the "civil" war in the South. Replacements in the ranks of the so-called indigenous Viet Cong now had to be filled almost entirely by North Vietnamese, he said.

The fact-finding team asked the two former colonels about communist negotiating psychology: What would be the best appeal to the leaders in Hanoi to negotiate meaningfully?

Only one way, said the ex-colonel: "Fight them until you prove to them they cannot win."

Tomorrow afternoon, the Senate, armed with the report from the fact-finders, will vote on a measure to allow the President to send troops back into Cambodia after July 1 if he deems it necessary.

Both sides predict victory but admit the vote will be close.

Senate Democratic Leader Mike Mansfield of Montana gloomily forecast "another Vietnam in Cambodia" if the measure passes.

His GOP counterpart, Sen. Hugh Scott, predicted the amendment to the long-debated Cooper-Church amendment would be okayed by the Senate.

A Nixon supporter, Sen. Robert J. Dole, R-Kan., said the vote "may set precedent for decades to come."

"We'll either say to the man in uniform 'We've restricted the President's power to protect you,' or we'll say to the people 'We support the President's power and responsibility to protect our men.' "

NATIONAL CONFERENCE STATEMENT ON THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, yesterday I spoke to the Senate of the Ad Hoc Committee on the Human Rights and Genocide Treaties, a committee of some 54 major national organizations which is pushing for ratification of the Genocide Convention. Recently this organization held a national conference in Washington attended by over 60 organizations.

That conference passed a statement urging the Senate to join 75 other nations by ratifying the Genocide Convention. The statement reminds the Senate and the Nation that on numerous occasions since the Human Rights Conventions were first passed by the United Nations General Assembly, our Government has called upon other governments and peoples to comply with the principles of human rights embodied in these international undertakings.

The statement goes on to note that—

> These efforts to promote adherence to human rights principles have been gravely compromised by our government's failure to become a party to human rights agreements.

The national conference statement reflects an urgency which is very real. I would hope that my colleagues here in the Senate would join the national conference and myself in urging the Senate Foreign Relations Committee to take immediate positive action on the Convention. The Nation must bring its law into line with its principles.

Mr. President, I ask unanimous consent that the statement of the National Conference of the Ad Hoc Committee on the Human Rights and Genocide Treaties be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement on Genocide Convention

More than 20 years have passed since a sub-committee of the Senate Foreign Relations Committee recommended U.S. ratification of the Genocide Convention. During these years, 75 nations have acceded to this Convention, as well as many other treaties establishing international standards of human rights.

On numerous occasions during this period, our government has called upon other governments and peoples to comply with the principles of human rights embodied in these international understandings. These efforts to promote adherence to human rights principles have been gravely compromised by our government's failure to become a party to human rights agreements. With the exception of the Supplementary Convention on Slavery and the Convention on the Status of Refugees, both approved in the last two years, we have been exceedingly derelict in withholding ratification of the first and most fundamental UN human rights treaty, the Genocide Convention, which declares the planned mass destruction of racial, ethnic and religious groups to be an international crime.

The deep concern of all Americans over this failure is symbolized by the coming together in this conference of more than 60 organizations, representing tens of millions of citizens from all parts of our country and all segments of our society.

We are gratified that in the last few weeks the long impasse in this field was broken by the decisions of the Secretary of State and Attorney General, and the President himself, to recommend ratification of the Genocide Convention, as serving the national interest of the United States.

We are further encouraged by the growing support of the Convention within our country's legal community, elements of which had played a major role in holding up ratification. This has been evidenced by the positive recommendations of all the relevant divisions of the American Bar Association, including the Section on Individual Rights and Responsibilities, the Standing Committee on World Order Through Law, and the Section on International and Comparative Law. In contrast to past years, when there was little support for this Convention, at a recent meeting of the ABA House of Delegates, nearly half the members endorsed ratification.

We call upon the Senate Foreign Relations Committee, on whom responsibility for further action now inescapably rests, to take positive action on the Genocide Convention by reporting it out favorably to the entire Senate. We are confident that once given the opportunity, the Senate will give its overwhelming consent to ratification.

(Adopted unanimously by the National Conference Ad Hoc Committee on the Human Rights and Genocide Treaties March 4, 1970.)

THE PRESIDENT'S POLICY IN INDOCHINA

Mr. TOWER. Mr. President, I would like to call attention to the remarks of the distinguished junior Senator from Kentucky to the Better Business Bureau in Louisville last Friday. In a closely reasoned statement, Senator Cook commented on the President's policy in Indochina. He points out that the question is no longer whether we should be in Vietnam, but how do we best go about getting out. As Senator Cook notes, President Nixon is the first President of the United States since World War II who has not increased the level of our participation in Southeast Asia.

Senator Cook also examines the action in Cambodia, its objectives and its relationship to our efforts at Vietnamization and withdrawal. The speech of the Senator from Kentucky is a carefully considered summation of the situation in Indochina and I urge Senators to attend its message. I ask unanimous consent that Senator Cook's speech be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Cook Supports Nixon Indochina Policy

Senator Marlow W. Cook (R–Ky.) today reiterated his support for President Nixon's conduct of the Indochina War.

The Senator did, however, repeat his previously expressed conviction that "our national security is not threatened in the least by events in Southeast Asia." Further, he called the Indochinese War "the worst foreign policy blunder in American history."

Cook said he considered the Cambodian military operation necessary to speed completion of the President's program to end the war and felt that "time will prove the President correct in his decision to pursue this limited move into Cambodia."

"It should be made clear to the Communist powers of Asia, if it is not yet sufficiently clear, that they can enjoy peace and security as long—but only as long as they confine their ambitions within their own frontiers. It should also be made clear that whenever the Communist powers show a willingness to settle the problems of Southeast Asia by peaceful and lawful means, these problems can then be placed largely or entirely under the jurisdiction of the United Nations. It should be made equally clear to these regimes, if it is not yet sufficiently clear, that their aggressive and expansionist ambitions, wherever advanced, will meet precisely that degree of American opposition which is necessary to frustrate them."

This quote, ladies and gentlemen, was not from Barry Goldwater, William Buckley or the Chairman of the Joint Chiefs of Staff. No, this quote was from Senate Foreign Relations Committee Chairman, J. William Fulbright, on the floor of the Senate during the debate on the Gulf of Tonkin Resolution in August of 1964. And what does this quote illustrate? Well, it certainly demonstrates that even the most revered dove in the Senate today misunderstood the implications of American involvement in Southeast Asia and the lengths to which the Tonkin Gulf Resolution would subsequently be used to widen the war in Vietnam and enlarge our role in it.

We all realize in 1970 what only a few of the wisest understood in 1964 and before—that is—*our national security is not threatened in the least by events in Southeast Asia*. The most powerful nation in the world has finally learned that intervention with our manpower, the youth of our nation, is not the answer. The presence of American men on Indochinese soil we now know is not only not productive, it is counter-productive. However, this is not to suggest that we should avoid helping our friends in the international community economically and even with military aid if that step becomes necessary to deter aggression. But we cannot and we must not retain, for one moment longer, notions of being the world's policeman.

These are the lessons we have learned from our Indochinese involvement. However, this involvement is now a *fait accompli*. The question is no longer—should we be there? I have answered that question—No! The present problem is—how do we best extricate ourselves from this quagmire?

There is only one President of the United States since World War II who has not increased the level of our participation in Southeast Asia. That President is Richard Nixon. The significant involvement came in the years 1965–1968 under President Johnson. Richard Nixon inherited a situation not of his making with a mandate from the American people to terminate our role in Indochina speedily but with honor. This, in my opinion, he has been doing and will continue to do with our support.

But this is no easy task. On January 20, 1969, this Administration found 545,000 U.S. troops in South Vietnam. 35,000 had lost their lives, the other side was preparing a

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new offensive and no progress had been made in Paris after eight months of negotiations.

The new President immediately called for an intensive review of every aspect of our Southeast Asian policy including a systematic examination of all possible alternatives.

Based upon this, the President decided to follow a course founded upon three underlying principles from which he has not deviated. These principles require:

(1) Honoring our commitment to South Vietnamese self-determination,

(2) Providing for orderly replacement of U.S. combat troops by the South Vietnamese, and,

(3) Providing a platform upon which an honorable settlement could be negotiated.

In a major address to the nation on May 14, 1969, President Nixon made clear again the limits of our interests in Southeast Asia. Among the points with which I agreed at that time were:

(1) We have ruled out a purely military solution, a one-sided withdrawal or the acceptance of terms that would amount to a disguised defeat.

(2) We seek no bases or military ties, and we agree to South Vietnamese neutrality if the South Vietnamese so choose.

(3) There should be an opportunity for all to participate in the political life of South Vietnam. We are prepared to accept any government that results from the free choice of the South Vietnamese.

(4) We will not impose any government upon the South Vietnamese nor will we be party to such coercion.

(5) We do not object to reunification if the people of North Vietnam and South Vietnam freely choose it.

(6) We insist on no rigid diplomatic formula; peace can be achieved by formal or informal negotiations or understandings provided the terms are clear and adequate assurances for observance are included.

(7) We do not insist on a particular form of guarantees, but any guarantees must be broad and strong enough to protect the interests of all major South Vietnamese groups.

The next dramatic move by the Administration came on June 8, 1969, when the President announced withdrawal of 25,000 U.S. troops and indicated future systematic withdrawals based upon three criteria—(1) progress in training and equipping of South Vietnamese forces, (2) progress toward settlement in Paris; and (3) the level of enemy activity.

As we all know, a second troop withdrawal announcement of 35,000 by December 15 was made on September 17, 1969. On November 3, 1969, an in-depth review of the year's events in Southeast Asia was delivered by the President, including an indication of further willingness to move toward a conclusion of hostilities at the earliest possible date.

On December 15, 1969, President Nixon announced additional withdrawals of 50,000 men to be completed by April 15, 1970. All of these withdrawals have been accomplished thereby lowering the troop ceiling by 115,000 men since this Administration came into office 18 months ago.

This brings us up to events of recent weeks. On April 20, the President reported to the nation the progress of almost a year of his Vietnamization program. Progress in training and equipping South Vietnamese forces was moving ahead of schedule. Significant advances had been made in pacification. Also, on the plus side of the ledger, there had been an overall decline in enemy force levels in South Vietnam since December 1969, and the South Vietnamese had assumed more of the burden of battle. Significantly, American casualties had declined. In the first three months of 1970, the number of Americans killed in action dropped to the lowest first quarter level in five years. And, finally, the previously announced withdrawal of 115,000 men had been completed.

The President also pointed out, at that time, the development of some ominous signs. The level of enemy activity had substantially increased in several areas with new offensives by 67,000 North Vietnamese troops in Laos, and in Cambodia 40,000 communists were conducting overt aggression.

Ten days later, Americans and South Vietnamese were ordered across the Cambodian border. The result, as we all know, was an outcry among students and accusations by heretofore silent doves in the Senate that the President was widening the war. After access to secret briefings and a personal conversation with the President during which he explained his objectives, I decided to support this operation.

In examining the Cambodian operation, I think it important to bear in mind what the U.S. objectives are and what they are not.

First, what are we trying to do? It is not the intention of this Administration to seize any Cambodian territory. We do not intend to stay there. The U.S. will fulfill its mission and withdraw. We are definitely not there to support and help to maintain the existing government of Cambodia.

And, now, let us consider why we did go into Cambodia. We went into Cambodia to strike at the headquarters for the entire communist military operations in South Vietnam. Our mission there, along with our South Vietnamese allies, is to clear out the sanctuaries from which the enemy has poured into South Vietnam to kill our men.

We are there to save American lives. We are there to end the war sooner. And we are there to be sure that we can bring our men home as we have planned. This is not a widening of the war. It is a move to end the war.

Wednesday evening most of us heard the President's report on the success of the Cambodian operation. The President reported it to be "the most successful operation of the war" and indicated that "all our military objectives have been achieved." Further, he promised once again that all American troops would be out of Cambodia by the end of the month.

Of great significance to all peace-loving Americans, he announced that 50,000 of the planned 150,000 troop withdrawal to be completed within the next twelve months will be out of Vietnam by October 15.

I think time will prove the President correct in his decision to pursue this limited move into Cambodia. I believe events will demonstrate that this operation shortened the war and saved American lives.

The President needs your support and mine to end this war as rapidly as possible. Since I have been in the Senate he has never misled the American people on this issue, that is why he shall have my support. Until he does he shall have my support in his continuing effort to terminate our involvement in this conflict which I predict history will record as the worst foreign blunder in American history.

But for the moment, this trying and frustrating episode continues and during this period I solicit your support for our President.

THE NEED FOR CURBING USE OF FOREIGN SECRET BANK ACCOUNTS

Mr. PROXMIRE. Mr. President, the Senate Committee on Banking and Currency was privileged to hear the testimony of Mr. Robert M. Morgenthau on legislation to curb the use of secret foreign bank accounts by American criminals. As the former U.S. attorney for the southern district of New York over an 8-year period, Mr. Morgenthau is personally responsible for sending numerous tax evaders, stock swindlers, and other white-collar criminals to jail.

The use of secret foreign bank accounts has grown to alarming proportions in recent years. While once a dodge used only by the rich, knowledge of secret foreign bank accounts has penetrated to middle management executives and professional people.

Robert Morgenthau is eminently qualified to speak about the abuses of secret foreign bank accounts. His office has uncovered most of the evidence and has tried most of the cases involving secret foreign bank accounts. These accounts have been used for an incredibly wide variety of purposes including the evasion of income taxes, the manipulation of stocks, the sheltering of illegal income, the transportation of narcotics, the bribing of public officials, and the takeover of American corporations.

The Senate Committee on Banking and Currency has before it a bill I introduced along with Senator WILLIAMS of New Jersey and Senator BROOKE of Massachusetts. The bill requires that records be kept and reports filed on the use of foreign bank accounts so that our law enforcement authorities will not be stymied by the secrecy laws of the country in which the foreign bank is located.

I would like to read the conclusions of Mr. Morgenthau on the need for this legislation because it is one of the most eloquent statements on the subject which I have seen. Mr. Morgenthau said:

> On the basis of my experience as United States Attorney, I unqualifiedly support legislation designed to eliminate the abuses flowing from the use by Americans of secret foreign accounts. I am concerned, however, with reports that some of the largest domestic banks have opposed effective legislation such as the House Bill and the one before this Committee. I am still more concerned since, as I understand it, the main ground of criticism from the banks is that the proposed changes in the law impose unreasonable record-keeping burdens upon them.
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> It is unfortunate that the domestic banks that have opposed the bill are to a large extent the very same banks that have opened foreign branches which provide secret numbered accounts to their customers, who in all too many instances are United States citizens intent on violating United States law. These banks have successfully sought the advantages of both worlds—ready access to United States capital and the protection of secrecy laws of countries that welcome our dollars but refuse our subpoenas. At the same time they have failed to police themselves so that their foreign facilities are not abused by United States citizens, they have always resisted efforts to require the production in the United States of the records of their foreign branches on the ground that such production would undermine the ability of their foreign branches to compete with local banks, and now they oppose effective legislation.
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> Passage of effective legislation is vital at this time for a number of reasons. First, in recent years the United States Government has at last shown a willingness to commit its powers and resources to stamping out criminal conduct committed by the wealthy through the use of secret foreign accounts. Those who would perpetrate these crimes are fully aware of this commitment and are anxiously awaiting to see whether it is a permanent part of our law enforcement programs or a transitory whim that will shortly dis-

appear. If a bill such as your Committee's cannot be enacted, I am afraid that this commitment will no longer be taken seriously and that crimes of this sort will continue to flourish.

Second, the defeat of effective legislation will have other serious implications. Wherever we turn today we find a deep concern over crime rates, especially those violent crimes that are lumped together under the heading "crime in the streets" and are generally committed by the poor. Our Government has purportedly declared a war on crime, and many bills have been introduced in this Congress providing for remedies such as no-knock searches, preventive detention and other measures which impose far more than record-keeping burdens on various classes of persons.

It would be unfortunate indeed, if the Administration's war on crime were ever to be viewed as solely a war on the crimes of the poor and underprivileged, for there is no faster way of dissipating respect for law and order than creating the impression that the law is only enforced as to certain groups of persons and that others can commit crimes with impunity. We must be willing to stand by our national goal of equal justice under law. Basic common sense and fairness tell us this.

Third, I believe that the vitality of our country rests in susbtantial part upon the willingness of free men freely to contribute their proportionate share to the national revenue. Our strength is to be found in the loyalty, industry and will of the average man who works hard, raises his family, and believes in the responsibilities of his citizenship. We cannot expect the millions of these honest Americans, black and white, young and old, to pay taxes without question—to dig deeply into pockets already trimmed by inflation—if their Government is willing to overlook the fraud of those wealthy and powerful citizens who have discovered in foreign bank secrecy an almost totally secure means by which to evade taxes on millions of dollars of yearly income.

The time has come when the laws must be changed so that the abuses of the past will be stopped. I am confident that this Committee, with its wisdom and judgment, will act to insure that result."

Mr. President, I ask unanimous consent to have printed in the RECORD the entire statement of Mr. Morgenthau so that it may be read by all the Members of the Senate.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF ROBERT M. MORGENTHAU BEFORE THE SENATE COMMITTEE ON BANKING AND CURRENCY, JUNE 10, 1970

Mr. Chairman and Members of the Committee: Thank you for the invitation to appear before your Committee.

Information and evidence developed in recent years shows that secret foreign accounts are used to conceal tax frauds, securities fraud and many other types of criminal conduct ranging from the smuggling of heroin to payoffs to government employees. But in addition to these specific substantive violations, the availability of the secret foreign account to those with the resources to utilize it has created a loophole in our laws and in law enforcement. In a democratic society such as ours, which depends on voluntary compliance, a gap available to some tends to discourage compliance on the part of the large majority otherwise willing to comply. Unless this loophole is closed, the honest business and professional man will be put to a great competitive and economic disadvantage and millions of other Americans will lose the confidence that the laws of this country are being fairly and impartially enforced. We will not have fair and effective law enforcement in this country without a systematic and vigorous effort to bring all criminals including those who hold positions of responsibility and power in the business and financial world to the bar of justice.

In this appearance before this Committee I would like to give a general description of the nature and scope of activities involving the use of secret foreign accounts and their potential danger to the United States, then to discuss some of the fact patterns in this area that have been uncovered and finally to indicate my support for legislation designed to subject to our laws the use of secret foreign accounts by American citizens, and why I consider such legislation vital.

Abuse of secret foreign accounts is no longer limited to members of organized criminal syndicates and hoodlums. Although the use by the organized underworld of these accounts is substantial, to an ever-increasing extent they are now being used by wealthy and otherwise respectable persons in the business and financial world to cheat on taxes, to trade in securities in violation of our securities laws, to trade illegally in gold, to perpetrate corporate and other frauds, and to hide the fruits of other white collar crimes. The Swiss bank is where the organized underworld and respectable business man meet.

For years these violations were left virtually untouched by law enforcement agencies, in large part because investigation in this area is far more demanding in terms of time and expense than in more conventional areas of prosecution and far less promising of results. Similarly, there was no attempt by legislative bodies to remedy any of the evils flowing from foreign bank secrecy.

As a result of this almost total lack of enforcement, the abuses flourished. The activities of the unscrupulous businessman paralleled those of the hoodlum in determination to violate our laws through ingenious use of secret foreign bank accounts. Because such use represented "business" to them, foreign banks began openly to solicit secret accounts in this country, in many cases using as selling points the many advantages, illicit and otherwise, that flowed from the secrecy laws of their countries. Many foreign bankers organized systematic courier services to transport large amounts of cash from the United States to Switzerland and Nassau and other tax havens and set up branches and representatives in the United States to solicit and service customers. Many American banks opened branches in these foreign tax havens so that their customers could also avail themselves of the advantages provided by secret bank accounts. These American banks sought out, exploited and asserted the protections of local secrecy laws as vigorously as the foreign banker. Their multinational operations became so large in scope that in many cases the banks doing the largest volume of business in some major Swiss cities are now not the large local Swiss banks, but the foreign branches of large American banks. Similarly, in the Bahamas alone 21 branches of American banks have been opened or authorized, far beyond the apparent needs of the tourist trade and the local economy. This opening of foreign branches by American banks is not just characteristic of banks whose main offices are located in the financial centers of New York, Chicago, Los Angeles and San Francisco, but also of banks centered in other places as well.

As a result of this expanded activity by American banks, transfers of funds, illicit and otherwise, through domestic banks on the way to secret foreign bank accounts became commonplace; the domestic clearing and correspondent facilities of United States banks became essential in many instances to the carrying out of illegal schemes involving foreign banks. For example, the facilities of a California bank and a midwestern bank were used, under circumstances that should have aroused suspicion, to transfer funds that were used to pay kickbacks to employees of non-commissioned officers clubs in Vietnam from an American company to a Swiss bank.

And when United States law enforcement agencies have sought to subpoena United States banks to produce records of accounts maintained in a foreign branch in the belief that these accounts were being used to commit crimes in the United States, the banks have refused to produce such account records on the ground that by so doing they would violate the bank secrecy law of the country where the bank is located. This refusal has in some cases been sustained by our courts. To me it is shocking that a United States bank, by opening a branch abroad, can lend its facilities to citizens who are defrauding the government and violating our laws and then successfully deny its obligation to make account records available to the Deparment of Justice by claiming that the laws of a foreign country would be violated.

A startling development of recent years has been a significant change in the identity and ownership of foreign banks. Today numerous banks in Switzerland and the Bahamas are owned and controlled not only by Americans, but in some cases by American hoodlums closely linked to loansharking, gambling rackets and other illegal businesses. Such a bank does not need a large working capital to be a useful element of an illegal business. Its function is not to provide funds for the business so much as to provide an unreachable depository for illegal profits. Such a bank might even not keep its accumulated funds on deposit, but might well redeposit them in a more substantial foreign bank or even in a United States bank. An American criminal who is not content simply to accumulate wealth in a foreign bank can easily and safely cause the bank to "lend" it to him. These devices and many others are all at the disposal of this growing number of "foreign" banks controlled by or connected with the Americans and the American underworld.

Taking these different types of operations together—the genuine foreign bank, the foreign branch of an American bank, and a foreign bank controlled by Americans and American hoodlums, I would conservatively estimate that their secret accounts hold hundreds of millions of dollars which have been used in or are fruits of violations of American law.

There is, however, a larger aspect to the problem. The significance of foreign financial institutions immune from the same governmental processes to which domestic institutions are subject goes well beyond the extent to which they are a cloak for conduct in violation of our laws. The leverage incidentally developed by a handful of private investors through vast accumulations of capital not in any way subject to our laws can, at a time of financial instability, represent a serious threat to the national economy.

For example, as a result of the Foreign Investors Tax Act of 1966 which was designed to encourage foreign investment, a corporation whose sole activity in the United States is in securities transactions is not subject to United States taxation. In general, this Act has initially achieved its purpose as billions of "foreign" dollars have been invested here. The corporate investors however, remain beyond the practical reach of the Securities and Exchange Commission and other law enforcement agencies. As a result in the long run the fact that these offshore funds, run by Americans, are operating beyond the practical reach of the law may be detrimental to American investors, to foreign investors in the American market and ultimately to the balance of payments itself.

For example, there is the case of Investors Overseas Services, Ltd. (IOS), and its mutual fund subsidiaries. With mutual fund assets before the break in the market of almost 2 billion dollars, about two-thirds of its assets are in the form of securities in United States corporations. Just during the past weeks it has been alleged by responsible sources that IOS has been engaged in a number of practices improper under American law. One instance cited is the phony write-up of oil and gas leases to land in the Canadian Arctic, apparently done with the assistance of American companies; another is large loans to insiders by foreign banks owned by IOS. Disclosure of these transactions had had the inevitable effect of encouraging redemption of IOS shares at the rate of about 3 million dollars a day since May 1. There is strong evidence that IOS controlled mutual funds have been dumping securities in United States markets to raise cash to satisfy these and other cash demands of its stockholders and creditors. In an already jittery market the weakening effect of such sustained selling activity is obvious. If foreign financial transactions by Americans were subject to disclosure requirements, the alleged write-ups and insider loans might well have had to have been disclosed and the subsequent redemptions and coincident selling forestalled.

Indeed, if IOS had been subject to our disclosure laws perhaps the financial difficulty it has found itself in since the beginning of the year would have been avoided. Similarly, if foreign financial transactions were subject to disclosure requirements the comparable deterrent effect might have been felt. Absent these disclosure requirements, shady financial practices can be engaged in to the benefit of a few insiders. Unfortunately, I don't think we've seen the end of the IOS problem and its ramifications. The American markets and investors have already felt the effect of the dumping of securities by IOS. In the future, because the completely unchecked conduct by Americans running IOS has caused European investors to lose confidence in American-run companies and securities their willingness to purchase American securities has no doubt been reduced. Thus, the very result sought by the Foreign Investors Tax Act has been frustrated.

With respect to specific violations uncovered by my office, as you can well imagine, a secret foreign account is of great value to a law violator in virtually every type of criminal offense. Whether the violations concern tax fraud, illegal insider dealing or stock manipulation, margin violations, or simply concealing the fruits of a crime, such as the proceeds from the sale of narcotics or unlawful kickbacks, the secret account immune from disovery by the Government is an ideal vehicle. Thus, prosecutions and investigations into unlawful activities connected with the use of secret foreign accounts have been equally varied, coming under many different laws. During my tenure as United States Attorney, we brought indictments against about 75 individuals for violations involving secret foreign accounts. Hundreds of other cases were referred to the Internal Revenue Service for investigation. In addition, for every case brought to indictment there were roughly six where, for lack of competent evidence, we could not proceed. I will illustrate as specifically as I am permitted to, especially where the facts have been made public in legal proceedings.

A. SECURITIES VIOLATIONS

Practically every Swiss bank may act as broker and deal in securities for its customers. To deal in American securities, these banks maintain accounts in the Swiss bank's name at American brokerage houses. Through these it can trade the securities of all its customers. Inspection of domestic records reveals only trades for the benefit of the foreign bank. The identity of the principal is not recorded domestically; no distinction is made between trades for one principal and another. While I was United States Attorney my office worked closely with the Securities and Exchange Commission to investigate frauds and uses which have grown out of this trading system.

An illustrative case, now a matter of public record, is the "Gulf Coast Leaseholds case," *United States* v. *Kelly*, 349 F. 2d 720 (2d Cir. 1965), *cert. denied*, 384, U.S. 947 (1966).

In this case four "Liechtenstein trusts" holding Swiss bank accounts, operating under secrecy laws, were instrumental in a scheme by American promoters to sell 750,000 shares of unregistered over-the-counter stock to the American public at prices manipulated to over $16 a share. Once the promoters had taken their profits, the stock dropped to under a dollar. Although in each case the titular head of the trusts was a Swiss lawyer, each of the trusts used in the *Gulf Coast* case was American-owned. Both the identity of the American principals of the trusts and the trusts' ownership of the Swiss bank accounts were concealed under Swiss law.

The trusts were used as follows: One of the American promoters, a person with a criminal record, who had been enjoined from trading in his own name, bought 750,000 shares of worthless stock from an American company at a nominal price in the name of his Liechtenstein trust. At the time, the trust had assets of $20.80. The promoter then caused the trust to sell the shares through American brokerage firms, which transmitted the proceeds of the sale to Swiss banks at which the trusts had accounts. More than $4,000,000 was realized by the American promoter, through his trust, on his original investment of $20.80. All these transactions between conspirators in Switzerland had the benefit of maximum secrecy; only when insiders to the scheme finally divulged its workings was the fraud exposed and its participants prosecuted.

Another example of the use of secret foreign accounts is the "Allied Entertainment case." *United States* v. *Hayutin*, 398 F. 2d 944 (2d Cir.), *cert. denied*, 393 U.S. 961 (1968). This case also was successfully prosecuted because insiders to the scheme finally told the whole story.

To circumvent the prohibitions on the sale of unregistered stock already manipulated to an artificially high price, the insiders of the corporation arranged to have the shares delivered to a bank in Munich, Bankhaus Schneider & Munzing. Schneider & Munzing in turn sold the stock to the American public through brokerage firms where it had accounts. The proceeds of the sales were then mailed to insiders in the United States in $5,000 to $10,000 sums in envelopes falsely marked "securities".

The *Allied* case also offers an example of the use of accounts with foreign branches of American banks. Part of the scheme was for brokers to be given unlawful cash payments for selling Allied shares to their customers. These payments were to come from the proceeds of the sales made for the insiders. To eliminate a paper trail between the proceeds of the sales and the payments to the brokers the insiders simply took the proceeds and deposited them in an account of the Frankfort branch of the Chase Manhattan Bank. From there the moneys were sent to Schneider & Munzing from where they were withdrawn and put to their unlawful use.

In March of 1969 my former office obtained a 66-count indictment against six persons, including the principal officers of VTR, Inc., a firm whose stock is traded on the American Stock Exchage. That indictment charged a scheme in which the individuals involved used several Swiss and German banks, as well as a Liechtenstein trust to distribute illegally 85,000 shares of unregistered VTR, Inc. stock. The scheme was alleged to have worked as follows: One defendant placed the stock in Swiss banks bound by secrecy laws. Others then touted the stock by making blatantly false representations about the stock and the company to investors in the United States, Europe and the Far East. At the same time the price of the stock was artificially run up through purchases of a co-conspirator. Prior to sale, the stock was transferred from the Swiss banks to the account of a Liechtenstein trust opened for this purpose at a German bank. The German bank then delivered the stock to the Swiss bank's New York correspondent bank, which, in turn, delivered the stock to unknowing customers. Virtually all 85,000 shares were sold within a period of six months, resulting in an enormous but illegal profit to the insiders.

The *VTR* case is the exceptional case in which the Swiss courts ordered the bank involved to testify. This came about, however, because even without the bank's records, the Securities and Exchange Commission was able to make an exceptionally strong factual showing that conduct also unlawful under Swiss law was involved. As I am sure you understand, cases where we can make such a showing are very rare. By far the more normal circumstances is one where Swiss laws *against* the divulgence of the information needed by us serve to frustrate our investigations.

Another example of insiders taking advantage of their positions through Swiss banks is charged in an indictment obtained a month or so after the *VTR* indictment against two individuals, the Executive Vice President of Realty Equities Corp. and a consultant to the company. This indictment alleges that, through a series of transactions, an opportunity became available to Realty Equities to repurchase a note with warrants attached at a price substantially below its fair market value. This opportunity was not utilized for the benefit of the corporation, but instead, the indictment charges, the note was purchased by a Swiss bank for the benefit of the consultant. The purchase was for $531,250; very soon thereafter, the note was sold for $988,542—a quick $450,000 profit. The Executive Vice President has been tried and convicted, and the consultant is awaiting trial.

The case against Max Orovitz, one of the principals and insiders of the General Development Corporation, is an example of a case in which a conviction was obtained on a violation of United States disclosure laws although the operation through a Swiss bank account concealed the motive for the illegal failure to disclose. In 1960, when Orovitz was Treasurer of General Development Corporation, $500,000 in General Development Corporation convertible bonds were delivered to him from the Union Bank of Switzerland's account at the Chase Manhattan Bank. Orovitz first used the bonds to secure bank loans he obtained, and later sold a principal amount of $250,000 without filing the required insider report with the S.E.C. Because of the Swiss secrecy laws, it was never satisfactorily established how and for what reason these bonds had previously been held in the Swiss bank under the control of the Treasurer of the corporation. Were it not for the existence of disclosure laws, no criminal prosecution could have been brought, no matter what illegal dealings underlay these transactions.

Secret foreign accounts have also been used in connection with so-called "hot issues". In periods of speculation and a rising stock market, new issues of stock frequently sell in the open market at a substantial premium above the offering price. Technically, underwriters must offer and sell stock to "the public". But new issues are often in great demand, and brokers commonly sell them to favored customers. Our investigations revealed that the statutory scheme involving new issues tolerates fraud, deception and favoritism. One aspect of such fraud occurs when an underwriter of a new issue secretly purchases shares of new issues for his own account through Swiss banks without disclosing this critical fact to the public.

My former office obtained an indictment in 1969 of the president of a member firm of the New York Stock Exchange for his unlawful dealings in new issues. The indictment charges that significant amounts of three new issues, one of which was Weight Watchers International, Inc., were purchased by a Panamanian company through several Swiss banks, including such giants as Credit Suisse. The defendant owned 48% of the Panamanian company, which was in fact a dummy corporation, similar to a Liechtenstein trust. To give you some idea of the amounts potentially involved in this sort of case, one of the stocks involved was sold to the Panamanian company at $11¼ per share, just prior to its market opening; its first public sale was for $36 per share, an increase of 300%. The potential abuse is magnified by the fact that some Swiss banks willingly arrange for the purchase of "hot issues" on very low or even no margin. They do this because during periods of markets advance, "hot issues" are virtually a sure vehicle for quick, easy profit.

An area in which we have made extensive progress is in prosecuting Americans and foreigners for violating the Federal Reserve Board's margin requirements. Although the Federal Reserve Board has acted in July of 1969 to begin to close some of the loopholes in this area, the prosecutions brought in the Southern District of New York nevertheless are illustrative of the enormous illegal profits that can be made through the use of secret foreign accounts.

Until the Federal Reserve Board acted, as you are aware, while Americans trading through United States broker dealers were required to put up approximately 80% of the cost of most stock purchases, a foreign bank or broker was allowed to open a Special Omnibus Account at an American firm and trade on only 20–30% of the cost of the stock. To open a Special Omnibus Account the foreign broker had only to promise in writing to comply with Regulation T and American margin requirements. Our information and cases clearly demonstrated however, that foreign firms frequently collaborated with Americans to abuse the Special Omnibus Account privilege.

In 1969 an indictment was filed against the Arzi Bank of Zurich, charging it with violating the margin requirements through active solicitation of American customers, who were allowed to trade on as little as 10% margin. Arzi Bank subsequently pleaded guilty to the indictment. The conviction represented the first time a Swiss bank was forced to answer criminal charges in this country.

One of the brokerage firms through which Arzi Bank dealt in America was Coggeshall & Hicks, a member of the New York and American Stock Exchanges. Our evidence showed that Coggeshall & Hicks and some of its partners and employees had knowingly engaged in marketing violations along with Ariz. Indeed, some of the brokers at Coggeshall had accounts of their own at Arzi, through which they obtained illegal credit for themselves. Over $20,000,000 in securities were illegally traded in this manner for which trades Coggeshall received $225,000 in commissions. Coggeshall & Hicks, its senior partner, the Swiss manager of its Geneva office, and three former registered representatives were each indicted in early 1969 and each has pleaded guilty. Fines amounting to over $100,000 were imposed upon the defendants. The maximum fine was imposed upon the firm for encouraging and participating in these violations.

Under the new regulations, a foreign bank or brokerage firm will no longer be able to keep a Special Omnibus account through which only 20–30% of the cost of the stock must be provided. However, given the protection of secrecy, a foreign bank can participate in financing of security transactions which violate the margin requirements and United States brokers can illegally arrange or secure such loans from foreign banks with little risk of detection. Thus, resourceful persons are still able to trade on impermissible credit with the added advantage of complete secrecy on their profits.

In 1969 we also uncovered the use of foreign accounts in connection with corporate takeover attempts. The availability of credit unlawful under Regulation T is instrumental in the takeovers. One indictment in this area was filed in July of 1969. The defendant in this case was the Houston Oil Field Material Company (HOMCO) a comparatively small company traded over-the-counter. According to the indictment HOMCO through a series of blatant margin violations was able with $300,000 to purchase $1,000,000 in shares of a larger firm traded on the New York Stock Exchange. Several million dollars in profit were earned as a result of the leverage resulting from this purchase, HOMCO has pleaded guilty to conspiring to violate the margin requirements in connection with this scheme. The other defendants have not yet been tried.

This case is far from an isolated instance of Americans using foreign institutions to attempt corporate takeovers in a manner which may be illegal. Before I resigned as United States Attorney, we had under investigation a number of other cases where Swiss and Bahamian banks were used in connection with attempted corporate takeovers. In these cases, not only do Americans secretly accumulate stock which they later use for their own advantage, but if they acquire more than 10% of a company's stock, they fail to report as insiders, thus frustrating the reporting requirement of the Securities Acts as well.

B. NARCOTICS VIOLATIONS

Our investigations into the importation and sale of heroin have revealed that accounts in foreign banks are depositories for the proceeds of heroin transactions. Because those accounts are secret, attempts to uncover persons directing the international dope traffic often end in complete frustration. Generally, money received for the sale of heroin in the United States is either carried to Europe by courier or hand carried to a local money exchange bank where it is forwarded to an account in a Swiss bank. This account is often in the name of a paper corporation with an office in Switzerland. From that account, the money is transfered to an account in a European country under the direct control of the initial supplier of the heroin. Alternatively, the money may be given directly to the supplier from the Swiss account.

A series of cases prosecuted by my former office illustrates these operations. Indicted and convicted in two separate cases were members of a heroin importation conspiracy from which over 200 kilograms of heroin (worth $60,000,000 on the retail level) were seized during the past three years. Their methods of smuggling the heroin into the United States were varied. In one instance heroin was packaged into small sausage-like bags to be hidden in lavatories of planes on international flights and to be removed on the domestic leg of the flights after an initial arrival in the United States. In another instance, the cans and labels of the European exporter of food to the United States were obtained, the cans filled with heroin, labelled and then shipped as food to the United States. Ski poles and the technical components of oscilloscopes were also used as hiding places for heroin.

In one of these cases, the facts revealed that as part of the payments for smuggled heroin during a three-week period in June of 1968, $950,000 was sent to a Swiss bank account of a Panamanian corporation with offices in Geneva known as the "Me Too Corporation". Couriers delivered $800,000 in cash to two money exchanges in New York City. From there the money was forwarded to the secret Swiss account of Me Too Corporation. While the appearance of unknown persons with large sums of money might have been questioned by the money exchanges, an official of the Swiss bank had previously advised them about the expected delivery of funds. Thus, because of their substantial business connection with the bank, the exchanges accepted these transactions as a professional courtesy. The other $150,000 in cash was deposited in the account of a South American brokerage firm with the First National City Bank. On the instructions of an authorized signatory of the account, a check for $150,000 was drawn on the account and mailed to the Swiss bank for the account of Me Too Corporation. Although there was no evidence in either of these cases that the money exchanges, or the local or Swiss bank had any knowledge of the underlying narcotics transactions, the vital part they played in the heroin traffic is unmistakable.

C. TAX VIOLATIONS

Obviously the ways in which secret foreign bank accounts are instrumental in avoiding payment of income taxes are almost as varied as the ways of earning the income in the first place. Our investigations have uncovered numerous instances where persons with very large incomes have almost completely avoided the payment of income tax through the use of secret foreign accounts.

In one case, a taxpayer claimed as a bad debt deduction the failure of a foreign company to repay a loan. In fact, the company was owned by him and the transaction called a "loan" was nothing other than a payment to himself in a secret foreign account.

In another case, a taxpayer claimed as a deduction interest payments he made on a loan from a foreign corporation. This was also a sham, since the corporation was created by him solely to appear as the lender and then act as a recipient, in a secret foreign account, of the phoney interest payment. Other cases also involve false expense deductions the falsity of which was concealed by a secret foreign account.

In numerous instances, reputable Swiss banks have loaned their depositor his own money so as to provide him with an explanation of the source of his spending money. Similarly, depositors have used their accounts to buy their own assets, typically real estate or mortgages. Ownership of the "transferred" asset then appears in the bank's name. In this fashion the depositors have recaptured the use of their foreign secret cash and have sheltered from United States taxation the annual income on the real estate, as well as any eventual gain on its sale.

As a result of the investigation into the Arzi Bank and its accounts, as well as other matters, dozens of cases have been referred to the Internal Revenue Service as potential criminal tax cases. Many of these involve the non-reporting of stock transactions and capital gains. Since, however, the process of criminal tax investigations takes the case out of the United States Attorney's office and is therefore slower than investigations into other areas of criminal conduct, indictments are not filed as quickly in this area.

One indictment that was returned clearly reveals the potential for tax fraud in the use of secret foreign accounts. According to the indictment, two salesmen directed about 75% of the commissions earned by them to the Swiss account of a foreign corporation, wholly controlled by themselves, on the false pretext that the corporation had earned these commissions. They thereby attempted to evade payment of taxes on about 75% of their income.

D. OTHER VIOLATIONS

At the beginning of my remarks, I briefly adverted to the use of secret foreign accounts in connection with the irregular financial transactions surrounding our military establishment in Vietnam. Specifically, the investigation revealed that a bank account in Switzerland was opened in 1966 by an American with strong underworld connections who was acting as a representative of several United States suppliers of service clubs and of a United States government hotel and recreation center maintained primarily for Americans in Saigon.

Since that time, on a regular basis, the American food suppliers have caused varying amounts to be deposited in this account. From time to time withdrawals were made by checks signed with a code name in favor of certain non-commissioned officers who were responsible for the purchases of the service clubs and in favor of the American civilian manager of the government operated recreation center. The account was used as a kind of clearing house for funds being paid by the suppliers to the clubs' buyers. It is believed that hundreds of thousands of dollars have passed through this and similar related Swiss accounts.

Possible fraud on creditors in bankruptcy proceedings can also be perpetrated through the use of secret foreign accounts. One indictment we obtained charged the president of a movie production concern with perjury when he testified, at a bankruptcy proceeding involving his company, that he did not have a Swiss bank account.

Another case, and one which ideally illustrates the potential effectiveness of Title II of your bill, is the Vitello investigation. During an investigation conducted by my office, we were able to establish that in the early 1960's a bookmaker in Boston named Francis A. Vitello opened a secret account at the Union Bank of Switzerland under the code name Unitechnic Finance Corporation Subaccount Boston. Although Mr. Vitello appeared to be a man of little financial substance, his Subaccount Boston as of March 1964 had a credit balance of $1,216,471.32. Ironically, in March 1964, one of Mr. Vitello's associates, who was then a prominent Washington attorney, stole over $700,000 of these funds by fraudulently transferring that sum to another Swiss bank under a forged authorization letter. Vitello was able to recover the money partially through the investigative efforts of an Internal Revenue Service agent who did not report the transaction to IRS and who was later convicted of bribery in an unrelated matter. Because of the complex nature of the transaction, many aspects of which are still shrouded in secrecy, the problem in proving a violation of U.S. law may be difficult to overcome. Had Title II been passed prior to this transaction, and had Mr. Vitello failed to report the transfer of the more than $1 million to Switzerland, it is likely that these prosecutorial problems would be substantially minimized.

We also have reason to believe that companies controlled by United States citizens may be illegally trading in gold, and information is needed to determine the dimensions of this problem. For example, one of the foreign based corporations controlled by Bernard Cornfeld, an American citizen, made a profit of nearly $9,000,000 by buying and selling gold in a one week period during the Spring of 1968.

On the basis of my experience as United States Attorney, I unqualifiedly support legislation designed to eliminate the abuses flowing from the use by Americans of secret foreign accounts. I am concerned, however, with reports that some of the largest domestic banks have opposed effective legislation such as the House Bill and the one before this Committee. I am still more concerned since, as I understand it, the main ground of criticism from the banks is that the proposed changes in the law impose unreasonable record-keeping burdens upon them.

It is unfortunate that the domestic banks that have opposed the bill are to a large extent the very same banks that have opened foreign branches which provide secret numbered accounts to their customers, who in all too many instances are United States citizens intent on violating United States law. These banks have successfully sought the advantages of both worlds—ready access to United States capital and the protection of secrecy laws of countries that welcome our dollars but refuse our subpoenas. At the same time they have failed to police themselves so that their foreign facilities are not abused by United States citizens, they have always resisted efforts to require the production in the United States of the records of their foreign branches on the ground that such production would undermine the ability of their foreign branches to compete with local banks, and now they oppose effective legislation.

Passage of effective legislation is vital at this time for a number of reasons. First, in recent years the United States Government has at last shown a willingness to commit its powers and resources to stamping out criminal conduct committed by the wealthy through the use of secret foreign accounts. Those who would perpetrate these crimes are fully aware of this commitment and are anxiously awaiting to see whether it is a permanent part of our law enforcement programs or a transitory whim that will shortly disappear. If a bill such as your Committee's cannot be enacted, I am afraid that this commitment will no longer be taken seriously and that crimes of this sort will continue to flourish.

Second, the defeat of effective legislation will have other serious implications. Wherever we turn today we find a deep concern over crime rates, especially those violent crimes that are lumped together under the heading "crime in the streets" and are generally committed by the poor. Our Government has purportedly declared a war on crime, and many bills have been introduced in this Congress providing for remedies such as no-knock searches, preventive detention and other measures which impose far more than record-keeping burdens on various classes of persons.

It would be unfortunate indeed, if the Administration's war on crime were ever to be viewed as solely a war on the crimes of the poor and underprivileged, for there is no faster way of dissipating respect for law and order than creating the impression that the law is only enforced as to certain groups of persons and that others can commit crimes with impunity. We must be willing to stand by our national goal of equal justice under law. Basic common sense and fairness tell us this.

Third, I believe that the vitality of our country rests in substantial part upon the willingness of free men freely to contribute their proportionate share to the national revenue. Our strength is to be found in the loyalty, industry and will of the average man who works hard, raises his family, and believes in the responsibilities of his citizenship. We cannot expect the millions of these honest Americans, black and white, young and old, to pay taxes without question—to dig deeply into pockets already trimmed by inflation—if their Government is willing to overlook the fraud of those wealthy and powerful citizens who have discovered in foreign bank secrecy an almost totally secure means by which to evade taxes on millions of dollars of yearly income.

The time has come when the laws must be changed so that the abuses of the past will be stopped. I am confident that this Committee, with its wisdom and judgment, will act to insure that result.

YOUTH AND THE LAW—KIWANIS TV SHOWS

Mr. FANNIN. Mr. President, Kiwanis International, which is noted for its many civic endeavors and which is an outstanding example of voluntary action, has prepared a series of 10 TV shows, each 30 minutes in length, on current subjects where the law and society meet. It is called You and the Law.

These shows start this Sunday in the Washington area over WRC–TV, 9 to 9:30 a.m., with the opening show featuring the distinguished minority whip, Senator ROBERT GRIFFIN, of Michigan.

Senator GRIFFIN has the added distinction of being a past president of the Traverse City, Mich., Kiwanis Club. I might add that I am proud to be an honorary member of the Camelback Kiwanis Club of Phoenix, Ariz.

These 10 TV shows by Kiwanis International cover such subjects as drug abuse and campus unrest and will be carried during the coming months over 75 stations in the United States, plus the Canadian Broadcasting Corp. TV network, all in cooperation with local Kiwanis clubs.

Host for the series is Raymond Burr, noted TV star, who will receive the Kiwanis Decency Award, the KayDee, later this month in Detroit at the Kiwanis International Convention. A different panel of college students also appears on each show.

A list of the featured guests and dates for the Kiwanis "You and the Law" shows in the Washington area follows.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

YOU AND THE LAW

The following schedule shows the ten "You and the Law" programs to be shown on WRC–TV, 9:00 AM to 9:30 AM on consecutive Sundays beginning June 7, with the name(s) of the guest(s) appearing on such show.

Air date, guest, and program number:

June 7, 1970: Sen. Robert Griffin, 9.

June 14, 1970: Sheriff Joe Woods, Cook County, Ill., 4.

June 21, 1970: Judge Gordon Tinker, Toronto, Canada, 12.

June 28, 1970: Hon. Sam Yorty, Mayor; Ret. Police Sgt. Joe Johnson, Los Angeles, 13.

July 5, 1970: Police Chief Jerry Wilson, Washington, D.C., 10.

July 12, 1970: Hon. Preston Smith, Governor of Texas, 5.

July 19, 1970: Hon. Winthrop Rockefeller, Governor of Arkansas, 6.

July 26, 1970: Dr. S. I. Hayakawa, San Francisco State, 7.

Aug. 2, 1970: John Ingersol, Dir., Federal Bureau of Narcotics; Dr. Ed Biomquist, USC, 8.

Aug. 9, 1970: Jackson N. Krill, Asst. to Director, U.S. Secret Service, 11.

SENATOR MOSS' SPEECH ON CIGARETTE ADVERTISING

Mr. HART. Mr. President, now that cigarette advertising is due to go off the air on January 2, many individuals and groups who supported the recently enacted legislation are asking: "What is next in the anticigarette campaign? Will the tobacco industry seek to step up its advertising in other media? If so, what can be done? Are the present anticigarette ads as effective as they can be?"

Senator FRANK E. MOSS, who led the fight on TV cigarette advertising in the Senate, discusses these and other aspects of the cigarette controversy in a speech given to the National Tuberculosis and Respiratory Diseases Association Conference at Cleveland, Ohio, on May 27. I think my colleagues will find the speech of interest, and I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

Future Controls on Cigarette Ads

(Speech of Senator FRANK E. MOSS)

I appreciate very much having this opportunity to meet with you today and to share some of my thoughts on health issues that face our Nation. We are here not only on the occasion of your annual meeting, but on the eve of the new and most exciting "kick the habit" campaign which you are mounting next month to increase the public awareness of the hazards of cigarette smoking. I don't believe I need tell any of you here that the smoking and health problem is of primary interest to me.

The American people already owe a debt of gratitude to the National Tuberculosis Association and its various State and local affiliates in our communities throughout the Nation. Your association has a proud history as the pioneer among the voluntary health agencies. From those days more than 60 years ago when a bright-colored stamp first became a part of the Christmas tradition, your people have worked with a true dedication to eradicate a disease that once was considered our greatest scourge. Thanks in great part to your efforts in casefinding, prevention, treatment, and education, tuberculosis is now almost a thing of the past. Indeed, I doubt if any of our younger friends would know what we meant by such words as "white plague."

We are grateful, too, that you did not rest on your laurels or fade out of the picture once the major part of your job was done. Your leadership showed great wisdom in broadening the scope of your concern to include other respiratory diseases, principally bronchitis and emphysema. These diseases are fast moving to the top of the list of our most notorious killers and disablers. I don't need to tell you how many of our citizens have had their productive lives cut short by these lung cripplers; how many live in mortal fear that they will not be able to draw that next tortured breath; how their family stability has been threatened. Nor do I need to tell you what these diseases cost the Nation in terms of these lost skills and in terms of the dollars spent in disability payments, which never can compensate for the pain and anguish of the victims and their families.

You know these facts all too well—they are the basics of your program. And most certainly I do not have to tell you that one of the most important contributory factors in the development of bronchitis and emphysema is cigarette smoking. That is the reason for the "kick the habit" campaign. I cannot overemphasize the importance of this month-long campaign, not only to present generations of smokers, but to future generations who can be spared the agonies of bronchitis and emphysema and lung cancer I wish you every success in your efforts.

This campaign is not your first venture into the smoking and health field by any means, and again, the public owes a vote of thanks to NTA for being in the front ranks of anti-smoking forces—as one of the organizations which urged President Kennedy to appoint an advisory committee to study the problem, and as one of the charter members of the national interagency council on smoking and health. Your educational program—radio and TV spots, and pamphlets—has been a most effective one.

I, too, have long been a foe of cigarettes and the tobacco interests. Over the past ten years I have introduced legislation of various kinds with the hope that I might aid in reducing the toll of death and destruction which we know is associated with smoking. Regrettably those early efforts bore little fruit, though they may have paved the way for our later successes. But I am proud to have played a part in shaping the latest legislation, the Public Health Cigarette Smoking Act, which the President signed into law April 1. Why he chose to sign this bill in the evening, after newspaper and television news deadlines had passed, we will never know. To me, it was extremely disappointing that he did not hold the traditional signing ceremonies so that those who were vitally concerned, representatives of your association and the other voluntary groups could be present. Certainly a bill of this magnitude should have warranted such attention, for clearly it is a piece of landmark legislation.

In this bill the Congress took a giant step forward in making it possible for the Federal Government to exert its sovereign power to protect the health and welfare of its citizens. I might even go so far as to call this legislation a triumph over greed and power. We cut the purse strings on a million dollar expense account, and, what is more important, put an end to one of the most subtle and insidious influences we have ever had on the minds of our young people.

When commercial electronic broadcasting began in the 1920's nobody could have anticipated the significance of its role in shaping men's minds and directing their judgments. Even today there are questions about how strong an influence radio and television really are. But I don't think anyone can question the fact that television commercials have played a very large part in creating the social acceptability of cigarette smoking. For years these commercials have dominated the airways. Day and night, especially during the so-called "prime" hours in the evening, these messages have infiltrated our homes. Children of all ages, adults of all persuasions, smokers and non-smokers alike have been exposed to the impression that cigarette smoking and the good and glamorous life go together. In fact, cigarette smoking is the *sine quo non* of the glamorous living! Youngsters, even before they can read, can readily sing the cigarette jingles and readily learn to equate smoking with an image of sophistication. The advertising copy writers have even had the audacity to suggest that delicate, interpersonal problems can be solved merely by sharing a cigarette, though it has never been indicated who gets the more dangerous half of the smoke, he or she.

Each message, taken singly, may not leave much of an impression; but multiply that impression by the thousands that are beamed out every month and you will see that this is a force to be reckoned with. Indeed, it has been estimated that 13.3 billion messages are being broadcast throughout the nation every month. No other industry uses television to this extent.

But this era is coming to an end. In just a little over six months we will not only take Salem out of the country, we will take it completely off the air. After January 1, 1971, our children will no longer be exposed to the allure of handsome men and elegant women filling their lungs with death-dealing smoke. Adults who are desperately trying to quit will no longer have their resolve shaken by the sight of a manly figure on horseback indulging in self-pollution. All that will be left to remind us of smoking will be those messages which warn that any who continue in this folly are taking a serious risk.

In payment for decades of broadcast advertizing, I believe that broadcasters have a moral and a legal obligation to run health announcements (read: anti-cigarette commercials) until the residual harmful effects of more than a billion dollars of commercial advertising has been dissipated.

What will happen next? Where will the tobacco companies go from here? One can only speculate on the answers to these questions. Obviously they will move in other directions, find other media for their advertising. In the press and trade journals tobacco representatives have been quoted as saying that they do plan to spend more money in magazines, in outdoor displays, and in sales promotion, but not the equivalent of the amount now being spent on television. If they did, say these reports, our magazines would look something like mail order catalogues. The tobacco companies probably will not go to this extreme, but I have no doubt that there will be an increase in advertising in our newspapers and magazines. There is, in fact, some indication that this is already happening.

Last year, you may recall, I made an informal survey of newspapers and magazines in regard to their attitude toward cigarette advertising in the event the radio and television ban became effective. I found myself both encouraged and troubled by the results of that survey. I was encouraged by the number which said they no longer carried cigarette ads and by the number who said that they would cease to run such ads in the future. I hope they will stick by their guns, even in the face of decreases in revenue. I was disappointed in reviewing the responses to my survey by the number of newspapers that felt there should be no inhibition on cigarette advertising, even though the product has been cited as being dangerous to health. Unfortunately, publishers who take this attitude may well succumb to the blandishments of the tobacco interests and absorb some of this free-floating advertising money.

There are other indications that the tobacco companies aren't going to let the ban on broadcast advertising affect their business. A direct mail campaign is already underway by one firm; packages appear to be going into homes all over the country indiscriminately. To me, this is on a par with their television commercials—both insidious and dangerous. I have seen letters from distraught parents whose young children were able to open the packages and sample the wares before any adult knew they had come in the mail.

I don't know whether there is any way we can stop this practice. But I am investigating the situation, and I assure you that I will do all I can to prevent misuse of the mails in this manner.

I have learned, also, that the cigarette companies are planning to buy up as much outdoor advertising space as they can. Again, I can see no way at this time to stop such activity, but I can say this—if the tobacco interests plan to flood the country with their outrageous ads, whether it be in print, on billboards, or on the sides of racing cars, or by whatever means, I will not hesitate to call upon the Federal Trade Commission, to put into effect its trade regulation requiring a health warning in each piece of such advertising.

There is a six-month delay from the time the FTC notifies Congress of the regulation until it becomes effective, but I think the threat of such action will be enough to cause the tobacco companies to pull in their horns. The new legislation we passed this year has given us a powerful weapon, one that was not at our disposal before.

Another provision of the 1970 cigarette bill which gives us some added clout is the new wording of the warning label. The 1965 legislation was too weak, saying simply that smoking "may" be hazardous to health. I was not happy with that wording; it was a compromise, arrived at by sacrificing the right of the Federal, State, and local governments to regulate cigarette advertising.

The new wording did not come about easily either. Various versions were offered. One read "warning: the surgeon general has determined that cigarette smoking is dangerous to your health and may cause lung cancer or other diseases." Another cautioned that "excessive" smoking is dangerous to your health. I spoke out against the word excessive in this context because it suggested that anything less than excessive would be harmless. The new bill may not be completely ideal but it is a positive statement not likely to mislead. There are no "ifs," "possibilities," or "maybe's" in the label which, after November 1, will read "warning: the surgeon general has determined that cigarette smoking is dangerous to your health."

Do smokers really pay any attention to these warnings? That I cannot say. It is entirely possible that some never see it. Many ignore it as a defense against admitting that their habit is a bad one. The important fact is that this new, stronger warning is now the law! Like caustic household cleaning products or poisonous sprays, cigarettes must be clearly marked as dangerous. This can be a useful tool in educating the public. Surely the government would not require such a stern warning if there were any doubt about the scientific evidence of harm.

These past six and a half years have not been easy ones for the foes of cigarette smoking. It is no simple task to compete against the most powerful economic forces in the country. The remarkable thing is that your association has been able to sustain this campaign over such a long period without losing the public interest. Indeed, the very opposite is true. Public interest is high and the public response to your efforts is gratifying. I'm told by my friends in the national clearinghouse for smoking and health that a recent TV announcement offering help in cutting down on smoking brought in replies at the rate of 1,000 a day. Some five million copies of the smoker's self-test kit were distributed by the clearinghouse in connection with the five-day television series aired by National Educational Television in March. Your own experience with requests for information must have been the same.

Clearly interest is here. It is further evidenced by such activities as the "smoke out" campaign organized by students in a New England town to help residents kick the habit and raise funds for scholarships. Or the "cough in" held by a radio station in Boston which resulted not only in more than 5,000 no-smoking pledges from listeners but the removal of cigarette vending machines from six area hospitals. These are but two of the ideas that are being developed all over the country. Business and industry are also aware of the smoking and health problem and have joined the anti-smoking campaign. A number of businesses have offered bonuses to employees who quit, while several insurance companies are giving lower premium rates to those who do not smoke.

Perhaps the most concrete evidence we have on this growing public concern—and the best answer to those who would still scoff at our efforts—lies in the simple fact that people are giving up smoking. There are an estimated 22 million ex-smokers in the country today. In 1968 the total U.S. consumption of cigarettes dropped 1.12 per cent, while last year there was a further drop of 1.64 per cent. Another significant fact is that those who continue to smoke apparently are smoking less. The per capita consumption of cigarettes went down 2.71 per cent in 1968 and 3.14 per cent in 1969. This is "proof positive" that these years of hard work and frustration are beginning to pay off.

But please do not be lulled into a sense of complacency. This is a gratifying record, but there is still a long way to go. There are still the many thousands of smokers who want to quit, but who may need further reinforcement in their resolve, and there are still the hard core among the smokers who need further to be convinced of the folly of continuing this dangerous habit.

How you go about your appeal to these various groups I leave to you who are experts in this area. I would hope that concentrated programs, such as your "kick the habit" campaign will be carried out by all concerned agencies. I certainly hope that radio and television spots will continue and that it will be possible to get more space in newspapers and magazines to counter the increase in cigarette advertising.

There is yet another group of citizens who must not be overlooked. They have suffered silently in the past. I refer to the nonsmokers, particularly those who suffer from chronic respiratory illness or who have a specific allergy to tobacco smoke. These people are made ill by tobacco smoke in the surrounding atmosphere, they do not like to carry the odor of other people's smoke in their clothing, and they are complaining about it. Apparently their numbers are large enough to have some effect, for three airlines have already voluntarily provided separate seating for nonsmokers on their larger aircraft and two plan to extend this service to other planes in their fleets. The FAA is considering a petition to require all airlines to take such action, and the Department of Transportation is considering similar petitions relating to smoking on interstate buses.

In light of the current concern about the quality of our environment, it certainly is appropriate to bring home the point that smokers are polluting the air around them and causing distress to nonsmokers in the area. I realize, of course, that it is not known for certain that there is permanent harm done to the nonsmoker; yet smoke in restaurants, offices, and other public places is an irritant and an annoyance. Indeed, I wonder why more of our health agencies have not taken the initiative to ban smoking during meetings and conferences, if not from their business offices.

This leads to another area in which a good deal more should be done—and that is the matter of smoking in hospitals and other medical care facilities. Your membership and your staffs include physicians and hospital personnel. You are, therefore, in an excellent position to carry the anti-smoking campaign into these "hallowed" halls. It does not make sense to put a patient into a hospital to improve his health and then subject him to the smoke from visitor's cigarettes. It does not make sense to provide medical care on one floor and yet sell, on another floor the very instrument which is helping to overload the patient count.

I have heard many arguments that the patient who is already under stress should not be asked to give up smoking; or that contracts with vending machine operators make it difficult to remove these devices; that staff time will be lost because some will have to leave the building to get cigarettes.

These arguments do not hold water. Many institutions throughout the country have already taken steps to restrict smoking and eliminate sale of cigarettes on the premises—one such is the New York City Hospital system.

Physicians who use these facilities should be sensitive to the health needs of all patients not just those under their care. With your encouragement it should be only a matter of time before smoking is eliminated completely from our health care facilities.

Physicians in their private practice have an obligation to counsel all of their patients about the hazards of cigarette smoking. Again, I would urge you to work with all health professions in your communities to encourage this counseling and to help discourage the smoking habit by eliminating smoking in clinics and reception rooms.

I shall continue the fight in Congress. I have just introduced a bill to terminate price support programs for tobacco, as well as export subsidies to send tobacco abroad. It has always been an embarrasing dichotomy that the Federal Government on the one hand warns the public of the dangers of smoking, while on the other hand uses tax money to support the production of the noxious plant. The public is disturbed by this hypocrisy, and I feel that I will have considerable citizen support for this legislation.

Now at the same time, I am fully aware of the economic importance of tobacco in this country, particularly in the southern States, and I realize that removal of these price supports will cause some dislocation in the tobacco market. However, I will say again as I have said many times on the floor of the Senate that I will support wholeheartedly any legislation designed to help the tobacco farmer adjust to new types of farming. Since the demands for tobacco are already diminishing somewhat because of the wider use of filters and the introduction of slim cigarettes, I do not think production changes will be sharp or sudden.

Now, I know I have talked too long. But the temptation is great. There are so many things one can say—so many aspects of the tobacco problem to be discussed, that it is hard to cut off the discussion. Certainly, when I have as receptive and as influential an audience as this one.

In conclusion, let me assure you that I will continue down whatever legislative path offers realistic hope of curbing the use of tobacco, and thus, to protect the health of the American people. I welcome your leadership and your support.

THE DISTINGUISHED EFFORTS OF SENATOR NELSON TO HALT POPULATION GROWTH

Mr. TYDINGS. Mr. President, concern about the rapid deterioration of our environment has grown tremendously, especially since the nationwide Earth Day teach-ins on April 22. Complementing this growth of interest in fighting pollution is an awareness that basic to all our environmental problems is excessive population growth. Until we realize that earth is a finite sphere with a finite amount of resources which can support only a finite population, we will not solve our environmental, social, or economic problems.

Concern about our environment, then, must begin with a commitment to check excessive population growth. My colleague, Senator NELSON, has been among the first to realize that environmental quality is dependent upon a stable population growth rate. He has repeatedly called for increased educational and research programs to develop more safe, effective contraceptives. I especially appreciate his strong support as a cosponsor of my family planning bill, S. 2108, as well as my resolution that I will introduce shortly to put the Senate on record in favor of developing a population stabilization policy for the United States.

A recent editorial in the Minneapolis Star draws attention to Senator Nelson's distinguished efforts to achieve population stabilization. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Population—The Biggest Villain

Senator Gaylord Nelson, D-Wis., who has been criss-crossing the country on a 17-stop Earth Day tour, put his finger on what we believe is the most serious threat to the environment—the "unrestrained, spiralling population growth."

Nelson is concerned with population projections for this country—from the present 205 million to 300 million by the year 2000—and what this will mean for our quality of living. Another 100 million people in the next 30 years, he warns, "will precariously strain our housing, recreational facilities, minerals and energy resources, plant and animal life, education, health, transportation, social economic and political systems and waste disposal facilities."

On a global scale, the outlook is even worse, The now-familiar projections put the world's population in the year 2000 at more than 6 billion, or double the present number. If current birth rates continue unchecked, the earth would contain 15 billion people by the year 2045, when children born this year would be 75.

Within the lifetimes of these children, some of the world's major cities would have populations of a billion or more. In India, to take one grisly example, there would be at least five cities of 60 million.

The problems of pollution—dirty air, dirty water, etc.—fade before the prospects of this avalanche of people. The damages such overcrowding would do to the already-diminishing quality of life are incalculable. Unfortunately, the population clock cannot be turned back. It will take a massive, worldwide education campaign to do the only thing possible—slow it down.

COMMENCEMENT ADDRESS BY FORMER GOV. GRANT SAWYER AT UNIVERSITY OF NEVADA, RENO

Mr. BIBLE. Mr. President, former Nevada Gov. Grant Sawyer returned to his alma mater, the University of Nevada at Reno, to deliver the commencement address June 6. As an alumnus of the same great university, I was among the thousands who witnessed the impressive ceremonies and were moved by the sensitive, persuasive words of the commencement speaker.

At a time when a large segment of American society is deeply divided on the perplexing problems before the Nation and the world, it was rewarding to hear a man speak of both the old and new generations with compassion and understanding. His remarks offered none of the emotional rhetoric so often heard in this troubled era. He hurled no accusations; assessed no blame; condemned no group or individual. Instead, he quietly examined the many strengths of America, the need for constructive change and the procedure by which young people may effectively bring about social, political, and economic reforms.

Governor Sawyer's remarks were brief, but they clearly enunciated the responsibilities that must be engaged by the class of 1970. Most inspiring of all, however, was the speaker's reaffirmation of faith in the democratic ideal and in the destiny of a great Nation.

I ask unanimous consent that the commencement address delivered by this distinguished Nevada citizen be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Remarks by Grant Sawyer

For just a very few minutes, I would like to plainly discuss with you some of the things that it seems to me are the concern of Americans of all ages.

Looking at the darkest side, the American people seem to be in a state of despairing confusion. They see much that they fear—much that they are inclined to hate. They look with bewilderment upon a war that they do not understand, upon a man-made recession accompanied by run-away inflation thus far unabated, upon race problems increasingly more severe, and upon what appears to be a widening gap between young and old—all accompanied by riots, destruction, physical confrontation, and death in the streets and on the campuses.

Surely the situation is not as desperate as I have described it. Yet it would not serve any purpose, it seems to me, for me to ignore it or to recount now the almost incredible progress that has been made in this country in the last one hundred years.

If I thought I could help the situation by trying to prove to you that this is the greatest nation, with the least imperfect system of government, in the world, I would spend these few moments trying to do so. Rather, I will simply state as a fact that cannot reasonably be rebutted that, imperfect as it is, the people of this country have the privilege of living in the most beautiful and productive area of this earth and operating under a system of government that, all things being considered, no other country can equal in any major respect.

This does not alter the fact that for reasons not entirely clear to me, the American people are in a state of deep unrest—to a point that some people in America and even more abroad feel that this country is at the beginning of the decline and fall as a major world influence. Why we are such a state, and what to do about it, is being earnestly debated on every street corner by every person who knows or cares. But it isn't only being debated—and here is where much of the real danger lies.

For those who advocate the violent overthrow of the Government by force and the substitution of some other system, violence, I suppose, is the accepted method. For all else, of any age, who desire change within the system, violence is tactically stupid. Violence as a means of resolving specific problems such as Indochina, race relations, young and old, rich and poor, the economy, and safeguarding our constitutional freedoms, is self-defeating—in fact, it almost certainly assures the contrary result.

Violence begets violence. The American people counter-react to it. The great danger is that repression will be the inevitable consequence.

Bombing the R.O.T.C. building will not abolish the R.O.T.C., but it may well result in the defeat of legislation lowering the voting age, or facilitate passage of repressive criminal legislation such as stop and frisk, arrest and detention without charge, no-knock entry, and extension of electronic eavesdropping. Indeed, such measures are right now being strongly advocated by some of the most influential voices in our Government.

Such change, then, as violence will produce will be mostly bad. I point out to you one vivid and dramatic example within the experience of most of us: Polarization of groups who engaged in physical confrontation in the streets of Germany produced Hitler. He did not seize power—he was produced by the people under the banner of law and order, in order to repress the mobs and unruly minorities—indeed, a dictatorship by approval.

I want to be sure that you understand that I have been talking about violence, destruction and physical confrontation. I have indicated that in my view, as a tactic to secure change, it is likely to produce no progress but rather result in the voluntary surrender of many of the guarantees of the Bill of Rights which we presently have.

I do not want for a moment for anyone to get the impression that I am advocating inaction. I could not agree more but that we need drastic changes within our political system. We need far-reaching reforms of our increasingly archaic political institutions, including our political parties, the Congress, our State governments.

We need to take such action, more specifically, that will encourage—indeed, insist—that the President of the United States extricate us at the earliest possible time from the miserable situation for which he is not responsible in Indochina. Our leadership must not be permitted to "polarize" the people in this country and set group against group as a political strategy, but rather we need a leadership which would respond when called upon to meet the problems of the reconstructions of American systems, a leadership of reconciliation rather than conflict.

It is, therefore, the towering obligation of not only *young* but *all* Americans to become deeply, personally committed to bringing about such necessary changes. This simply means, then, that all of you—and all other people—in this country must, in the most articulate way, dramatize the issues—dramatize them in every peaceful, legitimate, law-abiding avenue that is open to them. Dramatization and debate will help but will not *alone* effect change.

As a cold practical political fact, change is accomplished by power. The power in our system is at the ballot box. In order to be responsible Americans, therefore, it is incumbent upon all of us to engage ourselves in the political process—that process of finding, supporting and electing candidates who share the views which we represent, whatever those views may be.

This is much more difficult than a riot in the streets. It is much less exciting than overthrowing the Government. It is long, hard, tedious work. But this is the way it must be done and the only way it can be done.

Some of my friends tell me that the young people have been so excluded from our society, so isolated by the present establishment, that they cannot effectively work within the system—that they have been barred from it.

Well, I am convinced that American youth is having a significant impact, and that views held by a majority of the young are supported by an ever-increasing number of the not-so-young.

Further, I am not terribly impressed with the argument that the young are totally isolated, for the simple reason that youth—unhappily—is a very transitory and very fleeting state. Those young people who today say that they have been excluded from the process will not be so young tomorrow—they will be in charge of the process in a very short time indeed.

XUM

A number of law schools, and possibly some other institutions, are now planning to take a recess for a three or four month period prior to the November elections, in order to give the students an opportunity to engage full time in political activity. This is the kind of constructive, aggressive involvement that will surely count. The reaction of the students in the areas where this plan is to be effected has been very interesting. Students have cut their hair, lengthened their dresses, donned modest garb, and in effect are setting out to beat the establishment at its own game.

I would simply like to point out that those who are in responsible elective political positions today got there that way. That, in the last analysis, is the essence of our political system. The guy who gets the votes wins, and you do not get the votes unless the voter is sympathetic with your position and respects those who advocate it.

There is some finer instinct that cautions the human being that hate may only destroy the hater. He instinctively gropes for saner answers, and he is essentially a positive man rather than a negative one.

In closing, I would like to observe that the so-called older people in this country are your parents and your grandparents. They have made some mistakes. Among others, they have not yet found an alternative to war, or racial hatred. After having lived through a depression, they may have been too eager to secure for you material resources.

The fact remains, however, and the record will show, that they are representatives of some of the most remarkable people ever to walk the earth. They have created a land that is the envy of the world—and properly so. They are people who lived through history's greatest depression and know what it is to be hungry, cold and poor. They fought history's most gruesome war. They defeated the tyranny of Hitler, and had the compassion thereafter to help the vanquished rebuild their societies.

Everyone hopes that you will do better, and there is every reason to think that you will. You are better educated, you need to concern yourselves less with the problems of finding enough food to eat and a place to sleep. You are brighter, vastly better informed, and you are indicating a real and dedicated interest in social problems that heretofore Americans have simply not had the time and energy to solve.

You *should* do better—much better. And I hope that when you are sitting here at the commencement of *your* sons and daughters the speaker will be able to say that you have done so.

FEDERAL REVENUE-SHARING LEGISLATION

Mr. BURDICK. Mr. President, the board of city commissioners of Fargo, N. Dak., recently adopted a resolution requesting that Congress enact Federal revenue-sharing legislation.

I ask unanimous consent that the letter and resolution sent to me by the mayor of Fargo, the Honorable Herschel Lashkowitz, be printed at this point in the RECORD.

There being no objection, the letter and resolution were ordered to be printed in the RECORD, as follows:

CITY OF FARGO,
BOARD OF CITY COMMISSIONERS,
Fargo, N. Dak., May 29, 1970.

Hon. QUENTIN BURDICK,
Senator, State of North Dakota,
Senate Office Building,
Washington, D.C.

DEAR SENATOR BURDICK: I am forwarding to you in behalf of the Fargo City Commission, a Resolution which I introduced and which was adopted unanimously by the Fargo City Commission at its regular meeting held Tuesday, May 26, 1970.

We respectfully request your aid and assistance in the enactment of desperately needed federal revenue sharing legislation. We here in Fargo, as well as other cities, will be facing a very critical budgetary situation which will require every bit of financial aid that the cities are rightfully entitled to at the earliest possible date.

The cities of America are facing a financial crisis and unless we receive the necessary funds we will be denying the cities the services that they require so desperately. Federal revenue sharing means aids for the payment of salaries for hard-working city employees who are providing vitally needed services to sustain and protect life and property.

I would respectfully request in behalf of the City Commission and the people of Fargo that our Resolution and my accompanying letter, together with the letter from Mayor Frank Curran and Mayor Jack Maltester be introduced into the Congressional Record as part of its regular proceedings on the floor of the United States Senate.

Your respectful consideration of this appeal is strongly urged.

Sincerely,
HERSCHEL LASHKOWITZ,
Mayor and President, Board of City Commissioners, City of Fargo, N.D.

RESOLUTION, CITY OF FARGO, N. DAK., BOARD OF CITY COMMISSIONERS

Resolution Adopted Requesting That Legislation be Enacted Immediately Allowing Cities to Share Equitably and Fairly in Already Collected Revenues

President Lashkowitz relinquished the Chair to offer the following Resolution and move its adoption: (Vice President Markey presiding)

Whereas, The Administration and the Congress have spoken out and advanced various revenue sharing proposals for the sharing of Federal revenues by the Federal Government and the local governments; and

Whereas, Organizations representing city, county and state governments have all agreed in principle on revenue sharing between the Federal Government and local governments and have endorsed the urgent need for action now without delay.

Now, therefore be it resolved, That the Board of City Commissioners of the City of Fargo does hereby endorse the principle of Federal revenue sharing with the cities of America in line with the policy statements of the United States Conference of Mayors and the National League of Cities and does respectfully petition and request the Congress of the United States, the Majority and Minority leaders of the two great political parties of the House of Representatives and the Senate and the City of Fargo's Congressional Delegation as well as the President of the United States to introduce and to pass for enactment of legislation requiring the Federal Government to share equitable and fairly with cities of the United States in the already collected revenues to enable the cities of America to be able to survive as viable, habitable entities.

Be is further resolved, That the Congress of the United States and the Executive Branch of the Federal Government be strongly urged to give immediate consideration to a formal reordering of priorities of needs and programs and policies as a matter of National Policy looking towards a more equitable allocation of the available resources of the United States of America.

Be it further resolved, That the letter addressed to the City of Fargo by the Honorable Frank Curran, President of the National League of Cities, Mayor of San Diego, California; and the Honorable Jack Maltester, President of the U.S. Conference of Mayors, Mayor of San Leandro, California; be incorporated by reference as a portion of the herein Resolution.

Be it further resolved, That this Resolution be inscribed upon the permanent proceedings of the Board of City Commissioners and certified copies be forwarded to the President of the United States, Majority and Minority Leaders of the House and Senate, and the City of Fargo's Congressional Delegation.

Second by Schuster. On the vote being taken on the question of the adoption of the Resolution Commissioners Schuster, Bromenschenkel, Lashkowitz and Markey voted aye.

Absent and not voting: Commissioner See.

The Vice President declared the Resolution to have been duly passed and adopted and returned to the Chair. (President Lashkowitz presiding).

HERSCHEL LASHKOWITZ,
Mayor and President of the Board of City Commissioners, City of Fargo, N. Dak.

LABOR PROVISIONS IN POSTAL REFORM BILL

Mr. HRUSKA. Mr. President, I wish to join my colleagues who earlier this week voiced concern over the threat which proposed postal reform legislation poses to the right of Federal employees to decide for themselves whether they wish to join a union.

This is a very serious question and as I see growing concern expressed in the press and before this body and in my mail, I can see the very grave possibility that it may prevent, or at least greatly delay passage of postal reform legislation which is so desperately needed.

It may be, Mr. President, that some members of this body do not recognize the importance which the people of Nebraska and 18 other States place upon the principle of right to work. I wish therefore to make these following points clear:

First. The need for postal reform is clear and urgent and must not be jeopardized.

Second. I will support every effort to remove any taint of compulsory unionism from the legislation.

Third. Nebraska voters have clearly and consistently spoken out in behalf of freedom for workers.

Fourth. The Republican platform of 1968 committed itself clearly to support individual freedom for Federal employees.

Fifth. Compulsory unionsm is inconsistent with our concepts of individual freedom and public service.

I would like to elaborate on these points briefly, Mr. President.

NEED FOR POSTAL REFORM

The requirement for postal reform is so obvious and so pressing to those of us in this body that it scarcely need be mentioned, except to remind ourselves that the public is demanding reform, the stable operation of our economy demands reform, and we must have reform soon or risk possible collapse or grave impairment of mail service.

In light of this urgent requirement, each of us must ask himself whether reform can be jeopardized or even delayed by under-the-table deals designed to provide a special plum for a special interest group. This is true whether the special interest group is the labor leader looking for some way to dragoon thousands of new and helpless Federal workers onto his membership rolls, or whether it is a business group, or any other special interest.

The requirement for postal reform now is so great that it is incumbent upon all of us to legislate that reform in its simplest and most direct form, without taint of special privileges for special groups.

We have before us today results of such efforts to provide a sop in the form of special privileges. There appears to be a growing question, unless sponsors of this provision withdraw, as to whether we will act upon postal reform at all this year.

SUPPORT WORKER FREEDOM

Let me say here and now, Mr. President, that I stand with the opponents of compulsory unionism. I support the position so eloquently expressed by the Senator from Arizona and others who joined him. It is my intention to support legislative actions to remove from the proposed legislation any provision which will tend to permit the imposition of compulsory unionism upon postal employees.

NEBRASKA CHOICE CLEAR

There is no doubt about where Nebraska voters stand on the matter of compulsory unionism. My State adopted its right-to-work law in 1946 after amending its State constitution. Despite biennial efforts launched in the State legislature by certain labor union influences to rescind the law, it has been in effect since that time. I am told there will be another assault on the law when our State legislature meets again next year, but unless the Nebraska attitude changes remarkably, it appears there is little chance again that our right-to-work law will be overturned.

XUM

If the mail I am receiving is any indication, Nebraskans are more stalwart in their opposition to compulsory unionism than ever before. My mail on postal reform legislation and the threat it poses to the freedom of Federal workers is second in volume only to my mail on the Cambodian situation. And virtually all of the mail echoes the plea that postal reform legislation must not be passed, at the expense of Federal workers who do not wish to be forced into unions.

PLATFORM CLEAR

My colleagues' attention is called to the Republican platform of 1968 which I had the privilege of helping to draft. This platform pledges the Republican Party to give Federal employees the privilege of making their own decisions with regard to joining or assisting employee organizations.

This is what was written:

> We pledge to protect federal employees in the exercise of their right freely and without fear of penalty or reprisal to form, join or assist any employee organization or to refrain from any such activities.

This is a commitment which our party placed before the voters, a commitment upon which we were victorious in 1968, and it is a commitment which I certainly intend to keep.

INDIVIDUAL FREEDOM

The final aspect I wish to mention, Mr. President, was touched upon earlier by the Senator from Arizona who pointed out that American soldiers are fighting and dying 10,000 miles away to preserve the freedom of Southeast Asians.

If they are thus making the supreme sacrifice in behalf of individual freedom, how can we in conscience sit in this Chamber and legislate away a basic facet of freedom for our own Federal employees.

I firmly believe, with my fellow Nebraskans, that freedom to hold a job without being forced to join a union is a very basic American right and that the loss of this right on the part of Federal employees will be a very serious erosion of individual personal freedom, which has already suffered so much at the hands of Government encroachment.

No matter how the compulsory unionism proposition is sugar coated, it still would be a bitter pill for Federal workers to swallow.

It is easy to understand why the union officials would like to have us legislate authority for them to compel Federal workers into membership. This relieves the leadership of the responsibility of securing membership through performance. It is still true that a good union which is responsive to its membership should not have to compel workers to join. They will do so voluntarily to support their mutual goals and objectives.

No matter how unions are sanctioned by the Federal Government, they remain private organizations and it seems to me that it is not the prerogative of this body to grant to a private organization the right to compel individuals to belong in order to hold a job of his choice.

Were this constriction applied to Federal workers, who are working for the American taxpayer, the validity of our actions would be even more suspect.

The contractual relationship between public employees and their employers—the public—has unique features which are not contained in the ordinary employee-employer relationship. For instance, as I mentioned earlier, there is broad agreement that such a contract cannot include the right to strike against the public.

A major responsibility of the public is not to foist onto Federal employees still further obligations which are not in the public interest and which are devised to advance the objectives of one special interest group to the detriment of other elements of our economy, and the public itself. Yet, that is just what will happen if Federal postal workers are forced to join unions in order to keep their jobs.

There is one further consideration—the prospect that postal reform would remove much of the congressional control from the operation. It would be a grave mistake in my opinion if in the process of turning over control of this vast system, we also were responsible for bartering away the principle of freedom for Federal workers.

THE ECONOMY

Mr. HARRIS. Mr. President, key statistics which reflect the health of our economy continue to be disappointing. Last week, we witnessed another increase in the unemployment rate—a rate of 5 percent of the labor force, up from 3.5 percent in December—to which is coupled a continued unacceptable rate of inflation; a rate in excess of 6 percent.

Higher unemployment and an unacceptable rate of inflation continue hand in hand. Noted economists have been predicting for some time that our economic difficulties will continue to be severe unless administration policies are changed.

To combat economic instability, I suggested on February 20 of this year that a National Economic Equity Board be created to set voluntary guidelines on prices and wages, with the additional standby power, if it was found necessary, to institute price and wage freezes for up to 6 months in order to give the economy time to cool off and get back to normal. On May 25 I introduced S. 3876, a bill designed to accomplish these purposes.

A thought-provoking article written by Prof. John Kenneth Galbraith advocating price and wage controls appeared in the New York Times Magazine on June 7, 1970, and is well worth reading. For Senators and others who may not have seen Professor Galbraith's article, entitled "Wage-Price Controls—The Cure for Runaway Inflation," I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WAGE-PRICE CONTROLS—THE CURE FOR RUNAWAY INFLATION

(By John Kenneth Galbraith)

These last few months have, just possibly, been decisive in the modern history of economics. Ideas in which economists have reposed the greatest confidence have been proved wrong and therewith, not surprisingly, the responding policy. And this has happened under circumstances which admit of no really plausible explanation, rationalization, or alibi—things in which we economists are more than minimally accomplished. There was, to be sure, more than a suspicion of error before; the evidence was highly adverse to the reputable ideas. But the heretics were a minority and the adverse evidence could be attributed to a lag. In economics, any inconvenient disassociation of effect from cause is always attributed to a lag. But not forever.

The doctrine was, of course, that the United States economy could be regulated by *general* measures in such manner that prices would be approximately stable. A "trade-off," a new and popular word among economists, would exist between price stability and employment. The closer the approach to level prices, the more people who would be out of work; the lower the unemployment, the greater the rate of price increase. The relationship had been given quantitative expression by the so-called Phillips curve—the annual rate of price increase which, on the basis of historical data, could be expected to accompany any particular percentage of unemployment in the labor force. The choice between unemployment and inflation so shown *seemed* to be essentially benign—reasonable price stability could be combined with a tolerable level of unemployment. Also, an unspoken point, the unemployment would be among the unskilled, uneducated, mostly young and black, who are also unorganized. These are assumed to accept unemployment philosophically, there being nothing they can do about it.

There were no other decisively adverse side effects from the stabilization measures.

The difference of opinion was not over the efficacy of the general measures but over technique. Since Keynes, most economists have placed major reliance on fiscal measures—on control of total spending in the economy by means of the Federal budget. Inflation being the problem, this policy consisted in making Federal taxes and spending sufficiently restraining on total demand in the economy. But in recent times there has been the so-called monetary revival. This makes control of spending from borrowed funds the key instrument in the control of prices. The difference between the exponents of fiscal and monetary management must not be exaggerated. Both believed in the efficacy of general measures. Both urged some combination of fiscal and monetary measures. The difference was in the mix.

The Nixon economists when they came to office a year ago last January were superlatively confident of such management. Under their guidance, the President promised never to interfere with wages and prices; in one of the more ecstatic examples of economic phrase-making, he said that inflation would be ended by "fine-tuning" the American economy—a figure of speech roughly comparable with one about fine-tuning a major Mississippi flood. The then current inflation was blamed on the previous bad management of the economy—on tuning that was too coarse. The reaction to anyone who suggested that wage and price restraint might be necessary was lofty. Pierre Rinfret, the consulting economist, dispatched a letter to his clients telling them quite correctly, that so far as the Administration was concerned, the lid on prices was now off. It is possible that in these first weeks the Administration did more to promote inflation than it accomplished in the next year and a half in controlling it.

But promises that inflation would end were not lacking. Advising the President of the United States on economic policy, since few Presidents find the subject at all interesting, is tedious work. The tedium is relieved, after a fashion, by the liturgical functions of the office. Every week in the year some convocation of businessmen, bankers, economic sages or professional seers is assembling somewhere in the United States. Often, combining business with tax deductibility, they meet at the better spas. All of these—the South Florida Savings Bank Association, the John Hancock Million Dollar Club, the Associated Sport and Saddle Shoe Manufacturers of America—have a prescriptive right to economic education by members of the Council of Economic Advisers. The speeches so given are not always informative. But they are firmly repetitious and during the first year and a half of the Nixon Administration, all promised that inflation would end, that prices would become stable.

Always the stability would come approximately two quarters in the future. As the promises continued, so at an increasing rate did the inflation. (In time, the date when the promise would give way to performance was given a little more "lag.") Dr. Paul W. McCracken, the head of the Council of Economic Advisers, became, perhaps, the most overpromised man in the history of the economics profession. There is an unfortunate tendency in public life when you want something to happen to predict that it will happen. And then when it does not happen, you escalate the predictions. Not since Herbert Hoover predicted the turning of the immortal corner has prediction therapy been so remorselessly pursued as in the last 18 months. It was called the "game plan" for defeating inflation. There has been no game quite like it since the Rose Bowl of 1929, when Roy Riegels ran 75 yards toward the wrong goal.

Outside the Administration, the view was slightly less sanguine. But the economists who had served the Kennedy-Johnson Administration did not strongly question the reliance on general measures. In the early sixties, prices were fairly stable. Unemployment, though initially high, was falling—from an annual average of 6.7 per cent of the labor force in 1961 to 4.5 in 1965. These were the years of the so-called guideposts, which meant that wage increases were held on the average to what industry generally could afford from productivity gains. And industry accordingly was persuaded to forego price increases. Enforcement was hortatory; it was a price increase by U.S. Steel in violation of this general understanding that provoked President Kennedy's eloquent denunciation of the corporation in April, 1962. The economics underlying the guideposts obviously accords a prime determining role in price-making to unions and corporations. That is why they must be restrained. But this power is not greatly stressed in standard, macro-economic doctrine—roughly the economics of the textbook—which holds that prices are set in markets, and respond well to changes in demand. So even in the Kennedy-Johnson years, the guideposts were the poor relation of economic policy. We economists greatly prefer to believe what we teach. When the guideposts later came under pressure from the Vietnam war, they were not strengthened but abandoned. As the Kennedy and Johnson economists returned to the campus talk of wage and price restraint was muted. The guideposts were defended as a useful adjunct to the policy—more cosmetic than real: It was fiscal and monetary policy that really counted. Almost no one talked about making the guidelines mandatory, i.e., making them work. That was too radical.

There was never any strong proof that high employment and stable prices could be combined. Much of the proof antedated modern corporate price-making and collective bargaining. Rather there were hope and faith. But in economics, hope and faith coexist with great scientific pretension and also a deep desire for respectability. Fiscal and monetary measures in whatever mix are impeccably respectable, and the question of the particular mix is the kind of thing that can be resolved between gentlemen. Control of wages and prices has no similar standing. Its advocates have been thought to lack subtlety of mind and manners—to go too abruptly to the point. The sociology of economics is not without interest and by no means unimportant.

The flaw in the respectable doctrine is the appalling obduracy of circumstances. Wages do now shove up prices. Prices do pull up wages. The bargaining that produces the wage and price increases continues even under conditions of severe fiscal and monetary restraint. It is almost as though those engaged in collective bargaining and corporate price-making were out to discredit the best economic scholarship. Circumstance can be unbelievably cruel.

Accordingly, after a full year and a half of the most rigorous application of the general measures, prices are still rising at a nearly record rate. Dr. McCracken and his colleagues have been forced to take comfort from the fact that the rate at which the inflation is getting worse has been declining—or, as Herbert Stein of the Council of Economic Advisers did recently, from the even more exiguous fact that "the behavior of prices in the past year has been consistent with [the] expectation of a decline in the rate of inflation." In April, alas, even this modest expectation was defeated. There was an increase in the rate of inflation. Meanwhile unemployment has risen to nearly 5 per cent of the labor force and exceedingly uncomfortable side effects of the policy have appeared. Smaller businessmen who must borrow money are being punished with a highly selective brutality. Tight money does not much hurt the big corporation which has internal cash flow and a favored position at the banks. In contrast the policy has put the housing industry into an acute depression, as the Administration itself concedes. The continuing price increases in the private sector of the economy have been exported to the public sector as increases in living costs. And there, among teachers, police, firemen and sanitation workers, they are causing an unprecedented but wholly predictable turmoil. The balance of payments is also weakening again.

Finally, there has been the effect on the financial markets. These had been made vulnerable by jerry-built and debt-burdened conglomerates, overbidden glamour stocks and the multiplication of the mutual funds headed by financial geniuses whose genius consisted only in a rising market. Under the pressure of the tight money policy, this price structure has collapsed. This had to happen sometime. But further pressure on the financial market would be very uncomfortable for all involved.

Within the framework of general measures, there is almost nothing the Administration can do. It is trapped. It could allow an increase in loanable funds at lower rates. This would ease unemployment, encourage home construction and ease the sorrow in Wall Street. But inflation is still at a near-record rate. This action would make it worse. And just ahead are wage negotiations which, with the compensating price increases, will give that inflation another protean shove. To continue the present policy is to accept the side effects and to invite more of the inflation that the policy has not cured. To tighten up and end the inflation is to invite worse side effects and perhaps a serious recession. There are many misfortunes that can befall an economist. The worst, by far, is to have a theory in which he devoutly believes, and which is wrong, put into practice.

The response of the Administration economists to their entrapment is a rewarding study—or would be were the matter not so serious. Economics, like foreign policy, allows for an escape from error through what may be called the Indochina effect. This generous device enables a man who has been wrong to denounce his previous position without admitting error and, by becoming right, thus greatly to enhance his reputation. Arthur Burns, now Chairman of the Federal Reserve Board, has taken this route. He now demands the wage-price guideposts he previously condemned. His transmigration is still incomplete, for he proposes something less strong than the Kennedy-Johnson measures, which themselves proved too weak. Dr. McCracken has been more complex. He admits the cause but refuses the remedy. In a speech in Dallas this April, he noted that in the fourth quarter of 1969, labor costs per unit of output (which were about 75 per cent of total costs) were rising at an annual rate of 7 per cent. He then went on to say that "both evidence and theory are pretty clear that a rising cost level tends to mean a rising price level." Later he condemned controls. One thinks, somehow, of a fireman who finds fire to be a cause of property loss, but greatly opposes water as a way of putting it out.

For, in fact, the only answer is one that has for so long been dismissed as too disreputable. That is to act directly on the wage-price spiral—to have wage and price control where the spiral contributes actively to inflation.

This must be real control. Dr. Burns and the economists of the Kennedy-Johnson period are ducking reality when they talk about a return to the voluntary guideposts. (As this goes to press, a pellmell rush is developing toward this particular escape hatch.) The guideposts will not do. They were not strong enough before; even stronger measures are now required. Also voluntary measures are highly discriminatory. They favor the individual or organization which refuses to comply and penalize those that are cooperative. This guarantees their eventual breakdown. And there is nothing to be said for billingsgate as an enforcement device. It is much better public practice to lay down fair firm rules after careful consultation with all concerned and then, when someone violates the rules, have resort to law.

Given wage and price controls, interest rates can be reduced for they will not have to carry the present burden of inflation control, which they cannot carry away. With lower rates, home construction would increase, the pressure on small business would be reduced, employment would rise, all without a new surge of inflation. Were this policy combined with prompt withdrawal from Indochina—which would ease the pressure of demand and, a more important matter, restore our reputation for elementary good sense—the immediate economic problem would be largely solved.

Such price and wage action, it is said, interferes with free markets. This is self-evident nonsense. The policy interferes with markets in which the interference of unions and corporations is already plenary. It fixes in the public interest prices that are already fixed.

Only prices that are so set by unions and strong corporations need to be (or should be) controlled. Prices of farm products, most services and products of small manufacturers need not and should not be touched. These are still subject to market influences. Where prices are still set by the market, general measures to restrict demand still work—or they do as much as can be done. As one needs to set prices that are already set, one does not need to interfere with the market where the market still governs.

Over the years I have experimented with various ideas for such a limited system of wage and price control. (I am not without experience in the matter or in the difficulties involved. During World War II, price control was under my direction from its inception until mid-1943. No one else, I suppose, has ever fixed so many prices.) But the most practical pending proposal is not mine, but that of Robert Roosa, former Under Secretary of the Treasury under Kennedy and now a leading Wall Street banker. He would simply freeze all prices and wages for six months. During this time, presumably, there would be extensive consultation with firms and unions to work out a more durable system of restraint.

Such a course would get immediate results while offering eventual accommodation to the problems and inequities of particular unions and industries. It would be possible to incorporate in the Roosa proposal arrangements for an even earlier correction of gross irregularities. And immediately after the freeze, all small enterprises—those employing, say, fewer than a hundred people—should be exempted. I would also exempt all retail firms; they have little independent market power. The objective is not perfectly level prices, but something much better than the grossly inflationary thrust of the present wage-price spiral. The long-run objective is, of course, an annual wage gain that accords roughly with the increase in productivity and thus requires no general increase in prices.

Controls are not a temporary expedient. There must, alas, be a permanent system of restraint. That is because we will continue to have strong unions and strong corporations and a desire to minimize unemployment. The combination, in the absence of controls, is inflationary. It will not become otherwise in the future.

No one who has had experience with wartime price control will be casual about the problems in managing it. Nor is it a formula for popularity; everyone unites in disliking the price-fixer. But if it is confined to the unions and to the corporations with market power, as here proposed, the administrative structure need not be vast. Dealings will be with only a few hundred unions and a few thousand firms, and for the latter it is sufficient to specify the limits within which average as distinct from individual prices may be moved. All price and wage control involves an arbitrary exercise of public power. But this is not an objection, for it replaces an arbitrary exercise of private power and one that has further and exceedingly arbitrary effects for those that suffer from the resulting inflation.

In the weeks and months ahead, more and more economists will come to accept the remedy here proposed—including, one suspects, those who advise the President. They are very decent men who have been substituting hope for reality, and hope unrequired does not sustain even an official economist forever. Promises of eventual price stability have become comic. Within the older framework of policy, the choice is between very severe inflation—worse than now—or severe unemployment, extreme distortion within the economy, great turmoil among public employes, and serious strain in the financial markets—and along with all this, a good deal of inflation, too. Whoever made respectable economic policy a choice between such repellent alternatives had obviously a bad upbringing and is a very mean man. But so it is. So the less reputable course of controlling the wage-price bargain obtrudes itself. And, since there is no escape, it will continue to obtrude itself.

NATION, UTAHANS SUPPORT NIXON'S CAMBODIAN DECISION

Mr. BENNETT. Mr. President, I am sure I reflect the situation in most congressional and senatorial offices, when I say that we have just undergone—as a result of President Nixon's Cambodian decision—an influx of mail that was probably without precedent. However, I think many Members of Congress, the news media, and the opponents of President Nixon have misread the actual mood of public opinion because of this mail and personal lobbying campaign. I think most of us realize that a certain segment of our population, including the student protest movement, which I might add, parenthetically, is not a majority of the student population, began a massive letterwriting and lobbying campaign shortly after President Nixon's Cambodian decision.

However, in my visits to Salt Lake City and other parts of Utah since April 30, I came away with the view that a large majority of Utahans back the President. My mail did not entirely reflect that, and some have written questioning my assessment. Now, on June 7, the Salt Lake Tribune, the largest morning, daily paper in the State, ran an extensive survey and posed to the citizens of Utah this question:

> Not too long ago President Nixon sent U.S. troops into Cambodia. Do you approve or disapprove of this movement?

Mr. President, a total 61 percent supported the President, 28 percent opposed his decision, and 11 percent were undecided.

Of great interest to me is the fact that among Democrats, 50 percent support the President and 35 percent oppose him. Among independents, 62 percent back the President and 28 percent oppose him with the remainder undecided. The Gallup poll has shown an increase in President Nixon's public support. The latest Gallup figure is up to 59 percent, which I think indicates that President Nixon's decision is successful and backed by a solid majority of the American people.

I have said all along that this was a decision of great courage; and if understood as it is now, the American people would back the President. I have also stated that public opinion is formulated by 200 million Americans and not by a noisy minority.

I am pleased to note this broad expression of support for the President both in Utah and throughout the Nation, and it confirms what I have always suspected about the voters and the people of Utah.

I ask unanimous consent that the article on the Salt Lake Tribune's survey be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE UTAH POLL—VOTERS FROM SALT LAKE AREA FAVOR NIXON'S MOVE IN CAMBODIA

(By J. Roy Bardsley)

The U.S. thrust into Cambodia wins the approval of a solid majority of the Salt Lake area public.

Looking back on the operation, over six out of every 10 voters feel that President Nixon made a wise decision to attack enemy sanctuaries in Cambodia.

On the other hand, opposition to the move was voiced by slightly under three out of 10 persons, many of whom were young adults in their 20s.

All in all, the local public backs the President by better than a two-to-one margin.

Here is the question posed to a cross-section of Salt Lake and Davis county residents as United States participation in the Cambodian campaign neared an end.

"Not too long ago, President Nixon sent U.S. troops into Cambodia. Do you approve or disapprove of this move?"

The results:	*Percent*
Approve	61
Disapprove	28
Undecided	11

President Nixon's strongest support stemmed from fellow Republicans, three-fourths of whom cast an approval "vote," Democrats agreed with the GOP, although there were considerably more dissenters within the opposition party. Independent voters adopted a stance in between the two major party groups. The figures:

Approval of Cambodian campaign:	*Percent*
Republicans	74
Democrats	50
Independents	62
Disapprove:	
Republicans	16
Democrats	37
Independents	28
Undecided:	
Republicans	10
Democrats	13
Independents	10

Percentagewise, the heaviest opposition was found among persons under 30. Of this group, 38 percent disapproved of the Cambodian involvement, which runs approximately 13 percentage points higher than the other age brackets. Still, a majority (53%) of these young adults sanctioned the Cambodian move.

Results of this Utah Poll are based on a total of 503 personal interviews, taken last

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week in Salt Lake and Davis counties. Statistically, the 61 percent "approval" figure is within a 4.4 percent of the finding which would accrued from a complete count of adults in the two counties.

A forthcoming poll will evaluate the type of Job Utahans feel Mr. Nixon is doing in getting us out of the Vietnam war.

THE TIDE IS TURNING AGAINST CRIME

Mr. McCLELLAN. Mr. President, the past 18 months have been, in my view, a most important period for the Federal effort against organized crime. During that period, measured from the time when the 91st Congress was convened and the present administration took office, the executive and legislative movements against organized crime have gathered momentum.

The executive branch of Government has begun a process of greatly expanding the use of strike forces in key centers of organized crime. Those strike forces enhance cooperation among Government agencies, and focus all their various kinds of expertise and resources upon the common threat.

The legislative branch has developed a far-reaching and comprehensive program of integrated measures against organized crime. The Senate, of course, has passed a bill incorporating those measures and entitled the "Organized Crime Control Act of 1969"—S. 30.

The essential requirement, at this juncture, is to maintain and increase that momentum. The executive branch must continue to increase the pressure on the overlords of corruption and vice. The legislative branch must move swiftly to complete the process of authorizing the needed new tools of law enforcement.

The key to maintaining that momentum, obviously, lies in the deep and vocal concern about organized crime shared by the public at large. That concern is reflected in the large and growing volume of discussions of the organized crime problem in public print. This increasing barrage of books and articles on organized crime both flows from and reinforces the public sentiment that more effective Government efforts in this field are required. For that reason, all of us who take an active part in seeking improvement in the Federal effort are encouraged, when a respected national publication includes a knowledgeable and constructive article on the subject of organized crime.

An excellent example of such an article is included in the June 1970 issue of Nation's Business—pages 32 to 37. The article is entitled "Attorney General Mitchell: The Tide Is Turning Against Crime." It is based upon a most interesting interview with the Attorney General, who covered in the interview most of the urgent crime problems facing the Nation today.

In the article, the Attorney General discusses the importance of the threat posed by the increasing availability and use of marihuana and hard core pornography, and many other aspects of the crime problem.

I commend the article to Members of the Congress and the public. I especially would like to draw attention to the comments of the Attorney General on the importance of prompt congressional action on legislation in this area, including this summary of the situation by the author of the article:

> Congressional backers of a tough line against criminals say the Justice Department would be having more success if Congress had given it the strong new weapons it requested last year. The legislation has moved tortuously.

The article, in my opinion, shows again the importance of maintaining and increasing the momentum in the effort against organized crime. I am confident that the present administration has every intention of doing so, if the Congress will furnish the administration with the weapons it needs in order to do so. Let us, in the Congress, show equal dedication to this cause, and do the best we can for the law-abiding citizens of America.

I ask unanimous consent that the text of the magazine article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ATTORNEY GENERAL MITCHELL: THE TIDE IS TURNING AGAINST CRIME

When John N. Mitchell became Attorney General, he set forth his basic policy in unmistakable terms:

"The Justice Department is a law enforcement agency. It's not an agency for the establishment of the social policies of the government."

President Nixon chose his former campaign manager and law partner to implement his belief that a firm, even-handed approach to law enforcement at the top governmental level would extend to state and local officials who are in the front lines of the war on crime.

"The public climate with regard to law is a function of national leadership," is the way the President put it.

That approach is already paying dividends.

"We are having considerable success" in attacks on organized crime, the Attorney General says.

As for other crimes, ranging from street holdups to embezzlements and murders, "the tide is beginning to turn," Mr. Mitchell says. He cites FBI reports showing that, while the crime rate went up 17 per cent in 1968, the increase was 11 per cent in 1969, the first year of the Nixon Administration.

Congressional backers of a tough line against criminals say the Justice Department would be having more success if Congress had given it the strong new weapons it requested last year. The legislation has moved tortuously.

Despite legislative problems and other controversies that have swirled around him, the soft-spoken, pipe-smoking Mr. Mitchell has retained his calm and his sense of humor. (Asked, at a picture-taking session in his office, if he would mind posing beside a bust of Justice Oliver Wendell Holmes, the Attorney General cracked: "I don't mind, if he doesn't.")

He's little troubled by his reputation as the hardnosed "Mr. Tough" of law enforcement and traces it to the fact that "I believe in carrying out the laws and mandates, and in using all of the tools, that have been provided to us by Congress."

Mr. Mitchell here discusses with a Nation's Business editor his official policies and personal views on the many facets of crime:

How was organized crime able to build such a huge empire in this country?

Organized crime is composed of syndicates and individuals whose whole purpose in life is the pursuit of criminal activities. They have been successful in organizing in great depth and with great skill. And, of course, when they operate as they do—the way they exercise the power of fear—they have success beyond what normal human beings would have. In addition, they are operating in very lucrative fields.

Gambling, for instance, provides them with a take of upwards of $20 billion a year. They use the bankroll they get from gambling for purchasing and distributing narcotics and for extortionate loans. The end product of many of these activities is investment of their ill gotten gains in legitimate businesses.

They, like knowledgeable businessmen, go where the action is, whether it is in the big cities, smaller communities or the suburbs.

What is the federal government doing to fight back?

We have many programs that affect the activities of organized crime. But, in respect to the existence of organized syndicates and what will, we hope, be their removal from the national scene, we have basically operated through our strike forces. These are teams of lawyers from the Justice Department and investigators from the FBI, Secret Service, SEC, IRS, Labor Department and whatever other availability we have in our government for investigations.

How do these teams operate?

The general approach is first to identify the players and then identify their activities and the federal laws under which they may be brought to judgment.

Of course, the discovery of crimes against state and local laws is frequently a by-product along the way, and that evidence is made available to local prosecutors.

We have also innovated with New York a "joint strike force" composed of state, city and federal law enforcement agencies. We feel this combined effort will eliminate overlapping and we will have an end product of two plus two equals six.

What success have you had in fighting organized crime?

We feel we are having considerable success. Not all of it has surfaced because some of these investigations, when you deal with these intricate organizations, are time consuming before you get to the end of the road. But our indictments in 1969 were up 30 per cent over 1968, and I think the FBI's last annual report indicated that between a fifth and a quarter of the identifiable Cosa Nostra operators either were in the hoosegow or were under indictment.

How much of a threat does organized crime pose to legitimate business?

There are various ways in which organized crime affects legitimate business. I think one of the most ruthless is use of strong-arm tactics to take over by forcing the owner to sell out.

Also, the racketeers control prices through anticompetitive practices, always having strong-arm tactics available if they need them. And they are involved in hijackings, theft of securities and other crimes that victimize legitimate businessmen.

Let me give you a specific example. Air freight is one of the country's fastest growing industries, with an integral part of its success the speed and efficiency with which cargoes are trucked to and from airport terminals.

At a major airport, where air freight is a big business, a local union known to be controlled by elements connected with the crime syndicate became the dominant union. At the same time, an association of air freight truckers was incorporated into a larger trade organization, which shortly thereafter hired as consultants two men who had been publicly listed as members of a crime syndicate. The association's dues increased 750 per cent in five years and its initiation fee went up to $5,000.

There is strong evidence to warrant a suspicion that the entire air freight trucking industry at this airport is controlled by organized crime, that it is trapped between a racketeer-dominated trade union on the one hand and a racketeer-dominated trade association on the other.

So, at this particular airport, organized crime is exacting tariffs from the shipper, the truck driver, the trucking company, the airline and, indirectly, the eventual consumer. At the same time, the syndicate can identify cargoes to be stolen and provide a marketing system for them.

Several criminal cases are pending as a result of these activities and the investigation is continuing.

What can be done once organized crime has moved into or taken over a business?

Many things. Once racketeers take over a legitimate business, they normally are not content to operate it as such. They go on to anticompetitive practices and other activities. We have, under existing antitrust laws, the vehicles with which we can get at them in such cases.

We also have asked Congress to approve legislation that would enable us to move against companies that have been financed with proceeds of criminal activities. Nothing hurts organized crime more than hitting at its vehicle of operation and removing its money. You have to get it at the top. If you only pick up the small fry, the fellow carrying out the mission, he generally can be replaced.

What are the other important aspects of the anticrime bill in Congress?

Protection for witnesses is very important. It's often difficult to get victims to testify against organized crime because they are in fear of their lives. This is particularly true in this extortionate credit field.

Many heads of families or small businessmen go to the racketeers and borrow money at extortionate rates. Then, if the fellow doesn't pay, it's a broken arm or the bottom of the river, or an attempt to compel him to open the night vault if he works in the bank or to bring him under their control to do whatever they want wherever he works.

We want to make it possible for people like that to come into court without fear of reprisal.

New weapons for getting at big-time gambling and improvements in the grand jury system are also important parts of the bill.

There has been a surge of violence against business, including bombings and burnings. Are you concerned that this is the forerunner of a new wave of radicalism against the business community?

Yes, it is something I am quite concerned about. In my opinion, it is a developing pattern. Last year and the year before, these militant radical groups were having some success on the campus in getting some segments of young people to follow them into their demonstrations in support of their announced goals of destruction of our system of government.

I feel that a history of the last two years has shown that this limited number of radicals and militants has lost standing with youth in general, who are perfectly willing to demonstrate and protest but not to go into outright violence and destruction.

So the radicals have broken off from the New Left, if that's what you want to call it, and gone into an area where they have decided to do their business—their thing—in a more destructive way. As dangerous as these people are, they are relatively limited in number and we hope more of those within the groups will break away so we can get down to where the few who are left can be put where they belong—in jail.

Turning to another area, what is the outlook for the Nixon Administration's goal of halting the rapid increase we have seen in street crime and other crime not part of the big-time rackets?

Well, I think the tide is beginning to turn. If we look at the FBI statistics for calendar 1969, the 11 per cent increase in crime was the lowest in four years and down from 17 per cent in 1968. I believe the trend is toward a decrease. The decrease will come.

Why is this so?

There are a number of reasons. We have been faced with an archaic criminal justice system and steps have only recently been taken to bring it up to date. I speak of the police forces; the courts, which are overcrowded and not functioning properly; the prosecutors' and public defenders' offices; a correctional system in which 45 per cent of the people who finish prison terms are again apprehended, convicted and put back in the pokey. You can rehabilitate these people so they don't become second and third or fourth offenders. We also recognize the need to improve our juvenile courts and facilities for juvenile offenders.

There is now great awareness of all these needs.

In addition, our drug programs are having a big impact. We want to get at this question of drug addiction so the addict doesn't have to go out and perpetrate a crime every day in order to get the cash to take care of his habit.

I also believe the Law Enforcement Assistance Administration is going to be very effective in bringing about a decrease in crime. It was established in 1968 with an appropriation of $63 million and we are asking Congress this year for $480 million.

The money goes to the states and localities to help them improve law enforcement and everything else in the criminal justice spectrum. Included—this is most important of all—is research in all of these fields to make sure we are upgrading our activities and our equipment. We have been stagnating in the criminal justice field for the past 100 years.

With all the sophisticated equipment available to police officers today, you have said that "the well-trained beat police officer is still the single most effective weapon against crime." Would you elaborate?

I think the decrease in crime in the District of Columbia—a 16 per cent drop in the past few months—is the perfect proof. There is nothing greater as a deterrent to a mugging or a holdup or the robbery of a liquor store than to have a policeman there. This was demonstrated in connection with Embassy Row. Every time the police department put men out on foot patrol around the embassies, the problem of crime disappeared in those areas. As soon as the policemen were removed, the problem came back.

There's a school of thought that gambling, marijuana and pornography involve individual choice which the government shouldn't try to regulate, and that police problems would be simplified if those activities were legalized. What do you think would be the effect of legalization?

Well, of course, we are getting into a field of sociological import which is not my business, but I do have an opinion on it.

I believe that gambling has a deleterious effect upon society. It hits people in the ghettos and others who have limited incomes. Their addiction to gambling, whether it is illegal or legal, causes many of them to use their bread and butter money in the hope they will hit the daily double or the sweepstakes or the number in the numbers racket, or whatever it is.

I think this is a bad social stance.

As for marijuana, the returns are not all in, in a definitive way, from all of the studies. But I have a very strong personal feeling that, while other people are discussing marijuana in terms of its being addictive, the question is not addiction but dependency. Users of marijuana become dependent upon it for their kicks or highs or lows or whatever they get out of it and I think there's reasonable, though perhaps limited, proof that a dependency upon marijuana frequently leads to more dangerous drugs.

In the area of pornographic literature, I couldn't care less what they do with it as long as it is not made available to the young. If somebody wants to look at dirty pictures, that is their business if they're old enough and have a mind of sufficient stature to make this determination.

But it's the spreading of pornography through the mails and into the homes where it falls into the hands of the young that is particularly disturbing. This is why the Administration has asked for laws to keep this material away from youngsters.

Some measures the Administration has requested in its crime bill have been criticized on the ground they conflict with constitutional rights. One is the proposal for detention in jail of suspects whose records indicate they might be dangerous if released on bail while awaiting trial. How do you answer that?

A pretrial, or preventive, detention is, in my opinion, perfectly constitutional. It provides that certain types of defendants or prospective defendants who might be a danger to the community can be held after a full evidentiary hearing before a court. The judge makes the decision as to whether the accused should be detained. If he is, he must be brought to trial within 60 days. People have been detained throughout this country's history for certain types of crimes for unlimited periods, and without evidentiary hearings.

Why is the Nixon Administration using "bugging" in criminal areas where the previous Administration refused to use it?

Electronic surveillances or wiretaps are used in two areas. Number one has to do with national security and they have been used in this country in such cases from the time the practice was invented.

The second has to do with the 1968 anticrime law, which authorized electronic surveillance in certain cases. But, here again, the bill provides that you cannot do so without getting a court order. And for the judge to approve, you have to demonstrate to him that there is probable cause that the individuals are undertaking a crime in a designated area.

Does the law abiding citizen have anything to fear here?

The Attorney General must personally approve each wiretap or bugging order issued by the federal government. If whoever sits in this chair exercises that power with restraint, I don't feel we are going to invade the privacy of anybody whose privacy shouldn't be invaded. I am talking about organized crime, kidnapers, drug peddlers and that type of thing.

Could you fight organized crime effectively without intercepting conversations?

From what I see, not using it is like fighting with one hand tied behind your back. Organized crime is big business. They are very resourceful people. It is awfully hard to get informants within their setups. They are clever in the cover-ups of their activities. But they have to use telephones.

How can the businessman help his government to fight organized crime?

The best way he can do this is by coming forward with information about it, because we find in many areas that legitimate businesses, even large corporations sometimes, are doing business with the organization racketeers or with labor unions that are under the dominance of organized crime. He shouldn't think he can do business with them and gain an advantage.

I also would suggest that he join with other businessmen in citizens' groups that are helping to remove this blanket of organized crime.

President Nixon has said, and I have said, that government cannot solve this crime problem alone, that we need citizen involvement. There are literally hundreds of programs around the country that relate directly to the total program of the elimination of crime.

ESSAYS ON RURAL ELECTRIFICATION

Mr. CURTIS. Mr. President, the Nebraska Rural Electric Association has sponsored a youth tour to Washington for a number of years. The group is made up of those boys and girls who have been the winners of essay contests sponsored by their individual Nebraska rural power systems in cooperation with the Nebraska Rural Electric Association.

I ask unanimous consent to have five of these winning essays printed in the Record.

There being no objection, the essays were ordered to be printed in the Record, as follows:

What Rural Electrification Means to Me and My Community

A new foundation lies wet in the ground. When it dries, another modern-electric home will be built. The meaning of the word, foundation, creates a certain appreciative feeling in me. Everything has a foundation. These foundations are strong to support the weight they must carry. If these foundations fail or break down in any possible way, the basis to these institutions become very weak or are completely destroyed. Electricity is the foundation of the farming and rural communities. Rural electric systems exist to benefit the people needing its power to live. Thus, it is said to be the "people's program."

The people's program provides many applications of electricity on the farm. Many of these increase both convenience and production. An example is the electric heat lamps used for animals, especially the young. This product, which provides warmth, decreases the number of animals lost during the cold winters. Another example is the electric waterers. The waterers save the farmer the work and time of chopping ice from frozen tanks. With the water at the right temperature, animals drink more, gain more, and are ready for market earlier. These time saving devices allow my father the choice of a few more working hours or more leisure time to spend with my family and me.

Being a member of the farming community, I can realize the importance of the people's program. Without rural electricity, farm work would be much harder. Rural electricity makes livestock raising faster and more efficient. It helps to gain abundant crops from the soil. Most important of all are two things that rural electrification does to accommodate my father. Rural electrification not only makes life on the farm much more comfortable and convenient, but also makes the farm run much more efficiently. First-hand experience comes from being with no electricity for a few hours.

Applications of electricity are an important part of the rural community's success, too. The readily available electricity at a reasonable cost makes growth of new businesses and industries possible. These businesses and industries provide more jobs and opportunities for people who appreciate living in a rural community. Streets lighted by electricity make the community a safer place to live. Electricity establishes different kinds of entertainment for the young and older people alike. In this way electricity helps the rural community to develop better people.

Electricity is the people's program! Without it, the United States would not be a leading world power trading goods in all parts of the world. Even though our urban population sometimes forgets, the backbone of the United States is still the rural community, and the foundation of the rural community today is rural electrification. Life would be difficult without it. Rural electrification has become and shall continue to be the foundation of rural America.

INFORMATION

My name: Lois Schroeder. Age: 15. Grade: Sophomore. School: Oxford Community School. Name of parents: Mr. and Mrs. Otto Schroeder, Oxford, Nebraska.

Rural Electrification and the Value of Electricity in the Home and on the Farm

An American farm today is like a smooth running car with electricity as its all important fuel. The agricultural machine would become paralyzed like a car out of gas without the use of electricity.

Once thought of as representing a isolated lonely way of life, the modern farm of today is alive with activity and progress. The tall silent windmill still stands in many places as a symbol of a bleak past without electricity. No longer does the farmer struggle to provide a meager living for his family with a few animals and small crops. Today he can boast of huge wheat and corn fields, and large herds of livestock. The dairy farm has become a more and more modernized industry with clean and efficient machinery.

All of this has come about from the help of the Rural Electrification Administration which was created in 1935. The program has expanded and improved until now 98 per cent of the Nation's farms are supplied with electricity. More and more people are receiving the advantages of electricity as the Rural Electric systems added almost 195,000 new customers in 1969 and it has been predicted that by 1980 they will add as many as 250,000 a year.

With the coming of electricity, new machinery to help the farmer was developed. Scientific methods are now a major part of today's farm. Grain is dried, cattle are fed, cows are milked, water is pumped, and barns are lighted. Methods of irrigation have advanced to such a degree that now it is possible to see self-propelled sprinkling systems moving their way across many fields. In this way, electricity has improved cultivation and increased production. The farmer is also becoming much more independent. With new shop tools and equipment, he can now do many of his own repairs and construct his own buildings.

Though electricity has helped the farmer a great deal, life inside the home itself has changed even more. The farm house has advanced from a mere shelter to a modern, efficient home equipped with all of the conveniences desired. The housewife's work has been decreased a great deal with such things as the electric dish washer, sewing machine, steam iron, washing machine and drier, and many other time saving appliances. Making life in the home even more modern is the continuous flow of communication with the outside world by way of television and radio. Central heating and air conditioning make comfort in the farm home complete.

Born into an "electrical" world, the younger generation living on today's farms have unlimited opportunities. The typical "country" teenager is more on equal terms with his city contemporaries. The amount of free time for recreational activities has probably been influenced the most by the use of electricity. But entertainment is only a part of the change electricity has made. It is now possible for the student to have excellent lighting for his homework and reading area.

With the introduction of electricity, the rural American farm began to grow. Electricity has made the occupation of farming a profitable investment and the modern farm of 1970 holds infinite opportunities.

People living in rural areas today still lead peaceful and healthful lives, while their work is decreased and leisure time increased by the use of electricity—the fuel for rural America.

INFORMATION

My name: Marge Carse. Age: 16. Grade: Junior. School: Palisade High School. Name of parents: Mr. and Mrs. Wayne Carse, Palisade, Nebraska 69040.

Development of Rural Electrification in My Area

The lights flickered once and then there was darkness. Panic swept the community, but in the rural areas the situation was worse. It was summer and the pumps were dead. Without water the corn would wither and die.

This paragraph reveals the shocking dependency that both urban and rural areas have on electricity. It was not always so. Before World War II kerosene lamps were used and the work was primarily manual. In 1935 when the Rural Electrification Administration came into existence, only 7.1 percent of Nebraska farmers had electricity. But it was not until April 21, 1949, that the South Central Public Power System was fully established. The creation of this district was spurred by spirit-minded citizens who felt rural Nebraska should no longer be kept in the "dark ages."

Representatives from six south-central counties met in Red Cloud. Already 971 consumers were awaiting electricity. Some farmers believed that electricity would be used only in terms of lighting. But in the near future they would use it for electrical appliances and farm implements. The dedicated representatives and other interested parties worked for four years, and it was through their efforts that south-central Nebraska is a prosperous part of the state.

Today electricity performs farm chores that once took hours of drudgery and toil, and jobs that were time and energy consuming. By 1965, 98 percent of Nebraska farms had electricity.

Now we look to the future when there will be fewer farms. These farms will depend more and more on electricity. By 1980 the annual farm use of electricity is expected to be three times the 1960 use.

Throughout Nebraska beneath the ground lies the power that controls the world. Man has harnessed this power and is using it to his advantage. So the hum of the irrigation pump on a calm summer night is a constant reminder, that electricity is working for the betterment of my community.

INFORMATION

My name: Dorothy Kouba. Age: 15. Grade: Sophomore. School: Clay Center High School. Name of parents: Mr. and Mrs. Richard Kouba, Clay Center, Nebraska.

The Value of Rural Electrification to Our Home and Community

Like magic, flip a switch, turn a knob, or set the dial, and you have running water, the right temperature for a good nights rest, and light fills the room.

On our all-electric farm, 60 cows are milked in one-fourth the time as when our parents were kids. You may stand in a heated barn in the winter, never touching the milk and have it pumped into the tank, cooled within one and a half hours, and still have the pleasure of listening to your favorite radio programs.

With a large family, meals could be a problem but with a modern electric range to fry, bake, and broil your meat, potatoes and vegetables, what could be easier! After meals put your scraps down the garbage disposal, stack the dishes in the automatic dishwasher and they'll be dry and sterilized, ready for the next meal. Then relax for hours of entertainment in front of your T.V.

Washing clothes used to be a very time-consuming job and took a lot of work but today, just throw the clothes in the washing machine and in 15 minutes they are clean and ready for the dryer. Years ago, without the dryer, people had to wait long hours for their clothes to dry and then had to iron them; today most clothes come out soft and ready to wear.

Electricity plays a very vital role in our small but ever-changing community. It provides entertainment such as the electric pin setters in the bowling alley, lighted football field, and heats our basketball court. Electricity provides such services as lighting our street lamps at night and it keeps the fruit, vegetables and meats fresh at the grocery store, ready for us to buy at any time of the day.

The time when we fully understand the value of electricity is that once-a-year wind storm that causes the electricity to go off. You can't do your chores, eat a hot meal, enjoy T.V., or even take a bath. Without electricity you're walking in a maze of darkness. Electricity plays such a vital role in farm life today I don't think we could get along without the convenience of it.

While Benjamin Franklin was working with his simple experiments concerning electricity, he didn't realize that electricity someday would help to put man on the moon or even help solve such problems as pollution.

After electricity was discovered and put to use it shined a whole new light on this old world of ours. It made it possible for science to continue to develop new ways of doing things at a much faster pace, which in turn has made it a more advanced and more comfortable world to live in. Like magic, electricity is almost like a dream come true.

INFORMATION

My name: Kathleen L. Kester. Age: 16. Grade: Junior. School: Pope John XXIII High School. Name of parents: Mr. and Mrs. Harold Kester, Jr., Clearwater, Nebraska 68726.

RURAL ELECTRIFICATION

"Concern" is a favorite work of my generation—concern for the welfare of our fellow man and the future of our world. Sometimes we act as if we had invented the word, as if concern were a brand new commodity.

To set ourselves straight, we young Americans need only to look about the rural countryside to see wordless testimonials to human concern: the REA power lines. They follow the road here, stride across the hills there. At night the farmstead lights they give life to shine like beacons in the dark.

How did they come to be, these power lines that supply the farmer his cheapest labor and put his family on an equal footing with city dwellers? They owe their existence to concerned people of a half-century ago. The names of George Norris and Morris Cooke come to mind; many others who worked to improve the lot of farmers received little or no recognition. But they were making the wheels of progress rotate—if slowly. By 1923 thirty-one rural cooperatives had been incorporated in nine states. In 1933 the Tennessee Valley Authority was created, and two years later the Rural Electrification Administration made cheap power a reality for farm people.

Let's take a tour of a Nebraska farm which fully utilizes this power. The one I have in mind does a particularly effective job of demonstrating how the efforts of a concerned individual may be supplemented by the efforts of a concerned government. When we drive into the yard and see the modern ranch-style house in its setting of flowers, shrubs and lawn, we are aware of the efforts of the last two decades. It takes a look at the extraordinary depth of the windowsills for us to realize that the central part of the home is a sod house. The man who erected these sod walls cared about his family. He provided them the most secure dwelling he could, one that would weather the prairie storms. His great-grandson, the present occupant, also is concerned about his family's physical and mental well-being.

The house is electrically heated; has an abundant supply of hot and cold water; and is equipped with the usual electrical appliances for cooking, cleaning and laundering. The radio, television and stereo bring news and first-rate entertainment into the home from the outside world.

Outdoors, the farmer's aids to production include an automated cattle-feeding system, heated poultry and pig houses, and electrical milking equipment. His crops are irrigated and his grain is aerated and dried by means of electricity. Because of his own concern and that of government leaders of an earlier generation, this Nebraska farmer is one of the world's most advantaged and most efficient producers of food.

There is an old saying to the effect that we stand on the shoulders of those who have gone before. Our brief visit to a modern farmstead should demonstrate the truth of this saying and help us to look toward the future with some confidence. There always have been and always will be people around who care about others, who have foresight and know-how. Yes, the name of the game is "concern," and all who play will win in the end.

INFORMATION

My name: Marshall Goodenberger. Age: 16. Grade: Junior. School: Lincoln High School, Lincoln, Nebraska. Name of parents: Mr. and Mrs. Marvin Goodenberger, Trenton, Nebraska.

PRESIDENT EISENHOWER'S SEC CHAIRMAN SPEAKS ABOUT THE COST OF THE INDOCHINA WAR

Mr. YARBOROUGH. Mr. President, in spite of the impression the administration sometimes tries to give that most of the American people are in favor of the Indochina war, I am convinced that a broad spectrum of public opinion in this country now opposes prolonging this conflict. Surely no Member of either House of this Congress can be unaware of the extent or intensity of opposition to the war on college campuses. But the opposition long ago spread beyond the campuses. One of the most prominent off-campus antiwar groups is Business Executives Move for Vietnam Peace, an organization made up of business leaders who oppose this tragic war.

Recently, the Chicago chapter of this organization heard an address by Mr. J. Sinclair Armstrong, executive vice president of the U.S. Trust Co. of New York and formerly Chairman of the Securities and Exchange Commission under President Eisenhower. Mr. Armstrong gave a very insightful commentary on the relationship between war costs and inflation. I think we in the Congress should all read it with care and heed it.

Mr. President, I ask unanimous consent that the text of the address by Mr. J. Sinclair Armstrong entitled, "Inflation: Causes and Cures" be printed in its entirety in the RECORD:

There being no objection, the text of the address was ordered to be printed in the RECORD, as follows:

INFLATION: CAUSES AND CURES

(By J. Sinclair Armstrong)

I. CAUSES OF INFLATION: DEFENSE OR DOMESTIC PROGRAMS?

The President and his Council of Economic Advisers attribute to the $57 billion Federal deficit for the decade 1960–1969 the cause of inflation. (State of the Union Message, January 22, 1970).

What Federal programs brought about that deficit? Let us look at Defense.

In the ten years (1961–1970). Defense expenditures were almost two-thirds of a trillion dollars ($622 billion).

If the rate of defense spending had continued at the 1960 rate, $163 billion less would have been spent, of which $139 billion occurred in the five years 1966–1970. A large portion of this was for the Vietnam War.

At $73.6 billion, President Nixon's budget request for Defense for fiscal 1971 is $28 billion more than the 1960 base year. Southeast Asia Operations are no longer separately stated (as they were in 1970 and previous budget documents), but it is reasonable to assume, with large forces remaining in Vietnam, and recent developments in Laos and Cambodia, that Southeast Asia Operations will cost at least $25 billion.

Have domestic programs of economic and social importance caused the deficit? Let us look at five, National Resources, Commerce and Transportation, Community Development and Housing, Education and Manpower and Health. In the aggregate, for the decade 1961–1970, $196 billion will have been spent on these, and, if the 1960 base rate had been adhered to, the figure would have been $108 billion less.

Proportionately, the increase over the 1960 base for Defense has been less, 35%, compared to 122% for these five domestic programs of economic and social importance.

However, who would argue that the $8.8 billion level would be adequate for these domestic programs today for our national requirements? Even fitting them into an austere wartime budget, President Nixon has requested an aggregate of $38 billion for National Resources, Transportation, Community and Housing Development, Education and Manpower and Health. Clearly, if the premise is true that Federal deficits cause inflation, Defense should be on trial. The Vietnam War is Exhibit A in the inflation case.

II. WHO PAYS FOR THE INCREASED SPENDING BY GOVERNMENT?

The taxpayer, of course.

The expenditure figures just cited are so gigantic and the increase is so impressive that it will be no surprise to find that Federal revenue has enormously increased over the decade 1961–1970.

Principal sources of revenue in 1960 were the individual income tax, $40,791 million, the corporate income tax, $21,494 million and excises, $11,476 million, total $73,961 million. Ten years later, 1970, these revenues were estimated at individual income tax $92,000 million, corporate income tax, $37,000 million, excise taxes, $15,940 million, total $145,140 million, about double the revenue of ten years ago. The increased revenue became dramatic in the years 1967 to 1970, as higher personal earnings were taxed at surtax rates, and there was a sizable increase in corporate income tax revenue in those recent years too. Make no mistake. A heavy burden falls on taxpayers.

Over the decade, a trillion dollars ($1,013,441 million) of revenue was raised by individual and corporate income taxes and excises. If the amounts of revenue raised by these three taxes in 1960 had been raised in each year throughout the decade, a quarter of a trillion dollars ($273,831 million) less would have been raised.

This additional quarter of a trillion was more than enough to pay for the increases in the five domestic programs of economic and social importance mentioned above, which increased $108 billion, and also a good part, though not all, of the decade's $163 billion increase in Defense.

The bunching up of the Defense costs in the last five years caused acute budget imbalance, and certainly fueled the inflation in 1966 and subsequent years.

III. WHO PAYS FOR INFLATION?

1. Consumers—That means everyone

The consumer price index—all items—1957–1959 base 100—has risen from 103.1 in 1960 to 131.3 in December 1969, but 21.4 of this was during 1966–70, the Vietnam War years. The rate of increase was 7.5 in December 1969. The wholesale price index—all commodities rose from 100.7 in 1960 to 113 in 1969 and was at 115.1 at December. Of this rise, 12.6 occurred in 1966–1969. Everything costs more.

2. Workers

Earnings are up too. Over the decade, against stable or declining average weekly hours of work, 38.6 to 37.5, non-agricultural workers have gained almost 50% in average gross hourly earnings, up from $2.09 to $3.11.

But do rising wages keep pace with rising prices? Not by much, for the worker. Average weekly gross earnings for workers in non-agricultural industries have increased almost 50%, from $80.67 to $117.25, but measured by 1957–1959 prices, these figures become $78.74 and $89.30, an increase of only 13%. In the four years, 1966–1969, the progress has been about 2%, from $87.37 to $89.30.

The worker has been on a treadmill during the Vietnam War years. It is important to understand this in assessing the recent very much larger demands and settlements in labor contract disputes, including those with Government itself, and the implications for the future of prices as well as wages.

For example, after the recent transit settlement in New York City, the Transit Authority raised the fare 50%, from 20c to 30c. In the postal workers settlement, the President is asking Congress for a two-third's increase in the first-class mail rate, from 6c to 10c an ounce.

3. Investors

Investors pay for inflation too Average stock and bond prices have seriously fallen. The Dow-Jones average of 30 leading industrial corporations touched the magic thousand figure several years ago, but recently has been 20 to 25% below that figure.

Fixed income securities, too, have depreciated in value as interest rates have increased to historic highs. Borrowers of all kinds have been compelled to pay more, and credit has been less available, curtailed over most of the past five years by restrictive monetary policy wisely applied by the Federal Reserve System. Only recently has the "Fed" released the pressure a little, recognizing the "cooling" of the economy and a small rise in unemployment, despite continued price increases and wage demands.

4. Home-buyers and the housing industry

High interest and unavailability of credit has particularly hurt the housing industry. Yields on FHA new home mortgages rose from 5.46% in 1965 to 8.48% in December 1969. New housing starts—farm and nonfarm—had some spotty years, sinking from 1,510,000 units in 1965, to 1,196,000 the next year, then rising to 1,547,000 in 1968, but dropping to 1,245,000 annual rate at December 1969.

The increase in mortgage debt outstanding for housing has been far below an adequate rate: from 1966 to the third quarter of 1969, the increase of FHA insured loans $11.4 billion, VA $4.4 billion, conventional loans $34.8, represented rates of increase of mortgage financing nowhere nearly sufficient to finance the 26,000,000 family units stated as the Government homebuilding goal for the decade of the 1970's.

It is possible to become extremely depressed about housing. In New York City, where I live, there are one million human beings living in buildings over one hundred years old. Conditions in the ghetto are dangerous, unsanitary, alienating to young and old, breeding of vice, crime and drug addiction.

The New York construction industry for low, middle income and high income housing alike, is virtually at a standstill. Vacancies are lower than since World War II. The City Council has reenacted rent control, fearful of the consequences of freeing a rental market when there are no vacancies. Investors and builders have no inducement to build under conditions of rent control and tight money. There is a vicious cycle. Only a massive infusion of money, relaxation of restrictive building code practices, introduction of modern construction methods, and a planned phase-out of rent control can arrest the deterioration of New York City housing. There is an opportunity here and a need for a gigantic financing program. Only the Federal Government has the resources to make this possible.

The housing problem is one of the acute national problems not met because of the vast call on Federal resources by Defense.

IV. IS IT SOUND ECONOMICS ANALYSIS TO BLAME HIGH DEFENSE SPENDING FOR INFLATION?

Economists generally include defense expenditures as part of the gross national product. This is a fallacy. Money spent for defense—for personnel, operation and maintenance, procurement and research and development, indeed, for space, and what goes for military applications of atomic energy—leaves the economy.

It contributes nothing to the economic life of the nation.

True it is that wages are earned and goods are procured and paid for. But the services rendered and the goods procured make no contribution to economic life or future economic activity. Indeed, they have a multiplier effect—two for one—because the dollar earned by the serviceman or the defense contractor will be paid into the civilian economy to purchase the needs of the serviceman and supplier, thus taking goods and services out of the civilian economy without putting anything back in exchange.

It is not accidental that throughout history wars have been marked and followed by acute inflation. French currency collapsed after years of supporting Napoleon Bonaparte's Armies. Most major allied nations' currencies except ours suffered devaluations after World War I. (Our involvement in that war was short, and we became a major creditor nation).

U.S. currency declined about half in purchasing power through World War II and the Korean War, though the erosion was masked by wage and price controls, material allocations and selective credit controls, as well as support of government bonds by the Federal Reserve System. In the recent Vietnam War period, none of these devices has been used to reduce the pressure of defense and war spending on the civilian economy. Inflation during periods of war should be no surprise.

The impact of expanded defense spending on the civilian economy affects some sectors more than others. When the build-up began in 1965–1966, it pressed against a civilian economy going full blast, with high utilization of plant, professional and technical personnel and work force.

"Guns and butter" (President Johnson's 1966 State of the Union message) was a fallacy. Something had to give way. It was "butter."

Bruce M. Russett, director of World Data Analysis Program and professor of political science at Yale University, has analyzed the effect of defense spending on various civilian activities, relating pressures of defense to various categories. He concludes that consumer durables, services, investment, balance of payments (because of military expenditures abroad), and residential structures (housing) are major casualties, along with health and hospital services and education in the public sector.

The damage to future industrial capacity and output is regrettable when investment is curtailed. "Proportionately . . . investment is much harder hit by an expansion of the armed services than is consumption . . . if an extra billion dollars of defense in one year reduced investment by $292 million, the level of output in the economy would be permanently diminished by a figure of the order of $65 million per year."

VAST WASTE IN DEFENSE

Seymour Melman, professor of industrial economics at Columbia University, has analyzed the consequences of the defense spending in his new book, "Pentagon Capitalism—The Political Economy of War," (McGraw-Hill Book Company, 1970). A reading of this book is a "must" for any student of this subject. Let me mention a few points briefly, bearing on inflation.

Through its Defense Contract Administration procedures a large part of all procurement is without competition through sole source suppliers. The Pentagon managers take part in the hiring, deploying and paying of employees, entering into labor negotiations, and specifying permissible overtime. A major part of military purchases involve goods for which no market exists, hence there is no benchmark for setting prices, hence the Pentagon sets prices on the basis of "cost analysis." Procedures for cost analysis are very complex, but are freed from various legal restrictions so that production costs will be compensated. A substantial portion of capital invested in military-industry work is supplied by the Government, through "GFE," and loans, advances and progress payments.

Contrary to popular impression, earnings on private industry's capital invested in defense work are higher than on capital devoted to civilian production.

Vast cost overruns are permitted. "Studies performed by the federal government's General Accounting Office found $500 million of waste in military industrial contracts during the period May 1963-May 1964. Since these studies were done on a sample representing 5 percent of Department of Defense and NASA payments, it is reasonable to infer that there was approximately $10 billion of questionable charges to the government during that one-year period, taking the population of military and space contractors as a whole.

3.2 TIMES INITIAL COST ESTIMATES

Two classic examples of massive cost overruns are in the news. In May, 1969, it was announced that the 120 C–5A intercontinental jet transports would cost $5.2 billion, instead of the original estimate of $3.4 billion, and recently the contractor has applied to the Pentagon for financial aid of half a billion dollars to keep it in production on this and other contracts. "The original calculated cost of the F-111 program was $4.9 billion. By 1968 the cost of a 1,700 plane program would have been $14.6 billion on the basis of official testimony to the Senate Armed Services Committee reporting cost per plane to be $8.6 million. This implied a cost overrun of $9.7 billion by 1968, against the original 1963 estimates. . . . The 1962 studies of Peck and Scherer (Merton J. Peck and Frederic M. Scherer, "The Weapons Acquisition Program," Graduate School of Business, Harvard University, 1962) disclosed that, on the average, final prices on large military systems had been 3.2 times initial cost estimates."

Defense spending's cost to society, its inflationary consequence, must be judged by what it replaces that could otherwise be accomplished.

The scale and quality of research and development and the quality of the physical plant affect the development of productivity of both capital and labor. The deterioration of these in the United States is of great concern. McGraw-Hill's regular five-year inventory of metal-working machinery in U.S. industry, taken in November, 1968, "disclosed that 64% of the metal-working machine tools used in U.S. industry were ten years or older. The age of this industrial equipment (drills, lathes, etc.) marks the United States' machine tool stock as the oldest among all major industrial nations. . . . This deterioration at the base of the industrial system certifies to the continuous debilitating and depleting effect that the military use of capital and research and development talent has had on American industry."

In 1967, of the 700,000 scientists engaged in research and development in the U.S., 63% were working for the military.

The 259,000 "R&D" personnel engaged in civilian work compare "most unfavorably with the western European research and development staff which totals 466,000, an overwhelming part of which is engaged in civilian research and development."

The depletion of our society by the excessive and wasteful military spending is a central element of inflation.

V. CURES FOR INFLATION

1. Short range, restrictive fiscal and monetary policy continue essential. The President and the Federal Reserve System must maintain their courageous and not always popular stand for balanced budget and restrictive though flexible monetary policy—particularly to dampen the "expectation of inflation" which persists among businessmen, labor leaders and rank and file and Government officials. This "expectation of inflation" is well described by my colleague, James J. O'Leary, in his talk at the Federal Reserve Bank of Dallas on March 17. "The expectation of inflation remains very strong," he concluded. "Despite sincere and determined anti-inflationary efforts by the Administration and the Federal Reserve, the 'credibility gap' is still wide."

A National Incomes Policy should, in my opinion, be considered. The President has expressed himself opposed to wage and price controls. But wage and price controls, materials allocations and selective credit controls, helped stem inflation in 1942–1945, and national incomes policies have assisted economies of debtor nations such as the United Kingdom. A distinguished Chicago banker, Mr. Allen P. Stults, Chairman of American National Corporation, spoke along these lines at its stockholders meeting, January 27.

As a matter of economic education and discipline, the Gross National Product figures should be revised to subtract from the totals all Defense, Space and Military Atomic Energy spending, as they do not increase the "product," and an equal amount should be subtracted to reflect the civilian goods and services taken out of the economy by those spending dollars earned in Defense. The result will be a more accurate estimate of "gross national product."

ADDING BADS AS GOODS

A writer in the Wall Street Journal (April 6, Page 1, Column 5) put it this way: "The GNP misguides us as unblinkingly adding up as 'goods' such 'bads' as ABM's or bullets dealing out death in Vietnam . . . The $41 billion a year is double counted . . . due to a conceptual dilemma which causes this to show up both as government spending and as consumer spending. Last year's output . . . deflated to strip away the illusory gains of price increases . . . as measured in 1958 prices, was $727.5 billion, a staggering 204.6 billion below the commonly cited figure."

Revision and better understanding of what constitutes "National Product" is urgently needed if inflation is to be understood and cured.

Long range, here the problems are of immense difficulty, militarily, politically, and economically. Let me cite a few:

1. Missile development and the nuclear deterrent. At present, the U.S. and U.S.S.R. each has nuclear deterrent capability but lacks a "first strike" capability. If either alters this delicate strategic balance of terror, the consequences are unimaginable.

The Strategic Arms Limitation Talks (SALT) are of immense importance to both sides. If they fail, and each goes into a new phase of offensive and defensive missile development and deployment, the costs to each are likewise impossible to estimate. Senator Mansfield has mentioned $50 billion for "Safeguard" ABM, but there are no real estimates. If new offensive (MIRV) and "thick" defensive (ABM) weapons programs and shelters for civilian population should be embarked on, the figure $650 billion has been suggested (Melman, page 121). What security would be achieved? Then as now the Americans and Soviets could still destroy each other's civilization. Surely, another round of the "missile race" must be avoided by both powers. The economic future of both countries depends on success of the SALT talks.

2. Conventional War. President Nixon announced a new and wise Asian foreign policy at Guam. But, can he succeed in withdrawing U.S. forces promptly and completely from Vietnam and avoid military involvement in Laos, Cambodia, and other countries out there? Who can tell?

Meanwhile, the nation pays the price—the most costly mistake of our national history.

Business leaders are beginning publicly to recognize the damage to the U.S. that the Vietnam War has inflicted. The distinguished Chairman of the IBM Corporation recently said, "Our call to stop Communism anywhere—despite the price—drifted us into an unattainable goal in Vietnam. Since we have no formal mechanism to study, adjust and reset our national priorities in an integrated fashion, we pursued the Vietnam goal to a costly point. The lives of 40,000 of our men have been lost, vast resources have been wasted, and the morale of our youth eroded." (Thomas J. Watson, Jr., address before the Bond Club of New York, January 7, 1970). Mr. Watson called for the formation of a completely new governmental body, perhaps a Senate-House-Citizen group, to study, set and reset annually the national goals, "costed and readjusted on an integrated basis," reporting to the President.

WAR'S END GOOD FOR BUSINESS

Another distinguished American, Chairman of the Bank of America, the nation's largest bank, recently had this to say: "The war distorts the American economy; it is a major contributor to inflation; it draws off resources that could be put to work solving imperative problems facing this nation at home. Because the war distorts the economy and contributes substantially towards inflation, this bank has consistently pointed out that an end to the war in Vietnam would be good, not bad, for American business." (Louis B. Lundborg, letter to A. R. Appleby, Chairman, Los Angeles Chapter, Business Executives Move for Vietnam Peace, March 11, 1970).

So, if inflation is to be cured, the budget for strategic offense and defensive weaponry, and the budget for conventional war such as the one we have been waging since 1965 must be brought under control. Obviously, this is not the paper in which to develop a model defense budget. As a starting point for study, I recommend Professor Melman's Memorandum to the U.S. Senate Armed Services Committee, May 2, 1969, which would maintain 2,300,000 men in the armed services, "operate missile, aircraft and naval forces of staggering power" and provide savings from the $81 billion 1970 estimates of $54,794 million.

If inflation is to be arrested and cured, proposals seriously to curtail the Defense budget but maintain deterrence and adequate manning must become the province of all sections of society, not just the Defense Department and the Armed Services Committees of the Congress.

I personally strongly hope that the President and the Congress will establish a Permanent Committee to take up this work as Mr. Watson proposed.

WHAT YOU CAN DO

You can do any one or all of the following things to help solve our country's Vietnam crisis and get on with the constructive job of problem solving to realize the American dream:

(1) Contribute to BEM. Make check payable to "Chicago BEM." Most contributions range from $50 to $5,000. Some executives plan to give 5% of income. You need not be an executive to contribute.

(2) Write or talk to your Congressman and to other politicians. You might inform them you will support only candidates who actively work for the BEM "Statement of Position" or your own version of it.

(3) Ask BEM for a speaker or discussion leader to talk with a small group of friends at lunch or dinner—or at a meeting of your organization.

(4) Become a member of the Chicago Committee. Serve on one of the sub-committees. Bring friends to BEM meetings.

CHANCELLOR VARNER OF NEBRASKA UNIVERSITY SPEAKS

Mr. HRUSKA. Mr. President, ever since the President announced his decision to send troops into Cambodia and the ensuing tragedy at Kent State University, we have been watching with concern events on our Nation's campuses. Are these traditional centers of independent and impartial thought to fall victim to a radical minority which is less interested in the legitimate concerns of the university than it is in total change in our form of government? I think not; I certainly hope not.

I deplore the recent trend toward the politicizing of our colleges and universities. The traditional contribution these institutions have always made to our society is that they were able to stand above the fray and take the long, impartial view of events. Their voice once was the calm voice of reason which we came to rely on in the past. If this attitude is destroyed by students and administrators and faculty too quick to stand and be counted on one side of an issue, then our centers of higher education will have forfeited one of their unique positions in our society.

I have always respected the right of citizens—on campus or off—to dissent from governmental policies and decisions. Everyone connected with our universities has that right and must be free to exercise it. What I regret is using these universities and institutions as a base of support for an extreme position. What I also abhor is the use of violence and civil disobedience to support these points of view. This must not be tolerated under any circumstances.

Constructive change can only be accomplished in an ordered society. Anything else would be anarchy, which we cannot and will not accept. I am particularly disturbed when students, often a small minority of the campus population, attempt to force their views and opinions on others through the use of force and violence or by denying their fellows the constitutional right of free speech which they so passionately claim for themselves.

A commencement address given by the chancellor of the University of Nebraska has recently come to my attention. This speech was given by Chancellor Durward B. Varner on May 23 at Texas A. & M. University, an institution from which he graduated as valedictorian in 1940. In this address he makes some cogent points concerning the challenges which are currently facing our universities.

Chancellor Varner has been with us at the University of Nebraska only slightly more than a year, but in that time we in Nebraska have come to appreciate his firm and reasonable grasp upon the problems which increasingly plague our educational institutions.

Perhaps one of the principal reasons we value his counsel is the fact that in an age when communication between the generations is freely acknowledged to be unsatisfactory, Chancellor Varner seems to have a rapport with the young which is unique and very valuable, especially in an educational institution.

The chancellor came to us from Oakland University at Rochester, Mich., last year, and the Oakland campus was noted at that time for its absence of demonstrations. The only hint of a demonstration had been mounted in the face of report that the chancellor had been offered the job of president of Michigan State University.

Confronted by the threat of such a campus demonstration asking him to remain, Chancellor Varner turned down the opportunity to move into the Big Ten.

Fortunately, when contacted by the University of Nebraska, he did not turn that opportunity down.

I commend his thoughts to all Senators and ask unanimous consent that this speech be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

The Interesting Way of History

(Commencement address by Durward B. Varner)

President Luedecke, members of the Board of Directors, members of the faculty, graduates, parents and friends of graduates, and guests.

For me to be invited to participate in the 1970 Commencement ceremony is an honor which I genuinely cherish. For me this is an emotional occasion—one rich with nostalgia. It was thirty years ago, almost to the day, when I stood on the Commencement platform of this institution and delivered the valedictory statement for the graduates. . . .

In preparing for today's program I reached back into my files and found a copy of that valedictory address delivered in the spring of 1940. I read it again for the first time in almost thirty years, and I found those musty old words intriguing, if a little quaint. Permit me to quote the first four paragraphs:

Since my experience in giving the valedictory of my class is and has been extremely limited, I inquired around as to what would be the fitting and proper thing to say at a time like this and on an occasion like this. It seemed pretty generally agreed that the duty of a valedictorian was to say a farewell from the graduating class to the college. I gave that angle some thought and pretty quickly arrived at the conclusion that this senior class can't say farewell to this school, because it's not farewell. The A&M that we have attended and learned to love is something that can't be put in the background just like that, because it has grown to be a part of us. Wherever we go or whatever we may be doing, this A&M College will be with us—a part of us—in our minds and in our hearts, and will serve as a guide in our lives.

So, instead, I decided that it would be better to take a look into the future to see what problems will face us and to see what we may best do to help with the solution of these problems—so let's take a brief look.

In our own country we are faced with thousands of unemployed, with bread-lines, with huge relief rolls, and with other means of aid from the government to help our unfortunate people. There is a political unrest as well as economic instability. Thousands and thousands of people in America are dissatisfied. But, our troubles here in America are pushed into relative obscurity when we look at the world around us. I need not remind you of the horror of the war raging in Europe.

A state of civilization and culture that has been generations reaching its present peak is threatened with imminent destruction. Yes, certainly it is a world of turmoil into which we are stepping. The problems are serious, and the consequences and results may be even more serious. But from the beginning of this world mankind has been busy facing and combating just such serious problems—this is nothing more than history repeating itself with more violence. So we, graduating tonight, should not step back in amazement or bewilderment at the complexity of the problems confronting us—but on the contrary we should step forward to meet them and do our part in seeking a satisfactory solution.

As I reread that introduction of thirty years ago, and as I stand now before this class of 1970 graduates of Texas A&M University, it occurs to me once more that history has a way of speaking with its own incisive eloquence.

You, too, face a war—a war for which there is limited enthusiasm and about which there is a continuing flow of rhetoric.

You face the picture of pockets of poverty in a nation which has attained the highest level of affluence ever known to mankind.

You face a nation torn with racial strife—even in a period when civil rights have become identified as the law of the land.

WELCOME TO THE CLUB

Your generation has identified these problems, and properly so; not only identified them but you have almost made a career of pointing with horror to the depressing scene confronting you as you emerge from college. There certainly can be few among us today who have failed to get the message from this new generation—the message that my generation has left a considerable mess for you. Effective today, you change your role from that of a critical observer to a participant in the game—I am pleased to welcome you to the ranks!

And since you are now leaving the green and vibrant world of the living campus and are enroute to the rest of us who hear young voices telling us that we are drifting in the outer space of irrelevancy, it might be that you would welcome a word or two from those of us who have gained experience in the fine art of defending our own generation. And, parenthetically, it is with some sadness that I feel compelled by the sheer honesty of this moment to suggest that you are in the process of changing your posture from one of critical offense to the less glamorous—and certainly less publicized—posture of effective defense. Let me take just a few moments here to tell you about defense—the members of my generation are now experienced in this endeavor—I am, you see, slyly suggesting that you pay attention, because your turn is coming, in fact it is almost here.

When we are accused of being blind to the reality of the dangers that now threaten this nation and the world, we find satisfaction in recalling that we, too, have faced and grappled with danger and uncertainty—and with some success. We emerged from college to a scene that was anything but bright. A totalitarian regime had taken firm control of Germany and the peace of the world was doomed. Small nations were being mercilessly overrun; Jews massacred by the thousands; France was tottering; and England threatened. Japan was joining the Nazi forces, and Russia was an unknown quantity

My generation fought a massive war—one that lasted almost four years—and with a staggering cost in human lives. A cleaner war? Perhaps. A more purposeful war? Probably. But an unpleasant prospect nevertheless for my group of graduates too! The war was fought and a peace was established, even though it was destined to be an uneasy peace. And that generation—my generation—created and implemented the most massive post-war reconstruction program ever devised by man. I trust that your generation will do as well.

You say that we have permitted pockets of poverty to exist in an affluent society. The charge, unfortunately, is true and it should not be so. Yet when I sat in your chair—those thirty years ago—there was no concern with "pocket of poverty." The entire landscape was one of poverty! We were just spinning out of a debilitating depression that had tried the souls of men. Bankruptcy, hunger, unemployment, hopelessness—those were the trademarks of our times. The problem being conveyed to your new generation is a totally different one—in the most affluent society mankind has ever known, you have the assignment of eliminating those remaining pockets of poverty. We wish you well!

You say that we hand you a nation so torn with racial strife that it may literally explode in your face. Alas, the charge is true! But on behalf of the generation which has just preceded yours and in its defense, permit me to point out that it was that generation which had the courage to identify the problem, to label it as a problem, to focus public attention on a topic which had been ignored for almost one hundred years. Admittedly the problem of today is acute—but it is so precisely because this generation of mine has been willing to put the issue in the center of the stage and place the spotlight squarely on it. It is from this point—and only from this point—that a workable solution can be found. And that is your charge!

FACING THE PROBLEMS AHEAD

The real question which I place before you today—this class of 1970—is this: How will you and your generation face the problems which stand arrayed before you as you leave your Commencement?

I must confess to a certain weariness over the tendency of so many of your colleagues to go wading off into the exciting tomorrow through a sea of pessimism, doubt, and depression. But I believe in your generation. I believe that your group contains the brightest, the best educated, the most idealistic, and the most promising group of young people ever developed in the American society. Beyond this I am enormously enthused about the tools available to you in the decade of the 1970s to come to grips with the very difficult problems which are ours—and yours. Yet I am disturbed by that segment of your group which identifies itself as the alienated, the disillusioned, the disenchanted. From them I hear all the common rhetoric of the college scene—the fact that the system is materialistic, that it will not work, that the only real solution comes in hitting the streets and destroying the establishment. This line of oratory holds that the whole democratic, capitalistic system is decadent, unworkable, and corrupt, and that there is no alternative now to that of destroying it and letting another culture grow up in its place. What that culture is to be, no one has yet described.

Why do we of the defense not hurl back these shrill charges that are thrust against the establishment? We don't because these charges are not without merit—and certainly they are not news—not to us. We are well aware that the capitalistic, democratic political system has flows, imperfections, and many cumbersome and even embarrassing features. We stand ready today, or tomorrow, or any time to examine any promising alternatives. In fact, we of the defense toss in a few creative suggestions for improvement ourselves from time to time.

Forgive us then if, now and again, we step back from our self-criticism and say—with a bit of pride and excitement in our voices: "We haven't seen a better system yet!"

Far from perfect, in great need of improvement, still our system works.

Speak of economic achievement—where is its record bettered?

Speak of personal concern—where is it demonstrated more convincingly?

Speak of conscience—where is it more active?

And speak of dreams—where are their chances of fulfillment improved?

No. We of the defense make no claim that the prize we guard is perfect or above the need for improvement. Quite the contrary. An important part of our mission is to defend the right to declare for change—even to demonstrate therefor.

Were we gathered at another time amid greater tranquillity, we could leave the matter of assault and defense at this point. Under more normal conditions we could, I think, feel that we had achieved an understanding that responsible proposals are welcome—more than welcome, they are solicited.

THE CAUSE FOR CONCERN

But these are not times of tranquillity and I am especially concerned—troubled is a better word, perhaps—by what I take to be a bold proposed commitment for our universities, indeed, for higher education itself. This proposal has received great impetus with our military involvement in Cambodia, and in my judgment it is of such importance that it cries out for comment. Today I do not wish to comment on the merits or demerits of the decision made by President Nixon and his military and political advisers in connection with the Cambodia decision. My fund of knowledge gives me, at best, a limited basis for a firm opinion on a matter so complex. However, I do not minimize the emotional impact on the college campuses across the country, nor do I criticize the right of students to express, with vigor, their dissent—if, indeed, they do dissent.

The new—and, to me, the dangerous—dimension which has been added during these past three or four weeks has been the institutional involvement of American colleges and universities. For the first time in American history our major universities are being utilized as political weapons, as political vehicles. When universities through their established governing bodies have voted to endorse student strikes, when they have voted wittingly and willingly to abandon their fundamental purposes as a form of protest, then we have entered a totally new era.

Let us assume for purposes of this discussion that the decision to move into Cambodia may well have been an error. Even in the face of such a conclusion, I still would reject summarily and with all the vigor at my command the notion of the university committing itself to perform—as an institution—in the political arena. I reject completely the employment of the university as a vehicle for the direct expression of political opinion—or its use as a weapon in the battle to win public opinion. That is precisely what has happened across the country in these past many days. Universities have been closed; classes have been dismissed; students have been authorized to abandon the traditional educational assignments as a protest against this government's international policy.

But the critics say this situation is unique, that it is of such grave importance that committing the university is defensible, indeed, is necessary to draw public attention to the seriousness of the current situation. My answer is that this is a crisis by personal definition. It may not be nearly as serious, in the judgment of some, as the racial problems in America. In the judgment of others, this crisis may not be as grave as the conditions of poverty of many of our citizens in this land. Or others might define the crisis in terms of the level of health care being provided for our people. Still others may wish to challenge the judgment made to advance our space program.

There may be a dozen other issues which in the judgment of a sizable group of American citizens are at least as crisis-laden as the decision to be involved in Cambodia. If the university is to permit itself to be utilized as a political vehicle, as has been the case during these past months in this particular situation, then who among us can predict when the next such crisis will be defined and by whom? And what will be the university's reaction at that time? How long should the strike be? How long should the university be closed in order to properly express its indignation? And if these measures are not satisfactory, what other extreme measures can be utilized by the institution to drive home the point that an unpopular decision has been made or that an unpopular action has been taken?

How long may we expect the citizens of this country to support this new political weapon? How long will it be until institutionalized political power and political dissent are met with similarly institutionalized power—police power? If we commit the university, if we take the university from its traditional search for truth and knowledge and commit it to the arena of political manipulation, what then is the future of the university?

TWO POINTS, WITH EMPHASIS

Let me make two points abundantly clear.

First, the special commitment that our land-grant universities, such as Texas A&M and the University of Nebraska, have to assist with the identification and solution of the major problems of our society has been served successfully and should continue to be served successfully without institutional involvement in the political affairs of the day.

And second, there is an important distinction which must be drawn between the action of the individual member of the university community and the action of the university as an institution. As members of the student body, as members of the faculty, or as employees of the university, there must be every freedom, every encouragement for responsible political action. Indeed, it is imperative that those who are part of the university community contribute meaningfully to the political process. But the university itself, the university as an institution, must remain faithful to its primary purposes of disseminating established knowledge, of seeking new knowledge, and of transmitting it for the ultimate benefit of all.

Dilution of these basic purposes with repeated on-stage political performances, no matter how dramatic or how significant, will take from us our greatest hope for the advancement of mankind. It is to our universities that we have learned to turn with confidence, not only for the enlightened instruction of our young people, but for reflective, reasoned, and thoughtful judgments in great variety; social, political, economic, scientific, and even moral. It is here, in the university of this dedication, that we have our greatest hope for maturing and developing the very enlightenment upon which effective individual political action may be based.

A NEW AND THREATENING WAVE

It is my fervent plea that these fundamental purposes of the university may not be so compromised in the new wave of emotionalism that its prime function in our society is destroyed. Today, in the light of the events of the month of May 1970, I would be less than honest if I did not share with you my grave concern on this very point.

This could well be the tragedy of 1970. It could be that in the years ahead we shall look back to the spring of this year and identify it as the period in which the universities ceased to perform their historic function in a free society. It is my great hope—it is my fervent hope—that this will not be the case.

Let me now extend to each of you in this graduating class my warmest personal congratulations. I welcome you not only to the ranks of college graduates and to the role of effective citizens in this complex and exciting society, but more than that I welcome you to the ranks of fellow Aggies and former students. All of us who have been here before have reason to have great confidence in you and in the contributions which you can and will make in the years ahead. We shall watch you with interest and support you with enthusiasm.

Allow me the final indulgence of turning once again to the concluding paragraph of my Commencement remarks of thirty years ago.

"To graduate now and to step into a world as torn with battle and unrest as ours is today is unfortunate. But in being able to step out to take our places and to assume our responsibilities as members of our democracy, having had the training we have had here at

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Texas A&M College, we are fortunate. No doubt the tasks and problems that will confront us will be so many and so varied that when our lives have been lived we may feel that nothing has been accomplished. Yet we can be assured that we have lived a good life—have done a good job—if twenty or thirty years from now we can say that we have contributed to improving our American scheme of things, that we have helped in solving some of the difficult problems we face, that we have made a useful contribution to human well-being."

Those are words spoken in the troubled times of thirty years ago. They were heard when emotions ran high and violence threatened reason.

History has an interesting, a challenging, and a sobering way of repeating itself.

NEW NUCLEAR POWER REGULATORY AGENCY PROPOSED

Mr. GOODELL. Mr. President, the Atomic Energy Commission has failed to set adequate radiation health and safety standards for nuclear powerplants.

I will, therefore, introduce legislation to take the AEC out of the business of setting and administering those standards and to transfer this function to the Public Health Service.

I will, in addition, introduce separate legislation authorizing individual States to set higher radiation standards than those established by the Federal Government.

These two pieces of legislation, as I emphasized this morning in testimony on nuclear energy utilization before the Senate Antitrust Subcommittee, are but a first step. What is necessary in the long run is the creation of a new Federal regulatory agency charged with licensing and regulating nuclear powerplants. The AEC, which now has those responsibilities, lacks the staff capability to judge the environmental, economic, and antitrust factors affecting nuclear plant siting.

New York City power reserves are inadequate to prevent "brownouts," and the Office of Emergency Preparedness recently concluded that if Consolidated Edison's Ravenswood, N.Y., plant is knocked out, Consolidated Edison's reserves will be largely eliminated.

The "brownout" danger and the environmental jeopardy caused by the present nuclear powerplant structure may be attributed to the absence of any national nuclear energy siting standards. In my testimony, I have proposed that such standards be established by the new nuclear regulatory agency, and that those standards include environmental, radiological safety, economic, and legal criteria.

It seems to me, in addition, that all applications to the AEC for nuclear plant licensing should be subject to prelicensing antitrust review. I support that part of S. 212, the bill introduced by Senators Aiken and Anderson, that would require such universal review.

Mr. President, I ask unanimous consent that the text of my testimony on nuclear energy utilization be printed in the Record.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

Nuclear Electric Power

(Testimony of Senator Charles E. Goodell)

A survey of electric power problems recently released by the Office of Emergency Preparedness concludes that statewide power reserves are 18% over estimated peak load, but that New York City reserves are not considered adequate to prevent "brownouts" and perhaps even "blackouts". Consolidated Edison's reserves will be largely eliminated if its largest unit, Ravenswood, is knocked out. Upstate New York has a limited ability to help the City, but the unavailability of the Nine Mile Point nuclear power plant, sharply constrains the aid which upstate New York can provide.

Con Ed experienced serious power shortages on several days during July, August, and September 1969, and found it necessary to reduce voltage by 8% and to appeal to the public for voluntary cutbacks in the use of electricity. The situation was aggravated by a pyramiding of losses of several large generating facilities during peak demand periods, and by the absence of strengthened interconnections with neighboring utilities which had been scheduled for prior completion.

This summer the same situation will exist. Reserve capacity estimates are dependent on new large units whose reliability is uncertain, and peak demand could be several points higher than utility estimates.

Well developed as our energy industries have been, their failure to plan for those peak loads will very likely plunge our cities into a state of emergency several times during the coming months. This is, then, quite the proper time for an examination of the structure of the utility industry, its governmental regulators, and its decision-making processes. There has been a failure in forward planning by the energy industries, and we ought to establish mechanisms to ensure that such failure is not allowed to continue.

Which Federal Agency Should Set Radiological Standards?

The AEC has refused open debate with eminent scientific critics of its radiological safety standards. It has refused to make available to the public its own figures on the extra cancer, the extra genetic deaths and mutations, the extra schizophrenia and other mental retardation, the extra heart disease, and the extra diabetes which we could expect to incur if we all were to receive the maximum dose of radiation currently permissible under AEC standards.

There have been many indications, moreover, that under current AEC safe-dose standards, our air and underground streams in some areas may well become radioactively polluted to a danger point—a point of no return, since no scientist has yet discovered how to remove radioactivity from a contaminate particle of air or water. With each radioactive dose delivered by Project Plowshare to our atmosphere and our buried waters, we increase the probability that the human race will show wholesale damage to vital organs as a result of poisons accumulated from AEC nuclear test deposits.

It would seem, moreover, that the two purposes of the AEC—*promotion* of nuclear energy development and *regulation* (both standard-setting and enforcement) of that necessarily conflict in specific decision situations. A very sophisticated study of government promotion and regulation of technological advance, conducted recently by the National Academy of Sciences at the request of the House Committee on Science and Astronautics, has firmly recommended a clear separation of the functions of promotion, standard-setting, and standard-enforcement.

Accordingly, I will introduce in the Senate legislation to transfer from the AEC to the Public Health Service the responsibility for setting radiological safety standards. This transfer would remain in effect until the establishment of a nuclear power regulatory agency which I will discuss later. The AEC would play merely an advisory role in the standard-setting process, and would play a role ancillary to the Public Health Service in the standard-enforcement process. The PHS would set final standards, and would have the power to veto license-applications under the Atomic Energy Act for failure to meet health standards. Congressman Bingham has introduced similar legislation in the House.

Should States be Permitted to Establish Radiological Health and Safety Standards Higher than Those of the AEC?

Given the kind of complete restructuring of standard-setting and standard-enforcement which I will propose, and given the existence of a national energy plan incorporating national health and safety standards, there would be no need for states to have the authority to establish their own radiological standards higher than the national ones.

Absent such wholesale restructuring, however, I shall propose legislation which will authorize individual states to establish standards more rigorous than those of the Federal agency.

States should not be permitted, however, to set standards so high as to totally forestall the installation of nuclear power generation within their boundaries, absent a showing of clear and present danger to the public welfare. (In court test of this constraint, plaintiff utilities should have the burden of proving that state standards totally forestall nuclear plant development. Only upon plaintiff's meeting of the burden of going forward on that issue should any state then have to assume the burden of proving clear and present danger to the public welfare under any lower standard).

NEW REGULATORY AGENCY PROPOSED

The legislation I have just proposed is an interim step. In the long run, the optimum course would be the creation of a new Federal agency charged with making nuclear energy licensing decisions. That agency should engage in its decision-making process on the basis of economic inputs from the Federal Power Commission (FPC), and legal, environmental, and radiological factors suggested by the Antitrust Division, the President's Environmental Quality Council, and the Public Health Service and the AEC.

Insofar as the Atomic Energy Commission is called upon to determine whether the license applicant has granted to other utilities an opportunity to participate to a reasonable extent in ownership of the reactor, whether the applicant has agreed to make the output of the plant available for sale to other utilities on fair and nondiscriminatory terms, and whether granting of the application for a license will in all other respects be consistent with antitrust law, the Commission staff is in over its head.

It is clearly outside the staff's competence to draw up a national energy plan or to approve a regional energy plan, and to determine whether a given application is economically consistent with optimal competition under that plan. The AEC does not, moreover, have the *competence* to draw up a national or regional energy plan which will maximize the preservation and enhancement of the environment, and to determine whether a given application is ecologically consistent with that plan. The new agency I am proposing would have these capabilities.

UNIFYING STANDARD-ENFORCEMENT PROCEDURES: FORWARD PLANNING AND THE NEED FOR A NATIONAL ENERGY POLICY

Issues of competition and market structure in nuclear energy production and the question of who should have final regulatory power of nuclear power-plant decisions, go far beyond the context of nuclear power. While there has been a strong trend toward large-scale nuclear power-plants in order to achieve economies of scale, other generating facilities have also tended toward larger scale for the same reasons. Oil companies as well as nuclear producers have diversified into other components of the energy market spectrum (such as oil shale and tar sands) in order to achieve the savings of horizontal integration.

Consequently, competitive issues quite similar to those raised in the nuclear power context before the AEC have also been raised before the FPC in proceedings on hydroelectric projects and on fossil-fueled steam generation projects.

Since nuclear power decisions must really be made in the context of interfuel competition and an overall energy market, discrimination between utilities on the basis of the types of energy which they produce must, as far as possible, end. What is needed is for all energy producers to be subject to evaluation on the basis of identical environmental, health and safety, economic, and legal criteria. Evaluation on the basis of any one criterion should not be irrationally divided between two different agency staffs on the basis of type of energy produced.

The Council on Environmental Quality should, then, be developing national environmental standards for production of all types of energy, the Antitrust Division ought to develop unambiguous legal standards (aided by the Atomic Energy Commission). The Public Health Service ought to develop radiological health and safety standards applicable to all types of energy, and a special Joint Committee of the Congress, or this Subcommittee, ought to develop market distribution and competition-maintenance standards.

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The process of establishing market distribution standards ought to embody the forward planning which will result in the publication of a set of national economic energy production and development guidelines. Those guidelines should be integrated with environmental, safety, and legal standards to create a unified *national energy plan*. That plan ought then to become the basis of Federal licensing decisions with regard to nuclear power plants, and hydroelectric plants, and to function as a set of recommended guidelines for state regulatory decisions on other energy sources.

THE NECESSITY FOR SITING CRITERIA

Absent such a national energy plan and its concommitant criteria for national nuclear power plant siting decisions, we are left with a haphazard energy development decisionmaking process, a process which has resulted in the blackout and brownout dangers, as well as the environmental hazards, which face us today. It is, therefore, essential that we at least develop national nuclear siting standards.

At the extreme of arbitrary siting decisionmaking, one notes that the Long Island Light and Power Company (LILCO) proposes to build a nuclear power plant at Shoreham, Long Island—assertedly right at a live Nike site! A misfiring might send a missile plummeting into the reactor, or an accident at the plant may affect the Nikes, with horrendous results—since the Nikes would, under the LILCO proposal, apparently be within 1500 feet of the reactor. Most surprisingly, the AEC, after supposedly "thorough" investigation of the proposed LILCO site, was stunned upon being confronted with the information by the Lloyd Harbor Study Group, Inc.

Environmental agencies on the state and Federal level are presently unable to affect nuclear plant siting decisions. Moreover, those decisions are made on the basis of no clear market structure criteria. Proposed sites for nuclear plants are not required to be consistent with *local* or *regional* economic development or environmental protection *plans*. Municipal and regional zoning and other land-use decisions are not considered relevant to the siting decision process.

Site selection, the AEC avers, "*is the responsibility of the company proposing to build the reactor*. To assist prospective applicants, the ". . . Commission has published criteria which it uses as guides in the *safety* evaluation of proposed sites. . . ." Official policy, then, is that only safety considerations are taken into account by the Federal government in approving siting decisions, and that siting decisions are to be made by companies operating in an atomistic market and not by Federal or state government operating on the basis of a national or regional energy plan. I reject those AEC policies.

In lieu of those policies, the Federal nuclear regulatory agency which I have proposed should establish detailed licensing criteria. On the model of New York State's Atomic and Space Development Authority (ASDA), which in effect engages in a site selection planning process and does not leave siting decisions up to the utilities, that agency ought to develop national nuclear siting standards.

Preconstruction licensing ought to become a rational site selection decision process, to be engaged in on the basis of those national nuclear siting standards and of state and national energy plans. Those standards should incorporate economic, environmental, safety, and legal criteria.

Although the safety and health problems are quite different, there are as many economic, legal, and environmental problems associated with fossil-fuel plants as with nuclear or electric power plants. State siting decisions on fossil-fuel plants, therefore, should also be the consequence of a deliberate planning process.

ASDA TAX-EXEMPTION FOR NUCLEAR FUEL CORE LEASING OBLIGATIONS

The thrust of these hearings, of whatever ad hoc national power policy now exists, and of proposals to repeal the "practical value" requirement has been directed at maximizing the competitive nature of the energy market. The market optimum would include provision for public as well as private sector power development, and for minimized energy cost to the consumer.

It is these objectives which the New York State Atomic and Space Development Authority's nuclear fuel core leasing program has attempted to fulfill. Should the Treasury Department override the Internal Revenue Service and rule that state industrial development bonds for the financing of nuclear fuel cores for power generation cannot be issued on a tax-exempt basis, these objectives of national policy and of S. 212 will be ill served indeed.

The purposes of the ASDA nuclear fuel core leasing program are these:

(1) to continue to make available to private producers of electricity the option of leasing nuclear fuel cores after the AEC is compelled to terminate its leases;

(2) to maintain the low rental rates which exist under AEC leases, rates which would rise from the AEC rate of 7.5% by 2-3% if cores are to be leased from private sources;

(3) to hold the line on costs to the consumer by enabling utilities to treat lease of nuclear cores as an operating expense and not a capital cost, with the lease cost therefore not included in the utilities' rate base;

(4) to build up a fuel pool serving several nuclear generating facilities, thus permitting reuse of valuable fissionable materials with minimum loss in time and inventory costs, and thus making practicable the recovery of valuable byproducts of the nuclear generation process; and

(5) to facilitate, through ownership and control of the nuclear fuel cores, New York State objectives for radiological health and safety and environmental protection.

These objectives cannot be met unless the Internal Revenue Service's ruling of tax exemption for bonds for nuclear fuel core leasing in order to furnish power within a 100-mile radius is allowed to stand. I repeat here my recommendation to Secretary Kennedy, in a letter of May 1, 1970 (attached) that the Treasury Department confirm that IRS ruling in its final regulation on the issue.

EXEMPTION OF NUCLEAR POWER PRODUCERS FROM ANTITRUST REGULATION

Under the Atomic Energy Act, the Atomic Energy Commission may license every nuclear power plant proposed for construction either under section 103, as a commercial unit, or under section 104, as a "Medical Therapy" or "Research and Development" unit. The AEC must find, pursuant to sec. 102, that a proposed plant will have "practical value" before that plant can be licensed as a commercial unit.

The AEC has thus far made no finding of "practical value", but has instead licensed every single nuclear power plant proposed for construction under the "Medical Therapy" or "Research and Development" rubric. Since sec. 105 requires prelicensing antitrust review for only commercial plants, the consequence has been that no nuclear energy plant proposal has been subject to such review by the Antitrust Division of the Justice Department, and no examination has been made as to whether the construction of any plant may have anticompetitive effects in a given region.

It is the objective of the Aiken-Anderson Bill, S. 212, to eliminate the "practical value" requirement of sec. 102 of the Atomic Energy Act, and to authorize prelicensing antitrust review of all nuclear power plant proposals. I share that objective, and I endorse that part of the Aiken-Anderson Bill.

There is no sense at all in the AEC's refusal to find that my plans have "practical value", and therefore should not be subject to the commercial licensing procedures of sec. 103, while at the same time the utilities obtain permission from the Securities and Exchange Commission to market securities on the basis of the profits which they expect from those same plants.

Should sec. 102 of the Atomic Energy Act be retained, the AEC should be compelled to find that all proposed nuclear plants have "practical value", thereby subjecting each proposal to prelicensing antitrust review. The better course, however, with the same goal of subjecting *every* proposal to prelicensing antitrust scrutiny, is to eliminate sec. 102 and its "practical value" requirement entirely. Secs. 103 and 104 should be merged so as to provide one licensing procedure for all applications, however they may be categorized under the present legislation.

As of the end of 1969 some 15 non-military nuclear energy plants were operational, having sold to utility customers a total of 60 billion kilowatt-hours of electrical energy. There were 48 nuclear power facilities under construction and 32 on order. When these will have been completed, assertedly by 1976, there will have been a capital investment by utilities of nearly $10 billion in nuclear energy production. If, as Andrew Biemiller has noted, this order of expenditure represents a research and development stage in the evolution of nuclear energy production, it is the largest and most remunerative R & D stage in the history.

THE FUNCTION AND PROCESS OF PRELICENSING ANTITRUST REVIEW

While I do believe in the usefulness of prelicensing antitrust review, I am in sympathy with the objections of some utilities that the standard for that review is totally unclear, and that there are no procedural safeguards built into the review process to protect those utilities whose applications are to be reviewed.

FUNCTION AND STANDARDS

In formulating his advice to the AEC licensing authorities under sec. 105(c), the Attorney General is not required to determine that an actual antitrust violation exists or might exist—only whether " . . . insofar as he can determine, the proposed license would tend to create or maintain a situation inconsistent with the antitrust laws." This "tend to be inconsistent" standard provides no guidance as to how the Attorney General is to apply the antitrust laws to utilities in general or to a specific licensing decision in particular. Moreover, the standard is silent as to whether potential anticompetitive effects are to be considered only with respect to the electric utility industry or whether they are to relate to interfuel competition as well.

It seems to me that this vagueness of the standard is rooted in an indecision by the framers of the prelicensing review provision as to what exactly they expected its function to be. Its objective could, on the one hand, be construed as a preventive one directed toward early warning of specific antitrust violations which are likely to occur based upon the terms of the nuclear plant proposal submitted by a utility. If that were the objective, a less ambiguous standard would seek to have prelicensing review determine whether an actual antitrust violation is likely to exist upon implementation of any proposal.

On the other hand, the objective might be construed as an attempt to have the Attorney General maintain a thoroughly competitive market within the nuclear power industry or the energy production industry group. The implication of this objective would be that the Attorney General is expected to define the universe of need in an unspecified time frame for nuclear power (and, indeed, all energy), and to define the optimal distribution of resources on the supply side of that energy market, with the intention of forestalling an anticompetitive situation.

Those kinds of decisions are really the province of the economic planner and not of the antitrust lawyer. It is, however, those kinds of decisions which the Attorney General would be required to make in order to maximize the efficiency of his decisionmaking under the present amorphous "tend to be inconsistent" standard.

That kind of forward planning is needed, as I have emphasized, and I have proposed that it be established as a function of the Federal government. Absent the staff capability in the Antitrust Division to accomplish the forward planning function, however, prelicensing review ought to be sharply delimited to the function of preventing antitrust violations. In accordance with that objective, the standard ought to be tightened up.

PROCEDURAL DUE PROCESS

Section 105(c) permits the AEC to consider the Attorney General's advice as determinative on the antitrust issue, the license hearing, and does not require a *de novo* hearing on the antitrust issues. This is unfair to the applicant for a license, since the Attorney General operates on no formal record. The evidence or conjecture entering into his judgment cannot be challenged on a public record or subjected to cross-examination at the licensing hearing, and there is no right to appeal from the Attorney General's determination.

If the AG's opinion is indeed to play a significant role, then some semblance of due process for the applicants ought to be provided, so that their proposals will not arbitrarily be rejected on the basis of an unsupported and uncontestable decision of the Justice Department.

CONCLUSION

Irrational decision processes on nuclear power plant development have brought us to the point of continuous brownouts, and inadequate standard-setting processes have brought us to the point of environmental danger. The time has certainly arrived for Congress to pull together the warped fabric of ad hoc decision-making on nuclear power and to pass legislation designed at systematizing decision processes concerned with the generation of every type of energy. It is my hope that this Subcommittee will, upon completion of its hearings, draft legislation which will begin to make sense out of the chaos of our national energy development.

THE SECOND WORLD FOOD CONFERENCE

Mr. MONDALE. Mr. President, during these critical times, when we are deliberating on important matters of war and peace, we sometimes forget that other work is going on—work that, in its quiet way, may have a crucial impact on the future of mankind.

Today, I want to speak briefly on one such area that offers hope to all of us, and which may even have more impact on the world than the war in Indochina. This is the revolution that it taking place in agriculture—a green revolution that holds out the promise of a world free from hunger, a world in which that deadly Horseman of the Apocalypse, Famine, will no longer be able to cut a swath through the poor and deprived areas of the world.

This dramatic development is the product of undramatic effort: Patient research and experimentation in agriculture and the testing of new discoveries in many lands. During the past few years this work has enabled us to develop a whole range of new miracle seeds, that now make possible radical increases of crop yields in man's two basic food staples, wheat and rice.

This is surely the most important advance in agriculture since the first introduction of artificial fertilizers. In fact, no other technological development in the history of mankind has helped so many people so quickly as this one miracle of science promises to do.

The practical consequences of this green revolution are profund:

In India and Pakistan, the annual increase in wheat yields since the introduction of the high yielding wheats has been more than double those in the United States following the introduction of hybrid corn 30 years ago;

Five years ago, we shipped fully one-fifth of our total wheat crop to India in order to head off massive starvation. Yet with the new seeds, India is importing less than 4 percent of her food needs from abroad. At last, her people are being fed almost entirely from her own resources;

As a result of the breakthrough in food production over the past 4 years, the developed world has been able to reduce by one-half its commitment of foreign aid to India in the form of life-supporting foodstuffs;

And in the Philippines, 50 years of dependence on imported rice has now been ended by the use of miracle seeds; the Philippines last year exported rice to other needy nations.

Mr. President, we are often told that foreign aid is a waste of time and money; that it is inefficient; and that is just does not work. Here is one case where critics have been proved wrong. By our efforts; by our investment in new technology; and by the application of new discoveries to the needs of the developing countries, we are reducing their dependence on the more fortunate peoples of the world.

I believe that this kind of foreign aid is an investment, not a giveaway. And the proof lies in what we have done to end hunger. We accepted the challenge that famine—one of man's oldest problems—could be eliminated; and by working to that end, we have brought within reach a new time of plenty for all men.

But this is not the end of the job. We still must see that these new miracle seeds—the seeds promising a new source of independence for many developing countries—are indeed distributed and used properly. And we must pay more attention to famine's twin: the danger of overpopulation. With our leap forward in agriculture, we have bought time—but at most only a decade or two. We will squander that precious time, and bring back the threat of famine, unless we act now to bring human fertility under control throughout the world.

Why should we undertake this effort? I believe it would be reason enough for us to work for a world that is free from the ancient curses of mankind, a world in which men everywhere have a greater chance to pursue lives of hope and opportunity. But this moral argument is not alone, nor necessarily the most compelling. It is bolstered by practical ones, as well. Indeed, if we hope to live in a world at peace—a world in which the struggle for survival will no longer be a prime cause of war—then we need to support every effort to reduce the tensions and conflict that are provoked by competition for the world's scarce resources.

Hopefully, we will one day bring an end to the war in Indochina, and make the basic readjustments in our foreign policy that are needed to make similar adventures unlikely in the future.

But we cannot simply withdraw from the world; nor can we ignore responsibilities that—however burdensome they may have now become—we assumed for good cause and that have a real impact on us.

There are proper ways and means of changing the role we play in the world. And one of the best of these is to take part in reducing the dependence of the developing nations on those of us who have been more fortunate.

What policy could be more enlightened than to invest now in development, in order to reduce the likelihood that we will ever be called upon to defend our interests in blood and bullets? What could be better than to reduce our future responsibilities by acting today to reduce the chances that our direct involvement will be required tomorrow? This development aid is indeed a transitional thing: by supporting the use of the miracle seeds, by urging that their benefits be equally shared, and by encouraging worldwide efforts to control population, we will help guarantee that our success will relieve us of a future burden.

What we do now will truly shape tomorrow's world.

These central issues—of food and population—have been called to our attention today by the forthcoming Second World Food Congress, to be held in The Hague from June 16 to 30. This Congress is bringing together a thousand of the world's most distinguished experts on these crucial matters.

It is designed—

In the words of the U.N. Food and Agriculture Organization—

> to draw attention to food and population problems; to stimulate wider support for action to support agriculture and rural development; to indicate priorities for action and suggest ways of increasing the resources available.

I strongly endorse the work of this Congress, and wish it well in its deliberations. But my concern does not end here. I believe that we have much to learn in this country, as well, about the need to end hunger for all time. For years, I have called attention to the malnutrition of millions of our people and the permanent stunting of children's lives by the neglect of their basic right to be fed.

At the White House Conference on Food, Nutrition, and Health last December, I said that—

> The problem is *not* that we lack facts about hunger and malnutrition—the problem is that we have lacked the will to eliminate it.

I hope, therefore, that the World Food Congress will help make us more fully aware of this failure on our part to eliminate hunger at home, by dramatizing the worldwide dimensions of this problem. I hope that our delegates will return from this Congress with a new commitment and resolve to see that nowhere—in America or abroad—can a failure of will be allowed to stand between us and the universal goal of a well-fed world. If it takes the concern of people abroad to shame us into attending to our own problems, so be it. But let us resolve that we can now, at long last, see the importance of this problem, and take the urgent steps needed to solve it.

I am particularly encouraged that the Second World Food Congress has extended an invitation to 300 young people from many nations to attend as delegates. By doing so, the FAO is showing its awareness that a new generation of concerned individuals must be involved in meeting the critical issues of food and population.

For American young people, this Congress could be especially important. Today, they are challenging us to live up to America's ideals; and they are seeking answers to pressing questions: what role, if any, should America play in the world? What can we do to prevent other wars like that in Vietnam? And how can we increase our moral commitment to the rest of the world without dominating the development of other countries?

The goals of ending famine, controlling population, and promoting the well-being of all men help provide answers to these questions; they link concern with our domestic problems with those facing the rest of the world; and they can provide a way to involve thousands of young Americans who are estranged from yesterday's foreign policy, but who wants to be involved in the important work of the future.

It is in this spirit that I welcome this Second World Food Congress, and I urge continuing support of its efforts.

WORLD HABEAS CORPUS: PRESENTING THE CASE OF THE SOVIET JEWS TO THE INTERNATIONAL COURT OF JUSTICE AND U.N. HUMAN RIGHTS COMMISSION

Mr. DODD. Mr. President, over the past year there have been numerous stories in the press dealing with the desperate efforts made by Soviet Jews, singly and in groups, to obtain permission from the Soviet Government to emigrate to Israel.

Last November 10, for example, Israel submitted to the United Nations an appeal signed by 18 Jewish families residing in Soviet Georgia, who had been seeking, without success, to leave the Soviet Union for Israel.

The petition related that each of the signatory families had taken the necessary legal steps under Soviet law. First, they had received invitations from relatives in Israel. Then they had requested exit visas. When they were assured that these requests would be granted, they sold their property and gave up their jobs. But the exit visas never came through.

> Long months have gone by—years for many—and permission for departure has not yet been given, the petitioners continued. We have sent hundreds of letters and telegrams, they have vanished like tears in the sand of the desert. All we hear are one-syllable oral refusals. We see no written replies. No one explains anything. No one cares about our fate.

Shortly after this appeal was submitted to the United Nations, on December 5, 1969, a 30-year-old Moscow-born Jew, Mr. Boris Sperling, told a press conference in New York how his efforts to emigrate to Israel from the Soviet Union had cost him 2 years in prison and 9 more in social and economic limbo before he finally got an exit visa from the Soviet Government.

Up until now the Soviet Government has shown itself indifferent to the pleas of its Jewish citizens and to the occasional protests in other countries.

But now an initiative has been taken which, hopefully, will oblige the Soviet Union, out of deference to the rule of law which it claims to respect, to grant exit permits to those of its Jewish citizens who wish to leave the Soviet Union for Israel or for other countries.

Mr. Luis Kutner, a distinguished Chicago lawyer, who serves as chairman of the World Habeas Corpus Committee of the World Peace Through Law Center, has been formally empowered to file world habeas corpus petitons, on behalf of a number of Soviet Jews, with the U.N. Commission on Human Rights and the International Court of Justice in The Hague.

This action, it is my understanding, sets several historic precedents.

Mr. Kutner has been authorized, by specific power of attorney, to act on behalf of David Drabkin, a Jewish electronic engineer who formely served as head of the Scientific Laboratory at the Advanced Studies Institute in Moscow. Within the last few days he has also been authorized to act on behalf of the 18 Jewish families in Soviet Georgia to whose case I referred earlier in my remarks.

When Mr. Kutner first developed the concept of world habeas corpus some 39 years ago, most members of the legal profession considered it so revolutionary as to be impractical. But in recent years a growing number of world leaders and legal scholars and legal authorities, have come to accept the concept of world habeas corpus as a natural derivative of the rule of law and of the Universal Declaration of Human Rights.

It used to be said that prophets are without honor in their own time. But this is certainly not true in the case of Mr. Kutner, who, I am pleased to note, has received extraordinarily wide recognition from prominent people in many parts of the world for his efforts on behalf of world habeas corpus.

The concept of world habeas corpus has been endorsed by Pope John XXIII, by the present Pope Paul, by Dag Hammarskjold, by Prime Minister Souvanna Phouma of Laos, by the chief justices of many countries, by members of the International Court of Justice, by Winston Churchill, by President Kennedy, and by many other notables.

Commenting on the proposal, Justice Kotaro Tanaka of the International Court of Justice said:

> I believe the Rule of Law should cover all the world and in particular, there must be no vacuum in the protection of fundamental human rights. I think World Habeas Corpus is a primary requirement in the national and international societies.

Prof. Quincy Wright, former president of the American Society for International Law, said about the proposal:

> World Habeas Corpus fulfills the demands of the United Nations Charter for respect of Human Rights and answers the problem of arrest and detention without Due Process of

Law which is an abuse of ancient standing and modern exemplification.

These are only two of the countless endorsements which Mr. Kutner has received for his efforts to give international validity to the concept of world habeas corpus.

As revolutionary as this proposal still may sound, I believe that a point has now been reached in history where men of good will and civilized governments must seek to make it a reality.

I can think of no better case with which to break ground in the matter of world habeas corpus than the case of the Soviet Jews who, despite all their pleadings and all their sufferings, are being denied the right to emigrate from the Soviet Union to Israel, in violation of the specific guarantees laid down in the Universal Declaration of Human Rights.

Mr. President, I ask unanimous consent to insert into the RECORD at this point the following documents:

Biographical sketch of David Drabkin.

Translation of application by David Drabkin to the Chairman of the Presidium of the Supreme Soviet, for permission to leave the Soviet Union for Israel.

Translation of the power of attorney given by Mr. Drabkin to Mrs. Miriam Garber of Tel Aviv, authorizing her to act on behalf of Drabkin.

Copy of power of attorney conveyed to Mr. Luis Kutner of Chicago and/or Dr. Arye Arazi of Tel Aviv by Mrs. Miriam Garber to represent David Drabkin before the International Court of Justice and the U.N. Commission on Human Rights.

Article by Robert Wiedrich, Chicago Tribune, April 10, 1970.

"Soviet Jew Tells of Fight To Leave," New York Times, September 28, 1969.

"Israel Submits to U.N. an Appeal From 18 Jewish Families Who Seek To Emigrate From Soviet Georgia," New York Times, November 11, 1969.

"Israeli Knesset Appeals to World's Parliaments To Help Soviet Jews Emigrate," New York Times, November 20, 1969.

"Soviet Jew Who Got Out After 11 Years Tells How Difficult It Was," New York Times, December 6, 1969.

"U.N. Given New Plea of Two Soviet Jews," New York Times, January 6, 1970.

"Six Soviet Jews Say Thousands Want To Leave," New York Times, March 8, 1970.

"Thirty nine Soviet Jews, in 'Open Declaration,' Protest Moscow's Anti-Israeli Drive," New York Times, March 11, 1970.

"Jews Make Appeals to Soviet Leaders," New York Times, March 28, 1970.

"Israel Calls on Soviet Emigre To End Hunger Strike at U.N.," New York Times, March 30, 1970.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BIOGRAPHICAL SKETCH OF DAVID DRABKIN

David Drabkin is 43 years old. He was born and brought up in Moscow. He is a very gifted electronic engineer, and scientist who has published papers in scientific journals, and who headed up the Advanced Studies Institute in Moscow.

After he submitted his application for permission to emigrate to Israel, the laboratory of which he was head was terminated; his collaborators were transferred to other work (in other departments at the same institute) and he himself was dismissed from work.

It was impossible for him to obtain any other scientific work in Moscow. For the past year he has been working as an engineer inspecting electro-stations, spending most of his time in the city of Irkutsk; hence he is able to stay with his family in Moscow only a few days each month, and he suffers very much as a result of this.

His wife, Mrs. Naomi Drabkin, a scientific worker in Biology, was working in an Institute in Moscow; after the aforementioned application had been filed, she lost her job and since then she has been working in a factory laboratory as an ordinary biologist.

The Drabkins have one daughter aged 13.

For the last 15 years the Drabkins have lived in the hope of coming to Israel.

After his application was refused, Drabkin protested against his forced detention in Russia, and declared that it was his unswerving intention to live in Israel.

Drabkin submitted over 50 complaints to Communist Party institutions, newspapers, etc.

Drabkin's declarations and parallel declarations by other Russian Jews about their desire to leave Russia and come to live in Israel have been reported in the New Nork Times and other papers.

APPLICATION TO THE CHAIRMAN OF THE PRESIDIUM OF THE SUPREME SOVIET OF SSSR, N. V. PODGORNY

(From D. S. Drabkin)

On the 17th December 1968 I applied to the OVIR M.V.D. in Moscow, asking for a permit for myself and my family (my wife and daughter of 12 years) to leave for Israel to join our relatives there. On the 15th April 1969 I received a card addressed to me but without any indication of the sender has been indicated. On which had been inscribed by hand one phrase "You are asked to telephone OVIR phone 297–85–71." There was no signature.

I telephoned this number that day at 10:30 hour approximately. I stated my name and family and name of my wife. The person who answered asked my address and informed me that the petition for exit permit for myself and my wife has been rejected. When I expressed dissatisfaction, the person who spoke to me added: "You Jews are too much and we shall not permit you to leave, we shall put an end to you here."

The person who spoke to me, it seems, was Archipova Yekaterina Pavlovna, an officer of MVD of the SSSR. It is she who usually answers the above phone, and I have many times asked her "whether there is already a decision in my matter."

I am unable to know to what extent the threat to put an end to the Jews in SSSR conforms to current policy, but since this threat was made by a spokesman for the MVD of the SSSR, it must be considered with full seriousness.

It is clear that I and my wife and daughter are being detained in SSSR under the threat to put an end to us. In such a position I cannot continue to consider myself a citizen of SSSR.

I declare herewith that I consider myself a citizen of the Jewish State of Israel.

I beg you, with the briefest possible delay, to grant official recognition to my forfeiture of myself a Soviet citizenship which I cannot any longer retain.

POWER OF ATTORNEY

(Translation from Russian)

I, David Drabkin, engineer, residing in Moscow, Fadeyev Str. No. 6, flat 32, herewith authorize Miriam Garber, residing in Israel, Tel Aviv, Nevey Sharet, block 58, flat 57, to represent me before any international or national organization or in any court, in connection with my rejection of the Soviet nationality and my persevering desire to live in the State of Israel, a citizen of which I, being a Jew, consider myself.

In connection with the fact that I, together with my wife and child, are forcibly detained in SSSR, I have officially repudiated my Soviet citizenship, having sent my repudiation to the Chief of the Presidium of the Supreme Soviet of SSSR, N. V. Podgorny.

I have applied repeatedly, with applications and demands, to various Soviet offices, with the request that they consider the refusal to grant me the right to leave for Israel—my national fatherland. All my applications, all my demands, have been rejected.

I am a Jew, and it is my holy right to live in the Jewish State. The retention by force of myself and my family in SSSR is in violation of the principles of the Declaration of Human Rights.

I ask international protection of my rights, in connection with which I grant the present Power of Attorney to Miriam Garber, a citizen of Israel.

The present Power of Attorney is given with the right of delegation of the defense of my interests to any person whom my trustee, Miriam Garber, may find fit.

DRABKIN.

SEPTEMBER 28, 1969.

TEL-AVIV,
March 12, 1970.

MR. LUIS KUTNER,
Commission for International Due Process of Law, Chicago, Ill.

DEAR MR. KUTNER: Thank you very much for your letter of 23rd February, 1970.

I entirely agree with you that our case should be brought before the International Court of Justice and that a proper writ should be filed with the Commission of Human Rights.

The people who are in touch with me here are, of course, new immigrants from Russia, who cannot afford to pay anything for the work and I therefore welcome your suggestion in respect of working plans mentioned in the last paragraph of your letter.

I am enclosing the following documents:

1. My letters to you of 5th September and 28th November, 1969.
2. A photostatic copy of the original in Russian of the power of attorney of David Drabkin to Miriam Garber and an English translation thereof.
3. The power of attorney of Miriam Garber, to you and me and any other attorney you should deem proper to add.
4. The photostatic copy of the original application in Russaan by Mr. Drabkin to the Chairman of the Presidium of the Supreme Soviet of the USSR (Mr. Podgorny) with an English translation thereof.
5. A Curriculum Vitae of Mr. Drabkin.

I trust that the above documents will enable you to take immediately the proper measures in this matter.

One of the primordial elements in the whole matter (if not the most important) is the publicity around the cases, and I trust that you will take care of that.

In this respect I should remark that together with your, and my, names (and those of other colleagues whom you may deem fit to join us) the names of both Mr. Drabkin and Mrs. Graber should be properly publicised.

I am sure that I do not have to give you any advice neither on the matter of the publicity, nor on any other matter pertaining to the cases themselves.

You will undoubtedly agree that *time is of essence* in this case and that, therefore, it is advised to move the whole business at your *earliest convenience.*

I shall be very glad to hear from you.

Yours most sincerely,

Dr. A. ARAZI,
Advocate.

[From the Chicago Tribune, Apr. 10, 1970]

TOWER TICKER

(By Robert Wiedrich)

International Affairs: Amidst the worldwide clamor to life the Soviet ban on the immigration to Israel of Russian-born Jewry, a Moscow electronics engineer has placed his own freedom and that of his family on the line by having smuggled to the United States a legal document in an appeal for help.

By doing so, David Drabkin, head of the High Studies Institute scientific laboratory in Moscow, hopes to focus world attention on the plight of himself, his wife, Naomi, and their 12-year-old daughter, who like countless other Jews have been barred from moving to Israel from behind the iron curtain.

Recently Drabkin had spirited to Chicago thru Israel a power of attorney which Atty. Luis Kutner hopes to use in pleading Drabkin's case before Soviet President N. V. Podgorny in Moscow. And if that fails, Kutner plans to proceed on the basis of world habeas corpus before the International Court of Justice in the Hague and the U. N. commission on human rights.

Drabkin, like many Jews in Russia, has been thwarted in attempts to immigrate to Israel, even tho officially, the Soviets claim anyone desiring to do so is free to go. But in the usual two-faced communist way, it has been strongly suggested that such action would be regarded as most unpatriotic.

And so, rather than live out his life as a political prisoner behind the iron curtain, Drabkin has renounced his Soviet citizenship and taken other steps from which he probably can never turn back.

It seems tragic to us that while Drabkin and others stake their futures in a struggle to achieve the simple freedom of movement that is man's God-given right, much of the free world turns its back on them while engaging in a tumultuous dialog over whether the freedom we enjoy includes the right to burn down universities and riot in the streets.

[From the New York Times, Sept. 28, 1969]

SOVIET JEW TELLS OF FIGHT TO LEAVE—U.S. GROUP HAS WOMAN'S PROTEST NOTE TO KREMLIN

BOSTON, September 27.—A letter to the Kremlin from a Jewish woman in Riga, Latvia, demanding the right to emigrate to Israel has come into the possession of the American Jewish Conference on Soviet Jewry.

The woman, Mrs. Dora Zak, 55 years old, wrote on April 24 to Leonid I. Brezhnev, the Soviet party leader; Nikolai V. Podgorny, President of the Supreme Soviet, and Premier Aleksei N. Kosygin. In the letter she renounced her Soviet citizenship, held by virtue of Latvia's incorporation into the Soviet Union in 1940.

Lewis H. Weinstein, a Boston lawyer who is chairman of the American Jewish Conference on Soviet Jewry, said that while some details of Mrs. Zak's background, such as how she earned her living, were sketchy, the letter had been authenticated.

He said that an accelerated movement to leave the Soviet Union arose after a news conference held by Mr. Kosygin in Paris on Dec. 3, 1966. The Premier was questioned on the subject of reuniting families through emigration.

According to an official version of the conference distributed by Tass, the Soviet press agency, Mr. Kosygin replied: "If certain families wish to meet or wish to leave the Soviet union, the door is open to them and there is no problem about it at all."

ENGINEER'S CASE RECALLED

Mr. Weinstein recalled the case of Boris L. Kochubiyevsky, a Jewish radio engineer whose petition to emigrate to Israel was denied a year ago and who was sentenced last May to three years in a prison camp on charges of slander against the Soviet state and social system.

Mrs. Zak, in her letter, appealed to Soviet leaders not to impede her emigration or that of a son, Boris. She wrote that she was "firmly convinced that only in Israel will we be able to feel that we are full and equal members of society."

She noted that she had complied with instructions to present to OVIR—the Soviet secret police division concerned with exit permits—official assurances by Israel that she would be accepted there, Mrs. Zak wrote: "I was jeered at in the OVIR and told to present an affidavit from relatives or at least acquaintances."

But even an affidavit from a cousin in Israel failed to bring Mrs. Zak permission to leave, she said. Although her letter mentioned two children. Only her son, Boris, is named in connection with the exit plea.

EXCERPTS FROM LETTER

Mrs. Zak's letter said in part:

"From 1963 on I repeatedly applied to you with the request to let me and my son go to Israel, but in answer to all my letters I would be called to the OVIR of the Latvian S.S.R. and told that my request might be granted if I presented a document confirming that the state of Israel was prepared to accept me.

"However, when I presented a letter to the Israel Embassy in Moscow, dated 13–9–65, stating that as soon as I get a passport for abroad I would be given an entry visa for Israel, I was jeered at in the OVIR and told to present an affidavit from relatives or at least acquaintances.

"In January, 1969, my son and I applied once more for permission to go to Israel. I had attached the necessary documents in our application to the OVIR, including an affidavit from a cousin living in Israel. In March, 1969, I was again refused permission to immigrate to Israel."

The American Jewish Conference on Soviet Jewry is an association of 26 national American Jewish organizations that seeks to bring about the removal of restrictions imposed on Jews in the Soviet Union.

[From the New York Times, Sept. 28, 1969]

TWO HUNDRED SAID TO LEAVE SOME MONTHS

Moscow, September 26.—The Soviet Union does not disclose the number of people it permits to emigrate to Israel, nor the number who apply for permission.

Unofficial estimates, however, indicate that in some months 200 to 300 people are allowed to leave the Soviet Union to take up permanent residence in Israel. The number of Soviet citizens permitted to leave for Israel is said to be much smaller than the number of those seeking permission.

Applications for Israeli visas from Soviet citizens are handled here by the Netherlands Embassy. The Soviet Union and Israel do not have diplomatic relations.

[From the New York Times, Nov. 11, 1969]

ISRAEL SUBMITS TO U.N. AN APPEAL FROM 18 JEWISH FAMILIES WHO SEEK TO EMIGRATE FROM SOVIET GEORGIA

(By Henry Tanner)

UNITED NATIONS, N.Y., November 10—Israel submitted to the United Nations today the question of the treatment of Jews in the Soviet Union.

Yosef Tekoah, the Israeli delegate, called on Secretary General Thant this morning and handed him a signed document that he said had been received from 18 Jews living in Soviet Georgia. The document accused Soviet authorities of preventing them from leaving the Soviet Union and settling in Israel.

Mr. Tekoah asked Mr. Thant to use his "good offices" to help the 18 petitioners and "to alleviate the situation of Soviet Jewry" in general.

The Israeli asked that the appeal and a covering letter be distributed as an official document of the General Assembly and he made it clear that this was the first time that Israel had brought the question of Soviet Jews into the United Nations.

The appeal was addressed: "to the Human Rights Commission, United Nations, New York, U.S.A." It began: "We, 18 religious Jewish families of Georgia, request you to help us leave for Israel."

It went on to say that after having received the required invitations from relatives in Israel, each of the signers had petitioned Soviet authorities for exit visas. After having been told that the petitions would be granted, each "sold his property and gave up his job."

"But long months have gone by—years for many—and permission for departure has not yet been given," the petitioners continued. "We have sent hundreds of letters and telegrams, they have vanished like tears in the sand of the desert. All we hear are one-syllable oral refusals. We see no written replies. No one explains anything. No one cares about our fate."

The document bore the names and addresses of the petitioners.

It was read in Russian and English at a news conference this afternoon by Mr. Tekoah, who served as ambassador in Moscow from 1963 to 1965.

Mr. Tekoah said the petitioners had sent their appeal to him personally, with a covering letter, for transmission to the United Nations because "I am not a stranger to them and they are not strangers to me." Mr. Tekoah refused to discuss the means the petitioners had used to get the appeal and the letter to him.

1965 VISIT IS RECALLED

He recalled with emotion how he had gone into the petitioners' villages in 1965 and how at each stop, in neglected synagogues and in courtyards behind them, the same scene had repeated itself.

"As I spoke, upon hearing the first words in Hebrew, the entire community raised their hands in a kiss to heaven," he said. At the end, he said, he started to wish them happiness for the next year and the crowd would chant "Next Year in Jerusalem."

As he moved through the crowd, the throng would be whispering a single word, "Salvation," in Hebrew, and the whisper would turn into a cry, Mr. Tekoah said.

The appeal reached Mr. Tekoah last Thursday and was transmitted to the United Nations as rapidly as possible, informed sources said. The timing thus was not controlled by the Israeli government and had no special meaning, they said.

According to the text distributed by the Israeli mission, the covering letter asked Mr. Tekoah not only to take "immediate steps" in the United Nations, but also to have the appeal "published in the press with the complete list of signers—names and surnames and, if necessary, addresses." Thirteen of the 18 petitioners are from Kutaisi, a town in western Georgia.

In the past, informed sources said, Israel refrained from taking such public action in behalf of Soviet jews because it never had received this kind of signed request and feared reprisals. In this case the petitioners themselves had decided to discount or ignore the possibility of reprisals, the sources added.

A few dozen Soviet jews a month have been permitted to leave the Soviet Union to go to Israel in the last few years, specialists not connected with the Israeli mission said here today.

The limited movement stopped at the time of the six-day war in 1967, when diplomatic relations between the two countries were broken off, the specialists said. Last January, there was a spurt in exit permissions and until early April about 200 persons reached Israel each month, the specialists added. Since April the number has been back to a small handful a month.

There are some three million jews in the Soviet Union. Curbs on unrestricted emigration, without special permission, apply to all Soviet citizens.

The principal grievances of Soviet Jews include the following, according to specialists:

There is no public instruction in Yiddish even though, according to Soviet law, such language classes have to be held wherever 10 or more parents demand it, the specialists said.

The Jewish State Theater, which performed in Yiddish, was closed in 1949, and only an amateur Yiddish theater was permitted to open a few years ago, the sources said.

Few books and only one major periodical, the monthly Sovietish Heimland, appear in the Soviet Union, according to these sources.

Religious Jews are more deeply affected, the sources said, because the religious community has no central institutions. The Orthodox Church, Moslems and Protestants all are affiliated with international religious organizations abroad, but not the Jews, the specialists added.

[From the New York Times, Nov. 20, 1969]

Israeli Knesset Appeals to World's Parliaments to Help Soviet Jews Emigrate

(By James Feron)

Jerusalem, November 19.—Israel's Knesset called today on parliaments around the world to "employ the full weight of their influence" in assisting Soviet Jews to emigrate to Israel.

In a move confirming a major change in Israeli policy toward the Soviet Union, the Knesset (parliament) indicated that persuasion would be replaced by pressure in seeking free emigration for Soviet Jews.

Premier Golda Meir, in a major address opening the seventh Knesset, said a 50-year campaign by the Kremlin to silence Jewish voices in the Soviet Union had failed.

Moscow should have the courage to realize this failure, Mrs. Meir said, "and allow every Jew who wants to leave the country to come here to us."

Mrs. Meir followed the disclosure earlier this month of the names of 18 Georgian Jews who wanted to leave with a new list of Soviet Jews whose requests to come to Israel also had been turned down.

The publicity surrounding the earlier announcement had indicated a dramatic break in the long years of secret negotiations with the Soviet Union to open the doors for as many of the nation's 3 million Jews who wanted to come to Israel.

In her speech to a packed Knesset chamber, Mrs. Meir indicated that the days of "quiet talks and quiet diplomacy" were over.

She said "we shall see to it that every person possessed of a conscience, Jew and non-Jew, everybody to whom freedom is dear, will surely raise his voice for the freedom of others as well."

Isser Harel, former head of Israel's Secret Service and a new member of Parliament, suggested during the general debate that disquiet among Soviet Jews might eventually "become a malady that could spread to other elements in the Soviet Union."

"When that day comes," he continued, "and when the Kremlin's concern over the stability of its internal regime outweighs Russia's interests abroad they'll want to get rid of their Jews, and they'll want to get rid of them fast."

Taken with Mrs. Meir's speech, the implication was that Israel, possibly with the help of other governments, would be seeking to generate the internal pressure that might lead to a change in Soviet policy barring free emigration for all citizens.

Censorship in Israel has long prevented references to immigration of Soviet Jews to Israel and even today bars speculation on the bearing this may now have on Israel's decision to apply public pressure on Moscow.

Mr. Harel's comment on Soviet interests abroad was an apparent allusion to Moscow's ties with Arab governments, whose leaders oppose any form of Jewish immigration to Israel. Arab leaders are convinced that Israel is basically expansionist and that large immigration will justify greater expansion.

Israeli immigration officials expect 30,000 to 40,000 newcomers this year, most of them arriving with skills from affluent countries.

In speaking of Soviet Jews the 71-year-old Mrs. Meir, herself a Russian-born Jew, said masses of young Soviet Jews had undergone an "awakening" as a result of the 1967 Israeli victory over the Arab states.

She said no one could explain "in terms of cold reasons" how young Jews in the Soviet Union, many of whose parents had tasted prison life or experienced years in Siberian work camps, now gathered by the tens of thousands around synagogues on Simhat Torah. This is a joyous holiday that marks the completion of the annual round of reading of the Torah, the Jewish holy scriptures.

Soviet Jews have become more courageous, Mrs. Meir said, and are now declaring "That their homeland is the state of Israel."

DR. GOLDMANN'S TACTIC

The tactic of quiet diplomacy to aid Soviet Jews, which Premier Meir has now dismissed, has long been championed by Dr. Nahum Goldmann, president of the World Zionist Organization.

His belief has been that publicity would not improve the chances of Soviet Jews of obtaining exit permits.

This attitude was strengthened about one year ago when small numbers of Jews began receiving emigration papers. Soviet authorities never explained why they began allowing some Jews to leave.

About 200 Soviet Jews are reported to have arrived in Israel each month until April or May when the number dropped back again. It is assumed that the discontinuance of this limited emigration led the Israeli Government to speak out.

[From the New York Times, Dec. 6, 1969]

Soviet Jew Who Got Out After 11 Years Tells How Difficult It Was

(By Iver Peterson)

Harassment, intimidation and ultimate disappointment are the lot of Jews seeking to emigrate from the Soviet Union to Israel, according to a young man who says he spent two years in prison and nine more in social and economic limbo before getting one of the rare exit visas.

That picture was drawn in an interview by Moscow-born Boris Sperling, 30 years old, who said he did not know Israel existed until he was in college. From then on he bent his will toward rebuilding his Jewish identity until he left at the end of 1968.

"They decided to get rid of the troublemaker," he said with a grin. He spoke in Hebrew through an interpreter, but the word "troublemaker" came through in English muffled by a heavy Slavic accent.

Mr. Sperling arrived in New York from Tel Aviv on Tuesday with Yasha Kazakov, 22, who also emigrated from Moscow to Israel last year. They are members of the Jewish Youth Movement in Russia, a recently formed international group of Soviet, Israeli and American Jews that promotes the migration of Soviet Jews to Israel.

DESIRE TO LEAVE STRESSED

They will spend three weeks touring United States college campuses, visiting Jewish organizations and appealing for political and financial support.

Both men held a news conference yesterday morning at the Overseas Press Club, 54 West 40th Street, where they again reiterated the desire of Jews—there are about 2.5 million in the Soviet Union—to leave. No Soviet citizen can emigrate freely.

Earlier Mr. Sperling said he first had the idea of emigrating in 1956, when he was a 17-year-old first-year mathematics student at the University of Vilna.

He recalled that among the requirements of his curriculum were political courses in Leninism and Communist theory, and one of these was a seminar on nationhood.

"According to Stalin," Mr. Sperling recalled, "a nation has a territory, an economy and a mutual language and since the Jews had none of these, theoretically I didn't have a nation.

"But then the Sinai fighting broke out, and suddenly I learned that Israel existed, and had an army and that there was a Jewish nation. I began to jump up in the seminar and speak against the theory that there was no nation for Jews."

That was in 1956.

A KNOCK ON THE DOOR

Mr. Sperling continued to agitate for the concept of Jewish nationhood among his fellow students until one morning in November, 1957, when, he said, the police knocked on his door.

He said he was interrogated for two months before going on trial before the Supreme Court of the Latvian Republic and sentenced to two years for anti-Soviet propaganda.

Taken to a camp about 200 miles east of Moscow, he was put to work making wooden clock cases.

"There I met Jews from all over the Soviet Union," Mr. Sperling said through his interpreter. "Until then I thought I was the only one, but in the camp there were not only students and artisans, but old Jews too who had been jailed because they were Zionists."

When he was released in November, 1959, and returned to his mother's home in Riga, he found that young Jews there "knew everything about Israel and had begun to fight their assimilation into the Russian culture, and they all spoke of going to Israel."

The emigration process is controlled by the Ministry of Internal Affairs, usually under the heading of the Family Reunification Program, which is empowered to grant visas to members of families separated during World War II.

The first requirement is a letter from the relative the prospective emigrant wishes to rejoin. Mr. Sperling found "a distant relative" in Israel.

Also required is a "character report" from a worker's supervisor. Mr. Sperling said he believed the report represented harassment intended to alert his employer that he was "disloyal" and wanted to leave.

Mr. Sperling believes that "hundreds and thousands" of Russian Jews have gone through the frustrating and repetitive procedures to gain an exit visa, which must be repeated, he said, each time the request is refused and resubmitted, including the letter of invitation and the character report.

Some of the younger people—"they are far more radical than I was," the young activist said—have taken to renouncing their Soviet citizenship.

"If so many people try to get out when there is hardly any chance of it, I am sure that a majority of the Russian Jews would go if they had the chance," he asserted.

IN THE DAYAN STYLE

Mr. Sperling said that young Jews became more militant, often to the dismay of their elders. When the six-day war erupted in the summer of 1967, he recounted, Moshe Dayan, the Israeli general, became their hero. Young Jews would greet each other by covering one eye in imitation of Mr. Dayan's famous eyepatch and say "Shalom."

The Soviet Union declared Israel an enemy and mounted a heavy propaganda barrage against her.

"After that the Soviet authorities thought no one would dare to ask permission to emigrate, since it would be the same as declaring oneself an enemy of the Soviet Union," Mr. Sperling said.

The growing rift had its effect on the older generation, whose members had been carefully assimilated and who recalled the Stalinist terror.

"A young Jew might prepare to go to the synagogue," Mr. Sperling said, "and his father would say: 'Why do you want to go? You don't even know the Hebrew alphabet, so how can you pray?' Why be so brazen? You think they'll let you go?

"But the son doesn't listen, and he goes and stands in the street with the other Jews in front of the synagogue, because the authorities have closed it, and he shouts 'Israel lives!' and 'Dayan lives!' and they dance the hora. It is something the father couldn't understand, because the fear is in his blood. He has seen things we have not seen."

[New York Times, Jan. 6, 1970]

U.N. GIVEN NEW PLEA OF TWO SOVIET JEWS

UNITED NATIONS, N.Y., January 5.—Israel has given the United Nations a letter from a Jewish couple complaining that they have been prevented from emigrating from the Soviet Union to join their son in Israel.

The letter is the second circulated here by Israel in recent months charging that Soviet Jews were allegedly being refused permission to leave and settle in Israel.

The letter appealing for aid was addressed to Premier Golda Meir and was signed by Sofia Yakovlevna Kazakov and Yosif Yakovlevich Kazakov, both in their forties, and gave a Moscow address.

Israeli spokesmen declined to say how the communication had been received in Israel but they recalled that an earlier letter from 18 Jewish families last November came through "friendly diplomatic channels."

The Kazakovs' 22-year-old son visited the United States last month and appealed to a number of groups for assistance to the 2.5 million Soviet Jews and said they were victims of harassment.

[From the New York Times, Mar. 8, 1970]

SIX SOVIET JEWS SAY THOUSANDS WANT TO LEAVE

Six Moscow Jews, avowedly Zionists, have declared in an open letter that "thousands upon thousands" of Soviet Jews wish to leave the country to be reunited with relatives in Israel.

The letter—a copy of which has been brought to the United States by travelers—is in reply to articles in Pravda and Izvestia, the main Soviet newspapers, contending that by and large there was no desire among Soviet Jews to emigrate.

The writers of the "open letter" advised the authors of the official newspaper articles to "look into the visa section of the Interior Ministry and ask how many tens of thousands of Jews are haunting its doorstep in vain in the hope of obtaining permission to leave the U.S.S.R." to rejoin their families in Israel.

In recent weeks the Soviet authorities have staged an intensive press campaign seeking to brand Israel as an "aggressor" and to refute Western contentions that Jews were being repressed by the Kremlin. Forty prominent Jews appeared at a news conference in Moscow last week in support of the Government's policies.

The six Moscow Jews who took an opposite view in the open letter identified themselves as Vitaly Svechinsky, Dora Kolyaditskaya, Mark Elbaum, Tina Brodetskaya, Lev Freidin, and Blyuma Diskina.

Replying to the contention in the Izvestia article that emigration was tantamount to "treason," the six said that a "desire for unity, for life in the land of one's ancestors is natural and indisputable."

They contended that "the right to leave one's country of residence is the legitimate right of any human being and nowhere in the world is it viewed as 'treason.'" There is generally no free emigration for Soviet citizens, although permission may be granted upon application.

The Moscow Zionists charged the Jewish backers of Soviet policy as being the "sorrowful product of assimilation" and said that they had no right to speak in the name of the Soviet Union's three million Jews, many of whom wanted to keep their cultural traditions alive.

[From the New York Times, Mar. 11, 1970]

THIRTY-NINE SOVIET JEWS, IN "OPEN DECLARATION," PROTEST MOSCOW'S ANTI-ISRAELI DRIVE

(By Bernard Gwertzman)

MOSCOW, March 10.—Thirty-nine Soviet Jews, who said they were ready to emigrate to Israel on foot if necessary, have protested to the Foreign Ministry against the current anti-Israeli and anti-Zionist campaign.

A letter and an enclosed "open declaration," signed by the members of the group, were sent two days ago to Leonid M. Zamyatin, head of the ministry's Press Department, and made available by members of the group to Western newsmen today.

It could not be immediately ascertained whether Mr. Zamyatin had actually received the protest and whether the Foreign Ministry would have any comment. Similar documents have generally been publicly ignored.

It was the first known protest since the start of the current press campaign, which began after an Israeli bombing on Feb. 12 of a metalworks near Cairo in which 80 civilians were killed.

NEWS CONFERENCE ASSAILED

The latest documents specifically criticized a Government-sponsored news conference last week at which 40 prominent Jews appeared and Mr. Zamyatin was chairman.

A statement signed by 52 leading Jews that was read at that meeting condemned Israel, compared Zionists with Nazis, and said Soviet Jews considered the Soviet Union, not Israel, their "motherland." Speakers denied that Jews were being repressed in the Soviet Union and said any assertions that Soviet Jews wanted to emigrate to Israel were propaganda.

The signers of the protest, all from Moscow and not prominent, said the news conference had been one-sided and had not represented the views of all Soviet Jews, "only a certain, if numerous, part of Soviet Jewry."

They asked Mr. Zamyatin for permission "to appear at a news conference before Soviet and foreign journalists and make a declaration." The 39 signers stated their names, ages, occupations, and addresses. They ranged in age from the twenties to the fifties, and were mostly professionals, physicians and engineers, although there were some workers and housewives on the list as well.

80,000 FAMILIES ASK VISAS

The signers of the latest protest said that 80,000 families had applied for emigration to Israel since 1968, when the Soviet authorities began accepting applications after the Arab-Israeli war of June, 1967. On the basis of an average of three persons per family, the applications would involve more than 200,000 people. The Soviet Union has about three million Jews.

There is generally no free emigration for any Soviet citizen, although permission may be granted upon application. Soviet officials say that Jews with relatives in Israel or any other country may receive permission to emigrate, but they acknowledge that few such exit visas have been granted since the Arab-Israeli war of 1967.

The 39 stated that they felt emotional affinity to Israel and wished to further their national identity by emigrating. They said they were "ready at any minute, leaving behind everything, whatever it may be, to make our way to the state of Israel, even on foot."

They said: "We think that our opinion is shared by many of our fellow Jews, although we admit that indecision is preventing some of them from openly expressing their views.

"The military events in the Middle East have once more been used to make anti-Israeli propaganda. This is a shameful propagandistic thrust, for the war is a great disaster and if Arabs, too, are perishing in this war, it does not make Jews any happier."

NATIONAL TRAITS ASSERTED

The 39 noted that "the emotional heat of anti-Israeli propaganda is now very great," and they said it was a "myth" to describe Israel as "reactionary and imperialist," as has been done in Soviet declarations since the campaign began.

The campaign seemed to begin as a show of Soviet support for the Arab cause, but the emphasis later shifted to a rebuttal of Western assertions that Jews had a hard life in the Soviet Union.

The signers of the protest said the participants at the news conference last week had achieved eminent position in society despite their Jewish origin, but this was all that they could show, for their Jewish origin does not mean that they have preserved their spiritual links with the Jewish national culture.

"Every Jew has of course the right to any degree of assimilation. We, however, do not want to forfeit our national identity and our spiritual link with our people," the declaration said.

"We worship those sons of the Jewish people who accepted torture and death to preserve their national identity for, thanks to them, the Jewish nation was preserved.

"We are proud of our people who have carried their religion, language, culture and national traits through thousands of years of suffering and are proud that this people has now found in itself the will to revive the state of Israel and to defend it.

"And it is the very preservation of the national identity of Jews that is the problem in the Soviet Union. No references to completely equal and joyful labor with Russians and no examples of a brilliant military or social career can divert our attention from the problem, for in this, Russians remain Russians and Jews cease to be Jews."

NO YIDDISH INSTRUCTION

The group specifically mentioned that there were no Yiddish-language schools in the Soviet Union, and that young Jews had no opportunity to learn Yiddish. Most other ethnic groups in the Soviet Union have educational facilities in their native language.

The declaration went on:

"We are in our right to remain Jews and to educate our children in the spirit of Jewish culture, and we believe that those who prefer or will be compelled to remain in this country can defend their right to be Jews not only by origin.

"One of the basic aspects of the Jewish question in the U.S.S.R. is a guarantee of the right of repatriation. The Soviet Union does not recognize that right, and many thousands of Soviet Jews who want to leave for Israel are being refused."

The declaration said:

"The Jewish people has undergone many persecutions and sufferings, many malicious or well-intentioned assimilation campaigns, and has succeeded in maintaining its identity.

"We believe that, now, again, Jews will answer the anti-Israeli campaign not by renunciation but, on the contrary by fortifying their pride in their people, by exclaiming, Next year in Jerusalem."

[From the New York Times, Mar. 28, 1970]

JEWS MAKE APPEALS TO SOVIET LEADERS

MOSCOW, March 27.—Josef Kazakov, a Jewish engineer, and three members of his family today sent a letter to the Soviet Union's three leading officials asking permission to emigrate to Israel.

The letter said that their son, Yasha, was in the third day of a hunger strike outside the United Nations headquarters in New York, protesting the refusal of Soviet authorities to allow the other members of the family to leave this country.

The letter, copies of which were made available to Western correspondents here, said the hunger strike was "a desperate measure" but was not meant "to harm the Soviet state."

"It is motivated wholly by the futility of all the efforts we have made to get permission to leave," the letter said.

It was addressed to Premier Aleksei N. Kosygin, President Nikolai V. Podgorny and Leonid I. Brezhnev, head of the Soviet Communist party. Reliable sources said that members of the Kazakov family had gone to the offices of the party Central Committee yesterday to deliver the appeal but had been told by an official that it would be filed unread.

Yasha Kasakov, 23-year-old Israeli, continued his fast at the Isaiah Wall opposite the United Nations yesterday to dramatize his efforts to get his parents out of the Soviet Union. Mr. Kazakov, who emigrated from Moscow to Israel last year, said he would continue to fast, until the Soviet Government responded to his plea.

ISRAEL CALLS ON SOVIET EMIGREE TO END HUNGER STRIKE AT U.N.

JERUSALEM, March 29.—The Israeli Government today called on a recent Soviet immigrant, Yakov Kazakov, to end his hunger strike in front of the United Nations headquarters building in New York.

Mr. Kazakov, who had been the subject of Israeli Government criticism for other public actions, has been fasting for five days.

He has said that he is seeking to publicize his parents' inability to obtain exit visas. A letter from his father, Iosif, published here and in New York yesterday, asked for help to go to Israel, "our homeland."

The Israeli Government, while attempting to publicize what it calls the plight of Soviet Jewry, is strongly opposed to having recent émigrés such as Mr. Kazakov participate in the campaign.

The reasoning seems to be that the Soviet authorities will close the door completely if they feel that those leaving are being enlisted to slander Soviet Government policy.

The Israeli Government statement on Mr. Kazakov's hunger strike was issued after the weekly Cabinet meeting in Jerusalem. A spokesman said that it had been drafted with unanimous agreement.

It spoke of the "Jewish and human drama to which no man or Jew can be indifferent" taking place outside United Nations headquarters.

ISRAEL BACKS AIMS

"Yasha" Kazakov, it said, using the diminutive, began his fast to support his demand "that his family and all Jews who so desire be permitted to emigrate from the Soviet Union and to immigrate to Israel."

In an apparent attempt to disassociate itself from the émigré's demonstration while supporting his aims, the Cabinet said:

"Yasha Kazakov embarked upon his hunger strike on his own initiative, but the heart of every Jew, every man from Israel and, we believe, every man with a conscience throughout the world, beats together with him in his just struggle."

It added, however, that "the Israeli Government calls upon Yasha Kazakov to cease the hunger strike which he has begun."

Foreign Minister Abba Eban has said that recent immigrants were not the best people to carry the message of Soviet Jewry forward "because we don't want them to be the last" immigrants.

Mr. Kazakov, 22 years old, whose own departure from the Soviet Union last year followed publication in the West of a complaining letter, argues that timidity only encourages repression and that Israeli leaders are out of touch with the situation.

MASSIVE RALLY CANCELED

About 50 persons huddled under umbrellas across the street from the United Nations building on First Avenue yesterday in what had been planned as a massive double rally in support of Mr. Kazakov.

Plans for two rallies—one at 43d Street and the other at Hammarskjold Plaza, at 47th Street—were scrapped and the few supporters who turned up despite the wind and snow gathered at 43d Street.

"If the weather had been better we would have expected maybe 2,000 or 3,000," one of the organizers said. He said the rally might be rescheduled for next Sunday.

Mr. Kazakov appeared to be holding up well. He strolled around chatting with his supporters and said he was feeling fine.

THE BUREAU OF INDIAN AFFAIRS

Mr. MONDALE. Mr. President, the Bureau of Indian Affairs, like the weather, is something people always talk about but about which very little is done. And like the weather, it is vulnerable to attack but rarely understood.

I believe the Minneapolis Tribune has done its readers a tremendous service by its recent publishing of a five-part series by Mr. Frank Wright, entitled "BIA: The Red Man's Burden."

This insightful series takes a look at the BIA and its relationship with Indians today. It explains how this relationship developed and why to this day a classic love-hate relationship exists between Indians and the BIA.

This is a timely series of articles, especially in light of the recent upsurge in interest in Indian affairs and the renewed determination of many Indians to regain control of their destinies. The more widespread the dissemination of articles like these, the better understanding people will have of the problems the Indian faces today and the reasons why Indians feel as they do about the Bureau of Indian Affairs.

I ask unanimous consent that this series of articles, as well as an editorial which accompanied the series, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

BIA: THE RED MAN'S BURDEN—U.S. INDIANS' BROTHER—THE BIA

(By Frank Wright)

(EDITOR'S NOTE.—Suddenly, the American Indian is no longer docile. In his search for a better deal he is increasingly militant—protesting, demonstrating, adopting tactics of confrontation used by other minorities and dissident groups. His most frequent target is the Bureau of Indian Affairs. In this series of articles The Minneapolis Tribune examines the bureau, the Indian feeling toward it and the prospects for reform.)

WASHINGTON, D.C.—Some people call it our original army of occupation.

Others call it America's colonial service.

Still others call it the great white father—the embodiment of all that is evil in bureaucratic paternalism, the business of doing things for people and to them.

Whatever it is labeled, the Bureau of Indian Affairs—now nearly 150 years old—has been and continues to be the dominant factor in the life of every red American.

Self-determination is on the rise and other agencies are getting into the act, but the bureau retains immense power over the approximately 470,000 Indians who, according to the latest estimates, live on or immediately adjacent to the more than 420 reservations and other sanctuaries set aside for them by the federal government.

The bureau has about 14,500 employees, down a bit from its usual complement but still enough to field one for every 32 Indians it claims to have under its jurisdiction.

BUREAU SUPERVISES ALL SERVICES

For many of those Indians, the local bureau office remains the center of reservation authority.

One observer who visited the Pine Ridge Reservation in South Dakota described it this way:

"The Bureau of Indian Affairs is the economic and political force . . . bureau personnel attend most public meetings and usually call them to get the Sioux to agree to some program or other, and direct them as well. The school teachers are federal employees in the bureau. The local Indian who drives the school bus is a bureau employee. The social worker who calls at Indian homes is part of the same federal bureaucracy. Tribal projects are supervised by bureau officials.

"After living on the Pine Ridge Reservation for a few months, one cannot help falling into the habit of looking back over one's shoulder now and then."

In similar vein, the Harvard Law Review has commented:

"Although the normal expectation in American society is that a private individual or group may do anything unless it is specifically prohibited by the government, it might be said that the normal expectation on the reservation is that the Indians may not do anything unless it is specifically permitted by the government."

Despite the supposed protections of full United States citizenship granted to them rather belatedly in 1924, Indians still are treated in many respects as a subjugated people.

FEDERAL CONTROL DATES FROM 1775

More than 2,000 regulations, 370 treaties, 5,000 statutes, 2,000 federal court decisions and 500 opinions of the attorney general apply specifically to them, according to one count that is not disputed by bureau spokesmen.

Federal control goes back to 1775, when the Continential Congress declared its jurisdiction. Later, in 1789, the Constitution gave the government power to regulate commerce with Indians, a power broadened by statute and judicial decision until it took in general management of almost all their affairs.

Much of the bureau's leverage stems from its authority over Indian land.

The Indians and their tribes own it—50 million acres, an area slightly larger than South Dakota and slightly smaller than Minnesota. Such as it is—and it frequently is remote and scrubby—it is their biggest financial asset.

But the federal government holds it in trust and determines its use. The owner may not sell it or lease it unless the bureau approves.

The bureau, though, sometimes may sell timber from the land or permit other encroachments without the owner's approval—after determining that the owner's long-term interests, as it perceives them, will be served.

If an Indian wishes to eliminate the trusteeship and hold title to his land as do other property owners, he may. But first he must convince the bureau that he is capable of managing his own affairs.

The list goes on and on.

BUREAU MUST APPROVE TRIBAL LAWYER

Much of tribal government is subject to bureau review.

If a tribe hires a lawyer—and there are few Indian lawyers at all and a few white ones who will practice on reservations—bureau approval must be obtained.

The bureau more than likely has had a hand in providing the reservation Indian's home, if he has a halfway decent one; in providing his job, if he has one at all; in providing his education, such as it may be; even in approving the distribution of his personal property in his will, if he has any personal property to distribute.

Reservation Indians are not the only Indians who experience the power of the bureau.

XUM

Because Indians recently have become the nation's fastest growing minority and because the marginal economy of the lands that the white man gave to them will not support them all, a new breed of red man has developed.

He is the urban Indian, and there are, according to most estimates, about 200,000 of them living in the larger cities of the nation.

The bureau dominates their lives by encouraging them to leave the reservation—and then turning its back on them. Instead of intruding into every facet of their being, as it does on the reservation, it ignores them—except for a special job training program that has had mixed results—once they reach the city.

BUREAU OFFICIALS CLAIM LEGAL BAN

Bureau officials say that the law prevents them from following the Indian to town.

The truth is that there is no law that says in so many words that they can't.

The bureau attitude was expressed clearly in a confrontation last month between a delegation of urban Indians and federal officials at bureau headquarters in Washington. Clyde Bellecourt of Minneapolis, executive director of the American Indian Movement, asked Harrison Loesch, assistant secretary of the interior for public land management, to "show us that statute."

"You have your own lawyers. You find it," Loesch replied.

The sequel came two weeks later when Walter Mondale, D-Minn., a member of the Senate's subcommittee on Indian education, spoke to an education conference at Collegeville, Minn.

"Mr. Bellecourt looked and couldn't find it," Mondale said. "I looked, and I couldn't find it. The Library of Congress looked, and they couldn't find it."

When pressed, bureau officials say that what they mean is that Congress historically has restricted them by appropriating money only for reservation aid.

In addition, they contend that Congress' approach is the correct one.

URBAN INDIANS "NOT ENTITLED" TO BUREAU AID

It is Loesch's view, for example, that urban Indians aren't entitled to bureau help because they have access to the entire range of government services available to other city residents who need housing, employment, welfare, health care or other assistance.

That sounds good in theory.

But in practice it frequently doesn't work that way.

According to a study done in Minneapolis by the Training Center for Community Programs at the University of Minnesota:

Many Indian people are neither culturally nor experientially equipped to extract the services needed from these agencies. Ignorance about what services are available or appropriate; lack of knowledge about how to proceed to get help; transportation and child care problems which prevent visiting agencies; frustration and anxiety over residency requirements; delays and the completion of many forms; reluctance to visit agencies where few, if any, Indian faces are likely to be found; embarrassment over the personal appearance caused by inadequate or inappropriate clothing; lack of understanding of just what is expected of the Indian client by agency personnel; unwillingness to ask questions for fear of being embarrassed—these are some of the barriers which prevent Minneapolis Indians, particularly those new to the city, from getting the services and help which is available."

What it all adds up to, for both the reservation Indians and those in the cities, is that life with the bureau seldom has been a happy medium.

BIA: THE RED MAN'S BURDEN—REDTAPE, LOW RANK HURT INDIAN BUREAU

(By Frank Wright)

WASHINGTON, D.C.—The Bureau of Indian Affairs may be more bound up in red tape than any other agency in the free world.

But that is not its only encumbrance.

In addition, it is a second-class citizen in the Interior Department, where it has been billeted since 1849. And, when it goes to Capitol Hill, it must deal with congressional committees that usually are more interested in land and its valuable resources than in people and their problems.

Together, these factors make it a wonder that the Indian has made any progress at all.

Just for starters, the bureau's manual of regulations and procedures contains 33 volumes.

They are not regarded lightly.

Over the years the bureau has earned a reputation as one of the slowest and most hidebound agencies in the federal government.

In 1961 a task force was set up by then Interior Secretary Stewart Udall, an incoming Democrat, to study Indian policy. The task force criticized "the slow rate at which the bureau performs through a network of reviews and appeals all the way to the secretary's office, with numerous side trips to specialists and solicitors."

The situation apparently didn't change.

When the Republican proprietors took over in 1969, a new study was ordered. Prepared by Alvin Josephy Jr., an expert on Indian life and history, it said the bureau is a compilation of checks, balances, caution, resistance and delays, with little decisiveness and action. "The layering and compartmentalizing . . . result inevitably in slowness, frustrations and negativism, as well as a continuing Niagra of studies, assessments, opinions and reports. The bureau . . . is literally drowned in paperwork, while on the reservation level the Indians wait."

The bureau has been criticized repeatedly, both for its structure and for the caliber of many of the people who work for it.

Josephy's description of the bureaucratic roadmap:

"At the present time, a decision between the Indians and a branch officer on the reservation faces a long, torturous route from the branch officer to the agency superintendent to the area branch officer to the area assistant director to the area director to the division in Washington to the assistant commissioner to the commissioner and perhaps higher still. Eventually it starts down again, following the same zigzag route. Even this is a simplified route . . ."

STUDY AFTER STUDY COMPLAINS OF PERSONNEL

Study after study, expert after expert, task force after task force have complained about the personnel:

"Simply timeservers of mediocre or poor competence who remained indefinitely because they were willing to serve in unattractive posts at low rates of pay for long periods of time . . ."

"In the 19th Century the Indian service was a patronage dumping ground for unscrupulous politicians. In the 20th it has become the refuge of incompetent civil servants. The blatant corruption and victimization of the last century has given way to ossified medicocrity."

"There are a lot of good people over there, but it's amazing how many have lost their pizzazz because of the frustrations."

"The Bureau of Indian Affairs is anemic. There's a river of tired blood."

BUREAU PRESSURED BY OUTSIDE INTERESTS

Aside from its own structural and personnel inadequacies, the bureau constantly faces trouble from pressures originating elsewhere in the Interior Department.

The interests of oil and other minerals, electric power, water, mintes, parks, fish, other wildlife and outdoor recreation all are represented by offices in the department and all come complete with powerful outside lobbies. Often they cast a hungry eye toward land owned by the Indians and held in trust for them by the bureau.

The situation was summed up this way in a memorandum written last August to the Senate subcommittee on Indian Education by Gary Orfield, an assistant professor of politics and public affairs at Princeton University:

"Interior is an old-line unimaginative agency very heavily preoccupied by the political struggles over federal lands in the West and by a variety of resource management tasks. Coping with human problems and community development are not basic parts of the department's mission, and its record has been very poor."

Much the same situation pertains in Congress, where the bureau is the business of the House and Senate Interior Committees.

As Orfield put it:

"These are low status committees offering few political rewards for most members, and thus they are composed largely of either newcomers, lacking seniority or (senior) men from western public land states who can make political mileage representing business and community projects which are dependent on Interior Department cooperation. The constituencies represented on these committees tend to be far more conservative and far less sympathetic to social problems . . ."

INTERIOR COMMITTEE'S CONCERN SINKS LOW

Interior Committee interest in solving Indian difficulties has sunk so low that nonmembers in Congress have started guerrilla actions. Rep. Donald Fraser, Minneapolis Democrat, has helped organize an informal bipartisan group in the House which is trying to prod the bureau. Walter Mondale, D-Minn.; Edward Kennedy, D-Mass., and others in the Senate are trying to persuade that body to create a new select committee on Indian needs that would take the play away from the Interior Committee.

Neither effort has had much success so far.

So the Indian, ensnared in red tape within the bureau, pushed to the bottom of the totem pole within the Interior Department and given an often cool reception in Congress—finds it tough to get action.

"About the only time we win around this town," says Browning Pipestem, an Indian lawyer in Washington, "is where there are no interests competing with us. And how often does that happen?"

BIA: The Red Man's Burden—Indian Lot Improving, Bureau Claims

(By Frank Wright)

Washington, D.C.—Life for the red man, to hear the Bureau of Indian Affairs (BIA) tell it, is getting better all the time.

His health is better, his living conditions are better, his education is better, his economy is stronger.

The bureau has the statistics to prove it, naturally, most of them based on improvements in the past 10 or 20 years:

Largely because the Public Health Service has entered the field, life expectancy of Indians born today is 64 years, up from 44. Deaths from tuberculosis, intestinal diseases and pneumonia have dropped sharply. Many more babies are being born in hospitals and are surviving. The birth rate of the once-vanishing American is now about double that of the United States as a whole.

More than 90 tribes have established housing authorities to work with the federal government. As of June 30, 1968, about 2,700 new dwelling units had been completed; 1,500 more were under construction in a cooperative venture with the Department of Housing and Urban Development (HUD).

The school dropout rate among Indian students for whom the bureau is responsible has been cut. The average Indian now has 8.4 years of schooling, up from 5.5 in 1950. The number wanting to go to college—and capable of it academically—is increasing. The bureau now officially encourages pupils to attend public schools rather than its own—and 58 percent or more do. For those still in bureau schools, official policy now calls for bilingual education and an approach intended to make the Indian aware of his heritage and proud of it rather than uninformed and ashamed.

Whereas Indian income previously was so small as to be virtually unmeasurable, it is up to about $1,500 yearly for a family of four. Industry is being attracted to reservations, often with the help of the Small Business Administration. Indian land holdings are now increasing rather than dwindling.

Bureau Thinks Positively About Record

As would almost any agency, the bureau is thinking positively about its record.

Even the bureau, however, admits that Indians continue to be the most disadvantaged minority in the country.

The Indians' health level is still the lowest in the nation. Life expectancy still falls short of the 70.5 years on which Americans as a whole can count. Infectious and communicable diseases still occur with greater frequency among Indians than non-Indians, largely because of malnutrition, unsanitary water and lack of knowledge of basic health practices. The government's efforts to build more hospitals, provide more doctors, take health services out into the field where Indians can get access to them fall far short of the need.

Housing is still pitiful, as anybody who has ventured off the main highways of a reservation knows. In 1969 a bureau survey showed that almost seven of every eight units were either substandard or overcrowded. As any Indian housing authority that has tried knows, getting approval for a new project from the government is easier said than done.

As for education, the Indian dropout rate still is almost 50 percent—compared with 27 percent for all American pupils. The 8.4 years of schooling still is less than the 10.6 average for everybody else.

Like other minorities, the longer the Indian stays in school, the farther he falls behind his white contemporaries.

And there is plenty of evidence to indicate that the bureau's educational practices fall short of its proclamations.

NO DISOBEDIENCE—THINGS DON'T HAPPEN

For example:

In 1966 Dr. Carl Marburger, superintendent of schools in Detroit, Mich., where he built a record for working with minorities, became the bureau's first assistant commissioner of education. He left only 15 months later, totally frustrated. "There was not a flagrant disobedience of orders or anything of the sort, but just a failure for things to happen," he said.

Small Eskimo children still are uprooted from their families and sent thousands of miles to attend bureau schools because the bureau happens to have an empty classroom in one of the "lower 48 states" and none in Alaska.

The report of the Indian Education subcommittee of the Senate, issued last November after an exhaustive series of hearings and field trips, alleged that many bureau schools were still trying to expunge all traces of Indian heritage from their young charges and were still trying to pressure them into accepting only the white man's ways and attitudes.

NEW BOARDS ARE MOSTLY ADVISORY

In 1968, President Johnson ordered the bureau to establish local Indian school boards on the reservations. Practically all that have been created are advisory only and are in most cases ineffectual, the Senate subcommittee found.

In addition, it found that Indians had little say in forming educational policies in states—such as Minnesota—where no bureau schools exist and the federal government gives special aid funds to local public school districts for accepting reservation pupils. Minnesota is among the states making some measurable but small progress.

In the words of Sen. Walter Mondale, D-Minn., a member of the subcommittee: ". . . the basic issues in Indian education are still totally unresolved."

As for the Indians' economic status, the red man obviously has a ways to go to fill his dinner pail. The $1,500 average income is only half the $3,000 that a family can earn and still be classified as officially poor.

Industrialization is considered the best prospect for uplifting reservation economy, but progress is slow at best.

ONLY HALF OF JOBS GO TO INDIANS

According to critics, about 10,000 new jobs have been created on or near reservations since 1962, but less than half have gone to Indians. Indian unemployment still runs about 50 percent, more than 10 times the national average.

Many of the new industries, usually run by whites, are small and financially marginal and employ primarily women who receive low wages. The failure rate is high, leaving the victims not only depressed economically but also emotionally drained.

The bureau likes to point out that Indian land holdings increased more than 100,000 acres between 1966 and 1968 and that its policy—after watching the holdings decline from almost 150 million acres to 50 million—is to encourage expansion rather than dispersal.

That is little solace, however, to those who have seen their land succumb to the white man's view of progress—such as the Fort Berthold Indians of North Dakota.

Garrison Dam, stretched across the Missouri River by the government in the 1950s, flooded 25 percent of the reservation—150,000 acres of fertile bottom land that was the basis for the Indians' rather healthy agricultural economy.

ANOTHER BROKEN PROMISE IN NORTH DAKOTA

The bureau refused to support an Indian plan for an alternate site that would have taken land less valuable. The government did promise to provide 150,000 acres of downstream land as a substitute, but then it failed to deliver after the dam was built.

Unemployment and relief costs skyrocketed.

Ultimately, the government paid the Indians about $80 per acre but declined to let them keep mineral rights. Later, oil was discovered, but the Indians received no royalties.

The Army relocated those forced by the rising water to leave, moving them out in alphabetical order without regard for community or family relationships. Native villages were dispersed.

A picture of George Gillette, then the tribal business council chairman, weeping as the land is signed over is a tragic classic. It would be easy to get the same kind of picture there today.

As one recent account puts it, "Today, many years after the opening of Garrison Dam, Fort Berthold is still in emotional and economic shock."

Bureau officials continually urge Indians to keep looking to the future.

Given the past and the present, many Indians find that admonition hard to swallow.

BIA: The Red Man's Burden—Indians Have Curious Link With Bureau

(By Frank Wright)

Washington, D.C.—At first glance, the Indian attitude toward the Bureau of Indian Affairs is most curious.

Many Indians have despised the bureau for many years—and yet they are among the first to come to the agency's defense whenever its existence is threatened.

It is a classic love-hate relationship that has survived for almost 150 years and seems destined to continue for many more.

One has no difficulty in understanding half the equation—why thousands of Indians nurture a deep animosity toward the bureau.

Often it has been the instrument of federal policies that have, to say the least, done the Indian little good.

First in the earliest days of Indian affairs efforts, came the policy of extinction under which the government tried to kill off the red man. To make the practice attractive according to historians, the government paid bounties for Indian hairpieces—and so the white man became a scalper.

The removal policy was adopted next, in the early and middle 19th century. The government forced the Indians to give up their land in the East—much of it lush and valuable—in return for frequently barren Western acreage that often required a change in the Indians' way of making a living and then was still unable to support them.

Among those promulgating this systematic uprooting was Thomas Jefferson, usually thought of as the great champion of liberty and freedom. As president, he expressed the hope that removal of Indians from the more heavily settled East would contribute to their advancement.

The policy, which came to rely more on military force than on diplomacy, was almost totally effective. The only federally connected Indian lands of any size that remain east of the Mississippi River are those in Florida and Wisconsin.

About the only thing the Indians got out of this involuntary migration was the promise that they could hold their new lands—such as they were—forever.

Toward the end of the century efforts to "civilize" the Indians and make them "self-supporting" began.

The technique this time, in true capitalist fashion, was to make every Indian an owner. Reservations, traditionally held in tribal or community ownership, were broken up, and each Indian was given 40 to 160 acres as his very own.

Also, efforts were begun to erode Indian culture. Chiefs were undermined. Native religions were discouraged, in some cases outlawed; Christian missionaries were encouraged.

The idea was that the Indian would be assimilated into the white man's melting-pot world. The actual result was that many Indians, preferring the old ways, turned their back on the effort. Others tried the melting-pot but couldn't succeed.

Thousands of acreage allotments were sold by Indian owners to non-Indians who had the desire, the financing and the business acumen to accumulate them and develop them profitably. All told, it was one of the biggest land grabs in history. Over 50 years, Indian holdings declined from almost 150 million acres to 50 million.

Indian economic dependency on the government increased.

INDIANS REJECT CULTURE SYSTEM OF WHITES

And assimilation into the white culture was in many respects rejected. As anthropologist Anne M. Smith has explained it, white immigrants looked at the values and success-oriented goals of mainstream America and said, "It is good." So they jumped in. The Indians looked at the same mainstream in light of their own value systems—based partly on a reverence for the environment as God and on the idea of assistance rather than competition—and said, "It is polluted."

So, except for a brief period of reform initiated under the New Deal in the 1930s—when land allotment was halted, constitutional tribal government was promoted and a measure of economic aid initiated—the Indians have not had a particularly pleasant experience as a conquered people.

Why, then—coming to the second half of the love-hate equation—don't they want to break away from the bureau?

They have had that experience, too, and they found it worse.

Life apart from the bureau was called "termination," and it was practiced by the Eisenhower administration in the 1950s.

Its guiding lights were Arthur Watkins, R-Utah, and Clinton Anderson, D-N. Mex., members of the Senate Interior Committee.

In 1953, in the name of first class citizenship, all of the federal government's authority over half a dozen of the more well-to-do tribes and its responsibilities to them were ended.

The government proclaimed it as emancipation, the end of bureau paternalism.

INDIANS HAVE NO TERM FOR TREATMENT

Most Indians came to see it as just another form of annihilation. Earl Old Person, a Blackfoot who is president of the National Council of American Indians, has said of the policy, "In our Indian language the only translation for termination is 'to wipe out' or 'to kill off.' We have no Indian words for termination."

The experience of the Wisconsin Menominees was typical.

Without being given a choice, the tribe's trust land relationship with the government—which keeps tribes under a government thumb but also gives them a special claim to government services that no other minority has—was ended in 1961.

The Menominees overnight became a county, just like any other in Wisconsin.

It has been downhill all the way.

Where once there was a tribe relatively self-sufficient, with decent schools, reasonable community services and a communally owned sawmill, there now is the most impoverished county in the state.

The sawmill became outmoded, and forest management controversies with imported white professionals seriously undercut the economy. Little help was forthcoming from any source. Relief costs soared. Median income fell below $1,000 per family. Indians had to sell their land at auction because they couldn't pay the property taxes to which they became subject after termination. The county tax base is too small to support adequate schools and health facilities.

A University of Chicago study later concluded: "Freedom was the fundamental objective . . . The failure to extend the real freedom of the tribe has been almost total . . . The Menominee tribe is dead, but for no good reason."

There is no record indicating that any tribe became more viable after termination. Most collapsed.

TAMPERING WITH BUREAU STARTS SUSPICION

The policy was abandoned officially after only a few years, but Indians still remain suspicious of any effort—usually started by white liberal reformers—to tamper with the bureau and their relationship to it.

In recent years the reformers' most frequent sugestion has been to shift the bureau out of the Interior Department to the Department of Health, Education and Welfare.

However, numerous Indians are fearful of losing out to the bigger black minority in such a shift, and they have resisted. They tend to see the transfer as termination by another name, a view that not only may have merit but which also reportedly is encouraged by some of the people in the bureau who do not wish to see their own empires disturbed.

What the Indians have learned in all of this is that life with the bureau is a hardship, but it is better than any substitute offered through the years.

And they opt for what they regard as the lesser of two evils.

BIA: THE RED MAN'S BURDEN—CAMBODIA HALTS INDIAN MESSAGE

(By Frank Wright)

WASHINGTON, D.C.—Our war in Indochina has claimed a new victim on the home front—the American Indian.

The list of domestic problems from which our energies as a nation have been divided by the war has grown mightily since we escalated the fighting in 1965.

Indian affairs was added to that list last weekend.

President Nixon, according to informants in the administration, was planning to issue on or about last Sunday a special message to Congress asking for new reform legislation on Indians.

But on the way to the tribal council ring Mr. Nixon launched his military adventure into Cambodia and quickly became preoccupied with it.

The Indian affairs message was postponed.

Some of the staff people who had been working on it suddenly found themselves taken off the job and reassigned to figure out why students were striking and closing their campuses in protest against the President's Cambodia decision.

There now seems to be no firm idea within the administration about when the Indian affairs message will surface.

Some informants say it will be within two or three weeks.

Others say it is delayed indefinitely.

Regardless, this is not the first time that Indians have found themselves shunted to the sidelines. Repeatedly in the last few decades, usually whenever a new administration takes over at the White House or a new commissioner is appointed at the Bureau of Indian Affairs, there has been grand talk about a new day coming for Indians.

Most of the talk in recent years has been about the principle of self-determination—giving the Indians more say in determining federal policy toward Indians in Washington and in running their own affairs on the reservations.

Precious little in the way of dramatic reform has occurred, however.

In the past decade the amount of federal money spent on Indian programs has doubled—to slightly more than $500 million annually.

About 40 percent is appropriated to agencies other than the Bureau of Indian Affairs.

But most of the money must be funneled through the bureau's bureaucratic maze or spent in co-operation with it, resulting in inordinate delays. And much of it—the exact amount is in dispute—is siphoned off for administrative costs that do little for the supposed beneficiaries.

By law, Indians must be given preference when the bureau hires employees. Even so, Indians comprise only 53 percent of the bureau's total work force of about 14,500. Few Indians are in the high-level jobs. Only 15 percent of bureau personnel earning more than $14,000 yearly are Indians. Only a third of the agency superintendents are bureau field representatives, key men, are Indians. Only 16 percent of the school teachers are Indians.

The bureau says it has trouble finding qualified Indians for professional positions. Indians say that is a sad excuse and a bitter commentary on the quality of the bureau's education system and on its practice of encouraging students to take vocational training rather than aim for a college degree.

Only two bureau commissioners have been Indians—Robert Bennett, a Wisconsin Oneida appointed by President Johnson, and the incumbent, Nixon administration appointee Louis Bruce, a New Yorker whose father was a Mohawk and whose mother was an Oglala Sioux from South Dakota.

Both have had their critics—Bennett for allegedly being too close to the bureau bureaucracy from which he ascended and Bruce, a dairy farm owner and former fraternity executive, for allegedly being an "apple." Apple is the Indian militant's term for a brother who is red on the outside but white on the inside.

The highest level at which the Indians have a voice in the government is the National Council on Indian Opportunity, created in a 1968 executive order issued by President Johnson.

Six of its members are Indians, appointed by the president. The first Indian appointees included Roger Jourdain, chairman of the Red Lake Chippewas of Minnesota; Cato, Valandra, a Rosebud Sioux from South Dakota, and Mrs. Ladonna Harris, a Commanche and wife of Sen. Fred Harris of Oklahoma, former chairman of the Democratic Party.

INDIAN IS STILL OUTVOTED ON COUNCIL

But, once again, the Indian is outvoted by the white man. In addition to the vice-president, who serves as chairman, the other council members are heads of the seven departments and agencies that spend money on Indians—interior; agriculture; commerce; labor; health, education and welfare; housing and urban development, and the Office of Economic Opportunity.

Because the bureau confines itself to assisting reservation Indians, the council has concentrated in great degree on working for urban Indians.

But, overall, the influence of the council depends on the willingness of the white department heads to act on the Indians' behalf. The council as a whole is essentially a co-ordinating agency with no real power to order anybody to do anything.

The Nixon administration has been trying to move in the direction of self-determination but has found the going difficult.

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The top priority project of Secretary of the Interior Walter Hickel; Harrison Loesch, assistant secretary of the interior for public land management, and Bruce has been to realign the top echelons of the bureau and bring in some new blood—supposedly younger, more flexible and more responsive to Indian needs than the old top management.

Seventeen persons have been ousted, and it is promised that three-fourths of the newcomers will be Indians.

The task of finding them, however, has dragged on far longer than Loesch and Bruce hoped. Some Indians—most of them working outside the government—already were earning too much money to shift jobs. Others, already working for the government, encountered complex Civil Service problems. Still others concluded that working for the bureau would be a sellout. So far, eight of the 17 spots have been filled. Bruce said earlier this week that he hopes to announce the rest of the roster Monday.

One of those who reportedly signed up is Lee Cook, a Red Lake Chippewa who has been serving in the Federal Economic Development Administration. One of those who reportedly declined is Will Antell, a White Earth Chippewa who is the top Indian education specialist for the state of Minnesota.

Loesch and Bruce also are not for the idea of allowing Indians if they wish, to run entirely by themselves the community services that traditionally have been provided by the bureau. This would be done by contract. Financing would come from the tribe's share of federal appropriations now being spent by the bureau in managing the tribe's affairs. The bureau would agree to resume the management of any tribe that tried running any part of its own affairs and failed.

TECHNICAL ASSISTANCE AGENCY IS GOAL

Eventually, Loesch and Bruce would like to see the bureau turned into a technical assistance agency, standing by to help Indian tribes do what they want when they want to do it.

The two administrators have a handful of success stories to which they can point. The Ramah Navajos in New Mexico and the Rough Rock Navajos in Arizona have contracted to run their own schools. The Zunis in New Mexico will soon take over all community services—education, law enforcement, road-building, housing and economic development.

Similar proposals from about 10 other tribes—none in the Upper Midwest—are under review, according to Bruce.

How fast the idea will spread, he and Loesch can't say.

They figure that some tribes will want to stay entirely under the bureau's protective and admittedly dependency-instilling umbrella. Some will want to experiment with running one or two services and others will want to take on everything. Contracting will not be forced on anybody, they say.

"The point is to make the opportunity available," says Loesch, a blunt-spoken former Colorado land lawyer. "There have been too many people around here who were unwilling to let the Indian make his own mistakes. That's a lot of crap. Everybody makes mistakes."

It was expected that Mr. Nixon's now-delayed message to Congress would include legislative proposals intended to make contracting easier.

Contracting will affect mainly the reservation Indian.

About the best the bureau will promise for the urban Indian is to urge other departments and agencies with Indian funds to use them. The council is promising to do the same, for whatever it may be worth.

MOVEMENT IN RIGHT DIRECTION AT HAND

In sum, there seems to be some movement in what many Indians would call the right direction, a direction that will allow them to take more control over their own destiny and allow their culture to develop again alongside the white man's.

The question is whether the movement is fast enough to do any real good.

Some Indians are encouraged, at least in small degree.

Others, more militant, are not.

To those who take the longer view, the rather moderate concluding words of a declaration of Indian purpose, written in 1961, still apply:

". . . The Indians ask for assistance, technical and financial, for the time needed, however long that may be, to regain in the America of the space age some measure of the adjustment they enjoyed as the original possessors of their native land."

Equally appropriate, to those who take a shorter view, are the words of activist Clyde Bellecourt of Minneapolis, executive director of the American Indian movement.

In a recent confrontation Loesch asked him why he didn't take his appeals through regular channels instead of into the streets.

"We've been trying to go through regular channels for more than 100 years," Bellecourt replied, "and look where it's got us."

[From the Minneapolis Tribune, May 24, 1970]

BIA: THE RED MAN'S BURDEN

Indian Americans are caught in a dilemma. They suffer in many ways from the heavy hand of the Bureau of Indian Affairs. But they know that, as a small minority, they might suffer even more if the bureau were eliminated.

The dimensions of this dilemma have been reviewed in a series of articles by Frank Wright, a Tribune staff correspondent in Washington, D.C. As Wright pointed out, the bureau paternalistically dominates the everyday lives of reservation Indians, is slow in responding to the Indian drive for self-determination, and even fails many times to fulfill its obligations to protect Indian rights. (In the latest example of this, a Bureau of Reclamation irrigation project is robbing the Paiute Indians of a priceless lake in Nevada.)

Still, the bureau has helped to achieve gains for Indians in health, housing, employment, education and income, even though those gains still leave Indians far behind even the poorest of the poor among other groups in American society. Further, Indians saw the devastating effects of a short-lived policy in the 1950s to terminate BIA jurisdiction over Indian reservations.

The dilemma leaves little choice but to intensify the pressure for change within the present system, rather than to seek a new system. That means pressure to gain a stronger voice for Indians in managing their own affairs, pressure for more policymaking positions for Indians within the bureau, and pressure to relate BIA programs to urban Indians as well as reservation Indians.

The new BIA administration has taken some good steps to increase its responsiveness to Indian needs and to encourage greater Indian self-determination. The bureau continues, however, to resist pressures for a greater urban orientation, despite the fact that half or more of the Indian people probably live in the cities. The bureau cites congressional policy to support its stand, but it seems that the biggest obstacle to change is the BIA itself. Those 33 volumes of BIA regulations and procedures are a burden on the backs of Indian Americans.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. SAXBE). Is there further morning business? If not, morning business is concluded.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. GURNEY. Mr. President, if there is no further business to come before the Senate, I move that the Senate stand in adjournment, under the order previously entered, until 10 a.m tomorrow.

The motion was agreed to; and (at 5 o'clock and 5 minutes p.m.) the Senate adjourned until tomorrow, Friday, June 12, 1970, at 10 a.m.

EXTENSIONS OF REMARKS

PRIVACY IS A FUNDAMENTAL AMERICAN RIGHT

HON. JOHN WOLD

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mr. WOLD. Mr. Speaker, increasingly, the Members of this body are expressing their concern of the many insidious ways in which the privacy of Americans is threatened. The concern is especially justified because of the changes in our society. The operation of Government and of business is said to require ever increasing amounts of information about the individual citizen.

Unfortunately, this information is not always kept privileged.

I am delighted that the Casper Star-Tribune, my hometown paper with the broadest circulation of any daily in Wyoming, has joined my deep concern over this issue. I ask that an editorial in the June 10, 1970, issue of the paper, be published in the RECORD as an indication of the growing awareness throughout the Nation of the Government to intrude into areas it ought not to.

Such editorials contribute to the growing public awareness which is so necessary for the protection and preservation of our rights:

[From the Casper Star-Tribune, June 10, 1970]

NAMES FOR SALE: WHAT PRIVACY?

Congressman John Wold is so specifically right in his opposition to the (former) practice of the Internal Revenue Service in selling lists of names that we cannot see how anyone could reasonably disagree with his position.

Selling names and addresses for advertising and other uses is a common practice which helps a few to the annoyance of many. It is a practice which should be outlawed. While we tolerate it, we regard it as an invasion of privacy. Those individuals and institutions which provide such listings cannot be regarded as much less than scavengers at a cent or five cents a name. A customer or prospective customer writes to a company regarding an item, and it is only a short time hence, that he receives "pitches" from other companies which may meet some area of his interest.

When the Internal Revenue Service makes use of privileged information, available to it under compulsion of law, the hackles of every citizen should rise. After Mr. Wold asked the IRS to stop selling rolls of mailing labels containing names and addresses of some 140,000 licensed gun dealers and collectors for about a cent a name, the IRS said it had done so, but contended it could sell the lists under the Freedom of Information Act.

The IRS viewpoint has been described as a gross distortion of the act, and we are inclined to agree. In an area where there is reason to believe that private enterprise is open to suspicion, the U.S. Government should be *simon pure?*

Congressman Wold has raised the question of whether the rights of individuals have been violated. He also noted that indiscriminate circulation of such lists as those of gun dealers and collectors could provide targets for access of weapons.

There is continuing concern—as there should be—that personal information provided to governmental agencies will be misused. If there is any one thing that has made this country great, it is the philosophy that it is a nation of individuals and that they are not merely units of an overriding state.

If we are willing to go that way—toward Communism—we can do it by gradual processes which hardly will be noticed. The erosion of individual freedom is almost unperceived, and bureaucracy becomes such a behemoth that even the President and his Cabinet cannot always prevent it from twisting the arms of republican form of government.

John Wold has pinpointed this question to the field of guns—and he was right in doing that. But it is a much larger issue dealing with the American citizen, the law-abiding person, the non-criminal, who has some privilege of privacy which should be respected by private enterprise and by his government.

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THE COMPUTER AGE IS DAWNING ON CAPITOL HILL

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Thursday, June 11, 1970

Mr. METCALF. Mr. President, in 1965 and 1966, I was a member of the Joint Committee on the Organization of the Congress jointly chaired by former Senator A. S. Mike Monroney and Representative RAY J. MADDEN.

Our deliberations led to the Legislative Reorganization Act, approved by the Senate in 1967.

During the course of several weeks of hearings we learned again that knowledge is power—that enacting legislation requires an understanding of the alternatives. That understanding would be aided immeasurably by the use of computers, upon which business and executive departments are relying increasingly to their advantage.

Mr. President, computers would better equip us to make the decisions we must make. They would give this Nation's lawmakers the capability we must have to meet representatives of the executive branch and the business community on equal terms.

That the computer age is dawning on Capitol Hill is the subject of an article in the May 23, 1970, issue of the National Journal, published by the Center for Political Research. The article discusses provisions of the Legislative Reorganization Act which has been ordered reported by the House Rules Committee. Title IV would create a Joint Committee on Data Processing charged with the responsibility for establishing a system of automatic data processing and information storage and retrieval to meet the "urgent, critical, and continuing need" of the Congress.

The author is Mr. Andrew J. Glass, formerly of the New York Herald-Tribune and now the Journal's congressional staff correspondent. I ask unanimous consent that this report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

CPR REPORT/CONGRESS MOVES INTO COMPUTER AGE BUT DIVIDES ON CONTROL OF NEW SYSTEMS

(By Andrew J. Glass)

The computer age is dawning on Capitol Hill.

Despite this awakening, there is resistance within the legislative branch against creating a unified computer system. Sparring has arisen between the House and Senate and within each body over who will control the computers, although no one is opposing their introduction.

Behind these disputes lies the knowledge that information is power: Any group that designs and runs a computer system in Congress also has the potential to shape the legislative process.

Enacting legislation often reflects an understanding of the alternatives. With access to computer tools, individual lawmakers would become less dependent on committees and better equipped to take the initiative.

Redressing the balance: Computers, which thrive on the kind of recurring data Congress deals in, may provide the lawmakers with a new capability to challenge policymakers in the executive branch.

Among those pressing for action it is widely felt that "third-generation" analytic computers could be an effective tool in restoring to Congress powers yielded nearly 50 years ago with the passage of the Budget and Accounting Act of 1921 (PL 67–13).

Until then, it was Congress and not the executive branch that annually prepared the federal budget draft.

Without the detailed information generated by the budgetary cycle, Congress lacks a key framework for decision-making.

A 1969 House Government Operations Committee report states that "the time is already here when the Bureau of the Budget could not prepare the budget without the use of a computer."

There are 4,666 computers in the federal government, 62.1 per cent of them in the Defense Department. This does not count computers tied into specific weapons systems.

Bridging the gap: Four years ago, the sole computer facility on Capitol Hill was a small unit used to calculate the Library of Congress payroll. Even today, in making fresh strides to bridge the information gap with the executive branch, Congress finds itself behind nearly two dozen state legislatures which have computerized their data.

In 1965, Congress directed the National Bureau of Standards to offer all-out technical support to federal agencies in the computer sciences (PL 89–306).

Yet a good deal of this new data is not being used by Congress, which currently lacks the means to absorb it. For example:

Walter W. Hassie, director of management information systems for the Budget Bureau, has privately offered on Capitol Hill to make available the data used to compile 200-odd special analyses which, in turn, govern key budget-making decisions. Hassie is also moving toward a year-round "rolling budget" system. At present, Congress lacks the manpower and tools to use this data—to evaluate it independently or to maintain its own "rolling budget," which requires computers continuously to monitor all changes in spending levels.

In Denver, the Air Force runs its computerized Project LITE (Legal Information Through Electronics). LITE has such data as the entire text of the U.S. Code; all published decisions of the U.S. Comptroller General and all unpublished decisions since 1955, and all international law agreements. Congress has no way of tapping into LITE.

This year, the Bureau of the Census is developing comprehensive magnetic tape files on U.S. population trends, including key statistics on race, education, income and housing. Congress lacks independent means to study this data.

Too much, too soon: Another major problem facing Congress is, in the words of the systems analysts, "information overload." As a recent Library of Congress report puts it:

"The problem usually is not too little information, but too much.

HOUSE

Having successfully resisted for four years, House Democratic leaders determined in 1969 that pressure had mounted to the point where they should produce a congressional reorganization bill.

The result of these efforts is more modest in scope than scores of previous efforts that have failed in the House. Known as the Legislative Reorganization Act of 1970 (HR 17654), the bill is scheduled to be taken up on the House floor during the week of June 22.

Computer provisions: Title IV of the bill provides for the creation of a Joint Committee on Data Processing. This concept faces strong opposition.

Joint approach—The proposed panel would be composed of six Senators and six Representatives, divided evenly between Democrats and Republicans. The group would have wide powers to set computer policies for Congress.

Specifically, the joint committee would be charged with implementing the bill's finding that ". . . there is an urgent, critical and continuing need on the part of the Congress and the legislative branch generally for a modern, effective and coordinated automatic data processing and information storage and retrieval system."

The joint committee approach had been advocated (as HR 7012) by Rep. William S. Moorhead, D-Pa., who says that "Capitol Hill computer systems must be compatible—they must be able to 'talk to one another.' "

Record salary—Under the plan, the joint committee would hire a director of data processing and pay him $40,000 a year. This would be the highest-paid staff position on Capitol Hill.

It would be some $2,000 higher than the salaries paid to the Architect of the Capitol, the Clerk of the House and the Secretary of the Senate. And it would be only $2,500 below the political ceiling imposed by the Members' own salary level. (A deputy director would earn $36,000 a year.)

Gordon E. Nelson, who recently resigned as administrative assistant to Rep. B. F. Sisk, D-Calif., a principal author of the reorganization measure, said the high salary levels reflect the difficulty of luring away the best people and keeping them. "The data processing community," he added, "has a notorious reputation for pirating people."

Unanimous committee backing—From a political standpoint, the reorganization bill's strongest virtue is its co-sponsorship by all the members of the House Rules Committee—usually an inducement to rank-and-file support.

Sisk, who piloted the proposal to the floor as chairman of a special rules subcommittee on legislative reorganization, told *National Journal:*

"This is tremendously expensive equipment. I'm thoroughly convinced in my mind that there is no other economically feasible way to proceed than to bring it under one blanket."

Alternative Approach: One Member of the House who is not at all content with the prospect of climbing under a joint committee blanket is Joe D. Waggonner Jr., D-La., chairman of a special House Administration Subcommittee on Electrical and Mechanical Office Equipment.

"Sure, we're going to fight them on it," Waggonner told *National Journal.*

Design project set—Furthermore, Waggonner revealed that he planned to sign a contract with a private firm, or group of firms, to develop specifications for a coordinated computerized information system for the House. The normal range of such contracts is several hundred thousand dollars.

Waggonner emphasized that he intended to negotiate the contract in mid-June, before the Sisk bill reaches the floor. If Waggonner keeps to his timetable, the House will have a contract to provide an automatic data processing system before its Members vote on the recommendation to develop a system jointly with the Senate.

House Clerk stalled—Waggonner's initiative has halted efforts by House Clerk W. Pat Jennings, a former Member (D-Va. 1955–1967), to develop independently a computerized mailing system and a legislative retrieval system for the House.

These steps would have followed the computerization by Jennings of the House's annual $18.6 million payroll.

In June 1969, Jennings dazzled Members with a two-day demonstration of an information system known as Digiscribe. The system combines a cathode-ray tube, an electric typewriter and a calculating unit.

In the test run, Representatives found they could touch one of five words flashed on a television-like screen (such as a category of bills) and, within 12 seconds, the screen would light up with background information on the subject.

Consolidation effort: Since that time, the House Administration Committee has refused to approve further outlays for Jennings-initiated projects in the computer field as the panel presses its claim for jurisdiction against all would-be competitors.

"Pat and his people have been brought into the fold," Waggonner said. Last year, Waggonner chided Jennings for moving ahead without consulting with him.

Democratic bid—Waggonner maintains he is acting under a mandate dating from a January 1969 partisan resolution sponsored by Rep. John Brademas, D-Ind. The resolution was endorsed by the independently-oriented Democratic Study Group as well as by the full Democratic Caucus.

The Brademas resolution calls for "the Committee on House Administration (to) be fully supported by Democratic Members in efforts to improve the efficiency of operations in the House. . . . We urge that these efforts include, but not be limited to, the use of computers and of a centralized mail processing system."

Extra funds provided—More significant, perhaps, than the resolution is a special open-purpose appropriation of $500,000 (HRes 710) that the House Administration Committee won last November to fund—should it choose to use the money that way—the design of a computerized information system.

On May 27, Waggonner reported, his subcommittee completed interviews with the last of 46 prospective contractors.

At the same time, Waggonner's staff has been conducting in-depth interviews with more than 200 Members as well as dozens of key committee employees regarding their computer-related priorities.

"This has been a two-way process," Julian P. Langston, chief clerk of the House Administration Committee, told *National Journal.* "In more than a few cases, the Members were not well acquainted with the potential applications of such an information system and we were able to help them understand what can be done," Langston said. "Everyone who wanted to be interviewed was."

Interviews analyzed—The survey is expected to be completed in early June. Results will then be tabulated and analyzed by the Survey Research Center of the University of Michigan.

Although Waggonner declined to disclose his future plans, a source close to the subcommittee's work said that, almost certainly, the initial computerization efforts would focus on systems:

To monitor federal contract awards in each congressional district, and

To keep track of legislative activity, including the status of bills.

Political ramifications—Waggonner acknowledged, however, that he was resisting "strong pressure" to install a computerized mailing system similar to Jennings' proposal. The reason for his resistance, he said, is that Republicans would object to the advantage such a system would provide to incumbent Democrats in an election year.

Sisk-Waggonner controversy: Sisk had thought he had Waggonner's support for a joint committee on which Waggonner, presumably, would play a major role.

Joint committees assailed—When Waggonner testified before the Sisk subcommittee in November 1969, however, he said:

"There are glaring examples where (joint committees) have failed miserably to work. . . . I am convinced that if we are going to proceed, we are going to set back any final action two years or more by going to a joint committee now."

One Member present at the hearing said privately: "Sisk nearly fell off his chair when he heard that. He thought he had a deal all lined up with Joe."

Outcome in contention—It is difficult to assess Waggonner's potential strength in his coming effort to defeat the joint committee concept. One member of the Democratic hierarchy in the House who supports Sisk said: "I would have assumed if he (Waggonner) had any real cards he would have played them before we got to the floor."

But a member of the Rules Committee, Richard Bolling, D-Mo., told *National Journal:* "If we had to vote today, they (Waggonner's group) would probably win. But I hope to change that by the time the issue reaches the House because our plan makes eminently more sense."

Government Operations Role: Another uncertain element is the position of Rep. Jack Brooks, D-Tex., who, Sisk admits, "has some reservations."

Over the last decade, as chairman of a Government Activities Subcommittee of the House Government Operations Committee, Brooks has specialized in keeping an eye on the use of computer systems in the executive branch. He claims this work has resulted in a saving of $1.5 billion to taxpayers.

Brooks initiative—In April 1969, Brooks held hearings on "Effective and Efficient Use of Computers in Congress." They resulted in a Brooks-drafted bill (H.R. 10791) that gives the Comptroller General coordinating authority to acquire and maintain computers for congressional use.

Brooks' bill was stopped in the Rules Committee. Thereupon, Brooks suggested to Sisk that computer authority be placed in the hands of the Legislative Reference Service (LRS) of the Library of Congress in view of the fact that Comptroller General Elmer B. Staats "has manifested an extreme reluctance to assume the responsibilities."

Situation reviewed: "Essentially, you've got three horses going right now on computers in the House," a Member said. "There is Government Operations and Brooks. There is Rules and Sisk. And there is House Administration and Waggonner. Right now, (House Clerk) Pat Jennings is out of it—he's been playing ball with Waggonner. And it looks like they're trying to squeeze out Brooks as well."

The congressional analyst did not mention another "horse" that may well be in the running: The 50-member House Appropriations Committee, which must eventually fund any major computer system. The appropriations group budgetary work could also be directly affected by such a system.

Meantime, Waggonner is forging ahead, utilizing a temporary task force of outside consultants called, simply, "the working group." Its senior members are Edward J. Mahoney, director of the new data processing center at the U.S. General Accounting Office: Robert L. Chartrand, an information specialist at LRS; and Thomas E. Ladd, an aide to Jennings.

Compatibility with the Senate: Brooks is displeased with the Waggonner approach because, he maintains, it does not put sufficient stress on meshing with the Senate's "data base." As he puts it: "You can put together the needed hardware in weeks. You can design a system in a matter of months. But a data base must be developed over a period of years. And not having thought through the data base problem is like having a Cadillac in the upper reaches of the Congo up to its hub caps in mud."

Waggonner, however, bristles with anger whenever he is reminded that last July he invited Senate Majority Leader Mike Mansfield, Mont., and his then GOP counterpart, Everett McKinley Dirksen, Ill. (1951–1969) to join in the staffing of "the working group."

Waggonner said he never received a reply to his invitation. (One explanation offered privately on Capitol Hill is that the protocol-conscious Mansfield chose not to reply because, in his view, the subcommittee bid should have been transmitted to him by House Majority Leader Carl Albert, Okla.)

Lack of cooperation from the Senate will be a major issue when he attacks the joint committee concept on the floor, Waggonner said.

Sisk, however, said there is "fresh evidence" that the Senate is shifting its stand. He reported he had recently received letters of encouragement from Dirksen's successor as minority leader, Sen. Hugh Scott, Pa., and Senate Majority Whip Edward M. Kennedy, Mass.—letters, Sisk said, expressing "a strong interest" in his approach.

SENATE

Following several independent tracks, the Senate is delving deeply this year into the world of computers. It remains uncertain, however, whether these efforts will yield a coordinated information system.

A major new track opened when the Senate legislative appropriations subcommittee, chaired by Sen. Joseph M. Montoya, D-N.M., last year called upon Secretary of the Senate Francis R. Valeo to examine the Senate's fiscal operations.

Management study: Valeo, whose role is equivalent to Jennings' in the House, said he later broadened the effort "into a complete organizational analysis of all offices under the Secretary of the Senate."

To conduct the study, begun last November, Valeo retained Orlando B. Potter as a $31,317-a-year consultant. Potter had served as a legislative aide to Sen. Clairborne Pell, D-R.I., between 1962 and 1968. Two years ago, he ran unsuccessfully for the House seat held by Carleton J. King, R–N.Y.

Although the study will not be completed until mid-June, Potter's tentative findings show that:

The Senate's 4,500-employee payroll is figured manually. The Senate is the only federal agency still paying its employees in cash. (Checks and direct deposits to bank accounts are available on a monthly basis.)

Basic housekeeping functions, such as personnel records, the fiscal accounts of committees and stationery allowances, are also calculated by hand.

Five Senate offices are currently compiling separate indexes of legislative activity. These indexes overlap and duplicate one another.

In his analysis, Potter has described 15 potential applications for computers.

System described: "What is needed," Potter told *National Journal* "is a single system retrievable at all (input) sources. This would create automatic integration of legislative action. I'm thinking in terms of a rather large-scale real-time system."

(A "real-time system" is one in which the data can enter the system simultaneously at several points of origin, called remote terminals. The data is then instantaneously transmitted and available at all other terminals.)

Potter's proposals further call for separating "operating functions," which the Senate would maintain, and the "historical functions," which would be turned over to the LRS.

This concept must still be approved by Valeo and Majority Leader Mansfield. Valeo, who had served as an aide to Mansfield before becoming Secretary of the Senate (1959–66), is keenly aware of Mansfield's low opinion of joint Senate-House committees. Mansfield's views tend to point the Senate in the direction of an independent approach toward computers.

Rules initiative: Meantime, the Senate committee that hold's direct responsibility for housekeeping chores, Rules and Administration, is showing a new-found interest in computer technology.

Last month, Chairman B. Everett Jordan, D–N.C., ordered the panel's chief counsel, Hugh Q. Alexander, and his minority counter-part, Burkett Van Kirk, to undertake a joint study of computer applications for the Senate. The staff has turned to the LRS's Chartrand for technical assistance.

Computer facility: Unlike the House, the Senate leases a computer system to prepare mailing-list printouts for individual Senate offices. This installation, located in the Senate service department, is under the control of the Senate sergeant-at-arms, Robert G. Dunphy.

Until the partial conversion to magnetic tape in the summer of 1968, all Senate offices with mailing lists were storing them in the service department on metal plates. The floor was sagging dangerously under their combined weight.

The Senate's computer operation is shrouded in secrecy. Would-be visitors are politely, but firmly, turned away. No public records are available of the cost, which is absorbed in a lump-sum appropriation to Dunphy by the Montoya panel.

"They have been extremely sensitive about any knowledge getting out," an aide to Sen. Joseph D. Tydings, D–Md., told *National Journal*.

However, a series of interviews by *National Journal* with persons familiar with the system revealed that:

The computer system was installed after a group of key Senators, including Jordan, visited the automated mailing operation of Kiplinger Washington Editors, Inc.

In the first year of operation, the facility was plagued with numerous breakdowns, delays and errors—to the point that Senators resisted further conversions to the system. These difficulties were reduced, if not eliminated, with the introduction of a new, larger unit in August 1969.

In a further effort to improve efficiency, Dunphy last year hired a new computer manager, James W. Estep, and two programmers.

In March 1970, 36 Senators from both parties wrote Jordan, Montoya and Dunphy complaining that "over the last several years many of us have experienced great difficulty in obtaining adequate service" from the Senate's internal printing facility. As a result of the letter, Dunphy ordered new equipment to support the computer.

About half the Senate offices are now estimated to be using the system. Senators are limited to mailings of 280,000 items a month.

The system permits Senators to classify their constituents by up to 10 different "professional" codes—such as occupation, political affiliation and viewpoint on the issues—as well as three separate geographic codes.

Unused potential: A Senator who declined to be identified for publication but who is conversant with the computer said: "We are sitting with a brain downstairs. They are now feeling out the edges of other kinds of retrieval but it has to be secret. The attitude is we're going to get this mailing thing right before we do anything else."

Meantime, a group of young activists, who are for the most part employed in the offices of Northern Democrats, meets informally on an irregular basis to exchange information about computer developments in the Senate and to map plans for further initiatives. This group was instrumental in framing the joint letter of complaint on the Senate service department.

GOP computer ally: Fresh support for advancing on the computer front is coming from Edward L. Beach, secretary and staff director of the Senate Republican Policy Committee.

Beach, a former nuclear submarine commander, circumnavigated the earth under the seas aboard the *USS Triton* in 1960. He has a strong grasp of computer technology.

A Democratic Senate source said privately: "The beauty of it is that New (Beach) plugs into all the power-brokers on the other side of the aisle. If he gets behind this, you'll really see some action around here."

SUPPORTING AGENCIES

Ten computer systems are now installed or on order in the legislative branch.

Agencies under the control of Congress—the Library of Congress, the U.S. Government Printing Office (GPO) and the U.S. General Accounting Office (GAO)—are making wide use of automated systems.

Library of Congress: The library has grown from a budget of $2,971,200 and 959 employees in 1939 to $46,310,000 and 2,942 employees in the current fiscal year.

Automation spending—Since 1966, the library has spent $5,295,000 on its automation program. If current requests are approved in full, spending for automation would total $7,855,000 through June 30, 1971.

According to L. Quincy Mumford, the Librarian of Congress, "at the current rate of growth, the servicing of the library's collections will, before many years pass, become cumbersome beyond the point acceptable to users unless we proceed now with the automation program."

Bibliography—Since 1964, the library has been developing a central bibliographical system (CBS) that has increasingly emphasized the use of computers.

CBS, essentially a document retrieval system, features a computerized machine-readable language (MARC). By this means, bibliographical data is distributed to 75 other computer-equipped libraries throughout the world. CBS also calls for gradually computerizing such functions as copyright control, book ordering and a massive subject-heading file.

Card system—The library's card division is automating the annual distribution of some 100 million catalogue cards (with five million titles) to 25,000 libraries.

When the project is completed this fall, the library will be able to produce a daily magnetic tape containing all card data on MARC. This will eliminate the need to store cards and end delays in the filing of outside orders.

At the same time, earlier catalogue entries are being converted to the automated system under a private grant from the Council for Library Resources, a Washington-based arm of the Ford Foundation.

According to John G. Lorenz, deputy librarian of congress, "in many respects (we are) leading the way in library automation not only in this country but in the world."

Legislative Reference Service—Late in 1967, LRS began using computers to prepare the *Digest of Public General Bills, and Resolutions*, a semi-weekly reference work that contains a capsule summary of each public bill introduced.

LRS also employs what it calls an administrative terminal system (ATS) to send and recall computer data. Thirty terminals, essentially electric typewriters, hooked into the computer, process data used to compile the digest and related information sought by committees and individual Members.

Terminals in Congress—In addition, two House committees—Banking and Currency and Judiciary—keep their bill schedules (calendars) on the Library's computer through terminals located in the committee rooms. Ten more House committees are currently seeking to be hooked into the system.

Planned capability—As Lester S. Jayson, director of LRS explains it: "Hopefully, as the system develops, we will have random retrieval. By that I mean if you ask a question like: 'What bills are pending with regard to veterans' affairs?' the computer could be queried accordingly and then there would be printout of summaries of all bills on that subject. We can do it now only by recalling specific bills."

The system described by Jason is expected to be operating by December 1970.

Government Printing Office: The printing and binding of its own publications will cost Congress $30,300,000 in the current fiscal year. This sum has been appropriated to the GPO, an arm of the legislative branch that also handles, on a reimbursable basis, the far more extensive printing needs of the White House, the executive departments, independent agencies and the federal judiciary.

Automation thrusts—A $125,000 request pending in Congress would pay for the design of a computer system to handle inventory and sales to the public at the GPO's central Washington, D.C. facility.

In addition, the GPO is seeking seed money to build a fully automated satellite distribution center west of the Mississippi River—a project that the House Appropriations Committee frowns upon.

In the view of Carper W. Buckley, superintendent of documents at GPO, top priority should be placed on conversion to "modern automated electronic data processing methods in order to perform a task of the magnitude with which we are faced. No operation of comparable scope, in or out of government, is still attempting to perform such an operation manually."

Electronic printing—GPO is making limited use of electronic photocomposition in its Washington printing plant. The eventual plan is to feed the GPO's two "linotron" machines directly with the LRS' *Bill Digest* tapes.

General Accounting Office: The GAO, a watchdog agency charged with keeping other federal agencies honest and efficient, has been dealing with computer technology since the early 1950s. (The first computer produced commercially was acquired by the Census Bureau in 1951 to assist in processing returns.) Yet the GAO is only now in the process of installing a computer system to support its own work.

GAO defense—Comptroller General Staats, who runs the agency, defends GAO's ultracautious approach toward acquiring its own computers. "It is obvious," he told Brooks' subcommittee last year, "that the effort to supply a management information system presents problems. We have been almost two years in the process of trying to develop one for our own internal requirements."

Staats sees the GAO's role with computers as covering three broad areas:

Aiding in the internal management of GAO itself:

As a tool in GAO audits of other federal agencies;

To be analyzed as to their uses by federal agencies.

Decisions to be made—This last interest has a special bearing on congressional initiatives to install computers. As Staats views it: "(This) is a question of lease versus purchase; the question of whether or not there is adequate planning for the design of the system; the question of how the equipment is maintained, and whether it is maintained more economically in-house or by contract."

BACKGROUND

Since the mid-1960s, there has been an ever-increasing number of articles and statements in the *Congressional Record* regarding the difficulties encountered by Congress in gathering, storing and retrieving information.

Often, these anaylses have been accompanied by specific proposals to acquire computer "hardware" and "software."

(Computer hardware includes all the physical components utilized in the system, including such units as processors, printers, terminals and magnetic tape loaders. Computer software includes all the "programs"—sets of instructions—needed to make the hardware function properly.)

These studies have usually been aimed at the adoption of a variety of specialized uses.

Proposed legislation: The first bill calling for the creation of a computer facility to serve Congress was introduced by Rep. Robert McClory, R-Ill., when the 90th Congress opened in January 1967. This bill (H.R. 21) was aimed at giving the LRS power to "make use of automatic data processing techniques and equipment in the performance of its functions."

Senate action—A similar provision was inserted in the Legislative Reorganization Act of 1967 (S. 355) by Sen. Scott. This measure, which passed the Senate in 1968, also called for the creation of a Joint Committee on Congressional Operations, which would be responsible for "continuing study of automatic data processing and information retrieval systems for Congress."

Another section of the bill dealt with the formation of a "standardized information and data processing system for budgetary and fiscal data for use by all federal agencies." The data pool was to be built through the joint efforts of the Director of the Budget Bureau, the Secretary of the Treasury and the Comptroller General.

House resistance—The proposals in S. 355 resulted in large part from staff work and hearings conducted by the Joint Committee on the Organization of the Congress, established in 1965 and chaired jointly by former Sen. A. S. (Mike) Monroney, D-Okla. (1951–69), and Rep. Ray J. Madden, D-Ind., a senior member of the House Rules Committee.

The House Democratic leadership, joined by most committee chairmen, showed no enthusiasm for S. 355, partly because the bill would distribute considerable new powers to younger Members.

The joint committee and its wide ranging proposals for legislative reform died at the end of the 90th Congress after the House Rules Committee refused to clear S. 355 for floor action.

Private sector pressures: Beginning in the mid-1960s, private groups have begun to play a significant role in examining the information policies of Congress and in seeking to acquaint the lawmakers with computerized systems.

Among the key developments:

The American Enterprise Institute commissioned 12 research papers focusing on all facets of legislative functions, including information systems. They were published in 1966 as *Congress: The First Branch of Government*.

The National Broadcasting Co. (NBC) sponsored a "management study of the U.S. Congress" prepared in 1965 by Arthur D. Little Inc., a Cambridge, Mass., consulting firm. A team of specialists interviewed about 20 Members. Their recommendations served as the basis of an NBC–TV news program entitled "Congress Needs Help" and were later published under that title in book form.

The Brookings Institution held a seminar at the start of the 90th Congress (1967) for about 20 Members. The group held a series of informal talks on the need for improved means of support for legislative work.

The Washington Operations Council, supported by the Institute for Management Sciences, convened in 1968–69 a series of evening meetings designed at forming closer ties between the lawmakers and systems analysis specialists.

Senate seminar—The American Federation of Information Processing Societies, a software trade group, and the Association for Computing Machinery Inc., a hardware association, joined May 20 to sponsor a day-long computer orientation session in the Senate Caucus Room. The seminar conflicted with the workload pressures arising from the Cambodian crisis, perhaps a reason why fewer than two dozen congressional staffers attended.

One speaker, Joel D. Aron, of International Business Machines' federal systems center, stressed the effect recent computer hardware developments could have on the legislative branch.

"First-generation computers were merely operational," Aron said. "Second and third generation information systems are just beginning to enter the decision-making area. But it looks like the power they give you is a lot more significant. It allows to take an analytic approach to problems when you've just been guessing in the past."

Consultants' ideas—In the last three years, software and hardware firms have prepared a series of speculative proposals—designing computer systems that would serve the entire Congress.

At the same time, pilot management studies of individual congressional offices have been undertaken by private consultants. Several recommendations envisioned the installation of computer terminals in offices tied by telephone lines to a remote "data bank."

Lately, the stress on Capitol Hill has shifted to software programming and the necessity to build and maintain a strong information storage system that could continually be "updated."

"It's just as well," Orlando Potter, the Senate consultant, said. "The hardware companies sent salesmen up here who just scared the hell out of Congress and really set us back."

FUTURE

In his introduction to *The Sapless Branch*, a study of Congress by former Sen. Joseph S. Clark, D-Pa. (1957–69). British historian Sir Dennis Brogan writes:

"Until Congress reforms its own procedures and changes its state of mind, it will continue to suffer increasing public discredit or public indifference—and this would be a disastrous trend for the United States."

The quiet revolution: In recent years, an ever-increasing number of lawmakers have come to believe that information technology could play a crtical role in meeting the challenge posed by Sir Dennis.

Despite this quiet revolution in thinking. Congress as an institution has yet to experience anywhere near the full potential of computer-based information technology.

Nonetheless, several factors could accelerate the acceptance of computer facilities:

Built-in tensions between authorizing and appropriating committees, both eager to control program decision-making;

Publicity incentives and other rewards for committee and subcommittee chairmen who identify themselves with computer technology and offer such services to other Members;

Fears that Congress has yielded too much initiative and authority to the President, which have been revived by the Cambodian crisis.

As John S. Saloma III, a former president of the Ripon Society and a political science professor at the Massachusetts Institute of Technology has observed:

"(In the past), Congress has often had to 'second guess' the Executive without the information to back its hunches. Now, as technology generalizes the availability of information, Congress can tap into Executive-based information systems, establish quality controls and develop more limited information systems for its own specific requirements."

In this way, Congress could, perhaps by mid-decade, possess powerful new tools to review, evaluate, analyze and, eventually, set its own priorities.

JOBS FOR COMPUTERS

In recent years, independent studies and computer-oriented lawmakers have proposed more and more ways that computers could be used to meet the needs of the legislative branch. The following is a summary of suggested applications:

LEGISLATIVE DATA

Status and content of bills.
Schedules and activity summary.
Index of congressional documents.
Automated voting and post-vote analysis.

ADMINISTRATIVE DATA

Payrolls and inventory.
Personnel records.
Lobbyist's files.
Campaign spending reports.

INDIVIDUAL MEMBERS' DATA

Personal legislative history.
Mailing lists.
Constituent correspondence files.
Congressional district profiles.

OTHER DATA

Files currently in executive branch.
Budgetary and appropriations process.
Federal contract awards.
Topical research and statistics.
(SOURCE.—CPR Research Services.)

KEY ACTORS IN COMPUTER PLANNING

These lawmakers are playing key roles in bringing computers to Congress:

B. F. (Bernie) Sisk, 60, D-Calif., succeeded in moving a congressional reform bill to the House floor after others were unable to do so.

Texas-born, Sisk left his wife and two children behind in 1937 to seek work in California. They joined him there later. In 1955, Fresno and Merced counties in central California sent Sisk to the House and have kept him in office since.

Last year, Sisk, joined the House Agriculture Committee, thus becoming the only House Member to serve both on the Rules panel and a major policy-making committee.

Rep. Joe D. Waggonner Jr., 52, D-La., is regarded widely by his colleagues as one of the best politicians on Capitol Hill. He has advanced his most recent cause (control of House computers) through an easygoing and friendly approach with fellow House Members.

Waggonner came to the House from the Fourth District of Louisiana through a special election in 1961. Before running for Congress, he operated a wholesale petroleum products agency in Bossier Parish (county), La.

Sen. Joseph M. Montoya, 55, D-N Mex., chairs a seven-member appropriations subcommittee that funds much of the Senate's operating needs without going through other committees. Such tight control gives him an extra measure of power in the Senate's internal affairs.

Montoya has been in politics for all his adult life. He was 21 when elected to the New Mexico House of Representatives; later he served four terms as lieutenant governor.

He was elected to the U.S. House in 1957 and came to the Senate in 1964, where he also watches after New Mexico's needs as a member of the Public Works Committee.

Sen. B. Everett Jordan, 73, D-N.C., produces fewer bills from his Rules and Administration Committee than does the chairman of any other standing Senate committee.

But Jordan is also in charge of such mundane matters as allocating private offices ("hideaways") to Senators, which gives him a good deal of leverage with his colleagues. Now he is moving into computers.

Jordan, a Senator since 1958, came into the limelight in 1963-65 when his panel handled the investigation into the conduct of Robert G. (Bobby) Baker, former secretary to the Senate majority. He has extensive textile holdings in North Carolina.

COMPUTERS IN STATE LEGISLATURES[1]

	Law search	Bill status	Bill history	Bill drafting	Index	Bill digest	Fiscal impact	Appropriations	Total
Connecticut	×	×							2
Florida		×	×		×	×			4
Hawaii	×								1
Illinois	×								1
Indiana		×	×			×	×		4
Iowa	×	×	×		×				4
Maryland	×								1
Massachusetts	×	×							2
Missouri	×	×		×	×				4
Nebraska	×								1
New Hampshire	×								1
New Jersey	×								1
New York	×	×							2
North Carolina		×	×	×	×				4
Ohio	×	×						×	3
Pennsylvania		×	×	×		×			4
Tennessee		×							1
Texas	×								1
Washington	×	×							2
West Virginia	×								1
Wisconsin	×			×					2
Total (21 States)	16	12	5	4	4	3	1	1	---------

[1] State legislatures have moved more quickly than Congress in implementing the use of computers to support their operations. The above is a summary of computer applications in 21 State legislatures that use data processing.

Source: Legislative Reference Service, Library of Congress.

THE 1971 BUDGET SCOREKEEPING REPORT

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mr. MAHON. Mr. Speaker, last week, I commented briefly on the periodic "budget scorekeeping report" prepared by the staff of the Joint Committee on Reduction of Federal Expenditures. A new report—cumulative to June 8, 1970—has now been issued and mailed to all Members. This report shows how various actions of the Congress affect the President's budget estimates. It also reveals how inactions by the Congress on various Presidential proposals may also affect the President's budget.

In briefest summary, the report discloses that, as of June 8, the following actions affecting the fiscal 1971 budget have been taken:

First. The President's budget estimates of $220 billion in new budget authority—

Have been decreased by House actions by $548 million;

Have been increased by Senate actions by $1,203 million; and

Have been increased by congressional enactments to date by $383 million.

Second. The President's budget estimates of about $205 billion in net budget outlays—expenditures—

Have been increased by House actions a net of about $95 million;

Have been increased by Senate actions a net of about $945 million; and

Have been increased by congressional enactments to date by about $420 million.

This report is the only generally available source showing how congressional actions on each appropriation bill and each legislative bill directly affect the finances of the Federal Government. The report brings together all facets of the Federal budget; that is, appropriations, spending authorizations in basic legislation other than appropriation bills, the status of revenue proposals, the estimated cost of proposed legislation, and it shows what the actions or inactions of the Congress on these many proposals do to the budget outlook for the Federal Government.

This report is entirely factual and objective. It is based upon the best information the committee staff has been able to obtain from various sources. Its main thrust is to show how much the Congress is increasing or decreasing the President's budget by its actions or inactions on the various parts of the budget.

The scorekeeping report is about 25 pages of largely statistical data related to the budget and requires some study for a full understanding of a necessarily complex subject.

SCOREKEEPING REPORT—BILL BY BILL

Supporting table No. 1 in the report is the key table showing, bill by bill, what Congress is doing to change both the budget authority and the outlay—expenditure—sides of the President's budget. It shows actions in terms of increases or decreases from the budget estimates.

Scorekeeping for budget authority, such as appropriations, can be fairly precise. However, precise translation of actions on appropriations into the effect of such actions on outlays is not possible. The best that can be provided are approximations of the effects of these actions on the outlay or expenditure budget. I am inserting supporting table No. 1 in the RECORD.

By referring to the various subtotal lines on the table, the cumulative change from the budget estimates can be readily determined.

This table is in several parts.

APPROPRIATION BILLS

The first part of the table shows the effects of actions taken—to June 8—at this session on appropriation bills.

The report indicates that the net effect of House actions in appropriation bills to June 8 have resulted in decreasing 1971 appropriation requests for budget authority by about $682 million, and increasing estimated outlays over the President's budget estimates by about $101 million. Outlays show an increase, because the outlay figure includes the effect in fiscal 1971 of the Labor-HEW-OEO appropriation bill for fiscal 1970 passed at this session—the budget for fiscal 1971 submitted in February did not reflect final congressional action on this appropriation bill, but did reflect final congressional action on all other appropriation bills for fiscal 1970, except, of course, the pending second general supplemental bill.

BACKDOOR BUDGET AUTHORITY

The second part of this table shows changes in the budget made in the form of new budget authority through the so-called backdoor appropriations process. To June 8, the House has voted $224 million in budget authority over the President's budget requests. Since only contract authority is involved, no change is shown for outlays. The figures shown in parentheses are for actions taken during the last session on bills still pending before the Congress.

LEGISLATIVE BILLS MANDATING SPENDING

The third part of this table reflects estimates for budget increases or decreases which result from congressional action on legislation containing mandatory spending authorizations such as pay or pension increases for which spending does not wait until an appropriation is made as is the case for most legislation authorizing new or expanded programs.

The net effect of House actions to June 8 for such legislative items is a decrease in 1971 budget authority of $89 million and a decrease in 1971 budget outlays of about $6 million—largely as a result of a later effective date than proposed in the budget for the family assistance program legislation. This does not reflect enacted or pending Federal or postal pay increases which were proposed by the President as increases to his own February budget and therefore not accounted for as congressional increases in the budget.

A similar tabulation, giving the details of congressional actions affecting fiscal 1970 estimates, is included at the bottom of this table.

OVERALL CONGRESSIONAL EFFECT

Translating these actions as of June 8 on the fiscal 1971 budget, it will be seen that all bills—appropriation and legislative—enacted as of this time—which increase or decrease the President's budget—have added about $383 million in new budget obligational authority and about $420 million in budget outlays to the budget totals.

ACTION ON REVENUE SIDE OF BUDGET

The surplus or deficit in a budget is the difference between outlays and receipts. Thus, to determine what Congress has done to the deficit so far one must point to the increase in estimated outlays as a congressional increase in the deficit, unless that increase is offset by an increase in taxes also voted by the Congress. The report also keeps track of revenue proposals and congressional action thereon—table 3 of the report.

There have been some revenue increases voted by the Congress amounting to about $146 million more than the budget anticipated. But most of the President's new revenue proposals have not been acted upon.

SURPLUS-DEFICIT SITUATION

The increase in the projected 1971 deficit chargeable to the Congress to date is the difference between the $420 million increase in outlays offset by a $146 million increase in revenues, or about $274 million.

In his statement of May 19, 1970, the President revised his February budget estimates for fiscal 1971 to reflect a projected deficit for the year of about $1.3 billion—a change of $2.6 billion from his February projection of a $1.3 billion surplus. This latest projection included some actual and anticipated congressional actions. These surplus and deficit estimates are on the unified budget concept. They do not reflect changes in the national debt.

For Federal funds—funds not earmarked for social security and such purposes—the deficit for fiscal 1971 is now projected at more than $10 billion. This more nearly reflects the true increase in the Federal debt expected for fiscal 1971.

The February budget included about $5.4 billion for proposals which offset the projected deficit. These were the new revenue proposals, postal rate increases, legislative proposals resulting in negative budget outlays and the President's projected program terminations, restructuring and reductions—most of which require legislative action to achieve them. Had the budget not reflected estimates for these things the deficit, on a unified budget basis, would presumably have been projected at $4.1 billion instead of a surplus of $1.3 billion.

On the basis of the May 19 reestimates announced by the President, proposals which offset the projected deficit had increased from $5.4 billion to $8.9 billion, including the proposed speedup in estate and gift tax collections, the leaded gasoline tax and some additional postal revenue increases not in the February budget estimates. Eliminating these offsetting proposals from the May 19 budget estimates would increase the projected deficit for 1971 on the unified budget to $10.5 billion from the President's stated $1.3 billion.

Going through the same type of calculations for just the Federal funds part of the budget, the May 19 projected deficit for these funds was $10 billion. Adding the various offsets which are applicable only to Federal funds would increase this deficit in Federal funds to about $18.4 billion.

Carrying the matter a little further and adding the $3.2 billion loss in projected budget revenue recently estimated by the staff of the Joint Committee on Internal Revenue Taxation, these possible deficits for 1971 could be as high as $13.7 billion on the unified budget basis and $21.6 for the Federal funds portion of the budget.

The table referred to follows:

SUPPORTING TABLE NO. 1.—EFFECT OF CONGRESSIONAL ACTIONS DURING THE CURRENT SESSION ON INDIVIDUAL BILLS AFFECTING BUDGET AUTHORITY AND OUTLAYS (EXPENDITURES) (AS OF JUNE 8, 1970)

[In thousands of dollars]

Items acted upon	Congressional actions on budget authority (changes from the budget)			Congressional actions on budget outlays (changes from the budget)		
	House (1)	Senate (2)	Enacted (3)	House (4)	Senate (5)	Enacted (6)
Fiscal year 1971:						
Appropriation bills (changes from the 1971 budget):						
Labor, Health, Education, and Welfare, and related agencies, 1970 (H.R. 15931, Public Law 91-204)				[1] +248,000	[1] +248,000	+248,000
Education (H.R. 16916) [2]	+319,590	†+700,597		+215,000	†+367,000	
Legislative branch (H.R. 16915)	−9,394			−8,750		
Treasury, Post Office, and Executive Offices (H.R. 16900)	−73,053			−65,000		
Second supplemental, 1970 (H.R. 17399)				−19,700	†−12,200	
Independent Offices and Department of Housing and Urban Development (H.R. 17548)	+173,389			−114,650		
State, Justice, Commerce, the Judiciary and related agencies (H.R. 17575)	−136,949			−50,000		
Interior and related agencies (H.R. 17619)	−731			−3,350		
Transportation and related agencies (H.R. 17755)	−36,235			−34,700		
Foreign assistance and related agencies (H.R. 17867)	−655,578			−150,000		
District of Columbia (H.R. 17868)	−150			−150		
Agriculture and related agencies (H.R. 17923)	†−125,587			†+94,900		
Military construction (H.R. 17970)	†−137,763			†−11,000		
Subtotal, appropriation bills	−682,461	+700,597		+100,600	+602,800	+248,000
Legislative bills with "backdoor" spending authorizations (changes from the 1971 budget):[3]						
Navajo Road (S. 404)		(+5,000)				
Land and water conservation (S. 2315)	†+30,000	(+30,000)				
Unemployment trust fund (H.R. 14705)	[1] +194,000	+194,000	†+194,000			
Outdoor advertising controls (S. 1442)		(+15,000)				
Federal-aid highways (H.R. 14741)	(+26,000)					
NSLI trust fund for veterans home loans (H.R. 9476)				(†+1,000,000)		
Subtotal, "backdoor"	+224,000	+194,000	+194,000			
Legislative bills with mandatory spending authorizations (changes from the 1971 budget):						
Additional district judges (Public Law 91-272)	−2,370	[1] +1,473	−727	−2,370	[1] +1,473	−727
Court leave for Federal employees (H.R. 12979)	(N.A.)			(N.A.)		
Uniform relocation assistance (S. 1)		(N.A.)			(N.A.)	
Employee health benefits (H.R. 16968)	†+140,000			†+140,000		
Defense: overseas mailing privileges (H.R. 8434)	(+8,900)			(+8,900)		
Military lawyers retention (H.R. 4296)	(+7,000)			(+7,000)		
Family separation allowance—residence (H.R. 110)	(+17,000)			(+17,000)		
Family separation allowance—POW (H.R. 9486)	(N.A.)			(N.A.)		
Air evacuation subsistence (H.R. 9654)	(+50)			(+50)		
Dependents' health care (H.R. 8413)	+255			+255		
Reserve retirement—Berlin-Vietnam (H.R. 3813)	(N.A.)			(N.A.)		
Reserve retirement—aviation midshipmen (H.R. 11265)	(N.A.)			(N.A.)		

Footnotes at end of table.

SUPPORTING TABLE NO. 1.—EFFECT OF CONGRESSIONAL ACTIONS DURING THE CURRENT SESSION ON INDIVIDUAL BILLS AFFECTING BUDGET AUTHORITY AND OUTLAYS (EXPENDITURES) (AS OF JUNE 8, 1970)

[In thousands of dollars]

	Congressional actions on budget authority (changes from the budget)			Congressional actions on budget outlays (changes from the budget)		
Items acted upon	House (1)	Senate (2)	Enacted (3)	House (4)	Senate (5)	Enacted (6)
Fiscal year 1971—Continued						
Legislative bills with mandatory spending authorizations (changes from the 1971 budget)—Continued						
Public Health Service retirement (Public Law 91-253)	+259	[1] +259	+259	+259	[1] +259	+259
Family assistance (H.R. 16311)	−450,000			−350,000		
Federal lands for parks (reduces offsetting receipts) (S. 1708)		(N.A.)			(N.A.)	
Foreign Service retirement (Public Law 91-201)	(N.A.)	(N.A.)	(N.A.)	(N.A.)	(N.A.)	(N.A.)
Veterans' hospital care for 70-year-olds (H.R. 693)	(+7,000)	(+7,000)	(‡)	(+7,000)	(+7,000)	(‡)
Veterans non-service-connected benefits (H.R. 372)	(+8,538)			(+8,538)		
Veterans education assistance (Public Law 91-219) [4]	[1] +185,500	[1] +185,500	+185,500	[1] +169,000	[1] +169,000	+169,000
Veterans additional $5,000 insurance (S. 1479)	+45,000	(+45,000)	(‡)	+45,000	(+45,000)	(‡)
Veterans compensation increase (S. 3348)		+114,370			+114,370	
Redefine "child"—(dependency compensation) (Public Law 91-262)		+6,900	+3,552		+6,900	+3,552
Railroad retirement (H.R. 15733)	−7,700			−7,700		
Subtotal, mandatory	−89,056	+308,502	+188,584	−5,556	+292,002	+172,084
Subtotal, legislative bills	+134,944	+502,502	+382,584	−5,556	+292,002	+172,084
Total, fiscal year 1971 [5]	−547,517	+1,203,099	+382,584	+95,044	+894,802	+420,084
Fiscal year 1970:						
Appropriation bills (changes from the revised 1970 budget):						
Foreign Assistance (Public Law 91-194)	[1] −150	[1] −150	−150	[1] −100	[1] −100	−100
Labor, Health, Education, and Welfare and Related Agencies (H.R. 15931, Public Law 91-204)	[1] +567,000	[1] +567,000	+567,000	[1] +335,000	[1] +335,000	+335,000
Second Supplemental, 1970 (H.R. 17399)	−153,957	†−126,408		−121,300	†−85,000	
Subtotal, appropriation bills	+412,893	+440,442	+566,850	+213,600	+249,900	+334,900
Legislative bills with spending authorizations (changes from the revised 1970 budget):						
Food for needy children (Public Law 91-207)				[1] +30,000	[1] +30,000	+30,000
Veterans education assistance (Public Law 91-219)	[1] +107,400	[1] +107,400	+107,400	[1] +94,000	[1] +94,000	+94,000
Airports and airways development (Public Law 91-258)			+840,000			(N.A.)
Subtotal, legislative bills	+107,400	+107,400	+947,400	+124,000	+124,000	+124,000
Total, fiscal year 1970	+520,293	+547,842	+1,514,250	+337,600	+373,900	+458,900

[1] Reflects conference or final action for comparability.

[2] $425,000,000 budget authority ($212,000,000 outlays) for impacted area School aid, carried in budget as "proposed legislation," is regarded as budget appropriation request for scorekeeping purposes although no formal amendment has been transmitted.

[3] "Backdoor" refers to budget authority and outlays provided in basic legislation not requiring further appropriation action.

[4] Congressional increase of $185,500,000 subsequently included in budget amendment (H. Doc. 91-312).

[5] Excludes actions taken in previous session, shown in parentheses above.

‡Subject to or in conference.

†Committee action.

††Pending signature.

N.A.—Not available.

XUM

CHANCELLOR HARRY H. RANSOM RESIGNATION: A GREAT LOSS TO TEXAS EDUCATION

HON. RALPH YARBOROUGH

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Thursday, June 11, 1970

Mr. YARBOROUGH. Mr. President, last week, Dr. Harry H. Ransom announced his resignation as chancellor of the University of Texas system. During his career as an educator and administrator, Dr. Ransom has made many valuable contributions to higher education. His creative and imaginative leadership will be greatly missed.

Dr. Ransom began his career at the University of Texas as an instructor of English in 1935. He was promoted to assistant professor in 1938, associate professor in 1946, and full professor in 1947. His leadership ability was recognized early by the university and he was appointed assistant dean of the graduate school in 1951 and associate dean in 1953. In 1954, Dr. Ransom became dean of the College of Arts and Sciences and served in this position until 1957.

In 1957, Dr. Ransom was elevated to the position of provost of the university and later promoted to vice president and finally president in 1960. In 1961, it was decided that Dr. Ransom should lead the entire University of Texas system; he was appointed chancellor. Under his leadership, the University of Texas and its affiliated institutions experienced unprecedented growth and development. Today the University of Texas enjoys the reputation of being one of this Nation's best and most dynamic institutions of higher education.

Dr. Ransom has not limited himself strictly to the administration of the University of Texas system. In addition to his many official duties, Dr. Ransom has found time to be active in community affairs and to write several books and numerous scholarly articles.

As a University of Texas alumnus, I regret deeply Dr. Ransom's resignation. His career has been a source of inspiration to all of those who are concerned about the education of our young people. I earnestly hope that he will continue to be active in the field of education for many years to come.

Mr. President, an editorial which appeared in the Tuesday, June 2, 1970, issue of the Dallas Times Herald entitled "Educator of the First Class" calls Dr. Ransom "one of Texas higher education's great men." I agree with that appraisal. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

EDUCATOR OF THE FIRST CLASS

Typical, probably, is the reaction of one University of Texas alumnus to the news of Harry Huntt Ransom's resignation as chancellor of the massive UT system.

"This ruins my day," said the ex.

That is the way all friends of the state university might well feel, even though Ransom will not step down until next January, and even though he will still carry the title "chancellor emeritus."

Ransom, a courtly and persuasive onetime English professor, is one of Texas higher education's great men. And he just may be the best thing that ever happened to The University of Texas.

Under the Ransom regime, the main university at Austin came to be recognized as one of the nation's top universities. Once, UT was just fair-to-middling. Ransom helped make it great. He hired leading scholars and worked to attract the brightest students. Almost legendary is his prowess at acquiring literary collections and memorabilia (Erle Stanley Gardner's study, for example) which he added to the UT library. The library today is probably as good as that of any other state university in the country.

Ransom also helped strengthen the entire UT system, which added, just this past year, new campuses at Dallas and Midland-Odessa.

To be sure, all the credit for UT's new-found status does not go to Ransom alone. Nor would he, modest man that he is, try to claim it.

And yet it is Harry Ransom who, in the last decade, has given UT its most decisive shove toward greatness, who has made it all that its founders envisioned it: "A university of the first class."

He is a great educator and a great builder. No university could ask for more.

RESOLUTION: CAMPUS DISORDERS

HON. JIM WRIGHT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mr. WRIGHT. Mr. Speaker, the students of C. F. Brewer High School in my congressional district have sent me a copy of a resolution, unanimously approved by the Student Council and individually signed by approximately 90 percent of the students of that school.

This resolution grew out of a discussion in an English class taught by Mrs. Mildred Woodrum. The discussion had centered around the recent incident at Kent State University and other incidents at other American colleges. The students asserted their desire to express their feelings on the subject of campus disorders. Three hundred and fifty of the school's student body of 550 had signed it within the first hour, and I am advised that a preponderant majority of the student body embraced the sentiments expressed in the resolution with great enthusiasm.

Since it obviously reflects the feelings of a very considerable number of young Americans, I am including it in the RECORD:

RESOLUTION: CAMPUS DISORDER

Whereas we, the students of Brewer High School, believe in our country, the United States of America, and the democratic principles upon which it was founded; and

Whereas we uphold the right of students to lawful dissent we believe that campus riots violate America's democratic values; and

Whereas we are tired of having our precious rights outrageously abused and taken for granted; and

Whereas we staunchly support our law enforcement officers on the local, state, and national levels; and

Whereas we believe that firm guidelines should be established so that law enforcement officers can uphold the laws without fear of reproach or persecution; whereas previously, laws have been loosely interpreted and law enforcement officers' hands have been tied (for example, one has the right to "peaceable assembly," but what constitutes a "peaceable assembly"); and

Whereas we believe in lawful and peaceful assembly as outlined in the constitution, but when public property is criminally and willfully destroyed, the severest penalties should be assessed immediately:

Therefore, be it resolved that the students of C. F. Brewer High School on this twelfth day of May, 1970, do not condone the irrational and sickening behavior of any student deliberately destroying public property, forcefully occupying campus buildings, or terrorizing fellow students. Any young man abusing his college draft deferment as an excuse to create violence and disorder on or off the campus should have his draft classification revoked immediately. Any student utilizing state or federal loans to finance his education who participates in unlawful disorder on or off the campus should have his loan immediately declared past due. All students who are enrolled in the colleges and universities of the State of Texas and the nation who are guilty of unlawful disorder should be permanently barred from the privilege of studying in a state educational institution. Governing bodies, legal and educational, must provide the leadership and assistance necessary to terminate campus disorders so that students attending these colleges may obtain the education they are seeking.

We hereby assert our devout faith that the citizens of our nation will support to the utmost this resolution by contacting local, state, and national leaders, requesting immediate action.

TRIBUTE TO FRANCIS C. TURNER

HON. GEORGE H. FALLON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mr. FALLON. Mr. Speaker, today a great and good friend of mine for the past quarter of a century, the Federal Highway Administrator, Francis C. Turner, begins his 42d year as a dedicated, motivated, and highly qualified professional public servant.

Today, coincidentally, he appeared before the Subcommittee on Roads of the Committee on Public Works to testify on the continuation of the Federal-Aid Highway Act. As usual his presentation was factual, forceful, and illuminating.

Few public servants in the history of the United States can boast of such a long and distinguished career as Frank, nor can many, past or present, boast of so many outstanding contributions to the welfare and well-being of our citizens. A little known fact about Frank Turner is that he was involved with the Alaskan Highway when it was planned and constructed by the United States. He then took over the maintenance of the highway after its completion. Later he was to oversee the U.S. participation in the development of the Inter-American Highway. Pending legislation before the Committee on Public Works would authorize the construction of the last 250 miles of this great highway in Central America, referred to as the Darien Gap. Should this last connecting link be constructed, a resident of Fairbanks, Alaska, could drive from his hometown to the southern tip of the Argentine along highways in which Frank Turner has had and has an abiding interest.

Frank Turner is a graduate of Texas A&M College and a native of Texas. He recently received an honorary degree from his alma mater. He joined the Bureau of Public Roads in 1929 and served in various capacities with this Bureau, including Chief Engineer and Assistant Federal Highway Administrator.

Last year his contributions to the worldwide development of highways was recognized when he was named by the International Road Federation their Man of the Year, a wise choice.

To Frank, on behalf of the members of the Committee on Public Works, as well as for myself, I offer a warm "well done" for the past, and our sincerest hopes for the continuation of a brilliant career until Frank decides it is time to go and do all those things a person contemplates doing upon retiring.

A WELCOME TO THE DELEGATES OF THE IZAAK WALTON LEAGUE MEETING IN NORFOLK, VA.

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mr. WHITEHURST. Mr. Speaker, I want to take this opportunity to extend a welcome to the delegates meeting in Norfolk, Va., for the 48th National Convention of the Izaak Walton League of America.

This outstanding conservation-oriented organization will be meeting July 7 to 10 in my district. The theme of the convention will be "Man and His Environment: The Question of Human Numbers."

Of some interest to the league is legislation I have introduced or cosponsored dealing with environmental problems. The scope of the bills is shown by the fact that they cover five different areas: Administration, legislation, enforcement, education, and research. The most all-inclusive bill is H.R. 15969, the Pollution Abatement Act of 1970. It creates a National Environment Control Commission which would consolidate pollution programs presently widely scattered throughout the Federal Government, and provide an organized, businesslike approach to combating pollution.

H.R. 14701 gives the Federal Government immediate injunctive relief in any situation where danger of water pollution exists. The various departments of Government need the enforcement tool this bill provides. The bill was introduced in direct response to the recent James River sewage situation created in Richmond, Va.

House Resolution 715 would create a Standing Committee on the Environment in the House of Representatives. All pollution bills would go to this legislative committee, except tax credit bills.

H.R. 15288 is an educational bill directing the Office of Education in the Department of Health, Education, and Welfare to provide funds for training and education in pollution abatement.

H.R. 16847 establishes the National College of Ecological and Environmental Studies. The bill would affect educational and research efforts in the area of environmental pollution.

Also of interest to the Izaak Walton League are bills I have introduced or cosponsored in the field of animal protection legislation. The five bills close loopholes in existing laws that make the maltreatment of animals financially beneficial, create controls in areas where none exist, provide for research and study on an international level of species becoming rare, and cover a wide variety of animals and their environment.

I especially want to bring the league's attention to H.R. 13957, the animal protection bill. It would empower the Secretary of Agriculture to set standards of adequate humane care and housing for every kind of animal in laboratories, dealer premises, the pet trade, zoos, and circuses in transit. The bill would remove the exemption in the present Laboratory Animal Welfare Act for animals under research or experimentation. However, it would not interfere with an experiment as such. The bill would also close the loophole to include dealers in primates, exempt under the present law, who do not sell dogs or cats. There is great suffering and loss of life in the massive monkey imports now being made for the laboratory, pet and zoo trades. This area is badly in need of regulation.

The bill will also help close loopholes through which stolen dogs and cats enter the research or pet trade. It sets minimum standards for roadside zoos wherever interstate commerce is involved. It brings all varieties of warm blooded animals under the protection of the experienced veterinary inspectors of the U.S. Department of Agriculture's Animal Health Division. The animal protection bill aims at a single goal: To increase the humane coverage of the Laboratory Animal Welfare Act so that more animals can benefit from its tested effectiveness in stopping abuse and neglect. The bill is now pending before the House Committee on Agriculture.

Norfolk, and the entire Commonwealth of Virginia, is honored that the Izaak Walton League of America has given us the opportunity to show our hospitality.

YOUTH SPEAKS

HON. RICHARD H. POFF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mr. POFF. Mr. Speaker, pursuant to the consent of the House, I quote herewith a most poignant editorial taken from the June 4 issue of the Amherst New Era-Progress, published by J. Bernard McDearmon and edited by Keene C. Brown:

YOUTH SPEAKS

Recently the teachers of the senior class of several high schools were requested to ask their students to list on an unsigned paper the things they wish their parents would do as well as those things they wish their parents would refrain from doing. The answers which came in were not entirely what was expected, but we feel they reflected that our youngsters are not really as bad as one might believe from all the notoriety they have received of late.

Among the answers which appeared most frequently were the following:

Be stricter.

Be more dedicated to church work and go to church as a family.

Be fun loving.

Treat my friends like they were welcome.

Try to understand me and my friends.

Don't treat me like a child, but depend on me more.

Tell me right from wrong, but don't be too harsh about it.

Don't fuss at me before other people.

Don't curse; don't drink, don't smoke.

Answer simple questions without giving a lecture.

Ask my opinion instead of demanding.

Be trustworthy.

Be more thoughtful of one another. Love one another. Love me.

This list is what the youngsters polled said they wanted, and it does reflect upon the ingrained good judgment of young people despite their fashions and despite the behavior of the more vocal rebels. We could elaborate on each, giving our own interpretation of what the youngsters meant and why they would want what they say, but the interpretation of each reader will be more meaningful than ours. It is a very healthy set of requests, and we feel that the whole group is well worth thoughtful consideration.

TRIBUTE TO LANGHORNE WASHBURN

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mr. HANSEN of Idaho. Mr. Speaker, there is probably no public servant who brings to his office greater energy and ability or who can point to a more impressive record of achievement in a short time than Langhorne Washburn, Director of the U.S. Travel Service. A great many Idahoans are numbered among his thousands of friends and admirers across the country. Lang Washburn recently honored the State of Idaho by making the keynote address at a travel seminar sponsored jointly by Senator LEN B. JORDAN and me at Sun Valley, Idaho on June 1, 1970.

Mr. Speaker, I want to call the attention of my colleagues to an article by John Carmody about Lang Washburn in a recent issue of the Washington Post Potomac magazine, which I include as a part of my remarks:

LANG WASHBURN

Mr. ROONEY. I feel strongly, since the first day I saw you, that it is a shame to see a fine young man so adept at raising money for the opposition political party get involved in an operation such as this. I told you this before, did I not?

Mr. WASHBURN. You did and I asked you to try to talk me out of it.—From the May 9, 1969, hearings of the subcommittee of the House Committee on Appropriations.

Lang Washburn is a likeable, well-tailored chap who looks and talks like a walk-on from *Ten North Frederick*.

"I'm just the withered bough of a noble tree," he told us, while leafing through the pictures of his old PBY and PBM in the Solomons and off Okinawa, which were waiting to go up on the walls of his office at the Commerce Department.

Actually, at 51, Lang Washburn isn't at all withered and, in fact, he comes from *two* noble trees the Washburns of Maine and the Langhornes of Virginia. But then Lang Washburn is pretty modest about his job as director of the U.S. Travel Service, too.

"Mel Laird asked me what the hell I took *this* job for," he said, "but I don't know I thought it was time to do it (government service) after talking about it for so long."

Actually, according to friends, Washburn could have had almost anything at USIA or State if he'd wanted it, which is the kind of clout you have when you have personally raised $5.2 million for Richard M. Nixon in the last few years and have worked in such unprepossessing but exhausting jobs as schedule director for the national Nixon Bandwagons in the 1956 and 1960 campaigns. (He was also in charge of the six barrage balloons that preceded Dwight D. Eisenhower around the United States in 1952. This was his first real taste of big-time Republican politics and he's self-deprecatory about that, too.)

Lang Washburn is full of a kind of advertising man excitement when he starts talking about USTS. This is not surprising, since he has been in public relations on and off ever since World War II when he joined his friend Stanley Hiller Jr. in his California-based helicopter company.

What is a little surprising, however, is that Lang Washburn can get so enthusiatic, futurewise, about an agency that has such a long (10-year) history of being Rep. John J. Rooney's favorite football. The Brooklyn Democrat is one of those men in town who automatically rates a "powerful" when you type his name and for the life of him, Rooney's never been able to figure out why USTS was created by the Kennedy Administration in the first place. Oh, he knows it was to make a small dent in the balance of payments, but he still apparently thinks it's silly spending even USTS's paltry $4.5 million a year to lure foreigners to this country when the American travel agencies, shipping companies, airlines, buslines, hotel chains—you name it—are spending a great deal more themselves to do the same darn thing.

Every springtime since 1961, USTS directors have trudged manfully up to Capitol Hill to listen to Rep. Rooney rag them over such substantive issues as to whether USTS can prove it ever attracted one visitor to our shores (it can't) and over such inconsequential issues as the man in the Rome office with the "Edwardian beard" who rubbed Rooney the wrong way (he was fired) or the $20 a month rent bill for potted palms in the Tokyo office (they're gone).

Although USTS still maintains seven overseas offices (all in second floor locations, believe it or not, to offset the appearance of competition with anybody in the travel business), over the last couple of years there has been what seems to be a slight shift of emphasis for USTS towards making the foreign visitor feel a lot more comfortable—even welcome—when he finally does get to the U.S. Hence, those nice low-key TV and radio and billboard spots that conclude "One Japanese (or French or German) visitor's most unforgettable American memory might easily be you."

And hence the appearance in the last year of $13 plaques on the wall behind the front desks of some 107 U.S. hotels (in 50 cities) proclaiming that the establishment can furnish translations for four different languages—a modest effort that USTS hopes will grow and grow and grow.

And with the help of the TraveLodge Corp., foreign visitors now can call a number free in Kansas City, Kan., (800–255–3035) to get hotel, travel and sightseeing information from people who speak German, French, Spanish and Japanese.

This is not to suggest that USTS is out of the business of luring foreign visitors here. About half its staff of 78 is located overseas and about half its $4.5 million budget goes into sales and advertising overseas including Canada. (The last figure is a little misleading. Thanks to the Advertising Council, USTS actually is quite penurious in its own advertising but receives, according to ad industry estimates, some $15 million in free space in this country alone each year).

A major campaign to lure Canadians to stay longer (hundreds of thousands come across the borders in the East to shop but little else) and a new drive to lure Mexican tourists are slated.

Besides the seven overseas branches, USTS now has an office in the Paris embassy which serves as a headquarters to lure big international conventions to the U.S., a lucrative money flow, which presently is running 6-to-1 the European way.

This last idea has been kicking around the Travel Service for years, but staffers credit Lang Washburn for finally getting it under way.

It has the Washburn ring to it. His friend Rep. Bob Wilson of California calls him

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"promotion-minded" and Lang Washburn does indeed have a whole raftful of ideas—including one for promoting himself to Assistant Commerce Secretary for Tourism to "further dignify this thing"—some of them better than others.

Much of Washburn's enthusiasm rides on S. 1289, a bill that originated in the Commerce Committee and that has already passed the Senate. The bill would amend the 1961 International Travel Act to raise the yearly authorization for USTS to $15 million through Fiscal 1973 and would create a National Tourism Resources Review Commission that could help set guidelines for USTS through 1980, with a little help from the President. (A Rooney staffer, however, says S. 1289 resembles previous legislation brought up by Sen. Jacob Javits (R-N.Y.) and has the same chance as the Javits legislation in the House: "None.")

One of his first projects after he took over USTS was to raise $405,000 from five big U.S. airlines, Avis, the Marriott, Hilton and Sheraton hotel chains, Greyhound bus and a little here and there from such federally funded agencies as the Bureau of Indian Affairs and the Import-Export Bank. He used the money to build what *New York's* Peter Blake calls "a little inflated earth globe that, for sheer banality, is matched only by the Soviet Pavilion" at the U.S. exhibit at Osaka's Expo 70. Washburn designed it.

The description amuses Washburn (a little) but he is truly proud of the fact that his method of fundraising from the private sector seems to hit Rep. Rooney just where he lives and that the two men are getting along well.

Washburn says he took the job as director of USTS at the behest of his friend and fellow GOP fund raiser Maurice Stans, the Commerce Secretary. Washburn says he is "fiercely enthusiastic" about the prospects for USTS and is willing to do "anything I can in my humble way" to keep USTS pointing toward its goal—which these days seems to be to stay afloat at least until 1976, when the U.S. celebrates its bicentennial and should offer, if someone can just decide what and how, a great deal of natural tourist attraction to the rest of the world, a la Expo 70.

Washburn in the meantime is trying to get improved customs service for foreign tourists at U.S. entry ports and increase the number of cities for the translation service.

He is a constant traveler these days as he tackles old Republican contacts to help finance USTS projects or expedite Washburn-style ideas to boost tourism in Europe. (A recent example: getting the Up with People to send the kids to Europe armed with their own new song—"Come Take a Spin Around America"—to help boost travel to the U.S. "They're exciting, heartwarming," says Washburn.)

This doesn't leave Washburn any time at all for one of his favorite recreations, wood chopping, which has been pretty curtailed because there's not much room at his 150-year-old Georgetown house to chop anyway.

He and his wife, Judy (daughter of California millionaire Paul Davies), keep a Yankee racing sloop they sailed down from Nantucket over at Annapolis. He still gets a chance to fly a plane once in a while.

Washburn was born in Livermore Falls, Maine, of a family that over the course of American history has supplied seven Washburns to Congress (a great-great-great ancestor started the Republican Party in Maine).

He attended Hotchkiss School and spent a year at the University of Virginia before becoming a Navy pilot in World War II. He was wounded near war's end off Okinawa when a Kamikaze plane crashed his PBM squadron's mother ship. After the war he joined Hiller in the helicopter business on the West Coast.

One of his favorite pictures hangs on an office wall—of him and Stanley clinging to the rotor mount on the world's first pilotless copter as it swings high over March Field with nothing between the two young men and runway number one except a razor thin aluminum beam and 5,000 feet of California sunshine.

He left Hiller in 1955 for public relations in New York. He invented an automated device that could monitor sales of merchandise off supermarket shelves, which interested A. C. Nielsen Co., the TV rating people, enough to buy him out and make him a vice president. ("Like most great inventors, I have the misfortune of being alive.")

In the 1960s Gen. Lucius Clay and Ray Bliss, the Eastern Establishment's top GOP money people, talked Washburn into periodic forays as a fund-raiser for the party. In 1965 he moved here to become finance director of the Republican National Committee, concentrating on the congressional campaigns, until taking the USTS job.

Over the years, the Travel Service has never received either a very good press or very much money, despite the obvious fact that tourism is the nation's second biggest dollar export (next to automobiles) and despite the even more striking fact that most governments around the world don't hesitate to spend millions to lure tourists. Washburn hopes to turn all this around.

Of his relationship with tough Rep. Rooney, he says: "I have a very high regard for the Congressman. He's a terrific overlooker—he takes the big view. And he told me that once I got past him and the committee he'd be my stoutest defender. But I was quite an asker.

"I'm trying to get our authorization ceiling raised to $6.5 million this year, of course, with the $15 million in mind eventually.

"There are real targets of opportunity in this business of travel and I aim to go for them. Like I always used to say at the National Committee (and here Lang Washburn puts on the self-deprecatory air again, as if he were really a little miscast as a bigtime money man): 'Success is assured unless energy fails.'" He looks at you to see if you laugh.

"After all," says C. Langhorne Washburn, the consummate Republican, "this is probably the only federal agency going that actually makes a profit for the government."

MY DREAM FOR MY COUNTRY

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mr. WALDIE. Mr. Speaker, in reading a recent issue of the Oakland, Calif., Post, I came across a prize-winning poem by Edward Scott, a member of the fourth grade of Cole Elementary School of Oakland.

Mr. Speaker, Edward Scott's poem demonstrates the deep feeling of even our younger students about the continuation of the war in Indochina.

I would like to insert it in the CONGRESSIONAL RECORD so that my colleagues can share Edward's very moving words.

MY DREAM FOR MY COUNTRY

(By Edward Scott)

Isn't it a shame,
Someone should try and stop it,
Someone should try and stop the war,
People end up dying—trying.

CONFERENCE REPORT ON H.R. 11102

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mr. KEITH. Mr. Speaker, I wish to join with my colleagues on both sides of the aisle in urging passage of the conference report on H.R. 11102, the Hospital and Medical Facilities Construction and Modernization Amendments of 1970, which has just been reported.

There is an urgent need to improve our health delivery system to meet the demands of an ever-increasing population. In far too many areas of this country, there are not sufficient medical facilities to serve the population. And in those areas where sufficient facilities exist, many of the structures are antiquated or in disrepair and need replacement.

The Hill-Burton program, which this bill extends for 3 years, has been one of the most successful pieces of public health legislation.

Thousands of new hospital beds and special-care facilities have been provided throughout the less populated areas of the country under this program.

Nor has this program been limited to the public sector. Many private, nonprofit groups have benefited from the low-cost, Government-backed loans.

The provision to retain the 3-year expansion, as opposed to the 5-year extension proposed by the Senate, is a good one. This permits Congress the opportunity to review the functioning of this program at better intervals.

With the rapidly changing technology in the hospital and medical fields, frequent review of the Federal Government activity in this area is necessary.

In addition, the entire medical delivery system of this country is presently being examined in detail by persons in and out of the medical field. It is too early to determine what changes such a reevaluation of how medical services should be provided to those in need will bring.

Mr. Speaker, I would like to point out a particular feature that was not included in the original House bill. The conferees adopted the Senate amendment that provides for a report to the Congress by the Secretary of Health, Education, and Welfare on the health consequences of using marihuana. In addition, it seeks recommendations for legislative and administrative action. The measure would also make this report an annual occurrence.

With so many of our young people becoming involved with marihuana, such reports are essential. There is at present a lack of unbiased, factual, and complete data on the effects of this hallucinogen.

On balance, the measure has significant merit both in the continuance of previous programs and the adoption of new ones. I strongly urge my colleagues to accept the conference report.

SUPPORT NIXON'S VIETNAM PROGRAM

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mr. GOODLING. Mr. Speaker, one of the most convincing and down-to-earth expressions of support for the American effort to destroy enemy sanctuaries in Cambodia appeared in the May 28, 1970, issue of the Evening Sentinel, a prominent daily newspaper in Carlisle, Pa.

This persuasive piece took the form of a letter to the editor, and it is particularly meaningful because it was written by a man who has had firsthand experience on the battlefield in Vietnam and in other encounters. Because this letter deals with our presence in Cambodia in a logical and unemotional manner, I insert it in the CONGRESSIONAL RECORD and commend it to the attention of my colleagues:

SUPPORTS NIXON'S VIETNAM PROGRAM

To The Editor Of The Sentinel:

My thoughts are simple. I wish to applaud and support President Nixon in his drive to destroy the enemy bases in Cambodia. I believe President Nixon when he says he wants to get the American troops out of Vietnam quickly and with minimum losses. He must do this. He will have absolutely no political future if he does not accomplish our withdrawal as fast as possible. However, as our leader he surely remembers the situation at the time Prime Minister Chamberlain made his statement, "Peace in our time." To withdraw from Vietnam too quickly and throw that country to the Communist wolves would only make them stronger to tackle their next victim.

I know he is right in destroying the sanctuaries in Cambodia. Time and again when I was in Vietnam my unit would meet and inflict awful casualties on certain North Vietnamese and Viet Cong units. After each battle, remnants of these units would infiltrate through the jungle back to Cambodia. There they would be remanned and rearmed and in about 60 days we would have another battle with these same units. To destroy the sanctuaries will not only hasten the withdrawal of our forces, but will give Vietnam a chance to survive as a nation after our forces have departed.

I can understand how people who may be personally involved can be easily swayed to ignore the lessons of history and presume that, since we have the capability to run from the fight, it is easier to let our friends survive as best they can. To "withdraw now" sounds very simple when it is put that way by persons who wish to achieve some short-range personal or long-range political gain. However, I am convinced that if the sanctuaries remained, just about the time our troops would be in the final phase of pulling out, the North Vietnamese would launch a large scale offensive and inflict a massive defeat on our forces. With what has gone on to date, such a defeat would not only destroy Vietnam, but would probably destroy our nation too.

I fought Germans in World War II, I was on the DMZ in Korea for one year, and I fought for a year in Vietnam. I have lost many fine friends and have taken several enemy shell fragments personally in my 32 years of service in the Army. I am now retired because of a disability from one of these wounds. More pertinent, all four of the eligible male members of my immediate family are now in service. With these things as background, you can see that I have a sincere desire to see casualties stopped.

Yet, I am positive that the President is right in not sustaining a defeat to our nation while he withdraws our men from Vietnam. I cannot help but think that the President has finally hit the enemy in a vital spot when our troops destroy the Cambodian sanctuaries. This seems even more obvious when a person views the extreme reaction of those political leaders who might lose an election or suffer a loss for their long-range cause if the President's plan succeeds. It seems to me that their cries become ever louder if only to drown out the obvious success of the destruction of the Cambodian bases.

That is about all I have to say, except that for the first time in my life I am going to become politically active to work to help those who support our troops in Vietnam. I will support completely those who help our fighting men, and work just as hard to defeat at the polls those politicians who, for personal gain, would cause us more casualties and for our nation to lose its honor. I wish that you would do the same.

WILLIAM D. BROBECK,
Colonel, Infantry, Retired.

NOTE.—Former Commander: Co. A, 134th, Infantry, France, 1944; 3rd Battalion, 34th Infantry, Korea, 1954; 3rd Brigade, 1st Infantry Division, Vietnam, 1955–66.

TRIBUTE TO FRANCIS C. TURNER

HON. JOHN C. KLUCZYNSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mr. KLUCZYNSKI. Mr. Speaker, as chairman of the Subcommittee on Roads, I am most happy to pay my deepest respects to one of the real greats among our public servants of the executive branch, the Federal Highway Administrator, Francis C. Turner. The occasion which brings forth my remarks is that today Frank begins his 42d year of service to the Nation. Few men in Government today, or in the past, can match the contributions to our society that Frank Turner can.

An old and valued friend, I have admired Frank Turner as a man, as a professional in his field, and as one who makes his position and opinions known without equivocation or a lack of candor. All of us in the Congress have found these traits lacking in so many bureaucrats who have appeared before us through the years. Some I have come to describe as elliptical witnesses—in the meaning described in Webster's dictionary as "of or relating to studied obscurity." Not so with Frank Turner.

I know that, while I am speaking only for myself, my colleagues on both sides of the aisle who know Frank endorse my opinion.

We take our highways so much for granted that we tend to overlook their tremendous contribution to social and economic development. The fact is the United States would not be the nation it is today without our vast highway transportation system, for which Frank Turner is in many respects largely responsible.

There is no way in which the people of this country can adequately express our debt to Frank Turner for his 41 years of dedicated and talented service in highway development. May his services continue to be available to the Nation for many years to come.

INDOCHINA WAR DEATHS DROP 54 PERCENT

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mr. GOLDWATER. Mr. Speaker, President Nixon's determined, realistic policy for ending the war in Vietnam and removing U.S. troops is meeting marked success.

As evidence of this success, I insert in the RECORD at this point an article from the Washington Daily News, stating that U.S. combat deaths in Indochina this year are down 54 percent from the comparable time period last year.

The three reasons given for this decline: reduction of 115,000 U.S. troops, progress of the Vietnamization program, and lower enemy action, all testify to the success of the President's policies. I commend this article published June 9, 1970, to my colleagues' attention:

INDOCHINA WAR DEATHS DROP 54 PERCENT

(By Mike Miller)

U.S. combat deaths in Indochina are down by 54 per cent thru the first five months of 1970 from the toll for the comparable period of last year.

Defense Department figures showed today that 2,397 Americans were killed in combat this year thru May 30, including more than 200 who died last month in U.S. operations in Cambodia.

During the same five-month period last year, 5,240 Americans died in combat—2,843 more than this year.

This year's U.S. wounded-in-action total is also down 54 per cent—from 36,800 thru the first five months of 1969 to 16,773 this year.

Non-combat deaths also are down—from 903 for the same period of 1969 to 800 so far in 1970. These are deaths resulting from such causes as aircraft crashes not related to combat.

The Cambodian operations did swell the U.S. death toll in May to 693, highest monthly total this year. However, during the first five months of last year the lowest monthly death toll was 795 in January; the highest monthly toll was 1,316 in March.

The Nixon Administration has stressed reduction of U.S. casualties as one of its top goals in Southeast Asia during the Vietnamization program. The lower casualty toll this year continues a trend which began with declining combat deaths during the last several months of 1969.

Pentagon officers cite these reasons for the lower casualties this year:

Reduction of the U.S. force in South Vietnam by 115,000 men. With fewer men in the combat zone, it figures that there should be fewer casualties. There are now 425,450 U.S. servicemen in Vietnam, the lowest total in more than three years.

Progress of the Vietnamization program in which South Vietnamese forces are taking on more combat, with U.S. troops moving toward assuming a logistics and combat support role.

A lower level of enemy action this year than during the same period of 1969.

South Vietnamese and enemy casualties also are down from 1969, reflecting the lower level of combat. However, South Vietnamese and communist losses have not declined as sharply as U.S. combat deaths.

Official statistics on South Vietnamese and enemy casualties were available at the Pentagon only for the period thru April.

For the first four months of 1970, South Vietnamese combat deaths totalled 6,399 compared to 7,632 for the same period last year, a drop of 16 per cent. Enemy deaths, as listed by the Defense Department, fell from 59,385 to 41,413, a 30 per cent drop.

In the entire war so far, 42,425 U.S. military men have been killed in combat. Another 8,023 have died from noncombat causes. There are 978 Americans missing and 456 known captured by the enemy.

South Vietnamese combat deaths in the conflict since the beginning of 1961 total 108,043. Enemy deaths during the same period totaled 646,658, the Defense Department said.

A STRONG U.S. MERCHANT MARINE

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mr. DOWNING. Mr. Speaker, recently Mr. Edwin M. Hood, president of the Shipbuilders Council of America, addressed the 73d annual dinner meeting of the May Club of Newport News, Va. Mr. Hood has long been one of the most active advocates of a strong U.S. merchant marine.

In his remarks he noted the long-awaited signs which lead to optimism regarding the prospects for rebuilding our merchant fleet. However, the need for continued efforts in this regard is appropriately included in his remarks which I would like to share with my colleagues.

The address follows:

SPEECH BY EDWIN M. HOOD

Shipbuilding and shipyard activities are our "bread and butter." We therefore look for signs that the immediate and long-term future will be better than the past. We look always for evidence that a stability of operations will bless our shipyards. And, finally, we seek continuing assurance that the results of our labors will make a meaningful contribution to the national well-being.

Much has already been said about the prospects for shipbuilding in American yards during the decade of the 1970's. They are indeed bright. They exist in terms of naval vessels, merchant ships, deep-draft tankers, and a variety of other specialized vessels and floating equipment which are needed to balance and improve our nation's sea power capabilities.

This need has been repeatedly demonstrated: by the large number of overaged ships in our naval and shipping fleets . . . by the steady expansion of trade and commerce throughout the world . . . by the decline of export and import cargoes carried aboard American flag ships . . . by Russia's emergence as a naval and maritime power of threatening proportions . . . and by the potentials for the development of the many treasures beneath the surface of the seas and on the floors of the oceans.

The present Administration in Washington, unlike its predecessors of recent history, has embarked on a commitment to provide the ships the are necessary to guarantee that the United States will long remain a first-rate sea power with a naval fleet second to none and a modern maritime fleet capable of carrying 30 percent of U.S, exports and imports by volume. The comparable figure at present is hovering near 6 percent. Fortunately, this commitment enjoys strong bi-partisan support, and, against the backdrop of measurable need, it comes not a moment too soon.

During the next 10 years, market opportunities for American shipyards could total as much as $34 billion for a 67 percent increase over the results of the 1960 decade. There are those who believe this prediction is very much on the conservative side. But, in any event, the 1970's will be more active than the 1960's for all of us.

To make certain that our Navy is continually effective, it has been estimated that annual Federal appropriations in excess of $3.5 billion will be required for the construction of new ships. In most of the 1960 decade, the average has been closer to $2 billion. Appropriations for these purposes have, however, increased by more than $1 billion in the past two fiscal years, and for the current year, the Congress presently has under consideration a budget request slightly in excess of $3 billion for naval ship construction and conversion. These high levels of funding are interpreted as evidence of a positive determination within the Administration to continue emphasis on modernization of the Navy fleet.

By reason of its past endeavors, Newport News Shipbuilding and Dry Dock Company can be expected to share in this tremendous potential along with the balance of the industry.

A new program to rehabilitate the high seas American merchant marine, sponsored by the Nixon Administration, is also in the offing. It has already passed the first milestone on Capitol Hill, and could well be enacted into law within the next 60 to 90 days. Under this program, 300 merchant ships for foreign trade operation would be built in American yards. This program is valued in excess of $6 billion. The Federal Government would underwrite $2.2 billion and the balance would be financed by private sources.

By its participation in the design phase of this very promising program, it is evident that Newport News expects to be among those shipyards building these 300 ships.

Another $2.4 billion in tanker construction is forecast in the 1970's for a possible sixfold increase over the record of tanker output by U.S. yards in the 1960's. Much of this tonnage will be required to transport oil from the North Slope of Alaska to East and West Coast refineries. Simultaneously, the U.S. private tank ship fleet will require replacement tonnage of about four million deadweight between now and 1980. Since all of these tankers will be operating in U.S. domestic waters, they must be built in American yards. That is the law of the land.

By the award of a contract in early April to design "giant icebreaking oil tankers" for Arctic service, one can reasonably conclude that Newport News, along with various other shipyards, plans to participate in this segment of the coming shipbuilding market.

It is important to bear in mind that these are forecasts based on critical needs. But, they involve the expenditure of substantial sums of money. Prospects are one thing; realities sometimes differ. Nonetheless, the sensitivity of existing needs—and their relationship to national security—suggest that at the close of the 1970 decade, realities will closely equal forecasts.

Meanwhile, certain facts of life must be recognized.

Construction of 300 merchant ships could produce, as previously mentioned, revenues of more than $6 billion for the U.S. shipbuilding industry, exceeding the combined billings for all commercial ship construction by American yards during the past two decades. The private investment of an additional $500 million in shipyard facilities and equipment over 10 years could thereby be stimulated. Employment of an additional 15,000 skilled shipyard craftsmen could be required. An annual 30 percent increase in steel consumption for ship construction could be anticipated. Manufacturers and suppliers of ship components and equipment could likewise expect an upsurge in sales to shipyards.

These figures are only minimum. Taking into account the impact of very probable orders for naval ship and tanker construction, more capital investments in facilities, more employment for workers of all skills, and more consumption of domestic products and services could be generated. An expansion of total national capacity to build ships could very well be necessary. Fresh opportunities for management proficiency, improved productivity, operational and manpower stability, technological advancement, and better earnings truly loom on the horizon.

But, contrary to the popular notion, deficiencies in our sea power resources will not be corrected overnight—relatively speaking. Let me illustrate this point in the context of the proposed Nixon maritime program.

Assuming passage of the enabling legislation by mid-Summer of 1970, shipbuilding contracts in units of 10, 20 or 30 ships each, as are envisioned by the Nixon proposals, probably will not materialize for another 12 months—until the Spring of 1971 at the soonest. Shipyard production will not accelerate until early 1972, and deliveries of new ships will not commence for another 12 months at the earliest. In other words, even with today's emphasis on urgency, the long-sought, long-needed and long-awaited rejuvenation of the American merchant marine would not be felt initially—will not really begin—until 1973.

Another note of caution would seem to be in order: This plan for restoration of the United States as a first-rate maritime power will succeed or fail on the extent to which shipowners' requirements can be consolidated to permit repetitive construction of near-identical ships, employing modular concepts, interchangeable design features and standardized components. The extent to which funding is made available by the Administration, the Congress and the private sector will likewise be a crucial factor.

It has become increasingly obvious that the demands on the Federal Treasury become more intense each year. The sale of national priorities which governs Federal funding can change and fluctuate almost annually. For a number of years, the exigencies of the military conflict in Southeast Asia plus social and health measures have commanded top priority. Within the past twelve months, environmental problems have been elevated on the scale. There is little budgetary leeway, and there will be little in the future.

Shipbuilding under governmental auspices—whether it be for the Navy, the merchant marine or the commercial dry cargo fleet—is therefore in competition with all other public programs and projects. The contest is inevitable. It is not so much a contest between low priority and high priority items, but a competition among programs and projects in the high priority category.

The relative standing of items in this latter group is rarely static. But, the truism that the United States is virtually an island domain is unchangeable. Moreover, we are a "have not" nation in terms of many critical materials. Our industrial prominence could not long be sustained without basic minerals that must be imported in bulk quantities. Our defense establishment could not long endure if the flow of these strategic materials were to be interrupted or eliminated. Surrounded by water, then, we need ships, under our own control, not only to carry our goods to world markets, but to bring to our shores certain basic essentials for sustenance, safety and survival.

The building of these ships within our own boundaries has been regarded as important to the "public good" since Colonial days. This fundamental belief on the part of our Founding Fathers has been affirmed time and again through the years. Only last year, national security officials upheld the proposition that an adequate, efficient and productive shipbuilding capacity, under our own jurisdiction, is essential to the national interest. This reaffirmation no doubt led to the commitment of the Nixon Administration to guarantee that the United States will always possess a sufficiency of sea power through ships built in American yards.

Under these circumstances, it is not illogical to anticipate that, despite the pressures of other national issues, Federal funding for ship construction purposes will, in the years ahead, qualify for higher standing on the scale of national priorities than during the past two decades. Support for this point of view comes, in addition to the position of the Administration, from leaders in the Congress and from a substantial majority of the members of the Congress on both sides of the political aisle. Of course, there have been, and always will be, voices of dissent, but with the dawning of the "age of aquarius," the importance of shipbuilding apparently enjoys a high degree of harmony and understanding among those in high places responsible for policy decisions and actions.

Most shipyard operators as far back as the early 1960's reasoned that a national shipbuilding effort to refurbish the U.S. Navy and the American Merchant Marine, such as is now predicted, was inevitable. This confidence that the United States would eventually reassert the importance of sea power to national well-being and take the necessary steps to modernize both fleets has generated unprecedented peacetime expenditures for upgrading and expansion projects in American yards.

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Whether the industry's actions can be attributed to confidence, foresight or willingness to take calculated risks, it enters the 1970 decade well-equipped to handle the impressive shipbuilding prospects which now loom on the horizon.

Thereby, you and I can look ahead to a brighter future. But, it will be a future that will call on foremen, managers, supervisors, and craftsmen alike for greater effort and greater productivity. Our industry and its personnel have literally been challenged to show that they can produce the ships which are so urgently needed in the national interest at reasonable prices and on reasonable delivery schedules. Meeting this challenge will not be easy, and you and your counterparts in other shipyards throughout the nation will have a significant role in shaping the outcome.

THAT THE BALTIC STATES MAY AGAIN KNOW FREEDOM

HON. ROBERT TAFT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mr. TAFT. Mr. Speaker, June 15, marks the sad anniversary of the loss of independence by the Baltic peoples of Lithuania, Latvia, and Estonia.

Along with my fellow colleagues I join in expressing the hope that the Baltic States may again know the freedom that the Soviets destroyed when they invaded those peace-loving countries on June 15, 1940.

The 89th Congress passed a concurrent resolution calling on the President to—

> Direct the attention of world opinion at the United Nations . . . to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania. . . .

I would hope that the administration will continue to focus attention on the plight of all of the peoples in the captive nations.

I insert House Concurrent Resolution 416 in the RECORD:

H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Where as the Government of the Soviet Union, through a program of deportations and resettlements of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

Passed the House of Representatives June 21, 1965.

Attest:

RALPH R. ROBERTS,
Clerk.

AFTER 26 YEARS AT SWEDESBURG

HON. R. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mr. COUGHLIN. Mr. Speaker, I am pleased to cite the Reverend Francis P. Sokol who has completed a remarkable career in service to God and his parishioners. Father Sokol, who was 75 on June 1, 1970, was appointed pastor emeritus of the Sacred Heart Church, Swedesburg, Pa., after 26 years as pastor there and 45 years after his ordination to the priesthood.

Honored recently by his parishioners on the anniversary of his ordination, Father Sokol is retiring because of the mandatory age limit of 75 set by the Archdiocese of Philadelphia. He became pastor of Sacred Heart Church in 1944, succeeding the late Reverend Martin K. Maciejewski.

Father Sokol's service at the Swedesburg church has found its rewards in the devotion and esteem in which his parishioners hold him and in an era of church achievement. Built during Father Sokol's tenure were a new school, a new rectory, and a new Sisters' convent.

Born in Poland on June 1, 1895, Father Sokol immigrated to the United States in 1912. He attended several schools before entering Saints Cyril and Methodius Seminary at Orchard Lake, Mich.

Father Sokol was ordained on February 15, 1925, in Detroit by the Most Reverend Michael Gallagher. It was the start of an illustrious career of service which included appointments in eastern Pennsylvania.

Appointments in the local diocese were: assistant pastor of St. Hedwig's Church, Philadelphia; St. Mary's of Conshohocken; and St. Josaphat, Manayunk in Philadelphia; chaplain of Motherhouse of Bernadine Sisters in Reading, and in the Provincial Home and the Academy of the Sisters of Nazareth at Torresdale in Philadelphia.

Father Sokol attended the Consistory of Cardinals in 1959 and was present at a public audience with His Late Holiness Pope John XXIII. He made the trip to the Vatican with a group of clergymen and laymen which accompanied the late John Cardinal O'Hara, of Philadelphia, and Richard Cardinal Cushing, of Boston, for ceremonies elevating them to the College of Cardinals. Father Sokol also traveled to Poland where he had two private audiences with Stephen Cardinal Wyszynski, Primate of Poland.

In addition to his parish duties, Father Sokol took part in community work. He was chaplain for the Swedesburg Fire Company, one of the outstanding volunteer fire companies in Upper Merion Township.

The contributions of individuals such as Father Sokol to our Nation—contributions both spiritual and temporal—should be acknowledged especially in these trying times for our people. He has shown, by word and deed, how one person can contribute to the well-being of his fellow men and the community itself. By working through the American system, he has built and improved upon this system.

I offer my warmest congratulations to Father Sokol and my best wishes to his successor, the Reverend Leon E. Jaworowski, the new pastor of Sacred Heart Church.

In noting Father Sokol's work, the Upper Merion Supervisors issued a proclamation in his honor. I think the last words of this proclamation can best exemplify Father Sokol's career—

> What a man does for himself dies with him; what a man does for his community lives on . . .

PLANES FOR ISRAEL

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1970

Mr. BURKE of Florida. Mr. Speaker, I want to personally reaffirm my position and my own strong personal feelings that the United States should take immediate and affirmative action in acquiescing in the request of the State of Israel's desire to purchase 125 additional jet aircraft. The balance of power in the Middle East is fast shifting not only to the disadvantage of Israel but also to the disadvantage of the United States.

In my own correspondence with the White House concerning this matter I was advised that the matter was being taken under consideration. While I do not intend to be a "Monday morning quarterback," I feel that the sale of these planes is vitally important and the time has come when this request can no longer be ignored on the basis of being continually reviewed.

Three years to the month following the Israeli victory in the so-called six-day war in 1967, the supply of military aircraft of the Arab bloc has quadrupled and the number of missiles, tanks, and guns—supplied by the Soviet Union—has increased to astounding proportions. This situation has been allowed to progress to the point where even our own military specialists are doubtful that even with the requested additional aircraft the Arab threat can be thwarted if the Soviet continues to pour military arms and supplies into the Arab nations.

The mistaken policy of our State Department in attempting to appease the Soviets by refusing to sell these needed aircraft—on a cash basis—has resulted in bolstering the sagging confidence of the Arabs and particularly the United Arab Republic.

It is common knowledge that the Soviet Union has long planned for its access route to oil to be through domination of the Arab nations in the Middle East. Only the tiny nation of Israel stands between the free world and total Soviet domination of this area, a giant step in the Soviet journey toward world domination and the conquest of communism.

Following the 1967 conflict, the Soviet Union started in earnest to move technicians, pilots, and advisers into the United Arab Republic, a move which served a twofold purpose: First, it gave the Egyptians the impression that the Soviets were coming to their rescue after their humiliating defeat by the Israelis, and second, it gave the Soviet its strongest foothold to date in the Middle East—a move I venture to say that the Arab nations will one day woefully regret.

The Soviet Union is not only eyeing the rich oil resources of the Arab nations. The Soviet sees, too, the coveted Suez Canal.

It is for these assets that the Soviets continue to move their air defense system closer and closer to the west bank of the canal, in an effort to force Israel to retreat from this line of defense or risk losing more of its precious aircraft.

The Soviets are pulling a monumental bluff on the world. It is not their goal to bring about a face-to-face confrontation with the United States. Indeed, no. But every move closer to the banks of the Suez Canal is a gain for the Soviets that goes completely unchallenged except for the planes of Israel, and the fact that any gain at all that is made is another loss of prestige for the United States—at home and abroad.

Mr. Speaker, how long can we afford to let this challenge go unanswered?

Unless we pick up the gauntlet and let the Soviets know—not in words but in the immediate sale to Israel of these needed aircraft—that we intend to keep our commitment to maintain a strategic arms balance in the Middle East, this conflict will continue to grow and the United States will once again face hostility throughout the world for its failure to keep its promises to the only friend it has in the Middle East.

At the same time, we must make a greater effort to halt the growing independence of the Arab nations on the economic and military support of the Soviet Union. This is a matter of the greatest urgency. There is little doubt that the Arab nations cannot see the increasing encroachment by the Soviets into their governments and into their political, economic, and cultural systems.

By maintaining the arms balance in supplying these planes to Israel, as a first step, the United States will have a better chance of maintaining some rapport with the Arab nations, thereby, hopefully, working toward a commitment from all sides for a permanent and lasting peace in the Middle East. But this cannot be accomplished as long as the Soviets continue to arm and support the Arab nations in the proportion of the present ratio of 4 to 1 in military aircraft.

I have again joined with my colleagues in writing to the President to personally urge the sale of these planes to Israel, and I hope that our President will approve the sale as quickly as feasible and show our willingness to the Soviets and to the world that the United States will not tolerate this situation whereby the very survival of this courageous nation is at stake.

BILL TO OBTAIN PARKLANDS

HON. WILLIAM V. ROTH, JR.

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mr. ROTH. Mr. Speaker, the CONGRESSIONAL RECORD on June 4, 1970, inaccurately reported the number of acres held by the Navy near Rehoboth Beach, Del. I am therefore inserting a correct version of my statement:

STATEMENT BY THE HON. WILLIAM V. ROTH, JR.

Mr. Speaker, I am introducing today a bill which would convey five parcels of land at Cape Henlopen, Del., from the Army and the Navy to the State of Delaware.

I think, Mr. Speaker, that this proposal may be of more than ordinary interest to you and the other distinguished Members of Congress, their families, and their staffs, for it concerns an area where many of you vacation: Rehoboth Beach, Del. I believe it is safe to say that many of you and thousands of others in this metropolitan area will have a personal stake in the course and outcome of this bill.

The parcels of land in question are all either enclaves within or barriers between parkland already operated by the State of Delaware. To the north of the 820-acre military land is the 540-acre Cape Henlopen State Park. In the south is another State park, known as Gordon's Pond.

All of this land—worth about $100,000 per acre—is located on the Atlantic Ocean, where it enjoys the benefits of beautiful beaches and imposing sand dunes. The land is undeveloped commercially, and the State is determined to maintain it in its natural state.

Four of the parcels are owned by the Department of the Navy. Reserve forces are trained on one 15-acre plot; some little-used equipment sheds are located on two other plots totaling three-quarters of an acre; and on the remaining 614 acres of Navy land some important oceanographic work is conducted. The Army owns a 190-acre plot used for recreation and some Reserve training.

Quite honestly, Mr. Speaker, we in Delaware have long wanted these lands for the use of outdoor recreation and for the benefit of all our citizens. Our resolve and desire were recently strengthened by recent actions by the Department of the Army.

It was on the Army land during Earth Week last April that an operation began; an operation that caused consternation and shock among the citizens of Delaware. I should note here that located on the Army land is—or was—one of nature's wonders, which we in Delaware call the "Big Dune." It is—or was—the largest sand dune between Sandy Hook, N.J., and Cape Hatteras, N.C. The Big Dune was over 70 feet high and had been the subject of scholarly articles in both Scientific American and National Geographic magazines. I say was, because during Earth Week the Army began an operation covering 13 acres of the Big Dune's area. As I understand it, the purpose of the operation was to create a parking space for five to 10 trailers. To create this parking place, the 13 acres were leveled, reducing their height to 40 feet.

This destruction was undertaken without consultation with Delaware officials or with the citizens who live in the area. Quite understandably, all of us were upset. Since then, Senators JOHN J. WILLIAMS and J. CALEB BOGGS, and I have been discussing this matter with the Department of Defense. We told them that we were interested in the land, and asked that, if possible, they justify military retention of any parts of it.

In response to our inquiries, officials at the Department of Defense said verbally that they might be responsive to conveying the 15-acre plot, the two plots totalling three-quarters of an acre, and a corridor through the 614-acre plot. We have received no confirmation of that offer.

The Army, however, maintains its need to retain the 190-acre plot. They say the land is necessary for recreation and training, even though only 14,000 persons used it for recreation last year. On the other hand, more than 1 million persons used the State-operated recreational beaches last year.

As I indicated earlier, many—perhaps even most—of the 1 million vacationers last year were from the Washington area. I am sure you are all familiar with this portion of Delaware. If you personally have not visited the area, members of your staff almost certainly have. The fine beaches provide a momentary respite from the daily drive of work here in Washington.

In light of these and other facts, my colleagues and I cannot agree that the Army needs this land. If, in fact, the Army requires land for training, the Governor of Delaware has agreed to find them other, more suitable sites.

Mr. Speaker, this bill would simply convey all of the lands in question to the State of Delaware. We realize that there may be a perfectly valid justification for the Navy to retain its part of the land, and we are willing to consider such justifications and accommodate them through the legislative process.

CONGRESSMAN PETTIS TALKS ABOUT AVIATION

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mr. HOSMER. Mr. Speaker, I would like to call to the attention of our colleagues an interesting and informative feature article in the June issue of Air Line Pilot magazine. Entitled "A View From the Hill," it is a first-person story by one of my distinguished fellow Californians, JERRY PETTIS.

As a former commercial airline pilot and airline administrator himself, he presents a candid and lucid account of the problems facing the Nation's air carrier industry and transportation system—and how they relate to our continuing space program.

So that all Members might have the benefit of this fine article, I wish to include it in the RECORD at this point:

A VIEW FROM THE HILL

(By Congressman JERRY L. PETTIS (R-Calif.) as told to Lou Davis)

(NOTE.—How do the airlines pilot, air carrier industry and transportation system look to a former airline pilot, business executive and now Congressman? Representative Jerry L. Pettis is all of these and he offers some timely comments from his Capitol Hill perch.)

It has been a long time since I sat in the left and right seat of an airliner. But the fine perspective that position gave one has never left me. It has helped me in every endeavor. And I think that every man who sits up front on the flight deck has a vantage point for viewing the affairs of the world and of man, that other men will never know or value.

As I look downstream, seeing the things that we're doing in the field of space exploration—earth orbiting satellites, space shuttles, etc.—I think we find ourselves involved in trying to shape a transportation system that even the airline pilot never dreamed of seeing in the decade of the 70s. Being recently privileged to sit on the House Science and Astronautics Committee offered an exciting prospect of things to come that should thrill the most pessimistic of men.

As I think back to my days at United when I started to fly the line, I would have called anyone insane or "nutty" who ever hinted of the things we consider practical and routine today. I mean the bad as well as the good: the problems of the jet age as well as the advantages; the promise of supersonic travel as well as the threat of degrading man's environment with noise and air pollution.

Right now, in the space program, we are contemplating flying manned vehicles that will give us space shuttle service within a few years. And, from there, we will just begin to broaden our horizons to anywhere on earth and into space. The planet's the limit—almost any planet within our galaxy.

Sitting here, comfortably and casually in the space age, I also remember how the airline pilot has had to fight for the technology that he knew was available, for the equipment that was efficient, safe and practical, and for facilities that were needed to make air travel safer. I cannot help but contrast those days and those problems with the way it is in the space program today. The astronauts are an integral part of the team, their voices are heard and accepted. I cannot help but marvel at the total effort, the vast army of technicians, scientists, engineers and astronauts manning the space program that brought the three Apollo XIII astronauts back to earth. This was the acme of teamwork.

In aviation and airline operations, the pilot has not always been welcome in the planning, in the accident investigation operation. More often than not—before ALPA demonstrated its value—decisions were too often made by company executives, ground-bound marketeers, economists and engineers. Highest values have been placed upon economics, competition between companies, etc.

Now, I don't decry competition. I'm just saying that all too often the feelings and pleas of the professionally trained air crew have been subordinated to other considerations.

I think the Apollo XIII accident has renewed public interest in getting from here to there safely by air. Passengers don't identify their reactions directly to the moon space flights. But I do believe they say to themselves, when they fly, say from here to Los Angeles: "I, too, am defying gravity. I too wonder how safe that flight will be. And, if something goes wrong, is the total system as efficient as that which brought Apollo XIII back to earth?"

Judging from the public chatter these days, he or she might very well wonder if everything that can be done is being done to make that flight completely safe; many wonder if there has been a compromise somewhere along the line, one ever so small; and might well ask if the people in charge—whether they be company management, air crew in command, the FAA or others—are settling for a statistical level of safety that, with a little more effort or teamwork, could be reduced.

Just recently, coming back from Florida, our jet transport broke out of the overcast at about 1,500 feet on the approach to Dulles airport. There off the left wing was a small airplane. I don't know if our pilot knew he was there or if the pilot of the other plane knew we were there. The fact that we do not have a system to identify traffic in a more accurate and positive way is one of the common problems worrying me today.

I'm not on the committee concerned with this matter, but let me tell you: Whether you're a private pilot or an airline pilot or a passenger in an airliner or a private plane, you've got to know that this is a critical problem and we'd better solve it.

We have the technology now, the technical ability to solve the problem. Gosh! If we can provide a crew escape system on top of a space command module that will eject astronauts to safety if something goes awry during the rocketing blastoff, there is no reason why we cannot keep an airliner away from another aircraft. All we have to do is harness the same brains and talent that took us to the moon and has sent unmanned craft on tours of the planets.

When John F. Kennedy said a decade ago that we'd land a man on the moon and bring him back safely to earth before 1970, I said: "That's political malarky." I was wrong and he was right. The important thing is that we did it. There were jillions of problems. There were countless blank walls. But, when we applied the brainpower of American science in the various fields—metallurgy, space physics, fuels, biology, environmental control, aerodynamics, etc.—whatever the problems were, they were licked.

Why not do the same thing with the nation's airways system? Why not get a first-class team, including pilots, and see that the chances for mid-air collisions are almost non-existent by 1980. We need goals and the resources to meet them, as was the case with NASA's mission.

We must get to work using satellites for air and surface navigation over the North Atlantic and the Pacific—and right away! They will make it possible to pinpoint aircraft positions within 50 feet.

We must provide the best planes that advanced technology can produce, the best electronics and all-weather navigation systems to achieve air travel's full potential with safety and reliability.

Some of our government agencies, trade groups and operators may not agree with me on this. Here too, sometimes I think too many fellows sitting in bureaus ought to get out on the firing line, get closer to realistic and creative people and find out what they're really saying and what they are capable of doing. Instead the tendency is to judge from a Washington desk-top and take the conventional way out by leaning on the old bromide, saying: "Well, you know things move slowly around here. It takes a long time to get budgets approved, you know."

OK! Granted that is often so. But my point is, they don't have to take time.

When I came to Congress in 1966 I was told that certain things could not be done—could *never* be done. They told me a committee or a commission could never be abolished after it had been established. I've been able to abolish the Committee on the Disposition of Executive Papers. It took an act of Congress and a lot of my time but it was long overdue. As a result of that success, Congress is going to take a long look at a lot of other commissions and committees that have outlived their usefulness. Maybe we'll get rid of a lot of expense and deadwood in the process.

We need the same approach to our air transportation system. I'm not damning the FAA. I'm just saying that the longer people and organizations are established in Washington, the easier it is to become comfortable in going along with the system. When they tell me it can't be done or that it's going to take a lot of time or it's inadequate, what they are really saying is: "Look at all the things we would have to do to make it work."

Maybe critics do have a point. Satellites may not have passed the experimental stage, may not be perfect. But, we've proved the concept to be good. Let's get with it and develop it. Let's get to NASA and say: "Hey you guys who are experts with these birds, what do we have to do to make satellites functional and reliable for this purpose; How long will it take and what will it cost?" Should we wait until they are perfected, we'll not get them.

Some people come back and say the airways problem is different from NASA's mission. Airways exist now! They are antiquated and inadequate. They're in place and operating just as are railroad tracks. Planes must continue to use them, even while they're being modified. We can't shut down long enough to install a brand new system. All that is true. But this argument, strong as it is, doesn't hold water. We build railroads and highways without stopping trains and auto traffic—we can do the same with airways.

What we need are can-do fellows who have not known the words "it can't be done."

The only reason we placed men on the moon in 10 years and brought them back was

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because we contracted the business to private concerns who said: "Yes, it can be done." NASA's role was to serve as the Board of Directors of the project.

I believe the FAA should go this route. It should seek help of scientists and industry in contracting the work. We need to break away from the bonds of the long-established system composed of World War II equipment.

Now that the airports/airways legislation is becoming law, it's a start in the right direction. It's a far cry from what we're ultimately going to have, but it's a start. Thankfully, it looks like we are finally breaking away from our cocoon of lethargy and bureaucratic restraints.

Now I'd like to see us undertake one gigantic evaluation of the total transportation system. Let us truly measure the pluses and the minuses, get away from the habit of patching a leaky roof. Once we know what we're dealing with and what our realistic goals are, then we should proceed with implementation on the long haul.

We must make sure that the needs of society are satisfied. We must have an idea as to how many people there are and how many there will be that need service. We have demographic studies for the whole world; let's use them as part of the projection process.

And now, you may ask, if I were a pilot today, still flying the line, what would be of prime concern to me?

One thing that bothers me as I talk with my old buddies, is that they do not have the same verve for their jobs today as they did when I was a pilot. I know that we are much older, but I've made allowances for that. There's something else, I believe, that causes it. That has to do with retirement.

Sixty years of age is no time or age at which man was meant to be put to pasture. Particularly, where intellectual and mental capabilities are concerned. Pilots are at their best at this period. Some of the greatest novels, some of the most creative works have been done after the age of 60. We must do something about this. We must provide the men who fly the airliners with a challenge that is commensurate with their talent and resourcefulness—at a time when they should have the best years of their lives ahead of them.

Some of the sharpest men in Congress today are over 60.

If a man is 60, if he is physically able to go out and play a hard set of tennis or 36 holes of golf, it's not fair to boot him out of the cockpit. We have a reservoir of some of the brightest minds in the nation and we're saying we have no use for them. Society must not be denied the value and the benefits of their talents.

The public generally admires an airline pilot. He represents stability, confidence with the right mix of foresight, insight and fearlessness. He is a good citizen. I hear it everywhere I go—all the time. I ride the airlines more now than I used to when I was a pilot. There is high respect for the pilot's ability to solve problems, for his dexterity, his physical health and his mental capabilities and attitude. I include all the crew members in this statement—including those wonderful girls in the cabin who make flying so pleasant under sometimes trying conditions.

There are few positions of responsibility in this country where as much value in human lives and in corporate investment rests with the performance of two to three men. Having been an airline pilot, an airline executive, an owner of a business, an educational finance officer and, now, a public servant in Congress, I know of no other profession that carries so much responsibility as is assigned to the airline pilot and flight crew.

The country needs you. We all need you.

REA ESSAY WINNERS IN NEBRASKA

HON. ROBERT V. DENNEY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mr. DENNEY. Mr. Speaker, annually a statewide essay contest is sponsored by the Nebraska Rural Electric Association on "What Rural Electrification Means to Me and My Community." It is my privilege today to insert in the CONGRESSIONAL RECORD the winning essays of six of the State winners who reside in my congressional district. Next week, these winners, along with others from Nebraska, will travel to Washington to see their Government in operation as part of their prize for submitting winning essays.

The essays follow:

INFORMATION

My name: Mary Harding, age: 15, grade: sophomore, school: Crete High School.

Name of parents: Mr. and Mrs. Thomas E. Harding, Pleasant Dale, Nebraska.

Contestant sponsored by the Seward County Rural Public Power District, Seward, Nebraska, in cooperation with the Nebraska Electric Association.

ELECTRICITY MEANS EXTRA LIVING

The city, with all of its traffic engineers and bustling around, has always had the reputation of a place of modern conveniences and progressive utilities. However, living in the city many people are led to believe that the farm is an 18th century institution. About a year ago, our family moved to the farm, and I began to have a different viewpoint of country living, but also, I really began to appreciate the services of the electric company.

People who live in the country are working people, and when they do get spare time, they like to be in pleasant surroundings to really enjoy themselves. Electricity gives them extra living space, extra living time, and it transforms work into hobby.

The drudgery of past farm eras has diminished greatly, thanks to electricity. And because life has been made a little less work and a little more live, the farmer has been able to take advantage of one of this country's greatest assets—the fresh, clean countryside.

After a day of hard work, there is more time to relax and do things one enjoys. The day no longer ends at dark and neither do the activities. At the flick of a switch, celebrities from all over the world; soft, sweet music from the nation's finest bands; and the laughter and tragedies of the greatest playwrights are brought to the farmers' own livingrooms. The world is not allowed to pass the farmer by.

And the housewife of the country no longer is limited in her spare time, thanks to electricity. Washing, ironing, cooking, sewing, and cleaning time are cut drastically and quality is improved greatly allowing the convenience of city living amid the beauty of a country location.

Water, once a heavy burden in the routine of a farm, no longer presents a problem. The animal tanks are filled by lifting the lever to an electric pump, and in winter the water remains water because there is an electric tank heater in the tank. In the house, ample water, both hot and cold, is there for the kitchen, utility room, and bath. Remember that last steaming bath? Remember the buckets of water you didn't have to carry to the stove to heat and then to the tub—also remember the backache you didn't get from lifting all that water.

At night, the last check around the yard is much safer because of the big yard lamp. Carefully planned lighting on the patio can extend the house to the outdoors to take advantage of cooling breezes on warm summer nights—even bring the dinner to the patio free of bugs now that there are special bulbs for that purpose.

Electricity has liberated the farmer as a slave of the weather. The wilting heat of the summer and the freezing cold of the winter no longer make life miserable. An electric cooling and heating system has given the family of the farm control over their climate and has even regulated the amount of moisture in their home.

Now that we have moved to the country, I have realized the really important role electricity plays in twentieth century farm life. Electricity gives extra power to work and extra beauty to play. Electricity keeps the farmer informed and brings them entertainment. The necessities of everyday life have been changed from drudgery to simple, pleasant routine due to electricity. Electricity adds space and time to farm life—electricity means extra living.

INFORMATION

My Name: Susanna Von Essen, age: 16, grade: Sophomore, school: Pender High School.

Name of Parents: Mr. and Mrs. Herman H. Von Essen, Emerson, Nebraska 68733.

Contestant sponsored by the Northeast Nebraska Rural Public Power District, Emerson, Nebraska, in cooperation with the Nebraska Rural Electric Association.

THE VALUE OF RURAL ELECTRIFICATION IN OUR HOME AND COMMUNITY

As the farmer throws back a mound of quilts and gets out of bed, he shivers,—the house is icy cold. Dressing quickly, he lights a kerosene lantern and hurries out, pails in hand, to milk the cows. Meanwhile, his wife must pump water and light a fire in the wood burning stove in order to prepare breakfast. Sound farfetched? Well, this is merely a description of life in rural America in the "good old days" before Willie Wiredhand came to do the farmer's chores the electric way. Such modern innovations as electric blankets, electric heat, dusk-to-dawn automatic lights, milking machines, pressure water systems, and electric ranges are now available to every farm in our area, thanks to rural electrification.

Electricity is the keystone of modern farm machinery and methods. It has enabled a farmer to increase both the productivity of his acres, and the size of his operation. Livestock farming, particularly, has been changed in many ways. Today's farmer need only stand by and watch while a push-button feeding system does his work for him. He is no longer dependent upon the wind for pumping water. If his water system is electrically controlled, his livestock will always have an abundant supply. Electrically heated barns can greatly reduce losses of newborn animals. Rural electrification has also introduced into our area, some entirely new aspects of livestock farming, such as dairying.

Grain farming, too, has been aided by rural electrification. When there is a lack of moisture, the farmer is able to irrigate his crops, using power supplied by his rural public power district. At harvest time, he can rest assured that his grain will not spoil if he has an electric drying bin.

Willie Wiredhand is also the farm wife's best friend. Through rural electrification she is able to enjoy the same modern conveniences as her city counterpart. The drudgery of washday has been eliminated by the automatic washer, dryer, and electric iron. Food preparation has been simplified by the electric range, refrigerator, and home freezer, plus a myriad of other appliances. Even cleaning house has been made much easier.

Of course, there have been other changes in the home, from which the entire family has benefited. Electric heat, air conditioners, dehumidifiers, and pressure water systems have made life more comfortable for everyone. The television, radio, and the record player, provide opportunities for entertainment and education.

Rural electrification benefits the community as well as the farm home. Several towns purchase their electric power directly from the rural public power district, thereby eliminating the need for maintaining their own power plant. The electrification system, and the demand for new appliances and equipment, and for repair service, provides employment for a number of persons. In addition, the time saved by a farmer and his family through the use of electricity allows them to participate more fully in community affairs.

Rural electrification has brought electricity to the farmer, and today, it is one of his most valuable tools. It has given many comforts to his family, and helped the area it serves. Rural electrification can say with pride "Willie Wiredhand does your chores the electric way."

INFORMATION

My name: Jim Say, age: 16, grade: Sophomore, school: Norfolk Senior High School.

Name of Parents: Mr. and Mrs. John Say, R. R. #2, Norfolk, Neb. 68701.

Contestant sponsored by the Elkhorn Rural Public Power District, Battle Creek, Nebraska, in cooperation with the Nebraska Rural Electric Association.

THE VALUE OF RURAL ELECTRIFICATION TO OUR HOME AND COMMUNITY

A morning during the year of 1970, in a remote Rocky Mountain region of the United States reveals a farmer awakening early to prepare for working in his field the entire day. His wife will begin cleaning the house, a chore taking at least one week, since relatives are coming to visit. This couple does not have electricity on their farm.

Electricity has made farming rely more on planning, in place of sweating. On an average farm it can be put to over 400 different uses. Mostly due to electricity a farmer can produce six times as much today as one could 150 years ago. Larger farms are now possible, in the last half century the average size of farms has increased by 30%.

Almost every facet of farming and ranching now depends on electrical tools. One example is the dairy industry, where sanitation is important. Cows can be milked by electrical machinery over three times as fast as the best human milker could, even including the time taken to clean the equipment. With electricity to pump fresh water and to bring feed, milk production has increased by 20%.

Other ranchers have also reported greater profits after using electricity. A farmer in southern Nebraska, using modern equipment, spent only one hour daily caring for his hogs. Over 10% of all poultry brooding in Nebraska also requires use of electricity.

The rural housewife has likewise benefited greatly from electrical installation in the home. Electric lighting provides sufficient illumination without unnecessary heat. Appliances such as irons, ovens, refrigerators, and freezers have become indispensable, while such conveniences as vacuum cleaners, mixers, washers, and driers have saved even more work. Some appliances have eliminated over 90% of the labor needed previously.

The chief advantage of electricity are convenience, efficiency, and low cost. Over 98% of the farms in Nebraska have electricity, illustrating the availability of electrification in rural areas. Electricity has no combustion by-products as those of fuels, offering cleaner and safer living conditions. This properly has encouraged manufacturers to turn to electricity to lessen air pollution. Nominal cost is shown by the expense of electric heating used by a typical rural family during a severe winter, which was less than $200 monthly. Soybean growers are receiving more profits by processing their crops by themselves with electric machinery. Chicken feed can be ground at a cost of only five cents a ton.

The modern farmer will face the future with a growing dependence on electricity. To meet the resulting greater demand researchers are developing new agricultural machines utilizing electricity. One of these recently produced implements is an experimental tractor called the EXT, powered by six lead-acid rechargeable batteries. Capable of plowing, the estimated price of this type of machine is as little as $1,000. With machines of this nature the farm and community of the future will probably depend entirely on electricity as a source of energy.

INFORMATION

My Name: Mary Cech, age: 16, grade: junior, school: Clarkson High School.

Name of Parents: Mr. and Mrs. James S. Cech, R. R. No. 1, Clarkson, Nebraska.

Contestant sponsored by the Cornhusker Public Power District, Columbus, Nebraska, in cooperation with the Nebraska Rural Electric Association.

WHAT RURAL ELECTRIFICATION MEANS TO ME AND MY COMMUNITY

I'll admit it, I was born a non-believer, but can you really blame me? Almost any youth of today first found himself in a family already conveniently "set" with electricity. Certainly, I depended on it for many comforts, but as for the belief that it is a necessary, even vital part of today's rural life was another thing, and one that I seldom cared to think of.

And then the "lights went out" for a short time due to an electrical storm. Much to my dismay those grave necessities such as the electric toothbrush, hair-dryer, and hair curler ceased to function. Panic!!

For supper all to be had was cold baloney and potato chips, and then I singed my hair while playing a game of cards (the only means of entertainment) by candlelight. That did it!! I complained of all my hardships to my dad.

He told me all my sufferings were absurd, because electricity was used for far more important things than convenience equipment. I must have not looked very convinced, for, a day or two after the storm, he took me to my uncle's, the dairy farmer. I saw all the electrical equipment he needed, ranging from the milkers to huge coolers. Dad got tricky and had me milk one threatening old jersey by hand. After milking one quart, I was exhausted and truly realized the need for electric machines here.

Dad told me I hadn't seen it all yet, and gritting my teeth, we proceeded to a neighboring farm with seemingly miles of cattle. I saw the intricate electric feeders and watering systems in function. Electricity certainly made this place hum also.

I was almost cured. Almost, because I made the mistake of telling my dad that I guessed electricity was important for feeders and milkers but it didn't pertain to crop farmers very much.

Well, away we went again, to various irrigation and auger systems and several drying bins. I was informed that without this equipment, the crop farmer could never except a maximum yield for a minimum amount of labor.

I was convinced. I now know electricity is not just a convenience measure. Thanks to my dad, I found that electricity has become a vital necessity to every farmer, large or small, crop or livestock.

And even I, one of those "carefree" teenagers, have become a believer! A believer in rural electrification.

INFORMATION

My name: Clyde W. Marr, age: 16, grade: Junior, school: Rosalie Public Schools.

Name of Parents: Mr. and Mrs. Warren A. Marr, Rosalie, Nebraska.

Contestant sponsored by the Burt County Public Power District, Tekamah, Nebraska, in cooperation with the Nebraska Rural Electric Association.

THE VALUE OF RURAL ELECTRIFICATION IN OUR HOME AND COMMUNITY

Our rural electrification system, which is dedicated to service, has made possible the modern way of life for twenty million Americans, ten percent of our nation's population. Ninety percent of the rural electric customers are located on farms and non-farm residences. The rest are schools, churches, rural industries and businesses.

Rural electrification helps our home and community in three ways: It provides light, power and heating-cooling temperature control.

I live on the farm, so I know firsthand what electricity means in providing light. My grandmother relates how, when my father was a child, farm families had to depend upon kerosene lamps for light. When chores were delayed, when sows farrowed at night, or sick animals required attention, they had to rely upon kerosene lanterns for light. Grandma tended her babies at night, prepared early breakfasts and late suppers by dim, smelly, unsafe lamplight.

Today, our homes are electrically lighted—completely, dependably, safely—thanks to rural electrification service. Farmstead yardlights even provide outdoor illumination thoughout the night for added safety and convenience. At night, the twinkling of myriad, friendly dusk-to-dawn security lights in our community is a beautiful, reassuring sight that symbolizes the brightness and protection that electricity provides for our community.

Rural electrification provides power for doing chores and performing many heavy tasks. My father tells us about his boyhood days when farm families had to depend upon handpower, horsepower, windpower, or gasoline-driven motor power for such chores as grinding, elevating, mixing, and conveying feeds, pumping water, doing family washing and countless other tasks requiring power. Today, we flip a switch or press a button, and there is instant, ample power for doing heavy chores—from grinding and mixing feeds to operating water systems, power tools and milking machines, doing family laundry, or turning Mother's food mixer. Rural electrification is indeed a moving force in our lives!

Rural electrification also provides temperature control. Many farm homes are heated by quiet, clean, economic electricity, controlled to warm one room or the entire house. Other homes not equipped with central electric heat have supplementary electric heating units to provide extra heat for nursery, bathroom or basement. Electricity also provides quick, dependable temporary heat for farrowing pens, brooder houses or lambing quarters. Electric heat also makes possible such conveniences as water heaters, electric stoves, clothes dryers, ironers, toasters and numerous other household appliances.

In addition to heating, electricity also provides cooling that makes possible refrigeration, home freezers and rural locker plants. Central cooling systems temperature-control the entire house. Smaller room-size air-conditioners provide warm-weather comfort for many families, and electric fans are found in almost every home.

Rural Electrication is indeed a magic wand that, extended throughout our community over high lines, provides light, power, and

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heating-cooling temperature control, thus transforming our farms and homes dependably, conveniently, inexpensively. I cannot envision my home or my community without this precious commodity—rural electrification.

INFORMATION

My name: Cindy Schoeder, age: 16, grade: sophomore, school: David City High School.

Name of Parents: Mr. and Mrs. Wilbur Schoeder, R.R. #1, David City, Nebraska 68632.

Contestant sponsored by the Butler County Rural Public Power District, David City, Nebraska, in cooperation with the Nebraska Rural Electric Association.

THE VALUE OF RURAL ELECTRIFICATION IN OUR HOME AND COMMUNITY

Those were the good old days?

Time and time again I have heard from my grandparents how things were in the "good old days." Unfortunately for them, electricity was not available for all and was used by only the minority of the people. As a result they were without many of the luxuries enjoyed by most of us today.

Little did I know that a spring day in 1966 would bring me a taste of those "good old days." Although the exact date was March 22, it seemed very little like spring. The temperature had dropped and the weatherman had forecast snow. Snow isn't unusual in early spring, so the day began as any other day. However, late in the afternoon the sky became overcast, wet snow began coming down and the wind increased tremendously to 60 and 75 miles an hour.

As we were finishing dinner dishes that Tuesday night, we had a power failure, due to the storm, and our home was left in darkness. That meant studying by candlelight and no television. It would be a dull night. Due to these circumstances beyond our control, our whole family went to bed early for a change. The "whole family" in addition to myself included my parents, a brother, an older sister who was home from college for "spring vacation" and my grandmother from out-of-state who was visiting at the time.

Next morning when we awoke, conditions hadn't improved as we had hoped but were even worse. The house was very cold, our hurried breakfast was prepared on a camp stove and we were without the usual running water. After collecting a few necessities, we moved to our little basement for the rest of the day as it was warmer there. Instead of the one day we had anticipated, we lived in the basement three days.

While the REA crewmen were repairing damage to lines and light poles over the entire county, time passed slowly for us. We had plenty of hours to reflect on the many conveniences we enjoy as a result of electricity. Even grandmother agreed that modern life is much more enjoyable than that of days gone by.

This recollection of the 1966 blizzard reminds me of the comforts and conveniences electricity brings to my home and my community.

Little did people realize thirty-five years ago the changes that the Rural Electrification Administration, better known as the REA, would bring about. Their lives changed as they also enjoyed the modern facilities previously used only by city residents. Work on the farm was eased for both the farmer and his wife by the use of electricity.

The electrical system brought about improvements in health, nutrition, education and communication for the farm family. These things not only made living easier but also made it more economical.

As the REA celebrates its thirty-fifth anniversary, consumers are experiencing its many benefits. Electricity is one of the biggest bargains in the family budget, and creates more free time for good times. It is difficult to put a value of dollars and cents on electricity for home and community, but it makes a good life better, thanks to the REA.

"BIG ED JOHNSON"

HON. BYRON G. ROGERS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mr. ROGERS of Colorado. Mr. Speaker, the State of Colorado and the Nation was saddened by the death of the Honorable Edwin C. Johnson, three-time Governor of the State of Colorado and who had 18 years' service in the U.S. Senate.

Governor Johnson had a unique ability to analyze and foresee many of the problems that were presented. While he was U.S. Senator, he spoke out against the United States sending American GI's into Indochina. I think it is fitting and proper that we should again reread that speech that was made on April 19, 1954, which is as follows:

THE WAR IN INDOCHINA

Mr. JOHNSON of Colorado. A week ago I spoke emphatically, but briefly, against the United States sending American GI's into the mud and muck of Indochina. I suggested then that in a few days I would present further arguments to support my position. My reason then and my reason for speaking now was and is to alert the American people with respect to the dangers faced by their sons and their economy.

This present crusade to send troops to Indochina, with its uncalculated cost for an uncalculated result, is the most foolhardy venture in all American history. It is my guess that it would mean, at the very minimum, 500,000 American casualties and a very minimum of $100 billion of borrowed money.

Five hundred thousand American casualties is a staggering contribution to ask American mothers to make for an uncalculated risk. That fact alone should sober our responsible leaders. But $100 billion of additional borrowed money means for America a 25-cent dollar instead of our present 50-cent dollar and an economy so weak that it can no longer give leadership to a distraught world or resist communism at home and abroad.

Such a war could last 10 years, or it could touch off and spawn a world war which would have to be fought for 100 years without victory. It could drive the brown and Malay races into the arms of the Communists in a solid front against the white race in a death struggle, which eventually would destroy all civilization. These are some of the uncalculated risks of the proposal to fight in Indochina. Let them be calculated before we move civilization one small step closer to the yawning abyss of world disaster. To drift, drift, drift, drift closer and ever closer to this flaming candle, like some silly, enchanted moth, is almost too fantastic for human minds to contemplate.

If the American people realized the nearness of war in Indochina, they would rise up as one man and stop it. America is practically unanimous against sending soldiers or sailors or bombers to this war in the jungles.

In November of 1952, I heard E. P. Hoyt, publisher of the Denver Post, in an eloquent address to the Denver Rotary Club, say that five words decided the election. According to Mr. Hoyt, when Candidate Eisenhower said in the campaign, "I will go to Korea," the Democrats' goose was cooked. The political house built by five words could be destroyed, in the twinkling of an eye, by these five words: "Troops will go to Indochina."

The other day a Senator whose sound judgment I respect greatly questioned whether military intervention by the United States in Indochina would not give Red China the excuse it wants also to intervene. There are no reasons to doubt that very result. When we began sending billions of dollars of war supplies to the French, China began sending millions of dollars in war supplies to the native rebels, not as gifts but in exchange for the raw materials which China needs so desperately. Of course, our troops will be more than matched in numbers by their troops. Such an American-Chinese war would be fought not in a place of our choosing, but in China's backyard, and 7,000 miles from the shores of America. Most certainly the advantages are with the Communists; the disadvantages with us. I can almost hear the chess-playing experts in the Kremlin snickering over our act of desperation as a wonderful strategic victory should we commit American soldiers to this jungle war in support of white man's colonialism.

A few hours ago the President said in Kentucky that regardless of how this war started, it was now the free world versus communism. I wish it were that simple, and that there were no other fundamental contingencies. It seems to me we must be realistic, however, and take into account the original causes of the rebellion in Indochina, as well as the full impact and results which would follow our intervention in this uprising of the native population against French rule.

Edward R. Murrow says that Senator McCARTHY thinks every critic is a Communist. In world affairs, our diplomats seem also to be making that basic McCarthy error.

During the past year I have sought to arrive at some positive conclusion about the Indochina issues, and, in all honestly, I am unable to support the belief that the present conflict between the French-supported Vietnam and the rebel Viet Minh is, in truth, a war of the forces of freedom, on the one hand, and the forces of communism on the other hand. Soviet communism, with its contempt for the rights of the individual, is a despicable tyranny. But it is not the only tyranny. Unbridled imperialism, the law of the jungle that says the strong shall devour the weak, the "haves" shall exploit the "have nots," is no less despotic, no less contemptible, is no less the uncomprising enemy of our American principles of life, liberty, and the pursuit of happiness, than is Soviet communism.

So often causes are confused by labels, and labels with dogmas, and dogmas with principles, until it becomes difficult to find, much less to evaluate, the fundamental issues. These elements are distorted even more, by careless thinking until an uniformed people become a confused people, and, in the end, a dismayed people whose own ignorance has allowed it to be shabbily used.

Forces are at work to get this Nation committed to war in Asia. Some of these forces we know to be our enemies, some of them we recognize as our real friends. Unfortunately, there seems to be no articulate force in America determined to keep us out of war. But because it is not articulate, do not think for a moment that this force is not present. Congress must give it a voice that will be heard, and that will be heard in time to prevent American principles from being abandoned and the United States from being committed to the support of an imperialistic colonial war.

Our press and radio during the past few weeks have pulled no punches, have left nothing to the imagination, for the most part, in describing France's Indochina enemies, the Viet Minh, as "the Communist forces." This war has been going on for nearly 8 years. As recently as 5 years ago the Viet Minh were not labeled, even by the less responsible press, as Communists. As recently as 5 months ago they were not so identified, even by the French. In fact, even 90 days ago dispatches from Saigon discreetly and consistently called them the Communist-led Viet Minh, but never the Communist forces, or the Communist Viet Minh. At what point, and to what degree, has this war, which every record shows to have been a war for freedom and independence, a war against imperialism, at what point did it suddenly become a war of Communist aggression?

The genesis of reasoning lies in distinguishing fact from fancy, truth from untruth. In examining the whole far-eastern question I have tried painstakingly to substantiate each belief as fact before relating it in terms of its by-product, before evaluating it in terms of a conclusion that may be drawn from it.

It is a fact that more than two-thirds of the world's population goes to bed hungry every night. It is also a fact that most of that two-thirds lives in Asia. It is no less a fact that communism breeds on poverty and want. But to conclude, unreservedly, that all Asia is a breeding ground for communism is to commit a folly of reasoning which, from the start, places us on false premises.

It is also a fact that man does not live by bread alone, that spiritual forces are more potent in most southeast Asiatic communities than political forces, and that these ancient peoples, of strong spiritual convictions and mature cultures, have shown a marked reluctance for accepting any new political ideas. All these facts have been significant deterrents to attempts to propagate Mr. Marx's materialism.

Yet it is also true that Asia has had a belly full of war, and, like a good part of our western world, it is seeking, almost desperately, for something to hold onto, something that will spare it the destruction and misery it has known too well and too long. If that something can offer the faintest promise of hope for overcoming the manifold hardships of war it will win converts.

Asia is in revolution—revolution against colonialism. The promulgation of what we in America believe are the inalienable rights of every man, and the right to walk as equals with dignity in the world community is sweeping Asia. The spirit which animated the American Revolution and the French Revolution of the eighteenth century, and Bolivar's great cause in South America in the nineteenth century, has taken firm root in Asia in this century. Nationalism, which began with the restive forces of Sun Yet Sen in China, and the establishment of a constitutional monarchy in Japan has swollen to flood tide in Asia since World War II. The successful independence movement of Gandhi in India, the successful revolt of Indonesia, and the independence of Burma, Pakistan, and the Philippines, are but manifestations of the revolution against colonialism in Asia. To these let us add the present war in Indochina, which, in fact, had its start almost 30 years ago.

The astonishing victories of the Japanese Army in China, southeast Asia, and the Islands of the Pacific, taught Asiatics for the first time that the Western Powers were not invincible, for there is no denying that Japan's sweep was impressive, if not decisive. Because of their cultural and religious tenets, most Asiatics are peace-loving people, not easily stirred to violence, and they are indefatigably patient. The inspiration of Japan's success, coupled with the arms provided by Japan's surrender, literally all over Asia, supplied the two essentials for these nationalist movements to spring into action with renewed vigor. It was largely on the crest of this popular tide that Mao Tse Tung rode to final victory over the Kuomintang and its colonialist allies. Russia was not a factor in Mao's success; in fact, it did nothing for him until after Chiang's defeat.

Colonialism must go in Asia. Washington, tagged successfully by our enemies as the great defender of colonialism and imperialism, must awaken to the realities of the current revolution in Asia against these evils.

Nationalism, inspired originally by America, is being thwarted by America, with the aggregate effect of driving independence movements to Moscow and the forfeit of America's traditional role as freedom's refuge. In terser language, we help the cause of world communism by failure to stand solidly for the cause of world democracy. In fact, in the minds of a great many Asiatics and Europeans, and members of the Arab States as well, America does not quite know what it is for, and only faintly what it is against.

In our appraisal of the political situation on the continent of Asia, we may have been susceptible to a fundamental error. The geometric theorem which declares things equal to the same thing are equal to each other, when followed in the very inexact science of politics, demonstrates clearly the rule of logic which states that the more logically one proceeds from an illogical premise, the more illogical one becomes.

We are a freedom-inspired Nation, devoted to the tenets of democracy, but Communist China makes the same claim. Shrewdly China points out that we are the defenders of the white man's policy of exploitation, and as a result of our actions the natives believe this false propaganda.

When it comes to sending our troops and treasure half way around the world to fight in defense of colonialism, we cannot take comfort from the fact that an Asiatic does not know any more about us than we do about him. The penalty is more than loss of troops and treasure, infinitely more.

China, culturally, is the dominant force in Asia. More than perhaps any other race, the Chinese are the businessmen of Asia, are willing to be the entrepreneurs, assume financial risks, and be the shopkeepers—in fact, in many communities outside China they are the entire middle class.

The Chinese are, indeed, rugged individualists, with a rapacity for a fast buck that is almost instinctive. As a people who have grown up with an intimate knowledge of poverty, they believe poverty to be the worst of all evils; that wealth can overcome all ills. Thus, acquisitiveness, amounting at times to avarice, is a somewhat universal Chinese characteristic, and hardly one which lends itself to communistic regimentation. Among their more endearing qualities are wit, a high sense of cultural values, philosophical humor, and a zest for good eating when they can afford it—a somewhat natural manifestation of a people that knows famine too well.

Indochina is not nearly so simple. Massive China, with a population of 400 million souls, has two principal dialects, and two main religious currents, and is geographically intact, if not integrated, with well-defined borders and no dominant minority element. Indochina has a population of 30 million people, is one-twentieth of China in size, has a geographic entity of 3 political states, more than a dozen languages and dialects, half a dozen different religions, and many distinct racial groups. It is a country of great topographical contrasts, from hot tropical rice paddies to mountainous savage jungle, through much of which no man has passed. In the strange amalgam of its contrasting population is the distinct stratum of some 3 million Chinese who live as a class apart, well interlarded into the economic life, but socially aloof.

As a producer of rice, rubber, tea, coal, coffee, pepper, teakwood, and jute for export, it is potentially a great world trader, having much of the world's needs, both east and west. True, there is poverty, abject poverty, in the crowded river deltas of the Mekong and the Red River, but potentially the country could support many times its population if it had a better economy and improved transportation. Its public health and educational levels are dismally low—no tribute to its past hundred years of colonial existence. It has been charged, in fact, that France spent three times as much importing opium into the country than was spent on schools—a charge not yet refuted.

We gain nothing at this juncture by finding fault with our French allies. Yet let it be said again, and no one knows it better than the true French patriot, Indochina has been the worst administered colonial area in all Asia.

Vietnam, chief of the three Indochina states, includes the provinces of Cochin China in the south, Annam in the center along the east coast, and Tonkin in the north. Of these, the Annamese are by far the most numerous. They come from an old migration which had its start in western China, but which has been established in its present locale since 1190 B.C. Immediately interior of the low eastern coastal areas, with their intensified rice culture and running virtually the length of the subcontinent, is a high mountain cordillera, inhabited by aboriginal tribes, most of whom, by the nature of their surroundings, live an entirely independent existence under their own tribal authority. The jungle tribes of Indochina recognize no law but their own; and that applies alike to France, Vietnam, or Viet Minh. For the most part, these people live quite oblivious to the war going on in the coastal areas. So long as they are assured that the masses from the coast will not come into their jungle, all is well. The jungle is so dense in places that a machinegun burst from its few, narrow, trails will not penetrate 30 yards, all of which makes it extremely difficult to fight a war of mobility and mass fire power. Whoever commands the trails commands the jungle, which is to say whoever has the tribes on his side commands the terrain.

Tonkin, the northernmost of Vietnam's three provinces, comprises both mountains and rich river delta. It has good deposits of fine anthracite coal, copper, manganese, iron, and tungsten. About 40 miles north is the border of China, and just inside another forty-odd miles, the ancient trading city of Nanning, through which passes all the supplies destined for the Nationalist forces of Ho Chi Minh—paid for in the rice and coal of Viet Minh Indochina, about seven-eighths of the total area, seized from the French.

In Indochina the French have given divide-and-rule full expression. There is also the ancient kingdom of the Khmers, Cambodia, lying in the southwest corner of the peninsula; and Laos, entirely landlocked, nestled in the mountains just north of it. Cambodia, its people mostly of Thai origin, is a closely integrated community; proud, rich in all the necessities of life, with a glorious cultural heritage of art, music, and literature. Its magnificent sixth century temple at Ankor was one of the seven wonders of the ancient world. These people are mostly Buddhists, a state religion, whose loyal subjects are both devout and disciplined in its powerful hierarchy. There is also an Isarak tribal minority whose mystic faith strongly resembles the Brahmans. The religious devotion of the people of Indochina is no insignificant factor as a barrier to communism, personifying, as it does, spiritual man in his greatest piety, with cardinal tenets of peace and international fellowship.

Thus far, Laos has not been well developed by the French. In fact, it is probably the only nation on the globe which has not 1 mile of railroad. While its teak, gold, and tin resources have been exploited without means of getting them out profitably, Laos still lies in the realm of exploration for future pioneers. The Laotians are also Buddhists, and predominantly of Thai origin. Despite the avalanche of nervous communiques that came out of Indochina last spring about an invasion of Laos by the Communist Viet Minh, its people demonstrated neither anxiety nor concern. In fact, there is considerable opinion to the effect that the invasion was in the minds of the colonialists, then seeking, and getting, a substantial loan from the United States, on the strength of the alleged threat to the "sovereignty of poor Laos."

Several months ago a courageous and aroused group in the French Chamber of Deputies, not Communists either, demanded that their government come to peaceful terms with the Viet Minh in Indochina. Due to a certain amount of luck, the French Government has staved off a vote of confidence on this question, knowing, perhaps, that only the greatest miracle could prevent its parliamentary collapse if a vote were demanded. Within the past 10 days we have been treated to the spectacle of seeing the French Premier and the French Ministers slapped and abused in the streets of Paris by Frenchmen, and not Communist Frenchmen, because of the seemingly determined attitude of the present government to sustain a war that every Frenchman, and all France's allies save one—the administration in Washington—knows it cannot win. France needs and seeks desperately a way in which she can retire with some honor, without being confronted with complete disintegration of her overseas possessions. In a nutshell, that is what disturbs the remaining Frenchmen who cling to the Victorian dream of a farflung French Empire.

Yet what are we doing about it? Are we finding France a way "to get off the hook?" Are we helping them to save face and withdraw with honor? Or are we giving them false encouragement in the form of greater and greater and greater military commitments? Last week the Secretary of State sent an appeal to the nations of the Pacific, and then went on a barnstorming tour of France and England, in a grandiose scheme to rally forces to a course of collective action in Indochina. What was the result? All of us know it too well. Not only did the Philippines, India, and Japan vote it down unreservedly, but England and France herself sent the Secretary of State home in such terms as to leave no doubt that they wanted no part in his plan.

Why would they not rally with us in a war to stop Communist aggression? Simply because they know that the war in Indochina is not a war of Communist aggression. They know that the forces opposing France's colonial rule in Indochina are just. They know that if these forces are getting help from Communist China, it is because the true friends of freedom in the West have forsaken them. They know, too, that if Communist China is selling equipment to the Viet Minh, the Viet Minh are being made to pay dearly in rice, coal, and minerals for every bit of aid they are getting. They know, also, because we have never attempted to hide it, that the United States has committed more than a billion dollars worth of equipment, and now seems ready to commit even more, to help France—all of which from their point of view might well justify China in helping her southern Asiatic neighbor with traffic in arms and munitions.

Suppose, for example, Mexico were conquered and held by an Asiatic power. Suppose the people of Mexico rose up and struck down their oppressor. Then suppose an even stronger Asiatic power intervened, to support the status quo. What would our position be? What would we do? Would not we feel obligated in the name of freedom to give our Mexican neighbor revolutionists all aid and comfort? And if the other Asiatic power embarked troops in Mexico, would not we also feel justified in sending our forces to drive them out?

Whether every one of the 24 million people of Viet Nam is a Communist or whether not one of them is, is not the question. If all of them are Communists, what is to be accomplished by sending 10 American divisions there, to make them live as we want them to? The only way to combat an idea is with a better idea. What better idea is being advanced by our sending tanks and bombers to slaughter the people of Indochina? What is to be gained by having thousands of our young men take their places beside the young men of France and Viet Nam in graves along the jungle trail? Have we so completely lost our perspective, have we so completely abandoned the principles of freedom, have we so willingly denied the legitimacy of our own birthright, that we demand this war? What kind of people have we become?

If we want to make Communists of all the people of Asia, if we want to recruit Communists wholesale throughout the world, if we want to bleed ourselves of all vigor and principle, and if we are ready to send the Statue of Liberty, with Freedom's Torch, to a new home on Red Square in Moscow, then, by all means, let us join the jungle war against the revolutionists fighting colonialism in Indochina.

But if we mean to recover what this stupid course of action has lost, if we mean to restore America to the place it has held for nearly 180 years in the minds and hearts of men, let us demand peace with honor, now, for France in Indochina before it is too late. The negotiations beginning today in Geneva give us one last chance. May we have the wisdom to make the most of it.

THE MEANING OF OUR FLAG: FLAG DAY, 1970

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mr. BIAGGI. Mr. Speaker, the flag for which our heroes fought, for which they died, is the symbol of all we are as a Nation, of all we hope to be as a people. It is the emblem of equal rights; it means free speech, self-government, and the dignity of the individual. It means that this continent has been dedicated to freedom.

It means free public education—light for every mind, knowledge for every child, with the schoolhouse the fortress of our liberty. It means that it is the duty of every citizen to bear his share of the public burden—to take part in the affairs of his town, his State, and his country. It means that the ballot box is the ark of our constitutional covenant.

It means peaceful change through lawful means. It means that every citizen of the Republic, native or naturalized, must be protected at home in every State, abroad in every land, on every sea, and in the skies of the world.

It means that all distinctions based on birth or lineage have been expunged from our laws; that our Government stands as a referee between labor and capital, between the weak and the strong, between the individual and the corporation, and between want and wealth, the guarantor of justice to each and to all.

It means that there shall be an available legal remedy for every wrong. It means that we welcome to our shores the exiles of the world.

Let us then look to the flag, in these days of internal and world crises, not as a mark of divisiveness, but as a symbol of unity of purpose and our past and present determination to remain strong and free.

VETERANS BENEFITS IN ELECTION YEAR

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mr. TEAGUE of Texas. Mr. Speaker, the season of the year is upon us when the elections are not far away and when statements begin to appear claiming political credit for all sorts of things. We all understand that a little poetic license is the order of things for elections claims and promises, but there is some necessity for maintaining a semblance of accuracy in these claims.

Currently, there is a torrent of publicity being scattered about the country decrying a recent article in Life magazine as being inaccurate and misleading. In the same breath it is admitted that the hospital in question is suffering from old facilities, a shortage of space, staff deficiencies, lack of adequate funds, and overcrowding of patients. It may be that I am not as perceptive as I should be, but these are the general impressions conveyed by the Life magazine article.

I saw recently a copy of the May 25 issue of the Republican Congressional Committee's newsletter entitled "A Push From the Top" on veteran benefits. A further reading of the article would infer that the "push from the top" came from the administration and was aimed at improving things. The article went on to take credit for practically everything that has happened, including GI bill educational increases, increases in hospital appropriations that came only after the most diligent persuasion, the outreach program which the administration has refused to fund was mentioned, and several other bills. The most interesting thing about most of these legislative enactments and programs which were mentioned is that rather than receiving a "push from the top" in gaining enactment of these bills, we really received a "shove to the rear," since the administration opposed them, and has opposed practically everything that has been considered and enacted into law.

Since statements of this type are in vogue, the record would not be complete without a recent statement by Lawrence F. O'Brien, Democratic national chairman, entitled "The Administration's Failure To Meet the Needs of Veterans." Serious researchers can start with the Republican Congressional Committee's newsletter of May 25, which appears on page 16996 of the CONGRESSIONAL RECORD of May 25, and compare these claims with the analysis by Mr. O'Brien which I am including. The study of these two documents should provide an excellent starting place for the serious student who is searching for evidence that the Nixon administration has actually done anything of consequence to help veterans.

Mr. O'Brien's analysis follows:

THE ADMINISTRATION'S FAILURE TO MEET THE NEEDS OF VETERANS

(Statement by Lawrence F. O'Brien, Democratic National Chairman)

The Nixon Administration is guilty of serious neglect of the veterans of Vietnam.

It has failed, through inaction and deliberate cutbacks, to meet the urgent needs of the Veterans' Administration.

For this, President Nixon must answer to the millions of American veterans and their families—and indeed to all Americans.

As we observe Memorial Day this weekend, it is appropriate that we take a look at the record—a 16-month record which is nothing short of appalling.

I agree with President Nixon that our men in Vietnam are "10 feet tall" and that they deserve our full support. But what happens when they return home? They are greeted with neglect and disinterest from their government.

The indictment of the current Administration on veterans affairs is a long one:

The Nixon Administration has resisted efforts to increase funding for GI education and training.

The Nixon Administration has blocked efforts to increase the VA claims processing staff.

The Nixon Administration has vetoed efforts to update and construct urgently needed hospital space.

The Nixon Administration has turned a deaf ear to cries for vitally necessary increases in VA professional staffing.

The Nixon Administration has cut back federal aid to state-run veterans' facilities.

The Nixon Administration has side-tracked money for medical education and research.

The Nixon Administration's negative attitude extends to a host of actions which would guarantee liveable compensation to veterans and dependents.

We are asked by the Administration to judge it by its deeds. As we review its failures in the area of veterans' benefits, concern for the veteran can only dismay every American and make a mockery of the Administration's claims of concern for our servicemen.

There are nearly one million new Vietnam era veterans each year, in addition to the 16 million World War II veterans and the two million World War I veterans who are in need of medical and other assistance from their government.

The Veterans' Administration *must* be adequately funded if it is to meet its obligations under an ever-mounting workload.

The Congress has recognized these needs. But the Nixon Administration continues to take a negative, footdragging attitude toward the largely bipartisan congressional efforts to guarantee adequate assistance to veterans and their dependents.

Item: Less than a year ago the House passed an increase in educational benefits for returning Vietnam servicemen. But the Nixon Administration asked Congress to wait—to "defer consideration." In doing so, is President Nixon asking Vietnam veterans to bear the brunt of his efforts to curb inflation? If so, his sense of justice is grossly misplaced.

Item: Of some 4,000 VA personnel who were cut back due to Nixon Administration budget decisions a year ago, 378 were slated for assignment to claims processing—a cutback that came at a time when VA regional offices had a backlog of almost 600,000 pending actions and inquiries—a backlog that is growing daily, with no relief in sight.

Item: In a decision which was completely inconsistent with the American commitment to our war veterans, the Nixon Administration ordered a budget cutback of $41 million in the VA hospital construction and modernization program. Of that amount, some $17 million would have gone for badly needed air conditioning at four VA hospitals. What kind of hope does that decision offer the patients who presently are subjected to deplorable conditions of overcrowding?

Item: The Nixon Administration cut $31.5 million from the original 1970 VA request which would have provided 3,500 additional doctors, nurses, medical technicians and other hospital personnel. With wounded veterans of Vietnam returning in ever-increasing numbers, the VA finds itself unable to use $20 million of newly-installed, advanced life-saving equipment because of lack of trained personnel. Desperate attempts have been made to *partially* correct this crisis by the transfer of personnel from already understaffed operations within the VA hospital system, further compounding the problem.

Item: Most hospitals across the country have a ratio of 2.5 to 3 staff personnel for each patient, while the overcrowded VA hospital staff ratio is 1.5 per patient. Faced with this unfavorable balance, the VA has one work-saving, money-saving alternative—aid to states to help modernize and construct medical facilities in state soldiers' homes. The Nixon Administration decided to *cut* $4 million from the original VA budget slated to go to the states on a matching fund basis.

Item: The Administration has *opposed* legislation which would eliminate the "pauper's oath" for a veteran 75 years of age or older for admission to a VA hospital; *opposed* legislation which would eliminate the six-month time limit for elderly veterans who are receiving nursing care; *recommended* that the Congress *defer action* on cost-of-living increases for widows and orphans of veterans who were killed in action or who died of service-connected causes; *recommended* that Congress *reject* proposals to utilize veteran-owned insurance funds to build homes for returning Vietnam veterans who cannot find mortgage capital.

As further evidence of his insensitivity in this entire area of veterans' benefits, Mr. Nixon asked Congress to *defer action* on legislation to increase coverage for servicemen in Vietnam from $10,000 to $15,000. Hundreds of American men die in Vietnam each month, leaving too little money for the support of their families in an inflated economy.

Beyond this, the President asked Congress to *defer action* on adding dismemberment coverage to GI insurance policies, ignoring thousands of GIs who have lost an eye or a limb in Vietnam.

Through the diligent efforts of the Veterans' Affairs Committee of the House, the Veterans' Affairs Subcommittee of the Senate, and the appropriations committees of both houses, some of the funds arbitrarily cut by the Nixon Administration have been restored. This partial restoration was accomplished over strong Administration objections and only after intensive pressure was applied on the Administration through a series of in-depth congressional hearings.

This litany of neglect of our veterans is shocking, and I suspect it will be a revelation to many Americans. Once again we find in this area of national concern and responsibility an insensitivity on the part of the Nixon Administration that is beyond comprehension.

Yes, Mr. President, your fellow Americans agree that our men in Vietnam "stand 10 feet tall" and deserve our full support—but you cannot continue to forget about them as soon as they return home from the battlefields.

It is an American tradition that we not neglect our veterans, and only through our deeds can we meet our responsibilities to them.

I urge the President and his Administration to act immediately and vigorously and to show leadership in correcting the neglect of the past 16 months. I am sure in doing this the President will have the support of the Democratic Congress and all Americans.

FORCED UNIONISM?

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mr. GROSS. Mr. Speaker, since the bill to provide for alleged reform in the Post Office Department is scheduled to come before the House of Representatives on next Tuesday, June 16, I am glad to have the opportunity to insert in the RECORD the following excellent article on the subject which was published in the most recent issue of Human Events:

FORCED UNIONISM IN THE POST OFFICE?

Postmaster General Winton M. Blount has blundered badly in his determination to push his postal reform measure through the Congress. As a price for his piece of legislation, Blount has surrendered—indeed, sold out, some would say—to organized labor's outrageous demand that the bill make possible a union shop contract between the government and the unions. Under such a plan, every worker would be forced to join a union within 30 days or lose his job. The bill would also eliminate the current practice of requiring postal unions to pay for the bookkeeping of collecting dues by instituting a check-off system to be conducted and paid for by the government (i.e., the taxpayer).

There is no excuse for Blount's cave-in. Compulsory unionism is wrong morally, philosophically and politically. It defies understanding that a Republican Cabinet officer would even contemplate forcing 750,000 postal employes—250,000 who by their own free choice have refrained from belonging to any labor organization—to join a union. Yet Blount is not only contemplating the idea—he is doggedly determined to make Congress accept it.

As a result of his persistence, both the House bill (HR 17070) and the Senate bill (S 3842), each awaiting final action in its respective chamber, contain provisions that could force compulsory unionism upon postal employes. Yet it is difficult to envision a more ill-conceived capitulation on Blount's part. There are literally scores of solid objections to the union shop, objections which we thought Mr. Blount was clearly aware of when he opposed forced unionism as head of the U.S. Chamber of Commerce. To refresh Mr. Blount's memory, we will list a few of them:

Compulsory unionism is abhorred by those who value freedom, for it is a totalitarian concept to compel someone to belong to a private organization in order to hold a job.

While private firms are permitted to negotiate union shop contracts in states without right-to-work laws, the concept of compulsory unionism has never been applied to federal employment. Three Presidents have opposed compulsory unionism for government workers. Labor Secretary George Shultz opposed the idea last November. Former Labor Secretary Arthur Goldberg, a union lawer, once told a group of laborers: "I know you will agree with me that the union shop and the closed shop are inappropriate to the federal government."

Section 1(a) of Executive Order 11491 gives each government employe the right not to join a labor union. Indeed, until Winton Blount, no Administration had ever pushed for a proposal that would compel someone to pay tribute to a union in order to work for the U.S. government.

The Republican party has historically fought compulsory unionism. When in 1965 and 1966 the Democrats tried to kill "right-to-work"—the section of the Taft-Hartley Act which permits the states to pass laws forbidding compulsory unionism—the late Sen. Everett Dirksen led the battle that ended the repeal move.

The 1968 Republican party platform pledges "to protect federal employes in the exercise of their right freely and without fear of penalty or reprisal to form, join or assist any employe organization or to refrain from any such activities."

Compulsory unionism, if approved by Congress, would set a dangerous precedent which would quickly spread to all the rest of the federal service, right down to the government employes at the local level. AFL-CIO President George Meany has admitted he wants a union shop proviso for "all civilian workers of the federal government." The AFL-CIO *News* has said: "What's good enough for Uncle Sam ought to be good enough for every state, county and city." With the union shop provision, the AFL-CIO would not only be able to augment its already awesome powers over the economy, but it would also be able to generate millions of new dollars for union treasuries—dollars which have historically been used to knock Republican candidates out of office.

In the teeth of all this, however, Blount continues to press for his "reform" plan. The postmaster general argues, but unconvincingly, that the controversial union shop provision does not automatically compel postal employes to join a union. The unions, he asserts, can, for the first time, bargain for the union shop, but the nine-man postal corporation doesn't necessarily have to agree to the demand.

But this argument is disingenuous. Businessman Blount should be well aware that historically the unions have made the union shop their top priority demand in negotiations. Moreover, there are few cases in which businesses have not readily agreed to that demand in recent years. Furthermore, it is difficult to conceive of a postal corporation, midwifed by the Blount-Meany team, refusing to give in to such a request, particularly since the legislation, with its provision for dues and the like, clearly contemplates the union shop's coming into existence.

To set the record straight: under current regulations there is absolutely no way for union officials and federal management to bring into existence a union shop or agency shop that is applicable to federal employes; under the Blount-Meany plan it is a virtual certainty that the concept of compulsory unionism will be applied to postal employes first, other government workers at a later time.

When Blount is pressed, he will argue that even if the union shop provision goes into effect, at least federal employes in states where right-to-work laws prevail will not have to join unions. But even this is incorrect. Union spokesmen, in fact, insist that state laws forbidding compulsory unionism are not applicable to employes on federally owned property, and this dispute is now in the courts. Sen. Paul Fannin (R.-Ariz.), perhaps the most knowledgeable lawmaker on the right-to-work laws, says there are at least some state right-to-work laws which would not protect federal workers.

All in all, then, the postal reform plan seems a bad bet. Yet union officials are already threatening to renew their illegal mail strike on June 14 unless their additional 8 per cent pay raise—part of the reform package—is approved by Congress.

The strike threat, according to Sen. Fannin, who has promised to lead a filibuster against the plan's compulsory unionism provision, is seen as part of a power play by Meany. Fannin says that Meany is getting set to blame Congress for the strike because of its failure to pass the reform bill. The Arizonan charges that the AFL-CIO boss will attempt to inflame public opinion to force Congress to endorse the Blount-Meany package in order to keep the mail moving.

"In effect," says Fannin, "we are faced with the prospect of an illegal strike to force Congress to yield to demands for a "union shop" authorization. If we yield we will have told potential federal employes that if they want to work for their own government, they will first have to pay dues to a private organization. My friend and colleague, New Hampshire Sen. Norris Cotton, said recently that if Postmaster Blount's idea of postal reform is adopted, "control of our postal service is bound to pass from the hands of Congress into the hands of the AFL-CIO."

"Let's put this problem another way. Should we enact legislation here that would authorize the firing of federal employes who refuse to pay dues to a union which promotes illegal strikes?"

The answer should be obvious, but the postmaster general—with apparent support from the White House—remains determined to drive this unfortunate piece of legislation through Congress.

NATIONAL GUARD

HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mr. ASHLEY. Mr. Speaker, today I have been joined by 30 of my colleagues in introducing legislation designed to insure that the National Guard is adequately trained and equipped to meet the rising tide of civil disturbances—be they in our cities or on our campuses.

The most recent Army civil disturbance plan—"Garden Plot"—notes that "the normal reflex action of the well-trained combat soldier to sniper fire is to respond with an overwhelming mass of firepower." But it goes on to warn that "In a civil disturbance situation, this tactic endangers innocent people more than snipers."

The truth of this statement—as it applies to the far less well trained National Guard—was made tragically clear on the Kent State campus on May 4 when four students were slain and 10 more wounded—many of whom were not even taking part in the demonstration.

Whatever the exact circumstances of the Kent State slayings, it is clear that the National Guard was ill-equipped, in every sense of the word, to handle the situation. Clearly, our campuses are not Cambodia.

The only thing that could possibly be more tragic than the events at Kent State would be for Congress not to respond positively by making sure that the guardsmen are well trained and equipped before they are sent onto our campuses or into our cities to quell disturbances in the future.

To date, the National Guard's primary duty has been to be ready to respond to its Federal mission, that is, to provide organized units of trained personnel with sufficient and suitable equipment to augment the active Army and Air Force in time of war or national emergency. To achieve the necessary state of preparedness, guardsmen receive 5 to 6 months of active duty training, and then return to civilian life with a 5½-year commitment to meet 1 weekend per month as well as for 2 weeks "summer camp" each year.

Since National Guardsmen are civilians 90 percent of the time—for the most part, serving in managerial, professional or technical positions—they are, understandably, not as well trained and disciplined as are Regular Army units. This is why the Army assumes that another several months training would be required after a callup before the National Guard units could be committed to a battle.

But when local police forces are incapable of controlling disturbances in their State, the National Guard is called upon to act immediately—either as the State militia or, when federalized, as Federal troops. Thus, the National Guard has been federalized to protect students integrating Southern schools and called to duty to meet the riots of 1967 and 1968, as well as to control civil disorders on campuses.

This would be a tall order for the best-trained units, let alone for a group of civilian soldiers. Unfortunately, the National Guard is far less well-trained to meet these situations than to act as combat support troops. This is because the National Guard Bureau considers its duty to meet emergency breakdowns in State law and order as secondary to its combat support role. Thus, both the 6 months of active duty and the summer camp are devoted entirely to the National Guard's primary mission of support of the regular Army in conventional combat situations.

At the moment, the National Guard undergoes relatively little training—as a unit—in simulated riot conditions. In 1967, for example, civil disturbance training was optional. After the 1967 riots, the Kerner Commission recommended increased and upgraded riot training for the Guard. The Pentagon responded by formulating requirements for 33 hours of civil disturbance training, but since 1968 they have required only 16 hours of "refresher training" and 8 additional hours for new recruits. Since the National Guard is instructed by the Continental Army commander to carry out this training between January and May, the National Guard cannot devote any of its prime training time—during the 2-week summer camp—to teaching the Guard how to cope with riots.

In addition, the arms carried by the Guard—rifles and bayonets—are arms of war and are poor and improper tools for dispersing demonstrators without inflicting serious harm. The actual use of the rifle in riot control operations is generally inappropriate. It is a lethal weapon with ammunition designed to kill at great distances. Rifle bullets ricochet. They may kill or maim innocent people blocks away from the actual target. Far too often the Guard lacks adequate supplies of tear gas and for the most part, the National Guard lacks adequate protective clothing—such as plastic face masks, armored vests, and better helmets—and communications equipment.

In sum, the shortage of training and the lack of appropriate equipment leave the National Guard inadequately prepared to handle the most sensitive situation imaginable for an armed force face-to-face confrontation with their fellow countrymen. The times are changing and we must move with them. The threat to our republic from internal disruptions—as well as the threat to innocent persons during such disorders—is increasing and we must make sure that the National Guard is adequately prepared to meet these changing conditions. For if it fails to do the job, we will find ourselves with more serious disruptions and alienation of our own people and we will have to look elsewhere for a force capable of keeping the domestic peace.

To guarantee that the National Guard is prepared to meet the constantly changing domestic conditions, my bill would create the "Commission on the Capability of the National Guard to Control Civil Disturbances."

The commission members would be the Secretary of Defense, the Secretary of the Treasury, the Attorney General, the Chief of the National Guard Bureau, and three persons from the private sector who would be appointed by the President with the advice and consent of the Senate. The legislation would also create the "States Advisory Council on Civil Disturbances," which would be composed of the National Guard adjutant generals and the chief law enforcement officials in each State, with the major objective of attaining coordinated State-National Guard plans in each State to more effectively cope with civil disorders.

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The basic task of the commission would be to establish minimum training, doctrine, and equipment standards for the National Guard with respect to its use in civil disorders. The bill, however, does prescribe three specific standards. First, National Guardsmen would be required to devote at least 1 week of their 6-month active duty training solely to civil disturbance training. Second, each commissioned and noncommissioned officer would be required to participate in an officer training school patterned after the highly effective civil disturbance orientation course of the Army. And, third, no command to load and lock weapons may be issued before a National Guard unit is deployed at a disturbance unless there is immediate peril to life.

In addition, the commission would be required to perform annual inspection of all National Guard units to make sure that the standards are being implemented and adhered to; to perform comprehensive reviews and critiques of the operations of Guard units when used in civil disturbance control duty; and to report at least annually to Congress its findings on the capability of the Guard to perform its civil disturbance functions.

Any National Guard unit which was not in conformity with the standards prescribed by the commission would not be entitled to Federal funds.

Mr. Speaker, Kent State was a national tragedy and we must take speedy measures to guarantee that similar incidents do not occur again. The Constitution provides that the "United States shall guarantee every State in this Union a republican form of government, and shall protect each of them against—domestic violence." The Congress has assumed its responsibility in the past by providing for training and by paying 90 percent of the operating costs, virtually all the costs of the equipment and nearly half the cost of the physical installations and facilities of the Guard.

As the distinguished chairman of the House Committee on Armed Services, L. Mendel Rivers, pointed out 3 years ago:

> If these State militia forces do not have adequate equipment and they have not been adequately trained, it is incumbent upon us, because we have assumed this responsibility, to provide the equipment and training.

The objective of my bill is to make sure that the National Guard is adequately trained and equipped to handle civil disturbances—that it is capable of performing the delicate and demanding task of preserving domestic peace.

Mr. Speaker, following is a list of those who have joined in introduction of this measure of utmost national importance:

Daniel E. Button, Republican, of New York.

Hugh L. Carey, Democrat, of New York.

Shirley Chisholm, Democrat, of New York.

John C. Culver, Democrat, of Iowa.

Emilio Q. Daddario, Democrat, of Connecticut.

Don Edwards, Democrat, of California.

Marvin L. Esch, Republican, of Michigan.

Dante B. Fascell, Democrat, of Florida.

Donald M. Fraser, Democrat, of Minnesota.

James G. Fulton, Republican, of Pennsylvania.

Edith Green, Democrat, of Oregon.

Seymour Halpern, Republican, of New York.

Richard T. Hanna, Democrat, of California.

Michael Harrington, Democrat, of Massachusetts.

Floyd V. Hicks, Democrat, of Washington.

Joseph E. Karth, Democrat, of Minnesota.

Edward I. Koch, Democrat, of New York.

Robert L. Leggett, Democrat, of California.

Spark M. Matsunaga, Democrat, of Hawaii.

Abner J. Mikva, Democrat, of Illinois.

John E. Moss, Democrat, of California.

Richard L. Ottinger, Democrat, of New York.

Bertram L. Podell, Democrat, of New York.

Tom Railsback, Republican, of Illinois.

Thomas M. Rees, Democrat, of California.

Donald W. Riegle, Jr., Republican, of Michigan.

Benjamin S. Rosenthal, Democrat, of New York.

William F. Ryan, Democrat, of New York.

Fernand St Germain, Democrat, of Rhode Island.

Charles W. Sandman, Jr., Republican, of New Jersey.

COLORADO RIVER STORAGE PROJECT A BIG SUCCESS

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mr. BURTON of Utah. Mr. Speaker, the central Utah project is the key to development of Utah's resources for the next 100 years. It provides for the beneficial use of most of Utah's remaining undeveloped share of the Colorado River.

It has been my privilege for many years to fight to get this project funded at a realistic, economic level. I was delighted, therefore, to read an article in the May 1970 issue of Reclamation Era indicating the favorable progress of this project, as well as the entire Colorado River storage project. The article follows:

PAYOFF SOARS IN BASIN PROJECT

The Colorado River Storage Project has achieved outstanding progress since it began operation in 1963.

Assets of the project had reached a total of $837.2 million as of June 30, 1969. Gross revenues during fiscal 1969 amounted to $21.9 million.

In view of these figures, the project's future production holds high promise for people in many fields of endeavor.

Large populations of seven States are directly or indirectly benefitted by the CRSP. The seven favorably affected are Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming.

This multipurpose project delivers electric power for homes and industries, and water for both metropolitan and farm uses. The construction includes facilities for extensive lake recreation, and enhancement of fish and wildlife.

Last year four powerplants at CRSP dams generated sufficient power during periods of heavy customer use to meet the equivalent full-day needs of more than 800,000 homes. Actual revenues from power sales in fiscal 1969 totaled a significant $19.8 million—income from 4 billion kilowatt-hours of generation.

The powerplants are at four dams, Glen Canyon, Ariz.; Flaming Gorge, Utah; Blue Mesa, Colo.; and Fontenelle, Wyo.

Seventy-five percent of the power produced on the project took place at Glen Canyon

Dam where eight large turbines operate. This facility generated 3 billion kilowatt-hours.

Other power was from Flaming Gorge with 684 million kwh; Blue Mesa with 258 million kwh; and Montenelle with 67 million kwh.

Arizona was the highest user of CRSP power at 37.7 percent. Utah used 26 percent. New Mexico used 13.6 percent. Colorado used 12.9 percent. Nevada used 4.5 percent. California used 3.3 percent, and Wyoming used 2 percent.

TWO NEW PLANTS

The population in this area is growing faster than the national average, so to help meet the demands for power, such facilities will increase during the next few years, and new plants to be added will include Morrow Point and Crystal Dam in Colorado, and 3 dams on the Central Utah Project.

About 74,000 acres of land are now being served with water from CRSP facilities, and crops from this land are valued at about $5½ million for the year.

CRSP lakes, some of them attracting visitors from throughout the Nation, are used more each year for recreation. There were 3.4 million visits last year (1969). The increase was 5 percent over the year before at the 12 CRPS reservoirs, with the largest gains showing at Lake Powell behind Glen Canyon Dam, and Blue Mesa Reservoir.

At Lake Powell an access highway was completed in 1968 to the Bullfrog Basin recreation site. Bullfrog is located along the upper part of the reservoir and is about 100 miles closer to Salt Lake City, Utah, than the Wahweap site in Arizona. Basic recreation facilities are nearly completed at Bullfrog Basin.

RECREATION FACILITIES

Construction is continuing on basic recreation facilities at the Elk Creek and the Iola area at Blue Mesa Reservoir. Camping and Picnicking facilities were added along with a better access road and parking area.

Year 1969 was only the third full year of use at Blue Mesa, but with the added facilities about 134,000 more visitor days were recorded than in 1969.

Flaming Gorge Reservoir was again the most popular and heavily used recreation area of the CRSP. It sustained nearly 1.2 million visitor-days which is far above the early estimates made for the area at its present stage of development.

Fishing is reported good in all project reservoirs and it has been exceptional at Flaming Gorge and Navajo Reservoirs.

A successful fish stocking program has been carried on by the Bureau of Sport Fisheries and Wildlife and by the various State fish and game agencies. Release of clear cold water from the reservoirs has also created an extraordinary stream fishery below most of the dams.

F & W ENLARGEMENT

Fish and wildlife programs will result in major new benefits in this region. Two fish hatcheries had been substantially completed with funds of the CRSP Act.

Jones Hole National Fish Hatchery is located below Flaming Gorge Dam. It is still under construction, but the administrative buildings, residences, and the hatchery facilities were in operation last year. The first rainbow trout eggs were received at the hatchery.

Hotchkiss National Fish Hatchery is located near Hotchkiss, Colo. The Bureau of Sport Fisheries and Wildlife approved this facility for operation.

A National Wildlife Refuge and three waterfowl management areas are being developed in connection with the Colorado River Storage Project.

Development of the Seedskadee National Wildlife Refuge has begun along the Green River below Fontenelle Reservoir and will continue over the next several years. A land acquisition program is underway in this area to purchase some 7,400 acres to be used in conjunction with other publicly owned land.

WATERFOWL MANAGEMENT

Browns Park Waterfowl Management Area is located below Flaming Gorge Reservoir in Utah. A residence, shop, and bunkhouse have recently been completed. About 30 acres of land have been planted to millet, strawberry clover, and winter wheat to provide feed for the migrant and permanent bird populations.

This Browns Park area has been stocked with some geese, ducks, and pheasants to increase local populations of these birds.

Miller Mesa Waterfowl Area on the west shore of Navajo Reservoir just south of the Colorado-New Mexico border is about complete. A small reservoir and dikes are completed and full. About 170 acres of agricultural land have been planted to barley, oats, wheat, and alfalfa.

Some work began during fiscal 1970, with nonreimbursable funds obtained through the CRSP Act, on Desert Lake Waterfowl Management Area. It is located in eastern Utah near Huntington North Reservoir. Purchase of about 280 acres of land is planned in addition to that already being developed by the Utah Division of Fish and Game. Preliminary plans are in final form for the development of this area.

Joint fishery investigations for Lake Powell have continued by the Arizona and Utah fish and game departments, and at Flaming Gorge Reservoir by the Utah and Wyoming departments.

The 6-year studies of these organizations are being extended beyond the original completion date. Due to the continuing needs of fishery management and the desirability of an efficient transition of the anticipated workload, a 3-year extension has been proposed during which the States are to assume a progressively increased share of the pertinent costs.

TO SUSTAIN QUALITY

Objective of the organizations is to obtain the basic management data needed to sustain the outstanding fishing quality already developed at these reservoirs.

A contract was awarded for the third segment of the 6-year game and fish study at the Curecanti Unit complex of Blue Mesa, Morrow Point, and Crystal Reservoirs. This work is being conducted by the Colorado Division of Game, Fish, and Parks.

A modified contract was awarded for two fishing lakes (Dome Lakes) on Archuleta Creek to adjust to an anticipated increase in construction costs.

Five new multipurpose water projects were authorized by the Colorado River Basin Act that was signed by the President in September 1968. These projects, all in western Colorado, are the Animas-La Plata, Dolores, San Miguel, West Divide, and Dallas Creek Projects.

The act specifies that those projects must be constructed concurrently with the Central Arizona Project, also authorized by the act.

On the phases of the CRSP still under construction, work is continuing on the Bonneville Unit of the Central Utah Project, the Bostwick Park Project and Morrow Point Powerplant in Colorado, the Lyman Project, in Wyoming, and the Navajo Indian Irrigation and San Juan-Chama Projects in New Mexico.

The Bureau of Reclamation expects that the reimbursable Federal investment in the CRSP will be repaid to the Treasury well within the alloted time span.

It is a huge program, and it holds promise of fabulous benefits which are known to be possible by the results of other Reclamation developments, and by the successful results of the CRSP's own 7 years of operation.

A STUDENT POLL REFLECTS MAJORITY SENTIMENT AGAINST AMERICAN TROOP ENTRANCE INTO CAMBODIA AND IN FAVOR OF IMMEDIATE WITHDRAWAL FROM VIETNAM

HON. HAROLD D. DONOHUE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mr. DONOHUE. Mr. Speaker, there is no problem or issue of greater interest and concern to the Congress and the country than the prompt resolution of the Vietnam war, and I am pleased to include, at this point, the announced result of the recent poll that was taken by Clark University and Holy Cross students, under the supervision of Prof. Roger E. Kasperson and assistant professor, Richard Peet, of the Graduate School of Geography, at Clark University, in the city of Worcester, Mass. The announcement follows:

THE SILENT MAJORITY SPEAKS

What does the silent majority think about the war in Southeast Asia? A poll taken in Worcester, Massachusetts, suggests that the majority are against President Nixon's decision to send American troops in Cambodia. Most also favor immediate withdrawal from Vietnam.

As part of the activities sparked by Nixon's Cambodia decision, two Clark University professors, 75 students from Clark and Holy Cross, and several city residents undertook a telephone poll of 3,000 people in Worcester and suburban towns. According to Dr. Richard Peet, Assistant Professor of Geography, people were selected from the Worcester telephone directory. Of the 3,000 contacted, only 600 refused to give their opinion.

Of those who gave their opinion, the results are as follows:

Question 1: Are you in favor or against President Nixon's decision to send American troops into Cambodia?

In favor (23.9 percent)	584
Against (51.3 percent)	1,250
Undecided (24.8 percent)	604

Question 2: Are you in favor or against the immediate withdrawal of all American troops from Vietnam?

In favor (56.4 percent)	1,361
Against (23.9 percent)	577
Undecided (19.7 percent)	475

Of these who were against immediate withdrawal (defined as within six months), many people said American troops should be brought home as soon as possible. Many respondents wrote down the names and addresses of Massachusetts Senators and Worcester Congressmen so that they could write letters of protest.

According to student pollsters, the most common reasons given for continued support of the war were a belief that one should stand behind the President even if he were wrong or that the President possessed more information and his decision should be trusted. One comment was "we can only trust Nixon and God." The domino theory was also invoked commonly by respondents. Even among those supporting the President, however, many indicated that the extension of the war into Cambodia was his last chance to end the conflict.

The procedure for the sample was the selection of every 10th name from the telephone listings of Worcester and suburban towns. According to Dr. Roger Kasperson, Associate Professor of Government and Geography, refusals to participate occurred for a number of reasons, indifference being the most common factor. The magnitude of the numbers contacted and the margin of the results provide confidence in the general character of the poll. Particularly striking, according to the Clark Professors, was the consistency of results from different pollsters and for different Worcester area communities. The poll was actually conducted in two segments, one at Clark and one at Holy Cross. The results were nearly identical.

There are a large number of people who do not hold with student protest, who do not write to their Congressmen and yet oppose the Vietnam War. The silent majority may be silent, but it is wrong to assume that they automatically support the war. The poll suggests a surprising amount of anti-war sentiment in Worcester.

LIMITATION ON FARM SUBSIDIES

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1970

Mr. GIAIMO. Mr. Speaker, at a time when this Congress is being attacked for not living up to its responsibilities, at a time when the administration and the Congress are seeking ways to eliminate waste and save money, at a time when many vital programs in health, education, and housing are being curtailed because of lack of funds, it is incredible and disgraceful that we continue to line the pockets of a few wealthy farmers with millions of tax dollars so desperately needed elsewhere.

The facts presented year after year by the gentleman from Illinois (Mr. FINDLEY), the gentleman from Massachusetts (Mr. CONTE), and others make it obvious that the farm subsidy program has been an outrageous, inequitable, costly failure. Year after year we have been told that this wasteful program has helped the poor, marginal farmer. In the meantime the marginal farmer has long since left the farm. Year after year we have been promised that a new, more equitable program is "in the works." In the meantime billions of dollars have been wasted. Yet, every time we ask for action we are told to be patient.

I have lost my patience, Mr. Speaker, and so have many of my colleagues. What is worse, the American people have lost their confidence in a government which is willing to perpetuate this fraud at their expense. How can we explain to the overburdened taxpayer that we can afford to give away millions of dollars? How can we explain to the consumer that we must subsidize wealthy farmers while food prices skyrocket? How can we explain to the Nation's hungry that we cannot afford food programs but can afford to pay wealthy farmers for not planting crops?

We cannot explain it, Mr. Speaker, and every Member of this House knows we cannot. The time for patience is over. The time for specious reasoning and delaying tactics is gone. The time has come for this House to limit farm subsidy payments and to stand behind its action when this measure goes to conference. If we are to show courage, if we are to live up to our responsibilities as representatives of all the people, we can do no less.

I have fought consistently in this Chamber for an end to waste in the Pentagon. I have fought for an end to the misuse of funds in antipoverty programs. I must apply the same standards to our farm program.

WILLIAM C. SULLIVAN NAMED ASSISTANT DIRECTOR OF FBI

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mr. GROSS. Mr. Speaker, I wish to call the attention of Members to the appointment of William C. Sullivan as Assistant Director of the Federal Bureau of Investigation.

From the biographical sketch of Mr. Sullivan which I shall include for the RECORD, it can easily be seen that this appointment is an excellent one and one for which he is eminently qualified.

It is indeed gratifying to see this position go to such a dedicated public servant and I compliment FBI Director J. Edgar Hoover on his choice.

Mr. Sullivan will succeed Cartha D. DeLoach who, as many Members know, has served long and faithfully in this demanding post.

I was sorry to learn of his decision to retire from the FBI but I know that I join his many friends in and out of the Bureau in wishing for him every success in his endeavors in the years to come.

I include, for insertion in the RECORD, at this point the biographical material on Mr. Sullivan:

WILLIAM C. SULLIVAN, ASSISTANT DIRECTOR, FEDERAL BUREAU OF INVESTIGATION

Mr. Sullivan is a native of Bolton, Massachusetts, where he was born on May 25, 1912. After receiving his early education in the public schools, he did undergraduate work at American University in Washington, D.C. He subsequently did graduate work at Clark University, Worcester, Massachusetts; State Teachers College, Fitchburg, Massachusetts; Boston College, Newton, Massachusetts; and George Washington University, Washington, D.C. He holds the Bachelor of Arts and Master of Education degrees.

Mr. Sullivan entered on duty with the FBI as a Special Agent on August 4, 1941, and has served in all sections of the United States, as well as outside the country during World War II on confidential assignment.

In July, 1954, Mr. Sullivan was designated as Inspector. In June, 1960, he became Chief Inspector of the FBI, and in June, 1961, he was named as an Assistant Director of the Federal Bureau of Investigation in charge of the Domestic Intelligence Division.

Mr. Sullivan has served as Guest Lecturer at the Army War College, Command and General Staff College, Naval War College, U.S. Military Academy, U.S. Air Force Academy, U.S. Naval Academy, various intelligence conferences and schools of the armed services, Department of State and other governmental agencies, and numerous colleges and universities throughout the Nation such as Princeton University, Harvard University, Yale University, Southern Methodist University, Notre Dame University, William and Mary College, University of Oregon, University of Georgia, University of Colorado, Ohio University, and the University of California.

He is a Research Associate of the Hoover Institution on War, Revolution, and Peace, Stanford University. In 1965, he received the Alumni Recognition Award from American University for a distinguished professional career in Government. In 1967, there was conferred upon Mr. Sullivan the degree of Doctor of Laws from American University.

Mr. Sullivan is married and has three children.

SOUTHEAST ASIA

HON. GARRY BROWN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mr. BROWN of Michigan. Mr. Speaker, the issues raised by this Nation's involvement in Southeast Asia are many and complex. It is difficult to answer constituent inquiries on specific aspects of that involvement without either oversimplifying or expressing in detail the many ramifications of each aspect of that involvement. Having decided that I would prefer to err on the side of too much rather than too little explanation, I have prepared a comprehensive statement of my position which I am providing my constituents who contact me concerning this issue. Thinking my colleagues and others would be interested therein, I am incorporating the same in these remarks:

STATEMENT RELATIVE TO SOUTHEAST ASIA

Any statement of position with respect to this nation's present involvement in Southeast Asia must briefly take into account the facts of the past as the author of the position paper views them.

When I came to the Congress in January of 1967, this nation was embarked upon a course of action of gradual escalation of the war in Vietnam which continued, during the early part of the last two years of the Johnson Administration. During my first two years in the Congress and for several years previously, the Congress and the people had been promised a cooling off of that conflict only to see it grow hotter. The "light at the end of the tunnel" was always just a week, a month, or a year away; yet it seemed to grow dimmer rather than brighter.

Reasonably loyal to the Johnson policy at first, my patience began to grow thin toward the end of that Administration. At that time, I advised my constituents who expressed to me their concern about Vietnam and our involvement that I could not continue to support a similar policy by the new Nixon Administration if tangible evidence of our disengagement and assumption by the South Vietnamese of their own defense were not forthcoming.

The first few months following the inauguration of President Nixon, I urged my constituents to give the Nixon Administration an opportunity to formulate its policy with respect to Vietnam before condemning it for lack of progress. When President Nixon announced his plan for an orderly and responsible withdrawal of troops toward ultimate disengagement from Vietnam, I urged support of the Administration because such action constituted the first real evidence of a disengagement by this nation from its involvement in Vietnam. Many ex-

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pressed the view that the President's plan for disengagement was not aggressive enough and, frankly, at times I shared that view.

However on April 15 of this year, when the President announced that 115,000 troops instead of the 110,000 he had promised, had been withdrawn from Vietnam, I felt somewhat relieved. Because I felt the disengagement and withdrawal of troops were proceeding at a fast enough rate? No, I felt relieved because it was the first time in too many years that a President and an Administration had promised something with respect to Vietnam and had kept their promise; yes, even produced more than they promised. For the first time in these many years that we have been involved in Vietnam, my predisposition toward disbelief became a predisposition to believe, and I extended to the President a presumption of good faith.

At this point it would be most appropriate for me to recite some figures which compare the progress made by the Nixon Administration with that of the prior Administration with respect to military spending in general and Vietnam involvement in particular, as follows:

Defense budget expenditures

	Billion
1967	68.3
1968	78.0
1969	78.7
1970	77.0
1971	71.8

Draft calls

1967	288,900
1968	343,300
1969	266,900
1970	209,500

Troop ceilings

1967	525,000
1968	549,500
Jan. 1969	549,500
April 15, 1970	434,000

April 20 speech, calling for 150,000 reduction thus a ceiling of 284,000 one year from now.

But why all this discussion about troop withdrawal and disengagement from a conflict, our involvement in which was volunteered? Frankly, I believe the implementation of the decision, if not the decision itself, to become involved as we have in Vietnam was an exercise in bad judgment. Although I reject the condemnation that our involvement was immoral and illegal, I doubt seriously that it was in our nation's own best interest. But, like the Good Samaritan or the person who volunteers aid, a responsibility could and did attach that was nonexistent before we volunteered our services in that conflict.

At this point in time, it is my position that it should be made abundantly clear to the South Vietnamese that we are on an unrelenting course toward removal of all of our combat forces from Vietnam and assumption by the South Vietnamese of the total responsibility for their own defense; jeopardizing as little as possible their growing ability to defend themselves as we withdraw forces.

I concur with those of my constituents who have urged that the defense of South Vietnam by a responsibility of the South Vietnamese. And, I concur with my constituents who have urged the earliest possible disengagement of our military forces from that conflict.

I have concluded the action taken and announced by the President on April 30th of this year is consistent with and facilitates, even expedites, these two aims.

Some may argue with the facts and assumptions I have accepted and made in arriving at this conclusion, but let me recite my analysis.

The North Vietnamese and the Vietcong for several years have been using the Cambodian territory adjacent to the South Vietnamese border for staging areas, supply depots, communications facilities, and even artillery, mortar, and rocket firing stations knowing that the political ramifications of the Cambodian border provided almost total security to their activities on the Cambodian side of that border. For the North Vietnamese and the Vietcong, it was a very convenient arrangement. They could kill American and South Vietnamese forces, kill and maim South Vietnamese citizens, and generally harass any efforts towards stability in South Vietnam through their shelling of the hamlets and their forays into South Vietnam from their protected areas in Cambodia.

Prince Sihanouk, while he ruled Cambodia, found the accommodation which he had reached with the North Vietnamese and the Vietcong, in effect authorizing their occupation of the Cambodian territory bordering on South Vietnam, to be mutually beneficial. The North Vietnamese and the Vietcong did not bother him and his government and he, in turn, made no effort to expel the North Vietnamese and the Vietcong from the significant portion of the Cambodian territory they had invaded and occupied.

Another factor of importance was the increasing ability of the South Vietnamese to resist attacks and to take the offensive within their own country despite the fact that American forces were being withdrawn. This caused the North Vietnamese and the Vietcong to rely more and more on their sanctuaries and refuges in Cambodia. Anticipating the monsoon season, the North Vietnamese and the Vietcong during the past several months had accelerated their efforts to stock and supply their many facilities in Cambodia along the South Vietnamese border. They knew that it was essential for them to accumulate enough ammunition, food, weapons, and other materiel to supply their forces for the five or six months of the monsoon season, since it would be next to impossible to effect any significant movement of goods, supplies, or materials while the monsoon season prevailed.

But while the foregoing conditions continued, one change occurred. Prince Sihanouk was overthrown by a regime not necessarily more favorable to the United States and the West generally, but at least more antagonistic toward the North Vietnamese and the Vietcong. I think this was one of the most important factors behind the President's decision to authorize action within the territorial confines of Cambodia.

It is a recognized principle of international law that a neutral country has the duty to prevent its territory from being used by any party to a conflict as a military base or in any other way for the conduct of military operations. Where the neutral is clearly not in a position to prevent the use of its territory in an attack on a belligerent, a belligerent may in the exercise of its right of self defense take action on the neutral's territory. In other words, to the extent a neutral country, or a country which espouses neutrality, permits its territory to be used in connection with military operations, it loses its character of neutrality. Likewise, to the extent neutral territory is used by one or both of the combatants, the territory so used in military operations can be considered to be within the premises of the conflict.

The foregoing recitation of the impact of international law and international understanding did not change between the time that Prince Sihanouk ruled Cambodia and the time the Lon Nol government took over; but the international political ramifications of that change in government were significant. When Sihanouk was deposed by a unanimous vote of the Cambodian National Assembly and the Council of the Kingdom at a plenary session, he was stripped of his ability to speak for the Cambodian government in opposition to the "aggressive attacks upon his country" by the American and South Vietnamese forces while denying any conscious knowledge of use of Cambodian territory by the North Vietnamese and Vietcong.

Recognition by this nation of International law and its application to our incursion into Cambodia for the limited purpose I have described is confirmed by the fact that formal notification of our action was given the United Nations Security Council on May 4, in accordance with Article 51 of the United Nations Charter. The situation was further described to Secretary General U Thant by Ambassador Yost the same day.

Any President, faced with the foregoing facts and having as his primary interest America's disengagement from the war in Vietnam and assumption by the South Vietnamese of the total responsibility for their own defense would have taken the action that was taken by President Nixon; but, twice as much time should have been spent on the explanation to the American people for I believe President Nixon's original announcement fell far short of the rationale I think the American people expected and deserved.

But, so much for the background and the several factors which resulted in the President's decision. Many patriotic constituents are less than convinced about the wisdom of the President's decision to send American troops into Cambodia. Most of my inquiries and mail which either unreservedly criticize the action or seriously question its wisdom, do so in the context of widely differing considerations. Let me deal with them one at a time.

OBJECTION

Most of my mail and other contacts criticizing the President's action, vehemently contend the Cambodian incursion constitutes an escalation of the war in Vietnam and is contrary to the promise the President made only a few days before when he assured the American people in a nationwide television broadcast that he was pursuing a course of action to scale down our involvement and confirmed this policy statement by an announcement that he would withdraw an additional 150,000 troops by next Spring.

RESPONSE

The President's authorization of the Cambodian action did not constitute a breach of promise but rather, for the reasons I have stated, such action was necessary to counteract activities carried on by the North Vietnamese and Viet Cong which would have posed a serious threat to the relentless pursuit of withdrawal of troops which the President had announced. The decision to contest the immunity of the Cambodian sanctuaries which were very much a part of the "war" insofar as the North Vietnamese and the Viet Cong were concerned, cannot be fairly considered a decision to escalate the war, when the attack upon such sanctuaries is limited to an attempt to neutralize their effectiveness as strong-holds for the enemy's commitment to a continuation of the war.

OBJECTION

The President violated international law and our own Constitution by sending American troops into Cambodia.

RESPONSE

For the reasons I have already stated, international law has not been violated and, frankly, I have seen very little real evidence that even our enemies seriously contend that such is the case. Almost as clearly, under Prince Sihanouk, the North Vietnamese and the North Viet Cong invaded Cambodia and brought the border lands into the premises of the conflict by their own activities and therefore not our action but theirs made this Cambodian territory a part of the conflict in Vietnam; a conflict, authority for the conduct of which was clearly granted to the President by the Gulf of Tonkin Resolution. For reasons which I will subsequently state, I do not believe any court would determine that under the international and domestic law applicable, the President's action constituted an illegal act or an unconstitutional usurpation of power.

OBJECTION

The Cambodian action is a further manifestation of this nation's bent toward violence and is for that reason immoral, inhuman and wrong.

RESPONSE

It is difficult for me to understand how destruction of bunkers, firing sites, mortars, rocket launchers, land mines, weapons and ammunition can be construed as contributing to the causing of more deaths, more violence or more casualties.

To date, the following is the record of the Cambodian action in terms of items of violence and death which have been denied to those who otherwise would have used them against our American and South Vietnamese forces and civilians alike:

Captured or destroyed military equipment and supplies

Rocket rounds	39,500
Mortar rounds	60,242
Individual weapons	16,101
Crew-served weapons	2,269
Small arms ammunition (rounds)	12,500,000
Land mines	5,150
Bunkers (destroyed)	9,358
Vehicles	388

The foregoing figures are relatively meaningless unless they are related to what they mean in military activity. For example, the 99,742 rocket and mortar rounds captured would be enough to conduct approximately 15,340 attacks upon allied bases, hamlets, and cities at the level of firing which has occurred recently in South Vietnam; the weapons captured are more than enough to equip 53 battalions with individual weapons and 23 battalions with crew served weapons; and, the small arms ammunition captured is in excess of that seized by both American and South Vietnamese forces during any previous 16 month period.

Again, can anyone, who truly abhors violence, criticize an action which effectively quiets these weapons of destruction and death?

In addition to the foregoing objections, many of my constituents have criticized the Administration for usurping the Constitutional authority of Congress to declare war and have advocated a restricting of the use of military appropriations as a means of controlling, even prohibiting, activities in Southeast Asia.

But, did the Cambodian action change anything from a Constitutional standpoint? I think not. The broad authority conferred upon the President by the Gulf of Tonkin resolution continues unrestricted. It has been the judgment of the Executive and Legislative Branches to date that a declaration of war was inadvisable. Since the Cambodian action is confined to the same enemies, namely, the North Vietnamese and Viet Cong, no new enemy or circumstance prompts a declaration of war; surely, it would not be suggested we declare war against Cambodia.

It is also contended that in the absence of, or as an alternative to, a declaration of war, Congress deny to the President the funds necessary to conduct military operations except as specifically authorized by the Congress.

Because I completely concur with those who think we should not become embroiled in the internal affairs of another Southeast Asian country, I supported the so-called Findley Amendment which would have prohibited the use of funds for military operations in Cambodia, Laos and Thailand except to the extent such operations were essential for the protection of U.S. troops in South Vietnam. Strangely enough, many of my more out-spoken antiwar friends in the House opposed the amendment and as a consequence even this attempt to exert Congressional authority was defeated.

But let me express myself more generally on these issues.

First, I have said, and do not now back away from the statement, that I believe the concept of a "declaration of war" as the fathers of our Constitution viewed it is no longer the same. The nuclear age and the assumption by this nation of its role as the world's leading power make very remote a set of circumstances which would prompt a declaration of war yet permit Congressional deliberation of that issue *before* any military action or commitment occurred.

I doubt very much that this nation will again declare war against anyone except in the event of a global confrontation which probably would entail the use of nuclear weapons. Even in this eventuality, military response would have to precede military authorization by Congress.

Rather, our future military involvements will probably be in the nature of our present one and the Korean conflict—in neither of which was war declared. I do not support any further unilateral engagements by this country in the affairs of others but the possibility of United Nations sponsored actions remains, and such participation has been assumed to prompt, and should necessitate a Congressional authorization rather than a declaration of war.

Finally, Congressional action to restrict the use of military appropriations as a means of effecting policy must be all inclusive or it will be ineffectual. And, if all inclusive it could seriously jeopardize the meeting of minor crises by the President in a timely and dispositive manner.

Although the Church-Cooper and more especially the McGovern-Hatfield ("To End The War in Southeast Asia") amendments purport to prohibit the use of our military assistance without specific authorization of the Congress or a Declaration of War, their application is limited to Vietnam, Cambodia and Laos. Admittedly, Southeast Asia is the focal point of present dissatisfaction with Administration policy, but the other areas of the world to which such restrictions would have equally meaningful application are too numerous to necessitate naming. And, no one has proposed a functional limitation, as distinguished from this geographical limitation, which would clearly constitute an exercise by the Congress of its prerogative to control military involvement by this country.

In conclusion, many argue that the "invasion" of Cambodia has resulted in too high a price being paid at home. It can be argued in return that this is a specious argument for if all agreed, as it is alleged they should, with the President's action its projected success would result in greater unity rather than greater division.

Frankly, this claim of those who oppose the President's action I find to be the most valid. But, this objection to our involvement in Cambodia has nothing to do with the relative merits of the action itself, rather, this criticism is appropriately leveled at the intelligence and industry exercised by those who had an obligation to assure the American citizenry that the Cambodian action was not an escalation of the war; was not an illegal "invasion" of a neutral country; was not a foolish step toward further involvement in the internal affairs of another country in Indo China—but, rather, the action was tactically necessary as we relentlessly pursue our plan of disengagement. And, my support thereof is so founded and limited.

In the course of listening to the President's television announcement of the Cambodian action on April 30, I became disturbed as he emphasized the significane of the action in terms of our ego, our pride, or to the contrary and most regrettably our humiliation. We are too successful a nation, regardless of the test applied, to let our vanity show. I believe there would have been less intense reaction at home had the initial announcement been more an appeal to reason and had developed the rationale the President subsequently explained.

If there is one axiom which will always be true in our democratic system of government that axiom has to be that no decision of the government or a President is any better than is its acceptability to those who are governed. Many in high places give lip service to the "sovereign will of the people", pointing out that the "people" in a democracy are both the ruler and the ruled, yet when it is inconvenient to do so, the sovereignty of the will of the people is ignored.

I anticipate the Cambodian action, despite all of its ramifications, will ultimately be viewed in retrospect as a wise move toward our disengagement from Vietnam. I am not so sure of the ultimate effect that action will have had on the domestic scene. But of this I am sure, America, that "wonderful experiment" in self-government, can only win when democracy wins. And, this battle will not be won or lost in Vietnam or in the Middle East. This nation will be as victorious in its maturity as it has been since the days of its infancy only when we, by example and by political and academic suasion, convince a continually increasing number of the peoples of the world that democracy works and the success of the "experiment" has been verified.

REPORT TO 41ST DISTRICT

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mr. DULSKI. Mr. Speaker, I am sending one of my periodic reports to my constituents, as follows:

REPORT TO 41ST DISTRICT OF NEW YORK

SOCIAL SECURITY BENEFITS TO RISE, COST-OF-LIVING INCREASES VOTED

Another 5% increase in Social Security benefits has been voted by the House to be effective next Jan. 1. This is in addition to the 15% increase approved last December and on which payments were begun in April, retroactive to last Jan. 1.

The House also approved an automatic system for raising Social Security benefits to help keep abreast of the changes in cost of living. I sponsored legislation similar to this provision, but its fate in Congress remains to be seen when the bill is considered by the Senate. I hope the plan will win approval.

As approved by the House, the first cost-of-living increase can come in January 1973, providing the cost-of-living index has increased 3% or more. Properly, the bill also provides for a related adjustment in the wage base on which Social Security taxes are paid, thus providing the income for the increase in benefits.

The bill also includes a variety of proposed changes in the Medicare and Medicaid programs, aimed mainly at curbing costs.

ARMY ENGINEERS MOVE TEAM

Curtailment of spending by the Defense Dept. on domestic activities hit the Buffalo District Office of the Army Corps of Engineers when a 36-man design team was moved to Chicago. I arranged for a Buffalo delegation to meet with top Corps' officials who

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claimed a reduction in workload prompted the transfer.

The argument doesn't seem to make sense at a time when the Corps has a big chore ahead in dealing with pollution of Lake Erie.

Shown at the meeting, from left, are: Brig. Gen. Watkin, Division Chief, and Maj. Gen. Dunn, Chief of Corps' Civil Works.

INSPECTING POLLUTION CONTROLS

Inspecting controls on air, water pollution at Bethlehem Steel's Lackawanna plant in company with United Steel Workers officials. The company outlined its five-year plan to spend 11% of its capital outlay on controls. Bottle I'm holding contains treated water which is cleaner than water taken from the lake.

VA NURSE SHORTAGE CRITICAL

A severe shortage of nurses in our veterans hospitals is curtailing medical care for our veterans and is imposing a heavy burden on our valuable staff personnel.

I learned first hand of conditions at the Buffalo VA Hospital during a recent visit and meeting with many of the nurses. They told me of their constant on-call status and overtime demands without extra pay or proper rest.

Mrs. Irene Schwartz, RN, chairman of the nurses group, outlined the problems. Several weeks later I arranged for Mrs. Schwartz to tell her story to the House Subcommittee on Veterans Affairs of which I am a member. In the absence of Chairman Haley, I presided.

Our Subcommittee is consulting with the VA in preparation for taking legislative action, unless the VA initiates its own changes.

POSTAL REFORM IS TOP PRIORITY, DULSKI BILLS MAKE PROGRESS

Reform of our nation's postal system has had top priority on the agenda of the House Committee on Post Office and Civil Service, of which I am Chairman, since the 91st Congress convened in January 1969.

Our Committee has reported two postal reform bills to the House and I expect debate to be arranged in early June by the leadership of the House.

I introduced H.R. 4 on opening day of Congress last year. It was the most comprehensive postal reform plan ever offered Congress.

Details of the bill have undergone continuous debate over the past 16 months. Postal workers became frustrated at the delay, staging walkouts that led to a confrontation between the department and union leaders.

The resultant agreement included a revised reform plan, as well as a pay raise, which I immediately sponsored and launched new hearings. That bill, H.R. 17070, now has been sent to the House floor by our Committee with certain changes.

No subject has been more thoroughly debated and all parties allowed to be heard.

Reform of the postal system is urgent. We must give the officials more flexibility to do their job, both in finances and contracting. Both my bills do this. Our Committee has worked its will. The House is next.

COMPLAINTS POUR IN ON SMUT MAIL

Hardly a day goes by that I do not receive a letter complaining about receipt through the mails of material which is considered to be obscene.

These complaints particularly originate from parents and from those in homes where there are minor children. They feel the law should prohibit such mailings.

A prime control problem is in defining what is considered to be obscene. A bill I sponsored last year spells out this definition in very clear terms.

My bill deals with both these problems—banning mailings to homes where minors reside and defining obscenity.

My Committee on Post Office and Civil Service improved the details of my bill and then it was passed by the House. It is now pending before the Senate committee.

Not only does my bill protect homes where minors reside, but it also affords all citibens the opportunity to prevent unsolicited mailings to them of sexually-oriented ads.

This legislation is designed to attack the source of smut distribution—the dealers who are interested only in turning a profit—and it's a healthy one. If they violate the provisions of my bill, once enacted, they could be convicted of a crime and become subject to fines and/or prison terms.

The fight against smut is an endless one—one which I have waged throughout my years in Congress. You patch one loophole and another crops up. But the fight must continue.

Even though my bill is only part way along the legislative process, there are questions being raised by opponents on its constitutionality. This is a decision for the courts, but I am confident my bill will be upheld.

DRUG LEGISLATION

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mr. MOLLOHAN. Mr. Speaker, there are several issues involved in drug legislation now pending before the Congress. Of primary importance is the direction and motivation of S. 3246 and its enforcement.

To punish users and peddlers—who many times are users who must peddle to have access—solely, ignores the reasons for drug use, whether that be marihuana or heroin.

There is much reason to suspect that a major part of heroin use involves larger social questions found in ghetto and prison life. For instance, when New York City broke up the teenage gangs in the 1950's the heroin traffic dramatically increased, apparently because while the kids could take the life of a ghetto within the framework of a social structure—the gang life—facing it alone was too hard without drugs.

If the major reasons for heroin traffic are tied to ghetto and prison life, then tougher enforcement will probably have more effect on drug prices, and consequently the desperation of the user, than upon the volume of drugs or the amount of real prevention.

The marihuana question also has implications larger than the narrow legal problems. Quite simply, if enough people of whatever age continue to use marihuana and if competent scientific research continues to fail to show any physical or social effect of marihuana more dangerous than alcohol, then strict enforcement will probably lead to a situation similar to prohibition, with all the attendant benefits going to organized crime in the country.

The present legislation, while it recognizes the problems involved in a first offense of marihuana and gives such first offenders a light sentence, avoids the central question by making marihuana peddlers and second offenders subject to sentencing much like the present legislation.

While there is a provision for study of the drug, it is to be conducted by the Department of Justice rather than by the Department of Health, Education, and Welfare, and will therefore probably lead to enforcement-oriented conclusions rather than medical and social conclusions. This legislation also ignores the need for medical treatment and research for the use of hard drugs and concentrates instead mostly upon enforcement.

In essence, this legislation, even leaving aside the "no-knock" question, has little chance of dealing with the real problems involved in drug abuse. In practice, there is little reason to assume that this legislation will have either a deterrent effect or that it will, through the "no-knock" provision, be more enforceable.

Mr. Speaker, I recommend that we should treat marihuana in a category separate from the other hard drugs, and launch a comprehensive and unbiased research campaign regarding its medical and social effects, and legislate from that basis.

Regarding the other hard drugs we should also engage in research on the causes of this addiction, and upon curing this addiction. We must insure that the problem is handled as a social and medical as well as a criminal problem.

THE WIND MAY HAVE CHANGED

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mr. FINDLEY. Mr. Speaker, Paul C. Johnson, retired editor and editorial director of Prairie Farmer magazine, is known throughout the Midwestern States for his profound statements and writings regarding agriculture. When he retired last December, the Illinois Agriculture Association honored him for his work and presented him a plaque which said, in part:

> Paul Johnson's life and work have earned him the title of agricultural statesman. As Editor and Editorial Director for Prairie Farmer Magazine for the past 22 years, his judgment and opinion have demonstrated his progressive thinking and have served to stimulate farm opinion in a wide range of important areas.

Even though Paul Johnson is retired, he continues to write for Prarie Farmer magazine and his most recent "Viewpoint" column certainly does an excellent job of analyzing America today. I call your attention to this fine statement and include it here as part my remarks:

THE WIND MAY HAVE CHANGED

Out of the confusion and frustration of topsy-turvy America may come something good which we have been in need of for some time. It is described by a relatively new word which is turning up more often in more places. That word is *lifestyle*.

They are talking, of course, about a simpler way of living. When the change comes we will have to thank restless and unhappy young people to a large extent, altho I am sure their elders have been getting fed up too by the endless ratrace to acquire more things that cost more.

It is ironic that it should be the young people who have never known depression, except as it nibbles constantly at the fringes of our society, who should be telling us that our lifestyle has gotten way out of hand. Those of us who have lived in both the style of depression and the style of affluence should have realized that we were really just as happy when we had much less.

We have worked much too hard to acquire more worldly goods and bigger establishments. We may also have placed too great stress on getting the kids educated all the way up. Our idea that education would solve all things has been pretty well proved wrong.

After much costly effort we end up with too many Ph.D.s and not enough mechanics, plus a lot of unhappy young people in colleges and universities who really don't belong there.

Changing lifestyles is not easy, but I hope fervently that we can do it gradually and sensibly without burning the whole thing down as some revolutionaries are advocating. As always the middle road is the best one if we can only muster enough sense to travel it.

We will need to cultivate a new respect for people with simple tastes. Grinding poverty must go, but so also must the mistaken notion that we can solve all a man's troubles by increasing his income. Poor people suffer more from lack of respect and dignity than from lack of food.

We need to learn to respect God's creation. It ought to be rediscovered, enjoyed, preserved, and marveled at; not used up and thrown away as we seem to be doing now.

We need to reverse the forces that are tearing apart the family. These are the cause of a great deal of our unhappiness. Absence of a satisfying family life is one of the things that drives both parents and children to dangerous extremes.

We need to rediscover our neighbors and restore the intimate community life that gave much satisfaction and security in generations past without making great demands on our capacity to earn.

Our present lifestyle places too much stress on high income and high mobility. We tear ourselves out by the roots and never earn enough to satisfy our craving for the things the hucksters are pushing at us. We ought to listen to the kids and then apply ourselves to making a change.

RESULTS OF OPINION POLL

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mr. JACOBS. Mr. Speaker, I insert the results of an opinion ballot which I recently sent to the people of the 11th District of Indiana.

The respondents to the opinion ballot indicated their desire to see the following percentages of the Federal operating budget devoted to the respective functions. The figures in parentheses indicate those percentages requested by President Nixon.

	Percent
Crime (0.6)	7.18
Education (3.2)	10.34
Farm subsidies (2.9)	1.67
Foreign aid (1.1)	1.75
Health (3.9)	8.01
War (64.9)	33.92
Pollution control (0.6)	9.98
Preschool training (0.2)	2.47
Space (2.2)	3.05
Welfare (3.5)	5.15

Should we have a direct presidential election in 1972?

	Percent
Yes	67.0
No	33.0

Should we have a direct national presidential primary in 1972?

	Percent
Yes	67.6
No	32.4

Is the administration making available sufficient information about our Laos and Cambodia military involvement?

	Percent
Yes	36.7
No	63.3

The respondents to the opinion ballot indicated their desire to see the financial burden of public education borne in the following manner. The figures in parentheses indicate the present distribution of the financial burden of public education in Indiana, as a percentage.

	Percent
Property tax (61.0)	37.34
State assistance (34.9)	46.04
Federal assistance (4.1)	16.62

Are high interest rates a partial cause of inflation?

	Percent
Yes	63.6
No	36.4

Would you favor creation of separate courts to give priority scheduling to violent criminal cases?

	Percent
Yes	72.7
No	27.3

Should the congressional seniority system be abolished?

	Percent
Yes	59.8
No	40.2

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

MILITARY SUCCESS BECAUSE OF STATE DEPARTMENT INDIFFERENCE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mr. RARICK. Mr. Speaker, many Americans have been pleasantly surprised at the tremendous success achieved by the President's Cambodian campaign to protect the lives of American fighting men by destroying the enemy's sanctuaries.

Now we know why. The State Department was left out of the decision.

I include the newsclippings which follow:

[From the Washington Star, June 2, 1970]

STATE FEELS LEFT OUT ON WAR

(By Peter Lisagor)

To the surprise and chagrin of diplomatic officials here, President Nixon apparently considers the Cambodian invasion and the present status of disengagement from Vietnam in strictly military terms.

His failure to include any top-level State Department official in his weekend meeting at San Clemente, Calif., underscores what diplomatic sources believe to be an indifference to the political implications of his moves in Southeast Asia.

It further downgrades, in their judgment the ultimate necessity to find a negotiated solution to the war, even though the Vietnamization process can be carried out in theory without concern for the political outcome of the conflict.

Moreover, the absence of a high diplomatic official plainly tends to minimize the role of the State Department in the development of a policy with international consequences of a political nature.

Diplomatic sources say they have no explation for the exclusion of a top departmental adviser.

Secretary of State William P. Rogers could not have attended personally inasmuch as he returned to the United States Sunday night from Europe.

But the two undersecretaries of state, Elliot Richardson and Alexis Johnson, have been intimately involved in Vietnam policy councils, and either could have represented Rogers, the sources said.

It is assumed that the President wanted a "progress report" from Gen. Creighton Abrams, allied commander in Vietnam, and other top brass on military operations in Cambodia and South Vietnam. But diplomatic officials regard the military and political factors as so closely linked as to require concerted attention.

Nixon has been criticized in Congress for appearing to ignore the peace talks in Paris. He has yet to replace Henry Cabot Lodge as chief negotiator and has left the task in the hands of a career Foreign Service officer, Philip Habib.

The North Vietnamese have refused to negotiate seriously with Habib and have turned over the desultory meetings in Paris to second-level representatives.

Administration sources say that Henry A.

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Kissinger, the President's assistant for national security affairs, attended the California meeting and undoubtedly will inform top State Department officials about the discussions.

But to the veteran diplomats, that hardly explains what they view as a serious rebuff to the operational and policy-making role of the State Department.

[From the Washington Star, June 7, 1970]

RICHARDSON PROMOTED: CREATIVE MANAGER FOR HEW

(By George Sherman)

President Nixon has opted for a creative manager at HEW in the person of Elliot L. Richardson.

When Richardson became undersecretary of state, he was an unknown—a moderate Massachusetts politician, schooled and polished in rarefied Boston society, a lawyer, and a personal friend of his new boss, Secretary of State William P. Rogers.

Eighteen months later Richardson has become a power in his own right. Quiet, unassuming, but tenaciously brilliant, he has proved himself able to cope with the vagaries of Washington bureaucracy.

His suddent promotion yesterday to be secretary of the troubled Health, Education and Welfare Department rests on the bedrock of this success. No longer is he the unsung "discovery" of an administration noticeably weak in recruiting outside talent.

"WATCHDOG GROUPS"

Richardson, no less than his subordinates, is believed to have been disgruntled by the failure to have any representative at the top-level "military briefing" on Indochina which President Nixon held last weekend at his San Clemente, Calif., home.

Shortly after the Cambodian operation began, a special Indochina "watchdog group" was set up on the sixth floor of the department mainly to make sure State was kept informed of matters being decided in the Pentagon and White House.

But intimates insist that Richardson has been happy in his work. He is leaving State, they say, with a mixture of regret over work left undone and excitement about the challenge to come. Whatever the policy differences over Indochina, these officials maintain that Richardson can claim achievement in giving the State Department a predominant voice in the day-to-day workings of the Nixon national security system.

Early on Richardson gained the respect of the President's national security adviser, Henry A. Kissinger, the real power in Nixon foreign policy formulation. Kissinger, who jealously controls national security machinery from his White House basement office, took to making daily calls to Richardson—who controls execution of Nixon policy decisions through the so-called "Undersecretaries Committee" of the National Security Council.

Richardson has worked on the premise that he who is best prepared and best organized will have the greatest voice in what comes out of that machinery.

* * * * *

Just recently he registered a small, and largely unnoticed, success. President Nixon's call two weeks ago for a new international agreement on peaceful development of world seabeds for developing countries was almost entirely the result of tireless work and argument by Richardson.

Richardson himself likes to talk in undramatic terms. He believes that the exaggerated claims for American power and resources over the past 20 years have fostered a dangerous temptation for disillusioned Americans "to crawl back into their shell" of isolationism.

"All we can do is to keep trying, to keep pushing for more capability, to keep experimenting," he said.

He did just that in State with the perennial issue of youthful reform. At the time Richardson took office, the "Young Turks" of Foggy Bottom were furious with frustration. Rogers made his lieutenant the head of the formerly ineffectual Board of the Foreign Service, who immediately announced that it was to be the vehicle for re-examining "personnel systems" of all foreign affairs agencies.

REFORM SPEECH BACKED

Richardson proved he was serious. Last October Idar Rimestad, powerful deputy undersecretary for administration and enemy of the Young Turks, was replaced by William B. Macomber Jr.—darling of the reformers. And last January Macomber—with strong Richardson backing—produced a speech for the department proposing thorough-going reform. Thirteen task forces set up afterwards are about to report back to Macomber with concrete proposals.

OREGON'S SECOND DISTRICT SPEAKS OUT

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mr. ULLMAN. Mr. Speaker, I have recently completed a sample tabulation of my annual questionnaire to the voters of the Second Congressional District of Oregon. Covering a wide range of national, international, and local issues, the qustionnaire went out in mid-April to about 160,000 constituents. I am pleased that so far nearly 25,000 have been completed and returned.

The results are most interesting. Most of my constituents are strongly opposed to expansion of the war in Southeast Asia. About half of those returned were received in my office before the announced expansion of the war in Southeast Asia; the rest came in after that announcement. The majority support the irreversible withdrawal of U.S. forces from all of Indochina on a clearly defined timetable.

The Vietnam war is considered the No. 1 cause of the Nation's present economic difficulties. The President receives low marks for his policies on inflation and high interest rates. Congress gets a poor rating for its efforts to control Federal spending.

Tough wage and price guidelines to be imposed by the Federal Government on business and labor are endorsed.

Support of stronger, expanded programs to clean up the environment is registered.

The economy, the war, and the environment emerge as the three great sources of concern. My constituents indicate dissatisfaction with the way each issue is being handled, and strongly express a need for changes in the present policy.

Some of the highlights of the poll follow:

Results of 1970 congressional questionnaire

U.S. FOREIGN POLICY

1. What U.S. policy regarding South Vietnam do you favor:

	Percent
Irreversible withdrawal of U.S. forces over a clearly defined period of time?	51
Withdrawal of U.S. forces only if and when the policy of Vietnamization proves successful?	30
Increased military effort and return to bombing of North Vietnam?	19

2. Defense Department officials indicate that a sizable U.S. support force may be needed in Vietnam after all U.S. combat forces withdraw to maintain the stability of the South Vietnamese government. Would you support such a force?

	Percent
Yes	38
No	45
Undecided	17

3. Should the U.S. send ground combat forces to the aid of other Southeast Asian nations if requested by the governments of those countries?

	Percent
Yes	13
No	68
Undecided	19

4. Should the U.S. remove most of its troops now stationed in Western Europe and leave ground defense of that area to the governments involved?

	Percent
Yes	61
No	25
Undecided	14

NATIONAL AND POLITICAL ISSUES

5. I have proposed to end the military draft in 1972. Under my bill, the draft could be reactivated in time of war or national emergency only by consent of Congress. Do you favor?

	Percent
Yes	71
No	19
Undecided	10

6. Do you favor President Nixon's proposal to expand the federal welfare program to cover an additional 3-million low-income families?

	Percent
Yes	33
No	50
Undecided	17

7. Do you favor the elimination of nerve gas and other chemical warfare materials from our national weapons system?

	Percent
Yes	50
No	37
Undecided	13

8. The press and television have been criticized for distorting the news. Do you believe this is a serious problem?

	Percent
Yes	59
No	31
Undecided	10

9. Do you believe that the federal government should take strong action to bring down interest rates?

	Percent
Yes	72
No	14
Undecided	14

10. President Nixon has outlined a program to fight the threat of air and water pollution. Do you believe this program is adequate to meet the need?

	Percent
Yes	19
No	49
Undecided	32

11. Do you support the President's plan to reduce criminal penalties for first-time drug

users, and to increase penalties for drug peddling?

	Percent
Yes	78
No	14
Undecided	8

12. Do you think the President should impose strong federal guidelines on business and labor to limit increases in prices and wages?

	Percent
Yes	74
No	14
Undecided	12

13. Listed below are five possible causes for the nation's present economic difficulties. Please indicate your opinion by numbering these five causes in order of importance (1 for the most important, 5 for the least important).

Administration economic and monetary policies	3
Congressional legislative action	4
Business and labor pressures for price and wage increases	2
Consumer spending	5
Vietnam war	1

14. How would you rate the President's performance in the following areas?

	Percent
Interest rate policies:	
Good	11
Fair	29
Poor	46
Undecided	14
Price inflation:	
Good	7
Fair	25
Poor	58
Undecided	10
Wage inflation:	
Good	4
Fair	22
Poor	62
Undecided	12
Education:	
Good	21
Fair	41
Poor	25
Undecided	13
Crime control:	
Good	14
Fair	30
Poor	45
Undecided	11
Farm policy:	
Good	6
Fair	29
Poor	39
Undecided	26
Housing:	
Good	8
Fair	31
Poor	43
Undecided	18

15. How would you rate the Congress in the following areas?

	Percent
Controlling federal spending:	
Good	4
Fair	25
Poor	64
Undecided	7
Tax reform:	
Good	4
Fair	30
Poor	56
Undecided	10
Social security:	
Good	24
Fair	42
Poor	24
Undecided	10
Crime control:	
Good	3
Fair	28
Poor	57
Undecided	12
Cooperation with the President:	
Good	12
Fair	44
Poor	31
Undecided	13
Ethical standards:	
Good	9
Fair	32
Poor	41
Undecided	18
Congressional reform:	
Good	4
Fair	24
Poor	47
Undecided	25

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AWARD WINNING ESSAYS SPONSORED BY NEBRASKA REA

HON. DAVE MARTIN

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mr. MARTIN. Mr. Speaker, it has become an annual practice for the Nebraska Rural Electrification Association to sponsor an essay contest among teenagers on the subject of REA.

The Third Congressional District of Nebraska, which I am privileged to represent, as more REA districts than any other congressional district in the country. Six of the district winners in my congressional district this year had keen competition, and I congratulate them for the fine essays they have written. Each of these young people has earned a trip to Washington to see their Government at work. I would like to share their award-winning essays with the Members of the House, and consequently am inserting them as follows:

THE DEVELOPMENT OF RURAL ELECTRIFICATION IN MY AREA

When I was born, everything in my home was done by electricity except the cooking and the heating. Now, even that is done by electricity.

Allow me to take you back in time to 1946. My parents had just moved to their farm. There was no electricity. The heating was done by an oil burning stove, which proved inconvenient, and produced an uneven heat.

The cooking was done by a wood-burning cookstove. There was always the problem of carrying in a necessary supply of wood, and keeping an even baking temperature was an impossibility.

The lighting was done by kerosene lamps, which gave off a black smoke and fumes.

The food was kept in an old-fashioned ice chest. This presented the problem of having to go to town every other day to get a block of ice.

A gas range was purchased in 1948. The gas was supplied in a small gas bottle, which had to be changed every six weeks. Often the gas would be gone in the middle of cooking something because there was no gauge on the bottle to tell when it was near empty.

The heating was changed to propane in 1953. Propane, too, had its drawbacks. It coated everything in the house with an oily film, and made cleaning a constant problem.

In 1948 the house was wired for electricity, because the South Central Public Power District was being developed in the rural areas. At this time an electric generator was bought and produced electricity for the house for one year, while waiting for the South Central Public Power District. At this time my parents bought an electric refrigerator.

In 1949, electricity came to the farms. On my parents' farm, gas was still used for heating and cooking, but the lighting was now done by electricity, which was a great improvement. This continued until 1967, when we built a new all-electric home. Our new home, with radiant electric heating in the ceiling, allows the temperature in each room to be controlled separately, which makes for greater comfort. The electric central air-conditioning system gives us complete summer comfort.

South Central Public Power District electricity provides my mother with the same conveniences as the city house wife. She, too, can have an electric stove, refrigerator, dishwasher, garbage disposal, an electric washer and dryer and many other electrical appliances.

Electricity also provides many conveniences on the farm besides those inside the home. The farmer can now move grain much faster with electric grain augers. Some of his tools run on electricity, such as the electric drill and the electric saw. He can also fix some of his own machinery with an electric welder. Temporary fencing is much easier with the electric fencer. The farmer's work day is made longer by the electric lighting systems that he can now have.

Our family and our neighbors have found that living with electricity makes any other way of life obsolete.

INFORMATION

My Name: Ricky Gebhards.
Age: 15.
Grade: Sophomore.
School: Nelson High School.
Name of Parents: Mr. and Mrs. Chester Gebhards, Superior, Nebraska.

Contestant sponsored by the South Central Public Power District, Nelson, Nebraska, in cooperation with the Nebraska Rural Electric Association.

THE VALUE OF RURAL ELECTRIFICATION IN OUR HOME AND COMMUNITY

Have you ever sat down and asked yourself what you'd do if a day came that there wasn't any electricity? Well, I started, but before I got far I found the results rather frightening. Let me take you through a typical morning on the farm without the use of electricity and we'll see how a family, which has become so accustomed to electricity that they don't realize how much they use it, reacts to the situation.

The alarm clock that's supposed to ring at 6:30 A.M. to wake Dad and Mom up didn't ring and when Dad finally wakes up at 7:00 A.M., he's not in the best of moods. After failing to get the lights to go on, Dad stumbled around the room, getting dressed, and only stubbing his toes four times. This of course didn't help his mood one bit and by the time he was outside his voice was almost gone from yelling so much. Mom went through much the same but without quite as much yelling.

When Dad tried to get the cows in to milk without the lights he got by with only falling down twice and getting kicked three times. Dad got a good exercising of the fingers since the milking machine didn't work, and got a good backache pumping water since the pump jack didn't work. Otherwise, Dad got through with the rest of the chores fairly well.

Meanwhile back at the house Mom dropped only three dishes and one glass of orange juice before it was light enough to see. She couldn't hear the news and weather without the radio on and couldn't fry eggs without the electric range or frying pan. No water for coffee because of the pressure pump and anyway the electric perculator wasn't working. We also couldn't have toast because of the electric toaster. By this time the only thing that could of boiled water for coffee, fried eggs, and toasted bread was Mom, but she must not of thought of that idea since she didn't try it. So we had to settle for a cold breakfast only it wasn't cold. The milk for the cereal and the orange juice were warm since the refrigerator wasn't working.

Mom had to wash the dishes by hand since the dishwasher wasn't working. She tried the electric can opener, the electric knife, blender, and mixer but had no luck. Sis wanted to watch TV but couldn't and then wanted to play records, but had no luck even when she turned them by hand. Mom told her to vacuum the carpet but to Sis's delight the vacuum cleaner didn't work.

Mom had wanted to wash clothes but neither the electric washer or dryer worked. Dad meanwhile had tried to use his electric razor and electric tooth brush but he couldn't even get hot water because of the water heater.

So by 8:30 A.M. the whole family was in the worst disposition you'll ever want to see. In just two hours the family began to realize what it would be like without electricity. Maybe if the electricity was off for a few hours everywhere people would begin to realize how much it's worth and wouldn't take it so much for granted. The surprising thing is that electricity is one of the cheapest and most dependable means of lighting, heating, and cooking there is. Also it has to be the most important element in my home and my community in helping us get along with everyday burdens. Now aren't you glad electricity's so dependable in staying on!

INFORMATION

My Name: Douglas N. Johnson.

Age: 17.

Grade: Junior.

School: Minden High School.

Name of Parents: Mr. and Mrs. John N. Johnson, Upland, Nebraska 68981.

Contestant sponsored by the Franklin County Rural Public Power District, Franklin, Nebraska, in cooperation with the Nebraska Rural Electric Association.

WHAT RURAL ELECTRIFICATION MEANS TO ME AND MY COMMUNITY

Little do we, in the hustle and bustle of life, realize the importance of the modern conveniences that surround us. Since its beginning in 1935, the REA has served hundreds of farms throughout the United States. The program made it possible for rural families to have electricity which has brought with it the many modern conveniences. The REA plays an important role in the economic development of our rural communities by increasing farm production and encouraging the establishment of local businesses and industries.

A few years ago our area was stricken with a severe ice storm, we were without electricity for twenty-four hours. Up until this time I had never conceived just how important a part electricity plays in our lives. We were cold, hungry, and in the dark, what a relief when our electricity was restored! This is just one of many instances when I realized the value of the REA and how we each take it for granted.

Since the time when Ben Franklin did his first experiments with electricity and Thomas Edison developed the light bulb, electricity has continually become a greater factor in the lives of Americans. The REA has indeed become the modern conqueror of the wilderness, offering to rural America an existence holding many more conveniences and a more comfortable situation, eliminating many back-breaking and time-consuming jobs.

To fully appreciate our electrical power, a person must stop and think of all the ways it helps us in our daily lives. Electricity keeps us warm in the winter, cool in the summer, and provides light into a world which would otherwise be quite dark and dreary. To me one of the most gratifying things to see is my father coming home from working in the field, irrigating or putting up hay, on a hot, humid day of 100° or more, take a shower, put on clean clothes, and relax in an air-conditioned home. All of this made possible by the REA.

My mother tells of carrying water from a windmill 200 feet from the house, on Sunday evening so she would get an early start on the washing Monday morning. Then she would hang the clothes on the line, only to have a dirt storm come and have to do it all over again. Today, what a wonderful thing our automatic washers and dryers are. Everyday can be a wash day if we want! To do the ironing they would have to heat the iron on a wood stove, what a blessing our electric irons are today. Making your own clothes was quite a chore in the early years, either sewing by hand or using a treadle sewing machine. However much handier our electric sewing machine is! You can create a new outfit in a matter of hours.

The kitchen has become the dream world of every housewife, with its many modern appliances the preparation of a meal can now be enjoyed more than ever. Can you imagine cooking on an old cook stove and having to heat water to do dishes? Then they had to take food down to a cave to keep it cool or keep it in a messy ice box. You often hear people speak of "The Good Old Days." I can't imagine what was so good about them!

Have you ever dreamed of corn on the cob with golden butter? Then go down to the sweet corn field only to see it slaughtered as if hogs had been in it the night before! I have, and it wasn't hogs; it was raccoons. My father and I solved this problem by putting up a double electric fence around the field. No more coons, thanks to the REA!

The coming of REA has given the farmer a helping hand, with electric irrigation pumps, electric drying bins, and electric augers being used to help with the growth, preparation, and transporting of grain. The REA is also responsible for the change in the birth pattern of the animals and fowl. It was impossible to raise baby pigs, lambs, chickens, or calves in the winter months before the coming of the REA. Now with the help of heat lamps, space heaters, electric brooders, and ventilating fans the animals have their young as early as January, February, and March. This helps the farmer in many ways, at this time of year he is not as busy and has more time to spend with the animals. Also the stock can be put on the market earlier in the year and a better price is realized because of this.

The REA has indeed helped in the development and growth of our country and I feel will continue to move onward with newer and better ideas. A statement by O. S. Marden, I feel, best typifies what the REA means to Rural America, "There is no medicine like hope, no incentive so great and no tonic so powerful as the expectation of something better tomorrow," through the Rural Electric Association.

INFORMATION

My Name: Julia Ruzicka.

Age: 17.

Grade: Junior.

School: St. Paul High School.

Name of Parents: Mr. and Mrs. Edward Ruzicka, R. R. # 1, St. Paul, Nebraska 68873.

Contestant sponsored by the Howard Greeley Rural Pubic Power District, St. Paul, Nebraska, in cooperation with the Nebraska Rural Electric Association.

THE VALUE OF RURAL ELECTRIFICATION IN OUR HOME AND COMMUNITY

I stepped out of the cold wintry air and into our all-electric home. As I paused there, I suddenly realized how important REA is. I thought what would I, a member of the REA generation, do without our friend Willie Wiredhand. Willie Wiredhand has been the farmer's friend ever since he was chosen the national rural electrification symbol by the members of the National Rural Electric Cooperative Association in 1950.

Through the efforts of the late Senator George W. Norris and Representative Sam Rayburn, the Rural Electrification Act was passed by Congress and was signed by President Franklin D. Roosevelt in 1936 making the REA a permanent agency. While only a mere 10 percent of the farms were electrified in 1935; today there are a commendable 98 percent. Constantly this free enterprise is faced with the problem of meeting the increased demands for electric power.

Everytime the calamity of a power outage strikes, the farmer is taken back to a pre-REA world. That is a world of longer and harder work with no more luxuries and considerable less time for relaxation and recreation. Electricity has revolutionized the farmer's everyday chores. While, before, grandpa had to milk the cows by hand, today he can milk them by machines. He can also feed his farm animals by simply pressing a button saving countless hours a year. The changes inside home are even more amazing. Now since the invention of hundreds of household appliances, the average homemaker has changed from a slave to everyday jobs to a ruler over an endless array of electric appliances for use in the home.

What we would do without electricity is beyond me! Our water is pumped with an electric pump, making water available whenever we want to use it. Our new home is a joy to live in with its electric heat and ample lighting. I don't know what my mother would do without all her electric appliances, such as washer, dryer, refrigerator and stove. My father also relies on electricity to run his farm power tools and electric welder. Many times an electric heat lamp has saved the life of a baby animal and been the difference between profit and loss for my father and me. Another use of electricity on our farm is using fans to dry our wheat and cool our 4–H calves. Our vapor light and yard lights make "chore time" possible anytime.

Each year more electrically-powered irrigation wells and confined livestock production set-ups are established. The demand for power continues to grow and the use of atomic power plants will enable REA to meet the continued needs of its customers today and tomorrow.

Electricity is truly the "life blood" of the American rural community and without it life would nearly come to a standstill. REA gives to us, the farmers, the incomparable power of electricity, the power for making our lives a thousand ways better, the power that beyond all doubt helps us live better . . . electrically.

INFORMATION

My Name: Marvin Swan.

Age: 16.

Grade: Junior.

School: Perkins County High School.

Name of Parents: Mr. and Mrs. Robert Swan, Ogallala, Nebraska.

Contestant sponsored by The Midwest Electric Membership Corporation, Grant, Nebraska, in cooperation with the Nebraska Rural Electric Association.

THE VALUE OF RURAL ELECTRIFICATION IN OUR HOME AND COMMUNITY

It is difficult to evaluate the value of rural electrification. As to social value it brings luxury, convenience and economy to the rural resident that equals that of the city dweller. In dollars and cents valuation, on our farm we have a hired-hand who pumped water for our home and livestock last month for 40 cents. Besides pumping the water he heated it, helped my mother cook, do the laundry, clean and light our house, operate our appliances and television. Outside he helped my father auger grain, weld and repair machinery, fence cattle, and even saved our baby pigs with heat bulbs when the weather turned cold. For all these services and more we paid him about a dollar a day. His name is Willie Wiredhand, the symbol adopted by the Rural Electrification Association in 1950. He is the most efficient and economical worker we've had and what is even more amazing about him is that he works for all our neighbors also.

Willie Wiredhand and rural electrification did not come about accidentally. It took years of planning and hard work by dedicated men before their dream of electricity for the farmer was realized. Senator George W. Norris and Representative Sam Rayburn worked long and strenuously on the Rural Electrification Act and in 1936 Congress passed the bill. The government provided money through loans and the electric lines began appearing in rural America. It brought about the most dramatic changes in the lives of the farmer and his family since the invention of the gasoline engine. Suddenly these people could live with all the advantages of living in the city.

In 1936, 10 percent of rural America had electricity. Now that figure is 98 percent and that represents 10 percent of the total population. The demand on rural electrification grows constantly as farmers find more and more uses for electricity, such as irrigation. This demand is met by the constant up-grading of services, equipment, and the building of higher voltage transmission lines. In the Midwest Electric Membership Corporation, the average KWH used per month has risen from 175 KWH a few years ago to a monthly average per farm in January, 1970 of 1046 KWH.

It would be hard to imagine what life on the farm would be like without electricity. We get a sampling of the inconveniences, disadvantages and even lack of necessities when there is a temporary power outage. The farmers are so dependent upon electricity today that they should do everything possible to work with their local Rural Electrification Association towards continual progress. This association is a membership owned, non-profit cooperative which is managed and controlled by the patrons it serves. Its main objective is to improve the lives of its members.

If one word were used to sum up the value of rural electrification, I think it could be "tremendous."

INFORMATION

My Name: Teresa Lee.

Age: 16.

Grade: Junior.

School: Wheatland High School.

Name of Parents: Mr. and Mrs. John Lee, Rural Route, Box 104, Madrid, Nebraska.

Contestant sponsored by The Midwest Membership Corporation, Grant, Nebraska, in cooperation with the Nebraska Rural Electric Association.

WHAT RURAL ELECTRIFICATION MEANS TO ME AND MY COMMUNITY

I'm not going to make this a boring factual report because I think it is more interesting for the reader if he forms his own conclusions about a subject. Ask yourself this question: Could we, as farmers live without a Polk County Rural Public Power District? I think the answer to this question would be NO! Why? Simply because we depend upon it every day of our lives. We use electricity to supply light to our homes. I'm sure that you will agree that the lights in our homes are much more convenient than the oil or kerosene lamps of the past. Electricity is also used in the heating of some homes, I know ours is electrically heated. This type of heating is much cleaner because when we lived in our old home, the walls would look grimy at the end of the winter heating season. Not only is the heating of our homes important, but also the heating of the homes of newly born calves, pigs, and sheep to prevent them from freezing. After winter has past, summer is upon us in no time at all, it seems. Now, is when electricity is of probably the greatest asset to the farmer. It not only is used to cool his home, but also to supply the power to run irrigation pumps. Many of these pumps supply more than 1,000 gallons of water per minute. Thanks to irrigation, crop yields have as much as doubled.

But just where does this electricity come from? Actually very little is known about electricity. Scientists can't even figure out if it flows through conductors or in a belt around the conductor. We do know that one of the cheapest ways to produce it is at hydroelectric plants. These are usually built on a fast flowing stream, or at the bottom of a large dam. The water which these dams stop serves a dual purpose—to turn the blades of the turbines, and to be a resource that can be drawn upon for irrigation water.

Of all the potential water power in the world only 13% of it is utilized. Of the world supply the United States has 27% of the water and uses 40% of this in the production of electricity. Why use water you may say? One reason for using it is the fact that we have a bountiful supply of water and once you use it, it can be used again. This is not possible with gas or coal.

The number of kilowatts went up about 10% last year, yet the cost of electricity has declined 14%. I think that most Americans are not fully aware of the real value of electricity and actually take this convenience for granted.

Now that you have read my paper, I hope you have come to a candid conclusion, because I believe that electricity is truly the life-line of modern Rural America.

INFORMATION

My name: Thomas T. Wyman.

Age: 16.

Grade: Sophomore.

School: Silver Creek Public School.

Name of Parents: Mr. and Mrs. Ted Wyman, Rt. 1, Silver Creek, Nebraska.

Contestant sponsored by the Polk County Rural Public Power District, Stromsburg, Nebraska, in cooperation with the Nebraska Rural Electric Association.

PERSONAL ANNOUNCEMENT

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mr. CONYERS. Mr. Speaker, commitments in my district prevented me from being present to vote on Monday, June 8. Had I been present I would have voted "nay" on rollcalls Nos. 154, 155, 156, and 157.

SPLENDID ADDRESS OF WILLIAM P. McCAHILL

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mr. DORN. Mr. Speaker, William P. McCahill, executive secretary of the President's Committee on Employment of the Handicapped, recently delivered an outstanding address to the 25th national conference of the Veterans Employment Service in San Francisco, Calif.

Mr. Speaker, you will recall that the Honorable McCahill received the Amvets Silver Helmet Award in recent ceremonies at their national awards banquet at the Mayflower Hotel. I commend his superb address to the attention of my colleagues in the Congress and to the American people:

SPLENDID ADDRESS OF WILLIAM P. MCCAHILL

I can't name many groups I'd travel six thousand miles for in a 36 hour round trip for the opportunity of speaking 15 minutes. But, then, there isn't any group anywhere with whom I've worked more closely during the past 24 years than the Veterans Employment Service. So, I'm happy to be with you today. I bring you the real appreciation and sincere thanks of Harold Russell. He is your own kind of "happy warrior," just as was Mel Maas before him.

The VES had a big hand in the early weaning of the President's Committee. We have not and will not forget your friendship or your hard work in the States since early 1946 as working partners with us and state and local committees on hiring the handicapped.

My first office in the Labor Department building was in the VES sector, sharing space with Elmer Jebo, Perry Hawkins and some other hardy old timers. We coaxed Vern Banta away from the VES when we got our first real money in 1949. In the two years prior to that, we were carried by the VES and the BES. I was on a 30-day appointment for 27 months, and never got a single ulcer! Later, we coaxed Larry Burdick and Vince Hippolitus, former assistant VERs in Wisconsin and Connecticut, to help us form our staff. Even later, we coaxed Perry Hawkins away from the VES. So, you see, the President's Committee has always leaned on the VES and always will. I'd hate to total up the budget, printing and transportation support the VES has given us through the years. I want some of the comparative newcomers to understand why our personal ties are even tighter bonds than the official ones which show.

There was never a time in the last 24 years that the VES ever had any doubts as to where the President's Committee stood when it came to jobs for disabled veterans. And, God willing, there never will be any doubt. We have never forgotten our origin or the reason for our existence. Although our mission and area of responsibility covers a necessarily wider range than your own, there will never be any question as to our priority, at least not under the leadership we now have.

Saying this, I want to pay your leader a most deserved tribute. He stood firm during recent trying times, and, almost singlehandedly, carried the day for your continued flexibility and independence as a keen, lean, Federal arm in the field. The people who preceded me on today's speaking program

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rallied to your cause and managed to help Ed Omohundro win the day for an autonomous Veterans Employment Service in a time of great change and turmoil. But, if Ed hadn't stood firm, if he hadn't stuck out his neck, the veterans groups would have had a hard time rallying to a fight nobody would have admitted was being fought. I'm proud to be in your company today. I hope to always be numbered as one of your vast army of auxiliary helpers. As a 29-year Marine Reservist this is one army I'm proud to belong to—your own army of volunteers.

When I agreed to Ed's invitation, I said that I'd check with the leaders of our Committee on Disabled Veterans relative to my subject. However, when I saw your agenda and found our leaders all speaking ahead of me I decided I would just share with you some of our plans for the future, plans which should benefit all those whom you in this room serve so faithfully.

First off, I'd like to say a most sincere "thank you" to Mal Lovell and Bob Brown for the recent almost dramatic resurgence of interest in the handicapped at the official Manpower Administration level. TES Program Letter 2522 of Nov. 21, 1969 and TES Program Letter 2555 dated March 27, 1970 indicate that the handicapped, including the disabled veteran, no longer are to be lost in the scramble. The Program Letter 2555 on Participation of Handicapped Persons in Manpower Administration Training Programs sounds like a most thoughtful answer to some of the statements I made at the Interstate Conference last year in New York. It emphasizes the fact that in six years of MDTA, only 8.4 per cent of enrollees in institutional training and only 4.9 of those in on-the-job-training were handicapped and that only about 2.0 per cent of the NAB–JOBS participants are handicapped. The Program Letter aims at correcting this situation, particularly with regard to the NAB–JOBS slots. We are most appreciative of Secretary Shultz' answer to Chairman Russell's voiced concern over these statistics. We will be grateful for VES active interest in this action area on your return home.

As many of you are aware, our Executive Committee in one of its rare resolutions, stated its fixed purpose on November 29, 1967 as follows:

"While in no way neglecting its responsibilities to the older veterans the President's Committee on Employment of the Handicapped recognizes the contributions that these Vietnam disabled veterans have made to the national safety and interest and resolves to direct its attention to determine and remove existing gaps which the Nation may have in its plans to serve this most deserving group of disabled citizens returning to civilian life."

Since that time, this has been one of our major priority items and we have highlighted disabled veterans at every opportunity, most notably at last year's annual meeting luncheon and in the title of this year's Ability Counts Writing Contest. Just recently, we have made staff adjustments so that Vince Hippolitus soon will be freed to work exclusively with employers and employer organizations as a Special Assistant to the Chairman with no other assigned duties. You can be sure that disabled Veterans will be in all Vince's employer plans. Bob Ruffner, our Deputy Director of Information, has been assigned responsibilities for servicing the Committee on Disabled Veterans which will shortly have a new Chairman, now that Phil Robrecht's retirement has been announced from the DAV. I hope that Bob Ruffner will soon become practically another member of the VES headquarters "family" as he works into his new and challenging responsibilities.

Other changes of interest to the VES are these:

(1) We are naming a Committee on Barrier Free Design under architect Leon Chatelain to bring together those professional groups who will be structuring our future environment. The Committee will have the announced purpose of making certain that the less-than-physically-average will be able to operate effectively and competitively in tomorrow's world. Areas of concern will include transportation, housing, recreation, work places and all of living a full and free life in the America now taking shape. This is a significant expansion of our crusade against architectural barriers.

(2) We are naming a Committee on Workshops and beginning a more formal partnership to the previous fruitful cooperation between the workshop movement and private industry and government agencies having hiring and contracting authority. As the Wagner-O'Day Act is amended, and possibly the Randolph-Shepherd Act, additional opportunities will open up for government contracts with non-blind workshops and additional job possibilities in the Federal-State vending stand program for the blind. Many severely handicapped veterans will benefit from improvements in these two legislative keystones in the handicapped program. Chairman Russell will testify early in June in favor of an expanded program in these areas.

(3) We have held preliminary discussions with the Bureau of Labor Standards in connection with possible legislation for a national Second Injury Law for disabled veterans. Both the Department of Labor and the Veterans Administration are interested in our proposal that the Federal government underwrite any unusual employer risks in the case of disabled veterans. In some 34 states, many employers are not adequately protected against serious damages if a previously injured worker suffers an additional disability and may well be charged for significant compensation damages since the law provides no adequate compensation for the initial injury. We feel that the lack of adequate second or subsequent injury legislation works against severely disabled veterans being hired. We want to equalize the employer's risk and cease penalizing him for hiring the handicapped in those cases where an accident does actually occur. We may need your help on this.

(4) We have named a group to help us plan our 25th anniversary in the fall of 1972 and will be setting up an informal group of Federal agency executives to work alongside the special committee. The VES will be represented.

(5) We are moving to increase minority and ethnic group representation on the President's Committee and have asked the Governor's Committees for their advice and counsel. We are also moving toward streamlining the President's Committee itself and toward a modest staff expansion to better serve our volunteer members.

(6) Our Youth Committee has completed its first year of service and is undergoing an evaluation process to see what action its member organizations are taking in carrying out the excellent goals of doing more for more seriously handicapped young people so that they may be better able to do for themselves later in life. Thanks to the DAV, the Boy Scouts have a full-time staff person now working with handicapped scouts. I shall have the honor of chairing a special panel on scouting for the handicapped next week at the National Meeting of the Boy Scouts of America in Denver.

(7) The work for the mentally retarded and mentally restored is bearing much fruit, all of it good. In fact, the disabled veteran with a mental history may well be one of the real beneficiaries of two new programs now being tried in cooperation with our Committee on the Mentally Handicapped. One will involve employers in the affairs of mental hospitals and the other will involve a team of a psychiatrist, an employer and a former mental patient in a lecture series at schools of rehabilitation counseling.

There's lots more, but it will keep and we'll share it with you, as we have with everything else we have done of any significance these last 23 years. Let me close with the last two paragraphs of Harold Russell's speech, prepared for delivery at your 24th Conference two years ago in New Orleans. In doing this, I speak for both of us as well as for the entire staff, many of whom would be with us today if the distance were not so great and the budget so slim: He said:

"We are all working a three day week in this time of crisis. The three days in our week are yesterday, today and tomorrow. There's not much we can do about yesterday except to learn from it. There's not much we can do about tomorrow because if we don't get on with today's business, tomorrow won't be worth living. That leaves us just one working day, today. But, there's a small rub here. Today stretches into eternity. That's what we've got to do together, you and I and all the volunteers we motivate, we've got to work so hard each day that tomorrow will be worth living and eternity will be a more blessed place because of us and our efforts here on earth.

While I charge you to be better than you have been, I also charge you to be as good as you can be. Saying that, I salute you for there never was a greater group of shock troops in the President's program for the handicapped. Good Luck and God Bless you, each and every one.

HOW MANY SOLDIERS DIED BY PROTESTERS?

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mr. BRINKLEY. Mr. Speaker, in reading the letters to the editors which appeared in the June 9, 1970, edition of the Atlanta Journal, I was most impressed with the letter from Mr. Tom Day of Forest Park, Ga., and would like to share the contents of his excellent letter with my colleagues.

The letter follows:

HOW MANY SOLDIERS DIED BY PROTESTERS?

THE EDITORS: I am an airline pilot with one of the companies serving Atlanta. In the past five years I have flown from coast to coast and border to border. In every city that I have been, I have seen caskets of soldiers killed in Vietnam removed from the cargo compartments of our airplanes.

In every case this sight has saddened me. In some cases I have come close to tears with the realization that the young man in that gray box is within two or three years of my age, that he has been deprived of ever knowing the great joys of life that I enjoy each day with my family.

Why did he die? He died protecting the principles on which this country was founded. He died protecting my wife, my two children, my friends and neighbors and myself.

I am not writing this to argue the merits of the Vietnam war, but to ask one question. How many of these men died as a result, directly or indirectly, of the antiwar protests in this country? The enemy gains strength to persevere by knowing we are a nation divided. In some cases they have received supplies from the most radical protesters. These have extended this war. I ask the protesters to do one thing. The next time you see one

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of those gray boxes, the next time you see a crippled war veteran, ask yourself, "Have I, in any way, contributed to this man's death or wounds?"

TOM DAY.

FOREST PARK.

APOLLO 13—"ODYSSEY"

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mr. DEL CLAWSON. Mr. Speaker, the flight of Apollo 13 inspired my constituent, Mr. Boris Golokow of South Gate, Calif., to compose a poem of deep sentiment in honor of the courageous crew. At this point in the RECORD, I insert Mr. Golokow's poem, which follows:

APOLLO 13—"ODYSSEY"

Girded fueled and poised
On pad "A"
Apollo 13 awaited blastoff
And a lunar rendezvous.

The command ship "Odyssey"
For a crown it wore;
Astronauts Swigert, Lovell,
And Haise are the crew.

In the blockhouse
Men at their consoles-alert,
Pre-launch countdown complete
All systems go.

The third voyage to the
Surface of the moon had begun
A most hazardous adventure,
That, we knew.

The gnarled lunar highlands
Of "Fra Mauro"
Boulders, craters and hills
Would have presented
Monumental problems
To try the astronauts skills.

Bits and pieces of rock
Five billion years old;
Lunar core samples
From ten foot deep
Were some of the treasures
Science had hoped to reap.

On April 13, three days into flight,
At a point quite close to their goal
A sudden loss of oxygen
From a ruptured tank
Forced cancellation of the Mission
And orders for the crew to return.

Grave peril gripped
The power-crippled ship;
Only the calm attitude
And prayer of the crew
And the expertise
Of the men at mission control,
Could assure their eventual return.

The voyage continued around
The far side of the moon;
No need precious fuel to burn
Then a short blast of the engine for speed,
And out from moon orbit again.

A day later—a midcourse correction
Many miles out in space
On a trajectory toward splashdown
Where the spacecraft will place.

The life saving landing module
"Aquarius", a haven had been
Now it must be jettisoned
So that reentry can begin.

Ships and planes and anxious men
Were there
To assist in the recovery and
A most joyous welcome prepare.

Then as one people
The whole world prayed.
Most gracious and compassionate Father
Creator of the universe,
Who made the earth for man to dwell upon,
Accept our humble thanks for your answer
To our prayers.

The safe return of astronauts Lovell,
Swigert and Haise prove indeed
That it was your hand that guided
Them safely through the heavens
Back to the earth from whence they came.

—*Boris Golokow.*

WO JOHN R. CLAUSON WRITES

HON. MARTIN B. McKNEALLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mr. McKNEALLY. Mr. Speaker, I am pleased to include in the RECORD the following letter I received from WO John R. Clauson who is presently flying helicopters in the Mekong Delta.

Warrant Officer Clauson's letter is most unusual and interesting and gives the personal and thoughtful view of our current operations in Cambodia of one American soldier who has been in the midst of action for many months. It is encouraging to note this fine young American's spirit of patriotism and devotion to his country. We can only hope that our current efforts in Cambodia will help bring an end to this dreadful war and speed his safe return, and that of many thousands like him, to his family and loved ones.

The letter follows:

MAY 1, 1970.

HON. MR. MCKNEALLY: Several months ago (Oct. '69), Hon. John Lovett forwarded a letter to you, written as "Dear Dad" from a G.I. in Viet Nam, I wrote that letter. I am in the Army, a warrant officer flying helicopters, stationed at Vinh Long, in the Mekong Delta.

Last week, the word came down that the S. Viet Army had been on operations inside of Cambodia, along the IV Corps border. This week, the U.S. finally announced that they were, in fact, sending advisors with the ARVN and supporting with Arty. and Tac Air. Mr. McNeally, all I can say is "Bravo"! It is about time!!! I was witness to one of the weapons caches that was uncovered in Cambodia, yielded 45 tons of arms and ammo, 19 Chinook Sorhes!! Our company, flew a night hunter-killer operation along the IV Corps border for 6 months, and we were at the mercy of Communist anti-aircraft, mortar, and rocket fire, without being able to do anything about it. Meanwhile we were getting kicked around by the troops and supplies that were getting across the border. It is frustrating to see your friends and fellow G.I.'s getting hurt, with one hand tied behind your back .

I still feel that this war, as it has been waged, is a mistake. We should either win it or get out. But, I support any measures that you take to get us finished with this nonsense, in such a way that 40,000-plus lives would not have been given in vain! I am also sick of hearing people, who know so little about what's happening here, trying to exert their influence for the "cause." What ever happened to the old postulate that the majority rules?

I continue to wear the uniform in pride, and may the good Lord guide you in your decisions.

Yours truly,

JOHN R. CLAUSON.

FACTS OF DDT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mr. DINGELL. Mr. Speaker, it has come to my attention that a nationwide effort has been undertaken to urge President Nixon to immediately ban the use of DDT.

So that my colleagues may have an opportunity to be familiar with this effort, I include the texts of two National Wildlife Federation communications and the text of a new sheet entitled, "The Facts of DDT," appear at this point in the RECORD:

FACTS OF DDT

WASHINGTON, D.C.—A nationwide letter writing campaign urging President Nixon to ban immediately the controversial pesticide DDT was kicked off in the Nation's Capital this week by the Rachel Carson Trust For The Living Environment and the National Wildlife Federation.

The campaign comes on the heels of a May 28 U.S. Court of Appeals order giving Agriculture Secretary Clifford M. Hardin 30 days either to take action toward banning the interstate shipment of the persistent pesticide or come to the Court with a convincing argument for not doing so.

DDT has recently been blamed for causing cancer in test animals by the National Cancer Institute, and is responsible for pushing a number of wildlife species to the brink of extinction, including the national symbol, the bald eagle.

The controversial pest killer has been banned in several states and in many other countries, including Russia.

The national controversy over the disastrous side effects of DDT on the environment was stimulated by the late Rachel Carson's best seller "Silent Spring." But over the years conservationists' pleas to ban DDT in favor of safer means of pest control have been stamped out by the powerful agricultural chemicals lobby.

Frustrated by the DDT lobby's success in defeating repeated legislative attempts to ban DDT and the apparent reluctance of the Agriculture Department to take decisive action, the Environmental Defense Fund, Sierra Club, West Michigan Environmental Action Council, National Audubon Society and Izaak Walton League of America took the case against DDT to the courts.

On May 28, the U.S. Court of Appeals for the District of Columbia gave Agriculture Secretary Hardin 30 days to act in the public interest by taking steps to ban DDT or capitulate again to the DDT lobby by studying it and our Nation's wildlife to death," a campaign spokesman said.

"Today, right now, is the time for the American public to write the President and his Agriculture Secretary that they want DDT banned, and they want it done now."

IMPORTANT BREAKTHROUGH ON DDT

DEAR FRIEND: Please excuse this Xeroxed note, but emergency situations warrant expeditious, albeit unorthodox tactics.

As you know, the Environmental Defense Fund, Sierra Club, West Michigan Environmental Action Council, National Audubon Society and Izaak Walton League of America recently made an important breakthrough on DDT. Based upon their overwhelming case before the U.S. Court of Appeals for the District of Columbia, on May 28 the Court ordered Agriculture Secretary Hardin to either suspend the registration of DDT and implement cancellation proceedings to bar it from interstate commerce or come to the Court with a convincing argument why he should not do so.

With this order, the Court seized the initiative from the powerful agricultural chemical lobby that's been so successful thus far in preventing the abolition of DDT. The Agriculture Department is now in the best position ever to be convinced to decide in favor of the public interest by essentially banning DDT over the protest of powerful vested interests.

But things being what they are in the real world, even under these circumstances, to say it will not be an easy decision is a gross understatement. Because there are powerful political forces at work the ultimate decision will undoubtedly come under consideration of the White House.

The chemical lobby is working at a feverish pace to push the Administration into opting for further study, for further delay. Now, perhaps like no other time in this long struggle, is the time for the American public to deluge the White House with encouragement to seize this opportunity to ban DDT and rid ourselves of this totally unnecessary environmental contaminant.

That's what this note is all about. To urge you to join with us in mobilizing our respective constituencies and make an urgent plea to the general public to immediately telephone, telegraph or write President Nixon that now, right now, is the time to ban DDT.

Because the Court on May 28 only gave Agriculture 30 days to decide whether it would end the DDT issue or prolong the environmental agony, the time is obviously critical.

Whatever is done must be done immediately. We are going to do everything possible with the short time available to mobilize our members to write the White House; and make a special plea through the mass media describing the current situation and urging concerned citizens to immediately voice their support to the White House to ban DDT.

Our design is not to influence in any way the judicial considerations nor to influence legislation, but to give President Nixon and his Agriculture Secretary the support they will need to withstand the intense pressure from the agricultural chemical lobby to opt for further "study" and further delay.

The people intimately involved in the DDT issue today are convinced that now, like no other time, is the moment to act. If we, individually and collectively, are able to mobilize wide public support in the few critical days ahead, it is just possible that DDT and its attendant environmental horrors will be truly on the way out.

Please act now.

Sincerely,

THOMAS L. KIMBALL,
Executive Director, National Wildlife Federation.
SHIRLEY A. BRIGGS,
Executive Director, Rachel Carson Trust for the Living Environment.

THE FACTS OF DDT

WHAT IS DDT AND WHERE CAN YOU FIND IT?

DDT—properly though not often termed dichlorodiphenyltrichloroethane—is widely used in a variety of economic poisons as a pesticide. First used in World War II, its efficacy as a bug-killer gained instant and continued popularity with more than 100 million pounds of the poison being manufactured and released into the environment each year.

DDT's chemical stability, near insolubility in water and solubility in lipid or fat-like materials gives its poisonous environmental existence a "half-life" of ten to twenty years. Because of its extreme mobility and tendency to concentrate in fatty tissue, DDT does not stay put. It is found today throughout the biosphere, in rainwater, in birds living hundreds of miles at sea, in animals from the Antarctic to the Arctic, in the foods we eat, the water we drink, and naturally enough in each one of us.

WHY GET UPSET?

DDT has been proven, among other things, to be a cancer-causing agent in test animals by the National Cancer Institute. Another study found human victims of terminal cancer to contain more than twice the concentration of DDT residues in their fat than did victims of accidental death. (This becomes particularly noteworthy when considering statistics indicating an average deposit of 12 parts per million DDT in the fatty tissue of human beings.) Such carcinogenic characteristics were observed in test animals by the Federal Drug Administration as early as 1947.

As for wildlife? DDT has been catastrophic.

The relationships between DDT residues and hazards to bird populations, by both direct mortality and reproductive failure, have been particularly well documented. The American bald eagle, the peregrine falcon, and the brown pelican are among species confronting outright extinction because of DDT contamination.

Fish have proven particularly vulnerable to DDT. The chemical inhibits their reproduction and causes abnormal mortality of the fry following contamination of adult fish and their eggs. DDT has caused direct mortality of large numbers of fish. Important freshwater and marine fisheries have been seriously threatened and in some cases been destroyed by DDT concentrations. Bureau of Sport Fisheries and Wildlife studies in the spring and fall of 1967 and 1968 found DDT in 584 of 590 samples of fish taken from 45 rivers and lakes across the country. At least a dozen states reported pesticide residues in fish above the Government's recommended safe level of five parts per million.

Damage to invertebrates of many species is extensive. DDT has frequently disrupted insect communities by killing beneficial predatory and parasitic insects resulting in an increase of the pest initially intended to be controlled.

Why get upset? DDT is endangering the reproduction and survival of many non-target organisms: birds, fish, invertebrates, and man himself.

WHAT HAS THE DEPARTMENT OF AGRICULTURE DONE ABOUT DDT?

Not nearly so much as it might.

The Secretary of the Department of Agriculture was first required to register "economic poisons" under the 1947 Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). Until 1964, if the Secretary wanted to cancel a registration, the burden of proving safety was on him. With the 1964 amendments to FIFRA, however, the burden of proof was shifted to the manufacturer.

Because cancellation of a product is a long and complicated statutory procedure, the amendments also provided a safety-valve in situations where the Secretary found cancellation "necessary to prevent an imminent hazard to the public." In such a situation the Secretary is authorized to suspend registration of the product during cancellation proceedings.

DDT is such a situation. But due to the relentless pressure of the pesticide industry, the agricultural chemical lobby has effectively blocked any cancellation. Although the Pesticides Regulation Division has had specific cancellation authority for more than five years, it has *never* secured cancellation of a registration in a contested case. And the would-be attempt to ban certain persistent pesticide use on November 20, 1969 has been effectively circumvented by the pesticide industry through a series of appeals.

Attempts to ban DDT through congressional legislation have also failed. In many cases, such as that of Maryland Senator Tydings who tried to initiate a four-year moratorium on DDT and three other persistent pesticides, legislation died a quick death in the Agriculture Committee which is notorious as a graveyard for regulatory bills and a rubber-stamp for industry demands.

COULD DDT BE REPLACED?

Yes. That is the horrible, macabre irony of the DDT controversy. Alternative pest control techniques, particularly integrated techniques which would not pose the same threats to the environment and to human health as DDT, are available for all DDT uses.

Research of these alternatives at present, however, is not encouraging. The Department of Agriculture has admitted that research in this field is underfunded by $7 million for fiscal year 1971. Last year's programs were underfunded by $4 million.

CAN NOTHING ELSE BE DONE?

Something else can and is being done?

A petition was filed on October 31, 1969, to initiate court proceedings under Section 4c of the FIFRA to cancel DDT on grounds that pesticides containing DDT are not in compliance with FIFRA standards, in particular that DDT is causing immediate, serious, permanent and irreparable injury to man, the environment, and animals, including fish and wildlife. This petition (filed by the Environmental Defense Fund, Inc., the Sierra Club, the West Michigan Environmental Action Council, the National Audubon Society, and Izaak Walton League of America) also requests the immediate suspension of DDT registrations under Section 4c on ground that DDT is an "imminent hazard to the public." Suspension would protect the public by removing immediate hazards from the market during lengthy deregistration proceedings.

It demands, in effect, that the Secretary of Agriculture exercise his already established authority which up to this point, he has not responsibly initiated. It contends that not to do so constitutes an abuse of discretion. The U.S. Court of Appeals agrees and has demanded that Secretary Hardin suspend within 30 days the registration of DDT or give the court reasons "for his silent but effective refusal to do so."

CAN THE AMERICAN PUBLIC HELP IN ANY WAY?

As part of the American public, each one of us can do something. DDT is an increasing daily threat to our lives and the world in which we live. As an established carcinogen it constitutes what the FIFRA has termed an "imminent hazard." It is our responsibility to express our concern through a letter to President Nixon. It is time for the Secretary of Agriculture to stand up against an industry whose totally unnecessary product daily jeopardizes our environment.

MINSHALL BILL OFFERS TAX INCENTIVES FOR INDUSTRIAL, BUSINESS POLLUTION CONTROLS

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mr. MINSHALL. Mr. Speaker, I yesterday introduced legislation, H.R. 18015, to encourage construction of water, air and solid waste facilities by providing greater tax incentives than present law allows.

My bill would provide a 20 percent tax credit and an amortization period of from 1 to 5 years. Present law does not provide any tax credit, although it does allow a 5-year amortization period for industrial and business installation of air and water pollution control equipment. Present Internal Revenue Code statutes are hazy as to whether solid waste disposal facilities can be included.

It is up to Congress to do all it can to encourage industry and business to energentically enlist in the campaign to clean up America. Tax incentives such as my bill proposes can provide real impetus in our fight against environmental pollution.

THE OVERSEAS MILITARY CREDIT UNIONS SAVE SERVICEMEN MILLIONS OF DOLLARS

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mr. MINISH. Mr. Speaker, in 1965 a special subcommittee of the House Banking and Currency Committee, which I was privileged to chair, began an investigation into the high interest rates charged to servicemen when they made loans or purchased items on credit.

Although the problem of high interest rates was critical in the United States, it was of even a greater magnitude in the areas around our military installations overseas. It was not uncommon for a serviceman stationed overseas to pay 30- to 40-percent interest charges when obtaining a loan.

After visiting virtually every major military installation in both the European and Pacific commands, it was the subcommittee's recommendations that the best way to put an end to the loan sharking was to establish a system of military credit unions.

The first of these credit unions was opened only a little more than 2 years ago, and we now have 10 credit unions operating in the European and Pacific commands. A number of these credit unions have suboffices so that a vast majority of our military personnel stationed abroad are included in credit union fields of membership.

At the end of April of this year, the overseas credit unions had a membership of more than 113,000 servicemen and their dependents and had made loans of more than $93 million.

Mr. Speaker, when the subcommittee first began its overseas investigations, it found that the average interest rate charged servicemen stationed abroad was 25 percent per year. The overseas credit unions charge no more than 12 percent a year and, in a number of instances, charge only 9 percent. The 12-percent charge is only 1-percent-a-month interest on the unpaid balance of the loan, or in terms of dollars and cents, a charge of $6.52 per hundred dollars of loan. In addition to these low-interest rates, the serviceman is given free life insurance on the loan and can use the free couseling services provided by the credit unions.

It is estimated that since the overseas credit unions have been opened, servicemen have saved from $12 to $15 million in interest charges over those they formerly paid to high-rate credit extenders. A serviceman borrowing money for a new car can save from $200 to $500 in interest cost by dealing with the credit union.

These are indeed impressive figures and are made more impressive because of the pessimistic outlook forecast for the overseas credit unions, by those who opposed their formation.

For instance, it was suggested that credit unions were not needed in Korea since no more than 1,600 servicemen would join the credit union even after it had been in operation for a number of years. Credit union service was begun in Korea by the San Diego Navy Federal Credit Union on April 1, 1969. Thirteen months later, that credit union, which according to the experts would never gain more than 1,600 members in Korea, had acquired 10,956 members and is growing by several hundred members every week. During the month of April alone, of this year, San Diego Navy Federal Credit Union made more than 2,000 loans to servicemen in Korea.

Mr. Speaker, the credit unions have made this outstanding record in spite of many adversities. It is my hope that, based on the record established by these credit unions, the military services will provide every assistance possible so that the growth of the credit unions will not be hampered and so that they may perform their services in the best possible way.

I am including in my remarks a monthly report of the Defense Credit Union Council on the operation of the overseas credit union program. The report spells out exactly how each credit union is performing, and it should be of interest to the members of this body that the credit unions are providing service and loans to all ranks, with a majority of the loans going to the middle grade enlisted men. The report follows:

PROGRESS REPORT

The following progress report concerning the operations of credit union suboffices in Germany, England, the Philippine Islands, Korea, and Italy is submitted for your information.

Andrews Federal Credit Union began operations at Wiesbaden on 11 March 1968. It has since opened a sub-office at Frankfurt. As of 30 April these sub-offices had acquired 18,790 members, made loans in the amount of $20,608,965.57, and received share deposits in the total amount of $8,823,794.28. During the month of April, 895 loans were made to military personnel. These loans were distributed by pay grades as follows:

E–1	1
E–2	2
E–3	64
E–4	232
E–5	251
E–6	134
E–7	68
E–8	6
E–9	5
W–1	2
W–2	5
W–3	2
O–1	13
O–2	24
O–3	56
O–4	17
O–5	12
O–6	1

Fort Belvoir Federal Credit Union began operations at Wurzburg on 1 February 1968. As of 30 April this sub-office had acquired 4,902 members, made loans in the amount of $3,943,669.02, and received share deposits in the total amount of $356,105.64. During the month of April, 299 loans were made to military personnel. These loans were distributed by pay grades as follows:

E–2	6
E–3	17
E–4	53
E–5	77
E–6	47
E–7	11
E–8	4
E–9	2
W–1	1
O–1	4
O–2	51
O–3	18
O–4	8

Pease AFB Federal Credit Union began operations at Ramstein on 15 January 1968. It has since opened sub-offices at Baumholder, Bitburg, and Pirmasens. As of 30 April these sub-offices had acquired 25,323 members, made loans in the amount of $18,261,207.90, and received share deposits in the amount of $6,163,474.80. During the month of April these sub-offices made 1,451 loans to military personnel. These loans were distributed by pay grades as follows:

E–1	15
E–2	76
E–3	242
E–4	438
E–5	332
E–6	212
E–7	75
E–8	15
O–1	30
O–2	16

Lackland AFB Federal Credit Union began operations in Berlin on 26 December 1967. As of 30 April this sub-office had acquired 2,005 members, made loans in the total amount of $3,134,356.97, and received share deposits in the amount of $1,126,560.69. During the month of April this suboffice made 218 loans to military personnel distributed by pay grades as follows:

E–2	1
E–3	24
E–4	57
E–5	62
E–6	34
E–7	19
E–8	2
W–3	1
W–2	1
W–4	1
O–1	7
O–2	1
O–3	3
O–4	3
O–5	2

Redstone Federal Credit Union began operations in the Mannheim-Stuttgart area on 15 February 1968. It has since opened a sub-office at Heidelberg. As of 30 April these sub-offices had acquired 18,385 members, made loans in the total amount of $18,535,754.00, and received share deposits in the amount of $3,243,708.00. During the month of April these sub-offices made 990 loans to military personnel and these loans were distributed by pay grades as follows:

E–1	1
E–2	4
E–3	64
E–4	259
E–5	328
E–6	173
E–7	53
E–8	9
E–9	3
W–1	1
W–2	11
W–3	1

O–1	20
O–2	28
O–3	19
O–4	9
O–5	5
O–6	2

Finance Center Federal Credit Union began operations at Furth on 15 February 1968. It has since opened sub-offices at Bamberg, Ansbach, and Illesheim. As of 30 April these sub-offices had acquired 9,137 members, made loans in the amount of $5,793,719.95, and received share deposits in the amount of $1,-072,880.32. During the month of April these sub-offices made 254 loans to military personnel and these loans were distributed by pay grades as follows:

1–2	2
E–3	5
E–4	46
E–5	76
E–6	54
E–7	13
E–8	6
E–9	3
W–2	3
W–3	1
0–1	19
0–2	11
0–3	12
0–4	3

Kessler AFB Federal Credit Union began operations at Lakenheath, England on 15 November 1968. It has since opened sub-offices at South Ruislip, Bentwater, Whetherfield, and RAF Alconbury. As of 30 April these sub-offices had acquired 6,561 members, made loans in the amount of $6,267,137.84, and received share deposits in the amount of $906,-100.54. During the month of April these sub-offices made 635 loans to military personnel and these loans were distributed by pay grade as follows:

E–2	3
E–3	146
E–4	178
E–5	153
E–6	62
E–7	32
E–8	5
E–9	3
0–2	10
0–3	29
0–4	9
0–5	3
0–6	2

Barksdale AFB Federal Credit Union began operations at Clark Air Base in the Philippine Islands on 20 December 1968. As of 30 April this sub-office had acquired 14,507 members, made loans in the amount of $9,-672,979.40, and received share deposits in the amount of $5,244,573.69. During the month of April this sub-office made 940 loans to military personnel and these loans were distributed by pay grade as follows:

E–1	2
E–2	6
E–3	247
E–4	237
E–5	221
E–6	90
E–7	60
E–8	10
E–9	4
O–1	2
O–2	17
O–3	31
O–4	10
O–5	1
O–6	2

San Diego Navy Federal Credit Union began operations at Seoul, Korea on April 1, 1969. It has since opened sub-offices at Taegu, Camp Casey and Osan AFB. As of 30 April these sub-offices had acquired 10,956 members, made loans in the amount of $4,720,-669.51, and received share deposits in the amount of $1,622,901.13. During the month of April these sub-offices made 2,003 loans to military personnel and these loans were distributed by pay grade as follows:

E–1	3
E–2	52
E–3	367
E–4	656
E–5	381
E–6	225
E–7	114
E–8	50
E–9	7
W–1	5
W–2	12
W–3	4
W–4	5
O–1	15
O–2	52
O–3	33
O–4	16
O–5	6

Fairchild AFB Federal Credit Union began operations at Aviano Air Force Base, Italy on May 19, 1969. It has since opened a sub-office at Vicenza. As of 30 April these sub-offices had acquired 2,616 members, made loans in the amount of $2,661,657.96, and received share deposits in the amount of $592,-401.23. During the month of April these sub-offices made 305 loans to military personnel and these loans were distributed by pay grade as follows:

E–2	8
E–3	40
E–4	105
E–5	63
E–6	44
E–7	19
E–8	3
E–9	2
O–1	1
O–2	7
O–3	9
O–5	1
W–O	3

As of 30 April 1970 the sub-offices had signed up 113,182 members, received share deposits in the amount of $29,152,500.32, and made loans in the amount of $93,600,148.12.

BABE RUTH BASEBALL

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mr. WYATT. Mr. Speaker, on Tuesday we will be asked to consider a special order for Babe Ruth baseball, a program that involves youngsters 13, 14, and 15 years old in the Nation's greatest pastime.

We, in Oregon, are no strangers to this fine program. Thousands of Oregonians participate each year in Babe Ruth baseball activities. In 1968, the city of Klamath Falls with a population of some 17,000, was host to the Babe Ruth World Series. Backers agreed it was among the most successful tournaments ever held, and that the city's hospitality and facilities just could not be beat.

Mr. Speaker, I am proud of Oregon's participation in this vital sports program and I would like to urge my colleagues to express their wholehearted support for this special order.

A MOST SUCCESSFUL OPERATION

HON. PAGE BELCHER

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mr. BELCHER. Mr. Speaker, President Nixon's candor and forthrightness in approaching the American people has been demonstrated many times since he took office. He has been seen to be a President who will lay out the facts, both good and bad, clearly before the Nation and let the people judge for themselves the wisdom of his decisions.

Therefore, it is significant that in his speech on Cambodia last week, the President called this the most successful operation of this long and difficult war. The facts by which he supported this statement are indeed convincing, for from military, logistic, and psychological points of view, the enemy's position has been seriously weakened by the bold U.S. action.

I insert in the RECORD an editorial from the Dallas Morning News, discussing various factors which make Cambodia "most successful":

MOST SUCCESSFUL

If there is one thing that the Southeast Area war has taught us, it is to beware of premature self-congratulation. The President didn't claim a decisive victory in his talk to the nation Wednesday night, but he did say that the Cambodian operation has so far been "the most successful operation of this long and difficult war."

The claim seems amply justified by the facts. In no other battle in the war has the enemy been dealt such a setback at so low a cost in casualties to the free world.

In capturing hundreds of tons of weapons, ammunition and rice, the Cambodian sweep has taken from the Communists in one month almost as many of these vital necessities as were captured in all of Vietnam during all of last year.

These are the means that would have been used by the Communists to kill American and South Vietnamese soldiers, to destroy South Vietnamese towns and murder South Vietnamese civilians. Deprived of these vital supplies, the Communists must wait for a new buildup before they can make new offensives from Cambodia.

For President Nixon, the Cambodian operation was a calculated move to protect not only Saigon but the safety of American troops still in Vietnam. So far it has proved to be a resounding success, marred only by the political scars inflicted by American leftists in this country.

If the sudden sweep across the hitherto-untouched sanctuaries was a shock to the North Vietnamese, the success of the operation has been an even greater disappointment to the group in this country who seem to hope for an American defeat in Cambodia. Such a defeat is necessary to prove them right and it is likely that we will see more of the sort of low-rating of this success that has appeared in various statements and analyses by the usual spokesmen for the group.

However, these feeble attempts have failed to convince. The Cambodian operation is not yet over and the communists forces can be expected to try to give their American comrades a communist victory to work with. But so far the operation has marked up clear advantages for our side.

In addition to the military and logistic blows dealt the Communists, they have also been forced to reexamine some of their mistaken asumptions about the U.S. The Reds clearly believe that the President's warnings against continued step-ups in Red aggression were only window dressing for the home folks. They clearly believed that the Cambodian sanctuaries were as safe from vulnerable supply dumps as they have been in years past. Now they must acknowledge that both these beliefs were wrong.

Another plus is tremendous improvement in morale and combat effectiveness among the South Vietnamese units. The South Vietnamese fighting spirit has surprised their allies and their critics alike.

Yet another encouraging development is the beginning of a working cooperation among three nations that have traditionally been bitter enemies, South Vietnam, Cambodia and Thailand. This is a sign of progress, not only for the present war but for postwar development of the region.

That time of peaceful postwar progress still seems far off in the future but not so far as it did six weeks ago.

SALE OF JETS TO ISRAEL

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1970

Mr. BIAGGI. Mr. Speaker, on January 20 of this year I wrote the President urging him to reconsider the course this Nation was forging in its relations with Israel, the last bastion of democracy in the Middle East. The statement of December 9, 1969 issued by Secretary of State Rogers left no doubt in my mind that the administration was all too eager to trade the blood of gallant Israelis for American oil.

My appeal to the President at that time was that the United States had a vital interest in the survival of Israel in the Middle East and the wiser way to peace would be to seek an accommodation which would guarantee Israel's security instead of jeopardizing it by calling for indirect negotiations to a peace settlement, as the Rogers proposal did.

Now the situation in the Middle East has grown even worse than it was before. The Soviet Union has continued to pump massive shipments of arms, military hardware, planes, munitions, boats, tanks, artillery, and supporting equipment to Egypt and her Arab neighbors until the balance of power in the Middle East is threatened once again. These massive supplies of arms are in the hands of those Nations which have vowed to destroy the State of Israel and her people in a war of attrition.

Mr. Speaker, I believe now, more than ever, that the United States must respond to the latest escalation of tension in the Middle East by furnishing Israel with the weapons she so desperately needs to put the balance of power back on a more even scale.

This week I joined with several distinguished colleagues in the House in sending a letter to the President urging him to sell American Phantom and Skyhawk jets to Israel. It is all too evident that Israel cannot, with her planes, surmount the dangers of the newly remodeled Mig-21's now in Arab hands. Only F-4 Phantoms and A-4 Skyhawks can aid Israel. France continues to refuse to supply her with the planes Israel has already paid for.

The arms embargo imposed by the United States on the Middle East nations has failed in its intent. Right after the June 19, 1967, 6-day war the Soviet Union started to resupply Egypt and her neighbors with huge quantities of weapons, and the French followed suit, thus negating our policy which was formulated in the hope that other nations would impose a similar arms restriction on the countries of the Middle East.

The results of the Soviet and French arms supply to the Arabs are plain to see. Daily clashes along all of Israel's borders, artillery barrages on Israeli towns and counterattacks are adding to a constant buildup of tensions in the Middle East. Negotiations are a moot question. The Arabs refuse to negotiate, and Ambassador Gunnar Jarring intermediary efforts have been met with stone wall responses from the Arab states. Our humanitarian antiwar pleas to the Soviet Union have fallen on deaf ears. Not only has the Soviet Union failed to work in the interests of peace, but her actions have indicated a thirst for war between the Arab States and Israel.

Mr. Speaker, it is obvious to me that the Soviet Union will not curtail its supply of weapons to the Middle East belligerents. It is past time for action on our part. The United States must act swiftly to sell jets to Israel.

The sale of jets to Israel is not a commitment of American fighting men or money, but it is an indication of our willingness to help this brave nation provide for its own defense against heavy odds. I cannot emphasize too strongly the strategic importance of a democratic ally in the Middle East. For centuries the Russians have desired the warm-water ports of the Mediterranean. Let us not make this dream of Soviet dominance in the Mediterranean a reality through indecision or inaction.

Let us not, Mr. Speaker, sacrifice the lives of countless Israelis in a war of attrition because we stubbornly pursued an outdated, sterile policy in the Middle East. If we do, it is entirely possible that we will upset the entire balance of power and containment in Europe that we have been working so hard to build since World War II.

The intrusion of Soviet pilots and other Soviet military personnel in Egypt has significant meaning to the intense dangers of further escalation in the Mid-East crisis. Let us respond to the challenge by sending Israel the jets and weapons they so desperately need to defend themselves in their hour of need.

THE PLIGHT OF TRANSIENT WASHINGTONIANS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mr. ANDERSON of California. Mr. Speaker, Washington, D.C., is in part, a lovely city, is a home of Presidents, Ambassadors, Senators, Congressmen, hawks, doves, pigeons, the very rich, and the very poor. It is unlike any other city in the world. The decisions made by its famous residents affect the rest of the population on this planet. One distinguishing characteristic about the people of Washington is the lack of permanence. Rarely does one find a person who was born here and rarely does one find a person who has any intention of spending a lifetime in our Nation's Capital.

Due to this lack of permanence by a large segment of its population, I feel that many of its people are not really involved with the type of activity that makes a city a community. People are in "their own little world" and only on rare occasions are they concerned with the future of Washington.

This "transient psychology" is transferred to the merchants and businesses in Washington. They are aware that today's customer will probably be tomorrow's ex-Washingtonian. Any intention of cultivating a lasting relationship with a Government official, a Congressman, a civil servant, a salesman, or a soldier is strictly unintentional. Due to this attitude, which obviously is not prevalent with all of those who deal with the public, one does not receive the best service in Washington. Usually, one visit to a particular garage or store is enough to keep a prospective customer from returning to that particular garage or store, even if it is conveniently located or its prices are reasonable.

An interesting, though not surprising, article appeared in the May 31, 1970, Los Angeles Times. I feel that such an article is not doing much to encourage travel to Washington by those in the hinterland. This is a shame, for Washington, D.C., is, in part, a lovely city.

The article follows:

FTC CHIEF LEARNS CUSTOMERS' PLIGHT FIRSTHAND

(By Marlene Cimons)

WASHINGTON.—Caspar W. Weinberger has learned as chairman of the Federal Trade Commission that nobody is safe from consumer fraud. Not even Caspar W. Weinberger.

"We've been the victims several times since we moved here," said the man who is considered one of the country's top watchdogs in the area of consumer rights. "And all the incidents, naturally, have been reported to me by my wife. . . .

"We've had more go wrong with the appliances in this house, with everything in this house," he said. "California certainly has spoiled us. Living here has become a matter of survival."

They were both sitting in the living room of their small yellow town house on Capitol Hill. In front of them, through the window and across the street, loomed the large gray granite Library of Congress. Behind them, through glass doors, a swimming pool and barbecue area gleamed in the sunlight. A cheerful house, comfortably furnished. Not a single sign of the aggravation that went into it.

It all started back in December when the Weinbergers moved here from California. The first week, the pipes froze.

"Obviously nothing like that has ever happened before," Mrs. Weinberger said. "So I called the plumber. He couldn't do anything and he left. So I thawed it out myself."

How? She smiled. "I just started a little fire."

WASN'T GOING TO PAY

But that wasn't the end of it. "Ten days later I got a bill from the plumber," she said. "So I wrote him a letter—this time I didn't deal with the FTC. I just told him flatly that I wasn't going to pay. I never heard from him again."

"That wasn't all," Weinberger said. "When you go into a store in California and order something, it's usually delivered within a day or two. Not here. We ordered some lamps here and told the salesman we'd bring our car around to pick them up.

"The salesman was aghast—he asked us if we knew how far away their warehouse was. No, we said. It was 9 miles—and it would take at least three weeks to ship them 9 miles.

"This was our introduction to merchandising practices in Washington," she said.

And then came the Washington furniture stores where the price mysteriously climbed between the time the Weinbergers looked at something and the time several hours later when they called back to order it. "It happened twice at different branches of the same store," he said. "We called and said we wanted the desk. And suddenly it was 25% higher."

These may not have been major swindles, but Weinberger feels they are typical of the day-to-day shopping hassles any consumer might face. And although Weinberger didn't like them one bit, they still served as a first-hand help in teaching him the importance of his job.

Somehow, the Weinbergers came through it. But the bitter memories still linger on.

"Washington is an interesting city," Weinberger said. "Maybe even a fun city. But it does take patience. And I wouldn't say there was any chance of either of us getting Potomac Fever."

SEVEN-YEAR TERM

The Weinbergs have seven years to acclimate themselves to life in Washington; the length of his term on the commission. And despite the pains of relocation, Weinberger is finding the job challenging and interesting.

"We have many important responsibilities in consumer protection and anti-trust," he said. "It is our job to try to prevent unfair business practices and to enforce truth-in-lending and truth-in-advertising."

The commission has certain responsibilities in all three branches of government, he said, but its reason for being is a very simple one. "The consumer is asking for certain things," he said. "He wants to buy a product that's safe and usable, and repairable if it breaks down. We're here to try and make sure that's what he gets."

Weinberger, an outgoing, darkhaired man of 52, known to his friends as Cap, assumed his office Jan. 13 after having served since March, 1968, as California's director of finance. A native of San Francisco, he is an attorney who served six years in the State Legislature beginning in 1952.

In 1958 he was defeated in a statewide Republican primary for the office of attorney general. He is a former newspaper columnist (he used to write a twice-weekly column on state government), and for nine years he moderated a local public affairs program for the San Francisco educational television station.

In 1960 he was a delegate to the Republican National Convention, and two years later he was named state GOP chairman. He has worked together with President Nixon on all of the latter's political campaigns.

Weinberger is still busy with what he calls on-the-job training, since he had no real experience in the consumer protection area before.

"Mr. Nixon told me he felt my unfamiliarity was one of my strongest assets," he said. "I tried to tell him there was a difference between an open mind and an empty mind, but he just wouldn't listen."

VA REBUTTAL TO STAGED LIFE MAGAZINE ARTICLE

HON. BURT L. TALCOTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mr. TALCOTT. Mr. Speaker, I have long been interested in making certain that our veterans with service-connected injuries and illnesses have care and treatment second to none.

This year the budget for the Veterans' Administration is the highest in our history. I believe this administration, and most officials and employees, are striving conscientiously to provide the best possible medical and hospital services.

The May 22, 1970, issue of Life magazine carried an article which shocked me. Although the photographs and story obviously portrayed only a few of the 800,000 patients and was clearly planned to discredit an important Federal institution, I wanted to obtain the views of the Veterans' Administration.

In response to my inquiries, I have received the following letter from Donald E. Johnson, Administrator of the Veterans' Administration. Every Member of the Congress, every veteran, every citizen ought to read this letter.

The Life magazine article was totally unfair, demoralizing to the Veterans' Administration, and detrimental to the veteran who needs hospital care.

Life magazine will not retract its article because it was done purposely and much of it was staged. The damage cannot be undone. But the other side of the story ought to be told.

The letter referred to follows:

VETERANS' ADMINISTRATION,
Washington, D.C., June 5, 1970.

Hon. BURT L. TALCOTT,
House of Representatives,
Washington, D.C.

DEAR MR. TALCOTT: In reply to your inquiry of May 25, I am glad to have the opportunity to provide comment on the staged photographic coverage and accompanying distorted narrative that appeared in the Life magazine issue of May 22, 1970. The article serves to needlessly alarm present and prospective patients; to discredit the competent and dedicated staffs at VA's 166 hospitals, and to make more difficult the recruitment of medical staff the article says we so sorely need.

The two photographs on the cover of Life tell a story of designed contrast that should be evident to every reader. The top photo (in color) shows happy and smiling servicemen during a moment of respite on the Cambodian front. The lower photo (a dimly lit and grainy study in plain black and white) depicts a VA patient sitting in an attitude of dejection. The latter picture, although by no stretch of the imagination a typical scene in any VA hospital, does carry out the article's theme, "From Vietnam to a VA Hospital—Assignment to Neglect."

The same unsmiling patient, who plays the leading critic role in the article, crops up again in the lead photograph. This is a shower room scene with the notation that the veteran "waits helplessly to be dried."

On May 22, 1970, Dr. A. M. Kleinman, Director of the Bronx VA Hospital, wrote the Life Editor that, "Actually he (the patient) had been wheeled under the shower by a nursing assistant assigned to this task, and after he had been partly shampooed with soap, the assistant was asked to step aside by the photographer who wished to take this picture. The fact is that no patient is left under the shower after completion of the bath. All are wheeled away and dried immediately. This picture, like the others to be described, was posed to illustrate a point, but the point illustrated is untruthful as in this instance, or a partial or distorted truth in others." In fact, nurses, attendants and other VA helpers at the Bronx VA Hospital were often asked to stand outside camera range during the photographing—apparently to heighten the impression of patient neglect. Of 10 Bronx pictures in the article, VA employees are clearly visible in only two of them despite the fact the hospital staff numbers more than 1,600.

We now have many affidavits from reliable eyewitnesses in the Bronz VA Hospital telling in detail exactly how the pictures that did appear in the article were engineered far beyond mere normal direction.

I stated before the Subcommittee for Independent Offices and the Department of Housing and Urban Development of the Senate Appropriations Committee on June 3, 1970, "We will be glad to submit these affidavits . . . or to summarize them picture-by-picture . . ."

In further support of my public statements, the New York Sunday News of May 31, 1970, reported an interview it held with the aforementioned veteran-patient who was featured in most of the Life pictures.

The News story read, in part, "the paralyzed Marine on whom the article focused, acknowledged this week that some photos *were* posed, but asserted that they were justified in that they reflected conditions in the hospital over the last 21 months."

The News also reported that this veteran acknowledged his pictures *were exaggerated*.

In support of my statement that the Life article has damaged the morale of many VA employees, I call the following to your attention.

A head nurse in one VA hospital wrote the President she had not been able to sleep for two nights because of the magazine article. She believes in veterans. Her father is a World War I veteran . . . her two brothers and the nurse and her husband are veterans of the Second World War . . . her only son is serving in the Navy on a missile submarine in the present conflict.

She describes the article in Life as "the last straw." Her letter said, "I'm writing to you, Mr. President, because I'm so demoralized to think that a well-known magazine in these great United States could or would print such a story without checking the true facts."

This nurse—one of our best—is on the verge of resigning, and she works at a hospital where we are trying desperately to recruit more nurses for our patients.

VA contact representatives regularly visit every military hospital in the nation to assist soon-to-be veterans in claiming all of their VA benefits. During the last fortnight they report real apprehension and alarm among military patients destined for transfer to VA hospitals. One father flew hundreds of miles to plead with military hospital authorities not to transfer his young son into VA hands.

With reference in the Life article to rats at the Bronx hospital, there has never been a single verifiable report of a rat ever having been seen in the long history of the hospital. This is attested to by long-time employees as well as commercial exterminators who are called in periodically (as they are in many large institutions) to guard against the intrusion of mice.

In a telegram to Life Editor Thomas Griffith I noted that, "The Life reporter held a nearly 90-minute interview with me in my capacity as head of the VA. What survived of this in-depth interview was a single two-line sentence in the final article, and even this one sentence contribution was airily dismissed in the next sentence of the story."

"Life staffers visited the Washington, D.C. VA Hospital on three separate occasions, talked freely to many patients including severely disabled Vietnam veterans, and shot scores of photographs, many of a 22-year-old Vietnam amputee in his treatment routine."

"Could the fact that all of these veterans voluntarily praised VA medical care be the reason that not one word or one picture about these veterans appeared in Life?"

"Could it be that of the 800,000 veterans treated each year the one complaining patient featured in Life better fitted the story Life wanted to tell?"

"The truth is that each month VA hospitals receive literally hundreds of unsolicited letters from veterans and their loved ones expressing gratitude for the excellent VA care these veterans received."

In my statement to the press on May 25, I pointed out that "the Council of Deans of the American Association of Medical Colleges—at a regularly scheduled meeting held here in Washington (May 21)—unanimously went on record in two particulars.

"The Council, composed of the Deans of the 101 medical schools in America that set the pace for the best there is in medicine, condemned—as completely unjustified—what that body referred to as intemperate and inaccurate attacks on the VA medical program that have recently appeared in some news media, and expressed the Council's confidence in the continuing ability of VA hospitals to render high quality medical care."

XUM

I also wish to note that in its January 1970 report the Joint Commission on Hospital Accreditation of Hospitals singled out the Bronx hospital thusly: "The medical staff and administration of the Bronx VA Hospital are commended for the evidence shown of continued high quality care given to the patients in this facility."

The approval by the Commission is the highest accolade a hospital may receive. Its report followed a survey at the hospital just last December.

The Joint Commission is a survey team under the auspices of the nation's four leading medical organizations—the American College of Surgeons, the American College of Physicians, the American Medical Association and the American Hospital Association.

The Joint Committee conducts surveys at all hospitals, both private and public, to see if they meet high standards of patient care. The accreditation by the Commission is the highest accolate a hospital may receive.

I hope the facts I have mentioned will reassure you in regard to the Life article.

The VA is now operating with the highest medical budget in history, and the President has asked Congress for $210,000,000 more than even this record sum for the fiscal year starting July 1, 1970. With this extra money we will be able to hire some 5,700 more medical employees, bringing such employment to the highest peak in history.

All of this is not to say the VA program cannot be improved. We must, and we will, seek constant improvement, for we think the veterans who have defended their nation in time of war deserve the best possible medical care.

Sincerely,

DONALD E. JOHNSON,
Administrator.

ELLIOT L. RICHARDSON—STATE'S GAIN IS HEW'S LOSS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mr. RARICK. Mr. Speaker, Elliot L. Richardson as the new Secretary of Health, Education, and Welfare is a fitting successor to discredited and removed Robert H. Finch.

Certainly Mr. Finch's qualifications as a personal confidant and friend of the President are trivial indeed to the credentials of Mr. Richardson.

In addition to being a Harvard-trained lawyer and a law clerk to former Justice Felix Frankfurter, he has the experience of being a crusader in civil rights matters. In 1965, while serving as Lieutenant Governor of the State of Massachusetts, Mr. Richardson announced at a Boston Common rally that "he would go to Alabama to join a group of friends and fellow citizens in a pilgrimage to Selma." The occasion is said to have arisen out of the tragic and mysterious death of a Boston clergyman, the Reverend James J. Reeb—a white Unitarian minister, without a pulpit, whose occupation at the time of his death is said to have been rent collector in an integrated housing project in the Boston area. Little is known as to who ordered Reeb to Alabama or what "rent he was collecting there."

Mr. Richardson comes to HEW fresh from his position as Under Secretary of State, and bearing a grudge because he was not consulted on the Cambodian campaign.

While at the State Department, his great contribution to diplomacy was that of pacifying the young Turks of Foggy Bottom in their demands for personnel reforms. He saw to it that the administrator was replaced.

Mr. Richardson, at the State Department, was rated as the strongest voice at the White House, despite Secretary Rogers' long and close personal relationship with the President.

Secretary Richardson's specialty has been the strategic arms limitation talks—SALT—to disarm the American people.

A related newsclipping follows:

[From the Washington Post, June 7, 1970]

STATE LOSING A POTENT VOICE

(By Chalmers M. Roberts)

The switch of Elliot Lee Richardson to the Department of Health, Education and Welfare was so sudden that Secretary of State William P. Rogers only yesterday was considering possibilities for the soon to be vacant post of Under Secretary.

The switch may be good news for the badly demoralized HEW because of the managerial skills of the slow-speaking but tough-minded Richardson, a Massachusetts "modern" Republican. But his departure deprives State of what many consider the department's strongest voice in the administration at a time when morale has badly sagged because the department seemed to have minimal influence in the Cambodian affair.

At State, Richardson was depicted as "half exhilarated, half sad" at the switch in jobs. He has been especially admired in the department for his close working relationship with the key Nixon aide on foreign policy, White House adviser Henry A. Kissinger.

Richardson worked in HEW during the last two years of the Eisenhower administration as assistant secretary, ending up as Acting Secretary for several months, before he went home to enter Massachusetts politics.

In 1962 he lost a GOP primary race for Massachusetts attorney general to Edward Brooke, now a senator.

In 1964 he won the lieutenant governorship, and in 1966 was elected attorney general.

A Harvard-trained lawyer, Richardson was a law clerk to Justice Felix Frankfurter and to appellate Judge Learned Hand. In World War II he landed in Normandy on D-Day as an Army litter bearer, was twice wounded, won the Bronze Star and rose from private to first lieutenant.

His medical relationship, however, goes deeper than his wartime experience.

Richardson's father taught surgery at Harvard Medical School and was on the staff at Massachusetts General Hospital, of which Richardson was to become corporation secretary. Both his grandfathers were medical men and two brothers are in medicine.

The new HEW boss once was an aide to Senator Leverett Saltonstall (R-Mass.) and came to HEW in 1957 as assistant secretary to handle legislative problems. Before that for some months he had been an HEW consultant on legislation.

At HEW Richardson tried unsuccessfully to sell Congress on the Eisenhower program of trimming the so-called "impacted aid" to public schools. But he also favored more funds to combat juvenile delinquency though President Eisenhower had dropped that item from his budget.

Richardson plugged both for salary increases and better personnel at the National Institutes of Health, part of the HEW complex.

In 1965, as lieutenant governor of Massachusetts he announced at a Boston Commons rally that he would go to Alabama "to join a group of friends and fellow citizens in a pilgrimage to Selma." The occasion was the slaying in Alabama of a Boston clergyman, the Rev. James J. Reeb.

These bits and pieces of Richardson's career put him in the liberal side of the Nixon administration, much as the man he succeeds, Secretary Robert H. Finch.

Whether Richardson can control the huge HEW bureaucracy remains to be tested. His associates at State, where the bureaucracy is much smaller but also often unhappy over policy, were stressing Richardson's executive ability yesterday.

One said, of Richardson that "he thinks managerially."

At HEW, where personnel now numbers about 110,000, or about triple what it was when Richardson was there, Finch has been criticized as a poor administrator. HEW assistant secretaries have felt cut out of policy determination. Finch has relied instead on what several yesterday called "his palace guard."

One high HEW official commented that Richardson was moving over with an impressive reputation as an administrator. He added that "it could be a great thing for this place, tighten us up."

Richardson came to State as the personal selection of Rogers after he turned down an offer of the HEW undersecretaryship. Richardson had served as U.S. Attorney of Massachusetts in 1959–61 when Rogers was President Eisenhower's Attorney General. As U.S. Attorney, Richardson prosecuted the touchy case of Bernard Goldfine, the industrialist who got President Eisenhower's White House Chief of Staff, Sherman Adams, into so much trouble he had to resign.

Richardson came to State with no foreign policy background but he was a quick learner. Indeed, so high is his reputation at State that the professionals have hoped that he would succeed Rogers as Secretary assuming President Nixon's re-election. Rogers has publicly said he will serve only one term.

Some Richardson associates yesterday were saying that his departure from State was a "a disaster." Richardson himself was silent, beyond his brief White House remarks yesterday.

At State, Richardson has been widely rated as the strongest departmental voice at the White House, despite Rogers' long and close personal relationship with President Nixon. One of his specialties has been the Strategic Arms Limitation Talks (SALT).

While names of some current State Department officials were being mentioned yesterday as possible Richardson successors, Rogers' intention was reported to be to bring in an outsider.

[From the New York Times, June 9, 1970]

In the Nation: A Good Move by Mr. Nixon

(By Tom Wicker)

WASHINGTON, June 8.—Whatever the deepest motives of those involved, which may be some time in emerging, the Richardson-for-Finch swap at the troubled Department of Health, Education and Welfare looks like an intelligent move by the President and maybe even for the country. This could be canceled out if the new Under Secretary of State is not chosen with care.

There seem to be at least three ways in which this high-level shuffle is of benefit. The first lies in the obvious fact that H.E.W. was in a real mess—with major posts unfilled, damaging resignations being tendered, revolt brewing among civil servants of all grades, and Secretary Finch worn down by all these cares. Underscoring all that were the difficulties of the department's substantive programs—school desegregation slowed or repatterned, health programs held down in the budget, and the welfare reform—the most innovative Nixon domestic program—in trouble in Congress.

Elliot Richardson, the new Secretary, has shown himself at the State Department to be a forceful administrator and a quick learner. With former experience in H.E.W. and a term as Massachusetts Attorney General under his belt, he has a good background for his tough new assignment. In the state H.E.W. is in, it can hardly fail to benefit from a new hand at the tiller, particularly one as firm as Mr. Richardson's appears to be.

LIBERAL REPUBLICAN ELEMENT

But the Richardson appointment brings another gain that is mostly promise. He has solid credentials in previous stages of the civil rights movement, and is one of those "modern Republicans," as they used to be called in the Eisenhower era, who knows his party's deepest traditions derive from Lincoln, As such, he should be a strong and needed force in the Administration for a progressive desegregation policy.

He will represent, more directly than could Mr. Finch—a Californian always associated with Mr. Nixon—the once-strong Eastern and liberal elements of the Republican party, perhaps even re-establishing some of their lost confidence in the Administration. With their backing, with his freedom from any entangling personal relationship with the President, and with the high standing he earned at State, Mr. Richardson might prove a different breed of cat for Attorney General John Mitchell to tangle with in the inner councils.

Finally, Mr. Finch's shift to the White House staff, in addition to providing Mr. Richardson the kind of essential support at the top that Mr. Finch himself seldom had, might well have good general effect. More than most in this Administration, he has moved around the country, keeping as much in touch with it as he could, even daring to make some commencement addresses in the wake of the Cambodian uproar. And while he was never the "liberal" some publicity suggested, and did not claim to be, he is still a good deal to the left of Mr. Mitchell and Vice President Agnew, and considerably more knowledgeable politically than either.

HOPE FOR SOUND COUNSEL

In his new role, relieved of administrative and policy battles, Mr. Finch may provide the sound political counsel that seems to have been lacking in the making of the Cambodian mess, in the Carswell nomination, and that has been most conspicuous by its absence from the Administration's handling of students and blacks. It is not even too much to hope that, in the White House, the scope and soundness of Mr. Finch's counsel to the President might be as great as they appeared to be in Mr. Nixon's '60–68 campaigns.

This leaves the question of a successor for Mr. Richardson at the State Department, and it is a good omen that Secretary of State Rogers is talking of bringing in someone from "outside." That would be useful for more reasons than that the present State Department organization is overloaded at the top with career officers of the kind who have always approved the Vietnam war and who, in the most recent revelation of this mentality, were happy to pay the Thais $50 million a year to bolster the cause with one combat division.

It is even more important that a new voice and a fresh outlook be injected into the high councils of the Adminstration, after it has been a year and a half in office. Vested interest in the success of a policy of one's own making, ambition, sycophancy, even simple fatigue, as time goes along, tend to fix any Administration inflexibly on an established policy line; and none ever suffered from having someone free of all these handicaps move in near the top and ask a few skeptical questions.

"RUSTY" YARNALL NAMED TO HALL OF FAME

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mr. MORSE. Mr. Speaker, it is indeed a most pleasant and proud moment when a Member of the Congress can recognize in the presence of his colleagues the accomplishments of a man such as "Rusty" Yarnall. Waldo W. "Rusty" Yarnall is the athletic director of Lowell Technological Institute of Lowell, Mass. He has experienced a long and memorable career in the field of baseball, and I am honored to be able to call him my good friend. It is thus with a special sense of pride that I offer him tribute and congratulations today for being awarded a place in the Hall of Fame of the American Association of College Baseball Coaches, the highest award in baseball other than that of professional baseball's Hall of Fame.

"Rusty" Yarnall is the first in Lowell to receive this honor, and I join his many friends and admirers, both within and out of the sports world, in extending sincere and heartfelt congratulations and in wishing him the greatest happiness in the years ahead. I include his article at this point in the RECORD:

[From the Lowell (Mass.) Sun, May 29, 1970]

Yarnall Reaches Top

(By Frank Sharkey)

LOWELL.—If you see a glow in the sky over the Athletic office of Lowell Tech for the next two years, don't be a bit surprised. There's a very happy and proud gentleman sitting in the seat of the Athletic Director with the name of Waldo W. "Rusty" Yarnall who has received word from the American Association of College Baseball coaches that he has been named to the Hall of Fame in that organization, the highest award in baseball other than that of professional Baseball's Hall of Fame and the first in Lowell.

Was Rusty a happy man? "Oh yes," he said with a broad smile. "I've been on cloud nine since I received the word of my selection. It made me so happy when I opened up the letter. I let out a whoop that startled my secretary."

Yarnall will be retiring in two years after having served Lowell Tech for 43 years, 10 of them as Athletic Director. When asked how his reaction to the last two years will be of controlling athletics at LTI and knowing what he has had and what he expects of the future, Rusty just smiled and knew that his rewards to the sports world especially his great career in baseball were rewarded beyond his expectations and now there will be an aura of sunshine and happiness around him through the next two years.

"I'm just so glad I was alive to enjoy what has transpired through the last few months since I found out I had been nominated," stated Yarnall. "I was happy, of course knowing I had been chosen as a nominee, but there was some apprehension on the selection."

Maybe Rusty thought so, but according to some big names in collegiate baseball circles he was a shoo in.

Ethan Allen, head baseball coach at Yale wrote and said, "You can't miss with what we all owe you for your dedication."

Danny Litwhiler, Michigan State baseball coach. "Your record proves your ability." "Justly deserved," wrote Marty Karow, Ohio State.

Dutch Fehning, Stanford University, "You have my vote all the way." Tony Lupien of Dartmouth cited Rusty's background as speaking for itself.

There were more too. Archie Allen of Springfield College a long-time friend of Yarnall's said, "Desirable and qualifications make you a natural pick." And finally Cap Trimm of Iowa State topped off the list of accolades with his "high recommendation."

If this wasn't a falling in of old friends to honor a fellow coach then grass is red. There were telegrams, phone calls and even a letter from Rusty's wife's 83-year-old aunt who gained enough strength to wish a great gentleman a congratulation.

This was listed as his greatest thrill in all that has happened throughout his trials and tribulations in sports.

From Rusty's 24 straight pitching wins off the high school grounds of Swarthmore, Pennsylvania in 1918-1920, two winning seasons on the campus of the University of Vermont (1923–24), with the Philadelphia Phillies part of the 1926 season. He also played with York in the old New York-Pa. league; for Montreal in the International League; Martinsburg in the Blue Ridge; Jeannette in the Mid-Atlantic; Crisfield in the New Shore and Portland (Maine) in the New England League, he has blazed a trail of glory that matches few men of his calibre.

This memorable career finally brought Rusty to managing Lowell in the New England League and then Lowell Tech was fortunate enough to gain the services of Rusty as baseball coach in the spring of 1928 which brought about this compatible marriage of superb effort and spirit with the institute until he replaced himself with Jim Stone in 1967.

This record involved a period of 39 years with a mark of 188 wins and 268 losses, very creditable for the type of material Rusty had and the strict academic programs the athletes had to endure.

In 1960 Rusty was honored by being admitted to the Helms Foundation College Baseball Hall of Fame, has his 25-year plaque as having served on the Rules Committee of the AACBC and holds membership card No. 198.

There were memories that went through Rusty's mind while talking like a kid with a new toy about his selection. His happiness was evident. He remembered 1922 when he was a halfback with Vermont and his team was the only Vermont football team ever to beat Dartmouth.

There were times of sorrow when he knew he could go no further in professional baseball when a previous football injury had taken the zip off his once-famous fastball. But Rusty being the solid type he was just forged ahead and made do with what he had in knowledge of the game.

These intangible items make for a hall of famer and Professor Yarnall is one of the very few throughout the nation that can look back and know with some regrets and enough happy moments to know it was well worth it.

"I have been busy getting letters out to those who helped along the way," said Rusty modestly. "I have had many nice things happen to me, but wow, I just can't put into words what it means. You set goals and some are made. You try your hardest and maybe, just maybe, the rewards are rich."

Yes, the years have been good to Rusty Yarnall. He has slowed down a little, but the speed of his knowledge and fortitude keeps him in step with the times.

If ever a devoted man deserved such an honor, then we say, Rusty Yarnall, the overseer of athletics at Lowell Tech got what he deserved.

The names of those selected for the Hall of Fame will be announced at the College World Series around June 12 at Omaha, Nebraska, and Rusty will get his plaque in January 1971 at a date set up by the committee for a dinner and ceremonies appropriate of the honor.

A NATION OF FLAGS

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mr. QUILLEN. Mr. Speaker, Sunday, June 14, is Flag Day in the United States and year after year this annual observance becomes more widely recognized.

This past Monday an editorial appeared in the Johnson City Press-Chronicle, one of the outstanding daily newspapers in my congressional district, outlining briefly the history of Old Glory.

I am certain the editorial will prove interesting reading for those persons who may have forgotten the flag's history and also for those who have never known its history.

The editorial referred to follows:

A NATION OF FLAGS

Betsy Ross might fumble her needle in astonishment if she could see on Flag Day (June 14) this year what she supposedly started.

From sea to shining sea, the nation is becoming bespangled and striped as never before. More Americans than ever are rallying around the flag as a red-white-and-blue symbol of all things that have made the United States what it is, the National Geographic Society says.

The Stars and Stripes may be unfurled from at least every 10th American household, and possibly more, say the nation's biggest makers of flags. They are recording a banner year, turning out flags twice as fast as in 1969 with sales mounting well into the millions.

Hand-sized decals show the flag in automobile windows across the country, and the astronauts left the colors standing proudly in the windless world of the moon.

George Washington supposedly reported to the Second Continental Congress on the new flag: "We take the stars from the heavens, the red from our mother country, separating it by white stripes, thus showing that we have separated from her, and the white stripes shall go down to posterity representing liberty."

Another explanation is the flag's red stands for courage, white for liberty, blue for loyalty, and the stars and 13 stripes for the American colonies.

Nearly a year after the Declaration of Independence—or 193 years ago this Flag Day, on June 14, 1777—Congress accepted the new ensign with its circle of 13 stars. The Navy sailed with it. Army use came later.

As a distress signal, the flag has been flown upside down intentionally by war protestors and accidentally by the Pentagon. Stars and stripes adorn policemen's uniforms, Uncle Sam outfits, drum majorette costumes, and mod fashions.

Replicas of flags are proudly hailed on newspaper mastheads, postage stamps, and tattooed chests. They are made into expensive jewelery, and are used in far-out art and on posters outspokenly backing both pro and con views on war, peace, and politics.

Stern courts frequently decide the flag is being desecrated, and widely varying fines and jail terms may be handed down according to state and federal law against misuse of the national colors.

Once Old Glory was a favorite advertising gimmick of a type that today would be guaranteed to raise patriotic hackles. Everything from chewing gum to Japanese tea, from beer to bicycles was once wrapped in the flag by ambitious hucksters, apparently with little censure. -

But now such use is considered an affront to all who have died protecting the flag, as well as to all who have marched victoriously with it in war.

HORTON PRAISES MRS. EVELYN GAY—A SPECIAL KIND OF TEACHER

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mr. HORTON. Mr. Speaker, those of us who can boast of having a good teacher are very fortunate. It takes a special kind of teacher to open doors to a love of learning.

This month marks the 25th anniversary of such a teacher, Mrs. Evelyn D. Gay of West Henrietta, in my 36th District. Here is a dedicated teacher who has served as an inspiration to both students and fellow instructors.

For 25 years, she has worked at instilling a love of learning and a questioning mind in her students. She retires this month from Rush-Henrietta Central School after teaching Latin and English there from 1953 through 1970.

Mrs. Gay has been instrumental in organizing experimental programs that have become permanent. She did extensive research and worked on the first slow learner program in my district. She understands that students cannot be lumped together, that some have a faster capacity to learn than others, and that these slow learners should never be ignored.

She makes one distinction between students and pupils. Pupils are those that have to be taught and students are those willing and eager to learn.

Her principal at Carlton Webster Junior High, Mr. William Mayer, describes her as "one of the finest ladies I've ever met." She has been a forerunner in the area of education leadership. She was instrumental in obtaining two additional periods at the high school, and was building coordinator of English and social studies for 5 years. She also initiated a writing program relating composition to literature.

Through Mrs. Gay's personal contact with thousands of students and many student teachers, she has guided the course of education. For years she has been a moderator of the Latin Club, and she has supervised innumerable student teachers whom she has tried to imbue with her love of learning and students.

Mrs. Gay meets teaching with a sensitivity and love. She has lowered the barriers which sometime isolate teachers from students.

Mrs. Gay has continuously pursued higher education for herself. She graduated valedictorian and magna cum laude from Keuka College, Keuka, N.Y., in 1934 with a B.A., majoring in Latin and French. She taught Latin, French, and English in Pike, N.Y., from 1934 to 1937. She taught in Caledonia from 1937 to 1942. She completed graduate study at Middlebury, Vt., Syracuse University, and the University of Rochester.

Her work has not been confined to the academic world. This year she was district coordinator for the community chest. She has also hosted foreign students for the American Field Service.

In addition, Mrs. Gay is a member of Delta Kappa Gamma, New York State Teachers Association, Pi Gamma Mu, and has served as a trustee of Keuka College.

Mrs. Gay's service will be deeply missed by the entire student population. Her students have a deep respect and affection for her. Her store of wisdom, tolerance, understanding, and love have persisted and grown during her 25 years of service.

I cannot praise her work enough. Her dedication, her love of the profession, her outstanding contributions—all of these will leave a great void.

There is no greater service than what Mrs. Gay has performed. She has served where many are not privileged to serve. She has touched lives as no one else can. She has given the necessary encouragement to inspire success.

In recognition of her profound influence on the course of education over the past 25 years, I commend her and wish her well.

XUM

MEMORIAL DAY ADDRESS OF JUDGE ROLAND C. RUTLEDGE

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mr. PETTIS. Mr. Speaker, though Memorial Day 1970 is some 2 weeks past, I happen to be one of those individuals who believes that the time for honoring the memory of those who have died for their country need not be relegated to a single day of the year. And I know there are many thousands of others who daily appreciate the sacrifices of the men who have given their lives to protect our freedoms.

Rhetoric is a word we have been reading and hearing a great deal about nowadays, so much in fact that I fear we are strangling it ironically with excessive verbosity. However, I feel I must risk one more repetition to say that some of the finest, most heartfelt rhetoric—in the original Grecian sense of the word—ever prepared for a Memorial Day observance was delivered last May 30 by the Honorable Roland C. Rutledge, the Presiding Judge of the West Valley Division of the San Bernardino County Municipal Court District, at Ontario, Calif.

It was a scholarly, perceptive and extremely relevant address, and above all it came straight from the heart, and for all those reasons it will be—and should be—long remembered. Certainly it will enable us to renew our appreciation for our honored dead. And for that reason I am proud to ask that the text of Judge Rutledge's oration be inserted in the RECORD at this point so that all our colleagues may share his inspiring words:

MEMORIAL DAY ADDRESS

(By Judge Roland C. Rutledge)

The solemnity of an occasion such as this, where we have met to honor those who have gone before us, should cause us to pause and contemplate the crisis facing us today, the solution to which will determine whether democracy will continue to survive or whether our country, in the light of those events, will turn to another or different form of government.

America has had its crises before. Its democratic form was purchased at the price of six years of costly and bitter strife. A civil war tore the country asunder. It re-united, but some of the scars are to be detected to this day. The forces that brought on the Civil War came mainly from within. Those preceding the two world wars came from without. In each instance, democracy stood the acid test.

The means by which dictatorships on the one hand and democracies on the other are maintained and perpetuated are totally different in concept and nature. A dictatorship continues to exist by cold, harsh force; a democracy only at the will of a self-restrained people willing to live by the rule of law. Whether our present form survives or changes in the direction of a totalitarian state will depend, as a whole, on the manner in which the mass of the American people respond to the challenges manifest today.

It is said that those who would read the future should read history. A study of history shows that democracy is nothing new. It was tried in ancient Greece, 500 years before the time of Christ. It did not last. Strong men took over. Today, 2,500 years later, it is ruled by a military clique.

Rome passed through a period of self-rule, with a satisfactory balance being worked out in a division of power betwen the patrician Senate of the wealthy and the Comitia of the people. Nor did it last. Forces boring from within destroyed the freedom and dignity of the individual and the Caesars took over.

The evils which, in the time of Caesar, Pompey and Cicero, were undermining the Republic bear so many striking resemblances to those which threaten the civic and national life of America today that the interest in the period is by no means merely historical. Standing in the Roman forum last June, in front of the pitifully few remains of the Rostra near the Senate House, which was the center of the political life of Rome, your speaker was reminded that here, in the century before the commencement of the Christian era, in the days of the crumbling of the Roman Republic, rioting drove the Senators from the Senate House—the Curia—; here was where pitched battles occurred between rival factions, interrupting the attempts of the Senators and those assembled in the Comitium to carry on the orderly functions of government, leaving hundreds dead, forcing the leads from the forum and the magistrates from their benches, and burning the Senate house to the ground. Here was where Pompey found it necessary to surround the high ground around the forum with a legion of soldiers to maintain order during the trial of Milo; here, on this Rostra, the voice of Cicero, perhaps the greatest orator of all times, rang out in defense of the democratic processes and in opposition to those seeking its destruction; and here his severed head was displayed following his arbitrary execution after being proscribed by Antonius, of the Second Triumvirate.

Julius Caesar had set the trend by seizing power and imposing himself as dictator six years before, and Octavianus, his Grand Nephew, assumed the title of the first of the Roman Emperors, vestiges of which are still faintly to be detected today, 2,000 years later, when Italy maintains with the greatest difficulty a government barely able to prevent the emergence of another Mussolini.

Following World War I, most experiments in democracy disappeared in a rash of dictatorships, good examples being Italy and Spain. Hitler took over with less than 2% of the population of Germany, and embarked on a war which cost the lives of between 20 and 30 million civilians, 16 million military personnel, and 6 million Jews and other minorities, killed on his direct orders in an open program of genocide. These are some of the things to consider if we elect placidly to sit back and depend on the goodness of the human spirit to bring us through our difficulties.

If, in truth, history foretells the future, history discloses that once the people of a democracy lose their sense of destiny and of self-discipline; let them sow an unwillingness to live by the rule of law; allow their trust in the ability of their elected representatives adequately to administer the civil, political and military affairs of the country to become shaken; allow rioting, looting, burning and bombing to become the order of the day and the protective arm of the police to become the object of ridicule and contempt, then such a people are steering a course of disaster and destruction, as did the ancient democracies.

Nature abhors a vacuum. Let democracy fail as a way of life, and something quite different in nature rushes in to fill the vacancy.

Winston Churchill once said, "Democracy is the worst system of government in the world—except all the others." Apparently a contingent of our citizens seeks some type of "the others." Jerry Rubin, one of the Chicago 7 facing jail, visiting at Stanford U. a month ago, addressing a large part of the student body said, "What goes on in your head is irrelevant. It's action that counts." Another little jewel he dropped was, "Schools are the biggest barriers to education. That's why schools are being burned." Both statements brought strong affirmative responses from his student audience. Another was, "I don't care if 99.99 per cent of you students want ROTC, it shouldn't be left on campus. There's no civil liberty to kill." And more cheers. That's democracy as some would have it. Rubin, you will recall, was one of the Chicago rioters who attempted in effect to drive a Federal judge off the bench. It did not succeed and when the inevitable day of reckoning came, was the first to scurry behind the protection of the Constitution he and his kind seek so desperately to destroy. All this is faintly reminiscent of the ravings and ranting of Hitler, but Hitler did take over Germany and took the world to the brink of destruction. Let's not laugh contemptuously at the Rubins of today. Julius Caesar, Mussolini, Hitler and Napoleon took over with comparatively small minorities of well-organized and determined military and militant organizations. Better to have a show of hands—today—with the Rubins in our society.

No one can look at the tragedy at Kent University; at 3 buildings blasted in one day in New York City; watch Watts burn to the ground; see on TV one of the most serious riots in the history of Berkeley, nor consider the wrecking of Isla Vista with its senseless burning of a Bank of America building because it is supposed to be representative of the "Establishment" and in good conscience deny that we are in serious trouble here at home. We restrain and disarm an excited man with a loaded gun and give society adequate protection against a mad dog on the streets. Our Rubins are equally as dangerous, and perhaps much more so in judging on the effect they are having on the excited young people of today.

Present day youth complain that we won't listen to their views and demands. Admit justice to many of their criticisms. We still find difficulty in listening amidst the chants and screams of mobs and the crash of glass as store fronts are smashed. Waving flowers and shouting "peace" is commendable. No arguments against flowers and no opposition to peace; but shouting the word "Peace" does not bring Russia nearer to an arms limitation pact nor the North Vietnamese and Viet-Cong to the peace table. Certainly the scent of a rose is more pleasant than the smell of the smoke of bombs and burning buildings, but neither of the two renders our air, land or water less polluted.

Action breeds reaction. The tragedy at Kent U is proof of the inevitability of that law of human nature. The radically inclined seem oblivious of the fact of what the future may hold if more buildings are blasted, more Isla Vistas wrecked and more million-dollar computers used in the colleges blown up, can only be conjectured. Just as youth is heartily sick of the war in Vetnam, so more and more people are becoming just as sick of the upsurge of violence, disorder and destruction here at home. Further crossing of the legitimate boundaries of the right of peaceful protest can bring a counter-reaction, making the events of today child's play by comparison. I doubt that those students who resort to violence under the guise of "dissent" are motivated by any sense of morality. One of the greatest dissenters in history was Adolph Hitler.

Some suggest that we have over-educated today's youth to a sense of "morality" and to a sense of social values. I consider that pure nonsense. Let us consider some further facts and ask a few questions which might put that argument in its true perspective.

In February, 1969, pamphlets entitled "Your Manual" were distributed on campus of the San Francisco State College. "Your Manual" is truly a frightening document. It lists the equipment to bring on the campus for use against the so-called "pigs", (police) and "scabs" (non-striking students.) It lists rocks and bottles, and directs they first be thrown against cameramen to drive them off so no pictures can be taken, then at "scab" students, then at windows; directs the use of red pepper and darts; states that ice picks and can openers are used to best advantage on the car tires of scab teachers, and adds "very good on plainclothes pigs, too"; tells how to use sling shots on windows and with relative safety against uniformed police; advises that large, sharpened picket sign handles can be used as clubs and spears; suggests the use of spray paint on the bodies of scab cars; reminds that a Zippo cigarette lighter readily ignites curtains and waste baskets and that a little lighter fluid increases its usefulness and that oven cleaner in an aerosol can be used as a weapon, doing severe damage to the exposed skin of an enemy and instructs in the use of the four main types of bombs: Cherry bomb with armament, stink bombs, molotov cocktail and pipe bombs. Over-education in a sense of morality? Ridiculous. Directives such as these are not typical on all college compuses, but do shed some light on the underlying purpose and intent of the groups causing the trouble. Why we continue to permit this type of thing under the guise of "free speech" and "free press" is more than your speaker can understand, but does make the events of Kent and Jackson more understandable. Constitutional guarantees never were intended to condone this type of conduct. Certainly it cannot be explained away as an exemplification of the extent to which we have educated our youth to a sense of morality and of social values.

XUM

Is throwing bottles and bricks at the policeman "moral"? Is the burning down of the ROTC building on campus an expression of "morality"? Is swarming into a business area, tearing down signs, destroying phone booths, smashing store windows and painting revolutionary signs on walls a mere "moral expression?" Is threatening to kill reporters from the local newspaper if they take pictures of the destruction a "moral act"? And yet, all these things were done at Kent, leading the National Guard to be there in the first place. Retreat forthwith from Vietnam and the Cong will sweep down and administer a blood bath that will cost a million lives. Would that be a gesture "moral" in its concept? The TV pictures of the bodies floating down the Mekong River gives a good indication of what would happen. We Americans have certain moral obligations ourselves. It's time we examined them. Duty is not synonymous with "morality". Debating whether we should, or should not, have moved into the Cambodian sanctuaries of the Communists forces from which they endangered our entire flank should turn on the question of military necessity, not on the "morals" of the problem, as war is seldom fought on the basis of what is moral and what is immoral or unmoral. Questions of morality will not prevent further "reaction" if excited students continue to openly attack armed soldiers and uniformed police. As pointed out by a local editor, let two groups of youngsters chase each other around, both sides armed, one with stones and the other with guns, and someone is going to get hurt. It has happened, and will continue to happen unless stern measures are taken. Unless we wish to follow the pathways of ancient Greece and Rome, it's time to start taking such measures as will accomplish the intended purpose. The Colosseum and Pantheon of Rome were made of stone and still stand. The moral fiber of its people was of a weaker substance. Internal strife, dissidence and the rot that comes with a welfare state weakened and eventually destroyed the social structure from within. Cicero saw it coming. One of the keenest minds of his time, he said in a letter to a friend, which is still extant,

"Once depart from law and everything is uncertain.

Then, nothing can be guaranteed as to the future which depends on another's will, not to say caprice."

Within six years his head adorned the Rostra.

Could it be that with the tumult and uproar in our civic life, our streets unsafe at night, our colleges slowly but surely coming to a grinding halt, with our very institutions attacked and challenged by those who would utterly destroy, but without a blueprint from which to rebuild after the destruction, we, as Cicero worded it, have "departed from law?" Only the events of the immediate future will determine the answer to that question.

Certain of the dissident groups have drawn their battle lines and taken their stance on a platform of destruction and anarchy. It's high time we formed our own lines on the basis of present institutions of self-rule and of law and order. Attempts to reason with excited youngsters are seldom successful. A few strong shocks can do wonders in calming hysteria. We have prisons for the criminal elements of the opposing movement. If adding some iron inside the silken glove proves necessary to re-establish authority in our universities and to bring order and safety to riot-torn streets, then it's time we added the iron. Clearing the campuses of the radical totalitarians could be the first logical step back in the direction of rationality. Meeting action with reaction will soon reveal whether democracy is geared to stand the stresses and strains being imposed upon it today by a militant and drug-oriented minority. In heavy storms, only a firm hand at the helm preserves the ship. The torch of freedom has gone through storms before and still burns. Storms ahead will cause the torch of democracy to dim and flicker, but held aloft it will endure. Those whom we honor here today ran the course and threw to us the sacred torch. They kept the faith. We can do no less. We will hold it high. We will keep the faith.

MARQUETTE UNIVERSITY PRESIDENT, THE VERY REVEREND JOHN P. RAYNOR, S.J., CALLS FOR MASSIVE FEDERAL AID TO SUSTAIN INDEPENDENT HIGHER EDUCATION

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mr. REUSS. Mr. Speaker, on May 5, 1970, the Very Reverend John P. Raynor, S.J., president of Marquette University in Milwaukee, told the Special Subcommittee on Education that "a program of massive financial aid to independent colleges and universities" is necessary if independent higher education is to remain competitive on the national scene.

Reverend Raynor's testimony before the subcommittee accurately portrays the financial peril facing many of our Nation's great independent institutions of higher learning. I commend Reverend Raynor's statement to my colleagues:

STATEMENT BY THE VERY REVEREND JOHN P. RAYNOR, S.J.

Madam Chairman and distinguished members of the Special Subcommittee on Education of the Committee on Education and Labor of the United States House of Representatives:

My name is John P. Raynor. I am President of Marquette University in Milwaukee, Wisconsin, and a member of the Society of Jesus. I am grateful for this opportunity to appear before this subcommittee to present some of my thoughts concerning independent higher education in the United States, its potential for the future, and the role the Federal Government might play in assuring that today's independent colleges and universities will survive.

Before going any further, I would like to take just a moment to tell you a little bit about Marquette University so that you may better understand the base from which I must draw the conclusions, hopes and aspirations for independent education in America.

Marquette is a private, independent, coeducational, urban university conducted under the auspices of the Society of Jesus. It received its charter in 1864 and opened formally for classes in 1881. This year we have nearly 12,000 students attending our 9 colleges and schools with 44 departments, including schools of graduate study, law and dentistry. Our students come from every state in the union and from more than 35 foreign countries. The faculty at Marquette numbers some 600. They come from all over the world with a variety of backgrounds and religious beliefs. Of these, 60 are members of the Society of Jesus.

In January 1969, a most significant step was taken at Marquette when we completely reorganized our Board of Trustees, changing from a Board of only three Trustees, all Jesuits, to an expanded Board of 29 members which provides for 21 lay members. The Chairman of the Board, Mr. Eliot G. Fitch, is a prominent banker and business and civic leader in Milwaukee. This shift to a predominantly lay Board of Trustees was undoubtedly one of the most important events in the history of the University. It points out the growing partnership between the community and the University as well as our increasing responsibilities to the public.

Marquette's budget for the current academic year is approximately $24,300,000. Despite a tuition increase in each of the past two years, and six in the past ten years, we still face an operating deficit in this academic year of $275,000. The funding crisis is especially critical in the professional programs essential to the health and welfare of society. This problem has reached such severe proportions in Marquette's School of Dentistry, for example, that substantial state and federal funds will be necessary in the near future if we are even to maintain the present levels of support for our School of Dentistry. We have already announced a tuition increase for the 1970–71 academic year, raising tuition to an all time high of $1,660 a year. This compares to $1,250 just three years ago and only $800 ten years ago. We are striving for a balanced operating budget for 1970–71.

This year Marquette has provided student financial aid, exclusive of any federal or state programs, totaling $1,600,000 and we expect to increase this next year. We currently have capital loan obligations to the Federal Government alone of nearly $12,000,000. Our endowment totals approximately $7,000,000, an average of only $804 per full time equivalent student, extremely low in comparison to other major independent universities and entirely inadequate when compared to the resources of public universities.

Madam Chairman and Members, I submit these facts to you so you can understand in a concrete way the financial plight we are facing in independent higher education. I submit these facts knowing full well that Marquette University, even with its deficit, large loan obligations and small endowment is actually in a better position than many of our sister institutions.

The next few years are going to be critical to the future of independent higher education. It is obvious that if we are to remain competitive on the national scene, something must be done, and done in a major way, by the Federal Government through a program of massive financial aid to these independent colleges and universities. This is not to say that independent colleges and universities are not trying to raise funds from private sources. They most certainly are. At Marquette we are in the midst of a campaign to raise $30,000,000. More than one third of this has already been raised but with the new tax laws affecting philanthropy, our task in the future will be more difficult.

In simple terms, the United States soon may find itself without the competitive benefits of our dual system of public and private education which has been traditional in this country. Unless this strong competitive system is maintained, the relative quality of education will suffer greatly and education's responsibility of serving in the public trust will be impeded.

In his message on Educaiton Reform, President Nixon spoke of the need for educational diversity, noting that "the absence of competition would neither be good for that school system nor good for the country." The collapse of the independent higher educational system and its unique contributions to the commonwealth would be tragic. It can, and indeeed must, be avoided if congress acts now in a responsible manner to assist all institutions of higher education, but especially the hard pressed independent colleges and universities.

These independent institutions, however, must not lose their identity. They offer distinctive educational programs based on integrative educational philosophies; and approach to education which provides a great promise for providing the ideals and values so sorely needed by modern youth in a time of rapid change.

To continue in this intellectual tradition, these institutions must remain free of direct governmental control. They must be free to retain their independent boards of trustees for institutional governance. To distort this principle would be contrary to the traditional educational concepts of our country.

Never before has the Congress of the United States faced a time when more demands were being made by the public for post-secondary education. At the same time, the institutions which must provide this education are facing a widening gap between income and expenses as they strive to meet these increasing public demands with new and expanded facilities, as well as new acedemic programs and increased financial aids for students.

And yet, you will agree, I think, that the dual system of education in our nation should be preserved. Hearings such as this serve to show the nation that there is a special interest in Congress to see that this dual system continues.

There are two basic principles that must be weighed in any consideration of increased aid to higher education. The first is to provide universal education opportunity to our young men and women of college age, and secondly, to maintain educational diversity to assure freedom of choice.

The first principle, universal educational opportunity, is essential to the basic concept of educational goals which has been an historic tradition in our nation. We must remember that, while we speak of "independent" institutions, these colleges and universities serve in the public trust. They perform public services which would otherwise have to be passed on to the taxpayer. There is no question but that the public good, and a higher public priority, is being served by the existence of independent institutions as well as those publicly controlled. It is imperative that the Federal Government determines how to establish methods of direct aid to independent institutions to help them to continue to be a viable force in higher education.

Many will argue that federal funds for independent higher education could mean strict control and an eventual loss of identity. I fully realize that there must be accountability by private agencies for the use of public funds granted for public purposes which have a high priority today such as higher education. Such accountability does not entail a violation of the integrity and independence of such agencies. I see no reason why such accountability necessarily would in any way mean a breakdown of the independent system. The American people are the most responsible and imaginative in the world. If they really believe in our independent educational system, and its service in the public trust, then ways will be found to maintain these schools.

The second principle, educational diversity to assure freedom of choice, is equally important to the future of higher education in the nation. A student's financial situation should not be the dominating factor in his decision to attend a post-secondary institution, nor in the type of institution, public or independent, that he may choose to attend. Some form of equalization, which would tend to place all students in the same relative position concerning governmental subsidies, must be spearheaded by the Federal Government. It is folly to talk of equal opportunity at support levels which forbid true choice among colleges to the needy students. His opportunity is equal only if he is given a realistic chance to go to the college of his first choice.

Wisconsin was the first state to move toward this, at least in a small way, when in 1965 the State Legislature passed the Wisconsin Tuition Grant Program. This Program provides Wisconsin students a State grant up to $650 a year based on financial need, if they decide to attend an independent institution of higher education in the State. The student obviously is freer under such a program to select a college on the basis of personal desires, abilities and academic considerations rather than on the basis of economic restraints.

With these basic principles of universal educational opportunity and educational diversity to assure freedom of choice as guidelines, let me now turn to a few additional comments on three recent bills which have been introduced to formulate federal guidelines for future financial assistance to higher education. These are H.R. 16621, the "Higher Education Opportunity Act of 1970"; H.R. 16622, a supplement to H.R. 16621, referred to as the "Higher Education General Assistance Act of 1970", which would provide institutional grants, introduced by the Honorable Albert Quie of Minnesota and a member of this Committee, and, of course, H.R. 16098, the "Omnibus Post-Secondary Education Act of 1970" sponsored by the Chairman of this Committee, the Honorable Edith Green of Oregon.

The "Higher Education Opportunity Act of 1970" is the Administration's bill. While this bill contains many admirable points, including increased aid to the economically disadvantaged and increased emphasis on the two year technical institute and community colleges, it falls far short of the all-encompassing operational support which is desperately needed for higher education. As a matter of fact, in many ways, it is a decided step backward and leaves the middle income families with little or no federal assistance to turn to in sending their children to college. In short, it offers little help to either the student or the institution. It is especially negative in its affect on a middle income families.

It is especially disturbing to note that under this bill, according to the President's message, a student from a family with an income of $6,800 would not qualify for any federal grants nor would he qualify for participation in the Work-Study Program. Can the Administration possibly believe that such a program will allow for freedom of choice for such students when the costs at many independent colleges and universities are more than $3,000 a year? It is with the greatest reluctance that colleges raise their tuition, however, we simply must keep pace with inflation prices in order to maintain the quality of education the public has come to expect from our institutions.

I would point out further that, if this bill were to pass, a student from a family with an income of more than $10,000 may not even consider attending an independent college or university since he could not even receive a federally subsidized loan and would, therefore, have to turn to the open money market, with its shortage of capital and its high rates of interest, to assist in financing his education. Even under the current guaranteed student loan programs, a student is apt to be burdened with debt at the time he leaves school. This bill would make the situation even more intolerable.

I am particularly concerned about that portion of the bill which would repeal NDEA fellowships as of July 1, 1971. Marquette, as well as other universities with graduate programs, has placed increased emphasis on graduate programs, with the encouragement of the Federal Government. At Marquette, we now have 14 programs leading to the doctorate degree compared with only 8 in 1958. It would be tragic if this source of support for graduate students, along with its cost of education allowance to the institution, were to be cut off at this time when the demand for specialized manpower is so crucial to the future development of our nation.

This bill also repeals the Higher Education Facilities Act. This Act has been a leading factor in the physical expansion of the nation's campuses. Many buildings, including some at Marquette, simply could not have been constructed without this aid. As a member of the Board of Directors of the Wisconsin Higher Educational Aids Board, I know first hand how important these funds have been to our State's colleges and universities. To date more than $28,000,000 have been distributed for facilities construction on Wisconsin campuses. At Marquette we have received more than $3,000,000.

Yet the Administration's bill would eliminate this form of financial assistance altogether. It would put future expansion plans on many campuses in jeopardy, especially at institutions like Marquette which is an urban university trying valiantly to finance its obligations under an urban renewal contract. Such institutions cannot support such high financial programs on their own.

I will not take the time to get into details of other aspects of the bill, but suffice it to say that H.R. 16621 leaves much to be desired as a method of federal funding of higher education.

The "Higher Education General Assistance Act of 1970" does much to point the general direction in which I feel the Federal Government must go if it is to take a leadership position in funding higher education. Direct grants, such as Congressman Quie is proposing, are essential to supplement the income of post-secondary institutions and to assist them in raising the quality of their academic programs. Tuition simply cannot pay for the overall operational costs of a college or university and such unrestricted grants as these are sorely needed to develop new academic programs and strengthen existing ones. This bill is a positive step forward in federal funding programs.

While I understand Mr. Quie's concern that the program be based on a formula centering around the Baccalaureate degree, I hope that eventually some consideration will be given to degrees which are, of course, far more costly to administer.

The "Omnibus Post-Secondary Education Act of 1970" has many favorable attributes. It is especially gratifying to see that it would extend for three years the Higher Education Facilities Act of 1963, the Educational Professions Development Act of 1965 and, at least in part, the National Defense Student Loan Program.

I would make several specific observations concerning this particular bill. In Part A of Title I, you are adding the phrase "Preference in the award . . . shall be given to those who show the greatest academic and creative promise." I would suggest that this tends to place the Educational Opportunity Grants Program on a merit basis and places the culturally disadvantaged student in a most difficult financial situation which is contrary to the original intent of the law.

The new section of Title IV, to be inserted as Part E of this act, could raise several difficulties, although in general it is a sound program, assuming it is not meant to replace the NDEA Program. Up to now, colleges and universities were allowed to transfer loan funds between undergraduate and graduate students depending on where the need was the greater. This new section of the bill, while establishing $1,000 and $1,500 annual limits for undergraduate and graduate loans respectively, does not allow for such transfers and therefore will limit the flexibility of the institutions in making the loans.

The manner in which these loans are to be repaid tends to be discriminatory toward women. Many students leaving college today find themselves in considerable debt. Those who marry compound the debt. Often the woman does not take an income producing job, yet this bill would require that she, as well as her husband, pay off their loans at the rate of five percent of net taxable income, starting with the second taxable year after ceasing their studies. Some provision should be made in such instances to allow for a joint contract for the family with a repayment schedule geared to either a joint income or single income depending on the family situation.

The recommendation in this bill, under Title VI, that a Department of Education and Manpower be established at the cabinet level is essential if we are to take care of the future educational needs of the country. The consolidation of all educational and manpower training functions now resting in the various departments of the Federal Government will not only be more effective for administrative purposes, but will also place stronger emphasis on national educational policies which have not been possible up to this point. Education is one of our country's greatest national resources and it must be treated as such in the structure of our Federal Government.

I would propose, however, that research granting agencies, such as NSF retain their independence. These highly-specialized agencies have served higher education quite effectively and I would hope they could maintain as much flexibility as possible.

I fully realize the highly controversial nature of Title VII, "Protection of Freedom of Expression", and I know that many have already commented on the subject, and others will in future hearings. I am sure. However, I must point out that the Federal Government must be careful to not legislate specific regulations concerning campus order. While this section does not do this, it is an indication of the Federal Government's leanings in this direction. Each institution must be responsible to its constituencies, including the Federal Government if a college is receiving federal grants, and assure them that its administration has provisions which permit freedom of speech and the right of access to an education in an atmosphere free of riots or disruptive demonstrations.

However, each institution must adopt regulations peculiar to its particular campus which are not in conflict with law and order and existing laws, and then see that they are enforced accordingly.

In summary then, let me say again that I am pleased at the steps that are being taken to find a more satisfactory method of financing higher education, particularly through the initiation of institutional grants, as outlined in H.R. 16622. The Administration bill, however, is not satisfactory and would be a major step backward for higher education.

I might add that I found it somewhat disappointing to find that no consideration is being given to direct, across the board grants to students. As I mentioned earlier, we must strive to provide universal educational opportunity. A federal voucher system of direct grants to all graduating high school seniors, which could be applied toward tuition charges at a college or university of their choice, would help to assure educational opportunity for all qualified students.

The Government's Commission on Education in Wisconsin has recommended a similar program for Wisconsin students attending Wisconsin colleges and universities.

A federal program such as this would eliminate state boundaries as barriers to free access to higher educational institutions anywhere in the nation.

I wish to again thank the members of this Special Subcommittee on Education for the opportunity to make these comments today. Your particular interest in the plight of the independent colleges and universities of this nation is deeply appreciated. Every effort must be made to see that our dual system of education in this country is preserved. Educational diversity is essential. Through your efforts this goal can be attained.

MASSACHUSETTS COMMITTEE OF CATHOLICS, PROTESTANTS, AND JEWS, 33D ANNUAL DINNER, MAY 14, 1970

HON. JOHN W. McCORMACK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mr. McCORMACK. Mr. Speaker, for over three decades, the Massachusetts Committee of Catholics, Protestants, and Jews, has been in existence. This great organization, which is dedicated to the furtherance and strengthening of understanding and of the American spirit and ideals, consists of outstanding citizens of all races, color, and creed. The contribution of this committee has been stimulating and most effective in extending areas of understanding and agreement, and thereby reducing areas of misunderstanding, of tension, and of disagreements.

It is also a most unusual organization in that it functions effectively without paid quarters, or any paid help, with voluntary contributions by its members and supporters.

This most unusual organization, with its high ideals and purposes, constitutes an example for noble-minded persons in other cities and communities of our country to follow.

On the occasion of its yearly banquet, three persons, noted for their nobility of character and their contributions to decency and progress, are selected to be the recipients of the committee's awards.

The annual dinner this year was held the evening of May 14, 1970, at the Statler-Hilton Hotel in Boston, Mass., with over 1,100 persons in attendance.

The annual dinner is a splendid public manifestation of goodwill and of the American spirit and ideals.

At the recent banquet, Mr. Norman L. Cahners was the toastmaster.

The recipients of the awards and citations at this year's banquet were:

Mr. Donald H. McGannon, president, Westinghouse Electric Corp., for Broadcasting, learning and leisure time; Dr. Morris B. Abram, former president, Brandeis University; and Hon. EDWARD W. BROOKE, U.S. Senator from Massachusetts.

The members of the Massachusetts Committee of Catholics, Protestants, and Jews, are too numerous for me to mention, but all the members are distinguished and honorable gentlemen. However, there is one whom all members recognize as deserving of special commendation, whose dedication to the organization is recognized by everyone, and whose unselfish and untiring work and leadership has played a most important part in its success. I refer to Mr. Ben G. Shapiro, the secretary of the committee since its incorporation.

For 33 years leaders in the Catholic, Protestant, and Jewish faiths have worked together in this committee to improve group relations. It engages in many outstanding activities, too numerous to mention, but among which are: Good citizenship program of the Boston Park Department; Tufts University civic education project; Brandeis University three chapels program; Human relations center at Boston University; Institute of Human Sciences at Boston College; and, in addition, the committee has distributed many thousands of copies of educational material to schoolteachers and heads of educational institutions throughout the United States. For the last 19 years it has conducted an annual junior good-will dinner, bringing together boys of the Boston public and parochial schools, which has created favorable comment by leaders in human relations throughout the country.

The general aims and purposes of this splendid organization are:

First, to sponsor good will work in the general community of Greater Boston;

Second, to serve as a medium through which representative citizens can endorse the basic democratic principle of good will among men of different faiths and different racial origins;

Third, to bring out and emphasize the many fine things which citizens of different faiths have in common;

Fourth, to encourage and support those forces in the community which generate in the individual a respect for the validity and dignity of each other

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individual's particular religious faith, with no qualifications or reservations based upon racial origins; and

Fifth, the committee is a separate, independent association, not connected with any other local or national organization.

I include herein:

Remarks by Thomas J. Galligan, Jr., chairman.

Remarks of Norman L. Cahners, toastmaster.

Remarks of Joseph L. Tauro.

Remarks of Kevin Kavanaugh.

Remarks of Ben G. Shapiro, secretary of committee.

Remarks of Hon. Francis W. Sargent, Governor, Commonwealth of Massachusetts.

The address of Donald H. McGannon and the citation presented by Sidney R. Rabb.

The address of Dr. Morris B. Abram and the citation presented by Peter Fuller.

The address of Hon. EDWARD W. BROOKE and the citation presented by Edward B. Hanify.

Head table assembly presented by Curt Gowdy.

The material referred to, follows:

Opening Remarks

(By Thomas J. Galligan, Jr., chairman, Massachusetts Committee Catholics, Protestants, and Jews; president Boston Edison Co.)

Reverend Clergy; Your Excellency Governor Sargent; Distinguished Guests; Ladies and Gentlemen:

There is, it seems to me, a touch of irony that this 33rd Annual Senior Goodwill Dinner of our Massachusetts Committee, Catholics, Protestants and Jews is being held now. A philosopher might argue against the dinner's being held at all.

Remember, please, that our primary job is spreading goodwill. Judging by recent headlines, our philosopher might say we have fallen down on the job. If anything is in short supply these days, it would appear to be goodwill.

There is, too, a touch of irony in the fact that this year our neighboring town of Plymouth celebrates the 350th anniversary of the landing of the Pilgrims. As a matter of fact, Senator Saltonstall traveled to Plymouth, England on May 2 to participate in this celebration of the Plymouth across the sea.

My own Company is involved in the Plymouth celebration. We are involved partly because we have an interest in the town. But we are involved also because we recognize—as all business must—our obligation to get involved in community matters.

There is a lesson for all of us in what Plymouth is doing for the 350th celebration. They are calling for a rededication to the principles that originally brought the Pilgrims to these shores. Boiled down, those principles may be stated as: Peace on earth, goodwill toward men.

In all that has happened since the Mayflower landed at Plymouth, some of us may have forgotten why the Pilgrims made that dangerous journey—why they came here.

They came to seek freedom and to find peace. They came to escape the wars and the tyranny of the old world.

A cynic might ask "Was this trip necessary—did it bring fulfillment?"

I believe the answer is yes—decidedly. The fact that this group here tonight—and many another—continues to function, continues to work for goodwill among men proves that the Pilgrims' trip was not only necessary—but inevitable.

These are tough times. But we have known tough times before. And we have won through. Some might say we muddled through. Yet, we're still in business—the business of trying to make a decent world for our children—and theirs.

In that job, much depends on communication; on getting the story across—to the right people, at the right time. Most of us pretty much agree that communications is an art.

Tonight we have as Toastmaster one of the leading practitioners in the art of communicating. He is Norman L. Cahners. His field is business communications. The Cahners group now numbers 42 magazines, annuals and special publications. They have branched out into Education and the Trade Show Fields.

I would infringe on the Toastmaster's time—and probably use it all up—if I were to do justice to his credentials as a businessman, as a concerned citizen, as a human being. As a businessman he could not object. As a concerned citizen he would. So, I'll digest his accomplishments.

Norman Cahners came to Boston from Bangor, Maine. He stopped en route to go to school at Phillips Academy in Andover, then on to Harvard. He went back to Maine long enough to get his Master's at Colby.

World War II found him a Lieutenant in the Navy devising new and better ways to move supplies to our men overseas. He was so good at his job that the Navy put him in charge of their Materials Handling Laboratory.

To anyone who knows Norm Cahners, it comes as no surprise that, after the war his first magazine venture was called Materials Handling. It's still going strong as Modern Materials Handling.

Norm Cahners is a sailing man. You wonder, though, how he finds time to get aboard his yawl when you consider all the demands on his time—apart from running his own business. I counted 22 such demands. They range from a trusteeship of Colby College to his duties on the Executive Committee of this group meeting here tonight.

It is an honor and a privilege to turn the proceedings over to my friend and yours, the Chairman of the Board of Cahners Publishing Company, Norm Cahners.

Remarks of Norman L. Cahners

Thank you very much, Mr. Galligan.

I'm sure you can each imagine what a thrilling experience it is to face an audience as vast as this one, and as I stand here on the podium I can tell you it's also a little nerve-racking!

This is the largest gathering Boston has seen in recent times, made up of people who have assembled because they are *for* something, rather than because they are *against* something!

That should make us all very happy and proud.

I would consider it an honor to be invited to participate in this program in any year. But I think it's a special honor this year because there is a special significance to our gathering tonight. Never in the 33 year history of this event has this dinner been held in the climate of violence, disunity and disruption which now grips our country. And I think the significance of this occasion is that we here tonight hold the key to what could be the solution to all our present problems.

Here's what I mean: there's ample evidence that we are losing our sense of "community," and whether the community is a university, a city, a business, or a nation, I think your definition of what "community" means would be the same as mine.

It is something to which one belongs, where he feels needed and wanted. It's a place where one can have a feeling of participation, the feeling that you are a member of the team in good standing. And we all know that what holds any community together are its common goals, its shared values and shared attitudes. These shared beliefs are what give a nation its tone, its integrity, and its capacity to endure.

Well, the question is do we have any such shared values? Of course we do and we all know what they are, and that they haven't changed since our country began.

America was founded on the grand scheme and design of peace, liberty, justice and equal opportunity. These are ideals that can sustain and strengthen a great civilization.

Thomas Wolfe summed them all up when he said: "To every man his chance: to every man, regardless of his birth, his shining golden opportunity: to every man the right to live, to work, to be himself, and become whatever his vision and his manhood can combine to make him—this has always been the promise of America."

If we have these lofty goals, then we might ask ourselves what's gone wrong? The answer, simple but profoundly true, is that ideals are realistic only if they are accompanied by vigorous action. And somewhere along the line we have failed in translating our ideals into action.

We know what we want—we want a society designed for *people*—a society in which no man need live in fear, nor fear to live; a society in which the preservation of human dignity should be the ultimate aim of all mankind. But, up to now, we've been paying lip service to this vision. That's why the vision seems to be fading before our eyes.

We must resolve that our meeting this year will not be a "one night stand." And that from this moment forward we will start living out our ideals by building them into our institutions, into our laws and certainly into our day-to-day relationships with one another.

For less than any other generation in the history of man are we the pawns of nature, of uncontrollable forces—unless we make ourselves so! We built this complex, dynamic society, and we can make it serve our purposes. We designed this technological civilization, and we can manage it for the collective benefit of mankind.

To do this requires a commitment of mind and heart—as it always did. If we make this commitment we will not only start to bind up our nation's wounds, but our society will more and more come to be what it was always meant to be—a decent place for the human being to grow and flourish under the eyes of God.

Remarks of Joseph L. Tauro

The pioneering efforts of the committee of Catholics, Protestants and Jews in furtherance of brotherhood and understanding are well known and appreciated by each and every one of you.

Perhaps less known, but none the less equally significant, is another of the committee's pioneering efforts—the annual junior goodwill dinner—a program conceived jointly twenty years ago by Ben Shapiro and the late Michael Kelliher as a means of encouraging young men to recognize and adopt the spirit of brotherhood that is the very foundation of our organization.

At the junior goodwill dinner, several hundred public and parochial high school students, chosen by their headmasters, meet each January in the press rooms at Fenway Park. Four of these young men are chosen to give a talk on what brotherhood means to them. One of these is selected to speak at the annual goodwill dinner, as will be the case this evening.

Fenway Park has witnessed many thrills over the years, but not even the resounding homeruns of Ted Williams and Tony Conigliaro overshadow the impact of these dinners on those of us that have had the good fortune to attend.

Athletes, scientists, musicians, debators, join together to provide the broadest possible cross section of greater-Boston high school activity and interest. These young men, though individuals in their own right, share a common denominator—the fact that they have been recognized by their headmasters as being outstanding citizens in their high school communities. And the judgment of their headmasters is borne out by the fact that of the more than 3000 boys who have attended these dinners over the years, none has ever been involved in any activity that has brought discredit to himself, his family or his school.

I mentioned at the outset that the junior good will dinner was itself a pioneering effort, and this is so. For just as the committee of Catholics, Protestants and Jews championed the cause of brotherhood before it became fashionable to do so, the junior goodwill dinner twenty years ago pioneered the concept of giving the young a forum in which to express their views, and during a period when too many laconically adhered to the theory that children should be seen and not heard.

Today's headlines are a sad but forceful endorsement of the vision of Ben Shapiro and Michael Kelliher. Today we realize how important it is that the young be heard as well as seen. But perhaps even more important we realize how vital it is that the young be provided with appropriate forums such as this to articulate their perception of the world.

If there is a generation gap today, it is because for too long there has been a communications gap—one that will be bridged only when *our* generation learns to listen to and weigh the views of youth—and when the young realize that there is no significant or lasting message in a thrown rock or a clenched fist.

The right of dissent is important and must be protected. But dissent can have a positive impact only within the framework of debate and dialogue.

There is a popular song that tells us "What the world needs now is love sweet love." There is a great deal of truth in that message, but what the world also needs *now* is a dialogue between the generations.

But to achieve this, both sides of the generation gap must realize—that dialogue is a two-way street, that neither side can hear if they will not listen—that neither side can be heard at a riot.

This is why an occasion such as tonight's is so important. It provides us with an opportunity to hear the views of a young man and, at the same time, we hope it provides some encouragement to him to know that such a large and distinguished group of citizens welcome the opportunity to listen, to hear and to understand.

Tonight's representative from the junior good will dinner has an outstanding background. He is a senior at Christopher Columbus High School and, in addition to being in the top ten percent of his class, he somehow finds time to serve on the student council as well as on the baseball and football teams. Please join me in giving a warm welcome to our guest, Kevin Kavanaugh.

REMARKS BY KEVIN KAVANAUGH, CHRISTOPHER COLUMBUS HIGH SCHOOL

INTRODUCTION

Before all else, I feel it would be appropriate for me to thank the Massachusetts Committee of Catholics, Protestants and Jews, and especially Mr. Shapiro, the Secretary of the Committee, for selecting me to represent my fellow students who attended the Junior Good Will Dinner at Fenway Park this past January.

The opportunity to attend such an affair is certainly a great honor and a privilege. One of the most impressive aspects of the dinner was to see in attendance some of our city officials, school leaders, businessmen and some of our fine professional athletes. Their presence seemed to indicate that the concern for brotherhood is not simply limited to a small number of men in a few professions, but rather, that it has become the concern of numerous men in all professions.

I believe the only way our country can solve its domestic and foreign problems is through brotherhood. Realizing this and realizing also the sincere interest that you have in spreading the ideals of brotherhood, I am honored to have been chosen to speak at this dinner.

WHAT BROTHERHOOD MEANS TO ME

Strictly speaking, Brotherhood is the relationship that exists in families between brothers. More important, however, it is the relationship that should exist between all people—not only among blood brothers.

Affection is perhaps the strongest bind between brothers, however, it is practically impossible to duplicate this strong feeling among our friends, among our enemies, and even more so among people with whom we never will have any contact. We shouldn't stop being brotherly, though, simply because an affection is not present. There are other intangibles just as important for a state of brotherhood to exist, such as—respect, tolerance, trust, understanding and charity.

Respect for others, whether they are our friends or enemies, whether they are black or white, or whether they are God-fearing or atheists—no matter what they are—respect is something all people as fellow human beings should be granted.

Either as a student or as an employee, we all have authorities whom we must obey. The question raised, however, is: do we by accepting these commands really show our respect for the individual or are we simply showing our respect for the authority. Respect is not something we should be forced to give to some people but rather it should be something we are willing to give to all people, not only to those who are in a position of authority.

What of those who are not over us but are our equals, or those who don't even measure up to our own level of maturity? How do we treat them?

In an attempt to answer this question, I chose to use the remark made by Goethe: "If you treat an individual as he is, he will stay as he is, but if you treat him as if he were what he ought to be and could be, he will become as he ought to be and could be."

The amount of tolerance we manifest is another very sincere way of expressing our brotherliness. Tolerance is perhaps more of a virtue than anything else, for it is something easy for us to speak about but very difficult to put into practice. I'm sure we all can recall instances where vengeance seemed most equitable and yet for some reason we hesitated and held back. This is what is meant by tolerance, the capacity to control oneself even when revenge seems just.

As we move along in life, trust is something that becomes important to every individual, for we all need friends to whom we can confide our problems and know that they will go no further. Likewise, though, we feel the desire to be trusted and hope that others have faith in us.

There are individuals, though, who have never had anyone trust them and because of this, they feel reluctant to trust others and to relate their problems. Here is an instance, in being brotherly, where one must strive to rebuild this person's confidence by showing him that we trust him so that he will be able to trust us with his problems.

Another very important aspect of being brotherly is that of understanding. This is the ability to be sympathetic and patient, two very difficult things to practice. The individual who goes to see the psychiatrist often times does not seek advice but rather he seeks someone who will listen and understand his problem.

The old people in our neighborhoods who are always complaining are often seeking sympathy and, again, someone who will just listen, maybe not for very long but for just a little while.

Perhaps the most misunderstood virtue in all societies, past and present, has been that of charity. When the word charity is mentioned, "what to donate" is always the first question and "money" always seems to be the answer. The charity that refers to being brotherly always seems to be overlooked.

Kindness or help for the needy or suffering is the true meaning of charity and, although we cannot participate in charitable organizations which practice this virtue, there are many instances when we can do more than our share. We can offer advice to a person with a problem or encourage him along—whether this problem is great or small. There are numerous cases where a little charity of showing interest is worth more than any amount of money.

It seems to me that in our society today, people are full of talk. However, words are all too artificial and deceiving. In order to be brotherly, one must get out amongst the community, become involved, and show others through actions that brotherliness is not something idealistic. One must prove through his sincerity, warmth and kindness that brotherliness is not something that only people who go to church should possess, but rather it is something which we as believers in God have an obligation to extend to all mankind by our own way of life.

People talk, even as I talk up here now, about what brotherhood means; our religious leaders preach about how we should practice brotherliness; yet very few individuals really understand the true meaning of brotherhood and how it pertains to their lives.

Perhaps we may find the answer in this following remark which I quote from *The Brothers Karamazov:*

"Until you have become really, in actual fact, a brother to everyone, brotherhood will not come to pass. No sort of scientific teaching, no kind of common interest, will ever teach man to share property and privileges with equal consideration for all. Everyone will think his share too small and they will be always envying, complaining, and attacking one another."

REMARKS BY BEN G. SHAPIRO

Gentlemen of the clergy, Governor Sargent, our guests of honor, distinguished guests, ladies and gentlemen, it is always a pleasure for me to have the assignment to welcome you to the annual dinner of the Massachusetts Committee Catholics, Protestants and Jews. This is our 33d annual dinner. We have surely grown over the years since our first meeting at the old City Club, when our attendance was 221 persons.

Tonight more than 1000 men and women are with us to pay tribute to the three distinguished Americans who are to be honored with our citations.

I am very proud of our committee and the contribution it has made in furthering the cause of human brotherhood.

During the past 33 years many outstanding citizens—Catholics, Protestants and Jews—have been gracious and kind in saying that it was their attendance at our annual dinner which motivated them to give of their time, effort and means to help destroy bigotry, hatred and the lack of respect for our fellow man. For these expressions I am grateful.

Certainly no one can measure the good we have accomplished over the years. We have made much progress, but there is still a lot more to be done.

Our committee is dedicated to a conviction that each person should have the right to grow, to achieve and to participate up to the limit of his natural abilities. It seeks to remove social barriers to the growth, achievement and participation of people, particularly barriers which differentiate their rights according to their race, color, religion or national origin.

The Massachusetts Committee, Catholics, Protestants and Jews has continued its financial support of programs in some of our major institutions of learning.

The Human Science Institute, at Boston College; the Civic Education Center, at Tufts University; the Three-Chapels Program, at Brandeis University; and the Human Relations Center, at Boston University.

Through these activities we truly feel that we are involved with, and concerned for people on a day-to-day basis.

I wish I had the power of words to express the appreciation we of the committee, and the countless thousands of citizens have for the great leadership which Oscar W. Haussermann has given our committee during the past eighteen years of dedicated service.

With deep regret we accepted his resignation as our chairman, but with pleasure I announce that he will continue to serve as a member of our executive committee.

In 1959 we presented Mr. Haussermann with our citation, and I am proud to repeat an excerpt of this citation as an expression of our love and affection for this wonderful man—

Prominent in his profession, and a legal lecturer at Massachusetts Institute of Technology, he discovered time not only to serve as general chairman of the greater Boston emergency campaign of 1935, and as president of the Boston Chamber of Commerce, but also to perform, over two score years, a myriad of disinterested acts in the public service. His has been a life dedicated in large measure to brotherhood.

We, his friends of the Massachusetts committee, are planning to recognize his long service to the committee at a later date.

I am very happy to announce that a member of our executive committee, and president of the Boston Edison Company, Mr. Thomas J. Galligan, Jr., has accepted the chairmanship of our committee.

I know that all of you join me in wishing him every success.

For your continued support and co-operation of the work of our Massachusetts Committee Catholics, Protestants and Jews, my sincerest thanks.

Thank you.

Remarks of Gov. Francis W. Sargent

We live in troubled times, times of crisis and uncertainty—days of discord and dissension throughout America.

There is a restlessness in the winds of change sweeping across this land.

Southeast Asia, thousands of miles away, has never been closer to New England shores.

Cambodia is more than a geographical locus, Kent, Ohio—more than a sleepy midwestern college town, Harlem, Bedford-Stuyvesant, Roxbury—no more relieved of their squalor than tokenism will allow.

Is there any wonder that these times are troubled?

In fact, the very existence of this committee of Catholics, Protestants, and Jews suggests the anxieties and frustrations confronting our society.

For were we not so acutely aware of the differences that separate us—be they religious, racial, or political—we would not be compelled to foster brotherhood and understanding among men.

While some speak pessimism of a bleak future for this country, I view this as a period of hope in spite of our present troubles.

We are experiencing a catharsis—a renewal of spirit and resolve—in a re-examination of our values, moral and social.

Hundreds of thousands, young and old, have articulated an impassioned breath and reasoned dissent for a restoration of peace and the brotherhood of man.

Tonight I urge you to actively join those dissenters.

There are those of us here tonight who recall when organizations like the Massachusetts Committee of Catholics, Protestants and Jews proposed to promote toleration among men.

Well, toleration accomplishes little of itself.

It implies the acceptance of the status quo—doing nothing to ease the root causes of social ills.

I am proud of the strides you of the Massachusetts Committee of Catholics, Protestants and Jews have made to end the inequities and prejudices that make us a divided society.

It is clear that this committee is not content with the status quo, nor will it be satisfied until genuine equality of rights and opportunities of expression are secured for all people—at home and abroad.

The manner in which you have so often attempted to effect change convinces me that much could be achieved if you join your voices in dissent.

Dissent denying inequities among men; dissent directed toward a common good.

Your respect for, and utilization of, the liberties inherent within the establishment—the right to dissent and the right to strive for the ideals we cherish.

These are the keys to your effectiveness.

There are no easy answers to the probing questions of today—no reflex response to the challenge of contemporary crises.

But working together we can do much to effect positive change.

The men we honor tonight—my good friend, Senator Ed Brooke, Dr. Morris Abram, and Donald McGannon—have proven that beyond measure.

Their citations were won through exemplary action in their daily lives, by applying this committee's principles in practice in the halls of Congress, on the campus, and in private enterprise.

These men are dissenters in their own right, and so are we all dissenters—dissenters for a better America.

Citation Presented by Sidney R. Rabb

The Massachusetts Committee of Catholics, Protestants and Jews, at its Thirty-third Annual Dinner, presents this citation and testimonial to Donald H. McGannon, industrialist, educator, public servant of uncommon versatility and scope, President of Westinghouse Electric Corporation whose rare blend of pragmatism, vision and profound concern for the human condition have made him a standard-bearer in man's quest for truth. President and Chairman of the Board of Group W, he has helped explore the frontiers of technology so that homes across the nation can share in the events of the hour; Chairman of the Westinghouse Learning Corporation, he has directed his imagination and insight to illuminating the significance of the ages, and the confusions of the twentieth century. Honored many times by the industry he leads, accorded tribute by the educational and cultural communities he serves, he has inspired us, entertained us, informed us—and made us care.

In recognition of his concepts of the art of communication and his distinguished contributions to an enlightened public opinion, the Massachusetts Committee of Catholics, Protestants and Jews presents to Donald H. McGannon this citation and award.

Dated at Boston, Massachusetts this fourteenth day of May, 1970.

Remarks of Donald H. McGannon

Senator Brooke, President Abrams, honored guests, ladies and gentlemen.

A moment like this, while filled with pride and happiness, is also filled with humility and conviction that this recognition is undeserved. I say this in part because I have not done enough or tried hard enough but also there is so much yet to be done in bringing about a quality of life in our country that offers *every* person the equality of opportunity and the chance for personal dignity and self fulfillment equal to each other. I don't want to be negative or pessimistic at a moment like this but I feel obligated to be candid in these statements less we delude ourselves that our gains in the field of civil rights has been more meaningful than, in fact, they have been.

In assessing the quality or inequality of people as we conclude the 60's and enter upon the 70's, certain obvious factors come to the forefront. These are more black actors and actresses appearing on television and in commercials. Attempts are being made to include within the entertainment field some relevant material concerning race relations. Business and industry have responded, although late, to the matter of training and hiring members of minority groups. Schools and institutions of higher learning are, with some degree of realism, embarking upon programs so sorely needed to transport a black student from 300 years of discrimination and depravation into a learning environment that will afford him or her an education that is both effective and enriching. I hasten to add that representation of black students within the total student body is, in my opinion, still grossly inadequate.

I guess we might think with some degree of pride that the battle against *out and out* bigotry, against hard racism has finally turned the corner. I had felt this way but get an occasional shock such as I did last Sunday when I read in the New York Times that the State Board of Education in Mississippi had reached the decision that Sesame Street would not be presented over ETV stations in that state because its cast was too integrated and Mississippi was not ready for this yet. I pray this might be a regretable and unbelievable flashback of hard racism and a last vestige—never to be repeated.

I think we have a more difficult and subtle situation to face than hard racism and that's what I have come to call *soft racism*. I am convinced that for every hard racist in this country there are a million or more soft racists. Those people who do not necessarily "hate black people" but wonder why they should be given the same dignities and be allowed the same mobilities as other Americans.

This is reflecting itself in manifold circumstances and occasions whether it be in the outcome of specific elements, the impatience of people toward the racial problem or the ever enlarging backlash or reaction which one observes and experiences in the course of an active daily life.

In my opinion, the basic reason for this is that the average American has failed to make a personal commitment to the elimination of prejudice and injustice; or perhaps selfishly and pragmatically he has failed to correctly read the deep frustration of the black man. In either case, the inevitable impact that either of these alternatives will have upon the quality of life in the last third of this century can be disastrous unless a way is found to eliminate this failure of national will.

On which side of current American history do each of us place ourselves. On the side of concern, passion and a galvanized will to solve this problem, or on the side of indifference or aloofness or prejudice.

I believe that the hours remaining in which a real option is available to us as Americans are becoming fewer and fewer and fewer.

Thank you.

Citation Presented by Peter Fuller

The Massachusetts Committee of Catholics, Protestants and Jews, at its Thirty-third Annual Dinner, presents this citation and testimonial to Morris Berthold Abram, presented by Peter Fuller, attorney, diplomat and educator, whose initial call to public service came when President John F. Kennedy appointed him first General Counsel of the Peace Corps. He has ranged himself against discrimination on fronts around the world; as President of the American Jewish Committee, a post he resigned when he became President of Brandeis University, he has travelled thousands of miles to combat bigotry; as Senior Advisor to the United States Mission to the United Nations and U.S. Representative to the U.N. Commission on Human Rights, he has been deeply committed to the international promotion and protection of fundamental freedoms; and as a civil rights lawyer, he has stood four-square against prejudice and injustice from his native Georgia northward. Firmly believing in Alfred North Whitehead's dictum, "Ideas won't keep. Something must be done about them." he has been a tireless champion of the unrepresented and a dedicated defender of democratic principles and ideals.

In recognition of his distinguished career of service, the Massachusetts Committee of Catholics, Protestants and Jews presents to Morris Abram this citation and award.

Dated at Boston, Massachusetts this fourteenth day of May, 1970.

Speech of Morris B. Abram

There are doom-sayers who proclaim that the United States is at the end of its road in history. They point to the youth, some turned off, others turned on, some in rebellion; to our minorities, so many frustrated and angry; to the appalling conditions of our cities and the desecration of our environment. These gloomy prophets conclude that our storied successes only measure the distance we have to topple.

Tonight I wish to assert my profound faith in this country and its future. I see awful dangers and pitfalls, but I know of no society which is better equipped than ours to face its problems and to overcome them—if we have the will.

The turmoil in the country is not necessarily a death rattle but the evidence of life and will for a better society. A democracy should be yeasty. Its vitality is measured by the people's ability and right to question every previously held position and sets of value. Today we are the witnesses, and I hope participants in the challenges to our old attitudes on the issues of peace and war, race, youth, women, environment and the responsibility and responsiveness of government in all these areas. I should be more disturbed by silence than by outcries in the presence of wrongs. What we have to fear from ferment is that it may be violent, thus injuring the rights of others, or that it may be suppressed. If we can continue to use our democratic institutions, especially our freedoms of speech, press, and assembly in constitutional ways we shall find and apply the reforms our society requires for the 70s and beyond.

We do have some tremendous national problems which must be dealt with decisively and promptly. I have chosen to spotlight three.

First, we are in the midst of a constitutional crisis. This President, as two before him, is continuing and expanding an undeclared war without the necessary Congressional approval. I do not believe that with such approval, this military expedition into Southeast Asia was wise or even in our national interest. However, if the Presidents who have involved us had been required to submit their explicit recommendations to the Congress for a declaration of war, we just possibly may not have taken the initial steps or at least stopped short of an ultimate and tragic escalation of 1965. We certainly would not be in Cambodia tonight.

We stand 19th in life expectancy for males; 12th in maternal mortality and 14th in infant mortality. If baby death rates were no higher than in Sweden, we would save 50,000 American children each year.

Our whole system of national priorities is out of line; we spend annually $22 million on ammunition alone for every Vietcong and North Vietnamese soldier in South Vietnam. We spend 44 federal dollars each year for the education of each American child.

Our streets are unsafe. We curse this and become enraged at segments of our population but the fault is clearly shared because of the inequality which all of us have permitted to stand.

Far too many Americans simply do not feel a part of the total society and with a stake in its peace and order, nor do we collectively really think law and justice is very important measured by our investment in society's enforcement and correctional institutions. We spend for local, state and federal law enforcement, including police, courts and correctional institutions, $5 billion a year—almost precisely the same amount we give away for crop subsidies.

One wonders: Do we really care about our society? Would we rather complain than act? The remedy lies within the system. One which is reformed and renewed.

Our priorities can be set aright if we will do two things: re-distribute our national income and re-order our national priorities.

We can within the system re-distribute national income by a fair taxation arrangement, one resembling the level and progressiveness of other advanced Western states. American government at all levels takes for the public sector 28% of our product, while England, Sweden and Holland take around 38%. If we follow those examples, we would soon have the public funds to eliminate slums and personal poverty and the other causes of our human misery and national shame. And even at these tax rates, because of our great productivity and wealth, the average taxpayer would have far more than these comfortable Europeans.

However, it would do no good to tax appropriately if we spend for the greedy rather than the needy. Too many Americans now know that the oil companies, the shipping lines and farmers such as Senator Eastland are bigger welfare recipients than the hungry children of Mississippi and the cold children in Harlem. Many people are now becoming aware that the Federal budget for 1970 holds $800,000,000 for military housing but only $500,000,000 for model cities and that was before President's recent reduction in the latter program.

How do we straighten out these misallocated priorities? There is no way within the system except to reform the Congress and its creaky crony committee system. If congressional government is to be credible, it must work in behalf of people, not for the benefit of the senior members of Congress. To those who declared that American Government cannot work, I say it is not getting a chance. There is nothing in the Constitution which says that 80-year-old men in the Congress should be able to frustrate the people's will and avoid the results of every national election. If congressional government is to survive, it must prove capable of surmounting the problems of the 70s.

Finally, we are in a crisis of human relations. The more things improve for the Blacks, the more startling the ancient inequalities appear and unbearable they become. I have always felt that the racial problem is at least two—one involving color prejudice and the other class discrimination. The cruel fact is that most Whites are in the middle class and most Blacks in the under class—economically. Integration in the fullest sense required Whites to vault over skin and class prejudice. We can make the task much easier by wiping out poverty which will remove an enormous impediment to full human acceptance. When, however, Blacks have been fully incorporated into our economic mainstream, there still must be that act of human faith to overcome the barriers built by years of racism. However, the counter-walls of separatism and antagonism born of disappointment, frustration and despair must not be built higher and become a further divider. There is no answer to the problems created by diversity in America except the integration and incorporation of all groups into a common society and citizenship.

The day is past when groups with deep and justified grievances in America will bear them silently and submissively. This does not signal the end of America but perhaps the dawn of a better day—if we do not panic.

We must use democracy's freedoms as tools to make our representative institutions more responsive to the insuppressible urge for a more just domestic society and a less violent world.

We must reject the advice of those who see in every grievance a justification for a disruption, or worse still, a cause for revolution.

Nevertheless, men of influence and authority who have been selected to operate our government must not use their positions to frustrate reform.

There is no excuse for violence in any properly functioning, truly representative government.

The pledge of allegiance speaks of "one nation—indivisible." It also contains the prescription: "With liberty and justice for all."

Citation Presented by Edward B. Hanify

The Massachusetts Committee of Catholics, Protestants and Jews, at its Thirty-third Annual Dinner, presents this citation and testimonial to Edward W. Brooke, United States senator from Massachusetts, lawyer, alumnus and trustee of Boston University, who has represented the people of the Commonwealth with integrity and eloquence in both the national and international community. A sensitive crusader against crime and corruption in government—and a passionate believer in programs of crime prevention—he served for two terms as the thirty-fifth Attorney General of Massachusetts and, with rare vision and insight, early led the campaign to reduce air pollution in the state. Chairman of the Ad Hoc Congressional Committee on the Poor People's Campaign and member of the National Advisory Committee on Civil Disorders, he has provided courageous and exciting leadership in many fields—political, military, social, and cultural. His list of distinguished achievements contains many historic "firsts," including becoming the first Negro in history to be elected by popular vote to the United States Senate, but he stands before us—as he has steadfastly stood before the voters—not because of the color of his skin, but because of the excellence and scope of his accomplishments.

In recognition of his invaluable public service within and beyond the confines of our Commonwealth, the Massachusetts Committee of Catholics, Protestants and Jews presents to Senator Edward W. Brooke this citation and award.

Dated at Boston, Massachusetts this fourteenth day of May, 1970.

Remarks of Senator Edward W. Brooke

As I speak to you this evening, this country is caught in the midst of a crisis of confidence scarcely paralleled in our modern history. This evening American men are fighting and dying in *another* Asian country. Our campuses and cities are torn by dissent, and even by death. Internationally, we are being

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subjected to a barrage of warnings and criticisms from friend and foe alike. The Strategic Arms Limitation Talks in which we have placed so much hope may well be jeopardized by the escalating conflicts in Asia and the Middle East.

The clashes of our own age remind us that violence—among and within nations, pitting ideologies and generations one against another—has plagued mankind for milennia.

Today we see a coalesing of many of the tensions that have gone before. We have an unpopular war; black people seeking full admission into American society after three hundred long, hard years of inequality. We have a body of young people—educated, articulate, impatient and concerned, divided in their methods and their goals, but united in their dissatisfaction with this country as they find it.

In the last two weeks thousands of your sons and daughters and grandchildren have come to Washington to petition their government. I have listened to them and talked with them. On Saturday I went with them to the Ellipse because I believe in their cause and because we in government must be responsive or they will turn to the bomb throwers and radicals who want to destroy the system. These young people seek not to destroy the system from without but to change it to improve it from within.

And I can find nothing wrong with a generation which campaigns for peace instead of war, which works for equal justice and equal opportunity for all, which labors for clean air and clean water instead of the filthy environment which threatens life on earth. Every concerned American shares those objectives and citizens, young and old, ought to be encouraged to pursue them in the commendable fashion set by those who have come to the nation's capital in recent days.

The motto, "Let us reason together," rings false, if political leaders disparage peaceful protest and bar the door to a free and frank exchange of views. And how effective a tool is reason in a country where polls reveal that an alarming majority of the American public would deny to their countrymen the right of assembly and free speech, and incarcerate a suspect until his trial proves him innocent? Surely we must see that most of our young people are not challenging America to abandon its traditions, but to live up to them.

We bear a collective responsibility for bringing understanding to a troubled land. Understanding requires not only information but a "psychological set", a willingness to perceive the meaning within the frantic facts of our time. We cannot speak of "pigs" and "fascists" and "reds" and at the same time portray all men as brothers! If a liberal or a conservative, a long-haired kid or a short-haired cop, is automatically suspect in the eyes of any beholder, then that beholder is not helping to build a bridge of understanding; he is raising ever higher the walls of misunderstanding.

In this time of tension and trouble, it behooves all of us to seek anew the answer to the age-old question: Who is my brother? Perhaps we can begin by recognizing as our brothers all men whose lives touch ours, or who are affected by what we do. As our world grows increasingly interdependent, that simple test must bring us to the understanding that all men are brothers, and all brothers are hostages to fate and to each other.

Talking with students and others these past few days, one central theme seems to mark their thinking. There is a widespread belief, grown out of disillusionment with the relative ineffectiveness of numerous demonstrations, that further long-term action is essential. People who once spoke of marches now speak of campaigns. People who were once contemptuous of "the system" now distinguish areas where progress may be made. The need to work within that much-criticized "system", and the awareness that people within it share the general goal, are gradually becoming apparent.

This movement must be encouraged if it is to succeed, and if hope is not to turn to despair.

It was Lincoln, I believe, who said that what is morally wrong can never be politically right. That profound truth is a wholesome standard for every citizen and every politician.

But there is another truth which is essential to the functioning of an open society, and one which is imperilled when passion and conviction merge into self-righteousness. That is the insight which says, not every difference of judgment is a difference of principle, not every political disagreement is a dispute in ethics. And a nation which values rational discourse will be wary of transforming political issues into bases for moral conflicts.

In a period of immense tension, I consider it imperative that we retain this sense of balance. For, to the extent that we lose our ability not merely to tolerate but to respect the variety of political judgments which complex problems evoke, we will indeed have lost a necessary quality of a free society. One does not advance toward humane objectives by damning political adversaries as moral ogres. For, as the great religions have taught, even adversaries are brethren. And, as sensible politicians have taught, today's adversaries may well be tomorrow's allies. Prudence and principle alike argue that the intemperate politics of moral castigation is itself immoral and ineffective.

In the context of the current controversy, perhaps I should be quite explicit in applying this doctrine. I believe the strikes against the Cambodian sanctuaries were wrong. I believe they are unwise and have served to undermine confidence in the Presidents commitment to continue de-escalating the war in Southeast Asia. I doubt that such operations will improve prospects for negotiation. I think the risks far outweigh any potential gains.

But I also believe that the President and those who support his decision hold precisely chances of a negotiated settlement. My contrary judgments. They believe the attacks on the sanctuaries will curb hostilities in South Vietnam, reduce American and South Vietnamese casualties in the coming months, facilitate U.S. disengagement and raise the doubts about this decision are exceeded only by my prayers that the President's policy will actually bring an end to the war.

The commotion of recent days should not be allowed to obscure the deeper consensus that exists in America. That consensus, I submit, supports orderly disengagement of U.S. forces from South Vietnam. It is that consensus which many of us in Congress are trying to re-assert by establishing firmer legislative controls over operations in Southeast Asia.

Our efforts have already brought important commitments from the executive branch. We are assured that U.S. forces will not re-enter Cambodia after July 1. We are told that the South Vietnamese will assume all ground combat responsibilities in their country by June of next year, when American troops will be used only for protection of remaining U.S. logistical and air personnel. And Secretary Laird has indicated that South Vietnamese forces will not be spread so thinly that further withdrawals of U.S. troops are impeded.

Here at home, the most encouraging byproduct of this difficult experience may be an earnest effort by the Administration to reach out toward young people and dissenters. The President and members of his cabinet have gained a new awareness of the need to deal constructively with the views and concerns voiced by students and other critics. I am hopeful that more sympathetic communication can be established. But the establishment of national harmony and productive collaboration will demand much of us all. We who preach brotherhood, and seek to practice it in our lives, should be the first to heed this call. Our country needs us. Our children need us. Our friends and neighbors need us to show the way.

If we would have a better life, we must make a better world. Tonight, here and all over our land, that effort is underway.

For in trying to understand lies the germ of understanding. In groping for unity lies the path to unity. And in seeking compassion lies the seed of compassion which will flower into the greater community America can be.

CONNECTICUT PASSPORT LOG-JAM BROKEN

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mr. MONAGAN. Mr. Speaker, Connecticut passport applicants will not be meeting frustrating delays very much longer according to the recent announcement by the State Department that all first-class post offices in Connecticut will take passport applications on a 6-month trial basis starting July 1.

This action by the State Department represents the result of years of attempts to arrive at an effective and lasting solution to this problem. In previous years I have tried to find a legislative remedy to speed up the passport application process, and I have continuously worked with the State Department Office to provide Connecticut residents with better service. My Subcommittee on State Department Organization and Foreign Operations has held open hearings to publicize the problem and hasten a solution.

In April I wrote to former Senator Leverett Saltonstall of Massachusetts, chairman of the State Department Committee To Facilitate Travel, and suggested that the committee consider immediate administrative action as an alternative to the long and difficult legislative road to remedy the annual passport logjam experienced by Connecticut travelers.

Senator Saltonstall assured me that the committee would have a June report and Executive action to remedy the perennial crisis and I congratulate Senator Saltonstall and his committee for adhering to their stated timetable.

In my April letter to Senator Saltonstall I noted that the problem of inadequate facilities for the issuance of passports has spiralled in recent years until it has become a noteworthy example of failure of Government to respond to the legitimate needs of its citizens, and that if prompt action were not taken, interested citizens would justifiably feel frustration and resentment.

I am pleased that the committee adopted my suggestion for an immediate administrative solution and I intend to work together with the State Department and the Postmaster General to insure that this experiment becomes a model for effective governmental response to legitimate citizen demands. If successful in Connecticut the program will be extended to the post offices of all the States.

In addition to the existing passport offices in Connecticut which will continue to accept passport applications, starting July 1, first class post offices in Waterbury, New Haven, Hartford, Stamford, Greenwich, New London, Willimantic, and Bridgeport will also process applications.

SENATE—*Friday, June 12, 1970*

The Senate met at 10 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, who art known to the pure in heart, help us in these troubled days and changing times, to hold fast to our faith in Thee. When knowledge is confused and judgment uncertain, lose not care of us though we lose sight of Thee. When thoughts of Thee grow dim or pressing duties consume our time, still hold us fast and lead us unconsciously to do Thy will. Reassure us that Thou abidest beyond all change and art always better than our highest hopes, greater than our noblest dreams.

Bless this Nation which Thou hast given us that discerning and doing Thy will we may fitly serve Thee and all mankind.

Through Jesus Christ our Lord. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. RUSSELL).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 12, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, June 11, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now transact routine morning business with statements limited to 3 minutes.

CRIME LEGISLATION

Mr. MANSFIELD. Mr. President, according to the press, radio, and television reports, President Nixon found fault with Congress on yesterday for failing to pass 13 pending anticrime bills, some of which are highly controversial.

According to the news reports, he said:

> We will do a better job with more legislation, but let us remember where the responsibility lies. It is right down there in the Congress. They need to provide those tools for us and then we will do the job. I think perhaps the major failure of this Congress has been its failure to act on any of the crime legislation which has been before them for 18 months.
>
> This failure—

He asserted—

> will be something that the people will remember.

Mr. President, at the same time, the distinguished Vice President of the United States, the constitutionally prescribed Presiding Officer of this body, who is very much aware of what goes on in this Chamber, said:

> Unfortunately, the Vice President continued, the legislation needed to effectuate the President's anticrime program has not been provided.

May I say that the Senate has already passed 13 major crime proposals advocated by the administration. The total number of anticrime proposals advocated by the administration is 20. The full list of anticrime measures are as follows, by bill number and title:

S. 2022, illegal gambling control.

S. 2637, drug bill—S. 3246.

S. 2657, included in drug bill.

S. 2601, District of Columbia court reorganization.

S. 2602, public defender, District of Columbia.

S. 2869, criminal law revision, District of Columbia.

S. 2981, Juvenile Code, revision, District of Columbia.

S. 3036, increase penalties, Sherman Antitrust Act.

Obscenity: S. 2073, obscene mail to minors; S. 2074, prurient advertising; and H.R. 10877, obscene mail, title II of postal rates bill.

S. 2600, bail reform.

S. 3132, criminal appeals.

S. 952, omnibus judgeship bill.

S. 2122, Federal immunity of witnesses.

S. 2292, sources of evidence.

S. 1861, Corrupt Organizations Act.

S. 30, Organized Crime Control Act of 1969.

S. 1624. Wagering tax amendments.

S. 1461, Criminal Justice Act amendments.

In addition, there is the Mansfield bill, which provides an additional penalty if a gun is used in the perpetration of a crime. In other words, if anyone uses a gun in committing a crime, he will be subjected to an additional severe penalty over and above the penalty prescribed for the basic offense.

The sentence for a first offense will be an additional 2 to 10 years, for a second offense the additional penalty for carrying a gun in the perpetration of a crime will be a 25-year sentence. The sentences will not run concurrently but consecutively. This proposal—which passed the Senate unanimously—raises the total anticrime measures to 21.

The full list of the other 20 anticrime proposals advocated by the Nixon administration and the action already taken or contemplated by the Senate is as follows, by bill number, title, and status:

S. 2022, illegal gambling control: Passed Senate—S. 30—January 23, 1970.

S. 2637, drug bill—S. 3246: Passed Senate January 28, 1970 .

S. 2657, included in drug bill: Passed Senate January 28, 1970, included in S. 3246.

S. 2601, District of Columbia court reorganization: Passed Senate September 19, 1969.

S. 2602, public defender, District of Columbia: Passed Senate November 21, 1969.

S. 2869, criminal law revision, District of Columbia: Passed Senate December 5, 1969.

S. 2981, Juvenile Code, revision, District of Columbia: Passed Senate December 22, 1969.

S. 3036, increase penalties, Sherman Antitrust Act: Definite passage this session. Consent Calendar item, no controversy.

Obscenity: S. 2073, obscene mail to minors and S. 2074, prurient advertising: Reported to full committee; H.R. 10877, obscene mail, title II of postal rates bill.

S. 2600, bail reform: Hearings underway; administration had requested postponement until March 1970 when it completed its study of constitutional questions raised by preventive detention.

S. 3132, criminal appeals: Senate hearings completed.

CRIME BILLS SUPPORTED BY ADMINISTRATION, ORIGINATED IN SENATE

S. 952, omnibus judgeship bill: Passed Senate June 23, 1969.

S. 2122, Federal immunity of witnesses: Passed Senate January 23, 1970.

S. 2292, sources of evidence: Passed Senate January 23, 1970.

S. 1861, Corrupt Organizations Act: Passed Senate January 23, 1970.

S. 30, Organized Crime Control Act of 1969: Passed Senate January 23, 1970.

S. 1623, wagering tax amendments: Definite Senate passage this session.

S. 1461, Criminal Justice Act amendments: Passed Senate April 30, 1970.

Thus, the only two significant crime recommendations that the Senate has not yet acted upon are: First, the difficult area of pornography; and second, bail reform—containing the issue of preventive detention.

The postal strike and the Post Office Committee's involvement with working out the issues raised thereby with the administration caused the cancellation of Senate hearings on the obscene mail proposal, but hearings and action will take place on that measure very shortly; I know that the distinguished chairman of the Committee on Post Office and Civil Service, the Senator from Wyoming (Mr. MCGEE) will give this measure full attention shortly and action will be forthcoming.

The other significant measure of the President's package is the bail reform measure of the administration.

As was reported earlier this year, the Senate committee was still awaiting the administration's report and statement of position on the difficult constitutional questions involved on that aspect of the bill dealing with preventive detention.

These reports have now been received, and hearings are presently under way in the Committee on the Judiciary.

As the distinguished Senator from Nebraska (Mr. HRUSKA), the ranking Republican on the Committee on the Judiciary and the distinguished Senator from North Carolina (Mr. ERVIN) have stated on the Senate floor, the committee must deal in this area with "very difficult constitutional matters" and therefore must proceed cautiously.

The action of the Senate—and that is my reason for speaking today—I repeat, the action of the Senate on the crime legislation submitted by the administration, as well as on many additional major programs initiated by the Senate and embraced and supported by the administration, including the Mansfield gun bill, makes a record of accomplishment seldom achieved in any field by any legislative body.

Thus, for about the fifth time this year I rise on the Senate floor to emphasize the record of the Senate in crime legislation and to try to make the record straight, that any charge of dereliction of duty against Congress does not apply to the Senate. The Senate has originated and the administration endorsed eight additional anticrime measures—additional to the 13 proposed by the administration—and the Senate has passed all of the major proposals, but two. And of the two major proposals outstanding—the administration itself has requested a delay in proceeding with the more significant.

The President has submitted his requests, the Senate has moved swiftly and fully with these requests and in reality has added significantly to them.

The Senate has done not its full share but far more—it has originated proposals that the administration has later embraced.

Whatever delay has occurred has been caused by the difficulties recognized by the administration and the advocates of the legislation with respect to the constitutional questions involved. Everything that could be done to date responsibly by the Senate has been accomplished. Both sides of the aisle in the Senate agree fully on this statement.

I want to iterate and reiterate, and reiterate again, that so far as this body is concerned, on a nonpartisan, bipartisan basis, we have lived up to our responsibilities in the field of anticrime legislation and in drug control legislation.

I want this record straight.

I want it read in the White House.

I also want it read by those who make speeches blaming Congress as a whole for failure to act. There are two branches of Congress and the Senate branch has accomplished a remarkable achievement in passing anticrime legislation.

It is a fact that only one crime bill of the 21 proposals—and none of the President's original 13 proposals—has been sent to the President or placed on his desk up to this time, but the Senate has done its full share, it has achieved a most remarkable record in the passage or assurance of Senate passage to date of all but two of these proposals. And these last two proposals are being scrutinized by the administration and the appropriate Senate committees in an effort to proceed responsibly and cooperatively to Senate passage. It is a record of total achievement in the Senate that has full parallels in the past.

Mr. SCOTT. Mr. President, I ask unanimous consent to proceed for 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, the distinguished majority leader has made a number of very good points.

The Senate has done a very good job on the crime legislation. We attended to business. We got the bills out.

I feel as he does. I am a cosponsor of the Mansfield gun bill which adds additional punishment for crimes committed with a gun. It passed the Senate unanimously.

That leaves us with the obscenity and pornography bill and the bail reform bill which I also would like to see acted upon as expeditiously as possible.

The President has a justifiable concern in getting crime legislation passed. I was at one time a senior assistant district attorney. I have tried over 10,000 criminal cases. I know out of my own experience that the passage of this crime legislation would indeed have a marked effect on the incidence of crime.

If Congress has been delinquent in its dealings with delinquencies, it is surely not, with the sole exception of these two matters, to be laid at the door of the Senate.

I say myself most respectfully and without intending in any way to cast any onus on the other body that I do wish they would find means to expedite action. It is generally thought that the Senate takes the longest time to act. But in this case it is the other body which has not seen fit, for whatever reasons, to expedite some of the most important legislation in a decade.

The rise in the rate of crime continues to slow down, and it has tended to slow down in the last 2 years. The total rise in crime is incredible. Not even the rate of the rise in crime has slowed down in the District of Columbia. For example, about 8 or 10 years ago the number of burglaries committed a year in the District was about 5,000 or 6,000. Last year the number of burglaries committed was over 22,900.

The number of homicides has increased multifold in the same period of time.

This is a city ridden with crime, a city where fear stalks the streets. And this is true of so much of our country today.

The reason is lack of judges, lack of prosecutors, lack of judges with guts, and the skill of counsel to secure an infinite number of postponements until witnesses die or fade away or their memory becomes faulty for one reason or another.

It is due to the ineffectiveness of the current bail laws. And there I have to plead to an error of my own. I was a member of the committee that passed that bail law, believing that we could protect the rights of defendants and allow them to go free under their own cognizance.

We were wrong. They immediately abused that right. They committed robberies. They committed rapes. They committed murders. They relied on the lassitude of the courts and the infinite ingenuity of the attorneys to avoid punishment for their first offenses.

We need these laws desperately. People will be killed. People will be raped. People will be robbed. People will be burglarized tomorrow and tomorrow and tomorrow and for weeks to come for every week these bills are delayed. And they are being delayed for one reason or another.

Some may think the reasons are good. I cannot see any reason good enough to delay that which is needed in this country—men to enforce the law, men to prosecute the law, men to hold to the oath and obligation of barristers and their responsibilities for the prompt and speedy action of the processes of justice.

Justice delayed is justice denied. Therefore, I do believe the President is entirely right in saying that he is disappointed and that he feels this legislation should be on his desk. I think it is a deplorable situation. But I do not blame the Senate. The distinguished majority leader is quite right in his remarks this morning.

Mr. MANSFIELD. Mr. President, if the Senator will yield there, I agree wholeheartedly. We stand ready to cooperate with the House in this field, as well as in other fields. But this is a matter of priority we are talking about now. There is need for action. And it is about time that at least one of the 13 bills reached the President's desk, and preferably all of them.

Mr. PERCY. Mr. President, I do not wish to delay the distinguished Senator from California (Mr. MURPHY), because I am very anxious to hear his firsthand report of his visit to Cambodia.

Mr. President, President Nixon was on solid ground yesterday when, in remarks he made to U.S. attorneys gathered at the White House, he criticized Congress for failing to approve of any of the 13 bills he has recommended to deal with crime, pornography, narcotics, and the use of explosives. Congress deserved the reprimand.

While the serious crime rate increased seven times as rapidly as the population during the 1960's, while the annual number of felonies committed in the United States, actually doubled during that same period, Congress not only continued its too-little-too-late pace in the crime-control area, but in most instances it has not acted at all. Between 1960 and 1968, burglary was up 104 percent, and robberies grew by 144 percent, yet Congress has failed to supply law enforcement officers with the new tools required to fight this war.

What Senator among us does not recognize that as a result of this proliferation of crime, our country is bordering on a state of national paranoia—bolting and double-bolting our doors; arming ourselves to the teeth against the uninvited, unwelcome intruder; insuring our lives, our homes, our furniture, our cars against the activities of those who may lay claim to possessions not rightfully theirs; scheduling our lives primarily in terms of what will afford us the utmost security?

We demand parking places close to our destinations. We avoid traveling unaccompanied. We take office work home rather than stay late at the office. Even though many movie and theater productions have earlier starting times, we attend them less frequently.

XUM

At nearly every point in our lives, all of us have had to compromise in order to ward off the threat of attacks by outlaws. And the scope of these concessions is magnified here in the District of Columbia where policemen literally are required to ring the Capitol area to protect visitors, tourists, staff workers, and lawmakers. Once a person gets beyond this protective circle, he enters an urban jungle where survival is predicated either on brute force, the most deadly weapon, or on fear which eventually works to imprison residents in their own homes.

It is against this backdrop of rampant crime and intimidating effect it has on all our citizens that Congress' inaction is particularly unconscionable. If we continue to turn a deaf ear to this most anguished cry for security and order, we not only undermine the success and viability of our democratic system of government, which must be responsive to the electorate, but we also undermine the rule of law.

There are basic philosophical conflicts among legislators over specific portions of the administration proposals. Most of the controversies touch on tough problems of fundamental rights and require the most searching, probing, and exhaustive sort of debate. But neither the Congress nor the American people can afford to let these issues bog down merely because they involve tough questions.

Indeed, if anything, the difficulty of the problems would seem to speak for the need for even greater and more concerted debate.

As I understand it, this is all the President is asking for: Just to get the bills moving. But it is a source of embarrassment to me, and I would hope to the rest of this Congress, that the President has to keep chiding us into action in an area which is the first duty of the legislature.

Fear of crime is destroying some of our country's basic human freedoms. The fact of crime has already deprived countless thousands of their lives and their property. If we recognize that the function of law is to insure liberty, I would submit we have never been in as great a need of strong new laws as we are right now.

Mr. President, I should like, therefore, to express full understanding for the frustration of the President and the Attorney General at not having received the legislation and for their comments that Congress has not provided it. However, I would hope that the administration would differentiate concerning a matter in which we have worked hard and expeditiously in the Senate in moving our calendar with respect to the administration bills, rapidly and expeditiously early in the session.

I would hope they would distinguish between the House of Representatives and the very expeditious schedule we have maintained in the Senate on crime legislation.

There are some controversial areas in these crime bills, some areas that cause very deep concern as to the matters of human rights and civil rights. But the House ought to vote the bills up or down now and put the highest of priorities on criminal legislation.

I can say that with deep feeling and can refer to incidents that have occurred on my own staff in the U.S. Senate.

In my first 2 years in the Senate, two girls on my staff were mugged. One girl had her apartment broken into. Another girl had the wheels taken off her car in the parking lot. Two others were physically assaulted.

That is an indication to us that something is gravely wrong in Washington, D.C., and the country.

Certainly the President and the Attorney General are putting the emphasis that they should behind this high priority legislation.

I hope that the Members of the House will listen to and heed the voice of the President now and move this imperative legislation forward.

I ask unanimous consent to have printed in the Record an article entitled "President Assails Congress for Inaction on Crime Bills."

There being no objection, the article was ordered to be printed in the Record, as follows:

President Assails Congress for Inaction on Crime Bills

(By Carroll Kilpatrick)

President Nixon assailed Congress yesterday for failing to approve any of the 13 bills he has recommended dealing with crime, pornography, narcotics and the use of explosives.

In a speech that was a clear warning he will use the issue in the fall campaign, the President said that for Congress to fail to act is "something that the people will remember."

He said he could understand "Congress dragging its feet about some things" but that it should not play "the political game" on anticrime measures.

The President spoke to United States attorneys gathered in the White House rose garden and declared it was time Congress "got off dead center" and passed the bills, most of which he sent to Capitol Hill more than a year ago.

An hour later, Vice President Agnew, speaking to the same group in the Statler Hilton Hotel, likewise criticized Congress for failing to act on anticrime legislation.

Agnew said critics of the bills have alleged that the American Bar Association opposed some of them. Only one section of the ABA has voiced objection, the Vice President said. "The ABA has not yet spoken."

He apparently referred to action last weekend by the ruling Council of the ABA's section on criminal law. The Council does not speak for the whole ABA.

The President told the attorneys that progress had been made in the fight against crime but that law enforcement officers need better tools.

"I promise you that if we get the tools from Congress we will use them and we will reduce this rate of crime," he said. "But let's remember where the responsibility lies: it is right down there in the Congress."

He said that "perhaps the major failure of this Congress has been its failure to act on any of the crime legislation" he has recommended.

On other occasions, the President has publicly urged Congress to speed action on his anticrime proposals, but yesterday's was the most urgent call and the one with the strongest political overtones.

"These are issues that are above partisan politics," he said, "and I think it is time for the Congress to get off the dead center on which it presently has been operating to get . . . these bills down here . . . for signature so that you out in the field can have the tools to do the job."

In introducing Agnew to the attorneys, Attorney General John N. Mitchell said: "May I present the strong right arm of the President and the voice of the American people—the Vice President."

Agnew claimed progress in the fight against crime even though Congress has not acted on administration bills. While crime continued to increase in 1969, Agnew said, the rate of increase was down for the first time in several years.

"We have also seen that as a result of more police exposure, crime rates in the District of Columbia have declined for five consecutive months," the Vice President said.

But he said, "I don't believe I need to go into detail with you about the enormity of the drug problem, the seriousness of the District of Columbia's problems, and the necessity for stopping the flow of pornography into American homes."

Agnew said that congressional action on the administration proposals "is imperative."

In an impromptu remark, Agnew said he was not against dissent in the Senate. But he said he found it difficult to understand why persons friendly to the administration ask Sen. J. W. Fulbright (D-Ark.) to comment on administration proposals.

"That's like asking the Boston strangler to massage your neck," the Vice President said.

Mr. MANSFIELD. Mr. President, may I say that what the Senator has referred to in the District of Columbia does not mean that we are only interested in crime here.

This is a nationwide phenomenon and must be faced up to on a nationwide basis.

Mr. SCOTT. Mr. President, if I may quote one anecdote, 2 years ago I was in Moscow. I arrived there at midnight. I was not sleepy, and I inquired whether it was possible to wander around in the Kremlin and in all the areas and side streets of Moscow at midnight.

The answer was, "Of course. You are not in Washington."

Mr. PERCY. Mr. President, on the same point, a professor from the University of Chicago received a fellowship and moved his family to London. When I visited him, I asked him and his family how they liked London.

They said that they liked it because of the freedom that exists there.

I said, "What do you mean? We have more freedom in the United States than in any other country in the world."

They said, "We mean freedom from fear. We lived on the South side of Chicago, and as long as we lived there, we never let our children go out at night alone to even visit their friends in the neighborhood."

The professor said that he would never let his wife go out alone in their neighborhood in Chicago unaccompanied at night.

In London, they can go any place they want in the night because they have freedom from fear.

Reasonable freedom from personal fear should be an inalienable right of all Americans. We must have the necessary legislative, judicial and moral approaches to achieve this freedom from fear.

Mr. MANSFIELD. Mr. President, I agree with the Senator from Illinois. And we want to emphasize that the Democrats and the Republicans are both participating in this effort on a nonpartisan basis. The Senate has faced up to its responsibility in this field.

Mr. PERCY. Mr. President, I concur fully with the majority and minority leaders in this regard.

Mr. MURPHY subsequently said: Mr. President, I rise this morning first of all to congratulate the majority leader and the minority leader for their outspoken position on a matter that is vexing all of us, the matter of crime in our cities. How this has come about in the last few years is a matter of great interest to all of us; how to stop it is of immediate concern.

NATO

Mr. PERCY. Mr. President, I was very pleased this morning to note a report from Brussels that at a meeting of NATO with the defense ministers of European countries, it was agreed that there must be more burden sharing of NATO costs.

I have for many years felt that the proportionate share of the NATO common defense borne by the United States was unfair to the taxpayers of this country. We have a defense establishment in NATO that is necessary and needed in order to preserve and defend the free world, but European countries have not contributed a larger share of the financial burden as their prosperity and well-being has changed dramatically in recent years.

This change has not been reflected at all in the proportionate costs being borne by European countries.

I have worked intimately with the Nixon administration on this matter, just as I had with previous administrations. I have had total cooperation in this area by an interagency committee that has been set up to analyze and study the problem. I have been reinforced in my argument and helped by the Secretary of the Treasury and other officials of the administration in trying to present in the NATO Parliamentary Conference the necessity for Europeans facing their responsibility if we are to keep a strong NATO.

I note that European defense ministers have committed themselves to a larger financial contribution to NATO, which will involve a redistribution of the total financial burden among the NATO allies.

For the past 2 years I have been calling for a larger European share in the expenses of NATO. The United States can no longer afford the $14 billion a year it spends to support our NATO commitment. Europeans must pick up a larger share of the burden. I have called for Europeans to pick up the costs of local nationals employed by NATO, costs of goods and services supplied for troops in Europe, housing, transportation, fuel and many other services. These are items that European countries definitely should pay for.

European defense ministers reportedly will make an offer to the U.S. Government by September on what costs they will pick up. I urge the U.S. Government to remain firm and to impress upon European governments that they must make a substantial increased effort and financial commitment to NATO. Unless the European effort increases dramatically and relieves the United States of a large share of its financial burden, there will still be pressure for substantial U.S. troop withdrawals from Europe.

Mr. President, I ask unanimous consent to have the article to which I have referred entitled "NATO Will Cover More U.S. Costs," published in the Washington Post of June 12, 1970, printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NATO WILL COVER MORE U.S. COSTS

(By Richard Norton-Taylor)

BRUSSELLS, June 11.—America's European allies have committed themselves to a larger financial contribution towards the upkeep of NATO's military strength, in an apparent bid to forestall Congressional pressure to reduce U.S. troop levels in Europe.

This emerged today at a NATO defense ministers' meeting which gave the go-ahead for a comprehensive review of allied defense in the 1970s. The review will run parallel to one currently being done by the U.S. National Security Council.

It is already clear that the NATO review will concentrate on redistributing the total financial burden among the allies.

There is a growing feeling in the United States, some 25 years after World War II, that the European allies should pay a greater share of defense costs, specifically for the 300,000 U.S. troops in Europe.

U.S. Defense Secretary Melvin Laird told his colleagues today that he would like to see the review completed by fall, in time for the administration's budget for fiscal year 1972, due to be presented to Congress at the end of 1970.

Apparently anxious to reduce Congressional pressure on the Nixon administration, European defense ministers agreed last night to formulate an "offer" to the U.S. by September.

The Europeans will attempt to save money by proposing common arms procurement policies among themselves and more efficient logistics. But both European and U.S. experts believe that their offer will have to include substantially increased military expenditures.

Concrete ways Europeans could increase their contributions would be through payment for local employees at U.S. bases, as well as American infrastructure and equipment needs.

These plans will depend very much on the governments' ability to convince a European opinion in no mood to fork out more for military puropses.

At today's meeting, Laird again said that the administration had no intention of withdrawing any U.S. troops from Europe before the end of fiscal year 1971 (June 30, 1972).

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a nomination was communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer (Mr. CRANSTON) laid before the Senate a message from the President of the United States submitting the nomination of James D. Hodgson, of California, to be Secretary of Labor, which was referred to Committee on Labor and Public Welfare.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the concurrent resolution (S. Con. Res. 70) authorizing the compilation and printing of a revised edition of the Biographical Directory of the American Congress (1774–1970), with an amendment, in which it requested the concurrence of the Senate.

A COMMUNICATION FROM AN EXECUTIVE DEPARTMENT

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following letter, which was referred as indicated:

PROPOSED LEGISLATION TO TERMINATE CERTAIN OIL LEASES IN THE SANTA BARBARA CHANNEL

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to terminate and to direct the Secretary of the Interior and the Secretary of the Navy to take action with respect to certain leases issued pursuant to the Outer Continental Shelf Lands Act in the Santa Barbara Channel, offshore of the State of California, and for other purposes with an accompanying paper); to the Committee on Interior and Insular Affairs.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. ALLEN):

A joint resolution of the Legislature of the State of Alaska; to the Committee on Interior and Insular Affairs:

"JOINT RESOLUTION SUPPORTING A FAIR AND EQUITABLE SETTLEMENT OF THE ALASKA NATIVE LAND CLAIMS

"Be it resolved by the legislature of the State of Alaska:

"Whereas the Alaska Native remains as he has for more than a century, without title or the security it affords on lands that he and his ancestors have occupied and used for generations; and

"Whereas the Alaska Native neither deserves nor wishes to continue as a 'ward' of the government, in a self-perpetuating 'second class citizenship'; and

"Whereas until the Native land claims issue is settled, the social and economic progress of the Alaska Native—indeed of all Alaska—will continue to be seriously impeded and diverted from its rightful pace; and

"Whereas the United States Senate Interior and Insular Affairs Committee has recently approved and reported to the Senate a bill which would authorize a combination of cash payments, mineral royalties and land selections in settlement of the Native land claims;

"Be it resolved that the Sixth Alaska State Legislature, in recognition of the importance of this issue to every Alaskan citizen, strongly urges and supports a fair and equitable, early settlement of the Alaska Native land claims; and be it

"Further resolved that the Sixth Alaska State Legislature commends Senator Henry M. Jackson, Chairman, and the members of the Senate Interior and Insular Affairs Committee for their diligence in researching the Native lands question and their efforts in bringing the matter before the Senate.

"Copies of this Resolution shall be sent to the Honorable Richard M. Nixon, President of the United States; the Honorable Spiro T. Agnew, Vice President of the United States; the Honorable Walter J. Hickel, Secretary, Department of the Interior; the Honorable John W. McCormack, Speaker, U.S. House of Representatives; the Honorable Richard B. Russell, President Pro Tempore, U.S. Senate; the Honorable Henry M. Jackson, U.S. Senator and Chairman, Senate Committee on Interior and Insular Affairs; the Honorable Wayne N. Aspinall, U.S. Representative and Chairman, House Committee on Interior and Insular Affairs; and to the Honorable Ted Stevens and the Honorable Mike Gravel, U.S. Senators, and the Honorable Howard W. Pollock, U.S. Representative, members of the Alaska delegation in Congress.

"AUTHENTICATION

"The following officers of the Legislature certify that the attached enrolled resolution, Senate Joint Resolution No. 101, was passed in conformity with the requirements of the constitution and laws of the State of Alaska and the Uniform Rules of the Legislature.

"Passed by the Senate May 20, 1970.

"BRAD PHILLIPS,
"President of the Senate.

"Attest:

"BETTY HANIFAN,
"Secretary of the Senate.

"Passed by the House May 28, 1970.

"JALMAR M. KERTTULA,
"Speaker of the House.

"Attest:

"CONSTANCE H. PADDOCK,
"Chief Clerk of the House.

"KEITH H. MILLER,
"Governor of Alaska."

A resolution adopted at the Sixteenth Extraordinary General Meeting of Okinawa Mayor's Association, praying for an early removal of poison gas on Okinawa; to the Committee on Armed Services.

A letter, in the nature of a petition, from the Chief Executive, Government of the Ryukyu Islands, praying for the removal of the chemical weapons of the U.S. Armed Forces which are in Okinawa; to the Committee on Armed Services.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. SPARKMAN, from the Committee on Banking and Currency, without amendment:

S. 3825. A bill to authorize further adjustments in the amount of silver certificates outstanding, and for other purposes (Rept. No. 91–929).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. LONG of Louisiana, from the Committee on Finance:

Edward F. Zigler, of Connecticut, to be Chief of the Children's Bureau, Department of Health, Education, and Welfare;

Samuel R. Pierce, Jr., of New York, to be General Counsel for the Department of the Treasury; and

Elliot L. Richardson, of Massachusetts, to be Secretary of Health, Education, and Welfare.

By Mr. STENNIS, from the Committee on Armed Services:

Adm. Thomas H. Moorer, U.S. Navy, for appointment as Chairman of the Joint Chiefs of Staff; and

Adm. Thomas H. Moorer, U.S. Navy, for duties of great importance and responsibility commensurate with the grade of admiral, for appointment to the grade of admiral while so serving.

Mr. STENNIS. Mr. President, as in executive session, from the Committee on Armed Services I report favorably the nominations of 45 flag and general officers in the Navy, Marine Corps, and Air Force. I ask that these names be placed on the Executive Calendar.

The **PRESIDING OFFICER** (Mr. CRANSTON). Without objection, it is so ordered.

The nominations, ordered placed on the Executive Calendar, are as follows:

Paul C. Huelsenbeck, and sundry other officers of the Naval Reserve, for temporary promotion to the grade of rear admiral;

Clarence M. Hart, and sundry other captains of the Navy, for temporary promotion to the grade of rear admiral;

Gen. James Ferguson (major general, Regular Air Force), U.S. Air Force, to be placed on the retired list, in the grade of general;

Lt. Gen. Lucius D. Clay, Jr. (major general, Regular Air Force), U.S. Air Force, to be assigned to a position of importance and responsibility designated by the President, in the grade of general; and

Maj. Gen. Richard H. Ellis (colonel, Regular Air Force), U.S. Air Force; Maj. Gen. Sam J. Byerley, Regular Air Force; Maj. Gen. Robert J. Dixon, Regular Air Force; and Lt. Gen. Austin J. Russel (major general, Regular Air Force) U.S. Air Force, to be senior Air Force member, Military Staff Committee, United Nations, in the grade of lieutenants general.

Rear Adm. John P. Weinel, U.S. Navy, having been designated for commands and other duties determined by the President, for appointment to the grade of vice admiral while so serving; and

Maj. Gen. John R. Chaisson, U.S. Marine Corps, having been designated for commands and other duties determined by the President, for appointment to the grade of lieutenant general while so serving.

Mr. STENNIS. Mr. President, in addition, I report favorably 2,052 promotions and appointments in the Army in the grade of major and below and 177 appointments in the Marine Corps in the grade of lieutenant colonel and below. Since these names have already been printed in the CONGRESSIONAL RECORD, in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The **PRESIDING OFFICER** (Mr. CRANSTON). Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

James H. Aanenson, and sundry other officers, for promotion in the Regular Army of the United States;

William D. Jones, and sundry persons, for appointment in the Regular Army;

William J. Esmann, and Donald F. Swanda, Jr., U.S. Military Academy graduates, for permanent appointment in the Marine Corps;

Charles L. Armstrong, Jot Eve, and David M. Webster, platoon leaders class graduates, for permanent appointment in the Marine Corps;

Edward J. Sandrick, Army Reserve Officer Training Corps graduate, for permanent appointment in the Marine Corps;

Paul W. Thomas, warrant officer, for temporary appointment in the Marine Corps; and

Thomas H. Allen, Jr., and sundry other officers, for appointment in the Marine Corps.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. MANSFIELD:

S. 3951. A bill to amend the Internal Revenue Code of 1954 to allow an income tax deduction for certain expenses of meals and lodging incurred while away from home for medical care; to the Committee on Finance; and

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S. 3952. A bill for the relief of Emile Georges Cochand and Marjorie Almo Cochand; to the Committee on the Judiciary.

By Mr. ERVIN:

S. 3953. A bill to incorporate the National Federation of Music Clubs; to the Committee on the Judiciary.

(The remarks of Mr. Ervin when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. STEVENS:

S. 3954. A bill to amend the provisions of title 5, United States Code, relating to Federal employees health insurance plans, to require periodic open seasons and to require prior notice of changes of rates in such plans; and

S. 3955. A bill to provide that certain traveltime of a Federal employee on annual leave, having a post of duty in a remote area, be excluded from the period of annual leave granted the employee; to the Committee on Post Office and Civil Service.

(The remarks of Mr. Stevens when he introduced the above bills appear later in the Record under the appropriate heading.)

By Mr. NELSON:

S. 3956. A bill for the relief of Mrs. Joan Lagois Hicks; to the Committee on the Judiciary.

By Mr. TYDINGS (by request):

S. 3957. A bill supplemental to the act of February 9, 1821, incorporating the Columbian College, now known as the George Washington University, in the District of Columbia and the acts amendatory or supplemental thereof; to the Committee on the District of Columbia.

By Mr. McGEE:

S. 3958. A bill to adjust the pay of employees of the Federal Government and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. McGEE (for himself, Mr. Boggs, Mr. Burdick, Mr. Fong, Mr. Hartke, Mr. Hollings, Mr. Moss, Mr. Randolph, Mr. Stevens, and Mr. Yarborough:

S. 3959. A bill to provide certain retirement benefits under title 5, United States Code, for air traffic controllers; to the Committee on Post Office and Civil Service.

By Mr. TYDINGS:

S. 3960. A bill to permit a State to elect to use funds from the highway trust fund for purposes of urban mass transportation; to the Committee on Finance.

(The remarks of Mr. Tydings when he introduced the bill appear later in the Record under the appropriate heading.)

S. 3953—INTRODUCTION OF A BILL TO INCORPORATE THE NATIONAL FEDERATION OF MUSIC CLUBS

Mr. ERVIN, Mr. President, I introduce today, for appropriate reference, a bill to provide a national charter for the National Federation of Music Clubs.

Through the years, the National Federation of Music Clubs has provided leadership in making the fine arts an important part of our national life. Actually, the influence of the national federation is international in scope because it is the world's largest philanthropic music organization.

I believe that the passage of a bill to give a Federal charter to the National Federation of Music Clubs would be a most helpful contribution to the advancement of music in our country. It would mean governmental recognition for the work of the national federation, and, thereby, add to its prestige and strengthen the place of music in our national life. A Federal charter for this fine organization will not mean any Federal control over its activities, and it does not call for any Government subsidy for its work. The passage of this bill will simply give recognition to this outstanding music group, just as the National Music Council, the American Symphony Orchestra League, and the American National Theater and Academy have been honored by Congress.

I certainly hope this bill to support the advancement of music in our society is given early approval by Congress.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the Record.

The ACTING PRESIDENT pro tempore (Mr. Metcalf). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 3953) to incorporate the National Federation of Music Clubs, introduced by Mr. Ervin, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the Record, as follows:

S. 3953

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds and declares that—

(1) the influence of the National Federation of Music Clubs is felt throughout the United States and throughout the world;

(2) the National Federation of Music Clubs has provided leadership in making the fine arts an important part of our natonal and international life; and

(3) the National Federation of Music Clubs is devoted to encouraging excellence in all fields of music.

Sec. 2. Mrs. Maurice Honigman, Dr. Merle Montgomery, Mrs. J. Knox Byrum, Miss Gertrude P. Coulfield, Mrs. Jack C. Ward, Mrs. Naomi Reynolds, Mrs. Dwight D. Robinson, Mr. J. Phillip Plank and Mrs. James A. Brady; and their successors, are hereby created and declared to be a body corporate by the name of National Federation of Music Clubs (hereinafter referred to as the "corporation"), and by such name shall be known and have perpetual succession, and the powers, limitations and restrictions herein contained.

Sec. 3. The persons named in section 2 of this Act shall be the incorporators of the corporation and a majority of such persons are authorized to complete the organization of the corporation by the selection of officers and employees, the adoption of a constitution and bylaws, not inconsistent with this Act, and the doing of such other acts as may be necessary for such purpose.

Sec. 4. This corporation is formed for fraternal, patriotic, historical, and educational purposes; to bring into working relations with one another, music clubs and other musical organizations and individuals directly or indirectly associated with musical activity for the purpose of developing and maintaining high musical standards; to aid and encourage musical education; and to promote American music and American artists throughout the United States of America and other nations.

Sec. 5. The corporations shall have power—

(1) to sue and be sued, complain, and defend in any court of competent jurisdiction;

(2) to adopt, alter, and use a corporate seal;

(3) to appoint and fix the compensation of such officers, employees, managers, and agents, as its business may require, and define their authority and duties;

(4) to adopt, amend, and alter bylaws and regulations not inconsistent with the laws of the United States or any State, or the District of Columbia, in which such corporation is to operate, for the management of its property and the regulation of its affairs;

(5) to make and carry out contracts;

(6) to charge and collect membership dues, subscription fees, and receive contributions or grants of money to be devoted to the carrying out of its purposes;

(7) to take and hold by lease, gift, purchase, grant, devise, or bequest any property, real, personal, or mixed, necessary for attaining the objects and carrying into effect the purposes of the corporation, subject, however, to applicable provisions of law of any State or the District of Columbia (A) governing the amount or kind of real and personal property which may be held by or (B) otherwise limiting or controlling the ownership of real and personal property by, a corporation operating in such State, or the District of Columbia;

(8) to transfer, convey, lease, sublease, mortgage, encumber, and otherwise alienate real, personal, or mixed property;

(9) to borrow money for the purposes of the corporation, issue bonds or other evidences of indebtedness therefor, and secure the same by mortgage, deed of trust, pledge, or otherwise, subject in every case to all applicable provisions of the Federal and State laws or of the laws of the District of Columbia; and

(10) to do any and all lawful acts and things necessary and proper to carry out the objects and purposes of the corporation.

Sec. 6. Eligibility for membership in the corporation and the rights and privileges of members shall, except as provided in this Act, be determined as the constitution and bylaws of the corporation may provide.

Sec. 7. (a) Upon the enactment of this Act and for not more than one year thereafter, the membership of the initial board of directors of the corporation shall consist of those persons named in section 2 of this Act.

(b) Thereafter, the board of directors of the corporation shall consist of such number, shall be selected in such manner, and shall serve for such term as may be prescribed in the constitution and bylaws of the corporation.

(c) The board of directors shall be the governing board of the corporation, and shall be responsible for the general policies and program of the corporation and for the control of all funds of the corporation.

(d) The board of directors may establish an executive committee and other committees to exercise such power as may be prescribed in the bylaws.

Sec. 8. The officers of the corporation shall be those provided in its bylaws. Such officers shall be elected in such manner, for such term, and with such duties, as may be prescribed in such bylaws.

Sec. 9. (a) The principal office of the corporation shall be located at 600 S. Michigan Avenue, Chicago, Illinois, 60605, or in such other place as may later be determined by the board of directors, but the activities of the corporation shall not be confined to that place but may be conducted throughout the United States and each territory, possession, and dependency of the United States.

(b) The corporation shall maintain at all times in the District of Columbia a designated agent authorized to accept service of process for the corporation, and notice to or service upon such agent, or mailed to the business address of such agent, shall be deemed notice to, or service upon, the corporation.

Sec. 10. (a) No part of the income or assets of the corporation shall inure to any member, officer, employee or member of the board of directors, executive board, or committees, or be distributable to any such person during the life of the corporation or upon its dissolution or final liquidation. Nothing in this subsection, however, shall be construed to prevent the payment of reasonable compensation to officers of the corporation or reimbursement for actual expenses in amounts approved by the corporation's board of directors.

(b) The corporation shall not make loans to its members, officers, employees, or members of the board of directors, executive board, or committees. Any member of the board of directors who votes for or assents to the making of such loan, and any officer who participates in the making of such a loan, shall be jointly and severally liable to the corporation for the amount of such a loan until the repayment thereof.

Sec. 11. The corporation shall be liable for the acts of its officers, agents, managers, and employees when acting within the scope of their authority or employment.

Sec. 12. The corporation and its officers and members of the board of directors as such, shall not contribute to or otherwise support or assist any political party or candidate for office.

Sec. 13. The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

Sec. 14. The corporation shall keep correct and complete books and records of account. It shall also keep minutes of the proceedings of its members and board of directors, and executive board and committees authorized by the board of directors. The corporation shall keep at its principal office a record of the names and addresses of its members entitled to vote. All books and records of the corporation may be inspected by any member, or his agent or attorney, for any proper purpose, at any reasonable time.

Sec. 15. Upon dissolution or final liquidation of the corporation, after discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets of the corporation may be distributed in accordance with the determination of the board of directors of the corporation and in compliance with this Act, the bylaws of the corporation, and all other Federal and State laws and laws of the District of Columbia applicable thereto.

Sec. 16. The corporation shall have the sole and exclusive right to use and allow or refuse to others the use of the name "National Federation of Music Clubs", and to have and to use such distinctive insignia, emblems, seals, and badges, descriptive or designating marks, and words or phrases, as may be required to carry out the purposes of the corporation. No powers or privileges hereby granted shall, however, interfere or conflict with established or vested rights.

Sec. 17. The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (78 Stat. 635; 36 U.S.C. 1101), is amended by adding at the end thereof the following:

"(49) National Federation of Music Clubs".

Sec. 18. The right to alter, amend, or repeal this Act is hereby expressly reserved to the Congress.

S. 3954—INTRODUCTION OF A BILL RELATING TO FEDERAL EMPLOYEES HEALTH INSURANCE PLANS

Mr. STEVENS. Mr. President, according to the Civil Service Commission, 31 of the 38 health plans offered to Federal employees experienced a rate increase shortly after the close of the most recent open season. Since an employee can alter his health plan only during an open season, the employees could not change programs or select the optimum program after the rate increase. They will not be able to do so until the next open season, which will probably occur this November. Over the past 5 years four of the five major health programs have increased their rates after the close of each open season.

This situation is basically unfair to the Federal employee. He feels he has contracted for health services at a certain cost for a period at least until the next open season. Yet his rates can be raised and he can do nothing about it. He cannot even choose to take a lower cost program in light of the revised rates.

I am introducing legislation to correct this inequity. The bill requires that before any increase in health program rates can be put into operation, the company must give notice to the employees having the program at least 30 days before the close of the open season. If such notice is not given, the company could not raise its rates until the next open season. The bill also requires that open seasons be held at least once every 2 years.

Mr. President, this legislation is clearly urgently needed. The next open season will probably occur within a few months. Employees will select health programs on the basis of existing rates. Immediately following the close of the open season, the rates will be raised again, with no notice having been given to the employee prior to the closing of the open season. I urge the adoption of this protective legislation at an early date so that Federal employees, including the staff of this very body, can be protected from this inequity.

I ask unanimous consent that the text of my bill be printed in the Record immediately following my remarks.

The ACTING PRESIDENT pro tempore (Mr. Metcalf). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 3954) to amend the provisions of title 5, United States Code, relating to Federal employees health insurance plans, to require periodic open seasons and to require prior notice of changes of rates in such plans, introduced by Mr. Stevens, was received, read twice by its title, referred to the Committee on Post Office and Civil Service and ordered to be printed in the Record, as follows:

S. 3954

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8902 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(j) No rate charged under any health benefits plan described by section 8903 of this title may be readjusted unless the readjustment is announced at least 30 days prior to the beginning of any time that all eligible employees and annuitants are allowed to enroll in, change their coverage under, or transfer their enrollment under, such plans."

Sec. 2. Subsections (d) and (e) of section 8905 of title 5, United State Code, are amended to read as follows:

"(d) An employee or annuitant enrolled in a health benefits plan under this chapter may change his coverage or that of himself and members of his family—

"(1) by an application filed within 60 days after a change in family status;

"(2) at other times (which shall be not less frequently than once every 2 years) and under conditions prescribed by regulations of the Commission; or

"(3) under conditions prescribed by regulations of the Commission, at other times requested by carriers having at least 30 percent of all the employees and annuitants enrolled under all health benefits plans under this chapter.

"(e) An employee or annuitant may transfer his enrollment from a health benefits plan described by section 8903 of this title to another plan described by that section—

"(1) at the times (which shall be not less than once every 2 years) and under the conditions prescribed by regulations of the Commission; or

"(2) under conditions prescribed by the Commission, at other times requested by carriers having at least 30 percent of all the employees and annuitants enrolled under all health benefits plans under this chapter."

Sec. 3. The first sentence of section 8913(b) of title 5, United States Code, is amended—

(1) by striking out "time" and inserting in lieu thereof "times"; and

(2) by inserting before the period at the end thereof a comma and the following: "except that the times so prescribed shall be not less than once every 2 years or shall be at other times requested by carriers having at least 30 percent of all the employees and annuitants enrolled under all health benefits plans under this chapter."

S. 3955—INTRODUCTION OF A BILL RELATING TO TRAVELTIME FOR FEDERAL EMPLOYEES

Mr. STEVENS. Mr. President, across the vast land area of my State are scattered a number of Federal installations. These include naval air bases and radar defense sites, civilian weather stations, flight service stations, and navigation aids. Employees on these sites share an isolation from normal transportation. There are no roads, no railways, and airlines are infrequently scheduled to allow these Federal employees access to the rest of the United States.

Along the outer edges of this country, these employees and their families may have to wait days until a plane arrives to take them to a city with regularly scheduled service to the "outside." As an example, Adak Naval Station on the Aleutian Islands employs 162 civilians. With their dependents, this group comprises 400 civilians who are isolated from regular travel connections.

Leavetime is a treasure for these people. Under the current regulations, leavetime of Federal employees is consumed even while they are awaiting a flight from their post.

Their return to the base is much more unpredictable. Precious amounts of time must be taken from their vacations to find a flight back to Adak. The bill which I am introducing will insure that Federal employees in all remote areas of the country will enjoy the full amount of their leavetime away from their isolated outposts. Under this bill, leave will not include time lost in travel from posts more than 200 miles distant from a city or town with regular transportation access to the "outside."

The ACTING PRESIDENT pro tempore (Mr. BURDICK). The bill will be received and appropriately referred.

The bill (S. 3955) to provide that certain traveltime of a Federal employee on annual leave, having a post of duty in a remote area, be excluded from the period of annual leave granted the employee, introduced by Mr. STEVENS, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

S. 3960—INTRODUCTION OF THE MASS TRANSPORTATION FINANCING ACT

Mr. TYDINGS. Mr. President, I introduce the Mass Transportation Financing Act, a bill which would allow States the option of using Federal highway trust fund money for urban mass transit needs. This measure, which I have introduced in the past two Congresses with Representative BINGHAM, will help cities to build more balanced transportation systems.

Our cities are deteriorating rapidly; one of the crucial causes of this decline is overloaded, disintegrating, and unbalanced transportation systems. Ancient mass transit systems are decaying to the point of breakdown; new systems cannot be built or old ones rebuilt for lack of funds. Meanwhile it has become clear that automobile transportation is pathetically inefficient for urban transit. Highways and parking space take too much land; not enough people can be fit onto one lane of traffic on a highway; air and noise pollution are too great; and our city neighborhoods are torn apart by massive swaths of concrete. Even with the present frantic highway construction, our cities remain locked in daily traffic jams.

It is time to shift our transportation systems in urban areas onto a balanced basis. We need urban mass transit systems, and we need them now. Yet the funds made available for this required change are practically nonexistent.

This year I was among those who advocated a trust fund for urban mass transit. This scheme, copied after the successful highway trust fund and the recently established airport/airways trust fund, seemed the only way to insure adequate funding on a long-term basis. Unfortunately the administration opposed the idea and killed it. Again I tried to aid those who attempted to raise to realistic and reasonable levels the new authorization for mass transit, which replaced the trust fund idea. Against administration pressure, we gain lost.

So our transportation investment remains unbalanced. The cost of the present interstate highway system is now estimated at over $69 billion, $62.5 billion of which is Federal funds. State highway officials have rquested an additional $320 billion for highways for the next 15 years. In the administration's 1971 budget, over two-thirds of transportation funds will go to highways; and over a billion dollars will go to airports. The 1971 request for mass transit authorization—before any of the inevitable cuts are made in the appropriation—is only $280 million, $10 million less than the request for the SST. Thus, the shortsighted, inefficient, and wasteful imbalance in our transportation system will continue next year, unless something is done.

My State needs urban mass transit funds today—and these funds are nowhere in sight. Baltimore is undergoing an ambitious and farsighted renewal. An integral part of that renewal is a $1.7 billion rapid transit system which will provide fast, clean, cheap, and safe transit in our city. This farsighted planning and a substantial local financial commitment are now forced into delays pending adequate assurance of Federal funding. Our situation is only too typical.

Those of us who are concerned over the fate of our cities must act to balance our transportation funding. A simple way of achieving this objective is to divert highway fund money, when it is unwanted by local authorities, into mass transit. This bill will allow local officials, rather than the Washington bureaucracy, to choose the transportation they want. And it will provide a sure source of revenue for mass transit. I hope the Senate will seriously consider this approach to balanced transportation before our cities strangle themselves to death in monumental traffic jams.

I realize that this facet of the highway construction program comes under the jurisdiction of the Senate Finance Committee. I intend to request the able chairman of that committee, Senator RUSSELL LONG, to consider this proposal as soon as feasible.

I have also written to Senator RANDOLPH, the distinguished chairman of the Public Works Committee, about this bill requesting that this idea be considered during the hearings he is holding in June and July on the highway program. Senator RANDOLPH is responsible in large part for the successful Interstate Highway program, which has brought untold benefits to intercity travel in the Nation. As that program reaches its completion, Senator RANDOLPH has wisely decided to reevaluate our transportation programs on a very broad-ranging basis. I hope to add to that reevaluation by pointing out the need for balanced transportation investment in our future.

The PRESIDING OFFICER (Mr. CRANSTON). The bill will be received and appropriately referred.

The bill (3960) to permit a State to elect to use funds from the highway trust fund for purposes of urban mass transportation, introduced by Mr. TYDINGS, was received, read twice by its title, and referred to the Committee on Finance.

SECOND SUPPLEMENTAL APPROPRIATIONS BILL, 1970—AMENDMENT

AMENDMENT NO. 695

Mr. JAVITS. Mr. President, I submitted yesterday for myself and for Senators BAYH, BROOKE, CRANSTON, GOODELL, HART, HATFIELD, MONDALE, MCGOVERN, MUSKIE, NELSON, PACKWOOD, PELL, SCOTT, and WILLIAMS of New Jersey, an amendment to the Second Supplemental Appropriations Act, to provide a supplemental of $65 million for the Neighborhood Youth Corps summer job program, as an addition to the $50 million supplemental recommended by the Appropriations Committee for this summer. The amendment, No. 693, was proposed at page 19449 of the CONGRESSIONAL RECORD for June 11, 1970.

Under the amendment proposed yesterday, $65 million would be added to the $50 million recommended by the Appropriations Committee for manpower and development training activities under the provisions of section 102 of the Manpower Development and Training Act of 1962.

Section 102 of the Manpower Development and Training Act provides general authority for programs meeting the manpower, employment, and training problems of worker groups such as disadvantaged youth and has been the authority for regular and supplemental appropriations for the Neighborhood Youth Corps summer job program during past summers. As noted, the Appropriations Committee itself recommended the supplemental appropriation under the authority of section 102 of the Manpower Development and Training Act.

However, it has been suggested that since the Neighborhood Youth Corps summer program is not explicitly described under section 102 that the proposed amendment to increase the appropriation may not "be made to carry out the provision of some existing law" within the meaning of paragraph 1 of rule XVI of the Standing Rules of the Senate.

With this possibility in mind, I filed yesterday a notice of motion to suspend subparagraph 1 of rule XVI in respect to the amendment, which I would make in the event that it is determined that full consideration of my amendment would be precluded under that rule.

I also indicated that I would file an alternative amendment to insure a vote on this essential matter of additional funds for the Neighborhood Youth Corps summer program is not precluded by a technicality.

I submit today, with the cosponsors who joined with me in amendment No. 693, an alternative amendment under which the additional sum of $65 million would be sought in the way of a supplemental appropriation for work and training programs under part B of title I of the Economic Opportunity Act of 1964, as amended.

Title I, part B of the Economic Opportunity Act expressly describes the Neighborhood Youth Corps programs and has been the authority of funding for those programs since enactment of the Economic Opportunity Act. For example, the basic regular appropriation of $147,000,000 for these programs for this summer was made available under the Labor-HEW Appropriations Act for fiscal year 1970 under the total appropriation of $1,948,000,000 for expenses necessary to carry out the provisions of the Economic Opportunity Act of 1964. This program has been delegated to the Department of Labor and any additional amount received for the program would be transferred to the Department of Labor for administration.

Mr. President, Economic Opportunity Act Amendments of 1969, enacted on December 30, 1969, authorized to be appropriated a total of $2,195,500,000 for the fiscal year ending June 30, 1970.

Accordingly, there remains for fiscal year 1970 a total of $247,500,000 authorized but not appropriated under the Economic Opportunity Act of 1964. I note also that the Appropriations Committee has recommended on page 22 of its report that as much as $100 million of the $150 million recommended for emergency school assistance would be expended under authority of title II of the Economic Opportunity Act. Even if that amount is appropriated $147,500,000 would remain authorized but unappropriated, and thus available for the appropriation which I seek by this amendment.

I ask unanimous consent that this amendment be printed under the rule and also be printed in the RECORD.

XUM

The PRESIDING OFFICER (Mr. PACKWOOD). The amendment will be received and will be printed and will be on the table; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 695) is as follows:

On page 8, between lines 5 and 6 insert the following:

"ECONOMIC OPPORTUNITY PROGRAM

"For an additional amount for work and training programs to carry out the provisions of part B of title I of the Economic Opportunity Act of 1964, as amended, $65,000,000, to remain available until September 30, 1970: *Provided*, That this appropriation shall not be available for the purpose of sections 102 (b) and 130 of said Act."

SOCIAL SECURITY AMENDMENTS OF 1970—AMENDMENTS

AMENDMENTS NOS. 696 THROUGH 698

Mr. PROUTY submitted three amendments, intended to be proposed by him, to the bill (H.R. 17550) to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes, which were referred to the Committee on Finance and ordered to be printed.

NOTICE OF HEARINGS ON WAGE BOARD PAY

Mr. RANDOLPH. Mr. President, I wish to announce that the Subcommittee on Civil Service of the Committee on Post Office and Civil Service will hold hearings on S. 1958 and related bills, to provide an equitable system for fixing and adjusting the rates of compensation of wage board employees.

The hearings will be held on June 17 and 18 in room 6202 of the New Senate Office Building at 1 p.m. Persons desiring to testify or to submit written statements in connection with these hearings may arrange to do so by contacting the legislative clerk of the Senate Post Office and Civil Service Committee, telephone 225-5451.

ADDITIONAL STATEMENTS OF SENATORS

PROPOSED CONTRACT AWARD BY NASA FOR PROCUREMENT OF APPLICATIONS TECHNOLOGY SATELLITES F AND G

Mr. ANDERSON. Mr. President, inasmuch as many inquiries have been directed to the Committee on Aeronautical and Space Sciences concerning the proposed contract award by the National Aeronautical and Space Administration—NASA—for the procurement of applications technology satellites F and G. I believe I should make known to the Senate the actions taken by the committee in this matter.

The award of this contract was made known by NASA on April 8, when it announced that General Electric Co. was selected for the negotiation of a contract for development, fabrication, test, and project operations of the applications technology satellites F and G.

Fairchild-Hiller Corp., which had also bid on that contract, immediately protested the award, such information being received by the committee on April 9. The committee took cognizance of this protest immediately and found that NASA had already requested the General Accounting Office—GAO—to review the events leading to the selection of the General Electric Co. and specifically to establish whether or not there were any improprieties during this section and whether or not NASA's established procedures were properly followed. As chairman, I notified both NASA and the GAO of the committee's interest in this matter. I requested that NASA keep the committee currently advised on the status of the award and that the committee be informed before any final action is taken in awarding the contract. I further requested that the GAO report be made available to the committee immediately upon its completion.

The Administrator of NASA has acknowledged these requests. He has advised the committee that NASA plans no final action on the contract until after the GAO has completed its investigation and he has designated a specific individual in NASA to be available to respond as needed to requests for information by the committee.

The General Accounting Office has indicated that its report will be made available to the committee as soon as it is completed.

The committee has been assured that NASA is making available to the GAO all available documentation pertaining to the investigation.

Mr. President, I want to assure the Senate that the Committee on Aeronautical and Space Sciences is fulfilling and will continue to fulfill its responsibility to the Senate in exercising oversight on this matter as it properly should under the jurisdiction given the committee under the rules of the Senate.

SMALL-MARKET RADIO AND TELEVISION BROADCASTERS

Mr. MANSFIELD. Mr. President, the members of the Montana congressional delegation have been aware of the serious problems which have developed in recent years for the small-market radio and television broadcasters. Many of these difficulties result directly from new Federal Communications Commission regulations which attempt to apply overall rules to the large and small markets. In my estimation this will not work, and the small broadcasters are going to suffer.

The most recent decision is to require that television stations carry a limit of 3 hours of network programs in prime time evening hours. The penalties imposed on small market broadcasters by this requirement are quite severe, and broadcasters such as we have in Montana, with limited staffs and facilities, are faced with the necessity of producing, for local origination, up to 7 hours per week of additional programs to fill the void created by the Commission by forfeiture of network programing.

This situation was discussed in a Wall Street Journal editorial on May 13, 1970. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE TELEVISION CRITICS

For years television's severest critics have been various Federal officials. The attacks haven't seemed to have any impact on the general public, since the TV audience continues to grow.

Like other critics, however, the Federal men don't think too much of the public's taste. So the Federal Communications Commission has decided to arrange high-quality programing for Americans, whether they really want it or not.

At least that's what the FCC thinks it's doing. It has announced new rules to bar the three major networks from supplying more than three hours of programs during "prime" evening time, from 7 p.m. to 11 p.m., to their affiliated stations in major market areas.

Now it may appear a bit silly to seek to improve programing by cutting off some of it, but the FCC does have a rationale of sorts. By opening up an hour of evening prime time, the agency reasons, it will encourage more independent program producers to enter the field. With a greater diversity of program sources, the FCC thinks, programing will improve.

But will it? The independent producers are active now, though they sell most of their output to networks. The independents are businessmen, just as the network executives are, and they can't afford to join Federal officials in their indifference to public taste.

The upshot is likely to be that the hour of independent programing will be no improvement but the same mixture of the good, the bad and the mediocre. How any of it is rated will still depend a great deal on who is doing the rating.

In a clumsy attempt to take account of the economic problems of smaller stations outside major market areas, which can't afford to spend a great deal on independent programs, the FCC exempted them from its rules. Since networks can hardly be expected to develop programming for only those outlets, though, the small stations are hit like all the rest.

Around the nation, then, the average level of programing may decline. Congress should cancel the foolish FCC program before it starts.

A WISE INVOCATION

Mr. SCOTT. Mr. President, on May 18, the Pennsylvania Association of Broadcasters held its annual convention at Buck Hill Falls in the Pocono Mountains.

My good friend Roy Morgan, of WILK radio in Wilkes-Barre, delivered the invocation.

I think that all of us can benefit from his wise words, so I ask unanimous consent that the invocation be printed in the RECORD.

There being no objection, the invocation was ordered to be printed in the RECORD, as follows:

> As we gather together once again—Your servants in the modern electronic vineyards—we pause . . . not for a commercial message, but for this spiritual moment with You, O Lord.
>
> We bow our heads in prayer, recognizing that as we have tried to help solve the problems of this world, we have in essence only helped to contribute to them. Our communication has been something less than perfect both with You and with our fellow men. This in all humility we acknowledge as we ask Your forgiveness for our own short-circuiting of that which is most needed and most desired—a world of peace and understanding and love.
>
> May we ask You to power all of us to do what we can to help cure the ills, sickness and weariness of this world which is too much with us. Would that it were only the gospel—the good news of Your teachings that we could communicate to those whom we serve. Even where we must fall short, strengthen us to recognize the good that we can do through our words—acts—and deeds.
>
> Lord, as we meet on this annual occasion to give thought to our problems and to our obligations, give us the insight and the concern to seek out solutions not only to the many troubles of our own daily life but to the lives of those around us. Make us truly dedicated servants of Your word in Your world. Amen.

DELAY IN PASSAGE OF CRIME BILLS

Mr. MOSS. Mr. President, yesterday President Nixon attacked the Congress for delay in passing the administration's crime bills. I wish the President had been more accurate and more helpful instead of launching this broadside. For as the Republican leader of the Senate (Mr. SCOTT) said on March 13, "Our record in the Senate is commendable."

On June 23, 1969, the Senate passed the omnibus judgeship bill and sent it to the House.

On September 19, 1969, December 5, 1969, and December 22, 1969, the Senate passed bills relating to public defenders, criminal law revision, and the juvenile code in the District of Columbia and sent them to the House.

On January 23, 1970, the Senate passed the immensely important organized crime bill and sent it to the House.

On January 28, 1970, the Senate passed the Controlled Dangerous Substances Act, a major recodification and reform of the Federal narcotics law, and sent it to the House.

As a matter of fact, the Senate has passed 12 of the 14 administration crime bills. The two which have yet to be acted upon are the pornography control bill and bail reform. The obscenity bill has been held up by the postal strike and postal reform, but the Post Office and Civil Service Committee will soon resume its hearings on this subject. Bail reform is still in the Senate Judiciary Committee where Senators from both sides of the aisle are giving careful study to the grave constitutional questions raised by this bill.

I share the President's sense of urgency in enacting crime control legislation. The House of Representatives should move faster but the Senate largely has done its job.

I agree with President Nixon that fighting crime should be above partisan politics, but it is true that Congressmen and Senators of both parties have profound reservations about some of the proposed drastic changes in criminal procedure. I would suggest to the President and to those committees handling crime legislation that they separate out some of the more controversial features which are holding up these important bills and act on the portions on which there is general agreement.

In my opinion, the most serious problem facing criminal justice is the logjam in our courts. Article 6 of the Constitution guarantees the right to a "speedy trial." The long delays in bringing accused criminals to trial not only denies them their constitutional rights, but it allows many criminals to be free to commit more crimes while waiting for their first trial. We all agree that the judicial process must be speeded up. I suggest those debating the merits of such controversial proposals as preventive detention step aside for the moment and let the House pass the Senate's omnibus judgeship bill which would provide for more badly needed judges.

The time has long since come for members of both political parties to stop criticizing the other for delay, and to start passing legislation upon which the vast majority can agree.

BUSINESS OPPORTUNITIES FOR MINORITIES

Mr. CRANSTON. Mr. President, over the past several years much has been said about developing business opportunities for minorities. However, to this date, very little has been done toward this end.

Roadblock after roadblock has been set up to prevent black people and brown people from participating—at the ownership level—in every major industry in this country.

One of the most lucrative industries in the country is the construction industry, yet that industry remains one of the toughest, if not the toughest, for blacks and browns to enter.

Although numerous blacks and browns have the necessary skills to establish and operate construction firms, many who enter the field find the road to success very difficult if not impossible. This is due, in large part, to the inability of minority contractors to obtain performance bonds from surety companies.

Last July I cosponsored three bills introduced by the Senator from Indiana (Mr. BAYH), which were designed to give some concrete governmental assistance to minority building contractors. Of the three bills, only one, S. 2610, has become law.

Under S. 2610, Federal projects such as urban renewal projects are required to the maximum extent possible to utilize in the construction program individual and business concerns located in or owned by persons who reside in the project area.

Although this measure became the law of the land almost 6 months ago, the Nixon administration has not yet implemented the law. Secretary Romney, in testimony before the Committee on Banking and Currency in March, indicated that law would be implemented in the very near future. However to my knowledge, the implementation has not yet taken place.

As a member of the Subcommittee on Housing and as a cosponsor of the legislation, I again urge Secretary Romney to make this law a reality for the minority contractors throughout the country who are struggling for their very existence.

Under S. 2611, which is still pending in the Judiciary Committee, the Miller Act would be amended to provide that bonds would not be required for Federal contracts up to $20,000. The current level is $2,000.

The third bill, S. 2609, is currently pending before the Small Business Subcommittee of the Committee on Banking and Currency. The bill contains three sections designed to aid the minority building contractor. The principal section would allow the Small Business Administrator to guarantee a surety against 90 percent of any loss up to $500,000 resulting from a default by a minority contractor on a small business principal bid payment or on a performance bond for construction. The other sections of the bill are explained in detail by Senator BAYH in the June 9, 1970, RECORD on page 18885.

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The Senator from New Hampshire (Mr. McINTYRE), the able chairman of the Small Business Subcommittee of the Committee on Banking and Currency, has scheduled hearings on S. 2609 for Monday, June 15, 1970. I know that the hearings will be quite helpful in bringing to the Nation's attention the desperate economic plight of the minority building contractor. This being the case, I hope and trust that the subcommittee and the full committee will act promptly and favorably on this much needed legislation.

TIME TO RESOLVE DISPUTE BETWEEN AIR TRAFFIC CONTROLLERS AND FAA

Mr. NELSON. Mr. President, I invite the attention of Congress to a current pressing problem which has been substantially obscured by other domestic and international issues in recent weeks. It is the problem of air traffic control.

Over the past two decades we have witnessed a spectacular growth in commercial tonnage shipped and passengers transported by air. Technology in aircraft design has, for the most part, kept pace with demands for bigger, better, safer, and faster vehicles. Unfortunately, air traffic control, which is the nerve center of our massive air system, has not fully met its corresponding challenge.

The critical point we have reached in air traffic control is the result of cumulative neglect of the system over the period of at least a decade. Knowledgeable predictions conservatively forecast an increase of 30 percent in air traffic by the close of 1973. We can no longer ignore the obvious consequences of further neglect.

A significant step toward meeting this challenge has been taken by Congress in the passage of the Airport and Airways Development Act. However, this measure will not materially alter the current situation for several years. In the meantime we must function with the facilities, equipment, and personnel as they are now constituted.

Knowledge of the inadequacies of our air traffic system first burst dramatically upon a complacent, uninformed public—and Congress too, as a matter of fact—in the summer of 1968 when air travel was virtually brought to a halt by an artificially induced crisis. This demonstration, precipitated by the air traffic controller's program termed "Operation Air Safety," was designed to spotlight the problems of the system and to specifically express the controller's grievance with the role they were forced to play in its operation.

The FAA responded with a substantial pay increase for controllers in December 1968. Since wages were not a prime consideration with the controllers, this move contributed little to settling the discontent.

On August 8, 1969, Department of Transportation Secretary Volpe, took an important and commendable step toward a true confrontation with the total problem. On that date he appointed a committee to be known as the "Air Traffic Controller Career Committee." The committee, with John J. Corson, chairman of the board of Fry Consultants, Inc. as its chairman, and comprised of an equally distinguished panel of seven members with expertise in the areas of aviation, aviation medicine, air traffic control, civil service administration, labor relations, and public administration, was given the broad charge to inquire into various aspects of the air traffic controller career.

The committee did its job well. Its report, which was published in January 1970, is not only a comprehensive, unbiased study of the entire air traffic system, it also offers definitive guidelines for solving the problems which it uncovered. However, to my knowledge, little has been done to implement the report's recommendations. Recent developments in the area of air traffic employee/management relations strongly suggest that, at least the portion dealing with this vital subject, is being totally ignored.

The report places great stress on what it refers to in unequivocal language as, "Unprecedented strife between organized controllers and FAA's management." This theme is given major attention throughout the report and emerges as the central issue. Several quotations from the report serve to illustrate this point:

> The committee found that employee/management relations within FAA are in a state of extensive disarray, due to ineffective internal communications, to failure on the part of FAA management to understand and accept the role of employee organizations . . .
>
> FAA cannot now command the full support of many members of the work force in its terminals and centers. Indeed, members of this committee have never previously observed a situation in which there is as much mutual resentment and antagonism between management and its employees.
>
> No single cause accounts for this crisis in the relation between FAA's management and the organizations representing its employees. Yet our observations suggest that among the most important is the failure of FAA's management at all levels to truly understand the role of the employee organizations and to accept them as not only legitimate, but hopefully as collaborators in building understanding, satisfaction, and an esprit d'corps. They have tended to deal with unions reluctantly and at arms length. Many FAA managers seem to pay lipservice to the role of labor organizations but view any criticism by union representatives as disloyal conduct.

Though the report dwells in greater detail on management failures in this critical area, it does not absolve the controllers of responsibility due to the role their organization, the Professional Air Traffic Controllers Organization—PATCO—has played in perpetuating the atmosphere of tension. It states:

> Regardless of how FAA responded to PATCO, that organization has resorted to tactics that were designed to maximize its exposure in the press and television and exacerbate its relationship with FAA's management. Its choice of tactics, the intemperate and irresponsible nature of the language used in much of its correspondence and public utterances, and its constant resort to personal attacks have continued to fuel the fire.

It was in this climate of distrust, strain, and unchecked emotions that we left the decade of the 1960's, in which a majority of our air traffic problems were produced, and entered the decade of the 1970's, a continuing discontent of the controllers quickly manifested itself in the form of a nationwide "sick-out" in the month of March. Hundreds of controllers called in that they were too ill to report for work.

A crisis of great proportions quickly developed. The FAA prevented a total shutdown of the system by the devise of limiting traffic to intensity levels which could be safely handled with a limited staff made up of controllers who were not "sick" and management personnel. The FAA sought and obtained injunctive relief compelling the controllers to return to work.

I have not enumerated the specific grievances of the controllers. They are well defined and substantiated by the Corson report. That they are real and not imagined is best illustrated by Federal District Court Judge Hart of the District of Columbia, who stated in this matter, which was before his court, that the controllers acted after "extreme provocation"; and Federal District Judge Judd of New York, who stated in denying the imposition of penalties on individual controllers, that it would be "inequitable in view of the evidence suggesting that ineptness of the FAA was a major factor in leading to the work stoppage."

In view of the extreme sensitivity of the controller function in our air traffic system and the unchallenged implication of FAA management policies as a factor contributing to the chaotic current situation, it would appear reasonable that conciliation between the principals should be the next order of business. This has not been the case.

In the 17 jurisdictions where this matter has been taken before the Federal courts, all disciplinary proceedings against controllers have been temporarily prohibited. In areas where the power of the Federal court has not been invoked, a pattern of harsh retribution has developed. In my State of Wisconsin at the two principal airport facilities of Milwaukee and Madison dismissal notices have been served on six controllers and suspension notices on an additional 14.

Judge Judd, in the case involving the New York controllers, noting that other jurisdictions had prohibited the FAA from suspending the men who returned to work, stated:

> It seems to me that the men in New York should have the same rights as those in other states.

Yet the FAA has been systematically proceeding with disciplinary actions wherever court orders do not specifically protect the controllers.

A second parallel pattern of harassment has been put into effect across the country. Even though, as the Corson Report clearly points out, there is a critical shortage of qualified controllers, FAA management has removed large numbers of controllers whom it considers the instigators of the unrest—in most cases there are PATCO officers—from traffic work.

These highly skilled, high salaried men have been reassigned to menial, irrelevant, and sometimes degrading functions where they can be kept separated from the other members of the work force. Judge Judd speaks to this point:

> It seems to me rather incongruous in the case for the Government to ask the Court to compel the defendants to return to work and then immediately transfer them to different jobs and serve notice of intention to discharge. I said on April 13th that if the United States of America seeks equity, it can be compelled to do equity. The complaint in the Government action asks that these men be directed to resume their normal employment. If I thought they were not going to be put to work I would have hesitated before ordering them back.

This development raises the question as to just how important a role the controller plays in the air traffic control system. The Corson report states:

> In this nation's rapidly growing air transport system, the journeyman controller has been forced to compensate for the deficiencies of other elements of the system as air traffic has grown—for the lack of or inefficient design of airport runways, for the inadequacy of equipment, and for the lack of resources that would provide more efficient equipment and a fuller compliment of controllers.

What does the future hold? Again turning to the Corson report:

> All that is now known of air traffic technology makes it clear that the effectiveness of air traffic control will depend at least until the 1980's upon the effectiveness of the controller themselves.

I am impressed by the obvious desperation which drove this unique group of public employees to the point where they have twice within a short span of time placed their relatively high paying careers in jeopardy. There is no other possible employer for these men if they are excluded from Federal service. Their careers, in many cases spanning 20 years and more, will end abruptly. And their skills, which are so critically needed today—and most assuredly will be an even more precious commodity in the projected future—will be lost to the country.

It seems to me that the following steps should be taken to alleviate the present tense situation and establish stable and amicable management/employee relations. The Senator from Michigan (Mr. HART), the Senator from New Mexico (Mr. MONTOYA), the Senator from California (Mr. CRANSTON), the Senator from Wisconsin (Mr PROXMIRE), and I have sent a letter to Secretary of Transportation John A. Volpe, recommending consideration of these steps. I understand the Senator from Alaska (Mr. GRAVEL), would like to associate himself with these recommendations.

First. Equity would seem to require that those controllers who now face dismissal or suspension should be accorded the same protection by way of administrative relief as is now enjoyed by those who have successfully won this protection through intervention of the Federal courts in the 17 jurisdictions where this matter has been heard. The precedent in these actions strongly indicates that such relief would be granted, should the controllers in each individual Federal jurisdiction pursue that legal course. To paraphrase Judge Judd, the controller, nationwide, should have the same rights as those who are fortunate enough to have won Federal court protection in the 17 largest cities. To require each local group to pursue this relief individually will prove nothing. It appears the granting of it would be pro forma. It would thus place an unnecessary financial burden on the controllers, and an avoidable burden on the Federal court system, and would only serve to drive the controllers and management further apart.

Second. The history of employee-management relations within the structure of our air traffic system over the past 2 years dictates that the only possible hope of future tranquility lies in the granting of a general amnesty to the controllers for their actions during the sick-out. It is abundantly clear that both sides to the dispute must share responsibility for the present situation. This view is supported by both the Corson report and Federal court dicta.

If the hundreds of men currently under orders of dismissal are actually dismissed, a service which is now thousands of men short will unquestionably suffer further deterioration.

Another important consideration is the morale factor within the service. How can we hope to rebuild esprit d'corps as suggested in the Corson report, among those who remain in the service on the heels of such massive retaliation? It cannot be done in my judgment. Threats of widespread resignations, if this occurs, are now heard extensively throughout the system.

Furthermore, we must consider the effect of the imposition of the proposed dismissals on the men themselves and their families. They would not merely be discharged. Since the FAA is the only employer requiring their services, they would be effectively denied employment in the profession which they have chosen as their life's work.

Third. On January 17, 1962, President Kennedy issued Executive Order 10988, which recognized the right of Government employees to form and join labor unions and to bargain collectively. A number of organizations were formed to take advantage of this opportunity. They have historically met with stiff resistance from the FAA, which preferred to deal with "professional societies." It openly advocated the promotion of these societies through the issuance of a formal management policy, Order 1210.7, title, "FAA Relationships with Professional Societies." According to the Corson Report:

> The order is an irritant to many union members and is viewed by them as a deliberate management action to assist ATCA and NAATS (professional societies) in the competition for controller membership.

The FAA should pay heed to one of the major messages of the Corson Report and form a "constructive and harmonious working relationship with such employee organizations as may represent employees."

The report outlines an extensive series of recommendations for accomplishing this goal through use of President Nixon's Executive Order 11491. These recommendations should be adopted at an early date. PATCO, which represents a majority of the active controllers, has restructured its organization to conform with the operation of this new Order.

Fourth. The FAA and the employee organizations have been furnished with an impressive blueprint for harmony and improvement of the service in the Corson Report. A panel consisting of management, labor and others with relevant areas of expertise should evaluate this document and put into practice those recommendations which will improve the air traffic service and restore tranquil employee/management relations.

Both management and the controllers seek the same goals of a safer and more efficient air traffic system. This can only be achieved in an atmosphere of full cooperation and mutual respect. The American public stands to be the prime loser if equity and commonsense do not prevail.

PRISONERS OF WAR IN NORTH VIETNAM

Mr. DOLE. Mr. President, in today's Washington Post column by Marquis Childs, an attempt is made to label the amendment I offered to the Cooper-Church amendment as "political byplay." It appears that Mr. Childs has missed the point of this now-defeated measure.

During the debate on my amendment, it was charged that its adoption would give rise to false hopes by relatives of our servicemen missing or held captive by the Communist forces. At that time I asked the proponents of Cooper-Church what was the matter with giving hope to the loved ones of the missing and captured. For it would be hope based on the belief that the President of the United States was not going to abandon his concern for the lives of every American in Southeast Asia. It would be hope founded on the maintenance of the President's constitutional duty to protect American forces no matter where they are.

No, it was not a politically motivated amendment. Nor did it in any way make the American prisoners of war pawns in a political byplay. Rather, it sought to preserve the constitutional powers of the President to protect Americans in the field, and, at the same time, support by whatever method possible the return of the countless number of Americans held prisoner by the Communist forces in Southeast Asia.

Mr. President, I ask unanimous consent that Mr. Childs' column published in this morning's Washington Post be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PLIGHT OF 1,400 MISSING IN WAR TOPS FRUSTRATION IN AMERICA

(By Marquis Childs)

In frustration and sheer despair no aspect of the Indochina war compares with the plight of the 1,400 or more Americans missing in action and their wives and families. Some

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wives have gone four—even five—years without knowing whether their husbands are dead or alive.

Efforts to exploit this grief for the larger obejctives of America's dilemma in the war have from time to time seemed to put the families of these hapless men in a political role. There is no evidence that this has been by choice of the wives. They have wanted to get, by any means possible, at the very least word of the fate of their husbands.

Sen. Robert Dole (R-Kan.) introduced an amendment to the military appropriations bill that was the most open invitation thus far to tie a political issue to the plight of the prisoners. As a counter to the Cooper-Church amendment he proposed that any legisaltive restrictions on the President's right to order future military operations in Cambodia would be forbidden so long as American prisoners were held in Cambodia. The Dole amendment was defeated, 54 to 36, with 15 Republicans joining 39 Democrats to vote against it. One reason was the conviction that the amendment did make the captives pawns in a political byplay.

Repeated attempts by a variety of means to get information about the prisoners have brought only minimum results. A number of wives have gone to Paris and other European capitals to put their case to Communist representatives. While in most instances they have been received politely, they have been told nothing.

On the Meet the Press program Sweden's Prime Minister Olof Palme was pressed hard to say what he had been able to do through North Vietnamese representatives in Stockholm about the prisoners of war. Palme said that of 60 appeals put up to him he had received replies in 14 cases. Among the latter were the names of several men whose fate had already been made known.

The Prime Minister said that he wanted to avoid making the prisoners a political issue and keep it on the humanitarian plane. Hanoi is a signatory of the covenant of the International Red Cross covering the treatment of prisoners of war. But the North Vietnamese government holds that the men they have taken are war criminals and, therefore, not subject to the terms of the covenant. The fact that the United States has never formally declared war is at least a technical consideration in the status of these victims of the long conflict.

It goes, however, much deeper than that. Individual human life has nothing like the same value in Asia that it has in the West. And the ruthless drive of the doctrinaire Communist adds an extra dimension to this difference in values. Then, too, there is the deep bitterness generated by the suffering of the civilian population from long years of bombing in the two Vietnams. The last is part of the fearful heritage that peace is not likely soon to erase.

State Department officials who talked with Palme were impressed by his sincerity and by the realism of his efforts to get more information out of Hanoi. Under the prisoners-of-war convention Sweden could propose the internment until the end of the war of sick and wounded men. Given the adamant stand of Hanoi, that seems a remote possibility. The grim reality appears to be that these unfortunate men will not be released, granted they have survived the rigors of their captivity, until there is a negotiated peace.

The most spectacular effort to improve their condition and discover whether they were living or dead came from H. Ross Perot, the Texas billionaire. Just before Christmas he was turned back attempting to deliver canned Christmas dinners to 1,400 prisoners. An attempt to deliver the dinners and other gifts for the captives by way of the Soviet Union was also frustrated when Perot was denied permission to fly to Moscow.

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Intelligence sources report that Hanoi was rather impressed by Perot's endeavor. Here was a capitalist, one of the men who in the Communist concept rule America, rather than a bureaucrat or an "imperialist lackey." On his own initiative he was trying to do something for his countrymen. Although the Christmas spectacular had its fanciful aspects, it did help to focus attention on victims of the war whose condition has so long been concealed by the bamboo curtain.

When the cultural capital of South Vietnam, Hue, was overrun in the Tet offensive of 1968, 20 Americans were taken. Fifty days after their capture, two, both women, Dr. Marjorie Nelson of the American Friends Service Committee and Sandra Johnson of the International Voluntary Services, were released. They reported then that the others, including Phillip Manhard, an AID official, were alive. It is the frustrating, continuing uncertainty that is hardest to bear for those who have no recourse but to wait and hope.

THE COSTS OF DEFOLIATION

Mr. HARTKE. Mr. President, the distinguished Nobel laureate, Prof. George Wald, has been an outspoken and eloquent advocate of the humane use of technology. In a guest editorial published in the Saturday Review of June 6, Professor Wald discussed defoliation and the use of herbicides by our forces in Vietnam. He pointed out that the civilian segment shares responsibility for the military's use of chemical and biological weapons.

One of the most serious costs of chemical and biological warfare, Professor Wald said, is the effect it has on the "spectators," the people back home. He said further:

> Total war is altogether depraved and brutalizing. It leaves one nothing with which to continue. The vanquished are hardly more injured than the victors. Even the spectators are maimed irretrievably. For they grow used to the atrocities and cease to respond, and so forgo their common humanity.

Observing the violence which has emerged in our country and which threatens our institutions, one can only give assent to Professor Wald's insight.

I ask unanimeus consent that Professor Wald's editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Saturday Review, June 6, 1970]

THE LEAVES FALL, THE BLOOD FLOWS

During World War I, all Americans learned the German word *Schrecklichkeit*—frightfulness. We were told that *Schrecklichkeit* was a deliberate aspect of German military policy. Its point was to direct military operations in large part against civilians—to terrorize and starve civilian populations in the theater of war. All Americans felt that civilization needed to be defended against such practices.

It is hard for Americans to realize that our own Armed Forces now pursue such policies. It is now we who practice frightfulness. In our present methods of warfare, civilians are among the principal victims. Our operations are not intended to spare them, and the civilians, of course, most often lack the means of self-defense.

If our Department of Defense or our Armed Forces at present exercise any restraints in the procedures and weapons they have prepared for use, on the grounds of humanity or sparing non-combatants, I would be happy to know of them. There still seems to be some compunction about shooting civilians while looking at them; a number of soldiers and ex-soldiers are about to be court-martialed for allegedly having done that. But if noncombatants are killed from the air, or with artillery, or by some indirect means so that they are not visibly and individually identifiable as civilians, that seems altogether acceptable.

However, the military mustn't be blamed for all of this. Much of it was started and is fostered by civilians.

Our use of defoliation and herbicides in Vietnam is a case in point. A major change in U.S. policy occurred in November 1955, when Secretary of the Army Wilbur M. Brucker approved the report of a civilian advisory committee that urged the development of instruments of chemical, biological, and radiological warfare "to the fullest extent the human mind can encompass" (*The New York Times*, November 7, 1955). That decision marked the beginning of our modern CBW establishment. In the fifteen years since the CBW community seems to have been engaged in fulfilling this program to the letter.

At the heart of the American system is civilian control of the military. Among the major instruments of that control should be the House Armed Services Committee and the Senate Military Affairs Committee. Those committees, however, rather than restraining the military, goad them on, particularly in the expenditure of military equipment and funds, and in the expansion of defense contracts. As the whole world looks with hope to the Strategic Arms Limitation Talks (SALT) in Vienna, Representative L Mendel Rivers (D-SC), Chairman of the House Armed Services Committee, calls those talks a meaningless exercise (the *Times*, April 29, 1970). So, it wouldn't be fair to blame these things entirely on the military.

Always the excuse made for acts of atrocity, such as in the Mylai massacre, is that our men are fighting for their lives in a war in which civilians do take part. Often I am asked: What would you do? I think the point is that, if one finds oneself fighting old men, and mothers, and five-year-old children, then one is in the wrong war, and had better get out of it.

Students in Santa Barbara recently burned down a bank, and here and there other students are breaking up ROTC offices. I abhor violence in all its forms, wherever it happens. Student violence, like black violence, is a symptom of despair, of hopelessness. Give the students and black people, and red and yellow and brown people, some grounds for hope, and they will turn from violence to working to fulfill that hope.

But, of course, the big violence in the world occurs under official auspices. Student violence usually stops at breaking windows; but "law and order" begins with breaking heads.

In the case of our intervention in Cambodia, we are told that the internal conflict there is in no sense a civil war, but a matter of foreign aggression. The penetration by American troops twenty miles into the country is "not an invasion." It took only twenty-four hours for that noninvasion to turn from a South Vietnamese force accompanied by American advisers to an American force accompanied by South Vietnamese auxiliaries.

Every killing that we know about anywhere in the world we share in, we well-behaved civilians trying to live decent lives. We share responsibility for every maiming, burning, and starving out of civilians, of innocent and helpless persons, and for every child who is hurt, orphaned, sick, or hungry. That is true if only because, knowing of these things, one grows used to them, one ceases to respond.

Our country took the lead in drafting the Geneva Protocol of 1925, which banned the use in war of all "asphyxiating, poisonous, or other gases" and of "bacteriological methods of warfare," but the Protocol was never ratified by the Senate.

Why have we not even now ratified the Geneva Protocol? A curious consideration keeps this from happening. Virtually all the rest of the civilized world includes among the gases mentioned, the so-called incapacitating gases—tear gas and CS, really a lung rather than a tear gas—as well as herbicides and defoliants. Our government from the beginning has wanted the "incapacitating gases" excluded from the Protocol on the curious ground that we should not refuse to use on an enemy what we use on our own people. We speak of the tear gases and CS as "riot control agents." There are two major difficulties with this view. As riot control agents, these materials are used in the open, and their purpose is to make people move away from the area of application. In Vietnam, however, they have frequently been used on underground shelters, where their concentration rises to such levels as to become lethal, particularly to children. The main object of their use in underground shelters is to drive persons out from under cover so as to expose them to attack by other means, by bombing or artillery fire. So what are "riot control agents" here become lethal weapons under combat conditions, as in Vietnam.

It is much the same with the use of defoliants and herbicides. Our government stands almost alone in insisting on exempting these agents from the terms of the Geneva Protocol. Apparently, at the Geneva Conference in 1925, everyone else agreed that the Potocol included among the chemical weapons it intended to ban both tear gases and herbicides.

Defoliation and herbicides kill not only plants but men. The most widely used agent of defoliation in Vietnam has been a 50–50 mixture of 2,4–D and 2,4,5–T. The latter has been shown to cause a high incidence of birth deformities—teratogenic effects—in pregnant rats and mice, when fed in extraordinarily small amounts, such as might easily be reached by drinking water in the sprayed areas. We have as yet no definite information of its effects on man. Yet, at least four newspapers in South Vietnam reported last summer a remarkable rise in the incidence of deformed babies in areas that had been sprayed with 2,4,5–T. The newspapers were promptly closed by the Thieu government for "interfering with the war effort" (*New York Post*, November 4, 1969). Further, 2,4–D has been reported to cause a significant rise in birth abnormalities in experimental animals. These chemicals have been in common use in the United States for weed control, but under carefully restricted conditions. They have been sprayed in Vietnam without those restrictions, and at more than ten times the concentrations employed here.

Herbicides also, as used in Vietnam, are lethal weapons. In that poor country, where most of the population is never far above the subsistence level, they are used to destroy food crops. Our food destruction programs in Vietnam—and now also in Cambodia—are almost exclusively directed against civilians. The point is simple enough. When food is scarce, soldiers take what they want. It is the weak and defenseless who do without: the aged, infirm, the women, and most of all the children.

Why do we do such things? One major objective of our herbicide and defoliation programs in Indochina is to make large sections of the countryside uninhabitable, and so to drive the farmers and peasants into the cities. Wars of national liberation have their principal base in the peasantry. Destroy the peasantry by destroying the countryside, and the base has been removed.

The major villain in the piece is, of course, the concept of total war. War itself is an atrocity, and by now has become so dangerous that we cannot live with it much longer. Total war is altogether depraved and brutalizing. It leaves one nothing with which to continue. The vanquished are hardly more injured than the victors. Even the spectators are maimed irretrievably. For they grow used to the atrocities and cease to respond, and so forgo their common humanity.

All the chickens are coming home to roost. A few months ago, CS was sprayed by helicopter upon a penned-in crowd of students and faculty on the Berkeley campus. Within the space of a few days, four unarmed white students have been shot dead at Kent, Ohio; two black students at Jackson, Mississippi; and six alleged black looters in Augusta, Georgia. The Bill of Rights is under fire, the news media are harassed by the administration, and construction workers beat up peace demonstrators while members of the financial community and the police look on. Having been stopped by the Senate from degrading the Supreme Court, the President seems bent on subverting and humiliating the Senate. We have supported military dictatorships in so many places—Spain, Greece, Brazil, South Vietnam, now in Cambodia, to name a few—is dictatorship also coming home to roost?

This is now our problem.

THE DEATH OF CAPT. WILLIAM DOUGLAS BOOTH, U.S. ARMY, IN VIETNAM

Mr. SCOTT. Mr. President, Capt. William Douglas Booth, U.S. Army, was killed in action 12 miles southeast of Pleiku on May 12, 1970, when the helicopter on which he was serving at the time was shot down by enemy ground fire. Captain Booth was aide de camp to Gen. John Dillard, commander of the U.S. Army Engineer Command in Vietnam. General Dillard was also killed in this same action.

Captain Booth enlisted in the Army after graduating in 1959 from Council Rock High School, Bucks County, Pa. In 1962, he reenlisted and through competitive examinations he was appointed to the U.S. Military Academy at West Point. He was a 1966 graduate of West Point and in July of 1967 he was assigned to Vietnam. During his first tour of duty in Vietnam Captain Booth was awarded the Bronze Star and the Army Commendation Medal with Oak Leaf Cluster.

Captain Booth had been a scout enthusiast and was an Eagle Scout and Chief of the Order of the Arrow in Bucks County, and a member of St. James Episcopal Church in Langhorne, Pa.

The 28-year-old captain was the son of Mr. and Mrs. William A. Booth, Sackettsford Road, Richboro, Bucks County, Pa. Besides his father and mother, he is survived by a brother, Richard, of Denver, Colo., and a sister, Mrs. Sara Lynch, of Norfolk, Va. William A. Booth, father of the captain, served in the U.S. Navy Seabees during World War II.

A memorial service in honor of the young captain was conducted on May 21 at St. James Episcopal Church, Langhorne, Pa., and burial was at the U.S. Military Academy, West Point, N.Y., on May 22, 1970.

I am always utterly saddened when I learn of the death of yet another Pennsylvanian fighting in Southeast Asia. I knew of this young man, and I wish to express my condolences and sympathy to his bereaved family.

NATIONAL OCEANIC PROGRAMS—ADDRESS BY SENATOR HOLLINGS

Mr. TYDINGS. Mr. President, on June 3, before a joint meeting of the District of Columbia chapter of the National Oceanography Association and the local committee of the Marine Technology Society, the distinguished Senator from South Carolina (Mr. Hollings) delivered an extremely important speech on the vital subject of oceanography. This message of the chairman of the Subcommittee on Oceanography of the Committee on Commerce should be read and studied by all who are interested in the preservation of our vital ocean resources.

I ask unanimous consent that the speech be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Remarks by Senator Ernest F. Hollings

Mr. Chairman. I appreciate this opportunity to speak to the two groups this evening, and I want to express my appreciation for the support both groups have given our efforts on the Hill to strengthen our national oceanic programs. Several officers of the National Oceanography Association and members of the law committee of the Marine Technology Society have appeared as witnesses in the hearings before the House and Senate subcommittees on oceanography. Your members have been consistently available to me and our staff for valuable advice. No other groups have more clearly seen the vision of what the oceans mean to the United States than have yours. We need your support; we welcome it, and we appreciate it.

On a more somber note, Wib Chapman, one of the Nation's most outstanding and outspoken advocates of strong oceanic programs, lies in critical condition in a San Diego hospital this evening of a cerebral hemorrhage. This man is silenced only momentarily I hope. As he has over the last decade and more, made a great contribution to our Committee's deliberations on the creation of a National Oceanic and Atmospheric Agency this past Spring. He combined scholarship, vast experience, humor, and hard facts to tell the story of our Federal marine organization exactly as he saw it. He saw a pretty bleak picture. His testimony alone was a sizeable piece of work. But that wasn't enough. He also submitted a paper on "The Theory and Practice of International Fishery Development-Management", and another on "Some Problems and Prospects for the Harvest of Living Marine Resources to the Year 2000". And I wouldn't be too surprised if he sent copies of these to most of you in the audience. He has worked, written, and lived prodigiously. It is none too early to pay warm tribute to him for the contributions he has made to his State, his country, and to many other countries and international organizations in their marine programs. I know you join me in sending our prayers and wishes for his full recovery.

In his testimony before our Subcommittee, Wib was alerting the Senate to the importance and urgency other countries have attributed to marine programs. In particular he singled out Russia and Japan. Tap Pryor was another who compared our marine activities to other countries. He said that we don't have to be frustrated any more about our ocean programs. "We can all relax," he said, "or at least just continue spinning our wheels, for soon the Japanese will have accomplished everything we ever dreamed of in the oceans." I have only begun to look behind Tap's statement, but what I have found corroborates his observation.

The Japanese are assembling enormous ocean engineering capability to harvest the resources of the Pacific and other areas of the global seas. They have government backing to act. They have the scientific and technological research and development capability to act. They have the industrial facilities and managerial skills to act. They have unique financial backing from the Bank of Japan to act. They have the decision, the will, and the determination to act. And they are acting.

Perhaps we should not be surprised that the Japanese turn to the sea as effectively as they do. Japanese landscape is limited. It lacks many natural resources needed to sustain its population, industrial development, and a growing national standard of living. 60% of its animal protein is derived from the sea. Japanese fisheries regained the number one spot in world fisheries last year. The 167 million tons of cargo carried today by the Japanese merchant fleet ranks second only to the Republic of Liberia. Its shipbuilding industry has led the world for years, growing from 2.2 million tons in 1963 to 8.2 million tons in 1968. Just one of its large shipbuilding companies has an annual shipbuilding production greater than the entire output of West Germany, which is the second ranking country.

About 75% of Japan's land surface is unsuitable for cultivation. Its large population tends to be concentrated in the limited remaining space on the southern islands. With a shoreline of about 16,800 miles, Japan has to reclaim nearshore coastal areas. Arable lands are constructed through reclamation of shallow sea area. Industrial regions are developed by filling up coastal waters of bays or inland seas. The port of Kobe is being doubled in size by building a Port Island offshore.

Twenty-five percent of the total Japanese output of coal is mined offshore. Manganese nodules on the Pacific ocean floor have attracted Japanese attention for their nickel, cobalt, copper and manganese content, for most of which Japan depends on foreign sources.

As long ago as 1961 a Council for Marine Science and Technology was organized in the Japanese Prime Minister's Office to investigate important matters related to marine science and technology. Completing its study in July 1969, the Council selected five priority programs. Those who have read the Stratton Commission report will undoubtedly note a distinct similarity between the projects advanced. But don't mistake it, they arrived at these priorities on their own:

"1. Comprehensive and basic survey of the continental shelf around Japan.

"2. Investigation and research into marine environment and management of oceanographic information.

"3. Development of aquacultural techniques in experimental culture fields.

"4. Development of remote-controlled underwater oil drilling rigs and related facilities as well as the development of relevant technology.

"5. Research and development of pioneering and common techniques for marine development."

Four more projects were recommended as important in addition to the five top priority projects named above. These were:

"1. Development of technology for utilization of sea water.

"2. Exploration of manganese nodules and other minral resources deposited on the deep ocean floor.

"3. Development of technology for intensive utilization of marine protein resources.

"4. Exploration of unexploited or unutilized marine living resources."

I haven't been able to obtain reliable financial data on these projects, but I believe that they are being well financed. What is clear, however, from every source that I have studied is that the economic growth of Japan is very real and by no means a temporary phenomenon. It is not the result of cheap labor or exports or copying. It is the result of a special system interacting to stimulate growth, and based on unusual methods of financing, unique relations between government and business, and unique ways of using labor resources.

Most Japanese corporate capital requirements are supplied by bank loans. Nearly 85 percent of their capital is obtained by this means; they need not finance their growth out of retained earnings. Unorthodox, even disastrous, as this would be in other countries, it is a source of strength in Japan, for the government stands behind the debt position of major Japanese companies, through the Bank of Japan. Commercial banks can aggressively lend almost 100% of their deposits, and the Bank of Japan effectively stands as guarantor to the commercial banks and the borrowing corporations.

Larger corporations may form *zaibatsu*, industrial groups of noncompeting companies under the fiscal management of a major financial institution. Earnings of member companies tend not to fluctuate together, making the *zaibatsu* less risky and giving them higher debt capacity. Economic fluctuations also tend to be absorbed by small suppliers to which the larger companies subcontract much of their work, by reducing purchases or purchase prices when the economy goes down.

Industrial planning, the directors the country's industrial effort will take, and the enhancement and protection of business is the responsibility of the Japanese government. James Abegglen characterized the government's and industry's roles by analogizing the government to corporate headquarters and large corporations to corporate divisions. In an article in the "Scientific American", he said:

"In this analogy the Japanese government corresponds to corporate headquarters, responsible for planning and coordination, long-term policy formation and major investment decisions. The country's large corporations are thus analogous to corporate divisions: they have a good deal of autonomy within an overall policy framework, are free to compete with one another and are charged with operating responsibility."

The employment pattern is characterized by employment permanence and salary based on age, education, and length of service. There is little mobility between companies or industries. A worker is a member of a corporate family throughout his career. Union contracts do not define jobs or procedures and personnel can be assigned as desired. As a result of these factors, there can be considerable internal mobility between jobs within companies, which gives companies considerable flexibility in use of labor, and permits them to increase investment per worker by adopting the latest production methods and laborsaving devices.

These are the resources and talents that the Japanese are turning to the oceans. And they set a seven to eight year period in which to accomplish them.

Compare this to what we are doing in the United States. We are going to survey and map our continental shelf also. At the present rate, ESSA estimates that it will take twenty years to accomplish. Legal, organizational, political, and technical constraints are all that stand between us and a successful aquaculture program. We have a merchant marine that ranks tenth in the world and leaders who advocate that it shouldn't be that high; we should charter foreign vessels they say. I guess that our oil industry would just as soon see Japanese capital go into development of remote-controlled underwater oil drilling rigs. Our oil industry tried that a while back, I am told, and decided that wasn't the course they wanted to take. While our fisheries increased catch and dollar-value, essential research services have been cut back in the Bureau of Commercial Fisheries. We've had our planning, too. Dr. Richard Geyer called it an "era for 'in-depth reviews', 'critical analyses', 'ad hoc task forces', and a wide variety of other euphemisms for the phrase 'delaying action'." And we have an Administration that has managed to delay a decision on Federal civil marine organization for eighteen months so far.

Like Sisyphus, the Congress has been pushing the stone of marine programs up a mountain of bureaucracy for the last ten years. We now stand on the threshold to determine whether the boulder will slip back down, or whether we can overcome the curse and gain a new pinnacle, grasping both the need and the opportunity before us.

We are ready to move in the Senate toward a stronger national oceanic and atmospheric program. We have waited, however, for the President to have the opportunity to review his own Ash Council's recommendations and to determine the course for marine affairs that he wishes his Administration to take. Perhaps we shall hear from him soon. As you know, the Administration may seek to use the MTS meeting later this month as a forum to spread its views on marine programs. Whenever it is announced, we shall review the recommendations carefully, and support them if they are strong, or fight if they are inadequate to the important task facing us as a nation.

Whatever course of Federal organization is chosen, the agency will have an uphill fight to fulfill its task. It will not have the deeply ingrained cultural factors of the Japanese and their relations with the sea favoring a strong national oceanic and atmosheric program. We don't get 60% of our animal protein from the sea; we could easily supply all of our animal protein needs from land animals. We have only a rising demand for fish and fish products to encourage our fishing industries to grow. Some contend that this demand should be met exclusively by imports. We don't have a strong merchant marine. We don't have an immediate need to develop hard minerals from the sea. Our land sources, both domestic and foreign, seem adequate for the time being. We don't import 99% of our oil from foreign sources and therefore don't have the same pressing need as the Japanese to explore and exloit the oil and gas resources lying beneath the subsoils of the sea.

But if we succumb to this type of shortsighted thinking we shall do grave damage to the well-being of the United States. And that brings me to my concern for the coastal zone of our country. The United States is no longer an endless land frontier—it is an island of greater land mass than Japan, but an island with limited space nonetheless. And it's not to the vast interior of this island that our population is flocking, but to the coast.

Current estimates are that 75% to 80% of our 205 million population live in the thirty states bordering the Atlantic, Pacific, Gulf of Mexico, and the Great Lakes. By the year 2000, when our population may increase to about 325 million, it is estimated that 80% or around 260 million people, will live within 50 miles of the sea and Great Lakes. More and more we shall witness a compressing of our nation's population in a narrow band around our coasts. More and more the coastal zone is where we shall work and play and die.

We shall live near the coast. We shall build housing. Where? We won't all be able to build right on the beach and not see our neighbors. Shall we reclaim marshes and wetlands for housing? Shall we build out into the sea?

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The sewage from our homes and municipalities, already deemed the greatest source of pollution for such bodies of water as Chesapeake Bay, will have to be removed. Where? How will it be treated, if at all? How shall we dispose of the paper, plastic, metals, and other solids we use in our daily lives?

Trends already indicate that we shall probably work fewer hours per week than now, leaving more time for recreation. Where? People are turning more to water for their play, as the sales of boats strongly indicate. Indeed, we can equate the growing recreational use of water, and direct water contact sports such as swimming, fishing, sailing, and water skiing, with the increased awareness of water pollution and the demand that something be done about it.

New methods of transportation will be necessary. We'll need power for our daily living. And at the rate we are presently demanding electric energy, we are doubling our capacity every ten years. The one atomic generating plant needed in 1970 becomes two in 1980, four in 1990, and so on. What do we do with all the heat and radiation that are part of the generating process, and what effect will the heat and radiation have on the coastal environment? Or shall we develop the technology to permit us to place the plants offshore in cool depths, transmitting the energy ashore and perhaps finding useful applications for the heat, such as causing artificial upwelling for aquaculture purposes?

We'll have increasing international trade, most of which will be by sea. Improved port facilities, new concepts in handling bulk and other cargoes, and efforts to cut down pollution of the sea by oil, will be major needs. Shall we continue to improve our old ports, dredging ever deeper to handle the larger vessels that make sea transport so economic, or shall we build regional or offshore harbor facilities for deep-drafted vessels?

These are a few of the questions and concerns we have had as we took the three coastal zone management bills under consideration in the Committee on Commerce. I feel that these bills are among the most important environmental bills that we have pending in the Congress at this time. They would provide for Federal grants-in-aid to the States to encourage and assist them in developing comprehensive coastal and estuarine management plans, and later to implement those plans. The planning process will be basic. We must make wise, rational decisions on the use of our valuable coastal and estuarine areas for housing, transportation, recreation, industrial development, conservation, and waste, disposal. So valuable are these coastal resources that they should receive nothing less than top priority at the Federal, State, and local levels of government. And the coastal zone management bills are an important first step in the process.

As I see it, the prospects for action in the Senate are good. We have received strong support from the States, regional organizations, and citizens' groups in the course of our hearings. Some concern has been expressed by groups representing cities and counties at the prospect of losing some of their planning and regulatory authority. I am convinced, however, that the practicalities of obtaining political support for coastal planning and management within the States will require the cooperation, participation, and strengthening of local government. We are considering amendments that would require participation by the local and Federal governments in the State coastal planning process. As you all know, I am sure, the political problems begin at the outset of the planning process, not simply after the plan has been made. Conflicting and competing uses of the coastal zone should be ironed out in the planning process. They should not wait for a donnybrook afterwards or risk a Federal veto on review.

The evidence is good so far that we shall find the support necessary to report and pass a coastal zone management bill in the Senate. I am less confident about prospects in the House during this Session, but I understand that efforts will be made to report out a bill in the House before the summer is over, hopefully in time to permit us to go to conference if necessary. If not, I would anticipate action early in the next Congress.

The importance of the oceans to our Nation begins in the coastal zone, stretches out over the continental shelf into the farthest reaches of the global oceans. The oceans affect us physically and are an important key to our survival. They affect us politically, diplomatically, militarily, and economically. The immediate task facing us is to recognize their importance to us and to create institutions strong enough to carry out a national oceanic and atmospheric program. Industry is ready to move. It's already spending about $25 billion per year on programs ranging from scientific and technological research to exploitation of mineral and living resources of the sea. Financial institutions are ready to move. And from our coastal zone hearings I am convinced that the States are ready to move. But only if we get strong Federal leadership.

The next few weeks will tell much. Let us hope, as Dr. Geyer said, that we are on the threshhold of a new and more productive era. But if the Federal response to this important area is inadequate, let us here resolve that we shall continue to fight for a national oceanic and atmospheric program that will strongly meet the Nation's needs. Thank you.

CHESLY MANLY: AN APPRECIATION OF A FEARLESS JOURNALIST

Mr. THURMOND. Mr. President, as a Member of the Senate, I have been privileged to observe closely the work of some of our Nation's largest newspapers and their correspondents. The country has just lost one of its ablest journalists—Chesly Manly of the Chicago Tribune.

It will be recalled that on June 26, 1967, the Presidents of the United States and Panama announced the completion of negotiations for three proposed new Panama Canal treaties, which without congressional authorization, undertook to surrender U.S. control over the Canal Zone and canal.

Chesly Manly visited the isthmus, obtained the facts, and in a series of articles in the Chicago Tribune exposed this notorious scheme. I quoted the texts of those proposed agreements in the CONGRESSIONAL RECORD of July 17, 21, and 27, 1967. The result was strong opposition in Panama and in Congress to the treaties, which were never signed.

Chesly Manly made other major journalistic contributions of comparable importance. His career should be an inspiration to the youth of our country, especially those starting in the field of reporting news.

Mr. President, because of the important service by Chesly Manly in fearless writing, I ask unanimous consent to have printed at this point in the RECORD a recent appreciative editorial from the great newspaper that he served so long and so well, the Chicago Tribune of Thursday, June 11, 1970.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CHESLY MANLY

His Tribune colleagues and his many friends mourn today a cherished companion and a forthright spokesman in the cause of freedom and common sense. Chesly Manly served this newspaper for 41 years. He was fearless in the quest for truth, was dogged in the pursuit of facts, and was unquestionably one of the ablest of his generation in this profession.

The spectrum of his experience was very wide and he viewed the world with eyes undimmed by illusion. He reported the activities of the national government and he covered national politics for many years. As United Nations correspondent, he early saw that the hopes that that institution would be a stabilizing force for peace were visionary.

He saw much of the world and was an authority on areas as diverse as the middle east, Africa, Europe and southeast Asia. His research into higher education was deep and his understanding profound. Some indication of the scope of his interests and accomplishments may be gathered from the fact that of the three Edward Scott Beck awards he won for excellence in reporting for this newspaper each was in an unrelated field.

His 1957 award was conferred for a series rating for the nation's universities according to superiority of faculty and curriculum. The 1965 award was earned for his appraisal of prospects in Viet Nam after thoro study in the field. In 1967 he won again with a national scoop in producing details of the secret draft treaties thru which the Johnson administration proposed to surrender United States control over the Panama canal.

This was one of two national news beats produced by Mr. Manly's enterprise. In 1941, shortly before Pearl Harbor, he disclosed the Roosevelt administration's war plan calling for organizing an army of more than 10 million men to intervene in World War II. The story disposed of President Roosevelt's fraudulent professions that he intended to keep out of the war.

For the last year and a half Mr. Manly was a member of the Tribune editorial board, contributing his insights to this page. Altho his judgments were sharp, he was a man of warmth and charm and he will be sorely missed. To his wife, Elisabeth, and to his family we extend our great sympathy.

DR. DANIEL J. ELAZAR WARNS AGAINST DIRECT ELECTION

Mr. ERVIN. Mr. President, as the Senate nears the consideration of electoral college reform, more and more thoughtful students of American government are warning the Senate of the dangers of direct election. Last week I received a letter on this subject from one of the most outstanding political scientists in the Nation: Dr. Daniel J. Elazar, the director of the center for the study of federalism at Temple University.

Dr. Elazar has written at length on American government and is truly one of the most knowledgeable men in this country on the federal system. In his letter to me he put his opposition to direct election very bluntly:

> Direct election, . . . is a device designed to remedy a supposed evil that has not materialized and which, in doing so, would create an evil far worse.

Mr. President, the addition of Dr. Elazar to the growing list of experts who are indicating concern about the disastrous consequences which would flow from the passage of direct election should cause the Senate to look behind the misleading facade of the direct election proposal. While it sounds as pleasing as apple pie, Dr. Elazar and others who have truly given the matter serious thought know that direct election will spell an end to federalism and the American political structure as we know it.

Mr. President, I ask unanimous consent that the letter from Dr. Elazar be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

TEMPLE UNIVERSITY,
COLLEGE OF LIBERAL ARTS,
Philadelphia, Pa., June 1, 1970.

Hon. SAM J. ERVIN,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR ERVIN: In the very near future you will have the opportunity to cast a vote on one of the most important issues to confront the Congress of the United States in recent years: the fate of the Electoral College. At the present time there seems to be a sharp trend in favor of its abolition and the substitution of direct national Presidential elections. Let me urge you not to take this course of action but to vote to maintain the electoral system as it presently functions.

The record is replete with the testimony of men whose credentials as students of American government and as progressives are unimpeachable and who strongly urge retention of the electoral system and are concerned with its preservation. Theodore H. White, Richard Goodwin, Alexander Bickel, and yourself, have presented forceful arguments on behalf of the retention of the present electoral system in its basic form, showing conclusively how it aids just those groups which seem to be so outnumbered in so many of the institutions of our society. I would only add that, if the systems serves them today, it has served other disadvantaged groups at other times while still serving every other part of the country equally well because it serves the cause of federalism and liberty by requiring that Presidential candidates develop broad-based, nationwide support in order to win the office.

In the passionated discussion of the issue all around us, it is often forgotten that the so-called threats to our system which the Electoral College is purported to engender remain figments of fertile imaginations rather than actualities; that those elected President since Grover Cleveland have, indeed, won in both the popular and electoral votes. Far worse would be a system which, like that now in use in France, would virtually assure a second round run-off election for every Presidential contest and would allow politically ambitious men to create small parties simply to force the major candidates into such a run-off and then bargain with them for the support of their followers. (That, indeed, has happened in a slightly different way in American history, in the election of 1824, before the present system was crystallized. It led to a crisis of confidence in our governmental system far worse than any generated by the Electoral College.)

If any reform of the Electoral College is needed, it would be to eliminate the physical existence of the electors or their theoretical right to cast their votes independently and simply record the state's electoral vote as cast once its popular vote has been established. This proposal would be an acceptable alternative. Direct election, on the other hand, is a device designed to remedy a supposed evil that has not materialized and which, in doing so, would create an evil far worse. I do hope that you will agree with my position on this issue and will vote accordingly.

With best wishes,
Sincerely yours,
DANIEL J. ELAZAR,
Director.

THE PARK BENCH PROGRAM IN KODIAK, ALASKA

Mr. STEVENS. Mr. President, last month I took the floor of the Senate to speak on Alaska concerning the very important issue of youth standby fares presently pending before the Civil Aeronautics Board. Today, I have the pleasure of another illustration of constructive efforts by young people; this time the woodshop students at Kodiak High School in Alaska. In cooperation with the Mrs. Kodiak Tours Committee these Kodiak High School students have participated in a program to renew some of the more hospitable aspects of their community that were washed away in the aftermath of tidal waves in the great Good Friday Earthquake in 1964.

Kodiak is an island community, 12,000 people strong, located at the southwest corner of the Gulf of Alaska where it meets the expanse of the north Pacific Ocean. It is the second largest island under the American flag, rich in forest and marine resources. The Department of Fish and Wildlife ranks the fishing port of Kodiak second in the United States in value of fish and landed, and fifth in terms of volume. Rebuilding after the earthquake, Kodiak has asserted its vigorous spirit to create a robust community improved upon that which existed prior to the quake.

The rebuilding process has been sprightful. Through it all, the ladies of the Mrs. Kodiak Tours Committee have sought to maintain Kodiak's hospitable character. Their determination to keep the intangible virtues of their community has led to a program to reinstall park benches for the accommodation of visitors and townfolk alike throughout Kodiak. Not since before the earthquake have park benches been available to residents and visitors in Kodiak.

The park benches in Kodiak are a product of community cooperation and enterprise symbolizing the good will and comaraderie of Kodiakans. They are made from Sitka spruce trees that grow in the timbered hills of the island. After cutting, the logs are sawed at a local sawmill and the benches constructed by woodshop students at Kodiak High School. The Mrs. Kodiak Tours Committee makes arrangements for the benches to be purchased at cost by local merchants and civic groups. In the words of the Kodiak Mirror, where I first learned of this project:

> Nobody makes a cent from the bench prices—the students get the experience of building them plus the knowledge that they have contributed to some worthy cause—as do also the ladies of the Mrs. Kodiak Tours Committee.

The result here, Mr. President, is that Kodiak is richer for the efforts of its hospitable ladies and hard-working students. Once again there are benches for people to languish for a moment, chat with passersby or simply to take in the scenic surroundings.

Community involvement with young people in Kodiak is not an occasional thing, Mr. President. Recently, over 200 proud parents and students at Kodiak got together to pay tribute to youngsters at Kodiak High School who represent their city in athletic programs around the State of Alaska. I think it is significant to point out that this awards banquet was sponsored by a local civic organization, the Benevolent Protective Order of Elks Lodge No. 1772. I would hope the interest in young people illustrated by the Kodiak Elks Lodge will serve as an example of mutual respect between ours and the younger generation that can be recounted across the country. I wish to read into the RECORD at this time, Mr. President, the names and awards presented at Kodiak's fourth annual Elks high school awards banquet.

In cross-country competition, the Captain's Cup Award went to Ivan Lukin. The Inspirational Award was presented to Carroll Pope, and Lonnie Woods won the Outstanding Player Award.

In basketball, the Captain's Cup Award went to Robert Lester. The Inspirational Award was presented to Mike Slagle, and Robert Foster won the Outstanding Player Award.

In wrestling competition the Captain's Cup Award went to Bill Anderson. The Inspirational Award was presented to Lonnie Woods, and Chris Berns won the Outstanding Player Award.

In track competition, the Captain's Cup Award went to Mitchell Pope. The Inspirational Award was presented to Floyd Galloway, and Floyd Galloway also won the Outstanding Player Award.

The winners of the two girls' trophies presented by Mrs. Vivian Beukers on behalf of the Emblem Club were: school spirit, Colleen Johnson, best athlete, Clida Peterson.

The three overall awards presented to the boys were: Athletic service awards presented by Leroy Wittich in behalf of the Past Exalted Ruler to Mike Wright. The sportsmanship award went to junior Lonnie Woods while sophomore Robert Foster gained the overall 1969–70 athlete of the year trophy.

REPORT ON THE GENOCIDE CONVENTION OF THE COMMITTEE ON INTERNATIONAL LAW OF THE NEW YORK STATE BAR ASSOCIATION

Mr. PROXMIRE. Mr. President, much of the delay on the Genocide Convention has been due to the failure of the American Bar Association to endorse ratification.

But the legal profession by no means is unified in opposition to the treaty. The ABA's standing committee on world order under law, and its sections on individual rights and responsibilities, criminal law, and international and comparative law—those very divisions of the ABA most directly and intimately involved with the Genocide Convention—

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all strongly favor ratification. Many of the country's most prominent lawyers have taken stands supporting the constitutionality and the desirability of the Convention.

One of the most recent groups to take a stand on the issue was the committee on international law of the New York Bar Association. This distinguished panel of lawyers issued a report strongly favorable to the Genocide Convention.

The committee noted:

> It is plain that the legal arguments previously advanced against ratification of the Convention have not been sustained by the passage of time.

Mr. President, because I believe that many persons still fail to grasp the legal arguments in this issue and because the committee's report summed them up quite briefly and convincingly, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

NEW YORK STATE BAR ASSOCIATION, COMMITTEE ON INTERNATIONAL LAW

REPORT ON THE GENOCIDE CONVENTION

Twenty years have passed since the Senate of the United States declined to give its advice and consent to ratification of the Genocide Convention.[1] The Convention has not been reconsidered by the Committee on Foreign Relations since its formal vote to table the matter in 1950.

Many local and State bar associations analyzed the convention at the time of its first presentation and reported favorably with respect to the legal issues raised by ratification.[2] The American Bar Association, through a resolution of its House of Delegates, recommended that the proposed convention not be approved since it "raises important fundamental questions but does not resolve them in a manner consistent with our form of Government,"[3] although within the American Bar Association its Section of International and Comparative Law recommended ratification with certain understandings of reservations.[4] Recently the President's Commission for the Observance of Human Rights Year 1968 recommended ratification of the convention following study of the legal questions involved by a Special Committee of Lawyers.[5]

Most currently we are advised that the American Bar Association is in process of reconsidering its former position on the convention,[6] and in view of the position taken by the Chairman of the Senate Committee on Foreign Relations that "the committee's disposition may be influenced if the American Bar Association were to recommend ratification,"[7] the matter appears most appropriate for review by this committee.

DESCRIPTION OF THE CONVENTION

The basic purpose of the convention is prevention of the destruction of a human group as such. The convention defines genocide to mean certain acts committed with the intent to destroy, in whole or in part, a national, ethnic, racial, or religious group, as such. The acts include killing, causing serious bodily or mental harm, inflicting conditions of life calculated to bring about physical destruction, imposing birth prevention measures, and forcible transfer of children. The parties undertake to punish guilty persons and to enact the necessary implementing legislation. There is a provision for trial by a court of the State where the act was committed or by such international penal tribunal as may have jurisdiction.

Article I reads as follows:

"The contracting parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and punish."

Apparently the word "confirm" was used since in 1946 the General Assembly of the U.N. adopted a resolution affirming that genocide is a crime under international law, which the civilized world condemns. The basic concept changed the preexisting principle generally recognized that the manner in which a State treats its own citizens is not a matter with which international law was concerned.

Article II of the convention provides as follows:

"In the present convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

"(a) Killing members of the group;

"(b) Causing serious bodily or mental harm to members of the group;

"(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

"(d) Imposing measures intended to prevent births within the group;

"(e) Forcibly transferring children of the group to another group."

In 1949 the then Acting Secretary of State who transmitted the convention to the President of the United States observed that this article requires that there should be a specific intent to destroy a racial, religious, national or ethnical group as such in whole or in part.[8]

The report further pointed out that "the destruction of a group may be caused not only by killing. Bodily mutilation or disintegration of the mind caused by the imposition of stupefying drugs may destroy a group. So may sterilization of a group, as may the dispersal of its children."

Cultural groups and political groups are not included in the definition.

Article III of the convention reads:

"The following acts shall be punishable:

"(a) Genocide;

"(b) Conspiracy to commit genocide;

"(c) Direct and public incitement to commit genocide;

"(d) Attempt to commit genocide;

"(e) Complicity in genocide."

Pursuant to Artivle IV, the parties agree to punish guilty persons irrespective of their status.

By Article V the parties undertake to enact "in accordance with their respective constitutions" the necessary legislation to give effect to the Convention and in particular to provide effective penalties for persons guilty of genocide or any of the other acts enumerated in Article III.

The Convention does not purport to require any party to enact such legislation otherwise than in accordance with the country's constitutional provisions.

Article VI provides that persons charged with genocide or any of the acts enumerated in Article III shall be tried by a competent tribunal of the state in the territory in which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those contracting parties which shall have accepted its jurisdiction.

The State Department report makes the following observations in this connection:

". . . Thus, the commission in American territory of genocidal acts would be tried only in American courts. No international tribunal is authorized to try anyone for the crime of genocide. Should such a tribunal be established, Senate advice and consent to United States ratification of any agreement establishing it would be necessary before such an agreement would be binding on the United States."

In the intervening twenty years no such international tribunal has come into existence. Were it put forward, Senate advice and consent would still be required for the United States to accept its jurisdiction.

The Convention provides for extradition in accordance with the internal laws of the parties and treaties in force, genocide not to be considered a political crime for purposes of extradition.

ARGUMENTS AGAINST RATIFICATION

The arguments against ratification expressed over twenty years ago do not differ markedly from those recently made in opposition to the human rights conventions on abolition of slavery, on forced labor, and on protecting the political rights of women.[9] They have not improved with age.

The subject matter is alleged not to be of international concern, but domestic in nature, and thus beyond the constitutional treaty-making power. Little need be said to indicate that the subject of genocide is, if anything, primarily of international concern. In 1948 the United States participated in the drafting of the Convention, signed it in 1948, and has reason for being party to the Convention for reasons of its relations with other countries. The concept of annihilation of a group had no prior existence as a subject for domestic treatment and introduced a new concept even to international law. Being a problem of international scope and concern, it is the proper subject of a treaty.[10] There is little doubt that adherence to the Genocide Convention is authorized by the United States Constitution.[11]

It was claimed that since Article III of the Convention makes "direct and public incitement to commit genocide" a crime, the First Amendment right to free speech is violated. This view entirely overlooked the fact that the treaty requires Congress or the states to enact enabling legislation before such acts could be prosecuted. Clearly it is constitutionally permissible to enact legislation that makes incitement, and not advocacy, a crime[12] and we cannot lightly speculate that Congress would pass unconstitutional enabling legislation. Similarly the claim that "genocide" as a crime is defined too vaguely has no merit unless we assume that the Congress is unable to define it for United States standards of intent and specificity when it passes enabling legislation. As lawyers, we should be careful to distinguish between, on the one hand, factual allegations which raise serious question whether genocide as legally defined has been committed and, on the other hand, the frequent loose employment of the term "genocide" for rhetorical purposes without regard to facts which come within the specific definition of the term.

The emotional objection that Article VI of the proposed Convention dooms the American citizen to trial, conviction and sentence in foreign courts without benefit of our tradition criminal law safeguards has no valid basis. The Article does not confer jurisdiction on foreign courts to try Americans for acts committed in the United States and, unless an international tribunal is established, they can be tried only in American courts. As noted above, no such international tribunal has been established and if it should be proposed we would then have to decide whether the United States should adhere to any compulsory jurisdiction given to the court. The argument has no merit.

RESERVATIONS

The resolutions adopted January 27 and 28, 1950 by the New York State Bar Association stated as follows:

"*Be it resolved*, That the New York State Bar Association, approve the Convention on the Prevention and Punishment of the Crime of Genocide and recommend that the

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Footnotes at end of article.

United States ratify the Convention with the understanding or reservation that Article IX shall be understood in the traditional sense of repsonsibility to another state for injuries sustained by nationals of the complaining state in violation of principles of international law, and shall not be understood as meaning that a state can be held liable in damages for injuries inflicted by it on its own nationals, and

"*Be it further resolved*, That the convention be approved with the further understanding or reservation that the United States assumes no obligation to enact Federal Legislation against genocide where acts which constitute genocide are already punishable by existing penal law."

It would appear that neither of the reservations or understandings suggested at that time is still appropriate. The question of United States understanding as to non-liability for money damages was dealt with by the United States delegation when it voted in favor of the Convention in 1948 and the State Department recommended Senate advice and consent to ratification with the *understanding* that Article IX be understood in its traditional sense of no state liability for money damages for injuries inflicted on its own nationals. However, the Secretary of State made no mention of any such understanding in his letter of February 5, 1970 urging ratification.[13]

The second suggestion appears totally unnecessary since the Convention requires adoption of legislation to make it effective and neither the U.S. nor the several states could be under obligation to prohibit acts already made criminal under either federal or state law.

CONCLUSION

It is plain that the legal arguments previously advanced against ratification of the Convention have not been sustained by the passage of time. As a matter of policy this Committee is of the view that determination of the usefulness of ratification of the Convention to United States foreign policy interests and relations with other nations of the world at the United Nations be left to the appropriate organs of the Executive Department and the Administration. Both President Truman in 1950 and President Nixon in 1970[14] have asked that the Genocide Convention be ratified. We find no sound legal objection to such ratification and accordingly urge prompt ratification by the Senate of the United States.

Dated: New York, N.Y., February 24, 1970.

FOOTNOTES

[1] U.N. 1948: S. Ex. O (81st Cong., 1st Sess.) 1949; 78 U.N.T.S. 277.

[2] See *e.g.* Report of the California State Bar Committee on the Genocide Convention, Vol. 27, Journal of the State Bar of California, p. 405 (Nov.-Dec. 1952); resolution adopted by N.Y.S. Bar Association, Jan. 27, 28, 1950; resolution adopted by Association of the Bar of the City of New York, March 8, 1949.

[3] Bitker, Genocide Revisited, 56 A.B.A.J. 71 (Jan. 1970); 74 A.B.A. Rep. 146 (1949).

[4] 74 A.B.A. Rep. 146 (1949).

[5] See *A Report in Support of the Treaty-making Power of the United States in Human Rights Matters* (Oct. 1969).

[6] A.B.A. News, Dec. 1969.

[7] Bitker, *supra*, at p. 72.

[8] 5 Exec. O. June 16, 1949.

[9] See Proceedings Am. Soc. Intl. Law, April 1968, pp. 103, 105–108; 2 Intl. Lawyer 600–629, 660–666 (July 1967).

[10] Writing in 1945, James N. Hyde, the noted American authority on international law, stated: "Genocide is at present a pressing problem of international concern and therefore a proper subject of a treaty." 2 Hyde, International Law 1398 (1945 ed.).

[11] See *Report* cited at note 5, *supra*, and cases collected therein.

[12] *Terminiello* v. *Chicago*, 337 U.S. 1 (1949); *New Masses Pub. Co.* v. *Paton*, 244 F. 535 (S.D.N.Y., 1917).

[13] Press Release, U.S. UN–18(70) Feb. 19, 1970.

[14] N.Y. Times, Friday, Feb. 20, 1970, p. 1.

The ACTING PRESIDENT pro tempore. Is there further morning business?

Mr. PERCY. Mr. President, I would hope as many of our colleagues as possible would be able to come to the floor of the Senate to hear the firsthand report and objective report of the distinguished Senator from California (Mr. MURPHY) who has made a very important trip to a very important part of the world. I certainly will be listening with great attention.

Mr. MURPHY. I thank the Senator.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Pursuant to the previous order, the Senator from California (Mr. MURPHY) is recognized for not to exceed 90 minutes.

SOUTHEAST ASIA

Mr. MURPHY. Mr. President, yesterday we had a very exciting experience in this Chamber. We had a vote that was considered a most important vote. I noticed that the galleries were filled; filled with very young people. An extremely large crowd was trying to get in at all of the entrances. As the vote was taken and the roll called there was intense interest. Finally, when the tally score was announced, there was a burst of applause, the like of which I have not heard in this Chamber in the 5½ years I have served here. At one point during the rollcall there was noticed a reaction when one Senator cast his vote. A ripple of delight seemed to pass quickly through the tense audience. They knew something important had happened, that an uncertain vote had been picked up for their side and very obviously they had a key vote that would probably insure victory for their side. It was most dramatic and inspiring.

Last night, however, I thought it was just a little frightening, because during the long debate and discussion which had preceded the vote, I had not noticed any of those same people in the galleries. I had not been conscious that they were following the reasoning, the logic, the debate and argument of the opponents and proponents of the measure. I found myself a bit concerned and I wondered how so much excitement had been generated. I wondered if their real knowledge of the situation and the question at hand was equal to their enthusiasm as it was expressed here.

Did they have a full understanding of what they were applauding? The applause was spontaneous. It was the applause one hears at a ball game when one of the stars of the teams hits that long ball with the bases loaded, or when the quarterback throws the long touchdown pass. It was very exciting. But as I have said, I am very much concerned that they understand this particular game, that they know what they were applauding.

Mr. President, for just a moment let us examine what they were applauding. What is it all about? It is about a war in Vietnam, an unfortunate war that none of us enjoys and which all of us wish never happened; and all of us concern ourselves with in attempting to find a proper solution.

It is a war in which we became engaged long ago when my good friend, President John Kennedy, was in the White House and when he properly and honorably carried out the stated policy of the United States to protect the freedom and the right of self-determination for smaller nations which did not have the power and the strength to protect themselves.

It has been a strange war, something like the one just before it, where there were no rules other than rules which said, "Don't win, but don't lose." That was in Korea. We had never been in a war like that where we were not permitted to win and did not dare lose. It was a war with new conditions, "Don't shoot until you have been shot at." But what happens if the one who is shot at gets hit? Well, I suppose he dies.

Who made up this rule? Who was in charge of this strange new type of warfare? I must say at this point I am not sure. There were military experts in the field and at the Pentagon, but it seems they were not entrusted with all the hard decisions. The main decision, as far as I can find out, had been taken over by civilian advisers, civilian advisers responsible only to the man who gave them their jobs. Some of them I must say seemed to be unequal to the job and not qualified for the task. So, therefore, this unfortunate war has dragged on and on. It has never been a popular war. It has never been treated like the other wars that, unfortunately, I have lived through. We did not have a Hitler to hate or a Tojo to target in on.

We had a fellow called Ho Chi Minh but he seemed to be full of little sayings that everyone was reading and quoting. He was "for the people;" he said so. Everything was "for the people." He was not for the people of South Vietnam, of course. He was for taking them over, placing them under his control, and they did not want to be taken over. The proof of that was exemplified when, as soon as they were given the opportunity, 800,000 or perhaps 900,000 and more walked from North Vietnam to South Vietnam so they would not be taken over.

But for some strange reason we did not hit Ho Chi Minh. I doubt very much if many people have taken the trouble to read the record and the history of this man, the number of names and aliases he used, or his background, and what activities he had been up to over the years. We could have hated him, if exposed, but it was not done.

Then came thousands of atrocities, terrible atrocities, murders and abductions. All one had to do was to become the head man of a village and his chance of murder went up about twenty times or the chance of being abducted went up about fifty times. That is still going on. They have taken our prisoners of war and treated them in a manner that has never before been seen in modern history, where they do not even let family, wives, and children know whether or not the prisoners are alive or even whether they are prisoners. Once in a while through some friendly group, which unfortunately seem at times to be more kindly disposed toward Hanoi's policies than ours, they promise to release some of the names.

They have treated Americans in prison in a terrible manner, but we as a nation never seemed to get mad about this. Oh, some of us did, but not enough of us.

Mr. President, I would like at this point to ask unanimous consent that a column by Marquis Childs which appeared in the Washington Post under date of June 12 be made a part of the RECORD. The article is entitled "Plight of 1,400 Missing in War Tops Frustration in America."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Plight of 1,400 Missing in War Tops Frustration in America

(By Marquis Childs)

In frustration and sheer despair no aspect of the Indochina war compares with the plight of the 1,400 or more Americans missing in action and their wives and families. Some wives have gone four—even five—years without knowing whether their husbands are dead or alive.

Efforts to exploit this grief for the larger objectives of America's dilemma in the war have from time to time seemed to put the families of these hapless men in a political role. There is no evidence that this has been by choice of the wives. They have wanted to get, by any means possible, at the very last word of the fate of their husbands.

Sen. Robert Dole (R-Kan.) introduced an amendment to the military appropriations bill that was the most open invitation thus far to tie a political issue to the plight of the prisoners. As a counter to the Cooper-Church amendment he proposed that any legislative restriction on the President's right to order future military operations in Cambodia would be forbidden so long as American prisoners were held in Cambodia. The Dole amendment was defeated, 54 to 36, with 15 Republicans joining 39 Democrats to vote against it. One reason was the conviction that the amendment did make the captives pawns in a political byplay.

Repeated attempts by a variety of means to get information about the prisoners have brought only minimum results. A number of wives have gone to Paris and other European capitals to put their case to Communist representatives. While in most instances they have been received politely, they have been told nothing.

On the Meet the Press program Sweden's Prime Minister Olof Palme was pressed hard to say what he had been able to do through North Vietnamese representatives in Stockholm about the prisoners of war. Palme said that of 60 appeals put up to him he had received replies in 14 cases. Among the latter were the names of several men whose fate had already been made known.

The Prime Minister said that he wanted to avoid making the prisoners a political issue and keep it on the humanitarian plane. Hanoi is a signatory of the covenant of the International Red Cross covering the treatment of prisoners of war. But the North Vietnamese government holds that the men they have taken are war criminals and, therefore, not subject to the terms of the covenant. The fact that the United States has never formally declared war is at least a technical consideration in the status of these victims of the long conflict.

It goes, however, much deeper than that. Individual human life has nothing like the same value in Asia that it has in the West. And the ruthless drive of the doctrinaire Communist adds an extra dimension to this difference in values. Then, too, there is the deep bitterness generated by the suffering of the civilian population from long years of bombing in the two Vietnams. The last is part of the fearful heritage that peace is not likely soon to erase.

State Department officials who talked with Palme were impressed by his sincerity and by the realism of his efforts to get more information out of Hanoi. Under the prisoners-of-war convention Sweden could propose the internment until the end of the war of sick and wounded men. Given the adamant stand of Hanoi, that seems a remote possibility. The grim reality appears to be that these unfortunate men will not be released, granted they have survived the rigors of their captivity, until there is a negotiated peace.

The most spectacular effort to improve their condition and discover whether they were living or dead came from H. Ross Perot, the Texas billionaire. Just before Christmas he was turned back attempting to deliver canned Christmas dinners to 1,400 prisoners. An attempt to deliver the dinners and other gifts for the captives by way of the Soviet Union was also frustrated when Perot was denied permission to fly to Moscow.

Intelligence sources report that Hanoi was rather impressed by Perot's endeavor. Here was a capitalist, one of the men who in the Communist concept rule America, rather than a bureaucrat or an "imperialist lackey." On his own initiative he was trying to do something for his countrymen. Although the Christmas spectacular had its fanciful aspects, it did help to focus attention on victims of the war whose condition has so long been concealed by the bamboo curtain.

When the cultural capital of South Vietnam, Hue, was overrun in the Tet offensive of 1968, 20 Americans were taken. Fifty days after their capture, two, both women, Dr. Marjorie Nelson of the American Friends Service Committee and Sandra Johnson of the International Voluntary Services, were released. They reported then that the others, including Phillip Manhard, an AID official, were alive. It is the frustrating, continuing uncertainty that is hardest to bear for those have no recourse but to wait and hope.

Mr. MURPHY. So the time went on, Mr. President, and we had another President, and this other President had the same advisers as the previous President. And the war escalated and the numbers of troops increased and more people were sent and more money was spent. But the same rules prevailed—"Don't lose, but you are not permitted to win."

We heard that our Air Force was ineffective. Then we found it was ineffective because it was permitted to bomb only certain targets. I know, Mr. President, I have talked with the pilots who flew those missions—dangerous missions, with important military targets, and they were not permitted to touch them. They were only permitted to attack some secondary, and some really ridiculous, targets. And so it has gone on.

Now we have a third President who has inherited this situation, this terrible problem, this awful mess. And here it is, a frightful disaster, and what should we do about it? Some, Mr. President, say, "Let us run. Let us just run away from it, run out and slam the door and make believe that it is not there. Leave these people. Forget about them, and maybe the whole thing will disappear. Maybe it was just a nightmare, a horrible dream."

That would be very desirable, Mr. President. It would be comfortable. It would be cozy and easy. But it will not work, because this mess will not go away. It must be solved. We must face up to it and find the solution to the problem, because if we do not, if we take the advice of some and run, it will haunt our national conscience from now on, as long as this Nation remains on earth.

I wonder if these young people who so enthusiastically applauded yesterday really understand all this, really know what it is all about? In the hope that they have not completely lost interest overnight and that they may take the trouble to look at and thoroughly read this RECORD, I am going to talk, if I may, for a few minutes about this unfortunate war and what I think is happening in it. I had a chance to look at it at close range—very close range. I went with a group of observers at the request of the President, a week ago last Tuesday, and I got back the day before yesterday. So it is fresh in my mind.

Of the group that went as observers, all agreed upon what they saw, what they heard, what the existing conditions were—all but one, and even he was not really in disagreement. He merely had misgivings about the future—quite properly so. We all have misgivings about the future, because the future in this unfortunate war is obscure. We are not in complete control. We have control of only one side. We can control what we do, not what the enemy decides to do, or the enemy's allies or suppliers. And it is an uncertain future. It is an uncertain contest.

Here, Mr. President, is what I saw. Under this third and new President, who is facing up to this long, drawn-out problem, things have happened. He has been wise and fortunate in his judgment and he has changed the entire matter from escalation, more involvement, more troops, and more money to a matter of disengagement, with fewer troops, less money, and, thank God, fewer casualties.

He has brought home 115,000 of our troops. They are back in this country right now. He has promised that another 150,000 will be brought home by next spring—50,000 more by this October. And they will be brought home. They will come right on schedule, and there is nothing that has happened thus far that will change that plan. And the casualties, I am pleased to say, are down. And the cost is down, and the military budget, which we hear so much about, is down under this new President. The military budget will be down by $10 billion, probably, and future military spending, thanks to some of the tireless work of my colleagues in this Chamber, will be approached with great care and caution, always with concern for national security and needs, because here again we do

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not control the situation. We do not know what the other side is going to do. All we are certain of is what they are doing and have done, and we must be ready to protect this Nation. But the cost is down—way down.

And now we find ourselves presently concerned with a discussion of this unfortunate war. Mr. President, for a few moments I would like to recount some of the important points that occurred to me, which I think can be repeated and repeated, because nowadays, with the methods of communication, we have so much news that a lot of it slips by and we do not get the full content, we do not get the full meaning.

First of all, Mr. President, in South Vietnam the thing that pleased me most was the fact that people who had been driven off their land have come back to their farms—hundreds of thousands of them.

I was there under the second President, a little over two and a half years ago, and much of the land was vacant, because they, the South Vietnamese, did not dare stay there. They had been driven off by the Vietcong. Now they are back, hundreds of thousands of them. The program of rebuilding the little villages is moving forward on schedule, and in many cases ahead of schedule.

We visited those villages, and we saw the progress that was being made. We saw the families gathered together again, and the youngsters back playing in the old home place, and the crops in the field getting ready for the harvest. They know that when the harvest is ripe, it not only can be taken in, but it can be taken to market now. They could not do that a year ago. They could not do it 2 years ago. They did not dare go down to the rivers or through the canals. It was not safe. The Vietcong on the banks would fire on them, or capture their harvest and take it away from them.

We saw the traffic on the roads; these were not just reports. We flew almost continuously for 2 days in helicopters, anywhere from 500 to 1,000 feet over the earth, so it could be seen very clearly.

We found that confidence that formerly existed in the Communist propaganda has been destroyed. The people have found out that they have been misled, those who formerly would join the Vietcong to fight against their brothers. They have found out that, like so many Communist promises in the past, they were hollow, with no substance.

These people have a desire for liberty, just as we do in America, and for freedom; and they found out that under the Government of North Vietnam, the Communist government, liberty disappeared.

So it was no longer possible for the North Vietnamese to recruit in South Vietnam. The number of recruits has diminished almost to nothing, and, to the contrary, defections from the Vietcong are rising every year. There were more than 30,000 last year. This year the number will be 10,000 more than that.

So now the war is not being carried on by the Vietcong, it is being carried on by the North Vietnamese Communists sent down from Hanoi.

We have found out that the people will defend their villages if they are given arms and a little training. They have the determination and they have the desire. They have proved that.

Lately this third President made a decision that he would undertake what some people call a new campaign of excursion into Cambodia. We all know there has been great argument about it—tremendous debate. Was it good? Was it bad? Is it proper? Is it wrong?

There is no question about it, Mr. President. All the military experts, the people trained in these matters, know that it was right. In fact, most of them wanted to do it years ago, and had it been done, we will never know how many thousands of American lives would have been saved.

When the plan was made, it was a hard judgment for this third President, because this plan encompassed estimated casualties up to 2,000; but, balancing that off against what would be saved, the decision was still taken, and I am pleased to say that the casualties are way under the 2,000 that had been guessed at by the military experts, because it was carried out effectively, quickly, with an element of surprise.

They went into Cambodia to clean up the sanctuaries—sanctuaries which most of us, Mr. President, did not realize were only 35 miles from Saigon, where the enemy could arm, mount his attack, come out and strike, and go back over the border, and we were not permitted to do anything about it because we had an unfriendly ruler in Cambodia who did not want us to come across his land.

Now his people have gotten rid of him. It is not a new government in Cambodia today; it is the same government, Mr. President, exactly the same, with only one change: The people of Cambodia have told their former head of state, Prince Sihanouk, that they wanted no more of him, and that they wanted the North Vietnamese, who are improperly on their territory, to leave. They want no part of communism.

So those good people are enjoying our assistance. They are pleased with what this third President has done, because they know it is in their best interest, just as it is in the best interest of our allies, the South Vietnamese, and just as they know it is in the best interest of the protection of American troops who are still in South Vietnam.

We found out that these Cambodians would fight when we visited them. We saw about 200 of them in a field, and their leader told us that the afternoon before—that would have been last Tuesday—they chased a group of Vietcong halfway up the mountainside with nothing but hand grenades. "Oh," he said, "if we had had a few rifles, we could have taken care of them. If we just had a few rifles, we could protect our towns and our villages from roaming bands that come in to destroy everything."

In this regard, Mr. President, I have heard reference to the term "mercenaries." I would like to point out that these are not mercenaries. These are people who ask our help in order to defend their own homes; and if that constitutes a mercenary, then all of our forefathers were mercenaries. That is not the case. In our Revolution, we asked for help and arms from France. We were not mercenaries; we were fighting for our country and our land, that which was rightfully ours, to protect it.

These people need training. They need to to be armed. But they will fight. They have the courage, and all they want is a little help from us.

The morale I found, Mr. President, in all quarters was exceedingly high: With our military, with the South Vietnamese, with the Cambodians, and with the civilians. And I might say that in South Vietnam, the leadership is highly respected. We hear quite often that the Government there is a dissolute government, not a good government, but corrupt. I seem to recall that we heard that about the Government of Free China not too many years ago, that Chiang Kai-shek had no ability, he was corrupt, and his was a bad government. But certainly we find his government on Taiwan is an extremely good government, most successful. They have the model of all the Far East. They are the same people. What happened? What changed all this? I do not really think it changed. I think we were misled in the first instance. Now it can be proved that we were misled, because just recently the Senate Committee on the Judiciary published the full record of the famous Amerasia case, and it is there for all to see—how seven, eight, perhaps 10, by misinforming our Government, by failing to carry out the wishes and orders of our Government, cost us China. I wish the young people who were here yesterday would think about that for a moment. Had we not lost China through this deception, there would have been no Korea, there would have been no South Vietnam, there would have been no Laos, there would have been no Cambodia—no waste of funds, no fighting, no needless deaths. This is part of the background which should be understood and should be known in making these decisions.

In South Vietnam, the government is now training the citizens in their own protection. We found that they have three groups: the army, the ARVN; a district group; and the local police—1,200,000 of them are now armed. When the Vietcong come to the villages now, they will not run through as easily or as quickly or as safely as they have in the past. We found that in 90 percent of the villages, the chief of the village has been selected by free election. This is amazing, because these people had no background in democracy. In their 4,000 years of history, they had always had an imposition of government, a ruler. They never had a chance to choose their own. They are doing it now, and they are enjoying it.

We found on this trip that there was a town called Sihanoukville. We have heard a great deal about the Ho Chi Minh Trail. We have heard a great deal about the Vietcong and the North Viet-

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namese traveling with a little handful of rice, carrying their supplies on a bicycle. This is not true. Eighty percent, possibly 90 percent, of the supplies that have been captured in the storage bunkers in the sanctuaries came in by ship, through the port of Sihanoukville, and was transported by truck across the highways, and perhaps at long last hidden in the bunkers by individuals taking 200- and 400-pound bags of rice on the backs of bicycles.

I should like to read, for the record, the figures compiled as of Friday, June 12, 8 a.m., as to the success of the Cambodian operation. These are the hard figures which spell out only part of the success:

Enemy killed, 9,802.

Prisoners taken, 2,147.

Individual weapons captured, 16,133.

Crew served weapons—these are artillery weapons, big mortars—2,284.

Rice, 6,240 tons. That is enough rice to feed an army of 274,560 men for a period of 1 month. That is rice that the North Vietnamese will not have.

Rocket rounds captured, 40,234.

Mortar rounds—these are the ones they can carry very quickly, and generally shoot them into a school or a hospital or a crowded place. I recall the night we arrived in Saigon 2½ years ago. We were entertained at the American Embassy by the Ambassador. We had not been there an hour when two of these mortar rounds were fired and landed in the yard next door, just to let us know that they were watching. Mortar rounds captured, 61,978.

Small arms ammunition, 13,233,000.

Land mines captured, 5,240.

Bunkers destroyed, 9,358.

These are the official figures, Mr. President.

I raised the point, with both the civilians and the military, that the accounts of those killed were varied, seemed very high, and I was assured that these were actual counts. In addition, they had evidence that the North Vietnamese in many cases had taken bodies away with them as they were dispersed. And they themselves were dispersed. The sancturaries are not available to them. Their communications are completely broken, their command posts dispersed. Elements of their troops are wandering through these hills, not knowing where their headquarters may be. They have been made ineffectual; and in my opinion and in the opinion of experts, it will be 7, 8, perhaps 12 months before they can reorganize and rebuild and resupply and reuse these sanctuaries.

I have said, Mr. President, that in my most considered opinion this is, without question, the most important military action of this unfortunate war.

There are other matters of great interest. We received information from the ambassador, which came through official sources from Moscow, that the Russians are becoming disenchanted with this entire exercise. It is not known whether they are disenchanted because they are tired of the cost and the expense or difficulty in supplying the North Vietnamese, or whether they are concerned about what the Chinese are doing. There is a difference of opinion between the Red Russian and the Red Chinese governments. As we read history, we find that this friction has existed for nearly 500 years, and this may operate in our favor, because if they become concerned with each other, maybe they will be less concerned with us and give us an opportunity to get back to pursuing the peaceful, progressive, and productive world that we all so greatly desire.

The initiative in this war has changed completely under this new President. The initiative has swung from the enemy to our friends. The evidence is everywhere.

With regard to the Government of South Vietnam, it has a land reform schedule that is working very well. It has broken up all the old tenant farms and large farms once controlled by absentee landlords, and each citizen will now get his share and be able to work an adequate farm, enough to keep him and provide him with an income so he can live decently. That is ahead of schedule.

The program for training leaders is also of schedule. Eighty percent of the elected leaders in the villages are standing for reelection. President Thieu will stand for election next year.

The defections within the enemy are very important to us. The night before we left Saigon, we talked with two men, both of whom had been members of the Communist Party for over 10 years. One had been in command of 8,000 troops in the area referred to as Parrot's Beak. These two men had come over to the allies—our friends—and brought all the information they could with them. When asked why they had changed their minds, they said they found out they had been lied to, that it was not the kind of life they wanted for themselves and their families. These defections are increasing daily.

We were told that the Russians and the Chinese thought we had deposed Sihanouk, which of course is not true, we had nothing to do with it, as I checked that carefully. He was deposed by his own people who finally, at long last, concluded that they had had enough of his nonsense, of playing both sides against the middle at the expense of his nation and his people.

We talked with military leaders and civilian leaders, and we spent a couple of hours with South Vietnamese General Tree.

Remember that name, Mr. President (Mr. PACKWOOD), because you will hear a great deal of him. He is an amazing man. He led the first large scale, coordinated attack and operation by the South Vietnamese Army. It was the initial attack into the sanctuaries from the south. He did it brilliantly, and much better than we thought.

The South Vietnamese are supplying us with excellent pilots and excellent mechanics. They are turning out to be very fine, capable, and courageous people.

General Tree, along with President Thieu, explained to us that they have no intention of staying in Cambodia. They said that without question, their problem is the protection and security of their own country, that they have no interest in Cambodia except to make certain that Cambodian sanctuaries cannot be used to attack South Vietnam.

I have heard a good deal about the possible friction between Vietnam and Cambodia. I saw none. I saw that the Cambodians were very much pleased to have the help of the South Vietnamese, and were extremely pleased that we had come there.

The governor of a province came down to greet us and we not only saw the military group that came with him but also all the other people from the village came out, about 2,000 in number, and we talked with them. They were very happy that we were there. I saw no evidence of any possibility of friction.

There has been a strange credibility gap which has been contrived about this whole situation in Southeast Asia. A good deal of confusion has resulted from it.

There was a valuable meeting held a week ago Saturday in Jakarta, attended by all the free nations of Southeast Asia. It was inspired by their own leadership, not by the United States and not by any outside influences. They got together on their own, for the first time in history. They got together because they jointly agreed that they did not want to be dominated by the Communists, either from China or from Russia. They want to be free. I think we will hear more of this meeting because I think it was an important one.

We also heard a good deal about the economic problems in South Vietnam. They have them. We heard a great deal about their inflation. They do have it. We have it here, of course. But they have it to a lesser degree, inspite of all their years of war and turmoil, than some of the nations in Latin America are having right now without having had any war.

Thus, inflation is really not all that bad there. They think they can control it. The wealth of the country is not in the cities. It lies in the countryside, in the rich land, the crops, and their produce.

Oh, Mr. President, it could be such a wonderful land, such a happy land.

Mr. President, these are the things I have outlined, which I think are important:

The people are going back to the farms.

The people can defend their villages.

The training of the leaders is taking place.

Land reform is taking place.

Traffic is moving on the rivers and the canals and the roads.

The marketplaces are filled.

Sihanoukville, through which 90 percent of the supplies used to attack South Vietnam moved, is closed. Now they have to bring those supplies down the Ho Chi Minh Trail. The North made great preparations. It has pipelines built in the area of the DMZ. They seem to be preparing for a long war. The South Vietnamese tell us that if we will arm them and give them the training they need, they will be able to handle their own problems, and we will not have to lose any more American boys and we can bring them home. Hopefully, then, we will get to a negotiated peace. Everyone has hoped for that. President Thieu has made endless attempts, as did President Johnson, and as is President Nixon, to arrive at a negotiated peace.

Yes, Mr. President, things are better than they were. They are not, however, completely satisfactory yet.

Vietnamization is working. It is ahead of schedule.

Our troops will be coming home.

That brings me to the current business now before the Senate. We have concerned ourselves here with writing new laws which would, somehow or other, restrain and restrict this new President, the third President to inherit this problem, the one who is meeting with success.

Some said immediately when the Cambodian decision was announced that it was broadening the war. That is not true. It deescalated the war.

We are fighting in a different area, but there is a lot less fighting. I just told the Senate about the 13 million bullets that will not be used by the enemy to kill American boys.

The casualties are down. The effort is moving in the right direction. And we are meeting here to debate and discuss new laws that will restrain and restrict the powers of this third President.

Mr. President, I have said, and I repeat, that I think it is proper that we debate and eventually delineate exactly the powers of the President of the United States as Commander in Chief with regard to declarations and actions that may bring involvement in war. I think it is to be desired. But I do not think that this is the time for it. I do not think that this is a well chosen date for this discussion and debate.

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I can see nothing productive, nothing that would help solve the problems of the United States that could come from such discussion at this time.

I think this debate should be held at a time when we are at peace, held with calmness and with complete, cool reasoning.

We can make this delineation then and spell it out so that it will be clearly drawn for all future time. But let us see what happens as we do it in these days, with these problems facing us, with this ongoing situation.

I can see immediately that certain elements of the unfriendly, foreign press will say that the American people have lost confidence in their President. That is not true. That is a falsehood. The polls show this.

Regardless of the fact that some of our highly publicized editorial writers indicate this, it is just not true. It adds to the confusion. And they should rectify this because in time of war this Nation must be solidified and there must be full understanding.

It is difficult to write restrictions, because we do not know the conditions. We only know our side of the story. What will the enemy do? What would have happened in the Cambodian incursion, had there been a debate in this Chamber ahead of the incursion and at long last the President had been given permission to do what should have been done so many years ago?

I will tell the Senate what would have happened. It would have cost the lives of thousands of American boys, because the enemy would have known about it. They would have been prepared for it. The element of surprise would have been denied us.

The first two moves into the southern sanctuaries could possibly have failed. As it was, one of the defectors told us they had 20 hours notice. That is not very much notice.

The Senators will be glad to know that they did not have time to booby trap the bunkers. When we left, there had been only two cases of booby traps. And they were quickly contrived. They simply were hand grenades with the pins pulled and placed under boxes so that if one raised a box, it would detonate and explode.

They moved a lot of supplies. There is no doubt about that. We heard it said that we did not capture the headquarters. We never really expected to, because they are very mobile. They never put their roots down firmly in any one place. However, we captured enough of their communications and supplies to destroy their efforts and break them up so that they are and will be ineffective.

We do not know what may be necessary. We do not know what action, what quick, sudden decision may be necessary for the safety of our men, for the success and final victory and for a solution to this awful dilemma.

That is why I say that this is not the time and that these are not the days for this type of discussion.

I have the greatest confidence that my colleagues, the proponents of such restraints and restrictions, feel that what they are doing will bring about an end to this awful dilemma. They want to see it finished. But I assure them, Mr. President, that no one wants to see it finished more than the President of the United States. No one wants to see it brought to an end sooner than the Senator from California. But it is a matter of judgment. It is a matter of certainty that it must be carefully considered.

We have made too many mistakes in the past. And some of those who have advised us in the past and must share partially the responsibility of this awful experience, continue to raise their voices in this debate. I think they should bethink themselves and be cautious and careful. We cannot afford any more unfortunate mistakes.

Mr. President, I have concluded that the advantage in this unfortunate war has changed, that the third President is on the right track. And I would suggest and recommend most highly that we join solidly behind him and give him our support. And as long as he is going in the right direction, we should give him all the help we can and urge him on so that not only in the negotiations in Paris but also in the negotiations in the SALT talks, the disarmament talks and the confrontations which must take place with regard to the problems in the Mideast, the world will know that we have confidence in this third President and that we, the great majority of the people, believe that his judgment has been good, his decisions have been well taken, courageous, daring, and have been based on facts and reality, not on fiction and theory and he is arriving at the accomplishments which are desired by all.

These are the things that I believe should concern us at this time. That is why, Mr. President, I hope that many of my colleagues will express their feelings with regard to these restraints and restrictions.

I know that some of the opponents have said, "We will only do what the President said he would do."

However, I get the feeling that they want to lock him in. They say, "He said this. So, to make certain, we will put it into law."

It would almost appear to some that there was a matter of distrust there. I do not think that should exist.

I do not think that is based on the evidence. I do not think it is healthy or helpful at this particular time. Let us not lose the advantage that has been gained after such a long struggle, after such a costly experience. Let us keep that advantage and let us see if we cannot improve on it so that at long last we can bring about the honorable, lasting, and decent peace that all of us so earnestly desire.

Mr. President, I hope that the people, and the young people particularly, who were here yesterday and who were so enthusiastically interested in the outcome of the vote that took place in this Chamber, will take the trouble to read what I have said here today; that they take the trouble to get an understanding of the entire situation.

This is not a matter of who wins or who loses a vote on the floor of the Senate. That is incidental. That is gone as the sun goes down. The matters that concern us are matters of permanent policy that will affect the future of this great Nation for years and years to come, and that is why these matters should be approached with careful and mature judgment. Enthusiasm is wonderful; it is great; but it never should burn so brightly it overcomes the fires of wisdom, good sense, and reason.

So, Mr. President, I can only wish in closing that these galleries had been as filled this morning as they were yesterday. We hear quite often now that the older generation—and I am certainly a part of that older generation, having lived in this great country for over 60 years—does not communicate with the younger generation.

I made a promise to some of the students in my State that I am going to communicate and I am going to be available to them in the universities, not to those who are concerned with a confrontation, but I will be available to those who are interested in sitting down and having a free, honest, and open-minded discusison. I hope I learn a great deal from them, and possibly, with good luck, they may learn something from me and my experience. Out of the interchange may come some ideas that will be of advantage to the future of this great Nation. I hope that these same young people will take the time to read the Record as I have attempted to make it this morning.

THE MIDDLE EAST

Mr. MURPHY. I have talked for several years and at great length about the problem in the Middle East. I have taken a firm public position on the importance and the necessity of the healthy, strong viability of the new country of Israel.

In the Washington Post this morning, there was published a most interesting article by Mr. Joseph Alsop entitled "Mideast Crisis Provokes Only Silence From the Left," and I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Mideast Crisis Provokes Only Silence From the Left

(By Joseph Alsop)

The most bewildering feature of the Middle Eastern crisis is the strange silence on the left. Here is the most dangerous situation that the United States has had to face since the Second World War. Here is the Nixon administration pursuing, at least to date, a policy so limp that it actually increases the danger to Israel.

Here are the liberal Democrats in Congress, with their highly articulate allies, the liberal and leftwing intellectuals, in a perfect fever of rage about Cambodia, which promises to be a brilliantly successful U.S. operation. Yet they have not given the Nixon administration as much as a tap on the wrist where it is most vulnerable, in its management of the Middle Eastern crisis to date.

The contrast is so extraordinary that it cries out for explanation. The only available explanation is not exactly creditable, however, to the liberal and leftwing intellectuals and their heroes in active politics.

With ludicrously premature sighs of relief, this entire, highly influential American group firmly decided, some years ago, that all problems of the Cold War had ceased to exist—if indeed they had not been imaginary problems in the first instance. The tragic loss of President Kennedy, who never went in for self-delusion, seems to have been the signal for the beginning of this enormous exercise in self-delusion by so many who had admired him.

Thus a new world view began to be promulgated, as unchallengeable doctrine. The view was that all the dangers of history in the latter half of the 20th century could be largely blamed on the United States. The whole American effort to maintain a reasonably safe balance of power in the world was seen the exclusive source of all risks and troubles.

This world view leaves no room at all, of course, for an increasingly militarized Soviet Union, bent upon crushing Israel, and by crushing Israel, aiming to gain control of the entire Middle East. The choice has been, therefore, between continuing to peddle the world view above-defined, or publicly swallowing it whole, as a grossly erroneous view, and thereupon facing the terrible new facts.

Vanity, ignorance and arrogance have all combined to prevent the admission of error that is now in order by the liberal and leftwing intellectuals and the liberal Democrats in Congress. So Israel's deadly peril has been all but ignored. Or if not ignored, it has been treated as really no more than Israel deserves. And the Indian war dance about Cambodia has continued, with a rising decibel count.

For the short run, this is quite bad enough. The Nixon administration badly needs to be hammered on its Middle Eastern policy. Otherwise, none of the right things are likely to be done. For the long run, too, the continuing liberal and left-wing exercise in self-delusion is bound to end in disaster for the self-deluders, among others.

The Middle Eastern facts alone are enough to show the threat to the self-deluders. The unprecedented Soviet injection of Russian troops into the Middle Eastern war quite directly menaces Israel's very existence. The design, furthermore, is not just to crush Israel. The design is to exclude any form of power except Soviet power from the Middle East.

Suppose that the Israelis are beaten to their knees or actually destroyed. Suppose that we also experience the immense upset in the entire world balance of power that will result if the Kremlin's Middle Eastern design is successfully carried out. We shall then be doubly haunted, by the ghost of Israel, and by the obvious danger of a third World War caused by the upset in the balance of power.

Can anyone suppose that the self-deluders will not then be rent asunder, in the storm of fury, recrimination, fear and scapegoathunting that will follow in this country? The answer is obvious. Yet this is only part of the story, for the Middle Eastern crisis is only part of the danger.

Except for Japan after the rise of the militarists, the Soviet Union today stands alone among major nations in this century. With the exception noted, it is in fact the only major nation that has allowed the uniformed leaders of the armed services to name their own boss, the defense minister.

That grim fact is clearly linked to other facts—the Soviet pilots in Egypt; the invasion of Czechoslovakia; the rising pressure on Romania; the increasing number of divisions deployed along the Sino-Soviet border. The Nixon administration's defense policy, which amounts to shambling disarmament, is therefore as vulnerable as its defense policy.

But on this front, too, the administration is never attacked, except for not disarming fast enough. The truth is that the geese that should sound the alarm on the Capitol have all been taking mind-blowing drugs.

Mr. MURPHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSACTION OF FURTHER ROUTINE MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent that there be a period for the transaction of further morning business, with statements limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNIST TERROR AGAINST SOUTH VIETNAM

Mr. DOLE. Mr. President, the basic objective of the Vietnamization program initiated by President Nixon is to realize an orderly withdrawal of American forces from the war zone and, at the same time, secure the safety of the people of South Vietnam against possible acts of terrorism which might be perpetrated by the forces of North Vietnam and the Vietcong.

Some of my distinguished colleagues in the Senate have questioned the likelihood that such atrocities as mass civilian execution and lengthy incarceration would result if the United States left the South Vietnamese without adequate means for defense. Yet, as President Nixon pointed out in his April 30 speech to the American people, we cannot expose 18 million South Vietnamese "who have put their trust in us to the slaughter and savagery which the leaders of North Vietnam inflicted on hundreds of thousands of North Vietnamese who choose freedom when the Communists took over North Vietnam in 1954." I believe the President is correct in this position.

In order to determine whether the North Vietnamese and Vietcong have changed their method of assuring obedience and loyalty we must inquire about the expressed intentions and actions of Communist forces.

The record is not encouraging. In fact, Reuters News Service reported this morning that at least 70 South Vietnamese civilians were killed and another 70 wounded in a 2-hour bloodbath when Communist forces attacked a village near Danang. The Associated Press said that civilian deaths in the incident might be as high as 115.

News reports also quote a South Vietnamese military spokesman as saying it was the worst toll of civilians since the Tet offensive of 1968.

Mr. President, I ask unanimous consent that the Associated Press account of the tragedy printed in the Washington Post this morning be inserted in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

Killing of 115 Civilians Charged Against Vietcong

Saigon, June 11.—About 115 South Vietnamese civilians were killed and another 70 wounded in a two-hour bloodbath today when Vietcong troops overran a village south of Danang, reliable sources said.

The U.S. Command said 70 civilians were known to have been killed and 70 wounded in the assault on Baren, a hamlet of about 2,000 residents 17 miles southeast of Danang.

[Reuters reported that a South Vietnamese military spokesman said it was the worst toll of civilians since the Tet offensive in February, 1968. In the city of Hue alone, during that offensive, several thousand civilians were massacred by the Vietcong. In the village of Mylai, U.S. forces have been formally charged with the deaths of 109 civilians.]

The assault followed a withering mortar barrage which set fire to much of the riverside village.

One U.S. officer, who flew over the smoldering remains of the hamlet, said it was about 90 per cent destroyed or damaged.

Survivors said Vietcong ran through the streets of Baren "shooting anyone they saw" and hurling grenades into homes and civilian bunkers, he said.

The U.S. Command in Saigon reported a sharp drop in American battlefield deaths last week. (Story on Page A16.)

The attack on Baren came less than a week after a Vietcong assault against another village two miles south of the same bridge,

> when 22 villagers were killed and 13 wounded.
>
> Today's attack occurred as other Vietcong troops hit an outpost at the end of the bridge just north of Baren, manned by U.S. Marines.
>
> The attack was the heaviest of seven reported Thursday against civilian population centers ranging from deep in the Mekong Delta to Dalat in the central highlands.
>
> The commander of the Marines at Baren, Lt. T. S. Miller, 27, New Kensington, Pa., was quoted by the command as saying the Vietcong's "main objective was to destroy this village."
>
> "They kept my Marines pinned down while they infiltrated the village, and then they started their massacre," said Miller. He estimated that more than 200 mortar shells hit the village.

Mr. DOLE. Mr. President, some critics of President Nixon's Vietnamization program have argued that reports of Communist terrorism are exaggerated. They contend that no "bloodbath" would ensue should we make a hasty withdrawal since the situation of mass terrorism in the north in the 1950's is not analagous to the present.

The evidence to support this position is hardly convincing, especially in light of today's reports of atrocities.

I submit that the enemy's intentions and actions are to similar today to risk the further preparation of such atrocities against the people of South Vietnam.

All available Communist propaganda points to a continuation of the strategy of terror and savagery by the north. On September 18 of last year a high official in the North Vietnamese Communist Party said:

> It is absolutely essential to use violence against the counter-revolutionaries and exploiters who refuse to submit to reform.

He continued:

> We must pay continuous attention to consolidating the repressive apparatus of the people's democratic state.

For those who "stubbornly oppose the revolution" a decree issued by the President of North Vietnam provides for severe punishment, ranging from 2 years to life imprisonment and capital punishment. Edicts such as these are hardly unusual coming from the Communists.

The distinguished Senator from Colorado (Mr. ALLOTT) has pointed out repeated statements by North Vietnamese leaders demanding what are called "blood debts" of their opponents in South Vietnam. His address to the Senate of May 21 as printed in the RECORD includes some of the statements of the Communists which hardly seem to indicate a change in policy from the massacres of the early 1950's.

Mr. President, this most recent report of Communist terrorism should not be hastily forgotten, especially considering past behavior and expressed intentions of the Vietnamese Communists.

LATEST BLS AND SEC STUDIES SHOW NEED FOR PENSION REFORM

Mr. JAVITS. Mr. President, for several years I have sponsored legislation intended to secure certain reforms of the private pension system. Last year, I again introduced this legislation as S. 2167. Today, I am more convinced than ever that unless these basic reforms are undertaken, the American worker will lose his confidence in the value of these plans.

The harsh facts are that despite close to $126.2 billion being accumulated in these pension plans, and despite indications that they will grow to over $200 billion by 1980, only a relatively small number of employees in many of these plans will ever receive a single dollar in retirement benefits.

The underlying reason for this alarming state of affairs is that the private pension system has failed to respond to new realities generated by technical, business, and social change. This failure is most noticeable with respect to the so-called "forfeiture" problem. It seems to be a recurring theme, for example, that:

First. Employees with relatively long periods of service are laid off due to technological or business reasons without having acquired pension rights.

Second. Employees who voluntarily quit to accept more advantageous employment often forfeit benefits they had expected to receive in retirement.

Third. Many employees cannot even hope to qualify for a private pension because the characteristics of their occupations as well as the nature of their job opportunities demand such mobility that they cannot earn a pension benefit even under the more progressive plans.

What makes these circumstances profoundly disturbing is that in all these cases contributions on behalf of these employees have been made into a pension fund. These contributions, which are tax deductible, are supposed to provide employees with retirement benefits, but restrictive requirements in many of these plans virtually insure that these contributions will not, for the most part, achieve this purpose. In the technical language of the pension specialist, the right to obtain some type of retirement benefit when leaving employment prior to retirement is known as a "vested right." When an employee leaves employment without obtaining such a vested right he is said to have "forfeited" all moneys credited to him for retirement benefits based upon his service with the employer.

The shocking extent of the risk of forfeitures of private pension benefits in this country is fully revealed by the latest Bureau of Labor Statistics' study. This study is summarized in press release No. 11–024 issued this year by BLS. Very briefly, the BLS study of vesting coverage in private pension plans shows that despite the fact that the proportion of plan participants belonging to plans with vesting provisions increased by 29 percent in 1969, only one out of every three plan participants will receive a vested pension right if he leaves employment with 10 years of service under the plan, and only one out of every two participants will receive a vested pension right if he leaves employment after 15 years of service. Moreover, even this estimate may be too rosy since many terminating participants with the requisite years of service may still not qualify for vested rights if they have not attained an age specified by the plan.

The currently unacceptable level of vesting protection is further magnified by the continued spectacular rise in the growth of private pension fund assets. For example, the latest SEC survey—described in SEC press release No. 2437, April 20, 1970—shows that noninsured pension fund assets increased by $7 billion during 1969 while insured pension reserves increased by $4 billion. The current book value of assets in all private noninsured pension funds is over $87 billion while in insured pension reserves it is at $39 billion. Ten years ago, the total assets in both insured and noninsured pension funds were at $52 billion. I question whether the enormous wealth being built up in these funds could not support a more equitable system of vesting than is presently the case, and, indeed, whether one of the factors bearing on this phenomenal growth in assets is an unwarranted level of forfeitures.

These statistics speak for themselves. I believe these releases, as well as earlier reports in this connection, fully justify the steps which I have continually urged as a necessary corrective to a significant inequity in the private pension system. While it is gratifying to learn that voluntary progress has been made in this regard, it is quite evident that the rate of progress is hardly adequate.

Lack of adequate vesting is, of course, only one of a number of problems presented by the present operation of the private pension system. For example, there is a widening concern, which I share, that the vast resources concentrated in these funds are not being sufficiently utilized in connection with the resolution of pressing domestic social problems. Also, recent business reverses in certain industries, notably aerospace, has once more turned the spotlight on the general problem of employers who terminate their business operations with the result that their employees are not only out of jobs but find that their pension rights have been severely reduced and, in some instances, virtually dedestroyed.

Solutions to these persistent problems cannot be deferred much longer. Pursuant to Senate Resolution 360, the Senate Labor Subcommittee is in the process of conducting an indepth exploration of the private pension system to ascertain the facts surrounding many of these matters. I am hopeful that the subcommittee will hold hearings in the summer on this subject and that backed by the findings of its investigation, serious attention will be given to appropriate reform measures.

Mr. President, I ask unanimous consent that there be printed at this point in the RECORD the charts and tables contained in the BLS and SEC release.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

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TABLE 1.—ASSETS OF PRIVATE NONINSURED PENSION FUNDS

[Book value in millions of dollars; figures may not add to totals due to rounding. Includes funds of corporations, nonprofit organizations and multiemployer and union plans]

Annual	1960	1961	1962	1963	1964	1965	1966	1967	1968	[1] 1969
Cash and deposits	550	660	710	770	890	940	900	1,320	1,640	1,590
U.S. Government securities	2,680	2,720	2,920	3,050	3,070	3,100	2,610	2,170	2,540	2,590
Corporate and other bonds	15,700	16,880	18,100	19,560	21,210	22,700	24,580	25,500	26,160	26,640
Preferred stock	780	760	750	710	650	750	790	980	1,320	1,740
Common stock	10,730	13,340	15,730	18,120	20,840	24,450	28,340	33,830	40,260	45,960
Mortgages	1,300	1,560	1,880	2,220	2,750	3,320	3,810	3,940	3,910	4,010
Other assets	1,400	1,590	1,800	2,120	2,510	2,820	3,430	4,110	4,450	4,740
Total assets	33,140	37,510	41,890	46,550	51,910	58,080	64,470	71,840	80,280	87,240

Quarterly	1967		1968				1969			
	3d quarter	4th quarter	1st quarter	2d quarter	3d quarter	4th quarter	1st quarter	2d quarter	3d quarter	4th quarter
Cash and deposits	1,050	1,320	1,120	1,290	1,500	1,640	1,240	1,640	1,490	1,590
U.S. Government securities	2,180	2,170	2,400	2,390	2,330	2,540	2,600	2,480	2,600	2,590
Corporate and other bonds	25,420	25,500	25,830	25,900	26,140	26,160	26,010	26,080	26,530	26,640
Preferred stock	940	980	1,020	1,150	1,210	1,320	1,460	1,570	1,710	1,740
Common stock	32,460	33,830	35,210	36,810	38,640	40,260	41,760	43,350	44,140	45,960
Mortgages	3,930	3,940	3,950	3,910	3,920	3,910	3,940	3,910	3,970	4,010
Other assets	3,780	4,110	4,190	4,270	4,350	4,450	4,360	4,530	4,570	4,740
Total assets	69,760	71,840	73,720	75,710	78,090	80,280	81,380	83,560	85,010	87,240

[1] Preliminary.

TABLE 2.—ASSETS OF ALL PRIVATE AND PUBLIC PENSION FUNDS

[Book value in billions of dollars; figures may not add to totals due to rounding]

	1960	1961	1962	1963	1964	1965	1966	1967	1968	[1] 1969
Private:	52.0	57.8	63.5	69.9	77.2	85.4	93.9	103.9	115.3	126.2
Insured pension reserves	18.8	20.2	21.6	23.3	25.2	27.3	29.4	32.0	35.0	[2] 39.0
(Separate accounts, included above) [3]			(4)	(4)	.1	.3	.6	1.2	2.2	(5)
Noninsured pension funds [6]	33.1	37.5	41.9	46.6	51.9	58.1	64.5	71.8	80.3	87.2
Public:	56.4	59.3	61.4	65.0	69.5	72.8	80.4	90.3	98.4	111.3
State and local	19.6	22.0	24.5	26.9	29.7	33.1	37.1	41.7	46.0	52.0
Federal:										
Federal old-age and survivors insurance	20.3	19.7	18.3	18.5	19.1	18.2	20.6	24.2	25.7	30.1
Federal disability insurance	2.3	2.4	2.4	2.2	2.0	1.6	1.7	2.0	3.0	4.1
Civil service retirement and disability program [7]	10.4	11.4	12.5	13.5	14.7	15.9	17.0	18.1	19.4	20.8
Railroad retirement	3.7	3.7	3.7	3.8	3.8	3.9	4.1	4.2	4.2	4.3
Total private and public	108.4	117.1	124.9	134.8	146.6	158.2	174.4	194.2	213.6	237.6

[1] Preliminary.

[2] Estimated.

[3] Separate accounts of life insurance companies, set up for specific pension plans, allow greater investment latitude than is permissible under State laws for general life insurance assets.

[4] Less than $50,000,000.

[5] Not available.

[6] Includes funds of nonprofit organizations and multiemployer plans.

[7] Includes Foreign Service retirement and disability trust fund.

BUREAU OF LABOR STATISTICS

TABLE 1.—NUMBER OF PRIVATE PENSION PLANS, AND NUMBER OF COVERED WORKERS AND PERCENT OF WORKERS IN PLANS WITH VESTING PROVISIONS BY SELECTED PLAN CHARACTERISTICS, 1969, 1967 AND 1962–63

Characteristic	1969	1967	1962-63
Number of plans [1]	17,403	17,091	16,031
Number of active covered workers (thousands) [1]	19,511	17,485	15,787
Single employer plans	13,869	12,555	11,802
Multiemployer plans	5,550	4,929	3,985
Noncontributory plans	15,368	13,351	11,784
Contributory plans	4,051	4,134	4,003

Characteristic	1969	1967	1962–63
Percent of active covered workers:			
Plans with vesting provisions	76	63	59
Single employer plans	87	77	71
Multiemployer plans	51	26	23
Noncontributory plans	74	57	51
Contributory plans	89	80	78

[1] Data relate only to those private pension plans covering more than 25 participants for which the plan administrator filed a report with the Department of Labor's Labor-Management Services Administration. Plans providing noncomputable retirement benefits (such as profit sharing plans) were excluded from all studies. The active worker count in each study is for a period of about 2 years earlier than the study's reference date. The totals presented here for 1969 include 529 plans covering 92,332 workers, for which complete information was not available in the Department's files at the time the study was conducted; all subsequent data for 1969 exclude these plans.

TABLE 2.—PREVALENCE OF VESTING AND EARLY RETIREMENT PROVISIONS IN PRIVATE PENSION PLANS, 1969

Type of provision	Total		Type of employer unit				Method of financing			
			Single employer		Multiemployer		Noncontributory		Contributory	
	Plans	Workers	Plans	Workers	Plans	Workers	Plans	Workers	Plans	Workers
All plans number (workers in thousands) [1]	16,874	19,419	15,230	13,869	1,644	5,550	12,482	15,368	4,392	4,051
Plans with either vesting or early retirement provisions	14,902	17,619	13,515	13,315	1,387	4,306	10,535	13,733	4,367	3,886
Vesting and early retirement	12,309	14,241	11,631	11,641	678	2,601	8,526	11,003	3,783	3,230
Vesting only	632	640	478	418	154	223	523	284	109	356
Early retirement only	1,961	2,738	1,406	1,256	555	1,482	1,486	2,446	475	292
Plans with neither vesting nor early retirement provisions	1,972	1,799	1,715	555	257	1,244	1,947	1,634	25	165

Type of provision	Total		Type of employer unit				Method of financing			
			Single employer		Multiemployer		Noncontributory		Contributory	
	Plans	Workers	Plans	Workers	Plans	Workers	Plans	Workers	Plans	Workers
Percent of all plans	100	100	90	71	10	29	74	79	26	21
Total	100	100	100	100	100	100	100	100	100	100
Plans with either vesting or early retirement provisions	88	91	89	96	84	78	84	89	99	96
Vesting and early retirement	73	73	76	84	41	47	68	72	86	80
Vesting only	4	3	3	3	9	4	4	2	2	9
Early retirement only	12	14	9	9	34	27	12	16	11	7
Plans with neither vesting nor early retirement provisions	12	9	11	4	16	22	16	11	1	4

Note: Because of rounding, sums of individual items may not equal totals.

[1] Data relate only to those private pension plans covering more than 13 participants for which the plan administrator filed a report with the Department of Labor's Labor-Management Services Administration. Plans providing noncomputable retirement benefits (such as profit sharing plans) were excluded from all studies. The active worker count in each study is for a period about 2 years earlier than the study's reference date. The totals presented here for 1969 include 529 plans covering 92,332 workers, for which complete information was not available in the Department's files at the time the study was conducted; all subsequent date for 1969 exclude these plans.

TABLE 3.—OLDEST AGE AND ASSOCIATED SERVICE AT WHICH THE WORKER ACQUIRES A NONFORFEITABLE RIGHT TO A PRIVATE PENSION BENEFIT PRIOR TO NORMAL RETIREMENT AGE, 1969

[Workers in thousands]

Minimum service requirements [1]	Total		Minimum age requirements [1]							
			No age requirement		40 and under		45 [2]		50 [3]	
	Plans	Workers	Plans	Workers	Plans	Workers	Plans	Workers	Plans	Workers
All plans [1]	14,901	17,404	5,885	8,090	2,524	3,692	862	832	857	1,699
Less than 5 years	610	277	366	120	100	15			102	11
5 to 10 years	5,826	7,033	2,957	4,817	1,099	1,098	236	311	112	185
11 to 15 years	4,734	6,639	1,526	1,421	1,304	2,537	278	343	457	1,078
16 to 20 years	2,742	2,136	726	923	18	39	347	172	165	319
21 to 25 years	698	748	287	364	3	3	1	7	19	96
Over 25 years	291	573	23	445					2	10

Minimum service requirements [1]	[4] 55		60		[5] 62	
	Plans	Workers	Plans	Workers	Plans	Workers
All plans [1]	2,893	1,850	1,531	863	349	378
Less than 5 years	38	100	4	31		
5 to 10 years	1,027	381	259	193	136	48
11 to 15 years	622	816	408	219	139	225
16 to 20 years	788	418	653	192	45	73
21 to 25 years	177	111	182	135	29	32
Over 25 years	241	25	25	93		

[1] Data relate only to those private pension plans covering more than 25 participants for which the plan administrator filed a report with the Department of Labor's Labor-Management Services Administration. Plans providing noncomputable retirement benefits (such as profit sharing plans) were excluded from all studies. The active worker count in each study is for a period about 2 years earlier than the study's reference date. The totals presented here for 1969 include 529 plans covering 92,332 workers, for which complete information was not available in the Department's files at the time the study was conducted; all subsequent data for 1969 exclude these plans. Age and service requirements shown are those at which the worker first acquires a nonforfeitable right to a benefit prior to the normal retirement age. The term service as used in this table is defined to include preparticipation service. The distribution includes 1,010 plans, with 2,300,000 workers, that provide vested rights as shown in the table only in the event of involuntary separation (including continuous layoff—but excluding retirement mainly at the employer's request); almost all of these plans also provide for the attainment of nonforfeitable rights, prior to normal retirement, in the event of voluntary separation. In such cases, the eligibility requirements are typically more stringent that those for involuntary separation. Plans which provide for special early retirement—essentially those providing for early retirement at the employer's request with an unreduced or higher than normal retirement benefit, are excluded from this table.

[2] Includes 1 plan with 4,458 workers at age 46 with 11 years' service.

[3] Includes 52 plans with 440,287 workers at age 52 with 15 years' service.

[4] Includes 2 plans with 20,400 workers at age 57 with 20 years' service and 6 plans with 12,900 workers at age 58 with 10 years' service.

[5] Includes 20 plans with 6,500 workers at age 63 with 25 years' service.

Note: Because of rounding, sums of individual items may not equal totals.

TABLE 4.—TYPE OF VESTING PROVISIONS IN PRIVATE PENSION PLANS WITH VESTING BY TYPE OF EMPLOYER UNIT AND METHOD OF FINANCING, 1969

[Workers in thousands]

Type of employer unit and method of financing	All plans		Plans with vesting						Plans without vesting	
			Total		Type of vesting					
					Deferred full		Deferred graded			
	Number	Workers	Plans	Workers	Plans	Workers	Plans	Workers	Plans	Workers
All plans [1]	16,874	19,419	12,941	14,882	10,277	13,017	2,664	1,865	3,933	4,537
Single employer	15,230	13,869	12,109	12,059	9,596	10,942	2,513	1,117	3,121	1,810
Noncontributory	11,080	10,098	8,365	8,668	7,238	8,144	1,127	524	2,715	1,429
Contributory	4,150	3,772	3,744	3,390	2,358	2,797	1,386	593	406	381
Multiemployer	1,644	5,550	832	2,823	681	2,075	151	748	812	2,727
Noncontributory	1,402	5,270	684	2,619	563	1,963	121	656	718	2,651
Contributory	242	279	148	204	118	112	30	92	94	75

[1] Data relate only to those private pension plans covering more than 25 participants for which the plan administrator filed a report with the Department of Labor's Labor-Management Services Administration. Plans providing noncomputable retirement benefits (such as profit sharing plans) were excluded from all studies. The active worker count in such study is for a period about 2 years earlier than the study's reference date. The totals presented here for 1969 include 529 plans covering 92,332 workers, for which complete information was not available in the Department's files at the time the study was conducted; all subsequent data for 1969 exclude these plans.

Note: Because of rounding, sums of individual items may not equal totals.

TABLE 5.—PROVISIONS FOR VESTING AND EARLY RETIREMENT IN PRIVATE PENSION PLANS BY TYPE OF EMPLOYER UNIT, TYPE OF VESTING, AND CONDITIONS FOR VESTING, 1969

[Workers in thousands]

Type of vesting and conditions for vesting	All plans		Type of employer unit—Single employer					
			All plans		With early retirement		Without early retirement	
	Number	Workers	Plans	Workers	Plans	Workers	Plans	Workers
All plans [1]	16,874	19,419	15,230	13,869	13,037	12,897	2,193	973
With vesting	12,941	14,882	12,109	12,059	11,631	11,641	478	418
Deferred full	10,277	13,017	9,596	10,942	9,378	10,557	218	384
Any separations	9,524	11,027	8,876	9,256	8,683	8,887	193	369
Involuntary separation	753	1,989	720	1,686	695	1,670	25	15
Deferred graded	2,664	1,865	2,513	1,117	2,253	1,084	260	34
Any separation	2,407	1,525	2,262	832	2,002	798	260	34
Involuntary separation	257	340	251	285	251	285		
Without vesting	3,933	4,537	3,121	1,810	1,406	1,256	1,715	555
			MULTIEMPLOYER					
All plans [1]			1,644	5,550	1,233	4,083	411	1,467
With vesting			832	2,823	678	2,601	154	223
Deferred full			681	2,075	579	1,939	102	136
Any separations			648	1,771	557	1,654	91	118
Involuntary separation			33	304	22	286	11	18
Deferred graded			151	748	99	661	52	87
Any separation			145	693	94	636	51	57
Involuntary separation			6	55	5	25	1	30
Without vesting			812	2,727	555	1,482	257	1,244

[1] Data relate only to those private pension plans covering more than 25 participants for which the plan administrator filed a report with the Department of Labor's Labor-Management Services Administration. Plans providing noncomputable retirement benefits (such as profit sharing plans) were excluded from all studies. The active worker count in each study is for a period about 2 years earlier than the study's reference date. The totals presented here for 1969 include 529 plans covering 92,332 workers, for which complete information was not available in the Department's files at the time the study was conducted; all subsequent data for 1969 exclude these plans.

TABLE 6.—SELECTED CHARACTERISTICS OF PRIVATE PENSION PLANS WITH EARLY RETIREMENT PROVISIONS, 1969

[Workers in thousands]

Characteristic	Number		Percent			
	Plans	Workers	Plans		Workers	
All plans [1]	16,874	19,419	100	....	100	....
Plans with early retirement provisions	14,270	16,979	85	100	87	100
Single employer plans	13,037	12,897	77	91	66	76
Noncontributory	9,003	9,579	53	63	49	56
Contributory	4,034	3,317	74	28	17	20
Permitting early retirement:						
Solely at employee's option	7,597	9,139	45	53	47	54
With employer's constent	5,440	3,757	32	38	19	22
Multiemployer plans	1,233	4,083	7	9	21	24
Noncontributory	1,009	3,870	6	7	20	23
Contributory	224	213	1	2	1	1
Permitting early retirement:						
Solely at employee's option	1,122	3,937	6	8	20	23
With employer's consent	111	146	1	1	1	1
Plans without early retirement provisions	2,604	2,440	15	....	13	....

[1] Data relate only to those private penion plans covering more than 25 participants for which the plan administrator filed a report with the Department of Labor's Labor-Management Services Administration. Plans providing noncomputable retirement benefits (such as profit sharing plans) were excluded from all studies. The active worker count in each study is for a period about 2 years earlier than the study's reference date. The totals presented here for 1969 include 529 plans covering 92,332 workers, for which complete information was not available in the Department's files at the time the study was conducted; all subsequent data for 1969 exclude these plans.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONDITIONS IN VETERANS' ADMINISTRATION HOSPITALS

Mr. BYRD of Virginia. Mr. President, I was concerned when I read the Life magazine article of May 22, 1970, entitled "From Vietnam to a VA Hospital—Assignment of Neglect," describing or purporting to describe conditions in the veterans' hospitals of our Nation.

In order to obtain additional facts and information on this subject, I addressed a communication to the Administrator Donald E. Johnson. I ask unanimous consent that his response to my inquiry be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JUNE 10, 1970.

Hon. HARRY F. BYRD, JR.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BYRD: Thank you for your inquiry requesting my views on the Life Magazine article of May 22, 1970.

From the obviously contrived cover page and the many staged hospital photographs right down to every biting word of narrative, the Life article gives a totally distorted picture of the VA medical program.

Life describes the VA medical program as the largest in the world, and yet in not one picture or one word of the text did the magazine find a good word to say about this vast health complex that is ably serving more sick and disabled veterans than ever before in history.

Everything in the article seems arranged to heighten Life's theme of "From Vietnam to a VA Hospital—Assignment to Neglect," including the cover of the magazine. The designed contrast in the two photographs on the cover should be evident to every reader.

The top photo on the cover—*in bright color*—shows happy and smiling servicemen during a moment of respite on the Cambodian front. The lower photo—*an unlighted study in plain black and white*—shows a single veteran posed in an attitude of dejection. Aside from the obvious color and lighting contrasts, neither picture is at all typical. Certainly not all of our boys fighting in Cambodia are happy and smiling, and I can say with even more assurance that not all VA patients—including the one on the cover—are in a perpetual state of dejection.

The same unsmiling patient is pictured in the first photograph in the article itself. Life says he "waits helplessly to be dried." These patients are not left unattended in the shower room. Actually, hospital attendants help bathe these paralyzed patients, and then dry them immediately. In this instance, the busy attendant was asked to step aside while the "wait helplessly" picture was taken.

When we first saw the Life article it was noticeable that in only two of the 10 photographs of the Bronx VA Hospital were any VA hospital employees clearly visible. This seemed strange considering that the hospital is served by more than 1,600 VA employees as well as hundreds of helpful volunteers. Then we learned that employees were asked to stand outside camera range—apparently to heighten the impression of patient neglect.

Our official investigation at the Bronx hospital resulted in many sworn affidavits volunteered by reliable eyewitnesses telling in detail how this and other Life photographs were posed or staged.

Although Life officials deny any staging or posing of pictures, it is interesting to note that the veteran-patient featured in most of the Life pictures has, according to the New York Sunday News, admitted that some photographs were indeed posed or exaggerated.

We take issue not only with the photographs that appeared in Life, but also with the selection of the photographs finally used.

For instance, Life staffers visited the Washington, D.C. VA Hospital on three separate occasions, talked freely to many patients, including severely disabled Vietnam veterans, and shot scores of photographs. Many of the pictures centered around the hospital routine of a 22-year-old Vietnam amputee.

This young man told the Life reporter he thought his VA treatment was good—much better, in fact, than the military hospital from which he transferred. Other Vietnam veterans made similar comments. Yet, none of these veterans who praised VA care rated one word or one picture in the final article.

The truth is that each month VA hospitals receive literally hundreds of unsolicited letters from veterans and their loved ones expressing gratitude for the excellent VA care these veterans received.

We take exception to much of the text of the Life article as well as the misleading pictures. For example, there has never been a single verifiable report of a rat ever having been seen in the hospital. And most certainly the VA hospital system is not a "medical slum" as branded by Life.

Offended by the Life article and other recent media attacks on the VA medical program, the Council of Deans of the American Association of Medical Colleges at a recent meeting unanimously went on record in two particulars.

First, the Council, composed of the Deans of 101 medical schools in America that set the pace for the very best there is in medicine, condemned—as completely unjustified—what the body referred to as intemperate and inaccurate attacks on the VA program. The distinguished Council then reaffirmed its complete confidence in the continuing ability of VA hospitals to render high quality medical care.

XUM

The Life reporter held a nearly 90-minute interview with me in my capacity as head of the VA. What survived of this in-depth interview was a single sentence in the final article, and even this one sentence was belittled by Life in the very next line of the article.

Here are just a few of the VA facts about the so-called "medical slum" given the reporter, all of which were totally ignored in Life's final summation:

The highest medical evaluation board in the land is the Joint Commission on Hospital Accreditation. Sponsoring the commission are the American Medical Association, the American Hospital Association, the American College of Physicians, and the American College of Surgeons. All of VA's 166 hospitals are fully accredited by this commission.

(Had the Life reporter bothered to inquire at the Bronx VA Hospital, he would have learned that the Joint Commission made its periodic inspection of this hospital just last December. The commission's January 10, 1970, report on the hospital said, "The medical staff and administration are commended for the evidence shown of continued high quality care given to the patients in this facility." The Bronx accreditation was renewed without reservation.)

VA hospital staffs include many of the real experts in American medicine. More than 2,200 of VA's 5,100 doctors are board certified specialists as the result of three to five years of extra medical training.

VA hospitals are now funded at the highest level in history. The basic medical care budget for Fiscal Year 1970 was a record $1,541,701,000. President Nixon has asked Congress for $210,000,000 more than even this record sum for Fiscal Year 1971, which starts July 1, 1970. The extra money for the new fiscal year will permit the hiring of 5,700 more medical employees, bringing the agency to an all-time high employment peak.

The real tragedy of the Life article is not the erroneous impression left in the mind of its millions of readers, but the fact it does great damage to the very program it says it is trying to strengthen.

The article has been demoralizing to the many thousands of dedicated hospital employees whose sole mission is to serve sick and disabled veterans. It will make even more difficult the recruitment of scarce-category health field employees needed to take care of these veterans. As a result of the article, we have noted real apprehension among young Vietnam veterans destined for transfer from military hospitals to VA installations—an alarm that is needless and totally unfair to these men, for VA will give them the best of care.

By constantly preaching the theme of neglect, the article is also a reflection on the wonderful citizen-volunteers who regularly visit and help veterans in every VA hospital across the land. There are more than 100,000 of these volunteers who give in excess of nine-million hours of their time each year to bring a touch of home into our hospitals.

I trust that these comments will assure you in regard to the Life article. I want to assure you, too, that our medical personnel will continue to provide the best possible medical care, for our hospital staffs feel just as I do that we are privileged to serve America's finest citizens—our veterans.

Sincerely,

DONALD E. JOHNSON,
Administrator.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order Nos. 922 and 923.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE FORD'S THEATRE NATIONAL HISTORICAL SITE

The bill (H.R. 12860) to establish the Ford's Theatre National Historical Site, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–921), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of H.R. 12860 is to designate Ford's Theatre, the Lincoln Museum, and the House Where Lincoln Died as the Ford's Theatre National Historic Site, and to add to that complex the property and building adjacent to the Theatre known as 517 Tenth Street NW. Hearings were held by the Parks and Recreation Subcommittee on S. 2613, a companion measure, sponsored by Senators Young of North Dakota and Jackson.

BACKGROUND AND NEED

Ford's Theatre is one of the famous, historic structures in Washington, D.C. Constructed in 1863, it was considered one of the finest theaters of its day; however, its fame today evolves not from its contributions to the performing arts, but from the tragedy which occurred there on April 14, 1865. It was there—on that day—that Abraham Lincoln was shot, and it was from there that he was carried to the Peterson House where he died.

Both the theater and the House Where Lincoln Died have been Government properties for many years—in fact Ford's Theatre was acquired in 1866. In more recent times, they have been administered by the National Park Service as a part of the National Capital Park System. The theater has now been restored to its appearance on the night of the assassination and it is a major visitor attraction in the city. It serves a dual function:

First, it houses the Lincoln Museum containing many priceless artifacts and memorabilia associated with his era; and

Second, it has been converted into a living history exhibit which accommodates live theater performances.

The historical importance of the events which took place in this area, the authenticity of the restoration effort, and the demonstrated attractiveness of the buildings to the visiting public merit its designation as a national historic site. Few places in the Nation have set the scene for events which so dramatically affected the course of the history of this country.

Since the restoration of the theater a few years ago, visitations have increased rapidly. In 1969, the committee was told, visitations totaled 424,000, but tours of the building during periods of heavy use are made difficult because of restricted access. There are three front doors to the theater which must serve both as points of ingress and egress so that an efficient traffic pattern cannot be developed.

This problem can be resolved if the property adjacent to the theater on the north is purchased and used to help accommodate the flow of visitors. In addition, the installation of emergency exists through that building will make the theater safer for the visiting public.

The property and the building can help to assure the safety of the visiting public, to protect the Federal investment in the restored theater, and to provide needed space for administrative offices and theater-related support facilities. All of these factors argue most persuasively for the purchase of the property.

Title to the property involved is presently held by the Jackson Hole Preserve, Inc. It was purchased in December 1967, at the request of the National Park Service because it viewed the property to be essential to the effective use of the theater. The Park Service recognized that the structure is a potential fire hazard to the restored theater and it was also concerned that the property might be converted into an enterprise adverse to the historic preservation effort. Since the National Park Service was not in position to acquire the property, the present owner purchased it as a "holding action" to halt the rapid price escalation of the property in order to preserve the opportunity for the Government to buy it. Because of his willingness on the part of Jackson Hole Preserve, Inc., to invest in the property, the Government may still acquire the property at the December 1967 price, but congressional authorization is required before the National Park Service can formalize its agreement with the owner and take title to the property at the price agreed upon.

THE MOUNT BALDY WILDERNESS, THE PINE MOUNTAIN WILDERNESS, AND THE SYCAMORE CANYON WILDERNESS

The bill (S. 710) to designate the Mount Baldy Wilderness, the Pine Mountain Wilderness, and the Sycamore Canyon Wilderness within certain national forests in the State of Arizona was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 710

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with subsection 3(b) of the Wilderness Act of September 3, 1964 (78 Stat. 891), the areas classified as the Mount Baldy Primitive Area, the Pine Mountain Primitive Area, and the Sycamore Canyon Primitive Area, with the proposed additions thereto and deletions therefrom, as generally depicted on maps entitled "Proposed Mount Baldy Wilderness", "Proposed Pine Mountain Wilderness", and "Proposed Sycamore Canyon Wilderness", dated respectively April 1, 1966, April 1, 1966, and April 15, 1966, which are on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture, are hereby designated the Mount Baldy Wilderness within and as a part of the Apache National Forest, comprising an area of approximately seven thousand acres, the Pine Mountain Wilderness within and as a part of the Prescott and Tonto National Forests, comprising an area of approximately nineteen thousand five hundred acres, and the Sycamore Canyon Wilderness within and as a part of the Coconino, Kaibab, and Prescott National Forests, comprising an area of approximately forty-six thousand five hundred acres.

SEC. 2. As soon as practicable after the Act takes effect, the Secretary of Agriculture shall file a map and legal description of each wilderness designated by section 1 of this Act with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such descriptions shall have the same force and effect as if included in this Act: *Provided, however,* That corrections of clerical and typographical errors in such legal descriptions and maps may be made.

SEC. 3. The areas designated as wilderness by section 1 of this Act shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

SEC. 4. The previous classifications of the Mount Baldy Primitive Area, the Pine Mountain Primitive Area, and the Sycamore Canyon Primitive Area are hereby abolished.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-922), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

This bill, S. 710, would designate areas in three national forest primitive areas as part of the national wilderness preservation system, in accordance with the provisions of the Wilderness Act of September 3, 1964 (78 Stat. 890).

DESCRIPTION

The proposed Mount Baldy Wilderness would include most of the Mount Baldy Prmitive Area, and 335 acres of contiguous national forest land for a total of 6,975 acres. Area lies about 225 miles northeast of Phoenix. No mineral deposits of commercial importance. Elevation 9,000 to 11,500 feet, with heavy stands of spruce, Douglass fir, white fir, and Ponderosa pine. Headwaters of the east and west forks of the Little Colorado River.

An area of 7,400 acres adjacent to the proposed Mount Baldy Wilderness on the Fort Apache Indian Reservation has been designated as a primitive area by the White Mountain Apache Tribal Council (Resolution No. 66-20, January 13, 1966). This area, in accordance with the resolution, will be preserved in a virgin state for a period of 5 years. After the 5-year period ending December 31, 1970, the tribal council will review the area again, and make a further determination on the desirability of retaining the primitive area status.

The proposed Pine Mountain Wilderness would encompass 19,569 acres, including most of the Pine Mountain Primitive Area and some contiguous national forest lands. There is no mining production and no known deposits which could be mined profitably. Located near the center of Arizona, the area is generally rugged and mountainous, and ranged by Elk, antelope, desert bighorn sheep and mountain lion, with fishing for black bass and rainbow trout. During hearings on S. 710, the Forest Service was asked to provide additional data regarding water yield improvement opportunities within the proposed wilderness as it might affect the Maricopa Water Conservation District. This was subsequently provided, indicating that the proposed wilderness would include only 2.6 percent of the district's watershed, that conversion for water yield would contribute only 185 acre-feet per year, and that conversion outside the wilderness would be more favorable.

S. 710 would add 46,500 acres of the Sycamore Canyon Primitive Area in the Coconino, Kaibab, and Prescott National Forests in Arizona to the wilderness system. The area is located 20 miles southwest of Flagstaff.

No minerals are known to occur within the boundaries that could be mined economically, nor is there any evidence of oil or gas.

This is a deep and colorful gorge in the Colorado Plateau. Elevations range from 7,000 feet on the highest part of the canyon rim to 3,600 feet on Sycamore Creek, 2 miles north of the Verde River. Geologic forces that carved the canyon left massive formations of red and white sedimentary rock.

Mr. MANSFIELD. Mr. President, that concludes the call of the calendar. I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

Mr. BYRD of Virginia. Mr. President, it seems unclear at this point just when a vote will occur on the motion to strike section 5 of H.R. 15628, the bill to amend the Foreign Military Sales Act. The Senator from Virginia has commitments elsewhere.

It may not be possible for the Senator from Virginia to be in the Senate this afternoon.

I hope I will be able to be present for this vote; but if I am not present, it will be because I have been unavoidably detained.

I should like the RECORD to show that were I present and voting, I would vote in opposition to striking section 5 from the bill. I favor leaving section 5 in the bill.

I hope to be present to vote to that effect; but if I am not here because of being unavoidably detained, I should like the RECORD to show that I am in opposition to striking section 5.

ORDER OF BUSINESS

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER** (Mr. PACKWOOD). Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time be extended briefly for the laying down of the unfinished business.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the executive calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The **ACTING PRESIDENT** pro tempore (Mr. METCALF). The nominations on the executive calendar will be stated.

NATIONAL SCIENCE FOUNDATION

The bill clerk proceeded to read sundry nominations in the National Science Foundation.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The **ACTING PRESIDENT** pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, the confirmation of the four Assistant Directors to the National Science Foundation is a most significant event. These posts have been unfilled for too long; the positions were created last year. I have confidence in the caliber of the appointments and hope that the effort to make the National Science Foundation the Government agency with the primary responsibility for this Government's science policy can move swiftly ahead.

I believe that the movement of resources for the conduct of basic research to the civilian agencies is a most healthy development. I have a growing confidence that the National Science Foundation will be equipped to channel the resources responsibility to the Academic research community.

It is my hope that the research community will establish a growing confidence in NSF, a confidence that funds will be available through that agency similar to the past attitude toward the Department of Defense.

The attitude in Congress is rapidly changing—the resources are being transferred to civilian sponsorship. The primary responsibility and the most significant resource should be with the National Science Foundation. This year, for the first year, the National Science Foundation has been given a larger role than the Department of Defense in sponsoring basic research.

This change in role should be continued. The academic community should become aware that Congress is going to rely more heavily on NSF—to make it the primary channel of Federal resources to sponsor basic science.

These new assistant directors should assist Mr. McElroy in carrying out the responsibilities of leadership for the government science policy; I commend the quality of these appointments.

XUM

U.S. AIR FORCE

The bill clerk read the nomination of Brig. Gen. Frank A. Bailey, Arkansas Air National Guard, for appointment as a Reserve commissioned officer in the U.S. Air Force, in the grade of major general.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

U.S. ARMY

The bill clerk proceeded to read sundry nominations in the U.S. Army.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

U.S. NAVY

The bill clerk read the nomination of Adm. Ignatius J. Galantin, U.S. Navy, for appointment to the grade of Admiral, when retired.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

NOMINATIONS PLACED ON THE SECRETARY'S DESK—IN THE PUBLIC HEALTH SERVICE, AND IN THE ARMY

The bill clerk proceeded to read sundry nominations in the Public Health Service, and in the Army, which had been placed on the Secretary's desk.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The ACTING PRESIDENT pro tempore. The clerk will state the unfinished business.

The LEGISLATIVE CLERK. H.R. 15628, to amend the Foreign Military Sales Act.

The Senate resumed the consideration of the bill.

The ACTING PRESIDENT pro tempore. The time is now limited to 1 hour, to be divided equally between the Senator from Delaware (Mr. WILLIAMS) and the majority leader.

Mr. WILLIAMS of Delaware. Mr. President, I yield myself 10 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Delaware is recognized for 10 minutes.

Mr. WILLIAMS of Delaware. Mr. President, my amendment now pending would strike from the bill sections 2, 3, 4, and 5.

As agreed on yesterday, the amendment has been divided into two sections, to vote on the first section, striking sections 2, 3, and 4; and then to vote on the second section, to strike section 5.

I shall discuss the first part of the amendment, to strike section 2, 3, and 4.

The bill would authorize an appropriation of $250 million for each of the fiscal years 1970 and 1971 to be used for the sale of arms. At the same time it sets a ceiling on credit sales of military weapons of $300 million for each of the fiscal years 1970 and 1971.

Thus, we are dealing with the question of a $250 million authorization and credit sales of not to exceed $300 million.

Let me make it clear that my amendment does not affect the basic Military Sales Act. That would be left intact. It is the authorization bill. I am not offering this as a proposal that would indicate this money will all be saved and that the sales would not be made.

Theoretically, the same amount of sales could be made even if the sections were deleted. The only difference is that under the basic law the President would send to the Congress his request for arms for country A, B, or C, and we would approve or disapprove it as a line item, just as we now approve line items in appropriations for any other project in this country, whether it be a public building in my State, a dam in the Midwest, or dredging a river in a certain State. If my amendment is adopted all future arms sales will be approved as a line item for country X, say, whether it be planes, tanks, or whatever. It could be that Congress itself, if it wanted to initiate the action, could put in a line item for an appropriation for country A, B, or C.

This does not bypass the Appropriations Committee. I have made this suggestion in earlier administrations. It has always been my position that Congress should exercise a greater role in determining to what extent and to whom we sell our arms. I have taken that position under preceding administrations, and I still think it should be the policy under this administration also.

There has been much said about the President usurping the powers of Congress. As I pointed out in debate the other day, neither President Nixon nor preceding Presidents have usurped the powers of Congress. That argument has only been an excuse for those who wished to criticize or second-guess his decisions. Presidents have only exercised the powers which Congress by its vote had delegated to them.

For example, if we do not delete this section what we will be doing in this bill is delegating to the President of the United States authority to extend credit up to $300 million for military sales anywhere in the world, and the only determination he has to make is whether he decides that sale is in the best interests of the United States. He then has a responsibility at the end of the fiscal year to report back to Congress what he has done. The President has no obligation to report before.

To those Members of Congress who have been criticizing the President for not cooperating with Congress I can only say that they should stop delegating this power if they do not want the President to use it.

I think that Congress should take a greater role concerning where we sell our arms, to whom we sell them, and to what extent we are getting involved in a future war.

These arms are sophisticated weapons in most instances, and when they are sold under this authority the President can send his advisers to these countries to advise them on how these arms are to be used. The next step is sending a few troops to protect the advisers. And then more troops will be sent in to protect those troops. The next thing we know we are involved in a war.

To be frank, that is how we got involved in Vietnam in the first place. And that is the reason why no criticism is made as to the President's exceeding his constitutional right. He got this authority under the power delegated by Congress. He got the power to furnish arms and supplies and to supply advisers and then to send in men to protect the advisers from authority delegated to him by the Congress.

I think it is time for us to exercise a greater role in Congress in determining our foreign policy. If Congress wants to sell the arms or make them available to country X on credit or at a reduced rate then let us vote our approval. We should do it affirmatively, and then if we get involved in a shooting war we have a joint responsibility.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. GOLDWATER. Mr. President, I want to point out something that is rather embarrassing. Because of this lack of congressional control in this general area, we have sold some jet fighters to an Arab state.

We are required to train Arab fighters on this equipment. I do not have the exact equipment, but we are training 28 Arab pilots at Williams Air Force Base in Arizona to fight against our friends in Israel.

I understand there is a total of approximately 250 officers and men from Arab states being instructed in this country in the use of the equipment that we have sold these people.

I thank the Senator for letting me make that statement. I thought that it might aid in the argument.

Mr. WILLIAMS of Delaware. Mr. President, I appreciate the remarks of the Senator from Arizona. In addition, the President under the delegation of his authority could have sent some of our men there and helped further to train and instruct these men in the use of those planes.

The point I am making is that Congress should approve these sales as line items, and if we approve of this type of action we are the ones who have to share the responsibility.

If, however, the Senate decides to delegate this blank authority to the President we should not criticize him and engage in Monday morning quarterbacking.

Mr. GOLDWATER. Mr. President, I am not certain about this, but I believe there is something in the law that requires us to instruct these people. Whether the instruction is given in this country or overseas, I do not think that is particularly relevant.

I would not be surprised to see some of our men carrying on this instruction in what we call enemy countries.

Mr. WILLIAMS of Delaware. Mr. President, I appreciate the remarks of the Senator from Arizona. I am not sure that it is required, but I know that it is permitted and expected. If we sell sophisticated weapons to a country that does not know how to use those weapons we have to furnish instructors to teach them how to use them.

Much has been said in the last few weeks about the President usurping the power of Congress. Here is an opportunity for us to approve this first amendment and retain in Congress the control over the sale of these weapons and have the opportunity to say something in advance.

If the Senate insists upon its right to criticize the President's decisions, then we should be willing to share the responsibility.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. AIKEN. Mr. President, I might suggest another reason why Congress should keep a much closer watch on the sale and distribution of arms to other countries.

This bill was introduced March 25. It was some time in April that officials spoke to me and said that they would like to get the bill passed, because so many countries—and they named them—were waiting to receive supplies and arms from us.

One of those countries is a rather large country in the Western Hemisphere. If the bill had been passed, there would undoubtedly have been a transfer of arms to that government before this time.

Mr. President, it so happens that a couple of weeks ago the government in that country was thrown completely out of office by a bloodless coup and another government installed.

The question arises as to which government we would deliver the arms to.

It so happens that with respect to that particular country, I do not think the nature of the government has changed too much. But it is conceivable that in some countries, as has been stated by the Senator from Arizona, there might be a very radical change in the ideology. I think we should be aware of those situations and be careful.

The **ACTING PRESIDENT** pro tempore. The time of the Senator from Delaware has expired.

Mr. WILLIAMS of Delaware. Mr. President, I yield myself an additional 5 minutes.

The **ACTING PRESIDENT** pro tempore. The Senator from Delaware is recognized for an additional 5 minutes.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. COTTON. Mr. President, I gather that what the amendment of the distinguished Senator from Delaware actually does is simply to change it into an authorization bill and to take from it the element of being an appropriation bill.

Mr. WILLIAMS of Delaware. Technically, that is correct. It leaves the authorization of the main law intact.

Mr. COTTON. Someone might raise the question of whether it was necessary in the interest of these countries throughout the world that we announce publicly to all countries as to which countries were getting arms and how many and how much.

As a matter of fact, under the present system the President has to report to Congress what he has done. And even if they did not find out who some of them were, that would notify the whole world as to whom we were giving arms after we had given them.

Mr. WILLIAMS of Delaware. Mr. President, there is no question about that. In addition to that, we cannot sell a fleet of jets or tanks to a country without its being known because it would be found out when we shipped them. I agree that that cannot be used as an argument against this amendment.

Mr. COTTON. Mr. President, should a situation arise where the interests of this country were deeply involved and there was a real crisis and it was necessary to furnish arms, it would not take very long for the President to ask for an appropriation. In the event of an emergency, Congress could respond. We are in session practically all the time now and it looks like we will always be.

Mr. WILLIAMS of Delaware. The Senator is correct; Congress could respond, and Congress should respond and assume its responsibility.

There are two other laws that deal with the sale of arms. We sell altogether about $2.5 billion worth of arms a year under various acts, and all of these sales are now being made under broad powers delegated to the President by the Congress.

I have felt for a long time that this procedure was wrong. Testimony before the committee confirmed that we could pass the bill as it is presently before the Senate, and assuming that the Cooper-Church amendment is retained, it would mean that the President could sell the arms to any country in the world except Cambodia. He could even sell arms to Red China or to Russia. All he has to do is decide that in his opinion it is in the best interests of the U.S. Government and then report to us at the end of the year on what he has done.

That could be done under powers given to the President by this Senate. And if these amendments now pending are rejected those broad powers will be extended for another year.

Mr. COTTON. Mr. President, if the Senator's amendment is agreed to, that would aid the President in one particular. It would be one less chance for people to talk about the credibility gap and start these rumors that we are secretly giving arms to this country or that. That is correct, too; is it not?

Mr. WILLIAMS of Delaware. The Senator is correct.

Mr. COTTON. There is one additional question which I think is more important, and the only one that would trouble me at all about the Senator's amendment.

This country has citizens with many national backgrounds. These may have intense sympathies.

The fact the President had to come to the Committee on Appropriations and ask for an appropriation to give arms to X country might in some cases cause a disruption and an uproar in our own Nation by those of our people who are sympathetic with that country and those who may be unsympathetic with that country.

The **ACTING PRESIDENT** pro tempore. The time of the Senator has expired.

Mr. WILLIAMS of Delaware. Mr. President, I yield myself 1 additional minute.

Mr. COTTON. What would the Senator say with respect to that?

Mr. WILLIAMS of Delaware. That is possible. But on the other hand if there is a controversial decision being made why should Congress not take a part in the settlement of that question? Why delegate all that responsibility to the President to make the determination on controversial questions on the premise that then we, as Members of Congress, could go into one part of our State and take the credit and into another part of our States where the decision might be unpopular and say, "Congress did not do it; the President did it; blame him."

This amendment merely means that we would assume our responsibility in Congress.

Mr. **COTTON**. I thank the Senator. I supported the President yesterday.

The **ACTING PRESIDENT** pro tempore. The time of the Senator has expired.

Mr. **WILLIAMS** of Delaware. I yield myself 1 additional minute.

Mr. **COTTON**. I do not intend to vote for any amendment to hamstring or harass the President. That was the reason for my vote yesterday. But in this case, as a member of the Committee on Appropriations who views with some alarm all this bypassing of the committee, I do not think this is in any way a slap at the President. The Senator has convinced me he has a meritorious case, and I shall vote for his proposal.

Mr. **WILLIAMS** of Delaware. I thank the Senator. Certainly this is not a slap at the President, quite the contrary. I have taken this position consistently over the years with other Presidents. This would not restrict his authority; it would merely mean that Congress would assume some of the responsibility.

Mr. President, I reserve the remainder of my time.

The **ACTING PRESIDENT** pro tempore. Who yields time?

Mr. **CHURCH**. Mr. President, I yield myself such time as I may require.

The **ACTING PRESIDENT** pro tempore. The Senator from Idaho is recognized.

Mr. **CHURCH**. Mr. President, I find myself in a somewhat ambivalent position concerning the first part of the amendment offered by the senior Senator from Delaware. As one who has worked for many years to curtail the world arms race, and the part our own Government plays in fostering that race, I would find the amendment very attractive if I thought it would cut down on our traffic in arms. But as floor manager of this bill, I feel bound to support the committee's position which is embodied in the credit sales authorization that his amendment would strike.

Furthermore, I am very wary of eliminating the authorization ceiling that this bill contains. That would be the effect of agreeing to the amendment of the Senator from Delaware. We would go into a Senate-House conference with a bill without ceilings, and I think it would be most unfortunate if we were to emerge from such a conference with legislation that was open ended, thereby transferring the entire responsibility for determining the size of future programs to the Committee on Appropriations alone.

I think that while this would be done in the name of giving Congress greater control, in effect it might reduce the effective control Congress can exercise in the future on the scope of the arms ceiling and credit program.

I also wish to remind Senators that in the early days of this debate, on May 14, the Senate, in adopting the first two committee amendments, by votes of 70 to 3 and 64 to 7, approved the committee's recommended authorizations for the Army sales program. The Senator from Delaware's amendment would reverse those actions.

Now let me say a few words about the basic problem toward which the Senator's amendment is directed. For a number of years many members of the Foreign Relations Committee have tried, with limited success, to reduce the size and scope of our Nation's arms sales and giveaway programs. We have discovered, however, that when we get restrictions put on one program the bureaucrats, with a vested interest in perpetuating the role of the United States as the world's leading arms merchant, find some way around them. Last year, for example, the committee was told that the Defense Department planned to give away $80 million in surplus arms and equipment, but they now expect to give away about $550 million worth—a C-5A size overrun. It was admitted by executive branch witnesses before the committee that the reason for the vast discrepancy between what the Congress was told would be done, and what was actually done, was because the Congress kept cutting down on military grant aid. It did not seem to bother the Defense Department that they were making an end run around the Congress and, consequently, in effect undermining the effort Congress had made in proposing limitations on the grant-aid program by using surplus arms to do what the executive intended to do all along, so that the limitations that had been written into law were simply ignored.

A more recent example of the executive branch's disregard for the intent of Congress is the charade used in filling the requirements of the law relating to giving military aid to Cambodia. The required Presidential findings and determinations were signed 1 month after the shipments of arms began. And, in an attempt to provide an aura of legality, were made retroactive to the date the shipments began. It appears that only some weeks after the decision was made to give arms was any attention given to meeting the restrictions imposed by Congress.

These two examples illustrate why the Congress must write additional and more restrictive provisions to govern the military aid and sales programs. The committee made a good start, I believe, in writing in provisions limiting the excess arms program and requiring partial payment in foreign currencies for military grant aid. Next year, when the committee plans to review in depth the entire foreign aid and the military sales programs, there will be an opportunity for a complete rewriting of the applicable laws.

I am certainly sympathetic to the basic objective of the first part of the Senator's amendment but I do not believe that the adoption of it is the best way to achieve that objective. I can assure the Senator that the committee will give thorough study to his suggestions in connection with its review next year of the military grant aid and sales programs. I am confident that this review will result in some much needed improvements in these programs.

On this basis, I must ask that the amendment be rejected.

Mr. **JAVITS**. Mr. President, will the Senator yield to me for 5 minutes?

Mr. **CHURCH**. I am happy to yield to the Senator from New York for 5 minutes.

Mr. **JAVITS**. Mr. President, I would like to join the Senator from Idaho (Mr. CHURCH) in this matter and identify myself with the views he has expressed.

I shall deal only with another problem which seems to me to be decisive in this matter and that is where we stand now. Today is the 12th of June and the authorizations which we are talking about here bring us up against very short deadlines in terms of fiscal 1970, with a very incendiary situation in the world.

We know, generally speaking, the countries which will be permitted to buy arms on credit, and I am at liberty, because I checked it this morning, to state the principal countries. They are not necessarily in the order of the amounts they will share, but they are identified as principal recipients and beneficiaries. They are Israel, Turkey, Iran, and the Republic of China.

In the case of the Middle East, where most of this money will go, in terms of credit sales—we are not dealing with any giveaway propositions here, but we are dealing solely with the extension of credit—there is, right this minute, the most incendiary conflagration imaginable. While I sympathize with my colleagues' attitude on South Vietnam, where the pattern has been arms, advisers, combat troops, this does not necessarily have to be the case if we assert our authority. It is only the abdication of our authority which has brought us to this pass, and that abdication has continued for about 31 years, ever since 1939. We have yielded because we apparently shrank from making the decisions ourselves. The decisions were left to the President in the warmaking activities which are not based on a declaration of war.

But to deprive ourselves of authority and power in the world necessary to our own security and defense which inheres in arms supply, standing alone, seems to me to give us more, rather than less, exposure to the danger of war. It has never been our policy, and I do not think it should be our policy. I think we should be very aware of the fact that we should not allow arms to be the first step tantamount to a state of war, but we should use management, intelligence, prudence, and foresight. It should not cause us to be children and simply cut off the effectiveness of our policy which can inhere in furnishing arms, where it is desirable and appropriate to do so, rather than furnishing American troops, an umbrella, and a commitment. I think we are adult enough to deal with the emoluments of power in the legislative as well as the executive.

My objection to the proposal of the Senator from Delaware with which, like the Senator from Idaho (Mr. CHURCH), I have great sympathy, is the timing.

We know very well some of the things we have been called upon to do under this measure, under credit sales, are urgent, absolutely requisite, right now. The Senator from Delaware is right about the fact that we should have a line item and we should be permitted to decide whether we should or should not allow credit sales to Israel, or the Republic of China, or Iran, or any other country; but sometimes we are in a situation where, because of the elapsing of time and the confluence of historic events, we cannot have that privilege at that particular minute. So our problem, if we put it to the Senate only as a major debate problem, is that, if we act as the Senator from Delaware wishes us to do, it will seriously inhibit American policy in the attempt to exercise ways and policies at a particular moment.

Therefore, I hope we go along with this particular provision, which is not so overwhelming in terms of money as to commit ourselves unduly, and then, as the Senator from Idaho has suggested, resolve the matter in a very fundamental way when the foreign aid bill comes before us.

Mr. WILLIAMS of Delaware. Mr. President, I yield myself 3 minutes.

Mr. President, I appreciate the position of the Senator from New York and can understand his concern. I do feel, however, very strongly that we can and should take action on these various proposals as the need arises, and we can do it promptly.

The case of Israel was mentioned. We have known about that Mideast conflict for several weeks. There has been plenty of time to act.

The Senator from Idaho mentioned one item of $80 million in surplus arms that were to be given away. It later developed that they will actually give away some $550 million. Those arms were given away under powers delegated by the Congress to the President. He had the right to take that action.

Senators who vote for this broad delegation of power forfeit their right to criticize the President's decisions.

Under the Foreign Assistance Act, Congress delegated to the President the right to give away surplus arms. One of the proposals presented last year was that we would give $341,000 worth of military equipment to Taiwan, or the Republic of China. Later we found that, not $341,000 worth of military equipment, but $143 million worth was given to that country.

I do not criticize the President for making that determination. Congress by its vote last year gave the President the authority to make that decision as to what he thought was in the best interest of our country. I do not think any Member of Congress who voted for that delegation of authority should try to second-guess the President now and say, "You made a mistake."

I can understand the position of those who feel that all this authority should be delegated to the President. But if we are going to delegate it to him let us stop this Monday morning quarterbacking about how he has used it. My proposal is that we should not delegate this broad authority. Congress has some responsibility, and I think we should exercise it.

Just for a moment, I mention this question of arms for Cambodia: The Secretary of State did come before the Committee on Foreign Relations. I believe it was the Monday before he made his speech on Thursday. The Senate was consulted in advance of his decision on Cambodia.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WILLIAMS of Delaware. I yield myself 3 additional minutes.

Secretary Rogers came to the Committee on Foreign Relations and asked our opinion on whether or not we should grant or approve this request from Cambodia for large shipments of arms.

The committee, by a substantial majority, recommended against that, because we felt that if we were to furnish those arms we would have to send in advisers, then we would have to send in men to protect the advisers, and we were afraid we would get involved in another Vietnam. The administration rejected that particular approach.

The point I make is this: The President did consult with Congress about the advisability of complying with this request for arms by Cambodia a couple of months ago, but he did not have to consult with us. He could, under authority Congress gave to him last year when we approved the foreign aid bill, have approved supplying $100 or $200 million worth of arms for Cambodia if he had so desired. So President Nixon really went out of his way, far beyond that which was required by law, when he consulted with Congress and obtained the opinion of the Foreign Relations Committee in advance of his decision on arms aid to Cambodia.

I am glad that he did, but I point out that those who insist on criticizing the President for making decisions in these various areas should either stop delegating authority or stop criticizing. I do not think we can retain for ourselves a position of being Monday morning quarterbacks, where we can take the credit if it works out well or blame the President if it works out badly.

I appreciate the position of the Senator from Idaho. He has been very fair. I do not think we differ greatly in our basic objectives, but I do feel we should retain the responsibility right here in Congress. Let the Congress approve these items as line items, one by one, for the respective countries.

With that thought, Mr. President, I am ready to vote.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. WILLIAMS of Delaware. Mr. President, I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

Mr. MANSFIELD. With the time to be taken out of both sides.

The ACTING PRESIDENT pro tempore. The time for the quorum call will be taken equally from both sides.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WILLIAMS of Delaware. Mr. President, I ask for the yeas and nays on the second part of the amendment.

Mr. JAVITS. That is on section 5?

Mr. WILLIAMS of Delaware. On section 5.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. CHURCH. Mr. President, I yield myself such time as I may require, and I intend to be brief.

The ACTING PRESIDENT pro tempore. The Senate will be in order.

Mr. CHURCH. Mr. President, I simply want to point out to the Senate that the bill as reported by the committee does undertake to plug the loophole through which the executive branch has been enabled to ignore the efforts of Congress in the past to impose overall limitations upon the size of this program.

In the past, for example, the executive branch has been free to simply declare weapons in our own arsenal surplus, and then transfer those weapons—after reconditioning them—to such foreign governments and in such quantities as the executive branch may decide.

It was never intended for this provision in the law to be used to circumvent the intent of Congress. But that, in truth, is how this provision in the law has come to be misused. Therefore, this bill plugs that loophole by providing that no more than $35 million worth of weapons can be transferred as surplus, and that any further transfers above that level would be charged against the authorization in the military aid program—that is, the military aid part of the foreign aid program.

Furthermore, the bill contains a provision that in appraising the value of the equipment that is designated as surplus, the value of such equipment may not go below 50 percent of the original acquisition cost. In these two ways, we are attempting, by means of the committee bill, to plug this loophole which has enabled the Pentagon simply to disregard the effort of Congress, through the years, to limit the size of the overall program.

I think we have made a good start. Although I sympathize greatly with the viewpoint of the Senator from Delaware, I do think that the better procedure is to proceed with the bill as reported by the committee, thereby rejecting the amendment offered by the Senator from Delaware. Then, next year, the committee, in a very thoroughgoing review of the entire program, would be able to approach both the foreign military sales program and the legislative question in an orderly and proper way.

On that basis, Mr. President, I urge that the Senate reject the amendment.

The **ACTING PRESIDENT** pro tempore. Who yields time?

Mr. PELL. Mr. President, I should like to address a question to the Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, how much time do I have remaining?

The **ACTING PRESIDENT** pro tempore. The Senator has 6 minutes remaining.

Mr. WILLIAMS of Delaware. I shall yield 3 minutes to the Senator from Rhode Island, but first I should like to comment on the remarks of the Senator from Idaho as to this bill's closing certain loopholes. That statement is correct. I supported those sections—8, 9, and 10—they will not be affected by the adoption of this amendment. I supported the Senator in the committee and support him now, and I would support the retention of those sections, regardless of the outcome of this vote.

Mr. CHURCH. The Senator is correct.

Mr. WILLIAMS of Delaware. I yield to the Senator from Rhode Island.

Mr. PELL. Just one or two points, to clarify my own thinking.

Would it not be correct to say that if we wish to give airplanes to Israel—and I am one of those who believe very strongly in the necessity of supporting that country—the sentiment in favor of that move is probably stronger on Capitol Hill than in the executive branch?

Mr. WILLIAMS of Delaware. I do not know about that; but regardless of that, if weapons are to be made available to country A, B, or C, Congress should vote, conceivably the administration could veto our decision, but at the same time we could override their veto if the Senate so desired.

I am not trying to pass on the merits or demerits of whether country A, B, or C should or should not get the weapons, but I think it would be better for Congress to pass on them. The Senator, I think, will concur in this, because last year he offered one amendment that blocked aid to a certain country. We did it negatively rather than affirmatively. I think it would be better to act affirmatively for country A, B, or C, than to give blanket authority to the President and start negatively saying that countries A, B, and C cannot get aid.

Mr. PELL. I agree with the Senator from Delaware. I think that what is happening here is that Israel, a country for which we have great sympathy, is being used as the vehicle to carry the load of military credit sales to many countries to which I feel such credit sales should not be made. For that reason, I think the Senator's proposal has merit. I believe the giving of credit for arms sales should be done in an affirmative way, and I would tend to support any such measure to help Israel, and hope one would come forward.

Mr. WILLIAMS of Delaware. I thank the Senator.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. GOLDWATER. Mr. President, in this morning's Washington Post is a very interesting column by Joseph Alsop entitled "Mideast Crisis Provokes Only Silence From the Left." Because I think it is apropos of the discussion in which we are engaged, I ask unanimous consent to have the column printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MIDEAST CRISIS PROVOKES ONLY SILENCE FROM THE LEFT

The most bewildering feature of the Middle Eastern crisis is the strange silence on the left. Here is the most dangerous situation that the United States has had to face since the Second World War. Here is the Nixon administration pursuing, at least to date, a policy so limp that it actually increases the danger to Israel.

Here are the liberal Democrats in Congress, with their highly articulate allies, the liberal and leftwing intellectuals, in a perfect fever of rage about Cambodia, which promises to be a brilliantly successful U.S. operation. Yet they have not given the Nixon administration as much as a tap on the wrist where it is most vulnerable, in its management of the Middle Eastern crisis to date.

The contrast is so extraordinary that it cries out for explanation. The only available explanation is not exactly creditable, however, to the liberal and leftwing intellectuals and their heroes in active politics.

With ludicrously premature sighs of relief, this entire, highly influential American group firmly decided, some years ago, that all the problems of the Cold War had ceased to exist—if indeed they had not been imaginary problems in the first instance. The tragic loss of President Kennedy, who never went in for self-delusion, seems to have been the signal for the beginning of this enormous exercise in self-delusion by so many who had admired him.

Thus a new world view began to be promulgated, as unchallengeable doctrine. The view was that all the dangers of history in the later half of the 20th century could be largely blamed on the United States. The whole American effort to maintain a reasonably safe balance of power in the world was seen the exclusive source of all risks and troubles.

This world view leaves no room at all, of course, for an increasingly militarized Soviet Union, bent upon crushing Israel, and by crushing Israel, aiming to gain control of the entire Middle East. The choice has been, therefore, between continuing to peddle the world view above-defined, or publicly swallowing it whole, as a grossly erroneous view, and thereupon facing the terrible new facts.

Vanity, ignorance and arrogance have all combined to prevent the admission of error that is now in order by the liberal and leftwing intellectuals and the liberal Democrats in Congress. So Israel's deadly peril has been all but ignored. Or if not ignored, it has been treated as really no more than Israel deserves. And the Indian war dance about Cambodia has continued, with a rising decibel count.

For the short run, this is quite bad enough. The Nixon administration badly needs to be hammered on its Middle Eastern policy. Otherwise, none of the right things are likely to be done. For the long run, too, the continuing liberal and leftwing exercise in self-delusion is bound to end in disaster for the self-deluders, among others.

The Middle Eastern facts alone are enough to show the threat to the self-deluders. The unprecedented Soviet injection of Russian troops into the Middle Eastern war quite directly menaces Israel's very existence. The design, furthermore, is not just to crush Israel. The design is to exclude any form of power except Soviet power from the Middle East.

Suppose that the Israelis are beaten to their knees or actually destroyed. Suppose that we also experience the immense upset in the entire world balance of power that will result if the Kremlin's Middle Eastern design is successfully carried out. We shall then be doubly haunted, by the ghost of Israel, and by the obvious danger of a third World War caused by the upset in the balance of power.

Can anyone suppose that the self-deluders will not then be rent asunder, in the storm of fury, recrimination, fear and scapegoat-hunting that will follow in this country? The answer is obvious. Yet this is only part of the story, for the Middle Eastern crisis is only part of the danger.

Except for Japan after the rise of the militarists, the Soviet Union today stands alone among major nations in this century. With the exception noted, it is in fact the only major nation that has allowed the uniformed leaders of the armed services to name their own boss, the defense minister.

That grim fact is clearly linked to other facts—the Soviet pilots in Egypt; the invasion of Czechoslovakia; the rising pressure on Romania; the increasing number of divisions deployed along the Sino-Soviet border. The Nixon administration's defense policy, which amounts to shambling disarmament, is therefore as vulnerable as its defense policy.

But on this front, too, the administration is never attacked, except for not disarming fast enough. The truth is that the geese that should sound the alarm on the Capitol have all been taking mind-blowing drugs.

Mr. GOLDWATER. Mr. President, it is rather unusual to find the Senate split, with one group wanting to limit the powers of the President, and when a question comes up whereby they can do it in an intelligent way, they do not want to do it. I think it is a rather strange situation, but it is interesting; and I think that this column by Mr. Alsop will help bring this situation to a head.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

The **ACTING PRESIDENT** pro tempore. The Senator's 3 minutes have expired.

Mr. WILLIAMS of Delaware. Mr. President, how much time do I have remaining?

The **ACTING PRESIDENT** pro tempore. The Senator has 3 minutes.

Mr. WILLIAMS of Delaware. I yield to the Senator from Wyoming.

Mr. HANSEN. I might wish to ask the Senator for some additional time.

Mr. WILLIAMS of Delaware. I yield 3 minutes to the Senator.

Mr. HANSEN. Mr. President, I will vote against this amendment. I will do so because I think it is important that I be consistent. I have opposed the adoption of the Cooper-Church amendment as it applies to Vietnam.

If we are going to be honest with ourselves, if we are going to be consistent, we cannot possible justify saying on one hand to the President of the United States, "We know better how to pursue and prosecute the war than you do, so we are going to tell you how to run it over there, but we are going to give you a blank check to run it your way any other place in the world." It seems to me that those persons who say we will limit and control the President of the United States in his constitutional responsibility as Commander in Chief of the armed services, to say how we are going to continue to fight the war that he did not start in Vietnam, are not being consistent when they turn around and say,

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"But we are not going to apply the same rule any place else in the world, because we have different interests."

I will vote against the Williams amendment because I cannot bring myself to be that dishonest with myself. I think the President should not be limited. I was one who joined in signing the letter urging that planes be made available to Israel. I think they should be made available.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. HANSEN. I yield.

Mr. DOLE. Would it be fair to call this the consistency amendment?

Mr. HANSEN. I certainly will say this: I think the Senator from Delaware is entirely consistent and honest with himself, as he has been for some 24 years, in what he proposes here this morning. The moment of truth is at hand right now.

Let those who say that a constitutional provision, which is exactly what the distinguished senior Senator from Montana said about this argument not many weeks ago—he said it is a constitutional questional question that is being posed—let those who say it is going to apply in that part of the world but does not apply some place else indicate their own justification for taking what I think is a very dichotomous position.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. WILLIAMS of Delaware. I yield back the remainder of my time.

Mr. CHURCH. I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. All time on the amendment has been yielded back. The question is on the adoption of the first part of the amendment No. 666, of the Senator from Delaware. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. AIKEN (after having voted in the affirmative). On this vote I have a pair with the Senator from Washington (Mr. JACKSON). If he were present and voting, he would vote "nay"; if I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. MANSFIELD (after having voted in the affirmative). On this vote I have a pair with the Senator from Rhode Island (Mr. PASTORE). If he were present and voting, he would vote "nay;" if I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. MANSFIELD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from West Virginia (Mr. BYRD), the Senator from Connecticut (Mr. DODD), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Georgia (Mr. RUSSELL), the Senator from Missouri (Mr. SYMINGTON), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I also announce that the Senator from Nevada (Mr. BIBLE), and the Senator from New Jersey (Mr. WILLIAMS) are absent on official business.

I further announce that, if present and voting, the Senator from Texas (Mr. YARBROUGH), and the Senator from North Carolina (Mr. JORDAN) would vote "nay."

Mr. GRIFFIN. I announce that the Senators from Colorado (Mr. ALLOTT and Mr. DOMINICK), the Senator from Tennessee (Mr. BAKER), the Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from Kentucky (Mr. COOPER), the Senator from Arizona (Mr. FANNIN), the Senator from New York (Mr. GOODELL), the Senator from Florida (Mr. GURNEY), the Senator from Nebraska (Mr. HRUSKA), the Senator from Idaho (Mr. JORDAN), the Senator from Vermont (Mr. PROUTY), the Senator from Ohio (Mr. SAXBE), the Senator from Illinios (Mr. SMITH), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Colorado (Mr. ALLOTT), the Senator from Kentucky (Mr. COOPER), the Senator from Utah (Mr. BENNETT), the Senator from Florida (Mr. GURNEY), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) would each vote "nay."

On this vote, the Senator from South Dakota (Mr. MUNDT) is paired with the Senator from New York (Mr. GOODELL). If present and voting, the Senator from South Dakota would vote "yea" and the Senator from New York would vote "nay."

The result was announced—yeas 6, nays 56, as follows:

[No. 155 Leg.]

YEAS—6

Allen
Cotton
Curtis
Goldwater
Pell
Williams, Del.

NAYS—56

Anderson
Boggs
Brooke
Burdick
Byrd, Va.
Cannon
Case
Church
Cook
Cranston
Dole
Eagleton
Eastland
Ellender
Ervin
Fong
Gore
Griffin
Hansen
Harris
Hartke
Hatfield
Holland
Inouye
Javits
Long
Magnuson
Mathias
McCarthy
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Moss
Murphy
Nelson
Packwood
Pearson
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Scott
Smith, Maine
Sparkman
Spong
Stennis
Stevens
Talmadge
Thurmond
Tydings
Young, N. Dak.
Young, Ohio

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—2

Aiken, for.
Mansfield, for.

NOT VOTING—36

Allott
Baker
Bayh
Bellmon
Bennett
Bible
Byrd, W. Va.
Cooper
Dodd
Dominick
Fannin
Fulbright
Goodell
Gravel
Gurney
Hart
Hollings
Hruska
Hughes
Jackson
Jordan, N.C.
Jordan, Idaho
Kennedy
Mondale
Montoya
Mundt
Muskie
Pastore
Prouty
Russell
Saxbe
Smith, Ill.
Symington
Tower
Williams, N.J.
Yarborough

So the first part of amendment No. 666, of Mr. WILLIAMS of Delaware, to strike sections 2, 3, and 4 of the bill, was rejected.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. CHURCH. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. EAGLETON). The question now recurs on the adoption of the second part of the amendment.

Mr. WILLIAMS of Delaware. Mr. President, I think we can vote very quickly on this second part of the amendment. It involves the same arguments that were made for the preceding amendment. However, first I want on behalf of the President of the United States to express his appreciation to the Members of the Senate who today have so overwhelmingly extended their vote of confidence to him and by so doing have said that they think he knows best where military arms sales should be made throughout the world.

I hope that there will not be any future criticism against the decisions that the President makes, because by this rollcall vote—which I certainly accept and respect and which I more or less anticipated—Congress has delegated to the President of the United States the authority to sell or make available to any nation in the world—Red China if he wishes, or even Russia or any other nation in the world—up to $300 million in credit sales of military weapons if he deems it to be in the interest of the U.S. Government. The only requirement is that he report back at the end of the next fiscal year what the sales were and to which country he made the sales.

I certainly made it clear when I offered the amendment that I thought Congress should retain its authority and assume its responsibility on where we make these sales. I have felt very strongly that we should have a greater voice in these policy decisions which may mean war. I took this same position under the preceding Presidents. I still think that Congress should exercise its authority. Nevertheless, I accept the decision of the Senate here this afternoon in deciding that it prefers to delegate this authority to the President.

I am sure that Senators' votes were cast on the basis that Senators feel the President knows best.

I only hope that we will not be confronted with a continuation of this recent example of Monday morning quarterbacking.

The rejection of my amendment here today was such a tremendous vote of confidence in the President that I do not see how Senators can criticize him from here on. Seldom has any President received such a vote of confidence in his conduct of foreign policy; and, just think, his most vocal critics were leading the parade here this afternoon in his support.

Mr. President, as far as the second part of the amendment is concerned, the same arguments made on the first amendment apply. Originally I had offered it as one amendment. However, I recognized that the amendment was subject to a division under the rules of the Senate, and I had promised some of my colleagues that I would ask for a division in the event they were not here and thus protect them.

That has been done. And as far as I am concerned, I am perfectly willing to proceed to a vote on the second half of the amendment and abide by the decision of the Senate.

Mr. JAVITS. Mr. President, I do not believe it is necessary to discuss, with the Senator from Delaware, his conclusions as to whether this represents an overwhelming vote of confidence in the President.

I think that, if this bill is passed, we will have given the President such authority as we feel he ought to have in the circumstances. We have given the executive branch of the Government billions of dollars to spend, including well over $70 billion for defense. So I do not feel that it really has all the broad, deep connotations that my colleague sees in it. However, even if it does, the Senate has made its decision.

I believe the same principle that has been injected, insofar as it has been argued thus far, applies to section 5. I point out that section 5 came to us from the House of Representatives.

The Senate committee might not have felt it necessary to write in any such provision. But it is in. And considering the circumstances and the great danger facing this Nation today, I hope that the Senate will vote overwhelmingly against any amendments—as it has on the previous amendment—proposing any action to strike it out because of the wrong implications that might be drawn from that action.

The Senator from Delaware (Mr. WILLIAMS) is a very distinguished and learned friend indeed. I think so highly of him that I had printed in the RECORD a very flattering article about him from yesterday's Wall Street Journal.

The fact that I do not think he is right about this matter in no way detracts from my very high regard and respect for the Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, we can differ in the Senate and still respect each other's position.

The only point I make is that if arms are to be made available to Israel or to any other country they should be made available as line items in an appropriation bill, letting the Senate vote on the question.

The adoption of the pending amendment merely provides that before military weapons could be made available to any country there would have to be a request made by the President and Congress would have to take action on them as line items in a bill.

Once again I state that I think the Senate has in the past been negligent in meeting its responsibility in helping to determine our foreign policy. I was hopeful that the Senate would retain control of some of these determinations, but apparently the Senate does not wish to accept any responsibility but merely to retain the political right to criticize.

The only way Congress can retain its authority is to exercise and discharge our responsibilities. We cannot do it by delegating our responsibilities. That is the reason for these amendments.

I am willing to abide by the decision of the Senate.

Mr. HANSEN. Mr. President, I have already spoken on the amendment that the Senate just acted upon. However, in order to clarify my thinking and make certain that none of us are laboring under any illusions as to what might be the thrust of the amendment that is pending before the Senate, I would like to read section 5 of the bill which is before us. This amendment would strike section 5 from the bill, if I understand it correctly.

Section 5 reads:

> SEC. 5. It is the sense of Congress that (1) the President should continue to press forward urgently with his efforts to negotiate with the Soviet Union and other powers a limitation on arms shipments to the Middle East, (2) the President should be supported in his position that arms will be made available and credits provided to Israel and other friendly states, to the extent that the President determines such assistance to be needed in order to meet threats to the security and independence of such states, and (3) if the authorization provided in the Foreign Military Sales Act, as amended, should prove to be insufficient to effectuate this stated policy, the President should promptly submit to the Congress requests for an appropriate supplementary authorization and appropriation.

The first question that arises in my mind is that I assume Presidents Eisenhower, Kennedy, Johnson, and Nixon have pursued policies similar to those in Southeast Asia, believing that they were trying to support efforts of friendly nations and friendly countries. It is obvious that some of my colleagues, in fact, a substantial number, do not agree with the assumption I have made in that regard. I think that can rightly be interpreted from the actions we have taken up to date.

But speaking with specific reference to the Middle East, and in order that we know precisely what is intended by the Foreign Military Sales Act now before us, I would like to ask the distinguished senior Senator from Idaho how he regards the nation of Jordan. Would it be one of the other friendly states that is referred to in section 5?

Mr. CHURCH. I would say to the Senator that that determination would be left with the President.

Mr. HANSEN. May I observe I think one of the things before us now is that it certainly is apparent the Senate is not satisfied with determinations that have been made by the President. Is that right?

Mr. CHURCH. I am sorry.

Mr. HANSEN. My question was: If I understood the response of my distinguished friend from Idaho, it was that I was under the impression the Senate was not satisfied with the determination that had been made by the President so far as other friendly nations in other parts of the world go. Am I right about that?

Mr. CHURCH. I would have to disagree with the Senator, if he had reference to yesterday's vote. I mean, there is nothing in the Cooper-Church amendment, if that is his reference, that bases any judgment at all on what the President did with respect to Cambodia.

Mr. HANSEN. No. I thank my good friend. My point is this: As I read section 5, the section which is now being debated, and which may be stricken from the act if the amendment of the distinguished Senator from Delaware should prevail, would have the effect of taking from the President the determination of what countries in the Middle East, at least, are considered to be friendly states. Is that right?

Mr. CHURCH. No. The Senator is not correct in that. The President would still have that power. That is a power he possesses under the Constitution in his executive capacity to direct American foreign policy; and to establish formal relations with foreign governments.

Section 5 is merely a sense of Congress provision that the other body inserted in the bill. It has no effect other than to express the sentiment of Congress. It does not confer power on the President he would not otherwise have. It takes no power from the President that he would otherwise have. It is merely an expression of congressional sentiment.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. CHURCH. I yield to the distinguished majority leader.

Mr. MANSFIELD. The Senator mentioned Jordan. I would assume he could mention Kuwait.

Mr. HANSEN. I intend to.

Mr. MANSFIELD. And he could mention Lebanon.

Mr. HANSEN. I intend to.

Mr. MANSFIELD. And Saudi Arabia and Jordan.

I think they would come under the designation of other friendly states. Our relations with them are friendly. I do not see how they could be excluded. This is not indeterminate. It looks to me as if the language is pretty clear.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr. SPARKMAN. Mr. President, I would like my colleagues on the Committee on Foreign Relations to check me on this statement. This is almost identical language that we have used on different occasions in the foreign aid bill.

Mr. MANSFIELD. That is right.

Mr. SPARKMAN. We have used the same expressions and the same provision. Certainly this language should not be construed as being unfriendly to the President. We have used it several times before.

Mr. HANSEN. I did not mean to imply by any statement I have made so far that there is any desire on my part to read into the actions now before the Senate, some of which have already been taken and some of which are prospective in nature, any personal animosity or unfriendly attitude by any Senator toward the President. But I think I am on fairly firm ground in saying that actions that have been taken by Presidents Eisenhower, Kennedy, Johnson, and now Nixon certainly do express the feeling of this body that these decisions, which we propose to continue to leave to the good judgment of the President, have not entirely squared with our present convictions.

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So I would like to pursue further and get on the RECORD the feeling of the distinguished Senator from Idaho and from any other Senator who wishes to address himself to this question: Would it be the feeling of the Senator from Idaho that Libya would be regarded as one of the other friendly states?

Mr. CHURCH. I say to the Senator that is possible, but, again, this is a determination for the President to make.

I could think of other states in the Middle East with which we maintain friendly relations: Lebanon, Saudi Arabia, Jordan, Kuwait, Tunisia, Morocco, if one wants to extend the scope of the whole Arab world.

But I remind the Senator this provision is merely a sense of Congress provision as to what Congress feels the President should do. It is in no way binding upon the President.

Mr. HANSEN. I fully realize that.

Mr. CHURCH. Furthermore, the administration has raised no objection to it. It was passed by the House. No objection that I know was raised in the Committee on Foreign Relations. It corresponds to language that previously has been used in legislation in the past, as the Senator from Alabama pointed out. For these reasons I feel we should reject the amendment proposed by the Senator from Delaware.

Mr. HANSEN. Mr. President, I wish to assure my distinguished friend from Idaho that I propose to join with him. Assuming he intends to reject the amendment, I shall be voting with him.

My purpose in raising these questions arises from an entirely different concern and that is, that it is my contention that former Presidents of the United States, including the present one, have tried as best they know how to discharge their responsibilities to protect the best interests of the United States, to recognize the importance of trying to maintain some balance of power in the world today, and in order to do that, actions have been taken by the President which obviously, at least with specific regard to one country, Cambodia, do not square with the positions taken by Senators.

So I am going to persist, if I may, with the indulgence of Senators, in seeing that I know exactly what countries, in the sense of the Senate, are considered to be friendly nations; so that if the President moves in, he will not be confronted, day after tomorrow, with action such as we have been going through here in the last 4 weeks, and be told, "Well, we meant this, but you should not have done it." That is exactly what we are talking about.

We are talking about something that could be called Monday morning quarterbacking or, in retrospect, trying to pass on the judgment of the President of the United States, which he has the constitutional responsibility of discharging, a responsibility which I can only say each former President has discharged with the greatest ability he had, with nothing but the best of motives for this country. We have not agreed with the way things have worked out many times, but I do not think anyone in this body would question for one minute the good intentions and the right motives and the proper incentives on the part of President Eisenhower, President Kennedy, President Johnson, or President Nixon. If they do, that is a different proposition.

As Governor of Wyoming, I joined with a majority of Governors in the adoption of resolutions supporting Presidents Kennedy and Johnson on moves they made in Southeast Asia. I did it not necessarily because I thought the actions they were taking may have been tactically or strategically the most appropriate, but because I felt they had information I did not have, and, as a consequence, I believed that my support should be given to them.

I just want to persist, in spite of, I suspect, a little frustration on the part of some Senators here, in naming each country, so I will know which the friendly nations are. I can easily see, if things continue to heat up in the Middle East, and we got involved in a war even of less magnitude than the one in Southeast Asia, there could be a lot of people saying, "Why did we do these things that wound up in our eventually being involved up there?" So I want to know, insofar as I can be apprised now, precisely what the sense of the Senate is, as to which these other friendly nations are, because they are not specified. The only one we specify is Israel.

As I assume many Members of this body also believe, I think we have an interest in Israel. The people of Israel are an independent people. They have a government more nearly like ours than any other government I know of. I respect the quality of life they have given their people. I have great admiration for their determination to pursue, against what many people seem to think are overwhelming odds, a policy that is committed to the survival of that tiny nation. I just want to do everything that I can, here and now, to be certain that somebody does not come around next month and say to us, or say to me, "If we are so concerned about the nations that the President is going to help, why didn't we raise these questions ahead of time, instead of doing it after the fact?"

It is a very easy thing, Monday morning, to tell the coach what plays he should have made on Saturday. I do not want to do that, insofar as I am able to prevent it.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. HANSEN. I am happy to yield.

Mr. SPARKMAN. Before the Senator starts reading that list, I would like to say that I think the Senator knows I have pretty much the same views as he has with reference to our Southeast Asia situation. I shall vote on this amendment just as I am sure the Senator from Wyoming will. But I hope the Senator will see that certainly it cannot be a good policy for us, here on the Senate floor, to point out in legislation, or even in discussion, particular countries that we deem today to be friendly countries, or even particular countries that we deem to be unfriendly, because conditions change from time to time. I do not think we should put ourselves in a straitjacket in that manner. I do not think it is a good thing to do, from a policy standpoint, in connection with our relations with different countries of the world, to try to list here on the Senate floor those that we deem friendly.

The assumption will be, if we list those that we deem friendly, that all the others are unfriendly. I do not think that is good policy.

I hope my friend from Wyoming will not insist on following that course and trying to get us to name them here on the Senate floor.

Differences that arise are going to arise in the future, as they have in the past. This is not the first time. Down through the history of this country, we have had situations where there have been differences of opinion here as to what we should do or what we should have done. I do not think there is any way of guaranteeing that it will never happen again.

I just think it is poor policy, and, if I may say so, a dangerous policy, to try to identify in legislation, or even in discussion on the Senate floor, the countries that would be categorized as friendly or unfriendly. I hope the Senator will not insist on following that course.

Mr. HANSEN. Mr. President, let me say first of all that I have the greatest respect for the distinguished Senator from Alabama, as he so well knows. I think he has made some very wise observations. I agree with him in the general thrust of his comments. What disturbs me, however, is that what we are doing now in Southeast Asia is to go back on judgments that have been made by the President of the United States. We are saying to him now, despite the great amount of effort that has gone into our actions in Cambodia, despite the obvious success of this venture, "We want to cut it off."

I can think of no more fatal way to try to pursue a foreign policy than to give the President of the United States, as indeed the Constitution does, the responsibility and the obligation to take such actions as he deems in the best interests of this country in the discharge of his duties as Commander in Chief of the Armed Forces, and to say, as the Constitution does, "This is your job; this is your responsibility; this is your obligation," and then to come around, after he starts an action, and say, "But this one was wrong, so we are not going to do that any more."

Mr. SPARKMAN. Mr. President, will the Senator yield once more?

Mr. HANSEN. I yield.

Mr. SPARKMAN. It does not matter what we do here on the Senate floor. People in the future—Senators included—will continue to use hindsight in making these judgments. We cannot eradicate them. We cannot do it. Listing the countries at this time is not going to affect that in the years ahead.

Mr. HANSEN. I am certain that not only will it not affect that, but it probably will not affect this vote on section 5 which we are going to take before too long.

I still must ask, however, Mr. President: What is the attitude of the dis-

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tinguished Senator from Alabama insofar as our support of friendly nations in others parts of the world, not in the Middle East, is concerned?

Mr. SPARKMAN. Mr. President, I think the United States, the great power that it is, has an interest in seeing peace and good conditions prevail throughout the world, and that we remain interested in world affairs, and that we have a proper regard for friendly nations throughout the world.

I believe that in every piece of legislation similar to this we have ever enacted we have left it in the hands of the President to determine those nations. We have, many different times in the foreign aid bill, provided a contingent fund that we simply gave the President, regardless of who he was, Republican or Democrat. We gave him a contingent fund that he might use as he thought best in the interests of this country, and so far as I know, he has never been questioned on the use of that contingency fund.

Mr. HANSEN. Would it be the opinion of the distinguished Senator from Alabama that this has been a wise action by Congress?

Mr. SPARKMAN. Yes. We have done it time after time. I do not know whether they have asked for a contingency fund this year or not. I have not seen the bill. But, it has been done year after year, and without exception, I do not believe I have ever heard the use of it criticized. I do not think I have ever heard criticism of his exercise of the completely open powers that we have given him to make use of it.

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Mr. HANSEN. But I think the Senator also mentioned, Mr. President, that he spoke not only of the contingency appropriation, but as well of the policy which permitted the President of the United States to take such action as he deemed in the best interest of this Nation.

Mr. SPARKMAN. That is right. And we wrote that into law.

Mr. HANSEN. Of course, I agree wholeheartedly, enthusiastically, and completely with my good friend from Alabama.

Let me ask the Senator, what is his opinion as to the actions of the President in Southeast Asia? I shall not ask him to identify as friendly or unfriendly nations the nations of Thailand, Indonesia, Laos, Korea, Japan, or China; but, having in mind those nations, and saving him and this body the embarrassment of having to say whether a particular nation, in the sense of the Senate at this particular moment, is friendly or unfriendly, let me ask the Senator, does he believe that it would serve the interests of this country to continue to permit the President to exercise the type of authority to which I understand the Senator to have subscribed only a few moments ago?

Mr. SPARKMAN. Well, I would rather put it in my own words.

Mr. HANSEN. I would be happy for the Senator to do that.

Mr. SPARKMAN. Certainly I think it would be proper and wise for us to continue to recognize and, insofar as we have anything to do with it, to vest in the President of the United States the right to exercise the powers given him under the Constitution or any legislation that we may enact for the best interests of this country, within his constitutional powers or powers given him by Congress.

I feel confident that any President we have, whether he is a Democrat or a Republican, will do that. The President has exercised that power under the contingency fund, but that is just one example. In the bill that we are considering here—this is a Foreign Military Sales bill we are considering——

Mr. HANSEN. I am aware of that.

Mr. SPARKMAN. And I am sure the Senator is aware of the fact that we make a blanket authorization. We do not say, "Sell arms to this country" or "Sell arms to that country" or "Sell arms to some other country." We do not list the countries. We establish a ceiling that he can use in making these sales, but it is left up to his good judgment as to whom they should be made to, and when they should be made.

Mr. HANSEN. I should like to ask my good friend from Alabama, does he have any concern insofar as the President's full exercise of his discretion in terms of this Foreign Military Sales Act in Southeast Asia is concerned. Does he have any more concern about the exercise of that judgment over there than he does in the Middle East?

Mr. SPARKMAN. The Senator knows I have not questioned the President's exercise of his authority in Southeast Asia. Some of my best friends have. I think there is a real difference, and I can understand how the difference comes about. There are differing provisions in the Constitution, and I think that is where the division comes, primarily. In one place, the President is given the power to do what he deems it necessary to do as Commander in Chief of the armed services. In another place, Congress is given the sole power to declare war. It is between those two provisions in the Constitution, I think, that all of our division arises.

I personally believe in strong constitutional powers for the President as Commander in Chief of our armed services, and as I look back over our history, I can recall many instances in which it was exercised without coming to Congress.

I remember—well, I do not remember except from reading it in my history books—back in the time of Thomas Jefferson, was it not?—when we had the Barbary pirates. I remember the incident down in Venezuela—that was under Theodore Roosevelt, was it not?—when he threatened to go down and straighten them out. It was our friends the British who were involved then.

At the time of the Spanish-American War, Congress passed a declaration of war, but not until after the President had sent a battleship down to Havana and it was blown up. That was the overt act.

The President sent the Marines into Nicaragua way back there, and into several of the Latin-American countries, without Congress declaring war or without Congress being told.

I remember, right here on the floor of the Senate, as my friend across the aisle (Mr. YOUNG of North Dakota) will recall, that back on June 25, 1950, when the North Koreans went across the 37th parallel, President Truman, as quickly as that was done, ordered General MacArthur, if my memory is correct, to make available the naval and air forces, as I recall, to help the South Koreans.

Then, just a day or so later—I do not recall whether it was on that Sunday or whether they waited until Monday—the Security Council of the United Nations met and said action should be taken, and asked the United States to be its agent. President Truman then directed General MacArthur to send ground forces in, without asking Congress.

I remember one of the ablest Senators who ever served in this body, the late Senator Robert Taft, stood right there and said he was in favor of the action, but he added this statement:

> I wish the President had sent a resolution up. It would have been agreed to, there is no question about that.

I could name other incidents in which the President has exercised the power given him under the Constitution, and I believe rightly so; and I think the Presidents will continue to do so. I do not know whether we had any such incidents in the administration of George Washington. We did in the time of John Adams, I am quite sure, and of Thomas Jefferson, and others on down through the years; and I believe in that strong power.

May I say to my good friend from Wyoming, as I have said a good many times, I wish very much that there could be brought together a group of the most able constitutionalists in the land, and that they could arrive at a clear dividing line delineating the powers of the President as Commander in Chief of the Armed Forces and on the other side the power of Congress to declare war and even to control matters by use of the appropriations bill. In other words, if we could once get this constitutional question clearly delineated, I think we all would have a better view of it and a better chance of standing together. But we do not have it. I doubt that we shall ever have it, because it is one of the gray areas we see so often. I believe we ought to do what we have done in many situations. Economic aid in the foreign aid bill is left to the discretion of the President. Military aid, military assistance, which has been given through the years in foreign aid bills, has been left to the discretion of the President.

This matter has come up in the Committee on Foreign Relations from time to time, particularly when we wrote in some anti-Communist provisions, to name certain countries. One or two times it was done on the floor of the Senate; an amendment was offered on the floor, I believe. But even then, the list was not complete.

It is much easier to determine what is a Communist country than it is to determine what is a friendly or unfriendly country, because, again, we run into that gray area. I submit that there are many countries that may be unfriendly today that would be friendly in the future.

Mr. HANSEN. Mr. President, let me observe that I am aware of the fact that several of our colleagues have commitments this afternoon. It is not my desire to inconvenience any of them. Yesterday, when these two amendments were submitted by the distinguished senior Senator from Delaware, he offered to have a time limitation, and objection was raised to that time limitation. In order that my colleagues might get away and meet some commitments they have already made I would be happy, if it would suit their convenience, not to have a vote on this amendment this afternoon. I simply offer this in a spirit of cooperation.

I would like an expression from my good friend the senior Senator from Idaho, if he would care to comment on that. I am vitally interested in the line of reasoning I am pursuing, and I have not yet had the opportunity to explore the mind of the senior Senator from Idaho in this regard. Before we go into that, just let me ask him what his feeling would be about our agreeing upon a time next week at which we might vote.

Mr. CHURCH. Mr. President, I think it is becoming increasingly evident that a filibuster is being waged on this bill. I think it is time to begin to say so.

The request of the Senator from Wyoming to put over until next week a vote on this sense of the Senate provision, or sense of Congress provision, certainly collides with what had been generally anticipated, I know, by the majority leader and others, that we could reach a vote today on both divisions of the amendment offered by the Senator from Delaware. So I am not in a position to make any agreement that would conflict with what I know has been the anticipation of the majority leader.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. HANSEN. Not at this time.

Mr. President, the Senator from Idaho certainly has been very fair and very considerate. It is his privilege to reach any conclusion he may choose. I must correct him, however, if he thinks I am trying to filibuster this point. I do not intend to do that at all. I do have some very basic questions, and I have asked most of them. I have a few more to ask.

It was not my thought at all that we might put the vote over. I was just approached by two of my colleagues who said they had plane times they would have to meet. I want my friend to understand that I am not trying to filibuster this bill.

Mr. CHURCH. Mr. President, I want to withdraw that remark as it applies to the Senator from Wyoming. If he has the intention to ask some further questions——

Mr. HANSEN. I do.

Mr. CHURCH. And then to proceed to a vote, I would hope that we could proceed to vote this afternoon, and I hope he has taken no offense.

Mr. HANSEN. Not at all.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. HANSEN. I yield.

Mr. JAVITS. I rose only for that purpose. I am sure the Senator from Wyoming is not filibustering. There is plenty of opportunity to filibuster this bill and many things other than this one.

I was the one who objected to time, and I will tell the Senator why. It is precisely what he has demonstrated. Everybody knows that I have a deep interest in whatever happens in this tremendous conflict, and all the more reason why there should be free, open, full opportunity to explore it as thoroughly as anyone would wish.

May I say to the Senator—perhaps what I say might be rather useful in that regard—that I, too, see no limit whatever on the President's authority in the words "other friendly states." Frankly, I would not have put this in the bill if it were up to me, for precisely the reason the Senator is emphasizing. But it is in. I was faced with a fact, not a theory, and under the circumstances, its being stricken out either in the Foreign Relations Committee or on the floor, I thought, would be very unfortunate.

But to affirm what the Senator is affirming, that there are any number of nations—remember, we have given military aid to Jordan. It will interest the Senator to know that the Israelis themselves thought that was a good idea, instead of having another cat's-paw for the Soviet Union. I am not privy to all the secrets, but I think it is very likely that Jordan may get something under this. I want to explain to the Senator that there is no exclusivity about the fact that this appears, and I have given the Senator the reasons. I think the Senator from Idaho will confirm that there is no implication or intention by naming Israel that any other state is excluded, including the states of the Middle East.

Mr. HANSEN. I thank my distinguished colleague and very much admired friend from New York. As the Senator knows, I do not always vote with him, but he also knows that I have the highest respect for his intelligence, for his honesty, for his dedication, and for his loyalty to our country and to the purposes that he serves in the Senate.

I have no intention at all to filibuster this bill. I just want to be sure—I think it is entirely proper and appropriate—that we ask the questions now. We should not take action now, and then have our constituents come to us the day after tomorrow and ask us, "Why didn't you identify what are friendly countries if you object to actions taken by the President of the United States in clear conformity, as he interprets the thrust of this bill to be, with the language of the bill and specifically with the language of section 5?"

Let me ask the distinguished Senator from Idaho: Does he have any greater concern about the friendly countries in Southeast Asia as compared with the friendly countries in the Middle East, insofar as the action that may be taken by the President of the United States is concerned?

Mr. CHURCH. I would say to the Senator, let us remember that this bill is a military sales bill; that the section to which the Senator has addressed his remarks relates to the sale of military equipment to countries in the Middle East; and that this is quite a different matter from engaging in combat, committing forces of the United States to combat. I think we are talking about a different subject. The subject is the transfer, the sale, of weapons to foreign governments.

Mr. HANSEN. Will the Senator yield at that point?

Mr. CHURCH. I should like to answer the Senator's first question.

The bill leaves to the discretion of the President, within the feeling established, to make the determination as to how much and how many weapons will be sold to particular countries. It has been felt in the past that this is not the kind of judgment that Congress can properly reach in a fluid world of changing conditions. The bill gives the same discretion to the President in that matter, with reference to his dealings with frendly nations in Southeast Asia, as it gives to him with reference to nations in the Middle East. I see no reason why the President should be dealt with differently with respect to one part of the world than another.

Mr. HANSEN. Let me observe that we did not just start fighting in Southeast Asia. Rather, we pursued a course of action that I think could very well see its initial implementation occurring in the Middle East.

In order for everyone to bear in mind my feeling about that part of the world, I was one of those who signed the letter to the President urging him to make the sale of 125 jets to Israel. I think that would be a wise decision on his part. I support it.

I am trying to be consistent and honest with myself when I say that we did not just start fighting in Southeast Asia. We first made some assistance available and, in due time, we sent some advisers over there to help those people, who were receiving the arms from us to better operate the sophisticated pieces of weaponry which they had received.

That will not be necessary with Israel. But I remind my good friend from Idaho that we are authorizing action by the President of the United States that could very well result in our eventually having to make the tough decision on how much further will we go in trying to maintain a balance of power in the Middle East, how much further are we willing to go in order to help maintain the independence and sovereignty of the nation of Israel.

I would ask my good friend from Idaho if he sees no relevancy in this parallel to the actions that were begun in Southeast Asia before the 1960's which have now resulted in the incursion into Cambodia, and the provisions of section 5 which authorize both cash sales and credits being made available, not only to Israel but also to other friendly countries as well. Does the Senator see any parallel at all in these situations?

Mr. CHURCH. I understand the basis of the Senator's concern. I certainly do not want to see us repeating the mistakes in the Middle East that I think we have made in Southeast Asia. I hope that we profit from our experience there and have learned the lessons that are there to be learned.

But, I remind the Senator from Wyoming that the bill is limited to the sale and transfer of weapons to foreign governments, either on a cash or a credit basis. But, in either case, our experience has been in the past that we are paid for the weapons either at the time of delivery or within, at the most, 5 years following delivery. At least, I think the maximum credit period has been 10 years; but, for the most part, they are short-term credit sales, and the bill goes no further than that.

I would feel much concern if the President were to decide to send military instructors into the Middle East, or to commit the United States to the defense of one government or another, particularly so without first coming to Congress, as I think he should properly do in that case. But none of that is contemplated by this bill. The kinds of things that led to our deepening involvement in the quicksands of Southeast Asia, really, are not embraced in this legislation. It is restricted to the sale of arms, either on a cash or a credit basis.

Thus, I would say to the Senator from Wyoming, that although I appreciate the basis for his concern, in view of the tragedy of the war in Southeast Asia, I really do not think that the bill would fit into the motion or sequence of events which could lead to a similar involvement for the United States in the Middle East.

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Mr. HANSEN. The distinguished Senator from Alabama, I think, is not in the Chamber at this moment. It is not my purpose to take issue with him. He said, though, while he was here earlier, I think he expressed the hope, or at least suggested the desirability of a group of constitutional lawyers getting together and trying to winnow out from the chaff the grain in this whole question, to determine, on the one hand what are the constitutional responsibilities and extensions of power of the President, and on the other, what, by the Constitution, has been reserved exclusively to the Senate.

Then he went on to say that perhaps this will never be done and perhaps it should not be done. Having read the excellent paper by the distinguished junior Senator from Arkansas (Mr. FULBRIGHT) which was printed in 1961 in the Cornell Law Review or Journal—I have forgotten the name of the publication at this moment—I gathered that, at that time, it was his conviction that greater extension of power to the Executive rather than a restriction of those powers was indicated, if we were to serve the best purposes and interests of this country in these turbulent times of the last half of the 20th century.

I state this, because earlier in debate on the bill, numerous persons referred to the constitutional question posed by the Cooper-Church amendment. Thus, for those who would argue that it really is not all that important, let me say that as I have reviewed the record of these debates for the past several weeks, certainly in the opinion of some it is a very important question and it is a constitutional question.

I submit that if it is a constitutional question, then I do not think it can be resolved on the basis of friendly or unfriendly nations in this part of the world or that part of the world.

Either the President of the United States has the authority and the power to take action, or he does not have that authority or that power.

Either Congress, conversely, has the authority to take action and to restrict what the Executive may do, or it does not have that authority.

It is this gray area, between the clearly recognized powers of the President on the one hand and the clearly recognized powers of the Congress on the other, that we come to a lot of tough decisions in between that make it highly relevant in this day and in this debate to ask the question: Where does the power lie?

So I am going to conclude, Mr. President. I have asked all the questions I want to ask. I will leave it up to each of us to decide in his own mind how best to vote on this issue.

I do want to compliment the distinguished Senator from Delaware for offering us the opportunity to search our consciences on this question. As the Senator from Delaware knows, I will not support him.

I do not think that the President's hand should be curtailed. I think that the best interests of this country will be assured by extending and continuing to extend to the President, whoever he may be, the authority to take such actions as he deems to be in the best interests of the United States, consistent with the delegation of powers by the Constitution.

Likewise, I believe he must bear the responsibility for those actions.

Mr. President, I yield the floor.

Mr. CHURCH. Mr. President, I simply want to say that there ought to be no question in any Senator's mind as to the authority of Congress in the matter of selling weapons to other nations or asserting control over the sales of these weapons abroad.

If it chose, Congress could, I am certain, prohibit the sale of weapons as a matter of public policy. That authority falls under the power of Congress as a matter of law under the Constitution.

Without question it certainly is within the power of Congress to set a ceiling on how many weapons may be sold, to establish a top level on the sale of weaponry each year. And that is a purpose of this bill.

It would be possible, if Congress chose to do it, to list all of the countries in this bill and specify how much may be sold to each. However, Congress in its wisdom has chosen not to do that.

Congress has recognized that the President should have a flexibility to make these decisions in a highly fluid world. We have established an overall ceiling and have consequently left it to the President to make a determination as to individual countries to be sold arms—and those not to be sold arms.

Section 5 sets forth the "sense of Congress" as to what it believes the arms sales policy of the United States should be in the Middle East. Section 5 is designed as an expression of congressional intent.

I feel that the Senate should properly act to reject the amendment offered by the Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, I will be ready to vote in a couple of minutes. Congress can always put a ceiling on military sales by means of line items in the appropriation bill and by rejecting the requests.

There is not a great constitutional area involved here as between the powers of Congress and the powers of the President. That question is not involved here.

There has never been any argument about Congress controlling the purse strings. Congress can approve or disapprove all arms sales. Congress has that power; the only problem has been that Congress has heretofore been delegating that power to the President.

My suggestion is that we exercise that authority and assume our own responsibility.

Instead the Senate by its earlier vote has given to the President authority to make up to $300 million in credit sales of military weapons to any country in the world as he deems necessary.

The Senate has delegated the President that authority by its earlier vote, and I am sure President Nixon appreciates their expression of confidence.

I had felt that Congress had some responsibility for determining these policies, many of which may lead us into war. We should have an equal responsibility with the President. But if Congress in its wisdom wants to delegate that authority to the President my suggestion would be that the same Senators stop acting as Monday morning quarterbacks and stop trying to outguess the President when by hindsight they feel that he has made a mistake.

I respect the power of Congress, but that power can only be retained if Members of Congress want to exercise their authority and assume their responsibility.

If Senators want to delegate this power to the President let us stop criticizing him later for any decisions he makes.

Mr. President, I am ready to vote.

The PRESIDING OFFICER. The question is on agreeing to the second part of amendment No. 666 offered by the Senator from Delaware (Mr. WILLIAMS). On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. GOLDWATER (after having voted in the affirmative). Mr. President, on this vote I have a live pair with the Senator from Washington (Mr. JACKSON). If he were present and voting, he would vote "nay." Therefore, I withdraw my vote.

Mr. MANSFIELD. I announce that the Senator from Indiana (Mr. BAYH), the

Senator from West Virginia (Mr. BYRD), the Senator from Connecticut (Mr. DODD), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), The Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Wyoming (Mr. MCGEE), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Georgia (Mr. RUSSELL), the Senator from Missouri (Mr. SYMINGTON), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I also announce that the Senator from Nevada (Mr. BIBLE) is absent on official business.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH), the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Wyoming (Mr. MCGEE), the Senator from Minnesota (Mr. MONDALE), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Texas (Mr. YARBOROUGH), and the Senator from North Carolina (Mr. JORDAN), would each vote "nay."

Mr. GRIFFIN. I announce that the Senators from Colorado (Mr. ALLOTT and Mr. DOMINICK), the Senator from Tennessee (Mr. BAKER), the Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from Kentucky (Mr. COOPER), the Senator from Arizona (Mr. FANNIN), the Senator from New York (Mr. GOODELL), the Senator from Florida (Mr. GURNEY), the Senator from Nebraska (Mr. HRUSKA), the Senator from Idaho (Mr. JORDAN), the Senator from Illinois (Mr. PERCY), the Senator from Vermont (Mr. PROUTY), the Senator from Ohio (Mr. SAXBE), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Kentucky (Mr. COOK) is detained on official business.

If present and voting, the Senator from Colorado (Mr. ALLOTT), the Senator from Utah (Mr. BENNETT), the Senator from Kentucky (Mr. COOPER), the Senator New York (Mr. GOODELL), the Senator from Florida (Mr. GURNEY), the Senator from Illinois (Mr. PERCY), and the Senator from Texas (Mr. TOWER) would each vote "nay."

On this vote, the Senator from South Dakota (Mr. MUNDT) is paired with the Senator from Illinois (Mr. SMITH). If present and voting, the Senator from South Dakota would vote "yea" and the Senator from Illinois would vote "nay."

The result was announced—yeas 1, nays 59, as follows:

[No. 156 Leg.]

YEAS—1

Williams, Del.

NAYS—59

Aiken
Allen
Anderson
Boggs
Brooke
Burdick
Byrd, Va.
Cannon
Case
Church
Cotton
Cranston
Curtis
Dole
Eagleton
Eastland
Ellender
Ervin
Fong
Gore
Griffin
Hansen
Harris
Hatfield
Holland
Inouye
Javits
Long
Magnuson
Mansfield
Mathias
McCarthy
McClellan
McGovern
McIntyre
Metcalf
Miller
Moss
Murphy
Nelson
Packwood
Pearson
Pell
Proxmire
Randolph
Ribicoff
Schweiker
Scott
Smith, Maine
Sparkman
Spong
Stennis
Stevens
Talmadge
Thurmond
Tydings
Williams, N.J.
Young, N. Dak.
Young, Ohio

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Goldwater, for.

NOT VOTING—39

Allott
Baker
Bayh
Bellmon
Bennett
Bible
Byrd, W. Va.
Cook
Cooper
Dodd
Dominick
Fannin
Fulbright
Goodell
Gravel
Gurney
Hart
Hartke
Hollings
Hruska
Hughes
Jackson
Jordan, N.C.
Jordan, Idaho
Kennedy
McGee
Mondale
Montoya
Mundt
Muskie
Pastore
Percy
Prouty
Russell
Saxbe
Smith, Ill.
Symington
Tower
Yarborough

So part 2 of amendment No. 666 of Mr. WILLIAMS of Delaware, to strike section 5 of the bill, was rejected.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD subsequently said: Mr. President, an unfortunate situation has arisen which plagues Senators from time to time. At the present time we have only one trolley operating between the old building and the Capitol, and that trolley is not always in working condition.

Unfortunately, while the distinguished Senator from Wyoming (Mr. MCGEE) was hurrying to the Chamber to cast his vote on the motion which was just defeated—and he would have voted "nay" had he been here—the trolley broke down and he got here just after the vote was announced.

So I wish, as majority leader, to announce that because of that situation, the distinguished Senator from Wyoming was about 30 seconds late in getting to the floor, through no fault of his own, and that, had he been here, he would have voted "nay."

Mr. MCGEE. Mr. President, I thank the Senator.

RESULTS OF THE CAMBODIAN SANCTUARY OPERATION

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the latest summary of the results of the Cambodian sanctuary operations be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

Total operations	Number	4-day change
Individual weapons	16,101	+592
Crew-served weapons	2,269	+29
Bunkers/structures destroyed	9,358	+240
Machinegun rounds	3,943,647	+192,505
Rifle rounds	8,619,203	+735,532
Total small arms ammunition (machinegun and rifle rounds)	12,562,850	+928,037
Grenades	48,780	+7,388
Mines	5,150	+540
Miscellaneous explosives (pounds) (includes satchel charges)	76,600	(1)
Antiaircraft rounds	159,816	[2] −28,506
Mortar rounds	60,242	+9,244
Large rocket rounds	1,931	+224
Smaller rocket rounds	37,569	+10,593
Recoilless rifle rounds	26,611	+3,830
Rice (pounds)	12,458,000	[2] −138,000
Man-months	274,076	[2] −3,036
Vehicles	388	+25
Boats	90	(1)
Generators	36	(1)
Radios	186	(1)
Medical supplies (pounds)	50,800	(1)
Enemy KIA	9,711	+202
POW's (includes detainees)	2,104	+172

[1] Unchanged.
[2] Field adjustment.

ORDER FOR ADJOURNMENT TO MONDAY, JUNE 15, 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 12 noon on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I made that request because no amendments seem to be available at the present time.

For the information of the Senate, it is anticipated that we will be back on section 7, the so-called Cooper-Church amendment, on Monday next. I am delighted to see that certain Senators are here so I can look them in the eye and warn them in advance. There will be no further votes today, and no amendments.

MISLEADING NEWS STORIES ON ABA CRIMINAL LAW COUNCIL'S APPROACH TO ORGANIZED CRIME BILL

Mr. McCLELLAN. Mr. President, the American Bar Association was asked recently by President Nixon to urge speedy congressional action on pending crime legislation, including the Organized Crime Control Act, S. 30. See CONGRESSIONAL RECORD page 16926, May 25, 1970. tentially explosive situation that could

The ABA responded by setting in motion the complex process by which it considers legislation. An ad hoc committee was established to make recommendations on those provisions of S. 30 not already approved to the Council of the Criminal Law Section. When those recommendations had been made, that Council met in Chicago on June 6 and 7 and decided how to report its supplementary recommendations to the board of governors.

The process will be completed when the council reports to the board of governors, who can determine the ABA's position or refer the matter to the house of delegates. I add here, too, that the house has already approved several major sections of the bill. When the board or the house rules, its decision constitutes the position of the ABA on S. 30.

While that process is underway, however, the Washington Post has published, under the byline of John P. MacKenzie, two articles concerning the deliberations of the ad hoc committee and the council—Washington Post, June 6, 1970, page A2 and Washington Post, June 8, 1970, page A1.

The burden of the first article was the allegation that administration and congressional staff members attending the Chicago meeting of the council did so to "lobby" for ABA endorsement of the District of Columbia and organized crime bills.

The thrust of the second article was an assertion that the council in Chicago had substantially disapproved the two bills.

The two presiding officers at the Chicago meeting, Judge H. Eugene Breitenbach and Prof. Samuel Dash, then wrote letters to the Post taking sharp exception, however, to the tenor of the articles. Terming the second article "distressingly misleading" and "unfortunate," Judge Breitenbach and Professor Dash stressed the "very constructive and positive approach toward the legislation" taken by the council, and its "complete approval of major provisions." They noted further that the Government staff members attended the Chicago meeting as technical experts, by invitation of the council.

The character and quality of the MacKenzie articles are apparent from a comparison of them with the two letters. They are an example, I am sorry to say, of the low level of accuracy and responsibility that I have come to expect often from the Washington Post.

The newspaper compounded its error by declining to print either letter until June 12, 4 days after they were hand delivered to the Post. During those 4 days, the misleading articles were allowed to stand as truth in the public's mind. It hardly is coincidental, too, that publication by the Post of Judge Breitenbach's letter was delayed until the morning after Charles Bellows, a leading defense attorney from Chicago who has heretofore represented members of La Cosa Nostra, testified before the House Judiciary Subcommittee considering S. 30. Mr. Bellows, a member of the council and extreme opponent of S. 30, testified, in response to leading questions, that the ad hoc committee had substantially disapproved the bill and the council had objected to many of its major provisions.

The false impressions created by these events were reflected and reinforced by a misleading press release issued on June 11 by the American Civil Liberties Union. In that release, the union falsely stated that the American Bar Association—not a committee, but the association itself—had called for a complete revision of S. 30.

The Washington Post's reckless articles concerning the Organized Crime Control Act may have done grave and, to some degree, irreparable damage to the public view of the merits of that legislation. I hope, though, that the paper's publication of one of the letters from the presiding ABA council officers—however tardy—will mitigate, to some extent, at least, the harm done by the Post's irresponsibility.

We in the Congress have the fate of crime legislation—and ultimately the safety of all citizens—in our hands. We must do our duty. We must respond not to careless or biased newsmen, but to the public at large. We need to pass the laws necessary to protect the public, and we must do it this year.

Mr. President, I ask unanimous consent that the texts of the two articles and the two letters to which I have referred be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN BAR ASSOCIATION,
Chicago, Ill., June 8, 1970.

The EDITOR,
The Washington Post,
Washington, D.C.

DEAR SIR: I was most disturbed over the news item in *The Washington Post*, Monday, June 8, 1970, under the Byline of your staff writer, John P. MacKenzie, purporting to report action by the Council of the American Bar Association's Section of Criminal Law on certain crime legislation pending in the Congress. The entire tenor of the story is distressingly misleading.

The report of the Council has not yet been drafted and even the complete transcript is not yet available. When drafted, the report must be submitted to the ABA's Board of Governors for approval of that group on behalf of the Association; or, in the discretion of the Board of Governors, the report may have to be submitted for the approval of the Association's House of Delegates.

The most unfortunate aspect of Mr. MacKenzie's story is the emphasis on the negative and his failure to report any favorable action by the Council. When the report can be released I am confident you and your readers will agree it adopts a very constructive and positive approach toward the legislation.

For example, with respect to the Organized Crime Control Act of 1969, the Council recognizes the need for legislation to cope with this serious problem and it recognized the merit in many of the approaches taken in various titles of S. 30.

The Council expressed complete approval of major provisions. In other instances the Council suggested amendments to clarify, avoid questionable constitutionality, or otherwise to strengthen and improve the current Bill. In still other cases, the Council's action was designed to alert the Congress to specific provisions inconsistent with prior established positions of the ABA, either based on specific legislative proposals or as enunciated in the ABA Standards for the Administration of Criminal Justice.

In all instances the actions of the Council in opposing some of the legislation were based on constructive reasons, and affirmative recommendations will be made to assist the Congress to accomplish the objectives sought in a manner more harmonious with criminal justice.

I should also like your readers to know that the "key Justice Department and Congressional Committee staff members" attended the Council meeting as invited guests of the Council. Their presence was requested as expert resource persons to facilitate the Council's careful and complete consideration of the numerous proposals embodied in the legislation. They had no vote, but because they have been working closely with the legislation, they were of outstanding assistance in furnishing valuable background information and technical data on request of individual Council members.

As is so often the case with misleading news, the corrective story cannot completely undo the damage. Because of the seriousness of the issue involved, I hope you will promptly print this letter so the facts will at least be available to your readers.

Sincerely yours,
H. EUGENE BREITENBACH,
Chairman,
Section of Criminal Law.

AMERICAN BAR ASSOCIATION,
Chicago, Ill., June 8, 1970.

The EDITOR,
The Washington Post,
Washington, D.C.

DEAR SIR: I have just read the letter of Judge H. Eugene Breitenbach, Chairman of the Section of Criminal Law, relating to the article in *The Washington Post* under the byline of John MacKenzie.

As the moderator of the meeting referred to in Chicago, where this legislation was under review by our Council, and as Chairman-Elect of the Section, I fully concur with all statements of Judge Breitenbach in his letter. I wish to especially join in his objection to the negative emphasis of the story and the omission of any reference to the major affirmative positions taken by the Council in support of the crime legislation in question.

Sincerely yours,
SAMUEL DASH,
Chairman-Elect.

[From the Washington Post June 6, 1970]

NIXON AIDES LOBBY FOR ABA SUPPORT ON ANTICRIME BILLS

(By John P. MacKenzie)

In a rare turnabout, emissaries of the Nixon administration and of key members of Congress are making a special trip to Chicago this weekend to lobby with the American Bar Association.

The objective: To secure the lawyer's blessing and backing for two crime bills that are stalled on Capitol Hill. One is the D.C. crime bill, with its controversial provision for pretrial detention of some defendants without bail. The other is the bill to combat organized crime, which among other things would greatly enlarge grand jury powers and would authorize extra-long imprisonment of organized or "habitual" criminals.

Ordinarily it's the ABA that lobbies with the administration or Congress—happy to have an audience with someone in the executive branch or a chance to tell a congressional committee how the organized bar, or some specialized branch of it, feels about pending legislation.

Now, however, the administration is hurting. President Nixon complained in a letter to ABA president Bernard G. Segal last month that no major crime bill had reached his desk for signature. He said the delay was "inexplicable," and asked for help in pushing legislation.

But his request came just when both measures are under attack within the ruling council of the ABA's criminal law section.

The council, whose two dozen members represent 5,000 lawyers within the 140,000-member ABA, reflects the entire range of legal philosophy on crime. Its members range from John J. Flynn of Phoenix, the defense lawyer who won the famous 1966 Ernesto Miranda confession case, to onetime FBI assistant director Louis B. Nichols.

Liberals on the council have challenged

the proposed law for the District of Columbia, particularly its provisions for preventive detention and for stiff mandatory minimum sentences for certain crimes. They oppose on philosophical grounds, saying the bill denies the constitutional right to bail and is a setback for enlightened correction policy.

They further contend that the ABA has to oppose pretrial detention because the ABA House of Delegates in 1968 took a strong stand for the right to bail.

A council subcommittee also blasted the organized crime bill, saying it "far exceeds its target area" with "unconstitutional provisions" and "ill-disguised attempts to overrule recent Supreme Court decisions."

The D.C. crime bill has passed both houses but House-Senate conferees are hung up over the House version's preventive detention section and other differences. The organized crime bill sailed through the Senate but is under criticism by Chairman Emanuel Celler (D-N.Y.) in the House Judiciary Committee.

The Justice Department's pitch will be made by Associate Deputy Attorney General Donald E. Santarelli, principal draftsman of the D.C. crime bill. Sen. John L. McClellan (D-Ark.), architect of the anti-Mafia bill, is sending G. Robert Blakley, chief counsel of his criminal law subcommittee, to defend it.

[From the Washington Post, June 8, 1970]

CRIME BILLS CRITICIZED BY ABA COUNCIL

(By John P. MacKenzie)

A key policy body of the American Bar Association voted disapproval yesterday of some of the most controversial proposals in the Nixon administration's legislative war on crime. Both the District of Columbia crime bill and the national organized crime bill were criticized.

The 24-member council of the ABA's section on criminal law found unacceptable the preventive detention sections of the District crime bill, which is now in a Senate-House conference.

Also disapproved in the District legislation were wiretapping sections, a proposal to shift the burden of proof to the defendant in insanity cases and a requirement that plaintiffs pay the legal expenses of police officers in false arrest cases even if the plaintiffs win.

The criminal law council is not the ABA's final spokesman on policy matters, but its recommendations carry great weight within the organized bar.

The council's deliberations were considered so important that key Justice Department and congressional committee staff members made special appearances before the council to defend the legislation.

The council met in Chicago for a total of 20 hours Saturday and yesterday.

Major sections of organized crime legislation drafted by Senate conservatives and supported by the Justice Department also were disapproved.

The council rejected a provision that would make federal grand juries more autonomous and said that the grand juries should not be given the power to criticize public officials when there was insufficient evidence to indict them.

The council, whose members include prominent defense attorneys, prosecutors and judges, said several administration proposals run counter to policy positions taken by the ABA in recent years.

Mr. McCLELLAN. Again I say, Mr. President, this legislation is opposed by some sources from whom we could expect opposition, but in all fairness, in reporting the news about it, I think the press should not be biased and should not print articles that are so misleading that they seem calculated to create an erroneous impression, and thus, by design, or at least by result, create a prejudicial attitude against this legislation.

Bear in mind, Mr. President, the Senate passed this bill after several days of debate by a vote, I believe, of 73 to 1; and subsequent to that time some 22 Senators, as I recall, have had recorded in the Record the fact that they support the bill. So that there are not 95 Senators, Mr. President, who are on record in support of this legislation. I cannot conceive that that great number—actually, only one Senator was recorded against it—of the Members of this body would knowingly or even inadvertently pass by such a strong majority a bill that should be subjected to the sort of unfair treatment that this measure apparently is receiving from some quarters.

I know that the House of Representatives has the bill under consideration, and I have every confidence that in due time the House Judiciary Committee will act on the measure, and that it will reach the floor of that body for debate and final action.

I make no contention, Mr. President, that the bill is perfect. Almost any legislation involving the areas and issues that are covered by this particular bill can be improved. I have the hope that, after careful examination and full deliberation, the House Judiciary Committee may make some constructive improvements in the measure, if they are found to be needed, but that the House of Representatives will approve the bill and we will get it enacted into law at this session of Congress.

Action is needed, Mr. President. The Senate has acted. I believe the House of Representatives will approve the bill and that when it does, it will join with the Senate in the enactment of a good measure, a strong measure, a measure within the framework of the Constitution, which will provide some of the additional tools essential to strengthening the arm of law enforcement in our country and providing better protection for the citizens of this Nation against the ravages of organized crime.

THE MIDDLE EAST

Mr. GORE. Mr. President, the situation in the Middle East grows ever more dangerous and ever more complex. The Soviet Union has acted to increase its military presence in Egypt and its political influence in the Mediterranean; and the Palestinian guerrilla movement operates beyond the effective control of some governments in the area. Both of these factors make achievements of a lasting peace even more difficult than it otherwise would be, and they create a potentially explosive situation that could escalate the level of hostilities, with all of the danger that would entail.

On May 28 of this year, in a speech on the floor of the Senate, I spoke of the growing danger in this important area of the world. I have spoken on this subject many times. Moreover, I have visited the area and I have made a study of the vexatious and dangerous problems there. This strategic area has throughout history been plagued by controversy. Generally speaking, political stability extending for any appreciable length of time has been unknown.

Settlement of the Arab-Israel controversy in a manner which will permit Israel to live in peace and harmony within the community of Middle East nations will involve, on the one hand, acceptance by the Arab nations of the concept of an Israeli State on a permanent basis. It is not sufficient, however, to say that the Arabs must accept the concept of a Jewish state. It will be necessary to go further and define the extent of its territorial boundaries.

Other important questions, too, must be settled. For instance, 1 million Palestinian refugees, the original victims of the Arab-Israel conflict, are well into the third decade of refugee camp existence, with their future no more certain now than it was 10 years ago, or even 20 years ago. These people have multiplied. The population has grown, and these unfortunate persons have become pawns in international politics while, at the same time, certainly in some areas, becoming dominant political forces in domestic politics.

After visiting the Palestinian refugee camps nearly 10 years ago as chairman of an investigating subcommittee, I reported to the Senate that the refugee camps were spawning extremism and hatred that would surely threaten the stability of governments in the area and would certainly be a source of strife and war danger. I proposed an amendment to the foreign aid bill in 1960 which would have terminated U.S. financial support of the ration program after January 1, 1961, except for those refugees whose eligibility and need for relief had been certified after July 1, 1960. Both the Senate Foreign Relations Committee and the Senate approved this amendment. Unfortunately, the House of Representatives declined to accept the amendment.

I did not suggest that this amendment would have solved the refugee problem or the problems of the Middle East, but I believed then and I believe yet that such an action on the part of the United States would have set in motion events which would have contributed to a solution. As we have seen, continuation of the refugee camps has continued to build a dangerous source of extremism, and it is precisely this force that poses a grave threat today in both Jordan and Lebanon. Jordan appears to be teetering on the brink of chaos or worse.

The guerrilla movement constitutes somewhat of a third force in the area, and, as I have indicated, its leaders have vowed that they will accept no peace formula whatever and that they will pursue their mission of the complete destruction of Israel. Unless the governments in the area are able to exercise some degree of control over this movement, continued hostilities in the area are inevitable; attacks upon Israel and counterattacks by Israel will continue; and ultimate resumption of full-scale hostilities will be gravely threatened.

In my speech of May 28, I also discussed in some detail the growing Soviet military involvement in Egypt. Reports of Soviet pilots flying Soviet planes in combat-type situations sharply increase the danger of direct Soviet-Israel confrontation. Moreover, the Soviet buildup of naval forces in the Mediterranean that has occurred over the past several months makes clear Soviet intentions of exercising a greater degree of political influence in the Mediterranean and the countries that surround it.

Installation in the delta and Nile Valley of Russian Sam III missiles to protect against low-level Israel attack appears quite significant. The batteries are reportedly Russian commanded, operated, protected, and supported; and it is said that they virtually insure Alexandria, Cairo, and Egyptian air facilities well south of Cairo against Israeli bombs.

It has been the policy of the United States throughout the post World War II period to seek to insure the security of the State of Israel. This policy was specifically restated by Secretary Rogers on December 9 and in his statement of March 23, at which time the administration deferred a decision on making additional combat aircraft available to Israel. No tangible benefits from this delay are visible. The dangers grow.

While the United States has the responsibility to seek to restrain an unlimited arms race in the Middle East, which I support, we also have a responsibility to insure that Israel has access to the weapons and planes to defend herself. Israel does not ask the United States to defend her. She asks only for the materials with which to defend herself.

Recently, 70-odd of my colleagues have signed a joint letter addressed to the Secretary of State urging that the Government announce its intention to provide additional combat aircraft to the State of Israel. I wish to identify myself with the sentiment and the recommendation expressed in that letter. I preferred to write the Secretary of State to express my own views more precisely. On June 5, 1970, I wrote a letter to President Nixon in which I pointed out some of the factors which I have stated here. The concluding paragraph of my letter to President Nixon is as follows:

> Under all these circumstances, and in the absence of some private understanding between yourself and Russia, I respectfully urge your approval of the sale of needed planes to Israel.

Mr. President, reports this morning of events in Jordan reflect a very tense and a very precarious situation. I urge the President and officials of his administration to accord full consideration to this situation on a priority basis, and to make the required planes available to Israel.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. GORE. I yield.

Mr. GRIFFIN. Mr. President, the Senator from Tennessee has indicated that he wishes to announce his intention to be associated and identified with those who signed the letter recently directed to the President, urging that planes be made available to Israel. On behalf of the Senator from New Hampshire (Mr. COTTON) I want to indicate that he, also, wanted it noted in the RECORD today that he wishes to be identified and associated with those who have signed that letter to the President of the United States.

Mr. GORE. I wish so to be recorded, also, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ANDERSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COOK). Without objection, it is so ordered.

ADJOURNMENT TO MONDAY, JUNE 15, 1970

Mr. ANDERSON. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in adjournment until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 3 o'clock and 8 minutes p.m.) the Senate adjourned until Monday, June 15, 1970, at 12 o'clock noon.

NOMINATION

Executive nomination received by the Senate June 12, 1970:

DEPARTMENT OF LABOR

James D. Hodgson, of California, to be Secretary of Labor.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 12, 1970:

NATIONAL SCIENCE FOUNDATION

The following-named persons to be Assistant Directors of the National Science Foundation:

Edward C. Creutz, of California.
Lloyd G. Humphreys, of Illinois.
Louis Levin, of Maryland.
Thomas B. Owen, of Washington.

PUBLIC HEALTH SERVICE

The nominations beginning Arnold B. Barr, to be surgeon, and ending Dennis R. Shipman, to be an assistant health services officer, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 15, 1970.

U.S. AIR FORCE

Brig. Gen. Frank A. Bailey, 431-22-6341FG, Arkansas Air National Guard, for appointment as a Reserve commissioned officer in the U.S. Air Force to the grade of major general, under the provisions of chapters 35 and 837, title 10 of the United States Code.

U.S. ARMY

The following-named officers to be placed on the retired list, in grade indicated, under the provisions of title 10, United States Code, section 3962:

To be lieutenant general

Lt. Gen. James Dyce Alger, 561-54-2800, Army of the United States (major general, U.S. Army).

Lt. Gen. Andrew Jackson Boyle, 224-52-4050, Army of the United States (major general, U.S. Army).

Lt. Gen. John Edward Kelly, 088-03-4921, Army of the United States (major general, U.S. Army).

Lt. Gen. Charles Wythe Gleaves Rich, 227-36-1915, Army of the United States (major general, U.S. Army).

U.S. NAVY

Adm. Ignatius J. Galantin, U.S. Navy, for appointment to the grade of admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

U.S. ARMY

The nominations beginning Gerald O. Anderson, to be major, and ending Felix D. Winter, to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 5, 1970.

EXTENSIONS OF REMARKS

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

DISTINGUISHED PUBLIC SERVANT

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mr. DORN. Mr. Speaker, yesterday before the Subcommittee on Roads we received the testimony of one of America's distinguished public servant's, my dear friend, the Federal Highway Administrator, Hon. Frank C. Turner. He testified in his usual knowledgeable and helpful manner. By coincidence today also marks the beginning of his 42d year as a public servant.

Frank Turner is a great human being, a fine engineer—a real American.

He has served the American people in many parts of the world including Central America, the Philippine Islands, and Alaska. He has been one of the key figures in directing the progress of our interstate highway program.

He is a graduate of that great university, Texas A. & M., which contributed more officers to service in World War II than any other university. He expresses the spirit of that great university in his dedication to duty.

Frank Turner through his public service over the years has contributed immeasurably to the social, economic,

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and environmental development of our Nation.

I salute him as he begins his 42d year as a public servant. We as a committee need him and his country needs him.

OMBUDSMAN

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mr. GROSS. Mr. Speaker, appearing today before the Rotary Club of Houston, Tex., Mr. Clark R. Mollenhoff, who is retiring as special counsel to President Nixon, reviewed some of the problems that confront the Federal Government and our society, and suggested creation of a permanent Office of Ombudsman in the White House.

Prior to his appointment as special counsel to the President, Mr. Mollenhoff was a reporter for the Des Moines Register and Tribune and won many awards for the excellence of his work in bringing to light corruption both in and out of Government.

His books on the subject of his reportorial experiences in Washington are widely read and used as references.

I am pleased to insert in the CONGRESSIONAL RECORD portions of his remarks to the Houston Rotary Club, as follows:

This nation has gone through a period of disillusionment that is one of the most difficult in our history. Young and old alike have been questioning whether our system of government can deal with the problems that face our society.

Scandals ranging from carelessness to outright fraud have been exposed in connection with the war on poverty and other welfare programs. Evidence indicates that in certain areas, the Mafia has had the tight control over city, county, and state officials. There is even some evidence that the Mafia has had an unhealthy influence on decisions of the IRS and the federal courts.

Congressional investigations of Defense Department contracts demonstrate billions of dollars in cost overruns and indicate a negligence or conspiracy to pad our military spending with excessive profits. There are examples of favoritism in the awarding of contracts at city, county, state, and federal levels of government.

The brutal slaying of Joseph A. (Jock) Yablonski, his wife, Margaret, and their daughter, Charlotte Joanne of Washington, Pennsylvania has reemphasized the brutality that has been a part of the history of the United Mine Workers and many of our large labor organizations.

James R. Hoffa's arrogant domination of the International Teamsters Union was characterized by abuse of power, misuse of union funds, and corruption in the handling of the multi-million dollar pension and welfare programs. Some say he still runs the Teamsters from prison.

Robert G. (Bobby) Baker is still free three years after his conviction of fraud and larceny charges. He has been the symbol of corruption in the highest offices in government. His continued freedom is regarded by many as proof that those with the big money and the big connections need never pay the price of incarceration.

It is easy to see why those who take a brief look at some of these incidents in our society are disillusioned. They question whether it is possible to operate our American democracy as it was intended to operate— in a fair and honest manner.

In the face of problems that have seemed overwhelming, our citizens have reacted in many ways. Some have questioned whether we should expose our scandals. Some go as far as to suggest that we cover them up, so we can give the world a more flattering picture of the United States. Some withdraw into a shell of bitterness and futility and leave the field clear for the active corruptionists.

There are even a few who decide to join the thieves after erroneously concluding that you can't beat them so you might as well join them.

With no answers of their own, many people have rushed to join groups or societies that contend they have the answers. These groups aggressively supply what the confused may regard as easy answers.

The unknowing find it easy to join without thinking and frequently end up as supporters of the Students for Democratic Society or the John Birch Society, the extreme White Citizens groups, or the equally extreme Black Muslims or the Ku Klux Klan.

No amount of warning and reasoning will stop all of the rush of thoughtless citizens who will donate their finances and give their names to extremist groups. A certain amount of this frantic joining can be expected in any free society. However, it is disturbing when large numbers of basically bright college students join the John Birch Society with no real look at what that group stands for.

It is equally disturbing when large numbers of college students rally around the actions of thugs and outlaws who disrupt the educational processes of our universities or take over and destroy college buildings and offices.

I believe there is a special responsibility placed upon the young people in our colleges and universities to analyze what is wrong with our society but to be restrained in their activities until such time as they are absolutely certain that those activities will be helpful in finding solutions to the problems they have found.

And I would be hopeful that the critics of our society and our system of government would not seek to tear it down until such time as they are certain in their own minds that the replacement would represent a better opportunity for fair and honest administration of government.

For more than 25 years I have been involved in investigations of the mismanagement and corruption of government at all levels. With full knowledge of the corruption in our society, I am still certain that it is relatively clean. I say "relatively clean" for in judging we must not judge it alone against some imaginary ideal. We must judge it by comparing it with other societies that exist in the world today. With all of its weaknesses, it is certainly a better society than that of the Communist world where there is no thought of fair play or justice for the individual.

If there is anything wrong with our society, it is not because of our system of government. What is wrong is wrong despite our system of government which gives the people of the country the right to insist upon high standards, and the mechanism for defeating those who do not strive for honest and efficient government.

If there are things that you don't like, don't be among those who rip at our system and blame our American democracy for everything. It is time for each citizen to look at himself and to ask himself if he is contributing to the delinquency. He should also ask himself if there isn't something more he can do to eliminate the evils that will inevitably creep into any system.

I believe I have viewed almost every evil that can creep into our system but I have not lost faith in that system of government. I know that I will never lose faith in it.

In nearly every case, our American democracy has forced a reform as soon as the facts had been clearly relayed to the public through the press. I have seen incompetent and corrupt city officials defeated and corrupt and incompetent county officials indicted, convicted and removed from office.

OMBUDSMAN

Many indictments and convictions followed the exposure of corruption in the Truman Administration. Revelations of conflict of interest in several high offices in the Eisenhower Administration resulted in a rash of resignations and a few indictments. There were indictments and conflicts arising out of scandals in the Kennedy Administration.

I have no doubt that the Nixon Administration will be plagued from time to time with similar problems. We had one major first test in connection with Major General Carl Turner. It was possible to demonstrate the advantage of swift non-partisan action in connection with the Turner matter. We were able to learn of serious problems involving Major General Carl Turner, who had been appointed last March as the Chief United States Marshal. His resignation was obtained within a matter of a few hours after the Administration became aware that he was not worthy of his position. The hearings before the Senate Permanent Investigating Subcommittee demonstrated dramatically that it was important that we came to grips with that issue and removed the man who failed to meet the standards required by this Administration.

The public was understanding because the Administration took action against an appointee of the Administration at the first point at which it was clear that General Turner did not meet the Administration's standard. When Turner was appointed in March, there was no reason to believe he was other than an experienced career military investigator. There was no record of arrests or convictions to mar his record.

The mistake of appointing Carl Turner was the mistake any Administration could make and there was public understanding of this and no editorial criticism. I hope that the swift corrective action in the Turner case will set the tone for this Administration.

I hope that the Nixon Administration will always be able to find the true facts at an early stage and brush away the excuses and rationalizations that are so frequently brought forward to cloud the issue.

I was named presidential ombudsman because President Nixon wanted someone in the White House who would be mainly concerned with the problems of inefficiency, mismanagement, and corruption in the federal government. The jurisdiction was to be roughly that of a government operations committee of the Senate or House.

It is not a role that has carried any direct responsibilities in the political area or in the program policy areas. It stresses government operations.

It has been an effort to establish a mechanism outside the normal chain of command for the administration of government programs for independent fact finding on problem areas that will take advantage of the whole range of government sources, plus a wide range of sources outside of the federal government.

The President and others in his administration have been familiar with "Despoilers of Democracy" and "The Pentagon" which were nonideological and nonpartisan case studies on the problems of dealing with inefficiency, mismanagement and corruption in a wide range of government agencies. The President wanted that approach.

Many of our Presidents have been embarrassed by commenting upon government problems before they were appropriated of the full facts on cases involving inefficiency, mismanagement, and corruption in their administrations. President Truman made errors in his comments and explanations on problems involving the Reconstruction Finance Corporation, the Internal Revenue Service, and some other agencies. This made it appear that he was condoning questionable activity.

President Eisenhower made similar mistakes in press conference comments on the Dixon Yates case, and in connection with the Adams-Goldfine matter.

President Kennedy made similar mistakes in commenting at press conferences on the Billie Sol Estes case, on the TFX case, and on other matters.

All suffered some major embarrassment because they relied upon the normal administrative chain of command. At a late date they found that men with a stake in the case, from a standpoint of official responsibility or as a result of involvement in questionable activity, had given them inaccurate information.

President Nixon, who had extended experience in dealing with congressional investigations, has realized the hazard of dealing with information that comes through the bureaucratic chain of command. He has wanted to keep the possibility of error down to a minimum.

Serious errors in dealing with the problems of mismanagement or corruption can do irreparable harm to an administration from a standpoint of its credibility on international or domestic matters, and in its dealings with members of the Senate and House.

The many grave problems—domestic and foreign, that must be dealt with today create conditions that make it particularly important that there be a mechanism to protect the President from the errors that can arise from over reliance upon the bureaucratic chain of command.

It is important to establish an effective government-wide follow-through on past problem areas, and to set the tone for what the President expects of his own administration.

SENATOR JOHN WILLIAMS

Arrogant bureaucracy is the greatest obstacle today to proper functioning of the government and has created a sense of frustration from the lowest student up to the presidency. The sense of frustration, dramatized by some of the student protests, is also present among businessmen, city, county, and state political leaders, Senators and Congressmen and federal government officials.

A properly organized and staffed ombudsman office can make the federal government more responsive to the thoughtful complaints of the public and more responsive to the will of the President.

My experience as presidential ombudsman coupled with more than 25 years of experience investigating government mismanagement and corruption at all levels has convinced me that a properly structured and staffed ombudsman office can be the answer to many of our most serious problems. It would provide:

1. A place for citizens to lodge their complaints against arbitrary bureaucratic actions with the hope of having the grievances examined carefully.

2. It would provide the mechanism for thoughtful depth examination of complaints and would force the production of records dealing with government operations and decisions.

3. It would provide a means of separating legitimate complaints from frivolous complaints and would provide periodic publication of the finding of fact and conclusion. Reports published on a semi-annual or annual basis would force government agencies to give greater attention to the necessity of justifying decisions to an independent body and for correcting decisions that are erroneous.

The ombudsman office could be created by the President within the White House or it could be established by law independent of the White House. Essential to the proper functioning of this office are the following:

1. Cabinet rank so there can be no question about the ombudsman authority to obtain records and reports.

2. A man of great experience, stature, and impeccable integrity.

3. Job tenure so that there can be no doubt about the ombudsman's total independence (a law would be required for job tenure).

4. Direct access to the President at all times.

5. An initial staff of 12 to 20 lawyers and accountants with years of experience on investigations of government operations either with congressional committees or with government agencies, or both.

6. Public reports made to the President and to the Senate and the House on an annual or semi-annual basis with provisions for special reports.

7. This job should be devoid of any partisan political authority or responsibility.

The key to the successful operation of the federal ombudsman office is the selection of an ombudsman to head this new structure. This must be a man of great experience in the investigation of government who is recognized by the public for his great stature and his impeccable integrity. Senator John J. Williams, Republican of Delaware, is the only man who comes to mind immediately as having the full credentials necessary to do this job. He will be retiring from the United States Senate at the end of 1970. His conduct as a member of the United States Senate over a period of twenty-four years is recognized by Democrats and Republicans, liberals and conservatives as having been in the highest tradition of public service.

I believe that the establishment of an ombudsman office, headed by Senator John Williams, would do more than any other single act to restore faith in the federal government.

Expensive reorganizations and realignments of government activities have been usually only a slight reshuffle of the same old bureaucratic cliques. John Williams and a small, effective staff could break up the old bureaucratic patterns and restore integrity and fair play in many areas where it has been missing for years.

CRISIS IN HIGHER EDUCATION REQUIRES RECASTING OF RELATIVE ROLES BETWEEN UNIVERSITIES AND COLLEGES

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, June 12, 1970

Mr. RANDOLPH. Mr. President, our national syndrome of bigness has led to the spawning of multiversities, vast educational complexes which have in some instances become unmanageable.

Even our smaller colleges have been caught in the growth race, increasing enrollments and curricula, adding new buildings and faculty—often without design or long-range goals. In some cases, this has resulted in both educational and financial disaster.

Today educational leaders are being forced to reassess the relative roles of universities and colleges. One of the classic definitions is: Colleges teach you how to make a living; universities teach you how to live. In too many instances, universities by their very bigness have become fragmented and parochial, and many small colleges strive unsuccessfully to duplicate the university experience.

Harvard Historian Henry Steele Commager, writing recently in Saturday Review, gave an erudite summation of the higher educational dilemma. He wrote:

> At a time when almost everything, including man, is organized and mechanized and computerized and dehumanized, there is a great deal to be said for colleges that allow room at the joints.

The small private college has very little leeway in allowing room at the joints. Caught in a web of rising operating costs, inflationary borrowing, and growing student demand, these institutions are faced at the same time with dwindling public and private support. Indeed, several of our most revered educational institutions report operating deficits and are being forced to live off endowments and other resources.

I ask unanimous consent that this article be printed in the RECORD, together with two recent newspaper articles which illustrate the plight of our Nation's small colleges.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

HAS THE SMALL COLLEGE A FUTURE?

(By Henry Steele Commager)

The college is an American institution, unknown elsewhere in the Western world. In the Old World, higher education has been, and is, assigned to universities; in many countries of the Old World the secondary schools—public schools, *lycées*, and Gymnasia—perform most of the tasks of our colleges and display most of their stigmata.

How did it happen that Americans contrived the college? Creation of the first institution was almost fortuitous, and set a pattern: Harvard College was founded at a moment in English educational history when the Oxford-Cambridge colleges had taken over from the universities, and it was a kind of stepdaughter of Emmanuel College, Cambridge, which was a very special Puritan foundation. But the deeper explanation is simply that the Americans were not prepared to create or maintain universities; indeed, they were not prepared to do so until about a century ago, with the creation of Cornell in the 1860s, the transformation of Harvard under Eliot, the founding of the Johns Hopkins in 1876.

When the Americans finally did create universities, they did not (except briefly at Hopkins) substitute them for colleges, but added them atop the colleges. The two were not integrated—as at Oxbridge, where the colleges provide the tutoring, and the universities the lecturing, the research, and the laboratories—but were made consecutive. This meant that in the United States the university tended to be an enlarged and grown-up college. To be sure, at the better universities such as Harvard, Columbia, and The Hopkins, the graduate and professional faculties took over, but it is mostly the college tail that wags the university dog.

The college is not only indigenous, it is unique. The college emerged in the United States to serve a particular constituency and function in a special way. Note first that the college was designed to be and long supposed to be terminal. It provided all the education the young were going to get—in America, at least—and that was supposed to be quite enough education. In a simple and unsophisticated society, young men with only a college degree (there were few young women with such degrees until the mid-century) could go into teaching, law, architecture, business, and in some states even into medicine. Any additional training as they might

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need they were expected to get in offices or at work—not altogether a bad idea.

Second, the college was designed to take care of boys rather than young men. It was, in many ways, what the preparatory school is today. In the eighteenth and well into the nineteenth centuries, boys entered college at thirteen or fourteen, and a really bright lad like John Trumbull could pass the entrance examinations for Yale at the age of seven (he had the decency to wait until he was twelve before presenting himself). When in college, they studied pretty much what young men at Exeter, St. Paul's, or Lawrenceville studied half a century ago: Latin and, perhaps, Greek, mathematics, religion, rhetoric, a bit of history, a bit of science.

This youthfulness of students appeared to justify, even require, the perpetuation by the institution of *in loco parentis,* now in full retreat. It was clearly necessary that tutors—and even presidents—take care of the health and morals of the young who had been entrusted to their care by anxious parents. The necessity of careful supervision was not relaxed in the nineteenth century, for though students were older, by then, two additional considerations had emerged: the presence of young ladies on the campus and the growing number of distractions that assailed the young.

The youthfulness of students served as both an inspiration and a justification for what came to be regarded as the chief concern of the college: instruction in morality and the nurture of a Christian character. The purpose of a European (as distinct from English) universities was to train for government service and for the professions; in America it was to mold character. If this were taken care of, all else would take care of itself.

But the college, perhaps inadvertently, served another function: It was an instrument for the prolongation of youth. For a century and a half now, Americans have been bemused by this romantic notion, a notion deeply rooted in history and the national character. Americans pursued happiness more self-consciously and more energetically than other peoples, perhaps because they thought it a natural right, perhaps because they equated it with the things America had to offer, and thus had the satisfaction of a self-fulfilling objective. Certainly, they equated happiness with childhood, an equation that made sense if children did not have to go to work in fields or factories at the age of eight or nine. Those who had not themselves had the opportunity to prolong their youth by going to college instead of to work—and this included most parents up until the 1930s—passionately desired this boon for their children. Let them enjoy four golden years—years of youth, years of freedom from work, from care, from the problems that would soon enough crowd in upon them, freedom, even from dangerous ideas—in some pastoral college where they might pick up as a bonus a smattering of learning, precepts of morality, a gloss of good manners, and maybe a wife or a husband. Who can doubt that one reason the older generation so deeply resents the college rebels of our time is that they are making a mockery of the myth of the four golden years. As education was for long the American religion, the revolt against the college is what the revolt against the church was two generations ago.

During the past quarter-century the sweeping revolution in higher education has shifted the center of gravity from the college to the university. It has deprived the college of many of its traditional functions and some of its uses, and it has raised questions about the validity of the whole collegiate enterprise.

Thus, where the college was for generations terminal, it is now becoming preparatory. Where the college was, for long, the refuge of a kind of social if not intellectual elite, it has now become the haunt of every man and of every woman. And where it traditionally fulfilled a clear and familiar function—moral, social, and educational—its function now is a subject of controversy and of uncertainty, and among students there is a growing suspicion that its function may have disappeared.

For the traditional functions of the college are being usurped—or should we simply say taken over?—by other institutions. It is squeezed from below by the growing maturity of the students, the improvement in secondary education, and the rise of the junior college as an intrinsic part of the public school system. Good students no longer need the old "required courses" that so conveniently filled the first two years of college. We are moving, almost irresistibly, towards the Old World practice of relegating these courses to the secondary schools where they belong, and while this shift has not yet reached the remoter parts of America, it will. And the college is being squeezed at the top by the importunate demands of graduate and professional schools, the military, the custom of early marriage, and the necessity, therefore, of getting on with the job.

If the college is thus pressed inward from both ends, what will be left for it to do? What can it do in the first two years that cannot be done equally well, and at less expense, in a good secondary school, and that is, in fact, done equally well in almost all Western European secondary schools and, perhaps, also in Soviet schools? What can be done in the last two years that might not be better done at a university or professional school, or, as Robert Hutchins has argued, in a law office, a business office, or a library?

It is easier to say what the college should not do than to make clear what it should do. It should not go on teaching elementary courses in such obvious subjects as basic English, repetitive American history, or public speaking, nor such non-college subjects as accounting, basketball coaching, or military training.

It should not compete with the university or the professional school. Colleges must prepare their students for research and professional schools, but the preparation should be qualitative, not quantitative. They must teach mathematics for those who will be involved in science, economics, and philosophy, languages to those who will devote themselves to the humanities and the social sciences. There is nothing new about this: It is the traditional training that the colleges provided in the eighteenth and nineteenth centuries.

It should not—and I tread on controversial ground here—provide introductions or surveys of almost everything, so that the young will have been exposed to "general culture." Surveys like outlines, rot the brain. "Culture" cannot be taught; it is something that the student absorbs from the atmosphere in which he lives—from the tradition of the institutions, from the buildings and the grounds, from well stocked libraries, from great teachers, from fellow students, from exposure to the intangibles "at hand." Nor can we have much confidence in the therapeutic qualities of a nodding acquaintance with world civilization, world literature, and world art. Our generation knows incomparably more about the problems that confront us than our forebears did about theirs, but it is unable to solve any of them. We are incomparably better acquainted with other peoples, nations, and civilizations than our forbears were—every student has been "introduced" to Asia and Africa and Latin America, and he has a name-dropping acquaintance with their great authors. But we are probably more isolationist and certainly more belligerent than we were a century ago.

Are the colleges, then, to return, in principle and even in practice, to the philosophy that animated them in the eighteenth century—that of training character, keeping the young from temptation, and trying to persuade them to learn from the trivium and the quadrivium? Are they—more seriously—to try to provide each generation with a common body of knowledge, a common frame of reference, a common bundle of values? Certainly they cannot now undertake these tasks in any simplistic fashion.

Students are no longer children prone to having their morals supervised or their characters molded, and they resent the suggestion that they should have their minds disciplined. To try to provide a really common body of knowledge about the contemporary world would lead the colleges down just those dangerous paths of surveys and smatterings that lead nowhere except to boredom. And important as it is for each generation to have a common body of references and allusions, this is a task for the elementary school and the high school, the home, the church, and society.

What then may we expect to be the character and function of the college of the future? How can this institution so deeply rooted in American soil and connected by a thousand filaments with our sentiments, our culture, and our philosophy best serve students, the commonwealth, and the community of learning?

First, one thing the liberal arts college may be able to do is stay small, simple, and relatively unorganized. At a time when almost everything, including man, is organized and mechanized and computerized and dehumanized there is a great deal to be said for colleges that allow room at the joints.

Much of student discontent has been aggravated by, and directed against, the great, impersonal multiversity that appears to treat students as interchangeable parts in a giant educational machine. What is not sufficiently appreciated—by the public anyway—is that much of the faculty demoralization is rooted in the same problem. The situation for faculty is more complex: On the one hand, most scholars want to teach and carry on research at institutions with large faculties, elaborate laboratories, well-stocked libraries, and numerous graduate students; on the other hand, they yearn for the satisfactions of an intimate intellectual community located preferably in a small town. Oxford and Cambridge testify that it is possible to have both, but it is not certain that their experience is relevant to America. Efforts to transplant the Oxbridge pattern are more successful for students than for faculty. At present—and until American ingenuity devises some method of combining the advantages of size with the delights of intimacy—most scholars must choose whether they will take the one or the other.

The college can, in this situation, make sure that it does indeed offer the traditional advantages—a genuine community, an easy-going relationship between trustees and administration on the one side, students and faculty on the other, amid tranquillity and freedom from secular pressures. Such a situation does not develop spontaneously. It requires in trustees and administration a sophisticated readiness to see education through faculty eyes, while from the faculty, a sense of pride in the institution that makes it, rather than the profession, the object of habitual interest and loyalty. It places somewhat more emphasis on intangibles than is customary in larger universities: tradition, the beauty of the campus, housing, hospitality, social intercourse, and the avoidance of ostentatious efficiency.

Colleges, certainly, can forgo some of the advantages of efficiency—advantages usually counterbalanced by costs. The college no more needs to be overtly efficient that literature, art, music, or the family needs to be efficient. As it can forgo size, so it can forgo an elaborate administration: Almost every American college is over-administrated. It can even forgo the comforts of a business vocabulary and stop calling teaching a "load" or academic studies "offices." And if it launches itself on comparative cost anaylses for, let us say, Greek and business administration, it is on the road to ruin. If the financial pressures force colleges to cut down on courses—as almost all of them should—then clearly they should cut not the difficult courses that require skilled guidance, but the popular courses, such as American history or journalism, where students can learn what they need to know by going to the library. Administrators, no less than faculty, should take to heart the aphorism of Justice Oliver Wendel Holmes that "life is retaining a picture, not doing a sum."

Second, there is one area in which colleges can indeed be more efficient, and that is in speeding up the process of formal education. Increasing numbers of students come to college better prepared and more mature than they were a generation or two back, and increasing numbers of them go on from college to some form of graduate or professional work. They do not need to spend four years in preparation for such work, nor can they afford to do so. The college should (and I think will) contract to three years—the normal university period abroad. This would have one immense advantage. It would enable the colleges to educate one-fourth more students at no extra cost in facility or resources—or to society.

Third, greater maturity in students and increased concentration on preparation for graduate and professional schools or public service careers should permit the college to dispense with the burden of *in loco parentis*. Perhaps this is flogging a dead horse; the young are no longer willing to linger *in statu pupillari;* faculties are no longer prepared to act *in loco parentis*. Students will no longer tolerate supervision of their housing arrangements, or their social or sexual activities, but most students still demand of their colleges a good deal of parental care. They take for granted services that are not provided by universities abroad: housing, dining and social facilities, gymnasiums and swimming pools, libraries that stay open until midnight, and a score of other services that are not generally found outside the United States. They take for granted immunity from the ordinary processes of the law that affect all others in society. Perhaps if students are to be liberated from the inconveniences and embarrassments of parietal rules, they will have to accept a greater degree of maturity and independence in other nonacademic arrangements. This would have the double advantage of encouraging maturity in the students and saving money for the college.

Fourth, the relaxation, or abandonment, of parietal rules is merely the negative side of what should be a positive program: that of encouraging a larger degree of student participation in the life of the college and in the life of the community of which the college is a part. Participation by students in some aspects of the governance of the college is now well under way: some institutions have even embraced student representation on boards of trustees. What we have here is something new to America, but very old in the history of the University. In the late Middle Ages, academic freedom emerged, not as a freedom for scholars, but precisely as a freedom for students—freedom to choose their own teachers, whom they paid, to live where and as they pleased, and to move at will from one university to another. Because we think in parochial terms we are puzzled, or shocked, by the strident insistence of American undergraduates on what they consider academic freedom; we should be puzzled only that the demand has come so late. The college should confront the "demands" of the students for a larger role in the life and governance of the institution with patience and equanimity.

It should also, however, recognize that many if not most student "demands" on colleges today are misguided or positively harmful, and should resist them. This situation is largely the fault of colleges, and of society, which has put the emphasis on the wrong things and persisted in the wrong methods. Thus, students want more and more courses in more and more subjects. This demand must be resisted not only on financial grounds—if persisted in here it will surely bankrupt many of our institutions—but on academic grounds. Because colleges grew out of high schools, because they were terminal, because American students were, by Old World standards, young and unsophisticated, and because parents preferred to keep them that way, colleges carried over from the high school the complex apparatus of required courses, majors, minors, attendance, credits, and course examinations. They embraced quite uncritically the American notion that nothing can be learned unless it is formally taught in some "course." The corruption of courses is the major corruption in American higher education; even those who do not accept this verdict recognize that it is a major threat to fiscal survival. Almost all colleges teach too much, a habit acquired in that twilight period when the colleges ceased to be concerned primarily with training character and took on the miscellaneous tasks of professional and university training. Colleges should be content to be colleges, and not try to be universities.

Just as colleges should resist the demand for more courses, they should resist the demand for "relevance," as undergraduates commonly understand that term. Almost the whole of our society and economy—and, alas, much of our educational enterprise—is engaged in a kind of conspiracy to persuade the young that nothing is really relevant unless it happened yesterday, and unless it can be reported in the newspaper and filmed by television. It is the business of these and other media to be relevant; it is not the business of the college or university to be relevant. The academy has other relevancies. It must be relevant to the past and to the future, to our own society and to very different societies. It must be as relevant to art and music and philosophy as it is to urban problems or race relations, confident that neither urban problems nor race relations can be understood except through philosophy and history.

What the college can do—more effectively than the university, if for no other reason than that it has younger students—is to provide a place, a time, an atmosphere in which the young can find out what is relevant to them.

A generation ago it would have been superfluous to say this. Today both teaching and libraries are threatened by the dehumanizing force of audiovisual and computer technology. If we substitute the radio or television for the seminar or the lecture, and information retrieval systems for the browsing room of the library, the chance that students in the future will discover what is most relevant to them will be seriously diminished.

The college can encourage the young to discover what may be meaningful to them by providing opportunities for active participation in nonacademic activities: the Peace Corps, Head Start, VISTA, Upward Bound, Crossroads to Africa, or—in less formal fashion—work in hospitals or institutions for backward or wayward children, or participation in local or national politics. Most of these activities are now regarded as outside the educational program. They should be, where possible, incorporated into that program, supervised by scholars on or outside the faculty, and accepted as legitimate independent study.

Fifth, there is one obligation, peculiar to the college, that is only now receiving the recognition it has long deserved. The obligation to involve students in the creative arts. It is a safe prophecy that the arts that for so long have been a kind of icing on the academic cake will become in the near future an essential ingredient in that cake—perhaps the yeast that will make the whole thing rise. If we are prepared to spend millions on laboratories, why not on centers of creative art? Sophisticated colleges are already doing this: for example, Dartmouth, Brandeis, Smith, Goucher, Franklin and Marshall, Oberlin, Sarah Lawrence, and Amherst.

Here it can be fairly said that, if students are not vouchsafed the opportunity of playing a musical instrument, painting a landscape, designing a building, acting in a theater while in college, they may never have the chance. The demands of graduate and professional work, and of subsequent careers, provide little opportunity and encouragement for these experiences. Yet, as we enter an era when one of the major problems of society is leisure, how vastly important it is to permit the young to discover for themselves the delights of the arts and of artistic expression.

A word, finally, about the isolation of many of our colleges, particularly those not attached to great universities. Colleges tend to be ingrown, and this tendency is aggravated by geographic isolation. The notion that universities and colleges should be located in some rural retreat is strictly American; from the days of the founding of universities at Bologna and Padua, Paris and Salamanca, Leipzig and Prague, universities were located in large cities. The American preference for the pastoral scene was in part accommodation to the fact that there were few urban centers, in part response to the demands of society for an education that would remove the young from distraction and temptation. Today we retain—and cherish—the image of the little country college, though three-fourths of our students attend college in cities. Colleges attached to great universities have no problem here. Their students share the life of the university.

But the small college is still, for the most part, rural. That is how it stays small. One way for it to become less parochial is to grow in size and in scope until it ceases to be a college and becomes a university: That is what is happening throughout the country. Another way, and a better one, is to establish, within itself, some institute, museum, library, public service, or scientific enterprise that will keep students and faculty in touch with scholarship and public service. A good many colleges have already done this: for example, Brandeis, Oberlin, Wesleyan, Dartmouth, Dickinson, the Claremont colleges, and the new Hampshire College.

Colleges distant from great cities should try to drive a "gulf stream" of intellectual or artistic activity or of public service through their campuses. The more isolated they are, the more important this is—and, of course, the more difficult. Students should be permitted to see ever before them the spectacle of scholars or artists, scientists or public servants, going about their business. Perhaps the most important thing that any institution of learning can do is keep before the young the spectacle of greatness and dedication. This cannot be done if the college is limited to its own resources. No college is rich enough to develop such resources in every realm, and that is not necessary. The student does not need to be provided with elaborate fare: It is quality that counts, not quantity. The college should make it impossible for a student wholly to escape the spectacle of the dignity, the excitement, and the beauty of scholarly and artistic work. Every institution of learning should say to its students what Pericles said of Athens to his fellow Athenians: "Let your eyes dwell upon her from day to day until love of her fills your hearts, and her greatness shall break upon you."

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[From the Washington Post, May 30, 1970]

Crisis Hits Private Colleges: Big and Small, They Feel Financial Squeeze

(By Eric Wentworth)

DENNISON, IOWA.—On May 1, the day after President Nixon announced he was sending U.S. troops into Cambodia, the Midwestern College faculty here showed up as usual for their salary checks and were told the college lacked the cash to pay them.

In the days that followed, students and professors all over the country launched a wave of antiwar protests in which classes were suspended, academic calendars hastily changed and scores of institutions brought to a near standstill.

During those same days, a majority of Midwestern's 625 students, 32 faculty members and other supporters began instead a desperate fund-raising campaign to save their shaky little college from total financial collapse. Their efforts have been energetic, imaginative but so far short of the mark.

By most conventional standards of institutional strength and quality, coeducational Midwestern is almost a caricature. The four-year liberal arts college is unaccredited, underfinanced, understaffed, underbuilt, underequipped, and underattended by students despite an "open door" admissions policy.

Midwestern's fiscal plight is obviously extreme, and reflects special factors as well as the national economic squeeze. But as a brand-new school without stable financing, endowment or well-heeled alumni, it only illustrates in a more dramatic way the troubles that countless older private and church-linked institutions are facing.

Some of the nation's top schools are in trouble. Columbia University expects it operating deficit to soar to $15 million next year. Stanford's current-year deficit has swelled above $2 million.

Massachusetts Institute of Technology, while denying it has an actual deficit, concedes that for the first time in years it has been forced to divert $2 million in gifts, grants and other unearmarked income to balance its books.

Reed College in Portland, Ore., reports a net operating deficit this year of about $175,000. Reed has postponed a building project and held line on faculty salaries, and will soon decided whether to pare enrollment from 1,100 to possibly 900 in part for economy's sake.

THE $4.2 MILLION

Numerous Catholic institutions report they are in the red, including Boston College with a $4.2 million deficit this year and Marquette University with $275,000.

Each troubled school has its own special problems. Most, however, are feeling the impact of inflation on their operating costs, of tight credit on their borrowing schemes, and of a plummeting stock market on their own endowment income and private giving. They expect that donors who give stock to avoid capital gains taxes will prove less generous when they have no gains.

In addition, the institutions generally are being pinched by reduced federal aid for students, research and a variety of special programs.

The influx of low-income students is also proving costly. They require not only financial aid but more counseling and sometimes special courses or tutoring.

Campus protests are costing money in property damage, lost worktime and sharply higher insurance rates. Stanford reckons its protest losses this year at more than $500,000. Harvey Brooks, dean of engineering and applied physics at Harvard, estimates the student strike there last spring cost $100,000 in lost computer time alone.

Some academic money-minders also fear that alumni, irate about protests, may cut back donations.

PLEADING VAINLY

Individually and collectively, hard-pressed institutions have been pleading vainly with the Nixon administration and Congress for relief. Recently, for example, a newly-formed Coalition for Aid to Higher Education sent 90 students and administrators representing 26 Massachusetts campuses to Washington seeking help.

"Lakeland College and hundreds of other small colleges like it are dying," John B. Morland, president of the Sheboygan, Wis., United Church of Christ school, told a House subcommittee May 5. "Sudden death is shocking . . . A slow death, as we are experiencing, goes practically unnoticed. This is part of our problem."

Without major new funds from some source, at least a few of the weaker institutions being wedged into the fiscal vise may well be crushed. One small new college, Mackinac, is already closing for lack of funds.

Others will survive only at a price. New programs, new building, new equipment may have to be shelved. Needed maintenance may have to be deferred. Putting a lid on faculty salaries may drive top men elsewhere. Teacher-student ratios may widen. The quest for excellence may be compromised in countless little ways.

ALMOST ROUTINE

Colleges and universities all over the country have been trying to stay out of the red by what have become routine boosts in tuition. But already this approach is turning students away, especially those in middle-income brackets who don't qualify for special aid. Institutions that plunge into deficit despite higher tuition are being forced to dip into their endowments, which many can ill-afford, or borrow if they can at today's formidable interest rates.

"This country has got to wake up," warns Howard R. Bowen, new president of the Claremont University Center in California, "to the fact that a crisis is on its way. As a society, we cannot stand by and let these institutions go down the drain."

Whether Midwestern College will survive is an open question at this point. The current fund drive, touched off by the unmet May 1 payroll, is aimed at meeting immediate expenses, although the quest for longer-range financing has also intensified.

A student-faculty quartet started things rolling with a 119-mile hike to Des Moines to dramatize the college's plight. Later an estimated 450 students, bearing dollar-a-mile pledges from local donors, walked distances up to 30 miles through the surrounding countryside. Some picked up donations from passing motorists along the way.

The students have also washed cars, put on shows, sold sandwiches, punched doorbells and sent out distress calls by phone and mail all over the country. One enterprising pair traveled to Washington seeking federal funds.

FACULTY DONATION

The faculty has donated one-half of a month's salary—they have received some pay since May 1—and the other staff, one-quarter.

Local businessmen, inspired by these efforts, have been doing their bit as well. The Joe-Mart Steak House and a bowling alley each donated one night's receipts. A movie theater and gas station have kicked in some of their revenue.

Denison schoolteachers have pledged $1,000. The hat was passed at the Little League opening game. There have been raffles and a benefit dance.

A major factor in whether Midwestern can balance its books next fall will be enrollment, which nobody seems able to predict at this point. The school has several recruiters on the road. Students customarily receive a $100 tuition bonus for each new student they recruit.

A new scheme calls for dividing the student body into recruiting teams, with the winning group earning a three-day trip to Las Vegas that a local businessman has pledged to underwrite.

THIRD COMMENCEMENT

Those involved in trying to salvage Midwestern don't want last weekend's commencement, the college's third, to be the final one.

By and large, those students who stay say they like the school's small size, with the chance it offers to be a name instead of just a number. They enjoy the close informal ties with teachers and administrators. Some from the urban East find the open, cornbelt environment an intriguing change.

Faculty members, some at least, say they like the challenge of developing a new school. "I think there might be a latent missionary spirit in all of us," says Dean Hackett, assistant professor of psychology.

Despite the financial pressures to admit just about anyone who has tuition money, college supporters say the student body has shown improvement since the first year.

Midwestern is producing a number of teachers, who reportedly find employment in Iowa and several other states. Other students have gone on to graduate schools.

CULTURAL DIVIDENDS

From Denison's standpoint, the college has had an impact beyond local cash registers. Mayor Virgil Nelson praises the faculty's involvement in churches and service clubs, and finds cultural dividends in the new art association.

Denison, a town of about 7,000 people in the corn-hog-cattle country of western Iowa, is still hardly a bastion of culture and sophistication. The first "Nixon" sign one sees driving into town advertises a pig-feed dealer of that name. Among the town's few claims to fame: movie star Donna Reed was born on a nearby farm.

But a few years ago, two major new industries were established: Iowa Beef Packers and Farmbest (now Farmland Foods), a pork-packing concern.

Buoyed by those triumphs, and seeing little hope the state would start a college hereabouts, community leaders decided to launch their own venture in higher learning. They appear to have had mixed motives: educational opportunities for local sons and daughters, prestige, and still another lift for the local economy.

Their inspiration and mentor was Millard G. Roberts, then at the peak of his prominence as the man who built up obscure, anemic Parsons College in Fairfield, Iowa, into a profit-making institution which reached an eventual top enrollment of 5,200 students.

ACCREDITATION LOST

Parsons was to gain national notoriety as "Flunk-Out U.", lose its cherished accreditation in 1967 and promptly fire Roberts. But all that came later.

Roberts helped produce a glowing feasibility study for Denison in 1964. It proposed a $12.4 million building program, to be paid off in seven years largely through tuition from projected enrollments reaching 3,000.

The Roberts formula included avoiding long-term debt, a trimester system for economical year-round operation, a limited curriculum, three-tiered "team teaching" (professors, associates, tutors), intense use of limited physical facilities, good faculty salaries and an open-door admissions policy.

Denison's business and professional men formed a board of trustees, raised more than $300,000 and started building Midwestern on a hogback ridge just east of town.

RECURRENT CRISES

The college has been plagued with recurrent crises ever since. In 1965, its 600 first students found the contractors still at work on the first buildings.

Beyond the over-optimistic planning and occasional lapses in internal management, the increasingly tight national money market has also played a role in Midwestern's financial woes.

"If things had been normal," insists Chairman Thurman C. Aarestad of the board of trustees, "it would surely have worked out. We're a victim of circumstance."

The college's policymakers and supporters today have all but forgotten the rosy vision of "Doc Bob" Roberts. They just want to keep Midwestern afloat. At the same time, they have a standing offer to sell it to the state, but the Iowa Board of Regents is indifferent so far.

Midwestern is surviving at the moment on the patience of most short-term creditors, the enthusiasm of those associated with it, and a stubborn will to live.

Its physical growth has stopped at the administration-classroom building, three dorms (one threatened with receivership), a hotel, four surplus Quonset huts from the Agriculture Department and some weedy playing fields.

LIMITED LIBRARY

Its library holds less than 15,000 volumes causing some students to travel as far as Omaha, Ames and Des Moines in quest of reference books.

The slim library and lack of long-term, stable financing are among the reasons that Midwestern remains a long way from formal accreditation. Lacking that, it attracts little attention from large private foundations that might supply funds and has a harder time luring students.

"This is the dog chasing its tail type of thing," says Edwin Coen, former high school principal and county school superintendent who has taken over as the college's president.

Midwestern is technically eligible for federal aid and receives its share of educational opportunity grants and work-study funds for its students. But it cannot scrape up the local matching money for other federal aid.

According to James R. Lodwick, trustee in charge of fund-raising, the college needs a minimum of about $100,000 in cash to weather the present short-run crisis.

Lodwick reported about $42,000 has been actually collected so far, with an additional $46,401 in sight counting faculty salary donations, some federal student aid money and various other prospects.

Roughly half the faculty is willing to work without pay during the summer semester if necessary. But a number of faculty members, fearing the worst for next fall, have begun shopping around for other employment.

At least one other school that followed the Parsons example, John F. Kennedy College in Wahoo, Neb., is also on the fiscal brink. Lea College in Minnesota is struggling. Parsons itself, accreditation restored this spring, is on a more solid footing, although enrollment is down around 1,300.

[From the Fort Worth Star-Telegram, Apr. 21, 1970]

Private Educators Warn of State College Monopoly

Austin.—The State of Texas is heading down a road that by 1980 will produce a state monopoly on higher education and completely eliminate private institutions, John D. Moseley, president of Austin College at Sherman, said Monday.

Moseley told the College Coordinating Board the state will have to take action soon to preserve a "plurastic" system of private and public colleges and universities.

He is a member of the advisory committee for private colleges and universities which compiled a report outlining a legislative program to enable private institutions to continue to compete with state schools.

Chairman of the committee is Abner McCall, president of Baylor University.

The report said 19 of 28 independent accredited senior colleges and universities in Texas will have deficits totaling an estimated $5 million at the end of this academic year—a 100 per cent increase in number of institutions reporting deficits two years ago.

During the same two-year span, the percentage of private sector enrollment in the state has declined, while the cost per student has increased 11.5 per cent.

Gifts, grants and income from endowment for private institutions have declined, according to the report, but faculty salaries and other educational costs are on the increase.

Among the committee's recommendations were the following:

Increased tuition in state institutions to help close the "tuition gap" between private institutions (which charge an average of $1,111 per nine-month session).

A state tuition equalization grant program to enable a student in economic need to attend the college of his choice.

State contracts with the independent sector of higher education for the use of educational programs, facilities and services.

A coordinating council composed of representatives of public senior and junior colleges and independent institutions.

Dr. J. M. Moudy, chancellor of TCU, spoke for the committee's recommendations and defined the problem of private institutions as one of pricing.

"The problem is in pricing and only in pricing—not in our lack of ability to offer quality programs or our attractiveness," Moudy told the board. "If public and private institutions charged the same, we'd have no problem."

He advocated legislative approval of higher tuition in state institutions as a "step toward solving the problem."

(The coordinating board later approved recommendations for a 150 per cent tuition increase for state residents attending public colleges and universities.)

Moudy also said a plan for state assistance—either to the private institutions or their students—would cost the state less than if it were to pay for the total education of students now in private institutions.

Board chairman Manuel DeBusk of Dallas said he would name a special subcommittee to study the committee's proposals and to report to the board at a special meeting later.

"I personally am highly in favor of both the public and private sector in higher education," the chairman said. "I think diversity is good for this state."

THE PRICE RISE PINCH

HON. FRANK E. MOSS

OF UTAH

IN THE SENATE OF THE UNITED STATES

Friday, June 12, 1970

Mr. MOSS. Mr. President, we have all long deplored the fact that price rises are hardest on the low-income members of our society. They have less to spend, and feel the pinch more than more affluent members when inflation hits us.

But now the well-known financial writer, Sylvia Porter, has documented for us the fact that prices are actually rising faster on the items the low-income people buy most often—that they, in effect, are in double economic jeopardy.

Miss Porter points out, for example, that in the last 12 months the price of hamburger has risen proportionately much faster than the price of sirloin steak, that the price of hot dogs are up more percentage points than the price of roast beef.

The same trend has been evident everywhere else, she says, and gives specifics. The price rise in basics has been faster than the price rise in luxuries.

I ask unanimous consent that Miss Porter's column entitled "Lower Prices Rising Fastest," published in the Washington Evening Star of May 25, 1970, be printed in the Extensions of Remarks.

There being no objection, the column was ordered to be printed in the Record, as follows:

[From the Washington Star, May 25, 1970]

Lower Prices Rising Fastest

(By Sylvia Porter)

"Substitution" always has been a key weapon to help cut the cost of living—and since this inflation spiral took off in 1965 a policy of "substitution" for meats and other foods, for non-foods and services wherever feasible, has been widely promoted.

But now, ironically although understandable, adoption of this policy on a mass scale is driving up the prices of the popular substitutions more rapidly than the original higher-priced items. In short, as inflationary price increases drain our pocketbooks, we have fewer and fewer ways to protect ourselves.

To put it succinctly, while hamburger is a fine substitute for steak, cheese and dried beans are scarcely satisfactory substitutes for hamburger.

When the prices of the basics in foods, goods and services climb more rapidly than the prices of luxuries, the danger signals are flying very high.

To illustrate, between the start of 1969 and 1970, the cost of hamburger rose 11.9 percent—more than twice the 5.8 percent rise for sirloin steak. The average price of a pound of hamburger was 66c according to latest official nationwide Bureau of Labor Statistics figures.

Also during this same 12-month period, the price of hot dogs rose 13.6 percent—nearly double the 6.8 percent rise for roast beef. At latest official report, frankfurters cost an average of 83c a pound throughout the United States.

Several times during 1969 it was pointed out how big a bargain turkey was and how one could adapt turkey for year-round meals. Between January and January, though, poultry prices rose 9.6 percent—with the key factor behind this increase a jump of nearly 14 percent for turkey. The BLS now reports the average price for turkey at 56¢ per pound.

And so it has gone: Fresh and frozen fish prices rose 13.3 percent from January to January; pork, another traditionally lower cost beef substitute, rose 17.2 percent overall; beef liver was up close to 12 percent; liverwurst was up nearly 11 percent; sausage, 18; bologna, 13; eggs, 19 percent. As for bacon, this has entered the category of gourmet, condiment foods.

This is in direct contrast to the trend in the previous couple of years, for then, you may recall, the big increases were for sirloin steaks, roast beef, veal cutlets. And it was to beat these increases and still get sufficient protein from high-priced cuts of beef to hamburgers and hot dogs, chicken and fish.

And the same trend is evident elsewhere. Among vegetables, such old standbys as carrots, celery and tomatoes all increased 19 percent or more.

Among home ownership costs, prices are rising rapidly for such necessities as repair of furnaces and washing machines, replacement of sinks, reshingling of roofs.

Among transportation costs, public transit fares are rising more rapidly than any other major category. And traditionally bargain inter-city bus fares are climbing at a rate nearly four times that of new car prices.

Among personal care items, prices for do-it-yourself home permanent refills are increasing faster than prices of cold waves performed at the hairdresser. Among women's apparel costs, casual shoe prices are rising faster than evening slippers. Among alcoholic beverages, wine prices are rising four times as fast as whisky prices. Among health costs, semi-private hospital room rates are rising faster than private room rates.

This 1969–70 period is murderous: Business recession, a stock market crash, climbing unemployment, mounting bankruptcies and now an inflation zeroing in on the basics.

And the most tragic aspect of all is that at the heart of it is a war which everyone says must be ended but which drags on and on endlessly.

STEPHENS AMENDMENT TO H.R. 17548

HON. ALLARD K. LOWENSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mr. LOWENSTEIN. Mr. Speaker, I rise in support of the amendment offered by the gentleman from Georgia (Mr. STEPHENS) to increase the funding for water and sewer facilities from the $150 million requested by the administration and recommended by the committee to the full authorization of $500 million.

Back in 1965 Congress passed the Housing and Urban Development Act, which provided for Federal assistance to local communities to install new or replace dilapidated sewage and water lines. Five years later, with the water rustier and the waste piling up, Congress has appropriated only 56 percent of the money authorized in the original legislation.

It is not for lack of applications under the law that we have failed to make money available. At the close of the Johnson administration, the backlog in applications totaled $4 billion. Indeed, the full $500 million funding we are discussing today would barely cover the current backlog in the Department of Housing and Urban Development. It would leave unfunded an estimated $1 billion in water and sewer applications on their way to Washington from regional HUD offices. That local municipalities have managed to scrape together $1.5 billion in matching dollars when revenue is in such short supply attests to the urgency of the problem.

I am especially concerned that we fulfill the promise of the 1965 law because people in my district know what it is like to turn on the tap and get a glass of water that looks like it was drawn from the gutter.

The city of Long Beach is a case in point. Well water in Long Beach contains a high percentage of iron that corrodes the water mains linking the wells to homes.

During the 50 years since they were constructed, the treatment plant and most of the connecting pipes have deteriorated so badly that on some days a glass of water looks more like a glass of cloudy tea. One frequently must choose to shower under a fine brown mist or not bathe at all. With higher water consumption in the summer months, the rate of corrosion increases and the water gets darker and darker, staining the laundry and turning the stomach.

Medical authorities have said that the iron content does not yet pose a hazard to health. This assurance does not make brown water attractive, either to drink or to wash in. It is not even much of an assurance since the present iron content is acknowledged to be double the maximum standard set by HUD. What does that standard mean if not that it should not be ignored? Are residents of Long Beach supposed to be twice as resistant to chemical overdoses as residents of other communities?

Furthermore, the continuing corrosion threatens the community's firefighting capacity, because the iron deposits partially choke off the city's water mains. Insurance companies have taken this danger into account, and insurance rates for Long Beach residents are 3 to 7 percent higher as a result, according to the New York Fire Insurance Rating Organization. Lack of funds to renovate this water system is costing Long Beach residents an additional $20,000 to $40,000 a year in insurance.

Mr. Speaker, nearly all of us talk constantly about the need to improve the quality of American life. To listen to speeches here, environment is almost as sacred an item these days as flag and motherhood. But then, when the roll is called up yonder, there are plenty of votes to subsidize more noise from an SST and not enough to construct decent water and sewage facilities. That is not the way to protect the environment or improve the quality of American life.

This amendment is a minimal step, and I cannot believe there are Americans so indifferent to the health of their fellow countrymen that they would begrudge our taking it.

SUPPORT FOR PRESIDENT'S ACTION IN VIETNAM

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Friday, June 12, 1970

Mr. THURMOND. Mr. President, it is encouraging to note how well informed so many of our citizens are on the Vietnam war and the Soviet threat. It is a pleasure for me to invite the attention of the Senate to a letter to the editor, written by Mr. Joe H. Watson, councilman, Ward No. 1, Batesburg, S.C., which was published in the Twin-City News, in Batesburg, on May 28, 1970.

Mr. Watson presents a strong case in supporting the President's action in Cambodia. Also, his facts on the increase in the Soviet buildup of strategic weapons reveal that Mr. Watson has made a careful study of our national security. I commend Mr. Watson for his astuteness. Far too many of our citizens lose sight of the fact that it is the Soviet threat that is causing the upheaval in the free world.

Mr. President, I ask unanimous consent that Mr. Watson's letter to the editor be printed in the Extensions of Remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

[From the Twin-City News, May 28, 1970]

SUPPORT FOR PRESIDENT'S ACTION IN VIETNAM

Dear Fellow Citizen: Our Commander-in-Chief, the President of the United States, has made a difficult and courageous decision to attack and destroy North Vietnamese bases and war supplies along the South Vietnamese border inside Cambodia. His goals are understandable, particularly to military men; (1) to shorten the war, (2) to save American lives, (3) to enable his Vietnamization plan to carry on to a successful conclusion, (4) to permit self-determination of the South Vietnamese to continue to fruition, and (5) minimize the prospects of a disastrous defeat as the strength of our forces in Vietnam grows less during his previously announced withdrawal program.

The order has been given, American military men are now in combat carrying out the Commander-in-Chief's orders, and some are dying in order that a larger number may live.

At home, opponents of the Administration, and the Peace-At-Any-Price advocates, and those who have been persuaded that the United States has only to withdraw its forces from Southeast Asia in order for universal peace to exist throughout the world, are working right now to tie the hands of our President in this endeavor. Many well-meaning supporters of those policies seem to forget the additional jeopardy to which such actions will subject our troops in Vietnam.

President Nixon told some veterans and patriotic organizations, two days before his talk to the Nation, that the action he was soon to order was imperative if we were to escape the probability of total and humiliating defeat in Vietnam. Information from captured enemy documents, prisoner interrogation, aerial reconnaissance and other intelligence sources available to him had convinced him and his military advisors that our position in South Vietnam would soon be untenable, the Vietnamization program destroyed, and a humiliating defeat in Vietnam almost assured unless he ordered immediate and positive action to destroy the forces and massive supplies of arms, ammunition, food and equipment which had been stored in underground shelters in North Vietnamese "sanctuaries" on the Cambodian side of the border along the great length of South Vietnam. These stores were, he said, sufficient to supply several North Vietnamese divisions for six months.

I am convinced that the President had no alternative; to do nothing would almost certainly insure the loss of all that we have been fighting for in support of free peoples everywhere, and the abandonment of the principles for which more than 40,000 American men have died in this war.

The voices of the organized minority are stridently raised against our President's action, giving great comfort and aid to the enemy.

I believe that, as a citizen you will want to add your support to those of us who have for too long been the "Silent Majority" by upholding our Commander-in-Chief in his resolve to bring about an honorable peace, maintain the integrity of this nation, fulfill its commitments to its allies, and honor those who have died in their efforts to preserve freedom for all peoples.

If you agree with the view point I have expressed, I urge you as a private citizen to take immediate and positive action along the lines suggested.

Phone, wire or write your Senators and Congressional representatives and express your support of the President's action.

Write a letter to your local newspaper

editors expressing your feelings on this issue and request that he print your letter.

Request the Editor of your local newspaper and other news media to print or program an editorial setting forth pertinent and important facts upon which the President based his decision.

Request the Program Chairman of Civic and Professional organizations to which you belong to obtain an informed speaker who can factually explain the present military situation in Vietnam and Cambodia to all of your members.

Bring these facts to the attention of educators at all levels, including school boards, college trustees, and your own alma mater.

Talk about this critical situation with your civilian friends and neighbors.

On 28 April 1970 a small group of top officials of organizations which actively support an adequate national defense for the United States met with the President in the White House Cabinet room.

The President talked for more than an hour of the particular problems bearing on our national security. This most unusual, if not unprecedented, talk to a group of mostly retired military and naval personnel, and the frankness with which he expressed his ideas, were positive proof of the trust and confidence our Commander-in-Chief places in those men and women who have given so many years of their lives to insure the security of this nation.

The President commented on trends which appear fashionable today, the viewing of patriotism with scorn, the downgrading of those in the military services, and the efforts to cut back on our national defense. He recognized, as do many military men and civilians, that military forces and military spending are looked upon in some quarters as inherently evil.

He recognized the high motives behind many of those who wish to take money from the defense budget in order to modernize ghettos, rebuild cities and clean our polluted air and water. The President believes that there must be major improvement in those areas, but he said that unless this country has adequate defenses, there may be no environment, at all, to worry about in the years ahead. Therefore, he feels that there must be proper balance between the required security needs of this country and the money spent in improving those areas which must be improved.

I had thought that we were maintaining our deterrent capability and therefore our security. But the sobering, even startling developments of the past few years related by the President, many of the details of which have been released by the Secretary of Defense, indicate that the United States is now very close to the point where its citizens must make a decision whether we are to continue as a first rate world power or be willing to settle for second best.

The President laid the greatest stress on the fact that the Soviet's attitude, as expressed repeatedly, is one of expansion, whereas that of the United States is purely defensive.

Facts which I have learned and which I want to bring to your personal attention are:

1. At the time of the Cuban crisis, the United States had an overall superiority in ICBMs. Now the Soviets are ahead in total numbers and greatly ahead in explosive power.

2. In the older category of multi-megaton ICBMs such as the Titan and comparable Soviet missiles, the Soviets in 1965 had a better than 4–1 advantage and they still maintain that position.

3. In 1965 the United States had 880 operational Minutemen missiles. The Soviet Union had nothing comparable. Today, the Soviets have over 800 such launchers operational and a projected force that could exceed 1,000 within the next two years.

4. In 1965, the Soviets had no operational launcher for its large SS–9 missile, which can carry a 25 megaton load. Today they have 220 operational systems and 60 or more under construction. The United States has no counterpart to this system.

5. The Soviets are continuing work on their anti-ballistic missile (ABM) deployment in the Moscow area and presently have a total of 64 launchers in place. The United States has none.

6. Between September 1, 1969 and April 20, 1970 the Soviets installed 180 additional ICBM sites; the U.S. none.

7. In the past years the Soviets built 8 new nuclear missile capability. We built none. We still have a superiority of almost 2½ to 1 in nuclear submarines capable of delivering nuclear warheads from the sea, but, by 1975, the Soviets will not only have equalled, but at the present rate of construction will have passed our sea-based nuclear delivery capability.

8. In 1965, neither a depressed trajectory ICBM nor a Fractional Orbital Bombardment System existed in either the Soviet or U.S. inventory. Today, the Soviets have tested both configurations and may have an operations version ready for deployment. The United States has developed nothing comparable to these systems.

9. In 1965, there was no development underway of a so-called Undersea Long-Range Missile System (ULMS) by either the United States or the Soviet Union. Today, the United States is spending relatively small sums in research and development of such a system. The Soviet Union is testing a new, long-range missile for possible Naval use.

10. In 1965, the Soviet heavy bomber force consisted of slightly over 200 aircraft. The U.S. heavy bomber force strength was about 780. Today, the Soviet heavy bomber force is slightly under 200; U.S. heavy bomber strength had declined to about 550.

These were sobering statements; in fact startling to me in both frankness and facts. At one time figures and statements such as these were "Top Secret." This new policy of the present Administration of disclosing such facts to the American people is worthy of the attention and commendation of all of our citizens. It may be possible that a potential enemy will gain some additional knowledge, but the probability is that these facts are known to his intelligence agencies already. They should, therefore, properly be known by all Americans. Only if each citizen is aware of the threats to our security can he support with confidence a defense adequate to guarantee our continuing security.

Sincerely,

JOEL H. WATSON,
Councilman, Ward No. 1.

BATESBURG, S.C.

ARKANSAS CITY, KANS., JUNIOR CHAMBER OF COMMERCE

HON. JOE SKUBITZ

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mr. SKUBITZ. Mr. Speaker, the members of the Arkansas City, Kans., Junior Chamber of Commerce have been very active in public affairs. This chapter, the second oldest one in the world, is located in my district.

Recently the members passed a resolution supporting the President's action in Southeast Asia and opposing the Cooper-Church amendment.

Because this fine young group represents the thinking of many young people in my district, I would like to share the thoughts of this Jaycee chapter with my colleagues:

ARKANSAS CITY JAYCEES, SECOND OLDEST CHAPTER IN THE WORLD, ARKANSAS CITY, KANS.

Whereas the Arkansas City Jaycees are deeply concerned with the pending legislation in Washington concerning the responsibilities of the President of the United States and his role as Commander in Chief of the Armed Forces;

And, whereas the Arkansas City Jaycees believe that government should be of laws rather than men; and whereas the Cooper-Church amendment does limit the constitutional powers of the President of the United States: Now, therefore, be it

Resolved, That the Arkansas City Jaycees do hereby support the President of these United States concerning his actions in Southeast Asia and do also support the President's stand that when American lives are being endangered, he as Commander in Chief must have the power to protect those American citizens with that portion of our military strength as is deemed necessary.

Unanimously adopted May 27, 1970.

W. L. BROWN,
President, Arkansas City Jaycees.

CAMP PICKETT: A REAL GEM

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, June 12, 1970

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks an editorial entitled, "Camp Pickett: A Real Gem," published in the Courier Record, Blackstone, Va., on May 7, 1970.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Courier Record, May 7, 1970]

CAMP PICKETT: A REAL GEM

Blackstone town council and a few visitors Monday night were provided a real treat when Camp Pickett's commanding officer, Col. William C. McMullian, gave a briefing on what would be going on at the post in the coming months. The arrival of some 20,000 Reserve and National Guard troops, as pointed out by the Colonel, is not the important thing, although the potential asset to the community of 20,000 visitors should not be overlooked. The facts presented by Col. McMullian painted a picture of Camp Pickett which should be seen by every resident of this area, especially every businessman. As Col. McMullian said, Camp Pickett is truly a pearl in our midst.

The great worth of Camp Pickett to this area can readily be seen in its $1,830,000 civilian payroll. This is greater than any other industry, actually equal to about two of our major industries. Add to this the permanent military payroll of $1,392,000 annually, plus another $4,900,000 paid to reserve troops in the summer and you should have no trouble getting the picture. Just how beneficial Camp Pickett is to our economy can probably not be realized, but you can be sure if it were suddenly taken away the results would be catastrophic.

What Col. McMullian was saying Monday night was not that area citizens should be thankful for Camp Pickett and its payrolls but that local businessmen should be trying harder to keep more of the money in this area, if not also trying to make Pickett a

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more polished pearl than it already is. He was saying something that all of us should be more aware of, that Blackstone, more than other communities, is not capitalizing as it should on Camp Pickett. He was telling us that the great bulk of almost $5,000,000 is getting out of this area with hardly a dent because the citizen-soldiers are not being concentrated upon as the real potential buyers that they are. Did you know that last summer the demand for children's toys could not be met by exchanges on the post? Would you believe that two-week soldiers actually look for things to take home to their families; not junk but items for the household and their children? Are you aware that many wives follow their husbands to summer camp and they offer a potential that is not being explored as it should?

And what about the potential of Camp Pickett as a recreation spot? Did you know that 24,000 sportsmen used the post last year. Do you have any idea how much money hunters and anglers spend? With this in mind do you think it would be a good idea to have a fishing or hunting contest with prizes given away for the largest fish, the largest deer head or perhaps just a drawing with visitors to the community eligible for a sizable prize? What is Blackstone doing to cause residents of other areas, other states to visit here and enjoy what Camp Pickett has to offer? Very little, if anything.

Blackstone and the surrounding area has benefited greatly because of Camp Pickett and because men like Col. McMullian have the interest to make the post what it is today. It would be easier for the commanding officer and his staff to discourage visitors and let the post dry-up. They get the same pay whether it has 50,000 visitors a year or 500. This is not true, however, with those of us who have to sell goods to make a living.

Hopefully town officials and the Chamber of Commerce, with the help of all businessmen, will begin to scratch their heads and come up with ideas to make Blackstone a more attractive place for Pickett visitors to shop. Possibly there are goods and services which would be attractive to the summer visitors which could be provided. Maybe by realizing that we need to shape up and make a better presentation to our military visitors others will find Blackstone more attractive. Soldiers, the professional, as well as the summer two-weekers, are mostly like you and me. They put their pants on the same way every morning and they have families and homes too. Chances are if they like Blackstone so will others from all walks of life. The benefits to the community could be unlimited.

Thanks, Colonel McMullian, for taking the time and interest to make some very important points.

INHUMANE TREATMENT OF AMERICAN PRISONERS OF WAR

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mr. SCHERLE. Mr. Speaker, the Iowa State Legislature has approved the following resolution concerning the inhumane treatment of American prisoners of war. I call particular attention to the fact that neither the Government of North Vietnam nor the National Liberation Front has complied with the requirements of the Geneva accord regarding prisoners, despite a stern reminder by the vice president of the International Committee of the Red Cross in 1965.

HOUSE CONCURRENT RESOLUTION 135,
STATE OF IOWA

Whereas, approximately 1,350 American servicemen, including four Iowans who are known to be prisoners in North Vietnam; and

Whereas, twenty to thirty Iowans who are reported missing and may be held as prisoners in North Vietnam; and

Whereas, the government of North Vietnam has refused to release the names of all the prisoners it holds; and

Whereas, some of these American prisoners have been held captive for as long as five years; and

Whereas, the government of North Vietnam acceded to the Geneva Convention on June 28, 1957, the government of South Vietnam acceded to the Convention on November 14, 1953, and the government of the United States acceded to the Convention on August 2, 1955; and

Whereas, the government of the United States and the government of South Vietnam have continuously honored the requirements of the Geneva Convention; and

Whereas, no pretense of compliance has been advanced by the government of North Vietnam or the National Liberation Front despite the reminder to do so on June 11, 1965, by M. Jacques Freymond, Vice President of the International Committee of the Red Cross; and

Whereas, the provisions of the Geneva Convention require that every prisoner of war be enabled to write to his family; that every prisoner remain in communication with his family and with an international or state organization which has assumed the obligation of safeguarding the rights of the prisoner; that every prisoner has the right to receive mail and packages; that minimum humane standards of detention, hygiene, diet, recreation, and employment be complied with; that the detaining power accept a neutral party to the conflict or a respected international organization, such as the International Committee of the Red Cross, as a protecting power for the prisoners; that seriously injured or ill prisoners be repatriated as soon as they are able to travel; and that the detaining power provide the names of the prisoners it holds to families as well as to the protecting power, or the Red Cross, to pass on to their country of origin; Now therefore,

Be is resolved by the House, the Senate concurring, That the General Assembly of the State of Iowa urges the General Assembly of the United Nations to intercede on behalf of the American servicemen being held as prisoners of war by North Vietnam and the National Liberation Front by insuring that the tenets of fair and humane treatment, as expressed in the Geneva Convention of 1949, are complied with by North Vietnam and the National Liberation Front.

Be it further resolved, That copies of this Resolution be transmitted to the Secretary General of the United Nations, to each of the 124 delegates to the United Nations representing the 124 member nations, the President of the United States, the Vice President of the United States, the Speaker of the United States House of Representatives, the Chairman of the House Foreign Affairs Committee, the Chairman of the Senate Foreign Relations Committee, and to each member of the Congress from the State of Iowa.

We, William H. Harbor, Speaker of the House of Iowa, and Roger W. Jepsen, President of the Senate, hereby certify that the above and foregoing Resolution was adopted by the House of Representatives and the Senate of the Sixty-third General Assembly, Second Session.

WILLIAM H. HARBOR,
Speaker of the House.
ROGER W. JEPSEN,
President of the Senate.

BOY SCOUTS OF AMERICA EAGLES—GRAND SLAM

HON. JOHN J. McFALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mr. McFALL. Mr. Speaker, an event will take place tonight in my congressional district, that can be considered a milestone in the history of the Boy Scouts of America. Four brothers, sons of Mr. and Mrs. Roland Reich of Tracy, Calif., are scheduled to receive the Boy Scouts of America Eagle Award at the same time. No one in the National Boy Scouts Headquarters can recall if four brothers received this coveted and highest scouting award at the same court of honor. In a special court of honor ceremony, this evening, Ronald, Harold, Gary, and David Reich will receive the Eagle Award and until there is evidence to the contrary, this can be considered a "first" in scouting history.

These boys deserve all the accolades they are soon to receive. However, I believe they would be the first to agree with me and others who have had Scouts in the family that their mother and father made substantial contributions to assist the boys in attaining such high rank in Scouting. Roland and Arvella Reich have shared the successes and disappointments equally with their sons and have a long history of work in the scouting program.

Truly an all-American Scouting family, both Mr. and Mrs. Reich have long been active in the movement. They started out in the Cub program with Mrs. Reich serving as den mother. Mr. Reich later served as scoutmaster and presently is an adviser for the Order of the Arrow Award. It is with these thoughts in mind, that I ask the boys to join with me in a salute to Mr. and Mrs. Reich on this occasion.

Mr. Speaker, the following is a brief historical synopsis of the boys:

Roland, 18 years old, came up from the Cubs, advancing through the ranks, before joining the Boy Scouts in August 1955. Later as a first-class Scout, he earned five merit badges and received the rank of Star in September 1966. He was chosen "Boy Scout of the Year" by the Mount Oso District, receiving a medal and trophy for this honor. Interested in music, he played cornet in elementary school and high school. Active in 4-H and FFA, his projects included lamb, beef, woodworking, electricity, and nut tree crops. Roland plans to attend Cal-Poly and to major in agriculture.

Harold, 17 years old, has an impressive record in Scouting, joined in the band playing the French horn, and spent 3 years in 4-H, raising animals. Interested in community projects, he served as a delegate to the Scout leadership conference and organized the planting of 500 trees in a new park in Tracy. In 1967, he received the Boy Scout of the Year Award and graduated from junior high school as valedictorian of his class. In high school, he has been active in sports, public speaking and the marching band. Soon to be a senior and already elected vice president of the student body, Harold's ambition is to become a doctor of medicine.

Gary, 16 years old, fast completed all the ranks of Cubbing as soon as age would permit. Also interested in music, he started early in his elementary school band. Active in 4-H, his projects included lamb raising, cooking, and woodworking. He has participated in school sports and plays. With a diligent interest in community service, Gary, as patrol leader, cleaned several miles of roadways of trash and cans. As a Star Scout, he was tapped out at a camporee as a member of the Order of the Arrow. He served as president of an Explorer Post, and now a member of the Police Cadets Explorer Post No. 504. Still an active member of his church, Gary will work with the Tracy Recreation Department and plans to become a police officer.

David, 15 years old, with his older brothers as teachers, came along fast to catch up with them for tonight's ceremony. He also has been active in 4-H. His projects have been cooking, lamb raising, and hog production. He was in advanced band and also played in the band in elementary school. This kept him busy, but he still had time for flag football, basketball, and baseball. He was soon ready for his Star rank which he received in 1968. Six months later he received his Life Scout Award. In high school, he joined the marching band and went to work after school for his brother, Gary, so that Gary could go out for football. This was a sacrifice on David's part for he would have liked to have gone out for football also. Instead David went out for basketball and track. He received a fourth place medal for the mile run and set a new freshman record. David has been attending church and Sunday school regularly and is planning to coach a peewee league baseball team this summer with his brother.

XUM

THE MASSACHUSETTS "STATE SCIENTIST OF THE YEAR"

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mrs. HECKLER of Massachusetts. Mr. Speaker, I take pride in pointing out that Leonard D. Pagnotto, of Taunton, Mass., has been honored for his contributions to the science of industrial hygiene by his selection as the Massachusetts "State Scientist of the Year."

He was chosen for this honor by the Massachusetts State Scientists Association. Mr. Pagnotto is chief of laboratory of the division of occupational hygiene of the Massachusetts Department of Labor and Industries. In his specialized work, he has made many studies of industrial health hazards. I believe that the following article from the Taunton Gazette will make clear his many outstanding accomplishments in his field and with professional organizations.

Mr. Pagnotto, I think, deserves this high award as a distinguished scientist and an outstanding citizen of my district. I congratulate him, and am pleased to insert the following article:

PAGNOTTO "SCIENTIST OF THE YEAR"

Leonard D. Pagnotto of 22 Whittenton St., has been named "State Scientist of the Year" it was announced today by the Massachusetts State Scientists Association. The award was made in honor of his contributions to the science of industrial hygiene.

Pagnotto is chief of laboratory of the Division of Occupational Hygiene, Massachusetts Department of Labor and Industries; past president of the New England section of the American Industrial Hygiene Association, chairman of the American Industrial Hygiene Association Biochemical Assays Committee, and a member of the Analytical Methods Committee of the American Conference of Governmental Industrial Hygienists.

He has had over 20 papers relating to industrial exposures of workers to toxic chemiical substances published in scientific journals, and has co-authored a chapter on industrial health hazards for a book on industrial chemistry soon to be released by Interscience Publishing Co.

He is married to the former Irene Lacerte and has two daughters, Janet and Cynthia, who attend the Immaculate Conception School.

INTERNATIONAL LABOR ORGANIZATION CONFERENCE

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mr. THOMPSON of New Jersey. Mr. Speaker, on several occasions during recent years it has been my great privilege to serve as a member of the congressional advisory group to the U.S. delegates to the International Labor Organization Conferences in Geneva. We have subsequently held hearings and issued reports to the House summarizing the work of these important international conferences. The most recent such hearings was held last month by our task force on the International Labor Organization of the Education and Labor Committee, reviewing the deliberations of the 53d ILO Conference, attended by the gentleman from Michigan (Mr. O'HARA) and myself from the majority side and by the two gentlemen from Ohio (Mr. AYRES and Mr. ASHBROOK) from the minority side.

This year's conference of the ILO will be particularly important to the United States and the world. After 22 years of distinguished service, Mr. David Morse—the ILO Executive Director—has just resigned and a successor is being chosen. Much important work is on the conference agenda, dealing with working conditions and standards, employment programs, and other issues affecting the welfare of many millions of people throughout the world.

Mr. Speaker, I regret that the legislative schedule for this month is such that it will not be possible for me to serve this year as one of the House Members in our delegation to Geneva. I do, however, strongly feel that we should be represented at this important upcoming conference. I appreciate the timely action by the Rules Committee and the leadership in presenting this resolution today.

VIETNAM

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mr. ROYBAL. Mr. Speaker, as one of the earliest opponents of our Nation's military involvment in Vietnam, I strongly objected to the President's unilateral decision to send American ground combat troops into neutralist Cambodia.

So I was encouraged to read this week a very thoughtful editorial from the June 7 Los Angeles Times supporting early U.S. withdrawal from the Indochina conflict.

The editorial represents a significant change in the policy of the Los Angeles Times, concluding:

> The Times believes the United States has discharged all the responsibilities it has in Vietnam. The Times believes this nation has—bravely and honorably—done everything, and more, that could reasonably have been expected of it. . . . Short of permanent occupation, there is no more America can reasonably be expected to do for Vietnam.

The Times then called on the President to "publicly set a deadline for removing not only the remaining combat troops but all American forces, combat and support, according to a swift and orderly schedule.

They continued:

> Let him begin to hasten the removal of combat troops this summer. It ought to be possible to bring about a total and orderly withdrawal in the next year and a half at the longest.

The full text of the Los Angeles Times editorial follows:

GET OUT OF VIETNAM NOW

The time has come for the United States to leave Vietnam, to leave it swiftly, wholly, and without equivocation.

The President still has in his hands the opportunity to effect such an exit. He should seize the chance now as it presents itself, for it may not come so readily again.

That the war must be ended, all are agreed. That, as the President said last week, "peace is the goal that unites us," all are also agreed.

Long ago, when we began to help the anti-Communist Vietnamese against the Communist Vietnamese, it seemed a worthwhile thing to do. It seemed cheap, first in dollars, then in men. No need now to trace the melancholy history of how, bit by bit, decision by decision, it became extravagantly expensive of money, of human lives, of the tranquillity of this country, of our reputation abroad.

The President said recently he would not have this nation become a "pitiful helpless giant" in the eyes of the world. We are not entirely pitiful, and not yet helpless. But we are like a giant lunging about with one foot in a trap, a spectacle that is disconcerting to our friends and comforting to our enemies.

NOT THE CENTER RING

Our great adversary is now, and will remain, the Soviet Union.

All questions of American foreign policy are subordinate to the central one, which is to prevent nuclear war between the two super-powers. We shall be engaged against the Communist world one way or another all our lives; but in Southeast Asia we are engaged on the periphery of that world in a battle obscured by the elements of civil war and Vietnamese nationalism.

Our response ought to be commensurate with the challenge: as it was over Berlin, in the Cuban missile crisis, as it may yet have to be in the Middle East. But we have so overresponded in Indochina that it may be harder for us to respond as we ought should a greater and more direct challenge arise.

No need now either to delineate at length the consequences in our own country of the Indochina war:

The war is not the sole cause of strife between parents and children, yet it has inflamed that strife.

The war is not the cause of conflict between the races, but it has made that conflict more bitter.

The war is not the only reason for our present economic distress, but it has rendered that distress harder to treat.

The war alone did not create the illness afflicting our public and private institutions, but it has brought that illness to the crisis point.

Like a small wound the war has festered until its infection has appeared in every organ of this Republic. Its ache is felt in every limb; its pain clouds the national judgment. The country is losing heart.

"Peace," therefore, "is the goal that unites us."

As the President said, our national debate is not about the goal of peace, but about "the best means" to achieve it.

JOB CAN BE BETTER DONE

The President has better means at hand than he is using.

He has promised a withdrawal of American combat troops—another 150,000 by next May 1—but the withdrawal in these summer months has been reduced and after the 150,000 leave there will still be 284,000 troops left in Vietnam. If Mr. Nixon has a private schedule for their withdrawal he has not revealed it.

He has declared that his goal is the total withdrawal of all Americans from Vietnam, but by making open-ended threats of counter-action should the enemy attack, he has made it necessary to make good on those threats. Thus he has given to the enemy a large measure of decision over our own rate of withdrawal.

By the President's move into Cambodia, and by his encouragement of the Vietnamese and Thai operations there after we leave, he has entwined American prestige with the fate of that unhappy but unimportant little country.

In declaring that the credibility of American promises elsewhere in the world hangs on our achieving "a just peace" in Vietnam, he is making it harder for us to make with credibility those compromises which everyone, including the Administration, believes will eventually have to be made.

The President, in sum, is pursuing, for reasons which of course he deems excellent, an ambiguous and contradictory policy—a policy of which the stated purpose is to leave Indochina, but in which it is implied that it may be necessary to stay in Indochina.

The Times believes the United States has discharged all the responsibilities it has in Vietnam. The Times believes this nation has—bravely and honorably—done everything, and more, that could reasonably have been expected of it.

American men prevented Communist forces from precipitantly seizing South Vietnam. American men, at an enormous cost in lives, have secured for the South Vietnamese a reasonable length of time for improvement of their army and consolidation of their country and government. Short of permanent occupation, there is no more America can reasonably be expected to do for Vietnam.

The President said last week that the Cambodian venture "eliminated an immediate danger to the security of the remaining American troops" and "won precious time" for the South Vietnamese army.

This, then, is the opportunity for the President to accelerate the withdrawal.

THE TIME IS NOW

Let him now publicly set a deadline for removing not only the remaining combat troops but all American forces, combat and support, according to a swift and orderly schedule. Let him begin to hasten the removal of combat troops this summer. It ought to be possible to bring about a total and orderly withdrawal in the next year and a half at the longest.

Such a program of withdrawal would of course be hazardous. But it would be much less hazardous than the policy the President is presently pursuing.

The South Vietnamese would be firmly on notice that their future is where it belongs—in their hands. The United States could continue to support them with arms and money, should they choose to keep on seeking a military solution; more likely they would feel impelled to put their own political house in order pending that day when they will come to the political compromise that is the inevitable outcome in Indochina.

American troops would be in some danger, but they are certainly in some danger now, and the faster they leave, the sooner they will be in no danger at all.

IMMEDIATE DEPARTURE

We shall not argue, as some do, that rapid American withdrawal would induce the North Vietnamese to negotiate; but it is certain they are not inclined to negotiate now. On the contrary, the longer we stay in Vietnam the more inclined the North Vietnamese will be not to negotiate, and the readier they may be to mount attacks on our forces in hope of pushing us out.

Let the President, therefore, remove all foreign and domestic doubts about our intentions by announcing a speedy departure from Vietnam.

The President said last week he was determined to end the war in a way that would "promote peace rather than conflict throughout the world. . . and bring an era of reconciliation to our people—and not a period of furious recrimination."

The Times believes that the program of withdrawal we suggest would bring about the kind of peace Mr. Nixon spoke of. The policy suggested here would hasten the end of one war and put the United States on a better footing to prevent other more dangerous conflicts.

The policy suggested here would certainly be met with recrimination from some in this country. But we firmly believe that this policy would be thankfully approved by the great majority of our people as an honorable conclusion to this terribly long war.

CONGRESS, THE DISTRICT, AND MONEY, FISCAL YEAR 1971

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mr. NELSEN. Mr. Speaker, I noted with interest the lead editorial in the Washington Post for Sunday, June 7, 1970, discussing the question of Congress, the District, and money.

While I do not agree with much of what is contained in the editorial, I do find listed therein certain statements and statistics which the Post captions as "facts" and which should be of interest not only to the residents of the District of Columbia but to the Members of Congress as well.

The editorial states that in the Post's opinion the burden on the District of Columbia residents from major taxes in the District of Columbia is about average when compared with other major cities. The Post editorial also concludes that the charge that Congress is "stingy" with money for the District is no longer true. It is particularly interesting to note that the editorial states that the charges against Representative NATCHER of "starving the District financially" do not square with the facts. I trust that what the Post means is that Representative NATCHER has at all times attempted to be fiscally responsible in his dealings regarding District appropriations.

There are several other matters discussed in the Post editorial relating to District spending, District welfare costs, and the amount spent on District schools in recent years. It is interesting to note, for instance, that the editorial states:

> In Fiscal 1969, the District spent more per pupil on operating the elementary and secondary schools than did 13 of the other 15 cities in the 500,000 to 1,000,000 population group.

In recent years, the revenue hearings and consideration of the revenue bills proposed by the District of Columbia Government have been given serious and prolonged consideration by the House District Committee. The members have spent considerable time in determining exactly what the needs are for the District of Columbia and in justifying those needs in terms of revenue authorizations. It has not been an easy job and it is not one which can be completed quickly lest it be done poorly and inadequately. In my opinion, the District Committee has been fiscally responsible as well as responsive to the District needs in conducting such hearings in the past.

Recently, the House and Senate conferees reached agreement on the police, firemen and teachers' pay bills. This particular conference agreement is an interesting one because of the fiscally stable features it contains. It appears that the conferees have provided therein an authorized Federal payment and an increase in District income taxes to provide nearly all the funds needed to take care of the salary increases. I wish to compliment my fellow conferees on the fiscally sound approach they demonstrated in resolving the issues on these bills. While it may not be the usual procedure we have always employed, that is, to provide adequate revenue provisions or payment authorizations to cover the costs of bills, it is certainly a financially sound way to deal with such measures. It was perhaps particularly appropriate in this instance since the District of Columbia appropriations bill for 1971 had already passed the House and since no hearings have been scheduled to date on any District of Columbia revenue bill for the forthcoming year. If there are to be such revenue hearings and a revenue bill, then it is well that we anticipate that as early as we can.

If I understand the ranking minority member of the District of Columbia Appropriations Subcommittee, Mr. DAVIS, correctly, the Appropriations Committee has held the door open for an appropriations increase in H.R. 17168 if, prior to the time the conferees have taken final action on that bill, additional revenue measures are authorized by the House. I hope that before final action is taken on the District of Columbia appropriations bill, this House will have taken action to authorize additional revenue for the District of Columbia or an increase in the Federal payment if such requests can be adequately supported by the District Government. If the District can make such a showing, then I would hope there would be no hesitation in this body to give it the additional funds. I gather from the debate on H.R. 17168 last week that this is the general feeling, not only of the members of the Appropriations Subcommitttee, but most of those who were present in the House during that debate.

I also hope that within a short time this body will have the opportunity to vote up or down my little Hoover Commission bill which I introduced in the first session of this Congress. As we have taken up the pay bill for the various District employees—teachers, firemen, and so forth—and considered the District of Columbia appropriations bill for 1971, it generally seemed to me that we were reminded at every turn that what we need for the District of Columbia is to have a study of its operations by a blue-ribbon commission that would report back to this body with recommendations for streamlining the District government.

I would hope that the recommendations are such that, if adopted, would save money, make the local government more responsible to its resident citizens, make it more efficient, and make it easier for both the District government and the Congress to determine exactly what the needs are for the District of Columbia and how they can best be met in a way that is beneficial to the Congress, the District government, the local residents, and the country as a whole. I believe this would be helpful to the Mayor who is certainly as interested as any of us in operating and maintaining the best city government in the Nation.

I include the text of the Post editorial at this point in my remarks:

CONGRESS, THE DISTRICT—AND MONEY

Every year about this time, the District of Columbia government goes through its fandango with Congress about taxes, federal payments and appropriations. This year the specifics involve the deficit in the current budget caused by a congressional-enacted pay increase and the city proposals for a new budget of $825 million, an increased federal payment, and increases in income, property and gasoline taxes. As usual, the arguments about these specifics rest on a series of broad assumptions—generally summed up on one side by the conclusion that the District taxes and spends too much and on the other by the conclusion that Congress starves the District. Some of these assumptions are valid but many are not. So perhaps it might clarify the arguments over the specifics a little if we can clear out some of the false assumptions.

TAXES

Assumption.—Taxes in the District are terribly high. They drive residents to the suburbs and they repell potential residents from other cities.

Facts.—In major taxes—income, real estate, and sales—District residents generally pay 20 to 30 per cent less than do Maryland suburban residents and about 10 per cent more than do Virginia suburban residents. When all charges for government services are included—water, sewer, trash, auto tags, etc.—all of the suburban jurisdictions except Arlington are more expensive than the District to live in. As far as other cities are concerned, the burden on residents from major taxes in the District is about average—substantially less than that in such places as New York City, Boston, Baltimore, Buffalo and Milwaukee and substantially more than such places as Dallas, Houston, New Orleans, San Francisco and Seattle.

Assumption.—The tax on real estate in the District is much higher than it is elsewhere.

Facts.—Based on true value, the property tax in the District averages about 15 per cent more than it does in the Virginia suburbs and 15 to 30 per cent less than it does in the Maryland suburbs. On a national basis, the property tax here is lower than it is in 15 of the 20 other cities with a population over 500,000.

FEDERAL CONTRIBUTIONS

Assumption.—Congress has been so stingy with money that the District government is financially starved.

Facts.—This was true a few years ago but it no longer is. Since 1965, the money available to the District has skyrocketed (Representative Natcher hardly deserves his reputation as a skinflint). Appropriations have doubled since 1964 and tripled since 1960. Including grants from various federal agencies, the amount of money available to the District doubled between 1966 and 1970.

Assumption.—The largess of the federal government—in raising the federal payment from $30 million in 1963 to $105 million in 1970 and in providing other grants estimated to total about $199 million in 1971—has been overwhelming.

Facts.—As recently as 1966, the federal government was paying a greater share of the local-state government bills in seven states than it was paying in the District of Columbia. In 1968, the last year for which figures are available, the federal government put up 35 per cent of the money spent by the District government. In that same year, the federal government provided more than 25 per cent of all the money spent by state and local governments in Alaska, Arkansas, Kentucky, New Mexico, Oklahoma, Utah, Vermont, West Virginia and Wyoming. Some of that money both here and elsewhere was for highways. But it is not at all clear that the present federal payments of $105 million is overly generous *in terms of the federal interest in this city.*

SPENDING

Assumption.—The District government spends more money than does the government of any city of comparable size in the country.

Facts.—That's true. Only New York City, Chicago and Los Angeles have larger local budgets. However, some programs paid for by the city here are financed elsewhere by the states. Los Angeles, for example, spends nothing on education and almost nothing on health and welfare while half of the District's money goes into those three areas. Because of such differences, city by city comparisons are meaningless, unless you combine all the *state-run* programs inside a city with its local budget. In fact, more money is spent per capita by non-federal governments in six states—Alaska, California, Hawaii, Nevada, New York and Wyoming—than is spent per capital in the District.

Assumption.—Compared to other cities, the District's welfare costs are stupendous.

Facts.—A Census Bureau report shows that eight states spend more per capita on welfare than does the District. A recent survey by the District Government shows that Baltimore, Boston and San Francisco—cities in our population bracket—spend more money and more dollars per capita, on welfare than does the District.

Assumptions.—Compared with other places, the District severely shortchanges its public school system.

Facts.—In fiscal 1969, the District spent more per pupil in operating the elementary and secondary schools than did 13 of the 15 other cities in the 500,000 to 1,000,000 population group. Similarly, the District spent more per pupil in operating costs than did Prince George's or Fairfax counties and about 94 per cent of that spent by Montgomery County.

When you cut through all these assumptions, you have some facts that can be applied to the specific problems now facing Congress and the city. These facts lead us to urge:

That the City Council approve promptly the increase in real and personal property taxes asked by Mayor Washington. The taxpayers can afford it, the city needs the funds and prompt action would be an earnest to Congress.

That Congress approve the increases in income and gasoline taxes asked by the city government. These will not place the city out of line with its suburbs or with other cities in the tax burden on local citizens.

That Congress adopt the 30 per cent federal payment formula which would do away with the barter system for federal aid that distorts the city's fiscal situation each year.

That Congress approve the increases in the local budget asked by the city government. Despite today's level of government spending here, particularly in the schools, the city has a long way to go to make up for the years of neglect prior to 1965; catching up is expensive.

That Congress face the fact that it has an obligation to pay for the retroactive pay increases it is about to grant and rather than try to shove part of the burden of inflation back on a city which doesn't have the money and can't afford to divert it from the urgent needs.

Beyond this, if Congress readily wants the District government to economize—and its members talk about that every year—it must give the city power to reorganize and to control its own administration. The waste in the city budget (and there is waste) cannot be eliminated as long as a 19th century administrative system designed to give individual congressmen extraordinary and inordinate power over our affairs blocks any effort to eliminate programs that are no longer useful or to transfer funds from less urgent to more urgent programs.

To put it very mildly, the financial situation in this city is not good. But, with the single exception of the property tax, it is a situation that Congress—and only Congress—can improve.

A PETITION BEFORE THE FEDERAL TRADE COMMISSION TO REQUIRE OPEN DATING OF PACKAGED FOOD

HON. LEONARD FARBSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mr. FARBSTEIN. Mr. Speaker, I have today joined with the District of Columbia Democratic Central Committee in filing a petition with the Federal Trade Commission to require the open dating of packaged foods.

The petition asks the FTC to require the final date a food can safely be kept on a grocer's shelves to appear on the label of all perishable foods. In addition, it also requests the prohibiting of food repackaging or product redating.

Last November, I introduced legislation which now has 58 cosponsors which would accomplish much the same objective.

The petition is based on surveys conducted by my staff and the District of Columbia Central Committee in April of this year, which found large amounts of State food being sold in District supermarkets. Such abuses, unfortunately are not unique to the District, but are found in almost every part of the country.

Food coding is an unfair and deceptive practice, the sole purpose of which is to conceal information from the housewife. There is no reason to require consumers to be cryptographers in order to protect their families from food poisoning.

It is time to end the paternalism by which businessmen decree that the American consumer for his supposed own benefit, should be denied information to make an intelligent decision.

Favorable action on this petition will give the newly reorganized FTC the opportunity to demonstrate that it is, indeed, taking its role as institutional consumer advocate seriously.

I insert at this point in the RECORD the text of the petition and supporting exhibits:

PETITION FOR RULEMAKING

1. Pursuant to Section 45 of Title 15 of the United States Code and pursuant to Sections 1.12(a), 1.12(b), and 1.3(a) of Title 16 of the Code of Federal Regulations, the Democratic Consumer Action Committee of the Democratic Central Committee of the District of Columbia (hereinafter the Committee) and Congressman Leonard Farbstein ask that the Commission adopt, as part of its Rules and Regulations, standards—

(1) To require all stores selling groceries to place on each perishable item either:

(a) A clearly marked expiration date after which the item should not be sold, or

(b) A clearly marked packing date and a statement setting forth the length of the shelf life of the item from the packing date.

(2) To forbid repacking of any perishable item and placing on it a new expiration or packing date.

The need for such a rule is clearly indicated by the results of studies conducted in the District of Columbia by the Committee and by the staff of Congressman Leonard Farbstein, copies of which are attached as Exhibits A and B, respectively.

2. It is a common practice for supermarkets to stamp milk, eggs, cheese, bread, meats, and other perishable goods with a coding system, generally a group of letters or numbers. When decoded, the group represents a date, which is usually either the packing date of the product or the date on which it should, in the judgment of the store management, be removed from the store shelf.

The codes are extremely varied and complex. Different combinations of digits and/or letters are used. Each supermarket chain uses a different method for coding, and codes are generally different for each line of goods. As a practical matter, therefore, the codes are intelligible only to store personnel.

The studies found that (a) perishable items were often left on the shelves long after they should have been removed, even under the supermarket's own code;[1] (b) the perishable items are sometimes repacked, recoded with a new date, and replaced on the shelves; and (c) supermarkets continue to sell perishable goods, particularly meats, which have begun to discolor and go bad. These abuses obviously involve serious danger to the health of consumers.

3. The use of a coding system, rather than a uniform intelligible system of product dating, is a deceptive and unfair trade practice under Section 5 of the Federal Trade Commission Act since it prevents the housewife from knowing how long the product has been on the shelf. The code conceals information from the housewife which she needs in order to make intelligent decisions concerning the product she buys. The Commission should determine that the concealment of this information is unfair.

The use of a dating system indicates that supermarkets recognize the need for a system that reveals the time the perishable item has been on the shelf. However, the coding system prevents the housewife from knowing whether the supermarket's own standards of shelf life have been violated. As a result, the company's own personnel have sole responsibility for determining whether the standards have been violated. This results in numerous instances where supermarkets continue to sell products beyond the time where the supermarket itself believes that they should no longer be sold and where the consumption of these products may endanger the health of the consumer. An intelligible system of dating would allow housewives to police the dates established by the supermarkets, for determining when products should be removed from the shelves, and to report such violations to the manager or simply refuse to buy products after that date. The Commission should determine that the sale of products beyond the store's own standard of shelf life is unfair and deceptive and should require an intelligible system of product dating to end such abuses.

The health of consumers may be endangered not only by the violation of the store's own standard of shelf life but by the use of unreasonably lax standards by the markets. The housewife is entitled to have reasonable shelf-life standards for perishable products established by the Commission, or otherwise to have markets prohibited from using unreasonable shelf-life standards. However, in no event should adherence to established shelf-life standards or use of uncoded dating be a defense to the sale by a market of unfit or unsafe food.

4. The practice of repacking and redating coded items so that they are marked with a coded date that indicates a product life longer than that introduced by the market is misleading even to a person who has deciphered the code or a store employee who is told the code. This amounts to a specific false representation as to when the product should no longer be sold. We submit that this practice is a clearly deceptive practice under Section 5 of the Federal Trade Commission Act.

5. The sole purpose of the coding system is to conceal information from the housewife. An intelligible system of coding would place no additional burden on supermarkets since they already have placed dates on perishable goods in the form of a code. Indeed, some states now require that the shelf date be placed on certain perishable items, and we are informed that many American supermarket chains now place intelligible dates on perishable goods sold in their European stores. We know of no information that these practices placed any undue burden on the supermarkets.

It is sometimes said that, if housewives are given this information, prices will rise because they will only buy the most recent items and leave the others to spoil. However, stores can overcome this possible problem by better inventory practices which result in goods being sold more quickly after they are put on the shelf and by not mixing goods of significantly different ages on the same shelf. When some goods are not sold promptly, they can and should be reduced in price to allow housewives to decide whether they are willing to purchase slightly older but still fresh goods at lower prices.

6. In any event, the housewife is entitled to all the information necessary to make her own decision. It is time to end the paternalism by which businessmen decide that the American consumer, for his supposed own benefit, should be denied information to make an intelligent decision. Just as we have had Truth-in-Lending and Truth-in-Packaging, it is time for Truth-in-Dating.

We believe that the Commission has the responsibility to take action to afford better protection to the consumer and to help insure that the products he purchases are fit for consumption. In view of the widespread abuses which exist, including serious danger to the health of consumers and the refusal of supermarket chains to take action, we believe that the Commission should act immediately and expedite consideration of this petition.

Respectfully submitted,
DISTRICT OF COLUMBIA DEMOCRATIC CENTRAL COMMITTEE,
Congressman LEONARD FARBSTEIN,
ARTHUR E. STROUT.

STATEMENT OF DEMOCRATIC CONSUMER ACTION COMMITTEE OF THE DISTRICT DEMOCRATIC CENTRAL COMMITTEE, APRIL 8, 1970

The Democratic Consumer Action Committee of the District of Columbia Democratic Central Committee was established in response to the widespread recognition that consumers are often victimized and even defrauded. The Committee will investigate and expose consumer abuses and propose specific programs whereby the federal and District governments can remedy these serious problems. Today, the Committee announces the results of its first investigation—the deliberate effort of supermarkets to conceal from housewives the date when their perishable products should be taken off the supermarket shelves.

The Committee received numerous complaints that supermarkets in the District of Columbia often sell "out of date" foods at regular retail prices. Preliminary investigation showed that each perishable packaged food is stamped with a code, signifying either the date the item was packaged or the date after which the item should not be sold. If a manufacturer uses a "packing" date code, the store manager is also advised of the "shelf life" of the product. In either event, these codes advise the store personnel of the date after which those items should be removed from the shelf.

The Committee conducted a limited survey on Tuesday, March 31, Thursday, April 2, and Monday, April 6, to determine whether the supermarkets comply with their own codes. A representative number of each of the three largest food chains serving the District of Columbia was surveyed—Safeway (12), Giant (3), A & P (3). The individual stores selected were located in various parts of the city, from predominantly white Northwest to all black Anacostia. The survey was conducted by 12 two-person teams, most of whom were housewives. Each team was provided with a survey sheet describing the several items to be examined, the probable types of codes, and a code sheet on which to record their findings. Ten product lines were surveyed, and except for one national brand of sausage, each product line was the store's own brand. These included milk, eggs, cottage cheese, ground beef, pork chops, chicken, bologna, hot dogs, and bread. When the survey was completed, each team was instructed to identify itself to the store manager (or other appropriate personnel) and ask him for an explanation of the codes.

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[1] In a visit to one of the stores after the date of the original survey, all the bologna had "pull dates" which had expired, some almost a month previously.

THE CODES

An inspection of almost any of the subject items reveals several combinations of digits and/or letters, sometimes reflecting not only the "pull" date or the "packing" date, but also the identity of the employee who packed the item. Thus, it was important first to distinguish the "code" from all other symbols on the item and then to ascertain exactly what was meant. This was done by interviews with store personnel which produced the following results:

SAFEWAY

Item	Examples of codes found	Interpretation
Milk	406	4th month 6th day; April 6 pull date.
Eggs	Exp. 43	Expires Apr. 3—pull date.
Cottage cheese.	406	Apr. 6—pull date.
Ground beef.	0044	Add 1st and last number to get month, middle number is day Apr. 4—pull date.
Pork chops	25	2 equals date packed, equals Apr. 2; 5 equals scale number.
	021	02 equals pull date—Apr. 2; 1 equal packer's number.
	041	1 equals good until 1st of month; 4 equals packed at 4 p.m.
Chicken	See pork	
Bologna	3121	Apr. 21—pull date (see ground beef).
Hotdogs	2172	Apr. 17—pull date (see ground beef).
National brand sausages.	1242	Mar. 24 equals packing date; 12-day shelf life.
Bread	1	Date stamped on end of loaf.[1]

GIANT

Item	Examples of codes found	Interpretation
Milk	402	Apr. 2 equals pull date.
Eggs	Mar. 30	Packing date—7-day shelf life.
Cottage cheese.	406	Apr. 6 equals pull date.
Ground beef	31	Mar. 31—date packed.
Pork	31	Do.
Chicken	31	Do.
Bologna	3181	Apr. 18—pull date.
Hotdogs	2202	Apr. 20—pull date.
National brand sausage.	1312	Mar. 31—date packaged.
Bread	Color ties	Red—Monday, Thursday;[1] White—Tuesday, Friday; Blue—Wednesday, Saturday.

A & P

Item	Examples of codes found	Interpretation
Milk	0402	Apr. 2 equals pull date.
Eggs	Exp. Apr. 1	Apr. 1 equals pull date.
Cottage cheese.	0405	Apr. 5 equals pull date.
Ground beef	2X	1 equals Monday, 2 equals Tuesday, X equals packer's number. Tuesday equals date packed.
Pork chops	2X	Do.
Chicken	2X	Do.
Bologna	4029	9 equals packer's number, 402 equals Apr. 2 equals pull date.
Hotdogs	0331	Mar. 31 equals pull date.
National brand sausage.	Not in stock	
Bread	Tuesday, or date stamped on cardboard close.	Day it goes on shelf.

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[1] Contrary to consumers' popular belief that bread is delivered fresh in morning and sold by evening, it was learned that bread is considered a 2-day item, and that bread delivered any morning is considered fresh until close of business the following day.

The codes are extremely complex. They are clearly designed to prevent the ordinary housewife from ascertaining when products should have been removed from the shelf. For the same information could be conveyed to store employees more easily by simply providing the date after which the item should not be sold.

FINDINGS

Of the 18 stores surveyed, only 3 had no "out of date" items. Seven stores had one product line with one or more "out of date" items, and eight stores had from 2 to 5 product lines with one or more "out of date" items. In 15 out of 18 stores, therefore, from 1 to 5 of the 10 basic product lines surveyed had one or more out of date items. More specifically, the chart below shows the percentages of the stores within each of the three chains in which the survey found product lines with one or more "out of date" items.

	Percent Safeway	Percent Giant	Percent A. & P.
Milk	8⅓	0	0
Eggs	50	33⅓	⅓
Cottage cheese	8⅓	33⅓	
Ground beef	33⅓	0	33⅓
Pork chops	8	0	33⅓
Chicken		0	0
Bologna	0	33⅓	66⅔
Hot dogs	0	33⅓	66⅔
National brand sausage[1]	33⅓	0	0
Bread	0	0	0

[1] It is supposedly the responsibility of the brand salesman, on his regular rounds of the individual stores, to pull "out of date" items from stock.

In other words, 20% of the product lines in A & P stores, 13% of the product lines in Giant stores, and 16% of the product lines in the Safeway stores had one or more items which should have been removed from the shelf.

MEAT AND POULTRY

The above analysis understates the supermarkets' failure to follow their own codes. For, in the case of meat and poultry, their "shelf life" is generally determined subjectively by the individual meat managers.

Safeway. All chickens are received from the packing plant with a coded date on the label. (These "fresh" chickens can be identified by a red USDA seal on the label). At the store the chickens are re-weighed for water loss, re-packed, re-priced to reflect new weight, and often re-coded. After this point in time there is little unanimity among meat personnel as to their proper shelf life. Most personnel interviewed stated that they assessed the chicken's freshness thereafter by observation.

When survey teams inquired as to the shelf life of pork, they were told: a) pork could not be coded because it was difficult to determine how long the meat was in the store before it was cut; therefore, the manager inspected it daily to determine if it was still fresh; or b) pork was good for 2 days after it was packaged; or c) pork was good for 3 days after it was packaged; or d) pork was good up to 4 days after it was packaged.

The survey teams received similar responses when they inquired into ground meat. Most were told that ground meat (not the prepackaged variety) is good for one day only. One survey team, however, was told that it is good for 3 days; when the color turns the manager knows it is bad—then it goes on sale.

A & P. All meat and poultry codes reflect the day the item was packed (or re-packed) and put on the shelf.

One manager, referring to all types of meat, stated that he daily looks at the meat and pulls whatever does not look good. When his attention was called to some greenish tinted meat, he admitted to not having inspected the meat that day. This same manager stated that he did not reduce the price of ground beef—if he thinks it is bad he pulls it out of the case, re-works it, and re-packages it. "If it's too bad" he throws it away.

Giant. All meat and poultry codes reflect the day the item was packed (or re-packed) and put on the shelf.

One surveyor was told that poultry is removed from the shelf when it begins to smell, or when it turns yellow or reddish, or when little growths appear.

General remarks

A survey team was told by a Safeway store manager that a local poverty organization had taken a code survey within the last two months. The manager also stated that the survey was discussed at a managers' meeting, and all managers were cautioned to keep their stock up to date. Thus, there is reason to believe that the Committee's survey was conducted under artificial conditions favorable to the supermarkets.

The personnel in all the stores, with one exception, were polite, courteous and cooperative. That one exception occurred in a Giant, where the surveyor was stopped by the manager and informed that he would need permission before he could continue his survey.

At least with respect to Safeway, the salaries both of the store managers and of the department heads are predicated upon their achieving a certain quota of sales. If they exceed that quota, they received a bonus. According to Safeway personnel, department heads can not return items to the warehouse for credit. Perishable items not sold are discarded at a loss to the particular department manager. It is therefore to the manager's advantage to sell at items in his inventory, regardless of expiration date.

One store in each chain was located in an upper middle class, predominantly white neighborhood. Out of these three stores, one had no "out of date" items, one had 1 product line with one or more "out of date" items, and one had two "out of date" items. The remainder of the stores (15) were in either integrated or all black neighborhoods.

There was no clear pattern to the abuses found. There were abuses in the stores in white upper-middle class as well as poor black neighborhoods. There were abuses in the older, smaller, less well-maintained stores as well as in the larger, more modern ones. Two of the stores, located in a predominantly black area, had no "out of date" items.[1] However, the three stores with the worst abuses were in Anacostia and Cardoza.

CONCLUSIONS

This survey was not meant to be an exhaustive study of coding practices. It did demonstrate, however, that supermarkets deliberately attempt to conceal information from the housewife which she needs in order to make intelligent decisions concerning the products she buys. The survey further found that the chain supermarkets in the District of Columbia frequently fail to remove items from the shelves according to their own estimate when these items should be removed. The staleness of perishable foods—particularly meats and dairy products—concerns not just the quality and taste of these products but the health of adults and children. The abuses uncovered in this survey therefore endanger the health of District residents throughout the city.

The Committee strongly recommends that the practice of coding be abolished. In its place, we recommend that the store place on each perishable item either (1) a clearly stamped expiration date after which the item should not be sold or (2) a clearly marked packing date and the shelf life of the product starting from this packing date.

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[1] At the time of the survey, one store was sold out of 2 items (sausage & bread).

If our recommendations are adopted, housewives will have the information they need to make intelligent decisions. Furthermore, housewives themselves could police the dates set by the supermarkets when products should be removed from the shelf by simply refusing to buy products after that date. This would ensure that store managers would stop either deliberately or negligently trying to sell products when they should no longer be sold.

It is sometimes said that, if housewives are given this information, prices will rise because they will only buy the most recent items and leave the others to spoil. However, stores can overcome this possibility by better inventory practices which result in goods being sold more quickly after they are put on the shelf and by not mixing goods of significantly different ages on the same shelf. When some goods are not sold promptly, they can and should be reduced in price to allow housewives to decide whether they are willing to purchase slightly older but still fresh goods at lower cost.

In any event, the housewife is entitled to all the information to make her own decision. It is time to end the paternalism by which businessmen decide that the American consumer, for his supposed own benefit should be denied information to make an intelligent decision. Just as we have had Truth-in-Lending and Truth-in-Packaging, it is time for Truth-in-Dating.

We therefore urge the supermarkets to replace their codes immediately with clear, readable dates. But it is also essential that the government act to ensure that all supermarkets comply. We urge that the Federal Trade Commission prohibit, under its present powers, coding as a deceptive and unfair trade practice (we intend to present a petition to the Commission in the near future seeking a regulation to this effect); that Congress pass a statute for the entire country requiring that the date for removing perishable goods from the shelf be clearly marked on the package; and that the City Council ascertain whether it has the power to adopt such a regulation for the District of Columbia.

EXHIBIT B

SURVEY CONDUCTED BY THE STAFF OF CONGRESSMAN FARBSTEIN

The survey conducted by the staff of Congressman Leonard Farbstein concentrated on a five week study of food-coding practices in a single Safeway store operated in a middle-income area of Washington. A store of the same chain, operated in a low-income area was also surveyed on one of the same dates as the middle-income store. In addition, a more comprehensive follow-up survey of an A & P store, located in a low-income area, previously found by the D.C. Central Committee to be particularly bad was also conducted.

The surveys of the middle-income area store were conducted every Saturday during the period from February 28 to April 4. The items surveyed included bread, eggs, milk, cheese, yogurt, ground beef, pork, pork sausage, sea food, cold cuts, chicken, and potato and corn chips. Items in these twelve categories were examined every week by the same person. To ensure that the code or the meaning of the code had not changed during the period of the survey, all samples of a product on the shelves were examined for their code dates.

MIDDLE-INCOME AREA SAFEWAY

The survey turned up food being sold beyond the "pull date" on each visit, although the number varied significantly. On one date, only out-dated yogurt was found. But on March 28 over $40 (retail price) in outdated food was found; and on April 4, the figure rose to over $60. A list of some of the items found follows for these two dates:

Date and item	Examples of codes found	Code meaning	Investigator's remarks
Mar. 28, 1970:			
Lobster	250	25—pull date Mar. 25; 0—Packer's number.	
Perch	260	26—pull date Mar. 26	
	302 [1]	30—pull date Mar. 30	
Veal sweetbreads	245	24—pull date Mar. 24	
Pork sausage:			
1 lb	1252	Mar. 25 pull date	Brown color.
1 lb	1262	Mar. 26 pull date	Do.
2 lb	1083 [1]	Apr. 3 pull date	Red color.
National brand pork sausage.	1132	Mar. 13 package date	12-day shelf life, old Mar. 25.
	1202 [1]	Mar. 20 package date	
Pork rib chops	275	27—pull date Mar. 27	
Apr. 4, 1970:			
Eggs	Exp. 4 3	Expires Apr. 3, pull date	
	Exp. 4 4 [1]	Expires Apr. 4, pull date	
	Exp. 4 7 [1]	Expires Apr. 7, pull date	
	Exp. 4 10 [1]	Expires Apr. 10, pull date	
Corn chips	03 31 MD	Mar. 31 pull date	
	04 92 MD [1]	Apr. 29 pull date	
	05 05 MD [1]	May 5 pull date	
Cooked scallops	285	28—pull date Mar. 28	
	305	30—pull date Mar. 30	
Other sea foods	105 [1]	10—pull date Apr. 10	
	115 [1]	11—pull date Apr. 11	
National brand "Smokies" sausage.	1262	Mar. 26 pull date	On top.
	2092 [1]	Apr. 9 pull date	On bottom.
Kosher sliced bologna.	2032	Apr. 3 pull date	
	2152 [1]	Apr. 15 pull date	
Ground beef:			
1 lb	0283	Mar. 28 pull date	Purchased.
	0444 [1]	Apr. 4 pull date	
	0084 [1]	Apr. 8 pull date	
2 lb	0104 [1]	Apr. 10 pull date	

[1] Food not out-of-date of survey.

The bakery goods, all of which were dated, were generally found to be fresh. However, on one occasion rolls were found to be outdated and on another samples of bread were found which carried one of three separate dates, the current date, two days previous and two days in advance. The most significant finding, however, was that during the course of the survey, the store appeared to change its bread-coding policy and began to date bread two days in advance. The consumer could thus not tell if he were purchasing fresh or day old bread, and the consumer purchasing "day-old-bread" was actually getting two day old bread.

Dairy products were also generally fresh. The milk was dated 6 days ahead and generally the milk found on the shelves of this stores was 5 or 6 days ahead. Similarly cheese and yogurt were generally fresh, with cheese being dated a month or two ahead. On the shelf at any one time, one could find American cheese samples with as much as two months difference in freshness. Examples of outdated yogurt and cheese were found.

The greatest abuses were found in the meat, fish and cold-cuts. This chain store dates most of its meat and fish two days ahead. At any one time, one could find labels with that day's date on them, and the dates for the two days following. The survey found out-dated lobster, perch, veal, veal patties and meat loaf, as well as consistently old examples of pork and/or pork sausage, and chicken. Many of the older items were observed to have been placed on top of the fresher ones. This chain store also dated ground beef 6 days ahead. Half the one pound ground beef for April 4 was found to be 7 days beyond the expiration date. When the surveyor required the meat attendant to remove the out-of-date ground beef, she refused, indicating that that was the responsibility of the store manager. A second attendant did remove the out-dated meat.

While this store is located in a middle-income area, and includes among its customers many Members of Congress, it also serves a significant number of low-income persons. Many of the types of out-dated meats and cold cuts observed were those generally purchased by low-income persons. A good illustration of this was found one week when red meat was being sold at half price because it was old. Examination of the code revealed it to be one day past due. Located in the next bin were several kinds of pork as much as 4 or 5 days old and being sold at full price!

LOW-INCOME AREA SAFEWAY

The survey of the low-income Safeway store conducted on the same date as one of the Saturday surveys of the middle-income store uncovered a large number of out-dated food. It also uncovered some differences in coding practices.

Included in the out-dated foods were milk, pickle and pimento loaf, onion loaf, ham, chicken breast rolls, pork steak, fudge and milk. In many of the cases, the older out-dated samples were found on top or in front of the fresher samples. The store was unswept and dirty and much of the food smelled and looked terrible.

The most flagrant abuse was found in connection with the milk. A number of cartons were found to have pull dates that had expired one or two days earlier. One had a pull date that was eight days old.

Even more interesting than the presence of the out-dated milk, was the shelving policy. All of the half-gallon vitamin D milk, except for that which was out-of-date had a zero shelf life. The shelf life expired with that date. The freshly crated milk delivery, sitting in the store aisles in violation of District of Columbia food regulations against keeping food unrefrigerated, also had the same date. The rest of the milk, the chocolate, and full gallon cartons had later dates.

This contrasts with the practice found in the middle-income store, where milk was generally sold which was dated six days ahead. Thus, milk that was six days older than what was being sold in the middle-income store was being sold in this low-income store.

Bakery goods were generally fresh although bread was dated with the next day's date (rather than the current date) which was the practice at the other store at that time. Meat was also dated one day farther ahead—up to four days ahead—although no meat with that day's date or the following day's date appeared on the shelves. The surveyor found this most curious; for in the middle-income stores, meat with all three possible dates was generally observable.

LOW-INCOME A & P

A visit to the low-income A & P reported by the D.C. Central Committee to be among the worst in the city, turned up what was probably more than $100 worth of out-of-date cold cuts and milk alone, and possibly as much as $200 worth of out-dated meat and poultry.

In contrast with the low-income Safeway, almost all the slower moving milk (chocolate, full gallons, et al.) was out of date, while the half gallon vitamin D milk was dated 6 or 7 days ahead. This was true not only for the chain brand milk, but for the national brand as well.

A similar pattern emerged with the meats. Assuming the practices followed in the middle-income Safeway for length of time meat should be left on the shelves, the large 20 pound turkeys and 7 pound capons were all out-of-date, while the red meat was fresh. As in the middle-income Safeway, much of the pork was out-of-date; slab bacon, pigs feet, hot sausage, polish sausage, smoke pork hocks, national brand sausage and national brand hot sausage. Among the cold cuts, the store stocked over 216 individual chain brand sliced bologna packages. A large number in the front and on top of the display were up to an entire month beyond the pull date, as was the chain brand meat pickle loaf, which sported one example of a package *two months* beyond the pull dated. The chain brand peppered loaf was a lot fresher, although some was a week beyond the pull date.

All of the bakery products appeared fresh, stamped with the next day's date. In contrast to the low-income Safeway, this store was well kept and looked modern from the outside.

JETS FOR ISRAEL

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mr. ROYBAL. Mr. Speaker, more than 200 Members of the U.S. House of Representatives and more than 70 Members of the Senate have written to the President within the past 2 weeks urging him to approve the sale of supersonic military jet aircraft requested by Israel in order to help restore the balance of power in the Middle East, and offset a dangerous and growing threat to world peace caused by the recent appearance of highly sophisticated Soviet weapons and thousands of Russian military and technical personnel in Egypt and other Arab States.

I have joined with my fellow Members of the Congress in this effort to persuade the President to act quickly in this critical situation.

In addition, I have also urged withdrawal of Soviet Mig-21 fighter pilots and Russian troops manning newly installed SAM-3 antiaircraft missile sites in the United Arab Republic—as a major step toward establishing the basis for a stable peace settlement in the Middle East.

It was indeed gratifying, therefore, to read an outstanding editorial in the Los Angeles Evening Citizen News, entitled, "Warplanes for Israel—Why Are We Stalling?" which fully supports our congressional effort to end the delay in this vital matter; and obtain immediate approval to negotiate an agreement with the Government of Israel for the sale of the military jets necessary for her national security.

As the Citizen News editorial states:

> The situation in the Middle East is deteriorating rapidly and the White House must cease the procrastination and make the move it wants to make—approve the sale of the planes.

Mr. Speaker, I include this fine editorial in the CONGRESSIONAL RECORD at this point:

WARPLANES FOR ISRAEL—WHY ARE WE STALLING?

The Administration now has some strong support to make a move regarding Israel's request for 125 warplanes.

More than 70 senators have signed a letter urging sale of the planes.

Despite the political ploy by Sen. Hugh Scott in making a news spectacular out of the letter presentation, it does put the Administration in a better and more comfortable position.

Israel needs the jets and we want them to have them.

The situation in the Middle East is deteriorating rapidly and the White House must cease the procrastination and make the move it wants to make—approve the sale of the planes.

With the majority of the Senate now on record as favoring such a move there should be no obstacles.

We have heard much about maintaining the balance of power while the Soviet Union carried out a massive military buildup.

We are obviously vacillating at the wrong time.

Consideration of bilateral agreements with the USSR and cumbersome meetings toward that end are merely waste of time.

Is it not obvious that the Russians have moved upward from a Mideast protector to a Mideast participant?

This fact alone puts us in a position to explain to Moscow and to Cairo that the sale of the planes to Israel is politically expedient. If indeed such an explanation must be made.

Simply stated, the Israeli requests and the Senate's obvious agreement need not be the basis for our granting the 125 planes. The recent Russian action could suffice.

If there is a burning question at this time that deserves a public answer it is this:

Why did we move so rapidly into Cambodia with no open debate and yet we delay an obvious decision in the Israeli issue?

A PENETRATING LOOK AT SOVIET LIFE

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mrs. HECKLER of Massachusetts. Mr. Speaker, in writing about his recent visit to the Soviet Union, Philip L. Schwartz, a college student from Fall River, Mass., in my district, has provided us with an altogether remarkable and penetrating look at Soviet life. I have seldom read a more perceptive description of the life of the Soviet man in the street.

An enthusiastic traveler and keen observer, Philip Schwartz attended Pace College, in New York City. He wrote this account of his trip to the Soviet Union for the Pace Press, a weekly student publication. Philip, who graduated on June 7, is the son of Mr. and Mrs. David Schwartz, of 420 Valentine Street, Fall River. He has majored in marketing at Pace and plans to pursue graduate studies.

I think his article is of exceptional interest, and I urge my colleagues to read the article, which follows:

FALL RIVER STUDENT REPORTS

With a light snow falling, I toured Red Square with its famous red and white Spassky Tower and the Kremlin with its majestic golden domes and bell towers. The bright colors add gaiety while the gently falling snow and quiet isolation suggest a fairytale land. Despite the serenity of these two landmark attractions, the visitor becomes aware of another less pleasurable world that lies only moments away.

On the northeast side of Red Square stands Gosudarstvenny University Magazin, or GUM as it is called. This is the largest department store in Moscow, and, being so close to the tourist areas as well as to the heart of the country, one would assume that GUM would be a showplace for the workability of a socialist state. Just the opposite is true; it only demonstrates the negative aspects of the present form of socialism.

A massive structure built of stone walls and several arched glass roofs that cover the two-block long corridors, GUM caters to the entire population of Moscow and its suburbs. Housewives may travel an hour or more to have the opportunity to shop at GUM's.

Walking down one of the corridors on the three shopping floors, a shopper chooses a particular "store" or department to enter. The department, often one-third the size of a single-car garage, specializes in one certain type of product only. In the glass and chinaware department, the quantity for sale was less than what was needed to fill the display shelves, not to mention the limited selection of styles. In the ladies ready-to-wear department, up to 200 women would wait in line for a chance to buy a drab, styleless housedress. Dresses and other items are not always available when the customer wants them, but it is hoped that, in time, the minimum requirements of supply will be met by the system.

The process of buying any product in Russia is both long and complicated. First the item is chosen. Then, a slip is drawn up with the price scrawled on it, which is then taken to the cashier where the bill is paid. You are then given a receipt which is to be taken to the sales clerk, who will finally present you with the item that was purchased.

Modern supermarkets, although springing up here and there, are still a rarity. Here, each item must be purchased in a separate store—meat, bread, fruit, fish, etc. And with each purchase, the shopper must contend with the above system of bill-paying.

The Russians are not a poor people in terms of monetary wealth. Although their income is below that of the average American (a Russian worker in a large city may earn $125 a month), large sums of money are useless in a society that discourages conspicuous consumption. Most of a worker's paycheck goes for staple goods such as food, clothing, and other essentials. Luxury items are rarely found on the Russian market, but caviar and sturgeon, now becoming expensive, are purchased by most Russians on special occasions.

The storage of consumer goods is evident on the streets of any Russian city. Although the number of cars increases yearly, a traffic jam is a rare occurrence. For the jaywalker Russia is the ultimate in freedom of movement and complete disregard for street corners and traffic lights. Not having been conditioned to fear the automobile, Russians cross the street when and where they want.

Although tiping is frowned upon (a reminder of capitalism) the Russian, being in constant need of goods, will accept small

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gifts such as chewing gum in exchange for better service. (Preceding me through customs, a couple had tempted the inspectors with two packs of Wrigley's chewing gum, and were thusly whisked through the formalities with nary a bag being checked.)

APARTMENTS AND SUBWAYS

Rent, mostly subsidized by the government, is only $3.33 per month. However, there are many disadvantages to this system. First, the apartment supplied you by the government cannot be easily changed. Months and years may be spent on a waiting list if a new apartment is needed, and, even if your name does come up, the choice of the apartment is still not yours. The apartment buildings are large impersonal structures with small crowded rooms. Repairs are not made, stairways and corridors are filthy, and the apartments deteriorate while the inhabitants are on the waiting list for a new one. Within 10 years the apartment buildings take on a slum-like appearance.

A visitor to Moscow or Leningrad will probably be amazed at the regimentary organization of their snow removal system. Unlike most United States cities where snow clearance begins after the snow has fallen, Russia has a continuous operation of snow removal. The streets are plowed, the snow is pushed into piles and then carried away. The remaining snow and ice is chipped away constantly by heavily clothed women working in freezing temperatures.

Any New York subway ride would readily appreciate the Moscow and Leningrad subway systems. For six cents a passenger descends via a speedy escalator to a spanking clean and artistically decorated waiting platform. Within minutes the train arrives. Sitting in large, soft leather seats, the passenger is quickly transported to his destination without having to endure the bumping, squealing, and screeching that is characteristic of the New York system.

Although the Russian does not have to tolerate trains that are dirty and operate irregularly, he likewise must endure the ordeal of rush hour. Unlike his American counterpart who will tactfully force himself in and out of a crowded bus or subway car, the Russian has a more decisive method. He simply rolls his hand into a fist and punches anything and everything in his way. When a society is composed of such aggressive people, there is little that will prevent it from achieving desired goals.

FOOD AND DRINK

Although the stereotype image of the fat, red-faced undistinguished looking Russian is not far removed from reality, the Russians could have a country of handsome people. This is especially evident in the younger teenagers and children, who are often quite handsome at early age, but, because of the Russian diet, become fat, red-faced and undistinguished looking in the later years.

If you wish to try Russian food, this writer suggests you try it in New York. A meal in Russia is fuel for the day, and is to be looked upon as a means for survival only. A Russian saying goes: "You eat all of your breakfast, you give some of your lunch to a friend, and you give your dinner to an enemy."

Russian drink, however, is seen in a different light and is meant to be enjoyed. Straight unadorned vodka, without orange or tomato juice, is the national drink of Russia. On a cold night, which most are, straight vodka downed in one gulp will warm not only your heart, but your toes, teeth and hair. Russian champagne is also good, although not in the class of vintage French.

Since a large number of Russians can be considered "serious" drinkers, alcoholism has become a major problem, with many factories reporting an increase in absenteeism due to the "morning after." The government supplies "sobering up" stations where the intoxicated may undress and sleep until they return to a normal state.

ARTS AND RELIGION

The arts in Russia are justifiably renowned throughout the world. The Bolshoi Ballet, Kirov Theatre, Grand Opera and Ballet Company make Moscow-Leningrad the cultural center of the East. Tickets for Russian productions are difficult to come by.

For anyone interested in the work of the masters, the Hermitage Museum in Leningrad may be well worth the trip to Russia. Housing 2,300,000 exhibits, the Hermitage ranks as one of the three finest museums in the world, and would take months to be really seen.

Although Russia is a formally declared atheist state, the magnificent churches still stand and are being presently restored for artistic and historical purposes. (Those who still practice formal religion find themselves under the constant, disapproving eyes of the government.) A visit to a synagogue revealed that the temple was not only in need of money, but was lacking in the basic tools for worship including prayer books. Existing in poverty under a government that makes every effort to retard growth and progress, Russian Jews endure a life shrouded in bleakness and uncertainty.

Religion can be seen in a particular museum in Moscow devoted to this subject. As in most Russian museums, children are present to absorb all of the governmental propaganda. This museum, for example, features a display of religion throughout the ages, and attempts to equate religion with all of the death, destruction, famine and disease that has taken place on earth. Pictures of the wealthy church are juxtaposed with pictures of starving children in Biafra; every negative aspect of the church is magnified, while any positive function is ignored. On a separate floor there can be found a photographic collage featuring a photo of a United States President, the Pope, a U.S. tank, and starving children in Vietnam in a syllogistic display of "the world's evils."

The people of Russia, possessing the inherent need to turn to someone for inspiration and guidance, focus their worship toward Lenin, who has been supplied by the government as a substitute for the deity. For hours, they stand in the sub zero temperatures of Moscow waiting to view the embalmed body of Lenin. With deathlike silence and the somberness of the final judgment, men, women and children proceed quietly through the tomb under the scrutiny of the guards.

The Lenin Museum in Moscow is a must viewing for all school aged children and parents as well. There can be found displays of Lenin's papers, books that he may have read, and such revered items as his drinking glass, his fork, and his knife. This museum serves as the first step toward indoctrination to Leninism. To support the government's belief that Lenin was the only Russian leader worthy of respect, the names of Trotsky, Stalin and Khrushchev are never spoken in the museum, and every effort is made to minimize the roles they played in the formation of Russian history.

IVAN AND NICK

While touring Russia, I had the pleasure of meeting two students who lead somewhat different lives. The more intelligent and well-informed of the two was a young man named Ivan, whom I met in a cocktail lounge. Since all of the tables were full, I asked Ivan and his girl friend to join our group. Although he hesitated and seemed unsure, he did consent, and while sitting down he carefully avoided showing his hands. When I asked him about this, he told me that he was a mechanic and an international race car driver, and because of his profession he believed that he was below us and should not be sharing the same table.

Russians are cautious with whom they speak; they do not wish to offend those above them nor embarrass those beneath them. One who works with his hands is considered beneath most other occupations.

Ivan was well-informed of the 1968 U.S. presidential election and would have preferred Hubert Humphrey. He knew that many students were working for the election of Gene McCarthy, and for this reason he opposed McCarthy's candidacy. Students, he believes, do not possess the required knowledge and mature judgment that is required in such important matters. Contrary to the American youth-oriented society, Russians believe that wisdom comes with age, and that the more mature must have complete control.

Ivan was guarded in his answers to my questions, and I sensed that the reason for his reluctance to reply was fear and not ignorance. When I asked his opinion on the feeling of Russians toward Khrushchev, he did not answer. "In America," I told him, "Khrushchev was becoming well-liked before his ouster." Ivan waited and then replied, "Well, people in our two continents are really alike." I assumed that this meant that Khrushchev's liberalism was appreciated in his own country.

Ivan's English was excellent. He was well-informed and possessed a thorough knowledge of world affairs. A Russian affairs expert suggested later that Ivan might have been a member of the underground, a small organization with access to outside information and whose members enjoy talking with Americans. I made plans to meet with Ivan the following night, but he did not arrive.

My other acquaintance was a 20-year-old trade school student named Nick. He works in a hotel gift shop, attends school, and studies English, which leaves little time for his own enjoyment. When Nick is not working or studying, he likes to listen to rock music and rehearse with his small combo. An uncle was able to bring the Beatles' "Abbey Road" album into the country, and Nick likes it very much.

Although he wants to attend the more prestigious University of Moscow (the only university), he has not yet been able to meet the requirements. In addition to qualifying one for draft exemption, a university education is really the only way for one to advance in Russia. But Nick desires more than being just a worker for the benefit of the state.

Something beyond a friendship developed in the two days I spent with Nick. Perhaps it was an awareness of the fact that although we were both students and similar in many ways, we were, nevertheless, citizens of countries that are not only different politically, but profess to be adversaries. Perhaps to Nick I was a link to the outside world that he never sees. Perhaps I was just a friend to a lonely boy. We said goodbye in the center of the majestic Kremlin. He presented me with a badge as a symbol of our brief friendship. As I left, his eyes filled with tears—a captive in his own country. We will never meet again.

PALME—DEFENDER OF SMALL NATIONS, SO LONG AS NOT ANTI-COMMUNIST

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mr. RARICK. Mr. Speaker, Sweden's Socialist "Crown Prince" Olaf Palme, recently attempted to dodge his hate-everything about the United States—

except our money policy—by criticizing U.S. containment of Communist aggression in Southeast Asia.

Interestingly enough, Palme always defends his pro-Soviet apology with the explanation that it is the great power versus small countries.

He was quoted this week in Washington as having said:

> A great power went into a small nation without the explicit request and consent of the government of the country in question. . . . We are really only asserting our own right to exist as a small country.

When it comes to small countries under attack by great powers, whoever recalls Prime Minister Palme speaking out on the sophisticated warfare being waged against little Rhodesia, Portugal, or Southwest Africa? Such atrocities against these small countries are not only by great powers but by the international power of the United Nations organization.

As for small countries in Southeast Asia, one wonders who Mr. Palme feels extended an invitation to the powerful Russian Bear or the Red Chinese to invade South Vietnam, Cambodia, Laos, or for that matter, South Korea?

Perhaps it is well to remember Sweden's geography. Sweden is close enough to Russia to have been taught a lesson of Czechoslovakia and other nearby small countries. Silence was Mr. Palme's contribution to international peace on that aggression also.

I have never visited Sweden and my knowledge of that country and its people is solely based upon its history and from the miserable mistakes of its socialist laboratory of the present day.

During my European days of World War II, a visit to Sweden would have been unpatriotic. At present she harbors deserters and draft dodgers and her socialist leaders by word and deed, aid, and abet the Communist enemy.

Sweden's controlled press and TV are biased and distorted, giving shoddy reporting of everything American but glorifying everything Russian, Chinese, North Vietnamese, and Cuban.

The only reason that I can offer for knowing of the international intimidation by brainwashing, sex, liquor, and gimmicks in Sweden is by comparing her spokesman and leaders with the grand Americans of Swedish descent who we know in America.

For surely, none of our Swedish Americans would tolerate for one moment the calloused and weak-kneed refusal of their government leaders to go to the assistance of captured fighting men held prisoner by the band of outlaws who call themselves the Government of Vietnam. This is but another quisling front of the Soviets which has been politically expedient for Palme to recognize as a Nation.

Mr. Speaker, I include several newsclippings:

[From The Evening Star, June 11, 1970]

SWEDES LEAD VACILLATORS ON PRISONER ISSUE

(By Crosby S. Noyes)

The lethargy of a selfrighteous international community to bring any pressure to bear on North Vietnam in its treatment of American prisoners of war will not be quickly forgotten in this country.

This has nothing to do with whose side a nation or a government might be on. Many of the governments which most oppose the American defense of South Vietnam are solemnly obligated to do everything they can to assure the humane treatment of American war prisoners in North Vietnam. And in point of fact none of them has done much of anything at all.

It is altogether an unusually shabby performance. Sweden's Prime Minister Olof Palme, during his recent visit to the United States, was asked on many occasions what his government was doing about the American prisoners. His reply was invariably that Sweden, out of traditional humanitarian considerations, had tried to get the names of some 60 prisoners and had received confirmation on 14, most of whom were already known to be held in North Vietnam.

The humanitarian bit is not easily swallowed. Sweden is formally bound to take all measures, not only to get the names of prisoners, but also to prevent the mistreatment of the men being held by Hanoi. Since Sweden maintains diplomatic relations with North Vietnam, since the National Liberation Front has permanent headquarters in Stockholm, and since the Swedish government has announced a relief program for North Vietnam, to be administered by their Red Cross, Palme is in a better position than most people to do something about the prisoner problem.

The obligations are not in dispute. North Vietnam has signed the Geneva Convention on the treatment of prisoners of war drawn up in Stockholm in 1949, as has the United States, South Vietnam, and of course, Sweden. Last year in Istanbul at the 21st International Conference of the Red Cross, Sweden was a cosponsor of a resolution which called on "each party to the convention (which includes Sweden) to take all appropriate measures to ensure humane treatment and prevent all violations of the Convention."

Two legalistic arguments are advanced by North Vietnam (and echoed by Sweden) for not carrying out the provisions of the Geneva Convention. The first is that the war in Vietnam is not a declared war. The second is that American prisoners in North Vietnam are war criminals and therefore not protected by the terms of the Convention.

Both of these arguments are utterly without foundation.

Article 2 of the Convention itself provides that the rules shall apply to "any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them." In the Istanbul resolution of 1969, it was spelled out that "the Convention applies to each armed conflict between two or more parties to the Convention without regard to how the conflict may be characterized."

As for the war criminal gambit, Article 85 of the Geneva Convention specifies that "Prisoners of war prosecuted under the laws of the Detaining Power for acts committed prior to capture shall retain, even if convicted, the benefits of the present convention."

Some Communist powers, including North Vietnam, noted reservations to this provision in signing the Convention. In Hanoi's view, the exception was defined as follows:

"The Democratic Republic of Viet Nam declares that prisoners of war prosecuted and convicted for war crimes or for crimes against humanity, in accordance with the principles laid down by the Nuremburg Court of Justice, shall not benefit from the present Convention as specified in Article 85."

No American prisoner of war has ever been prosecuted, much less convicted, as a war criminal by the Hanoi regime.

In short, there is no excuse whatever for any of the signatories of the 1949 convention not doing everything in their power to insure humane treatment of American war prisoners. No excuse, that is, except political expediency which all-too-often seems to stand in the way of the most solemn international undertakings.

[From the Evening Star, June 9, 1970]

VICTORY OR DEFEAT?

(By Joy Billington)

The prime Minister of Sweden, Olaf Palme, here on a private visit designed to repair fractured U.S.-Swedish relations, was asked questions about Cambodia, the treatment of the U.S. ambassador in Sweden, the longshoremen protest against him at Kenyon College, Ohio, last week, and his appearance in the film "I Am Curious (Yellow)"—when he was guest speaker at the Woman's National Democratic Club yesterday.

This was after his prepared address, "The Emancipation of Man."

Emphasizing that he did not wish to "abuse hospitality" or intervene in national affairs, Palme nevertheless expressed what he described as his honest reaction to the news of Presidnt Nixon's "invasion" of Cambodia.

"When I received the news, I felt that even if it were a military victory, it would be a moral defeat for the U.S."

This was for two reasons, Palme explained. It meant an extension of the war. It meant that "a great power went into a small nation without the explicit request and consent of the government of the country in question."

In protesting such action, Palme said, "we are really only asserting our own right to exist, as a small country."

American deserters given sanctuary in Sweden, he said, are in a long tradition of men fleeing from many wars.

"We have not encouraged them," he emphasized.

Some of them are quiet and adjust to Swedish life, he said. Some of them are active, "and call me a lackey of Nixon." Others are drug addicts who are in trouble with the law there for criminal offenses connected with drugs.

Their presence, however, is a reflection of Sweden's traditional laws protecting the individual. "The U.S. has the same laws. If the situation were reversed, our people would benefit in the same way by your laws."

Asked by a questioner about the treatment of the U.S. Ambassador Jerome Holland, whether there was any racism, Palme said that being a Negro would make Holland more popular with Swedes. The vast majority of Swedes are pro-American, he insisted. They are also anti-war, but they still wish to maintain good relations. Only a tiny minority have behaved badly, the Prime Minister said.

Concerning the demonstration against him and his country on Saturday at Kenyon College, Ohio, Palme said he was sad to seee that many of the protestors did not know much about the slogans written on their signs.

"And they didn't want to listen, just to howl. They didn't hear that I was actually making a speech about the equal distribution of wealth and the need for strong unions," he said with irony. "They looked very angrily at the Reverend who was to give the invocation, because he looked much more prime ministerial than me."

PIXIELIKE

The pixielike Swede, asked about "I am Curious (Yellow)" in which he appears in a documentary sequence (being interviewed as the Minister of Communications he then was) said he was "conned" into it by the director.

"I haven't seen it. I'm not curious enough. The director didn't tell me he was doing his documentary on another area of human endeavor!"

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His major address, delivered to a room packed with women, including his wife, Lisbeth and his press secretary, Berit Rollen, a woman, was a serious explanation of developments in Sweden towards freeing men and women from their traditional sex roles.

"We have talked too long about the emancipation of women and the problem of woman's role in society. It is human beings we shall emancipate." The greatest gain of increased equality will be the end of predetermined roles on account of sex, he said.

At school and through TV, boys got an exaggerated picture "of what it means to be a man," tough, hardboiled, wild-west hero supermen and soldiers. "The boys compensate their lack of contact with kind, everyday men by looking upon mass media men as their ideal."

The new way to combat this in Sweden is for both parents to work part-time, or fulltime with day-care facilities.

"If a politician today should declare that women ought to have a different role than the man, that it is 'natural' she devotes more time to children, he would be regarded as something out of the Stone Age."

SOCIAL SECURITY INCREASE

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mr. ROYBAL. Mr. Speaker, the Los Angeles Times recently printed an excellent editorial entitled "A Worthy Social Security Bill," commending the House of Representatives for its example of active congressional leadership in meeting the challenges of the country's urgent domestic needs by passing the 5-percent across-the-board social security benefit increase bill with the automatic cost-of-living escalator provision—to offer at least a measure of financial protection for the Nation's 26 million elderly citizens against the effects of rampant inflation in today's economy.

Because of the importance of this subject, I would like to include in the CONGRESSIONAL RECORD the text of the Los Angeles Times editorial:

A WORTHY SOCIAL SECURITY BILL

Issue.—Is Mr. Nixon right in urging the Senate to approve the House-passed Social Security bill without substantial change?

The U.S. House of Representatives has voted a substantially sound package of Social Security legislation. The question now is whether the measure will get through the Senate without too much tampering.

Under terms of the bill approved by the House, the nation's 26.2 million Social Security beneficiaries would get a 5% raise in their monthly checks beginning next January. This means that the average retired single person would get $121 a month instead of $116, and the average couple $205.80 instead of $196.

In addition, the amount which retired persons can earn without any loss of Social Security benefits would be increased from $1,680 to $2,000. Beyond that, up to a cutoff point of $3,200, they would still lose only $1 in benefits for every $2 of earnings.

As President Nixon said in urging the Senate to go along with the House version of the bill, the increased benefits are urgently needed to help the elderly and the disabled "make ends meet" in this period of rising living costs.

All good things have a price, of course, and liberalized Social Security benefits are no exception.

The House-passed bill would pay for the added benefits by raising from $7,800 to $9,000 the wage base on which Social Security payroll deductions are imposed. Thus, for workers earnings $9,000 a year or more, deductions would go from the current $374.40 a year to $468 in 1971 and more in later years.

One of the most praiseworthy portions of the bill is the provision, added on the House floor, which would guarantee automatic increases in Social Security benefits in the future, in accordance with rises in the cost of living index.

The automatic escalator, which for years has been urged by Republican leaders on Capitol Hill, should help to end the congressional ritual of moving to increase Social Security benefits in every election year—by amounts which may or may not correspond to the cost of living.

A lot of lawmakers, of course, are loath to abandon the ritual because of the political mileage it gives them among "grateful" old folk.

There is speculation that such sentiment will be sufficiently strong in the Senate to kill the escalator provision.

This would be unfortunate. Elderly retirees should have the psychological security of knowing that their benefits will be adjusted to keep pace with inflation, without regard to the whims of Congress.

President Nixon accurately described the House-passed bill as a "major milestone on the road to reform" of the Social Security system. It deserves Senate approval—with the automatic escalator principle intact.